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FINAL REPORT AND TESTIMONY

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THE TEXTILE INDUSTRY IN PHILADELPHIA

(For exhibits under this subject, see pages 3086 to 3090)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, *June 29, 1914.*

Present: Commissioner Weinstock (acting chairman), Commissioner Lennon, Commissioner O'Connell, and also E. H. Busiek, special counsel.

Mr. BUSIEK. I will call Mr. Tobias Hall.

TESTIMONY OF MR. TOBIAS HALL.

Mr. BUSIEK. Please state your name.

Mr. HALL. Tobias Hall.

Mr. BUSIEK. What position do you hold?

Mr. HALL. None whatever.

Mr. BUSIEK. What is your craft?

Mr. HALL. Cloth weaver and upholstery goods weaver.

Mr. BUSIEK. Are you a member or an officer of any union?

Mr. HALL. I am a member of the upholster goods weavers' union.

Mr. BUSIEK. How long have you worked at that trade?

Mr. HALL. Since 1880.

Mr. BUSIEK. Are you an officer in the union?

Mr. HALL. No, sir; not what they term an officer; just a delegate to the central body of Philadelphia.

Mr. BUSIEK. About how many men are there in your craft in Philadelphia in the textile industry?

Mr. HALL. About 1,000 or 1,200.

Mr. BUSIEK. Upholstery weavers?

Mr. HALL. Yes, sir.

Mr. BUSIEK. And how many weavers are there on ordinary cloths?

Mr. HALL. Possibly 10,000.

Mr. BUSIEK. About 10,000?

Mr. HALL. Yes.

Mr. BUSIEK. What is the prevailing rate of wages for weavers in the upholstery industry?

Mr. HALL. Wages vary on the different grades of work. We are paid by the pick.

Mr. BUSIEK. Just explain briefly what the pick is.

Mr. HALL. Every time the shuttle goes across from one side of the cloth to the other, that is the pick, and we base our prices on the number of picks per inch, so that if there are 100 picks to the inch and the price is 2½ mills a pick that would be 25 cents per yard.

Mr. BUSIEK. How much can an average worker earn, running full time, at that price?

Mr. HALL. Running full time?

Mr. BUSIEK. Yes.

Mr. HALL. That is something which never occurs.

Mr. BUSIEK. How much can he earn a day when working?

Mr. HALL. When he works by the day?

Mr. BUSIEK. Yes.

Mr. HALL. From $2.50 to $3.75.

Mr. BUSIEK. About what proportion of the time are the men idle?

Mr. HALL. We have what we call two slack seasons and two busy seasons. In the busy season, when I say that they never know what time they are working. In the busiest season one is liable to wait for filling, cards, breakage, and machinery from one hour to one week.

Mr. BUSIEK. Is that taken out of the employees' time?

Mr. HALL. We work piecework; we don't get any pay for anything we don't produce.

Mr. BUSIEK. I see. Tell the commission something about the mechanical development of the looms as affecting your trade.

Mr. HALL. There has been practically no change in my experience in the upholstery-weaving end. In the clothing-weaving end also there has been very little change outside of the speeding up of the looms, and where we used to have one loom in, say, 1880, when I worked in the cloth business, prior to going into the upholstery trade, it has developed now into a two-loom system, and where we used to get 2 mills per pick it is now 1 mill per pick on each loom. In other words, we get the same wages, but do double the amount of work on those machines.

Mr. BUSIEK. You talk about what is called speeding up. Is the extra speed put on by the machines reflected in the amount of work that the men have to do, or, what I am trying to get at, do the machines work more and the men less?

Mr. HALL. No; the machine works more, and the worker keeps up with the machine and gives that much extra energy.

Mr. BUSIEK. Then, as I understand it, in the cloth trade they have added another loom?

Mr. HALL. Oh, yes; another loom.

Mr. BUSIEK. Not the wages, so that a man can earn as much on two looms as he formerly did on one?

Mr. HALL. Yes.

Mr. BUSIEK. And they have speeded up the machines about how much faster?

Mr. HALL. Well, very little in the cloth, possibly 10 picks a minute.

Mr. BUSIEK. Have they speeded up considerably in the upholstery?

Mr. HALL. No; very little. I will tell you why. They found in speeding up, if they introduced any inferior material, the loom did a lot of stopping, and they did not get the production. It was a costly experiment, and it did not prove successful, and they did not carry it out to any great extent. That practically remained as it was. That is the speed of the loom 30 years ago and to-day.

Mr. BUSIEK. About what percentage of the men in your craft are organized?

Mr. HALL. In the upholstery trade, fully 50 per cent.

Mr. BUSIEK. And in the cloth trade?

Mr. HALL. The percentage is so low you very near have to get a magnifying glass to find it. That is why they are running two looms in that business.

Mr. BUSIEK. With a stronger organization, would it be the spirit of your organization to resist the two-loom system?

Mr. HALL. We fought against it continuously and successfully for the last 20 years in the upholstery end. The cloth weavers have fallen down lamentably, and the two-loom system is the prevailing system at the present time.

Mr. BUSIEK. What is the comparison of wages paid where you have contracts with employers, or what is termed closed shop and open shop?

Mr. HALL. In the upholstery trade the closed shops, or the union men, have set the price for the nonunionists. The price per yard is the same in all the shops. The nonunion employer, or the employer that has got only a small percentage of union men in his plant, is so much afraid of the strength of the union, the prestige of it, that he falls in line with the price adopted by the union employer.

Mr. BUSIEK. What is the situation in the cloth trade?

Mr. HALL. The cloth trade has no fixed price; some pay 1 mill a pick on each loom, where there is two looms; 2 mills a pick on one machine, and in some places they pay 5 per cent additional, and in others they do not. In some cloth shops they don't pay by the pick at all, in the hard cloth shops, where they pay by the piece, and if the employer thinks he needs a little more profit out of the employee, he increases the length of the piece; where it used to be 50 yards, he tacks on 5 yards more without any extra pay.

Mr. BUSIEK. That is, he just makes the scale for 55 yards instead of 50?

Mr. HALL. Just the same old piece, say, $4.50 a piece; he tacks on a few more yards when he needs another automobile or something like that.

Mr. BUSIEK. As to the number of men in the business in Philadelphia, how is the labor market?

Mr. HALL. The labor market, generally speaking, in the cloth trade is overstocked, and in the upholstery trade in our busy season sometimes we have a shortage for a week or two or two weeks, and then an oversupply, by dumping them in the market.

Mr. BUSIEK. Is there any difference in skill between a cloth weaver and an upholstery weaver?

Mr. HALL. Well, quite a little. It is a different machine. The loom proper is the same loom, but in upholstery weaving they have a jacquard on it and it is up in the air, and you have to learn to be a rigger and a climber and that sort of thing, and that is why we are not troubled much in the upholstery trade by females. They get in an embarrassing position and leave the shop, because they can not face the men afterwards.

Mr. BUSIEK. There is a tendency in the trade—or what is the tendency of the trade toward the employment of women? Is the employment of women growing, to the exclusion of men, or not?

Mr. HALL. In the cloth trade, yes; but not in our trade. We are not troubled, as I have told you, with women, on account of them getting into embarrassing positions.

Acting Chairman WEINSTOCK. You say you are not troubled with women?

Mr. HALL. Sir?

Acting Chairman WEINSTOCK. You say you are not troubled with women?

Mr. HALL. Yes; I will put it that way. I am a married man, though, Mr. Commissioner, and don't think I am a soured one, either; I have got a good wife.

Mr. BUSIEK. Do women draw the same wages as the men?

Mr. HALL. Per yard; yes, sir.

Mr. BUSIEK. Can women, in the main, weave as much cloth as men?

Mr. HALL. Women generally stick at it closer than men, in my experience, for fear of losing their jobs. They know they are in competition of men, and the man is the stronger, and they hang on when men weary of the sameness and stop.

Mr. BUSIEK. What is the disposition of the employers in Philadelphia at large to deal with organizations or crafts in the trade?

Mr. HALL. Positively decline to recognize unions; that is, officially, mind you. Unofficially, in our trade, we make them recognize us.

Mr. BUSIEK. What is their attitude toward men who have gone on a strike?

Mr. HALL. Taking our trade, it is in the vanguard in making the weaving conditions better. They assume a militant attitude in strikes or in the enforcement of sanitary and factory laws. Once they get out of a shop it's pretty nearly physically impossible to break in again. Myself, for example; they have not permitted me to go into a shop for seven years.

Mr. BUSIEK. Were you ever arrested for violence?

Mr. HALL. Never in connection with labor troubles; just for a difference between a man and myself; we had a little difference and got locked up; but I assume you want to get at the whole truth, I suppose.

Mr. BUSIEK. That is more of the truth than I want.

Mr. HALL. But I am a good citizen; I own property.

Mr. BUSIEK. Is there any—does your union notice any concerted action amongst the employers for the purpose of preventing the union from growing stronger or for breaking it down?

Mr. HALL. Yes; every time that we suggest a change for the betterment of the workmen the employers get very busy—are very busy men—the automobiles are flying around and breaking speed laws to get them all together.

Mr. BUSIEK. Is there any discrimination against union men in the shops—men who are not militant, as you say?

Mr. HALL. Well, the employer uses some discretion in that matter. If he thinks a union man would not disturb anything, he will let him stay; but if he knows there is any militancy about that union man, then, at the first opportunity, he removes him.

Mr. BUSIEK. What do you understand by the term "militancy," which you use?

Mr. HALL. Well, a disturber, from the employer's point of view, from peaceful and orderly conditions. Leaving things alone and not interfering with his business, as he terms it.

Mr. BUSIEK. What would you call a peaceful organiser?

Mr. HALL. There is no peaceful organizer—not from the employer's point of view.

Mr. BUSIEK. Well, take this: A man who out of shop hours, for instance, would go around to his friends in the shop and at their homes and attempt to organize them; do you call him a militant, or do you think he would be objectionable to the employer?

Mr. HALL. Yes.

Mr. BUSIEK. You would?

Mr. HALL. Yes, sir.

Mr. BUSIEK. What are the sanitary conditions in the mills in Philadelphia?

Mr. HALL. In the upholstery trade, fair. We have seen to that by hammering away at the factory-inspection department for the last 15 or 18 years.

Mr. BUSIEK. What is your experience with the factory-inspection department as to the action which it takes when a complaint is made?

Mr. HALL. At this time the factory-inspection department seems to be in a receptive mood; they are willing to listen to our complaints and try to better the conditions as we point them out as being bad.

There are some things, though, that I think it would be well for this commission to study, and possibly they can help. There is a part of the law—the factory law of Pennsylvania, which states that the employer shall provide suitable and proper drinking water. The water is warm now, and in some shops the employer does not provide ice to cool the drinking water. The department of factory inspection in Philadelphia—the chief—is in doubt whether he has authority to force the employer to provide the ice.

Mr. BUSIEK. Well, is there any doubt in his mind whether or not warm, tepid water is suitable drinking water or not?

Mr. HALL. Yes; he stated to me—I think it was either two weeks ago this morning, or three weeks, when I called his attention to the fact that there were some shops—and I specified them; gave him the names of them—where the employer was permitting money to be collected for ice to cool the drinking water—he stated he was in doubt, and that the department was in doubt, as to what the law meant—whether they had the power to force the employer to buy ice or not.

Mr. BUSIEK. What is the attitude of the employers in Philadelphia in regard to labor-saving devices and their installation? Is there compliance with the existing laws?

Mr. HALL. In my experience, I might state, I was a deputy factory inspector for 18 months in Philadelphia, and in my experience in that 18 months the employer did not either want to or did not believe in supplying labor-saving devices nor protective devices. He considered it a hardship and a punishment whenever the department got on a little spasm now and then and did move a little.

Mr. BUSIEK. Well, I was unfortunate in my question. I did not mean labor-saving devices; I meant protective devices.

Mr. HALL. Protective devices?

Mr. BUSIEK. Protective devices.

Mr. HALL. He did not seem to warm up to it; he seemed to think it was a hardship and a punishment and resented it.

Mr. BUSIEK. Well, is there substantial compliance with the existing laws?

Mr. HALL. The department at this time seems to be moving toward betterment all along that line. Take the upholstery trade, for instance. We took one shop, a shop that we had strength enough, we believed, to retain the men in that shop, at least, so that we would help with these protective devices, and we have the chief factory inspector in Philadelphia and his assistant and our committee and the manager of that shop get together and devise protective devices, and we have got that shop now as an example and the chief of the department is going to carry out that plan all through the upholstery departments, the upholstery weaving department. That is the understanding at this time with the chief of the department in Philadelphia, and I believe he is carrying it out.

Mr. BUSIEK. As to the wages, going back to that subject, what has been the trend of the wages in the last 10 or 20 years?

Mr. HALL. During the panic times of 1892, 1893, 1894, 1895, 1896, 1897, the tendency was downward. The upholstery weavers' organization at that time was on its back, through depression in times and lack of enthusiasm, but in 1899 we had a resurrection of spirits, and from 1899 to this time we have been on the upward movement, where we got a mill and a half a pick on some jobs, we get now 2½ for the same job, and so you can see the difference.

Mr. BUSIEK. Well, how does that compare with the wages you got before the depression of 1893?

Mr. HALL. Better; a shade above 1893, and prior to the cutting.

Mr. BUSIEK. About what percentage?

Mr. HALL. Well, possibly an average of about 10 per cent.

Mr. BUSIEK. About 10 per cent?

Mr. HALL. Well, some extra fine goods at that time, there was quite a lot of fine work which has practically extended to this time. There would be a big cut if we worked it under our present system, but when we get extra fine work, we then have a new scale adopted for it.

Mr. BUSIEK. This commission would also like to have your idea, if you have given the matter thought, as to the underlying conditions for industrial unrest, and what steps could be taken by Congress to minimize the evils as they exist, and remedy such defects in the law as they exist.

Mr. HALL. I believe a change in our entire economic system would be in order.

Mr. BUSIEK. But short of a complete revolution of the economic system, is there any immediate relief?

Mr. HALL. Yes; I believe in a minimum wage; the unrest, as I find it, is caused by a lack of having the necessary amount of money to provide the nourishment for the body and the pleasures for the brain.

Mr. BUSIEK. How about a maximum workday or working week?

Mr. HALL. Oh, yes; we are crazy for that.

Mr. BUSIEK. To get back to your own industry, what are the conditions of hours in Philadelphia?

Mr. HALL. Prior to 1899 the working week was 60 hours with overtime added, whether we liked it or not, without any extra compensation; since that time we went on strike in 1899 for increase in wages and a shortening of the work week to 55 hours. That was the beginning of the agitation for the law that is now a fact, the 54-hour law. The organization that I belong to were the pioneers in that movement. In 1903, through the agitation of our textile organization, we had a general strike in Philadelphia for a shorter working week, a 54-hour week. At that time it was an apparent failure, but what appear to be failures sometinmes in industrial contests are successes.

The agitation that I have stated here has resulted now in a 54-hour week. That is for women we have this legislation, but women cut quite a figure in the textile industry. They supply the material that we weave with. After we have woven the material the women take out and mend up the defects, so that when the women are forced into the 54-hour week, naturally the men can not go along after that, and, of course, we have the 54-hour week with them. God bless the women for that.

Acting Chairman WEINSTOCK. You say the employers of Philadelphia in the textile industry will not recognise or deal with organized labor except in your particular trade?

Mr. HALL. They don't officially recognize us.

Acting Chairman WEINSTOCK. You represent the weavers?

Mr. HALL. The upholstery goods weavers and cloth weavers.

Acting Chairman WEINSTOCK. Well, how many weavers are in your trade in this city?

Mr. HALL. About 1,000 now, in the upholstery; 1,000 to 1,200.

Acting Chairman WEINSTOCK. How many of those are organized?

Mr. HALL. About 50 per cent.

Acting Chairman WEINSTOCK. 50 per cent?

Mr. HALL. About; that is, round numbers.

Acting Chairman WEINSTOCK. Well, is that number sufficiently large to compel recognition on the part of the employer?

Mr. HALL. Yes, sir; unofficial recognition.

Acting Chairman WEINSTOCK. Well, I don't quite understand the distinction between unofficial recognition of the union and official recognition of the union. Will you please explain?

Mr. HALL. The official recognition would be the getting together and agreeing with all our feet under the table on a scale of wages, and signing it.

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. Unofficial recognition is the fact that after a contest with the employer and he having to come down from his original position, he then hands over a scale of wages to the employees, which is a compromise, generally, and he says, "This firm will pay that," and if the workers in the shop are then not strong enough to compel him, he evades paying all of them and living up to the conditions he has handed out.

Acting Chairman WEINSTOCK. You mean——

Mr. HALL (interrupting). But where we have a sufficient number of union men, then we have a committee that demands recognition in the office.

Acting Chairman WEINSTOCK. You mean that whatever collective bargaining may be done in your particular trade, is done by the individual employer and the employees in his own shop?

Mr. HALL. No; I won't put it that way, Mr. Commissioner. He acts collectively with his fellow employees, and then tries to deal individually with his shops; respective shops.

Acting Chairman WEINSTOCK. You mean that the employers are a unity?

Mr. HALL. Yes, sir.

Acting Chairman WEINSTOCK. They agree among themselves what they are willing to pay?

Mr. HALL. Yes, sir.

Acting Chairman WEINSTOCK. And then each employer deals with the group in his own shop?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. Individually?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. Well, may not that result, then, in different rates prevailing in different shops?

Mr. HALL. No; not likely. I will tell you why. The weavers get together——

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. And the nonunion weaver—this other 50 per cent—he has at some time invariably been a member of our organization, but through some cause he has dropped out, and he won't go in to work until the unions say so. His employer can not do business with him until the union agrees to let him go.

Acting Chairman WEINSTOCK. In other words, the nonunion worker lets the union set the pace for him?

Mr. HALL. That is the idea exactly.

Acting Chairman WEINSTOCK. Though he is not a member of the union?

Mr. HALL. That is all; takes all the benefits without paying any tribute.

Acting Chairman WEINSTOCK. Well, don't the employer at times dicker with the unions?

Mr. HALL. Not directly.

Acting Chairman WEINSTOCK. In other words, supposing the employers got together and fixed a certain wage list, call it 10, and then each employer separately submitted that to the workers in his shop, and the workers of the different shops come together and discuss this question as to whether 10 was satisfactory or unsatisfactory, and they decided that it was not satisfactory, and that they wanted 11 or 12.

Mr. HALL. Mr. Commissioner——

Acting Chairman WEINSTOCK (interrupting). And then each group would go back to its own employer and demand 11 or 12. Wouldn't there be more or less dickering going on before they could reach a conclusion?

Mr. HALL. We have never found that condition to exist that you just pictured. The manufacturer never comes together to do business with his employee until the employee demands something; never comes out and says, "We are going to raise your wages," or anything like that.

Acting Chairman WEINSTOCK. The initiative must come from the workers?

Mr. HALL. Undoubtedly.

Acting Chairman WEINSTOCK. Well, let's reverse the case, then, this hypothetical question.

The workers come together and say, "We are getting 10 and we want to get 12."

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. And each makes a demand on his individual employer, or a committee makes a demand, and the employers get together and discuss it and reach the conclusion that 12 is too much, and they might be willing to pay 11, and they come back to the men and say, "We will give you 11."

Mr. HALL. That is what they do. I don't recall any of them attempting to agree until after we have had a contest. The employer believes he should not recognize the weaver, even to the extent of formulating a price list, until he has been in a contest lasting a number of weeks, and then he thinks it over in the manner you have suggested. He then gets in touch with his own weavers, and wants to know why they can not get down to some rate basis. "Now, you fellows are asking too much." That is about the tone of his talk. "I could suggest to my fellow manufacturers that if your folks would accept such a price it would about go through."

Acting Chairman WEINSTOCK. Then, there is more or less unofficial dickering?

Mr. HALL. Yes; that is the idea; unofficial dickering.

Acting Chairman WEINSTOCK. Well, how often have you had industrial difficulties in your industry, say, in the last five years?

Mr. HALL. In the last five years?

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. Well, last year we had the entire trade on strike for an increase of wages.

Acting Chairman WEINSTOCK. Here in Philadelphia?

Mr. HALL. Yes; it is all in Philadelphia—our business—practically speaking. We had the entire trade out; that is, we made a demand all along the line, and every shop came out but one, where the employer conceded the demand. That is a shop that we term a closed shop. We had the say so, whether our men shall stay there or not if they don't be good.

In that case, after a battle of 11 weeks, the employers conceded an advance of from 8 to 12 per cent instead of 15 to 25. Of course——

Acting Chairman WEINSTOCK (interrupting). A compromise settlement?

Mr. HALL. Yes. The shop that was already giving 15 to 25 per cent, of course, the manufacturer got the benefit of that, and they slipped back with the other.

Acting Chairman WEINSTOCK. Well, that strike occurred you say, last year?

Mr. HALL. Began April 1, 1913.

Acting Chairman WEINSTOCK. And took about 11 weeks?

Mr. HALL. Eleven weeks; yes, sir.

Acting Chairman WEINSTOCK. What was the preceding strike to that?

Mr. HALL. For wages.

Acting Chairman WEINSTOCK. How long an interval between the strikes?

Mr. HALL. Well, the strike prior to that one was about 12 or 13 weeks.

Acting Chairman WEINSTOCK. It happened when?

Mr. HALL. I can not just recall the year.

Acting Chairman WEINSTOCK. Approximately when?

Mr. HALL. Somewhere about 1904 or 1905—1904, I think; something like that.

Acting Chairman WEINSTOCK. Have the workers in your industry here, so far as you know, any grievances at this time?

Mr. HALL. In what way, general grievances?

Acting Chairman WEINSTOCK. Have they any general grievances, either as to hours, wages, or working conditions?

Mr. HALL. Yes; we want still shorter hours and more money. Never satisfied, Mr. Commissioner. We are after all we can get hold of.

Acting Chairman WEINSTOCK. Well, in that respect you seem to be made out of the same sort of common clay that the employer is made out of.

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. He also is never satisfied.

Mr. HALL. Yes; we understand that it is just a question of who shall take the most of the toilers' property.

Acting Chairman WEINSTOCK. You don't, then, have what are known as trade agreements? When this issue arises about wages and you finally come to an understanding is that understanding purely verbal, or do you enter into a regular written agreement with the employer?

Mr. HALL. No; the employer, after he and his fellow employers agree on something and we agree to accept it, he then tacks it up on the wall and signs his name to it.

Acting Chairman WEINSTOCK. There is no such thing, then, as an actual agreement between the employer on one side and the workers on the other?

Mr. HALL. No; unofficial. You see, that was the unofficial part I stated a while ago.

Acting Chairman WEINSTOCK. Now, do you think it would be better for the workers and better for the employers——

Mr. HALL (interrupting). I am not thinking about the employer, Mr. Commissioner.

Acting Chairman WEINSTOCK. Well, you have an opinion you may be willing to express?

Mr. HALL. All right.

Acting Chairman WEINSTOCK. You want to remember, of course, that no one-sided arrangement can ever stand. It has got to be mutually satisfactory to become permanent. Do you think it would be better for both sides if the same

conditions could be established in your industry that prevails in the glass-blowers' industry and the pottery industry as you heard testified here?

Mr. HALL. I did not hear Mr. Hayes.

Acting Chairman WEINSTOCK. There is the glass-blowers' industry, and in the pottery industry it has been testified that both the employers and the workers have organization on both sides. Each side recognizes and deals with the other. Trade agreements are entered into which are mutually respected. Do you think the conditions that prevail there could be applied with equally good results in your industry?

Mr. HALL. Undoubtedly; undoubtedly. I believe better results would be obtained all along the line.

Acting Chairman WEINSTOCK. Better for both sides?

Mr. HALL. More peace of mind and more efficiency.

Acting Chairman WEINSTOCK. Wouldn't that tend to minimize industrial unrest in your industry?

Mr. HALL. I would think so.

Acting Chairman WEINSTOCK. Would that tend also to remove the causes for industrial unrest?

Mr. HALL. No; I don't think so. There will always be cause, I believe, for some unrest and dissatisfaction.

Acting Chairman WEINSTOCK. Well, you mean that there would always be disputes?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. There is a difference between a dispute—the unrest caused by a dispute and the unrest caused by a war. That is, I may have a dispute with you, and by our coming together and letting reason prevail we may adjust it and adjudicate it as nearly as we can to our mutual satisfaction.

Mr. HALL. And have more respect for each other.

Acting Chairman WEINSTOCK. And then there is another way of settling it, by brickbats and cobblestones?

Mr. HALL. Yes; but then that don't generally settle anything permanently.

Acting Chairman WEINSTOCK. No. Now, do you think that by adopting the system prevailing in other industries, adopting it in yours, you will minimize the cobblestones and brickbats?

Mr. HALL. Yes; if the employer would not always forget this one point: That the fellow who presents the employees' side should not be punished for his efficiency in representing their side. There must be some pressure put on that side to show him that he is creating a dangerous condition of society. If you, Mr. Commissioner, make my life a nightmare and won't permit me through some channel which you control to live, I will not be a law-abiding citizen very long. The animal will predominate then and I will fight back. That is a fact, isn't it?

Acting Chairman WEINSTOCK. That is all, Mr. Hall. Thank you, very much.

TESTIMONY OF MR. JOHN BREEN.

Mr. BUSIEK. Mr. Breen, please, for the purposes of the record, state your full name.

Mr. BREEN. John Breen.

Mr. BUSIEK. And you are in the carpet industry?

Mr. BREEN. In the tapestry carpet industry.

Mr. BUSIEK. Are you at present employed?

Mr. BREEN. Not at present employed.

Mr. BUSIEK. Are you an official of any labor union representing your industry?

Mr. BREEN. Tapestry Carpet Workers of Philadelphia.

Mr. BUSIEK. What is your position?

Mr. BREEN. We call it speaker. I believe it should really be grievance officer.

Mr. BUSIEK. How long have you been in the carpet-weaving industry in Philadelphia?

Mr. BREEN. Thirty-two years.

Mr. BUSIEK. How long have you been a member of this organization?

Mr. BREEN. Since its organization in 1902.

Mr. BUSIEK. About how many men are there in your industry in Philadelphia?

Mr. BREEN. About 2,000—no, no; about 1,400.

Mr. BUSIEK. About what per cent of those are organized?
Mr. BREEN. About 800 or 900.
Mr. BUSIEK. About 60 or 65 per cent, would you say?
Mr. BREEN. Sixty-five per cent.
Mr. BUSIEK. Your organization is connected with the United Textile Workers, is it?
Mr. BREEN. Yes.
Mr. BUSIEK. Of the American Federation of Labor?
Mr. BREEN. Yes, sir.
Mr. BUSIEK. You say your organization was first undertaken here about 1902 or 1903?
Mr. BREEN. 1902.
Mr. BUSIEK. What is the average wage of the journeyman carpet weaver in Philadelphia?
Mr. BREEN. On full time?
Mr. BUSIEK. On full time.
Mr. BREEN. The average wage is about $12.
Mr. BUSIEK. And what is his average earnings?
Mr. BREEN. Average earning this last five years is about $9.
Mr. BUSIEK. Are there any women in that branch of the work?
Mr. BREEN. No women; they have been eliminated. Women were in it about 20 years ago.
Mr. BUSIEK. Is the work too heavy for women?
Mr. BREEN. Too heavy.
Mr. BUSIEK. Does it require a man—a physically strong man—to do that work?
Mr. BREEN. Yes, sir; it does.
Mr. BUSIEK. Any boys under 16 in that line of work?
Mr. BREEN. No; not in the weaving.
Mr. BUSIEK. Then I take it the men are all mature men, such as become heads of families and are——
Mr. BREEN (interrupting). Well, I would say that 19 is the limit, I believe—about 19. He would need assistance if he was younger than that, unless he was physically exceptional.
Mr. BUSIEK. What has been your experience in regard to disputes with employers—that is, the experience of your organization? How frequently do you have trouble with the employers for various causes?
Mr. BREEN. In 1893, during the depression, or rather the framing of the Wilson tariff bill, there was a general reduction of wages throughout the country. At that time the manufacturers of Philadelphia placed notices throughout the various shops reducing the help, I believe, 17½ per cent. That was the figure in Dobson's mills, Falls of Schuylkill. At that time a meeting of the employees was called and that was held at Stinson's mills in the finishing room; and George Earnshaw, a man who was well acquainted with the trade throughout the world, acted temporarily as chairman; and after it had been stated that a wage reduction of from $3.60 per hundred to $2.97 per hundred was necessary he was asked the question if it was not a fact that in Kidderminster, in England, they were at that present time paying $3.50 per hundred and he refused to answer the question——
Mr. BUSIEK (interrupting). Well, what is your knowledge on that subject?
Mr. BREEN. That it was a fact, that they were paying $3.50 at Kidderminster at that time when the employers here reduced the wages to $2.97 per hundred.
Mr. BUSIEK. That means that the English workman was higher paid——
Mr. BREEN (interrupting). Per unit of product. Now, in August, 1901, prior to the organization of this union, the tapestry employees went on a strike to force the manufacturer to agree to return some of that that they had taken off. After a period of three weeks they agreed to give us 10 per cent—Mr. Dobson did. At that time there was an attempt to bribe, on the part of some of the bosses. In fact, the foreman of the tapestry department came out and spent a lot of money; if any names are wanted I haven't any hesitancy to make mention of names. Also the assistant superintendent came out and spent money on that occasion.
Mr. BUSIEK. The assistant superintendent of what mill?
Mr. BREEN. Of the Dobson mill. The following February we organized the trade in Philadelphia, and on the 8th day of May of that year we went out on strike——

Mr. BUSIEK. (interrupting). Just a moment. Mr. Spencer, of the Dobson mills, asked me to request you to give the names; and in view of that fact——

Mr. BREEN (interrupting). Yes, sir; sure. Charles Meadowcroft was the man who came to me and offered to give me some inducements—rather to promote me in the mill, if I would encourage the men to go back to work.

Mr. BUSIEK. Was he in connection with the Dobson mills?

Mr. BREEN. He was in charge of the weaving department, the starching department, and partly in charge of the finishing room. He at half past 9 in the morning gathered large numbers of weavers together and brought them into the saloon of Peter Miller and stayed there until half past 8 or 9 o'clock spending money. The assistant superintendent, who was John Denton, came in about 2 o'clock, and I said to Mr. Meadowcroft this: "Boys, don't say a word. I will prove the statement that I have made to you to be true." And I said to Mr. Denton, the superintendent, "Now, Mr. Denton, I hear you are at the other end of the Falls blowing yourself." Mr. Denton said, "Oh, this is not strike money I was spending. It was political money." And I said to Mr. Meadowcroft, "Are you satisfied?" But nevertheless, we won that strike. That was 10 per cent of the 17½ per cent that was taken off. This was in August, 1901. In February of 1902 we finished an organization throughout Philadelphia. On the 8th day of May, 1902, we went on strike in Philadelphia for some more of that which was taken off, and after 13 weeks of that strike we won 10 more per cent, or 11.8 per cent, to be accurate. In the eleventh week of that strike the foreman of the fire department of the Falls of Schuylkill Mill, Mr. McGeehan, came up to me and said to me, "I have a proposition for you. Can I speak to you this morning on it?" I says, "I don't know. Of course, I will talk to you." "Well," he says, "I am only a messenger in this case and we have a job for you as long as you live and the salary will be twice the amount that you have ever received in your life, and a money offer will be given to you through a political friend of yours," which I afterwards discovered to be Mr. Delahunty, the monument man, who works opposite North Laurel Hill. "All the debts you have incurred during these last 11 weeks shall be paid. All that is necessary for you to do is to take this job; and the other men are getting work wherever they choose and can get it."

Mr. BUSIEK. Where did he want you to take a job?

Mr. BREEN. He did not say; but we are coming to that. I think the commissioners should know these things, because these are the things that are injuring the cause of the workingmen and therefore taking certain amounts of money out of circulation. I said to the foreman of the fire department, "Go back and tell the man or the set of men that sent you that all the money in the city of Philadelphia would not make John Breen betray his fellow men." I called together the executive committee of the city, being chairman of it, and I stated to them, "It is all over but the shouting, but you have got to get the pickets to do their duty." And 10 days after that the firms had to give way.

Now, in reference to the breach of contract on the part of Mr. Dobson: Six weeks after we returned to work—the firms, of course, having decided to pay the scale of wages, 10 per cent increase over what it had been—six weeks about after that Thomas Russell, then being boss over the weaving department of Dobson's mill, came down and placed a notice reducing a certain grade of work which there were only three looms doing at that time, from $5.15 to $4.68; or, in other words, 47 cents per hundred yards less, and 8 cents less than we were getting before we went out on the strike on the 8th of May. I was one of those workmen that was on that job. The purpose was ulterior. There is no question about this. And I refused naturally to continue on the work until I had seen Mr. Dobson. The next morning in going in to see Mr. Dobson I was handed my envelope. Now, Mr. Russell was the boss at that time. Afterwards he lost that job, and is now a member of our union, and without any hesitancy he makes the statement that before he was employed as the boss he was asked to see that I got discharged. Apparently they did not have the hardihood to do it themselves and had to get this man. Now, in that same year, or the early part of 1903, we had another strike over setting the standards for the three shots—that is, two shots at the top and one at the bottom; and two shots was put in between the wire, because there is a blade on one side of it that strengthens and holds the worsted together. That strike was nine weeks. That strike was also a victory for the workers.

In 1903, this same year, the 55-hour movement was taken up and we entered into that and our industry won that with the exception of Dobson's mill. After

14 weeks Mr. Dobson was successful, but I would like to state to the commissioners that on the fifth week of that strike James Dobson—his brother is dead now—did state to a committee of our union, "We will give you the 55 hours. You have taken our men out. Now, fetch them in again." But, unfortunately, an overenthusiastic member of our union, who also was a member of a band, got this band to go out parading; and at 8 o'clock that evening another turn was taken. Mr. John Dobson made the statement, I believe, that he would undo it all, with a certain remark he made. He got tiffed about the matter and he undid the whole thing. I believe at that time, had Mr. John Dobson not have interfered, the 55 hours would have been in effect after that.

Now, in 1906 we had another short affair of six weeks with the firm of Rogers & Hirsh, and that was settled in our favor to a small degree.

In 1910 there was a 17 weeks' strike in the tapestry trade, and it ended in a general increase of all of the help of 5 per cent.

November 23, 1911, the tapestry-carpet manufacturers appealed to the unions to accept a reduction of 20 per cent. Some of the reasons are these: "That owing to the high prices you have to pay your employees you are unable to compete with the Alexander Smith firm, owing to their placing their goods from 75 cents to $2.75 per rug less than former prices were; and owing to the fact that they pay less wages in Smith's you can not sell your goods at these prices and pay the wages you are paying now." This is our answer, or a part of our answer, to the request of the manufacturers. Now, this, you remember, is the 23d of November, 1911. Secondly, that there are all indications of reductions in tariff at coming session of Congress, and in the face of this, all probabilities that a Democratic President will be elected, which will mean industrial conditions—this was on November 23, 1911. One of the manufacturers, John Gay—I don't know whether he is present or not—made a statement to me that things would be bad because of the injection in politics of college professors. I asked Mr. Gay if he had any particular college professor in mind, but he said no.

Now, this appeal for a reduction of 20 per cent naturally was refused and the 20 per cent was still kept in circulation, because it was in the hands of our consumers, and that was adding to the trade rather than restraining it 20 per cent; and that apparently is what is bothering the people, particularly our legislators. Now, this work——

Mr. BUSIEK. (interrupting). Now, who is this firm of Alexander Smith?

Mr. BREEN. They are the largest carpet manufacturers in the world.

Mr. BUSIEK. Where are they located?

Mr. BREEN. Yonkers, N. Y. They have a different system of weaving——

Mr. BUSIEK. A patented machine?

Mr. BREEN. No. They have men running the backs, and women running some of the machinery; but they do nothing—the women—but simply fill shuttles. They don't do any meshing or putting in the warps. In fact, they don't know how to weave, only to fill shuttles. But here in Philadelphia we do the whole thing.

Mr. BUSIEK. Are the men in Alexander Smith's organized?

Mr. BREEN. No.

Mr. BUSIEK. Would you still object to working on that same plan——

Mr. BREEN. What is that?

Mr. BUSIEK. Are your unions opposed to working in the same way the Alexander Smith mills do—that is, have women helpers?

Mr. BREEN. Do you mean without organization?

Mr. BUSIEK. No; I mean couldn't the Alexander Smith weavers make as much money as your weavers make?

Mr. BREEN. No, no; they can not. They do not pay them the money. And so far as working without organization is concerned, if we do not have a labor organization we can not have the publicity that is absolutely necessary. In fact, I do not suppose there would be such a commission in Philadelphia here to-day if labor organizations did not give their grievances this publicity. This commission would not be in existence.

Mr. BUSIEK. Have there been any labor-saving devices introduced in machinery in the last few years in your craft?

Mr. BREEN. Labor saving?

Mr. BUSIEK. Yes.

Mr. BREEN. No, sir. There has been greater producing machinery. I will state that when I started 32 years ago the loom was going the maximum rate

of speed of 70 picks—that is 70 times a minute. Now they are running anywhere up to 120. That is the maximum. They can run that. The weaver has to work just that much harder. He has got to produce just that much more work; and any damage that occurs goes that much farther and he has to rip out the cloth just that much farther and has got to put in that many more warps. He has to print the chain and back, which is the stuff. They come out just so much oftener and he puts them in. Of course he gets paid, but it is only because of labor organizations, does he get paid for the work that he is doing. He gets paid for that, but still there is a loss.

Mr. BUSIEK. Has the two-loom system increased, or has that entered into the tapestry weaving?

Mr. BREEN. It has only been attempted by Charles Maslin at Amber and Westmoreland Streets and was attempted two yearse ago now this coming summer; but was a failure. That is, I mean to say, there was a strike. That was an open shop, but there was a strike on there and they changed the loom—had 20 looms changed; I believe 20 was the number.

Mr. BUSIEK. Do you suppose high-speed machines put any of the weavers out of work?

Mr. BREEN. Well, I don't think so; I don't think they have. I think they really need the work. Of sourse there would have been—they would have been put out of work if we had learned everybody that came along the line, but to protect ourselves naturally we, who had a right to say who we learned, refused to learn only when the trade needed it.

Mr. BUSIEK. So you held down the number of apprentices?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Until the trade absorbed those men who would have otherwise been idle?

Mr. BREEN. Yes, sir. Now, there is a strike on at the present moment. Two in fact. One at Fifty-sixth and Lancaster, the Overbrook Carpet Co., and the other is at Oxford and Hedge Street, in Frankfort. That strike is in progress now since the 16th of December, 1911. And this was a breach in contract on the part of the Overbrook Carpet Co., and also on the part of the Alva Carpet Co. Here is a sworn statement by nine members of our organization

Mr. BUSIEK. Just its general purport, and then file the statement.

Mr. BREEN. The Overbrook Carpet Co. agreed with our organization committee, officers of the tapestry carpet organization to pay the same wages as the other manufacturers who were agreeing with us collectively. This they refused to do after the other manufacturers had signed an agreement with us, taking advantage of the other manufacturers, and also of their employees.

Mr. BUSIEK. Let me get this. Did those manufacturers sign an agreement with the unions?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Or recognize the unions as such?

Mr. BREEN. Yes.

Mr. BUSIEK. And this concern you are now speaking about merely had a verbal agreement with some of their workers and agreed——

Mr. BREEN (interrupting). Not with their workers, but with the officials of our organization.

Mr. BUSIEK. And agreed to abide by such conditions as were imposed in union shops?

Mr. BREEN. Yes, sir; and after the signing of the contract on the 1st of December, and on the 16th called the strike with us.

Mr. BUSIEK. If you will file that with the stenographer, or have a copy of it prepared.

Mr. BREEN. This I will expect you to return.

Mr. BUSIEK. Very well. We will have the reporter copy that into the record, then.

(The contract referred to is as follows:)

In the Court of Common Pleas, No. 4. For the County of Philadelphia. In equity, March Term, 1912—No. 6012. Overbrook Carpet Co., *v.* John Breen, John Dyson, Stephen Wood, William Lawler, Edward McGlinchy, Grover Hess, Thomas Tully, Frank Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Michael Zampetta, Chas. Gillespie, John Brieley, and Harry Marshall.

ANSWER ON BEHALF OF ALL DEFENDANTS EXCEPT FRANK TULLY.

To the honorable the judges of the said court:

John Breen, John Dyson, Stephen Wood, William Lawlor, Edward McGlinchy, Grover Hess, Thomas Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Michael Zampetta, Tony Zampetta, Chas. Gillespie, John Brieley, and Harry Marshall, saving and reserving to themselves all and all manner of exceptions to the manifold errors in said bill contained, for answer thereto, or to such part thereof as they are advised it is necessary and material for them to answer, say:

First. We admit the averments contained in the first paragraph of complainant's bill.

Second. We deny the averment contained in the second paragraph of complainant's bill, and aver that in addition to the respondents mentioned therein, Frank Tully, one of the respondents, and William Riegle were not, prior to the 1st day of December, 1911, workmen in the employ of the complainant.

Third. It is not true, as set forth in the third paragraph of complainant's bill, that the respondent John Breen has been engaged with the other respondents, and with other persons in the organization and direction of the actions described in complainant's bill; that such statement is absolutely false. It is true, as avered in said third paragraph, that Michael Zampetta and Tony Zampetta entered the employ of the complainant subsequent to the 3d day of January, 1912, but have since that time left the complainant's employ.

Fourth. That it is not true, as avered in the fourth paragraph of complainant's bill, that on or about November 29, 1911, the complainant discharged the defendants, other than John Breen, Michael Zampetta, and Tony Zampetta. That said respondents were not discharged, but were laid off, and the reason given by the complainant at the time was that they were without orders sufficient to continue the employment at that ime.

Fifth. That it is not true, as set forth in the fifth paragraph of complainant's bill, that on or about the 8th day of December, 1911, certain of complainant's discharged employees claiming to be a committee representing all of said discharged employees called at the office of complainant and stated that they proposed to declare a strike against complainant. That it is not true, as set forth therein, that the employees were discharged. That it is true that a committee composed of the officers of the printers' and weavers' unions did call at the complainant's office. That at said meeting they requested that the complainant thereafter recognize said unions in the carrying on of said work with said employees. That it is not true, as set forth in the said fifth paragraph that the complainant offered to setters who were formerly in its employ daywork with wages at the rate of $15 a week. That the only offer made was at the rate of $12 per week, with the exception of an offer to a few women employees to complete certain work at the rate of $15 per week. That it is not true, as set forth in the said fifth paragraph of complainant's bill, that the wages of $16 per week for weavers is in excess of the regular rate for such work. That the setters mentioned in said fifth paragraph of complainant's bill usually work by piecework, at which they are able to earn at the regular rate for such work the sum of $18 and $20 and upward a week.

That it is true that setters and weavers declined to accept the work as alleged in said fifth paragraph.

Sixth. We admit that the complainant is unable to procure all of its former employees to return to work for it, in accordance with the terms offered them, as set forth in the sixth paragraph of complainant's bill, but we aver that all of the former employees who were procured by the complainant were one printer, two setters, and a loom fixer. We admit that the complainant has supplied some of the places of employees who declined to return to its employment with other employees. We deny, however, the averment in the said sixth paragraph of complainant's bill, that we are by means of practices therein recited unlawfully interfering with the complainant's business and endeavoring to prevent complainant from carrying on its business.

Seventh. We deny the averment in the seventh paragraph of complainant's bill, that any of the respondents congregate around in the neighborhood of complainant's mills for the purpose of intimidating employees and applicants for work from going to work or accepting work from your complainant.

Eighth. We deny that the respondents are picketing the complainant's works to interview and dissuade workmen from applying for or continuing employment with complainant. We admit, however, that certain of the respondents have interviewed workmen employed by the complainant and have in a peaceable and lawful way attempted to persuade the said workmen to become members of the respondents' unions, and have endeavored to show such employees that the wages they were receiving from complainant were lower than those paid for the same class of work by competitors of complainant in Philadelphia.

Ninth. We deny that the respondents, or any of them, are harassing and annoying the complainant's employees, and applicants for employment, as set forth in the ninth paragraph of complainant's bill. We admit that certain of the respondents and officers of their respective unions have interviewed said employees and applicants on the streets and at their homes and in a peaceable and lawful way have attempted to persuade them to become members of respondents' union. That it is not true, as averred in the said ninth paragraph, that the respondents have threatened the said employees or applicants with physical violence, or called them names, or by various other devices attempted to annoy, frighten, or influence them so that they would refuse to work for complainant. That, as above set forth, all that the respondents have done as far as the complainant's employees or applicants for employment are concerned is to attempt to peaceably persuade them to become members of respondents' unions by showing to them the advantages of such unions and by showing to them that the wages paid by complainant are not the fair and regular wages paid by other firms in the same line of manufacture, and that it is to their interest, and to the interest of all workmen, that the wages paid should be the fair and reasonable, and market prices for such work, and that it is to their interest, in order to secure the same, that they should become members of and participate in the workings of said unions.

Tenth. We deny the averments contained in the tenth paragraph of complainant's bill, that the respondents are, by violence and threats of physical violence, assaulting and intimidating complainant's employees and intending applicants for employment.

Eleventh. We deny the averments contained in the eleventh paragraph of complainant's bill.

Twelfth. We deny the averment contained in the twelfth paragraph of complainant's bill, that the general management and direction of the various acts of respondents thereinbefore set forth in complainant's bill has been in the hands of the respondent, John Breen. We deny the averments as to the various acts of respondents as set forth in said bill. We deny that the respondent, John Breen, has organized the attacks which have been made on your complainant's employees from time to time. We aver, on the contrary, that such allegation is absolutely false. We admit that the said John Breen has never been in the complainant's employ, but we deny that he has no business in the vicinity of complainant's mills. That the respondent John Breen is secretary of the organization committee of the Tapestry Carpet Weavers Union, No. 2, and as such has business in the vicinity of complainant's mills in the interest of the members of said union. We deny that the said John Breen has been directing in various ways any unlawful acts whatever.

Thirteenth. We deny the averment contained in the thirteenth paragraph of complainant's bill, that the respondents, or any of them, have joined in any unlawful practices set forth in complainant's bill. For further answer to the complaint's bill, respondents aver that the complainant has been in existence and carrying on business for a period of about three years. That immediately after beginning business complainant made an agreement with committees and representatives of the tapestry carpet weavers and workers' union and the tapestry carpet printers and fillers' union, by which the complainant agreed verbally, through its duly authorized officers, that it would recognize the said unions, to which the respondents belonged, and would pay the same rate of wages and grant the same conditions as were paid and granted by other manufacturers of the same goods in the city of Philadelphia. That complainant duly carried out its agreement until the latter part of November, 1911, when it notified its employees that it would have to close down, by reason of it being out of orders, for an indefinite time. That the purpose of complainant in pretending to close down its mills for, as it alleged, an indefinite time, was to secure a reduction of wages that had been theretofore paid, and in violation of its agreement made with said union. That prior to the latter part of November, 1911, the complainant had recognized the respondents'

unions, and had granted its employees the same wages and conditions as to work as were then being paid and granted by the other manufacturers of the same goods in the city of Philadelphia, as aforesaid. That after having sent its employees away in the latter part of November, 1911, as aforesaid, it sent for certain of its former employees and notified them that it had work, but at a reduction of wages running from 20 to 30 per cent, and which would make the wages paid by the complainant to its employees 20 to 30 per cent less than paid by other manufacturers of the same goods in the city of Philadelphia. That the complainant did this in violation of its agreement with the respondents' unions, that it would pay the same rate of wages as paid by the other manufacturers of the same goods in the city of Philadelphia, and in further violation of its agreement, that it would recognize such unions. In December of 1911 it gave notice that thereafter it would not in any way recognize respondents' unions. That by reason of the violation of the agreement on the part of the complainant made with the respondents' unions, its members have since refused to work for complainant, as the respondents and former employees of complainant feel that they should be paid the same wages and granted the same conditions as paid and granted by other manufacturers of the same goods in the city of Philadelphia for such work.

That it was pointed out to the complainant that the said unions had secured agreements from other manufacturers of the same goods in the city of Philadelphia, providing for a schedule of wages for a definite period. That it would be unfair to the other manufacturers to work for complainant for less wages and under more unfavorable conditions.

That the whole difficulty that has arisen between the complainant and its employees has arisen over the fact that complainant attempted to violate its agreements by reducing the wages below the fair and reasonable market prices in the city of Philadelphia for the same. That neither the respondents or other employees who were members of the respondents' unions have done anything in violation of complainant's rights, and have committed none of the unlawful acts mentioned in the complainant's bill.

Wherefore the respondents pray that the bill may be dismissed and they be allowed their proper costs.

HEPBURN, CARR & KRAUSS,
Solicitors for Defendants.

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

John Breen, John Dyson, Stephen Wood, William Lawlor, Edward McGlinchy, Grover Hess, Thomas Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Charles Gillespie, John Brieley, and Harry Marshall being duly sworn according to law, depose and say that the facts set forth in the foregoing answer are true and correct to the best of their knowledge, information, and belief.

Sworn to and subscribed before me this —— day of June, A. D. 1912.

[SEAL.]

———— ————,
Notary Public.

Mr. BUSIEK. Mr. Breen, to what do you attribute the fact that you do not, since these people are enjoying the union benefits and more could be enjoyed perhaps by a stronger organization, that you do not unionize the trade more thoroughly in Philadelphia?

Mr. BREEN. Well, I will state one of the great reasons is the ambition on the part of some of the men to become bosses, even though they receive salaries much below that the position they fill would require. That is one of the reasons and I will state an instance——

Mr. BUSIEK. That reason will be sufficient without any illustration.

Mr. BREEN. If it be understood, all right; but we are not the ablest people in the world when it comes to education. I would like to illustrate, if that will make it plainer.

Mr. BUSIEK. Very well.

Mr. BREEN. In the Dobson's, a gentleman was boss of the weavers; there were seven loom fixers who were working piecework. Mr. Meadowcroft, and I believe this to be a fact, I am sure it was a fact, was receiving $18 a week whilst the loom fixers who were working piecework were making from $25, $27, $29, and $30 a week, and a controvery arose. And that was the ultimate cause of the bringing of those loom fixers' wages down, because of a suggestion on the part of the boss that the men were making more money than he

was. In many instances, and I know of men who were willing to take positions for $15 a week whilst the men working under them were receiving larger. That is one of the reasons.

Another reason why the workmen are not prone to belong to the labor organizations is simply because they believe it necessary to sacrifice the leader from time to time, and also they are afraid to abide by the ultimatum from the labor organizations. They are afraid to belong to them, afraid of being spotted, and they do not like to be selected as members of committees, do not like to be forced or requested by the organization, which means a demand of the organization if the organization is right, when requested to go to their employers they are afraid of the black list that ultimately comes.

Mr. BUSIEK. So there is a black list in Philadelphia, to your knowledge?

Mr. BREEN. Oh, yes; there has been a black list. I myself have been blacklisted four times.

Mr. BUSIEK. That is, you have been refused employment at the shop where you formerly worked?

Mr. BREEN. Discharged absolutely.

Mr. BUSIEK. Does that black list extend to other manufacturers with whom you have never had dealings?

Mr. BREEN. Dobson told me, after I led him to make a statement, that he did speak of the matter of Mr. Maseland over the phone—I don't know; I guess he got hot.

Mr. BUSIEK. Who is Mr. Maseland?

Mr. BREEN. A member of the firm of Maseland Bros. on Westmoreland Street.

Mr. BUSIEK. It is stated that the American workmen receive less per unit, did receive less per unit in 1893 than the English workmen?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Do you know how those rates compare now?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. At the present time?

Mr. BREEN. Yes, sir; I believe to-day the general average pay per unit in tapestry carpet is less in America than in England. It is not generally understood, but nevertheless it is a fact and I know it.

Mr. BUSIEK. Have you any figures on that?

Mr. BREEN. We can get them.

Mr. BUSIEK. I wish you would get them and submit them to the commission.

Mr. BREEN. Very well.

Mr. BUSIEK. Is there something further you wish to say?

Mr. BREEN. Yes; I would like to say to the commissioners that the commissioners should ask a little further the workmen as to their opinion of the cause of the great depression that exists in business generally. They should not pass them up simply because they have not got the education. They should ask us about the general condition with the employer. They should ask the employer about our business and get it all out. My opinion is, if this—the cause of the great depression in business is and has been, and it may be generally understood or not, but I am going to say what my opinion is so you will know it. My opinion is that there is only two channels whereby money will go out in circulation, only two, and that is the difference between the reasonable and the exorbitant price of the commodities and necessities of life generally and the difference between the reasonable and the unreasonable wage or incomes of the great rank and file of the people.

On the top the difference is because by the concentration of the efforts of a few, which is un-American—on the bottom—which causes restraint of trade, money taken out of circulation. On the bottom it is generally assumed that labor organizations are a trust, that it does restrain trade but it does not. Anything that adds to the volume that ought to be in circulation certainly does not restrain any trade.

I think these things should be noted. It has been admitted—Philadelphia—by some of the men who testified here, that the wages in Pennsylvania in various of the industries is one-third less in Philadelphia. That one-third less that is paid here in Philadelphia than in other places is just one-third less out of the pockets of the consumer, and if organized labor has raised the wages, the 3,000,000 organized laboring people of this country has raised the wages, what is the the other 27,000,000 doing? Isn't it a fact that if those other 27,000,000 people was getting the same wages as the organized people, that all of that money would be added into circulation, and if all the consumers were spend-

ing that much more money wouldn't the producer or the producer of the material have that much more to be taken out of the earth? Wouldn't that again add to the volume of money and help?

It appears to me that the great point is that we want honest legislation at Washington, and honest workingmen that are willing to offer sacrifices for the mistakes of their fathers; don't we know here that if we make mistakes of any kind that we are going to hand that mistake to posterity? Do you expect that posterity will ever expect to overcome our mistakes without a sacrifice?

Now, I think that, as I said before, labor organizations can not or must be at this time—they must protect themselves, and, as I said before, you never—this committee would never be in existence but for the publicity brought about by labor organizations.

That is all I wish to say on that. Is that true, Mr. Chairman?

Acting Chairman WEINSTOCK. Will you be here at 2 o'clock, Mr. Breen?

Mr. BREEN. Yes, sir.

(At 12.30 o'clock a recess was taken until 2 o'clock.)

AFTER RECESS—2 O'CLOCK P. M.

Acting Chairman WEINSTOCK. You may proceed, Mr. Busiek.

Mr. BUSIEK. Mr. Breen, will you please resume the stand?

TESTIMONY OF MR. JOHN BREEN—Continued.

Acting Chairman WEINSTOCK. The statement was made this morning, Mr. Breen, I think by yourself, if not by yourself, then by some other labor representative, that the average wage paid in Philadelphia is about one-third less than that paid in other cities?

Mr. BREEN. Why——

Acting Chairman WEINSTOCK (interrupting). Did I understand that correctly?

Mr. BREEN. No, sir; I stated that one of the witnesses before the commission last week made such a statement.

Acting Chairman WEINSTOCK. Oh, yes. In how far do you think that statement is correct?

Mr. BREEN. I find that to be correct in our own business.

Acting Chairman WEINSTOCK. In the tapestry business?

Mr. BREEN. Yes, sir.

Acting Chairman WEINSTOCK. That the wages paid here in Philadelphia in the tapestry business are one-third less than the wages paid in other tapestry centers?

Mr. BREEN. No, sir; the reverse; that is, the Philadelphia tapestry workers are organized.

Acting Chairman WEINSTOCK. I see. Do the wages in the tapestry industry here compare with the wages in other localities?

Mr. BREEN. In Thompsonville, Conn., where they are unorganized, there is the two-loom system; also in the Smith, of Yonkers, N. Y.; Amsterdam, in Orange County, N. Y.—I think it is Orange County; and also in Rifton Glen, N. Y.

Acting Chairman WEINSTOCK. Are the wages lower than they are here?

Mr. BREEN. They are lower than they are here.

Acting Chairman WEINSTOCK. Of your own knowledge, do you know of any industries where the wages are one-third less than they are elsewhere?

Mr. BREEN. To my knowledge?

Acting Chairman WEINSTOCK. Yes.

Mr. BREEN. No, sir; not in the textiles.

Acting Chairman WEINSTOCK. Do you know of any industry where the wages are one-third lower?

Mr. BREEN. Only from hearsay of people who come from different parts of the country; that is all, because I was never myself away.

Acting Chairman WEINSTOCK. Then all that you do know on that score is purely from hearsay?

Mr. BREEN. From the testimony as I heard here, and that, of course, I am supposed to believe.

Acting Chairman WEINSTOCK. Are you at all familiar with the cost of living in Philadelphia and the cost of living in other large cities? Do you know

of your own knowledge? Have you ever had an opportunity or the means of investigating and comparing notes that would enable you to say authoritatively whether the cost of living in Philadelphia is higher or lower than elsewhere?

Mr. BREEN. I don't think so; I think you could get men who are more fitted—more fitted witnesses than myself, because I have not been away very much; in fact, not at all.

Acting Chairman WEINSTOCK. Then you could simply express opinions based upon hearsay?

Mr. BREEN. Based upon knowledge that I derived from the public press.

Acting Chairman WEINSTOCK. That is all, Mr. Breen.

(Witness excused.)

TESTIMONY OF MR. ARTHUR SPENCER.

Mr. BUSIEK. What is your position, Mr. Spencer?

Mr. SPENCER. I am a director in the concern of John & James Dobson (Inc.).

Mr. BUSIEK. You are one of the directors?

Mr. SPENCER. Yes, sir; managing director.

Mr. BUSIEK. How long have you had that position, Mr. Spencer?

Mr. SPENCER. The director's position, only the last 18 months, when the concern was incorporated.

Mr. BUSIEK. Well, have you worked for the concern in a directory capacity for a longer period than that?

Mr. SPENCER. Been with the concern about five years.

Mr. BUSIEK. What does your concern manufacture?

Mr. SPENCER. Carpet-pile fabrics, worsted, woolens, worsted spinnings, yarn spinning.

Mr. BUSIEK. Any tapestry work?

Mr. SPENCER. Yes, sir.

Mr. BUSIEK. How many people do you employ out there?

Mr. SPENCER. Well, in the carpet and plush mill we employ about 1,800 at the present time.

Mr. BUSIEK. And how many when you are running increased capacity?

Mr. SPENCER. Full capacity, run about 2,200.

Mr. BUSIEK. Is there a depression in business now?

Mr. SPENCER. Quite so; yes.

Mr. BUSIEK. How many people have you working for you under the age of 16 years, approximately?

Mr. SPENCER. About 150.

Mr. BUSIEK. What are the wages paid these minors?

Mr. SPENCER. I paid—the lowest wage paid at the carpet mill is $6; it runs from $6 up; only a small proportion of them would get the $6; another proportion would get $7, and perhaps up to $8.

Mr. BUSIEK. In what department do those children work?

Mr. SPENCER. Work in the worsted spinning as doffers and spinners and the silk winding, principally, or spooling.

Mr. BUSIEK. How many women do you employ, Mr. Spencer? Approximately?

Mr. SPENCER. I would not like to say exactly. I did not look that up. I should think we employed almost as many women as we do men—no, not as many; probably 40 per cent of them.

Mr. BUSIEK. What hours do you have in your plant?

Mr. SPENCER. Fifty-four hours a week.

Mr. BUSIEK. In all departments?

Mr. SPENCER. Yes.

Mr. BUSIEK. You pay by the piece rate, do you?

Mr. SPENCER. Some is piecework; the majority, I think, is daywork.

Mr. BUSIEK. What class of work is piecework?

Mr. SPENCER. Weaving is entirely piecework, except exceptional cases, where the work is bad, or something like that. Our burling is piecework, and one or two other departments not employing a great many people; but the majority of it is daywork, barring the weaving.

Mr. BUSIEK. What is the average wage of the weavers?

Mr. SPENCER. I think in our velvet department they will make about $13 a week; they should make a little more in the plush department—averaging $12 to $13 there, too.

Mr. BUSIEK. You say that in the plush department they make more?

Mr. SPENCER. They should make more; yes, sir; there. I think, as a matter of fact, they are making at least $12 a week, and some of them making $18.

Mr. BUSIEK. Do any of what might be termed journeymen weavers, men who have learned their trades, make less than these amounts you have named?

Mr. SPENCER. Not unless they are exceptionally poor weavers.

Mr. BUSIEK. What is the highest that a good weaver makes?

Mr. SPENCER. Twenty or twenty-one dollars.

Mr. BUSIEK. Are you familiar with the trade in general, outside of Philadelphia—that is, as to hours of labor and wages paid?

Mr. SPENCER. I think fairly so.

Mr. BUSIEK. Well, state what you can as to how Philadelphia wages compare with competing mills, and also how hours compare with competing mills.

Mr. SPENCER. Well, certainly in the carpet trade wages paid here are much larger than are paid all throughout New York State, where our competition comes from. The hours I don't know about there.

Mr. BUSIEK. But you pay on a unit basis?

Mr. SPENCER. We pay so much per yard, depending on the grade of goods we are weaving.

Mr. BUSIEK. And your yard cost is higher than competing parts?

Mr. SPENCER. It certainly ought to be; has to be.

Mr. BUSIEK. I believe there is a strike on at your mill now, is there not?

Mr. SPENCER. Yes.

Mr. BUSIEK. Do you know the cause of this strike?

Mr. SPENCER. It appeared for some time that the experienced weavers on a finer grade of goods were not able to make more than $12 a week, whereas the inexperienced weavers, or the weavers that were fortunate enough to have coarse work in their loom, were running up to $17, $18, and $20 a week. That made a great discontent with the good weavers, and whenever a loom was changed from the coarser onto a finer grade of goods, the weaver would object to it, and it seemed hard that all our best weavers should be making the least amount of money, so a general readjustment was made in the wages paid, and it was put on a pick basis, with various increases, depending on the set, whether it was finer work or not.

Mr. BUSIEK. Did you decrease or increase the total wages paid in your shop?

Mr. SPENCER. I think the total would probably have gone up, the gradual tendency is toward finer work in that department, which would naturally mean an increase rather than a decrease.

Mr. BUSIEK. But the idea was to make the workers working on the poorer grades of stuff take care of the increase which you were going to give to the workers on the better grades of stuff?

Mr. SPENCER. Yes.

Mr. BUSIEK. Have you an employers' association, here in Philadelphia, of textile manufacturers?

Mr. SPENCER. What do you mean by that?

Mr. BUSIEK. An association of the textile manufacturers for any purpose whatsoever?

Mr. SPENCER. None that I know of.

Mr. BUSIEK. Your firm is not a member of any association?

Mr. SPENCER. Probably a member of some association, but I don't know. Well, probably an association of woolen manufacturers, or something, but I don't know anything about it.

Mr. BUSIEK. You don't know anything about the purposes of this association?

Mr. SPENCER. No, sir.

Mr. BUSIEK. Yours has always been what is known as an open shop?

Mr. SPENCER. I believe so.

Mr. BUSIEK. Do you refuse to deal with the unions as a body?

Mr. SPENCER. Yes, sir.

Mr. BUSIEK. What is your attitude toward membership in unions by your workers?

Mr. SPENCER. We pay no attention to that whatsoever. They probably, and I suppose the majority of our workers, do belong to unions. We have no objection to them belonging to it, but we want to deal with our people as our people, and not with outside—what we call outside—labor leaders.

Mr. BUSIEK. How many strikes have you had there since you have been there?

Mr. SPENCER. We have constant strikes.

Mr. BUSIEK. Constant strikes?

Mr. SPENCER. We have almost a strike every spring. Young boys go out in one department, and they will tie up the mill for a week or 10 days, and the parents will be thrown out of work, and then the parents tell the boys to come back, and they come back and the mill starts up.

Mr. BUSIEK. Do I gather from that that the union calls a strike?

Mr. SPENCER. No; I don't think so.

Mr. BUSIEK. Just a voluntary quitting on the part of the help?

Mr. SPENCER. One department think they can always tie up the whole mill if they go out, so when you get, say, 10 or 20 or 30 people who think they can get an increase of a dollar a week, and therefore they go out.

Mr. BUSIEK. How do you eliminate this condition? How do you break that strike, or how do you go about it. Do you hire different people to take their places, or do these people generally come back?

Mr. SPENCER. They generally come back, almost invariably.

Mr. BUSIEK. Do you take them back irrespective of their union affiliations?

Mr. SPENCER. Yes, sir; we don't know whether they belong to unions or not.

Mr. BUSIEK. The prices which you pay for your labor, I assume from your testimony, is dictated largely by the competition that you have to meet from other mills?

Mr. SPENCER. Dictated very largely by the prices paid by other mills in the same line of business in this city.

Mr. BUSIEK. In this city?

Mr. SPENCER. Yes.

Mr. BUSIEK. Is there any reasonable objection to a scheme whereby the employers might get together and all agree to pay higher wages, removing that competition which would prevent you from paying higher wages than are now being paid?

Mr. SPENCER. That would have to be all over the eastern coast of the United States, I imagine.

Mr. BUSIEK. But if there were a law universal in its application, that is, for this country, which would create a limited workday, and, to go a step farther, create a minimum wage, do you think there would be any objection to such a law on the part of manufacturers?

Mr. SPENCER. I don't see why any manufacturer should object if he is on the same basis of hours and wages as any other manufacturer; whether it is eight hours or six hours makes no difference, as long as they are all on the same basis.

Mr. BUSIEK. You heard Mr. Breen this morning in his testimony, did you not?

Mr. SPENCER. Yes.

Mr. BUSIEK. Is there any statement you wish to make in reply to the statements made by him concerning the Dobbins mill or any officer thereof?

Mr. SPENCER. Well, I would like—it is rather hard to say. The alleged acts took place before I was connected with the firm. I think the name mentioned was Mr. Mettercroft and Mr. Denton, who are supposed to have acted as mediaries between the office, and they are both dead—at least one of them, I am sure is; and I can not imagine Mr. James Dobbins offering anybody twice as much as he ever made for the rest of his life. It seems incomprehensible to me.

Mr. BUSIEK. That is all.

Commissioner O'CONNELL. Are there many accidents in your line of industry?

Mr. SPENCER. I don't think many serious ones, sir.

Commissioner O'CONNELL. Take the year 1913, have you any idea how many accidents occurred in the mills during that year?

Mr. SPENCER. No, sir; I would not offer—I know the slightest cut or anything of that kind we immediately sent a man to the department, but I don's know whether they made a report of it. The report is on file, I suppose, at Harrisburg, but I would not say of my own knowledge how many.

Commissioner O'CONNELL. Have you any department or room set aside in the mill for the purpose of taking care of the accidents—first aid?

Mr. SPENCER. We have not a place arranged for that purpose at the present time. We have a room where we have a chemist in charge, where all accidents go, but we have no rest room or hospital space at the present time, if that is what you mean.

Commissioner O'CONNELL. You, of course, made a report to the State officials in accordance with the law of the number of accidents occurring during the last year?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. Would you kindly furnish the commission with a copy of that report?

Mr. SPENCER. Certainly.

Commissioner O'CONNELL. Send it to us, please.

Mr. SPENCER. Yes, sir.

(Mr. Spencer subsequently sent in the following statement:)

Statement of accidents during year 1913.

Carpet and plush mills:
Nov. 19. Mrs. R. McNeallis, head back of ear injured.
Nov. 28. David Hendrie, face scalded.
Dec. 20. Harry Ream, left arm broken.
Bradford mills:
Feb. 24. Marie Rosie, ribs injured.
Feb. 27. Edward Hogan, cut in back of head.
Feb. 27. Albert Culpan, slight cut on forehead.
Mar. 19. John Biddle, collar bone broken.
Mount Vernon worsted mills:
Jan. 7. Francis Kerscher, little finger caught in wheel.
Dec. 1. William Peters, caught under wheel guard.
Somerset mills:
Sept. 25. Edwin Lever, groin injured.

Commissioner O'CONNELL. How many employees did you say you operate in your mill?

Mr. SPENCER. I say, at the mill where I spend most of my time, about 1,800 at the present time—at the carpet and plush mill.

Commissioner O'CONNELL. You have some other mills besides that?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. How many other mills?

Mr. SPENCER. I suppose it runs to about 4,000, all told.

Commissioner O'CONNELL. Including the 1,800 men at the mill where you are?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. That is all I have.

Commissioner LENNON. I understood you to say that there were some contentions in the way of strikes almost continually in your place; at least, every year more or less of them?

Mr. SPENCER. We seem to invariably have a strike in the spring, sir, with some department.

Commissioner LENNON. Were you here this morning when Mr. Hayes and Mr. Yost, of the Bottle Blowers' Association, testified?

Mr. SPENCER. Yes, sir.

Commissioner LENNON. You heard their testimony, then?

Mr. SPENCER. Yes, sir.

Commissioner LENNON. Do you believe it would be possible to accomplish in the textile industry that you represent something of the same character that they have accomplished, whereby they have had no strikes in 25 years, by collective bargaining between the employers and the union?

Mr. SPENCER. I should doubt it, sir.

Commissioner LENNON. Well, why is it? Is the nature of the people different in this industry than they are in the other one?

Mr. SPENCER. No; but unless it would be a very magnanimous or very unusual labor leader I think it would be hard to have him look at the thing from anything but his own particular point of view.

Commissioner LENNON. As a representative, I think I am justified in saying that Mr. Hayes has no peer as a strong representative of the glass-bottle blowers. While he is a preeminently honorable gentleman, yet I am confident that when he is presenting the case of the bottle blowers there is no living man no this continent that can present his own side of the case much better, so there can not be any advantage in that trade because of the case of the working people not being well presented.

Mr. SPENCER. But it may be, sir, that the case of the working people in the union is well presented, but there may be those not in the union that their case is very badly presented, because the better you present the one the worse you present the other, as I see it.

Commissioner LENNON. The question I asked presupposed that there would be thorough organization on the part of the manufacturers in Philadelphia and thorough organization on the part of the employees, and that then industry would be represented by their respective committees.

Mr. SPENCER. I do not think the conditions are the same in any two places. There is only one other firm in Philadelphia that makes the same goods as we do in our velvet department. So it would simply be a case of where we are the biggest in that line; so, therefore, it would be with us alone.

Commissioner LENNON. So you do not believe, then, that collective bargaining in your trade on the same basis as the glass workers have it would be practicable?

Mr. SPENCER. I don't think so.

Commissioner LENNON. And yet the examples that have tried it are very successful. We have had a number of trades appear before us testifying to long periods of industrial peace through the policy of collective bargaining. I can not just appreciate how the intricacies of the trade would make it impossible in one instance more than in another.

Mr. SPENCER. That is something I would not like to try to explain. It would take a much greater brain than mine to do it.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Of course you realize, Mr. Spencer, that the employers' associations may be divided into two distinct kinds of employers; One, the employer that follows the method of individual bargaining with his workers; two, the employer who follows the method of collective bargaining with his workers.

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. I take it, Mr. Spencer, that your institution follows the plan of individual bargaining.

Mr. SPENCER. By that you mean——

Acting Chairman WEINSTOCK. Or collective bargaining. Do I make myself clear when I use the terms "individual bargaining" and "collective bargaining"? Those terms are not always understood by every one alike.

Mr. SPENCER. I don't think I quite get your meaning.

Acting Chairman WEINSTOCK. By individual bargaining, that is where the employer makes a bargain with each separate worker.

Mr. SPENCER. No, sir; we do not do that.

Acting Chairman WEINSTOCK. And collective bargaining is where employers, either individually or collectively, make one bargain with the representatives of the workers that applies to all workers. You do collective bargaining, then, do you?

Mr. SPENCER. It is not clear to me. If a man comes to work and asks to weave, he is given a job on a loom, if there is a vacancy. The work is explained, and he either takes the job or leaves it.

Acting Chairman WEINSTOCK. How is the wage arranged or arrived at? Do you fix it as the employer, arbitrarily, or is that arranged by conference with the man?

Mr. SPENCER. With our own organization.

Acting Chairman WEINSTOCK. That is, the people in your mill are organized?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. And they elect representatives and deal with—you deal with those representatives?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. And come to an agreement with them?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. You do not?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. Please explain just how the rate is arrived at.

Mr. SPENCER. There is a rate of so much a pick, or something of that kind. The rate has been established and is well known.

Acting Chairman WEINSTOCK. How was it established?

Mr. SPENCER. It was originally established, I suppose, when the grade was first made.

Acting Chairman WEINSTOCK. Did labor have any voice in fixing that?

Mr. SPENCER. Probably a great voice, because every time a new fabric is made the weavers, the foremen, and ourselves have a short consultation on that.

Acting Chairman WEINSTOCK. If there is a conference consisting of the foreman, a representative of your——

Mr. SPENCER. Office.

Acting Chairman WEINSTOCK (continuing). And a representative of the workers, one that is chosen by the workers?

Mr. SPENCER. I presume so; I don't know how they choose him, or anything of that kind, but there is generally a committee of the weavers of that particular grade comes down.

Acting Chairman WEINSTOCK. How are they selected?

Mr. SPENCER. The weavers select them.

Acting Chairman WIENSTOCK. It is the representative of the committee?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. The three factors get together and discuss the matter and arrive at the price?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. In that case, the labor has a voice in fixing a rate?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Supposing this group, this conference group that you tell us about, is unable to come to an understanding. What happens?

Mr. SPENCER. Then the office—what the office does will either remain the rate, or the weavers throw up their jobs.

Acting Chairman WEINSTOCK. I see; that is, if you have what may be termed a hung jury, if you can not agree, then the rate fixed by the office prevails?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Unless the men go on a strike.

Mr. SPENCER. Well, it generally prevails when they do.

Acting Chairman WEINSTOCK. Even when they do go on a strike, experience has shown that it ultimately prevails?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. When the two can not agree, do you ever refer the matter to a third party, an arbitrator, in the hope of avoiding cessation?

Mr. SPENCER. We do not, as a rule, have trouble; the weavers generally want more, not always more, but generally more than the office fixes, then it is put on a trial. The weavers will be asked to try it for two weeks, and if they can not make wages, the rate will then be changed.

Acting Chairman WEINSTOCK. I see.

Mr. SPENCER. To a great extent, we find our people are quite fair and square with us in that way, and we will go on that basis.

Acting Chairman WEINSTOCK. How often does it happen, Mr. Spencer, that a new rate has to be established on a new fabric?

Mr. SPENCER. About four times a year.

Acting Chairman WEINSTOCK. About four times a year?

Mr. SPENCER. Yes, sir. Or, if we can not agree, the weaver will be put on daywork.

Acting Chairman WEINSTOCK. In your particular industry can you give us an idea of how many strikes you have had, say, in the last five years?

Mr. SPENCER. I would not like to say, because a strike might be where the people were out for one day or two days, I would hardly call it a strike. We have not had anything very serious there in the last several years, since I have been connected with it.

Acting Chairman WEINSTOCK. How long have you been connected with it?

Mr. SPENCER. Five years.

Acting Chairman WEINSTOCK. Have you had any strikes during that period, Mr. Spencer, that would be regarded as a serious strike, where the men have quit work for a week or more?

Mr. SPENCER. Yes, sir, we have had.

Acting Chairman WEINSTOCK. About how many would you say?

Mr. SPENCER. Three.

Acting Chairman WEINSTOCK. Three?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Involving how many men?

Mr. SPENCER. Those strikes were generally started by, for instance, the cutters going out. When the cutters go out it stops the weavers and stops the dyehouses and all people related in the industry.

Acting Chairman WEINSTOCK. Sympathetic strikes?

Mr. SPENCER. No, sir; they had to stop because one could not go without the other.

Acting Chairman WEINSTOCK. What was the cause of those particular strikes? Was it where you were unable to agree upon the price and the men were unwilling to submit to the price you offered?

Mr. SPENCER. No, sir. In this case it would be that the cutters or loom fixers wanted a flat increase of 10 per cent. The office would not agree to it, therefore they would stop their work.

Acting Chairman WEINSTOCK. Exactly, because there was a difference as to the amount of wage to be paid?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Well, when you dealt with the workers in those instances, I take it you dealt with the committees?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. The committees appointed by them?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Then evidently you must have misunderstood Commissioner Lennon. I gathered from the answer that you made to Commissioner Lennon that you did not practice collective bargaining, and did not, perhaps, believe in collective bargaining, and yet, from the explanation you make, Mr. Spencer, it is quite plain that you do engage in collective bargaining, and that you do recognize organized labor, because you recognized that committee that was appointed by the weavers.

Mr. SPENCER. We recognize any committee from our own place; we do not recognize any committee that comes in from the outside. I misunderstood the commissioner's question.

Acting Chairman WEINSTOCK. You draw a distinction there between your own labor and representatives of labor coming from the outside?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. You will recognize organized labor within your own plants——

Mr. SPENCER (interrupting). Yes.

Acting Chairman WEINSTOCK (continuing). But you will not recognize representatives of organized labor from without your plant?

Mr. SPENCER. No.

Acting Chairman WEINSTOCK. How many employers are there, competing manufacturers with yourself, in the same industry in this territory?

Mr. SPENCER. Oh, in the carpet line, I suppose there are about a dozen.

Acting Chairman WEINSTOCK. Are they organized as an association?

Mr. SPENCER. I know of none.

Acting Chairman WEINSTOCK. Each man or concern is an independent concern?

Mr. SPENCER. At least our concern; I don't know about the other concerns. We paddle our own canoe.

Acting Chairman WEINSTOCK. Do you know whether the workers are federated, or whether their organization is confined simply to their own class?

Mr. SPENCER. I imagine they are federated.

Acting Chairman WEINSTOCK. Now, when Commissioner Lennon asked you the question as to whether you thought the same conditions as we were told this morning existed in the bottle-blowing industry, and as we are told on Saturday existed in the pottery industry, as to whether those conditions could be duplicated in your industry—that is, the mutual organization, collective bargaining, trade agreements—you gave it as your opinion, Mr. Spencer, that you did not think it could be done successfully in your industry.

Now, will you be good enough to tell us why you do not think it could be done in your industry as well as it seems it is being done in these others?

Mr. SPENCER. Well, that opens up a broad field and it simply calls for my personal opinion, which in my case is perhaps not worth a great deal. I have not found that our working people are at all fair in those matters. By that I mean—you try to find out or ask them point-blank what they can weave per day—a common day's work, and they will answer they can weave 10 yards, and you make one piecework based on that 10 yards, and you find they are weaving 18 yards. Now, those things tend to destroy your faith in common honesty.

Acting Chairman WEINSTOCK. Well, now, has that plan ever been tried in your industry? That is, the plan of the manufacturers, or the greater part of the employers, being organized on the one hand, and the workers being organized and federated on the other hand, and the two organizations, as organizations, come in together and discuss your problems, and coming to an understanding,

or in case of failing to come to an understanding, submitting to arbitration, and then entering into a trade agreement?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. That has not been tried?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. Well, then, when you say that you do not think the plan could be successfully duplicated in your industry, you, of course, then, give it merely as a matter of opinion and not because it has been tried out and failed?

Mr. SPENCER. That is what I said a moment ago.

Acting Chairman WEINSTOCK. Now, would it not, in your judgment, be well worth trying, with these other industries as object lessons before you, where it has been successfully carried out, and where both the employers and the workers tell us it has made for industrial peace and for the minimizing of industrial unrest, and where it has led, as they claim, to a more cordial and mutual feeling—would it not be well worth while to try it also in your industry?

Mr. SPENCER. That might be. I think in our particular plants the relations between the employers and the employees are very favorable and cordial. There are people there who have been working there for many, many years; and some of their children and grandchildren have worked there; and they are going on—promotions to foremanships generally come from the ranks and seldom from the outside—and I should think that there is an opportunity for anybody in that particular trade.

Acting Chairman WEINSTOCK. Among other things, Mr. Spencer, that this commission will be expected to report on and to make recommendations is as to whether or no, as the outcome of our investigations, we have found that mutual recognition, the entering into trade agreements, does or does not make for industrial peace. If we find that the preponderance of evidence is in favor of a trade agreement it will become our duty to recommend it. If on the other hand we find that the preponderance of evidence is against the trade agreement as making for the highest degree of industrial peace, we shall have to recommend against the trade agreement.

Now, could you not, at this time—suppose that you try to give us from your fund of information something that will help us more intelligently to come to a conclusion for or against trade agreements. If you can do so, that will be very much appreciated.

Mr. SPENCER. Well, there again, sir, it would be only my own personal opinion, which I do not think would be worth very much to you.

Acting Chairman WEINSTOCK. We should be glad to have that. You have had an opportunity of making observations; you are holding a very important position, and I take it you keep yourself informed not only on your own industry but kindred industries, and hence your judgment ought to be valuable.

Mr. SPENCER. I think the average manufacturer—at least, in our plant—wants to see the worker getting good wages. It is to our benefit to have them get good wages; and while I think they can make better terms by dealing with us than they can by belonging to a union and trying, perhaps, to force our hand, as I will put it——

Acting Chairman WEINSTOCK (interrupting). You mean that the individual worker can deal with you as an individual rather than dealing with you through his union.

Mr. SPENCER. No; dealing with us as a body within the mill, but not going outside.

Acting Chairman WEINSTOCK. Oh, yes; I see.

Mr. SPENCER. If all the workers could unite it would be all right; and if all the manufacturers, all the unions, could have such an idealistic condition, but I don't think it will come. I see no sign of it.

Acting Chairman WEINSTOCK. Does it mean, Mr. Spencer, that the workers in your plant, for example, can get better terms and better conditions by dealing with you direct, as a body—not as individuals, but as a body, I take it—than they could by attempting to deal with you indirectly through some outside medium?

Mr. SPENCER. I think, without a question.

Acting Chairman WEINSTOCK. But in dealing with your workers you deal with them collectively?

Mr. SPENCER. Yes, sir; or as individuals either. One man will come with a grievance, and he will be listened to as if they came four and five at a time.

Acting Chairman WEINSTOCK. Now, let me ask you, Mr. Spencer—let me put my question in a little different form.

Suppose some civic worker in whom you have confidence, whom you knew was acting in good faith and had no selfish ends in view, should come to you and say, "Mr. Spencer, we would like to see an experiment tried in your industry that has been worked out so successfully in other industries—the potteries and printing trades, and the women's garment trades in New York and Chicago, the clothing trades—and propose to make an effort to organize all your employers on one side, and to have the workers organized on another side, with a view to collective bargaining and trade agreements." What would be your attitude toward experimenting along those lines?

Mr. SPENCER. I would be perfectly open to be convinced, and am very willing to give anything a trial that would tend to make pleasanter relations.

Acting Chairman WEINSTOCK. How would it, taking the successful results in other industries as a base, you would think that the plan at least would be worthy of a trial in your industry?

Mr. SPENCER. If I could I would; I am not satisfied about the others, where it has worked out at the present time. I don't think it would work out, but I would be willing to try and be open to conviction.

Acting Chairman WEINSTOCK. I take it, Mr. Spencer, that your relations with your competitors are friendly?

Mr. SPENCER. I think so.

Acting Chairman WEINSTOCK. That is, you frequently come together and discuss matters in general? There is no hostility among the employers, is there?

Mr. SPENCER. I have never gotten together with them at all myself, I don't think.

Acting Chairman WEINSTOCK. Is there any feeling of hostility among the employers in your industry?

Mr. SPENCER. No; I don't know of any.

Acting Chairman WEINSTOCK. It would be no difficult matter whatever to bring them together for an open conference to discuss the matter, would it?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. And if some one came along and offered to do that, do you think there would be any objection on the part of any employer coming together for a nonofficial conference on the matter?

Mr. SPENCER. I should not see why there should be.

Acting Chairman WEINSTOCK. And if the consensus of opinion of these employers, after the matter had been discussed from that point of view, was that the plan was worthy of an effort, was worthy of a trial, it could be then carried on, could it not?

Mr. SPENCER. I suppose so, if the consensus of opinion was that way.

Acting Chairman WEINSTOCK. What is the attitude of the employers in your industry, Mr. Spencer, toward the enactment of a workmen's compensation act?

Mr. SPENCER. Personally, I have always thought very highly of it. I think it would be a great thing for the worker and also a very good thing for the manufacturer.

Acting Chairman WEINSTOCK. So that you would favor it?

Mr. SPENCER. Very much.

Acting Chairman WEINSTOCK. As being mutually advantageous?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. That is all. Thank you very much, Mr. Spencer.

(Witness excused.)

TESTIMONY OF MR. W. PARK MOORE.

Mr. BUSIEK. Please give your name in full.

Mr. MOORE. W. P. Moore.

Mr. BUSIEK. And you are connected with the Brown Knitting Co.?

Mr. MOORE. Manager and treasurer.

Mr. BUSIEK. Manager and treasurer?

Mr. MOORE. Yes.

Mr. BUSIEK. That is a branch of the textile industry in which the commission is also interested?

Mr. MOORE. Yes, sir.

Mr. BUSIEK. How many people are employed in your plant, Mr. Moore?

Mr. MOORE. Eight hundred and ninety-six at present.

Mr. BUSIEK. At present. What is the top capacity?

Mr. MOORE. The regular capacity?
Mr. BUSIEK. Yes.
Mr. MOORE. That is the full quota.
Mr. BUSIEK. You are running full time?
Mr. MOORE. Not at present; we are running full quantity of people, but not full hours.
Mr. BUSIEK. I see
Mr. MOORE. About 60 per cent at present.
Mr. BUSIEK. What are the chief products of your mills?
Mr. MOORE. Hosiery entirely.
Mr. BUSIEK. Entirely?
Mr. MOORE. Yes; full-fashioned hosiery.
Mr. BUSIEK. That is the hosiery that is knit without a seam?
Mr. MOORE. No; just the opposite.
Mr. BUSIEK. Just the opposite?
Mr. MOORE. Yes; full fashioned is shaped to fit the leg. Seamless hosiery, the other classification, is without a seam.
Mr. BUSIEK. What per cent of your employees are women?
Mr. MOORE. Our present quota is 377 males and 519 females.
Mr. BUSIEK. Have you a classification of your employees there?
Mr. MOORE. The minors, and so forth?
Mr. BUSIEK. Yes.
Mr. MOORE. Three hundred and seventy-seven males, 519 females.
Mr. BUSIEK. Minors?
Mr. MOORE. No; that is the total. Among them is 119 minors.
Mr. BUSIEK. How are they divided?
Mr. MOORE. Fifty-seven males and sixty-two females.
Mr. BUSIEK. Those minors, are those under 21 or under 16?
Mr. MOORE. Between 14 and 16.
Mr. BUSIEK. And what work can those minors between 14 and 16 do about the mill, or what do they do?
Mr. MOORE. Well, they do turning and help different ways, help on frames. They grow up to take the main positions later.
Mr. BUSIEK. They come in at the bottom and work themselves up?
Mr. MOORE. Yes, sir.
Mr. BUSIEK. What wages are paid to minors?
Mr. MOORE. Average about $5.
Mr. BUSIEK. What is the low?
Mr. MOORE. They start about $3.50.
Mr. BUSIEK. And work up to an average of about $5 before they are 17?
Mr. MOORE. Yes.
Mr. BUSIEK. Before they are 16?
Mr. MOORE. They work up at different wages.
Mr. BUSIEK. How many adult workers have you, do you know?
Mr. MOORE. Well, adult, that means——
Mr. BUSIEK (interrupting). I mean over 21?
Mr. MOORE. Well, I suppose there are 70 per cent.
Mr. BUSIEK. About 70 per cent.
Mr. MOORE. Yes.
Mr. BUSIEK. What is the average wage paid for an adult worker?
Mr. MOORE. Well, I can give you our total wages; the last full pay was $21,500, two weeks' pay; that is average total of about $24 for two weeks' pay for the entire employees.
Mr. BUSIEK. Thirty per cent of your employees, then, are minors, which would greatly reduce the average?
Mr. MOORE. Well, I don't want to say 30 per cent, about; some of those are over 16, you know.
Mr. BUSIEK. I see.
Mr. MOORE. Between 14 and 16. There is only about 15 per cent between 14 and 16.
Mr. BUSIEK. That is, then, the average wage, including all employees, is about $12 a week?
Mr. MOORE. The entire quota.
Mr. BUSIEK. Now, were you working full time when that wage was made?
Mr. MOORE. Yes; that is a full-time pay roll.
Mr. BUSIEK. That is a full pay roll?
Mr. MOORE. Yes.

Mr. BUSIEK. Is your firm what is known as an open shop?

Mr. MOORE. We consider it an open shop.

Mr. BUSIEK. And you make no contracts with organized labor; that is, as affiliated with the international organization?

Mr. MOORE. No; we pay what is considered union wages.

Mr. BUSIEK. And you taking, in arriving at what are union wages, you take the union scale where there is a closed shop in Philadelphia and pay that wage?

Mr. MOORE. Pay the regular set wages for fashioned hosiery weaving.

Mr. BUSIEK. But you do that without any specific agreement with the unions?

Mr. MOORE. Well, that is, our wages are generally established in all the fashioned mills; they practically all pay the same.

Mr. BUSIEK. What objection, if any, have you to dealing with the officers of the international union in the fixing of this wage, since you pay the union scale?

Mr. MOORE. Never saw any necessity for it; we deal with our own people.

Mr. BUSIEK. Have you had any strikes which were engineered by the labor union?

Mr. MOORE. No; we have had no strikes for a good many years. The last strike we had was in 1909, and that was a sympathetic strike with the trolley strike.

Mr. BUSIEK. It was?

Mr. MOORE. We had some small disputes, but ordinarily settled them ourselves among our own people.

Mr. BUSIEK. When you strike a period of depression, instead of laying off people, you put everybody on part time or give them all a share of that work?

Mr. MOORE. As near as we can.

Mr. BUSIEK. What about the advance in protection of machinery in the last few years? Has there been a marked increase in protective devices for machinery as the result of legislation?

Mr. MOORE. We have all dangerous parts of the machinery—elevators and like that—we have devices installed which are passed by the State factory inspectors.

Mr. BUSIEK. Well, who sets the pace, the legislature or the mills, in the matter of protecting machinery?

Mr. MOORE. Well, I think the legislature has done a good bit to bring that forward.

Mr. BUSIEK. Now, is the factory inspection in Philadelphia rigid or otherwise?

Mr. MOORE. Well, they make their usual visits. Any suggestions they make we try to carry out.

Mr. BUSIEK. Do you work on piecework basis?

Mr. MOORE. Nearly exclusively piecework; some few week workers, but very few.

Mr. BUSIEK. Do you have a regular stunt that each employee must do to keep his position?

Mr. MOORE. No.

Mr. BUSIEK. There is no required minimum that must be done?

Mr. MOORE. No; we have no bonus or premium system.

Mr. BUSIEK. That is all.

Acting Chairman WEINSTOCK. You heard the questions, Mr. Moore, that were put to Mr. Spencer and his answers?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. On the issue as to whether employers in his industry would at all consider under any circumstances the advisability of forming an employers' association with a view of dealing collectively with workers' associations and entering into trade agreements.

If that question were put to you as relating to your industry, what answer would you make?

Mr. MOORE. Well, we have never been very successful in having the hosiery manufacturers in this city hold together in any association.

Acting Chairman WEINSTOCK. You never have been successful?

Mr. MOORE. No, sir. We have a national association, but no city association.

Mr. WEINSTOCK. Well, what have been the causes for your local association falling apart?

Mr. MOORE. They never have come to any agreement; and if they did come to an agreement, they did not abide by it.

Acting Chairman WEINSTOCK. How recently was the last effort made along those lines?

Mr. MOORE. Well, I guess, some three years ago now.

Acting Chairman WEINSTOCK. No effort has been made during those three years?

Mr. MOORE. No.

Acting Chairman WEINSTOCK. Why is it the workers can stick together and the employers can not? What secret have the workers that the employers have not yet discovered?

Mr. MOORE. Well, they seem to have something on the manufacturers, anyway, in sticking together.

Acting Chairman WEINSTOCK. Well, can it be because the workers—you say that when they have come together they have not stood by their understandings?

Mr. MOORE. It is not so much a matter of wages, it is other forms of agreement.

Acting Chairman WEINSTOCK. But they have not kept faith with each other?

Mr. MOORE. No; they have not kept faith with each other.

Acting Chairman WEINSTOCK. Isn't that a sad reflection on the employers as compared with the workers—that the workers have faith in each other and do make good with each other and the employers do not?

Mr. MOORE. It would seem so, in our experience.

Acting Chairman WEINSTOCK. You think if another effort were made to organize your employers, with a view of collective bargaining, that it would meet with no better results? Have you lost all faith in employers?

Mr. MOORE. Well, I don't—I would not like to answer that question—I don't know, Mr. Commissioner.

Acting Chairman WEINSTOCK. Are strikes in your industry frequent?

Mr. MOORE. Well, they have been very infrequent with us.

Acting Chairman WEINSTOCK. How recently have you had a strike in your own plant, for example?

Mr. MOORE. Well, we have not had a strike for a long time.

Acting Chairman WEINSTOCK. How long?

Mr. MOORE. The sympathy strike was the last one; I mentioned that a little while ago; in 1909.

Acting Chairman WEINSTOCK. In 1909?

Mr. MOORE. In 1909; a sympathetic strike, in sympathy with the trolley motormen and conductors.

Acting Chairman WEINSTOCK. A sympathetic strike?

Mr. MOORE. Yes, sir; it was not forced by us at all.

Acting Chairman WEINSTOCK. I see.

Mr. MOORE. They remained out three weeks.

Acting Chairman WEINSTOCK. But when did you have a strike that developed within your own plant—how long back?

Mr. MOORE. Well, I can't just recall the date. It has been some long time.

Acting Chairman WEINSTOCK. Well, if this commission——

Mr. MOORE (interrupting). I think there was a strike in 1899 on the 55-hour-week problem.

Acting Chairman WEINSTOCK. I see. Well, if this commission were to ask your judgment and your opinion, Mr. Moore, as a man of experience, as to whether or no it should recommend trade agreements as one of the ways of bringing about better mutual understandings between workers and employers and making for a greater degree of industrial peace, what advice would you give the commission on that score?

Mr. MOORE. Well, I think it works out successfully in a great many lines.

Acting Chairman WEINSTOCK. Well, what would you say to the commission—should it or should it not advise and recommend trade agreements?

Mr. MOORE. I suppose you mean by trade agreements an agreement with a working scale of wages?

Acting Chairman WEINSTOCK. Yes. Were you here this morning, Mr. Moore, when a representative of the glass blowers' association testified?

Mr. MOORE. I heard part of that testimony.

Acting Chairman WEINSTOCK. You heard what Mr. Yost had to say, representing the employers, and what Mr. Hayes had to say?

Mr. MOORE. Yes; they said theirs worked out to their entire satisfaction, so far as I could hear him.

Acting Chairman WEINSTOCK. Well, now, if the commission were to ask for your opinion as to whether, from what you know of all the conditions, whether it should recommend to employers and workers the trade agreement, what would you advise the commission?

Mr. MOORE. Well, to cover the entire craft, I think it would be a good idea.

Acting Chairman WEINSTOCK. Do you know of any good reason why that, carried out in good faith between employers among themselves, and then between the employers on the one hand and the workers on the other, why it should not be worked out successfully?

Mr. MOORE. Not if carried out in good faith by both sides; I don't see why it should not be successful.

Acting Chairman WEINSTOCK. Its only point of failure is likely to come where one side or the other fails to act in good faith?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. Then the key to the whole situation is good faith and a square deal?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. That is all.

(Witness excused.)

TESTIMONY OF MR. ARTHUR McDONNELL.

Mr. BUSIEK. State your full name, please.

Mr. McDONNELL. Arthur McDonnell.

Mr. BUSIEK. And what is your occupation?

Mr. McDONNELL. I am the president of the dyers' union—skein dyers and mercerized, of Philadelphia.

Mr. BUSIEK. President of the dyers' union of Philadelphia?

Mr. McDONNELL. Yes.

Mr. BUSIEK. About how many dyers are there in Philadelphia?

Mr. McDONNELL. Well, I believe we have about 1,300 skein dyers, to be conservative.

Mr. BUSIEK. What percentage of them belong to the union?

Mr. McDONNELL. Eighty-five per cent.

Mr. BUSIEK. About 85 per cent?

Mr. McDONNELL. Yes.

Mr. BUSIEK. That is pretty highly organized in Philadelphia?

Mr. McDONNELL. Yes; we have a high organization.

Mr. BUSIEK. Are there any strictly union shops in Philadelphia?

Mr. McDONNELL. We have 48.

Mr. BUSIEK. Forty-eight strictly union shops?

Mr. McDONNELL. Yes, sir.

Mr. BUSIEK. And what is the scale in the union shops?

Mr. McDONALD. Twenty-five cents per hour.

Mr. BUSIEK. What is the scale in the nonunion shops?

Mr. McDONNELL. They run from $7 to $12.

Mr. BUSIEK. Seven to twelve?

Mr. McDONNELL. Seven to twelve dollars per week.

Mr. BUSIEK. What is that per hour?

Mr. McDONNELL. Well, about anywhere from 15 cents up to 20 cents. The lowest, I guess—I could make a statement of one shop here in Fairmont, William Warding & Co., pays from $7 to $9.

Mr. BUSIEK. Nine dollars a week?

Mr. McDONNELL. Seven to nine dollars a week, yes.

Mr. BUSIEK. Well, is the work to be done in that shop as expert work and equally good?

Mr. McDONNELL. Well, there is handwork there, and he also has machines there, I might say.

Mr. BUSIEK. Well, does the machine cut down the amount of work to be done by the men?

Mr. McDONNELL. Oh, yes, considerably. I might say, though, that those employees are not English-speaking men. They are not conversant with the conditions, and they are very careful, too, that they haven't got many English-speaking people in that firm, in that department.

Mr. BUSIEK. Have you made any attempt to organize these non-English-speaking men?

Mr. MCDONNELL. We have made attempts to organize that plant, but immediately they find out that there is any men there holding a union card, well, they are minus their positions.

Mr. BUSIEK. That discourages the rest, I suppose?

Mr. MCDONNELL. That discourages the rest.

Mr. BUSIEK. Do any of your members work in shops that are not, strictly speaking, union shops, those that are not closed shops?

Mr. MCDONNELL. Well, we don't bar them from working, but our men won't work for less than 25 cents an hour, as a general rule.

Mr. BUSIEK. You work a 10-hour day, is that it?

Mr. MCDONNELL. Well, the manufacturers that have got to comply with the State law that protects women; they are working on a 54-hour basis; the buyers working the same; but the employers that can evade the State law, as the law don't protect men, they are all working on a 60-hour basis. I have got reference now to the jobbers, men that don't——

Mr. BUSIEK (interrupting). Weave the product themselves?

Mr. MCDONNELL. Exactly.

Mr. BUSIEK. Who just dye for these other mills?

Mr. MCDONNELL. Yes; they are still working on a 60-hour basis.

Mr. BUSIEK. How long have you been in Philadelphia in that business? Let me get that first.

Mr. MCDONNELL. Since 1883.

Mr. BUSIEK. You are familiar, then, pretty generally with conditions in Philadelphia?

Mr. MCDONNELL. I believe I am.

Mr. BUSIEK. What are the sanitary conditions of the dye shops in Philadelphia?

Mr. MCDONNELL. Well, you will pardon me. I have got a brief here that I would like to read to the commissioners on that point.

Mr. BUSIEK. If you will file that brief, and tell us in brief about that, it will serve a double purpose, and we would be obliged to you.

(The brief referred to is printed as McDonnell exhibit.)

Mr. MCDONNELL. Well, too much can not be said about the sanitary conditions of the dyers. There is none of the manufacturers, with the exception of two, that has ever tried to place any natural contrivances in the way of steam, gases, and any way of getting them out. You know that water boils at 212° F. Rows of kettles in the buildings, sometimes not much wider than this room, with rows on the other side, and no appliances there, no hoods or fans for the driving out of the steam, and that is the condition. Water boils at 212°, and all them kettles boiling.

Mr. BUSIEK. It is pretty hot in summer with those kettles?

Mr. MCDONNELL. Why, the dyers parboil.

Mr. BUSIEK. Are there any devices which would obviate those, such as hoods and fans? Have you seen such devices in successful operation?

Mr. MCDONNELL. I have; I saw them 30 years ago; and Thomas Dolan & Co., the man that just died here lately, he was the manufacturer. He had fans. He had what you call the upright fans, that went right up through the roof of the buildings, and in his sour side his kettles were hooded. He had hoods with fans at different parts of the dyehouse, driving out the steam that was collected under the hood.

Mr. BUSIEK. Has there been any marked increase in the wages paid dyers since the organization of your union?

Mr. MCDONNELL. We organized this time in 1909. The wages was from $9 to $12 a week. Our manufacturers then had a system what they called the merit system, and it worked out so well that some of our dyers was short $4 a week in their envelope. So we changed that kind of a system. The organization demanded a uniform rate.

Mr. BUSIEK. Per hour?

Mr. MCDONNELL. Per hour.

Mr. BUSIEK. Did you get 25 cents at once?

Mr. MCDONNELL. We have got the 25 cents in 48 shops. Well, we took a shop at a time. We had considerable difficulty, but we got over it in the end.

Mr. BUSIEK. Are there any women in that branch of the industry?

Mr. MCDONNELL. No; no women; it takes rugged men in the dyehouse.

Mr. BUSIEK. Are there any boys?

Mr. McDONNELL. No boys, except there might be a small boy around the drying room, or something of that kind.

Mr. BUSIEK. Has machinery made any inroads?

Mr. McDONNELL. Yes; machinery has cut quite a figure. It has doubled the production with about 50 per cent less help.

Mr. BUSIEK. Has it put any men out of work?

Mr. McDONNELL. Well, there is not so many men in the dyehouse to-day as there was 20 years ago.

Mr. BUSIEK. Has this been a gradual evolution—this evolution of machinery?

Mr. McDONNELL. Yes; what you might call a gradual evolution. I might give you, for instance, one particular firm—the firm of James Holton—a company above Ruth, on Lehigh. He is what you might call a practical machine man. He has put 16 machines, small and large, and there is 17 men operate those 16 machines, and not to push the men, he can do in a day 6,000 or 7,000 pounds of yarn. This yarn is for the manufacturing of fine work. It goes into the manufacture of cloth. It has got to be dyed, not painted, and that work is turned out with about 9 men.

Mr. BUSIEK. Well, under the old manual methods, how much in poundage, how much could a man turn out?

Mr. McDONNELL. Well, it would be—a good day's work for two men would be 600 pounds, that would be a high average.

Mr. BUSIEK. That would be 300 pounds per man?

Mr. McDONNELL. Yes.

Mr. BUSIEK. And when these men, you say, that turn out from 6,000 to 7,000 pounds——

Mr. McDONNELL (interrupting). Nine men.

Mr. BUSIEK. That would be in excess of 300 pounds per man?

Mr. McDONNELL. Yes.

Mr. BUSIEK. Well, is the labor of the men increased any by these machines?

Mr. McDONNELL. Well, a great many of our men don't want to work on machines. They say the machines are harder. This Mr. Holton, he is quite a genius. He invented a plant where he could save the hot liquor, and he could save steam, by having his dyers, when the lot would be finished, to immediately stop the machine and take the yarn out hot.

Mr. BUSIEK. Well, did he invent a machine to do that?

Mr. McDONNELL. Oh, no. That is the clouder and Walden machine, and it has got to be unloaded in the machine, and there is other machines, what we call the cage machine, after the load is dyed, you might take a block and fall and lift the whole thing up and set it on a pair of jacks or trays after it is dyed, but this is the clouder and Walden machine, an open machine with an open front, that have the action just of a wheel, they work around slowly, and there is a spring on top that turns a stick, which stick turns with the touch of the spring, rolls around there, and then when it stops you have to step down and touch a spring here, undo the spring, and lift out your sticks loaded up with yarn.

Now, you can imagine, we will say, 52 sticks loaded up with 500 pounds of 2-30's yard, worsted yarn, that goes into the manufacture of men's wear. You can divide that 52 into 500, and yarn in the dyeing process will carry three times its own weight, and the dyer has to drag that out of a hot boiling liquor. And he was not only satisfied with binding that up for himself, but he was good hearted to some of his brother employers, and they have got the scheme, too.

Mr. BUSIEK. That is a device, then, which does increase the manual labor performed by the dyer?

Mr. McDONNELL. Oh, yes.

Mr. BUSIEK. You talked about saving steam. Was it merely pulled out cold?

Mr. McDONNELL. Well, other manufacturers that would be any way human at all, they would cool off the lot. This man, I guess, he wants to become rich.

Mr. BUSIEK. To what fact do you attribute the fact that you have not got your craft fully organized in this city. Is that due to those foreigners that you were speaking about?

Mr. McDONNELL. No, sir; we don't find much trouble with the foreigners at all. We have the majority of our trade organized, with the exception of a few shops on the outskirts. We did make a bold effort to organize the plant of Nathan Caldwell, at Third and Cambria.

I was going to make a statement to the commission. In my experience of about 32 years in the dyehouses of Philadelphia I never knew a manufacturer

who hired a dyer to come up gratuitously and ever offer an advance of wages, with the exception of that firm, and that firm, we must compliment them, here last winter they gave them an increase, but it was to checkmate our movement.

Mr. BUSIEK. Are they paying the union rate?

Mr. MCDONNELL. They are not. They pay $11.50, I believe, for 54 hours, and their dyers work from 6 o'clock in the morning till 6 o'clock at night, with a short interim of 15 or 20 minutes for dinner.

Mr. BUSIEK. That is all I have.

Commissioner O'CONNELL. Are there any diseases in particular in your trade, caused by the dyeing method—diseases peculiar to your trade?

Mr. MCDONNELL. Yes, sir; we have pneumonia, influenza, and rheumatism.

Commissioner O'CONNELL. Consumption?

Mr. MCDONNELL. Yes; some of our men, but not many.

Commissioner O'CONNELL. Is it poisonous to the skin of the hand?

Mr. MCDONNELL. Well, we had 10 deaths last year, and I believe that there were 6 death certificates came from the coroner.

Commissioner O'CONNELL. Six deaths out of how many people?

Mr. MCDONNELL. Ten. We had 10 dead last year.

Commissioner O'CONNELL. Out of what number of people?

Mr. MCDONNELL. We have 900 members in good standing on our books.

Commissioner O'CONNELL. Ten out of the 900?

Mr. MCDONNELL. Yes, sir. Of course, there was an accident, I guess, with two of them.

Commissioner O'CONNELL. Do the firms treat with your unions—your committees?

Mr. MCDONNELL. Yes, sir. We can not say anything in regards to our employers that way. They are pretty fair.

Commissioner O'CONNELL. They meet you every year?

Mr. MCDONNELL. They recognize us and do business with us.

Commissioner O'CONNELL. How many firms do you say in the city do not treat with you by agreement?

Mr. MCDONNELL. Well, there might be about eight firms.

Commissioner O'CONNELL. What number of people do they employ?

Mr. MCDONNELL. In our end—in the skein end—we might say, to be conservative, about two or three hundred, I guess.

Commissioner O'CONNELL. And you represent about 900, you say?

Mr. MCDONNELL. Nine hundred in good standing.

Commissioner O'CONNELL. You have no women?

Mr. MCDONNELL. No.

Commissioner O'CONNELL. No children?

Mr. MCDONNELL. No.

Commissioner O'CONNELL. The sanitary conditions, so far as you know—getting rid of the gases and steam and all that—are very bad, you say?

Mr. MCDONNELL. Very bad.

Commissioner O'CONNELL. It does not seem that that would be very hard to arrange, to have the steam taken away.

Mr. MCDONNELL. No, sir; it could be accomplished.

Commissioner O'CONNELL. It would simply be a matter of covering a pipe and carrying it through the ceiling or wall.

Mr. MCDONNELL. I was speaking to Mr. Lightner, the superintendent, asking if he was doing anything in reference to the dyeing plants, and he said he was up at Harrisburg, and he said he told the chief that it should come in under the board of hygiene.

Commissioner O'CONNELL. Do you have many accidents in the trade?

Mr. MCDONNELL. Not a great deal.

Commissioner O'CONNELL. Are they fully provided to prevent accidents? Can you get injured by them? Are they fool proof?

Mr. MCDONNELL. I was injured myself.

Commissioner O'CONNELL. How?

Mr. MCDONNELL. On a defective machine.

Commissioner O'CONNELL. How? Did you hurt your hand?

Mr. MCDONNELL. It was what you called a piece extractor. It was a crude machine of their own make. It was simply what you might call an iron roller and fast-and-tight pulley. This machine was got up for the purpose of keeping the wrinkles off the cloth after the cloth was dyed.

Commissioner O'CONNELL. To keep the machine from running or make it run——

Mr. McDONNELL. When the belt was running on the slack pulley this shell constantly moved; with the friction from the slack pulley it heated up the tight pulley and this roller moved, and in the moving of this roller with the constant friction and the constant running of the machine, the longer you would run it the more friction the machine would get, and consequently she gave a wicked turn and my right arm went in between the cloth and the roller and broke this arm in two places.

Commissioner O'CONNELL. What did the company do in that instance?

Mr. McDONNELL. They took 10 cents off of me. I got this at half past 4——

Commissioner O'CONNELL. And they docked you for the balance of the day?

Mr. McDONNELL. And they paid me up to 4 o'clock.

Commissioner O'CONNELL. Did you make any attempt to collect it?

Mr. McDONNELL. I sued; took them into the courts of Philadelphia; and the trial judge was Judge Bridge. He allowed it to go to the jury. Notwithstanding their lawyer asked for a nonsuit, he said there was too much evidence here, and it went to the jury, and they gave me a verdict for $2,000. But I didn't get it. They appealed the case. The case went before the trial judge and Judges Kinzie and McGill, and they reversed the decisions and findings in their own court, and it went to the supreme court and McDonnell won—lost out on contributory negligence and assumption of risk.

Commissioner O'CONNELL. That case was nonsuited?

Mr. McDONNELL. Yes, sir; on contributory negligence and assumption of risk.

Commissioner LENNON. Assumption of risk?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. And the case was reversed and you have not gone any further with it?

Mr. McDONNELL. That was the last court, the Supreme Court of Pennsylvania.

Commissioner O'CONNELL. It was the supreme court?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. And are you still working for that firm?

Mr. McDONNELL. No, sir; I haven't worked since. I was six months away to the hospital. I carried that arm on a guard for three months.

Commissioner O'CONNELL. Didn't they offer to make any sort of a settlement before you went to court?

Mr. McDONNELL. I got this on the 30th day of September, and I never seen a soul until the 2d of the following January.

Commissioner O'CONNELL. Didn't they send a physician to see you?

Mr. McDONNELL. No, sir.

Commissioner O'CONNELL. Didn't send a physician to see you?

Mr. McDONNELL. Never a soul.

Commissioner O'CONNELL. Did they take you home from the shop or take you to the hospital; and if so, how?

Mr. McDONNELL. I went home in the police patrol.

Commissioner O'CONNELL. Who called that for you?

Mr. McDONNELL. Why, one of the firm.

Commissioner O'CONNELL. And they made no search for you afterwards or called to find out——

Mr. McDONNELL. Never asked "How do you feel"?

Commissioner O'CONNELL. What is the name of that company?

Mr. McDONNELL. Orinoka.

Commissioner O'CONNELL. How do you spell it?

Mr. McDONNELL. O-r-i-n-o-k-a. It is an Indian word. It means a beautiful serpent.

Commissioner O'CONNELL. Just a moment, brother, before we get away from this. This is very interesting. It seems almost beyond the possibility of belief that a firm could be so inhuman as just what you say. Now, what did they charge you with doing, that they fought that case? Just state briefly. I don't want you to recite the whole case.

Mr. McDONNELL. In court the superintendent and the boss I worked under made a statement in court that I was one of the steadiest employees they had——

Commissioner O'CONNELL. Yes; I know; but they must have made some statement. What statement did they make to try to contradict you? Did they say that you ran your arm into the machine purposely, or what did they say?

Mr. McDONNELL. They said there never was anything wrong with the machine, and they never seen it or nobody drew it to their attention.

Commissioner O'CONNELL. How did they come to charge you with contributory negligence?

Mr. McDONNELL. Well, that is the law of Pennsylvania. I don't know. I thought I had a good case.

Commissioner O'CONNELL. Were there any other accidents in that mill while you were there?

Mr. McDONNELL. Yes, sir; there was another man got his arm broke, but that was on the other machine.

Commissioner O'CONNELL. What did they do in his case?

Mr. McDONNELL. Well, I think they paid him. I think he was paid, but he was told to keep it very quiet.

Commissioner O'CONNELL. Well, do you know now—you say you believe—did somebody tell you he was?

Mr. McDONNELL. Yes; I heard he was paid.

Commissioner O'CONNELL. What was he paid, then?

Mr. McDONNELL. There is a man here before the commission that says he told him he was paid.

Commissioner O'CONNELL. About how much?

Mr. McDONNELL. About $9 a week, I guess.

Commissioner O'CONNELL. Oh, while he was off?

Mr. McDONNELL. Yes.

Commissioner O'CONNELL. Do you know anything about the accidents generally in the mills in Philadelphia in your line—are there many of them?

Mr. McDONNELL. Well, I hear of a few.

Commissioner O'CONNELL. Is there much sickness among the men—men off on account of being sick—colds, and so on?

Mr. McDONNELL. Oh, yes; plenty.

Commissioner O'CONNELL. Particularly in the wintertime?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. Have you any arrangements for taking care of men when they are off sick, or has the firm any kind of organization?

Mr. McDONNELL. Oh, no; there is no hospital that I know of.

Commissioner O'CONNELL. I mean, have they any association, for instance, which would pay you $5 a week, or anything, when you are off sick?

Mr. McDONNELL. No, sir.

Commissioner O'CONNELL. Any association among the men outside of your union?

Mr. McDONNELL. No, sir; except any man might belong to a fraternal organization.

Commissioner O'CONNELL. Oh, yes; but I mean any organization in the mill in which you pay 10 or 15 or 20 cents a week?

Mr. McDONNELL. Well, I believe Brownley's have an association—John Brownley, carpet manufacturer. But I am not very certain as to that. But as a general rule there is no benefits like that.

Commissioner O'CONNELL. Well, you consider the conditions in which you worked there, because of the fact that there is no effort made to take care of the men by having ventilation, and the steam and the heat, and all that sort of thing, very bad?

Mr. McDONNELL. It is very bad.

Commissioner O'CONNELL. You say 25 cents is the average wage per hour in that work?

Mr. McDONNELL. Twenty-five cents per hour.

Commissioner O'CONNELL. Working 10 hours a day?

Mr. McDONNELL. Working 9 hours in the manufacturing dyers' work, and they work 60 hours in the others. If you get the work up they send you home.

Commissioner O'CONNELL. Do you work overtime?

Mr. McDONNELL. Well, our organization takes a stand against overtime. We don't want overtime.

Commissioner O'CONNELL. Well, where they do work overtime?

Mr. McDONNELL (interrupting). Very seldom work overtime.

Commissioner O'CONNELL. If they do work overtime, what are they paid?

Mr. McDONNELL. Oh, just the time per hour.

Commissioner O'CONNELL. Just the same?

Mr. McDONNELL. Well, the Allen Dyeing & Bleaching Co., they pay time and a quarter.

Commissioner O'CONNELL. Do the nonunion concerns pay them about 25 cents an hour?

Mr. McDONNELL. No.

Commissioner O'CONNELL. What do they pay them?

Mr. McDONNELL. Pay from 14 cents up to 30 cents an hour.

Commissioner O'CONNELL. For grown men, 14 cents an hour?

Mr. McDONNELL. No; the men would have perhaps $11 or $12 a week.

Commissioner O'CONNELL. Who would be paid 14 cents an hour?

Mr. McDONNELL. Well, the learner. William Wood, he pays his learners, I think, $7 a week, and when you become to be expert you get $9. There are machine men working there for $9.

Commissioner O'CONNELL. Do they have any difficulty in getting people—getting workmen?

Mr. McDONNELL. Yes; sometimes, if our trade is busy, we find the dyers sometimes scarce.

Commissioner O'CONNELL. I should think they would prefer to work for the street car company at 30 cents an hour, out in the open.

Mr. McDONNELL. Yes; it would be better. We have had instances where some of our men have had their feet frostbitten in the dyehouses in the wintertime, and that is in an inclosed building.

Commissioner O'CONNELL. The heat from the kilns goes up and the frost comes in from below?

Mr. McDONNELL. You have got the torrid zone on your face and the frigid zone on your feet. There has been no advance within the line for the dyers of Philadelphia in the way of provision for their comfort. It is a crying shame—the dyehouses of Philadelphia, their condition. It is a crying shame. Why, in the wintertime in an inclosed building it is nothing new for a dyer to go and draw off a bucket of hot water and thaw out the very yarn that he is going to do, where it has been frozen in balls upon the sticks in an inclosed building. That happened to me when I worked in the Firth & Foster's house, and that happened to me when I worked in the Allen Dyeing & Bleaching Co. I think that the dyehouses of Philadelphia are the worst sanitary buildings in the United States of America. I want to be strong on the sanitary conditions.

Commissioner LENNON. Do you believe the textile workers of Philadelphia, generally speaking, receive a living wage?

Mr. McDONNELL. I do not.

Commissioner LENNON. What rent is paid here for three rooms, say——

Mr. McDONNELL (interrupting). Three rooms?

Commissioner LENNON. With bath.

Mr. McDONNELL. You don't get a three-room house with bath.

Commissioner LENNON. Don't they have any baths in Philadelphia?

Mr. McDONNELL. You get a three-room house, it will generally be on the alley or some little bit of a street, what you call a double house, what you call where they build them with three rooms on the street up on the front. Well, that would be $9 a month. There is no yard there. And you will have to go to the back—then in the back of the building there are three more rooms straight up and you have got to pay them for that $8 and one yard will do for both; and you have got to be very neighborly to live there.

Commissioner LENNON. Well, now that is for three rooms $8 and $9 a month. How large a family will live in one of those houses in Philadelphia? Now, don't give us an extreme case.

Mr. McDONNELL. No; I will give you the straight of it. I will give you the truth, for I have had that experience myself and I have come up from the ground floor, and am the father of 12 children. We lived in a three-room house, because we had to, not because I liked it; and you would have to get along with about six in the family, my four children and my wife and myself, and then when you come to get your children up so as one of them at the age of 14—and if you could fool the inspector a little before, and get her to work, or if it was a boy get him to work, well you might move out and move to a four-room house; and you will pay $12 for that.

Commissioner LENNON. And that is with a family of six.

Mr. McDONNELL. Yes.

Commissioner LENNON. Now, how are these houses situated as to the places where the men and the women have to work? Will they have to pay street car fare or can they walk?

Mr. McDONNELL. Well, that is just according to——

Commissioner O'CONNELL. Well, I mean the general run. I don't mean some particular one——

Mr. McDONNELL (interrupting). Well, you might say that one-third of the textile workers have got to pay car fare. For instance, I have two daughters that are both hosiery workers. They work at Frankfort, and I live in Kensington, and, of course, that is car fare each way. It costs them 20 cents a day.

Commissioner LENNON. What is the cost of meat here compared with what it was 20 years ago—beefsteak?

Mr. McDONNELL. Oh, my. When I was married my wife could go out and get 2 pounds of beefsteak for a quarter. Now she has to pay about 30 cents for it.

Acting Chairman WEINSTOCK. For 1 pound?

Mr. McDONNELL. I mean for 1 pound. If you buy good beefsteak you will pay 25 cents a pound for it now or a little more.

Commissioner LENNON. How about the other material things on which you have to live, potatoes and apples?

Mr. McDONNELL. I am just going to tell you. Sometimes I run errands when I am home. I don't mind going to the grocery store. Winter before last there was a very singular thing struck me, and it was butter. And that butter remained at the same fixed price for the whole winter. It was 40 cents a pound. And I said to the grocery man, I says, "How is that? Don't it fluctuate one way or the other?" It remains fixed." I says, "You would think some one had that nailed down." "Oh, yes," he says, "you can bet they have." That is the Butter Trust, I suppose.

Commissioner LENNON. You don't know that three men meet in Elgin, Ill., every morning at 9 o'clock and fix the price of butter for the United States?

Mr. McDONNELL. No; but I know the bottom fell out of it here about two years ago, and the best of the prints was dumped in the market at 25 cents a pound. That is the only time that we got the best of the Butter Trust.

Commissioner O'CONNELL. I think they were only joking with you then at that time.

Mr. McDONNELL. Well, that may be.

Commissioner LENNON. I think you must be a Scotchman.

Mr. McDONNELL. No; I am an Irishman.

Commissioner LENNON. That is all, sir.

Acting Chairman WEINSTOCK. One moment. When did this accident occur, Mr. McDonnell, that you have told us about, to your arm?

Mr. McDONNELL. It occurred the 30th of September, 1908.

Acting Chairman WEINSTOCK. How long were you disabled? How long before you could go back to work?

Mr. McDONNELL. I have never worked at any manual work since. My right arm is an inch and three-quarters shorter than this other; and that is the natural position of the arm as it is in now [exhibiting his arm].

Acting Chairman WEINSTOCK. And it was the cause of permanent disability?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. Unfitting you for manual labor?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. How long a time intervened from the time of the accident until your case was decided in the supreme court?

Mr. McDONNELL. Almost four years. It was almost four years before it came into the lower court.

Acting Chairman WEINSTOCK. About four years were consumed from start to finish?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. What medical expenses were you subjected to during that period?

Mr. McDONNELL. Well, I had none, only I went to Dr. Dempsey. I attended the Episcopal Hospital for my arm, and Dr. Dempsey prescribed a little medicine to keep up my strength.

Acting Chairman WEINSTOCK. So you had comparatively little medical expense to meet?

Mr. McDONNELL. Not much expense.

Acting Chairman WEINSTOCK. What were your legal expenses?

Mr. McDONNELL. Legal expenses wasn't anything.

Acting Chairman WEINSTOCK. Didn't you employ a lawyer?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. On a contingency?

Mr. McDONNELL. Well, the only understanding I had with the lawyer was this: When I gave him the case and talked the matter all over he said that he would treat me like a brother. That was just the words he used.

Acting Chairman WEINSTOCK. Well, that is the usual treatment that lawyers give their clients.

Mr. McDONNELL. Now, I must have been a stepbrother in this case.

Acting Chairman WEINSTOCK. And, now, in the event that you had gotten the award that was given you by the jury, the sum of $2,000, how much of that, under your understanding, would your attorney have gotten, according to your contract, and how much would you have retained for yourself?

Mr. McDONNELL. Well, I just couldn't rightfully answer that. Under that arrangement, I believe, if we had got the $2,000, he would have kept $1,000 for himself—if he would treat me like a brother.

Acting Chairman WEINSTOCK. Well, you say you had no understanding with your attorney as to what proportion of the award he was to get in the event of there being an award?

Mr. McDONNELL. No, sir; that is all. I trusted to his honesty.

Acting Chairman WEINSTOCK. But as it was, then, he really received nothing for his services?

Mr. McDONNELL. No, no; he didn't receive anything, because the case was lost in the supreme court.

Acting Chairman WEINSTOCK. I presume, Mr. McDonald, as the result of your experience you are a party supporter and advocate of a workman's compensation law?

Mr. McDONNELL. Indeed I am.

Acting Chairman WEINSTOCK. Is that the attitude of your fellow workers? Are they all in favor of workmen's compensation?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. Under workmen's compensation you would have received immediate medical treatment?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. You would have received certain compensation during your total disability and you would have received a certain compensation for the fact of your having met with a permanent disability. Now, how were you supported during all this period when you were unable to earn——

Mr. McDONNELL. Well, I will make a plain statement. I had about $200 saved. I had three children working, and we put our heads together when I saw the attitude of the firm; that they never came near me; never sent anyone to ask "how do you feel." I made up my mind to sue. And I waited for six weeks and I entered suit. So we had a talk, me and my wife and the children, and we came to the conclusion that the children would keep me, which they did. Whatever little money I had I drew it out; and of course I will say for the Orinoka Shop Association, they were men. They offered to get up a benefit. I said, "No; if I am hard up I will come and let you know." And another organization I belonged to myself offered, but I said, "No; I am going to make this fight, and the children are going to keep me." That went along; then we organized the dyers in 1900. I am the man that organized the dyers of Philadelphia, and they began to pay me a little, but after I had worked almost a year. So I have a salary now from the dyers of Philadelphia. They pay me.

Acting Chairman WEINSTOCK. Well, now, for the time being, then, you became a burden upon your children?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. If you had had no children who were breadwinners——

Mr. McDONNELL. Well, I would have had to go to the almshouse.

Acting Chairman WEINSTOCK (continuing). You would have become an object of charity?

Mr. McDONNELL. I would have been a pauper.

Acting Chairman WEINSTOCK. And your children, how would they have lived if they had not been old enough to be breadwinners?

Mr. McDONNELL. Oh, yes; I often thought of what it would have been if it had happened to me 10 years previous to the time I got it. I think it was inhuman.

Acting Chairman WEINSTOCK. Now, you say you waited six weeks before you entered suit against your employers?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. Before entering suit against your employers did you approach them in any way?

Mr. MCDONNELL. No; I never went near them. I will tell you why. I had a week's wages I drew, and I sent up the little girl and she got the week's wages, and it happened that I got hurt on a Wednesday and they had run into the new pay; and when I got my pay the second time I sent her up they sent me down the day's pay and the 10 cents short in the envelope; so I did not think I would have much show with a firm like that.

Acting Chairman WEINSTOCK. What effect did your case, so far as you know, Mr. McDonnell, and the treatment of your case have upon the minds of your fellow workers? What spirit did it create in their minds toward their employers?

Mr. MCDONNELL. It created, of course, a very bad impression amongst the workers.

Acting Chairman WEINSTOCK. That is, it tended to destroy whatever good will——

Mr. MCDONNELL. Any confidence that a worker would have in an employer. Now, I don't say that they are all like that. I will quote you another case where two of our men got killed.

Acting Chairman WEINSTOCK. Same employer?

Mr. MCDONNELL. No; but the same sort of employment—in an upholstery mill. And there was two men got killed by a large tank falling down and one man got injured, and, in fact, it knocked the whole dyeing end out; and that firm—they kept their men at work every day; paid the man that was hurt; sent him off to Atlantic City for a little time; gave him a lump sum; and the two men that were killed, they settled for $3,500 on the widows. That was the firm of Stead & Miller.

Acting Chairman WEINSTOCK. That is all, Mr. McDonnell. Thank you very much.

TESTIMONY OF MR. MITCHELL STEAD.

Mr. BUSIEK. You are connected with what concern?

Mr. STEAD. Folwell Brother & Co.

Mr. BUSIEK. What kind of products does your mill turn out, Mr. Stead?

Mr. STEAD. Ladies' dress goods.

Mr. BUSIEK. That is woolens?

Mr. STEAD. Not woolen—worsted.

Mr. BUSIEK. Dry goods?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. About how many employees do you employ, Mr. Stead?

Mr. STEAD. Nine hundred.

Mr. BUSIEK. That is the capacity of your plant, is it?

Mr. STEAD. We have 900 employed now.

Mr. BUSIEK. Is that number fairly constant?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. Mr. Stead, is there any organization of employees in your mill?

Mr. STEAD. Not that I know of.

Mr. BUSIEK. You don't treat or deal with any union?

Mr. STEAD. No, sir.

Mr. BUSIEK. Have you ever compared the wages paid by your mill with the wages paid by mills in competing cities or competing mills?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. How are they, Mr. Stead?

Mr. STEAD. Why, I think the average textile wages paid in Philadelphia are a trifle higher than any city I know of.

Mr. BUSIEK. And to what do you attribute it—to the organization of the employees?

Mr. STEAD. I could not attribute it to anything but because Philadelphia has got an exceptionally high-grade class of workpeople.

Mr. BUSIEK. Is there any employers' association in Philadelphia or do you manufacturers have an organization of any kind?

Mr. STEAD. There was up to a few months ago, but I think it has been discontinued now.

Mr. BUSIEK. What are the hours of labor in your plant?

Mr. STEAD. Fifty-four hours.

Mr. BUSIEK. Do you pay by what is known as the piecework method or pay straight day's wages?

Mr. STEAD. No; only partially pieceworkers, but principally straight wages.

Mr. BUSIEK. And what do they amount to, straight wages?

Mr. STEAD. I couldn't tell you in the aggregate, but I can give you the rate of——

Mr. BUSIEK. Give us the rates of the various departments.

Mr. STEAD. Would you like to know first of all the proportion of males and females?

Mr. BUSIEK. Yes; if you please.

Mr. STEAD. Well, we have 900, and out of that 500 females and 400 males. The female minors 133 and the male minors 72. Now, when a child receives an employment certificate for leaving school to commence work and takes a position in our mill we start them with $5 a week; and from then on why just as they are fitted for the kind of work they increase.

Mr. BUSIEK. How much did you start them out with?

Mr. STEAD. Five dollars.

Mr. BUSIEK. Five dollars?

Mr. STEAD. Yes; that is, a child of 14.

Mr. BUSIEK. And has every child an opportunity to work into a better-paying position?

Mr. STEAD. Absolutely.

Mr. BUSIEK. You recruit what might be termed the journeymen workers from the children employed in your mill?

Mr. STEAD. Yes, sir; and the leading men in our mill have all been brought up that way.

Mr. BUSIEK. A weaver is the highest position that they can attain as a workman, is it not?

Mr. STEAD. Oh, no.

Mr. BUSIEK. What is a better-paying position than weaver?

Mr. STEAD. Well, take for instance the loom fixers, the men who look after the looms.

Mr. BUSIEK. How much do they make?

Mr. STEAD. They make about $22 to $22.50.

Mr. BUSIEK. Do they get any percentage on the products besides?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. Let's have that table now that you were going to read, Mr. Stead?

Mr. STEAD. Shall I give it to you?

Mr. BUSIEK. Now, just read us the various grades of employment and the wages paid?

Mr. STEAD. Well, you are conversant with these goods, are you?

Mr. BUSIEK. Well, slightly.

Mr. STEAD. Well, take for instance worsteds, cardage; that is, preparation of the wool. It is the first preparation. They range from boys at $6 and $7 and card minders that get $10 and the second hands get $13 and the chief carder $25.

Combing hands, they commence at $6.50, and the main leader, $10; the washing-machine hands, $13; second hands, $20; and leaders, $25 also.

In the drawing they commence at $5 with these little apprentices, and they run on $6, $6.50, $8, and $17.50, also with the leaders at $25.

The spinning is exactly the same.

The warping, such as the slashers' hands—they are men who prepare the warps for the weavers—they commence at $5, then $6.50, $7, $10, and $16 and $17. Their leader also gets very much higher salary.

In the finishing room they commence with the boys and young men and at $10, $12, $14, and $17. That applies all through the finishing.

In the making up of packages of the goods, they are done by boys and men combined, whose wages range from $7 to $16.

Mr. BUSIEK. Dyers, I notice, are $11 to $12?

Mr. STEAD. $11.50 to $12.

Mr. BUSIEK. $11.50 to $12.

Mr. STEAD. Yes, sir.

Mr. BUSIEK. And most of the other men, at least there is the possible attainment for them of something like $25. Why this discrepancy in the matter of dyers?

Mr. STEAD. I didn't say we paid any dyers $25.

Mr. BUSIEK. I notice in the list you paid other men as high as $25.

Mr. STEAD. The chief dyer himself would get three times $25.

Mr. BUSIEK. The chief dyer would get three times $25?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. But his work in the dyehouse, is it of such a nature, such a simple character, that you can get men to do it for $12 a week?

Mr. STEAD. Well, there is no work simple, unfortunately. I think these wages are all largely a matter of custom.

Now, in the machinist department, where we have laborers and machine hands and carpenters and things, the laborers get from $10 to $12, and the others from $17 up.

Mr. BUSIEK. Does that complete your list?

Mr. STEAD. That completes my list, yes, sir.

Mr. BUSIEK. Will you kindly furnish that to the reporter?

Mr. STEAD. Yes, sir.

(See Stead exhibit.)

Mr. BUSIEK. Philadelphia is what is known as an open-shop town in the textile industry, is it not?

Mr. STEAD. I can hardly answer that question, but I believe generally it is.

Mr. BUSIEK. Have you ever had in your mill any trade agreement with any labor organization?

Mr. STEAD. No, sir.

Mr. BUSIEK. I take it you don't want to, or you would?

Mr. STEAD. No, sir. I have never been asked to make any agreements. Our relations with our people are very amicable and I have never had any difficulty in settling whatever differences we might have had. We have had no strikes or no differences of any kind.

Mr. BUSIEK. You say you have had no strikes?

Mr. STEAD. No, sir; outside of strikes which have taken place outside of our own plant. Our general 55-hour strike and that sympathetic strike, trolley, which we couldn't control.

Mr. BUSIEK. But otherwise you have had no strikes?

Mr. STEAD. No, sir; none at all.

Mr. BUSIEK. Are the wages paid in Philadelphia determined in any degree by the wages paid for similar work in competitive cities and plants?

Mr. STEAD. Well, I could hardly answer that question. I could only say that by comparison they are high.

Mr. BUSIEK. They are high?

Mr. STEAD. Yes.

Mr. BUSIEK. What has been your experience with the enforcement of sanitary laws by the State factory inspector? Is the inspection rigid and frequent?

Mr. STEAD. Oh, yes. I can answer your question by saying that a self-respecting mill owner does not need to be schooled in that direction. He will do it himself.

Mr. BUSIEK. He will set the pace before the legislature?

Mr. STEAD. That is what he will.

Mr. BUSIEK. I believe that is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. O'Connell?

Commissioner O'CONNELL. I believe not.

Acting Chairman WEINSTOCK. Mr. Lennon?

Commissioner LENNON. What object is there for the younger employees—have they any opportunity in your mill to add to their education? Is there any opportunity for them to attend continuation schools?

Mr. STEAD. You mean a scholastic education?

Commissioner LENNON. Yes.

Mr. STEAD. No, sir. That is entirely voluntary. There is the usual night school and our trade schools in Philadelphia, all of which they can attend.

Commissioner LENNON. Have you any idea of the grade of scholarship that young people, say, between 14 and 16, have when they enter your employ?

Mr. STEAD. Yes, sir.

Commissioner LENNON. About what grade?

Mr. STEAD. They will go through the grammar grade.

Commissioner LENNON. Will they go through the eighth grade?

Mr. STEAD. Yes.

Commissioner LENNON. I understood from some of the schoolmen here that they issue certificates as low as the second and third grades sometimes. Of course, that might not apply to anyone going into your employ?

Mr. STEAD. I don't think that applies. When my son chose mill life, he was then 14. I put it to him in that way: If you are going to learn mill life you ought to go just when the boys do, at the same age, to have the same chances, and he passed through the grammar grades.

Commissioner LENNON. You think most of them in your employ have done that?

Mr. STEAD. I think so.

Commissioner LENNON. That is all I have.

Acting Chairman WEINSTOCK. What is your attitude, Mr. Stead, as a manufacturing employer, toward the enactment of a workman's compensation act?

Mr. STEAD. Why, it has been our practice at all times to take care of everybody that is injured in our employ, regardless of contributory negligence or anything else, and we always take care of them; that is, provide them with medical attention if need be, always paid their full wages until they resumed their employment again. That would answer you?

Acting Chairman WEINSTOCK. No. Perhaps I did not make myself clear. Supposing you had a vote on the question as to whether the State of Pennsylvania should or should not exact a workman's compensation? How would you vote?

Mr. STEAD. I think they ought.

Acting Chairman WEINSTOCK. How would you vote? You would vote for it?

Mr. STEAD. I would; yes, sir.

Acting Chairman WEINSTOCK. You think that, in the interest of both worker and employer, there should be such an act?

Mr. STEAD. Certainly.

Acting Chairman WEINSTOCK. You say that you do not deal with unions because you have never been called upon?

Mr. STEAD. No, sir; I have never been called upon to.

Acting Chairman WEINSTOCK. If this commission were to ask for your advice as a citizen, and as an observing manufacturer, whether it should or should not recommend to the employers of the nation the matter of entering into trade agreements, with a view of establishing a higher degree of industrial peace, what advice would you offer to the commission on that question?

Mr. STEAD. I think you ought not ask me that question.

Acting Chairman WEINSTOCK. You think not?

Mr. STEAD. No, sir.

Acting Chairman WEINSTOCK. You are not obliged to answer that question if you don't desire to.

Mr. STEAD. I think you ought not ask me.

Acting Chairman WEINSTOCK. We are seeking advice and counsel from men whose opinions are worth having, and that is a problem upon which this commission will have to pass, whether we shall or shall not recommend to the employers of America the adoption of trade agreements, and our judgment must necessarily be influenced more or less by the opinions of men worth listening to, and I regard your opinion as one worthy of respect.

Mr. STEAD. My relations with working people, and I have never been—I have been 54 years in service and have always had amicable relations in every way. I have never been called upon to meet any situation that we met hard feelings or hard feelings or anything, so my relations have been extremely pleasant.

Acting Chairman WEINSTOCK. I didn't put the question, Mr. Stead, in the hope of your answering it from the standpoint of your experience in your own mill, but in the hope that you would answer it from the standpoint of a man of experience, a citizen and an employer of labor.

Mr. STEAD. No, sir; I couldn't answer that question.

Acting Chairman WEINSTOCK. Are the workers in your industry organized?

Mr. STEAD. I don't believe so.

Acting Chairman WEINSTOCK. Are the employers in your industry organized?

Mr. STEAD. No, sir.

Acting Chairman WEINSTOCK. How many competitors have you in your territory here?

Mr. STEAD. Why, I don't know, but we have not a great many here in our territory. The foreign manufacturer is our greatest competitor just now.

Acting Chairman WEINSTOCK. Are there any competitors in your territory?

Mr. STEAD. Yes.

Acting Chairman WEINSTOCK. How many?

Mr. STEAD. I couldn't tell you how many; not many.

Acting Chairman WEINSTOCK. Approximately?
Mr. STEAD. Not many.
Acting Chairman WEINSTOCK. A dozen?
Mr. STEAD. No, sir. Making just exactly the same line of goods we make?
Acting Chairman WEINSTOCK. Yes.
Mr. STEAD. Not a dozen.
Acting Chairman WEINSTOCK. A dozen?
Mr. STEAD. Yes.
Acting Chairman WEINSTOCK. You have no employers' association?
Mr. STEAD. No. We did have some time ago a cloth manufacturers' association, but it died a natural death.
Acting Chairman WEINSTOCK. Did it die a natural death, Mr. Stead, because there was nothing for that association to do, or because the members did not get along with each other?
Mr. STEAD. There practically was nothing to do.
Acting Chairman WEINSTOCK. It had no excuse for existence?
Mr. STEAD. It had no excuse for existence.
Acting Chairman WEINSTOCK. Have the workers in the industry ever come collectively with demands on the employers?
Mr. STEAD. Have they what?
Acting Chairman WEINSTOCK. Have the workers in your industry ever acted collectively and come to you and to other employers and made certain demands for better conditions, shorter hours, and higher wages?
Mr. STEAD. You mean union representatives?
Acting Chairman WEINSTOCK. Yes.
Mr. STEAD. No, sir; not to me.
Acting Chairman WEINSTOCK. They never have?
Mr. STEAD. No, sir.
Acting Chairman WEINSTOCK. The trade, then, is not organized?
Mr. STEAD. I don't think so.
Acting Chairman WEINSTOCK. If it is, you have seen no evidence of it?
Mr. STEAD. No, sir; I have seen no evidence of it if it is. It may be, for anything I know. I don't want to go on record as saying that as a matter of knowledge, but I don't know.
Acting Chairman WEINSTOCK. This commission, as you can readily see, would feel it very hard to comply with the duties that have been placed upon it by Congress, which are to find possible solutions for these labor problems—we would find it very hard to fulfill that duty by working out remedies from its own inner consciousness; the only way we can do so is by the way we are doing now, sitting at the feet of others and profiting by their suggestions and experiences.
Mr. STEAD. I believe that if people would give up talking about it and let it alone it would die a natural death.
Acting Chairman WEINSTOCK. What would die a natural death?
Mr. STEAD. The unrest.
Acting Chairman WEINSTOCK. Then, according to your judgment, Mr. Stead, you think that nothing ought to be done?
Mr. STEAD. I must not say that either, but I say it certainly would help that anyhow if we didn't discuss it so much.
Acting Chairman WEINSTOCK. Then I should judge, from your point of view, that this commission is a mistake, because it stirs the thing up. You see we have stirred it up here; we are getting information from all sides; we are throwing light where darkness has prevailed. I get it from your point of view that we are doing more harm in stirring things up than we are doing good?
Mr. STEAD. I can only say that you are using the words, not I.
Acting Chairman WEINSTOCK. Have you any suggestions that you feel you would care to make to this commission that is likely to prove helpful or of interest?
Mr. STEAD. No, sir. If I knew anything at all that would help you in any way, shape, or form I would be glad to do it.
Acting Chairman WEINSTOCK. If you were in our place, what would you do?
Mr. STEAD. I don't know. You have a task.
Acting Chairman WEINSTOCK. We have discovered that, Mr. Stead.
Mr. STEAD. Yes, you have. I might say to you that if there is anything I can do to either help you or your representatives, I will place the whole of the Collingwood mill and its workings entirely at your service. You can either

come or send a representative, and if I can help you in any way, shape, or form I will be glad to.

Acting Chairman WEINSTOCK. We appreciate that, Mr. Stead, and if any suggestions come to your mind we would be very grateful if you would send them to us in writing.

Mr. STEAD. All right.

Acting Chairman WEINSTOCK. And they will receive our grateful consideration. That is all, thank you.

Mr. BUSIEK. I will call Mr. Ferris.

TESTIMONY OF MR. WILLIAM T. FERRIS.

Mr. BUSIEK. State your full name.

Mr. FERRIS. William T. Ferris.

Mr. BUSIEK. What is your occupation, Mr. Ferris?

Mr. FERRIS. Hosiery finisher.

Mr. BUSIEK. Are you connected with any labor organization of your craft?

Mr. FERRIS. Yes, sir.

Mr. BUSIEK. What is your position?

Mr. FERRIS. I am president local 696 of the hosiery workers.

Mr. BUSIEK. How long has that organization been in existence?

Mr. FERRIS. June 25, 1909.

Mr. BUSIEK. If you don't mind telling, about how many members have you?

Mr. FERRIS. Well, the trade I think covers about 1,000 hosiery workers. We have about 600 members in our union.

Mr. BUSIEK. Sixty per cent organization?

Mr. FERRIS. Yes, sir.

Mr. BUSIEK. Are there any closed shops—that is, shops that employ nothing but union help—with whom you have union contracts?

Mr. FERRIS. No, sir. We have no union contracts; but we have some pretty fair firms that have already given us conditions through the demands of the men for conditions; they have already conceded. You understand what I mean?

Mr. BUSIEK. Yes.

Mr. FERRIS. We have no signed contracts.

Mr. BUSIEK. Thus far, those shops, do they carry the rest of the trade with them? Or do they pay a better rate than the other shops?

Mr. FERRIS. Since our organization started they pay better rates than the others.

Mr. BUSIEK. Expressed in percentage, about how much have the wages increased since your organization came into existence?

Mr. FERRIS. I will have to explain. There are two kinds. We have what they call the full-fashioned hoisery and seamless work, and you can not expect the manufacturer working on seamless, manufacturing seamless, to pay the same as full-fashioned hose, because it is a higher grade stocking. And the result is that one class pays more than the other, and the fashioned work, they pay more, I think, than on the seamless.

Mr. BUSIEK. Well, in figuring it in the day's wages, do they amount to about the same or more?

Mr. FERRIS. Well, no. We have—our wages is from $3 to $3.50 a day. That is in different shops, you understand. But that has only existed since our organization came into existence and got into the harness and got the members together, and that is how it came to exist. Had it not been for that perhaps, before our organization we made only around $2.25 to $2.75 a day, and then had to do pretty near twice the amount of work we have to do to-day.

Mr. BUSIEK. So, since your organization you have cut down the amount of work which you do?

Mr. FERRIS. That is only on these certain grades. We had to do it because it was getting so bad on your health and so on that you had to do it—had to lower down your production a little bit in order to make a living out of it.

Mr. BUSIEK. And you increased your wages fully 50 per cent?

Mr. FERRIS. Not 50 per cent; about 30 per cent.

Mr. BUSIEK. From $2.25 to——

Mr. FERRIS (interrupting). Well, that is taking grades all along the line.

Mr. BUSIEK. Well, as an officer of a union you are, I suppose, familiar with the wages paid in other cities doing the same kind of work, are you not?

Mr. FERRIS. Well, I can't say if we are in touch, because there isn't so many organizations outside of Philadelphia. There is one in Brooklyn and one in New Orleans, and we don't get together only once a year in convention where we get in touch with the prices.

Mr. BUSIEK. How do the prices in Philadelphia compare with other places where they are organized?

Mr. FERRIS. Pretty good. You must listen to this. It sounds pretty good to hear me say that we get $3 to $3.50 a day, but, as a hosiery boarder from experience, outside of a couple of shops working in Philadelphia to-day that is working steady, the other shops is working such bad conditions, from two to three days a week at this time, that it brings it down to such an extent it is not a living wage. Some of our men are getting $6 a week and some $8. But I will say there is a couple of shops that is working; three shops I think it was; they are Collingwood & Huntsiker working steady, and Brown's, and the Folwell Bros. & Co. I think they are three shops working steady, and they are the only men getting the benefit of this depression in the hosiery business at this time.

Mr. BUSIEK. Well, what is this depression due to? Is it too many workers or are there too many men for the job, or just a general business depression?

Mr. FERRIS. Well, it seems to me that is a hard matter to understand for ourselves. We are just ordinary workers working in the shop, but we feel in the State of Pennsylvania it is political.

Mr. BUSIEK. You think the condition is political here?

Mr. FERRIS. That is what we believe in the hosiery line trades to-day—is political.

Mr. BUSIEK. Now, how do you figure that out, or just what are your views on that?

Mr. FERRIS. Well, the general rules is that this administration, for instance. I had an interview with one manufacturer, and he claims there was eight jobbing houses combined together that is buying hosiery from Germany, and he received a letter where one of his friends had lost $15,000 in a deal some way or other, and he says these here eight houses have joined together and are buying hosiery from Germany for $1.44 here, paying duty and all on it, where they could not produce the same kind of a fashioned stocking this is under $1.80 in the city here or in the country here. Now——

Mr. BUSIEK. (interrupting). Well, you can not lay that to the mill owners, can you?

Mr. FERRIS. No.

Mr. BUSIEK. Go ahead. You were going to say something.

Mr. FERRIS. Well, it seems in some of our factories they have posted a notice to the effect, on the walls, to the effect that if there is anything to be done by us to meet the conditions that these manufacturers on the other side put, as much as telling you they have got to have Penrose in the Senate.

Mr. BUSIEK. He is to put back a high tariff?

Mr. FERRIS. Yes.

Mr. BUSIEK. Could you furnish the commission with a copy of your constitution?

Mr. FERRIS. I have a copy, but I must say I forgot it. I thought I had it with me this morning, but I could send it to you. In fact, I am coming this way to-morrow morning on a little business to the Betz Building and will drop in with it.

Mr. BUSIEK. What are the sanitary conditions in the hosiery business?

Mr. FERRIS. Well, I must say this, that they are pretty fair to what they were before this State department of investigation got looking after sanitary conditions, or I think the manufacturers took a little pity on us fellows, for the simple reason they used to put our class of work in the worst place in the mill, lots of times in the cellar, where there would be no ventilation. I will give you an idea where you would have to work: Say here is a bench, two or three men on it, and a dry box there. Well, as you fill the 12 boards of stockings you have to walk to that box, and there is 250 degrees of heat with smoke pushing out at all times, and eventually it gets all through the room, and they haven't enough fans to draw it out. Even at that I have went in some places where they have had enough fans that you would think would take the smoke out and fans also running from the box out into the open to take the smoke out, but nevertheless the smoke lays in there and at the end of a day you are like a smoked herring when you come out. It seems the manufacturers

are not thinking of the boarders, except a couple of places where they let in more ventilation and air and more sunlight.

Mr. BUSIEK. Explain to the commission what the duties of a boarder are—what part of the work he does.

Mr. FERRIS. Why, after the stocking is made it goes to the dyehouse, gets dyed, and it comes to the boarder to be shaped. They have boards shaped to the leg and foot, and naturally when you board that it is damp; then you take it to this box to dry it, and when you take it from the board it leaves that shape there. You have to keep constantly going backward and forward, and all the work lies on your body at this time. But some genius is getting up a machine what we would not have to make no walk at all practically; the idea that we will stand in one place. The only thing is, we will have to have something over us to keep the heat off us. Now, where the water comes in a box they tell us it will make it a little better for us in the shop.

Mr. BUSIEK. That is all.

TESTIMONY OF MR. RUFUS W. SCOTT.

Mr. BUSIEK. State your full name.

Mr. SCOTT. Rufus W. Scott.

Mr. BUSIEK. You are the superintendent of the Taubel Hosiery Mills?

Mr. SCOTT. Not exactly; I am a director in the company and manager of some of its plants in Philadelphia.

Mr. BUSIEK. How many people do you employ?

Mr. SCOTT. Approximately 6,000.

Mr. BUSIEK. In the hosiery mills of Philadelphia, seamless stockings?

Mr. SCOTT. Not altogether in Philadelphia. We have mills in Shamokin and Tamaqua and Mount Carmel, and Riverside, N. J., and eight plants here in Philadelphia.

Mr. BUSIEK. How do the wages paid in Philadelphia compare with other competitive plants?

Mr. SCOTT. We have no direct way of knowing except on certain lines of goods. We have great difficulty in making them and marketing them under the prices we have to pay here; some of the cheaper things we can not make here.

Mr. BUSIEK. Who makes them? Are they made in this country?

Mr. SCOTT. Made in the South. The seamless stockings up to this time have not been made in Europe to any extent; they are just beginning to send the machines there. Now, the machine was made in this country and had its inception in this country, and up to this time we have had practically no competition on seamless stockings. In fact, the seamless stocking is the rag of the stocking business, so-called. We are not the aristocrats in the business. We cater to the angry mob, and make stuff every one can afford to wear.

Mr. BUSIEK. You say the seamless stockings are not the aristocrats?

Mr. SCOTT. No; they are for very ordinary folks.

Mr. BUSIEK. About how many women do you have employed out of that number, what percentage?

Mr. SCOTT. We have approximately 750 in the plants who are women.

Mr. BUSIEK. And what part of the work do those men do ordinarily?

Mr. SCOTT. They are machine fixers, superintendents, foremen; we will say, in some places run machines, rib frames, make the frames and the legs of children's stockings.

Mr. BUSIEK. What is the lowest wage that you pay in your mill?

Mr. SCOTT. That is all piecework.

Mr. BUSIEK. It is all piecework?

Mr. SCOTT. Except the mechanics, the machinists, the foremen, and forewomen.

Mr. BUSIEK. Do you have a daily stint, a minimum?

Mr. SCOTT. We have nothing that is compulsory; we have in some mills a fixed number of dozens, after making which an operator is allowed to go home if they so desire.

Mr. BUSIEK. Who fixes the number of dozens?

Mr. SCOTT. A fixed number of dozens from the machine, and after making that number of dozens a girl may go home if she so desires. A small percentage of them avail themselves of that privilege.

Mr. BUSIEK. How much would this minimum pay?

Mr. SCOTT. The minimum on a knitting machine will pay about $2.30.

Mr. BUSIEK. A day or a week?

Mr. SCOTT. A week. The men——

Mr. BUSIEK. (interrupting). A day?

Mr. SCOTT. The amount that a girl can make and then go home.

Mr. BUSIEK. Well, lets' call that the minimum; that would be about $2.30 a day?

Mr. SCOTT. Well, don't misunderstand me; there are very many people who do not make that number of dozens, and who do not, for one reason or another, do not come up to that standard.

Mr. BUSIEK. Well, is there any point that you call, for instance, a point of efficiency?

Mr. SCOTT. Oh, yes; otherwise we would have very few, if we held every one to this maximum production, then, of course, we would have very few people.

Mr. BUSIEK. Well, is there any certain point an operator must turn out to keep his or her place at the mills? Is there any?

Mr. SCOTT. Oh, yes.

Mr. BUSIEK. You would not give a machine to an incompetent person?

Mr. SCOTT. Well, it works different. The operators work one, two, or three machines, and a girl who is not competent or proficient enough to run three machines has two machines, usually.

Mr. BUSIEK. Well, what I am trying to get at is the maximum and minimum wage for operators. What does it run to, if you have not got the exact figures——

Mr. SCOTT (interrupting). I could only give averages.

Mr. BUSIEK. Well, give us averages, then.

Mr. SCOTT. Well, in knitting, our last full pay the girls made $2.09 a day. That includes every one running a knitting machine.

Mr. BUSIEK. Now, there are—give us the other classes of employees; there are a number of operations?

Mr. SCOTT. Loopers made $2.16. That is a girl who closes the toes of the stockings, a very difficult operation, and looked on as being one of the hardest operations in that craft.

Mr. BUSIEK. And give us the other.

Mr. SCOTT. The other highly paid operation is the winding of the silk or artificial silk. That averages approximately the same as knitting.

Mr. BUSIEK. How about the lower paid occupations?

Mr. SCOTT. Well, that would be the main operations, which I mentioned, are the making—the real making—of the stockings. The other operations would be preparatory operations, such as is done by young girls—the trimming-out of the double threads, and the double sole, and the separating of the tops, and work that is usually done by young girls.

Mr. BUSIEK. What do these younger girls make?

Mr. SCOTT. The average of the sole trimmers and the end pullers the last full pay was $1.69.

Mr. BUSIEK. $1.69?

Mr. SCOTT. Yes.

Mr. BUSIEK. A day?

Mr. SCOTT. Yes.

Mr. BUSIEK. Does your firm deal with its employees collectively or as a—will they deal with labor-organization representatives?

Mr. SCOTT. They will not.

Mr. BUSIEK. Have they ever dealt with them?

Mr. SCOTT. Not directly. We arbitrated some labor difficulty this year in which an organization entered into the dealings, but we do not recognize any organizations in our business.

Mr. BUSIEK. May I ask why?

Mr. SCOTT. Well, in the first place, the craft is not particularly organized. It has been very difficult to organize women, for the reason that the average woman enters this business with a totally different idea from what a man would. She looks on it more or less as a temporary proposition. They are coming and going all the time. It has never come to the point where we were asked to or not to recognize them.

Mr. BUSIEK. Well, you have a well-defined attitude in that matter, haven't you?

Mr. SCOTT. We certainly have.

Mr. BUSIEK. And that is that you won't deal with organizations as such?

Mr. SCOTT. No.

Mr. BUSIEK. And I asked of you, why, and you said that the chief or only reason was that they are not highly and efficiently organized.

Mr. SCOTT. Well, we deal successfully with the people that work for us, and never have had but one difficulty in the 30 years the business has been going.

Mr. BUSIEK. Do you think their interests as well as yours are best conserved by dealing as you do?

Mr. SCOTT. I think it is generally admitted in Philadelphia that our interests have been very well taken care of—by our competitors and by the people generally in the mills.

Mr. BUSIEK. You spoke about one strike of more or less magnitude. When was that?

Mr. SCOTT. This past—during the past few months—I think, in December or January.

Mr. BUSIEK. Is that strike still on?

Mr. SCOTT. No.

Mr. BUSIEK. What was your attitude toward the employees who went out on strike? Did you take them back?

Mr. SCOTT. Oh, yes; we have no way of knowing anything about their organization or whether they are members or not. I think the people that were the most rabid in the trouble are all of them still employed by us.

Mr. BUSIEK. Does your company have any organization of any kind, or is there any organization amongst the employees fostered by the company for taking care of employees in sickness?

Mr. SCOTT. Not that I know of.

Mr. BUSIEK. For disability?

Mr. SCOTT. We have in every instance endeavored to follow up every trouble; we have had very little in the way of accidents during the eight years I have been in the company.

Mr. BUSIEK. That is a voluntary attitude by the company?

Mr. SCOTT. We endeavor to follow up and see if there is any suffering, and always have, or in several places have, for four or five months, in the case of injury or sickness kept them on the pay roll, and things of that kind.

Mr. BUSIEK. Did you keep them on the pay roll?

Mr. SCOTT. It is not a universal rule, but we have done it under certain circumstances, usually governed entirely by the responsibility of the person and the conditions under which they are forced to live during that time.

Mr. BUSIEK. What do you mean by responsibility? Do you mean how much care they exercised at the time of the accident?

Mr. SCOTT. Well, according to what their responsibilities are. I mean just that; whether they have family responsibilities, or responsibilities at home; and it is our intention to follow up every case of that kind and do what is absolutely just and right.

Mr. BUSIEK. Irrespective of any legal liability you may be under?

Mr. SCOTT. We have no legal troubles of any kind. I don't think we have ever been sued for a case of that character since the business was started.

Mr. BUSIEK. As a large employer of labor, what is your attitude toward workmen's compensation?

Mr. SCOTT. We work in New Jersey under the compensation law, and think it is a very fair thing, and we are heartily in accord with it, and if the same law could be passed in Pennsylvania we would be in favor of it.

Acting Chairman WEINSTOCK. You heard the questions, Mr. Scott, that I put to the gentleman who preceded you, Mr. Stead?

Mr. SCOTT. I did not hear them all distinctly, but in a general way, I guess.

Acting Chairman WEINSTOCK. Well, one of the questions was this: "If this commission were to invite your opinion as to whether or not it should recommend to the employers of America the entering into of trade agreements with organized labor, what would you have to suggest to the commission along those lines?"

Mr. SCOTT. Well, we in Philadelphia have seen very little of that thing worked out, and I do not think I would be competent to make a recommendation of that kind one way or the other. I think it would be an ideal condition if such a thing could be arrived at.

Acting Chairman WEINSTOCK. There appeared before this commission three different kinds of employers, one kind of employer who will deal only with their workers individually; another kind of employer who will deal with their workers collectively within their own plant; and a third class of employers who

enter into trade agreements with organized labor, recognizing and dealing with organized labor. To which of the three kind of employers do you belong?

Mr. SCOTT. Well, we say, of course, that we do business entirely with the individual, but human nature is so constituted that there are always leaders, and in doing it with our own organization, if we were to call into the office 50 girls there are usually about 4 girls who do the talking, and by whose judgment the thing is settled. So I suppose we do collective bargaining in that way.

Acting Chairman WEINSTOCK. Well, are the workers in your plant organized among themselves in any way?

Mr. SCOTT. That I don't know.

Acting Chairman WEINSTOCK. But whenever an issue arises you invite them on your own initiative?

Mr. SCOTT. We make every effort to settle the difficulties inside our own doors to the satisfaction of our workers under every possible condition.

Acting Chairman WEINSTOCK. You take cognizance of them, do you?

Mr. SCOTT. Absolutely.

Acting Chairman WEINSTOCK. Suppose there is a disagreement?

Mr. SCOTT. There has never been but one disagreement, and that was very disastrous for all of us.

Acting Chairman WEINSTOCK. Was that disagreement one as to wages?

Mr. SCOTT. It arose through our inability to sell certain lines of goods and get our money back because made in Philadelphia, and we made an offer to readjust the prices on a certain character of work and were not able to do so to the satisfaction of the operators, and the strike ensued, starting in a very small way and eventually reaching quite some proportion.

Acting Chairman WEINSTOCK. Continued how long?

Mr. SCOTT. About seven or eight weeks.

Acting Chairman WEINSTOCK. Your plant was entirely shut down?

Mr. SCOTT. No; none of our plant was entirely closed during that time, but we were operating under very serious disadvantages.

Acting Chairman WEINSTOCK. How was that matter finally adjusted?

Mr. SCOTT. It was arbitrated under the new Pennsylvania law.

Acting Chairman WEINSTOCK. Will you outline briefly just what that law is?

Mr. SCOTT. I am not familiar with the law technically, except that the department of labor and industry in Pennsylvania, I believe, are authorized to first endeavor to settle in an amicable way by conference any difficulty.

Acting Chairman WEINSTOCK. Yes.

Mr. SCOTT. And if that can not be done that way, they endeavor to get the parties in the trouble to arbitrate.

Acting Chairman WEINSTOCK. That is, they step in as mediators?

Mr. SCOTT. Yes; that is the first step, and if they are not successful they go further——

Acting Chairman WEINSTOCK (interrupting). Then, as conciliators?

Mr. SCOTT. I understand that it is not compulsory, but we are very glad to avail ourselves of anything that would straighten the thing out, because it was really more misunderstanding than anything else.

Acting Chairman WEINSTOCK. When did that trouble arise? How long since?

Mr. SCOTT. Some time in December of this last year.

Acting Chairman WEINSTOCK. This last year?

Mr. SCOTT. About the time we began to experience difficulty in getting business to run our plant.

Acting Chairman WEINSTOCK. How many manufacturers are there in your line in this territory?

Mr. SCOTT. I would say there was 200. Not all strictly competitive, but in the manufacture of seamless hosiery, in the district that might be called the Pennsylvania district.

Acting Chairman WEINSTOCK. Are they organized as employers?

Mr. SCOTT. No; not to my knowledge, and I have never attended a meeting.

Acting Chairman WEINSTOCK. Has any effort been made to have them organized?

Mr. SCOTT. We have the organization that Mr. Moore spoke of, the national organization, which has been more of a legislative proposition, and there has never anything about labor been brought up.

Acting Chairman WEINSTOCK. What do you do as a manufacturer if legislation is presented that in your judgment is inimicable to your interest?

Mr. SCOTT. I don't think there has been anything done in an organized way except to maintain a bureau in Washington for the collecting of statistics and the giving out of information.

Acting Chairman WEINSTOCK. And dealing with national legislation?

Mr. SCOTT. Yes; particularly tariff legislation.

Acting Chairman WEINSTOCK. Now, do you do anything collectively to deal with such legislation?

Mr. SCOTT. Not that I know of.

Acting Chairman WEINSTOCK. Well, supposing at the next session of the legislature some measures should be introduced that would have a powerful backing, and that you and your fellow manufacturers thought would be likely to prove exceedingly harmful to your industry, what would you do?

Mr. SCOTT. Well, I don't think there is at this time any organized resistance to any such State legislation. I don't know what might be done if it should arise. I am not sufficiently acquainted with other people in the craft to speak for them.

Acting Chairman WEINSTOCK. Well, if your opinion should be invited, Mr. Scott, as to whether or not the employers in your industry should organize, how would you feel about it? Would you favor it, or would you oppose it?

Mr. SCOTT. Well, I think if an organization could be worked out which would deal fairly in every way, it certainly would be within our rights as fully as the laborers who organize, and I think it would be a good thing.

Acting Chairman WEINSTOCK. Were you present when the representative testified before the commission, telling of the conditions that prevailed in the glass blowers' industry and in the potters' industry?

Mr. SCOTT. No; unfortunately I was not here.

Acting Chairman WEINSTOCK. Well, the testimony that was elicited is to the effect that in these particular industries the employers are strongly organized, and the workers are strongly organized, recognizing each other, they deal with each other, and enter into trade agreements with each other, and according to the testimony of both sides it has worked out to their entire satisfaction, and that as a matter of choice they would not go back to the old unorganized conditions. Now, do you know of any good reason why the same conditions could not be made to work with equal success in your industry?

Mr. SCOTT. Well, I only know that that looks to be a long way off from where I sit. I would not make any recommendations on that. I think it would be, as I said before, an ideal condition if it could be brought about, but from where I am sitting I can not see it.

Acting Chairman WEINSTOCK. That is, you think it would be an ideal condition if it could be brought about?

Mr. SCOTT. Yes, sir.

Acting Chairman WEINSTOCK. Well, your ideas are, first, that it could not be brought about?

Mr. SCOTT. Yes.

Acting Chairman WEINSTOCK. Well, what is to hinder it being brought about?

Mr. SCOTT. Well, it is very easy for people to go into the hosiery business. The machine builders stand ready to make machines on two-year notes and the yarn merchant, when business is not good or just as it should be, takes an excessive chance, and that is perhaps the reason that we have in this country so many small struggling mills, and they are run by men who are making a desperate effort to be successful and whose ultimate success is very doubtful. And I don't think that it would be possible to organize the craft as it exists in a way that would give real stability to an organization.

Acting Chairman WEINSTOCK. Is that the only reason that occurs to you?

Mr. SCOTT. Yes, sir; as I said before, if it could be worked out, I think it would be a great thing, and that is the main reason why, it occurs to me at this time.

Acting Chairman WEINSTOCK. The fact that there are newer small irresponsible employers?

Mr. SCOTT. Yes, sir.

Acting Chairman WEINSTOCK. Well, supposing all of the large responsible employers could be brought together, then what?

Mr. SCOTT. Well, I have every confidence in their square dealing, and I think it possible something might be worked out if we could eliminate the small shop who really manufactures a large percentage of the total output.

Acting Chairman WEINSTOCK. Well, isn't it true, Mr. Scott, that that condition is not confined to your industry, that in every industry you will find fairly large employers who are responsible, and who come in together, and they also have a goodly percentage of small operators who are irresponsible?

Mr. SCOTT. I would think it would depend largely on the business. The equipment, the smallest—the equipment of some lines of business necessitates a great deal more money than the equipment of a small stocking mill, and we can not dodge the idea that credit is the basis of a lot of things, and in some lines of industry it would not be possible for what we might term an irresponsible man to get into the industry.

Acting Chairman WEINSTOCK. I gather, then, from the answers you have given to these questions, that you would look upon the trade-agreement situation as the ideal situation?

Mr. SCOTT. If we could be brought to have confidence in it, it would be an ideal thing; yes.

Acting Chairman WEINSTOCK. That is all for you. Thank you, very much.

The hearing stands adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.40 p. m., an adjournment was taken until Tuesday, June 30, 1914, at 10 a. m.)

PHILADELPHIA, *June 30, 1914—10 a. m.*

Present: Commissioners Weinstock (acting chairman), O'Connell, and Lennon. E. H. Busiek, special counsel.

Acting Chairman WEINSTOCK. The commission will be in order.

TESTIMONY OF MISS MAY YEARSLEY.

Miss MAY YEARSLEY. Mr. Chairman, may this paper be put in your records [presenting a paper]?

(The paper so presented was marked "Exhibit 1, Miss Yearsley," June 30, 1914.)

Mr. BUSIEK. We will take up the hearing on the garment industry.

The REPORTER. Is the hearing on the textile subject closed, Mr. Busiek?

Mr. BUSIEK. Yes.

EXHIBITS.

McDONNELL EXHIBIT.

DYERS' AND MERCERIZERS' UNION, No. 1, OF PHILADELPHIA AND VICINITY, AFFILIATED WITH UNITED TEXTILE WORKERS OF AMERICA, STATE FEDERATION OF LABOR, CENTRAL LABOR UNION OF PHILADELPHIA, DISTRICT COUNCIL OF TEXTILE WORKERS, AMERICAN FEDERATION OF LABOR.

DYEING INDUSTRY OF PHILADELPHIA.

Wages.—Dyeing of skein yarns and warps. In all shops that are organized the minimum price laid down by our union is 25 cents per hour. This price is paid in 48 shops; very few men are paid over this rate. A conservative statement would be our union controls about 85 per cent of the skein and warp dyers. In nonunion shops the wages are $7 up to $12 per week. For instance, Wm. Ward & Co., cloth manufacturers, Twenty-second and Spring Garden Streets, pays $7 to $9. These men are not conversant with conditions and none can scarcely speak the English language. I, myself, worked in this firm about 13 years ago and was paid $12 per week for a working week of 60 hours. We have endeavored time and again to organize this place; when we got a few of the men as members they were minus their jobs in a short space of time. Nathan Folwell, cloth manufacturer, Third and Cambria, pays $11.50 on a 54-hour base; his dyers work 12 hours per day—from 6 to 6; they do not stop for dinner, as the machines do not stop. Our State law guarding women and children affords our men no protection. All employers where women are employed and using dyers are working on a 54-hour base. All others are still taking the advantage and working on a 60-hour base.

Machines versus handwork.—James Hulton, Ruth, above Lehigh Avenue, dyer of fine skein yarns for the manufacture of men's wear, is a practical machine dyer. He has 14 machines. Seven men attend to these machines. An ordinary day's work would be from 5,000 to 6,000 pounds of yarn. On a hand kettle a fair day's work for two men would be 600 pounds. So expert is Mr. Hulton he adopted a system of unloading the machines in a boiling condition, so as to save steam and time on the part of the men. Very seldom do his dyers make a full week.

T. A. Harris & Co., of Mascher and Thompson, operates 7 machines, their output for a day around 6,000 pounds. Eight men are working on these machines. Hardwick & Magee, manufacturers of carpets, operate 24 machines; their capacity is 300 pounds and 500 pounds machines. Stead & Miller, upholstery goods, two men on machines will dye 2,000 pounds per day, two men on hand kettles 900. Quernes & Maslam, jobbers on carpet yarns, have 8 machines for the dyeing of wool yarn. Three men operate them; they will turn out 4,000 pounds of dyed yarn per day. Six men on hand kettles will turn out 4,000; this is cheap dyeing but hard on the men. This is the general condition throughout our industry. Our employers have more than doubled their output with the aid of machines with their forces reduced 50 per cent. The dyer has scarcely time to wash for the street at the end of his day's work. Some places would dock you for 15 minutes.

Sanitation.—Too much can not be said about our dyeing plants; very few employers consider for a moment the comfort of their dyers. With the exception of about six none of them have ever attempted to place any natural contrivances for the driving out of the vaporous gases and dense steam which are ever present, making the life of the dyer miserable. Take a damp day, it is impossible to see 6 inches ahead of you. In summer the dyer is actually parboiled, never for a second does a cold blast fan his brow. Imagine rows of

kettles boiling with space for two men to pass, and that with an effort, with little or no ventilation, no fans, no hoods, and the sun registering 120 degrees; horrible to think of it. Our employers, with few exceptions, are all in the same boat, all riding and occupying a seat in the car of avarice, neglecting though knowing the crying need of better sanitation. In winter men have had their feet frostbitten at work in dyehouses. You could not tell a dyehouse in winter from a cold storage. Nothing strange for a dyer to throw boiling water on a batch of yarn to separate the sticks, and this action takes place in an inclosed building. Mr. Lightner, superintendent of the department of labor and industry of this State, informed me regarding sanitation in our dyehouses; they come in under the board of hygiene.

Labor troubles.—Our employers do not antagonize us as union men; in our formation in 1909 we had opposition, especially where our union was weak. Wages were low before we organized—the general rule from $9 to $12 for a working week of 60 hours. In three years we have succeeded in raising wages from 10 to 30 per cent. In the old days the employers loved to talk on merit, and so well was this thing carried out graded prices were paid in some of our dyehouses making a difference to some of $4 per week. Our union stopped that kind of merit. We do not force an employer to keep a man who is incompetent; pay him off and let him go. We have had five small strikes in five years. One at the Hughes Manufacturing Co., in Frankford; he refused to pay 25 cents per hour. The strike is still on nearly two years; he is paying the money to strike breakers. The Ontario Dyeing Co., Ontario and D Streets; we have a strike nearly two years, caused by a nonunion dyer or delinquent not paying his dues. The firm favored the delinquent. We picketed this shop for four months; the firm getting tired, haled us into court, and notwithstanding the testimony of the lieutenant, two sergeants, and policemen on the beat, who swore it was the quietest strike they ever witnessed, Judges Staake and Ralston handed down a decree enjoining 20 strikers and the president of the union from interfering in any way with the Ontario Dyeing Co. The Penn Worsted strike was caused through wages; it lasted eight months, the firm finally agreeing to pay our price. At present our trade is dull, especially in upholstery, but on the whole we find very little difference as far as steady employment goes. Some of our shops are busy, especially the fine trade.

Respectfully submitted.

ARTHUR MCDONNELL,
2515 Potter Street, Philadelphia,
President Dyers and Mercerizers, No. 1, of Philadelphia.

THE PANIC OF 1907.

I, Arthur McDonnell, was working in the Orinoka Upholstery Mills. Everything was booming, the looms were all running, our skein dyers busy, the gigs were turning out roll upon roll of dyed cloth. In 24 hours two-thirds of the looms stopped and we were left with about 8 men out of the 30 in the dyehouse. Talk about slack times. It was a cyclone; this was remarkable, and not a Democrat in sight. In all my experience of 30 years we have a depression about twice a year, due, in my opinion, to a restricted market, the home market full, no more goods needed; off goes the looms until they are depleted and need to be refurnished. We are constantly working in doubt, and our greatest bugaboo is rent day—how to stave him off.

[SEAL.] ARTHUR MCDONNELL.

PIECE DYEING AND FINISHING.

Wages for dyers, 20 cents per hour; very few exceed this rate. These workers are all machine hands; they work straight from starting time until night, with a short intermission for dinner. In busy seasons nothing new for these men to work 14 and 15 hours per day; there is no extra time allowed; all they receive is the hour rate. Firth & Foster, one of the largest piece dyeing plants, up to a year ago was 10 per cent below 20 cents per hour. It is an English firm; the hands are mostly men of that nationality; they stood without an organization until a few months ago. The firm is bitterly opposed to a labor union; they have a record for years of crushing out the least semblance

of an organization. I, working in the dyehouses since 1883 in Philadelphia, have never known or heard of a single employer of dyers to grant an advance to their hands gratuitously. I make one exception in the case of Nathan Folwell, he raised his dyers to checkmate our movement; we have time and again tried hard to organize his plant. The district council of textile workers have spent time and money, but all was of no avail. We did have a few dyers and finishers enrolled, but they soon were separated from their work. Sanitation is bad, as these piece kettles omit a great deal of steam, as many as 20 will be going on the one floor. In truth our lawmakers should take the matter of sanitation in their hands regarding all dyeing firms; there is plenty of food for thought. Slackness—well, when the Democrats are ruling its the tariff; they are always afraid. When the Republicans are in the spinners are so busy on others yarns they have not time to spin the kind I want, so there you are.

[SEAL.]

ARTHUR MCDONNELL.

FERRIS EXHIBIT.

HOSIERY WORKERS LOCAL No. 696,
Philadelphia, Pa., June 29, 1914.

Members of Industrial Commission:

We hereby submit a report of conditions of the hosiery workers in part.

Wages.—Before our organization was started in 1900 the hosiery boarders made about $2.25 to $2.75 per day, or $13.50 to $15 per week, but taking into consideration the time the worker lost in waiting for work to come from dyehouse and slackness in trade and sickness, as there is considerable in this trade on account of the constant movement of every part of the body and other conditions, making it a yearly wage of $11 on the average. Since the formation of our union we have increased the wages from $2 to $3 per week. So much for organized labor in this instance. During the depression of trade lately some of our members are only working two or three days per week, which brings their wages down to $6 or $9 per week. At the present time there is only three organized shops that are working full time. In these shops about 125 of our membership of 600 men are employed. In a large majority of the mills they pay every two weeks, and sometimes this is a great hardship on the workers, as, for instance, a worker will get a job and the firm that he gets with will keep a week's wages in hand, which is the case in many of the mills; therefore he will have to work three weeks before he gets any wage, and, as the worker on an average has never much money ahead, so very often he has to turn to some money lender, who charges him a very large interest. We feel that if the workers got paid every week that he could get along much better.

Sanitary conditions.—The stocking boarder has to work under very insanitary conditions in some of the mills. The occupation is a very tiresome one, and the heat is very much above what the heat is under ordinary occupations. The men work at what is known as a dry box, which has a temperature of 250 degrees on this box. There are six men working. After boarding a set of boards they put them in the box and in doing this the heat is rushing out in the face of the worker, together with the smoke and smell of the stockings, which is not very healthy. After they take this set of boards to their bench they have these hot boards in front of their face, so you can see that they are constantly in a great deal of heat. Taking into consideration all of these conditions you naturally would think that we would have the best place for air and ventilation that could be obtained in the mills. Now, this is just the contrary; they generally put the stocking boarder where they can not put any other employee. These conditions are very bad for the health of the men, especially in the winter, when the men ought to have plenty of ventilation without being in a draft. The men leave the mills at noon and night wet with perspiration, which we think could be avoided.

Relations between employer and employee.—We find that a large majority of the manufacturers are friendly with our organization. Such firms have very little trouble with strikes, walkouts, etc. On the other hand, there are some manufacturers that have taken a decided stand against our union; such firms have to employ, as a rule, inferior help, as any man that has any manhood and wants to be treated as men should be treated refuse to work under the system and conditions of said firms. With the exception of one instance, we have had no trouble in our trade for over one year. In spite of the lack of

work our members and their employers have adjusted every grievance satisfactorily to both parties concerned. We feel that a majority of employers are willing to treat with organized labor of the right sort.

Docking system.—This system has been abolished in every place where we are strongly organized. There has been a case just presented to us in the firm of Wm. F. Taubel (Inc.), who is the largest manufacturer of seamless hosiery in the United States. The knitters of this firm are being docked 3 cents for each stocking that is not made right and have to replace another good one for the bad one. In another mill of Taubel they are docked 5 cents and have to replace a good one. With a majority of these cases the fault is not with the girls making the stocking, but with bad needles, poor yarn, and bad machines, but the firm makes no allowance for any of the bad conditions. If these girls make any protest, there is nothing left for them to do but quit or get fired. We feel that if these workers were strongly organized such conditions would not exist.

Discrimination.—This is another bad condition that is being abolished where we are strongly organized. We believe that this has done more to keep the worker down than any other system that the employer has ever practiced. The firm of William F. Taubel has been practicing this in numerous cases. There was a strike at this firm last winter which was brought on by reducing the wages of the winders. This strike lasted six weeks and was settled under the arbitration laws of Pennsylvania. While this finding of the board of arbitration was very unsatisfactory to the strikers, we were big enough to accept it, which is more than can be said about the employer. After resuming work under the finding of the board the firm started to get rid of the union help wherever it was possible to do so. At the mill at Second and Columbia Avenue there were 10 rib-frame hands and fixers laid off. When the men went to find the reason the foreman told them that they were only going to finish up what work they had laying around and that they could do that with the help they had, but promised to hire these men when they started up busy. This happened last February. Instead of hiring the men they took boys and old men and put them on these machines, and the majority of the men that were laid off are walking the streets unable to find work. Emerald and Westmoreland Streets, mender discharged; windows nailed; coming in late, etc.

Business, past and future.—Brown Knit has added one floor to plant and have put or are putting in 60 new machines, each costing from $2,000 to $3,000 in last year and half. Harry C. Aberle built new at rumored price of $190,000; also large amount of new machines, costing from $2,000 to $3,000 each. William Brown, 24 new machines; Brownhill & Kramer, 160 new machines; John Blood & Co., 125 new machines. We believe that business will soon be good in a short time.

WILLIAM T. FERRIS,
President of Hosiery Workers' Local 696,
Philadelphia, Pa.

YEARSLEY EXHIBIT.

Is there any good reason why 26,000,000 citizens should continue to deprive their 15,000,000 or 20,000,000 fellow citizens of the power of participating in setting up your commission and directing such investigation? Yes or no. I think your commission answers no.

Will the commission then take into consideration an immediate recommendation to President Wilson and Congress to take the shortest constitutional way to construct the basis of justice and peace at the fountain of your honorable commission's authority?

As to open shop or closed shop, collective bargaining or individual bargaining, Government ownership or private ownership, workmen's compensation or other questions, I do not care to express an opinion at this time. How can we solve the problems of justice and peace without going to the highest point in the stream, without correcting injustice at the fountain of power? Probably no more excellent commissioners could be found in the land, but who can tell what would follow the votes of the excluded half of your fellow citizens in 38 States?

Votes for all adult citizens!

STEAD EXHIBIT.

[Folwell, Bro. & Co. (Inc.), Third and Cambria Streets, Philadelphia.]

Number of hands employed	900
Females	500
Males	400
Minors:	
Females	133
Males	72

List of wages.

1. Worsted carding:	
Second-hand	$13.00
Card minders	10.00, 7.00, 6.00
2. Combing:	
Second-hand	20.00
Washing-machine hands	13.00
Laborers	10.00
Comb and box minders	6.50
3. Drawing:	
Second-hand	17.00
Oilers and laborers	8.00
Roving hands and box minders	6.50
Helpers and learners	6.00 and 5.00
4. Spinning:	
Second-hand	17.00
Twisters	6.00
Spinners and spoolers	5.50
Doffers	5.00
5. Warping:	
Dressers and slasher hands	17.00 and 16.00
Helpers	10.00
Warpers	7.00
Assistants	5.00–6.50
6. Weaving: Loom fixers	20.00
7. Dry finishing:	
Second-hand	17.00
Paper pressers	12.00 and 14.00
Press and dryer hands	10.00
8. Wet finishing:	
Second-hand	15.00
Washer hands	10.50
9. Bleaching: Bleaching hands	10.50–12.00
10. Dyeing:	
Color man	12.50
Balance of hands	11.50
11. Crabbing:	
Can dryer hands	11.00 and 12.00
Crabbing hands	10.50
12. Making up:	
Perchers	12.00–16.00
Measurer	10.00
Paperers	7.00–10.00
Makers-up	7.00
13. Machinists:	
Vise and lathe hands	17.00
Laborers	10.00–12.00

THE WOMEN'S GARMENT INDUSTRY OF PHILADELPHIA

(For exhibits under this subject, see pages 3158 to 3171)

38819°—S. Doc. 415, 64-1—vol 4——5

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, *June 30, 1914—10 a. m.*

Present: Commissioners Weinstock (acting chairman), O'Connell, and Lennon; also E. H. Busiek, special counsel.

Mr. BUSIEK. We will take up the hearing on the garment industry.

Acting Chairman WEINSTOCK. Proceed, Mr. Busiek.

Mr. BUSIEK. I will call Mr. Morris Bernstein.

TESTIMONY OF MR. MORRIS BERNSTEIN.

Mr. BUSIEK. Please give us your name in full.

Mr. BERNSTEIN. Morris Bernstein.

Mr. BUSIEK. What is your occupation?

Mr. BERNSTEIN. Manufacturer.

Mr. BUSIEK. Manufacturer of what?

Mr. BERNSTEIN. Ladies' cloaks and suits.

Mr. BUSIEK. And your place of business is here in Philadelphia?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Have you any plant outside of Philadelphia?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. How long have you been a manufacturer of ladies' cloaks and suits?

Mr. BERNSTEIN. Going on 14 years.

Mr. BUSIEK. About how many people do you employ?

Mr. BERNSTEIN. Average?

Mr. BUSIEK. Yes; on an average—high and low?

Mr. BERNSTEIN. Well, I should judge about 90 maximum.

Mr. BUSIEK. How many minimum?

Mr. BERNSTEIN. That is very hard to say.

Mr. BUSIEK. That is, you employ that many in a shop. Have you a shop where this work is done?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Or do you send the work out? Now, in addition to those whom you employ in the shop do you let out any work by contract?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. How many people were employed on contract work?

Mr. BERNSTEIN. I should judge about 40, 50, or 60.

Mr. BUSIEK. Are you president of the Women's Garment Manufacturers' Association of Philadelphia?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. When was this organized, Mr. Bernstein?

Mr. BERNSTEIN. In 1907, I think—1906 or 1907.

Mr. BUSIEK. How many members did it have at its organization?

Mr. BERNSTEIN. That I can't tell you.

Mr. BUSIEK. About how many?

Mr. BERNSTEIN. I really don't know. I was not a member at that time.

Mr. BUSIEK. What time did you join the association?

Mr. BERNSTEIN. July of last year.

Mr. BUSIEK. Have you a copy of the constitution of your association?

Mr. BERNSTEIN. Not with me.

Mr. BUSIEK. Could you furnish the commission with a copy of the constitution and by-laws?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. How many members has this association now, Mr. Bernstein?

Mr. BERNSTEIN. Sixty-seven.

Mr. BUSIEK. How many manufacturers are there in Philadelphia in your line of work?

Mr. BERNSTEIN. I really couldn't say. I should judge about possibly a hundred.

Mr. BUSIEK. Possibly a hundred?

Mr. BERNSTEIN. Yes, sir. They grow up overnight sometimes.

Mr. BUSIEK. Have you any idea how many people are employed in the clothing trade in Philadelphia?

Mr. BERNSTEIN. I presume you mean the cloak trade, don't you?

Mr. BUSIEK. The cloak trade; yes, sir.

Mr. BERNSTEIN. I should judge about 5,000 or 4,000—say 4,500.

Mr. BUSIEK. Between 4.000 and 5,000?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Are the larger manufacturers affiliated with your association?

Mr. BERNSTEIN. Only the larger, you mean?

Mr. BUSIEK. No—what percentage of these employees have their employers represented in your association?

Mr. BERNSTEIN. I should judge about 75 per cent. I have no statistics on the matter, but I should judge——

Mr. BUSIEK (interrupting). That is your judgment and opinion?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Are the officers of your association salaried?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What initiation fee and dues are required in your association?

Mr. BERNSTEIN. Fifty dollars per year.

Mr. BUSIEK. And is there any special assessment in times of activity?

Mr. BERNSTEIN. What do you mean by activity, please?

Mr. BUSIEK. For instance, if a strike should be on and there should be some occasion for meetings of the association, if that fact is true?

Mr. BERNSTEIN. Well, there would be no need of assessments for meetings.

Mr. BUSIEK. For the purposes for which the meetings are called?

Mr. BERNSTEIN. Neither so; but might be for other reasons.

Mr. BUSIEK. What reasons might demand a special assessment?

Mr. BERNSTEIN. Well, to meet the exigencies like we passed through last fall, last summer, about a year ago to-day.

Mr. BUSIEK. Just give the commission some idea of what those exigencies were that would require the expenditure of money?

Mr. BERNSTEIN. Well, I don't know how deep to go into those matters. I don't know how long you gentlemen want to stay in Philadelphia.

Mr. BUSIEK. Start out, and when we get tired listening we will break in.

Mr. BERNSTEIN. Well, it was necessary for us, after we noted that we could not by any satisfactory arrangement come to arbitration—the other side, so to say, issued their red, flaming circular, which meant strike—and naturally there were expenses here to protect our working people, not as regards the manufacturers, but the working people; and in manner we needed extra funds.

Mr. BUSIEK. That is, you say to protect the working people?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Was that to protect them against physical violence?

Mr. BERNSTEIN. Absolutely; physical violence.

Mr. BUSIEK. That necessitated, then, I suppose, the hiring of guards?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Where did those guards come from, Mr. Bernstein?

Mr. BERNSTEIN. From the city.

Mr. BUSIEK. From the city?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Were they supplied by any so-called detective agency or bureau?

Mr. BERNSTEIN. Well, I was not the employer of those parties.

Mr. BUSIEK. Who was?

Mr. BERNSTEIN. I had my hands full, nominally, of administration purposes of the association, and Mr. Kelly, the gentleman whom you have down, will tell you more fully about that, I think.

Mr. BUSIEK. Very well. What has been the attitude of your association toward organization of the employees of members of the association?

Mr. BERNSTEIN. Is this one of your questions here? Are you reading the questions from the copy which I have?

Mr. BUSIEK. I am not, but if you prefer that I take these up categorically, I will do it.

Mr. BERNSTEIN. Not at all. What is the question?

Mr. BUSIEK. What is the attitude of your association toward the organization of the employees of your members?

Mr. BERNSTEIN. The organization of the employees of our members?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. We have none.

Mr. BUSIEK. You have no attitude, do you mean, or they have no organization, which?

Mr. BERNSTEIN. I presume they have an organization which they term the union, but we have no attitude against it or for it.

Mr. BUSIEK. Have you ever treated with this organization?

Mr. BERNSTEIN. Which, please?

Mr. BUSIEK. The union of the employees?

Mr. BERNSTEIN. If you may term it such; yes, sir.

Mr. BUSIEK. Did you get together in a conference with them for the purpose of attempting to arbitrate the difficulties?

Mr. BERNSTEIN. I can only answer your question as regards the last trouble.

Mr. BUSIEK. That is as far back as I care to go.

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. And your answer is yes?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Did you meet a committee appointed by the union which professed to represent the union at large?

Mr. BERNSTEIN. Well, they were a committee or self-designated, I can't say, but we met two. There were five of us, I believe; yes, five; met two of the representatives of the other side.

Mr. BUSIEK. Were formal demands made upon you for redress of the alleged grievance at that time?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Did you attempt to come to an understanding with those people?

Mr. BERNSTEIN. We did.

Mr. BUSIEK. I take it it was unsuccessful?

Mr. BERNSTEIN. It was.

Mr. BUSIEK. Did you concede to any demands which they made?

Mr. BERNSTEIN. We did.

Mr. BUSIEK. What demands?

Mr. BERNSTEIN. Do you want to particularize them?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. Well, if I can recollect them, I will be very glad to give them to you. As regards the hours, I think their demand was 50 hours, and we were willing to grant 52. And there was one particular condition which they wished to impress upon the manufacturers, that no work shall be given to the employees to be made at home. That was one of the conditions in their general conditions. No employer, no manufacturer ever compelled his hands to take work at home, to his home. That was entirely on his part. We did not object to that. The manufacturer shall recognize a shop foreman. We would not accede to that demand. The complete abolition of all contracting and subcontracting of the entire cloak and suit trade, both inside and outside the factory; that has been a modus operandi by which all cloak factories had been run, and we could not adjust our business conditions at that time to meet that demand. We told them further that might be acceded to later on.

Mr. BUSIEK. What is this? Just explain the working details of the contract system briefly.

Mr. BERNSTEIN. Well, it is not unlike conditions existing in any other industry in the manner that one contractor has working under him several hands, no particular number—some shops have probably 10, some probably have as high as 80 or 100—and the contractor would take the work out, and upon its return the contractor was paid, he in turn paying his hands. I believe that has been to a great degree done away with, not on account of these conditions, please, because if I might say that after conferring with these two so-called representatives of the other side and we could come to no agreement or arrangement of mediation or arbitration or conciliation, whatever term you wish to give it, we dropped these conditions absolutely and paid no more regard or respect to them.

Mr. BUSIEK. Well, the only concession that I remember your having made now is to cut the workday from 54 to 52 hours in the shop. Is there any other concession that you made?

Mr. BERNSTEIN. Well, we don't view it in the manner in which you put it, industry of Philadelphia is one of the highest paying industries in the United States of America. If you wish to go into statistics on that I think you will be convinced very quickly.

Mr. BUSIEK. Well, just give us those.

Mr. BERNSTEIN. I did not prepare myself with any particular statistics as regards payment, but our books, as also any member of our association books, are open for your worthy commission to go over.

Mr. BUSIEK. Well, on what do you base that statement, now, Mr. Bernstein; on the weekly wage of a person working full time?

Mr. BERNSTEIN. No; you can not take it that way, because a majority of the cloak and suit makers or workers are on piecework, and it is up to them as regards their ability and efficiency and the hours which they wish to work how much they may be able to earn.

Mr. BUSIEK. I see. Of course, a person by driving themselves——

Mr. BERNSTEIN. Not necessarily, sir. We have workers who have in at 9 o'clock, half past 8, and some at 10.

Mr. BUSIEK. And work how long?

Mr. BERNSTEIN. Well, the work is there for them.

Mr. BUSIEK. Well, how much could a man make working, say, a 10-hour day, what you would call an efficient worker?

Mr. BERNSTEIN. An efficient worker?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. About $70 a week—$75 a week.

Mr. BUSIEK. How much work would there be for that kind of a man? Could such a man find steady employment?

Mr. BERNSTEIN. No, sir; because the seasons in the cloak and suit business vary.

Mr. BUSIEK. It is a seasonable occupation?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. And about how great a part of the time is a man idle?

Mr. BERNSTEIN. Well, that depends entirely if the particular house that he is with makes summer goods. By that I mean there are a great many houses who do not make any summer goods whatsoever, and under those conditions he is idle in the summer months, or, rather, preceding the summer months, for probably about four or five weeks.

Mr. BUSIEK. If a man is not fortunate enough to make summer goods, that is the longest period?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Of lack of employment?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. How is the labor market in Philadelphia? Are there plenty of hands, or is there any shortage of them?

Mr. BERNSTEIN. Plenty of hands here.

Mr. BUSIEK. And doesn't that reflect itself in the wages paid the people?

Mr. BERNSTEIN. In what way, please?

Mr. BUSIEK. Well, where there are plenty of hands and the market is well stocked with labor and there is no organization and no understanding with the employers, doesn't that make for a condition whereby the employer can get labor cheaper than he otherwise could, because of the anxiety of some people to get work?

Mr. BERNSTEIN. I would not really say there was a superfluity of hands here. I think what the market of Philadelphia requires is about here. There are constantly hands coming from New York. I should not be surprised—in fact, I think I can make a true statement—that daily there are no less than 10 or 15 to 20 hands coming from New York here.

Mr. BUSIEK. Do you get any work from New York; that is, do you get any work from the New York manufacturers?

Mr. BERNSTEIN. No.

Mr. BUSIEK. Do you get any work that used to go to New York; that is, are you getting in on the New York market any?

Mr. BERNSTEIN. We would like to.

Mr. BUSIEK. Well, do you?

Mr. BERNSTEIN. I am sorry to say, no.

Mr. BUSIEK. What is the purpose of your organization?

Mr. BERNSTEIN. Well, I might tell you that in a few words which I have here [reading]:

"It is really for the mutual benefit of manufacturers. Now, when we say that a manufacturer can not manufacture without labor, that is nominally, putting that in the word of hands. We need labor or we could not produce, and our purpose solely and only is to promote the best conditions of manufacturers of women's garments, maintain harmonious relations with employees, and unite with them in the adoption of such measures as will improve the conditions of the business and settle differences between its members—that is, as regards the association members, should there be any, and to promote a more enlarged and friendly intercouse between them and promote the general welfare of all interested in it."

I think that will encompass all remarks necessary to the question.

Mr. BUSIEK. I notice you have a business there to—I can not state it in the terms that you have read, but to the effect that one of the purposes is to get together with the employees and make agreements with them. Does that mean with the employees as a body?

Mr. BERNSTEIN. The employees? Make agreements with them?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What was that section you read there concerning employees?

Mr. BERNSTEIN. Harmonious relations with employees.

Mr. BUSIEK. Yes; to promote harmonious relations with employees?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Well, what do you mean by that?

Mr. BERNSTEIN. Well, we are friends of labor, and thereby there is no manufacturing shop can be conducted without harmony existing there, unless it is attempted to be interfered with by outside influences.

Mr. BUSIEK. Well, how have you ever gone about promoting harmony?

Mr. BERNSTEIN. How?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. Well, in so many ways that I really could hardly start.

Mr. BUSIEK. Some of them?

Mr. BERNSTEIN. Well, one of the best illustrations I can recall, during the trolley strike here, I forget how many years ago it was——

Mr. BUSIEK. (interrupting). In 1909, I believe.

Mr. BERNSTEIN. In 1909; yes. You heard a great deal of evidence here about it. There was to be a general strike called of all industries here in Philadelphia. It appears that some of the shops where they manufactured ladies' cloaks and suits felt in sympathy with those people, and through some of the hot-headed rabid ones at the top, they decided to go on a strike. Well, we attempted in every manner possible to show them where they were making a mistake. They had no grievance against us, none whatever. I remember distinctly that I went out in the shop for two days and attempted to show them how foolish they were. I even went so far as to convince them that if there were a cloak-and-suit strike that I promise them that not a single trolley car in Philadelphia would stop running for them. But they would not listen to it, and they went on strike. So we attempted thereby to show them where they were wrong. I might state it was a matter of mutual interest, as we were in our busy season, and they in the season when they could make money.

Mr. BUSIEK. Well, you gentlemen certainly find it advantageous to organize or you would not have an organization, I suppose that is true?

Mr. BERNSTEIN. Naturally.

Mr. BUSIEK. And you organized because you can better accomplish your business purposes with all working together and all working in the same way under certain rules and regulations and mutually imposed restrictions, is not that true?

Mr. BERNSTEIN. Mutually imposed restrictions?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. What do you mean by that?

Mr. BUSIEK. Such rules as you may adopt for the conduct of your members in your association.

Mr. BERNSTEIN. Oh, yes; that is right.

Mr. BUSIEK. Why do you think it would not be advantageous for the employees to form an association imposing the conditions and regulations upon themselves which would be binding, and form a body which could meet with

yours to the end that any contract made with your employees would be general with the employees throughout that trade? Or, in other words, if they unionized? What objection is there to such a state of affairs?

Mr. BERNSTEIN. We have absolutely no objection into forming themselves into any kind of an association they may choose; and, in fact, we would heartily accept such a condition if they had the competent people to control them. There could be nothing better in the United States than an association of that nature of the laboring class, if they had the proper people at the head of it.

Mr. BUSIEK. Then your only grievance is not with the organization idea, but it is with the people who control organizations, do I understand?

Mr. BERNSTEIN. I think in a majority of cases.

Mr. BUSIEK. Have you had any painful experiences with these organizations or the heads of the organizations?

Mr. BERNSTEIN. Well, what does your term "painful" infer, please?

Mr. BUSIEK. Well, any experience which would lead you to condemn all leaders as you have done.

Mr. BERNSTEIN. Oh, I have no condemnation for them; no; none whatever. You are asking me the question, sir, whether we had any objections and whether we did not think it would be feasible and better for the workingmen to combine. We have no objection.

Mr. BUSIEK. And your answer was you had no objection to their combining if they would have different kind of men at the heads of their organizations?

Mr. BERNSTEIN. If they had competent people.

Mr. BUSIEK. If they had competent people?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Well, have you any experience that convinces you that the heads of these organizations are incompetents? That is what I want to get at.

Mr. BERNSTEIN. Well, I don't want to be personal. I would not want to leave that impression. But at the time this strike was to be called last year, if those who had charge of it had been reasonable, all that trouble could have been averted without any question.

Mr. BUSIEK. In what were they unreasonable?

Mr. BERNSTEIN. Well, in endeavoring to make us comply with demands which were beyond all reason.

Mr. BUSIEK. For instance?

Mr. BERNSTEIN. Well, the main point was the appointing of a shop chairman. I don't know whether you know what that means, do you?

Mr. BUSIEK. I have an idea.

Mr. BERNSTEIN. It nominally means that you may be permitted to enter your establishment in the mornings, or any time, open your mail and sign your checks; and besides that, allow them to run your business. No sane manufacturer would permit that, I don't think.

Mr. BUSIEK. Well, it corresponds to the grievance committee of an ordinary union, don't it?

Mr. BERNSTEIN. I presume so.

Mr. BUSIEK. Do you know, or have you ever heard that there are many kinds of crafts in highly skilled trades where they do have grievance committees, and they do get along amicably with their employers? Or is there some particular reason why you think it would not work in the cloak and suit trade?

Mr. BERNSTEIN. I am not aware of it. I don't know anything about other industrial relations or conditions of any other businesses; so really, I could not answer that question.

Mr. BUSIEK. Are you familiar with the garment industry in New York and the agreements that the employers have with their employees in New York?

Mr. BERNSTEIN. I have heard.

Mr. BUSIEK. That agreement has such a committee, has it not?

Mr. BERNSTEIN. I believe so.

Mr. BUSIEK. Have you ever heard that that worked out badly?

Mr. BERNSTEIN. Absolutely.

Mr. BUSIEK. That is your report and experience?

Mr. BERNSTEIN. Not experience, sir.

Mr. BUSIEK. That is the report which you heard?

Mr. BERNSTEIN. Daily.

Mr. BUSIEK. There was considerable testimony before this commission in New York that the clothing industry, whereas it is still far from ideal in New York, has been greatly benefited, and the protocol which is now in effect be-

tween the employees and employers, I think we have testimony on both sides to that effect. Your information is to the contrary, do I understand?

Mr. BERNSTEIN. I have received very direct information; in fact, I might say to you that I hear of it weekly; I was almost going to say daily.

Mr. BUSIEK. Do they seem to have more trouble in New York now than they had prior to this protocol?

Mr. BERNSTEIN. Well, I could not answer that definitely, but I really think so. I think that the trade conditions over there are worse than they previously were. Personal experience over there, I have not had any.

Mr. BUSIEK. During this last strike, I believe, or my information is, that there were some gentleman came here from Washington—came up here from Washington, rather, and Commissioner Jackson, or another gentleman, from Albany, who tendered their services as mediators. Do you remember those gentlemen?

Mr. BERNSTEIN. I presume you mean Commissioner Jackson, of Pennsylvania, and Commissioner Stewart, of Washington?

Mr. BUSIEK. That is it, I guess.

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Did your association treat with these gentlemen?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. And what was the result of their efforts?

Mr. BERNSTEIN. Well, they were nominally futile.

Mr. BUSIEK. Can you give the reason for that?

Mr. BERNSTEIN. Yes; I can. After we had had a three days' conference with the two parties representing the labor side and could arrive at no satisfactory arrangements, on July 4, 1913, there was a red circular issued calling on every employee in all the garment factories, at 10 o'clock on the day, out on strike. We had endeavored up to that time to see whether we could not avert that which we knew was going to be a long and serious matter; but it appeared that they were either going to force this with an iron hand—these conditions—or declare the strike. And for the benefit of ourselves—or rather for the protection of ourselves, I should have said—we accepted the inevitable and allowed them to go on strike. But I might say this, that 90 per cent of the garment workers, which includes all departments—pressers, cutters, trimmers, finishers, basters—did not want to go on strike, sir.

Mr. BUSIEK. On what do you base your opinion?

Mr. BERNSTEIN. Well, I can tell you that daily after this strike had been called—and I have heard it repeatedly—that the assurance had been given by the leaders that after two weeks all the manufacturers would become submissive and come begging for their hands and the strike would be won for the hands; but such was not the case.

Mr. BUSIEK. You talked about a red circular. Was that red in sentence or in color?

Mr. BERNSTEIN. Both.

Mr. BUSIEK. Did you then drop the mediation plan of Messrs. Stewart——

Mr. BERNSTEIN (interrupting). Well, they did not come until much later.

Mr. BUSIEK. Why did their efforts come to naught?

Mr. BERNSTEIN. Because the proposition or the so-called arrangement which they wished to bring forward would have been useless.

Mr. BUSIEK. What arrangement did they propose?

Mr. BERNSTEIN. I really can not recall to-day. I heard so many of them I have forgotten.

Mr. BUSIEK. Useless from whose standpoint?

Mr. BERNSTEIN. I think both.

Mr. BUSIEK. Were the employees willing to abide by their action?

Mr. BERNSTEIN. The employees, after two or three weeks, were willing to abide by anything, sir. They would all have returned to work, excepting some of the rabid, hot-headed ones, had they been permitted to.

Mr. BUSIEK. What kept them from coming back if 90 per cent were willing?

Mr. BERNSTEIN. Well, I really don't know how to start to tell you that; that is too varied. They were threatened with violence, and not only threatened, but violence was also placed upon them. No employee was safe on the streets; in fact, not in his own home. To my knowledge there were 455 assaults here, 2 murders, and about 5 or 6 near murders, and it was not safe for a working man to be on the streets.

Mr. BUSIEK. How many convictions?

Mr. BERNSTEIN. To my knowledge, only one.

Mr. BUSIEK. To what do you attribute the fact that, with all these wholesale assaults, two murders, and five or six near murders, the peace officials in the town were able to secure but one conviction, or a minor number?

Mr. BERNSTEIN. Well, I might say one word—politics, possibly. I really couldn't say.

Mr. BUSIEK. Did you encounter determined opposition in the courts when attempt was made to prosecute any of those men?

Mr. BERNSTEIN. I can not answer that question because I was never present, although I think the evidence on the face of it shows conclusively that a conviction was impossible. I think the only one conviction resulted about two or three months ago—within two months, I think.

Mr. BUSIEK. Was that for a murder or for an assault?

Mr. BERNSTEIN. An atrocious assault. This particular circumstance comes to my mind now. It was the determination upon the part of the union that, when we would not accede to their demands, and as the spring season was advancing, they thought that the only way to get the manufacturers was to prevent them producing their spring styles, and to produce spring styles it was necessary to have designers, so they put their designs on the designers, and in this particular case it was a man by the name of Rice, who, I think, lived at Thirty-third and Cumberland, which is in the extreme northwest part of the main part of the town.

Some of these thugs and educated and graduated workers, who had risen to the prominence of becoming thugs, attacked him one morning about 7.30, and on the street where they attacked him they were just laying new Belgian blocks, and not content with dropping him down, they dropped a Belgian on his face, and Judge Sulzberger was the only one whom I might say has had the nerve to bring a conviction in all the courts of Philadelphia.

Mr. BUSIEK. What was the sentence in that case?

Mr. BERNSTEIN. I think that was three years.

Mr. BUSIEK. Were those sluggers whom you were talking about recruited from the ranks of the union or were they outside men?

Mr. BERNSTEIN. I presume originally those who had graduated and some of the others who had become graduated and got into the graduating class or joined them.

Mr. BUSIEK. Have your members refused to take back any of the union men who went out on that strike?

Mr. BERNSTEIN. Not to my knowledge.

Mr. BUSIEK. Has the strike ever been declared off?

Mr. BERNSTEIN. I think so; I am really not sure; well, yes; I might answer that in the affirmative. There was finally a vote held and the strike was declared off.

Mr. BUSIEK. How many shops did this strike affect?

Mr. BERNSTEIN. Well, that is a very hard thing to answer, because, outside of our association, I really don't know. I believe there were some who remained independent, and the others who signed up for the time being—I should judge within 100, but I really can not say absolutely.

Mr. BUSIEK. It was a general strike?

Mr. BERNSTEIN. There was a general strike proclaimed.

Mr. BUSIEK. Not only against the members of your association but against others?

Mr. BERNSTEIN. Allow me to tell you that our association, of which I was not a member at that time—they were not active. They were an association, but not in activity.

Mr. BUSIEK. Was any assistance gotten from out of town to assist the manufacturers?

Mr. BERNSTEIN. In producing their garments?

Mr. BUSIEK. In combating or carrying on or resisting this strike, rather?

Mr. BERNSTEIN. In what manner, for instance?

Mr. BUSIEK. Financial aid.

Mr. BERNSTEIN. None whatever.

Mr. BUSIEK. I think the press at the time charged that Cleveland manufacturers were assisting the manufacturers.

Mr. BERNSTEIN. None whatever, sir.

Mr. BUSIEK. Were they assisting in an advisory capacity?

Mr. BERNSTEIN. Not particularly; no, sir.

Mr. BUSIEK. Was there a Mr. Black here, representing the Cleveland manufacturers, who advised?

Mr. BERNSTEIN. I presume Mr. Black came to see me, as I have had the pleasure of his acquaintance for some years, and also other gentlemen here.

Mr. BUSIEK. Were those just social calls that happened or did the strike inspire them?

Mr. BERNSTEIN. Well, they were here——

Mr. BUSIEK. (interrupting). Is that what brought them here?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. Did they address the employers assembled at meetings?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Give their ideas and views as to how to combat the strike?

Mr. BERNSTEIN. Well, I can not really say that he did give advice.

Mr. BUSIEK. Did he give inspiration?

Mr. BERNSTEIN. To be candid with you, I don't think we needed those.

Mr. BUSIEK. Was there any pledge exacted from the members of the association or the employers not members of the association, any employer making a pledge with another that he would not recognize the union or would not give in to them?

Mr. BERNSTEIN. You mean outside of the association?

Mr. BUSIEK. Yes; was there any general understanding among the employers, or any of them, that they would not surrender to the union?

Mr. BERNSTEIN. You mean within the association or without?

Mr. BUSIEK. Within or without?

Mr. BERNSTEIN. Within, absolutely not; without, we know nothing about it.

Mr. BUSIEK. You were not a member of the association at that time?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Oh, you were?

Mr. BERNSTEIN. Yes, sir; at that time; starting then.

Mr. BUSIEK. I see. Was any bond exacted of any of the members to insure their compliance with this resolution?

Mr. BERNSTEIN. Well, there was a bond, but not in the sense that you put it, sir.

Mr. BUSIEK. What was it?

Mr. BERNSTEIN. We required, as we knew, we thought we would, extra moneys, for the protection solely and only of our employees. We had no other expenses but those, and this bond was put up in case the necessity arose that we would require extra funds that we could rely upon those, and fall back upon them, but there were assessments levied, and naturally we did not make any use of those bonds.

Mr. BUSIEK. Was this bond merely for the purpose of securing assessments up to a certain amount, as they might be levied?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What were the conditions of the bonds upon which they were to be forfeited?

Mr. BERNSTEIN. Well, just as I stated to you: In case the necessity arose that we would require more funds than what we had, those bonds to be called upon.

Mr. BUSIEK. Then they were merely pledges to contribute?

Mr. BERNSTEIN. Yes, sir; those bonds were all returned.

Mr. BUSIEK. They were not bonds in the sense that a certain amount of money was put up to be forfeited upon a certain contingency?

Mr. BERNSTEIN. They were not bonds; they were notes.

Mr. BUSIEK. Notes?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. What is the attitude of your association now in regard to dealing with an organization of your employees? I believe you said before that you had no objection to their organization; you might consider dealing with them if they had other leadership.

Mr. BERNSTEIN. No, sir. I don't want you to interpret my remarks in that manner, sir. We have always dealt with our employees in a very fair and honorable way, and I am of the opinion that every other manufacturer here in the garment industry has done so. I can not say positively, as I am not always present. But if the employees have any grievances, I don't think there is a single concern here in the city of Philadelphia that would not be only too glad to listen to them.

Mr. BUSIEK. Well, can you conceive of a case where those employers might not be as honorable as you think they are, and the employees have a real, bona fide grievance; what would be their remedy then?

Mr. BERNSTEIN. If such were to arise—are you speaking of the people in our association, or generally, of all Philadelphia manufacturers?

Mr. BUSIEK. Well, take one in the association first.

Mr. BERNSTEIN. I don't ever expect such an occasion to arise with any member in the association, sir; because it has been—even during the time of the trouble, we held meetings daily; in fact, I might tell you that the executive board were in meeting all the time nominally; probably six or eight hours daily, and if such complaints were to arise, they would certainly come to the boards here and quick action would be taken. But each member of the association, I know, feels that they are there for the purpose of seeing that justice is given to all their employees.

Mr. BUSIEK. Well, your idea, then, is that the employees' interests can be properly conserved, because of the honorable and magnanimous attitude of the members of the association? They can be trusted to look out for the welfare of their employees, and it is unnecessary for the employees to organize and take any steps on their side; is that the idea?

Mr. BERNSTEIN. Well, you might regard this as too personal an answer for me, but I can really say yes.

Mr. BUSIEK. I believe that is all.

Commissioner O'CONNELL. Mr. Bernstein, the questions I shall ask you will either refer to your own shop or to your association, so that you will have no hesitancy in answering.

Mr. BERNSTEIN. Yes, sir; I am only too glad to help your commission in any way I can.

Commissioner O'CONNELL. Approximately, how many people are employed by the members of your association?

Mr. BERNSTEIN. I should judge about 70 to 75 per cent.

Commissioner O'CONNELL. What number of people is that, approximately?

Mr. BERNSTEIN. About 3,700, 3,800, 3,900. I judge there are probably 5,000 workers here.

Commissioner O'CONNELL. Have you any idea what the average earnings per week of your employees are?

Mr. BERNSTEIN. Our individual employees you mean, or the association employees also?

Commissioner O'CONNELL. Yours.

Mr. BERNSTEIN. No, sir; I have not.

Commissioner O'CONNELL. How are the piece prices set by you?

Mr. BERNSTEIN. By my partner.

Commissioner O'CONNELL. He sets the prices?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In consultation with anybody?

Mr. BERNSTEIN. Possibly with me, as a rule, and his son, who is in charge of one part of the factory.

Commissioner O'CONNELL. But not in consultation with the workmen or working people in the shop?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. The price, therefore, is arbitrarily set by your firm?

Mr. BERNSTEIN. No, sir; it is very agreeably accepted.

Commissioner O'CONNELL. As I understand, either yourself or your son or your partner, or some one of the firm in charge, sets the price?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Your workman, of course, is supposed to accept that price; he may do it mutually or agreeably, but he accepts the price set by some one in your firm?

Mr. BERNSTEIN. Yes, sir. I want to state that that price which has always been set has been satisfactory; and in a few instances when it has not the matter has been spoken over, and there would possibly be on some garments an advance given and on some not.

Commissioner O'CONNELL. But, however, as a finality, the price designated by your company is the price paid?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. The workman must accept that?

Mr. BERNSTEIN. Unless an advance is agreed upon.

Commissioner O'CONNELL. Who would it be agreed upon with, then, the workman?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. If he said to you, "I don't think that is a fair price," the question then would be argued out?

Mr. BERNSTEIN. It never required very much arguing. If we saw that he was entitled to it, we certainly gave it to him.

Commissioner O'CONNELL. But you, then, would be the finality in the proposition, dicker it out, and if you agreed, or you would say that is what we will pay?

Mr. BERNSTEIN. Or "we will pay you what you ask."

Commissioner O'CONNELL. What is the average working time of your plant per year? Would the employees average eight months' employment in a year?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. That would be about; that is what they told us in New York.

Mr. BERNSTEIN. I should judge 8 to 8½ months; possibly 9. There was a time when we made summer goods, as I told this gentleman, when they were employed very near onto 11 months.

Commissioner O'CONNELL. Do you employ women or girls?

Mr. BERNSTEIN. Some few.

Commissioner O'CONNELL. Do they perform the same class of work as the males?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. How do their wages run?

Mr. BERNSTEIN. Well, they are pieceworkers, excepting, in some instances, what we call button sewers. A pieceworker is able to earn, in a season, from $18 to $30 a week.

Commissioner O'CONNELL. Pieceworkers?

Mr. BERNSTEIN. Yes.

Commissioner O'CONNELL. Are there women in your plant that earn $30 a week?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In season?

Mr. BERNSTEIN. Yes, sir; our books are open for your inspection, if you would like to see them.

Commissioner O'CONNELL. How many women do you employ?

Mr. BERNSTEIN. Not many; I should judge 15 would cover it in season.

Commissioner O'CONNELL. How many of those in season would earn $30 a week?

Mr. BERNSTEIN. Probably about three or four.

Commissioner O'CONNELL. What would the rest average? How low would they get?

Mr. BERNSTEIN. Well, if a finisher can not earn in season, when we are busy, fifteen, sixteen, eighteen, or twenty dollars she is no kind of a finisher.

Commissioner O'CONNELL. How young girls do you employ?

Mr. BERNSTEIN. None under the statute law.

Commissioner O'CONNELL. Fourteen?

Mr. BERNSTEIN. None as young as that.

Commissioner O'CONNELL. Sixteen?

Mr. BERNSTEIN. No; I should judge—I don't think we have got anybody under about 20; I should not judge so.

Commissioner O'CONNELL. What do they do?

Mr. BERNSTEIN. Some of them, some of the very young ones, are proficient finishers.

Commissioner O'CONNELL. About this home work, is the general plan in Philadelphia that work is gotten out—given out to be done in the homes by the members of your association?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. What percentage of them do give out home work?

Mr. BERNSTEIN. I doubt very much if there are any to-day.

Commissioner O'CONNELL. Didn't I understand that you gave out home work, from your testimony this morning?

Mr. BERNSTEIN. No, sir. I was reading here one of the conditions that the union presented. Article No. 3 read that: "No work shall be given to the employees to be made at home."

There had been times previously when they came and nominally begged to take work home, to their homes. Well, we did not resist that at all. We were perfectly satisfied if they chose to work at home. I presume they did that on Sundays, or sometimes like that. A great many, well, I should say a small proportion of the Jewish tailors, finishers, etc., did work—did not work on Saturdays, and therefore they would take work home on Friday evenings, which they would do at home, I presume, on Sundays; but no manufacturer in this city ever compelled a hand to take work home. It was entirely upon their wishes to take work home to try to earn more.

Commissioner O'CONNELL. Do they take work home now?

Mr. BERNSTEIN. Not to my knowledge.

Commissioner O'CONNELL. Is work done in the homes in Philadelphia?

Mr. BERNSTEIN. I beg your pardon.

Commissioner O'CONNELL. Is work done in the homes in Philadelphia?

Mr. BERNSTEIN. Not to my knowledge.

Commissioner O'CONNELL. Then it has been practically abolished, the home-work system?

Mr. BERNSTEIN. Well, I can not say that absolutely, but I don't think there is any member of our association who gives home work for any of their hands to take the work home, but I presume if a hand were to ask for it, and say, "I expect to work home to-morrow," "I would like to have a few garments to make or finish," they might be given them, but entirely due only upon the asking by the employee. There is no compulsion on the part of the manufacturer for men to take work home.

I might supplement that remark. I remember distinctly in our factory about three years ago that if we did not have work for them to take home they were very much dissatisfied.

Commissioner O'CONNELL. Do you do subcontracting, letting work out by contract that is done in some other shop or some other place?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In busy seasons?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. What percentage or proportion of your work is subcontracted?

Mr. BERNSTEIN. Oh, very small.

Commissioner O'CONNELL. Does the subcontractor have a shop?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Do you know whether he has any home work done or whether he lets his work out again by subcontracting?

Mr. BERNSTEIN. No; I presume—I think really that the subcontractors live in their shops, or nominally have their shops with their dwellings.

Commissioner O'CONNELL. In their homes?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Are there any State investigations of the sanitary conditions prevailing in shops in Philadelphia?

Mr. BERNSTEIN. Yes.

Commissioner O'CONNELL. Inspectors who visit them regularly?

Mr. BERNSTEIN. Yes, sir; several of them.

Commissioner O'CONNELL. When last was your shop visited by a State official?

Mr. BERNSTEIN. I really couldn't tell you, sir. I am not always there.

Commissioner O'CONNELL. Do you make any sort of report to State officials as to conditions prevailing in the shop, which is made under requirements of law, as, for instance, fire escapes and elevator conditions and the methods of entrance into and egress from shops and everything of that kind?

Mr. BERNSTEIN. I don't think the latter part, no, sir; because we are in a very large building, and I presume as far as the fire escapes and the elevators are concerned, that is taken care of by the owner.

Acting Chairman WEINSTOCK. Mr. Lennon.

Commissioner LENNON. Mr. Bernstein, what do you pay your cutters?

Mr. BERNSTEIN. Cutters?

Commissioner LENNON. Yes.

Mr. BERNSTEIN. About $18 or $20. We have one cutter that we pay $27.50.

Commissioner LENNON. Yes; but I speak of a man who is considered a cutter, but perhaps not your foreman cutter. I mean the regular cutters?

Mr. BERNSTEIN. About $20.

Commissioner LENNON. Do you know about how that compares with the wages paid in the city of New York?

Mr. BERNSTEIN. I do not.

Commissioner LENNON. What hours do these cutters work?

Mr. BERNSTEIN. From 7.30 until 6, and until a quarter of one on Saturday.

Commissioner LENNON. Do you know the hours that they work in the city of New York?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. In New York it was testified regarding the matter of finishers—in fact, it was testified upon repeated occasions that the work of finishing was largely done in the homes for the reason that women could not be had in the shops to do this class of work. That, I understand from your testimony, is not now true, even if it has been in the past, in Philadelphia. You can now get shop finishers?

Mr. BERNSTEIN. Oh, we always could get them. The garments which I spoke about to those gentlemen were being taken at the time not for the purpose of finishing but being operated and the finisher in fact brought in the completed garment after taking the garment out in cut condition.

Commissioner LENNON. And do the finishers do that work by the week or by the piece?

Mr. BERNSTEIN. They work by the piece with us.

Commissioner LENNON. What can the finishers—but I believe you have testified what the finishers can make. Now, do the contractors pay their help the same as you pay in your shop?

Mr. BERNSTEIN. I could not say.

Commissioner LENNON. You do not know as to that?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. We had repeated testimony from a great many manufacturers in the city of New York and from outsiders who had interested themselves in the business and from members of the union, that the protocol had been highly advantageous in that city. Have you ever made any investigation of the working of that agreement up there?

Mr. BERNSTEIN. Well, the facts of the case have come to me without making any investigation, that they are extremely unsatisfactory.

Commissioner LENNON. Well, such men as Dr. Edelson, who represented the manufacturers a good part of the time, and some of the manufacturers—it is not proper to mention their names; at least I feel it would be a little out of the way—testified that the protocol had worked to the decided advantage of the trade in that it had completely or nearly completely done away with shop strikes, and that they considered a very great advantage to the trade.

Mr. BERNSTEIN. Well, I don't think you will find that to be the case, sir. I don't want to contradict anybody's testimony, but my partners are at present in New York and also many of my friends, and there are strikes called daily in the New York shops.

Commissioner O'CONNELL. Well, they are soon settled. The people soon have to go back to work or get out of the union, and do go back to work in most cases. Do you find or do you believe that the make-up of the cloak and skirt makers is materially different in this city from what it is in the city of New York?

Mr. BERNSTEIN. Yes, sir.

Commissioner LENNON. You think it is different?

Mr. BERNSTEIN. Yes.

Commissioner LENNON. Is it different because of racial differences or because of different philosophies and theories that——

Mr. BERSTEIN (interrupting). There are no racial differences between the parties here and in New York, but I think those who are here regard their occupation here in more of a homelike manner, whereas there is rabble in New York. They land there as soon as they come over; they land there and they bring a great many foreign tendencies. They are inherent after they get there and, in fact, they grow in them.

Commissioner LENNON. Well, that would seemingly tend toward the greater difficulty in doing business with an organization there than it would here?

Mr. BERNSTEIN. Yes.

Commissioner LENNON. Are you doing business with the unions now?

Mr. BERNSTEIN. Are we?

Commissioner LENNON. Yes.

Mr. BERSTEIN. Here?

Commissioner LENNON. Yes.

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. In no way at all? Don't meet their committees or transact any business with them?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. Do you know whether your shop is an organized shop or not?

Mr. BERNSTEIN. I really could not say.

Commissioner LENNON. You don't interfere with it?

Mr. BERNSTEIN. None whatever; none whatever.

Commissioner LENNON. I think that is all, Mr. Weinstock.

Acting Chairman WEINSTOCK. This commission, Mr. Bernstein, does not hope to be able to do anything along the lines of wiping out all disputes——

Mr. BERNSTEIN (interrupting). No, sir.

Acting Chairman WEINSTOCK (continuing). Between workers and employers. It does hope, however, to be able to accomplish something along the lines of establishing a higher degree of industrial peace between workers and employers. The commission realizes that so long as there are changing conditions, conditions will always arise where there will be disputes. The purpose, however, is to be able to create some sort of machinery whereby these disputes can be settled by appealing to reason and in a peaceful manner rather than by resorting to cessation of work and to possible violence.

Now, while the members of this commission have had experience in various undertakings and in their various spheres of life, I do not think any of us have had sufficient experience—I do not think we have had sufficient experience collectively as publicists, employers, or workers—to be able to work out a satisfactory scheme, and our purpose in holding these public hearings is to profit by the judgment and the wisdom and the experience of employers and of workers, so as to enable us to reach intelligent conclusions that will stand the test of analysis.

Our purpose, therefore, in inviting you to come before us, Mr. Bernstein, is not in the spirit of criticism, but, as a good citizen, to ask you to help us to find the way. With your knowledge and commercial training and your contact with fellow employers and fellow workers, you certainly have had experience that no member of this association, perhaps, has had, and, therefore, we feel that you can be of service to us if you will give us the benefit of your experience and your judgment. I say all this in a preparatory way so that you will understand the purpose and spirit of my question.

Now, I gathered from——

Mr. BERNSTEIN (interrupting). Would you permit me to answer you just a minute, sir, before you ask a question?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I was present here at several of your hearings when Mr. Wanamaker and Mr. Blankenburg and Alba Johnson and the other gentlemen were present here, and it became very evident to me that your commission is simply here for the purpose of trying to do good. Now, if you would like me to answer you in a very short manner regarding what you stated to me, I can say the following: That the cloak and suit industry of Philadelphia was in a very healthy situation irrespective of what any conditions might have been shown from the other side. Now, I will make my statement a little more fully in this matter. It makes no difference what conditions of affairs, whether it is an industry or something to which I can not give an intelligible term, there is always something wrong somewheres to some little account. The Women's Garment Manufacturers' Association of Philadelphia is for one purpose only. It is for its own good. Now, that may appear selfish on the face of it, but its own good is the good of its employees, because if its employees are not working harmoniously there is no good can result to us in our production. And I might use a slang phrase, that everything was running along here beautifully and swimmingly, with possibly a small exception in one shop, which no one will ever be able to help unless we can single it out. We have people in our employ, some of them owning two or three houses free of debt, no incumbrances. I can call them over here as witnesses, if you would like to hear them. They send their children to the high schools, they give their children musical educations; in fact, I think some of them are attending colleges. Now, the entire class with those few exceptions, which I can not recount because I don't know them, were absolutely satisfied in every degree.

Then, in steps this so-called organization, disrupts those conditions here, I can only speak of the conditions in our class of manufacture. Regarding your other inquiries, I know nothing. If our people had been let alone, work-

ing under the conditions under which they were working, they would have been perfectly satisfied, because I can say this to you, in all frankness, that while the union had promised all the so-called striking employees they had to be striking employees or get their heads smashed and their eyes hammered in or something or other, or their wives insulted—their wives were afraid to go to the corner store to buy their milk and food, and the children were afraid to go to school on account of the thugs which were employed, with whom I don't know, and I don't care, but I am simply stating to you the condition in the cloak and suit industry before the peaceable workingmen were interfered with.

Now, if people making the money that the people in the cloak and suit industry were making were let alone, organization or no organization here was not necessary. It depends entirely upon the efficiency of the man as to the amount of money he is able to make. I don't know what business you are in, but you know that is so, and that even if you are not in business; so, as regards the coming in of an organization or union, I assure you that no manufacturer in the city of Philadelphia objects to it, but we object to it in the manner only that they won't have their business run by them; and the employees are making a good living wage and more than that.

Acting Chairman WEINSTOCK. I gather, then, from what you say, Mr. Bernstein, that immediately prior to your last industrial trouble from your point of view the workers had no grievances and that the conditions were ideal?

Mr. BERNSTEIN. I should judge so; yes, sir.

Acting Chairman WEINSTOCK. And that the grievances were artificial and manufactured grievances; do I understand you correctly?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. How?

Mr. BERNSTEIN. Although there might be a single instance or two that I can not cover at all. I told you that at first.

Acting Chairman WEINSTOCK. Well, generally speaking?

Mr. BERNSTEIN. Generally speaking.

Acting Chairman WEINSTOCK. And that therefore this trouble was precipitated without real cause?

Mr. BERNSTEIN. Well, there was an expression current here at that time that we were due, that means the cloak and suit manufacturers of Philadelphia were due to have a strike.

Acting Chairman WEINSTOCK. You mean that it was your turn?

Mr. BERNSTEIN. We were due. We were due previously in 1904, our firm. We had a strike which lasted exactly one day, and the strike was over and after one day.

Acting Chairman WEINSTOCK. I understood you further in answering the questions of my fellow commissioners in your opinion the workers in your industry in Philadelphia were paid the highest wages in America?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Well, of course, you know, Mr. Bernstein, in common with myself, that there is quite a distinction between wages and earnings, and I might get a wage of $50 a day and only have about $200 a year; that the real thing is the annual earnings?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Now, granted that the wages of the Philadelphia operators are the highest in America, what are their annual earnings?

Mr. BERNSTEIN. Pardon me if I say——

Acting Chairman WEINSTOCK (interrupting). Take the man that could earn $75 a week, which seems very liberal earning power, what are his annual earnings?

Mr. BERNSTEIN. Well, I believe that I have never taken this off with any purpose of statistics, but I am confident I could go over our books and show where some of our best efficient tailors have got as high as $2,500 in a year. I think I am placing that low.

Acting Chairman WEINSTOCK. How many months in a year is work available and how many months of idleness do the workers average a year?

Mr. BERNSTEIN. Well, I think since we have gone out of the summer-season business, producing any garments in a summer like now, or previously to now, rather, of summer wear exclusively, I presume about eight and one-half months.

Acting Chairman WEINSTOCK. There is three and a half months of idleness?

Mr. BERNSTEIN. Yes, sir—which was not the case with us previously.

Acting Chairman WEINSTOCK. So that the average number of weeks would be about 34 a year?

Mr. BERNSTEIN. Thirty-four or thirty-five.

Acting Chairman WEINSTOCK. Now, what would be a fair average, taking your own organization as a basis, to figure on, and you say you employ about 90 people?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. During the season what would be your weekly pay roll—your gross weekly pay roll?

Mr. BERNSTEIN. Well, allow me to tell you that these tailors are entirely pieceworkers.

Acting Chairman WEINSTOCK. Yes, but what would be your weekly pay roll, about, your 90 workers?

Mr. BERNSTEIN. Why, I really could not tell you offhand, sir.

Acting Chairman WEINSTOCK. Could you approximate it?

Mr. BERNSTEIN. The reason I answer your question in that manner is because we have two pay rolls, one on Wednesday and one on Saturday, and included in the Saturday pay rolls are some of the contractors.

Acting Chairman WEINSTOCK. Yes, sir.

Mr. BERNSTEIN. So I can not do it.

Acting Chairman WEINSTOCK. Well, undoubtedly as the result of this trouble you recently had you must have had occasion to look into your figures, and what did you find to be the average weekly earnings during the season, of your average workers?

Mr. BERNSTEIN. I have never taken it, sir.

Acting Chairman WEINSTOCK. You never have?

Mr. BERNSTEIN. No, sir; but you are at liberty to have it on our books.

Acting Chairman WEINSTOCK. Well, see if we can't approximate it anyway. Do they run more than on an average of $10 a week?

Mr. BERNSTEIN. Oh, yes.

Acting Chairman WEINSTOCK. Do they earn $15 a week?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Do they run $20 a week on an average?

Mr. BERNSTEIN. Do you include the people in my shipping room and the office help?

Acting Chairman WEINSTOCK. No, just your operators or producers.

Mr. BERNSTEIN. Well, I can not answer you positively, but I should judge over that, yes, sir.

Acting Chairman WEINSTOCK. Over what?

Mr. BERNSTEIN. Over $20—you mentioned, didn't you?

Acting Chairman WEINSTOCK. Yes; well, would it be $25 a week?

Mr. BERNSTEIN. I would not like to really commit myself, because I have never gone over the figures, but I will be pleased to take it off for you.

Acting Chairman WEINSTOCK. You ought to be a pretty good guesser, with your long experience?

Mr. BERNSTEIN. I have never taken it off closely.

Acting Chairman WEINSTOCK. Well, can you have it taken off?

Mr. BERNSTEIN. Yes, sir, surely; with pleasure.

Acting Chairman WEINSTOCK. Will you be good enough to furnish us with a copy?

Mr. BERNSTEIN. Yes, sir, with pleasure.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. BERNSTEIN. You mean for what term, please; three months or six months or a year?

Acting Chairman WEINSTOCK. I think if you took a year it would be of more interest to us.

Mr. BERNSTEIN. Well, that would have to go back to 1912, because we did not virtually work of any consequence in 1913.

Acting Chairman WEINSTOCK. Very well, if you will give us that.

Mr. BERNSTEIN. Very glad to give it to you.

Acting Chairman WEINSTOCK. Then, could you do the same thing for 1914 for the purposes of comparison between 1912 and 1914?

Mr. BERNSTEIN. Well, I might say this to you in regard to 1914: The spring season of the cloak and suit business is the smallest season, the fall season being the main season, and the employment of more hands, and, in fact, at that time people in the fall season, of the styles get settled, if you gentlemen tell us about the styles, we will have it all pat.

Commissioner LENNON. We will tell you about the styles.

Acting Chairman WEINSTOCK. Mr. Lennon, that is his strong point, telling us about styles. You might do this, then, for the purpose of comparison: Give us the earning power, dividing up 1912 into two distinct seasons, the spring and fall seasons.

Mr. BERNSTEIN. Yes; with pleasure.

Acting Chairman WEINSTOCK. Then give us the average for the spring of 1912 and the average for the spring of 1914.

Mr. BERNSTEIN. In the spring of 1914?

Acting Chairman WEINSTOCK. Yes, sir.

Mr. BERNSTEIN. Business was not as good this spring, so it won't be as large.

Acting Chairman WEINSTOCK. Now, your statement, as I recall, is that prior to the strike, from your point of view, the employees had no grievance on the wage question, they had no real grievance on the question of working hours, they had no real grievance on the question of working conditions?

Mr. BERNSTEIN. Do you want me to answer that?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. As regards to working hours, as regards to the wages, or earnings, rather, they had absolutely none. I can speak now of the members of our association. The outside shops I know nothing about, because I was in daily conference with all these people, and I heard their reports right along. As regards working hours, if we would not finally close our shop they would never go home. Some of them would bring their herring and bread down there and stay there.

Acting Chairman WEINSTOCK. You mean that they were so ambitious to earn money they would exploit themselves physically?

Mr. BERNSTEIN. Yes, sir; in a great many instances. Now, for instance, at times we would work on, if I remember rightly, Mondays, Tuesdays, and Thursdays, not compulsory, but any man who wants to sit at his machine is welcome there. Those were all pieceworkers. They do not report at 7 or 7.30 o'clock. They come to their machines when they choose.

Acting Chairman WEINSTOCK. You haven't any discipline as to the hours a man can come and go in your place?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Well, then, how can you control results?

Mr. BERNSTEIN. Well, they desire to earn, and they are always there without imposing any conditions of time on them.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. Now, in my experience I remember distinctly that my partner came from the factory and told me, "They want to work to-night." Well, I was always a firm believer that the man who worked at night could not do much work the next day, but if we had any particular lots to go out, I would say, "All right; let them work," and they would work until half past 8 o'clock or 9 o'clock, but some of them were not content with that and would have stayed longer if we had not closed down. The conditions in the cloak and suit industry in New York and Philadelphia are entirely opposites.

Acting Chairman WEINSTOCK. What were the working conditions about the shop, the sanitary conditions, so far as you know?

Mr. BERNSTEIN. Well, I have been in the shops of every one of our members in the association. I made it a point to go there, because I was not busy last fall; and in some instances I told them—I gave them suggestions what I should do, and I feel confident that every suggestion was acted upon. Mr. Tappling, who is sitting to my right, was also with me, as he was vice president of the association, and we made this point to go around, because I am a firm believer of what I have repeatedly said, that no manufacturer can manufacture without labor; the producing power must be there, and you must keep the producing power in good order and afford a good place for it.

Acting Chairman WEINSTOCK. Well, in view of the fact, then, that from your point of view there were no real grievances, that the earning power was fair, that the working hours were within their own control, and that the working conditions were good, what were the demands made on the part of the workmen?

Mr. BERNSTEIN. On the part of the working people?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I can comfortably state to you none.

Acting Chairman WEINSTOCK. They made no demands on you at all?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. How was it possible to have a strike if they made no demands?

Mr. BERNSTEIN. Those things are made up; those things can be manufactured.

Acting Chairman WEINSTOCK. Well, what were the manufactured demands, then?

Mr. BERNSTEIN. Did you ever read them off, sir?

Acting Chairman WEINSTOCK. I did not.

Mr. BERNSTEIN. Would you like to?

Acting Chairman WEINSTOCK. I haven't the time to just now, but if you will brief them out to me it will answer the purpose.

Mr. BERNSTEIN. I read to you two or three of the conditions, I believe. I will just leave this here, if you would like to read it over.

Acting Chairman WEINSTOCK. Can you briefly tell us what they asked?

Mr. BERNSTEIN. Well, the main point was the recognizing of the shop chairman, as I told you before.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Fifty hours shall constitute a week's work; which we were agreeable afterwards to give them.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. They then summaried nine hours for the first five days and five hours on Saturday. There should be no more than six hours' overtime work in any week and no more than two hours in any one day. No work shall be given to the employees to be made at home, which was entirely optional on the part of the employees.

No. 4 was that the manufacturers shall recognize the shop chairman. The employer shall maintain sanitary shops, standards to be agreed upon by the representatives of the union and the firm. Pay to be in cash and on a designated day. That certainly was a joke, because we don't pay in anything but cash. The work to be equally distributed amongst the employees during the dull season. No charge shall be made for electric power, belts, needles, cotton, or any part of the machine. The complete abolition of all contracting and subcontracting in the entire cloak and suit trade, both inside and outside the factory. There should be no time contract between the firm and individual employees except in the case of foreman, designer, and cotton cutter. No. 11. No security deposit shall be demanded by the firm from any employee, and such deposits as have already been made by the working people shall be returned to them. No overtime shopwork between November 28 and January 15 and May 15 and August 1, except on making of samples. And there was some remark here about pieceworkers and week workers and cutters and sample makers and finishers and pressers.

Acting Chairman WEINSTOCK. Which of these demands did you object to? Which did you think were unreasonable and unwarranted?

Mr. BERNSTEIN. No. 4 particularly.

Acting Chairman WEINSTOCK. Will you read it, please?

Mr. BERNSTEIN. The manufacturer shall recognize the shop chairman.

Acting Chairman WEINSTOCK. What others did you find?

Mr. BERNSTEIN. And No. 9, the complete abolition of all contract and subcontract work in the entire cloak and suit trade, both inside and outside the factory.

Acting Chairman WEINSTOCK. On all the other points you could have come to an understanding with the workers, but those two points, as I gather it, you locked horns?

Mr. BERNSTEIN. These were in the general condition.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Now, there were conditions of pieceworkers and week workers and cutters and sample makers on which we did not agree to an extent.

Acting Chairman WEINSTOCK. Were your people organized before this trouble arose?

Mr. BERNSTEIN. Nominally, no. The association had been formed in 1906 or 1907, but it was entirely inactive.

Acting Chairman WEINSTOCK. What?

Mr. BERNSTEIN. I was not a member of it at that time.

Acting Chairman WEINSTOCK. I am not speaking of the manufacturers. I mean the workers. Were the workers organized?

Mr. BERNSTEIN. Oh, without question.

Acting Chairman WEINSTOCK. Before this trouble arose?

Mr. BERNSTEIN. Oh, yes.

Acting Chairman WEINSTOCK. Did you recognise their association in any way—their union—up to that time?

Mr. BERNSTEIN. Well, there was no necessity; there were no questions came up in these days, or any conditions arose that required any meetings of any nature.

Acting Chairman WEINSTOCK. Then one day some committee, I take it, came to you with this document and asked that you give it your consideration?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. How did you treat the matter?

Mr. BERNSTEIN. Well, I think all of us—shall I answer for all of us?

Acting Chairman WEINSTOCK. Please.

Mr. BERNSTEIN. Because this has been debated so long that I can really answer you in the plural. It was the view of everyone to avert, if possible, this strike, because we were confident in one thing, that these people who were helping us to manufacture—I mean laboring people now, working people—were not going to benefit by this strike, although they thought they would under what they were told by the leaders. I knew that we would not benefit, and they certainly were not going to declare a strike in the dull season; so they waited until our men were on the road and had sent in their orders, and on July 14 the bomb burst. We had several meetings of our executive committee, and also, I think, three meetings with them.

Acting Chairman WEINSTOCK. What, three meetings with the representatives of the workers?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Joint meetings?

Mr. BERNSTEIN. Yes; about four or five of us, with two of them, I believe. Yes; there were two. We were pointed out one particular phrase of the letter which went with these conditions. I don't know that I can just put my eyes on it. It read: "Yet at the same time the unions have determined at all hazards to employ all legitimate means"—that word was spelled wrongly; it had an "il" left off at the front—"for the purpose of effecting those proposed changes." The gentlemen representing the other side were very insistent upon calling our attntion to this particular phrase—that they were "determined at all hazards." And I answered the men that "We will endeavor on our part to accede to the wishes which you state are the workers' wishes, but which are not the workers' wishes, to see whether we can not get together with you." And he says, "If you don't, what are you going to do?" and I said, "I am going to fight you to a finish." Well, he said, "That is what it will be." I said, "Now, you are going to be the sufferers; your hands are going to be the sufferers; the manufacturer is going to be the sufferer." I said, "Absolutely not a soul in the city of Philadelphia or from any drawing places we have in the United States is going to benefit by this."

Acting Chairman WEINSTOCK. Well, then, up to that point, Mr. Bernstein, it was a case of one organization through its representatives dealing with the other organization through its representatives.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. There was mutual recognition there; that is, you recognized the unions and they recognized your association?

Mr. BERNSTEIN. Well, we recognized them in so far only that we could avert this for our poor hands; our friends we call them, even though the workingmen do not think so.

Acting Chairman WEINSTOCK. Well, regardless of what the motives may have been, the fact is they recognized your association and you recognized their association?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. And whatever agreement might have been arrived at would have been for collective observance?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Now, I gather from that, having come together, you were unable to agree?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Was there any attempt made or any suggestion made on either side to submit the disputed points to arbitration?

Mr. BERNSTEIN. Not at that time, sir.

Acting Chairman WEINSTOCK. You did not suggest it, representing your association, nor the workers did not suggest it, representing their association?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. It was simply a case of a hung jury?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Then what followed?

Mr. BERNSTEIN. Then the strike was declared.

Acting Chairman WEINSTOCK. By the workers themselves?

Mr. BERNSTEIN. Yes, sir; by the unions.

Acting Chairman WEINSTOCK. By the unions?

Mr. BERNSTEIN. Yes; not the workers.

Acting Chairman WEINSTOCK. What was the ultimate—what was the result of it?

Mr. BERNSTEIN. The result of it was that they went out on strike and remained out on strike for exactly six months.

Acting Chairman WEINSTOCK. Then, how was it finally terminated?

Mr. BERNSTEIN. Well, by them giving up the fight.

Acting Chairman WEINSTOCK. Well, I have found, Mr. Bernstein, in my experience in dealing with labor disputes that it is very rarely that a dispute of that kind arises and culminates into a strike, which frequently leads to violence, that when a careful analysis is made of all the circumstances it is found that the trouble was due either to a misunderstanding or through mistake made on one side or on the other side, or by both sides. Now, what we want to get at as a commission—we are not interested in any particular strike and we art not interested in knowing whether Jones or Smith or Brown is at fault. What we are interested in is to get at the underlying causes for these troubles. Now, you think, Mr. Bernstein—and you ought to be the best critic under the circumstances—that you could hold the situation at arm's length and review it and put your finger on the point of failure; point out just where the mistake was made by one side or the other, if any mistake was made, so we may get the benefit of your criticism of the whole case? I know that you are manly enough, Mr. Bernstein, that if you made any mistakes to acknowledge them thoroughly.

Mr. BERNSTEIN. I certainly would acknowledge it. I should not hesitate for a moment. I would tell you if the policy which we pursued, upon reviewing it now after six months, whether we found ourselves in any manner wrong, because I am one of those fellows who will never be always in the right; but I believe that if such matters are to be conducted properly—and when I make this remark I do not mean for the manufacturer, I mean for the benefit of the workingman—if the workingman could only look into these matters and realize and recognize that he is the one that is being trampled on only, that the manufacturers of to-day—I could not say these gentlemen, but I mean to say in our association—are only too willing to accede to any demands. Certainly there is another side of the question.

Acting Chairman WEINSTOCK. Well, do you think the workers in that case—did the employees in that case make any mistake; and if so, what was their mistake?

Mr. BERNSTEIN. Well, the imposition. That was a direct intent, you know. You must not forget the little remark which I made to you, which may sound wrong. We were "due." There has got to be a strike somewhere—no strike, no pay—but if the poor working fellow strikes, no pay.

Acting Chairman WEINSTOCK. You mean, then, that the workers were led like so many sheep by their leaders to a slaughter?

Mr. BERNSTEIN. Absolutely; yes, sir.

Acting Chairman WEINSTOCK. That the rank and file were opposed to the strike, but, having leaders who were not sincere, they tried to exploit the workers for their own selfish benefit?

Mr. BERNSTEIN. Allow me to answer you in this manner, please. Daily members of our association—Mr. Kelly, whom I think you have on the stand after me, and my partner, and these gentlemen, and many others of us here—received no less than 10, 15, 20, 30, or 40 telephone calls a day from our own working people saying, "For God's sake, bring this thing to a close; accept their conditions and get us back, and after we are back we will keep right on the way we were going; but, for God's sake, stop this strike." Now, I will leave these gentlemen testify. I don't know whether my figures are right—sometimes there were more, sometimes less. So you can see the position of the workman was to get back to work.

Acting Chairman WEINSTOCK. So far as you know, Mr. Bernstein, did the leaders in the unions have the power on their own volition to declare the strike, or did they take a secret ballot as to whether there should be a strike?

Mr. BERNSTEIN. I could not tell you that, sir.

Acting Chairman WEINSTOCK. You don't know?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. You think, then, that the mistake on the part of the workers was in having been ill-advised or having leaders that deliberately forced them into a strike against their wishes and against their best interests?

Mr. BERNSTEIN. I should view it that way; yes, sir.

Acting Chairman WEINSTOCK. What mistakes, if any, did the employers make? If you had the thing to do all over again and you wanted to avert the strike in every legitimate way, what would you do that you did not do in this case?

Mr. BERNSTEIN. Well, the very same question that you are asking me, I have asked our board immediately following the settling of the strike, or, in fact, during the strike, and while we do not want to hold admiration meetings over ourselves in any manner, we all came to one conclusion; in fact, I might say, I went further than the executive board, we took in some of our members and asked the very same question, and we all concluded that if we had the thing to do over again that we would do it in the very same manner if the other side refused to listen to arbitration in the manner which we suggested that was best.

Acting Chairman WEINSTOCK. But a little while ago I put the question to you, Did you or the workers suggest arbitration? and you said no.

Mr. BERNSTEIN. No; I answered this gentlemen in the early part, we attempted arbitration with them.

Acting Chairman WEINSTOCK. You did suggest arbitration?

Mr. BERNSTEIN. Not suggest; no, sir.

Acting Chairman WEINSTOCK. What did you do?

Mr. BERNSTEIN. Preceding the strike—you mean during the strike?

Acting Chairman WEINSTOCK. No; at any period?

Mr. BERNSTEIN. Preceding the strike, not during the strike.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. We were approached by several gentlemen who endeavored to bring forward arbitration. We listened to some of them. They gave us the assurance that the other side was quite willing. We even went so far as to tell them we would give quite some consideration, in going one, two, or possibly three steps further than what we had gone the day when the suggestion was made before the strike, but we found that those who approached us came there in the guise of friends, but they were nobody and we dropped them.

Chairman WEINSTOCK. Well, now, there have been instances that have come under my notice, where in cases of trouble similar to the case we are discussing now, third parties would come to the employers and suggest arbitration, and the representatives of the employers would say there is nothing to arbitrate. Was that attitude taken by your association at any time?

Mr. BERNSTEIN. Not until the latter part of it, sir.

Acting Chairman WEINSTOCK. Not until after cessation of work?

Mr. BERNSTEIN. Oh, considerably after that.

Acting Chairman WEINSTOCK. Up to that time you were quite ready to submit the disputes to arbitration?

Mr. BERNSTEIN. Absolutely.

Acting Chairman WEINSTOCK. The other side refused to submit to arbitration then?

Mr. BERNSTEIN. Not until—do you mean before the strike?

Acting Chairman WEINSTOCK. Well, at that time you were willing to submit the matter to arbitration was the other side also willing to submit to arbitration?

Mr. BERNSTEIN. They said they were; yes, sir; preceding the strike.

Acting Chairman WEINSTOCK. Well, then, if both sides were willing to submit the matter to arbitration, why was not the matter arbitrated?

Mr. BERNSTEIN. Because they insisted upon the appointing in each and every shop of a shop chairman.

Acting Chairman WEINSTOCK. Wasn't that the thing to be arbitrated?

Mr. BERNSTEIN. It could not be.

Acting Chairman WEINSTOCK. Why not?

Mr. BERNSTEIN. Absolutely impossible.

Acting Chairman WEINSTOCK. You mean they refused to arbitrate that particular point?

Mr. BERNSTEIN. Absolutely. That was the main hinging point.

Chairman WEINSTOCK. Were you willing to arbitrate that particular point?

Mr. BERNSTEIN. No; that was one point we would not arbitrate.

Acting Chairman WEINSTOCK. Then you struck a point where neither side would arbitrate?

Mr. BERNSTEIN. Where we hedged. That is, we were both up against the wall on that. There were other points we were perfectly willing to accede to them, and they were in a small manner.

Acting Chairman WEINSTOCK. Well, then, is that so, then? Wise men profit by experience, especially if it is costly experience, and I take it that this must have been rather a costly experience?

Mr. BERNSTEIN. It was.

Acting Chairman WEINSTOCK. Might I ask incidentally what it cost the manufacturers—the strike?

Mr. BERNSTEIN. Now, that is a very hard question, sir. You mean, I take it, as regards our strike expenses?

Acting Chairman WEINSTOCK. Well, the collective loss of the manufacturers. How much poorer were they than they would have been?

Mr. BERNSTEIN. I can't say.

Acting Chairman WEINSTOCK. You can't tell?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. Were there no estimates made as to the loss sustained by the manufacturers and the wage earners? That is usually done in the event of any large strike; they figure up the cost pro and con.

Mr. BERNSTEIN. I don't see, really, how it could have been done, because a man would not know what volume of business he might have done, you know. The strike occurred on the 14th of July, which is really the beginning of the garment season.

Acting Chairman WEINSTOCK. Are we to understand, Mr. Bernstein, that if the same circumstances were duplicated to-morrow, knowing what you know to-day, that you would take exactly the same position as you did before, or would you profit by your previous experience and do something you did not do to avert the strike?

Mr. BERNSTEIN. That is a question?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I think that we really had reached the end of the rope in going into the experience as far as we did. I know it is the absolute determination of every manufacturer in this town that never in his existence, as long as he is in the cloak and suit business, will he permit a shop chairman in his shop. Now, I might answer you.

Acting Chairman WEINSTOCK. Will you tell us, Mr. Bernstein—we are laymen in the commission——

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. What is meant by shop chairman? What are his functions? What are his powers and responsibilities?

Mr. BERNSTEIN. Will you let me just finish the other answer?

Acting Chairman WEINSTOCK. Surely.

Mr. BERNSTEIN. I will present to you what I heard expressed so thoroughly in our association rooms, that never would they permit a shop chairman in their establishment. When I tell you that you can infer just exactly what would happen if another strike were to come about. That is the main issue, and none of them—I am not speaking through myself for them, but I am speaking for them of them as they spoke to me and to all of us—so if it is the union's purpose at any time to appoint a shop chairman——

Acting Chairman WEINSTOCK (interrupting). It will be war to the knife?

Mr. BERNSTEIN. How?

Acting Chairman WEINSTOCK. It will be war to the knife?

Mr. BERNSTEIN. Well, something like that, although it was before the same thing.

Acting Chairman WEINSTOCK. Now, will you be good enough to tell us about the shop chairman; just what he does, and what his limits are?

Mr. BERNSTEIN. I will try to. I told you before that we had a strike of one day in 1904. The union had in a measure entered our stock, and in the pressing room there came forward an instance that we had a man in charge there, with probably 10, 12, or 14 pressers, and after a garment is pressed it passes to the

examining table again, from which place it goes to the men or girls who sew on the buttons and the garment is completed. This particular man in charge of the pressing room brings this garment over to my partner—this particular garment—and shows it to him, and this was the first day that the union were in our shop. This morning, in fact, I think it was about 10 or 11 o'clock, to be precise, he said: "I told this man this garment is not right, and I told him I would not accept it and that he should press it over again," and he said "That garment is all right, and I won't press it over," and I said to my partner, "Will you pass that garment?" and he said "Absolutely no," and with that my partner goes into the pressing room and says, "Who is the man who pressed this garment?" and he said, "This is the man." So he acted toward him nicely, and said, "That garment is not pressed correctly; it will never pass." And with that this so-called shop chairman, although this name has only been delegated to them in the past few years; but preceding that time he was the common "delegate," he said, "That garment is pressed correctly and is not going to be pressed again," whereupon my partner said, "You get down that elevator and take the man who pressed the garment with you." So he did. In about an hour word comes around the shop we are on strike, and they went out on strike, and we left them alone and did not say anything to them. I think it was about a Tuesday morning and everybody walked back to his machine as happy as a lark and started working. So that is all the experience I have ever had with a shop chairman, but from all reports I have had from all the people, and particularly from New York City, it is something that we would never permit nor entertain for an instant.

Acting Chairman WEINSTOCK. Your point is that the shop chairman represents the worker and that he is supreme, and that in the recognition of the shop chairman you give up all control of your shop?

Mr. BERNSTEIN. Absolutely.

Acting Chairman WEINSTOCK. He becomes the supreme judge?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. And that, in your opinion, to do that would be to take away your rights and your privileges and your authority without due process of law?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Well, now, we were discussing the question of the protocol in the earlier part of the investigation, Mr. Bernstein, and, as has been brought out by some of the previous examiners, testimony has been submitted to this commission which might lead the commission to believe that, while the protocol as operated in New York is not the best conceivable condition; that, while it has its weaknesses and shortcomings and failings, on the whole, it has worked out fairly successfully; and, even admitting that it is an evil in certain directions, the consensus of opinion is that it is the lesser evil; that the conditions prevailing under the protocol are far better for the worker and employer than they were before the protocol; that it makes for industrial peace; that it provides machinery where all disputes can be adjudicated without cessation of work.

Now, from the testimony that you have submitted, Mr. Bernstein, your opinion, seemingly, is that it is a failure; and if so, will you be good enough to tell the commission why and what are its points of failure—wherein it has fallen down?

Mr. BERNSTEIN. I don't know that I can delve very closely into the conditions and acting of the protocol in New York. I have read them and forgotten them. But I can tell you gentlemen that I do not know what testimony or from whom you got testimony during your investigation in New York City, but I can tell you this, that there is hardly a week goes by that I do not meet gentlemen here from New York who tell me of the raw state of affairs existing there; possibly I have no right to talk about this, but as long as you asked this question I am going to give you the opinions which I hear.

There are strikes in New York in a small manner, so to say, there are cessations daily, not in one but probably 3, 5, 10, or 20 instances in different shops. If I could recall one, just at this moment, which I heard of two weeks ago, it would be very interesting. I can not really recall it at the moment. But the people went down and they were visited by the New York union representatives and also a representative of the New York association, and there seems to be a kind of cahoot over there between those two fellows of some manner—I don't know what it is; it is not here; and this man was obliged to wait three days before his machines were resumed to be working.

Now, the protocol, from what little I can recall, is anything but good to the workingman; and if you gentlemen hear my remarks generally here, you may assume that I am not for the workingmen as much as I am; but I am, because I was a young working fellow once, and I appreciate their duties.

Now, the protocol, as far as I can understand it, is absolutely no good. It is against the workingman.

Acting Chairman WEINSTOCK. How?

Mr. BERNSTEIN. I can not tell you the particulars; it may be Mr. Kelly knows more about it than I do, or Mr. Tappling, but I have heard it and read it and forgotten it.

Acting Chairman WEINSTOCK. Well, of course, we value your opinion, Mr. Bernstein, but what would be more helpful to us would be the fact.

Mr. BERNSTEIN. I think I have a copy of it, and would be very pleased——

Acting Chairman WEINSTOCK (interrupting). We have that, have a copy of the protocol. But what we do not know at present is its points of failure, which perhaps you can point out to us.

Mr. BERNSTEIN. I haven't any in mind at present; I haven't them in mind.

Acting Chairman WEINSTOCK. I gather, then, that you believe that, from the standpoint of the worker, it is harmful to him?

Mr. BERNSTEIN. From what I have heard.

Acting Chairman WEINSTOCK. Rather than helpful to him.

Mr. BERNSTEIN. From what I have heard; yes, sir. I think they are misdirected by it.

Acting Chairman WEINSTOCK. And how about from the standpoint of the employer? Is it harmful or helpful to him?

Mr. BERNSTEIN. Well, I don't think it is a question either of benefit or otherwise, hardly.

Acting Chairman WEINSTOCK. You mean, that so far as the employer is concerned it neither helps nor hurts him.

Mr. BERNSTEIN. As far as I remember it; I have not investigated it closely at all, any more.

Acting Chairman WEINSTOCK. Well, then, if that is true, if that is against the interests of the worker, but does not affect the welfare of the employer, so long as the worker should be satisfied to enter into the protocol, what objection could there be to the employer to do it, if he would not be affected by it?

Mr. BERNSTEIN. I regret that I can not answer you. I really do not recall the particulars. I have not read it up for a long time.

Acting Chairman WEINSTOCK. Suppose there was an effort made to establish the protocol in Philadelphia, what would be the attitude of your members, as nearly as you can state, of your associates?

Mr. BERNSTEIN. Well, as nearly and as vaguely as I remember the conditions of the protocol, I should oppose them, although I am not entirely certain of the points contained therein.

Acting Chairman WEINSTOCK. Were you present, Mr. Bernstein, in the last day or two, when representatives of both sides testified before this commission on the pottery industry?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. And on——

Mr. BERNSTEIN (interrupting). The metal trades?

Acting Chairman WEINSTOCK. No; the glass blowers' industry?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Well, for your information, then, let me explain that in both of those industries this is the condition that prevails: The workers are strongly organized; the employers are strongly organized; they recognize each other and they deal with each other. They enter into trade agreements, written agreements; and these agreements, if I mistake not, provide that in the event of a dispute arising, that dispute, without cessation of work, must be submitted to arbitration, and the findings of the arbitrators must be accepted by both sides. Those things do tend to industrial peace. Now, do you know why that plan should not work out as well in the garment industry of Philadelphia as it does in the pottery industry or the glass blowers' industry?

Mr. BERNSTEIN. Well, may I ask you, is there a shop chairman on the premises?

Acting Chairman WEINSTOCK. I don't know; my friend, Mr. O'Connell, says there is a grievance committee. They gave it a different name there, they call it a grievance committee.

Mr. BERNSTEIN. It is not a committee, it is a gentleman, an individual, single.

Acting Chairman WEINSTOCK. He is never married?

Mr. BERNSTEIN. A single one, individual. If it arrives at a question that a manufacturer who, after hard dint and labor, has brought his plant up to a point where he must be subjected to a yes or no, or a turndown, or a this or a that of a single ignorant man, and his job, to get into his shop; then if those people can enter into that agreement in the glass blowers', or whatever the other association was, it is beyond me.

Commissioner O'CONNELL. One of those trades indicated have not had a strike for 18 years, and the other one has not had a strike for 24 years.

Mr. BERNSTEIN. I don't want you gentlemen to think that where strikes occur that we like strikes, because we do not, and it was our effort to avert them in any manner possible.

I don't know, but as I understand this gentleman, from the very early part of it, we certainly have no objection to people organizing themselves. We do not control them. We simply pay them for the labor which they deliver us, it is a matter up to them whether they see it for their benefit, but they certainly do not derive any benefits in any degree, did not in the slightest from the strike, and there was nobody more sorry for them than I was.

Acting Chairman WEINSTOCK. What would be the attitude of your association, Mr. Bernstein, to put my question in a somewhat different form—I don't think I made it as clear as I meant to make it—if parties were to come to your association and suggest the advisability of duplicating the conditions that prevail in the pottery industry to your industry?

Mr. BERNSTEIN. Oh, they are not applicable.

Acting Chairman WEINSTOCK. They are not applicable?

Mr. BERNSTEIN. Absolutely not.

Acting Chairman WEINSTOCK. Where would they prove a misfit?

Mr. BERNSTEIN. In a great many degrees. As regards wages, which they might contend would be only just and fair. There would be no comparing of the two industries whatever.

Acting Chairman WEINSTOCK. Well, we know, of course, that the wages are different, but then the matter of wages is not the principle involved in the matter—the principle involved is very largely the same.

Mr. BERNSTEIN. Very largely.

Acting Chairman WEINSTOCK. The amounts may differ, but the principle is the same. If the potters and employers can get together and determine their wages, why can't the employers and the workers in the garment industry get together and determine the wages?

Mr. BERNSTEIN. They have been.

Acting Chairman WEINSTOCK. That has all been done?

Mr. BERNSTEIN. That had been, previous to the strike.

Acting Chairman WEINSTOCK. They had been adjudicated by both sides?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Then there would be no room for an issue there?

Mr. BERNSTEIN. Not collectively. Individually in all instances.

Acting Chairman WEINSTOCK. That is, you made a bargain with each separate worker?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. You did not deal with them as a body?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. As a group?

Mr. BERNSTEIN. No, sir; not collective bargaining.

Acting Chairman WEINSTOCK. Not even those in your own shop?

Mr. BERNSTEIN. No, sir. I might say that different garments pay different prices, and different tailors make different garments.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. So one particular tailor might be able to make a garment of higher class and one of lower class. Possibly the man who makes the lower class is able to produce that many more, or vice versa; depends upon his efficiency entirely. The man who makes the better garment might be more efficient in producing a better garment quicker than a man who makes the lower garment, and a better price.

Acting Chairman WEINSTOCK. In order to get that clear in my mind, tell me what the system is to-day. Your designer brings you a new design of a costume?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Who fixes the price for the different operators for the different parts of that costume?

Mr. BERNSTEIN. Well, the cloak and suit business has gone along for a long while; there might be changes; there is some relative nearness to garments that have been produced previously from which you could determine the price.

Acting Chairman WEINSTOCK. Who is the price maker?

Mr. BERNSTEIN. Well, the man in charge, usually.

Acting Chairman WEINSTOCK. The employer?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Does the worker have any voice whatsoever in the fixing of that price?

Mr. BERNSTEIN. I should say yes.

Acting Chairman WEINSTOCK. At what stage of the game does his voice enter?

Mr. BERNSTEIN. Well, a garment is produced in the following manner—I don't know whether you know anything about it——

Acting Chairman WEINSTOCK. Not practically; no, sir.

Mr. BERNSTEIN. The garment is produced, and the designer gets his design and cuts his model and gives it to what we call a sample maker. This sample maker is a tailor, but in this particular time he is then on week work, as a rule. The garment is then finished, and, if it is suitable and meets the eyes of those for whom it was produced, it is duplicated, so that the other men on the road or the New York office also has a sample. In the producing of the duplicate samples the price is determined. The manner in which we do this is as follows:

In the making of samples we pay a certain price for all samples; makes no difference what they are.

Acting Chairman WEINSTOCK. For the garment complete?

Mr. BERNSTEIN. No, sir. A coat is one tailor and a skirt is another tailor.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Particularly of a coat, or a suit as a jacket; we speak of them in that manner. A coat implies a single garment, and a jacket a suit. After we work two or three weeks and have some garments to produce, whatever this garment is worth more than the nominal sum of $2 or $2.50, which we give to the tailor, we give him credit for that.

Acting Chairman WEINSTOCK. Who determines whether it is worth more than $2?

Mr. BERNSTEIN. The man in charge of the establishment.

Acting Chairman WEINSTOCK. The employer?

Mr. BERNSTEIN. Yes, sir; sometimes, not always, the employer; sometimes the designer.

Acting Chairman WEINSTOCK. He would represent the employer, of course?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Supposing I was the operator, and here was a new garment brought out, and it was turned over to me to do, and I was informed that the price of that garment was $2.50, and I objected and held that $2.50 was not enough, that it was worth $3; what would happen?

Mr. BERNSTEIN. Well, if we did not think it was worth $3, I would either not give you the garment, but somebody else would get it, but if you talked to me and showed me where it was worth more than $2.50, the price would be advanced.

Acting Chairman WEINSTOCK. But if you couldn't advance it, if I couldn't convince you it was worth more and you couldn't convince me it should be done for $2.50, then we could not agree?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Then, I would have no voice except to suggest to you that it ought to bring more.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Aside from that my powers would end as a worker.

Mr. BERNSTEIN. On that particular garment, but there are others.

Acting Chairman WEINSTOCK. You would have the last word?

Mr. BERNSTEIN. Not exactly.

Acting Chairman WEINSTOCK. Then who would have the last word?

Mr. BERNSTEIN. If you were a good tailor I would give you another garment to make.

Acting Chairman WEINSTOCK. Who would have the last word on that particular garment?

Mr. BERNSTEIN. There would be other garments; if my idea is that that garment is well paid for at $2.50, there are many others who would make it for $2.50.

Acting Chairman WEINSTOCK. What I want to get at is this: Under collective bargaining, take it in the pottery industry, the two sides come together on the question of determining wages or prices, if it is piecework, and if they can not come to an understanding it is submitted so that a price is arrived at that both must accept.

Mr. BERNSTEIN. To whom?

Acting Chairman WEINSTOCK. Somebody that they both agree upon, I presume.

Mr. BERNSTEIN. I mean, outside of the pottery business?

Acting Chairman WEINSTOCK. I am not familiar with the details. They have both committees that thrash the matter over, and the worker has an even voice with the employer. That is, the employer has not arbitrary power, on the theory that the worker has his work to sell and, having it to sell, he feels he is entitled to a voice in determining the value of that work. He is not supreme, he can not dictate, and the employer is not supreme and he can not dictate; they get together ultimately, by mutual concessions, until an agreement is arived at which is satisfactory to both sides.

Mr. BERNSTEIN (interrupting). Mr. Weinstock——

Acting Chairman WEINSTOCK (continuing). But I take it in this case, from the explanations made, that the employer is supreme in the fixing of the price; that the worker can suggest, can recommend, but he has no power. I take it it is the difference between individual bargaining, where the employer is absolutely supreme, and collective bargaining, where the worker has a voice to protect himself in that way against the unfair employer. You know, of course, as I do, Mr. Bernstein, that among the workers there are fair workers and there are unfair workers, is not that true?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. There are some workers who give you a fair day's work for a fair day's pay?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. There are some workers who give you an unfair day's work for an unfair pay, isn't that true?

Mr. BERNSTEIN. I presume so, in anything.

Acting Chairman WEINSTOCK. That is not a one-sided condition. I think you will agree with me that, among employers, there are fair employers and unfair employers?

Mr. BERNSTEIN. I will grant you that also.

Acting Chairman WEINSTOCK. And there are fair employers who are willing to give a fair day's pay for a fair day's work, and there are unfair employers who are not willing to give a fair day's pay for a fair day's work.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. The purpose of collective bargaining, as I understand it, is to protect the worker not against the fair employer, but against the unfair employer, and the only way that has yet been conceived, from all that I have been able to determine as the results of my investigation that the worker can be protected against the unfair employer, is by this system of collective bargaining, where he is given a voice?

Mr. BERNSTEIN. Permit me to answer you in one or two words. I don't think that any conditions which have resulted in trouble here—there is only one word to put there, strike—has ever been brought about through any question of prices solely. Now, I might say that my partner, who is a manufacturer—I must speak of our own place, because that is the most I know of—we have been in business 14 years and we have made hundreds of thousands of garments in that time, how many I don't know; there have times come up when the prices which we would set on garments, in instances, were not entirely satisfactory; they were always adjusted without any trouble; no trouble whatsoever. There might be a little bit of a hitch in the matter of saying this garment is worth so much more, and I would say I don't think it is worth so much more, and "now, show me the difference between this garment and one produced last season."

I must say, in all earnestness, that in the majority of instances they found that we would pay them what was right. The moment I would say, "That garment is no different from the garment we had last summer" or compare it with another garment of the same line of the present season—sometimes I was

wrong—raise the price a little bit, and everything went along hunky-dory. Those troubles—the strikes—are not from the price question. There might be in some little bit of a shop, and neither you nor I can go and change that, but when you come to speak of a majority, taking it as a whole, strikes do not result from prices.

It is not a question of that matter.

Acting Chairman WEINSTOCK. Well, are you in favor, then, Mr. Bernstein, of any system that would lead to trade agreements?

Mr. BERNSTEIN. Not from past experience; I am not.

Acting Chairman WEINSTOCK. Not from past experience?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. If we were to invite your advice, then, to the commission as to whether we would recommend to the employers of the Nation that, as a means of establishing a higher degree of industrial peace, they should enter into trade agreements, you would not be in sympathy with that recommendation?

Mr. BERNSTEIN. The term which you imply there is so indefinite that I would hardly, under any conditions, give my assent, because the arbitrator or mediator or conciliator, whatever you might wish to have come in, in a great many instances is appointed under compulsion, on either one side or the other, to have a party who absolutely has no knowledge of the business.

Acting Chairman WEINSTOCK. Not in the making of a trade agreement, Mr. Bernstein.

Mr. BERNSTEIN. Very possible.

Acting Chairman WEINSTOCK. You are the employer and I am the worker; you represent the employers and I represent the workers.

Mr. BERNSTEIN. Pardon me just a moment. I can give you an instance of that right in the men in our own business. I assure you if I were called to-day as an arbitrator on some classes of our own merchandise in the very cheapest lines—we make the better line only—I would be a very poor arbitrator, because I would see that garment only with my own eyes in looking at a well-finished garment and I would not be able to determine what the proper price would be in a cheaper garment. I have had instances of it, and I did not feel competent.

Acting Chairman WEINSTOCK. I did not make myself clear. What I wanted to convey to your mind was this: That, so far as making trade agreements are concerned, the arbitrator, as a rule, is not called in. The time when the arbitrator is called in is when it comes to the interpretation of that trade agreement. You and I may enter into an agreement to-day and to-morrow you would put one interpretation upon it and I would put an entirely different interpretation upon it. To settle what is the correct interpretation of it, we would probably decide to put in a third party. There is the arbitrator who steps in. But I asked you, are you in favor of the trade agreements? Are you in favor of the employees and the employers, through their respective representatives, coming together and fixing the conditions which shall prevail for a number of years?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. You are not in favor of it?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. You don't think it would work out satisfactorily to employer or worker?

Mr. BERNSTEIN. No, sir; I am looking on the side of the worker as much as I am on the side of the manufacturer.

Acting Chairman WEINSTOCK. How do you explain the fact that there are so many industries which have trade agreements where both sides pronounce them as being satisfactory?

Take it in the railroad industry, one of the largest industries in the world, employing hundreds of thousands of men, and they operate satisfactorily under trade agreements; strikes are extremely rare, because many of them have provisions in their agreements that when a dispute arises it shall be submitted to arbitration, and that there shall be no cessation of work, and the decision of the arbitrator shall be binding on both sides.

How do you explain the fact that they are eminently satisfied in the printing business, another large industry? Trade agreements have worked very satisfactorily in the pottery industry, and in the glass blowing industry. Those trade agreements have been going on for untold decades; and from your point of view they should have all ended in wretched, miserable failure, but they have not.

Mr. BERNSTEIN. No; don't take my point of view as being general for all industries, if you please. I do not set myself up on a pedestal in that manner. You are speaking of our industry.

I explained to you before that the conditions existing before this strike was called couldn't have been better. Only those who were lazy and did not want to work were not making a living. There was plenty of work here. Everybody was satisfied.

Acting Chairman WEINSTOCK. Then, your judgment is, Mr. Bernstein, that the best conceivable condition for worker and employer in your industry is no organization, individual bargaining?

Mr. BERNSTEIN. Individual bargaining; our whole woman's garment manufacturers' association amounts to nothing more to-day, nominally, than an association that we have joined, as a club, with no set rules. We are trying to determine at the present moment how long or how short a garment is to be. That is all we are discussing. We have little meetings for the purpose of saying "How do you do" to each other, and we remain in that tranquil condition until we are aroused again.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Bernstein.

Mr. BUSIEK. I will call Mr. Kelly.

TESTIMONY OF MR. WILLIAM A. KELLY.

Mr. BUSIEK. State your full name, please.

Mr. KELLY. William A. Kelly.

Mr. BUSIEK. You are secretary of the Women's Garment Manufacturers' Association of Philadelphia?

Mr. KELLY. I am.

Mr. BUSIEK. How long have you held that position?

Mr. KELLY. Since about September.

Mr. BUSIEK. Since last September?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. Are you also a manufacturer of women's garments?

Mr. KELLY. Manufacturer of women's garments, in the metropolitan streets, Fifteenth and Wallace Streets.

Mr. BUSIEK. How many employees have you?

Mr. KELLY. At the present less than two dozen.

Mr. BUSIEK. At high tide, in your business?

Mr. KELLY. Sixty to seventy people, perhaps a little more.

Mr. BUSIEK. In addition to that, do you put out any work on contract?

Mr. KELLY. All work manufactured on the premises.

Mr. BUSIEK. All work is manufactured on the premises?

Mr. KELLY. Yes.

Mr. BUSIEK. Is that a recent condition, or has that always been the practice?

Mr. KELLY. Always.

Mr. BUSIEK. Are there any contractors in the shop, in your shop?

Mr. KELLY. Skirt; two men take charge of the skirt end of it.

Mr. BUSIEK. And then they become contractors?

Mr. KELLY. They employ their help on the skirts.

Mr. BUSIEK. How about pressers?

Mr. KELLY. Two pressers take charge of the pressing end.

Mr. BUSIEK. They employ their assistants?

Mr. KELLY. They employ their pressers and underpressers.

Mr. BUSIEK. Do the tailors employ any assistants?

Mr. KELLY. Pieceworkers, no. Week worker, one week worker with an assistant.

Mr. BUSIEK. Who pays the assistant?

Mr. KELLY. We do, the firm.

Mr. BUSIEK. In these figures that Mr. Bernstein was giving I neglected to ask him about one thing, but you can probably tell. Do those workers have to pay any assistants out of those wages?

Mr. KELLY. None whatever. The finishers are entirely separate; paid by the firm.

Mr. BUSIEK. Do you confirm Mr. Bernstein's figures of the number of garment workers employed in Philadelphia, are they approximately correct?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. The members of your organization employ about 75 per cent?

Mr. KELLY. Seventy-five to eighty per cent of the total help in the city. This matter of cloaks and suits, remember, does not apply to all needle trades; that our waist and dressmakers are entirely separate; they would come under the head of the needle industry. This is only the cloak-and-suit industry.

Mr. BUSIEK. That is all we are interested in now.

Mr. KELLY. Yes.

Mr. BUSIEK. Does your association maintain any data on the employees of the members at large? Do you have any exchange of information as to employees or references of any kind? Supposing Mr. Bernstein hires a man and the man says that he formerly worked for you, is there any data preserved at the central office?

Mr. KELLY. None.

Mr. BUSIEK. Which would enable Mr. Bernstein to look that man up?

Mr. KELLY. No, sir; he would have to inquire from me.

Mr. BUSIEK. He would have to inquire?

Mr. KELLY. If the man worked.

Mr. BUSIEK. I suppose that is not at all uncommon, is it, that one employer inquires as to the record of an employee?

Mr. KELLY. Very seldom applies, because in this business they take the help on just as needed, and while it would be much more profitable if they would inquire as to a man's ability, most of them fail to do it.

Mr. BUSIEK. I suppose that you concur with Mr. Bernstein on the proposition that a shop chairman was a rock that would be bound to split on, you would be bound to split on?

Mr. KELLY. I have had a little bit different experience from Mr. Bernstein; I have had a union shop.

Mr. BUSIEK. How do you find it works in your shop?

Mr. KELLY. I closed my shop in August, 1913, as a union shop, and notified the employees that the employees of the shop ceased to be a union shop; that the shop had ceased to be a union shop that day, but it would be, on Monday, or any time thereafter, absolutely an open shop.

Mr. BUSIEK. What inspired that determination?

Mr. KELLY. The matter of adjusting prices; the price committee and the attitude of the employees after the strike had been declared was entirely different. For two years and a half conditions were very agreeable, but when the flaming circular went out, and they went on strike, they took them out of my shop as well as out of others; then when they came back the attitude of the employers was entirely different, because they felt they had a firmer hold and stronger stand with the union back of them, and on strike they assumed an entirely different attitude.

Mr. BUSIEK. In regard to what?

Mr. KELLY. As regards the making of prices.

Mr. BUSIEK. Did they insist on higher prices for their piece goods?

Mr. KELLY. My arrangements with them was that they stick to their former prices as arranged; always made a price list out and had it posted in the shop. They were satisfied with this, but when the new samples were made, under the new régime, after they had gone out on strike in the other shops, in one week—it took one week for me to get them back, and then the prices adjusted on the agreement were from 20 to 25 per cent higher than the same agreements were before the strike. They were bound by their agreement. They said they would stick to the price list as arranged previous to the strike, because I went right along under the same conditions we had always worked, but on the new prices they advanced their proposition absolutely, and made it such that it was impossible for me to work under the prices which they wished to make, and compete with the New York market.

Mr. BUSIEK. Did you have at that time any agreement with the union as to prices which their demands violated?

Mr. KELLY. Any agreement with the union?

Mr. BUSIEK. Yes. You say you ran a union shop?

Mr. KELLY. No agreement whatever. We have—we had the price committee and everything ran along swimmingly for two and a half to three years.

Mr. BUSIEK. How did this price committee work?

Mr. KELLY. Excepting in one instance, where the price committee worked such detriment. If a man would be appointed on the price committee, and I rather think it was a year or six months previous to the strike where a price committee was appointed, they were to come in on a Saturday afternoon or Sun-

day morning, whichever they could—Saturday afternoon was the first arrangement—to make their price with the designer; go over the prices that had been submitted and make their prices. Two of them came in and stated that they were unable to make prices; that the union would not allow them—I am only taking their testimony or their word to me for it—that the union would not allow them to make prices until the garments were completely finished, with the buttons and everything on them; they were only to make prices on the operating part of it.

They went out; they said they would be fined if it was discovered that they were in the place.

The third member of it, who at that time was the shop chairman, came in later and wanted to know where the others were. We did not know. He said he had stopped at one of their houses coming up, and that the wife said he had gone to work or had gone into the shop. Later on in the week we told them there was no use; we would go ahead and make prices without them. Then on Monday or Tuesday night following this the same members of the price committee waited for my designer, who left the factory, and on the way home, down Thirteenth Street, proposed to him that if he would pay them a premium of 10 or 20 per cent more for making the prices, pay to them over the prices which they made, that they would fix up the prices, which admitted of a blackmailing proposition. We were then a union shop. We immediately sent for the representatives of the union and got our hands in the shop, removed the tables from the shoproom, and held a caucus there, and got the business agent of the union in this city to be there at a certain time; and these men were all there and made him go through it, and compelled those people to testify, and that knowledge before him. Then he made the proposition for them to be paid more for the work that they made than the other working people.

Mr. BUSIEK. What happened to those men?

Mr. KELLY. The union took them out of my shop and sent them down to the union headquarters. What happened to them I don't know; they worked in other shops afterwards.

Mr. BUSIEK. Are they still union men?

Mr. KELLY. I don't know. They were, and were going in other shops afterwards.

Mr. BUSIEK. Mr. Kelly, has your association any affiliation with any other national organization?

Mr. KELLY. None whatever.

Mr. BUSIEK. Have you ever received any financial assistance during strikes from any other organizations?

Mr. KELLY. None watever.

Mr. BUSIEK. Where did you hire the guards or where did the guards come from?

Mr. KELLY. Wherever we could get them; men from licensed detective gencies, or wherever it was necessary that we could get them. Some men went out and hired them themselves.

Mr. BUSIEK. I suppose there was a dearth of licensed agencies to whom you could go?

Mr. KELLY. I don't know how many. Plenty of them.

Mr. BUSIEK. Have you any correspondence on the subject of those agencies furnishing this service?

Mr. KELLY. Never retained them. There was so much.

Mr. BUSIEK. You found that as soon as trouble brewed——

Mr. KELLY (interrupting). They would flock to you.

Mr. BUSIEK. They came to you; you could always get all you wanted?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. What would they offer to do, Mr. Kelly?

Mr. KELLY. Furnish guards to escort the men to and from their work.

Mr. BUSIEK. Did they also offer to furnish men to attend union meetings and find out what was going on?

Mr. KELLY. None whatever.

Mr. BUSIEK. That offer was not made?

Mr. KELLY. Never made and never sought for.

Mr. BUSIEK. I don't——

Mr. KELLY (interrupting). I realize it is not personal.

Mr. BUSIEK. Did your association finance the prosecution of any men who were arrested for violence during the strike? Did you employ any special counsel to assist the prosecution?

Mr. KELLY. Not to assist the prosecution. We had an attorney to represent the association in any hearings or things that would come up.

Mr. BUSIEK. Have you any data as to how many arrests were made for violence?

Mr. KELLY. Not accurate. In the neighborhood of about 450 assaults; for violence, the most of them.

Mr. BUSIEK. And there was one conviction, so far as your record shows—I believe that is Mr. Bernstein's testimony?

Mr. KELLY. I believe—the testimony—we abandoned the idea of it, because the testimony, both at the time of the assault, and later on, when apparently surroundings or influences prevailed, were so flexible, we had no desire to go further.

A BYSTANDER. Mr. Kelly, permit me to correct you. There were two convicted on one trial.

Mr. BUSIEK. Mr. Kelly, you were speaking about the shop chairman a moment ago. Have you had any difficulty with the shop chairman, such as Mr. Bernstein seems to have in mind—that is, that they are arrogant or overbearing or attempt to run the employer's business?

Mr. KELLY. After the strike was declared off, and my employees came back, the attitude of the shop chairman, more at the behest of those working under him, was entirely different from previous to the strike. Another thing, we were not able to procure the help which we wanted. We had to send to the union for any help we wanted, and they were the judges of the ability of that help. We had the privilege of paying them.

Mr. BUSIEK. Didn't they send a number of employees from among whom you could select?

Mr. KELLY. They would send you a man or two at a time, and if you objected to them, they wanted to know all the reasons or objections that were made. We were first hampered in the pressing end of it. In this business all individuals can not be counted alike, for there are people who are more adaptable to the handling of the work and can handle it much more dextrously and can handle it much better; and that is the trouble with the shop committee. There are many times when one employee can make that garment, and make much better time on it, than another. One man can take a garment and get a dollar or a dollar and a half for operating, and make four or five a day; and another man might have trouble making two.

Mr. BUSIEK. Well, so long as you pay by piecework, what do you care?

Mr. KELLY. The more work that is turned out per machine, the less ratio of cost. The more work that is turned out in a given space the cheaper for you. Your power runs the same for one man as the other.

Mr. BUSIEK. Mr. Kelly, do you know anything about a system whereby some manufacturers demand of their pressers that they put up a certain amount of money as security?

Mr. KELLY. I don't know of any such system in existence to-day. I had heard of it previous to the strike, that such a thing was done; but I never knew it or never practiced it.

Mr. BUSIEK. Amongst whom was that system practiced?

Mr. KELLY. I don't know; I only heard of it in some vague sort of manner; I don't know to whom to attribute it.

Mr. BUSIEK. Do you know of any of that going on now?

Mr. KELLY. None that I know of.

Mr. BUSIEK. Do you agree with Mr. Bernstein that the members of your association would, under no circumstances now, deal with the employees as an organization?

Mr. KELLY. As an organization?

Mr. BUSIEK. Yes.

Mr. KELLY. From our experience and the caliber of those at the head of it and their actions in fomenting so much ill will toward the manufacturers, during the past struggle, it would not be advisable to deal with them under any consideration, as it would simply be intolerable under the present leadership, because the spirit of animosity was engendered very strongly during this strike and no attempt made to bring it along peaceably or bring any good feeling toward the manufacturer.

Mr. BUSIEK. What is your personal attitude? Will you hire union people now?

Mr. KELLY. Never ask the question as to whether they are union or nonunion.

Mr. BUSIEK. I suppose that men whom you consider as agitators, you would not hire in your shop?

Mr. KELLY. Men that had committed infractions of the law—that I knew—I would not—that is, that I knew personally.

Mr. BUSIEK. There were some 455 men who committed infractions of the law?

Mr. KELLY. Well, those are trifles. I mean men that committed serious infractions of the law; because there were a lot of men working in the business, who were not inclined to be unruly or in any way dangerous at all and circumstances and inducements made them such. That was force of circumstances with them, and not of their own volition.

Mr. BUSIEK. Is there any list kept of the violators of the law?

Mr. KELLY. No.

Mr. BUSIEK. And do I take it, then, that the only way you would know who was a violator of the law is if you would happen to have had some experience——

Mr. KELLY (interposing). As I would know them personally.

Mr. BUSIEK. I believe that is all, Mr. Chairman. But first, Mr. Kelly, how do the wages paid the garment workers here compare with those paid in other cities?

Mr. KELLY. That I am unable to answer; but I can answer you this, that I myself went over a list of my employees in the fall of 1912. This I did of my own accord just in order to satisfy my own mind. And my operators from July, 1912, until the end of November, 1912—that was the fall previous to the strike—and I found that my operators on coats averaged—those that made eight coats or more per week—of course, men come in for a short time and will be here for a part of the time, and they make four or five garments; but that is no criterion for a week's earnings. In that list I found that the coat operators had averaged twenty-six dollars and some odd cents per week, and the skirt operators averaged twenty-five dollars and some odd cents per week. That was for July, August, September, October, and to the end of November.

Mr. BUSIEK. Well, these men that made only four or five coats a week, could they have gotten more skirts or coats to work on?

Mr. KELLY. Possibly, because in the piecework system we keep no daily record of the hands that come in. If a machine is idle we notice it is idle. If it is idle two days in succession we want to know whether that man is laid up sick or not. Many times employees in a shop may take an opportunity of working in one shop and if they feel that they can do better than that in another shop they will go out and put in a day's work in another shop to see how they like it and then they may come back the next day and finish up the work here before they start in in the new shop. You have no way of controlling or of finding out whether they have done that.

Mr. BUSIEK. What is the idle period for garment workers?

Mr. KELLY. The total you mean, or months per year?

Mr. BUSIEK. Well, no; I mean the total length of time they can not work even if they want to work.

Mr. KELLY. Well, there is a percentage of them that can not. There is a period of at least 35 or 40 weeks that there is work for a large percentage. While a proportion may be reduced, I would say that, with a fair proportion of idle months, they would have 35, 36, or perhaps 38 weeks in the year.

Mr. BUSIEK. What proportion of them would be idle that length of time?

Mr. KELLY. Well, now, I can only give you the ratio of my own shop. I would run down possibly from 60 to 12 or 14. Some shops might run heavier than that. That would be in the ratio of about 20 per cent that would be employed during those periods.

Mr. BUSIEK. And 80 per cent idle?

Mr. KELLY. And 80 per cent idle. That is in my shop. I can not speak for others.

Mr. BUSIEK. I suppose those conditions prevail pretty generally?

Mr. KELLY. No; there are some shops where the seasons run longer.

Mr. BUSIEK. Any that run shorter?

Mr. KELLY. Hardly; because I make no summer goods, and that is a long season from the time the spring season ends until you start in on your fall goods.

Acting Chairman WEINSTOCK. Will you report back at 2 o'clock, Mr. Kelly?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. The hearing stands adjourned until 2 o'clock.
(Thereupon an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 O'CLOCK P. M.

Mr. BUSIEK. Will Mr. Kelly please resume the stand?

TESTIMONY OF MR. WILLIAM A. KELLY—Continued.

Acting Chairman WEINSTOCK. Had you finished with Mr. Kelly?
Mr. BUSIEK. I had, Mr. Chairman.
Acting Chairman WEINSTOCK. Any questions, Mr. O'Connell?
Commissioner O'CONNELL. Mr. Kelly, I understood you to say that some of the work in your factory was let by contracts to certain persons in the factory?
Mr. KELLY. The skirt making and the pressing are done by two men in charge whom I term as contractors.
Commissioner O'CONNELL. Now, do they employ the people who work for them?
Mr. KELLY. They do.
Commissioner O'CONNELL. They do not come in your office seeking employment?
Mr. KELLY. No.
Commissioner O'CONNELL. But are employed directly by the contractors?
Mr. KELLY. Are employed directly by the contractors.
Commissioner O'CONNELL. They pay them?
Mr. KELLY. They pay them.
Commissioner O'CONNELL. And they make the rates——
Mr. KELLY (interrupting). We supervise the rates.
Commissioner O'CONNELL. You supervise the rates paid?
Mr. KELLY. Yes, sir.
Commissioner O'CONNELL. The rate, then, is arranged between you and the contractor that he should pay the employee?
Mr. KELLY. A fair proportion for making the garments. We pay the contractor a certain price and we see that he pays the operators that work for him a fair price for making them.
Commissioner O'CONNELL. How many people do you employ at your factory, Mr. Kelly?
Mr. KELLY. I have employed as high as 80 to 90; but ordinarily I would say 60 to 65.
Commissioner O'CONNELL. How many are you employing now?
Mr. KELLY. Less than two dozen. Business is very dull now.
Commissioner O'CONNELL. Approximately, what is the earnings of the men in your service—in your factory?
Mr. KELLY. As I stated before, I took from the records of men that had made eight coats per week or more—there is no record kept of the time in which they work, there is no clock for them to punch—and we consider that men who work under that do not work a full week, or only work a portion of their time. But of the men that made eight garments or more—nine or more—their average earnings from July, 1912, to November, 1912, averaged over $26 a week for the coat operators and twenty-five dollars and odd cents for the skirt operators. That was a period straight through from July until the end of November.
Commissioner O'CONNELL. Well, that is a very short period, isn't it?
Mr. KELLY. That is five months, because the fall season would be over at that time, and you would be working part of your help making the spring samples.
Commissioner O'CONNELL. Now, in the slack season of course, the number of workers is largely reduced; but do those who are employed make about that same earning?
Mr. KELLY. Oh, no. Their slack season really starts in around November. They would average—in a slack season it would depend on the number that came in for work; that is, the number—there are a number of them who take positions in other houses where they are busy. There may be other houses that are working longer or working on the increased work or that have other orders, and the consequence is they may migrate from one shop to another, and those that come in, we give them a share of the work, so that it is very indefinite the amount that they will average. It may be that one man only puts in one day in the week at a shop, yet if he has been an operator during the season you would give him a share of the work then and there.

Commissioner O'CONNELL. Doesn't the slack season affect all employees alike? Aren't their periods of business the same during the year?

Mr. KELLY. No; there are some men making some classes of work that may work until the latter part of December. I have known them to be working on fall goods clear up until February and March, where others, say, are starting in on the spring suits. December and January ordinarily would be somewhat slack.

Commissioner O'CONNELL. Can you give us any idea as to what the annual earnings of a journeyman coat maker, for instance, would be during the year?

Mr. KELLY. That would be problematical, absolutely; it would be guesswork.

Commissioner O'CONNELL. Well, a guess; what would it be?

Mr. KELLY. I would say that the average mechanic working by the year will average between $850 and $1,000 a year, at the least. Eight hundred and fifty dollars is a minimum. Now, I am giving you the experience of the help that I have had, regardless of the attitude of the audience here.

Commissioner O'CONNELL. Well, the audience would not sway the opinion of this commission.

Mr. KELLY. Not a particle; no influence whatever.

Commissioner O'CONNELL. Well, do you employ female help?

Mr. KELLY. A percentage of them; possibly 14—12 or 14 at times, maybe 16.

Commissioner O'CONNELL. What would you approximate the earnings annually for a first-class lady employee?

Mr. KELLY. You can't hold them permanently. What I mean to say, they go from one shop to another one, quite a few, and any of those I have had permanently, they have been working for me three, four, or five years with me, I would say a finisher, they come under the head of finishers, there are no female operators, and a finisher would average from $8 to $9.50 and $10.

Commissioner O'CONNELL. Are there many instances of accidents in the clothing trades?

Mr. KELLY. None whatever that I know of. I never had but one myself.

Commissioner O'CONNELL. What was that, for instance?

Mr. KELLY. Then a man who could not talk English insisted upon getting under his machine to adjust a strap there when I have a man to attend to all adjustments of machines, and he got his shirt torn off his back. That is some years ago. But he had no business adjusting the belt at all. He had no business getting under the machine.

Commissioner O'CONNELL. Was he injured physically?

Mr. KELLY. No. Scratched on the back. That is the only accident I have knowledge of. There are minor accidents, such as a man at a machine may possibly get his finger under the needle, or something of that kind; but they are trivial accidents; they seldom occasion loss of time.

Commissioner O'CONNELL. How many nationalities are there among your employees?

Mr. KELLY. Principally two.

Commissioner O'CONNELL. What are they?

Mr. KELLY. Russian, and some few Italians.

Commissioner O'CONNELL. That is the Russian Jew, is it?

Mr. KELLY. Yes, sir.

Commissioner O'CONNELL. And the Italians?

Mr. KELLY. Yes, sir.

Commissioner O'CONNELL. Are the Italians very largely coming into the clothing trade here?

Mr. KELLY. Not to any extent.

Commissioner O'CONNELL. Do they speak English, as a rule?

Mr. KELLY. As a rule; yes.

Commissioner O'CONNELL. If they don't speak English, what then?

Mr. KELLY. I haven't met that class of people in my line.

Commissioner O'CONNELL. I am going to leave to Mr. Chairman Weinstock the question about the grievances, and so on, and the protocol. That has had some attention in other cases. Now, as to associations. Do you keep anything in your association files like an index card record of the employees in the various factories in the city?

Mr. KELLY. No, sir.

Commissioner O'CONNELL. Do the employers report to your office the names of men who are considered exceptionally active in unionism?

Mr. KELLY. They do not.

Commissioner O'CONNELL. Have you a record on file of the various cases of assault, and all that sort of thing, tried during this recent strike?

Mr. KELLY. We have not. There is one of the attorneys has a list of the cases.

Acting Chairman WEINSTOCK. You were telling us, Mr. Kelly, that when your shop was unionized you had what was called a price committee?

Mr. KELLY. A price committee; yes, sir.

Acting Chairman WEINSTOCK. Will you please explain just why that price committee was organized, and what its limitations were?

Mr. KELLY. That price committee was selected from among the hands that after——

Acting Chairman WEINSTOCK (interrupting). By whom?

Mr. KELLY. From among the hands in the shop, the operators; after the samples were made some of the price committee worked on samples and others did not; and they would select the committee of four or five for to go over the samples, garment for garment, and put a price for operating on that garment.

Acting Chairman WEINSTOCK. Well, the price committee, then, was composed of how many representatives of the workers?

Mr. KELLY. Possibly five, and as low as three. It was up to those who selected them.

Acting Chairman WEINSTOCK. They themselves selected them?

Mr. KELLY. Yes; we have nothing to do with it.

Acting Chairman WEINSTOCK. Now, what voice did you have in the making of the price—the employer?

Mr. KELLY. They would suggest the price. It was simply up to them to make it; and, if we felt it was too high, it was a matter of argument to try and adjust it on the basis of other garments we were making.

Acting Chairman WEINSTOCK. Supposing you could not agree, what happened?

Mr. KELLY. We simply had to agree.

Acting Chairman WEINSTOCK. There was no third party to whom you could submit the matter?

Mr. KELLY. We had to agree, for my people were all a unit in that matter; they were all members of a union. At that particular time the union had made no progress; they were not elated with any prospective power they were going to get. We never had any agreement, but we knew they were union members, and we knew, furthermore, that if a man came into the shop and our foreman took him on, if he was not a union member they would notify us he could not work there; that he would have to join the union. He had one week's time in which to either join the union or he would have to get out.

Acting Chairman WEINSTOCK. You never entered into a formal written agreement with your employees at that time?

Mr. KELLY. Never until after the strike was declared. Never signed a paper; never even was asked to sign it.

Acting Chairman WEINSTOCK. What grievance, if any, Mr. Kelly, did the workers have at the time of the strike?

Mr. KELLY. It was not a case of grievance as much as it was instigated by out-of-town officers and agitators of unions from New York, by Mr. Rosenberg and Mr. Polokof, and Mr. Deutsch, who represented the New York association, who came over here. I think they started in in the month of February, informing the people here that they were not working under sanitary conditions; that they were not getting paid enough for the work; and they were virtually human slaves.

Acting Chairman WEINSTOCK. You say that, in your opinion, it was not grievances so much as it was outside agitation?

Mr. KELLY. Outside influence brought to bear.

Acting Chairman WEINSTOCK. Were there any grievances, so far as you know?

Mr. KELLY. Not that I know of. I had none. I had even my price list signed up for the season, so far as my samples had gone.

Acting Chairman WEINSTOCK. So that, to the best of your knowledge and belief, the strikers at the time of the strike had no real grievance?

Mr. KELLY. Not to my knowledge.

Acting Chairman WEINSTOCK. Then, from your point of view, they struck without cause?

Mr. KELLY. They struck because the proposition was put up to them in such a way that this would be finished; that they would be backed up by the New

York organization. I only know this from my own people, because for four weeks they worked after the strike had been declared, when they said they were guaranteed that after two weeks that every man on strike would be paid $15 per week, and they thought that was a pretty good inducement to get more easy money and be guaranteed that much for doing nothing.

Acting Chairman WEINSTOCK. Again, I take it, you feel that they had no grievance; there was some inducement offered by somebody to strike?

Mr. KELLY. No, sir. The local industry was very much satisfied.

Acting Chairman WEINSTOCK. And if they claimed to have a grievance, in your opinion, those were not real grievances, but manufactured grievances?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. Artificial grievances?

Mr. KELLY. Possibly.

Acting Chairman WEINSTOCK. Will you tell us something more, Mr. Kelly, about this violence in the strike? Who was guilty of it and what led to it, and so forth?

Mr. KELLY. At the beginning of this strike there was a man by the name of Abe Mitchell—I don't know whether he is in this room or not—he was vice president of the federation of labor in New York, who was brought over here to manage the strike, as I understood it. The local representative of it was Max Amdur, who is sitting back of me; and when the strike was started there were different halls selected in which the different shops were to congregate each day and receive what information they could and be assigned for picket duty, and so on, from those shops. This man Mitchell made his headquarters, if I am right as regards to the location, at 424 Pine Street. The main hall wherein Max Amdur seemed to hold forth most of the time was at 1024 Lombard Street. People who wanted to go to work or that went to work were solicited to come to those halls, and they would talk it over with them and persuade them not to go to work; stay out with the others; not to take the bread out of their mouths. There were in the hall at 1024 Lombard Street innumerable assaults that were committed on men taken down there that refused to stop work. They were assaulted there; some of them even had to jump out of the windows over into an outbuilding standing there and escape through the cemetery, a lot that was attached to it. Lots of those men still wore marks long after the strike was started of the assaults committed on them in those rooms. They were held there waiting for those in authority to come and talk to them, and if they still remained obdurate they would be assaulted by people, but by such numbers that they didn't know to whom to attribute the assault. Any number of them were assaulted leaving their homes in the morning and going back at night. Those that wanted to work had to be escorted to and from the factories. A number of the manufacturers were compelled, in order to make work and to accede to the wishes of their hands, if they would only start a factory out of town they were willing to work for them; they were not in sympathy with it. Factories were started in different parts of this State and in different parts of New Jersey, and work done in innumerable places in New York. They had factories running at Vineland, Bluefield, I think at Ridgeton, Red Bank, Newark, Lansdale, Pa., Reading, Pleasantville, and in Brooklyn.

Acting Chairman WEINSTOCK. Tell me, Mr. Kelly——

Mr. KELLY (interrupting). With the hands that were on strike going into those factories to work.

Acting Chairman WEINSTOCK. How many strikers were there in all?

Mr. KELLY. We only had the numbers which they claimed in the newspapers—in the neighborhood of 5,000 people.

Acting Chairman WEINSTOCK. Five thousand strikers, about?

Mr. KELLY. Some of the papers claimed that.

Acting Chairman WEINSTOCK. How many of the workers continued at work and refused to go on strike?

Mr. KELLY. Not 100 in Philadelphia, for fear of bodily harm.

Acting Chairman WEINSTOCK. So that the plants were practically shut down during that period?

Mr. KELLY. Some of them; yes, sir; for the time being. Some tried to start up afterwards, and had to have guards to take the people to and from work, some living in factories, some living there, and some did not leave the factories for over four weeks.

Acting Chairman WEINSTOCK. If there were only 100 remained at work out there——

Mr. KELLY (interrupting). At the start; later on it increased.

Acting Chairman WEINSTOCK. There was a statement that there were 400 assaults. Would that mean that every worker, on an average, was assaulted four times?

Mr. KELLY. No, sir; I said they were 4,000. Those assaults were all during the strike of six months.

Acting Chairman WEINSTOCK. I see.

Mr. KELLY. And if any man expressed an intention of going back to work that man was either assaulted on the highway or otherwise. As Mr. Bernstein stated on the stand, about them starting at one time on the designers, there was a large manufacturer whose business was on Third Street, and he returned from Pittsburgh, and was coming home, and lived in the location near one of the designers of the manufacturers; that man was waylaid in the neighborhood of Thirty-second and Montgomery Avenue and slugged and left lying in the street.

Acting Chairman WEINSTOCK. To the best of your knowledge and belief, by whom were those assaults committed, by the strikers themselves?

Mr. KELLY. At the start of the strike there was very little violence from the workers. There were some apparently sluggers that had committed violence on people that were at work, and among the others one of them that was arrested in one of the assaults committed downtown was this man Dopey Benny, or Benny Fein, who, with others, committed an assault on workers who had been to work, and was arrested for it, and that man is now serving an indeterminate sentence from three and a half to five years for violence committed on a policeman lately.

Acting Chairman WEINSTOCK. Was he on a strike?

Mr. KELLY. In no way connected with it. An East Side gangster.

Acting Chairman WEINSTOCK. In conversation, not a great while ago, Mr. Kelly, with Mr. Robert Hunter, who is the author of a book called "Violence in Labor Troubles," he made this statement, and I want to see how far it is correct from your experience—he made the statement that, in his opinion, the chief cause for violence in labor troubles was the employment on the part of the employers of the detective agencies. His statement was to the effect that these detective agencies, in order to make business for themselves, followed substantially this program: They would go to an employer who was about to have a strike, or who did have an incipient strike, and they would persuade him to employ two or three of their men. At the same time they would get two or three of their men into the union as alleged workers. That these detectives who would become union members would then incite the unionists to violence, and having incited them to violence they would go to the employer and point out to him that, as a matter of self-protection, he must employ more men, and in that wise create more business for themselves, and that it was in their interest to keep up as much turmoil and as much violence as possible. Now, would that statement apply in any way to the conditions prevailing in your troubles?

Mr. KELLY. Absolutely not.

Acting Chairman WEINSTOCK. Absolutely not.

Mr. KELLY. We refused to employ any detective agency or any person of any kind to bolster them up to enter the union for information. We positively refused to employ anyone to agitate or foment trouble. What we did with them was to have them escort people to and from their places of work when they wanted to work.

Acting Chairman WEINSTOCK. I see.

Mr. KELLY. And for no other purpose.

Acting Chairman WEINSTOCK. If, then, the violence that was committed, Mr. Kelly, if it was committed it was initiated entirely on the other side?

Mr. KELLY. There was people assaulted who wanted to work for a living. I have here to submit to you—there is a photograph of a man who, after being 14 weeks on strike, declared that his three children were starving and he was going back to work. That man, the day he made that remark, at 11.30 a. m., was assaulted in broad daylight, at the corner of Eleventh and Cherry, and within—the man was brought to me, and that is the condition that man was in [exhibiting photograph].

(The photograph was marked "Kelly Exhibit 1, June 30, 1914.")

Acting Chairman WEINSTOCK. Did he know by whom he was assaulted?

Mr. KELLY. He did not. He was walking down the street with another man.

Acting Chairman WEINSTOCK. And I take it, Mr. Kelly——

Mr. KELLY (interrupting). And numbers of them bear marks from blackjacks and bricks wrapped up in paper.

Acting Chairman WEINSTOCK. I take it you keep yourself pretty well informed on industrial matters generally and economic matters, and do not narrow yourself down to your particular business and restrict yourself to that, but are familiar with the fact that there is a very considerable industrial unrest throughout the country. Now, for the information of the commission, Mr. Kelly, will you tell us from your point of view, what, in your judgment, are the causes for the industrial unrest, and what, in your opinion, are the remedies?

Mr. KELLY. Well, to my mind, a lot of it is caused by business depression throughout the country. That is accountable for a lot of it. There are a lot of laws being enacted and a lot of laws brought up to be passed simply as a sop to labor. Politics to-day is catering too strongly to the labor proposition. They are not doing justice to labor by doing it; they are only mitigating the offenses for the time being. It is only a partial help. There is nothing permanent to it, and any help that is only temporary will never prove profitable to labor, as it is an acknowledged fact that all these laws passed only influences labor, and labor don't look beyond the surface, and they are satisfied with the surface of it and they are not digging deep enough into it.

Acting Chairman WEINSTOCK. I see. Now, Mr. Kelly, you mean that in order to throw a sop to labor for political purposes is the purpose of a good deal of the labor legislation enacted, and not from any real interest in labor?

Mr. KELLY. And no practical help for our injuries.

Acting Chairman WEINSTOCK. Now, will you be kind enough to point out some of this sort of legislation that you have in mind? Will you specify?

Mr. KELLY. It would be hard for me to do it.

Acting Chairman WEINSTOCK. Well, if there is a lot of it there ought to be no difficulty in instancing some of it?

Mr. KELLY. Well, there was one law, I think, introduced by Representative Rooney, in the State legislature here, in regards to labor and influencing their troubles, settling their troubles in regard to the State labor laws, for a commission to be appointed to adjust the differences. Yet he as well as others knew at the time that that law was advanced that there was nothing compulsory to make either side submit to it, and consequently the law was purely a plum thrown to labor without being possible to derive any benefit from it.

Acting Chairman WEINSTOCK. You say the law was passed?

Mr. KELLY. Yes. Well, this commission comes, and it is their duty to tender their services to mediate or arbitrate; but their duty ends there, and there is no further power. That law is entirely of no use to labor.

Acting Chairman WEINSTOCK. I see; that law has been enacted and is now on the statute books.

Mr. KELLY. That is where Mr. Jackson and the others attempted to come here and interfere——

Acting Chairman WEINSTOCK (interrupting). They did offer their services, but they were not availed of.

Mr. KELLY. Nothing came of it. The law of the State is that they shall tender their good services.

Acting Chairman WEINSTOCK. Now, do you think that law was passed in the aid of industrial peace, in the hope that it might lead to industrial peace, or do you think it was just done as a sop to labor?

Mr. KELLY. Passed as a law for the benefit of labor to show what they are doing for labor, when they have done nothing.

Acting Chairman WEINSTOCK. Well, did labor, during this recent trouble—was labor prepared to avail itself of the services of that board?

Mr. KELLY. Yes; because it was an incomplete service.

Acting Chairman WEINSTOCK. Then I am to understand, Mr. Kelly, from your point of view that the powers of that commission—I suppose it is a labor commission?

Mr. KELLY. State labor commission.

Acting Chairman WEINSTOCK. That that commission should have compulsory power?

Mr. KELLY. No; I did not say that.

Acting Chairman WEINSTOCK. Well, what power would you give them, then?

Mr. KELLY. Until you get labor on a better foundation, where they have a financial and moral standing, there can be no legislation compulsory unless both sides would be compelled. To-day your labor is not financially responsible.

The acts that were committed in the last strike—there was mention made some time during this hearing in regard to injunctions against labor strikes, as we were situated in Philadelphia, you could spend your time and money and go into court and get an injunction, and that strike committee could resign, and they were out of the reach of the courts, and another committee could be appointed in their place.

Acting Chairman WEINSTOCK. Well, I am a little bit confused on this point, Mr. Kelly. Let me see if I can straighten myself out mentally on the matter. First, I understood you to say that this legislation that was passed was not passed in sincerity?

Mr. KELLY. I say there was no completion. The powers were limited. There was nothing final.

Acting Chairman WEINSTOCK. Because of the fact that it was done as a sop to labor?

Mr. KELLY. It appeared so.

Acting Chairman WEINSTOCK. Therefore you criticized it?

Mr. KELLY. Because there is nothing complete to it.

Acting Chairman WEINSTOCK. Very well. Now, since that commission has no power beyond merely to tender its services——

Mr. KELLY (interrupting). Merely offering their services.

Acting Chairman WEINSTOCK (continuing)——and since you believe that that is of no value, and since you further believe that under existing conditions a committee with compulsory powers would not be available or desirable, what would you suggest?

Mr. KELLY. Well, compulsory arbitration is never satisfactory.

Acting Chairman WEINSTOCK. Well, if voluntary arbitration does not do any good and compulsory arbitration is not satisfactory, then what——

Mr. KELLY (interrupting). No matter how just the arbitration might be, under this State law neither side could be compelled to accept its dictates.

Acting Chairman WEINSTOCK. Very well. Then we will throw out of the game the voluntary proposition and we will throw out of the game the compulsory proposition. Then what have you to offer? What function, if any, should the State perform in industrial disputes?

Mr. KELLY. That is a question I can not answer offhand; but whatever commission has got good in it, it has got to be a commission on the order of your own honorable commission, where it is devoid of politics, where politics don't cut any figure.

Acting Chairman WEINSTOCK. You mean that politics has been too much involved here in the State?

Mr. KELLY. I mean here in the city there was local—politics was the means of carrying that strike on. When people were arrested for the strike one man in this town left the book open for security for bail to be used up to the sum of, I think, $50,000; no matter what charge they were brought in on, his bail bond was acceptable. Nothing but a political game, because he was one of the local politicians.

Acting Chairman WEINSTOCK. You think he did that simply as a bid for the labor vote?

Mr. KELLY. He lived in that section. His constituents were there.

Acting Chairman WEINSTOCK. Well, then, what is your remedy, Mr. Kelly, for industrial troubles? How would you bring about a higher degree of industrial peace and more cordial relationship between the employer on the one side and the worker on the other?

Mr. KELLY. Well, in the first place you have got to realize that in this trade we have an absolutely different element from what you have in any other, and while a lot of them are not familiar with English, or not well versed in English, they can be wielded for good or bad, and it is up to those that have them in charge whether those people's minds can be turned to good or bad. And with the leadership as expressed in the last strike and the manner in which they were encouraged and taken care of in the assaults committed—and I will say without hesitation that the bulk of the people in the trade are of Jewish extraction—and when a man so far forgets himself that they will turn out and go to the synagogues, which they did last year, on the two main holidays of the Jewish year, when there is no holiday as sacred as the day of atonement, Yom Kippur, and Rosh Hashonah—I say such leadership that make those people forget their entire manhood altogether as to go there and assault men at these synagogues, because there is no days as sacred to the Hebrew as the day of atonement and the new year. And we had seven syna-

gogues where there were assaults committed on the day of atonement and Rosh Hashonah.

Acting Chairman WEINSTOCK. You say that these strikers then, instead of being led, were being misled?

Mr. KELLY. Absolutely misled.

Acting Chairman WEINSTOCK. And you hold the leaders absolutely responsible for results?

Mr. KELLY. Absolutely responsible for misleading and misguiding them.

Acting Chairman WEINSTOCK. You were here this morning and heard Mr. Bernstein when he was on the stand?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. And heard the discussion about the protocol in New York?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. You probably have studied it?

Mr. KELLY. I have not studied it.

Acting Chairman WEINSTOCK. You are familiar more or less with its general provisions?

Mr. KELLY. Somewhat.

Acting Chairman WEINSTOCK. In your opinion how would that protocol fit into Philadelphia conditions?

Mr. KELLY. Not at all.

Acting Chairman WEINSTOCK. Where would it fail?

Mr. KELLY. In the first place the manufacturing of women's garments in New York is on an entirely different basis from Philadelphia. In the first place in Philadelphia we use the tailors at the machines mostly. The finisher is of secondary consideration. They fell in the linings and baste in the sleeves. In New York the finisher is the main one and the tailor is of secondary consideration. It is the tailor they employ does the basting and stitching of the garments and all, and he gets his finisher.

Acting Chairman WEINSTOCK. He is a sort of special contractor?

Mr. KELLY. To that extent. He is part of that constructive team. And while the protocol has worked to a fair advantage to many of the larger manufacturers, the smaller and the intermediate manufacturers are the ones that have been working to a disadvantage under it. And another thing to consider, in New York they have a large number of what they term to-day subway contractors—men who start up shops and manufacture for the larger cloak and suit houses. They will furnish them with the merchandise at a price and lining at a price and give them a pattern to make up sample suits, and they will tell them the price of that merchandise and the price of the linings, and say: "Now, submit us a price for making that suit." They have shops scattered all over in different sections. They submit a price and if it is agreeable it is given to them to cut, make, and return the complete suits. There are any number of those in New York City. There are none that I know of working under those conditions in Philadelphia. In Philadelphia it is a different proposition. He makes the work that is already cut and trimmed.

Acting Chairman WEINSTOCK. Well, could not the principles involved in the protocol be modified to suit the Philadelphia conditions?

Mr. KELLY. Not that I could say offhand. They are having trouble over there constantly. In fact now the I. W. W. have injected themselves into labor conditions in New York now, and they are furnishing help to manufacturers there that have any trouble with the Federation of Labor; and between the two of them it is rather deplorable as to what may happen.

Acting Chairman WEINSTOCK. Was this strike that you have been telling us about declared off at any time?

Mr. KELLEY. It was voted off at the Arch Street Theater.

Acting Chairman WEINSTOCK. How long ago?

Mr. KELLY. On the 29th of December they voted to return to work.

Acting Chairman WEINSTOCK. Six months then?

Mr. KELLY. Six months after.

Acting Chairman WEINSTOCK. Have you had industrial peace in the industry since then?

Mr. KELLY. No trouble whatever.

Acting Chairman WEINSTOCK. Is there any unrest among the workers, so far as you know?

Mr. KELLY. No; only that there is not enough work for them.

Acting Chairman WEINSTOCK. Have they any grievances so far as you know?

Mr. KELLY. Not at all; never hear of any. Perfectly satisfied. Their grievances are that they can't review the past better.

Acting Chairman WEINSTOCK. Now, have you any suggestions, Mr. Kelly, as an employer and citizen having at heart the welfare of the country as a whole; have you any suggestions to make to this commission that would be likely to be to it helpful in its endeavor to solve the problems that have been placed on our shoulders?

Mr. KELLY. I don't know that I can enlighten you much on that, except that I feel, as I say, we have had to take our labor union from the standpoint we come in contact with it. Put your labor unions in better hands—more honorable hands—with better standards, where, instead of them paying people who were formerly good, quiet workmen to go out and do bodily harm to people and then remunerate them, they will have a better class of men, where if they attempt to do any wrong they can be held responsible. To-day after this trouble there is no other way. And it is simply impossible to get any man to come out in the open and declare himself for fear what might happen to him. They are afraid of violence from others.

Acting Chairman WEINSTOCK. In other words, your message to the workers substantially is this: Select honest, capable, law-abiding leaders, and refrain from violence. Is that correct?

Mr. KELLY. It is to first get their institution on a solid basis, where it has some legal standing, then get honorable men at the head of it. Too many business agents and too many emissaries on paid salaries are more detrimental to labor to-day than any other cause, because the more strife that they can generate the more employment it gives them, and the consequence is the safer it makes their position. Remove these emoluments, remove these paid positions, and you will have much less trouble with labor.

Acting Chairman WEINSTOCK. Thank you, very much, Mr. Kelly.

TESTIMONY OF MR. MAX AMDUR.

Mr. BUSIEK. Your name in full, please.

Mr. AMDUR. Max Amdur.

Mr. BUSIEK. And your occupation?

Mr. AMDUR. I am the business agent of the cloak and skirtmakers' union of Philadelphia.

Mr. BUSIEK. How long have you been such business agent?

Mr. AMDUR. Six years.

Mr. BUSIEK. Were you employed in the industry here in Philadelphia prior to that time?

Mr. AMDUR. Yes.

Mr. BUSIEK. For what length of time?

Mr. AMDUR. Five years.

Mr. BUSIEK. How long has there been such an organization in Philadelphia?

Mr. AMDUR. Eight years.

Mr. BUSIEK. How many members have you now, approximately?

Mr. AMDUR. Approximately about 3,000.

Mr. BUSIEK. Approximately 3,000?

Mr. AMDUR. About 3,000.

Mr. BUSIEK. How many men are there in your craft in Philadelphia?

Mr. AMDUR. We had 6,500 on our books during the time of the strike.

Mr. BUSIEK. Six thousand five hundred during the strike?

Mr. AMDUR. Yes.

Mr. BUSIEK. Was that practically all the garment workers in Philadelphia?

Mr. AMDUR. Yes; all in Philadelphia.

Mr. BUSIEK. About how many of those are women?

Mr. AMDUR. About 1,400 or 1,500.

Mr. BUSIEK. What is your board of control of this union?

Mr. AMDUR. Executive committee of each local and a joint executive board composed of all locals.

Mr. BUSIEK. Of whom is the joint executive board composed?

Mr. AMDUR. Out of members of each local. We have three local unions.

Mr. BUSIEK. Name the locals.

Mr. AMDUR. Local No. 2, Local No. 53, and Local No. 69.

Mr. BUSIEK. Well, is the craft divided into pressers, cutters, and finishers?

Mr. AMDUR. No; it is divided into finishers, cutters, and pressers; operators have one union; and tailors have one local—that is Local No. 2.

Mr. BUSIEK. There are three locals?

Mr. AMDUR. Three local unions.

Mr. BUSIEK. There is a joint board composed of delegates out of those three locals?

Mr. AMDUR. Yes.

Mr. BUSIEK. What is the average wage of a cutter in Philadelphia?

Mr. AMDUR. Average wage?

Mr. BUSIEK. Yes.

Mr. AMDUR. Well, I may say not more than $9 or $10 per week.

Mr. BUSIEK. What is the average wage of a tailor?

Mr. AMDUR. Something like $10—from $10 to $12.

Mr. BUSIEK. What is the average wage of a finisher?

Mr. AMDUR. Not more than $6 to $7.

Mr. BUSIEK. How many salaried officers has your union?

Mr. AMDUR. Two—myself and a secretary.

Mr. BUSIEK. Are you affiliated with the American Federation of Labor?

Mr. AMDUR. Yes.

Mr. BUSIEK. What is the name of the parent body?

Mr. AMDUR. International Ladies' Garment Workers' Union.

Commissioner O'CONNELL. From the officers of the manufacturers' association here, that appeared here, you heard their evidence this morning and afternoon?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. The principal accusation expressed as to the agreement presented by your organization in connection with the strike was the matter of the shop chairman?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Now, will you, for the benefit of the commission, tell just what your shop chairman is supposed to be or do, or what powers he has?

Mr. AMDUR. The shop chairman has no powers whatsoever, the only exception being that he is to bring the workers in the shop to the manufacturer and the employer and adjust the grievance if possible; and if not—if he can not adjust it—bring it over to the union.

Commissioner O'CONNELL. Well, is the committee in the shop composed of one, just the shop chairman, or is there a grievance committee composed of three, four, or five?

Mr. AMDUR. No; there is only one.

Commissioner O'CONNELL. Just one in each shop?

Mr. AMDUR. Yes. In a few other shops we had a shop committee, what we called. They were composed of three. There was a shop chairman and two assistants.

Commissioner O'CONNELL. Well, in a shop employing, say, half a dozen different departments, like pressers, cutters, and all that, is there a shop chairman in each of those departments?

Mr. AMDUR. No; there is only one.

Commissioner O'CONNELL. One chairman in the whole plant?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. And if an employee feels that he is not getting the proper price for his work, he has the shop chairman take it up with his employer for him?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. In other words, he is the attorney for the worker?

Mr. AMDUR. For the employees in the shop.

Commissioner O'CONNELL. Does he get any salary other than that which he makes in the shop?

Mr. AMDUR. No.

Commissioner O'CONNELL. And he is not one of the high-priced employees of the union?

Mr. AMDUR. No.

Commissioner O'CONNELL. What is your salary?

Mr. AMDUR. $25 a week.

Commissioner O'CONNELL. You look after the entire business of the organization in Philadelphia?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. At $25 a week?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. What did you make when you were in the shop?

Mr. AMDUR. I made something like $22, $25 in the season; of course, in slack time I made a little less.

Commissioner O'CONNELL. And financially your position has not been very materially improved?

Mr. AMDUR. Not at all; in fact, it is a little worse for me now, being a paid officer of the union, than when I was a workingman in the shop, on account I have more expenses, and so on.

Commissioner O'CONNELL. And you have more bosses?

Mr. AMDUR. And I have more bosses; that is natural.

Commissioner O'CONNELL. Now, as a practical man, having worked in the shop and at the trade, you are what?

Mr. AMDUR. I am a skirt maker by trade.

Commissioner O'CONNELL. Skirt maker?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. That is, ladies' skirts?

Mr. AMDUR. Ladies' skirts.

Commissioner O'CONNELL. How were the prices set, for instance, when you worked at the trade for making skirts?

Mr. AMDUR. Between a committee of the employees with the employer.

Commissioner O'CONNELL. That was in what would be called a union shop, was it?

Mr. AMDUR. Yes, sir; it was not a union shop which we may say we have union agreements with, but it was——

Commissioner O'CONNELL. The employers recognized the men?

Mr. AMDUR. The employers recognized the men; yes, sir; as union men.

Commissioner O'CONNELL. And dealt with them collectively?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. In that case the price was made between the employer and the men?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. Mutually agreed upon?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. A shop in which to-day they do not deal collectively with a man, how is the price made?

Mr. AMDUR. By the designer or by the employer.

Commissioner O'CONNELL. They set the prices?

Mr. AMDUR. Set the price.

Commissioner O'CONNELL. What does the employee have to say about the price?

Mr. AMDUR. The employer?

Commissioner O'CONNELL. The employee, the workman?

Mr. AMDUR. Nothing at all.

Commissioner O'CONNELL. Simply takes it?

Mr. AMDUR. Takes it, or if he doesn't like it, he can get some other job.

Commissioner O'CONNELL. And the job is given to some other workman?

Mr. AMDUR. Given to some other workman.

Commissioner O'CONNELL. If a workman continually objects to the price, and he is found to be what might be considered an objector, is he in employment usually?

Mr. AMDUR. Well, usually not, because, as a rule, since after the strike, if a manufacturer takes out an employee, he goes and first he is asking him where he is working before that strike, and he is telling him where. Of course, he calls up the manufacturer on the telephone right away, and is asking him about his record, and if the manufacturer by whom he was employed before says he was a kicker or asked for better prices, and so on, he can not get a position.

Commissioner O'CONNELL. You think the employers, then, furnish each other with the records of the employees?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. As to their unionism?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. And their positiveness in demanding a better rate for their work?

Mr. AMDUR. Yes, sir. We have the figures to prove it.

Commissioner O'CONNELL. Do you think the manufacturers' association keeps any sort of record of the employees of the various firms?

Mr. AMDUR. I am not quite sure about having record of all employees, but they do keep a record of some of them, those who were more active and better union men, and so on.

Commissioner O'CONNELL. How was this strike brought about? How did you go about to try to bring about peace with employers, or an adjustment of your trouble? How were your grievances first presented?

Mr. AMDUR. Here is our agreement.

Commissioner O'CONNELL. Is that the same as Mr.—I forget his name—read this morning?

Mr. AMDUR. I guess so.

Commissioner O'CONNELL. The same agreement. How did you proceed to present that? Did you present it to each shop foreman, or how?

Mr. AMDUR. No, sir; in about the month of May our executive committee have made out this agreement with the demands. A meeting of all the members was called, and this was presented to them, whether they accept or they reject these demands, of if they have some to be amended, and this agreement was accepted at that meeting.

Commissioner O'CONNELL. Adopted by that meeting?

Mr. AMDUR. Adopted by that meeting; after that we called another meeting, and we have explained to our people that after they have adopted these demands we will have to vote whether they are willing to stand by these demands or not. In other words, if we will send out these demands to the manufacturers and they will not grant the demands, whether they will be willing to go out on strike to get these demands.

Commissioner O'CONNELL. Were the agreements mailed to the employers?

Mr. AMDUR. I will come to this.

Commissioner O'CONNELL. All right.

Mr. AMDUR. After this meeting we have announced a secret ballot, which all the members should vote, whether they are determined to get these demands or not; and 3,658 of our members have participated in that vote.

Commissioner O'CONNELL. Three thousand six hundred and fifty-eight?

Mr. AMDUR. Yes, sir; 3,000—something like over 3,000 have voted for a strike—that is, if the demands will not be granted.

Commissioner O'CONNELL. For the enforcement of the demand?

Mr. AMDUR. Yes, sir; something like 400 have voted against. Naturally, of course, we sent out this demand to the manufacturers after they struck. We have also sent out these demands—yes, after this vote has been taken we had another meeting, and have announced the result of the vote, and after the announcement of the result we have sent out a copy of this agreement with a circular letter to each and every manufacturer. If you want me to read that letter, I will read it for you.

Commissioner O'CONNELL. Is it a long one?

Mr. AMDUR. Not very.

Commissioner O'CONNELL. Well, just the substance of it.

Mr. AMDUR. The substance of it is that—

"Inclosed please find a circular letter containing the working conditions which the above union intends to carry into effect in the cloak and skirt industry in the city of Philadelphia and hope the same will form the basis of understanding between the cloak and skirt manufacturers and the union of this city for the coming fall season.

"It is needless to say that the unions are anxious to effect these changes with as little friction as possible and without loss or injury to the employers or employees or any dislocation in trade, yet at the same time the unions are determined at all hazards to employ all legitimate means for the purpose of effecting those proposed changes.

"In consideration of the concessions which we expect from you the union will assume the responsibility for the orderliness and good conduct of the members working in your shop and relieve you from any anxiety or apprehension or any stoppage of work in your factory after an understanding has been arrived at. This understanding will enable you to go quietly about your business without having the fear of any arbitrary action on the part of employees.

"In New York City, where the unions and——

Commissioner O'CONNELL (interrupting). Turn the letter over to the stenographer. We have got the drift of it.

Mr. AMUR. "We are sending you this here agreement, and we are giving you about a few days' notice to consider it and reply to the union, whether you are willing to accept these demands or not."

(The document was marked "Amdur Exhibit 1, June 30, 1914.")

(Amdur Exhibit No. 1, copies of the "Working conditions" and agreement, etc., was submitted in printed form.)

Commissioner O'CONNELL. How many replies did you receive from them, favorable or unfavorable?

Mr. AMDUR. Favorable, about 75 replies.

Commissioner O'CONNELL. Unfavorable?

Mr. AMDUR. We have not received any. Those we have received replies from were favorable to settle with the unions.

Commissioner O'CONNELL. How many of the firms did you settle with?

Mr. AMDUR. We have settled with about 85.

Commissioner O'CONNELL. Out of approximately how many?

Mr. AMDUR. Approximately, we have on our list 155 firms.

Commissioner O'CONNELL. Those are the firms that are both inside and outside of the manufacturers' association?

Mr. AMUR. Yes, sir; those are inside and outside of the association.

Commissioner O'CONNELL. Did you settle with any firms inside the manufacturers' association?

Mr. AMDUR. Yes, sir; one. With the vice president of the association, Mr. Bernstein.

Commissioner O'CONNELL. How many workmen does he employ?

Mr. AMDUR. About 75.

Commissioner O'CONNELL. About the average-sized employer?

Mr. AMDUR. One of the middle class of employers.

Commissioner O'CONNELL. As I understand it, this agreement was mailed to the various employers?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. And the committee mailed it, but it was not mailed to all?

Mr. AMDUR. On the 4th of July.

Commissioner O'CONNELL. Did you ask for any general conference or have any conference with the employers as a whole before the strike took place?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. Explain what that was.

Mr. AMDUR. We have had a conference, if I am not mistaken, on the 8th of July. We had a conference with five manufacturers present at that conference, and with a Mr. Rosenberg, president of the International Garment Makers' Union, who was also present. On the manufacturers' side was Mr. Bernstein, Mr. Krevis, his partner, Mr. Harris J. Cohen, Mr. Dittman, and Mr. Sacks, and Mr. M. Kremer, I think, about six. Mr. Harris J. Cohen was the chairman of that conference, and while the conference were opened, I have asked Mr. Harris J. Cohen whether those manufacturers are representing an association of manufacturers, or any other body, or whether they represent only themselves. The answer was that they do not represent anyone besides themselves. Those six come together and they want to go over with the representatives of the union whether they could—or, rather, to say they come together and want to go over with the representatives of the unions those demands that we have sent to them, and if the demands will be satisfactory to them, there may be a few others who will follow their action, but they do not represent anyone. This was the answer.

After conferring with them for about an hour we could not come together. About the home work, which the partner of Mr. Bernstein, Mr. Krevis, say that must go. Work home to the employees, they must give up work; we couldn't come together about the contracting system to be abolished; could not come together about the shop foremen, as Mr. Bernstein has said. But the main object is, we couldn't come together where there is one clause in regard to us, which reads that prices should be adjusted by a committee of the employees, together with the employers. On this particular point, which Mr. Bernstein, the president of the association have forgot to mention that, this was the main object of the workingmen which they wanted; in other words, the collective bargaining, and we couldn't come together on that. Those were the principal demands.

Commissioner O'CONNELL. Prior to that meeting, was there an invitation sent out to the employers to attend that conference?

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. How was the conference brought about?

Mr. AMDUR. I don't know how it was brought about. We have sent to each and every individual this contract, and we have invited him and told him in this circular—I did not read it to you—we told him that if he wishes to meet a representative of the union in order to come to an understanding about these demands, we will be too glad to send you up one and adjust this matter; but at that time there was no association of manufacturers, and in a certain morning I had a phone call from the designer of Mr. Sacks Bros., by the name of Martin, who told me that a conference will take place in Mr. Kelly's office.

When I came over there it was about 12 o'clock, and we have tried to talk over the matter and we found it was absolutely impossible to talk over matters there in the office, and they have decided to call another meeting for the coming Thursday, and on that Thursday, the official conference, as you may call it, took place.

Commissioner O'CONNELL. Were there any means looking toward arbitration of your trouble, or conciliation, which prior to the time of the strike occurred?

Mr. AMDUR. Well, no arbitration—no, sir; we did not propose no arbitration to the manufacturers prior to the strike, only we told them we were ready to confer with them and try to settle it as soon as possible.

Commissioner O'CONNELL. I think it was Mr. Kelly who said, anyhow it was one of the gentlemen before us, that there had been a complete lockout, because neither would concede to submit the question of the shop chairman to arbitration. Was that the position of your union?

Mr. AMDUR. Was what?

Commissioner O'CONNELL. Both of you refused to submit the question of the shop chairman, both standing and maintaining that you would not submit that question to arbitration?

Mr. AMDUR. No, sir; it was never mentioned, anything, neither from the manufacturers nor from us as to arbitration prior to the strike.

Commissioner O'CONNELL. Did you ever refuse to submit the question of whether you should have a shop foreman or not to arbitration?

Mr. AMDUR. Yes, sir; we have submitted the entire matter after the strike was called, and Commissioner Jackson came over here from Harrisburg, and he proposed, first, mediation, and we have accepted, but the manufacturers refused.

Commissioner O'CONNELL. Did you say to Commissioner Jackson, for instance, "We will submit everything in this agreement to arbitration except the question of shop foremen"?

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. Cut that out?

Mr. AMDUR. No, sir; the manufacturers refused mediation. Then he proposed arbitration, which we have accepted, and the manufacturers flatly refused.

Commissioner O'CONNELL. What are the wages the people earned, generally, in the trade?

Mr. AMDUR. Well, I have a list here of our figures, which was taken during the time of the strike. We have here about 300 names from about 10 or 12 different shops, and if the commission wants, I may offer them these lists.

Commissioner O'CONNELL. You can file that with us, if you will.

Mr. AMDUR. Yes, sir.

(The document was marked "Amdur Exhibit No. 2."

See Amdur Exhibit No. 2 under "Exhibits.")

Commissioner O'CONNELL. But if you will take half a dozen of each, like the cutters and pressers, pick them out haphazard?

Mr. AMDUR. Here I have Gerald & Kelly's shop. He has stated that his people are making $26 a week. Here we have it:

Harry Kravitz, nine years in the business, two years working for Mr. Kelly. The highest wages he ever made was $35 a week; the lowest wages he received was $1 a week; the average for the year makes $14. His business was an operator.

Here is Dave Deveris, 11 years in the business; went to work for Mr. Kelly; the highest wages he ever made was $27 per week; lowest, $1; average, $10 per week.

Commissioner O'CONNELL. What was he?

Mr. AMDUR. Man of five children.

Commissioner O'CONNELL. What was he, a presser?

Mr. AMDUR. Also an operator, tailor.

Here is Louis Soloff; six years in the business; five and a half years working for Mr. Kelly; the highest wages he ever made was $35 per week; the lowest, 90 cents; average, per year, $11.

Commissioner O'CONNELL. Was that for the year 1913 or 1912?

Mr. AMDUR. 1913.

Commissioner O'CONNELL. 1913?

Mr. AMDUR. Yes, sir.

Here is a man by the name of Herman Applebaum, seven years in the business; worked four years for Kelly; the highest wages he ever made was $18, for two weeks; lowest wages, 70 cents; the average is $5 per week.

Commissioner O'CONNELL. Go back to those men who made $35 a week. How many weeks in the year did he make that?

Mr. AMDUR. How years in a week?

Commissioner O'CONNELL. No; weeks in a year did he make $35?

Mr. AMDUR. It does not state how many weeks in a year he made $35, but we took his book and counted up how much money he made during this year, and just how much was the highest wages, and what it was the lowest, and we come to this, and we find this here $10 per week.

Commissioner O'CONNELL. Have you got any family—female labor in that list?

Mr. AMDUR. Yes, sir; no, sir; we haven't any female in that list, but we have in some other.

Here is Katie Keller, 2½ years in the business; 9 months worked for Mr. Kelly; highest wages she has ever made was $12 per week; lowest, $1.50; average, $6.

Commissioner O'CONNELL. Six dollars?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. In nine months?

Mr. AMDUR. Yes, sir. No; for the year.

Commissioner O'CONNELL. For the year?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Just turn that list over to the stenographer, please.

What is the average working time of the entire year? We know you have seasonal employment.

Mr. AMDUR. Yes.

Commissioner O'CONNELL. How many months in the year will your workmen really have work?

Mr. AMDUR. I would say seven months during the year.

Commissioner O'CONNELL. Seven months?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. What were you when at the trade; presser, did you say?

Mr. AMDUR. Skirt maker.

Commissioner O'CONNELL. Yes; now, seven and a half months, we will say eight months at the business in a year; how much money would you earn in a year? What would your annual earnings be? Did you ever figure it or keep track of it?

Mr. AMDUR. That is, my own?

Commissioner O'CONNELL. Yes; speaking of yourself.

Mr. AMDUR. Of course, that was something like seven or eight years ago when I worked at a machine. At that time——

Commissioner O'CONNELL. Were wages lower then than now?

Mr. AMDUR. Wages were higher then than now.

Commissioner O'CONNELL. Higher then than now?

Mr. AMDUR. Much higher. At that time, as I stated before, I made from $22 to $25 per week during a season, and when, that is, made $15 per week during the dull season, because I used to work on samples, and it averaged me about $19 or $20 per week.

Commissioner O'CONNELL. If yours is not a fair case of the general average——

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. Take a man of the general average; what would be the general average earnings?

Mr. AMDUR. I would say $10 to $12 per week, the highest.

Commissioner O'CONNELL. Average for the year?

Mr. AMDUR. Average the year.

Commissioner O'CONNELL. Well, would you say the woman in the trade—what would you say she would average?

Mr. AMDUR. She would make $6 or $7, the highest.

Commissioner O'CONNELL. Are there any children at all employed around 14 or 15?

Mr. AMDUR. Yes, sir; there are.

Commissioner O'CONNELL. Girls or boys?

Mr. AMDUR. Girls; mostly girls 14, 15, 16.

Commissioner O'CONNELL. What do they earn?

Mr. AMDUR. They earn all kinds of wages—$2, $3, $5, and so on.

Commissioner O'CONNELL. You spoke of home work. Is there home work being done in Philadelphia?

Mr. AMDUR. Well, as for instance, with the firm of Mr. Bernstein's people, during a time of the season they are working from about, as he stated himself—God knows from what time in the morning, because the place is always open. They may come in at 5 o'clock, 6 o'clock.

Commissioner O'CONNELL. I don't mean in the shop. I mean do they take work home to do?

Mr. AMDUR. They work till about 9 o'clock in the evening and then take some work to be done at home. Saturday they work till 6, and in the evening, and then they work at home on Sunday; it means they are working from 5 and 6 in the evening, and then Saturday and Sunday the whole day.

Commissioner O'CONNELL. It is the general custom that they do take some work home Saturday for Sunday?

Mr. AMDUR. Yes, sir; with Mr. Bernstein's shop especially.

Commissioner O'CONNELL. Mr. Bernstein's?

Mr. AMDUR. Yes; the president of the association.

Commissioner O'CONNELL. Is there ever any investigation made as to the condition under which this clothing is made in the homes, as to the conditions of the homes, whether there is disease there contagious in character, whether they are living in large numbers in a very small space, in a few rooms, and as to the sanitary conditions?

Mr. AMDUR. There was not any official investigation made by the State, but, as far as we know, we have investigated it.

Commissioner O'CONNELL. What did you find?

Mr. AMDUR. We found that our tailors, operators, and finishers, they are living mostly in two or three rooms.

Commissioner O'CONNELL. And in what numbers?

Mr. AMDUR. In numbers of 6, 8, and sometimes 10 people in those rooms.

Commissioner O'CONNELL. In two or three rooms?

Mr. AMDUR. Two or three rooms; this is the average. Of course, in a few exceptions, it may be they live in little houses for themselves, but in the majority of the cases they live in two or three rooms, and in most of the cases also they had a lodger—what we call a boarder.

Commissioner O'CONNELL. A what?

Mr. AMDUR. A boarder.

Commissioner O'CONNELL. In addition to that 10 or 11 children?

Mr. AMDUR. To their 10 or 11 family, and, of course, if they have one, so that one room is a bedroom, one room is a kitchen, and also the working shop, where they are doing the work.

Commissioner O'CONNELL. Where do those 8 or 10 or 11 or 12 people sleep? Or do they take turns in sleeping?

Mr. AMDUR. Some on the floor, some in the bed; in many instances I have seen the door—came in the door and seen the door standing by the wall, and I have asked them why is that, and they told me at night they are putting a door on two chairs and they are making a bed on it; they are sleeping on it.

Commissioner O'CONNELL. Is there a possibility of their taking the clothing they take home to sew upon for bedding?

Mr. AMDUR. Probably they do.

Commissioner O'CONNELL. Or part of it?

Mr. AMDUR. Probably they do.

Commissioner O'CONNELL. Is there any statutory regulation as to the hours the factories are open or closed—start in the morning, say, at 8 o'clock and quit at 5 or 6?

Mr. ANDREW. Yes, sir; during the dull season.

Commissioner O'CONNELL. During the dull season?

Mr. AMDUR. From half past 7 and 6.

Commissioner O'CONNELL. How about the busy season?

Mr. AMDUR. There is no time limit.

Commissioner O'CONNELL. They go early and leave late?

Mr. AMDUR. Go in whenever they want to. Some factories at night, after 6 o'clock, as it happened in the case of Sacks Bros., the doors were locked; the people wanted to go home; it was the last day of the week. Of course, the manufacturer locked the door and they were not allowed to go out, and the one who made a fight to go out would naturally be discharged.

Commissioner O'CONNELL. Mr. Kelly told us about some conditions of contracting in the shop in which the contractors hired the employees who worked under him.

Mr. AMDUR. Yes.

Commissioner O'CONNELL. What is there in connection with that condition? What is the condition surrounding that?

Mr. AMDUR. The conditions about this contract system is this: Mr. Kelly, as a manufacturer, hasn't got much time——

Commissioner O'CONNELL (interrupting). We are not criticizing Mr. Kelly per se here.

Mr. AMDUR. You mentioned Mr. Kelly, and I don't mean exactly Mr. Kelly.

Commissioner O'CONNELL. Yes.

Mr. AMDUR. But a manufacturer has more business to look after and can not look after the working people. He has something else to do. He can not get the cheapest labor on account that he can not devote all his time to it, so he gets a contractor, which he has only one business, and this is to make the work; and this man has enough time to get the cheapest labor it is possible to get in the city. He is not too lazy sometimes to go over to the immigration bureau and see whether tailors are coming over, and he gets them, and sometimes he gets a few dollars by them yet in order to take them into the shop.

Now, this is the idea of the contractor inside the factory. He is getting the cheapest labor where a manufacturer would not be able and possibly couldn't get it on account he can not devote his time as much as this contractor can do it, and naturally, of course, the contractor makes him to work also cheaper, as he would have to pay to an experienced tailor, etc.

Commissioner O'CONNELL. What does the contractor pay his help, then, if he hires it under those conditions—goes to the immigration bureau and brings some tailors up who have to be turned into your method?

Mr. AMDUR. Yes, sir. In many cases he gets $10 as a premium paid for learning him the trade. Of course, with the tailors, if he is a good tailor from the old country, he is not paying to the contractor anything, but he gets $1, $2, or $3 a week, but as to the presser——

Commissioner O'CONNELL (interrupting). As a sort of a learner, until he becomes familiar?

Mr. AMDUR. Yes, sir.

Commissioner LENNON. Then how long does he have to work at the business before he earns $10 or $12 or $14 a week?

Mr. AMDUR. Depends upon how soon he becomes a little more or less Americanized, and he understands that he is not getting paid what he ought to; sometimes starvation or hunger compels him to leave this place and go and look for something else, and he finds something better.

Commissioner O'CONNELL. Do you know something of the protocol conditions of the trade in New York?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. You understand the protocol provides that there shall be a shop committee of the men and a representative of the employers, and that the adjustment of grievances shall be passed to them and up to a higher authority, and so on. Such board there has the final say in the matter.

Mr. AMDUR. Board of arbitration.

Commissioner O'CONNELL. Yes; the protocol provides for what is called the preferential shop.

Mr. AMDUR. Preferential union shop, yes, sir.

Commissioner O'CONNELL. In other words, that means that the union men are given the preference?

Mr. AMDUR. Preference.

Commissioner O'CONNELL. But that when times are hard and the laying-off of men comes, the nonunion men are laid off first, and that in the employment of people the union people shall be first employed, etc.?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. They get the preference?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Would your organization in Philadelphia look favorably upon the protocol conditions being put into effect in Philadelphia?

Mr. AMDUR. They certainly do.

Commissioner O'CONNELL. The international organization to which you are attached of course approves of that?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Because they are associated with it in New York?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Have the conditions since your strike here improved, or become worse than they were before the strike?

Mr. AMDUR. Worse by 50 per cent.

Commissioner O'CONNELL. By 50 per cent worse?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. They must have been severely bad prior to the strike if what you say is true, and I have no reason for doubting your sincerity. You mean 50 per cent worse than what it was?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. In what direction?

Mr. AMDUR. As far as the prices.

Commissioner O'CONNELL. Wages?

Mr. AMDUR. Wages, and as far as the treatment in taking up and hiring help.

Commissioner O'CONNELL. Have the prices been reduced since the strike occurred?

Mr. AMDUR. Fifty per cent.

Commisisoner O'CONNELL. Will you cite some cases; for instance, if a man was earning $20 a week prior to the strike could he earn only $10 now?

Mr. AMDUR. Here is a case which I may show you. A man by the name of B. Cipher, a finisher, working for Sporken & Sons, lives at 931 Fairmont Avenue, is a man with four children. He didn't work since the strike more than six weeks, until now. For the six weeks he worked, he made one week $3.75; one week, $4.70; one week, $4.65; one week, $5; one week $2.25.

Commissioner O'CONNELL. Well, just now is it the dull season, or some exceptional reason for that? Is the season normal now; it is not normal, is it?

Mr. AMDUR. The season is not normal now; but this is his earnings.

Commissioner O'CONNELL. Well, that earnings—do you know that he worked all the time for that or only part of the time?

Mr. AMDUR. He worked all of the time.

Commissioner O'CONNELL. How long, do you imagine—10 or 12 hours a day?

Mr. AMDUR. I mentioned that he did not work for the $2.25, but I am quite sure that he worked for the $5 a week. Well, now, it happened at last, a few days ago, a manufacturer came over to that man and told him that, being that he got a big order and now he is getting 20 cents for finishing per garment, he wants to take off a nickel off that garment.

Commissioner O'CONNELL. Has there been a nickel's worth of change in it required?

Mr. AMDUR. No change at all.

Commissioner O'CONNELL. The garments change very rapidly, don't they?

Mr. AMDUR. The garments were not changed—the very same garments—but he wants to take off a nickel. That man naturally refused to take the work, and he went home. The rest of the employees—all the finishers—also refused, and they have stopped for a couple of days, and, being hungry, they came back to the shop, and they have sat down to the work for a nickel less. This here man also came to the shop and wanted to take the work, and sat down to work; but the boss has told him he can not work in this place any more; and Saturday, when he came for his pay—here is his pay envelope and there is his book for the last week, where he made $2.25 in the book, where it is only $2.05 on the pay envelope.

He said, "Why do you give me 20 cents less?" As the manufacturer has told him that a couple of weeks ago he has damaged a piece of lining, "and therefore I am taking off 20 cents from your envelope."

Here is the envelope and the book.

(Marked "Amdur Exhibits 3 and 4 of June 30, 1914."

The envelope and book referred to were submitted in printed form.)

Mr. AMDUR. This is only one case out of hundreds and hundreds.

Commissioner O'CONNELL. Well, do these cases happen very frequently now?

Mr. AMDUR. Oh, yes; very frequently.

Commissioner O'CONNELL. That men are only making from $2 to $5 a week?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. With families?

Mr. AMDUR. Yes; and they are all glad to get it.

Commissioner O'CONNELL. Families of four and five children?

Mr. AMDUR. With families of four and five children.

Commissioner O'CONNELL. Well, how are they living?

Mr. AMDUR. Well, the majority of them have the furniture in storage.

Commissioner O'CONNELL. In storage?

Mr. AMDUR. In storage house, on account that they can not keep on renting the rooms, as I said before—two or three rooms—they can not do it now. We have hundreds and hundreds of cases where our people have their furniture in storage, and they also bind it there. They take a couple of dollars on it in order to have a few dollars to live on. They break up, in other words, their homes, and so on. There are only a few instances in this trade out of the 6,500 people which are working and making a living. I don't think you will find 10 per cent are. Ninety per cent are living on starvation wages.

Commissioner O'CONNELL. Well, now, as the business agent and a man who is around among these people every day, knowing their working conditions, and knowing their home lives, what would you say a worker in the ladies' garment trades in Philadelphia, say, in the earnings per week, the average of them would be?

Mr. AMDUR. Now?

Commissioner O'CONNELL. Yes.

Mr. AMDUR. I can not say because I can not make out any figure. There isn't such a thing.

Commissioner O'CONNELL. Well, you say there are large numbers of them that are earning money like this you have just stated to us, from $2 to $5 per week?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Would you say the average clothing worker in your line of industry in Philadelphia was earning $6 a week, or $7 a week, or $8 a week?

Mr. AMDUR. After the strike?

Commissioner O'CONNELL. Right now.

Mr. AMDUR. Right now they are not averaging $3 per week.

Commissioner O'CONNELL. The entire trade?

Mr. AMDUR. The entire trade.

Commissioner O'CONNELL. Is the industry fairly normal now, or exceptionally slack?

Mr. AMDUR. No; exceptionally slack.

Commissioner O'CONNELL. Do these people go into other lines of industry; do they go and work at something else during the slack times?

Mr. AMDUR. Very few.

Commissioner O'CONNELL. They don't work at anything else at all?

Mr. AMDUR. No.

Acting Chairman WEINSTOCK. When do your seasons here begin and end?

Mr. AMDUR. The season begins in the month of August and ends in the month of November.

Acting Chairman WEINSTOCK. August?

Mr. AMDUR. That is the fall season.

Acting Chairman WEINSTOCK. August to November?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And then the spring season?

Mr. AMDUR. The spring season begins in the month of February and ends in the month of April.

Acting Chairman WEINSTOCK. I see. Then this particular period is between the seasons?

Mr. AMDUR. This is between the seasons, yes.

Acting Chairman WEINSTOCK. When the work is at a minimum?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And it has always been that way, I take it. This is not an exceptional season?

Mr. AMDUR. Well, it has always been that way. Sometimes the season is a little longer, and sometimes a little shorter, but this is about the same thing.

Acting Chairman WEINSTOCK. Well, now, in conversation with business men generally, they tell me that this spring season has been a very disappointing season; the worst they have had in years. Does that in any way account for the fact that this dull period is leaner than the dull periods of the past?

Mr. AMDUR. No, sir; I don't think so, to my mind.

Acting Chairman WEINSTOCK. You don't think this dull season was any duller than preceding dull seasons?

Mr. AMDUR. Not to my mind, it is not.

Acting Chairman WEINSTOCK. You think it is a normally dull season?

Mr. AMDUR. It is a normally dull season.

Acting Chairman WEINSTOCK. What are the average earnings of the workers during the dull seasons of the year?

Mr. AMDUR. The dull seasons?

Acting Chairman WEINSTOCK. The average earnings?

Mr. AMDUR. Yes. Well, three to four dollars per week is the highest.

Acting Chairman WEINSTOCK. Then this is not an exceptional situation?

Mr. AMDUR. Not an exceptional situation.

Acting Chairman WEINSTOCK. Then it would not be fair to take the earnings as you have just shown there for the present time and let that make, in our mind, a criterion for the year's earnings?

Mr. AMDUR. No; it would not be fair, because I did not take it in here to show the wages; I took it for a typical case on account the manufacturer, after a man made $2 per week, he took off 20 cents for damaging a lining, in this case, he said.

Acting Chairman WEINSTOCK. I see. You heard the testimony of Mr. Kelly, did you not?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. You heard him testify that, in his opinion, the workers before the strike had no grievances, and that the strike was due, not to any grievance on the part of the workers, but due to outside agitators who came here and stirred things up. What is your answer to that statement?

Mr. AMDUR. It was absolutely not so. There was no outsiders here in Philadelphia prior to the strike, just with the exception that sometimes, you know, the general president or the general secretary have business and comes over here for a few hours, and not more; they have never been even for a day to Philadelphia to see how things are running, and go back and never sees even a majority of the people, only the officers, and so on.

Acting Chairman WEINSTOCK. Well, then, your statement then would lead one to believe that Mr. Kelly was in error when he made that statement?

Mr. AMDUR. Yes; absolutely.

Acting Chairman WEINSTOCK. Possibly Mr. Kelly may have meant that there were people in Philadelphia who were not in the trade active or played the part of agitators.

Mr. AMDUR. There isn't anyone; there wasn't anyone during the time before the strike had part in that strike who was not a member of our union.

Acting Chairman WEINSTOCK. Are we to understand, then, Mr. Amdur, that the initiative that led to the strike came from within the ranks of the workers?

Mr. AMDUR. Yes, sir.

Acting Chairman WEINSTOCK. And not from without?

Mr. AMDUR. Not from without.

Acting Chairman WEINSTOCK. You also probably heard both Mr. Kelly and Mr. Bernstein testify that, in their opinion, the men were misled?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. They had bad leaders who, for selfish purposes, encouraged the men to strike?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Since their jobs as officials depended on turmoil instead of upon peace; depended upon war rather than peace. What is your answer to that?

Mr. AMDUR. That is not so; it is untrue.

Acting Chairman WEINSTOCK. What are the facts, as you saw them?

Mr. AMDUR. The facts, as I see them, that the leader, and I may say I was the only one, at least a paid officer of the union, we have done—I have done all in my power to avert a strike before it was called, and I have done more than it

was in my power to settle it, either by arbitration or by any legitimate way, at the time the strike was declared.

Acting Chairman WEINSTOCK. Then you would say, Mr. Amdur, that Mr. Bernstein and Mr. Kelly were mistaken in making that statement?

Mr. AMDUR. I would rather say that they have absolutely tried to throw a bad light upon the officers of the union purposely.

Acting Chairman WEINSTOCK. You also heard those gentlemen make the statement that in their opinion the workers before the strike had no grievances. What is your answer to that?

Mr. AMDUR. Well, the answer to this is that I understand the man who has no grievance will never vote to go on strike, and the fact of the matter is that maybe there were a few hundred people which were better treated, were favorites in the shop, and they did vote against the strike, but the majority voted for the strike. And this is enough proof that there were some grievances which the people wanted to be adjusted.

And another thing, to my mind, a man who has no grievance will not stay out 26 weeks in a strike and live in starvation. There isn't such a thing, such a powerful man, to compel him to stay on strike, and starve with his wife and children.

Acting Chairman WEINSTOCK. I wish you would explain for the information of the commission, Mr. Amdur, what your union stands for. First, does it stand for a square deal?

Mr. AMDUR. Absolutely; on both sides.

Acting Chairman WEINSTOCK. It believes in giving the employer a square deal?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Does it stand for honesty of its officials?

Mr. AMDUR. Absolutely. I will bring you an instance.

Acting Chairman WEINSTOCK. What would your union do if it found it had a dishonest official?

Mr. AMDUR. Why, positively drive him out of the organization.

Acting Chairman WEINSTOCK. Does it stand for peace?

Mr. AMDUR. Always.

Acting Chairman WEINSTOCK. Does it stand for law and order?

Mr. AMDUR. Always; those was our orders to the strikers during the time of the strike, always.

Acting Chairman WEINSTOCK. Is it opposed to violence?

Mr. AMDUR. Absolutely.

Acting Chairman WEINSTOCK. You heard the testimony given this morning that during the strike there were two murders committed, and there were four near murders committed, and there were 455 assaults committed?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Is that correct, substantially?

Mr. AMDUR. It is not correct.

Acting Chairman WEINSTOCK. What was the facts?

Mr. AMDUR. There was one murder committed, and this was done by a strike breaker who had shot and killed instantly on the spot one of our strikers, a man by the name of Abe Kopper. This was the one murder. Assaults, there were assaults, but they came from the side of the manufacturers, and naturally, of course, our people had defended themselves. For instance, it happened one day that the manufacturers had sent a gang over, about 10 or 12 hired thugs, to the hall where the strikers were, and they came over there and made a riot, and naturally there was a couple of hundred men, these halls were filled up to the roof, and some of our strikers were arrested because these fellows were beaten up.

Acting Chairman WEINSTOCK. Are we to understand that there wasn't one single case where a member of the union took an offensive part and committed violence?

Mr. AMDUR. I will not say that; there were.

Acting Chairman WEINSTOCK. There were such cases?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Where the members of the union of their own volition did that?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. What did the union do with those men?

Mr. AMDUR. Well, as a rule, they have always been after they were out of our jurisdiction. For instance, at the time they were in the halls and at the

time they were on picket duty they were under our care, and there was no violence committed at that time. After they went to their homes, maybe they have met a strike breaker there and maybe it came up an argument, and came about an assault, but the union were not responsible for those, and can never be responsible.

Acting Chairman WEINSTOCK. If it is true, Mr. Amdur, that the union stands for law and order and is opposed to violence in strikes, and is sincere in that statement——

Mr. AMDUR (interrupting). Absolutely.

Acting Chairman WEINSTOCK (continuing). Is it not the duty of the union to expel its members who commit violence and to aid the authorities in bringing them to justice? How else can they prove their sincerity in that statement?

Mr. AMDUR. Why, in many instances we have expelled our members for violence, and for not giving the square deal to the manufacturer or for not being honest enough in dealings with the manufacturers.

Acting Chairman WEINSTOCK. Can you give this commission the names and dates and places?

Mr. AMDUR. Oh, yes. For instance, in the same place where Mr. Kelly has mentioned the fact that two of his workmen, members of his union, have tried to make a deal with him, and the men were called out the same evening before the executive committee and were fined $25 each, which they had to pay immediately, and they have refused to pay, and they were expelled from the organization. The names are Mr. Singer and—I have forgotten the other man's name—Evens, I think.

Acting Chairman WEINSTOCK. That was for attempted bribery?

Mr. AMDUR. Yes, sir; absolutely.

Acting Chairman WEINSTOCK. Can you give the commission names and dates and places where men were expelled from the union for doing acts of violence?

Mr. AMDUR. No, sir; because there wasn't proven such a thing yet. We were waiting—that if a man commits violence he should be punished by the court, and if he will be punished by the court, then we will see what we can do with him—but it was not proven such a thing yet; out of 688 arrests that we have had during the time of the strike, and out of between 300 and 400 court cases there was only one man convicted.

Acting Chairman WEINSTOCK. Was he a union man?

Mr. AMDUR. Yes; two men.

Acting Chairman WEINSTOCK. Two union men were convicted?

Mr. AMDUR. Yes, sir.

Acting Chairman WEINSTOCK. What did the union do about it?

Mr. AMDUR. Why, we have not done anything, because we believed that the judge was a little too partial in his charges to the jury, and we believed we would appeal that case and, of course, if they will be found guilty again, then, of course, they will naturally be expelled from the union. That is the only case we have.

Acting Chairman WEINSTOCK. This statement has come to me, Mr. Amdur, from unionists. I would like to know in how far your union sympathizes in this statement that was made to me by a union man, not here, but in another place.

In speaking of the question of violence in labor troubles, the question came up about the unions making good their claim that they are opposed to violence, that they stand for law and order, and being questioned why the unions, under those circumstances, did not expel members who had committed violence, the answer was: They committed violence in the interests of labor, and therefore, right or wrong, we feel we must stand by them.

Is that the way your union feels about it?

Mr. AMDUR. Not at all; we claim that violence can not be committed by any interest, not for labor and not for capital, of course.

Acting Chairman WEINSTOCK. You have been a student of these labor problems, I take it?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Are you familiar with the prevailing conditions, industrial conditions, in the country as a student?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. What, in your judgment, is the best way to minimize industrial war and to bring about a higher degree of industrial peace? What is your solution for it?

Mr. AMDUR. My solution is, as I would say, the fear of a strike; not the strike, but the fear of a strike, would bring about more peace in the relationship between capital and labor; and in order to obtain the fear of a strike you must have better labor laws; we must see that the interference of the police should not be so much in favor of the manufacturers, because the police guards the manufacturers always and the members of the unions always have to fear the police, and this encourages the manufacturers to go out on strike with people.

Acting Chairman WEINSTOCK. Right on that point, before you go any further, what have you or I to fear from the police so long as we obey the laws?

Mr. AMDUR. Oh, yes; you may be a good, law-abiding citizen, and have a split head for being a striker.

Acting Chairman WEINSTOCK. Yes; but if a police should go beyond his limits and use violence against inoffensive, law-abiding citizens, his whole position is in jeopardy.

Mr. AMDUR. That is not always the case. Sometimes he may get a reprimand for it, yes.

Acting Chairman WEINSTOCK. Proceed with your statement.

Mr. AMDUR. This one thing, that so many injuries should not be given to the organized labor unions, which they give cause to the manufacturer to strike, and the main thing I would suggest, that an agreement made between the employer with a group of employees, or with an organization of employees, it should become a law that they should not be able to break this agreement just as much as they can not break any other agreement, and, to my mind, this would avoid a whole lot of trouble and strikes.

Acting Chairman WEINSTOCK. In other words, you mean organization on both sides, and trade agreements?

Mr. AMDUR. When you come to an agreement and reach a certain agreement, this shall become law, that no party can break this agreement.

Acting Chairman WEINSTOCK. Do you know of any instances, Mr. Amdur, where the employers have broken agreements in Philadelphia?

Mr. AMDUR. Oh, yes; here I have an agreement signed by Mr. Kelly, and after four weeks he has signed this agreement he has broken it and declared an open shop and sent all the people out. And, let me tell you the reason why, Mr. Commissioner. It is not because he could not agree at that time with his people. I know why. I know it for a fact. I have the facts with me. I have met, a week later I have met Mr. Greenhood, he is a partner in the firm of Kelly, he is the designer, and he is also a partner in the business, and I asked Mr. Greenhood: "How is it you have locked your people out? Why, I and you know that we have always got along peacefully and nicely with your people. We have the best set of people a manufacturer can have, and can ever get, and you were the first man to settle our strike. We never had any grievances against the union." And Mr. Greenhood has answered me: "Why, I can not talk, Max; I must be quiet, but we were compelled to do it. And understand what that means." This is the very same words.

Acting Chairman WEINSTOCK. Well, do you know of any other instance where employers broke their agreements?

Mr. AMDUR. Oh, yes.

Acting Chairman WEINSTOCK. Can you name them?

Mr. AMDUR. I will give you their names: Progress Cloak & Suit Co., Mr. Kepner, Mr. Frank, and Mr. Yeggerman, and Boostein, Mr. Feldheim, and Leiberwitz, and a few others.

Acting Chairman WEINSTOCK. Did those concerns have written agreements with the union?

Mr. AMDUR. They had written agreements with the union.

Acting Chairman WEINSTOCK. And your statement is that they deliberately violated them?

Mr. AMDUR. They deliberately violated them, on account, of course, they were compelled. I know they were compelled. The manufacturers themselves were on strike. They compelled them to do it, because they have stopped their orders and they have stopped their credit, and they have—it meant that they either had to give up their business and get ruined or to keep on the trade agreements with the union.

Acting Chairman WEINSTOCK. Do you know of any instance where the workers broke their agreement?

Mr. AMDUR. No, not so far as I know, at least, not in my trade, because I have absolutely stuck to what I have agreed to.

Acting Chairman WEINSTOCK. Then, from your statement, the contract breakers were altogether on the employers' side?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And the workers have observed faithfully their agreements?

Mr. AMDUR. Well, I would not say that, as a rule, for the entire——

Acting Chairman WEINSTOCK (interrupting). Speaking only in your own territory.

Mr. AMDUR. For our own territory, yes.

Acting Chairman WEINSTOCK. You just said a minute ago that among the remedies that you would put into operation to tend toward a greater degree of industrial peace you would have the police keep their hands off in labor troubles and you would wipe out labor injunctions?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Well, then, what restraining influence would you have on the unions? How would you protect the employer against your breaking agreements?

Mr. AMDUR. Well, I will say that law-breaking unions—the State or the Government should take occasion——

Acting Chairman WEINSTOCK (interrupting). But you say the police should keep their hands off?

Mr. AMDUR. I don't mean that the policemen should not look into the business of the union at all. What I mean is, for instance, there were, at the time of the strike, there were hundreds of men going around with revolvers in their pockets, working in the shops, strike breakers—guards were going around with guns in their pockets and never anyone was arrested. And this is what I say—the police have protected them; and in many instances we went to the police and explained and told them, "Here is a man working in a shop and he has got a gun in his pocket," and I am quite sure if that would be the case with a striker he would get right a hold of him and search his pockets and take him over to custody, where they have absolutely refused to do it in the case of a strike breaker. I don't mean the absolute uninterference with the police, but I mean the partial interference.

Acting Chairman WEINSTOCK. The partial interference?

Mr. AMDUR. Yes; the partial interference, not impartial.

Acting Chairman WEINSTOCK. One-sided interference?

Mr. AMDUR. Yes; one-sided interference.

Acting Chairman WEINSTOCK. Summing up, then, I take it that your remedy for industrial war is mutual organization on both sides and mutual recognition on both sides; trade agreements with an arbitration provision, I presume?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. So that any disputes might be settled without cessation of work?

Mr. AMDUR. If it could be settled by mediation, all right; conciliation, all right; if not, it should go to arbitration.

Acting Chairman WEINSTOCK. Do you know any reason why that will not work out in your industry here?

Mr. AMDUR. I do not.

Acting Chairman WEINSTOCK. If carried out in good faith by both sides?

Mr. AMDUR. I do not see any reason why it should not.

Acting Chairman WEINSTOCK. Have you anything further to offer?

Mr. AMDUR. Well, I might say a few more words, and that is this, as to illustrate that whatever I have stated here is correct. Mr. Bernstein has said, or Mr. Kelly, that everything is peaceful and quiet and harmonious, and no grievances on the part of the workers, and everything is nice and smooth, and that shows that the people are treated nice and good, and so on. I might say to this commission that I could show that within a time of 24 hours, on one notice on the part of the union, the 6,000 people in this trade would go out on a general strike again, and strike more seriously and more bitterly than they did in the strike that they had before.

Acting Chairman WEINSTOCK. Order in the room.

Mr. AMDUR. And that shows, if they can have a strike for 26 weeks, and the men are ready to go out on strike again, on strike, that shows how the conditions are.

Acting Chairman WEINSTOCK. You mean that the paper is here, and the shavings are here, and the fuel is here, and all it is necessary to do is to touch the match, is that it?

Mr. AMDUR. That is it, all because of the bad conditions there is in the trade.

Acting Chairman WEINSTOCK. Thank yo: very much.

Mr. BUSIEK. Will Miss Stein take the stand?

TESTIMONY OF MISS BECKY STEIN.

Mr. BUSIEK. State your name in full, please.

Miss STEIN. Becky Stein.

Mr. BUSIEK. What is your occupation?

Miss STEIN. Finisher; garment worker.

Mr. BUSIEK. How long have you worked at that trade?

Miss STEIN. Seven years.

Mr. BUSIEK. Here in Philadelphia?

Miss STEIN. In Philadelphia.

Mr. BUSIEK. Is that a position which is filled by ladies, generally?

Miss STEIN. No; we have men; very few.

Mr. BUSIEK. Very few men?

Miss STEIN. Yes; the majority are ladies.

Mr. BUSIEK. About how many of them are working at that in Philadelphia?

Miss STEIN. About fourteen or fifteen hundred.

Mr. BUSIEK. About fourteen or fifteen hundred?

Miss STEIN. Yes.

Mr. BUSIEK. Ladies?

Miss STEIN. No; that would be altogether.

Mr. BUSIEK. Well, how many of those workers are women workers?

Miss STEIN. Women, about, it would be about 1,300.

Mr. BUSIEK. About 1,300?

Miss STEIN. Yes.

Mr. BUSIEK. What are the hours of the finishers? Do they work on piecework?

Miss STEIN. Piecework is the majority.

Mr. BUSIEK. And what are the shop hours of these finishers' work?

Miss STEIN. No limit in the season; no limit to them.

Mr. BUSIEK. No limit to them during the season?

Miss STEIN. No.

Mr. BUSIEK. Do you ever take work home?

Miss STEIN. I personally did not, but a good many do.

Mr. BUSIEK. Is that all handwork or is it machine work?

Miss STEIN. Handwork.

Mr. BUSIEK. Handwork?

Miss STEIN. Yes.

Mr. BUSIEK. You have been working for eight years, you say?

Miss STEIN. Seven.

Mr. BUSIEK. You were familiar with the prices paid for this class of work eight years ago and are familiar with the prices paid now?

Miss STEIN. Yes.

Mr. BUSIEK. From your personal experience what comparison can you draw between those prices?

Miss STEIN. Very low now.

Mr. BUSIEK. Can you tell about what proportion—by one-half or one-third or one-fourth or one-fifth or one-sixth lower?

Miss STEIN. I would not have to go back seven years, only about two years, about a year before the strike. The garment that used to pay 50 cents pays now 25 and 30 cents at the highest.

Mr. BUSIEK. Is that a condition in all the shops?

Miss STEIN. The majority of the shops with a few exceptions.

Mr. BUSIEK. Do the manufacturers generally cut the price on garments in slack seasons?

Miss STEIN. Yes; that was a rule.

Mr. BUSIEK. They cut the prices in slack seasons as a rule?

Miss STEIN. Yes.

Mr. BUSIEK. Well, then, is this rule any different in regard to cutting than any other slack season has been in regard to cutting?

Miss STEIN. Well, it is different.

Mr. BUSIEK. How much money can you earn by working steadily?

Miss STEIN. Steadily?

Mr. BUSIEK. Now.

Miss STEIN. Well, there isn't such a thing in the women's garment industry as working steadily.

Mr. BUSIEK. Well, suppose you had a whole week's work, how much could you make?

Miss STEIN. Well, to compare with myself, as I should say that there are very few like I am. I am exceptionally good and a very good worker and a fine worker, and I should work without overtime in the season, in the busy season, I have never been able to make more than $17 or $18, and an excellent worker and the people who know me will state the same.

Mr. BUSIEK. Now, you are an expert worker and in busy seasons you can make $17 or $18 at the prevailing rate?

Miss STEIN. No.

Mr. BUSIEK. Now, give me that statement, then, again. Now, you are an expert worker?

Miss STEIN. Yes, sir.

Mr. BUSIEK. How much can you make in the busy season?

Miss STEIN. In regular hours?

Mr. BUSICK. Yes.

Miss STEIN. Make sometimes $16 or $17.

Mr. BUSIEK. What do you call regular hours?

Miss STEIN. From 8 to 6.

Mr. BUSIEK. That is 10 hours?

Miss STEIN. And Saturday until 1.

Mr. BUSIEK. That is about a 9½-hour day. How long is the busy season?

Miss STEIN. As it was stated here it starts in August—that is, the fall season—and ends in November.

Mr. BUSIEK. And what is the spring season?

Miss STEIN. The spring season starts in February and ends in April—beginning of April.

Mr. BUSIEK. So that makes about seven months' work a year, or eight months, according to your——

Miss STEIN (interrupting). Seven. Even during that time you can not call it a regular season—all that seven or eight months. After the first orders we have a few weeks until the second orders come—some kind of a vacation; you can't call it slack, and it is not called busy.

Mr. BUSIEK. Do you ever know from one week to the next whether or not you are going to have work the next week, or from one month to the next, whether you are going to have work the next?

Miss STEIN. Oh, no; we know as a general rule that the season is sometimes a week more and sometimes a week less, but sometimes, if it is a busy season, if they get more orders, we have more work; and if not, then we are to take it as it comes. We can never tell. We can never be assured that the next week we will have the same pay. Never be assured of that.

Mr. BUSIEK. And you are one of the highest-priced finishers?

Miss STEIN. Yes, sir.

Mr. BUSIEK. Now, Miss Stein, let's take a year—the year preceding the strike. Have you ever figured out how much money you made for that entire year?

Miss STEIN. Well, I did not. We finishers work under a different system entirely, which I would like the commission to know that.

Mr. BUSIEK. Just explain that.

Miss STEIN. The finishers used to work, prior to the strike—that is, before the strike, from the tailors—from the operators. We were never entitled to the price committee's rates, they said, with the exception in the union shop.

Mr. BUSIEK. Now, let me get this. The tailors would hire the finishers?

Miss STEIN. Yes, sir.

Mr. BUSIEK. And give them whatever amount they wanted to give them?

Miss STEIN. Well, if it was in a union shop the tailors would give them a reasonable price.

Mr. BUSIEK. But in a nonunion shop?

Miss STEIN. They would give a reasonable price that they would get from the foreman.

Mr. BUSIEK. The firm would fix the price that the tailor had to pay the finisher?

Miss STEIN. Yes.

Mr. BUSIEK. Now, is that system still in effect?

Miss STEIN. No; just a few after the strike.

Mr. BUSIEK. Now, the finishers are independent workers?

Miss STEIN. By the employers.

Mr. BUSIEK. And contract directly with the employers?

Miss STEIN. All of them with the employers. They give us that, but they take the advantage from it.

Mr. BUSIEK. Is this change due to the strike, Miss Stein?

Miss STEIN. Yes, that is our main point, for the finisher.

Mr. BUSIEK. That was the finishers' chief grievance?

Miss STEIN. Yes.

Mr. BUSIEK. They did not want to come under the contract system?

Miss STEIN. It is an awful system, and the finisher would never know if she is employed. For instance, if a tailor would know a finisher and take her on, if the foreman would have anything against that finisher, he would compel the tailor to discharge her, whether he wanted to or not. He was compelled to do it by telling him, "If you won't discharge her, you can't get no work." And the condition was that if a finisher would be suitable to the foreman and not suitable to the tailor, he was compelled to keep her. He was compelled to do what the foreman told him.

Mr. BUSIEK. Miss Stein, conditions now are better, then, in so far as the change of the system is concerned?

Miss STEIN. In so far as the change of the system is concerned.

Mr. BUSIEK. But the wages are lower?

Miss STEIN. As I told you, they give us that, but they take the advantage for it by them cutting the prices in half.

Mr. BUSIEK. They cut the prices lower than what the tailors formerly gave you?

Miss STEIN. Much lower.

Mr. BUSIEK. How much could you make per week at the prices paid now if you had constant employment, working a nine and one-half hour day?

Miss STEIN. Well, I could make as much—if I had enough work in the season, I could make as high as $14 or $13 or something like that.

Mr. BUSIEK. What are the low wages due to—to the cutting of the prices or the lack of work?

Miss STEIN. It is more work to it and lower prices.

Mr. BUSIEK. You mean to say more work now than formerly?

Miss STEIN. Well, different styles. The styles now are more work than before, and the prices are much lower.

Mr. BUSIEK. But if there were a constant supply of work in spite of the fact of the changing styles and lower prices, you could make about $14?

Miss STEIN. Something—about $13 or $14 the highest.

Mr. BUSIEK. Expert workers?

Miss STEIN. Expert workers.

Mr. BUSIEK. And can men do any quicker work than women?

Miss STEIN. No; no man in the finishing department can do as much as a girl.

Mr. BUSIEK. He can't do as much as a girl?

Miss STEIN. No; he can't.

Mr. BUSIEK. Were there men of families doing work as finishers?

Miss STEIN. Yes, sir; most of them. No single men, hardly.

Mr. BUSIEK. How about girls and boys; are they ever put in as finishers?

Miss STEIN. No boys.

Mr. BUSIEK. Do girls——

Miss STEIN (interrupting). Girls.

Mr. BUSIEK. They are put on piecework, too?

Miss STEIN. Piecework.

Mr. BUSIEK. There are not any young girls?

Miss STEIN. Yes, sir; we have girls 17, 18, and 19 years.

Mr. BUSIEK. You are an expert worker. What does the average worker make, working full time under the prevailing prices?

Miss STEIN. What do you call full time—just regular hours?

Mr. BUSIEK. I mean when I talk of full time—well, let's call it a full week of nine and one-half hours.

Miss STEIN. That is never done in the garment industry during the season.

Mr. BUSIEK. That is not true during the season?

Miss STEIN. No, sir.

Mr. BUSIEK. Have you ever given the matter any thought, or have the members of your organization ever decided why that is, whether it is because there are too many employees for the work——

Miss STEIN (interrupting). No.

Mr. BUSIEK. Or whether or not it is because of the seasonal nature of the work?

Miss STEIN. It is seasonal; but I should say that, in my opinion, the manufacturers could start the season earlier than that, and that would prevent night work, especially for girls; but when the season comes in a rush—I would like to state here that the statement Mr. Bernstein made that they have to work night work I say it is not so; but the workers are compelled to work, whether they want it or not.

Mr. BUSIEK. Then, your idea is that if the manufacturers would rearrange the season—stretch it out—have shorter hours——

Miss STEIN (interrupting). Shorter hours.

Mr. BUSIEK. (continuing). And have a longer season——

Miss STEIN (interrupting). A longer season, and have them do day work and not night work. It would be better. I know that is the experience where I work.

Mr. BUSIEK. Now, we will get back to the other question. You are an experienced operator?

Miss STEIN. Finisher.

Mr. BUSIEK. How does the average finisher compare to you in point of earning power?

Miss STEIN. Well, in the busy season, with overtime and all, the average will be from 9 to 12 hours.

Mr. BUSIEK. When did you go back to work after the strike?

Miss STEIN. About seven weeks afterwards.

Mr. BUSIEK. And how long ago is that?

Miss STEIN. Well, that was some time in the latter part of February.

Mr. BUSIEK. You figured out, have you, just how much money you have made since? Have you worked steadily since that time?

Miss STEIN. No, sir.

Mr. BUSIEK. You have not?

Miss STEIN. Till April.

Mr. BUSIEK. Who gets the preference when hands are put back on, the expert or the average worker?

Miss STEIN. When workers are being put on when the season begins?

Mr. BUSIEK. Yes.

Miss STEIN. Well, the average.

Mr. BUSIEK. The average worker gets put on in preference to the expert? What I am trying to get at now, if you and another finisher were to go to a shop where your abilities were both known, who would get the job?

Miss STEIN. Oh, the expert.

Mr. BUSIEK. The expert would get the job?

Miss STEIN. Yes, sir.

Mr. BUSIEK. So, consequently, the less expert workers are out of employment more than the experts?

Miss STEIN. Yes, sir.

Mr. BUSIEK. How much of the time have you been out of employment?

Miss STEIN. Since April—well, with me it is an exception. As a rule, Mr. Kelly and Mr. Bernstein stated that they have no discrimination whatever, and I would like to enlighten you that I could not get a job by Mr. Bernstein's, and neither Mr. Kelly's.

Mr. BUSIEK. Are you one of those dangerous people?

Miss STEIN. Yes, sir; as they call me. And therefore they stated to their opinion, the way they stated here, there was no discrimination at all; and I would like to state where I worked before the strike there were 70 or 80 people, and only 17 were taken back.

Mr. BUSIEK. Was any remark made to the union people when they were put back on?

Miss STEIN. No; they will send for them by mail; and I never was sent for yet.

Commissioner O'CONNELL. You spoke about overtime?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. As a very common occurrence?

Miss STEIN. Yes, sir.
Commissioner O'CONNELL. In the busy season?
Miss STEIN. Until 9 o'clock.
Commissioner O'CONNELL. Every night?
Miss STEIN. Every night.
Commissioner O'CONNELL. You work every night during the busy season until 9 o'clock?
Miss STEIN. Yes, sir.
Commissioner O'CONNELL. Makes a day of about 12 or 13 hours?
Miss STEIN. Yes, sir.
Mr. BUSIEK. Well, for how long a season would you work that way?
Miss STEIN. As long as the season lasts.
Commissioner O'CONNELL. Two or three months?
Miss STEIN. Yes.
Commissioner O'CONNELL. Working 13 hours a day for two or three months right along?
Miss STEIN. Yes, sir. And if you don't feel like working one night, and you come the next morning, then you have got your work to fix, and they bother you. I know the fact as to our place, and it was a union place before the strike. And the foreman would go home, and tell the girls to work until 9 o'clock, and he would go home and leave the girls with a girl over them to take charge of the girls and tell her whoever dared to go away before, an hour or half an hour, the next day he would bother her with the work—that her work was not good, and so on.
Commissioner O'CONNELL. That is, he would not pass her work?
Miss STEIN. Yes, sir; and I am stating that as Mr. Bernstein especially stated that you can not get rid of the workers from the shop, and that he has to keep the shop open on account that the workers would not go home. And therefore I make the statement, and this is in most of the shops—as I said, I am an expert worker, and I have been working for the tailors yet, and when you are working for the tailors you have certain men—you have two tailors or so that you attend to; and I felt that I can attend to that and work a little overtime, but not until 9 o'clock, and he would compel me to do so; and if I would go home and went home even if he was not in the place, and the girl would report me, then I would have trouble the next morning, even being an expert worker.
Commissioner O'CONNELL. And your complaint is that instead of having difficulty to break into the shop you were having to make an effort to get out of there?
Miss STEIN. Yes, sir; I think it was one night—the foreman says you must stay; you girls must all stay until 9 o'clock; that he knows some of the girls would go home.
Commissioner O'CONNELL. Did you ever take work home in addition?
Miss STEIN. No; but I say, well, it is impossible, a whole week working and not one evening to have off. "Well," he says, "I will lock the place and you will be compelled to stay. "No," I says, "I don't think it would be right for you to do that." And he stopped some to excuse himself, and I says, "How dare you lock the girls in the place until some 9 o'clock? If I want to go home at 8 o'clock, wouldn't you allow it?" Then he walked away; did not answer. And that was Saturday; he would compel me to come in Sunday.
Commissioner O'CONNELL. You had to work Sunday?
Miss STEIN. To come in Sunday for half a day.
Commissioner O'CONNELL. Have many of them been compelled to come in Sunday?
Miss STEIN. Yes, indeed; and I said no. And if I said no he knew I said no, that I won't come in. I was independent a little.
Commissioner O'CONNELL. Now, Miss Stein, I just want to ask you a few questions, and if you will make your answers short, because our time is limited——
Miss STEIN (interrupting). Just let me bring out this point, why I was compelled to work on Sunday. And so with the rest of the girls, and he walked over to the tailors that I worked for and he says, "If you don't make her come in Sunday to work, then you will not get work the rest of the week—the whole week." And they were family men, and they came to me with tears in their eyes, and they begged me to come in Sunday, which I did for them. I came in Sunday and others working for the tailors on the same work, as I worked for the tailors, they knew if the tailors would not have enough work

we would not have enough. If they would not have anything, it would be that in the busiest seasons I could go home if my foremen would not give my tailors no more work.

Commissioner O'CONNELL. What was that you said about family men?

Miss STEIN. The tailors were family men, and they knew the foreman would not give them the following week work if I would not come in Sunday, and they knew it was true, and they begged me to come in and I did; and that is how I was compelled.

Commissioner O'CONNELL. Now, do you know of cases where they worked men or worked women or compelled them to put up security in the shape of money for spoiled work, or other money?

Miss STEIN. The only sum that was put up was by the pressers, as I know of.

Commissioner O'CONNELL. The pressers?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. What do they put up as security—or why do they put up?

Miss STEIN. Well, I could not bring that out very good as for the girls, because I——

Commissioner O'CONNELL. Are any of the girls ever asked to put up a forfeit of any kind in the way of money?

Miss STEIN. No.

Commissioner O'CONNELL. Are there many married women employed in the trade—women who are married?

Miss STEIN. Yes; there is women——

Commissioner O'CONNELL (interrupting). You don't need to answer this if you don't want to, but are you married?

Miss STEIN. No, sir; I am single.

Commissioner O'CONNELL. Women are employed who have small children at home?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. How are the children taken care of while they are working in the shop during the day?

Miss STEIN. Well, some of them have mothers.

Commissioner O'CONNELL. They do not take the children in the shop?

Miss STEIN. No, no.

Acting Chairman WEINSTOCK. Let me understand, Miss Stein, under the old conditions you were able to earn as much as $17 a week?

Miss STEIN. In the busy season.

Acting Chairman WEINSTOCK. And that under the new conditions you have not been able to earn more than $14 a week?

Miss STEIN. No.

Acting Chairman WEINSTOCK. Well, I can not quite reconcile that, Miss Stein, with your statement that the prices have been cut in half. If the price had been cut in half the most you could earn would have been $8.50 a week as against the $17. Now, tell us what you mean by that.

Miss STEIN. Well, as I said, where I worked the prices were a little more than other places; but still they were cut down 10 and 15 cents to what they were before the strike. And there are some places that are cut in half. And if I have to work there in those shops I could not earn more than $10 or $9 a week.

Acting Chairman WEINSTOCK. As against your former or past earnings of $17?

Miss STEIN. Yes, sir.

Acting Chairman WEINSTOCK. So your own experience has been that you have dropped about 18 per cent—from $17 to $14, which would be about 18 per cent; but the instances where the prices have been cut in half have applied to girls other than yourself?

Miss STEIN. Yes.

Acting Chairman WEINSTOCK. I see. What grievances have the workers now, to-day?

Miss STEIN. Well, as to prices and treatment in the shop. The most of the shops, as I know, if a worker would say something, they would tell you you can go to Mr. Amdur, your leader, that led you to strike.

Acting Chairman WEINSTOCK. Have you kept a record, Miss Stein, of your earnings by the week, from week to week, or from month to month, or year to year?

Miss STEIN. I did not, but I could just about tell my earnings.

Acting Chairman WEINSTOCK. Can you tell the commission what your average earnings were for 1913?

Miss STEIN. Oh, I can't tell.

Acting Chairman WEINSTOCK. Could you give me anywhere near it?

Miss STEIN. I could not.

Acting Chairman WEINSTOCK. Was it $1,000?

Miss STEIN. Oh, no.

Acting Chairman WEINSTOCK. Was it $100?

Miss STEIN. It was more than $100.

Acting Chairman WEINSTOCK. Was it $500?

Miss STEIN. No; nothing like it.

Acting Chairman WEINSTOCK. Nothing like $500?

Miss STEIN. No.

Acting Chairman WEINSTOCK. Could you approximate your earnings for 1912?

Miss STEIN. I could not. I never kept an account of it.

Acting Chairman WEINSTOCK. Never kept any record?

Miss STEIN. No. I couldn't, as I never saw a pay envelope until after the strike; as I used to get my money, hand to hand, from the tailor to me; and that was another grievance. That was very good for the girls to get pay from the tailors that the tailors would get their envelopes from the office. When the girls would have to count their pay with the tailors. The girls could not get their pay on the street then—that was very nice of it, too, because the foreman would want to go home. His time was up and he would holler, "You people, it is time to get out, and I want to go home." He did not listen, he did not care whether the finisher got paid or not.

Acting Chairman WEINSTOCK. I am interested, Miss Stein, in knowing what is the spirit of the women workers in your work, and to get at that let me recite a circumstance that came under my notice in my own city of San Francisco. I attended a public discussion that was called by one of the women's clubs in San Francisco in order to afford the employers and the workers in the city industry who were on a strike an opportunity to present their grievances to the public. One of the leading employers, while addressing the audience, made the statement that his people had no grievances; that the strike was due to a spirit of revenge on the part of a young woman who was formerly in his employ and who was now the secretary of the union. And he went on to recite that she had been the forewoman in the shop, but that she was not satisfactory and therefore he had reduced her to the ranks. That then she willfully, knowingly, intentionally, and deliberately wasted her time and proved very unfaithful and that he discharged her for being unfaithful. That she then swore revenge and, being a very clever woman with powers of public speaking, she created this agitation among the workers and it ended in a strike. That employer was followed on the platform by this very young woman, who publicly made this statment. She said: "You heard my employer say that I was discharged for being unfaithful. I admit it. I was unfaithful. And what is more I propose to continue to be unfaithful to my employers; and I advise every one of my fellow workers likewise to be unfaithful to their employers." Now, does that spirit prevail among your workers here, a spirit of unfaithfulness to their employers?

Miss STEIN. Well, I—you mean the conditions and girls——

Acting Chairman WEINSTOCK (interrupting). Give the employer just as little as possible for his money?

Miss STEIN. Oh, no.

Acting Chairman WEINSTOCK. That does not prevail here?

Miss STEIN. No. They get a square deal here.

Acting Chairman WEINSTOCK. The girls here are faithful to their employers?

Miss STEIN. Yes; but the employers are not faithful to the girls.

Acting Chairman WEINSTOCK. The employers are not faithful to the girls?

Miss STEIN. No, sir.

Acting Chairman WEINSTOCK. Where do they fall down?

Miss STEIN. Well, in this cloak industry the foreman or the designer uses very bad language to the girls, especially, and as far as the conditions in the shop, which you call sanitary conditions, is very far from it in the city of Philadelphia, in the cloak industry.

Acting Chairman WEINSTOCK. Is there not a factory inspector employed by the city or the State to look after conditions in the factory?

Miss STEIN. Maybe it is, but it was not looked up, to my opinion, very good. As it is here, the cloak factories—it is very small shops—and the girls would sit together—right close to the men—you will excuse me—the toilet is right in front, and the shops—the toilets for men and women one.

Commissioner O'CONNELL. Here in the city they have such an arrangement where there is no separation of the toilets?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. Have you worked in those places?

Miss STEIN. No, sir.

Commissioner O'CONNELL. Have you seen those places yourself?

Miss STEIN. Yes, sir; I have seen a place, not as this, but I know the facts. I know the girls working there at this time you want.

Acting Chairman WEINSTOCK. Is there a city factory inspector, so far as you know?

Miss STEIN. Well, I haven't seen any.

Acting Chairman WEINSTOCK. Is there a State factory inspector?

Miss STEIN. I don't know; not as I know of.

Acting Chairman WEINSTOCK. Well, if there is, the gentleman behind you shakes his head affirmatively.

Mr. GRAY. Mr. Leightner, of the department, is sitting here now. He is one of the State factory inspectors.

Acting Chairman WEINSTOCK. Will you throw some light on that?

Mr. LEIGHTNER. On what date is the lady giving her testimony about? Is it now or was it previous to the strike?

Miss STEIN. Well, it is previous. As I heard, it is now going on at that same place; I can name the man.

Acting Chairman WEINSTOCK. Will you please name the place?

Miss STEIN. Greengross, on Market Place, and he has one toilet for men and women—212 Market.

Mr. LEIGHTNER. I have 18 inspectors. Personally, I very seldom get around, but I will say for the benefit of the commission that to date we have put in 612 toilets in this city and we have not been here a year yet.

Miss STEIN. That may be so.

Commissioner O'CONNELL. Will you see that that particular shop is looked into?

Mr. LEIGHTNER. What is the name?

Miss STEIN. Greengross, 212 Market Place.

Mr. GRAY. Mr. Leightner took this matter up with us some time ago, but this condition she described existed in 6 out of 10 shops in the city of Philadelphia before this was taken up. Mr. Leightner has taken it up, and he is helping wonderfully.

Acting Chairman WEINSTOCK. That is all, Miss Stein. Thank you very much.

Before adjourning, on the part of the commission I want to express its appreciation for the very kind and fair and generous treatment it has received at the hands of the press of the city of Philadelphia. I know of no city where we have conducted hearings where we have received a squarer deal from the press and where the press has aided it more generously than it has right here, in spreading the information that has been gathered in this room; and we feel it is due to the press of Philadelphia to make this statement to show that we are not altogether unmindful of the treatment received at their hands.

Dr. MOSES STEARN. Gentlemen, I have been living downtown 35 years, and I want to show how the landlords treat the people, how the toilets are 16 inches apart, four are now where two used to be——

Acting Chairman WEINSTOCK. The matter is in the hands of the inspector and you better go to him.

Dr. STEARN. I would like to give it to him publicly.

Acting Chairman WEINSTOCK. That is hardly necessary.

Dr. STEARN. I would like to speak on three things.

Acting Chairman WEINSTOCK. We are sorry, but Commissioner O'Connell takes the train in 15 minutes, and we can not prolong the hearing.

Dr. STEARN. We can spare him.

Acting Chairman WEINSTOCK. The commission stands adjourned.

(Thereupon, at 4.20 p. m., Tuesday, June 30, 1914, the hearing adjourned.)

EXHIBITS.

AMDUR EXHIBIT NO. 2.

Novelty Cloak & Suit Co.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average earned.	Number of persons dependent upon this salary.	Number of hours worked in season.	Were prices settled.	Length of season.	Remarks.
Girl finisher	3 years	3 years	$7.00	$7.00	$7.00	Parents	From 7 a. m	No	Steady	First-class finisher.
Do	do	6 months	6.00	6.00	6.00	do	do	No	do	Do.
Finisher	16 months	1 month	6.00	6.00	6.00	do	do	No	do	
Gold, skirt maker	2 years	6 months	[1] 15.00	[1] 3.00	8.50		From 6.30 a. m	No	24 weeks	No earnings for 2 weeks.
Myer Machlis, skirt maker	4 years	1 year	21.13	7.26	14.05	Wife and 3 children.		No		Covering 18 weeks of season's busy time.
Partner to Machlis	do	do	21.13	7.26	14.05	Wife and 6 children.		No		
Helper to Machlis	3 years	do	14.09	4.84	9.37	Parents to support		No		
Girl skirt maker	2 years	5 months	[2] 10.00	[2] 3.00	4.60			No		No earnings for 4 weeks.
Molk, cutter	3 years	3 years	[4] 14.00			Wife and 2 children.			Steady	

[1] For 2 weeks. [2] For 8 weeks. [3] For 4 weeks. [4] For the last 1½ years.

M. Glickman, 406 Market Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Overtime paid.	Number of hours worked in the season.	Were prices settled.	Remarks.
A. Cohen, cloak maker	10 years	6 months	$18.00	$2.00	$9.50	Wife and 2 children.	One-half hour for dinner.	Till 9 o'clock p. m. and Sunday.	No	Regular hours, 56.
B. Krashnick, cloak maker	3½ years	3 years	28.00	1.80	12.00	Parents	do	do	No	Do.
S. Dinner, presser	5 years	do	30.00	1.15	10.00	Wife and child	do	do	No	Do.
A. Plane	13 years	11 years	30.00	1.15	10.00	Wife and 4 children.	do	do	No	Do.
L. Hochstein, finisher	6 years	2 years	18.00	1.00	6.00	Old parents	do	do	No	Do.
J. Weinstein, cloak maker	20 years	1 year	[1] 30.00	3.00	12.00	Wife and 4 children.	do	do	No	Do.
O. Levin, skirt maker	15 years	1½ years	26.00	1.60	8.00	Wife and 5 children.				Worked on foot power from 5.30 till 11.30 p. m. Worked only 12 weeks in season.
J. Berger, cutter	6 years	3½ years	[2] 16.00	10.00	13.00	Wife and 2 children.		Till 9.30 and Sunday.		80 hours in season.
N. Horovitz, cutter	5 years	2½ years	[3] 13.00		9.10	Family of 3		do		80 hours in season; 35 weeks in 1 year.

[1] 1 week.

[2] $19.50 including overtime.

[3] $16 with overtime.

Eclipse Cloak & Suit Co., 1020 Race Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Harry Sage, cloak maker	5 years	5 years	$33.00	$1.60	$10.00		From 7 a. m.	No.		
Nathan Rifton, skirt maker	9 years	7 years	32.00	1.56	12.00	Wife and 2 children.	From 7 a. m.; one-half hour for dinner.	No.		
Sara Berlin	3 years	3 years	10.00	1.00	3.50	Old mother	do		22 weeks	
H. Levin, cutter	9 years	9 years	17.00	6.00	14.00	Wife and 2 children.	do		Steady	
Chas. Kean, trimmer	4 years	4 years	13.00	13.00	13.00		do		do	
Forman, cutter	2½ years	1½ years	9.00	9.00	6.00	Wife and 3 children.	do			Laid off for 9 weeks after every season.

J. Sporkin & Sons, 536 Arch Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
L. Goldstein, cloak maker	8 years	6 years	$40.00	$1.00	$18.00	Wife and 6 children.	7 a.m. to 9 p.m. and Sunday.	Yes		Worked with his son.
O. Dipperstein	12 years	9 years	20.00	.60	8.50	Wife and 4 children.	do	Yes	24 weeks	Partners.
B. Slodkin			20.00	.60	8.50		do	Yes	do	
Helper to Dipperstein			10.00	10.00	3.90		do	Yes	10 weeks	
L. Dipperstein	8 years	6 weeks	21.00	8.00	10.00	Wife and 6 children.	do	Yes		Worked during busy season only.
M. Bearden, skirt maker	11 years	11 years	32.00	1.00	14.00	Wife and 5 children.	do	Yes		
M. Silverman, cloak maker	2 years	7 weeks	10.00	5.00	6.00	Single	do	Yes		Busy season before calling strike.
Weiner, cloak maker	9 years	1 year	22.00	5.00	12.00	Wife and 3 children.	do	Yes		
P. Pecker, finisher	2 years	2 years	[1] 16.00	.18	5.00	Wife and 2 children.	do	Yes		With girl for 9 weeks at $4 per week.
D. Lichtenstein, finisher	6 years	do	13.00	.90	6.00	Single	do	Yes		Nothing at all for 2 weeks.
Roodman, cutter	4 years	4 years	15.00	15.00	15.00	Wife and child				Head cutter; overtime not paid.
Friedman, cutter	10 years	8 years	15.00	15.00	13.85	Wife and 2 children.	7 a.m. to 9 p.m. and Sunday.			Laid off for 2 weeks in season.

[1] For 1 week.

Fitzgerald & Kelly, 1020 Race Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Harry Nulavsky, coat maker	6 years	2years	$33.15	$0.90		Wife and child	50 hours regular and overtime.	Yes		Tailor in the old country.
Harry Kravitz, coat maker	9 years	do	35.00	1.00	$14.00	Wife	do	Yes		Best operator.
Dave Dveris, coat maker	11 years	1 year 9 months.	27.00	1.00	10.00	Wife and 2 children.	do	Yes		
Jacob Dveris, coat maker	do	do	27.00	1.00	10.00	Wife and 4 children.	do	Yes		
Louis Soloff, coat maker	6 years	5½ years	35.00	.90	11.00	Wife and 2 children.	do	Yes		Tailor over 40 years.
Sam Kravitz, skirt maker	7 years	3½ years	40.00	2.00	20.00	do	do	Yes	Steady	Worked steady; best skirt maker.
Rose Weiss, skirt finisher	5 years	3 years	14.00	.25	4.00		do	Yes	4 months	
Sam Fox and daughter, finisher	7 years	7 years	18.00	.10	5.50	Wife and 4 children.	do	Yes	36 weeks	Tailor of old country.
Harry Slutzker, skirt maker	7½ years	5 years	[1] 35.00	1.65	15.00	Old parents	do	Yes	22 weeks	Sample skirt maker.
Katie Keller, finisher	2½ years	9 months	12.00	1.50	6.00		do	Yes		Did not work during slow time.
Chas. Cohen, coat maker	6 years	10 months	38.00	3.00	10.00	Wife and 3 children.	do	Yes	22 weeks	
Leyefsky, finisher	5 years	1 year	[1] 9.00	.90	3.00	Wife and 1 child	do	Yes	21 weeks	Did home work.
Hyman Joffe, presser	7 years	1½ years	[2] 28.00	[2] 1.00	9.50	Wife and 2 children.	do	Yes	26 weeks	
Nathan Greenberg, presser	6 years	6 months	[1] 24.00	2.00	9.00	do	do	Yes	do	
Hyman Appelbaum, under presser	7 years	4 years	[1] 18.00	.70	5.00	Wife and 1 child			23 weeks	

[1] For 2 weeks. [2] For 3 weeks. [3] For 5 weeks.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Litofsky, cloak maker	9 years	3 months	$19.00	$2.00	$10.00	Wife and child	54 hours and overtime.	No	Busy season lasts 6 to 7 weeks.	Prices considerably reduce in the slack season.
Morovitz, presser	27 years	18 months	20.00	2.50	7.00	Wife and 2 children.	do	No	do	Do.
Salzman, cloak maker	3 years	2½ years	24.00	2.10	7.50	Wife and children	do	No	do	Do.
Goldman, cloak maker	do	1½ years	18.00	1.10	6.00	Wife and 5 children.	do	No	do	Tailor in the old country.
J. Shleffer, cloak maker	4 years	35 weeks	15.00	2.00	5.50	Wife and child	do	No	do	
Louis Zion, cloak helper	6 months	11 weeks	[1] 5.00	[2] 1.00	2.10	One	do	No	do	1 week 5, 1 week 2, 1 week 3, 1 week 4—14. 7 1 week, 7—21.
Poflofsky, Victoria, skirt maker	do	3 months	6.50	5.00	5.75	do	do	No	do	Woman.
Ida Solerof, finisher	4 years	4 years	16.00	1.00	6.00	Mother to support	do	No	do	Did not work 2 weeks after season.
Minnie Krautz, finisher	1 year	6 months	16.00	2.75	6.25	do	do	No	do	Do.
Frank Glassman, cloak maker	2 years	1 year	[3] 27.00	2.50	8.00	Old parents	do	No	do	Tailor of old country.
Leonbrof, cloak maker	3 years	5 months	18.00	3.00	7.00		do	No	do	9 weeks no work.
Jacob Farber, presser	8 years	3 years	[4] 25.00	[5] 1.75	11.50	Wife and child	do	No	do	
Dave Katz, assistant cutter	6 months	6 months	[6] 3.00	[6] 2.00	1.75		do	No	do	Worked 4 weeks for nothing.
Leon Goldberg, trimmer	2 years	9 months	4.00	4.00	4.00					Overtime, $1.25 for 4 nights and Sunday.

[1] For 1 week. [2] For 7 weeks. [3] For 2 weeks. [4] For 3 weeks. [5] For 20 weeks.

L. Casner, 728 Cherry Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Sam Krafsof, cloak maker	7 years	2 years	$24.00	$4.00	$13.00		54 hours and overtime.	No	Steady	Sample maker.
Morris Turin	21 years	do	[1] 35.00	4.00	10.00	Wife and 4 children.	do	No	21 weeks	
M. Nilberg, presser	5 years	do	25.00	4.00	11.00	Wife and 2 children.	do	No	do	
R. Nilson, finisher	8 years	1 year	14.00	.25	6.00	Old parents	do	No	do	

[1] For 1 week.

Adler & Eisenberg, 706 Market Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Overtime paid.	Length of season.	Remarks.
Weinberg, cloak maker	4 years	2½ years	$15.00	$12.00	$9.25	Wife and child	54 hours and overtime.	Time paid for overtime.	16 weeks	
Alex Ruder, cloak maker	3 years	6 months	14.00	14.00	11.75	Single	do	do	22 weeks	
Morris Baratz, cloak maker	9 years	4 years	25.00	25.00	25.00	Wife and 2 children.	do	do	Steady	Foreman.
M. Schwartz, cloak maker	4 years	do	15.00	15.00	9.25	Single	do	do	16 weeks	
S. Schwartz, cloak maker	8 years	do	18.00	18.00	13.40	do	do	do	21 weeks	
A. Adler, cloak maker	4 years	do	17.00	17.00	17.00	Wife and 3 children.	do	do	Steady	Brother to Adler.
Harsha, skirt maker			5.00	5.00	5.00	Wife and 4 children.	do	do		
H. Rudolph, cutter	4 years	6 months	18.00	18.00	8.25	Single	do	do	12 weeks	
M. Lukin, cutter	1 year	1 year	12.00	12.00	6.35	do	do	do	14 weeks	
H. Perts, presser	5 years	3 years	12.00	12.00	6.25	Married	do	do	do	
J. Raskol, presser	do	2 years	15.00	12.00	8.65	Wife and 3 children.	do	do	15 weeks	
D. Zabor, presser	2 months	2 months	6.00	6.00	6.00	Wife and 4 children.	do	do		Only worked 2 months.
N. Rudberg, presser	2½ years	1½ years	10.00	10.00	6.25	Wife and 5 children.	do	do	16 weeks	

A. Leis, presser	17 years	2 years	14.00	14.00	8.00	Wife and 3 children.	do	No	14 weeks	
Hechlinger, presser	7 years	3 months	12.00	12.00	6.48	Single	do	No	do	
Schuman, presser	40 years	3 years	16.00	16.00	8.00	Wife and 3 children.	do	No	13 weeks	
Feldman, finisher	4 years	4 years	16.00	16.00	10.00	Wife	do	No	16 weeks	
M. Ruden, finisher	6 years	6 months	[1] 9.00	9.00	5.60	Wife and children	do	No	do	Did not work on Saturday.
A. Titelman finisher, girl	4 years	2 years	7.00	7.00	4.35	Single	do	No	do	
Etta Dubik, widow	3 years	do	9.00	9.00	5.60	2 children	do	No	do	
Bessie Minsky	1 year	6 months	5.00	5.00	3.15	Single	do	No	do	
Annie Shmuckler	3 years	1½ years	8.00	8.00	4.35	do	do	No	14 weeks	
Fannie Rosenthal	do	do	7.00	7.00	3.75	do	do	No	do	
Hyman Benn, skirt maker	5 years	2 years	12.00	12.00	6.30	do	do	No	do	
Sam Weissman, presser	7 years	3 years	16.00	16.00	13.50	do	do	No	22 weeks	

[1] For 5 days.

Sacks Bros., 1228 Cherry Street.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Remarks.
B. Katzen, cloak maker:									
No. 8	9 years	9 years	$17.95	$1.60	$8.17	Wife and 2 children.	7 a.m. to 8 p.m. and Sunday.	No	Book covers 14 weeks of dull time.
No. 27	23 years	6 months	29.25	2.55	10.55	Wife and 4 children.	do	No	Book covers time, Apr. 22–July 7.
Finisher, No. 27			11.10	.90	3.70	Single	do	No	Do.
Finisher, No. 8			6.60	.60	3.45	do	do	No	Book covers time, Apr. 12–July 7.
Sam Rakof, No. 62	9 years	2 years	50.70	3.80	24.12	Wife and 1 child	do	No	Book covers time, Oct. 12–Apr. 19; busy season.
Finisher, No. 62			15.20	1.20	7.95	Single	do	No	
Joe Morris, skirt presser, No. 221	4 years	3 years	31.96	1.82	13.34	Wife and 5 children.	do	No	Book covers 70 weeks, Feb. 24, 1912–July 12, 1913.
Louis Rhode, presser, No. 214	9 years	8 years	20.76	.99	10.64	do	do	No	Book covers 55 weeks, June 22, 1912–July 12, 1913.
Cloak maker, No. 42			35.85	2.85	17.44		do		Book covers 28 weeks, July 13, 1912–Jan. 25, 1913.
Finisher, No. 442			14.90	.60	6.28	Supports parents	do		Do.
I. Duleny, No. 53			44.45	1.60	14.43		do		Book covers 16 weeks, Mar. 10, 1913–July 12.
Presser, No. 210			26.33	.67	12.37		do		Book covers 56 weeks, June 23, 1912–July 12, 1913.
Morris Losinsky, presser	22 years	8 years	21.00	.75	8.50	Wife and 3 children.	do		10 weeks during year no earnings at all.
Morris Turoff, presser	4 years	3 years	26.00	.67	10.00	Single; supports parents.	do	No	Did not work for 8 weeks at all.
A. Rhode, worked with helper	12 years	12 years	35.00	2.00	15.00	Single	do	No	
Ida Sternberg, finisher	6 years	6 years	20.00	5.00	11.00		do	No	Worked on samples.
Katie Giventer, skirt finisher	do	do	15.00	.12	7.50	Support of family	do	No	
Jacob Shulman, skirt maker	14 years	10 years	40.00	.25	13.10	Wife and 1 child	do	No	
Woodman, cloak presser	8 years	2½ years	20.00	1.50	10.00	Wife and 3 children.	do	No	8 weeks did not work at all.
W. Peper, wife and children	5 years	do	[1] 32.00	5.00	15.00	Wife and 2 children.	do	No	Sample presser.
Rabinovitz, worked with helper	15 years	13 years	40.00	5.00	20.00	Wife and 3 children.			Worked on samples at $10 during dull season.
Mike Rhode, worked with helper	17 years	17 years	50.00	1.75	19.00	Wife and 4 children.			
Z. Indicta, worked with daughter	4 years	4 years	35.00	1.70	17.00	do			4 weeks during year had no work at all.
Oscar Krauts, presser	8 years	2½ years	68.00	7.00	22.00	Wife and 3 children.			Worked for Markman's brother.

Sophie Moscovitz, finisher	1 year	1 year	8.00	5.00	6.00	Single			Laid off for 1 week.
Rose Shandle	3 years	....do	16.00	1.50	7.50	Supports family			
Cohen Azer, No. 47, with helper			54.60	2.00	27.72				Book covers 19 weeks.
Finisher, No. 47			17.60	.80	8.40				Do.
Cloak maker, No. 61			20.25	2.10	9.00				Book covers 60 weeks.
Finisher, No. 61			8.11	1.00	3.63				Do.
Fishel Sacks, presser	8 years	8 years	36.00	1.75	11.00	Wife and 5 children.			10 weeks nothing at all.
Sam Fleishman, skirt maker	....do	1½ years	[1] 20.00	1.20	9.00	Wife and 3 children.			
Louis Segal	5 years	5 years	20.00	.35	7.00	Wife and children			8 weeks nothing at all.
Nathan Strot, cloak presser	9 years	4 years	26.00	.70	8.50	Single			
B. Furevitz, skirt maker	5 years	5 years	45.00	.70	12.00	....do			8 weeks nothing at all.
Goldberg	14 years	9 years	[2] 110.00	12.00	27.00	Wife and 2 children.			Received pay for partner and finisher on same book.
J. Sukman, cloak maker	8 years	7 years	35.00	10.00	22.00	....do			Worked on samples during slack time at $18.
M. Eisenstein, presser	18 years	3 years	[3] 30.00	1.50	14.00	Wife and 4 children.			
S. Gold	1 year	1 year	13.00	1.00	4.00	....do			
Morris Sharof, skirt maker	11 years	9 years	28.00	1.35	11.00	Wife and 3 children.			Nothing at all for 5 weeks.
M. Shwartz, finisher	3 years	6 months	15.00	5.00	8.50	Support of parents.	7 a. m. to 8 p. m. and Sunday.	No	Worked during busy season.
Ida Shuls, cloak finisher	....do	3 years	13.00	1.00	6.00	....do		No	6 weeks did not earn anything.
M. Dortman, presser	6 years	2 years	[4] 25.00	1.70	10.00	Wife	7 a. m. to 8 p. m. and Sunday.	No	
Mali Cohen, finisher	4 years	4 years	7.00	6.00	6.25	Supports a home	....do	No	Laid off for 2 weeks.
Poty Katzky, finisher	6 years	5 years	17.00	.25	6.00				4 weeks did not earn anything.
Lina Cohen, finisher	....do	6 years	20.00	.25	8.00	Supports a home			8 weeks did not work.
Mali Cohen, skirt finisher	3 years	1 year	15.00	.09	3.00				Did not work during year for months.

[1] For 1 week.

[2] On book; $60 for himself.

[4] For 2 weeks.

J. Dittman, 1315 Cherry Street.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Remarks.
Pressman, trimmer	4 years	3 years	$12.00	$8.00	[1] $12.00	Single	Week worker; was not paid for overtime.		Steady; head trimmer.
Harry Kraugl, cutter	5 years	2 years	18.00	13.00	13.20	Support for family	do		Laid off 14 weeks during 1 year.
L. Strous, cutter	3 years	1 year	18.00	12.00	15.25	Wife and 3 children.	do		Laid off 8 weeks during 1 year.
H. Kline, cutter	10 years	2 years	20.00	20.00	14.60		do		Laid off 14 weeks during 1 year.
Mikelson, cutter	16 years	2½ years	18.00	[2] 15.00	15.00	Wife and children	do		Laid off 8 weeks during 1 year.
M. Slonemsky, trimmer	4 years	1½ years	12.00	10.00	9.75	Single; supports parents.	do		Laid off 10 weeks during 1 year.
Chas. Erskovits, trimmer	do	3 years	14.00	12.00	[1] 14.00		do		Steady.
Gerson, tailor	20 years	do	40.00	10.00	13.00	Wife and 4 children.	do		3 months nothing at all.
A. Gomer, presser	2½ years	1½ years	18.00	3.00	10.00	Wife and child	do		
John, presser	12 years	do	25.00	3.00	13.00	Wife and 2 children.	do		
H. Weinstein, cloak maker	25 years	3 years	80.00	22.00	38.00	Wife and 5 children.	7 a. m. to 8 p. m. and Sunday.	Yes	Best operator.
Helper to Weinstein			[2] 18.00	15.00	10.65	Single	do	Yes	35 weeks per year.
Finisher to Weinstein	7 years	3 years	28.00	4.00	10.00	do	do	Yes	Worked on samples.
Shlachter, skirt maker	13 years	2 years	[4] 42.00	2.00	20.00	Wife and 4 children.	do	Yes	
Frank Levy, cloak maker	12 years	2½ years	40.00	5.00	25.00	Wife and 3 children.	do	Yes	No earnings for 2 weeks.
Medrash, cloak maker	do	3 years	40.00	3.00	13.00	Wife and 4 children.	do	Yes	4 weeks during year no earnings.
Nathan Berlin, presser	4 years	2 years	25.00	2.00	14.50	Single	do	Yes	
Dan Bogomolnick, presser	3½ years	1½ years	24.00	1.30	10.00	Wife and 4 children.	do	Yes	Nothing at all for 8 weeks.
Shechtman, presser	4 years	1 year	26.00	2.00	10.50	Single	do	Yes	Do.
Sophie Villoff, finisher	2½ years	do	16.00	2.00	[3] 7.50	Supports parents	do	Yes	Nothing at all for 6 weeks.
Anna Rotenberg, finisher	2½ years	1½ years	18.00	.45	7.50	do	do	Yes	Do.
J. Levy, skirt presser	10 years	3 years	33.00	1.50	14.50	Wife and 4 children.	do	Yes	Do.
Ester Walsh, button sewer	1½ years	6 months	6.00	6.00	4.50	Support of family	do		Laid off 3 months during year.
Sara Levin, finisher	do	1½ years	12.00	.45	5.00		do		Did not work 2 months during year.

[1] For the last year. [2] In slack time. [3] Including overtime. [4] For 5 weeks.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Myer Rosen, presser No. 181	6 years	4½ years	$25.17	$2.30	$12.82	Sick wife and child	7 a. m. to 8 p. m. and Sunday.	No	24 weeks	
Dowe Cohen, operator No. 2	do	3 years	41.09	1.96	20.00	Wife and child	do	No	Book covers 32 weeks.	Best operator.
Dowe Cohen, helper No. 2			17.61	.84	8.45		do	No	do	Do.
Finisher, No. 2			16.90	.90	7.92		do	No	do	Do.
A. Sobel, operator No. 26	7 years	2½ years	25.35	2.50	12.74	Wife and 2 children.	do	No	Book covers 33 weeks.	
Finisher, No. 26			7.80	.60	3.73		do	No	do	
Jacob Ostrich, No. 30			[1] 38.85	[1] 4.25	[1] 17.50	Wife and 6 children.	do	No	Book covers 40 weeks.	
Abe Dernis						Wife and 5 children.				
Finisher, 2 for a time			[1] 11.60	[1] 1.40	[1] 5.29		do	No	do	
M. Davidson, No. 43	13 years	1 year	26.84	1.25	11.97	Wife and 2 children.	do	No	Book covers 20 weeks.	
Helper, No. 43			12.41	.66	6.00		do	No	do	
Finisher, No. 43			14.70	.60	5.30		do	No	do	
D. Rommi, No. 23	9½ years	3 years	16.44	2.49	8.23	Wife and 2 children.	do	No	Book covers 13 weeks.	
Helper, No. 23			10.96	1.66	5.48		do	No	do	
Finisher, No. 23			7.50	1.20	3.80		do	No	do	
M. Silverman, No. 67	7 years	1 year	25.77	1.10	13.47	Single	do	No	Book covers 38 weeks.	
							do			
Partner, No. 67	6 years	do	25.77	1.10	13.47		do	No	do	
Furnisher, No. 67			14.70	.90	6.76		do	No	do	
Sam Newman, No. 39	25 years	6 months	21.27	2.65	12.00	Wife and 3 children.	do	No	Book covers 25 weeks.	
Partner, No. 39			21.27	2.65	12.00		do	No	do	
Furnisher, No. 39			11.40	1.50	6.40		do	No	do	
Charles Sladko, No. 187	11 years	2 years	25.42	3.15	12.42		do	No	do	
Herskof, No. 187			25.42	3.15	12.42		do	No	do	
Dimmerman, No. 187			13.00	10.00	5.50		do	No	do	Worked 11 weeks during a period of 25 weeks.
Joe Lubin, No. 187			13.00	10.00	5.10		do	No	do	Worked 10 weeks during a period of 25 weeks.

[1] For 2 weeks.

[2] For 1 week.

N. Cramer & Sons, 1427 Vine Street—Continued.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
M. Trachtenberg, No. 174	6 years	1 year	$29.80	$4.40	$15.42	Wife and 3 children.	7 a. m.-8 p. m. and Sunday.	No	Book covers 20 weeks.	
Helzer, No. 174			15.00	4.40	9.03	do	do	No	do	Did not earn anything for 2 weeks.
W. Goranich, presser	3 years	1½ years	[1] 16.00	.65	8.00	Wife and 3 children.			24 weeks	Do.
S. Steinberg, skirt maker	10 years	do	[2] 33.00	[2] 6.00	12.00	Wife and 4 children.			do	
H. Polakoff	4 years	3 years	25.00	2.00	10.50				20 weeks	
Back man	2 years	2 years	18.00	4.00	8.50	Wife and 3 children.	7 a. m.-8 p. m.	No	22 weeks	
Finisher to back man			13.00	3.00	6.15	do	do	No	do	
Harry Levin, presser	3 years	18 months	16.00	.60	6.50	Wife and 2 children.	do	No	20 weeks	
J. Robinovits, presser	do	3 years	16.00	4.50	9.00	do	do	No		Sample presser.
A. Silver, presser	do	2½ years	18.00	1.00	10.00		do	No		
R. Merzkof, operator	9 years	3 years	[2] 35.00	1.00	9.75	Wife	do	No	23 weeks	Partners.
J. Merzkof, operator	6 years	do	[2] 35.00	1.00	9.75	Wife and child	do	No	do	
M. Kaufman, presser	1 year	1 year	9.00	1.00	5.00		do	No		
Mary Aichenthal, finisher	2 years	2 years	12.00	.60	5.00	Married woman	do	No	20 weeks	
Jenny Sofransky, finisher	6 years	do	10.00	1.50	4.50	Single	do	No		Lost $200 of own money during time worked for Cramer.
Jenny Mossesf, finisher	4 years	1½ years	18.00	1.75	6.00	do	do	No	23 weeks	
Dora Stresnick, finisher	1 year	1 year	7.00	2.00	3.00	do	do	No	14 weeks	
Ida Thomas, finisher	2 years	do	7.00	7.00	6.00	do	do	No	23 weeks	
Irene Thomas, finisher	do	do	7.00	7.00	6.00	do	do	No	do	
Sarah Moscovits, finisher	3 years	2 years	18.00	3.00	5.25	do	do	No	20 weeks	
Goldie Moscovits, finisher	4 years	4 years	18.00	3.00	5.25	do	do	No	do	
Clara Borochovits, finisher	1½ years	1½ years	7.00	2.50	3.40	do	do	No	18 weeks	
Sara Stutman, finisher	6 years	6 years	20.00	4.00	8.00	Old mother	do	No	22 weeks	
Sara Stutman, finisher	8 years	8 years	15.00	5.00	9.00	Single	do	No		Sample maker.
Isaia Israelovits, finisher	5 years	5 years	32.00	1.00	15.00					Worked with 4 girls in season, retained 2 in slack time, wife and 3 children.

[1] With overtime.

[2] For 2 weeks.

[3] For 3 weeks.

CUTTERS.

	How long in the trade.	How long with last employer.	Wages earned per week.	Length of season.	When last laid off.	Average amount earned.	Number of persons dependent upon salary.	Number of hours worked in the season.	Overtime paid.	Remarks.
Sam Shore	11 years	6 years	$20.00	4½ months		$15.00	Wife and 3 children.	54 hours and overtime.	Time	
Norris Rudolph		4 years	20.00	do		15.00	Wife and 1 child.	do	do	
Joe Eisenberg	12 years	2 years	20.00	do		15.00	do	do	do	
Savits, trimmer		2½ years	14.00	do		10.25	Single	do	do	
Hyman Saxe	3 years	3 years	15.00	do		11.00	Wife and 1 child.	do	do	
Kirstein		2½ years	18.00	Steady		18.00		do	do	
Sam Seifer	3 years	3 years	16.00	4½ months		11.70		do	do	
Mossesoff	4½ years	3½ years						do	do	
Goldberg Frank	11 years	9 years	20.00			15.00	Single	do	do	
Hyman Rudolph		3½ years	8.00	Steady		8.00	Mother	do	do	
Max Rudolph		do	8.00	4½ months		5.85	Single	do	do	
Jacob Ackoff	4 years	1 year	12.00	do		8.75	do	do	do	
Leof Rhode	1 year	do	4.00	Steady		4.00	do	do	do	
H. Brownstein	3½ years									
Myer Weintroub	6 years	10 weeks	12.00	40 weeks for 1 year.	About end of April.	9.25	Wife	50 hours	Yes	Fitzgerald & Kelly.
Myer Cohen	2 years		10.00	6 months in 1 year.	do	5.00	Single	55 hours	Time	Eclipse Cloak & Suit Co.
B. Cohen	4½ years	3 years	18.00	7 months during last year.	do	10.50	Wife	54 hours	do	H. F. Frank & Co.
F. Bushlovits	2 years	35 weeks	12.00	35 weeks in 1 year.	Before strike	8.00	Single	56 hours	do	Saichick Bros.
Yoder	1 year	1 year	8.00	Steady	do	5.00	do	do	do	Singer Bros.
Jul. Feinman	6 years	6 months	16.00	3 months	do	8.00	Support of family.	do	do	English Cloak.
J. H. Sherman, head cutter	8 years	7 months	18.00	Steady	do	18.00	do	do	do	Seizchick.
Geo. Forman	3 years	3 months	18.00	Went out on strike.	3 months	9.00	do	do	Time and half.	Slesin.
Sam Goldberg	do	2 years	12.00		do	9.00	do	58 hours	do	Goldman.
Jacob Brown	7 years	14 weeks	15.00	14 weeks		8.00	Parents		do	Bercovits.
Abe Cohen	3 years	4 months	16.00	4 months	End of April	10.30	do	56 hours	do	Brown Bros.
H. Markofsky	24 years	All time	16.00	Steady		16.00	Wife and 6 children.	54 hours	Time	Blum Bros.
J. Miller	15 years	9 months	16.00	9 months		12.00	Wife	do	do	Do.
J. Steinberg	8 years	3 months	18.00	3 months		9.00	Single	53 hours	Time and half.	Betelhein & Co.
H. Benjamin	5 years	2 years	15.00	do		7.50	Wife	do	do	Do.

INDUSTRIAL CONDITIONS AND RELATIONS IN CHICAGO

(For exhibits under this subject, see pages 3445 to 3457)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *Tuesday, July 21, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, the second witness on the list for to-day has to leave very soon. I have agreed to put him on first in place of Mr. Walker.

Chairman WALSH. What is that? I could not hear you.

Mr. THOMPSON. The second witness has to leave very early, and I will substitute him in place of the first witness.

Chairman WALSH. Who is that?

Mr. THOMPSON. Mr. Piez.

TESTIMONY OF MR. CHARLES PIEZ.

Mr. THOMPSON. Will you give your name and your address and occupation?

Mr. PIEZ. Charles Piez. Do you want my business address?

Mr. THOMPSON. Your busines address.

Mr. PIEZ. Thirty-ninth and Stewart Avenue. I am president of the Link Belt Co.

Mr. THOMPSON. What business is the Link Belt Co. engaged in?

Mr. PIEZ. It is engaged in the manufacture of sprocket chains; the manufacture of conveying and riveting machinery.

Mr. THOMPSON. How large a plant has your company in Chicago?

Mr. PIEZ. A plant employing 800 men.

Mr. THOMPSON. Has the company a plant elsewhere in this country?

Mr. PIEZ. A plant in Philadelphia, employing about 600 men; two plants in Indianapolis, employing about 800 men. We employ about 2,200 men when we are busy.

Mr. THOMPSON. What class of help do you have? I mean, how would they be denominated—machinists, or what?

Mr. PIEZ. We employ the usual crafts that are covered under the name of machinists, metal workers, and pattern makers.

Mr. THOMPSON. How long has your company been in business in Chicago and in the other cities?

Mr. PIEZ. I think we were organized about 40 years ago. The plant in Chicago was built about 34 years ago.

Mr. THOMPSON. How long have you been president of the company, and how long also have you been connected with it?

Mr. PIEZ. I have just finished my twenty-fifth year in the employ of the company; I have been president for eight years—eight and one-half years.

Mr. THOMPSON. During the existence of your company, while you have been president, have you made a study of the labor problems, so far as they relate to your company?

Mr. PIEZ. I have naturally had to do that.

Mr. THOMPSON. During that time have you had any dealings with the organizations of labor commonly styled the unions?

Mr. PIEZ. Yes.

Mr. THOMPSON. Has your firm now got, either in Chicago or in the other cities, any negotiations, any dealings or agreements with organized labor?

Mr. PIEZ. Yes.

Mr. THOMPSON. In what branches of the industry have you these agreements?

Mr. PIEZ. We have understandings rather than agreements; we operate with them. In our erection work we probably have union men in our employ, very

large numbers in Philadelphia and in Indianapolis. We have never been asked to sign any agreements there. We have never had any demand made on us, so we have never inquired whether we had union or nonunion men. We never ask that question when we employ men.

Mr. THOMPSON. That is to say, your shops as now operated are operated under the system commonly called the open shop?

Mr. PIEZ. Open-shop rule.

Mr. THOMPSON. But in no instance do you now have agreements with any trade organization?

Mr. PIEZ. Not with the shop crafts; no.

Mr. THOMPSON. Not with the shop crafts?

Mr. PIEZ. No.

Mr. THOMPSON. Did you at any time have specific agreement with any of the crafts?

Mr. PIEZ. Yes.

Mr. THOMPSON. As such?

Mr. PIEZ. Yes.

Mr. THOMPSON. With whom were they and how long did they exist?

Mr. PIEZ. The first agreement we entered into was with the structural-iron workers' union in New York. At that time Sam Parks was business agent. The agreement then was to the effect that we would employ structural-iron workers in the erection of our structural work, we being permitted to use our own skilled mechanics in the erection of our machinery. Soon after that agreement went into effect we operated or started the erection of a large installation in Brooklyn—the Third Avenue power house. We employed, in accordance with our agreement, structural-iron workers. We also put in our own men to erect machinery. Very soon complaints came from our men that they were being abused, hot rivets were being dropped on them, monkey wrenches and other like articles were being dropped from above—all claiming to be accidental. But when they were remonstrated with a fight ensued and 12 or 13 of our men were hurt and sent to the hospital. I remonstrated with Parks. After that and for a term of years we were absolutely in his grip. We were so tied up with various contracts in New York that we could not declare any degree of independence. It was well known he was a crook, but kept at the head of that institution, and we had to deal with him in accordance with the methods that he outlined, not in accordance with the methods we cared to follow. I got a surfeit of that sort of an agreement, that sort of a one-sided agreement, in my dealings with him. And very shortly after, when we were in shape to do it, we ran several jobs in that territory absolutely nonunion, simply to indicate to him that he could not control us. About the same time or perhaps a little after we entered into a similar agreement with the structural-iron workers in Philadelphia. Mr. McIlvain was at that time the business agent of the union. The same thing happened there. They agreed to permit us to employ our own men, and then insisted afterwards, through various devices, on putting in their men to erect machinery, making it necessary for us to keep skilled men on the job to train their men as to how to set machinery. Some of those men, who were at that time paid 50 or 55 cents an hour—I have forgotten the rate now—could not set up a ratchet drill; many of them had no notion whatever as to the sort of function that sort of device was to be used for. Of course, that sort of an arrangement could not be long endured. We told McIlvain that if that was the way he regarded his agreements we did not care to do business with him any further, and when we made a contract with the Reading Railroad at Norristown we erected it with nonunion men. Mr. McIlvain was foolish enough to take a crowd of his men to Norristown and try to persuade our men, by use of baseball bats, to stop their operations. The result was that some 14 or 16 were put into the hospital. Mr. McIlvain was recognized, and we prosecuted him and sent him to prison.

Commissioner O'CONNELL. When was that?

Mr. PIEZ. This covered a period between 1904 and 1905.

Chairman WALSH. Where was Mr. McIlvain convicted?

Mr. PIEZ. At Norristown.

Chairman WALSH. What was the sentence?

Mr. PIEZ. Six months.

Chairman WALSH. What was the charge?

Mr. PIEZ. Assault and battery.

Chairman WALSH. Proceed.

Mr. PIEZ. In the East no question, either at Philadelphia or Indianapolis, had ever been raised by our shop employees as to any agreement. I have been in active control as chief engineer and superintendent of the company since 1892 and, of course, I came in direct contact with all our employees. The concern was very much smaller at that time than it is now, but at no time then or since then has any demand been made for recognition of the union in Philadelphia or Indianapolis institutions, but such demand was made in our Chicago shop. I have forgotten the exact date.

Mr. THOMPSON. What trades or crafts?

Mr. PIEZ. I think the first demand was made by the machinists. I was not then in charge. It was about in 1900, I think, that the machinists' union became aggressive in Chicago and our men were organized, and I believe we signed an agreement. That agreement in accordance with the statement of our operatives was not lived up to. Men were called out on some of the flimsiest pretexts, about half going out and the other half remaining. Our superintendent, who was convoying some of our men home, was set upon by a riotous mob, some of whom were our former employees.

Mr. THOMPSON. When was that?

Mr. PIEZ. Along in 1901 and 1902. Our superintendent, Mr. McClain, was so badly injured about the face that he carries the scars yet. After that we carried a closed shop and had several strikes——

Mr. THOMPSON. What crafts?

Mr. PIEZ. Twice the machinists and twice the molders.

Mr. THOMPSON. Did you have an agreement with the molders?

Mr. PIEZ. Yes, sir.

Mr. THOMPSON. What time did it begin, and when did it terminate?

Mr. PIEZ. I can't give that now. I can supply it.

Mr. THOMPSON. At least a considerable period—one or two years?

Mr. PIEZ. Yes; a considerable period of time. The first strike of the molders was called by the local and did not have the sanction of the international council or national council, and therefore that was of relatively short duration. The final strike was projected here in 1906 in connection with some general strike that the molders instituted all over the country. There were strikes in Cincinnati and Philadelphia and here. We were one of the victims. But all through that period there had been a steady and insidious reduction in output. I can only give you the very salient facts.

Mr. THOMPSON. In all crafts, or the molders?

Mr. PIEZ. In the machinists and molders. In one particular case it was most flagrant. In the case of the 6-inch rollers, the molding output had been between 90 and 100 of those rollers. The shop steward arbitrarily ordered the production cut down to 60. Our operating officers remonstrated with him and told him 60 was altogether too small an output, and in order to make a demonstration they put in a man who had never been in there, drawn from one of the machine shops. In the first day he put up 90, but in spite of that the 60 remained. Men who were paid full wages turned out productions that, according to the nature of a day's output, represented about one-third of the general day's work in output they ought to roll, varying from 60 to 180.

Commissioner O'CONNELL. Made under similar conditions?

Mr. PIEZ. Exactly the same conditions and same equipment. In the machine shop the statement was made, backed by figures in the East, that the output in the last year of closed-shop operation had been reduced 35 per cent. There wasn't any measure at that time. There wasn't any piece rate. It was very difficult for any foreman in a shop like ours, with many thousands of different operations—it was very difficult for any foreman to tell when he had a reduction of output. We are conscious of this when the cost goes up and the profits go down, and you fall behind in deliveries, and then an investigation reveals there was a reduction of 35 per cent. There had been an agreement signed and it was not lived up to, and we felt, being in a highly competitive business, we could not continue an agreement with an organization which followed monopolistic methods.

Mr. THOMPSON. How long since had it been since these agreements expired, in a general way?

Mr. PIEZ. They didn't expire; they were terminated by the strike.

Mr. THOMPSON. In 1906?

Mr. PIEZ. In 1906. Since then we have been operating under open-shop rules in Chicago.

Mr. THOMPSON. What other, if any, objections have you to the organization of workmen in your shop?

Mr. PIEZ. Absolutely none. We have maintained relations for 16 years with the carpenters and millwrights, of which John Metz is the head. We have had never a word of difference with them.

Mr. THOMPSON. So far as your experience goes, your objections as a manufacturer to the organization in the shop is limited to the fact that the unions restrict output. Are there any others? If so, I would like to have the objections you have as a business man to the existence of unions in your shop.

Mr. PIEZ. The objection is a little broader than that, because your question would indicate—the answer would simply indicate that what we were concerned about was our own profits and that the reduction of output simply reduced our profits. But it goes a good deal further than that. For instance, in our erection work in Chicago, in this district the unions have gotten practically the supreme control of erection conditions. All competitors that come in have to submit to the same rules and regulations we have to. As far as conditions are concerned in Chicago it presents equal opportunities to all of us. But when it comes to inside work we compete with competitors in 12 different cities, mostly smaller ones, where wages are lower and taxes lower and investments in real estate less. We are hampered with all those advantages which they have and we have not because we are in a larger community. Our wages are higher. The only advantage we have is we have a broader labor market and, I think, a more intelligent labor market to draw on. If those men arbitrarily reduced the output and show no sympathy with the problems we have and don't offer to cooperate with us in securing an outlet for our work, then we have to say, "You are not the men we can represent, because we are virtually your agents in dealing with our customers. We are trying to find some opportunity to sell your labor. If you are unwilling to offer the same thing to this man in Birmingham that the man in Columbus offers he is going to take the Columbus man, and we can not do anything to help you. We feel that the employer is really the agent of the employee in dealing with the consumer, the man who buys the products of the employees."

Mr. THOMPSON. Take the question that you spoke of—that you are unable to compete in outside cities with the firms in those cities where they have less rent and less wages to pay and where the living conditions are cheaper than in large cities like Chicago; the inference from your statement, then, would be that the workers in Chicago should work either at reduced pay or increased amount of output, either way you want to put it, in order to enable your firm to compete with these outside firms who have cheaper conditions; is that what you want the commission to understand?

Mr. PIEZ. No; there is another alternative; if they work with greater effectiveness and with a better spirit of cooperation we will more than overcome all the disadvantages we are under. But if they arbitrarily set their measure of what a day's task will be, then the position is hopeless for us.

Mr. THOMPSON. Assuming that your workmen should have the same output that men in smaller cities would have, say, in Davenport or any other town you want to take, how would you equalize the wages in that case in order to permit you to compete with them?

Mr. PIEZ. We have to equalize it by greater effectiveness on the part of the management itself, by better means of exploitation, by producing in larger amounts and getting the benefit of the economy through such increased production.

Mr. THOMPSON. That, then, is your idea of the way in which you can meet the competition of these small towns, by the reducing of the expenses and by better brains in the business?

Mr. PIEZ. And the cooperation of all of our skilled workers; we have to have a loyal spirit on the part of all of our men, and I would sooner be elected president by the men under me than by the board of directors of the company.

Mr. THOMPSON. How would the cooperation of the men working under you affect your business except by giving you a larger output?

Mr. PIEZ. I wish you would please repeat the question.

Mr. THOMPSON. You spoke of the need of cooperation from the workingmen, so far as competing with outside cities is concerned; how would this cooperation show itself other than by producing a greater output of goods per man?

Mr. PIEZ. In the process of making goods, we can not take advantage of this unless we have the hearty cooperation of the men in our employ. If there is a feeling of antagonism against us we can not count on that kind of cooperation, and it is through that sort of thing and principally through the analysis of con-

ditions and problems that exist that we can maintain ourselves against our competitors in the cheaper field.

Mr. THOMPSON. Referring to this proposition of cooperation, in what other respects, if any, do you find that dealing with organizations of labor prevent it?

Mr. PIEZ. I wish you would repeat that, please.

Mr. THOMPSON. Do the organizations prevent cooperation between the firm and your men other than in the question of the restriction of output?

Mr. PIEZ. Well, I think the general spirit of union men is loyalty to the union above anything else.

Mr. THOMPSON. How would that affect the men in dealing with your firm?

Mr. PIEZ. How do you suppose it would affect the effectiveness of an army to have the men composing the army disloyal to the man at the head, or the men in any organization to be disloyal to the man at the head? The men at the head of the various labor organizations insist on loyalty to them, and I have the same right to insist on loyalty to me. I can not get the best work out of the men unless I have their cooperation.

Mr. THOMPSON. I will give you an illustration that may help bring out the thought I have. A man is loyal to his country; a man is loyal to his church. Now, why should there not be, perhaps, the same spirit of loyalty to the firm and of loyalty to the organization? If there can not be, I would like your views on that.

Mr. PIEZ. There can be if there were the right sort of leadership in these crafts. Now, I am talking about the crafts I know about, but there are some crafts that are different; there are some vocations in which the degrees of output do not come up. Take the street-car lines, for instance, and there is a certain possible speed in miles per hour; a trip is a certain number of miles, and there can be in a certain number of hours only a certain number of trips made. There is never any question in that craft as to whether there could be a reduced output. There may be a question as to whether the men should work nine or ten hours a day or as to what they should receive per hour. And in coal mining the questions I have referred to do not apply. There is no question in those crafts as to what constitutes proper measures or standards of work, but in the metal trades, where the tasks vary very much and where we have perhaps seven or eight thousand different instruction cards in our machine shop indicating various processes, that will give you some idea of conditions and variety of work that exist there; and it is absolutely impossible to apply any fixed standard to any such heterogeneous product as that, and there comes in the question of whether an atmosphere of antagonism to the employer on the part of the men does not result in serious hardship to the employer, and it is difficult to say at first whether there is a reduced output because of the attitude of the men, but as they get older and more experienced we see that something is happening to bring about this result, and we have to set about to repair the loss.

Mr. THOMPSON. In the organization you have dealt with, did the union attempt to limit the freedom of the firm in doing its business in other matters?

Mr. PIEZ. Not that I am aware of.

Mr. THOMPSON. They do not undertake to absorb the power of management as far as you know?

Mr. PIEZ. That practically relieves you of all control over the discipline of the shop.

Mr. THOMPSON. Then, to state your position so we have it clear, so far as you have dealt with the organization of labor, you have found three objections. First, they limit the output; second, they create a spirit of antagonism in the shop between those who own and run the shop and the men; and, third, they limit the freedom of the firm in handling its business.

Mr. PIEZ. I should say that your second statement was a corrollary of the first. Naturally, if people set about to reduce the output, there must be a spirit of antagonism engendered in consequence.

Mr. THOMPSON. Taking up the first proposition, what is your opinion of the reason that the union limits the output, or do you believe there is any reason back of their attitude in that respect?

Mr. PIEZ. I believe there is a very good reason back of it from their standpoint. I believe that these gentlemen feel that only by applying the methods of monopoly can they do good to their members. I think it is a wrong viewpoint that they have. I think it is improper leadership. I would be tickled to death if Mr. Fry of the machinists' union would come to me and say: "Mr. Piez, that thing which you are producing for $1 we can show you how to

produce it for 75 cents; what part of the saving can you give us?" But I have never heard any of the gentlemen in the crafts I have had to do with talk of efficiency; that never enters their heads. The question is, "What can we get out of it?"

Mr. THOMPSON. What would you say should be the relations, and how could the people that run the factory deal, with the men that work in it?

Mr. PIEZ. That depends on the individual. I have been very close to our men, and I have never had, except in outside cases where there had been a breach of contract, and I have been in the management of the shop about 25 years, had a strike occur under me. I think my men are absolutely loyal to me, to such an extent that they would elect me to-morrow the business agent of their union, and I feel that that is the why to handle our situation.

Mr. THOMPSON. Perhaps we will all agree with you.

Mr. PIEZ. I have to indulge in these flattering remarks.

Commissioner O'CONNELL. What have you done to avoid this situation?

Mr. PIEZ. I think we have always given them every opportunity; we have reduced their hours from 10 to 9 and have raised their wages whenever conditions made it possible.

Commissioner O'CONNELL. What are you paying them now? What are your skilled mechanics making now?

Mr. PIEZ. That varies with the degree of skill.

Commissioner O'CONNELL. Are they making $5 a day?

Mr. PIEZ. No.

Commissioner O'CONNELL. Are they making $3 a day?

Mr. PIEZ. Our Mr. Dodge submitted to you a list in Philadelphia covering those matters, and I did not understand that I was to furnish this information and did not supply myself with any of those details, and I do not carry the pay of 2,000 men in my head.

Commissioner O'CONNELL. Have you some general idea in your head?

Mr. PIEZ. We pay our day labor more than the prevailing wage. I think we pay all our labor better than the prevailing wage.

Commissioner O'CONNELL. You have some idea as to what the machinists' wages ought to be in Chicago and what they are receiving, don't you?

Mr. PIEZ. I do not feel that there ought to be a uniform wage for machinists.

Commissioner O'CONNELL. What is your high and low rate?

Mr. PIEZ. Our low rate is probably 32 or 33 cents an hour and the high rate 47½ to 50 cents. These operations require all kinds of skill and grades of precision, and we do not pay a uniform rate, and could not.

Commissioner O'CONNELL. That is all.

Mr. THOMPSON. Mr. Piez, going back to the question of the relationship that should exist in the shop between the men who own the factories and run them from the standpoint of the management side and the capital side, what scheme of relationship do you think should exist in the shops throughout the country between those who work and those who manage the business?

Mr. PIEZ. I suppose there can not be any better scheme of relationship than the organization, properly conducted.

Mr. THOMPSON. In other words, that under the proper management the organization—you believe in what we call collective bodies?

Mr. PIEZ. Yes.

Mr. THOMPSON. Now, what is your view of the defect in this scheme of collective bargaining that runs to-day? What is it attributable to? You say, for instance, improper management? Why does that improper management come about in this great organization of labor, from your standpoint?

Mr. PIEZ. I don't want you to so generalize my remarks as to make them apply to other crafts outside of those with which I have come in contact.

Mr. THOMPSON. I will limit them to your experience.

Mr. PIEZ. I know nothing, absolutely, about the condition of the miners. I know absolutely nothing about the condition of the railroad men, except such knowledge as I acquired while sitting on the board of arbitration. But I want my remarks to be applied particularly to the crafts with which I am familiar.

Now, then, repeat your question and I will try to answer, with that limitation.

Mr. THOMPSON. While you in your own shop and in your own business feel from your experience with the unions you have dealt with that it is better not to have organization in your own shops than to have the open rule in the shops, yet you feel and believe the organization is the proper method?

Mr. PIEZ. I say it is.

Mr. THOMPSON. So far as you deal with that in your practical experience, where has the organization fallen down, and give the reason for it.

Mr. PIEZ. What I mean to say is it is better to fight improper methods until they are corrected than to submit to them. I could lead a very much more comfortable existence as a manufacturer if I subscribed to all of the demands that these gentlemen will make; but it is a question whether I would be justified in passing unfair and unjust demands onto our customers. If we were an absolute monopoly, I could do that. We do that in the city of Chicago. We pay the wages that the unions demand. We demand of our customers pay that those wages justify. We do not concern ourselves whether we are looking after the public welfare. But in the competitive field we have got to bear in mind the interest of the consumer, because his interest is ours. We have got to prosper through his favor. And therefore we must resist demands that are unfair and unequal, larger than they should be, larger than they are in comparison with other communities.

Mr. THOMPSON. Mr. Piez, looking at organized labor from the standpoint of democracy, assuming that the unions are democratic institutions composed of men who have the same intelligence and the same instinct that our general voters have, is it not true that such organizations are apt to have the same failures that are evidenced in other democratic conditions?

Mr. PIEZ. Absolutely. I do not oppose them on that account any more than I would argue that we ought to go back to the autocratic form of government because our municipal State and Federal Government is open to criticism. I could and I am perfectly willing to deal with these gentlemen. I am very willing to oppose them when they are wrong, and I am willing to commend them for the good things they have done.

Mr. THOMPSON. Your objection to the organization is purely on what we might say is personal and sporadic grounds. You are not objecting against organizations so managed that to you they have not seemed fair—that you would have been pleased to deal with them if they had been fair?

Mr. PIEZ. They have been absolutely unfair. It was impossible for me to deal with them in these particular cases that I have cited.

Mr. THOMPSON. In the particular cases you have mentioned you draw the line at, but it is only with the union which you otherwise believe in?

Mr. PIEZ. They have never given me an opportunity to do otherwise.

Mr. THOMPSON. Have you any views as to the relative value of piecework and day wage?

Mr. PIEZ. Very decided, naturally. I have very decided views.

Mr. THOMPSON. What are they?

Mr. PIEZ. I think Mr. Dodge, of our company, who is chairman of our board, gave considerable testimony on that point. I do not know whether you want me to repeat it.

Mr. THOMPSON. If your testimony is the same as his was, you need not repeat it.

Mr. PIEZ. I would corroborate what Mr. Dodge has said.

Mr. THOMPSON. It would apply to the premium and bonus system?

Mr. PIEZ. We employ them all. I think each has its place.

Commissioner O'CONNELL. Mr. Thompson, bring that out.

Mr. THOMPSON. Mr. Piez, then your evidence in that respect would be the same as his?

Mr. PIEZ. Absolutely the same.

Commissioner O'CONNELL. Would that be along the line of the Taylor system, the efficiency system laid down by Mr. Taylor?

Mr. THOMPSON. Does your shop here in Chicago operate on the system that Mr. Dodge spoke of in Washington?

Mr. PIEZ. Yes; along the same general lines, with, of course, modifications to suit conditions. We try to determine scientifically what can be done before we attempt to do it.

Commissioner O'CONNELL. Just bring out how you scientifically determine that.

Mr. THOMPSON. Could you tell briefly, Mr. Piez, how you operate your factory on piecework system, and how your efficiency plans are put into effect?

Mr. PIEZ. That is a very comprehensive question, Mr. Thompson.

Mr. THOMPSON. Do you make time studies of operations?

Mr. PIEZ. Yes.

Mr. THOMPSON. Under experts?

Mr. PIEZ. Yes.

Mr. THOMPSON. Well, are tasks such as the result of these time studies?

Mr. PIEZ. Yes. In the first place——

Mr. THOMPSON. When the time is set, do you set or establish a bonus or premium system by which the men may earn more than a certain amount?

Mr. PIEZ. That is the equivalent of that. We pay a piece rate that enables them to make considerable more than the day rate, if they follow the lines laid out. First of all we improve the general conditions in the shop. We improve the routing so that the material will travel through the shortest distance. We establish the very shortest and most unobstructed line from the order department to the shipping room. We endeavor to make a continuous flow through that short and unobstructed.

Mr. THOMPSON. That is the managerial side of the business?

Mr. PIEZ. That is the managerial side of the business. It is necessary. The Taylor system, that is the same of any systematic conduct of business.

Mr. THOMPSON. Referring to the workman side, or the human element in the shop when time studies are made, does the expert employed by the firm make the study, determine the amount of time that would be taken or should be taken in the performance of the task?

Mr. PIEZ. Usually one of our own men who has developed into that position, one of our own workmen.

Mr. THOMPSON. In the shop do you have any methods by which the men themselves may express their opinion in an authoritative manner whether that time set is too short?

Mr. PIEZ. They express them very forcibly to the rate setter.

Mr. THOMPSON. They do?

Mr. PIEZ. And to the foremen.

Mr. THOMPSON. Is it individually, or as committees, or how?

Mr. PIEZ. Individually.

Mr. THOMPSON. And not as committees?

Mr. PIEZ. I do not believe I have ever heard of any committee complaint. We make it a business to heed any complaint, whether individually or by committee, and we feel when we have a set rate concerning which there is any question that the burden of proving the rate is fair is on us. We do not force the man to accept it.

Mr. THOMPSON. If you can tell offhand, I would like you to do so, what percentage of your men earn premiums under the present system.

Mr. PIEZ. Well, Mr. Thompson, I am not quite able to say that, except approximately.

Mr. THOMPSON. You may approximate it.

Mr. PIEZ. On our Philadelphia job, where the work is more repetitive than it is here, the piece rate is very much larger. Here in Chicago we do considerable work that might be described as job work. We do a job once and then do it again. We never on such jobs as that go to the expense of preparing for a regular team of repetitive production. Therefore we have here a great deal of work; I should say fully 50 per cent of our work in Chicago was on the straight daywork scale.

Mr. THOMPSON. Have you any basis established for measuring whether or not a workman does his day's work?

Mr. PIEZ. Only by putting in an efficient construction foreman.

Mr. THOMPSON. That is all?

Mr. PIEZ. That is all.

Mr. THOMPSON. You mean you have no rate for this piecework?

Mr. PIEZ. We can not, because the daywork applies only to the new work, and there we can not predetermine a rate. We can estimate, and we try to come within our estimate, but sometimes our judgment is wrong.

Mr. THOMPSON. Do you believe that unions should be held responsible for the breach of agreement?

Mr. PIEZ. Absolutely.

Mr. THOMPSON. Do you think that such a responsibility is essential to collective bargaining?

Mr. PIEZ. I think it is.

Mr. THOMPSON. Have you any idea as to what form such responsibility should take?

Mr. PIEZ. I do not know of any form that would be more efficacious than the incorporation of the unions.

Mr. THOMPSON. That is your opinion?

Mr. PIEZ. That is my opinion.

Mr. THOMPSON. By which they would have a financial responsibility?

Mr. PIEZ. Financial responsibility for any breach of contract; yes.

Mr. THOMPSON. Have you ever followed out the practicability of such a scheme as to whether it could be put into operation or not?

Mr. PIEZ. Not very far.

Mr. THOMPSON. In other words, that comes from the feeling that the unions should be responsible for their actions like other people?

Mr. PIEZ. It comes from the feeling that no body of men who are irresponsible should be permitted to do damage or injury to others.

Mr. THOMPSON. Have your prices to consumers on your products increased or decreased under the open shop?

Mr. PIEZ. They have decreased fully 20 per cent in the last 10 years.

Mr. THOMPSON. Would that be due, in your opinion, to the open-shop policy of your firm?

Mr. PIEZ. We never lower prices unless we have to. It is due to competitive conditions, to open shop. We are able to produce cheaper to-day, and we are forced to pass on whatever we save in production to our consumers. That is the only way we continue to get business.

Mr. THOMPSON. You make an effort in your firm, do you not, to produce efficiently?

Mr. PIEZ. Yes; we make that our business as manufacturers. That is our business as manufacturers.

Mr. THOMPSON. Are your workmen satisfied? Are you willing that inquiry should be made of them on this point?

Mr. PIEZ. Absolutely. I think Prof. Commons and Mrs. Harriman visited our works in Philadelphia, and we extend the same invitation to the commission here to visit our Chicago and our Indianapolis works. I would like to know very much whether there is any discontent in our works, because we would take steps to remedy it.

Mr. THOMPSON. Does the bonus system which is in operation in your shop, in your opinion, have any effect on the quality of the output?

Mr. PIEZ. Are you talking of the bonus system now purely as a bonus? There is a scheme of payment which is known as the "bonus system," in which a definite task is set and a bonus paid for the accomplishment of that task. That is somewhat different from the piece-rate or premium system.

Mr. THOMPSON. Fifty per cent of your men are on daywork?

Mr. PIEZ. Yes.

Mr. THOMPSON. The other 50 are on piecework?

Mr. PIEZ. Yes.

Mr. THOMPSON. Do these men have a premium attached to their piecework or bonus?

Mr. PIEZ. The rate is usually so much per piece. The rate is set sufficiently high so that working a certain number of days they can earn a bonus of 20, 30, or 40 per cent, as the case may be, on their day wage.

Mr. THOMPSON. Does this bonus, in your opinion, have any effect on the quality of the output?

Mr. PIEZ. Yes. To begin with, in the early stages of piecework a man is ambitious to turn out as many pieces as he can, and you have got to inspect it very much more closely. That drops, however, very quickly with proper inspection. So far as errors are concerned, I don't think that the percentage of error in piecework is any higher than it is in daywork.

Mr. THOMPSON. Have you any opinion, Mr. Piez, on welfare work, so called; workmen's compensation laws, bonus systems, accident incurance, and sickness insurance?

Mr. PIEZ. Yes. I was chairman of the Illinois Compensation Commission. I had something to do with the present Illinois act. I was also a member of the commission that framed our factory act. I think in both respects Illinois has taken a very advanced position. All through my connection with those two commissions I did all I could to bring the attitude of the manufacturer toward the favorable consideration of those problems. I am very strongly, as I said before, in favor of following the work with unions for the betterment of conditions. And I have, as some of these gentlemen on the other side know, been quite instrumental in bringing about better conditions in the State of Illinois.

In the act of the compensation commission and the factory act there, principally because of my connection with the Illinois Manufacturers' Association. In both cases the act was drafted by commissions representing both sides, and

so complete was the understanding reached finally that there was absolutely no opposition by either side before the legislature.

Mr. THOMPSON. Then it goes without saying you are in favor of such a proposition?

Mr. PIEZ. Absolutely in favor. I do not know how far I can subscribe to some of these fraternalistic schemes that are mentioned in this catalogue that you have submitted here.

Mr. THOMPSON. For instance, take the sickness insurance.

Mr. PIEZ. Take the sickness insurance—take our sickness insurance at the works—the men contribute 10 cents per week and they get $7 per week sick benefits, of which the concern contributes $2. We supply a physician if they ask for it.

Mr. THOMPSON. The very fact you established that voluntarily would rather indicate that if it be put in effect by the proper kind of a law by the State you would probably be in favor of it, would you not?

Mr. PIEZ. Yes. Sometimes I feel that I ought to be permitted to do some nice things myself, without being forced into it by an act of the legislature.

Mr. THOMPSON. Well, what would be your opinion as to unemployment insurance? That has not been asked of you, but have you any opinion on that? Such a law has been passed, you know, in England.

Mr. PIEZ. Yes; I know it. What I have been wondering is, in connection with some of these schemes that I outlined here, is just how far they should go to shatter the fiber of the man himself. Is it proper that a man should be relieved of all sense of responsibility for his future? Is it proper that the State should step in and relieve him of that responsibility? Just what effect is it going to have on the character of the man? That must be taken care of. There is no question about that. In our own work we have tried, in periods like this, to very largely increase our stocks, or staple goods; we build up very large supplies of them and try to make as nearly as we can the employment uniform to tide the men through a period of depression. That is not always possible. But I shrink a little from the State going too far in some of these ventures.

Mr. THOMPSON. Of course, in Germany they have gone pretty far along these lines, and to-day Germany has perhaps increased its productivity; isn't that true?

Mr. PIEZ. Germany has no unemployed insurance any more than sickness insurance. That is perfectly safe, because the insurance is compulsory. In Germany it is not State insurance, it is compulsory insurance, under which the men and the employers themselves contribute. That is perfectly proper.

Mr. THOMPSON. That is what I had in mind when I spoke to you.

Mr. PIEZ. I do not like to go so far as to absolutely subscribe to Mr. Lloyd George's scheme of unemployment insurance in connection with sickness insurance.

Mr. THOMPSON. Even where the people themselves—working people—are compelled to contribute?

Mr. PIEZ. Well, I haven't any real definite opinion on that, except the feeling that the State ought not to go so far as to take away from a man all sense of responsibility for his own future. I do not think it is good for the man.

Mr. THOMPSON. Would that apply to the question of sickness insurance?

Mr. PIEZ. No.

Mr. THOMPSON. Which is the one asked of you?

Mr. PIEZ. No; it would not.

Mr. THOMPSON. What views have you got—you say you are a member of the Illinois Manufacturers' Association—of the ned of strong organization of employers, and what field of activity do they have, what methods do they employ?

Mr. PIEZ. I think they have a very proper field. In the first place they help to crystallize among the manufacturers themselves opinions on these very vital questions in which all manufacturers are concerned. I think they ought to cooperate very strongly, and cooperation is proper, with the members of the other side to improve legislation. I think they ought to band together to resist any improper demands that the other side make. There is to-day absolutely no check on the rapidly increasing power which these gentlemen on the other side are exerting—absolutely no check, except the check which employers' associations or manufacturers' associations constitute. And I feel most strongly, if you are going to permit unions to grow stronger, if you are going to extend their privileges by legalizing picketing and boycotting and the other measures to

which they resort, that you have got to either counteract that influence with very strong manufacturers' associations, or you have got to force them to incorporate or else subject them to Federal supervision.

Mr. THOMPSON. How far in the activities of such association would you go? What would be its functions so far as these labor problems are concerned?

Mr. PIEZ. The functions are to argue them out before the legislature, develop arguments against those which they advance; that has been our attitude right straight along.

Mr. THOMPSON. Would they cooperate with one another in cases of labor strikes?

Mr. PIEZ. Our association, the Illinois Manufacturers' Association, is not a defensive association, never dealing with questions of strikes or things of that sort.

Mr. THOMPSON. Did it deal with it in the sense of publicity?

Mr. PIEZ. That is, it might.

Mr. THOMPSON. To create, in the case of an employer, an influence to improperly attack on certain lines—would it seek to create public opinion that would be favorable to the employer?

Mr. PIEZ. I think it would. I think it would be perfectly proper. After all, these questions have got to be settled before the forum of public opinion.

Mr. THOMPSON. That would be perfectly proper?

Mr. PIEZ. That would be perfectly proper as one of its functions.

Mr. THOMPSON. What other necessity would you feel should go into this problem of the relation of labor and capital?

Mr. PIEZ. That is a very wide field. In the one you have outlined I think that about covers the activity of the association.

Mr. THOMPSON. Are you an officer of the Illinois Manufacturers' Association?

Mr. PIEZ. I was president for several years. I am honorably retired at the present time.

Mr. THOMPSON. Does your association, the Illinois association, keep any record of the employees of the different firms? I take it it does not.

Mr. PIEZ. It does not.

Mr. THOMPSON. You do feel that is a proper form of activity for employers' associations?

Mr. PIEZ. Under certain circumstances, yes.

Mr. THOMPSON. What would you consider in the light of that—you consider such a list, should it be kept—what purpose would it serve to the employer?

Mr. PIEZ. It is perfectly proper. Organized labor and unorganized labor both should have their labor exchanges, and that the employers should have some means of drawing on both. You can go to a union any time, to the business representative of a union, and get more men. You can't go in the open market and get unorganized labor unless you keep a list of those, unless you keep in touch with the men.

Mr. THOMPSON. You believe, then, in keeping that list for the purpose of keeping track of the character of employees, whether good or efficient, or whether they are peaceful or whether they are disturbers?

Mr. PIEZ. Yes.

Mr. THOMPSON. You would?

Mr. PIEZ. Yes.

Mr. THOMPSON. Of course, that of necessity would bring you right up to the question of organization?

Mr. PIEZ. Yes; for determining their efficiency.

Mr. THOMPSON. That would bring it to the question of keeping track whether they are members of unions or not?

Mr. PIEZ. It might.

Mr. THOMPSON. That would be a perfectly consistent matter, in your opinion?

Mr. PIEZ. Perfectly, if you want to arrive at that question.

Commissioner O'CONNELL. Would it be the purpose to furnish some other organization with that information?

Mr. THOMPSON. In the doing of that, of course, in the records of an association, they would be subject to inspection by the members of the association?

Mr. PIEZ. I presume so; yes.

Mr. THOMPSON. Either by perusal or by written request or otherwise?

Mr. PIEZ. I presume so.

Mr. THOMPSON. Of course, that would come very close to the proposition of the black list, so called?

Mr. PIEZ. I think there is a wide difference, Mr. Thompson, between the two. If you have found it impossible to work in conjunction with a certain organization, and that organization sets about, without your knowledge, to reorganize your works, should you be compelled to submit to that sort of thing, or should you be free to select anywhere labor that is not so affiliated?

Mr. THOMPSON. Perhaps the use of that word was unfortunate in this case. I am not trying to characterize the action, because that is not our purpose to do that.

Mr. PIEZ. We have got some men who deal with us in business whom we put on a blacklist; men who have made misrepresentations. We have got a list of customers with whom we do not care to deal.

Mr. THOMPSON. What I mean is this, wouldn't that be what the union organization would call a blacklist?

Mr. PIEZ. I presume it would be.

Mr. THOMPSON. And a similar action on your—on their part, toward you, would probably be called a boycott?

Mr. PIEZ. Probably.

Chairman WALSH. Does your organization, of which you have knowledge, exchange that information?

Mr. PIEZ. No.

Chairman WALSH. That is, as to the undesirability of customers?

Mr. PIEZ. There are certain credit organizations, Mr. Walsh, of course, that have that information.

Chairman WALSH. Is there any affiliated manufacturers' association that exchanges such information?

Mr. PIEZ. In certain lines; yes.

Chairman WALSH. Are there any unaffiliated manufacturers' associations that exchange information in respect to the desirability or undesirability of employees?

Mr. PIEZ. I do not know that they go so far as that.

Chairman WALSH. That is all.

Mr. PIEZ. The Illinois Manufacturers' Association is engaged in neither of those operations.

Mr. THOMPSON. Have you any knowledge of the creation or existence of what is called "strike squads" taking the place of striking workmen in the lines of industry you are engaged in?

Mr. PIEZ. We never employ them. I do not know anything about them by direct experience.

Mr. THOMPSON. You have no opinion in reference therto?

Mr. PIEZ. None that I care to express, because I have not given it very deep thought.

Mr. THOMPSON. Have you any information with respect to the relation of the courts to these labor problems as to their attitude, whether the court's machinery and the present law are able to handle the proposition?

Mr. PIEZ. I have heard some of these gentlemen inveigh very strongly against the court at the hearing of the compensation commission, but I have had a similar cause of complaint in the conduct of our suits, so that I do not feel they have been particularly at a disadvantage in that respect.

Mr. THOMPSON. You feel sort of a mutual complaint?

Mr. PIEZ. I feel a deep sympathy with them in some of their complaints; yes, sir. We have got a suit that has been pending two and one-half years. We have got $20,000 worth of machinery working, and we have never got it. The suit is still pending. We have not been able to do anything with that, and I feel somewhat aggrieved myself sometimes.

Mr. THOMPSON. Just take into consideration now the relation of the law to the labor problem. Have you ever given any consideration as to whether or not the law as it has grown up out of the past industrial conditions is able to meet completely the present state of society or organization of industry?

Mr. PIEZ. The old law was not, in my opinion; but with the additions that have been made in the State in the last three or four years, I think a great many causes of complaint have been wiped out. Some have been left.

Mr. THOMPSON. What are those conditions?

Mr. PIEZ. In the first place, the factory act, looking after the safety of the men and women employed in factories; the compensation act; the child-employment act; occupational-diseases act; all those have helped in bettering conditions and removing a great many complaints justly made against employment and employers.

Mr. THOMPSON. Narrowing it down for the present moment to the field of controversy where conflict exists between the union and your firm, is the law in its present condition able to take care of that?

Mr. PIEZ. I don't see it helps it very much.

Mr. THOMPSON. Have you given any thought to whether any machinery might be established by law in which these conflicts might be reviewed and justice given to both sides?

Mr. PIEZ. I was a member of the Illinois Arbitration Board during one conflict, and my experience prompts me to say that a board of that kind does not fully cover the needs of the situation. I believe the act could be expanded so that investigations could be made of conditions and publicity given those conditions so that public opinion would itself force a settlement. It is not always safe when labor makes a demand to assume that the demand is just, nor is it always to be understood that the employer has right on his side. But I don't feel any power ought to be given to the union to coerce the employer or any power given to the employer to coerce the union unless right is on his side.

Mr. THOMPSON. How do you feel in regard to the issuance of injunctions? That the present courts or a new court might be established to have the power to issue injunctions if necessary and the power to review the industrial cause?

Mr. PIEZ. I think they ought to have the power. Discontent usually acts first and thinks afterwards. When it gets started you ought to be able either to enjoin violence and to insist on law or you have to give the manufacturer or employer an opportunity to protect himself from the effect of such violence, and I think the latter is a very bad alternative.

Mr. THOMPSON. Of course you know at the present time, when an employer goes into court and asks an injunction, the whole matter is decided irrespective of the industrial dispute and the rights or wrongs that may exist.

Mr. PIEZ. Is that always so? I don't agree with you on that proposition.

Mr. THOMPSON. I would say yes, of course. What I mean to say is that as a matter of law the court deals only with legal rights—legal rights don't include settlement of industrial disputes. I understood from you that you have no objection to giving a court further rights, not only to decide the legal right, but to decide the right or wrong of the industrial question.

Mr. PIEZ. To give them some rights.

Mr. THOMPSON. You use the words "they should have the alternative right of protecting themselves."

Mr. PIEZ. Employ their own men in the defense of their property. That is what I mean—employ deputies.

Mr. THOMPSON. And private detectives?

Mr. PIEZ. If such are necessary.

Mr. THOMPSON. In protection of their own property in case of trouble?

Mr. PIEZ. We don't get very much support from the police as a rule.

Mr. THOMPSON. What, in your opinion, is the reason for that?

Mr. PIEZ. That is a deeper question than I care to discuss.

Mr. THOMPSON. Do you see any danger in the use of private detectives and what is known sometimes as gun squads?

Mr. PIEZ. I think it is a very pernicious thing to do, and I don't think the opportunity ought to be afforded to do it, but the cause ought also to be removed. There should not be an opportunity on the other side to do violence until the question of right and wrong in the case has been settled.

Mr. THOMPSON. Do you think such an institution as an industrial court would help?

Mr. PIEZ. I think that would help. I think it would help very materially. Perhaps both sides would be willing enough and sane enough to await the decision of such court before taking action.

Mr. THOMPSON. You spoke of the board of arbitration you served on. Have you any views as to the kind and method of arbitration which will succeed the best in the settlement of disputes?

Mr. PIEZ. Arbitration is a difficult thing. I have found it absolutely impossible to satisfy both sides. Usually both sides are dissatisfied after you get through. But the mere fact that both sides have the opportunity of stating their case before a board helps to lead to a better understanding.

Mr. THOMPSON. When you were on the State board of arbitration you were called on by people to settle individual cases?

Mr. PIEZ. The trouble with the State board is it is always charged with having a political flavor. It may or may not have, and that is a bad thing to inject into any controversy.

Mr. THOMPSON. Have you given any consideration to the establishment of arbitration boards in industries, where they serve permanently as on the State board and come in close contact with the working conditions and people?

Mr. PIEZ. I haven't given that much thought; but it should be reasonable.

Mr. THOMPSON. Do you consider it a defect of the law that a union can make this agreement and do wrongful damage without any civil liability in many States?

Mr. PIEZ. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask you some additional questions.

Commissioner WEINSTOCK. You were telling us of the experience you had in New York some years ago with Sam Parks in the saddle, and how, despite the fact that he was a crook and bribe taker, he was knowingly kept in the saddle by the unions, so that you found it impossible to do business under those circumstances.

Mr. PIEZ. He was convicted, as you remember, Mr. Weinstock. That is the reason I said he was a crook—because he was a convicted one.

Commissioner WEINSTOCK. Could he have been a bribe taker if there had been no bribe giver?

Mr. PIEZ. You can't have one without the other; but if a man puts a gun up against your head, what are you going to do?

Commissioner WEINSTOCK. I suppose I would cough up if there was nothing else possible.

Mr. PIEZ. That is exactly what you would do, and that is what any employer would do. I have got just that kind of spirit.

Commissioner WEINSTOCK. I am not thoroughly familiar with the history of Sam Parks; I simply have an imperfect recollection of the circumstances, but as near as I can recollect, he was in the saddle for quite a while.

Mr. PIEZ. Quite a long time.

Commissioner WEINSTOCK. Can you tell us about how long?

Mr. PIEZ. I would not venture. Perhaps six or seven years. I am not real certain. He had succeeded in getting a considerable wage increase for the men. That is one thing, of course, that helped him maintain himself in the saddle, and I presume the men felt whatever else he could get was simply a perquisite of the job.

Commissioner WEINSTOCK. I presume it is safe to say that practically all of the time he was there he was a crook?

Mr. PIEZ. He may not have started as one. Perhaps opportunity made him one.

Commissioner WEINSTOCK. If it is a fact he was a crook for a good deal of that time, did not the manufacturers who were held up as stated here have the amplest possible time to bring him to justice?

Mr. PIEZ. Very likely.

Commissioner WEINSTOCK. Then, were not the employers to blame for not having brought him to justice?

Mr. PIEZ. Taking it from a theoretical, highly moral point of view, yes, sir; from a practical point of view, I am not so certain. The consequence of engaging with a man like Parks, if you are in the construction business in a market like New York—a man who holds absolutely in his power the entire labor situation in the field you are engaged in, I think would make a man think twice before he would proceed against him.

Commissioner WEINSTOCK. As I recollect the circumstance, Parks was bribed by certain employers to declare strikes against other certain employers.

Mr. PIEZ. That was the rumor at the time.

Commissioner WEINSTOCK. That was proven at the time?

Mr. PIEZ. I understand that was the rumor at the time. I don't know what the proof was.

Commissioner WEINSTOCK. If that is the fact, were not those employers who bribed Parks to declare a strike as much to blame as Parks?

Mr. PIEZ. Just as criminal, and ought to have gone to the penitentiary with him.

Commissioner WEINSTOCK. Did they?

Mr. PIEZ. I didn't hear of any of them going.

Commissioner WEINSTOCK. So that it was a sort of one-sided punishment?

Mr. PIEZ. Punishment usually is.

Commissioner WEINSTOCK. What steps do employers take to drive out of their ranks dishonest employers?

Mr. PIEK. They are taking more and more. All of this question has been much better generalized in the last 10 years or more. I don't know whether you are an employer or manufacturer or not, but I think the standard of morals is higher to-day in every line of business than it ever was before, and I think the associations have a very large field doing just that sort of thing. We are, of course, small fry, and Parks, of course, held up the little fellows as well as the big. We had no interest in declaring strikes on the other fellow; we were simply the victims. He made it impossible to do anything except bow to his wishes.

Commissioner WEINSTOCK. You called attention also to the fact that collective bargaining had proven in your experience very unsatisfactory. What is the weak spot? Why did collective bargaining prove unsatisfactory?

Mr. PIEK. The weak spot in all cases is the great difficulty in determining any standard by which to judge what is a fair day's work. There is so much variety in the metal trades, of course that it is impossible to use any yardstick by which to measure a fair day's work, and there is an opportunity for a very wide difference of opinion. The unscrupulous, conscienceless employer may demand more than he is entitled to. At the same time the unwilling employee may be very unwilling to do as much as he ought to. There is always that difference.

Commissioner WEINSTOCK. If that is the weak spot under collective bargaining, isn't it likely also to be the weak spot under individual bargaining? Wouldn't that apply to both conditions?

Mr. PIEK. No, sir; because individuals are engaged in a certain general line of work, and quite frequently while you have no direct standard you have an indirect standard of measurement. If you have ever seen a lathe operate, you know it has a capacity for a certain depth of cut and a certain speed. It may travel an inch or 2 inches in a certain specified time. It is comparatively easy to compute mathematically just how long that machine will take to remove a certain amount of metal, but you can only do it mathematically. It is not in the foreman's head or the workman's head. It is a matter of mathematical calculation. It is a complex problem depending on the character of the tool and the amount of power you put into it. So that in each case you have certain factory peculiarities which may make it a very difficult problem. I am talking more particularly of our own work, where there is very little repetition.

Commissioner WEINSTOCK. In your work you have the efficiency system?

Mr. PIEK. As far as it can be properly and economically applied.

Commissioner WEINSTOCK. Under the efficiency system there is an incentive offered a man for higher efficiency?

Mr. PIEK. Yes, sir.

Commissioner WEINSTOCK. And your system of scientific management applies in instances where men are worth above the standard. If they prove themselves as being worth above the standard they are rewarded accordingly?

Mr. PIEK. Yes, sir.

Commissioner WEINSTOCK. Each man gets all he can make himself worth?

Mr. PIEK. Yes, sir.

Commissioner WEINSTOCK. But he starts with a standard wage, I take it?

Mr. PIEK. Yes, sir.

Commissioner WEINSTOCK. A standard or guaranteed sum?

Mr. PIEK. Yes; he only earns so much.

Commissioner WEINSTOCK. But with increased effort he can earn still more?

Mr. PIEK. Yes, sir.

Commissioner WEINSTOCK. It would seem to me under your scientific system the opportunity for collective bargaining would be better than where there is no scientific system, because there would be room, it would seem, for collective bargaining in determining the standard wage—the minimum wage and working conditions. The employer would be protected by a system of getting out of a man his best. Why can not collective bargaining go hand in hand with scientific management?

Mr. PIEK. It can; but it has to be approached at a very radically different angle than it is approached to-day. Where a demand is made for a certain horizontal wage.

Commissioner WEINSTOCK. That would be a minimum wage?

Mr. PIEK. That may be a minimum, but it is impossible as a minimum, because it takes no cognizance of the condition itself.

Commissioner WEINSTOCK. Couldn't that be adjusted by arbitration on both sides?

Mr. PIEK. It certainly could.

Commissioner WEINSTOCK. The employers' organizations in Chicago—take the metal trades, are they organized?

Mr. PIER. We have a branch of the metal trade here.

Commissioner WEINSTOCK. There may be some good reason that I, as a layman, do not know anything about, but will you point out why could not the metal trades, with the iron association, come together and adjust these differences, assuming there are unreasonable points on both sides—why could not they be adjusted by reasonable discussion and submission to some third party, where they could not be agreed upon?

Mr. PIER. Because few of the shops work under the same conditions. A great many of them haven't reached their high degree of efficiency. Many of them use old tools.

Commissioner WEINSTOCK. You were going on to explain that the conditions in different shops were so different it would be hard to standardize them.

Mr. PIER. Yes; I think it will probably eventually do that. It is most probably a very proper field for this commission to investigate.

Commissioner WEINSTOCK. How can the day be brought nearer when that will be the prevailing condition?

Mr. PIER. I am afraid that is a more proper question to you gentlemen than to me.

Commissioner WEINSTOCK. But we want help, and from just such men as you.

Mr. PIER. I would be glad to give you help, but I haven't given that particular phase study enough to give an opinion that would be worth while.

Commissioner WEINSTOCK. You also spoke about some system whereby there could be hearings on both sides with a view of settling any difficulties—any differences that might develop between employers and workers—some Canadian board. Do you have such hearings before or after cessation of work?

Mr. PIER. Preferably before, and I would enjoin both sides from taking any steps during such hearing.

Commissioner WEINSTOCK. You would prevent the employer from locking out the workers?

Mr. PIER. Yes, sir.

Commissioner WEINSTOCK. And prevent the workingmen from resorting to strikes?

Mr. PIER. Yes; picketing and such things.

Commissioner WEINSTOCK. Substantially you would favor the Canadian system?

Mr. PIER. Substantially. I very strongly favor the Canadian system of arbitration.

Commissioner WEINSTOCK. Whereby there can be no strikes or lockouts in public utilities until after the State has intervened and endeavored to bring about an understanding?

Mr. PIER. Yes; and ventilated both sides.

Commissioner WEINSTOCK. You would favor that?

Mr. PIER. I favor that very strongly.

Commissioner WEINSTOCK. That would tend to minimize strikes?

Mr. PIER. Yes, sir.

Commissioner WEINSTOCK. And bring about more cordial relations between employer and workers?

Mr. PIER. It would give time to bring about reflection, and I think they would be more reasonable than after they have mauled each other.

Commissioner WEINSTOCK. In your judgment that would be one way to minimize labor troubles and bring about better labor conditions?

Mr. PIER. I should think that would be one of the recommendations that the commissions should submit.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Speaking of the Canadian act, you are familiar with its workings?

Mr. PIER. I have heard it described.

Commissioner GARRETSON. You have had no personal contact with it?

Mr. PIER. I have had no personal contact with it.

Commissioner GARRETSON. Are you aware of the fact it is admitted on that side of the line, even by the officers who have administered it, that it has been invariably utilized by employers to fortify themselves in the period in which no action could take place?

Mr. PIEZ. I did not know any such charge as that rested against the act.

Commissioner GARRETSON. You have had no opportunity to read the testimony that has been given on that subject here?

Mr. PIEZ. No, sir.

Commissioner GARRETSON. A little investigation I think will convince you as to whether or not it has been so utilized.

Mr. PIEZ. How would that weigh against the act?

Commissioner GARRETSON. How would that weigh against the act?

Mr. PIEZ. Yes; why should that be counted against the act? Does that destroy the effectiveness of the act? Can't you remove that effect urged against the act and make it a good workable act?

Commissioner GARRETSON. Yes; take that feature out.

Mr. PIEZ. That is what I mean.

Commissioner GARRETSON. Let's go back to Sam Parks.

Mr. PIEZ. That is ancient history.

Commissioner GARRETSON. I know it is. I just want one more touch of it. Take it from a basis of pure ethics.

Mr. PIEZ. Pure ethics?

Commissioner GARRETSON. Pure ethics for a moment. Is a briber or a man who sells himself worse?

Mr. PIEZ. There is only one answer to that question. I think that both——

Commissioner GARRETSON. I will go this far along the road. I say to you I believe the man who sells himself is a criminal and ought to be convicted.

Mr. PIEZ. I will say to you a man who buys him ought also to be convicted.

Commissioner GARRETSON. In your experience in dealing with men of the Parks style——

Mr. PIEZ. I did not say I bought Mr. Parks.

Commissioner GARRETSON. I know it.

Mr. PIEZ. I want that clear.

Commissioner GARRETSON. I did not say I was bought, either. In dealing with representatives of labor and dealing with the employers of labor, in your own personal experience, have you found more men in labor circles ready to be bought than you found purchasers on the other side?

Mr. PIEZ. Parks was my only experience, and that wasn't a direct one. All the other fellows I have met in labor circles have been very straight fellows. I have differed with them on many subjects. I have never had the opportunity to buy them.

Commissioner GARRETSON. Have you found anybody you believed was ready to purchase on the other side?

Mr. PIEZ. I presume where men are willing to sell some men are willing to buy, where they can profit by it.

Commissioner GARRETSON. Do you presume one purchaser would have given Parks the reputation he had?

Mr. PIEZ. He would have to be a pretty big purchaser.

Commissioner GARRETSON. He would have to wholesale?

Mr. PIEZ. Yes, sir.

Commissioner GARRETSON. You spoke that when you were dealing with the men in matters of wages and conditions you were the agent of the consumer; that when you were dealing with the consumer you were the sales agent for the men. Assuming that that is correct, a man in that position, placing himself in that attitude, if he desires to take advantage of the two opportunities, it would be an ideal condition for abuse, would it not?

Mr. PIEZ. It certainly would be; yes, sir.

Commissioner GARRETSON. You say that under the system that has grown up you have been able to sell in the last 10 years 20 per cent cheaper to the consumer?

Mr. PIEZ. We have been forced to sell.

Commissioner GARRETSON. At any rate, that includes being able, if you survive?

Mr. PIEZ. That is it.

Commissioner GARRETSON. How much increase has there been in the wages of your men during the period that 20 per cent has been taken off the selling price?

Mr. PIEZ. I should say probably a general advance during that period of about 30 per cent, I presume; perhaps more.

Commissioner GARRETSON. What has been the increase in the cost of living?

Mr. PIEZ. According to the tables, perhaps the same.

Commissioner GARRETSON. What tables?

Mr. PIEZ. General. I am taking them all through.

Commissioner GARRETSON. Is there a table in existence that wouldn't put it 19 per cent higher than 40 in that period? Does not the Government table show about 59 per cent?

Mr. PIEZ. That only covers a part of it, don't they? They simply cover the food end of it.

Commissioner GARRETSON. Is there any nonpartisan table that shows less?

Mr. PIEZ. That you will have to answer for yourself. You evidently know more about that than I do.

Commissioner GARRETSON. I have been putting them in evidence lately.

Mr. PIEZ. Probably.

Commissioner GARRETSON. Sworn tables from all sources.

Mr. PIEZ. I want to correct one impression. I said our men advanced about 30 per cent. They may have gone up 40 or 50 per cent. I am talking entirely from memory, and if you want that I would be glad to give them to you.

Commissioner GARRETSON. I don't want to know what the difference in wages is, but the difference in earnings. I am using those in distinction.

Mr. PIEZ. I don't think wages have gone up faster than the cost of living.

Commissioner GARRETSON. Do you know, as a general proposition, where wages have advanced faster than the cost of living?

Mr. PIEZ. I think during the Parks period they advanced very materially in certain trades for a time.

Commissioner GARRETSON. Was that Sam alone, or others?

Mr. PIEZ. Sam and others.

Commissioner GARRETSON. When men are confronted with a condition—that is, in commercial pursuits—where it is necessary to pay tribute if they are to continue in a certain field of trade, have you any opinion as to whether the moral sense or profit comes out winner ordinarily?

Mr. PIEZ. That depends altogether on the man.

Commissioner GARRETSON. It won't apply to a class?

Mr. PIEZ. It won't apply to what?

Commissioner GARRETSON. A class.

Mr. PIEZ. Well, I think it might be broad enough to include a class.

Commissioner GARRETSON. What is the common rule? Will the profits take precedence over moral scruples?

Mr. PIEZ. I don't think it is a matter of scruples so much as it is a matter of moral courage.

Commissioner GARRETSON. He can preserve his scruples if he has the courage?

Mr. PIEZ. That is hardly a fair statement of it, is it?

Commissioner GARRETSON. I don't know.

Mr. PIEZ. I am asking you.

Commissioner GARRETSON. I was asking you.

Mr. PIEZ. I would like to have a little reciprocity on that. I would like to be able to ask you occasionally.

Commissioner GARRETSON. You refer to the fact you could not run a business without discipline. I am not fully agreed with that, but as long as you have been in the service you ought to be reasonably familiar with what old conditions furnish the foundation for the demand of the average union in regard to discipline. Do you know what they were?

Mr. PIEZ. Some of them.

Commissioner GARRETSON. From your standpoint upon what was it based?

Mr. PIEZ. Probably excessive demands made upon the men by some employers.

Commissioner GARRETSON. Isn't it true that the ordinary phase of discipline—bearing in mind I am much more familiar with discipline in some lines than I am others——

Mr. PIEZ. I don't refer to discipline as military discipline, but a sort of cooperative spirit that must exist.

Commissioner GARRETSON. I am referring to the discipline that means loss of their rights, that means loss of a hearing, either discharge or a mark, as the case may be. Isn't it largely founded on conditions that existed prior to the existence of the union, of favoritism, making of places for incompetent relatives, and other performances of that character?

Mr. PIEZ. I don't know of any business in which the methods you have just referred to would lead to success.

Commissioner GARRETSON. It is a secondary question sometimes to taking care of relatives.

Mr. PIER. If you take care of too many I think the business would probably break its back.

Commissioner GARRETSON. I know railroad companies that haven't a relative, and I know others that run a foundling asylum.

Mr. PIER. I am sorry for the stockholders.

Commissioner GARRETSON. So am I. I have expressed myself sorry on many occasions. You spoke of welfare work, that you had a feeling you ought to be permitted to do certain things without being compelled to.

Mr. PIER. I think it gives a person better satisfaction.

Commissioner GARRETSON. A better taste in the mouth?

Mr. PIER. Yes, sir.

Commissioner GARRETSON. Unless it was compelled, what proportion of employers in general, as far as your experience goes, would do those things? How many employers do you know of—what has your experience shown you in regard to sickness insurance? How many put it in?

Mr. PIER. My experience with the employers is evidently much more favorable, and I have a much higher opinion of them than you seem to have.

Commissioner GARRETSON. Is your experience wider with them than mine?

Mr. PIER. With manufacturers, I believe.

Commissioner GARRETSON. I said with the employers.

Mr. PIER. I am talking about manufacturers.

Commissioner GARRETSON. How many out of every one hundred have accident insurance?

Mr. PIER. I am not going into your field. Probably you are an expert on that. I wouldn't venture an opinion in your field, but I do know my own. I know the men I have associated with in these associations, and I say a great many of them do nice things and do them without force or constraint.

Commissioner GARRETSON. And how many do it?

Mr. PIER. There are some who do not.

Commissioner GARRETSON. How many within your knowledge have a sick insurance plan?

Mr. PIER. Most of the larger institutions have it. The smaller employers can hardly afford to have it.

Commissioner GARRETSON. The most of the large institutions have sick insurance?

Mr. PIER. Some to my knowledge have some beneficial insurance scheme.

Commissioner GARRETSON. Beneficial and sickness insurance are two different things.

Mr. PIER. Hardly that. Why does not one cover the other?

Commissioner GARRETSON. But as sickness insurance, pure and simple, is it very common?

Mr. PIER. Yes; it is quite common among employers.

Commissioner GARRETSON. Take the Illinois Manufacturers' Association, what proportion of them have it?

Mr. PIER. You are asking a very broad question that would require some analysis to answer, but I think a great many large manufacturers have it.

Commissioner GARRETSON. Can you furnish the number of those?

Mr. PIER. I will try to.

Commissioner GARRETSON. I would be glad to have it.

Mr. PIER. Yes; I think it will probably improve your opinion when you get it.

Commissioner GARRETSON. I want to know if the manufacturers are better people than the railroads of Illinois.

Mr. PIER. They are probably average people with the same frailties and virtues.

Commissioner GARRETSON. If they have the same average of sickness insurance that the railroad companies have, you are playing a mighty lone hand. That is all.

Chairman WALSH. Mr. Ballard would like to ask you a few questions.

Commissioner BALLARD. You spoke of the cost of wages and the cost of living. Do you think the standard of living has been increased or not in the last 10 or 15 years on the part of workmen and the public generally?

Mr. PIER. I think so.

Commissioner BALLARD. You think it is not so much the cost of living as it is the cost of high living that has increased?

Mr. PIEZ. There is a great demand that people generally make for things that used to be considered luxuries.

Commissioner BALLARD. You haven't found flour advanced?

Mr. PIEZ. No, sir.

Commissioner BALLARD. That is cheaper than it was before.

Mr. PIEZ. So is sugar.

Commissioner BALLARD. You spoke of the metal trades and the molders' association being unions you could not treat with, but you did treat with some of the woodworkers' unions.

Mr. PIEZ. We deal with the carpenters and millwrights.

Commissioner BALLARD. You are willing to treat with unions that are fair?

Mr. PIEZ. It depends on the leadership of the unions.

Commissioner BALLARD. That is all.

Chairman WALSH. Mr. Lennon would like to ask a question or two.

Commissioner LENNON. I would like to ask you a question and have you reply by communication, if you will. The substantial thing——

Mr. PIEZ. Will you have that question sent to me, or shall I take it down now; I am not a shorthand operator.

Commissioner LENNON. The substantial thing for which this commission is created is to ascertain the underlying causes of industrial unrest, and report to Congress such remedies as the commission believes might help cure or eliminate this unrest which, in part, may be considered dangerous to our civilization. I would like to ask you a great lot of questions to bring that out, but there is not time. The weather is nice, and on your way to New York you can study it.

Mr. PIEZ. All right. You want me to answer that.

Chairman WALSH. He said you could think that out and give us your best constructive suggestion after thought and send it to the secretary of the commission. Prof. Commons would like to ask a question.

Commissioner COMMONS. You stated you were on the Illinois State Board of Arbitration awhile.

Mr. PIEZ. For just a short period.

Commissioner COMMONS. And your experience showed the reason that board was not effective was because it was either actively or supposed to be political?

Mr. PIEZ. The general feeling was it was political. Of course, it was an appointed board.

Commissioner COMMONS. Appointed by the governor?

Mr. PIEZ. Appointed by the governor. The members of the board at that time—there were three of us. I have never had any connection with politics, so that I could hardly be considered political, and as far as I know the others were not political. I think the board did actually try to fill the function of the act, but the general feeling both among employers and the laboring classes was it did have a political flavor and therefore it didn't resort to it and did not have confidence in it.

Commissioner COMMONS. Did your experience suggest any way by which such board could be constituted that would not have this reputation or not have this bias of politics?

Mr. PIEZ. Well, it did. I always felt a larger board, in the first place, was a better board, because in some of the larger controversies it is a pretty heavy burden to put on three men, and I believe that a board that has perhaps one member appointed by the State and two members appointed by each of the two sides might be more effective.

Commissioner COMMONS. By the two sides, applying to Illinois, what would be the organization?

Mr. PIEZ. Say, in the case of a manufacturer's controversy with his men, I would consider the union involved as one side and the manufacturers' association as the other side.

Commissioner COMMONS. That would mean a temporary board.

Mr. PIEZ. A temporary board for each controversy. You don't get, of course, continuity of decisions in that case.

Commissioner COMMONS. Was the board you were on permanent?

Mr. PIEZ. A permanent board. We have an act in Illinois that covers a permanent State board of arbitration.

Commissioner COMMONS. I understand that act has been ineffective.

Mr. PIEZ. It has been very ineffective.

Commissioner COMMONS. I was trying to get at your idea how to improve that. Take the permanent board. How would you get rid of that political bias?

Mr. PIEZ. I would give the employer and the working people an opportunity to suggest names from which a selection should be made.

Commissioner COMMONS. Is that not done at the present time? Were you not nominated by the Illinois Manufacturers' Association?

Mr. PIEZ. No, sir.

Commissioner COMMONS. The governor just picked you out?

Mr. PIEZ. Just picked me out, I think. I don't know how the honor came to me. It was very unsought for. I tried to dodge it, but I could not.

Commissioner COMMONS. You would have the manufacturers submit a certain number to be selected from?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. And the unions to submit a certain number?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. Now, would you have them receive salaries?

Mr. PIEZ. While in service, yes.

Commissioner COMMONS. A per diem salary?

Mr. PIEZ. Yes; a per diem salary.

Commissioner COMMONS. Would you have it a so-called public representative in any way?

Mr. PIEZ. Yes.

Commissioner COMMONS. How would you have them nominated?

Mr. PIEZ. I am afraid to suggest the member of the court; he might be a good presiding officer.

Commissioner COMMONS. An ex officio judge of the court?

Mr. PIEZ. Yes; I think he might represent the public.

Commissioner COMMONS. He could not serve—devote his whole time to the work?

Mr. PIEZ. No; but I don't think it would take his whole time.

Commissioner COMMONS. You think they should have a staff?

Mr. PIEZ. Yes; to take up the smaller controversies.

Commissioner COMMONS. How would you select that staff?

Mr. PIEZ. I would leave that with the board.

Commissioner COMMONS. Would you have them under civil service?

Mr. PIEZ. Yes.

Commissioner COMMONS. Subject to examination?

Mr. PIEZ. Yes.

Commissioner COMMONS. Would they be mediators?

Mr. PIEZ. They ought to be selected for that purpose.

Commissioner COMMONS. Do you think a civil-service examination would bring that out?

Mr. PIEZ. It does not always.

Commissioner COMMONS. Do you think constituting a civil-service commission—six selected by the employers and six by the union—should be a joint civil-service commission?

Mr. PIEZ. I think that would probably be the best way to arrange it.

Commissioner COMMONS. Does it occur to you that that would eliminate the politics?

Mr. PIEZ. It ought to.

Commissioner COMMONS. Why?

Mr. PIEZ. Because the interests of the two are so vital that they ought to see to it that they get the proper men.

Commissioner COMMONS. Do you think it would be sufficiently important for this commission to recommend some system as that, that would eliminate politics from the State boards of mediation?

Mr. PIEZ. I would like to look into that further and write you about it.

Commissioner COMMONS. Do you consider that a plan like this would be something that could be considered?

Mr. PIEZ. Yes; I do.

Commissioner COMMONS. Now, the members, you think, need not give their whole time, but they might employ subordinates?

Mr. PIEZ. Yes.

Commissioner COMMONS. Now, that board thus constituted, which would be a large board, would be a civil-service commission to appoint mediators?

Mr. PIEZ. Yes.

Commissioner COMMONS. And they should have powers—what kind of powers would you give them?

Mr. PIEZ. You would have to give them summary powers, I presume.

Commissioner COMMONS. Would you give them power to make investigations on their own initiative?

Mr. PIEZ. Yes; whenever they heard of a threatened strike.

Commissioner COMMONS. And would give them power to subpœna witnesses?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. And subpœna them to bring in books?

Mr. PIEZ. Yes.

Commissioner COMMONS. And they would try to bring about settlement?

Mr. PIEZ. Yes.

Commissioner COMMONS. And if they could not do so, what?

Mr. PIEZ. Refer it to the board.

Commissioner COMMONS. And that would be final?

Mr. PIEZ. Yes.

Commissioner COMMONS. Have you considered how you could extend that to the State, as well as Federal Government?

Mr. PIEZ. I have not.

Commissioner COMMONS. Offhand, does there seem to be any reason why it should not be extended to the Federal Government?

Mr. PIEZ. I can not see any reason—none that I can think of just now.

Commissioner COMMONS. During your incumbency in this board were any strikes you had to deal with interstate in character?

Mr. PIEZ. We dealt with one switchmen's strike here.

Commissioner COMMONS. Did that involve other States?

Mr. PIEZ. Yes; it threatened to involve others.

Commissioner COMMONS. Did your power extend to any other trade?

Mr. PIEZ. I think Mr. Whitney, who represented the trainmen's union, practically accepted the findings of this committee to extend to several points—Omaha, Kansas City, and St. Louis; this was some five or six years ago, one strike in question.

Chairman WALSH. I promised this witness protection as to his train.

Mr. PIEZ. I have to be in Philadelphia to-morrow.

Commissioner WEINSTOCK. The professor here has offered certain suggestions, and your remarks are invited to this question: Imagine the link manufacturers nominating 12 men and the labor organizations nominating 12 men, and imagine those 24 men appointed by the commission, and that condition arising in your own industry, and you selecting 3 employers out of the panel of 12 and the workers selecting 3 workers out of the panel of 12, and these 6 sitting as a board of conciliation; do you know of any reason why that plan should not work out as a board of mediation and conciliation?

Mr. PIEZ. It might, because, after all, both sides have got to get together.

Chairman WALSH. We are going to excuse Mr. Piez now.

Commissioner WEINSTOCK. If you can see any weak spots in that, I wish you would let us know.

Mr. PIEZ. I will give that my best thought.

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. JOHN H. WALKER.

Mr. THOMPSON. You may state your name, please.

Mr. WALKER. John H. Walker.

Mr. THOMPSON. Where do you live?

Mr. WALKER. At Danville, Ill.

Mr. THOMPSON. What position do you hold with any labor organization?

Mr. WALKER. President of the Illinois State Federation of Labor.

Mr. THOMPSON. How long have you been president of that organization?

Mr. WALKER. About 10 months.

Mr. THOMPSON. What position did you occupy prior to that time?

Mr. WALKER. President of the Illinois Miners' Union.

Mr. THOMPSON. Is that connected with the United Mine Workers?

Mr. WALKER. That is the largest district in it.

Mr. THOMPSON. How long were you in that position?

Mr. WALKER. Between seven and eight years.

Mr. THOMPSON. What were you doing before that, as far as the union was concerned?

Mr. WALKER. I acted as a member of the executive board of that, and as the district president and international organizer and district organizer.

Mr. THOMPSON. For how many years has your activity in official positions continued?

Mr. WALKER. Fifteen years the 18th of last June.

Mr. THOMPSON. What is the purpose of the organization of the Illinois State Federation of Labor?

Mr. WALKER. To insist in seeing that those who work for a living get as full justice as possible.

Mr. THOMPSON. How is the jurisdiction of that order differentiated from that of the Chicago Federation of Labor in Chicago or the local craft? How is it supposed to operate and the system of its operation?

Mr. WALKER. The Illinois State Federation of Labor has not got any positive authority in dealing with the affairs of the other organizations that make it up, except as delegated by those organizations. The Illinois State Federation of Labor, as I understand it, is supposed to perform the same duties and exercise the same powers and assume the same responsibility for the trade-unions in the State as the Chicago Federation of Labor has in this city or the American Federation of Labor has in the country.

Mr. THOMPSON. Is there any possibility of difficulty between the Chicago Federation of Labor in Chicago and the Illinois State Federation of Labor?

Mr. WALKER. There is likely to arise differences of opinion in the matter of policy.

Mr. THOMPSON. Your body is affiliated with the American Federation of Labor?

Mr. WALKER. Yes.

Mr. THOMPSON. And holds a charter from them?

Mr. WALKER. Yes.

Mr. THOMPSON. And the Chicago Federation of Labor does the same thing?

Mr. WALKER. Yes.

Mr. THOMPSON. I take it that the constitution and by-laws of the American Federation of Labor would show the jurisdiction and authority of your body, would it not?

Mr. WALKER. Yes; I think it clearly sets forth the authority of the State union.

Mr. THOMPSON. Are all the organizations affiliated with the American Federation of Labor, and by that means affiliated with your organization?

Mr. WALKER. No.

Mr. THOMPSON. And it is optional with the unions in this State as to whether they want to affiliate with you?

Mr. WALKER. The by-laws of the American Federation of Labor makes it incumbent for the unions in this State to affiliate with the Illinois State Federation of Labor, but no penalty is inflicted if they do not, and some are not affiliated.

Mr. THOMPSON. And if they are not affiliated they do not contribute to the maintenance of your organization?

Mr. WALKER. They do not contribute financially; no.

Mr. THOMPSON. What is the attitude of your organization in regard to industrial unions, where a body in this State is a member of the American Federation of Labor, but is not affiliated with your body?

Mr. WALKER. We render them every assistance we can, just the same as though they were affiliated with us, but we do not feel under the same obligations to them as though they were.

Mr. THOMPSON. Your attitude to them in that respect would be the same as to any organized labor?

Mr. WALKER. I believe I can say yes to that question.

Mr. THOMPSON. Have you a printed constitution or by-laws of the Illinois State Federation of Labor?

Mr. WALKER. I have some at home.

Mr. THOMPSON. Will you furnish a copy?

Mr. WALKER. Yes.

Mr. THOMPSON. Generally speaking, what have been the activities of the Illinois State Federation of Labor since you have been president of it?

Mr. WALKER. Well, we have looked into the matter of the laws as they exist in the State, as they affect the workers, with a view of making matters adjust

themselves; and we have looked into the records of some of the men who have made those laws, so as to determine their attitude against labor. And where workers have been unorganized and their wages and hours of labor, and the conditions of labor have been unfair, or absolutely unjust, we have done what we could to remedy that, and have done what we could to organize them. And where they have been organized we have rendered assistance to get improvement in wages and in the hours of labor.

Mr. THOMPSON. What control has your organization over unions affiliated with it, and how would that control, if any, be evidenced?

Mr. WALKER. We have no positive control at all.

Mr. THOMPSON. Have you a right to expel an affiliated member, perhaps?

Mr. WALKER. We have not a right to expel affiliated members that comply with the law.

Mr. THOMPSON. You hold conventions in the State?

Mr. WALKER. Yes; every year.

Mr. THOMPSON. And the convention is the supreme lawmaking power?

Mr. WALKER. Yes; just as in the A. F. L.

Mr. THOMPSON. Assuming your body should pass a law which did not conflict with any law of the A. F. L., and them assume that some member of some organization you are affiliated with broke that law, could you expel him?

Mr. WALKER. That matter would have to be taken up in the State convention, and the penalty for failure to perform those duties is fixed in the State federation so as to enable us to expel them.

Mr. THOMPSON. If the convention should decide to expel them, would they have the power?

Mr. WALKER. If they were acting within the laws of the American Federation of Labor.

Mr. THOMPSON. Assuming there was no conflict, would they have the right?

Mr. WALKER. We would not have the right to expel any member of an organization unless under the laws of the American Federation of Labor we were given that authority.

Mr. THOMPSON. Will the by-laws of the American Federation of Labor show under what conditions you may expel affiliated bodies?

Mr. WALKER. About the only way we can expel them is where they secede from the American Federation or Labor or from the international union that they should belong to that is affiliated with the American Federation of Labor.

Mr. THOMPSON. Then, your control over the affiliated bodies is merely nominal and purely moral?

Mr. WALKER. It depends upon the make-up of the different local unions. There are some men that will observe a moral obligation more rigidly than they will any other kind of obligation.

Mr. THOMPSON. What control has the American Federation of Labor over the Illinois State Federation of Labor?

Mr. WALKER. Supreme power.

Mr. THOMPSON. In what does that consist?

Mr. WALKER. In so far as laying down the rules under which they must operate.

Mr. THOMPSON. Assuming that the Illinois State Federation of Labor decides not to follow the rules laid down by the American Federation of Labor, then what power would the latter have to enforce its rules?

Mr. WALKER. They would simply revoke the charter of the Illinois State Federation of Labor and have every international union affiliated with the American Federation of Labor withdraw their membership—simply eliminate them.

Mr. THOMPSON. In case a dispute arose between your organization and, say, the Chicago Federation of Labor, or any other federated union, where would the power of deciding rest?

Mr. WALKER. Well, as far as past disputes are concerned, it has rested with each organization; sometimes the disputes have not been settled by their agreeing at all.

Mr. THOMPSON. Would the American Federation of Labor be an appellate body that could determine such disputes?

Mr. WALKER. No; there are some disputes that they have not got the power to decide definitely or positively, but they are willing and have in the past, and I expect will in the future, exercise their good offices as mediators in trying to make clear what the situation really is and to get the two organizations together.

Mr. THOMPSON. In the building trades we find here what are called jurisdictional disputes between international unions, and it is well recognized that the American Federation of Labor in that field has no power of compulsion, but in the case of your federation and, say, the Chicago Federation of Labor, in the case of a dispute between them, would the American Federation of Labor have the power to decide?

Mr. WALKER. Yes; as between the jurisdiction of the Illinois State Federation of Labor and the Chicago Federation of Labor.

Mr. THOMPSON. But your organization, like the Chicago Federation of Labor, has no power of coercion in the international union?

Mr. WALKER. No.

Mr. THOMPSON. As a leader of labor in this city, Mr. Walker, have you given any consideration to the question of industrial unrest?

Mr. WALKER. Well, I have not had time to give it much consideration in the past here, but it is being taken up practically every moment that I have to spare.

Mr. THOMPSON. Have you taken part in any recent strikes?

Mr. WALKER. Yes.

Mr. THOMPSON. What strikes recently of large consequence have you been interested in?

Mr. WALKER. I have not been involved in a large struggle recently at all; it has been about four years since I was involved in a rather large struggle involving about 75,000 members in the State. Now, there is a strike on in Mount Vernon of about 600 men, and about six months ago there was a strike in Hillsboro of about 300 men, and in Chicago among the leather workers on horse goods there was a strike. We have been able to adjust the two of those strikes and the other one is in progress at the present time.

Mr. THOMPSON. Has the United Mine Workers, your parent union, any agreement with the Western Federation of Miners?

Mr. WALKER. We have a close-working cooperative agreement with each other.

Mr. THOMPSON. Would you agree to state in general what that agreement is?

Mr. WALKER. Except that you transfer cards from each other, part of what we call the mine department of the American Federation of Labor, so that in addition to the general affiliation with the American Federation of Labor we have a special affiliation in the department; the miners from both organizations migrate from coal to the metal industries, and vice versa, and we have a considerable number of them, which bring about a closer relation than exists between us and any other organization; and we consult each other where disputes arise that originate in the same community and try to work that together.

Mr. THOMPSON. The mine workers confine themselves to the mining of coal and the others to the mining of metal?

Mr. WALKER. Yes.

Mr. THOMPSON. And between those two the membership fluctuates?

Mr. WALKER. Yes.

Mr. THOMPSON. And there is a close alliance?

Mr. WALKER. Yes.

Mr. THOMPSON. In pursuance of the relationship existing between the two organizations, did you at any time ever investigate the strikes in the metal mines?

Mr. WALKER. I was up in the Michigan copper country—I don't just recollect the exact time; I was there two or three months.

Mr. THOMPSON. Now, taking your experience, Mr. Walker, as leader or head of the Illinois State Federation of Labor and leader of the United Mine Workers, what would you say as to whether or not a state of industrial unrest exists in the country to-day?

Mr. WALKER. Well, there is no question but what there is a state of unrest existing to-day.

Mr. THOMPSON. From the standpoint of a practical man in the field, what do you consider to be the causes of this unrest?

Mr. WALKER. I think the main cause that largely makes for the unrest is the double standard that is in existence that is commonly accepted by most people as being right.

Mr. THOMPSON. What do you mean by double standard?

Mr. WALKER. A workingman is not supposed to ask anything more than a fair day's wage for a fair day's work; he is supposed to work until he is pretty

fairly tuckered out—say eight hours—and when he does a fair day's work he is not supposed to ask for any more wages than enough to support his family, while with the business man the amount of labor furnishes no criterion for the amount they receive; people accept it as all right if they do not do any work at all, and accept it as all right that they get as much money as they can; in fact, they are given credit for getting the greatest amount of money with the least amount of work; and those things that are being accepted by the other side as the things that govern in everyday life and as being right, have brought about this condition, this being in my judgment absolutely unfair; that is, on the merits of the proposition in dealing with the workers.

The workers feel this, some unconsciously and some consciously, but all of them feel it and it makes for unrest, in my judgment, and there can be no peace while that condition obtains.

Mr. THOMPSON. Then, in view of this underlying unrest in the industrial field, it does not depend on the existence of specific or definite grievances, but is rather a view the workers take with reference to the distribution of the product of labor?

Mr. WALKER. It is a feeling of absolute injustice as far as they are concerned as to the manner they are being dealt with, which is responsible for the unrest. The average worker feels that under existing circumstances he is simply a nonentity, except so far as he can be used as a tool by those who own the industries to which he has to have access before he can make a living for himself and family; that he is not given any consideration, but is a plaything to be used at the whim or caprice of the other side, and is absolutely subject to their will in getting an opportunity to work at all.

Mr. THOMPSON. Supposing a worker belongs to an organization and works where they have these so-called unions or closed shops, and his wages, as compared with other workers, are high, that his hours of labor are short, and that the working conditions are good, if you can imagine that kind of a situation; in your opinion, as I take it, there would still be unrest on his part because he would be a wage earner?

Mr. WALKER. Not because he is a wage earner, but because he believes that he is not getting what he is actually entitled to.

Mr. THOMPSON. That is, not compared with the wages of the other workers, but compared to the earnings of the employers?

Mr. WALKER. On the general principle of what is the right.

Mr. THOMPSON. Do you think that the general feeling that the worker has, as you say, that he is not getting an equal deal, or that he has not an equal voice, is the cause of the outbreaks you hear of in the different trades and industries in the different parts of the country, or is the cause something more specific than that?

Mr. WALKER. There are specific causes in addition to the general feeling and it depends upon the degree of knowledge on the part of the individuals as to how they see things. If a man gets to expect the better standard for themselves and family, and can not get them, they see clearly the injustice of it. As they get to realize what treatment they should receive and the wages and hours, they can see clearly the injustice that prevails when they can not get those things.

Mr. THOMPSON. Take the cases where strikes occur and conflicts arise; do you know of any case in your experience as a labor man that a strike or conflict has arisen out of this particular feeling that you have spoken of, where the worker has not a fair share in the production, or have they not arisen, as a matter of fact, out of specific grievances, such as working too long or for too low wages or where conditions are bad?

Mr. WALKER. There are different kinds of strikes, but I do not know of any specific strike where there was no specific reason for the strike, although in my judgment it has agumented the feeling that had to do with the strike; there is more and more of that every year.

Commissioner O'CONNELL. For instance, a strike among unorganized people, such as the Westinghouse Co.—the idea of a strike occurring without any head or tail—take that case.

Mr. WALKER. At Mount Vernon the strike occurred without any head.

Chairman WALSH. Briefly sketch the conditions at that place and what the men actually engaged in the industry said about it· how they presented their case.

Mr. WALKER. The average wages that the men were getting down there, as far as the records show, was $1.47 for 10 hours making railroad cars. I might give you an idea to what extent——

Chairman WALSH. First, approximately, how many workers are there in the industry?

Mr. WALKER. Something like 2,000 there and a number of different departments, and it is not in all of the departments that the strike has taken place, although there is a mixture; a few from each department. In the ones that have taken place practically all of the men involved have quit. A number there are colored men, among whom the standard of intelligence is rather low; they do not know what they are getting; they did not know until pay day what they were going to get, and then had to take what the boss decided to give them. The man who is the owner of the plant is an official in one of the churches; I don't know what particular one. But there was a minister in the city who announced that as a result of the unrest in industrial conditions there, he was going to deliver a labor sermon on a certain Sunday, and the next day every employee working in the plant was notified that if he appeared at the church during the sermon that he would be discharged; only two appeared and they were discharged.

In one instance a contractor came in there and got a paving job. He said he expected to pay from 30 to 35 cents an hour for labor, but when he found conditions absolutely in his own hands he paid only 25 cents an hour. Representatives of the company came to him and told him that if he raised the wages 15 cents an hour he would cause trouble to the company and they would make it hard for him to get another job in that town.

Chairman WALSH. How many men went out in that strike?

Mr. WALKER. About 600.

Mr. THOMPSON. Now, getting back again to the question of unrest, Mr. Walker, we feel from your answer that you have an idea that there is a general unrest among all people who work. Are there cases where this unrest appears to be less strong than in other places? In other words, where there is no specific aggravating point, and what are those feelings, if any, and what are the reasons for the difference?

Mr. WALKER. In the more thoroughly organized industries my experience has been and judgment is that where the men have had hours and wages and treatment more humane than otherwise, and they have had an opportunity to educate themselves, there is less of that feeling of continual blind opposition to existing conditions, and where disputes arise they arise in more orderly manner, and if disagreements are reached and it is impossible to go on, you find those contests conducted on a higher plane and with a better feeling, and it is more easy to reach a settlement, and when settlements are reached there is less bitterness.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock this afternoon, to meet at the same place. Kindly resume the stand at 2 o'clock this afternoon, Mr. Walker.

(At 12.30 p. m. of this Tuesday, July 21, 1914, a recess was taken until 2 o'clock this afternoon.)

AFTERNOON SESSION.

The commission met pursuant to adjournment.

Chairman WALSH. The commission will please come to order. Mr. Edwin Krauthoff, president of the Commercial Law League of America, will now say a few words before this body.

Mr. KRAUTHOFF. May it please the commission. There is in session in this hotel a body of commercial lawyers comprising some 700 delegates, the organization comprising some 3,700 members dealing peculiarly with problems of commerce, realizing that industry is the basis of commerce and that without industry there can be no commerce, the league thought it fit that the league, through its president, present its compliments to the commission and to give it encouragement in its work.

It will be gratifying to the league if the engagements of the commission will permit the commission to visit the sessions of our league; to be received with the courtesies of the league. We meet to-day, Wednesday, and Thursday, at 10 o'clock in the morning and half past 3 o'clock in the afternoon. If the commission, at its convenience, will advise us of the time it will be convenient for the commission to call, we shall be very glad to receive you.

At 7 o'clock this evening the annual dinner of the league will be given, which we will be very gratified if the engagements of the commission will permit to have you for our guests upon that occasion. We certainly are desirous that your chairman will be with us and address us upon that occasion.

Chairman WALSH. On behalf of the commission I return its most sincere thanks, but I am sorry to say that we have an engagement, made some time ago, for this evening in a body, but I am sure that the commission will take occasion at some time during your sitting to call upon you.

Mr. KRAUTHOFF. You will advise us so you may be properly received?

Chairman WALSH. We will advise you. I thank you, Mr. Krauthoff, very much.

Mr. Thompson, you may proceed.

TESTIMONY OF MR. JOHN H. WALKER—Continued.

Mr. THOMPSON. Mr. Walker, referring to the question of industrial unrest which we spoke of this morning and which you divided into two classes, the fundamental unrest and the superficial unrest, as I would call it, the latter of which causes strikes and outbreaks, what is your opinion or view as to what this commission could do, sitting as a governmental body, hearing evidence, making reports and recommendations, to correct, with reference to one or both of these conditions of which you have spoken?

Mr. WALKER. That question involves, the way I figure it, almost an answer if it satisfactorily works out to reach the conclusion of the present industrial unrest. I do not know that I can go into detail in the matter, but I have my views on it, and I am willing to give them to you. I believe that every worker, no matter in what industry engaged, should be organized; should be required by law to organize. I believe every employer, no matter in what industry engaged, should be required also by law to organize. I believe that a thorough knowledge of both sides of every phase of the industry will mean elimination of the unnecessary—of the strikes that can be avoided, disturbances that can be avoided. Through those organizations with their joint relations that must necessarily follow will come education that will enable one to understand the other's point of view and just how each condition in the industry affects the different sides. I believe that in so far as they can adjust their disputes on the basis of the absolute facts that they should be allowed to do it. But I think each side should get whatever help can be given by people disinterested in the particular problems in the industry, which affect the principals in each side and who do not really represent the rest of the people in the United States who are affected indirectly by a disturbance.

That element of our people should be represented in the conferences on both sides while existing conditions continue, and they should have at their disposal and should have prepared beforehand complete detailed knowledge of the actual conditions affecting that industry, so that neither side could take advantage of the other because of ignorance on these matters. That before a final disagreement had been reached they should have the benefit of the information on both sides so that if either side was wrong they would know they could not escape the responsibility for their act, and in addition the good offices as mediators trying to bring about settlement could have been given in the most effective manner to both sides before such a disagreement would be reached. I believe if that is done that it will work out and have the result of both sides not only thoroughly coming to an understanding of their particular position in the industry but the point of view of each other and how it affects them, that they will get to understand the facts in the case and that the whole education and thorough knowledge of these things not only from their own point of view that affects them in their own industries but as it affects the whole people will result in the practical elimination of these contests. As I stated to you before, the double standard, in my judgment, unconsciously and in most instances is responsible for what we believe are wrong, assuming positions that are wrong in morals and equity absolutely.

I think these laws should provide that there is a maximum rate of interest or profit that an employer should have. I think personally that an employer should not have a penny more than what the services or his services are actually worth in the industry; and ultimately that provision should be made for seeing that that is all he got; but while present conditions obtain I believe there should be a maximum set, and beyond which he could not go, that would

be in the judgment of the majority of the people in the Nation who believe the present system is correct—would be as far as they could go; that there should be a minimum wage established which would enable the workers in the Nation to protect themselves physically, see that they got an education, protect the citizen of the future race and our own Nation; and I think that there should be a maximum number of hours in which any person could work. I think the Government has authority to do this as a police regulation in the interests of the standard of citizenship, protection of the weak. I believe those things should be done, and a minimization of the amount of profits that could be taken out of any industry. I believe that should be provided by law; if that is done, in my judgment, while immediately it may not result in the entire elimination of industrial disputes, I feel that it will minimize them, and more and more as we come to thoroughly understand the situation will minimize them, and ultimately, I believe, it will result in the kind of education that will establish absolutely one standard of living founded on justice and fair dealing, and then we will practically have industrial disputes, as we know them now, eliminated.

Mr. THOMPSON. Referring to the first part of your statement, Mr. Walker, in which you said that you believed some method could be devised by which both sides could get at the facts—the absolute truth—beforehand, and in that way would eliminate a lot of disagreements; have you thought of any machinery, legal machinery, of any kind or character which would carry out your idea in that respect?

Mr. WALKER. The main thing, of course, will be to have absolutely honest and impartial men who are thoroughly competent to do that work, if it is possible to find those men, and give them legally the right to penalize any attempt to prevent their getting access to the books or of having evidence in connection with the entire business, from dealing with the raw material, and that will enable the Government to get the information that is needed to enable both sides to thoroughly understand each other's position.

Mr. THOMPSON. Do you think that a commission, a national commission, having the same powers in the industrial world that the Interstate Commerce Commission does in the railroad world, would be your idea of the kind of a commission?

Mr. WALKER. Well, my experience with appointive commissions from political sources has left me with but very little confidence in them, and I believe that the kind of commission that should serve in that capacity would be men selected by workers on one side and the employers on the other side, and the workers and the employers themselves should agree on the disinterested parties that should serve in that capacity. My experience in Illinois on legal matters in regard to the mining industry has satisfied me we will get the best results from that kind of a commission.

Mr. THOMPSON. Assuming a commission was so constituted as you state, then you believe the commission should have the power as broad as the railroad commission?

Mr. WALKER. I don't know what power they have.

Mr. THOMPSON. They have the power to order a system of bookkeeping and the like of that, all down the line. In other words, you believe a commission should be constituted or instituted that would have full power of investigation?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. To whatever extent the commission considered necessary?

Mr. WALKER. Yes; and I believe if it can be done legally, provision should be made for a most thorough kind of investigation and the getting of the facts and leaving as little as possible to the commission.

Mr. THOMPSON. You believe a commission or council—call it an industrial council—would be a step in advance?

Mr. WALKER. If selected in the manner as suggested. I don't believe it would if selected by another method, because I think everybody on both sides would always look with suspicion on it.

Mr. THOMPSON. I am assuming it constituted as you state.

Mr. WALKER. Yes, sir.

Mr. THOMPSON. State briefly your experience on the mining board of Illinois which has given you that point of view.

Mr. WALKER. Well, I have had, as I have said, about 15 years' experience in some capacity acting for the miners' organizations. There was a great many things we thought we could reach through legislative enactments or that it was not the best avenue of reaching through economic organizations. The mine

workers used to go up to the legislature with what, in their judgment, was the amendments and new laws that should be enacted affecting the mining industry. The coal operators used to have their men go there with the same sort of laws, and, of course, on both sides the instructions to fight the kind of laws that was being introduced on the other side that they thought should not be enacted.

We would go in there and have open meetings before the committees and before the sessions of the legislature, and the average layman don't understand mining conditions, and the gentlemen on both sides at times unconsciously, and, in my judgment, sometimes possibly figuring they might get an advantage through it, made colored statements with reference to what legislation they wanted and the legislation they were opposed to, and at times they would be in direct conflict, and the legislator wouldn't know anything about it and would throw up his hands. If they did anything, it was guesswork rather than knowledge of facts to base their action on, and they were loath to do anything for either side. At least the honest, unbiased ones who were not there with strings on them were loath. They wanted to do what was right. They told us if we could get together and agree on the kind of legislation we wanted they would be glad to enact any kind we wanted. It would eliminate the trouble they were put up against by that method we were then using on both sides. And it resulted generally in extreme legislation—the old method—being enacted one way or the other.

We decided we would try to work out a method on the basis of their request, and introduced a bill which provided for what is known as the mining investigation commission, composed of nine members, three representing the miners and three the operators and three to be disinterested so far as their direct material connection with the industry was concerned, and among whom there had to be at least one technical mining expert. The law, of course, provided that the governor would appoint those commissioners. The governor understood the situation, understood what we wanted on both sides, and knew unless he had the good will of both sides with reference to the commission the commission's work would really amount to nothing. And I don't know whether I am relating confidences or not, but he said he would like to have the mine workers select the three men they wanted on their side of the commission and he would like to have the coal operators select the three men they wanted and he would like to have the coal operators and miners agree, if they can, on the three disinterested parties that will serve in that capacity. We agreed, and while I don't suppose it has been generally satisfactory completely to either side, my own judgment is we have made greater progress in enacting humane accident-preventing legislation in the mining industry than for any similar period in the history of the mining industry in Illinois, and we have agreed generally on the legislation we have presented.

We went in with instructions from both sides—I take it the other side got instructions the same as us—but these gentlemen who were disinterested parties, after hearing all argument, gave us the disinterested point of view, and we know they were friends of the industry or we would not have selected them. Besides showing us at times the extreme position we were taking that were hardly fair and hardly warranted by the circumstances, and then when a dispute arises that would involve a cessation of work and a cessation of labor that would be unfair, they exerted those influences on both sides that would bring us together. While, as I repeat, it has not been always satisfactory, still we have made greater progress, and there has not been, to my knowledge, since that commission was created any serious controversy in the legislature over mining legislation.

Mr. THOMPSON. Then, in your opinion, so far as the institution, say, of a Federal industrial council, selected in that method, and having full power of investigation, would be a step in advance?

Mr. WALKER. I would believe it would be in disputes as well as legislative matters.

Mr. THOMPSON. Referring to organization, I take it as being a citizen of this country——

Mr. WALKER. Just a moment before you ask that question. I want to make clear that the decision of the arbitrator wasn't binding on either side in matters of legislation. In the matter of industrial disputes, I believe the same condition should prevail. I don't believe they should have the arbitrary right to settle them except both parties agree they should do it.

Mr. THOMPSON. If they should make a decision, would you say the decision should be binding or would it be left to the voluntary action of either side to carry it out or not?

Mr. WALKER. The organic law creating the commission said that either side could disagree with the report of the commission and retain the right to make their own report.

Mr. THOMPSON. Do you think that should be in the law creating the commission we speak of?

Mr. WALKER. In order to protect each side and maintain the principles of each side they would not be done injustice I feel that it is absolutely necessary that that condition should obtain.

Mr. THOMPSON. If I understand you correctly and if I understand Mr. Carter, the head of the locomotive engineers and firemen, he took the position with reference to the present national act relating to the railroads that they don't wish to arbitrate, because the railroads refuse to carry out the award of the commission or board. Apparently his idea is when an award is made by such a board—that is, a board formed, as you probably know, under the Newlands Act—he is apparently of a view that such award should be binding on both sides. If that is his view, you disagree with it; is that right?

Mr. WALKER. I certainly do.

Mr. THOMPSON. You are a citizen of this country?

Mr. WALKER. I am a citizen of this country.

Mr. THOMPSON. You believe in the democratic institutions, I take it?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Labor unions are democratic institutions, are they not?

Mr. WALKER. I know the ones I have been connected with are.

Mr. THOMPSON. That is the theory of all unions, is it not?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Each member has an equal voice with every other member in carrying out the organization?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. And in the selection of the officers?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Of course, you know in our Government as such, we have had a great deal of difficulty as a people in protecting the expression of the democratic will. Various laws have been passed in this State, for instance, and in other States, registration laws and others, to protect the expression of the will of the voter when he comes up to the polling place. Generally, do you believe in laws that have that effect, that are calculated to safeguard the ballot in government generally?

Mr. WALKER. I certainly do.

Mr. THOMPSON. Do you believe that the same effort, if needed, should be made to safeguard the ballot in the union?

Mr. WALKER. I do.

Mr. THOMPSON. In other words, if the primary law operates good in general democratic institutions of the State, if such a law were needed in the management and organization and elections of the union, then you would be in favor of such a law? I mean if it were necessary to protect the ballot?

Mr. WALKER. I would be in favor of that law being the minimum means of getting a democratic expression from the membership in the conduct of an organization, but I would not want that law to be the maximum or stand in the way of an organization who had possibly gone farther in the understanding of these matters, providing even better provisions for seeing that the organization was handled democratically absolutely and kept in the hands of a majority all the time.

Mr. THOMPSON. What do you mean by better? Who finally would be the ones to determine whether or not the laws of the union were better, say, than the State laws passed like a primary law protecting the ballot?

Mr. WALKER. I can give you a concrete illustration. You can have a primary ballot and it don't mean that the man with the majority of votes is the candidate. It don't mean that the man who is a candidate gets a majority of votes to elect him to the position. If an organization has got to a place where they can arrange to see its will take an absolutely free expression of a majority of its members to decide who its officers will be and what its policy will be, I don't want the law to stand in the way of having the right to do that.

Mr. THOMPSON. Where would you want to leave the power to determine that?

Mr. WALKER. In the hands of the membership of the organization itself.

Mr. THOMPSON. If such a law were in existence and if you thought such a law were wise, you think that whether it should apply or not should be left as a matter of local option to the different organizations to make it a part of their business or not?

Mr. WALKER. Well, in the case where there was despotism established in an organization of workers outside I don't know whether I would favor legal provision for having that condition changed or not, because you can't tell what will happen if you give them that power. If I was sure it would only be used to put the organization in the hands of the members, I would be willing to have it provided by law; but under the present circumstances I doubt very much whether it would be used disinterestedly to do that.

Mr. THOMPSON. But if a law could be framed that would be disinterested, that could not be used by any faction of the public for the purpose of controlling the other faction, then you would not see any objection to it?

Mr. WALKER. I could not see any objection, except I would rather do it myself than have some outside force do it for me.

Mr. THOMPSON. In practically all States of this Union we have found it necessary to pass laws to protect the purity of the ballot.

Mr. WALKER. Yes, and most of the States insist on having certain regulations—Federal, which they can't go beyond—having the right to pass their own laws to protect the ballot.

Mr. THOMPSON. Do you know of any instance, politically, where primary laws or registration laws or other laws passed for the protection of the ballot have been used by one class against the other? Have not they generally been used as a restraining influence on politicians as such; instead of giving him more power, haven't they taken power away from him?

Mr. WALKER. Generally I think that is true. I think there have been enough exceptions to prove the rule.

Mr. THOMPSON. I agree with you on that. With reference to the trade movement, which is essentially a democratic movement, complaint has been made more or less that the expression of the will of the membership is throttled. Have you anything yourself to say with reference to whether that is so in any particular instance, and what you would prescribe, if anything?

Mr. WALKER. I have heard men in the organization make that statement, but my own knowledge of the circumstances convinces me it was because they could not get their will imposed upon the majority that they were making that statement. I have had personal experience of that sort of statement coming from people outside of the organization. Take our strike four years ago with the mine workers in Illinois. Some of my friends are in the hall; I don't know whether they had anything to do with it or not; but I know almost every train that left Chicago had a man at the end of the train throwing out bills making the claim that the officers throttled the expression of the membership with reference to whether or not they would accept the agreement the operators were proposing, and the facts in the case were absolutely to the contrary, and I found most of the expressions of that kind, made either from within or without, have been actuated by some personal interest of their own rather than a desire to protect the interest of the majority. I believe, though, that there have been some complaints made that were really well founded at times on the part of men that they did not have that kind of expression—made by honest, competent men; and if there was some authority and some means of saying that they could get the expression I believe that it would be a good thing. I would not be a bit surprised if you will enact laws that will compel every worker to get in the union and give the Government credit for going that far that they might be willing to have that and adopt regulations to see that the majority has a right to rule and give expression to the will of the majority.

Mr. THOMPSON. It has been stated, Mr. Walker, on the stand before this commission in Washington, that that section of the Canadian act which restrains the workers from striking until investigation, or at least 30 days have elapsed, for the purpose of giving investigation to the government body, is more or less in the nature of slavery and as a matter of fact could not be enforced. I think both Mr. Gompers and MacKenzie King of Canada made that statement. Now, how would you enforce a law to compel the people to join the union? What power would the Government have to do that even if it should be passed? Suppose 50,000 men in the city of Chicago decide they won't join the union, how would you force them to join?

Mr. WALKER. If you haul them up and put them in jail, I think it would have a good effect on them.

Mr. THOMPSON. It would take a very large jail. Mr. MacKenzie gave this instance of a strike of 6,000 coal miners in the western part of Canada, you have that field of work and he said it simply means the putting of 6,000 men in jail and he didn't believe in doing foolish things like that.

Mr. WALKER. It was not because they refused to join the union that he was going to put them in jail; that was not the reason.

Mr. THOMPSON. He said you couldn't put them into jail for whatever reason it might be, but that is the fact.

Commissioner O'CONNELL. They were out in violation of the Canadian act?

Mr. THOMPSON. Yes, sir.

Commissioner O'CONNELL. He did not enforce the act.

Mr. THOMPSON. Does the act in all respects meet your approval? He said no, and the question was asked why, and he said he didn't believe in doing a foolish thing like that.

What in the act would constitute the foolish thing? This position you could not imprison?

Mr. WALKER. There would be this difference in the case cited: If these men went to work for 30 days, they were required to work, the operators would have been able to put away enough stuff and coal to supply their customers for 30 days before the strike would affect them at all, and the men were opposed to doing that thing. In the other matter——

Mr. THOMPSON. I brought that up because you stated previously in your statement that is the reason, and I wished to see how you would carry out such a law even though they haven't found it well in Canada. With reference to the question of violence, the subject of violence has been talked about more or less in connection with organized labor; what is your opinion on that subject, if you have one?

Mr. WALKER. Well, to begin with the labor movement is absolutely in opposition to using other than legal, peaceable means. Generally their own power and influence is used to prevent any. In my own experience it has been where the other side by other means did not interfere and make it impossible for the workers to avoid it, there has not been any violence, I think. In the struggle we had four years ago there were over 70,000 men involved. It lasted four months and a half, and my recollection is that there was not a single man arrested even under a justice warrant for breach of peace during that entire time. The operators did not attempt to resort to violence themselves to accomplish their purpose. And neither did they import men to take those men's places. I do not know, if they had imported men to take their places, I would not guarantee that there would have been some men who persuaded some of those fellows who came to take their places, not to take them; but what there might have been enough excitement generated to actually warrant a justice warrant having been issued.

Mr. THOMPSON. So, Mr. Walker, is it not the public opinion generally that where there is a strike of any magnitude, where there has been the importation of others to carry on the work, that violence even to a greater or less degree has ensued, is that not the common public opinion?

Mr. WALKER. There is either to a greater or lesser extent; sometimes very little.

Mr. THOMPSON. Sometimes very little?

Mr. WALKER. There is.

Mr. THOMPSON. How do you account for that fact because the parties, so far as the law goes, would be within the law except in a case of violence?

Mr. WALKER. Well, I have been taught since childhood that the highest law affecting the human race was self-preservation, and the first law, and if a man is in a community, has got his family there and he is striking against intolerable conditions, he has not got money to move out, his family suffering from privation, some one takes his place, it means starvation, giving up everything they have in the wrld, having to go out of there, that possibly starvation to the extent of death, because that thing has happened right here in our own State, that the men like any other kind, under those circumstances they might do things that they would not do ordinarily under any circumstances if they had, however, a chance to be treated half-way fairly at all; and particularly when the other side endeavor to import those men to take their places, the imported men, hired spotters to be among them and excite them to acts of violence, insult them, abuse them, I don't see where any sane person could expect any person but something to happen, and my own convictions

are that if you could take the same number of people who are outside of the unions, from any walk in life at all, I do not care what kind, men even better educated among them, and putting them under the same stress and strain and in the same circumstances, that there would be even more violence than what happened with the union men.

Mr. THOMPSON. Then, in your opinion, the violence is not due to the fact that unions exist, but due to our ordinary human nature; is that it?

Mr. WALKER. Yes; ordinary human nature and a desire to live and get what is right.

Mr. THOMPSON. Which is part of human nature.

Mr. WALKER. Yes.

Mr. THOMPSON. In what respect would that attitude of men who happened to be in an organization differ from the attitude of governments as they exist in this world to-day?

Mr. WALKER. Well, from what little knowledge I have gleaned out of reading history in books and in newspapers, my own convictions are that governments, not excepting our own one, would not begin to go half as far as a union will to avoid trouble and to maintain peace. What has occurred in Mexico is pretty good evidence. Only something with reference to a flag there; it was not bread and butter or their women and children involved in the matter at all in a concrete way; maybe in an indirect way it was. But it resulted in a number of our men—in the Government sending a trained army down to compel the other side to go through that performance with the flag that they expected them to go through. That resulted in the loss of, I think, over 20 lives of our own men and two or three hundred of the others. I know if the union was to go into that kind of trouble on matters that affected them as little materially, and their families, there would be much more violence than there has been in the past.

Mr. THOMPSON. Coming back, Mr. Walker, to the question of the organization of unions and the power of the officials as they exist and as you know them, in your opinion do the officials have too much or too little power, particularly with reference to the right to call strikes?

Mr. WALKER. Well, that is a pretty difficult question to answer. I can answer it in a general way, because some officials have no power to call strikes and other officials have power to do almost anything they want to. I believe that, taking the organization I am most familiar with—that is, the Illinois Mine Workers' Union—that their powers in that respect are about as nearly ideal as you can figure them. I do not think you could give them much more power without endangering—that is, under the law—without endangering its being used unwisely. I do not think you could take but very little of the power from them that they have without making it impossible for their being able to use that power in order to get anything like reasonable treatment from the other side.

Mr. THOMPSON. Briefly stated, Mr. Walker, what power has the official in your organization?

Mr. WALKER. Well, Mr. Thompson——

Mr. THOMPSON. To call strikes?

Mr. WALKER. The only authority in the State of Illinois in the miners' union to call strikes is what they call the district executive board. That is, I think, at the present time the nine district executive boards and the members, president, vice president, secretary, and treasurer. They represent specified districts; they are the same as congressional districts, only within the State. If an individual has a dispute with a mine manager under our contracts and under our laws his duty is to try and adjust it with the mine manager first. The mine manager or the assistant is the lowest subordinate official of the operator in the operation of the mines. They are supposed to try and adjust these matters between themselves. In the event that he fails, then he calls in the mine committee—not more that three of them, each mine—and they take the matter up again with the mine manager. In the event they fail, they call in the miners' local president, along with the committee. They take it up with the mine manager again. In the event they fail, then they call in the subdistrict president—I think there are 10 subdistricts in the State organization—who takes the matter up with the superintendent and tries to adjust it. If they fail, then the State board or executive board for that district takes the matter up with the operators' commissioners. The operators have commissioners selected to handle disputes in different districts. They haven't got as many as we have, because our district executive boards have got to settle disputes within the organization as well as between the organization and the operators. If

they fail to adjust it, then it goes to what they call the board, which means four or five officials representing the miners' union. The board is composed of the resident officers—president, vice president, secretary, treasurer—with the board members from that district for all of the operators' associations. So that it gets past where the individual directly involved is attempting to handle it. Then, if they fail to settle it, a strike can be declared. If it is declared legally, it is declared by the State executive boards with all the miners' unions of the entire State. That removes the personal element in the handling of these disputes the last time they are handled and before a strike can be called.

Mr. THOMPSON. Take, Mr. Walker, a case which may exist in other lines of industry or craft, where an immediate strike would be necessary to prevent an injustice being done, at least in the minds of the union people. What means could there be to safeguard the interests both of the union and of the employer that such a strike should not be called illegally and for improper purposes? How could that be done?

Mr. WALKER. Well, it is pretty difficult to do that. In the first place you will have to try to get a majority element in control on both sides who are honest; and that can only be done by an organization of the employers as well as the employees. I believe that ordinarily a majority of the workers want to do the right thing. They have got nothing to gain by doing the work in a wrong manner, doing the wrong thing. If you have an association of employers, I believe the majority would want to do the right thing. And if some means along the same lines that the mine workers have operated between them and the coal operators could be adopted that would prevent the calling of illegal strikes for improper purposes, although there is a difference of opinion at times. Sometimes operators do not agree—that is, even when we have gone through that gamut and the executive board calls a strike—and I might say the question of opinion as to the injustice of the opinion of the other is not confined to the operators at all. Sometimes we are equally positive that they do things that are absolutely unfair and wrong. Now, in an industry where there is one employer alone and there is a local union, that one employer can act at a moment's notice any time on his side of the question. If you were to operate legally and the other side had a long gamut to go through before they could act, it would be unfair. Not only that, but where there is one employer alone that fellow can do as he pleases and there is no future consequences if he can get away with it, as he is strictly involved, and sometimes it results in his doing something that is not right by a long way.

Mr. THOMPSON. Take a case, Mr. Walker, which is easily thinkable, where there are many employers, many organizations, but where a question may arise of work being done contrary to union rules, we will say, whatever it may be, and if it is delayed for a week the work will be finished, for instance, where you can't go through a long gamut, what would you suggest in such cases to protect the union, to protect the public and the employer against either the indiscreet or wrongful actions of a leader in calling a strike?

Mr. WALKER. If it was an employer that was attempting to do something unfair that unless a strike was called immediately he would be able to get away with it; then, I suppose we would have to take chances with the officials under those circumstances. But if it was an association doing business with the general organization of the workers and in the particular industry while our arrangement is not perfect by a long way, we have got an arrangement there that does provide in a degree for a condition of that kind. If an employer discharges one of our people unfairly, or if he tries to get a piece of work done under conditions that are in violation of the contract, in the case of the discharge or throwing idle of our members, if we can prove that he did it wrongfully, they are compelled to pay the penalty or at least to pay those men their wages for the length of time they were off; if they attempted to create a condition other than provided for in the contract, deliberately, and we could prove it, there is a penalty they would have to pay for that specific act. And in cases of that kind it is common sense to believe that the officials of an organization will use the machinery as rapidly as possible to get that situation to the attention of the higher authority of the employer's side and get it in their own hands so that if they don't get recognition they can take intelligent action.

Mr. THOMPSON. I take it, Mr. Walker, from what you say, that you would agree with the testimony of Mr. Peabody, at Washington, and Eidlitz, president of the employers' association in New York, in the building trades, the stronger organization of the employers' side is helpful in eradicating such instances as that spoken of?

Mr. WALKER. When it is used in that way.

Mr. THOMPSON. Do you believe, generally, in the organization of the employers?

Mr. WALKER. What is that?

Mr. THOMPSON. Do you believe, generally, in the organization of the employers into an association?

Mr. WALKER. I believe in the organization of the employers when you provide at the same time for the organization of the employees.

Mr. THOMPSON. Suppose it is purely a voluntary matter with both sides, workers and employers; do you believe in the organization of the employers?

Mr. WALKER. Well it is dog eat dog doing business when it gets into that shape; it isn't then a question of right or wrong generally that enters into the matter. It is a question of what you can do will be for the best interests when it gets into that shape.

Mr. THOMPSON. Mr. Eidlitz used this statement, that the stronger the organization on both sides the better it would be.

Mr. WALKER. Yes; if they don't try to get together.

Mr. THOMPSON. Would you think that would operate—does that operate that way?

Mr. WALKER. It does. You can have the stronger if you have the organization on both sides.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. Yes. Mr. Walker, going back to the original statement with regard to the causes underlying industrial unrest, have you ever met with a labor man who did not feel, in a greater or lesser degree, although he may not be able to describe it in set terms, but who felt that his labor was not getting enough in proportion to the profit of the employer?

Mr. WALKER. I never met one who did not feel that. I do not think he thought it was.

Commissioner GARRETSON. Since that feeling exists, then, since the man believes that he is not getting a reasonable portion of the fruit of his labor, will not industrial unrest continue?

Mr. WALKER. I believe that industrial unrest will continue until he feels that he is getting all that he is entitled to for his labor.

Commissioner GARRETSON. What would be your remedy, or would you have one to propose, for the present inequalities that laboring men believe exist in that direction?

Mr. WALKER. Well, I believe that if it can be done at all by legal enactment that fictitious values, watered stock, inflated values should be absolutely eliminated, and then in the degree that the moral conception of the public became clarified as to absolute justice that the amount of exploitation that the employer could do with the employees should be reduced.

Commissioner GARRETSON. Do you believe that there should be a limitation placed by any means upon the amount of private fortune that should be accumulated?

Mr. WALKER. Well, I do not so much believe in the restriction of the amount of the private fortune that can be accumulated, but I do believe in restricting the methods by which people can accumulate private fortunes.

Commissioner GARRETSON. Would not the results be the same, then, whether applied one way or the other, if it acted for the abolition of the fortune—wouldn't the result be the same whether it was one method or the other, or would it?

Mr. WALKER. Well, generally speaking, that would be true, but they might accomplish the same results they are accomplishing now by—instead of using different names of corporations they do business under, the same people, they would divide their fortune among different members of the family.

Commissioner GARRETSON. Would an inheritance or income tax, or both, if that was prohibitable, would that have a certain amount of influence on that question?

Mr. WALKER. Well, I believe when you add the income tax to old John D.'s fortune, he simply adds it to the price of oil and on the other things that he has control of.

Commissioner GARRETSON. In another direction. You spoke in regard to your belief of the voluntary action in the industrial council, whatever name it might be that Mr. Thompson asked a question in regard to, I gathered that you were in favor of voluntary action on both the part of the men as well as the part of

the employer in submitting themselves to a council of that character for the settlement of industrial troubles.

Mr. WALKER. Yes.

Commissioner GARRETSON. But I misunderstood you or thought I misunderstood your reply to another question: If in the course of that settlement both sides agree to submit to arbitration—voluntarily agree to submit to arbitration and draw up stipulations under which arbitration is had—then you absolutely believe in a religious adherence to the verdict handed down?

Mr. WALKER. Absolutely.

Commissioner GARRETSON. Then you are in accord, instead of being in disagreement—you are really in accord with Carter's (?) position that if you arbitrate you should abide by the verdict?

Mr. WALKER. Yes.

Commissioner GARRETSON. His attitude is that he refuses to arbitrate on account of the failure to carry out those terms after the verdict was handed. Would you be in accord with that idea?

Mr. WALKER. If the gentleman fooled me once he would have a hard time doing it the next time.

Commissioner GARRETSON. Anybody could get you once?

Mr. WALKER. Yes.

Commissioner GARRETSON. Some more of us are that way. Do you believe any form of legislation can protect the apathetic majority from themselves—from their inaction? To illustrate: If there is a precinct voting district in which there are 100,000 voters, if 60,000 of those voters would not vote, would legislation protect them from what the 40,000 who do vote do?

Mr. WALKER. Well, I don't think you could make them vote right. If you put enough penalty on them for not voting, I think you could make them vote.

Commissioner GARRETSON. But if he would not vote you can not protect him against his own inaction?

Mr. WALKER. If you put enough penalty on for not voting I think he will vote.

Commissioner GARRETSON. But assuming he don't vote?

Mr. WALKER. If he don't vote——

Commissioner GARRETSON. He will be the victim of his own inaction, will he not?

Mr. WALKER. Yes; he will; but I wouldn't care if he was the only victim.

Commissioner GARRETSON. How is that?

Mr. WALKER. It would not be so bad if he was the only victim.

Chairman WALSH. Did you have some questions, Mr. Ballard?

Commissioner BALLARD. Yes. I would just like to ask one question: You spoke about Mount Vernon and making cars and the wages they paid in that town. Does it cost more to live—the living cost—in a town like that than in a town like Chicago?

Mr. WALKER. Well, that depends on the kind of living you get. I expect if a person wanted to live the way there that they do up here it would cost them at least as much, if not more.

Commissioner BALLARD. Could they live the same way—have they the same fine hotels and big apartment houses?

Mr. WALKER. The average worker don't live in hotels; the average worker in Chicago don't live in hotels, either.

Commissioner BALLARD. You, then, think they can live the same in a small town as they live in the city of Chicago?

Mr. WALKER. My experience has been that the sort of town don't cut much figure. It is the kind of commercial men's association that is established in the town who control the selling prices and the buying prices.

Commissioner BALLARD. That was not the testimony given in New York. They claimed in New York that they had to have different wages there because it cost them more to live in New York than in other places; therefore they had to have higher prices. You do not agree with that?

Mr. WALKER. I do not just get your question clearly.

Commissioner BALLARD. I mean to ask, Does it cost the average workingman as much to live in a small town as it does in a large city?

Mr. WALKER. Some of them it does cost more and some it costs less.

Commissioner BALLARD. That is all.

Commissioner LENNON. Mr. Walker, have you ever observed or made any investigation of violations of the law to keep the peace in times of industrial strikes and in times of peace to see how they compare? For instance, where

there are some miners arrested for violating the peace of the community during the strike, were there as many miners arrested when there was no strike?

Mr. WALKER. I think during the last—there was less arrests in Illinois in the mining community during the time of the strike than there was during normal times when there was no strike on.

Commissioner LENNON. I know the position you have held a long time. In your position have you ever known of an authorization by miners, by a miners' union or by a miners' executive board or by a single official of a miners' organization, authorizing the men to be guilty of violence?

Mr. WALKER. I do not know of any direct knowledge, except when hired gunmen, some of them with known records as criminals, were invading their homes, that men were advised to protect themselves.

Commissioner LENNON. At their homes?

Mr. WALKER. Yes. Outside of that, I have no knowledge of any in the movements to advise the employment of violence or violation of law.

Commissioner LENNON. Take the situation of miners you had in Illinois 20 years ago—you have been in Illinois 20 years, haven't you?

Mr. WALKER. Yes; easily that.

Commissioner LENNON. Take the situation of the miners 20 years ago and now. Has their material condition improved; that is to say, do they make better wages and work under better conditions now than they did 20 years ago?

Mr. WALKER. I take it as a whole that their wages have increased almost 100 per cent and that their working conditions have been made better 1,000 per cent.

Commissioner LENNON. Well, now, what effect has that had as to the elimination of social discontent among the miners? Has the social discontent increased or decreased during that 20 years?

Mr. WALKER. That discontent has very generally, in my judgment, adopted a different form. There is not the individual blind prejudice that has existed in the past on the part of the miners, who have had the benefit of this change, who have had the benefit of the opportunity to live in the mining industries in Illinois during that time. Now, suppose the men on the other side, which say there can be so much difference in the feeling, forget that there is possibly two-thirds of the miners that are in the mines in Illinois, now in the mining communities in Illinois, who have been imported into our country in recent years, who have brought with them all of the old prejudices and superstitions and customs and the illiteracy that coming from southern Europe means, without any reflection on the men from that country. I find people pretty much alike everywhere, if you will only give them a chance. But with the men that have been in the mines for 20 years there is just as intense desire on their part to make whatever improvements they believe they are entitled to as there was in the old days; but there are different methods adopted by them in trying to make those improvments. They do it in an intelligent, rational, systematic manner.

Commissioner LENNON. Do you believe the increase of general intelligence among the workingmen has tended to increase the discontent?

Mr. WALKER. Not the blind prejudice and the discontent that means so much to the detriment of industry and the people generally. I do not think it has lessened the desire on the part of those men to make what improvements they really feel they are entitled to, but it has lessened the efforts on their part blindly as individuals or as localities indiscriminately and sporadically by force to make those improvements, and has resulted in the taking, in the mining communities, the average miner that has been in the organization since it was first started, if he has a condition, a working condition, that he is opposed to, that he thinks ought to be improved on, he first finds out whether under the contract he can improve it; and if he can't, then he makes up his mind to wait until the end of the contract to take the matter up in the making of the new agreement and try to have the matter adjusted then.

Commissioner LENNON. Wouldn't, in your opinion, the effort of education among the working people give them a better understanding of what their rights as miners are in the community, and what their social rights are, and cause them to stand more strongly for the righting of those things which are wrong than they did 20 years ago, collectively to act together?

Mr. WALKER. Yes; the more intelligently, I think, possibly, and more intently make a more sustained effort to get them.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Commons would like to ask some questions.

Commissioner COMMONS. Mr. Walker, has there been improved safety in the mines in the last 10 or 12 years?

Mr. WALKER. Very much.

Commissioner COMMONS. Does that come about by this joint legislative scheme that you speak of?

Mr. WALKER. Some of it; some of it came about by the old method.

Commissioner COMMONS. And the old method was——

Mr. WALKER. Each side going on as you please in the legislature and getting what they could.

Commissioner COMMONS. What is the State inspection of mines in this State? Is there a force of State officers or State mine inspectors?

Mr. WALKER. Yes; a force of State mine inspectors, and there are county mine inspectors.

Commissioner COMMONS. How are they selected?

Mr. WALKER. The State mine inspectors are selected at the present time by civil service, I think; the county mine inspectors are selected by the board of supervisors in each county.

Commissioner COMMONS. They have been an important part in improving the condition of the mines?

Mr. WALKER. Yes and no. Up until the present time they have been appointed in most instances because of political pressure they could bring to bear rather than because of their qualifications to discharge the duties that were supposed to go with that office.

Commissioner COMMONS. You are speaking now of the State inspectors, or county?

Mr. WALKER. I am speaking of both of them.

Commissioner COMMONS. You said they were selected by civil service?

Mr. WALKER. Recently; in recent years I understand the State mine inspectors have been selected by civil service.

Commissioner COMMONS. And has that brought about an improvement in their qualifications?

Mr. WALKER. I do not think it has.

Commissisoner COMMONS. It ought to. Why not?

Mr. WALKER. The civil service as an institution could be used if it was put in; it is just like getting good arbiters; you may get thoroughly competent men to act, and a civil-service bureau that will aid the appointment of the right men would be all right. It should make for the highest efficiency in those positions, but at the same time, if one has had anything to do with the workings of the civil-service bureau, instead of making for higher efficiency, in my judgment, it makes for greater safety on the part of the politicians that do the appointing; a greater range or leeway in selecting their political friends for the job.

Commissioner COMMONS. Are these county inspectors appointed by civil service?

Mr. WALKER. No; they are appointed by the board of supervisors. They are more nearly appointed from among the men who are of the same political faith as the majority of the board of supervisors. That is the first qualification. The next is their efficiency and their ability and their good standing with their party. But being so close to the people, because the supervisors are elected directly by the people in that county, I believe they are more responsive.

Commissioner COMMONS. What salaries do these people get, these inspectors?

Mr. WALKER. Well, I think, while I am not sure, it is $1,800 a year.

Commissioner COMMONS. Do you think that is a high enough salary to get well qualified inspectors?

Mr. WALKER. I do not believe it is a high enough salary to get good, competent, efficient men to do that work.

Commissioner COMMONS. What qualifications should they have more than being an expert miner?

Mr. WALKER. Are you asking with reference to the ones on the job now?

Commissioner COMMONS. If you are trying to get the best kind of inspector, what would your idea be, to select an expert miner?

Mr. WALKER. I thought he ought to be an expert practical miner and then pass a technical examination as well to prove that he not only thoroughly understands the practical workings of mines in their operation and also the technical details of their operation.

Commissioner COMMONS. Have you considered any better method than this civil-service method of selecting these inspectors?

Mr. WALKER. Well, we have considered the question of the miners electing the inspectors. We believe we would get more efficient inspectors by that method. The coal operators feel they would not get a square deal if they were selected by that method. I believe the inspectors selected by a board would at least be more nearly selected for their qualifications to discharge their duties than they are under the present arrangement.

Commissioner COMMONS. That is, if they be elected by this legislative board?

Mr. WALKER. By a board selected part by the miners and part by the operators, and they agree on some one; we would not trust each other very much in these matters. There are some we can trust on each side that do trust each other, but there are a great many that we come in contact with that we can not agree on as being broad-minded, honest men that are well informed on the subject and would make good men for that kind of work, and generally each side would try to bring competent men, and those men, the chances are, would be a factor in a case of that kind, and they would be trying to maintain their standard with both sides and do the fair thing, and out of that kind of an appointive concern we might get good, competent, conscientious men.

Commissioner COMMONS. Has your organization ever had anything to do with the State board of mediation and arbitration?

Mr. WALKER. No.

Commissioner COMMONS. Does that board take part——

Mr. WALKER. We had once, in 1897, I think, at the inception of the organization, I think the State board of mediation, or one member of it at that time, acted in settling a dispute in Williamson County. Of course that has never been settled until here recently, and it is not quite settled yet.

Commissioner COMMONS. In recent years the State board has not intervened in these strikes that you have had?

Mr. WALKER. I do not believe that they have been requested to by either side.

Commissioner COMMONS. What is the reason for that?

Mr. WALKER. Oh, I think it is, from my knowledge of the operators and my own feelings in the matter, and the knowledge I have of the views of my own associates, we feel that it is almost impossible to get an impartial disinterested body of men to decide in cases of arbitration. Unless we can get that kind of men we do not like to agree to arbitration unless we do agree to a decision before the arbitrator is selected; and we have always felt that an arbitration board selected from political sources mostly, men who did not understand the mining industry, the details of the mining industry, if they were honest, could not be obtained from the fact that they were selected from a political source was evidence to us that we had to be careful in taking it for granted they were honest until they demonstrated it.

Commissioner COMMONS. Do you think this scheme you outlined of having an arbitration board selected in the way you propose—do you think that could have avoided certain strikes like this one we had 10 years ago?

Mr. WALKER. I do not know. I would not say positively, because there was such a wide disparity between the positions taken by both sides that I doubt that a board of mediators could have brought them together. I do not know of any other dispute hardly that has come up in all of our experience but what that board might have been successful in avoiding the trouble.

Commissioner COMMONS. You have these miners' strikes going on occasionally, I suppose?

Mr. WALKER. Yes.

Commissioner COMMONS. Illegal strikes?

Mr. WALKER. I am glad you made the statement, because the statement was made this morning, and I would like to have the impression corrected, I want to get it right on that matter. There is, it is true, under existing circumstances, illegal strikes precipitated by our members—there is not any question about that. But I venture the assertion, if you will take the records proportionate to the number of men that are responsible for these things happening and considering the qualifications on both sides as between them and the representatives of the companies, that there is a greater proportion of illegal acts committed by the representatives of the other side than there is by the members of our side of that kind.

Commissioner COMMONS. Has that matter ever been passed upon by the joint board?

Mr. WALKER. Why, every time we go to make a contract an operator has a complete detailed list of every case where we have violated the contract, in his judgment, and done it wrongfully. Then, on the other hand, we generally bring

in another list where we believe he has dealt unfairly with us; where we can not confess to the wrongful acts on each side, we disagree.

Commissioner COMMONS. What do you do in case of an illegal act; that is, what did you do while president of the organization?

Mr. WALKER. We have got a provision in there for paying a $10 fine on the part of each member of our organization where they precipitate an illegal strike. I have fined a considerable number of them, of those men, $10 apiece. In my home town I fined 175. I went into a local union one night and fined 360 of them in their local meeting. This has taken place all over the State. In dealing with industrial disputes to-day you have got to take into consideration the ultimate phase of the situation; where there is extenuating circumstances the operators have waived their right to fine, and in many instances when we have been entitled to a fine, when we thought we were getting value received we have waived as to the right to the fine, but in extreme cases where there was practically no extenuating circumstances we have fined each other on both sides, and they agreed to it.

Commissioner COMMONS. I think you said if the men were having any strike and men to take places of strikers were brought in, that you would advise, or your organization had advised, that they be resisted, violently if necessary.

Mr. WALKER. No.

Commissioner COMMONS. Did you say that?

Mr. WALKER. I did not say that.

Commissioner COMMONS. What was your statement?

Mr. WALKER. What I said was that where men were invading men's homes, insulting and abusing them and beating them up, that they should protect themselves.

Commissioner COMMONS. Suppose it is simply protecting the property and protecting strike breakers that come to take the places of the men; what is your official recommendation? What have been your recommendations under those circumstances?

Mr. WALKER. Well, if they were only men coming in to take those places and going to work peacefully, I would advise our people to let them alone and go about their business, except to take it up with them personally and try to persuade them not to take their places. I believe they have got a right to do that. I would advise them to proceed to the limit within their rights, to try and persuade those men to not take those places. Outside of that I would not advise them to go any further than that. My experience has been that they never did import strike breakers, except a bunch of disreputable, irresponsible men, whose moral and other record is absolutely wrong, who take advantage of the little power they get to insult and abuse and beat up people, and sometimes kill them; under those circumstances human nature is likely to be weak enough to result in reprisals.

Commissioner COMMONS. You are speaking now of what has happened in Illinois?

Mr. WALKER. In Illinois and elsewhere.

Commissioner COMMONS. Take Illinois. How long since anything of that kind happened?

Mr. WALKER. Not since 1897.

Commissioner COMMONS. The employers haven't resorted since that time to any strike breakers or gunmen?

Mr. WALKER. No, sir. The governor of the State sent the militia down with instructions to the operators not to import men of that kind to take the places of citizens of Illinois, and if they did he would blow them across the State line with the militia.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Delano would like to ask a question or two.

Commissioner DELANO. I will ask you in relation to conditions existing between the coal operators and the miners in the State of Illinois, have they been pretty satisfactory?

Mr. WALKER. They have been fairly satisfactory, I think; reasonably so.

Commissioner DELANO. Why is it there has been a cessation of mining every two years? I believe you don't call it a strike, but there is a cessation lasting anywhere from five or six weeks up to two or three months. If you are able to get along, why can't you avoid that cessation, which falls rather heavily on the general public and on the consumers?

Mr. WALKER. In the operators' ranks there are a number of men who have used those periods in which the contract has expired to speculate in coal, and

previous to the expiration of the contract they have bought large amounts of coal and stored them, and then as they would have been at a dead loss and not made any money unless there was a strike, some of those gentlemen have gone themselves and had their agents deliberately and assiduously working to prevent agreements between the coal operators and the miners.

Commissioner DELANO. I have suspected that. I never heard the statement made as clearly before. Much obliged to you. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions of you.

Commissioner O'CONNELL. You have been connected with organized labor quite a number of years, I understand?

Mr. WALKER. About 30 years or a little over.

Commissioner O'CONNELL. Not only in Illinois but throughout the miners' organizations covering North America?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. You have been abroad?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. Studying the industrial questions and economic questions?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. You know the industrial conditions?

Mr. WALKER. In a limited way.

Commissioner O'CONNELL. What in your mind is the greatest force in our time for the common uplift, the building up of our higher citizenship and our higher standard of manhood and womanhood? What force, what organization, what association, what combination of people in our time has been the greatest force in that direction?

Mr. WALKER. My judgment is it has been the trades-union movement.

Commissioner O'CONNELL. Now, if you can concisely, why do you think it has been the trades-union movement?

Mr. WALKER. Well, in the first place, the matters that affect the everyday life of every worker who is a member of a trade-union, as well as those who are not members of a trade-union, that they can learn of is considered and discussed not only at the meetings but in their papers and pamphlets and by their speakers, by every means that they have of communication and education, and their every effort has been to protect the weaker one more so that the stronger movement, and to help make for the better opportunity for education and better living and little pleasures and the creation of a feeling of—a human feeling toward each other—kindliness and helpfulness, and through the power of organization and through the influence of their argument and their educational working making for the general raising of the standard of wages, shortening of hours, making more healthful, safe places, and conditions of labor; making for better education, better home life, and a higher standard of citizenship, both in men and women at all times.

Commissioner O'CONNELL. You believe that condition would not be possible at least to such a great extent without there were organizations of workmen?

Mr. WALKER. Well, it might be possible, but I doubt very much if it would obtain if it was not for the organization of workmen.

Commissioner O'CONNELL. Do you believe that the employers in our time are made up of that humane desire for the common uplift that without the force of organization they would have brought the workmen up to this high standard you speak of?

Mr. WALKER. Well, I wouldn't like to generally condemn all employers in considering that matter, but I do know this, that unless we had given them all the assistance we could, put into practice the things that meant better things for the worker and in the family, my honest convictions are we would not have gotten them.

Commissioner O'CONNELL. We hear something of the right of free American citizens to work under what is commonly called the open and closed shop and under what conditions and what wages and what hours. Do you believe if these conditions were to go absolutely without question you could expect a continuation of our standard of citizenship and of living even to continue as it is now or to go still further better?

Mr. WALKER. The fallacy of that position is so apparent I don't think any intelligent person takes it seriously. I think the person who advocates that sort of a proposition has got the ostrich, that hides its head in the sand, beat 40 ways. There is no question but what the average man that has to work for a living has to find work or he can't live. There is no question but what the

average employer will employ labor necessary in his plant or industry that he can get the cheapest, so that he can get the largest return for it.

Commissioner O'CONNELL. Do you believe it is possible for an individual to reduce his hours of labor as an individual?

Mr. WALKER. Absolutely not. The men putting into effect the policy of letting every man freely—so-called freely, because it is not at all—if you would let every man be free to select the kind of conditions and hours that he would work under, we would have better conditions than we have now, but it is an absolutely misleading misnomer for the proposition. The actual result is that all workers by that sort of proposition are forced to the level of the one who is the weakest and whose need and extremity forced them to accept the lowest wage and work under the most unfavorable conditions. That is what it means; and instead of meaning freedom for anybody it simply means putting the people who work for a living on the basis of the one whose intelligence, whose needs, whose strength, and whose want compel them to accept the meanest kind of living and to do the meanest kind of work under the meanest kind of conditions for the lowest kind of wage. That is what it means.

Commissioner O'CONNELL. You saw a sign of this kind, and I saw it myself, over a large factory door, "We don't employ union labor in this factory; we only employ free A[illegible]." What would be your interpretation of a man seeking employment under a sign of that kind?

Mr. WALKER. Well, if it happened to be an American citizen who wanted to belong to a union, I guess I wouldn't consider him to be a free American citizen. And Americans, that class of American citizens, would not have a right to work there. My judgment is I would not find very many American citizens who were well informed working in that plant through those gates.

Commissioner O'CONNELL. You are a firm believer in contractual relations between employer and employee?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. In a system of bargaining for things, sitting down at the round table and fighting out by argument and conciliation the things that come between them—that condition is only possible in an organized state of affairs?

Mr. WALKER. That is the only place it is possible at all.

Commissioner O'CONNELL. It is not possible under the conditions as explained to us this morning by the gentleman who was on the stand before you, where in his factory he don't employ union people as such?

Mr. WALKER. No, sir. My experience is they won't agree; the shoe would be on the other foot. They say they only want to do what is fair, and they decide what is fair. We say we only want to do what is fair, and we decide what is fair, but they won't accept what we say is fair. They won't accept it for a minute—least of all those who take that position.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Weinstock wishes to ask you a few questions.

Commissioner WEINSTOCK. Some years ago I was appointed special labor commissioner by the governor of California to investigate the labor laws of foreign countries, and one of the conditions that forced themselves upon my judgment was this, that in Great Britain and Australasia the labor leaders and labor representatives commanded the respect and confidence of the employers generally, despite the fact that the employers very frequently had to fight them bitterly. The statement made to me personally by a great employer in England and Australia was that so far as the integrity of the labor leaders and representatives was concerned they were above reproach, and he had every confidence in them, in spite of the fact that he could not agree with them. Such a case as Sam Parks in England or Australia would be impossible. Such a case as Mayor Schmidt, of San Francisco, who was nominated and elected largely by the labor vote after it was a known fact he was a crook and scoundrel, would be impossible practically in a British labor union. A British labor union will not tolerate grafters to represent them, and the moment it becmoes known a leader is a grafter he is ostracized and made an outcast. You have been abroad, I understand, from the testimony you have given. Can you give us the difference between the attitude of the British union against graft and the attitude of the American union toward graft? For example, the other day I met a labor leader on the street and discussed the charge of graft that is going on now against labor-union leaders, and this is the statement he made: "So long as the labor representatives don't graft on the fellow worker I, for one, am utterly indifferent as to how much he can get out of the employers." Can you explain

to us for the information of the commission this difference in the attitude between the rank and file of the labor union in this country and Great Britain?

Mr. WALKER. I can give you my own view of the matter. I don't want to mention any names, because I haven't got specific instances or positive proofs that I could direct with reference to men on the union side of the question who took graft; but there is one difference between our country and Great Britain that seems to emphasize itself to me and, in my judgment, has a good deal to do with the situation. The one is in Great Britain if a case is taken into court—in 99 per cent of the cases, at least—and I think it is agreed to by everybody everywhere that has studied that situation that the evidence and the law will determine absolutely what the decision will be, and that there is no escape, and, on the other hand, from the information I can get and from what I have observed and from what I have seen and gotten through personal experience, the courts in our country are not the automatic justice-dealing institutions as what they are over there.

Commissioner WEINSTOCK. What about the case of this Sam Parks, who was convicted and served his term in jail, and after coming out of jail he was elected the grand president of a Labor Day parade, and hats were thrown in the air and he was received with hosannas?

Mr. WALKER. Well, I don't know; don't be too sure. I don't know just what the details are in the Sam Parks case, because I am not acquainted with the local situation in regard to it; but if Sam Parks had the protection of the court in enabling him to get control of the local unions and had hired sluggers and was given the protection of the courts through the influence of the contractors and was able to make it clear to any decent union man that he stood in his way, he would get his head beaten or get a bed in a hospital or be killed. If Sam Parks was over in Great Britain and was able to do that, and convince them he could do that, he might be elected to some such position in Great Britain after he could get out of jail.

Commissioner WEINSTOCK. You think the courts had much to do with the situation?

Mr. WALKER. I think the courts had a great deal to do with the situation, and I think the contractors are the primary cause of that condition being created in America.

Commissioner WEINSTOCK. I think, Mr. Walker, as an intelligent labor representative, you probably realize, with a great many others, that one thing that organized labor has greatly to fear in this country is graft in its own ranks. What steps has organized labor taken to eliminate graft from within its own ranks?

Mr. WALKER. I am satisfied that wherever a trade-union is able to uncover graft that the grafter will not get any more consideration than any other criminal.

Commissioner WEINSTOCK. Can you recall any instance where labor representatives or leaders were expelled from unions for grafting?

Mr. WALKER. Well, we had an international secretary-treasurer of ours who was grafting in his own organization, and he was expelled.

Commissioner WEINSTOCK. I mean receiving graft from outsiders—from employers?

Mr. WALKER. I can not recall a specific instance; but all you have to do is to convince the mine workers that a man has been grafting, whether there is proof of it or not, he will be put out, and he had better keep away from the community. I know of one instance where the president of one of the mine workers' unions, in 1897—a position I held myself for eight years—they had a strike, and during that struggle it transpired that he was bribed by the operators to sell out that strike, and he was expelled from that organization and went out into the western country, and the coal operators out there gave him a position.

Commissioner WEINSTOCK. In your testimony this morning touching upon the matter of violence, you made the statement that organized labor stands for law and order and as opposed to violence.

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. Of course, you know, as all the rest of us know, that there has been a great deal of violence in labor disputes and labor troubles; what has organized labor done to make good its statement that it is opposed to violence and labor troubles? What instances can be shown where organized labor has expelled members for acts of violence or where organized labor has aided the authorities in bringing wrongdoers within the range of justice?

Mr. WALKER. I can not give you a specific instance, and that is a rather big question, and a man would have to consider it from different angles in order to do justice in the premises, but the fact that there were 70,000 men from every nation, from the top of the earth, coming from the humblest walks of life, went through a four and one-half months' strike without one being arrested for even a breach of peace is some evidence that there is something making for peace on the part of the trade-unions.

Commissioner WEINSTOCK. What would have happened if they had tried to replace the strikers with strike breakers?

Mr. WALKER. If they had tried to replace the strikers with strike breakers who peaceably went on to work and did not attempt to intimidate or beat up the strikers, I do not think there would have been any violence. You can not always blame the strikers, where often when they attempt to take the matter up peaceably, one word will lead to another, and they will forget themselves, and there is trouble; but ordinarily I will venture to say that the employers in this country, when they seek to get the men to take the places of men that leave their jobs, and in the event of overt acts on the part of the strikers—if they would seek relief in the courts rather than hire murderers and criminals to beat men up and murder them—if they would pursue peaceable means according to law, I venture to say that inside of 10 years you would practically have violence eliminated.

Commissioner WEINSTOCK. Now, Mr. Walker, I understood you to say a few moments ago that you had no confidence in our courts as compared with those of England?

Mr. WALKER. In view of the fact that they don't see that the other side adopts peaceable, law-abiding methods in handling their side of these industrial disputes. Could you expect me to have confidence in a court that will countenance coal operators hiring armored trains or copper-mine owners from importing men with records as murderers, and clothe them with authority of the law in violation of the law and allow those men to go out on the streets, insulting, abusing, and beating up people when an overt act has been committed on the other side?

Commissioner WEINSTOCK. And then, as you pointed out, if Sam Parks can intimidate the courts from the labor point of view, what help will the employers have?

Mr. WALKER. It is wrong for the courts to protect men like Sam Parks.

Commissioner WEINSTOCK. You think that in the case of Sam Parks it is the employer that controls the court instead of the workers?

Mr. WALKER. I am honestly convinced that is the fact.

Commissioner WEINSTOCK. And they were using Sam Parks unjustly to destroy their competitors?

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. You also stated that in you opinion the worker would not be satisfied, whatever his condition might be, until he received the fullest share of his product; are we to understand from that, Mr. Walker, that you are a Socialist?

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. Then you believe in collective ownership?

Mr. WALKER. Yes; Government ownership; the people to own and control the things they use in common, and to own and control individually what they use individually.

Commissioner WEINSTOCK. You further believe that workers ought to be, if necessary, compelled to organize; that is, if they organize voluntarily, well and good; but if not, that they should be compelled to organize; you would put the legal machinery in operation to compel them to organize?

Mr. WALKER. Yes; and after they got to understand it, they would stay in the organization whether they were compelled to by law or not.

Commissioner WEINSTOCK. Then you would favor employers likewise?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. You are, of course, familiar with the Australian system, where the State itself does not compel the workers to organize or the employers to organize, but makes it attractive to them to organize, and thus 75 per cent of the Australian workers are organized, which is the largest percentage of organized labor in the world. If we should follow the same method in this country, and this commission should recommend some such system as obtains in Australia or some of the States should adopt it, you further believe,

as I gather from your testimony, that you would have labor disputes settled peaceably without cessation of work, if possible?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. How could that be done? Tell us, if you can, what machinery you would provide that would make it possible to settle all labor disputes without cessation of work?

Mr. WALKER. I do not believe you would settle all labor disputes without cessation of work unless you adopted a policy of compulsory arbitration.

Commissioner WEINSTOCK. Would you be in favor of that?

Mr. WALKER. I would not.

Commissioner WEINSTOCK. Then, eliminating compulsory arbitration, what would be the next possible solution?

Mr. WALKER. As I said, I believe there ought to be representatives of the Government sitting in every joint conference between employers and employees, where the question of making contracts is up for adjustment, and they ought to have all of the information about the matter so that there can be no misunderstanding.

Commissioner WEINSTOCK. Granting that all that was done, and still the dual parties could not agree, and neither party was willing to accept the recommendations of the officials, then what?

Mr. WALKER. I believe by that process that the process of education would go on to a point where there would be practically no possibility of a strike, except that it was on some fundamental right of either side, and I believe that a cessasion, a short cessation of work, in a case of that kind, where the mediators would use their best offices, would qualify the situation so that there would be no serious disturbance.

Commissioner WEINSTOCK. In any event, the system you suggest would minimize that?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. What is your opinion, if you care to express it, on the Canadian law?

Mr. WALKER. I have read it over once or twice and have had it quoted to me.

Commissioner WEINSTOCK. Briefly, I can give it to you in a few words. The Canadian law provides in connection with public utilities only that when the union votes to strike, or when the employer proposes a lockout, and inquiry must be had in the hope of adjusting the difficulties, and the recommendation of the State board can be accepted or rejected. If rejected, then a strike can legally take place or a lockout take place. If, pending the investigation, a strike or a lockout takes place, either or both sides are liable to punishment. Do you favor that system?

Mr. WALKER. No.

Commissioner WEINSTOCK. What is the weak spot in it?

Mr. WALKER. In the first place, just to speak from knowledge of this last trouble in which our people were put under the ban of the law because we did not comply with the law. Take, for illustration, in Illinois you have had testimony that there is at least capacity to meet the demands for a supply of coal. My judgment is that they could produce three times as much coal as needed to supply the demand, and that is three times the cost to the people that have to buy it. Now, after declaring by vote that they were going on a strike, had they continued to work for 30 days, and the coal operators worked to full capacity, then our folks could have stayed at home 60 days without any work at all, and before the strike began to have any effect upon the coal operators; that is one feature of it that I do not like. On top of that, I believe the best way to settle a strike, if it can be settled at all, is to use your good offices before the strike either takes place or is ordered, and have the effort made before the strike vote is taken, and I think that would have more influence. On top of that I am satisfied that the workers have not got confidence in the men selected by the method that those representing the government in Canada are selected. I am a Socialist and the other man may be a Republican and another a Progressive (a Bull Moose); and in the political battle we naturally look with suspicion on the fellow who stands for something different than we do, and on the part of the workers, they naturally look with suspicion on anyone that has been selected through the machinery of the party that is controlled by the employing interests.

Commissioner WEINSTOCK. On the whole I take it you would be opposed to any system that had anything of coercion in it?

Mr. WALKER. Anything of coercion except absolutely showing up that in the event of a strike they took the wrong position.

Commissioner WEINSTOCK. You were present when Mr. Piez testified this morning?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. Do you remember one of the reasons he gave for not dealing with organized labor generally was the fact that the unionist felt he owed his first allegiance to the union and not to the empolyer?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. Is that true?

Mr. WALKER. It seems to be reasonable; he knows the union is trying to increase his wages and the employer is trying to reduce them, and it stands to reason that he would feel more friendly to the institution that was trying to improve his condition than to the other.

Commissioner WEINSTOCK. So, that if a controversy should arise between the employer and the union, the attitude of the rank and file would be to stay with the union rather than the employer?

Mr. WALKER. If that would not be true there would be no need of unions; if I had more confidence in the employer I would stay with him.

Commissioner WEINSTOCK. So you do not deny Mr. Piez's statement?

Mr. WALKER. I think it is absolutely unreasonable to expect anything else.

Commissioner WEINSTOCK. And if any transactions occurred between the union and the State, with whom would the members of the union stand?

Mr. WALKER. I suppose that would be like the forefathers of our Nation, we would figure out what was right and stand by it.

Commissioner WEINSTOCK. What does the union teach on that score? Does the union object to its members joining the National Guard?

Mr. WALKER. Some do and some do not. I do not think, though, that there is any union that would object to its members joining the National Guard if the National Guard was used for the purposes that it is supposed to be used for.

Commissioner WEINSTOCK. But take the conditions as they exist in Illinois to-day. What is the attitude of organized labor toward its members joining the National Guard? Does it penalize them in any way for joining the National Guard? Is there anything in its by-laws that prohibits its members from joining the National Guard?

Mr. WALKER. Nothing that I know of, except their self-respect and the knowledge of what has happened, and for what purposes the National Guard has been used and the possibility of what it might be used for.

Commissioner WEINSTOCK. And if a member of the union did join the National Guard, what would be the attitude of the fellow unionists toward him?

Mr. WALKER. I do not think there would be any particular ill feeling toward him. I know many men that have served as Regulars in the Army of our Nation.

Commissioner WEINSTOCK. I do not mean Regulars.

Mr. WALKER. I am making it, if anything, stronger. I know of men whose forefathers have served in the Revolution and in the Civil War who have advised their sons that if they joined the Army, used as it is now, they would drive them out of their homes.

Commissioner WEINSTOCK. So, at least those unionists you have in mind now, which you have just described, if it came to an issue between the union and the State, would stand for the union and against the State?

Mr. WALKER. If the State would stand for the things which our Nation is supposed to stand for, they would be opposed to the unions if it took a wrong position; but my idea is that the unions would be with the State if it was right. If the rights of our people in the Nation were involved to-morrow and a condition was created that meant war, I do not think any body of men in the Nation would contribute as many soldiers as the unions.

Commissioner WEINSTOCK. Just one more point: You pointed out that where a man goes on a strike and his job is at stake and he has a little home and he has a wife and babies and he sees another man coming in to take his job, that it is only natural for him to do everything possible within the law if possible, and perhaps beyond the law, if necessary, to protect his little home and his wife and his babies, to hold on to that job. Now, how about the man who has got the job, who either may be a unionist or a nonunionist, as pressure is brought to bear on him by unionists to quit his job, and he does not want to quit his job by reason of the fact that his wife and little babies will suffer if he does? Has he not as much right to hold on to the job as the other man has to get back the job he lost?

Mr. WALKER. He has in a degree; if the question only affected those two as individuals, and if it was a job that only affected the families of those immediately concerned, he would be absolutely right, but the man that stands in the way of reasonable progress on the part of all the people in the Nation, would not, in my judgment, be entitled to the same consideration as the man who is standing for something that is reasonable progress in the citizenship of the Nation. Legally one is entitled to as much protection as the other, but that is not the way we generally find it. You go down to Knab's restaurant, and you find a big brass-buttoned policeman, who never did a day's work in his life, and refuses to work and who is getting $5 a day—you find him keeping women from working for $7 a week on 10-hour shifts, and that makes a man scratch his head; I tell you it is not right morally whatever it might be legally.

Commissioner WEINSTOCK. In answer to a question of Prof. Commons you explained that one of the reasons why the State board of mediation was not used by either side was because neither side had confidence in such a board, due to the fact that it was looked upon as a political board. When you said "political board" did you have in mind union politics?

Mr. WALKER. No; I meant selected by the political party that happened to come into power at the last election.

Commissioner WEINSTOCK. That is, your theory would be that the government would select men of its own political faith?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. And that these men would be likely to be biased?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. And therefore could not act fair?

Mr. WALKER. Yes; and would be influenced.

Commissioner WEINSTOCK. And therefore you do not think that any political board of mediation would be likely to be a success?

Mr. WALKER. No. Those positions are generally filled to pay political debts, and such small positions as those would be gotten by the smaller fry who did political work.

Commissioner WEINSTOCK. Now, another suggestion that comes to this board as likely to better conditions is to recommend to Congress a permanent industrial board that shall have substantially the powers that the board of mediation has in dealing with railroads, and such a board would doubtless be appointed by the President. Do you think the same objections you have pointed out against a State board would hold against such a board?

Mr. WALKER. I honestly believe they would; that, while the President might appoint men that were clean and conscientious and absolutely honest, still if the men involved in the different sides of a dispute did not have confidence in them they would not be likely to utilize that board.

Commissioner WEINSTOCK. Then, in your opinion, such a proposed permanent industrial board would not be any relief?

Mr. WALKER. Well, that board, if the President was to act on that general proposition in the same way that Gov. Deneen acted on this other proposition, it might have the same result as our mine investigation.

Commissioner WEINSTOCK. What was that result?

Mr. WALKER. The law provided for the mine investigating commission and gave authority to the governor to appoint it, but he took it up with the miners' organization to have them recommend three men they wanted, and the operators to recommend three men they wanted, and for them to agree on the three they wanted. Now, if the President appointed three members of that commission and then asked the labor unions and the employers to agree on the impartial members, then the labor unions would have confidence in it because their men would look after their interests, and the employers would have confidence in it because they would be represented.

Commissioner WEINSTOCK. Then, your criticism to the proposed plan is not so much to the plan as to the manner in which the board is chosen. Assuming that the board is chosen wisely, what then?

Mr. WALKER. I believe if it can be done that will result in adjusting industrial disputes and heading them off.

Commissioner O'CONNELL. Mr. Weinstock asked you about the Sam Parks case in New York and his organization and the other organizations expelling members for graft. Have you ever heard of a manufacturers' association, in your experience, either city, State, or National, or any association of employers of any character, city, State, or National, ever expelling one of its members—

either suspending or fining them—for the payment of money to labor leaders or labor men of any kind in connection with what is generally called "graft"?

Mr. WALKER. Never a single one. An instance occurred in our organization recently where it is charged the coal operators paid $20,000 to two men, and that they did not get anything in return for it, and I do not believe they paid it or got any return if they did paid it to those two men. And then the operators wanted the men removed for graft, and the coal operators that gave the money, no charge has been preferred against them, except as our officers have said they would not do business with them.

Commissioner O'CONNELL. They are still in the coal operators' association?

Mr. WALKER. Yes, sir; and one is president of the Coal Operators' Association of the Southwest.

Mr. THOMPSON. Is it not your idea that one of the benefits of the unions is that they have tended to put employers on equality and, by eliminating competition in wage scales, made it possible to increase wages without suffering business destruction.

Mr. WALKER. In the coal industry our agreement is based on the expressed principle that it be made so that each operator, as far as possible, considering conditions of transportation, etc., gets into the market with a fair chance of selling his share of coal in that market.

Mr. THOMPSON. Then that question is correct.

Mr. WALKER. Yes.

Mr. THOMPSON. Do you believe that the unions should not stop manufacturers from working by sympathetic strikes when the disputes are among the unions, say, arising from jurisdictional disputes, for instance?

Mr. WALKER. I believe that jurisdictional disputes should not arise at all; I believe that is a weakness on the part of the labor unions that they do arise. I think ultimately they will be able to eliminate jurisdictional disputes.

Take it in the mining industry, where they have at least 32 classes of labor that work in and around the mines, and such a thing as a jurisdictional dispute is unheard of. If you brought up the question of a jurisdictional dispute, they would not know what you are talking about.

Mr. THOMPSON. Is it not a fact that your union is more what is commonly called an industrial union?

Mr. WALKER. It is an organization of employees in the coal-mining industry.

Mr. THOMPSON. And what is true of your industry, because of the formation of the organization, is true of the Needle Trust?

Mr. WALKER. In some portions of it. Whenever organizations are established, I do not think any jurisdictional questions are raised at all.

Mr. THOMPSON. With reference to the part of your statement about earnings, would you guarantee by law a minimum return to the employer?

Mr. WALKER. No; I would be willing to guarantee to the employer, before he invested his money, expert information from the Government as to just what he could expect, and then if he puts in his money with positive knowledge that it would be a failure, he would have to take the consequences of his own foolishness.

Chairman WALSH. Then there is no means you can suggest by which such a guaranty could be made?

Mr. WALKER. I would be willing to agree, if all things were fairly represented to a man when he invested his money in the business, with the O. K. of the Government, that he would be guaranteed a minimum.

Chairman WALSH. Then, you would be in favor of such laws as would guarantee an employer a minimum return of his investment?

Mr. WALKER. Ultimately I would not be, as I said, but while this condition of affairs existed I would be in favor of it as a part of progress.

Mr. THOMPSON. In this connection, it has been suggested you stated there should be a limitation to the maximum.

Mr. WALKER. Yes, sir.

Mr. THOMPSON. How would you provide for a minimum profit? How they should get it in case the business didn't earn it? From what kind of fund would that be paid?

Mr. WALKER. I suppose it would have to come out of the profits of the general fund.

Mr. THOMPSON. An insurance tax on the profits?

Mr. WALKER. You could take it out of the tax from that particular industry.

Mr. THOMPSON. Would you compel employers to employ at the minimum wage unemployed?

Mr. WALKER. Well, if there was no other employment for those workers on the employers' own industry that the workers could get a living out of, I believe they ought to be compelled to employ them or give them what we considered to be the minimum to enable them to keep their families decently.

Mr. THOMPSON. In that latter case, would you take it out of the general taxation?

Mr. WALKER. I would take it out of that industry. I suppose it would have to be made general.

Commissioner COMMONS. Suppose you guaranteed the employer profits; then you would require him to hire all the laborers?

Mr. WALKER. I told you under the present arrangement if you tried to make a perfect institution out of it it is a good deal worse than trying to patch that old pair of pants that was patches. I am willing to do anything to help, but that is beyond me.

Commissioner COMMONS. Do you talk your views of socialism to the workers?

Mr. WALKER. Yes, sir; at times when invited to or given sufficient provocation.

Commissioner COMMONS. Do you think the high wage in strong closed-shop trades has anything to do with either the lower scale of wages for other laborers or with the increased cost of living.

Mr. WALKER. Well, it may possibly. But if the workers didn't get as large a share of the results of their labor where they have a thorough organization, it is possible that the employer might be satisfied with the profit he is now making and give it to the general public in the way of reduced living, but my own judgment is they would have to be watched mighty close. It is just like Mr. Piez has told you; he wouldn't reduce it unless he had to, and he would put it up as high as he possibly could. I don't think it would cut any figure.

Mr. THOMPSON. Would your organization be willing to file a copy of the agreement between it and the Western Federation of Miners, provided it is in writing?

Mr. WALKER. Our organizations are all public. Anybody can get a copy of the contract and by-laws and a verbatim report of the conventions and conferences.

Mr. THOMPSON. That is all.

Commissioner LENNON. I would like to ask you to furnish us as far as under your control a copy of those agreements and laws.

Mr. WALKER. All right.

(See Walker exhibit.)

Commissioner GARRETSON. Your organization holds jurisdiction over the Crow and Esquimo territory, do they not?

Mr. WALKER. Yes, sir.

Commissioner GARRETSON. And the local organizations in the P. E. I. country—Prince Edward Islands?

Mr. WALKER. I don't know what you mean by P. I. country. We have jurisdiction over the coal-mining industry of the United States and Canada.

Commissioner GARRETSON. In the enactment of the Canadian industrial act is it not a fact that all of the miners thought it would be a beneficial act and favor to pass it?

Mr. WALKER. Not all of them.

Commissioner GARRETSON. The bulk of them?

Mr. WALKER. There might have been some of them.

Commissioner GARRETSON. Didn't they find out the first time an involved investigation was held that the employers utilized it to put enough supply of coal on the ground to last during the entire period that industrial strike might take place?

Mr. WALKER. That was my information.

Commissioner GARRETSON. And from that time haven't they repudiated the act and been opposed to it?

Mr. WALKER. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. DUDLEY TAYLOR.

Mr. THOMPSON. Will you give us your name?

Mr. TAYLOR. Dudley Taylor.

Mr. THOMPSON. And your address and business?

Mr. TAYLOR. 1818 City Hall Square Building, Chicago.
Mr. THOMPSON. And your profession, Mr. Taylor?
Mr. TAYLOR. Lawyer.
Mr. THOMPSON. With whom are you engaged in a professional way?
Mr. TAYLOR. I presume you refer to my——
Mr. THOMPSON. Are you in general practice?
Mr. TAYLOR. I am general counsel for the Employers' Association of Chicago.
Mr. THOMPSON. For how long have you been such counsel?
Mr. TAYLOR. I have acted in that capacity for the past 10 years.
Mr. THOMPSON. How old an organization is the Employers' Association of Chicago?
Mr. TAYLOR. I think it was organized 11 or 12 years ago.
Mr. THOMPSON. And have you been counsel almost from the beginning?
Mr. TAYLOR. Nearly so.
Mr. THOMPSON. What membership has your association? Among what classes of employers, and about how many?
Mr. TAYLOR. Well, it has associations of employers affiliated with it. It is also comprised of individual firms, principally in the manufacturing business in this city.
Mr. THOMPSON. What other associations of employers are affiliated with your association?
Mr. TAYLOR. Well, there are various associations. Not being the secretary, it is not quite within my knowledge.
Mr. THOMPSON. I would like to have such information and knowledge as you have.
Mr. TAYLOR. Well, I could say offhand that the Furniture Manufacturers' Association is a member. Some of the retail organizations—I think the State Street retail stores are members. Whether or not the metal trade is affiliated now I don't know; it has been. Various other associations. I don't know, but I think the number principally is made up of individual firms.
Mr. THOMPSON. Located in and around Chicago?
Mr. TAYLOR. I think all in the city.
Mr. THOMPSON. Have you a copy of these questions?
Mr. TAYLOR. I have; yes, sir.
Mr. THOMPSON. The first one relates to your organization and your membership. Would you have any objection to supplying the commission with a copy, stating the membership of the different associations, and of your by-laws and constitution, if you have one?
Mr. TAYLOR. You are welcome to the by-laws. As far as the membership is concerned I am not in a position to speak, not being secretary of the association, and it is a matter that possibly would have to be referred to our executive committee.
Mr. THOMPSON. Who is the secretary of your organization?
Mr. TAYLOR. William M. Webster.
Mr. THOMPSON. Did you take up with him these questions that were submitted to you?
Mr. TAYLOR. No, sir.
Chairman WALSH. Can't you, as president of—you are just counsel?
Mr. TAYLOR. Only counsel.
Chairman WALSH. What other organiation is yours affiliated with—I mean larger body?
Mr. TAYLOR. No other organization so far as I know.
Mr. THOMPSON. Did you hear the testimony of Mr. Walker on the stand to-day?
Mr. TAYLOR. No, sir; I did not.
Mr. THOMPSON. What relation, if any, does your organization sustain to the National Association of Manufacturers, for instance?
Mr. TAYLOR. None whatever.
Mr. THOMPSON. Any friendly relationship?
Mr. TAYLOR. I suppose we exchange printed matter.
Mr. THOMPSON. In other words, you have no agreement or understanding, or any definite or indefinite arrangement?
Mr. TAYLOR. None whatever.
Mr. THOMPSON. Whatever may exist between the two organizations is purely a matter of comity?
Mr. TAYLOR. Precisely.
Mr. THOMPSON. And incidental friendship?
Mr. TAYLOR. Mutual interests, possibly.

Mr. THOMPSON. You may give, if you will please, as briefly as you can, a statement of the activities of your association so far as it touches on the labor proposition, industrial matters, since you have been counsel.

Mr. TAYLOR. I should say that the employers' association was formed for purely defensive purposes, feeling a need on the part of the employers to organize to meet demands which were considered more or less unjust. Since that time it has been conducted almost entirely if not entirely as a defensive organization. We are interested in the subject of strikes and boycotts affecting our members. We are sometimes interested in a general way in strikes and boycotts which do not affect our members, but in which we feel we are indirectly concerned. We furnish legal services in the matter of prosecution for violence and for intimidation, and in obtaining convictions and proceedings for contempt under injunctions. We advise to some extent in relation to the factory laws and matters of that sort.

Mr. THOMPSON. To what extent, if any, does your association advise with reference to the methods of conducting the industrial disputes such as strikes on behalf of one of your members?

Mr. TAYLOR. Well, it differs according to circumstances. The employer who is a member of our association may not require any services from us—perhaps some large concern which maintains its own legal department and is able to handle the thing itself. Others call on us for more or less limited services. Others ask us to take entire charge of the legal phase of things and to furnish guards to them, for instance, to accompany their men back and forth to the place of business.

Mr. THOMPSON. Then the services you render are not entirely limited to the defense and prosecution of suits, but also includes the question of furnishing guards.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. Do you ever give advice generally as to the methods of conducting strikes, or warfare, rather?

Mr. TAYLOR. Yes, sir; very often an employer finds himself in a position where he feels he is entitled to some relief and requires advice, and it is given to him. He does not understand the situation himself, perhaps, from the various angles, and he thinks we do, and is glad to avail himself of our advice.

Mr. THOMPSON. In other words, as you stated at the beginning, your association is an employers' defensive association?

Mr. TAYLOR. I think so.

Mr. THOMPSON. And as such would furnish such aid and advice and assistance as in your judgment and the judgment of the member who is in trouble should be given?

Mr. TAYLOR. Generally speaking, that is true.

Mr. THOMPSON. Of course, I am assuming legal methods.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. And that there is no limit other than what is legal to the help you may give to a member in case of industrial trouble?

Mr. TAYLOR. Well, I don't know what all that implies.

Mr. THOMPSON. I am leaving out—of course, assuming you would not do anything illegal and leaving out all questions of financial aid as such.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. Now, in the carrying on of the work during times of peace what aid or help does your association give to its membership?

Mr. TAYLOR. It gives such advice then as to matters which come to our attention in relation to factory laws and decisions or something of that sort. Might possibly advise them as to the organization and work of this commission for instance. General information about things which we think are of general interest.

Mr. THOMPSON. And would you be apt to advise employers as to the means to prevent industrial trouble?

Mr. TAYLOR. Yes, sir; oh, yes.

Mr. THOMPSON. That would come within your work of counseling?

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. And would have a fairly broad scope, would it not?

Mr. TAYLOR. I should say so; yes, sir.

Mr. THOMPSON. Now, in respect to this work, would you be apt, if called upon, to give advice as to the organization of any particular employer's shop?

Mr. TAYLOR. No, sir.

Mr. THOMPSON. In regard to the carrying on of strikes and with reference to conditions existing in times of peace in the shop of a member of your association do you have any so-called squads of men who may go around and work in these various shops and find out the conditions which exist?

Mr. TAYLOR. No, sir; nothing of that sort.

Mr. THOMPSON. That is carried out in some associations; I presume you know that.

Mr. TAYLOR. I understand there are some national associations which have workmen who are sent from place to place to help out during labor troubles.

Mr. THOMPSON. Or even without labor troubles existing?

Mr. TAYLOR. Not that I know of.

Mr. THOMPSON. Well, for instance, if there are associations that provide men to go around——

Mr. TAYLOR. You are inquiring about something of which I have no knowledge.

Mr. THOMPSON. I just wanted to find out whether your association did any of that work or not.

Mr. TAYLOR. No, sir.

Mr. THOMPSON. What is the attitude, if any, of your association toward the organization of workers; of your membership toward trade-unions?

Mr. TAYLOR. Generally speaking, it has seemed to me that the members of our association are inclined to liberal, fair views and to appreciate the justice of organization. From my talk with them I am satisfied that they would prefer to do business with organizations of labor provided they were reasonably safeguarded so that they could do business under safe conditions and not have their business disrupted by some unjust demands, some whim or caprice. If they could only feel there was stability enough that the union organization was conservatively directed and managed, I think there would be no complaint, as the employer is looking, above all things, for stability. He must know that his business can go ahead. I don't think he has any quarrel with organizations as such.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock, to meet in this same room. Kindly resume the stand at 10 o'clock to-morrow morning, Mr. Taylor.

(At 4.30 p. m. of this Tuesday, July 21, 1914, an adjournment was taken until Wednesday, July 22, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Wednesday, July 22, 1914—10 a. m.*

Present: Chairman Walsh; Commissioners Commons, Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. You may proceed now.

Mr. THOMPSON. Mr. Taylor, will you take the stand?

TESTIMONY OF MR. DUDLEY TAYLOR—Continued.

Mr. THOMPSON. Mr. Taylor, in your 10 years of counselship with the Employers' Association of Chicago, during that time have you acquired any views or opinions with reference to trade-unions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. As constituted at the present time?

Mr. TAYLOR. Yes.

Mr. THOMPSON. You have?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Will you give to us, as briefly as you can, your opinion in regard to them?

Mr. TAYLOR. Mr. Thompson, may I make a suggestion that I be allowed to cite a specific case and draw some conclusions from it?

Mr. THOMPSON. You may do that, and be as brief as you can.

Mr. TAYLOR. I notice in a morning's paper a statement made by Mr. Walker, the last witness heard yesterday, to the effect that the waitresses are endeavoring to obtain $7 a week and obtain one day's rest out of seven. And I want to refer briefly to that and indicate to you the way in which matters come into our office, the consideration which influences us, something about how we proceed and what we think ought to be done, and if I can give this commission anything at all it will probably come out in discussing this matter a little bit.

In November or December of 1913 the waitresses' unions, cooks' union, and the waiters' union started out on a campaign to unionize those occupations in the city of Chicago in the hotels, restaurants, and the lunch rooms. That stands admitted as a matter of court record. They sought to get the restaurant keepers and food-exchange members operating lunch rooms to sign a closed-shop agreement, which also provided for a scale of wages, the wages of the waitresses to be $8 a week, and also for one day's rest in seven.

The first attack was made upon the Henrici restaurant over at 79, I think, West Randolph Street. There were a considerable number of pickets there, I think some six on the average, for quite awhile. There was a great deal of publicity attending it and great crowds gathering. And finally there was an injunction proceeding, and in that injunction proceeding the courts after hearing the case upon its merits held that all boycotting which was not enforced by violence or intimidation was legal, and all picketing which was not enforced by violence or intimidation was legal; but took the position that because this picketing occurred in a crowded district of the city it necessarily resulted in disorder and must stop, and although its injunction order did not read that way and in fact did not prohibit picketing, as they were doing, nevertheless that was the intimation of the court, and it stopped.

They then attacked Mr. Knab, and Mr. Knab has a string of seven or eight restaurants in the city, and I think all of them within the Loop. Mr. Knab for 10 years or more had never discriminated against union labor, employing union and nonunion labor; when he was requested to sign a closed-shop agreement last fall he signed a closed-shop agreement. He operated under it for four months, and he claimed that he could not get the help from the union which he needed and must have, and his business suffered in consequence; that he had to employ others outside; and, not to make it a long story, it did not work; consequently he refused to renew the agreement; but his wages were the union wages or better; his hours were the union hours or less; his days of the week were those of the union; and there was absolutely no point of difference between Knab and the waitresses, the waitresses and the cooks, other than the closed-shop provision of the contract under which he must let the unions send him all of his help provided the union was able to do it, and if it was not able to do it, then he might employ as he pleased. But his new employees must join the union within three days. He had found by experience that he could not enforce that proposition—that is, he was in continual trouble and he would not undertake to continue under such an arrangement. Knab has been subjected to picketing and boycotting ever since May 1. It is now some 85 days. This picketing consists, undoubtedly under the advice of counsel, of two women generally, and sometimes one, who pass back and forth slowly in front of each restaurant and bear signs. The signs are changed from time to time. The present one reads: "With your assistance we will win our strike against Knab." As I say, this has been going on for 80 or 85 days. There has been no attempt on the part of these pickets to interview employees as might be expected in the ordinary trouble, absolutely no attempt. It has all been directed to inducing or influencing the patronage, influencing people not to patronize the place. It is a direct attack upon the patronage to destroy it. It has been from its inception May 1.

Mr. Efting and Mr. Powers, who also own a string of restaurants in this city—one owns five and I think the other owns six—were interested in the Powers Baking Co. with Mr. Knab, a separate corporation. As near as we can get at it from all we have learned, they coupled Efting and Powers's name with Knab's and extended this boycott against those restaurants. Technically there is no strike and practically no strike against either of those persons; none of their employees went out; all of them were well satisfied and stayed in their positions, and there is no attempt on the part of the union to get them out; but it is simply an attempt to destroy the patronage of those two men.

This has continued now, except for a brief interval of several days, I should say, approximately two weeks. In front of these restaurants of Efting & Powers they did wear signs, and I think they still are, which state that Efting & Powers are in a combine to keep the waitresses from getting one day's rest in seven. That is the sole information conveyed to the public by the pickets in front of those restaurants.

As a matter of fact, Powers has never employed waitresses, but nevertheless his place is picketed by waitresses. Efting employs no waitresses and only a very few waiters, and his place is picketed that way. As a matter of fact, for a considerable time past they have not employed people seven days a week, but have granted one day's rest in seven, and that is not the issue.

They pay the union wages or more and work union hours or less, and there is absolutely no issue with either of those two men except a closed-shop agreement, of which I spoke.

Now, this matter comes into our office. Here are men who have been taught ever since they understood anything that they had certain legal rights. They come into our office seeking advice; they have not had any such trouble before and do not know what to do, and they inquire from us and we advise them. Now, Henrici got his injunction. Knab's attorney, who has never handled a matter of this kind before, applied for a similar injunction and got exactly what he applied for but found that it was not sufficient to stop the boycotting and the picketing. He later tried to have the injunction enlarged but did not get it, and I went in for Efting & Powers and applied for an injunction and got it. A little later they moved to dissolve it, and it was dissolved in this particular—by the way, in passing let me say that, so far as getting an injunction is concerned, in my experience of 10 years we are about always immediately put to the test of whether we are entitled to it. We may possibly get it without notice, but the courts are also keen to hear a motion to dissolve within a day or two; and when I got this injunction the court of its own motion wrote on the order that he would hear a motion to dissolve the injunction within 24 hours, showing his willingness to take the matter up and have it argued at the earliest possible moment.

Chairman WALSH. Do they grant ex parte restraining orders?

Mr. TAYLOR. Yes.

Chairman WALSH. They grant them on the face of petition in the first instance?

Mr. TAYLOR. And on the recommendation of the master in chancery; then within a few days we were in court on a motion to dissolve the injunction.

Chairman WALSH. In the first instance do you apply for the temporary restraining order and he refer it to a master in chancery?

Mr. TAYLOR. That depends on circumstances. As a general thing I give notice that I will apply for the injunction; but in a case like this, where this continual loss was going on and it was important to get immediate action, I applied for an injunction without notice.

Chairman WALSH. To a judge of the court?

Mr. TAYLOR. Yes.

Chairman WALSH. And did he refer it to a master in chancery before he granted the restraining order?

Mr. TAYLOR. Yes.

Chairman WALSH. Was either side notified?

Mr. TAYLOR. No; the master in chancery took it home over Sunday.

Mr. THOMPSON. What you say of injunctions here is true of all kinds of injunctions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. And wherever an ex parte injunction is issued without notice it is understood that the other side shall have the right of way over all other court business to come in and have a hearing on the injunction?

Mr. TAYLOR. That is true. An injunction is never in force more than a few days without a motion to dissolve being heard if the other side wants to make an argument.

Chairman WALSH. In this case the defendants' first appearance was on motion to dissolve the restraining order?

Mr. TAYLOR. No, sir.

Chairman WALSH. What was the first appearance in court of the defendants?

Mr. TAYLOR. The judge, when he was satisfied of the bill, required me to give notice, and notice was given, and they came in, and the court gave them this option: He says, "I have read this bill and I think it presents a case for the——"

Chairman WALSH. Had there been any action taken by the court with reference to issuing a restraining order before this moment you are speaking of now?

Mr. TAYLOR. No, sir.

Chairman WALSH. That is all I wanted.

Mr. TAYLOR. He required us to give notice, and they came in, and he said to the other side, "I will either grant the injunction and allow you to come in within 24 hours on a motion to dissolve and I will hear you on it, or I will not issue the injunction and you stop your picketing and boycotting until this court can pass on it, one or the other," and they chose to let the injunction issue.

Now, proceeding with my story, and I will draw to a close pretty briefly here.

Chairman WALSH. Go ahead.

Mr. TAYLOR. On the motion to dissolve the injunction it was argued at length, at least on my part, and while the court dissolved it so far as it referred to picketing our name was concerned, he left a perfectly good injunction against boycotting and against this scheme of exhibiting matters in front of these restaurants, as the injunction read, for the purpose or with the effect of injuring the patronage. These pickets did not cease picketing and boycotting; they did not even pause or hesitate; they continued it. We went in promptly on a motion for a writ to have them cited for contempt, stating we did not do it in a vindictive spirit at all, but simply for the purpose of having it stopped. It was further argued, and after reading of affidavits the court took the position he would not consider the causes underlying this trouble or the injury which was resulting to the complainants, but would test this thing solely by the question of violence or intimidation, and if their acts did not involve violence or intimidation he would not interfere, and with a perfectly good injunction in terms we, for all purposes, are out of court and get no relief. Now, these gentlemen say——

Chairman WALSH. Is your case still pending?

Mr. TAYLOR. Still pending.

Chairman WALSH. Will it come up for hearing on permanent injunction later?

Mr. TAYLOR. How soon we can get to the hearing I don't know. We are now in court vacation. Whether we can get to the hearing on the merits at all in vacation is very doubtful, and if we can't, then not until next fall; and if the court should stand by its decision, then we would have to go to the appellate court on the chance of reversing it, which would perhaps take a year or more and, of course, in the meantime there is no protection there. Now, these gentlemen feel that they have got real rights. They may be wrong, but that is their opinion. That is my opinion. It is my opinion that these waitresses have no right to walk up and down the street solely for the purpose of smashing the patronage, for the sole purpose of compelling them to enter into the closed-shop agreement. I take the position that if a union was so constituted, so directed, so managed that it would be a good thing for employers, the employers would seek to do business with the union because it would stand for stability, it would stand for the things which they need in their business; but here is a man who tried the thing for four months and it didn't work his way, and the others are judging by his experience and don't want to introduce it. They will not introduce it unless they are forced to do so. The unions on their part are doing all they can to force them to introduce it, as I have said, to the extent of smashing their business. These men are not in any picayune business; their places of business have cost from $5,000 to $10,000 to equip. It represents a large investment to them. It represents a business built up through many years of good, fair dealing, at least that is what they claim, and they come to this question of where is their relief. Now, assuming for the purpose of the argument that the unions are not always right, that they may sometimes be wrong, that there is a case sometimes for some tribunal to come in and investigate the matter, hear it upon its merits, and see that justice is done, where can we get it? That has been my experience during the time that I have been counsel for this association, that there is not a real adequate remedy.

On the other hand, I find a great powerful organization daily becoming more powerful—that is, the labor organization. It has a power to enforce not its requests but its demands. A single employer can't stand against it. Generally a few employers can't stand against it. It is a serious question if all the employers in the same line of industry in a city can stand against it. It is a question of standing the gaff, or standing the loss not only of profits, but standing the deficit in the conduct of the business perhaps for weeks or months. I say, assuming for the purpose of the argument, that the employer happens to be right, where is his remedy against that powerful organization? I want to call your attention to the fact that these people, forming that sort of labor organization, are irresponsible financially, they can move about the city, be lost to sight; move to another city, be lost to sight. You talk about damage suits, you can't get a damage suit to a hearing for possibly one or two years. You get a judgment; it is worth nothing; it is not any remedy. On the other hand, the loss is continuing during all of that time. Now, I find that when banks, as

responsible institutions, seek to do business in a community, they are required to give some token of their responsibility and satisfy the State auditor; that is right, I believe. They have to show their funds; their funds are under State control. The same thing is true of insurance companies; but here, we will say for the purpose of the same argument, is a powerful organization using its funds for the purpose of smashing another man's business, we will say, unjustly, and those funds are not subject to any control. You can't in this State sue at law a labor union, because there is no statute which renders a labor union liable in a suit against it. You have got to sue its members as partners; you can't get anywhere on that. You can't get their funds into the court's control, the funds which are being used against you all of this time. Now, that is the sort of thing, Mr. Thompson, we, in the vernacular, are up against all the time in this city.

Mr. THOMPSON. I am rather sorry your case, Mr. Taylor, was a recent matter. Of course, it may necessitate our going into it, which we did not intend to do at this hearing, but my question to you was what view you had, from your 10 years' experience as counsel of the Employers' Association, with reference to labor unions, and you said you would give a case which would illustrate your opinion. I will ask you if the waitresses' case, which you have testified about, represents, in your opinion, a typical union proposition?

Mr. TAYLOR. It is typical in a sense that most of our troubles are due to the closed-shop proposition and do not involve wages and hours. You ask for my opinion further on this thing. If it is of any value, it is this: That the first thing to do, as it seems to me, is to make labor unions responsible, and that has got to be the first thing to be done. Then you have got some measure of responsibility, some way of controlling it, controlling their funds, having their associations, I don't care whether of employers, employees, or laboring men, ipso facto corporations considered as corporations, but under laws which give some tribunal the control over those affairs. You take this case—harking back a minute to the waitresses; what does the public know about it? The public does not investigate this matter and form its own opinion and act according to its convictions; not at all. We have demonstrated that clearly. They simply avoid those restaurants, at least a considerable part of it does, because there is trouble there. It is easy to go to some other restaurant across the street or in the next block. Then you should have a tribunal which should look into the merits of these controversies, if you please, and make a finding by which the public can be guided; the public would be guided if it had confidence in the tribunal. The tribunal ought to have such real power as to enforce justice in the case.

That brings up another consideration. Your tribunal as constituted these days in our States has not real independence, in my judgment and in the judgment of those who are familiar with these matters. A judge is elected for six years. It may be we get into his court and he is up for reelection the next year. It may be he is up for reelection in two years. But be that as it may, we are satisfied that the judges fear to antagonize a large powerful class represented by labor unions and hedging so to speak, and we do not get relief. Now, you should have a tribunal, I think, which is appointed and under such circumstances as to insure its real independence. They are like the United States judges; they ought to be appointed for life, depending, of course, upon good behavior in office and all that, or some other thing like that, to insure their real independence.

Another thing, it ought not to be a tribunal composed of a laborer on one side, an employer on the other side, and a so-called member of the public for the third and deciding factor. That, so far as I have seen, in my observation, does not work out. It is a so-called species of arbitration which does not work.

Mr. THOMPSON. Referring to your question of financial responsibility of the unions, on the part of the unions, you spoke about corporations. Corporations generally are associations of men with capital for the purpose of limiting their financial responsibility; is that not true?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Legally?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In the new union you would want them incorporated for the purpose of extending their financial responsibility?

Mr. TAYLOR. I should say so.

Mr. THOMPSON. Now, to what extent and in what degree would you extend the financial responsibility of the unions by means of corporations, whereas the men of capital use corporations to limit their financial responsibility?

Mr. TAYLOR. I think if we could make the start, Mr. Thompson, it would be a matter of evolution much the same as the Interstate Commerce Commission, as I understand it, who have built up its practice and its procedure and its power. I think if we could start along right lines with the idea of control of the funds of all associations and with an independent tribunal it would, like our municipal court could, make a recommendation; give them power they have not got, or, having power, they do things—they can not enforce this control.

Mr. THOMPSON. Do you have an idea of having the common-law rules of damage, etc., applied to this responsibility?

Mr. TAYLOR. My personal idea, and, of course, all of this, Mr. Thompson, must be understood as my own personal idea and not any——

Mr. THOMPSON. Yes; I understand.

Mr. TAYLOR. Principles promulgated by our association at all. My own idea would be that the commission ought to have power, not in accordance with power which courts usually have, but a power to go into the merits of the dispute and adjust in accordance with justice, subject, only, to some reasonable control by appeal. I am not in favor of anything where there is no appeal whatever.

Mr. THOMPSON. Well, generally with reference to ordinary corporations, stockholders as such have no responsibility financially; is that not true?

Mr. TAYLOR. Except in banks, that is true.

Mr. THOMPSON. They simply stand the chance of the loss of the investment such as they have in the corporation?

Mr. TAYLOR. That is true.

Mr. THOMPSON. And people who deal with corporations are advised of that limited liability, are they not?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In corporations, of course, stockholders have no authority to act as such?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In your opinion is the union a democratic institution, I mean theoretically?

Mr. TAYLOR. Under practice, no.

Mr. THOMPSON. I mean theoretically?

Mr. TAYLOR. I regard it as un-American and unpatriotic.

Mr. THOMPSON. We will get to that later. At the present time, theoretically at least, they are democratic, are they not?

Mr. TAYLOR. Well, I am loath to admit it, because I have seen so much of the other.

Mr. THOMPSON. In other words, you do not pay much attention to the theory of labor?

Mr. TAYLOR. I can not let theory blind me to practice, Mr. Thompson.

Mr. THOMPSON. Well, taking your responsibility that would attach to a union, and assuming a union has 50,000 members scattered throughout the United States; that a contract was made by a local branch of an organization with some manufacturer; that 50 of these men should go out on a strike, we will say, violating this local contract which you assess your damages on. Do you think that the whole organization should stand a financial loss, irrespective of whether they concurred in that action or not? Assuming the international organization would refuse to sanction the strike and would order the men back to work and the men should not go. How would you assess your financial responsibility in that case?

Mr. TAYLOR. I should say, assuming that in reality the union is not back of it and discountenances it, that I would not favor that; but in practice I have rarely, if ever, found any such condition.

My experience, Mr. Thompson, leads me to believe absolutely that by the control of funds of an association, and, as I say, I do not care whether it is of employers or employees, you have got control of the association itself, and you can determine, or ought to be able to determine, whether or not those funds are being used.

Mr. THOMPSON. Then it would require, to carry out this policy, that rules should be laid down and in what respect the various labor organizations should conduct their business as to whether in case a local union went out on a strike that should fix their financial responsibility, and in order to fix the responsibility of that character the strike should have the sanction of the international organization?

Mr. TAYLOR. I suppose there would have to be some general principles.

Mr. THOMPSON. Well, as a lawyer how do you conceive, under our present constitution, you could make such refined laws dealing with the running of organizations and running of labor organizations, separating them from other fraternal organizations such as Masons and the various churches in our land and the Knights of Pythias, and so on?

Mr. TAYLOR. Well, our Constitution is interpreted differently as time passes. The time was when the right of contract, the freedom of contract, was always upheld, as you know. Now, that has given way to the general proposition of what is for the common welfare, and so on. And it is anybody's last guess in the court of last resort as to what is something for the common welfare and what is not. And that points back that the Constitution is changed—the interpretation of it, at least, changes, and conditions have to be met. I am not so sure that under our Constitution there would be any difficulty in having a tribunal—I do not like that word "commission," as applied to these things—but a real tribunal, exercising such power as is necessary to determine wherein the justice lies, enforce justice. Now, on broad lines, I think a tribunal could be constituted in each State, and a Federal tribunal to cover the Federal matter, which would have those broad powers and would find it within their power to enforce it.

Mr. THOMPSON. Then you believe in the establishment of an industrial court, perhaps?

Mr. TAYLOR. I do.

Mr. THOMPSON. If that could be done.

Mr. TAYLOR. I think it has got to come. I do not see any other way out of it. It must have the control; it must have the confidence of the employers and the people generally.

Mr. THOMPSON. Would you have that court carry out the common law as it has come down to us in industrial matters? Would you have it make new laws to meet our industrial conditions?

Mr. TAYLOR. I would be satisfied to have the courts start in and pass upon questions like, for instance, this closed-shop feature which I have cited to-day, as an instance. Let them go to a supreme court for its O. K. or reversal.

Mr. THOMPSON. Well, would you have this supreme court in determining that question, apply the old law or a newer industrial law to be built up?

Mr. TAYLOR. That is a matter which would have to rest with the supreme court to determine, what the law is. It is continually deciding.

Mr. THOMPSON. No. But would you have established some basis by which anybody determining questions of that character should have the right, the authority, to develop a new law to apply to our newer conditions, or would you have, on the other hand, if you did not want to do that, you say the question must be decided according to the law as it now exists.

Mr. TAYLOR. I hesitate to say, Mr. Thompson, in my opinion, that we ought to take the common law just as it is and apply it, although that is, of course, interpreted from time to time. I think it is a question of growth. You take, for instance, this closed-shop proposition. As you are aware, it has been passed upon by, I think, some five States—Massachusetts Supreme Court, New York Supreme Court, the Connecticut Supreme Court, and our supreme court—have held that the closed-shop proposition, when it is intended to cover an entire community, is a monopoly, and the attempt to enforce it is an attempt to create a monopoly, and that it is against public policy. There is an interpretation, a building up of the law.

Mr. THOMPSON. Is it your interpretation in building up the law in accordance with the old common law that has existed for centuries past?

Mr. TAYLOR. I think it is.

Mr. THOMPSON. Now, you then think, your idea of such a court would be that it should take the decisions of the courts of these five States you have named, and use those as a standard, we will say, in that closed-shop proposition?

Mr. TAYLOR. Yes; until some good reason to the contrary appears, or until some statute, possibly, is passed which will obviate it.

Mr. THOMPSON. I will put the question to you in another form, another question, a little broader. Do you believe that the law, as it has come down to us and as we have it to-day from the old industrial conditions of the past, is competent to meet the newer conditions, the newer situation?

Mr. TAYLOR. Oh, no. I think that statutory enactments are necessary from time to time. We have a very interesting case here in Illinois. In 1845 our statute on extortion was passed and enacted. At that time they knew nothing about a so-called labor-union extortion. Now, in the year 1913, so I am in-

formed by the plate-glass insurance companies, from $25,000 to $30,000 worth of plate glass was broken in this city by representatives of labor unions. And it is claimed that the glazers' and the painters' and the decorators', and possibly one or two others, the electricians', unions are involved in that matter.

The act of 1845 upon extortion does not cover that situation at all; we ought to have a new act; the changing conditions require a new act.

Mr. THOMPSON. Let me put it to you another way: What do you think of the fact that perhaps under the newer industrial conditions the worker may have a claim, in equity at least, to a right to work in a certain factory, whereas under the old common law, if strictly interpreted, he has no such right.

Mr. TAYLOR. Generally speaking, I would say, from my interviews and dealings with employees, I think they would all be perfectly willing to have a matter like that, or any other matter submitted to some tribunal such as I suggested in which they felt they could have confidence and felt that the tribunal was really trying to enforce justice and let that pass upon that, and if that is to be the holding and in effect the law of the land, they will abide by it and have to.

Mr. THOMPSON. Have you any other views with reference to labor unions which you can give the commission to-day?

Mr. TAYLOR. I am, of course, familiar with picketing and violence and those questions, but I judge that nothing new can be brought before the commission on that.

Chairman WALSH. Briefly give your experience with violence and picketing—anything that you think is an abuse.

Mr. TAYLOR. I have talked with hundreds of workmen in this city who have been assaulted or threatened; I have had them come into my office pretty badly beaten up, and I know their views as to the picketing and how it comes about, and how violence results or how it has resulted in past years. I know what they think about picketing, and it is idle to tell those men who are subjected to that sort of thing that because in the picketing out in front of the plant or within a short distance from it there is no violence or intimidation that, therefore, that picketing is peaceful. I have known of cases in this city of strikes where picketing around the plant might be considered peaceful because there was no violence right in that locality, but men were followed to their homes and a week or two after being followed were beaten up when their homes were perhaps 5 miles from the plant.

Those men put two and two together and make four out of it, and to their minds that resulted absolutely from the spying—peaceful spying, if you please—around the plant, by which they get their addresses, and the men are beaten up miles from the plant. You can not tell those men that that picketing is peaceful, and it is in that view that the courts have held that picketing is necessarily intimidating.

Another thing, you can not get those men to go to and from the factory while there is picketing, even so-called peaceful picketing; you must send guards with them or they won't work, thus showing you how they fear the pickets; you have got to guard those men wherever there is picketing.

Chairman WALSH. Have you got records of the alleged assaults that have been made in industrial disputes in Chicago in the last few years?

Mr. TAYLOR. Only in this way; it would entail a tremendous amount of work to go over all my records and pick it out; I gave that up years ago.

Chairman WALSH. There is no record in the city of Chicago, as I understand it, except what might appear in the courts?

Mr. TAYLOR. I expect that you could get some sort of record.

Chairman WALSH. Will you get up the best and most authenticated record you can and give it to our investigators who will call on you?

Mr. TAYLOR. I will do the best I can, but I would have to go through all of my papers.

Chairman WALSH. If you were attempting to get it for any purpose, where would you go?

Mr. TAYLOR. I keep a record from day to day of practically all I do; I would have to take it from that.

Chairman WALSH. Our investigators could gather information from that, could they not, which would be valuable in getting at the extent of such a practice?

Mr. TAYLOR. It would give that sort of thing.

Mr. THOMPSON. Is not the corporation liable for any damages wrongfully inflicted?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Do you know of any limitation of the liability of the corporation in that respect?

Chairman WALSH. That is, an ordinary corporation.

Mr. TAYLOR. No; none occurs to me at this moment.

Mr. THOMPSON. Can you collect from any corporation more than it is capitalized for or the property it actually has, no matter what it is capitalized for?

Mr. TAYLOR. No.

Mr. THOMPSON. If unions were legally liable, would there be any objection to limiting the liability of the union members?

Mr. TAYLOR. I do not see, offhand, any objection to that; it is a question, in my mind, principally of controlling the union funds. I think it is traceable to that.

Mr. THOMPSON. Would you put that on the same basis as the corporations?

Mr. TAYLOR. Yes.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. That is all at present.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. How many members did I understand there were in your association?

Mr. TAYLOR. I have a memorandum, Mr. O'Connell, of the names of the executive committee of our association which I can give to you—the names of the officers and all, but I do not know the members of our association or how many there are. That is not a matter within my knowledge.

Commissioner O'CONNELL. Do you know the number of associations of employers that are affiliated with you?

Mr. TAYLOR. I don't even know the number.

Commissioner O'CONNELL. Have you any of them in mind that are affiliated with you that you come in touch with?

Mr. TAYLOR. Right offhand, the Chicago Brass Manufacturers' Association.

Commissioner O'CONNELL. The restaurant owners—have they an association?

Mr. TAYLOR. The restaurant owners, I think, have very recently come into our association and affiliated with us.

Commissioner O'CONNELL. They are members of your association as an organization of restaurant owners or employers?

Mr. TAYLOR. I think they are now. I think they came in very, very recently.

Commissioner O'CONNELL. Have you any idea of the number of restaurant owners that are members of the Restaurant Owners' Association?

Mr. TAYLOR. No, sir; I haven't. Mr. Wells Cook is secretary of it.

Commissioner O'CONNELL. Have you any idea as to the number of restaurants in Chicago?

Mr. TAYLOR. No, sir.

Commissioner O'CONNELL. What are the hours of labor of the restaurant employees?

Mr. TAYLOR. I don't know, generally speaking, except in these instances which I have cited here where I know they are not to exceed the union hours. By the way, I have a copy of their agreement, where it specifies the hours, if you would care to have it—have it made a matter of record—showing the closed-shop agreement and the scale of wages.

Commissioner O'CONNELL. I would be glad to have you file it.

(Taylor Exhibit No. 1, "Agreement between the Hotel and Restaurant Employees' International Alliance," etc., was submitted in printed form.)

Commissioner O'CONNELL. What were the hours of labor in these restaurants that are now having the strike, prior to the strike?

Mr. TAYLOR. All I can say is that they do not exceed the union hours set forth in the agreement.

Commissioner O'CONNELL. Well, don't you know whether they are 8 or 10 or 15 hours?

Mr. TAYLOR. I have before me the agreement here, which, speaking of waitresses, says, steady waitresses, six days, 60 hours, $8 a week. Lunch and summer waitresses, seven days, 42 hours or less, $6.50, and so on. A list of them, giving the hours. Our hours are not to exceed those, and in many instances, I am informed, are less.

Commissioner O'CONNELL. Now, the Knab restaurant, which you speak of—that is the one that is having the strike?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Were the waitresses having one day of rest in seven prior to the strike?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. How was that arranged that they got that day? What day was it of the week?

Mr. TAYLOR. I dont' know what the day was, how they arranged it. My understanding is that they have a shift of employees, which might be called an extra shift, so that the regular employees get their time off each day. I understand that the Henrici restaurant, that there are girls there—waitresses—who work some part of the seven days in the week, but it is not true at the Knab restaurant or Efting & Powers restaurants.

Commissioner O'CONNELL. What were the wages at the restaurant? What were the earnings per week at the Knab restaurants?

Mr. TAYLOR. I am unable to tell you, other than to say they are not less than the union scale, and I am informed in many instances they are more.

Commissioner O'CONNELL. You say "less" and "more." What is the high and the low? Don't you know what the wages were there at all?

Mr. TAYLOR. That has not come under my knowledge.

Commissioner O'CONNELL. You don't know whether it is six or seven or eight or ten dollars a week, more or less?

Mr. TAYLOR. No, sir; I can't tell you. I only know those questions are not in issue in this case of this strike—the question of wages or hours. In other words, if that contract was signed up to-day by Knab or Powers or Efting, it would make absolutely no difference in the working conditions, the hours, or wages in any of those three restaurants. It would simply be a question of the closed shop.

Commissioner O'CONNELL. There is a system prevailing in restaurants where, in cities like Chicago, during the lunch hour there are extra help employed for two or three hours in midday?

Mr. TAYLOR. I assume there is. I understand there is; but you are asking me about details of which I have no knowledge. I am not in the restaurant business.

Commissioner O'CONNELL. The reason I am asking you is in the explanation of the strike as a cited case you took a position that would be rather positive as to the right or wrong of it. Is your association now giving its assistance to the Knab restaurant, furnishing waitresses or by other means attempting to assist them to defeat the strike, as it were?

Mr. TAYLOR. No; we don't furnish any waitresses. They get their own waitresses. They have had the benefit of whatever advice I could give them, or assistance.

Commissioner O'CONNELL. In the other associations or organizations that are affiliated with your association, if they had strikes with their employees, would they come to your association for services in those cases, and would you furnish them in that direction to the extent, if necessary, of furnishing people for employment?

Mr. TAYLOR. No, sir. Years ago, Mr. O'Connell, we had an employment bureau.

Commissioner O'CONNELL. That is what I was getting to.

Mr. TAYLOR. Yes, sir; but that was discontinued several years ago. There was not enough demand to keep it alive.

Commissioner O'CONNELL. That is what I was leading up to. I knew you had an employment bureau.

Mr. TAYLOR. We used to have one.

Commissioner O'CONNELL. That was discontinued?

Mr. TAYLOR. That was discontinued several years ago.

Commissioner O'CONNELL. Are any of the associations connected with your association running employment bureaus by themselves as associations?

Mr. TAYLOR. Yes; I know some of them secure help. I think the local branch of the metal trades does. I think the Chicago Brass does. I think the laundrymen do. I don't think the furniture people do—possibly they do; I don't know.

Commissioner O'CONNELL. Your association as such is not now operating an employment agency?

Mr. TAYLOR. No, sir; not at all.

Commissioner O'CONNELL. We could get this information from the representatives of the metal trades or other associations?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. I understood you, speaking of this board—the general board of adjustment we have had considerable information on or opinion

about—that its selection or its success would depend on its method of selection very largely?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. I understood also you were not favorable toward the election of judges by the people?

Mr. TAYLOR. No, sir; I am not.

Commissioner O'CONNELL. You believe they should be elected or selected or appointed for life?

Mr. TAYLOR. Yes, sir; I would rather have them elected by the people for life than to have them elected for 4 or 6 or 10 years.

Commissioner O'CONNELL. Then I would gather from your opinion as to your experience with the judges in Chicago—the fact that they had been elected for only a few years, the fear of not securing reelection, or of courting the displeasure of some element of their community—that their judgment is warped, at least?

Mr. TAYLOR. I am sorry to say I have seen many signs of timidity.

Commissioner O'CONNELL. Then, I take it, the impression expressed by some that the organizations of labor are not so favorable toward the courts—there is not so much difference between your opinion and the alleged opinion of labor?

Mr. TAYLOR. My experience, Mr. O'Connell, is that labor has in these matters far more the better of it in the courts. The courts, as nearly as I can judge, are anxious, almost overanxious, to remove any suspicion or feeling that the courts are in the least antagonistic to labor unions. I think they go out of their way in attempting to avoid any such misapprehension on the part of labor unions.

Commissioner O'CONNELL. Now, Mr. Taylor, I take it you have given considerable thought to the question of how the wageworkers ought to be organized. I take it you are not opposed to wageworkers organizing.

Mr. TAYLOR. Not at all.

Commissioner O'CONNELL. What would you consider to be a proper method and proper organization of labor?

Mr. TAYLOR. Of course, that is hard to say, but I do feel this, that a labor organization ought to be in a position to merit the confidence of the public and of employers, for that matter, and ought not to rely upon coercion. But what do we see? We see members of labor unions who do not dare to go to the meetings of their union and raise their voice in protest. We continually read in the newspapers of this city how some man has been assaulted and possibly kicked downstairs for presuming to say something in a labor-union meeting. I have talked with the members of labor unions regarding violence and graft—good, decent, respectable fellows—and I have said, "Why don't you have a house cleaning; why don't you go down there and why don't you take some of your people down there and open up these things and find out and be decent?" You simply get a smile from those fellows if they have one in their system. They don't dare do it. They are coerced into the union; they are coerced to do as the union directs, and we see the evidence of it every day. Some trouble is experienced somewhere in this city; a man goes around and perhaps whistles, blows a tin whistle, or snaps his fingers and the men go on a strike. Why? The chances are they don't know anything about it; the chances are they are opposed to it, because for the time being it takes their living from them or a considerable part of their living, but they have no choice or option but to obey. If those men were not coerced; if they were not in fear of violence that would not be the case.

I say that the labor unions as organized to-day, generally speaking, are thriving on coercion. It should not be so, it should be voluntary. This matter of the closed-shop proposition ought to be a voluntary proposition. The employer ought to be able to look at the contract and look over the union—the officers of the union—judging something of the past history, and say, I will be a lot better off doing business with your union; I want it in my business, and enter into the closed-shop agreement voluntarily, if he wishes to do so, and not to be compelled and coerced to do it and have the members coerced and compelled to go into the union and stay in the union and do as the union officers say. That is, in my judgment, un-American and wrong.

Commissioner O'CONNELL. What construction do you put on open shops? What is an open shop?

Mr. TAYLOR. An open shop, I take it, is a shop in which a man can be employed irrespective of his affiliation with any labor union.

Commissioner O'CONNELL. You think that is so?

Mr. TAYLOR. I think it is so. There may be instances possibly where it is not so, but that is as good a theory, at least, as some of those which we have here.

Commissioner O'CONNELL. You think that is so in the United States Steel Co.'s plant?

Mr. TAYLOR. I have no knowledge about the United States Steel Co.'s plant.

Commissioner O'CONNELL. Do you think that is so in any of the large industrial plants?

Mr. TAYLOR. I do know many, Mr. O'Connell, where the open shop has been in operation for years without any discrimination at all.

Commissioner O'CONNELL. And they are still open shops?

Mr. TAYLOR. They are still open shops.

Commissioner O'CONNELL. In reality or in name; which is it?

Mr. TAYLOR. How is that?

Commissioner O'CONNELL. In reality or in name, which is it?

Mr. TAYLOR. In reality, and I know I think what you have in your mind, and I am perfectly frank in answering you, if I am right, and that is this: That an employer who has been conducting an open-shop proposition gets into some trouble; he is up against a pretty hard proposition; perhaps he has learned a lesson or thinks he has learned a lesson; from that time on perhaps he maintains what he calls an open shop, and, as a matter of fact, it is closed to the union. That is what you have in mind, isn't it? In other words, he won't have a union member if he knows it?

Commissioner O'CONNELL. I believe that exists.

Mr. TAYLOR. That condition arises and exists.

Commissioner O'CONNELL. But on the other hand, what I am trying to get at is whether it is not true that there are a great many of the shops so-called open shops that are not open shops.

Mr. TAYLOR. I can only presume there are many shops which are so-called open shops and which, as a matter of fact, are closed to union men; I don't know, but I assume that is so.

Commissioner O'CONNELL. And many of these shops which are composed of all union men are called open shops?

Mr. TAYLOR. I venture to say that probably in shops in which there has been some trouble and the employer felt he could not do business with the labor unions under present conditions——

Commissioner O'CONNELL. For instance, the railroad industry.

Mr. TAYLOR. That is something I don't know anything about. They don't call on us.

Commissioner O'CONNELL. You don't know about that?

Mr. TAYLOR. Not a thing.

Commissioner O'CONNELL. I don't think there is a closed-shop agreement. I have made hundreds of them, but I do know that every one of these shops are union absolutely, and I suppose that applies in other industries and probably in shops of your members in Chicago.

Mr. TAYLOR. In my experience I have seen men who came out of college with a humanitarian altruistic idea and possibly thought the old man, their father, who had conducted the business before them, didn't know what he was doing and called the union officers in and made a closed shop agreement and said to them, "I want to work with you hand in hand," and attempt to carry that thing out, only in the course of time to be put in a position, whether by restriction of output, limitation of apprentices, or one thing and another of that sort, where he has had to fight for his business life to get out from under that sort of agreement.

Commissioner O'CONNELL. Now, in conclusion, I don't wish to take any more time. Has your association a provision for the expulsion or suspension or fining of members of your association for infraction of the rules and regulations of your organization?

Mr. TAYLOR. So far as I know it has not. There has never been any such arise, and it is a loose organization at best.

Commissioner O'CONNELL. If a member of your association was found guilty of bribing or attempting to bribe a representative of labor or a representative of the people at your Sate legislature or a representative of the people at Washington, would your association expel, suspend, or fine him for such act?

Mr. TAYLOR. There has never been any such case, and I have never heard of anything of that sort or any intimation. I assume that these gentlemen who

are at the head of our association, some of whom are national figures, like Mr. John B. Farwell, would be very much disinclined to be associated with that sort of a crook.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. In your testimony, Mr. Taylor, among other things, you said that the employer could not have much confidence in the courts as they are constituted to-day, because in labor disputes the tendency on the part of the court was to toady to labor. Did I catch it correctly, Mr. Taylor?

Mr. TAYLOR. I don't quite like to put it that way.

Commissioner WEINSTOCK. Just correct me, then, and put me straight.

Mr. TAYLOR. I wouldn't quite say "toady to labor," but I can't quite help but have the feeling that the tide has for years been running very strongly against employer, and that the employer is almost wholly on the defensive, and has been so for years. The labor unions have no trouble in getting their causes heard and getting everything they are entitled to, and I think considerably more, as in this case I cited here. On the other hand, I feel when we go into court on injunction matters or labor disputes we are not as welcome as we might be in other matters; that there is a disinclination, a very real disinclination, on the part of the court to get out from under in order to avoid passing on those cases and, as they sometimes say, "to pass the buck." I am talking a little bit plainly about it. I have known judges who are independent, strong men, and you can expect them to do justice. On the other hand, I know too many of the other sort who are certainly very timid.

Commissioner WEINSTOCK. May I put the matter in this way: I presume, in speaking as you do, you are voicing the sentiments of the members of your association?

Mr. TAYLOR. No, sir; I can't say I am. This is the sum total of my observation and experience, and they are my personal views only.

Commissioner WEINSTOCK. You do not know, then, whether you are expressing the consensus of opinion of the employers connected with your association?

Mr. TAYLOR. Those who have come under my observation I should say I am, and from some particular remarks that I can recall I know that many agree with me.

Commissioner WEINSTOCK. Many do agree with you?

Mr. TAYLOR. Yes, sir.

Commissioner WEINSTOCK. The spirit, then, is, if I interpret it correctly, that those employers with whom you have discussed the matter, whose opinion you know, is that they can not look for what you might call a square deal?

Mr. TAYLOR. That is correct.

Commissioner WEINSTOCK. In the courts when it comes to labor issues?

Mr. TAYLOR. That is true.

Commissioner WEINSTOCK. You were not here yesterday afternoon, were you?

Mr. TAYLOR. I was in and out a couple of times.

Commissioner WEINSTOCK. Let me read to you the viewpoint of the last representative on that side of the issue. Mr. Walker, president of the State federation, in his testimony, said this: "There is one difference between our courts and the courts of Great Britain that seems manifest to me. That, in my judgment, has a good deal to do with the situation. The one is in Great Britain if a case is taken into court, in 99 per cent of the cases at least, and I think it is agreed to by everybody everywhere who has studied that situation, that the evidence and the law will determine absolutely what the decision will be, and there is no escape. On the other hand, from the information I can gather and from what I have observed and what I have seen and gotten through personal experience, the courts in our country are not the automatic justice-dealing institutions with what they are over there."

Continuing, he said at another time: "You would not expect me to have confidence in a court that will countenance coal operators hiring armored trains or copper-mine owners importing men with records as murderers and clothing them with the authority of the law in violation of the law and allow those men to go out on the streets and assault and abuse and beat up people when no overt act had been committed on the other side."

If Mr. Walker represents the consensus of opinion of the workers and you would care to at least represent the consensus of opinions of employers, it would indicate, from the testimony of both sides, that neither have overly much confidence in the justice they can find, in connection with the labor disputes, in our

courts. Is it for that reason, Mr. Taylor, that you would advocate some independent tribunal that would establish a higher degree of confidence of both sides in the treatment of labor disputes?

Mr. TAYLOR. That particularly, and also because I believe that you can take any well-intentioned man who is in a position to act according to his judgment, and is independent to that extent, and while that man may be unfamiliar with these things in controversy at first he will soon become familiar, and his knowledge will be cumulative, as it ought to be, and by reason of his familiarity with all angles of the matter he soon ought to be in a position to render valuable service and carry out justice.

Commissioner WEINSTOCK. You threw out a suggestion along this line that evidently is not crystallized in your mind. Let me therefore invite your criticism on the system in Australia. Under the Australian system the prime minister appoints——

Mr. TAYLOR. I am familiar with that plan there.

Commissioner WEINSTOCK. This prime minister appoints an industrial judge from the supreme bench, and this man confines himself to labor issues; he sits with two assessors, one appointed from each side. Do you think a corresponding system would operate in this country?

Mr. TAYLOR. Not quite. I have no confidence in a tribunal in which there is a representative of the employers on one side and a representative of the employees on the other side and a third man who is the deciding factor.

Commissioner WEINSTOCK. For your information let me explain that these assessors have no voice; they simply sit there to guide and aid by suggestions or furnish information, and the power is vested solely in the judge himself.

Mr. TAYLOR. Yes; if that judge is able to pass upon the matters. If the system is such that he can hear the matters in reasonable time and dispose of them, I think it is along the right line. I want to say, however, that two or three years ago we had correspondence with a large number of employers in Australia, New Zealand, and Tasmania upon this subject, and their chief complaint was that the labor-union end of it was not responsible, and while the decree of the courts could be enforced against the employer, because the employer had property or must necessarily proceed with business, it could not be enforced against the union.

Commissioner WEINSTOCK. You are misinformed. I have made an exhaustive investigation into this, and I know that the judgments have been enforced against the workers, their wages have been libeled, and they have been compelled to pay the penalties or go to prison.

Mr. TAYLOR. This is pointed out in some of the correspondence, as I recall it, that where it was held that their strike or proposed strike (they must submit it there) was for some reason or other unjust and would not be countenanced, that nevertheless they quit work, and many of them shifted about there in large cities and went from one district to another, and as a matter of fact they did strike and disrupt their employers' business, although it was not a strike in name.

Commissioner WEINSTOCK. The records show that the judgments are enforced.

Mr. TAYLOR. I am glad of that.

Commissioner WEINSTOCK. Just one more question, Mr. Taylor: In answer to one of Mr. Thompson's questions, you explained that your association did not have any employment bureau in connection with it.

Mr. TAYLOR. Not now.

Commissioner WEINSTOCK. You also made the statement that your association furnished guards in labor troubles.

Mr. TAYLOR. Yes, sir.

Commissioner WEINSTOCK. Have you read Robert Hunter's work on labor troubles?

Mr. TAYLOR. No.

Commissioner WEINSTOCK. He holds employers responsible for violence in labor troubles on the ground that they employ detectives and gunmen, and these detectives go into the labor unions as spotters and incite violence, and compels the employer to increase his force of guards, and that increases business for the detective agencies, and that if the employers would cease to employ guards it would wipe out violence in labor troubles; what is your view as to that?

Mr. TAYLOR. He certainly greatly overstates or overexaggerates. Our system is to have the addresses of a number of guards who are available when necessity arises. We send one guard or two guards, or possibly three or four, depending on the number of employees and their routes in going to and from their homes. We send them to the plant, and one guard probably takes a half dozen men under his charge and escorts them from the plant to the street car or the elevated, and some of them to their homes. I can recall only one case in the last 10 years of my association with this employers' association where it is claimed or charged that a guard had been guilty of any violence or wrongdoing. My whole experience has been that the guards do not foment any trouble; they are not allowed to do anything of the sort; there has never been anything of that sort. Now, it might be that in mining districts there has been something of that kind; I don't know, but I am speaking of the city of Chicago. You will find that in the strikes here where guards have been sent out, one, two, or three guards as the case may be, that the workmen would not go to and from the plant without the guards, and that the guards do not make trouble, and there is no trouble so far as they are concerned. There is only one case of trouble being made by a guard that I remember.

Commissioner WEINSTOCK. So far as your own observation and experience go, then, within your own association, you do not agree with Mr. Hunter in his statement?

Mr. TAYLOR. Absolutely not.

Chairman WALSH. Do you wish to ask a question, Mr. Delano?

Commissioner DELANO. Yes; I just want to ask one or two questions. You stated that you thought that some form of tribunal would have to be created in the States and as to the Federal Government to deal with these matters between labor and capital. You told us how such a tribunal ought not to be formed, but you did not tell us how it should be formed or what should be the number constituting the court or anything about it. Give us your views on that.

Mr. TAYLOR. I said that such a tribunal should be composed of lawyers for one thing. I suppose that—I see it creates a smile—my reason for that is this: The average man knows nothing about legal procedure. And you can travel far afield in trying to arrive at a given point. The average business man, put him on a so-called arbitration committee, does not understand how to handle those matters. Furthermore, the lawyers, by reason of their legal experience, what ought to be perhaps their judicial temperament, they ought also to be independent. They have not any axes to grind. They are neither employees nor employers. It seems to me that they, above any other class, are the ones from whom the members should be drawn and that give the best service. That for one thing. Now, I would be, as I say, content to have three men or four, as the case might be, elected, or appointed, to take chances with any of them as long as they have a tenure of office which makes them independent. But when you have got a man in a position and his livelihood depends upon it, and it depends upon to some extent, or he thinks it depends upon his not antagonizing a large, powerful class, he is not independent.

Commissioner DELANO. That is all.

Chairman WALSH. Did you want to ask some questions, Mr. Garretson?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson has some questions he wants to ask.

Commissioner GARRETSON. The last answer suggests one: Would not the existence of a tribunal of this character depend on common confidence?

Mr. TAYLOR. I should say so.

Commissioner GARRETSON. Do you believe that to make that up of lawyers would contribute to confidence?

Mr. TAYLOR. Some of the finest men I know, Mr. Garretson, are lawyers.

Commissioner GARRETSON. So I would agree with you, but I know some others.

Mr. TAYLOR. Yes. But let us give the finest men.

Commissioner GARRETSON. Are you aware that there are labor organizations that would not use a lawyer as an arbitrator?

Mr. TAYLOR. Yes; I suppose that is true.

Commissioner GARRETSON. Although they have a high regard for individual lawyers.

Mr. TAYLOR. I am also aware that they have called in lawyers as arbitrators, and judges also.

Commissioner GARRETSON. Oh, surely they have.

Mr. TAYLOR. For instance, they searched the State here in connection with the city railways dispute two or three years ago, and finally they selected Judge Carter, of the supreme court.

Commissioner GARRETSON. I have been guilty of it myself, but I am speaking of the general attitude.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. You say that you have no detailed knowledge of the hours of service, the rates of pay, the conditions that obtain with these waitresses?

Mr. TAYLOR. No; I have not.

Commissioner GARRETSON. You represent an organization of people that probably employ people in twenty or more lines.

Mr. TAYLOR. Many more than that.

Commissioner GARRETSON. Yes; I judged more than that, but I put it at that to show the diversity. What of those lines have you intimate knowledge of the wages, conditions, and hours of the employees?

Mr. TAYLOR. I can not answer as to those things.

Commissioner GARRETSON. You do not know any of them?

Mr. TAYLOR. It would only be a specific case; when a specific case arises in which I would inquire and find out about that.

Commissioner GARRETSON. That is, you have not that detailed knowledge of the conditions under which these men serve the employers that you represent, and if you know nothing of their wages or the hours that they serve, on what do you base the very decided opinions that you have expressed in regard to the justice or injustice of the claims of these men—secondhand information?

Mr. TAYLOR. No. I think in the specific case which I cited there is no question about that, Mr. Garretson, because that has been admitted.

Commissioner GARRETSON. What has been admitted?

Mr. TAYLOR. The statement which I made as to wages and hours, the question of wages and the question of hours were not involved. So far as my general opinions, if they have any value at all, are concerned, they are mostly based upon the proposition that we ought to have somewhere, some place and some tribunal to which we can go and feel that the justice of the thing will be determined upon the merits and the remedy applied.

Commissioner GARRETSON. Justice is a wide term. Some men believe justice is an opinion handed down in accord with what they desire. Do you partake of anything of that idea of justice?

Mr. TAYLOR. Most decidedly not, of course. We have got to take things as our experience shows. The main things are determined somehow or other. We have got our notions of justice and right. There must be a dividing line somewhere—there must be somebody to determine.

Commissioner GARRETSON. You made the statement a moment ago——

Mr. TAYLOR. Otherwise you will have it in persons' power, or combinations of power, to put it there.

Commissioner GARRETSON. You made the statement a moment ago in regard to Knab and his two associates.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. That they were not engaged in a picayune business, that they had some $5,000 or $8,000 invested.

Mr. TAYLOR. $5,000 to $18,000.

Commissioner GARRETSON. $5,000 to $18,000?

Mr. TAYLOR. In each place.

Commissioner GARRETSON. Is a man who has $5,000 to $18,000 invested entitled to more consideration before the law than a man who washes dishes for him?

Mr. TAYLOR. I should say not.

Commissioner GARRETSON. Well, one of the reasons why they ought to have had standing in court is because they are not in a picayune business; it would seem that that idea entered into it?

Mr. TAYLOR. No; I mean merely to convey the impression that it was a serious matter. That was all.

Commissioner GARRETSON. Oh, then it would not be a serious matter from the standpoint of the number of men that were in it, but from the number of dollars in it?

Mr. TAYLOR. No; I do not mean to be so understood, Mr. Garretson. I think it might be serious either way.

Commissioner GARRETSON. A human is worth as much, then, before the law as a dollar?

Mr. TAYLOR. I should say he is worth far more.

Commissioner GARRETSON. You spoke of the fact, in response to a question, that your association comprises national figures, and that therefore they would not desire to be associated with the criminal who would pay a bribe.

Mr. TAYLOR. I should not think that they would.

Commissioner GARRETSON. Is the fact that a man is a national figure a guaranty of his personal honor?

Mr. TAYLOR. Not necessarily.

Commissioner GARRETSON. I did not know. That is all, Mr. Taylor.

Chairman WALSH. Mr. Lennon would like to ask a question or two.

Commissioner LENNON. Mr. Taylor, do you believe that the well-being of society requires that industry should pay to its workers a living wage?

Mr. TAYLOR. Generally speaking, yes.

Commissioner LENNON. Well, do you believe that——

Mr. TAYLOR (interrupting). I think there are other things which enter into it; there are certain things which might possibly prove an exception, Mr. Lennon.

Commissioner LENNON. To that general question?

Mr. TAYLOR. Possibly.

Commissioner LENNON. That is to say, that there might be cases where an industry or social well-being might permit less than a living wage to be paid?

Mr. TAYLOR. May I explain what I have in mind? It is simply this. We have that subject under discussion now in this State in connection with the minimum-wage proposition.

Commissioner LENNON. I live here.

Mr. TAYLOR. Yes. The minimum-wage laws which were submitted to the legislature at its last session—and I presume they will be there again—did not take into consideration the worker's age, skill, education, previous experience, or other qualifications. Now, Mr. Lennon, a father is supposed to support a child in infancy. He supports a child, we will say, up to the time that the girl is 16 years old. During all of that time she has been in school, she gets out at the age of 16, she has no knowledge of business conditions, she has no knowledge which renders her particularly valuable to an employer, and, to say that that girl can immediately transfer from school, or even within a matter of a few months, and be useful to the employer, necessarily because of her living, I think is doubtful.

Commissioner LENNON. That is all. I want to ask a question that is usually asked witnesses. The law creating this commission says that our duties shall be to inquire into the underlying causes of industrial unrest and offer such recommendations as the judgment of the commission may warrant at the end of its investigation. Would you be willing to submit to the commission in writing any suggestions along that line that may come into your mind, at some future time?

Mr. TAYLOR. If the commission thinks and desires it I would be glad to.

Commissioner LENNON. We ask it of you.

Chairman WALSH. That is all, Mr. Taylor.

Mr. THOMPSON. There have been some questions handed me to read.

Chairman WALSH. Read them to the witness. I did not know you had them.

Mr. THOMPSON. Do you think there is any real bargaining, collective or otherwise, when there are not two voluntary contracting parties?

Chairman WALSH. There is no legal contract of that kind, is there?

Mr. TAYLOR. Any contract which was under duress, of course, ought not to be legal—is not legal.

Chairman WALSH. The answer is no to that, then?

Mr. TAYLOR. Yes.

Chairman WALSH. Read the next question.

Mr. THOMPSON. These questions are from Mr. Drew. Do unions in your city tie up work of employers by sympathetic strikes when the dispute is entirely among the unions themselves?

Mr. TAYLOR. Yes; very frequently.

Mr. THOMPSON. Do you consider that fair?

Mr. TAYLOR. No.

Mr. THOMPSON. Has personal violence, slugging, and even murder, resulted in this city from such wars among the unions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Is the whole interest of the employer against the fomenting of trouble by guards or otherwise?

Mr. TAYLOR. I didn't understand you.
Mr. THOMPSON. Is the whole interest of the employer against the fomenting of trouble by guards or otherwise?
Mr. TAYLOR. I think it is, absolutely.
Commissioner O'CONNELL. That is simply an opinion, is that all?
Mr. THOMPSON. That is all it calls for, of course.
Chairman WALSH. Any others?
Mr. THOMPSON. That is all.
Chairman WALSH. That is all. Call your next witness.
Mr. TAYLOR. Do you desire to have this agreement?
Chairman WALSH. Yes; you may hand it in.
(The paper so presented was marked "Exhibit No. 1, Witness Dudley Taylor, July 22, 1914."
The agreement referred to was submitted in printed form.)
Mr. THOMPSON. Is Mr. Fitzpatrick here?
Sergeant at Arms EAGAN. Not present.
Mr. THOMPSON. Mr. Chairman, Miss Maloney, while she is not down for to-day's hearing, would like to be heard.
Chairman WALSH. You may call her.
Mr. THOMPSON. I would like to call her now.
Chairman WALSH. All right.

TESTIMONY OF MISS ELIZABETH MALONEY.

Mr. THOMPSON. Give us your name.
Miss MALONEY. Elizabeth Maloney.
Mr. THOMPSON. Speak up strong, so we can all hear you. This is a noisy room.
Miss MALONEY. Elizabeth Maloney.
Mr. THOMPSON. What is your business address?
Miss MALONEY. 35 South Dearborn.
Mr. THOMPSON. What position do you occupy?
Miss MALONEY. I am the financial secretary and business agent of the waitresses' union.
Mr. THOMPSON. In Chicago?
Miss MALONEY. In Chicago.
Mr. THOMPSON. How long have you been that agent?
Miss MALONEY. About 10 years.
Mr. THOMPSON. About 10 years?
Miss MALONEY. Yes.
Mr. THOMPSON. Are you familiar with the conditions which exist between your organization and Knab's restaurants?
Miss MALONEY. Yes, sir.
Mr. THOMPSON. You have heard the testimony of Mr. Taylor?
Miss MALONEY. Yes.
Mr. THOMPSON. Will you briefly state anything that you have to say in that regard?
Miss MALONEY. Yes.
Mr. THOMPSON. Make it as brief as you can.
Miss MALONEY. Mr. Knab has been conducting a restaurant—general restaurant—in the city of Chicago for about 11 years, running an open shop until the 5th day of January of this year, when he signed a closed-shop agreement with our organization, which terminated on May 1. So the union conditions spoken of in Mr. Taylor's testimony have only been in operation in Knab's restaurant about four months. Prior to that time they worked seven days a week, and have worked 12 to 14 hours a day, until the 10-hour law went into operation. The law is what gave the girls protection, but not until the law was amended four years ago to include hotels and restaurants. They worked more than 10 hours a day up to that time. They have never had union conditions until the 1st day of January, and they concluded there on the 1st day of May, when our girls went on strike. He had a closed-shop agreement for about four months. The court records will show in the Henrici case that in the month of February of this year he applied for admission into the restaurant keepers' association, and his application was not accepted because he had a closed-shop contract with our organization. So on May 1 he decided he would not have a closed-shop contract with our organization. So the contract and the union conditions that pre-

vailed there have only been in operation that short time. The restaurant keepers' association do not allow their members to make contracts, closed-shop or otherwise, as individuals, with organizations. Hence, I suppose that that is one of the causes for Mr. Knab's refusal to renew our agreement. He is a member of the Food Exchange. I have here the by-laws, and would be very glad to read them. Do you want them read on the subject?

Mr. THOMPSON. If you can, hand them in to the commission.

Chairman WALSH. How long are they?

Miss MALONEY. These paragraphs are very short. If there is no objection, I will read them [reading]:

"SEC. 4. No person, firm, or corporation now having signed agreements with any labor organization shall be admitted to membership in this association, except on condition that such agreements shall be fully carried out in letter and in spirit, and such person, firm, or corporation so admitted shall not be entitled to any benefits accruing to the members of this association under agreements of said association and others which are inconsistent with the faithful performance of such individual agreements; and this limitation shall apply not only to agreements now in force between this association and the several labor organizations, but to any which shall be hereafter made during the life of the individual agreement now in force."

Then it goes on to say [reading]:

"It shall be the duty of the members of this association, when any demand is made upon him, her, or it, by any labor organization, to notify the secretary of this association. The secretary shall at once lay the same before the president, and if compliance with their demands, in their judgment, would be inconsistent with the principles and laws of this association or of good business, such members must refuse to negotiate any settlement and refer the party or parties making the same to this association.

"Any member who shall settle a strike or demand of any labor organization whatever affecting the general welfare of the members of this association shall be suspended and not reinstated until he shall have complied with the conditions which this association may impose."

Mr. THOMPSON. Does Mr. Taylor have any connection with the association, do you know?

Miss MALONEY. He is attorney for Mr. Knab in this controversy, and I suppose by reason of his being counsel for the employers' association. The girls went on a strike on the 1st of May for their closed-shop agreement. You will readily see that they only had their one day off in four months, and being anxious to hang on to that one day off in four months, and feeling that they could only maintain it by their closed-shop agreement, they went on strike when he refused to sign it. Before going on strike the members employed in the Knab houses held meetings, took a secret strike vote on it—no coercion by the officers whatever—and they voted to strike. Conferences were held prior to their coming out both by our organization and the other organizations there who had agreements, and with the Chicago Federation of Labor. But he refused to sign any agreement at all with us, and so we went on strike; and we have been on strike ever since.

Mr. THOMPSON. Are the girls now working in these restaurants members of your organization?

Miss MALONEY. No, sir.

Mr. THOMPSON. Then the girls that did work there and worked under this contract which lasted for four months left the restaurant?

Miss MALONEY. Yes.

Mr. THOMPSON. And you have a strike on there now, is that correct?

Miss MALONEY. Yes.

Mr. THOMPSON. And do you know now whether or not the restaurant is paying the union scale of wages and giving union hours?

Miss MALONEY. I do not know, but I imagine it would be a good policy for them to pay it, when they are having a fight it would not be a good policy to reduce wages now while it is going on.

Mr. THOMPSON. They are having the strike?

Miss MALONEY. The cooks and waitresses in those establishments. And the real connection that the Efting-Powers have with this strike is this: That those three concerns operate a bakeshop, and that bakeshop is owned by those three persons and I think two other stockholders. They supply all the bread and cakes for the entire system of 20 restaurants. Knab owns 8, Powers 6, and Efting 6. Union conditions did not prevail in either Powers or Efting houses,

and if they are operating on this six-day-a-week plan, they have done it since May 1, but prior to that time they did not do it; although Mr. Powers promised to sign our agreement, yet he did not, and entered into the combination to fight us. Therefore we are picketing his houses and the bakeshop because we feel that every dollar that is taken in in those places will be used to fight us and to prevent us from getting our agreement. They made the broad statement that they would wipe the waitresses' union off the boards, and they have been attempting to do that now since February 1, first in the Henrici strike and now in the Knab strike.

Mr. THOMPSON. Have you been acquainted with the litigation pending in reference to the Powers restuarant and the other ones?

Miss MALONEY. What do you mean?

Mr. THOMPSON. Bills for injunction that have been filed.

Miss MALONEY. Yes.

Mr. THOMPSON. Did you hear what Mr. Taylor said in regard to them?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. Have you anything to say or add to what he said?

Miss MALONEY. Well, I might say when they got the Knab injunction it was gotten without notice. They got just the injunction they sought for. But it did not prohibit peaceful picketing. So we continued to picket. They then went to Judge Baldwin with an amendment to try and have peaceful and silent picketing restrained. That motion was denied. We have been picketing there right along. Then Powers and Erting jointly got an injunction which prohibited picketing, which prohibited talking to any of the employees or the patrons, or from distributing any literature; it prohibiting us placing them on the unfair list, and it was a very sweeping injunction. It was not issued until they gave us notice. The notice in that instance was a very ridiculous thing. At half past 11 we were notified that they were going before Judge Baldwin and have an injuction. At 2 o'clock we went in there, and they were in there and had the injunction. However, the judge did say that he would listen to a motion to dissolve—24 hours' notice. So we immediately got ready to give notice for that. When the case came up before Judge Windes that portion of the injunction was dissolved. We are still picketing. I might add that there has not been any violence in this strike. The pickets do not talk to the patrons. They first wore a sign saying, "Help us win our strike." They now wear a sign which says, "With your assistance we will win our strike at Knab's." And the picketing has been so peaceful and so silent that it has not been enjoined. In a few instances, I want to relate, they have resorted to picketing themselves, and they place pickets on the street. I wish to say that at 52 Washington Street they placed colored pickets on the street, colored women, who wore signs like this: "Gee, I ain't mad at nobody and nobody ain't mad at Knab." Another one saying that they would travel up and down just as long as the pickets do. They have now withdrawn the colored pickets, and they have other nonunion girls picketing, who wear signs, "I am one of Knab's waitresses and I am satisfied." The signs were changed yesterday to read something about a nannie goat, and they carried nannie goats in their hands, and they would make them squeak under the noses of the girls. Of course we understand that was done to incite violence or coercion, and that an argument of any kind with our girls would be what was desired; but, being girls who have been in the courts and understand the position since February 5, they know what the intention was, and so far they have not been successful. We have no objection to them displaying by cabaret performances at all. In fact we think it is a good thing to do, so we haven't any objection.

Mr. THOMPSON. Has there been any interference of any kind with your pickets?

Miss MALONEY. Yes; I wish to say that this new performance, signs in the Knab windows, they are more or less of a ridiculous nature and attract crowds, and our girls are being arrested three or four times during each meal. I wish to say that we have been discriminated against. That when the policeman calls a wagon the nonunion pickets are tipped off, and they go inside the restaurant, and when the wagon comes they simply take the union pickets, who have not been responsible for the crowd, and who have done nothing but walk up and down. Yesterday there were 21 arrests, and the day before 16.

Mr. THOMPSON. Have any of those cases come to trial?

Miss MALONEY. There have only been two cases come to trial. Those were girls who were arrested on last Thursday evening, and they were found not guilty.

Commissioner O'CONNELL. Were any scab pickets arrested at all?

Commissioner LENNON. Were the negresses taken, arrested?

Miss MALONEY. No; negresses were not taken. They have been warned time and again to take out those ridiculous signs, because they were attracting the public, and they only put the signs up when the pickets are out. There was this same thing during the Henrici fight; we were treated very brutally by the police, and the same system is starting in again. In taking the girls into the wagon they always take them away in such a way as to have them treated very badly, and they have always gone with the officers. They are compelled to put up large bonds. We have got $400 in each instance that we are charged with loitering. In the Henrici case we have over 139 cases in court which never came to trial. Over $200,000 in bonds up. So they are undertaking to play the same game.

Mr. THOMPSON. Did the giving of these bonds cause any inconvenience to your organization or membership?

Miss MALONEY. It compelled us to get people on short notice—take people from their work—people who were willing to go our bonds, or else the girls have to stay in jail; and I wish to take the case of one girl who was arrested for walking up and down, she was taken over there at 25 minutes of 8, and the desk sergeant had her to stay there until after 10 o'clock, and she would have had to stay there all night if representatives of the cooks' organization had not come to her aid. They simply want to break the spirit of the girls, and even the police say that they will drive us off of the street.

These arrests are all unlawful, because the judges have decided on the character of the picketing and the character of the signs, and the girls are doing nothing more than they are legalized to do by the judges.

Mr. THOMPSON. What is your opinion as to the reason for the police acting the way they are acting?

Miss MALONEY. Mr. Knab has always been very good to the policemen. Last Christmas he gave every policeman a turkey free; almost every uniformed officer went there and got one. They eat there free, and have always eaten free there, and naturally they have a very kindly feeling for anyone who gives them free meals.

Mr. THOMPSON. Is there anything more, Miss Maloney, in regard to the strike Mr. Taylor has spoken of?

Miss MALONEY. I believe that we are justified in our strike. The closed shop is the only guaranty we have of maintaining the conditions we fought for and every improvement that has ever been made in our trade has been made through the closed-shop agreement. Before then the members of our organization were paid as low as $3 a week, seven days in the week and 10 hours a day; they furnished their own linen then, and now the employers do.

Mr. THOMPSON. I would like you to tell us the difference between the union and the nonunion shops in Chicago.

Commissioner O'CONNELL. Say in the Knab shop and the nonunion shop.

Miss MALONEY. Henrici pays $7 for seven days of 10 hours, but 10 years ago he paid three and one-half and four and five dollars a week, and when the union came into existence and put up a battle something similar to what they are doing now he then raised their wages to $7. Since that time he has made no change at all except the one which the law compelled him, and that was the limitation to a 10-hour day. The conditions have remained about the same. The girls in that house pay for their own linen; that is, they rent it for so much a day. They do all sorts of porter work, or did at the time of the controversy, and I do not know that the conditions have changed. They worked seven days and furnished their own laundry and paid for the laundering of it and paid a system of fines for every breakage. The system of fines is like this: That if a man orders a steak and is in a hurry and for some reason the orders get mixed and are delayed and the man leaves before eating the steak the girl has to pay for the steak, but she can not eat it.

Commissioner O'CONNELL. Is it resold?

Miss MALONEY. I believe it is; she does not get it. And that sort of fines they call discipline and it is enforced in those houses. Yet they stated when we were in court that they had a profitable business and that every month's receipts in the year showed at least 20 or 30 and in some cases 50 per cent more than for the year previous, showing that they were running a paying

business, yet they did not feel justified to give us this one day a week and pay $7 a week to the girls. They justified themselves by saying that they were very good to their employees and that they had given their girls a present at Christmas of $5, and I tried to demonstrate that they had given a girl $5 on account of salary and they still owed her $95 by reason of contributions that she had paid out of her weekly wages. They were running a profitable business, but they did not seem to think they should give a day off or give the girls a dollar more.

They made the excuse that the only way they would favor us was if a legislative act was enforced by which they were compelled to give one day off in seven. We answered that by saying that the employers' association and restaurant keepers' association, when that legislation was introduced at the legislature through Mr. Taylor, bitterly opposed the one day off; they opposed it in legislative form and in the organization form.

Mr. THOMPSON. Referring to the employers' association, or whatever you call it—the restaurant or food exchange—has the employer the liberty to belong or not belong?

Miss MALONEY. I don't understand.

Mr. THOMPSON. Has Mr. Knab or any other employer the right to belong to the employers' exchange or not as he pleases?

Miss MALONEY. Certainly.

Mr. THOMPSON. The only issue now is the closed shop, is it not?

Miss MALONEY. At the present time; yes.

Mr. THOMPSON. That arises out of the agreement you had?

Miss MALONEY. Yes; that arises out of the agreement. That agreement was in force for four months, and you understand it is not in force now, but the reason we wanted the closed shop was to maintain the agreement we had.

Mr. THOMPSON. Do you think you have the right to destroy a patronage solely to enforce the closed-shop agreement?

Miss MALONEY. I think the courts have clearly defined our right in that respect; they stated it all depended upon the intent; if you are doing it to better the condition of your fellow workmen you have a right to do it.

Mr. THOMPSON. Is there anything further that you want to say in the matter?

Miss MALONEY. I don't know of anything further.

Mr. THOMPSON. Your answer to this question is what, Miss Maloney? I will ask you to look at this paper [showing witness paper]; I will read the question:

"CHICAGO, *May 19, 1914*.

"Pursuant to your request of my position with respect to the waitresses' union, permit me to say that I will continue in the future as I have heretofore, namely, to give union waitresses the preference when in need of help and to pay the following wage scale:

"Steady girls, six days, 60 hours or less, $8 per week.

"Night girls, six days, 60 hours or less, $8 per week.

"Dogwatch girls, six days, 60 hours or less, $9 a week.

"Dinner girls, six days, 60 hours or less, $4 per week.

"Furnish linen and pay for laundry of same.

"I will instruct the managers of my restaurants, in the presence of a committee of three, to call on the waitresses' union when in need of help.

"The business agent of the waitresses' union shall have the privilege of organizing the waitresses in my establishments, the business to be timed when the help are not overly busy.

"The help that have gone out on strike shall be taken back as soon as possible."

Was that submitted by you to anybody with the request that he sign it?

Miss MALONEY. It was submitted to Mr. Becker, of the bakery drivers, and was submitted to the bakers.

Mr. THOMPSON. Was it with your approval?

Miss MALONEY. No; it was more as a solution; I could not approve it; I have no authority as business agent of our organization to approve anything, except the closed-shop agreement, without a vote of my organization. It was just submitted as a proposition to be submitted to them. Allow me to make a full explanation.

When we went out on strike the bakery drivers and bakers working for the Powers, Knab, and Efting companies went out on a sympathetic strike. They

were only out about 20 days. Their organization took the matter out of the hands of the business agent and put it in the hands of a committee, because they were not satisfied with the action of their business agent, because, while the controversy was on, he renewed the agreement with the Powers, Efting, and Knab people, and for that reason the organization took the matter out of his hands and put it in the hands of a committee. This committee felt they would like to return their men to work, because the employers were trying to get all the master bakers to repudiate that agreement, and that was the story they put up to them, and the bakers were anxious to return to work, and the bakers went to see Mr. Knab in conjunction with the bakery drivers. The bakery drivers had been out only two days.

The bakers went to see Mr. Knab, and I am sorry that Mr. Thompson has not submitted his proposition that he would call on us when in need of help. The second proposition to preferential—a preferential shop—but as our organization had an agreement with Mr. Knab we felt that we could not be sure of our position without a closed-shop agreement, because we had a closed-shop agreement for four months and we did not see why we should accept a preferential shop. They did get that agreement, and an hour after it was signed, when the business agent went over, he said, "I will not sign the cooks' agreement," and that agreement I signed was not a statement from my association, but simply for the bakers to allow them to go back to work. So the next day the bakers who had already gone back to work and the bakery drivers went to Mr. Knab to see what he was going to do about it, and he offered them preferential arrangement, which they declined to accept. We had a meeting that afternoon and by unanimous vote repudiated the preferential shop, having no faith in it and felt that we would have no protection under that agreement.

I and Miss Alexander went to Mr. Knab and explained the situation and that we felt we would not have any protection and the strike is still on, and for that reason we turned it down.

Mr. THOMPSON. Didn't you tell Mr. Knab that this preferential agreement was satisfactory to you and later tell him that your girls had considered it and would not accept it and wanted the closed shop or nothing?

Miss MALONEY. I never told Mr. Knab that that agreement was satisfactory to me. It was submitted to me first, but was submitted to Mr. Becker and the organization of bakers. I did not interview Mr. Knab until our organization had turned the proposition down.

Mr. THOMPSON. You have not had a closed-shop agreement with Efting or Powers. Are you willing to enter into a preferential agreement with Efting and Powers?

Miss MALONEY. As an official of an organization, I am not empowered to speak for the union, but it would have to be submitted to the union as to whether they would accept a preferential shop or not.

Mr. THOMPSON. Then, your whole picketing and boycotting now is to force a closed-shop agreement and you will not accept a preferential agreement?

Miss MALONEY. I think that question has been answered by the former answer, that it is up to a vote of my organization as to what they would do to a preferential shop at the two houses in question.

Mr. THOMPSON. Is there anything more you want to say on that subject?

Miss MALONEY. No.

Mr. THOMPSON. In your position as official of the union for 10 years you have had an opportunity and have studied the industrial problem, have you not?

Miss MALONEY. Somewhat; yes.

Mr. THOMPSON. And the unrest which is evidenced?

Miss MALONEY. Yes.

Mr. THOMPSON. What opinion have you with reference thereto as to the causes and the remedy that might be suggested within the scope of a commission like this?

Miss MALONEY. I think the causes of so much industrial unrest are the unsettled grievances—unlistened-to grievances and the utter ignorance of any grievances that exist. The reply is, "If you do not like this position, get another job." I think that has prevailed so much that when people get beyond the point of endurance that there is certainly a question of unrest that must be remedied. I think it is the unsettled grievances that cause it.

Mr. THOMPSON. How would you remedy that condition, or what remedy would you suggest?

Miss MALONEY. I think it can be best solved—I do not know what sort of legislation should be brought to bear on that, but I think if a commission were

appointed of an equal number of employees and employers and they could choose a party to represent the public and go into the trade and see both sides of the question, they could then settle it. I think it can be best settled that way.

Mr. THOMPSON. Do you think that such a commission, if it were a Federal commission and had broad powers over the country, would be better?

Miss MALONEY. I should think so.

Mr. THOMPSON. In other words, you are in favor of such commission, either State or national, as may be best?

Miss MALONEY. Yes, sir; I am in favor of such commission, either State or national, as may be best, but the people to be chosen on one hand by the workers and on the other hand by the employers, and not to be appointed by either the State or Nation.

Mr. THOMPSON. You heard Mr. Walker's testimony?

Miss MALONEY. Yes; and I am heartily in accord with that.

Mr. THOMPSON. He expressed your views?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. You spoke something about representing a democratic organization and that you expressed its views. What have you to suggest, if anything, in the way of rules and regulations, or laws that would safeguard the democratic expression of the views and attitude of the members of trade-unions?

Miss MALONEY. Well, we have in our organization a certain routine to go through before a strike can be called, and a certain routine to be gone through before a settlement can be had other than that authorized by the organization to be put through. In that way I think it is democratic, because it at all times expresses the wishes of the rank and file.

Mr. THOMPSON. You think the individual members of the union ought to be protected in the expression of their views the same as in the State in voting?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. And if there is any interference with that the interference ought to be removed?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. And regulations of institutions like the primary law we have in the State should be inaugurated in order to protect the purity and free expression of the will of the members?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. A certain portion of the people, I take it, can be safely said, feel there is not that free expression in all labor organizations. Have you given it any consideration, and, if so, what remedy would you suggest there?

Miss MALONEY. Well, for the most part my main study has been with the organizations of women, and I think my experience has been that they have tried to get out of the individual girl her expression on every subject possible. They have urged her to get up and state her views, feeling that everybody should give expression to the question before them.

Mr. THOMPSON. As far as you know, is anything like the Australian ballot used in the unions to safeguard the secrecy of the ballot?

Miss MALONEY. It is used in our organization, and that is the way we elect our officers, and that is the way the strike vote is taken, and that is the way all questions are decided.

Mr. THOMPSON. You believe the use of that method is a safeguard in organizations?

Miss MALONEY. I think you get the true expression of the members in that way.

Mr. THOMPSON. Do you think that is generally true of labor unions in this city?

Miss MALONEY. With those I have come in close contact with I do.

Mr. THOMPSON. Do you think that sort of expression exists in the building trades?

Miss MALONEY. I only know just in the women's organizations. Not being a member of the building trade I could not very well express myself on it.

Mr. THOMPSON. Have you any views with reference to the establishment of a minimum wage, such a law as has been offered to the legislature at Springfield?

Miss MALONEY. The Women's Trade Union League, with which our organization is affiliated, did submit a bill which we thought was a good bill at the last session of the legislature. We thought it was a very good one. It was drawn for the creation of a commission of three to investigate with power to appoint a minimum wage board consisting of an equal number of employers

and employees in each industry and some one to represent the public, chosen by those, and to go into the details of the industry from both standpoints and arrive at what they thought would be a fair wage for the worker and at the same time fair from the business standpoint, and we thought we had a very good bill.

Mr. THOMPSON. Did you hear Mr. Taylor's testimony?

Miss MALONEY. Yes; and I heard it at Springfield, too.

Mr. THOMPSON. What have you got to say with reference to what he said?

Miss MALONEY. I will repeat what he said at Springfield, I think that would be the best way to explain it. He was asked by Senator Juul—I believe his particular clients at that time were the candy manufacturers, at least they seemed to be very much in evidence. He was asked by Senator Juul, when he had taken the side to oppose all legislation—by the way, there were about seven bills pending before the legislature—Senator Juul asked him if he didn't think any girl who had given her services all week was entitled to enough compensation to get three meals a day and a decent place to sleep. He answered no. He was asked where he thought the responsibility lay if it was not a responsibility on the part of the employer, and he said no, that he thought the responsibility should lie with the parents and that the employer should be complimented for giving them anything at all while fitting them for commercial life. And he was then asked if he had a daughter of his own, and I believe he answered yes. I wish to say that I believe that was a very inhuman answer. I think that expresses my view on it.

Commissioner O'CONNELL. Are there printed records of those hearings?

Miss MALONEY. I think they can be had of the secretary of state.

Chairman WALSH. Were shorthand notes taken of the hearing before the committee at Springfield?

Miss MALONEY. I don't know.

Mr. THOMPSON. He has substantially said the same thing at this meeting.

Miss MALONEY. He admitted the testimony.

Mr. THOMPSON. That a girl 16 years of age wasn't able to earn her living.

Miss MALONEY. Yes, sir.

Mr. THOMPSON. What have you to say with reference to that subject? Where should the responsibility rest to support that girl?

Miss MALONEY. I think when the employer—you know as soon as they come out of school you read the ads in the papers how they want the girls just fresh from school so as to learn their methods. She is very quick to pick them up, and she ought to be worth at least her living, and I don't consider her living just three meals a day and a decent place to sleep. When you look at the profit side of any concern and look at the wage column, and see the wages as low as two or three or four dollars a week, and you know that industry is piling up millions of dollars at the expense of the girls, that side of the table should be equalized a little more, and I think a girl should be entitled to live decently and properly and enjoy some of the things in life that her employer wants his children to have.

Mr. THOMPSON. Would it affect your answer you have given even if it was true for a period of time like two or three or even six months a girl was unable to actually earn the wages she receives?

Miss MALONEY. We made a sort of provision for that; we tried to make a provision for that in the minimum-wage legislation. We asked the minimum-wage board to go into the question of apprentices, and state a stipulated salary below which they should not go. This was to be determined by this wage board, and also for people who were deficient; that is, if they were in any way deficient, by which their earning capacity would not be as great as some of those who were stronger.

Mr. THOMPSON. Have you considered whether it would be fair or unfair to charge against the industry the education of the worker in the industry, to do that specific work?

Miss MALONEY. To charge it against them?

Mr. THOMPSON. Yes; whether the industry should pay for it, or the parents, in preparing the girl for industrial life?

Miss MALONEY. I think after a girl has received what we call a common-school education, and that is what is compulsory now—I think that after she has been in the service anywhere six months she ought to be—the company won't keep her if she can't turn out a certain output in their line of work. If she is worth anything at all to that house or that manufacturing establishment

or that mercantile place she ought to be worth a decent living or salary enough for a decent living.

Mr. THOMPSON. Some one has got to keep her until she does learn a trade or industry.

Miss MALONEY. And they especially want a girl fresh from school so as to adapt her to that line of work. If she is necessary to industry and they choose to take her, they should not be allowed to hide under cover that because she just came from school and is proficient in every way she should be held to very low wages.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. I understand 10 hours is a maximum number of hours fixed by the law that women can work in Illinois?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The law does not fix the minimum wage as yet?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. The 10-hour schedule for waitresses was due to the law?

Miss MALONEY. We first had it through organization, and in conjunction with the Women's Trade Union League we introduced the first bill for the 10-hour day. That bill was just limited to the trades in the first law—laundries, manufactories, and mechanical establishments—because there was a supreme court decision against the limitation of women's hours of work in certain lines, and we knew we would have to face the supreme court and have them reverse that decision, and so we took the identical Oregon law. Then it was carried to the court in the case of the Ritchie Co., and the law was upheld in the supreme court and it reversed its prior decision and included all trades. The waitresses had it by organization before that.

Commissioner WEINSTOCK. For what period was the agreement of your association with Mr. Knab?

Miss MALONEY. Only from the 1st of January to the 1st of May.

Commissioner WEINSTOCK. Only four months?

Miss MALONEY. Yes.

Commissioner WEINSTOCK. Had he violated any agreement?

Miss MALONEY. In one house there was a violation. In fact we desire to have all these things settled in one hearing.

Commissioner WEINSTOCK. The agreement was only signed for four months?

Miss MALONEY. Yes; the agreements all expire the 1st of May each year.

Commissioner WEINSTOCK. The issue at this time is to compel Mr. Knab to renew the agreement?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Whether he wishes to or not?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. How many workers went on strike on the 1st of May from Knab's place?

Miss MALONEY. Out of 96 girls, 75 have gone on strike.

Commissioner WEINSTOCK. You say 75 out of 96?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Are they still out on strike?

Miss MALONEY. Yes, sir; they haven't gone back there. Some of them are working at other places.

Commissioner WEINSTOCK. None of the proportional 75 returned to Knab's?

Miss MALONEY. Only two.

Commissioner WEINSTOCK. Can you tell the commission how many waitresses there are in Chicago?

Miss MALONEY. I think the last census showed 2,000.

Commissioner WEINSTOCK. What proportion of that number belong to your union?

Miss MALONEY. Between 600 and 700.

Commissioner WEINSTOCK. About 30 per cent are organized?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The remainder are unorganized?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. That is all—in speaking of the minimum wage, do you favor a minimum wage?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Does your organization favor the minimum wage?

Miss MALONEY. I can't speak for all of the organizations; but I believe the women's do.

Commissioner WEINSTOCK. The women favor it?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The unions composed of men, have they fought it in any way?

Miss MALONEY. Not in this State.

Commissioner WEINSTOCK. They have not?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. In speaking of the minimum wage, you were saying that the lowest wage ought to be called a living wage?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Put yourself, for the moment, in the position of the employer. Suppose you wanted to hire a woman and there were two women before you, two applicants; one was more efficient than the other, in your judgment, which would you select, the more efficient woman or the less efficient woman?

Miss MALONEY. I should think, naturally, I should want the more efficient; but, then, perhaps, if I could not afford her salary I might choose the less efficient.

Commissioner WEINSTOCK. Suppose both were ready to work for the minimum wage, you would naturally select the more efficient?

Miss MALONEY. I would naturally select the more efficient.

Commissioner WEINSTOCK. Suppose every employer did the same thing, what would become of the less efficient ones?

Miss MALONEY. I will answer that by saying I don't expect in setting a minimum wage—we are setting it so low, we want to make a standard below which nobody can go. Anybody, who pretends to be in an industry at all, can get that. We don't expect when the minimum wage is established, if you show more efficiency you can't go above it.

Chairman WALSH. At this point we will adjourn until 2 o'clock. Please return to the stand at 2 o'clock.

AUGUST GANS. My name is August Gans. I represent the Knights of Labor, No. 43 B Street, Washington. I want to know whether I will be admitted——

Chairman WALSH. If you will kindly address any communication you have to me in writing, I will be glad to answer it.

(Adjournment was here taken until 2 o'clock p. m. of the same day, Wednesday, July 22, 1914.)

AFTER RECESS.

Now, the hour of 2 o'clock having arrived, the commission met pursuant to adjournment.

Present, same as before.

Chairman WALSH. You may proceed, Mr. Thompson.

Mr. THOMPSON. Miss Maloney, please take the stand again.

TESTIMONY OF MISS ELIZABETH MALONEY—Continued.

Commissioner WEINSTOCK. I think, Mr. Chairman, I was in the midst of the examination.

Chairman WALSH. Yes, Mr. Weinstock.

Commissioner WEINSTOCK. Coming back, Miss Maloney——

Mr. THOMPSON. One question I desire to ask, Miss Maloney: You state you believe in the minimum-wage law?

Mr. THOMPSON. I have this question to propound to you: Would you compel an employer by law to give employment to the unemployed at the minimum wage?

Miss MALONEY. To the unemployed?

Mr. THOMPSON. Yes.

Miss MALONEY. You mean some one who had never been employed by them?

Mr. THOMPSON. What is that?

Miss MALONEY. Do you mean some one that they never had in their employ?

Mr. THOMPSON. This is the language of the question—I will say frankly—well, the question is as follows, the question by Mr. Drew: Would you compel an employer by law to give employment to the unemployed at the minimum wage?

Chairman WALSH. Would you compel an employer to hire persons that were unemployed, at the minimum wage, whether he needed them in that industry or not?

Miss MALONEY. Oh, no; certainly not.

Mr. THOMPSON. If not, how would you take care of the unemployed?

Chairman WALSH. I don't believe I would ask Miss Maloney that question. Ask somebody else that has a broader knowledge. You don't need to answer that; it is all right.

Miss MALONEY. I can answer how they would take care of them in our own organization.

Chairman WALSH. How do you take care of them in your own organization?

Miss MALONEY. In union shops in slack seasons—now, this is the summer season; it is our rush season—you take in the months of February and March, you take a house that has 40 or 50 employees, in place of putting any of them off the pay roll they will have each girl leave off one or two meals a week; that is the way we handle that.

Chairman WALSH. Now, Mr. Weinstock.

Commissioner WEINSTOCK. For your information, Miss Maloney, I might explain that in the British countries—in England, New Zealand, Australia—where the minimum wage was initiated, the legal minimum wage, they have a graduated scale, beginning with the boy and the girl that starts in fresh from school. The scale rises year by year until the maximum minimum is obtained. Now, is that your conception of the minimum wage? Would you pay what is called the maximum minimum wage right at the very start without having any graduated scale?

Miss MALONEY. Well, I think that you would start on the minimum and up toward the maximum.

Commissioner WEINSTOCK. You would have a graduated scale?

Miss MALONEY. Yes.

Commissioner WEINSTOCK. That is, you would not pay the boy and girl of 16 the same as you would the young man and young woman at 20?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. Would you have that scale rise by age, as it is in other countries, or by experience? In those countries they start in at 16 years, so much a week; 17 years, so much a week; 18 years, so much a week; 19 years, so much a week; and 20 years, so much a week, and there is no maximum to that except what the individual can create for himself.

Miss MALONEY. Can obtain through efficiency?

Commissioner WEINSTOCK. By way of efficiency.

Miss MALONEY. Yes; I would approve of that plan.

Chairman WALSH. Mr. Lennon would like to ask a few questions.

Commissioner LENNON. Is it or is it not your understanding that the wages of waiters are to be paid from the tips of the customers? I don't mean that there is an agreement, but do you believe that that practice of tips is taken advantage of by employers in order to make the wages less?

Miss MALONEY. In some instances; yes, sir. In the recent Henrici strike that was one of the strong resources they relied upon in paying $7 wage. They said they received good tips. I wish to say that organizations don't believe that the deficiency in the pay roll should be made up out of the charity of the patrons. That is the way the organization feels about it.

Commissioner LENNON. What is the attitude of your union as to the tipping system?

Miss MALONEY. We would like to see it eliminated and a decent living wage in its place.

Commissioner LENNON. If a living wage was paid, do you believe that would help to eliminate the tipping system?

Miss MALONEY. I believe it would.

Commissioner LENNON. Now, I want to find out from you something about wages and conditions in this city. Take, say, a year ago or two years ago, what wages were paid to waitresses in nonunion houses?

Miss MALONEY. In nonunion houses they work seven days for $8 and some houses seven days for $7, and lunch work from $3.50 to $3.90. You see there was a dollar difference in the wages there in that respect as far as the union is concerned. Some houses, for instance, in the Knab House, they work seven days for $7.

Commissioner LENNON. What wages were paid in union houses——

Miss MALONEY. For $8, I mean.

Commissioner LENNON. What wages were paid in union houses that long time ago?

Miss MALONEY. Six days and $8 in the houses that had closed-shop agreement.

Commissioner LENNON. What rules existed in restaurants and hotels wherever waiters are used as to their payment for breakage? Suppose they break a tray of dishes, who has to pay for those?

Miss MALONEY. If the waitress or waiter breaks it, he pays for them.

Commissioner LENNON. Is that always the case, or is each case judged on its own particular merits?

Miss MALONEY. In some houses you pay for the breakage irrespective of the merits, but in contracted union houses they can only charge for breakage in the case of gross negligence.

Commissioner LENNON. Who determines the question of negligence?

Miss MALONEY. If there is a question, it is left to the business agent of the union and the manager, and if they can not settle it they call on the committee, but it is usually settled by the business agent and the manager of the restaurant as to the merits or demerits of the case, and if they can't agree they put it to a committee.

Commissioner LENNON. In the nonunion house who determines it?

Miss MALONEY. The management. The waitress has no alternative except to accept the ultimatum of the manager or head waiter.

Commissioner LENNON. And have no appeal to anyone?

Miss MALONEY. The waitress has no appeal to anyone except to quit their job.

Commissioner LENNON. Do you know anything about the fines—any fine system. Suppose a girl is an hour late in the morning or at noon, are they fined in the house for being late? What is done?

Miss MALONEY. Well, I think, as a general rule, if a girl were to report an hour late she would lose her job.

Commissioner LENNON. Say 10 or 15 minutes late?

Miss MALONEY. In some houses they have a system of fines for that—fine them 1 cent for every minute they are late.

Commissioner LENNON. Is that anyway general or is that an isolated thing?

Miss MALONEY. It is not a general thing. They expect us to be on time, because your work starts in right away, and if you can't be on time you lose your job.

Commissioner LENNON. What effect has the establishment of your union and contracts in some of the restaurants had upon nonunion houses as to the raising of the wages and the limitation of hours?

Miss MALONEY. They raise within a few cents of our scale so as to keep the girls from becoming members of the organization. Our 600 members set the wage scale for the 2,000 girls of this town. They keep within 10 cents of it or maybe make them work a day longer, but the $8 wage, as a general rule, is paid in this town because it has been established by the union.

Commissioner LENNON. Does your union take cognizance of women employed like chambermaids in the hotel?

Miss MALONEY. They were organized at one time here in Chicago about 10 years when we went through quite a struggle and their organization was disrupted at that time, but we have made investigations of their work and do organize them into our national union.

Commissioner LENNON. Do you know about the wages they receive?

Miss MALONEY. Yes; I had occasion to investigate the case of a chambermaid in one of the large hotels here. From $14 to $15 a month. I investigated the case of a girl where they were poisoned on food that was spoiled and I went into quite a thorough investigation of that and found out from those girls that they received food that was three or four days old and when they got it it was in a half decomposed state. These girls were poisoned through eating spoiled roast pork, and in speaking with them I went to the room of the girls because they were in bed from those attacks of ptomaine poison and found on their window sills boxes of crackers and bottles of milk and other eatables. I said, what does this mean, don't you get your board at the hotel? Yes; but it is not fit to eat half of the time and whatever tips I get I use to get things to eat. There was an illustration of a regular delecatessen store, you might say, on the window sill of this girl's bedroom.

Commissioner LENNON. Has the union agitation bettered their condition, if you know, in this city?

Miss MALONEY. I think it has to some extent.

Commissioner LENNON. How many women do you suppose are engaged in that business in his city; have you any idea at all?

Miss MALONEY. Oh, I should judge about 3,000.

Commissioner LENNON. How do the waitresses' wages compare with the girls that are employed in the cloak and suit industry, do you know that?

Miss MALONEY. Well, that I do not know, because they work on a piece system, the majority of them. I could not answer that question because I have not ever worked in that trade and could not go into detail on it.

Commissioner LENNON. Speaking of the minimum wage, in expressing your approval of it, I am not sure whether you have yet indicated whether you believe in a minimum wage by a statute law of the State or whether you believe in it by the creation of wages boards?

Miss MALONEY. I believe in it by the creation of wages boards. I think that is the only way to determine it to arrive at what a proper wage would be for each trade.

Commissioner LENNON. Has your organization ever taken any official action on the question of the minimum wage?

Miss MALONEY. They have indorsed it, and part of the people in the Women's Trade Union League went to Springfield at the last session of the legislature to get a minimum wage law.

Commissioner LENNON. That is, your local union, you mean?

Miss MALONEY. They cooperated in the action of the Women's Trade Union in that sort of legislation and indorsed it.

Commissioner LENNON. That is, your Chicago local union cooperated?

Miss MALONEY. Yes.

Commissioner LENNON. Your international union, has it taken any action?

Miss MALONEY. Yes; our waitresses in San Francisco appeared before the legislature there for the same kind of a law and our girls did also in Washington.

Commissioner LENNON. What age are girls employed as waitresses?

Miss MALONEY. From 16 years up.

Commissioner LENNON. About what standard of education are they; are they pretty well through the eighth grade?

Miss MALONEY. Most of them; some of them have been graduates from day schools, and they are mostly girls who come here from small towns and have come here to start out in offices and the salary was small and they had to go into the restaurant work for the sake of getting their meals. They can get along a little better by just having to pay their room and laundry and get their meals; but in some of the nonunion houses they do not get good substantial food such as they get in the union houses.

Commissioner LENNON. Has the city of Chicago in making provision for vocational education made any provision to teach girls the work of waitresses?

Miss MALONEY. Not yet.

Commissioner LENNON. Has your union ever taken up the question at all?

Miss MALONEY. No; not in a specific way, speaking generally.

Commissioner LENNON. As much as you know of this general subject, do you believe in the State furnishing such education to some extent, to a reasonable extent?

Miss MALONEY. I should say so; it is a trade. People are going to eat just the same as they are going to wear clothes and gloves and anything else. This is a trade that will be with us all the time. There is no reason why it should not be taught properly.

Commissioner LENNON. I wonder if it is not an art, once in a while, when I see them carrying a load around. I think that is all.

Chairman WALSH. Mr. Ballard would like to ask you a question or two.

Commissioner BALLARD. Please, Miss Maloney, you spoke of the tips—can you give us some idea about what the tips would amount to in the course of the week with the average waiter girl?

Miss MALONEY. Well, it would depend on the class of house and the girl's station in the house.

Commissioner BALLARD. Well, the class of house you have been referring to.

Miss MALONEY. Well, if you referred to the house where the strike is on, the question of tips don't arise there to any great extent. The tips don't amount to much in that kind of house; it is a popular-priced house.

But in the case of Henrici's they made very startling statements, almost unbelievable; they claimed that the girls in that house made $25 a week. Our investigation shows that the girl in a good station would average from

90 cents to $1.10 a day, that is getting the girls who work there—their opinion—what they actually got.

Commissioner BALLARD. You say you are the business agent of the waitresses' union. Are you a waitress yourself?

Miss MALONEY. Yes, sir.

Commissioner BALLARD. Where have you been working?

Miss MALONEY. Well, I have worked in quite a number of restaurants in this town. I learned the business in the Fair department store; worked in Siegel's, Rothschilds, and then worked in quite a number of the lunch rooms around town.

Commissioner BALLARD. Are you working the last few years since you became business agent?

Miss MALONEY. I haven't worked at the business in two years.

Commissioner BALLARD. Is your union a national union or merely a local union?

Miss MALONEY. This is a local union affiliated with an international union covering the United States and Canada.

Commissioner BALLARD. When your girls are on strike, do they receive strike benefits?

Miss MALONEY. Well, not a stated strike benefit. We have what we call a defense fund.

Commissioner BALLARD. Where does that fund come from?

Miss MALONEY. Well, it is an international fund.

Commissioner BALLARD. The unions in other cities will send the money here to help you?

Miss MALONEY. They will send it to the international union and from the international union to us.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Mr. Delano would like to ask some questions.

Commissioner DELANO. There are a good many employers, I suppose, that employ only union girls?

Miss MALONEY. Yes, sir.

Commissioner DELANO. Now, do those employers have any immunity from trouble, do they get any better character of girls, is there anything done by your union to make it to their interest to do that?

Miss MALONEY. Yes, sir. In the first place, they get steadier help, girls whose actions are responsible to their organization. A girl must give an employer 24 hours' notice if she wants to leave. She must report at least 15 minutes before the hour called for work. She does everything that she can to always have a satisfactory substitute in her place when she leaves his employment. And there are so many advantages from it that the people who have contracts with us have no hesitancy at all in saying that they are well satisfied with the help that we send them. You see, they are responsible to the organization for their actions, and in order to have the protection of an organization they are anxious to make good when they are on the job.

Commissioner DELANO. Are they liable—are those employers liable to sympathetic strikes or anything of that kind?

Miss MALONEY. Well, we haven't had any sympathetic strikes. We provide for that by way of arbitration.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Miss Maloney, why do you object to the giving of tips; or what evils, if any, have you found coming from that so far as the girls themselves are concerned, or the industry, the workers in the industry are concerned?

Miss MALONEY. Well, in the first place, where there are tips it always creates a great deal of dissatisfaction, for one thing, because the girls don't receive them, and yet their wages would be lowered on account of those who do, and the precedent established by those who do makes it hurtful on those who do not.

And then another thing. When a girl has to depend on tips for her existence, it is pretty hard for her to draw the line—where the line of propriety should be. It is very hard for her to determine. She is likely, while she resents things that are said to her, she don't resent them in the way that she would when she knows that the man is going to leave her a dime or a quarter, because she wants the money, and, although she knows that the thing that he is saying should be resented, she hesitates about it because she wants the money.

Chairman WALSH. You recognize that as a distinct evil where young girls are concerned in restaurants?

Miss MALONEY. Yes, sir.

Chairman WALSH. And that is why you have worked against it?

Miss MALONEY. That is why we are trying to standardize the trade and increase the wages and hours and eliminate the tipping system.

Chairman WALSH. What hours do chambermaids work in hotels generally—in large hotels?

Miss MALONEY. Well, while the 10-hour law was under discussion we had a great deal of that sort of thing. They usually work from 8 to 9 hours, but then they have what they call their long-watch days; and, of course, before the 10-hour law went into effect they used to be on watch 12 and 13 hours, but now, of course, the law protects them.

Chairman WALSH. Has there been any effort to protect any other industry where there are large numbers of girls and women employed in Chicago?

Miss MALONEY. Yes.

Chairman WALSH. In what industries, for instance—typical ones?

Miss MALONEY. Well, they are organized in the garment trades; they are organized in the glove workers; they are organized in the boot and shoe workers.

Commissioner WEINSTOCK. Laundresses?

Miss MALONEY. Well, they have got a very small organization of laundry workers.

Chairman WALSH. Are the telephone girls organized?

Miss MALONEY. They are not organized here in Chicago.

Chairman WALSH. What others?

Miss MALONEY. I could not name them all offhand.

Chairman WALSH. Is that all that you can think of?

Miss MALONEY. Oh, there are more than that.

Chairman WALSH. Miss Nestor will probably have a list of them.

Miss MALONEY. She will have a list of those affiliated with the women's trade-union.

Chairman WALSH. Is there any question, Mr. Thompson?

Commissioner GARRETSON. Mr. Chairman——

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Are the 10 hours under the State law worked consecutively, or is there a period allowed in between?

Miss MALONEY. Yes; there is a period allowed between; they can make you take time off.

Commissioner GARRETSON. They can work you five hours and then a recess, and then work and then a recess and work again?

Miss MALONEY. Yes, sir; and I might say that when we tried to get the nine-hour law at the last session of the legislature, that Mr. Taylor and the organization that he represents defeated that sort of legislation, defeated the nine-hour law, defeated the one day rest in seven, defeated all minimum wage legislation, so that they are absolutely opposed to remedial legislation for women workers in this State; that is shown by their actions; and they are equally opposed to organization, because their entire efforts have been directed to breaking them up, in place of meeting them and trying to deal with them.

Commissioner GARRETSON. You mean opposed to organization for others or for themselves?

Miss MALONEY. Well, for others, but not for themselves.

Commissioner GARRETSON. Oh.

Chairman WALSH. Any other questions? Mr. O'Connell has a question he would like to ask.

Commissioner O'CONNELL. Has there been any legislation before the State legislature introduced in behalf of labor or by labor in a remedial way that that association of employers have given support to?

Miss MALONEY. Not that I know of, except when there were commissions appointed they come in and agree upon bills; otherwise they always fight.

Commissioner O'CONNELL. The legislation that has been introduced, they have made opposition to it. I would like to ask you, Do you believe there should be a union among domestic servants in the homes?

Miss MALONEY. I certainly do.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Unless you have something else you have thought of you wish to volunteer, Miss Maloney, that will be all.

Miss MALONEY. I wanted to bring out the point that where there is no organization of the women workers, legislation in their behalf does not do any

good, because their fear of the loss of their position keeps them from having the law enforced. Now, you take the Polish girls who are working in hotels and restaurants, they report a violation, and even after they have reported the violation they hesitate to come into court and appear as a witness because of the loss of their positions, because they must then in turn give two more dollars to the employment agency to get another position; so that no matter what legislation you may have concerning the women workers, you must have an organization of those workers to make that legislation effective.

Chairman WALSH. Is that all?

Miss MALONEY. Yes.

Chairman WALSH. Thank you, Miss Maloney.

Call your next witness.

Mr. THOMPSON. Mr. Bent.

Mr. Taylor would like to make a short statement to the commission with regard——

Chairman WALSH. Mr. Taylor who has been on the witness stand?

Mr. THOMPSON. He does not want to give any testimony; he only wants to make a statement.

Chairman WALSH. We will recall Mr. Taylor.

Mr. THOMPSON. I will tell the chairman what he has to say. There were some things Miss Maloney has stated that he wants to counteract, and he would be willing to submit a statement in writing, if that is satisfactory to the commission.

Chairman WALSH. We would rather call Mr. Taylor in rebuttal. We will arrange a place for Mr. Taylor to be heard again.

TESTIMONY OF MR. EDWARD T. BENT.

Mr. THOMPSON. Will you give your name and your business address and your occupation?

Mr. BENT. Edward T. Bent; 1110 Fisher Building; president of the Ogilvie Coal Co., Ogilvie, Ill.

Mr. THOMPSON. That is a bituminous coal mine?

Mr. BENT. Yes.

Mr. THOMPSON. Are you connected with the executive board of the Illinois Coal Operators' Association?

Mr. BENT. I am a member.

Mr. THOMPSON. You are a member of it?

Mr. BENT. Yes, sir.

Mr. THOMPSON. How long have you been a member of that board?

Mr. BENT. Since I retired as secretary-treasurer. I was secretary-treasurer for 10 years, and the last 3 or 4 years has been as a member of the board.

Mr. THOMPSON. Then, for the last 13 years you have been connected with the executive board?

Mr. BENT. Yes, sir. I have been connected officially from the organization of the association.

Mr. THOMPSON. How long have you been engaged in the mining of coal in this State?

Mr. BENT. Since 1880.

Mr. THOMPSON. Since 1880?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Will you please tell us what sort of an organization the Illinois Coal Operators' Association is and its purposes?

Mr. BENT. The Illinois Coal Operators' Association was formed at the close of the strike in the year 1897, in which the operators were defeated, and the miners of the State for the first time were generally organized, and it was organized to deal collectively with the miners in making contracts and in interpreting and enforcing them. That is still its main purpose, and it does, and to take up certain other matters, such as the matter of safety, safety legislation, and the proper stocking of Illinois coal and enlarging these markets.

Mr. THOMPSON. What are the existing relations? In the first place, what proportion of soft-coal operators or coal operators generally of the State of Illinois does your association include?

Mr. BENT. Until four years ago it included nearly all the shipping mines of the State. At the end of an unsuccessful strike four years ago the association was very much weakened. A new association was formed in the St. Louis district, and a great many companies have been independent since then, and since

the mines of the Manville district passed into the possession of the Steel Trust that large tonnage has not been represented by us, perhaps less than 50 per cent now.

Mr. THOMPSON. What are the existing relations between your organization and the union?

Mr. BENT. Of collective bargaining, and very elaborate—perhaps the most complete arrangement in the mining industry of the country. The relations with their responsible leaders are very pleasant, and there is mutual respect and confidence, but the trade agreement as a whole is subject to very serious strain.

Mr. THOMPSON. Have you a constitution and by-laws that are printed?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Have you any objection to furnishing this commission with that?

Mr. BENT. No, sir; I have a copy here.

(The paper so presented was marked "Exhibit No. 1, Witness Edward T. Bent, July 22, 1914."

Bent Exhibit No. 1, "Constitution of the Illinois Coal Operators' Association," adopted February 26, 1907, in effect June 1, 1907, was submitted in printed form.)

Mr. THOMPSON. Is there any statement with reference to your organization you would like to make, supplementing the constitution and by-laws, more than you have already made?

Mr. BENT. Not that I recall.

Mr. THOMPSON. You have spoken about the existing arrangement between your association and the miners. I take it that is an arrangement between your association as such and the union as such in this State?

Mr. BENT. Yes; since the breaking up of our jurisdiction we meet with the other associations of the State in joint State convention with the miners and a single contract is made, signed by the three associations on our side and the miners' union.

Mr. THOMPSON. You said something about conditions being strained, or in bad shape, as I understood you, a moment ago. Please explain what you mean by that.

Mr. BENT. I didn't refer to any one thing, but a number of things, but particularly the miners seek to make a basic contract for the four States—western Pennsylvania, Ohio, Indiana, and Illinois—and on that basis contract all other bituminous coal contracts of other States are predicated, and the miners seek, usually successfully, to bring us into that interstate conference. The contract conditions that have always obtained in these four States are so unequal and the machinery provided so utterly impotent to correct the competitive inequalities that the relationship is very unsatisfactory to the coal operators of Illinois, and I would like to say also unsatisfactory to thoughtful mine officers of Illinois. The last interstate movement started after the strike of 1897, when the miners had been successful and had made a very, very large—in some cases nearly 100 per cent—increase in the labor scale, and when Ohio badn't passed through any such readjustment. The inequalities that existed in the original contract practically remained still. To illustrate, in Illinois the contract gives 7 cents per ton less for machine coal than for hand-mined coal. The new contract in Ohio also for mine-run coal makes a difference of 20.6 cents. Both contracts are predicated upon a $1 rate for scale coal, and 90 per cent of the Ohio coal going to the Lakes—90 per cent of the Ohio coal being mined by machinery, and the coal we are in competition with going across the Lakes, so that we are competing with a paper scale. That is one of the inequalities. The miners of Illinois have sought to correct that by bringing about an adjustment in the East and have failed. We have sought to correct that by bringing about an adjustment in the West and have failed. That is one of the difficulties under which we labor. The miners' organization has practically decentralized and no longer can control its membership in a responsible way. The national organization is in no position to impose views on the miners' organization of Illinois. The responsible leaders in Illinois are unable to control the locals in any way, nor are they able to control in a reasonable way the negotiations for contracts. This year we were three weeks in Philadelphia trying to make an interstate agreement and failed, and then reassembled in Chicago and failed again. At the meeting a policy committee was appointed to outline measures on which the miners of the various States were instructed to make a contract if possible. Both the Illinois and the national leaders told us there would be no

difficulty in completing a contract at Peoria later, because we stood ready to give the terms of the previous year, which were being accepted elsewhere and offered by the policy committee, and yet the miners' convention electing its own scale committee, a majority of whom were not familiar with the subject or what the contract meant, we were six weeks in negotiation and then narrowly averted a strike, and yet it was recognized in advance that the contract could not be changed under existing conditions materially. The miners' responsible officials have recognized that the terms of employment in Illinois are the most favorable of any State in the competitive field in the country, but simply are unwilling to surrender anything that they want here, and we are waiting for an adjustment either up or down, and it don't come.

Mr. THOMPSON. In your opinion, does the fact that that adjustment does not come render of no value the agreement which exists between your association and the miners?

Mr. BENT. No, sir.

Mr. THOMPSON. Or is it one of the things that has not been adjusted?

Mr. BENT. It very greatly lessens its value, but it still has value, and I prefer it to the other system. But even with the miners unable to adjust wages in the East and unwilling to give us relief in the West, their organization could easily be made responsible so that the trained leaders could direct instead of being directed by men who are uninformed—the mass.

Mr. THOMPSON. In the soft-coal industry, as a matter of fact, is it true that there is a great variety of prices and that the fixing of prices for coal is more or less of a complicated proposition?

Mr. BENT. Very complicated and technical, particularly so in Illinois.

Mr. THOMPSON. How many prices have you in Illinois, if it may be put in that language?

Mr. BENT. I can file a copy of our agreement, which answers that question.

(The paper so presented was marked "Exhibit No. 2, Witness Edward T. Bent, July 22, 1914."

(Bent Exhibit No. 2, "Agreement between the Illinois Coal Operators' Association, etc., and the United Mine Workers of America, District No. 12, expiring March 31, 1916," was submitted in printed form.)

Mr. THOMPSON. Scores and scores?

Mr. BENT. Yes; I don't know that there are scores and scores of different rates, but scores of different schedules.

Mr. THOMPSON. Are those contained in this book?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Comparing the conditions that exist in the coal fields in this State to-day, as you have named them, with conditions that existed prior to 1897—that is, leaving out economic questions, just the labor problem—has advance been made or were the old conditions the best?

Mr. BENT. It depends on what is meant by advance. The conditions are as unfair and intolerable to the employer now as they were to the laborer before. They were very unfair to the employee before.

Mr. THOMPSON. Now, as far as the employees are concerned, was it more unpleasant, and more strikes before 1897, or are there more strikes and troubles to-day? I don't mean trouble in contract making.

Mr. BENT. You mean contract making?

Mr. THOMPSON. No; strikes and industrial conflicts.

Mr. BENT. There was more under the old conditions—open strikes.

Mr. THOMPSON. To what extent has the making of contracts, such as you now have, reduced the occurrence of strikes in this State, generally speaking?

Mr. BENT. To a large extent, but hasn't eliminated them.

Mr. THOMPSON. To what do you ascribe the fact that the strike has not been entirely eliminated, if you have an opinion on that subject?

Mr. BENT. There are three kinds of shutdowns that occur in the mining industry, all of those serious. There is the local revolt to impose—to establish some demand not sanctioned by the organization. The remedy for that is the penalization of the guilty.

Mr. THOMPSON. Is that generally applied?

Mr. BENT. No, sir; generally not. As Mr. Walker said yesterday, it is applied with discretion. It is done occasionally and a great deal of good results. It ought to be done more often where there are not extenuating circumstances. The thing would be broken up very quickly if it was imposed.

Mr. THOMPSON. In whose discretion is it applied?

Mr. BENT. We ask to have it done automatically, and it is subject to review, but it can't be done without the consent of the two organizations, and that is too often withheld.

Mr. THOMPSON. Who asks oftener, the employer or the coal miners?

Mr. BENT. The employer.

Chairman WALSH. As I understand you, the employer has nothing to do with that, it is a matter for the union?

Mr. BENT. It is a joint matter, the employer asks for the imposition of the fine and evidence is taken——

Chairman WALSH. What are the two organizations you refer to that decide whether it is to be applied or not?

Mr. BENT. It must have the consent of all the organizations.

Chairman WALSH. What do you mean by the two organizations?

Mr. BENT. The coal operators' association and the miners' union. The second kind of a shutdown that is called, has always been where a dispute has been taken up in the proper way and finally reaches the joint executive board without being settled. The miners' executive board will give five days' notice before shutting down the mines. That has occurred often enough to be serious. It is very offensive to the employers. We claim that when the labor is bought for two years, the coal sold for two years, that that should mean operation of the mines for two years, and with the elaborate machinery we have provided for the settling of disputes on their merits. Comparative few places that are not so settled should either go to arbitration or a breach of the peace. Shall I at this time explain what change has just been made through dealing with that proposition?

Mr. THOMPSON. Yes; we would like to have that. You have stated there were three causes for strikes. You had stated two. Do you wish to go on and state the third?

Mr. BENT. Yes. The third is the general suspension either for the country or competitive field of Illinois. When a contract has expired because of failure to negotiate another one. That is the suspension of the three that very greatly affects the public interests.

Mr. THOMPSON. Does that occur often?

Mr. BENT. No, sir. It occurred this year in Ohio. It occurred four years ago in Illinois, and it occurred in Indiana two years ago. It occurs often enough to be very serious. But still more often, probably, every two years there is a fear that a shutdown will occur and some stock of coal, or some speculation in coal, or some injury to the public, or some injury to the miners, and some injury to all the operators, except those who are speculators, who are the common enemy.

Mr. THOMPSON. What remedy have you to suggest for such a situation?

Mr. BENT. I feel that, with Mr. Walker, that the means of handling both these disputes and the means of reaching agreements should be left as far as possible inside the industry. And I feel that the employers and employees, particularly the mining industry when the public is so vitally concerned, should provide their own machinery for the preventing of such an occurrence and the making it reasonably certain. But I feel back of that that if the employees and employers in any such industry will not do it, the Government should provide the machinery, properly safeguarded.

Mr. THOMPSON. In that connection would you feel that such a board as a Federal industrial council with power to investigate industrial conditions would be of assistance?

Mr. BENT. I think if properly constituted; I feel much as Mr. Walker expressed himself yesterday, feel the greatest necessity, and I go further than Mr. Walker, because I believe that the feature in the Canadian act that he criticized was a wise one and in the mining industry a necessary one. But it does not seem to me legitimate that the miners should, in order to win a strike, be able to catch the public unawares and win by virtue of the public necessity. The operators, of course, feel that pressure of the public need first; but it is an advantage to the miners that they are not entitled to, and I feel that the forbidding of strikes and lock-outs until after the investigation is a wise and necessary one.

Mr. THOMPSON. What have you to say of the complaint of the workers on the other hand that the forbidding of a strike, as was done in Canada for 30 days, gives the operators an opportunity to pile up coal?

Mr. BENT. It is undoubtedly true.

Mr. THOMPSON. And especially with regard to the men out on the strike.

Mr. BENT. It is undoubtedly true; but does that starve out the men on the strike? They have had to dig the same coal. In Illinois they simply dug double the quantity in February and March, and were idle in April and May, but they have got the livelihood; they have furnished the coal. And isn't it right that the railroads, performing a public function, and the large consumers of coal in general should have coal during the time that this question is being disposed of? Should not the Government find some way of disposing of it, even by force at the public inconvenience?

Mr. THOMPSON. Is there anything more you would like to say about the Illinois coal situation especially?

Mr. BENT. Yes; the independent action and new contract provision in regard to that.

Mr. THOMPSON. That is what you wanted to speak of.

Mr. BENT. The contract prior to this year for a number of years provided that matters could be sent to arbitration either before or after going to the joint executive boards, after they had disagreed in the field, but voluntary and an independent action should only be taken in matters of vital concern to one organization or the other. The miners' organization was its own judge as to whether a matter was of vital concern or not, and independent action was taken so often that the arbitration provision became a dead letter. The new contract provides very adequate machinery for the arbitrating of disputes. I want to explain that later. It is still voluntary, but provides that independent action in matters affecting the contract can only be taken when the other side refuses arbitration. It seems to me that is a very wise provision. It stops short of compulsory arbitration and does reasonably insure peace.

Mr. THOMPSON. Will you state briefly, Mr. Bent, the specific machinery now being used to arbitrate troubles that have reached that stage?

Mr. BENT. The new board has not been created yet. The machinery has been created, and there is no disagreement as to the personnel. It simply has not been completed.

Mr. THOMPSON. Well, what kind of machinery have you?

Mr. BENT. The provision, the rule is laid down for the guidance of the commission first, the plain provision of the contract; second, the stipulated interpretation of the contract in the record; third, the practice in the past undisputed; and, fourth, what seems to be fair in the particular case and sound in principle—in that order of sequence. The commission is to be composed of one direct representative of the mine workers selected by it; one direct representative of the operators, selected by the three associations of operators; and three disinterested parties preferably familiar with the mining industry.

The theory is, we believe that—both the miners and we believe that arbitration too often fails because there is only one disinterested party; one man can err in judgment or be partial. The consensus of opinion of three we feel is very much safer. It reasonably insures justice. And in order to simplify, those two direct representatives are to be carefully selected, and it is hoped that they will themselves dispose of the majority of the cases. If they can't, they have the privilege of agreeing upon any one of those other three to come in with them. To simplify the procedure and make less expense, particularly in discharge cases where the main thing is to dispose of it quick and get rid of it, that is followed. But where the two disagree then the disinterested parties are called.

Mr. THOMPSON. Have these provisions that have been agreed upon, the union men and the operators, been put into writing?

Mr. BENT. Yes.

Mr. THOMPSON. As it is valuable information, would you mind furnishing the commission with a copy of it?

Mr. BENT. This part that is in the contract itself will be found in section 13 of the contract that I gave the secretary. The machinery that was since provided by commission is here.

(The paper so produced was marked "Exhibit No. 3, Witness Edward T. Bent, July 22, 1914."

See Bent Exhibit No. 3 under "Exhibits.")

Mr. THOMPSON. Is there anything special you would like to say in regard to that, other than what you have now said?

Mr. BENT. No; I think not.

In order to avoid unnecessary trouble there are certain provisions in our contract that I think it is well to mention. The walking delegate is eliminated. The miners have a pit committee of not to exceed three, who must be employees

of the company and who can not go about looking for trouble. They only have jurisdiction where the employee personally and the mine manager have disagreed. Mr. Walker explained the rest of the machinery yesterday.

Mr. THOMPSON. In regard to the Illinois coal fields, what proportion of days in the year do the miners get work, do you know?

Mr. BENT. There is a very serious overproducing capacity, and the industrial commission in the mining industry is at the bottom of the strain in our labor negotiations that I spoke of. There are about 80,000 miners in this State. Under the contract the mines could work but 8 hours out of the 24. The capital is idle two-thirds of the time, anyway, and on account of Illinois coal not stocking very well, and the seasonable demand being so great in the fall and winter, the mines could not naturally operate more than from 240 to 250 days a year. But they could operate that steadily and meet the public need. Yet they operate about 170 days. As a consequence the miners, while enjoying the most favorable wage scale in the country, have an inadequate annual earning, and I suppose that that provokes the additional demand from the rank and file of the miners that we face each two years.

Our answer to that is the more you shove up the Illinois scale the less they will earn instead of more, because the less work.

When President Walker retired as president of the mine workers in Illinois to accept the position of president of the Illinois Federation of Labor he told the miners in the Peoria convention that the operators were at their mercy, and that they could impose almost any additional demands on them that they chose. I am not quoting him literally. And he said the industry is carrying all it can safely, and you can't add to the burden without getting less work. And that was the character of picture.

Mr. THOMPSON. Briefly, Mr. Bent, what are the reasons that limit the amount of work to 170 days in a year, whereas in your opinion they might run from 200 to 240?

Mr. BENT. The reasons are most difficult. In the first place, but for artificial conditions we are in the midst of God's country, in an enormous consuming country. If Illinois could enjoy the markets that naturally belong to it, the home market, not to the exclusion of others, but as it should, the labor of these—there are 25,000 more men in the State in the mines than are needed. Those 25,000 men would be employed, and the mines would be run as they should. The discrimination of the wage scale that I have spoken of, and inequalities in transportation rate, all enter into the problem and are all being considered by the industry.

Mr. THOMPSON. Then, the two factors that relate to the industry are the first two?

Mr. BENT. I think so.

Mr. THOMPSON. And the transportation is another matter?

Mr. BENT. Yes, sir.

At this point I should say that I think the mining industry is in a class by itself, and that unless Congress recognizes that these troubles are going to continue, they are going to be just as hurtful to the workers and to society as they are to the employers. The waste of keeping 25,000 men in the mines of Illinois that are not needed, the waste of the opening of mines that are not needed, the poverty that follows the inability to make investments to properly safeguard the workers, the inability to take any but the cheapest mine coal, the abandoning of a mine before it is two-thirds worked out, the abandoning of part of the coal because it can't be produced for what it will bring—all of that waste is attendant upon the present condition. It seems to me destructive competition in the mining business is in the interest of nobody, and we are willing to face it. We are willing to have not only—I am speaking for myself and for those that feel as I do, and I think it is the prevailing opinion—we are willing to have publicity, all the cards on the table. We are willing to accept Government control. We are willing to have prices disallowed that are extortionate, but we do believe that something like the German system, if constitutional, if needed in this country. In Germany a mine is not allowed to be opened unless there is commercial need for it.

Mr. THOMPSON. Are there any other suggestions that you would like Congress to carry out in that respect other than this German system where a mine would not be allowed to be opened? How would you take care of the present mines that are already opened?

Mr. BENT. Well, it seems to me that enough mines are going to the graveyard every year to very quickly overcome the oversupply of coal, if the opening of

new mines is regulated. And then the business in spite of all these things that I have spoken of, the business is growing by leaps and bounds. Even the Illinois tonnage has doubled every 10 years, and the first revival of business would very quickly restore the balance if unnecessary mines were not opened in addition.

Mr. THOMPSON. Then, you have no other definite recommendation that you would make in that respect?

Mr. BENT. Why, I feel that the Government might permit reasonable restraint of trade in the mining business. No attempt of that sort is made under existing laws at all any more to my knowledge. But we are just going to destruction; 17 failures in the mining business in Illinois in the last year, and apparently there will be more this year than last.

Mr. THOMPSON. I want to put one or two more questions to you in regard to this coal proposition:

Do you find among either the operators or the unions a sense of responsibility for the interest of the general public?

Mr. BENT. I think that more and more the coal operators, as a whole, feel that responsibility and that the organization, as a whole, don't. We have sought officially the last few years to have steps taken to prevent any shutdown when the contract expires. Not only that, but to have the public know that there will be no shutdown so that this expensive stocking of coal by the railroads and others could be eliminated.

Two years ago a provision with that in view was inserted in the contract, but simply created the machinery for attempting to do it, subject to the ratification of the two sides.

President White, of the mine workers, took it up with his convention and handled one phase of the subject, but not the other, and presented his plan to us at Philadelphia. We pointed out wherein it was totally insufficient, and, after tying up the convention for several days, accepted the half loaf as better than no bread. Mr. White's plan, the plan which the miners have adopted and which is a step forward, is that if a basic agreement has been made—by that meaning a four-State agreement, before April 1—that then the work shall continue in the various districts pending the working out of the supplemental agreements. We said that that does not eliminate at all the necessity for coal stocking, because there is no one that can give assurances that a basic agreement can and will be made before April 1. As a matter of fact, we tried for a month this year, and there was no agreement by April 1. And as a matter of fact the railroads had and did stock coal in the past to avoid the feared suspension. The policy committee, however, authorized work to continue, and work did continue nominally, but there was no work to do because the coal stocks were on hand. The mines were nominally open in April and May, but actually idle. And the railroads, as one of the commission can tell you, incurred just as large expense for insurance purposes this year as usual.

Mr. THOMPSON. Is there any tendency to take advantage of the public and force submission?

Mr. BENT. Yes, sir.

Mr. THOMPSON. In what respect?

Mr. BENT. The miners desire to have coal supply insufficient when a contract expires, when negotiations are pending. They have discussed it, but are unable to do it under the contract, causing mines to run on short time to prevent coal stocking before the expiration of the contract. They have not done it, but the contract is there and they have frequently avowed that policy. Mr. Walker avowed it yesterday, objected to the Canadian law because coal stocking could occur before they strike.

Mr. THOMPSON. In what percentage of cases would you say that method is used by the union?

Mr. BENT. Well, the coal contracts expire in the spring when the business is quiet and they have not the opportunity to employ it often. But they desire to do it.

Mr. THOMPSON. You think it is there?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Have you any restriction of output resulting from the desire of the men to make more work?

Mr. BENT. Our State contract forbids it, and the miners' officials are more or less successful in preventing such restrictions as the number of cars that the miners shall load in eight hours. There is strife over the machines, and in every convention we have considerable trouble meeting those questions of restrictions

as to how many miners shall be allowed behind a machine. The operator states the length of time for the machine and the method for the machine and the miners probably insist there shall be no more men behind the machine than operate and there is friction over it.

Mr. THOMPSON. Wherever that has been done, the output restricted, does it result in creating more work, or what is the result; is it the opposite?

Mr. BENT. I think the opposite. In general most of these restrictions have been handled successfully. The crying restriction in this State is the handicap placed upon the machines. It is based upon the earning power of the men, but the effort is to restrict the use of the machines, and if they are to be used at all to deprive the employer from any profit in them.

Mr. THOMPSON. Is there any cooperation between the operators and the men to improve the conditions of the industry in Illinois so as to put it on a better competitive basis with other States?

Mr. BENT. I think both the miners and operators sincerely are desirous of having it placed upon a fair competitive basis with other States. But I do not know of any cooperative work to that end. The miners have spent a great deal of money in trying to organize unorganized fields, such as Kentucky and West Virginia, which are a menace to collective bargaining, and we are accused of helping that movement by the check off. The check off is imposed upon us. We have assiduously sought to be relieved from it or to have it limited to the organization, the needs of the maintaining of the organization locally, that is the local and the State, and we have failed in those endeavors. I have no doubt that the money that the check off, both from the unwilling and the willing under this contract, is used in very large sums in this propaganda, properly or improperly.

Mr. THOMPSON. Would such cooperation be beneficial?

Mr. BENT. Within the limits of the legitimate; yes, sir. But how far can we go legitimately? We have been asked by the miners to make a scale for States not represented in the joint conference and have declined.

Mr. THOMPSON. The question relates, Mr. Drew tells me, to greater efficiency in increased output and matters of that kind.

Mr. BENT. Oh, by all means; yes, sir. Like the witness yesterday, I do not see that the rank and file of the miners or the organization as a whole is giving thought to the efficiency and increase of results to the industry. But they are giving thought simply to what they get out of it while limiting what we get of it, our ability to pay to them. I am in entire sympathy with their efforts to get better and better wages and control the number of hours and help the reasonable, comfortable, working conditions, if they were imposed upon us and our competitors alike. I am in sympathy with Mr. Mitchell's statement that the miners will never be satisfied and there is a certain kind of unrest which exists. Now, that helps and ought to continue. And the condition of the laboring man in the years to come will be better. What I complain of is the exactions that interfere with our efficient management of the properties and that cost us money; that don't give the miner any practical result, that don't add to his earnings nor make his conditions of employment appreciably better, but do add to the cost and the imposing of conditions upon us and the conditions that trouble us every year more than the rate. We pay the highest rates. We tell the miners so. The east settle the scale first and we take it. We tell the miners so in advance, whether it is up or down or stationary. That is not the controversy in Illinois except in localities in the adjusting of the State scale. The controversy is about conditions, conditions that add to the cost of production, increase in costs that are covered. If we pay the miners 3 cents advance a ton, mine run, we know how much correspondingly it adds to the labor, we know how much the increase cost, that is, to our output, we are able to convince the railroads that we are paying so much extra cost and we transfer that to the consumer and we should; but the thousand and one advances that you can not convince the consumer of, that you can not even measure yourself until after, are gradually putting Illinois out of business.

Mr. THOMPSON. Could you state these encroachments, could you classify these encroachments without naming a thousand and one? Do they fall in certain classes?

Mr. BENT. If I looked at the contract—take them up one after another. You take this question of cleaning coal, for one. Our business is dependent upon the making of a merchantable product, and the miners, while we want to clean the coal, object to the process. I noticed the other day men were docked for dirty coal by the mine manager—by the man in charge—and those docks were

officially canceled because the contract specified that only a certain man designated by the operator as inspector can impose a dock. They have sought to prevent that man from inspecting the coal, except in one place, under certain specific conditions. We struggled over that question quite at length at Peoria. Instead of trying to make the situation efficient to us, anywhere and everywhere they oppose it; every inch of ground is contested, and that is very representative of what I speak of.

Mr. THOMPSON. Could you send in to the commissioners, in written form, at some later date, an anlysis of these encroachments, as you call them, by the union, classifying them if you can?

Mr. BENT. Illustratively; yes, sir.

(The information requested was later sent in and is printed as Bent Exhibit No. 4.)

Mr. THOMPSON. Do unnecessary restrictions and limitations have the direct result of preventing possible wage increases?

Mr. BENT. May I have that again?

Mr. THOMPSON. Do unnecessary restrictions and limitation of output have the direct result of preventing possible wage increases?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Going back, Mr. Bent, to the machinery which you say you have lately perfected in this State for adjusting of grievances, how is it that Illinois has reached that state of development in the adjustment of industrial troubles and in Colorado and Michigan they have no such thing, and apparently are making no attempt toward the inauguration of such machinery?

Mr. BENT. Miners licked us in 1897, and the other thing followed. That is one answer. And they have not yet licked the employers in these other States. But that does not mean that a large proportion of the coal operators to-day are entirely friendly to collective bargaining, but, if conducted in a businesslike way, we very much prefer it to the other way of doing business. I think nearly all are converted to it. I speak freely, because I and my father before me were always in favor of it. We had the first recognized union in the State and the first written agreement made with a committee in this State. Some modifications and some of those provisions are in the present contract; so I have been always in favor of it. I do think, however, that there is a great deal to be said in defense of the position of the operators of Colorado and West Virginia and metal men of northern Michigan. In Colorado, as I understand it, there has been almost an equal disregard of law on the part of both operators and miners. One abuse had led to another. We will never know who started it. We do know what organized labor did out there, but I think employers having unorganized labor knew two things, truly or falsely, and the first is they do stand for or will not prevent disorder and destruction of property; and, second—just a moment; I will have that in just a moment—they look to the experience in the organized fields to see whether this is the businesslike method that gets results that organized labor says it does, and we regret to say that—what they learn about it; the ease with which we transact our business—it is not very encouraging.

Mr. THOMPSON. You have said, Mr. Bent, that you believe in the theory and in the practice of collective bargaining?

Mr. BENT. Yes, sir.

Mr. THOMPSON. What is your opinion with reference to collective bargaining in connection with the union as we have it to-day; that is, the international union in an industry? Do you look upon that as being a good plan or a poor plan or the best plan?

Mr. BENT. It varies in different industries. I have already stated that I did think the plan was a little better than to not have it; in some industries I feel that employers are justified in refusing to have anything to do with it. In other industries I think it is very much better. I think it would be very easy indeed, if the miners could make a few changes, to make it a most excellent thing. I think in Illinois we have got the machinery perfected, and machinery is to be proposed by the miners and ourselves both; and if they would correct weaknesses in their own organization so that the national organization had some control over the State, and so that the officers of the State and their executive board had reasonable control over their men, and so that instead of doing as they have that they would have responsible representatives, as they had a few years ago in the days of Mr. Mitchell, that he could get most excellent results. We are not disagreeing with the miners' leaders. They are able to do what they think is right and best. We conducted a young ladies' semi-

nary at Peoria for six weeks when there was no substantial disagreement between us and the miners, national and State officials, at the beginning. We did that on the basis of the miners' policy committee. But the miners elected their scale committee, and a lot of them were uninformed; a lot of them have the making of good men, and will be good men in time. We proceeded to educate them, and they did not go to the convention to vote until they were educated. That should not be.

Mr. THOMPSON. Do you believe unions should be financially responsible for breach of contracts or infliction of unlawful injuries?

Mr. BENT. Yes, sir. I would like to add that I have the warmest respect and admiration for many of the miners' leaders. Yet the best of them have to bend to the storm. The State officials, as I understand it, are elected for one year, and they are hardly more than in office until they have to have one regard for their reelection. Men that they consider incompetent will take their places. We can rarely settle the simplest of questions before miners' elections.

Independent action occurs more often, and so the whole machinery is blocked before each election and the election comes around often.

Commissioner O'CONNELL. I did not quite catch what you meant by running a young ladies' seminary.

Mr. BENT. I meant instead of meeting their business men, miners, leaders of this thing, we took men from the mines that had never met before, that had never negotiated a contract before, who were not familiar with the reasons entering into the existing provisions of the contract, and we spent six weeks convincing them that they were the very provisions and the best that could be done.

Commissioner O'CONNELL. You were simply schooling them?

Mr. BENT. Schooling them.

Chairman WALSH. That is just a pleasant name for it?

Mr. BENT. Yes; for an unpleasant fact.

Mr. THOMPSON. What is the reason the biennial negotiations for wage settlement are delayed until such a short time before the expiration of the contract, that the uncertainty and apprehension of whether there will be a contract or not causes undue storing and speculating in coal?

Mr. BENT. For that very reason we have sought to have the negotiations begin earlier and be disposed of before there would be any coal stocking, but have failed completely. In 1908, I think, there was a miners' meeting which asked for an appointment at an early date, and they began marking time, and we did not understand it at first, but finally found out that they had no authority to negotiate even a tentative agreement. They had to adjourn until after their interstate conference.

Mr. THOMPSON. Why are not negotiations taken up, say, six months before the expiration of the contract?

Mr. BENT. I know of no good reason why, except the miners' refuse.

Mr. THOMPSON. Have the operators ever tried to bring this about, and why did it fail?

Mr. BENT. The operators of Illinois have tried to do so, and I think the operators of other States. The miners are not prepared to meet us that way they say until after their international convention. They set their meeting of the international convention so late that going into session immediately afterwards, we have this condition every two years.

Mr. THOMPSON. Is there anything more you wish to say about the check off of union dues and the effect the practice has, if any, in turning a normally open shop into a closed ship? What effect has it upon the fair equality or advantage in contract making?

Mr. BENT. I think the check off has given Illinois a colsed shop absolutely, under open-shop contracts.

Commissioner O'CONNELL. Is not that generally the condition?

Mr. BENT. I think it is very common, but the check off is what has done it in Illinois in the mining industry.

Commissioner O'CONNELL. Does not the contract method for open shops result in the closed shop?

Mr. BENT. I am not an authority, but I think it must be so, but it has proven to be so in our State. I attribute a great deal of that to the check off. I presume one-third of the miners in Illinois pay the check unwillingly.

Commissioner O'CONNELL. The check off is imposed on how many employees who do not submit cheerfully to it but only because they fear the results to themselves if they do not submit?

Chairman WALSH. He said one-third submitted unwillingly.

Mr. BENT. Yes, sir.

Commissioner O'CONNELL. What, in your opinion, would happen to men who refused to submit or attempted to work nonunion?

Mr. BENT. Their discharge would be demanded and work interrupted if they were not discharged. We have never made the attempt of late years. I am not objecting to a limited check off, but just pointing out what its effect has been. I would like to say a word more in regard to collective bargaining.

I believe in collective bargaining. In order to have it successful the two sides ought to be of approximately equal strength; then justice will be done. I don't think it is fair to say that the operator is benighted that won't consent to collective bargaining, and held up to public condemnation, if the employees can alternatively bargain collectively and then abandon the system. The miners four years ago, when they could not make a contract—they admitted that the contract offered was more favorable than other States—we had one association at the time and they demanded a contract that imposed additional demands, and we refused them, and we had a four and a half months' strike, and in order to win that strike they offered the contract to one district to withdraw from our association and sign up, and offered it to individuals, and so weakened our association we don't meet on anything like equal terms since. There are three associations in the State and a lot of unorganized operators, and I say if the miners are asking for collective bargaining they should accept collective bargaining. Because we had a temporary disagreement for a few days, the fact that it can't be arbitrarily disposed of is no reason why a permanent arrangement should be set aside and guerrilla warfare established. It is exactly the same thing as if the operators should import men and try to open up the mines, which we don't attempt at all. We abided by the collective bargaining, even in the four months' strike, which the miners did not. There has nobody worked harder than Mr. Walker to secure an agreement, but after we had been there six weeks he said that if an agreement could not be reached with the three districts in the whole State he knew there were operators in the State that would sign up, and I protested against that method.

Mr. THOMPSON. In regard to the secession of the St. Louis operators—that district—the trouble there was that the employers didn't stick by their union; isn't that true?

Mr. BENT. Yes, sir. Are we to attempt all the time to induce members of a mine workers' union of Illinois not to stick by their contract, or are we to foster their union and they to foster ours, or at least keep hands off?

Mr. THOMPSON. You said you agreed with Mr. Walker's suggestion for a board composed of operators and miners and public representatives, having for its purpose the preparation of contracts. In your opinion the mine operators would fare better under such arrangements while the conditions you complain of exist?

Mr. BENT. No, sir; I think that the miners' organization in one way or another must be made responsible, financially or otherwise. When they can meet us anywhere on the face of the earth on the basis of equality, then I believe Mr. Walker's plan would be effective. It would do some good even now.

Mr. THOMPSON. In your pursuit of the industry of coal mining and dealing with labor for many years you have given some consideration, I take it, to the question of industrial unrest?

Mr. BENT. Yes, sir.

Mr. THOMPSON. What in your opinion is the cause of the industrial unrest, if such exists, and what do you think should be applied as remedies?

Mr. BENT. As I said before, I think part of the unrest is perfectly normal and healthy and will always exist. Some of it, I think, is due to evidence of recent years, exploitation on the side of capital and a feeling that they are victims of it. Part of it is due to new social ideas that are being promulgated. I think part of it is due to a new-found and unrestrained strength in organization, and finding out what organization will do for them, and new desires so created, and that these demands pass all reasonable bounds.

Mr. THOMPSON. Mr. Drew wants me to ask you whether or not you consider the envy the man who hasn't anything has for the man who has something is not the cause of a great deal of unrest?

Mr. BENT. Yes, sir.

Mr. THOMPSON. You spoke some time ago with reference to your belief that the operators and the miners, I take it, should be permitted to make certain agreements now prohibited by law with respect to the industry—agreements

which would be called in restraint of trade now. Generally and briefly, what are the agreements you would like to see made?

Mr. BENT. I did not have anything particularly in mind, except that anything that would relieve the present situation of destructive competition and leave a fair margin, so that people could live and let live. Whether a direct price agreement with the right of some Government board to disallow them—a power similar to the Interstate Commerce Commission—would be a proper solution or not, I don't know. That would help. The legislature of Illinois amended the antitrust act for that very purpose when the mining industry was in its present situation, and provided a proviso that the law should not apply where either the intent or effect of the price agreement was to either maintain or advance wages, but the year of the anthracite strike the law was tested and held to be unconstitutional.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. Just one more question.

Is there any importation of miners into Illinois by coal operators?

Mr. BENT. No, sir.

Mr. THOMPSON. Is employment in mining freely open to men coming to Illinois from other States?

Mr. BENT. Yes, sir. I would like to say a word in that connection in regard to immigration. One of the great questions that we face in Illinois and other States, both the miners' organization and ourselves, is the large influx of non-English-speaking miners from southern Europe. Not speaking the language, neither the employer nor the miners' organization can reach them effectively. Oftentimes a man that translates to them mistranslates, and wherever there is an undue per cent of men of any one non-English-speaking nationality in a mining camp, there is a condition of disregard of mining contracts, and an equal menace to the mining organization and ourselves. Whether the remedy is to still further check immigration, whether the per cent from certain countries should be limited to the per cent coming in the past or not, I don't know. I have no well-defined view as to whether immigration should be stopped for a time or not. But I do feel it is a menace for a large number of men coming to this country without knowing anything about our institutions, knowing nothing about orgnized labor, and knowing nothing about society—if suffered to go en masse to the mines of any State, as they are doing in Illinois, they will be a danger both to the miners' organization and the operators.

Mr. THOMPSON. So far as you know, the operators have not been bringing these people into the country?

Mr. BENT. So far as the operators of the Middle West are concerned they are not at all responsible. I have heard it charged that the operators in the East were, and I have no reason to believe it. We take the men offered, and most of us give preference to the English-speaking and skilled men, but when they are not offered we take the best we can get.

Mr. THOMPSON. But whether the operators in the East bring in these men or not, you have no knowledge?

Mr. BENT. I have no knowledge.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. One of the questions asked you was this: Is not one of the causes of unrest the envy of the man who has nothing of the man who has. In your experience, is or is not that envy often justified?

Mr. BENT. Sometimes it is and sometimes it isn't often justified.

Commissioner GARRETSON. It is an even break?

Mr. BENT. I am not condemning his envy.

Commissioner GARRETSON. Oh, no; but I want your experience on the subject.

Mr. BENT. My experience in the early days was that the employees got the worst of it. My experience in the latter years in Illinois is that the operators got the worst of it.

Commissioner GARRETSON. You speak of the growing responsibility on the operators in their relation to the public. Is there really a moral sense of responsibility quickened, or is it good business foresight, for fear of legislation and regulation?

Mr. BENT. I think both moral and good business judgment, but not because of fear of legislation, because there are two things we want—the light thrown on the subject and legislation.

Commissioner GARRETSON. Accompanied by regulation?

Mr. BENT. Yes, sir.

Commissioner GARRETSON. Then it is a blending of morals and good business?
Mr. BENT. As all human things are.
Commissioner GARRETSON. That is all.
Chairman WALSH. Anything else? That is all.
Call your next witness.

TESTIMONY OF MR. DUNCAN McDONALD.

Mr. THOMPSON. Give your name.
Mr. McDONALD. Duncan McDonald.
Mr. THOMPSON. Your business address.
Mr. McDONALD. Springfield, Ill.
Mr. THOMPSON. And your occupation.
Mr. McDONALD. I am secretary-treasurer of the United Mine Workers of Illinois.
Mr. THOMPSON. How long have you been in that position?
Mr. McDONALD. Four years past, in April, but previous to that time I held other positions with the organization.
Mr. THOMPSON. For how many years?
Mr. McDONALD. For all told, 12 years.
Mr. THOMPSON. And you are pretty fairly familiar with the operation of the organization in the coal fields of Illinois, I take it.
Mr. McDONALD. I am supposed to be or ought to be from the experience that I have had.
Mr. THOMPSON. Have you heard the testimony here this afternoon of Mr. Bent?
Mr. McDONALD. Yes, sir.
Mr. THOMPSON. What have you to say in regard to the relations between the employers and employees in this country?
Mr. McDONALD. Well, I feel this way about it, that so far as the relationship between individuals is concerned they are very friendly. Naturally, there is a clash of interests between the two sides, because each side is trying to drive just as hard a bargain as they can and to get the best out of it.
In that connection I might say that some of the employers are not as loyal to the association nor true to carrying out the contract as they should be. Some of the coal companies violate the contract every day in the week.
Mr. THOMPSON. Does your organization seek, or did it four years ago seek, to get coal operators to desert their organization and make individual contracts with your union?
Mr. McDONALD. During the time of the 1910 strikes, after we had failed to reach a contract with the coal operators' association, a great many independent or individual coal operators came to us and volunteered to sign our contract if they would be permitted to work.
In one instance a number of employers came at the same time, representing, I believe, or employing about 15,000 or 18,000 men, and said they would sign our contract if we would make a contract with them, which we did, and as a result they pulled away from the coal operators' association and signed our contract and the men went to work.
After that we signed with anyone who would sign the contract. The operators used what influence they could to prevent the operators from—or the association, rather—sought to prevent individuals from signing the contract. And in one particular instance in the city of Chicago, where one coal operator resided who was in business here, a committee called on him every day and insisted that he should not sign the contract.
The man happened to be in the hotel business in this city, and he finally decided to sign the contract anyway. And he told me afterwards that the operators had boycotted his hotel because he signed the contract, and the president of the association was stopping there at the time and he took his grip and left the hotel and said that he would never stop there any more.
Mr. THOMPSON. During that time do you know whether or not the operators' association sought to get your members to go back to work individually?
Mr. McDONALD. No, I don't; except in a few isolated instances. But they were not successful.
Mr. THOMPSON. Comparatively, has the operators' association shown more respect for your organization than your organization has for theirs?
Mr. McDONALD. Well, I might say yes, and it is not because they like our organization altogether; but it is because we have a thorough organization in the

State. We are not responsible for the fact that their association has disintegrated and broken up into three different associations.

I am told by the representatives of two of the associations that the reason they left the association was because it was dominated largely by railway interests and they were simply pawns in the game and were not able to take care of their business in competition with the railroad business.

Mr. THOMPSON. Did you hear what Mr. Bent had to say with reference to the institution of machinery for arbitration and conciliation in this Satte?

Mr. MCDONALD. Yes.

Mr. THOMPSON. Is there anything that you would care to add to what he said in that respect?

Mr. MCDONALD. Nothing, except that Mr. Bent and myself are primarily responsible, or in a large measure responsible, for working out this plan that he suggested.

Mr. THOMPSON. And the rules and regulations which has been handed in to the commission are the ones that——

Mr. MCDONALD. Are the agreed rules; yes.

Mr. THOMPSON. Are the agreed rules and give such data as can be given in regard to the operation of that machinery; I mean, give such information as is necessary to understand it?

Mr. MCDONALD. Why, we have had so many disputes arising out of the fact—largely because of the fact that our work is nearly all piecework. That is, there is the tonnage price paid for mining the coal, and the different prices paid for different classes of work. Naturally, there are a great many disputes arising out of that. As the result of these disputes and the slow method, or the long drawn-out method that we had of arriving at a solution, we have decided now to try to work out an arbitration scheme that will prevent disputes pending for such a length of time and find a means of more quickly solving those questions. The arbitration commission, as he has stated, was agreed to by the representatives of the operators' associations and our organization. It contemplates having both sides directly represented by one man on each side and three disinterested parties, who will be perfectly familiar with mining and yet have no connection with either side. The powers of the two direct representatives will be to select—or the authority will be theirs—to select from the three independents either the three independents or any one of the three in arbitrating a dispute.

Mr. THOMPSON. Is there any other thing you would like to say, Mr. McDonald, now, with reference particularly to the industrial conditions existing in the Illinois coal fields other than what has been said by Mr. Walker and Mr. Bent?

Mr. MCDONALD. Well, the industrial conditions in Illinois now in the mining industry are the worst that I have ever known in my experience. There are more idle men in Illinois this summer than we ever had before. Scarcely a day goes by, or in fact every day, there are some 50,000 out of employment in Illinois in the mining industry alone. The same men are not idle every day. They may get a day's work this week and perhaps a half day's work next week. But as a general proposition since the 1st of April we have had approximately 40,000 men idle all of the time, and 20,000 others idle a greater portion of the time.

Mr. THOMPSON. To what do you attribute this condition—the slowing down of business or any special reason in the industry?

Mr. MCDONALD. Well, I think there are a number of reasons that contribute to this. In the first place, there is a very general industrial depression; and in the second place, so many of the railroad companies and other large concerns that have developed coal fields in Illinois are now mining their own coal, getting the same at cost, where formerly they bought their coal from the independent coal operators. As the result of this, these large mines and the old mines still in operation, we now have equipment in Illinois and enough men to supply three times the amount of coal that normally is demanded. I think that is one of the prime reasons for the present condition.

Mr. THOMPSON. What remedy would you suggest for this last condition you have spoken of?

Mr. MCDONALD. I know of no remedy, except the people or the Government or the State; the public will take over the industry and regulate it in such a manner that we won't have six mines where there is only business for one.

At the present time I know of no law that will prevent men from investing their money in mines and developing them if they see fit. We have now several companies in the State who are sinking new mines, notwithstanding the fact that there is no work now for more than a third of the men, and the equipment is either running one-third of the time or one-third of it is idle all of the time.

Mr. THOMPSON. Did you hear the suggestion of Mr. Bent with reference to that subject, and how he thinks it could be handled?

Mr. MCDONALD. In reference to the German law?

Mr. THOMPSON. The German law, yes; and, in fact——

Mr. MCDONALD. Yes. I personally favored that before the efficiency commission in Springfield a short while ago. But the fear I have is that it requires so much time to put into operation the law that he suggests that it is going to be a long time before we arrive at results.

Mr. THOMPSON. What other quicker method could be adopted, in your opinion?

Mr. MCDONALD. Well, to be candid, I know of no immediate remedy for the situation. The fact that practically all of the railroads coming into Illinois, or a number of them, are now mining their own coal, and each mine that they sink is a large mine usually having from three to four thousand tons capacity, naturally displaces three or four or five of the smaller mines having an output of from 300 to 1,000 tons a day. And as a result of this the old mines are still there, the miners are still there waiting for the whistle to blow for work, and the companies that are developing these new mines require a large force of men, which they are bringing in or encouraging to come in from other States and furnishing them employment.

Mr. THOMPSON. Is there anything further you would like to say about the conditions in the Illinois coal fields?

Mr. MCDONALD. I feel this way, that under the present arrangement, largely by reason of the competition between the companies in this State and the companies in other States, there is a very great waste in the present method of producing coal. Some of the mines in the State are only getting out approximately 60 per cent of the coal, where in reality they should get out at least 90 per cent of the coal. There is a great waste in the resources of the country in that way. This is due, I believe, in large measure to competition and the desire to get profits as early as possible after the mine is sunk, and the desire to get the coal as cheaply as possible, without regard either to the product or to the welfare of the miners employed in the mines.

Mr. THOMPSON. Referring, Mr. McDonald, to the unions and their organizations—to yours as well as others—they are considered by the people in them as democratic institutions, are they not?

Mr. MCDONALD. I think so; yes.

Mr. THOMPSON. There is an opinion prevails among a certain portion of the public that in many instances, by reason of political methods used in the elections, that the unions get into the hands of a certain ring or party of union politicians. Have you yourself seen any evidence of that character in the union?

Mr. MCDONALD. That does not prevail in the miners' organization, for the reason that the mines are scattered over a vast extent of territory and each individual has a right to express himself in the nominating of any candidate for office in the organization. We have the complete initiative and referendum in the matter of election of our officers. Every individual is given a ballot, and they nominate and elect under the Australian ballot system. Each man is permitted to nominate who he pleases, and is also permitted to vote for who he pleases. We have a penalty in our law that prohibits anyone from interfering with elections, and we try in every instance to enforce that penalty.

Mr. THOMPSON. The expression of the will of the individual in a union is a very important matter, is it not?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. And it should be safeguarded in any way that the experience of men shows should be used?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. Just the same as in the expression of the will of the people at the polls in State matters?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. And you see no reason why methods which may be used practically that are used in State matters should not be used in protecting the ballot in union matters?

Mr. MCDONALD. The same methods are employed, and particularly in the local union of which I am a member. We have our own hall, and on political election days they rent our hall as a polling place. On the miners' election day we borrow from the election commissioners the booths used in the general election, and they are used there in the same manner, and the judges are selected in the same manner, and the same instructions are given.

Mr. THOMPSON. What is your opinion about the State itself making regulations, perhaps governing the carrying on of elections in union matters?

Mr. MCDONALD. You mean the State government?

Mr. THOMPSON. The State government passing laws, for instance.

Mr. MCDONALD. Well, I feel that the State government could well afford progress along that line in their own elections before they go and attempt to regulate the affairs of someone else.

Mr. THOMPSON. Well, assuming that the State, that the present primary law is a good one, and we generally understand it is because it was followed apparently by the Progressives, etc.—would such a law, if passed by the State for the purpose of having relation to labor unions, be a good or bad thing?

Mr. MCDONALD. Personally I would not have any objection to the State having some regulation over the unions if the State itself had clean skirts in this matter. But I do feel that in the past in a great many instances political parties have dominated the situation, and I fear that if they were given the right to legislate on the matter of how the miners should conduct their affairs, they would legislate in a manner that would redound to the credit of the political organization, perhaps, and attempt to corral the vote in that way. For that reason I am opposed at the present time to the State enacting such legislation.

Mr. THOMPSON. For fear you may not have got my idea, Mr. McDonald, I don't mean that the State should supervise the elections and appoint the officials, but just pass these laws like the primary law, which should be used by the unions themselves in carrying on their elections.

Mr. MCDONALD. Personally I haven't any objection to that being done, because it has been my desire ever since I have been connected with it to see that every individual is given the full right of expression, whether it is for or against myself or anyone else. In fact, complaint has been made in some instances that we have carried our democratic institution just a little too far, and as a result didn't have the responsibility that we should have otherwise. For instance, men have been elected that weren't very well known to the membership, and they themselves attempted to remove them from office afterwards on the ground of inability. But I am willing to agree to any plan that will give the worker full right to express his views on matters connected with the affairs of the organization.

Not only do I favor that in the election of the officers, but before a general settlement is made or a strike is declared, we submit the matter to our membership by referendum vote to determine whether or not they will accept the contract or go on strike.

Mr. THOMPSON. I take it, Mr. McDonald, in your capacity as a union official, having your attention practically all the time directed to the industrial problems, you have some views with reference to the industrial unrest, if any such exists, and remedies for it. I would like you to state briefly, if you can, your opinion about the unrest, if it exists.

Mr. MCDONALD. There is a very general feeling of unrest, has been for some time, but it seems to have become intensified this year. In the first place, as I said, we have thousands of men who have been unable to obtain employment since the 1st of April. Generally during the winter months the men get reasonably steady work, and it enables them to lay up a few dollars for the coming summer. Last winter many of the miners did not average more than two or three days a week. As a result they were not able to provide anything for the future. Then since the 1st of April the mines, many of them have been closed down. Men are out of employment. They are unable to get the necessaries of life in some instances. We are now using quite a large fund that we had accumulated in the organization, to take care of the most needy cases. We have expended this summer in the neighborhood of $100,000 to relieve the distress of our own members, and will probably be obliged to spend another $100,000 before conditions improve.

The men knowing, realizing that some others are doing better than they are, naturally feel dissatisfied. Not only that, but the average wages of the miners of the State of Illinois for a number of years has approximated $500. There is not any man who can pay his way and maintain a family with the present high cost of living on $500 a year and live in a comfortable home. A great many of the men have been reading some governmental statistics that were published some years ago showing that under ordinary circumstances a man should have something over $700 to maintain himself and his family. Now, we have only received, on an aggregate, about $500 a year, and it takes $700 to exist; it is

pretty hard to induce that fellow to believe that he is happy and contented under those circumstances. Naturally, there is a very great deal of unrest. And I presume that will continue until some other solution is found for the present industrial conditions than we have arrived at up to this time.

I might say in this connection that as a result of the overcrowded condition of the mines in some instances there has been a very outspoken tendency toward regulating immigration. Men that have been here for a great many years feel that the other fellow should not be allowed to come. In some places that feeling has grown to considerable proportions and there is some little feeling between the nationalities on that account. They feel, some of them, that if the immigration had been restricted some time ago the present situation would not be as acute as it is now.

Mr. THOMPSON. Do you think, Mr. McDonald, that the wages of the miners in this State could be increased from $500 to $700, in the face of the conditions that have been stated by Mr. Bent and Mr. Walker?

Mr. MCDONALD. Do I think they could be increased?

Mr. THOMPSON. Yes; could the industry still survive?

Mr. MCDONALD. The industry could still survive, and the wages could have been increased by decreasing the number of miners employed—and if we had less mines operating—so that those which are at work could have more regular employment.

Now, Mr. Walker neglected to qualify that statement by saying that that is true so far as the day-wage rate concerned. There has been an increase, it is true; so far as the tonnage rate is concerned, there has been an increase. But the fact remains that the annual average earnings of the miners is about the same as it has been for many years. For instance, a few years ago the average number of days of actual mine operation was 225 days a year and upward. The last year the coal reports showed 170 days, and the coal reports that will be published shortly will show that it will be less than 150 days of actual operation. Now, these days of actual operation are not full days of eight hours. For instance, the mine may run two hours, and in that time they will get sufficient coal to fill the cars that are on the track, and when the two hours are up the men are sent home. There is no more work that day. The next day they may work four hours or six hours. As they are working at the tonnage rate or by the hour rate, their pay stops the moment the mine stops operating, so that in reality they do not get 170 days of actual operation on an eight-hour basis.

Mr. THOMPSON. What remedy, or, what other remedy, would you suggest to relieve or lighten the unrest in the industrial world than you have stated?

Mr. MCDONALD. Well, I do not think there is a possibility of eliminating entirely the unrest until the worker is given—I want to agree with Mr. Walker in this regard—until the worker is satisfied that he is getting the portion of wealth that his labor creates. Unfortunately, now, some of the miners don't know actually who they are working for. The stockholders of the concern may be living in New York or they may be living in London. They are not at all familiar with his conditions. They are not particularly interested in his conditions. But they are interested in knowing how much money they can make on the actual capital, of getting their interest on the paper values that have been used quite freely in mining ventures, the same as they have in others. Now, the miner does not feel inclined to be entirely satisfied where he can see some employer of labor that does not work any longer hours laboring than they do, and he sees him riding around in an automobile when they can not afford the price of an ordinary railroad ticket. They feel that as they are the actual producers of the welfare of the concern that they should share in the wealth of the concern in proportion that they are creating it. Until that time arrives it is going to be a hard matter to satisfy with regard to having them in any way content.

Mr. THOMPSON. Have you in mind any temporary devices or methods by which the unrest may be ameliorated?

Mr. MCDONALD. We are endeavoring to work out the solution of one of our troubles now by establishing cooperative stores in the State of Illinois on the same principle that they are operated in England and other European countries. The men have been required to pay exorbitant prices for their goods in the outlying mining communities in a number of places. Now, in a number of places we have established cooperative stores, with a view of cutting down the cost of living and giving the miners their share in the operation of the institution. We have a number of these stores operating—in two particular instances to my knowledge—that have paid to the stockholders, who are miners, dividends

ranging from 8 to 12 per cent per quarter. In other words, from 32 per cent to 36 per cent per annum. That is one step that we have taken with a view of trying to reduce the present high cost of living and make it conform more nearly to the earnings of the miner. There is a very strong desire on a part of the miners to establish the cooperative store system throughout the State. And some of them hope and feel that with the cooperative store would be operating a cooperative mine.

Mr. THOMPSON. What, in your opinion, do you think this commission could do or could recommend, say, that would help lighten the burden?

Mr. MCDONALD. I feel that steps should be taken to curb the operations of the large railway concerns that are gradually absorbing all the coal properties of the State by reason of their control of the coal mines and getting their coal at absolute cost. They are requiring the other operator, they are in position to require the other operator who expects to sell his coal to sell on the cost basis, or nearly so, or he can't get any business from the railroad company. I think that they should not be allowed to dictate the price of the product, which they are doing now.

I think steps should be taken to in some manner for the Federal Government to have authority to prevent the sinking of new mines until there is an actual demand for the coal.

Steps should be taken to prevent the great waste of the natural resources which takes place now.

Now, in this connection I feel that if it were not for the State's rights proposition we could secure Federal legislation regulating the mining industry of the United States, and it would go a long ways toward eliminating the present difficulties that we meet.

For instance, Mr. Bent has complained of the competition from other States and the prices that prevail there. The complaint is well grounded. In Kentucky, where the miners are not organized, they are mining coal much more cheaper than we are in Illinois. In the matter of legislation they have practically none there to protect the miners' lives. That is largely true in West Virginia. The result of that is that the loss of life in West Virginia is approximately five times as great as it is in Illinois. There is no miners' organization there to champion the mining legislation. And as a result, they are compelled to pay for it in the loss of life—in the miners' lives in the mines. If there was any method by which we could enact Federal legislation that would apply to all of the mines of the United States and strict enforcement of it, it would be a long step in the way of solving the present problem.

Mr. THOMPSON. I am asked by Mr. Drew to put a question to you: What can you say as to the union opposition to new devices, machinery, or as to restriction of output?

Mr. MCDONALD. Our organization as an organization has never opposed the introduction of machinery. Personally those of us who have been connected with it officially, they favor the introduction of machinery if it is a labor-saving device. But at the same time we have endeavored to try to make an arrangement so that our men will not simply be thrown out of work as the result of the introduction of machinery. We try to make a rate for the machine, so our people can live under it.

In this connection, too, I might say we have not attempted to restrict the output in any particular. Some few of our members, perhaps, may at times have attempted to have done that. But as soon as it was discovered by the organization we have told them that it would not be permitted under our contract.

The only attempt we have made to resent this matter is where the company was trying to get along with too few mining machines, when in reality they should have had more, and they have attempted to crowd as many men after the mining machine to load the cars as they could get. As a result, the miners' wages were practically cut in two—perhaps in three—of what they should have. We attempted to have the number of men after the machine, so that their wages would not be materially reduced. But our object has been to try and arrange it in such a way that they would have as many loaders after each mining machine as they could reasonably take care of the whole cut by the machine. We have neither tried to prevent the introduction of machinery nor have we tried to restrict the output of the mine. In fact, I might say a little further, it would be folly on our part to attempt, in many instances, to regulate the amount of coal a man would load when he is paid for it on a tonnage rate. If he was working by the day, we might be able to manipulate that a little better.

Mr. THOMPSON. Is it not a fact there is opposition, both to the introduction of new machinery and devices restricting the output, even though it is not officially sanctioned by the union?

Mr. MCDONALD. I do not know of a single instance where the output has been restricted, except where the companies complain that they have not allowed them the number of loaders that they thought they ought to have for the machine, and we have tried to induce them to buy additional machines, so that they would not have that complaint. In some instances they did so, and in others they took the other method of working the machine day and night, in order to take care of the situation and eliminate the necessity of buying the machines.

Mr. THOMPSON. Do you think that both the union and the employer should be liable for breach of trade agreements?

Mr. MCDONALD. Under present conditions both sides are morally responsible for the carrying out of that contract.

Mr. THOMPSON. Do you think that there should be financial responsibility for their acts?

Mr. MCDONALD. I do not believe that I would care to assume a financial responsibility for the acts of men who in some instances have been encouraged to come here by certain employers who are not as familiar with our contract as they should be if these men violate the contract. Individually I would not want to hold the organization to account for that. I don't feel that the organization is.

Mr. THOMPSON. Where the organization itself breaks the contract, what would you say then?

Mr. MCDONALD. I have no knowledge of any instance where the organization itself broke a contract, not since my connection with it.

Mr. THOMPSON. What would be your view of financial responsibility, or what should be the financial responsibility in such a case?

Mr. MCDONALD. Well, I feel that if I were an employer and they would not carry out the provision of their contract I would want them to give some guaranty that they would carry out their financial guaranty. But what is true of the miners in that respect would be equally true of the employers. And members of the Illinois Coal Operators' Association to-day and of what is known as the fifth and ninth district associations to-day are violating the contract to-day. We are insisting on our men continuing at work even under the violation of the contract until we can get an opportunity to take it up.

I might point out the violation of contract. We have a clause in our contract, which you will find if you examine it, that provides that the advancing of money between pay days shall be at the option of the operator, and no commission shall be charged for cash advanced between pay days. Certain companies in Illinois, among them the O'Gara Coal Co., are to-day levying 10 per cent against the members for everyone they can induce to draw their money in advance, and they have the thing in operation, and it has been a violation of our contract. These companies are carrying on the same, although I want to say in behalf of the representatives of the operators' association that they have assured me time and again that they will not tolerate that condition as far as their association is concerned.

Mr. THOMPSON. Do you advocate closing some of the mines and working full time in the others?

Mr. MCDONALD. Under present conditions that would work a hardship upon the men who would be thrown out of employment. I would much rather that the arrangement could be made to distribute the work among the different mines, so that each of the men would get some reasonable share of the work done.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Delano would like to ask a few questions.

Commissioner DELANO. I wanted to ask one question: You made the statement, Mr. McDonald, that some of the members of this coal operators' association left the association, alleging the railroad domination. Do you know that of your own knowledge or just by hearsay?

Mr. MCDONALD. That is the statement they made to myself and to other representatives of the organization.

Commissioner DELANO. What railroad domination did you refer to?

Mr. MCDONALD. Well, they mentioned especially the Illinois Central Railroad, which operated under the name of the Madison Coal Corporation. They claimed

that it dominated the car supply along that road and were in a position to dominate prices in another way.

Commissioner DELANO. Any other railroad?

Mr. McDONALD. I do not recall that they mentioned any other railroad specifically. They did refer to another company, a large company; that was the Peabody Coal Co.

Commissioner DELANO. That is not a railroad company.

Mr. McDONALD. That is not a railroad concern, except that they have a small road and haul their own coal a short distance, as I understand it.

Commissioner DELANO. You would not call that a railroad?

Mr. McDONALD. Not in that particular instance; but many other large railroad systems have their mines in Illinois, and mentioned the North Western and the Chicago, Milwaukee & St. Paul.

Commissioner DELANO. The North Western, I believe, are not members of the Illinois Coal Operators' Association?

Mr. McDONALD. They are members of the fifth and ninth operators' association.

Commissioner DELANO. I wanted the commission to know exactly what you knew as to the railroad domination. Now, you have told about the Illinois Central. What others are there?

Mr. McDONALD. The Consolidated Coal Co. is generally understood to be part of the Gould interests, and the Wabash and Missouri Pacific systems.

Commissioner DELANO. I can positively say it does not have anything to do with the Wabash now. I do not know as to the others.

Mr. McDONALD. Well, I do not know how it is now. I understood the Wabash is in the hands of a receiver, but it was understood some time ago that was true.

Commissioner DELANO. Any others?

Mr. McDONALD. The Rock Island Railroad operates a small property known as the Coal Valley Mines Co. Take the Chicago, Milwaukee & St. Paul, they operate the St. Paul Coal Co. mines.

Commissioner DELANO. Did they dominate this Illinois Coal Operators' Association, either of them?

Mr. McDONALD. It was alleged at the time that these men withdrew from the association that the Madison Coal Corporation, the O'Gara Coal Co., which it was said was connected with the New York Central, and they mentioned the Consolidated Coal Co. at that time, that they were railroad properties and were dominating the situation. But the small operators have had no show with them in the association.

Chairman WALSH. Anything else? Any further questions? Do you want to ask any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes. Mr. McDonald, what is the average number of days a year that the miner is engaged in working, taking the good and bad years together?

Mr. McDONALD. That average number for the past five years would be approximately 175 days; that is, days that the mine works some. Some days they run two hours, some days they run four hours, and some days they run six hours. But about 175 days would be an average, I believe, for the last five or six years.

Commissioner O'CONNELL. That would be 170 full days in the year for each miner?

Mr. McDONALD. Beg pardon?

Commissioner O'CONNELL. I wanted to get in the record the number of full days a miner works in a year and approximately the annual earnings.

Mr. McDONALD. It would be impossible to give the number of actual full days they operate, from the fact that the coal report does not give the hours' work; it simply gives the days' work. I am informed that that is not a full eight-hour day, simply the day the mine operates, so it would be impossible to give that.

Commissioner O'CONNELL. There is an eight-hour law in this State—eight hours constitute a day's work?

Mr. McDONALD. We have that by agreement.

Commissioner O'CONNELL. Approximately in your mind what is the number of eight-hour days a miner works in the State of Illinois, annually?

Mr. McDONALD. I presume about 150 days.

Commissioner O'CONNELL. One hundred and fifty?

Mr. McDONALD. Yes.

Commissioner O'CONNELL. What would be his annual earnings?

Mr. McDONALD. Something over $500 a year.

Commissioner O'CONNELL. Then, the question raised by Mr. Bent that the opposition to efficiency systems, ideas, and so on, a justifiable reason for even consideration of such a thing would be the fact that the miners were practically out of employment all the time?

Mr. McDONALD. Absolutely. We have, I might say in this connection, during the last year we had some mines that only operated 30 days and others operated 40 and others operated 200 days.

Chairman WALSH. Mr. Weinstock would like to ask one question.

Commissioner WEINSTOCK. How long have you been operating under the cooperative-store system?

Mr. McDONALD. We are not operating as an organization, we simply incorporated our members and assist them to get started. We have had one store operating now for two years.

Commissioner WEINSTOCK. How many stores have you got?

Mr. McDONALD. I think we have eight stores in operation now.

Commissioner WEINSTOCK. You have been operating them for two years?

Mr. McDONALD. No; since that time. This one that I spoke of has been operating two years and since that time a number of others have been started.

Commissioner WEINSTOCK. What proportion of them have succeeded?

Mr. McDONALD. In that time none of them have failed. They have all been successful.

Commissioner WEINSTOCK. What prices do you charge the members?

Mr. McDONALD. You mean the prices they get?

Commissioner WEINSTOCK. Yes, the prevailing prices; do they charge the prevailing prices?

Mr. McDONALD. They charge the prevailing prices. They do not cut prices to local merchants.

Commissioner WEINSTOCK. They simply rebate to the members the surplus?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. In proportion to purchases?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. Anybody can become a member?

Mr. McDONALD. Anybody can become a member.

Commissioner WEINSTOCK. It is managed collectively by the members?

Mr. McDONALD. Managed by directors selected from the stockholders?

Commissioner WEINSTOCK. That is all

Chairman WALSH. You had one question, Mr. Thompson?

Mr. THOMPSON. I have one question Mr. Bent would like to ask. Do you consider a 7-cent machine mine differential in Illinois at a 20.6 cents in Ohio a fair proportion?

Mr. McDONALD. No, I do not. I want to agree with Mr. Bent on that, that a number of years ago we succeeded in fixing 7 cents as the price allowed for the machine in Illinois. During the time that price has been in effect machine mines in Illinois have increased wonderfully. More mines equipping and more operators have equipped their mines with machines each year. The 7-cent fixed difference between machine and hand mining in the other States, each of us, the operators have a higher differential or a higher price for the machine, and we have not been able to take it away from them or get them to agree to come down from the 7-cent machine differential.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Much obliged.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(At 4.30 p. m. of this Wednesday, July 22, 1914, an adjournment was taken until to-morrow, Thursday, July 23, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Wednesday, July 23, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Commissioner DELANO (acting chairman). The chairman has been unavoidably detained, and he has asked me to call the meeting to order. Mr. Counsel, will you call your first witness?

Mr. THOMPSON. Mr. Fitzpatrick.

TESTIMONY OF MR. JOHN FITZPATRICK.

Mr. THOMPSON. Will you give your name, please?

Mr. FITZPATRICK. John Fitzpatrick.

Mr. THOMPSON. And your business address?

Mr. FITZPATRICK. 166 West Washington Street.

Mr. THOMPSON. And your position?

Mr. FITZPATRICK. President of the Chicago Federation of Labor.

Mr. THOMPSON. For how many years have you been president of the Chicago Federation of Labor?

Mr. FITZPATRICK. About seven years.

Mr. THOMPSON. How long has the Chicago Federation of Labor been in existence?

Mr. FITZPATRICK. In its present form from 1896.

Mr. THOMPSON. And what form did it have before that?

Mr. FITZPATRICK. Well, it was the same organization, only under another name; it was the Chicago Trades Labor Assembly.

Mr. THOMPSON. The Chicago Federation of Labor is affiliated with the American Federation of Labor, is it?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. And holds a charter from that body?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. And what are its powers in the labor world, and what are its purposes?

Mr. FITZPATRICK. It is a federation of the various organizations of labor in the city of Chicago.

Mr. THOMPSON. What does the charter of the federation—what do the regulations of the American Federation of Labor, what power do they give to the organization as such?

Mr. FITZPATRICK. Of course the Chicago Federation of Labor is governed by the general laws of the American Federation of Labor.

Mr. THOMPSON. And your organization is to deal with the local situation in the labor world, organizations solely affiliated with the American Federation of Labor?

Mr. FITZPATRICK. Directly and indirectly.

Mr. THOMPSON. Directly and indirectly?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. But you do not deal, do you, with organizations which are not affiliated?

Mr. FITZPATRICK. No, sir.

Mr. THOMPSON. What control has the American Federation of Labor got over your organization?

Mr. FITZPATRICK. Control in issuing a charter to the Chicago Federation of Labor, recognizing it as an integral part of the American Federation of Labor.

Mr. THOMPSON. Assuming that you violated—your body violated—some of the rules and regulations of the American Federation of Labor which you say govern your organization, what powers of government or discipline has the American Federation of Labor over your organization?

Mr. FITZPATRICK. Nothing more than to withdraw the charter.

Mr. THOMPSON. Nothing more than to withdraw the charter?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. With reference to the Illinois State Federation of Labor, which because of its charter covers the territory which includes Chicago, how is the power or authority of those two bodies—that is, the Chicago Federation of Labor and the Illinois State Federation of Labor—divided? Did you hear the testimony of Mr. Walker in that respect?

Mr. FITZPATRICK. To some extent.

Mr. THOMPSON. Have you anything to add to or alter what he said?

Mr. FITZPATRICK. The Illinois State Federation of Labor is a branch of the American Federation of Labor, covering the State and doing the work in that capacity which the State organization is supposed to do. It does not conflict in any way with the operation of the Chicago Federation of Labor. The Chicago Federation of Labor is a part of the Illinois State Federation of Labor, and the organizations that go to make up the Chicago Federation of Labor also go to make up the Illinois State Federation of Labor.

Mr. THOMPSON. Does the Chicago Federation of Labor send delegates to the Illinois State Federation of Labor?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And they sit with the same power and authority and right to vote that the delegates do from unions?

Mr. FITZPATRICK. Yes; they have the right to vote and take part in the deliberations.

Mr. THOMPSON. What organizations in Chicago are affiliated with your body? First, are all of the unions which are affiliated with the American Federation of Labor that have locals here affiliated with your body?

Mr. FITZPATRICK. Not all. The Chicago Federation of Labor is made up of some 260 labor unions.

Mr. THOMPSON. What class, if there is a class, of labor unions are not affiliated with your body that still are affiliated with the American Federation of Labor?

Mr. FITZPATRICK. There is no particular class. There is a local here and there that does not see the necessity of being a part of the Chicago Federation of Labor and stays out.

Mr. THOMPSON. Are the building trades affiliated?

Mr. FITZPATRICK. I think a large portion are affiliated with the Chicago Federation of Labor.

Mr. THOMPSON. There is also a building-trades council, or somebody by that name?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Is your organization related to that body?

Mr. FITZPATRICK. No; that is a group of trades engaged in the building industry, and they get together for their own mutual benefit and protection and transact their business pertaining to that organization and take that work out of the Chicago Federation of Labor.

Mr. THOMPSON. Your body holds meetings how often?

Mr. FITZPATRICK. Twice a month.

Mr. THOMPSON. At which delegates from the different unions attend?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And are the resolutions passed at such meetings the governing power of your body? I mean are they to be given power, or do you have your constitution and by-laws, which are superior to any resolutions passed by your meeting?

Mr. FITZPATRICK. We have a constitution and by-laws, and, of course, that is the fundamental law of the federation.

Mr. THOMPSON. Would you mind giving a copy of those to the commission?

(The paper so presented was marked "Exhibit No. 1, Witness John Fitzpatrick, July 23, 1914."

Fitzpatrick Exhibit No. 1, "Constitution and by-laws of the Chicago Federation of Labor," adopted December 6, 1896, including the amendments, was submitted in printed form.)

Mr. THOMPSON. What part does your organization take in the labor movement in Chicago, both in times of peace and times of conflict, such as strikes and lockouts?

Mr. FITZPATRICK. When the Chicago federation is called upon to take part in a matter of that kind it exerts itself to its fullest extent to bring about an understanding between the contending parties.

Mr. THOMPSON. State in your own language briefly a history of the activities of your organization as you have conducted it.

Mr. FITZPATRICK. Well, of course, the Chicago Federation of Labor is interested in seeing that the city ordinances are enacted which will protect the interests of the workers. That where ordinances are presented that are unjust to the workers, that they are opposed, and also in the State legislation. We cooperate with the Illinois State Federation in trying to enact legislation which will be beneficial to the workers, and opposing legislation which will be detrimental, and in any other questions of public policy the Chicago Federation of Labor generally identifies itself with it for the best interests of the community. In matters of labor disputes wherever the Chicago Federation of Labor can lend itself to be helpful to bring about a resonable understanding, it is always ready and willing to do that. Possibly in all of the large strikes in the city of Chicago during its existence the Chicago Federation of Labor has been identified in them.

Mr. THOMPSON. In such things as strikes and lockouts generally in the past few years the Chicago Federation of Labor has taken an active attitude, has

it not, rather than a passive one? Where a strike has been between firms of the city and unions, where the unions have been affiliated with your body?

Mr. FITZPATRICK. The Chicago Federation of Labor always tries to be active in the interests of the affiliated organizations.

Mr. THOMPSON. What power of control has your organization got over the affiliated unions? Suppose they refuse to carry out your by-laws or your constitution, or refuse to carry out any resolution your order may pass at any of its meetings.

Mr. FITZPATRICK. There is no power of compulsion.

Mr. THOMPSON. There is no coercive influence in the federation?

Mr. FITZPATRICK. We are unable to make any organization do this, that, or the other thing. It is only by moral suasion. If an organization don't like the things the Chicago Federation of Labor participates in, they can withdraw.

Mr. THOMPSON. How does your body work in connection with, we will say, industrial conflicts? Are those generally in the first instance in the hands of the local union or international union, which has the matter up with the employer?

Mr. FITZPATRICK. Always first in the hands of the local organization, and if the local is a local of the international organization, then it goes to the international organization. Then if the local and international involved agree that the assistance or cooperation of the Chicago Federation of Labor is advisable or necessary, they can ask it or it is offered—it is generally offered.

Mr. THOMPSON. In the offering of assistance or the denying of assistance, does a question of that kind come before the officers as such, or the executive committee, or does it come before the open meeting of your body?

Mr. FITZPATRICK. Sometimes it is made direct to the officers, and sometimes, most generally, it is discussed in the federation of labor meetings.

Mr. THOMPSON. And brought up by the delegates on the floor?

Mr. FITZPATRICK. Yes; by the organizations involved, and they ask for assistance and cooperation of the affiliated organizations.

Mr. THOMPSON. What power or control has your body over a strike either to begin it or terminate it?

Mr. FITZPATRICK. None.

Mr. THOMPSON. None?

Mr. FITZPATRICK. No, sir.

Mr. THOMPSON. Its power is simply advisory, and in the matter of counsel and to pass, perhaps give financial assistance, is that right?

Mr. FITZPATRICK. The Chicago Federation of Labor can not inaugurate a strike; of course it can be helpful in securing money to sustain those engaged in a strike.

Mr. THOMPSON. Is there any general rule or rules that are followed by your body in determining whether or not it shall take part in a strike either to assist it or to oppose it? For instance, do you oppose what is called sympathetic strikes, or is that matter left solely to your meeting for the delegates to determine?

Mr. FITZPATRICK. Left solely to the organizations involved.

Mr. THOMPSON. The local unions here who decide to assist the local by ordering what is commonly called a sympathetic strike, is that within the power of the local union and the international?

Mr. FITZPATRICK. It is within the power of the local under the jurisdiction of the international if they are such. If they are local unions of the American Federation of Labor, then comply with their own laws and rules in that regard.

Mr. THOMPSON. Does the Chicago Federation of Labor have power, and does it ever at any of its meetings by vote of those present delegate or advise unions to either go on a strike or because of the grievances that they have themselves, or advise unions to assist others by sympathetic strikes?

Mr. FITZPATRICK. Not directly. We might suggest or advise that it is to the best interests of the movement, if they are involved, it is to the best interest to stand together; we might take some advisory action of that kind.

Mr. THOMPSON. And a great many strikes occur, do they not, Mr. Fitzpatrick, in the city, not because of causes or complaints or grievances against the employer, but because of differences of opinion among certain international unions as to jurisdiction of work? Do those strikes ever occur in Chicago?

Mr. FITZPATRICK. Yes; I think it is possible strikes of that kind have happened.

Mr. THOMPSON. Is the power of your organization in reference to this any different than in reference to any other strikes?

Mr. FITZPATRICK. No.

Mr. THOMPSON. Is the power of your organization in regard to jurisdictional strikes as broad as the power, or, rather, as broad—the word "power" is not appropriate—is your jurisdiction as broad as that of the American Federation of Labor?

Mr. FITZPATRICK. I think it is about on a par with that of the American Federation of Labor. The American Federation of Labor has no more control over an international organization than the Chicago Federation of Labor.

Mr. THOMPSON. But the American Federation of Labor has a building trades department, and you say it is to take up jurisdictional troubles. Have you such a department in your organization?

Mr. FITZPATRICK. Not within. There is a local of the building trades department of the American Federation of Labor which comprises that group of building trades that are also under the board of the Chicago Federation of Labor.

Mr. THOMPSON. Generally, are the jurisdictional building troubles in Chicago taken up by the building trades council?

Mr. FITZPATRICK. Also as far as building trades are concerned.

Mr. THOMPSON. And in matters and troubles of that character it is generally assumed by your body that the building trades council will take charge of the matter, is it not?

Mr. FITZPATRICK. That the local unions will try to agree among themselves, and if they can not agree they will take it up through their international organization, and if it can not be adjusted there, then to the building trades department of the American Federation of Labor, and so on.

Mr. THOMPSON. Have you any power in a strike of that kind, a jurisdictional strike, to terminate it, or order it to be terminated, or is your power the same in that respect as with reference to other strikes?

Mr. FITZPATRICK. We have no power to either start or finish any strike.

Mr. THOMPSON. So far as your body is concerned, there is no check, of course, apparently, on jurisdictional strikes. What power, so far as you know, in the organizations of the labor world—the American Federation of Labor, the Illinois Federation of Labor, or your organization—what power or check is there on such strikes?

Mr. FITZPATRICK. It is within the international organization, the local union of the international organization.

Mr. THOMPSON. They are a power unto themselves?

Mr. FITZPATRICK. By their vote they say whether they will engage in a strike of whether they will terminate it.

Mr. THOMPSON. In your position as president of the Chicago Federation of Labor you have had occasion to come in contact with the conditions of labor in various industries in the vicinity of Chicago more or less, have you not?

Mr. FITZPATRICK. Yes; somewhat.

Mr. THOMPSON. What is the condition of labor, generally speaking, in the vicinity of Chicago? In some places is the condition favorable, in your opinion, and others unfavorable?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. If they are; in what places, in what industries?

Mr. FITZPATRICK. I think in the organized trades the condition is good; I think in the unorganized ocupations that it is bad—very bad.

Mr. THOMPSON. Is that true generally, or are there exceptions to either of those fields?

Mr. FITZPATRICK. I think it is pretty general.

Mr. THOMPSON. Do you know of any field, say, specific field, wherein unorganized labor is well situated, or do you know of any field wherein organized labor is not well situated?

Mr. FITZPATRICK. I do not know of any field where unorganized labor is well situated.

Mr. THOMPSON. Do you know of the Link Belt Co.?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Have you any knowledge—definite knowledge—of the condition of labor there?

Mr. FITZPATRICK. I think it is bad.

Mr. THOMPSON. On what is that opinion of yours based, Mr. Fitzpatrick?

Mr. FITZPATRICK. On that the control, the control of the men who manage that concern, is so decisive that they are just like parts of the industry. They start and stop with the industry. They do not amount to any more than that.

Mr. THOMPSON. Have you made any investigation, or is this opinion which you have, Mr. Fitzpatrick, caused by complaints of the men or in a general survey of the field?

Mr. FITZPATRICK. Well, in the general survey. I know something about the plant. I live very close to it, and know the conditions that have existed there for a number of years.

Mr. THOMPSON. There has been some complaint, Mr. Fitzpatrick, on the part of some of the community as to the government of labor unions. Generally, unions are democratic bodies and are handled as such, are they not?

Mr. FITZPATRICK. I think, always.

Mr. THOMPSON. Are the same safeguards used in the voting and giving the expression to the will of the member in union bodies as there is in the States, to see that the voter expresses his opinion—his voice?

Mr. FITZPATRICK. And all the rules in regards to giving the expression is within the hands of the members themselves. If they find that the rules are oppressive they can change them and make them to their own liking.

Mr. THOMPSON. But it is alleged that in various meetings that the union members are afraid to get up and express their opinion—they fear coercion—and that at the voting there is no protection such as a secret ballot would afford to a member in passing on resolutions or in electing men to office. What have you to say, from your experience, in regard to that matter?

Mr. FITZPATRICK. Of course you say "it is alleged," and I think it is alleged by the Chicago press. I don't think you will find any statements of that kind in the publications of the trade-unions of the country.

Mr. THOMPSON. Then in your opinion the members of the trades-unions have the same opportunity to express their opinion without coercion in regard to the government of their bodies as the citizen does in the State?

Mr. FITZPATRICK. Yes; I think so.

Mr. THOMPSON. Of course, in the State, Mr. Fitzpatrick, it has been found necessary in order to protect the voter from the coercion of the ordinary politician to provide the secret ballot, such as the Australian ballot, and to provide a primary law by which candidates may be nominated by the people, and other similar laws. As far as you know, are any laws of such a character adopted by the unions in order to protect the free expression of the opinion of the member?

Mr. FITZPATRICK. I think most of the organizations resort to the Australian voting system. Some of them may not, but I think the majority of them do; and I think that they generally recognize the principle of the initiative and referendum on all important questions.

Mr. THOMPSON. Then, in your opinion——

Mr. FITZPATRICK. And as far as the primary is concerned, my experience with the organizations in the city of Chicago is that the primaries in the labor organization have been a free-for-all.

Mr. THOMPSON. A free-for-all?

Mr. FITZPATRICK. That anybody who wants to name himself for any office has the privilege of so doing.

Mr. THOMPSON. Is it your opinion that it would be a good thing to those unions who have not the Australian ballot or the secret ballot, and who have not a referendum, to adopt such in the government of their bodies?

Mr. FITZPATRICK. Oh, I think it is best to let them determine it for themselves as to what particular way they want to adjust their own matters.

Mr. THOMPSON. And in your opinion would that be a good way to handle their affairs, from your personal standpoint?

Mr. FITZPATRICK. Well, now, that is a question as to the conditions that surround the union. They may be able to devise even a better way. If they could, why, I would rather see them devise the better way.

Mr. THOMPSON. You believe in the protection of the ballot, then. Mr. Fitzpatrick, have you made a study of the condition of industry as to whether unrest exists or not in the industry here in Chicago and generally throughout the country?

Mr. FITZPATRICK. Yes; I think I have got considerable.

Mr. THOMPSON. You believe there is considerable unrest?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. What, in your opinion, are the causes of it, and what would you recommend as remedies which are within the power of this commission to recommend to Congress—I mean something not Utopian, but practical.

Mr. FITZPATRICK. Why, I think the unrest which exists among the workers, both organized and unorganized, is the control which big business has over not only industrial affairs but public affairs; that grip which they have on the affairs of government and which they use against the workers continuously and everlastingly causes a disrest—an unrest among the workers to get from under that—that contral, that holding down, which they have held for so long.

Mr. THOMPSON. And how would you meet that?

Mr. FITZPATRICK. Well, I—I don't know just exactly how we are going to meet it, only that we will find a way out. The workers of the world have always been oppressed and they have always been able to find relief, and I think that just as the heavy hand is laid on the back of the worker of our day and time that he will be able to devise the ways and means for getting out from underneath it.

Mr. THOMPSON. Do you believe, Mr. Fitzpatrick, that an industrial council—say a Federal industrial council—with power to investigate labor conditions and with power to conciliate and mediate and to arbitrate on request of the parties would assist in reaching a solution of some of the troubles which exist to-day in the industrial world?

Mr. FITZPATRICK. Well, of course, if we had the proper kind of conditions—if we had the proper kind of employers or had the proper kind of public officials to form a board of that kind—it might be helpful to some extent, but I think you will have to go some before you will reach that stage.

Mr. THOMPSON. You believe that truth would come out in those troubles, do you not?

Mr. FITZPATRICK. Believe what?

Mr. THOMPSON. You believe the truth should be ascertained—that the facts should be ascertained?

Mr. FITZPATRICK. Absolutely.

Mr. THOMPSON. Then, having an impartial body, if such body could be found, which would make a fair investigation of the facts in any dispute would be a good thing, would it not?

Mr. FITZPATRICK. If you could have the truth brought out and then published and not twist and distort it, it would be helpful; but our experience is that you don't get that no matter how well intentioned the commission would be, no matter what altruistic motives may be ascribed to it, there are other forces in the country that are able to circumvent it.

Mr. THOMPSON. Upon what experience is this opinion based?

Mr. FITZPATRICK. In dealing with these questions in Chicago here and trying to get the truth to the public and in a good many cases and failing absolutely.

Mr. THOMPSON. But you have not dealt in that matter with a Federal commission, have you? You have not dealt in regard to those matters with any Federal commission?

Mr. FITZPATRICK. Not with the Federal commission; no, sir.

Mr. THOMPSON. Or any State commission?

Mr. FITZPATRICK. Oh, I think we have; not investigating; no, sir.

Mr. THOMPSON. Are you a believer in conciliation and mediation?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And arbitration where the parties want it?

Mr. FITZPATRICK. Arbitration where they can have open and aboveboard arbitration, not where the arbitrators can be purchased by the fellow who has got the most influence. We disagree or disapprove of the controlled umpire in arbitration, and that has been all our difficulty with arbitration, is that the employer would resist the appointment of the umpire until they felt pretty sure they had the man they wanted.

Mr. THOMPSON. And you are not, then, advocating the use of a third man in arbitration, or what are your theories as to the method of handling arbitration, as to whether it should be sporadic and accidental, as it were, when a dispute arises, or whether the arbitration is best in the hands of a body who would act for an industry, we will say, and in such case would not call in a third man, or have you any opinion on that to express?

Mr. FITZPATRICK. I think some of the preliminary stages of conciliation and mediation do the best of the whole program. If the men can get together and find out where their rights and interest and equalities between both parties lie and then proceed along that line, that is the best possible way of settling

adjustment. Arbitration is not so satisfactory, because if the employer—if the award happens to be averse to the interests of the employer, he has kind of got it up his sleeve and is always looking to take advantage. If the worker feels the award went against him, he has it up his sleeve, and he is waiting for a time when he is going to solve these questions without that kind of a decision against him. Arbitration is not altogether satisfactory. It is a means to an end.

Mr. THOMPSON. Take cases where an arbitration board is established for an industry as such, that the arbitrators sit more or less permanently—not sit every day—what I mean are the ones to be called upon in case a controversy arises; that in such cases the third man instead of deciding the thing—taking the authority to decide himself immediately—does all he can to get the other two arbitrators to agree with one another and get them from time to time nearer together, and then only finally gives a decision when they can't agree. Would that kind of arbitration appeal to you as being a good proposition?

Mr. FITZPATRICK. I think it would be better than some of the tactics that have been called arbitrations in Chicago.

Mr. THOMPSON. Would or would not that be better than just having an equally divided board of arbitrators with no authority anywhere to finally make a deciding vote?

Mr. FITZPATRICK. I don't like the proposition of having a power anywhere to decide that we have got to do this, that, or the other. I don't like that scheme of things at all. I think that just as long as you develop that kind of power and put it some place, that you are going to have more or less trouble. When you get to the position you are going to put that power to make the decision, we will have to have a different human family than we have on the earth at the present time. It wouldn't do any time in the past, and we may have to go along some time into the future before we have that kind of a human family on the face of the earth that would be practical.

Mr. THOMPSON. Of course an industry is for the production of commodities for human being use. In your opinion, does the introduction of the union into an establishment have any effect, either favorable or unfavorable, on the industry as such?

Mr. FITZPATRICK. I think where reasonable, intelligent conditions have obtained that the unionization of the men would be most practical and bring the best possible results.

Mr. THOMPSON. Did you hear Mr. Piez's testimony the other day?

Mr. FITZPATRICK. I heard part of it.

Mr. THOMPSON. In that respect—in respect to that question. In respect to that question, did you hear his testimony?

Mr. FITZPATRICK. Yes; I heard him make a statement in regard to the activities of the union within his plant, and in figuring the thing over in my own mind I have come to the conclusion that that is all right for Mr. Piez's position, because Mr. Piez entered into the industry in that kind of way and for that purpose, as I understand it, and his view and his whole being is commercialized, and it is making profit—making good in the eyes of the directors and stockholders of the concern—and as he goes out in the market to purchase his different kinds of material and other things for his plant he goes on the one-eighth of a cent or one-fifteenth of a cent and all those things in doing it. They are in his mind when he is purchasing or making a deal in the interest of the concern of which he is a part. He is the hired man, you understand, to do that thing, and when he deals with labor he deals with labor in the same fashion. Labor is a thing. It is not human, so far as he is concerned. That is his whole mind; his whole make-up.

Commissioner O'CONNELL. He loses sight of the human side of the producer.

Mr. FITZPATRICK. Absolutely. He can't bring within his mind's eye that the person who works in the factory, that operates that machine, that that is a human being. He loses sight of that entirely. He thinks that is a part of the machinery to start it or stop it, or to do some other thing in connection with it. He has no idea there may be a wife and children back of that man working in his factory out there. It does not enter his mind. As far as his plant is concerned out there, they have a nice green lawn in front, boxes of flowers in front of the stenographers' windows to look out over the place; automobile drive around in front when you go by on the street car that is fine to look at. Absolutely nice. But get back down in there with the factory help and then see the conditions that exist there.

Commissioner O'CONNELL. No flowers in the factory?

Mr. FITZPATRICK. Very few. They may have some kind of iron design they are making for the ornamentation of a park fence or something of that kind.

Mr. THOMPSON. What opinion have you with reference to whether or not the introduction of a union into a plant leads to friction and antagonism between the men in it and the management?

Mr. FITZPATRICK. Well, where the commercial spirit is so intrenched in the minds and the hearts of the men who run that business you have got a hard situation. But in other industries, where the men want to do the right thing and want to be on an equal basis with their competitors and others, then a union can go along and be of great value and assistance, both to the worker and to the employer.

Now, there are two kinds of employers. There are employers who want to deal fairly and squarely with the public, with their employees, with their customers, and everybody. And there is the labor skinner, the fellow who is grinding and conniving and scheming and gouging every place that he possibly can. It does not make any difference whether he can squeeze a half cent out on some commodity that he is purchasing or whether he can squeeze a half cent out of the lives of the men in the factory.

Mr. THOMPSON. Most business to-day, Mr. Fitzpatrick, is a competitive proposition, is it not—most business?

Mr. FITZPATRICK. I think so.

Mr. THOMPSON. Generally speaking, one competitor has to meet the price for his article that the other competitor is willing to make; is that generally true, in your opinion?

Mr. FITZPATRICK. Well, it cuts quite a figure.

Mr. THOMPSON. Consequently an employer can not pay more for his raw material and for his labor than what he can get back from the consumer and at the same time survive and have his business go ahead, can he?

Mr. FITZPATRICK. Well, of course, when you apply all of that on the side of labor, and I guess labor is pretty generally taken advantage of. For instance, I understand that the labor that goes into the making up of a high-class pair of shoes—we will say a $5 pair of shoes—I am informed by practical men in that business that the labor going into the make-up of that $5 shoe would be about 65 cents, and the material would not be much more than that. And then for handling and selling and all of that there is another added price, and altogether, to put the $5 shoe in the hands of the consumer, it would cost about—less than $2.50 or thereabouts. And then the purchaser of the shoe is mulcted to the extent of the other half.

Mr. THOMPSON. In other words, you think that the saving——

Mr. FITZPATRICK. Now, the shoe manufacturers will grind the faces off the workers in order to hold them down to the very last point; will not let them get abvove that 65 cents which enters into the manufacture of the shoe; try to keep pushing them below that all the time.

Mr. THOMPSON. Of course, as a general proposition, it is true that the employer must be able to sell the labor at a profit. Isn't that true?

Mr. FITZPATRICK. They do; leave it to them.

Mr. THOMPSON. In your opinion, from your experience as a leader of organized labor, Mr. Fitzpatrick—or, at least, what is your opinion with reference to the necessity or not of a financial responsibility on behalf of the union toward employers?

Mr. FITZPATRICK. I didn't get that.

Mr. THOMPSON. What opinions have you with reference to whether or not there should be a financial responsibility on behalf of unions toward employers? That is to say, whether in case they have a contract and violate it they should be made to stand for any damages, for instance, that the employer suffers?

Mr. FITZPATRICK. I think that the labor organizations have made mistakes when they haven't exacted that kind of a requirements from the employer. I think if we undertook to collect damages for violation of contract on the part of employers we would have some money coming to us.

Mr. THOMPSON. Do you believe, in your opinion, it would be a good thing for organized labor and the employers to enter into contracts, give bonds to one another, to stand liable in money damages for the failure of either party to keep the contract?

Mr. FITZPATRICK. Every instance that I know of where labor organizations have been willing to put up the bonds the employer has always dodged it.

Mr. THOMPSON. Always dodged it?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Have you had experience with such instances?

Mr. FITZPATRICK. Yes. I have seen employers bluffing around and wanting to have a bond, and when the organization was ready to furnish the bond the employer neatly sidestepped the proposition.

Mr. THOMPSON. In order that we may understand you, you have a belief, however, as a matter of your opinion, that a financial responsibility on behalf of both parties is a good thing?

Mr. FITZPATRICK. I think that the labor organizations are more determined to carry out their contracts, their agreements, even if they do it at some disadvantage.

Mr. THOMPSON. How would you interpret that or put that in terms of financial responsibility? Would you say that they should give bonds or other financial guaranties or not?

Mr. FITZPATRICK. Where they enter into——

Mr, THOMPSON. A contract.

Mr. FITZPATRICK. A mutual contract?

Mr. THOMPSON. Yes.

Mr. FITZPATRICK. I do not know just exactly what effect it would have. I think that the spirit that the men of labor have when they go into a contract is that they give their word of honor in that situation, and that is much better than their bond or anything else that they could use. If it became necessary, I think possibly organizations——

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask a question or two.

Commissioner WEINSTOCK. In the course of our hearings, Mr. Fitzpatrick, in various cities, we have had an opportunity to listen to quite a good many nonunion employers, employers who are opposed to the recognizing or dealing with the unions. I have briefly summarized the reasons they have offered for refraining to recognize these unions. I am very sure this commission will be very glad indeed to have your answer, as an intelligent representative of labor, to these charges that were made against unions, and the reasons given by employers why they would not deal with them. Briefly, these are among the reasons that have been offered:

First. The representatives of unions are largely engaged in graft, or that they are blackmailers.

Second. Unions resort to violence in strikes and become lawbreakers.

Third. That they break agreements.

Fourth. That the strong unions make unreasonable and unfair demands against employers.

Fifth. That they stand for the diminishing output, which makes for the dead level among the workers.

Sixth. That they are disloyal to the State because they object to their members joining the National Guard.

Seventh. That the innocent employers are very frequently seriously injured by jurisdictional disputes, as in the case of the brickmakers, which case has been referred to as one of those instances.

And, finally, that the unions are irresponsible and the employers are, on the other hand, responsible.

Now, take these up seriatim, and we will be very glad indeed to get what answer you care to make to these various statements made on the other side. For instance, the case of graft in unions.

Chairman WALSH. One at a time, perhaps, would be better.

Commissioner WEINSTOCK. It would be of interest to this commission to know what action unions take officially to deal with that problem.

Mr. FITZPATRICK. I think where organizations would find any semblance of graft that they would immediately eradicate it.

Commissioner WEINSTOCK. Could you furnish this commission, Mr. Fitzpatrick, with instances where grafters have been punished by the unions and expelled?

Mr. FITZPATRICK. I can not recall offhand where graft has been proved. We hear a great deal of charges about graft, but we do not get any evidence of graft. We find that the employers are interested in possibly undoing some labor official who has been successful in manipulating the affairs of his organization, and it is to the employer's interest to undo him, and they make the charge of graft, or something else, against him; then the newspapers carry

that to the public, and they try to discredit the trouble. But to come right down to the real proof of graft, where is it?

Now, for instance, we have 200 organizations affiliated with the Chicago Federation of Labor. Each of these 200 organizations have anywhere from 9 to 11 officers, which makes quite a group of men. The Chicago Record-Herald for the last three or four weeks has been working night and day trying to get something to hook onto some of the men connected with the labor organizations. They have named three or four organizations in all of the search and re-search amongst all of the officers of these labor organizations. They have named three or four organizations and among them are—they have named five or six and three or four are irresponsible organizations; they are not affiliated with any body, not identified with any body; they are free-lances, and what they do in the community is charged up to organized labor movements. They have got one or two officers of the organizations that have been connected with that possibly, and they have had the graft charges, and if they were able to get any more you may rest assured that they would have them. They would have their front pages teeming with that kind of information.

Now, out of several thousand officers of labor organizations, they have only been able to charge supposed graft to one or two men. But instead of going through the proper channels and bringing that fellow to justice as a lawbreaker, they do not do that. They want to destroy the whole labor movement because one or two men happen to fall down here or there or elsewhere. They use the combined power of the press, newspapers, magazines, and other things to destroy it because of them.

Commissioner WEINSTOCK. On the question of violence in strikes, Mr. Fitzpatrick, what is your answer to that?

Mr. FITZPATRICK. If you find violence on the part of any labor organization in the city of Chicago in a strike, organized violence, I would like to see it. In any of the strikes that have happened in the city of Chicago—the stockyards strike, the teamsters' strike, the newspaper strike, or any of these other strikes that have happened—organized violence on the part of labor organizations was not known. There may be here and there a misguided member of some labor organization who has hurled a brick or struck a man a blow in argument, or something of that kind may have happened, but not to any extent.

But what do we find on the other side? We find organized violence. We find these employers' associations, these blacklisting institutions that they have here, resorting to every possible means that they can to create turmoil and strife on the streets of the city of Chicago. Take, for instance, the employers' association during the teamsters' strike; what did they do? They brought men in and paraded them around the streets of the city of Chicago in coal wagons with pick-ax handles and blackjacks, and with guns, and marched them up and down and marched them around the old courthouse over at Washington and La Salle Streets just to incite riots on the streets of the city of Chicago; and they had a group of respectables, the high-class citizenship of the city of Chicago, in the governor's office at Springfield; members of the manufacturers' association, of the employers' association, in the governor's office in Springfield, hoping that the riots that they would be able to precipitate on the streets of the city of Chicago would necessitate a telegram from the sheriff for assistance, and that the employers would be there in the office to insist that the militia might be sent into the city of Chicago to quell the riot on the part of the workers. That is an actual happening.

Now, then, in the newspaper war, this situation was manipulated by the newspaper publishers' association to destroy the unions of the workmen in the printing plants in the city of Chicago, where the agreements were absolutely violated without regard to the conditions that were agreed to and subscribed to; they shoved those things aside and precipitated a war in the streets of the city of Chicago.

And the newspaper publishers' association, I think if you will go to the—if you will secure the minutes of the newspaper publishers' association during the time that that fight was on to disrupt the pressmen's organization, if you can get their minutes I think you will find a good deal of information as to how organized violence is operated on the part of the employers. I think that if you will go to the coroner's record of Cook County that you will find there in the records of the coroner's office that the agents of the newspaper publishers' association purchased guns in quantities and threw them on the table and told the fellows that they brought in here—irresponsible characters, no matter where

they could pick them up, brought them in here, clothed them with the authority of a special police or a deputy sheriff, and then told them to go into that room and pick up their arms, guns or blackjacks or knives, and whatever they wanted, and then walked out on the streets of the city of Chicago and murdered innocent citizens. I think that the coroner's records of the city of Chicago would make that statement stand up.

Commissioner WEINSTOCK. Is this commission to understand, Mr. Fitzpatrick, that all this was done before there had been any violence committed at all, that they took the initiative?

Mr. FITZPATRICK. There wasn't any violence.

Commissioner WEINSTOCK. If there was no violence, what occasioned all this?

Mr. FITZPATRICK. To cause trouble, to discourage and dishearten and weaken the men who were involved in the controversy.

Commissioner WEINSTOCK. To intimidate them?

Mr. FITZPATRICK. For instance, the trouble started in the Hearst papers, and the officers of the union were there urging and requesting and insisting that the agreements and arrangements with the organization be followed out. And when the time came that the newspaper publishers' association had decided that this fight would start from different places within the pressroom of the Hearst papers, the officers—Paddy Lavin, the notorious strike-breaking police official of the police force of the city of Chicago, was in the basement there with all of his men, his lieutenants and his henchmen, to start the trouble. And they picked up the officers of the union who were there, insisting that their agreements be carried out, and they carried them out bodily and threw them out on the street, thinking that the other men would resent such tactics of that kind. But they didn't They said, "All right, if you are going to use brutality and organized violence of that kind we will have to grit our teeth and bear it," and they did.

Commissioner WEINSTOCK. Your statement, then, Mr. Fitzpatrick, is that you deny the charge that organized labor in the city of Chicago resorts to violence?

Mr. FITZPATRICK. And, in contradiction of that, that the employers' associations, their blacklisting divisions that they have, resort to organized violence. For instance, the Association of Commerce will not become embroiled in a controversy with labor organizations. Not at all; they leave that to the other division. This institution is presided over by a man by the name of Webster; and this one presided over by a man by the name of Dudley Taylor; and another one over here in the Medinah Temple building. These under-organizations are the ones who carry on that kind of work. The Association of Commerce itself won't do that. It is engaged in a very high and holy undertaking. It is interested in vocational education. It is interested in regulation of traffic. It is interested in the City Beautiful, and all manner of that kind. But when the employers want to serve notice on the forces of government in the city of Chicago, or in the county of Cook, or in the State of Illinois, then it is the big men of the Association of Commerce who get up a committee of the citizens; and Mr. Simpson, of Marshall Field & Co.; and Mr. Rosenwald, of Sears-Roebuck; Mr. Thorne, of Montgomery Ward & Co.—they will get a committee, and they will call upon the mayor, and they will make protest. Their protest is nothing more or less than serving notice of what they want done. It is indirect notice to the chief of police; it is indirect notice to the sheriff's office; it is an indirect notice to the courts as to what they expect when these matters come up before them. That is the way the thing is done.

The Union League Club down here: You could not expect that the Union League Club would be guilty of openly coming in contact with any situation of that kind. Of course not. But they will invite the assistant chief of police down to dinner there, and he will come and have his meals, and he will meet Mr. Simpson, or Mr. Thorne, or Mr. Rosenwald, or some other mister. You don't have to tell him pointblank what you expect, and there is the situation in existence.

Commissioner O'CONNELL. Would you term that graft, in a sense?

Mr. FITZPATRICK. How?

Commissioner O'CONNELL. Would you term that graft, in a sense?

Mr. FITZPATRICK. Well, I don't know as you could call it graft. Some of the ex-police officials of the city of Chicago are reckoned as being millionaires, but they were never accused of grafting. I would not want to accuse them of that, either.

Commissioner WEINSTOCK. I gather from your testimony, Mr. Fitzpatrick, that your attitude is this, that if violence has happened it has been in the nature of an offensive action on the part of the employers or their agents, and a defensive action on the part of the workers. You deny that the workers have ever used offensive violence.

Mr. FITZPATRICK. Absolutely.

Commissioner WEINSTOCK. Now, in the matter of the alleged charge of breaking agreements, Mr. Fitzpatrick, what can you tell us about that? Do you know of any instances where unions have deliberately broken their agreements?

Mr. FITZPATRICK. Where unions have?

Commissioner WEINSTOCK. Yes.

Mr. FITZPATRICK. No; I don't know of one instance where an organization has disregarded its relations under an agreement.

Commissioner WEINSTOCK. Do you know of any instances——

Mr. FITZPATRICK. I know I have come in contact with many situations where I think the employers have manipulated the situation to compel the organization to violate their agreements. They have made the conditions under the agreement almost inhuman or unbearable.

Commissioner WEINSTOCK. Do you know of any instances on record where the employers have broken agreements?

Mr. FITZPATRICK. Well, I could not name them offhand. I know that the Chicago Federation of Labor often has to exert itself to its fullest extent to insist on the living up to the agreements on the part of employers.

Commissioner WEINSTOCK. Are there any such instances of record?

Commissioner O'CONNELL. You say the Chicago newspapers have broken their contracts?

Mr. FITZPATRICK. Yes.

Commissioner O'CONNELL. I thought I understood you to say that.

Mr. FITZPATRICK. Yes.

Commissioner WEINSTOCK. Can you furnish this commission, Mr. Fitzpatrick, with a list of instances where employers broke agreements?

Mr. FITZPATRICK. I think I would be able to get some information on that score. The particular one would be the newspaper publishers' association.

Commissioner O'CONNELL. If you can, we would appreciate it.

(Mr. Fitzpatrick subsequently sent in the following communication:)

FEDERATION OF LABOR,
Chicago, Ill., October 6, 1914.

Mr. LEWIS K. BROWN,
Secretary, United States Commission on Industrial Relations,
Chicago, Ill.

MY DEAR SIR: I received your letter in regard to my failure to submit list of instances where employers broke agreements, and in reply will say I am glad now to have occasion to comply.

I think it will be only necessary to submit three instances where large and vital interests in the community were involved. We contend that if the large interests so recklessly violate agreements it proves the tendency of lesser concerns to follow suit.

Our assertion that employers violated agreements is directed against the Chicago Packing Houses, commonly known as the "Beef Trust," *v.* The Amalgamated Meat Cutters and Butcher Workmen; Montgomery Ward & Co. *v.* The Garment Workers; and the Newspaper Publishers' Association of Chicago *v.* Pressmen and Stereotypers' Local Unions.

Yours, very sincerely,

JOHN FITZPATRICK.

Commissioner WEINSTOCK. Now, the alleged charge that the strong unions make unreasonable demands and are extortionate in their attitude, what have you to say on that score?

Mr. FITZPATRICK. I suppose you would have to define what unreasonable was. If these men were asking for something they were not entitled to, that might be considered unreasonable, but what is there that workers might ask for that is unreasonable?

Commissioner WEINSTOCK. He might ask for wages greater than the industry could bear; he might ask for hours that were shorter than in the industry in other parts of the country, or restrictions that would be a serious handicap to

the industry in competition with other industries of other States and other localities.

Mr. FITZPATRICK. Well, I think the records would show that the stronger the organization becomes the more conservative it becomes. It goes more into investigating, in finding details and facts, and in determining the situation and being guided accordingly. I don't think the statement would stand.

Commissioner WEINSTOCK. That is, you would want specific instances?

Mr. FITZPATRICK. I don't think it exists. I don't think the strong organization makes any unreasonable demands anywhere. The stronger the organization becomes the more likely it would be to investigate and get the facts before it would make any kind of move. The small organization might become involved in some kind of erratic move, but I don't think that would be possible on the part of the larger organization or powerful organization. I think as an organization becomes stronger that they are more conservative and careful with the power that comes into their possession. An irresponsible organization will go off and do this, that, or the other thing, and are not responsible to anybody. You will not get that on the part of the big organizations and the strong organizations.

Commissioner WEINSTOCK. In the matter of the alleged diminished output, making for the dead level, what is the answer to that charge? Do the unions stand for the limitation of the amount of work a man shall do in a given time?

Mr. FITZPATRICK. I don't think that that is ever prescribed in the laws of an organization. The organization says that the membership will perform a real day's work for a reasonable amount of compensation. That is about the program now. That is about the program. But suppose that the—suppose an organization would say to its members, "This group of employers are only willing to pay so much a day for the amount of energy, mental and physical, we are going to exert. We are going to give them that in full, we are going to give them the full measure of that amount of money." It does not mean that the worker is going to let the employer prescribe the amount of compensation for the day's work and then go in and toil long and hard and exhaust himself mentally and physically and practically deplete himself in a few years under circumstances of that kind. It is not reasonable to expect. The employer won't do it in his dealings with his commodity. The employer's commodity is a production which he is manufacturing. If you go into his place to-day he will tell you the price per yard or per foot or per pound, whatever it is, and you have to give him his price, and all you get is that much, and you are very lucky if he hasn't gotten the measure fixed on you or the scales. You are very lucky. But, on the other hand, they want to get the worker's product, which is his labor, and want to get it unlimited for the amount of money that they want to prescribe as a day's pay. That is the situation.

Commissioner WEINSTOCK. Do I understand you also deny the charge of alleged diminished output?

Mr. FITZPATRICK. Yes, sir.

Commissioner WEINSTOCK. What is the attitude of your union where employers voluntarily, for higher efficiency, pay men more than the minimum wage? Suppose the minimum wage is $3 a day, and suppose the employer, in order to encourage his workers and show appreciation of their efforts, should pay some men $3.25 and some $3.50, what action, if any, would be taken on the part of the union in a case of that sort? Would they object to the man being paid above the minimum, or demand that all shall receive whatever maximum is paid any individual worker for higher efficiency?

Mr. FITZPATRICK. Organizations never put a limit on the earning capacity of the individual. They do establish a minimum rate of wage which no man doing that particular class of work ought to go below and ought to get all above that he can earn. The proposition, while it is a big, broad, humane proposition as advanced by the organizations, the employers take advantage of our minimum and make it their maximum, and agree among themselves that "when the organization fixes its minimum we will make it our maximum, and we will hold our good men down to the level of the poorest in the proposition, and try to punish that good man by holding him down to the level of the lowest, and see if we won't get a revulsion of feeling and a kick over the traces and break up the situation."

Commissioner WEINSTOCK. I don't think it works out that way.

Mr. FITZPATRICK. That is our experience with it.

Commissioner WEINSTOCK. This question has been tested in Australia. At Sydney, Australia, I had a statement of a very large employer on that point. He

said when the law first went into operation fixing a minimum, he, being a furniture manufacturer, cut his men down to the level of the bottom, and two things happened. When he cut his 12-shilling man down to the level of the 10-shilling man he didn't get 12 shillings' worth of work. The man lessened his exertions. The second thing was, he found that his competitor took out his best people and offered them a premium. The result is that to-day 55 per cent of the workers receive more than the minimum. The same law will operate the same in this country, because human nature is the same.

Mr. FITZPATRICK. The only answer to that is this, that employers in Australia are not as well organized as big business in the United States.

Commissioner WEINSTOCK. They are better organized, because the Government encourages them to organize.

Mr. FITZPATRICK. The situation here is that big business has control of the forces of the Government and don't let anything get away from them. They manipulate that situation here where they can't get by.

Commissioner WEINSTOCK. Are there no people in your trade that get above the minimum wage fixed by the union?

Mr. FITZPATRICK. In some instances they may. It does not occur generally.

Commissioner WEINSTOCK. It is exceptional?

Mr. FITZPATRICK. It is exceptional. I think in all the occupations the minimum is made the maximum, and that is all there is to it; and the fellow at the head of the concern don't understand that. That information hardly ever gets to him. It is manipulated by the superintendent and the manager and the subboss down below. The man at the head of the concern hardly ever knows of the injustices that have been practiced on the workers in the plant, and it very seldom gets to him.

Commissioner WEINSTOCK. What is the answer to the charge that the unions stand for disloyalty to the State and in discouraging, and in some instances going as far as to forbid, its members from joining the National Guard?

Mr. FITZPATRICK. I do not believe that condition exists anywhere. I think the records of some organizations would show that in the sixties where the organizations were going along transacting their business when the war cry came along, they adjourned their organizations and went and enlisted in the Army, and then discontinued the operation of their organization until the internal strife was over.

Commissioner WEINSTOCK. Do you know of any case, Mr. Fitzpatrick, where they had in their by-laws a provision that the members are not to be permitted to joint the National Guard?

Mr. FITZPATRICK. I do not know a single instance in any organization in the city of Chicago where such a rule as that exists.

Commissioner WEINSTOCK. Do you know of a case where a unionist has been expelled from the union because he did not join the National Guard?

Mr. FITZPATRICK. I do not. I haven't any such information. But I do know that there is quite a resentment amongst the rank and file of the members of the labor organizations in the city and elsewhere against the militia being used by the employers to defeat the purpose of organization. When the employers find that their gunmen and thugs are not sufficient to browbeat and discourage or dishearten the workers then they resort to the police force and then to the deputy sheriffs, and, in some instances, the United States marshals have been used. And when that is not sufficient they try to use the militia, and where the militia of the State has not been sufficiently servile to carry out the edict of big business in a manner and form in which it wanted to use the militia that they have injected into the militia these gun men and others, and clothed with the authority of the militia, in order to do the dirty work in the name of the State. When a condition of that kind exists in this country it discredits the forces of the Government. The citizen, the average citizen, has not a revulsion of feeling against the militia as such, but against the purposes for which it is used and permitted by the officers of the State to be used. They have nothing to complain about. Take for instance in Colorado, when the Federal troops were sent into Colorado, the striking miners thought it was a godsend.

I have seen the times in Chicago here, when we would have thought the Federal troops coming in here to protect the citizenship against that kind of men that the employers' association had there—would have looked upon the Federal troops as a good thing to save our homes and our wives and our children and our people from the depredations committed by those characters.

Commissioner WEINSTOCK. Now, as to the charge, Mr. Fitzpatrick, that the innocent employers of union labor are at times seriously injured through no fault of their own by jurisdictional disputes. Take this brickmakers case as an illustration, where I am told that building was paralyzed for 80 or 90 days and many men seriously crippled financially, and employers were the same way, through absolutely no fault of their own.

Mr. FITZPATRICK. That I do not know as the brickmakers' case is just the kind of situation that ought to be presented. There was a good deal in connection with that case that it would not bring out an identical case that we ought to draw. An employer whose interests are involved in a controversey between two organizations, that, of course, is a serious situation and a bad one. But I do not think that any labor organization gloats because some employer's interests happen to become involved in that way. I think that even while the organizations are wrangling over these point that both sides, no matter how intent they may be on gaining their point, that they have serious interest in the employer being involved and they are willing to do almost anything that would not be an injury, but he happens to be in the conflict. That is all.

Commissioner WEINSTOCK. He is between the upper and nether stone.

Mr. FITZPATRICK. He just happens to be in the situation at that particular period of time.

Commissioner WEINSTOCK. What is the remedy for that?

Mr. FITZPATRICK. I think when we get a little bit further along, in a different period of time, industry will settle down for a while and then labor organizations will be able to adjust themselves to that situation. Of course, it is not going to stay that way. We can never hope that things are going to be satisfactory as long as we are human beings on earth. Things are going to be changed ever. But the industry—the jurisdictional disputes are largely brought about because of the change of the industry. And, of course, the employer insisting on what he believes is right and other things that are involved, and the organization, of course, believing that their rights are involved, they are going to try to protect themselves while fighting each other. Of course, the rules of the trades, the regulations of the trades have got to be changed also. Men can't be moved along like stones, they can't be pushed from over here and over there, when their interests seem to be involved and jeopardized, they are going to try to see that they are protected. They are going to argue and wrangle and quarrel over these things. It is not serious though.

Commissioner WEINSTOCK. In the matter of the final charge, that is made by employers who object to dealing with organized labor, on the ground that they are responsible and organized labor is not responsible, what answer have you to that?

Mr. FITZPATRICK. I would like to find the responsible employers' organization.

Commissioner WEINSTOCK. The employers as a rule individually are responsible and can be made to meet their obligations unless ruined.

Mr. FITZPATRICK. Yes; but he won't get into any organization and take his chances like the union man will in his organization. As soon as an employer gets into an organization he has got the advice of a group of attorneys that are back of it. They have always got an abundance of that kind of brains at their fingers' ends, and he will be advised as to the moves to make, and they will incorporate or something else that will let them out as individuals under the law as to what the organization may do. The union man, the citizen, the man who believes in respect for the law, he does not want any incorporation, he does not want to seek anything to protect him against the law, he is willing to stand out in the open and respect the law and do things within the law.

Commissioner WEINSTOCK. I have heard this reason offered, Mr. Fitzpatrick, by union men as to why unions do not incorporate. I want to know whether it is in harmony with your point of view. They contend that if they did incorporate and made themselves financially responsible they would be harassed to death by employers' associations and who would keep them in court continually. Is that one of the reasons that makes organized labor hesitate to incorporate, the fear of being harassed?

Mr. FITZPATRICK. I do not think it is fear; I think it is the possibility of the attorneys connected with these employers' associations always trying to pull down some fees, to keep themselves going, and to keep the organizations possibly in hot water all the time. What has the workingman got that the employer wants but his labor? He hasn't got anything else, only his labor.

Chairman WALSH. That will be all, Mr. Fitzpatrick. Call your next witness.

Mr. THOMPSON. Mr. Glenn.

TESTIMONY OF MR. JOHN M. GLENN.

Mr. THOMPSON. Mr. Glenn, will you give us your name?

Mr. GLENN. John M. Glenn.

Mr. THOMPSON. Your business address?

Mr. GLENN. 1227 American Trust Building, Chicago.

Mr. THOMPSON. And your business?

Mr. GLENN. I am secretary of the Illinois Manufacturers' Association.

Mr. THOMPSON. How long have you been secretary of that association, Mr. Glenn?

Mr. GLENN. About 15 years.

Mr. THOMPSON. Generally speaking, of what kind of employers is its membership composed, manufacturers alone?

Mr. GLENN. Yes; there are a few, maybe, that are not actually manufacturers, but their business is such as is in harmony with the interests of the other members of the organization.

Mr. THOMPSON. And has members from all over the State?

Mr. GLENN. Yes, sir; principally.

Commissioner O'CONNELL. Mr. Thompson, will you please develop what his business was prior to being secretary, whether he was ever an employer, and so on?

Mr. THOMPSON. I will.

Mr. GLENN. I was just prior to being secretary of the Illinois Manufacturers' Association, I was secretary of the civil service commission of Chicago. Prior to that for a great many years I was in the newspaper business as a reporter.

Commissioner O'CONNELL. Were you ever an employer of labor?

Mr. GLENN. Well, no; not a——

Commissioner O'CONNELL. Manufacturer?

Mr. GLENN. Not a manufacturer, no; only as I might be indirectly interested in some organization. I ran a farm one time.

Mr. THOMPSON. About how many members has your association, and I would like to ask whether it has classes of membership?

Mr. GLENN. No; it only has one class of members. The membership constitutes about 1,230, or 40 firms. They join by firms, not as individuals.

Mr. THOMPSON. Not as individuals?

Mr. GLENN. No.

Mr. THOMPSON. How long has the association been in existence, if you know?

Mr. GLENN. I think it was organized first in 1893 or about that time—maybe 1894. But it was not active until about 1897.

Mr. THOMPSON. That is, two years before you became its secretary, just shortly before?

Mr. GLENN. Yes. I think I went there in 1898, in February, as I remember it.

Mr. THOMPSON. Is the association affiliated with any other manufacturers' association or employers' association in this State?

Mr. GLENN. No.

Mr. THOMPSON. Or in the United States?

Mr. GLENN. No. It cooperates and acts with other organizations whose interests are the same, but it has no affiliation that would in any way bind it to act with any other organization. It cooperates with various organizations that have objects somewhat similar or may have some particular thing in which we are interested that is the same.

Mr. THOMPSON. Take the National Association of Manufacturers, that would probably then be composed perhaps of your membership?

Mr. GLENN. Some of the—a good many of the Illinois members of the National Manufacturers' Association belong to the Illinois Manufacturers' Association; probably all of them.

Mr. THOMPSON. And the relationship which exists between your organization and such an organization as that, or that organization specifically, is one of merely mutuality of interest?

Mr. GLENN. That is all.

Mr. THOMPSON. You have no contracts?

Mr. GLENN. No.

Mr. THOMPSON. Either definite or indefinite?

Mr. GLENN. No; directly or indirectly.

Mr. THOMPSON. No understanding?

Mr. GLENN. We are going the same road there and sometimes we travel together.

Mr. THOMPSON. As a matter of fact, do you ever travel in opposite directions on any question?

Mr. GLENN. Well, we don't always agree as to policy on some questions.

Mr. THOMPSON. How would that be with reference to the Chicago Employers' Association?

Mr. GLENN. Well, we are usually in harmony with it.

Mr. THOMPSON. But it might be that you could take different positions and each be within your jurisdiction?

Mr. GLENN. Yes, sir.

Mr. THOMPSON. In other words, you have no control over one another?

Mr. GLENN. No.

Mr. THOMPSON. That would be true also with reference to the other associations of employers around Chicago?

Mr. GLENN. The same thing.

Mr. THOMPSON. Of which there are quite a few?

Mr. GLENN. Yes.

Mr. THOMPSON. What is the purpose and object, of objects, of your organization?

Mr. GLENN. Well, to deal with all questions in which there is a common interest.

Mr. THOMPSON. That would include, of course, the labor problem?

Mr. GLENN. Yes; anything that the board of directors might see fit to take up in which the members of the association had a common interest.

Mr. THOMPSON. Will you tell us, in your own language, Mr. Glenn, briefly, what part your association has taken in the industrial problems in the State of Illinois where conflicts have arisen or where there have been no conflicts?

Mr. GLENN. Well, the influence of the association in labor controversies has generally been used to see that the law was enforced. We have never undertaken to settle a dispute between any particular set of manufacturers or members of the association and any particular labor organization.

We have been very actively interested in legislation, both for the welfare of the men employed and the welfare of the men that operate the industries.

We have taken the initiative in a great deal of legislation that is called sometimes reform legislation.

Mr. THOMPSON. Well, you might name these.

Mr. GLENN. We took the initiative in Illinois on workmen's compensation. We introduced the first bill that was introduced in the Illinois general assembly to create a commission to draft a bill to submit to the general assembly. Our friends, the labor unions, locked it up in a committee and let it die.

Mr. THOMPSON. Will you name other legislation in which you either helped to pass or encouraged.

Mr. GLENN. We cooperated in the matter of factory legislation. We have always favored what you call the occupational-disease legislation and matters of that kind. We have always been more or less in favor of the welfare work.

A great many of our members, long before these ladies and gentlemen discovered this welfare work, and that the industries ought to do it, had created the departments and were looking after their men.

A man that is operating a plant is as much interested—he is more interested in the welfare of the men under him than he is in anything else, even though he may not have any humanitarian view, or what you might call a high moral view. He is interested in preserving that man, because he is part of his organization. And any good operator is interested in having his men in good condition and having the whole organization in good condition. He don't abuse a man or he don't abuse a machine if he has got any sense.

Mr. THOMPSON. Well, has your association published any literature with reference to the welfare work and recommendations to members of your association?

Mr. GLENN. Yes; a great deal. We maintain a bureau in the association called the safety-first bureau, and it is in the hands of a committee, and it sends out considerable literature.

Mr. THOMPSON. Have you any of that literature now, and would you be willing to furnish it to the commission?

Mr. GLENN. Yes; you can have anything we have got.

Mr. THOMPSON. If you will send in.

Mr. GLENN. Any records or any literature. We never had a secret in our lives.

Mr. THOMPSON. I may say this, that we are not prying into secrets.

Mr. GLENN. Well, we haven't any.

Mr. THOMPSON. Anything that you don't want to tell, Mr. Glenn——

Mr. GLENN. All our stuff is open and goes out and everybody sees it. Sometimes we hold out on the newspapers a little, but not often.

Mr. THOMPSON. Have you a welfare department in your association?

Mr. GLENN. Not unless you would call the safety-first bureau, which has a lot of suggestions along that line.

Mr. THOMPSON. Have you a labor bureau in your association?

Mr. GLENN. No, sir.

Mr. THOMPSON. You have not?

Mr. GLENN. No.

Mr. THOMPSON. Any matters that relate to the labor problem would come up before the board of directors generally?

Mr. GLENN. Oh, yes; all those questions having to do with labor.

Our situation may be a little different from other organizations of employers for this reason, that they are not classified; that is, we have all kinds of interests, all kinds of employers. We have men that are engaged in foundry work and men that are engaged in manufacture of clothing; concerns that are engaged in meat packing; concerns that are engaged in making pig iron; concerns that are engaged in making, manufacturing ladies' hats, and men that are making cars. So you see the diversity of interests, and you have to be careful to avoid conflict.

Mr. THOMPSON. Do you have any committee that deals—any standing committee that deals with labor problems?

Mr. GLENN. No; all those questions come before the board of directors.

Mr. THOMPSON. The board of directors?

Mr. GLENN. The board of directors meets once a month; sometimes twice a month.

Mr. THOMPSON. Has your association taken part in any particular strike in Chicago or in the State of Illinois that you would care to mention to this commission?

Mr. GLENN. Oh, we have been interested in every labor controversy; that is, we haven't taken any active part many times, but we have often, as I said a while ago, used the influence of the association to see that law and order were preserved.

Mr. THOMPSON. That has been your purpose?

Mr. GLENN. Yes, sir. We have never undertaken to adjust the differences.

Mr. THOMPSON. Now, Mr. Glenn, in your position as secretary of this large association, you have had occasion more or less to keep in touch with the industrial situation; that is, the labor problem?

Mr. GLENN. Yes, sir.

Mr. THOMPSON. And as to whether or not a state of unrest exists therein. If such does, in your opinion, what is its cause, and what are your views thereon; what remedies would you suggest?

Mr. GLENN. Well, I think, if you want my opinion, that it would be very bad indeed for the country and for all of us if we were entirely satisfied. I think that if a state of unrest to some extent did not exist we would all be dying of dry rot. I think that so far as this investigation is concerned, that it was brought about when there wasn't any abnormal state of unrest. The commission was originally created by—that is, the agitation for the law under which the commission is operating was originally interested, or created, started by a number of people that were interested in maintaining unrest between capital and labor.

Chairman WALSH. Who were they; who were the persons?

Mr. GLENN. Well, the names—I don't like to be personal.

Chairman WALSH. Well, I wish you would now, if you make that charge.

Mr. GLENN. The movement was started and the committee was created, was headed by William T. Devine, of New York; Washington Gladden, of Columbus, Ohio, was on the committee; Miss Jane Addams was on the committee; John M. Glenn, of New York, was on the committee; and a number of those people first caused the bill to be introduced in Congress.

Chairman WALSH. Now, do you think there is no unrest sufficient to call for an investigation by anybody?

Mr. GLENN. There was not at that time.

Chairman WALSH. Is there now?

Mr. GLENN. I think the situation has very materially changed. I think this commission could do a lot of good, and maybe, probably will do a lot of good. I have no criticism to offer as to the work of this commission.

Chairman WALSH. Now, then, if there is any industrial unrest at the present time, in your opinion, Mr. Glenn, do you think there is widespread industrial unrest in the Nation?

Mr. GLENN. Yes. Will you let me answer that in my own way?

Chairman WALSH. I would like you first to answer my question, if you think there is industrial unrest widespread. If you can answer that yes or no, then make any explanation that you choose.

Mr. GLENN. Yes.

Chairman WALSH. Very good. Now, what explanation; did you want to say something on this?

Mr. GLENN. The commission—that is, the original law, when is was passed by Congress, the agitation against employers and against business was seized by everyone that wanted to make a speech against——

Chairman WALSH. Now, here, we have tried to conduct this without characterizing persons or questioning the motives of anyone. We have tried to conduct all of our examinations in that way, if possible. Now, I would like you, Mr. Glenn, if you would, to confine yourself to your explanation following your answer that you did think at the present there was widespread industrial unrest.

Mr. GLENN. Well, I wish you would let me say why I think some of this unrest exists; why this unrest, as you call it, is possible. I simply want to call attention to some things. I haven't any criticism to offer against this commission that is operating now.

Chairman WALSH. That isn't the question. What I am trying to confine you to is the question asked by counsel, which is, in your opinion, from the experience you have had representing employers in the way you have stated, have you a conclusion to the effect that there is widespread industrial unrest?

Mr. GLENN. Yes, sir.

Chairman WALSH. If there is, would you kindly indicate to the commission the cause of the unrest at the present time, and any suggestion that you might have in your mind that would tend to ameliorate it, or tend to put an end to it?

Mr. GLENN. I don't know that I could offer a suggestion that would be satisfactory to the commission. You told me if I would answer the question yes or no I could make an explanation.

Chairman WALSH. I told you you could make an explanation, but I desired you to confine yourself to the question asked by counsel, which was whether, in your opinion, from the experience you have had representing employers in the way you have stated, have you a conclusion to the effect that there is widespread industrial unrest. May I ask you to do that, if you have such an opinion.

Mr. GLENN. Repeat the question. I would like to go back to what the foundation of the unrest was.

Chairman WALSH. I would like you not to go back to what the foundation was, especially at this time. Some other question may draw it out.

Mr. GLENN. If counsel will put the question I will try to answer it.

Chairman WALSH. Your answer was that at the present time, I believe, there is widespread unrest.

Mr. GLENN. You put the question, and I answered it affirmatively.

Chairman WALSH. What is the cause of the unrest, do you think, at the present time?

Mr. GLENN. Largely agitation.

Chairman WALSH. Anything else except agitation?

Mr. GLENN. Well, there is depression in business.

Chairman WALSH. Anything else?

Mr. GLENN. Why, no; I don't think so. Not that I think of at this minute. If you mean to draw out whether conditions warrant it——

Chairman WALSH. I want you to give us anything——

Mr. GLENN. As between capital and labor, I don't think they do, further than that we haven't the orders to run the plant.

Chairman WALSH. Have you any suggestion you would like to make to the commission as to how this industrial unrest could be diminished or done away with?

Mr. GLENN. Well, I don't know as I have any I want to offer.

Chairman WALSH. Very good. Any other member of the commission like to ask Mr. Glenn any question?

Commissioner GARRETSON. You say in your opinion this industrial unrest started with the passage of the act creating this commission?

Mr. GLENN. I don't say that it started; I think it was fanned by that.

Commissioner GARRETSON. But there was not any great degree existing before that time?

Mr. GLENN. No, sir; the country was prosperous.

Commissioner GARRETSON. How about the unrest that existed in other countries? Was that created by the passage of this act, also?

Mr. GLENN. I don't know anything about other countries only in a general sort of way from reading the newspapers.

Commissioner GARRETSON. Has there been a time within the history of the race, so far as we possess it, that it hasn't existed?

Mr. GLENN. Unrest?

Commissioner GARRETSON. Industrial unrest.

Mr. GLENN. No, sir; and I hope it always will exist. It is an incentive to push on.

Commissioner GARRETSON. Has industrial unrest had anything to do in so-called civilized countries with slavery?

Mr. GLENN. Has it?

Commissioner GARRETSON. Yes.

Mr. GLENN. You mean industrial unrest—has that had anything to do with slavery in the United States?

Commissioner GARRETSON. I do not mean outside of the country; I mean in a civilized country.

Mr. GLENN. Civilized unrest; I don't know as industrial unrest is a cause——

Commissioner GARRETSON. Do you believe the slave was satisfied?

Mr. GLENN. No.

Commissioner GARRETSON. Was the free labor that he came in competition with satisfied?

Mr. GLENN. No; I would not think so.

Commissioner GARRETSON. Prior to the passage of this act, did the labor of this and other countries have any grounds for industrial unrest?

Mr. GLENN. In some instances, yes; in some instances, no.

Commissioner GARRETSON. Then there were men who had no grounds?

Mr. GLENN. I think so.

Commissioner GARRETSON. Labor men?

Mr. GLENN. I think there were men whose condition was good and whose condition was bad, probably, but general conditions were favorable.

Commissioner GARRETSON. In your opinion, has industrial justice prior to the passage of this act—we will put it all back of that—ever existed?

Mr. GLENN. Industrial injustice?

Commissioner GARRETSON. Industrial justice.

Mr. GLENN. No; I don't think anything was ever perfect. I do not think we will get the ideal conditions, but I think we should try to get as near the ideal condition as we could.

Commissioner GARRETSON. Then, in your opinion, is there any more industrial injustice existing since the passage of this act than before?

Mr. GLENN. I do not know what you mean by industrial injustice.

Commissioner GARRETSON. Well, is the laboring man getting all he is entitled to?

Mr. GLENN. In some instances, yes; in some instances, no.

Commissioner GARRETSON. What instances; could you cite one where he does?

Mr. GLENN. I should think that in a good many; I wouldn't say how many; I don't know how many, but I suppose there are industries in which the laboring man gets his share of what you might call the accumulation of the business. I think he would now in the train operators——

Commissioner GARRETSON. How is that?

Mr. GLENN. I think the train operators and the engineers, and the train operators—the men that operate the railroads.

Commissioner GARRETSON. Is the condition among the engineers on the railroads at the present indicative of the fact it will be so?

Mr. GLENN. The men that operate the engines believe so?

Commissioner GARRETSON. Yes.

Mr. GLENN. I do not believe he does.

Commissioner GARRETSON. Is he entitled to a belief in the matter?

Mr. GLENN. He certainly is; he is entitled to it as much so as anybody else, and probably more.

Commissioner GARRETSON. Isn't he asserting that right now?

Mr. GLENN. Yes; I think they are in some sections of the country.

Commissioner GARRETSON. In this city?

Mr. GLENN. Yes; I understand they are.

Commissioner GARRETSON. If he is entitled to a right in that direction, is his opinion entitled to as much credence as the opinion of his employers?

Mr. GLENN. Yes.

Commissioner GARRETSON. Then the present condition would not prove that industrial unrest was nonexistent in that craft?

Mr. GLENN. If he was satisfied he would not raise any objection, would he?

Commissioner GARRETSON. He is raising it all right.

Mr. GLENN. Yes; they are.

Commissioner GARRETSON. One of the main purposes of your organization you stated to be to see that law was applied as it exists?

Mr. GLENN. I said we had done that.

Commissioner GARRETSON. That is the way it was stated?

Mr. GLENN. Yes.

Commissioner GARRETSON. That is, the conformance of law you insist on?

Mr. GLENN. Yes.

Commissioner GARRETSON. Conformance by whom?

Mr. GLENN. By the public officials, see that public officials enforce law.

Commissioner GARRETSON. Do you have any instances in which the members conform to the law?

Mr. GLENN. Yes.

Commissioner GARRETSON. Do you bring any actions to see that the laws are enforced by them?

Mr. GLENN. You mean any actions in the courts?

Commissioner GARRETSON. Yes.

Mr. GLENN. We have done things. I don't remember—we do not take into the membership everyone that applies.

Commissioner GARRETSON. Oh, no; but have you ever instigated an action against an employer to make him conform to law?

Mr. GLENN. I do not know that any complaint was ever brought to the board of directors that an employer was violating the law.

Commissioner GARRETSON. Oh.

Mr. GLENN. We find we have not always agreed with all of our members all the time.

Commissioner GARRETSON. I wondered whether your interest in law applied to all alike.

Mr. GLENN. Yes.

Commissioner GARRETSON. To public officers and to your own members and to laboring men?

Mr. GLENN. It does. I do not think any cases have been brought where any members have done what you seem to be intimating.

Commissioner GARRETSON. Do you believe that so-called welfare work is philanthropy or good business?

Mr. GLENN. Good business and philanthropy, too.

Commissioner GARRETSON. No obligation rests on the employer?

Mr. GLENN. Certainly; he has got a moral obligation to treat all his men right.

Commissioner GARRETSON. None of your members ever class welfare work as philanthropy, do they?

Mr. GLENN. I do not know as they do. I don't remember hearing anyone express an opinion on that.

Commissioner GARRETSON. What was your attitude—you say you dwelt strongly, your organization being attached to compensation laws. What was the attitude of your organization and yourself personally toward the present compensation law of the State of Illinois after it had been passed by both houses?

Mr. GLENN. Some of the members thought that the committee that represented the association had not agreed to such provisions that were fair, or that it had agreed to certain provisions that were unfair to the employer, and asked the governor to veto it. Other members of the association asked him to sign it.

Commissioner GARRETSON. But did the association run a special train down there?

Mr. GLENN. Yes.

Commissioner GARRETSON. To protest against his signature?

Mr. GLENN. Yes.

Commissioner GARRETSON. Peculiar attachment to the compensation, wasn't it?

Mr. GLENN. I do not know why we should agree to a law that we did not favor. We favored the adoption of a compensation law.

Commissioner GARRETSON. Providing you did not compensate?

Mr. GLENN. No, we wanted to see compensation. We have done everything we could, even though we did not get the law we wanted at first. It was amended at the last session of the general assembly, and both the labor organizations and the association agreed to these amendments, and it is working very satisfactorily. We have done everything we could.

Commissioner GARRETSON. Then your hindsight was better than your foresight?

Mr. GLENN. No, our foresight was that there should be a compensation law in Illinois, and we introduced the first bill.

Commissioner GARRETSON. Your intermediate action was you did not want it because it was too strong?

Mr. GLENN. We got what we didn't want, but we tried to change it afterwards, and did change it.

Commissioner GARRETSON. You tried to kill it, didn't you?

Mr. GLENN. We tried to change, we didn't want to kill it.

Commissioner GARRETSON. The governor competent to change it?

Mr. GLENN. There were not 10 men in the legislature in either house read the bill when it passed.

Commissioner GARRETSON. Is one of your functions to educate, to conduct a school of instruction for legislators?

Mr. GLENN. I would be willing to do it if we thought we could do it.

Commissioner GARRETSON. There are instances of employers' and manufacturers' associations, are there not?

Mr. GLENN. I do not know.

Commissioner GARRETSON. What was your attitude toward the child-labor law, the attitude of your organization?

Mr. GLENN. Did not take any action at all.

Commissioner GARRETSON. Isn't it a fact you bitterly opposed them?

Mr. GLENN. We did not.

Commissioner GARRETSON. Individually if not——

Mr. GLENN. Me——

Commissioner GARRETSON. Individual members of your association.

Mr. GLENN. Some of them did and some of them were for it, and some very actively for it.

Commissioner GARRETSON. What attitude toward the 10-hour law for women?

Mr. GLENN. We did not favor that legislation.

Commissioner GARRETSON. Want to work women as long as you can?

Mr. GLENN. No, we did not want to do that, but I think some of the courts took the position that women ought to work 10 hours in a factory and 8 hours in a factory and go home and do a day's work after she got home. That is the way——

Commissioner GARRETSON. Your attitude gave fair familiarity with the thing in the courts, you carried it to the courts twice, the supreme court?

Mr. GLENN. Yes.

Commissioner GARRETSON. First the 10-hour law for women and the extension to women in mercantile establishments?

Mr. GLENN. The first time it went up it was the 8-hour law and it was obtained.

Commissioner GARRETSON. Through your efforts?

Mr. GLENN. Yes, through the efforts of the association.

Commissioner GARRETSON. Then in general the attitude of philanthropy of the organization is somewhat tempered by expense?

Mr. GLENN. I don't know how you mean, tempered by expense.

Commissioner GARRETSON. Why, if that law was costly for the employer or institutions who employ large numbers of women.

Mr. GLENN. Yes, but it has not been established that the law was philanthropy.

Commissioner GARRETSON. Oh; was it humanitarian?

Mr. GLENN. Well, I don't know. It must—some people must think that it was humanitarian. I don't know what they thought.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock wants to ask some questions.

Commissioner WEINSTOCK. Mr. Glenn.

Chairman WALSH. Did I understand Mr. Glenn to say some court had decided that a woman ought to work eight hours and then go home and do a day's work?

Mr. GLENN. I said that the decision of the supreme court in Illinois in that case would seem to indicate that the judge who handed down the opinion felt that a woman ought to, after she had worked 8 or 9 or 10 hours in a factory, ought to be able to go home and do a day's work for the men of the family.

Chairman WALSH. What is the title of the case, please, if you recall?

Mr. GLENN. I will give it to you.

ILLINOIS MANUFACTURERS' ASSOCIATION,
Chicago, July 28, 1914.

Hon. FRANK P. WALSH,
United States Commission on Industrial Relations,
Hotel La Salle, Chicago, Ill.

DEAR SIR: The decision of the Illinois Supreme Court in the women's 10-hour case to which I referred in my testimony the other day, was rendered on the 21st day of April, 1910. The case was W. C. Ritchie & Co. *v.* The State of Illinois.

Yours, very truly,

JOHN M. GLENN, *Secretary.*

Chairman WALSH. That is all.

Commissioner WEINSTOCK. In my absence from the room I understand you have made some statement from what I heard since I came back, relative to your opinion of the influence of the bill creating this commission. Will you be good enough to repeat that for me?

Mr. GLENN. The chairman stopped me, as I understand it.

Chairman WALSH. I stopped you, and stated the reason I did was because it probably would be testified to later. We are compelled to try to conduct these examinations along certain lines.

Mr. GLENN. I want to help all I can.

Chairman WALSH. If you will answer this question without reference to any rulings heretofore you will probably get what you desired in the first place.

Mr. GLENN. The agitation as to unrest was carried into the convention—the political conventions in 1912. The most inflammatory kind of talk was indulged in in all three of the conventions. Each one seemed to vie with the other as to how much they could rake up to censure—how much censure they could heap on industry; they were appealing to the voting class in that way.

Commissioner WEINSTOCK. Do you connect that with this particular bill creating this commission?

Mr. GLENN. The bill——

Commissioner WEINSTOCK. Just a minute. Pardon me. The question Mr. Garretson put at the time I entered the room—I gathered you held the act creating the industrial commission responsible for the agitation.

Mr. GLENN. I said no. I didn't think at the time the bill was passed creating the commission that there was the necessity for the investigation that there may be now; that I didn't think that the unrest at the time the bill was enacted existed that exists at this time. In other words, I rather was of the opinion that there was not any necessity for the passage of the bill at the time it was passed.

Commissioner WEINSTOCK. Well, for your information it may be well to explain that this commission was brought into life not through the action on the part of the authorities; the initiative was taken altogether by a group of publicists and sociologists.

Mr. GLENN. That is what I stated in my testimony. I stated the first commission wasn't confirmed. I have watched the history of the commission.

Commissioner WEINSTOCK. Let me ask whether your members deal with or recognize unions?

Mr. GLENN. Some members do and some do not.

Commissioner WEINSTOCK. Does your association as an association take any collective action of that sort?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. In other words, there are associations of employers not only in this country but abroad whose fundamental doctrine is not to recognize or deal with unions; is that the attitude of your manufacturers' association?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. It is left to the individual judgment of the member?

Mr. GLENN. We have dealt with the unions in legislative matters; we have never presumed when the Federal Government created a law that should create a commission that employers should be represented on there; that we had anything to do with who the Government named on the other side; and we have always sat down at the table with the labor unions if they were representing labor organizations.

Commissioner WEINSTOCK. I am not speaking of that sort of recognition—I mean with the matter of collective bargaining.

Mr. GLENN. We don't deal with that because, as I stated while you were out of the room, on account of the diversity of interests in the association, we could not very well deal with questions of that character. For instance, the association is made up of all kinds of manufacturers; some of them, as I stated a while ago, manufacture freight cars; some of them manufacture ladies' wearing apparel; some of them manufacture pig iron; some of them manufacture furniture for churches.

Commissioner WEINSTOCK. Well, it was brought out in the testimony yesterday—an association of restaurant owners were pledged among themselves, and put up a forfeit not to deal with or recognize unions. Now, is there any such situation in your organization?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. It is left to the judgment of the individual member, and he may or may not deal with the union as he prefers?

Mr. GLENN. Entirely.

Commissioner WEINSTOCK. Is there any penalty attached to one of your members recognizing and dealing with the unions and engaging in collective bargaining?

Mr. GLENN. No, sir; we have no prejudice against labor organizations or labor unions. Personally I think that labor organizations the way they are conducted now, is more or less an enemy to civilization. I don't see how the labor union and the church can exist forever. The labor organization can be of great benefit to its men, but I have been listening to the testimony, and I don't see how labor organizations can enforce their demands without violence. I have seen the question raised here as to whether it ever did participate in violence. I don't know. My experience has been a little broad as far as this community is concerned. I was in the newspaper business here for a long while. I have been in a great many strikes; I have seen a great deal of violence one way and another; I had more or less to do with the labor troubles that took place in 1886 here, and in 1894, and other times, and I don't see how labor organizations, the way they are constituted, can maintain their position without force, and I was surprised to hear the question raised here that it did not use force. The employer—I don't see any necessity for his guarding his property if there is not violence. The first act of violence is in the strike. They start the strike. I tried to put some men to work, and the labor organization tries to stop me. Then there is naturally a conflict, and the kettle calls the pot black, and vice versa, and there they go.

Commissioner WEINSTOCK. You heard the testimony of Mr. Fitzpatrick?

Mr. GLENN. Yes, sir.

Commissioner WEINSTOCK. And he takes the ground that offensive acts of violence were initiated by the employers, and if the workers engaged in violence it was defensive. What is your opinion on that score?

Mr. GLENN. How could that be? How could I take the initiative? Suppose I am running a plant and my men have struck, why should I introduce violence in the situation? What I am trying to do is run the plant. I try to get some other men if the old men won't come back. The first act of violence if the employer is honest and the unions are fair—the first act of violence must come from the men who go out whether organized or not organized.

Commissioner WEINSTOCK. Then you differ radically from the opinion of Mr. Fitzpatrick?

Mr. GLENN. I certainly do.

Commissioner WEINSTOCK. And you contend that the initiative in violence in labor troubles is taken on the part of the laborers?

Mr. GLENN. Yes; I should say that in 99 cases out of 100. I don't suppose all employers in the United States have got white wings or are perfect by any means, and I think human nature is the same in all classes of society. Some classes may be a little better informed and better educated and have better control over themselves than others, but human nature is the same one place as it is another.

Commissioner WEINSTOCK. You stated a little while ago in your opinion unionism is wrong as at present constituted. Will you point out for the information of this commission what you regard as the weak spot in unionism?

Mr. GLENN. Violence. That is the weakest place. If they don't get their way right off, smash something.

Commissioner WEINSTOCK. What is the remedy?

Mr. GLENN. Well, I suppose cooperation is the remedy. I have heard it discussed here. I have heard courts criticized here. I have heard suggestions made that maybe a commission might be appointed; I have heard them say, "Why could we not have a commission like the Interstate Commerce Commission?" The Interstate Commerce Commission slept 20 years. It has been months and months and months deciding a rate case that the people all over the country in the United States are on their ears waiting for the decision. How could you get along with a commission to adjust labor matters, when I had a plant in South Chicago or Deering, when I was waiting for this decision? It would be like the farmer praying for rain and the corn burned up and he turned it over and then it rained. It didn't do him any good.

Commissioner WEINSTOCK. Then, you haven't any faith I take it, Mr. Glenn, in the commission remedying the evil?

Mr. GLENN. I don't say that a commission could not be created that would remedy the evil, but I don't think you are going to get a benefit just by passing a law and creating a commission. In other words, the public has got it into its head, especially in our State for a score of years, that the way to correct a bad condition was to pass a law. Then they pass a law and go to sleep. We have so many laws in Illinois, that there is not a single citizen can go downtown without violating half a dozen. They don't enforce them. What you want to do is enforce laws. I have no doubt we have enough laws on our statute books now to take care of this situation to-day. The criticisms of the courts in some cases are just and in some are not. The courts in Illinois and around here are, generally speaking, all good. There may be occasional judges that are afraid of decisions, but that is human nature. You get a commission and you would have men on the commission that were afraid of their horses, just the same as judges. It is human nature. We can't correct everything by just passing a law and starting all over again every few minutes. Let's stick to one thing for a while. Let's scrap it out with the labor organizations. Mr. Fitzpatrick was big enough and broad enough to say awhile ago that maybe something would develop after awhile. I don't think all in Mr. Fitzpatrick is bad, by any means, just because I don't agree with him.

Commissioner WEINSTOCK. Well, you understand, of course, Mr. Glenn, that Congress has placed upon this commission a certain burden and a certain responsibility.

Mr. GLENN. Well, I don't think you gentlemen are to blame for that; I think some other people were.

Commissioner WEINSTOCK. As a member of the commission, Mr. Glenn, what, in your judgment, would be the best thing—if you were a member of the commission, what would you recommend to the Congress in the way of immediate action?

Mr. GLENN. Oh, I don't know. I would do just what you gentlemen are doing, and I would listen to everybody and get all the information I could, and then I would sit down and think. One great trouble with the people of the country is they never think—only about 60 per cent of them. The remark was made at the hearing the other day about the labor unions, that there was an apathy of about 60 per cent in the labor unions. That exists everywhere. That exists in almost all organizations. They talk about the primary, the direct primary. Why, they thought that the millenium was coming when they got the primary in Illinois. And what happened? Why, half of them, 60 or 70 per cent of them go to the polls and haven't the remotest idea who they are voting for, don't know at all.

I met a gentleman in Springfield last winter, and I asked him—saw him in the hotel lobby, and asked him what he was doing in Springfield. Well, he said he came down there, he came down to go before the senate committee on the minimum wage bill, and he wanted to go before the house committee on what is known as the Pinkerton bill, which is a bill that they have tried before a great many legislatures to get passed in Illinois, preventing the guarding of property in cases of strike.

Senator Harris was sitting right behind me. He may be interested in this story. He introduced this minimum wage bill. This gentleman lived in Evanston. Evanston is a purely residential community, made up of men that are employers, manufacturers, bankers, and educators. And he asked me where—who this man Harris was that introduced this bill. And I told him he was our senator. I happened to live in that district. Why, he said, he didn't know how that could be. He asked me next, "What business is he in?" I says, "He is an official of the typographical union." This man was a printer. He didn't see how that could be. Now, there he was, an intelligent citizen, prominent man, a man of means that didn't know—had voted for Senator Harris probably, and didn't know he had voted for Senator Harris, and Senator Harris had introduced the bill that he was down there to try to beat.

Now, that is the apathy. I don't know as you gentlemen care for such a long, drawn-out story as that. I don't want to waste your time. But it came up as a good illustration.

Commissioner WEINSTOCK. Have you any suggestions to make, Mr. Glenn, from the standpoint of the manufacturer, that would be likely to aid this commission in its work?

Mr. GLENN. Well, I think it would be well if the commission should bring out some kind of a plan by which there could be more cooperation between the men that run the plants and the men that work for them. I don't think that I will get good service out of a man if the man is working for me and he feels all the time that he is not getting his share. There is more or less envy in this world, and all that. But you have got to have your men satisfied to get the best results—there is no question about it. But you can't ever get this perfection where one lady won't feel sore at another lady because she has not got as good a hat as she has. That is natural.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Did you want to ask some questions, Mr. Delano?

Commissioner DELANO. I do. I would like to ask one question.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. Mr. Glenn, do you believe in the supervision of corporations, of large corporations?

Mr. GLENN. By the Government?

Commissioner DELANO. Yes.

Mr. GLENN. Well, I believe that the best government is the government that falls as lightly as possible on the shoulders of its people. I don't believe in passing any more laws than are necessary to protect the rights of the citizen. I think that so far as corporations are concerned, a great many of them have been afraid of investigation, or afraid of having their affairs known, when they should not have been. And those that have stood for investigation and have been compelled to show up are much better satisfied than they thought they would be before the investigation or the showing took place. I think the average small corporation is very much opposed to having its affairs investigated. The big corporation that has its stock on the market, the more investigations and publicity it gets, why, the more water on its wheel.

Chairman WALSH. The question was, whether you, Mr. Glenn, are in favor of supervision of corporations by law.

Mr. GLENN. To some extent.

Commissioner DELANO. Do you think there ought to be any supervision of large trade-unions or labor organizations that have great power on the same theory I mean there should be supervision of corporations?

Mr. GLENN. Well, I was never in favor of the State government's recognizing the party organization. I don't know whether it would be a good thing for the State or Federal Government to recognize labor organizations any more than it would be right to recognize the church or the Knights of Pythias, or some of those organizations. You are getting in a complicated situation, if the Government is going to take cognizance of every organization that springs up. I don't think I have got any more rights than any other citizen, or that the Illinois

Manufacturers' Association has got any rights that should not be given to any labor organization.

Chairman WALSH. The question was whether you are in favor, or opposed to, the supervision of labor unions by law, by the State.

Mr. GLENN. I don't think I am.

Commissioner DELANO. That is all.

Commissioner GARRETSON. I want to ask you one question growing out of a statement you made.

Chairman WALSH. Mr. Garretson would like to ask one question.

Commissioner GARRETSON. You said, Mr. Glenn, that you believed the labor organizations as run are exclusive, you didn't see how they and the church could exist.

Mr. GLENN. Well, I said that they were antagonistic as a proposition, the church is based on love and the labor union is based on selfishness.

Commissioner GARRETSON. Let me ask you one thing, I assume from your strong religious feeling that you are somewhat familiar with these matters: Whose tables did Christ upset when He went into the temple?

Mr. GLENN. Well, I don't know.

Commissioner GARRETSON. Those of the money changers and those that sold doves—the banking and mercantile classes. He didn't say anything about laborers. And what statement did He follow it up with?

Mr. GLENN. They weren't there, were they?

Commissioner GARRETSON. Ah, I suppose they were.

Mr. GLENN. They are not in the church now.

Commissioner GARRETSON. He was a laboring man, and He was there. What did He say after that, addressed to those men?

Mr. GLENN. Well, you have got to let me think a little bit. I don't know. You answer.

Commissioner GARRETSON. "I have called Mine house a house of prayer, but you have made it a den of thieves."

Mr. GLENN. Well, are you going to apply that to the men that are in the industries now?

Commissioner GARRETSON. Christ applied it to those classes as represented there. Is the labor union——

Mr. GLENN. Do you think Christ is in the Brotherhood of Engineers?

Commissioner GARRETSON. I don't think He was in the Brotherhood of Engineers, but I think He was in the brotherhood of man.

Mr. GLENN. So do I. I will agree with you on that.

Commissioner GARRETSON. Good. Where is the laboring man of the country more at variance with the church than the lawyer? And the church is wide enough to cover all things that are decent, that are human, that are spiritual. Why can't the church and the union live side by side?

Mr. GLENN. They ought to be able to.

Commissioner GARRETSON. You said they could not, you did not believe, why?

Mr. GLENN. I said on the present basis, because the labor union is founded on selfishness.

Commissioner GARRETSON. And the employers can live along with the church because they are founded on nonselfishness?

Mr. GLENN. Charity.

Commissioner GARRETSON. That is all, Mr. Glenn.

Chairman WALSH. Is there any other questions that any of the commission want to ask?

That is all. Thank you, Mr. Glenn.

We will now stand adjourned until 2 o'clock this afternoon, meet here at 2 o'clock this afternoon sharp.

(Whereupon an adjournment was taken until 2 o'clock p. m. of the same day, Thursday, July 23, 1914.)

AFTER RECESS.

Now, the hour of 2 o'clock p. m. having arrived, the commission met pursuant to adjournment.

Present, same as before.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Is Mr. Insull here?

TESTIMONY OF MR. SAMUEL INSULL.

Mr. THOMPSON. Give your name.
Mr. INSULL. Samuel Insull.
Mr. THOMPSON. Your business address?
Mr. INSULL. 21 West Adams Street, Chicago.
Mr. THOMPSON. And your business?
Mr. INSULL. My business is to run public utilities companies. I am president of the Commonwealth Edison Co., of Chicago; president of the Public Service Co. of Northern Illinois; chairman of the board of directors of the People's Gas Light & Coke Co., of Chicago; chairman of the executive committee of the various elevated railways running in Chicago; president of a holding company known as the Middle West Utilities Co. that operates in a number of different States, mainly in the Middle West, particularly in the Southwest and the Eastern States.
Mr. THOMPSON. For how many years, Mr. Insull, have you been connected with public-service corporations in this community?
Mr. INSULL. In this community about 22 years I have been.
Mr. THOMPSON. How many years have you given to that form of industry elsewhere?
Mr. INSULL. Practically the best part of 30 years.
Mr. THOMPSON. You employ a great many men in these various corporations?
Mr. INSULL. Yes; in the aggregate about 18,000.
Mr. THOMPSON. Some of these men members of organized labor, if you know?
Mr. INSULL. Some of them are, I presume.
Mr. THOMPSON. And some are unorganized?
Mr. INSULL. Yes.
Mr. THOMPSON. In regard to the managing and operating of these public-utility companies, Mr. Insull, you have been called upon, necessarily, to give some thought to the labor problem?
Mr. INSULL. Yes; I have given some thought, not so very much, as I have not had very much trouble.
Mr. THOMPSON. Have you any opinions with reference to the question as to whether it is advisable or inadvisable for the employees of public-service corporations to be members of organizations, ordinarily called unions, or not?
Mr. INSULL. That is a pretty broad question, and might be answered by, if I may be allowed, asking you a question. Do you refer to the college graduate or do you refer to the common day laborer or do you refer to the mechanic who is learning his trade?
Mr. THOMPSON. I refer more particularly, Mr. Insull, to that part of the force of such companies as are engaged in operating them, like on the elevated roads, the motormen, the conductors, the gatemen; take the men who work in the lighting and heating plants.
Mr. INSULL. Now——
Mr. THOMPSON. In other words, more particularly the operating force as such.
Mr. INSULL. Well, the operating force includes all the men whom I have specified.
Mr. THOMPSON. Now, Mr. Insull——
Mr. INSULL. I want to answer your question, but I want to get a specific idea.
Chairman WALSH. First, let us apply it to mechanics.
Mr. THOMPSON. Take, the chairman says, the question of mechanics in the shops and service.
Mr. INSULL. In the Commonwealth Edison Co. we have never had, so far as I know, any serious collective trouble with our mechanical forces engaged in operating our stations. On the other hand, the wage schedule, I think, of all classes of what you would call operating help in the elevated railroads are union men, and their scale of pay has been adjusted by negotiation with the officials of the union they represent.
Chairman WALSH. The question was, from the employing standpoint, do you consider it advisable or inadvisable to deal with the labor unions as such?
Mr. THOMPSON. In public-service corporations.
Mr. INSULL. No, sir; I do not.
Mr. THOMPSON. What is your reason for feeling that it is inadvisable to deal with labor organizations in public-service corporations?

Mr. INSULL. Because we are in a line of business that is an absolute necessity to the community, and we are under obligations, ordinance obligations, to perform the services we are engaged in, and our duty is first to the community to see that that service is properly supplied.

Mr. THOMPSON. How, in your opinion, does the organization of employees in a public-service corporation affect injuriously the performance of the public duty by the corporation?

Mr. INSULL. Well, in case of strikes. If we had the Commonwealth Edison Co. run what is commonly called a closed shop, in case of strikes we would be at the mercy of the union as to whether we could perform our duty to the public. If they should decide not to work and we should be unable to get other employees, a large portion of the wheels of industry would cease in this community. The operation of transportation would cease in the community; a great number of the newspapers would cease publication; the telephone service would be very seriously crippled; and I might go on and mention a thousand and one other things that would be brought to a standstill. Our function is a semi-governmental function.

Mr. THOMPSON. In your opinion, then, or is it your opinion, that the organization of employees in a union leads to more strikes than if the employees are unorganized?

Mr. INSULL. We have never had any strikes, I think, except one time we had a slight strike in our operating organization. We have had no strikes outside of that.

Mr. THOMPSON. The question I wanted to ask—the point I want to get at is this: Your opinion is that the service should not be organized, because in case of strikes it would lead to such disastrous results to the community as such?

Mr. INSULL. Yes, sir.

Mr. THOMPSON. Now, the question is, Does the organization of labor lead to more frequent strikes than labor that is not organized?

Mr. INSULL. Well, the best evidence it does in our particular case is we are not troubled with strikes.

Mr. THOMPSON. I would like to get at the basis on which you formed the opinion that it is better not to deal with organized labor in public-service corporations.

Mr. INSULL. Well, I have given you one basis. I can give you another basis. There is no demand for it in our particular line of business. Now, I am talking of electric light and power business and of the gas business. I am not talking of the transportation business.

Mr. THOMPSON. Well, I am not seeking any one specific line of public service, Mr. Insull; just the field generally. In other words, I do not want to examine you as to your particular relation in these light and heating companies.

Mr. INSULL. Yes.

Mr. THOMPSON. Strikes do occur among unorganized employees, do they not?

Mr. INSULL. Yes. Oh, yes.

Mr. THOMPSON. And a strike among unorganized employees would be just as bad, as long as the strike was effective, as if the employees were organized?

Mr. INSULL. Absolutely.

Mr. THOMPSON. And if it were true that by reason of the organization of the employees more permanent agreements could be made with the help, say, not alone of these public-service corporations, then it would be advisable to deal with them; that would be true, would it not, Mr. Insull?

Mr. INSULL. Not necessarily so, sir.

Mr. THOMPSON. Well, if such were the case?

Mr. INSULL. Not necessarily so.

Mr. THOMPSON. Well, what exception, Mr. Insull, would you make to that?

Mr. INSULL. Why, our ability to perform our obligations to the public would be subject to the control of the labor organizations.

Mr. THOMPSON. Then, the fact that the labor organization, if it existed, would divide the power and authority in running the public-service corporation—that would be a grave danger?

Mr. INSULL. I think it would be. Mind, the question has never arisen that I have any knowledge of in our particular business.

Mr. THOMPSON. Do you believe that there should be any special regulation of the labor problem in public-service corporations by the Government, as distinguished from other industries?

Mr. INSULL. It is a very high—I might explain, if I may. It is a very high-paid class of service. The aim, our aim, is to get our people on monthly pay

rolls. Part of the contract of service is a system of liberal pension. Part of the arrangements that we have with them is to try to interest them as proprietors in the securities of our companies; to teach them how to save their money, so that they will have a stake in the property that they are working for and in the community in which they are working.

The average pay of our men, I think, at the present time in the Commonwealth Edison Co. is somewhere between $60 and $70 a month, of the men on the monthly pay roll. I do not happen to know—have in mind—the exact proportion on weekly pay roll, but it is relatively small. We have about 4,800 employees. Of that number 3,179 employees are eligible to subscribe to a fund that eventually would make them stockholders of the company. Of that 3,179, 1,983 are in process of becoming part proprietors of the corporation they are working for.

Now, that is my answer as to how I believe in handling the public-service proposition so far as labor is concerned. I believe in making them proprietors. I believe in their having a stake in the property, which also means a stake in the community. And I believe in doing that with them as a matter of contract right and not as a matter of favor. I believe that the cost of the products—that is, the cost of the energy we sell—should cover items that will take care of the men engaged in the business in old age. I think the cost of the product of any business should cover that item. I believe in having these things arranged as a matter of contract with employees. I do not think the question of labor difficulties or whether a man is a member of a union or not ever arises if you are dealing with people under those circumstances. Of course, you can't do it in every business. Do I give you my point of view?

Mr. THOMPSON. You do.

Chairman WALSH. No; I don't exactly understand it. I think the question was whether or not you thought it was desirable to have some sort of governmental supervision——

Mr. INSULL. Oh.

Chairman WALSH (continuing). Over labor unions in industries such as yours, as distinguished from ordinary industries. Wasn't that the question?

Mr. THOMPSON. No; there was just one little difference there, leaving out labor unions, Mr. Chairman—supervision over labor unions in public-service corporations.

Mr. INSULL. Well, I am not familiar with that portion of the public-service commission bill of the State of Illinois, but I am under the impression that the commission has more or less control over us on that subject. They have control on everything, so I presume it would cover that.

Mr. THOMPSON. Then you have got no definite opinion on that subject?

Mr. INSULL. Necessarily, I can not have any different opinion when I have been dealing with the company 22 years, in the Commonwealth Edison Co. and its predecessor company, and that question has never arisen. Our people are reasonably satisfied. I am talking about operating people. I only know of two strikes of any consequence. We have had strikes with wiremen who were building, but that is not necessarily a part of our business. It is not performed by all public-service companies in all cities, and we have had strikes with men engaged on our overhead system. Those are the only two strikes that I know of.

Mr. THOMPSON. There is an opinion, Mr. Insull, among a large portion of the community that there is a great deal of industrial unrest existing. If in your opinion such does exist, what are its causes and what would you suggest as remedies for it? This is beyond the exact field of your company.

Mr. INSULL. I could only speak so far as this community is concerned. The main cause of industrial unrest in this community since I have been here has been sympathetic strikes. That has been the main cause of the trouble. I do not know. They may be justified or not, but as an outsider, as an observer, it strikes me that has been the main cause of trouble.

Mr. THOMPSON. What do you mean by sympathetic strikes?

Mr. INSULL. What is ordinarily meant by sympathetc strike, when a union goes out on a strike and another union goes out on strike because the first union goes out on a strike.

Mr. THOMPSON. In your opinion, the major portion of the strikes in Chicago has been of a sympathetic character?

Mr. INSULL. I think so. The worst strikes have been naturally in the building trades. Sometimes they are jurisdictional in character, one union strikes

because another man is doing what he thinks is his job, and the poor investor has to pay for it.

Mr. THOMPSON. Have you got any suggestions as to a remedy to be used in either a sympathetic or a jurisdictional strike?

Mr. INSULL. Oh, I think if we could get some arbitration on those things that it would be very desirable—general arbitration.

Mr. THOMPSON. Then you believe generally in arbitration and conciliation?

Mr. INSULL. Oh, absolutely. In the case of the elevated roads, within the last year, there has been not a dispute, but a contract on labor had expired, and the parties to the contract could not agree and provision was made for arbitration. It never got quite as far as arbitration, but provision was made, and the thing was settled satisfactorily on both sides.

Mr. THOMPSON. Do you think that a Federal industrial council with power to investigate the facts in any labor contract, and the power to mediate and conciliate and arbitrate, if asked by the parties, would aid in settling any of this industrial unrest?

Mr. INSULL. If it were a great national affair it might do some good. Any body of any character, governmental or otherwise, that comes in and temporizes between parties who are acting in passion, such bodies do good; but in dealing with local affairs the thing would be over and forgotten before it were possible for a Federal board to get around to its consideration.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask Mr. Insull any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes; I would like to ask a question. This commission has had before it in various parts of the country in which we have met, men in various walks of life and I asked a number of them this question—those particularly who are interested in public utilities—as to what their personal opinion was as to the public utility being owned by the people. What is your opinion on this subject?

Mr. INSULL. Well, my opinion on that subject—it is the difference between whether it is privately owned and publicly owned, is the difference between the Government official without the incentive of personal gain performing certain duties and the business being run on a basis of the highest possible efficiency with a view of getting a profit on the money invested. I don't think under Government ownership that you can possibly get as high a class of efficiency, as low a cost of production, and as low a selling price to the public as you can under private ownership, and then neither do I think you can—in my own line of business that is borne out by experience the world over. You take in a new line of business, you can't possibly get the development of that business with Government ownership that you could get under private enterprise and private ownership.

Commissioner O'CONNELL. Bring it a little closer.

Mr. INSULL. I am speaking of the electrical business.

Commissioner O'CONNELL. Bring it closer to home. In the matter of the elevated railroads at Chicago being owned by the citizens of Chicago, by the city, what is your opinion on that?

Mr. INSULL. Why, it is a little close to home, Mr. Commissioner, and I don't want to be put in the position of public criticism.

Commissioner O'CONNELL. You don't need to answer if you don't want to.

Mr. INSULL. I will answer it in the way I think will be satisfactory. I will answer by saying if you will examine into the efficiency of operation of certainly one of the services—public services rendered to the citizens of Chicago by the authorities, I think, and compare it with a similar enterprise privately owned, I think you would come to the conclusion the same as myself, that it would not be to the advantage of the citizen for the elevated railroads of Chicago to be owned and operated by the city of Chicago.

Commissioner O'CONNELL. The city of Chicago owns and operates its own water plant, does it not?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Is that operated as cheaply, do you think, and as well managed as it would be under private ownership?

Mr. INSULL. No, sir; I don't think so. I would rather not get into that kind of a discussion, but I don't think so. I think the facts in the annual report will bear that out.

Commissioner O'CONNELL. You say you have a plan of pension?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Is that a printed form?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Can you file that with the commission?

Mr. INSULL. I will be very glad to file it. I have it in two of my corporations. I will be glad to give you any explanation of them.

(The papers so presented were marked "Exhibits 1, 2, 3, 4, and 5, Samuel Insull, July 23, 1914."

Insull Exhibit No. 1, circular letter dated July 15, 1914, addressed to the employees of the Commonwealth Edison Co., of Chicago; Insull Exhibit No. 2, entitled "Rules and Regulations Governing Employees' Savings Fund of Public Service Co. of Northern Illinois, 1914"; Insull Exhibit No. 3, entitled "Service Annuity System of Public Service Co. of Northern Illinois," in effect December 1, 1913; Insull Exhibit No. 4, entitled "Rules and Regulations Governing Employees' Savings Fund of Commonwealth Edison Co., 1914"; Insull Exhibit No. 5, entitled "Service Annuity System of Commonwealth Edison Co.," in effect January 1, 1912, were all submitted in printed form.)

Commissioner O'CONNELL. As I understand it, in the elevated service there you have contractual relations with your employees?

Mr. INSULL. Yes; that was the situation when I came in control of the property.

Commissioner O'CONNELL. In the electric concern, you have not?

Mr. INSULL. We have not.

Commissioner O'CONNELL. Under the one situation of the elevated men, they meet you in conference and arrange for hours and wages and conditions of employment and all that?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. How are the conditions and wages and hours arranged in the other departments, where that does not exist?

Mr. INSULL. That is arranged in conference between myself and my heads of departments and it is on a liberal basis.

Commissioner O'CONNELL. But the employees are not taken into conference in the matter?

Mr. INSULL. No, sir; if anyone is dissatisfied he would make a complaint and it would be adjusted. We have a regular committee to deal with all that class of things. Theoretically it comes to me for approval; the practice is it is dealt with by the committee of heads of departments and foremen and men of that character.

Commissioner O'CONNELL. How many people are working in the electric-light end of the business you are engaged in?

Mr. INSULL. In the electric end there is 4,870 and in the gas 4,543, and in the elevated 4,048, and in the suburbs around Chicago in another corporation called the Public Service Co. 2,017.

Commissioner O'CONNELL. What I would like to get at is how with 4,000 employees in your electric department, if one of these employees has been discharged, either justly or unjustly, he feels unjustly, how does he proceed to have his case adjusted or brought before you or the proper party?

Mr. INSULL. Well, he could come—he would appeal to the man next in charge, to the foreman, and he would go on up until, if he were dissatisfied he could come right to me. I have got a case right on my desk of a man that feels he has not been properly treated. And I will call a conference of everybody interested and listen to their story, and listen to his story. Of course, we have so little of that that it is a rare thing for anything to come to my attention.

Commissioner O'CONNELL. Well, you present quite an anomoly in the fact that you have one large division of your interests in which you are dealing direct with employees, and another the reverse situation.

Mr. INSULL. Well, the reason is I found that condition when I took hold of the elevated roads. I have never made any attempt to disturb it. It worked reasonably well there, and what is the object, if a man is busy, in disturbing a thing that works reasonably well?

Commissioner O'CONNELL. Have your employees, or have you in connection with your businesss, an insurance or sick organization among the employees in the shops where they pay weekly sick benefits to each other, and contribute a small sum per week or month into a fund, or something of that kind?

Mr. INSULL. We take care of most of that ourselves. A man who is on monthly pay roll, providing he gets the company's doctor certificate is entitled to so much lay off during the period of sickness. I do not know that exact period now. I would be very glad——

Commissioner O'CONNELL. Is it covered by this?

Mr. INSULL. I don't think it is covered in that, but I will be very glad to cover it, any questions you ask I will be very glad to cover by memorandum after.

Commissioner O'CONNELL. I would be very glad if you would furnish the rules and regulations you have regarding that.

Mr. INSULL. Yes. I think, if anything, we would be criticized for liberality in connection with matters of that kind.

Chairman WALSH. Mr. Weinstock, you would like to ask a question of Mr. Insull? Would you please speak a little louder so that they can hear you at the other end?

Commissioner WEINSTOCK. Yes.

There are those, Mr. Insull, who take the position that one of the remedies for industrial unrest, so far as public utilities are concerned, is public ownership of public utilities. They seem to believe that the workers would be likely to receive better conditions, better wages, better hours, under public ownership than they do receive under private ownership. You have expressed the opinion that in your judgment public ownership would make for a lessened efficiency in public service—in public-utilities service. Well now, admitting that, granting that public ownership of public utilities would mean a lessened degree of efficiency, and let us assume that that would be a cost that we would have to pay for public ownership, might it not be pointed out that on the other hand that cost would be more than compensated for in this, aside from the condition of the workers, that much of our public graft and public dishonesty has been due to the purchase and sale of public franchises, which under public ownership of public utilities would be made impossible, and that therefore the advantage to society on the whole, despite the fact that there may be a lessened efficiency, would be along the lines of a higher state of civic morality?

Mr. INSULL. Well, that is a highly argumentative question, that it is very difficult for me to answer unless I have it right before me to reply to.

Commissioner WEINSTOCK. Well, I will put the question——

Mr. INSULL. But I will try to answer it.

Commissioner WEINSTOCK. All right.

Mr. INSULL. I think as long as to err is human that you will have public and private dishonesty. You will have lots of it until the community and the people are educated to a higher appreciation of their duty as citizens. Personally, I very much question whether there is such a universal graft, such universal graft in connection with the granting of franchises, as is assumed by your question. My experience does not lead me to that conclusion.

Commissioner WEINSTOCK. Those are matters of history in this Republic, that there has been much graft which always accompanied it, from New York to San Francisco.

Mr. INSULL. Oh, I am not saying that. Yes.

Commissioner WEINSTOCK. In the purchase and sale of public franchises.

Mr. INSULL. Yes, and there has been in other matters, too.

Commissioner WEINSTOCK. Yes; but is it not true that the difference between the high degree—that one of the chief causes for the difference in the high degree of honesty in public officials, say in Australasia, where all the public utilities are publicly owned, and the general disrepute of many officials in this country is due to that very matter of privately owned public utilities?

Mr. INSULL. No. If you will excuse the criticism of the answer, I think it is a higher appreciation of the duties of the citizen, if such is the case.

Commissioner WEINSTOCK. Well, is it or is it not the fact——

Mr. INSULL. I am getting into an argument, and I only want to answer your questions.

Commissioner WEINSTOCK. Is it or is it not a fact that in proportion as we can remove temptation to do wrong, in that degree we will find a higher degree of citizenship?

Mr. INSULL. That is so, but you are going to vastly increase the proportion of temptation to do wrong. You are going to change, if I understand you to mean that in asking the question, that it would be advantageous if the local public utilities could be publicly owned—if that is your position you are going to change what we will call the striking cases or headline cases of graft to the little peculating cases on a far more extensive scale.

Commissioner WEINSTOCK. You mean you would have much petty graft?

Mr. INSULL. Yes.

Commissioner WEINSTOCK. In place of less wholesale graft?

Mr. INSULL. I am assuming in your statement that there is a universal wholesale graft. I do not agree with you. I think there has been in different times, but I don't think it is so at this time.

Commissioner WEINSTOCK. Will you point out, for the information of this commission, Mr. Insull, what are the advantages and disadvantages as you have seen them in individual bargaining and in collective bargaining, as it were?

Mr. INSULL. Well——

Commissioner WEINSTOCK. You are operating both ways, so you are able to pass opinions both ways. You do collective bargaining in one branch of your work and individual bargaining in another branch of your work; therefore, you ought to be a very important authority on that subject.

Mr. INSULL. We do individual bargaining with a class in one business, with a class of employees that are much higher, have a much higher order of intelligence.

Commissioner WEINSTOCK. That is, you do individual bargaining?

Mr. INSULL. Individual bargaining with those, I assume you call where we do not deal with the union; we call that individual bargaining?

Commissioner WEINSTOCK. Yes.

Mr. INSULL. We do collective bargaining in other corporations where the class of men we employ are more in proportion, men that are engaged in some kind of manual labor. I think that is probably the distinction. Any institution that has over 3,000 employees on its monthly pay roll whose average pay is between $69 and $70 a month would be considered a pretty high order of intelligence, or average intelligence—3,000.

Commissioner WEINSTOCK. Well, I gather, then, from your statement, Mr. Insull, that as a matter of choice, having at heart the common good, that you would not establish collective bargaining for all or individual bargaining for all, but that you would differentiate and that under certain conditions you would think collective bargaining to be the preferred method under certain conditions, and that individual bargaining is the preferred method under certain other conditions?

Mr. INSULL. I think that is probably my point of view. Naturally we, all of us, apply the personal element to this. I have never needed any collective bargaining myself. I started as low down in the scale of wages as anybody, probably receiving not any more per week than the lowest paid immigrant landing on these shores receives per day. I have not needed any collective bargaining.

If you look up the men who achieve in any line of business, not necessarily men who achieve the positions that you gentlemen have achieved and which it has been my good luck to achieve, but you look at the men lower down in the scale; if they are men of intelligence they do not need any collective bargaining. But on the other hand I can not forget that I was brought up in a country district where the wages of the agricultural laborer were only about $1.75 a week. I know that their condition was improved by collective bargaining. Any man who is engaged in that kind of work, all under one organization, he is engaged in collective bargaining. He can be the laborer or the college graduate if he so wishes, also engaged in collective bargaining, but they must do it on the same basis of respect for the laws of the land. That is the only difference, gentlemen.

Commissioner WEINSTOCK. Do you think, then, taking the Nation as a whole, taking the conditions as we find them to-day, that labor as a whole would be better off under a system of individual bargaining or better off under a system of collective bargaining?

Mr. INSULL. I think that is almost an impossible question to answer. I am candid enough to say that there are some classes of labor that I think are decidedly better off.

Commissioner WEINSTOCK. Where do you draw the line?

Mr. INSULL. I think that when a man who has habits of thrift and who has the ambition to achieve a position of independence, when he gets to a point that he has got a stake in the community in which he lives he begins to get restive under collective bargaining.

Commissioner WEINSTOCK. That is, you think that collective bargaining would have a tendency to hold him down?

Mr. INSULL. Yes; it would; collective bargaining, in my judgment, must of necessity take care of the average intelligence, not of the maximum or the minimum intelligence. It does take care in a way of men theoretically.

Commissioner WEINSTOCK. Inferentially, then, I assume, Mr. Insull, that you would say to the workers, "If you are above the average in ability and in ambition and in energy, do your own individual bargaining"?

Mr. INSULL. Yes.

Commissioner WEINSTOCK. And if you are below, if you are only the average, then do collective bargaining?

Mr. INSULL. Yes; I think I would say that. I am talking now irrespective of what I am doing myself in my corporations that I control.

Commissioner WEINSTOCK. There has been a great deal talked about collective bargaining in this country—various branches of industry in various parts. As an employer who is general in his sphere and as a man who has a broad horizon, an unusual opportunity for observation, you think that the country, as a whole, has been helped or hindered by this collective bargaining that prevails in so many directions?

Mr. INSULL. I do not know that I can speak with any authority on that subject. During my career I have met the leaders of a great many of the labor unions, the large labor unions of this country. And I have thought them men of high intelligence and men with the highest sense of the duties of citizenship. On the other hand, during my career it has been my misfortune to have to deal at times with just the opposite. I do not know whether the one balances the other. If the millenium has arrived, if it were not human to err, why I should say that the country as a whole had not suffered by collective bargaining. There have been times when particular parts of the country have suffered very much, and there have been times when Australasia, for instance, suffered very much from the collective bargaining when there has been a very serious blot on its record.

Commissioner WEINSTOCK. What, in your opinion, would be the condition, say five years hence, if it were possible somehow to wipe out organized labor? Would the condition, in your judgment, be better or worse for the average worker? Of course, we are dealing only with opinions now.

Mr. INSULL. Oh, you are dealing with a thing that is impossible. That is a thing you can't imagine.

Commissioner O'CONNELL. You don't think it is possible for that to come to pass?

Mr. INSULL. Oh, no; not at all.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Do you want to ask a question? Mr. Garretson would like to ask a question.

Commissioner GARRETSON. If I didn't misunderstand you, you expressed a belief that employees of public-service corporations should be subjected to certain limitations in the matter of organization. Do you believe there is any obligation toward the public that should be made to rest more strongly on the employees of public-service corporations than on the owners of public-service corporations?

Mr. INSULL. Abstractly, no; but——

Commissioner GARRETSON. Concretely, then.

Mr. INSULL. No; but the fact is that the employee does not consider in practice the obligation of the corporation to the community, as a rule.

Commissioner GARRETSON. Is there any greater obligation on the man to do that than on the owners?

Mr. INSULL. No; except one thing. The owners, or rather the men who run the property and represent the owners—of course, I am in no sense the owner of these properties I run. The Commonwealth Edison Co., for instance, has upward of 2,000 owners.

Commissioner GARRETSON. You are the representative of the owners?

Mr. INSULL. I represent the owners. It is my duty to look particularly after the question of the operation of obligation of the corporation to the community. I have been educated to do that. The employees lower down haven't. I am the employee who has.

Commissioner GARRETSON. Does education create an obligation that does not in equity exist?

Mr. INSULL. No, sir.

Commissioner GARRETSON. Then the obligation of you and the employee to the public is exactly the same?

Mr. INSULL. Theoretically; yes, sir.

Commissioner GARRETSON. Actually?

Mr. INSULL. All right, actually. But he don't fulfill it as a rule.

Commissioner GARRETSON. The question is not of fulfillment just yet; but if you take away from those men the power of organization, assuming for a moment it may be a benefit, don't you place a mightier weapon in the hands of your employers than the ordinary employee who is in the public service has?

Mr. INSULL. How did I understand that?

Commissioner GARRETSON. Take away the power or right of organization.

Mr. INSULL. Yes; if you do take it away.

Commissioner GARRETSON. Certainly; and you express yourself in favor of taking it away?

Mr. INSULL. No, sir; I did not.

Commissioner GARRETSON. Then I misunderstood you. What was the first question I asked you, if you did not express your belief that the employees of public-service corporations should not be permitted to organize like other employees?

Mr. INSULL. I have never taken it away from any of them.

Commissioner GARRETSON. I misunderstood you.

Mr. INSULL. I am operating both what you would call a closed shop and an open shop.

Commissioner GARRETSON. I am not talking about a closed shop at all, but the right to organize and the right to present a demand precisely as other employees present it. That is, the public-service employees.

Mr. INSULL. I have never taken that away from any employee.

Commissioner GARRETSON. Oh, no.

Mr. INSULL. I haven't any idea of doing it.

Commissioner GARRETSON. I mean, do you believe in legally doing it?

Mr. INSULL. Legally doing it? No.

Commissioner GARRETSON. By legislative enactment.

Mr. INSULL. Oh, no, no, no, no, no.

Commissioner GARRETSON. Well, that was where that misunderstanding came in.

Mr. INSULL. No.

Commissioner GARRETSON. Because that opinion has been repeatedly expressed, that public-service employees should be curbed in directions where others were not.

Mr. INSULL. No; I don't think that is the way to settle that question.

Commissioner GARRETSON. You referred to the fact that one of the things that your employees enjoyed—and you recited it as a wage benefit—was the prospect of a liberal pension.

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. That pension is wholly dependent upon tenure of service, is it not?

Mr. INSULL. Yes, service; yes.

Commissioner GARRETSON. Can any pension dependent upon tenure of service be considered as a wage element?

Mr. INSULL. I consider it so.

Commissioner GARRETSON. Unless it is guaranteed to the man and collectible as wages are. If he leaves your service he gets nothing.

Mr. INSULL. No; he gets nothing.

Commissioner GARRETSON. No matter for what cause, of his own volition or yours?

Mr. INSULL. Yes.

Commissioner GARRETSON. Therefore can it be legitimately considered as a wage element?

Mr. INSULL. Well, that is a subject of argument that you people and our people have been arguing for years.

Commissioner GARRETSON. Well, your opinion is that it can?

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. Well, that is all I wanted on that subject.

Now, how is it—you said that a large number of your men were very highly paid?

Mr. INSULL. Yes.

Commissioner GARRETSON. On the monthly system?

Mr. INSULL. Yes.

Commissioner GARRETSON. Did I understand you that these monthly men were paid $80 a month?

Mr. INSULL. Yes; that would come right down, you know—our aim is to put everybody, possibly, on monthly pay roll.

Commissioner GARRETSON. Yes.

Mr. INSULL. That we possibly could. I haven't got the exact figures on monthly pay roll, but I will be very glad to file it with you.

Commissioner GARRETSON. Well, in general, what is your largest class?

Mr. INSULL. Well, in general, we have got, out of 4,870 people on our pay roll last week—on the 1st of July—3,179 have been working for us over a year, and a very large proportion of that 3,179 would be monthly employees.

Commissioner GARRETSON. And what would the larger number of monthly men draw as a monthly wage?

Mr. INSULL. Well, I would have to have that figured out for me. I happen to remember seeing on my desk in the last few days that the average pay of our monthly men was $70 a month.

Commissioner GARRETSON. Average pay of the monthly men is $70?

Mr. INSULL. Yes; that would be men, women, and young people.

Commissioner GARRETSON. That would mean that the highest man—that average would be created by a few high and many lower?

Mr. INSULL. No, no. I would think that that—I have never looked into it from that point of view.

Commissioner GARRETSON. Well, take the average wage.

Mr. INSULL. I would be very glad to give you that information later on, but my general impression would be that our monthly men, if you leave out, if you like, the officers and simply take from the foreman or superintendents down, our monthly men would show pretty high.

Commissioner GARRETSON. Wageworkers?

Mr. INSULL. Yes; wageworkers.

Commissioner GARRETSON. As against salaried men?

Mr. INSULL. Well, any man on monthly pay roll is looked upon as a salaried man.

Commissioner GARRETSON. Well, some men who draw salaries object to being called wageworkers.

Mr. INSULL. Well, I don't.

Commissioner GARRETSON. I don't, either.

Mr. INSULL. I work for wages, and expect to be paid.

Commissioner GARRETSON. Now, do you think that for the average man that knows the business he follows——

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. That $70 is a high wage?

Mr. INSULL. Oh, no; that is not a fair statement. I said the average pay of our monthly men. I did not say the average pay of our monthly men who know the business. That includes office boys; that includes students whom we—whom for half of their time we contribute part of their tuition to learn the business.

Commissioner GARRETSON. Well, does your average mechanic get more money than that?

Mr. INSULL. Oh, yes.

Commissioner GARRETSON. Monthly men?

Mr. INSULL. I think so. I will be very glad to have it figured out for you. I would not attempt to answer it here, but I would be very glad to have it figured out for you and file with you the wages of any branch of our work that you want filed.

Commissioner GARRETSON. I would be very glad to have that, and as complete as you can make it.

Mr. INSULL. If you will just tell the secretary to tell me what you want, I will be very glad to let you have what you want.

Commissioner GARRETSON. Now, with regard to the efficiency of private and public——

Mr. INSULL. Excuse me, Mr. Chairman, is that within the scope of this commission?

Chairman WALSH. What is the question?

Mr. INSULL. The question of the discussion of municipal ownership.

Chairman WALSH. Well, it takes quite a large range, and we can't fix it to any definite proposition. You see how it started, Mr. Insull.

Mr. INSULL. Yes, sir.

Chairman WALSH. You were asked whether or not the belief in the minds of a great many people that public ownership was a good thing caused them to be restless under private ownership. Now, there are eight commissioners here, and it would be impossible to——

Mr. INSULL. If I had known I was going to be asked questions on this subject I would have brought the cost of running a steamboat on the Thames; I would have brought the cost of running the steamboats between Staten Island and the Battery in New York; I would have brought the cost of operating all the municipally owned plants in Europe. I——

Chairman WALSH. I would——

Mr. INSULL (continuing)——would have showed the price at which we sell our energy falls lower than the cost at which they produce it in the average municipally owned properties of England.

Commissioner GARRETSON. Yes; that is perfectly germane to the question we have got before us.

Mr. INSULL. But I didn't know I was going to have to discuss that kind of subject.

Chairman WALSH. It is in the general scope of our inquiry, but was not in the topics given to you.

Mr. INSULL. Well, I am probably excusable.

Chairman WALSH. And not being put in the topics, why I think it would be best not to branch off into it.

Commissioner GARRETSON. Mr. Insull, you made the statement here——

Mr. INSULL. Excuse me, Mr. Chairman, I am probably excusable because I thought that was a dead issue. I would have had the information.

Commissioner GARRETSON. It is not the first corpse that has been galvanized.

Mr. INSULL. I agree with you.

Commissioner GARRETSON. Mr. Insull, if I understood you, you made the statement that public utilities could not be as successfully operated in your opinion by governmental agencies as by private direction; am I right?

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. And from your experience—the city here owns its waterworks?

Mr. INSULL. It is not fair to get me into a discussion with the politicians of Chicago. Now, that is not fair. Name any other city you like, and if I know anything about it I will discuss it. Let us discuss the municipally operated ferryboats of New York Bay, say.

Commissioner GARRETSON. Well, or the eclipse of the sun.

Mr. INSULL. Yes. No; don't, as a matter of fairness, gentlemen, don't take me into the discussion with the city hall. I try to keep away from it.

Commissioner GARRETSON. I am trying to find the shadow on the sun now.

Mr. INSULL. Yes.

Commissioner GARRETSON. What, for instance, what is the average wage in municipally or governmentally administered public utilities and privately managed?

Mr. INSULL. I could not give you those figures. As I told you, I would have come posted if I had known I was going to deal with a corpse.

Commissioner GARRETSON. Do you know what the city of Chicago, for instance, pays inspectors?

Mr. INSULL. Yes. In what line of business?

Commissioner GARRETSON. Well, in the waterworks.

Mr. INSULL. No; I don't. I don't; all I know about is the—all I can discuss about the waterworks is my bill for water.

Commissioner GARRETSON. And the quality of the water.

Mr. INSULL. Yes. It is good; as a citizen, I say.

Commissioner GARRETSON. Well, they do produce a certain amount of good work?

Mr. INSULL. Oh, yes; it is good. And this hot weather, it is very fine.

Commissioner GARRETSON. Well, if that is the case we will let it go at that.

Chairman WALSH. Did you want to ask some questions, Mr. Delano?

Commissioner DELANO. Yes.

Chairman WALSH. Mr. Delano would like to ask you some questions.

Commissioner DELANO. Mr. Insull, if I understood you, your point was that the public-service corporations stood in different relation to the public from the ordinary employer or other employer. Is that your point?

Mr. INSULL. That is my point.

Commissioner DELANO. That on account of those obligations that you owe the public—of being compelled to furnish light or heat or gas every day in the year and every hour in the day—that you think it is unsafe to enter into arrangements with unions. Is that your point?

Mr. INSULL. Yes, sir.

Commissioner DELANO. Well, now, if the unions, recognizing that, that public service was different from ordinary service, were under public supervision and were under the same responsibility to the public that you are, would that alter your opinion in dealing with them?

Mr. INSULL. That is—well, supposing our service absolutely was killed and we would be held harmless by some legislative enactment superior to our contractual relations with the city.

Commissioner DELANO. Or that the unions would be penalized instead of you being penalized for the rupture in service.

Mr. INSULL. Well, that would be a question of their credit. Would you penalize them financially?

Commissioner DELANO. Well, there are other penalties that might be just as effective—the withdrawing of a charter or something like that. I am asking this question because it is one of the duties of this commission to try to find some middle ground between the extremes of the positions on both sides. I know you have been in the service so long——

Mr. INSULL. I probably hesitate at answering that because in main businesses I have run the subject of unionizing our operatives has never come up seriously. I don't mean to say that no one has ever made the demand for it; it has never been a serious proposition. Naturally I would rather be left alone to deal with my own people in my own way, see? I think they are well satisfied with the way they are dealt with. Mr. Delano is a citizen of Chicago, and he can probably tell just as well as I can whether they are reasonably well satisfied with the way they are dealt with.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Mr. INSULL. Yes, sir.

Commissioner LENNON. Mr. Insull, in speaking of the matter of individual bargaining as to wages and hours and conditions of labor and collective bargaining, I understood your answer to be that for the more intelligent you believed that individual bargaining would bring to the individual the best results. Is that correct; did I understand you correctly?

Mr. INSULL. Yes. I don't think brains have any needs of collective bargaining.

Commissioner LENNON. Now, in connection with that, do you believe the social well-being of the world is better served by high pay for the few or a living pay for the many?

Mr. INSULL. Well, I think if it could be provided, there should be living pay for the many. After all, that is a question of supply and demand when you come down to fundamentals.

Commissioner LENNON. If collective bargaining would protect the many to a greater extent than individual bargaining, which would best serve the interests of society?

Mr. INSULL. Why, if collective bargaining would better serve the interests of the world as a whole—employees as a whole, why collective bargaining would be better for society, but the fact is not—the facts are to the contrary. Statistics of labor show very distinctly that there is infinitely more individual bargaining the world over than there is collective bargaining.

Commissioner LENNON. Does the history of this country in industry show unorganized workers receive as good pay or better pay than organized workers?

Mr. INSULL. That I could not answer.

Commissioner LENNON. Take the different industries in which you are interested, the one industry representing the elevated railroad men, how do their wages compare with the other departments?

Mr. INSULL. I would be very glad to give you a comparative table on that to file with your commission.

Commissioner GARRETSON. I would like to have that, but can you say from memory whether that averages better or below?

Mr. INSULL. I could not say it from memory. I would say offhand—and it is purely a guess—I would much rather file the figures.

Commissioner LENNON. All right.

Mr. INSULL. I would say that the elevated roads would average lower, simply from my general knowledge of the employees.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. Call your next.

TESTIMONY OF MR. VICTOR A. OLANDER.

Mr. THOMPSON. Mr. Olander, give us your name.
Mr. OLANDER. Victor A. Olander.
Mr. THOMPSON. Your business address.
Mr. OLANDER. 570 West Lake Street.
Mr. THOMPSON. Your business.
Mr. OLANDER. Secretary of the Lake Seaman's Union, and vice president of the International Seamen's Union.
Mr. THOMPSON. How long have you held those positions?
Mr. OLANDER. About 12 years. No; as vice president about 12 years; as secretary, about 4; and subordinate positions previous to that.
Mr. THOMPSON. What jurisdiction or over what territory does your union cover?
Mr. OLANDER. The international union covers the United States and Canada. The Lake Seamen's Union is the Lakes district—that is, the Great Lakes—takes into membership the sailors, marine firemen, and marine cooks. The Lake Seamen's Union, however, being confined to sailors only. The two other organizations, one for firemen and one for marine cooks of this district.
Mr. THOMPSON. What jurisdiction has the local union got, of which you are secretary?
Mr. OLANDER. We haven't a local union in the sense that other unions have. The Lake Seaman's Union is a district organization; it has headquarters at Chicago and local branches around the chain of lakes. The membership of a member is a membership at large in the district. He can go anywhere in the district without changing their books or any questions being asked.
Mr. THOMPSON. You are acquainted with the conditions of labor on the Great Lakes, of course?
Mr. OLANDER. I am familiar with it.
Mr. THOMPSON. Is that condition satisfactory or not?
Mr. OLANDER. Decidedly unsatisfactory.
Mr. THOMPSON. What are the reasons for that, if you know?
Mr. OLANDER. There are a great many reasons. I hardly know how to begin to answer that question. I think the main reason is due to the fact that the corporations owning the vessels generally hold the position that they don't propose to permit the men who navigate or work those vessels to have anything to say as to wages or working conditions, or how they shall live, because you know we exist with our employment, and are with it all the time, live right on board ship. Corporations take unto themselves the right to say what shall be done in all those respects. Experience in the past years has taught us that means mighty hard lives for us. When I began sailing my sailing was mostly—my experience has mostly been on steam vessels—wages were from $12 a month up to $25 a month, occasionally $30 a month being paid for the men that—the class of men that are in our organization now; some of the better class, of course, getting a little bit more. They operated a system of laying off men almost every trip.

In those days it was difficult to get over a month's employment steadily. That continued without any change for the better. Food was bad. Of course, this is all in varying degrees. Now and then there was an employer who paid a little bit more, whose food was a little bit better, and who furnished better quarters, but I speak of the general condition; there was no change in that until the men organized. Since then wages have increased materially, but not to where we believe they ought to be. The men who formerly got $12 are now getting about $30 a month. The man that formerly got $25 is now getting about from $50 to $55 a month. The work is seasonal, however, so far as the Lakes are concerned, and the average working time, taking it good and bad, as a whole, is about six months and perhaps a little more. The men seek employment elsewhere; many of them go to the coast. The change I spoke of—that is, the change from $12 or $15 a month to $30 a month—has taken place within a period of about 14 years, that being the scale in about 1898 and 1899, the low scale. The higher, the prevailing scale to-day is the higher scale. They also now make a practice of paying the men a little bit more for the last two sailing months of the season—that is, October and November. The wages for the higher class, the higher paid men being then raised to $65, and for the others to $40 a month; but the $15 scale still prevails in some vessels where the organization has not been effected. A number of our Chicago passenger vessels, in a number

of them you will find that the majority of the deck crew, the large majority of the deck crews, do not get any more than $15 a month for their monthly wage. As the supply of men decreases for some reason or other—that is, the supply of the kind of men that they use—they pick up anybody that they can get hold of; as that decreases they may raise that scale to a dollar a day. The rule on many of the vessels now with reference to deck hands there is that they get 50 cents a day by the day. If they stay one week, they are paid off at a dollar a day. There are times when they pay them 25 cents an hour for handling freight; that is, when the supply of men is short.

Mr. THOMPSON. What percentage, if you know, of the men operating on the vessels of the Great Lakes is organized?

Mr. OLANDER. I should think about a little better than one-third of them now.

Mr. THOMPSON. Is the organization confined to certain classes of vessels or by certain companies, or general?

Mr. OLANDER. The vessels which go outside the harbors. We have nothing to do with the vessels that remain in the harbors. We have nothing to do with vessels, with the tugboats, although they do go outside, but don't go very far. I might say the vessels that run from port to port are the vessels that we are on.

Mr. THOMPSON. Does your union have collective bargaining with any of the owners of vessels?

Mr. OLANDER. At the present time and since the fall of 1907 practically every shipowner on the chain of Lakes refuses to recognize the organization. And there has been no collective bargaining except in very few isolated instances.

Mr. THOMPSON. Is your union better organized, better on certain classes of boats running outside the harbor than on other classes?

Mr. OLANDER. Yes; we are better organized on the lumber vessels than we are on any other class of vessels.

Mr. THOMPSON. How about ore vessels?

Mr. OLANDER. On the ore vessels a man who wants to sail on an iron-ore vessel of the Great Lakes as a union man keeps quiet about it—never tells he is a union man. It usually means his discharge if that becomes known.

Mr. THOMPSON. When you speak of the wages which are being paid for the services, do you mean the wages paid to union men alone, or is it a general wage obtaining on the Lakes?

Mr. OLANDER. That is the general wage scale. When we in 1899 and 1900 began to make ourselves effective as an organization, we changed the wage scale everywhere, except for the deck hand on the passenger vessels. They are the poorest class of men employed. I mean that in every sense, not only as workingmen but as men. They are picked up largely around South Clark Street, in the lodging-house districts. They are the down and outs, and the worst kind of men that lay around there. We effected the wage scale everywhere. In 1903 we entered into an agreement with the Lumber Carriers' Association and the Lake Carriers' Association. The Lake Carriers' Association, comprising the iron-ore vessels and grain vessels, and so on, that being the largest association. Those agreements were renewed from year to year with both associations until 1907. At the close of the year 1907 there was some indication that the Lake Carriers' Association did not propose to continue the agreement any longer, and when we tried to secure a meeting with them in the spring of 1908 they declined to meet with us, and adopted a resolution, something that they term the open shop.

I think that the general expectation of the Lake Carriers' Association at the time was that we would go out on strike. It was not a very good business year. There were indications that the vessels would not have much to do, and it was a good time to put the union out of business and they started in to do that.

We, however, did not go out on strike. I can tell the story of that year if you are interested.

Mr. THOMPSON. Briefly, if you will, Mr. Olander.

Mr. OLANDER. After this open shop resolution was adopted when they declared that they did not propose to discriminate against union men, we officially decided that there should be no strike, took it up in our meetings all over the chain of Lakes, and the men everywhere decided that we would try out the new system. We had never enforced rules requiring the exclusive employment of union men at all times. We always left the door open for the outsider to come in and if there were not sufficient union men around they could employ anybody. We usually got the man into the organization, al-

though we did have an understanding if he worked at the business that he would come into an organization. We went to work. Navigation opened up in the latter part of April. In May, very shortly after the opening, the Lake Carriers' Association announced a rule that thereafter none of the men would be shipped directly by the captains as had been the practice previously, that the captain who knew John Smith and could go to get him in the boarding house or wherever he could find him, and the man who knew the captain somewhere could go and find him wherever there happened to be a vacancy. They stopped that system and inaugurated a rule that every man would have to ship through an employment office under the jurisdiction or under the direction of the Lake Carriers' Association. He would have to register in that employment office and carry a card from that office.

We said nothing to that. We went to the offices. We knew what was coming; so many people misunderstood what the open shop meant that we thought before we had any real fight that we would let the Lake carriers show what they meant exactly by the open shop, and so we decided to wait and see what it was.

On the 10th of June the captains employed on the ships of the United States Steel Corporation—that is, the Pittsburgh Steamship Co.—went to their crews and said to them that if you want to sail on this vessel any longer you have got to surrender your membership in the union and give me your membership book. The first case of that kind was the steamer *Bunson*, of Conneaut, Ohio.

From that day on news of that kind came in very quickly until a very large proportion of the vessels, the captains of the vessels were giving this kind of orders to the men. That was the open shop that they had declared. We met that. Business conditions were so poor that we did not think we could win a strike. If we had thought we could have won the strike we would have struck and struck hard, but we did not think we could win a strike under those conditions, so many unemployed men throughout the country, and we are not as free to move as men of other callings are.

So we met that by a system of duplicate membership cards; that is to say, we gave each man two cards, or rather a book and a card. We have no card. We have a book in which the constitution, membership card, the membership certificate and everything is bound. We issued duplicate cards and said to the men if you want to hold your employment through this period of depression give your book to the captain and keep your card in the other pocket and remain a union man just the same and hold on to the job for a while. And we did that very extensively.

The employers attempted to meet that first by going to some of the men and saying, "You can not remain on this ship unless you make an affidavit to the effect that you have severed your connection with the union and that you do not propose to have anything to do with the marine labor organization so long as you are in our employ."

They tried that thing in a few cases. As soon as we managed to get it before the public that stopped. It was a thing that could not be done in the open, and it was so raw, if I may use that word, that even some members of the Lake Carriers' Association did not like to have the name of doing a thing like that. I have got the slips here somewhere, and perhaps I had better not try to go through that. I can give that to the commission.

Chairman WALSH. Let me see the samples, if you have them.

Mr. OLANDER. I am afraid it would take me a little time to find it—here they are. One of them states, "I declare on my honor I am a union man and propose to stay with my union." That was about the effect of it. The other says, "I declare I am not connected with any organization," or something to that effect, and I am free to act for myself. They went to the men through the shipping masters and said, "We don't want to discriminate against you; it really was not our fault; some of the captains misunderstood our orders, and they did some of them discriminate, but it was not the fault of the association, and all we want is to be absolutely fair. If you are a union man we want you to say so, sign this and it won't be held against you. You will be registered in the office that way and if the captain wants a union man we will hire you. If you are not a union man, sign the other, and if the captain want a nonunion man he will hire you. There will be absolutely no discrimination."

Of course, it was simply a trick to put the men on honor, in an effort to find out whether or not they were union men, for the purpose of getting rid of them. I advised the men to sign in each instance they were nonunion men, just as I

had previously advised them to take the affidavit to the effect that they would never have anything to do with the organization, saying to them they were justified in violating that affidavit. Some of them did it. I went to the newspapers with the story right away, and that cleaned that up, but the system of slips continued throughout that season.

As to what their attitude was, I have here a letter written by one of the board of directors of the Lake Carriers' Association giving instructions to his captain. Early in the season—May 3—a card was issued to William Hare, a member of our organization, who does not object to his name being known now. The card was used a good deal before this. He was a wheelsman on the steamer *Matopa*, of the Pittsburgh Steamship Co. He was discharged and this notation made on the card by the master of the vessel: "Good wheelsman, but he had too much to say about unions. J. H. Regan, master, steamer *Matopa*." Later this came into my possession on the letterhead of John Mitchell. I believe he is the president of the company. He represents the Cleveland Steamship Co., the Ætna Steamship Co., the Buffalo & Susquehanna Steamship Co., and the Masaba Steamship Co.:

CLEVELAND, OHIO, *June 19, 1908.*

Capt. F. D. GALTON,
Steamer "Moses Taylor," Milwaukee, Wis.

DEAR SIR: I inclose you herewith copy of a letter from the Lake Carriers' Association, giving list of the shipping masters' offices at the different ports. When you are in need of anyone be sure to ship what men you need through the shipping offices. When you find that you have any union sailors aboard who have books, you discharge them unless they give up their books. What we want to do is to relieve our ships of union men. Be sure to let no walking delegate go aboard your boat at any time under any circumstances. Keep a man at the head of the ladder when in port, and when a man tries to get aboard your boat ask him his name and what he wishes, and if he can not give you a satisfactory answer do not let him aboard.

If I find that any delegates get aboard your boat, I am going to ask for your resignation, unless you have a very good reason for it.

Yours, very truly,

JOHN MITCHELL.

LAKE CARRIERS' ASSOCIATION,
OFFICE OF THE PRESIDENT,
Detroit, Mich., May 6, 1908.

To the vessel owners and managers:

In pursuance of one of the purposes for which our association was formed, viz, to establish and maintain shipping offices for the convenient securing of seamen on vessels on the Great Lakes and to establish and maintain amicable relations between employers and employed, and in view of the legislation which goes into effect July 1 of this year in regard to efficiency of crews, our association from its experience concluded that the best and fairest way to carry out these ideas is through what is commonly known as the "open-shop" principle.

To carry this out in its proper spirit and intent requires the cooperation of the owners and the executive officers of the ships.

The association has established the following shipping offices, through which seamen may be employed, and every reasonable and proper effort will be made to insure the furnishing of efficient men; and if the shipping officer has not visited the ship your master or engineer should communicate with the shipping office and report any neglect of any shipping officer to give prompt attention:

Port.	Location.	Shipping master.	Telephone.
Buffalo	154 Main Street	A. Limerick	Seneca 1265.
Ashtabula	Kahne Block	S. W. Gould	Main 55.
Conneaut	Bank Building, corner Day and Park Streets.	W. M. Ford	103 K.
Cleveland	98 on the Dock	Wm. F. Wall	Bell Main 989, Cuy. Cent. 744.
Toledo	102 Marine Block, Water Street	H. Wellet	Main 3770.
Chicago	100 Van Buren Street	J. Blair	Harrison 4853.
South Chicago	151 Ninety-second Street	C. B. Morse	South Chicago 93.
Milwaukee			
Duluth	Board of Trade	J. Currie	306.

It is essential that the owners and the licensed officers cooperate thoroughly with this effort by obtaining their crews through the established shipping offices and then by insisting throughout that the men have absolutely fair treatment. There must be, so far as possible, watch and watch; no unnecessary work, such as scraping and painting, and the like, should be permitted on Sunday; no man should be required or asked to work over the side of the ship while underway. There must be no discrimination in the matter of mess rooms, and every complaint from any member of the crew must be received and carefully considered by the master of the ship.

The executive committee has arranged that the shipping offices issue to each man as shipped a card, giving the date of shipment, the capacity in which employed, and the ship. Where necessity requires the shipment of men at places where there is no shipping office, on arrival at a port where there is a shipping office such card will be furnished. On reporting on board the seaman shall give this card to the master or, if in his department, to the chief engineer, and on leaving ship may require its return, but only with certificate indorsed thereon by the master or chief engineer, according to the department, of the reason for leaving the vessel and statement of qualification and character of service rendered.

As on many of the docks strangers will be excluded, the card will be an identification of the seaman with the ship, and will serve the very substantial purpose of furnishing a record of men on board our ships in case of accident.

Please, therefore, have the officers of your vessels ship their men in this way; also instruct your officers to station one or more members of the crew at appropriate places to exclude admission on the ship of any person except actual members of the crew or such as have permission to go on board from the office of the manager or agent of the ship, and refer to the executive officer in charge of the vessel application from such parties.

Yours, truly,

W. LIVINGSTONE, *President.*

That letter is a fair illustration of the orders given to practically all of the masters of the Lake Carriers' Association by the various owners. They did not all do it by letter, but all of the masters carried out that with very rare exceptions—carried out those kind of instructions.

We went through the season of 1908, and in 1909 they inaugurated what was known as the Lake Carriers' Association welfare plan. And against that we went on strike and carried on a strike for three years, beginning on May 1, 1909, and calling the strike off in, I think, the latter part of March in 1912. We did not win the strike. We are carrying on the agitation against the welfare plan yet, because we believe it is a system of slavery under which men of our race can not afford to even attempt to exist. We will fight it as long as we have got anything to fight with.

Mr. THOMPSON. Briefly, will you tell us what that welfare plan is, or, if it is published in a book, will you file with the commission a copy of the book.

Mr. OLANDER. I have here a pamphlet entitled "Cause of the Seamen's Strike," which is an extract from the official proceedings of the Committee on Merchant Marine and Fisheries, House of Representatives, dated February 17, 1910, beginning on page 46. It consists of copies of documents and affidavits, being a list—and some of the letters being written by myself and a copy of the welfare plan as taken from a pamphlet issued by the Lake Carriers' Association. However, this particular pamphlet is issued by the union and my copy here might be questioned, so I would say to the commission that copies of the welfare plan appear in the report of the department of labor of the State of New York for 1910 and in the report of the board of arbitration of the State of Wisconsin for that same year, 1910 or 1911, I am not sure which.

(The pamphlet referred to, entitled "Cause of the Seamen's Strike," dated Washington, D. C., February 25, 1910, was submitted in printed form.)

Mr. THOMPSON. Now, referring, Mr. Olander, to the state of industrial unrest which pertains in the shipping world on the Great Lakes, what, in your opinion, is the cure for that condition? How could it be remedied or could the major portion of the unrest be alleviated?

Mr. OLANDER. Well, a good deal has to be done in our case. We live under different laws than people on shore are subjected to. There is much stronger, necessarily must be stronger disciplinary laws on board ship. And until some other laws are inaugurated that will give us—while we don't want those

disciplinary laws changed as far as they apply while the ship is out at sea, we feel there ought to be some other laws on the statute books that would safeguard our interests somewhat. It is necessary in our case; we admit the necessity of having a law, for instance, that permits the master to punish a man for willful disobedience of orders. It is pretty hard to draw the line as to what kind of orders they must be. Sometimes a very small thing may endanger the ship while she is at sea. And we recognize that this is necessary.

But that gives that master tremendous power over us, and gives the owner through the master tremendous power; so that in our case it is necessary to have some regulations, not only for the protection of the men in an industrial sense, but also as a matter of safety.

Under the law now we have got to sign a contract whenever we go to work. The terms of that contract, except in the matter of wages, is laid down by the Government; that is, it is laid down by law, and we sign it and accept those terms and go to sea if we want to. It we don't want to do that, we can't work at our employment; we have got to stay ashore.

Now, under that contract, if we quit the vessel in the domestic trade, that is to say on the Lakes or on the coasts, before the expiration of the terms of that contract—which we call shipping articles—we lose all the money that we have earned and all of the clothes or other belongings that we leave on board. We are trying to get the law changed now, so that we will have a right to collect half pay at every port of discharge, because during that period we can not get any money for the necessaries of life. We might want to get some clothes or something of that kind; we may not be in a condition to wait until the end of the trip or the end of the month.

And we want the law so changed that we can collect half at any port of discharge or loading.

In the foreign trade—perhaps you may think I am getting somewhat off the Lakes, but not so much as you might think—in the foreign trade, we are subject to arrest and imprisonment for quitting the vessel. If, for instance, when we are in some foreign country, outside of Mexico and the West Indies and Canada, we become dissatisfied with the conditions on that ship we may be willing to lose all the wages that we have earned, and that might be anything from two weeks to six months; we may be willing to sacrifice everything that we have got on board, and still we can't quit if the master does not want us to.

That is the right under the law and under the treaties with foreign countries, where he can apply to the local police and take us back on board ship. That same law applies to sailors on foreign ships in the ports of the United States. And I have seen men arrested right here on the Lakes who have been on foreign ships, under contract with foreign ships, and wanted to quit. I have seen them taken back on board. Of course, there is not so much of that on the Lakes, because there are not so very many foreign ships here, but a great deal of it on the coast. Until those kind of things are changed we haven't got much chance.

Mr. THOMPSON. Have you any other specific proposition calculated to help the situation?

Mr. OLANDER. I might say before answering that, that these—we are trying to get these things changed. We have got a bill before Congress now that, aside from its safety regulations, provide for these things. I have——

Mr. THOMPSON. Have you got a copy of that bill with you now?

Mr. OLANDER. Sir?

Mr. THOMPSON. Have you got a copy of that bill with you?

Mr. OLANDER. No; but I can furnish the commission with a copy of the bill.

Mr. THOMPSON. We would be pleased to have you do so.

Mr. OLANDER. But there is still a copy of the report that has a condensed and a brief analysis of the bill, and the bill itself.

Commissioner LENNON. Give the number of the bill, and we will find it.

Mr. OLANDER. It is Senate 136—in the form that it passed the Senate in October. It has been reported out of a committee in the House now in very bad shape; so that the committee report is not the seamen's bill, but the action of the Senate in October was the seamen's bill.

Mr. THOMPSON. Now, Mr. Olander, referring to the general question of industrial unrest, have you, as an official of your organization, given some attention to that subject?

Mr. OLANDER. Yes; I have given a great deal of attention, so far as I am capable of doing.

Mr. THOMPSON. Do you believe that there is unrest in industry generally among workers?

Mr. OLANDER. Undoubtedly; grave unrest.

Mr. THOMPSON. What, in your opinion, is the cause, briefly, and cure, if you have any theory?

Mr. OLANDER. It will be difficult for me to state that very briefly. But I might say this: That I think that there is a very prevalent feeling that a very small part of our citizenship has taken it upon themselves to exercise altogether too much control over the rest of the people, and that there is a very strong rebellion against that—a feeling that the man who works for another fellow ought to have something to say about the conditions under which he works, and about his wages, and so on, because those things affect him outside of his time of employment. They affect his home. His wages determine the schooling of his children, the food that they use in the home, and the home itself, or whether he is to have one, or whether he is to have children, and determine whether he is to get married, and all those kind of things.

People generally, I think, even the nonunionist feels this, and feels it strongly. They believe that they ought to have something to say about that. There may be some differences of opinion among the working people here and there as to just how they ought to use it, but I feel that they all and all classes feel that they ought to have some right in that respect—a demand for a greater democracy, in other words.

And I think that this condition of unrest is going to continue and grow until that question is met, because my observations lead me to believe that most of our people live very close to the point where it will be difficult for them to obtain the necessities of life, and that they are going to feel that more and more. I do not mean to say that they live actually on the point of starvation, but where it will be difficult for them to get enough to live as they think they ought to live. Even a fairly well-paid mechanic, or what we call a fairly well-paid mechanic, living in rented rooms, having fairly good wages, feels this: "I don't know how long this job is going to continue. It may end and there may be a period of unemployment. I haven't got enough money to carry me over that. I may have a very serious case of illness in the house, and the few dollars that I have saved won't be quite sufficient to take me over that."

And then these men make up a very large proportion of the citizenship of our country, and they look into our city slums, where they don't live, and they see before them a picture of the possibilities—the thing they may have to face, the pit that they may have to get into. So that I think that the greatest of the unrest comes from that portion of the people that fear that they are going to be driven to the bottom again rather than from those who are not actually at the bottom.

Mr. THOMPSON. What remedy have you in mind, Mr. Olander, that you think this commission could recommend to Congress, for instance, to relieve in part or in whole either this general unrest or any specific unrest that occurs from time to time?

Mr. OLANDER. Since I believe that the unrest is very largely or almost entirely due to this feeling that men want more to say about themselves, about the conditions under which they live and work, I think the commission, if it concludes that that is one of the great causes of unrest, ought to say so, and ought to say that all of these agencies through which the men can be given—the men and women can be given a better chance to express themselves, can be given an opportunity to have something to say about their own lives—that these agencies should be encouraged by the Government as much as it is possible for the Government to encourage them.

Mr. THOMPSON. Do you know cases, Mr. Olander, where the unrest breaks out in industrial conflicts, such as strikes or lockouts—have you any ideas or remedies by which such situations might be treated, either to prevent when the situation gets warm—to prevent the outbreak from occurring, and if it does occur, reduce it to the limits, the least possible limits?

Mr. OLANDER. I would not agree to anything that has for its purpose the prevention of strikes. I do not believe that any repressive measures would be good; would have much the same effect as filling a kettle full of water and then plugging it up and setting it on a fire. It will blow up after a while. You can't, if you have that fire going there, you can't confine that water in that kettle, no matter how hard you try. It will explode eventually.

Mr. THOMPSON. Leaving out repressive measures, Mr. Olander, because I think the public are agreed that they can't be used, what would you say should be done?

Mr. OLANDER. Conciliation; get the two sides together. Sometimes there are conditions in an industry—I can conceive of conditions in an industry where it might be—or in a particular part of an industry, where it might be a very difficult thing for the employer to do all that was necessary in order to be actually fair to the men. The thing for that employer to do, in my opinion, is to take the men into his confidence, meet them on equal terms, and when they are telling him their troubles let him tell them his troubles, treat them as equals, and I think that we will get over those things without very much trouble if that is generally recognized.

Mr. THOMPSON. Do you believe a board of conciliation and mediation and arbitration will result in good?

Mr. OLANDER. I think that arbitration is really valuable only so far as it leads to conciliation, and I think that the main thing to do is to try to get the two sides together and have them adjust their affairs so that there may be an agreement satisfactory to both sides and put them on honor to carry it out. That is the strongest kind of contract you can have.

Mr. THOMPSON. Have you followed out the work of the United States Board of Mediation formed under the Newlands Act in the railroad world?

Mr. OLANDER. Not very much. It has been confined purely to the railroad industry, and I haven't watched it very closely.

Mr. THOMPSON. Do you believe a national board of conciliation to deal with industrial problems and make investigations and mediate and conciliate would be a good thing?

Mr. OLANDER. No, sir; I don't like the board idea. It smacks too much of the courts and the establishment of precedents, the dealing with one situation exactly as you deal with another. You have different people to deal with and different localities, and a thousand and one things. Aside from that, you have different times to deal with—different periods—and we are going ahead all the time, and I fear a permanent board would get into a rut before long and accept conditions as they are to-day and try to apply them to-morrow, and I don't think that would work.

Mr. THOMPSON. Have wages decreased since 1907, or increased?

Mr. OLANDER. You mean wages generally?

Mr. THOMPSON. Yes; on the Great Lakes.

Mr. OLANDER. I think if anything there has been a slight increase, taken as a whole.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner LENNON. I would like to ask one question: If your organization had a contract with the vessels on the Great Lakes would you in that contract or through the influence of your organization endeavor to protect the interests of the people who are passengers on the vessel; that is, by requiring skilled men to be employed, rather than unskilled?

Mr. OLANDER. That is what we tried our level best to do during all the time we had the agreement, and it is one of the things we are fighting before Congress now. I would say that we could undoubtedly—I haven't the slightest doubt we could have obtained from Congress long before this the things necessary to remedy the industrial evil under which the men work now except for the fact that part of the bill provides for the safety of the traveling public, and it is on that account the bill has been held up during the past year.

Commissioner LENNON. You remember the *General Slocum* disaster in New York, do you not?

Mr. OLANDER. Yes; I remember very well.

Commissioner LENNON. Was the conclusion reached by men who are competent to judge that the disaster was largely caused by the employment of people who were not seamen as seamen?

Mr. OLANDER. That was the report of the United States commission on the investigation of the *General Slocum* disaster. That statement, very nearly like the one you uttered, is included in the statement of that commission.

Commissioner LENNON. And other disasters at sea—haven't verdicts been rendered in other cases that the employment of able seamen was inadequate for the proper management of the vessel?

Mr. OLANDER. That is generally a recognized evil everywhere. They try hard to hide it in some reports, but it is there somewhere in every one of them.

Commissioner LENNON. And the seamen's union has stood squarely for the employment of able seamen everywhere?

Mr. OLANDER. Yes, sir.

Commissioner LENNON. That is all.

Chairman WALSH. Are men in your industry required to earn enough in 8 months to subsist on for the entire 12?

Mr. OLANDER. That is the situation on the Lakes, but it is hard to do it, and they find other employments. I might call your attention to the fact that our wage scale, like the wage scales throughout the United States, are not sufficient to support a family, and for that reason we have a very small per cent of married men.

Chairman WALSH. How much below the minimum amount to support a family in decency do your wages fall, if you can tell approximately?

Mr. OLANDER. I would say as applied to the industry as a whole in the United States it is about one-half too small.

Chairman WALSH. Was there any other matter upon which you would like to give testimony that has not been called out by these questions?

Mr. OLANDER. I answered a question with reference to the establishment of a conciliation board by saying I didn't believe in the establishment of a board for that purpose. I would like to make that clear. I would like to make my views clear on that, because my attitude will be misunderstood in the answer.

Chairman WALSH. Very good. Proceed.

Mr. OLANDER. I do believe the Government can do a good deal toward conciliation, and I have been watching with great interest the work of the Department of Labor in that respect. Section 8 of the law provides that the Secretary of Labor is to act as mediator and conciliator in industrial issues, and men have been appointed to represent him to go to industries where disputes do occur, and try to get the two parties together. I believe that something might be done to extend that work. I don't think that it all ought to depend on any particular permanent man who is employed. That the department might delegate anybody to represent the department to go there for the purpose of trying to bring the two sides together. I think you can't get anything permanent unless you get the two sides together. I think they do much good, and I think the work of the department has been good, and if the commission hasn't looked into it I think they ought to look into it.

Commissioner GARRETSON. What is the difference, from your standpoint, between the Department of Labor using the same man for that purpose continuously and somebody being delegated as an independent mediator to serve continuously, in regard to him getting into a rut?

Mr. OLANDER. There is this difference, that the Department of Labor was created for a special purpose to watch over the interests of the wage earners of the country. I would have in it other bureaus than the conciliation bureau, that would work in conjunction with the bureau of that kind if it was established.

Commissioner GARRETSON. You think that would keep a man out of a rut?

Mr. OLANDER. I say this, that there ought not to be anybody permanent there except perhaps a bureau head. I do not believe in permanent conciliators. I do believe in permanent conciliation.

Commissioner GARRETSON. That is the point I was desirous of information on; if the bureau leader is there and the commissioner of conciliation is there, what influence could put one in the rut and keep the other out?

Mr. OLANDER. I think that a man doing a particular job over and over again gets into a habit of his own, and he applies his own methods to it, and he finds that a certain procedure is good and he holds to it, never getting away from it, and does not try to do anything new. I think that explains my view with reference to the possibility of it becoming a court.

Commissioner GARRETSON. You take the same individual and denominate him commissioner of conciliation, and then give him the name of commissioner of conciliation under the Labor Department, would he act differently in the two capacities?

Mr. OLANDER. I wouldn't have him in the field. I would simply have him as a bureau head.

Commissioner GARRETSON. Let him supply conciliators in any particular?

Mr. OLANDER. I think if you put him on the job of conciliation, that is, put him in the field, that would be just as true of him as it would of anybody else. I would set him down in Washington and keep him there.

Commissioner GARRETSON. Have you seen the letterhead, that he is in the field?

Mr. OLANDER. I did not know that there was a bureau of conciliation established.

Commissioner GARRETSON. There is a commissioner under the department, or at least he has a letterhead to that effect.

Mr. OLANDER. I understand that there is one man in the field. I understand there have been several others at various times.

Commissioner GARRETSON. I only know of the one. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Olander.

Call your next witness.

Mr. THOMPSON. I will call Miss Mary E. McDowell.

TESTIMONY OF MISS MARY E. McDOWELL.

Mr. THOMPSON. Give us your name.

Miss McDOWELL. Mary E. McDowell.

Mr. THOMPSON. And your address?

Miss McDOWELL. 4630 Gross Avenue.

Mr. THOMPSON. A little louder, please.

Miss McDOWELL. Gross Avenue, 4630.

Mr. THOMPSON. And what connection have you with the University of Chicago settlement?

Miss McDOWELL. I am head resident, and lived there for 20 years.

Mr. THOMPSON. Twenty years?

Miss McDOWELL. Yes.

Mr. THOMPSON. During your service as head resident of that settlement, have you come in contact with labor problems more or less?

Miss McDOWELL. Yes; more.

Mr. THOMPSON. More?

Miss McDOWELL. Yes.

Mr. THOMPSON. And what particular field in the labor world around Chicago have you come in contact with mostly?

Miss McDOWELL. In my immediate community, with the unskilled worker.

Mr. THOMPSON. Where generally are they employed mostly?

Miss McDOWELL. In the great packing houses and stockyards.

Mr. THOMPSON. What is the condition, if you know, of labor in the industry to-day, generally speaking, and in your own way tell us.

Miss McDOWELL. I have a very late study made by one of our residents, which I can put on record, which will give you all the facts about wages and such things.

Mr. THOMPSON. If you have that we will be pleased to have it.

(The book so presented was marked "Exhibit 1, witness Miss Mary E. McDowell, July 23, 1914." A book entitled "A Study of Chicago's Stockyards Community," by J. C. Kennedy and others, published by the University of Chicago Press, was submitted in printed form.)

Mr. THOMPSON. In your own way, Miss McDowell, tell us as briefly as you can the condition of labor in that field?

Miss McDOWELL. That is a very big question, and I do not know—I have not made a study—I am not an economist—sociologist—I am only a neighbor, living there and know it by contact in that way.

Mr. THOMPSON. Any particular branch of that labor you have made a study of?

Miss McDOWELL. I know particularly of the family. I know what it means not to have quite enough wages. I know what it means not to have a sure job, through personal neighborly contact. And I think very much of the unrest to-day comes from the fact that a community is constantly demanding and putting forward stimulus that creates a growing standard even in unskilled workers' families. You see, even in the immigrant's family, how the simple wants become more and more, and then wages don't supply the needs, and the man's, the husband's wage is not sufficient in that industry, the job is not sure, it is not educational. I don't think there is any difference much in that than in any other great infinitesimally organized industry of to-day. I think that there is no pleasure in the work. It is monotonous. The wages are the only regard. The man does not see the result of his work. He only sees this one single infinitesimal thing he has to do every day and every hour. It is nerve racking; it is irritating. Of course there is no result in it. It seems to me that has a great deal to do. Then I thing that this growing standard of—for instance, this very hot weather, it is very hard on the little babies. The commissioner of health says: "You must kill the flies. You must have sweet milk. You must have certified milk for babies." Well, the man that does not get $2 a day

every day the year around can not supply the ice box, can not supply the ice, and you can not have fly screens. They are crowded into four rooms.

That is the unit generally, that is the standard, below which the American people will not go. And the newly arrived immigrant who has not money enough and crowds boarders, because there are great numbers of young men and young women coming into our neighborhood. They have to live somewhere, and the whole family help out, and it is the family income is the income, and even that is not enough to keep up to its demands. Even our public school's demands to-day, the demand of civilization to-day is greater. We require now in the public schools through our dental and medical inspection, we require that all the avenues to the mind shall be kept free, the adenoids must be removed. The mother is told that, the father is told that the teeth must be cared for, the eyes must be cared for. This is all a tremendous expense in any family life. And when it comes to the unskilled worker's life, you know they can not supply it. And workers the world over, this is not local—workers the world over I think are demanding the minimum of civilized life. But I do not know, it is very difficult to answer just what to do. I think some of us know what we would like to have done. We know what we dream about, what may come to put down this unrest which springs eternal in the bosom of evey human being, because it is the same hope that has been expressed in various ways all down the ages, I think. I do not know, I may be very vague.

I went through an experience in 1904 with the stockyards strike. In every language in the neighborhood you heard, "We can not live a decent American life on 15½ cents an hour with 40 hours a week." That was the average hours through the year. And the union had brought that 15½ cents up to 17½ cents an hour. And skilled workers or unskilled workers, 60 per cent in the stockyards had their wages; they were organized quite down to the last man. It had their wages raised 2½ cents. Now, outside people do not know, they can't realize, the fight, the struggle of six weeks over 2½ cents; it seems to the average outsider a petty thing. It really means the line between poverty and existence to the greatest number of people in that neighborhood. And one woman said: "I would not care if I was sure my husband would have $1.50 every day the year around. But 15 cents an hour, or even 17½ cents, with 40 hours a week—I am not sure that we can take care of sickness."

That was the attitude. It is this growing standard of living. I heard it all the time. It was the basis of the whole struggle. Of course they lost out, you know. I think Mr. Kennedy shows in his studies that they never went back to 8½ cents an hour. The greater number now get 16½ cents an hour where they used to get 15, so that the union did that much for them.

Mr. THOMPSON. Are the laborers in the stockyards organized, or do you know?

Miss McDOWELL. Only a few; little groups here and there; not in any large way at all.

Mr. THOMPSON. Were they organized?

Miss McDOWELL. The personnel is so changed. The fighting Irish have all gone out, mostly, except they work at the bottom a little bit; and the nationalities are so mixed that there is not very much fellowship, and it is a very difficult thing. I don't know whether they are going to do better or not.

Mr. THOMPSON. Were they organized prior to that strike?

Miss McDOWELL. Yes; Michael O'Donnell, I think, organized a very marvelous organization, from the squilgee man up to the top. It was organized in the yards at that time, and it was organized that way, I think, very democratic in its organization. They had a council; they brought in representatives from all the organizations, from the meat cutters and everyone else.

Mr. THOMPSON. That was destroyed by the strike, was it?

Miss McDOWELL. Yes; except, of course, there are some organizations there now, like blacksmiths and electricians, and such as that.

Mr. THOMPSON. How did the strike terminate—killed off or just dying out, or what was the cause of its failure, if you know?

Miss McDOWELL. Well, I do not know. I was not in the heart of it enough to be able to tell just what the failure was due to. I do not know. I think a strike, like a war, can not be run democratically. I think Michael O'Donnell tried to run it democratically. It was his first strike, and the awful expensiveness of democracy we learn by doing.

Mr. THOMPSON. Then you think you must draw one line against a democratic condition?

Miss McDOWELL. No; not at all; not at all. I think we have got democracy. We just learn by doing. It is only we have to learn it that way, I think.

Mr. THOMPSON. What views have you as to any remedy which might be applied to help this industrial unrest and discontent which you speak of? I mean that this commission could do.

Miss McDOWELL. I think along—I do not think anything will ever allay the unrest except democracy in industry. I don't know just what that means, but I think it has to come to pass some way; and I do not feel cocksure about that—about anything, very much. I am very pragmatic. I believe there are many things we ought to do. I think labor is very much involved in the whole city government. I think we must divorce municipal government from national parties, so that we can thus, perhaps, take over some industries.

I think that we must have municipal housing, because I do not see how we are going to house the unskilled workers, from the point of view of health and sanitation and morality, unless the city does it, as they do in Europe. And we do not want a city government to be the landlord, unless—if they are working all the time for some Presidency that is far off, that has nothing to do with municipal housing or garbage, or anything of that kind. Then, I think, as I have listened here, it seems to me we must have some piece of machinery that gives us facts that we believe in. The board of trade in London and in England is believed in; both labor and capital appeal to the board of trade. The minimum-wage boards came out of the board of trade. We have nothing here. Our labor statistics in the State everybody laughs at, always have laughed at; everybody knows that our whole labor department in the State is political, not scientific in any way whatever. We do not trust them. I think that is one of the very first things, one of the very things that I am sure Prof. Commons is tremendously interested in the study. That is one of the very first things that we ought to have.

Mr. THOMPSON. Do you believe perhaps a national industrial council, with power to investigate the facts in the industry both in times of peace and times of conflict, and in time of conflict with power to mediate and conciliate, would be a step in the right direction?

Miss McDOWELL. If we could be sure always, as every labor man has told you, there was no politics and it was nonpartisan and scientific, I should say yes.

Mr. THOMPSON. Assuming we could get those conditions, do you think that would be a step in advance?

Miss McDOWELL. Yes; I think that if we can get the truth and the facts can be made public, and we can trust them; but this is a big country for any one board to take care of, I should think.

Mr. THOMPSON. What other specific idea have you got to state to this commission that they could consider and recommend, perhaps, to Congress to help the situation?

Miss McDOWELL. Germany has an industrial court that I do not know much about, but what little I know about it, it seems to me that was good locally. It was made up of groups of people interested in labor disputes. I should like to have that considered, but I don't know that I have anything more. I think we will have to have, perhaps, a minimum wage for unskilled workers if we are going to—it does seem to me just now that in this country we are deciding what kind of Americans we want; and if we want to keep the standard of American citizenship up to that which—I think the trade-unions always speak of the American standard of living; our neighbors do; the first thing that the immigrant gets is that American standard of living, which means something very distinctive. I think we must have a short workday. I think that is very necessary and ought to be general and ought to be a legal one, so that in some way it could be worked out slowly and not upset all of our industrial life; but all of the demand that is made is for this right to leisure.

Mr. THOMPSON. Speaking about democracy, Miss McDowell, what ideas, if any, have you with reference to helping along democracy in the trades-union itself?

Miss McDOWELL. Well, the only trade-union I knew intimately was the Amalgamated Meat Cutters and Butchers' Workmen of North America, and I thought them very democratic. I at one time went to an initiation of the cattle butchers, when a negro man brought in the group to be initiated, and it took seven interpreters to initiate the group. And as an Irish girl went out with me from the meeting she said, "Well, that is brotherhood all right, isn't it?" I think they were organized in that very democratic way.

Mr. THOMPSON. Well, do you share the opinion which some people have, that in unions there is a large percentage, or a large per cent of unions, that are not democratic?

Miss McDOWELL. Yes; I think there are some unions that are very aristocratic, and yet I hold that even the aristocratic union helps toward the standard of living we demand in America.

Mr. THOMPSON. I was speaking of democracy more looking at the——

Miss McDOWELL. Well, I think they limit their membership; I think they ask a perfectly enormous initiation fee. In Germany I found the metal workers with a half million membership and the smallest initiation fee, making it easy for every metal worker to get into that union.

Mr. THOMPSON. I was looking at it more from the standpoint of the selection of officers and the calling and settling of strikes.

Miss McDOWELL. Well, I don't know a great deal about that, except in the butchers' union, and I thought they were very democratic there.

Mr. THOMPSON. Are you acquainted with what the average rent is for four rooms, say, in the district you speak of?

Miss McDOWELL. Yes. Well, it varies so; as the real estate man says, it is what you can get out of them. Miss Breckenridge and Miss Abbot made a very fine study of 10 blocks, and I think they were not able to tell exactly. But I have computed it at about $2.50 per room, without any conveniences whatever. They give nothing but cold water.

Mr. THOMPSON. Has the rent increased the last few years?

Miss McDOWELL. Yes; it has increased somewhat in the last few years.

Mr. THOMPSON. What do you know about conditions in domestic service; have you made a study of that branch of work?

Miss McDOWELL. Well, the women's trade-union league has organized domestic servants. I think it is one of the questions that the women don't tackle as well as they might. I think it is our special job, but perhaps the brethren will have to do it, because it comes so close to us, just as factory conditions come so close to the manufacturer.

Mr. THOMPSON. Is it generally thought desirable by women workers in such service?

Miss McDOWELL. No. Nobody wants to do domestic service.

Mr. THOMPSON. Do you believe that organization of the servants would help?

Miss McDOWELL. I beg your pardon?

Mr. THOMPSON. Do you believe that an organization of domestic servants would help?

Miss McDOWELL. Well, I would like to see it tried. It is a service where the supply is so slight, the demand so great, that I don't know how far it could go. I think it needs very much to be regulated in some way. I think that outside of a certain small group of people domestic servants don't have at all the right conditions.

Mr. THOMPSON. Is there any other statement you would like to make to the commission?

Miss McDOWELL. I don't think so; it seems I have said a great deal.

Chairman WALSH. Well, you have. We thank you very much. We are trying to hurry through with our program. Mr. Weinstock wants to ask you a question.

Commissioner WEINSTOCK. You have been engaged in your work now for 20 years, Miss McDowell?

Miss McDOWELL. Twenty years in that settlement back of the yards.

Commissioner WEINSTOCK. And you are neither an employer or worker; you speak disinterestedly?

Miss McDOWELL. Oh, I am an employer of a janitor and maids.

Commissioner WEINSTOCK. Yes; but not an employer in the broad way?

Miss McDOWELL. No.

Commissioner WEINSTOCK. Will you tell us, as the result of your observation and experience, Miss McDowell, whether society generally, forgetting the individual employer and forgetting the individual worker and looking for the common good, whether society generally would be made better or worse; that is, the conditions made better or worse by the wiping out of unionism?

Miss McDOWELL. Oh, much worse, I think.

Commissioner WEINSTOCK. Much worse?

Miss McDOWELL. Yes; I think the great mass of skilled workers, cheap labor that is below the scale perhaps of organization, is drawn up and held up by the very standard of organization of labor.

Commissioner WEINSTOCK. You believe, then, that the organization of labor has had an upward tendency?

Miss McDOWELL. Oh, decidedly. I didn't know anybody thought any other way.

Commissioner WEINSTOCK. Well, there are those who think differently. How would the conditions under which the average family of the unskilled worker live to-day compare with those, say, of 20 years ago, when you first entered the work? Are the conditions better or worse?

Miss McDOWELL. It is very hard to answer, because there is a new group coming in all the time from the old country.

Commissioner WEINSTOCK. But striking a general average, if you can?

Miss McDOWELL. Well, I think the generation that lives through the whole process lives on a higher grade, and I think the desire is to be American very soon. It shows itself in the clothes at first.

Commissioner WEINSTOCK. Well, take the average family in your district, in your vicinity, in your territory, in what respect are they better off to-day than a corresponding family was 20 years ago when you first came there?

Miss McDOWELL. Well, they have all moved away; you see what happens to our neighborhood.

Commissioner WEINSTOCK. I am not speaking of any particular family.

Miss McDOWELL. No; I know.

Commissioner WEINSTOCK. But, taking the average family of to-day, how do they live as compared with families in a corresponding strata 20 years ago?

Miss McDOWELL. Well, a study was made of 165 families of unskilled workers, who had $1.65 to $2 a day, all English-speaking, most of them, and it was a study made of the children who could not keep up with their grades, and a very intimate study was made; and it was found that those children did not have sufficient food, because the family had a standard above taking in lodgers and crowding their four rooms with lodgers.

Commissioner WEINSTOCK. That is a recent condition?

Miss McDOWELL. Yes; that is the condition.

Commissioner WEINSTOCK. Were there cases of that sort 20 years ago?

Miss McDOWELL. No.

Commissioner WEINSTOCK. There were not?

Miss McDOWELL. No; and we didn't have 20 years ago such an overcrowded condition there.

Commissioner WEINSTOCK. What is left to them, I should gather from what you say, then, that conditions are not so good to-day as they were 20 years ago?

Miss McDOWELL. Well, you see, I am thinking all the time of one group that has gone away, the whole mass of people that has left us, and the whole mass of people coming over from Galicia and Ruthenia. That is hard to tell.

Commissioner WEINSTOCK. Are we to understand, then, that the family that was in your district 20 years ago is to-day very much better off?

Miss McDOWELL. Yes; if they lived through the process, those that live through the process and the process of becoming——

Commissioner WEINSTOCK. Go up?

Miss McDOWELL. Yes; go up.

Commissioner WEINSTOCK. The tendency is upward?

Miss McDOWELL. Yes; I think the tendency is upward—well, it is hard to say what is upward, of course.

Commissioner WEINSTOCK. You say that the average worker, unskilled worker, gets about $1.65 a day in your vicinity?

Miss McDOWELL. Yes; $1.65.

Commissioner WEINSTOCK. Can you recall what that same kind of worker got 20 years ago?

Miss McDOWELL. Well, all those figures are in that book. I am not very good about figures, and I have handed them over. But there has been an increase in the lowest wages and a decrease in the middle wages of the stockyards. It is such a huge industry, don't you know, there are very few skilled at the top—60 per cent so-called unskilled.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Commissioner O'CONNELL. Do you think, Miss McDowell, there ought to be any further restriction of immigration?

Miss McDOWELL. I don't think we ought to restrict immigration except on the lines that prevent artificial stimulus, until we have tried every other method of caring for the immigrant in this great country of ours. I can't bear the idea of restriction of immigration.

Chairman WALSH. That is all. Thank you, Miss McDowell.
Call your next.
Mr. THOMPSON. Is Prof. Deibler here?

TESTIMONY OF MR. F. S. DEIBLER.

Mr. THOMPSON. Prof. Deibler, will you give us your name, please?
Prof. DEIBLER. F. S. Deibler.
Mr. THOMPSON. What is your address?
Prof. DEIBLER. No. 2119 Sherman Avenue, Evanston, Ill.
Mr. THOMPSON. Are you connected with the Northwestern University?
Prof. DEIBLER. Yes, sir.
Mr. THOMPSON. In what capacity?
Prof. DEIBLER. I am associate professor of economics.
Mr. THOMPSON. I didn't get you.
Prof. DEIBLER. I am associate professor of economics.
Mr. THOMPSON. How long have you occupied that position?
Prof. DEIBLER. I have been in the Northwestern University for 10 years.
Mr. THOMPSON. For 10 years. Are you connected with the City Club of Chicago?
Prof. DEIBLER. Yes, sir.
Mr. THOMPSON. What position do you occupy there?
Prof. DEIBLER. I am chairman of the labor committee of the City Club.
Mr. THOMPSON. Now, Mr. Deibler, in your position as a professor of economy, have you considered the question of the industrial unrest which exists, or is supposed to exist, throughout the country?
Prof. DEIBLER. Well, I have given the labor conditions in general quite a good deal of thought the last few years.
Mr. THOMPSON. Well, do you think such unrest exists, as a matter of fact?
Prof. DEIBLER. I think there is unrest; yes.
Mr. THOMPSON. To what exent, in your opinion, does it exist, what is its cause, what is your idea of the cure to be applied?
Prof. DEIBLER. Well, it is pretty hard to say to what extent or to say what are the causes, because I think there are a good many causes of unrest. Some of them are pretty deep-seated, and depend upon our general economic conditions. We have gone through in the last 25 years quite a good deal of centralization of industry which has had a marked change upon the general market conditions. The opportunities for draining off labor supply, taking up the land supply, and things of that kind. More immediately, I think, that the prices have risen faster than wages, and that has been the cause for dissatisfaction and unrest. Others might be mentioned. I think, perhaps, those cover the main features.
Mr. THOMPSON. What, in your opinion, would be the remedy?
Prof. DEIBLER. You would have to fit the remedy to the specific unrest. On questions of wages, I think that wages in the main could be—the conditions affecting wages could be remedied largely through organization both on the part of the employer and the employee. I think that would be one of the most effective methods of improving those conditions. In some respects it would require legislation, perhaps. I have in mind now particularly the situation here in Illinois, which, I think, obtains in certain other States. We need better organization of our labor department and we need in that organization certain modifications of the law which would enable us to have better arbitration features than we have and a number of features of that character that could be mentioned. I think that this commission would be helpful if it would work out some sort of arbitration scheme and more or less standardize the conditions of arbitration in the various States. I recognize the difficulty of the Federal Government interfering with the State government; but we all know the uniform State child-labor law, that was adopted by a committee, was influential in standardizing the child-labor law in the various States.

I have a feeling that a commission of this character, giving its stamp of authority to some sort of legislation and organization of a department, and also as to the means of arbitration and conciliation between employer and employee, would be followed in the various States and standardize that condition.

Mr. THOMPSON. Do you think that the establishment of a national or Federal industrial council, with power to investigate the condition in industries, both in times of peace and specific questions in dispute in time of dispute, and with ad-

ditional power to conciliate, mediate, and, if necessary, arbitrate upon agreement of the parties—do you think that would be a good thing or not?

Prof. DEIBLER. I feel an industrial council somewhat similar to the industrial council of England would be beneficial.

Mr. THOMPSON. Have you any specific idea you would care to give to the commission with reference to the subject of conciliation and arbitration?

Prof. DEIBLER. Well, I think that the conciliation as it has appeared in the various States—by a committee that has been appointed, usually, by the governor—has not been very successful, and I think it would be very much better if that industrial commission of the labor department, organized something like New York or Wisconsin, an industrial commission would be helpful.

And there might be within the State an industrial council made up of employers and employees, from which there could be selected in the various industries—I don't expect to give all the details, but it appears to me there could be elected proper conciliators. I think there is a disposition among laborers and employers to disregard the arbitration as it appears in most of the States and to regard it as a nonentity. It does not have their confidence. They don't have confidence in it. It does not have any influence. Whereas if the conciliation and arbitration is conducted and administered, perhaps, from their own members, they would have more confidence in them. However, if such a plan is not connected with some more or less permanent State body, it would lose the benefit of experience, and hence I think there should be a centralized labor department with conciliation features so that there will be permanent machinery.

Mr. THOMPSON. Referring to the subject of collective bargaining, what are your ideas thereto as to utility and need and help to the worker and industry generally?

Prof. DEIBLER. Well, my own opinion is that in most cases—most industries—collective bargaining is necessary to protect the interest of the employee. The individual bargaining does not adequately protect the interest of the employee, for this reason, the wage to the individual is of much more importance to him than the services of one man is to the employer; but if all of the men agree to work in common his interest in all of their services is quite as much as the interest of any individual is in his own wage; consequently, in modern industry, I don't see any way out but what collective action is necessary to establish economic justice between employer and employee.

Mr. THOMPSON. Take the subject of trade-unions, as to method and scheme of their organization, either as to craft or industry, and also as to the method they use during time of peace and during time of strike; what have you to say to the commission.

Prof. DEIBLER. Well, that covers a number of points in that question, I think. Of course there is a good deal of agitation at the present time as to whether industry should be organized on the craft line or on industry lines. I have the opinion, feeling, perhaps I should say, that the tendency is in the direction of organizing labor on industry lines, so that the bargain will be coextensive.

Commissioner O'CONNELL. Do you mean organizing on industry lines or organizing an industry organization?

Prof. DEIBLER. Well, I have in mind this situation, that take the coal miners. There was a time in which there was some craft organization.

Commissioner O'CONNELL. That is an organized industry.

Prof. DEIBLER. Yes, sir.

Commissioner O'CONNELL. But not an industry organization, in the sense of organizing the entire——

Prof. DEIBLER. Oh, no.

Commissioner O'CONNELL. I want to differentiate between the two.

Prof. DEIBLER. Not taking all labor together, but making a collective agreement, coextensive with the individual; that is the thing.

Commissioner O'CONNELL. The organization of an industry?

Prof. DEIBLER. Yes, sir.

Chairman WALSH. Proceed. I think you were saying something when Mr. O'Connell asked you that question. I thought you didn't quite finish it.

Prof. DEIBLER. I was just saying I think the tendency was in the direction of organizing labor on the basis of the industry rather than on the basis of the craft.

Chairman WALSH. I thought you were going to give whether or not that was desirable.

Prof. DEIBLER. I think it is desirable, otherwise it tends in the direction of jurisdictional disputes, and I think it works for unrest and dissatisfaction all the way around.

Chairman WALSH. Where should the line be drawn?

Prof. DEIBLER. I think it should largely be drawn by the extent of the organization of the employers. If the industry includes certain classes of workers, I think on the whole it would be better that the agreement cover all that are involved there, otherwise there is a chance for the employer to play one group up against the other.

Commissioner O'CONNELL. In the steel industry, would you go into the ore, too?

Prof. DEIBLER. Well, I haven't thought of that particularly.

Commissioner O'CONNELL. For instance, the United States Steel Co., they own ore mines. Would you put them in one organization?

Prof. DEIBLER. Perhaps it might be necessary under those circumstances. I know some industries have difficulty. I know certain unions that have had to deal with such problems, and in negotiating their agreement they have negotiated for particular groups, although different unions. Of course those are problems.

Commissioner O'CONNELL. Would you put all railroad employees in one union?

Prof. DEIBLER. I think I would, as their tendency is in that direction; the federation is in that direction.

Commissioner O'CONNELL. I leave you to the mercy of Brother Garretson.

Prof. DEIBLER. I have no doubt.

Mr. THOMPSON. What have you to say with reference to the methods used by the unions in time of peace and in time of war?

Prof. DEIBLER. Well, could I ask to have that a little more specific?

Mr. THOMPSON. Well, I mean have you any views as to the method used, such as restriction of membership in time of peace; high initiation fee?

Prof. DEIBLER. I think the trade-union that undertakes to limit its membership by high fees tends to establish a monopoly of labor and is unwise from their point of view, and would be just as detrimental to the community as monopoly on the side of the employer.

Mr. THOMPSON. Take the limitation of output, check-off system, standardization of wages, closed shops.

Prof. DEIBLER. I do not believe in limitation of output, as it is commonly stated. Of course there are different kinds of limitation of output; we have limitation of output, I suppose, when we pass an eight-hour day, and things of that kind that would be perfectly legitimate if in behalf of humanity. If it is taking the matter into the hands of the employee without the consent of the employer and limiting the output, as the accusation is sometimes made, I think, that is detrimental. I think it operates detrimentally to the laborers themselves to the extent which the limitation of output goes when you abuse its use.

Mr. THOMPSON. Is there anything else you specifically have in mind that you would like to tell this commission which will throw light on industrial problems, in regard to any angle of it, on which you feel you have something to say and would like to say?

Prof. DEIBLER. I have not prepared a brief. I was expecting to answer questions more particularly.

Chairman WALSH. At this point we will adjourn to meet in this room tomorrow morning promptly at 10 o'clock.

(At 4.30 p. m., Thursday, July 23, 1914, an adjournment was taken until Friday, July 24, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Friday, July 24, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Lennon, O'Connell, and Garretson. William C. Thompson, counsel.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Is Mr. Gindele here?

TESTIMONY OF MR. CHARLES W. GINDELE.

Mr. THOMPSON. Will you give us your name?

Mr. GINDELE. Charles W. Gindele.

Mr. THOMPSON. Your business address?

Mr. GINDELE. 3333 La Salle Street.

Mr. THOMPSON. And your business?

Mr. GINDELE. General contractor in the building construction line.

Mr. THOMPSON. Your business is all over the country, is it?

Mr. GINDELE. To a certain extent; yes, sir. Of course, most of it in the Middle West.

Mr. THOMPSON. Principally in Chicago?

Mr. GINDELE. Very little work, if any, in Chicago.

Mr. THOMPSON. Are you speaking now or generally that you do little work here in Chicago?

Mr. GINDELE. We have not done any work to amount to anything in Chicago since 1887.

Mr. THOMPSON. Are you familiar, Mr. Gindele, with the labor conditions in the building trades in Chicago?

Mr. GINDELE. To a certain extent.

Mr. THOMPSON. Are you familiar with the conditions of labor in the building trades in the Middle West generally?

Mr. GINDELE. Not very much.

Mr. THOMPSON. Well, in your work as a contractor you have come in contact with labor. You use it, do you not?

Mr. GINDELE. Personally, I have not come in contact with labor to a great extent since 1900.

Mr. THOMPSON. 1900?

Mr. GINDELE. I am the head of the Charles W. Gindele Co., and the business is generally run by the general manager.

Mr. THOMPSON. Who is the general manager of the company?

Mr. GINDELE. Charles H. Rioch.

Mr. THOMPSON. Has he more information in reference to the labor problem than you would in that particular?

Mr. GINDELE. I hardly know as he would, for this reason: That in whatever city we do work in the construction line we comply with the conditions as far as labor is concerned in that city.

Mr. THOMPSON. I am speaking of the building industry in this city; is labor well organized?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. It is?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have the various labor organizations agreements with the builders?

Mr. GINDELE. To a great extent; yes, sir.

Mr. THOMPSON. Are the builders—I mean contractors—in the city of Chicago organized into an association?

Mr. GINDELE. Yes.

Mr. THOMPSON. Have they been for many years?

Mr. GINDELE. There have been contractors' organizations for years in the city of Chicago. There has always been what is known in the city of Chicago as the building contractors' association, which is out of existence at the present time, and in its place has sprung up the Building Construction Employers' Association, which organization at the present time, July 1, has in it 640 members; recently the carpenters' association affiliated with us, making an additional number of 506, making a total of eleven hundred and some odd members.

Mr. THOMPSON. Is it general in making arrangements with organized labor in this city that these associations of employers make agreements with the organizations of the unions?

Mr. GINDELE. Yes, sir; the major portion of them. The fan back here knocked off your question.

Mr. THOMPSON. I will talk a little louder. What I mean is, the individual contractor as such does not make an agreement with the union, does he? In other words, the agreements are made by the association of contractors?

Mr. GINDELE. In so far as your first question is concerned, the individual contractor has no hand in the making of the contract, the union generally puts the contract before him which he has to sign.

Mr. THOMPSON. The union seeks to make a contract, putting it in that way, and do they seek the contract from the individual contractor, or seek it from the association of contractors?

Mr. GINDELE. Well, there is an organization of employers, and they generally try to make an agreement with them, but there are some instances where

they go out on a strike, and if they get advantage of the strike they compel the employers to sign individual contracts of their own making.

Mr. THOMPSON. But leaving out the question of strike conditions, but in time of peace and the ordinary pursuit of the industry, the unions seek to make contracts with the organization or association of contractors?

Mr. GINDELE. Generally.

Mr. THOMPSON. In Chicago to-day is that the rule?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have you an arbitration board in Chicago under arrangement with the unions in the building trade?

Mr. GINDELE. We have a number of arbitration agreements in existence in Chicago at this time. There is one agreement that is formulated between the two central organizations, the building construction employers' association on the one side and the building trades council on the other. That is an agreement in which any jurisdictional matters that may arise are to be adjusted by the joint conference committee, consisting of 12 members. Under the agreement, during the adjustment of the jurisdictional matter, there is to be no cessation of work. Then there is an arbitration agreement existing between the employers' association on the one side in a trade and the employees on the other side. But in a great many instances those agreements are not fully carried out by the employees. So far as the joint board of arbitration is concerned, those agreements stipulate that under no circumstances shall there be any cessation of work or any strike called by any business agent until the grievances have first been submitted to the two presidents of the organizations, and if they can't agree, to be submitted to the joint board of arbitration, but in a great many cases the business agents or officials of employees' organizations do not abide by that agreement.

Mr. THOMPSON. Taking up the first form of arbitration you spoke of, that relating to jurisdictional disputes. By jurisdictional disputes you mean, of course, the disputes between the ranks of the unions themselves, between different unions?

Mr. GINDELE. I can't quite catch all of that.

Mr. THOMPSON. You mean by jurisdictional disputes one that is between different unions?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have there been many such disputes in the building trades in the city of Chicago?

Mr. GINDELE. Yes.

Mr. THOMPSON. Would you say they have been of frequent occurrence?

Mr. GINDELE. They were prior to July 18, 1912.

Mr. THOMPSON. Were these jurisdictional disputes marked with a great deal of——

Mr. GINDELE. Allow me to correct that. I think I said 1912. 1913, last year.

Mr. THOMPSON. Were these jurisdictional disputes marked with a great deal of bitterness on the part of the unions?

Mr. GINDELE. They were.

Mr. THOMPSON. Do you know whether there were any violations of the law in the carrying out of those disputes; I mean such as the beating up of men, and in other respects?

Mr. GINDELE. Up to the time of 1911 I wasn't very well conversant with the labor situation in Chicago for the reason I had retired to a great extent from business and also from the labor game, and in 1911 I again joined hands with some of the contractors of Chicago for the purpose of formulating the central organization which is in existence to-day. At that time and prior to that time the jurisdictional matters caused a great deal of trouble and distress in our city. From that time on they have been getting fewer and fewer, until we had a cessation of work in June and July a year ago. The outcome of that cessation of work brought about the formation of this joint agreement that is between the building trades council and our association to-day. At that time there were a great number of jurisdictional matters in dispute, and they were adjusted during that conference, and since that time there have been very few jurisdictional matters come up that the joint board had to adjust.

Mr. THOMPSON. The formation of your arbitration agreement was caused by the fact of these jurisdictional disputes, I take it?

Mr. GINDELE. To a great extent; yes, sir.

Mr. THOMPSON. In the formation of that board of arbitration to meet that condition, did you take into consideration the effect of the arbitration board in New York in the building trades?

Mr. GINDELE. Well, to a certain extent. The New York arbitration board really got their first formation of arbitration from the city of Chicago, the strike of 1900—or the lockout of 1900. At that time the building industry of Chicago got at peace and harmony, and continued so for a number of years, and in the meantime the building contractors' council was not as effective, because they thought peace and harmony would reign. But during the time organized labor again built up and became strong, and when they commenced feeling their strength, why, then again depredations and strikes, and such like, came on up until 1911, when the contractors again got together and then formulated the organization that exists to-day, on some different basis than it ever had been formed before. And as the thing stands to-day, we believe we have got about as good a system, as far as local conditions are concerned, to be adjusted in labor matters.

Mr. THOMPSON. Referring to the labor agreement that you have and the form of arbitration, is that in printed form?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have you got a copy of that with you now, Mr. Gindele?

Mr. GINDELE. I have got a copy of the constitution and by-laws. This is the document; this is the constitution and by-laws [producing paper]. I wish to say, Mr. Thompson, with reference to our constitution and by-laws, they were formulated in the spring of 1911. The association has been in existence now for three years, and during those three years we have found where it has been advisable to amend the constitution and by-laws according to certain conditions that were encountered during the last three years, and the committee on the revision of the constitution and by-laws is at work at the present time, but they have not made their report as yet.

(A paper entitled "Synopsis of proceedings of joint conference committee, the Building Construction Employers' Association of Chicago and the Building Trades Council of Chicago, held at Chamber of Commerce Building, Chicago, July 3–18, 1913," and a booklet entitled "Constitution and By-laws of the Building Construction Employers' Association of Chicago," were submitted in printed form.)

Mr. THOMPSON. When they do, Mr. Gindele, would you mind seeing that the commission is furnished with a copy of the amendment?

Mr. GINDELE. With pleasure.

Mr. THOMPSON. Taking up the question of jurisdictional strikes, Mr. Gindele, again, in addition to the violence which you have spoken of, which they caused, did they cause a loss to workingmen, to contractors, and to the owners of buildings in this city?

Mr. GINDELE. They caused what, Mr. Thompson?

Mr. THOMPSON. A loss, financial loss?

Mr. GINDELE. Well, at any and all times when there is a cessation of work, there are losses.

Mr. THOMPSON. Have you got any record, or are there any records in existence in this city showing the number, character, and extent of the jurisdictional disputes here in the building trades?

Mr. GINDELE. Our association has none. We do not keep that sort of record; but the newspapers generally keep that record, and they keep it more accurately than the association, because we can't always get the full facts from both sides.

Mr. THOMPSON. Have you any opinion now in round figures as to the probable loss to the people of Chicago—working people and contractors and owners of property—arising from the jurisdictional disputes?

Mr. GINDELE. I can not give you any figures. All I can give you is what I have heard during the existence of jurisdictional methods that have brought about a cessation of work where the merchants and everybody else complained about dull times. I have no doubt it ran into millions of dollars.

Mr. THOMPSON. To put it in another form. Have those jurisdictional strikes been a serious financial loss to the community as such?

Mr. GINDELE. Yes, sir; they were prior to 1913. Not so much up to the present time.

Mr. THOMPSON. In this printed information which you have given to us with reference to the present arbitration board to take care of jurisdictional strikes,

does it contain all of the details of the organization and other information so that the commission will understand how it works?

Mr. GINDELE. Well, there is not much detail about it. The agreement just merely stipulates in itself that a joint committee is to exist, consisting of an equal number from the employers' and employees' organizations, and that any jurisdictional matters that may come up will be adjusted by that committee and there will be no cessation of work during the adjustment of it. That is about all the detail there is to it.

Mr. THOMPSON. Have any decisions been made by this board of arbitration?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Are they in writing?

Mr. GINDELE. Printed form.

Mr. THOMPSON. Printed form?

Mr. GINDELE. Those that have been made up to the present—to the date of this present pamphlet.

Mr. THOMPSON. Will you be willing to furnish the commission a copy of that document?

Mr. GINDELE. Yes. This is up to May 1, 1914. And there have been a few made since, which I will call on the secretary to furnish you before the commission adjourns.

(The witness later submitted, in printed form, a booklet containing "Decisions of the joint conference committee representing the Building Construction Employers' Association of Chicago and the Chicago Building Trades Council," under the joint agreement adopted July 18, 1913.)

Mr. THOMPSON. With regard to the organization in the building trades, Mr. Gindele, do you feel, from your experience as a contractor and builder, that a union among the men is a good thing? Do you feel that it is necessary, we will say, to have an organization among the contractors and builders also? In other words, do you believe that both sides should be organized and strongly organized?

Mr. GINDELE. Yes, sir; for this reason: For the welfare of the rank and file, with an agreement as it exists at the present time between the central organizations of our city, and if it is abided by by the parties affiliated with the agreement it is something that the rank and file has never had heretofore. As the agreement stands, and if it is abided by by the parties to the agreement, the rank and file is in a position where when he leaves the house in the morning he is guaranteed a day's work, and where before this agreement was formulated he never knew when he would have a day's work or whether he would not have a day's work. But one trouble is that as far as the agreement is concerned on the party of one side they do not quite all acquiesce to the agreement. A major portion of the affiliated bodies of the building trades council adhere to the agreement, but there are some dissenting organizations. Why, I know not. They evidently know to the best of their own reasons about it, but if every organization of employees would adhere to the agreement as it exists between the two central organizations I know of no better system to bring about rest in industrial building in the city of Chicago.

Mr. THOMPSON. In your opinion, do you believe that you could have brought about this present arbitration agreement of settling jurisdictional disputes if you had not had a strong body of contractors, or organization of contractors?

Mr. GINDELE. The agreement that is in existence to-day between the two central organizations was brought about by a very small organization of contractors at the time it was installed. The labor element, the conscientious labor element, was heart and soul for the formation of this agreement; and the conscientious labor man, leader, to-day upholds it, and is only too willing and anxious that it shall remain in existence.

Mr. THOMPSON. Were you in the city of Chicago, Mr. Gindele, at the time of the late brick strike?

Mr. GINDELE. Yes.

Mr. THOMPSON. Do you know whether or not the brickmakers who went on a strike were affiliated with the building trades or not?

Mr. GINDELE. I understand the brickmakers were affiliated with no organization.

Mr. THOMPSON. About how many brickmakers were there on a strike, in general numbers?

Mr. GINDELE. All I know is from the report I have seen in the daily papers, about 2,700.

Mr. THOMPSON. About 2,700? What was the effect of that strike of 2,700 men on the building industry of the city of Chicago?

Mr. GINDELE. It was quite extensive. It threw out of employment in the building industry, according to calculation of our association, 125,000 to 150,000 men.

Mr. THOMPSON. What was the loss in wages, in your opinion, to the 125,000 to 150,000 workers in the building trades who were thrown out of work by reason of the strike?

Mr. GINDELE. Not having made any tabulation or calculation and from what reports I have seen from the papers, over a million of dollars.

Mr. THOMPSON. A million dollars per month?

Mr. GINDELE. No, sir; during the three months. On those figures I am not positive, you know.

Chairman WALSH. Your approximation is that the loss of wages ran into the millions of dollars?

Mr. GINDELE. Yes; I don't undertake to state that as far as the building industry is concerned, but also as far as the general public is concerned.

Mr. THOMPSON. Now, Mr. Gindele, have you any opinion or any remedy in mind or anything which would help the situation like that and prevent such an enormous loss to the community by reason of a strike of a few hundred men?

Mr. GINDELE. I didn't get the question.

Mr. THOMPSON. In the consideration of that trouble and the loss it occasioned to third parties, have you any idea as to what should be done to remedy such a situation?

Mr. GINDELE. Yes, sir. I believe if every organization of employers in the city of Chicago should affiliate with some central party and that body have an agreement with the employees similar to the agreement that exists between the building employers' association and the building trades council, it would do away with all difficulties so far as the future is concerned with reference to agreements and such like and which has existed heretofore and which exists to a certain extent to-day. The one-man power on the employees side, known as the business agent, has got entirely too much authority. There are a number of organizations of employers and employees which have agreements between them and the business agent to a great extent ignores the stipulations in those agreements. If he finds anything that in his mind he thinks should not be, whether it is right or wrong, he calls off the men, not only as far as his part of the work is concerned, but with the exchange of cards the business agents have, they also call off the other men, and not paying any attention or abiding by the agreement. Wherever any difficulty arises under that agreement the business agent's duty should be to notify the president of his organization, and the two presidents get together, as I sated in the fore part of my testimony, if they could, to adjust the differences, and if they can't adjust them, then the matter should go to the joint board of arbitration. If they would conform to the agreement there would be a great deal of trouble that would be avoided and a great many men have their day's work. But the power is too great—the one-man power.

Mr. THOMPSON. What remedies would you suggest, Mr. Gindele, to reduce the power of this one man, who apparently violates agreements made in good faith?

Mr. GINDELE. First of all, I believe that any and all labor organizations ought to be incorporated under the State laws of every State they exist in, so that they would become a responsible body. As they are to-day they are an irresponsible body in case of trouble. The same way as far as the employers' organizations are concerned. And when that can be brought about, rules and regulations can be made whereby the business agent, calling for a strike, not having given it a thought, but calling it promiscuously, there would be a punishment imposed upon him, and for the second offense that he be removed from office.

Mr. THOMPSON. I didn't get the last, Mr. Gindele.

Mr. GINDELE. And for the second offense be removed from office.

Mr. THOMPSON. Have you any ideas as to what reforms could be carried on in the organizations of the unions themselves which might curb or prevent the exercise of such arbitrary power by one man?

Mr. GINDELE. That is a reform that ought to be brought about within the organization itself.

Mr. THOMPSON. You have no notions as to how it might be obtained?

Mr. GINDELE. It could be done by perhaps a referendum vote or election where each and every individual of the organization can deposit his ballot as he sees best, and after that ballot has been deposited that it is fairly counted.

Mr. THOMPSON. You think that would help a lot?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Referring to the employers' associations, Mr. Gindele, where you have a strong employers' association, has it the power to discipline one of its own members?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. So as to compel him to perform and carry out contracts made?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. With organizations of labor?

Mr. GINDELE. Yes, sir. The building constructors employers' association membership are under bond; each and every individual member executes a bond in accordance with the amount of work that he generally does during the year. He also signs an agreement, which stipulates as to what the duties are and for any violation, and if he violates any of the stipulations or anything that the executive board may do or bring about the matter is brought before the grievance committee, the case investigated, and a penalty imposed.

Chairman WALSH. Has he a form of the bond?

Mr. GINDELE. If he don't pay the penalty, why, we call on the bondsman.

Mr. THOMPSON. Have you a form of the bond that you use in your association?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Will you furnish the commission with it?

Mr. GINDELE. Also a form of the agreement.

Mr. THOMPSON. While he is getting those documents I will ask you this question, Mr. Gindele: A strong employers' organization gives an opportunity to repress the unfair employer and to compel him to conduct fair means.

Mr. GINDELE. Those who are members of the organization; yes, sir.

This is the agreement that each individual member has to execute.

(The agreement mentioned was submitted in printed form.)

And this is the bond that covers the agreement.

(The form referred to was submitted in printed form.)

Mr. THOMPSON. Have you in operation in Chicago, Mr. Gindele, a system among the unions known as the permit system?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. What is the permit system?

Mr. GINDELE. The permit system—first, an organization, a certain number of members, and they feel inclined to take in no more members into that organization, although in that craft there may be a number in the city or there may be a number who come from other cities who belong to and carry the card of the international organization or the national organization. The employees' organization, instead of increasing its membership when application is made, they issue a permit. For instance, I want a man in a certain trade, and I call upon the office of the secretary of that trade and ask him if he can send certain men to my job. He says, "Mr. Gindele, we haven't got any now; we will send you a permit man or two." They give that man a permit. He comes to my job. The consequence is he may be a good, first-class mechanic, and I am pleased to have him. But just so soon as one of the members of the organization is out of a job they send that man to my job and take off my permit man, whether I like it or not, whether the man they send is as competent as the one I have got. The permit business is something that is detrimental, not only to the employee but also to the employer to a great extent.

Mr. THOMPSON. What remedy would you suggest for it, Mr. Gindele, if you have one?

Mr. GINDELE. Well, there could be several. First of all take the permit men, for the reason, if he is a union man, they have a right to give him a clearance card. That clearance card ought to allow him to work on any job in the city. If they do not want to take him up as a member, or if he don't want to take or feel inclined to become a member of this local, he may be a local of some other city; second, if the permit system should exist and he be carried on in the future, the employer should have the right to say when that permit man is to be laid off, and not to be laid off at the dictation or suggestion of the business agent.

Mr. THOMPSON. These permit men, of course, are union men?

Mr. GINDELE. Yes.

Mr. THOMPSON. And belong to the same international?

Mr. GINDELE. Same national or international organization.

Mr. THOMPSON. What is your idea of the reason that the local unions in Chicago insist upon handling the matter in the way you say they do?

Mr. GINDELE. As I understand—I do not know it to be a fact, but I believe it—the permit man pays a certain amount to the business agent or the association for the privilege of working, and in that way quite a revenue—to whom I know not.

Mr. THOMPSON. Is the system in general operation in the city of Chicago?

Mr. GINDELE. To a great extent.

Mr. THOMPSON. Have you any other ideas as to the method of settling jurisdictional disputes other than what you have stated?

Mr. GINDELE. I know of no other. I believe the system that we have adopted, as far as our local conditions are concerned, are about the best that we have found out in all the years of this labor unrest.

Mr. THOMPSON. But these international unions, Mr. Gindele, who have jurisdictional disputes here operate, most of them, all over the country, do they not?

Mr. GINDELE. To a great extent; but still at the same time you take it, as far as national or international organizations are concerned, and a jurisdictional matter should spring up between some of their affiliated bodies and in annual convention convened, those who who have the major portion of the influence of that body, whether right or not, harass. Also the national bodies have made decisions that conflict with one another and thereby bring about greater unrest. If the jurisdictional matter—that is, the settling, or the system that has been put in Chicago—be central organizations, where local conditions are concerned, they are more versed with the situation and know better how to decide, as far as jurisdictional matters are concerned.

Mr. THOMPSON. Do you see any danger in the fact you may have in Chicago one settlement of a jurisdictional dispute and in New York you may have the opposite settlement?

Mr. GINDELE. No; for the reason we decide on local conditions.

Mr. THOMPSON. But does that embrace the conflict between international organizations for possession of the work?

Mr. GINDELE. As far as our present conditions in Chicago are concerned, with our employees we have agreed to abide by the decisions, so far as local conditions are concerned, irrespective of any decision, so far as the national organization is concerned.

Mr. THOMPSON. You believe that is the best method?

Mr. GINDELE. Yes; for the reason the conditions here may be a great deal different from what they are in New York, Cincinnati, or elsewhere.

Mr. THOMPSON. In your business as a contractor, coming in contact with labor, I presume you have some idea with reference to the industrial unrest which is said to exist in the Nation?

Mr. GINDELE. I know not so much about what exists in the Nation, but as far as the unrest is concerned in our city here, it is caused greatly by certain labor leaders, and especially so far as the business agent is concerned; there would be very little unrest in the labor conditions in our city if each party would carry out the agreement to the letter as they exist.

Mr. THOMPSON. Where labor is unorganized there is no business agent, of course?

Mr. GINDELE. Certainly not—I don't suppose there is.

Mr. THOMPSON. Do you believe that unorganized labor in and about Chicago is contented with its lot?

Mr. GINDELE. I don't believe they are as contented in their lot as organized labor would be contented provided the agreements are carried out according to the letter and spirit of them.

Mr. THOMPSON. I am speaking more generally of industrial unrest on behalf of the people as a whole.

Mr. GINDELE. Well, as far as the whole is concerned, I believe that, as far as the field is concerned—I am speaking now of the building industry and not in other branches—that organized labor fares better than unorganized labor, but I believe, as far as shop conditions are concerned, that unorganized labor fares better than organized labor, for this reason: In shops the men are generally employed the year around, year in and year out. In the field it is a floating craft, as far as craftsmen are concerned, and I believe, as far as shop condi-

tions are concerned, they are a hundred per cent better off without union conditions than they would be, for the reason that if union conditions existed in shops there is always some disturber among them who creates a sort of dissatisfaction, and after he has created the dissatisfaction he dwindles out of sight and has nothing said about him, and for that reason I believe shop conditions ought to be left open for the welfare of the employees and in the field work union organizations.

Mr. THOMPSON. With reference to the general cause of industrial unrest, you have nothing to say—you have no opinion as to whether a general state of unrest exists or not, outside of the building trade?

Mr. GINDELE. Well, I haven't given much attention outside of the building trade. I have made that more of a study, but evidently there is not so much unrest in the unorganized labor in our country for the reason that there is a very small per cent of it organized, and if a general unionism throughout the country is more beneficial than unorganized labor I naturally suppose there would be more organizations.

Mr. THOMPSON. Referring to the building trades again, just for a moment. You say you do business not only in Chicago, but throughout the Middle West here?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Do the Chicago decisions with reference to jurisdictional matters have weight elsewhere, outside of Chicago?

Mr. GINDELE. They have, as far as any work of my company is concerned.

Mr. THOMPSON. Isn't it a fact your business is not a local business—the building trade is all more or less of a nation-wide character?

Mr. GINDELE. Well, we are not local and we are not nation wide for this reason: There are certain corporations we do some work for within a radius of 500 miles of Chicago and we very seldom go beyond that radius.

Mr. THOMPSON. That is all.

Commissioner GARRETSON. You made the statement you believed labor organizations should be incorporated as well as employers' associations, and that a business agent who violated an agreement should be punished therefor, and for the second offense removed from the office. That was your declaration?

Mr. GINDELE. That is, as far as the building industry is concerned, in our city.

Commissioner GARRETSON. Yes; I am perfectly willing to narrow it to the building industry. Do you believe that the contractor or subcontractor who violates an agreement should be punished and the second time be barred from following that avocation?

Mr. GINDELE. I do.

Commissioner GARRETSON. Good. That is all.

Commissioner DELANO. Mr. Gindele, when you do work in a city, whether Chicago or elsewhere, where these labor conditions are such as to cause jurisdictional strikes or interruptions, does that add to the cost of doing work—building work?

Mr. GINDELE. Any cessation of work adds to the cost of the building work.

Commissioner DELANO. Well, who in the long run pays that cost; do you contractors have to stand it or do you add it to the cost of the building?

Mr. GINDELE. To a greater extent it is paid by the contractor for the reason that he has a set price for his work. And if any cessation of work occurs during the construction of that building he is in no position to stop his overhead expense, and in that way it increases the cost to the contractor.

Commissioner DELANO. If you take a job in the city that was notoriously bad in that respect, or where you had had bad experience before, would you, in making your bid for work, or would any other contractor—would he add something to the price of doing the work?

Mr. GINDELE. Some might and some would not. Those that did would be liable to lose the job.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell.

Commissioner O'CONNELL. Mr. Gindele, have there been any members of your association expelled for noncompliance with the rules and regulations?

Mr. GINDELE. No, sir.

Commissioner O'CONNELL. Have there been any concerns in your association that have violated their contracts with the unions?

Mr. GINDELE. Yes, sir.

Commissioner O'CONNELL. What has been done in their case?

Mr. GINDELE. They have been fined.

Commissioner O'CONNELL. Fined how much?

Mr. GINDELE. According to the offense—from $50 to $250.

Commissioner O'CONNELL. About how many of them have been fined $250?

Mr. GINDELE. Oh, quite a number of them; I don't know just how many offhanded.

Commissioner O'CONNELL. Fifty?

Mr. GINDELE. Sir?

Commissioner O'CONNELL. Fifty of them?

Mr. GINDELE. No; I don't think there were that many that were fined—50 of them fined $250. There was quite a number. Perhaps the secretary, when you get him on the stand, can tell you that.

Commissioner O'CONNELL. Have any of these that have been fined been fined a second time?

Mr. GINDELE. No, sir.

Commissioner O'CONNELL. The one fine seemed to correct it?

Mr. GINDELE. It helped it.

Commissioner O'CONNELL. Are there any particular firms that seem to have trouble more than other firms with the unions or the business agents?

Mr. GINDELE. Well, that depends a good deal on the magnitude of the job. For instance, you take a large building like the Lumber Exchange that is being constructed across the way, when it gets a little further advanced there will be a large number of crafts working in the building. And sometimes from the number of craftsmen there, little difficulties may arise—it gives a general contractor a little bit more trouble than if we were out on the prairie somewhere putting up a flat building or something like that, so that the larger number of people employed of the different crafts there is more apt to be trouble.

Commissioner O'CONNELL. Did I understand you to say that you believed the workmen on the outside or in the building should be organized, but those in the factories should not? Did I get your idea right on that?

Mr. GINDELE. You did; yes, sir.

Commissioner O'CONNELL. What is your reason for that peculiar theory?

Mr. GINDELE. As I stated before, shop employment—the shop employees are generally hired throughout the year, year in and year out, where in the field it is a floating craft, and the employee has not the same advantage to put in his day's work as he has in the shop, and where there is an open shop there is more of a tendency to keep harmony than where it is unionized, and you get some disturber amongst the men in the shop who creates trouble. That is my reason for believing that an open condition as far as show work is concerned is better than a unionized shop.

Commissioner O'CONNELL. What is your reason for that, Mr. Gindele?

Mr. GINDELE. For this reason, it is a great deal better to deal with organized labor in the construction of buildings than with unorganized labor for this reason. The agreement existing between the organized employers and employees on that building, as you know, the conditions that you have got to work under and the wages you have got to pay.

Commissioner O'CONNELL. That brings the matter of putting up a building down to rather a science?

Mr. GINDELE. To a certain extent.

Commissioner O'CONNELL. Would not that same thing apply in a building of a locomotive, where they have a number of employees building different parts, or in the making of an automobile or a street car, or any particular thing in which a number of people were engaged rather cooperatively in building? Would not the same science be necessary to bring about the best results there?

Mr. GINDELE. As far as the result is concerned, my experience is very limited in reference to mechanical work of that nature. I believe in the shops that you have mentioned, Mr. Commissioner, that most everybody has a sort of special piece of work to perform.

Commissioner O'CONNELL. Well, take the printing of a great newspaper in the city of Chicago. You have the printing department, and the press department, and the stereotyping department, and the different number of departments, but they are all cooperating together to get out a great newspaper here in the morning. Is that not the same cooperation—getting along together? And shouldn't the same principle obtain there?

Mr. GINDELE. Maybe so. I am not so well versed with that. As I stated in opening my testimony, I am only talking in regard to the building industry. As

far as open shop is concerned in the building industry, I want to explain this, that the man in the mill that does the millwork—maybe make the trims, or make a show case, or he may make a table, or this or that—he ought to be in a position where, if he is through with a piece of trim, that he can put him on something else—a show case, a table, as the case might be. With organized labor in the shop, he would not be able to do that, because they would define their work—Tom does this, and Harry does that, and Pat does the other. Therefore I say that the open-shop condition, as far as the building industry is concerned, is better off in that way, as far as the employer and employee both are concerned.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Mr. Gindele, let us go back to the matter of the adjusting of jurisdictional questions. This matter has been before the commission a number of times. And I want your view as to why it would not be for the benefit of the building trades generally if the jurisdictional disputes could be settled nationally so as to cover the whole country. Why would that not be a benefit? Just take some specific case if you wish; take the case between the carpenters and metal workers. Suppose that could be settled for the entire Nation by the organizations at interest, or by a combination of the contractors' organizations and the trades involved, would that be a better thing to settle in Chicago in one way and in New York in another way, and in Philadelphia in another way?

Mr. GINDELE. It might be if political influence was not brought to bear on the decision to be rendered.

Commissioner LENNON. You do not mean national political influence?

Mr. GINDELE. No, sir.

Commissioner LENNON. You mean with the union?

Mr. GINDELE. I mean organized political influence; there is as much political influence in the organization as there is any place else.

Commissioner LENNON. You think the plan could be worked out that way satisfactorily, to settle it nationally?

Mr. GINDELE. Not as well as locally.

Commissioner LENNON. Where it is settled locally, is it not true that that is likely to be the cause for controversy in settling it somewhere else? A union gets an advantage in settling in Chicago. They are at a disadvantage in Quincy, I will say, because of the difference. Isn't it likely to reopen the matter, reopen the fight in Quincy in order to get the same thing they have got in Chicago?

Mr. GINDELE. No, sir; not unless, or when they settle on local conditions.

Commissioner LENNON. Not when they settle on local conditions?

Mr. GINDELE. No, sir.

Commissioner LENNON. If the shops where trim is made and furnishings are made for buildings are run unorganized, how are the men to secure a reduction of the hours of labor, for instance, or the increased wages? How is that to be done? How are they to better their conditions in that regard?

Mr. GINDELE. If they are working for a fair-minded employer, he will reduce the hours of work in accordance with the capacity of the men, for he knows that the human being is a good deal like the beast, that you can not overwork him and get the best results. The shorter hours that he works the better the results as far as his work is concerned, and pay him a fair rate of wage.

Commissioner LENNON. Is not the fair-minded employer subject to the influence of competition of the unfair man?

Mr. GINDELE. Well, to a certain extent. Still, at the same time, he can't put himself on the same basis as the unfair man, because he seeks his work in different places as the unfair man does. We have men in our city who are paid beyond the scale of wages in years gone by, the one wage exists, and they haven't taken advantage of the supply being larger than the demand.

Commissioner LENNON. Do you feel, then, that the building trades ought to be organized and not the shopmen? Is not that a good deal because of the fact that the contractors are organized and they want the building trades organized for protection and for their benefit?

Mr. GINDELE. No, sir.

Commissioner LENNON. It is not?

Mr. GINDELE. No, sir.

Commissioner LENNON. That is all, Mr. Garretson.

Commissioner GARRETSON. I want to ask another question: Mr. Gindele, in answer to Commissioner O'Connell as to your attitude toward who would and

who should not be organized, I understood your differentiating point is whether the employment——

Mr. GINDELE (interrupting). The what?

Commissioner GARRETSON (continuing)——of the men is outside and seasonal, or whether they are steadily employed; is that it? Is that what you base it on?

Mr. GINDELE. I didn't quite catch your question, Mr. Commissioner.

Commissioner O'CONNELL. He didn't hear you quite.

Mr. GINDELE. You see this fan makes so much noise.

Commissioner GARRETSON. Is your idea that men who are steadily employed and not subject to seasonable conditions are better off unorganized, and men whose employment is seasonable should be employed?

Mr. GINDELE. I have always found that in every place that I have been conversant with the matter.

Commissioner GARRETSON. Well, take a class of men who work 365 days a year—I am saying 365 advisedly—the railway employees in train and engine service; do you believe that they would be better off unorganized than organized, and would their employers be better off?

Mr. GINDELE. Provided they organized for a certain purpose, if they organized for their protection as far as health, as far as hours of work, and as far as wage is concerned, perhaps they would. But where shop conditions exist as they existed in the past, and men being employed year in and year out and at a fair rate of wage and a medium number of hours, I think they are better off in the open shop.

Commissioner GARRETSON. You believe, then, that better results would be obtained, both by the men and the employer, if the railway employees were not organized?

Mr. GINDELE. Well, I haven't had any experience as far as the railway employee is concerned, and I don't know; I am not conversant with his condition as well as I am with the building industry.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you.

Mr. GINDELE. Before I leave the stand, Mr. Thompson asked me a question I didn't quite catch fully, and I want to state this, when he asked in reference to what I thought was the best way to overcome the unrest. I believe that if there were less organization of different crafts, in Chicago or elsewhere, that there would be better conditions under agreements. For illustration, you take the district council of carpenters of our city here to-day, which is composed of a large number of locals, but all those locals are working under the same agreement. Now, if the same thing could be accomplished in the other branches—for instance, the pipe trades, which would cover steam heating, plumbers, gas fitters, and such like—they to be under one organization and under one agreement so that the employers should call here and there a gas fitter or a plumber, as the case might be, and then he would not be infringing on one or the other member's trade. By that way it would create and bring about a good deal of rest. Furthermore, there are certain lines of trade to-day that are specializing their work. For instance, in the plumbing trade, in years gone by, the plumber would come on the job; he would do the roughing-in, and when the roughing-in was done the plasterer got to work, and he would also put in the fixtures. Now, that is getting specialized. There is one fellow who does the roughing-in, and another fellow comes along and he does the fittings. Now, they have all got different agreements. Now, if they were all organized under a district council, the same as the carpenters are organized, why, then, we would be working all that craft in the different lines under that one agreement instead of having three or four agreements in the meantime in effect and bringing about this unrest which you gentlemen are seeking to correct. Now, the same way in other lines. Now, if that could be brought about, why the consequence would be there would not be near the trouble, and there would be less agreements which we have our attention called to to carry out.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. I want to ask you a question further along the line of increasing the cost of doing work. In these jurisdictional cases, do you have any trouble from having a skilled craft claim the jurisdiction and doing a piece of work that can be done just as well by unskilled labor? For instance, take the case of reinforcing rods—fitting reinforcing rods in concrete. You are required in some places to employ high-priced skilled labor to do that, whereas in other places you can employ ordinary laborers.

Mr. GINDELE. Well, in that to a great extent it brings about the increased cost of building, where you employ skilled labor where it can be done by unskilled labor. A great many of the jurisdictional matters are brought about very unreasonably. The business agent for the welfare of his organization will sometimes claim things which really he has no right to do and thereby bring about jurisdictional troubles. Now, if all these matters, as in the building line at the present time, there is always something new creeping in, and just as quickly as some new line of material or something in the line of trim, or anything of that kind, certain organizations make a grab for that work and other organizations do the same thing, and bring about these jurisdictional matters. Whenever anything of that kind occurs, with the agreement we have in Chicago, and especially as far as the employers' association is concerned, which takes it mostly upon themselves, anybody who brings in new material, they make an examination and determine what craft is to install that kind of material, and by doing that we save considerable trouble.

Commissioner DELANO. Do those matters increase the cost of doing work, and if so, on whom does that increase fall?

Mr. GINDELE. As I stated before, any time a jurisdictional matter causes a cessation of work it increases the cost, and the increased cost comes on the contractor to a certain extent, on account of the overhead expense and the implements lying idle and interest on the money and the amount of money invested in the building.

Commissioner DELANO. That is all.

Chairman WALSH. That is all. Thank you. Call your next.

Mr. THOMPSON. Mr. O'Donnell.

TESTIMONY OF MR. SIMON O'DONNELL.

Commissioner LENNON. Ask him first to talk loud.

Mr. THOMPSON. It is requested you speak loudly.

Mr. O'DONNELL. I don't, as a rule, speak very loud. I will try to make myself heard, though.

Mr. THOMPSON. Will you please give us your name?

Mr. O'DONNELL. Simon O'Donnell.

Mr. THOMPSON. And your business address?

Mr. O'DONNELL. As it happens, I represent the plumbers, also, as well as being president of the building trades council.

Mr. THOMPSON. Give us either address.

Mr. O'DONNELL. 166 Washington Street, room 700.

Mr. THOMPSON. You may state the positions you occupy.

Mr. O'DONNELL. I am representative of the Chicago Journeymen Plumbers' organization and also business agent; also active president of the building trades council—chairman of the Chicago Building Trades Council.

Mr. THOMPSON. How long have you been business agent of the plumbers' union here?

Mr. O'DONNELL. About 14 years—13 or 14 years.

Mr. THOMPSON. How long have you been president of the building trades council?

Mr. O'DONNELL. Going on five years.

Mr. THOMPSON. How long has the building trades council been in existence as a body?

Mr. O'DONNELL. In the city of Chicago?

Mr. THOMPSON. Yes.

Mr. O'DONNELL. Well, there was a building trades council before I ever showed on the job. Do you refer to this present building trades council?

Mr. THOMPSON. Yes; that is now in existence.

Mr. O'DONNELL. The one now in existence?

Mr. THOMPSON. Yes.

Mr. O'DONNELL. I believe about six years.

Mr. THOMPSON. What is the object and purpose and jurisdiction of the building trades council in the labor world here in the city?

Mr. O'DONNELL. We have jurisdiction over what is known as Cook County and vicinity, over all the labor that goes into the construction of a building. Taking in all the trade crafts and laborer organizations.

Mr. THOMPSON. Is your body under charter from the American Federation of Labor?

Mr. O'DONNELL. Through the building trades department.

Mr. THOMPSON. Through the building trades department?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. Is there any conflict in the jurisdiction of your body and that of the Chicago Federation of Labor?

Mr. O'DONNELL. No; none at all.

Mr. THOMPSON. Does your body and the Chicago Federation of Labor work harmoniously and cooperate in labor matters in this city?

Mr. O'DONNELL. In a way. Our body does not affiliate with the Chicago Federation of Labor as a body, but we do affiliate through our organizations. The affiliated organizations in the building trades of Chicago also have affiliation with the central body known as the Chicago Federation of Labor.

Mr. THOMPSON. By that you mean that, say, the plumbers have delegates to the Chicago Federation of Labor?

Mr. O'DONNELL. What is that?

Mr. THOMPSON. By that you mean the plumbers have delegates to the Chicago Federation of Labor?

Mr. O'DONNELL. They may affiliate or may not, just as they see fit; but they do; that is, most of them.

Mr. THOMPSON. Is your body affiliated with the Illinois Federation of Labor?

Mr. O'DONNELL. Individually through the organizations, that is the only way. Our body is not; no, sir—just a moment, I believe we are. We were a year ago, and I believe we are paying our per capita tax in there, I think so, I would not say for sure.

Mr. THOMPSON. About how many workingmen in the city of Chicago are there engaged in the building trades that are organized?

Mr. O'DONNELL. About how many men, you say, are working in the building industries that are organized, you say?

Mr. THOMPSON. Yes; that belong to unions, affiliated unions, in your organization.

Mr. O'DONNELL. I think we issue cards to the extent of between seventy-five and eighty thousand.

Mr. THOMPSON. Are there other organizations working in the building trades that are not affiliated with your organization?

Mr. O'DONNELL. Not that I know of.

Mr. THOMPSON. You would probably know them if they existed?

Mr. O'DONNELL. I haven't been able to discover any in the last two or three years.

Mr. THOMPSON. There used to be organizations that were unaffiliated, were there not?

Mr. O'DONNELL. Yes; the building trade was in a split condition about two or three years ago—they were divided.

Mr. THOMPSON. Did you hear the testimony of Mr. Gindele given here?

Mr. O'DONNELL. I heard some of it.

Mr. THOMPSON. Has your organization an agreement with the master masons' association?

Mr. O'DONNELL. We have an agreement with what is known as the construction employers' association, which takes in, I believe, some of the master masons and carpenters—that is, the carpenter contractors' associations and most of the contractors that handle the buildings are members of that—most of them.

Mr. THOMPSON. Prior to the formation of this arbitration board that Mr. Gindele spoke of, there were a great many jurisdictional fights in the city of Chicago in the building trades, were there not?

Mr. O'DONNELL. Yes. Yes; there were quite a few.

Mr. THOMPSON. And a great deal of trouble arose and a great deal of violence?

Mr. O'DONNELL. I won't say there was any violence; but quite a number of disputes and in some instances strikes called on account of disputes.

Mr. THOMPSON. At least the papers in Chicago had a great many accounts of violence arising from that trouble, did they not?

Mr. O'DONNELL. Yes; but very often the papers call the attention of the public when different acts of violence came off that they blame on the laborers anyhow. We were not in a position to dispute that anyhow; we have no paper.

Mr. THOMPSON. And there was a great loss financially to the members of the organization and the labor organization and the public generally because of the jurisdictional disputes?

Mr. O'DONNELL. What you mean is a considerable annoyance to the public?

Mr. THOMPSON. The loss of wages to the worker, was there not?

Mr. O'DONNELL. I believe more a source of annoyance to the wage earner—the fellow working on the job—than it was to anybody else. I do not know how it affected the public.

Mr. THOMPSON. That answers that. Mr. Gindele spoke of the arbitration board. Has there been a decrease of jurisdictional fights in this city since the inauguration of that board?

Mr. O'DONNELL. Yes; considerable.

Mr. THOMPSON. Considerable?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. In your opinion is the present arbitration board established for the purpose of preventing jurisdictional disputes the best method of handling that proposition?

Mr. O'DONNELL. Well, what it was originally intended for was to take care, not of disputes especially, but especially jurisdictional strikes brought on by disputes. I do not know as we will ever be able to eliminate the disputes. I guess they will always be with us; but our intention was to eliminate disputes or strikes—strikes on account of the disputes.

Mr. THOMPSON. Have you any opinion as to whether it is better to settle jurisdictional disputes in a nation-wide manner, or whether they should be settled locally, one way in one city and another way in another city?

Mr. O'DONNELL. I have my own opinion. I have discovered to my satisfaction—I feel this way: It would be absolutely impossible for any body of men or any set of men or any one man to sit down here and lay down jurisdictional laws to cover certain classes or work that would be applied successfully throughout the country on account of local conditions being so different. I could cite you numerous cases. I could call you attention to instances such as in my business, the plumbing business. For instance, in the city of New York the steam fitters do sprinkling fitting, and in Chicago here we have what is known as the sprinkler fitters' organization, a local in itself, which does nothing but install these sprinkler heads, sprinkler systems. In Pittsburgh we have a plumber who does gas fitting, and in Chicago we have a gas fitters' organization, and so on down the line. I claim they are entirely different.

Mr. THOMPSON. Referring now not to a settlement, Mr. O'Donnell, made in the city, but to a national settlement by a body with authority to settle it in such manner should take into consideration the varying conditions in each city and make a decision for each city, would that be, in your opinion, a good method of settling the industrial problem?

Mr. O'DONNELL. If they could do that.

Mr. THOMPSON. Isn't that just what has been done in the recent amalgamation of your organization of the plumbers?

Mr. O'DONNELL. That is what has been done.

Mr. THOMPSON. Well, but didn't that same body, while locally you settled it here, and while locally it was settled also in St. Louis, and while locally it was not settled in New York for instance——

Mr. O'DONNELL. In some cases they followed different lines.

Mr. THOMPSON. But we will overlook those. Were your international officers seeking to arrange for a national settlement; wasn't that true in case of the amalgamation of your two bodies?

Mr. O'DONNELL. I think there were some sort of steps to bring about a national agreement—an international agreement between both the contractors and the building-trades department. Is that what you refer to?

Mr. THOMPSON. No; I mean in the case of the amalgamation of the two organizations, the steam fitters and the plumbers. Mr. McAlpine, the head of the amalgamated organization.

Mr. O'DONNELL. Oh, I see, you are getting back. Yes, that is so.

Mr. THOMPSON. And he and the other officers, however, helped to bring about this settlement of the jurisdictional dispute between those two trades, did they not?

Mr. O'DONNELL. We decide our own jurisdictional disputes.

Mr. THOMPSON. I understand that.

Mr. O'DONNELL. It is all one head now; all the trades under that body.

Mr. THOMPSON. Well, then, what he would say about that would probably be the fact, would it not?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. There have been a great many other strikes in the building trades, Mr. O'Donnell, in this city, have there not, other than jurisdictional strikes?

Mr. O'DONNELL. No, I can't say there has been.

Mr. THOMPSON. Well, you have had some experience in strikes, have you not?

Mr. O'DONNELL. Yes, quite a few. There have been incidents where some dual organization would attempt to work on a building, as against the organization that was affiliated with the building trades council, or something like that—strikes called on that account.

Mr. THOMPSON. Well, I want to be broader than that jurisdictional dispute; I want to take in any kind of character of strikes. Now, from your experience as a labor leader, what would be the best method to prevent, in the first place, the beginning of a strike and, in the next place, if it should occur, to settle it? Have you got any remedies or suggestions that you would like to make to this commission with regard to that matter?

Mr. O'DONNELL. I have no other remedy, only the one that I am trying to work to a conclusion, and that is this agreement that we have now with the construction employers' association, which, if carried out to the letter, would prevent trades from calling any strike until such a time as it was submitted to the joint conference board. In fact, our rules are that where two organizations get into a dispute they must get together and try to adjust it themselves. In case they can't do that, it is submitted to the grievance committee of the building trades council. If they take exceptions from the ruling of that committee they still have an appeal and can take it into the joint conference board, where the matter is threshed out, and that decision is final and binding on both sides.

Mr. THOMPSON. Now, referring, Mr. O'Donnell, to the unions themselves and industry—building industry is pretty well organized in this city, is it not?

Mr. O'DONNELL. I might say thoroughly.

Mr. THOMPSON. Thoroughly organized? What is the general attitude of the building trade of this city toward permitting union men coming from other cities to work here?

Mr. O'DONNELL. I have always heard Chicago is the most liberal city in the world in reference to accepting any clearance cards and strangers with open arms. In fact, I think we have in the city of Chicago more outsiders employed at the present time than any other country, or, rather, any other city in the country.

Mr. THOMPSON. Well, can a member of any of the building unions coming from other cities go up to the union headquarters here and freely and without restriction get a clearance card and start to work here?

Mr. O'DONNELL. They can deposit their clearance card and get employment wherever they can—seek employment wherever they can.

Mr. THOMPSON. Well, did you hear Mr. Gindele's testimony as to the permit system?

Mr. O'DONNELL. I heard some of his answers to your questions. I want to state that different organizations have, possibly, different systems in reference to permits. There are—sometimes in the plumbers' organization—I am speaking for the plumbers, which I am entirely familiar with; a man may get back in his dues, might leave town for five or six months or a year. You can't very well hand him a clear card, and it is really necessary to use the permit system on him—hand him a permit—and he pays up his back dues according as he goes along. That is the only case where we use permits.

Mr. THOMPSON. Take a case, Mr. O'Donnell——

Mr. O'DONNELL. Or a man can pay on initiation until such time as his initiation is paid up and he becomes a member.

Mr. THOMPSON. Will you say that the permit men are restricted to men who are either back in their dues or who have failed to pay up their initiation?

Mr. O'DONNELL. In our case; yes.

Mr. THOMPSON. In your case?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. As to the other unions, you don't know?

Mr. O'DONNELL. Well, there may be some smaller organizations that there is the demand for certain seasons of the year—there is a demand, possibly, for twice as many men as what they have in their membership, taking into consideration, possibly, the hoisting engineers. Then they would draw from the stationary engineers. Part of their international, I believe. And according as the work drops off, I believe, they drop off the permit men.

Mr. THOMPSON. Then, so far as your organization is concerned, Mr. O'Donnell, if a union plumber belonging to your international in St. Louis was paid

up in his dues and in good standing and he could come here and file his card and start to work right off?

Mr. O'DONNELL. That is all he has got to do. He deposits his card. Then it is up to the city; if he has got a State certificate he can work. Of course, that is up to the local authorities here.

Mr. THOMPSON. Now, Mr. O'Donnell, lately in Chicago there was a brick strike—strike of the brickmakers—was there not?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. In which about 2,700 men were out on a strike?

Mr. O'DONNELL. I believe they claimed about 2,000.

Mr. THOMPSON. What effect did that strike have on the other workers in the building trades in Chicago?

Mr. O'DONNELL. It had an immediate effect.

Mr. THOMPSON. Did it throw them out of work?

Mr. O'DONNELL. Immediately, I might say. Yes; that is, the bricklayers.

Mr. THOMPSON. Was there a great loss in wages to the members of the building trades unions in Chicago because of that brick strike?

Mr. O'DONNELL. Oh, I believe there were about 50,000 or 60,000 men forced on the street for about three or four months.

Mr. THOMPSON. Well, their wages would amount to several hundred thousand dollars a day, would they not?

Mr. O'DONNELL. I never stopped to figure them up.

Mr. THOMPSON. They would amount to a great deal of money?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. What was the settlement of that strike, if you know, in what increase in wages did that strike result to the brickmakers?

Mr. O'DONNELL. They got a very little increase.

Mr. THOMPSON. About a cent an hour, wasn't it?

Mr. O'DONNELL. I believe it was; yes.

Mr. THOMPSON. And did they make or not make concessions to the employers on their side?

Mr. O'DONNELL. Well, they were forced to in a way owing to the fact another organization came in here and was about to take their places.

Mr. THOMPSON. Well, would you say that the final conclusion of that strike was about a stand-off, as to who got any benefit out of it?

Mr. O'DONNELL. I think if they had adjusted it up as they went along with the employers over there, they possibly might have got a better adjustment than what they got afterwards. But there was a reason for that.

Mr. THOMPSON. Well, now, Mr. O'Donnell, from your experience as a leader of labor for many years in building trades, what remedy would you suggest to this commission, or to labor, or to the business world generally, to prevent just such conditions arising wherein the strike of a few hundred men throws many thousands out of work for months at a time?

Mr. O'DONNELL. I would hardly know what to suggest or what to recommend. They were an independent organization that had withdrawn from the international, I believe. The brick manufacturers had an agreement with the international, and I think if they had gone along with the agreement and carried it out to the letter there is a possibility there would have been no strike there. I think they could have adjusted it. I really believe that breaking of contracts, violation of these agreements, are a great deal of the causes of a number of these strikes. If they were carried out, these agreements, I think that would eliminate quite a number of these misunderstandings, disputes, and strikes.

Mr. THOMPSON. Well, do you think——

Mr. O'DONNELL. I believe in agreements.

Mr. THOMPSON. Do you believe that all workers in the industries that affect your particular line should be organized and belong to a central body?

Mr. O'DONNELL. Absolutely so.

Mr. THOMPSON. If that were done you think then this situation could have been prevented which threw your workers and others out of work?

Mr. O'DONNELL. I believe so. We eventually had to get in there and settle it, anyhow.

Mr. THOMPSON. Mr. O'Donnell, it has been said by some, opinion held perhaps generally, that there is a great deal of industrial unrest in this country. Do you believe such exists?

Mr. O'DONNELL. There is around Chicago.

Mr. THOMPSON. Well, in your opinion, what is the cause of it, and what would you suggest to remedy it?

Mr. O'DONNELL. The unrest to my mind is on account of the unemployed that are out of work. A lot of them walking around the streets, they are broke. This kind of weather they need money to buy ice, and I suppose in a few months they will need the dough to get some coal. The man is loafing, out of employment—I think that would be excuse enough for considerable unrest.

Mr. THOMPSON. You have nothing to suggest in the way of changing the situation?

Mr. O'DONNELL. I do not know anything I could suggest would change it. There don't seem to be work here to do at the present time.

Mr. THOMPSON. Referring to the organization of the unions, it has been stated here that the business agent had a great deal of power in the building trades. How are the building trades unions organized? Have the members a vote in electing the officers?

Mr. O'DONNELL. The business agents of the various organizations are elected from their locals, elected by the rank and file, individual membership. They in turn then are sent as delegates to the building trades council, and sometimes they are business agents and sometimes they are not; it is not necessary for them to be business agents to be delegates to the building trades council.

Mr. THOMPSON. Generally in the building trades—in the unions—are the officers of those unions elected by the membership?

Mr. O'DONNELL. All of the business agents that I know of are elected by the membership of the organization they represent.

Mr. THOMPSON. The other officers; how about them?

Mr. O'DONNELL. All officers; yes, sir; from the president down.

Mr. THOMPSON. What is used in your union to get the expression of the membership by ballot? What kind of ballots do you have?

Mr. O'DONNELL. The Australian system?

Mr. THOMPSON. The Australian system?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. Are the members permitted to go freely to the booths and register their votes without suggestion or dictation of any group?

Mr. O'DONNELL. Yes; it is a secret ballot.

Mr. THOMPSON. A secret ballot?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. How are the ballots counted—by whom?

Mr. O'DONNELL. Judges and clerks.

Mr. THOMPSON. Who elects these judges and clerks?

Mr. O'DONNELL. In our organization they are appointed by the chair.

Mr. THOMPSON. By the chair?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. Do you think, Mr. O'Donnell, that is calculated to bring out the best result from the election, or do you think——

Mr. O'DONNELL. I believe so.

Mr. THOMPSON. Or do you think that could be improved if the judges and clerks were elected by the rank and file of the union the same way that the officers are?

Mr. O'DONNELL. In my opinion you would have the election all over. Suppose you elected the judges by the rank and file; the chairman must necessarily appoint the judges and clerks to count the ballots of the election and the judges and clerks to be elected to count the ballot; you are going to go over this twice in my mind. Do you understand what I mean? Suppose you say the judges and clerks are elected by the rank and file; who is going to count those ballots? Necessarily they must be appointed by the chair—the judges and clerks to count your ballots.

Mr. THOMPSON. You ask me? I say necessarily they should be elected in the same manner.

Mr. O'DONNELL. How is that?

Mr. THOMPSON. They could be elected in the same manner.

Mr. O'DONNELL. Yes; but to my mind you would be going over the same ground twice.

Mr. THOMPSON. I do not see it, but it is all right. Do you believe that the——

Commissioner O'CONNELL. They would have to be if you went back. There must be some beginning.

Mr. THOMPSON. The body of the membership could do the same thing then. But that does not make any difference. We will let that go.

Commissioner O'CONNELL. I will argue that out with you at lunch.

Mr. THOMPSON. We can argue that out later. Do you believe in a law that may be passed in the State to protect the purity of the ballot? You do, do you not, Mr. O'Donnell? You believe in the Australian ballot and the primary systems? Anything which would give protection to the will of the citizens?

Mr. O'DONNELL. Yes; certainly.

Mr. THOMPSON. And you believe those same things should be carried out in the trade-unions, do you not?

Mr. O'DONNELL. Certainly, carried out in the trade-unions.

Mr. THOMPSON. Yes.

Mr. O'DONNELL. Yes; I believe trade-unions and organizations should decide that for themselves.

Mr. THOMPSON. Generally, in the building trade, do you believe that the membership are protected in that right?

Mr. O'DONNELL. I never knew of a case where they were not.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. THOMPSON. Who sets the rods in the reinforced concrete work in Chicago?

Mr. O'DONNELL. The building laborers at the present time.

Mr. THOMPSON. Who was awarded that work by the building trades council of the American Federation of Labor?

Mr. O'DONNELL. I believe at a convention the work was awarded to the structural ironworkers at Tampico, Fla., on a convention called there. I believe on a vote they awarded that portion of the work to the structural-iron workers.

Mr. THOMPSON. But in Chicago that has not been effective?

Mr. O'DONNELL. You could say that for quite a number of other cities besides Chicago. Labor has been doing that work ever since its inception here.

Mr. THOMPSON. Who do you think ought to have the jurisdiction of that work?

Mr. O'DONNELL. That is like other work, at its inception they used to throw that iron in in long strips. In other words, they would just lay it right in there. Afterwards they started to tie it in. Now, they cut it and have holes in the steel beams, and it is inserted through those holes and sometimes nuts and lock bolts put on and tied on that way. To my mind the present way of putting it in, it should be the work of the structural ironworkers. At the time they started out the iron the way it was laid in was really laborers' work. It was carried up and laid down. Since they are using tools and so on to place it in position to tie it in. I think it is the mechanic's, and so expressed myself.

Chairman WALSH. I understand, of course, you are a strong believer in collective bargaining and industries generally dealing with unions. That is correct, is it not?

Mr. O'DONNELL. I don't hardly catch you.

Chairman WALSH. You are a strong believer in collective bargaining, are you not; that is, in the employers or industries dealing with the unions rather than the individual?

Mr. O'DONNELL. Yes; I believe in that.

Chairman WALSH. Now, there were certain objections that we find voiced on the part of the employers at different places to their dealing with unions. Questions have been asked some of the other witnesses, and I am going to ask them seriatim of you. It has been charged by employers in many places that there is graft in labor unions, or dishonesty, and therefore they do not desire to deal with them, or think they are proper organizations so far as industries are concerned. What have you to say to that as a person who deals with the matter directly?

Mr. O'DONNELL. The charge has been made that they don't care to deal with the individual membership or individual representatives on account of graft? I don't know what I could say on it.

Chairman WALSH. Does it or does it not exist?

Mr. O'DONNELL. It may in some cases.

Chairman WALSH. Have the unions done anything in the attempt to eliminate it?

Mr. O'DONNELL. Yes; they have from time to time whenever it was discovered.

Chairman WALSH. What in a general way have they done?

Mr. O'DONNELL. Here and there sometimes put their officers out of office.

Chairman WALSH. Has that occurred in Chicago?

Mr. O'DONNELL. Well, in a number of instances they have been partly dropped. I could not name any specific case, but I have my suspicions.

Chairman WALSH. And it has also been charged it is not desirable to deal with unions because they resort to violence during strikes. What have you to say as to that?

Mr. O'DONNELL. As I said before, I represent labor organizations around here about 14 years, and I never knew any time there was any occasion for violence or anything along that line. I did not see the necessity of resorting to it.

Chairman WALSH. Do you say there is or is not violence in the prosecution of strikes in this city?

Mr. O'DONNELL. Not to my knowledge.

Chairman WALSH. You have no knowledge of any such occurrence?

Mr. O'DONNELL. No, sir.

Chairman WALSH. It is claimed that the unions are not an economic body to deal with for the reason that they limit output. What have you to say as to that?

Mr. O'DONNELL. That is not so.

Chairman WALSH. You deny that they limit output?

Mr. O'DONNELL. I absolutely deny it, because there are sections in most of our agreements with the building trades organizations that cover that. There shall be no limitation to the day's work.

Chairman WALSH. Is that all you care to say about that?

Mr. O'DONNELL. I believe that all that is necessary.

Chairman WALSH. I didn't catch your answer.

Mr. O'DONNELL. I can't see but what that is all that is necessary. We have signed agreements to the effect there shall be no limitation to the amount of the day's work.

Chairman WALSH. It is also charged it is undesirable to deal with unions because they habitually break agreements after they enter into them. What have you to say as to that complaint?

Mr. O'DONNELL. Not any more so than contractors. Here and there we will find contractors who will violate agreements just as much as we do of the employees' side of it.

Chairman WALSH. It has been claimed that the unions are disloyal to the Government in that they forbid their members to enlist in the National Guard. Is that correct or not, that complaint?

Mr. O'DONNELL. I never knew any section that prohibited men from enlisting.

Chairman WALSH. Is there any union in the city of Chicago that forbids its membership enlisting in the National Guard?

Mr. O'DONNELL. Not that I know of.

Chairman WALSH. It has been charged that it is undesirable to deal with unions because innocent employers can not protect themselves against jurisdictional disputes between the unions. What do you have to say as to that?

Mr. O'DONNELL. Innocent employers?

Chairman WALSH. That is, employers that are not directly concerned in the particular dispute can not protect themselves in jurisdictional disputes. What would you have to say as to that?

Mr. O'DONNELL. They have the same protection that every contractor has that I know of. There is a recourse there for them, they can take it up with the construction employers' association, with which we have an agreement with reference to jurisdictional disputes. They have the same right.

Chairman WALSH. Is that all you care to say?

Mr. O'DONNELL. I suppose that possibly the innocent employer is taken advantage of, but——

Chairman WALSH. By jurisdictional disputes causing loss in matters he does not control himself and is not at fault in any way.

Mr. O'DONNELL. What do you mean by "innocent employers"? They would be employers that do not belong to the organization that had an agreement with us; that is what I would infer.

Chairman WALSH. What I mean by that is, an employer who is willing to deal with any union and desires to have his work done, but two unions get into dispute as to which should do that particular class of work, and that

while he is still willing to deal with any union that can do the work for him he is not permitted to pursue the work because the union is having the trouble over the jurisdiction of that particular work.

Mr. O'DONNELL. I was going to say, with reference to that, that in some cases employers have come in with complaints to the effect that they were not familiar with the jurisdictional agreement as laid down by our organization, and in quite a number of cases they would employ laborers to do a mechanic's work, and their claim of course would be they were innocent employers; that they didn't know because possibly of the fact that they didn't belong to the central organization which has the agreement with us. Of course that would be the usual claim anyhow. That was their subterfuge, that they didn't know. But you will always find, where jurisdictional disputes or strikes are called, it is where a contractor is attempting or is using a certain trade or a certain labor to do a certain class of work and he only has to pay about half as much to have done.

Chairman WALSH. Do I understand you, then, to say that in your experience you are unaware of any jurisdictional dispute having arisen in which some employer was not to blame?

Mr. O'DONNELL. Not in all cases. Sometimes I have seen cases where the journeymen's side of it were to blame, sometimes.

Chairman WALSH. It has been charged that it is undesirable to deal with unions because when they become very strong as to members they dictate harsh and unreasonable terms to employers. What has been your experience with reference to that?

Mr. O'DONNELL. Well, right there would be a violation of the agreement, because when signing up these agreements there has always been a section in it to my knowledge that covers the thing, that no legislation, no motion, or anything can be adopted that would conflict with the agreement, and in that way the employer is protected, and if they do that, why there is a violation of the agreement right there.

Chairman WALSH. What is meant by that, I will illustrate, is that in case of a hundred per cent union in a trade, is it possible for the union to dictate harsh terms to the employer before the agreement is made—compel by force of its power the employer to make agreements that he otherwise would not make?

Mr. O'DONNELL. Now——

Chairman WALSH. Do I make that clear to you, Mr. O'Donnell?

Mr. O'DONNELL. Yes; owing to the power that he has through having a corner, as it were, in having a hundred per cent organization, he would exact terms and certain conditions he would not otherwise. I would not say that it has always been as harsh as that, but there may be cases where they would run away with their power sometimes. But they are very often brought up with a short halt.

Chairman WALSH. They are often brought up how?

Mr. O'DONNELL. Brought up with a short halt; call in members of other organizations and listen to both sides when they can't get together, and very often it is matters like that which are adjusted where they get into a jam and can't get together on agreements. I believe we have adjusted possibly five or six since this board has been organized, similar cases, where one side or the other wanted to exact certain terms that really, possibly they were not entitled to. But they were called in there before this board, or a subcommittee of this board, and we got them together, and they always went along and signed up.

Chairman WALSH. It has been charged frequently that it is undesirable to do business with unions because they are financially irresponsible as a whole, and almost without exception employers have suggested that they should be organized into corporations. What have you to say as to that, if anything, Mr. O'Donnell?

Mr. O'DONNELL. Well, I never had that—I never—in doing business, I never heard any employer, contractor, or any of them fellows say that they objected to doing business with the building trades council, or with our organization. I never had them try to suggest anything along them lines to me personally.

Chairman WALSH. Do you believe that unions should be incorporated? Have you given it any thought?

Mr. O'DONNELL. I never give it a thought. I am pretty busy looking after local affairs around here and it keeps me on the jump.

Chairman WALSH. And you have nothing to say as to that?

Mr. O'DONNELL. No; I haven't.

Chairman WALSH. That is all. Any other question? That is all, thank you, Mr. O'Donnell.

Mr. THOMPSON. Just one more question, Mr. Chairman, I would like to ask Mr. O'Donnell.

Chairman WALSH. Mr. Lennon would like to ask a question.

Mr. THOMPSON. Yes.

Commissioner LENNON. Mr. O'Donnell, have there been any strikes in Chicago over jurisdictional matters between the steamfitters and the plumbers since they were consolidated in one organization?

Mr. O'DONNELL. No; not one.

Commissioner LENNON. Have there been any strikes in other parts of the country, so far as you know, in that trade over jurisdictional matters since the consolidation took place?

Mr. O'DONNELL. I haven't heard of any.

Commissioner LENNON. Well, isn't that an evidence that if these questions can be settled nationally that it will settle them for the entire country?

Mr. O'DONNELL. I believe so; in most cases it could be.

Commissioner LENNON. Now, I want to ask you a few questions regarding the powers of business agents. It is charged that business agents do nearly everything under the sun that they should not do and very little that they ought to do. You know that very well, the same as I.

Mr. O'DONNELL. I know.

Commissioner LENNON. How do the business agents get their power to call men on strike? Where does there power originate?

Mr. O'DONNELL. From the locals they represent. The business agent in our case—he handles the business of that organization between meetings the same as anyone would handle the business of any corporation. He is responsible and looks after their interests and is endowed with the power of calling strikes or——

Commissioner LENNON. Well, does the union at some time or another take action which gives the power to the business agent to do those things?

Mr. O'DONNELL. Well, I never knew of a case where the business agent did not have the power to call a strike, and I suppose the organization that he represents must give him that power.

Commissioner LENNON. What I want to get at is—I can't suggest it, because that is right——

Mr. O'DONNELL (interrupting). In the calling of a general strike——

Commissioner LENNON (interrupting). Do the unions at any time take a vote, or does the building trades council at any time take a vote as to the cooperation of unions with each other, and the extension of power to the business agents to make that cooperation effective?

Mr. O'DONNELL. Oh, yes; the business agent, if he has a grievance on a job, takes it before the building trades council meeting and asks—requests of the rest of the boards to assist him in straightening out the difficulty. He also wants to hold the committee on so in case he can not get it straightened out he can stop the men until such time as it is straightened out.

Commissioner LENNON. In other words, the power originates with the membership?

Mr. O'DONNELL. Yes, sir.

Commissioner LENNON. And is not sprung into existence by the business agent himself?

Mr. O'DONNELL. Oh no; he gets it right from the membership.

Mr. THOMPSON. I would like you to state, Mr. O'Donnell, whether any graft was involved in the strike——

Mr. O'DONNELL (interrupting). If there was I didn't get any of it; I didn't know anything about it.

Mr. THOMPSON. That is all.

Mr. O'DONNELL. I will say I am as much responsible as anybody for the adjustment and settlement of that strike, and I didn't see anything about that.

Commissioner LENNON. Call your next witness.

Mr. THOMPSON. Mr. Craig.

TESTIMONY OF MR. E. M. CRAIG.

Mr. THOMPSON. Will you give your name?

Mr. CRAIG. E. M. Craig.

Mr. THOMPSON. And your business address?

Mr. CRAIG. 133 West Washington Street.

Mr. THOMPSON. And your business?

Mr. CRAIG. I am secretary of the building construction and employers' association.

Mr. THOMPSON. What is the scope, character, and aim of that association?

Mr. CRAIG. Primarily to maintain peace and harmony in the building industry in Chicago, to promote the welfare of its members, and do all those things in lawful manner and not contrary to the laws of the country.

Mr. THOMSON. What membership has it?

Mr. CRAIG. Its membership is possibly about 1,100 at the present time.

Mr. THOMPSON. That is the organization Mr. Gindele spoke of?

Mr. CRAIG. That is the total membership comprised of individual trade organizations.

Mr. THOMPSON. Have you anything to add to what Mr. Gindele said with reference to the arbitration agreement that you have with the building trades-union?

Mr. CRAIG. No; I do not know as I could cite anything more to what he said except it has been working very satisfactorily since it has been in operation, it has been giving good results, meeting the approval of the contracting community and the architects and the owners community of the council, and in fact since the arbitration board has been in existence or the joint conference committee has been in existence we have had peace and harmony in the building industry, practically a reversal of conditions in one, where we were bothered with strikes, sympathetic and jurisdictional; since the joint conference committee has been in session there has been little or no striking in the city of Chicago since that time. I do not think that you could recall to-day over one or two strikes in the entire building industry in Chicago. Those are over just trivial matters.

Mr. THOMPSON. Referring to the jurisdictional strikes, which you had before you had this arbitration agreement, have you kept any track of their number, their extent, and their cost to the community as a whole, including labor?

Mr. CRAIG. Oh, I have a record of them, but I have never compiled it.

Mr. THOMPSON. Well, was it a serious trouble?

Mr. CRAIG. How is that?

Mr. THOMPSON. Was it a serious trouble?

Mr. CRAIG. I thought you referred to the number. I say I have a record of all the jurisdictional disputes and strikes that came up in the last number of years, but I have never compiled them to find out just how many there were and to what extent they caused a loss to the contractors or the owners or how many men were involved.

Mr. THOMPSON. What I ask you now is, was it a serious or a grave trouble?

Mr. CRAIG. In some instances; yes, sir.

Mr. THOMPSON. I mean to the industry as a whole?

Mr. CRAIG. To the industry as a whole; yes, sir.

Mr. THOMPSON. In addition to the loss of money in wages and otherwise, did they occasion and cause violence?

Mr. CRAIG. Not to my knowledge; no. No violence.

Mr. THOMPSON. Not to your knowledge?

Mr. CRAIG. Not in my time.

Mr. THOMPSON. Then you would have the commission understand that in the jurisdictional strikes that occurred in Chicago prior to your agreement no violence was connected with it?

Mr. CRAIG. Not to my knowledge.

Mr. THOMPSON. Not to your knowledge.

Mr. CRAIG. No, sir.

Mr. THOMPSON. When you say "not to your knowledge," what do you mean by that?

Mr. CRAIG. I mean there were rumors and newspaper talks of violence in several instances on jobs, but those particular jobs I am referring to were not brought to my attention. Prior to 1911, when this organization was organized, our organization then consisted of a small organization, and it was not possibly given the support by the employers that it should have been given; consequently a large number of these troubles that would come up were never brought to our attention. But since the organization of the building construction employers' association in 1911 practically everything of that nature has been brought to our office.

Mr. THOMPSON. So you did not have much contact with those things prior to that time?

Mr. CRAIG. Considerable contact, but not any particular instances.

Mr. THOMPSON. Do you believe in the existence of strong employers' associations?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. Do they lead to peace in your opinion?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. Do you believe both sides should be strongly organized?

Mr. CRAIG. I do, sir.

Mr. THOMPSON. What advantage is there, in your opinion, to the preservation of peace?

Mr. CRAIG. When they are both organized, it promotes peace and harmony between them because they can generally get together and settle their difficulties, such as we have, in my mind. I do not believe there is any kind of a dispute that can not be settled when the parties get together and discuss the matter.

Mr. THOMPSON. From what you say, I take it you believe in collective bargaining?

Mr. CRAIG. I do, sir.

Mr. THOMPSON. That is, agreement between organized workmen and employers or organized employers?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. In your opinion is that the best method of dealing with the labor problem?

Mr. CRAIG. In my opinion, yes, sir; the best method and the most satisfactory method to both employer and employee.

Mr. THOMPSON. What else have you to specifically say in regard to that, if anything? What would you say with reference to the question of arbitration? Have you any methods or plans or schemes of arbitration you think are better than others?

Mr. CRAIG. You mean referring locally?

Mr. THOMPSON. Well, generally, in your study of the labor problem.

Mr. CRAIG. I have not found any other scheme that would be more satisfactory than the one we have. I have always taken the position that there is nothing that could not be arbitrated satisfactorily if you could only get the two parties together. That has been the rule with our organization where an organization had a jurisdictional dispute and it could not be settled between themselves it was to be brought into our organization and placed before the joint conference committee, and we invariably, without any single exception, have adjusted every jurisdictional dispute that has been brought to our attention since we have been organized. Our arbitration committee, as Mr. Gindele stated, the employers and employees, represent the combined organization of employers and employees, and we haven't got anybody except the Chicago Masons Builders' Association in this city outside the employers' association to-day. But on the other side the building-trades council have all their representatives and employees' unions in the organization. So it is very easy for us, if we can come to a decision, to force that decision upon our respective members of our organization.

Mr. THOMPSON. Referring to the permit system, which has been mentioned here to-day, you heard the testimony of Mr. Gindele and heard the testimony of Mr. O'Donnell. What have you to say in reference thereto or add to their testimony?

Mr. CRAIG. In one or two cases Mr. Gindele referred to, and in one one or two trades that is not general. In one or two trades there is a rule of that kind in which the membership of the organization practically limits in busy times the employer if he wants to help a permit man—in some cases I understand the permit men in busy times outnumber the actual membership in the union. And as Mr. Gindele also stated that these permit men, no matter how good a mechanic he may be, was compelled to quit his job upon the demand of a regular member of the union who happened to be out of work, notwithstanding the fact that he might be giving his employer good service and well liked and perfectly competent to that work.

Mr. THOMPSON. To what extent is that system used, have you anything to say in addition to what Mr. Gindele said?

Mr. CRAIG. Not to any great extent. It is confined to one or two organizations, and I am under the opinion now that in the next three of four months

that that abuse will probably be eliminated in the making of agreements with those organizations.

Mr. THOMPSON. Referring now to what you said a few minutes ago about having strong organizations on both sides, I would like to ask you this question: What effect upon the public would a strong organization of employees and employers have as to cost of work, buildings, rents, and so forth?

Mr. CRAIG. Referring to the building public of Chicago, the building public of Chicago thoroughly indorsed our organization, and ultimately it must be to their profit to have an organization of this character that would produce a satisfactory result and enable the owner to erect a building without its being stopped in the course of its construction. In larger building operations in this city, particularly these large skyscrapers, that has been the trouble in the past seven or eight years, that they were interfered with so much in their construction that they not only disorganized the forces of the contractor and sent a loss on him, but that the owners had contemplated making leases at a certain date and were unable to do so because of the fact that they could not complete the building. Through the medium of this joint arbitration board or joint conference committee which we have instituted here to-day, it is possible here now for an owner to start a building and complete it on schedule time.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions from the commission?

Commissioner DELANO. I want to ask a question.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. Do you have any trouble in this even-numbered board of 12 men, a deadlock of a vote of 6 to 6 on any question?

Mr. CRAIG. No; we haven't had a single case come up to us as yet where we—with but one exception where the vote has not been unanimous in giving its decision.

Commissioner DELANO. Where the vote was not unanimous?

Mr. CRAIG. Where the vote was not unanimous; only one exception it was thoroughly thrashed out.

Commissioner DELANO. Do you have any provision at all for an umpire?

Mr. CRAIG. Not in this joint conference committee as yet. Understand, this joint conference committee is practically only in a tentative shape at the present time. We haven't actually completed the formation of the board, but it has been going along so nicely that we are perfectly satisfied with the condition of it as it is.

Chairman WALSH. Any other question? That is all. Thank you, Mr. Craig.

Mr. CRAIG. Thank you.

Mr. THOMPSON. Mr. Metz.

TESTIMONY OF MR. JOHN A. METZ.

Mr. THOMPSON. Mr. Metz, will you give us your full name?

Mr. METZ. John A. Metz.

Mr. THOMPSON. And your address?

Mr. METZ. 73 West Randolph Street.

Mr. THOMPSON. What is your business?

Mr. METZ. I am representing the carpenters, as the president of the organized carpenters.

Mr. THOMPSON. I don't get you.

Mr. METZ. I represent the organized carpenters, as their president.

Mr. THOMPSON. As their president?

Mr. METZ. Yes, sir.

Mr. THOMPSON. How long have you been president of the organized carpenters?

Mr. METZ. About 10 years.

Mr. THOMPSON. How long?

Mr. METZ. About 10 years.

Mr. THOMPSON. You will have to speak a little louder, Mr. Metz.

Mr. METZ. About 10 years.

Mr. THOMPSON. About 10 years. In Chicago have you a system of an apprenticeship and compulsory education?

Mr. METZ. Yes, sir.

Mr. THOMPSON. In the carpenters' union?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Will you state briefly the scheme that you have?

Mr. METZ. I would prefer to read it, if it would not be too long.

Mr. THOMPSON. You may read it, if you have it ready.

Mr. METZ. Excuse me until I get my glasses [reading]:

"Each responsible party to this agreement shall have the right to teach his trade to apprentices, and such apprentices shall serve four years, as prescribed in the apprentice rules as agreed upon by the joint arbitration board, and shall be subject to the control of said arbitration board.

"SEC. 2. Apprentices shall be under the jurisdiction of the joint arbitration board, which has the authority to control them and protect their interests, subject to approved indentures entered into with their employers and the rules adopted by the joint board. The applicant for apprenticeship shall not be more than 17 years of age at the time of making application, except under conditions satisfactory to the two presidents. Applicants more than 17 years old must bring satisfactory proof of having worked at the trade. The contractor taking an apprentice shall engage to keep him at work in the trade for nine consecutive months in each year and see that during the remaining three months of the year the apprentice attends school, during January, February, and March, and a certificate of attendance from the principal of the school attended must be furnished to the joint arbitration board as the compliance with this requirement before he is allowed to work during the coming year. A contractor taking an apprentice shall keep him steadily at work or school. Failing to do so, he shall pay him as though he had worked for him. In case of an apprentice at the end of his term of four years has not received the proper instruction and is not a proficient workman, and if after a thorough investigation the joint arbitration board finds that the contractor to whom he was apprenticed did not give him proper instruction and opportunity to learn his trade, he may be required to serve another year with whom he and the joint arbitration board may determine, and at a rate of wages less than the minimum in his trade. The difference between said rate and the minimum wage in his trade shall be paid him, through the arbitration board, by the contractor to whom he was apprenticed. A contractor entitled to an apprentice may take one on trial for two weeks, provided that applicant holds a permit from the joint arbitration board, and if after said trial conditions are satisfactory to both parties, they will be required to sign indentures agreeable to the joint arbitration board. If not satisfactory, the contractor is not bound to indenture him, but he will be required to pay the boy $6 per week for the two weeks. No boy will be allowed a trial with more than two contractors, or a contractor with more than two boys consecutively. The rate of wages of an apprentice at the date of indenture shall be in no case less than $364 for the first year, $442 for the second, $520 for the third, and $676 for the fourth, payable in lawful money of the United States, and shall be payable in 52 weekly installments at the following rate per week: $7 for the first year, $8.50 for the second year, $10 for the third year, and $13 for the fourth year. The issuing of permits for an apprentice to work for another contractor than the one he is indentured to shall be left to the joint arbitration board. The contractor shall not have more than two apprentices at any one time. Contractors shall be allowed apprentices on the following basis: Yearly average of 4 journeymen, 1 apprentice; yearly average of 10 journeymen, 2 apprentices. The apprentice upon completing his indenture shall report to the joint arbitration board and shall, after furnishing said board with satisfactory proof of his competence as a skilled mechanic in his trade, receive a certificate approved by the board, which shall entitle him to a journeyman's working card.

"And it is further agreed by and between the parties hereto that power shall be vested in the joint arbitration board to enforce the spirit as well as the letter of this agreement."

Well, that does not apply to that, Mr. Chairman.

Mr. THOMPSON. What is the general attitude of the journeyman and contractors toward your plan?

Mr. METZ. Very friendly.

Mr. THOMPSON. Mr. Metz, as head of your organization I presume you have made more or less of a study or given more or less thought to the industrial unrest which exists in the country, or is said to exist.

Mr. METZ. I must confess I have confined myself and have been so situated that my time is occupied largely at home—little time for reading.

Mr. THOMPSON. Referring to the carpenter's situation in Chicago, what is the average length of work per year that the man has in your industry under normal conditions?

Mr. METZ. We have no means—we are now trying to perfect a plan to ascertain that, but I would judge about eight months in the year.

Mr. THOMPSON. Eight months of the year?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Have you got anything to say to this commission on the matter of conciliation and arbitration?

Mr. METZ. I firmly believe in both.

Mr. THOMPSON. You know of this plan now in existence, of course?

Mr. METZ. Yes; somewhat.

Mr. THOMPSON. Is that satisfactory to your organization?

Mr. METZ. Yes; I believe so.

Mr. THOMPSON. At least it represents what you think is the best scheme?

Mr. METZ. I think it is in the right direction.

Mr. THOMPSON. Referring to your educational system and apprenticeship scheme, what character of workman has that resulted in creating?

Mr. METZ. In a very good class of mechanic. Mr. Chairman, I might say in this country men of my age, born in this country in the carpenter line, there were very few of them bound to contractors and served apprenticeships. The carpenters that worked in this city for a great many years until about 10 or 12 years ago when the carpenters became thoroughly organized, we formed this joint agreement that provided for the apprentices. I believe they are eminently satisfied with it; I know we are. The large mass of carpenters, I will say, throughout the country are—not speaking of foreign carpenters that come in from some other country—it must be admitted that to some extent they were picked-up tradesmen and we have to supplant the men that have passed away in this method we are adopting. We believe we are successfully doing it.

Mr. THOMPSON. That you are creating more of a craft of your business than it was theretofore?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Anything else you would like to say in regard to that matter?

Mr. METZ. No, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. Anything else? Mr. Lennon would like to ask you some questions.

Commissioner LENNON. During the period of compulsory school attendance what are these apprentices taught—the ordinary curriculum of the school or something pertaining to the trade as well?

Mr. METZ. I have a list here—there are about nine different subjects that are taken up—in fact, not full subjects. Mechanical drawing, estimating, plan reading, history, lectures on civics, and such other matters as pertain to the trade.

Commissioner LENNON. The scheme is to develop mechanics and develop good citizens?

Mr. METZ. Yes, sir.

Commissioner LENNON. The boys turned out are young mechanics turned out; are they making good both as men and as mechanics?

Mr. METZ. I believe I could safely say that 98 per cent of the 800 boys that have been turned out under this system would stand up most anywhere. Some are taking the affairs of their fathers over, some are in partners with others, some are in architects' offices, some are superintendents, and some are regular journeymen—the majority are.

Commissioner LENNON. So that the result of this education, in connection with the practical experience in the trade, is developing the right kind of men?

Mr. METZ. We believe so.

Commissioner LENNON. That is all.

Chairman WALSH. Any other question? That is all. Call your next.

Mr. THOMPSON. Mr. Mullenbach.

TESTIMONY OF MR. JAMES MULLENBACH.

Mr. THOMPSON. Will you give us your name?

Mr. MULLENBACH. James Mullenbach.

Mr. THOMPSON. And your address?

Mr. MULLENBACH. Oak Forest, Ill.

Mr. THOMPSON. And your present occupation?

Mr. MULLENBACH. Superintendent of Oak Forest Institution.

Mr. THOMPSON. How long have you been there?

Mr. MULLENBACH. Since last September.

Mr. THOMPSON. What were you doing prior to that time?

Mr. MULLENBACH. I was secretary of the Illinois Committee on Social Legislation. I had been five years superintendent of the municipal lodging house. I had been two years chairman of the trade board of the Hart, Schaffner & Marx firm and their employees.

Mr. THOMPSON. Were you connected with the organized charities of this city, too?

Mr. MULLENBACH. I was three years assistant superintendent of the United Charities of Chicago.

Mr. THOMPSON. In the course of your work have you had occasion to study the industrial situation?

Mr. MULLENBACH. Yes, it has come to my attention in several ways.

Mr. THOMPSON. And the condition of the working people?

Mr. MULLENBACH. Yes, sir.

Mr. THOMPSON., Have you any opinion as to whether or not a state of industrial unrest exists?

Mr. MULLENBACH. Yes, I think there is a definite unrest among what we might call the unorganized workers, the immediate causes of which are low wages, long hours, bad conditions in the shops, and arbitrary treatment. I think some of those conditions run over into the organized trades. Among the organized trades, I think it is chiefly due to the rising standard of living here in America and the position of the unions to maintain an American standard of living. In fact it was pointed out yesterday that wages do not overtake prices.

Mr. THOMPSON. What remedy would you suggest for this condition?

Mr. MULLENBACH. Well, for the present day under the present state of the industry for the workers in my mind there is no help for him except as he organizes and expresses his desire and will through a definite collective action. I think he has to sacrifice his individual liberty as a man, as a worker, and pool his general interest with the others in order to secure a reasonable amount of liberty under our present industrial system.

Mr. THOMPSON. What practical thing, Mr. Mullenbach, could you suggest to this commission that it could do or recommend to Congress?

Mr. MULLENBACH. The only experience I have directly had with labor unions has been in connection with the trade board of which I am chairman. Some information—a great deal of information has no doubt been given to the commission, and it is not necessary for me to review it except to express my personal judgment of how it works. This trade board of which I happen to be chairman is made up of five members of the Union of United Garment Workers of America, represented by their joint board and five members representing the firm, chiefly shop foremen and superintendents. Before that board come all disputes not able to be settled by representatives of the firm and representatives of the people who are known as chief deputies and assistant deputies. There is a trade board, to use a legal term, although I am not a lawyer, is a court of original jurisdiction in all disputes that they may not be able to settle between the workers and the firm. These disputes are brought before us and evidence given, and a decision given by this board. It has worked now I think quite successfully for over two years. I have statistics here to show the effect of it if you care to read them into the record.

Mr. THOMPSON. I don't think that now we care for the statistics in that regard. I want to get at your opinion more generally as to the unrest.

Chairman WALSH. Might I get that while you are asking them and won't they be put in the record in connection with his testimony later?

Mr. THOMPSON. It was not my intention.

Mr. MULLENBACH. They were published in an article about a year ago. It was the first year's work of the organization. It appears on page 174 of this journal.

Mr. THOMPSON. I think, as a matter of fact, we have those in Washington at the time we had our hearing on collective bargaining there.

Chairman WALSH. I wasn't present.

Mr. THOMPSON. Referring to the general question, of course, while this commission could say that its opinion was that organization would help the condition of the unorganized worker, of course there is nothing Congress could do or the commission could do to compel them to organize. What constructive

thing in your opinion could this commission do to ameliorate the condition of unrest?

Mr. MULLENBACH. I don't know, Mr. Counselor, just what the authority is of the commission. It seems to me, speaking as a citizen, that the way in which this commission could help the people of the United States would be by collecting definite information as to the various methods that have been used, or have grown up out of previous labor struggles and had been found to work in some definite way for the amelioration of conditions and for the promotion of the welfare of the workers and employers, and consequently of the general public. That may be too general a reply.

Mr. THOMPSON. That is all right.

Mr. MULLENBACH. I don't know that I can make it more definite.

Mr. THOMPSON. From your experience in adjusting labor disputes as chairman of this board, do you believe a national industrial commission with power to investigate facts in time of peace in industries and also in time of conflict, and with power to mediate and conciliate and arbitrate if called upon, do you think that would be an addition?

Mr. MULLENBACH. I think it would. I think, speaking as a private citizen, that whenever a great industrial struggle takes place—a strike, for instance, in Calumet, Mich., or Colorado, that what the public feels is a general confusion of thought regarding—information as to what is actually taking place and that there is now no definite tribunal or power authorized to go out and collect the facts and give them to the public from a perfectly impartial, independent, and unprejudiced basis. In other words, such a body, it seems to me, would shed a great deal of light where in one part of our country there was a great deal of heat.

Mr. THOMPSON. You believe in the principle of conciliation and arbitration, I take it?

Mr. MULLENBACH. Yes; I believe that, that a large part of our labor trouble could be saved where you can get a strong union on one side and a strong organization of employers on the other who will have the good will and confidence in the purpose of each. I believe that out of that would come an organization of disinterested intelligent, courageous tribunal that would be able to settle disputes between both parties fairly and amicably.

Mr. THOMPSON. What plan or method of arbitration do you think is best suited to settle disputes?

Mr. MULLENBACH. I think that continuous—if I may use the word "continuous"—arbitration is to be used as against isolated arbitration, for the reason that it would permit the impartial members of your board of arbitration, or court, whatever you choose to call it, to establish a regard for confidence for sure-footed judgment, for impartial apportionment of judgments and awards that would run over the months and the years, and would act not only as a court, not only rendering decisions, but in finding out wherein the interests of each party lay and then pulling them together, so that this board of arbitration is not strictly a court, as it were, hearing evidence upon which they might also base their judgment.

Mr. THOMPSON. What is the objection to this sporadic and incidental arbitration?

Mr. MULLENBACH. It seems to me that the difficulty lies in the fact that in most arbitrations one or the other party has to suffer in the adjudication of the case, and that the party that does suffer feels that there is nothing, after all, to arbitration. It simply goes to create an additional belief, an additional burden upon the ugly feeling that may exist between employees—one group of employers and a group of employees.

Mr. THOMPSON. And that, then, you think, is allowed by continuous arbitration?

Mr. MULLENBACH. Yes.

Mr. THOMPSON. People can get acquainted with the arbitrator?

Mr. MULLENBACH. People can get acquainted with the arbitrator and know his habit of thought and his ways of arriving at his judgment, his general attitude and purpose.

Mr. THOMPSON. Is there anything further you would like to say with reference to the subject of collective bargaining, which you would like to say now?

Mr. MULLENBACH. Except I believe in collective bargaining; that the employer who goes into collective bargaining ought to find opposite him a strong union, well laid. The employer will hardly accept collective bargaining as a principle in his business unless he is forced by a strong union to do so.

I do not believe he ought to be unless there is a strong union, because that union with which the collective bargaining is made ought to share the responsibility of the conduct of the business and the kind of leadership and its power is a thing with which he is vitally interested. In other words, if there is collective bargaining, the employer should be just as much interested in building up a strong, well-laid labor union as any of the labor men themselves.

Mr. THOMPSON. What do you believe should be the responsibility of labor in collective bargaining when made?

Mr. MULLENBACH. The responsibility of labor in collective bargaining is to see to it that they have capable, conscientious, as far as possible, disinterested leadership. This is largely in judgment against the personality——

Mr. THOMPSON. Have you any special ideas to suggest as to what form the responsibility of the labor union should take?

Mr. MULLENBACH. I think the elections in the labor union ought to be perfectly free. I am not sure I care to advise a method, but just simply the principle of it, that they ought to be free elections, so that there will be a full adequate expression of the individual members' judgment as to the leaders of the union.

Mr. THOMPSON. Do you believe, or have you any opinion as to whether or not the incorporation of labor unions would help?

Mr. MULLENBACH. Mr. Conselor, I have not thought seriously enough about that to express an opinion.

Mr. THOMPSON. Have you thought as to whether or not there should be financial responsibility of labor unions?

Mr. MULLENBACH. Not on that, either. I think they are too serious questions for one to speak of in this manner.

Mr. THOMPSON. Have you given any thought to the question of the relation of labor to the law, as to whether there is a failure of proper adjustment there or not?

Mr. MULLENBACH. Well, I feel, as a private citizen, that too frequently where the employer by organization of labor has enforced—has had the pressure put upon him, has gone from the economic field, if you will, has yielded that and gone over into the courts and sought power from the courts that he did not have in his hand in his contest with the labor union when it was thoroughly organized; in other words, he has resorted to injunctions. I think that as a free American citizen, I feel that sometimes the courts have been, at least it is in some confusion in my mind as a layman, the courts have resorted to this, what seemed to him ex powers in order to oppose the union in such particular struggles.

Mr. THOMPSON. Do you think that the establishment of industrial courts, bodies that could deal with grievances arising, or that giving to our present courts, when a party comes before it asking for an injunction, power to not only pass on the law points, but to go into the questions, the industrial questions, and settle them, would that be a good thing?

Mr. MULLENBACH. That might be a good thing, but I believe that seriously I have not thought about it enough to give an opinion.

Mr. THOMPSON. Well, Mr. Mullenbach, is there anything that you would like to say to the commission?

Mr. MULLENBACH. I think not. I would like to say this about violence: As a citizen, it seems to me there is a good deal of pretense and hypocrisy on both sides with regard to this matter of violence. I think as long as we have human society held up at the point of the bayonet, that when we have a local labor war, in which the livelihood of an immense number of people is at stake, and where perhaps the existence of a great business is at stake, that while the leaders on each side may not definitely lay plans to resort to violence, that it is almost inevitable, human nature being what it is, that violence will arise. I do not think that either side would admit that they were the instigators of violence. I do think that as long as men are organized as they are, and that the worker on one side has his livelihood at stake, and his family welfare, his home and that he has within him only his physical power, not having financial or legal power; that then the resort to physical power would be very easy under provocation. And I think that equally on the other side the business man who is responsible for an immense plant and can not afford to take this chance with human nature, and he wants to protect his plant, that out of that clash you will almost inevitably have some violence. I can't see how it can be avoided, although it may not be intended on either side.

Mr. THOMPSON. Then you don't think that that violence should be charged either to the union as such or the employer as such?

Mr. MULLENBACH. No, sir.

Mr. THOMPSON. But you would lay it at the doors of human nature?

Mr. MULLENBACH. I think that all of us are about the same garden variety of human beings.

Mr. THOMPSON. That is all.

Chairman WALSH. Any questions?

Commissioner DELANO. I would like to ask a question.

Chairman WALSH. Mr. Delano would like to ask a question.

Commissioner DELANO. You have expressed the opinion, Mr. Mullenbach, that when we have employers very strongly organized and the workers were very strongly organized, that you get better results?

Mr. MULLENBACH. Yes, sir; I think that is true.

Commissioner DELANO. Now, what is to prevent—supposing there is 100 per cent organization of employers in any particular field of industry, and 100 per cent organization of workers, what is to prevent simply increasing the cost to the consumer of the product, and does not that, as a matter of fact, happen?

Mr. MULLENBACH. I think that that may come out of such an organization, Mr. Commissioner. I am simply speaking now for our present order of industry, which I think is not free.

Commissioner DELANO. Now, what protection does the public—does the consumer have—in a situation like that? We have had before this commission several instances where about that condition of affairs exists.

Mr. MULLENBACH. Well, it seems to me that if the profits grew too large for each side, the wages of the one and the profits grew too large for the employer, under such a scheme of things——

Commissioner DELANO. I did not say they were too large. I simply asked what would prevent the increasing the——

Mr. MULLENBACH. Yes; and they keep increasing the cost, which would mean, as I take it, that each of the parties to the contract would have the same profit; in other words, the profit of the employer and the wages would be raised.

Commissioner DELANO. You misunderstood my question: The employer would simply say, "Why, so long as I can make the public pay for this thing, I don't object to paying more wages." And he would go on paying increasing wages every year. Where does the public come in in a question like that?

Mr. MULLENBACH. Except when he became too costly, the public would probably organize in some other way to find redress. Somebody would put some capital into another scheme of organization. That is the only way I can see out of it.

Chairman WALSH. Might not the law itself step in?

Commissioner DELANO. The situation would get so bad that it would break down?

Mr. MULLENBACH. How is that, sir?

Commissioner DELANO. The situation would get so bad that it would break down?

Mr. MULLENBACH. It might.

Commissioner DELANO. It might?

Mr. MULLENBACH. It might become such an isolated and conspicuous monopoly that it would break down.

Commissioner DELANO. Such a thing has not come to your attention?

Mr. MULLENBACH. No; I haven't seen an instance of it; neither have I seen, I think, an instance of a complete or thorough organization. It is very exceptional where you have all of your employers or all of your people organized.

Chairman WALSH. Do you want to ask a question, Mr. Garretson?

Commissioner GARRETSON. I want to ask one proposition coming out of the last question: Make your proposition nation wide, and organize your employers 100 per cent and your employees 100 per cent, and doesn't it answer itself, because the employers and the employees will furnish 95 per cent of the public?

Mr. MULLENBACH. Well, they probably will, but I was thinking of particular trades when Mr. Delano spoke, some particular section.

Commissioner GARRETSON. But make it nation wide and you have got the answer itself, haven't you, in that particular fact?

Mr. MULLENBACH. Yes.

Chairman WALSH. Is that all?

Commissioner GARRETSON. Yes.

Chairman WALSH. Thank you very much, Mr. Mullenbach. That is all. We will now stand adjourned until 2 o'clock.

(At 12.30 o'clock p. m. of this Friday, July 24, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS.

Now, the hour of 2 o'clock p. m. having arrived, the commission met pursuant to adjournment.

Present: Same as before.

Chairman WALSH. The commission will please come to order. All right, Mr. Thompson.

Mr. THOMPSON. Mr. Reynolds.

TESTIMONY OF MR. GEORGE M. REYNOLDS.

Mr. THOMPSON. Mr. Reynolds, will you please give your name?

Mr. REYNOLDS. George M. Reynolds.

Mr. THOMPSON. And your business address.

Mr. REYNOLDS. 72 West Adams Street.

Mr. THOMPSON. Are you president of that bank?

Mr. REYNOLDS. I am.

Mr. THOMPSON. How long have you been president?

Mr. REYNOLDS. About eight years president.

Mr. THOMPSON. As a banker interested in the financial state of the community do you take into consideration the various business and commercial elements?

Mr. REYNOLDS. We try to; yes, sir.

Mr. THOMPSON. And you follow the conditions of the crops, I believe, more or less thoroughly?

Mr. REYNOLDS. We try to follow them as closely as we can; yes, sir.

Mr. THOMPSON. That is true also of the other commercial conditions?

Mr. REYNOLDS. Yes; in a general way we try to keep in touch with whatever goes to make existing conditions.

Mr. THOMPSON. In that observation of the general commercial and business conditions, has the labor problem come under your consideration?

Mr. REYNOLDS. Yes, sir; in the way of observation. I never have myself been situated where I have had direct contact in the employment of union labor, however.

Mr. THOMPSON. What, in your opinion, is the effect of industrial disputes on the general commercial and financial conditions of the community in which they occur and the country generally?

Mr. REYNOLDS. Well, I think that when labor and capital are both employed and business is running at its maximum or normal activity, anything which interferes with the conduct of that business anywhere has some effect upon the whole situation. The amount of the effect depends entirely, or the measure of the effect depends entirely upon the magnitude of the matter under dispute and the number of people affected by it.

Mr. THOMPSON. Have the disputes which so far have occurred—massing them—had an appreciable effect on commercial conditions?

Mr. REYNOLDS. I think they have at different times.

Mr. THOMPSON. Could you illustrate that by any particular industrial trouble in Chicago?

Mr. REYNOLDS. Well, I think more recently the brick strike here would illustrate the thought I have.

Mr. THOMPSON. What are your conclusions in regard to the effect of that strike, taking it as an example?

Mr. REYNOLDS. I think it delayed the erection of many buildings here. It created a stagnation of business, and inability on the part of manufacturers of products to use them, and resulted in people being out of work to that extent.

Mr. THOMPSON. Was that due to a considerable extent or an appreciable extent or not?

Mr. REYNOLDS. Yes; I think it was noticeable to all classes of business; more, of course, to the manufacturer and producer of the commodity that would be used in the erection of buildings under contract.

Mr. THOMPSON. Did that have any effect on banking?

Mr. REYNOLDS. Indirectly, to some extent; but not so much in other directions.

Mr. THOMPSON. What, in your opinion, is the desirability of industrial peace and regular carrying on of business free from strikes—labor strife?

Mr. REYNOLDS. I think anything which could regulate business to such an extent that we would not have the frequent interruptions through contentions between labor and capital would be most helpful in any direction. Anything that would stand for stability, for that matter, so that we might proceed some length of time without any dissension of any kind, would be very helpful in all lines.

Mr. THOMPSON. Is there any particular view held generally among the banking community with reference to these industrial strifes?

Mr. REYNOLDS. Well, I would say, with my knowledge, there is, because I am frank to say I don't consider myself an expert or especially strong student on that particular thing you are dwelling on for the moment. I would not say I am an involuntary witness here, but I am not a voluntary witness to the extent I believe my views are infallible by any means.

Mr. THOMPSON. As a citizen of the community, have you any views as to the ordinary remedies which are used, such as conciliation, mediation, and arbitration in the settlement of industrial disputes?

Mr. REYNOLDS. Only as I have got it by observation. As I said before, I have had no personal contact with labor organizations of this kind where I have been personally engaged in any of that work of conciliation or mediation or arbitration as far as that is concerned, but it seems to me that everything along the line of a peaceful and conciliatory avenue is to be desired. I am something of a believer in the theory that if two parties to a disagreement are honest in their contention and honest in their efforts to correct the differences of opinion, and they will both put their cards on the table face up, that it is not a very difficult thing, as a rule, to adjust those differences.

Mr. THOMPSON. We live to-day in an age of organization, do we not?

Mr. REYNOLDS. Yes; to a great extent.

Mr. THOMPSON. That is particularly true of the banking industry, is it not?

Mr. REYNOLDS. Yes; the same as everything else.

Mr. THOMPSON. And large manufacturing industries?

Mr. REYNOLDS. I suppose you mean by that that things are done in large units as the result of organization of big corporations. Everything nearly is done more or less that way.

Mr. THOMPSON. In other words, more cooperation and working together for the handling of the various avenues of business endeavor which we have in the world to-day.

Mr. REYNOLDS. It would be most desirable, I think, if they could do so.

Mr. THOMPSON. Well, in the productive world, in the steel world, in the coal industry, and in the banking business that is fairly true, is it not?

Mr. REYNOLDS. Yes; I think so. I think the period of consolidation and of organization of large things as it has obtained in recent years has been with a view of creating a more efficient result in the accomplishing of the things you have just mentioned.

Mr. THOMPSON. Now, Mr. Reynolds, some people are of the opinion, however, that the organization of the workingmen as such into large units—unions—leads to a decrease of efficiency and to the disorganization of production; on the other hand, some people believe that that leads to a more orderly state of production. Have you any views as to whether or not——

Mr. REYNOLDS (interrupting). Nothing——

Mr. THOMPSON (continuing). The workingmen should follow the general trend of the age or not?

Mr. REYNOLDS. My views upon that would be secondhand rather than otherwise. And you are having plenty of evidence here from people who are directly interested and who can give that proposition more definitely, more accurately than I could.

Mr. THOMPSON. The idea there, Mr. Reynolds, is that you are to a certain extent removed from the active field of conflict?

Mr. REYNOLDS. That is it. Yes, sir.

Mr. THOMPSON. And as an important member of the public, general public, you might have some views that would really, perhaps, be more beneficial than those directly interested.

Mr. REYNOLDS. The thought I have in connection with that is this: Sometimes the expressions of people in more or less high places in business, on subjects

that are national in their scope and are complex in their character and effect, as this discussion of this question affects so many people—I say, the discussion of those questions by people who are not thoroughly conversant with them, creates confusion and does more harm than if people would frankly admit, as I am willing to, that I am not especially versed in that phase of this situation.

Mr. THOMPSON. From the standpoint of the public at large, you can see no objection to the organization of the workingman in industry?

Mr. REYNOLDS. Not at all. No, sir. I think that——

Mr. THOMPSON. I beg your pardon.

Chairman WALSH. You thought what?

Mr. REYNOLDS. I beg your pardon.

Chairman WALSH. I thought you were interrupted; you thought what?

Mr. REYNOLDS. I say I think that where large bodies of men engaged in any kind of work or enterprise get together collectively into any kind of an organization for any purpose, I think pretty generally speaking the purposes for which they are collected into these organizations are laudable enough within themselves. I think, however, that human nature applies with the same measure that the law of supply and demand, or the law of averages would direct, rather, in each of those organizations. Now, there may be in labor organizations men who are not wholly unselfish in their use of their organizations just as there are in other civic organizations, in my line of work, the everyday line of workingmen, who simply exceed what many of us might agree would be their proper limits.

Mr. THOMPSON. Would that hold true, in your opinion, Mr. Reynolds, with reference to men working in public-service corporations?

Mr. REYNOLDS. It might, sir; I do not see why it should not.

Mr. THOMPSON. Have you any opinion with reference to whether or not collective bargaining is a satisfactory measure to meet with some of the difficulties of the labor problem?

Mr. REYNOLDS. Well, it might do that. It might meet some of the objections.

Mr. THOMPSON. It has been stated by many, Mr. Reynolds, that there is a condition of industrial unrest, I do not mean commercial or business unrest, today; but I am distinguishing the position of the worker as such from the rest of the community. He feels the results under present conditions, not the condition of this year, but generally. Do you believe such unrest exists?

Mr. REYNOLDS. Well, we see more or less evidence of it every day. Sometimes I am rather prone to believe that maybe a good deal of what we superficially call unrest is an exaggeration of existing conditions. When you stop to study and analyze the situation in this country, as it is applied to all classes, and compare that with the same situation in foreign countries, it seems to me that the measure of success and prosperity that has attended the people of this country has been such that there ought not to be as much discussion of the question of a condition of unrest as there is. I could illustrate that perhaps by—well, take last winter in this city, for example, the associated charities undertook to raise a very large amount of money to take care of the worthy and needy poor in the city, a very laudable undertaking. But in their effort to do this, they were advertising all the time that there were many thousands of people out of employment. They were painting that part of the picture as dark as they could, in order that they could get as large a donation as possible from the public, in order that they would give more freely. Now, I think in all civic organizations there is more or less of that sort of thing going on all the time. A few people form an organization with a view of trying to correct some condition that they regard as being unsatisfactory. They start upon the theory that they are going to impress the necessity of a responsibility of the public upon the importance of the situation and they immediately paint that picture just as dark as they can. And I sometimes think that maybe a good deal of our troubles are mental troubles, after all is said and done.

Mr. THOMPSON. What would you say, Mr. Reynolds, with reference to the strike in the copper region—Calumet and Colorado?

Mr. REYNOLDS. Well, I know of nothing that except as I get it from the public press. It seems to have been a very bad state of affairs. Business was almost paralyzed in those communities; men were out of employment and unable to buy the necessaries of life. With all, as I understand it, a very bad condition was created.

Mr. THOMPSON. There apparently was a breakdown in civil government in both places.

Mr. REYNOLDS. Yes, sir.

Mr. THOMPSON. The martial law was declared?

Mr. REYNOLDS. Yes, sir.

Mr. THOMPSON. Is that, in your opinion, a very bad state of affairs?

Mr. REYNOLDS. It is a very bad state of unrest, and ought to be corrected, if it is possible to do it.

Mr. THOMPSON. That condition, I think, existed also in West Virginia until within the last year.

Mr. REYNOLDS. Yes, sir; in the coal strike.

Mr. THOMPSON. Take those symptoms, not as opinions of philanthropic bodies, but as actual existing conditions, take that state of facts, the unrest, what would you say with reference to its cause and what would you suggest as a remedy for its cure?

Mr. REYNOLDS. Well, I should say the causes there were too much agitation from all sides. And in saying that I say that the agitation probably came from both sides to a certain extent. It should be corrected, if possible, and it is a pretty big question as to how and what would be the best way to correct that. Personally, I have always believed in an effort on the part of the interested parties through conciliatory efforts to reach an agreement if possible, and failing in that, it seems to me, that it could be accomplished through enforced arbitration after a certain point. I would not begin from the start, but after a contention between two parties had reached a state where people were entirely apart and the two sides of the contention were being affected, then I think enforced arbitration of some kind by some commission, some body, of a kind that would be competent to keep tab and in touch with cases of that kind might do it—something after the order of the Canadian plan. I do not know just what they call it, but I understand it is equivalent to a Cabinet officer in this country. That he has general supervision over their industrial difficulties and at a certain point he has a right to step in and insist upon arbitration.

Mr. THOMPSON. Do you think, Mr. Reynolds, that the existence of a Federal industrial council, a body of men selected for their ability and disinterestedness in that subject, perhaps, who could investigate the facts in such an industrial dispute and who would have power of conciliation and mediation and, upon the request of the parties, the power to arbitrate, do you think such a body, with powers to throw light on the subject, would assist in any way, at least?

Mr. REYNOLDS. Yes; I think it could be very helpful. Of course, the crux of the whole thing would be in a measure the unselfishness that would be applied and the measure of equity and the justice that would be applied. And if a body of that kind was formed, with men familiar with their activities, and they would be entirely unselfish and make justice and fairness watchwords, then I can see a good deal of good might come out of it.

Mr. THOMPSON. Is there anything else you would like to state at this time with reference to the industrial problem?

Mr. REYNOLDS. I do not know that I do, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Garretson would like to ask a question.

Mr. THOMPSON. Just a moment. One more question: Do you think there should be some method by which the union should have a more stable responsibility and position in the industrial matters?

Mr. REYNOLDS. I am talking again entirely from a theoretical point of view when I try to answer that. But my own opinion is, from knowledge I have, that incorporation of the union where a responsibility could be properly fixed would help solve that problem.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Mr. Reynolds, you made the statement, I believe, one of the things to be desired was stability. Do you believe the maintenance of stability would be justified if stability meant the perpetuation of a moral wrong toward either interest?

Mr. REYNOLDS. No; I don't. I would answer that by saying that I would have unselfishness, justice, and fairness the basis of all negotiations.

Commissioner GARRETSON. Then, if the demand of a body of employees or the resistance of the employer was against a manifest injustice on either side, the one that contested and brought on the war would be justified thereby under those facts, in your opinion?

Mr. REYNOLDS. Well, I would not want to undertake to say what justification——

Commissioner GARRETSON. Without passing upon what the definition of justification is.

Mr. REYNOLDS. Passing the question of the justification, I should say the settlement of a misunderstanding of that kind might well be left to people who would be disinterested.

Commissioner GARRETSON. Do you believe that the question of where it is manifest that where injustice exists either way that the obligation rests on any man to leave it to third parties to say whether he shall resist?

Mr. REYNOLDS. Well, if we are to submit our differences of opinion and contentions to law at all, I don't know why it should not apply there as well as any place else. Otherwise we would all be taking the law into our own hands, and executing what we regarded as right and wrong.

Commissioner GARRETSON. Is there any law in existence that will make any man work against his will?

Mr. REYNOLDS. No; that is very true, and should not be.

Commissioner GARRETSON. Any more than it could compel you to remain in the banking business; one would be as fair as the other, would it not?

Mr. REYNOLDS. Yes, sir; entirely so.

Commissioner GARRETSON. Is the commercial supremacy of a country and the amassing of wealth to be considered supremely desirable, if that can only be brought about by the social submerging of a large portion of the citizens?

Mr. REYNOLDS. No; I quite agree with you.

Commissioner GARRETSON. In your opinion, has a commercial enterprise any right to exist unless it can be so conducted as to give those who conduct it a reasonable compensation for their labors?

Mr. REYNOLDS. As a whole I should answer no. There might be an individual commercial organization which, through competition of some kind or other, might be forced into such a condition, but collectively I should say no.

Commissioner GARRETSON. The man himself who owns the enterprise would be perfectly justified in starving himself to make it win if a reward lay ahead, but that would not apply in your opinion to the men who were hired to carry it forward?

Mr. REYNOLDS. I don't think I would have any right to express the measure of starvation the other man should go to; no, sir.

Commissioner GARRETSON. Has your experience in business life led you to believe that a higher conception of moral as well as legal responsibility obtains in associations of business men than in associations of laboring men?

Mr. REYNOLDS. I have not been close enough related to associations of labor to have a very definite idea on that subject. As I said before, I am rather reluctant to express an opinion that only represent theories and not knowledge from practical experience.

Commissioner GARRETSON. Then knowledge has not led you to believe that a greater portion of the laboring men as connected with organizations are dishonest than of men engaged in other pursuits?

Mr. REYNOLDS. My general belief is that the great majority of all civic bodies, including union labor organizations, are honest and well meaning and, as I said before, that the purposes of their organization are laudable. In many cases, individuals take advantage of their official positions, and that will apply to civic organizations——

Commissioner GARRETSON. Including labor unions?

Mr. REYNOLDS. Yes, sir.

Commissioner GARRETSON. We have got to that common ground, anyhow. You refer to the Canadian act. After using the phrase "forced settlement" or "forced arbitration," were you aware that the Canadian act, known as the industrial disputes act, has nothing of the forced arbitration in it?

Mr. REYNOLDS. I don't think perhaps the word "forced" is a proper word to use in connection with that statement. My knowledge of this is based almost entirely upon an address which I heard the officer—I don't now remember his name——

Commissioner GARRETSON. The minister of labor—Maxwell King—former minister of labor.

Mr. REYNOLDS. In that address he told in a general way of the treatment of their labor disputes in Canada as compared with our methods in this country and it impressed me generally as being a good thing.

Commissioner GARRETSON. It provides for compulsory investigation, but has no method of making its verdict binding upon either party.

Mr. REYNOLDS. The result shows that nearly all of those things are compromised after they enforce those investigations; the same result.

Commissioner GARRETSON. Have you also seen the fact developed that it also—seen the fact reported—it also developed utter disregard for the law on the part of large bodies of men?

Mr. REYNOLDS. No, sir; I have not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions? That is all. One minute, Mr. O'Connell wants to ask you a question.

Commissioner O'CONNELL. I don't want to bring you back, but I want to make just one comparison. There are among bankers—banking interests—those who are not considered straight always in their dealings with their depositors, and as a result there are bank failures at times. The cause of a bank failure or some officer of a bank misappropriating or doing away with the funds of the depositors, would not be justification for the discontinuance of the banking system of this country, nor would it be evidence that the bankers were dishonest.

Mr. REYNOLDS. No, sir; I don't think so. I think that illustrates again the law of averages. I think that is the determining influence in it.

Commissioner O'CONNELL. By the same argument, then, it would be no more justifiable than to say that some labor leader had been charged with grafting and that labor organizations should be done away with?

Mr. REYNOLDS. Not unless the infractions—well, I would not say of law, because it is not law—unless the infractions or grievances would show they were more common than they are in the failures of banks, I would not say so.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. JOHN G. SHEDD.

Chairman WALSH. Take that chair, please, Mr. Shedd.

Mr. THOMPSON. Mr. Shedd, will you give us your name, please?

Mr. SHEDD. John G. Shedd.

Mr. THOMPSON. You are president of Marshall Field & Co.?

Mr. SHEDD. I am.

Mr. THOMPSON. How long have you been connected with Marshall Field & Co., Mr. Shedd?

Mr. SHEDD. Forty-two years.

Mr. THOMPSON. Marshall Field runs a wholesale and retail dry goods business, so called?

Mr. SHEDD. They do.

Mr. THOMPSON. Probably the largest business of its kind in this city?

Mr. SHEDD. We have that name.

Mr. THOMPSON. Is Marshall Field also engaged in the manufacture of goods here and elsewhere?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. In Europe, I believe?

Mr. SHEDD. No, sir—well, to a very slight extent; I don't know but I would qualify that a bit by saying to a slight extent—in a small way.

Mr. THOMPSON. Where are their principal manufacturing plants?

Mr. SHEDD. For the manufacture of laces, at Zion City, Ill.; in the cotton industry, in Spray, N. C.

Mr. THOMPSON. Any other factories that you run and operate?

Mr. SHEDD. Well, we are in the underwear manufacturing business in New York City.

Mr. THOMPSON. New York City?

Mr. SHEDD. Yes.

Mr. THOMPSON. Do you manufacture any women's clothing, or men's?

Mr. SHEDD. I beg your pardon; we also have a factory at Monticello, Ind.

Mr. THOMPSON. What do you manufacture, there, Mr. Shedd?

Mr. SHEDD. We manufacture threads, yarns, etc.; at least, we convert them.

Mr. THOMPSON. Do you know, in round numbers, about how many people you employ in the manufacturing establishments of Marshall Field & Co.?

Mr. SHEDD. Well, in a round way, about 3,000.

Mr. THOMPSON. About 3,000. How many do you employ in the wholesale and retail business here in Chicago?

Mr. SHEDD. It varies between about 12,000 to 15,000. It varies.

Mr. THOMPSON. Now, in handling the business of that firm, both in the manufacturing and the selling and the distributing of goods, Mr. Shedd, you have had more or less occasion to come in contact with the labor problem?

Mr. SHEDD. Yes.

Mr. THOMPSON. Have you any collective bargaining or agreements with your people as such in any department of your industry?

Mr. SHEDD. Not which you might strictly term that, I think, and yet in a degree, perhaps, with the underwear manufacturing plant in New York and in the decorating department of our Chicago business.

Mr. THOMPSON. Have you any agreement with teamsters, we will say?

Mr. SHEDD. None whatever.

Mr. THOMPSON. None whatever. But you have had something to do with organized labor?

Mr. SHEDD. Something.

Mr. THOMPSON. Now, from your experience in the commercial and business world, Mr. Shedd, have you any opinion regarding the extent and causes for labor dissatisfaction in industry, and any remedies for its cure? Have you got a paper there which you would like to read?

Mr. SHEDD. Yes; if you will allow me. I received from the chairman of your commission a list of the general questions which it was suggested might be propounded, or matters which they desired to go into, and I hastily dictated general replies to each question, which I should like to submit.

Mr. THOMPSON. Well, you may read that, Mr. Shedd.

Mr. SHEDD. The first question suggested was, "Opinion regarding the extent and causes for dissatisfaction and unrest in industry."

My answer is that unrest in industry is world-wide and is caused by a desire for better conditions, better food, better housing, better clothing, and more leisure. A large element is also the prevailing agitation by politicians for purely political purposes and by irresponsible agitators for purposes of notoriety, until they finally convince the public that certain wage earners are deprived of their just dues.

Another element is the rapidly increasing complexity of industrial conditions during the past 25 years. Unrest is a sign of progress, not necessarily an evil. Another reason is the immigration of great numbers of unskilled workers from countries of great suppression to one pictured to them of great personal freedom and golden opportunity, which leads them to fall an easy prey to the agitator. The extent to which such unrest has apparently spread would dwindle to small proportions if the whole subject were removed from the realm of politics. A condition very apparent is the determination on the part of a great many people to indulge in luxuries at a sacrifice of providing for their future welfare and comfort in old age. The flocking of great masses of people to the large industrial centers, seeking excitement, who could live under better conditions in the small town or country. Lastly, the high cost of living is probably one item which causes warranted unrest and dissatisfaction. This high cost of living is largely attributable to the high cost of labor, not essentially to the cost per hour or per day (which may or may not be too high), but more largely to a lack of desire to do a full day's work for a full day's pay.

Question 2. "Constructive proposals within the scope of the commission's authority for improving conditions and alleviating unrest."

Answer. As to additional legislation, I think the Legislature of the State of Illinois has pretty well safeguarded industrial conditions. You can not, in my opinion, legislate to stifle unrest any more than you can legislate people into a happy frame of mind. To my mind, the greatest happiness and satisfaction comes from a full day's work well done and fully recompensed. A writer has recently said in one of our daily publications, which quotations I fully indorse: "It is well to remember that this country is to-day the best country in the world for the man who has to make his living; that it still offers him the greatest opportunity and the clearest title to regard himself as a real factor in the community. It is well to remember that there is in this country a willingness on the part of large business men to seek sincerely the causes of industrial unrest and to cooperate toward removing them that has no parallel in other countries." To the extent that this unrest is special and caused by agitators, paid or otherwise, the commission might recommend to Congress that the Sherman Act be made more clear in its application to every conspiracy of labor organizations in restraint of interstate and foreign commerce. It might also recommend that it be made a criminal offense for an employer or labor leader, in connection with a strike, whether affecting State, interstate, or foreign com-

merce, to attempt to pay or attempt to obtain a bribe as a reward for his services in securing a settlement.

Question 3. (*a*) "Collective bargaining—trade-unions."

Answer. My experience in relation to collective bargaining and trade-unions has not been such as to inspire confidence in the result of the various phases of this element. The lack of moral or financial responsibility to carry out the written contracts of these institutions is largely responsible for my state of mind on this question. Collective bargaining, as I have observed it, binds only the employer and not the employee. The peculiar necessities of the business in which I am engaged require service—active and prompt—and require the immediate and conclusive acquiescence of all in the service from the lowest employee to the head of the house. We make no exception to this rule, and we have never found that it was either irksome or detrimental to the interests of the employee. I believe our organization has the highest state of efficiency of any of like nature in the world. To reach this high state of efficiency, we have for nearly 50 years adhered strictly to one policy, probably not deviating once a year from such policy; that is, continual promotion from the ranks, going so far, if you please, as from elevator operators to stock rooms, stock rooms to sales persons, from sales persons to departmental heads. Every officer of our company has gone up through the business from stock boys or errand boys to the high positions they now occupy. As I view it, none of this could have been accomplished if these men in occupying their lower positions had been members of a fraternity to which they were more loyal than to our business.

(*b*) "Means of securing and promoting industrial efficiency."

Answer. By instilling into the mind of every employee the necessity for industry and an earnest, cheerful endeavor to earn their wage. Individuality instead of collectivity.

(*c*) "Legislation regulating the conditions of employment of women."

Answer. I have an idea that at the present time we have in Illinois sufficient legislative enactment to care for the interests covered by this question. We have the 10-hour day, employers' compensation, employers' liability, State factory inspection, etc., all of which, I believe, are being effectively administered.

(*d*) "Minimum-wage legislation."

Answer. The advisability of legislation fixing a minimum wage for unskilled women is one which should have very mature consideration. My present opinion is that it would be very harmful to the class which agitation has suggested it would benefit. For instance, if the minimum wage were fixed at $8 a week and well-trained help could be obtained at a somewhat increased rate, then there would be no opportunity for the unskilled seeker for position. This would have an immediate tendency to drive the unskilled woman in desperation for lack of employment to the very acts which it is intended to obviate by the suggestion of the minimum wage. Other than this suggestion, I have no opinion to offer.

(*e*) "Desirability and results of welfare work."

Answer. Welfare work among women employees I believe to be very beneficial, even in cases where it is only advisory. It makes for better social, moral, and physical conditions.

I have stated here, Mr. Chairman and gentlemen, some of the items in which we are engaged. I will hand it to you if you desire. It might be such as you care to hear, and I will read them:

Some of the items included in the welfare work of Marshall Field & Co.: Vacations, time for necessary outside affairs, hospital rooms, lunch rooms at cost, school for juvenile help, Chicago Public Library substation, music room, social rooms, new gymnasium, choral society, baseball, salesmanship conferences.

Our welfare workers keep in touch with the various employees and get as accurate a knowledge as possible as to the home conditions.

We do not to any extent furnish personal medical assistance, most employees desiring to consult their own physicians, in many cases these being family physicians employed perhaps for years in the families.

We do not believe in paternalism as applied to the surveillance of the employees—just those little touches of interest which are helpful.

I have no further suggestions to make on this subject.

(*f*) "The administration of labor laws and possibility for improvement."

Answer. It might be well for the National Government to inaugurate a system of public works, such as road building, guaranteeing the bonds of the various States for this purpose and only as an emergency measure in times of great depression.

(g) "Scope of application of conciliation and arbitration and extent to which the State should intervene in industrial disputes."

Answer. I believe that the State should not intervene in industrial disputes beyond the exercise of the usual police powers for the preservation of peace and order.

(h) "Industrial education and vocational guidance."

I believe in vocational training in our public schools, which should supplement but in nowise supersede the fundamental general training which every child should have, and should extend throughout the country.

(i) "Pensions for aged and incapacitated workers."

Answer. As applied to a business like the one in which I am engaged, I am opposed to the general pension system for the reason that it tends to lessen thrift of the individual and creates a general atmosphere of dependence. Our method has been to take up each individual case. All well-conducted businesses should have some equivalent of the pension system. It strikes me that a universal application of the pension system would foster paternalism and tend to take from the individual a sense of personal responsibility for his future and the future of those dependent upon him, which should be incumbent upon every man and makes for a strong nation.

I am of the belief that old-age pensions would not be such a burning question before the public if we, as individuals or collectively, had stamina enough to refrain from the use of tobacco or alcoholic beverages in any form. The savings thus produced, if deposited in a savings bank weekly, would insure our people and their families from dependence in both youth and age.

(j) "Profit sharing."

Answer. Profit sharing, limited to the sharing of profits of successful years, without any responsibility for the losses of unsuccessful years, I believe to be unfair. The system should only be applied to where the responsibility and liability of participation is applied to all alike, whether employer or employee. Instances like the Henry Siegel and Claflin failures in the East confirm me very strongly in this opinion.

This was brought very strongly to my mind by this incident, the unfortunate incidents in New York and Boston, of the failure of the large concerns there. If a man has an interest in the profits as a stockholder and does not participate in the losses, it is a gratuity and should be a part of the general wage paid unless responsibility can be fixed both ways. That, Mr. Chairman, I think, is all.

Mr. THOMPSON. Your business is a competitive business?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. Are there limits caused by competition to what you could do for your people?

Mr. SHEDD. Are there limits caused by competition to what we could do for our people? I should say not.

Mr. THOMPSON. Generally the competition in your business doesn't affect much your wage system, or wages paid, does it?

Mr. SHEDD. I think it is fair to say not. Of course competition fixes all things, but I think it is safe to say not.

Mr. THOMPSON. Taking the conditions which have existed within the last two years in Michigan and Colorado and western Virginia where civil government has broken down and martial law has been declared, have you any comment to make in respect to those matters, particularly with reference to a statement that the Government should only intervene to the extent of keeping peace?

Mr. SHEDD. Only this: I believe every man, whether he belongs to a union or not, whether he is a party to collective or individual bargaining, should have the right to earn his living anywhere in the world. He should not be deprived of the results of his own labor. He should not be deprived of his right to labor, no matter whether he belongs to a church or not, and no matter whether he belongs to a labor union or not, no matter whether he belongs to any fraternal organization or otherwise. I think every man's inalienable right is that of earning his own livelihood as he pleases as long as he keeps within the law.

Mr. THOMPSON. Have you any opinion—this is suggested by your answer—with reference to whether or not it is advisable for the worker to belong to a union organization or not?

Mr. SHEDD. In the business which I am engaged in I should think it was very detrimental to his interests. If you wish me to confine myself to that.

Mr. THOMPSON. You can make it as broad as you wish.

Mr. SHEDD. There might be relations, I think, in the lower scale of employment where a man is practically, either from a difficulty in speaking the language or any other defect, in his own ability to take care of himself, and I would say that collective bargaining or bargaining through some agency of which he should be the voluntary contributor, would not be objectionable.

Mr. THOMPSON. Even in cases of intelligent men—men who are engaged in the various occupations in this country, do you think that they could bargain as effectively for their wages, for the hours of work, and for working conditions, individually as they could collectively?

Mr. SHEDD. I am not entirely prepared to answer the question. I should think in some of the employments perhaps collective bargaining is to their advantage. I say in the lower scale of labor.

Mr. THOMPSON. Take in garment making, that is not very low.

Mr. SHEDD. No lower, I guess, in a certain field, as in ours, perhaps, because as I understand it—I have had some experience with the garment workers and they are largely of a class, the workers themselves, of those who do not speak the English language.

Mr. THOMPSON. While that probably is true, but the work itself—the various phases of the work require more or less skill, do they not?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. And skilled work implies intelligence?

Mr. SHEDD. Yes; it may be mechanical, however.

Mr. THOMPSON. Some element of intelligence there.

Mr. SHEDD. It is largely mechanical still and not the element of what you and I would fairly term skill. It would be mechanical.

Mr. THOMPSON. These people may be intetiligent, even though foreigners just lately arrived here?

Mr. SHEDD. Oh, yes; yes, sir.

Mr. THOMPSON. And you feel that the union is probably good for them or not?

Mr. SHEDD. Well, I should have to leave that to the individuals themselves. I would be entirely willing that they should belong as long as it is voluntary. I have no comment on that.

Mr. THOMPSON. Do you think, perhaps, a national body, a body appointed and created by the United States Government with power to investigate into the condition of industries and collect facts, particularly in times of strife and trouble, and also with power to mediate and arbitrate, do you think such a body would help the industrial conditions in this country, as you view it?

Mr. SHEDD. If it could be divorced entirely from the element of politics—I don't see hardly myself a way to do that. There is hardly a body that could be formed, whether it is a Progressive facing the wrong way, or whether it is Democratic, or a Republican, or whatever it might be—it seems to me it is a very difficult thing to form such a body that would be entirely impartial. If a body could be formed entirely from the judiciary, from the higher judicial elements, I should say it would be a very excellent remedial legislation or body, but otherwise not.

Mr. THOMPSON. Taking unions generally, have you an opinion as to whether they have been good or bad for industry, and whether they have been good or bad for the members of the union?

Mr. SHEDD. Well, I have heard so much on both sides of that question by union men themselves I don't care to answer that question.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Shedd, Mr. Garretson would like to ask you a question or two.

Mr. SHEDD. Yes, sir.

Commissioner GARRETSON. You express a new idea in regard to pensions, Mr. Shedd. If a man refrains from whisky and tobacco, he will create a fund?

Mr. SHEDD. Yes.

Commissioner GARRETSON. That will abolish the necessity for a pension. If that is correct, would he not add to that fund and also shorten the time for which it would be required if he would refrain from bread and meat.

Mr. SHEDD. Why, I should think your logic was correct.

Commissioner GARRETSON. Well, I wanted to know whether I had the correct understanding.

Mr. SHEDD. Yes. I myself don't quite place the same dependence on liquor and cigars as I do on bread and meat, for instance.

Commissioner GARRETSON. Well, I have heard that some people did.

Mr. SHEDD. No; I don't. No; I don't.

Commissioner GARRETSON. But don't whisky and tobacco stand, for many hundreds of poor men, for what all other forms of luxuries and amusements stand to men in better conditions?

Mr. SHEDD. Well, I can't quite answer that question. I——[Laughter and applause.]

Chairman WALSH. Ladies and gentlemen, we must maintain perfect order. I know you will assist me to do so.

Commissioner GARRETSON. Mr. Chairman, that is all.

Chairman WALSH. Mr. O'Connell desires to ask you a question.

Commissioner O'CONNELL. Just briefly—we have had before our commission in New York and Philadelphia the presidents and owners of the very large department stores, like Lord & Taylor, New York; and Mason, and then Mr. Wanamaker, representing Philadelphia and New York. They gave out some idea as to the conditions under which their people were employed, as to wages, and so forth. Can you give us, Mr. Shedd, the minimum rate of wages paid female clerks in your store?

Mr. SHEDD. Sales persons?

Commissioner O'CONNELL. Yes.

Mr. SHEDD. Yes; I think I can. I had some matter, I handed it—I am very much afraid—to the press. I think I have got the information. [Witness examined papers.] Well, I can't answer that question directly.

Commissioner O'CONNELL. Well, will you do it, or have some one do it who can do it, furnish it to the commission?

Mr. SHEDD. Yes; I can give you the average for our present employees in our retail departments.

Commissioner O'CONNELL. What is the average?

Mr. SHEDD. $12.90.

Commissioner O'CONNELL. But you can't give us the high and the low on that. Is there a minimum wage there that you pay to employees?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. What is the lowest wage, do you imagine, that you pay a lady clerk in your store?

Mr. SHEDD. I think $8 a week.

Commissioner O'CONNELL. Eight. And what is the minimum wage that is paid any person in your store; that is, in the sales department, either as a sales person, or as an assistant to a sales person?

Mr. SHEDD. Well, I—when you say "assistant to a sales person," that is a term which is hardly commercial.

Commissioner O'CONNELL. Well, you have such a thing as a cash girl—commonly called cash girl?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. They are discontinued?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. Then you have girls, cashiers?

Mr. SHEDD. Yes; we have cashiers.

Commissioner O'CONNELL. What are they paid?

Mr. SHEDD. I could not answer.

Commissioner O'CONNELL. Could not give it?

Mr. SHEDD. Not strictly.

Commissioner O'CONNELL. Will you furnish us with the information?

Mr. SHEDD. Yes; I will be glad to.

(The following communication was subsequently received from Mr. Shedd:)

MARSHALL FIELD & Co.,
Chicago, November 3, 1914.

DEAR SIR: Replying to your letter of the 1st ultimo, would say that the lowest wage paid to any female in our employ is $5 per week. This amount, or more, is paid to girls 16 or 17 years of age, who are the youngest and most inexperienced we hire.

We hire no girls under 16 years of age.

For this junior class of help we maintain a school, in which the boys and girls spend an hour each day during the regular working hours. They continue to do this until they have completed an education equivalent to graduation from the public schools.

The minimum wage paid to any female 18 years of age or over is $6 per week, and none except the most inexperienced receive less than $8.
The minimum wage paid by us to female sales persons is $8 per week.
Yours, very truly,

MARSHALL FIELD & Co.,
By JOHN G. SHEDD, *President.*

LEWIS K. BROWN, Esq.,
Secretary United States Commission on Industrial Relations.

Commissioner O'CONNELL. Do you have or do the employees have an association of any kind among themselves, like a beneficial association, that pays sick benefits, and that sort of thing?
Mr. SHEDD. Not to my knowledge. They are free to do it.
Commissioner O'CONNELL. There is nothing of that kind?
Mr. SHEDD. Not that I have any knowledge of. Bearing on your question, I have this estimate, made carefully: The wages of our male employees have increased during the last five years 15.1 per cent, and of our female employees 13 per cent.
Commissioner O'CONNELL. Have you the average of the male employees?
Mr. SHEDD. Yes; this memorandum is not quite clear; I had better not—you would want it exact. The average of all employees at present is $18.80 per week. That is the average of all the employees, but I have not got the men separate.
Commissioner O'CONNELL. What are the working hours in the store?
Mr. SHEDD. From 8 o'clock in the morning until 5.30 in the afternoon, except Saturdays. In our wholesale department we have a Saturday afternoon holiday the year around, commencing at 1 o'clock.
Commissioner O'CONNELL. But you don't have a Saturday half holiday in the store, in the retail store?
Mr. SHEDD. Not in the retail, only during the months of July and August.
Commissioner O'CONNELL. Do you know in New York this year and in Philadelphia the large retail stores are giving all day Saturday off?
Mr. SHEDD. Yes.
Commissioner O'CONNELL. For three months?
Mr. SHEDD. Yes; I have seen that in the press, that they are.
Commissioner O'CONNELL. So that they are only working five days during the hot season.
Mr. SHEDD. During the hot season. I have seen that.
Commissioner O'CONNELL. That is all.
Chairman WALSH. That is all. Thank you, Mr. Shedd.
Mr. SHEDD. Thank you.
Mr. THOMPSON. Miss Nestor.

TESTIMONY OF MISS AGNES NESTOR.

Mr. THOMPSON. Miss Nestor, will you give us your name?
Miss NESTOR. Agnes Nestor.
Mr. THOMPSON. What is your business address?
Miss NESTOR. 166 West Washington Street.
Mr. THOMPSON. And your present position?
Miss NESTOR. I am president of the Women's Trade Union League of Chicago, and I am also president of the International Glove Workers' Union.
Mr. THOMPSON. How long have you been president of the International Glove Workers' Union?
Miss NESTOR. Less than a year.
Mr. THOMPSON. Less than a year. How long have you been——
Commissioner LENNON (interrupting). I can't hear, and I am near by.
Miss NESTOR. Less than one year.
Commissioner LENNON. Thank you.
Mr. THOMPSON. The audience, too, Miss Nestor, wants to hear.
Miss NESTOR. Yes.
Mr. THOMPSON. Both of us, they say.
Miss NESTOR. I shall try to.
Mr. THOMPSON. How long have you been connected in an official way with the glove makers' union?
Miss NESTOR. I have—almost since we have been organized, which is 12 years.
Mr. THOMPSON. Twelve years?

Miss NESTOR. I have been. Prior to the time that I was elected president of the international I was secretary-treasurer of the international and I served in that capacity for seven years. Before that I was a local officer.

Mr. THOMPSON. Is that an organization principally of women workers?

Miss NESTOR. Men and women.

Mr. THOMPSON. Men and women?

Miss NESTOR. Yes, sir.

Mr. THOMPSON. What proportion, about?

Miss NESTOR. Well, there is a little more than one-half of the organization that is men and the remainder women.

Mr. THOMPSON. What is the purpose of the Women's Trade Union League?

Miss NESTOR. The purpose of the Women's Trade Union League is to organize women into trade-unions and also to cooperate with everybody in every way we can to try to make conditions a little better.

Mr. THOMPSON. Has your organization any affiliation with the American Federation of Labor?

Miss NESTOR. We are not affiliated with the American Federation of Labor. We are affiliated with the Chicago Federation of Labor, and also with the State federation.

Mr. THOMPSON. And the relations between your organization and the American Federation of Labor are friendly or unfriendly—which?

Miss NESTOR. Very friendly.

Mr. THOMPSON. Do you generally have a delegate at their convention?

Miss NESTOR. Fraternal delegate. According to their constitution that is all we can have.

Mr. THOMPSON. Has the Women's Trade Union League got a constitution and by-laws?

Miss NESTOR. Yes, sir; we have.

Mr. THOMPSON. Have you that with you?

Miss NESTOR. I have a copy of our annual report. I do not believe the constitution and by-laws are in this, but I will be glad to file one with the commission. I will file this report also.

(The papers so presented were marked "Exhibit No. 1, Witness Nestor, July 24, 1914," "Exhibit No. 2," "Exhibit No. 3," "Exhibit No. 4," "Exhibit No. 5," and "Exhibit No. 6."

Nestor Exhibit No. 1, pamphlet entitled "Women's Trade League of Chicago," biennial report, 1911–1913; Nestor Exhibit No. 2, clipping from the press, June 23, 1913, announcing 6 o'clock closing hour for certain stores; Nestor Exhibit No. 3, circular entitled "Women's Trade Union League's statement of the Facts Concerning Henrici's, on Randolph Street"; Nestor Exhibit No. 4, folder entitled "Women's Trade Union League of Chicago—Platform"; Nestor Exhibit No. 5, list of workers in various occupations; and Nestor Exhibit No. 6, circular entitled "How the Hours in the Retail Stores can be Regulated Under a Fifty-four-Hour Week Law," were all submitted in printed form.)

Mr. THOMPSON. What have been the activities of the Women's Trade Union League while you have been connected with it as president and otherwise, if you can speak later?

Miss NESTOR. Well, our activities have been to try and organize women into trades-unions. We have worked to secure protective legislation for the women workers. We work with the trades-unions in various ways to strengthen some of the unions that perhaps needed our assistance and advice, and also we have several branches of our work. We have what we call our health-committee work, law enforcement. We work to—we had a committee that did a great deal in bringing about the creation of the fire-prevention bureau that exists in Chicago now. We have been working to help the enforcement of these laws.

Mr. THOMPSON. Just a little louder, please.

Miss NESTOR. We—through our efforts largely the fire-prevention bureau in Chicago was organized, and since the creation of that we have been trying to work with that bureau to bring about better enforcement of the law. It is a new bureau and they have not any adequate funds to have the number of inspectors they ought to have. And we have a committee to find out the condition in the factories, find out any way of violations, of laws being violated, so that we can report to the bureau. But our main work, of course, is the organization of women—our general work.

Mr. THOMPSON. Has your organization taken any part in the enactment of State legislation through what you have mentioned, for instance, the 10-hour law for women?

Miss NESTOR. We work and try to——

Mr. THOMPSON. Did you take part in the work?

Miss NESTOR. It was through the efforts of our organization, I believe, almost entirely that the law was placed on the statute books. Our organization, with the waitresses' union, I mean. We worked the first session to secure the passage of that law. It was a very limited law; it only applied to what are considered the laborious trades. At the next session we worked to extend it to all the other occupations and were successful. At the last session we tried to reduce the hours. We had the 10-hour day, which is 70 hours a week, and we tried to reduce the hours to 54, but were defeated in our efforts. We tried to secure the passage of the minimum-wage law, but we were defeated in our efforts in that. The attitude of the employers in regard to that legislation was, at the last session, that they did not care what it was, they were opposing progress in social legislation; that is what they call that—social legislation. They said they were fighting any progress——

Mr. THOMPSON. Who said that?

Miss NESTOR. Mr. Glenn was the one that made the statement before the House Committee on Labor. When the matter was before that committee there were several questions asked with regard to whether they could not conform to it in these different establishments, and he said what they were opposing was progress in this legislation, and it was not so much a question of——

Chairman WALSH. It was not so much a question of what?

Miss NESTOR. Of the particular provisions of the bill. They were opposing progress. He said they did not consider it health legislation; they considered it social legislation and they were fighting progress in social legislation. When the matter of the minimum-wage bill was before the committee Mr. Taylor was asked whether he was opposed to the wage or whether opposed to a flat rate, and he said they were opposed to all that legislation, giving the impression to the Senate committee they were opposed to anything in the line of minimum-wage legislation. It was a very broad bill.

Mr. THOMPSON. Did you hear Mr. Glenn make that statement?

Miss NESTOR. I was in the committee that meeting; yes.

Mr. THOMPSON. Were those remarks taken down stenographically, if you know?

Miss NESTOR. I do not believe they were. I do not believe the committees were accustomed, unless especially asked, to take stenographic records. But it was a full committee meeting and there were several other persons there who heard it.

Mr. THOMPSON. What part does your organization take in a strike where women workers may be involved?

Miss NESTOR. In any strike in which women workers are involved, if the organization desires our assistance, they have to pass a motion in their meeting that they need our assistance and that is referred to our organization at a meeting of our executive board, which is called particularly for that purpose—if it is not a regular meeting—and we consider it and then vote whether we will give the support.

Mr. THOMPSON. You may tell, if you will, what are the conditions of membership and who compose the membership of your organization.

Miss NESTOR. The Women's Trade Union League?

Mr. THOMPSON. Yes.

Miss NESTOR. The condition of membership is that we ask that some one, of course, vouch for them, some one that we know, and that they subscribe to our platform, which is the organization of women's trades-unions, the eight-hour day, the living wage, equal pay for equal work, and true citizenship for women. That is the platform, the planks in the platform of our organization. We have in our membership trades-unionists; we have workers who are engaged in trades where there is no organization; and we have men and women who are interested in subscribing to our platform, so that it is made up of the various kinds of people.

Mr. THOMPSON. Now, referring to the industrial problems, Miss Nestor, in your position as an active leader in the labor movement, have you studied the conditions of the workers generally, more or less, or given attention to it?

Miss NESTOR. I have had an opportunity to observe it more or less.

Mr. THOMPSON. Do you believe that there is unrest among the workers?

Miss NESTOR. Yes; I do.

Mr. THOMPSON. As such?

Miss NESTOR. Yes; I do.

Mr. THOMPSON. What, in your opinion, is the cause and what remedy could you suggest, or would you suggest, within the scope of the authority of this commission?

Miss NESTOR. Well, I believe the main cause is where the workers have nothing to say in regard to the conditions under which they have to work, the wages they are working for, and the hours of labor. Whether it is in Government, or no matter where it is, where the people have not got a right to voice their demands, I think you will find dissatisfaction. I think you will find an unrest there. And what we want to bring about is—what we feel is the thing that will bring about doing away with this unrest in the workshop and elsewhere, is to let the people have something to say about the conditions under which they are going to work, which, of course, really means working under trade agreements.

Mr. THOMPSON. Under collective bargaining?

Miss NESTOR. Under collective bargaining.

Mr. THOMPSON. In your opinion does that necessitate the organization of the workers into unions of some form or another?

Miss NESTOR. It does. I do not believe that you can reach this problem as it should be reached without the organization of the workers. They are the ones, and they are the only ones, who can solve their own problems. No one else can solve your problem. You have got to meet with your employer. You are the only one who knows the conditions in the shop. I believe more in conciliation than I do in arbitration. I believe, of course, in resorting to arbitration; but I think by the people involved, the workers and the employers getting together, that they will be more likely to adjust the conditions to the satisfaction of both than they will by having an outsider come in. I know—I can cite from my own experience—in my trade we have had agreements with a number of the glove manufacturers in Chicago for the last 12 years. During that time all of our agreements have provided for arbitration in any disputes rather than resorting to a strike during the term of an agreement; and in no instance during that time, which is quite a long time, have we resorted to arbitration. We have always gotten together as both sides, and always said we knew more about it than an outsider; we don't have to have them come in and tell us where we are wrong.

Mr. THOMPSON. What would you say, Miss Nestor, with reference to the organization of unions, so that democracy might prevail in that, too?

Miss NESTOR. Well, I believe that we ought to have—I think the ideal organization is where democracy is, where democracy does exist. I think that in order to have the people satisfied, entirely satisfied, even in an organization, you have got to have democracy. They have got to have a voice in all the affairs of that organization. I think that——

Mr. THOMPSON. Do you believe that industrial trouble has come in some instances because of the fact that the workers themselves, members of the union, did not have an adequate voice in that management?

Miss NESTOR. Well, I do not know of any. In some instances—I think most organizations, the unions—I am talking of the rank and file, they do that, determine the questions that affect our interests. For instance, in the matter of the strikes, a strike is not called unless the members individually have a vote on it, and that vote is always trying to safeguard the ballot, so that we can get a true expression. In the same way, I know when we are making agreements, we will not sign an agreement, no matter what little change is made in the original agreement, with the person that has been named by the organization, until it has been ratified by the organization. They are the ones that are going to determine whether it is something they can go back to work under, or whether they want that kind of an agreement. I think that most of the organizations have absolute democracy. Of course, there are exceptions, like in everything else.

Mr. THOMPSON. Well, have you known of any cases where single men have the power of calling strikes?

Miss NESTOR. Well, I have heard of cases.

Mr. THOMPSON. You have heard it.

Miss NESTOR. But I don't know.

Mr. THOMPSON. You have heard of it?

Miss NESTOR. Yes.

Mr. THOMPSON. What effect do you think that would have on the organization itself?

Miss NESTOR. Well, it may not have any particular effect, and it may. As an officer, I would not want to have that power intrusted to me. I would not want to take that responsibility.

Mr. THOMPSON. You think it would be a good thing for the organization?

Miss NESTOR. I think the more of that power that we invest in the rank and file the safer it is for everybody.

Mr. THOMPSON. You think, then, it is a great power to place in one man's hands?

Miss NESTOR. Well, I think it is too much of a power; I would not want it.

Mr. THOMPSON. In what industries——

Miss NESTOR. At my own beck and call.

Mr. THOMPSON. In what industries around Chicago that you are familiar with are the conditions of the women workers good, and in what other industries are they bad, and what are the reasons, if you can tell them?

Miss NESTOR. Well, for instance, I think the straw and felt hat workers have very good prices, and the bindery and the shoe workers and the suspender workers; I think in all we have about 22 trades in which the women are organized, and in all those trades there are fairly good conditions, and, of course, conditions are improving all the time. Some of them have not been organized very great lengths of time, but comparing them with the unorganized trades I think there is considerable difference. You take a trade, particularly a factory, and other trades where there has never been an organization, and you will find the wages are very low, and you will find there a younger and new group always coming in. There will be one group work perhaps a considerable length of time and then they will become disgusted with the conditions and go out and a new group comes in all the time. .I think where we have got the better conditions as we have in the organized shops, you are more likely to keep your good, experienced workers, at least while they are in the trade. There is not the shifting and changing all the time as in the other trades.

Mr. THOMPSON. What opinion have you with reference to a Government regulation, either State or National, of the employment of women?

Miss NESTOR. Well, I think there is certain legislation we ought to have. Of course, we feel very strongly about the limitation of hours. I think we ought to have an eight-hour day, and I believe in the minimum-wage bill. We fought for that in the last session of the legislature. Those are the two particular things, the laws we are working for at the present time. Of course, there are a great many improvements that can be brought about, but even when you have legislation you have to have an organization so that you can get those properly enforced. Why, we found, and I think there are a great many organizations through their investigations this year found, the girls, even though they wouldn't perhaps have the courage to come out and say that the employer violated the law, but that meant dismissal and perhaps self-blacklisting. We have had girls in the city here in certain trades that have been dismissed simply because they went in and testified to working overtime, or whatever the violation was of the law.

Mr. THOMPSON. Referring for the moment to the question of the condition of organized and unorganized trades, have you any data or statistics you can offer with reference to the conditions and wages in each of these?

Miss NESTOR. I think I can furnish you with some—furnish the commission.

Mr. THOMPSON. Will you furnish the commission with such data as you have in that respect?

Miss NESTOR. Yes; as much as we can possibly get. There are certain trades, the box industry and the candy industry; all of us know the wages there are very low. Wherever piecework exists and no organizations, it means the wages are always going down, because the system itself brings about that condition in price.

(The witness subsequently submitted a pamphlet entitled "Clerks! Do you want the Saturday half holiday?" etc.; a handbill reading "There are 125,000 working women in Chicago," etc.; a pamphlet entitled "Training School for Women Organizers of the National Women's Trade Union League of America, Preliminary Report, 1914;" and two booklets, which were, respectively, the programs of the conventions of the National Women's Trade Union League at Chicago, September 27–October 2, 1909, and at Boston, June 12–17, 1911; all of which were in printed form.)

Mr. THOMPSON. Have you ever considered the question of a union among domestic employees?

Miss NESTOR. Yes, sir.

Mr. THOMPSON. What are your opinions about it?

Miss NESTOR. Why, I think they ought to have one. I think, that their hours ought to be standardized. I think that work ought to be standardized, just like any other work is standardized. We know that they work irregular, long hours. We know that they have all sorts of conditions to contend with that they hadn't ought to, and they will never be able to do anything unless they have, and until they have an organization.

Mr. THOMPSON. Have you ever attempted to develop an organization in that?

Miss NESTOR. Yes; we have. We have got one under way. Mr. Chairman, I would like to say in the matter of legislation, just so that your commission will know that no matter what we attempt to do to change and improve conditions, we meet opposition. Now, it is not only when we attempt to legislate about it that there is opposition. When we try to organize we always meet with opposition, or at least, we always have. And then when we try to get those things, reduction in hours, minimum-wage scale, or whatever it is, by legislation, we met the same opposition.

Commissioner O'CONNELL. What is that opposition? Just give us that.

Miss NESTOR. They are the employers' association.

Commissioner O'CONNELL. Now, to develop a little, who are they?

Miss NESTOR. Well, in Chicago, for instance, we have the retail merchants' association. We tried last year to organize the clerks into a trade-union. We found opposition there. We tried to get legislation which would reduce the hours in the stores, especially in the outlying districts, and the merchants came down in big numbers opposing our bill. They said that sort of legislation would put them out of business; they could not compete with the down-town stores, and all of that. They were successful in defeating it. After it was defeated we said, "All right, if we can't get it by legislation, we will get it by organization." We began calling meetings, and had some very successful meetings, and as soon as the merchants out there found out our meetings were well attended and it looked as if through organization we would get these things, they on their own part closed the stores one evening a week, which was admitting the very thing that they denied within a few weeks of that time.

The legislature adjourned in June, and it was at that time they were opposing our legislation. And late in June they announced that in July they would close one night a week, and they put into effect the hours we were asking for by legislation. They did that of course to offset the organization.

Mr. THOMPSON. Is there any other matter, Miss Nestor, that you would like to speak about to this commission in connection with the industrial problems?

Miss NESTOR. Well, the thing in particular of course is that I feel that until we have organization we are not going to solve this question, and that the thing that brings it about, unrest, the thing that brings about trouble, such grievances and dissatisfaction that exist among the workers that have no way of voicing their grievances, until we have that, I think we are going to have unrest; and until we have the employer educated up to the fact he must deal with his people. You know you can get an agreement; perhaps you have a strike, and the employer thinks he can't get anyone to take their place, and he has to go in and signs an agreement. But you don't really get recognition of the union there, you perhaps don't get it for two years. You don't get it until there is a change comes about within that man, until he comes to see that after all he ought to deal with the organization. And I think that some of our employers that have been dealing with organizations have found that it was after all just as well to have a way of finding out what was wrong in that factory. They are a long ways from the shop, sitting down in their offices, they don't know what is going on up there. There is the foreman and there is all sorts of assistants between them and the workers, and very often if you can get to them and let them know the existence of grievances they could be adjusted, and it is necessary to have a way to really get to them.

Mr. THOMPSON. Do you think, Miss Nestor, a Federal industrial council, with powers of investigation, etc., would help in this question?

Miss NESTOR. Yes; I think it would.

Mr. THOMPSON. Particularly in cases like the cases in Michigan and Colorado and West Virginia.

Miss NESTOR. I think it is always well; I think if they could do nothing more than in the case of dispute, or in case of strikes, or in case of trouble, to bring the two parties together, really make them come into conference, and try to adjust it. I don't want compulsory arbitration, I don't believe in it. But I

believe if both sides could be brought together and made to meet each other and talk over their differences, it would go a long ways toward adjusting it very often.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Commissioner LENNON. Miss Nestor, in speaking favorably of the minimum wage for women and minors, do you desire to secure it by a statute of the legislature or through wage boards?

Miss NESTOR. Through wage boards. I don't believe in a flat rate, and I would very much dislike to see such a bill passed. I would like to see a law whereby there would be a minimum wage commission, and they would have the power to organize wage boards in the different trades, going into each trade separately and inquiring into the wages and conditions, and to have the workers represented on that wage board, have them select their own representatives for it, and have the employers represented on the other side, and the public, and in that way adjust their wage scales. I think it will only be a beginning anyway; I think the workers will finally have to settle the thing with the employers.

Commissioner LENNON. Now, in giving causes for social and industrial unrest, would you include as one of the causes, say, the inefficiency of workmen and work women because of lack of training as children in youth?

Miss NESTOR. I think that is one. It deprives them of opportunities, and I think the supposition of all this work of making people mere machines, putting them at one monotonous piece of work day in and day out, and the long hours—no matter what inventions we have, no matter how much the output is increased, through these inventions, we don't have any comparative reduction in hours as a result of it. We have to work just as long hours; the strain is very much greater, and the work is as we know very monotonous, and that can't help but create an unrest.

Commissioner LENNON. Do you consider the present educational system as ample for the proper training of boys and girls that are to go into industrial life?

Miss NESTOR. No. I think there ought to be arrangements made for the education of the workers for their industrial life just as there is for our professional men and all the other groups to-day. We have only made arrangements—our schools only lead to the colleges, where about 10 per cent of our group go, and we have got that other large group going out in the shop with no training at all. And I feel very strongly that we ought to have industrial education.

Commissioner LENNON. Do you believe that some such arrangement—I don't mean exact, but involving the principles that apply in the carpenter school—should be provided by the State for all the boys and girls that go into industrial life?

Miss NESTOR. I think for apprentices that is a very good plan, and I think for all our young girls and boys, especially our girls, whose trades don't require a long apprenticeship, we ought to have some training whereby they won't go into, as they do now, into all those blind-alley trades, go into the most convenient neighborhood trade, without the proper training.

Commissioner LENNON. Does the Women's Trade Union League favor the raising of the age at which children may enter industry to a higher age than it now is?

Miss NESTOR. We certainly do. I don't believe that any child—we ought to have a law whereby no child could go into industry before 16. I hope some time we will have it even higher than that, but that is what I believe it ought to be, 16 years at least.

Commissioner LENNON. What have you noticed as being the effect upon the morals of women, experience and membership in trade-unions?

Miss NESTOR. Their experience in trade-unions?

Commissioner LENNON. Yes; and membership in the trade-unions.

Miss NESTOR. Well, I think the education that the women receive in trade-unions, just the same as the men, is one of the best educations that they possibly could get. It gives them a wider feeling in regard to their relationship with their fellow workers. It gives them a new idea, I think, of democracy altogether, and in every way it is an education to the workers. I think it is—I think they feel their responsibility to their work more than the unorganized workers do. They know more about the work. Why, unorganized workers don't know anything about the industry they are in. You take an organized group of them and they meet with their employer to adjust grievances, and

they know the different angles; they know some of the perhaps unpleasant things there are in the trade. With the knowledge that they have there I think they are much better workers than they would be if they didn't know anything about the industry at all.

Commissioner LENNON. Is it your experience that where through organization women become more and more interested in their associates and in their welfare that they take greater interest in themselves and in their own welfare?

Miss NESTOR. In some trades we have seen a wonderful change. Especially you take some of the trades of our young immigrant girls that don't know anything about our standards, our wages, our hours, or perhaps haven't had an opportunity to mingle with other groups like some of our American girls have. It really means a new life for them. There has been a very marked change in some of those girls.

Commissioner LENNON. What effect do you believe unions have in what we might call Americanization of foreigners that come into this country?

Miss NESTOR. Well, it has that, and it is the melting pot both. It is a place that breaks down race prejudice and any other prejudice that exists, and we know it does exist in the unorganized shop, because so often one nationality has been used against another. The employer has tried to build up prejudice to simply use the one against the other. I think the trade-union movement has done more to break down that prejudice than any other movement.

Commissioner LENNON. What is the attitude of the Women's Trade Union League as to world peace—peace between nations?

Miss NESTOR. We are for peace.

Commissioner LENNON. That is all.

Chairman WALSH. Any questions? Commissioner Delano would like to ask you a question.

Commissioner DELANO. There are a great many students of this question—industrial question—as between the employer and employee, that feel that we are drifting to a condition where either the Government must supervise all large industrial undertakings or it will be driven to the other alternative of taking them over—Government ownership. What is your feeling on that subject?

Miss NESTOR. I don't know as I got all of your question.

Commissioner DELANO. I say one of two things is going to happen, either the Government will have to supervise all great industrial undertakings to a certain extent or else it will have to take them over by Government ownership, and operate them.

Miss NESTOR. You mean the industry or labor organization?

Commissioner DELANO. The industry.

Miss NESTOR. The industry. Well, I believe we ought to have public ownership of public utilities.

Commissioner DELANO. Of public utilities but not other utilities?

Miss NESTOR. Yes; some other utilities—some others.

Commissioner DELANO. That is all.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Has your league made some study and investigation as to the conditions under which women are employed in the stores in Chicago?

Miss NESTOR. Yes; some.

Commissioner O'CONNELL. What are the conditions under which women are employed in the stores in Chicago, their hours and labor, and the conditions of employment?

Miss NESTOR. Well, up to the time of the passage of the women's 10-hour law, they worked almost any hours. Of course, the stores down town, with the exception of four or five of the large stores, they work overtime during the Christmas holidays—in fact, all the stores worked overtime any time in the year. The doors were not open, the curtains were drawn, and they might be fixing the stores and all of that, but, of course, since the 10-hour law passed they can't work more than 10 hours. But in the outlying districts the stores were at one time open four nights in the week, and then it was cut down to three nights, and that was when they had a temporary organization, and when the law was passed they had to reduce their hours during the day and arrange their shifts so as not to exceed 10 hours and now they work only two nights a week.

Commissioner O'CONNELL. What are the wages of the girls in the stores?

Miss NESTOR. Well, I understand a number of the stores raised the minimum wage and have fixed as a minimum $8 a week since last year. That was the time the senate committee went through and made an investigation in this State and called before it several of the different industries, and at that time there was quite an agitation about the wage, and as a result a great many of them, I believe, raised the wages—that is, raised the minimum. But, I believe, the others remain the same, although there are a number of stores that still pay less than that amount.

Commissioner O'CONNELL. There is no organization among store clerks at all?

Miss NESTOR. There is no organization among the store girls at all; they oppose the organization.

Commissioner O'CONNELL. Suppose a lady clerk is discharged for a real or imaginary cause for which she feels she has been unjustly discharged, what can she do toward having her grievance adjusted or heard, in one of the large stores in the city?

Miss NESTOR. She has no redress unless she tries to take it up individually. I think we all know that to try to do that in a large concern, especially of the size of the department stores, is quite a futile thing.

Commissioner O'CONNELL. You believe if a girl was discharged she would take it as final rather than go from one to the other on up, and believe she would leave?

Miss NESTOR. She would leave. If she sassed the floorwalker that would probably be the means of her dismissal, and certainly she would have to go and if she didn't go life would be very unpleasant for her anyhow.

Commissioner O'CONNELL. Have you an idea as to the number of female employees in the stores in Cook County, for instance?

Miss NESTOR. Well, I can't say just how many. Mr. Shedd could have told you very quickly that number.

Commissioner O'CONNELL. Do you suppose a hundred thousand?

Miss NESTOR. I could not say whether a hundred thousand. A great many thousand. There are several thousand in one store.

Commissioner O'CONNELL. Are there any systems of the proprietor or manager keeping a record of their employees and transferring the information contained in the records from one store to another?

Miss NESTOR. I have understood there was.

Commissioner O'CONNELL. If a girl, for instance, was discharged in one of the large stores for sassing the floorwalker, or something of that kind, and the employment card was marked in that store as being insubordinate, and she appeared at another store, that information would be furnished?

Miss NESTOR. I understand it is. I have heard that from the girls.

Commissioner O'CONNELL. Then, among the large number of girls employed in Chicago the opportunity of a young lady finding employment after being discharged by one store for some small offense would practically mean her discharge in all the avenues of employment in the city of Chicago?

Miss NESTOR. It should be—it might be—very likely would be.

Commissioner O'CONNELL. Used as a pure blacklist against her future employment, that would have a tendency of driving her into almost any walk of life, into immoral relations in life; poverty might compel her to seek an avenue of life——

Miss NESTOR. It is a pretty serious thing when anyone is blacklisted, of course. I can't say to what extent it is carried on, but I have understood that there are girls who have left one store and have found it very difficult to find employment in another. There are things in that regard we have never found out and perhaps can't find out.

Commissioner O'CONNELL. Wouldn't that condition of affairs be one of the large reasons of industrial unrest?

Miss NESTOR. I think anyone who is not treated fairly, it is that injustice that brings about unrest, whether a matter of employment or a matter of wages, or no matter what it is. If you see you have a grievance and have no way to adjust it, that is one of the things that brings about unrest. I know when our 10-hour law—our present bill—was before the State Legislature, one of the merchants from the northwest side got up and made a statement on the floor; he was trying to see whether the State Street merchants were for it, in order to prejudice the bill, because they didn't work more than 10 hours a day, and said it would drive them out of business. He says, "I know you are not fighting that, because they called us up and said, 'We want to know whether you are fighting the girls' union,' and they said, 'We are fighting the 10-hour

law, what are you doing?' They said, 'We are fighting the union at this time,'" Of course, there were girls discharged that had joined the union.

Commissioner O'CONNELL. That is all.

Chairman WALSH. How long have you been in the trades-union movement?

Miss NESTOR. Twelve years.

Chairman WALSH. What was your trade—glove maker, did you say?

Miss NESTOR. Glove maker.

Chairman WALSH. Was there organization in your craft prior to the time you joined the union, when you went into the industry?

Miss NESTOR. No, sir; there was not. I worked in it with and without organization.

Chairman WALSH. You worked in it with and without organization?

Miss NESTOR. Yes.

Chairman WALSH. Were you born in Chicago?

Miss NESTOR. No; born in Michigan.

Chairman WALSH. In Michigan. And to what extent did you advance in school before you went into industry?

Miss NESTOR. I went as high as the eighth grade. I didn't finish the eighth grade; I went that high.

Chairman WALSH. Have you had opportunity since then, in the way of regular schooling, night school, or anything of that kind?

Miss NESTOR. No, sir; never taken any.

Chairman WALSH. Whatever you have acquired since that time you have acquired in connection with your own work or the trades-union movement?

Miss NESTOR. I have done it really in the trade-union movement.

Chairman WALSH. Have you performed any services for the Government—I believe you have lately?

Miss NESTOR. I recently served on a Federal commission for the—to consider national aid for vocational education.

Chairman WALSH. For what length of time was that commission doing its work?

Miss NESTOR. We sat two months.

Chairman WALSH. How many persons on that commission?

Miss NESTOR. There were nine members—two United States representatives, two Congressmen, and five other members. In all, the commission was composed of nine members.

Chairman WALSH. Were you selected by your craft or by the President, or how?

Miss NESTOR. I was appointed by the President of the United States, but I believe I was indorsed by a great many members of my own craft.

Chairman WALSH. But there was no provision in the law that gave the craft any voice in it?

Miss NESTOR. No, sir.

Chairman WALSH. You were selected by the President himself?

Miss NESTOR. There were two women selected, and I was one.

Chairman WALSH. Who was the other woman?

Miss NESTOR. Miss Marshall.

Chairman WALSH. I want to ask you now to what extent has the movement to organize women in domestic service progressed in Chicago?

Miss NESTOR. Well, organization has been in existence a little over a year. We are making slow but sure progress. Of course, it is something that you have to make slow progress in, because you have got a group working in not one place; you have got to get to work on one person here and one there. They are a scattered group. Then they are leaving; some of our members are living in families, and perhaps they pick up and go abroad or go to their summer homes. One time of the year we have got one group and another time another. Then, of course, it is a more difficult group to organize, of course, than the factory or some place where we have them all together.

Chairman WALSH. Is the Woman's Trade Union giving effort to the work?

Miss NESTOR. They are. We have an organizer who has that in charge.

Chairman WALSH. Who is your organizer?

Miss NESTOR. Mary Anderson.

Chairman WALSH. Is she a woman who was in the trade herself—a girl who was in the business?

Miss NESTOR. She was a shoe worker. We have one organizer, and she has to work with various trades. Sometimes she might be one part and another time another part. We can not have——

Chairman WALSH. Has the effort of organization reached the stage at which demands have been formulated?

Miss NESTOR. They have drawn up their demands with the domestic workers.

Chairman WALSH. Are they in writing?

Miss NESTOR. We have them in printed form.

Chairman WALSH. Will you be kind enough to submit them to the commission?

Miss NESTOR. I will be very glad to. There are some places in Chicago where they are in effect.

(A handbill enumerating the demands of the Household Workers' Association was later submitted in printed form.)

Chairman WALSH. What are those places they are in effect? State them briefly, if you can sketch it.

Miss NESTOR. Just a few women who are interested in this thing have been glad to work them out in their own homes.

Chairman WALSH. They are women connected with the Women's Trade Union League that are not actively engaged in industry, do I understand?

Miss NESTOR. That are not engaged.

Chairman WALSH. That are not engaged actually in industry themselves. Is that a fact?

Miss NESTOR. Yes; those are the ones; yes. We have women in the league who are not engaged in the industry. We have various groups of people in our league.

Chairman WALSH. And they are women that you would not say had any special personal financial interest in the work you are trying to do?

Miss NESTOR. Except that they are interested from the human point.

Chairman WALSH. From the human standpoint?

Miss NESTOR. Yes; the real standpoint.

Chairman WALSH. Do those people give you assistance in your legislation?

Miss NESTOR. Yes.

Chairman WALSH. Leaving aside for the moment organizations of employers, are there employers who assist you in attempting to have those laws passed?

Miss NESTOR. No; I am sorry to say that we have not had any employers that have come right out and helped us to get legislation. We have had some of them, employers who have been favorable to us, that they have helped to this extent: They would try to get the support of their members on it. We had at one session a number of employers who wrote letters. But the ones who go to Springfield to voice either their protest or otherwise are employers representing the associations, and the individual employers who go are usually the employers who are opposing the legislation.

Chairman WALSH. Are these women who are associated with you who are not workers themselves in any instance the wives of men that are engaged in industries, large and small, that employ women help?

Miss NESTOR. Yes; we have some.

Chairman WALSH. How many are there in the organization of the Women's Trade Union League in Chicago?

Miss NESTOR. Well, we have, you see, two memberships. We have an affiliated membership and we have now about 600. We have an affiliated membership of several thousand, because we have different unions of women affiliated with us. We have women's clubs and some other organizations, sort of auxiliary bodies.

Chairman WALSH. The union workers are permitted to join the affiliated union, are they?

Miss NESTOR. No; they can not join a union unless they have a union of their trade. They join the league.

Chairman WALSH. Have you a publication in this city?

Miss NESTOR. Yes; we have a national publication.

Chairman WALSH. Who is the editor of it?

Miss NESTOR. Alice Henry. Life and Labor is the name of it.

Chairman WALSH. Have you an organization which has for its purpose the education of young women in this work that are in industry?

Miss NESTOR. Well, through our national league, we have got a school for the education of those workers to try to help in making them more efficient to carry on their work of organization.

Chairman WALSH. Is the instruction strictly within technical lines of trade-unionism?

Miss NESTOR. Well, they are learning all about organizing the union; they are learning about the history of trade-unionism. We want them to have the

whole background. We want to give them actual field work and do give them actual field work and let them go out without organizers, and we try to have them in some of the conferences so that they will know really what a trade organization is; we give them all the experience that will be beneficial to them in their work for organization.

Chairman WALSH. Is it successful?

Miss NESTOR. It has been successful so far; yes, sir. Of course, it has really only started last year, so we have not had——

Chairman WALSH. I understood you to say that the employers' association which opposed this legislation were represented by counsel?

Miss NESTOR. They are. That is the only way they are ever there, is their counsel.

Chairman WALSH. Do your organizations have representation by counsel?

Miss NESTOR. No.

Chairman WALSH. You go direct to these people that are attempting to help you, lay people usually, women outside of organized labor, and yourselves?

Miss NESTOR. The only ones we have working on our legislative work is the trade workers themselves.

Chairman WALSH. Have you found that the lawyers present this opposition with more vigor and feeling than the person actually involved usually shows—the client?

Miss NESTOR. No; I do not think they make the impression, because they are asked questions, and they don't know anything about the details of the business. They will always put it off and say, "I don't know anything about it; I am just counsel for the whole association." Then they will ask them about the hours, and they will say, "I don't know the hours, because I have—I am just attorney for the entire association." And, of course, the workers themselves know all about the hours of work of the various trades, and that is included in our bill. We do try to print such literature as we can regarding it, but the regulation is carried out in other States and the hours of work in the various industries.

Chairman WALSH. Do you not find that the employment of these lawyers by these employers' associations is a source of irritation to the workers?

Miss NESTOR. Well, I know they have irritated some of our Springfield legislators at times. Those are the only ones I have had any experience with, of course.

Chairman WALSH. What was the number of hours submitted in the proposed legislation—the last proposed legislation by women?

Miss NESTOR. The bill introduced was an 8-hour bill. The bill in the subcommittee was a 54-hour bill. That was reported out. That was the bill that we stood for. But it was when that bill was before the house—the 54-hour bill; that is practically the eight hour—one of the senators told us that they were fighting anything, it didn't make any difference. They said that they were just as much opposed to that as they were to the 60-hour law. They did not want any change in the law.

Chairman WALSH. Did you find that the press gave you what you considered to be fair publicity in your efforts to bring about this legislation?

Miss NESTOR. The press was very fair with us—very.

Chairman WALSH. Now, then, as to the industrial disputes that have resulted in strikes, have there been any other in which women were involved except the waitresses in Chicago within the past year or two?

Miss NESTOR. Well, I can't say within the past year or two. Of course we had a great garment workers' strike, which everybody remembers, here a few years ago. Then we have had——

Chairman WALSH. Well, confine it if you will, to, say, the past two years.

Miss NESTOR. Well, we have had some smaller strikes. I know there was a strike of the straw and felt hat workers just last year. Of course that lasted only a few days. But we have had other very small strikes, but none that have taken on the proportions that the waitresses have.

Chairman WALSH. Were there arrests made in those strikes?

Miss NESTOR. I might say we had a strike in our organization last year. It was a small shop, and it was a strike in which we had similar experiences that the waitresses have had. It was a glove factory out on the west side, and we had arrests occurring; in fact, as I have heard violence discussed at these hearings, and the violence, I might say in that instance, was on the part of the employer. In fact, the information we got was that people were employed and paid for beating up our strikers, and the fellow that we had

in charge of the strike was a very able and a very level-headed fellow, and what they wanted to do was to get him in trouble. And there was a price of $50 put up to the man that beat him up. And the way we found out was that one of the fellows that really wasn't beating people at all, only he wanted the money, and he didn't want to beat up the man. He told him about it, "We are getting $10 for beating up your strikers and will get $50 to beat you up." He said, "I wish you would come down here with your head tied up and look very bad about it, because I want the money and I don't want to beat you up." He didn't do it. Our men were arrested without any warrants at all. We happened to have and we did get fairness in the court up in that neighborhood, but we did not get fairness at the hands of the police.

Chairman WALSH. I was going to ask you for your experience, and if the police treated you fairly.

Miss NESTOR. They did not. And when we wanted to have a meeting, an open-air meeting, in the neighborhood, which would be away from traffic—they say you can't blockade the traffic—away off on the prairie, where we would not disturb anyone, we were refused, and we had to—I can say that we had to take it to the chief of police to get permission. It was not Mr. Gleason, who is chief now, because Mr. Gleason was captain of the station where all this—where we were getting all this unfair dealing.

Chairman WALSH. Did you secure the permission?

Miss NESTOR. We secured the permission. Mr. Gleason was very much opposed to us having the meeting, and when we did have it he had a whole array of police surrounding the platform where our speakers stood to address the meeting. I know; I presided at that meeting; and you would think that we were a most lawless, the most lawless characters, if you had seen the number of police around there and detectives. It seemed to some as if they were trying to incite violence and wrath, but they didn't succeed in it.

Chairman WALSH. But it caused irritation, however?

Miss NESTOR. It did cause very much irritation.

Chairman WALSH. You say the courts in that particular situation treated you fairly?

Miss NESTOR. They did.

Chairman WALSH. It was a local magistrate?

Miss NESTOR. No; it was the municipal judge.

Chairman WALSH. And you were tried directly before the judge without the intervention of a jury there?

Miss NESTOR. Well, we could have a jury if we wanted to, and we could waive. In some cases we took a jury trial, and in some cases we waived it.

Chairman WALSH. You feel you were treated fairly in both instances?

Miss NESTOR. Absolutely fairly in both instances.

Chairman WALSH. As to the waitresses' strike, what has been the attitude of the police toward them, in your opinion; fair or unfair?

Miss NESTOR. Unfair.

Chairman WALSH. In what respect; briefly?

Miss NESTOR. Well, in the unjust arrests. Why, there the judges have ruled that they can do this peaceful picketing. Why, it was only yesterday, or the day before yesterday, I don't know which day, that I passed there, and there was another girl with me, and we said, "Why, everything is very quiet," and the girl was walking up and down; she wasn't speaking to anybody. In fact, she was walking up and down alone, and after we had got down I guess two or three doors we heard the patrol coming, and we said, "I bet that is for that waitress." And we turned around and we just got up to the corner, and they were putting her into the wagon. Now, that is occurring all the time, and it is simply to take them off from the picket line and put them to all the trouble they can put them to. Of course, you know one of the ways that the employers try to defeat us in a strike is to tie up our money in court fees and lawyers' fees, and all that, and the more they can get us in jail and the more they can inconvenience us, they think, too, it will break the spirit of the girls. It does not usually do that. It usually has the opposite effect, it makes them all the more determined.

Chairman WALSH. Have the waitresses counsel, regular counsel employed during this strike?

Miss NESTOR. Yes; they have.

Chairman WALSH. Now, prior to the issuing of this last injunction order, what was the practice with respect to picketing?

Miss NESTOR. They have been doing this, as far as I can learn and know; that is, the Knab strike, silent picketing; they have been walking up and down without saying anything to anybody. They have a sign on them saying, as Miss Maloney said the other day, "With your assistance we can win our strike."

Chairman WALSH. Previous to the issuance of this injunction in that waitresses' strike, did the workers claim the right and have the right to suggest to persons that they should not patronize the place, orally?

Miss NESTOR. In the Henrici strike they did, they told them there was a strike on, and I think all they said was, "Don't eat under police protection; there is a strike on."

Chairman WALSH. And so the change has been that there is no personal solicitation on the part of the pickets?

Miss NESTOR. None at all.

Chairman WALSH. Now, generally speaking, have these young women that have been arrested been fairly treated by the courts?

Miss NESTOR. I don't believe they have—well, by the courts when they finally got up to them, but it takes forever to get your case to trial. They would waive, of course, the trial and say they wanted a trial by jury, and they would keep putting it off and putting it off—the cases—and the girls would be going there for their cases and they would be postponed.

Chairman WALSH. How great a delay?

Miss NESTOR. The great injustice, I think, was against the police department.

Chairman WALSH. How great a delay; what is the greatest delay that you know of that has occurred between the arrest and the trial?

Miss NESTOR. I think a number of weeks.

Chairman WALSH. Where the defendant insisted upon a trial?

Miss NESTER. Well, I think a number of weeks, I could not say definitely on that; I would not want to give information that was not absolutely correct, but I think several weeks.

Chairman WALSH. What has been the policy of the defendants with reference to seeking, or not seeking, early trials of these cases?

Miss NESTOR. I think they were very anxious to have trial in the early days, because they wanted to have some cases to go up as a test case, and as clearly as I can remember, they had a difficult time getting a trial.

Chairman WALSH. How many of these waitresses have been tried within the last month?

Miss NESTOR. Well, there were hundreds arrested, I am sure, in the Henrici case. I don't know during this strike how many arrests they have had, but it was a large number.

Chairman WALSH. You are not familiar with the arrests?

Miss NESTOR. I am not. They have been arresting so fast I can't keep track.

Chairman WALSH. When juries were demanded——

Miss NESTOR. They have all been found not guilty.

Chairman WALSH. Were the juries fairly democratic in their composition?

Miss NESTOR. I think they were.

Chairman WALSH. With reference to the classes, with reference to business men, and such like?

Miss NESTOR. I think they were; I can't say positively about that, but I think they were; I think they were fairly picked.

Chairman WALSH. So, outside of the local injustices on the part of the police officers, you would think that the courts have held up fairly well under the strain of administering justice?

Miss NESTOR. Well, in our local courts, because you can get a jury trial, and that means that you have an opportunity to get justice.

Chairman WALSH. Well, the girls have been acquitted?

Miss NESTOR. Yes.

Chairman WALSH. In all instances?

Miss NESTOR. I think the big abuse here in connection with our courts and all that is the terrible police situation, the unjust arrests, the constant unjust arrests, and in some instances, and in a number of instances, they have allowed them to be arrested without warrants, which is absolutely against the law, as I understand it.

Chairman WALSH. Without individualizing, are there certain police officials that are believed by the workers to be inimical to them?

Miss NESTOR. Yes; they are.

Chairman WALSH. And have they or have they not progressed in the department?

Miss NESTOR. In the police department?

Chairman WALSH. In the police department, have those that were inimical, have you any observation on that; that is, that they were treated better or treated worse by their superiors?

Miss NESTOR. Well, that I could not say.

Chairman WALSH. Very good.

Miss NESTOR. Of course, I put the blame on the head. I think that they get their orders from higher up, and whatever he says, they are going to do. I think a great many of the police perhaps like to use their own will about things, but there are others who simply do it because they get their orders from higher up, and as long as the chief of police will tolerate that we are going to have it.

Chairman WALSH. That is all. Thank you, Miss Nestor.

Mr. THOMPSON. About how much bail was given by the waitresses in the Henrici strike; what was the total of it, do you know?

Miss NESTOR. I think Miss Maloney mentioned it the other day. In some instances they have even had to give cash bonds, they had to put up cash bonds, and they got the bail so high, I think they had it $500 as a minimum.

Mr. THOMPSON. Did it run over $100,000, if you know?

Miss NESTOR. Oh, it must have gone up to that, anyhow. I know it was enormous.

Mr. THOMPSON. Referring to the question of the unrest especially, Miss Nestor, if under a collective-bargaining agreement you could get the conditions you wanted in an open shop, what would be then the advantage of a closed shop?

Miss NESTOR. Well, I don't like to talk about closed shops, because I call it the union shop. I don't think we have any closed shops.

Mr. THOMPSON. Well, talk about a union shop, then, Miss Nestor.

Miss NESTOR. I don't believe you can have harmony where two kinds of people are working in the shop. You can't mix oil and water, And if you are going to have union and nonunion people mixing together, you are quite likely to have discord in the shop. And if you want real harmony, you have got to have all of one; you have got to have all union people. And then, too, if an organization makes an agreement, it is difficult to make it unless you are certain that you are going to make it really for all the people in that industry, and if they are not members of the union, you can't make an agreement for them, because you have no authority over them. You only have authority over those people who are your members, and know that they will live up to their trade agreement.

Chairman WALSH. That is all. Thank you, Miss Nestor.

Call your next.

Mr. THOMPSON. Miss Abbott.

TESTIMONY OF MISS GRACE ABBOTT.

Mr. THOMPSON. Miss Abbott, will you give us your name?

Miss ABBOTT. Grace Abbott.

Mr. THOMPSON. Your business address?

Miss ABBOTT. 920 South Michigan Avenue.

Mr. THOMPSON. What position do you now occupy?

Miss ABBOTT. Director of the Immigrants' Protective League.

Mr. THOMPSON. How long have you been that director?

Miss ABBOTT. For about six years.

Mr. THOMPSON. Six years. What is the Immigrants' Protective League?

Miss ABBOTT. It is a private organization maintained for the purpose of protecting immigrants against exploitation; for putting them in touch with the various civic and social forces in the community; and for rendering, so to speak, a sort of first aid to those who find difficulty in connection with their relations to American conditions.

Mr. THOMPSON. What is the extent of the organization of the Immigrants' Protective League? Is it local to Chicago?

Miss ABBOTT. Local.

Mr. THOMPSON. Is it local to Chicago?

Miss ABBOTT. Local.

Mr. THOMPSON. And its board is composed of Chicago people?

Miss ABBOTT. Chicago people.

Mr. THOMPSON. Practically solely?

Miss ABBOTT. No, sir; there are a few outside ones; but practically solely Chicago people.

Mr. THOMPSON. Has your organization any affiliation or reciprocal relations with other similar organizations elsewhere?

Miss ABBOTT. None, except we cooperate with them, just as we cooperate with other organizations here in Chicago that we have no official connection with.

Mr. THOMPSON. Have you a written or printed by-laws or constitution?

Miss ABBOTT. We have not printed by-laws, but I would be glad to furnish the commission with a written copy, if they desire.

Mr. THOMPSON. Have you any other literature of your organization?

Miss ABBOTT. Yes, sir; we have various reports and investigations; I would be glad to furnish those also.

Mr. THOMPSON. Would you be willing to furnish them to the commission?

Miss ABBOTT. Yes; I would be glad.

(Documents, entitled "League for the Protection of Immigrants," annual report, 1909–10; "Fourth Annual Report of the Immigrants' Protective League," for year ending January 1, 1913; "Fifth Annual Report of the Immigrants' Protective League," for year ending January 1, 1914; "The American Journal of Sociology," No. 3, Vol. XIV, November, 1908; "The Bulgarian—A New Element in Chicago's Immigration Problem," by Grace Abbott, published by charities publication committee, New York; "A Study of the Greeks in Chicago," by Grace Abbott, were submitted in printed form.)

Mr. THOMPSON. We would be glad to have them, if you will. What, in your opinion, is the effect of immigration on the general industrial situation with reference to wages, standards of living, and labor organizations?

Miss ABBOTT. The presence of the immigrant, of course, who is the weakest industrial unit in the community, because of his ignorance of English and because of the fact that he is ignorant of English that he must serve in the unskilled ranks, always means that we have an unskilled group here that is especially weak, weaker than any one group in any country, and they are therefore much more in need of protection through social legislation of all kinds and sorts, because of the complex conditions. I don't believe that the coming of the immigrant is responsible for industrial conditions, for low wages or bad conditions, because I don't believe that the old theory, that wages and industrial conditions are governed solely by supply and demand, can at all be borne out by facts. Supply and demand have some influence on wages, but that theory has been generally exploded, about in the way in which the wage-fund theory was exploded a generation ago, or a hundred years ago.

Mr. THOMPSON. You might generally state, Miss Abbott, what you have to say on the subject of immigration and the industrial question.

Miss ABBOTT. I should like to make the point very much that the immigrant is in need of a certain kind of protection through legislation—that is, more than any other he needs regulation—because it is impossible for him to bargain in the matter of hours. The immigrant women need the protection of a minimum wage, because they never really do bargain in the matter of the wages for which they work; and they need all the other kinds of devices which will insure them better working conditions. I feel very strongly that we are in need of the development of a national labor exchange which will perform for the immigrant services which they have had to rely upon in the private employment agencies, who have been a source of exploitation and confusion and disorganization of the communities into which they have been sent, where work was not wanted and where they were losers, so that nobody profited except the private employment agent. I think that we should have then a very large development of an American labor exchange, but not in that law to undertake to distribute immediately on arrival, but to redistribute after they have come to their relatives and friends, because the great majority of those that come are coming directly to relatives and friends already here, but only to connect with them and to distribute them out afterwards.

Mr. THOMPSON. What effect, Miss Abbott, do you think that the immigrant has on general industrial unrest and on the industrial problem as it affects others?

Miss ABBOTT. Well, I think the immigrant in the community complicates the industrial situation, because the racial prejudice is not confined to any one class or group; it exists throughout them all. And the complication of having a number of different races in a single industry will lead to confusion and difficulty. It complicates it; it does not make it. And there is no doubt that

there is confusion of that sort arising out of the racial conditions and feelings and languages.

Mr. THOMPSON. Is there anything else you would like to say with reference to the immigrant problem and the industrial problem as to the manner in which they affect each other?

Miss ABBOTT. Well, I should like very much to—I believe, of course, in organization of the working people. I believe very decidedly in organization which will include the unskilled group. I feel, of course, that for the proper accomplishment of that we have got to have organization of the industry instead of the industry of the class, and that when we get in those groups that it will go better. I think some of the most brilliant leadership in the trade-unions has come from the recent groups, and I think we are going to feel that very generally in the labor movement, and that one is dependent upon the other for its ultimate solution.

Mr. THOMPSON. Would you supplement a minimum wage law by some method of State vocational training so as to bring up the capacity of the worker to the wage standard?

Miss ABBOTT. The problem of vocational training is a very difficult one. I think very little is possible. With the younger immigrant it is about the same as with the American group—that is, that there is no difference in the situation.

Mr. THOMPSON. What, in your opinion, could this commission do to help it in solving the immigrant problem?

Miss ABBOTT. I should recommend protective legislation from the time of their arrival so that it could prevent exploitation; recommend the establishment of a national labor exchange; recommend such a commission as can investigate any causes of industrial uprising—where very often the immigrant is concerned, it is more like a peasant revolt rather than organized workers—where, therefore, the conditions are extremely difficult to get at, need the most patient sort of searching, because their demands are not formulated such as they are formulated where they are organized. They should investigate and determine what is at the root of the difficulty.

Mr. THOMPSON. Would you think a national industrial council with powers of investigation could meet that situation?

Miss ABBOTT. Well, I have no feeling about the name—"the National Industrial Council."

Mr. THOMPSON. One who would also take not only the immigrant but take up the general industry.

Miss ABBOTT. I do not think the immigrant should be taken up separately. I think it should be taken up as a part of the whole industrial situation which is a part. To isolate him will seem to be a hardship to the people with whom he comes in competition.

Mr. THOMPSON. Do you think that the existence of the immigrant in large numbers affects seriously the industrial situation and causes industrial unrest or at least contributes to cause it?

Miss ABBOTT. No; I think the immigrant, of course, is a part of the unrest; he is most restless in industrial conditions, very decidedly at times.

Mr. THOMPSON. That is all.

Chairman WALSH. Any questions? That is all. Thank you, Miss Abbott.

TESTIMONY OF MR. JOHN B. HIBBARD.

Mr. THOMPSON. Will you give your name?

Mr. HIBBARD. John B. Hibbard.

Mr. THOMPSON. And your address and business?

Mr. HIBBARD. 1021 People's Gas Building, Chicago; commissioner, National Metal Trades Association.

Mr. THOMPSON. And your occupation, Mr. Hibbard?

Mr. HIBBARD. Commissioner, National Metal Trades Association.

Mr. THOMPSON. What is the National Metal Trades Association?

Mr. HIBBARD. It is a voluntary association of about 700 employers of machinists and polishers, pattern makers—the ordinary run of machine-shop help.

Mr. THOMPSON. Of course the word "National" means national?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. What is the position of commissioner of the National Metal Trades Association?

Mr. HIBBARD. Well, he is the executive officer acting under a council composed of a number of individual members of these concerns of which the council is the controlling body.

Mr. THOMPSON. Is the chief executive an officer of the association?

Mr. HIBBARD. Well, there is a president. There are the ordinary run of executive officers of the association. You might illustrate it by superintendent, or commissioner is the name, the term.

Mr. THOMPSON. The commissioner is the one who is in active charge of a growing business?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. Tell us, Mr. Hibbard, more definitely the character or terms that compose this association and the business they carry on?

Mr. HIBBARD. Well, it is a very wide distribution in locality and in character. The western boundaries of the membership would be St. Louis and St. Paul, and from there to the coast, and the Gulf. It is a very diversified membership—automobiles, anchors and chains, and motor cycles, machine tools; almost anything that is made in the ordinary machine shop.

Mr. THOMPSON. What is the purpose of the organization?

Mr. HIBBARD. The purpose, the preliminary purpose, or the reason for its existence, in the first instance, was undoubtedly mutual protection.

Mr. THOMPSON. Against what?

Mr. HIBBARD. Against—in labor disputes. The individual manufacturer could not. I could read the objects of the association. They are in two paragraphs. Or I can submit those.

Chairman WALSH. They are very short, are they not?

Mr. HIBBARD. Yes.

Chairman WALSH. Please read them.

Mr. HIBBARD (reading):

"To secure and reserve equitable conditions in the workshops of members for the protection of both employer and employee.

"2. Investigation and adjustment of questions arising between members and their employees which may come within the jurisdiction of the association."

Mr. THOMPSON. Is that a copy of your constitution and by-laws?

Mr. HIBBARD. Yes.

Mr. THOMPSON. Have you any objection to giving that to the commission?

Mr. HIBBARD. No, sir.

(The paper so presented was marked "Exhibit No. 1, Witness Hibbard, July 24, 1914."

Hibbard Exhibit No. 1, pamphlet entitled "National Metal Trades Association—Constitution, By-Laws, and Declaration of Principles," adopted June 18, 1901, was submitted in printed form.)

Mr. THOMPSON. Is your organization affiliated with other organizations?

Mr. HIBBARD. No, sir; not directly. It is an independent organization. We are part of no other organization.

Mr. THOMPSON. Have you any close mutual relations with other organizations?

Mr. HIBBARD. Yes, sir. As we operate in the same field with the Master Founders' Association, our membership is very much the same, and even the officers of one association have at times been officers of the other.

Mr. THOMPSON. And often their annual meetings or conventions are held at the same place and same time, are they not, or nearly so?

Mr. HIBBARD. No, sir; they may have been in the past at some time, but I don't recall it having been so now. They are at different times.

Mr. THOMPSON. Were the meetings of these two associations or certain portions of them held at the same time this year in Worcester, Mass.?

Mr. HIBBARD. That was our convention; the Master Founders' Association held its convention in New York, just on what date I can't now say.

Mr. THOMPSON. While the Employers' Association, as such, has not the same parent association that the unions have with the International Federation of Labor, still, as a matter of fact, they work more or less together, do they not?

Mr. HIBBARD. I should say yes, although there is no organization effort of that kind. They might unite on a certain particular thing, but that would be only by mutual consent of all the different associations.

Mr. THOMPSON. The reason for acting together under such conditions is because of their mutual interest?

Mr. HIBBARD. Undoubtedly.

Mr. THOMPSON. They have the same mutuality that labor organizations have and associate together?

Mr. HIBBARD. Yes; as I said, very largely the same membership.

Mr. THOMPSON. Members of your association could also be members of, or could be, and probably are, members of the national association?

Mr. HIBBARD. Undoubtedly some are, not all. They are undoubtedly members of the American Antiboycott Association, but not all. I don't know.

Mr. THOMPSON. Does your association take any decided stand with reference to the labor problem?

Mr. HIBBARD. Yes.

Mr. THOMPSON. State what it is, if you care to state. Have you a statement of this matter you would like to make in your own way?

Mr. HIBBARD. I think it will come out, but you submitted to me a list of certain questions or points, and I have made memorandum or at least syllabus that I could talk from if the questions are asked about as they are submitted here in this paper.

Mr. THOMPSON. Well, if you have it in that order, suppose you make your statement in your own way and then I will ask you any questions that may arise from your statement.

Mr. HIBBARD. You have practically covered the first three questions on this paper already. Your fourth question is the attitude of the association with reference to various topics: A. Hours of labor and conditions of shops and factories. The association I think realizes that there is a tendency toward the shorter workday. The experience of employers has been that from the old long hours there has been a general reduction in working hours. While there is no rule—by the way, the association has no power to compel a member to work a certain number of hours or to pay certain wages; at the same time it has an influence in a general way. We endeavor to maintain fair and reasonable conditions. Those depend largely upon going conditions. To illustrate this hour proposition, I would say at the present time undoubtedly three-fourths of the members of our association are now working 54 to 55 hours a week, Saturday half-holiday, whereas comparatively a few years ago they were working 60 hours. In reference to shop conditions—we are all very much interested in the condition of all the shops in the association. In the first instance, as I suggested, the association is to a certain extent a mutual insurance association; that is, we protect each other from labor difficulties. A fruitful source of labor difficulty is, of course, insanitary conditions, unsafe conditions, extreme long hours, or any working conditions that to-day is recognized as not fair or not proper. The influence of the association is therefore to bring the personnel of the association up to reasonably proper condition. That is said in good faith; it is intended in good faith. That is the effort of the association.

Collective bargaining is your second item. Some years ago, as some of the residents in Chicago at least know, I was in favor of collective bargaining. I believed in it. At that time I was the president of the Chicago Metal Trades Association, a local body at that time not affiliated with the National Metal Trades Association. We had an agreement. This agreement provided for further agreements with due notice. At the expiration of this agreement the due notice was given. It became clearly apparent that the crucial test of the collective bargaining was whether, granting that increases would have to be granted or were proper under certain economic conditions, the corollary of the proposition is just as true, there must be decreases under other conditions. In all fairness I am taking the conditions as they really existed. It is impossible to conceive a constantly rising scale of anything; a bushel of wheat, a ton of coal, a ton of rails, the purchasing power of gold, there is no standard that I know anything about that is fixed. Therefore the whole crux of the problem depends upon whether it is possible to provide for reasonable just deductions or decreases the same as for increases. Without going into detail I will submit for the commission a detailed statement which can be very easily verified by original correspondence and by the files of all the Chica... newspapers—some of which are quoted in here, showing that the agreement fell down—I am not going into the details of the thing at issue.

(The paper so presented was marked "Exhibit No. 2, Witness Hibbard, July 24, 1914."

Hibbard Exhibit No. 2, pamphlet entitled "Negotiations between Chicago Metal Trades Association and the International Association of Machinists, District No. 8, preceding the strike of May 24, 1904," was submitted in printed form.)

It was a question as to whether certain kinds of work might not be provided for under a cheaper scheme of things—cheaper operation. I am not attempting to say that the point was not arbitrable, or at least that it was not a mooted question—was not a question for argument; I am merely pointing out that the agreement absolutely fell down, first, because while I think that the committee of union men who were with us at that time admitted our proposition—at any rate some of them said they did—at the same time, when those problems were passed back to the union there wasn't power enough to bring the union to agree to a peaceable reduction and the agreement failed. I merely call the attention of the commission to the fact that in two different letters after the agreement had fallen arbitration was offered. Even granting that the agreement had fallen down, and even granting that arbitration wasn't what we might hope or expect, at the same time we offered arbitration in two separate letters. Now, that all brings me to this point, Why do I now not believe in collective bargaining?

Well, first, because of lack of responsibility. I am not suggesting that incorporation is the answer or financial responsibility, but I am suggesting that just as the public has found there are big businesses, large corporations, accumulations of power have been—it has been necessary to control and supervise, just so I think that before unions can be dealt with on a collective bargaining basis there must me some control.

That is my first objection at the present moment to collective bargaining My second I have already indicated in my talk in regard to the previous agreement as to whether it can be peaceably provided that reductions as well as increases can be provided for. It comes to my mind right now, of course, that I can think of one or two instances of where men now in national prominence recommended a decrease and the men accepted them. It was considered a very, very wise thing at the time and the union man certainly gave his men very, very good advice at that time. But they are the exceptions, there are very few others you can name.

My third objection is this, and it is a hard one, I can not conceive of a condition of affairs where everybody belongs to the union. It may be possible, but I can't conceive it, any more than I can conceive of everybody belonging to the Catholic Church or the Presbyterian Church or the Democratic Party or the Bull Moose. I can't conceive of everybody belonging to one body. The nonunion man is here, he will be here as long as human individuals think differently. You can't compel everybody to join the union. The minute you try to you will have a revolt. Now, I do not know of any scheme of things under which in a shop where there is an agreement that we can properly and peacefully provide for the nonunion man to work in the same place. Now, what conditions may be in other lines, what they are in the garment workers, or what they are in the mines, or other lines of trade, I don't pretend to say, because I don't know, but I do know from practical experience that—well, my judgment is such an arrangement as that kind does not practically exist. If you start with an agreement it means before long that entire department is unionized, about which I shall have something to say later. Now, this growth of the union, do we assent to it? Do we object to the union man? Now, I am not going to make the old-time honored statement that there are good unions and bad unions, and we have no objection to the good unions; I am going to make this objection, I can honestly say that we do not object to the union man. There is no discrimination against the union man in the shops of the association to-day all over this country. There are any number of union men I have no doubt in many of the departments of the various members of my association. The unionization may be very large in per cent, but our objection starts right here. If the shop becomes 50 per cent unionized or 60 per cent unionized or some other per cent that I don't know, it then becomes impossible to run an open shop. The nonunion men can't stay. After thorough organization all the ills which we find then practically in the way of limitation, discrimination, shop stewards, all the balance follow. Now, I want to make this statement in all fairness and all good faith. I have no fight with the unions, I have plenty of union men on my list, I think, as friends, but I am pointing out the economical difficulties of a man running a shop and trying to run under the collective bargaining agreement and at the same time trying to run an open ship. It is impossible, as a matter of practical experience.

Chairman WALSH. At this point we will adjourn until to-morrow at 10 o'clock, to meet here promptly at 10 o'clock to-morrow morning.

(At 4.30 p. m. of this Friday, July 24, 1914, an adjournment was taken until to-morrow, Saturday, July 25, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Saturday, July 25, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. You may proceed.

Mr. THOMPSON. Is Dr. Sachs here?

TESTIMONY OF DR. THEODORE B. SACHS.

Mr. THOMPSON. You may sit down there, if you will, Doctor. Will you give your name?

Dr. SACHS. Theodore B. Sachs.

Mr. THOMPSON. I can not hear you, Doctor.

Dr. SACHS. Theodore B. Sachs—S-a-c-h-s.

Mr. THOMPSON. What is your business address?

Dr. SACHS. 25 East Washington Street.

Mr. THOMPSON. How long have you been a practicing physician?

Dr. SACHS. Nineteen years.

Mr. THOMPSON. How long have you been in Chicago as such?

Dr. SACHS. Twenty-five years.

Mr. THOMPSON. Are you president of the Chicago Tuberculosis Institute?

Dr. SACHS. Yes, sir.

Mr. THOMPSON. How long have you been president of that institution?

Dr. SACHS. The last three years.

Mr. THOMPSON. How long has the institute been in existence?

Dr. SACHS. About eight years.

Mr. THOMPSON. What is the purpose of it?

Dr. SACHS. It is an organization of citizens to carry on an educational campaign for the suppression of tuberculosis.

Mr. THOMPSON. Has it a limited membership?

Dr. SACHS. The membership consists of a few hundred.

Mr. THOMPSON. A few hundred?

Dr. SACHS. Yes, sir.

Mr. THOMPSON. Are they individuals or, in some cases, firms, corporations, that are members of the institute?

Dr. SACHS. Most are individuals; some are firms.

Mr. THOMPSON. What are the plans of your institute with reference to the investigation of sickness in industry, if they have any plans?

Dr. SACHS. About four or five years ago the Chicago people became convinced that under the present conditions, the conditions existing at that time, that tuberculosis was discovered late in the vast majority of working people, and that the cases that came for treatment to dispensaries and private practitioners were cases in a stage that was incurable as far as the disease is concerned, and as far as the restoration of working power is concerned. And so the conviction was gradually forced upon the board of the tuberculosis institution that certain arrangements were lacking in the present system in the working places for early detection of tuberculosis. The institute appointed about three years ago a committee on factories. The function of the committee was to study the existing conditions in reference to health in the working places and suggest some plan by which tuberculosis could be detected early.

Gradually the committee came to the conclusion that no matter what the arrangement is for early detection of tuberculosis in the working place, it will fall short of the result unless the arrangement takes into consideration detection of any disease of the employee, and so gradually the work of this committee on factories brought into the work of formulating of plans by which sickness, breakdowns in the working people, could be detected at the stage when these breakdowns are remediable and the working power can be restored.

I wish to say, my statement will be as brief as possible, that we gradually came to the conclusion that the preservation of health and working power of the employee is one of the fundamental conditions of right industry relations,

and that systematic supervision of health of the employee is very essential to the preservation of the health of the working people.

Now, this principle was recognized by the Chicago Tuberculosis Institute in its work against tuberculosis in working places, but as I said before we came to the conclusion very early in the campaign that in order to have the right kind of an arrangement in the working places for the protection against tuberculosis this arrangement should be made to ascertain any breakdown in the physical condition of the workingman.

I wish to state briefly just what are the considerations that led to the work of this committee on factories. First, as I said, the most important is the early diagnosis of the disease. Second, that I haven't mentioned yet, is the protection of the employee from communicable diseases. We felt that as far as tuberculosis was concerned that there will be sources of tubercular infection in factories, stores, and other commercial and industrial establishments unless there is some kind of arrangement by which these sources of infection can be ascertained.

For instance, about four or five years ago in a certain firm whose attitude toward their employees is benevolent and broad minded a case was brought to the attention of the institute where a man for a period of 10 or 12 years was in the advanced stage of tuberculosis, but more or less able to work, and continued to work among hundreds of employees without the knowledge of the owners of that firm. That is only one of the examples that is nearly every day brought to the attention of this committee on tubercular work. So that the protection from the communicable diseases was the other consideration.

The third consideration was this, that the tubercular institute felt that an arrangement for the detection of sickness in a working place is much easier to determine than the unfavorable conditions of work. As, for instance, in the course of the investigation in a certain firm in the city it was shown that chronic bronchitis, asthma, and tuberculosis are more prevalent in a certain department of that concern, and that led to the installation of a more comprehensive ventilating system and dust-removing system, and so on. Those considerations the institute considers very important, that without an arrangement for the detection of illness in employees it is very difficult to determine just where the unfavorable conditions of work exist.

The fourth point that lies at the basis of this recommendation of supervision of the health of employees is that right assignment of work in a very large percentage of the cases is impossible without a knowledge of the conditions of the worker.

Fifth, in order to establish the right conditions that favor the health of the worker it is very important that the employer should recognize the health of the worker as an important condition of his efficiency.

This committee on factories, during the last three years, published three pamphlets, of which 25,000 copies were distributed among the employers of this city and about 5,000 outside of Chicago.

We began with conferences about three years ago, at which a few firms were represented; and during the last three years we had 20 conferences, generally noonday conferences, at which in all 47 firms were represented, these 47 firms employing about 190,000 people.

At these conferences the subject of supervision of health of employees was discussed from every standpoint, from the standpoint of the interest of the workingmen, the interest of the employer, and the interest of the community.

And so during the three years these conferences have served as a kind of school for every one here in the city, to study the very phases of the important problem of health of employees.

The advantage of the systematic supervision of health of employees can be summarized as follows:

First, I ought to state just exactly what the committee on factories of the Chicago Tubercular Institute recommends. The committee on factories recommends the establishment of an arrangement by which the foreman, thoroughly instructed by a competent physician or nurse, will look for any breakdowns on the part of any employees. And then after this system is in operation for some time the committee on factories advocates the establishment of medical examination of new employees and reexamination of old employees.

The advantage of such a system may be summarized as follows:

First, early detection of breakdowns. I wish to call attention here to this point, that in the course of the operation of such a system of supervision of the health of employees it is not only disease that is discovered in workmen that

can be very easily detected and remedied by advice of a physician and change in the régime of the work. In the vast majority of cases it is absolutely necessary that the worker quit work, and, as far as possible, abstinence from harmful practices and so on. There is also reestablishment of the health of the worker. Of course, in a certain percentage of cases it means leave of absence for a certain time to repair the health of the worker. So early detection of these breakdowns is the first advantage.

Second, early diagnosis of various diseases. Now, for instance, it has been shown that in a number of firms that had had no supervision of the health of the worker three or four years ago the only cases of tuberculosis that came to the surface were cases of advanced tuberculosis that could not be remedied, while in a number of these firms that had in operation the system of supervision of health of employees during the last three years, at the present time, the vast majority of cases that are discovered are of the incipient variety that can be treated and cured in a period of a few months and the working power reestablished.

The third advantage of such a system is, as I mentioned before, detection and control of sources of infection. It is absolutely impossible to know the extent and source of infection unless there is an arrangement for the detection of various kinds of diseases among the working people.

The fourth, as I mentioned before, is the gradual appraisal of harmful conditions. As I stated before, time and time again, certain diseases were prevalent or certain diseases were discovered in certain departments of the firm that were entirely unknown to the owners of the firm, and for this reason systematic supervision of the health of employees is considered by our committee as very essential in connection with the prevention of the occupational diseases.

Fifth, that, as I alluded to before, the advantage of systematic supervision of health of employees is the gradual changing of the attitude of employees. For instance, it has been shown in some firms, during the operation of this practice by the employers and the benefit associations, people who were working and suffering from incipient diseases and a few months' treatment in a sanitarium would help them, three years ago in quite a large percentage of cases workers would not go, while at the end of the operation of such a system with such firms at the present time at least 80 or 90 per cent of the cases go to a sanitarium to take advantage of this offer that comes through the operation of the employers' benefit association to which workers are contributors.

Then, the next advantage is the high standard of health efficiency of the working people.

And the last one, and probably one of the most important questions, stands high in the eyes of the committee on factories, is the resulting better understanding between the firm, the superintendents, and the employees.

Now, this matter was submitted at the various conferences of this committee and then summarized by representatives of this committee and also by representatives of Chicago firms at the last annual meeting of the National Association for the Study and Prevention of Tuberculosis. And out of the deliberations that were held now during the last three years by business men, superintendents of employees' welfare associations, and different industrial positions, nurses, and other men and women interested in this work, it appears that the following arrangements probably are necessary in order to make this system of supervision of health of working people permanent and a just institution:

First. Industrial sickness and invalidity insurance, probably by Federal law.

Second. A system of supervision of the health of the employees as a part, as an integral part, of this industrial sickness and invalidity insurance. I think it is the conviction of men that have made a study of this subject that unless systematic supervision of health of employees is made a part of industrial sickness and invalidity insurance, then the cost of maintaining the sickness and invalidity insurance would be much less than it would be otherwise.

And that the third point that under such conditions the employee will become not only the recipient of certain assistance that is extended to him in the case of illness by certain benevolent firms, but he would become also the administrator, one of the administrators, of the insurance funds, and consequently this will lead to a better understanding between employers and employees.

This represents in a brief way just what I wish to present to the committee, and I hope that the statement was not too long.

Chairman WALSH. Thank you. Mr. Lennon says he would like to ask you a question, Dr. Sachs.

Commissioner LENNON. Not exactly a question particularly; I want to publicly commend the work that you and your society has done for humanity. I am very familiar for an outsider, and it gives me great satisfaction to say that you and your committees have done excellent work—a work that deserves to be given credit. That is all.

Commissioner GARRETSON. Mr. Chairman.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Doctor, from your experience with the corelation of disease and labor, if you feel free to express the opinion, I would like to know whether you consider any employer has the right to employ people under insanitary conditions—the moral right to?

Dr. SACHS. I would say that he has no moral right.

Commissioner GARRETSON. Do you believe that it is an obligation that rests upon the employer to furnish properly healthful quarters for the performance of the work that he requires of his men?

Dr. SACHS. I don't understand your question.

Commissioner GARRETSON. Do you believe that it is an obligation that rests upon the employer to furnish proper sanitation and other similar appliances?

Dr. SACHS. I would say that we believe that there should be minimum hygienic requirements for various forms of industry. And in connection with this, if I may be permitted to say, that we believe also that this Nation ought to have a department of health that would formulate such minimum hygienic requirements for various industries.

Commissioner GARRETSON. And make them an absolute requirement?

Dr. SACHS. Yes.

Commissioner GARRETSON. That is all.

Mr. THOMPSON. That is all.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. Yes.

Chairman WALSH. That is all. Thank you, Doctor.

Dr. SACHS. I wish to leave this [handing papers to the chairman].

Chairman WALSH. Thank you very much. That is fine, Doctor.

(The papers so presented were marked "Exhibit No. 1, Witness Theodore H. Sachs, July 25, 1914"; "Exhibit No. 2"; and "Exhibit No. 3."

Sachs's Exhibit No. 1, pamphlet entitled "Examination of Employees for Tuberculosis," published by the Chicago Tuberculosis Institute, and Sachs's Exhibit No. 2, pamphlet entitled "Medical Examination of Employees," a symposium before the advisory council of the National Association for the Prevention of Tuberculosis, Washington, D. C., May 7 and 8, 1914, were submitted in printed form. Sachs's Exhibit No. 3 will be found under the heading of "Exhibits.")

TESTIMONY OF JOHN D. HIBBARD—Recalled.

Mr. THOMPSON. Mr. Hibbard, you may continue where you left off last night.

Mr. HIBBARD. I think I had just completed talking about B of your fourth question. C and D on your list refer to piecework or day wages, relative merits of both systems—premium or bonus systems. I haven't very much to say about that, for the simple reason that the association itself has no control of the manner of payment or the conditions under which work is done. That depends very materially on the character of the work; some lend themselves to piecework and others do not. The only condition—or, at any rate, so far as my official connection with the members of our association is concerned—the only thing that is insisted upon is that the wages shall be reasonable and fair for the conditions in the locality and that, as I suggested yesterday, the hours should also be reasonable.

In other words, the association has no direct control over either of those two items—sanitation of shops or factories. We are doing everything in our power to bring the character of a shop of the members of the association up to the grade that is to-day recognized as being proper; that for the reason, as I also stated yesterday, that these are frequent causes of labor difficulties, labor compiaints, and that it results later in trouble; and we have an inspector—sanitation and safety inspector—who inspects the shops of our members, whose reports of the State factory inspector or the inspector of the insurance company. Many of our members are insured against accident in insurance companies who are inspected by insurance inspectors, but our own examinations, I believe, are

more thorough than even those. Very frequently the factory inspector is a political creature, and the inspections are not always what they ought to be.

I want to diverge just a little bit there, perhaps. I think that many of us realize that the employer of several years back was not a philanthropist. He represented an opportunity to do a great many things that should have been done. A great many of the improvements that have been brought about in shop conditions, sanitation and safety, child labor, sweatshops, and unreasonable hours have been brought about very materially and very largely due to the efforts of unions. I do not believe, however, that proper credit is given at the present time to the manufacturer and employer who to-day realizes he has been taught, as all the public has been taught, as union men have been taught, as we all have been taught, that these conditions as they used to exist were not proper, and he is just as good a citizen, he is just as humane an individual, and just as much interested in the improvement of conditions as are any of the rest of us. Individually they are just as high a type of men as you can find anywhere else, and I merely wanted to make this point, that to-day the employers of the country are not given the credit which they should be given for really honestly and sincerely assisting these betterment movements.

Your next question was in regard to compensation in case of accident.

The association is on record in favor of compensatory legislation, and in certain States members of our association have been on the State boards that have furnished such legislation. We are in favor of compensatory legislation.

G. Card-index system of keeping personal record of employees: The national office keeps no record of men. We have on file always applications for employment of various kinds from shop superintendents and foremen down. But there is no systematic record kept. There are some 14 branches of the National Metal Trades' Association in various cities that do have their labor bureaus, and those labor bureaus do keep records of men of efficiency and where they are employed. In some instances, or in some particular cases, the record may show whether they are union men or not; but they do not do it in all cases. And, as pointed out yesterday, the mere fact that a man is a union man does not necessarily deprive him of having employment. I will say this, that there are individual cases where trouble has been so constant—just one continual round of pleasure—that some individual members do not care to have union men in their employ. That is true. But so far as the association—that is, the machinery of the association—its local bureau, or its local file index, or its record of men being used in any way to discriminate against the union men, except in cases or particular instances that I have mentioned, it is not so.

Blacklisting of agitators: I do not want a man in my employ who is not loyal to me. I do not care whether it is in the shop or in the foreman's or superintendent's position or in the office. Moreover, I do not believe that anyone who interferes with the ordinary routine of business is a very desirable employee. I should object just as much to a religious fanatic who took my time and my pay to exploit his views as I would a labor agitator, perhaps. But, at any rate, if a man is an objectionable employee I don't want him. If I can find out who he is I will let him go.

Now, so far as there being any systematic record, or any blacklist, there is none in existence that I know of or ever heard of.

Attitude of trade-unions in regard to three or four items:

First, restriction of output: We are opposed to it, and it exists. I don't know what more I can say.

Chairman WALSH. You are opposed to it?

Mr. HIBBARD. We are opposed to it, but it does exist.

Chairman WALSH. Yes.

Mr. HIBBARD. Exists in certain trades and certain conditions; certain places more than others. But I don't believe that any sane man who is familiar with the trade or in business would for one moment gainsay the fact that there is a very material amount of restriction of output.

Limitation of apprentices: The apprentice question is a very hard one. We are laboring under the difficulty of not having skilled labor enough. In my own shop, which I operated some years ago, but am not now actively engaged in operating, there was not a place where I could properly put a boy. I had nothing to teach him. My shop could not have taken an apprentice with any degree of fairness to the boy himself. We had no apprentices. I can conceive of other places where a large number of boys could be taught trades, and taught very properly. I think that is very largely a question of conditions and of particular cases. I don't believe there is any God-given ratio of 5 to 1 or 60 to 1, or any

other ratio that determines what should be a rule as to how many apprentices should be employed under any and all conditions.

Standardization of wages: I believe that that is impossible, for the reason that, so far as my own association—and, by the way, most of my remarks naturally are referring to the trades and conditions that I know about, and what they may happen to be in some others, I don't know; I am not attempting to say. But conditions vary so in different cities in different trades that I don't believe it would be a possible thing for our association to agree to a standard wage. I think that would have to be more determined by the character of the business and, as I say, the location.

There is one point that I want to mention here before I forget it. In all discussion of employers one is very apt to picture in his mind the big employing institutions, large business, and forget—and he forgets and does not know that a condition of affairs exists in this country which few people realize.

I have some notes here from the last census.

An examination of some 286,500 employers, in such lines as ours, employing 6,600,000 workers: Of the people who did their own work, the little tailor, the tinsmith, or the carpenter, who have less—might be who had no employee at all; was engaged in trade and doing the work himself, there were 27,712. Those that employed from 1 to 5 wage earners, 136,289; 6 to 20, 57,196. In other words, 81 per cent of all the employers in this country in certain lines employed less than 20 employees. Only two-tenths of 1 per cent employed over 1,000 workmen.

I think that gives people a little different mental picture of things. In the legislation in regard to compulsory compensation, minimum wage, we are apt, possibly, in our efforts to hit the big fellow, but in going for the big fellow we are hitting the little fellow at the same time. A large corporation or a large business with a wide field of operation and with a very large capital can adjust itself to new conditions very much easier than the little bit of a fellow up on Milwaukee Avenue, who has the department store to contend with, high rent, and is probably only making a very reasonable living. If his conditions are materially increased—if his expenses are materially increased—he is the one that suffers. But he is 80 per cent. He is 80 per cent of the employers.

I can conceive that the big department store on State Street could not want anything better than a minimum-wage law in Illinois, which would make it almost impossible for the little employer up on Milwaukee Avenue or on Archer Avenue or Cottage Grove Avenue to do business. That is one of the objections, as I see it, to this standardization of wages as applied to my own case, as refers more particularly to the lines of trade and the location.

Boycott on material: The boycott is an extremely dangerous weapon; it is a powerful weapon, and I had that in mind yesterday when I spoke about the union being under some form of Government supervision or control, because, so far as the public is concerned, it does not distinguish; it can't distinguish; it rarely learns the facts. It gets an ex parte statement of conditions, and as to whether the employee shall be supported or the employer should be supported in a given instance is rarely accurately determined by the public, who knows nothing whatever about the facts.

Therefore, where irreparable damage can be done to the individual or to business, I believe that before a boycott is permitted there should be some control of the situation.

Closed shop: Well, I am opposed to it. Our association is opposed to it. And it spells, in the last analysis, to our mind, as the result of experience, limitation and higher cost, and the public pays the bill.

The attitude of our association toward strikes, sympathetic strikes: Well, I think possibly what I said about boycotting might apply to sympathetic strikes. It is also a powerful weapon and, if to be used, ought to be under some form of control. The main objection to it being that it rarely concerns itself with the primary issue, with the real difficulty, the start of the whole trouble—that is, the dispute in the first instance.

Picketing, peaceful and otherwise: I do not know what peaceful picketing means. I know what the words say, but they convey absolutely no idea to my mind. I know I have never seen any. Picketing, if it is picketing, is coercion and threat. If it is not that, it is not picketing. That is my experience.

Boycotting I have already spoken about.

Violence: Unfortunate, and it is only too common. I heard what Mr. Mullenbach said here yesterday about the human element, human nature; the

fight that perhaps is inevitable; and also his point that violence or force was the only weapon at the hand of the workmen, whereas possibly the employer had money or power to bring about legislation or anything else, while the union had to resort to force. That may be true. We may both be culpable. We may both be to blame. There may be cases of individual employers who have instigated trouble. I have heard of some. As a matter of fact, a good friend of mine, a big employer, told me that he believed in one instance the employer had done such a thing. But it is simply absurd on the face of it to claim that employers begin violence. It means expense; it means trouble; it means a notoriety and publicity he does not desire and does not want, and is harmful; it hurts his business. I personally never heard of an employer who started out to shoot up his men because they went out on a strike. Personally I don't know of a single case of violence started by the employer. There may be; I don't know. Well, I say I don't know, I may have heard of this one case I will refer to.

In the nature of the case what happens? My men go out on a strike; right or wrong, good cuase or bad cause, I am at fault or they are at fault; waiving all those questions, I try to get men to go to work; I find men who will go to work. I know perfectly well that unless I protect those men that they will be harmed; there is a moral obligation on me as an employer to take care of my men, and violence results.

Now, it is a sad commentary that such things as Butte, the northern peninsula, Colorado—these awful industrial wars—take place, and there is going to be some way found to handle them. Our present conditions aren't stable. The result of all this turmoil and all this commotion is going to be a relation between employer and employee that is much better and much finer than we know. There may be crimes of employers, and doubtless are, but that is a particular crime that is not a crime of the employer; that is the crime of a union, this particular topic.

Opinion regarding extent and cause of industrial unrest: Well, they are general. They are very complex. I do not believe we can explain them on the ground of $3 a day or $3.50 a day, or $3 a day and $4 a day; I don't believe money is the measure of contentment or happiness. If we all receive to-morrow $100 more a month than we are getting now, or $500 more a month to-morrow, I don't believe that would settle our difficulties or our unrest. It may be Jim Hill's version—the cost of high living. We are extravagant; we are desirous of doing what other people do; we are extravagant in our automobiles; we are extravagant in our movies and our hats and clothes and pretty much everything we do. Whether these or all or any of them are elements of the problem I do not know, but I don't believe in a word we can possibly attempt to say what the causes of our social unrest are, and as for me, if I have any suggestion in regard to constructive measures, I don't know of any panacea that is going to get us out of all this trouble. However, I wish I knew something that I could suggest. I think, so far as the employer is concerned, there has been and there must continue to be a more sympathetic feeling in regard to his men. He has got to make his shop safer and more sanitary; he has got to realize that short hours are coming and higher wages are going to be paid, just so far as the law of economics will let us go.

I think on the part of the unions that there must be a greater responsibility, perhaps this Government supervision of some sort that I have suggested. And the improvement in the union or the corrections of abuse must come from inside. They must come from the unions themselves. We people on the outside can scrap and fight and suggest things, and suggest legislation, and all that sort of thing, but the real work is up to the officers themselves to clean out their own bodies, as they are trying, I believe, to do in Chicago at the present time. And on the part of all of us there must be more intelligent and more sympathetic regard for the other people's wishes and rights.

Mr. THOMPSON. You have given apparently a good deal of thought and a good deal of your life to the labor problem, as commissioner for the metal trades association. Is it your opinion that, generally speaking, the organization of workingmen into unions has helped or hurt his position in industry?

Mr. HIBBARD. I should say there was not any question but that the fact that the position of the man—the position of the workingman in general—has been helped by his union; yes, sir.

Mr. THOMPSON. And that is because of his organization in unions?

Mr. HIBBARD. Undoubtedly.

Mr. THOMPSON. Now, assuming that the American workingman realizes that fact, as you realize it, do you think that the idea of organization is going to grow or is going to die off in his mind?

Mr. HIBBARD. Well, I don't believe it is going to die off.

Mr. THOMPSON. If he would use the same intelligence that we expect an ordinary business man to use, he would say, as you have said, "This has been a good thing, we ought to keep it up," would he not?

Mr. HIBBARD. I should think so.

Mr. THOMPSON. Now, if other people in the ranks of the employers should realize, as you realize, that the union has been a good thing for the workingman, don't you think that they would make the deduction that the union has probably come to stay in industrial life?

Mr. HIBBARD. Oh, I don't hear anybody argue that it has not, or I don't come in contact with those who believe that it has not.

Mr. THOMPSON. Then, assuming that the union, Mr. Hibbard, has come to stay in our industrial life, do you think that in that case, speaking generally now for the moment, that collective bargaining is a bad or a good thing? You can answer that in your own way; I am not asking you for yes or no.

Mr. HIBBARD. Mr. Thompson, I am not here to evade any question. I realize that I have certain ideas, and I want to help you all I can; and if I can be of any assistance to the commission that is what I am here for. I am not here to exploit any particular notion. As I told you, I haven't any. There are certain difficulties and certain abuses that we run into that we are opposed to, and will continue to oppose.

I said yesterday that there was one stage of my life there where for a year I fought as hard as any man could fight among my own people, on our own side of the fence, for a collective-bargaining agreement, as men in this room know; that I was forced out of that position for simply the cause, as I have pointed out, that so far I have yet to find where the fluctuations, economic fluctuations, can be peaceably taken care of. Now, whether that is because there is not enough of fiber behind the other side of the agreement, I don't know.

Mr. THOMPSON. What I was trying to do, Mr. Hibbard, was to see whether your objection to collective bargaining, as you have stated, was fundamental to the thing itself or rather to certain phases of collective bargaining——

Mr. HIBBARD. Oh, I can answer that, I think, very frankly. It is not. It is not fundamental. As you know, our own association, this Chicago Metal Trade Association, in the first place that I know about, that was not affiliated with the national trades, the National Metal Trades Association; it has tried it; the National Founders' Association tried it, indicating all those people believed in the theory of collective bargaining, and I do not know but now you will find most of the men would say, "Why, yes; theoretically I believe in it all right, but practically here are certain steps in the thing that have always fallen down." I think I can honestly say that in a different condition of affairs that I would be in favor of collective bargaining.

Mr. THOMPSON. Now, assuming, then, that unionism has come to stay—the organization of workingmen—and that fundamentally and on the right basis collective bargaining is a proper method to deal with such a situation, would you believe that the work of this commission should be directed toward harmonizing these fundamental propositions to our present industrial life so that they may be carried out and brought about with the least friction to industry?

Mr. HIBBARD. I think that would be fine work.

Mr. THOMPSON. Well, wouldn't that be the natural direction in which a mind, looking at it from a practical standpoint, must work?

Mr. HIBBARD. I should think so.

Mr. THOMPSON. Are there any other directions that you would think that we ought to go, Mr. Hibbard, and explore?

Mr. HIBBARD. Well, that will keep you busy for a while.

Mr. THOMPSON. I think so, but it might be you think other things are more important, for instance, in the industrial problem?

Mr. HIBBARD. No, no; I think that you are right on the most important thing that you can tackle right there.

Mr. THOMPSON. Now, going to the question of violence just a few moments, Mr. Hibbard, do you believe that it can be fairly stated that the general attitude of the American workingman, as he is gathered together in these organizations, is for the purpose of committing violence?

Mr. HIBBARD. Oh, no; I would not claim that a minute.

Mr. THOMPSON. Don't you believe that he, as the average American citizen, would prefer to gain his objects by peaceful and ordinary methods?

Mr. HIBBARD. No question, if you ask me; I believe that the workmen in the city of Chicago belonging to the various unions in the city of Chicago—I am now referring to outside my own trade—building trades—on the average are just as good citizens as I am or you, that want the laws obeyed just the same as you and I want them obeyed or anybody else, that they are in every particular just as patriotic, just as good citizens as we. I should say, offhand, yes, beyond any question. But there is a machine, as there sometimes is in politics, that operates the thing.

Mr. THOMPSON. Well, I was leaving out for the moment, Mr. Hibbard——

Mr. HIBBARD. Now, I was going to say that as a similar case, exactly in the same way, while the rank and file of any particular union beyond any question are good citizens, the powers that be sometimes plan and do things that I don't believe the rank and file would stand for if they knew all the facts.

Mr. THOMPSON. I am leaving out for the present consideration, Mr. Hibbard, those cases of violence which apparently as we get them in the newspapers are premeditated acts of little coteries or leaders or politicians; I am taking the general strike as it occurs over the country where hundreds and thousands of men are out of work, and where under the law as it exists to-day the employer, we will say, seeks to replace them by other workers which the people on strike generally call scabs. Now, violence has often occurred, if we may believe the reports, in those cases. Would you say in those cases that that violence is the result of a coterie of men, or rather it grows out of the situation itself?

Mr. HIBBARD. Undoubtedly there are a good many cases where it grows out of the situation. Those are the kinds of sporadic things, however, that we could overlook. I do not think they are either serious or extended. It is the systematic violence that I have in mind.

Mr. THOMPSON. Well, Mr. Hibbard, are there records that we can get that have been compiled by your association or by other employers' associations in this country which would give us evidence, except in perhaps these small coterie cases I speak of, that violence has been premeditated and carried on in a wholesale manner?

Mr. HIBBARD. Our association has no such record, but I can refer you to various cities whose criminal calendars will give you the names of all the people that you want.

Mr. THOMPSON. Well, is there anywhere that you know any records kept that we could have access to that would help the commission?

Mr. HIBBARD. Right there——

Mr. THOMPSON (interrupting). In studying this——

Mr. HIBBARD (interrupting). Right there I can give you one particular city.

Mr. THOMPSON. What do you mean, that the criminal court records would show it, or what?

Mr. HIBBARD. Yes; and the details of the case and the whole history. Our association keeps no such record.

Mr. THOMPSON. Then the only source of information is this you have stated?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. Now, Mr. Hibbard, in reference to the question of picketing, a good deal has been said on this subject pro and con. Theoretically, the right to peaceful picketing, I presume, must be extended, as the right to collective bargaining. Why, in your opinion, is peaceful picketing impossible? Do you believe that in all cases there is a systematic attempt to use violence wherever a strike occurs?

Mr. HIBBARD. Mr. Thompson, what it may be in the restaurant business I don't know. I have had no experience. But it would take more than the average amount of nerve for you to go into a plant where we have a strike on that is picketed.

Mr. THOMPSON. Well, that brings up and is allied to this question of violence. As I understood you, you believe that where violence occurs, just because of the fact that men are out on a strike and others take their places, you said that was sporadic.

Mr. HIBBARD. Oh, I said it might be. There might be cases.

Mr. THOMPSON. Now, in your opinion, then, in most of the strikes of the country, so much so as to be said to be the general proposition, there is an organized effort at intimidation and violence?

Mr. HIBBARD. In my experience; yes.

Mr. THOMPSON. Well, why do you believe that, leaving out now, we will say, certain lines of trade in large cities, taking the country over, in manufacturing plants, why do you believe that this large body of law-abiding citizens of workingmen would countenance so generally, as you say, violent picketing, so much so as to make the name of peaceful picketing an absolute nonentity? I mean describe a situation which does not exist.

Mr. HIBBARD. I will attempt to tell a story. We used to have here in town a steam fitter that worked for us by the name of Barney. Barney was a good fellow, a good friend of mine. I said, "Barney, why is it you have such a walking delegate as you have here in the city of Chicago?" I said, "I know you, and I know Jim, and I know Dan, and the other fellows, and you are a decent lot. This walking delegate don't represent you." "Well," he says, "Mr. Hibbard, you believe, don't you, that if the people of the city of Chicago had the chance to vote for what was right and what was wrong, a good principle or a bad principle, that they would choose the right, wouldn't they? That they would elect good men rather than bad?" I said, "Yes." He says, "You show me why you have that bunch at the City Hall and I will tell you why we have our walking delegate."

In other words, Mr. Thompson, to answer your question direct, the control isn't in the hands of the many.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. I understand you are not now in the manufacturing business?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. Not an employer?

Mr. HIBBARD. No, sir. I have been commissioner for about a year or a little more.

Commissioner O'CONNELL. There are about 700 firms, you say, holding membership in the National Metal Trades Association?

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. How many firms approximately in the United States that would be eligible to membership in the national association?

Mr. HIBBARD. That I haven't any idea of knowing.

Commissioner O'CONNELL. One hundred thousand?

Mr. HIBBARD. Why, you see any man who employs machinists or pattern makers or buffers or polishers even though employing only one or two, would be eligible. I haven't any figures. It might be as many as you state; I don't know.

Commissioner O'CONNELL. I suppose you have 5 per cent of the eligible firms in the country in the association?

Mr. HIBBARD. Perhaps I can put it this way, which will be of more value: About a year ago, unfortunately not so at the present time, but about a year ago the total number of employers on the pay roll of the entire association, I think, was 340,000 to 350,000 men. Now, how that ratio will jibe up with the total number of employees in the country I can't tell you, but it must be a pretty reasonable per cent of the total productive force. It is not anywhere as large as the manufacturers' association or a great many others.

Commissioner O'CONNELL. My idea in asking you the question is because of a statement made of the per cent of organized workmen and of the per cent of unorganized workmen in the country. Some estimates being something very low and others very fair and so on.

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. Now, Mr. Hibbard, I understood you yesterday, and I have the verbatim testimony before me here, to say your first break with the union here was because of a certain situation that arose in which the leaders had agreed to a certain proposition of the employers here but could not force their union to accept it.

Mr. HIBBARD. I did not say—I don't believe—correct me if I am wrong—I don't believe I said the union officials had agreed, but I said I thought they agreed with us that it was the proper thing to do.

Commissioner O'CONNELL. Yes.

Mr. HIBBARD. And they were going to use their influence to bring the union around to their viewpoint.

Commissioner O'CONNELL. Do you believe the officials, if they were in perfect accord with your association's ideas—that they should have the power or be in

the position to influence the membership to accept something they thought was right and the membership thought was wrong?

Mr. HIBBARD. Well, you very frequently would have to delegate a committee to act for you. A committee may or may not carry out the individual wishes of everybody, but in that particular instance the employers who were there present were qualified and did bind all the other members of the association. And what would have been agreed to by them would have been binding on the association. They would have had to live up to it or else get out.

Commissioner O'CONNELL. Now, does the National Metal Trades Association have within its make-up an organization of employees, of workmen?

Mr. HIBBARD. Not as I understand your question; no, sir. It does not. It has an office force.

Commissioner O'CONNELL. Oh, yes; I understand. But, for instance, do you organize, or maintain a force of men trained for the purpose of taking the places of strikers or workmen when they go out on a strike?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. They have not maintained sometime in their history an organization of that character?

Mr. HIBBARD. Not that I know of, Mr. O'Connell. I do not believe that they have. Men of that kind are ordinarily obtained because we have known of a certain man having been on another job, or by advertising or in some other way.

Commissioner O'CONNELL. Are there not membership cards or cards of some character, preferential cards given to workmen that give them preference of employment in the various shops of the companies holding memberships in your association?

Mr. HIBBARD. If a man has been faithful during a strike on a job, been decent, a good workman, sober and industrious, after he is through with his work we have in some instances given a card. I do not believe there are a great many of them.

Commissioner O'CONNELL. Isn't there a prize or a premium or a present of some kind given to men—or a bound volume or a book or something of that kind—given to men because of their loyalty to the National Metal Trades Association?

Mr. HIBBARD. I think there have been; yes.

Commissioner O'CONNELL. Have you a copy of such a book?

Mr. HIBBARD. I have not. I could get you one.

Commissioner O'CONNELL. Will you furnish the commission with one of them?

Mr. HIBBARD. I will be very glad to.

Commissioner O'CONNELL. Will you furnish the commission with samples of your employment lists, applications for employment, and a statement of the methods the applicant goes through seeking employment?

Mr. HIBBARD. What is your question?

Commissioner O'CONNELL. I want the various forms and applications that are handed to workmen seeking employment in the shops or at your office; all forms in connection with the matter of employment.

Mr. HIBBARD. I will be very glad to furnish them to the commission. Allow me to say, to point out, however, as I said yesterday, the national office carries no employment bureau of any kind. We have no such forms or cards there. There is no uniform or standard in the 14 different branches. We exercise no control except a very general control over them. We do not specify their forms, and each individual secretary has one which suits him.

Commissioner O'CONNELL. Will you furnish those in Chicago?

Mr. HIBBARD. The Chicago branch?

Commissioner O'CONNELL. The Chicago branch.

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. Mr. Hibbard, in the case of a strike at the plant of one of your members, what does your association do to be of service to your member?

Mr. HIBBARD. Presupposing all the time that the cause of the strike is just and fair and it is one that the association will undertake to handle—we don't handle any old thing, you know; a man must come into court with clean hands; he must have a good cause. A good cause to our mind, for instance, an absolute claim for unionism of the shop. That we fight.

Commissioner O'CONNELL. Well, in that case?

Mr. HIBBARD. The member is entitled—if the men go out, the association is under obligation to furnish him seven-tenths of the number of men which he reports in that department of the association.

Commissioner O'CONNELL. And in a financial way, what do they do?

Mr. HIBBARD. Why, that is about all—that is, they place the men in the shop and start them going.

Commissioner O'CONNELL. Do they furnish him capital to keep his business running?

Mr. HIBBARD. No; no. That they may have done so in individual cases I do not know, but there is no obligation in the constitution, by obligation, that they shall do so. I know in that 1904 Chicago strike we had a good many weak sisters, and there were some of those that were helped along in their pay roll by some of the members of the association. That is not part of the National Metal Trades Association.

Commissioner O'CONNELL. Supposing there was a general strike occurred for reduction of hours, increase in wages, any general thing that would affect the shops pretty much alike, against the members of your association, would you permit one of your members to withdraw at any time during that controversy with a clear card from your association?

Mr. HIBBARD. He has a right to resign at any time he desires.

Commissioner O'CONNELL. Would you think he was doing a justifiable thing in resigning under a situation of that kind?

Mr. HIBBARD. Well, we keep reverting to our old topic of discussion—that is, the old Chicago situation. At one time, you might remember, there was one man went out to whom we did not feel very kindly at that time. He was the only one we lost.

Commissioner O'CONNELL. Do your members put up a bond of any character to secure their membership in the faithful performance of their allegiance to the constitution and by-laws?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. Have you read this piece that is published this morning in the Manufacturers' News—the hat manufacturers' agreement upheld?

Mr. HIBBARD. I have not seen that; no, sir.

Commissioner O'CONNELL. The case of the hatters' association suing one of their members for a claim of $5,000 for quitting the association during the strike of the association. The case is upheld by the court with the approximate amount of funds of $75,000 in sight for the association from firms that have withdrawn from the organization. Did your association attempt to deal in that way with your members who withdrew?

Mr. HIBBARD. No, sir. I say that I haven't seen that article. I have not. But now that you mention the case and the point, I believe the case was decided on this theory: If you and I agree to do a certain thing, it is a crime for somebody else to try to induce either one of us to violate that contract. If I agree with you that I will run an open shop, if you do, anything that is done in contravention to that contract, as I understand it, is liable to result in trouble.

Commissioner O'CONNELL. Then, if two men agree to go on a strike for a certain thing with each other, for an increase of wages or some other thing, in which they are interested——

Mr. HIBBARD. And I try to induce one of them to go back?

Commissioner O'CONNELL. And you tried to induce one of them to go back——

Mr. HIBBARD. I would probably be trying to make them break their contract and be amenable to law myself.

Commissioner O'CONNELL. You think you would be liable for damages in doing that?

Mr. HIBBARD. I think I might under that decision. However, I am not a lawyer.

Commissioner O'CONNELL. Neither am I.

Mr. HIBBARD. That is a layman's guess.

Commissioner O'CONNELL. Neither am I, but I think we have dealt in a number of cases together and understand what we are talking about. Did you hear Mr. Piez, the president of the Link Belt?

Mr. HIBBARD. I wasn't here; no, sir. And I only saw what was in the paper.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. You made a statement a few minutes ago that might have a very broad inference to be drawn from it. You made the statement that the employer of 10 years ago was not a philanthropist. Do you mean by that every employer of to-day is one?

Mr. HIBBARD. No, sir.

Commissioner GARRETSON. Oh.

Mr. HIBBARD. No, sir; he is very much better, though, and is a very much broader-minded man, with more milk of human kindness in him than he had 10 years ago.

Commissioner GARRETSON. You said this result was produced in some degree by the activities of the union or agitation of the union and along various lines——

Mr. HIBBARD. You mean those various things I thought have been corrected?

Commissioner GARRETSON. The betterments that have taken place in the shops of the employer.

Mr. HIBBARD. Yes; I think very largely.

Commissioner GARRETSON. Then the union is to be credited with missionary work in that direction?

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. You read from a census statement to the effect that there were only two-tenths of 1 per cent of employers that employed over a thousand men.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. What proportion of the men employed are employed by that two-tenths of 1 per cent?

Mr. HIBBARD. As I remember, the 80 per cent that I first mentioned employed 14.7 per cent.

Commissioner GARRETSON. Eighty-one per cent of employers——

Mr. HIBBARD. Only employ about 15 per cent.

Commissioner GARRETSON. Fifteen per cent of the workers.

Mr. HIBBARD. The two-tenths per cent employ 15 per cent of the workmen. In other words, the two-tenths per cent employing over 1,000 men employ as many as the 81 per cent.

Commissioner GARRETSON. As many as the 81 per cent below?

Mr. HIBBARD. Yes; at that particular moment I had more in my mind the effect of legislation of one kind and another on the employer.

Commissioner GARRETSON. But what was the origin of the legislation and what was its purpose, for the employee or for the employer?

Mr. HIBBARD. You mean——

Commissioner GARRETSON (interrupting). Sanitary and humanitarian legislation.

Mr. HIBBARD. Oh, undoubtedly for the workmen.

Commissioner GARRETSON. Therefore the proportion of employers affected by it is not really generic, but the proportion of employees?

Mr. HIBBARD. Yes; but my own theory would be that in those plants that hire men there were certain vicious cases, of which we all know, but my own impression is in the larger plants the sanitary conditions were better. In our own practice, we find the shops that have to be jacked up the hardest are those not so large. The big shops, the good shops, are sanitary and well lighted and good air and all that sort of thing.

Commissioner GARRETSON. In other words, in the big shops the union, through the force of members and number of members, can exercise an influence it can't in the small shop, isn't that true?

Mr. HIBBARD. Yes; that statement is true; but I don't see what bearing it has on what I said just before.

Commissioner GARRETSON. The amount of pressure that they put on the employer to better conditions is more than in the industries that are small?

Mr. HIBBARD. Yes. You said a moment ago that I left a statement open to broad interpretation. Now, you are—you are inferring the only corrections made in the shop was due to the force of the union. But that is not true.

Commissioner GARRETSON. I grant you that is not true, but according to your own testimony they did build the fire.

Mr. HIBBARD. Beg pardon?

Commissioner GARRETSON. They built the fire that put the pot to boiling.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. You operate no employment bureau in the National Metal Trades?

Mr. HIBBARD. Not from the national office.

Commissioner GARRETSON. Are the majority of your members also members of the N. A. M.?

Mr. HIBBARD. I don't know that, but I should say no. As a matter of fact, I am quite sure no. There may be individual members.

Commissioner GARRETSON. But such of them as are could avail themselves of the employment agency of that institution, could they not?

Mr. HIBBARD. That I don't know.

Commissioner GARRETSON. Have you seen the testimony of the director of that agency?

Mr. HIBBARD. No, sir.

Commissioner GARRETSON. You used the statement that a boycott is a dangerous weapon.

Mr. HIBBARD. Perhaps I should have said a powerful weapon. It is dangerous unless advisedly used.

Commissioner GARRETSON. Do you believe it is equally a dangerous weapon regardless of where it is directed and is equally a vicious weapon?

Mr. HIBBARD. A 16-inch gun is a dangerous weapon. I am not talking about what you point it at.

Commissioner GARRETSON. Then a boycott of men on account of union affiliations is equally vicious with—as a boycott if directed against manufacturers?

Mr. HIBBARD. I am not in favor of such a boycott as that.

Commissioner GARRETSON. Does it not exist absolutely in a large number of shops in the country?

Mr. HIBBARD. I didn't get that. What is the question?

Commissioner GARRETSON. Are there not a large number of places where the fact that a man is a union man will bar him from employment?

Mr. HIBBARD. Well, barred may be relative. I don't know of very many places of my own personal knowledge where every single man in the place is a nonunion man.

Commissioner GARRETSON. Every single man may not be a nonunion man.

Mr. HIBBARD. Put it the other way around. I know very few places where men would be barred because he was a union man.

Commissioner GARRETSON. But there are such places?

Mr. HIBBARD. There are where we have had trouble.

Commissioner GARRETSON. Is a boycott of that character less criminal than a boycott of a product for any reason, for unfair reasons, we will say, for being on the unfair list?

Mr. HIBBARD. I do not know as I can answer the question. In other words, I can conceive of reasons why, for a man's absolute protection, if he has got to run away, he does. If men want to refuse to buy, I suppose they can.

Commissioner GARRETSON. Don't you believe that if one man, for his own protection, financial protection, boycotts union men in employment that he is on as bad moral and legal ground as that man is in refusing to purchase a product if what he believes is for his own financial protection?

Mr. HIBBARD. As an individual act, yes; he has got just as much right.

Commissioner GARRETSON. And in reality is there any difference between the system of passing men around through a series of factories by an interchange of information; is the result of it any different as applied to men as to what a boycott is as applied to goods?

Mr. HIBBARD. I don't understand what you mean by that first condition there.

Commissioner GARRETSON. No. It is stated before this commission that in employment agencies which are maintained that interchange of information as to the causes of discharge of a man can be secured by any man a member of that association.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. It is admitted that agitation is one of the seven deadly sins.

Mr. HIBBARD. Yes.

Commissioner GARRETSON. Now, if information on this basis is circulated that bars a man from employment, that is a boycott of the man, isn't it?

Mr. HIBBARD. Well, Mr. Garretson, suppose a man is a drunkard, would he be proper? Suppose a man was dishonest, would he be proper?

Commissioner GARRETSON. Does the union place it in the category of that?

Mr. HIBBARD. No; I haven't said that.

Commissioner GARRETSON. I didn't think you did.

Mr. HIBBARD. I can——

Commissioner GARRETSON. Bear in mind I wasn't charging you with holding any opinion of that kind.

Mr. HIBBARD. You are jumping now from agitator to unionizing.

Commissioner GARRETSON. From what?

Mr. HIBBARD. From an agitator—you were talking about agitator.

Commissioner GARRETSON. Sure, I was. And I have seldom heard it applied in industrial circles to anyone but a union man.

Mr. HIBBARD. Yes; I know you have. And also it is true there are cases where you have heard union men talked about without their being called agitators?

Commissioner GARRETSON. In that instance——

Mr. HIBBARD. I think it is equally true that there are men that are not agitators.

Commissioner GARRETSON. The man who used the word qualified it by meaning the criticism of conditions or the advancing of the organization.

Mr. HIBBARD. Well, that is a question of degree. I don't object to a man's advocating another man to join the union if he wants to. That doesn't constitute an agitator, in my mind. An agitator is a man that is causing discontent and unrest and all the other things. Now, a certain amount of discontent is all right—we appreciate that—that is one of the steps of progress, we will say.

Commissioner GARRETSON. Well, narrow it to unionism; would you consider the barring of a man through a wide area from employment because he was a union man as a boycott against the man?

Mr. HIBBARD. Well, if that is all they had against him, why, I should not be in favor of it.

Commissioner GARRETSON. In touching upon violence, you spoke of the fact that there was a moral obligation resting upon the employer to protect the strike breaker. Have you ever noticed in any employer the fact that that recognition of moral obligation was much more lively than some others—some other moral obligation?

Mr. HIBBARD. I don't understand you, Mr. Garretson.

Commissioner GARRETSON. Have you ever known an instance where an employer whose sense of moral obligation to his employees was somewhat dormant in general?

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. Where he might have a very quick sense of moral obligation for protecting the strike breaker?

Mr. HIBBARD. He might.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other question?

Commissioner DELANO. Yes; one.

Chairman WALSH. Mr. Delano would like to ask you one question.

Commissioner DELANO. Mr. Hibbard, I understood you to say that the boycott was a dangerous thing, or some words to that effect. I did not get the impression that my fellow commissioner did from your remark, but I wanted to see if I perfectly understood you. In saying it was a dangerous thing, did you mean by that that it could not be used—should not be used in any case?

Mr. HIBBARD. I am not prepared to say that.

Commissioner DELANO. Is your view illustrated, perhaps, by this, that you would say, for instance, that a six-shooter was a dangerous weapon?

Mr. HIBBARD. I should.

Commissioner DELANO. You would say that it was unnecessary to carry in a perfectly civilized community where every citizen was protected, and all that sort of thing?

Mr. HIBBARD. Well, Mr. Delano, I think most of us are opposed to the theory of boycott. Whether it is proper to be used under any conditions or not is a matter that has bothered the biggest courts in our land, and I don't think that I would attempt to say whether it was ever permissible or not. I merely—my primary object in speaking of it as I did was merely that it was a tremendous engine for good or ill, with tremendous powers. Therefore it should not be handed over to little boys to let play with.

Commissioner DELANO. That is all; that is the impression I got.

Commissioner GARRETSON. Mr. Chairman, just one thing I want to draw the attention of the commission to; that is, it was testified here that a union-labor community is not a civilized community; therefore his example does not apply.

Commissioner DELANO. I did not say that.

Mr. HIBBARD. Those are not my views, Mr. Garretson.

Commissioner DELANO. The commission don't hold that view, nor the witness.

Chairman WALSH. That is all, thank you.

Mr. THOMPSON. Just a minute.

Chairman WALSH. Excuse me, Mr. Thompson; I intended to ask you if you had some more questions, but I forgot.

Mr. THOMPSON. Would you approve of the bringing any pressure to bear on an employer to prevent his employing union men?

Mr. HIBBARD. Why, to answer the question generally, I should say no. There might be specific cases where I would recommend it.

Mr. THOMPSON. Is such pressure used, if you know?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. It is?

Mr. HIBBARD. In specific instances.

Mr. THOMPSON. Is the business of your members comparative?

Mr. HIBBARD. Not in any way. I pointed out yesterday they were automobile builders or chain manufacturers. The field is very diversified. If you mean, Mr. Thompson, by your question to imply that there was any kind of a price agreement, or an agreement of any kind of that character——

Mr. THOMPSON. No.

Mr. HIBBARD. There is no such thing, owing to the character of the personnel of the association, which makes it impossible.

Mr. THOMPSON. I take it—the question is to bring out this point: Whether or not the competitive nature of the business limits the wages, hours, and conditions of the men in your shops?

Mr. HIBBARD. Yes, it does; and for the reason also that Mr. O'Connell pointed out—that is, that the National Metal Trades Association presumably only has a very small percentage of the number of employers in these various lines in the country. Economically, shorter hours and higher wages mean that the public will pay more for that particular thing.

Mr. THOMPSON. Has your association kept any records of the relative costs of work in an open shop and work in a union shop?

Mr. HIBBARD. No, sir.

Mr. THOMPSON. You have not?

Mr. HIBBARD. Only sometimes a strike develops that—that is, from a condition of complete unionization, complete control, after the strike is over and you are running under different conditions the economic effect is very apparent and different.

Mr. THOMPSON. Well, have you made any study, for instance, of the way——

Mr. HIBBARD. Not systematically, in the way that you are asking your question; no, sir.

Mr. THOMPSON. If there was any change of cost, that cost would be felt by the consumer?

Mr. HIBBARD. Oh, I think so, because in the great run of machine shops the profits are not so large as we are sometimes told.

Mr. THOMPSON. Well, are the wages paid to the men an appreciable part of the cost of the product?

Mr. HIBBARD. A very material part.

Mr. THOMPSON. Do you think there is a difference between refusing to patronize or employ and bringing of pressure to bear upon others to keep them from patronizing or employing?

Mr. HIBBARD. Read that again, please, Mr. Thompson.

Mr. THOMPSON. Do you think there is a difference between refusing to patronize or to employ and the bringing of pressure to bear upon others to keep them from patronizing and employing?

Mr. HIBBARD. Oh, I don't know how to answer that question.

Mr. THOMPSON. Perhaps let me state it another way: Is there any difference, in your opinion, first, as to whether the refusing to employ is any more serious than refusing to patronize; and, next, whether there is any difference between doing it and bringing pressure to bear to have it done?

Mr. HIBBARD. Well, you are getting—it is a hard question there. Are you talking about individual acts or collective acts, or what?

Mr. THOMPSON. Well, it is more or less of an abstract question, I take it.

Mr. HIBBARD. Yes; I can't answer it categorically.

Chairman WALSH. Just let it go.

Mr. THOMPSON. That is all.
Chairman WALSH. That is all, thank you, Mr. Hibbard.
Mr. THOMPSON. Mr. Fry.

TESTIMONY OF MR. CHARLES W. FRY.

Mr. THOMPSON. Mr. Fry, will you give us your name, your address, and your present occupation?

Mr. FRY. Charles W. Fry. I am business agent of the machinists; address, 106 North La Salle Street.

Mr. THOMPSON. What jurisdiction territorially speaking have you as business agent, the city of Chicago?

Mr. FRY. At the present time I am business agent for one local exclusively, men employed in the building construction work.

Mr. THOMPSON. Building construction work. Are you acquainted with the metal workers in this city? Are you acquainted with the general metal workers' condition in this city?

Mr. FRY. Yes; I am.

Mr. THOMPSON. What is the situation of the workers?

Mr. FRY. The metal craft of this city are composed of some groups, 10 or 11 various organizations working in the metal line, such as machinists, pattern makers, blacksmiths, electricians, sheet-metal workers, and molders, etc., grouped under what is known as the metal trades council. This council is not organized for the purpose of sympathetic strikes or things of that nature, but simply to assist one another, the different organizations, in organizing men, getting better conditions, conciliation, etc., with various employers. They have never had a sympathetic strike in the metal trades organization of this city to my knowledge in the last 10 or 12 years. They have at various times up until about 11 or 12 years ago, possibly 10 years ago, had agreements with the manufacturers' association in this city.

At the present time I believe the molders are still making agreements with the foundry men's association and the metal trades association to-day. Some 10 or 11 years ago, I think it was in 1903, the last agreement was made with the Chicago Metal Trades Council. Mr. Hibbard was one of the committee who signed that agreement. The following year the Chicago Metal Trades Council went on record to abrogate the agreement as to hours. A year or two previous to that there had been a general movement throughout the country for the nine-hour day. It had been obtained by shortening the hours on the step-rate plan, half an hour each year, until finally in 1902, I believe, or 1901, we secured the nine-hour day.

The formation of the Metal Trades Council of Chicago was next, and the unions, in conjunction with the manufacturers, assisted materially in getting this. And as I say, we made agreements in 1902 and 1903, but in 1904 we broke. This is the agreement that was signed in 1903, and Mr. Hibbard's name appears on it representing the John Davis Co. at that time.

As I said, we probably would have got together in 1904, only the manufacturers desired to break. The one thing that we had fought many years for, the shortening of the workday—the wages was not such a material proposition—but they posted notices in all the shops that on a date, that on and after a certain date the hours would be 9 hours a day, 54 hours a week, or as many hours as they wished to run. That is the time we broke with the Chicago Metal Trades Council and with the National Manufacturers' Association.

In my opinion, they are one and the same thing. I want to submit, if it pleases the commission—and in my opinion that evidence can be obtained much better from the manufacturers' association themselves, or through their attorneys, who are hired to assist them in these various affairs, than it can through us union boys, because they have got it complete.

But as an exhibit to show that the Chicago Metal Trades Council and the National Metal Trades Association are one and the same thing, I submit a copy of the Chicago Metal Trades Association firms and also the National Metal Trades Association. They are one and the same thing.

Mr. THOMPSON. Hand those to the stenographer.

(The papers so presented were marked "Exhibit 1" and "Exhibit 2," Witness Charles W. Fry, July 25, 1914.

The pamphlets entitled "The Following Firms are Members of the Chicago Metal Trades Association, May 1, 1904," and "Officers and Members of Na-

tional Metal Trades Association, March, 1906," were submitted in printed form.)

Mr. FRY. As I say, we broke at that time; and since that time there has been no agreement between us. Some of the members of their association quit their association at that time and made agreements with us. I would be very much pleased if this commission will make a personal investigation of the conditions in union shops and of the conditions in nonunion or open shops. While I am on that question of open shops, let me say, Mr. Chairman, that the kind of open shop in the minds of Mr. Hibbard, Mr. Piez, and the gentlemen who belong to the association means absolutely a nonunion shop. In Mr. Piez's shop, the Link Belt Co., I do not believe you can find a union man with a fine-tooth comb. There is no such thing as one. There, if he joins the union, he is discharged immediately, for cause, not because he belongs to the union, but for some other cause. I have an anonymous letter here that was handed to a member of the commission by a machinist who worked for the Link Belt Co. It does not prove anything in particular, only that, as the poor fellow says, he worked for him several years. He would not be allowed to come before this commission, probably, and state his reason or his grievance, but he has put it in writing in his humble way. He did not sign any name to it, and, I presume, the members of the commission will not say I shall file it.

Mr. THOMPSON. Do you yourself know who the man is?

Mr. FRY. No, sir.

Mr. THOMPSON. I say do you know who the man is?

Mr. FRY. No; I do not know the man or the origin of the letter. It was handed to a member; written to one of the members of this commission, and I secured it from him. It is not addressed to anybody particularly. It says that he worked for him for several years, that he finally joined the union, and the next day after he joined the union he was discharged. I do not know that that letter is of any value. If it is, you can have it.

Mr. THOMPSON. Has your organization, Mr. Fry, any agreement now with the people in the metal trades in this city, the employers who are not connected with these associations?

Mr. FRY. Yes, sir.

Mr. THOMPSON. You have?

Mr. FRY. Yes, sir.

Mr. THOMPSON. In round numbers, or in a general way, what contracts have you got, how many and with what kind of shops?

Mr. FRY. We probably have agreements, if not written agreements, verbal agreements, with the most of the organizations; I might say, in the metal trades they consider that a verbal agreement is as good as a written one—if a contractor breaks his word he will break his bond. It is immaterial in that respect. Probably 50 per cent of the shops in this city are under an agreement or are working with nonunion men in them thoroughly organized in them, and so understood by the employer, and working under working rules furnished by the organization. In those shops, Mr. Chairman—Mr. Thompson, I mean—the conditions will be found to be so much greater, the class of men, the type of citizens in those shops will be so much greater than the ones working in the nonunion shops, as much difference as there is between day and night.

Mr. THOMPSON. Would you furnish this commission with a list of the shops which you would want to have investigated as showing the conditions that exist under unionism?

Mr. FRY. I would be very much pleased to furnish a list of some of the union shops and some of the nonunion shops, and to have a comparison made of conditions, and so forth. I will agree to this that in some of those nonunion shops the view from the outside is grander than it is from the union shop. I will agree that probably Mr. Piez, the Link Belt Co., on the South Side, has a splendid outlook from the outside. It looks just as nice as a bridal chamber does, but at the same time the conditions existing are not as good as in the union shop. I want to say further that what union men want, as a rule, is a sanitary condition. He does not care about the shower bath in the shop. And even the girls in their workroom do not care about those swell, elaborate rest rooms. They would much rather have better wages and shorter hours so that they can enjoy the rest rooms and the bathrooms, and so forth, in their own homes. That is what they are fighting for now, not for these things like there are in many of the shops.

Mr. THOMPSON. In your opinion, is there a great deal of discontent in Mr. Piez's plant, the Link Belt Co.'s place?

Mr. FRY. That would be a hard question to answer, inasmuch as the employees in his plant are all of a certain caliber of men. Just as soon as a man expresses discontentment he is no longer an employee. I imagine though, Mr. Thompson, if this man could be interviewed and taken out from under the influence of Mr. Piez that the discontent would show very plainly.

Mr. THOMPSON. Have you got any specific evidence to submit to this commission which would back up the belief that there is discontent there? Could you indicate either privately, or to the commission here publicly, any such evidence?

Mr. FRY. I haven't anything definite. I imagine, though, if the commission could interview some of the men employed there privately that that discontent would show very plainly.

Mr. THOMPSON. What are the relations between the various metal trade-unions in this city, one with another?

Mr. FRY. Very friendly. No jurisdictional questions of any kind occur. They settle them all within the council.

Mr. THOMPSON. Has that been so a great many years?

Mr. FRY. Practically always. More so since the council was organized.

Mr. THOMPSON. How many different classes of unions in the metal trades-union?

Mr. FRY. I believe about 10 or 11, I am not entirely sure on that.

Mr. THOMPSON. Would you mind naming them?

Mr. FRY. Machinists, sheet-metal workers, electricians, blacksmiths, boiler makers, pattern makers, molders, polishers, engineers, probably one or two others that I fail to recall at this time.

Mr. THOMPSON. Have they any organization between themselves—have they any council?

Mr. FRY. They have—each one of these trades is a national organization, or a local of an international organization, and many of them have some three or four locals in this city. Those three or four locals have what is known as a district council, and that district council, where there is one, is affiliated with the metal trades council.

Mr. THOMPSON. Now, Mr. Fry, how long have you been with the machinists' organization?

Mr. FRY. As the business agent, a little over nine years.

Mr. THOMPSON. And you have been otherwise connected with it for how many other years?

Mr. FRY. For the last 20 years.

Mr. THOMPSON. Have you had any occasion to study the labor problem?

Mr. FRY. I have had it confront me quite forcibly.

Mr. THOMPSON. What opinion have you as to whether or not there is a state of unrest existing in the ranks of labor in and around Chicago and elsewhere?

Mr. FRY. Well, there is—of course, there is at this time a depression in business which throws a great number of men out of employment. That in itself establishes a feeling of unrest.

Mr. THOMPSON. I mean irrespective of that.

Mr. FRY. At the present time the relations between the employees and the employers, especially in the metal trades craft, are not very friendly. They are strained in great measure, and that in itself produces considerable unrest. At this time also there is a feeling on the part of a great many of us that the employer has the benefit of the courts and all the machinery and laws, and so forth, and that big business interests are getting much the better of all those decisions. In other words, that the poor are getting poorer and the rich richer.

Mr. THOMPSON. Well, what remedy have you, Mr. Fry, or what do you think could be done, in a personal way?

Mr. FRY. Well, that is a pretty broad question, Mr. Thompson. I believe that this commission can accomplish much good in a conciliation manner. I would not be ready to express a willingness to agree to arbitration with conditions as they are. But I really believe that the commission in its way of conciliation between the employer and the employee could do much good. And I believe that if the proper investigation was made, that if, irrespective of what I say, or Mr. Hibbard, or Mr. Piez, or anybody else from either side do say about this question, that if the thing was went right into and an investigation made of the various plants, of the wages that are paid in the union shops, and the wages that are paid in the nonunion shops, that the commission would be satisfied in itself that they would find some remedy for the evil.

Now, I can't tell you what to do to make business good. Some of the big business men, if you get them in here, could do that a good deal better than I could. Marshall Field's representative here, who grew from the ranks of labor and had amassed probably a million or more of dollars in that time, could tell you better how to make business good, possibly by loosening up some of that million, than I could.

Mr. THOMPSON. We are not interested in the business situation, Mr. Fry.

Mr. FRY. Oh, all right.

Mr. THOMPSON. Referring to the courts, is there anything definite in the action of the courts that has given you the feeling you have in regard to them, any specific cases or any line of decisions, or is it a general feeling that you have?

Mr. FRY. Why, it is a general proposition that every time a union man appears before the courts that not only prosecution but persecution—they try to make him suffer to the fullest extent. That is true in every single instance almost. There is no exception, to my mind, between the courts, the high or the low courts, or any other courts, they are all the same.

Mr. THOMPSON. Are you speaking now of all the courts, or what kind of courts, the courts that issue injunctions or the lower courts, the police courts as well?

Mr. FRY. Every one of them, no exceptions to any of them that I know of.

Mr. THOMPSON. Have you made a study of that, Mr. Fry?

Mr. FRY. Well, I believe that my organization, the organization that I belong to and represent in a way, has had more injunctions served against us than any other one in the city, so that my familiarity with it hadn't ought to be doubted.

Mr. THOMPSON. Take the police courts. What about them more specifically?

Mr. FRY. The police courts—I have heard a good deal said that we ought to have laws restricting injunctions, and so forth. Now, it doesn't appear to me they are going to do much good as long as the police force and the city authorities are at the beck and call of the employers, so that they may arrest people for disorderly conduct. Whether they convict you or not, the mere matter of men who are engaged and women who are engaged in strikes being arrested and thrown into jail is in itself enough to intimidate the men and women so that they will lose their interest in the strike itself. That is the case in all strikes. It don't cut any figure they don't get a conviction in all those cases.

Take the late strikes of the waitresses, and so forth. Although hundreds of these girls have been arrested no convictions have been obtained; still they are intimidating these poor girls at the same time. In our strikes in the past 10 or 11 years—we haven't had many of them in the last 5 or 6 years; we saw to it that we kept out of them when we realized that the cards were stacked against us, and we have had to accomplish what we desired in some other way than the matter of going on strike, because we knew the manufacturers have got the courts, and so forth, at their command.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mr. Delano?

Commissioner DELANO. No.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Mr. Fry, have you any knowledge as to the methods employed by the local Metal Trades Association of Chicago, as to their method of employing workmen?

Mr. FRY. Yes, sir.

Commissioner O'CONNELL. What are the plans that they follow—the methods?

Mr. FRY. They have an employment bureau established over here on Dearborn Street. Men apply there for work and they are asked—I might say, Mr. Chairman, that before applying there, if perchance a man should go to a metal trades shop, that he is handed a card with the address of the employment bureau on it and told that he must apply there; that they don't hire any men at the shop door, they hire them through the employment bureau. If he makes application there, he waits in a line and takes his turn, and finally a clerk asks him what his business is, what his vocation is, his trade, where he has worked before, and so forth. And he telephones into the next room and the man in the next room looks up a file. And it is common knowledge, as far as the machinists are concerned—at least in this town—that there is a record, a file of every man in this town who has ever applied to the employers' association bureau for work. There is not only a record of the men who are employed there, who

have applied there, but a record of every man who works in these shops there, the union or the nonunion shop, because it is unfortunate that they have their policemen amongst us, and they know who are union men and they know more about us, some of them, than we know ourselves. And it is a fact that there is a record of every man kept. And I can furnish you, Mr. Chairman—and I believe that the association bureau itself could furnish you in a much better state and much more complete than I could—the complete list and a copy of all their application blanks and their records, how they are kept, and so forth.

Commissioner O'CONNELL. Well, we will get all those, Mr. Fry. What I want is to get at just the method as you see it.

Now, if this local association of the national metal trades maintains a card-index system of some character, with the names of the various trades of the men who have applied to them or live in the city of Chicago, have they a record of their causes of discharge from various shops where they may find employment earning their livelihood in the city, and is that list used in a manner to appear as preventing a man from securing employment in one shop after he leaves another or is discharged in another? Is it used in a way you believe to blacklist the employee?

Mr. FRY. I believe, Mr. O'Connell, that it is absolutely a boycott list in the most aggravated form. I believe that it is gotten up, not by the manufacturers, but by the shrewd attorneys that they hire for that purpose itself.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Any other questions? Mr. Thompson wants to ask you some more questions.

Mr. THOMPSON. Do you have a system of fines in your own union?

Mr. FRY. Fines?

Mr. THOMPSON. Yes.

Mr. FRY. We have a constitutional provision applying to men who do something against the organization, yes; and try them and fine them in the meetings by the members themselves.

Mr. THOMPSON. If a local fines a man, is information of that fine sent to other locals?

Mr. FRY. Not necessarily so, but it is common property of the organization, inasmuch as our locals are open to all members of our organization, and when anything like that is going on, of course, there is lots of them interested in it.

Mr. THOMPSON. Suppose a man has been subjected to a fine by your organization and has failed to pay it, and he should apply for work in a closed or union shop, would he be permitted to work there?

Mr. FRY. Not if the amount of that fine equaled a sufficient number of months' dues so that he would be suspended. He would automatically suspend himself and would not have any card.

Mr. THOMPSON. That would result in throwing the man out of work and preventing him having work, would it not?

Mr. FRY. It might, Mr. Thompson, but there has never been a case of that occurred to my knowledge in this city. There is always, the man if he was fined he was sufficiently guilty to acknowledge the fine, and then if he could not pay it, arrangements were made so that he would have time to pay it or something.

Mr. THOMPSON. How would you compare the action of the employer in having some objection to a man and refusing to employ him, for instance, if he was a union man, and the objection which the union would have in refusing to permit a man to work in a shop because he had not paid a fine? What difference is there between that action, if any?

Mr. FRY. The union man would attempt to get the nonunion man to join the organization, or if he was under suspension from his organization, to get him to pay the fine, to conciliate with him and advise with him, and loan him money possibly and help him out, whereas the employers' organization would not consider for a moment the employment of the union man.

Mr. THOMPSON. Do you permit your men to work in open shops?

Mr. FRY. We do; yes; providing they get the money, wages, etc., that the organization sets out to get.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Fry.

Call your next.

TESTIMONY OF MR. T. E. DONNELLEY.

Mr. THOMPSON. Mr. Donnelley, will you give your full name?
Mr. DONNELLEY. Thomas E. Donnelley.
Mr. THOMPSON. And your address?
Mr. DONNELLEY. 731 Plymouth Place.
Mr. THOMPSON. And your business, Mr. Donnelley?
Mr. DONNELLEY. Printing and publishing, binding and engraving.
Mr. THOMPSON. Where are your plants located, and what is the name of the company?
Mr. DONNELLEY. The name of the company is R. R. Donnelley & Sons Co. The main plant is at 731 Plymouth Place. A branch plant is at Twenty-first and Calumet Avenue, and we are operating a small plant in Indianapolis.
Mr. THOMPSON. About how many employees, in round numbers, do you have?
Mr. DONNELLEY. Over 1,000.
Mr. THOMPSON. How long has your printing plant, or the plant of R. R. Donnelley & Sons, been running?
Mr. DONNELLEY. Well, my father came to Chicago just 50 years ago this year. It has not been a continuous concern since then, but the present corporation has been running just 25 years.
Mr. THOMPSON. In the course of your connection with the firm have you had occasion to study the labor problem?
Mr. DONNELLEY. Well, I don't know as you would call it study, I have had a lot of experience.
Mr. THOMPSON. Well, call it experience, then. In the printing trades there are organizations of workers into unions, are they not?
Mr. DONNELLEY. Yes; I think all the trades are organized. I didn't know that the binder girls were organized until I heard it here yesterday, but all the other trades are.
Mr. THOMPSON. How many trade organizations in the printing industry that you can state yourself, that you have knowledge of?
Mr. DONNELLEY. Well, there must be 10 or a dozen, I would have to stop and count them over.
Mr. THOMPSON. Are those trades organized now in your plant or not?
Mr. DONNELLEY. They are not.
Mr. THOMPSON. Have you at any time had your plant organized in any one of the trades?
Mr. DONNELLEY. We have had them organized in all of the trades. The main trade which we employ are the compositors—typographical union—the pressmen, the feeders, the binders, and engravers. Those are the main trades, but we employ a few engineers and machinists, and so on.
Mr. THOMPSON. Have you had a written trade agreement with these unions?
Mr. DONNELLEY. That is quite a history.
Mr. THOMPSON. Well, will you give us your history in your own way, then?
Mr. DONNELLEY. The first trade agreement between the printers of Chicago and any of their trade was an agreement entered into along about 1900 between the printers and the feeders. The feeders had an uncomfortable way of coming to us suddenly and demanding a raise in salary at any time whatsoever, with the insistence that it should be put into effect immediately. Of course, that meant that it had to come out of our pockets and could not be put onto the public, because our contracts had been made, and so we finally said, "If you will make a contract with us, an agreement that any change in the wage scale on either side will be subject to six months' notice, we will give you the raise."

That agreement was signed up, and after about a year and a half we all received notice on our desk one morning that the next Monday morning the scale would be raised $3, which was about 20 per cent. We notified the union that that wasn't according to the agreement, and they said they didn't give a blank for the agreement, they were going to get that money, and we might just as well come across. That resulted in a strike. That was the first general strike we had in the printing business that I remember.

The strike resulted in 133 cases of assault, and finally in one murder. The strike was never settled, because we never again—that is, I say never again—a great many of the employers never again had anything to do with the union and are still running with nonunion feeders.

The next agreement we had with the labor union was their national one. In 1901 Mr. Higgins, of the pressmen's union, came before our national body and asked if we could not make a national agreement which would prevent strikes

and lockouts. A committee was appointed from our organization, called the United Typothetæ, to deal with a similar committee from the pressmen. It being agreed that all we could do would be to agree upon a form of agreement which would have to be referred back to our national convention. I was a member of that committee, and I drew the terms of the contract—that is, I suggested them. Our national body is a body in which we do not attempt to control our members. Everybody in our membership has the right to do what he likes, and anything that is done by the officers must appeal as reasonable to our members for them to accept it. We had at that time throughout the country some of our members who were not employing union pressmen, although the majority of them were. We plainly told the pressmen that we could not compel our members to employ union pressmen, or unionize, but we were willing to go so far that if we made an agreement between them for hours and wages, and they would agree that our living to the wage scale and our scale was a fulfillment of that agreement, utterly regardless of the employees' union affiliations, we would compel our members to accept it. In other words, it was the first start of collective bargaining. The basis of that bargain was that the employers would insist that their fellow members should pay the wages and live up to the shop practices, that a man could run a union, or nonunion or open shop, as he liked. In fact, any employer who employed a man under those conditions was living up to the terms of the agreement, and there could be no strike.

That agreement was put through our special convention of the typothetæ with considerable difficulty, but it was accepted and morally lived up to after that. It was also accepted by the pressmen.

We operated for five years under that agreement. During that agreement there was one strike in Boston. I think Mr. Findlay spoke of that strike in Boston where the men went out individually. There were 18 disagreements, not one of which had to go to an arbitration. Mr. Higgins testified that during the life of that agreement the union grew 60 per cent, and there was not one case where the union had complaint to make that the employer had dislodged a union man for a nonunion man or changed the conditions in any way whatsoever, That agreement was for five years, running to 1907.

During 1905 the typographical union struck for an eight-hour day, which was resisted by a great many of the members of the typothetæ. I would think that with the exception of Boston the pressmen stayed on their presses during that strike.

During the convention of 1906 the pressmen authorized a committee to renew the contract with the typothetæ provided the eight-hour day was agreed to within a reasonable time. The men on the committee appointed by the typothetæ were not given authority to finally close that agreement, because the unions were asking for something they did not have, and we had to submit it to our membership. When we came to that meeting we asked Mr. Higgins plainly if he had authority on his part to close an agreement if our convention would accept it, and he said he had; that the only question in their minds was the fact of what was a reasonable time. There was a great deal of discussion about that, some members of the committee thinking that instead of a 48-hour week we ought to come down gradually in two hours for three years, and then let the future take care of itself.

But finally it was agreed that a year and a half from the time of signing the agreement, that that was sufficient notice to the publishers to arrange their business so that they could go—48 hours a week, and the agreement was signed. We called a special convention and accepted it, and supposed that everything was closed.

Mr. Higgins had been the president of the pressmen's union for quite a number of years. I would say that I never remember of my father ever telling of a strike of the pressmen, and until that time, 1907, there had never been any strike or any fight of any kind with the pressmen in Chicago that I know of.

Mr. Berry, representing the radical element of the union, was anxious for the position of president, and he wanted to make an issue. He made an issue on the fact that this agreement was an open-shop agreement. He took it to the convention, and by a vote of 162 to 93 the convention decided that they would not accept the agreement, and that their officers exceeded their authority, and that unless the typothetæ excluded from the agreement the open-shop clause they would take a vote about going out for the eigh-hour day immediaely.

That committee met the convention of the typothetæ, and the typothetæ refused to consider the change in the agreement. This was supposed to have been agreed to after a referendum. The Chicago union, on the week before October

1, Saturday night, had a meeting. At 11 o'clock that night a printed notice was mailed to the typothetæ that within one week the eight-hour day would be put into effect. I remember that I personally had some very important contracts on the press, and I kept away from the office as long as I could. They finally got me Friday. They came into my office and said, "Are you going to give us an eight-hour day Monday?" I said, "No; I am not going to give you the eight-hour day on Monday. I am going to give you the eight-hour day on the 1st of January, 1909, according to the agreement." "Then you won't give it to us?" "No."

They blew the whistle and 150 employees from my pressroom were on the street. That was the pressmen's strike.

They also struck in New York, but they did not strike anywhere else. They struck in Milwaukee, but all the other places in the country continued work under their agreement to January 1, 1909, and the eight-hour day as promised was established at that time.

We had other labor troubles, too. We had a strike of the typographical union. The typographical union in 1905 decided to inaugurate the eight-hour day. We had conferences about it. We agreed to disagree. They started the strike. The strike was resisted by about, I think, 600 members throughout the country; I am not sure. The result was that a great many of the officers went open shop, and have remained open shop since.

We had a strike in our bindery. Our bindery men were unionized. The girls in the bindery had never been unionized. They started a bindery union. And they put the proposition up to me, and at that time I had no reason to object, and I said, "Anybody can join the union that likes, without discrimination."

I had a delegation of 25 girls come to my office, who had started working in our place and had never worked anywhere else, and stated they did not want to join the union, and asked if they had to. I assured them that they did not, and because I would not make the 25 girls join the union the union struck.

We also had a strike with our engravers. Our engraving shop is union under a written contract. The contract expired, and they brought me a contract to sign and I said, "I can't sign that contract; I will not sign any closed-shop agreement. I assure you I will make no change in the union conditions there. Of course, I recognize your right if I do, for you to strike." And they struck and insisted on me signing the agreement. That is nonunion.

That is the story of my union experience. Now——

Mr. THOMPSON. Go ahead. Was there anything else that you wanted to say? If you do, state it just now.

Mr. DONNELLEY. All right, sir.

Mr. THOMPSON. You say you have a nonunion shop; you mean you have open shop, so-called?

Mr. DONNELLEY. Well, I want to be frank about that. If the unions would accept the open-shop principle—that is, if the unions would agree that their men would work along with nonunion men—our shop would be open. But, of course, the situation of the unions is that they will not accept an open shop. So the only reason why they should put men into our plant is so that they would get an organization in there and again embarrass me. Under those conditions union men do not work in our shop.

Mr. THOMPSON. So that you feel under the conditions of the organization in the printing trades that if members of the crafts were to get into your printing establishment it would be to create trouble?

Mr. DONNELLEY. I would like to say that the shop in Indianapolis does run union. It was under union conditions when we took it, and of course, there has been no desire on our part to change it.

Mr. THOMPSON. Have you made any study, Mr. Donnelley, so as to be able to speak authoritatively as to the relative cost of a nonunion shop, as you call yours, and a union?

Mr. DONNELLEY. Well, I think the most enlightening difference is the difference in our pressroom. This is rather a large subject, and it is pretty hard to handle it consecutively. Of course, union shops always mean a constant increase in cost of production. As machinery is invented, of course unions will accept it, but the unit of efficiency is always decreasing in a union shop, and the cost of labor is always going up.

Now, one of the great reasons that men do not want to run union shops who are carrying on large industries is the fact that the unions interfere with the efficient management of the shop. Now, I know that people have an idea that

employers are trying to beat down wages, that they are in a way hostile to laboring men. Now, that is not a fact. I know, of course, a great many employers, and I would testify, I would back up what Mr. Hibbard says; I think most of the employers are men who want to do good in this world. We employers are in our business, and we feel that the best place for us to work out the cause of righteousness is in our own works. Now, I know that the feeling of employers is that of kindliness to workmen. It is not a question of their fighting unions because unions are helping the workmen, but we are fighting unions because we believe that they are not the best way to help the workingman and that they do harm to the workingman and to the industry and to the public. I would like to make that plain. It is not a feeling of trying to grind down men.

Now, industry has changed in 10 years tremendously. The whole question of accounting and cost keeping has absolutely been revolutionized in 10 years.

When I came into the business we did not have a time ticket in our factory. Nobody had any idea of how many hours of labor it took to do a job, and nobody had any idea how much the price of that hour was after you had gotten the overhead and so forth. Well, there has been a great education in that, and now we have got to this position in industry, that every piece of work which goes into a factory is predetermined before it is worked upon. The results and labor cost of that work is reported next morning, and every unit of labor in the factory, and you immediately know what men are efficient and what men are not efficient.

Now, we all know that the efficient men are the valuable men and the profitable men. Now, in nonunion conditions the theory is to reduce the cost of the unit by offering a prize of increased wages for effort. Now, that is the whole theory of modern industry, to decrease the cost of the unit by offering a bonus so that a man can earn more money by simply attending to his work.

Now, that is not a speeding proposition at all. Everybody always says, "Well, that is a speeding proposition." Of course, there has been a great many instances in our business of the unions slowing up. I know that in the old days of the Franklin Union—that is, the feeder's union—they had a tabulation of just how much they could bluff every foreman in Chicago. Here was the foreman at R. R. Donnelley & Sons. They could bluff him so that they could make him believe 7,000 was a day's work. Here was one over at Rand-McNally's, a little harder to bluff; they had to get off with 8,000 down there. They had that whole thing tabulated, and they carried it through.

Now, I don't think that that is the great factor under union conditions, because I believe that union men as individuals are honest men and they want to give a fair day's work for a fair day's pay. But the proposition is that their traditions, they don't realize what can be done. They go along in a jogging sort of way, they get so much wages anyway, and they don't give that attention to the work of the machine or themselves which really does not mean any more speeding to them, but it means a great deal of difference in results.

Mr. THOMPSON. And that it the reason the workingman is working also, to get a share of the production?

Mr. DONNELLEY. I can't imagine anybody working for anything else.

Mr. THOMPSON. Under the present state the employer with his capital and with his managerial brains must work with the workingman, and vice versa, that is true.

Mr. DONNELLEY. That is a most important thing in the industry, to have the cooperation between the employer and the workingmen. I think Mr. Shedd brought that out yesterday. No concern can be successful unless there is a spirit of cooperation from start to bottom—from top to bottom. That is exactly what the open shop does and it is exactly what the closed shop does not do.

Mr. THOMPSON. I will reach that by several questions. I will go on. Whatever the article may be, in the competive world the producer or the manufacturer always receive a certain price for it?

Mr. DONNELLEY. Yes; competition always fixed that.

Mr. THOMPSON. And that price must be divided, of course, among the various elements that enter into the production?

Mr. DONNELLEY. Yes, sir.

Mr. THOMPSON. The manager for his brains and interest on his capital and workman for his toil and skill and intellect he put into the job?

Mr. DONNELLEY. I don't think the managing goes into the price. I think that is the profit. In other words, the same price and a poor managed business is a loss and a well managed business is a profit.

Mr. THOMPSON. I meant on the general proposition, because if it didn't need any management the workmen could do it themselves, you know. Now, taking that into consideration, that the different elements are there to get their share of the profit or their share of the return, under the open shop, of course, or rather under a nonunion shop——

Mr. DONNELLEY. He gets a larger share under the nonunion shop.

Mr. THOMPSON. But the determination of the share would be determined, or more or less subject to the decision of the employer, would it not be?

Mr. DONNELLEY. No, sir; I don't think it would be.

Mr. THOMPSON. I realize, of course, that outside labor market and the general price appertaining to the industry would be governing features that the employer would take into consideration, but he would be the deciding factor, would he not?

Mr. DONNELLEY. I would think that is a fallacious argument for this reason, that the larger the business gets the more complex, and the more complex the organization the more necessary it is for that man to have a capable productive workmen. Now, you can't get cooperation of work out of a sulky person. They will do their best. So, therefore, the employer must have satisfied workmen. Now the great problem is to get his workmen satisfactory wages and have the unit cost down. That is the whole problem. I would like to explain if I could, the reasons why high-priced workmen are so much more profitable than low-priced workmen. We have in our business, say, typesetting machines. These figures are not correct—say we pay a man 50 cents an hour for setting 2,500 ems, and pay a man, another man, a dollar an hour for setting 5,000 ems. That is apparently paying according to the ability of the man. But there is a dollar an hour expense on the machine whether the man is setting 2,500 or 5,000 ems, so that we are trying all the time to do this, to offer an inducement so that the man will produce a tremendous amount on the machine, and pay him a high wage accordingly. There are quite a number, of course, of printers in Chicago who are running union places. Last year the union pressmen made a demand for an increased wage. The increase was $25 men increased to $27.50, and the $27.50 men increased to $35, and the men instead of running two presses should run one—something like 125 per cent increase—some strong increase. The union employers said they could not afford to pay the wage because of nonunion competition. The union men said that that competition didn't amount to anything, because while the nonunion men were paid lower wages they were less efficient, so that at the request of the union employers an investigation was made of the union shops and nonunion shops. The situation was that they found the nonunion men were getting more money and the unit cost was less. That was the situation right here in Chicago.

Chairman WALSH. At this point we will adjourn until 2 o'clock this afternoon. Meet promptly at 2 o'clock.

(At 12.30 o'clock p. m. Saturday, July 25, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

The commission met pursuant to adjournment.

Chairman WALSH. The commission will please come to order.

TESTIMONY OF MR. T. E. DONNELLEY—Continued.

Mr. THOMPSON. Mr. Donnelley, my idea is not to conduct a cross-examination of you in this matter. What I want to do is to bring out from you, in the experience you have had with the labor proposition, your views for the benefit of the commission, and for that purpose I am presenting different angles that have come up in the study that the commission has made, and in our previous hearings. I preface my remarks so you will understand the purpose is not to confuse or embarrass you, but to bring out rather for the benefit of this commission your opinions and views on different angles of the labor problem.

Now, referring for a moment to the fact that industry is run for profit and that the worker shares in the proceeds of what comes into the business, assuming it is properly run, what method in your mind would best conserve the interests of all parties, that is to say, the manufacturer and the men, in seeing that equitable ditribution should be made to each of the income of the business? Perhaps I might help you a little by saying some people believe appar-

ently that the man who owns the business should be the sole judge; other people believe that the union, perhaps, should have the more deciding voice; and again others, apparently, believe that there should be an agreement or a meeting between them by which there will be a joint consideration of opinion in that regard.

Mr. DONNELLEY. Well, I think that competition entirely settles the matter. I can explain it this way: That if we charged 6 per cent on the investment in our business and we made a horizontal rise of 5 per cent in wages, some years we lose money. It seems to me that in an open competitive business like ours the margin between the entire cost and what you get for your product is very meager indeed, and I can not see any way except the wage system and competition to regulate it.

Mr. THOMPSON. What in that relationship do you mean, concretely, by the wage system?

Mr. DONNELLEY. I mean the wage system that you employ a man to do a particular work for so much money, offering him inducements for efficiency, etc. When the man has performed his duty his obligation is over and the question of whether the business is a success or not is the employer's obligation.

Mr. THOMPSON. Assuming that business is run not unfairly, but run actually on a selfish basis—that is to say, a business man is in business to make money—what check is there on his seeking to exploit labor, we might use that term, in increasing his profits?

Mr. DONNELLEY. I would have to ask you what you mean by the words "exploiting labor."

Mr. THOMPSON. The phrase is commonly used in the discussion of labor matters. Fair employers are at the mercy of unfair employers, and may it not be possible that while this plant, run by a man whose mind was taking into consideration the needs and wants of the other fellow that results in a fair division, still with the unfair employer, using that term in a general sense, the worker would suffer under the scheme.

Mr. DONNELLEY. Well, I have to answer that question from my own experience. I don't want to go afield on a theoretical discussion, but the protection to the worker is the fact it does not pay to exploit labor. In other words, in such industry as I am, the age and situation of the industry is the controlling factor, whether we make money or lose it. To every intelligent employer it is to his advantage to build up a permanent, efficient organization. You can't build up a permanent or efficient organization by paying less than fair wages, and you can't have it by conducting it for selfish interest, and that is the greatest protection to the men that they will be treated fairly.

Mr. THOMPSON. But, looking over the productive field, the cotton mills and other mills, leaving out for the moment your own organization, which may need high organization to produce efficiency, would you say your rule would hold good or does hold good in the industry to-day?

Mr. DONNELLEY. I don't know the cotton industry, but I think that rule always holds good in all organizations of a large number of employees. That is my experience. I do not want to be dogmatic on that.

Mr. THOMPSON. Do you think the workers themselves should have a voice in saying whether or not the efficiency of an establishment should be the sort of criterion by which their pay and work and hours should be regulated? Might not the opinions of employers in that respect differ?

Mr. DONNELLEY. I think the workers have a very large say in that. I don't know of any very large organization that is successfully run, that is run on the open-shop principle, where the employers haven't a free access of protest on anything that they feel is unfair. Now, in my own experience in labor, even when I had union conditions, there never came a time and there never would have been a strike in my place if it could have been settled between my men and myself. It was always somebody on the outside that had some ulterior motive that caused the trouble. I think as the years have gone on the question that what the foremen say is final is over. A foreman ordered some of our men to do something. The men refused to do it; they thought they were justified. The thing came to my attention the next day. I brought them into my office; I didn't want to discharge the men; they were good men, and I wanted to keep them in my organization. I carefully explained to them they were guilty of insubordination, which, of course, is a serious breach of discipline in any factory. I said, "Now, I have no objection to you opposing an order of the foreman, but what you must do is do a thing and object afterwards," and I put up to these men the discipline I had insisted upon to main-

tain discipline in our factory, and they all very willingly accepted it, and that has been the end of it. I think that is quite common in various organizations.

Mr. THOMPSON. Have you any organization in your establishment by which employers may send committees or representatives to take up that problem?

Mr. DONNELLEY. It is not necessary.

Mr. THOMPSON. You think it is not necessary?

Mr. DONNELLEY. It is not necessary. I would have no objection to one if they wanted to, but it is not necessary.

Mr. THOMPSON. Do you believe generally, looking at the industrial field as a whole throughout the country, that unions have been a benefit or a detriment to the workers?

Mr. DONNELLEY. Well, I will answer that in a roundabout way, rather. I don't think unions have been necessary. I don't mean to say that they have not helped in the general improvement, but I had to realize the fact that when I was a young man labor was $1.50 a day; labor to-day is $2.25 for 9 hours' work, when before it was 10 hours. I have to recognize the fact that when I came out of college I hired a very competent stenographer for $9 a week, and she thought she was very well paid. That same girl to-day would get $15 to $18 a week. I have to realize the fact that 15 or 20 years ago we had to pay a cook $5 a week, and now we can't get a competent cook for less than $9 a week.

Now, I do think that all these things have effect, of course. There is some, and there is an effect. But I think the effect that unions have had upon wages has been greatly exaggerated. That is my feeling. And I do not believe that unions really raise wages. I would like to explain what I mean by that.

For instance, take the case of the building trades in Chicago. They are paid an extremely high rate of wages. That is not paid out of any fund owned by employers. That is passed on to the public. And, now, who are the public? The laboring man, the workingman is a very large proportion of it, and they pay it. In other words, now, if that occurs in all trades, in all industries, the same rise, the consequence is everything that we have been using would have gone up just so much more, and we that have been earning, say, $6 a day instead of $4, we would have been paying just so much more for our product. In other words, wages actually would not have been raised. The denomination would have been raised, but wages would not have been raised. To my mind labor has never done anything which has increased production. The only way you can raise wages is increase production; in other words, the more shoes there are the cheaper they will be; everybody will have to have them. Labor unions have never been guilty of increasing production.

Mr. THOMPSON. Have you made any study of the different costs of labor in the open shop and in the closed shop?

Mr. DONNELLEY. Well, I have a case in mind—we run a closed shop, as I told you, in Indianapolis. The labor scale in Indianapolis is lower than it is in Chicago, yet a certain article of production which can be compared is cheaper in our Chicago factory than it is in our Indianapolis factory.

Mr. THOMPSON. What is that due to, in your opinion, Mr. Donnelley?

Mr. DONNELLEY. Well, it is simply due to the fact that in Indianapolis they are working day wages and they are conscientious men. They have got a good crew of men down there. But they have never had a standard put up to follow, and they have never realized that they shall use their brains, and that is not their muscles we want so much; we do not care about that, about them using their muscles. They are not all the time figuring out with their heads how things can be more efficient, and you can produce them more efficiently where we could produce more quickly and eliminate all waste motion. That is the reason, I think.

We tried, at least my manager suggested to me, that we try the bonus system we had here. Of course, I told him it would not go.

Mr. THOMPSON. In your opinion, then, the open shop is more efficient?

Mr. DONNELLEY. It is more efficient. The theory of the open shop is this, it is more efficient for a good many reasons. Labor unions are always putting a hamper upon the shop organization. For instance, in the pressroom, when you are running a union press, the press is run by two pressmen and two feeders in the make-ready; in the make-ready they help, yet there were certain things which the pressmen would not allow the feeder to do, which he

is perfectly competent to do, because it was not his business. Of course, that was expense.

Now, on the newspaper; for instance, the newspaper will have two presses, one press they might run a couple of hours for the early edition, and another press that they run a few hours on the later edition. According to the union rules they must have a crew for a full day on the press they are going to run for three hours, and another crew for a full day on the press they are going to run for three or four more hours, instead of letting the same crew go from one press to another—absolutely a waste.

Now, in the composing room of the newspapers of Chicago and throughout the country they have the rule that anything that is set in another office and is brought to that office must be reset. I may explain. For instance, one of the State Street merchants has a full-page ad. that they want to appear in several newspapers of to-morrow morning. Of course, to write out the copy for a full-page ad. is a great, big job, and is a difficult thing. So they will send over to the Tribune, and the Tribune will set that up, and perhaps the advertising manager or the assistant may go to the Tribune office and help the layout, help the display. When they have that all set up they will take duplicate matrices of it and they will send one to the Herald and one to the American and one to the Examiner. That will be printed in to-morrow morning's paper. Some time during next week in the Herald office and in the Examiner office that entire ad. will have to be reset, proof read, and corrected, and then thrown away, an absolute waste energy. I heard from one of the publishers of this country that the labor absolutely wasted—it might just as well be burned up and thrown out in the street—was enormous. That is an example of the constant limitations which unions are putting around employers.

Now, it is not a question of wages and hours with the employers that we are objecting to in dealing with unions. It is the proposition, and when a union once gets a place they put the screws on and put the screws on and put the screws on. That is the proposition. It is not a question of paying money for what you might call conditions, which is ours, but it is the constant limitation which they are putting on us, which, of course, the public has to bear.

Mr. THOMPSON. What is the attitude of the union toward the bonus system, if you know?

Mr. DONNELLEY. I have had one experience, and heard an employer who had another experience. Before Mr. Berry called out the men in my shop my cylinder-press room was not making money. It was on account of the fact that people were getting—there was not cooperation. I called in five or six of my printing pressmen and explained to them that I would give them the time that it took we had figured it would take us to do a job on the press. For instance, a job on the press has first to be made ready, made so it will print, and then run off. We figured that took 15 hours. We said to them every hour that they saved we will pay them half their wages extra. That appealed to my men, and they went at it. The first week 10 or 15 of my men earned very substantial bonuses. Within a few days the union walked in to see me and they said we could not do that. I said that we could, and they said we could not. I said it was not in the contract, and asked them to arbitrate. They refused, and I had to give in.

Another gentleman, who had a union pressroom, printed almost the same kind of forms day in and day out, year in and year out, had a chance to try it. They agreed with the men what was a fair day's work. Presses run so fast, and the difference between full 100 per cent production and 50 per cent production was the time that the men waste in getting up from their lifts and getting down and taking a drink of water and getting out not early in the morning and running until the last thing at night. So he said he would pay them a fair day's wage and then he would pay them so much a hundred in addition to that. These men earned substantial bonuses. Within three days the union came over and prohibited it.

That is the only experience I have had with the bonus system.

Mr. THOMPSON. How about the photo-engravers?

Mr. DONNELLEY. The photo-engravers in New York at first prohibited a cost system. They prohibited that any man could enter on a slip of paper the amount of time it took him to do a piece of work. After a great deal of negotiation they finally agreed that the office could use slips in regard to the quantity of work done, but not in regard to the quantity of time idle. That was the photo-engravers situation. In other words, they would not stand for a record of their production.

Mr. THOMPSON. Did you run the apprentice school in your shop?

Mr. DONNELLEY. Yes.

Mr. THOMPSON. You may describe that, if you please.

Mr. DONNELLEY. Well, now, I think the greatest charge against the unions is the fact that they limit apprentices. If there is any one thing which this country has stood for it is the fact that the young man has a chance. Unions have tried to close that chance. I understand—I am only now speaking from what I remember in reading—that the great majority of criminals are not immigrants, but are the sons of immigrants. Now, we have a condition here in Chicago of thousands and thousands of the second generation of immigrants growing up who are prohibited by the rules of the union from learning a trade. What is before them is this: They have got to stay in what we call common labor, in the ranks of common labor. That means low wages, little opportunity, and social dissatisfaction arises. When we established our open shop I made up my mind that I was going to try, as far as I was concerned, to correct that evil. Of course we needed boys 16 years of age. The law prohibited a boy younger than 16, and, as we all know, from working more than eight hours a day, and from working on machinery. Now, the fact is there are very few factories in Chicago running eight hours a day, even union shops, because they run more than eight hours a day in order to get the Saturday afternoon half holidays. We could not get boys at 16 years of age that we need to learn the business, because they had been ruined in the years between 14 and 16 years of age. It is an established practice among the people of the lowest walks of life that when their children are boys of 14 they must go out and earn a living. I do not uphold that, but that is the unfortunate situation. So we made up our minds we would start in to save those boys. We established in our plant a school where a boy came to work for half a day in our factory, and then for three and a half hours he would go to our school. Another boy would go to school in the morning and work at the factory in the afternoon. There were not two boys in the factory at the time and they did not have any disarrangement of the boys lying around. In this school we not only teach them to set type and all the technique of the art of printing, but we teach them arithmetic and give them algebra and geometry and give them English and give them science, etc. Now, when they are 16 we put those boys in the factory full time, except for three hours a week. We have to-day in our factory 87 of those boys. We have been running it now for six years. If I was running union conditions I would be entitled to 28. We have now 87.

Now, I feel very strongly on this question of apprenticeship, and it seems to me it is the greatest charge against unionism.

Several years ago in New Jersey a law was introduced, which was not passed, prohibiting unions from limiting the number of apprentices. I think it should be passed. I think it should be passed here. I think the State should have the right to say—they have the right to say he must go to school until he is 14, and he can not work over eight hours a day until he is 16—and I think the State, the community, should have the right to say that a boy shall have the opportunity of learning a trade, and the union can not prohibit, provided, of course, the boy is really being instructed. I don't think they should be allowed to come in there and be exploited and thrown out in the street after their wages have come to a reasonable rate. But as long as the boys are receiving real instruction I think that they should be allowed to work, should be by law permitted to work and that the unions should not prohibit it.

I would also say that the same scheme which I have adopted in my factory has now been adopted by others, and they have established a school for the whole printing industry that will run the open shop.

Mr. THOMPSON. Taking the skilled trades, as you know from your experience, is there a lack of men in the skilled trades or is there a surplus to-day?

Mr. DONNELLEY. I think right at the present moment there is a surplus. Of course there is a tremendous industrial depression.

Mr. THOMPSON. Take the apprenticeship proposition—assuming there were no unions—what would be the basis of limitation of the amount of apprentices in any shop?

Mr. DONNELLEY. I do not think there should be any limitation, provided the boys are really being instructed. Of course, I can realize——

Mr. THOMPSON. In the industry itself, would the owner of the plant limit, or what would be the proper basis of his limitation if he did?

Mr. DONNELLEY. Well, now, of course I can appreciate that the unions would fear at first that there would be a great influx of boy laborers, which they might think is cutting their wages, but as soon as this proposition was all taken care of—all the boys were employed—of course that would not exist. I think the limitation of apprentices would be the number of apprentices that the man would think he would need at that time. I think if every man tried to take on an average the number of employees in his plant, that would be the natural limit. I am quite sure we are absorbing in our plant the number graduated each year, and there will be no men laid off on account of it.

Mr. THOMPSON. I think that is all.

Mr. DONNELLEY. I would like to say one word, if I may, before I quit.

We have had quite a good deal of talk here about the fact of the labor unions breaking their contract, and I would like to introduce in here the evidence in a pamphlet issued on the Chicago newspaper strike by the typographical union. This is a report of a meeting—a conference held by Gompers between Mr. Berry, when he had called that strike in the newspapers here against their contract, and Mr. Lynch. Berry had broken his contract and he was trying to persuade Lynch to get his unions to break their contract. He had persuaded the stereotypers' union to break theirs. This is what he says in a union publication:

"I am here to get the printers on the street if I can. I would break any contract under similar conditions, and I have tried, and am trying, to get the printers to break theirs."

(The paper so presented was marked "Exhibit No. 1, Witness T. E. Donnelley, July 25, 1914.

The pamphlet referred to, entitled "The Chicago Newspaper Strikes," excerpts from the annual reports of the International Typographical Union officers for the fiscal year ending May 31, 1912, was submitted in printed form.)

Mr. DONNELLEY. Mr. Berry, in saying that, has still been maintained one year, and I think two, as president of his union.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Commissioner LENNON. Are you aware of the fact that the limitation of apprentices set by the typographical union is not nearly taken advantage of by the employers or others who employ union printers; in other words, they have less than one-fourth of the apprentices that they could have under the law—under the union law?

Mr. DONNELLEY. I have no record of that. We always had our full number when we were operating under union conditions.

Commissioner O'CONNELL. Did you ever hear of the origin of this reset of ads., that the pressure was first brought by employers who profited by the resetting?

Mr. DONNELLEY. I have read that in Mr. Lynch's testimony. I also remember Mr. Lynch said that order had been older than he was. I know that the American Publishers' Association did try to get that eliminated several times, and it being a matter of international law, which is like the law of the Medes and Persians, can not be changed under any consideration, and they have not been able to get any relief from it.

Commissioner LENNON. I understood you to say that competition settled the matter of wages and shop conditions.

Mr. DONNELLEY. I don't think I said that, at least I didn't intend to. I didn't intend to say that.

Commissioner LENNON. That was my understanding of your reply to one of the questions when Mr. Thompson was asking you as to how wages were to be adjusted. I understood you to say that competition settled the conditions.

Mr. DONNELLEY. I said competition settled the fact that there had to be a wage system. In other words, by competition there is not a sufficient margin above the cost of operation to go into any large profit-sharing basis in competitive industries. That is what I meant to say.

Commissioner LENNON. Is it the usual result of competition to lower or raise prices?

Mr. DONNELLEY. The result of competition is to lower prices by more efficient methods. The result of competition is to produce by more efficient methods at a lower cost.

Commissioner LENNON. Then, wouldn't it naturally follow, if competition worked that way as to the products, that it will lower wages?

Mr. DONNELLEY. No, sir.

Commissioner LENNON. If there is no restriction upon it?

Mr. DONNELLEY. No, sir.

Commissioner LENNON. It won't?

Mr. DONNELLEY. No, sir; it does not in a highly organized organization.

Commissioner LENNON. That is all.

Chairman WALSH. Anything further? Mr. Delano would like to ask some questions.

Commissioner DELANO. I want to ask you this: Give the commission the average length of service of your employees. Any figures on that. I suppose if they all went out in 1907 the organization has been built up since then.

Mr. DONNELLEY. The organization is recent; that is, it is within 8 or 10 years.

Commissioner DELANO. Can you give us any idea of the average permanency of the employees? We want to get the idea of whether you get a large number of fresh hands every year or have a permanent staff.

Mr. DONNELLEY. Our staff for the length of service is quite permanent, and, of course, it is to our advantage to make it so. We offer every inducement to keep the men.

Commissioner DELANO. What are the average wages of your employees to-day as compared with what they were under union conditions in 1907—previous to that?

Mr. DONNELLEY. They are higher.

Commissioner DELANO. How much higher?

Mr. DONNELLEY. I haven't those figures, Mr. Delano, but I remember in our pressroom there were only about three people who were receiving over the scale, which is $24. We now have—I am sorry to say I haven't those figures here, but our average in our pressroom of our pressmen is $26.68 plus a bonus of anywhere from $1 to $15 a week; that is, if they are on bonus. We can't put everybody on bonus, because we haven't got far enough to have everything worked out on a scientific basis.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a few questions.

Commissioner GARRETSON. Mr. Donnelley, that wage that you refer to, is it wage or is it earnings that are higher than the union scale?

Mr. DONNELLEY. Well, I thought all wages are earnings. If they are not, you can't pay them.

Commissioner GARRETSON. Earnings are based on wage. A man works 12 hours a day, for instance, and that is his earnings for the day; and if the day is 8 hours it would be based on what is paid him for 8 hours, wouldn't it?

Mr. DONNELLEY. That is a little complicated.

Commissioner GARRETSON. A man may earn far more than another?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. If he gives far more time to labor.

Mr. DONNELLEY. And more efficient service.

Commissioner GARRETSON. How is that?

Mr. DONNELLEY. And more efficient service.

Commissioner GARRETSON. Efficient service on a daily wage is not an element of earnings on the daily wage system. It is on the piecework system.

Mr. DONNELLEY. We don't run piecework but very little in our business.

Commissioner GARRETSON. On daily wage the amount that is paid for the day is the wage for the day, and if he works overtime, then his earnings will be greater than his daily wage; or if he is paid a bonus, that is in addition to his wage, and the two together will make his earnings.

Mr. DONNELLEY. I see what you mean. In other words, what you might call his rate of wages, not his earnings; yes. I see what you mean.

Commissioner GARRETSON. They are two distinct things?

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. That is what I desired to know, whether the wage of these men is higher than the union men's wages.

Mr. DONNELLEY. Oh, the wages are higher.

Commissioner GARRETSON. The wages are higher?

Mr. DONNELLEY. The basic wages.

Commissioner GARRETSON. Your going rate is higher than the rates named in the contracts that the union men have in the town, is it? I notice that runs as high as $28, and in some instances $36?

Mr. DONNELLEY. What is that for?

Commissioner GARRETSON. For pressmen.

Mr. DONNELLEY. I don't know what that is, for I don't know the wage. I haven't seen a wage scale from them for years.

Commissioner GARRETSON. I don't pretend to be picking out the different classifications; I never got higher in your trade than being a devil. Some people say I never got past that.

Mr. DONNELLEY. As I understand, the basic wage on cylinder presses was $24 a week and was raised to $25. Our average before that raise—the average rate in earnings, was $26.68.

Commissioner GARRETSON. Is that for foremen and all included?

Mr. DONNELLEY. I don't think so; our foremen are not——

Commissioner GARRETSON (interrupting). This is pressmen.

Mr. DONNELLEY (continuing). Our foremen are not on our factory pay roll. Although now——

Commissioner GARRETSON (interrupting). How many men have you in your working force? It has all been built up since 1907, you say?

Mr. DONNELLEY. Since when?

Commissioner GARRETSON. Since 1907, when your present system dates from?

Mr. DONNELLEY. No; I think that the typographical union strike was in 1905 and the feeders' strike was about 1903.

Commissioner GARRETSON. Well, how many men have you in your employ; what proportion of your working force has been with you, say, five year?

Mr. DONNELLEY. I don't know. If I had known that question——

Commissioner GARRETSON. How much?

Mr. DONNELLEY. Why, I would be very glad to have that hunted up.

Commissioner GARRETSON. Can you furnish this commission with that data?

Mr. DONNELLEY. Yes, sir.

(The information requested appears as "Donnelley Exhibit.")

Commissioner GARRETSON. Have you advertised continuously?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. For the last, say, seven years?

Mr. DONNELLEY. Yes. We will advertise forever—until our apprentices come up to be journeymen.

Commissioner GARRETSON. That is a continuous practice with you daily, year in and year out?

Mr. DONNELLEY. Under union conditions or nonunion conditions, it is very difficult to get good pressmen. They are the hardest people to get; that is, very good pressmen. Now, what we are trying to do is to get exceptionally good pressmen in every case. Now, we have got a lot of men who are just what you might call ordinary journeymen, worth about $25. Now, we are trying to get $27.50 men and $30 men, and we are advertising for them all the time.

Commissioner GARRETSON. You want to build up a force that will conform to your efficiency ideas?

Mr. DONNELLEY. We want the ablest men.

Commissioner GARRETSON. That will speed up?

Mr. DONNELLEY. We want the ablest men can be got to operate the machines.

Commissioner GARRETSON. You will continuously advertise here and in the East?

Mr. DONNELLEY. I think so.

Commissioner GARRETSON. Are you hiring men every day?

Mr. DONNELLEY. Oh, no.

Commissioner GARRETSON. No expansion—no great expansion—of your force?

Mr. DONNELLEY. Well, of course there is not just at the present moment. Sometimes we have what we call a busy season and we have to operate a night force.

Commissioner GARRETSON. Oh, yes; I mean there is not a continuous addition to the staff?

Mr. DONNELLEY. Well, there has been every year; yes, sir; every year has shown——

Commissioner GARRETSON. Takes care of all the applications that are made?

Mr. DONNELLEY. I beg your pardon.

Commissioner GARRETSON. You are able to absorb all the applications that are made.

Mr. DONNELLEY. Oh, no, sir.

Commissioner GARRETSON. What is done with the surplus men?

Mr. DONNELLEY. What is that?

Commissioner GARRETSON. What is done with the surplus men?

Mr. DONNELLEY. We don't take them unless they are very good.

Commissioner GARRETSON. What is that?

Mr. DONNELLEY. We don't take them unless they are very good.

Commissioner GARRETSON. When you advertise for men, and men travel long distances to get positions that are nonexistent, what is your attitude toward them?

Mr. DONNELLEY. They don't do that.

Commissioner GARRETSON. What is that?

Mr. DONNELLEY. They don't do that.

Commissioner GARRETSON. What is the form of your advertising?

Mr. DONNELLEY. It is always an attempt to find out—correspondence, find out through references, how able they are; we refer to their employers and find out whether they are excellent men before we ask them to come on.

Commissioner GARRETSON. They don't present themselves, then, in answer to the advertisements?

Mr. DONNELLEY. No, sir; not unless it is a local advertisement.

Commissioner GARRETSON. Do you make any references of those men to other men who have under consideration strikes with the union?

Mr. DONNELLEY. Well, there is no strike going on at our place now.

Commissioner GARRETSON. Oh, no; not at your own place; when there is, I say, with others, do you loan men for strike-breaking purposes?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. Nor refer none to other men, to other employers?

Mr. DONNELLEY. Well, we would refer people, if any man asked us if we knew of any good man that was not employed, and we didn't have him, we certainly would refer him.

Commissioner GARRETSON. Does that system of advertising enable you to build up a roster to draw on?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. In the event——

Mr. DONNELLEY (interrupting). No, sir.

Commissioner GARRETSON (continuing). That trouble should occur?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. I understood the statement that you made, as Mr. Lennon quoted it, in answer to Mr. Thompson's statement, that competition settled the questions that would be ordinarily settled by conference. You disclaimed that afterwards, though, I mean you disclaimed having that intention. But have you ever known competition to shorten the workday, in the history of industry?

Mr. DONNELLEY. I think there are cases where that has been done, but I can't quote them now; in other words, where people have found—I think it was in Poughkeepsie where people had found by the present-day methods of cost keeping and efficiency records, that greater results could be obtained by a shorter day than a longer day, and the day was gratuitously shortened.

Commissioner GARRETSON. Has it even been done except where data proved, where the union had forced that condition in, that it was good business to do it?

Mr. DONNELLEY. I don't know the condition.

Commissioner GARRETSON. I mean competition independent of every other influence; isn't its natural tendency exactly the opposite?

Mr. DONNELLEY. No.

Commissioner GARRETSON. Why not?

Mr. DONNELLEY. We have reduced the office hours in our factory gratuitously—I mean the office hours in our office.

Commissioner GARRETSON. Yes.

Mr. DONNELLEY. I know that several of the merchants in this town have reduced the hours of their porters, and so forth, gratuitously, because they thought it was a good thing.

Commissioner GARRETSON. Sure. Was any influence exerted by the fact that with the present humanitarian trend they did not care to take the criticism of doing otherwise? Was that a factor?

Mr. DONNELLEY. I don't like exactly that way of putting it. I think that employers, as well as employees, have a very acute sense of their responsibility to the community. I don't think that had been brought about 10 years ago; I know my grandfather had it; I know my father had it. I will admit that under present advances we probably can go further than we could then. But I am not sure that these people were influenced by any ulterior motives, except they thought it was a good thing for their men and a square thing. You

know employers do a great many things for their employees, just because they want to be men, and they want to have sympathy with them.

Commissioner GARRETSON. They do. But did you ever note any great number of them giving that tendency full rein until public activity or public criticism brought it to attention?

Mr. DONNELLEY. Well, now, giving it full rein—I suppose I have applications for altruistic and charity purposes that is ten times my income.

Commissioner GARRETSON. Yes.

Mr. DONNELLY. There is not one of them that I don't think is worthy, and if I gave my altruistic spirit full rein I would be broke in a month, right off. Now, everybody has to regulate and adjust his altruistic purposes by reason. And I think when you say "full rein," that you are asking something which is impossible.

Commissioner GARRETSON. I will modify the "full rein," and I will say how many of them went to the limit that is now ordinarily required by humanitarian legislation, until the legislation took place?

Mr. DONNELLEY. I don't know.

Commissioner GARRETSON. What has been the attitude, not of some employers but of a very large number of them, toward humanitarian legislation in general? Are you familiar with that?

Mr. DONNELLEY. Quite. The employer looks upon humanitarian legislation in this way: If it is possible to pass a law which is a benefit to humanity, without inflicting other troubles, they are all for it. The United Typothetæ of America was the first employers' organization in the country that went on record for an employers' liability law. I understand one of the first.

Commissioner GARRETSON. One minute right there, an employers' liability or workmen's compensation, because they are two entirely different things.

Mr. DONNELLEY. Well, I supposed they were the same.

Commissioner GARRETSON. No; they are entirely different.

Mr. DONNELLEY. Well, workmen's compensation—workmen's compensation. The factory act was not opposed, as I know of, by employers. It certainly was not by any of my associates. There are laws that have been opposed because we believe that they are not for the good of the community. Now, we are often accused of opposing things from a selfish interest when we really believe that the people are mistaken in their methods. Now, there is not much difference between the employer and employee in our desire, and what we are after. But we differ as to methods. And we don't believe, we don't believe that certain things can be accomplished in the way other people do, and we think that there will be a lot of—there will be more distress caused by the law than there will be benefit, and that is a very honest difference of opinion.

Commissioner GARRETSON. I don't want you to gather the idea that I include every employer.

Mr. DONNELLEY. No.

Commissioner GARRETSON. In a certain category. I want this understood, I have met many employers who were just as decent and just as human as their surroundings would let them be, and their associates. They would have gladly been better than they were. But is it not true that the man who desires to introduce the cost of those things into the conduct of his business, is absolutely at the mercy of the employer who will not do it competitively?

Mr. DONNELLEY. It would seem so; but I don't believe it is, because we——

Commissioner GARRETSON. Have you made a study of it practically to know whether it is or not?

Mr. DONNELLEY. Well, we see some very competitive businesses doing some very humanitarian things that cost them a lot of money. They do it and they still compete. I don't think they do it because they think they are going to make any money out of it, but they are able to do it nevertheless.

Commissioner GARRETSON. Aren't a very great many of those instances most apparent from those who have made enough money that they can stand the drain, and they desire the reputation that comes from it?

Mr. DONNELLEY. No; there are lots of things done where people don't talk about them.

Commissioner GARRETSON. It is another form of advertising.

Mr. DONNELLEY. Oh, not necessarily; no, sir. There are a few very noted exceptions.

Commissioner GARRETSON. For instance, a case occurred here in New York, where it was testified that a leading dry-goods store published a very ornate

reading article that they had given a great picnic to their entire employees; and it was testified there that those girls whose pictures were shown, were ordered to appear in the city park to be photographed with their "glad rags" on, and then report at the store, and there you have a sample of that method of doing business.

Mr. DONNELLEY. I don't think that is going to settle any industrial disputes.

Commissioner GARRETSON. How is that?

Mr. DONNELLEY. I don't think that line will settle any industrial disputes.

Commissioner GARRETSON. That was brought out in consideration of certain claims made by that store as to how they treated their employees. It is a fair sample, however, of advertising philanthropy, and doesn't it constitute a factor in many of those cases?

Mr. DONNELLEY. I am unable to say; I don't know the gentleman.

Commissioner GARRETSON. You have never seen an instance you thought was that way?

Mr. DONNELLEY. I might have had opinions, but I don't want to express them.

Commissioner GARRETSON. What is the comparative labor cost now as compared with labor cost when you worked under your union agreement for the same volume of work?

Mr. DONNELLEY. I haven't the figures here.

Commissioner GARRETSON. You have never made——

Mr. DONNELLEY. I say, I haven't the figures.

Commissioner GARRETSON. Can you furnish them?

Mr. DONNELLEY. It would be very difficult; we would have to go back over our books for quite a number of years.

Commissioner GARRETSON. I thought possibly it might be made up for a short period, because it would go far to demonstrate the comparison, to take for a reasonable period, as to what the actual labor cost was between the two. I understood your position was that wages would have been as good without unionism as it is to-day.

Mr. DONNELLEY. I said actual wages.

Commissioner GARRETSON. Yes.

Mr. DONNELLEY. Actual wages. The average of the actual wages of everybody would be just as good without as they are with.

Commissioner GARRETSON. As with the union?

Mr. DONNELLEY. I don't say the wages of the union people would be as high, but the higher wages of the union people are paid by the people who are not organized. If everybody would organize they would not be so high.

Commissioner GARRETSON. Who fixes the standard of wages for the laboring men of the country, the small group referred to as organized or the mass unorganized group?

Mr. DONNELLEY. I suppose that is really settled by supply and demand for the productiveness of the labor.

Commissioner GARRETSON. That is a supposition, isn't it?

Mr. DONNELLEY. No, sir; not a supposition.

Commissioner GARRETSON. Well, you said you supposed so.

Mr. DONNELLEY. Well, we will put it as a supposition. But you misunderstand me. That is, the general wages of all the people in the country is settled by the question of supply and demand and productiveness.

Commissioner GARRETSON. Following out your idea in regard to increasing production being the true avocation and that it has a cheapening effect—follow that to its logical conclusion, and if a man produces enough he could bankrupt himself, couldn't he?

Mr. DONNELLEY. I can't follow you.

Commissioner GARRETSON. The statement, as I understood you, was that the only way and the proper way to increase benefits to the man was to increase the production.

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. And that the greater the production the cheaper the price of the article?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. Now, if a man produces enough he could make the article valueless.

Mr. DONNELLEY. No, sir; that is a ridiculous argument. That is a ridiculous argument to my statement.

Mr. GARRETSON. If you start out by adding to the productiveness, as you make the production greater where does it lead you?

Mr. DONNELLEY. If we produce three times as much wheat in the country as now, the price would not be one-third what it is now. You know that just as well as I do.

Commissioner GARRETSON. I haven't stated proportions at all; you are putting that in. You stated if you increase production you lower the price.

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. And if you increase it enough you lower it clear down.

Mr. DONNELLEY. I never said that. There is a law of the diminishing wage in everything.

Commissioner GARRETSON. If you start it, it will reach the ground after a while.

Mr. DONNELLEY. No; it is not a straight line; it is a parabola.

Commissioner GARRETSON. Are you sure the absurdity is not following part way and quitting when you get halfway?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. Well, study over it.

Mr. DONNELLEY. I have.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Call your next.

Mr. THOMPSON. Mr. Wright.

TESTIMONY OF MR. EDWIN R. WRIGHT.

Mr. THOMPSON. Give us your name.

Mr. WRIGHT. Edwin R. Wright.

Mr. THOMPSON. Your business address?

Mr. WRIGHT. Postal Telegraph Building.

Mr. THOMPSON. And your occupation?

Mr. WRIGHT. Printer.

Mr. THOMPSON. Do you hold any official position in connection with the typographical union?

Mr. WRIGHT. President of Local Union No. 16.

Mr. THOMPSON. How long have you been president of that organization?

Mr. WRIGHT. The last time just a month.

Mr. THOMPSON. Have you held it before?

Mr. WRIGHT. Four years.

Mr. THOMPSON. Have you held any official place with the union any other years other than president?

Mr. WRIGHT. I was officer of the union for probably 10 years.

Mr. THOMPSON. You have been president of the Illinois Federation of Labor?

Mr. WRIGHT. Seven years.

Mr. THOMPSON. In your position as leader of organized labor you have had more or less occasion to study the industrial problem and industrial conditions in the country, have you not?

Mr. WRIGHT. I have tried to.

Mr. THOMPSON. Have you any opinion regarding industrial unrest, if in your opinion such exists?

Mr. WRIGHT. I have.

Mr. THOMPSON. You might tell us in your own language as briefly as you can the cause and its cure.

Mr. WRIGHT. The great cause for industrial unrest comes from lack of employment. The cause of lack of employment can be traced to several different causes. One cause I believe at the present time, especially for industrial unrest, is lack of executive ability, which is always the primary cause for industrial unrest. This time more so than ever.

Mr. THOMPSON. What executive ability do you speak of, the workers or whom?

Mr. WRIGHT. I am referring to a condition that confronts us especially at this time in my opinion, and that is the custom of the deferring of the railroad-rate cases of the Interstate Commerce Commission, which has disorganized my trade especially. We have between 20 and 25 per cent of our men out of work at the present time because industry does not know where it stands, and will not know until the rate case is settled one way or the other. Of course, our people are not interested whether the rate goes up or down. That makes no difference to us, but it is important to us that some decision be made so that

employers can get out their printing, put our men to work, and fix prices on their goods and do other things that will allow industry to go ahead.

Mr. THOMPSON. If the rate case was settled, it has been settled now, has it not?

Mr. WRIGHT. No, sir; not unless it was this afternoon. Oh, it has been settled, I believe; yes, sir; but rates have not been announced.

Mr. THOMPSON. But upon the announcement of the rates by the Interstate Commerce Commission, would, in your opinion, the industrial unrest disappear?

Mr. WRIGHT. Our men will go to work, probably 700 or 800 or possibly 1,000 printers can go to work, and there will be less industrial unrest when they go to work and have a pay envelope to take home Saturday night to their families. I am referring to Chicago alone.

Mr. THOMPSON. I would like to have you give us your views of industrial unrest further than you have, as to what other contributing causes there might be.

Mr. WRIGHT. Well, another contributing cause—the primary cause, in my opinion—is lack of education.

Mr. THOMPSON. How does that operate?

Mr. WRIGHT. A certain per cent of our men have not had schooling sufficient to enable them to make the progress in their trade that they believe they have the right to expect. They are handicapped by lack of education—by lack of practical teaching—and they are not able to take the position which they desire and which they think they have the right to expect. That is one of the causes.

Mr. THOMPSON. Is that all you have to say about the cause of industrial unrest?

Mr. WRIGHT. Oh, no; that is one of the primary causes.

Mr. THOMPSON. What are the other secondary causes—are there other primary causes? Just go ahead and go through the category you have in your mind.

Mr. WRIGHT. Another one of the principal causes we have for industrial unrest is competition between the union and nonunion men, and between the journeymen and semiskilled labor, which finds its way into the shops and factories, especially the nonunion shops, with prison labor in industries and other matters of that kind—unfair competition as we believe it to be.

Mr. THOMPSON. Any other causes?

Mr. WRIGHT. I think that will cover the two principal points—we have other causes.

Mr. THOMPSON. What remedy would you suggest to this commission which this commission might carry out or help carry out or recommend to Congress?

Mr. WRIGHT. Sir.

Mr. THOMPSON. What remedy would you suggest for that evil?

Mr. WRIGHT. First, I would send every child to school, give the child a common-school education. I would put a sufficient number of teachers in the schools to actually teach the children. I would put the textbooks the child uses on a basis where the parents could afford to pay. I would prohibit children from going to work in an industry until the child was mentally capable of taking up the work. After the youngster had gone into the trades I would see that the education continued and only a portion of the time be put in at the shop or the factory, and that the common-school education continue under competent instructors. I would carry out the same course with the workmen themselves after they have graduated from being apprentices and have become journeymen.

Mr. THOMPSON. Now, Mr. Wright, have you heard the testimony here of Mr. Donnelley?

Mr. WRIGHT. I did.

Mr. THOMPSON. What have you got to add to what he said?

Mr. WRIGHT. Mr. Donnelley runs a nonunion establishment. He runs—on the question of apprentices he works more than the scale of wages prescribed in union shops. He pays smaller wages. I do not know as there is anything more I could say than that he does not comply to the going rate of wages or the going scale of wages or hours, either one.

Mr. THOMPSON. That is all you care to say with reference to the establishment in respect to what he said?

Mr. WRIGHT. Mr. Donnelley ran a union shop for five years. The shop has been conducted as a union shop upon three different occasions. We have had three strikes in the Donnelley establishment, and twice the shop became union, and we expect it will be presently union again.

Mr. THOMPSON. Anything further you have got to add to the industrial problem further than you have stated now? I see you have some papers before you.

Mr. WRIGHT. Sir?

Mr. THOMPSON. Is there anything further you care to say now on the industrial problem?

Mr. WRIGHT. It is a pretty big proposition—the industrial problem—to say anything in a sentence. But what I have suggested here once or twice, we have tried to place it in effect in my organization. We have tried to make the organization that I represent and which I represented before—we have tried to build up the features, the beneficial features, of our organization so that it would be a desirable place for a man to seek association. For instance, last year we paid $2,106.92 in funeral benefits to our members in the local organization, and this does not apply to the beneficial organization but this is a relief outside of our benefit organization. We paid $24,222.71 on account of sick benefits. There are several other items that go along with these two.

We conduct an old-age pension out of our earnings and with no contribution from our employers. This is paid partly by the international union and partly by the local union. We pay $8 per week for a member after he gets past the day's work or for other causes he is unable to find sustaining employment.

We also have a tubercular home at Colorado Springs, where I believe we cure more cases of tubercular trouble than any other institution in the country similarly conducted—not similarly conducted, but having the same number of patients.

We have other benefit features. We try to make the organization desirable. You see, referring to Mr. Donnelley's shop for a moment, I do not believe there is one employee in the Donnelley establishment or in any other nonunion printing office in the city of Chicago that would not be willing to join the typographical union, and be glad to do so, if he was not confronted with discharge.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Was there some other information, Mr. Wright, that you would like to volunteer before the commissioner starts to ask questions? I thought maybe you had something in your hand you had not put in yet.

Mr. WRIGHT. I have two or three exhibits here.

Chairman WALSH. Very good.

Mr. WRIGHT. The constitution and by-laws of the International Typographical Union, the financial exhibit of Chicago Typographical Union No. 16, and matters of that kind I might pass over to the board to look over at their leisure.

Chairman WALSH. Will you do that? First, give what they are to the stenographers, so they will be a reference to them.

Mr. WRIGHT. Well, the one I mentioned is the financial exhibit for the year ending June 30, 1914, the book of laws of the International Typographical Union, old-age pension law of the International Typographical Union, directory of union printing offices of Chicago, book of rules of the Union Printers' Home. We have a lot of that stuff. If you want—if you want any more, I will be glad to send you more.

(Mr. Wright submitted, in printed form, pamphlets of the following titles: "Financial Exhibit of Chicago Typographical Union No. 16 for the Year Ending June 30, 1914"; "Book of Laws of International Typographical Union, January 1, 1914"; "Old Age Pension Laws of the International Typographical Union"; "Directory of Union Printing Offices of Chicago, May, 1914"; "Book of Rules, Union Printers' Home, Colorado Springs, Colo., 1913"; and "Constitution and By-Laws of Chicago Typographical Union No. 16, 1914.")

Commissioner LENNON. Mr. Wright, have you knowledge as to whether the employing printers of the country have apprentices up to the limitation of the typographical union permit?

Mr. WRIGHT. They have not.

Commissioner LENNON. Is the percentage that I stated approximately correct, that it is only about a little over one-fourth of the limitation, taking the country at large?

Mr. WRIGHT. I think you are approximately correct. In the printing business most of our employers, I am glad to say, take a pride in their work. They wish to turn out the best possible class of printing and they must have good men to do that—journeymen and not apprentices. Any time you put an apprentice on a job you are going to have inferior work, except in certain classes

of work where the apprentice's judgment will go on that particular job—particular class, I should say.

Commissioner LENNON. Suppose we will say that the apprentices employed were up to the limitation?

Mr. WRIGHT. Yes, sir.

Commissioner LENNON. Do you believe the typographical union would give favorable consideration if the trade demanded an increase?

Mr. WRIGHT. We have reduced the number of apprentices. Formerly it was 1 apprentice to every 10 journeymen, or major fraction. Upon the complaint of the employer that he was not getting enough apprentices, we reduced it from that, 1 to 10, to 1 to 7, and if we can not supply the number of journeymen we will reduce it again. We have no desire to inflict any hardship on the employer. All we ask him to do is to pay us our wages. We wish the employer to make money; the more money the employer makes the higher we are going to increase our wage scale and shorten our hours and improve our conditions. The employer can not do it unless he makes money, and we are willing that he should.

Commissioner LENNON. You must know something about this resetting of ads. Is that done solely by the will of the typographical union or do the employers cooperate in that proposition?

Mr. WRIGHT. The employer cooperates in it. Years ago the employer conducted his printing department—that is, of the newspaper—conducted the establishment independent of any other establishment. He set all of his advertising matter in his own shop. Presently the advertising man from some of the big stores, as they grew up, thought to take a short cut and would send their copy to one establishment and proofs would be taken and sent to the other composing rooms and the ad set and placed in the paper. The employers ask if it would not be possible to take the matrices from one establishment to the other and cast the ad and then afterward set the ad on their own time. That was finally conceded to. The employer, however, gets paid for resetting the original ad. It comes to us; is put on the time copy; the men handle it when they have nothing else to do; on certain days of the week our men are very busy for two or, possibly, three days a week; and when in the old days, when the men set the ads originally, they had steadier employment, and this acts as a sort of brake on this continual change in the shop. It is a concession granted the employer, not a demand from the organization. There is a vast difference between the two.

Commissioner LENNON. Will you tell us about the typographical vocational school?

Mr. WRIGHT. Yes, sir. It originated in Chicago some years ago. We had been talking over it for a long while. We had a contract with the United Typothetæ, which was referred to a few moments ago, and we endeavored to take up with the typothetæ a course of printing so that the apprentices in the shop might become better journeymen than they would otherwise. The typothetæ turned us down. Then we went ahead and took it up ourselves and perfected the class ourselves. We did not admit an apprentice into membership until he takes up the course in printing entirely aside from his personal instruction he receives in the shop. It is a course that extends all over the United States and Canada, as far as the International Typographical goes, and it came from Chicago.

Commissioner LENNON. Can you tell us approximately how many printers of any age have taken advantage of these classes?

Mr. WRIGHT. I have forgotten the exact number. I am acquainted with the result which I believe is more important. The average increased wage of the boy who has graduated into a journeyman, who has taken the apprentice course, amounts to something like two or a trifle over two dollars a week in advance of what he would have received had he not taken the course.

Commissioner LENNON. That is all I care to ask.

Chairman WALSH. Did you want to ask any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes. How many printing shops are there in Chicago, Mr. Wright?

Mr. WRIGHT. How many printing offices?

Commissioner O'CONNELL. Yes.

Mr. WRIGHT. We have our own men working in probably 300 shops.

Commissioner O'CONNELL. I want to get the total number of shops in the city, union and nonunion.

Mr. WRIGHT. I do not know. There are so many private establishments, little shops scattered around in basements one place and another, that it is almost impossible to tell. We don't know. We can not gather it from the directory because many places are listed as printers but are publishers and have no printing department.

Commissioner O'CONNELL. What percentage of the shops where typesetters are employed?

Mr. WRIGHT. We can not get that either, but that is all the shops that are recognized as being printing offices. We probably have 80 per cent—90 per cent. We estimate that we do 85 per cent of the printing in Chicago; that is, the printers do 85 per cent of the production.

Commissioner O'CONNELL. You have contracts with all of the newspaper publications in the city?

Mr. WRIGHT. We have both a local contract and a national—or an international contract.

Commissioner O'CONNELL. How many newspapers that are published in the United States outside of the association of publishers are nonunion? Have you any idea of the number of firms or publications in the newspaper publishers' association?

Mr. WRIGHT. I haven't the data, but practically every newspaper in the United States belongs to the American Newspaper Publishers' Association, which has a contract with the International Typographical Union, an arbitration contract.

Commissioner O'CONNELL. The typographical union has a contract practically with every newspaper published in the United States?

Mr. WRIGHT. Practically, not all. There are a few outside.

Commissioner O'CONNELL. What percentage are outside?

Mr. WRIGHT. Two or three per cent I imagine—just a guess.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you, Mr. Wright.

Mr. THOMPSON. Mr. Caldwell.

TESTIMONY OF MR. FRANK C. CALDWELL.

Mr. THOMPSON. Mr. Caldwell, will you give us your name, please, and your business address, and your business?

Mr. CALDWELL. Frank C. Caldwell. I am president of H. W. Caldwell & Son Co., Seventeenth Street and Western Avenue in this city. We are engineers, founders, and machinists.

Mr. THOMPSON. How long has your firm been in existence; how long have you been connected with it?

Mr. CALDWELL. Since 1875.

Mr. THOMPSON. 1875?

Mr. CALDWELL. Since 1875.

Mr. THOMPSON. Have you any opinions regarding industrial unrest, if such exists, its causes, and what remedies might be applied to it. You may state it in your own way, Mr. Caldwell.

Mr. CALDWELL. I think one of the difficulties in trying to arrive at the reasons for industrial unrest is to select that as the only form of unrest. I think anyone that has observed conditions as they have arisen in the past three or four years has realized that there has been a general unrest, extending not merely to what might be called industry, but it has also been evidenced in social matters, in political matters, and you might say also in moral matters. And that unrest is perhaps, one might say, a species of circular insanity; that is to say, there are probably periods recurring, more or less frequent intervals, when there is a disturbance in the social and body politic, and I apprehend that conditions as we now see them are possibly a recurrence of that situation.

Specifically, as to the industrial unrest, it would be quite unfair for anyone to select any single thing and claim that that was the one or even the principal reason for what we recognize as industrial unrest at the present time. An employer so minded might say that it was due to the union conditions. He might charge that the unrest had been instigated by the agitation on the part of those that are union leaders. Others might say that it is a new awakening of a new democracy. Others might charge that it was due to political reasons, and that the unrest had been fomented by the actions of those politicians who thought to ride into power upon the wave of popular approval.

But to my thought there is no one of these things that ought to be charged with this condition. I think that all of them have something to do with it. And the unrest is here. There are new conditions confronting us which have got to be met in some way or other.

I think, perhaps, Mr. Thompson, I can save the time of the commission and your time if I try to say some things in reply to the questions that you have included with your request to appear here. And with your permission, and for the purpose only of saving time, I will follow that method if it is agreeable to you.

Mr. THOMPSON. Go right ahead, Mr. Caldwell.

Mr. CALDWELL. There has been much said here about the attitude of the employer toward the labor unions, and I might say by way of preface that my concern runs what is euphemistically called an open shop, the result of a misunderstanding—a strike that took place in 1903—something that we would much prefer to forget. But the attitude of the employer toward the labor union, I think, is not always clearly understood by himself. He will say, perhaps, that he is opposed to the labor union. Naturally an open-shop man might be supposed to be opposed to the labor union. But I think the real, basic attitude of the non-union employer, or anyone that may take an extreme view on that side of the case, is rather that he is not opposed to the labor union as a labor union, as an organization for the purpose, as they claim, of benefiting the condition of those that are members of that organization. But he is opposed—and there are very many that are immovably opposed—to those things which they claim, and which they feel, are self-evidently errors and evils that pertain so generally to the American labor union as we know it.

I think that employers generally are not friendly to the closed shop. I think they are opposed to it for very much the same reason that the general mind of the public is bitterly opposed to anything that savors of a trust or a monopoly. I think that the employer recognizes that it is an abnormal economic condition that there should be anything in the nature of a limitation of output, anything in the way of an unreasonable limitation of apprentices, anything by way of a fixed minimum wage which has a tendency to level the wage of the more efficient to those who are less capable. He is opposed to anything in the nature of coercion by means of violence or boycott or any other such method. And he is opposed to anything that will not give the large number of those outside the organization an equal opportunity to earn their living in the trade that they may be acquainted with.

Now, I say that the opposition and the antagonism on the part of the employer is, I think, directed not at the union as such but at the evils and errors that are in such organizations as we know them.

And I want to say this also on behalf of the employer: I think that his attitude in seeking to maintain what he considers right economic conditions is by no means a selfish opposition. I wish to make the point that if the employer were simply seeking to follow his own selfish ends, to endeavor to earn the greatest amount of money with the least possible friction and the least possible annoyance on his part, he might very well acquiesce in everything that a union should demand of him and pass on the cost to the consuming public.

The commission, I apprehend, are probably pretty well acquainted by this time with the anti and pro attitude of employers toward the labor-union proposition. But I think they will perhaps be willing to receive something in the nature of constructive suggestion.

Anybody can tear down, but it takes a pretty wise man to build up. And we can point out the evils that exist, as undoubtedly evils do exist, in this industrial situation. But it is a problem worthy of the wisest of men to suggest something that perhaps may alleviate if not entirely cure this rather woeful condition.

It would be rather a bold business man who under conditions as they now exist would suggest anything by way of additional legislation. The usual complaint is that we are overlegislated as it is now. A certain well-known financier made frequent use of the term "undigested securities." I should say that the body politic now is affected by what might be called undigested legislation as much as any other ill that I can think of.

And while it may seem rather superfluous to suggest anything by way of additional legislation, it does seem to me that it is quite as competent to suggest that there should be a declaration that the closed shop is just as much of a monopoly as any trust that is open to criticism and therefore should be declared to be illegal; furthermore, that anything that tends to limit the production, the fair production, of an employee is an economic wrong that should be prohibited, and anything that tends in that direction should be prevented if possible.

That there should be some means whereby we could arrive fairly and equitably as to what is the right position in this matter of limitation of apprentices. No one can be fair and say there is not something in the claim made by union labor that unlimited allowance of apprentices would tend to debase and overrun the trade. On the other hand, no patriotic American can say but what there should be sufficient freedom in the learning of the different trades in this country so that opportunity should be open, provided the other side of the question is not harmed. There should be some means of arriving at what is exactly the right number of hours it is fair and that ought to be worked. Now, I propose for the consideration of the commission that it may be possible—I hardly think it will be probable—it may be possible that there may be some tribunal which will be instituted not so much for the purpose of conciliation or arbitration but, rather, for the purpose of having a general oversight and general supervision of these issues that are coming up all the time, for the purpose of safeguarding and protecting not the employee and not the employer but the general public at large.

I think in our shortsightedness—when I say "our" I am meaning labor unions and the employer—we are very apt to see no further than our own particular interests in the consideration of these matters, but it does seem to me that there is that third party in interest who seems to have been so utterly helpless and yet so vitally affected by everything done along these lines that the Government might very well do something that would protect that interest of the general public. I understand perfectly well whenever there is a great strike that puts out some public utility or shuts down a coal mine, or in some way a direct and definite conviction to the public, the cry goes up it is this third party, the public, that must be considered; but may I not make the point as strongly as I possibly can, it is not only in such cases that our picked—these cases as incidents, but it is in every case where there is to be an adjustment of wages, an adjustment—a reduction of hours or anything that affects the cost of production of that work and the production of wealth, that the phrase is that the consumer has to have in order to live; whenever that case is up for consideration there must be ultimately some consideration of the general public interest in that matter.

Let me say, for example, I believe every workingman in the city of Chicago, excluding perhaps those that are directly benefited, is paying a premium for living in the city of Chicago, because his rent is a very considerable per cent higher than it should be, due to the excessive cost of building operations in the city of Chicago. And while that may be an obvious case, every case has precisely the same result; the loss is as great as the one is in this instance. It would be perfectly possible to demonstrate to the general public that if there could be formed a farm-labor union who would be able by their compact organization and their complete closed-shop monopoly of that particular industry to be able to reduce the hours of labor on the farm to eight hours per day and apply that Heaven-given salary of $5 per day, which has been set up by a certain gentleman, it is perfectly plain that everybody in the whole country would have to pay that excessive cost of production of the farm. But it is not so plain—it is not so plain when we say if we increase the pay of the railroad engineers, or we increase the pay of the man working in my shop, remotely connected with the ultimate consumer, that finally the increase of the pay is laid on the already overburdened shoulders of the ultimate consumer, having added to it my profit and every other intermediate profit that goes to make up the final cost he has to pay. I feel that this commission, if it can formulate some plan whereby an unbiased, high-minded, indifferent, unprejudiced body can be brought into being for the purpose of safeguarding the wide interests of the public in these matters, they will certainly have justified their existence.

Mr. THOMPSON. I think he has covered the field pretty broadly, and I have nothing more to ask.

Commissioner O'CONNELL. Will you please define for us what you consider the public?

Mr. CALDWELL. The public is everybody, and it does not exclude the lowest laborer any more than it excludes the man highest up.

Commissioner O'CONNELL. That is all.

Commissioner GARRETSON. I would like to ask one question: Don't you get Henry Ford and Heaven confused on the $5 a day wage?

Mr. CALDWELL. There are some of Mr. Ford's employees that closely relate him to the presiding genius of heaven, I think.

Commissioner O'CONNELL. But the five dollar hasn't come into being yet altogether?

Mr. CALDWELL. I don't know; that is the advertising report.

Commissioner O'CONNELL. The process of evolution is going on yet.

Mr. CALDWELL. It always will.

Commissioner O'CONNELL. That is all.

TESTIMONY OF MR. GEORGE W. PERKINS.

Mr. THOMPSON. Will you give your name?

Mr. PERKINS. George W. Perkins.

Mr. THOMPSON. Your business address?

Mr. PERKINS. 950 Monon Building, 440 South Dearborn Street, Chicago, Ill.

Mr. THOMPSON. Your business?

Mr. PERKINS. President and secretary of the Cigar Makers' International Union.

Mr. THOMPSON. How long have you been president?

Mr. PERKINS. Twenty-two years, six months, and twenty-five days.

Mr. THOMPSON. Then you have been long enough in that position to have some knowledge in regard to industrial unrest, its cause, and possibly have been long enough connected with labor to have some idea of a remedy?

Mr. PERKINS. I think I have.

Mr. THOMPSON. Now, I will give you your own way, just as I gave to Mr. Caldwell. Tell your story in your own manner.

Mr. PERKINS. The question is the cause of industrial unrest and the cure; is that it?

Mr. THOMPSON. If you have it.

Mr. PERKINS. To my mind, grounded upon a lifetime experience, the cause of industrial unrest is due largely, primarily, fundamentally, to low wages and long hours of labor. The fact that immigrants are lied to before they come here, cheated and robbed after they get here, and when they finally realize this then it causes considerable industrial uneasiness. Careless statements as to fundamental facts as to real facts that exist. The notion that there is one law for the rich and another for the poor, whether there is any such thing or not, figuretively speaking. The experience of labor has led me to believe that periodically there is some such difference. Another contributing cause is the mad pace at which industrial workers are driven, a pace that kills 35,000 annually and wounds 2,000,000 in our industries alone; a pace that kills a like number and wounds a like number in our transportation. The fact that 200,000 people die annually from tuberculosis, a preventable disease, a disease that should not exist among us. The fact that 800,000 people die annually from preventable diseases due to occupational diseases is another.

Another cause in connection with the unrest of immigrants in 1909 is the following advertisement appearing in the Pittsburgh, Pa., newspapers: "Men wanted.—Tinners, patchers, and helpers to work in open shop; Servians, Poles, and Roumanians preferred; steady employment and good wages to men willing to work. Fare paid and no fees charged."

You ask me a cure for industrial unrest. I wouldn't cure it if I could, and I couldn't if I would. I say that with a full knowledge of the meaning of the word. Industrial unrest, the agitator and the kicker make for the uplift, a better, social, economical, and political state, and for advancing civilization, and were it not for industrial and social unrest there would be no human progress along lines that were good and beneficial for the great mass of working men and women of our country.

I would, however, minimize that unrest to the lowest possible point. That should be along constructive lines. First, I believe that this commission in its findings and in its search for remedies is handicapped by State rights and State lines. Hence it would be a waste of my time to advance things that can not by any possible stretch of the imagination come within the jurisdiction of this commission.

There is one thing though that I would suggest. Commissions in the past have proven entirely futile and almost useless. Commissions such as this have worked their heads off; have sought diligently, earnestly, and faithfully for a

cause and for a remedy that will be helpful; they make an elaborate report to the United States Government and Congress, which created them. It then becomes everybody's business in general and nobody's business in particular. If this commission would recommend that in the future in cases like this, which is a three-cornered commission, if you please, one for labor, one for capital, and one for the dear public, of whom I would like to speak about a matter later—one of each department should be given a seat in Congress, with a voice and no vote, and he ought to remain there until Congress has acted, has either defeated or adopted its recommendation, and their efforts will not be wasted.

I hold that one of those things you can act upon is to see to it that the immigration laws are properly or become more effective in their restrictions. Labor as such is not opposed to immigration, the kind that formerly landed on our shores and to whom much of our greatness commercially and industrially and socially and politically is due.

But remember the immigrants in those days came in slow, dangerous sailing vessels. They came of their own volition. They came from England, Ireland, Scotland, Germany, Switzerland, and other countries, the people of which rank somewhere near the standard of American citizenship, while to-day, with the quick passage, the fast-sailing vessels, which one vessel will bring in a weeks' time more than you could crowd into half a dozen ships in early days with their low-passage money. Originally it took three months to come over, and now one week. And where do they come from? Without casting any disparagement upon any race or calling, originally they came from England, Ireland, Scotland, Wales, France, Germany, and other countries. To-day, or at least in 1913, over 1,300,000 immigrants came to this country. Two hundred and forty-three thousand came from southern Italy—not Italy, but from southern Italy. You all know what that means; which was more than came from Germany or England, Ireland, Scotland, Wales, France, Switzerland, and Scandinavia. We are not opposed to the natural influx of immigrants. But we do object to the indiscriminate assisted immigrant. We object to the kind that are brought here to enrich the steamship companies primarily and in the first instance. We do not object to them coming naturally and regularly. I said a moment ago that the immigrant was lied to before he came here. I personally know that he is.

In Hamburg, Germany, I saw last year, less than a year ago, great signs plastered over a labor agency, in which it pictured the glories and the Eldorado and wealth of the great State of Washington. It provided for a system of selling tickets on the installment plan. It was figured out, so many marks a week, so many marks every two weeks, so many marks a month will land you on the golden shores of the State of Washington early in the spring of 1915 where acres and acres of virgin soil await you.

Last November, on my way to the American Federation of Labor, I passed through the great State of Washington, and looked eagerly for the acres and acres of virgin soil awaiting for the poor deluded immigrant. I saw, yes, much virgin soil in the State of Washington, but it was dotted with stumps. They had taken off the lumber. The stumps were there. The virgin soil was there, yes, but it was dotted with stumps.

Now, when the immigrant comes there and sees that, do you blame him if he is a little restless? I don't.

What can you do for labor? Take us out from under the restriction now resting upon us by a false application of the Sherman antitrust act and let us carry out our natural activities, subject only to the law of the land, and we will work out our own destiny. We ask no favors from the lawmaking forces. All we ask is the right to carry forward our natural activities, always amenable to the law. We respect the law—the written law of the land. We respect our courts and our judges. We rebel against judge-made law and government by injunction. We deny that the Government or society—I take that back; I don't mean society—we deny that any one has any property right in our work. That belongs to us. It is not the property of any living soul on earth except us. The money that we earn is ours. We demand the right to spend that money where we please and with whom we please. Give us a little more—and this goes both ways—honesty, industrially, politically, and socially. I include ourselves in that, when I say that.

The welfare of society at large, working men and women, and their best interests, should be placed above the dollar mark. Human rights and human interests are of greater value than property rights or the accumulation of the

swollen fortunes of the already predatory rich. We may not advance quite as rapidly industrially or commercially, but after all we will be advancing along sane lines that bode no ill will to any honest man or woman or any good government.

You ask how to cure or to minimize—I haven't gotten a cure—you ask how to minimize this unrest. In my own candid judgment there is only one way to do it; that is to let the industrial workers organize on the one hand and the employing classes upon the other. There is an element of fairness and justice in the human mind, and employers, sociologists, and self-constituted guardians of our morals and social advancement have no corner upon that justice and fairness—there is a sufficient amount of that vested in the working men and women that will protect them from doing anything that will destroy advancing civilization, that will destroy society as it exists to-day. The labor organization that will do the thing that will destroy, will destroy itself before it has the opportunity to do that. The organization that is not just and is not fair is doomed—foredoomed to failure. There are enough ultra-conservatives in the labor organizations to more than counterbalance the radical and the agitator.

Fortunately for the labor organization and for society at large, there are enough level-headed middlemen who are the ballast and who will protect the labor organization and society at large against their machinations.

I may say the general labor movement is unalterably opposed to compulsory arbitration. We are not opposed, however, to legally appointed Federal or State conciliation and mediation, and arbitration, if voluntary. I say this, give the conciliator, the mediator, and the arbitrator a position not grounded upon the fortunes of politics, but on good behavior, his job to last as long as that continues; in fact, give him a life job, and if he does right on the pay roll of the Government, and if he does wrong, in the penitentiary for the balance of his life, and then you will get honesty. Protect the man in his job as long as he does right; give him a life job, if you please; but give him a life job in the penitentiary if he does wrong. You will stop your fear of your arbitrators or your conciliators doing anything wrong.

Just a word. This commission or no living soul on earth can find a remedy for industrial and commercial stagnation. You are wasting your time if you are trying to do so. Yet industrial and commercial stagnation is one of the contributory causes to industrial unrest. Industrial and commercial stagnation is caused not by overproduction but rather by underconsumption. In as plain English as I can state it the working men and women receive less in wages—receive amount in wages that will not enable them to consume all that which they create—and because of that we have a periodical turn of industrial and commercial stagnation which is not due to the personnel of the Government nor its economic policies. The remedy? Let the working men and women organize, and through their labor organizations get as near as possible to the margin of profit; they will then be in a position to consume that which they create, and industrial and commercial stagnation will disappear from the haunts of civilized man. Leaving, if you please, to the captains of industry their full share of that and all that value which they create.

Another suggestion, if you will pardon. Each State ought to appoint a committee of one to act with a representative of the Federal Government for the purpose of formulating a uniform set of laws, applicable to all States in so far as laws concerning overproduction and distribution is concerned. I believe in old-age pensions, industrial insurance for sick and inability, and I believe in the industrial insurance against unemployment, despite the fact that some of my very able colleagues in the labor movement disagree with me.

Migratory labor constitutes one of the most important classes of citizens we have in this country, and instead of being kicked and cuffed about as tramps, the migratory workers deserve more consideration at the hands of society at large than lawyers, doctors, or labor agitators, or anybody else is concerned.

What does the migratory worker do? Things you and I won't do if we can help it. He gathers the harvest in the summer time and ice in the winter; he contributes more to the comfort and well-being of society at large than any other class of workers or professional men, I don't care who or what they are. I believe he should be taken care of. I believe that the migratory worker should be transported free, absolutely, from the industrial center to the agricultural district, apportioning the cost on each community, the State, and the Federal Government; let the three pay for it.

I believe he should be brought back to the ice harvest in wintertime absolutely free. I believe that you should furnish for these workers, not the never-sweats and bums—they are few—they don't amount to that [snapping fingers]. One-sixteenth of 1 per cent. They are not worth counting, yet they are the ones who want to work and who do work and should be taken care of. I would furnish for them during December and January or November and December free lodging, not as a charity but as a right. Think what he has contributed to the good and the advancement of society. I would give him this free labor in February and March, the two bad months, dividing the cost on the State and the Federal Government.

Just a few more words and I am through. A lot has been said about the closed shop. There is no such thing as a closed shop. I want the men who have sat here in this chair and said day after day "the closed shop" to know that there is no such thing as a closed shop. We have strict union shops, but the latchstring of the door to the union hangs on the outside, and every working man and woman is invited to come within and participate in that condition of good wages and shorter hours brought about by trade-union activity. So much for your closed shop.

It is not a monopoly. I have got organizers on the road, paying them big money, to bring unorganized men into the union, to walk into our union shops—not closed shops. And our constitution, a copy of which I will file with you, provides that any cigar maker must be accepted in the union. We can't and don't ballot on him. So much for your closed shops.

(Mr. Perkins submitted, in printed form, a pamphlet entitled "Constitution of the Cigar Makers' International Union of America," as amended and adopted at the Baltimore convention, September, 1912.)

The limitation of output—working men and women do not limit the output beyond a point where it is possible for human beings to work with anything akin to conserving their health and strength. Many say that through the efficiency now in our factories we are relegated to the industrial scrap heap of despair at the early age of 45 years. That may not be entirely true, but it is pretty nearly true. It is the fellow who has reached 50 years of age and got a few gray hairs who can testify. He applies for a position. Talk about limiting the output! Show me a single industry controlled by the big captains of industry that does not close down the minute there is not a ready market at prices that he fixes for his commodities. There is no such thing as the iron law of wages. There is no such thing as supply and demand. Modern means of production and distribution, crystallized into the modern trust, have long since exploded the idea of supply and demand. Your cold storage takes care of the supply and regulates the demand. The big trusts and the combinations of capital shut down their industries the minute there is an overproduction on the market that will in any way influence the prices which they fix for the manufactured commodity. So much for the limitation of the output.

Unions do not increase the cost of living. Seven or eight years ago, through an unfortunate strike, every single workingman in the packing houses in this city, every single labor organization down there, went out of existence. There is not a labor organization that has anything to do with the meat produced in the packing houses which supplies the world with meat. But since that time the price of meat has steadily gone upward. Labor organizations did it? Hum! There are none down there. We eat bread; we eat flour; there is nobody organized in the growing of wheat and flour.

Here is a straw hat. It does not belong to me. A few years ago I could buy a straw hat for a dollar. To-day you pay three for it; and there is not a single man or woman making straw hats that is organized. Who brought up the cost of living? The labor organizations? No, sir. So on down through the things that supply your tables—salt, pepper, oats, oatmeal—everything else that enters into the sustenance of daily life—does not come under organized labor. Don't charge that to us. We have got enough to answer for without being charged with that.

It was said here this morning that the rank and file might be all right, but the insinuation was that the officers, they might be the fellows.

Let me tell you this: Officers of labor organizations haven't got anything to sell, and we are honest because of that, if you please. The local union decides whether they are going to strike or not, and calls the strike off. As the executive officer of the international union I can't call off a strike or I can't organize one, either. I haven't got anything to sell; never did have. The rank and

file—in their hands is vested, generally speaking, the right to call or call off strikes. So much for the officers.

The good employer—a whole lot is said about him. He can't do these things if he wants to, because his competitor, the scoundrel or the skinflint, sets the pace. No matter how good he is, he can't do these things because of competition, and this is a competitive age. Organize them and put them on the same footing, the same basis, through our trade-union. That will minimize, in my judgment, social unrest.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Anything from the members of the commission?

Thank you, very much.

The commission will now stand adjourned.

(At 4.30 o'clock p. m., Saturday, July 25, 1914, the commission adjourned, to meet Monday, August 3, 1914, at 10 o'clock a. m., in the city of Lead, S. Dak.)

EXHIBITS.

WALKER EXHIBIT.

ILLINOIS STATE FEDERATION OF LABOR,
Springfield, Ill., October 7, 1914.

Mr. L. K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Yours of the 30th ultimo received. I recall distinctly about agreeing to send you the records or the agreements made between the United Mine Workers and the coal operators, but I don't recall agreeing to get you those records for the Western Federation of Miners.

However, I have written Secretary Mills of that organization asking him to send you any copies of agreements they may have. I only know of one agreement between the copper-mine owners and the Western Federation of Miners, and that is the one in Butte City, Mont., which, in my judgment, was a rather primitive and crude sort of agreement, and I don't know that it will be of a great deal of value to you, except as an evidence of the beginning of that kind of relations between that organization and the employers.

Fraternally, yours,

J. H. WALKER.

WESTERN FEDERATION OF MINERS,
Denver, Colo., October 14, 1914.

Mr. LEWIS K. BROWN, *Chicago, Ill.*

DEAR SIR: Inclosed you will find copy of the agreements between the Butte locals of the Western Federation of Miners and the copper companies, which I am sending you at the request of John H. Walker.

Very truly, yours,

ERNEST MILLS,
Secretary-Treasurer.

ILLINOIS STATE FEDERATION OF LABOR,
Springfield, Ill., October 15, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Yours of the 15th received. I just got a letter from Secretary Mills, of the Western Federation of Miners, yesterday, in which he said that he was sending to you the copy of the agreements between their organization and the copper-mine owners.

I think there is a copy of an agreement between our organization and the Western Federation of Miners reached between a committee representing both organizations and ratified by the convention in both organizations.

I shall write and ask International Secretary-Treasurer William Green, of the miners' organization, to send you a copy of same, if they have it on file.

With best wishes I am, yours, truly,

J. H. WALKER.

UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., October 28, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

MY DEAR SIR: After much delay, occasioned by having been absent from the office for some time, I am now replying to your letter of October 15, addressed to our mutual friend, John H. Walker, who has in turn referred it to me for answer.

There is no working agreement between the Western Federation of Miners and our organization, other than an understanding that we would exchange transfer cards; that is, cards issued by either organization would be accepted by both organizations and admit the bearers thereof to membership without the payment of initiation fee.

It was decided by the last international convention of the United Mine Workers that the international executive board of our organization should confer with the representatives of the Western Federation of Miners, with a view to amalgamation or closer affiliation. Acting in accordance with the action of the convention, our international executive board recently appointed a committee to confer with a like committee of the Western Federation of Miners. I understand the committee has held several meetings, and will, no doubt, in the near future submit a report.

I can not, of course, apprehend what their report will be on the matter, but will be pleased to give you further information on this subject after their report has been submitted and, if such should prove to be the case, adopted by our international executive board.

Very truly, yours,

WILLIAM GREEN,
Secretary-Treasurer.

BENT EXHIBIT NO. 3.

SPRINGFIELD, ILL., *June 10, 1914.*

The joint commission representing the United Mine Workers of Illinois, the Illinois Coal Operators' Association, the Fifth and Ninth District Coal Operators' Association, and the Central Illinois Coal Operators' Association, appointed for the purpose of providing the machinery for carrying out the arbitration provisions of the existing State contract, hereby provides as follows:

The arbitration commission shall consist of one representative appointed by the miners' organization, one by the three operators' associations acting jointly, and three by the two sides jointly. None of the said three shall be identified with the interests of either side, but preferably a majority thereof shall be men of practical experience in coal-mining matters. The commission shall have jurisdiction in connection with disputes jointly referred thereto. The miners and operators shall each appoint their direct representative prior to July 15, 1914, and in case they have not jointly appointed the other three by that time the two appointed shall make such appointments not later than August 15, 1914.

In making its decisions the commission shall be governed by the following considerations, giving precedence in the order named:

(1) The specific provisions of existing contracts, State subdistrict, and local.

(2) Stipulations in the record, unrepealed, interpreting the contract.

(3) Customs and practices, well established and recognized by both sides locally, not in conflict with the contracts or controlling stipulations.

(4) In all other matters and to the extent not covered by one or more of provisions 1, 2, and 3 hereof, by what it deems to be equitable between the parties to the dispute and sound in principle.

When the direct representatives on the two sides of the commission have disagreed they may jointly agree to refer any matter in dispute to any one of the other three for determination.

The services of the direct representatives of the two sides shall be continuously available and be compensated for on a monthly or annual basis by the two sides, respectively. The other three shall be paid one-half by the miners' organization and one-half by the operators' associations jointly, covering their traveling and living expenses while in the service hereunder and

either $10 per day or $150 per month. The portion of the expense to be borne by the operators hereunder shall be divided between the associations affected upon the basis of the respective annual tonnage of each.

A decision hereunder shall require a majority vote of the commission duly constituted. A duly constituted commission shall require the presence of the two direct representatives, and in the event of their disagreement shall require the presence of the two direct representatives and either the presence of one of the other three when so agreed upon by the two direct representatives, or in all other cases the presence of all the said three.

The commission as originally constituted shall serve for the period of the contract unless otherwise jointly agreed.

On behalf of miners.

JOSEPH POPE.
ADOLPH GERMER.
DUNCAN MCDONALD.
W. M. BURTON.
FRANK HEFFERLY.
FRANK MILEM.

On behalf of operators.

E. T. BENT.
THOMAS T. BREWSTER.
P. F. MURPHY.
P. J. WILSON.
A. J. MOORSHEAD.
JAMES FORESTER.

BENT EXHIBIT NO. 4.

OGLESBY COAL CO.,
Oglesby, Ill., November 9, 1914.

LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

MY DEAR SIR: On September 30 you wrote me asking for analysis of certain encroachments of the union on the coal operators' rights, which, at the hearing July 22, I offered to furnish you. Pressure of other duties has delayed my so doing before.

Instances of exactions in general can be cited without number, but I made particular reference to exactions that interfere with our efficient management of the properties and that cost us money, without giving the miner any practical result, that do not add to his earnings or make his conditions of employment appreciably better. I shall aim to distinguish between demands, whether wise and fair or not, that would increase wages, improve working conditions, or shorten hours, and demands which add to the cost of production without any corresponding benefit. I will cite a number of illustrative cases.

First. Illinois Third Vein Coal Co., Ladd. The miners demanded that the pump men and mule feeders discontinue caging coal for the railroad chutes on idle days, contending that this work, which requires from 10 to 20 minutes per idle day, should be done by the regular cagers, and that these cagers be allowed to go to work at 7 a. m. and remain until this caging is completed, although the caging could usually not be done until about 11 a. m. We were willing to give this trifling amount of work to other union men at work or to give it to the cagers if they would come to the mine at the time required, but were unwilling to have men under pay for hours who were not needed.

Second. Wenona Coal Co., Wenona. A day man who was transferred from shift work at the bottom of the shaft to coal mining demanded reinstatement to his former position. The man was transferred because his work was not satisfactory, because there was friction between him and fellow employees, and because he had refused to obey instructions. The miners held that the man could not be transferred unless it was charged and proved that he was incompetent.

Third. Alden Coal Co., Matherville. A miner was fined five times during the month of June for sending up impurities. The contract provides 50 cents for the first offense in the calendar month; for the second offense, $2; and "for the third or any subsequent offense in the same calendar month, $2 or be suspended." The miners contended that a miner could not be fined more than

three times in a single calendar month. The fine is made by inspector, who, if incompetent or unfair, can be removed, and the proceeds of the fines go to the miners' union. The only interest of the operators is to secure marketable coal.

Fourth. Wasson Coal Co., Harrisburg. During late August and early September, 1911, the men operating mining machines refused to work on the night shift preparing coal for the miners, throwing several mines idle. When the check off for September was turned in it was discovered that a portion thereof was for the support of the striking machine men. It was arranged as a compromise that these fines would be checked off, but would be held by the company pending a joint decision as to the right of the miners to have such check off. On pay day, August 30, the men demanded that the amount be turned over immediately, and when refused, went on strike September 1.

Fifth. Springfield Coal Mining Co., Taylorville. Owing to an accident to the dynamo, the haulage motor was out of service three days. It was agreed to divide the mine into two sections and have one section work each day until repairs to the dynamo had been completed. The men in one of the sections worked two days under this arrangement and the others worked one day. When the mine manager attempted to regulate the turn to even this up, about 37 men went home and later demanded that their turn be made up for that day.

Sixth. Burnwell Coal Co., Witt. A man who had been discharged about a year before was refused employment at the No. 1 mine, whereupon he went to the mine and engaged in a fight with the boss driver. On the following day the drivers demanded the discharge of the boss driver and refused to work, throwing the mine idle. The next day, a few of the drivers returned and the mine was operated at a greatly reduced tonnage, a number of miners filling the drivers' places. On the day following the miners at this mine and also at the No. 2 mine refused to work, and both mines were thrown idle for a period of about five days.

Seventh. Carterville & Herrin Coal Co., Herrin. The output of the mine was greatly reduced when the men refused to work on account of the railroad cars not being at the mine at 6.30 a. m. This was due to a resolution passed by the local union. A number of cars had been left over from the preceding day and 15 additional cars were delivered by the railroad company five minutes before starting time, giving them a sufficient number to have enabled the mine to operate that day. Only 25 of the men went into the mine.

Eighth. United Coal Mining Co., Christopher. The men refused to work because the supply of railroad cars was not on the mine track at 6.30 a. m., although a full supply was received before starting time. The suspension was due to a resolution adopted by the local union providing that the men would refuse to work unless the cars were placed by 6.30 a. m.

Ninth. Madison Coal Corporation, No. 6, Divernon. The company placed a gang leader in charge of each gang of company men for the purpose of having the work performed in a workmanlike manner and with safety to the men. These gang leaders were members of the miners' organization and had no authority to hire or discharge. The miners objected to these gang leaders, claiming their employment was in violation of the agreement. It was taken up at the time by the special agent and board member and later considered at a meeting of the joint board, no agreement being reached. The miners then served notice of independent action and shut the mine down on April 28, operations not being resumed until an agreement was reached June 6. The record shows that the opposition to gang leaders or face bosses is due to objection to oversight in the interest of efficiency.

Tenth. O'Gara Coal Co., Eldorado. On account of the absence of the regular motorman it was necessary for the mine manager to run the motor, he having been unable to get anyone else competent to do this work. On June 22 the pit committee sent all the men home, when he insisted upon running the motor, notwithstanding the fact that he requested them to perform this work, they refusing, claiming they were not competent.

Eleventh. Christian County Coal Co., Taylorville. On July 26 the miners were sent home by the pit committee, who claimed the mine was in an unsafe condition. Twelve day men had gone into the mine and were sent home by the mine manager when it was found there would be no work. Each of these men demanded two hours' compensation for going into the mine. The mine examiner had reported the mine in good condition and the county mine inspector examined the mine on the date in question and pronounced it safe.

Twelfth. Peabody Coal Co., Kortkamp. The mine was thrown idle from September 1 to 10 on account of a dispute over double-shifting machines.

Thirteenth. Peabody Coal Co., Taylor Springs. On the morning of October 17 one of the pit committeemen advised the men not to go down, stating that the pit committee had a number of cases to be adjusted before the miners could go below. The other two members of the pit committee advised the men to go below, but practically all of the men refused and the mine was thrown idle October 17 and 18.

Fourteenth. Taylor Coal Co., Herrin. A miner was discharged for drilling and charging a dead hole. The assistant mine manager saw the shot and instructed the shot firer to inspect it closely before firing it. The shot firer pronounced it a practical shot and fired it. Both the State and county inspectors examined the shot and pronounced it a dead hole. The miners demanded his reinstatement with compensation for lost time.

Fifteenth. Chicago-Sandoval Coal Co., Sandoval. The miners asked that certain authority be taken away from a man who was employed at the bottom of the mine and who was given orders by the manager to give to other men around the shaft bottom. This man was a member of the United Mine Workers of America. Their purpose was to keep this man from telling anyone what to do in the absence of the mine manager, and thereby to hinder as much as possible the output of the mine, with no reason other than that less work would be performed by the shift men at the shaft bottom. We were compelled to relieve him of this authority.

Sixteenth. Chicago-Sandoval Coal Co., Sandoval. The company wished to drive 21-foot entries, and the men refused to comply and insisted that the company either pay the 20-foot yardage rate or drive the entries 30 feet. The 21-foot entries would cause no reduction in wages to the miners, but the question involves considerable cost to the operator and takes away his management of the property.

Seventeenth. Big Muddy Coal & Iron Co., Murphysboro. Had a room fall in and did not care to neck it, but had the room widened without a neck and the miners insisted that a 4-foot neck be paid for although it was never driven. The company refused to pay for it. The miners served notice of independent action and forced it to pay for work that was never performed. It is no reduction to the miner not to drive this neck, but quite a useless thing to the operator to permit and an outlay of money that is not necessary.

Eighteenth. Throughout one subdistrict of the State and at many other mines the union forbids member from making any statement as witness in regard to an injury to a fellow workman under penalty of fine. This prevents ascertainment of facts, encourages fraud, and makes well nigh impossible adjusting personal injury claims fairly. Men are also intimidated and sometimes fined who give information contrary to the interests of the miners in the investigation of disputes.

Nineteenth. Madison Coal Corporation, Divernon. The mine manager noticed several cars of coal on the mine bottom which contained impurities. He docked the miners who loaded these cars and assessed fines against them. The miners contended that the mine manager exceeded his authority by acting as coal inspector and asked that these fines be refunded. It was taken up in Springfield, March 1, by Special Agent Burns and Board Member Clark. They agreed that in accordance with the joint records on the docking question the mine manager can not be dock boss and that fines assessed by him in this instance shall be returned to the miners affected.

Twentieth. Benton District Coal Co., Hanaford. The checkweighman claimed one morning that on account of some boards being off the weigh room it was too cold for him to remain at work. The superintendent instructed a top man to make such repairs as the checkweighman desired, but the checkweighman then stated he was ill and went home. The mine worked until noon and the pit committee then went around and told the men that they did not have a checkweighman and the mine was closed down during the afternoon. The following day the checkweighman did not report for work and the pit committee claimed they could not get a man to take his place. The mine operated until 10 o'clock, when the pit committee again went around the mine and informed the men they had no checkweighman and the mine was thrown idle. Later the miners claimed they went home because there was ice in the air shaft. The company insisted that there was no ice in the air shaft on the second day and demanded that the pit committee be deposed, the men fined, and the checkweighman removed.

Twenty-first. Odin Coal Co., Odin. A wheel broke on a machine truck and a new one was ordered from the factory. The company had the night men use

a machine from another territory that was also used on the day shift. After the second night they refused to use it, claiming the company should keep repairs on hand. The wheel did not arrive until 10 days later. Ten loaders and two machine men demanded compensation for time lost.

I am sending you under separate cover proceedings of the last Illinois State Conference. The miners' demands thereat are to be found on pages 8–13, inclusive. Attention is called to paragraph 2 of the sixth clause thereof attempting to obstruct the detection of the loading of dirty coal. Also the eighth clause demanding that only union-made powder be furnished, when comparatively little union-made powder is on the market.

Paragraph I, clause 13, forbidding hiring of any man unless he can be given regular employment when the mine is in operation, although under certain conditions such men are indispensable to maintain the output of the mine.

Paragraph J, of the same clause, attempting to require the employment of men in the order of their application, regardless of qualifications or acceptability.

Clauses 18 and 19, attempting to compel employment of union labor for extensive repair and construction work not subject to the jurisdiction of the miners under the contract.

Attention is also called to paragraph 2, section 2, of the 1914 agreement, found on page 314 thereof. Although assistant bosses obviously add to the efficiency and lessen the hazard, the miners strongly resist their employment, although wholly at the expense of the operator, and this compromise paragraph was reluctantly conceded.

Section 20, paragraph A. Man can be absent from work for one day without consent, without good cause, and can not be disciplined. Many men are idle in consequence semimonthly, after pay day, and intemperance encouraged. So far as I know no such license is given in other organized trades.

On pages 3–6, inclusive, is found an index of the proceedings, listed by contract paragraphs. Attention is called to section 2 (note particularly page 90); section 6 (note particularly page 95); section 10 (note particularly pages 193–194 and 209–254); section 12 (note particularly page 229); section 13 (note particularly paragraphs B and G); section 16; section 20; section 25; section 28; and the subject of subdistrict and local agreements.

I hope I have not given you too many illustrations of the abuses which I had in mind in testifying. The effort is so incessant and so much of it is so illegitimate that the movement is subjected to a needless strain.

Very truly, yours,

EDWARD T. BENT.

NESTOR EXHIBIT.

CONSTITUTION OF THE WOMEN'S TRADE UNION LEAGUE OF CHICAGO.

PLATFORM.

1. Organization of all workers into trade-unions.
2. Equal pay for equal work.
3. Eight-hour day.
4. A living wage.
5. Full citizenship for women.

ARTICLE I.

NAME.

The name of this organization shall be the Women's Trade Union League of Chicago.

ARTICLE II.

OBJECT.

The object of this organization shall be to promote the interests of the trade organization of women, to forward labor legislation, to assist the local trade-unions, and to aid in the formation of new unions in all trades, especially where

women are employed, such unions to be affiliated with the American Federation of Labor and with their national or international organization, if such exists.

ARTICLE III.

MEMBERSHIP.

SECTION 1. The membership of the Women's Trade Union League of Chicago shall consist of local trade-unions, of individual trade-unionists in good standing, of men and women who sympathize with the objects of the league, called allies, and of other affiliated organizations, all of whom must be approved by a majority vote of the executive board and admitted by vote of the organization.

SEC. 2. Local trade-unions which are affiliated with the national or international unions of their own trades, if such exist, and with the American Federation of Labor are eligible for membership.

SEC. 3. Any trade-unionist in good standing is eligible for membership in this organization by declaring herself or himself in sympathy with its objects and sending signed application blank.

SEC. 4. Other organizations are eligible for membership in this organization by indorsing the platform and by sending signed application blank, signed by their president and secretary, accompanied by dues.

SEC. 5. Organizations not affiliated with the national or international unions of their own trades, if such exist, or organizations in a state of dissention are ineligible to membership.

ARTICLE IV.

REPRESENTATION.

SECTION 1. Trade-unions and other organizations affiliated with the league shall be entitled to two delegates, each of whom shall have one vote at all league meetings.

SEC. 2. All individual members, whether trade-unionists or allies, shall have one vote.

ARTICLE V.

OFFICERS.

SECTION 1. The officers shall consist of president, vice president, secretary, and treasurer.

SEC. 2. Officers shall be elected to serve for one year.

SEC. 3. The president shall perform the usual duties of office.

SEC. 4. The vice president shall perform all the duties of the president in her absence.

SEC. 5. The secretary shall have charge of all correspondence of the league and shall perform the usual duties pertaining to the office.

SEC. 6. The treasurer shall receive and take charge of all money paid into the league and shall deposit it in a bank approved by the executive board in the name of the Women's Trade Union League of Chicago.

SEC. 7. The treasurer shall have charge of the funds of the league, which shall be paid out only upon warrants signed by the president and secretary and authorized paid by the executive board.

SEC. 8. The treasurer shall be bonded in a responsible surety company to an amount determined by the executive board, the fee for this bond to be paid by the league.

SEC. 9. The treasurer shall send out notices for dues.

ARTICLE VI.

EXECUTIVE BOARD.

SECTION 1. The executive board shall consist of 4 officers and 15 members elected at the annual meeting.

SEC. 2. A majority of the executive board shall be trade-unionists in good standing.

SEC. 3. The number of the executive board present shall constitute a quorum, after due notification has been given, provided that there be a majority of trade-unionists present.

SEC. 4. Any officer or member of the executive board absent from three consecutive meetings of the board without reasonable excuse shall cease to be an officer or member, and said office shall become vacant after due notice has been given by the secretary.

ARTICLE VII.

COMMITTEE.

SECTION 1. The standing committees shall be organization, legislative, finance, district, health, education, suffrage, grievance, and label committees.

SEC. 2. The president shall appoint the chairman of standing committees, subject to the approval of the executive board.

SEC. 3. The chairman of the standing committees shall report to the executive board.

SEC. 4. The auditing committee shall consist of three members, who shall be elected at the annual meeting.

SEC. 5. The duty of the auditing committee shall be to examine all vouchers and account, and audit the financial affairs of the league quarterly. Its report, signed by the committee, shall be given at the regular meeting of the league.

ARTICLE VIII.

ELECTIONS.

SECTION 1. Nominations for all officers and members of the executive board and for the auditing committee shall be made at the December monthly meeting.

SEC. 2. The president, vice president, secretary, and treasurer shall be elected by ballot, each separately.

SEC. 3. Members of the executive board shall be elected by ballot, and of these a majority must be trade-unionists in good standing.

SEC. 4. The auditing committee shall consist of a chairman and two members, which are elected at the annual meeting.

SEC. 5. Only delegates of trade-unions and of organizations and of trade-unionists and allies whose dues are paid up shall be entitled to vote at league meetings.

SEC. 6. In case of unfaithfulness to duty on the part of any officer, such officer shall be subject to recall by the membership, provided 20 per cent of the membership desires to initiate such recall.

ARTICLE IX.

DUES.

SECTION 1. The dues of individual members shall be $1 per year. All affiliated trade-unions shall pay a per capita tax of 1 cent per month on women members, payable monthly. Dues for other organizations shall be $5 per annum.

SEC. 2. Any member who has not paid her or his dues within three months after receiving notification for dues thereby ceases to be a member.

SEC. 3. Upon payment of all indebtedness, such person may be reinstated to membership by vote of the executive board.

ARTICLE X.

MEETINGS.

SECTION 1. Regular meetings shall be held once a month unless otherwise arranged by the executive board after due notification to the members.

SEC. 2. The annual meeting shall be held on the second Sunday in January.

ARTICLE XI.

ORGANIZERS.

SECTION 1. Organizers shall give weekly reports on blanks furnished by the league.

ARTICLE XII.

COOPERATION IN TIMES OF STRIKES.

(Provisions in Article XII were unanimously adopted by the third biennial convention, Boston, June, 1911.)

SECTION 1. Any union planning a strike and asking assistance from the Women's Trade Union League shall state its grievances and permit two representatives of the league to attend its executive board meetings; and notice of such representation shall consist of a resolution passed by the executive committee of the union requesting assistance from the league.

SEC. 2. When the league is approached in reference to a strike after securing full information as to plans, the league shall take no part till after calling an executive board meeting and appointing a committee to have charge of the strike. The league shall report immediately such action taken to the national league and give a full report of all facts. This plan shall be carried out in accordance with the provisions of the special program for strike situations.

SEC. 3. In the event of cooperating in a strike, the league shall have charge of all arrangements under which girls are sent out to the union asking for moral and financial aid.

SEC. 4. *Outline of work in times of strike.*—(1) Organization and direction of public opinion, (2) patrolling the streets, (3) fair play in the courts, (4) to help in the raising of funds through unions and allies, (5) where the workers are unorganized, help in the formation of trade-union organization.

SEC. 5. The league shall not cooperate in any strike outside of the city except with the consent of the National Women's Trade Union League.

ARTICLE XIII.

AMENDMENTS.

A majority of those present and entitled to vote at any league meeting shall have power to amend this constitution, 30 days' notice having been given to all members.

ABBOTT EXHIBIT.

BY-LAWS.

ARTICLE 1.

Name.—The name of this organization shall be the League for the Protection of Immigrants. Changed February 23, 1911, to Immigrants' Protective League.

ARTICLE 2.

Objects.—The objects of this organization shall be to apply the civic, social, and philanthropic resources of the city to the needs of foreigners in Chicago, to protect them from exploitation, to cooperate with the Federal, State, and local authorities, and with similar organizations in other localities, and to protect the right of asylum in all proper cases.

ARTICLE 3.

Members.—Members shall be of two classes, individuals and organizations: (1) Any person interested in promoting the objects of the league and approved by executive committee shall be eligible to membership; (2) any organization approved by the executive committee which shall express a willingness to cooperate in the work of the league shall become a member by appointing a delegate to represent it.

ARTICLE 4.

Dues.—The annual dues for individuals shall be $2, for organizations $5.

ARTICLE 5.

Board of directors.—There shall be a board of directors consisting of 30 members elected by the league for a term of three years, except that of those first elected, 10 shall be elected for one year only and 10 for two years only. The board of directors shall have power to transact the business of the league in the interim of its meetings.

ARTICLE 6.

Officers.—The officers to be elected by the board of directors for a term of one year, or until their successors are elected, shall be a president, two vice presidents, a secretary, a treasurer, and two members of the executive committee. Their powers and duties shall be those usually appertaining to their respective offices.

ARTICLE 7.

Executive committee.—The officers ennumerated in article 6, together with two others to be appointed by the president, shall constitute an executive committee with power to transact business in the interim of meetings of the directors.

ARTICLE 8.

Meetings.—An annual meeting of the league for the election of officers and receiving reports shall be held during the third week of February; other meetings may be held on the call of the president or of three members of the board of directors. The board of directors shall hold quarterly meetings during the third week of February, May, August, and November. Other meetings of the board may be held at the call of the president or of two members of the board.

ARTICLE 9.

Quorum.—One-third of the members of the league and one-third of the members of the board of directors shall constitute a quorum of their respective bodies with full power to do business. Four shall constitute a quorum of the executive committee.

ARTICLE 10.

Amendments.—This constitution may be amended by a majority of those present at any meeting, notice of the proposed amendment having been given in writing in the call for the meeting.

SACHS EXHIBIT NO. 3.

CONSIDERATIONS WHICH LED TO THE CAMPAIGN OF THE COMMITTEE ON FACTORIES OF THE CHICAGO TUBERCULOSIS INSTITUTE FOR MEDICAL EXAMINATIONS OF EMPLOYEES.

The campaign for medical examinations of employees, conducted during the last three years by the committee on factories of the Chicago Tuberculosis Institute, was prompted by the following considerations:

1. The importance of early diagnosis and treatment of physical conditions in working people which can be easily rectified in their early stages, viz, tuberculosis and other diseases.
2. The importance of definite knowledge of physical conditions of employees as means of protecting them from communicable diseases.
3. The importance of definite knowledge of prevalence of certain diseases in certain industries as indicators of conditions of work that should be eliminated.
4. The importance of definite knowledge concerning condition of individual employee, permitting assignment to work suitable to his physical condition.
5. Appreciation of health of employee as foundation of his working efficiency.

METHODS USED BY THE INSTITUTE TO PROMULGATE THE PRINCIPLE OF MEDICAL EXAMINATION OF EMPLOYEES.

In the early stages of the campaign the institute became aware of the existence of various factors which have to be eliminated or rectified before supervision of health of employees, by means of medical examinations, can be come a part of a system in an industrial establishment. Additional factors came into view with the progress of the campaign.

The important factors and the methods used in dealing with them were as follows:

1. Lack of appreciation on the part of the average employer of the health of employee as fundamental condition of his working efficiency. The committee on factories of the institute during the last three years published three pamphlets on this subject. Twenty-five thousand copies were distributed among commercial and manufacturing establishments and labor unions of Chicago; 5,000 among such establishments and various associations all over the country.

Copies of these pamphlets are here appended. (Exhibits I, II, and III.)[1]

2. Prevalent tendency among business men to believe that their concern has no health problem and, if such a problem as for instance tuberculosis problem exists anywhere, it is to be found in some other establishment.

To direct the attention of the individual employer to the existence of a health problem in his own place the committee on factories of the Chicago Tuberculosis Institute held numerous conferences with individual employers to convince them that no concern knows anything about prevalence of disease among their employees until data are gathered through a system of systematic medical examinations.

To call attention to the various phases of the tuberculosis problem in a working place the committee on factories employed a specially designed chart by which the problem is graphically presented. In many cases concerns were converted by this method. A copy of this chart is here appended. (Exhibit IV.)[2]

3. Great diversion of views, even among broad-minded business men, concerning the relative importance of the various phases of health work in a concern.

To adjust the existing views and to learn by interchange of experiences and opinions, the committee on factories of the Chicago Tuberculosis Institute inaugurated midday conferences on the various phases of the problem of supervision of health of employees.

At these conferences were present owners of concerns, their superintendents, managers of welfare departments, physicians, and nurses connected with concerns, etc.

In all, in the last three years, 20 conferences were held with the average attendance of 30 to 60. At these conferences 47 firms were represented employing in all about 187,100 people.

The following figures show the progress made:

	At the beginning of the campaign 3 years ago.	At present.
Number of firms participating in the conferences	1	47
Number of employees represented	20,000	187,100
Examination of all suspicious cases of illness in firms with the following number of employees	30,000	150,000
Number of employees in firms practicing examination of new employees	0	58,000

4. Importance of a national campaign for the gradual universal adoption of principle of medical examination of employees.

[1] Exhibit I, "Examination of Employees for Tuberculosis," published by the committee on factories of the Chicago Tuberculosis Institute; Exhibit II, idem; Exhibit III, "Bulletin of the Chicago Tuberculosis Institute; History of the Two Years' Campaign of the committee on factories of the Chicago Tuberculosis Institute," were submitted in printed form.

[2] Exhibit IV, chart, "Tuberculosis Problem in a Working Place," issued by the committee on factories of the Chicago Tuberculosis Institute, was submitted in printed form.

In the course of the campaign conducted by the committee on factories of the Chicago Tuberculosis Institute, it became apparent that the campaign must be made national to achieve progress in a more substantial way. As in all matters of public policy, adoption of fundamental principles must be national in scope to insure substantial progress.

As the first step in this direction, the institute presented the experiences of its three years' campaign at the meeting of the advisory council of the national association. A proofreader's copy of the transactions of the meeting of the advisory council is here appended. (Exhibit V.[1]) Additional copies can be furnished by the National Association for the Study and Prevention of Tuberculosis, 105 East Twenty-second Street, New York.

ADVANTAGES OF HAVING A SYSTEM OF MEDICAL SUPERVISION IN LARGE PLANTS AND FACTORIES. EXPERIENCE WHERE SUCH SYSTEM HAS BEEN INAUGURATED.

The advantages of having a system of supervision of health of employees in a working place, as demonstrated by the operation of this principle in various concerns in Chicago and elsewhere, are stated below. The method of supervision is described on page 3 of Bulletin 3 of the Chicago Tuberculosis Institute. (Exhibit III.)

The method comprises: (a) Constant watch of the physical condition of employees by those who direct their work, as foremen, superintendents, etc., who are instructed in this task in periodic conferences with physicians and nurses employed by the firm; (b) examination of all new employees; and (c) periodic reexamination.

The effect of the systematic supervision of health of employees is as follows:

1. Early detection of gradually developing breakdowns. The vast majority of conditions, detected through a system of supervision, belong to this class. The remedy applied is simple and easy of accomplishment in majority of instances. It may imply a rearrangement of individual régime, as extended hours of night rest, better ventilation of bedrooms, avoidance of injurious practices, etc. In some cases a vacation may be desirable, etc. In a small number of cases change of occupation is imperative. Considering that these slight impairments of general condition are very frequent and, if unattended, lead to complete breakdowns or developments of diseases which come in the wake of malnutrition, weakness, anaemia, etc. (such as tuberculosis, for instance), a clear idea can be had of the tremendous advantage of supervision and right medical advice in such cases.

2. Early diagnosis of many diseases which at present are diagnosed, in hopeless stages, in a large percentage of instances. Take tuberculosis for instance. The experience of Chicago concerns (with a system of medical supervision) has demonstrated that in the first year of operation of such a system a large number of advanced cases is discovered. With the progress of the work the largest percentage of cases are incipient, in which the period of necessary treatment may be a few months, and the result in a large percentage of cases is not only restitution of health but working power as well.

3. Detection and control of sources of infection in a working force. It is apparent that workers suffering with tuberculosis (in communicable stages), or other similar conditions remain unknown and unchecked in working places without a system of medical supervision.

4. The gradual appraisal of harmful conditions in various kinds of work, as brought out by prevalence of disease due to such conditions. In the few years' experience with systematic supervision of health of employees in various Chicago concerns, the discovery of increased prevalence of certain conditions in a department—viz, bronchitis, asthma, tuberculosis, etc.—lead to the installation of extensive ventilating systems, dust removing systems, improved sanitation of lavatories, etc.

5. The gradual change of attitude of employees toward health and various preventive measures. A concern finds that with the establishment of medical supervision only 40 per cent of those discovered tuberculous agreed to go to a sanatorium at the expense of the employees' benefit association, in the second year 60 per cent went, in the third year about 80 per cent. A similiar change

[1] Exhibit V, "Medical Examination of Employees," a symposium before the National Association for the Study and Prevention of Tuberculosis, reprinted from the Transactions of the tenth annual meeting of the National Association for the Study and Prevention of Tuberculosis.

of attitude observed in relation to various conditions and practices. This rectified attitude extends not only to working people but to their families, to their homes and friends.

6. A higher standard of health and efficiency of the entire working force.

7. A better understanding between a firm, its foreman, and employees, the relationship of which becomes modified by the operation of a system having for its object the preservation of the health of the employee.

SUPPLEMENTARY ARRANGEMENT NECESSARY TO MAKE SUPERVISION OF HEALTH OF WORKING PEOPLE IN THIS COUNTRY A PERMANENT AND JUSTLY ADMINISTERED INSTITUTION.

1. Compulsory sickness and invalidity insurance, with State, employer, and employee as contributors to the insurance fund; a measure very essential to the liberation of our working population from dependence in case of sickness or invalidity.

2. Systematic supervision of health of workers as a part of the system of industrial insurance, resulting in a lower cost of insurance administered on the basis of prevention.

3. Administration of insurance of sickness and invalidity insurance funds with State, employer, and employee adequately represented, thus changing the worker from merely a recipient of advantages of preventive work to an administrator and recipient.

The preservation of the health of the worker is the most important condition of any industrial arrangement in formulating the minimum hygienic requirements for various industries. The conditions of work and the conditions of men employed must be considered. This can be accomplished only through systematic supervision of health of those employed in various industries, as the health of the worker is the most important criterion of what should be the conditions of work.

DONNELLEY EXHIBIT.

R. R. DONNELLEY & SONS CO.,
Chicago, October 20, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago.

GENTLEMEN: In re time of employment of employees. Replying to your letter of October 1, I would say that of 601 men on our pay roll this week 103 have been with us for more than five years. Out of 209 women 28 have been with us for more than five years. These records do not include any of our apprentices who are not of age nor any of our office or executive force.

This is hardly a fair showing of the present permanent condition of our organization, as some of our departments were just recovering from strikes five years ago, where the entire organization was new, and it takes considerable time to get a permanent organization under such conditions. I am quite sure in another five years our records will be very different.

Concerning the comparative costs of product under union and nonunion conditions, it is impossible for us to compare present costs when we are running closed shop, as our cost systems are entirely different and the wage scale has been materially increased during the last few years. In comparing our plant in Chicago, which we run under open shop, and our plant in Indianapolis, which is run under union conditions, the costs on one item of composition vary as to 3,850 to 4,050 in favor of the Chicago house.

Also, in regard to hand folding, the efficiency per hour in Chicago is about 25 per cent higher than in the Indianapolis plant.

Respectfully, yours,

R. R. DONNELLEY & SONS CO.,
THOMAS E. DONNELLEY, *President.*

LIFE AND LABOR CONDITIONS OF CHICAGO STOCKYARDS EMPLOYEES

(For exhibits under this subject, see pages 3519 to 3531)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, *April 15, 1915.*

TESTIMONY OF PROF. JOHN C. KENNEDY.

Chairman WALSH. Your name, please.

Prof. KENNEDY. John C. Kennedy.

Chairman WALSH. What is your occupation?

Prof. KENNEDY. Secretary of the Socialist Party of Illinois and alderman of the twenty-second ward.

Chairman WALSH. Chicago, Ill.?

Prof. KENNEDY. Chicago, Ill.

Chairman WALSH. What has been your business or profession in recent years—in the recent past?

Prof. KENNEDY. I have been a teacher of economics at Cornell University and University of Chicago, and a sociological investigator.

Chairman WALSH. Covering what periods did those employments exist?

Prof. KENNEDY. At Cornell University I was a teacher in the year 1907 and in the Chicago University in 1908 and 1909; conducted a sociological survey in the Chicago Stockyards district during the years 1910 and 1911; was employed by the Chicago Association of Commerce as housing investigator in 1912.

Chairman WALSH. Please state the circumstances under which the stockyards investigation was made.

Prof. KENNEDY. The University of Chicago Settlement, which was located in that neighborhood, wished to have a study made of the district—the working conditions, the housing conditions, wages, and so on, and in order to understand the conditions under which it was doing its work. At that time I was teaching in the University of Chicago and was acquainted with some of the directors of the University of Chicago Settlement, and they selected me as the one fitted, in their opinion, to conduct that work.

Chairman WALSH. You were teaching in the university at that time?

Prof. KENNEDY. At that time; yes, sir.

Chairman WALSH. I wish you would state briefly what the purpose of the Chicago University Settlement was.

Prof. KENNEDY. The purpose of the settlement is to be of service to the people in that community in the way of educational work. To a certain extent there are classes held in citizenship and instruction is given along the line of sanitation to the people living in the community; lectures are held; discussions held; and there is a great deal of what they call personal-service work; people that are sick or in trouble in one way or another come to the settlement to get assistance or aid. It is also the headquarters of a visiting nurse; there is a kindergarten located there also.

Chairman WALSH. How much of a staff has this university settlement?

Prof. KENNEDY. There is a head resident who devotes all of her time to the work there. Then, I suppose there are a dozen residents, some of whom are paid by various organizations or groups in the community, living outside, interested in one thing and another, such as the kindergarten, visiting nurses' work; I should say there are about a dozen who are resident there. Then there are some others who come and go; work an evening now and then; perhaps a dozen more.

Chairman WALSH. How is the settlement maintained?

Prof. KENNEDY. It is maintained by voluntary contributions from people who are interested in the work that is being done there. The University of Chicago, I believe, contributes the Sunday collections which are taken at Mandel Hall. Then subscriptions are made by people who are interested in the settlement work.

Chairman WALSH. About what is the total cost of maintenance per year?

Prof. KENNEDY. I don't know the budget, but I assume it is in the neighborhood of probably six or seven thousand dollars; it might be more or less; I couldn't say exactly.

Chairman WALSH. Will you please state the methods employed by you and the extent of the inquiry which you made?

Prof. KENNEDY. The work was divided up into sections, one part, dealing with the wages and working conditions in the packing houses, conducted by myself. Another part, dealing with family budgets, was conducted mainly by three assistants, and there was a part dealing with the educational opportunities in the neighborhood and the health of the children, and so on, which was conducted by two other assistants. I think those were the main departments of the investigation.

Chairman WALSH. Was the entire survey under your direction?

Prof. KENNEDY. The entire survey was under my direction; yes.

Chairman WALSH. You say that included an inquiry into wages?

Prof. KENNEDY. Working conditions—wages and working conditions.

Chairman WALSH. I will ask you to please, in your own way, present to this commission a statement of the conditions as you found them and your interpretation of the facts.

Prof. KENNEDY. I might say at the outset much of this data is found in a report which was published of this investigation. This section on wages and family budget, not all of it, but much of the material which I would submit, is found there. Now, perhaps the best thing I can do is simply to comment upon what you can find there.

Chairman WALSH. Well, I wish you would indicate. Was your entire report published?

Prof. KENNEDY. Not all of it. The report as I wrote it consisted of two parts—the statement of fact, and then a statemen of the interpretation and suggestion as to what might be done to improve conditions. The statement of the fact was, in the main, published as I wrote it. The interpretation of these facts was not published. I have it with me.

(See Kennedy Exhibit No. 1.)

Chairman WALSH. And the conclusions; how as to those?

Prof. KENNEDY. The conclusions were not published either.

Chairman WALSH. How was the matter disposed of; how was the question of publishing or not publishing disposed of?

Prof. KENNEDY. The report as I prepared it was turned over to an editing committee of the directors of the University of Chicago Settlement.

Chairman WALSH. How many of those?

Prof. KENNEDY. I think there were three on that committee. They were selected by the board of directors of the settlement.

Chairman WALSH. Who were they?

Prof. KENNEDY. I believe Mr. Larned, Mr. Bond, and the late Prof. Henderson, I believe, were the committee. They went over the report as I submitted it and decided that it would be best simply to publish the statement of fact and leave out the recommendations and the interpretation of those facts as I put them. So, that part of the report which I considered most important, personally, was left out.

Chairman WALSH. Well, what was the history, if there was any history, of the leaving out of that part of the report?

Prof. KENNEDY. Well, the board thought that—I might say that my conclusion after looking into the matter was that probably the best thing to help conditions in that district, in that industry, would be the organization of a labor union—that is, that the organization of the workers would be the best protection for the workers, and in my interpretation of the conditions and the facts, as I found them, I emphasized that point very strongly. It seems that the editing committee thought that that was a personal idea that had no place in a scientific report. So it was left out, and the material which bore out that part of my conclusion was left out entirely.

Chairman WALSH. Was there any request made by anyone to leave it out, or was it passed on by anyone else, or referred to anyone else, any of the companies involved?

Prof. KENNEDY. Well, when the report was put in proof it was submitted to the various packers, at least their agents or attorneys, and they, some of them, commended the report, stated they believed it to be accurate in every respect so far as they could see, and others made adverse criticism. And the representa-

tive of Mr. Armour, his attorney, stated that so far as the discussion of the union was concerned that it was a partisan document and was not a scientific report in that respect. I don't know whether that had anything to do with the decision of the committee about leaving that part out of the report or not. At any rate, it was left out.

Chairman WALSH. When you started to do the work, what lines were laid out? Was there a line laid out for you, or did you submit an outline, or anything of that sort?

Prof. KENNEDY. Yes, sir. I made an outline of the various departments to be covered, and the information which seemed ought to be included in that report. That was agreed upon at the outset.

Chairman WALSH. Did your outline indicate that you were to make conclusions or interpret the facts that you found?

Prof. KENNEDY. I should say so; yes, sir.

Chairman WALSH. Have you the correspondence there with reference to the publication of the report?

Prof. KENNEDY. Well, I have it in the grip outside here in the office. I did not bring the correspondence in. I have simply the report.

Chairman WALSH. You can go ahead now in your own way, in answer to the question I asked you a few moments ago. You may submit the correspondence afterwards.

Prof. KENNEDY. Well, I might say that the first part of the investigation did not have any direct bearing on wages. It was a sort of understanding of the community, and to see the forces which surrounded the packing industry or were active in the packing industry. The industry had been growing rapidly in Chicago, I found, by going over the history of it. Furthermore, the personnel had been changed, especially of the employees.

In the earlier days the work had been done chiefly by English-speaking workers. Their places were gradually taken by Bohemian and German workers. Later on, the Slavic immigrants came in in larger numbers, so that by the time my investigation was begun, probably half, and in fact about half, of all the workers in the packing industry were what would be called non-English-speaking workers. They could probably understand a little English, but were recent immigrants, Poles, Slavocs, Lithuanians; so the type of worker had changed very rapidly in the industry, and of course that had some bearing upon the wages, upon the wage conditions, and the working conditions. Now, as to how those immigrants came to Chicago, and why they came, I am not prepared to say. It may be that they came voluntarily, without any urging, or it may be there was advertising done to bring them here. I have not gathered any evidence which would show one way or the other, but at any rate there was a large influx of those types of immigrants, so much so that apparently at all times there is an army of unemployed workers around about the packing houses. I went over to the employment offices of the packers frequently early in the morning to see what the conditions were. And there never was a time when there were not hundreds asking for jobs, and on some occasions it would run up to the thousands that would appear at the employment bureau of Armour, Swift, and Morris and the other companies.

Chairman WALSH. That was during what period?

Prof. KENNEDY. That was during the entire time when I was studying conditions there.

Chairman WALSH. From what date to what date?

Prof. KENNEDY. During the years 1910 and 1911.

Chairman WALSH. You might describe, if you will, please, how the employment was made.

Prof. Kennedy. Well, undoubtedly there were different systems for the different groups; that is to say, if they were selecting an assistant manager, they would select that assistant manager in one way, and there would not be a group of assistant managers lined up at the employment office wanting for someone to come out and tap them on the shoulder and say, "Come along, I want you." The rank and file of the workers, the mass of them, were unskilled. They were hired in about that way. There would be a long row out in front of the employment office as a rule anywhere from 200 to 1,000 men, and these were, as I say, recent immigrants, and are to-day if the conditions are the same as they were then; and the employment agent would look over the group generally and pick out those who seemed to be the sturdiest and best fitted to do the unskilled work. So far as I could see there was no bargaining and discus-

sion about wages, terms of employment, or anything of that sort. Just the employment agent would tap the one he wanted on the shoulder and say, "Come along." And that would be all there would be to it in the hiring process.

Now, generally a few would be hired, and the other hundred would be turned away. Sometimes the policeman would swing his club over their heads to a certain extent, not necessarily to injure them, but to start the movement out of the yards, and say, "Get out of here," and out they would go. The same group would come back the next morning.

Chairman WALSH. They reported but once a day, did they?

Prof. KENNEDY. Yes; that is, the main group.

Chairman WALSH. What hour?

Prof. KENNEDY. From 6 to 7 they would stand around. Now, that is the system of employment or that was the system at that time. The group would assemble every morning, and the employment agent would pick out the number that they thought they needed for that day. Of course, I think you all understand that in the packing industry the employment conditions are very unstable. They do not hire those unskilled laborers by contract, for a week or a month or a year or anything of the sort. A man never knows whether he is hired for an hour or for a week. And in certain departments they have a blackboard which says to report for work at 10 o'clock to-morrow morning, or to report for work at 7 o'clock, or to report for work at any certain hour. The workers never know from one day's end to another as to whether they will work at so many hours or whether they will work the next day. Conditions are very unstable. So it is in hiring these groups of workers. The agent selects as many as he needs that day. They might be discharged that night. Of course, as a rule, they are not. They are employed for a longer time. But there is always this group around there from which the packers can draw the additional labor supply, or at least I never saw any time when there was not a group who were ready to take jobs whenever they had them to give. Now, that, of course, had a bearing on the wage scale. Whenever there is such a supply as that available, of course the employers feel that they are at liberty to pay only such wages as are necessary to keep up their supply of labor.

So far as I could see, the stockyards employers were never in any very great difficulty to get all the unskilled labor they wanted in that community. So I though that was probably one explanation of the wage scale, probably the most important explanation—the fact that here was a group who were unorganized, who were competing for jobs, many of whom could not speak the English language, were glad to get jobs of any sort under almost any condition. Now, they would go to work where they were put. But I should say 60 per cent of the workers in the packing industry don't need much previous instruction to do their work. The industry has been so organized and developed that in one department after another they depend upon machinery to do a great deal of the work, and by the subdivision of labor into small pieces, very, very small processes, they are able to get most of the work done by those who have had no particular training. So it makes all these peasants available material for the industry, and enables them to keep the wages down to the level of unskilled labor in almost all the departments. Now, the figures which I gathered regarding these wages were taken from the books of the packers in their timekeepers' offices. An arrangement was made whereby in gathering this data I was allowed to consult the books of Armour & Co., and I spent about a month and a half in their offices gathering this material, copying it myself from their books. That is embodied in this report, that material.

Now, it might be well to call your attention to just a few of the figures which I found in the tables. I took the figures for the employees for two different periods in the year. The pay rolls are for two weeks—that is, the workers are paid every two weeks—and these figures are based upon two different pay rolls: One in the time of maximum activity here and another at the time of the minimum activity, the idea being that wages would fluctuate somewhat during the different periods in the year, according to the amount of work that was being done. And in order that a fair, honest opinion might be formed as to the rate of wages it would be necessary to have figures not only for one period but for the other period, the maximum and minimum activities. Now, these figures which were copied, as I say, from their books, I have divided the rate of wages into groups—$4 or less per week; $4 to $5 per week; $5 to $7.50 per week; $7.50 to $9; $9 to $10 per week; and so on.

Chairman WALSH. Those are the earnings?

Prof. KENNEDY. Yes; per week. For all of the employees in Armour & Co.

Chairman WALSH. How many?

Prof. KENNEDY. This was at one period when I took these, 8,160 who were on the pay roll for that particular pay roll. At that time 46.49 per cent received $10 or less for each of the two weeks on that pay roll.

Chairman WALSH. How many?

Prof. KENNEDY. 46.49 received $10 or less per week.

Commissioner GARRETSON. That includes only wage men, not salaried men?

Prof. KENNEDY. That does not include salaried men, superintendents and so on.

Commissioner AISHTON. Does it include boys?

Prof. KENNEDY. There are very few in the packing industry. In fact, the amount of child labor is practically so little that it might be left out of consideration; only messenger boys are employed there now. It does include female help, both men and women, and the scale of wages for women is somewhat lower than for the men. I have those separately here, too. But I am giving now the groups as a whole. Now, during another period in that year, the slack period—this was during the busy season—in the slack season there were 6,619. You see, there is a drop of 1,500 workers, 1,500 less in that one establishment; 65.22 per cent received less than $10 a week. So you might see that estimated from these two periods in the year, one during the slack season and one during the busy season, it would be safe to say that all times in the year the average wage of at least half of the employees is $10 or less per week.

Commissioner GARRETSON. Is that wage or earnings?

Prof. KENNEDY. What they are actually paid—their wages.

Commissioner GARRETSON. The rate per hour did not fluctuate—the time worked?

Prof. KENNEDY. The time worked does fluctuate; yes; that is it, exactly. There are some fluctuations in the rate per hour, but it does not fluctuate very much. So that I struck an average, you might say, of an estimate as to the rate of wages prevailing throughout the year. Now, some people have asked why we did not take and follow each worker through the year and set down a table of the actual earnings for the workers every year. The only reason was lack of funds and time. That would have been an enormous task, and it would have taken a small census bureau to take those 7,000 employees and follow them right through the year and get the figures. So the best we could do was to take a cross section, you might say, one through the busy season and one through the slack season, and see what are the figures exactly as they are taken from the pay roll. These figures are from Armour & Co. Now, another point in this connection is the——

Chairman WALSH. Does your table go further now and give the other percentages of the higher-paid labor?

Prof. KENNEDY. Yes. I can give you the percentage for each group, for example.

Chairman WALSH. I wish you would.

Prof. KENNEDY. During the slack season I can give it group by group. During the slack season 10.95 per cent of workers got $4 and less on that pay roll per week; 3.56 per cent got from $4 to $5; 11.63 per cent got between $5 and $7.50. I will leave off the hundredths. Nine per cent got between $7.50 and $9; 11 per cent between $9 and $10; 21 per cent between $10 and $12; 17 per cent between $12 and $15; 10 per cent between $15 and $20; 3 per cent $20 and over. That was the total group of employees.

Now, during the slack season it ran as follows: Twelve per cent under $4; 6 per cent between $4 and $5; 20 per cent between $5 and $7.50; 15 per cent between $7.50 and $9; 9 per cent between $9 and $10; 12 per cent between $10 and $12; 15 per cent between $12 and $15; 17 per cent between $15 and $20; about 3 per cent $20 and over for that period, too. Those include the subforemen and heads of groups, bosses, and so on getting the $20 or over per week.

Commissioner GARRETSON. They were also continuous workers?

Prof. KENNEDY. Continuous workers; yes. Now, in regard to the continuity of labor, as I was saying, there is a very great fluctuation from month to month in the packing industry. For example, I was furnished with the number of workers on the pay roll for each month during the year. During the year 1910 at one time there were 7,041 workers who received pay; at another time 5,641. There is a difference of 25 per cent in the number of employees on the pay roll on a certain date; that is, they give the figures on a certain date, each employee on the same date, practically the number who were on the pay roll on that day. As I say, on one occasion it was 7,041. That was the maximum on any one date in that year. And 5,641 was the minimum on any one day. So

that there is a margin of about 25 per cent fluctuation in the number of employees. Of course in other years it might be wider or less. But that seems to be a fair estimate of the number of unemployed who were out of their jobs some time in the year.

Chairman WALSH. What is that number again?

Prof. KENNEDY. Twenty-five per cent of the workers; the difference between 5,600 and 7,000—1,400—in that particular firm.

Commissioner AISHTON. What year?

Prof. KENNEDY. That was 1910. I have here in this report a picture of the way they hired the workers, as I have told you about, the group.

Commissioner WALSH. Have you an extra copy of that report?

Prof. KENNEDY. It is the only one I have with me.

Chairman WALSH. Could you submit one?

Prof. KENNEDY. Yes. I think you have one.

(The book referred to, "A Study of Chicago's Stockyards Community," by J. C. Kennedy and others, published by the University of Chicago Press, was submitted in printed form.)

(See Kennedy Exhibit No. 1 for unpublished sections of the above report.)

Now, in addition to finding out the wages, actually drawn, I thought it was desirable to find out the tendency in the wages—that is, the amount from year to year—and I went back to old pay rolls, 1896 and 1903, and other pay rolls, to get a comparison of the rates paid per hour and the wages drawn. And while I could not state right offhand here without going into this report here and reading it by sections, the exact figures, I can give you the general trend.

Between 1896 and 1903 the packing house workers' union was organized there and had most of the workers in its ranks. I believe at one time it had about 20,000. This organization was pressing for higher wages and improved conditions. Probably chiefly as a result of that activity there was a steady increase in wages in nearly all departments between 1896 and 1903, both as to hourly wages and the annual wage and weekly wages. In 1904 still further demands were made. And one of the chief of those demands was for a minimum wage of 20 cents an hour for the unskilled workers. Later on that demand was reduced to 18½ cents an hour. But the packers fought the union, and after a long strike, a hard fight, the union was practically destroyed, and since that fight it has never amounted to anything, at least, in Chicago.

And immediately after the strike the wages of many of the workers were reduced, particularly of the unskilled worker. So that 1 or 2 cents an hour was taken off the scale paid those who had been getting 16 or 17 or 18 cents an hour; immediately after the strike their wages were reduced. Now, in gathering that material it seemed to me that was an important fact for two reasons: Not only as it affected the life of those people there but as a commentary upon the attitude of the packers toward the union. They claimed that the reason they did not want to deal with the union—their principal reason—was that the leaders were irresponsible and that they were not proper men to deal with, for one reason or another. It was a personal objection more than anything else. They said it was not a question of wages or a question of working conditions; that they would be willing to deal with any responsible organization for that; but they wanted to do the right thing there, and they could not afford to have their business controlled by agitators.

Well, now it seemed to me that if that had been the case, why did they immediately reduce the wages as soon as the union was destroyed; if the economic issue was not the real issue—if it was just simply a question of personality, then naturally wages should have stayed where they were. There should have been no reduction. So it seems to me that was in the part of the report which was not printed, this interpretation of the figures.

I believe there we find the real animus of the packers toward the union. They felt it was a menace to them from an economic standpoint. There would have been a constantly increasing demand for higher scale of wages, for improved working conditions, reduction of hours, and so on, and that therefore they felt it was best to make a fight against the organization, and so succeeded in defeating and destroying the organization. That is a fact which was apparent, that the wages were reduced as soon as the union was destroyed—not for all the workers. The high-paid workers did not have their wages reduced, and since that time some of them have had their wages increased.

Since 1908 down to the present time the movement of wages has been very small. There has been a slight increase in most of the departments, so that it would probably be accurate to say that between 1903 and 1915 there has been

a 10 per cent increase in wages right straight through in the stockyards district.

But, on the other hand, during the same period the cost of living has increased much more rapidly. So it is my contention, and was in the report, that the wages, the purchasing power, has declined steadily in the packing industry, has declined all the time from 1903 up to the present date; that is to say, the amount of money which an employee in a given department in the packing industry gets will buy less to-day than the same amount for a similar amount of labor would have bought 10 years ago or 15 years ago. This decline has taken place chiefly during the period since the union was destroyed—that is, the decline of the purchasing power of the workers in that industry. That is a very small part of the movement, and I can not give the exact figures except taking time to read a whole section from this report where it is given by groups and sections.

There are certain other points here which I wish to comment upon. And I might say, by the way, in some of the other cities where the packing industry is conducted, there was a similar reduction of wages immediately after the strike. For example, on page 33 of this report you will find in South Omaha the wages of unskilled workers were reduced from 19 to 17½ cents per hour immediately after the union was destroyed. This is taken from the report of the United States Immigration Commissioner, which had investigators looking into the matter at that time.

There is one statement here on page 23 of the report which is not strictly accurate and it needs a little qualification. That is, that one of the companies has definitely adopted the policy of paying for not less than 40 hours' work to every employee regardless of the actual amount of time put in during the week. That applies to only one or two departments. It should have been qualified to that extent—that they have adopted that policy in one or two departments. But it is not a universal policy by any means. That company is not Armour & Co. It is another one of the packers.

Chairman WALSH. In Chicago?

Prof. KENNEDY. Here in Chicago.

Chairman WALSH. What company is it?

Prof. KENNEDY. Swift & Co. One of the packers told me and told members of the board of the university settlement that they had adopted that policy in some of the departments; they were going to be paid for 40 hours' work each week whether 40 hours were put in or not. That was a recognition of the difficulties under which the employees were suffering, not knowing whether they would get 30 hours' work or 40 hours' or 50 hours' work or whatever it might be; that a certain minimum ought to be established and that minimum was fixed at 40 hours. Now, it seems to me that that was a very interesting departure and something that might go far toward solving the difficulties in such an industry as the packing industry from the workers' standpoint, because with this great fluctuation in the hours of labor, the workers don't know from one week's end to another whether they are going to have enough to live on or not.

Commissioner GARRETSON. They established a weekly minimum wage instead of a daily minimum wage?

Prof. KENNEDY. Yes.

Chairman WALSH. In what department was that; how many workers did it affect?

Prof. KENNEDY. The only one I can remember definitely where it was, the beef handlers, the ones who were carrying the sides of beef from the chilling rooms down to the car. It takes a very strong, sturdy group of workers to do that. I believe the idea was twofold, one to satisfy these men with the wages and the other to keep their organization intact; that is, this group of workers. It takes an unusually strong man.

Chairman WALSH. How many of them?

Prof. KENNEDY. Probably 150, a very small percentage of the total number of employees. That is the only department that I know of where this has been put in operation. It may be that the rule has become much more universal since that time. I don't know. It had not yet been started by Armour & Co. Swift & Co. had started it. Now, as I say, you can get the details of these wages for groups and years in this report. Now, as to the effects of those wages upon the life and home conditions of the workers, that, it seems to me, is the most striking fact of the report. We made a study of family budgets. That is, we went to the homes of the workers there in the community and asked them

to keep a record of the way they spent their money—so much for meat, so much for flour, so much for rent, and so much for every item.

We started out with about 600 families, and by the time the investigation was concluded there were only 184 who had kept budgets which were worth anything, in our opinion. Out of the 600, those 184 budgets were used in determining what a family could live on, what they did live on, and in figuring out how much wages were necessary for a certain minimum standard of living in that community. And as a result of that study I came to the conclusion that the absolute minimum on which any family could get along in this community at all was $800 a family. The average wage of the husband in those families, the average wage they have received by actual record was $500—$503—of those families who have kept records. That left $300 to be made up in some other manner to keep the minimum standard of living, and the question is, where did it come from. Our investigation showed it came from a great many sources.

In a number of families, about 50 of them, the children went to work between the ages of 14 and 16. In other words, if the head of the family does not earn enough to make the necessities of the family, then that leads to child labor. Not only did the children go to work, but the wives went to work, and in some cases went out as scrub women. And not only that, but many families supplemented their income by taking in boarders, and that led directly to the housing problem. The housing problem in the stockyards is very serious, much more serious than appears from the external conditions. You see these little cottages or frame dwellings out there and it looks as if there is not any great density of population. It is not like the tenements of the East Side of New York, but nevertheless there are housing problems there, and the housing problem in this way, say, a family would have a four-room house and pay $12 a month for the four rooms. If the income of this family was only $500 from the husband, they had to increase their income and would go to taking in boarders in those four rooms, roomers, to get such money as they can in that way. And in many cases we found very, very serious overcrowding in those small tenements, in those four-room apartments, which were held by the stockyards workers.

So, in my opinion, the housing problem grew immediately and directly out of the low-wage conditions. That is the child-labor problem and the problem of the women going to work when they ought to be home looking after their children; as far as the children need bringing up is concerned and the housing problem, they were all the direct consequences of the low-wage scale in the packing industry. It seems to me that that was the determining condition, that if the husband or the breadwinner does not earn enough to support the family, then you must look for other means being adopted to supplement that income, and our investigation, our family budget satisfied us that that was the case absolutely without any question at all, that in those families they had to supplement the income in one way or another, and it led to some very serious problems. So that it seems to me that the remedy for child labor in that community was merely a question of wages in the packing houses and those housing conditions were not so much a question of stricter housing ordinances as it was a question of earning an amount to pay for a decent home.

Not only that, but the health of those people out there was seriously affected by the low wage scale.

I went to the health department, went to the death records for what I considered the stockyards district, that is, the district between Thirty-ninth and Fifty-first Streets and Halstead and Roby, the district surrounding the packing houses. I found in the years 1908 and 1909, 429 persons between the ages of 16 and 50 died from all causes in that particular district. Out of that number, 132, or 30.8 per cent, died of tuberculosis. That is from the records of the health department. Nearly one-third of all the deaths was from tuberculosis. I not only gathered that information from a general standpoint, but I gathered it by streets and blocks, and I want to read to you some of those to show you what a terrible slaughter is going on there because of bad sanitary conditions, housing conditions, undernourishment, and so on, which, in my opinion, come directly from the economic situation in the packing industry. Right near the University of Chicago Settlement, the block of Laflin Street—I am taking just this one block, which is one of the worst in the whole district, to show you the number of deaths from tuberculosis there in this period of two years. At 4501 there was a death during this period; at 4553 there was a death; 4550, 4556, two deaths; four died in that single block. Of the men,

one man at 4503; another one at 4507, and another one at 4509; another one at 4522, 4523, 4538, 4542; within a year there were 11 adults who died from tuberculosis within a single block in the stockyards district; taken from the records of the health department.

Commissioner GARRETSON. Is that a single block along one street or along several?

Prof. KENNEDY. It is just as we would say on both sides of the street between, we will say, Randolph and Washington, just between corners, on both sides of the street.

Commissioner AISHTON. Does your statement show the nationality of those?

Prof. KENNEDY. It gives the name. Most of them are Polish and Lithuanian living out in that district, and the Slovak. I have the records here; the names and addresses of those who have died from tuberculosis in that district. Of course, it is a very high death rate.

Commissioner LENNON. Have you the percentage of the city to show how excessive that is?

Prof. KENNEDY. I have not, except the health department gets out ward maps. I do not happen to have one of them here, but they call the twenty-ninth ward—the stockyards is the twenty-ninth ward—among the worst wards of the city of Chicago. The first and eighteenth wards are worse, but of what are considered residence wards, home wards, the twenty-ninth and thirtieth are the worst in the city of Chicago.

The causes of this high death rate, as are told to me there and elsewhere, are working conditions which are not sanitary, that is, they are working in places where the temperture is chilly, where there is water trickling from the ceilings, and so on, as happens to be the case in some of the workmen in the packing houses; in departments like the fertilizer department, where there is a great deal of dust in the atmosphere, and in those particular departments conditions are favorable for the development of tuberculosis.

Then, housing conditions are not satisfactory, and in many cases the workers are undernourished. Their work is irregular and their habits are irregular, and consequently there is a great deal of resorting to the use of alcoholic liquors on the part of some of these, which is connected up with the general situation, in my opinion. That is to say, a man goes to work at 7 o'clock in the morning, looking for a job. He does not get any. Just outside of the stockyards district is a cordon of saloons, and it is the easiest thing in the world to step out to those saloons and the most natural thing in the world. It seems to me that is one of the main causes of the excessive use of alcoholic liquors, although there may be other causes. So that we have a very high death rate from tuberculosis in that district.

The same way with the infant mortality. At the time I was there, I gathered figures from the health department, showing that 1 infant out of every 3 that is born dies before the age of 2 years, which is seven times the highest in a neighboring ward over near the lake shore. The death rate is just seven times as high, and that is due to many causes, of course.

One of them is overcrowding; bad ventilation; housing conditions are bad; another is that many of the peasants coming to this country are not used to city conditions; they do not understand city methods of life, and consequently they do not take the necessary precautions from a sanitary standpoint which are necessary where people live close together, and many of them need instruction in the care of babies.

That is being taken care of by the work of the infant welfare department, where they are doing a great deal to reduce the death rate. But fundamentally it seems to me that the same basic economic conditions are just working out in another direction there, bad housing, undernourishment, and where we have gained any attention at all, we see how all of those things mean a higher mortality among the children. And it is shown very clearly in the statistics from the health department. Those things are all brought out in this investigation.

There is not any question at all about the facts. This part of the report dealing with these facts was not printed. The significance of those facts, to my mind, are important. I have that report here.

Now, the part dealing with the labor organizations, I stated in that part of the report, in my opinion, the only protection that those workers have out there or will get, is through labor organizations, because here is the situation in the packing industry: The packers are, most of them, very able men personally. They have selected a corps of very able men to manage their business.

skillful men, and able men, to deal with others. They are very highly organized themselves. There is no industry in the country where business is more highly organized than the packing industry. And not only are they organized as individual industries, but they are organized as a group. They act together in dealing with labor—Armour, Swift, Morris, and others—when the strike came on they stood together solidly. So they are always organized and always have been organized, at least in recent years. Their organization is well laid.

Now, the people who deal with them, for the most part, are very recent immigrants—Lithuanians, Poles, Slovaks, and others—who come to this country, and who do not understand the English language well and who know nothing about the conditions of industry, and they come there and compete for jobs, and, competing for jobs, what is to prevent them from running the wages down to the lowest possible level of existence, unless there is an organization to unite those workers together, so they do not catch one another's throats?

It seems to me that was the fundamental fact there in that situation, that without organization, without unity, without some means of balancing the power of the packers on the other side, the wages would be sure to go down to the minimum. Furthermore, that the individual worker would have no means of redressing grievances. What chance has one of these ignorant immigrants got when dealing with Armour, for example? First of all, it is not probable he would ever see Mr. Armour or get an opportunity to talk to him. In the second place, if he did ever see him, could he handle his own case?

Take a man that has been in this country two years, and some of them have been, and they are not able to handle their case at all.

So from the standpoint of wages and from the standpoint of redress of grievances, and from the standpoint of having something to say about their working conditions and the conditions in the industry, there seems to me that in that industry there is need for a powerful labor organization. I so stated in this report.

Not only that, but I submitted a letter from the United States Department of Labor, I believe it was. This also was not published, but while it is a rather long letter, I would like to read it, because of the bearing it has upon this matter. This letter was written in 1904, and it is called "Influence of trade-unions on immigrants." It is addressed to the President of the United States by Carroll D. Wright, who was labor commissioner.

It is as follows:

To the PRESIDENT: SEPTEMBER 8, 1904.

Referring to your letter of August 4, transmitting a communication from Mary E. McDowell, appearing in the Chicago Daily News of Friday, July 29, and to your letter of August 10, inclosing an editorial from Chicago Tribune, entitled "The union and the immigrant," and asking that in the investigation conducted relative to the meat strike in Chicago the statements in these two inclosures be investigated, I have the honor to report that they have been taken up by our agent, Mr. Ethelbert Stewart, with the following results:

The article of Miss McDowell and the editorial relate practically to one supposed influence of the trade-unions among the foreign element employed in the packing business of Chicago. This influence is exceedingly interesting and throws a valuable side light on the whole question involved. The immigrant is, in the first instance, a wage reducer, either directly or indirectly, although the extent of his influence upon wages can not well be stated; but as a prospective wage reducer he is met by the trade-union in self-defense, just as the trade-union meets female and child labor, except in this, the union seeks to organize the immigrants, while it seeks by legislation to prohibit or limit the work of women and children—that is, the union seeks the aid of the State to prevent wage reductions by means of female and child labor, and it seeks by organizing the immigrants to prevent reduction of wages by immigration. It makes no claim of undertaking any charitable or primarily civic education among the immigrants, but the secondary effect of the union on the immigrant is distinctively civic in character. It is the first and for a time the only point at which he touches any influences outside his clan. Even the progressive forces inside the nationality lines consider the immigrant hopeless and seek only to reach his children—as, for instance, the officers of the Polish National Alliance direct their effort toward getting the Poles to send their children to American public schools and to have them mix with and become part of the whole people. The trade-union, however, must deal with the immigrant himself, and the immigrant, when he learns that the union wants to raise his wages, decrease his

hours of labor, etc., he begins to see the necessity of learning the English language, of understanding the institutions he hears talked about in the union meetings, and other matters which interest him.

At the risk of taking up too much of your time, let me state a bit of history. From 1880 to 1886 the nationalities employed in the stockyards, in the order of their numerical importance, were Irish, Americans, Germans, and a few Scotch. The great strike of 1886 disrupted the only organization of workmen in the yards—that of the Knights of Labor—and after the failure of the strike a notable exodus of American and the more active men among the Irish began. Whether this was entirely voluntary, or in part resulted from activity in the strike, is not germane to this subject. The Poles began to come into the yards in 1886, after the settlement of the strike, but not as strike breakers. This appears to have been voluntary immigration, increasing in volume until by 1890 the most of the unskilled occupations were filled by Poles, who by 1894 had practical control of the common labor.

The Bohemians began to affect noticeably the situation in 1894, going first into the inferior positions, which they shared with the Poles. There were two minor strikes between 1890 and 1894, which, in a measure, aided in bringing about this result. There was some movement upward among the Poles—that is, from lower to higher occupations—but not so marked among the Bohemians. The Bohemians, coming in later, began under the Poles—that is, took the lower positions as the Poles went up—and divided the entire unskilled labor possibilities with the Poles. The Bohemians, however, soon outstripped the Poles in the movement upward from unskilled to skilled occupations.

The strike of 1894 unsettled these movements temporarily. Negro labor was employed to break the strike and has been an element in the situation ever since. In 1880 but one negro was employed in the yards and he worked in Armour's killing gang. While few of the strike breakers of 1894 were retained, yet that event marks the real beginning of the employment of negroes. At the beginning of the present strike some 500 negroes worked in the yards, many of whom belonged to the union.

After the strike of 1894 was settled the Bohemians were introduced more rapidly, and this continued up to 1896. In 1895 the Lithuanians began coming in, followed by Slovaks in 1896, and this continued steadily until 1899, when the number began to increase rapidly. Two years ago an enormous influx of Lithuanians, Slovaks, and Russian Poles occurred, swamping the labor market in the yards. This was caused largely because of the threatening war between Russia and Japan, and the consequent rush of people to escape compulsory military duty. This has been appreciably checked within the last six or eight months.

The proportion of workmen of the various nationalities in the yards at the beginning of the present strike (July 12, 1904) was, approximately: Irish, 25 per cent; Americans and Scotch, about 2 per cent; Germans, 15 per cent; Poles, 20 per cent; Bohemians, 20 per cent. (This is all leading up to the effect of unions on the nationalities.) The remainder were Lithuanians, Slovaks, a very few Krains, and, among the most recent arrivals, Finns and Greeks, the latter, however, not being appreciable in number. No attention has been paid in this investigation to immigrants having a representation fewer in number than the Lithuanians and Slavonians,

Of these nationalities, excluding the Irish and Germans, which are not here considered as immigrants, the Bohemians are the most progressive and have the industrial advantage in this, that many of the foremen are Bohemians and give preference of their nationality when taking on new men. There is no apparent surplus of Irish, Germans, Americans, or Bohemians in the labor market of the district affected, the surplus being composed of Poles, Slovaks, and Lithuanians.

Among the immigrants mentioned, except the Irish and Germans, the clan spirit is at first all powerful. The Bohemians, while Catholics, are Bohemian Catholics, and the Poles are Polish Catholics. This even more true of the Lithuanians and the Slavonians, who are the most clannish of all. No doubt difference in language has much to do with this, but it is by no means the most serious feature. Each nationality has not only its own church, but its own school system, the Lithuanian schools making no pretense of teaching English, some of the teachers not being able even to speak it. The Slavs and Galicians have not as yet opened schools of their own. While the religion of these different nationalities may be said to be one, the associations are along exclusive nationality lines. They settle or rent properties by districts, and in branching out to occupy more territory one side of the street will first become

Lithuanians for a block or so and then the other side of the street will be occupied by the same nationality. The single men invariably board only in families of their own clan. Language has something to do with this, but really less than might be apparent on first consideration and less than might seem to be true. When organizing building and loan associations it is done along strictly clan lines. The Bohemians have four of this class of associations, the Poles three, and the Lithuanians one. The Slavs as yet have none. There are other clannish distinctions, as Lithuanian Republican clubs, Lithuanian Democratic clubs, Bohemian Socialist clubs, Bohemian Democratic clubs, everywhere and always along the strictest lines of nationality.

It is currently reported that before the organization of the union this condition occasionally threatened riots along clan lines, owing to the fact that foremen showed such preference for men of their own clan. The union was organized by trades and departments, and the officials refuse to permit nationality lines to be recognized. In the sheep butchers' union are to be found all the men connected with sheep killing, regardless of nationalities. So severe was the fight made upon this plan by the clan leaders—those who drew emoluments or secured social prestige as leaders of the various strictly clan societies—and so seemingly insurmountable was the objection raised by the Lithuanians to the union that in 1900, when the Lithuanians were first organized, it was permitted in one case to organize a Lithuanian union. The experiment, however, was a signal failure. No subsequent experiments have been permitted.

The unions in the stockyards are controlled by the Irish, ably assisted by the Germans. As a Bohemian or a Pole learns the language and develops he is elected business agent or other official. In the pork butchers' union, for instance, there are about 1,800 members, 600 of whom are Irish, 600 Germans, 300 Poles, and 300 Lithuanians, and Slavs. This union recently elected a Pole as president of the local. In their business meetings the motions made, resolutions read, and speeches delivered are usually interpreted in five languages, though in some locals in only three. All business, however, is transacted primarily in English, although any member may speak to any motion in the language he best understands, his words being rendered into English for the minutes of the meetings and into all the languages necessary for the information of members. It is here that the practical utility of learning English is first brought home forcibly to the immigrant. In all other of his associations not only does his own language suffice, but, for reasons that can be well understood, shrewd leaders minimize the importance of learning any other. (The only notable exception to this is the National Polish Alliance, and even here only the Polish language is used. There is no apparent influence exerted, however, to create the impression that the Polish is all sufficient.)

In this trade-union the Slav mixes with the Lithuanian, the German, and the Irish, and this is the only place they do mix until, by virture of this intercourse and this mixing, clannishness is to a degree destroyed, and a social mixing along other lines comes naturally into play. Not only is the Amalgamated Meat Cutters' Union an Americanizing influence in the stockyards, but for the Poles, Lithuanians, and Slovaks it is the only Americanizing influence, so far as could be determined in this investigation. It is true this Americanizing is being done by the Irish and Germans, but it is Americanzing nevertheless, and is being done as rapidly as the material to work on will permit, and very well indeed. Again, the reaction is good in its results. The feeling among the Irish against the Dutch and the Polack is rapidly dying out. As the Irish in Chicago express it, "Association together and industrial necessity have shown us that, however it may go against the grain, we must admit that common interests and brotherhood must include the Polack and the Sheeny." It is also admitted that when the speech of the Lithuanian is translated in the meeting of the trade-union the Irish and the German see in it the workings of a fairly good mind. Some of the best suggestions come from Bohemians, and mutual respect takes the place of mutual hatred.

The investigation disclosed the influence of the union in teaching the immigrant the nature of the American form of government. The records of this office, independent of this investigation, show that during an investigation of building and loan associations a few years ago information from the Bohemians, Polish, and other clannish associations of that character could be obtained only through the services of an interpreter. It was found that as soon as a Bohemian or a Pole heard the word "Government," or "Government agent," he closed his mouth, and it was impossible to secure any information.

This has been true in other investigations, notably in collecting family budgets; but with an intelligent interpreter, using their own language, the nature of the work was explained, and no further difficulty experienced. The union is breaking down this trait of character in the foreigners of the nationalities mentioned. This it is doing not as a matter of philanthropy, but from a selfish necessity. The immigrant must be taught that he must stand straight up on his own feet; that the ward politician is dependent on him—on his vote, and so forth—and not he on the ward politician. In this way he first learns that he is a part of the Government, and while this is done by indirection, in a large sense, there is no other force that is doing it at all. The Pole, the Bohemian, the Lithuanian, the Slovak, and to a much lesser degree the Galician, have inherited the feeling that somehow government is a thing inimical to their natural development—a power forcing itself upon them from afar; an intrusive power for repression, taxation, punishment only; a thing which they must stand in awe of, obey, pay tribute to, and wish that it had not come among their people, even if they did not secretly hate it—a thing, in short, which ought not to be. Being weaker they must be silent in its presence, and if forced to speak, lie, as for them to tell the truth would mean imprisonment or death.

It is not necessary for these things to be true in order that the illiterate peasants should have believed them for generations.

Seventy-five per cent of the stockyard immigrants are of the peasant and agricultural labor class of Europe, and comparatively few of them can read or write in their own language. To make such a people feel that the Government is their friend, that they are a part of it, that development and education, not repression, are its objects and its purposes with and for them, is an enormous task, and one which a trade-union single handed and alone can not be expected to accomplish by indirection in a few years, with the flood of new ignorance that has been brought in by the high tide of immigration into the stockyards.

In every trade-union, however conservative, there are members who will occasionally get the floor and advise their hearers to vote high wages and shorter hours at the ballot box. As the groups of Slovaks gather around after the business is over to have these things explained, to them, many of them get their first real idea of what the ballot and election day mean, and the relation of these to the Government itself. In their own home countries the two essential, if not only, elements of the peasant and agricultural laborer's mind is to believe and obey or follow. Advantage is taken of this fact here by clan politicians, as well as the clan leader in every department. Once the leader can make the people believe in him, he thinks for the entire group, and insists that their duty consists in following his lead implicitly. Necessarily the trade-union, in order to get them to break away from the leader that opposed the union on industrial lines, would be compelled to urge them to consider their own personal and group interests as wageworkers; to think and act for themselves along lines where they knew the real conditions better than anyone else, and certainly better than their leader in a child-insurance society or something else as remote. Here, too, are the first germs of what may be called the departmental thinking implanted in their minds—that is, that while a leader may be worthy of their confidence in one thing, it does not necessarily follow that he is so in some other class of interests.

It is doubtful if any organization other than a trade-union could accomplish these things, for only the bread-and-butter necessity would be potent enough as an influence as to bring these people out of the fixed forms and crystallizations of life into which they have been compressed. Certain it is that no other organization is attempting to do this work, at least not amalgamation, which is the only way assimilation can be secured among these various foreign elements. The drawing of these people away from their petty clique leaders and getting them to think for themselves upon one line of topics, namely, the industrial conditions and the importance of trade organizations, result in a mental uplift. The only way they can pull a Slovak away from his leader is to pull him up until he has gotten above his leader along the lines of thought they are working on. The very essence of the trade argument on the immigrant is—unconsciously again—an uplifting and an Americanizing influence. The unionist begins to talk better wages, better working conditions, better opportunities, better homes, better clothes. Now, one can not eternally argue better, "better" in the ears of any man, no matter how restricted the particular "better" harped on, without producing something of a psychological atmosphere of "better" in all his thought and life activities. If better food, better wages, or even better beer, is the only kind of "better" one might get

a Slovak or a Lithuanian to think about, then the only way to improve him is to inject the thought of "better" into the only crevice to be found in his stupidity.

Of course, many object to attempts to improve these people, because the immigrants from Lithuania, Slavonia, and Russian Poland are better off here than they ever were or could be in their own countries; that, left to themselves, they would not only be perfectly satisfied but delighted with their improved conditions; that the union must first produce discontent and dissatisfaction with what would otherwise be entirely satisfactory before it can get these immigrants even to talk about joining the union. Again, it is urged that at home they do not expect to eat as good food as other people, nor to dress as well, nor to live in as good houses; that, as peasants, they never compare themselves with other people or classes of people.

In opposition to all these things, the union begins by teaching the immigrant that his wages are not so good as another man's, doing practically the same kind of work, while it neglects to tell him he is not doing it so well, so intelligently, not so much of it perhaps; but the union gets him to compare himself not with what he was in Lithuania but with some German or Irish family, and then "stings him with the assertion that he has as much right to live that way as anybody." The union attempts to show the immigrant that he can live better only by getting more money, and that by joining the union he will get it. If left alone he would be entirely satisfied, perhaps, with what he was getting before. It is perfectly true, probably, that in most cases the union does not care for the Lithuanian in the first instance, the real purpose being to protect their own wages by getting the immigrants to demand high wages for their labor. So later on some degree of fellowship is engendered, but self-defense is the real motive.

The union point of view is that for a Lithuanian peasant to be contented, satisfied, and happy with the Lithuanian standard of living in America is a crime, a crime not only against himself but against America and everyone who wishes to make individual and social development possible in America, and that whatever the union's motives for creating discontent, that fact that it does create a discontent among the immigrants which is the first step toward their improvement and ultimate Americanization renders the union so far a public benefactor.

Many persons were interviewed in securing information along these lines—bankers, professional men, and all classes. One gentleman, in the banking business, in the stockyards district for many years, stated that the Slavonians and Galicians have been buying homes within the last 18 months to a most remarkable and unprecedented extent, and that this is in a measure true of the Lithuanians, but not to such a marked degree. He testifies that the union has given these people a sense of security in their positions. By mixing up the nationalities in the union meeting it has made them acquainted with each other and dispelled an undefined dread of pending race war or struggle between nationalities in the yards. Formerly most of the Slovak and Lithuanian immigrants were a floater class. About the only ones who return to their homes now are the Galicians, in whose country a more or less representative form of government prevails. Others testified in a similar way, although some thought the union had done little except to agitate for higher, higher, and higher wages regardless of economic conditions.

On the police side of the problem, a sergeant of the twentieth precinct, that known as "back of the yards," which is crowded with the Bohemian and Polish elements, stated that there had been the greatest improvement since the union was formed, in 1900—less disorder, better living, more intelligence, and more understanding of American institutions and laws; that they employ fewer policemen in the district, and that less crime is committed than prior to 1900.

The studies of the various nationalities involved in the present meat strike brings out some valuable points relative to the restriction of immigration. Among them there seems to be an unalterable opposition to laws excluding those who can not read and write in their own language, and their argument is that the peasant population of central and eastern Europe, from which they came, have more rugged morals, simpler lives, and fewer vices than the inhabitants of the cities and towns, who can read and write, as a rule. They consider themselves not responsible morally or politically for the fact that Russia has fewer schools than Illinois and spends less money on education in a year than does that State. They claim that their ignorance is not of the

kind that is synonymous with vice or with crime; that they are as innocent as ignorant, whereas a far worse town and city population would be admitted without question under such laws. They have some peculiar ideas about prohibiting absolutely any immigration for a specific term of years and then allowing only a certain percentage to come in each year thereafter; but the main point they make is as to the illiteracy of the peasant class, the most desirable we can secure, and the literacy of the criminal classes of the great cities which could come in under such restrictive legislation. These facts are only a part of this study brought out by your two letters, and the study has seemed to me so interesting and, in a way, so novel, that I have taken courage to give you the results quite in extenso.

I am, with highest regards, very respectfully,

CARROLL D. WRIGHT, *Commissioner.*

Chairman WALSH. What letter is that?

Prof. KENNEDY. A letter sent by Carroll D. Wright, who was Labor Commissioner, to President Roosevelt at that time, and the information was gathered by Ethelbert Stewart, who has been connected with the Government Labor Bureau for many years.

Commissioner AISHTON. That was about 1910?

Prof. KENNEDY. In 1904, at the time of the strike, and I wish to submit this to show the effect of the union upon those various nationalities in the community; and my own impression bore out this letter, that is to say, that the unifying influences in the community were very few; that there was simply a group of clans of Lithuanians, Poles, Slovaks, Bohemians, etc., and that the union was the most powerful influence in solidifying that community and bringing all of these different nationalities together.

After 1904 the union was gone, but traces of it could be found as late as 1910; you would find old union men here and there and they would talk about what had been done, but that work has not been carried on by any organization or group since the union passed away. So that, not only from the standpoint of wages, but from the standpoint of unifying the community and educating these new immigrants and assimilating them, the union movement was the most powerful one, and the most beneficent organization that could be formed in that community, and that is the reason I spent so much time dealing with it in this report; that is the part of the report that was not published. The settlement board had his survey published for the ostensible reason of gathering data as to working conditions in the community, and the conclusion I came to was that it should be a strong union or organization instead of a philanthropic union, and that is the reason this long letter was introduced.

There is another letter I have that I can give you the substance of without going into it at length; it is from the secretary-treasurer of the United Mine Workers of Illinois. During the same period that wages were being reduced in the stockyards district, or at least not going ahead, that is from 1903 to 1910, wages in the mining industry in the State of Illinois were advanced, and advanced quite considerably. Now, it seems to me this was a significant fact, that practically the same type of labor was engaged in the mining industry as in the packing industry, that is, Lithuanians, Poles, and Slovaks, etc. However, the miners had been organized and they had pushed it and got improved conditions such as shorter hours of labor, better wages, and had gained great advantages in many ways, as was admitted by the miners and by the owners of the mines. But in the packing industry, where they had no union, no advance was made in any way, either as to wages or working conditions or anything of that sort.

Another thing the union worked for, and gained a certain extent up to 1903, was uniformity in regard to hours of labor. They wanted to have it settled, for example, that instead of leaving it for a foreman to decide, on 20 minutes' notice, that the workers should come to work at, say, 8 o'clock, that they would have a regular time for starting to work, and they worked constantly for regular hours in the packing industry. Since then, little has been done and little progress made.

Now, all of this material was introduced in this report, simply because, in my opinion, it really had a bearing upon the improving of conditions of labor in that district; and while those that oppose unions might consider it partisan, it seemed to me it was the only scientific thing to put into the report; it really stated the facts of the case, and nothing should be excluded from the report.

And to my mind the only way of dealing with the housing proposition, the only way of dealing with child labor, as far as it prevails, and the only way of dealing with sanitary conditions, the tremendous death rate out there, and all the other problems, which are, to my mind, secondary, is by the organization of a labor union or organization which can speak for them and be heard in dealing with the owners of the industry.

Now, the owners have started some what you might call health work since the union has gone, and their contention is that everything the union stands for, or can get for the workers, they will be ready to provide directly without any union, and do it through various insurance schemes and benefits of one sort or another.

Now, so far as the pension plan has been developed, in some of the companies it applies, or did up to the time I was conducting this investigation—it applied only to the salaried employees—old-age pensions. In my opinion, the ones that need it the most are not the salaried men, but the other fellows. The salaried fellows can save up some money, well, I am not so sure about that, but if anyone can, they ought to be able to do it; they are the ones that get the largest income. What chance has a man who is getting $10 or $12 a week to do that? And the man who only gets $10 or $12 a week is the one who breaks down first; he is the one that is subject to the changes in temperature, and the heavy work, and when he has broken down physically that is the end of him unless he goes to the poorhouse; and if anyone should get old-age pension, it is those who labor physically, the ones that get the lowest wages and who are subjected to the worst conditions of labor. But, so far, in inaugurating these things, they have begun at the top and not done anything for the rest of them. However, there is a sort of sick and death insurance started in some of the companies. There was none in Armour & Co. up to that date, possibly there has been since; they were starting it at that time, which would provide for some sort of benefit in case of sickness or accident.

Now, in all of those insurance schemes, they are contributory, the employees must contribute a certain amount, the employers must contribute a certain amount. That is one form of welfare work, the pension and the insurance, as they call it. Generally these insurance schemes are so drawn that if an employee goes on a strike or does anything that the companies do not like, it takes away his whole future as far as getting anything from these schemes is concerned, so it seems to me like a menace rather than a help to the employees. If they have any stamina and independence and any desire to unite and demand certain things, they are tied up by these welfare schemes, and they hesistate to do anything that will endanger their benefits, so far as that is concerned. So there are two sides to that, one the side of the worker, and the other the side of the employer. So if the worker goes into these schemes he sacrifices some of his advantages on the other side; there is no doubt about that.

I don't know whether I have covered all the points I wanted to. There is one phase of this study which struck me very forcibly, and that is the effect of this modern method of production upon the mind and body of the worker. Perhaps all of you have gone through a packing house. You will find that each one does some little thing; for example, one may do nothing but cut off the hoofs of the cattle, nothing else, just keep doing that one stroke, or slitting up a piece of skin, or something of that sort, and I wonder what is the effect upon the mind and body of a worker if that is his life work, if he is not entitled to a certain consideration for that. Or another worker does nothing but sweep blood off of the floor, that is his life work, provided he does not get promoted to something else; or he may just swing an ax, cutting off a certain piece of pork, as I have seen them do, or something of that kind.

Now, then, all of this labor, we are told, is necessary, and this division of labor is necessary; but are all of the benefits going to one group and to the disadvantage of another group? Are all of the advantages from the division of labor going to the owners and all of the disadvantages, the narrow, routine work which absolutely deadens one, mentally and physically, going to the workers? Is one side to get all of the advantages and the other not get any benefit? That impressed me most deeply in the packing industry. That has not a direct bearing on wages, perhaps, but it has a direct bearing on the lives of these people.

Commissioner O'CONNELL. Does that apply generally?

Prof. KENNEDY. Yes, sir; increasingly in industry after industry; but it is most striking in the packing industry—so many departments of the labor are

disgusting—and I have thought that if I were condemned to that sort of slavery for life, what would I think of it? If I were condemned by the sentence of a judge to do nothing but sweep blood off of the floor of a packing house all the rest of my life, what would I think of it? We need some sort of compensation given to workers of that sort, and that is entirely lost sight of in that industry.

Now, there is one other comment I would like to make along that line. I have here some sections from the report which was submitted by Messrs. Reynolds and Neill at the time of investigation of stockyard conditions from a sanitary standpoint, and while I won't touch upon what they had to say about the sanitary conditions, I want to read what it said in the report in regard to the treatment of employees, because what was said then applies nearly as much to-day. They say here, and I quote from the report they submitted to the President at that time:

"The lack of consideration for the health and comfort of the laborers in the Chicago stockyards seems to be a direct consequence of the system of administration that prevails. The various departments are under direct control of superintendents, who claim to use full authority in dealing with the employees, and who seem to ignore all considerations except those of the account book. (This is as true to-day as it was then.) Under this system proper care of the products and of the health and comfort of the employees is impossible, and the consumer suffers in consequence. The insanitary conditions in which the laborers work and the feverish pace which they are forced to maintain inevitably affect health. Physicians state that tuberculosis is proportionately prevalent in the stockyards, and the victims of this disease expectorate on the spongy wooden floors of the workroom, from which fallen scraps of meat are later shoveled up to be converted into food products."

I do not know whether that is true to-day; I am only referring to the particular effect of the labor conditions. There is a description here of the various workrooms, and those conditions have been somewhat improved since this report was written; that is, the ventilation and cleanliness is better now than it was then. The sanitary conditions have been improved some, but they are still inferior to those in other industries of similar size.

There are many rooms almost without ventilation and in some rooms there was water dripping from the ceiling upon the heads of employees from coolers and one thing and another, and, of course, it was inevitable that those employees would sooner or later have rheumatism or some other disease; no one can work in rooms with comparatively low temperature and water dripping down on them without suffering from it. Those conditions have not been entirely remedied by any means, but the conditions are better than they were.

I spent three months going through every room, as far as I know, in the packing industry—from room to room—and made notes and could tell the exact rooms where I thought the conditions were wrong, and I found a great many where the conditions were far from being satisfactory as to ventilation or temperature or protection of the workers for their health; and that leads to the higher death rate of which I have spoken.

Now, there is another aspect to all of this. On the north side of the city there is a great big tuberculosis sanitarium that is maintained by the city of Chicago; it is supported by taxation, and many of the victims come from this stockyards district.

When conditions prevail in an industry which bring about disease and necessitate the recourse to charity, when you have had housing conditions, and all those things which must be dealt with by the community, why, that is only another method of subsidizing that particular industry if the industry does not pay its employees enough so that they can live in decency and health; the community suffers and that is true in this community in the packing industry. Either the industry is so poor that it can not afford to pay them, or it is not doing what it ought to do—one or the other. There is no question at all but that disease can be directly traced to working conditions and to low wages.

I think that is just about all I care to submit, unless you have some questions to ask me, Mr. Chairman.

Chairman WALSH. Are you familiar generally with the work of these settlement houses, of voluntary organizations and societies of like character?

Prof. KENNEDY. I lived at the University of Chicago Settlement for two years, and I am acquainted with most of the settlements here in Chicago and some outside; yes, sir.

Chairman WALSH. Are you familiar with the methods used by college professors and instructors in studying and ascertaining sociological and economic truths and in disseminating those truths when ascertained?

Prof. KENNEDY. Yes, sir.

Chairman WALSH. What would you say as to the function of philanthropy in our industrial and economic system?

Prof. KENNEDY. At the present time?

Chairman WALSH. Yes; at the present time, and as to what it ought to be, if it has a function?

Prof. KENNEDY. I think the function is two or three fold; that is, at present. I believe there are some of them interested in these philanthropic institutions who see a great deal of suffering and do the things which seems to them to demand the most immediate relief, without going into the philosophy of it very much or of thinking very deeply on the question. They see suffering and they give immediate relief if they can. I think there are others who think more deeply and say unless you patch things up a little and give immediate relief, it will be necessary to face certain substantial and fundamental changes in social conditions and the best way to head that off and allay discontent, and at the same time appear well in the eyes of their fellow citizens, is to make rather liberal donations to these philanthropic institutions so that they will be called philanthropists instead of exploiters. That is my opinion—that is one of the functions of these institutions to direct public attention away from the seriousness of the conditions and a movement on the part of the public to change those conditions. I think there is that twofold activity on the part of good-hearted people who want to relieve distress and others who are trying to forestall fundamental changes sought to be made to remove serious evils.

Chairman WALSH. Do you believe that great economists and sociologists in our colleges and universities can be relied upon to lead the way in the advancement of social and industrial justice?

Prof. KENNEDY. I do not think the most of them can be relied upon to do that.

Chairman WALSH. Why not?

Prof. KENNEDY. Because, in the first place, most of their information comes from books; they do not know the conditions as they actually are—most university teachers. They read things and study the theory very largely, and they know what Adam Smith wrote, who lived 100 years ago; and what all the various theorists have to say about industry, rent, profit, and so forth; but when it comes to knowing the actual, first-hand conditions, which are being brought out here by this commission, most university teachers of sociology and economy are lamentably ignorant. I know that by personal association with them. Secondly, even if they knew more and this, of course, will not apply to all—there are exceptions—but even if they knew more about actual conditions, in most cases the will to do something seems to be absent. A sincere desire to really deal with fundamental conditions and do it effectively, does not seem to be there in most cases. I would not say in all cases. Whether that is because of their personal associates or whether they think nothing is wrong, or whether they feel that their jobs would be in danger, I would not say, it may be one or all of those; but I think they are a poor crowd among which to look for leaders to bring about any fundamental changes in social conditions.

Chairman WALSH. How wide a circulation did this report get, that you submitted in evidence, carried on under the direction of the board of the University of Chicago Settlement?

Prof. KENNEDY. I do not think it got a very wide circulation; I do not know how many copies were printed or how many were distributed; it did not get a very wide circulation, I am sure of that.

Chairman WALSH. Upon what do you base your statement that it did not get a very wide circulation?

Prof. KENNEDY. Because I would be the one, naturally, who would hear from it, as my name is printed on the report as a director, and I would have received word if there had been a wide circulation of it. I would have been asked questions about it, if nothing else, and I have heard little from it since it was put into print.

Chairman WALSH. Did it get newspaper or magazine publicity?

Prof. KENNEDY. A little newspaper publicity, but not much; very little.

Chairman WALSH. When did it get that publicity with reference to its publication?

Prof. KENNEDY. I could not say as to the exact date it appeared, because the publication was not immediately upon the completion of the report, but copies were sent, I believe, to each newspaper in Chicago at the time it was published, and some of them commented on it rather briefly, but there was no wide publicity in regard to it.

Chairman WALSH. Have you the correspondence that passed between the settlement board and the companies involved?

Prof. KENNEDY. I have some of the letters.

Chairman WALSH. Can you submit them to us, please?

Prof. KENNEDY. Yes, sir; do you wish to have me get them now?

Chairman WALSH. You may wait until the other commissioners get through. Commissioner Garretson wishes to ask a question.

Commissioner GARRETSON. Doctor, do the packing companies, as corporations, or any of the officers thereof, contribute to the support of the settlement?

Prof. KENNEDY. The only support they ever have—I would not say the only support—I know they do support one trained nurse whose headquarters are at the settlement, and it may be there are other contributions; I could not say as to that.

Commissioner GARRETSON. The interpretations and conclusions which you state in that report, and which are not published, are compiled for the purpose of this commission, are they?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. In your investigation into that class of families, where your estimate showed that $800 was necessary as the annual amount for the maintenance of the family of a certain standard, and where the family only earned—where the head of the house only earned five or six hundred dollars, did your investigation show any percentage—any appreciable percentage—of cases where the heads of the house did not earn $800 and where child labor and such as that was resorted to to add to the income?

Prof. KENNEDY. There were cases of that sort we discovered, but not a large number.

Commissioner GARRETSON. Not to any appreciable extent?

Prof. KENNEDY. No, sir.

Commissioner GARRETSON. Is it not a fact that Carroll D. Wright, who was the Commissioner of Labor, and made the report you read here, was almost purely an academic before he became Commissioner of Labor? That he had no connection with labor circles prior to that time?

Prof. KENNEDY. I believe that is true; but this report, you understand, was really prepared by Ethelbert Stewart, and Mr. Wright was the one that submitted it to the President.

Commissioner GARRETSON. I want to be advised whether or not he had any labor connection—any labor-union connection.

Prof. KENNEDY. Not that I know of.

Commissioner GARRETSON. You spoke of your impressions in regard to pensions and other associated systems. Upon your standpoint, what is your opinion—can or can not any pension system which is made dependent upon the tenure of service on the part of the employee, and which is administered by the private agency which employs the man, be otherwise than an economic weapon?

Prof. KENNEDY. It will be a weapon in the hands of the employer, in my opinion.

Commissioner GARRETSON. Referring to the welfare work, that is a phrase that is like charity, it covers a multitude of sins; but take it as generally used, do you regard welfare work as anything but a palliative?

Prof. KENNEDY. That is all it is.

Commissioner GARRETSON. Do you look upon speeding up—you expressed your opinion in regard to an industry which loaded down a public sanitarium like a tuberculosis sanitarium as a subsidizing of that industry; do you look upon the speeding up of men, if, as is claimed, speeding up makes young men old, and condenses within a short period their period of productivity, and then they are thrown on the junk pile, is anything else than subsidizing that system?

Prof. KENNEDY. No, sir.

Commissioner GARRETSON. Any method by which a community has that result forced upon it is exploited by having such a burden thrown upon it?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Lennon wishes to ask a question.

Commissioner LENNON. Either through your investigation, or your observation as a citizen, in connection with this industry, do you believe that the profits of industry are equitably divided as between the proprietors and the people who do the work, the laborers?

Prof. KENNEDY. I have gotten a statement of the profits of Armour & Co. out of Poor's Manual. I find that in 1913—I was unable to find the statement for this last year, but it has been issued I know; but in 1913 the total net income of Armour & Co. was $11,356,000. Out of that, $1,346,000 went to the bondholders, $1,538,000 was paid for interest on borrowed money, $1,419,000 for administrative expenses, and $1,023,000 for taxes, insurance, and so forth, leaving a surplus of $6,028,000. Out of that surplus, $2,000,000 was paid in dividends on the $20,000,000 of stock. That is a 10 per cent dividend, so that the surplus of four—over four—millions of dollars was added to the previous surplus, bringing the total surplus of Armour & Co. for that year up to $84,223,000. Now, I do not know just where that surplus came from, that is to say, the process by which it was derived, but at any rate, in the course of the business, the development of that concern, they have accumulated a fund of over $84,000,000, which is classified as surplus. Now, it seems to me that when there are thousands of workers who do not receive enough wages to support their families in decency or even in physical efficiency, for an industry to be able to accumulate out of the labor of those workers, $84,000,000 in surplus, there is something that should not be tolerated by any civilized community, if there is any way to prevent it. I can not see any justice in it or any good policy for the community. It is the accumulation of an enormous fortune out of the labor of men and women who are not paid enough for a bare existence.

Commissioner GARRETSON. From your studies, have you concluded whether or not the work of trade-unions tends to a better division of the products of industry?

Prof. KENNEDY. I am very certain that it does.

Commissioner GARRETSON. Take it here in the city of Chicago, in regard to the education of the children of the people who work out there; has it enabled them to enter the battle of life in better condition than their parents?

Prof. KENNEDY. There are public schools located there, and it is a fact that very few children of the workers there go beyond those public schools; that is, they do not go to the high schools; they go to work, as a rule, as soon as they are through the public schools, but in those schools they get the ordinary grammar-school education, and that is all. There is no training given along the line of citizenship, as far as I know.

Commissioner GARRETSON. Any vocational work?

Prof. KENNEDY. They are just beginning that. There is a start being made here in Chicago, and those schools are including that among their work—a little industrial or vocational training.

Commissioner GARRETSON. Did you make any study—I ask this question because of a statement that was made to me by the at one time manager of the Reform Schools for Boys at Pontiac—did you make any study as to whether or not there is an appreciable difference between that district as to delinquency of boys, as compared with other districts in Chicago?

Prof. KENNEDY. I have no facts on that particular point.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner O'Connell will ask you some questions.

Commissioner O'CONNELL. Professor, this commission has been authorized by Congress to make an investigation and, if possible, to find the underlying causes of industrial unrest, and to make such recommendations to Congress as it thinks wise in that direction. Briefly, what is your opinion?

Prof. KENNEDY. Well, I believe that the fundamental cause in that industry——

Commissioner O'CONNELL (interrupting). I do not mean in that industry, but industry generally.

Prof. KENNEDY. It is autocratic power in the hands of a few, which is used for their own enrichment rather than the benefit of the community or all of the people. There are a few that are autocrats in that industry, and the moment they see another power developing in that industry which threatens in any way to restrict their autocratic authority, they destroy it; for instance, the labor organization; consequently, that causes widespread dissatisfaction, because it is only human nature that no man wants to be the slave of another man, at least, if he has any brains he does not. Now, the people out there do not want

to be the slaves of Armour, or anybody else, and that is what they are to-day from an economic standpoint, and they are dissatisfied, and they are looking for a way out of that condition so that they will have greater freedom as far as working conditions, the hours of labor, and so forth, are concerned; in other words, have a greater voice in controlling their own lives; and that is democratizing industry; and we will always have unrest until we have democracy in industry.

Commissioner O'CONNELL. Healthy unrest is not undesirable?

Prof. KENNEDY. Not at all; there is a difference between industrial discontent, combined with hatred against the ones in power, and a discontent such as one would have who wants to improve his education, for instance; the latter is a desirable trait in any community, a desire to progress and dissatisfaction with one's present condition; but the other is a dissatisfaction against a certain group, a discontent against a certain crowd in control, who are using the industry for the advantage of a few, instead of the advantage of all.

Commissioner O'CONNELL. How would you remedy it?

Prof. KENNEDY. I believe the only way to remedy that is to get democracy in industry, which means that everybody that has anything to do with that industry, either as a worker, consumer, or owner, must have a voice, directly or indirectly, in the control of that industry.

Commissioner O'CONNELL. Do you mean public ownership?

Prof. KENNEDY. Public ownership is one of the methods of bringing that about; it is not the whole thing; but one necessary step that we must bring about, especially in those large industries. Public ownership of the industry might not bring it about; for instance, in Russia, the Government owns the railroad, and I believe the railroad workers are very much discontented at times. In other words, ownership by the Government would not mean much unless the Government was a democratic Government.

Commissioner O'CONNELL. I think you will concede that we are not going to have public ownership of all public utilities right away?

Prof. KENNEDY. Yes, sir.

Commissioner O'CONNELL. And right now we have industrial unrest?

Prof. KENNEDY. Yes, sir.

Commissioner O'CONNELL. And right now what are we to do?

Prof. KENNEDY. As I have said to many people in the social settlement, the best thing you can do, if you want to do anything at all, is to give these people organization, which gives them a countervailing power to those owning the industry. If the workers can say that the hours of labor shall be 9, instead of 10, that gives them something to say about the conditions; if they can say that the wages shall be 20 cents an hour instead of 18 cents an hour, it gives them something to say about the conditions. The most important thing that can be done out there is to give the workers organization.

Commissioner O'CONNELL. Do you believe that the formation, by the Government itself, of a department or commission of some kind, with the force of the National Government behind it—I do not mean force, but power, with the power of the Government behind it, to act as a board of conciliation, or mediation, and that that board would be compelled to make public both sides of a controversy, and that the men, whether they were organized or unorganized, have to go to it; do you think something of that kind might be organized?

Prof. KENNEDY. I think that would be better than nothing, but it would work much better if the workers were organized. When there are thousands involved in an industry, or engaged in an industry, each one of them individually can not be going and presenting his own personal grievance.

Commissioner O'CONNELL. That would carry with it organization of some kind?

Prof. KENNEDY. Yes, sir; there would have to be organization. If the workers are organized and they have a tribunal at which their grievances can be heard and adjusted, that is an advance toward industrial democracy.

Commissioner O'CONNELL. The result of having such a board would be the bringing of the men together?

Prof. KENNEDY. Yes, sir. And that would be, I think, an advance.

Chairman WALSH. Commissioner Aishton wishes to ask you a question.

Commissioner AISHTON. Professor, I understand that you think the thing that could be done immediately would be to let these employees organize into a union?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. I think you said that you either heard from some one, or you stated it was within your own knowledge, that the coal miners had been organized?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. And that their rate of pay had increased, whereas this other industry had stood still; now, by the organization of these men there are several things you mention as being things that ought to be eliminated; one was child labor. Have you ever made a survey of the coal-mining industry and its workers, to determine the proportion of child labor in that industry where organization exists, as to whether it is any less or greater than it is with concerns where the employees are unorganized?

Prof. KENNEDY. No, sir; but I believe you will find that wherever the union has had anything to say about it, child labor has been eliminated as far as they have had anything to say about it.

Commissioner AISHTON. But you do not know the facts in that industry?

Prof. KENNEDY. I could not give you a comparison of them. We have a child-labor law here in Illinois, which prevents child labor under 14 years of age. The packers' union was in existence when that law was first passed, and had a representative at Springfield, together with the representatives of other unions, to try to get that law on the books, and that is why we do not have child labor in the packing industry. They are now trying to get it raised to 16 years, as they got it to 14 years before. The reason why there is child labor in some mining districts is because the unions are not strong enough to get such laws passed.

Commissioner AISHTON. Have you ever made any comparison between the housing conditions in the average coal-mining communities and the workers, as compared to the stockyards?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. What are they?

Prof. KENNEDY. Well, they vary a great deal. In some mining camps they are not nearly as good as out here, and in other cases they are better. You would have to take a specific mining camp and make the comparison. The conditions are bad in the stockyards and they are bad in many mining camps, too.

Commissioner AISHTON. I think that is true. Of course, you have no figures about tuberculosis or occupational disease in regard to the two industries?

Prof. KENNEDY. No, sir.

Commissioner AISHTON. But the mere fact of organization to secure a higher rate of pay has not eliminated those difficulties in that particular industry?

Prof. KENNEDY. Not entirely; but it has put the workers in a position where they can keep their children at home or in the schools. They do not need that additional income, and as a matter of fact they do give their children a better education where they have a chance, and they have done so here in Illinois and elsewhere. The miners are far from having things perfect, but they have improved conditions.

Commissioner AISHTON. What I was trying to get at was the degree of improvement over the unorganized stockyards employees, or whether they had made any advance.

Prof. KENNEDY. You will find in many instances an advance.

Commissioner AISHTON. Some testimony was given—I don't know whether it was given by you directly—as to the different clans in the yards having building and loan associations.

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. Are they general in the stockyards districts—that is, the Lithuanians—have they such an association of their own?

Prof. KENNEDY. Most of these nationalities have building and loan associations.

Commissioner AISHTON. And they loan money to the men, or what is it?

Prof. KENNEDY. The ambition of nearly every one of those people coming into this country is to get a little cottage for themselves; you will find that quite generally, and they will start to buy a cottage even if they have to starve their families to get the money.

Commissioner AISHTON. Do they make weekly or monthly payments to these associations?

Prof. KENNEDY. Yes, sir; they enter these associations and pay so much a month, and after they have paid up so much they can withdraw enough to make the first payment on their homes and this sum they pay back in a number of years. Nearly every nationality has one or more such associations out there.

Commissioner AISHTON. And they still have them, you say?

Prof. KENNEDY. Yes.

Commissioner AISHTON. And these men are paying in on these homes all the time?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. And they are the stockholders?

Prof. KENNEDY. Some are and some are not; some have not enough money to pay in on anything, but those who have the better positions are the ones that do that.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. Could you tell the sergeant at arms where to get your papers?

Prof. KENNEDY. I think you will find them there in the black bag.

Chairman WALSH. Commissioner Garretson has a question to ask you.

Commissioner GARRETSON. Doctor, in regard to the housing conditions in the coal-mining regions, you say you have made some investigation of that?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. Is it not true that where the housing conditions are the worst in the mining regions, that the tenements are wholly owned by the mining companies?

Prof. KENNEDY. I think that is generally the condition, and I think you will find it is worse in the unorganized districts than in the organized districts.

Further, in the packing industry in Chicago they are able to build homes because they know they are going to be permanently located there, but in the mining districts, at the end of four years, for instance, a mine may be exhausted, and in Illinois in some districts you will find nothing left but little shacks.

Commissioner GARRETSON. And a hole in the ground?

Prof. KENNEDY. Yes, sir; so it is quite different.

Commissioner AISHTON. You referred to Armour & Co. in most of your talk, Professor?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. Do the same conditions apply generally to the stockyards industry?

Prof. KENNEDY. They do.

Commissioner AISHTON. Does your survey include that?

Prof. KENNEDY. This survey included that.

Commissioner AISHTON. Included that?

Prof. KENNNEDY. The reason that I referred particularly to Armour & Co. I understood he was to have an opportunity to answer, and of course he could speak for his company, or at least present his side of the case, so I dealt chiefly with Armour & Co.

Commissioner AISHTON. So that the conditions at Armour & Co. are really no different generally?

Prof. KENNEDY. No; not in any appreciable extent.

As to these letters: In this report, including the part that was not published, it was in proof sent to each one of the packing firms. That was an understanding before we conducted the investigation, this statement was made to the representative of the packers—that if we are allowed to examine your books and to gather this information, we will submit proof of the manuscript to you and if you can show that on any question of fact we are wrong—not on any question of opinion—but on any question of fact that there is a misstatement that we will be very glad to correct it.

Chairman WALSH. Was that in writing?

Prof. KENNEDY. No; it was understood, and for that reason the document was sent them before it was published.

Now, here is a letter which was received from the general superintendent of one of the companies, Sulzberger & Sons Co., addressed to William Scott Bond, who was one of the committee and who had charge of the publication of this document, and one of the directors of the settlement:

"Referring to your letters of the 25th ultimo and December 14, would say that we have gone over the proof of report which your board contemplates publishing.

"It has taken us a little longer than we anticipated to complete the reading of this proposed report, but upon completion of same find that as a general proposition we have no suggestions or corrections to offer.

"The report seemed to be a very exhaustive one and shows that this matter has been gone into very thoroughly.

"Am returning your proof of same and assure you we will be glad to cooperate with you whenever the occasion may arise in the future.

"Yours, truly,

"SULZBERGER & SONS CO.
"J. MOOG."

That was one of the letters.

This letter came from the representative of Armour & Co. about the same time:

"MY DEAR MR. BOND: Permit me to apologize for delay in writing you in relation to the proof of the report of your investigation of the working conditions of the employees of the stockyards. My time has been so much occupied that it has been impossible to give it the attention it deserves, and even now I am obliged to write you very briefly.

"The main criticism is that while the article starts out as a scientific study, it develops into an argument in favor of a particular cause. As a scientific study it promises at the outset to be a very valuable contribution to the literature upon the working conditions of the laboring classes, but the moment the field of disputation is entered the value of it as a scientific study is gone. Moreover, it was on the assurance that this was to be purely a scientific study that the information given you was obtained.

"I have pointed out the error in the deductions immediately following Table No. 7. Sufficient prominence in my judgment is not given to the fact that most of the Poles, Slovaks, and Lithuanians are single men, and no mention is made of the fact that they are persistent savers. These are material considerations affecting their social conditions. No reference is made to the beneficent workmen's compensation law, which went into effect a year ago and which has been a subject of constant agitation for three or four years or that this law was opposed by the labor unions.

"The statement that, following the passage of the child-labor law of 1900, 00 convictions were secured against some of the packers is incorrect and should not be given space in this paper in view of our challenge of the statement until the accuracy of it has been demonstrated, even in the form of a quotation. Some of the statistics are computed upon the theory that the slack season and the busy season in the industry are of equal length. This is incorrect. The slack season is comparatively short, and in referring to it mention should be made that it occurs in the warm months of the year, when the employees are less dependent upon their earnings; quite different from the slack season in most industries. In discussing the average wages sufficient emphasis is not placed upon the fact that the statistics include boys and girls.

"Many of the statements under the heading 'Movement of wages' are incorrect and others are misleading. The encomiums of praise given the labor unions in this subdivision fairly characterize the type of the work from this point on."

Now, Swift & Co. submitted a letter which was a comment on the report as a whole.

Commissioner GARRETSON. Doctor, what was the attitude of the packers toward the enactment of compensation laws in Illinois?

Prof. KENNEDY. So far as I know—I was not following that very closely, but some of them favored it. I do not know whether all of them did—that is, the workmen's compensation act. I could not say for all of them, but judging by the letter from Mr. Stratton, of Armour & Co., the packers were supporting that proposition, and he was referring to the State compensation act.

Commissioner LENNON. Will those letters be left for the record?

Prof. KENNEDY. I will be very glad to leave them or duplicates of them.

Chairman WALSH. We will have them copied and the letters returned to you.

Doctor, did you form any conclusions—all of your studies, I believe, were in 1910 and 1911, and you say there seemed a great surplus of labor at all times—did you form any conclusion at that time as to what caused the unemployment, the effect of immigration on it, or perhaps a greater centralization of the industry or a greater consolidation or whatever it might be you might call it, what figure that would cut, and so on?

Prof. KENNEDY. Well, the reason for unemployment is rather complex. Everywhere it comes out of the fact that during certain seasons many more are employed than at other seasons. The surplus labor is drawn during the busy season. All the wheels are turning; everything is busy. That draws labor from other districts, and they come there. Then perhaps a month later

they begin to lay off and lay off and lay off until there are two or three thousand of them of that particular industry out of work. Then it is very difficult for them to find work elsewhere, so they keep flocking around there waiting for jobs. But in the meantime they do not have enough to exist upon. They are a burden on the community and on their families; they are sort of caught there high and dry.

Now, that creates a constant unemployment problem in the district, and it always will obtain in these industries where there is a fluctuation, unless two or three things are done. Either the employer must say that we will need a certain number of workers in this industry and they pay them so much a year, every worker they need, or have some sort of unemployment benefit that would take care of them through the slack season of the year, or else there must be some system of employment bureaus to shift unemployment from that industry to another where it will be needed at that particular time. Whether that can be done or not, I am not so certain. It seems to me that the same condition prevails somewhere else about the same time. So that apparently each industry should be called upon to take care of its workers; to pay them enough to live on, at least, pay them up to the point it could stand.

Commissioner O'CONNELL. What about the industry that is seasonal?

Prof. KENNEDY. That is a problem quite distinct from this, although even in this industry they have a seasonal department. The canning, and they have a great deal of canning in this industry, that is really a seasonal industry within the industry.

Commissioner O'CONNELL That might take care of itself in the industry. But the seasonal industry—that is, the fruit-growing season or the grape-gathering season?

Prof. KENNEDY. It so happens that in some cases the active work in one industry will be done at one period of the year and in another industry at another period of the year. If there was a system of employment agencies throughout the country which would keep the labor supply adjusted to these various demands it might relieve that somewhat.

Commissioner O'CONNELL. They might cut ice in the winter and work in the harvest fields in the summer?

Prof. KENNEDY. Exactly. That might be done to a certain extent. I do not believe, though, that that is a full solution of the problem.

Commissioner AISHTON. What progress has been made abroad in the compensation of unemployment? Has not Germany got some sort of an arrangement along that line?

Prof. KENNEDY. They have a system in some of the cities in particular, whereby particular industries which are organized pay employment benefits to their members, get a subsidy from the city. It is the so-called Ghent system, because it originated in Ghent, I believe. The union may pay $3 a week benefits, or $2, to the member who is out of work and the community will equal that, or at least add something to it.

Now, in England——

Commissioner AISHTON. The union pays for part of the benefit and the community the other?

Prof. KENNEDY. Yes. They use the machinery of the union to demonstrate that.

In Great Britain they have now an employment benefit scheme, but I could not say as to how it is working out. The shipbuilding trade and three others—I have forgotten.

Commissioner GARRETSON. The dock laborers is one of them, I think.

Prof. KENNEDY. Yes.

Chairman WALSH. Any other questions?

We are much obliged. You will be excused.

We will now stand adjourned until 10 o'clock to-morrow morning.

(At this point, 4.30 o'clock p. m., Thursday, April 15, 1915, an adjournment was taken until to-morrow, Friday, April 16, 1915, at 10 o'clock a. m.)

CHICAGO, ILL., *Friday, April 16, 1915—10 a. m.*

Present: Acting Chairman Lennon, Commissioners Aishton, O'Connell, and Garretson.

Acting Chairman LENNON. Our chairman is compelled to be in Kansas City to-day on account of the death of Col. Nelson, and that is the reason he is not here to preside. Mr. Armour.

TESTIMONY OF MR. J. OGDEN ARMOUR.

Acting Chairman LENNON. Just give your name and address, Mr. Armour, and your business, before you start in.

Mr. ARMOUR. J. Ogden Armour; president of Armour & Co., Chicago, Continental Bank Building.

Acting Chairman LENNON. I believe that you were furnished with a questionnaire and a synopsis of the statement made by Mr. Kennedy yesterday, were you not?

Mr. ARMOUR. Yes.

Acting Chairman LENNON. Have you prepared the answers?

Mr. ARMOUR. I prepared the answers to the questions that I have.

Acting Chairman LENNON. All right; just submit those, and then if there are other matters, we will take them up.

Mr. ARMOUR. Do you want to ask the questions?

Acting Chairman LENNON. No; you read what you have prepared.

Mr. ARMOUR. I have prepared answers to the following questions that have been asked me:

Question. In what corporations are you a director?

Answer. Armour & Co. and other subsidiary and affiliated corporations; Chicago, Milwaukee & St. Paul Railway Co.; Illinois Central Railroad Co.; Continental & Commercial National Bank of Chicago; National City Bank of New York; and the Kansas City Railway & Light Co.

Question. In what other corporations do you own considerable stock?

Answer. None to an appreciable extent which would constitute an influential interest, except Armour Grain Co.

Question. Please outline briefly the character of your connection with the corporations in which you are interested.

Answer. Practically my entire time is devoted to the interest of Armour & Co., and I am able to give but little time to the other corporations in which I am interested.

Acting Chairman LENNON. By "Armour & Co." you mean the "Armour Packing Co."?

Mr. ARMOUR. Yes, sir.

Question. In your opinion, to what extent are the directors and stockholders responsible for the labor conditions?

Answer. Directors and stockholders owning or representing a substantial or controlling interest in corporations should, I think, assume responsibility for labor conditions. I feel this is an obligation that they owe both to the corporation in which they are interested and to the labor employed.

Question. Would you consider the issuance by a corporation of a condensed report on labor conditions feasible or desirable?

Answer. I do not know as I understand the purport or intent of this question. From the viewpoint of Armour & Co., I have always felt myself in a measure in the position of trustee of the interests of our employees, and I am firm in the belief that every head of a successful business must, in order to be successful, have a greater interest in the welfare of his employees than could anyone else, even the public. Feeling as I do, I would see no advantages or disadvantages in such a report.

Acting Chairman LENNON. The purport of that question would be, should a corporation issue a report covering the labor conditions as exhaustive as they issue a report covering financial conditions?

Mr. ARMOUR. I think they should in a large corporation.

Question. Has Armour & Co. established any: (*a*) Length of working day?

Answer. Eight to ten hours.

Question. Yearly income for unskilled workmen?

Answer. No.

Question. Compensation for industrial accidents?

Answer. We endeavor to investigate each individual case and handle on its merits.

Question. Age and conditions under which children should be employed.

Answer. It is the practice at all of our plants to employ no minors under 16 years of age, only in exceptional cases, and then only with the approval of the municipal or State authorities, and on recommendation of charity or social-welfare workers.

Question. Treatment of workmen who have become inefficient after long service with the corporation?

Answer. Three years ago Armour & Co. established a pension fund, the details of which are outlined in the pamphlet which I will leave with you.

(The pamphlet here referred to by the witness was received in evidence, and marked "Chicago, Ill., April 16, 1915, Witness Armour."

The pamphlet referred to, entitled "Armour & Co. Pension Fund," for the benefit of its employees, to become effective November 1, 1911, was submitted in printed form.)

Answer (continuing). To substantiate this fund Armour & Co. have agreed to see that it shall at all times have a surplus of $1,000,000. At the present time this covers 7,853 men, or practically one-third of all of our employees. It is the aim of the company, as fast as conditions warrant and methods may be devised, to extend this system until it covers all employees. In addition to this we have always taken care of employees who have been disabled or incapacitated after years of service, regardless of their qualifications for the pension fund. These men are taken care of first by giving them positions of light employment and afterwards by simply caring for them from a special fund.

Question. In which of the corporations in which you are interested are the employees organized?

Answer. I am unable to answer this question in detail. I think in some of the corporations some of the craft are organized; in others, not.

Question. What is your attitude toward the organization of employees for their protection and for the advancement of their interests?

Answer. There is no objection to the organization of employees for their protection in the form of unions, as such. In a general way, I think the solution of that question depends largely upon the nature of the trade or craft to the extent that it is skilled or unskilled, and to the character and degree of intelligence of the individual composing same.

Question. Upon what information or experience is that attitude based?

Answer. Upon observation covering a period of some 30 years with Armour & Co.

Question. What is your attitude toward permitting union organizers who are not employed by your corporation to address employees, and otherwise carry on their work, without interference?

Answer. The character of our business is such that in a measure the work of our employees is that of an endless chain, and handling, as we do, a perishable product when our plants are in operation we could not permit interference.

Question. Do you consider that under existing conditions the rights and interests of the employees of Armour & Co. receive proper recognition and due protection?

Answer. Yes. Every employee has the right and is encouraged to take up his grievances with his foreman, with the knowledge that he has an appeal to the superintendents or the general superintendent. In addition, every employee is welcomed to take up matters of his relations with the company with myself personally, and to that end my door is always open.

Question. As a result of your observation and experience, do you believe that industrial discontent in America is increasing?

Answer. No; I believe that industrial discontent at the moment is on the decrease. I believe that industrial conditions are slowly but surely improving and while there may be temporary fluctuations I can not but feel that prosperity, in which both employer and employee will share, will be upon us again within the next year or two.

Question. If so, why?

Answer. None.

Question. In your opinion, along what general lines should action be taken to prevent the causes for such discontent?

Answer. None.

Question. Did you hear the testimony of Mr. John C. Kennedy?

Answer. No.

Question. Have you read Mr. Kennedy's report on wages and family budgets in the stockyards district?

Answer. Yes.

Question. Have you a statement you care to make covering this subject, more particularly in its relation to the wages and living conditions of employees at your plant?

Answer. Not at this point.

Question. Will you please give this commission the latest figures obtainable on (*a*) Numbers of workmen employed in your plants getting the various rates per hour?

Answer. I have taken the liberty of requesting the attendance of Mr. John O'Hern, general superintendent of all the packing plants of Armour & Co., who will be glad to give you all the information and statistics you desire relating to our employees. I may say for Mr. O'Hern that he is well qualified to speak on the subject, having been in the employ of Armour & Co. for 25 years, starting in as a laborer at $1.75 per day.

Question. Percentage of workmen getting each of these various rates?

Answer. Referred to Mr. O'Hern.

Question. Actual amounts paid to representative employees of each of the various classes during October, 1914, and during March, 1915?

Answer. Referred to Mr. O'Hern.

Question. Average number of hours worked per week by each of the various larger groups of employees during the same months?

Answer. Referred to Mr. O'Hern.

Question. Average number of employees for the year 1914?

Answer. Referred to Mr. O'Hern.

Question. Average rate per hour?

Answer. Mr. O'Hern also has that.

Question. Average hours per week?

Answer. Mr. O'Hern has that.

Question. Average weekly earnings?

Answer. I will refer that to Mr. O'Hern.

Question. Average weekly earnings for each of the various larger groups, if obtainable?

Answer. I will refer that to Mr. O'Hern.

Question. Please give the numbers and percentages of employees of each of the nationalities largely represented.

Answer. Referred to Mr. O'Hern. He will be able to give you that.

Question. Please state what means, if any, are employed by the company to keep in touch with the living conditions of its employees.

Answer. We endeavor to keep in touch with our employees through the foremen, who keep their home addresses, timekeeper's department, and the welfare department.

Question. Is there a sociological department or something that would correspond to this?

Answer. Yes; we employ welfare workers who go about giving particular attention to the female employees of the plant. These workers are graduate trained nurses and spend their time visiting the employees during working and resting hours; they are constantly going among them, either in the plant or visiting at their homes. They give particular attention to the conditions surrounding the workers at the plant, as well as personally, as far as their health and the welfare of their family are concerned. The welfare workers visit the home any time there is a female employee absent, to know the cause thereof, and if it is a case of sickness, either employee or members of the family, such assistance as required is given and the case is reported to the superintendent for action, when necessary.

Question. Does the company or any of its officials receive reports from any investigator or agent employed by it, or from any outside source, on conditions in the homes of its employees?

Answer. The welfare department makes a report to the general superintendent of the office at the end of each month.

Question. What policy has your company, if any, as to recruiting employees or endeavoring to control its labor market with the object of making available a force of workmen of any particular nationality or sort?

Answer. None whatever.

Question. Does the company have any agents in Europe for the purpose of diverting immigration or advertising the opportunities of employment at the various packing plants?

Answer. No.

Question. Does the company have agents in New York or any other American centers for the same purpose?

Answer. No.

Question. Please describe the company's machinery for employing men.

Answer. I will refer that to Mr. O'Hern to give you the details of it.

Question. Is it ever necessary to advertise or solicit, and what is the method of taking on new men?

Answer. I will answer no to the first part of your question, and Mr. O'Hern will answer the second part.

Question. What is the turnover in the labor force during a normal year?

Answer. Referred to Mr. O'Hern.

Question. Does the company consider its unskilled workers as part of its permanent force and feel responsible for giving them employment as continuously and permanently as possible?

Answer. Yes; we continuously endeavor to educate our men for better positions, using our unskilled labor wherever possible as a recruiting force for our organization, attempting to secure therefrom foremen, superintendents, department heads.

And as I say, Mr. O'Hern came with us as a day laborer, and he is now the general superintendent of all our plant.

Question. Please describe the system of identifying laborers by brass check or otherwise.

Answer. Referred to Mr. O'Hern.

Question. Please describe how the time put in by each man is recorded.

Answer. Referred to Mr. O'Hern.

Question. What measures are taken to protect laborers against mistakes, dishonesty, or ill will on the part of employees in the timekeeper's office?

Answer. Referred to Mr. O'Hern.

Question. Are the men encouraged to keep account of their own time?

Answer. Referred to Mr. O'Hern.

Question. What machinery is provided for adjusting differences between individual men and the timekeeper's office as to the amount of time put in?

Answer. Referred to Mr. O'Hern.

Question. What is the policy of the company as to carrying on its pay rolls during short periods of unemployment men who have worked for the company most of the time during the year?

Answer. Our superintendents have orders to give preference to men who have been with us a long time, and it is greatly to the interest of the company to take care of all employees of previous service as far as possible. It is the custom during slack work in one department to move the men of that department to another.

Question. Is the same policy followed toward office employees at the plants?

Answer. Our office employees are considered steady time men and are carried in periods of slack work.

Question. To what extent do subordinate officials of the company know laborers by name and deal with them on a personal basis?

Answer. Armour & Co. are a private corporation in which, I believe, the personal equation is very highly developed and permeates the entire organization. I would venture to say that subordinate officials probably know laborers by name to as great an extent, if not greater, than would be conceived possible in any organization of the size of ours. Not only foremen and superintendents know the vast majority by name, but many employees, who have been with the house for a long time, I know personally by name. It is a well-known fact around Armour & Co. that when any employee who is entitled to consideration, because of service, has any grievance or is in trouble he is welcome to come to see me personally, and I make it a particular point in my work to always see them and investigate and consider each case individually, and I think in a large measure the loyalty of the employees of Armour & Co., which is a well-known fact, is due to the development of the personal equation between the head of the house and its humblest employee. I do not mean that this is carried to extremes, because that would not be possible in a company employing as many men as we do.

Question. What policing force has the company?

Answer. We have a small police force at each plant, employed for the purpose of watching and guarding the property of the company against all hazards, including fire, day and night, and other things.

Question. Are laborers ever searched by watchmen or other employees of the company as they are leaving the plant to find out if they have carried away meat in their dinner buckets?

Answer. Never unless an employee is under suspicion. At times I can imagine that it might be necessary to search several men working in a gang in order to detect the guilty one.

Question. Is there a regular system for doing this?

Answer. No.

Question. What action is taken in cases where men are discovered carrying off pieces of meat for the use of their families?

Answer. It depends largely upon circumstances. If a man's family is in distress we don't do anything about it, but if he takes the meat to sell it we discharge him.

Question. What facilities are provided for the men who work in the killing gangs, the fertilizer works, and other dirty places to wash and change their clothing before leaving the plant?

Answer. Facilities are provided at all plants where they wash and change their clothes.

Question. How many messenger boys are employed by the company at the plant?

Answer. Very few, comparatively. Most of it is done by pneumatic tube service.

Question. What are their duties?

Answer. That of the usual messenger boy; carrying papers, letters, telegrams, etc., to the departments and offices of the plants.

Question. What rules are followed in employing the boys?

Answer. We are very particular about the selection of office boys; in fact, that is the most particular work we do around Armour & Co., because as a rule our boys become department heads. Preference is given to the sons of widows.

Question. What measures, if any, are taken to safeguard the moral welfare of these boys?

Answer. Department heads and superintendents, appreciating the desire of the company to develop boys into future officials, are instructed to advise with the boys and help to develop them along the necessary lines to make the best possible use and development of this available material, and, necessarily, this advice extends to and along moral lines.

Question. What are they paid?

Answer. From $5 to $9 a week, dependent upon ability and length of service.

Question. Do you believe that a laborer can support his family according to the American standard on an average weekly wage of $12.20?

Answer. This is a very difficult question to answer and I think naturally depends entirely upon the individual. What is ample for one might be inadequate for another.

Question. Is it a fact, as stated by Mr. Kennedy, that the price of the common kinds of meat and of lard, flour, eggs, butter, sugar, and milk has increased on an average of more than 10 per cent between 1910 and 1913?

Answer. I have not available statistics at hand to answer this question. I believe the Bureau of Statistics at Washington is continuously formulating and issuing statistics, which would answer this question much better and more accurately than I.

Question. Have you ever visited the homes of any of the laborers employed in your plant?

Answer. Personally, no.

Question. Do you consider that the environment in which the children of your employees who live in the stockyards district are brought up is likely to produce healthy and moral men and women?

Answer. Yes; in the same manner and to the same extent that is possible in the residence districts surrounding and adjacent to any industrial community.

Question. Is it a fact or not that, in effect, the packing companies obtain their labor for a wage less than is required by the American standard of living by taking advantage of the necessities of newly arrived immigrants?

Answer. No; I do not think so, and I am certain that in Armour & Co. this fact has never been considered.

Question. Do you regard your plants as a sort of training school for newly arrived immigrants, and expect your employees to pass on to other employment within a few months or years?

Answer. No; it is our endeavor to keep the men around us as long as we are able to. Many men who started in our plant as laboring men have become foremen, general superintendents, and managers.

Question. What would be the effect on the community of conditions that exist in the yards if the movement of immigrants should cease, as it has done largely

since the beginning of the war, and if the men and families employed by you should become a permanent class?

Answer. That is a very difficult question to answer, and my answer could be but a guess at the best; but I can not see how it would have any appreciable effect.

Question. Do you believe that the packing industry could be conducted profitably if the company were to carry an average working force on its pay rolls throughout the year? In other words, were it to insure its employees against unemployment.

Answer. No. I believe 75 to 80 per cent of our employees are regularly and continuously on our pay roll. As to the other 25 per cent, their hours and time are entirely dependent upon the volume of business, which, in turn, is dependent upon the receipts of live stock from day to day. At the Chicago yards, for instance, I think I am safe in saying that 75 per cent of the total receipts of each week are received in the first three days of that week. This stock as soon as purchased must be immediately cared for and slaughtered as soon as possible. This necessarily entails a larger force of men the early part of the week than the latter part. This is a subject to which the packers have given a great deal of thought and study, in an endeavor to work out some plan which would make it possible to distribute the receipts more evenly throughout the week. I think you will immediately appreciate that could this be done it would make possible a greater degree of permanency in the hours of our employers, greater efficiency, and, in turn, reduced manufacturing costs, but a satisfactory solution of this question has never been attained. In addition, receipts vary greatly from week to week and month to month, all dependent upon reasons beyond our control, such as crop conditions, weather conditions, prices, railroad conditions, etc.

Question. Please relate briefly the history of the strike in 1903–4.

Answer. This strike was brought about on account of the wages of unskilled labor. We wanted and offered arbitration, but it was declined.

Question. Prior to this strike what proportion of the men belonged to unions and were dealt with collectively through contracts or agreements?

Answer. I am unable to answer that question. Possibly Mr. O'Hern can answer it.

Question. Were wages reduced after the strike?

Answer. I do not think so. In fact, since that time I believe on an average wages have increased.

Question. What increases have been made since the strike?

Answer. This is a question of detail, which can better be answered by Mr. O'Hern.

Question. Do you believe any employer can be trusted to protect the interests of large numbers of employees who are not organized and who have no means of collectively urging grievances?

Answer. Yes; I believe that any business man to be successful must, and does, recognize that by far the largest contributors to his success are his employees, and that he must obtain the best the market affords, and to obtain the best results from such employees they must have the interest of their employer at heart and must be contented and satisfied. As I have previously said, I do not believe that anyone has the welfare of the employees of Armour & Co. at heart as much as I have. Of course, in the broad sense the answer to your question, I recognize, will always be debatable, because there are so many economic questions going to make up the basis of a reply; but as pertains to our own business I am compelled to answer the question in the affirmative.

Acting Chairman LENNON. Can you state the average amount that is paid for injuries that result in death in your plant?

Mr. ARMOUR. I don't know that I could personally answer that; perhaps Mr. O'Hern can answer that.

Acting Chairman LENNON. And you would not be able to answer as to other phases of injury as to whether their doctor bills or hospital bills and such as that were paid?

Mr. ARMOUR. They usually are; yes.

Acting Chairman LENNON. Those expenses you know are paid?

Mr. ARMOUR. Yes; I do know that.

Acting Chairman LENNON. You do not know what payment they would get for the loss of an eye or of an arm in the case of accident?

Mr. ARMOUR. No; it would depend upon conditions and circumstances.

Acting Chairman LENNON. Mr. Kennedy, in his paper, submitted an argument showing, from his viewpoint, that the one great necessity in your plant, for the perfection and betterment of the condition of the workers, was that they have a labor organization, and that such organization should be recognized, and through that organization they should enjoy the right of collective bargaining as to wages and as to their hours of labor and other conditions of their employment. What comment have you to make in regard to that?

Mr. ARMOUR. That has not been the experience at the stockyards.

Acting Chairman LENNON. You maintain that from your viewpoint that is not warranted by the experience at the stockyards?

Mr. ARMOUR. By their past experience; yes; by the last experience.

Acting Chairman LENNON. You spoke regarding the impossibility of representatives of unions appearing among your employees and holding meetings and things of that character. Suppose those meeetings were held on Sundays and of evenings, when the employees were not at work in the plant. Would you consider it within your province to enter objection or prevent such meetings being held?

Mr. ARMOUR. Most decidedly not; no; most decidedly not.

Acting Chairman LENNON. What is the nature of the grievances that are likely to come to you after they may have been first dealt with by subordinate officials? What is the nature of the grievances that usually reach you?

Mr. ARMOUR. Well, I do not know as I can tell definitely what their nature would be.

Acting Chairman LENNON. Discharges, or anything of that kind?

Mr. ARMOUR. Any man has a right to come to me. My door is always open, and it is a well-known fact among all our employees that they can come to see me whenever they have a grievance.

Acting Chairman LENNON. Are there any considerable number that do come?

Mr. ARMOUR. It varies—yes; it depends upon conditions.

Acting Chairman LENNON. What does your welfare department consist of; what do they do?

Mr. ARMOUR. We have two nurses, and they are trained nurses, and they go around to the homes of the girls, and they talk to the girls during their play and while working, and if they are in trouble they take care of them. They are supposed to give them money and help them out generally at any time when they may be in trouble.

Acting Chairman LENNON. Do they take cognizance of the sanitation at the plant and such things as that?

Mr. ARMOUR. Most decidedly.

Acting Chairman LENNON. Are there any complaints, so far as you know, as to the conditions in your plant in those respects?

Mr. ARMOUR. No, sir; I do not think there is.

Acting Chairman LENNON. In your reply to the question that was asked regarding the employment of peace officers—I don't know just the words used now, perhaps police officers or police force or something—do you employ detectives that mix among the employees to ascertain as to their attitude of mind toward the company, or whether they belong to labor organizations?

Mr. ARMOUR. No, sir; we do not.

Acting Chairman LENNON. You have heard of this system, of course? Called the spy system.

Mr. ARMOUR. I have.

Acting Chairman LENNON. That does not prevail in your plant?

Mr. ARMOUR. No, sir.

Acting Chairman LENNON. These messenger boys that you employ, what standard of education, if any, do you require before a boy can start in that class of work?

Mr. ARMOUR. Just a common-school education.

Acting Chairman LENNON. That is through the seventh or eighth grade, or something like that?

Mr. ARMOUR. Yes; just a common-school education; but, as I said, that is the most particular work we have around Armours, because most of our department heads used to be, in one way or another, office boys around Armours; the office boy of to-day is the department head of to-morrow. We seldom go outside to hire any of our men; we take them from the ranks as far as possible.

Acting Chairman LENNON. The offer of arbitration made by your company, as you stated, in the strike of 1903, was that made through some third party,

or was it made by you, or the representatives of your company, direct to the officials of the union?

Mr. ARMOUR. It was made direct to the officials of the union, Tom Donnell, I think the man's name was. I recollect he was president of the union at that time.

Acting Chairman LENNON. Commissioner Garretson wishes to ask you some questions.

Commissioner GARRETSON. Mr. Armour, is this 8 or 10-hour day, of which you speak, at Armour & Co.'s, a maximum or minimum day?

Mr. ARMOUR. It is neither.

Commissioner GARRETSON. What is it?

Mr. ARMOUR. We endeavor to give them a 10-hour day whenever it is possible, but it is not always possible.

Commissioner GARRETSON. But you do not work them beyond that, is that it?

Mr. ARMOUR. I would not say that; we work them overtime sometimes.

Commissioner GARRETSON. You do not work them overtime, beyond that period, without paying for overtime?

Mr. ARMOUR. Oh, no.

Commissioner GARRETSON. Then you do not pay them for 8 or 10 hours if they work less than that?

Mr. ARMOUR. No.

Commissioner GARRETSON. Then it is a maximum day?

Mr. ARMOUR. Yes; you might call it that.

Commissioner GARRETSON. But there is no minimum day?

Mr. ARMOUR. No.

Commissioner GARRETSON. You have not what was testified to yesterday in regard to as a 40-hour minimum week?

Mr. ARMOUR. We practically have that; yes.

Commissioner GARRETSON. But does it work out?

Mr. ARMOUR. Yes.

Commissioner GARRETSON. Then there is no man that works for you in that class of labor paid less than 40 hours a week?

Mr. ARMOUR. I could answer that question broadly; I do not think I could state specifically so, but it is our endeavor and, I think, we make it work out that way.

Commissioner GARRETSON. Does or can a pension plan, a private pension plan like yours, reach, under its terms, the casual or periodic worker?

Mr. ARMOUR. Well, it does not.

Commissioner GARRETSON. It does not?

Mr. ARMOUR. No; it does not reach the laboring man, if that is what you mean.

Commissioner GARRETSON. That is what I mean; the class of work that was testified to here yesterday that, in the morning, whoever does your hiring—I don't know who that is, whether a gang boss or you have an officer delegated for that purpose—but he walks out and taps so many men on the shoulder to make the peak load that day, and they may use those men one or two days or a week, but only a comparatively short period, and when the run of cattle is less, for instance, in the slaughtering department they are let go until they are needed again?

Mr. ARMOUR. Naturally. I suppose any large company would have some men that would not be permanently in its employ.

Commissioner GARRETSON. They are periodical?

Mr. ARMOUR. That would happen in any company; yes.

Commissioner GARRETSON. And no pension plan so far devised has been able to reach that kind of men?

Mr. ARMOUR. We have not been able to find any.

Commissioner GARRETSON. In the very essence of tenure of service upon which pensions are based, they can not reach those men?

Mr. ARMOUR. I would not think it could.

Commissioner GARRETSON. Then a system of pension, under governmental control and to which the employer contributes for the period the men work for him, would be the only means of reaching that class of labor, would it not? And I am using "governmental" in the sense of either State or National.

Mr. ARMOUR. I guess you are pretty near right.

Commissioner GARRETSON. I would like to know, if you can make it plain, how, on an average of 7,000 employees—that is about an average number, is it, between your high line and your low line, in busy times?

Mr. ARMOUR. You mean here in Chicago, or all over?

Commissioner GARRETSON. In Chicago.

Mr. ARMOUR. I would think so.

Commissioner GARRETSON. I am just taking the plant here in Chicago, where there is a certain amount of contact with the head official of the company; that is what I want to illustrate

Mr. ARMOUR. Yes.

Commissioner GARRETSON. During the course of a year, how many of those individuals who complain of having received unjust treatment from his immediate superior come to you?

Mr. ARMOUR. Well, I would not think very many; I would think comparatively very few, because I think they only come to me when they can not get justice or can not settle their case with the superintendent.

Commissioner GARRETSON. And in what proportion of such cases as have come to you have you reversed the decision of the man below you?

Mr. ARMOUR. I do not know that I can answer that question, because it would depend entirely on what the case was.

Commissioner GARRETSON. I did not know but that you had a general idea of what your attitude has been toward those cases.

Mr. ARMOUR. I am always very glad to take the side of the men, if possible; that is the only way I can answer that question.

Commissioner GARRETSON. Are there cases of that character settled by you personally, or are they referred to Mr. O'Hern?

Mr. ARMOUR. They are settled by me personally when they come to me.

Commissioner GARRETSON. You spoke of the fact that your business in the plant was in the nature of an endless chain and that you could not afford, on that account, to have organizers interfering during business hours—labor organizers?

Mr. ARMOUR. Yes.

Commissioner GARRETSON. Is the economic side of it, as well as the industrial side of it, something of an endless chain that would be interfered with?

Mr. ARMOUR. Most decidedly; I would not have them there any way; it is no place for them.

Commissioner GARRETSON. The real reason—or is the real reason of the underlying opposition to the unions economic?

Mr. ARMOUR. No; I can only speak from the experience of Armour & Co. The unions have not worked well at the stockyards, because as soon as they have gotten a little power they have not known how to proceed. The success of a union is the same as the success of anything else—in knowing how to run it.

Commissioner GARRETSON. Is it not a fact that it is the unfailing experience of employers dealing with labor unions, virtually from the inception of the American labor movement—I am only talking about this side—that whenever the employer is struggling against the domination of the unions, is it not true that his unfailing claim is that the men become intoxicated with their own power and therefore they are undesirable? I am drawing on my own experience in the labor movement in forming the question, Mr. Armour.

Mr. ARMOUR. I can only answer that question, Mr. Garretson, by saying I know unions that are very well run, and they are a good thing for the employer as well as the employee. I know some other unions that are very badly run, just like running a business.

Commissioner GARRETSON. Do you know what the experience of that good union was in its early days when it was struggling for recognition?

Mr. ARMOUR. No, sir; I do not.

Commissioner GARRETSON. I have heard my own cited as a very good organization and still I have seen it when it was utterly irresponsible and undesirable.

Mr. ARMOUR. That was because they had the wrong man at the head of it.

Commissioner GARRETSON. They had the same man at the head then that is at the head now.

Mr. ARMOUR. Then he has had more experience.

Commissioner GARRETSON. We all profit by experience.

Mr. ARMOUR. Absolutely.

Commissioner GARRETSON. He is growing in experience.

Mr. ARMOUR. He is growing into his job, is all.

Commissioner GARRETSON. I know that most of the questions in regard to the number of hours worked, average pay per month or week or by the day, all of those questions are referred to Mr. O'Hern for reply; personally, you are personally familiar with the financial details of Armour & Co.?

Mr. ARMOUR. I hope so; yes.

Commissioner GARRETSON. Is there anything significant as to the relative importance in the minds of the manager of the two problems—that is, the industrial and the financial—in the fact that you have not the same knowledge of the industrial situation that you have of the financial; does that show the relative importance of the two?

Mr. ARMOUR. No; I don't think so at all, but you can hardly expect a man to know a lot of details that would naturally come under the head of the superintendents. Did I answer your question? I want to.

Commissioner GARRETSON. It would just be a question, it seems to me, of the highest power in the corporation or organization giving his attention, in the matter of detail, to that which he considers of the greatest importance?

Mr. ARMOUR. No; I hardly think so. I think I know in a general way as much about the labor end of our business as I do of the financial end of our business.

Commissioner GARRETSON. But you do not know the detail of the one as you do of the other?

Mr. ARMOUR. I might not know the detail of what our rate of interest is to-day, and that is a detail of the financial end of the business just as much as I might not know what an individual man is getting; I would hardly be expected to know it.

Commissioner GARRETSON. No; I suppose a man's brain has its limitations?

Mr. ARMOUR. Mine has.

Commissioner GARRETSON. In regard to the amount that is necessary to maintain a standard of living, I suppose it is all relative, what constitutes the standard of living? The question was asked you in regard to whether you believed or not that it was possible, under the American standard of living, for a man to live on $12 a week; do you believe it is possible to raise a family and educate them on such a sum?

Mr. ARMOUR. A lot of people have done it.

Commissioner GARRETSON. What is that?

Mr. ARMOUR. A lot of people have done it; a great many people have done it.

Commissioner GARRETSON. And more have failed, have they not?

Mr. ARMOUR. I don't know; I don't know as I could answer that question.

Commissioner GARRETSON. You take the average business man of the present day, that has highly developed business ability, and are you acquainted with any man of that type who would care to undertake the problem of maintaining a proper standard of living on $12 a week?

Mr. ARMOUR. No; but I do not know any men that run business that would not be glad to pay their men $15 or more a week; it puts the money in circulation.

Commissioner GARRETSON. As to whether it was put in circulation, would it depend on the channel for putting it in circulation?

Mr. ARMOUR. No; it all goes into circulation.

Commissioner GARRETSON. The surplus does, too?

Mr. ARMOUR. Yes, sir.

Commissioner GARRETSON. It applies to both?

Mr. ARMOUR. Yes, sir; but the more money in circulation the better for the community.

Commissioner GARRETSON. I suppose the company is not hoarding its funds, by whatever name it calls them, by dividend or surplus or wage?

Mr. ARMOUR. No.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. Commissioner O'Connell wishes to ask some questions.

Commissioner O'CONNELL. I want to ask, Mr. Armour, about the absentee directorship. I know you stated you gave a large portion of your time to Armour & Co.?

Mr. ARMOUR. Yes, sir.

Commissioner O'CONNELL. But you replied that not much of your time was given as a director of the other corporations, as, for instance, the Illinois Central Railroad. Do you feel there is a responsibility on a director of a corporation that he should give personal attention to the affairs of that corporation, and not only in the interests of the stockholders, but in the interest of those employees that he should familiarize himself with the conditions under which the road, for instance, is being operated and the physical property being taken care of?

Mr. ARMOUR. Yes.

Commissioner O'CONNELL. In some of these hearings that this commission has held—as, recently, in the city of New York—we had a large number of financial men, who were directors in a great number of corporations, before us, and it was brought out that, I think, practically all that appeared before us had not attended meetings of the directors of the corporations in which they were directors, in some cases for years; had not visited the properties of the companies for years; had not even attended meetings of the directors for years, or just occasionally; they were not familiar with the conditions under which the workmen were being employed, or whether they were being treated fairly or not, and were not even furnished with knowledge as to that. If men assume the directorship of a corporation, if it is not possible for them to give personal attention to it, should there not be a system provided whereby they would keep informed indirectly, as it were, by correspondence or circulars or communications?

Mr. ARMOUR. Yes, sir.

Commissioner O'CONNELL. Do you receive, for instance, from the Illinois Central Railroad a report weekly or monthly or semiannually or annually, showing the physical condition of that property?

Mr. ARMOUR. No; I receive the earnings they may have.

Commissioner O'CONNELL. Just the earnings?

Mr. ARMOUR. The earnings.

Commissioner O'CONNELL. Do you know anything about the recent strike on that system, that cost considerable money?

Mr. ARMOUR. I know of it in a general way. I see Mr. Markham once in a while and talked to him about business. He is the president of the road.

Commissioner O'CONNELL. I speak of that as just an incident that came before this hearing. Do you feel that the busineses interests, the public interests, the interests of the citizens are being neglected by a director who does not take an active part in the affairs of the corporation in which he is elected to represent the stockholders?

Mr. ARMOUR. Most decidedly so.

Commissioner O'CONNELL. Do you not feel that the public is being misled—for instance, your name appearing as a director of a corporation, a man of high standing, and people with small sums to invest would say, "Well, Mr. Armour is a director in that corporation, and he will certainly see that things are all right," and people are induced to invest by the mere fact of the names of prominent people used as directors, and used as a means in some cases to induce people to invest their savings, and at the same time probably take the risk of losing what they may invest?

Mr. ARMOUR. I do not think a man should let his name be used as a director unless he is willing to assume the responsibility that goes with it.

Commissioner O'CONNELL. What I am getting at—if a man does not give his time, or at least some of his time, to a business in which his name is being used as a director; if he can not give the time to that and you say, and I take it, that it is not right for him to do so unless he can give his time to it—that is, allow his name to be used as a director?

Mr. ARMOUR. No, sir; I do not think that is right; he does not have to give his whole time to it, but he should give enough so as to know what is going on.

Commissioner O'CONNELL. He should be reasonably familiar with the affairs of the corporation?

Mr. ARMOUR. Yes, sir; I think so.

Commissioner O'CONNELL. So that if things did go wrong in the corporation he would not be in a position to plead ignorance and say he did not know that was the case; for instance, a director in a bank. People are induced to deposit their funds in a bank in many cases because of the personnel of the directorship.

Mr. ARMOUR. Most decidedly; I think that is largely true with banks.

Commissioner O'CONNELL. And if the directors do not attend meetings, but leave it to the president and a few of the officials of the bank to transact its business, and finally financial trouble comes and the bank closes its doors, and the depositors have been deceived by the fact that the directorate was made up of men in which they had the greatest confidence, yet these men did not give any attention, personally or otherwise, to the business, and the funds which these people had deposited, does not such a condition cause an unrest and fear in the minds of the people of our country that some of our representative men

who occupy positions of great trust and great responsibility, and in whom the people have placed confidence, are not doing right by the public?

Mr. ARMOUR. I think I have answered that question before.

Commissioner O'CONNELL. That is all.

Acting Chairman LENNON. Commissioner Aishton wishes to ask some questions. Mr. Armour, we have encountered much of discontent and unrest because of the fact, which seems to be a fact, that in many cases when young men are taken into an industry—say, in your industry—from 18 to 21 or 22 years of age they are simply given an opportunity to acquire a knowledge of a specialty; that they are never given any opportunity to learn anything of the other departments of the company—the work in other departments. How is it in regard to the entry of the young men into your plants? Do they have a chance to learn to do properly anything except one specialty, so that if there is not work at that they can work somewhere else?

Mr. ARMOUR. You mean the laboring men, now?

Acting Chairman LENNON. Yes.

Mr. ARMOUR. Well, of course, you can change the laboring men around from one place to another; they do not necessarily have to know how to do the work.

Acting Chairman LENNON. They have to have some degree of skill, don't they?

Mr. ARMOUR. It depends entirely on the work; but we have departments where we can change men from one department to another, and if there is slack work in one department we can put men in another, because the work is very much the same.

Acting Chairman LENNON. Take work that requires skill or semiskill; are the young men put into the industry given opportunity to learn the work of different departments where skill or semiskill is required, so that if, for instance, your plant is burned down, annihilated, they could go to Kansas City, Fort Worth, or elsewhere and take up work in some department where skill or semiskill was required and make good at it?

Mr. ARMOUR. It would depend a good deal on the man; but I would think, broadly, he could; it naturally depends, like anything else, on the man.

Acting Chairman LENNON. They would have an opportunity to do so?

Mr. ARMOUR. They would know enough that they could go from one department to another.

Acting Chairman LENNON. Commissioner Garretson wishes to ask another question.

Commissioner GARRETSON. What is the capital stock of Armour & Co.?

Mr. ARMOUR. Twenty million dollars.

Commissioner GARRETSON. What is the dividend rate?

Mr. ARMOUR. Ten per cent.

Commissioner GARRETSON. What were the earnings—net earnings—of the company last year?

Mr. ARMOUR. Well, now, I will answer that question by explaining what Armour & Co. is, if you will allow me to.

Commissioner GARRETSON. Good.

Mr. ARMOUR. Our capital is $20,000,000, but our surplus, which was made out of the earnings from the company from many years, is somewhere in the neighborhood of $90,000,000, so the total money we have invested is something over $100,000,000, and we made seven and one-half millions dollars last year.

Commissioner GARRETSON. How much did you pass to surplus last year?

Mr. ARMOUR. Well, we paid dividend of $2,000,000, and we passed to surplus five and one-half millions.

Commissioner GARRETSON. Then, in reality, you earn something on your capital stock—I am not talking about the surplus—materially in excess of 30 per cent.

Mr. ARMOUR. Well, if you want to put it that way; but that is not the correct way to put it; it is not the fair way to put it.

Commissioner GARRETSON. You are regarding book value as capital, then?

Mr. ARMOUR. Yes; it does not make any difference whether it is capital or surplus; it is the same thing; it is money invested in the business.

Commissioner GARRETSON. You hold that the entire surplus is invested in the business?

Mr. ARMOUR. It is; yes, sir.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. That is all, Mr. Armour; you will be excused.

TESTIMONY OF MR. JOHN E. O'HERN.

Acting Chairman LENNON. Please state your name, business, and your residence.

Mr. O'HERN. John E. O'Hern; 5706 South Park Avenue; general superintendent of all the Armour plants, the packing plants.

Chairman LENNON. You heard Mr. Armour's reply referring certain questions to you. I think I made a minute of all of them; but if you have them, take them up in regular order, and are prepared to refer to them as you go along, you may take them up in your own way?

Mr. O'HERN. All right, sir.

In answer to the question showing the percentage at the various rates, at the various plants, I made up a table here showing the rate of 17½ cents and under.

Acting Chairman LENNON. That is under question 16?

Mr. O'HERN. Yes, sir; 17½ cents and nuder; 17½ cents and less than 20 cents; 20 and less than 25; 25 and less than 30; 30 and less than 40; 40 cents an hour and up.

The table that I have includes the plants at Chicago, Kansas City, South Omaha, St. Louis, Fort Worth, Sioux City, St. Joe, and the total recapitulation.

Under 17½ cents—it is rather an elaborate statement showing the number of men and the percentage for each plant. Do you want me to take just one plant or more? I have it here either way.

Acting Chairman LENNON. Give it for the Armour plant here in Chicago.

Mr. O'HERN. The Armour plant in Chicago, for the total number—these figures showing males, minors, and adults: Male employees under 17½ are 94, or 1.32 per cent; 17½ and less than 20, 56.37 per cent; 20 and less than 25, is 23.63 per cent; 25 and less than 30 is 10.33 per cent; 30 and less than 40 is 7.17 per cent; 40 and up is 1.18 percent. This is based on a total number of employees that we had to estimate as average for the year, because it was impossible to arrive at the actual number on account of seasonal conditions under which the work is conducted, totalling 7,150 males.

Acting Chairman LENNON. Give the women employees, if you have it there.

Mr. O'HERN. The women employees for the same, under 10 cents and less, are 17. That is 2 per cent of the total. From 10 to 12½ is 83 per cent; 12½ and up was 15 per cent. As an explanation of that, now, I want to mention that it does not include what might be termed steady-time men, foremen, clerks, or office employees, or any portion of the executive end of this organization. It includes old-time and disabled employees, unfit for laboring work at the present time, who are now employed as doormen, janitors, and other light occupations; boys—that is, boys under 21 years of age; females include both day workers and pieceworkers. The only ones we have under 10 cents are minors between the ages of 14 and 16 years, and whom we employ at the request of parents or the bureau of charity or other interested people—this with the approval of the municipal authorities.

Acting Chairman LENNON. Can you give the statement as to the actual payments to some of those people under each of those different percentages—what they actually receive for, say, a month?

Mr. O'HERN. I have tried to work that out, and it is a pretty hard matter, on account of the fact you would have to take it exclusively by the week. I think the mass of figures I have made on that would only be largely an estimate showing the average earning rate to be $500 to $650 per year for those men under 20 cents an hour. That is what we claim our labor rate is; in other words, our labor rate is from 17½ to 19½ cents.

Acting Chairman LENNON. Do you believe that they are paid from five to six hundred dollars per annum?

Mr. O'HERN. Five hundred to six hundred and fifty. Some are earning more on account of overtime work they get in.

Acting Chairman LENNON. They must be steady employees, having to work practically every workday in the year, then, or approximately that?

Mr. O'HERN. Not necessarily. Ten dollars a week would be less than 17½ cents an hour. Six days a week at 10 hours would be $10.50 a week, and a great portion of the men are 18½ and 19 cent men; the greater portion would be 18½. That is the rate for common labor that we used.

Acting Chairman LENNON. What is the next query you have there?

Mr. O'HERN. We have shown under the next statement the average number of employees and the average amount per week. I have based that on some

tables that were shown in Mr. Kennedy's report, and also some additional ones, showing our larger gangs.

For instance, the Chicago plant, in what we call the hog killing, hog cutting, cattle killing, sheep killing, canning room, sausage room, curing department, mechanical department.

I have also taken it for two different periods—the period ending October 31 and the period ending March 6. I had to take those periods for the reason that we had no time in the short space of time I had to make this up differently. So we took it under a 10-week period in conformity with our accounting system.

The figures I am giving give exact actual amounts of the pay roll and the average number of men employed in the department.

This statement includes the males, the females, adults, and minors.

In the hog-killing department for the period ending October 31, 10-week period, the average number of employees was 347; the total amount earned in 10 weeks, the actual amount we paid out, $32,905 and some cents; and the average of the employees for the 10 weeks was $94.84, or for one week, $9.48.

The hog cutting, in which the average number of employees was 177, the average per week, $9.78.

The cattle killing, average of 282 men; the average per week, $11.66.

The sheep killing, the average number of employees, 244, with the average per week of $10.77.

For the eight-week period in March—those I just gave are the October figures.

For the eight-week period ending in March, hog-killing department, the number of men was 547, as compared with 347 in the previous period, with an average of $11.06 in March as against $9.48 in October.

In the hog cutting, 237 men, against 177 in October, with an average pay roll of $12.52 in March as compared with $9.78 for the October period.

The cattle killing, 287 employees, approximately the same—October period 282—with an average pay roll of $11.39 for March as against $11.66 for October.

The sheep killing, 198 men in March as against 244 in October, with an average of $9.85 in March against $10.77 in October.

In explanation of this, I want to state that these periods were during the quarantine period, when the quarantine scare was on, which restricted the receipts of live stock; the receipts were very irregular, and there was a considerable scare on the part of the live-stock people as to whether they ought to send their stock into this market or not.

The canning-room statement for the same periods shows an average number of employees during the period ending October 31 of 800, and their average rate for one week, $11.86.

That is the busy season in the canning room.

The average for period ending March 6 of this year was 626 employees, or $9.28 per week.

For the period ending October 31, the canning-room average employees was 800, of which 349 were female, adults and minors, and 23 were boys under 21 years.

For the period ending March 6, 1915, out of an average of 626 employees, there were 310 female, adults and minors, and 23 boys under 21 years of age.

The sausage room for the period ending March 31 was 435 employees, or an average of $10.34 per week.

For the period ending March 6, there were 484 men, and $11.24 per week.

I have the actual figures in money here that is taken from our books. If you desire, I will furnish one of these statements.

The curing department in October period had 371 employees with an average of $11.50 a week.

In March they had 473 employees with an average of $12.88 per week.

That is the very opposite of the canning room. You will notice that the curing departments were busy when the canning room was slack.

Acting Chairman LENNON. In making up those figures, are they inclusive of all the people who work during that period, or were there some who worked a few hours?

Mr. O'HERN. They are inclusive of the average. We could not take all the people, because a few of them would only work a few hours in a week. We had to take the average number of employees. What I took was the average number by taking the pay roll on a certain day each week, presumably

in most of the plants on Thursday, as we consider that one of our uniformly fair average days.

The mechanical department for October period, which includes mechanics as well as laborers and apprentices, was 718 men, with $13.89 average pay roll per week, comparing with March, 705 employees with $14.38 per man per week.

For the period ending October 31, the sausage department average number of employees was 435, of which there were approximately 150 females, adults and minors, and 20 boys, door tenders, etc.

For the period ending March 6, 1915, of an average number of 484 employees 165 were females, adults, and minors, and 24 boys, door tenders, etc.

I believe you have asked for the average number of hours made by certain gangs?

Acting Chairman LENNON. Yes.

Mr. O'HERN. I submit a statement showing the estimated number of hours made per week. We took it for the period from October 4 to 31, inclusive.

Acting Chairman LENNON. That is representative of the period, is it?

Mr. O'HERN. That is the period Mr. Kennedy had mentioned in his statement. I took the exact period, as closely as we could get them to conform to our accounting system.

In the hog killing, average for week was 42½ hours; cattle killing, 50 hours; pork cutting, 43 hours; sheep killing, 44½.

For a period of four weeks in March, March 1 to 27, inclusive, the average hours per week were 43 hours in the hog killing; 46 in the cattle killing; pork cutting, 45; and sheep killing, 37.

This statement does not include a number of men who remained after gang time for the purpose of cleaning up the department, caring for the product and doing such other work as may be required to finish up the work in the department and leave it in condition, ready to start next morning.

I want to say in explanation of that labor that the lower-priced men are always allowed to do the clean-up work. What we call the "gang time" is the time after the major portion of the gang finish and go off duty.

The clean-up work is taking care of the details that can not be taken care of during the time or while the work is going on. That includes about two or three hours' work each day.

As an illustration, I could give you approximately how many of those men have the opportunity to make that two or three hours' extra time in the hog-killing gang. In the hog killing the estimated number in the gang was 350. Eighty of those men were permitted to make two and one-half hours each overtime, which we allow them for cleaning-up purposes. In other words, two, three, or four foremen take a bunch——

Acting Chairman LENNON (interrupting). How many hours had that gang worked as a gang?

Mr. O'HERN. Forty-three hours. The laboring men would have 6 times 2½ hours, or 15 hours more.

Commissioner GARRETSON. Is that 43 hours the average or the actual?

Mr. O'HERN. This is actual time taken. We were able to get the actual time in this particular case. It is the actual time, gang time; the high-priced men received actual pay for what is termed "gang time."

Now, in the cattle cutting there were 280 men. One hundred of these laborers received two hours' extra work each day on the clean-up.

I perhaps should not say that it is six days a week. We have on an average about five clean-ups a week. In other words, there are not many weeks when they work on Saturday, and you can readily appreciate whether we work 1 hour or 10 hours, the clean-up is the same. So that the amount of time necessary to clean up does not vary.

In the pork cutting we had 175 men average in the gang, and 40 men got two and one-half hours each extra.

This gang works practically every day.

In the sheep killing we had 245 men, and 117 got two hours extra in addition to gang time.

I want to say for the gang that on account of the quarantine the receipts were light and we were unable to harmonize our gang with the receipts. For a week we really held men ready, expecting the quarantine to be declared.

Now, we have got other departments, for instance, the canning room, the cutting room, the sausage room, in regard to which I will give you some figures.

In the canning room for the October period 70 hours was the average for the week. That was a very busy season. We worked, I believe, one or two Sundays during that period, and we worked some nights. But the average actual time made by the people in that department for the four weeks' period, taking all the total employees and the number of hours worked, was 70.

I want to say that this is seasonal work, and that it only runs a few months in the year.

Acting Chairman LENNON. What would be the longest limit of hours anyone would have to work?

Mr. O'HERN. I would say that we call it 8 o'clock. We try to work under Government regulation. We are not permitted to work beyond 7 o'clock without getting a permit from Washington.

We also endeavor to work even time as far as possible. We find it not only decreases the efficiency of the men, but it decreases the efficiency of the work. We do not get the results in overtime, nor do we have the men working as efficiently when there is too much overtime.

Acting Chairman LENNON. Would anyone work 18 hours out of 24?

Mr. O'HERN. There would be no cases of that kind, with the exception possibly some of the machinery breaks, and they work to fix up the machinery in case of a breakdown. I do not recall an instance of that kind at this time.

I know we have had the big ice machine, for instance, break down; the men did work all day and night trying to put it in order to get it ready for work.

Acting Chairman LENNON. That would not be in the actual butchering?

Mr. O'HERN. No; there is absolutely none of that.

In the sausage department for the same period, average 62 hours; the curing, 62 hours; the mechanical department, 60 hours.

The mechanical department for the four-week period ending March 1 to 27 was 60, as compared to 60 in the fall. That runs very uniform year around.

The canning department is 50 hours in March, compared with 70 in October period. Compared with the average number of employees in March two-thirds or three-fifths of the number compared with October.

The sausage department was 62. That ran about normal.

The curing department in the spring was heavier again; that ran 68.

The next statement I have prepared here in answer to your question E was the number of males and females employed both in the operating and executive end of the organization. I have total employees at all the plants, males and females, if you desire that.

Acting Chairman LENNON. Yes.

Mr. O'HERN. Well, at Chicago, 7,150 males; 850 females in the operating department; in the executive department, 1,000 males and 150 females.

Operating: Kansas City, 3,100 males, 300 females; South Omaha, 1,400 males, 150 females; East St. Louis, 1,250 males and 200 females; Fort Worth, 1,250 males and 150 females; Sioux City, 850 males and 50 females; South St. Joe, 680 males and 30 females; Denver, 200 males and 20 females; Jersey City, 205 males and 10 females; branch houses, there were 2,000.

I have got this totaled here. I do not presume you are interested in the grand total, although I will give it—18,435 males and 1,765 females employed in operating.

The executive total was 5,305 males and 285 females.

I have here something in answer to this next question, which I had to get up as near as I could come to answering the question you have asked there.

I believe the question is, What are the comparative amounts earned in the various classes?

I was unable to obtain that in any satisfactory manner.

I believe I heard Mr. Kennedy's testimony, and I believe he stated after two years' study and work he was unable to obtain it.

It is something that is absolutely impossible to get to be of any comparative value for the reason that we have, in our average turnover, 8,000 extra employees coming and going through the year. And in order to find out what the amount or percentage earned would be for the various classes we would have to take into consideration what we term the steady time employees and those who are the floating or temporary employees.

That would have to be a guess. But in order to give you actual figures, as near as we could, and give you this information, the fullest information we were able to obtain on it, we have given you these figures. We have taken the total of our average number of employees for the year at our seven large

plants—the actual pay roll of the labor end of it in each plant—and the amount of money earned at each plant.

Now, in making up this statement, it includes in the figures male, female, adults, and minors. The average at Chicago was $11.80 per week. That includes men, women, adults, and minors.

Commissioner GARRETSON. That is the sum total of the pay roll for that point divided by the sum total of the employees at that point?

Mr. O'HERN. Yes.

Commissioner GARRETSON. And it gives absolutely no definite information as to what those individuals earned during the year?

Mr. O'HERN. I had no way to get that in the limited time in which I had to prepare these figures.

Commissioner GARRETSON. The man that earned $4 can't pay grocery bills of an average of $11.80?

Mr. O'HERN. Not if he only earns $4.

Commissioner GARRETSON. That is it.

Mr. O'HERN. Not if he only earned $4.

Commissioner O'CONNELL. Have you any way now of differentiating between the male and female as to the wages of the male and female?

Mr. O'HERN. No, we have not. And I was unable to prepare that kind of a statement. If I can find some way to get a statement of that kind that would be of any information, I would be glad to submit it.

Commissioner O'CONNELL. Have you situations where the male and female are performing the same labor?

Mr. O'HERN. No; we have not. We have males and females doing the same work for a certain portion of the day, but the work in our industry——

Commissioner O'CONNELL (interrupting). In that case would they receive the same pay?

Mr. O'HERN. No; I will explain that in this way: We will have a man at $1.75 a day and a woman at $1.25. There might be times during the day when that man would not be busy at his work and he might be sent over to help out, for instance, wrapping labels and doing things of that kind, but the rate of wages would not be changed for the time that he would be there. And they might be both working at the same labor, the same work, but not getting the same rate of pay.

Commissioner O'CONNELL. I understand that.

Mr. O'HERN. In other words, we move a man around, but we change the rate of wages to the highest rate. We never cut their rate of wages when we move them to a position with a lower rate of wages. For instance, a hide dropper gets 37½ cents an hour and a floor man gets 50 cents. If we change the floor man to work as a hide dropper, his rate of wages would not be cut to 37½ cents, which is hide-dropper rate. But if we move the hide dropper to floor man, we would change his rate from 37½ to 50 cents per hour.

Commissioner O'CONNELL. What are the hours of the women and the girls? We have the men.

Mr. O'HERN. I think we have that here. I have a lot of figures.

Commissioner O'CONNELL. If that is going to delay you in any way, we will take it up later; but I thought possibly you had it.

Mr. O'HERN. I may have it here.

Commissioner O'CONNELL. Have you established a minimum wage for female labor?

Mr. O'HERN. The minimum wage for female labor, except in cases of minors, is $1 per day at most plants; at some plants it is a dollar and a quarter. This is for 10 hours' work.

Commissioner O'CONNELL. What is it in Chicago?

Mr. O'HERN. I think it is a dollar here. I am almost certain of it; I do not have it in front of me, and I can not recall just now.

Commissioner O'CONNELL. Go ahead.

Mr. O'HERN. I think it is a dollar. I know in one plant where I had occasion to go into it just recently, that was a dollar and a quarter minimum.

Now, you have asked for the number of hours worked weekly. From 40 to 44 hours, 4.40 per cent; 40 to 45 hours, 18 per cent; 50 to 54 hours, 13.30 per cent; 55 to 59 hours, 13.40 per cent; 60 to 64 hours, 39.20 per cent; 65 to 69 hours, 7.80 per cent; 70 to 74 hours, 3.10 per cent; 75 to 84 hours, 0.80 per cent.

The above was arrived at by taking the actual gang time worked on the killing gang and the average time for the entire gang on the balance of the

gangs throughout the house. We took the actual time in the killing gangs. The average time in the other departments of the house had to be approximated.

For instance, in the canning-room work the employees in the cookroom come out about an hour or so earlier than the balance of the gang and stop about one to three hours earlier, and for that reason there are men going home at various times during the day, varying in the amount of work put in each day, some of the employees working 8 to 10 hours whilst others make 10 to 12 hours the same day. The proportion of those men is not the same every day, and to make up a statement showing the actual amount made by each of the employees in the plants of that kind covering any extended period would necessitate employing a number of clerks and going into a very great detail.

It must be understood that there is no gang in the entire packing plant that stops as a unit. In other words, a large portion of the skilled men go home at what is called gang time, the balance of the men who stay doing such other work as can not be taken care of during the working hours, and which must be done at the close of work each day.

No females work over 10 hours per day.

Now, with reference to nationality, I have a statement of the nationalities. We have the nationalities at the various plants taken on one day. We could not arrive at it in any other way. It covers Chicago, Kansas City, South Omaha, St. Louis, Fort Worth, Sioux City, St. Joe, Denver, and New York and Jersey City.

Now, we have tabulated the Americans, the Irish, the English, the Scotch, the Germans, the Polish, the Swedish, Bohemian, Lituanian, Russian, Slavonian, Mexican, Croatian, colored, Italian, Belgian, Greek, and miscellaneous.

It would be, perhaps, too tedious to read all of these. I have it recapitulated for each plant in classes.

The English speaking; in one class, German, Bohemian, and Belgian; in another class, Polish and Slovak; in another class, Lithuanians, Austrians, and Russians; in another, miscellaneous.

Acting Chairman LENNON. Have you a copy of that report that you will file with us?

Mr. O'HERN. Yes, sir; you may have that.

Acting Chairman LENNON. Just give a copy of that to the stenographer there, and then give us your synopsis.

Mr. O'HERN. All right.

In Chicago, English-speaking people, 26.44 per cent; Kansas City, 43.52 per cent; South Omaha, 35.48 per cent; St. Louis, 44.83 per cent; Fort Worth, 62.14 per cent; Sioux City, 30.56 per cent; St. Joe, 47.18 per cent; Denver, 40.91 per cent; New York, 35.71 per cent; Jersey City, 60.47 per cent.

German, Bohemian, and Belgian classification——

Commissioner O'CONNELL. Those you gave were the English-speaking?

Mr. O'HERN. The English-speaking.

Commissioner O'CONNELL. What do you include in that?

Mr. O'HERN. The American born, Irish, Scotch, English, and Negro.

Now, in the German, Bohemian, and Belgian classification, Chicago, 12.31 per cent; Kansas City, 5.88 per cent; South Omaha, 23.87 per cent; St. Louis, 8.62 per cent; Fort Worth, 7.86 per cent (practically 8); Sioux City, 6.67 per cent; St. Joe, 10.56 per cent; Denver, 29.55 per cent; New York, 15.71 per cent; Jersey City, 9.30 per cent; with an average total of 11.35 per cent; the average total of 11.35.

American or English-speaking people average for the whole was 36.38 per cent.

The Polish and Slovak, Chicago, 33.75 per cent; Kansas City, 8.53 per cent; South Omaha, 20.65 per cent; St. Louis, 29.66 per cent; Forth Worth, 4.29 per cent; Sioux City, 8.89 per cent; St. Joe, 11.97 per cent; Denver, 4.54 per cent; New York, 18.57 per cent; Jersey City, 23.26 per cent, with an average of 23.56 per cent for the whole—for all the plants.

Commissioner GARRETSON. Are those averages by taking and retaking all the totals in all the plants and establishing the averages?

Mr. O'HERN. It is not an average of the averages. It is an average of total employees in each plant.

The Lithuanians, Austrians, and Russians in the classification, Chicago, 24.5 per cent; Kansas City, 79.21 per cent; South Omaha, 6.13 per cent; St. Louis, 15.17 per cent; Fort Worth, 6.7 per cent; Sioux City, 72.88 per cent; St. Joe, 21.13 per cent; Denver, 11.36 per cent; New York, 28.58 per cent; total, 20.60 per cent.

Miscellaneous: Chicago, 8 per cent; Kansas City, 12.35 per cent; South Omaha, 13.87 per cent; St. Louis, 1.72 per cent; Fort Worth, 19.64 per cent; Sioux City, 21.10 per cent; St. Joe, 9.16 per cent; Denver, 16.64 per cent; New York, 1.43 per cent; Jersey City, 6.97 per cent.

It is pretty hard to account for the variation in the miscellaneous. I believe at one plant there is an Italian colony and at one of the plants some others that we have not classified.

Acting Chairman LENNON. That completes the earlier phase of it. And the next question, as I recall it, Mr. Armour said you would answer, is the—describe the company's machinery for employing men.

Mr. O'HERN. We have an employment department, what we term an employment bureau, that is directly under the supervision of the superintendent of each plant, either one of his assistants, or some man designated by him, looks after the employment of all help. That man receives a request each morning from the various department foremen telling him the number of employees he wants, and what kind of employees he wants, and also specifies whether skilled or unskilled men.

Acting Chairman LENNON. What is the average hours a day that he receives that notice?

Mr. O'HERN. The foremen are asked to place their requests the night before where it is possible. On account of the temporary character of some of the employees the foremen do not always find it out the night before, and they have to fill up their gangs after they have organized them after 7 o'clock in the morning, in which event they send down as soon as they can.

Acting Chairman LENNON. That would mean it would be probably 8 o'clock before they would get to work?

Mr. O'HERN. We make a practice not to keep the employment office open after 8 o'clock. We give orders to close the office as near 8 o'clock as we can, and we tell the men so they will not stay around.

Commissioner O'CONNELL. About how many men usually show up in the morning looking for work?

Mr. O'HERN. That will vary, depending on the season of the year. I presume there has been from one hundred to two and three hundred at times, and might have been more.

Commissioner O'CONNELL. Is there a room prepared for them to go in and wait, or do they have to wait out in the open?

Mr. O'HERN. We have in some places an inclosed place. We have not at this plant. We have only recently established the employment bureau, and are working out some details now.

Commissioner O'CONNELL. At Chicago, you say, there is no place?

Mr. O'HERN. There is no place at Chicago.

Commissioner O'CONNELL. When it rains or snows they have to stand out?

Mr. O'HERN. We endeavor in those cases to provide a place. We would permit the men to sit inside the buildings, but we have no place provided. We are now considering erecting a place.

Commissioner O'CONNELL. What is the usual custom now of employing—say a hundred men are there looking for work, standing line—what is the method of getting to the proper office, say it is a rainy morning or a snowy morning and the men are standing there?

Mr. O'HERN. In that event we would notify them right away. We would know within 15 minutes after 7 what men are wanted and tell the rest of the men nothing would be doing for them, and just let our department foremen get along as best they can.

Commissioner O'CONNELL. How many do you employ each morning in addition to your regular force?

Mr. O'HERN. It is pretty hard to arrive at an average for it. But the replacement, the turnover, in a year—in other words, new men we have given new check numbers to—amount to about 8,000. There is practically 80 per cent of the men that might be termed steady-time employees.

Commissioner GARRETSON. Eighty or eight?

Mr. O'HERN. Eighty.

Commissioner O'CONNELL. You have in your Chicago plant somewhere around 7,000?

Mr. O'HERN. Between seven and eight thousand, I think.

Commissioner O'CONNELL. In order to keep that force up during the year you employ 8,000 more; in other words, you reemploy your entire force, or that part of it, during the year?

Mr. O'HERN. We reemploy a large number of the 8,000, including men who quit in one department and have gone to another department with a new check number.

Up to this last six months they have been entered on our books as new men. During the last six months we have endeavored to organize the employment bureau under a more satisfactory basis. We have established an index card system for men, so that we can arrange to give the old employees preference, because they know our work—are better for us. A man who left one day and would go into the other department and receive a new check number has been counted as a new man.

Commissioner O'CONNELL. And the men hired every morning and employed to work for the day would get a new number?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. And would get a new number?

Mr. O'HERN. Yes. This 8,000 men I told you of includes every man that was given a new check number, whether he was an old employee or not, if he had left his old job.

Commissioner O'CONNELL. An employee taken in each morning—are they given new check numbers?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. Every morning employed?

Mr. O'HERN. To make that plain, I might say to you that very seldom, if ever, is a man hired for a day or two. He is hired to take a place on the gang during the time that a department is doing extra work. He is what you might term on for a seasonal period, if he desires, to-day, or is able to do the work.

Commissioner O'CONNELL. What is the method of employing female labor?

Mr. O'HERN. The female labor is largely employed under our welfare department direction. The girls in the plant, as a rule, also know other girls, and they speak to the foremen about the girls.

Commissioner O'CONNELL. Are they employed in the regular employment office?

Mr. O'HERN. They will get a ticket. The girls in the various departments know when the help will be needed, and they will speak to the foreman and tell him of somebody perhaps that they know that is looking for a job. A great deal of the female help is employed in that manner. We do that for two reasons. In the first place, we get old help back, and we also get more reliable girls. The girls get somebody in there that is a friend of theirs, and they are naturally interested in her and teach her the work. We give preference, particularly in hiring female help, to the recommendations of our female help and welfare department.

Commissioner O'CONNELL. Do you have facilities whereby the females that are employed are taken care of in case of sickness?

Mr. O'HERN. Yes, sir; we have. They are under observation by our welfare department.

Commissioner O'CONNELL. A nurse; do you have a doctor in the plant?

Mr. O'HERN. We have three in our medical force; that is, a doctor and one or two assistants, as well as welfare workers and ladies that spend their time going arount through the plant. If a woman is away from work, an investigation is made, and she immediately visits that home and finds out if the employee or anyone in their family needs assistance, in which event first aid is rendered. If you wish, we have a report of the visiting nurse that just come for this month.

Commissioner O'CONNELL. Just give us some idea of it.

Mr. O'HERN. This is the report of the visiting nurse for the month of March:

Number of old patients—that is, the number that she has taken care of—86; number of new patients, 44; total, 130. Number of patients dismissed, 37; number of patients forwarded, 93.

Acting Chairman LENNON. What does that mean?

Mr. O'HERN. That is where they have patients that have been found sick and they have been sent to a hospital or to an institution or sanitarium, and taken care of after they have been rendered first aid. In other words, they take it up with the associated charities, and find permanent relief for them after that. In all cases they render first aid and get them in touch with these other places.

Number of nursing calls, 83; number of other calls, 81; total number of calls, 264. Improved and recovered, 25; unimproved, 2; died, 1; not found, 1.

To institutions: To the Florence Crittenton Home, 1.

There are four or five places, the Northwestern Dental and the Chicago Polytechnic and the Northwestern Dispensary and St. Bernard's and other institutions.

Acting Chairman LENNON. Just put the statement in the minutes.

Mr. O'HERN. The other part has reference to the diseases and whether they were male, female, adult; whether they were employees or members of some family of employees.

Commissioner O'CONNELL. In that department of the nurses, the welfare department, is there some sort of track kept of possible prevalent disease and to show the method that they have adopted in preventing?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. What is done in that regard?

Mr. O'HERN. There is never a case of contagious disease that is not immediately taken up; it is reported to our doctor and he in turn reports it to the city authorities, and they pursue their investigation and render such aid as in their opinion they think is necessary. The visiting nurse renders such aid at home in the way of comfort and necessaries that they think will be of benefit to them, particularly in the way of advice and help toward getting them medicine and nourishment.

Commissioner O'CONNELL. What I was getting at was as to whether they kept any record for 10 years, or 5 years, or such a matter, they could show the decrease in the disease, a decrease in sickness, because of better sanitary conditions, and so on.

Mr. O'HERN. These reports have only been in existence for about three years. They are hardly of comparative value yet, although we are compiling them; we have not yet thought there was much comparative value in it, but we expect in time to devise some practical plan to keep track and have some uniform method of compiling the reports.

Commissioner O'CONNELL. In Prof. Kennedy's report, he spoke of certain blocks where deaths from diseases were quite numerous. Do you make investigation along that line, to ascertain what the facts are?

Mr. O'HERN. We have had some instances of that kind, and I believe—now, I am only speaking from memory, and I do not want to be quoted as an authority; but one instance I have in mind particularly where the nurse reported she had found on investigation one or two families that were infected with tuberculosis, where their sanitary conditions were not conducive to good health, and she found in those families that they were related, if I am not mistaken. That was an instance that I do not think had any relation to what Prof. Kennedy stated where a large number of people living in certain lots or localities being infected with tuberculosis or other contagious disease.

Acting Chairman LENNON. Did you have any specific matters that Mr. Armour referred to, that you have not touched on yet?

Mr. O'HERN. There was question 21, I believe.

Acting Chairman LENNON. That was really practically answered, I think, under 20.

Mr. O'HERN. Yes.

You asked with reference to handling of old employees. We have given instructions in all instances to give preference to old employees. There are several reasons why we should. In the first place they know our work; they are familiar with it; they are educated to that work; their education means six months' apprenticeship for some new men; and in practically every instance we give preference to the old man and to those who have others dependent upon them. For instance, sons of widows and mothers, of that kind. It has been Mr. Armour's orders to give preference along that line.

Did you want a description of how we hire the men and put them to work?

Acting Chairman LENNON. Yes.

Mr. O'HERN. We just issue a man a check, or a ticket, with a number on it, and he exchanges that for a brass check number for identification and for facilitating in handling of the large number of men in and out of the plant in the shortest possible time. It is about the only purpose of the check number.

Commissioner GARRETSON. You heard Mr. Kennedy describe how they would tap a man on the shoulder and say, "Now, I want you." That is practically correct, is it?

Mr. O'HERN. No; I couldn't say that. To start with, as I just explained to you, the men are picked for their knowledge of the work. For instance, it would be ridiculous when you wanted to hire a butcher to just go and pick out a fellow and tap him on the shoulder. We want men for certain classes of

work. I presume that might do whenever you were wanting to put on a few men for emergency work; for instance, if we had a fire and wanted to put on 25 or 30 men to clean up the débris. I think it is obvious to anybody that when you come to hire men you could not go at it in that indifferent and careless way. I think it would reflect very badly on the operating men in charge to hire men that carelessly.

Commissioner GARRETSON. It would be a good deal in line with a very considerable amount of testimony that has been given here before the commission prior to this time in other industries.

Mr. O'HERN. Well, I can't say it is in ours. I think our increased efficiency and better class of work we are striving to get will necessarily have to come from the men of experience. And we can only get them by taking them back, by taking care of the ones who have experience.

Commissioner GARRETSON. I am somewhat interested in just how some of these averages were arrived at.

Your number of employees for the year was something about 7,100, was it not?

Mr. O'HERN. That is the minimum.

Commissioner GARRETSON. The minimum?

Mr. O'HERN. Yes.

Commissioner GARRETSON. And your total hiring of 80 per cent who are stable, that would be equivalent to 5,700 men steady. You made 8,000 hirings?

Mr. O'HERN. Pardon me, the figures submitted show an average of 7,800. That included males and females; 7,100 I think included only the males.

Commissioner GARRETSON. Well, how much of the 8,000?

Mr. O'HERN. Eight thousand included all the employees.

Commissioner GARRETSON. What proportion of the 8,000 is male?

Mr. O'HERN. About 7,100.

Commissioner GARRETSON. Have you got the hirings, the new hirings?

Mr. O'HERN. I haven't got that figure.

Commissioner GARRETSON. You mean you haven't got it separate?

Mr. O'HERN. No; I haven't got it separate.

Commissioner GARRETSON. It would possibly have a similar proportion to the number employed?

Mr. O'HERN. I could hardly say it would. For instance, in the canning room, which is seasonal work entirely, we employ a large number of girls for about four or five or six months.

Commissioner GARRETSON. Yes; but the total—it will work out the same?

Mr. O'HERN. Yes, sir; it would.

Commissioner GARRETSON. Again, if the totals are 8,000 in the average of both men and women, the regular employees, and the total of hirings were 8,000, those 8,000 new hirings are to replace the unstable 20 per cent?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. Because you testified 80 per cent remained.

Mr. O'HERN. Well, but I also stated that the 8,000 included a large number of employees who were transferred from one department to another.

Commissioner GARRETSON. Oh, yes.

Mr. O'HERN. But who are coming back as new employees.

Commissioner GARRETSON. It is replacement, just the same.

Mr. O'HERN. Replacement.

Commissioner GARRETSON. In one form or another.

Mr. O'HERN. Pardon me. That would be replacement under the way we handle it.

Commissioner GARRETSON. I grant you that.

Mr. O'HERN. In a small factory, with only 25 employees under one supervision, these men may be constantly moved about to various kinds of work and can be kept permanently employed. In our own place we are organized in departments. We may lay a man off who is a mechanic in a mechanical department and employ him in another place. In departments where they are working under seasonal conditions a large number of employees may be laid off and immediately find employment in the killing gangs or other departments throughout the plant. They may be out of employment a very short time, if at all. They have——

Commissioner GARRETSON. It hasn't hardly a bearing as it appears under your system of picking up?

Mr. O'HERN. That is the way it is, exactly.

Commissioner GARRETSON. But, anyway, the 8,000 are required in this instance to turn over 2,000 positions—virtually 1,500; it is between the two?

Mr. O'HERN. Yes, sir; it is about that.

Commissioner GARRETSON. Now, you further stated that the average was arrived at by taking the number of employees who appeared on the rolls and dividing it into the amount paid by the company, which gave an average wage. Which is your factor in making that division—7,100 or 8,000, as the case may be, or 16,000?

Mr. O'HERN. Eight thousand.

Commissioner GARRETSON. That is a fair example of the real value of averages, isn't it?

Mr. O'HERN. Well——

Commissioner GARRETSON. One would be one-half of what the other is?

Mr. O'HERN. The whole thing depends on whether you hire 1 man for 10 weeks or 10 men for 1 week.

Commissioner GARRETSON. But when it comes to the average wage, it means nothing to the man who gets the smaller amount under the average?

Mr. O'HERN. Oh, no.

Commissioner GARRETSON. It is absolutely valueless as far as what the individual has at his disposal for living purposes?

Mr. O'HERN. No. In that connection I want to state that our wage scale does not represent what he had at his disposal. His income. The number of days which he has worked gives him an opportunity to do many things he could not do otherwise.

Commissioner GARRETSON. Wages will tell nothing, but earnings tell it all?

Mr. O'HERN. Earnings tell it all.

Commissioner GARRETSON. Now, have you the ratings—did you hear the telegraph testimony here?

Mr. O'HERN. No; I did not. I was not here.

Commissioner GARRETSON. It would simplify the illustration.

You rate the men so much per day?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. And I suppose the average man is disposed of and paid according to his rating.

Now, a $10 a week man, you have a certain proportion that are $10 a week and under. If a man is rated at $10 a week and he works continuously during the year, his earnings would amount to $520?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. You heard Mr. Armour's testimony that the 40-hour plan, while not specifically applied, he was not prepared to testify to any specific cases, but it applied—it was general in its application in your plant?

Mr. O'HERN. In some of the plant applied as a whole; but in other plants it is applied in this manner: We have instructions to our foreman to adjust their gangs so that they can make 40 hours per week. Their report comes to my desk every week, and attention is called to any gang that works less than 40 hours. This report is also sent to Mr. A. W. Armour, who sees it and note is sent to the various foremen or department superintendents, calling their attention to the fact that the men have made less than 40 hours and warning them to adjust their gangs immediately so that the men will make 40 hours or better.

Commissioner GARRETSON. It is the instruction, then, that it shall be done, but no guaranty to the man that shall receive it?

Mr. O'HERN. It is a guaranty in some plants, but an instruction in others.

Commissioner GARRETSON. Now, men who are rated at $10 a week——

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. And he works we will say, a 10-hour day, because it has been testified you have both 8 and 10 hour days in the different pursuits, I suppose?

Mr. O'HERN. It varies from 8 to 10. We aim to keep it over 8.

Commissioner GARRETSON. If a man rated at $10 a week on a 10-hour-a-day basis, his annual income, if he worked all the time, would be $520?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. If he worked 40 hours, if he worked every day, or at least if he worked every week an equivalent of 40 hours and was paid therefor, then his earnings would be five-sixths of the $520, or an equivalent of $433; that is fairly correct?

Mr. O'HERN. It is, but he gets——

Commissioner GARRETSON. Does it occur that way?

Mr. O'HERN. Your deduction does not cover all the facts that I have given. Probably you have forgotten. The 40 hours gang time, the laboring men in those gangs are always held to do this other work. As I say, in the gangs it amounts to at least 2 hours work every day, easily 10 hours work a week. So in arriving at the laboring man's earnings you should at least add 10 hours extra to any figures you have for gang time.

Commissioner GARRETSON. And the man who gets the overtime, according to your statement, in 280 men, 100 were probably held—what about the other 180?

Mr. O'HERN. As a rule, those men are the skilled men that get the higher rate of wages.

Commissioner GARRETSON. Are all the laboring men in those gangs retained for the clean-up work, or only a portion, or do you rate it?

Mr. O'HERN. We do not rate it. On the contrary, we simply have to take some of the men getting the higher rates in order to get sufficient help; frequently they don't want to stay.

Commissioner GARRETSON. And are there enough men to do that?

Mr. O'HERN. It would be in most instances ample, but we give preference to the laboring men.

Commissioner GARRETSON. How far were the figures given by Prof. Kennedy out, which he stated that large proportion of the employees in that territory earned an average of $503 per annum. Would you disagree with that?

Mr. O'HERN. No; I would not. I have stated that I think our laboring average wage that the men can make if they work full time in the packing house which is available for him to work will be between $500 and $650.

Commissioner GARRETSON. Reasonably based upon the data secured from your books?

Mr. O'HERN. I haven't any reason to question it.

Commissioner GARRETSON. Mr. Armour made the statement that you came from the $1.75 stage up to your present position. You ought to be fairly conversant then, and I do not disclaim knowledge on that subject myself, from the same causes—fairly conversant with what constitutes the recognized standard of living by people who compose those classes. Do you believe it can be maintained with a wage of that kind?

Mr. O'HERN. Well, I feel this way; there is a lot to be taken into consideration. I speak from a personal experience. When I started I did not have a family. I was single at the time. And so there are a whole lot of factors enter into that. The actual wage and earning power in one particular job does not necessarily limit a man's earning power in some other line, or some other direction. For instance, in a number of cases these single people can save something out of it. Married people take in boarders. Some have a garden patch; some of them have other means of earning and adding to this income. The standard of living has a great deal to do with it.

When I was getting $1.75 a day, I got along on it. On that wage I saved proportionately as much as I did when I got a whole lot more; it depends on the way you are living.

Commissioner GARRETSON. Were you satisfied with your standard of living on the $1.75 rate?

Mr. O'HERN. Why, that will depend largely on what you call satisfaction. I believe there is always going to be discontent. There is an ambitious discontent that will always exist.

Commissioner GARRETSON. If you had not been dissatisfied, you would not have been where you are?

Mr. O'HERN. I think a man that is satisfied is not progressing. The man that is entirely satisfied never gets very far ahead.

Mr. Kennedy perhaps left an inference, although I do not think he meant to leave it, when he said that a man started at $1.75 a day remained at that pay; that he had to raise a family from the time he was married until that family grew up on that wage.

That does not necessarily follow. When I started out in the packing business at $1.75 most of the men that had any ability, and almost 90 per cent of the men have, were looking for a better job, and they did not stay long on that wage. They will try to equip themselves by learning the work and get a little better salary. And in time they work to where they will improve their working conditions. As they obtain more knowledge and information they are the

most available men in time of promotion, so that your men that started, as Mr. Kennedy said, at $1.75 never stopped at that.

It is true that we have some men that are in such a condition, through physical infirmities and other reasons, that do not fit them for anything except for certain lines of work.

For instance, I have in mind one man right now, a blind man, that has been working 15 years, pulls in the sheep gang. I think he gets something like 26 to 30 cents an hour. He couldn't do anything else. By instinct he has learned to do that work.

We have other men who through age or physical disability, crippled, some one arm and some one limb gone, who do other things. It is not the general rule when a laborer starts in at $1.75 or $1.85 or $1.90, as the case may be, that he stays at that rate of wages any considerable length of time.

Commissioner GARRETSON. I recognize the earmarks of the old adage, that "there is room at the top," in that statement. If every man possessed the instinct that led him to progress, fitted himself in all directions, for this advancement who is going to sweep the blood?

Mr. O'HERN. That is true.

Commissioner GARRETSON. Then the room would all be at the bottom, wouldn't it?

Mr. O'HERN. That is true.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. Did you have any questions to ask, Mr. Aishton?

Commissioner AISHTON. I think that last question kind of floored me.

You said, Mr. O'Hern, or it has been testified to here, that 80 per cent of the men employed in the plant are what you might call steady-time men?

Mr. O'HERN. They are permanent employees; not classed as steady-time men, but steady employees.

Commissioner AISHTON. So that about 20 per cent of the force is what might be called casual?

Mr. O'HERN. Yes; temporary.

Commissioner AISHTON. And men that you get through your own employment agency?

Mr. O'HERN. Yes.

Commissioner AISHTON. I did not quite understand how that 8,000 was arrived at. Supposing that John Smith is hired to-day through your employment agency and he works four or five days and then there is a reduction in the business, or something, and he is out again, and later if he is hired again, say, a week from now, would his name be counted as two?

Mr. O'HERN. Yes.

Commissioner AISHTON. So that one name might appear a number of times in making up this 8,000?

Mr. O'HERN. Yes; that condition does, in fact, happen. For instance, our beef-boning gang works only parts of the year, and when the men are through with that work the gang is taken to other parts of the house. Some of the men among those 8,000, their names appear five, six, and seven times, so it has no actual bearing on the actual number of new employees that come into our plant. We have no figures on that; our system of accounting will not give that.

Commissioner AISHTON. In this 80 per cent of what you call regular employees of Armour & Co. are there a good many of the old employees; that is, men who have been in the service of Armour & Co. for a good many years?

Mr. O'HERN. Quite a number of them; so much so that not long ago we had a young man connected with the organization who was digging out some soft spots, and he reported on quite a number of old employees where he thought the efficiency could be increased, and I advised him at the time that he might just as well forget it, for if we let them go Mr. Armour would take them back again.

Commissioner AISHTON. That is one of the instances where Mr. Armour takes the part of the employees?

Mr. O'HERN. Yes, sir; he would say, "He has been around here a long time, and you find him something;" that is his characteristic remark.

Commissioner AISHTON. In regard to this "room at the top" they were talking about, as an official in charge of a very large plant, do you not find a good deal of difficulty—is it not one of your principal difficulties, as a matter of fact—to be able to secure men who are competent to fill what you might call the higher positions of the company? Is that not one of the problems you are confronted with?

Mr. O'HERN. Yes; it is one of the hardest problems I have had in this position, to find men to fill responsible positions. Another fact that is a source of worry is because I know the weaknesses of some, not because of their inability, but because they are inexperienced.

Commissioner AISHTON. The foremen and subforemen and heads of departments in your line of business are ordinarily taken from the ranks of the men working in the plant, are they?

Mr. O'HERN. Invariably so. We would give preference to a man lacking education who had experience rather than to a man having education and no experience. It is obvious that our work requires men of experience. There is no line of industry outside of the packing industry that equips men in our line of work, so that experience is a big asset with us.

Commissioner AISHTON. That is all; thank you.

Acting Chairman LENNON. Commissioner O'Connell will ask some questions.

Commissioner O'CONNELL. You are practically the executive in charge of the operation of the plants in Chicago?

Mr. O'HERN. Yes, sir.

Commissioner O'CONNELL. Now, first, who decides what the wages shall be?

Mr. O'HERN. The question of wages is established—well, I can best illustrate that by stating that the wages that we have at the present time are the wages that have been in effect for some considerable period of time. The question of changes in wages would be by me necessarily referred to the directors and finally to Mr. Armour.

Commissioner O'CONNELL. Are the employees taken into conference at all in any way when wages are to be settled?

Mr. O'HERN. An increase of wages necessarily comes by request from the employees. Any decrease in wages would never come or would never affect any old employees; we have never made it a practice to ever cut the wages of any of the employees on our books.

Commissioner O'CONNELL. You say there has been no change in wages for some time?

Mr. O'HERN. There has been no change for some considerable time; and in the event that there had been a change I would know it. I have no experience or knowledge of any change where there was a cut in the wages of the old men. In other words, the practice has been to hire the new men at the lower rate.

Commissioner O'CONNELL. There is no change at the present time, nor has been since the strike, in the matter of dealing collectively with the employees?

Mr. O'HERN. No; except when perhaps half a dozen men might, so to speak, wait on a foreman and tell him what they would like, and he would in turn represent it to his foreman or to the superintendent, who puts it up to us for action.

Commissioner O'CONNELL. In other words, you are dealing practically with the individual employees? For instance, the man appears in the morning and you say, "We want a butcher and here is the rate of wages we are paying, and if you want the job, take it; if you don't, you can go about your business"?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. It is purely an individual contract?

Mr. O'HERN. Yes, sir; it is.

Commissioner O'CONNELL. And if a man does not want to work nine hours, he does not need to go to work?

Mr. O'HERN. No.

Commissioner O'CONNELL. Suppose the men desire, or are anxious for the inauguration of an eight-hour day in the plants in Chicago; they are unorganized and have not been dealing collectively; how would they proceed to inaugurate an eight-hour day in your plant?

Mr. O'HERN. Well, I believe that the average man in our plant is familiar with the working conditions to start with, and would not ask for an eight-hour day. He would recognize the fact that it would be practically impossible for us to readjust our conditions in regard to that.

Commissioner O'CONNELL. I am simply supposing a case; make it a 10-hour day, if you will?

Mr. O'HERN. We would talk that over collectively, I presume; they would take it up with their immediate foreman and it would be by him taken up with the superintendent of the department.

Commissioner O'CONNELL. Would you meet them collectively if they had particular men to represent them?

Mr. O'HERN. I have gone out—not in the Chicago plant, but in other plants—I have gone to them in gangs, collectively, and talked the matter over with them.

Commissioner O'CONNELL. Is it the policy of the company—I take it from what Mr. Armour said, that while he was not against the organization of the men on the outside—that they could get together and have meetings—yet I take it his position is that he is opposed to the men being organized; is that the policy of the company? Is that your policy?

Mr. O'HERN. We have not any defined policy on that; there are some unions in the house. I believe the teamsters have an organization in our plant, and possibly the printers, and there are other men belonging to unions. I have had no dealings with them, however, except with the teamsters' union, since I have been here the past three years; but I have at other times. There is no direct opposition to unions or unionism. From personal observation I would say most of the opposition has been to the way it has been applied, rather than to the organization itself.

Commissioner O'CONNELL. You are a man of affairs, because you are the general superintendent of a large business house employing thousands of workmen and have given thought, undoubtedly, to their welfare and given thought to the interest of the public, and must recognize that there has been and is an unrest; an industrial unrest, and that we have strikes, we have lockouts, and all sorts of things going on occasionally now and then. In Chicago this morning I read of a large number, sixteen or seventeen thousand, of carpenters going on strike, and it is an evidence of some industrial unrest. Now, I do not think all of us feel that all unrest is justified, but that there is some of it that is for the good of the community. Now, in your opinion, what is the cause of industrial unrest, that unrest which does not make for progress?

Mr. O'HERN. Well, I would have no right to express an opinion aside from our own industry. As a matter of fact, I have been so busy on this end of it that I have not been able to study outside conditions. For instance, on the strike condition that exists here locally to-day I could not tell the cause of it, not because I am not interested in it, but because I am too busy to follow it.

Commissioner O'CONNELL. I take it for granted that where there are a large number of people employed, as in the case of your company, there is some industrial unrest; what is the cause of that?

Mr. O'HERN. There is a natural ambition inherent in every man to do better, and better his condition. I do not believe there is any man, not excepting any one of us, who has not at some time in his life felt that he was not making progress fast enough, and that is possibly as hard for him to work out as for us. I have been interested in the company, and in working up from the ranks any success I have achieved has been from the help of those men, and any success that I will achieve in the future will be from their cooperation, and I have been interested in trying to solve these problems, and I do not know of any general expression I can give in regard to that, except this: That we have to meet each case individually, whether it is the individual, the gang, or the organization. I do not know of anything I can say that will contribute to remedying this general unrest. I do not think, however, in our business, that there has been a time that there has been less discontent than now.

We have no discontent in any of the divisions of our plant, and that is marked at this time of the year where men are employed like ours; they are engaged in indoor work, and they have a natural ambition to get out in the open and away at this time of the year, and it creates unrest because of that. Nearly every spring we have this unrest, but it is not so great this year. In the West the desire to get away from the packing houses and get outdoors is very strong, and the men take advantage of that desire and go out and work in the wheat fields, as in Omaha, where they can go to the country and raise vegetables and things of that kind. That is to some extent industrial unrest, because it disturbs conditions and we have to get in a new lot of men and break them in; but we have not experienced that this year.

Commissioner O'CONNELL. This commission is trying to seek, as instructed by Congress, the causes of industrial unrest and make some recommendation; and it is only by the enlightening opinions of men who have had to do with labor, from men who have to do with capital, with men who have to do with big things; it is only by the accumulated, joint opinions of men of that kind that we can carry out these instructions. Now, have you given any thought as to what could be done, what machinery might be created that would be

at the service of the employer and the employee to prevent this boiling over, or great disturbances, not among organizations particularly, but just the boiling over of people in utter indifference to things, a rioting, blowing up, and general turmoil, those general disturbances that come without rhyme or reason. Can you suggest to us any plan or machinery to remedy that?

Mr. O'HERN. I have given that a lot of thought, and I will exlain why. It is obvious that the success of any man must necessarily come from continuous and harmonious operation, and the only thing I can suggest is what we try to follow—that is, to anticipate, if you can, the feeling of the men and the local conditions and remedy the local conditions where possible. We endeavor to make the work as easy as we can, consistent with the class of work we are doing. In other words, if there is anything laborious or hard about it, there is always some one to devise something that may help out on that, and we never hesitate to put it in, whether it saves us a man or not. We feel this way: That in saving that man that much hard labor we are getting that much more efficiency out of that man and in addition to that we have a man satisfied. In other words, that man may not do any more work there, but his mind is active, and he can study work along other lines.

Acting Chairman LENNON. At this point the commission will stand adjourned until this afternoon at 2 o'clock.

(Whereupon the commission, at 12.30 o'clock p. m., on this Friday, April 16, 1915, adjourned for the recess until 2 o'clock on the same day, then to reconvene at the same place.)

AFTERNOON SESSION—2 P. M.

Acting Chairman LENNON. Mr. O'Hern, please resume the stand. Commissioner O'Connell wishes to ask you some questions.

TESTIMONY OF MR. JOHN E. O'HERN—Continued.

Commissioner O'CONNELL. Mr. O'Hern, we found in our investigations in hearings held throughout the country, that a great amount of complaints arose because of the irregularity of employment, and I take it from your testimony this morning that there is a great amount of casual or temporary employment connected with your business. Mr. Armour said they had given considerable thought to minimizing that, citing the fact that the first three days of the week were the important or busy days, and that as yet they had not solved that proposition. Will you be kind enough to give the commission the benefit of the thought you have given to the matter of regulating employment?

Mr. O'HERN. We have endeavored at such times as we can in the year to adjust the gang, and establish, as I told you a while ago, what would be a minimum wage. While the buying is all done practically from noon on Monday until Thursday, the work continues in those irregular gangs—that is, where the employment is irregular—from Monday noon until Saturday, and we aim to spread that work over that period of time. It is impossible, on account of the Government regulations, as well as it would be on account of the fact that we would destroy the efficiency of the men to work them overtime, to try to take care of the business in the first two or three days of the week, or even try to take care of the excessive receipts on special days; and for that reason we endeavor to distribute the purchases of three days throughout the work of five days and sometimes further, but we aim to make the minimum four days. Now, in arriving at some means in taking care of the gang and equalizing that labor, we have to arrange, wherever practicable and where the men are willing, that whenever we see the receipts becoming light, to move the men into other departments where there is more work and there is an opportunity for the men making lower wages to earn more money. In the manufacturing departments we have tried, even though it is of a seasonal character—we have tried to shape up our organization so as to confine it to an actual 10-hour working day. There may be a little deviation from that, but we endeavor as far as possible to take care of it in that manner.

It is a big problem. The stock yards being a public market where the stock raiser and the farmer can send their stock and find a market for it on the day of its arrival, it is necessary for the packers to take up the quantity of stock that arrives on the market every day, and it is impossible for us to organize to meet that condition; we have no known method of doing it now.

In South America they go out on the plains and buy up 5,000 cattle at a time and drive them into the pens and kill 800 or 1,000 a day, and the working day under those conditions is uniform, with that mode of doing the business.

Commissioner O'CONNELL. Then the reason for the large amount of work on certain days is on account of the buying conditions?

Mr. O'HERN. Yes, sir; the receipts are heavier.

Commissioner O'CONNELL. Does the fact that Sunday is a day of idleness account for the fact that there are larger receipts on Monday?

Mr. O'HERN. No; the live-stock raiser and the farmer have gotten wise to the fact, from experience, that the packers will pay better prices for their stock if they get it at a certain time; for instance, shipments that arrive in the early part of the week so that they can be dressed out to arrive in the eastern markets on Thursday or Friday command higher prices, and accordingly the receipts of cattle and live stock are heavier on the first days of the week.

Commissioner O'CONNELL. Mr. Kennedy in his statement yesterday, told about the existence of a number of building and loan associations and fraternal organizations among the various nationalities. Does the company in any way encourage the organization of such associations and give them free access to the men and allow them to issue propaganda among the workmen?

Mr. O'HERN. The building and loan associations, and organizations of that character, do not work through the men in the packing houses, but as a rule through their homes; they visit the homes of the men in the evening. The banks that have savings accounts there endeavor to meet those men during the time they are off of work, sometimes visiting them during the noon hour. They make arrangement to meet a few each day that way, or make appointment to meet them in the evening.

Commissioner O'CONNELL. Are the officials of the company interested in any way in these associations, or the company itself?

Mr. O'HERN. No, sir; except to induce the men to become members of it. We recognize the fact that the more responsible a man becomes the more interested he is in the business and the better employee he is going to make.

Commissioner O'CONNELL. Are you interested in any way in the organization of fraternal organizations among the men?

Mr. O'HERN. We are not, except in a few of the plants a number of the employees have some little organization like a death-benefit fund. I believe we have in five or six of the plants where the boys, two or three hundred of them, have gone into that plan and given the money to the widows, but beyond that we have nothing that I know of; we have nothing in the way of a benefit plan outside of that.

Commissioner O'CONNELL. Are the men who are leaders of the different nationalities looked to to bring their particular countrymen to the plants?

Mr. O'HERN. No; we rather discourage that; we would rather keep the nationalities mixed. We find the best men we can get are those that readily acquire English. We have not attempted to make up organizations or gangs in one nationality, because we find they will not learn the ways of the American people or the ways around our plant and will not take the interest in the work that they would if there were a few English people among them. They work better if they have an opportunity to watch others do the work well and listen to them talk, than if they are among their own nationalities.

Commissioner O'CONNELL. Are there any gangs or organizations in which they speak only their own language?

Mr. O'HERN. No; I do not know of any; we would try to change it if there were.

Commissioner O'CONNELL. Are there foremen employed on the ground that they only speak the language of certain of the men, for instance?

Mr. O'HERN. No; we would endeavor to have an interpreter as one of the subbosses; we never encourage a gang of that character and we do not encourage interpreters.

Commissioner O'CONNELL. Have you had cases come to your notice where men complained because certain foremen would not employ them unless such foreman was in some way compensated for the employment?

Mr. O'HERN. We have run across that occasionally; whenever we have we investigated it; I do not believe we ever had but one or two instances in 10 or 15 years, that I have in mind, where that has occurred, and that foreman was immediately discharged. We have little of it, because such steps are taken, when we find that condition, that no man wants to take a chance. If it is going on, we do not know it; we do not wink at it, by any means.

Acting Chairman LENNON. Mr. O'Hern, I asked the question this morning as to the possibility of young men entering your plant and going from one skilled or semiskilled department to another until they thoroughly learned the business so that if that was destroyed and they had to go somewhere else, they could go into that industry in some other city and feel sure they could fill the job almost anywhere. Now, you ought to be in a position to know whether or not such a development exists.

Mr. O'HERN. It does; so far as the work of butchering is concerned, it is practically uniform at all points, with the possible exception of the kosher style of dressing, but that is uniform at all plants where it is done. I mention that because at some of the plants the men not familiar with the kosher style would not know how we are doing it here; but, beyond that, every bit of the work the men are doing at this plant is practically duplicated at the other plants. I think that is obvious to everyone why that is necessary. Sitting at a long distance away, we can not know how the work is being done unless we know how it is performed; we must know the methods of operation in order to have it uniform. The only way we can establish uniformity in the product is by uniformity in the method of handling or the operation.

Commissioner GARRETSON. Referring to the kosher form, does that require racial fitness?

Mr. O'HERN. Yes.

Commissioner GARRETSON. On the part of the man performing it?

Mr. O'HERN. Yes; we have to hire a rabbi to take care of that work.

Commissioner O'CONNELL. How is he compensated?

Mr. O'HERN. Sometimes he is paid so much a week and sometimes so much a piece. I can not say what the figures are now. I think, in New York it is piecework; in Chicago, I believe he gets so much a week.

Commissioner O'CONNELL. What is the specific amount?

Mr. O'HERN. I could not say for certain, but I rather imagine it is $20 or $25 a week; of course, it depends on the amount he is doing. In some places, you must bear in mind, that we only have 8 or 10 cattle a week, in which event the wages would not be anything like that. If we were doing kosher work continuously, I think we would pay the man $20 or $25 per week, but it would all depend upon the number of hours he is engaged. He only comes on the job when they are killing and dressing cattle kosher style and leaves immediately when that is done; he has no other duties to perform.

Acting Chairman LENNON. As to the living conditions in the stockyards district, are the streets properly sewered?

Mr. O'HERN. The sewers and streets in the stockyards district are as good as any place in the city.

Acting Chairman LENNON. And have the same water supply?

Mr. O'HERN. Yes.

Acting Chairman LENNON. And the school facilities, are they considered as good as in other parts of the city?

Mr. O'HERN. I thing they are fully as good; I do not think there is any question about it. On that point, I would like to say something because Mr. Kennedy's statement yesterday may leave a wrong impression, which I do not think he intended to leave. I do not think there is a class of industrial workers any place in the world where they are living under any better conditions. I say that because I have lived there for 10 years; I lived there while I was in the work until I left the city. There is one portion of that which is entirely a dry district, and that is the district on the east side of the stockyards district. It is possibly true that not 25 per cent of the working people that are now living in and around the district surrounding the stockyards that are now engaged in working at the packing houses. Twenty-five years ago the men in the business were, as you heard Mr. Kennedy state, composed mostly of English-speaking people and Germans, and to-day their sons and daughters are engaged in other lines of business. Their parents were able to give them an education that fitted them to take up other and better positions. Mr. Armour's instructions to me are to give preference to the sons of the old employees, and I get very few of them for the simple reason that those people are able to get an education to fit them for a better walk in life. I do not think there is an industry in the city that has turned out more professional and business men that are able to hold their own in any walk of life. I think among the teachers, policemen, firemen, clergyment, and other professional men, you will find as many from this district as any other district in the city.

Acting Chairman LENNON. How is it that a part of that district is dry?

Mr. O'HERN. Perhaps, if the people voted on it, the saloons would be voted in; but Father Downey was down there—perhaps you have heard of him—it was his influence that kept them out.

Commissioner AISHTON. As a result of these building and loan associations out in the stockyards district, do a good many of the employees own their own places?

Mr. O'HERN. A large number own their own homes; in fact, that is what has kept a large number of the old employees that used to work in the plant around there—the fact that they own their own homes there.

I think, if the commission has the time to look it up, it will find that the building and loan associations and the savings accounts in the stockyards district, as well as the money sent home by express companies to the relatives of the employees in the old countries, indicates very clearly that those people are fairly prosperous.

Commissioner AISHTON. As I understand, the receipts of live stock at the yards are concentrated at about three days in the week?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. The packing houses have no knowledge of what the receipts are going to be longer than 24 hours ahead of the actual arrival at the yards of the shipments?

Mr. O'HERN. No; and they only have an intimation then.

Commissioner AISHTON. And that intimation comes from the word the railroad companies give as to the number of cars they are bringing in?

Mr. O'HERN. That is the only information we have.

Commissioner AISHTON. Those shipments are governed by the business sense of the farmer or stock raiser in the country?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. And it may be affected by weather conditions, and snowstorms might result in holding the stock over until another day?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. And muddy roads might influence it, or the condition of the feed lot might determine whether or not the farmer would ship his stock?

Mr. O'HERN. Yes.

Commissioner AISHTON. So that really the packer only has an indication for about 24 hours beforehand of what material he is going to have for his plant to manufacture?

Mr. O'HERN. Yes, sir; that is true, and probably a little more explanation on that subject would be this: The packer does not buy direct from the stock raiser or the farmer. He neither directs nor controls the supply; he has no way of advising the farmer or stock raiser when to ship; he buys on the market ordinarily through a commission man.

Commissioner AISHTON. So that the packer has no direct influence on the movement of live stock, and that, in a measure, is responsible for the casual nature of part of your employment?

Mr. O'HERN. Yes, sir. The only difference there will be there will be the seasonal influence that will come like the cattle being prepared and gotten ready for the market when the grass season is over and the hogs being marketed when the farmer thinks they have fed long enough, so there is that seasonal influence twice a year on hogs and once a year on cattle. And the same is true in the canning department; that is, the canning follows the cattle.

Acting Chairman LENNON. Is there anything further you desire to submit, Mr. O'Hern, which you have not submitted?

Mr. O'HERN. I do not know of anything.

Acting Chairman LENNON. That will be all, then, Mr. O'Hern; we thank you for your attendance.

TESTIMONY OF MR. DENNIS LANE.

Acting Chairman LENNON. What is your name, please?

Mr. LANE. Dennis Lane.

Acting Chairman LENNON. Where do you reside?

Mr. LANE. 532 West Forty-third Place.

Acting Chairman LENNON. What is your business, Mr. Lane?

Mr. LANE. I am general organizer for the Amalgamated Meat Cutters and Butcher Workers of North America.

Acting Chairman LENNON. You have heard considerable of the testimony in regard to the conditions existing in the stockyards; are you familiar with those conditions?

Mr. LANE. Yes, sir.

Acting Chairman LENNON. Just tell us your experience in your own way as to conditions in the stockyards?

Mr. LANE. There was some discussion here in regard to paying four days' guaranteed time, and in justice to the packers the men employed, some three years ago—there was an agitation going on in the stockyards for organization, and Swift & Co. inaugurated this plan of paying four days to all employees, all laboring men, all workers, working by the hour, to head off these men from getting into the organization. That did not stop them all, and some of the men went in; and then the superintendent and the foremen of Swift & Co. had intimidated a great many men into sending in a written resignation of their membership in the union in order to retain their position. They further demanded of some of the men to hand over their cards or be discharged. That was in Swift & Co., Morris & Co., and the National Packing Co. the Hammond branch.

As Mr. O'Hern has stated here, in regard to the percentage of the English-speaking people in the different packing centers, while Chicago showed a less percentage than some of the Western cities, Swift & Co. gave this four days' time in all their packing centers, while the other packers did not give it, and it created an unrest in St. Joe, Omaha, and Sioux City, and during the years of 1912 and 1913 they had uprisings and labor troubles there, and to quiet things the packers made it uniform in all those plants, giving four days' time; but it is not given in Chicago only at Swifts and the Hammond Co.

Acting Chairman LENNON. They are not now giving it?

Mr. LANE. Not up to now, as far as I understand.

Acting Chairman LENNON. Are the other plants giving it?

Mr. LANE. No; just Swift & Co.

In regard to hiring men, it is very often—in the warm season, summer time, when things are busy on the outside—it is difficult to get labor to do some of the work to be done in the offal department, and very often men are hired and brought into some of these plants; I have in mind Swift & Co. particularly, where I have seen men brought in there and their coats and hats taken from them, and when they saw the work they were to be placed at they refused to go to work and wanted to get out, and in many cases I have seen the policemen that brought them up follow them out beating them over the backs with clubs because they refused to work on the jobs they were asked to work at.

Commissioner O'CONNELL. Was that in the Armour plants?

Mr. LANE. No; in the Swift plant. I never saw that in Armour's.

Commissioner AISHTON. What date was it you saw this beating of the men?

Mr. LANE. I could not give you the exact year, but it was along in 1905 and 1906, and later than that in the Hammond plant—in 1907 or 1908.

Acting Chairman LENNON. How does the pay for that work compare with other work in the plants?

Mr. LANE. Well, previous to the strike that labor was paid $1.85, and after the strike they were reduced, some of them, as low as to $1.50, 15 cents an hour. They used the system of laying off the men and hiring others in their places at reduced wages; that is, in the common labor. For instance, a man is getting $1.85 on a job and they do not come out flat-footed and tell him that his wages will be reduced, but they lay him off for no reason other than a slack in business, and possibly the next day there will be some one else in his place at a reduction of from a cent and a half to two cents an hour.

In regard to the spotter system which is employed there, it is a fact that there are spotters employed by the packers, as some of our men investigated advertisements from agencies here to work in the packing plants and were told they would receive a regular wage from the agency and whatever employment they were put at in the packing houses, to take it and draw their pay there just the same as if they were working individually for a firm, and to make a report to no one but the agency; that was here on Dearborn Street. I myself became fairly well acquainted with several of these so-called spotters and have met them in various parts of the country; I have met them in Fort Worth, and I have met them in St. Louis, and I have met them in Omaha, and they would go in there and go to work through orders from the office, and possibly take a job squeegeeing the floors in the killing gang, or possibly out on the railroad watching the cars, and they were to report all information in regard to anyone belonging to labor unions to headquarters, and orders were issued from there to discharge him for cause. That is also supported by our organization furnishing a blacklist after the strike of 1904. There are competent, skilled

machinics kept out since then and denied employment, and in instances where they have got employment under assumed names they have been discharged when it was discovered they had been employed by the companies they were formerly employed by.

Acting Chairman LENNON. Have you ever seen any such list of names?

Mr. LANE. No, sir.

Acting Chairman LENNON. What evidence have the men given you that they were blacklisted because of their connection with the strike? What have they said to you that convinces you it was a fact?

Mr. LANE. It comes to us in roundabout ways through the foremen.

Another problem that is a very serious matter there in regard to unrest is the discharge or laying off of good competent men because they are inclined to be men that would speak for their rights at times when some employee that had formerly been employed as a strikebreaker wanted a position and one of these other men would have to make way for him, and in many cases a white man would be laid off and a negro put in his place. There are many positions where there are two or more men working at some task, such as chopping hogs on a block on the cutting floor, and they will put a big burly negro on one side and a white man on the other, and let them battle it out for supremacy; that is their method of arriving at efficiency.

In several instances women of foreign birth have taken the places of men in work that I consider unfit for any woman to perform, such as is termed in packing town as working in "gut shanties," cleaning cases and washing beef, and trimming meat in sausage rooms, and such as that. That is work that was formerly done by men, and they are gradually putting women at that work at less wages.

Acting Chairman LENNON. What do you know about the wages paid out there? Do you know what the wages are accurately?

Mr. LANE. I could give it approximately what they range; they range anywhere from 15 cents an hour to 50 cents.

Acting Chairman LENNON. You would not know what proportion received the higher wages, would you?

Mr. LANE. I would approximately say that there is less than one-half of 1 per cent drawing 50 cents an hour.

Acting Chairman LENNON. And drawing 20 cents an hour or more, what proportion would you say?

Mr. LANE. Well, 20 cents an hour or more, I would say 50 per cent.

Acting Chairman LENNON. Have you ever known of the companies undertaking to secure employees otherwise than has been testified here; that is, that they get them practically at the plant? Did you ever know of them sending to Europe or sending to New York or using employment agencies?

Mr. LANE. Why, not since the strike of 1904 I don't. During that time they did.

Acting Chairman LENNON. During that time there were men imported here, during the strike?

Mr. LANE. Yes, sir.

Acting Chairman LENNON. Has that been done since that time that you know of?

Mr. LANE. Since that time I do not know of any.

Acting Chairman LENNON. To your knowledge, have wages increased or decreased since the strike of 1904?

Mr. LANE. They have practically decreased.

Acting Chairman LENNON. Tell us about it.

Mr. LANE. Previous to the strike of 1904 common labor received a minimum of 18½ cents an hour. There are men working in the yards to-day doing the same work at as low as 15 or 16 cents an hour. Skilled mechanics are to-day receiving the same wages per hour, but they have split up the work to such an extent that it is practically two men doing the work that was formerly done by three.

Acting Chairman LENNON. Is there any other matter, Mr. Lane, that you want to submit?

Mr. LANE. That is about all.

Commissioner AISHTON. Are you actually engaged by any packer now, Mr. Lane?

Mr. LANE. No.

Commissioner AISHTON. What was the date of your last employment?

Mr. LANE. February 24, 1913.

Acting Chairman LENNON. That will be all, Mr. Lane; you will be excused.

EXHIBITS.

KENNEDY EXHIBIT NO. 1.

The standard of living in the stockyards district rise and fall with the scale of wages paid in the packing industry. It is a conservative estimate to state that 50 per cent of all the male employees in the packing industry are paid $10 per week or less, and that over 60 per cent of all the women employees in the packing industry are paid $6 per week or less. Our family budgets prove conclusively that no ordinary workingman can support a family decently on $10 a week in Chicago. We know it is extremely difficult for any woman to live decently on $6 per week in Chicago. Therefore these low wages mean a low standard of living for thousands of families in the stockyards district. Our studies have shown that an inadequate income for the head of the family means that boarders will be taken in to help pay the rent, and this generally means overcrowding and lack of family privacy. When the income of the head of the family is too low there is strong economic pressure to send the wife out to work in the packing house, factory, and elsewhere, while the children are sent to work as soon as they become 14 years of age. Even with the income thus derived from boarders and the labor of the wife and children it is sometimes impossible to feed, clothe, and educate the family decently.

When an industry, such as the Chicago packing industry, pays its workers such low wages that it is almost impossible for them to maintain a decent American standard of living, the community as a whole is bound to suffer.

Instead of strong, vigorous, well-educated children being reared for our future citizenship, we are certain to get a group who are weak physically and woefully undereducated. An unnecessary burden is put upon our municipal, State, and charitable institutions, for when the wages are insufficient to care for the family properly, resort must be made to charitable and State institutions. It is not surprising to learn in this connection that one of the busiest branch offices of the United Charities is found in the heart of the stockyards district, nor is it surprising that of all the deaths of adults in the stockyards district 31 per cent are from tuberculosis. In a word, abnormally low wages lead inevitably to bad housing, undernourishment, excessive use of alcoholic stimulants, child labor, unnecessary disease, and many other evils which put a serious burden on the community as a whole.

CONDITIONS BECOMING WORSE.

The wages of the unskilled workers in the packing industry are not only extremely low, but judged by their actual purchasing power they are fully 20 per cent lower to-day than they were in 1903. Thus, wage conditions are not only bad, but they are becoming progressively worse.

Since, as we have shown above, abnormally low wages in any industry are not only a matter of concern to the employers and the employees, but also to the community as a whole, the question arises, What can a community do in such a case to insure that every worker should get at least a living wage? Perhaps there is no single simple solution of this problem, but the following possibilities are offered for what they may be worth:

(1) The State may fix a minimum wage for all the workers in the industry. In doing this the State would simply be exercising its police power in a matter quite as vital to the community as many others which are already under State regulation.

It was found, for example, that if the packing companies were allowed to conduct their slaughtering and meat-packing business as they saw fit, the

health of the consumers of meat products would be endangered by insanitary conditions in the packing houses. Therefore the Government established minimum sanitary regulations which must be observed by every packing company, and it employs a large staff of inspectors to see that these regulations are complied with. Few people question the necessity and value of Government regulation in the packing industry and Government inspection of meat products in order to protect the consumers. In our opinion, it is quite as important to the welfare of the community that the rather ignorant unorganized immigrants employed in such industries as the packing business should receive enough wages to buy nourishing food as that the food should be fit to eat when they get it. Our statistics regarding wages and the cost of living in the stockyards district show that it is just as necessary for the Government to protect the workers in their dealings as wage earners with the packing companies as it has been to protect the consumers. It is hardly the place here to discuss in detail the methods by which a minimum-wage law might be put into practical operation. Such laws are already in operation in Australia and England, and State commissions have been studying the question in Massachusetts, Wisconsin, and Minnesota. If the desirability of such legislation is once generally recognized, ways and means can soon be found to put it into operation.

HORDE OF IDLE WORKERS.

(2) One of the reasons that wages are so low in the packing industry is that there is always a horde of idle workers waiting at the employment offices of the packers for jobs. If some of the workers in this district could be diverted to other places where there is a greater demand for their labor, it is probable that the wages would be somewhat higher. Therefore, if a State or municipal employment bureau were established in the stockyards district, which would acquaint the workers there with opportunities to secure employment elsewhere, the surplus supply of labor might be somewhat reduced.

(3) There was a tendency for wages to increase in the packing houses up to the year 1904 when the great strike took place which destroyed the workers' union. Therefore it seems probable that if the workers in the packing houses of Chicago and other cities could be reorganized they might be able to raise wages at least as rapidly as the increase in the cost of living. What could be more significant than the fact that immediately after the strike of 1904 was lost and the power of the union broken the wages of the poor laborers who were getting 16 to 20 cents per hour were generally reduced 1 or 2 cents per hour.

It should not be forgotten, moreover, that a trade-union is not only an organization for raising wages and improving working conditions, but that it frequently does a splendid educational work, especially among the newly arrived immigrants. There can be no question that a well-conducted trade-union would be of tremendous value to the community in helping to assimilate the thousands of newly arrived Lithuanians, Poles, Bohemians, Slovaks, and other nationalities that are coming to this district.

Although the butcher workmen's union was practically destroyed in the great strike of 1904, traces of its good influence are found in the stockyards district even to-day.

FACT FULL OF MEANING.

It is a significant fact that practically every student of social conditions in the stockyards district up to the time when the union was destroyed praised the work that it was doing for the employees and the community. Prof. John Commons, for example, writes in his work on Trade-Unionism and Labor Problems (pp. 233): "Perhaps the most remarkable gain secured by the cattle butchers' union, and one that was shared by all the others, was the adoption of regular hours of work * * *. It was nearly two years after the union was organized before it felt strong enough to take up this matter. A strike was threatened, but finally a conference was secured with a leading packer. The union spokesman told him of these hardships (due to extremely irregular hours) comparing their position with his own, in that they never knew beforehand when their work would begin or be done, when he could finish up his day's work and go home. The packers only replied that he had never known that such conditions had existed. From the date of that interview, although no promises were made, overtime has been established for the cattle butchers in all the establishments * * *. That a union had to be organ-

ized and threaten a strike in order that the owner of the business might learn of conditions which his own consicience promptly disapproved, is a fact full of meaning for all who are disturbed by the modern unrest of labor."

The question may be raised whether a trade-union would be necessary or desirable in the packing industry providing our first two suggestions were acted upon, viz, the fixing of a minimum wage by the State and the establishment of a State or municipal employment bureau in the stockyards district. Our answer must be strongly in the affirmative. In the first place a minimum wage law would be much more likely to be successful if there were a strong trade-union among the workers to see that it is properly enforced. Secondly, the trade-unions are a powerful agency for the education of their members along civic and social lines and this is especially desirable in industries such as the packing industry, where large numbers of immigrants are employed. Thirdly, as was shown by Prof. Commons, even when the employers are kindly disposed they do not always know the conditions under which their employees labor and the grievances which they suffer. The only way in which such grievances can be redressed is through the assistance of a powerful labor organization.

The Chicago packing companies are among the most powerful corporations in the world. They have practically eliminated competition among themselves and present a united front to labor. What pressure can an individual worker bring upon such powerful corporations to redress grievances and to improve conditions? How can a simple-minded Polish or Lithuanian peasant be expected to hold his own in dealing with these tremendous machines organized solely for the making of profits? On the one hand we find unlimited financial resources, the best of business ability and experience; on the other poverty, ignorance, and thousands of unorganized individuals competing fiercely for jobs. Will anyone contend that packer and peasant now meet on an equal basis? Will anyone contend that the stockyards worker has a fair chance to get the full value of his labor? Our statistics showing the low and decreasing wages in the packing industry are a sufficient answer to that question.

The only hope of anything like a square deal for the workers in the packing industry; the only hope for an intelligent, independent, and vigorous American citizenship in the stockyards district lies in the organization of a powerful trades-union in the packing industry.

UNEMPLOYMENT DRAGS DOWN WAGES.

Unemployment undermines the life of the community not only by dragging down the general level of wages but by creating a group of casual laborers who in the course of time do not want to get regular work. There is a strong tendency for those who can not find work to hang around saloons and to fall into habits which undermine them physically and mentally. The problem of unemployment, therefore, is one of the most serious with which the workers of the stockyards district are confronted.

Unemployment in the packing industry is mainly of three types: First, there is the loss of time from day to day due to the fact that the killing gangs and several other departments work irregular hours. For example, a cattle butcher may work 5 hours on Monday, 11 hours on Tuesday, 9 hours on Wednesday, 7 hours on Thursday, 8 hours on Friday, and 3 hours on Saturday. As was shown in Part I the average number of hours per week put in by the members of the killing gang ranges between 38 and 40. Second, considerable unemployment is caused by seasonal work. In the canning department, for example, there may be a great rush of work at one time of the year and practically nothing to do at another. Probably the majority of the departments of the packing industry are more or less affected by these seasonal fluctuations. Third, irrespective of these causes of unemployment, there is always an army of unemployed in the stockyards district ranging from 2,000 to 7,000, many of whom have never been at work in the yards at all.

Obviously, any solution for the problem of unemployment in the packing industry must recognize the difference between these various kinds of unemployment. Undoubtedly much could be done to eliminate the difficulty in the first case if the packers would deliberately attempt to secure regular hours of work for their employees in all departments. It is probable that the killing gangs could be put on an eight-hour day basis with Saturday half holiday at comparatively little additional expense to the companies. It would mean that in some cases the stock would have to be kept 12 hours longer than otherwise.

Likewise, in regard to the second type of unemployment, much could be done by the packers to improve conditions. In some cases at least work could be spread more evenly through the year, and regular periods of vacation could be established for the employees. With proper foresight and organization of the working force the periods of unemployment and insecurity for the workers could to a considerable extent be changed into periods of vacation and recreation. As it is now the whole burden of insecurity of unemployment is placed upon the shoulders of those least able to bear it. In many of the departments the workers do not know how many hours they are to be employed from day to day, and they don't know when they will be laid off indefinitely. All this should be changed. If this irregularity of employment is inherent in the nature of the packing industry, then the industry as a whole should bear the burden, not those who are struggling on the margin of subsistence. The system whereby the packers hire their help by the hour and the day puts the workers in the most extreme position of insecurity. In one or two cases the companies guarantee the workers a minimum amount of employment throughout the year. If some such device as this were made universal some of the most serious evils of unemployment would be abolished.

The third type of unemployment, that rising from the surplus supply of labor in the district, can not be eliminated by the action of the packing companies. This problem must be solved by the community.

WORKING CONDITIONS BAD.

The working conditions show the need for more thorough inspection and the more vigorous enforcement of regulations to protect the health and welfare of the employees. In many cases, for example, the light and ventilation are very bad. Undoubtedly much of the tuberculosis in the stockyard's district is due to these bad working conditions. When 31 per cent of all the deaths of adults in the stockyards district are caused by tuberculosis it is time that the community should see that the work places of these people are properly lighted and ventilated. The jurisdiction of the State department of factory inspection in regard to matters of ventilation, light, and sanitation in the packing houses is open to question, but if the State department has not the power to secure proper conditions there is no doubt that the Federal Government can enforce any regulations that are reasonable. Some rooms in which the workers are employed should be closed up altogether, while new windows should be cut in others and systems of ventilation fans installed.

In some cases the workers are employed in damp rooms with water dripping from the ceiling. This should not be tolerated, as it could be easily prevented. In other cases the temperature is needlessly high.

Since 1906 there has been a considerable improvement in the packing houses in the provision of wash rooms, toilet facilities, and locker rooms.

Practically no provision for lunch rooms has been made for the employees of the packing industry, except in the canning department of Company B and in the office buildings. It certainly seems reasonable that the employees who spend their working hours amid conditions which are generally disagreeable should at least be permitted to eat their lunches in a clean and sanitary lunch room. The probability is that if the packing companies provided satisfactory lunch rooms for all the workers in their employ they would actually derive a profit from the investment. There can be no doubt that if the employees had a warm, nourishing lunch served in a sanitary, comfortable lunch room they would work more efficiently than they do at present.

The accompanying photograph[1] shows a group of packing-house workers rushing out to "Whiskey Point" at the noon hour, either to eat their lunches in saloons or to get pails of beer to take back to their work places. It can easily be seen that there is a great waste in time and energy, not to speak of the fact that the workers are not getting anything like the relaxation to which they are entitled. Therefore, if we are to look at the matter as a business proposition or from the standpoint of decent treatment of the employees, lunch rooms should be provided for the workers in all departments.

PENSION AND INSURANCE FRAUDS.

In recent years it has been recognized throughout the world of industry that the workers are entitled to protection against the insecurity and dependence arising from industrial accidents, sickness, and old age. Hence, in

[1] Not printed.

inaugurating insurance systems and old-age pensions for their employees, the officials of four of the leading packing companies have taken a progressive and commendable position. But while the recognition of the principle of workingmen's insurance and old-age pensions is a step in the right direction, the plans under which these principles have been executed by the packing companies are open in some respects to serious criticism. The pension systems, for example, which thus far have been established by two of the companies, apply to salaried employees only. If the term "salaried" is given its general meaning, the great mass of the workers will be excluded. But it is precisely these workers above all others who need the system of old-age pensions; first, because their earnings are too small in most cases to permit of their laying aside any savings for old age, and secondly, because their work is frequently of such exhausting nature that at the age of 50 or 55 they are worn out and thrown on the scrap heap.

Another respect in which the pension schemes are open to criticism is that they are decidedly undemocratic. Although the employees are compelled to contribute 3 per cent of their salaries annually, they have practically nothing to do with the administration of the funds involved.

In some respects these pension systems appear to be cleverly devised schemes to prevent the more intelligent workers from attempting in any way to bring pressure upon the companies to advance wages or improve working conditions. For example, the provision found in both plans that an employee may be discharged at any time and his contribution to the pension fund returned to him with 4 per cent interest thereon means simply this: If the worker had been in the employ of Company A for 18 years and should join with his fellow workers in a strike, he would thereby forfeit all of his rights to a pension. The companies, of course, may well say that if the worker got back his contributions with interest he has no ground for complaint if he does lose his pension. While there may be some justice in this point of view, nevertheless any scheme which tends to make the workers more subservient in such industries as the packing industry, where they are already at a decided disadvantage in bargaining with their employers, can hardly be looked upon as beneficial from the standpoint of the community.

The insurance systems of Companies B, C, and D, especially of the two former, are open to some of the criticisms made of the pension schemes mentioned above. The plan of Company D is democratic, but the burden falls entirely upon the workers. The company makes no financial contribution and assumes no financial responsibility. The plans of Companies B and C are undemocratic, although the workers do theoretically have a voice in the administration of affairs. The companies really control the whole matter. The benefits for industrial accidents are comparatively low, being much smaller, for example, than those paid by the International Harvester Co. in similar cases.

In general, it may be said that while pensions and insurance systems are highly desirable, if they are to be of benefit to the workers of the community as a whole, the burden must be placed upon the industry rather than upon the workers alone, and the management must be so democratic and the payment of benefits so adjusted that the effort of the workers to maintain their standard of living through trade-unions and other organizations will not be restricted.

SPEND LIFE "PUMPING KIDNEYS."

Anyone who goes through a modern packing house must be struck by the extreme division of labor obtaining in most departments. We enumerated in Part I the various employees required to slaughter 1,050 cattle in a working day of 10 hours. Among the occupations mentioned in this list we find such as the following: "Two shackling cattle," "one trimming bruises," "one washing hind shanks," "one trucking feet," "one pumping kidneys," and so on. Unquestionably the organization of labor which has evolved this high degree of specialization is very efficient from the purely economic standpoint. But here again, as in so many other cases where great economic advantages have been gained in modern industry, the advantages all go to the employers and consumers and the disadvantages are all suffered by the workers.

When society demands of any worker that he shall spend his life "shackling cattle," "trucking feet" or "pumping kidneys," then society must see to it not only that the work is done under the best possible conditions, but that the workers should receive sufficient compensation and have sufficient leisure

to secure for themselves the development and culture which are absolutely denied to them in their daily work.

These specific cases are mentioned here merely to illustrate a condition which is widespread not only in the packing industry but in many other industries. By the introduction of machinery and the extreme division of labor, the day's labor has been made one continuous grind of meaningless drudgery. If these workers are not to become dull and spiritless as the machines which they tend, then something must be done to counteract the effects of their daily labor in the hours when they are outside of the packing house or factory.

Here we have another important reason why a reasonable income must be insured to the unskilled workers as well as regularity of employment, with regular periods for vacation and recreation.

OVERCROWDED—VACANT LAND NEAR.

The facts prove conclusively that housing conditions existing in certain sections of the stockyards district are extremely bad. Although there is much vacant land within 2 or 3 miles of the packing houses, yet the houses have usually been crowded together with little regard to light, air, and sanitation. Most of the houses are poorly constructed frame buildings, and in many cases adequate toilet facilities are lacking. Probably the most serious evil, however, is that of overcrowded rooms.

The housing problem in the stockyards district can not be solved completely without dealing with the housing problem in the whole city of Chicago. Builders should be forbidden to cover more than 60 per cent of their lots with buildings to be used for housing purposes. Better inspection is needed to enforce housing legislation. It is also imperative that a large number of sanitary, attractive dwellings should be erected to be rented to stockyards' workers at a reasonable cost. It is unlikely that such dwellings will be erected by private builders as a business investment. The packers might undertake something of this kind in the same way that Krupp & Co., of Essen, Germany, have erected dwellings for 7,000 of their employees and their families. If the private builders and the packers fail to provide suitable housing accommodations the city should secure the power from the State legislature to engage directly in the housing business.

Municipal housing is quite common in many parts of Europe. There is no sound reason why municipal housing should not be undertaken by American cities if satisfactory accommodations for the workers can not be secured in any other way. It is just as essential for the welfare of the city that its workers should be well housed as that they should have a pure supply of water. It has been found that the water supply can best be furnished by the municipality, and it will probably be found that in some cases, at least, the solution of the housing problem will be accomplished best through municipal ownership.

There can be no question that municipal ownership of the land is desirable, since this would give the city complete control over building operations and would reserve to the whole community the unearned increment in land values which is created by growth of population. If the city goes into the housing business it should own not only the land but the dwellings which are erected upon the land. They could be rented to the workers at a reasonable cost without any financial loss to the city. There is still plenty of vacant land west of Robey Street, which is less than a mile from the principal packing houses.

In the old Twenty-ninth ward the density of population east of Robey Street was 58 to the acre in 1910; west of Robey Street there are 6¼ square miles of habitable land with a density of only 3.5 to the acre. If a street car line were run west from Ashland Avenue on Forty-third Street it would open up much of this territory to the stockyards workers. There is a splendid opportunity to build a garden city for the stockyards workers a mile or two west of the stockyards, providing suitable transportation facilities are offered. It would seem that the packers have a splendid opportunity to do something toward the housing of their workers which would prove to be not only extremely beneficial to their employees, but also a good business investment for themselves.

ODORS STILL BIG PROBLEM.

Considerable progress has already been made toward the abolition of the smoke nuisance in the stockyards district. One company has clearly demonstrated that its power plant can be operated successfully without polluting the

air to any noticeable extent. Moreover, officials of this company have stated that their smokeless power plant has been running more cheaply than the one which they had before and which was one of the worst "smokers" in the stockyards. If the city ordinances are strictly enforced, the smoke nuisance, as far as the power houses are concerned, can be nearly eliminated.

Locomotives running into the "yards" pollute the air more now than all the smokestacks of the packing companies. Any real solution of the problem must come through the use of oil as fuel or electrification.

The problem of offensive odors seems to be little nearer solution to-day than it was 10 years ago. As was stated before, the worst of these odors originates in the fertilizer department, glue factories, and tank rooms. The community should demand of the packers either that they find some way of eliminating these odors or that these departments should be moved some distance outside of the city.

The stockyards are known as the most dangerous district for fires in the whole city. The reasons for this are, first, that very few of the buildings in the yards are of fireproof construction; second, that the warehouses and cold-storage rooms are very much like vaults, in which it is very difficult to fight a fire; and third, because there never has been an adequate water supply in the stockyards district. For the protection of the workers and of the firemen whose lives are endangered by these conflagrations, the community should demand, first, that every new building erected in the stockyards should be of strictly fireproof construction; second, that sprinkler systems should be installed in the ceilings of cold-storage buildings, warehouses, and other rooms where it is difficult to fight fires successfully; third, that a high-pressure water system be installed in the stockyards district which will insure plenty of water at a high pressure in cases of emergency.

GETTING THE MONEY.

It may be asked, Where are the packers to secure the money necessary to increase wages and make the improvements suggested in this paper? It may be said that while the various recommendations are highly desirable, they can not be put into effect without bankrupting the companies. Without an accurate knowledge of the profits that are being made by the different packing companies, it is impossible to say to what extent wages can be raised and improvements made under present conditions. We know, however, that one of the largest companies has paid an annual dividend of 7 per cent to its stockholders for several years, besides setting aside a considerable surplus.

The net profits of this company have averaged about 12 per cent for the last five years on the capital investment. It is probable that the other companies have earned as large a profit on their investments as the one just mentioned.

Therefore, we have good reason to believe that the various packing companies are in a position to raise the wages of their employees at least in proportion to the increased cost of living, and to make such improvements in sanitary and working conditions as have been suggested in this study.

O'HERN EXHIBIT.

Report of the Visiting Nurse Association of Chicago for month ending March 25, 1915.

[District 47.]

CLASSIFICATION OF DISMISSED PATIENTS.	
Number of old patients	86
Number of new patients	44
Total	130
Number of patients dismissed	37
Number of patients forwarded	93
Number of nursing calls	83
Number of other calls	181
Total number of calls	264

CLASSIFICATION OF DISMISSED PATIENTS—CON.	
Transferred to other districts	2
Improved and recovered	25
Unimproved	2
Died	1
Not found	1
To I. W. S.	1
To M. T. S.	1
To hospitals (designate):	
Florence Crittendon	1
Psychopathic Hospital	1
Wesley	1

Report of the Visiting Nurse Association of Chicago for month ending March 25, 1915—Continued.

CLASSIFICATION OF DISMISSED PATIENTS—con.

Not dismissed:	
St. Bernards	3
M. R.	1
Northwest Dispensary	11
Invest. dism.	2
Chicago Lying-in Hospital	1
To other districts	1
Chicago Polyclinic	1
Northwest Dental	2

CLASSIFICATION OF NEW PATIENTS.

By sex and age:	
Male	9
Female	34
Not found	1
Men	6
Women	30
Children under 14 years	1
Babies under 2 years	6
Unknown	1
Country of birth:	
United States, white	16
Ireland	7
Lithuania	13
Poland	6
English	1
Others (classify)	1

CLASSIFICATION OF NEW PATIENTS—continued.

Industrial nurses:	
Dressings at plant	88
Interviews at plant	749
During month carried on books:	
Waiting—maternity	5
Delivered	5
Chronic	3
Diagnosis:	
Tuberculosis, pulmonary	4
Tuberculosis, other diag.	1
Pregnancy	1
Abortion	1
New born	1
Bronchitis	1
"Colds"	4
Pneumonia	4
Tonsilitis	1
Grippe	1
Insanity	1
"Feeding"	1
Goitre	2
Malnutrition	4
Senility	1
Minor injuries and contusions	2
Welfare, Otitis Media, defective teeth, defective eyes, appendicitis, phlebitis, nasal hemorrhage, unknown, suspected tubercular bacilli, others.	3

MARY BOYES,
Armour & Co. Nurse District.

Comparative statement of actual packing-house pay-roll figures for the fiscal year ending Oct. 31, 1914.

[This includes males and females, adults and minors.]

	Estimated number employed.	Total pay roll.	Equals per employee per year.	Equals per employee per week.
Chicago	8,000	$4,907,884.62	$613.48	$11.80
Kansas City	3,400	1,925,157.74	566.21	10.90
South Omaha	1,550	996,178.21	642.70	12.36
St. Louis	1,450	903,388.47	623.03	11.98
Fort Worth	1,400	798,678.86	570.48	10.97
Sioux City	900	520,847.02	578.72	11.13
St. Joseph	710	451,484.70	635.89	12.23
Total	17,410	10,503,619.62	603.31	11.60

Statement showing number and percentage, at various rates, in packing houses.

[Females—Minors and adults.]

	Chicago.		Kansas City.		South Omaha.		St. Louis.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 10 cents	17	2	.....	.....	.....	.....	.....	.....
10 to 12 cents	706	83	264	88	.....	.....	196	98
12½ cents and up	127	15	36	12	150	100	4	2
Total	850	.....	300	.....	150	.....	200	.....

	Fort Worth.		Sioux City.		St. Joseph.		Jersey City.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 10 cents	.....	.....	.....	.....	.....	.....	.....	.....
10 to 12½ cents	40	43.48	5	10	2	4	.....	.....
12½ cents and up	52	56.56	45	90	28	96	10	100
Total	92	.....	50	.....	30	.....	10	.....

NOTE.—The above figures include both day workers and piece workers. "Under 10 cents" covers minors between 14 and 16 years of age, employed at the request of parents or the bureau of charities.

Labor statistics—Chicago plant.

Number male employees	6,446
Number female employees	854
Total	7,300

	Per cent.
Male employees	88
Female employees	12
Male employees married	60
Female employees married	11
Female employees living home	63
Female employees living in boarding houses	37
Per cent employees working 6 months or over	80

NOTE.—The above was an actual check made among the employees for one day at the packing house.

Statement showing average number employees, total amount earned, and average amount per week for 8 weeks ending Mar. 6, 1915, and 10 weeks ending Oct. 31, 1914—Chicago plant.

[This includes males and females, adults and minors.]

HOG KILLING.

Period ending Oct. 31, 1914.		Period ending Mar. 6, 1915.	
Average number of employees	347	Average number of employees	547
Total earned, 10 weeks	$32,905.76	Total earned, 8 weeks	$48,306.56
Average each employee:		Average each employee:	
10 weeks	94.84	8 weeks	88.48
1 week	9.48	1 week	11.06

HOG CUTTING.

Average number of employees	177	Average number of employees	237
Total earned, 10 weeks	$17,317.30	Total earned, 8 weeks	$23,732.78
Average each employee:		Average each employee:	
10 weeks	97.84	8 weeks	100.14
1 week	9.78	1 week	12.52

CATTLE KILLING.

Average number of employees	282	Average number of employees	287
Total earned, 10 weeks	$32,884.42	Total earned, 8 weeks	$26,159.95
Average each employee:		Average each employee:	
10 weeks	116.62	8 weeks	91.15
1 week	11.66	1 week	11.39

SHEEP KILLING.

Average number of employees	244	Average number of employees	196
Total earned, 10 weeks	$26,271.44	Tota earned, 8 weeks	$14,972.34
Average each employee:		Average each employee:	
10 weeks	107.68	8 weeks	75.62
1 week	10.77	1 week	9.85

CANNING ROOM.

Average number of employees	800	Average number of employees	636
Total earned, 10 weeks	$94,893.01	Total earned, 8 weeks	$46,449.88
Average each employee:		Average each employee:	
10 weeks	118.62	8 weeks	74.20
1 week	11.86	1 week	9.28

SAUSAGE ROOM.

Average number of employees	435	Average number of employees	484
Total earned, 10 weeks	$44,963.34	Total earned, 8 weeks	$43,028.99
Average each employee:		Average each employee:	
10 weeks	103.37	8 weeks	80.90
1 week	10.34	1 week	11.24

Statement showing average number employees, total amount earned, etc.—Contd.

CURING DEPARTMENTS.

Period ending Oct. 31, 1914.		Period ending Mar. 6, 1915.	
Average number of employees	371	Average number of employees	473
Total earned, 10 weeks	$42,669.01	Total earned, 8 weeks	$48,733.39
Average each employee:		Average each employee:	
10 weeks	115.01	8 weeks	103.04
1 week	11.50	1 week	12.88

MECHANICAL DEPARTMENTS.

Average number of employees	718	Average number of employees	705
Total earned, 10 weeks	$99,702.40	Total earned, 8 weeks	$81,127.25
Average each employee:		Average each employee:	
10 weeks	138.86	8 weeks	115.07
1 week	13.89	1 week	14.38

For period ending Oct. 31, 1914, the canning room average number of employees was 800, of which 349 were female, adults and minors, and 23 boys under 21 years.

For period ending Mar. 6, 1915, out of an average of 626 employees there were 310 female, adults and minors, and 23 boys under 21 years of age.

For period ending Oct. 31, 1914, the sausage department average number of employees was 435, of which there were approximately 150 females, adults and minors, and 20 boys, door tenders, etc.

For period ending Mar. 6, 1915, of an average number of 484 employees, 165 were females, adults and minors, and 24 boys, door tenders, etc.

Statement showing number and percentage, at various rates, in packing houses.

[Males—Minors and adults.]

	Chicago.		Kansas City.		South Omaha.		St. Louis.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 17½	94	1.32	53	1.73	55	3.90	.....	.....
17½ and less than 20	4,039	56.37	1,451	46.80	554	39.60	574	45.91
20 and less than 25	1,690	23.63	861	27.76	612	43.70	518	41.41
25 and less than 30	739	10.73	528	17.02	117	8.10	61	4.91
30 and less than 40	518	7.17	169	5.45	52	3.70	80	6.38
40 and up	84	1.18	38	1.24	14	1.00	17	1.39
Total	7,150	.....	3,100	.....	1,400	.....	1,250	.....

	Fort Worth.		Sioux City.		St. Joseph.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 17½	95	7.58	34	4.00	13	1.90	344	2.19
17½ and less than 20	782	62.57	365	43.00	314	46.15	8,070	51.47
20 and less than 25	216	17.28	280	33.00	232	34.05	4,409	28.12
25 and less than 30	106	8.50	94	11.00	60	8.85	1,701	10.85
30 and less than 40	34	2.68	60	7.00	41	6.05	949	6.05
40 and up	17	1.39	17	2.00	20	3.00	207	1.32
Total	1,250	.....	850	.....	680	.....	15,680	.....

NOTE.—The above does not include what may be termed "steady-time" men, foremen, clerks or office employees, or any portion of the executive end of the organization. It includes old-time, disabled employees unfit for ordinary physical laboring work at the present time, who are now employed as doormen, janitors, and other light occupations.

Statement showing number of hours worked during four weeks' period, and average number of hours per week, and estimated number of men in each gang.

	Hog killing.	Cattle killing.	Pork cutting.	Sheep killing.
Period Oct. 4 to 31, inclusive, 1914.....hours..	170	200	174	178
Average per week for above period.....do....	42.5	50	43	44.5
Period Mar. 1 to 27, inclusive, 1915.....do....	172	185	178	146
Average per week for above period.....do....	43	46	45	37
Estimated number in gang (2 periods).....	350	280	175	245
Estimated number on clean up, etc.....	[1] 80	100	[1] 40	117

[1] 2½ hours each.

NOTE.—This statement does not include a number of men who remain after "gang time" for the purpose of cleaning up the department, caring for the product, and doing such other work as may be required to finish up the work in the department and leave it in condition, ready to start next morning.

During both the periods above mentioned the quarantine, on account of the hoof-and-mouth scare, has restricted the receipts of live stock. Receipts were very ununiform, and it was somewhat harder than any other time of the year to adjust the gang to what we term good working conditions.

Statement showing number of hours worked during four weeks' period and average number of hours per week in departments mentioned.

	Mechanical department.	Canning.	Sausage.	Curing.
Period Oct. 4 to 31, inclusive, 1914.....hours..	240	281	246	248
Average per week for above period.....do....	60	70	62	62
Period Mar. 1 to 27, 1915, inclusive.....do....	240	202	247	274
Average per week for above period.....do....	60	50	62	68

Recapitulation showing total number of male and female employees at all armor plants and branch houses for year 1914.

	Operating.		Executive.		Total male.	Total female.	Grand total.
	Male.	Female.	Male.	Female.			
Chicago	7,150	850	1,000	150	8,150	1,000	9,150
Kansas City	3,100	300	340	10	3,440	310	3,750
South Omaha	1,400	150	190	20	1,590	170	1,760
East St. Louis	1,250	200	200	5	1,450	205	1,655
Fort Worth	1,250	150	95	15	1,345	165	1,510
Sioux City	850	50	40	5	890	55	945
South St. Joseph	680	30	30	5	710	35	745
Denver	200	20	20	5	220	25	245
New York	350	.....	60	5	410	5	415
Jersey City	205	10	30	.....	235	10	245
All branch houses	2,000	5	3,300	65	5,300	70	5,370
Total	18,435	1,765	5,305	285	23,740	2,050	25,790

Average hours worked weekly in year 1914.

	Percentage of employees.		Percentage of employees.
40 to 44 hours	4.40	60 to 64 hours	39.20
45 to 49 hours	18.00	65 to 69 hours	7.80
50 to 54 hours	13.30	70 to 74 hours	3.10
55 to 59 hours	13.40	75 to 84 hours	.80
		Total	100.00

NOTE.—The above was arrived at by taking the actual "gang time" worked on the killing gang and the average time for the entire gang on the balance of the gangs throughout the house.

It must be understood that there is no gang in the entire packing plant that stops as a unit; in other words, a large portion of the skilled men go home at what is called "gang time," the balance of the men who stay doing such other work as can not be taken care of during the working hours, and which must be done at the close of work each day.

No females work over 10 hours per day.

Recapitulation of nationality report of all packing-house employees, showing number of employees and percentage of each nationality.

Nationality.	Chicago.	Kansas City.	Omaha.	St. Louis.	Fort Worth.	Sioux City.
American	880	940	370	345	660	215
Irish	850	85	75	35	.....	30
English	100	80	10	5	5	15
Scotch	65	.....	5	.....	.....	5
German	700	200	90	55	50	55
Polish	2,550	200	180	265	30	80
Swedish	80	.....	20	.....	10	15
Bohemian	225	.....	190	70	60	5
Lithuanian	1,800	.....	90	120	.....	180
Russian	160	200	5	40	85	115
Austrian	.....	610	.....	60	.....	.....
Slavonian	150	90	140	165	20	.....
Mexican	.....	.....	.....	.....	100	.....
Croatian	.....	200	.....	.....	10	.....
Colored	220	375	90	265	205	10
Italian	.....	150	.....	.....	10	.....
Belgian	.....	.....	90	.....	.....	.....
Greek	.....	.....	.....	.....	.....	.....
Miscellaneous	160	270	195	10 15	60 95	175
Total	8,000	3,400	1,550	1,450	1,400	900

Nationality.	St. Joseph.	Denver.	New York.	Jersey City.	Total.	Per cent.
American	285	65	105	105	3,970	21.84
Irish	20	25	15	20	1,155	6.35
English	5	.....	5	.....	225	1.23
Scotch	.....	.....	.....	5	80	.44
German	60	65	50	20	1,405	7.72
Polish	75	10	65	50	3,505	19.26
Swedish	.....	15	.....	5	145	.80
Bohemian	15	.....	5	.....	570	3.13
Lithuanian	10	.....	.....	.....	2,200	12.09
Russian	140	5	45	.....	795	4.37
Austrian	.....	20	55	.....	745	4.09
Slavonian	10	.....	.....	.....	575	3.16
Mexican	.....	.....	.....	.....	100	.55
Croatian	.....	.....	.....	.....	210	1.15
Colored	25	.....	.....	.....	1,190	6.54
Italian	.....	.....	.....	.....	160	.87
Belgian	.....	.....	.....	.....	90	.49
Greek	.....	.....	.....	.....	70	.38
Miscellaneous	65	15	5	10	1,005	5.52
Total	710	220	350	215	18,195	100.00

NOTE.—The above statement includes all male and female help at all packing houses. Miscellaneous item includes all nationalities not shown above and which individually figure under one-half of 1 per cent.

RECAPITULATION OF CLASSES.

	Number.	Per cent.
Total English speaking	6,620	36.38
Total German, Bohemian, and Belgian	2,065	11.35
Total Polish and Slovak	4,290	23.56
Total Lithuanian, Austrian, and Russian	3,740	20.60
Total all other	1,480	8.16
Grand total	18,195	100.00

Recapitulation of nationality report, showing percentage of classes, all packing houses included.

	Chicago.		Kansas City.		South Omaha.		St. Louis.		Fort Worth.		Sioux City.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
English speaking	2,115	26.44	1,480	43.52	550	35.48	650	44.83	870	62.14	275	30.56
German, Bohemian, and Belgian	985	12.31	200	5.88	370	23.87	125	8.62	110	7.86	60	6.67
Polish and Slovak	2,700	33.75	290	8.53	320	20.65	430	29.66	60	4.29	80	8.89
Lithuanians, Austrians, and Russians	1,960	24.5	1,010	29.71	95	6.13	220	15.17	85	6.07	295	32.78
All other	240	3.00	420	12.35	215	13.87	25	1.72	275	19.64	190	21.10
Total	8,000	.....	3,400	.....	1,550	.....	1,450	.....	1,400	.....	900	.....

	St. Joseph.		Denver.		New York.		Jersey City.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
English speaking	335	47.18	90	40.91	125	35.71	130	60.47	6,620	36.38
German, Bohemian, and Belgian	75	10.56	65	29.55	55	15.71	20	9.30	2,065	11.35
Polish and Slovak	85	11.97	10	4.54	65	18.57	50	23.26	4,295	23.56
Lithuanians, Austrians, and Russians	150	21.13	25	11.36	100	28.58	.....	.....	3,740	20.60
All other	65	9.16	30	13.64	5	1.43	15	6.97	1,480	8.11
Total	710	.....	220	.....	350	.....	215	.....	18,195	.....

CONDITIONS OF EMPLOYMENT OF WAITERS AND COOKS

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *Friday, April 16, 1915—2 p. m.*

Present: Acting Chairman Lennon; Commissioners Aishton, Garretson, and O'Connell.

TESTIMONY OF MR. FRED EBELING.

Acting Chairman LENNON. Give your name, please.

Mr. EBELING. Fred Ebeling.

Acting Chairman LENNON. What is your business?

Mr. EBELING. Financial secretary and business secretary of the cooks' union.

Acting Chairman LENNON. Have you followed that business for a number of years?

Mr. EBELING. Yes, sir.

Acting Chairman LENNON. For how many years?

Mr. EBELING. For about 20 years.

Acting Chairman LENNON. I understand from Mr. West, who worked up this hearing largely, that you have a special matter that you desire to submit to the commission regarding something that has to do with the condition of the waiters and the cooks?

Mr. EBELING. Yes, sir.

Acting Chairman LENNON. Will you please proceed and tell your story just as you desire to tell it?

Mr. EBELING. The conditions surrounding the procuring of employment by our people.

Acting Chairman LENNON. That is, the cooks?

Mr. EBELING. The waiters and cooks. The large employers, such as hotels and restaurants, instead of sending to the organization for their help, send down to saloons; and as the jobs get into the saloons the employees are forced to go into these saloons and stand around in there all day long and sometimes for weeks and sometimes all winter looking for jobs, because the jobs get into these saloons, and naturally the people that do the most drinking and are in the best standing with the saloon keepers, they get preference for the jobs, while the people that don't drink so much can stand around and never get any work; they have a hard time to get work.

We have gone to the different authorities, to the State's attorneys and to the mayor, but there is no relief; we can not get any redress. That condition has existed for years and years. We have held mass meetings at different times, and at one time we succeeded in putting one man out of business by getting the men away from there temporarily, but they are driven to other places, so it was just shifting from one saloon to another.

Acting Chairman LENNON. Can't you apply to the chefs—to the cooks—for employment or to the head waiter? Do you have to go to these saloons?

Mr. EBELING. They tell us when they want anyone they will go down to a certain saloon and employ him there.

Acting Chairman LENNON. They direct you to go to the saloon?

Mr. EBELING. Yes.

Acting Chairman LENNON. Do you have to pay anything directly to the saloons for this service besides patronizing them? Do you pay them any particular amounts?

Mr. EBELING. No; they don't. The State law prohibits that, and we have no evidence that such is the case; they are very careful about that.

Acting Chairman LENNON. What effect does such a system have upon the welfare of the waiters and cooks, upon their morals and upon their living conditions as citizens and men, etc.?

Mr. EBELING. It is one of the worst evils we have to contend with in the industry; it is very bad; it causes the breaking up of homes; it causes people that are drinkers, who are able to drink, to be able to get jobs at any time, and others who do not drink, they do not get the work and it is hard for them to get the jobs. They have, to a great extent, to depend upon employment agencies, and they charge a large fee.

Acting Chairman LENNON. Does that system you speak of prevail in other cities or do you know about that?

Mr. EBELING. About two years ago there was a campaign; I read in our official journal of a campaign of the same nature carried on in the city of New York by our international union to try to break it up down there, but how far it exists I do not know at the present time.

Acing Chairman LENNON. Do you desire to submit anything more, Mr. Ebeling?

Mr. EBELING. I might say that we have gone to the restaurant keepers' association about this matter and presented the matter and they refused to meet us on the proposition; they would not do anything about it. The officials of the Chicago Federation of Labor and the Illinois State Federation of Labor went with us to meet with John Vogelzank, and if we went to places like the Bismark and put the proposition before them they say they are unable to do anything about it; that they have to go and see Vogelzank; and Vogelzank says they refuse to meet us on the proposition.

Commissioner AISHTON. There are employment agencies, are there not, in the city of Chicago for cooks and waiters?

Mr. EBELING. Yes. The union itself never charges either party for the job and we try to fit the men to their proper places, and there are other organizations that are not unions that try to do the same thing, but the employers, in spite of that, will go to the saloons and get their help there.

Commissioner AISHTON. If they all go to the saloons there would not be any opportunity for the employment agency to do business, would there?

Mr. EBELING. There are employment agencies which are practically just as bad; however, they don't do as much business as the saloons.

Commissioner AISHTON. That are just as bad as the saloons?

Mr. EBELING. They charge all the way up to $25 for getting a job; their average charge is 10 per cent of the month's salary.

Commissioner AISHTON. There is no debasing moral influence like that of liquor or anything of that kind?

Mr. EBELING. No.

Acting Chairman LENNON. I think that is all, Mr. Ebeling; you will be excused.

With this the hearing of the commission at this time in Chicago will close; we thank the public for its attention.

(Whereupon on this Friday, April 16, 1915, at 3 o'clock p. m., the commission adjourned sine die.)

INDUSTRIAL CONDITIONS AND RELATIONS IN THE GOLD MINING OPERATIONS AT LEAD AND BLACK HILLS, SOUTH DAKOTA

(For exhibits under this subject see pages 3659 to 3679)

COMMISSION ON INDUSTRIAL RELATIONS.

LEAD, S. DAK., *Monday, August 3, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will please come to order.

I should like to say to the witnesses and others that unavoidably some members of the commission and counsel of the commission were prevented from coming at the last moment on account of the war in Europe. Business complications kept them at home.

I have been selected to act temporarily as chairman, in the absence of the chairman, and also as counsel.

Regarding the investigation which Congress has required this commission to make, I would explain that the authorizing act requires us mainly to discover the underlying causes of industrial unrest, meaning by that mainly the relations of employers and employees in all the various lines in which they have dealings with each other in the community and the interests of the public in these relations. The commission is required to make recommendations to Congress for such legislation or such action as the commission determines would be advisable upon the basis of the facts which it discovers and upon the basis of the suggestions or recommendations which its witnesses offer.

I will say also that the witnesses will not be placed under oath. This is an informal investigation, endeavoring to come at the facts, the greater underlying principles and facts, and we expect to secure here such information as is possible regarding the mining situation in this district.

I will call upon Mr. Grier as the first witness. Will you take this chair, Mr. Grier?

TESTIMONY OF MR. THOMAS J. GRIER.

Acting Chairman COMMONS. Mr. Grier, will you give the reporter your name, residence, and position?

Mr. GRIER. Thomas J. Grier, superintendent of the Homestake Mining Co., Lead, S. Dak.

Acting Chairman COMMONS. Your position, Mr. Grier, is that of superintendent. What is meant by that position, what is your relation to the company on the one side and to the employees on the other?

Mr. GRIER. In my official capacity I have charge of all the company's property hereabouts, and am charged with directing the operations of the property.

Acting Chairman COMMONS. You are superintendent of the Homestake Mining Co.; that is the name of the company, is it?

Mr. GRIER. Yes, sir; that is the corporate title.

Acting Chairman COMMONS. Is that a company chartered under the laws of South Dakota?

Mr. GRIER. It is organized under the laws of California.

Acting Chairman COMMONS. What year was it organized—well, just about?

Mr. GRIER. I think 1878; possibly 1877.

Acting Chairman COMMONS. Are you a member of the board of directors of the company?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Who is the president of the company?

Mr. GRIER. James B. Haggin.

Acting Chairman COMMONS. Where is his address?

Mr. GRIER. His office is at 15 Broad Street, New York.

Acting Chairman COMMONS. And who are your directors?

Mr. GRIER. James B. Haggin, Frank G. Drum, Edward H. Clark, Richard Clark—I don't recall the names of one or two others.

Acting Chairman COMMONS. Where are your annual meetings held?

Mr. GRIER. In San Francisco.

Acting Chairman COMMONS. What is the capital stock of your company?

Mr. GRIER. I think $25,116,000, divided into 250,160 shares of the par value of $100 per share.

Acting Chairman COMMONS. Who are the principal stockholders of the company?

Mr. GRIER. As far as my knowledge goes, Mrs. Phoebe Hearst, of Pleasanton, Cal., is the largest individual shareholder; Mr. James B. Haggin, of New York, next. I think the Tevis estate——

Acting Chairman COMMONS. What estate?

Mr. GRIER. T-e-v-i-s, of San Francisco.

Acting Chairman COMMONS. Do you know what number of shares Mrs. Hearst holds?

Mr. GRIER. I do not.

Acting Chairman COMMONS. Nor Mr. Haggin?

Mr. GRIER. I do not. I think that Mrs. Hearst, Mr. Haggin, and the Tevis estate own the majority.

Acting Chairman COMMONS. Is this stock listed on any of the exchanges?

Mr. GRIER. It is; on the New York Exchange.

Acting Chairman COMMONS. And are there sales recorded there that you know of?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is there a very active market—dealings in the shares?

Mr. GRIER. No; decidedly the other way.

Acting Chairman COMMONS. It is practically held by those interests that you have named for their own investment purposes?

Mr. GRIER. Yes, sir. There are, I think, a thousand other stockholders.

Acting Chairman COMMONS. Could you give an idea of where those stockholders are located? In this district or outside?

Mr. GRIER. I think there are about 15,000 shares held in South Dakota, and more than one-half of that is held in Lead City; a goodly number of shares is held in Deadwood, and quite a number of stockholders throughout the city—Sioux Falls, Aberdeen, Spearfish, Rapid City, and various other places throughout the State.

Acting Chairman COMMONS. Does the company have a system of selling shares to its employees?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Those who have purchased have simply purchased for investment purposes?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do employees hold shares to any extent, to your knowledge?

Mr. GRIER. A great many of them do.

Acting Chairman COMMONS. What grade of employees—superintendents, foremen, miners, or laborers?

Mr. GRIER. I think all departments of the service are represented in the stockholdings excepting the superintendent.

Acting Chairman COMMONS. Are there any bonds outstanding?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. What were the dividends declared last year—the last fiscal year—what per cent of dividends was declared?

Mr. GRIER. I think it was very early last spring that the dividend was increased from 50 cents to 65 and has continued at that figure ever since.

Acting Chairman COMMONS. Is that the annual or semiannual?

Mr. GRIER. That is monthly—65 cents per share per month.

Acting Chairman COMMONS. And then beginning last April that has been 65 cents a month?

Mr. GRIER. I would not say April. I rather think it was February or March.

Acting Chairman COMMONS. A year ago?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And that would be at what rate per year—12 times 65, would it not?

Mr. GRIER. Twelve times 65.

Acting Chairman COMMONS. About 7½ per cent?
Mr. GRIER. Seven and eight-tenths, wouldn't it?
Acting Chairman COMMONS. Seven and eight-tenths.
Mr. GRIER. Twelve times 65.
Acting Chairman COMMONS. And on twenty-one million what would that amount to, the total dividends distributed last year at that rate?
Mr. GRIER. Well, it is a matter easily to compute. Not being a stockholder, I haven't paid any attention to the market price of the stock and the percentage paid in dividends.
Acting Chairman COMMONS. Will you, Mr. Grier, tell us what are the holdings of the company in this district and the area covered and the nature of the holdings?
Mr. GRIER. I was looking for an engineer. I don't think I could be very accurate in recalling the acreage. It is quite large in mineral lands, quite large in timber lands, and not a very great acreage along two or three creeks.
Acting Chairman COMMONS. Does your company, in addition to these real estate holdings, mining holdings, does it own the stock of any corporation or parts of the stocks of any corporations?
Mr. YATES. I have the figures here in the book in regard to the acreage.
Mr. GRIER. All right, I would like to give it accurately, if you please.
Mr. YATES. This is March 1, 1913.
Mr. GRIER. Would you like me to incorporate that now?
Acting Chairman COMMONS. Yes, if you will.
Mr. GRIER. Mining claims, 3,723; timber lands, 18,376; water lands, 2,315; right-of-way lands, 14 acres, as of March 1, 1913.
Acting Chairman COMMONS. Those are all in acres?
Mr. GRIER. Yes, sir; acres. That is a little over a year ago. Purchases since then have not been very great.
Acting Chairman COMMONS. Are these held in fee—absolute title?
Mr. GRIER. Yes, sir.
Acting Chairman COMMONS. They are not leased?
Mr. GRIER. All patented and owned by the Homestake Mining Co.
Acting Chairman COMMONS. So that this company was formed by—its operation consisted in buying up these various claims you have mentioned. There is where its capital is invested?
Mr. GRIER. Yes, sir. The original purchases of the company were made in the spring of 1878 and consisted of the Homestake lode location and Golden Star lode location, aggregating perhaps 15 acres, and from that start the company has been buying from time to time ever since.
Acting Chairman COMMONS. Does the company hold the stock of any other corporation, any other mining corporation?
Mr. GRIER. No, sir.
Acting Chairman COMMONS. Does it own outright its waterworks—water supply?
Mr. GRIER. Yes, sir.
Acting Chairman COMMONS. And the timber?
Mr. GRIER. Fee title to it all.
Acting Chairman COMMONS. Does the company pay a selling department or agent in New York?
Mr. GRIER. Selling agent?
Acting Chairman COMMONS. Yes; how is your product sold?
Mr. GRIER. Oh, its bullion product is shipped to one of its bankers in New York City, by the bank turned over to the United States assay office, and after melting and deducting their charges a check is given to the treasurer of the mining company by the assay office for the value of the bullion.
Acting Chairman COMMONS. Who is the treasurer of the company?
Mr. GRIER. James B. Haggin.
Acting Chairman COMMONS. In New York?
Mr. GRIER. New York.
Acting Chairman COMMONS. Can you give us, in the last fiscal year, the operating expenses—total operating expenses of the company? Have you a financial statement we could have?
Mr. GRIER (addressing Mr. Chambers Keller). Could you get an annual report?
Mr. KELLER. Mr. Chairman, yes; it will probably facilitate.
Acting Chairman COMMONS. Yes; if you could get that.

Will you state the organization of your force of which you have direct charge? You have an assistant superintendent and on down the line. We would like to get the method of organization and responsibility.

Mr. GRIER. The administration is in the hands of a superintendent and assistant superintendent. There is a mining department with a general foreman, several assistant general foremen, about 30 shift bosses, and about 1,100 men working in various capacities.

Acting Chairman COMMONS. That is in the mining department?

Mr. GRIER. That is the mining department.

Acting Chairman COMMONS. That is what you call the underground force?

Mr. GRIER. Yes.

The metallurgical department, and chief metallurgist and assistant, various assistants in his office. The company operates six stamp mills, has a foreman at each mill, a head amalgamator in each mill. I would like to correct that statement as to foreman. It has not a foreman at each mill. In Lead, one foreman takes care of three mills, but there is a head amalgamator in each mill.

The secondary treatment consists of one regrinding plant, two sand plants, and one slime plant, a foreman at each one of those places, but all under the direction of the chief metallurgist.

Acting Chairman COMMONS. How many employees in this metallurgical department?

Mr. GRIER. Well, the chief metallurgist and his assistant have half a dozen or more men who do the laboratory work and assist them in making determinations from day to day.

Acting Chairman COMMONS. Well, is the operating force under his direction or under the direction of the superintendent?

Mr. GRIER. Well, of course, the whole works is under the direction of the superintendent, but the head of each department is charged with looking after the details of it and is always in consultation with the superintendent.

Acting Chairman COMMONS. What I was getting at is on the underground works. Do you have a general foreman in charge of all the underground work?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And in the stamping mill, do you have a general foreman in charge of all surface work?

Mr. GRIER. Well, the foreman of the stamp mills takes orders from the chief metallurgist direct. The mechanical department is supervised by a master mechanic. That department embraces the drill-sharpening shop, the machine shop, the blacksmith shop, the pattern shop, and the foundry; and, in turn, all of these places have a shop foreman.

The engineering department is directed by the chief engineer, who has a staff to assist him sufficient to take care of that part of the business; the electrical department is supervised by the chief electrician, with a sufficient number of assistants to help him; the timber lands and sawmills are under the direction of a head, with a sufficient force, of course, to carry on his work. And so on through all the various departments into which the operations of the company are divided, with a head to each. I can fill in the other directors now.

Acting Chairman COMMONS. Suppose you check that up after we finish.

Mr. GRIER. Very well.

Acting Chairman COMMONS. As to the employment department, is that something separate, or how?

Mr. GRIER. Excuse me, I forgot that. The employment department has a head, and sufficient help to enable him to conduct that part of the business.

Acting Chairman COMMONS. This department, then, does all the employing and discharging of men—the employment department?

Mr. GRIER. The employment department is charged with the responsibility of employing the operatives needed in all departments of the service, but he does not dismiss them.

Acting Chairman COMMONS. By all departments, do you mean these you have gone over, mining, metallurgy, timber, and electrical?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Up to what grade—he does not employ foremen?

Mr. GRIER. Well, he does not pass finally on foremen.

Acting Chairman COMMONS. He passes finally on miners and helpers and laborers?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And all below foremen?

Mr. GRIER. No, sir; not all below foremen. I should say all below shift bosses.

Acting Chairman COMMONS. I see. All below shift bosses. How many employees, then, are under his control in the sense of employing them?

Mr. GRIER. Oh, about two thousand.

Acting Chairman COMMONS. Does he have control over those that are in the stamp mills, too, as well as under the shift bosses, he hires them also?

Mr. GRIER. He does; but I ought to say that he does not pass arbitrarily on the employment of anybody. He employs a man for any department of the service with, I might almost say, the advice and consent of the immediate boss above.

Acting Chairman COMMONS. Does that mean the shift boss?

Mr. GRIER. Yes; it is all done by consultation. All applications for employment are made at the employment office, and, to a large extent, he does pass upon all of the men under the shift bosses, but makes a point to consult with the men in authority who have supervision over the men that he sends to them to work.

Acting Chairman COMMONS. Then, you have besides that a hospital department, do you not, or medical department?

Mr. GRIER. Yes.

Acting Chairman COMMONS. What is the organization in that department?

Mr. GRIER. The hospital department is presided over by a chief surgeon and physician, with a half dozen assistants, a half dozen nurses, and other help about the hospital necessary to conduct it in a proper manner so that the greatest service and best service possible may be given to the operating force of the company.

Acting Chairman COMMONS. Is this considered as a regular department of the company's work, or is it done by contract?

Mr. GRIER. It is a regular department of the service. The expense of maintenance is paid by the Homestake Co., and there is no charge of any kind or character made against the employees for either doctor's services, nurses' services, or medicine.

Acting Chairman COMMONS. And the salaries of the doctors and nurses come from the company?

Mr. GRIER. Come from the Homestake Co.'s office.

Acting Chairman COMMONS. Well, you have in addition to that a recreation department?

Mr. GRIER. We have a recreation building which is just being put into commission, where there is located a free library, and game tables, and plunge and shower baths. The intention is to put in everything that will contribute to the pleasure and comfort and happiness of the operating force of the company.

Acting Chairman COMMONS. The company finances that out of its funds?

Mr. GRIER. That is free, not only to the operating force of the mining company, but to the people of Lead and to the people of Lawrence County and to the people of South Dakota.

Acting Chairman COMMONS. And the staff of that department are on the——

Mr. GRIER. Homestake pay roll.

Acting Chairman COMMONS. On the Homestake pay roll?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is that true of the library?

Mr. GRIER. The library is free in every way, shape, and form to all comers, whether they are employees or not, but is maintained by Mrs. Hearst and has been for 20 years.

Acting Chairman COMMONS. That is separate from the company then?

Mr. GRIER. Yes.

Acting Chairman COMMONS. The company furnishes free quarters for the library?

Mr. GRIER. The library has just within the past week been moved into the recreation building to furnish the necessary room for the library.

Acting Chairman COMMONS. Then, you have a kindergarten; what is that?

Mr. GRIER. The kindergarten is free in every way, shape, and form to all who choose to send their children there; and it is maintained by Mrs. Hearst.

Acting Chairman COMMONS. And is not on the company's pay roll?

Mr. GRIER. No; there is a staff of teachers, who are regular graduates of a kindergarten college, with a matron and manservant to help take care of the children.

Acting Chairman COMMONS. You have, of course, a legal department?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the force or staff of the legal department?

Mr. GRIER. The legal department of the company is presided over by Mr. Keller. He has associated with him a partner, but I do not know anything about the terms of his partnership. Mr. Keller personally attends to the legal work of the company.

Acting Chairman COMMONS. What is your detective force that you have?

Mr. GRIER. Well, we have not very much of a detective force. We have one man who has been with the company for a great many years; originally started as a bullion guard; goes along when money is transported to the wood camp or the sawmill, and in his leisure time, if he sees anything of interest to the company, he notes it.

Acting Chairman COMMONS. Does he report on employees?

Mr. GRIER. He does.

Acting Chairman COMMONS. How much of a force does he have?

Mr. GRIER. Well, so far as the detective work is concerned, I do not think he has anybody. Oh, we have half a dozen or more special watchmen that are under him—night watchmen.

Acting Chairman COMMONS. Is your detective force commissioned as county or city officers? Do they carry a State commission in addition to being employed by the company? Are they deputy sheriffs?

Mr. GRIER. I was just thinking—I think Mr. Northern has a deputy sheriffship. I know he did have; I don't know whether he has now or not. As to the city, I don't know whether he has any authority from the city or not.

Acting Chairman COMMONS. He can arrest men without a warrant?

Mr. GRIER. Well, I never knew it if he can.

Acting Chairman COMMONS. How?

Mr. GRIER. I never knew it if he can.

Acting Chairman COMMONS. Presumably he could not unless he had a deputy sheriffship?

Mr. GRIER. If he had a deputy sheriffship he could do what the law will allow him to do as deputy sheriff.

Acting Chairman COMMONS. Does the company have company houses, dwelling houses and residences, which it owns and rents?

Mr. GRIER. I don't think the company has a house that it rents, unless it is a house rented by my father-in-law, and he pays $40 a month. It owns a few houses, however, that are occupied, but no rent is charged. Mr. Keller's chauffeur occupies a house belonging to the company. A very few houses, probably a half dozen, came into the ownership of the company with the ground that they bought and upon which the houses are located. I don't recall that the company has a house that it charges rent for except this one.

Acting Chairman COMMONS. These that the company did secure, they came into the possession of the company in what way, do you mean?

Mr. GRIER. Well, when the company bought a mineral claim or two, oftentimes there would be a house on it, and, of course, the houses went with the claim.

I would like to ask Mr. Yates or Mr. Blackstone, do you know of any houses that the company rents?

Mr. MURRIN. I know of two that were acquired in the way in which you state.

Mr. GRIER. There may be two or three, but that is all.

Acting Chairman COMMONS. What is the relation of the company to the Hearst Mercantile Co.? There is no relationship financially?

Mr. GRIER. None; no, sir. The Hearst Mercantile Co. is owned by Mrs. Hearst. The corporation grew out of a store built by Mr. Hearst during the winter of 1878–79, and was run in his name until about 1892, when it was incorporated, and this was immediately after Senator Hearst's death, and is now owned by his widow and heirs.

Acting Chairman COMMONS. What is the capital stock?

Mr. GRIER. Three hundred thousand dollars.

Acting Chairman COMMONS. Where is it incorporated—in this State or in California?

Mr. GRIER. In this State.

Acting Chairman COMMONS It is a South Dakota corporation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the relation of the company to the aid association? Is that a department of the company's work, or what is the relationship?

Mr. GRIER. I suppose it might be regarded as a department. It was organized about three years ago, I think. The employees of the company contribute $1 a month to the fund, and the Homestake Mining Co. contributes $1,000 a month and administers the fund without any charge of any kind or character, under the direction of a board of directors, elected annually by the employees of the company.

Acting Chairman COMMONS. What is the connection with the hospital?

Mr. GRIER. The benefits paid by the aid association are, of course, paid to aid those who are suffering from sickness due to natural causes or due to accident, and it also pays a death benefit due to natural causes or due to accident. Aid benefits paid on account of sickness from natural causes begin six days after the illness, and benefits paid on account of disability due to accident begin on the day of the accident. Necessarily the relationship between the aid fund and the hospital is close, because the hospital passes on the nature of the illness and the date upon which the aid begins and ends. One of the board of directors is from the hospital department, one from the mining department, one from the metallurgical department, and one from the mechanical department, and one from the surface.

Acting Chairman COMMONS. The surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And these directors are elected by each of these departments. Is that the idea?

Mr. GRIER. Yes, sir; annually, I think, on the first Monday in January, by ballot.

Acting Chairman COMMONS Who is the treasurer of the fund?

Mr. GRIER. I am the treasurer.

Acting Chairman COMMONS. The accounts are kept entirely separate from the company accounts?

Mr. GRIER. Altogether; yes.

Acting Chairman COMMONS. Altogether?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And are any payments made from that fund to the company on any account?

Mr. GRIER. From the aid fund?

Acting Chairman COMMONS. Yes; to the company?

Mr. GRIER. No. I said a moment ago that the company administers the fund without any charge of any kind or character.

Acting Chairman COMMONS. No charge?

Mr. GRIER. Nothing at all.

Acting Chairman COMMONS. And in addition to that furnishes free medical and hospital service?

Mr. GRIER. Furnishes the services of the staff of physicians, the staff of nurses, and also free medicines to all of the employees of the company and to all of those who rely upon those employees for their support and maintenance; that is, the families.

Acting Chairman COMMONS. Who is the secretary or executive officer of the aid association, the one who—you are treasurer—but who is the secretary, the one that draws the checks for the payment of the allowances?

Mr. GRIER. Well, checks are drawn by a bookkeeper who was added to the staff of the Homestake office when the aid fund was organized. It placed or gave to the office staff additional work, and the company employed an extra man to take care of that work.

Acting Chairman COMMONS. So all the accounts go through this clerk's hands?

Mr. GRIER. Yes. The chief of the office is formally secretary of the board of directors and he does a good bit of the work himself, but this extra man in the office draws checks and takes care of the accounts.

Acting Chairman COMMONS. Now, taking up these different departments, what are the names of the individuals who have charge? The general foreman, what is his name?

Mr. GRIER. Of the mine?

Acting Chairman COMMONS. Yes; in the mine department—the general foreman?

Mr. GRIER. The general foreman is Edgar B. Huntley. Mr. O'Brien, who had been foreman for, I think, 16 years, died a few days ago.

Acting Chairman COMMONS. The corresponding position in the stamp mill?

Mr. GRIER. Well, really, the general foreman of all of the mills would be the chief metallurgist, Allen J. Clark.

Acting Chairman COMMONS. Is he in Lead now?

Mr. GRIER. I think so. He was out at Spearfish yesterday, but I think he is back this morning.

Acting Chairman COMMONS. And the head of the employment department?

Mr. GRIER. E. F. Irwin.

Acting Chairman COMMONS. And the hospital department?

Mr. GRIER. The chief surgeon is Dr. J. W. Freeman. At the present he is in Europe. He went there to the congress of surgeons. His first assistant has charge of the department at the present time—Dr. Clough.

Acting Chairman COMMONS. And who has charge of the kindergarten?

Mr. GRIER. Miss Frances Clark.

Acting Chairman COMMONS. And of the aid association—the bookkeeper?

Mr. GRIER. George B. Fogelsong.

Acting Chairman COMMONS. Now, taking up that financial statement, we will return to that, if you please.

Mr. GRIER. I can give you the directors now.

Acting Chairman COMMONS. The directors you have there?

Mr. GRIER. The directory is J. B. Haggin, New York; F. G. Drum, San Francisco; F. Clark, San Francisco; H. L. Tevis, San Francisco; E. H. Clark, New York; Thomas Turner, San Francisco; Richard Clark, San Francisco; president, J. B. Haggin; vice president, F. G. Drum; secretary, Fred Clark; treasurer, J. B. Haggin; chief consulting metallurgist, C. W. Merrill, San Francisco; Chambers Keller, Lead, S. Dak., attorney; superintendent, T. J. Grier, Lead.

Acting Chairman COMMONS. We were considering the operating account.

Mr. GRIER. I think I gave you the capital stock at $251,116, didn't I? That ought to be $251,180. There are several pages here and I will have to add them up.

Acting Chairman COMMONS. Does it give the total operating account?

Mr. GRIER. I don't make up this report, Mr. Chairman. It is made up by the secretary in San Francisco from the statements that are sent to him of receipts and disbursements here at the mine every month.

Acting Chairman COMMONS. Well——

Mr. GRIER. Would you like to have it in the record?

Acting Chairman COMMONS. Yes; can you make that an exhibit?

(The paper so presented was marked "Exhibit No. 1, Witness Grier, August 3, 1914.")

(Grier Exhibit No. 1, pamphlet entitled "Report of the Homestake Mining Co. from January 1 to December 31, 1913," was submitted in printed form.)

Acting Chairman COMMONS. What is the total pay roll of the company, can you give that?

Mr. GRIER. For labor?

Acting Chairman COMMONS. Well, the total for all purposes, all classes—salaries and wages?

Mr. GRIER. I should say, approximately, $225,000 for labor in all departments of the service.

Acting Chairman COMMONS. That includes all pay, but not including the superintendents, I understand?

Mr. GRIER. Yes; it does include them. It includes the salaries of everybody in the service, and I should think it would be just about at this time $225,000 a month. During the summer season ordinarily it is $5,000 or $10,000 a month more than it is in the winter because whatever outside improvements the company is making it tries to do it during the good weather, and I think $225,000 a month is a fair average for the year.

Acting Chairman COMMONS. Then, for the year as a whole, that would come at about what figure?

Commissioner LENNON. $2,700,000.

Acting Chairman COMMONS. $2,700,000 for the entire pay roll.

Going back to the question of the employment office department, what is the policy of the company and what are the wages—wage scale and methods of payment that you employ at the present time?

Mr. GRIER. Regular miners' wages; underground, $3.50 a day for an eight-hour shift; can men and shovelers get $3; timber men get $4; shift bosses get $4, and assistants to the general foreman get $4.50, $5, $6, and $7 a day, but $3 is the lowest for underground operatives.

Acting Chairman COMMONS. Now, above ground in the mills?

Mr. GRIER. In the mills the head amalgamator gets $5 a day, the amalgamators working under him get $3.50 and $4. In the foundry they get $2.50, $2.75, $3, $3.50, $4, and $5. In the machine shop they get from $3 to $5. In the blacksmith shop about the same; in the drill-sharpening shop about the same. In the assay office they get from $100 to $150 a month, and the men in charge $400 to $500 a month.

Acting Chairman COMMONS. That means in the assay department, the metallurgical department?

Mr. GRIER. Well, the metallurgical heads.

Acting Chairman COMMONS. $400 to $500, the chief metallurgist, do you call it?

Mr. GRIER. Metallurgist.

Acting Chairman COMMONS. Gets $500 to——

Mr. GRIER. I am not so sure but what he gets $600. Let me see; yes, $600. The chief metallurgist gets $600 and his assistant $500.

Acting Chairman COMMONS. What are the salaries of the technical force in the other departments, engineering and electrical?

Mr. GRIER. The assistant chief engineer gets $350 a month; others get $250, $225, $125, $115, and $130.

Acting Chairman COMMONS. Does that include the electrical?

Mr. GRIER. The chief electrician gets $240 a month. His first assistant gets $205, and the others get $3, $4, and $5 a day.

Acting Chairman COMMONS. How is it in the hospital service; what are the salaries there?

Mr. GRIER. The chief surgeon gets $500 a month; the first assistant, $300; second, $275; third, $250; fourth, $225.

Acting Chairman COMMONS. What does the kindergarten pay?

Mr. GRIER. The director gets $100 a month; first assistant, $75; second, $65; third, $60; the matron gets $40; fourth assistant—or fifth assistant, I think, gets $50.

Acting Chairman COMMONS. What is the lowest age at which you begin to employ boys or men for any kind of work?

Mr. GRIER. I should think 17 or 18.

Acting Chairman COMMONS. And what kind of work are they put to?

Mr. GRIER. Light, very light work on top of ground mainly to help around the houses. We had applications for boys of more tender years than I have named, but we don't take them; tell them they ought to be at school.

Acting Chairman COMMONS. That is, you place 17 as the lowest age?

Mr. GRIER. I think Mr. Irwin can tell you better than I can.

Acting Chairman COMMONS. What is the lowest age you hire anybody?

Mr. IRWIN. The youngest we have ever had is 16. They are hired temporarily to work during the summer around the mills. Underground, is 18.

Acting Chairman COMMONS. What is the rate of pay of boys that begin at 17 on light work?

Mr. GRIER. What do they get?

Mr. IRWIN. Two dollars and a half on the surface and $3 underground, except one class of work, keeping the screens clean in the mills we pay them a dollar and a half. It is just light work, keeping the chips and débris away from the screens.

Acting Chairman COMMONS. About how many would be employed at that rate, $1.50, at the present time?

Mr. IRWIN. I should judge 15 to 18.

Acting Chairman COMMONS. What is the next step when a boy starts in at that age; then he gets up to 18, when he is promoted to some other class of work? What would be the next class of work he would get and the pay?

Mr. GRIER. You mean underground?

Acting Chairman COMMONS. No; these boys starting in at $1.50, temporarily, cleaning screens, what would be the line of promotion?

Mr. GRIER. Well, naturally the next step would be $2.50, helping on the plates.

Acting Chairman COMMONS. Helping on the plates?

Mr. GRIER. Helping or cleaning the amalgamating plates.

Acting Chairman COMMONS. Ordinarily how long would they be kept at that rate at that work?

Mr. GRIER. Well, they would be kept at it until there is a vacancy, and we have a pretty stable force. These boys that go to work, they don't continue in the service very long. They come in during the summer vacation for three months and they change pretty often.

Acting Chairman COMMONS. Well, they are boys that live in the community?

Mr. GRIER. The policy of the Homestake Co. always has been to give employment to the sons of the old veterans of the company to the fullest extent possible. It gives the preference to Lead boys, who are the sons of men who have been in the service for a great many years. We do not want those boys, as a matter of fact, at that tender age. A mother will come and plead for a month's work or a few months' work, and often gets it in that way.

Acting Chairman COMMONS. Are there any educational requirements that you impose on the boys before you take them in? Must they pass a certain grade in the school?

Mr. GRIER. No.

Acting Chairman COMMONS. Then it is just the age that you take into account?

Mr. GRIER. Educational qualifications in doing that kind of work are really not necessary. We do all we can to encourage boys to go to school, but no educational qualifications are necessary.

Acting Chairman COMMONS. Well, do you recruit a large number—is there an important part of your force recruited right from the mining community here, boys that come in and continue, that the company are advancing to the higher positions?

Mr. GRIER. Oh, yes. If they continue with the company, they are advanced as rapidly as they can be without putting some boy out who is performing his duties. Of course, if you have a stable force of operatives, promotion sometimes is pretty slow.

Acting Chairman COMMONS. These wages that you have given, how long have they been in force, this scale of wages?

Mr. GRIER. In the various departments?

Acting Chairman COMMONS. Yes; have there been changes in recent years, or how far back does that scale run?

Mr. GRIER. The scale for miners, car men, shovelers, carpenters, machinists, foundrymen, and millmen has been in force for 35 years; the wage scale for miners has not been changed since the mine started 35 years ago, nearly 36—in fact, over 36.

Acting Chairman COMMONS. That is, the men who are getting $3.50?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Now, the men that are getting $3, has there been any change in that?

Mr. GRIER. That scale has been unchanged for 35 years.

Acting Chairman COMMONS. The same about as the other?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And the other scale, the lower scale, the $2.50 scale, has there been any change in that?

Mr. GRIER. Well, that has been in effect for the same length of time.

Acting Chairman COMMONS. For the same length of time?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do you have figures compiled which will show the number of men employed at these several rates of pay?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Could they be furnished to us now?

Mr. GRIER. I have a statement made up once a year which will show just exactly what you call for, Mr. Chairman.

Acting Chairman COMMONS. The number at each rate of pay?

Mr. GRIER. At each rate of wage; yes.

Acting Chairman COMMONS. How long has the schedule regarding hours of labor, which I understood you said is eight hours throughout—how long has that been in effect?

Mr. GRIER. It is eight hours in every department of the service. That has been in effect, I think, for half a dozen years; I don't remember accurately.

Acting Chairman COMMONS. What was it before that time?

Mr. GRIER. Ten hours at the mine.

Acting Chairman COMMONS. Ten hours where?

Mr. GRIER. At the mine.

Acting Chairman COMMONS. That is underground?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Was there any other 10-hour scale, any other 10-hour employment except that underground?

Mr. GRIER. I think at the foundry, machine shop, blacksmith shop, and those places it was 10; in the mills it was 12—two shifts. You understand in the mine while the 10-hour schedule is in effect, that a man does not get to work for from 15 to 45 minutes from the times he leaves the top and goes down to his place of employment. So with a 10-hour schedule it does not mean very much over 8½ hours' work as it may be 10, 15, 20, or 30 minutes before he actually gets to work.

Acting Chairman COMMONS. Take the eight-hour schedule, a man goes to work, when he comes to the shaft to go down, when he goes down, from the times he goes down until he comes up, what time elapses?

Mr. GRIER. That he is at work?

Acting Chairman COMMONS. No; the total time between those two.

Mr. GRIER. The cage starts down at 6.50, we will say, in the evening. The first cage load that goes down, if they are working near the station where they stop, they probably get to their places of employment at 7. If they have to go a long distance and are going down after the first cage load, I do not suppose that they get to work—instead of getting to work at 7, probably it would be a quarter to 8 before the last cage load would get to work. They are not hoisted now for their meal, lunch at night or dinner at noon, as they used to be in the early days here, but they take a half an hour, underground, to eat their meals, and they leave their places of employment from 15 minutes to half an hour before their time is up, so that, as a matter of fact, a man does not work for the company over six and one-half hours and some not over six.

Acting Chairman COMMONS. According to the figures there, it is about eight and one-half hours from the top to the top again, if that is the term you use, from the time they enter the cage until they come out of the cage; it runs about eight and one-half hours?

Mr. GRIER. The last cage; yes.

Acting Chairman COMMONS. And that would be about the average time from the time the men start to go underground until they come out?

Mr. GRIER. Well, perhaps that would be pretty near correct.

Acting Chairman COMMONS. Then out of that you figure that on the average there would be half an hour taken for lunch, which would leave eight hours underground of time available for work?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Now, going to and from his work underground, he takes at the outside an hour and a half; that is, you figure he works six and one-half actual hours?

Mr. GRIER. Yes; I call an hour and a half the outside.

Acting Chairman COMMONS. And the shortest time it would take him to go and come from the work if he was living close by the shaft would be no appreciable time he would lose?

Mr. GRIER. In the aggregate it is a good deal of time because they gather at the shaft in large numbers and wait for the cage to come for them.

Acting Chairman COMMONS. They must be there on time?

Mr. GRIER. It is only necessary for the first cage load to be there when it starts up, say, at 4.30.

Acting Chairman COMMONS. What is the average that they lose short of eight hours' work?

Mr. GRIER. I don't think that the company gets much over six and a half hours.

Acting Chairman COMMONS. On the average?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Six and a half hours would be the maximum; then that could not very well be the average. If the maximum loss is an hour and a half, what would be the average?

Mr. GRIER. I wouldn't hesitate to say seven hours would be the average.

Acting Chairman COMMONS. That they are actually working?

Mr. GRIER. Wherever they are employed.

Acting Chairman COMMONS. On the surface in the mills the time is full time?

Mr. GRIER. The time is practically full time.

Acting Chairman COMMONS. They are working all the time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Now, underground, what standard have you of determining the amount of work a miner should do during the time he is there the eight hours or seven hours on the average—the amount of it?

Mr. GRIER. You can't very well fix a standard for the reason there are various sorts of machinery used for drilling and some are more efficient than others, and some ground is harder than others, so that yon can't arbitrarily fix the number of feet a man should drill. All that is expected is a man should be reasonably diligent in doing what he can as an honest and fair day's work.

Acting Chairman COMMONS. Each man keeps a record each day of how much he actually drills?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. He makes a report of that to the—to whom does he report; through his boss?

Mr. GRIER. That goes through the boss to the office.

Acting Chairman COMMONS. Are those kept of record?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Can we have a form of the form used for the report that he makes?

Mr. GRIER. Mr. Irwin will, when he gets back with the report I asked for——

Mr. YATES. The engineer's office has the reports

Mr. GRIER. Will you get them, Mr. Yates?

Acting Chairman COMMONS. I mean the individual report each man turns in of the amount of work he has done.

Mr. YATES. A blank form?

Acting Chairman COMMONS. Yes; just a blank form. I take it from what you say that it will be practically impracticable to pay miners by the tonnage of drilling done or anything of that kind?

Mr. GRIER. No; it would not be impracticabe. It is done in some places, but there are people who object to piecework in this country and it has never been insisted upon here.

Acting Chairman COMMONS. You have never had any contract system or piecework contract mining?

Mr. GRIER. Well, a good many years ago the experiment was made of letting a contract to a party of men to mine and stope, paying them so much per ton for the ore delivered at the shaft. But I guess it is 20 years since we had any of that, isn't it?

Mr. YATES. Yes; I think as much as that.

Acting Chairman COMMONS. How long did that practice or experiment continue?

Mr. GRIER. Not very long.

Acting Chairman COMMONS. What were the difficulties about continuing that?

Mr. GRIER. Well, the men who were doing the contract work seemed to be more interested in getting out tons than working the stope so that it would be safe.

Acting Chairman COMMONS. Namely, safety——

Mr. GRIER. Entered largely into the objection, the matter of safety.

Acting Chairman COMMONS. It was mostly safety in order that they might take more care. In what particular, where does the care come in?

Mr. GRIER. Well, the safety of a stope, of an excavation underground, depends a good deal on how you take out the ore, how you leave the walls, and how you leave the roof.

Acting Chairman COMMONS. Yon don't have much timber compared with coal mines; your timbering is very small, of course.

Mr. GRIER. Well, we haven't as much timbering now, anywhere near it, that we used to have. A number of years ago we adopted a new mine, a new style, and that was of letting waste down from the top, from the level above, and after breaking the stope full of ore, taking it out across the ledge and following that with the waste coming down as you went across. The waste is to hold the walls while the ore was removed.

Acting Chairman COMMONS. How long ago did you adopt that method?

Mr. GRIER. A dozen years ago, perhaps.

Acting Chairman COMMONS. Does that permit the miner to do a larger amount of work; that is, turn out a larger output, larger tonnage, than this method, than it did under the old method?

Mr. GRIER. No; I don't know that it does.

Acting Chairman COMMONS. What is the advantage, more economical?

Mr. GRIER. The advantage is in using the waste rock to protect the walls of the stope instead of timbers.

Acting Chairman COMMONS. It saves on the timber?

Mr. GRIER. Yes. I can give you now, Mr. Chairman, the total number of men—this applies only to the mine, however—working at different scales of wages. Shall I read it into the record?

Acting Chairman COMMONS. Yes; please put it in.

Mr. GRIER. Number of men: 36, at $2.50; 1, at $2.75; 743, at $3; 535, at $3.50; 1, at $3.75; 41, at $4; 51, at $4.50; 1, at $4.75; 3, at $5; 1, at $5.50; 1, at $7; 1, at $8; and 1, at $10.

One, at $350 a month would be nearly $12. That is the men—you understand that this first lot of 36 at $2.50 are men doing ordinary labor on surface.

Acting Chairman COMMONS. What is the occupation, what is the name of the occupation that they perform?

Mr. GRIER. Oh, various things about the surface, cleaning up and changing things continually going on.

Acting Chairman COMMONS. Just labor?

Mr. GRIER. Common laborers.

Acting Chairman COMMONS. Now, that is for the underground work, that is a total of how many employees—1,100?

Mr. GRIER. In addition to those, there is 20 contractors. Their rate is not given. It would be whatever they earn, but it makes a total of 1,440 men, and that was for January, 1914.

Acting Chairman COMMONS. Are those contractors on timber work, is that it, or what class of work?

Mr. GRIER. Those are drifters, they are running tunnels and drifts and crosscuts.

Acting Chairman COMMONS. Why is it that you have the contract system for drifters, is that something that is measurable in advance, can you measure that out so that you know what you are going to do?

Mr. GRIER. They start from a certain point that the engineers, the mine engineers give them, we will say on the first of the month, and at the end of the month the number of feet run is measured, and they are paid at the rate per foot agreed upon when they start. [Addressing Mr. E. F. Irwin.] Can you tell the chairman about what they make?

Acting Chairman COMMONS. The contractors.

Mr. GRIER. Say take an average of the men drifting in the mine.

Mr. IRWIN. Last month we averaged up all the drifts for the month, and they averaged $4.59 per day per man for eight hours.

Acting Chairman COMMONS. Do they work in gangs?

Mr. IRWIN. Four men usually take a drift, two on each shift.

Acting Chairman COMMONS. Well, the four men may go together, do they?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Divide equally?

Mr. IRWIN. Sign the contract, and divide the money equally after paying for their supplies, and they averaged $4.59. That is the last average we figured up.

Acting Chairman COMMONS. Do they pay for their supplies?

Mr. IRWIN. They pay for their powder, caps, fuse, and carbide.

Acting Chairman COMMONS. Well, is this figure that you give net?

Mr. IRWIN. Net for labor after deducting all the supplies.

Acting Chairman COMMONS. After deducting all their supplies?

Mr. IRWIN. Yes, sir.

Mr. GRIER. This is the form.

(The paper so presented was marked "Exhibit No. 2, Witness Grier, August 3, 1914."

Grier Exhibit No. 2, the paper referred to, was submitted in printed form.)

Acting Chairman COMMONS. This statement that you have sums up the pay roll for the month of January?

Mr. GRIER. Yes. We have this sort of a statement made in January of each year. This is January, 1914.

Acting Chairman COMMONS. Can you file that as an exhibit?

Mr. GRIER. Why, yes, be glad to.

(The paper so presented was marked "Exhibit No. 3, Witness Grier, August 3, 1914."

See Grier Exhibit No. 3, under "Exhibits.")

Acting Chairman COMMONS. Have you similar for the mills and surface work, have you a similar summary of the pay roll?

Mr. GRIER. We have not a statement like that for the surface, no. We have never made one except for the mine.

Acting Chairman COMMONS. Why is it——

Mr. GRIER. However, we can bring in for you, if you would like to have them examined, say, the whole pay rolls of the company for—this is August 1; we could not give them to you for July. We can give them to you for June if you would like to look at them.

Acting Chairman COMMONS. Can you make a transcript of the pay roll?

Mr. GRIER. Well, I would not like to undertake it. I would like to have you look at them—too much work.

Acting Chairman COMMONS. Well, how do you happen to make up this one each January; is it because you have the figures?

Mr. GRIER. Yes; they are easily compiled, and—well, we just did it for information, not for any special purpose that I know of.

Acting Chairman COMMONS. Now, as to keeping the record of the amount of work that is done, I have the blank here that each man is required to measure each hole drilled by himself and record the measured depth in the proper place on the other side of this card at the end of the shift. The card shall be deposited in a box provided for the purpose at the shift station. The shift boss shall collect the cards each day, O. K. by signing his name, and turn into timekeeper's office. If the shift boss shall find any holes not measured correctly he shall make out a duplicate card with correct measurements recorded.

That, I take it, then, would give for each man each day the amount of actual feet that he has drilled, or inches, or whatever it is?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And it gives the level and the stope or drift. That would indicate the character of the work, would it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Whether it was hard drilling or soft material?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And the number of holes drilled. What use is made of this record regarding the man himself, the compiling of a record of the work that each man does?

Mr. GRIER. Well, it is for the purpose of furnishing the office with such information as it ought to have regarding the service a man is giving to the company. And, as I said a little while ago, you can't arbitrarily fix the number of feet a man should drill for various reasons. Different types of drills will accomplish—one drill will accomplish more than another, because it is a better machine, while perhaps it operates more smoothly and no little difficulty arises in the mechanism of it. And another thing that affects the work that a man accomplishes is the quality of the drill steel, or the steel out of which the drill is made. You understand that various firms manufacturing drill steel give to the consumer different qualities. Sometimes it is a pretty hard matter—in fact, it is all the time—to obtain an absolutely uniform quality. Well, then comes in the shape of the work, the drill making or drill sharpening, and that in turn is affected by the temper of it, and a number of things enter into it, what it is possible to accomplish, and it can not always be controlled, so that you can not arbitrarily fix a certain number of feet that a man must drill in order to satisfy you as to his having done a day's work. And then the texture of the rock through which he drills varies considerably on different parts of the mine. This form that we keep is intended to furnish us with information by which we can judge what a man is doing in a certain place and what the man on the opposite shift is doing in the same place, and then that compared with other parts of the mine where the work is either harder or softer, and even then you can't say that a man hasn't done his duty, because he may have had steel that was not properly tempered, his drill wasn't sharp enough, or he may have had to wait to get a supply of drill steel.

Acting Chairman COMMONS. Is there any compilation made or statistical table made up each month?

Mr. GRIER. Yes, sir; every 10 days we compile the work done by the various drills and men.

Acting Chairman COMMONS. Does Mr. Irwin keep that record?

Mr. GRIER. The report is made up in the engineer's office.

Acting Chairman COMMONS. And it is the record of each man's work?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Could we have one of the 10 days' statements?

Mr. GRIER. Certainly. Have you got one?

Mr. YATES. Not of each man's work.

Acting Chairman COMMONS. I would like to see what sort of record is kept on each man.

Taking the shovelers or loaders; I believe you call them shovelers that load the car, do you not?

Mr. GRIER. Well, they shovel the car full and push it, so that they are really both carmen and shovelers. From the point they load it, they push it to the station or place where the train picks it up. We have air motors underground that draw trainloads, and pick them up all along and take them to the shaft.

Acting Chairman COMMONS. How far would a man have to push a car until he got to the main track or main line?

Mr. GRIER. Sometimes a long distance and sometimes just a few feet, depending on where he is working.

Acting Chairman COMMONS. What is your standard of a day's work during the eight hours of that class of labor?

Mr. GRIER. There is no standard. A man shoveling from a large pile of rock may be loading from what would be called a run of small rock, and he could shovel twice as many cars from that run of small rock into his car and push it to where he had to go—he could load twice as many cars as a man could who encountered large pieces that rolled down in a pile that is in the stope and from which they shovel. The number of cars that a man shovels and runs to a certain place is left to the judgment of his boss, and no boss is expected to impose upon a man more than he can honestly do, and if he does fix a number of cars in a certain place for a man to shovel and run in a day, he is expected and directed to take into consideration all the circumstances surrounding the work that the man is doing, and if he fixes 10 cars for him to do and the man does not do more than 5, he is supposed to take into consideration the circumstances surrounding his work, and the next day he might be able to shovel 20 cars with greater ease than he could the day before shovel 5.

Acting Chairman COMMONS. What record is kept of the number of cars that a shoveler fills?

Mr. GRIER. There are tally men at the places the cars are dumped, and each man's cars are marked.

Acting Chairman COMMONS. Each man puts a check on his car?

Mr. GRIER. No; there is a tally man there, and as each man comes with his car——

Acting Chairman COMMONS. Oh, the man comes himself?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And he credits him?

Mr. GRIER. Credits him with the number of cars he dumps into the bins or the receptacle, or reservoir, or whatever you choose to call it.

Acting Chairman COMMONS. Those are the men getting the $3?

Mr. GRIER. Three dollars.

Acting Chairman COMMONS. What are your regulations in case that there are any complaints on the part of either the miner or the shoveler that the shift boss is not giving him a fair show on an amount of work or has laid him off because he has not done the amount of work?

Mr. GRIER. The shift boss, if he has laid a man off for any cause, no matter what, is required to report to the employment office the dismissal of the man and the reason therefor. Of course when a man is dismissed he goes to the employment office and asks for his time. He is asked why he is quitting. If his story does not agree with the shift boss's story, investigation is made, and if it is found upon investigation a man is not at fault and the shift boss is, the man is required—is restored and the shift boss reprimanded.

Acting Chairman COMMONS. Who investigates that?

Mr. GRIER. The employment office.

Acting Chairman COMMONS. That is Mr. Irwin?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Does he do that himself individually, or does he have a force?

Mr. GRIER. He does it individually.

Acting Chairman COMMONS. Goes down at the workings?

Mr. GRIER. No. The shift boss must assign the cause for the dismissal of a man, and he turns his name into the office as having been retired from the service. Then the man who is retired calls at the employment office to get his time, or his pay, and he is asked why he is leaving. If the story that he

tells does not agree with the story that the shift boss tells, then investigation is made. If the shift boss is at fault he is reprimanded and the man is restored to his work.

Acting Chairman COMMONS. In case a man makes a complaint against the shift boss, that, of course, is a part of this report that he makes?

Mr. GRIER. Yes.

Acting Chairman COMMONS. To the timekeeper's office?

Mr. GRIER. Yes; that goes into the employment bureau.

Acting Chairman COMMONS. Now, then, the shift boss can discharge a man—or what is it, a discharge or a suspension that the shift boss does?

Mr. GRIER. Well, both things occur. For some faults the shift boss has the privilege of laying a man off a day, or two, or three, or a week, according to the gravity of the offense; ordinarily a man is given about three chances, and then if he——

Acting Chairman COMMONS. What is the highest number of days that the shift boss can lay a man off?

Mr. GRIER. Well, I don't think that any maximum number of days has ever been fixed. It generally runs, as I suggested, from a day or two to 10 days. Mr. Irwin, what would be the average?

Mr. IRWIN. Generally five days to two weeks.

Mr. GRIER. Further than that, they discharge them.

Acting Chairman COMMONS. Then they can discharge them, and the man takes it up with the employment office, it is investigated there, and the shift boss can be turned down?

Mr. GRIER. Yes.

Acting Chairman COMMONS. On either a suspension or a——

Mr. GRIER. Dismissal.

Acting Chairman COMMONS. Or dismissal?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Can he be vetoed or turned down on a suspension?

Mr. GRIER. Sir?

Acting Chairman COMMONS. Can the employment office reverse on a suspension and send the man back to work again without suspending him, without permitting him to be suspended?

Mr. GRIER. Well, you know one day would elapse before an investigation could be made.

Acting Chairman COMMONS. He has got one day, anyhow?

Mr. GRIER. Yes; but he can be restored if the cause is found insufficient.

Acting Chairman COMMONS. Do you keep a record of the suspensions? Is there a report made to you of the number of suspensions and the days?

Mr. GRIER. A report is made to me at the end of each month of the number of men leaving the service, the cause which they give for leaving, and the cause given by the shift boss.

Acting Chairman COMMONS. Could we have a copy of one of those reports?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. The employment office hires all of the men, as I understand?

Mr. GRIER. Yes.

Acting Chairman COMMONS. You require them to sign an application and to take a physical examination?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Would you describe the procedure? What sort of examination questions are asked of the men?

Mr. GRIER. A man applying for employment, if there is a reasonable chance of his going to work within a few days, is referred to the medical department to be passed upon. That is done because the company wants to know whether he is physically able of doing the work he seeks. Occasionally you will find, well, probably a man who would like to get on the Homestake pay roll so that he can enjoy the benefits of the aid fund. That would be an imposition on the able-bodied men who contribute regularly to the fund and who enjoy its benefits—to have somebody who was not capable of doing a day's work enter the service and probably be taken sick within a week or less or more and be on then for the rest of his life and if he died his heirs get the death benefit.

Acting Chairman COMMONS. When was this physical examination first adopted? How long has that been the practice?

Mr. GRIER. Very soon after the establishment of the aid fund.

Acting Chairman COMMONS. It grew out of the aid fund?

Mr. GRIER. It grew out of the aid fund; yes.

Acting Chairman COMMONS. Now, the report of the physician, then, is final, is it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What things does he take into account; the question of age, does he take that into account?

Mr. GRIER. Well, we rely, I might say, absolutely upon his judgment. And the man's age, I presume, would be taken into consideration in connection with his physical ailment, if he has one.

Acting Chairman COMMONS. But the company, the superintendent, does not lay down and rule regarding the age—no age limit which is recognized?

Mr. GRIER. There never has been an age limit prescribed in passing upon the qualifications of a man.

Acting Chairman COMMONS. What has been the actual experience as regards the highest age of men newly taken on, say, in the past year?

Mr. GRIER. Well, that is all a matter of record. If you will excuse me, I think Mr. Irwin can give you a better answer.

Acting Chairman COMMONS. Have you compiled the figures showing the different ages of the men taken on during the year?

Mr. IRWIN. We have that in our monthly report.

Acting Chairman COMMONS. That is included in this one I have asked for?

Mr. IRWIN. Yes.

Mr. GRIER. Would you like to see this?

Acting Chairman COMMONS. Yes.

Mr. GRIER. Containing the age record and everything.

Acting Chairman COMMONS. That report, Mr. Irwin, is not here?

Mr. IRWIN. I have just sent for it.

Acting Chairman COMMONS. You have a schedule, have you, of the form that you use that the man fills out, Mr. Irwin?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. All these are made out by the employment department?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Here is the name, age, height, weight, color of hair and eyes—those, I presume, are simply for identification purposes?

Mr. GRIER. We want the fullest information possible to obtain so that a man may be fully identified in every way, shape, and form. There have been cases where a man is under the employment of the company and has been unfortunate enough to have met death, either by accident or natural causes, and we have been at a loss to identify him to people that have inquired even across the ocean, so that we have the fullest possible identification of the man that we can get so that we are able to give that information to anybody that might inquire.

Acting Chairman COMMONS. Well, then, physical defects; are those the obvious defects, I presume, or does the man fill this out himself?

Mr. GRIER. Well, the man is not always willing to fill in the defects. I think that is done pretty much by the physician.

Mr. IRWIN. Those questions are all answered by the man, and I write them down.

Commissioner O'CONNELL. You wouldn't call the color of a man's hair a defect; you might say it was red or black.

Mr. GRIER. It would not be a defect, but it would be a means of identification.

Acting Chairman COMMONS. Now, it is stated here whether he is a married man, and his nationality. What is your policy regarding the employment of married men as against unmarried men?

Mr. GRIER. The policy of the company for many years has been to give preference to married men, other things all being equal. Men with homes here are more desirable than what we call the rolling stone. A man who has no interest in any person, place, or thing on earth, who goes about from one town to another, seeking whom he may devour oftentimes, we don't want, I am free to say, that sort of employee, and therefore if a man has a home here and a family he is very much more desirable to enter the service of the company than one who is a man with a suit case.

Acting Chairman COMMONS. If he is a married man with a family some place else the same thing would hold?

Mr. GRIER. The same thing would apply if a man expected to remain permanently in the service, and brought his family here.

Acting Chairman COMMONS. Suppose his family is abroad.

Mr. GRIER. We have those cases and are continually urging upon the married man here with family in Italy or Sicily or some place else to get them here if he intends to remain.

Acting Chairman COMMONS. Does your record show the number of men with families abroad?

Mr. GRIER. I think it does.

Acting Chairman COMMONS. Could you furnish the number of men who have families abroad?

Mr. IRWIN. We have no record of that. It gives the address of his wife. There is no record kept of the number of employees with families in the old country, just the present address of the wife at the time he is employed.

Mr. GRIER. That indicates whether the family is abroad or not?

Mr. IRWIN. We haven't any compiled record.

Acting Chairman COMMONS. If his family is moved here, there is a record made of that?

Mr. IRWIN. No.

Acting Chairman COMMONS. You only have a record showing what was the situation when he was employed?

Mr. IRWIN. At the time he was employed.

Acting Chairman COMMONS. So that you don't keep it up to date as to that point?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. What proportion of your 2,200 men would be married men? I presume Mr. Irwin would have that, wouldn't he?

Mr. GRIER. I presume Mr. Irwin could give a better guess on that.

Mr. IRWIN. Sixty-five per cent, I should say.

Acting Chairman COMMONS. Sixty-five per cent married, and have their homes here?

Mr. IRWIN. Well, that would not be as high. Probably 15 or 20 per cent who have not their families here. There are always a class of employees coming in and having their families at their former home and moving them here as soon as they get established.

Acting Chairman COMMONS. Regarding the nationality, what is the attitude of the employment office on the different nationalities that are employed?

Mr. GRIER. The policy is to give preference to Americans, but we have some very good employees from the other side of the Atlantic, not so many, however, now as we had a few years ago. It was thought wise not to restrict the operating force entirely to American or English-speaking people, thinking it might give cause or give rise to the idea we were prejudiced against other nationalities. I should think we have in the mines in round numbers, I should say, 100 Italians, 100 Finlanders, 100 from the Slavonic Provinces, and probably a dozen other what you would call foreign nationalities represented, but in very much smaller numbers, all aggregating possibly 500 men out of between 1,100 and 1,200 employed in mines.

Acting Chairman COMMONS. Your employment office would have a record of that so that we could get it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Have you that, or Mr. Irwin?

Mr. GRIER. You can get that sheet. Have you an extra copy?

Acting Chairman COMMONS. According to your statement there would be about as much as half of those underground that are——

Mr. GRIER. Distributed among 14 or 15 nationalities.

Acting Chairman COMMONS. Taking the number as a whole, which is 2,200, would that run about the same, about half?

Mr. GRIER. No, sir; in the other departments there is not anything like as high a per cent of foreigners as there is in the mines.

Acting Chairman COMMONS. How does that happen there should be more underground foreigners?

Mr. GRIER. Well, it seems that the foreign element applying for work applies for work in the mines rather than in the departments.

Acting Chairman COMMONS. Have they been miners in the old country? Is that the idea?

Mr. GRIER. Well, either some of them have; and some of them have had mining experience in other camps in the United States.

Acting Chairman COMMONS. Well, beside the question of giving position to Americans on the ground of nationality, is there any ground on the basis of efficiency? Do you find the Americans are better workmen than foreigners?

Mr. GRIER. Well, I think they are just as good, and we rather prefer them.

Acting Chairman COMMONS. You stated formerly there was a much larger per cent, I think, of the foreign element?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. How long ago was that?

Mr. GRIER. Five or six years ago.

Acting Chairman COMMONS. Now, you changed. What was the proportion that time? Say, it is about half foreign now, what was it at that time?

Mr. GRIER. Well, I would rather Mr. Irwin gave you that; he ha sa closer account of it.

Acting Chairman COMMONS. What is the amount of it?

Mr. IRWIN. Seventy-two per cent.

Acting Chairman COMMONS. Do you remember now the figures for the present?

Mr. IRWIN. Seventy-one per cent English and American speaking, and 29 per cent foreign and non-English speaking.

Acting Chairman COMMONS. That is, formerly 72 per cent were foreigners and non-English speaking, and that would mean 28 per cent English speaking, and now it is just reversed?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Seventy-one per cent English and 29 per cent foreigners?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The policy has apparently changed entirely regarding the employment of foreigners?

Mr. GRIER. I would like to ask Mr. Irwin if in giving this per cent he refers to foreigners he includes Germans who speak English well, Scotchmen and Irish and people from the other side of the Atlantic?

Mr. IRWIN. The English speaking will include English, Americans, Scotch, and Irish only.

Mr. GRIER. I think that can be shown better in a statement to the commission—the statement Mr. Irwin has sent for—what the nationalities represented are and the number of each.

Acting Chairman COMMONS. We can take that up when that comes in. You ask a question regarding religion. What is the reason for asking that?

Mr. GRIER. Just the same as asking the politics, nationality, color of hair, and height, and everything else.

Acting Chairman COMMONS. What is that reason?

Mr. GRIER. Identification.

Acting Chairman COMMONS. Identification?

Mr. GRIER. Yes, sir; identification.

Acting Chairman COMMONS. Is there any reason to think that people of one religion or another religion are better employees than another?

Mr. GRIER. There has been no discrimination on account of religious affiliation.

Acting Chairman COMMONS. A person who claims himself as having no religion whatever, being an infidel, would that make any difference?

Mr. GRIER. Well, as long as we don't class him as an anarchist or something akin to that we wouldn't object to him. We have a very few of that kind on the pay rolls, but I think they all have a little religion in their hearts even though they say none.

Acting Chairman COMMONS. Well, is it the policy of the company to encourage the establishment of churches and religious organizations in the community?

Mr. GRIER. The company has been a regular contributor to all of the churches represented here in Lead and on what we call the belt along its hoisting works and mills and line.

Acting Chairman COMMONS. What would be the denominations, for example?

Mr. GRIER. Well, I think we have about all of the denominations in the country represented. All of the Protestant denominations and the Roman Church and the Mormons—well, we don't give anything to the Mormons; they have only lately come into camp.

Acting Chairman COMMONS. The contributions of the company, are they made out of the treasury of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Or given out of Mrs. Hearst's private funds?

Mr. GRIER. From the Homestake treasury.

Acting Chairman COMMONS. Is there any particular ruling regarding the amount each denomination gets?

Mr. GRIER. It has been $200 a year to about 15 or 16 different denominations for a great many years.

Acting Chairman COMMONS. $200 each a year?

Mr. GRIER. $200 each a year.

Acting Chairman COMMONS. Does the company aid them in any other way, such as buildings or land, and things of that kind?

Mr. GRIER. Yes, sir; in other ways. The company has assisted the religious organizations. I think the company gave $1,000 to Bishop Busch a year or two ago to help him in his building adjoining his church, or on the church property here, and I know of very many other ways in which nearly all if not all of the religious denominations have been helped from time to time in addition to the $200 contributions.

Acting Chairman COMMONS. Does your company donate land or buildings to any religious denomination that wishes to put up a structure?

Mr. GRIER. They don't donate the land. It is not their policy to give the land, but they freely give a permit to occupy it and try and locate them in a spot where perhaps they never would be interfered with by reason of any mining operations that the company wished to conduct.

Acting Chairman COMMONS. What is the nature of this permit?

Mr. GRIER. Just a permit to occupy, the company paying the taxes regularly on the land, but giving them a free permit to occupy it.

Acting Chairman COMMONS. Is that revocable at any time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It is a permit at will?

Mr. GRIER. But there never has been a revocation in the 35 or 36 years I have been here, and I don't expect there will be for 36 years more.

Acting Chairman COMMONS. Are these permits given to schools besides—religious schools as well as the churches?

Mr. GRIER. I don't think there is a religious school in this district excepting the parochial school now closed. But it was operated by the Roman Catholic Church here for a number of years. I don't think there is any other denomination that has a school.

Acting Chairman COMMONS. Well, in that case, in the case of that parochial school, are they located on land for which they have a permit from the company?

Mr. GRIER. Well, I can't recall the title they have. It is possible that it is—well, I am quite sure now it is on the old original town site that was laid out in the early days, and after litigation extending over a term of years between the mineral claimants and the town-site people it was finally adjusted to the satisfaction of the department in Washington by giving a title to the people who were then in occupancy and reserving the rights to the mineral claimants.

Acting Chairman COMMONS. What proportion of the land is under that arrangement in the town of Lead?

Mr. GRIER. Well, roughly, I should say the biggest half.

Acting Chairman COMMONS. Most of the buildings are constructed on that sort of title?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. That gives the title to the surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is that a fee?

Mr. GRIER. No; it is not a fee.

Acting Chairman COMMONS. It is not a permit?

Mr. GRIER. No; that is not a permit; that is a title that was agreed upon during this litigation between the mineral claimants and the town-site people many years ago, under the terms of which the mineral claimants transferred to a board of trustees the right to the occupancy of the surface, and in turn those trustees passed title to the occupants.

Acting Chairman COMMONS. That is a perpetual title they have to the surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And how is that affected by the operations, the mining operations underneath? If there is any damage done, the mining company would be held?

Mr. GRIER. I think under that agreement that the mineral claimants would have the right to conduct operations that were legitimate, absolutely necessary,

and could not be avoided from underneath the surface, and if the surface was endangered, the surface occupant, I think, would have to move after having been given a reasonable length of time in which to move.

Acting Chairman COMMONS. Well, would he be compensated for the loss of his improvements?

Mr. GRIER. I don't think there is any provision for compensation.

Acting Chairman COMMONS. Not in the deed?

Mr. GRIER. I think not.

Acting Chairman COMMONS. Who could give us that information, Mr. Keller, regarding the titles?

Mr. GRIER. Why, that, I guess Mr. Keller can. [Addressing Mr. Keller:] Have we an extra copy of that agreement, Mr. Keller?

Mr. KELLER. I think we have several copies of the agreement that was entered into at the time.

Acting Chairman COMMONS. That could be furnished us? Will you secure that then, Mr. Keller?

Mr. KELLER. Yes.

Acting Chairman COMMONS. The policy evidently of the company, then, is to encourage the establishment of religious organizations in the locality, is it not?

Mr. GRIER. Yes. Their contributions indicate that.

Acting Chairman COMMONS. By contributing something?

Mr. GRIER. Annually.

Acting Chairman COMMONS. Something to the extent of possibly three or four thousand dollars a year, at the rate of $200 to each denomination?

Mr. GRIER. Yes, sir; I think our—I think the company's contributions have reached thirty-six hundred dollars.

Acting Chairman COMMONS. Thirty-six hundred?

Mr. GRIER. But it would not average that; it would probably average thirty-two hundred.

Acting Chairman COMMONS. Thirty-two?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, is it your idea that a man that attends church and belongs to one of these denominations is something like a married man, more likely to be a steady and sober man, and thus that should be a reason for encouraging religious activity?

Mr. GRIER. Why, that would be a natural conclusion, I think.

Acting Chairman COMMONS. That is one of the reasons why you encourage religious denominations?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do these denominations live and get their additional money from local people, or do they get it from outside? Do you happen to know about that?

Mr. GRIER. Well, they get some of their money from followers of the faith, those who attend their services; and in some instances, I think, they are helped to some extent by the general board of missions of the particular denomination.

Acting Chairman COMMONS. So that they get some outside help as well?

Mr. GRIER. Some of them do. I think there are some that do not.

Acting Chairman COMMONS. You don't know which ones?

Mr. GRIER. No; I don't.

Acting Chairman COMMONS. Your contribution has nothing to do with what they get?

Mr. GRIER. Nothing whatever.

Acting Chairman COMMONS. The wealthy ones would get just as much as those——

Mr. GRIER. Well, they all get it.

Acting Chairman COMMONS. They all get it, there is no favoritism as regards denominations?

Mr. GRIER. None at all.

Acting Chairman COMMONS. But the general practice of supporting religious institutions, those that have schools are not supported any more than those that do not have schools?

Mr. GRIER. They all get the same amount.

Acting Chairman COMMONS. Does the company contribute to any schools besides the kindergarten?

Mr. GRIER. I think only by regular way of taxation.

Acting Chairman COMMONS. Regarding the question on politics, I suppose that means of course political parties. What is the reason for that in addition to a mere matter of identification?

Mr. GRIER. Well, I suppose it would fully identify a person to know everything about him that it is possible to know.

Acting Chairman COMMONS. Have you the figures of the different—perhaps Mr. Irwin has those figures.

Mr. IRWIN. They are in that report.

Acting Chairman COMMONS. Has that been brought here? Where is that report?

Mr. IRWIN. You have the report.

Acting Chairman COMMONS. This is a report for June 30. This is for the month of June, I presume, and it states that during that month 68 were employed, and of those, 38 were Republicans, 10 were Democrats, 18 were minors—of course they would not decide—and two were foreigners, making a total of 68. "Foreigners," I presume, means those that haven't taken out their final papers?

Mr. IRWIN. Those that have not taken out the first papers.

Acting Chairman COMMONS. Not taken out the first papers. Can they vote in this State after they have taken out the first papers?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. So that a foreigner here would be one who had not taken out his first papers?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Who could not vote?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Is your record kept up to date?

Mr. GRIER. The record of politics is only required when they make the application.

Acting Chairman COMMONS. Suppose they change their politics?

Mr. GRIER. We have not—I should say it was not kept up to date; that the record was made of the man when he entered the service. Is that right, Mr. Irwin?

Mr. IRWIN. No permanent record other than the man's individual application.

Acting Chairman COMMONS. When did you start this record of their politics? How long ago was that taken up?

Mr. GRIER. When was it, do you remember?

Mr. IRWIN. 1910 or 1911.

Acting Chairman COMMONS. I notice there are no Progressives in here or Socialists. Is it the policy of the company to discriminate against Progressives and Socialists?

Mr. GRIER. I think we would discriminate against Socialists. I do not think there would be any discrimination against Progressives, because we pretend to be progressives ourselves, and each year we are adding to our record and developing as perfect a system as we are capable of. Something suggests itself to us one year, that it would be well to have a record of, and we go into it, and next year something else. Our report shows 26 nationalities represented, Mr. Chairman.

Acting Chairman COMMONS. I did not refer to progressive principles, but I referred to Progressive politics. That is the question. Is the question simply taken up as a matter of record with each man, then?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And if he changes his politics, he might become Progressive?

Mr. GRIER. He would indicate that at the ballot box, where he has a right to, if he wants to. I think he might proclaim it from the housetops; I don't know.

Acting Chairman COMMONS. The question of residence, occupation, and experience. What is included under "experience"?

Mr. GRIER. Well, if a man comes here and applies for a position as a miner, he is asked what experience he has had as such wherever he has been before coming here. If he has had two years' experience in Arizona as a miner, three in Montana, three in Colorado, two in Lake Superior—where he has had an extended experience in that particular kind of work to qualify him, that is what I mean.

Acting Chairman COMMONS. By whom last employed and where and in what capacity, how long. That simply gives the last record. Do you make a special effort to inquire of the last employer as to his record, how long he has been working for them?

Mr. GRIER. I do not believe we have ever made an inquiry from the last employer of an applicant.

Acting Chairman COMMONS. Simply try the man out?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And on the basis of his own story?

Mr. GRIER. In questioning a man at an employment office, we can form a pretty correct conclusion as to the qualifications of a man; that is, a man who is trained in this work can.

Acting Chairman COMMONS. Is this record used to answer inquiries when other employers apply to you with regard to a man who has quit your employ and gone to some other mine? Do you get letters from them asking about him?

Mr. GRIER. We get inquiries of that kind, oh, I don't know, two or three times a month?

Mr. IRWIN. Oftener than that.

Acting Chairman COMMONS. Oftener?

Mr. GRIER. Occasionally we get an inquiry.

Acting Chairman COMMONS. Do you give the information asked for?

Mr. GRIER. What do you give, Irwin?

Mr. IRWIN. Give them his record; that is, we don't go back.

Acting Chairman COMMONS. You give them his record with you? How much off of this application do you give them?

Mr. IRWIN. We do not give him anything; give him simply the record of the man at work since he has been with us—while he is here.

Acting Chairman COMMONS. There is no association of mine owners or employers, is there, who exchange the information with regard to employees?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. So that there is no system of interchange at all regarding employees in changing of occupation?

Mr. GRIER. We have never had any.

Acting Chairman COMMONS. Use liquor in excess or morphine. I presume that goes to the medical department, does it not?

Mr. GRIER. Yes.

Acting Chairman COMMONS. For final determination. The policy of the company, of course, is not to employ men who use liquor to excess?

Mr. GRIER. We do not want them.

Acting Chairman COMMONS. And that is good cause for discharge?

Mr. GRIER. Very good. However, a man is usually given two or three and sometimes four or five chances to reform.

Acting Chairman COMMONS. Do you consider by this method you have got a more temperate class of employees?

Mr. GRIER. I do.

Acting Chairman COMMONS. What are you standards of measurement or how do you make up your mind regarding that? What standard do you use to demonstrate that you have a more temperate body of employees?

Mr. GRIER. Well, I think the crowd in the street shows, for one reason. I know the general way the work goes on in the various departments of the service.

Acting Chairman COMMONS. That is, a question of efficiency?

Mr. GRIER. Yes.

Acting Chairman COMMONS. How do you measure your increase in efficiency? What are your standards of telling how your efficiency has increased since this system has gone into effect, which, I take it, is about three years?

Mr. GRIER. This regulation about the use of intoxicants has been in effect here for 35 years.

Acting Chairman COMMONS. Thirty-five years?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, during what time have you noticed an improvement in the temperate condition of the employees?

Mr. GRIER. Well, we have never had a very bad lot in Lead. This is with a view of keeping up the good conduct.

Acting Chairman COMMONS. Oh, you have always had a good temperate set of men?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Does that apply equally to all nationalities?

Mr. GRIER. Well, nearly so.

Acting Chairman COMMONS. What is the attitude of the company toward the liquor business in the town; I presume the saloons are located on property belonging to the corporation, the same as churches and others.

Mr. GRIER. The saloons are located on the original townsite, reference to which was made a little while ago. The title passed through the trustees when the compromise was made between the mineral claimants and the townsite people.

The attitude of the company toward the saloons is to endeavor, so far as it is within their power, to make them conduct their business in as decent a way as possible. The company realizes that as long as the Government permits liquor to be manufactured that somebody is going to drink it, and the dispensing of it should be pretty closely guarded. And the efforts of the company are always emphasized in that direction.

Our saloons, in the early days here, used to remain open so long that I guess they were never closed, including Sundays. That was during the formation period of the camp, you might say. After awhile it was realized that that condition ought not to continue, and I think through the efforts of the Homestake office the saloons were closed on Sunday. A little bit later on they were closed after 11 o'clock at night. Still later they were closed at 9 o'clock in the evening. That is the hour they close at now.

Acting Chairman COMMONS. How long have they been closing at 9 o'clock—for how many years?

Mr. GRIER. When did that law go into effect?

Mr. KELLER. Four years ago.

Acting Chairman COMMONS. Four years ago?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Was a member of the labor union. Along with the statement Chapman makes that he is not a member of any labor union, "That in consideration of my being employed by the Homestake Mining Co., agree I will not become such while in its service"; when were those two questions adopted and put in the application blank?

Mr. GRIER. In the fall of 1909.

Acting Chairman COMMONS. Now, does this apply to all labor unions or to only certain types of labor unions?

Mr. GRIER. To all.

Acting Chairman COMMONS. To all unions?

Mr. GRIER. Yes.

Acting Chairman COMMONS. It was adopted at the time of the lockout or strike which occurred?

Mr. GRIER. Yes.

Acting Chairman COMMONS. With the Western Federation of Miners?

Mr. GRIER. Yes.

Acting Chairman COMMONS What were the circumstances leading up to that trouble which caused the company to lay down this rule, since 1909—that would mean it has been in force now since the fall of 1904—that has been in force nearly five years, say?

Mr. GRIER. Yes; the Lead City Miners' Union was organized in 1877 and continued to exist until 1909. A goodly number of the employees of the mining company, the Homestake Mining Co., were members of that union. The company never asked them, up to that time, when a man made application for employment, whether he was a member of a labor union or not. There never had been any differences between the labor organization and the mining company that were worthy of mention.

During the summer of 1909 the Western Federation of Miners sent into Lead, in the person of Mr. William E. Tracy, an organizer, with instructions to completely organize the camp and the district. Mr. Tracy called to his aid several members of the local union, and after perhaps three months' work succeeded in increasing the numerical strength of the union to a very considerable extent, in many cases using coercive measures, intimidating the employees of the mining company, making threats against their personal safety by false pretense and in various other ways. The time came about the middle of October, when Mr. Tracy thought the Western Federation of Miners in its constituency was strong enough to demand that all those who up to that time had not become its members should do so. And late in October, by resolution which was published in the daily papers, notified all concerned that on and after the 25th of

November, 1909, members of the federation would not work with those working for the Homestake Mining Co. who failed or neglected to become members in good standing. At that time there was perhaps 2,500 men in the service of the Homestake Mining Co., and I should say about 500 out of that number had failed or refused to become members of the federation.

The 25th of November, the day set for ceasing work on the part of the federation members, was Thanksgiving Day. Not having enough of a force numerically to continue to operate at such a capacity as would be profitable, the Homestake Mining Co. ceased to operate its mine on the evening of the 24th, and gave notice of its intention to do so in a notice published in the daily papers. The mining company had no lawful right to compel those who were not members of the federation to join it, and there did not seem any other course for them to adopt but to quit work and either remain closed, no one could tell how long, or allow those men who through the federation had notified the world that they would not work with nonunion men on and after the 25th of November. So they notified those far and near who wished to to come and join hands with the 500 nonunion men and resume operations, and allow those who had given notice that they would not work, to continue their idleness if they wanted to.

Large numbers came and joined hands with the nonunion men who were available and ready to go to work at any day—resume work at any day, so that on the 18th of January, I think, 1910, a sufficient force numerically was available to start up the largest mill that the Homestake Co. operates. Continuing to come in the course of the next week the company had enough men to start another mill, and a few days later another and another, until finally, on the 3d of March, 1910, they had more men than they wanted, and every plant was running at full capacity, which it has continued to do from that day to this.

Acting Chairman COMMONS. Those 500 men who did not join the organization were the underground men?

Mr. GRIER. They were in all departments of the service.

Acting Chairman COMMONS. Some were underground and some in the other departments?

Mr. GRIER. In order to operate a mill, you understand, it was necessary to have so many miners, so many shovelers, so many carmen, so many timbermen, so many motor men underground hauling ore, so many hoisting engineers, so many men in the stamp mill, so many men in the cyanide works, the regrind plant, and the foundry, the machine shop, and repair shops generally, and all through the service—500 wasn't enough, divided up, as they would have to be, to operate one mill, so that there was nothing for the company to do but to stop.

Acting Chairman COMMONS. Yes. Prior to this notice, or this activity of the organizers in 1909, had you had any written contracts or agreements with this local of the mine workers?

Mr. GRIER. No; never had a contract.

Acting Chairman COMMONS. Never had had any written contract?

Mr. GRIER. Nor verbal.

Acting Chairman COMMONS. Nor verbal?

Acting Chairman GRIER. No.

Acting Chairman COMMONS. What was the nature of the arrangement, suppose that a—did the union at that time have any salaried employees that you know of, or were they simply acting through their own committee men, own workingmen?

Mr. GRIER. They had a president and a treasurer, secretary, board of directors, I suppose, I don't know.

Acting Chairman COMMONS. Do you know whether they were all employees of the company, all the officials of the union?

Mr. GRIER. Excepting the secretary I think they were all employees, and I am not so sure that he did not work part of the time, too.

Acting Chairman COMMONS. Now, did the secretary or any of their board representing the men ever take up any complaints or grievances; would they appeal to you or to any of your superior officers, superintendents, and so on?

Mr. GRIER. I was appealed to during 30 years probably a half dozen times for trival matters that were adjusted in five minutes.

Acting Chairman COMMONS. That is, you would confer with these representatives of the union?

Mr. GRIER. It would be a committee that I suppose they characterized as a grievance committee.

Acting Chairman COMMONS. And they would be selected from time to time to take up matters with you?

Mr. GRIER. They would be appointed at a meeting of the union and given credentials certifying that they were appointed for the purpose of presenting a grievance, whatever it happened to be.

Acting Chairman COMMONS. Those, you say, were trival and trifling?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do you happen to remember any of them, what they were?

Mr. GRIER. I think once or twice some complaint was made about inattention on the part of some of the hospital doctors. The greatest grievance that was ever brought to my attention was when an appeal was made for an eight-hour day for the underground workers only, and there was some—that was not quite as easy of adjustment as the other matters, because there was a whole lot more involved. While the matter had been under consideration for a considerable time by myself no action had ever been taken. But the time came, however, when by readjusting the affairs in several of the establishments or departments of the service, it was found that it might possibly be a very slight loss to the company to adopt the eight-hour rule, and it was not only adopted and made operative in the underground, but it was applied to every department of the service.

Acting Chairman COMMONS. Do you remember about what year that was when that was done?

Mr. GRIER. Half a dozen or more years ago—six or eight years ago.

Acting Chairman COMMONS. Nineteen hundred and six or seven. How many employees were affected by that change?

Mr. GRIER. Every employee in the service of the company.

Acting Chairman COMMONS. That is, all of the underground men had been working 10 hours?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And they were all put on an eight-hour basis at that time?

Mr. GRIER. Yes, sir; every person in the service of the company was given the benefit of the eight-hour schedule.

Acting Chairman COMMONS. In the shops the machinists, the molders, and others had been on a 10-hour basis?

Mr. GRIER. They were all put on the eight-hour schedule.

Acting Chairman COMMONS. Do you remember the grievance committee that took that up. Did it represent all classes of labor, the committee that called on you at that time?

Mr. GRIER. Well, no, sir; it was—well, I wouldn't say. I don't remember who the committee was, except one of them was Mr. Ryan, secretary of the local organization. I think there were three. I think Mr. Shimman—chairman——

Acting Chairman COMMONS. Was he a miner?

Mr. GRIER. Yes, sir. I don't know whether any other department of the service was represented or not.

Acting Chairman COMMONS. Machinists or molders or carpenters, all that class of labor, were they represented in the grievance committee—in the committee?

Mr. GRIER. I could not say, Mr. Chairman. I don't remember it, but I don't think there was any other department but the miners represented, because all that was asked for was that the eight hour apply to the underground workers.

Acting Chairman COMMONS. But you went further than that and applied it to all the shops?

Mr. GRIER. Applied it to everybody in the service of the company.

Acting Chairman COMMONS. How long were those negotiations underway; do you remember?

Mr. GRIER. No, sir; I do not.

Acting Chairman COMMONS. Now, when this action of this committee, or this union, was taken October 25, 1909, what was the first knowledge you had of the action?

Mr. GRIER. You mean of the action taken——

Acting Chairman COMMONS. By the union in its declaring it would not work after a certain date?

Mr. GRIER. Well, all sorts of rumors were in the air for a month or two or three, but I think the publication of this notice in the newspaper is the first definite knowledge—knowledge that I could rely upon—that I had.

Acting Chairman COMMONS. That is, there were rumors prior to that that they were likely to take some action on that; is that it?

Mr. GRIER. Oh, yes; all sorts of rumors.

Acting Chairman COMMONS. The question was up for discussion?

Mr. GRIER. You could not rely upon much that you heard.

Acting Chairman COMMONS. You mentioned Tracy as being brought in by the national organization. Did Tracy call on you at that time?

Mr. GRIER. Yes; he called upon me with Mr. Ryan, Mr. Kirwin, Mr. Joey, and Mr. Christianson.

Acting Chairman COMMONS. All your employees?

Mr. GRIER. No; Mr. Joey and Mr. Christianson were employees, but, of course, Mr. Tracy, the federation organizer, Mr. Kirwin, a member of the executive board of the Western Federation of Miners, and Mr. Ryan, secretary of the local union here, were not in the employ of the company.

Acting Chairman COMMONS. What did Tracy propose when he called upon you? This was probably before this action by the local union, wasn't it?

Mr. GRIER. No, sir; after it.

Acting Chairman COMMONS. I am speaking before that action.

Mr. GRIER. Oh, before it.

Acting Chairman COMMONS. Before it; while these rumors were in the air?

Mr. GRIER. Mr. Tracy didn't call upon me before.

Acting Chairman COMMONS. Did any representative of the organization call upon you with reference to this closed-shop proposition?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Prior to this action?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. This information came to you, then, in what way?

Mr. GRIER. It came to me from a great many men employed by the Homestake Mining Co. who came and asked me if they were compelled to join the union to hold their positions with the company, and complained of threats made against them by certain assistants of Mr. Tracy who were helping him in organizing.

Acting Chairman COMMONS. Were these assistants of Tracy brought in from the outside also?

Mr. GRIER. No, sir; they were members of the local here in Lead.

Acting Chairman COMMONS. Did they represent different nationalities?

Mr. GRIER. I don't think so; I think they were Americans.

Acting Chairman COMMONS. At that time apparently 72 per cent of the employees were non-English speaking. How did the union organize the non-English speaking, do you happen to know, at that time? How did they reach them?

Mr. GRIER. How did the organizers reach these men?

Acting Chairman COMMONS. Yes, sir.

Mr. GRIER. You understand all the men in the employ of the Homestake Mining Co. can both speak and understand English; that is a requirement.

Acting Chairman COMMONS. At that time there was 72 per cent——

Mr. GRIER. They could do it at that time.

Acting Chairman COMMONS. They could?

Mr. GRIER. Yes; not as well as you can, but still they could understand perfectly well enough to know when they were asked to do a certain thing in the mines. We would not have a man in the mines who could not understand?

Acting Chairman COMMONS. You never had a man there who could not understand?

Mr. GRIER. That has been a rule always.

Acting Chairman COMMONS. So that the organizers were all English-speaking organizers, so far as you know?

Mr. GRIER. Well, now, the organizers were not all English-speaking people. There was a man sent here by the federation named Yancoterzich, an Austrian. He was sent here for the express purpose of holding in line the Austrian element.

Acting Chairman COMMONS. That is the Slav element?

Mr. GRIER. Yes; and there was a man here—I think he was a resident, though—who was supposed to look after the Finnish element. I don't recall whether there was anybody here looking after the Italian element or not; but there was enough of them, all told.

Acting Chairman COMMONS. There were only two, then, brought in from the outside—Tracy and Yancoterzich?

Mr. GRIER. That is all I recall at this moment.

Acting Chairman COMMONS. Now, in acting upon this resolution, did you assume the responsibility, or did you take it up with your directors or president?

Mr. GRIER. I assumed the responsibility myself.

Acting Chairman COMMONS. You had such authority, or you would not have done it?

Mr. GRIER. Well, I exercised it whether I had it or not.

Acting Chairman COMMONS. Have you any knowledge whether the organization went to the stockholders or not?

Mr. GRIER. I know they did. I know that Mr. Kirwin, who was a member of the executive board, telegraphed Mr. Haggin, the president of the company, presenting the situation and ask him to have the ultimatum, as they called it, withdrawn that was issued here in order to avoid a strike. Mr. Haggin replied that the matter was in my hands; that while he would deplore a strike, that the matter was in my hands for such adjustment as could be made.

Acting Chairman COMMONS. Did you know of any other application to stockholders besides Mr. Haggin?

Mr. GRIER. There was a committee of two went down to see Mrs. Hearst at her home in Pleasanton, Cal. That was Mr. Bunney—Richard Bunney—and Pete Jurey.

Acting Chairman COMMONS. Were they employed here?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What were the representations to Mrs. Hearst, as far as you know?

Mr. GRIER. Well, I could not tell you very definitely, but she suggested to them just about what Mr. Haggin suggested to Mr. Kirwin, that the matter was in my hands and she wouldn't interfere.

Acting Chairman COMMONS. Had you had any other dealings with representatives of the organization before this notice? You have spoken of the eight-hour and small grievances about the hospital. Were there any other claims that came up; for example, was there any complaint you had to make against the way in which the union was being conducted during those 20 or 25 years?

Mr. GRIER. When efforts were made by officers of the committee, of the local union here, to increase their strength numerically, they did just what the federation did—they intimidated and made threats of personal violence; and not only made threats, but executed them. I addressed a letter to the president of the union at that time, whose name was Fisher——

Acting Chairman COMMONS. That was in the summer after Tracy had come?

Mr. GRIER. No, sir; that was a long time before that.

Acting Chairman COMMONS. Do you remember the date?

Mr. GRIER. I can give you the date. [Examines papers.] On the 19th of March, 1903, I wrote to Mr. Fisher, president of the Lead City Miners' Union, as follows:

"My attention has so often been called to the acts at various times of personal violence offered by members of your association to certain employees of this company simply because the latter did not wish to become members of the former, that I wish to ask if such acts were duly authorized and approved at legal meetings of your association?

"It is complained that each act has been committed by a large number of members of your association operating jointly against one employee of this company under cover of darkness, making identification of the attacking party by the lone man more or less difficult. May I ask the favor of a written reply on Tuesday, the 24th instant?"

It seems that I gave him five days to answer. I don't know why. In response to that I have a letter of the same date, March 19:

Mr. T. J. GRIER,

Superintendent Homestake Mining Co., Lead, S. Dak.

DEAR SIR: Your letter of March 19, addressed to J. B. Fisher, president of this union, was referred to the undersigned committee. As you understand, this union is organized for the mutual benefit of its members, both financially and otherwise. To that end we have paid out in sick benefits and are paying now more money than we receive in dues, and to keep this union up financially we do ask and urge each and every man working in and about different mines to join our union for their own benefit as well as ours. We experience no difficulty with the old reliable worn and tried men, but, on the contrary, the young, strong, and men who are well able to bear their share of the burden are the men that is making all the trouble. This union has at no time authorized the forci-

ble action referred to in your letter, but where men when civilly approached to join this union have insulted the parties so asking them and have stated that they had so much influence with the officials of the company that employed them that they did not have to join the union, and generally make themselves abusive, there is no doubt but what they have been coerced.

Yours, respectfully,

THOMAS J. RYAN,
JOSEPH SCOTT,
RICHARD BUNNY,
Committee.

Acting Chairman COMMONS. What action further was taken in 1906 on that; did that close the incident?

Mr. GRIER. It closed the incident, I guess, for the time being.

Acting Chairman COMMONS. Now, what was your objection to considering the proposition coming from the union in the way in which this one came to you?

In the first place, you say the union in 1909 did not make any formal request upon you for an agreement that you employ only union men. That was the situation; that is, the first that you knew of it was this notice that you saw?

Mr. GRIER. That was the first definite information that I had that the Western Federation intended to take that action.

Acting Chairman COMMONS. Then did Mr. Tracy or other representatives call upon you at any time prior to the November term of court when you shut down—did they call upon you, any representatives of the organizations?

Mr. GRIER. I don't think any member of the local union or the Western Federation called on me at any time until after that publication.

Acting Chairman COMMONS. Until after the publication of their notice. Their notice was published October 25?

Mr. GRIER. October 25, 1909, I think.

Acting Chairman COMMONS. Yes.

Mr. GRIER. No; they never called on me.

Acting Chairman COMMONS. Did they call on you after that publication?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Between October 25 and November 24?

Mr. GRIER. No.

Acting Chairman COMMONS They did not?

Mr. GRIER. No.

Acting Chairman COMMONS. You published your notice on November 17, I think.

Mr. GRIER. November 17; yes.

Acting Chairman COMMONS. November 17?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And no one called on you after you had published your notice—representing the organization?

Mr. GRIER. After, did you say?

Acting Chairman COMMONS. Yes; after.

Mr. GRIER. Yes; after that publication of our notice, this committee consisting of Mr. Ryan, Mr. Kerwin, Mr. Joey, and Mr. Christianson.

Acting Chairman COMMONS. What was the tenor of their proposition to you at that time?

Mr. GRIER. Well, they wanted the Homestake Mining Co.'s notice withdrawn. I have a full account of the meeting here. That was what the federation called the Homestake's ultimatum, and which Mr. Kerwin telegraphed to Mr. Haggin to have withdrawn. My notice was on November 17.

Acting Chairman COMMONS. Yes.

Mr. GRIER. The meeting of this committee was November 21.

Acting Chairman COMMONS. Yes.

Mr. GRIER. There is a full record of it [handing paper to the commission].

Acting Chairman COMMONS. Was this record taken in shorthand?

Mr. GRIER. It was.

Acting Chairman COMMONS. You submit this as an exhibit?

Mr. GRIER. You may have it.

Acting Chairman COMMONS. Mr. Reporter, make note of that.

Mr. GRIER. The authenticity of it I don't think you can doubt, because it was published in full in the federation newspaper.

(The paper so presented was marked "Exhibit No. 4, Witness Grier, August 3, 1914."

See Grier Exhibit No. 4, under "Exhibits.")

Acting Chairman COMMONS. It was published in the federation newspaper; that is, it was jointly taken down by both sides?

Mr. GRIER. No.

Acting Chairman COMMONS. By your stenographer?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, Mr. Grier, suppose you just sum up the substance of what occurred at that place.

Mr. GRIER. Well, they went over the subject of unionism—the good that it was doing to the operating force of the Homestake Mining Co.—and announced their determination to unionize the camp, and asked for a withdrawal of the company's notice.

Acting Chairman COMMONS. In other words, they stood by their——

Mr. GRIER. Attitude.

Acting Chairman COMMONS. Their resolution?

Mr. GRIER. Yes; their resolution.

Acting Chairman COMMONS. They didn't offer to withdraw their resolution if you would withdraw yours?

Mr. GRIER. Oh, no; not at all.

Acting Chairman COMMONS. You considered that an ultimatum from them also?

Mr. GRIER. Oh, yes; I don't know how I could consider it anything else. They published it to the world.

Acting Chairman COMMONS. Will you examine this clipping which was furnished to me, which is marked advertisement? I presume that is something that is published by your company as an advertisement in the Lead papers?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And will you look at that one and see if that one also is?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And this also?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. We will mark these as exhibits, then.

(The papers so presented were marked "Exhibits Nos. 8, 9, and 10, Witness Grier, August 3, 1914."

The exhibits referred to, newspaper clippings, were submitted in printed form.)

Acting Chairman COMMONS. This first one entitled "Who began interference with the liberty of action of Lead workingmen?" That has been published by you continuously, daily, since the time of this trouble?

Mr. GRIER. I think it is still running.

Acting Chairman COMMONS. You consider that a running ad.?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. In what papers?

Mr. GRIER. In the Lead Daily Call.

Acting Chairman COMMONS. And the other one, the "History of Homestake shutdown"?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Marked "Advertisement," the same?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And this one which does not bear date, the clipping that I have, is a notice dated "Lead, S. Dak. To whom it may concern: In view of the fact, the mining industry in the Black Hills district is the source from which all of the other business interests in the said district derive their main support, and that said industry intends to establish permanently in said district what are commonly called nonunion labor conditions, it is respectfully suggested to all such other business interests that their actions should be vigorously in support of the aforesaid expressed intention." There follow then the names of the Homestake Mining Co., by yourself as superintendent, and a number of others. At what time was that first published, about at the time of this strike or of this clash?

Mr. GRIER. I think that was first published very soon after the mine shut down.

Acting Chairman COMMONS. And then apparently you requested or joined with the owners of other mines to take the same action?

Mr. GRIER. I did not request; they offered it.

Acting Chairman COMMONS. They offered to join in?

Mr. GRIER. To join in.

Acting Chairman COMMONS. And this advertisement was addressed to what business interests then?

Mr. GRIER. Well, I suppose——

Acting Chairman COMMONS. It is signed by all the mining interests, is it not?

Mr. GRIER. Yes; every other business interest that there was in the district.

Acting Chairman COMMONS. That is, all the mining interests. I wonder if all of these are—these are apparently all mining companies?

Mr. GRIER. Well, I think there is only three or four of them that operate to any extent at all.

Acting Chairman COMMONS. They are all small companies?

Mr. GRIER. Oh, yes.

Acting Chairman COMMONS. Are they all in the Black Hills district?

Mr. GRIER. Yes ,sir.

Acting Chairman COMMONS. What proportion of the total output of gold is turned out by the Homestake Co.?

Mr. GRIER. I guess about 90 per cent, fully.

Acting Chairman COMMONS. Then these others would turn out about 10 per cent?

Mr. GRIER. Or less.

Acting Chairman COMMONS. Or less?

Mr. GRIER. Yes.

Acting Chairman COMMONS. That is, if the Homestake turns out $6,000,000 a year, the others would turn out about $600,000?

Mr. GRIER. I don't believe they do that.

Acting Chairman COMMONS. Then, what other business interests besides the mining interests were in mind here?

Mr. GRIER. Well, the mercantile interests, or anybody that was engaged in business of any kind or character.

Acting Chairman COMMONS. The idea was that all union labor, no matter whether it was Western Federation of Labor or otherwise——

Mr. GRIER. Should cooperate.

Acting Chairman COMMONS. Should be put out of activity in this district?

Mr. GRIER. That was the intention; yes.

The object in doing that, Mr. Chairman, was because the labor unions—for instance, the barbers' union and the bartenders' union and various other unions belong to a different federation, or different federations—the musicians' union, too—and they were contributing to the Western Federation fund, out of which were paid strike benefits, so that it was thought that as long as contributions were being received from all other industries, all other federations, that the struggle would be prolonged just that much longer.

Acting Chairman COMMONS. Now, the result is that all of the other unions discontinued business here, as well as the miners' union, is that the situation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is there any remnant of a miners' union in this district?

Mr. GRIER. About possibly a year ago, maybe a little bit longer or a little bit less, the Western Federation of Miners canceled the charters of all the unions in the hills—all miners' unions, excepting, I think, the Galena union—and in lieu thereof organized a district union, which they call No. 12.

Acting Chairman COMMONS. And how extensive is that organization; what mines does it have membership in?

Mr. GRIER. Well, the intention of the district union, like that organized by the western federation, is to draw into membership in the district union as many people in this district as they can get, and if they should succeed in becoming numerically strong enough, after a while, of course, they would become assertive.

Acting Chairman COMMONS. You consider that simply a nucleus?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is its membership known or open?

Mr. GRIER. I don't know how generally it is known, but the information that I am giving you is correct.

Acting Chairman COMMONS. Do you know about how many members they have at the present time?

Mr. GRIER. I do not.

Acting Chairman COMMONS. I think we will take a recess at this time until 2 o'clock. It is the desire of the commission to continue the hearing this

evening at 8 o'clock. We will adjourn now, and, Mr. Grier, can you take the stand again at 2 o'clock?

Mr. GRIER. I think so.

Acting Chairman COMMONS. We will get through as rapidly as possible.

Mr. GRIER. All right.

Acting Chairman COMMONS. Much obliged.

(And thereupon, at 12.30 o'clock p. m., on this, Monday, the 3d day of August, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION.

The commission met pursuant to adjournment.

TESTIMONY OF MR. THOMAS J. GRIER—Continued.

Acting Chairman COMMONS. The commission will come to order. Mr. Grier, I think we were talking about the incidents during the fall of 1909 and the beginning of 1910. I think you said that by March 3 you had a sufficient force to operate all of the properties of the company?

Mr. GRIER. Yes, sir; at full capacity.

Acting Chairman COMMONS. What portion of them were old employees that came back to work, or what number would you say?

Mr. GRIER. A goodly number. I should think in the neighborhood of a thousand.

Acting Chairman COMMONS. A thousand of those who had gone out or who had belonged to the organization—the miners' union?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. About a thousand of them came back and gave back their cards?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. About what number are now employed who were former members?

Mr. GRIER. I don't think I quite understand the real meaning of the question.

Acting Chairman COMMONS. You said there were about a thousand that went to work on March 3, of those who had been in the miners' union prior to the October or November shutdown, and I was asking, of that thousand, how many are now employed?

Mr. GRIER. Practically all of them.

Acting Chairman COMMONS. You have about a thousand now who were former members of the union in your own employment here?

Mr. GRIER. I should think about that many; yes, sir.

Commissioner O'CONNELL. Hasn't the number been increased of the old employees since that time?

Mr. GRIER. Yes, sir.

Commissioner O'CONNELL. That is what I wanted to get at.

Mr. GRIER. Oh, yes.

Commissioner O'CONNELL. The number of former employees that were in the union—has it been increased over a thousand since the mines were started up?

Mr. GRIER. If a thousand is approximately correct, the number has been increased; yes, sir.

Acting Chairman COMMONS. Would you have any record of that in the employment office?

Mr. GRIER. Yes; the employment-office records will show—it can be picked out from to-day back until that time, March, 1910. That would be three years or more.

Acting Chairman COMMONS. Did you organize another association or union as a substitute for the one which was locked out; that is, did you form a new organization of any kind?

Mr. GRIER. No; we did not organize anything.

Acting Chairman COMMONS. The people that came in to take the places of the strikers—were they organized as an association in any way?

Mr. GRIER. No; they came and signed the card that the Homestake Mining Co. required them to sign and went to work; no organization was formed.

Acting Chairman COMMONS. Were there any legal proceedings during this trouble—any injunctions or court proceedings that were brought, arrests, or anything of that kind?

Mr. GRIER. The Homestake Mining Co. brought a suit against the miners' union for $10,000, I think for—well, I can't quote you the complaint. Mr. Keller probably has a copy of it.

Acting Chairman COMMONS. Mr. Keller.

Mr. KELLER. What is that, Mr. Chairman?

Acting Chairman COMMONS. The question is, What was the complaint in the suit that was brought by the company against the miners' union?

Mr. KELLER. Yes; I can get the pleadings if the board desire them and would care for them.

Acting Chairman COMMONS. Yes; if you will get them.

Mr. KELLER. Yes; I will.

Acting Chairman COMMONS. What was the complaint?

Mr. KELLER. The international was sued for damages for interfering with the men who desired to work, driving them from work and preventing them from going to work.

Commissioner GARRETSON. Coercing the employees?

Mr. KELLER. That is the substance of it. It was never brought to trial. In fact, I think the issues were never framed, and it has stayed that way ever since. I do not think the records or anything of that kind will add much.

Commissioner GARRETSON. Was a writ filed on the other side, presumably a writ of demurrer, asking for the filing of specific instances?

Mr. KELLER. No.

Commissioner GARRETSON. By the company?

Mr. KELLER. No; not that I recall. Simply a demurrer. My recollection is the defendants demurred on the ground that the complaint did not state facts sufficient to constitute a cause of action, and neither side ever forced it to argument.

Commissioner GARRETSON. But it called for an amended writ on your part, alleging specific instances, did it not?

Mr. KELLER. That is not my recollection. It would be very easy to find out.

Commissioner GARRETSON. I should imagine that was easily determined.

Mr. KELLER. Yes.

Commissioner GARRETSON. And the action dropped from that?

Mr. KELLER. Well, the action had never been formally dismissed, Mr. Garretson. They were simply placed upon demurrer, and that was all that was ever done in either suit. It never has been disposed of.

Commissioner GARRETSON. And the chances of a resurrection are——

Mr. KELLER. Well, they are nil.

Commissioner GARRETSON. Nil?

Mr. KELLER. That really answers it. That was the only piece of litigation which the Homestake had, except some—well, that is the only piece the Homestake, as such, has.

Acting Chairman COMMONS. Can you furnish us a copy of the cards that you use in keeping the records of the men, the employees?

Mr. GRIER. It is a blank card, just an index card; no form; and the man's name and the time he goes to work, and if he is relieved from duty, the reasons therefor, and if he returns to the service. And if he returns and applies for service, we have this card, showing his record while he worked; and if it is satisfactory, there is no objection to his resuming work when there is a chance for him, an opening.

Acting Chairman COMMONS. How far back do these records go? Is it back to the beginning of the company's existence?

Mr. GRIER. Back, I think, to the establishment of the employment office, about 10 years.

Acting Chairman COMMONS. The employment office was established about that time?

Mr. GRIER. Was established then. Prior to that time each head of a department employed his own men.

Acting Chairman COMMONS. And the records, then, start with that time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It was all put under one head?

Mr. GRIER. One head; in one man's hands.

Acting Chairman COMMONS. Will we have an opportunity to look over some of these cards and see the character of notes or memoranda that are made or recorded there?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Could you bring some over, so that we could examine the character of the memoranda that are made?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Can you, Mr. Grier, give us any information regarding the cost of house rents in Lead, about the amount of rent per month that employees of different classes pay for rent—for house rent here?

Mr. GRIER. A large number of the employees of the Homestake Mining Co. own their own homes.

Acting Chairman COMMONS. About what proportion, would you say?

Mr. GRIER. Well, I could hardly state to the commission. The question of rentals may be had quite accurately from men who are engaged in the business of renting, and I notice that one of them is here present in the room now, Mr. Curran.

Acting Chairman COMMONS. Have we got his name down on our list?

Commissioner GARRETSON. Curran, yes; city commissioner.

Acting Chairman COMMONS. Well, with your permission, Mr. Grier, as we have Mr. Curran on our list——

Mr. GRIER. Certainly.

Acting Chairman COMMONS. Is Mr. Curran present?

Mr. CURRAN. This is Mr. Curran.

Acting Chairman COMMONS. Mr. Curran, you heard the question that was asked of Mr. Grier about what the rentals are that miners and helpers and laborers are paying for their houses?

Mr. CURRAN. Well, the rents of houses—a pretty good house rents for $15. We rent houses from $7 up—from $6 up—that will average a pretty fair house; from fifteen and then on up to twenty, twenty-two, and to twenty-five. Twenty-five is about the limit.

Acting Chairman COMMONS. About the highest rent?

Mr. CURRAN. And there isn't hardly any men working at laboring work that rents a $25 house.

Acting Chairman COMMONS. About what rents do the $3 men pay?

Mr. CURRAN. Well, they pay about fifteen—twelve to fifteen.

Acting Chairman COMMONS. And what would the men——

Mr. CURRAN. Some a little higher; maybe run to sixteen or eighteen.

Acting Chairman COMMONS. They pay from twelve to eighteen dollars?

Mr. CURRAN. Yes, sir; yes; from eight up to——

Acting Chairman COMMONS. What is the equipment of these houses in the matter of water, light, and so on?

Mr. CURRAN. There is gas and electric lights, city toilets, city water in mostly all the houses that run to $15.

Acting Chairman COMMONS. That is, the $15 house and above would have these?

Mr. CURRAN. Yes, sir.

Acting Chairman COMMONS. And those below fifteen would not?

Mr. CURRAN. Those below fifteen might have city water, but no toilet in the house, you know.

Commissioner O'CONNELL. Would the $15 have a bathroom?

Mr. CURRAN. No, sir; no.

Commissioner O'CONNELL. How high would you go to get a bathroom?

Mr. CURRAN. Well, to get a modern house you have got to go from twenty to twenty-five—twenty-two. There might be some few rented at a little less, maybe $18.

Acting Chairman COMMONS. A $15 house would have how many rooms?

Mr. CURRAN. Well, some of them four and some of them five; the location in the city, you know, close in, makes the difference on the rental with the same combination.

Acting Chairman COMMONS. On the average, you would say, then, apparently about $4 a room per month is the rent?

Mr. CURRAN. Well, no; it would not average that, I guess.

Acting Chairman COMMONS. Well, what would you say, then, $3.75, about?

Mr. CURRAN. On an average, a four-room house, it would be probably about $14.

Acting Chairman COMMONS. For a four-room house, that would be $3.50 per room. That would be a house that would have water?

Mr. CURRAN. Yes, sir; some of them have toilets.

Acting Chairman COMMONS. What would they pay for water service?

Mr. CURRAN. Where it is modern, it is $2.50 per month; that includes toilet and bath.

Acting Chairman COMMONS. Two dollars and fifty cents?
Mr. CURRAN. Yes, sir.
Acting Chairman COMMONS. And without toilet and bath?
Mr. CURRAN. Well, without toilet and bath it is $1.50.
Acting Chairman COMMONS. How far back is your acquaintance with the business?
Mr. CURRAN. Well, I am in the rental business about 25 years in this town.
Acting Chairman COMMONS. What changes have taken place in the amount of the rents during that period; have they come down or up or how have they changed?
Mr. CURRAN. Well, there is not much change.
Acting Chairman COMMONS. $1.50, you said, was the minimum for water?
Mr. CURRAN. Yes, sir.
Acting Chairman COMMONS. That is a month?
Mr. CURRAN. Yes, sir.
Commissioner O'CONNELL. Eighteen dollars a year for water?
Mr. CURRAN. Yes, sir.
Commissioner O'CONNELL. Without bath?
Mr. CURRAN. Without toilet and bath.
Commissioner O'CONNELL. And it is $2 or $2.50 with it?
Mr. CURRAN. Two dollars for water in the house with toilet and $2.50 with bath.
Commissioner O'CONNELL. That is $36 for water?
Mr. CURRAN. It is $30 a year; yes, sir.
Commissioner O'CONNELL. Thirty dollars a year for water with bath?
Mr. CURRAN. Yes, sir; private bath.
Acting Chairman COMMONS. That is about what it has been for 20 or 25 years?
Mr. CURRAN. Well, in the early days we did not have any bath or any toilet—did not have water in the houses, very few of them did. I kept house when I had to carry water two or three blocks to my residence. I paid $22 a month for a five-room house without any water, in 1886.
Commissioner O'CONNELL. What would a six-room house with a bath—what would that cost a person per year, say, in the immediate center, or residence section of the city?
Mr. CURRAN. In a good location of the town it would cost, with toilet and bath, $25 for a six-room house.
Commissioner O'CONNELL. That would be $25 and $2.50 additional for water?
Mr. CURRAN. Yes, sir; $2.50 additional for water; some of them $25.
Commissioner O'CONNELL. What does the light run?
Mr. CURRAN. That is according to what you burn.
Commissioner O'CONNELL. Well, the general average, for instance, of a six-room house?
Mr. CURRAN. Most of these houses I think the minimum rate would be about $1.50, something like that.
Acting Chairman COMMONS. What is the rate per thousand for gas?
Mr. CURRAN. It is $1.60; 10 per cent off.
Commissioner O'CONNELL. What is your electric light?
Mr. CURRAN. The electric light—now, I am not prepared to answer that just exactly. I know about what it costs at my residence; it is according to what you burn; they have different rates.
Commissioner O'CONNELL. They have a minimum rate, of course.
Mr. CURRAN. Yes.
Commissioner O'CONNELL. They have a meter charge?
Mr. CURRAN. You mean——
Commissioner O'CONNELL. Do they have a meter charge?
Mr. CURRAN. They do have.
Commissioner O'CONNELL. In some cities they have a regular minimum charge, and then a charge for the meter.
Mr. CURRAN. They charge $5 for the meter in houses that are rented.
Commissioner O'CONNELL. Five dollars a year?
Mr. CURRAN. No; that is a bonus that you put up. If you pay your electric-light bill, you get your $5 back when you move out.
Acting Chairman COMMONS. What is the cost of building a house of that type on the average?
Mr. CURRAN. What do you mean? A six-room house?
Acting Chairman COMMONS. Yes; a house that would rent for $25.

Mr. CURRAN. Well, I think to build a house, a six-room house, that is modern—of course it is according to the kind and style—I don't think you can build one for $2,500.

Acting Chairman COMMONS. A house that would rent for $15, what would that cost?

Mr. CURRAN. Well, the value of those houses that rent for about $15 would be probably about $1,600 or $1,800, and maybe $2,000.

Acting Chairman COMMONS. Has the cost of building gone up in the last 10 or 15 years?

Mr. CURRAN. That would include the lot, you know.

Acting Chairman COMMONS. The price that you gave included the lot?

Mr. CURRAN. Yes; generally

Acting Chairman COMMONS. How much did you figure the lot?

Mr. CURRAN. Oh, I would figure these lots about $500, $600, $800, according to the location and locality.

Acting Chairman COMMONS. That is a person putting up a $2,500 house would pay out of that $1,000, would he, for the lot, you mean?

Mr. CURRAN. No.

Acting Chairman COMMONS. In addition to the $2,500? He would pay $1,000 for the lot?

Mr. CURRAN. No; you could not get a house for $2,500 and a lot that would rent for that.

Acting Chairman COMMONS. Thirty-five, you mean?

Mr. CURRAN. A five-room house would cost, I should think, in the neighborhood of about $2,000 to build the house, and maybe more. It is according to the style of the house you build, you know.

Acting Chairman COMMONS. Well, take the same style of house.

Mr. CURRAN. Built reasonably; about as cheap as you can build.

Acting Chairman COMMONS. Take that same style of house. How much as the cost gone up? What would it have cost 15 years ago, a $2,000 house of the same kind?

Mr. CURRAN. Well, the lumber at that time was a good deal less than it is to-day—probably $10 to $12 a thousand, and some of it more, some of it a good deal less than that. Labor at that time was not any higher than it is now. I think it was cheaper. They worked 10 hours instead of 8 at that time. There was no value on the lots like there is to-day. It was not near as high. I think in those days you could build a house for $1,500 that you could not build to-day for less than $2,300 or $2,500, and maybe more.

Acting Chairman COMMONS. Well, has the cost of building a house gone up about 40 per cent, do you believe?

Mr. CURRAN. I should think that would be near about right.

Acting Chairman COMMONS. Well, you think the lots—the rents have remained stationary, have not gone up in the same way?

Mr. CURRAN. There has not been much advance in rents that I know of for the same quality of house; the rents have been about the same.

Acting Chairman COMMONS. When a person builds a house, how does he finance it? He buys the lot first, and then can he borrow at the bank or how can he get finances?

Mr. CURRAN. Yes; a man with a good lot can get money enough to put the house on it—a reasonable house.

Acting Chairman COMMONS. If he is able to pay for the lot, then he can get the money for the building of a house, can he?

Mr. CURRAN. Yes, sir; if a man has got a good lot and is a good man, he can get money at 8 per cent to build his house.

Acting Chairman COMMONS. Now, Mr. Grier, what proportion did you say—or did you say what proportion you thought of your employers were house owners?

Mr. GRIER. No; I did not say, and I really would not like to guess.

Acting Chairman COMMONS. You wouldn't like to guess. Would you know, Mr. Irwin, what proportion of your employees are house owners?

Mr. IRWIN. I think 50 per cent or over; possibly 60.

Acting Chairman COMMONS. And the rest would be——

Mr. IRWIN. I think single men.

Acting Chairman COMMONS. You say most of the married men are house owners?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. And the single men, of course, would not be. Mr. Grier, do these tenants, or do these home owners, build on this property that you described a moment ago, or this morning, rather, on which they get a surface title, or do they build on property that is owned by the mining company?

Mr. GRIER. Originally, many years ago, when this compromise was entered into between the mineral claimants and the town-site people, the policy of the company was to issue a permit to its employees only. Employees who built in those days, many of them are here now; some of them have drifted away and when they went away they sold their house to another and had the permission to occupy the land which they held transferred to the person that they sold the house to. So that there are quite a good many homes in Lead now occupied by people who do not work for the Homestake Mining Co.

Acting Chairman COMMONS. But they have a permit?

Mr. GRIER. On a permit.

Acting Chairman COMMONS. These permits they have transferred?

Mr. GRIER. Transferred to them.

Acting Chairman COMMONS. Is that permit considered marketable? Can they sell it to some one else, a successor?

Mr. GRIER. Well, they transfer the permit and sell the home erected on the land for which the permit is issued, and I suppose count, in the price they ask for the property, something to represent the lot.

Acting Chairman COMMONS. Well, now, this permit is revocable, I think you said, at the will of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It is not like these other titles where you can not be revoked only in case of the undermining—that is, in those which are to have surface title they give up the house in case mining operations undermine the house?

Mr. GRIER. The permits that were issued for building purposes outside of the town site, which was involved in this litigation, are revocable at the will of the company, but the company does not have to engage in underground operations to call for vacating the land. But those conditions have prevailed here for 30 years and the company has not found it necessary to issue any notice revoking the permits.

Acting Chairman COMMONS. Well, when this lockout occurred there was apparently about a thousand men left the community and a thousand that remained. Those thousand that left, some of them probably had houses built on these permits. Do you know what methods they followed to dispose of their holdings when they left?

Mr. GRIER. I think some of them still own their property, rented it out when they went away, and some sold, transferring the permit with the sale of the home.

Acting Chairman COMMONS. And the company did not in any case exercise its right to revoke that permit in the case of those who left?

Mr. GRIER. The Homestake Co. has never issued an order revoking a permit.

Acting Chairman COMMONS. Never revoked a permit?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Of the 50 per cent, we will say, who are employed, what proportion of those would be on these lots which have a permit title; half of them?

Mr. GRIER. Within the original town site, which was the subject of litigation, the houses, I think, are very much closer together. I don't know whether half of them would be outside or less than half. There are a goodly number within and without the original town site. There are about 8,000 people in the town.

Acting Chairman COMMONS. Are there employees of the company living outside of the corporate limits of the town of Lead?

Mr. GRIER. Well, the company has a pumping station over on the East Fork of Spearfish Creek, which is 10 miles from Lead. Of course, they are outside of the city limits. It has a light plant at Deadwood, which, of course, is outside of the corporate limits of Lead.

It has a hydroelectric power plant down on the main Spearfish Creek, and of course they are outside of the corporate limits of Lead.

Out in the timberland, where the timber and lumber are manufactured—that is, outside of the corporate limits but within walking distance, you might say,

of the corporate limits of Leads—there are a few, I think, that are not living on the company's land.

Acting Chairman COMMONS. They are not living on it?

Mr. GREIR. No, sir.

Acting Chairman COMMONS. These that are outside are in some cases living on the company's land with permits, are they?

Mr. GREIR. In some cases; yes; and in some cases no.

Acting Chairman COMMONS. Then you think about half are living—half of these home owners are living on property which they hold by permit, and half got their titles in other ways?

Mr. GREIR. I think so.

Acting Chairman COMMONS. Have you paid attention to the cost of living apart from house rent of the employees in the town of Lead, food and clothing, during the last 15 years or so?

Mr. GREIR. Well, yes, sir; I have paid some attention to it. The cost of food is less than it was 10 years ago and prior to that time, if you will except meat. Clothing is a trifle higher, and boots and shoes a trifle higher, but I think the increased price on boots and shoes and clothing will be more than offset by the lesser cost of foods outside of meat.

Acting Chairman COMMONS. By other food, you mean flour?

Mr. GREIR. I mean ordinary grocery supplies in the house.

Commissioner O'CONNELL. Flour and potatoes are less now, you say, than they were 10 or 15 years ago?

Mr. GREIR. Yes, sir.

Acting Chairman COMMONS. How are fresh vegetables brought into this town. Apparently there is nothing grown here to amount to anything.

Mr. GREIR. I have seen a good many little gardens around here. I have one myself with beans and peas and cauliflower growing in it. The main supply, I should say, comes from the valley of Spearfish and Sturgis and other towns within 10 or 15 or 20 miles.

Acting Chairman COMMONS. It is brought into town from that distance?

Mr. GREIR. Yes, sir. Now, Mr. Chairman, if you will excuse me for suggesting, those things are susceptible of being shown more correctly probably by some of the grocery men in town than I can possibly give them to you.

Acting Chairman COMMONS. What I was getting at is whether you had made any inquiry on your own account as to the change that has occurred during those years.

Mr. GREIR. Well, I think the conditions are very near like what I have represented them to be.

Acting Chairman COMMONS. You haven't made any definite inquiry?

Mr. GREIR. Well, I have in a way. I haven't gone and asked the price of sugar and tea and coffee and salt and pepper and all those things, but in a general way the grocery bill of the home, outside of meat, I think, is decidedly less than it was 15 or 20 years ago.

Acting Chairman COMMONS. And you think the higher price of meat is offset?

Mr. GREIR. By the lower price of groceries.

Acting Chairman COMMONS. Is this reduction brought about by improved transportation and cheaper vegetables?

Mr. GREIR. Well, there is no question probably but what some of it is. In the early days, you know, we hauled everything in here on wagons two or three hundred miles.

Acting Chairman COMMONS. That would not run back 10 years though, would it?

Mr. GREIR. No; our railroads have been in here more than 10 years.

Acting Chairman COMMONS. In general throughout the country there has been quite an increased cost of living in all these items which you mention, I think.

Mr. GREIR. Well, I would not confound the increased cost of living with the increased—or with the cost of the articles that they live on. There are various other things that make the increased cost of living increase. I think the increased cost of living may be found to be started by the buyer for the house. You may go into the kitchen and into the dining room and out to the garbage can and in quite a material degree account for the increased cost of living.

Acting Chairman COMMONS. Well, I am speaking solely of the prices for staples, for units, recognized units generally, the cost of living on staples of that kind has gone up 30 to 40 per cent in the last 15 years generally, regardless of the change in wastefulness?

Mr. GRIER. People are living better to-day than they did 10 years ago, 15 years ago, 20 years ago; they demand more.

Acting Chairman COMMONS. Would there be any reason in Lead besides the cost of transportation that would reduce the cost of living; that is, the prices they pay for the same articles as compared with what they used to be?

Mr. GRIER. In their cost than the cost of transportation?

Acting Chairman COMMONS. Yes.

Mr. GRIER. Well, the first cost might make a difference, but I am speaking of the prices at retail, which here in Lead for food is less to-day, outside of meat, than it was 20, 15, or 20 years ago.

Acting Chairman COMMONS. The Homestake Co. has no definite financial relations with the Hearst department store or mercantile company?

Mr. GRIER. Nothing whatever.

Acting Chairman COMMONS. What do they deal in, all kinds of groceries and——

Mr. GRIER. It is a general department store, groceries and dry goods and clothing and hardware and—well, almost everything any community would need.

Acting Chairman COMMONS. Well, an employee of the company can get credit there, can he?

Mr. GRIER. He can.

Acting Chairman COMMONS. For how long a time?

Mr. GRIER. Well, in very many cases I know where the credit has been extended a year for them. If a man was building a home, furnishing it, it could not be expected that he would pay at his first pay day. He was given, if he was a good man, almost as much time as he wants, paying for it in installments monthly.

Acting Chairman COMMONS. That is, he would pay part of his grocery bills there and get credit for the rest?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And the security that he gives is his wages at the Homestake Co.?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. How is the account kept between the Homestake Co. and the mercantile company on the credits?

Mr. GRIER. There is no account between the Homestake Mining Co. and the Hearst Mercantile Co. If a man wants credit to help him build or furnish or improve or change his home and he is worthy of credit, the Hearst Mercantile Co. has for many years extended that credit. In turn the man gives the Hearst Mercantile Co. an order to go to the Homestake Mining Co. and draw his check at the end of the month, the understanding being that, oh, five, ten, fifteen, or twenty dollars a month shall apply on the credit that is extended over and above his living expenses. And there are cases where the account has run on for one or two or three years.

Acting Chairman COMMONS. Well, then, the mercantile company assists men to build their homes, does it, in that way?

Mr. GRIER. It has in many instances.

Acting Chairman COMMONS. Does it make—it does not make advances or loans, does it?

Mr. GRIER. Why, yes, it does loan money. Every month there probably would be—[witness confers with Mr. Murrin]. More than I thought; four or five hundred men will probably call for five or ten or fifteen dollars in cash between the first and the end of each month.

Acting Chairman COMMONS. That is, they will borrow from the mercantile company five or ten dollars in cash?

Mr. GRIER. Yes; that is just charged into their bill.

Acting Chairman COMMONS. They just give an order on their——

Mr. GRIER. They give an order to the Hearst Mercantile Co. to go to the Homestake office and draw their checks on the pay day.

Acting Chairman COMMONS. Now, for their ordinary, current living expenses, how is that handled by the mercantile company?

Mr. GRIER. Well——

Acting Chairman COMMONS. Between pay days?

Mr. GRIER. A man or some member of his family goes to the store and gets what he wants, has it charged to him, and delivered to his home. At the end of the month he pays that account unless—he pays it in full unless he has been permitted to overdraw a few dollars, and if he has a balance coming to him it is given to him in cash.

Acting Chairman COMMONS. That is, he practically gives an order on the Homestake for his purchases during the month?

Mr. GRIER. He gives the store an order on the Homestake Mining Co. for his wages to secure the credit which was extended to him from one end of the month to the other.

Commissioner O'CONNELL. Suppose I work for the Homestake Co. and I run a bill for, say, $50 for the month at the store.

When I get my check from the Homestake Co., do I get a $50 or a $100 check, and you pay the $50 to the store?

Mr. GRIER. You don't get any check at all.

Commissioner O'CONNELL. I don't get any check at all?

Mr. GRIER. No. You give an order to the Hearst Mercantile Co. for your check, whatever it may happen to be, and then you go into the store and you have your account made out, receipted, and handed to you, and the difference between your account and the amount of your check is given to you in cash.

Commissioner O'CONNELL. In the store?

Mr. GRIER. Yes, sir.

Commissioner O'CONNELL. And all the employees who deal with the store have to go through that system before they get their cash from the company?

Mr. GRIER. They do it; yes, sir.

Acting Chairman COMMONS. It amounts to an assignment of their entire wages to the company, and the company then deducts?

Mr. GRIER. In deference to the man.

Acting Chairman COMMONS. Now, are all the employees of the company paid in that way through the Hearst mercantile store?

Mr. GRIER. No; not at all. There are a great many of the employees of the Homestake do not deal at the Hearst Mercantile Co.'s store at all.

Commissioner O'CONNELL. About what proportion?

Acting Chairman COMMONS. About what proportion would you say out of, say, the 2,500 employees?

Mr. GRIER. One-half of them probably deal at the store.

Acting Chairman COMMONS. That is, one-half don't have any accounts at this store, is that the idea?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS (addressing Commissioner Garretson). You wanted to ask a question?

Commissioner GARRETSON. When they get this money during the month, five or ten dollars, is the current rate of interest charged, or any interest?

Mr. GRIER. No interest is charged.

Commissioner GARRETSON. None.

Acting Chairman COMMONS. How about the prices charged at the store. Are you——

Mr. GRIER. I am not as familiar as Mr. Murrin, who is the manager of the store.

Acting Chairman COMMONS. Perhaps we might call on him about the prices charged and the change in prices since the store started. When was this store started, Mr. Murrin?

Mr. THOMAS D. MURRIN (manager of Hearst Mercantile Co., Lead, S. Dak.). 1878–79. During that winter, I believe.

Acting Chairman COMMONS. Now, going back over a period of 15 years, what is your observation about the cost of living in the sense of taking identical articles and the prices charged during that period?

Mr. MURRIN. The tendency of the prices on staples, I would say, in the course of 10 or 15 years is a little lower to-day than it was 15 years ago.

Acting Chairman COMMONS. By staples; what do you mean?

Mr. MURRIN. Ordinary articles of food, meats excepted.

Acting Chairman COMMONS. How about fresh vegetables?

Mr. MURRIN. Well, we depend upon local markets and we are not subject to any outside influence. If we raise a crop here, the price is uniform all the year around.

Acting Chairman COMMONS. You buy it direct from the farmers?

Mr. MURRIN. Yes; local growers.

Acting Chairman COMMONS. And sell it direct?

Mr. MURRIN. Yes, sir.

Commissioner O'CONNELL. We don't want to go back, we won't go beyond when there was not proper transportation facilities for bringing things in here.

Mr. MURRIN. Yes, sir.

Commissioner O'CONNELL. But a period when you had proper transportation, whether that be 8, 10, or 12 years ago, whatever it was. When that proper transportation existed, we will say 10 years ago, what was the price of ordinary potatoes at that time?

Mr. MURRIN. Ten years ago the nominal price retail here would be 75 to 90 cents.

Commissioner O'CONNELL. What are they now?

Mr. MURRIN. Right to-day they are probably half new crop; we are, understand, just in between two markets. We are getting new potatoes.

Commissioner O'CONNELL. Take the same period in the other years.

Mr. MURRIN. Well, say the same period——

Commissioner O'CONNELL. Flour.

Mr. MURRIN. Flour is less now than it was 10 years ago.

Commissioner O'CONNELL. Less now?

Mr. MURRIN. Yes.

Commissioner O'CONNELL. Tea, coffee?

Mr. MURRIN. Coffee is slightly higher; sugar less. Tea is about the same.

Commissioner O'CONNELL. You have a most remarkable situation here, that is all, if true, contrary to all experience of the best authorities we have in the United States, who say that the cost of living has increased 59 per cent in 10 years.

Mr. GRIER. That would not necessarily be the cost of the things you live on.

Commissioner O'CONNELL. Oh, yes; absolutely; not of waste, not of people cooking and throwing it out in the ash barrel or something, but the actual cost of things, what you pay in money; that is United States Government statistics. All of the authorities we have say 59 per cent.

Acting Chairman COMMONS. Mr. Garretson has a question.

Commissioner GARRETSON. Mr. Murrin, have you paid any attention to the tables of statistics as prepared by the Government on 18 articles of food supplies?

Mr. MURRIN. I have read them several times, sir.

Commissioner GARRETSON. Are you familiar that the results they show on the same amounts in 1890 and the same amounts to-day, that is, the family consumption the same then and now——

Mr. MURRIN. I could not recall it from memory; no, sir.

Commissioner GARRETSON. Are you aware of the fact that the average of those 18 articles forming the staple amount that a common laboring family buys shows a 59 per cent increase?

Mr. MURRIN. I am aware it shows an appreciable increase; yes, sir.

Commissioner GARRETSON. That is the average; 50 per cent?

Mr. MURRIN. Yes, sir.

Commissioner GARRETSON. What is it carries Lead so thoroughly out of the category of the average of the entire United States; have you any idea?

Mr. MURRIN. No, sir; but there has been some question raised as to the accuracy even of the Government statistics.

Commissioner GARRETSON. Then, one of two things only would explain. Either the normal transportation was excessive, or the price was unreasonable, or the present one is unreasonably low; wouldn't that only explain it?

Mr. MURRIN. That would explain it.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Grier, regarding the hospital arrangements here and the aid society, prior to this lockout I think you stated that the miners' union had a benefit system of some kind, and they apparently brought that up as one reason or one of their points. Did they have a benefit system?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do you remember the details of that benefit system; what dues they paid and what the benefits were?

Mr. GRIER. Why, I think the dues were $1 a month, but I wouldn't undertake to say what the benefits were.

Acting Chairman COMMONS. Did it include hospital services, medical services, as well as financial payments, do you remember?

Mr. GRIER. No, sir; I don't know.

Acting Chairman COMMONS. At what date did you begin your aid association here; was it following March 3 when you began?

Mr. GRIER. August, 1911.

Acting Chairman COMMONS. During the intervening time, then, there was no benefit association here?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Would you describe to us the benefit system, and perhaps I can ask the questions. There are one or two points I would like to get. The payments made by the employees are how much per month?

Mr. GRIER. One dollar each.

Acting Chairman COMMONS. One dollar for each employee. Do all employees of the company pay that?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is that a part of their contract of employment?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. That is paid into a fund which is kept by yourself as treasurer?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the surplus that has been accumulated?

Mr. GRIER. I think $35,000 in round numbers.

Acting Chairman COMMONS. In the course of three years, it has been running just three years?

Mr. GRIER. August, 1911, to the present time will be three years.

Acting Chairman COMMONS. Do you know what claims are outstanding that should be deducted from that?

Mr. GRIER. From the surplus?

Acting Chairman COMMONS. Yes, sir.

Mr. GRIER. There are none.

Acting Chairman COMMONS. All claims have been paid?

Mr. GRIER. When I say $35,000, I mean in round numbers. I think that is at the close of business for June.

Acting Chairman COMMONS. At the end of June?

Mr. GRIER. Yes; the accounts for July are not written up yet; they will be in a few days.

Acting Chairman COMMONS. If an employee is killed in an accident, he is paid $1,000 from that fund, is he, or his family or dependents?

Mr. GRIER. Yes, sir; $1,000 for death by accident.

Acting Chairman COMMONS. And for sickness?

Mr. GRIER. Death from sickness, $800.

Acting Chairman COMMONS. Do you have many cases of consumption, miners' consumption?

Mr. GRIER. We have so-called miners' consumption.

Acting Chairman COMMONS. What record is kept of that? Who keeps the record?

Mr. GRIER. The hospital.

Acting Chairman COMMONS. Have you that record with you so that we could refer to it?

Mr. GRIER. No, sir; I have not. Dr. Clough was here this morning; he might get it.

Acting Chairman COMMONS. In the case of sickness, what is paid by the day or by the week?

Mr. GRIER. The rate is $1 a day.

Acting Chairman COMMONS. Well, then, the medical service is entirely additional, free—furnished free?

Mr. GRIER. Yes, sir; free.

Acting Chairman COMMONS. Then, in case a person has consumption and loses work on that account, he would be paid $1 a day during his sickenss. Would that amount be deducted from the $800 which goes as a death benefit?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. He would get that in addition?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do the employees carry insurance in other companies to any extent?

Mr. GRIER. I think they do. There are quite a number of fraternal organizations here which have insurance departments.

Acting Chairman COMMONS. Fraternal?

Mr. GRIER. Yes; fraternal organizations. And, in addition to that, I think some of the old-line companies have policies here. I do not know to just what extent.

Acting Chairman COMMONS. Did you get those cards, Mr. Irwin?

Mr. IRWIN. They are bringing them up now.

Acting Chairman COMMONS. You have figures on accident work, I understand, which show the results that have been brought about through your safety work, accident records for four or five years?

Mr. GRIER. We have. Is that the hospital report you asked for?

Acting Chairman COMMONS. Yes; the hospital report.

Mr. GRIER. Well, we have that report made on the first of each year, or immediately after the close of the year.

Acting Chairman COMMONS. I think you furnished us with figures showing us the daily rate of pay. Have you tables which would show the earnings of each employee during the year, what his payments were he received for working through the year?

Mr. GRIER. Two years ago the company began the disbursement, at the close of the year, of a bonus of 7 per cent upon the amount of money earned by each employee. That pay roll would show you exactly what each employee in the service of the company earned. I have not got that with me.

Acting Chairman COMMONS. We will find that in the office?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. In Mr. Irwin's office?

Mr. GRIER. No; in the general office.

Acting Chairman COMMONS. In the general office?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is that bonus paid each year?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. At the end of the fiscal year.

Mr. GRIER. At the end of the calendar year.

Acting Chairman COMMONS. To all employees?

Mr. GRIER. To everybody in the service of the company.

Commissioner O'CONNELL. Is it made up by the month, or does the employee have to work the full year?

Mr. GRIER. It is made up at the close of each calendar year, and applies to all employees whose names are on the pay roll for the month of December.

Acting Chairman COMMONS. Even only they had been working only a month they get their share of the bonus?

Mr. GRIER. Yes.

Acting Chairman COMMONS. The employment in your business is very steady, I take it. You are operating without being subject to panics and depressions. What do you consider the average number of days that a man can work during the year?

Mr. GRIER. He is at liberty to work 365 days—except the Fourth of July, Christmas, and New Year——

Acting Chairman COMMONS. Well, about how many?

Mr. GRIER. And some other holidays.

Acting Chairman COMMONS. About how many days has he actually put in, or have you made any compilation of that?

Mr. GRIER. No; I have not.

Commissioner O'CONNELL. Have they always had that condition, that they were running 365 days a year?

Mr. GRIER. Yes.

Commissioner O'CONNELL. All departments?

Mr. GRIER. All departments. Well, there are some of the departments that lay off on Sunday in part. I think quite a number of the foundry men lay off; quite a number of the assay-office force lays off; quite a number of the engineering force lays off; and at the mine if a man wants to lay off on Sunday all he has to do is to tell his shift boss Saturday afternoon when he quits work that he won't be around the following day.

Commissioner O'CONNELL. Suppose they all took a notion to do that, what would be the result?

Mr. GRIER. If they took the notion and put it into effect, they would all be off.

Commissioner O'CONNELL. What would be the result?

Mr. GRIER. They have had the opportunity on several occasions to lay off if they wanted to.

Commissioner O'CONNELL. If they want to?

Mr. GRIER. If they want to.

Commissioner O'CONNELL. Do they want to work on Sundays?

Mr. GRIER. They do; 99 per cent of them.

Commissioner O'CONNELL. Why?

Mr. GRIER. Ask them. Twenty-five or thirty years ago, in the formation period of everything around about this industry, town, camp, and district, two young men came in to me, baseball enthusiasts, seeking employment from the Home-

stake Co. They came to me and asked if they organized two baseball clubs, if the boys in the mine would be permitted to lay off one Sunday, so that they could go and enjoy the game. I told them "Yes." They organized two clubs, graded off a baseball diamond at the east end of town, erected a grandstand and bleachers, and after some practice announced their readiness to give an exhibition. The boys in the mine laid off and attended the game. I suppose that, like everybody else taking a holiday, they spent 25 cents or 50 cents, or maybe more, for cigars, a glass of beer, or whatever their taste called for. That thing went on for six weeks about. When their pay day came, which was about the middle of the month, I do not recall the date, they found that their check was short as many Sundays as they laid off multiplied by their wages for the day. They had not realized that that would occur up to the time they got their checks. They then made up their minds that inasmuch as they changed shifts every month they would have a chance to see the baseball game in the afternoon four Sundays in the month, and then they would not see it for the next month that they were on opposite shifts; so they concluded that they did not want any more laying off on Sunday and asked if they might not resume work. I told them yes.

In 1910 our working force was reorganized after the lockout, or whatever it was. A large number of the men who came here from outside camps complained to the employment office about being compelled to lay off Sunday and asked—complained and said that if they had known that they were to be laid off they would not have come here because that was one of the reasons that brought them here—they understood the work was continuous. The reason for laying them off was that we had too many men and all of the reservoirs of the mine were overflowing with ore all the time, and it was really necessary to lay off and let the supply run lown. The remedy for that was a reduction in the operating force of the mine which was accomplished gradually. The result was that it was found necessary for the men to work on Sunday.

Commissioner O'CONNELL. Is that usually the sentiment of the town here, to work on Sunday? I noticed Sunday right opposite your hotel, next to your store, some building trade work, somebody hammering and riveting on Sunday afternoon as though it was the middle of the week. Is there any occasion for that sort of thing in the city?

Mr. GRIER. You will have to ask the contractor. The building is being erected by contract. So far as the Hearst Mercantile Co. are concerned, the contractor did not have to work unless he wanted to. And that is the second Sunday that he worked since he began operations. Why he did it I do not know.

Commissioner O'CONNELL. Well, you say ask the men why they work on Sunday. I understood you to say, Mr. Grier, that there had not been any change in the wage rate for the past 30 years in the conditions in the mine.

Mr. GRIER. That is true.

Commissioner O'CONNELL. By the company. Now, is it because the men find it absolutely necessary to work on Sunday in order to maintain themselves in what they figure and consider reasonable living conditions here that they must work on Sunday to make both ends meet? Is that a possibility?

Mr. GRIER. It is a possibility that I think the men could answer for themselves better than I can if they were called and given an opportunity.

Acting Chairman COMMONS. Commissioner Lennon would like to ask a few question.

Commissioner LENNON. Do you believe, Mr. Grier, that the best interests of industry are served by continuous work seven days a week—men, animals, or anything else?

Mr. GRIER. Well, I wouldn't undertake to answer that question positively.

Commissioner LENNON. Does not the history of man show the necessity for that much rest?

Mr. GRIER. The people here work 8 hours a day—that is, 8 hours out of 24—and they have 16 in which to rest and recreate. But we are rather an isolated community here. The advantages for recreation and pleasures of various sorts—sight-seeing and so forth—are not what you have in the large cities, where men have some place to go. Here they would stand around the streets, or, in the early days, time used to be spent in saloons and various other places.

Commissioner LENNON. What has been the trend of the moral uplift and progress of substantial civilization since mankind limited, in the main, their work to six days a week the world over?

Mr. GRIER. Well, I wouldn't like to answer that very definitely. You probably remember that verse in the Bible, which you will find in the twentieth chapter of Matthew, first verse; like the kingdom of heaven, this man, who was a householder, went out early in the morning to hire laborers in the vineyard, and he worked those men 12 hours a day and gave them a penny.

Commissioner LENNON. There is some doctrine taught in the early chapters of the Bible in the Old Testament in regard to the matter of seven days' labor, and my own experience has convinced me that six days is all a man ought to work. I mean, from the moral standpoint as well as from physical reasons. That is all I would ever work.

Mr. GRIER. I don't think the morals of this community are hurt by working seven days a week. I think they are benefited.

Commissioner LENNON. You do? That is all.

Acting Chairman COMMONS. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Yes; I want to ask a question right there. Do you believe the parable you referred to is of any greater force than the early verse that says, "Six days shalt thou labor and do all thy work?" Do you think God was figuring on 8 hours a day or 12?

Mr. GRIER. In the same chapter you will a verse that says, "Thou shalt not kindle a fire in thy house on the Sabbath day." Do you think that would apply to Alaska?

Commissioner GARRETSON. I don't know whether Adam lived in Alaska. If he did live in Alaska, I would suppose he could get along without a fire in Alaska. Which is of the most force, though?

Mr. GRIER. I don't know.

Commissioner GARRETSON. You don't?

Mr. GRIER. Well, if a man wants to work on Sunday, I don't think he should be denied the privilege.

Commissioner GARRETSON. Merely because God said he shouldn't; is that it?

Mr. GRIER. I didn't say that.

Commissioner GARRETSON. Well, that is what the book says God said; I don't know whether he did or not. I will admit possibly that the book says that he did. That is all on that subject, Mr. Chairman.

Acting Chairman COMMONS Any other questions?

Commissioner GARRETSON. Yes.

I understood you to say when this notice was published, signed by all the mining interests in the district, that it was for the purpose of discouraging and if possible abolishing unionism in the district. Did I understand you to say that it was successful, that unionism is a dead letter in the district?

Mr. GRIER. Not entirely.

Commissioner GARRETSON. Not entirely. Then it hasn't altogether had its purpose. There are men, are there, laboring men, union men, working in the district under agreement?

Mr. GRIER. I don't know, but I am quite sure there are some labor union men in the district.

Commissioner GARRETSON. Working under agreement with their employers?

Mr. GRIER. I don't know whether they have any agreement, either written or verbal.

Commissioner GARRETSON. Are you aware of the fact that every railroad employee in the train and engine service are union men working under agreement?

Mr. GRIER. Why, I didn't think of the railroads that are operating in the district.

Commissioner GARRETSON. Are they not quite an interest in here?

Mr. GRIER. Oh, yes; of course we could not do without them.

Commissioner GARRETSON. Those are all union men, are they not?

Mr. GRIER. I think so.

Commissioner GARRETSON. All working under agreement, written agreements, with their board?

Mr. GRIER. And high class, too.

Commissioner GARRETSON. Thank you; I am one of them. What is the practice of your company, or the policy of your company, in regard to betterments? Now, I am drawing the line sharply between maintenance and betterment. Is it met by the capital account or from income?

Mr. GRIER. Until the capital of the Homestake Mining Co. was increased the last time—I don't recall the figures—all of the charges for betterment and

maintenance went into operating expense. About two years ago, when this increase in capital was made——

Commissioner GARRETSON. Was it as long ago as that?

Mr. GRIER. Well, possibly not.

Commissioner GARRETSON. Wasn't it in 1913?

Mr. GRIER. About a year and a half. I think it went into effect a year ago last spring. I don't exactly recall that matter as to a month or two. That increase was the capitalization of—whatever the amount was—two or three million dollars. I have nothing to do with that part of the company's business. I am not a stockholder and don't pay very much attention to it.

Commissioner GARRETSON. Were those expenses for that year charged to both income and capital, because a large amount of them were charged against income for the year 1913, and the capital increase also took place in 1913. Your balance sheet as of January 1, 1913, shows a capital stock of $22,000,000, of which $160,000 had not yet been issued, while your balance sheet as of January 1, 1914, shows a capital of $25,116,000, all of which presumably had been issued, and still during that year you charged against income a very considerable amount as acquiring new property—at least it is listed as purchase of property, new machinery, running into hundreds of thousands of dollars, and various other charges of similar character during the same period in which the increase of capitalization took place, presumably to meet the same thing.

Mr. GRIER. That is the way it appears in the statement, but I have nothing to do with that.

Commissioner GARRETSON. I am quoting from the figures furnished here.

Mr. GRIER. I say that is the way it appears.

Commissioner GARRETSON. And still you added during that period to your surplus a certain amount. Your expenditures during 1913 for those various items approaches—well, it compares very well up with the amount you paid out in dividends and still you added to your surplus, while paying the old rate of dividend—the old dividend rate $7.80, I don't know whether that is the old dividend rate or not, but the one that has been referred to here, it paid $7.80 in 1913.

Mr. GRIER. That is the present rate at the present time.

Commissioner GARRETSON. And you paid it all during 1913 excepting possibly one or two months. That rate became effective, I think you testified, early in 1913?

Mr. GRIER. Yes, sir.

Commissioner GARRETSON. Along about February?

Mr. GRIER. I think so.

Commissioner GARRETSON. Consequently, if you paid that dividend rate, this disbursed almost as much in betterments, added to your surplus, what is the book value of your stock from your own standpoint? What is the estimated book value of the stock of the par value of $100?

Mr. GRIER. What do you have the charge for betterments last year?

Commissioner GARRETSON. I didn't take the total of betterments; I only took one item, machinery alone. For machinery alone you spent, new, in 1913, $362,000. For property purchased, you spent $79,000. For certain other renewals or new methods, some $2,000. You charged against the Spearfish Hydro-Electric plant $19,000, presumably betterments or construction, one or the two, and for machinery, $362,000. Then, you spent on re-creation, one item at least of $102,000. Taking the total of all those, you run close up against half of the amount you paid out in dividends.

Mr. GRIER. How much was paid in dividends?

Commissioner GARRETSON. I took your own figures; I didn't follow ours. You remember there was a slight discrepancy in the figures which you corrected afterwards of the capital stock. It is over $2,000,000, your dividend cost was. I didn't put that down, because it was here—$2,146,000. The total of those expenditures will not run half of that; I was running on the other figures, but they run between six and seven hundred thousand dollars disbursed for betterments or acquirements or buildings.

Mr. GRIER. That would be about one-third.

Commissioner GARRETSON. Just about one-third. Now, the question is on that method of procedure, what do you figure your book value would be, your surplus being $1,400,000?

Mr. GRIER. How would you arrive at book value with those figures before you?

Commissioner GARRETSON. How is that?

Mr. GRIER. How would you arrive at the book value with those figures before you?

Commissioner GARRETSON. Well, I could not arrive at it unless I knew whether the company had unlimited power for betterment from income, or whether it intended to change that method for the future.

Mr. GRIER. I am sure I don't know what they intend to do.

Commissioner GARRETSON. Then, you and I both have the same difficulty in figuring book value, haven't we?

Mr. GRIER. I think so.

Commissioner O'CONNELL. Is there stock for sale or has there been any sales recently? What has it sold at per share?

Mr. GRIER. I don't know.

Commissioner GARRETSON. If you only took the surplus in your book value it would be easy to figure, but if you took earning ability, then you would be against another problem. The earning ability as shown in this report is far in advance of the dividends paid, is it not?

Mr. GRIER. Well, the earnings, I suppose, should cover the dividends and cost of operation.

Commissioner GARRETSON. Well, if you spent one-third as much money in betterments——

Mr. GRIER. Then the earnings should also cover betterments.

Commissioner GARRETSON. The earning capacity is far ahead of what is evidenced by its dividend rate, is that not correct?

Mr. GRIER. Well, you can only discuss last year's earnings with the figures before you.

Commissioner GARRETSON. Well, as the operating officer of the company—

Mr. GRIER. The earnings, I suppose, shown in that annual statement for 1913 will show that the net production of bullion was sufficient to cover everything that was charged against it, the dividends, the operating expenses, the betterments, and anything else, if there is anything.

Commissioner GARRETSON. And if you spent in addition to the property from income one-third as much as you paid dividends—I am just taking it roughly—then in fact the property, if there had been no expenditures from income, if that had all been originally charged against capital account, the property would have paid one-third more dividends than it really did, or could have paid it?

Mr. GRIER. You have the figures before you and I haven't. I don't make up that statement at all, you know.

Commissioner GARRETSON. Have you days you look at it and study it?

Mr. GRIER. Mighty little.

Commissioner GARRETSON. That is all on that question.

Acting Chairman COMMONS. Anything more?

Commissioner GARRETSON. Yes; there is another question I want. While you say that the company has never revoked a permit under the system that obtains, Mr. Grier, what would be the result if the company would revoke a permit? Who would the improvements belong to under the code of law, the house and barn that might be on that ground, and the fences?

Mr. GRIER. The attorney for the company can answer the question better than I can.

Mr. KELLER. I will answer that for you. Under the terms of the permit the occupant is given the privilege of removing them himself.

Commissioner GARRETSON. Within what period?

Mr. KELLER. Ninety days.

Commissioner GARRETSON. If he didn't remove them within 90 days, then they fall to the company?

Mr. KELLER. Yes, sir; they do.

Commissioner GARRETSON. Is there any valuation process whereby he can recover anything then?

Mr. KELLER. No, sir.

Commissioner GARRETSON. In the case of valuable improvements, for instance, a business building—this one—would that building or improvement have any value except as junk?

Mr. KELLER. No, sir; it might not.

Commissioner GARRETSON. You would be absolute master of the situation?

Mr. KELLER. Under those permits. But in that connection and at this time let me make a statement as to the title, because I think it is not altogether clear

as to what the situation is. In the city of Lead there is really what you might call three titles or three conditions of real estate holdings. The first comprises five tracts of ground which were patented by the Federal Government as town-site property.

Commissioner GARRETSON. How great is the extent of that?

Mr. KELLER. About 14 acres.

Commissioner GARRETSON. Right there, will you let me ask a question. How many acres—now you can get it into comparison form—how many acres covered with buildings within the city limits of Lead?

Mr. KELLER. I could not tell you that?

Commissioner GARRETSON. Approximately.

Mr. KELLER. I could not tell that. About 140 acres comprised the original town site.

Commissioner GARRETSON. I thought you said only 14?

Mr. KELLER. No, sir.

Commissioner GARRETSON. This is the third vein. Go on.

Mr. KELLER. The original town site of land patented to Leonard Gordon, county judge, comprised 138 and a fraction acres. Of the second situation, there was a second patent applied for. There was afterwards a controversy in the land office between the mine claimants and the town-site applicants acting through the county judge. The result of that controversy, running through a series of years, was that the patent to Gordon was canceled, or at least his entry canceled as town-site property, the department ruling that the ground was more valuable for mineral purposes than town-site purposes, but that was only done after a compromise between the various litigants.

Commissioner GARRETSON. That is the one that has been referred to here?

Mr. KELLER. No, sir; that is not yet the one; it is only a part of the one. The result of that compromise was this, that a portion of the ground actually patented as town-site property under the town-site law in that application comprised about 14 acres. Now, as to the ground——

Commissioner GARRETSON. Let me ask a question there. The title to that 14 acres is held by the present holders under warranty deed?

Mr. KELLER. Absolutely in fee.

Commissioner GARRETSON. The only ground in town that is held in fee?

Mr. KELLER. Exactly, and that is the fee title to that portion. Now, there is still another portion of ground here in Lead which is held under agreement, and that portion is held in this way, the mine owners, comprising a number of different mine owners, not only the Homestake, but a number of others, agreed to deed the surface of the ground at that time occupied to three trustees in trust for the then occupants, to the extent of their occupancy, reserving the minerals. Those three trustees were named Emmons, Gersher, and Mayer. Under that agreement the Homestake Co., as well as a number of other mine owners, conveyed the surface to these three trustees.

Now, by the agreement the Homestake Mining Co. and Mr. Haggin and Mr. Fidler—well, a number of mine owners here conveyed the surface to these trustees, and under the terms of that agreement the mine owners have the right to mine underneath the surface, and also whenever in any activity, in the course of their mining operations they see fit, they have a right to come to the surface. They have it. All they have to do is to serve notice upon the occupants that the mining operations are dangerous, and if the improvements are not moved and damage results it is at their loss. Now, that is the condition of the title.

Commissioner GARRETSON. That is equivalent to a surface quitclaim except in the event that they want to use it?

Mr. KELLER. Exactly. It is hardly as good, possibly, as an absolute quitclaim to the surface, because there is not an absolute right on the part of the mining corporation to sustain the surface, as is the rule with an ordinary rule quitclaim to the surface.

Now, there is still another what you might call a title. It is not a title, but there is a great deal of ground owned absolutely by the Homestake Mining Co., to which it owns the fee, which was patented without any controversy, which was not involved in that litigation at all, and they have an absolute fee title to the entire surface and minerals.

A number of people at different times have desired to build upon that, or portions of it, and they have come to Mr. Grier as the superintendent and asked for permission to do so. And it is as to that third class of ground that these permits have been issued. Those permits are permits revocable at will, with a 60-day notice to remove the improvements.

Commissioner GARRETSON. A 60-day—I thought it was 90-day?
Mr. KELLER. Ninety days.
Commissioner GARRETSON. Ninety.
Mr. KELLER. Now, in that connection I wish to state to the committee that in the 10 years I have been counsel for the company, and seven years previous to that that I was associated with the previous counsel, I have never known of any thought or attempt of any kind to exercise that privilege. But on the contrary I wish to state that upon a number of occasions where surface improvements were made upon the grounds that the Homestake Co. owned, and as to which a permit had been given, when subsequently we desired to use that ground, instead of serving a notice for the occupant to move we actually paid him, and paid him the full value of his improvements. That has been done a number of times without any legal obligation resting upon the company to do it. That has been done a number of times.
Commissioner GARRETSON. Let me ask you right there: But if the company had desired to do it?
Mr. KELLER. They could have done it.
Commissioner GARRETSON. They could have done it, and virtually confiscated everything the man had if the improvements were valuable enough?
Mr. KELLER. They could, and the fact—if you will permit me to say it——
Commissioner GARRETSON (interrupting). Yes.
Mr. KELLER (continuing). That that fact is known to every layman in the country as well as every lawyer, the fact that so many men have absolutely been willing to build, under that condition, seems to me is about the highest tribute that has been yet paid to the management of the Homestake Mining Co.
Commissioner GARRETSON. Hasn't that same tribute been paid to many a personal ruler who had the power of life and death, but didn't exercise it?
Mr. KELLER. Quite likely.
Commissioner GARRETSON. But still the tendency has been to abolish the power of life and death vested in any one person, has it not?
Mr. KELLER. Always.
Commissioner GARRETSON. Good. Then the natural tendency is to take power of this character, which you say is not, but which might be despotically used—should it be continued?
Mr. KELLER. But pardon me, this is property which the person is not obligated to build upon if he doesn't see fit.
Commissioner GARRETSON. Oh, a man——
Mr. KELLER. There is any quantity of property here which could be obtained if they would want to buy it. Mr. Fillian has some beautiful building lots in the other end of town, but rather than pay Mr. Fillian the ordinary price for lots the prospective builder prefers to rely upon the integrity of the Homestake Mining Co. and get it for nothing.
Commissioner GARRETSON. Well, a lot of the others of us are long-shot men.
Mr. KELLER. Well, it might have been a long shot 40 years ago, but the history of the rule of chances, I think by the course of events, has been pretty well eliminated.
Commissioner GARRETSON. Could or could not that be used as a deadly weapon?
Mr. KELLER. It could have been, but it was not.
Commissioner GARRETSON. Oh, I am making no assertion in that direction.
Mr. KELLER. Not even at the time when we were at war with almost a half of our operatives, not even then.
Commissioner GARRETSON. If you had been at war with the other half, you might have nailed them all to the cross.
Mr. KELLER. No; not all.
Commissioner GARRETSON. Well, I mean all that had permits.
Mr. KELLER. A very small number, comparatively, a very small number comparatively.
Commissioner GARRETSON. Mr. Grier, are there any women employed in any capacity?
Mr. GRIER. I don't think of any others than three in the private telephone exchange.
Commissioner GARRETSON. What wages are paid there?
Mr. GRIER. Thirty-five dollars a month.
Commissioner GARRETSON. I notice in the recapitulation of men that were employed, that there are 15 or 20—I have forgotten which now—men desig-

nated as guards. Are those men what you described this morning as watchmen or are they your detective force?

Mr. GRIER. Special night watchmen.

Commissioner GARRETSON. All of them?

Mr. GRIER. Yes.

Commissioner GARRETSON. In this detective force you state, I believe, that it mostly consisted of the men in charge, largely?

Mr. GRIER. Yes, sir.

Commissioner GARRETSON. Have you any men employed in the various departments in their regular pursuits who report to the chief of detectives, or whatever his title is, and receive additional sums therefor—espionage?

Mr. GRIER. We have.

Commissioner GARRETSON. You contribute so much to the churches, $200 to each denomination. I assume that in the territory there are not many churches, much duplication of churches of the same denomination; probably one church of each in most instances at least?

Mr. GRIER. I think only one.

Commissioner GARRETSON. Is there any effort made to influence those who are in charge of those congregations?

Mr. GRIER. In what direction?

Commissioner GARRETSON. In the direction of using their influence over their parishioners?

Mr. GRIER. None whatever.

Commissioner GARRETSON. A contribution is never held up on account of an undesirable man occupying the position?

Mr. GRIER. It never has been.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Grier, we are very much obliged to you. We will call the next witness. Is Bishop Busch present?

TESTIMONY OF THE RIGHT REV. JOSEPH F. BUSCH.

Acting Chairman COMMONS. Give your name and address.

Bishop BUSCH. Joseph F. Busch, Bishop of Lead; residence, Rapid City, S. Dak.

Acting Chairman COMMONS. You have taken an interest in this question of the Sunday work, I believe, in Lead. Have you any knowledge of the number of people that work on Sunday?

Bishop BUSCH. I haven't any knowledge of what number of people work in the mines except indirectly as far as the people of our denomination are concerned.

Acting Chairman COMMONS. Do you know how many of your denomination there are of that kind?

Bishop BUSCH. Well, when I first came up here we took a census and we found about 665 wage earners who were supposed to be members of our congregation.

Acting Chairman COMMONS. Are those underground workers?

Bishop BUSCH. I supposed that the greater percentage were, although they are distributed among a great many other departments.

Acting Chairman COMMONS. In the Sunday work, what way have you found that it conflicted with their attendance?

Bishop BUSCH. We found that it was seemingly impossible physically for perhaps the larger number to attend church regularly as the church regulations expected.

Acting Chairman COMMONS. What are those regulations?

Bishop BUSCH. Well, they are supposed to attend the morning service, which we will call the mass.

Acting Chairman COMMONS. At what hour is that?

Bishop BUSCH. Well, we tried to arrange the hours to suit the convenience of the men. We had services as early as half-past 4 in the morning, and then again at 6, or a little before 6, 7, 8, 9, 10, half-past 10—at different times; but we found we could not find a single hour that would suit our purpose and would serve the majority.

Acting Chairman COMMONS. Why did you put it at 4.30?

Bishop BUSCH. Because some of the men came off of their shift work at half-past 3 Sunday morning, and we thought if they would come to church

before they went home for rest, that would serve their convenience. That was only an experiment for a few months.

Acting Chairman COMMONS. How did that result?

Bishop BUSCH. It did not prove satisfactory.

Acting Chairman COMMONS. Why?

Bishop BUSCH. I suppose they came from their work tired and were anxious to get back home.

Acting Chairman COMMONS. Well, then, the next shift goes on at what time?

Bishop BUSCH. There are seemingly different hours for different departments. We found quite a number of them who went to work at 7 o'clock in the shops, etc., and for the convenience we had the 6 o'clock service. That seems to suit perhaps a larger number than the other way.

Acting Chairman COMMONS. Six o'clock?

Bishop BUSCH. A quarter to 6, I believe, it is just now.

Acting Chairman COMMONS. Does that suit the underground men?

Bishop BUSCH. Why, I don't know how many of the underground men are satisfied that way.

Acting Chairman COMMONS. You do not know whether it is of more advantage to the shop men?

Bishop BUSCH. And then this is to be taken into consideration. There are differences each Sunday; one man will work one Sunday morning, and then the next Sunday he will go on about noon, and so on. Then there is the change between the day shift and the night shift again, so that makes a great deal of irregularity. And it is practically impossible to suit our church services to meet the situation.

Acting Chairman COMMONS. How long were you in charge of the church?

Bishop BUSCH. I took charge of the church here in June, 1910. Of course, I have lived here personally until last spring.

Acting Chairman COMMONS. About three years?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. Did you find there were a certain number of employees that would lay off Sunday in order to attend church?

Bishop BUSCH. Well, I daresay there may have been a very few; but very few indeed.

Acting Chairman COMMONS. That would do it regularly?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. Did you ascribe this to the desire of the men to make more money?

Bishop BUSCH. I am satisfied in a certain number of cases that was the reason; but I am also satisfied that a certain number felt that they would be more or less at a disadvantage if they took advantage of the option that is said to have been extended to them.

Acting Chairman COMMONS. What was the nature of this option as you understand it?

Bishop BUSCH. Well, in October, 1911, I took up this matter in a rather formal way. I drew up what I thought a declaration of the Sunday situation demanded. I advised with several people who were more or less in touch with the company—and I felt that I was impartial in every way—and I published the declaration. Seemingly it met with considerable favor. There was an association of the clergymen of the other churches who held their regular meetings, and they immediately indorsed this proposition. I looked for a copy of their resolution, but I must have mislaid it.

Then the superintendent happened to be away at the time that I sent him a copy, but he assured me that on his return he would look into the matter, and if Sunday observance could be arranged he would do all that was possible toward that end.

A few weeks after that I was told by some of the men that word had been sent through the mine by the shift bosses reminding them that according to an old rule of 25 years' standing it was an option with any workman that Sunday observance would not be made obligatory, but that according to——

Acting Chairman COMMONS. You mean Sunday work?

Bishop BUSCH. That Sunday observance would not be made obligatory—nobody would be obliged to lay off Sunday—but that those who wished to lay off could do so by giving notice on the previous Saturday to the shift boss or to the timekeeper's office. When this information was given to me I inquired of the company whether this report was authentic, and I received in answer a letter of the superintendent, which I have, in which it is stated that word was

sent to the timekeeper's—through the timekeeper's—office by the shift bosses that Sunday observance would not be made obligatory, but that, as I stated, those who wished to lay off could do so by giving notice on the previous Saturday.

Well, with that in my possession, I was also told that I could make any use of it I wished. I announced from the pulpit I would hold the individuals responsible for Sunday observance; that it was optional; it was their duty to take advantage of the option. And I was rather severe, some of them, at least, thought on this matter in insisting on this obligation on their part. But some of the men told me then that they were afraid to take advantage of the option; they were afraid of the fact that they would be discriminated against in some way or other. And so I took the matter up with the company, and I informed them that while I considered the offer made in good faith there were some of the men who were afraid to take advantage of it. But the company insisted that it was made in good faith and that they had no reason to fear. But, I said, the fact exists that they do fear some discrimination, and I asked the company to use its influence.

Well, I was told, of course, that they would hesitate about doing something that might seem to interfere with the personal liberty of the men. Then I was also told that when the shutdown occurred agents were sent out soliciting employees, and that one of the inducements held out to them was that they could work here seven days, if they wished, every week, and that some of them had come here with that understanding and would feel that they had a grievance if the mine would shut down.

So I admitted there might be many things to consider, and that at that time I was not asking at all for absolute Sunday observance. I merely asked the company to grant me these things to create public sentiment in an effort to inspire Sunday observance. I asked them to give me a letter indorsing the Sunday-observance movement, saying that they would be glad to have their employees take advantage of this option that was given to them in good faith. Well, that letter was denied.

I felt that I had exhausted my efforts with the local management. I had been under the impression that Mrs. Hearst was the majority stockholder of the concern, so I undertook to write her a private letter and told her of what my sentiments were and that I understood that she was the majority stockholder, and that the public interest and obligation would rather expect her to be responsible for conditions if she was, and I asked her to have some independent neutral examination made of local conditions.

She answered me that she was only the part owner and that she left all the details to the local management. I wrote back to her, saying that I understood she was the majority stockholder and therefore I insisted, if that was the case, that she have an independent investigation of conditions made, because I felt they were very unsatisfactory to a very large number in the community. Then, of course, I felt that it was my duty to insist upon Sunday observance, as far as possible, and about a year ago at a convention of Catholic societies in Milwaukee I was asked to speak about the conditions of labor in the mines. I had not expected to be put on for that subject. I came there and was confronted with the subject. I told them my only experience was my three years in Lead, and I tried to explain the situation as well as I could. Some of the statements were taken up without the qualification I thought I had succeeded in making at the time, were published broadcast, and created a great deal of indignation when the reports reached here.

There was a mass meeting called by the mayor, participated in by a large number of the citizens, in which they seemed to condemn my actions very roundly.

When this news reached Lead I was told by one of the heads of one of our Catholic societies that the superintendent had called him into his office and said to him that he would hold the Catholics here responsible for my actions. Considering the general feeling that I was satisfied existed here, I felt that that was rather a serious threat, and I appealed to the governor to have some investigation made through the attorney general's office. The governor did not directly answer my appeal. When the mass meeting was called, I telegraphed to the governor, and he answered me that he could not do anything to interfere with this particular mass meeting. But I wrote back to the governor that that was a secondary matter, the mass meeting, that I thought the whole condition deserved an investigation; that the nonobservance of Sunday was reaching such a stage where it was a serious menace to the peace and well-

being of the community. But there was nothing done, and the attorney general wrote back that he had no more authority to institute proceedings than any private citizen—than I myself had. Then I wrote to the Commissioner of Labor in Washington and was assured that they would take the matter up when they got to it.

Shortly after the membership of this commission was organized, and I took up the matter with the commission, and I am very thankful to the commission for the great interest that they have taken in this matter and for the fact that they have placed Lead in their itinerary.

I feel that the conditions in Lead in many ways are away beyond anything that exist in any similar industrial center. I have always been very anxious to give my unqualified indorsement for all of the excellencies that existed in the community; but I have always also felt that the influence of this corporation was so overwhelming in this community that if it was not used in the proper way either consciously or unconsciously, there was much danger of a great deal of harm being done. And I did feel, and I do feel that there are certain elements that belong to the natural heritage of men that consciously or unconsciously are not taken into account in some of the activities in this community. And among them I believe is the disregard of the necessity of one day's rest for the workmen, and for one day's worship for the man of religion. Now, my experience from a religious standpoint is that our religious work can not be carried on in a normal way under existing conditions. We have tried every expedient that I had ever seen, heard of, or read about, and I have gone backwards instead of making progress. I have tried out every possible thing, and my experience is reechoed by almost every priest who has exercised the ministry here during the last two years.

Acting Chairman COMMONS. Do you recognize any necessity on the part of industry to operate continuously?

Bishop BUSCH. I asked that question, and I was told, just as you were informed a little while ago, that they were laid off for six weeks at one time, and that the thing could be repeated any time when it would be desired.

Acting Chairman COMMONS. That is, that they had discontinued Sunday work altogether?

Bishop BUSCH. Yes; for six weeks; and that they could discontinue it again; that there was no reason why the mine property, at least, needed to be operated on Sunday—the underground work. I was told that possibly they would have to enlarge their bins, etc., but even that was denied by an officer of the company. And I noticed in a United States report on mining in South Dakota and Wyoming, that at the end of 1913 there were over 2,000,000 tons of ore loose in the stopes. I understand the capacity of the stamp mill is less than 5,000 tons a day, so that they could run 40 days without blasting any more rock, according to my understanding.

Then, the objection was made that it would be a great loss to let the fires go down and get up steam again on Monday. But with the introduction of the hydroelectric plant that ought to be obviated. In fact, I was assured it was not an impossibility to observe Sunday far greater and more than it is observed. And it was my contention that not only the individual man but also the company should recognize Sunday, because it is a State law to abstain from all work except such as is of necessity.

We are all, the churches, chartered corporations that are authorized to do their work, and the only day we can do it effectively is the day that the law reserves to us, and I feel that the example of the company influences a great many others to work on Sunday that otherwise would not. This company is so influential that any stand it takes on any question, whether it is political, moral, or religious has a great weight with a large number of the men, and I feel and I felt that the company, if they would merely say that they really desired to see Sunday observed, that that would be sufficient argument for a large number to quit work on Sunday. I know that in all, or in most other industries that have to work on Sunday, the hardest objection to Sunday observance was the desire of the men for the Sunday wage.

The Pittsburgh Steel Trust found that its greatest obstacle to persuade men to give up their three, three and a half, or four dollars a day, and I am sorry to say there are a large number now that seem to feel that they need that Sunday wage. In fact, some of them say they do. They do because of their exaggerated way of living, in many cases.

Acting Chairman COMMONS. Have you inquired into the practice of other mining communities so that you are informed as to what is the practice?

Bishop BUSCH. No. As I said, my experience was almost entirely limited to my three years here in Lead.

Acting Chairman COMMONS. Have you acquainted yourself with legislation on this subject in other countries?

Bishop BUSCH. I know that this question of one day's rest in seven is one of the most popular legislative problems that is concerning legislatures. I know that in quite a number of countries during the last five or six years that has been introduced. I know that at their annual convention a number of organized labor societies have requested this one day's rest in seven, and I know that the Progressive Party as well as the Socialist Party have had that in their program.

Acting Chairman COMMONS. And from the standpoint of the religious communities, would that be a satisfactory solution—one day in seven?

Bishop BUSCH. The theory is that conditions are such that if one day's rest in seven was made obligatory it naturally would get to be Sunday for the very large majority; and all the other people who are not laboring who can keep one day rest in seven keep the Sunday that the religious people do. That it is a legislative enactment, etc.; that if the industries would grant one day's rest in seven for the vast majority it would be the first day, from economic reasons, too, they say.

Acting Chairman COMMONS. Where you have an industry that operates continuously?

Bishop BUSCH. I understand that.

Acting Chairman COMMONS. To distribute the men through the year?

Bishop BUSCH. Certainly. Our Sunday law does not require absolute Sunday observance. It is only when it is reasonably possible, and I recognize that in these industries there are departments and there are many men who absolutely would have to be employed on Sunday.

Acting Chairman COMMONS. You think they would have enough Sundays free throughout the year under a one-day-in-seven principle?

Bishop BUSCH. Yes; I do. And I tried to have a law introduced into our legislature to that effect, but it only got as far as the committee.

Acting Chairman COMMONS. I think such a law is now in force in New York City.

Bishop BUSCH. Yes; I believe it is, and several places in Europe have indorsed it within the last few years; also in South America.

Acting Chairman COMMONS. Have you ever lived in other communities which have Sunday work such as this community has?

Bishop BUSCH. No; I never did.

Acting Chairman COMMONS. So you can not make a comparison with those?

Bishop BUSCH. No.

Acting Chairman COMMONS. Would you say that the Sunday work has an injurious effect not only on the working people, but on their homes as well as on their churches?

Bishop BUSCH. Well, it seems to me that it can not be without evil effect.

Acting Chairman COMMONS. In what way?

Bishop BUSCH. Why, I think that home life is interfered with to a very large extent. The way men work it is not possible for them, even though they only work eight hours a day, it is not possible for them to see their families for a normal period of time; some of them work two weeks in the night, and do not see their children at all, and the next time they work two weeks in the day, and these things interfere. And I do not believe there is a proper understanding of family affairs, domestic economy, I think, suffers a great deal. I think all the domestic relations are affected by it.

Acting Chairman COMMONS. You state this from your observation of the communicants in the community?

Bishop BUSCH. Yes; I think so. Yes; I think that the moral standard is not as high here as it would be with Sunday observance, by far; otherwise I would not have agitated the question at all. That was my only motive.

Acting Chairman COMMONS. On the physical side, the fact that they had eight hours' work a day, which makes 56 hours a week.

Bishop BUSCH. It has been contended by those who are experts on the question that a man can not revive except he has one day off in seven. That has been up as a scientific theory and men of authority seem to uphold it, that there is this little loss every time and it takes the whole day to get back to where they were at the beginning of the week.

Acting Chairman COMMONS. In a community of this kind where recreation and circuses and things of that kind are not frequent, is it not likely that the situation would be different from what it would be in other places?

Bishop BUSCH. Well, I don't know as the circuses come around very much on Sundays anywhere.

Acting Chairman COMMONS. Well, cut out the circuses; deal with the general recreation.

Bishop BUSCH. And other forms of amusement. I don't know; of course, they are limited here in some ways. Still, we have beautiful surroundings here, and there are many ways of having outings that are hardly possible for a great many other communities. And if we had Sunday observance here, we could originate a great many forms of recreation that are now absolutely impossible. Now, we could hold special meetings for different sections; different church societies, etc., which we find it is impossible to do now.

Acting Chairman COMMONS. Your observation, then, is that this Sunday work is practically universal?

Bishop BUSCH. It has got so bad that I felt in conscience bound to protest against it. Work that was absolutely unnecessary was being carried on. This great recreation building here was built Sunday and week day right along. The mortar grinder was so busy one day when the bishop of the Episcopal Church was holding a function in the near-by church that he told me afterwards that he was shocked at the situation. And the children coming to church on Sunday would see all this kind of work, and the example of this large, influential company engaging in absolutely unnecessary work on Sunday was demoralizing everybody else. They would be carrying around furniture, carting off ashes, and doing everything of that kind.

Acting Chairman COMMONS. Do you think that legislation should be adopted on this subject of one day in seven, even though the workingmen desire to work?

Bishop BUSCH. Yes, sir; I certainly do.

Acting Chairman COMMONS. On what ground?

Bishop BUSCH. Well, that it is necessary for man's own welfare, and that the moral interests of society require a day of rest and a day of worship. These men that work in the mines have got to have ideals, and if they don't get them in church or some place similar, why they are going to grow more and more materialistic and socialistic.

Acting Chairman COMMONS. Well, that would take away from them their liberty and freedom for doing as they pleased with their time?

Bishop BUSCH. Yes, sir; but I don't believe that a man has absolute liberty to do as he pleases in every possible way. We take it away from them in a great many other things. He is not allowed to go down here and take a glass of beer at 10 o'clock at night.

Acting Chairman COMMONS. But still——

Bishop BUSCH. When he marries a wife, he is supposed to take care of her.

Acting Chairman COMMONS. This is somewhat different from that. This is an instance where a man is desiring to work for the good of his family to secure more earnings for them.

Bishop BUSCH. Yes; but the question is whether it really is for the good of his family, whether his family isn't suffering a great deal more from his work on Sunday. I have heard men tell me time and time again that after they try both ways, that they have never prospered in the work they did on Sunday, that they can get along just as well. And I have been told by representatives of the company that they thought the company would be at an advantage if the men only worked six days in the week.

Acting Chairman COMMONS. Your feeling is that this policy proceeds from the stockholders, then?

Bishop BUSCH. I am not inclined to place the responsibility anywhere. I just simply think that it is a feature that is not sufficiently appreciated. I don't think there is any conscious policy about it at all. It is just simply going in the line of least resistance, just because there is not any principle that suggests some other method. And I believe that the other method should be insisted upon.

Commissioner O'CONNELL. It is just like Topsy; just grew.

Bishop BUSCH. Yes.

Acting Chairman COMMONS. As far as you know, it has always been the practice in the past?

Bishop BUSCH. Yes; and I believe in early times, perhaps, it was more or less necessary and justifiable; but I think we have outgrown those days, and I think our responsibilities are greater. Everybody, these corporations and society, is becoming more and more conscious of its responsibility to the rights of mankind and manhood.

Acting Chairman COMMONS. Suppose the company, suppose the State of South Dakota should legislate on this subject and arbitrarily establish this proposition that nobody should work more than six days, should not only impose penalties on the company but also on the employee; is it likely that this company could secure such a capable body of workingmen as they evidently have?

Bishop BUSCH. With all the other advantages that they offer, I do not see why they should not.

Acting Chairman COMMONS. But considering that throughout the country in other mining communities they can work seven days.

Bishop BUSCH. I believe that it would only be a few years before they would flock here rather than go to the other places.

Acting Chairman COMMONS. Well is that your opinion?

Bishop BUSCH. That is my honest conviction.

Acting Chairman COMMONS. Is that opinion based on what you believe?

Bishop BUSCH. Well, everybody who I have heard discuss the question, who have tried both ways, working seven days out of the week and six days out of the week, were satisfied that he was better off when he laid off on Sunday.

Acting Chairman COMMONS. Even though he——

Bishop BUSCH. Lost that money.

Acting Chairman COMMONS. His earnings were about 15 per cent decreased?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. That is, he said so, taking all things into account. You believe that is the general feeling?

Bishop BUSCH. Yes; I do.

Acting Chairman COMMONS. Do you have any questions, Mr. Lennon?

Commissioner LENNON. Yes.

Acting Chairman COMMONS. Mr. Lennon wants to ask you some questions.

Commissioner LENNON. What effect do you believe it would have on the moral fiber of the people of this country if all industries were carried on continuously seven days in the week?

Bishop BUSCH. Well, I don't know as there would be much moral fiber left. I think it would hasten the things that we are all afraid of.

Commissioner LENNON. It would be conducive to the growth of irresponsibility?

Bishop BUSCH. I think so: yes, sir.

Commissioner LENNON. I think so. I agree with you.

Bishop BUSCH. I think what this country lacks at this time is a sense of responsibility, is conscience; and I don't see anywhere else to build up conscience except on Sunday and through the churches.

Commissioner LENNON. That is all, Bishop.

Commissioner GARRETSON. Bishop, do you believe that the regulation by law of the days of labor is any more an invasion of the personal rights of man than the Ten Commandments are?

Bishop BUSCH. No; I don't.

Commissioner GARRETSON. Precisely the same character as the quarantine laws, vaccination, and all requirements of that character, which are just as much so, and still considered absolutely necessary for the common good?

Bishop BUSCH. Indeed, I believe that an industry that has the influence and that can by its influence create a sentiment in favor of Sunday observance is criminally wrong—is guilty of wrongdoing by not exerting that influence. I believe that corporations are responsible just as well as individuals.

Commissioner GARRETSON. Isn't it a fact—no, I will state it another way. Is it your opinion that the tendency on the part of an employer, whether corporate or individual, to require men to labor seven days is anything else than a part of the modern tendency to put the dollar ahead of everything else?

Bishop BUSCH. No; I think that is—I don't know whether that is consciously done by employers generally that are working for seven days, but it is the ignoring of a certain feature that is necessary for man's well-being.

Commissioner GARRETSON. If it was done unconsciously or subconsciously, is it not an evidence that that very evil has got so great a hold?

Bishop BUSCH. Exactly.

Commissioner GARRETSON. That they do it subconsciously?

Bishop BUSCH. Exactly.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Any questions, Mr. O'Connell?

Commissioner O'CONNELL. I understood you to say, Bishop, after this address that you delivered at Milwaukee, that there was some form of a meeting called here, a protest meeting of some kind?

Bishop BUSCH. Yes, sir.

Commissioner O'CONNELL. For what purpose?

Bishop BUSCH. To set the country at large aright in regard to the statements—or the misstatements that I was supposed to have made in that address.

Commissioner O'CONNELL. And your statements were that the mines here were operating seven days a week?

Bishop BUSCH. I have a copy of the address here.

Commissioner O'CONNELL. Will you just file it with the commission?

(The paper so presented was marked "Exhibit No. 1, Witness Busch, August 3, 1914.").

Commissioner O'CONNELL. Well, this is rather historical of the whole situation, as I catch it?

Bishop BUSCH. Yes.

Commissioner O'CONNELL. Can you briefly just give us the principal points in your address?

Bishop BUSCH. The burden of my address was that I maintained that human nature was essentially selfish, and that unless that was modified by some other features, why it would always show itself in one way or the other; that I believed that was an explanation of the troubles that existed not only in Michigan, but Virginia, which at that time were having special labor troubles, and that it was quite apparent in most all mining communities, because in a mining community a miner was more dependent upon the employer than the employee of most other industries; and that from hearsay I had heard that in the early days those who had things under their control were inclined to take advantage of their position, in different ways, which I related there. But I insisted that those were very long passed conditions, and that at present in Lead we had a situation that was from a material standpoint rather preferable than most other communities had, but that in some particular item, why, there seemed to be a disregard for what I thought were the rights of the people; that in almost any direction you would turn you would feel the all-pervading influence of this company; that I had experienced it when I tried to secure Sunday observance; that I felt I had exhausted my efforts with the company; that I could not secure any public sentiment, because there wasn't any independent sentiment in the community.

Commissioner O'CONNELL. I notice you quote the figures of the corporation, its wealth and all that, its production and its ownership of property, and all that. Your idea in quoting that was to show that this corporation could well afford—it would not be a question of financial loss to them, that is, to their stockholders, if an arrangement could be brought about where a six-day arrangement of work would be brought about without loss of property and so on—that is, without proper protection to property, and that, as I gather from those whom I have talked with here, and the impression I am gathering now, that the community were aroused to an opinion that you had held that this community was an ungodly community.

Bishop BUSCH. I took very particular pains not to say a single word about the moral conditions of this community, because I believe it is a mean bird that fouls his own nest.

Commissioner O'CONNELL. Well, from what other source could they have molded the opinion here against, for instance, people of your own faith so quickly, unless it was by some method of that kind? What method was adopted here to bias, to bring that bias all at once, or so suddenly, there must have been some underlying causes?

Bishop BUSCH. They had nothing to base their action on except the newspaper reports that had come to them, chief among which was the Milwaukee Leader, which, of course, was a very socialistically inclined paper, and which had some very, very glaring headlines and things of this kind. I brought the copy with me if you care to see it.

Commissioner O'CONNELL. Yes, just make a copy.

(Which said quotation from the Milwaukee Leader, of Tuesday evening, August 12, 1913, vol. 2, No. 210, is in words and figures as follows, to wit:)

[Heading in red across entire page.]

BISHOP DRIVEN OUT BY GREED OF GOLD APPEALS TO FEDERATION.

CATHOLIC BISHOP SAYS CAPITALISM FORCED HIM OUT—HAD TO ABANDON SEE AT LEAD, S. DAK., WHEN MINE WORKERS FLED FROM INTOLERABLE CONDITIONS.

Driven from Lead, the See city of his bishopric, by the Homestake Mining Co., his flock scattered to the winds, his religion flaunted, the Right Rev. Joseph F. Busch, Bishop of Lead, S. Dak., appealed to the Federation of Catholic Societies, Monday afternoon, for support, to enable him to return to Lead and resume his duties.

As he told how the company controlled by the mother of William Randolph Hearst had crushed all independence in its employees, terrorized public authority, and even sought to censor the priest in his pulpit, the audience was roused to a high pitch.

In the early days of Lead as a mining camp, the bishop explained, wages were at the subsistence point, the miners were not permitted to own any land, houses cost an average of $85 each, and the "cemetery was filled with the bodies of those who died premature deaths." Then conditions were somewhat improved. Underground wages were raised to $3 a day, a company hospital was built, and the threat of a strike reduced the hours from 10 to 8.

Then came a fire that compelled the closing of the mines for several weeks, during which the young, the strong, and the energetic left the city. "The fire burned out the heart of the community as well as out of the mine," was the way the bishop described it.

MAKES ATTACK ON UNIONS.

When the mine resumed work there was discontent, due, so the bishop seemed to think, to "agitators" from the Western Federation of Miners. "Socialism, anarchy, and irreligion were preached upon the very streets," he said, betraying that he had not himself heard the speeches, else he would have known that this combination is one never found.

The men threatened a strike. The mine owners retaliated with a lockout. Then came the long struggle and the opening of the mines under the "card system," by which each applicant for work pledged himself never to join a labor union.

"Under these conditions, between 75 and 80 per cent of the Catholics left the town," said the bishop, unconsciously paying a splendid tribute to the faithfulness of his flock to the principles of unionism.

At this point he became bishop of Lead. He came in as the company was importing scab miners and guards "Without whom," naively remarked the bishop, "there would have been serious trouble." A moment later he added that these guards and miners were the "Riffraff of all the world, who were given fine furniture, better houses, and wages higher than the old employees had ever received."

Wages were now paid at the "Hearst Mercantile Co." store with the credit man standing close to the line as they drew their envelopes. If a man received any cash, he was at once asked, "Why don't you spend your money where you get it?" He told how the women, ignorant of the business methods, were induced to exceed their credit account early in the month and were left practically starving during the days just before pay day. So completely were the men kept in debt that the bishop declared that they dared not move away, but were practically enslaved.

LOST STANDING WITH MEN.

In this white-hot blaze of the class struggle Bishop Busch tried to remain without being scorched or without taking sides. "Soon after I came," he said, "I remarked that it seemed to me that some sort of a union was necessary. This at once aroused the suspicion of the company. A few weeks later I preached a sermon against socialism and then I lost standing with the other side of the camp."

There was but one power in the town, that of the mine superintendent. When a mild epidemic arose, the health officer closed the churches, but left the

saloons, the company store, and the mines to run. The bishop remonstrated with the health officer and was laughed at, carried his complaint to the mine superintendent, only to be laughed at again.

The bishop mildly sought to secure sufficient leisure on Sunday to enable his people to come to mass. This started the storm that drove him from the city. After a campaign of begging the superintendent graciously permitted the shift bosses to tell the men that those who wished might stay home on Sunday. Then the bishop preached a sermon on Sunday observance, and said it was up to the employee now. But he soon learned that those who asked for Sunday off were given "Monday and Tuesday and Wednesday, and all the other days of all the other weeks off." The bishop bowed to that "economic determinism" that he did not believe in. "I therefore receded from my position and said to my people, 'If you think that you will lose your jobs by coming to mass, you will be excused from your church obligations.'"

UP AGAINST CAPITALISM.

He begged the superintendent for a letter that would permit Catholics to be absent on Sunday without penalty. But the spectacle of a Catholic bishop asking that his people be permitted to observe the forms of their religion did not appeal to the superintendent, "although he is a 'Turk' by birth and by marriage," added the bishop. "He said he could not think of thus interfering with the personal liberty of the men. But I have noticed that he did not worry about personal liberty when on election day the attorney for the company made out a ticket and handed it to the men, and they knew that if they did not see that that ticket was elected they would lose their positions."

Worn out at last in his efforts to move the superintendent, he went after the "woman higher up," Mrs. Phoebe Hearst. Letters to her brought only the reply that she could do nothing, although, says Bishop Busch, I have positive proof that she is a majority holder of the stock in the Homestake mine. But the letters came back to the superintendent, and the power of the local czar was set in motion. Supplies for the bishopric, his church, and his beloved school fell off. An appeal for aid brought another lesson in economic determinism from the superintendent, who said: "We are in Lead for the Homestake Mining Co. first, last, and all the time, and whoever dislikes that fact can move out of Lead."

By this time the men feared to attend church because of the spies. They seemed to have lost interest in their religion. "When it is a question of bread and butter," added the bishop in his unconscious exposition of economic determinism, "many think more of it than of their religious consolation."

So, puzzled and defeated for the moment, Bishop Busch was driven out of the city of his episcopacy, "an exile from his see city," he explained; he was then living on a little farm near Rapid City, where an assistant raised sufficient vegetables to maintain him. He begged that publicity be given to his story, that the federation extend its aid, and that the Lead parish be given into the charge of an order. "They can kill a man, but not an order," he said.

DUFFY NOT IN LINE.

The report of the Rev. Peter E. Dietz, secretary of the social service commission, which had charge of the Monday afternoon meeting in the auditorium, showed that 3,264 pamphlets were distributed last year in the war against Socialism and in the advocacy of the reform of the commission.

Frank Duffy, general secretary of the United Brotherhood of Carpenters and Joiners, spoke on apprenticeship and industrial education, and took a point somewhat at variance with the general drift and sentiment of the convention, since he held that industrial education must be a function of the public schools.

The Rev. Salvatore Cianci, in his discussion of "Social work among immigrants," complained that the Italians are leaving the Catholic Church. "They are not converted to Protestantism," he explained. "They are either Catholics or nothing."

Joseph Jorgan Devney, president of the Cleveland Lyceum Bureau, advocated a law restricting fortunes to $100,000.

Denying that the Catholic Church interferes in secular matters, and affirming that "The partition of jurisdiction into the spiritual and the temporal

is a principle of Catholicism; no less is it a principle of Americanism," Archbishop Ireland answered those who affirm that the Catholic Church is a gigantic machine, at the auditorium Monday night.

IRELAND TALKS OF POLITICS.

He declared that the Catholic Church was under much more favorable conditions here with religious freedom than in those countries where the church and state are united. As to politics, he pointed to the division of opinion among Catholics to prove the absence of any concerted action. "As a matter of fact, legions of Catholic voters believe me hopelessly wrong in politics," he said, amid laughter. "As a citizen I may regret that my political influence is no wider; as a Catholic I am glad of the independence of the citizenship of America." He ridiculed the charge that the Catholic Church was un-American, saying, "Shall we call Almighty God a foreigner? yet He is not exclusively the God of America," and he described the international character of the church as follows: "The Catholic Church is extra-American, supernational, begotten for all nations, not for America alone."

YUAN SHI KAI CATHOLIC.

That Yuan Shi Kai, the present head of the Chinese Government, is a close friend of the Catholic Church, and that his private secretary and his minister of foreign affairs are both Catholics, was stated by Bishop Koester, of China, at the business session of the federation Tuesday morning.

According to Bishop Koester the Catholic missions have great power in the present administration, which he believes will be permanent. The recognition of the Republic of China by the United States, he says, has helped greatly to increase the friendly spirit between the two nations.

The Rev. Joseph Husslein, S. J., called upon the convention to protest against the aggression of the Portugese Republic upon the Catholics of that country. He drew a touching picture of the sufferings of the Catholic orders and priesthood in Portugal, and declared that the revolution was wholly against religion and in no sense political. According to the Rev. Husslein the present Government has suppressed all freedom of speech and of the press, and has persecuted the sisterhoods, that, so he claims, were engaged only in works of mercy. He presented a resolution calling for action by the President and Congress, and urged that similar resolutions be adopted by all the federated societies.

Archbishop Koudelka pleaded the cause of the Catholic Colonization Society. Like many other speakers at the convention, he lamented the fact that immigrants drift away from the church, and urged that by the formation of colonies based on religion and race this could be prevented. He closed by calling attention to the fact that in the diocese to which he had just been appointed, that of Superior, there "are millions of acres of vacant land which should be settled by Catholic colonists."

SHOULD TEACH RELIGION.

"The failure to teach religion in the public schools has produced a population of 50,000,000 people who never go to church," was the complaint of Archbishop James A. McFaul, Trenton, N. J., in addressing the Catholic women in the St. John's Cathedral auditorium.

"The 50,000,000 don't know the commandments," continued the archbishop, raising his voice, "but, thank God, they are not like the atheists of France.

"The failure to teach religion in the public schools is the reason for the slow death of Protestantism" he continued. "If the Catholics were to abolish the parish school, they might just as well tear down the churches."

He then pointed out that there were 6,000 empty Protestant churches in the Middle West, charging that there is little religion in the homes and very little in the Protestant church. He scored those among the Protestants who were trying to surround the "virgin birth" and the "divinity of Christ" with doubt.

He said that instead of the "three Rs" there should be "four Rs" taught in every school, adding religion to reading, 'riting, and 'rithmetic.

At Monday's session of the Catholic women who are planning to form a national organization, Archbishop Sebastian G. Messmer promised that the discussion of women's suffrage would not come before the meeting. He said that nothing would be said either in favor or against granting women the ballot.

Archbishop McFaul forgot all about this promise as he launched into a diatribe trying to show that woman's place is in the home.

"Children are burdensome to women who like to eat at restaurants," was one of his witticisms which received some applause. "The father should engage in political affairs while the mother confines her attentions to the home. She is the head of the household. She moulds the life of the child and tends to its physical, intellectual, moral, and religious welfare.

"You have heard a great deal about women's suffrage. The church has not yet spoken on this subject. Whether the mother has the ballot or not, she is the head of the household; she is the queen of the home."

DISCUSSES VICE.

Archbishop McFaul then took up the question of vice, and gave some attention to white slavery. He told of conditions in New York City and Philadelphia, and read from the reports on vice that have been made as the result of extended investigations.

"Very few women become immoral as the result of their own volition," he declared, and then pointed out that there was a conflict of opinion of the question of how much low wages had to do with driving women into lives of shame.

He declared that the Catholic women could do much good by seeing to it that working girls were properly housed and protected against vice.

DISCOVER REPORTERS.

After the archbishop had finished speaking it was suddenly discovered that several reporters were listening to the proceedings. Before the regular order of business was taken up these were promptly ousted, along with all non-Catholic women who happened to be attending the conference as visitors. Several women spoke in favor of keeping the meetings open to all, but this feeling was promptly squelched.

It seems assured that Miss Elizabeth G. Marshall, Milwaukee, will be named first president of the Catholic womens' national organization now being formed. The committees on constitution and organization made their reports Tuesday. Mrs. Rose Rittman, Chicago, is presiding at the business sessions.

Bishop BUSCH. Of course, if at that time they hadn't grown indignant so quickly, if somebody had given me a chance to say something about the matter, why, probably, I could have set myself right, but things were boiling so that it was impossible for me to get near it. I could not expect to get any help from the local newspaper, because I didn't feel that the local newspaper was impartial. I felt that the local newspaper was very much in sympathy with that sort of thing.

Commissioner O'CONNELL. So I see the influence that you speak of having spread has grown over this newspaper, too?

Bishop BUSCH. Yes.

Commissioner O'CONNELL. And the public press of the city is within the grasp of the same influence?

Bishop BUSCH. I think so.

Commissioner O'CONNELL. And it meant, possibly, that there is no free press nor free speech here?

Bishop BUSCH. Hardly; I think even outside, even Deadwood, I think hardly anybody lives in the Hills who has not more or less fear and suspicion of this company. I came here with the most optimistic feeling, and I always wished to give a man credit for honesty as long as I could. But I have felt this suspicion, and it has come to me in so many ways that I almost share it. I would be most happy if I could be disabused of it and find that there was no ground for it; but it exists here and it exists throughout all the Hills. Everybody is afraid to say a word against this great company.

When I first came to Lead I remarked that this was a one-man town. Do you believe me, the men shielded their mouths with their hands and whispered to me, "You are right."

Commissioner O'CONNELL. I suppose the one man referred to was the manager of the company?

Bishop BUSCH. Well, the Homestake Co., of course.

Commissioner O'CONNELL. That same influence applies, I suppose, to the political life in the community.

Bishop BUSCH. That is the impression.

Commissioner O'CONNELL. Does the fact of the election of certain men to office to handle the affairs of the community indicate that? Are they employees or ex-employees, and so on, of the company?

Bishop BUSCH. I was told——

Commissioner O'CONNELL. Were they in the employ when elected?

Bishop BUSCH. I was told by a gentleman who acted as city attorney here some years ago, that during his term of office whenever any important question came up that might have in any way had any interest for the company, it was always laid on the table until the next meeting.

Commissioner O'CONNELL. That would indicate that some person had to be seen some way?

Bishop BUSCH. Well, that is what I was told.

Acting Chairman COMMONS. Any other questions?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. We are very much obliged to you, Bishop. Is Rev. Mr. Warren present? Will you take the stand, Mr. Warren?

TESTIMONY OF REV. D. C. WARREN.

Acting Chairman COMMONS. Will you give your name and address and position to the reporter?

Rev. WARREN. D. C. Warren, Lead City, S. Dak., 101 Wall Street.

Acting Chairman COMMONS. What is your position with the religious denominations of Lead, Mr. Warren?

Rev. WARREN. I am a member of the Methodist Church.

Acting Chairman COMMONS. What official position have you?

Rev. WARREN. I am a local elder in the Methodist Church. I am the secretary of the ministers' association.

Acting Chairman COMMONS. What is the ministers' association of Lead?

Rev. WARREN. The ministers' association includes all the ministers in the northern Hills.

Acting Chairman COMMONS. In the Hills?

Rev. WARREN. Yes, sir. It is interdenominational.

Acting Chairman COMMONS. Catholic and others?

Rev. WARREN. No; it does not include the Catholic, and I think the new Episcopal preacher here is not in, but the one that preceded him was.

Acting Chairman COMMONS. Has the ministerial association at any time during your connection with it as secretary considered this subject of Sunday work and Sunday observance in Lead?

Rev. WARREN. The ministers' association has considered the question.

Acting Chairman COMMONS. How long have you been secretary?

Rev. WARREN. This is my second year as secretary.

Acting Chairman COMMONS. You were a member prior to that?

Rev. WARREN. Yes.

Acting Chairman COMMONS. For how many years were you a member?

Rev. WARREN. Well, I have been here 29 years, and I have been associated with the ministers' association during all of its experience.

Acting Chairman COMMONS. When did this question first come up in the ministers' association, in your recollection, of Sunday observance, and Sunday work, as applied locally?

Rev. WARREN. I could not give the date only just to say that it was about the same time with Bishop Busch—if I could get that date, it would be about the only way that I could give the date.

Acting Chairman COMMONS. That is the first date that the matter was discussed in your association?

Rev. WARREN. No; I think that there was discussion preceding, a short time preceding; perhaps preceding the time that Bishop Busch took it up.

Acting Chairman COMMONS. How long before he took it up was that first discussed?

Rev. WARREN. It came practically at one time.

Acting Chairman COMMONS. It all came together?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. This Sunday work has been continuing since you have been in Lead, has it?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. The same practice?

Rev. WARREN. Practically the same.

Acting Chairman COMMONS. How do you account for it that the ministerial association did not take it up prior to the time that Bishop Busch took it up?

Rev. WARREN. Well, our ministerial association does not date back very far beyond that.

Acting Chairman COMMONS. About how far back does it date?

Rev. WARREN. You see the association of the preachers in Lead preceded not very long previous to that, and the association, as we now have it, includes the preachers in Deadwood and northern Hills—all the northern Hills—has perhaps been six months.

Acting Chairman COMMONS. The past six months from the present date?

Rev. WARREN. Yes.

Acting Chairman COMMONS. What was the first way in which the matter was presented to the ministers' association when Bishop Busch took it up first, and what action did the association take?

Rev. WARREN. The first action that the association took, if I remember, was that all the ministers of the association, as far as we could get them to do so, would preach a sermon on Sunday observance on a certain Sunday.

Acting Chairman COMMONS. That was the first occasion?

Rev. WARREN. That was the first occasion.

Commissioner O'CONNELL. Was that done?

Rev. WARREN. I think it was unanimously done, with the exception of the Episcopal preacher, who said that he would reserve the time at which he would preach on that subject until he would have longer time for preparation.

Acting Chairman COMMONS. For preparation?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. Did the ministerial association adopt resolutions on the subject apart from this recommendation to preach?

Rev. WARREN. Yes; the month afterwards, if I remember right, they passed resolutions.

Acting Chairman COMMONS. What was the tenor of those resolutions? Have you a copy that you could file?

Rev. WARREN. I haven't a copy, but I can give the substance.

Acting Chairman COMMONS. Yes; if you will.

Rev. WARREN (continuing). Of what the resolution was.

Acting Chairman COMMONS. If you please.

Rev. WARREN. After making some general statement of the confidence that the members of that association had in the management of the Homestake Co., we expressed ourselves that we would be glad to cooperate with the Homestake Co. in any effort that they could put forth to secure a better observance of the Sunday and other reforms in the city.

Acting Chairman COMMONS. Was this resolution sent to the company?

Rev. WARREN. I believe it was.

Acting Chairman COMMONS. You were secretary?

Rev. WARREN. I wasn't secretary at that time.

Acting Chairman COMMONS. Oh, you were not; no. Was it sent to the stockholders?

Rev. WARREN. Not that I know of.

Acting Chairman COMMONS. Just simply sent to the resident manager of the company?

Rev. WARREN. I believe that it was generally known as to the position that we took.

Acting Chairman COMMONS. Are you able to state from your knowledge of the discussions held in the ministerial association what is the prevailing opinion of that association regarding the effects of Sunday work upon the church attendance in the various denominations?

Rev. WARREN. It is injurious.

Acting Chairman COMMONS. Injurious?

Rev. WARREN. Yes.

Acting Chairman COMMONS. To what extent would you say that it is injurious and interferes with it?

Rev. WARREN. That would be only a matter of personal opinion, and I don't believe it would be specially valuable.

Acting Chairman COMMONS. What is their idea about its effect upon the moral conditions of the town in general?

Rev. WARREN. Our people believe it is bad.

Acting Chairman COMMONS. And what is their idea regarding its effect on the physical condition of the working people?

Rev. WARREN. I think there is a great difference in our people in that regard when we consider that the work is an eight-hour day.

Acting Chairman COMMONS. They are divided on that question?

Rev. WARREN. Yes.

Acting Chairman COMMONS. And as respecting its effect upon the home life, of their pursuance of it, what is their opinion?

Rev. WARREN. The opinion of the church people all throughout, so far as I know, is that one day in seven should be exempt from labor.

Acting Chairman COMMONS. Has the association taken any action as to whether this should be strictly one day in seven or simply the one seventh day—you understand the difference?

Rev. WARREN. One day in seven. By the way, the federation of churches—of the Christian churches in America—are making this slogan for their special work for the past few years.

Commissioner LENNON. I am on the commission that is carrying that out.

Rev. WARREN. How?

Commissioner LENNON. I am one of the Federal commission that is engaged in the work, representing the Presbyterian association.

Rev. WARREN. Our conference passed a resolution—our annual conference passed a resolution along that same line, favoring the one day in seven for industrial rest.

Acting Chairman COMMONS. Have you any questions, Mr. Garretson?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. Have you any, Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman COMMONS. Very much obliged to you, Mr. Warren.

TESTIMONY OF MR. JAMES KIRWAN.

Acting Chairman COMMONS. Will you give your name?

Mr. KIRWAN. James Kirwan; employed in the State auditor's office, in the city of Denver, State of Colorado.

Acting Chairman COMMONS. Mr. Kirwan, are you a member of the Western Federation of Miners?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. How long have you been a member of the association?

Mr. KIRWAN. About 16 years.

Acting Chairman COMMONS. When did you first occupy an official position?

Mr. KIRWAN. In 1903 I was appointed member of the executive board of the Western Federation of Miners for this district. This district included South Dakota, Wisconsin, Michigan, and Minnesota.

Acting Chairman COMMONS. What was your local organization at that time?

Mr. KIRWAN. I belonged to the Terry Peak Miners' Union, a mining camp 3 miles from here.

Acting Chairman COMMONS. Were you working in the mines at that place?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. What was your line of work?

Mr. KIRWAN. A miner.

Acting Chairman COMMONS. How long had you been employed or followed the mining occupation?

Mr. KIRWAN. About 10 or 11 years at that time.

Acting Chairman COMMONS. Were you on the executive board when they instructed Mr. Tracy to come here?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. Do you remember at that time whether you instructed others to come with him?

Mr. KIRWAN. No, sir; I don't recollect at that time.

Acting Chairman COMMONS. Do you remember whether others were instructed?

Mr. KIRWAN. No, sir; I don't think there was anybody just at that particular time instructed to come here.

Acting Chairman COMMONS. Well, following his coming here?

Mr. KIRWAN. Yes, sir; afterwards.

Acting Chairman COMMONS. After the lockout?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. How many others were instructed to come here?

Mr. KIRWAN. Mr. Terzich, a member of the executive board, who was an Austrian, came here, and Mr. Lowney, who was a member of the executive board, came here from Montana.

Acting Chairman COMMONS. What nationality is he?

Mr. KIRWAN. Only Irish.

Commissioner O'CONNELL. Just Irish.

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. What others?

Mr. KIRWAN. I remember Mr. Davidson from British Columbia came here.

Acting Chairman COMMONS. Then there were of English-speaking four, and one Austrian?

Mr. KIRWAN. Yes, sir; they were all members of the executive board.

Acting Chairman COMMONS. By Austrian you mean Slavonic?

Mr. KIRWAN. Yes, sir; we designate them that way.

Acting Chairman COMMONS. What instructions were given to Mr. Tracy?

Mr. KIRWAN. To use all legitimate means to get the employees of the mining companies to become members of the Lead Miners' Union No. 2.

Acting Chairman COMMONS. How did it come that the executive board was induced to take such action at that time?

Mr. KIRWAN. Previous to that time the men secured the eight-hour day through the efforts of the organization.

Acting Chairman COMMONS. When was that?

Mr. KIRWAN. In the fall of 1906. I might state during the year 1906 there was quite a revival of the mining industry throughout the country, and the executive board thought then was the opportune time to secure better conditions in those camps that had not secured those conditions. For instance, Utah, Montana, Colorado, Nevada, Arizona, and some sections of California had enjoyed the eight-hour day for years previous to that time—10 to 14 years. Some camps in California, and Lead City, Terry, and other districts in the Black Hills, the men were still working 10 hours a day. We talked the matter over and decided the time was opportune; all the men were employed and the time was ripe for action to reduce the hours of labor on those camps. The matter was talked over and the agitation was started.

Acting Chairman COMMONS. Just a moment. Did you send any national organizers at that time?

Mr. KIRWAN. No, sir; but it was started through the local.

Acting Chairman COMMONS. Through the local organization?

Mr. KIRWAN. The local organization was to take the matter up. After the eight-hour day was secured here the members of the organization felt that the men who had reaped the benefit of this eight-hour agitation should contribute their share toward building up the organization or contribute their dollar a month to the support of the organization. In addition to that the union had taken steps to incorporate sick benefit, increasing the amount paid as sick and death benefits, but in order to do so it would be necessary to have all men employed under the jurisdiction of the local and it would be necessary to bring them into the organization. This matter was talked over by the delegates from this union to the federation convention, and after the convention had adjourned the executive board took the matter up and it was decided to make an effort to organize this particular section, the other districts being fairly organized all around it.

Acting Chairman COMMONS. Did the executive board authorize or endorse at any time the resolution which was adopted by the local at Lead giving notice that after the 25th of November, 1909, they would not work with——

Mr. KIRWAN. They had no knowledge that any such resolution was introduced.

Acting Chairman COMMONS. They had their representative here, Mr. Tracy?

Mr. KIRWAN. Yes; Mr. Tracy was here. At that time I was in Michigan assisting in building up the organization of miners in northern Michigan, and I did not read anything about it until I read it in some paper—our official paper or some other papers, I don't remember now which.

Acting Chairman COMMONS. What at that time was the constitution of the Western Federation of Miners regarding the authority which a local might have to go ahead with a thing of that kind without the approval by the national organization?

Mr. KIRWAN. The local could not go on a strike unless by vote of the membership—a three-fourths vote of the membership—without the approval of the executive board of the Western Federation of Miners.

Acting Chairman COMMONS. Has that been your rule?

Mr. KIRWAN. That has been our rule for a number of years. It was two-thirds once, and I think it was changed to three-fourths.

Acting Chairman COMMONS. You think it was three-fourths at that time?

Mr. KIRWAN. I am not real sure whether three-fourths or two-thirds.

Acting Chairman COMMONS. Then, according to that, it seems that this meeting took—you heard the resolution read?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. You are familiar with that resolution?

Mr. KIRWAN. Yes.

Acting Chairman COMMONS. Was that regular?

Mr. KIRWAN. Well, I don't know. If you will note, the resolution is not directed to the management of the mining company. I might state when this agitation for the organization of the nonunion men was started it was not the intention of the executive board and organization to involve the company in any way in it. For that reason no demand was made on the company. This resolution is not directed to the company in any way.

Acting Chairman COMMONS. However, the company would naturally consider it as directed toward them?

Mr. KIRWAN. I don't know what they would consider, but it was not directed toward them.

Commissioner O'CONNELL. What effect did it have on the men?

Mr. KIRWAN. The majority joined.

Commissioner O'CONNELL. When trouble occurred, how many nonunion men?

Mr. KIRWAN. There were six nonunion men eligible for membership that were not members.

Commissioner O'CONNELL. And the mine closed down?

Mr. KIRWAN. I was sent here some time before the lockout order took effect. I went over the situation with the men in charge at that time; they gave me the names of the six men who up to that time had refused to join. These six men—I met two of them personally later and they informed me they would join. You understand, a number of the men employed by the company were not eligible to membership—for instance, the shift bosses, the foremen, men in the assay office, and men belonging to other organizations—for instance, the machinists and carpenters—we didn't insist on the members of other organizations joining the Western Federation of Miners.

Acting Chairman COMMONS. Was it the policy of the Western Federation, and had it been at that time, to secure the closed shop?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. And it had been secured generally in that way?

Mr. KIRWAN. Yes, sir; by continued agitation among the men; pointing out to them the benefits of organization and securing for them either a reduction of hours or increase in wages or some other material improvement in their working condition.

Acting Chairman COMMONS. Has it ever been incorporated in a written agreement with any firm—any mining company?

Mr. KIRWAN. No, sir; for a number of years the organization did not enter into any contract. They do at this time.

Acting Chairman COMMONS. The practice, then, was to simply notify the nonunion men they would not work with them?

Mr. KIRWAN. Yes, sir; they didn't involve the company in it in any way.

Acting Chairman COMMONS. In taking that action here they were following the practice they were accustomed to follow, generally?

Mr. KIRWAN. The only method was to present our side of the case to the nonunion men; point out to them the advantages; and we had an extraordinary opportunity here, where, through the organization, we had secured an eight-hour day for them.

These men were enjoying the benefits, and we pointed out to them the advantage of organization and appealed to their manhood. Some of them who had worked for 12 hours a day for a number of years were now working for 8 hours a day with no reduction in wages, and we appealed to those men to join in with us.

Commissioner O'CONNELL. You say you secured the eight-hour day for them? I understood the manager, when he was on, to say he had never dealt with your organization in any way and that the eight-hour day was volunteered by the company.

Mr. KIRWAN. I might state that the question of a strike here in the Black Hills on the eight-hour day was discussed by the executive board and the matter discussed as to the method of raising finances and the estimated probable cost of a strike for an eight-hour day, and a committee from the local union met with Mr. Grier on one or two occasions. I wasn't here at that time, but I was informed by representatives of the local union that they had met with Mr. Grier and, if I am correctly informed, he attended one meeting and told them under no consideration would he grant an eight-hour day. A mass meeting was held later on and at this meeting it was discussed and an effort made by certain individuals to sidetrack the issue. But sufficient numbers were present to take the matter up and they decided to send a telegram to the board of directors, who were then meeting in Frisco. The meeting unanimously approved of the idea and adopted the motion to send that telegram. I don't know the exact wording of it, but it was a request for the eight-hour day.

Now, that telegram was never sent. Before that telegram would be sent the secretary of the local union was notified by Mr. Grier, or some one else, to come down to the office, and he was told the eight-hour day would be granted.

Acting Chairman COMMONS. You stated that at the time it was the policy of the federation not to make written agreements?

Mr. KIRWAN. No, sir.

Acting Chairman COMMONS. Not to make any written or oral agreement of any kind?

Mr. KIRWAN. No, sir. There were probably verbal agreements between superintendents of the companies and the unions of the various locals—understood. For instance, Terry; we raised the wages of the surface men from two and a half to three dollars a day, but there was no agreement; simply had a verbal understanding with the employers.

Acting Chairman COMMONS. Would it not naturally occur to you now, looking back over that, if a union proposed to have a closed shop that the employer would also naturally decide he might also close the shop?

Mr. KIRWAN. Well, it depended a great deal. If he thought he was strong enough, why, probably he would; on the other hand, if we thought we had sufficient strength we would insist on a closed shop.

Acting Chairman COMMONS. So that at that time you were not on matters of negotiation?

Mr. KIRWAN. No, sir.

Acting Chairman COMMONS. But simply a trial of strength?

Mr. KIRWAN. At that time it was the idea among the members of the federation that the company should not be involved on any matter affecting the organization of the men. We were opposed to the methods adopted by the United Mine Workers. They entered into a written agreement with the employers and the dues are even deducted from the men's wages and turned over to the union. We were opposed to that system at that time; we believed that the employer should have nothing to do with the organization of the union.

Acting Chairman COMMONS. Has your organization at that time or since taken any action on Sunday work?

Mr. KIRWAN. No, sir; I don't believe they have ever taken any action.

Acting Chairman COMMONS. Do your unions work Sundays?

Mr. KIRWAN. Yes, sir; in the majority of the mining camps in the West.

Acting Chairman COMMONS. You never had any strikes on account of Sunday work?

Mr. KIRWAN. Oh, no.

Acting Chairman COMMONS. Suppose a law was enacted prohibiting Sunday work in the mining industry, what would be the attitude of your organization?

Mr. KIRWAN. Well, it would be hard to say at this time what their attitude would be.

Acting Chairman COMMONS. From your knowledge of the men and the feeling of the members of the union, what is your notion of their idea regarding Sunday work?

Mr. KIRWAN. I worked in the mines a number of years and I know personally the feeling of a great many men. They are not in favor of Sunday work only for one reason—that it increases their pay check. If the wages was raised in accordance they would be willing and eager to abolish Sunday work, and would lend every possible aid to do so if they could receive the equivalent in the wages for other days of the week.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. One question I would like to ask.

Acting Chairman COMMONS. Mr. Garretson has some questions.

Commissioner GARRETSON. You heard the statement made a little while ago in regard to an action that was brought against the local union in regard to coercing members or employees of the Homestake Co.?

Mr. KIRWAN. Yes, sir.

Commissioner GARRETSON. Have you any knowledge of that action?

Mr. KIRWAN. Yes, sir. At the time the action was filed our attorneys filed a demurrer. I am not familiar with this legal phraseology, but the complaint of the Homestake Mining Co. stated that coercion was used. We denied that any coercion was used, or intimidation of any kind. We deny it yet and challenge the Homestake Mining Co. or any individual here to point out any specific case. Our attorneys insisted and filed this demurrer, as it is called, or some other legal phrase, asking that some specific instance be cited, and up to this time we have never heard of any.

Commissioner GARRETSON. That is what killed the action?

Mr. KIRWAN. Yes, sir; and there has never been anything else done with this case since that time when the specific cases were asked for. I personally interviewed probably 200 men in this camp, and I never used anything but gentlemanly language to any employee of the Homestake Mining Co. that I approached. I pointed out to them the advantages of organization and tried to persuade them to become members of the organization; didn't resort to threats or coercion or any intimidation.

Commissioner O'CONNELL. Do you know about this Miners' Hall here in the city—the building down below here?

Mr. KIRWAN. Yes, sir; I know something about it.

Commissioner O'CONNELL. It looks to me like the largest building in the city.

Mr. KIRWAN. Yes, sir; the miners' unions own all of the largest buildings in all of the cities.

Commissioner O'CONNELL. I notice this building is absolutely empty; looks like a warehouse. What is the cause of that?

Mr. KIRWAN. You might ask Mr. Grier.

Commissioner O'CONNELL. I am asking you.

Mr. KIRWAN. Well, after the union disbanded the upper floor was rented for lodge rooms and nobody seemed to want to engage it for that purpose. The second floor was used for an opera house, but no shows came into the town. It was practically worthless. The lower floor was rented—one part for a store; he went out of commission. There was a saloon in another part, and that went out of commission. The basement was occupied by the city administration as a city hall——

Commissioner O'CONNELL. That didn't go out of commission?

Mr. KIRWAN. Oh, no—yes, they did. They decided to reduce the number of councilmen; the old form of government was abolished in the last few years.

Commissioner O'CONNELL. They apparently have a new place.

Mr. KIRWAN. Yes, sir; and there was a newspaper office in the lower part of it.

Commissioner O'CONNELL. How long since the two business places—the store in one room and the saloon in the other—that went out of business were there—they went out of business?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. It is since the lockout?

Mr. KIRWAN. Yes, sir; I don't know how long.

Commissioner O'CONNELL. Why did they go out of business?

Mr. KIRWAN. I don't know.

Commissioner O'CONNELL. I notice a number of saloons up and down the street doing business.

Mr. KIRWAN. I believe they have reduced the number of saloons.

Commissioner O'CONNELL. And got that one in there?

Mr. KIRWAN. I suppose so; I have been absent for several years.

Commissioner O'CONNELL. What was in the store?

Mr. KIRWAN. A grocery store.

Commissioner O'CONNELL. What became of that?

Mr. KIRWAN. I don't know.

Commissioner O'CONNELL. Is there some local man that knows about that?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. Have you a local union man in town?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. That lives here?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. Work here?

Mr. KIRWAN. Well, our union men that are working are not known.

Commissioner O'CONNELL. Well, there has been some litigation over this building, some one or two or three men are trying to claim that they own this building?

Mr. KIRWAN. Yes; it seems at the time the building was built that articles of incorporation were filed and——

Commissioner O'CONNELL. Certain men were named as incorporators?

Mr. KIRWAN. Yes; as incorporators; and I am not thoroughly familiar with it, but they attempted to hold the building as their own personal property, some three or four or five members, former members of the Lead City Miners' Union, and as a result there has been some litigation in connection with it.

Commissioner O'CONNELL. The local union of the organization at Butte holds the mortgage?

Mr. KIRWAN. Yes, sir; $40,000. These men that attempt to hold the building tried to repudiate the payment of that mortgage and instituted some suit. It was decided in favor of the Western Federation of Miners.

Commissioner O'CONNELL. That is, the court held that they held a legal mortgage on the property?

Mr. KIRWAN. Yes; that the mortgage was legal and valid.

Commissioner O'CONNELL. Now, what position does that place the property in; who does it belong to now?

Mr. KIRWAN. I am not familiar with it now.

Commissioner O'CONNELL. You miners, I suppose, have a legal claim to the property?

Mr. KIRWAN. Yes, sir; I think so.

Commissioner O'CONNELL. I suppose under the present situation the mortgage is not a very valuable asset, is it?

Mr. KIRWAN. No, sir.

Commissioner O'CONNELL. Has there been any proposition that you know of to buy the building from the miners?

Mr. KIRWAN. No, sir; not that I know of. There may be, but I don't know of it. I have not been officially connected with the organization for three or four years.

Commissioner O'CONNELL. One of the gentlemen who was subpœnaed, Mr. Ryan, is connected with the building?

Mr. KIRWAN. He is the janitor. He is supposed to own the entire building.

Commissioner O'CONNELL. He was one of the incorporators and claims ownership?

Mr. KIRWAN. He was not one of the incorporators but is trying to assume the claim of the incorporators.

Commissioner O'CONNELL. Does he make any claim as to ownership?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. That is all.

Commissioner GARRETSON. Let me ask one question about that suit. I remember noticing in the Deadwood papers under date of last Saturday a notice, I think it is termed a citation, to Moyer and other officers of the Western Federation of Miners, in which the name only of the attorney for the plaintiff is given. Do you know who the real plaintiff is in that action?

Mr. KIRWAN. We have our suspicions.

Commissioner GARRETSON. Is it in connection with that building?

Mr. KIRWAN. Yes, sir; there is some technical point involved in that notice; I don't exactly understand it; I am not familiar with it.

Commissioner O'CONNELL. I understood you to say that the eight-hour day has prevailed at Butte and Colorado and many other places for many years prior to its being put in here.

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. What are the wages of the miners at Butte?

Mr. KIRWAN. They have what they call a sliding scale. For any man that goes underground the minimum is $3.50; it does not make any difference what kind of work the man is performing, if he goes underground he gets $3.50. If copper goes over 15 cents a pound he receives $3.75; if it goes to 17 cents or over he receives $4 per day.

Commissioner O'CONNELL. What is the rate in Colorado?

Mr. KIRWAN. That is different; there are no copper mines in Colorado.

Commissioner O'CONNELL. But you have gold there.

Mr. KIRWAN. The rate in Colorado is about the same as here only as to machine men; they get 50 cents a day more than they do in the Black Hills.

Commissioner O'CONNELL. Does the rate and wages of the metallurgical miners generally throughout run as high or higher, as a general proposition, than they are in the Black Hills?

Mr. KIRWAN. I believe they are higher in the majority of the mining camps of the West.

Commissioner O'CONNELL. Is it your opinion that the cost of living has increased or decreased in this territory during the past 10 years?

Mr. KIRWAN. I believe it has increased.

Commissioner O'CONNELL. To what extent do you think it has increased?

Mr. KIRWAN. Well, I could hardly tell.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. The commission will now take a recess until 7.30 p. m.

(And now, at 5.30 o'clock p. m. of this Monday, August 3, 1914, a recess was taken until 7.30 o'clock p. m. of the same day.)

EVENING SESSION.

Now, the hour of 7.30 having arrived, to which time the commission took a recess, the following proceedings were had:

Acting Chairman COMMONS. The commission will please come to order. Mr. Irwin, will you please take the stand?

TESTIMONY OF MR. E. F. IRWIN.

Acting Chairman COMMONS. Just give us your name.

Mr. IRWIN. E. F. Irwin, Lead, S. Dak.

Acting Chairman COMMONS. Mr. Irwin, you have charge of the employment office of the Homestake Mining Co.?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Please describe the duties of the office, the work that you do in your office.

Mr. IRWIN. Well, the duties of the office are to employ the men required in the different departments of the workings of the Homestake; take applications from the men; pick out the most desirable positions where men are needed.

Acting Chairman COMMONS. How long have you held that position, Mr. Irwin?

Mr. IRWIN. Ten years this month.

Acting Chairman COMMONS. The system that is now in use you developed yourself in the course of the 10 years?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. How do the requisitions for help come to you?

Mr. IRWIN. They usually come in the way of telephone, or consultation with the head of the department requiring men, coming around and talking over the kind of men they want, the qualifications necessary, with a view to getting as good men as posible always for the places where they are needed.

Acting Chairman COMMONS. All applications are made at your office, are they?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Are you familiar with the system that they formerly used in the hiring of men?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. What is the advantage of your present system over that?

Mr. IRWIN. Well, we are enabled to look over the men, talk with them along the lines of the work that they have been doing, ask them all sorts of questions to bring out what kind of men they are for the particular kind of work in which they were engaged, or want to engage in. A great many things that one gets by experience that leads to forming of a judgment as to the character of men that apply and whether they are necessary and desirable, and those that are undesirable; it gives one more time to make a selection than it did under the old rule where a shift boss or foreman selected a man from a bunch of men who were standing around the shift looking for work, resulting in better men.

Acting Chairman COMMONS. When you send a man to shift boss, he puts him to work at once, does he? Does he have any voice in the matter?

Mr. IRWIN. No, sir; he puts him to work and tries him for the position that he is hired for.

Acting Chairman COMMONS. I notice here in this exhibit that you handed in you have reasons for men leaving, given by bosses, and reasons given by employees for leaving the service. These reasons given by the bosses, they come to you in what form?

Mr. IRWIN. They come to me in writing on a form that is used for that purpose.

Acting Chairman COMMONS. Have we a copy of that form? [Mr. Irwin produces paper and hands same to the chairman.]

(The paper so presented was marked "Exhibit No. 1, Witness Irwin, Aug. 3, 1914.")

Acting Chairman COMMONS. Simply a statement that he leaves the service, and gives his reason for it.

Mr. IRWIN. Gives the shift boss's reason for his leaving.

Acting Chairman COMMONS. The shift boss's. It comes directly to you from the shift boss, then, does it?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Then the man that leaves the service comes to you for his time, and you will take from him his reasons for leaving?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Do you find that these agree or disagree, in general? What is the different ways in which they give their reasons?

Mr. IRWIN. Well, in the main they generally agree.

Acting Chairman COMMONS. I notice that this tabulation here during this month showed that there were 68 men taken on. Wait until I find the number that left the service. It does not give the number that left the service.

Mr. IRWIN. I think it does there.

Acting Chairman COMMONS. Thirty-eight.

Mr. IRWIN. Just next to the bottom on the first page.

Acting Chairman COMMONS. Yes; 38. You have a force—you have to keep up a force in your office of how many men?

Mr. IRWIN. Three.

Acting Chairman COMMONS. I mean working force, employees.

Mr. IRWIN. In the office, you say?

Acting Chairman COMMONS. Well, I mean in your office that is responsible for furnishing the company with a force of 2,200 men. Is that the number that you are responsible for?

Mr. IRWIN. I have the hiring of the men to that number, or covering that number.

Acting Chairman COMMONS. To keep up that force.

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Now, how many men do you hire in a year to keep up that force?

Mr. IRWIN. Five hundred and fifty to six hundred. That is not to keep up that force exactly, because extra men are put on during the summer for extra work and laid off in the fall who are counted in on the year's total of hiring.

Acting Chairman COMMONS. Well, those extra men are for extra construction work, I presume?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. To keep up the working force, aside from the new construction, how would it figure out?

Mr. IRWIN. I should say that 35 would cover the underground workings a month; probably 8 or 10 the surface; maybe not that much; I don't think it would be over 6 or 8 for the surface, making a total of 40 to 45.

Acting Chairman COMMONS. That would be about 500 men?

Mr. IRWIN. No; not that many—450.

Acting Chairman COMMONS. Four hundred and fifty?

Mr. IRWIN. I think it would be, for the year; yes, sir.

Acting Chairman COMMONS. Have you made a comparison with other mining operations of the number of men they are required to hire for keeping up their force?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. In the coal mines or any others?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. You have to hire, practically, then, about one man during the year for every four or five?

Mr. IRWIN. One for every six; yes; 20 per cent.

Acting Chairman COMMONS. That would indicate a very steady force.

Mr. IRWIN. It indicates that 80 per cent of our men stay with us through the year.

Acting Chairman COMMONS. Possibly 80 per cent?

Mr. IRWIN. Possibly 85.

Acting Chairman COMMONS. Ordinarily a company would have to hire a much larger number than that to keep up the force.

What records have you of the length of service of your 2,200 employees? Can you give the length of service or the number of years classified by the time they have been with the company?

Mr. IRWIN. Well, we have a card system—card-index system—that covers the last 10 years. Previous to that we have no record of that kind without going to the individual names on the several pay rolls back indefinitely.

Acting Chairman COMMONS. I see. What proportion have been here 10 years?

Mr. IRWIN. Over half. Consider, though, that we had the changing of the men during the trouble. It is pretty hard to make an estimate of that. I think there are over half of the men here that were here 10 years ago.

Acting Chairman COMMONS. Then, about 1,000 men here were here 10 years ago?

Mr. IRWIN. Yes, sir. We have a Homestake Veterans' Association which has 150 members, men who have worked for the Homestake for 21 years or over, some of them 35 and 36.

Acting Chairman COMMONS. How many men in that?

Mr. IRWIN. One hundred and fifty.

Acting Chairman COMMONS. One hundred and fifty that have been here?

Mr. IRWIN. Yes, sir; that have been in the service over 21 years.

Acting Chairman COMMONS. What class of labor are they? Are they men that have been—they must be men along in years, of course.

Mr. IRWIN. Naturally; yes.

Acting Chairman COMMONS. Are they men who are miners, or are they bosses?

Mr. IRWIN. Well, they are recruited from all the different departments of the company. A great many of them are miners, machinists, blacksmiths, millmen.

Acting Chairman COMMONS. The question was raised to-day about the number of days per month or per year that the men actually put in on their work. Have you any exhibit with you or any data that you could show us about the amount of time that they put in?

Mr. IRWIN. I took three time books for the month of July at random from the 20 or 30 time books, which will show the amount of time that these men put in for the month of July, to give you an idea.

Acting Chairman COMMONS. That is, the past month?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. May I just look over that? Suppose I take up the different occupations as I go along. First comes timbermen in this list I have here. Timbermen get how much pay, Mr. Irwin?

Mr. IRWIN. $3.50 a day; some $4.

Acting Chairman COMMONS. $3.50 and $4. Each book is for a certain level?

Mr. IRWIN. For the shift bosses.

Acting Chairman COMMONS. And he has one level, or how?

Mr. IRWIN. It is according to how many men he has. Some have two levels; but mostly one.

Acting Chairman COMMONS. Is it your idea that this would be a representative month? If you took any month during the year, July would be about the same as any month?

Mr. IRWIN. Yes, sir; they run pretty regular; just about the same the year around.

Acting Chairman COMMONS. I notice these men that get $3.50 the days that they work run 28, 30. There was 31 days possible in July?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. 30½, 29, 30, 24½, 29—446 days for the number of men on that page. I can't figure out that average—what that amounts to. The lowest is four days. One man was off two weeks.

Mr. IRWIN. Yes; off on vacation. A great many men are off for a vacation during the months of July, August, and September. Sickness or vacation would cause that. It would not be for any other reason that I know of.

Acting Chairman COMMONS. Juris was off one week; Minsen was off all but four days. The rest run from 28 to 30. The high pay was made by a man who got $4, who gets $117 for that month for 29¼ days. It would look as though the average number of days that they put in was something like 29.

Mr. IRWIN. Twenty-eight or twenty-nine. I think twenty-eight would be nearer the average.

Acting Chairman COMMONS. That is, they were off on the 4th and 5th quite regularly?

Mr. IRWIN. That is a combination of a national holiday with change day following. The men change. So that we gave them two days off as much at the request of the men as any other reason, so that they could enjoy two days' vacation, one being a national holiday.

Acting Chairman COMMONS. Is there any special reason why timbermen should work more regularly than others—any necessity?

Mr. IRWIN. Well, they do work. They do possibly more a month because they are working on other days when other men are off, timbering in the places where miners are working at other times.

Acting Chairman COMMONS. So that they are likely to put in more days than others?

Mr. IRWIN. You have two other books for the miners working on other levels. It will show nearly the same amount of time.

Acting Chairman COMMONS. Miners seem to run 29, 27, 28¼, and here is one 21, and 29 and 29. The general average seems to be about the same, isn't it?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. You would say that is about the same, 29 days for miners?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The laborers apparently the same. The great majority run 28 and 29, 29¼. What position is the barmen; what do they do?

Mr. IRWIN. Men go through the stopes and bar down the rock from the roof wherever it appears to be unsafe, so as to make it perfectly safe for the miners and carmen and shovelers that work underneath.

Acting Chairman COMMONS. That is a skilled position, and they get $3.50?

Mr. IRWIN. Yes; they have to be good miners and understand the ground.

Acting Chairman COMMONS. There is only a small number of those?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The shaft men are skilled men, $4.50?

Mr. IRWIN. $4 and $4.50.

Acting Chairman COMMONS. They run the cage?

Mr. IRWIN. No, sir; they look after the repairs in the shafts, and go through the shafts between shifts and see everything is safe for the following shift.

Acting Chairman COMMONS. Are they miners?

Mr. IRWIN. No, sir; timbermen primarily—recruited from the timbermen ranks.

Acting Chairman COMMONS. They put in 32, 32, 33¼, 32¼, 34; how would they get in extra half days?

Mr. IRWIN. They are on duty eight hours; then if there is any repair work to be done or anything to be changed in the shaft between shifts they put in overtime that time, a quarter shift possibly. You see, there are several quarter shifts running through their time during the month. They are not working eight hours steady all day. They are on duty ready for any emergency that arises.

Acting Chairman COMMONS. They are emergency men?

Mr. IRWIN. Yes, sir.

Chairman COMMONS. They must be there between shifts, I presume?

Mr. IRWIN. Yes, sir.

Chairman COMMONS. Some of them must be there, and they make $128 to $146. The pipe men, what is their line of work?

Mr. IRWIN. Putting in air pipes throughout the mines—air and water.

Acting Chairman COMMONS. That is a $3.50 and $4 position?

Mr. IRWIN. $3.50 and $4.

Acting Chairman COMMONS. They have 24 to 31 days, 31¼; they get overtime?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. And they are working between shifts?

Mr. IRWIN. Not so much; no, sir.

Acting Chairman COMMONS. What about the watchmen. They get $3.50. What is the duty of the watchmen?

Mr. IRWIN. The mine watchmen go to work at 10.30 in the morning and work until 4.30 at mining or timbering, whatever the shift boss or foreman has for them to do, and after the shift leaves the mine they visit the various parts of the mine, dividing the mine up into sections, where timbers are, and looking out for fires or anything being wrong; that is, there is time until the next shift comes on so as to give them eight hours work beginning at 10.30 in the morning and ending at 7 at night.

Acting Chairman COMMONS. Are they able to get a little overtime, these men that are mining at the drill?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Then they seem to run 30, 27½, 28, 29½, 30 28½, 28½ days off; run four and five. Laborers about the same apparently, four and five are the days off, and they work 25, 28, 30, 28, 30—it seems to run along there with laborers about the same, about 28 or 29.

Mr. IRWIN. You will notice where you are reading the figures there for any particular man, 21, 22, 24, 25, they are off at some particular time, that the time is usually all bunched together, he is off at his own request and not being laid off by the company, only at very rare intervals.

Acting Chairman COMMONS. Where it notes a low figure, it is evident that he has been off two or three weeks? For example, 9½ days; one, 16 days; another, 2 days. I was trying to get the men that were working steadily, apparently. One man 20; another, 26½; but they don't seem, any of them to take their Sundays off. When they do take days off, with the exception of four or five, they have taken a week off or several days in succession. That seems to be the prevailing practice, does it not?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Track men. Is there any reason why they should be steadily at work?

Mr. IRWIN. Well, they are men who are keeping up the tracks throughout the mine, tracks that the cars are run on, and it is necessary for them to be there, or somebody in their place every day, because the work is necessary to be done.

Acting Chairman COMMONS. Are they on between shifts, or work on the regular shifts?

Mr. IRWIN. They usually work a straight shift; not very often they work overtime.

Acting Chairman COMMONS. They work with the shift, then?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. I presume these other books will probably show similar conditions?

Mr. IRWIN. Just about; yes, sir.

Acting Chairman COMMONS. About the same. When a man wants to lay off on Sunday, does he come to you or does he come to the shift boss?

Mr. IRWIN. He asks the shift boss, or notifies him the day before he wishes to lay off Sunday.

Acting Chairman COMMONS. It is left to the shift boss to decide, is it?

Mr. IRWIN. Well, it is not. The shift boss is instructed to let any man lay off Sundays that asks to get off—without question.

Acting Chairman COMMONS. That is, the instructions are to let them off without question?

Mr. IRWIN. On Sunday.

Acting Chairman COMMONS. On Sunday, that is what I am asking about.

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Taking up this sheet nationality report of mine employees for June, for the mine, you have 1,286, of which 653 are put down as Americans; I presume that means born in America, does it?

Mr. IRWIN. Born in the United States.

Acting Chairman COMMONS. Born in the United States?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. And the largest number outside of that is Englishmen, 120. Then, next comes the Austrians 112, Italians and Finlanders about 92 or 93 each, so that about one-half are American born according to that?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. That is about the present status?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. You stated, I believe, that six or seven years ago the proportion was—have you records for that time?

Mr. IRWIN. Not here. I stated 29 per cent Americans and English, and 71 per cent foreign, outside of English-speaking nationalities.

Acting Chairman COMMONS. Taking all employees, 2,100 during the month of June, there were 1,214 that were Americans; that is, 57 per cent. The foreigners then are mainly underground, are they not?

Mr. IRWIN. The larger number; yes.

Acting Chairman COMMONS. The Austrians 117 altogether, 112 underground?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Mr. Garretson, would you like to ask a question?

Commissioner GARRETSON. The statement was made to-day that the questions that appeared in your application for employment were for the purposes of identification, certain questions therein. Does that mean that in common with other occupations listed as extra hazardous, for the purpose of identification in case of an accident happening?

Mr. IRWIN. Well, not as much as it is for the purpose of identification in case anyone writes to us concerning that man, or about him, from any place else. Frequently relatives will ask if we have such a man, a certain man, describing him.

Commissioner GARRETSON. As a means of identification to those relatives, a man's politics and his religion——

Mr. IRWIN. We want to know after the man leaves our service, we want to keep a record of him, so that when he returns we can identify him that much easier if we have such a record.

Commissioner GARRETSON. No danger of him changing either his politics or his religion in the meantime?

Mr. IRWIN. There certainly is.

Commissioner GARRETSON. Then, how would it serve as a means of identification?

Mr. IRWIN. I didn't say that that served as a means of identification.

Commissioner GARRETSON. Well, it was testified that was the object of it.

Mr. IRWIN. No, I did not.

Commissioner GARRETSON. That is not the object, then?

Mr. IRWIN. Mr. Grier testified that was the object?

Commissioner GARRETSON. Yes.

Mr. IRWIN. But everything taken together on that application, generally speaking, it is for a means of identification, and we want to know something about a man's past life and his views and his convictions. We don't want to put a man in the mine who is an anarchist, was against all government and everything else. We take that means to protect ourselves.

Commissioner GARRETSON. Then that is part of the definition of what you testified a moment ago you got better men?

Mr. IRWIN. Yes; that is one reason.

Commissioner GARRETSON. They are the better fitted for the purposes you want them for?

Mr. IRWIN. I think so.

Commissioner GARRETSON. Then you mean to convey the idea that it is not because you want to know whether a man is a Catholic, a Baptist, or a Presbyterian, but you want to know whether he is an atheist?

Mr. IRWIN. Well, yes; we want to know whether he has any belief in a Supreme Being in his heart.

Commissioner GARRETSON. Then, in regard to politics, you do not want to know whether he is a Republican or Democrat, but whether he is a Socialist?

Mr. IRWIN. I don't think a man makes a very good employee who has no belief in a Supreme Being or has no respect for government.

Commissioner GARRETSON. Then, belief in a Supreme Being and in obedience to his commands go hand in hand or not?

Mr. IRWIN. They should theoretically, but they don't always practically.

Commissioner GARRETSON. Is it done here?

Mr. IRWIN. I think there are exceptions to the rule.

Commissioner GARRETSON. These 125 men in your veterans' association.

Mr. IRWIN. One hundred and fifty.

Commissioner GARRETSON. One hundred and fifty. How many of them are below the rank of shift boss?

Mr. IRWIN. Below the rank of shift boss and officials, I should judge there are 50 or 60 per cent.

Commissioner GARRETSON. Fifty or sixty per cent?

Mr. IRWIN. From the ranks.

Commissioner GARRETSON. Have you a list of that veterans' association easily available?

Mr. IRWIN. I have one.

Commissioner GARRETSON. With the positions of the men?

Mr. IRWIN. I can get you one.

Commissioner GARRETSON. Will you furnish that?

Mr. IRWIN. I will.

(See Irwin exhibit, under "Exhibits.")

Commissioner GARRETSON. We would be very glad to have it. That is all, Mr. Chairman.

Commissioner LENNON. What does the physical measurement of a man amount to? What standard do you insist on, taking a miner, for instance?

Mr. IRWIN. When an application is taken at my office all those questions are answered and the answers filled and the application is signed by the applicant. It is then put in an envelope, directed to the Homestake Hospital where he goes, and one of the attending physicians examines him just as thoroughly as he would be examined for an old line insurance company.

Commissioner LENNON. You examine him just about the same?

Mr. IRWIN. Physically, because we believe that they ought—every man working for the company belongs to the aid fund association, and we do it in some measure to protect them, we take their measure physically to see that they are not physically unfit to enter any other life insurance company. We protect our own employees in that way and also get good men physically for the work.

Commissioner LENNON. That is all I want to ask.

Acting Chairman COMMONS. That is all, Mr. Irwin; thank you. Dr. Clough.

TESTIMONY OF DR. F. E. CLOUGH.

Acting Chairman COMMONS. Give your name and address.

Dr. CLOUGH. F. E. Clough; I live at Lead, S. Dak.

Acting Chairman COMMONS. How long have you been connected with the company?

Dr. CLOUGH. Twelve years.

Acting Chairman COMMONS. In the position you now hold?

Dr. CLOUGH. No; I am only in temporary charge of the hospital while the chief surgeon is in Europe; regularly I am his first assistant here.

Acting Chairman COMMONS. You started in there as what?

Dr. CLOUGH. Started in as the office doctor.

Acting Chairman COMMONS. How many doctors are there employed?

Dr. CLOUGH. We have six doctors who devote their time exclusively to the Homestake Hospital; one man who devotes a small part of his time to it.

Acting Chairman COMMONS. Are these men graduates of medical colleges?

Dr. CLOUGH. Yes, sir; every one.

Acting Chairman COMMONS. What does the company do toward advancing their education after they are employed?

Dr. CLOUGH. It compels us to take a month's vacation every year to attend different clinics throughout the country.

Acting Chairman COMMONS. Where you go away on pay?

Dr. CLOUGH. Yes, sir; that is our work, but the pay never equals what we have to spend; but we are compelled to go one month out of every year.

Commissioner GARRETSON. You doctors have no grievance committee?

Dr. CLOUGH. No; we have no grievance committee.

Acting Chairman COMMONS. Does your office make the physical examination that Mr. Irwin referred to?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Would you describe that examination and give some indication of how thorough it is, what standards are that you use, and other things.

Dr. CLOUGH. We examine the man about the same as he is examined for the Army. His eyesight is examined; his hearing is examined; his lungs and his heart are gone over; his abdomen is examined; is examined for hernia, for signs

of kidney trouble; he is examined for varicose veins and hardening of the arteries; we look for evidence of chronic alcoholism; we generally size up the man, whether he is perfectly fit or not.

Commissioner LENNON. How near a perfect standard are they required to be in order to get the job?

Dr. CLOUGH. He has to be physically perfect. We don't accept any man who is blind in one eye or who can not see well with both eyes; we do not accept any deaf man; no man who has any heart disease of any description or any lung trouble. We discard him if he has hernia, if they have marked varicose veins, any form of kidney trouble, hardening of the arteries, or if they look particularly weak or look like they were not healthy enough to stand the work underground.

Commissioner O'CONNELL. How long has that examination been going on, Doctor?

Dr. CLOUGH. It has gone on since September, 1911.

Commissioner O'CONNELL. Those that were employed before that time, have they been examined?

Dr. CLOUGH. No, sir.

Commissioner O'CONNELL. All the employees, then, in the service of the company before this arrangement was established continued their employment without examination, regardless of their physical condition?

Dr. CLOUGH. Yes, sir.

Commissioner GARRETSON. Have you ever developed a case of hardening of the arteries except one of two things—age or premature age?

Dr. CLOUGH. Yes; we have some alcoholics that show signs of that.

Commissioner GARRETSON. But they are generally stronger in another direction, though?

Dr. CLOUGH. Yes.

Commissioner GARRETSON. It will affect the liver before the arteries, as a rule?

Dr. CLOUGH. In some cases.

Commissioner LENNON. This is a little outside of the thought, but did you ever consider the advisability of an examination of the old employees for tuberculosis? Has it ever been considered by the staff?

Dr. CLOUGH. Well, the proposition is this: Running the hospital the way it is, we see practically every employee when they are there sick the least bit, and they are likely to come to one of the hospital doctors, and in that way we know practically everybody on the pay roll who has any form of tuberculosis.

Commissioner LENNON. You know something of the work Dr. Sachs is doing in the industrial situation in Chicago?

Dr. CLOUGH. Yes, sir.

Commissioner O'CONNELL. What is the number of accidents the hospital takes care of per month?

Dr. CLOUGH. We took care during the year 1913 of 1,109 accidents. That includes the most trivial accident and the most serious. Of those 1,109 accidents 800 were men working in the mine and around the works; the other 309 occurred in members of the families of Homestake employees.

Commissioner O'CONNELL. How many serious accidents were there?

Dr. CLOUGH. There were probably 30 serious accidents.

Commissioner O'CONNELL. How many deaths?

Dr. CLOUGH. There were 4 deaths from accident, there were 16 deaths from sickness, in the year 1913.

Commissioner O'CONNELL. What were the causes from the deaths from accident?

Dr. CLOUGH. All injuries underground. One man was caught between a motor and the wall of a draft and crushed; the other three were due to falling rock crushing the men, who died of skull fractures. One died of a crushed-in chest.

Commissioner O'CONNELL. Are there any first-aid stations around the places, or do they bring them right direct to the hospital?

Dr. CLOUGH. We have first-aid boxes around through the mines, but it only takes 10 or 15 minutes to get the men to the hospital. There is always a doctor on duty at the hospital before an accident of any consequence arrives, and most of the first-aid work is done right in the hospital.

Commissioner O'CONNELL. Have you an ambulance?

Dr. CLOUGH. We have an ambulance; yes, sir. We have in all of the levels of the mine stretchers so arranged that a man can be strapped directly onto them, and not moved off from it. These stretchers can be taken up into any place in the workings; they can be taken down a manway or run down with a

windlass, and when the man gets to the surface the stretcher is put into the ambulance, brought immediately into the hospital, and he is not taken off of it until the doctor assumes charge of the case.

Commissioner O'CONNELL. Are there any cases of men losing their arms and legs.

Dr. CLOUGH. I should say in the last eight years—that is as far back as I could remember surely—we have amputated two legs and two hands. Those were all due to crushing injuries. We do not have the severe crushing injuries that they have in railroad work. These injuries that we get are mostly due to heavy rocks coming down and crushing them, but not smashing them absolutely as the wheels of a train would running over a man's leg. As a result, the great majority of our fractures of the leg all get well, and that is the commonest kind of severe injury that we have here.

Commissioner O'CONNELL. Any cases of men losing their sight?

Dr. CLOUGH. Some. There have been two or three men who have totally lost their sight. There have been quite a few men who have lost one eye.

Commissioner O'CONNELL. What has become of those men that lost their sight?

Dr. CLOUGH. The only one that I knew anything about went back to his relatives in Finland. I think there have been only two or perhaps three in a number of years.

Commissioner O'CONNELL. The men that have lost their limbs, what has become of them?

Dr. CLOUGH. They are right here.

Commissioner O'CONNELL. Working?

Dr. CLOUGH. Working every day; yes, sir.

Commissioner O'CONNELL. What is the man with the one hand doing?

Dr. CLOUGH. Working hard.

Commissioner O'CONNELL. Doing what, watchman?

Dr. CLOUGH. Tallying.

Acting Chairman COMMONS. What part in the selection does the ages of the men have with reference to physical examination?

Dr. CLOUGH. Not very much; some old men are good men, and some young men are no good. Sunday noon a man 60 years old was passed for work.

Acting Chairman COMMONS. I notice here that in this list the oldest man that was examined and passed was 66 years of age. Is that correct—that is, a man that was actually hired during this present calendar year, up to the present time, there is one 66 years of age. On what ground was such a man allowed to be employed?

Dr. CLOUGH. I don't know, unless he was a man who hadn't aged much.

Mr. IRWIN. He was a painter for temporary work.

Acting Chairman COMMONS. Well, take the one at 58.

Dr. CLOUGH. He probably was the same way. This year they have hired a good many men to finish this recreation building, working on until that was completed. The majority of these older men would never be hired for permanent work. And undoubtedly on the record that the doctor turned in this man was passed and marked for temporary work only.

Acting Chairman COMMONS. Well, that would probably hold for men down to 44 years of age. I notice there is one man at 44 and at 45.

Dr. CLOUGH. Yes; every once in a while one comes on for permanent work who is older than that.

Acting Chairman COMMONS. For permanent work who is older than 44?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Then at the age of 43 the number increases. There are five, and five at 42.

Commissioner LENNON. Do you have many applications of men over 40?

Dr. CLOUGH. I don't know; Mr. Irwin could tell you that.

Mr. IRWIN. We have a good many applications from men from 45 to 50, but we only select the best of them.

Commissioner O'CONNELL. What is the standing of a man that wears glasses and is otherwise fit?

Dr. CLOUGH. Unless he is shortsighted we let him go to work. If he is a shortsighted man, and has to wear his glasses underground, we do not accept him.

Acting Chairman COMMONS. Take the examination that you make of men after they are employed; what proportion of the men would be considered to have tuberculosis?

Dr. CLOUGH. We have on hand right now 20 cases of pulmonary tuberculosis amongst all the Homestake employees.

Acting Chairman COMMONS. What ages are they?

Dr. CLOUGH. Well, they run, I should roughly say, from 30 years up. A great majority of them have occurred in those who have worked underground for very many years. One other peculiar thing is that the great majority of these cases of tuberculosis develop in men who start their underground working before they become of age. It is peculiarly true among Cornishmen that almost without exception they went to work over in Cornwall when 12 or 13 or 14 years of age and have continued it right along since.

Acting Chairman COMMONS. You find this mostly among foreign born?

Dr. CLOUGH. Yes; a good many among the foreign born. The Cornish and the Italians; some few Italians are more prone to tuberculosis than our northern Americans. The Americans who come up from Kansas and southern Missouri, a great many of those develop tuberculosis.

Commissioner GARRETSON. Are a good many of the mines of the Cornish workings below sea level?

Dr. CLOUGH. Yes; they all are.

Acting Chairman COMMONS. What has been done since this matter of examination was installed? What has been done toward improving conditions so as to avoid tuberculosis?

Dr. CLOUGH. It has been a campaign of education every way around. One of the most potent factors I think for reducing this has been in taking in of the water machines for drilling. Doing away with the clouds of dust the men inhaled. We never could get the men to use any kind of respirator in the mines. They would stand and breathe this kind of dust rather than to have anything over their mouth. A good many even preferred dust flying in their faces to a little bit of mud from the water machines. They are getting educated to that. Another thing we have found difficult to handle is getting these men to sleep with open windows. Particularly the Austrians, I think, like to pile on all the bedclothes they can find and shut down all the windows.

Acting Chairman COMMONS. What other condition in the mines or other nature of work that causes tuberculosis—the dampness?

Dr. CLOUGH. I don't know that that is a particular factor.

Acting Chairman COMMONS. You wouldn't count the dampness?

Dr. CLOUGH. No, sir; I don't think so.

Acting Chairman COMMONS. Would you count the smoke of blasting?

Dr. CLOUGH. I think one other factor, perhaps, that had something to do with it, that which has been entirely eliminated, has been the building of this "dry" at the Ellison hoist. Before that the men as they came up had to run across the bridge in cold weather to the "dry" on the other side of the hill, and a good many of them had chronic colds as a result of that. Now they don't get chilled at all.

Acting Chairman COMMONS. That is, they change their clothes?

Dr. CLOUGH. They change their clothes right at the Ellison and put on dry clothes, and that has been eliminated.

Acting Chairman COMMONS. What steps have been taken in addition to what you have mentioned in improving the surroundings in the levels?

Dr. CLOUGH. I could not say as to that.

Acting Chairman COMMONS. The main thing, you think, is the substitution of the water drill, is it?

Dr. CLOUGH. Substitution of the water drill and leading hygienic lives, general clean-up of conditions around town.

Commissioner O'CONNELL. Have you any form of slips you have around and little "don'ts" and simple remedies?

Dr. CLOUGH. We are just starting that now.

Commissioner O'CONNELL. They are very effective, very effective, without putting themselves to too much inconvenience, distribute them among the homes.

Acting Chairman COMMONS. Do you keep the accident statistics showing the number of accidents each year?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Have you the figures?

Dr. CLOUGH. I can give you the total figures, not for the Homestake employees alone but for the Homestake's employees and their families. We haven't divided these figures except for the last year. Now, for the years from 1909 to 1913 the surgical cases run like this: 788, 918, 1,276, 1,228, 1,109. Now, whether the same per cent—that is, 27 per cent of these statistics for 1913

occurred in the families of our employees; whether the same per cent would hold true for the other five years I am not certain, but it would be fairly close to that.

Acting Chairman COMMONS. Does that show a reduction or not?

Dr. CLOUGH. It shows a reduction in the last year of 118.

Acting Chairman COMMONS. Of operations?

Dr. CLOUGH. One hundred and eighteen surgical cases less. The first three months of 1914 show a reduction of 32 per cent over the first three months of 1913, and it was in 1913 we began inaugurating the safety campaign. We have no safety bureau, but we have a safety campaign that is becoming pretty vigorous.

Acting Chairman COMMONS. That is, in 1913?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. It has been running just a little over a year?

Dr. CLOUGH. Just about a year since we got it going good.

Acting Chairman COMMONS. What was the first year's improvement?

Dr. CLOUGH. The per cent of our serious-accident cases was very much diminished. The small-accident cases haven't shown so much decrease yet. By the small-accident cases I mean mashed fingers, where it does not lay the men off more than a day or two, or a cut on the leg, or something of that kind.

Acting Chairman COMMONS. You have records showing the amount of time lost?

Dr. CLOUGH. No, sir; that is not kept at the hospital office; the timekeeper keeps that.

Acting Chairman COMMONS. Do you, Mr. Irwin, have that record?

Mr. IRWIN. We have that record for 1914 only.

Acting Chairman COMMONS. So that it does not give any comparison?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. That is all.

Commissioner LENNON. Does the standard of living in the different nationalities or different families affect the frequency of tuberculosis either in the children or the parents?

Dr. CLOUGH. To a certain extent, I think there has been a great change made in the sanitary conditions in most of these homes in the last few years. There is not so much crowding. That is a very potent factor for reducing tuberculosis. There are still some of the homes around here where they have two or three boarders, but in the old times there was five or six room families where in the house they would have one crew night shift and one crew day shift men living in the same room. That does not at all exist now.

Commissioner O'CONNELL. The one that got home first got the best?

Dr. CLOUGH. Yes; at the time they put the eight-hour shift into effect, and the men started coming home at 3 o'clock in the morning, there was a great deal of scrambling around here for a while to get that shift off.

Commissioner O'CONNELL. If they happened to lay off at the same time there would be some struggle, I suppose.

Acting Chairman COMMONS. Has the hospital service or nurses taken an active part in this matter of education regarding crowding and overcrowding, and so on?

Dr. CLOUGH. Not a great deal.

Commissioner O'CONNELL. How many nurses up at the hospital?

Dr. CLOUGH. We employ six graduate nurses.

Commissioner O'CONNELL. Do you take any other cases at the hospital other than company cases?

Dr. CLOUGH. Once in a while. We are generally pretty well filled. When any emergency case comes up that demands it we always see they are taken care of.

Commissioner O'CONNELL. Are there any other hospitals in the city?

Dr. CLOUGH. No, sir; all other accident cases are taken to the hospital at Deadwood.

Acting Chairman COMMONS. What is the expense of operating the hospital service?

Dr. CLOUGH. I have been told it is costing $50,000 a year.

Acting Chairman COMMONS. That includes everything?

Dr. CLOUGH. That includes everything.

Acting Chairman COMMONS. Nurses and so on?

Dr. CLOUGH. Nurses and doctors and maintaining the hospital.

Acting Chairman COMMONS. The company spent also about $12,000 in the aid—sickness aid?

Dr. CLOUGH. Twelve thousand dollars and the care of the aid fund, clerical force, and supplies.

Acting Chairman COMMONS. What additional expense is there in the way of taking care of sickness and accidents?

Dr. CLOUGH. That is all.

Acting Chairman COMMONS. That would be about sixty to sixty-five thousand dollars?

Dr. CLOUGH. Yes; that will cover it all.

Acting Chairman COMMONS. Cover the entire expense?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. The practice for the families—the homes and families of the employees is done free of charge also, is it not?

Dr. CLOUGH. There is no charge for any medical or surgical service whatsoever to any Homestake employee or those directly dependent on him.

Acting Chairman COMMONS. Do many of them engage outside practitioners besides?

Dr. CLOUGH. I think we take care of at least 85 per cent of all the work occurring in the families of Homestake employees.

Acting Chairman COMMONS. How many physicians in the city outside of those employed by the Homestake?

Dr. CLOUGH. There are five.

Acting Chairman COMMONS. Their practice, I take it, is not with the employees except in a small proportion?

Dr. CLOUGH. Not so much. Then they depend a great deal on the outlying camps for their work.

Acting Chairman COMMONS. Do you want to ask any questions?

Commissioner GARRETSON. Yes; I want to render unto Cæsar that which is Cæsar's. I am president of an insurance company, and I have some business with doctors. I want to say you are the first doctor I have seen that could talk that long without using technical terms or Latin phrase, and I compliment you.

Dr. CLOUGH. If you had been up against some of these people around here, you would have to talk a good deal simpler language to them.

Acting Chairman COMMONS. Mr. Ryan.

TESTIMONY OF MR. THOMAS RYAN.

Acting Chairman COMMONS. Mr. Ryan, will you give us your name and address?

Mr. RYAN. I am a little deaf; you will have to speak loud.

Acting Chairman COMMONS. Will you give us your name and address?

Mr. RYAN. Thomas Ryan; I am secretary of the union miners.

Acting Chairman COMMONS. Are you a member of the miners' union?

Mr. RYAN. I do; yes, sir.

Acting Chairman COMMONS. A member and secretary.

Mr. RYAN. Yes, sir.

Acting Chairman COMMONS. How many members in the union?

Mr. RYAN. At the last meeting we had 12 members. We have possibly about 16 members attending meetings off and on.

Acting Chairman COMMONS. Are they employed in Lead?

Mr. RYAN. Some of them are employed around the country, not all of them in town—the outskirts of the town.

Acting Chairman COMMONS. What is the number of the local?

Mr. RYAN. Of the total?

Acting Chairman COMMONS. What is the number of the union?

Mr. RYAN. About 16.

Acting Chairman COMMONS. No.——

Mr. RYAN. Oh, No. 2.

Acting Chairman COMMONS. Is it a local union or district union?

Mr. RYAN. Sir?

Acting Chairman COMMONS. Is it a local union or district?

Mr. RYAN. It is an incorporation. We were called No. 2 of the Western Federation of Miners, but President Moyer, of the Western Federation of Miners, January 3, 1913, declared us defunct on account of us not paying dues.

The executive board—Miller came in in December, and hung around the union for about a week, and Saturday night, the first Saturday night in January, he handed me a letter, dated December 17. This letter read:

"This is to officially notify you that the custodianship of the Lead City Union Miners' Hall, which I have invested in you is hereby revoked. You are hereby ordered to turn all property over to Thomas Gorman, my representative, who has been appointed this day."

We were supposed to own the building. The summer of 1910, I think it was late in the fall, there was one of our tenants got about $500 behind in the rent and would not pay us. We could not get the money out of him, and we brought suit in a local court, and the lawyer told us, on account of a deed of trust that we had given Moyer, we would have to get his consent before we could bring suit.

I wrote to President Moyer in regard to it, and he sent us a kind of paper that enabled us to bring suit to get that money. And President Moyer, December 17 this letter was dated, revoked that order.

On Saturday night, the first Saturday night in January, he served that paper on me.

On Sunday night I says to him, "I suppose you will wait until the union meets on Monday night." He didn't answer thoroughly, just kind of grunted.

On Sunday night he handed me a paper dated January 3: "This is to officially notify you that on account of executive board Miller having reported to me that you have not the required amount of due-paying members, according to article so-and-so of the constitution and by-laws of the Western Federation of Miners, this is to officially notify you that your charter is hereby revoked. You are ordered to turn all money, books, papers of all descriptions over to executive board Miller, who will receipt for same."

On Sunday morning prior to that, executive board Miller came to my house about 10 o'clock, and I had just gotten up. It was a very cold morning in January, and he says: "I can't get in the building." "Well," I says, "you can get in the register's office." He says, "Yes." I says, "I will be down in a minute." I saw there was something strange. I came down and went to the register's office and says, "Mr. Miller, you want to work?" He says, "Yes." I says, "Come up here." I went in the office and I asked what he wanted, and he said he wanted to look at some of my books. I opened the safe and turned the books over to him, and he got what he wanted.

I have three bunches of keys in my pocket, and I had laid them down, and I turned around for the keys and the keys were gone. I closed the safe and I wasn't positive whether I had brought down three bunches or only two. I was looking for them when Miller came to the door. I says, "Have you seen my keys?" He says, "I have them." He says, "I want to see your charter upstairs." So we went upstairs, and I says, "Miller, give me them keys before I forget it." He says, "Oh, no; I think I will keep them keys; I have an order for you to look at, ordering you to turn all property over to me." That was after he had given me the notice that the custodianship of our building was revoked. So I had to take the keys away from Miller.

Well, about a week afterwards it was reported to the union that Miller had went to the office of a safe expert in town on Sunday morning and woke him out of bed, sent Mr. Gorman, his agent, to wake him up to open our safe.

Mr. Bartell, the expert, came over to the register's office, and they asked him if he could open the front door and open the safe. He told him he could not do it, he didn't think. That, in order to open it, he would have to blow it open. Mr. Bartell was not prepared to go ahead, or Miller was not either.

We didn't know that until a week after, after Miller had left. It is getting a little bit ahead of the story. If you want me to tell it, I would rather go back to the beginning—the beginning of the lockout.

Commissioner O'CONNELL. There are a few facts only I want to get. Do I understand you are not affiliated with the Western Federation of Miners now?

Mr. RYAN. No, sir.

Commissioner O'CONNELL. Then this union you claim to be a member of is simply a union composed of a dozen men here?

Mr. RYAN. It is an incorporation that was incorporated in 1880. The Lead City Miners' Union organized in 1877; they were incorporated in 1880 under a benevolent and charitable organization. This charter that we have from the State is perpetual; on account of the way it is we have a charitable and benevolent organization. This charter was to be renewed every 20 years, but according to a decision of Judge Bryan it was not necessary.

In 1898 we were one of the oldest unions that helped to organize the Western Federation of Miners at Butte. Off and on from that time we were a member of the Western Federation of Miners up to the time that Moyer declared us out.

Commissioner O'CONNELL. This union that you say was chartered under the State became a part of the Western Federation of Miners?

Mr. RYAN. Yes, sir; as was said to-day, just as we became a part of the trade assembly in the town and the district——

Commissioner O'CONNELL. But, as I understood you, what do you mean by under cover in some way?

Mr. RYAN. All our business was done under the name of the Lead City Miners' Union, a corporation. Whenever we were sued we were sued under the name of the Lead City Miners' Union, a corporation.

Commissioner O'CONNELL. Was this corporation composed of just its own men?

Mr. RYAN. Oh, no; the membership ran as high as they——

Commissioner O'CONNELL. What became of the rest of them?

Mr. RYAN. They gradually left the town after that lockout.

Commissioner O'CONNELL. These people that remained assumed the ownership of the property of the other men?

Mr. RYAN. These men—according to the articles of incorporation, the property can not be sold while there are nine men still there.

Commissioner O'CONNELL. Wasn't there some other people that had a financial interest in that property?

Mr. RYAN. They certainly have; in Butte, Mont., there is hundreds of men there interested in it, and they have shown it in what they done in Butte a few months ago.

Commissioner O'CONNELL. Haven't they got a mortgage on this property of a considerable amount?

Mr. RYAN. I would like to go back and tell you about the lockout and tell you about the mortgage; it would not take very much time.

Commissioner GARRETSON. Mr. Chairman, is there anything involved in this testimony except the title to a piece of property?

Acting Chairman COMMONS. Anything you want to bring out?

Commissioner O'CONNELL. I simply want to bring out the facts.

Mr. RYAN. Mr. Kirwan gave testimony here to-day regarding the lockout, and I want to give testimony here to show that we are not what we are said to be all over the United States.

Commissioner O'CONNELL. Who do you refer to—you say "we"?

Mr. RYAN. I mean the Lead City Miners' Union, the men in Butte, Mont., the men all over this country that are fighting the administration of Charles Moyer.

Commissioner O'CONNELL. As I understand it, you are not a member of the organization?

Mr. RYAN. They are not members; we are; and there are members in the fight that were old members of this union, and lived here all their lives until they left after the lockout. They are interested in the welfare of the members here that are holding this property for them. They are interested so much that we frequently hear from them. Now, we had—I have been in Van Tassel all summer. I got a letter from our lawyer last week, and he told me that he had a buyer for our share of that property for $10,000 that he was offered for it. He said he would be able to get $12,500 for our interest in that property. I wrote to Butte to members of the union that are interested in that property—that is, that was considered to be interested——

Acting Chairman COMMONS. I think that will do, Mr. Ryan. We would not care to enter into it any further.

Mr. RYAN. Sir?

Acting Chairman COMMONS. I think that will be sufficient this evening. We are very much obliged to you Mr. Scoggan.

TESTIMONY OF MR. WARREN E. SCOGGAN.

Acting Chairman COMMONS. Will you give your name and address?

Mr. SCOGGAN. Warren E. Scoggan.

Acting Chairman COMMONS. And your address?

Mr. SCOGGAN. Lead, S. Dak.

Acting Chairman COMMONS. Your present occupation?

Mr. SCOGGAN. Carpenter.

Acting Chairman COMMONS. Have you been a miner?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Member of the miners' union?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. At what time were you a member?
Mr. SCOGGAN. I have been a miner since 1898.
Acting Chairman COMMONS. Are you a member at present?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Of what organization?
Mr. SCOGGAN. Western Federation.
Acting Chairman COMMONS. We find now there are two. Which?
Mr. SCOGGAN. How is that?
Acting Chairman COMMONS. Which one?
Mr. SCOGGAN. Well, I belong to what is called the district union, spoken of here this morning.
Acting Chairman COMMONS. The one that Mr. Kirwan represented?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Or the one that Mr. Ryan represents?
Mr. SCOGGAN. The one that Mr. Kirwan represents.
Acting Chairman COMMONS. The one Mr. Kirwan——
Mr. SCOGGAN. Well, that he spoke of, rather.
Acting Chairman COMMONS. That he spoke of. Then you are a member of this district union, so-called, that is being formed?
Mr. SCOGGAN. I don't know as it is being formed; it is the remains of what is left.
Acting Chairman COMMONS. Where are the headquarters of that district union?
Mr. SCOGGAN. Deadwood.
Acting Chairman COMMONS. At Deadwood?
Mr. SCOGGAN. Yes.
Acting Chairman COMMONS. Are you one of the officers?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Could you give the membership?
Mr. SCOGGAN. No, sir.
Acting Chairman COMMONS. Are they employed at mining in this district?
Mr. SCOGGAN. Some of them.
Acting Chairman COMMONS. Were you a member of the union at the time of that lockout that has been described here?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. You have heard the story of the lockout that was presented here to-day?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Is that substantially correct?
Mr. SCOGGAN. Well, I don't—it is not entirely correct, I think there is some mistake on the part of some.
Acting Chairman COMMONS. For example?
Mr. SCOGGAN. They were mistaken as to how things came about, etc.
Acting Chairman COMMONS. Would you state just by way of correction any point that you feel some error has been made on?
Mr. SCOGGAN. Well, only the impression that was made on me in the testimony as was given, was too much stress was laid on the publication in the paper of the cause of the lockout as the reasons for locking them out. As my understanding as a member of the Lead City Miners' Union for 20 years—that the method of communicating with the company was there was committees appointed with credentials given with the seal of the union and officially signed by the officials. That was the official way of communicating between the union and the company, not through newspaper publications. And these newspaper publications was not served on the company; that is, looking at it from what you say, we didn't intend it for that. It was simply publication for employees working for the company; not for the company.
Acting Chairman COMMONS. Was the union at that time accustomed to address communications to the management of the company?
Mr. SCOGGAN. Well, from my recollections and the reports from the management here—local management, that was one of the things that I heard reported, that any business they had to do with the company, that must come from the union as a committee with credentials with them. That was reported, and that is what they acted on after that.

Acting Chairman COMMONS. That was, you say, prior to this meeting in October, 1909?

Mr. SCOGGAN. Yes; that was all prior.

Acting Chairman COMMONS. It was the recognized practice that you should appoint committees?

Mr. SCOGGAN. Yes, sir.

Acting Chairman COMMONS. To see the management?

Mr. SCOGGAN. Yes, sir; not by publication.

Acting Chairman COMMONS. But in this particular case the organization did not follow that method, and adopted a resolution and sent it to the members for publication?

Mr. SCOGGAN. Yes, sir.

Acting Chairman COMMONS. Now, what is the difference between the two methods that you wish to emphasize?

Mr. SCOGGAN. Well, the difference: One was the custom, and the other was new, something that had never been done before.

Commissioner LENNON. Well, was the passage of that resolution in the union equivalent to a strike vote?

Mr. SCOGGAN. Oh, no.

Commissioner LENNON. How did the union look upon that passage of that resolution? Was it equivalent to a strike vote on the 25th of November?

Mr. SCOGGAN. No, sir; not to my knowledge; not to my way of understanding it. As it was stated here this morning, if they were to vote on a strike it would be voted by three-fourths majority, and this was simply passed like a motion and carried by a majority.

Commissioner LENNON. Well, was there any other unfinished business on the books of the organization which would bring the question of the strike vote up at a later date, say a week after the 25th, or two weeks—within a short time after the 25th?

Mr. SCOGGAN. I don't understand the question.

Commissioner LENNON. Well, was there pending any action by the union; that is, if the resolution was not complied with that the strike vote would be taken?

Mr. SCOGGAN. I don't remember of anything being talked of a strike vote. I want to say that in regard to that, that all of this publication and the agitation, and this man Tracy spoken of here this morning, brought in as organiser, were the efforts to get the men that were working for the company, not belonging to the union, into the union. And that was the intention of the publication, and all that they done was successful in getting members into the union. They were trying to make it unanimous, as it was said here this morning the reasons why—I was on the committee myself that went down to talk with the superintendent of the company—the reasons why they wanted them to belong to the union. It simply was because their receipts were falling below their expenses, and that was on account of so many working for the company that did not belong, and so many of them that did belong to the union was growing old, like some of us, and we had more sickness, and the expense was higher than it ought to be, and the younger members not belonging, something had to be done. The reason I speak of that is because I was on the committee myself that went down and conferred.

Commissioner LENNON. How many years had you maintained this benefit society?

Mr. SCOGGAN. Well, I have been in Lead for 20 years and over, and it was in existence when I came here, but they changed their rates, different at different times. When I came here they was paying, I believe it was $6 a week; they finally raised it to $1 a day, and finally raised it to $10 a week. That was the best they ever paid for a sick benefit, and $75 funeral benefit in case of death—that is natural.

Commissioner LENNON. How much did each member pay to maintain that benefit?

Mr. SCOGGAN. $1 a month.

Commissioner LENNON. Now, tell me, how was the money raised to erect this building down here?

Mr. SCOGGAN. Well, it was raised by an assessment—not an assessment, by a voluntary giving of $5 a month out of their pay, those in the employ of the company. That was taken out of each one, the pay of each one working for the company that belonged to the union. If a man didn't belong to the

union, why he could go and take his voucher and go down and get his money. They could not take their pay.

Commissioner LENNON. In that way the members then contributed the money to erect the building?

Mr. SCOGGAN. Yes; that was done.

Commissioner LENNON. Did they have it clear of indebtedness?

Mr. SCOGGAN. Oh, certainly. That was done, this $5 proposition was paid in until they had the amount of $50, and then you were issued a bond drawing 8 per cent interest.

Commissioner LENNON. That is, each individual when he had invested $50, then he got a bond?

Mr. SCOGGAN. If he had the amount of $50 in vouchers he was given a bond drawing 8 per cent interest. The bonds ran until they passed maturity, and was finally paid up.

Commissioner LENNON. I don't know that it is pertinent to any investigation here, but in wandering by that building, walking up and down the street, we can't understand as strangers here why that building stands there empty. What's the matter? It looks like a good building, and it has a good location. Is it because of litigation, or what is the reason?

Mr. SCOGGAN. Well, if I could express it in my way I would say it is on account of a family row. Neither one of the factions wants to move in.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. You are excused. Is there anything further that you care to add?

Mr. SCOGGAN. Oh, I think nothing that I have a great desire to testify to, only that I want to say as I have taken quite an active part in this, as most all know, the reasons why I have taken an active part in it, and the objections I have to the part the company took in it, is simply that it is published in the paper every day, the Lead City Call, the card that goes with the other that you read to-day and that was offered here as an exhibit, and that was the stand that the unions took. The statement was made here this morning that the other organization supported the miners, not because it was a miners' fight or anything of that kind, but because this card attacked all unions regardless of miners' federation or any other federation. The card simply said you could not belong to any union. Of course that affected all of us. That is the part that I want to testify, as this is an investigation, that any union man that believed in the principle of unionism and knows what it is, he knows what unionism means—which I think I do, and I do not know whether I do or not, but I think so—under that condition he could not work under the card if he believed in the principles of unionism and wanted to live up to them. I think the card is simply an encouragement—or for deception and a discouragement to the truth. At the time it was adopted everything was union here comparatively, we were working under what is called union conditions, and of course that card simply meant that they all had to go out of business, and that is why it stands empty. At that time the building was used, but with no unions allowed to exist under the card system, which they could not; the building is out of use and no use for it.

Commissioner O'CONNELL. You mean by the card system the union card?

Mr. SCOGGAN. I mean the card system that is published in the paper that is supposed to be the official paper of the company; that is, all of these notices that we got here this morning as exhibits; in them is the card which has been spoken of here this morning.

Commissioner O'CONNELL. That means that a union man won't be employed?

Mr. SCOGGAN. Yes; that is what I am referring to; that is the difference between the Homestake Co. and the unions. That is the difference.

Commissioner O'CONNELL. That seems to be quite a broad difference.

Mr. SCOGGAN. That is the difference that the lockout went out on. That is what the unions went out on.

Commissioner O'CONNELL. That is sort of the immovable up against the irresistible.

Mr. SCOGGAN. Well——

Acting Chairman COMMONS. That is all the questions we have. We will excuse you.

Mr. SCOGGAN. Yes.

Acting Chairman COMMONS. The commission will now stand adjourned until 9 o'clock to-morrow morning.

(And now, at 9 o'clock p. m., of this, Monday, August 3, 1914, an adjournment was taken until 9 o'clock a. m., Tuesday, August 4, 1914.)

LEAD, S. DAK., *August 4, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will come to order. Is Mr. Howard present?

TESTIMONY OF MR. H. L. HOWARD.

Acting Chairman COMMONS. Give us your name, please.
Mr. HOWARD. H. L. Howard, Lead, S. Dak.
Acting Chairman COMMONS. You are the mayor?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Will you describe briefly the form of government of the city—what are the governing officials?
Mr. HOWARD. We have a board of three commissioners.
Acting Chairman COMMONS. A mayor and two commissioners?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Are they elected at the same election?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. The three elected at the same time?
Mr. HOWARD. No, sir; their terms are for five years, but they are elected at different times—that is, three were elected at the first election for different lengths of time, but it is for a term, and the following election is for five years.
Acting Chairman COMMONS. When was this system started?
Mr. HOWARD. It was in May, 1912.
Acting Chairman COMMONS. And when was the first election?
Mr. HOWARD. In May, 1912.
Acting Chairman COMMONS. The present commissioners were elected at that time?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Who are the commissioners?
Mr. HOWARD. Myself, as the mayor; J. W. Curran; and W. J. Fogelsong.
Acting Chairman COMMONS. Folts?
Mr. HOWARD. Fogelsong.
Acting Chairman COMMONS. The commissioners are the governing body?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Do they appoint all subordinates?
Mr. HOWARD. They do.
Acting Chairman COMMONS. What are the divisions of the city government into departments?
Mr. HOWARD. A mayor, finance commissioner, the commissioner of public property, police, and fire; the commissioner of waterworks and sewers.
Acting Chairman COMMONS. Is this divided among the three commissioners?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Which do you have?
Mr. HOWARD. I am the mayor.
Acting Chairman COMMONS. Do you have charge of any other department?
Mr. HOWARD. I have charge of the finance department and general supervision over the other two departments.
Acting Chairman COMMONS. Who has charge of the public property?
Mr. HOWARD. The public buildings are under my control, but public property other than that is under the control of Mr. Fogelsong.
Acting Chairman COMMONS. The school property.
Mr. HOWARD. That is under the board of education.
Acting Chairman COMMONS. How is that board selected?
Mr. HOWARD. They are elected by the people.
Acting Chairman COMMONS. In the same way?
Mr. HOWARD. In the same way.
Acting Chairman COMMONS. At large?
Mr. HOWARD. They are elected at large, five members of the board.
Acting Chairman COMMONS. Who makes the appropriations for school purposes?
Mr. HOWARD. That is made by the board of commissioners, but the school board meets and figures what their appropriation should be, and reports it to the board of commissioners, and the board of commissioners, of course, accepts their figures absolutely.
Acting Chairman COMMONS. So that it starts with the board of education, and the commissioners accept their figure, is that the idea?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Is there a tax limit for educational purposes?

Mr. HOWARD. There is.

Acting Chairman COMMONS. Fixed by the State law?

Mr. HOWARD. Fixed by the State law.

Acting Chairman COMMONS. Who has charge of the waterworks and sewage?

Mr. HOWARD. Mr. Curran—J. W. Curran.

Acting Chairman COMMONS. Who has charge of the police?

Mr. HOWARD. The law reads in this way, that the commissioner of public property, police, and fire is charged with the enforcement of the police and fire regulations. The enforcement of the law is entirely with the mayor; consequently he has considerable to do with the police department.

Acting Chairman COMMONS. He practically controls the police department?

Mr. HOWARD. I don't give any attention to the details of the police department, but in other ways your statement would be correct.

Acting Chairman COMMONS. Can you state the total tax levy of the town?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. What is it?

Mr. HOWARD. The levy for 1913 was 7 mills; for 1914 it will be 5½ mills.

Acting Chairman COMMONS. Take 1913, the taxes have been paid for that?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. What was the total revenue from taxes?

Mr. HOWARD. The assessed valuation of the city in 1913 was $8,846,854; that produced practically $61,000. We had other sources of revenue, however.

Acting Chairman COMMONS. What are the other sources?

Mr. HOWARD. You want the entire revenue of the city?

Acting Chairman COMMONS. Take the entire revenue.

Mr. HOWARD. The appropriations for the year 1913—our fiscal year begins September 1—for the fiscal year September 1, 1913, to August 31, 1914, the total appropriation was $91,878.21.

Acting Chairman COMMONS. Does that include schools?

Mr. HOWARD. No, sir; that is city.

Acting Chairman COMMONS. Add the school appropriation?

Mr. HOWARD. City alone.

Acting Chairman COMMONS. Add the school appropriation.

Mr. HOWARD. I would have to get that for you.

Acting Chairman COMMONS. Approximately.

Mr. HOWARD. Well, I could not give you that without looking at their revenue statement, because they have the—the limits of the city and the limits of the school district are not identical, and then the school district has other sources of income from the State, which makes it quite an extensive proposition.

Acting Chairman COMMONS. What is the school levy?

Mr. HOWARD. Four mills.

Acting Chairman COMMONS. Well, then, that would make it about four-sevenths of what the other is?

Mr. HOWARD. No; the valuation of the independent school district is much larger than the valuation of the city because the limits are much greater. It covers a great deal more territory than the city.

Acting Chairman COMMONS. Well, so far as the property within the city is concerned, it pays 4 mills.

Mr. HOWARD. It pays 4 mills.

Acting Chairman COMMONS. So that on the city property the schools would pay four-sevenths for education of what they do for general purposes?

Mr. HOWARD. The total levy that the property in this city paid last year was 17 mills; the State tax is 1 mill, county tax is 4 mills, city, road, and bridge tax 1 mill, school tax 4; total, 17 mills.

Acting Chairman COMMONS. Seven mills brings $91,000, does it?

Mr. HOWARD. No; 7 mills would bring practically $61,000.

Acting Chairman COMMONS. Seven mills brought $61,000; 1 mill would bring about $9,000; 17 mills would bring about $153,000 from the levy on the property of the town?

Mr. HOWARD. That is, you want just city and school purposes alone?

Acting Chairman COMMONS. I want all of the tax levy that is imposed on the town.

Mr. HOWARD. Well, you will have to take 17 mills then, and take the valuation which I gave you of eight millions, and multiply that by 17 and you will get the total amount of taxes paid by the city of Lead.

Acting Chairman COMMONS. That brings it out about one hundred and thirty-six million for the town?

Mr. HOWARD. One hundred and thirty-six thousand.

Acting Chairman COMMONS. One hundred and thirty-six thousand; yes. Now, is that collected by one assessor or by the county treasurer?

Mr. HOWARD. That is collected by the county treasurer in this State.

Acting Chairman COMMONS. Can you state the total amount of taxes paid by the Homestake Co. in the town?

Mr. HOWARD. I don't think I could. It is approximately, I think, 53 per cent.

Acting Chairman COMMONS. Of the total taxes?

Mr. HOWARD. Yes.

Acting Chairman COMMONS. That is, of this one hundred and thirty-six thousand they pay 53 per cent?

Mr. HOWARD. Yes, sir; that is my recollection.

Acting Chairman COMMONS. Over half of it, half of the taxes. What other sources of revenue are there besides taxes?

Mr. HOWARD. Well, I will read you my revenue statement.

Acting Chairman COMMONS. Will you kindly have it handed in as an exhibit?

(The paper so presented was marked "Howard Exhibit No. 1."

The statement referred to "Financial Statement, City of Lead, S. Dak., March 1, 1914," was submitted in printed form.)

Mr. HOWARD. We had miscellaneous receipts, $3,018.36; from sundry licenses, $1,073.35; liquor licenses, $14,000; municipal court, $5,051.20; sale of city hall bonds, $10,093.33; internal improvement bonds, $2,019; park receipts, $813.

That was for the year March 1, 1913, to February 28, 1914, when this statement was made up.

Acting Chairman COMMONS. The waterworks here, do you have a separate company, or is that the Homestake Co.?

Mr. HOWARD. That is controlled by the Homestake Mining Co.

Acting Chairman COMMONS. Do they have a franchise in the city?

Mr. HOWARD. They have an agreement with the city to furnish water here; yes, sir.

Acting Chairman COMMONS. What is the nature of that agreement?

Mr. HOWARD. It was entered into at a very early date here, and there is no franchise granted by the city for the purpose. These pipes and reservoirs were made here before the city had any practical existence; the town was only organized in 1890.

Acting Chairman COMMONS. Do the commissioners have authority to regulate waterworks?

Mr. HOWARD. They have under a State law, I believe.

Acting Chairman COMMONS. Have they exercised that authority?

Mr. HOWARD. No, sir. We never had enough money to put in a water plant; it is a very big proposition.

Acting Chairman COMMONS. I do not mean a municipal proposition, but to regulate the charges, the rates charged by the private company?

Mr. HOWARD. No; we have no such authority by the State.

Acting Chairman COMMONS. You have no such authority?

Mr. HOWARD. No; our powers here in this State, as far as the municipality is concerned, are all prescribed by the State laws.

Acting Chairman COMMONS. How large is your police force?

Mr. HOWARD. We have four men, four regular men.

Acting Chairman COMMONS. What salaries are paid?

Mr. HOWARD. We pay the chief of police $115 a month; we pay a night captain $100, and two patrolmen $90 a month each.

Acting Chairman COMMONS. How many men in the fire department?

Mr. HOWARD. We have 21.

Acting Chairman COMMONS. What are the salaries of the commissioners?

Mr. HOWARD. The commissioners?

Acting Chairman COMMONS. Yes.

Mr. HOWARD. My salary is $1,800 a year, and the commissioners $1,000 each.

Acting Chairman COMMONS. You are not required to give your entire time to the city work—that is, to give up private business—are you?

Mr. HOWARD. Well, the success of the commission form of government depends solely on the amount of time each man gives to it. It is a government by specialists, and if the man does not give his entire time to it the commission form of government can never be a success.

Acting Chairman COMMONS. Do you carry on a private business?
Mr. HOWARD. No, sir; I give my entire time.
Acting Chairman COMMONS. You give your entire time?
Mr. HOWARD. And part of my wife's.
Acting Chairman COMMONS. Mr. Curran, does he give his entire time?
Mr. HOWARD. He does not.
Acting Chairman COMMONS. He carries on a private business, does he?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Mr. Fogelsong, does he give his entire time?
Mr. HOWARD. No, sir; not his entire time.
Acting Chairman COMMONS. So that it is expected the mayor should give his entire time?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. And all the others should give part of their time?
Mr. HOWARD. Devote only a portion of the time.
Acting Chairman COMMONS. How are the elections conducted? Is there a party ticket or is there a nomination by petition?
Mr. HOWARD. Nomination by petition. There is no party designation; nothing at all on the ballot except the names of the men and the office for which they are candidates.
Acting Chairman COMMONS. At the last election—the first election, rather—how many candidates were put up for mayor and commissioners?
Mr. HOWARD. There were two candidates for mayor and I think there were five candidates for the two commissionerships.
Acting Chairman COMMONS. And those that stood at the head of the ticket were elected?
Mr. HOWARD. They must obtain the majority, and the two that obtain a majority are elected.
Acting Chairman COMMONS. What was the vote cast for mayor?
Mr. HOWARD. It was between 1,700 and 1,800, I believe.
Acting Chairman COMMONS. What is the total registration?
Mr. HOWARD. About 2,200 or 2,400, I think.
Acting Chairman COMMONS. What did each candidate receive?
Mr. HOWARD. For mayor I can only give it to you approximately; I don't remember.
Acting Chairman COMMONS. Well, that is all right.
Mr. HOWARD. I think I received about 1,200 votes; my opponent, the balance.
Acting Chairman COMMONS. Are campaign expenses limited in this State by law?
Mr. HOWARD. We have got a corrupt-practices act, I believe, now that is pretty severe. You have to publish the amount of your expenses.
Acting Chairman COMMONS. What were your expenses?
Mr. HOWARD. I don't remember now what they were.
Acting Chairman COMMONS. Did you publish them?
Mr. HOWARD. They were not required to be published at that time. This law was not then in effect; if I had published them, I would probably remember it. However, they were not extraordinarily heavy.
Acting Chairman COMMONS. How do you conduct your campaign—on the streets?
Mr. HOWARD. Principally through the newspapers.
Acting Chairman COMMONS. Through the newspapers. Are there civil-service examinations for subordinate positions?
Mr. HOWARD. No, sir.
Acting Chairman COMMONS. They are appointed by the——
Mr. HOWARD. Commissioners.
Acting Chairman COMMONS. By the commissioners?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. What is the business in which Mr. Curran is engaged?
Mr. HOWARD. Mr. Curran is in the real estate business, and I guess he would be classed as a capitalist. He is a man of some means.
Acting Chairman COMMONS. And the business that Mr. Fogelsong is in?
Mr. HOWARD. He is in the retail coal business.
Acting Chairman COMMONS. How long have you been a resident of this city?
Mr. HOWARD. Twenty-two years.

Acting Chairman COMMONS. How long has Mr. Curran been a resident of this city?

Mr. HOWARD. I think perhaps nearly 30 years.

Acting Chairman COMMONS. And Mr. Fogelsong?

Mr. HOWARD. I believe, perhaps, as long as Mr. Curran.

Acting Chairman COMMONS. They have been in this business during the time that they have been here?

Mr. HOWARD. Well, I couldn't say as to that, that they have been in their present business—they have been in their present business for quite a long time.

Acting Chairman COMMONS. What are the principal causes of arrest by the police? Have you the police record of arrests between those dates?

Mr. HOWARD. Yes, sir. The small breaches of the peace, as a rule. I think I can give you the number. The court here—that is, during the year this statement covers—288 criminal cases under city ordinances, 81 State criminal cases, and 102 civil cases, making a total of 471 cases, criminal and civil, handled by the court during that year.

Acting Chairman COMMONS. State the intemperance and disorderly conduct cases; how do they run, drunkenness, etc.?

Mr. HOWARD. The city is remarkably free.

Acting Chairman COMMONS. Have you that separate in your report?

Mr. HOWARD. No.

Acting Chairman COMMONS. They are not separated; they come under those criminal cases?

Mr. HOWARD. Yes; they come under the criminal cases.

Acting Chairman COMMONS. Has there been any improvement in the arrests for disorderly conduct?

Mr. HOWARD. There has been a very marked improvement.

Acting Chairman COMMONS. Could you verify that by some figures?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Well, in what ways, state.

Mr. HOWARD. The records of the court would show that.

Acting Chairman COMMONS. You don't have them in mind; about what they were?

Mr. HOWARD. I can give you one instance which might show. When I was first elected mayor we had 17 policemen; now we have 4, and you gentlemen can draw your own conclusions.

Acting Chairman COMMONS. The reduction in number, then, is owing to the falling off in the number of arrests required?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. The 17 were busy, were they?

Mr. HOWARD. They were needed.

Acting Chairman COMMONS. Would you say that that would be a fair indication of the reduction in disorderly conduct and intemperance, from 17 policemen down to 4? Would that probably indicate what you say would be the improved moral condition of the town as the result of these three years?

Mr. HOWARD. Yes, sir; that would be, I would think, good grounds for taking that view of the matter.

Acting Chairman COMMONS. What has been your policy regarding saloons?

Mr. HOWARD. I have a State-wide reputation as a man handler of saloons.

Acting Chairman COMMONS. That means making them live up to the law?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Will you state the law? What is the law regarding saloons?

Mr. HOWARD. The law requires a saloon to be located in a building not connected with—in a room not connected with any other room in the building, and to be open at all times to public inspection by having the windows and doors unobstructed. Prescribe the hours in which they may sell; prohibits them from selling to drunkards who are known as such or to persons after they have been notified not to do so by certain parties, and we absolutely prohibit all gambling.

Acting Chairman COMMONS. In case there are violations after notice, do the commissioners have power to revoke the license?

Mr. HOWARD. I think they could, but they would be governed by rules of law.

Acting Chairman COMMONS. Have you closed any saloons during this period since 1912?

Mr. HOWARD. The State legislature passed a law limiting the number of saloons to one to 600 of population, and that automatically cut the number of saloons from 18 to 14.

Acting Chairman COMMONS. When did that law go into effect?

Mr. HOWARD. I think it was two years ago.

Acting Chairman COMMONS. While you were mayor?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Who decides—the commissioners were the ones that decided?

Mr. HOWARD. They were the ones that decided.

Acting Chairman COMMONS. There were four that the commissioners decided should be discontinued?

Mr. HOWARD. There were three. Only three out of the four applied, and those three were dropped; but I believe that we made a requirement which was in the law, that these men should deposit the amount of their license fee before we would consider their application, and I think that there were only 15 who produced the money. We considered those 15 and granted 14 of them.

Acting Chairman COMMONS. What is the fee—license fee?

Mr. HOWARD. One thousand dollars a year.

Acting Chairman COMMONS. When you were elected mayor, what was the closing hour?

Mr. HOWARD. Eleven o'clock.

Acting Chairman COMMONS. Can the commissioners change the hour?

Mr. HOWARD. No, sir.

Acting Chairman COMMONS. What is the closing hour now?

Mr. HOWARD. Nine o'clock.

Acting Chairman COMMONS. Is that a State law?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. When was that put in force?

Mr. HOWARD. I think that was about three years ago.

Acting Chairman COMMONS. Have you revoked any licenses?

Mr. HOWARD. No, sir.

Acting Chairman COMMONS. On the ground of violation of the law?

Mr. HOWARD. No, sir; I have had no trouble to enforce the law.

Acting Chairman COMMONS. How?

Mr. HOWARD. I have had no trouble to enforce the law.

Acting Chairman COMMONS. Well, I think that will be sufficient. Much obliged to you.

Mr. HOWARD. Much obliged to you.

Acting Chairman COMMONS. Mr. Northam.

TESTIMONY OF MR. G. A. NORTHAM.

Acting Chairman COMMONS. Give your name and address.

Mr. NORTHAM. G. A. Northam; Lead, S. Dak.

Acting Chairman COMMONS. What is your position, Mr. Northam, with the Homestake Co.?

Mr. NORTHAM. I am known as the special agent of the Homestake Mining Co.

Acting Chairman COMMONS. What are your duties?

Mr. NORTHAM. Well, I look after all their properties and works. If I see anything going wrong, I make the report to Mr. Grier.

Acting Chairman COMMONS. And how much of a force have you under your direction?

Mr. NORTHAM. At present, or during the month of July, I had 19 men. That is the smallest amount that I had.

Acting Chairman COMMONS. And what is the largest number that you had?

Mr. NORTHAM. Well, I have had away up into a hundred.

Acting Chairman COMMONS. At what time?

Mr. NORTHAM. During the lockout.

Acting Chairman COMMONS. Where do you distribute these 19 men?

Mr. NORTHAM. They are distributed, the most of them, around the works, our most valuable business.

Acting Chairman COMMONS. What salaries are paid these men?

Mr. NORTHAM. The majority of them are paid $3 for eight hours' work.

Acting Chairman COMMONS. Do you operate in three shifts with them?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How is that? You have 19 men, each of them at 8 hours, but you have 24 hours of watching and guarding.

Mr. NORTHAM. I watch during the darkest part of the night. My men now go on at 9 o'clock and work eight hours.

Acting Chairman COMMONS. How many of them are night watchmen?

Mr. NORTHAM. They are all night watchmen except four, I think.

Acting Chairman COMMONS. And what are the four—what are their duties?

Mr. NORTHAM. Special; looking after business in my line.

Acting Chairman COMMONS. You detail them for any work that comes?

Mr. NORTHAM. Yes, sir; day and night.

Acting Chairman COMMONS. How long have you been in this position, Mr. Northam?

Mr. NORTHAM. I have been in the employ of the Homestake Mining Co. in this capacity for 22 years—about 22 years.

Acting Chairman COMMONS. And the chief of this service?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Of this department?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Are you sworn in as a State officer?

Mr. NORTHAM. I am deputy sheriff.

Acting Chairman COMMONS. You are a deputy sheriff?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. How long have you been deputy sheriff?

Mr. NORTHAM. I have either been deputy sheriff or a constable for all of that time.

Acting Chairman COMMONS. And you have been on the pay roll of the company during the same time?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Do you have pay as deputy sheriff from the county?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How many of your men under your direction have similar authority as deputy sheriffs?

Mr. NORTHAM. All of them.

Acting Chairman COMMONS. They are all deputy sheriffs?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. What authority does that give you in addition to what you would have were you simply the special agent of the Homestake Co.?

Mr. NORTHAM. Well, if my men were going to and from their work on the Homestake grounds, they would have to pass through the city; and if they were carrying firearms, which they have a right to carry when they are deputy sheriffs, an officer could arrest them for carrying concealed weapons in the city limits; but when they pass onto our grounds—I speak of our grounds; I mean the Homestake grounds.

Acting Chairman COMMONS. What additional advantage does it give?

Mr. NORTHAM. In case that anyone molests property by trespassing, they have a right to arrest them.

Acting Chairman COMMONS. Without warrant?

Mr. NORTHAM. Yes, sir; if they catch them in the act.

Acting Chairman COMMONS. In case they make an arrest, what is the disposition of the case, what is the procedure?

Mr. NORTHAM. I am notified, and they turn them over to me, and I in turn turn them over to the sheriff of the county and make the complaint against them, whatever the nature of the case may be.

Acting Chairman COMMONS. And the trial comes up in what court?

Mr. NORTHAM. Well, if they were arrested in Deadwood, as I have a watchman down there, the proposition is that I would have them taken before the court in Deadwood. If it was up here, they would be taken before the municipal court here.

Acting Chairman COMMONS. That is the city. What is the status of that court, is it practically a justice court?

Mr. NORTHAM. Justice court.

Acting Chairman COMMONS. The lowest court. Who prosecutes the cases in such cases, you?

Mr. NORTHAM. The district attorney.

Acting Chairman COMMONS. The district attorney prosecutes them?

Mr. NORTHAM. Yes.

Acting Chairman COMMONS. And you furnish the evidence?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. What is your record of the number of arrests that you have made during the past two years?

Mr. NORTHAM. I haven't any record.

Acting Chairman COMMONS. How?

Mr. NORTHAM. I haven't any record of the number. I never kept a record of the number of arrests that were made.

Acting Chairman COMMONS. Well, could you just give us some sort of an estimate?

Mr. NORTHAM. Why, no; not definitely. I don't think I could.

Acting Chairman COMMONS. Well, would you arrest during the year a dozen men, do you think?

Mr. NORTHAM. During the years of 1910 and 1911 it would probably be that many and might exceed it.

Acting Chairman COMMONS. What year was that?

Mr. NORTHAM. 1910 and 1911.

Acting Chairman COMMONS. About 10 or 11 men. Did you make arrests during this lockout?

Mr. NORTHAM. Quite a number.

Acting Chairman COMMONS. Do you have in mind about how many were made?

Mr. NORTHAM. No; I could not say.

Acting Chairman COMMONS. How?

Mr. NORTHAM. I could not say.

Acting Chairman COMMONS. You had about a hundred men at that time?

Mr. NORTHAM. Yes, sir; under my control; yes.

Acting Chairman COMMONS. The only arrests that you make are on the basis of trespass on the property?

Mr. NORTHAM. That is all.

Acting Chairman COMMONS. Do you make arrests, supposing that one employee attacks another employee and one of your men—of your deputies—were a witness, you would have authority to arrest?

Mr. NORTHAM. We would have the authority to arrest; yes, sir.

Acting Chairman COMMONS. Do you make such arrests?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How do you do in such cases?

Mr. NORTHAM. We report it.

Acting Chairman COMMONS. Report it?

Mr. NORTHAM. They report it to me, and I report it to the officers.

Acting Chairman COMMONS. You have besides these that are on salaries, do you have any other deputies or persons assisting you?

Mr. NORTHAM. They are included in these 19 men.

Acting Chairman COMMONS. Do you have charge of these men who are employees who are to make reports on the work that is done by men, say, underground, and that class of work which is not visible, with your deputies?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You have no such report coming from the men underground?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. The policy of your company is to prohibit any man from belonging to a union. That is in their questions of application. What is your activity in discovering men who are secretly fomenting trouble or disturbers or members of unions, agitators of that class of people who might come to town and stir up trouble, find fault or try to organize a union?

Mr. NORTHAM. I report him to our employment agent, Mr. Irwin.

Acting Chairman COMMONS. You report to him?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Your four special agents are detailed to this class of work?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. The watchmen are not?

Mr. NORTHAM. Yes, sir; they are, too, if they find a man of the description that you are putting.

Acting Chairman COMMONS. What do you consider to be a disturber or agitator; is it necessarily a man who is trying to organize a union? What is the test of a disturber you will report under such circumstances?

Mr. NORTHAM. Any man that would come in here and try to reorganize the Western Federation, I would call him a disturber.

Acting Chairman COMMONS. Suppose one of the employees should be reported as having expressed some inclination to organize a union; then you would report him?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. All employees?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Could you say how many men you have reported on this ground during the past year?

Mr. NORTHAM. No, sir; I can't.

Acting Chairman COMMONS. Have you reported any?

Mr. NORTHAM. Yes, sir; a good many.

Acting Chairman COMMONS. A good many?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Could you say whether these men have been dismissed or not from the service?

Mr. NORTHAM. Some of them have.

Acting Chairman COMMONS. On the ground of what?

Mr. NORTHAM. Disturbers.

Acting Chairman COMMONS. Is this put on record in the employment office?

Mr. NORTHAM. I think it is.

Acting Chairman COMMONS. You are familiar with the employment office records?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And you use that as a guide in following up these men?

Mr. NORTHAM. I don't use their record as a guide. I make the report to them as I find the men that are working for the company.

Acting Chairman COMMONS. I notice that the company also asks the men regarding the political parties that they belong to when they employ them. Do you report to the employment office regarding the politics of any employee?

Mr. NORTHAM. I took this up with every man that was working for me and found out their politics and handed in a report to Mr. Irwin.

Acting Chairman COMMONS. That is the men of your staff?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And about the men that are working in the mines?

Mr. NORTHAM. I have nothing to do with that.

Acting Chairman COMMONS. You make no report whatever of the politics of the men working in the mines?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. If a man was a Socialist, would you report him?

Mr. NORTHAM. Well, if he was the kind of Socialist I have run up against I certainly would.

Acting Chairman COMMONS. Have you reported men as Socialists?

Mr. NORTHAM. Yes, sir; I have.

Acting Chairman COMMONS. About how many?

Mr. NORTHAM. I can't tell you.

Acting Chairman COMMONS. Well, suppose a man was reported as being a Progressive or Bull Moose, would you report him?

Mr. NORTHAM. I used to like the Bull Moose.

Acting Chairman COMMONS. Would you report him?

Mr. NORTHAM. No, sir; I would not.

Acting Chairman COMMONS. You would not?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. Why would you not report him?

Mr. NORTHAM. Because he is not an agitator.

Commissioner O'CONNELL. Would you call the chief Bull Moose an agitator?

Mr. NORTHAM. Sir?

Commissioner O'CONNELL. Would you call him an agitator?

Mr. NORTHAM. You didn't understand my answer. I said because he was not an agitator.

Acting Chairman COMMONS. One of the principles of the Bull Moose Party is to do away with all Sunday work. A man agitating doing away with Sunday work would be a disturber to that extent. Would you report a man who agitated in favor of doing away with Sunday work?

Mr. NORTHAM. No, sir; I would not.

Acting Chairman COMMONS. Then your principle of distinction is purely a question as to whether the man is an agitator in the sense that he would be likely to induce the men to organize?

Mr. NORTHAM. That is it.

Acting Chairman COMMONS. It all centers on that one proposition, and the only political side to it comes where the political party was in favor of organizing a union and would be an agitator to that extent. In case any of these men were reported to you, do you deal with the man himself who has been reported as an agitator?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You simply report him to Mr. Irwin?

Mr. NORTHAM. After he is reported to me I investigate him. If I find the report was correct, then I turn my report in to Mr. Irwin.

Acting Chairman COMMONS. To Mr. Irwin?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Then it is Mr. Irwin's business to take it up with the man himself?

Mr. NORTHAM. Yes, sir; or see that that man does not go to work if he hasn't already gone to work.

Acting Chairman COMMONS. So that as far as the accuracy of the reports are concerned, it is up to you to make the investigation?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And find whether the report is accurate?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Mr. Irwin does not investigate those questions?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You report these cases to Mr. Grier?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Also as well as Mr. Irwin?

Mr. NORTHAM. Yes, sir; when Mr. Grier is here.

Acting Chairman COMMONS. So that you would say with your force you have a pretty accurate knowledge of the entire working force of the company on these points?

Mr. NORTHAM. Yes, sir; I think I have.

Acting Chairman COMMONS. I believe that is all.

Mr. NORTHAM. I want to state I have——

Acting Chairman COMMONS. Have you any statement you would like to make?

Mr. NORTHAM. There is a statement I have to make each month and turn it in to the time office, the number of men working for me and their nationality, and here is a copy of it if you wish.

(The paper so presented was marked "Exhibit No. 1, Witness Northam, August 4, 1914."

The paper referred to is printed under "Exhibits.")

Mr. NORTHAM. And if you want to know where these men work——

Acting Chairman COMMONS. Yes, sir.

Mr. NORTHAM. I have a list here of their places that these men work.

Acting Chairman COMMONS. You may submit that also.

(The paper so presented was marked "Exhibit No. 2, Witness Northam, August 4, 1914."

The paper referred to is printed under "Exhibits.")

Acting Chairman COMMONS. Will you take that last statement you handed in? Where do these men work?

Mr. NORTHAM. You want me to read the list?

Acting Chairman COMMONS. Just state what are the places.

Mr. NORTHAM. Reservoir; Ellison hoist; B. & M. hoist; Golden Star hoist; Golden Prospect hoist; Pocahontas and Monroe mill yards; tunnel; cyanide No. 1; cyanide No. 2; slimes; house, call office, and barn; specials; Hidden Fortune hoist; Hidden Fortune mill; Morning Glory coal chute; night captain.

Commissioner LENNON. Do any of these men perform regular labor in the places where they are?

Mr. NORTHAM. No, sir.

Commissioner LENNON. They are just doing the work you have them to do?

Mr. NORTHAM. Yes, sir.

Commissioner O'CONNELL. Do you or any of your force report the morals of the workmen in any way as to whether they are practicing intemperance or visiting in saloons?

Mr. NORTHAM. Yes, sir.

Commissioner O'CONNELL. If you find a man that is a frequent visitor of saloons, you report that he is doing so?

Mr. NORTHAM. Well, no, sir; not unless he is drinking so as to incapacitate himself.

Commissioner O'CONNELL. If you found him under the influence of liquor once?

Mr. NORTHAM. No, sir; once I wouldn't report him.

Commissioner O'CONNELL. Twice?

Mr. NORTHAM. I can't say I would.

Commissioner O'CONNELL. How often would you have to find him under the influence of liquor before you would report him?

Mr. NORTHAM. Well, if he was constantly hanging around the saloons in a condition not to be able to go to work with safety to himself and the people that he was working with, I should report him.

Commissioner O'CONNELL. Do you report on the home social relations of the family?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. That you may find?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. Are the homes of the families watched in any way by you or by your force?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. You keep no record of them in any manner?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. Except in the matter of intemperance?

Mr. NORTHAM. That is all.

Commissioner O'CONNELL. In no other way are the morals looked after at all by you or by your force?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. Just one other question.

I have been around town visiting quite a number of people, trying to get impressions. Do you know the people I have visited?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You have had no report?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. That will do, I am much obliged to you.

TESTIMONY OF MR. CHAMBERS KELLER.

Acting Chairman COMMONS. Will you state your name and residence?

Mr. KELLER. Chambers Keller; residence, Lead, S. Dak.

Acting Chairman COMMONS. It is quite generally reported to me that you are active in the political activities of the company. Will you describe your activities in the campaign of the primary and election of 1912?

Mr. KELLER. 1912?

Acting Chairman COMMONS. You are attorney of the company, I believe?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. How long have you been that?

Mr. KELLER. I have been attorney since April 1, 1904. Prior to that time I was a partner with Judge Moody, of Deadwood, who was the attorney of the company.

Acting Chairman COMMONS. I would like to have you tell about your activities.

Mr. KELLER. I always have taken a pretty active interest in the politics of the country. I don't know that I was any more active in 1912 than I am every presidential election or every county election or every city election. In 1912 I did what I could to elect President Wilson as President of the United States. I also did what I could to elect Mr. Johnson as governor of South Dakota; he was the Democratic candidate. We were not fortunate enough to succeed in the latter, though we contributed much to the election of the former. In looking after political matters in which I am interested either personally or politically, I presume I do what every man does, try to enlist the cooperation and sympathy of his friends.

Acting Chairman COMMONS. Are you on any political committee?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. Simply acting as a citizen?

Mr. KELLER. That is all. In 1912, it seems to me, if I am not mistaken, that Mr. Stanley was the county chairman; I am not certain; I know he was one year, and I believe that was the year. Mr. Stanley is my partner. It is possible that was the year he was chairman of one of the political committees, but I am not certain. I have never been chairman of any of the large county committees. I usually attend the conventions and I always take an interest and an active interest in political matters.

Acting Chairman COMMONS. What party do you affiliate with?

Mr. KELLER. Republican.

Acting Chairman COMMONS. But in the fall election——

Mr. KELLER. In 1912 I did what I could for Mr. Wilson.

Acting Chairman COMMONS. In the Republican primaries of that year, 1912, what did you do?

Mr. KELLER. Let me see, 1912—in the primaries of that year—my recollection is I wasn't very active in politics. The gubernatorial candidates, Mr. Egan, Gov. Byrne, and Mr. Richards, I don't think I took much interest—Judge Cull was one of the candidates—my recollection is I voted for Judge Cull, who only got a scattering vote in the State; he didn't run very strong. It was pretty evenly divided. My recollection is Mr. Egan carried Lead city. I am sure he did. Mr. Egan carried Lead city, and Gov. Byrne ran second, and Mr. Cull, Judge Cull, a poor third in Lead city.

Acting Chairman COMMONS. Which one is your candidate?

Mr. KELLER. Judge Cull.

Acting Chairman COMMONS. In the fall election how did Lead go?

Mr. KELLER. The fall election? The fall election of 1912, Lead went for Gov. Johnson; that is, the Democratic candidate for governor, as I recall it.

Acting Chairman COMMONS. At the presidential election?

Mr. KELLER. It went for President Wilson.

Acting Chairman COMMONS. Do you remember about the vote at that time?

Mr. KELLER. How close, you mean?

Acting Chairman COMMONS. Yes.

Mr. KELLER. Well, I don't, Mr. Chairman.

Acting Chairman COMMONS. Do you know about how many votes were cast at the presidential election?

Mr. KELLER. Well, I should say about 1,800.

Acting Chairman COMMONS. Do you remember what Johnson's number was?

Mr. KELLER. No, sir; I don't remember that.

Acting Chairman COMMONS. Were there three tickets here?

Mr. KELLER. There was the Republican and Democratic, there were only two major tickets, just those two at the fall election.

Acting Chairman COMMONS. How did you conduct your campaign in the fall as regards the employees of the Homestake Co.? Did you have any of them in your office instructing them how to vote, who to vote for, either the Wilson or Johnson ticket?

Mr. KELLER. Very likely. There is never a campaign that I am interested in that I do not do that. If I am interested in it I see the men that I am acquainted with and that I think will cooperate with me, and go over the matter with them.

Acting Chairman COMMONS. Did they come to your office?

Mr. KELLER. Well, they usually do. I presume they did that year.

Acting Chairman COMMONS. How did you get word to them?

Mr. KELLER. Well, in various ways. It depends on who they are. If it is—well, it may be men that I will meet on the street, or men that I can telephone to, get in touch by telephone easier than I can see them; it just depends on who they are.

Acting Chairman COMMONS. Are there certain individuals that you depend upon to get word to them?

Mr. KELLER. Well, no; I can't say that there is. It depends entirely on who they are, Mr. Chairman.

Acting Chairman COMMONS. Do you ask the shift bosses to notify you of the men under their direction to come to see you?

Mr. KELLER. No; I do not know that I have ever done that. Usually I will speak to a shift boss himself, and if I think he is favorably inclined to an individual or the ticket I desire to help I will talk to him about it; if I think he is not, why, I don't, naturally. The shift bosses of the Homestake Mining Co. have their own notions politically and have exercised them, and that is demonstrated here constantly. We do not have an election——

Acting Chairman COMMONS. About how many shift bosses are there?

Mr. KELLER. I should judge about 40. That is just a guess.

Acting Chairman COMMONS. About how many of them are you personally acquainted with?

Mr. KELLER. Oh, I suppose half of them.

Acting Chairman COMMONS. About 20?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. And that 20 you would consider your friends?

Mr. KELLER. I should think so.

Acting Chairman COMMONS. So that you could depend upon about 20 of them to give these invitations to——

Mr. KELLER. Well, when I speak to a shift boss I do not expect him to simply speak to the men under him, not by any means; some of our shift bosses are some of our most influential citizens here. They have friends all over the town in different walks of life, and if they can assist politically and are supposed to do it I expect them to do just as any man would do, just as I would do, use their influence where they can. They do not confine it to the men under them, and they do not direct it to the men under them.

Acting Chairman COMMONS. Are all of the voters of this town of Lead able to read their ballots in English?

Mr. KELLER. No; I do not believe they all are. Probably a small percentage can not; but I think it is a small percentage.

Acting Chairman COMMONS. About 10 per cent, would you say?

Mr. KELLER. I should not think over that.

Acting Chairman COMMONS. Then say there are 1,800 votes; you would say about 200?

Mr. KELLER. Well, there would not be to exceed that at the outside, in my judgment. In that amount I believe there is usually a timidity or reticence developed on the part of the men who can not do that, to vote at all. It seems to be a feeling that they do not care to try it. I have noticed that.

Acting Chairman COMMONS. In this campaign did you talk with any of these that could not speak English?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. And instruct them as to the method of voting?

Mr. KELLER. No, sir. It is bad enough to have to talk politics to a man who can understand you. I never tried to talk it to a person who could not, either with or without an interpreter.

And in that connection, Mr. Chairman, I wish to suggest, I don't think the chairman used the word in that sense, but the word "instruct" was used. And I disclaim ever at any time instructing any of the men in the sense of trying to tell the man how he should vote if he is not so inclined.

Acting Chairman COMMONS. Certainly; I didn't intend to use it.

Mr. KELLER. Yes; I thought you meant to explain.

Acting Chairman COMMONS. I misused the word. What is the method of voting here; do they have the Australian system?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. Is it a machine vote?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. Written?

Mr. KELLER. Written. Written method. We have a ballot and the names of the candidates are printed upon the ballot, and the method of voting is by placing a cross in front of the name you desire to vote for. We have the ordinary Australian regulations as to preserving the integrity of the polling place. And in the 18 years that I have lived in Deadwood and Lead I have never known of a row or trouble or difficulty at a polling place of any description whatever. I don't believe there is a more orderly set of elections held anywhere in the country than those held in this community in that period of time.

Acting Chairman COMMONS. That is, there never has been any investigation of ballot-box frauds or anything?

Mr. KELLER. No, sir; nor never a suggestion of any kind that ever I have heard of, except last fall—I think it was last fall—there were some statements in one of the eastern papers that the registration in Lead was entirely too large, that the vote wasn't here. But aside from that one time I have never known of any suggestion of its being made.

Acting Chairman COMMONS. In case a man can't read English, under the law he has an interpreter?

Mr. KELLER. He has a right to an interpreter to explain it.

Acting Chairman COMMONS. He can call for it?

Mr. KELLER. He can ask to have the ballot explained to him, and he can, under our system, request either one of the three judges to mark his ballot for him—the judge shall be permitted to go into the booth with him. But I have not known of that being done even once. It is in the law, but I have never known of its being exercised, that privilege.

Acting Chairman COMMONS. And is that the ground on which you base your idea that there is reluctance on the part of the non-English voter?

Mr. KELLER. I think that is the reason. I think that is one of the reasons.

Acting Chairman COMMONS. That is the main reason?

Mr. KELLER. We have had at times some very immature or inadequate voting. For instance, frequently quite a number of the ballots will be found with just one cross on them, and that cross will be before some inferior and insignificant office that does not amount to anything and that nobody is taking any interest in, but this voter has happened to have known the person and wanted to vote for him with that cross. Every election, even in the presidential elections, you will find any number of ballots that will be voted for just one little city official, nobody else.

Acting Chairman COMMONS. Would you name any other gentleman in the locality that are interested as you are in politics and that make an effort to secure voting according to their ideas?

Mr. KELLER. Well, it is pretty general. I think we are like every community.

Acting Chairman COMMONS. Who would be considered your principal man who believes with you and works with you on such lines of politics?

Mr. KELLER. Well, I should say that ordinarily I consider Mr. J. W. Curran and Mr. R. H. Driskol, cashier of the bank; P. A. Gushurst, the grocer man here; Mr. Royce, who is Mr. Irwin's assistant; Mr. Ernest May, who is also in the grocery business here and has represented this county in the State senate for a number of years; and Mr. Howard, the mayor.

Acting Chairman COMMONS. These gentlemen are generally Republicans?

Mr. KELLER. Yes; they are all Republicans, I think.

Acting Chairman COMMONS. Were they all for Wilson at this last election?

Mr. KELLER. Well, I don't know as to that. I don't really remember. I don't think Gushurst was. I think Gushurst was—I am quite sure Gushurst was not.

Acting Chairman COMMONS. In your position as attorney for the company, I suppose you would recognize, of course, that your wishes would go a very long way with employees. Is Mr. Grier acquainted with your political activities?

Mr. KELLER. Well, only in a very general way. I talk political matters with Mr. Grier, and I usually feel that I have Mr. Grier's sanction for whatever I do politically. He is very active—although not always, because frequently Mr. Grier is not here, and Mr. Grier does not take the interest in politics that I do by any means. We don't agree on some matters politically.

Acting Chairman COMMONS. Would you mind telling what you don't agree on?

Mr. KELLER. Well, Mr. Grier I have always thought was more inclined to—well, to favor what some people call socialistic and some progressive ideas than I am.

Acting Chairman COMMONS. You are a standpatter?

Mr. KELLER. I am a standpatter, so-called, although I do not consider myself a hidebound standpatter, by any means.

Acting Chairman COMMONS. Well, you can change, I can see that.

Mr. KELLER. I think I have changed. I consider that a great many of the most progressive pieces of legislation that have been enacted both Federally and in the State have been wise legislation, and I favor them. Some of them I don't know.

Acting Chairman COMMONS. When you changed from the Republican Party in 1912 to the Democratic Party in the election, did you discuss this matter with Mr. Grier?

Mr. KELLER. I think Mr. Grier was away at the time. [Addressing Mr. Grier:] Weren't you, Mr. Grier, in Canada?

Mr. GRIER. Yes.

Mr. KELLER. I think Mr. Grier was in Canada, sick.

Acting Chairman COMMONS. It was solely on your own conviction?

Mr. KELLER. Yes, sir; the Homestake Mining Co. had nothing to do with it.

Acting Chairman COMMONS. You think you could say definitely so far as the mining company represented by Mr. Grier is concerned, that he leaves that matter entirely to you on your own initiative to do as you please?

Mr. KELLER. Well, I would not want to assume too much authority in a matter of that kind. I should say that notwithstanding the awful and extraordinary suspicions and all that, I should say that the Homestake Mining Co. does not take a very great part in politics. I know we don't take as much part as a great many people would like to have us. There is not an election held, neither primary nor general, that the candidates, some of them, do not come and request us to take a part in and request me to, and I invariably decline to do it. It is not because we want to participate in those things.

Acting Chairman COMMONS. Mr. Garretson has a question.

Mr. KELLER. Yes, sir.

Commissioner GARRETSON. The chairman asked you in regard to these gentlemen that you named as your associates, going to the Democratic Party. He asked it in the national sense. Did any of those gentlemen join with you in the State, back the State Democratic nominee?

Mr. KELLER. Well, sir, I could not tell you, Mr. Commissioner, because I have simply talked to my friends, who are usually my political friends, too. But we don't always agree, by a good deal.

Commissioner GARRETSON. Did the announcement of the Republican candidate in regard to the appointment of a tax commission have any effect on anybody's change of political opinion in this territory?

Mr. KELLER. No, sir; I don't think so.

Commissioner GARRETSON. He did appoint the commission, didn't he?

Mr. KELLER. The national?

Mr. GARRETSON. No; your own Gov. Byrne of this State.

Mr. KELLER. Yes; he appointed the commission.

Commissioner GARRETSON. What did that commission do to valuations in this locality?

Mr. KELLER. They increased, the commission, as this commission well knows, they increased the assessed valuation of the Homestake about double.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. KELLER. And I may say that we supported Gov. Byrne in this last primary.

Acting Chairman COMMONS. Is there any other statement you care to make?

Mr. KELLER. Will the record take that?

Acting Chairman COMMONS. Is there any other statement you care to make?

Mr. KELLER. Well, yes; if the chairman pleases. At the close of the testimony of Mr. Kirwan yesterday, there was brought out by Mr. Commissioner Garretson the fact that in one of the Deadwood papers there was pending a notice, or citation as Mr. Commissioner called it, and Mr. Kirwan was asked in regard to that. And upon leaving the stand, or just before leaving the stand, suggested he thought there was something back of the suit. Mr. Commissioner Garretson evidently in the casual reading of the notice did not discover the name of any——

Commissioner GARRETSON. Plaintiff.

Mr. KELLER (continuing). Plaintiff. And I have taken the trouble of looking that up, Mr. Commissioner. And I find in the notice that the plaintiff's name is stated, but up in the top part of the title, which probably obscured it when you read it.

Commissioner GARRETSON. Very likely; it was a Saturday Deadwood paper.

Mr. KELLER. Yes, sir. I find it here in the Daily Telegram of Saturday.

Commissioner GARRETSON. I am uncertain of the name of the paper.

Mr. KELLER. Well, I found it by calling up Mr. Hodson, who represents Mr. Kirwan in this litigation. I didn't know what it was.

Commissioner GARRETSON. What is the plaintiff's name?

Mr. KELLER. The plaintiff is the Lead City Miners' Union, plaintiff.

Commissioner GARRETSON. Well, that is——

Mr. KELLER. Versus Charles——

Commissioner GARRETSON. Well, that is Mr. Ryan, is it not?

Mr. KELLER. I presume it is. But I may say that Mr. Commissioner Garretson in conversation with Mr. Kirwan and myself after the adjournment stated that he thought that Mr. Kirwan had in mind Mr. Ryan, and Mr. Kirwan had in mind the Homestake Mining Co. But I thought they had that in mind, that the Homestake Mining Co. was back of this, and for that reason I took the trouble of looking this title up.

Acting Chairman COMMONS. You make that as a correction?

Mr. KELLER. I wish to make that as a correction. And I also desire to state, with the permission of the commission, that the Homestake Mining Co. has not and has never had either directly or indirectly or remotely any interest even, or anything to do with this litigation from its beginning to the present time. In fact, all I know of it is what Mr. Hodson told me last night over the telephone when I called him up.

Commissioner GARRETSON. You might just as well put the rest of this in the record:

Immediately following that the witness asked me in regard to it, and I stated to him then that my interpretation was that the witness, Mr. Kirwan, meant Mr. Ryan.

Mr. KELLER. Exactly.

Commissioner GARRETSON. Is that correct?

Mr. KELLER. Exactly.

Commissioner GARRETSON. And the witness further stated to me what he has just stated here, that the Homestake had no connection therewith. And I said to him then that if they had I had no doubt on earth they had a perfect alibi. Is that the exact language, Mr. Witness?

Mr. KELLER. Yes, sir; that is the exact language.

Commissioner GARRETSON. That I used?

Mr. KELLER. That you used. But I wish to make it so positive that I wish to remove any thought that we are trying to establish an alibi.

Acting Chairman COMMONS. Yes.

Mr. KELLER. I also wish to call attention to another matter, and that is the reference which was made to the pending—to the suit instituted by the Homestake Mining Co. against the Lead City Miners' Union, and to which reference was made under examination by Mr. Commissioner Garretson when Mr. Kirwan was upon the stand. Mr. Kirwan stated that in that suit the suit had been filed and that they had demanded or filed an answer or some sort of paper demanding that we set forth in detail the specific instances of coercion. I have examined my files in that case, and I find that the facts are these:

The plaintiff, Homestake Mining Co., brought suit against the miners' union for $10,000 damages, the suit being commenced in November, 1909; that in this complaint we alleged various acts; that is, we alleged intimidation and coercion, as has been suggested. The defendant filed a demurrer to this complaint, the demurrer being upon the technical legal grounds as follows: "First, that said complaint does not state facts sufficient to constitute a cause of action against defendant. Second, that said complaint does not state or show facts showing that the plaintiff is entitled to any relief against this defendant. Third, that said complaint shows on its face that plaintiff has no cause of action against defendant. Fourth, that said complaint shows on its face that this court has no jurisdiction in the alleged cause of action. Signed, Robert C. Royce, Richardson, and Hawkins, attorneys for plaintiff."

The demurrer, under the practice in the Federal court on common law actions in this State, confesses the truth of the statements in the complaint but raises the sufficiency of the complaint as a matter of law. And I wish to state further that there is not or never was filed—neither filed nor served any answer, any demand, or notice of any kind or description whatever asking, demanding, or requesting the plaintiff to set forth the several and particular instances of coercion, but the matter has rested in this condition from the time of filing the demurrer to the present time.

I simply felt that the statement of Mr. Kirwan ought to be corrected in accordance with the record.

Acting Chairman COMMONS. We are much obliged to you.

Mr. KELLER. I desire at this time, though I really do not see the relevancy of this, but inasmuch as it has been injected in here and the commissioners seemed to think it had some bearing, I desire to file the complaint and the demurrer if the commissioners desire.

Acting Chairman COMMONS. As an exhibit?

Mr. KELLER. Yes.

(The paper so presented was marked "Keller Exhibit No. 1."

Said demurrer so presented was marked "Keller Exhibit No. 2.")

Mr. KELLER. I was also requested by the commissioner, Mr. Garretson, I think, or perhaps Chairman Commons, to file a copy of the agreement under which certain of the titles were fixed.

Commissioner GARRETSON. I did not request that; it was Chairman Commons.

Acting Chairman COMMONS. You may file that.

(The paper so presented was marked "Keller Exhibit No. 3."

Keller Exhibits Nos. 1, 2, and 3 were by direction of the commission, at the request of Mr. Keller that they be returned, ordered copied into the record and returned, and will appear at the close of this day's hearing.)

Mr. KELLER. In looking over the papers, I did not find a copy of the agreement, but I did find a deed executed pursuant to the agreement which embodies the same terms.

Acting Chairman COMMONS. Would the agreement show any terms or penalties that the deed did not show?

Mr. KELLER. No, sir; I think they are identical.

Acting Chairman COMMONS. So you think they are all embodied in the deed?

Mr. KELLER. In the deed. There is no provision for compensation in the deed. In that connection I think in fairness to the situation here I ought to state, because it may be a little obscure in the record that all the property within Lead City is owned or held by the Homestake Mining Co. That impression might have been conveyed by the trend of conversation that has taken place here.

In this connection, if the commission is pleased—I understood I was excused.

Acting Chairman COMMONS. Yes; you are.

Mr. KELLER. In reference to this pending suit, and the colloquy which took place over it, as I judge it, for the purpose of indicating that there were no cases of coercion—I do not know that that is material or relevant, but it seems to have been thought so—in that connection I desire to say we have present, so I understand, two men whom we would like to have the commission examine as to that very matter. Of course we can furnish any number of acts of violence and coercion and everything else after the trouble began, and if that would interest the commission at all—we assume the commission is not interested in that—but we have two witnesses here who can substantiate the statements in this complaint to the effect that coercion and very radical coercion was used as against them prior to the time of the trouble when the organization was in progress. We should like to have the commission examine those two men.

Acting Chairman COMMONS. Mr. Neary.

TESTIMONY OF MR. J. L. NEARY.

Acting Chairman COMMONS. Please give your name.

Mr. NEARY. J. L. Neary, Lead City, S. Dak.

Acting Chairman COMMONS. What is your position with the Homestake Mining Co.?

Mr. NEARY. Credit man.

Acting Chairman COMMONS. Or rather with the Hearst Mercantile Co.

Mr. NEARY. With the Hearst Mercantile Co., I should say.

Acting Chairman COMMONS. Will you explain your duties and what your office procedure is?

Mr. NEARY. In opening up new accounts, handling the credits, handling—part of the system of the Hearst Mercantile Co., passing on different accounts; that is, the men that are employed by the company come to me to get an O. K. for what they need to go to work in the mine.

Acting Chairman COMMONS. That is what, for example; what does that cover?

Mr. NEARY. That covers what is necessary to start in, such as overalls, shoes, dinner pail, lamp, cap, underwear, everything that is practically necessary to start in.

Acting Chairman COMMONS. Then are the credits also for supplies, household supplies?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. Clothing?

Mr. NEARY. Clothing; yes, sir; groceries, furniture, hardware, and dry goods.

Acting Chairman COMMONS. How do you secure yourself, secure the Hearst Mercantile Co.?

Mr. NEARY. We take an order from the men for their check.

Acting Chairman COMMONS. That check is monthly?

Mr. NEARY. Monthly; yes, sir.

Acting Chairman COMMONS. And is that an order for the entire amount that they sign over to you?

Mr. NEARY. Yes.

Acting Chairman COMMONS. Then what is the next step?

Mr. NEARY. On pay day, whatever pay day it is, we take that check in the office and deduct the account and pay him the difference. That is, in a great many cases, of course, where people have been here for a few years and we are acquainted with them, we allow them to pay as they please, practically, on their account—that is, we do not hold it all out. That is, say a man owes an account of $60 or $70, his check may be $90, and he wants to draw $40 or $30 out of his check; he is paid that amount.

Acting Chairman COMMONS. Do you pay the cash, the balance to the men?

Mr. NEARY. Well, there is another gentleman, Mr. Fincher; we really handle the cash between us—that is, when he is out at meals I usually pay off and take my chance when he is out and he does the same for me.

Acting Chairman COMMONS. What is Mr. Fincher's position?

Mr. NEARY. Mr. Fincher's position is cashier; he handles all the cash.

Acting Chairman COMMONS. Cashier for the Hearst Mercantile Co.?

Mr. NEARY. For the Hearst Mercantile Co.

Acting Chairman COMMONS. Then who pays the men who do not trade at the Hearst Mercantile Co.?

Mr. NEARY. They are paid in the Homestake office.

Acting Chairman COMMONS. Who pays them?

Mr. NEARY. Well, they have an office force there, four or five, that usually pay the men there when they come in.

Acting Chairman COMMONS. They get their checks or cash—are they paid in cash?

Mr. NEARY. They are paid in checks on the First National Bank.

Acting Chairman COMMONS. On the bank in Lead?

Mr. NEARY. In Lead.

Acting Chairman COMMONS. What man has charge of paying them?

Mr. NEARY. Mr. Fogelsong is chief of the clerks in the Homestake office.

Acting Chairman COMMONS. Who is Mr. Fogelsong, is he an employee?

Mr. NEARY. He is an employee of the Homestake Mining Co.

Acting Chairman COMMONS. Is he the city commissioner?

Mr. NEARY. No; he is his brother.

Acting Chairman COMMONS. He is a brother of the city commissioner?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. So all of the employees of the company are either paid by you or by Mr. Fincher?

Mr. NEARY. Mr. Fincher or myself or under the direction of Mr. Fogelsong. He has four or five assistants there. Of course, as they come in it takes more than one man to wait on them.

Acting Chairman COMMONS. How many accounts have you?

Mr. NEARY. We have in the neighborhood of twelve or thirteen hundred accounts, men working for the Homestake Mining Co.

Acting Chairman COMMONS. What classes of employees?

Mr. NEARY. What classes?

Acting Chairman COMMONS. Yes; laborers, miners?

Mr. NEARY. All classes of employees—that is, men of all parts of the works, all departments. Then, of course, we extend credit to others that do not work for the Homestake Co. For instance, adjoining camps and in the city here.

Acting Chairman COMMONS. How many of that class of accounts have you?

Mr. NEARY. We perhaps have six or seven hundred, I should judge; I am not quite positive to say offhand.

Acting Chairman COMMONS. They are conducted on the same way, are they?

Mr. NEARY. Well, of course, the older inhabitants that have been here for years, their credit is established, we know them, of course, and there is nothing except to come in and pay their bill.

Acting Chairman COMMONS. They do not sign their checks to you?

Mr. NEARY. No; ordinarily.

Acting Chairman COMMONS. What proportion of those thirteen hundred sign over their checks to you?

Mr. NEARY. Well, I suppose 60 per cent of the checks come into the Hearst Mercantile office, but all those are not orders. What I mean to say is, there are a great many of the men employed who request us to cash their checks.

Acting Chairman COMMONS. What would be the reason for that?

Mr. NEARY. Convenience to a great many that come in, for instance, after the bank is closed.

Commissioner O'CONNELL. You simply cash it for them?

Mr. NEARY. Simply cash it for them. They get their money and they do not have to go to the bank. It is a convenience in that way.

Acting Chairman COMMONS. The accounts accumulate for a month, then, as a rule?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. That is the general idea?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. About what would you say would be the general average run of indebtedness at the end of a month? Is there any way of investigating that? That is, what is the balance paid to the employee at the end of the month? Take laborers first.

Mr. NEARY. Well, of course, I do not know as I could answer that directly—that is, to be positive—but there is, perhaps, in the neighborhood of $100,000 handled at the cashier's window every month.

Acting Chairman COMMONS. That is, that is paid out?

Mr. NEARY. All business transactions.

Acting Chairman COMMONS. That would indicate 600 who are not employees?

Mr. NEARY. That would indicate that about; yes, sir.

Acting Chairman COMMONS. Do they run about the same as the employees?

Mr. NEARY. The accounts?

Acting Chairman COMMONS. Yes, sir.

Mr. NEARY. Well, not quite so heavy. Of course, people of that character on the outside would perhaps have their accounts limited maybe to dry goods; another maybe might have clothing; another one might be groceries; so the accounts, of course, are scattered.

Acting Chairman COMMONS. All new employees come to you, then, to get the equipment?

Mr. NEARY. Yes, sir. They have a slip with the name, given to them by Mr. Irwin, the employment agent of the company; he presents that slip at the window, and I give him an O. K. slip in turn to the different departments for the supplies that he wants.

Acting Chairman COMMONS. Suppose an account during the month runs greater than the check?

Mr. NEARY. Well, of course, where it is noticed that it is extravagantly used, of course, they are cautioned as to what they are earning and what they are buying; but a great many of the accounts run over the check. That is, in case a man may be earning $90 or $100 a month and his account might run $115, $120, $125, or $130, there would be nothing said at all about that unless it was where it really showed signs of extravagance.

Acting Chairman COMMONS. That is, his credit must be kept good?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. I believe that is all. Much obliged to you, Mr. Neary.

TESTIMONY OF MR. S. R. SMITH.

Acting Chairman COMMONS. Mr. Smith, give your name.

Mr. SMITH. S. R. Smith.

Acting Chairman COMMONS. How long have you lived in Lead?

Mr. SMITH. I have lived here something over 37 years.

Acting Chairman COMMONS. What has been your business during that time?

Mr. SMITH. I have been in the mercantile business mostly, in the furniture and undertaking business.

Acting Chairman COMMONS. What is your business at the present time?

Mr. SMITH. At the present time I am out of business, all with the exception of the piano business. I am getting out of business. I had the undertaking business. A year ago, a couple of years ago, I closed out my furniture business, cleaning it up a year ago, and on the 1st of this month I disposed of my undertaking business.

Acting Chairman COMMONS. What other business have you had?

Mr. SMITH. Well, the piano business and all branches of the furniture business, and also the livery business.

Acting Chairman COMMONS. You have been connected with the banking business?

Mr. SMITH. Yes; I have been a stockholder and also a director in one of the banks.

Acting Chairman COMMONS. What bank?

Mr. SMITH. I was a stockholder in the First National Bank here at one time, also the First National Bank in Deadwood, and in the Miners and Merchants' Bank when they opened here I was a stockholder there. At the present time I am not a stockholder in any. I was also on the board of directors of the Miners and Merchants'.

Acting Chairman COMMONS. You may state what were your reasons for going out of the furniture and undertaking business.

Mr. SMITH. Why, I went out of the business because it was becoming very much unprofitable. I used to make a success of the business and used to make money in it. Influence was brought to bear against my business to such an extent that I have closed it out.

Acting Chairman COMMONS. What is the nature of the influence that was brought to bear?

Mr. SMITH. It has been strongly from the managers of the Homestake Mining Co.

Acting Chairman COMMONS. On what ground did they bring that to bear?

Mr. SMITH. Well, that is what I have not been able to ascertain as the reason why, because during my residence in the city here I have always worked to aid the Homestake Mining Co. and industry, being the only industry that we have here in the city; but I have been led to believe that possibly, in the first place, it was because I was elected on the school board, and at that time the Homestake Mining Co.——

Acting Chairman COMMONS. At what time was your election to the school board?

Mr. SMITH. That was about 1890.

Acting Chairman COMMONS. That is, 25 years ago?

Mr. SMITH. Yes; about that time.

Acting Chairman COMMONS. That is a long time ago.

Mr. SMITH. Yes.

Acting Chairman COMMONS. Anything more recent than that?

Mr. SMITH. I would like to make a little explanation on that if you will allow me to give it—the reason why I believe it.

Acting Chairman COMMONS. Did the company show hostility to you? When did you first become aware of their hostility?

Mr. SMITH. Well, shortly after that I was on the school board.

Acting Chairman COMMONS. You may state what was the nature of that.

Mr. SMITH. It relates to taxes. The company refused to pay the school tax, which was about $6,000. I had got very much interested in the school work here, as it had been in very bad condition. And we added the high-school branch to the school and repaired the buildings and built a new schoolhouse down in Washington addition. And another point that we made was to employ our home teachers, girls that had graduated from the normal school at Spearfish, and——

Commissioner O'CONNELL. Speak right out; you are big enough.

Mr. SMITH. Yes. I insisted on the collection of the tax, and we compromised on half of it. They paid three thousand dollars instead of six. And from that time on I have noticed that the managers were a little hostile.

Acting Chairman COMMONS. What was the next instance of hostility?

Mr. SMITH. Well, I would like to finish this, if you will allow me to, when I got off from the school board, because there might be a little reason from that, people might think I had done something in the school district, and would like to clear it up now, if you will permit me to do so.

My term was three years as treasurer. And at the expiration of that Mr. N. W. Gregory was elected. I did not run again. And after he was elected he failed to qualify, I presume because the bond was $10,000 and he did not care to give it. Then I was asked to remain on the board by the superintendent of schools, a woman. And finally, after her persuading me to do so, I consented until another election.

But one day Mr. Ernest May, a business man here, came in with an appointment to succeed me. I very gladly turned it over, turned over the books and money to him, and during the time that I was on the school board we purchased from the C. G. Tanner—who had been in the real estate business here—a mining claim, I think it was called the Corbett claim, which lays in the heart of the mining belt, and very close to the mills. We bought it for a very small sum for the reason that his son, about 12 or 14 years old, was obliged to be moved from Lead, and he exacted a very small amount for this mining claim that he might get a ranch to take him on in the valley.

We arranged for Mr. Tanner to get the Government patent title and deed it to the school district. I remember that I remarked to another member of the board that that would bring us from thirty to forty thousand dollars some day, would build a schoolhouse. But after I had gone off the school board, I was informed by Mr. Tanner that he had deeded that to the Homestake Co. under instructions from the school board for $600.

Acting Chairman COMMONS. What is the next instance?

Mr. SMITH. Well, after I was in the Miners & Merchants Bank they seemed to renew hostilities.

Acting Chairman COMMONS. What was your attitude toward this organization of labor during the lockout?

Mr. SMITH. Well, I took the part with the Homestake, and worked to assist them in opening up the mines again in every way possible.

Acting Chairman COMMONS. Was your business largely with the employees?

Mr. SMITH. It was.

Acting Chairman COMMONS. With the old employees?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. With the new ones?

Mr. SMITH. Well, when the new ones came I didn't get their business so much as I had with the old ones who had dealt with me for many years.

Acting Chairman COMMONS. Then you account for the falling off of your business, the incoming of new employees?

Mr. SMITH. Yes; I know that they were influenced to work against my business.

Acting Chairman COMMONS. And following that what other indications have you they were influenced to trade elsewhere?

Mr. SMITH. Detectives in their employ knocking my business, men that didn't know me—I heard them in the hotel knocking my business and saying, "Don't trade with that Smith over there."

Acting Chairman COMMONS. What other evidence?

Mr. SMITH. Well, for instance, in the undertaking business, at the hospital they told me they had been instructed to turn the business away from me by the several doctors.

Acting Chairman COMMONS. What other indications?

Mr. SMITH. Well, a good many in a business way. For instance, I was trying to sell my barn down here to a party, and asked $6,000 for it, and he was very much interested in it. A few days later I heard their attorney told him to only offer me $4,000. The next time I saw him he made me that offer of $4,000. Those are only one of the great many instances that have occurred in which they were influenced.

Now, let me give you another, if you will. I sold the building down here to the Elks Lodge for a home. It is a large three-story glass-front building. In erecting that I erected it myself, and I had my name put in the stone at the top. In selling this building I took over half of the bonds of the entire issue, so that I owned over half of the building at that time, and a year ago last winter I was in California and when I returned I found my name was cut off of the stone. The man, the contractor that was working on the building, was an old friend of mine, and I asked him about it, and he told me that he had cut it off because he had been urged so strongly by the attorney that has been on the stand here, by Mr. Neary, one of the witnesses who was just here in the chair, and others who are at the head of the Homestake Mining Co., until it bothered him to such an extent he cut the name off.

Acting Chairman COMMONS. Your patrons now, then, I take it, are not employees of the Homestake Mining Co.?

Mr. SMITH. Well, not at the present time. I haven't anything left except pianos, and I am going to haul them into the country where I will get away from the employees of the Homestake Co. to sell them.

Acting Chairman COMMONS. The general weight of your evidence will be to the proposition that the company, for some reason you are not familiar with, has directed trade away from you so that practically you have been compelled to give up business in this town?

Mr. SMITH. Why, yes, sir; I think if you would converse with anybody that they would be free to tell you that that is the condition. It is general talk among a great many, and a great many of my friends have given me information that I wouldn't care to embarrass them by giving it, so that I am positive on that question.

Commissioner O'CONNELL. Who did you dispose of your furniture and undertaking business to?

Mr. SMITH. The furniture business I closed out until I got the stock reduced and moved into a building in the next block, and just as soon as I got moved I was burned out.

Commissioner O'CONNELL. Burned out?

Mr. SMITH. Burned out. In fact, the last load I took in about 5 o'clock in the evening, and at 12.20 that night the building was on fire, and I had to escape with my wife and myself through the front window. I had to drop her onto the sidewalk, and in dropping her it broke a joint in her backbone and I also was crippled in my knee by breaking the bottom of the kneecap and all the ligaments on the side of the knee, and I have been crippled ever since.

Commissioner O'CONNELL. Were there any other furniture men or undertaking people in the city with whom a combination was entered into by you to keep prices up in any way?

Mr. SMITH. No, sir; I have never combined with anyone to hold prices up. I have to mention that some years ago we started to organize a local undertakers' union for the Black Hills, and at that time I made an effort to reduce the price of embalming, and I took it up with all the undertakers living in the Hills, and all but one favored charging $50 for embalming. That one was Mr. Burns, at Rapid City, who wanted to make the price $25. I myself have made the price much less than $50, with the exception of, possibly, some few cases that I have to have extra work on account of long shipments.

Commissioner O'CONNELL. Is there a merchants' association in the city?

Mr. SMITH. Not to my knowledge.

Commissioner O'CONNELL. Is there any form of board of trade?

Mr. SMITH. There is a commercial club.

Commissioner O'CONNELL. That is a club?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. That is for amusement and social purposes?

Mr. SMITH. No, sir; they are supposed to look after the business interests of the city—the Lead City Commercial Club.

Commissioner O'CONNELL. It is the same as the board of trade or organization of the commercial men of the town for the interests of the town in the commercial world. Is that still in existence?

Mr. SMITH. We have not an organization that still exists. There is not any combination of the merchants at all; it is only a commercial club. It is organized such as most any other.

Commissioner O'CONNELL. Do you own any real estate that you rent—houses that you rent?

Mr. SMITH. Not now. I only own one building in the city, and that is a barn.

Commissioner O'CONNELL. A barn?

Mr. SMITH. A livery barn; yes, sir.

Acting Chairman COMMONS. Since you have mentioned your case, are there other business men, to your knowledge, who have been driven out in the same way?

Mr. SMITH. Well, there are several who have quit business and gone away from here.

Acting Chairman COMMONS. Are you familiar with the names of any that you could cite that have had similar experiences to yours?

Mr. SMITH. Not to the extreme my business has been handled, I don't think.

Acting Chairman COMMONS. That is sufficient. We are very much obliged to you.

Is Mr. Lusier here?

TESTIMONY OF MR. VICTOR A. LUSIER.

Acting Chairman COMMONS. Give your name.

Mr. LUSIER. Victor A. Lusier.

Acting Chairman COMMONS. Your business?

Mr. LUSIER. Cashier of the Miners & Merchants Savings Bank.

Acting Chairman COMMONS. What is the capital stock of your bank?

Mr. LUSIER. Twenty-three thousand dollars.

Acting Chairman COMMONS. What are your deposits?

Mr. LUSIER. One hundred and fifty thousand dollars.

Acting Chairman COMMONS. What class of business do you handle?

Mr. LUSHER. Just a general banking business.
Acting Chairman COMMONS. Is it a commercial business?
Mr. LUSHER. Yes, sir.
Acting Chairman COMMONS. Is there a savings account also?
Mr. LUSHER. Savings and commercial account.
Acting Chairman COMMONS. What is your savings account?
Mr. LUSHER. One hundred and four thousand dollars.
Acting Chairman COMMONS. One hundred and four thousand dollars?
Mr. LUSHER. Yes, sir.
Acting Chairman COMMONS. And your other commercial accounts?
Mr. LUSHER. We have what we call commercial accounts about $30,000, and about $15,000 time certificates, or time deposits, as you might call them.
Acting Chairman COMMONS. How long has your bank been in existence?
Mr. LUSHER. Since 1902.
Acting Chairman COMMONS. Does the Homestake Mining Co. have deposits in your bank?
Mr. LUSHER. No, sir.
Acting Chairman COMMONS. It does not do a checking business?
Mr. LUSHER. No, sir.
Acting Chairman COMMONS. The savings accounts you mentioned, they consist of savings from the employees of the Homestake Mining Co.?
Mr. LUSHER. Mostly; yes, sir.
Acting Chairman COMMONS. How many of those accounts have you?
Mr. LUSHER. I don't know.
Acting Chairman COMMONS. What is the average amount of the accounts?
Mr. LUSHER. I would not be prepared to say that either.
Acting Chairman COMMONS. Do you pay interest on those?
Mr. LUSHER. Four per cent.
Acting Chairman COMMONS. Your loans are all commercial, are they?
Mr. LUSHER. Yes, sir.
Acting Chairman COMMONS. The savings account, what are those loans for?
Mr. LUSHER. Our loans total $115,000.
Acting Chairman COMMONS. Are they for business?
Mr. LUSHER. For business and otherwise; for instance, mortgage on homes and collateral securities.
Acting Chairman COMMONS. What part would be on homes and securities?
Mr. LUSHER. Well, we have about $27,000 on real-estate securities.
Acting Chairman COMMONS. And the balance be loaned to business men?
Mr. LUSHER. No, sir; some investors and some otherwise. I never figured it up to see how much was commercial and how much was otherwise.
Acting Chairman COMMONS. What are the other banks in town?
Mr. LUSHER. The First National Bank.
Acting Chairman COMMONS. What is the capital stock?
Mr. LUSHER. Fifty thousand dollars.
Acting Chairman COMMONS. Is that the only other bank?
Mr. LUSHER. That is the only one.
Acting Chairman COMMONS. That is the bank that has the business of the Homestake Co.?
Mr. LUSHER. Yes, sir.
Acting Chairman COMMONS. Who is the cashier?
Mr. LUSHER. Mr. Driscoll.
Acting Chairman COMMONS. I think that is sufficient. I am much obliged to you.
Mr. Grier, will you kindly take the stand again?

TESTIMONY OF MR. T. J. GRIER—Recalled.

Acting Chairman COMMONS. Mr. Grier, you have heard some of these witnesses who have been produced here with reference to the policy of the company that you represent; are there any of these witnesses whose testimony you care to comment upon in any way? I will ask you individually—Bishop Busch—have you anything to say about the testimony which he gave?
Mr. GRIER. Well, yes, sir; I would, Mr. Chairman.
Acting Chairman COMMONS. Just state in your own way briefly the main point that you have reference to in his testimony.
Mr. GRIER. I think what I have to say would properly come under the head of "Remedy for industrial unrest."

Acting Chairman COMMONS. Well, would you care to take up individually any of these witnesses' testimony—for example, Mr. Smith's testimony?

Mr. GRIER. Why, almost everything that Mr. Smith testified to here is new to me excepting the hostility he suggests came to him from the Homestake Mining Co., and on that score I am perfectly free to say that I objected very strongly to Mr. Smith charging the unfortunate operatives of the Homestake Mining Co. who had occasion to call for an embalmer to make a charge of $50 for embalming, in view of the fact that the embalming fluid cost about 50 cents. I objected to any such charge as that as an outrage. I think it is my duty to protect as far as I can the employees under my supervision against any such outrage, and I secured a reduction from $50 to $10, which is the charge to-day.

Acting Chairman COMMONS. For embalming?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And how did you proceed to secure that reduction?

Mr. GRIER. Well, I think we asked the other undertaker in town, called his attention to the cost of the embalming fluid, and asked him why a fair charge—for instance, $10—could not be made, and he agreed to it. "Very well," I said, "I will recommend the trade to you."

Acting Chairman COMMONS. Was that true also of undertaking and coffins?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What had Mr. Smith been charging?

Mr. GRIER. Well, charging prices that I thought were outrageous; and I came into the possession of, or came into the knowledge of, the cost by reason of one of the undertakers here in town coming to me and offering me his business—to sell out to me. I told him I didn't want to buy it, but in the course of that interview I learned what the actual cost for coffins and furnishings and the conduct of a funeral were, and, knowing what Mr. Smith's charges were, I considered his charges as outrageous and disapproved of them.

Acting Chairman COMMONS. Have you any idea of how much you reduced the cost?

Mr. GRIER. I wouldn't undertake to say, excepting very materially.

Acting Chairman COMMONS. In the other case you apparently reduced it from $50 down to $10?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. That would cut off four-fifths?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Would you think the same?

Mr. GRIER. No; I should think 25 or 30 per cent, perhaps.

Acting Chairman COMMONS. Is it your general policy where you find that merchants are charging more than a fair price to take it up in this way? Have you done that in other instances?

Mr. GRIER. Well, generally; yes. As a matter of fact, the small stores of Lead city have fixed the prices, and that has been for 36 years; and instead of the Hearst Mercantile Co. doing it, to a large extent it has followed, and whenever the Hearst Mercantile Co. reduced prices on the staples, necessities of life, there was a bitter complaint from the other stores, and the question was asked, "Are you reducing these prices to such a low figure that you want to run us out of town?"

Acting Chairman COMMONS. So that the store has cooperated with you in keeping down prices and the cost of living?

Mr. GRIER. The Hearst Mercantile Co.?

Acting Chairman COMMONS. Yes.

Mr. GRIER. You understand, Mr. Chairman, I am president of the corporation, the Hearst Mercantile Co.

Acting Chairman COMMONS. Oh, I see. Yes. So that has——

Mr. GRIER. Although I would like to say I am not a stockholder and have no interest in its profits.

Acting Chairman COMMONS. Yes. So that using the Mercantile Co. you have been able to keep down the prices that the merchants charge?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. For all articles?

Mr. GRIER. There isn't any doubt of it.

Acting Chairman COMMONS. All right. Does the Hearst Mercantile Co. have any standard about the fair rate of interest that they think they should earn on the stock?

Mr. GRIER. No.

Acting Chairman COMMONS. What have been the dividends on that company's stock?

Mr. GRIER. Well, the Hearst Mercantile Co. has been quite a profitable business for 35 years.

Acting Chairman COMMONS. And what was the last dividend rate, for 1913?

Mr. GRIER. Well, that return is made by Mr. Murrin to the income-tax office. I forget what is was.

Acting Chairman COMMONS. You could give that to us, could you?

Mr. GRIER. I could; yes.

Acting Chairman COMMONS. All right, we will call for it. And the capitalization and inventory?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. We could get that?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. I should like to on this question of the underlying causes that you bring up, I should like to for my personal use, not as stating any of the ideas of my colleagues, to state to you what seems to me to be our purpose and line of suggestions which from my standpoint would be of use in the work that we have to do.

As I stated at the beginning, we are required by Congress to investigate the underlying causes of industrial unrest and to make recommendations of legislation to Congress, and naturally to States; if we find unrest, what are its causes, and what legislation or what recommendation we should make.

Now, I might state what seems to me the summing up of this testimnoy, the way it strikes me in my own point of view, not representing either the employer or the employee, but simply as a looker-on, you might say—that you have here the most remarkable business organization that I have come across in the country.

You have developed welfare features which are beyond anything that I know of, and are given with a liberal hand. You have a high scale of wages and reasonable hours, very fair hours. There has been evidently great progress made in taking care of employees and in the hospital service, and you have taken care of the cost of living, have kept that down beyond what employees in other communities have been forced to pay.

You have practically been able by your great strength here as a huge corporation, dominating the whole community, and looking out for the welfare of your employees, to bring in a desirable class of citizen. It seems also that you are influential in politics, that you secure a good class of officials, and that you secure the enforcement of law and the reduction of immorality.

It seems also that you make an effort to build up the religious life of the community, and that your policy is broad and liberal in all respects.

I take it also that this policy depends solely upon you personally. Such inquiry as I have made of you would indicate that in all cases the stockholders leave all of those matters to you personally, and that this broad policy has been carried out by you on your own initiative, and that you have felt that it was necessary for the good of the community, the securing of a fine class of labor here, that you undoubtedly have done, that you should hold the reins pretty tight on this community.

Now, the question that comes up in my mind in summing up our work and the recommendations which we should make to Congress—and this is the suggestion I would like to have from you: Would you recommend or advise or suggest that we should recommend to Congress that this method that you have here would be the best solution in this country of industrial unrest, that we should advocate or recommend to Congress the encouragement of huge corporations that dominate the locality and can control all of the interests that can put a business man out of business if he does not live up to the best interests of the community, that can through its attorney influence the politics—possibly dominate the politics of the locality, that through its contributions could encourage and keep up the religious life, the educational life of the community.

You have had experience here 36 years. Up to four or five years ago you had to divide your power with an organization of labor, so that you are in a position to make a fair comparison. In all of the reports that are made here, and all of the talk that I hear about town—indicates that you have wielded your power with the greatest fairness and with the confidence of the community and with the idea of building up a good community.

What I hear in the matter of investment is, however, that it is felt that this is all a one-man proposition; that here is a man that we can all depend upon

as long as he lives and is active in controlling the affairs of the community. The only uncertainty that I find in this community consists in the questioning of what will happen after you have been compelled to lay down your reins of power and some successor has come in to take your place.

Consequently I find that feeling amongst business men that they should keep their property in movable form so that they could get out if anything should happen, owing to these titles and the great power of the company in dominating them.

Now, taking the whole view, the situation prior to this lockout—for I take it that from that point is where you crushed out all opposition, not only labor opposition but all business opposition, in so far as you cared to do it. You have had that previous experience, and now you have this experience, and we certainly can make a finding, as I see it, that this is a model community; that it is ahead of any mining community, certainly, that I have any knowledge of. And what we must do is to make a recommendation which will look to the future as to whether as to a permanent policy in this country we should recommend to Congress and the States that this form of industrial solution—or solution of industrial unrest—should be the one which we think on the basis of what we have found here would be the proper and lasting solution for the country as a whole.

I don't know as I have expressed all of my ideas on the subject. Much of it comes from the evidence which I got here. Some of it comes from my talks around with business men, around in this town.

I find that it is almost impossible to get a business man to come forward and tell us on the stand things which he tells me privately. And consequently it is made up partly of formal evidence which I have found here, partly of my personal inquiry. It may be that I am not giving all of the facts accurately.

I should like to have you state just your judgment upon my summing up of the situation, and then for recommendations what you would suggest that we should recommend in our report to Congress.

If that is satisfactory to you, and that seems the proper way, you might take that matter up in your own way, Mr. Grier.

Commissioner LENNON. I would like to have inserted in the record that the expressions given by Prof. Commons are by Prof. Commons individually as a commissioner, and are not collective for the board of commissioners present. Now, I am not saying that we dissent from it or that we are in accord with it. I am simply stating that it is his statement.

Acting Chairman COMMONS. Well, I might say on that point——

Commissioner O'CONNELL. Well, for all the commissioners that would go, because there are some things stated I would not agree with under any circumstances.

Acting Chairman COMMONS. Well, I will make it a little stronger, Mr. Grier. As I see the situation between you and this union here, it was simply a struggle for power. Witnesses on the part of the commission showed, and evidence that you brought forth showed, that they expected to dominate this community through the closed shop and through their strength as a union; that they did not have a policy of agreeing and negotiating and taking up matters with you. On the other hand, that you also accepted the challenge on that issue and it was simply a struggle for power between the two organizations.

And my notion of that is that in the long run a corporation of this kind will always be able to destroy the organization of labor; that is, when it comes down to a fight of this kind, that the big corporation will have the smaller—will have the labor organizations at a disadvantage, and can put them out of business. Now, that would be my comment upon the situation as regards the merits of the labor cause which these men represented. At the same time it seems to me from evidence that the conditions—this eight-hour system was brought about very largely by the fact that there was this strong organization of labor in 1906 and 1907, and that it was a useful thing at that time. It may not have been at other times when it attempted these coercive methods. Now, that is a part of the way it appeals to me individually.

I am perfectly pleased to have the safeguard put in here that I am not speaking for anybody else. Unfortunately the employers who should be present here are tied up by business obligations at the present time. And if you could continue on that basis I think we would not interrupt you again.

Commissioner LENNON. I must add a word to the record, and only a word:

While it is true that as an individual I was appointed because of my experience in the labor movement, I am serving on this commission as an Ameri-

can citizen; and as the evidence shows and as my conscience dictates my findings will be on this, as well as all others.

Acting Chairman COMMONS. Have you anything to say, Mr. O'Connell?

Commissioner O'CONNELL. Only that I haven't the slightest objection to the chairman's statement to the witness.

Commissioner LENNON. Neither have I.

Commissioner O'CONNELL. It is quite purely his own statement, and without consultation with the rest of us.

Acting Chairman COMMONS. Mr. Garretson, have you anything to say?

Commissioner GARRETSON. Nothing except that the chairman is speaking for the Chair.

Acting Chairman COMMONS. Mr. Grier, you see the situation. Are you willing to continue?

Mr. GRIER. I would like to subscribe to everything that the chairman of the commission has said, even though it does possibly flatter me. I would like also to have the views appear in the record of a gentleman who has given the subject of remedy for industrial unrest much study and who a year and a half ago proposed to me a plan to ameliorate the conditions of workingmen, which, although I expressed disapproval of at the time, I should like to submit at this hearing so that this commission may have at its leisure an opportunity to study the plan and give such consideration to it as it deems advisable.

The plan submitted by the gentleman contemplated the organization of a society in Lead with objects set forth in the following article [reading]:

"The object of this society shall be the protection and the development of the moral and material interests of its members. It is to occupy itself with the amelioration of the economic conditions of the workingmen within the limits of its jurisdiction by encouraging as far as possible a mutual fellowship, both religious and national, by favoring the creation of cooperative stores and credit associations, as also by the establishment of a bureau of employment which will guarantee the honest workingman against deceit and assure the employer honest and competent work, a popular savings bank, professional circles, and finally special schools where the young who have passed through a course in the model or commercial schools already established can acquire before entering upon their apprenticeship the technical knowledge indispensable in the exercise of their profession—in organizing, in a word, the work on the principles of justice, equity, and charity in conformity with the laws of the church, notably to those given by Pope Leo and Pope Pius X. The guild is Catholic in its essence."

Acting Chairman COMMONS. I didn't get that word.

Mr. GRIER. Guild.

Acting Chairman COMMONS. Oh, the guild; yes.

Mr. GRIER. "It prefaces the entire doctrine of the church and endeavors to be inspired above all in all its actions for the solution of economic and social problems of its members by the infallible teachings of the Chair of St. Peter, of which the bishops in union with the Pope and particularly the ordinary of the diocese are the authorized interpreters. This guild is not in any way or in any form a political or municipal association. Interesting itself as it does in the social and economic questions of the hour, it avoids all appearance of discussion in its meetings and reunions of a political and municipal character, leaving to its members an entire liberty to use their rights as citizens in following their own convictions."

Gentlemen of the commission, our experiences here following the lockout, so called, by the Homestake Mining Co. on the 24th day of November, 1909, would suggest the possibility of conducting the operations of a great industry with perfect fairness and human treatment to all of its operating force without the interference of a federation. And in thinking deeply of the matter I have wondered whether or not it would be an improvement on present conditions if the relationship between capital and labor might not well be conducted by the employer, incorporated or unincorporated, with the employee, organized or unorganized.

I think that the rolling stone—and there are such in all industries amongst the operating staff or the employees—who has no interest in any person, place, or thing on earth, who has no intention of staying in any place for any further length of time than to accumulate enough to buy a ticket to some other place—I think that such a person is the first to become dissatisfied with the conditions surrounding his work no matter how good those conditions may be; and that if he feels that there is a federation treasury behind any trouble that he is able

to precipitate that he is more apt to make the effort to precipitate the trouble than he would be if he had only his local organization behind him.

And, therefore, I say I have wondered whether or not conditions would be improved if the federation, both of employees and the federation of industries, were abolished, and let each industry deal directly with its employees, whether they are organized or whether they are unorganized.

I do not wish to be understood as voicing denial of the right to any body of men to organize. They have just as much right to organize as capital has. But I think it would be well, at least worthy of a trial, if both the employee and the employer were compelled to organize under a law, and if that law is not now in existence enact it, putting just as much responsibility and penalty on the shoulders of the organizer or the employee as is placed upon the shoulders of the employer.

I think it is very wrong that a scale of wages should be made by a federation, and that that scale should be made to apply at all of the locals in the jurisdiction of the federation. I think that each property should be allowed to make its own scale of wages and agreement with its employees, because there are no two industries in the world, even though they are in the same district, where the operating conditions are identical, where the work can be made identical, and all of the conditions surrounding the work identical.

That is why I am suggesting that the federation should not establish a scale to apply all through its jurisdiction as is too often the case. One mine might make a handsome profit at a scale of wages adopted by the federation, and that scale might absolutely prohibit the development of contiguous property. The result would be that there would be a lot of idle men in the district.

And is it not better for a man to remain idle, walk the streets, or do anything else that he might do—and we know that idle hands find mischief to do—rather than take a dollar a day less, or a quarter a day less, or 75 cents a day less, or a dollar a day less for the time being, so that the property might be proven, its worth become known, its ability to raise its scale to the standard? Or is it better for these men to walk the streets in idleness?

The federation makes a scale that applies all over, wholly regardless of the conditions or the intrinsic worth of a property, not only in various places but in the same district. I don't think that is a wise thing to prevail. Now, whether or not my suggestion would work out beneficial to all, I don't know. But it has occurred to me that in view of our experience here for the last four years that it might be well to try it.

I don't hesitate one moment to say that there never would have been any trouble here had it not been for the interference of the Western Federation of Miners. We were able always to settle in five minutes whatever little differences came up between the employees of the Homestake Mining Co. and the company as long as the local organization was in existence—for thirty-two or three or four years.

Acting Chairman COMMONS. Mr. Grier, that deals with your question. Would you give your idea on the Sunday work question? Now, what is the proper solution of that? I take it, as shown by the evidence, practically all the men that are working work practically all of the Sundays. When they take a vacation, it is a vacation, not a Sunday off. Apparently, the company has power to enforce that rule. And on the other hand it is based on the selfishness of the men. Apparently, then, the company is at the mercy of the men in that case; the men are selfish and want the money and it would require legislation to bring both of them—that legislation would naturally be uniform for all the country.

Would you think that we should recommend national or State legislation requiring one day in seven to be enforced, that would permit of continuous operation, but might not give every man a Sunday, but would gravitate toward a Sunday, and at the same time which would require probably a larger force of men, say probably 15 per cent of men.

Would you say that a guild of this kind that you suggest could accomplish that object without legislation, and should we recommend legislation to deal with this situation and similar cases in other places?

Mr. GRIER. There is a decided disposition on the part of the operating force of the Homestake Mining Co. to ask for a lay off at times when it suits them best. There was manifested decided opposition to the issuance of a compulsory order laying off the men on Sunday.

So far as church attendance is concerned, there is no reason why the operating force of the Homestake Mining Co. can't attend a religious service once every Sunday if they want to.

Acting Chairman COMMONS. The figures show that they don't.

Mr. GRIER. That they don't want to, that is the reason.

Acting Chairman COMMONS. Yes; that they are working on Sunday regularly.

Mr. GRIER. Well——

Commissioner O'CONNELL. The figures don't show that.

Mr. GRIER. The day shift gets off at 4.30. Is there anything to prevent that shift from attending evening service?

Acting Chairman COMMONS. I take it, then——

Commissioner O'CONNELL. But there are some people who do not feel they are attending the proper Sunday service when they attend the evening service. That is not their full requirement. That is not the fulfillment of their church obligation.

Mr. GRIER. Why couldn't the service be made to accommodate the men?

Commissioner O'CONNELL. At what time?

Mr. GRIER. Five o'clock.

Commissioner O'CONNELL. As I understand it, there were arrangements made here to commence church as early as 4 or 5 in the morning.

Mr. GRIER. Yes.

Commissioner O'CONNELL. Five, or six, or seven o'clock.

Mr. GRIER. But why didn't they make arrangements to attend service at 5 o'clock when both shifts were off?

Commissioner O'CONNELL. I don't know.

Mr. GRIER. And the chances are that the attendance would be an overflow congregation.

Commissioner O'CONNELL. Those who appear before us say that they failed in getting the attendance at those hours.

Mr. GRIER. Why? The men were off.

Commissioner O'CONNELL. The men have got calloused to their duties, I suppose.

Mr. GRIER. Is there anything to prevent a man going to morning service at 5 o'clock when he gets off at 4 or 4.30?

Commissioner O'CONNELL. I imagine that a man's physical condition would urge him to go home and go to bed after working until 4 o'clock in the morning.

Mr. GRIER. Is there anything, then, that would prevent that man attending service at 5 o'clock in the afternoon?

Commissioner O'CONNELL. No; I say again that service would not fulfill the man's church requirements, possibly. There are certain requirements, at least I believe so.

Acting Chairman COMMONS. I think, Mr. Grier, that your idea is this: That we should not recommend legislation on Sunday work?

Mr. GRIER. That is my idea, Mr. Chairman.

Acting Chairman COMMONS. In various industries.

Mr. GRIER. Now, I would like to suggest this to the commission: Twenty-five years ago when the operating force of the Homestake mine laid off for a number of Sundays to attend baseball games on Sunday afternoon, it was suggested that if they could do it then, why not now. I can tell you why. That was in the early day of the mine when the development had not gone very far. I can best illustrate the condition of the Homestake mine to-day, I think, by likening it to a honeycomb or a big sponge. Do you gentlemen realize that there are 70 miles of tunnels, crosscuts, drifts, winzes, and so forth, underground? Do you realize that carload after carload is dumped down, 4,000 cars a day into a winze that goes to the next level, and that it is continually wearing and wearing the sides of these openings, and if you wear away the wall around the holes or interstices in a sponge or honeycomb, you break it away, and if you break many of them away what occurs? A collapse. Do you realize that the wear is not a hundredth part as much on these walls if they are kept continually full and you dump your car into it, it drops on the ore and not on the wall, so the continuous operation——

Acting Chairman COMMONS. The suggestion that I make would permit of continuous operation.

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It would simply be a rule, not Sunday. Sunday would not be named in the law, but it would be required that each employee should have 1 day in 7, or 36—a set number of consecutive hours, that those should be arranged by the management in such a way as they chose, putting them at different points, and it might put some minimum number of Sundays, say, 10 out of the 52 days that a man is off during the 1 day in 7, would be on

a Sunday. I am speaking now of the form of legislation which is being adopted in foreign countries and in the State of New York, and which permits continuous operation but requires 1 day off, so that kind of legislation would be a complete answer to what you have just now stated. It would not be Sunday observance strictly, but it would be 1 day in 7, and along with continuous operation of the mine.

Mr. GRIER. I do not know that there could be any serious objection to 1 day out of 7. I merely spoke as I did to call attention to the suggestion that was made that the company could just as well do it now as they did 25 years ago.

Acting Chairman COMMONS. Granting that your answer to that is correct, then you still feel we should not recommend legislation of one day in seven, roughly in the form in which I have stated. Would you still say that that kind of legislation we should not recommend?

Mr. GRIER. I think I would.

Acting Chairman COMMONS. You would recommend one day in seven?

Mr. GRIER. No, sir; I think I would recommend leaving the matter open to each State to work out as it does now.

Acting Chairman COMMONS. We have authority to recommend legislation to the States. Shall we recommend to the States that they adopt a uniform system of one day in seven?

Mr. GRIER. Well, I don't want to suggest to the commission action of that kind. I would like to add to what I said a moment ago, if you will pardon me, that in wearing away these walls you are weakening the physique of the mines.

Acting Chairman COMMONS. What you say now does not affect my proposition at all, because I am perfectly willing to concede you should have continuous operation of the mines. The only question is consistently with consistent operation of the mine, shall we legislate so as to give one day in seven to the employees?

Mr. GRIER. Well, if you will add, to as many as is possible to lay off.

Acting Chairman COMMONS. Well, you would apply that uniformly to all men. The company would have to then fix their shifts and change their shifts in such way that each man would have his proper term when he would get his seventh day off. That would be a minimum of 52 days a year.

Mr. GRIER. I know exactly what you mean, Mr. Chairman.

Acting Chairman COMMONS. Is there any reason, in your mind, except the greater profits of the company, that would stand in the way of our recommending that kind of legislation to the State of North Dakota?

Mr. GRIER. South Dakota.

Acting Chairman COMMONS. South Dakota.

Mr. GRIER. Well, if the people want it I suppose they ought to have it.

Acting Chairman COMMONS. And what objection would you raise to the people when they propose to do it?

Mr. GRIER. Well, I think we would try and meet the situation.

Acting Chairman COMMONS. So that you see no objection?

Mr. GRIER. Well, I would not say I don't see any; but——

Acting Chairman COMMONS. But put it a little different: Taking into account the public policy as well as the profits of the corporation, do you think that we might reasonably recommend that kind of legislation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. I want to ask you a little further about this guild system you propose.

Mr. GRIER. Why, Mr. Chairman, don't misunderstand me; that is not my proposition.

Acting Chairman COMMONS. It is mine; I asked you what you thought about it.

Mr. GRIER. That was proposed to me, and I disapproved it.

Acting Chairman COMMONS. Oh; this guild system?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Then, if that is true, it is the wish of the commission you should go on and make any other statements you desire with reference to the general proposition, the facts as I have stated them here, and the recommendations.

Commissioner O'CONNELL. I would like you to take into consideration this proposition, as the chairman, in the statement made to you when you first took the stand, stated the conditions, and so on, he found here, I would like to have you express your opinion as to what would be the result to this community if a dishonest, extremely unfair man, an unjust man was occupying your position.

I suppose you expect to die some time like the rest of us. Suppose a man of the type that we hear of conducting Tammany's affairs in New York—that is, seizing from everybody revenue, taxing for every conceivable, imaginable thing, selling vice in the community—what would become of this community under circumstances of that kind?

Mr. GRIER. Well, first let me thank you for the compliment; but if the type of man you suggest should take the reins from me he would probably make some changes; I don't know. But it seems to me that bridge might be crossed when it is reached.

Commissioner O'CONNELL. That would be too late.

Mr. GRIER. I have a weak heart muscle, and am liable to go any time.

Commissioner O'CONNELL. It is liable to overtake us all at any time.

Commissioner GARRETSON. Then we will have to be careful not to excite you.

Mr. GRIER. I have to go away from here every year for three months to a sea-level altitude. But the suggestion you make has been made time and again, and, as I say, some changes would probably be made; my policies might not be approved by my successor; but do you think it is necessary to provide for that now?

Commissioner GARRETSON. Would you be willing to advocate to this commission that it should recommend to Congress the enactment of laws that would foster, continent wide, the creation of communities like this, ruled as this one is in the summing up given by the chairman from his standpoint ruled; a despotism, benevolent though it may be, but which by changes in the saddle might become malevolent?

Mr. GRIER. I plead guilty to the charge of benevolence in a high degree, but not the charge of despotism.

Commissioner GARRETSON. I merely quoted one man's conclusion.

Mr. GRIER. I think you are as capable of judging the conditions that prevail in this town as well as I am, with the information you have, and you are as capable of saying what the result would be if these conditions prevailed all over the world.

Commissioner GARRETSON. It wasn't the question of what I thought. I asked if you were willing to advocate to the commission——

Mr. GRIER. If they are the best in the world, why not?

Commissioner GARRETSON. Do you hold that they are?

Mr. GRIER. I won't say they are the best in the world, but I think they are as good as there are in the world.

Commissioner GARRETSON. Another question I would like to ask. It seems from your testimony that the main fault you found with the obtrusion or intrusion of the Western Federation of Miners was that the wages should be fixed locally according to the conditions there existing; is that correct?

Mr. GRIER. I said the wages ought to be fixed locally and not by the federation.

Commissioner GARRETSON. Where is the price of that which is paid as wage fixed, locally? Where is the value of gold determined? Because wage is paid in gold or its equivalent is it fixed locally, or is it fixed in one exchange for the world—the purchasing power of it?

Mr. GRIER. Well, I don't fix it.

Commissioner GARRETSON. No; nor it is not fixed in "Led," is it?

Mr. GRIER. "Lead," not "Led."

Commissioner GARRETSON. "Leed." I will make it "Leed." Gold and lead probably don't go well together.

Mr. GRIER. No; it is not fixed in Lead.

Commissioner GARRETSON. No. Then why should the price of that which it buys be fixed in Lead?

Mr. GRIER. I think I gave what ought to be a sufficient answer to that when I said that the conditions surrounding—that there were no two properties around which the conditions were identical.

Commissioner GARRETSON. But there are no two properties in which so much time and labor from a man is not worth so much money, if the labor and time that he gives is equivalent. Where is the price of wheat fixed; is it fixed locally?

Mr. GRIER. I do not fix it.

Commissioner GARRETSON. It has been fixed in London for the past 25 or 50 years, hasn't it, and for a large portion of the world for three centuries? Isn't that ordinarily the accepted fact that that is where it has been fixed—the London wheat market?

Mr. GRIER. I suppose so.

Commissioner GARRETSON. Where are freight rates fixed, locally or centrally?

Mr. GRIER. I think the Interstate Commerce Commission is fixing them now.

Commissioner GARRETSON. But they don't fix them here in Lead, do they? They fix them for half a continent or for a whole one, as the case may be. Why should not the men that transport that freight have a universal wage rate? Do you really believe that your point locally as to fixing the wage is a consistent one?

Mr. GRIER. I do.

Commissioner GARRETSON. When confronted with the other?

Mr. GRIER. Yes.

Commissioner GARRETSON. When capital fixes every commodity that it deals in universally, then wage should be fixed locally? Is that a prejudice or an argument?

Mr. GRIER. Whichever you choose to call it.

Acting Chairman COMMONS. Mr. Grier, did you complete the point?

Commissioner LENNON. I did not want to ask any questions, but I want to say to Mr. Grier that I shall study the talk that he has made as I have studied none that have been made before the commission. There are some ideas in it that I am not really a green hand at in this business. I do not care to ask any questions.

Commissioner O'CONNELL. Mr. Grier, what are the retail prices of coal in Lead, I would like to know; anthracite coal, for instance?

Mr. GRIER. I don't think there is a ton of anthracite used in Lead.

Commissioner O'CONNELL. It is all bituminous? Does the bituminous coal come from Colorado—the soft coal?

Mr. GRIER. The coal that is used here for domestic purposes comes mainly from Wyoming.

Commissioner O'CONNELL. What does soft coal sell for? Is there some one here who has that information?

Mr. GRIER. Yes.

Commissioner O'CONNELL. What is the retail price of coal in Lead?

Mr. MURRIN. The price of soft coal, delivered from northern Wyoming, is $6 per ton delivered in Lead City.

Commissioner O'CONNELL. Six dollars?

Mr. MURRIN. Yes.

Commissioner O'CONNELL. As I understand there is no anthracite used by you at all?

Mr. MURRIN. No; very little.

Commissioner O'CONNELL. Very little. Does any come in?

Mr. MURRIN. Yes; we ship probably one car annually only.

Commissioner O'CONNELL. And what does anthracite retail at?

Mr. MURRIN. Seventeen dollars to the ton.

Commissioner O'CONNELL. Seventeen dollars?

Mr. MURRIN. Pennsylvania anthracite.

Commissioner O'CONNELL. I don't blame them for not using anthracite.

Mr. MURRIN. The principal part of that price is consumed in the freight.

Commissioner O'CONNELL. Oh, undoubtedly.

Acting Chairman COMMONS. Mr. Grier, I wonder if you really got the situation from our standpoint—from my standpoint—in answer to some of the questions that were brought up, granting that we should not try and cross the bridge before we reach it, in your particular case.

Mr. GRIER. Yes.

Acting Chairman COMMONS. Not to be too personal or invidious, we might say complimentary; but as a matter of fact, is the control of this company's interest here left practically by the stockholders to your direction?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What do you submit to them for their approval? What class of questions or policy do you submit to them, stockholders or directors, for their approval?

Mr. GRIER. I do not believe that I submit anything to them.

Acting Chairman COMMONS. Then, you consider that situation seems to be that they simply have confidence in you and leave it all to you and refer everybody to you. Ordinarily we find that a man in your position would be compensated according to the profits of the business; that is, would have some share of stock. Would you be willing to say why it is that difference is made

in this case? Perhaps that has some important bearing on the general situation, that you are not a stockholder in any of these companies.

Mr. GRIER. I am not a stockholder in the Homestake Mining Co. and never was. I have always thought that having no shares of stock in the company that I was in a stronger position. It is well known that oftentimes a superintendent who is a stockholder, and speculating in the stock of the company whose operations he supervises, takes advantage of his position to mine and mill the richest ore in the mine for the purpose of advancing the price of the stock so that he might sell it; that after he has sold out he then commences to mine and mill the lowest grade of ore so that the stock may fall and he buy it back; that goes on continuously. I have felt that my duty was to the owners of the property to work it to what I thought was the greatest advantage to all concerned, preserving the physique of the mine by so operating the property that the door was not open for any criticism.

Acting Chairman COMMONS. That seems a very important point. Would you think that we might profitably recommend such a proposition to be enacted in the corporation law?

Mr. GRIER. Yes.

Acting Chairman COMMONS. That the operating end, the head of the operating end, should not be a speculator or holder in the stock of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. You feel that that not only gives you a better attitude toward keeping the physique of the property, but does it give you a better attitude toward the wage earners, do you think—the employees of the company—that you are not interested in the stock?

Mr. GRIER. I think so.

Acting Chairman COMMONS. In what way?

Mr. GRIER. Well, I think that an operating force would regard the superintendent of the property that they were working for in a better light than if they thought he was largely interested in it and was manipulating its product for his own personal gain.

Acting Chairman COMMONS. In taking it out of that, would that be the notion?

Mr. GRIER. Probably.

Acting Chairman COMMONS. Ordinarily, in giving employees an interest in the stock, there is a usual and customary method of giving the superintendent or management some contingent compensation on the basis of the saving they make, or the efficiency; are you paid just a straight salary, or is there a contingent compensation?

Mr. GRIER. Straight salary.

Acting Chairman COMMONS. What is your salary?

Mr. GRIER. Twenty-five hundred dollars a month.

Acting Chairman COMMONS. You feel that a straight salary, being disinterested, you might say, a man standing between the stockholders and the staff at a mill, that is commensurate with the undertaking?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is the proper way. How long have you been receiving that salary?

Mr. GRIER. When I entered the service of the Homestake Mining Co. 37 years ago I was paid $250 a month. After being in the service for two or three years I was given $300 a month.

When my predecessor in office died, in 1884, that salary was not raised for, I think, four years. I continued to draw $300 a month. At the expiration of four years it was raised to $500 a month. I do not recall how long I worked at that salary. It was raised from that to $750, and from that to $1,000, and from $1,000 to, I think, $1,250 a month. The raise has been gradual. I have not been drawing $2,500 a month very long. But it has been gradual from the time I entered the service, 37 years ago.

Acting Chairman COMMONS. You are responsible for property of twenty or twenty-five millions capital, are you not?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And an operating expense of something like three million a year?

Mr. GRIER. Yes; over three million a year.

Acting Chairman COMMONS. And an operating income for dividends, and so on, of about the same, or about three million?

Mr. GRIER. I think the operating expenses would be a whole lot more than three millions; I think it would be nearer four; the labor, too.

Commissioner GARRETSON. Was not the income in excess of seven millions last year?

Mr. GRIER. Sir?

Commissioner GARRETSON. Was not the total income in excess of seven millions last year?

Mr. GRIER. No; six.

Commissioner GARRETSON. That includes surplus that was carried over?

Mr. GRIER. Yes; it is about six.

Acting Chairman COMMONS. Well, saying it was three million, the salary which you get is such a small fraction on the great interest at stake that the ordinary rule of paying railroad presidents would go far beyond the compensation?

Commissioner GARRETSON. No; it would not. No railroad president on this continent draws over one hundred and fifty thousand; and the capitalization amounts to ten and twenty times what that is.

Mr. GRIER. Water and all?

Commissioner GARRETSON. Water and all.

Mr. GRIER. It is water and all.

Commissioner GARRETSON. And in very few cases water and oil.

Commissioner O'CONNELL. Do you take care of water in this capitalization?

Mr. GRIER. No; there is not any at all.

Commissioner O'CONNELL. No water at all?

Mr. GRIER. No.

Acting Chairman COMMONS. Just one other point. You seem to think that from our standpoint of recommending legislation for a permanent policy we should simply take the standpoint of the corporation itself and take our chances on the next administration, the next man?

Mr. GRIER. I think so.

Acting Chairman COMMONS. And that legislation should not endeavor to provide for any of these provisions of voluntary guild system, that there should be no question of political, municipal, State, or national supervision in such a way as to protect the employees against abuse and to protect the stockholders? What is your idea about that?

Mr. GRIER. I have not had very much supervision.

Acting Chairman COMMONS. So you could not help us on that?

Mr. GRIER. No; I could not.

Acting Chairman COMMONS. And whatever we might find regarding your situation here would not be a good guide for us for the problem in general?

Mr. GRIER. You are much better able to decide on that point, Mr. Chairman, than I am. I have been here all my life, and I am not as familiar as you will be after you get through with this work with conditions elsewhere.

Acting Chairman COMMONS. I am sure, Mr. Grier, we have been very much profited by your testimony and by the situation.

Any other member of the commission desire to ask any questions?

Commissioner GARRETSON. Nothing more.

Acting Chairman COMMONS. We wish to thank you for your courtesy and the instruction you have given us and the citizens and mayor and those who have taken care of our convenience while here.

The commission will stand adjourned.

(Whereupon, at 12.10 o'clock p. m. Tuesday, August 4, 1914, the commission adjourned to meet in the city of Butte, Mont., Thursday, August 6, 1914, at 10 o'clock a. m.)

EXHIBITS.

GRIER EXHIBIT NO. 3.

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
Surface—Tramway	Engineers	3	93	$4.00	$372.00
	Trackman	1	31	3.50	108.50
	Do	2	53	3.00	159.00
	Oilers	1	24½	3.00	73.50
	Laborers	13	306½	3.00	1,099.50
Total		20	508		1,812.50
Golden Prospect—Hoist	Engineers	3	93	4.50	418.50
	Compresser engineers	3	93	4.00	372.00
	Motor operators	2	62	3.50	217.00
	Firemen	3	93	3.00	279.00
	Assistant firemen	2	63	2.50	158.00
Total		13	403		1,441.50
Golden Star—Hoist	Engineers	3	93	4.50	418.50
	Firemen	2	64½	3.00	193.75
	Assistant firemen	1	31	2.50	77.50
Total		6	188½		689.75
Ellison—Hoist	Engineers	3	93	4.50	418.50
	Compresser engineers	6	186	4.00	744.00
	Motor operators	2	62	3.50	217.00
	Oilers	3	67	3.50	234.50
	Do	1	28	3.00	84.00
	Firemen	6	188	3.00	564.00
	Assistant firemen	6	145½	2.50	363.10
Total		26	709½		2,625.10
B. & M.—Hoist	Engineers	3	94½	4.50	424.10
	Compresser engineers	3	93	4.00	372.00
	Motor operators	2	62	3.50	217.00
	Oilers	3	64	3.00	192.00
	Do	1	31	2.75	85.25
	Firemen	5	131½	3.00	394.50
	Assistant firemen	2	83½	2.50	208.25
Total		18	558½		1,901.10
Old Brig—Hoist	Engineers	2	62	4.50	279.00
	Crusher engineers	1	33½	3.50	117.25
	Firemen	2	63½	3.00	190.50
Total		5	159		586.75
Golden Gate—Hoist	Engineers	2	62½	4.50	281.25
	Crusher engineers	2	62	3.50	217.00
	Oilers	1	31	2.50	77.50
	Firemen	3	93	3.50	325.50
	Yardman	1	30½	3.00	91.50
Total		9	279		992.75
Tressona	Miners	4	120	3.50	420.00
	Laborers	3	84	3.00	252.00
	Do	13	402½	2.50	1,031.25
	Painters	1	10	4.00	40.00
	Do	2	62	3.50	217.00
	Rope men	1	34½	4.50	155.25
	Do	1	31½	3.50	111.15
	Do	4	165½	3.00	495.70

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
Tresons (continued)	Drill repairers	1	31	$4.75	$147.25
	Do	1	30	3.50	105.00
	Do	1	30	3.00	90.00
	Pipemen	1	31	3.50	108.50
	Pump men	1	31½	4.00	126.00
	Watchmen	1	38	3.50	133.00
	Harness maker	1	31	3.50	108.50
	Sampler	1	31	4.00	124.00
	Boiler cleaner	1	33	3.75	116.25
	Shift boss	1	31	4.50	139.50
	Night foreman	1	31	8.00	248.00
	General foreman	1	31	(1)	350.00
Total		41	1,269½		4,509.45
Magnuson	Carpenter	1	31	10.00	310.00
	Carpenters	2	60	5.00	285.00
	Do	1	31	4.50	139.50
	Do	11	335½	4.00	1,342.00
	Crusher men	1	31½	4.00	126.00
	Do	4	112½	3.00	337.50
	Sawyers	5	154	3.50	539.00
	Do	3	240½	3.00	722.25
	Laborers	6	166½	2.50	401.25
	Saw filer	1	31	3.50	108.50
Total		40	1,186½		4,221.00
Waldschmidt	Miners	22	604	3.50	2,114.00
	Shaft man	1	24	4.00	96.00
	Laborers	6	182	3.00	546.00
	Do	4	48	2.50	120.00
	Shift boss	1	34½	4.50	155.25
Total		34	893½		3,032.25
Mine—Huntley—timbermen	Miners	8	248½	3.50	843.00
	Timbermen	7	208½	3.50	720.75
	Timbermen's helpers	4	97½	3.00	282.00
	Barmen	2	62	3.50	217.00
	Laborers	4	112	3.00	336.00
	Pipemen	2	62½	3.50	218.75
	Trackmen	5	159	3.50	556.50
	Oilers	3	91	3.00	273.00
	Assistant foremen	2	65½	7.00	458.50
Total		37	1,086½		3,994.00
Green, timbermen	Timbermen	20	589½	3.50	2,063.25
	Miners	4	125	3.50	437.50
	Barmen	2	63½	3.50	221.25
	Shafts men	1	31½	4.50	142.65
	Do	4	131½	4.00	527.00
	Pipemen	1	31½	4.00	126.00
	Do	2	62	3.50	220.50
	Watchmen	4	121½	3.50	425.25
	Timbermen's helpers	12	349	3.00	1,047.00
	Laborers	20	1,034	3.00	3,102.00
	Oilers	3	93	3.00	279.00
	Trackmen	4	115½	3.50	404.25
	Waste boss	1	31	4.00	124.00
	Assistant foreman	1	31	7.00	217.00
Total		96	2,930½		9,371.05
330-330-330-430 levels—Townsend and Trewick	Miners	24	736½	3.50	2,543.60
	Miners' helpers	1	30½	3.00	91.50
	Laborers	32	981½	3.00	2,943.75
	Tally men	2	70	3.00	211.50
	Cars men	3	104½	3.00	314.25
	Tool carriers	1	30	3.00	90.00
	Powdermen	1	15	4.50	67.50
	Do	1	14	4.00	56.00
	Do	3	80	3.50	311.50
	Pump men	3	93	4.00	372.00
	Motor men	4	127	3.50	444.50
	Oilers	1	27½	3.00	82.50
	Shift bosses	2	70½	4.50	316.50
Total		78	2,379½		7,844.70

[1] Per month.

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
800 level—Arthur & Henry	Miners	26	669½	$3.50	$2,343.25
	Barmen	3	60	3.50	300.40
	Miners' helpers	7	188½	3.00	565.50
	Laborers	9	253½	3.00	760.50
	Landers	3	49	3.50	171.50
	Do	8	230½	3.00	691.50
	Cage men	4	130½	3.50	430.25
	Station men	3	80½	3.00	241.50
	Motor men	3	92½	3.50	323.75
	Assistant motor men	1	31	3.00	93.00
	Tool carrier	1	30	3.00	90.00
	Tallymen	2	37	3.00	111.00
	Shift bosses	1	70½	4.50	318.25
Total		70	1,992		6,307.10
600 N. level—Carutto & Tessier	Miners	20	220	3.50	2,905.00
	Miners' helpers	19	506½	3.00	1,519.50
	Laborers	15	334½	3.00	1,002.75
	Motor men	2	60	3.50	210.00
	Assistant motor men	1	17½	3.00	52.50
	Shift bosses	2	68½	4.50	309.25
Total		69	1,817		5,999.10
400-600 S. levels—Guthrie & Walrod.	Miners	19	530½	3.50	1,856.75
	Miners' helpers	6	147	3.00	441.00
	Laborers	15	382½	3.00	1,146.75
	Motor men	2	62½	3.50	219.60
	Tool carrier	1	31	3.00	93.00
	Tallymen	2	65½	3.00	196.50
	Shift bosses	2	70	4.50	315.00
Total		47	1,288		4,268.60
500-700 levels, Caledonia—Jelbert & Phillips.	Miners	22	614½	3.50	2,150.75
	Miners' helpers	6	165½	3.00	496.50
	Laborers	20	507	3.00	1,521.00
	Tool carrier	1	31	3.00	93.00
	Tallymen	4	120	3.00	360.00
	Shift bosses	2	69½	4.50	312.75
Total		55	1,507½		4,934.00
700 level—Andrews & Rector	Miners	22	654	3.50	2,289.00
	Miners' helpers	16	402½	3.00	1,206.75
	Laborers	19	530	3.00	1,590.00
	Motor men	3	95½	3.50	334.25
	Assistant motor men	2	60	3.00	180.00
	Tool carrier	1	30	3.00	90.00
	Landers	2	64½	3.50	226.25
	Do	15	403½	3.00	1,217.25
	Cage men	4	119½	3.50	418.25
	Station men	2	45½	3.00	136.50
	Shift bosses	2	69½	4.50	313.85
Total		88	2,467½		7,975.10
900 level—Aladalo & Furse	Miners	20	766	3.50	2,681.00
	Miners' helpers	11	298	3.00	894.00
	Laborers	20	1,062	3.00	3,240.00
	Motor men	5	169	3.50	591.50
	Assistant motor men	2	49½	3.00	148.50
	Tool carrier	1	31	3.00	93.00
	Shift bosses	2	71½	4.50	322.85
Total		89	2,488½		7,979.85
900-1,000 levels—Bowers & Murray.	Miners	30	762	3.50	2,667.00
	Miners' helpers	14	367	3.00	1,101.00
	Laborers	42	1,142½	3.00	3,428.75
	Motor men	4	125½	3.50	439.25
	Assistant motormen	1	30	3.00	90.00
	Tool carrier	1	31	3.00	93.00
	Tallymen	4	118½	3.00	355.50
	Shift bosses	2	67½	4.50	302.60
Total		98	2,643½		8,475.10

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
1,100 level—Binney & Helphenstine.	Miners	25	703½	$3.50	$2,462.25
	Miners' helpers	6	170	3.00	510.00
	Laborers	37	1,038½	3.00	3,114.75
	Landers	2	61½	3.50	215.25
	Do	22	597½	3.00	1,793.25
	Cage men	4	148	3.50	518.00
	Station men	4	111	3.00	333.00
	Motor men	6	186	3.50	651.00
	Tool carrier	1	27	3.00	81.00
	Tallymen	2	59½	3.00	178.50
	Shift bosses	2	67½	4.50	302.00
Total		111	3,169½		10,139.00
1,250 level—Curnow & Ferguson.	Miners	33	916	3.50	3,206.00
	Miners' helpers	18	505½	3.00	1,515.75
	Laborers	28	716½	3.00	2,149.50
	Cage men	2	62½	3.00	186.75
	Hoisting engineers	2	62½	4.50	280.10
	Motor men	2	61½	3.50	215.25
	Tool carrier	1	29	3.00	87.00
	Shift bosses	2	73½	4.50	330.25
Total		88	2,425½		7,966.60
1,400 level—Collins & Fullett	Miners	26	696½	3.50	2,437.75
	Miners' helpers	14	397½	3.00	1,193.25
	Laborers	16	626	3.00	1,878.00
	Tool carriers	2	57½	3.00	172.50
	Motor men	2	57½	3.50	202.10
	Shift bosses	2	61	4.50	274.50
Total		62	1,896½		6,158.10
1,550-1,650 levels—Campbell & Gurney.	Miners	24	682½	3.50	2,388.75
	Miners' helpers	16	436½	3.00	1,251.50
	Laborers	27	592½	3.00	1,777.50
	Motor men	4	121½	3.50	425.25
	Shift bosses	2	63½	4.50	285.75
Total		73	1,916½		6,228.75
Deadwood-Terra—Cavanaugh	Miners	12	328	3.50	1,148.00
	Laborers	33	853	3.00	2,559.00
	Surface laborers	1	28	2.50	70.00
	Landers	9	256	3.00	768.00
	Cage men	2	54	3.00	162.00
	Blacksmith	1	29	3.50	101.50
	Motor men	2	61	3.50	213.50
	Shift bosses	2	69½	4.50	312.75
	Assistant foreman	1	31	5.50	170.50
Total		63	1,709½		5,306.25
Highland—Blewett	Miners	27	756	3.50	2,646.00
	Timbermen	5	149½	3.50	522.75
	Timber helpers	3	89½	3.00	267.75
	Laborers	39	1,079½	3.00	3,238.50
	Motor men	3	96	3.00	336.00
	Assistant motor man	1	30½	3.00	91.50
	Powderman	1	29	3.50	101.50
	Tool carrier	1	31	3.00	93.00
	Tallyman	1	30	3.00	90.00
	Shift boss	1	37½	4.50	167.62
	Night foreman	1	32½	5.00	162.75
	Assistant foreman	1	31	7.00	217.00
Total		84	2,391½		7,934.95

Detailed statement of men employed under mine management during the month of January, 1914, Homestead Mining Co.—Continued.

RECAPITULATION—JANUARY, 1914.

Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.	Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.
$2.50	36	994½	$2,491.85	$10.00	1	31	$310.00
2.75	1	31	85.25	Per month	1	31	350.00
3.00	743	20,584½	61,705.50	Contractors	20	503	2,362.90
3.50	535	15,286½	53,536.75				
3.75	1	31	116.25	Total	1,440	40,097½	135,298.60
4.00	41	1,229½	4,919.00				
4.50	51	1,667½	7,502.30	1909	1,784	47,129	154,193.00
4.75	1	31	147.25	1911	1,807	49,432	162,592.20
5.00	3	91½	458.75	1912	1,631	45,213	146,541.05
5.50	1	31	170.50	1913	1,497	41,523	137,517.50
7.00	4	127½	892.50	1914	1,440	40,097½	135,298.60
8.00	1	31	248.00				

Percentage of cost for labor at the different rates.

	1909	1911	1912	1913	1914
$3.00	0.3220	0.3010	0.4982	0.4702	0.4709
3.50	.3009	.3070	.3807	.3705	.3757
4.00	.0930	.0510	.0533	.0533	.0606
4.50	.0862	.0900	.0501	.0548	.0534
All others	.0819	.0910	.0987	.0846	.0563

Recapitulation of men employed underground only from the 100-foot to the 1,850-foot levels, inclusive, January, 1914.

Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.	Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.
$3.00	363	16,058½	$48,174.75	$8.00	1	31	$248.00
3.50	438	13,090	45,635.70	Per month	1	31	350.00
4.00	10	301½	1,205.00	Contractors	20	503	2,362.90
4.50	31	966½	4,458.00				
5.00	1	33½	163.75	Total	1,109	31,089½	103,490.60
7.00	4	127½	892.50				

1909, January, 36,919 days worked, at 31 days per man, 1,190 men.
1911, January, 39,076 days worked, at 31 days per man, 1,260 men.
1912, January, 35,570 days worked, at 31 days per man, 1,147 men.
1913, January, 32,454 days worked, at 31 days per man, 1,047 men.
1914, January, 31,089 days worked, at 31 days per man, 1,003 men.
1909, drifts and raises run during January, 1,005 feet.
1911, drifts and raises run during January, 2,211 feet.
1912, drifts and raises run during January, 1,260 feet.
1913, drifts and raises run during January, 1,541 feet.
1914, drifts and raises run during January, 1,457 feet.

LEAD, S. DAK., *February 16, 1914.*

Total of mine and tramway pay rolls for the past 10 years.

[1,000 stamps dropping from July 16, 1904, to July 1, 1913, 1,020 since.]

Year.	Total number of names on pay rolls, year.	Average per month.	Total days worked.	Average per month.	Total amount of pay rolls.
1904	20,794	1,737	510,844	42,570	$1,658,143.80
1905	21,486	1,790	532,266	44,355	1,727,194.35
1906	20,536	1,736	499,973	41,664	1,622,089.29
1907[1]	16,340	1,359	394,007	32,000	1,268,761.45
1908	21,267	1,782	550,410	46,268	1,800,488.25
1909[2]	18,642	1,713	476,787	43,344	1,559,235.45
1910[2]	23,378	2,125	512,580	46,599	1,691,710.35
1911	21,893	1,799	546,920	45,577	1,796,553.25
1912	19,019	1,581	500,207	41,693	1,656,332.70
1913	17,599	1,466	471,250	39,271	1,567,410.60

[1] Only part of year working full force, fire in mine.
[2] Only part of year working full force, labor trouble.

GRIER EXHIBIT NO. 4.

NOVEMBER 21, 1909.

Minutes of conference held at Homestake Co.'s office, in Lead, S. Dak., at 5 o'clock p. m., November 21, 1909, between T. J. Grier, superintendent of the Homestake Mining Co., Richard Blackstone, assistant superintendent of Homestake Mining Co., and Chambers Kellar, general counsel, representing Homestake Mining Co., and T. J. Ryan, Peter Jorey, Chris Christenson, William E. Tracy, and James Kirwin, representing union employees of Homestake Mining Co.

Certificate showing appointment of committee from miners' union presented to Mr. Grier, dated November 21, 1909, in the following words:

"This is to certify that at a mass meeting of the union employees of the Homestake Mining Co., held in the Lead Opera House on Sunday afternoon, November 21, 1909, the following-named gentlemen were appointed a committee to confer with the superintendent of the Homestake Mining Co. in regard to a settlement of the present controversy between the employees and the mining company: T. J. Ryan, Peter Jorey, Chris Christenson, William E. Tracy, James Kirwin.

"WILLIAM E. TRACY, *Chairman.*
"E. G. HUNTLEY, *Secretary.*"

Mr. GRIER. Well, gentlemen, who is your chairman?

Mr. RYAN. If you and Mr. Kirwin will fight it out it will please me better.

Mr. KIRWIN. I prefer that Mr. Ryan act as chairman.

Mr. RYAN. I will say to start with that the mass meeting this afternoon was informed that the business men had arranged a meeting with you and it was on the strength of that that this committee was appointed in order to try and arrange a settlement of the difficulty existing. I may go further and state that the union, all of them in fact, I believe, are determined upon an entire unionization of the camp as far as possible. There is some little flaw in this our ultimatum. That don't mean that every man shall join the union, but as far as they are eligible to join. Now, then, this ultimatum that you have issued in regard to these men withdrawing from the union, we want that withdrawn. We want a closed shop by the Homestake Mining Co. That doesn't mean that the company necessarily shall employ union men; they employ whoever they wish and after a reasonable time, say 45 days, they become members of our organization or some other organization. Of course, if this is granted it does away with this discrimination against any man who has not signed this list. You know, Mr. Grier, as well as the rest of us, that the union has had a hard time here for a number of years. Ever since I have been secretary for the last seven years we have been continually on the fight for membership, always, you might say, scrapping simply because some are

union men and others are nonunion. Now, if the company would help us, or if they can not help, to remain neutral, not to have any discrimination, but allow us to work in an honorable way to induce these men to join the union, I think something can be arranged. The way it is you can not tell what time there will be trouble starting up. With union men and nonunion men it brings the company and the union antagonistic to one another continually. It is no more than they have in Butte and in other camps. They have a hospital in Colorado. * * * Everybody belongs to the union. It is the same way in Butte; same way in other camps in the west. Of course when this agitation started there were lots of stories. In fact there were men, I believe, walked in front of the office here one night, going to ask for a raise of wages, but they did not belong to our organization at all. They had always antagonized us. They were the first to ask for a raise of wages. I believe I speak with full knowledge of every man here. Nothing like a raise in wages was ever contemplated. It was simply to get men into the union to help us. I myself for 18 months paid $5 a month to build that building (speaking of the Miners' Union Hall). There were other men paid more than that. Afterwards a $2 assessment was levied. I feel and others feel that others should bear a share of that burden. When I leave it is left for the employees of the Homestake Co., members of the union. It was built for the purpose of helping the union men. Helping to pay a sick benefit for members. That was the idea for building that building. We increased our sick benefits to $10 a week. We have under contemplation at the present time a further increase and accident benefit; something that will protect our members. I feel that the union sentiment in the town, in the Hills, is strongly in our favor, and it is something that we can command at the present time. That is the way I feel about it.

Mr. KIRWIN. Well, Mr. Grier, when the work of organization started here it was due to the fact that a great deal of dissatisfaction existed in the western mining camps over the situation here in Lead. Men would come from Lead to Butte, to British Columbia, to Arizona, without cards. They would ask where they came from. "From Lead." "Why don't you have a card?" "We don't have to." These complaints continually came up, and they thought Lead ought to be made a union camp. For that reason the executive board took the matter up and we made an effort to organize Lead. I stated publicly that we didn't intend to involve the company in any way in this proposition. I think I am correct in stating that if the company kept their hands off the proposition everything would be all right. We didn't like to bring the company in it. And so the work of organization has been carried along and been carried along successfully. Now, there is another thing right in the mines here. There is a union man and there is a nonunion man. The union man is never satisfied. He knows the nonunion man is receiving the same benefits he is receiving. He is getting the benefit of working conditions which the other fellow has brought about through organization, and there is naturally a feeling of discontent and dissatisfaction continually creeping up. We don't ask the company to employ union men. We realize that the poor fellow who is working for a job who doesn't belong to the union has the same rights that we have, and he is entitled to secure employment if he can, but after a reasonable time for him to be placed on his feet we ask him to come in with us to maintain our organization, help to take care of the poor devils who have been unfortunate through sickness or accident or any way, and give them a decent burial when they die. We have the same conditions in other places, and I believe if Mr. Grier and the Homestake Mining Co. will take this matter up and come to some agreement with us, I believe everything will run along nice and smoothly and all trouble can be prevented not only now but in the future. We are not only anxious for some kind of an understanding at the present time, but we want to take steps to prevent trouble in the future, because every intelligent man knows that grievances will be coming up in spite of everything. But we want to dispose of those grievances, and my idea would be that if we have an understanding with the company that the miners' union have a good, level-headed committee to act as an adjustment or grievance committee and when any difficulty arises this committee will take the matter up with Mr. Grier and an effort made to reach a settlement and the work continue, and by this organization the stories circulated will be cut out. It will be better for everybody, I think. We are not looking for any trouble; never anticipated that anything of this nature would come up at this time when we started to organize this camp. But per-

sonally I am not an employee of the Homestake Mining Co. and am not a member of this union. I am a member of the Terry Miners' Union, and I have been elected on the executive board of the Western Federation of Miners, and naturally have to take a hand in straightening out little difficulties that come up in different parts of the country, and I don't care to take up too much of your time in this matter. I feel that the members of the Lead City Miners' Union are capable of handling their own business.

Mr. RYAN. I will state, Mr. Grier, that they meet again this evening to receive the report of this committee. We have got to report back to them. Of course, upon our report will depend a great deal whether we have a meeting on the 25th. Of course, you understand that we consider—that I consider you as a friend, and we are not doing this because we have any real grievance against you. We understand that you are superintendent of the Homestake Co. and working for them, and you needn't feel that personally we will hold you responsible for anything that may transpire, and I feel sure that you will not hold any member of the union responsible in connection with what he will do in connection with the union. At least, he should not be held. I believe in unionism; was brought up at ———. There had been a strike there. The union sent $200, besides levied an assessment of 25 cents a member, and I feel that each member that goes out for a principle, that he should be considered that he is losing that much himself, and if you are working for the company, I consider you are working for the company, not for us. Anything you do I certainly will appreciate. Anything you can not do, personally I would not think of holding you responsible for it.

Mr. TRACY. Mr. Grier, I don't think I can add very much to what has been said by Mr. Ryan and Mr. Kirwin. I have been a man that was sent here and actively employed in this work of organization. I was sent here for the purpose of thoroughly organizing Lead and making a union camp of it. In that respect we have been practically successful. At this time very few men now remain outside of the union ranks, and most of those have signified their intention of becoming union men. I have been told repeatedly by employees of the Homestake Co.—by men who claimed to be personally acquainted with you—that you had no objection whatever to the organization of men in the union, and that you had often and repeatedly expressed a sentiment in that respect and in that way, but that you had positively and always refused to take any part or render any assistance to such organization. For that reason as much as any other I didn't consider that it would be quite proper for me to approach you and discuss the subject, and I had some doubt as to whether you would be willing to give me an audience. I proceeded along such lines as seemed to be best, most practicable for the purpose of accomplishing the object that we had in view. I have been questioned a great many times about intended strikes, about increased pay, and other changing of conditions, and to all of such questions I have replied that the Lead City Miners' Union or the Western Federation of Miners are not contemplating any such course of action. We consider that the first principle of unionism is the protection of the union men; to protect them in their wage scale and in fair working conditions, and in order that it may be effective in affording this protection we consider that it is necessary for the union to enforce its jurisdiction, because where a union is unable to enforce its jurisdiction, where it is unable to compel membership or require membership of men employed, it is at all times possible for nonunion men, and especially during times of industrial depression when there are a number of men out of employment—there is always present before a man a great temptation to go in and underbid another worker and secure the employment away from him. That is frequently spoken of as one of the rights of the American citizen. A great many men appear to be deluded by that. But in reality we consider that it is a mistake; that no more men would be employed in mines or factories or railroads of a company if the wages were reduced by half than there are now employed; simply the living conditions would be reduced to that much lower extent. I don't know that it is necessary for me to explain any further. You gentlemen are probably, all of you—Mr. Grier in particular—as well aware of what your sentiments are as you would be if I continued to explain any further. It may be that I have been deceived by personal friends of yours, Mr. Grier. A great many employees seem to regard you with a spirit of love and affection. I have been repeatedly told that I had nothing to fear of Mr. Grier; that he was certainly a good man—a man well thought of and respected and loved by practically all the citizens of the com-

munity; and, with a few exceptions perhaps, that is true. Having these things in mind I proceeded with this work of organization without taking counsel with you or in any manner bringing you or the Homestake Co. into the matter at all. I felt that it was fully possible by preaching and teaching union sentiments to induce men to organize and unite with the union, and I have been successful so far to the extent that practically the camp is now organized. I was indeed much surprised when I saw the opposition that was coming from your side, but at that time I was not in position to withdraw, and, in fact, if I had been so inclined it would have been thoroughly impossible for me to undo the work that I had already done. Now, I don't know that there is anything more to say on this occasion. If you have any questions to ask I will be pleased to answer them. I don't know of anything further to say.

Mr. JOREY. Gentlemen, I don't believe that I have anything to add to what has been said by the gentlemen that have preceded me at this time. If any questions are asked later on, I may be able to answer some of them. That is all I have to say at this time.

Mr. CHRISTENSON. Just one little word now. If we can go back and report that little word "yes" the roof will nearly come off that opera house. We have probably 98 per cent of the men who are with us, and they would wish for just such a result and there will be no trouble. There will be a ring of the old anvil and there will be harmony in the camp. I believe the workingman is right in asking to that extent, and I know positively that it will be the greatest joy that this camp has ever seen for that one little word. Another word, if you please. There is no possibility of trouble even though a number of them want it. The friends of the Homestake are into the organization. There are men in there that have been here for years and years, and they are there and will stay there without any question. There is a suspense at this particular time that we must have answered, and we hope that it is in the affirmative.

Mr. GRIER. First, gentlemen, I want to thank you all most heartily for the expressions of personal regard for me that you have made. I feel that they have been sincere, and I hope that I have merited them, and I hope that personally between all of us the same feeling will continue. But in this case the action of the Homestake Mining Co. was neither hurriedly nor unadvisedly taken, and the company is not willing to recede from its position.

Mr. RYAN. Then you refuse to rescind your ultimatum; you refuse to employ a man that is a union man?

Mr. GRIER. I shall have to stand by the notice as published by the company, and signed by me in my official capacity, of course, which you understand. There isn't anybody more sorry than I am. There isn't anything else that I can do.

Mr. CHRISTENSON. In organizing the camp it was never meant that the age of those men who have been in the service such a great length of time—that they would come under this rule; neither men that was physically or mentally unsound would come under the rule.

Mr. GRIER. We don't want any unsound men. We strive with all our might to take care of the men who are incapacitated in the service.

Mr. RYAN. I will state that I don't agree with Mr. Christenson. The union takes in all who are wage earners. Anyone that expresses a desire to join our union we take in whether physically sound or not.

Mr. CHRISTENSON. That is not quite what I intended to say. I intended to say that we don't insist upon them coming in.

Mr. RYAN. I believe Mr. Grier knows that those are really the men we have no trouble with. It is men that is physically sound and well able to bear their share—that are too mean or something. That is the way I take it. The men who will not join us are men like that.

IRWIN EXHIBIT.

Homestake Mining Co. drill report, July 11 to 20, inclusive, 1914.

Level.	Number of drill shifts.			Feet drilled per shift.			Total feet drilled.		
	Big machines.		Stopers.	Big machines.		Stopers.	Big machines.		Stopers.
	In drifts.	In stopes.		In drifts.	In stopes.		In drifts.	In stopes.	
				Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
Surface									
100 feet									
200 feet	9			35 11			323 0		
300 feet		1			22 6			20 6	
400 feet		14	8		24 9	8 9		348 2	70 6
500 feet	10	30	22	35 0	19 0	8 11	350 0	569 10	203 5
600 feet	14	46	41	33 0	20 10	13 6	461 0	957 0	554 9
700 feet	10	45	55	26 1	20 3	9 3	260 7	908 11	510 6
800 feet	74	48	24	21 11	18 4	9 4	1,621 9	880 1	223 5
900 feet		24	9		25 2	12 6		604 3	112 6
1,000 feet	32	42		30 7	20 8		978 6	867 6	
1,100 feet	16	4		33 6	19 6		538 9	78 0	
1,200 feet	3	141		29 7	17 1		88 9	2,411 9	
1,400 feet	24	133		33 2	16 11		797 0	2,254 1	
1,500 feet	53	22		33 9	21 3		1,786 6	467 3	
1,700 feet	80	73		27 4	18 11		2,431 8	1,474 6	
	333	638	160	27 3	18 10	10 6	9,067 0	11,949 4	1,677 0

[Lead, S. Dak., Aug. 4, 1914.]

List of living members of Homestake Veterans' Association.

[Positions and date of entering service of Homestake Mining Co.]

Andrews, James, shift boss, 1881.
Batinovich, Jacob, laborer, 1888.
Barrow, John, timberman, 1891.
Bell, Ben W., timberman, 1881.
Berg, Ole K., shaftman, 1881.
Bertolero, William, miner, 1883.
Bernardi, Peter, miner, 1883.
Bertolino, Charles, miner, 1892.
Binney, John R., shift boss, 1886.
Blackstone, Richard, assistant superintendent, 1881.
Blewett, John, assistant mine foreman, 1896.
Beckwith, W. S., milliman, 1887.
Callahan, John, oiler, 1879.
Caretto, John, mine shift boss, 1885.
Cavanaugh, J. A., assistant foreman, 1879.
Commiskey, John, oiler, 1876.
Conroy, James, miner, 1879.
Coppo, Peter, laborer, 1883.
Corum, A. J., oiler, 1881.
Curnow, John R., miner, 1882.
Curtis, George W., mill foreman, 1878.
Corrigan, Joseph, milliman, 1886.
Cullom, Richard, laborer, 1886.
Cochran, James L., oiler, 1882.
Danielson, Ole, night foreman, 1880.
Dunlop, Richard, mill foreman, 1879.
Dings, W. H., engineer, 1886.
Esterbrooks, George, miner, 1884.
Ferguson, Archie, assistant foreman, 1878.
Flow, E., milliman, 1890.
Fraser, Robert, sampler, 1879.
Fraser, Alex, engineer, 1882.
Freeman, J. W., chief surgeon, 1884.
Fry, Ed. E., engineer, 1880.
Fogiesong, G. D., chief clerk, 1890.
Fincher, J. L., chief clerk Hearst M. Co., 1892.
Giachetto, Domk, timberman, 1888.
Giachetto, Anton, sr., laborer, 1880.
Goody, Frank, laborer, 1887.
Green, Con, assistant foreman, 1880.
Green, Patrick, laborer, 1880.
Gregory, Thomas, miner, 1886.
Grier, Thomas J., superintendent, 1878.
Grado, Frank, miner, 1884.
Hinton, Jos. E., miner, 1877.
Huntley, Ed. G., assistant foreman, 1883.
Hirbour, Tillis, oiler, 1887.
Irwin, E. F., manager employment department, 1890.
Johnson, Chris, engineer, 1882.
Jelbert, James, miner, 1887.
Klingler, John, engineer, 1885.
Klingler, L. P., engineer, 1883.
Kanola, Erick, timberman, 1890.
Komar, Jacob, timberman, 1887.
Kissack, John W., miner, 1878.
Lang, William, foreman foundry, 1880.
Larson, Nels M., night foreman mills, 1879.
Lowry, William, engineer, 1881.

Lindquist, Otto, laborer, 1883.
Lundin, A. H., blacksmith, 1878.
Luparia, Joseph, laborer, 1883.
Lawrence, William, pumpman, 1884.
Mannick, Henry, miner, 1887.
Davis, John A., miner, 1890.
Metler, William D., miner, 1892.
Magnusson, M. L., head carpenter, 1889.
Marr, James, fireman, 1884.
McMakin, W. J., engineer, 1878.
McQuillan, James, mill foreman, 1878.
Morgan, R. R., engineer, 1880.
Murray, Robert, shift boss, 1884.
Mudge, William, miner, 1888.
Murrin, Thomas D., manager Hearst Co., 1879.
Middleton, John, molder, ——.
Moyle, John, blacksmith, 1889.
Mosely, Johnathan, laborer, 1889.
Mullen, H. B., foreman teamsters, 1892.
Nelson, Gus, shift boss, 1890.
Nelson, Axel J., miner, 1883.
Nevins, Thomas, laborer, 1879.
Normandin, Alphonse, carpenter, 1880.
Niva, Abraham, miner, 1884.
Niva, Robert, miner, 1888.
Neary, John, clerk, 1891.
Oberg, Gus, mill foreman, 1885.
Panconst, Richard, engineer, 1879.
Pinsonnault, Paul, mill foreman, 1880.
Peterson, E. P., mill foreman, 1880.
Peterson, Herman, watchman, 1884.
Peterson, John N., millwright, 1878.
Peterson, Nels, laborer, 1882.
Pelleymounter, John, oiler, 1889.
Rice, William P., miner, 1885.
Robinson, R. O., manager timber department, 1879.
Rogers, W. T., laborer, 1883.
Royce, W. E., timekeeper, 1891.
Rosevear, Alfred, machinist, 1888.
Searle, W. K., molder, 1891.
Shimmin, Ed., miner, 1883.
Shimmin, John, engineer, 1890.
Spargo, John A., master mechanic, 1878.
Steinback, Leander, miner, 1890.
Steele, James, engineer, 1886.
Stepanovich, Nick, timberman, 1888.
Stewart, Alex, machinist, 1885.
Stone, Harry, laborer, 1885.
Syverson, E. L., blacksmith, 1879.
Stephens, W. G., miner, 1878.
Shea, Dennis, blacksmith, 1885.
Tackabury, R. F., freight receiver, 1890.
Teer, J. H., watchman, 1878.
Tessier, Mose, shift boss, 1881.
Trezona, Samuel, shift boss, 1885.
Trezona, William, oiler, 1885.
Turnietto, John, laborer, 1888.
Trengove, W. J., miner, 1882.
Treweek, Nick, sr., shift boss, 1880.
Vickers, Percy, carpenter, 1880.
Voigt, Meno, head blacksmith, 1878.
Waldschmidt, Robert, sr., engineer, 1884.
Walther, J. J., fireman, 1882.
Waugh, William, millman, 1881.
Waters, John, miner, 1883.
Thomas, Henry, laborer, 1892.
Wilkie, James, sr., engineer, 1882.
Zeljadt, E. J., laborer, 1885.

(126 members, 31 officials—24 per cent.)

E. F. IRWIN.

CLOUGH EXHIBIT.

LEAD, S. DAK., *January 1, 1914.*

Mr. T. J. GRIER,
Superintendent Homestake Mining Co.,
Lead, S. Dak.

DEAR SIR: I herewith submit the following report of the hospital department (including Nemo and the hydroelectric plant) for the year 1913.

During the year 14,271 professional calls were made to the homes.

Office calls 32,076, consisting of dressings, examinations, prescriptions, etc.

Confinements taken care of	224
Surgical cases treated in homes and office	969
Surgical cases treated in hospital	150
Total	1,100

Home and office cases as follows:

Fractures:	
Skull vault	2
Lower jaw	2
Malar bone	1
Clavicle	2
Ribs	2
Humerus	4
Radius and ulna	10
Radius	10

Fractures—Continued.	
Phalanges	20
Tibia	8
Tibia and fibula	1
Metatarsals	8
Metacarpals	5
Total	65

Dislocations:	
Elbow	2
Shoulder	1
Patella	2
Total	5
Office operations, etc.:	
Amputation of—	
Fingers	7
Toes	1
Circumcisions	26
Burns	4
Abscesses opened	41
Cysts removed—	
Hand	3
Scalp	1
Office operations, etc.—Continued.	
Cysts removed—Continued.	
Eyelids	2
Face	4
Neck	2
Papilloma of leg	1
Tonsils and adenoids	41
Turbinates removed	4
Hydrocele tapped	5
Corneal wounds	115
Paracentesis of eardrum	1
Polypus of nose	1
Mastoiditis	1
Lacerated, contused, and punctured wounds	729
Grand total	959

Hospital report.

During the year we have treated in the hospital—

Medical cases from 1912	2
Medical cases in 1913	45
Surgical cases from 1912	4
Surgical cases in 1913	146
Total	197
Total number of days in hospital	2,935
Average number of—	
Patients per month	16.4
Patients per day	8.04
Days in hospital per patient	14.9

MEDICAL CASES.

Abortion	1
Arteriosclerosis	1
Alcoholism	3
Appendicitis	1
Confinements	2
Cellulitis, pelvic	1
Carcinoma of—	
Stomach	1
Uterus	1
Colic, intestinal	2
Cholecystitis	1
Enteritis	2
Gastritis	3
Gastric stasis	1
Gangrene of lung	1
Iritis	1
Insanity (alcoholic)	1
Myocarditis	1
Nephritis (Bright's)	2
Observation	3
Pneumonia	5
Rheumatism:	
Lumbago	2
Acute	3
Tonsillitis	1
Salpingitis	1
Typhoid fever	1
Tuberculosis:	
Glands of neck	1
Lungs	2
Total	45

SURGICAL CASES.

Fractures:	
Skull, base	2
Skull, vault trephined	2
Malar bone	1
Lower jaw	1
Lower jaw, compound, comminuted, wired	1
Clavicle	1
Humerus	2
Ribs	1
Femur, simple	1
Femur, bone plated	1
Tibia and fibula	2
Compound plated	1
Compound	1
Compound comminuted	2
Metatarsal	1
Total	20
Dislocations, shoulder	1
Burns, skin grafted	1
Concussion of brain	1
Corneal ulcer, traumatic	5
Eyeball, traumatic injury	1
Surgical operations:	
Abscesses—	
Pelvic	1
Labial	1
Ischiorectal	1
Boil	1
Appendicitis	23
Appendicitis removed secondarily	6
Curetments for endometritis	4
Curetments for abortions	10
Circumcisions	2
Cornea, punctured wound, steel	1
Cholecystitis	1
Eyeball enucleated	1
Adenoma of breast	1

Surgical operations—Continued.	
Ectopic pregnancy ruptured	1
Ectopic pregnancy	1
Empyema	1
Gunshot wound of—	
Head	1
Eye and temple	1
Foot	1
Gall stones	3
Goitre	2
Hemorrhoids and fistula	1
Skin grafting	4
Hernia—	
Single	9
Double	4
With undescended testicle	1
Infections, fingers and toes	6
Ingrowing toenails	1
Laparotomy:	
For tubes and ovaries	6
Exploratory	2
For fecal fistula	1
For perforating gastric ulcer	1
For intestinal obstruction	1
For uterine suspension	5
Osteomyelitis	1
Recto-vaginal fistula	1
Symblepharon	1
Chalazion	1
Ganglia of wrist	1
Exostosis of big toe	1
Sesamoid bones of big toe	1
Old fracture of femur nailed	1
Bone plate of tibia for fracture	1
Tonsils and adenoids	2
Wounds, contused, lacerated, etc	16
Deaths:	
Pulmonary embolism	1
Bright's disease	1
Tubercular peritonitis, fecal fistula	1
Gunshot wound, suicide	1
Injuries	3
Pneumonia	1
Gangrene of lung	1
Intestinal obstruction	1
Hemorrhage of lungs (tubercular)	1
Gall stones and miscarriage	1
Total	12
Laboratory:	
Urinalyses	1,130
Blood examinations	52
Sputum examinations	72
Feces examinations	2
Milk examinations	4
Cultures examinations	133
Blood pressures taken	550
Total	1,943
Employees' aid fund:	
Medical	284
Injuries	821

Respectfully submitted.

J. W. FREEMAN.
F. B. CLOUGH.

HOWARD EXHIBIT NO. 2.

CITY OF LEAD (PRONOUNCED "LEED"), COUNTY OF LAWRENCE, STATE OF SOUTH DAKOTA.

(Date of charter, 1890; area, 733.14 acres; population, 1910, 8,392; estimated, 1913, 9,000.)

Mayor, H. L. Howard. Term expires May 1, 1917.
Commissioner of public property, police, and fire, A. D. Ferguson. Term expires May 1, 1914.
Commissioner of waterworks and sewers, J. W. Curran. Term expires May 1, 1916.
Judge of municipal court, John H. Rogers. Term expires May 1, 1915.
Auditor, J. William Stoner.
Chief financial officer, treasurer Joseph F. Peters.
Superintendent of public instruction, Theodore Saam.
Secretary of board of education, Carrie M. Voigt.
City engineer, Lucian D. Lea.
Chief of police, Joseph Keffeler.
Chief engineer of fire department, John B. Mayo.

Health officer, Dr. J. W. Freeman.

Public utilities, owned by private companies—water, light, and power, gas. Number of miles of gas mains or conduits, 10. Rate per 1,000 feet, $1.60 for manufactured gas.

Waterworks: Owned by private company. Capacity, 10,000,000 gallons per 24 hours. Miles of service-pipe lines, 18. Miles of intake-pipe lines, 8.8. Miles of transmission-pipe lines, 9.8. Pressure at fire hydrants, 27 to 135 pounds per square inch.

Electric-light plant: Owned by private company. Miles of overhead circuits, 120. Miles of underground circuits, 1. Number of arc lamps, 12. Cost per lamp, $120, including renewals and maintenance per year. Number of incandescent lamps, 92. Cost per lamp, $36, including renewals and maintenance per year. Number of clusters, 62. Cost per cluster, $52, including renewals and maintenance per year.

Number of miles of sewerage conduits, property of city, 11.

Miles of streets, avenues, and thoroughfares unimproved, 12.

Miles of streets, avenues, and thoroughfares improved with brick, concrete base, 1.

Miles of streets, avenues, and thoroughfares improved with water-bound macadam, 2.

Miles of streets, avenues, and thoroughfares improved with Tarvia macadam, ¼.

Miles of streets, avenues and thoroughfares sprinkled by water, 1.

Building permits issued last fiscal year. No record prior to May 1, 1913.

Total cost of construction. No record prior to May 1, 1913.

Miles of trolley lines within the corporate limits, 1¼; single track, all.

Number of parks, 1; area in acres, 12,634; municipally owned.

Fire department: Number of officers, 2. Number of employees, 19. Equipment: Three horse-drawn combination hose and chemical wagons and one horse-drawn ladder truck.

Police department: Number of officers, 2; patrolmen, 8.

Number of public schools, 8. Expenses for maintenance fiscal year just past, $59,060.04. Public school enrollment, 1,508. Cost per pupil average daily attendance, $50.98. Average daily attendance, 1,177. Cost per pupil on total enrollment, $39.68.

Number of private schools, 1.

General items that make up the expense for maintenance: First, expense of general control; second, expense of instruction; third, expense of operation; fourth, expense of maintenance of school plant; fifth, expense library; sixth, miscellaneous.

Estimated area of vacant land for industrial purposes, 250 acres; estimated area of vacant land for residential purposes, 100 acres.

TRIAL BALANCE, MARCH 1, 1914.

ASSETS.

Fixed assets:	
Real estate	$47,900.00
Public works and improvements	132,550.43
Equipment	25,940.50
Current assets:	
Cash	3,814.44
Accounts receivable	144.45
Supplies	1,506.20
Sinking fund assets:	
Cash	763.22
Investments	4,000.00
Tax levy, 1913	61,927.97
Special assessment accounts	1,797.91
Total assets	280,494.12

LIABILITIES.

Bonded debt:	
Public utilities	$42,000.00
General	2,000.00
Accounts payable	30,507.67
Trust and special funds	4,965.31
Total liabilities	79,472.98
Assets in excess of liabilities	200,921.14

STATEMENT OF INDEBTEDNESS.

Bonded debt, Mar. 1, 1914	$44,000.00
Less cash in sinking fund, Mar. 1, 1914	4,763.22
Net bonded indebtedness	39,236.78

Bonded debt is made up as follows:

Title.	Rate.	Maturity.	Amount.
	Per cent.		
Sewer	7	1921	$17,000.00
City Hall	6	1933	25,000.00
Internal improvement	6	1920	2,000.00
Total			44,000.00

The city has no floating debt.
Fiscal-year appropriation equals authorized expenditures.
Total indebtedness, $44,000.
Estimated population, 9,000.
Per capita indebtedness, $3.88.

ASSESSED VALUATION, 1913.

Real estate	$6,718,765
Railroad and telephones	694,995
Personal property	1,433,094
Total	8,846,854
	Mills.
State tax	1
County tax	4
Special road and bridge	1
City tax	7
School tax	4
Total	17

For each $100 of taxes collected in the city in 1913 there was spent as follows:

For State	$5.88
For county	29.41
For city	41.18
For schools	23.53
	100.00

Legality of bond issue passed upon by Chambers Keller; address, Lead, S. Dak.
Work of present year: Completion of municipal building; installation of paid fire department; extension of improved streets, walks, and sewers.

NORTHAM EXHIBIT NO. 1.

HOMESTAKE MINING CO. EMPLOYMENT OFFICE.

Monthly report of nationalities of employees in guard-service department for the month of July, 1914:

Americans	14	Polanders	
Austrians		Russians	
Belgians		Scotchmen	
Bohemians		Servians	
Bulgarians		Spaniards	
Canadians		Swedes	1
Danes		Swiss	
Englishmen	1	Turks	
Finlanders		Welshmen	
Frenchmen			
Germans			
Greeks			
Hollanders			
Irishmen	2		
Italians	1		
Mexicans			
Norwegians		Total	19

G. A. NORTHAM,
Head of Guard Service.

Send reports to employment office not later than the last day of each month.
Total number must agree with the number of men working.
Class all those born in the United States as Americans regardless of nationality of parents.

NORTHAM EXHIBIT NO. 2.

COST OF GUARD SERVICE DURING MONTH OF JUNE, 1914.

Reservoir	$90.00	Slimes	$90.00
Ellison hoist	90.00	House, call office, and barn	321.75
B. & M. hoist	90.00	Specials	90.00
Golden Star hoist	84.00	Hidden Fortune hoist	60.00
Golden Prospect hoist	180.00	Hidden Fortune mill	39.00
Pocahontas and Monroe mill yards	90.00	Morning Glory coal chute	33.00
Tunnel	90.00	Night captain	120.00
Cyanide No. 1	90.00	Total	1,656.75
Cyanide No. 2	90.00		

KELLER EXHIBIT NO. 1.

In the Circuit Court of the United States, Eighth Judicial Circuit, within and for the District of South Dakota, Western Division.

COMPLAINT.

HOMESTAKE MINING CO., A CORPORATION, PLAINTIFF, *v.* THE LEAD CITY MINERS' UNION, A CORPORATION, DEFENDANT.

Said plaintiff complains of said defendant and for cause of action alleges:
(1) That said plaintiff is, and was at the times hereinafter mentioned, a corporation organized and existing under and by virtue of the laws of the State of California, and owning property and transacting business in the State of South Dakota. That said defendant was at all of said times, and now is, a corporation organized and existing under and by virtue of the laws of the State of South Dakota, and having its principal business in the city of Lead, S. Dak.

(2) Said plaintiff is the owner of certain mines and mining claims located in the city of Lead, in Lawrence County, S. Dak., and of a number of mills, hoists, and plants used and employed by the plaintiff in the mining, extraction, treatment, and reduction of minerals, metals, and ores, and is now engaged in the business of mining, extracting, manufacturing, treatment, and reduction of metals, minerals, and ores in said city of Lead, S. Dak. That in the conduct of its business plaintiff employs about 2,500 employees. That a large number of plaintiff's employees are employed in underground work at various depths beneath the surface in the prosecution of the business of mining and hoisting to the surface the ores from the plaintiff's mines. That a large number of men are engaged in the operation and management of the machinery used in hoisting ores from beneath the surface to the surface, and in lowering the men from the surface to the different levels beneath the surface, and in hoisting the men from their respective places of work in the mines. That an extensive and varied character of machinery is employed by the plaintiff upon the surface in the operation of the various mills and reduction plants of plaintiff, and in the various hoisting works, and in the development of steam and electrical power for use and transmission throughout the mines and works of plaintiff, and in the operation of underground railways for the transportation of ores, and in divers other operations of the plaintiff, both upon and beneath the surface, and that in all of said employments a high degree of skill, care, and attention is required of plaintiff's employees.

(3) That said defendant is a corporation whose members are composed of the various employees of the plaintiff, and that the object and purposes of said defendant corporation are to combine and unite the various members thereof in an association so as to act as an organized body in all matters connected with their said organization. That for more than a qurter of a century the plaintiff has employed, without discrimination, members of the said defendant and of other labor organizations and unions, and also persons who were not members of the defendant or of any other union or labor organization.

(4) That said defendant, on or about the 11th day of October, 1909, at a mass meeting of the members of said defendant held in the said city of Lead, S. Dak., passed and adopted a resolution, a copy of which is hereto annexed to this complaint, marked "Exhibit A," and which is hereby made a part of this complaint as though fully incorporated herein at length. At the same time the said defendant, at said mass meeting, selected and appointed divers and sundry bodies of men, styled and called by said defendant "committees," for the purpose of visiting each level of the plaintiff's mines, and each portion of plaintiff's surface plants, and ascertaining the names of all nonunion men, and for the purpose of intimidating and threatening all of plaintiff's employees who were not union men, i. e., not members of the defendant or of some similar labor organization or union, and of compelling all such employees of plaintiff to become forthwith such union men, or to free and compel such emplyees, by intimidation and threats of great bodily harm and of life, to leave the employment of plaintiff, and that said various committees were authorized and instructed to give such nonunion men until October 24, 1909, within which to become members of the defendant or of some similtr union or labor organization. That thereafter, on said October 24, 1909, at a mass meeting of the members of said defendant, the said defendant passed and adopted a resolution, a copy of which is annexed to this complaint and marked "Exhibit B," and which is hereby made a part of this complaint as though fully herein incorporated at length. Plaintiff alleges that after the passage of said resolution of October 11, 1909, the said defendant has from time to time and upon sundry and different occasions and times, acting through said bodies of men styled and called "committees," wrongfully and unlawfully and by stealth, entered upon different portions of the mines, works, and plants of plaintiff, both upon and beneath the surface, and upon different levels of the plaintiff's mines, and has wrongfully and unlawfully endeavored, by the use of threats and intimidations, to force and compel the employees of plaintiff who were not members of said defendant or some similar labor union, to become members of said defendant, and has threatened the said employees of plaintiff with great bodily harm and with the loss of life if such employees should refuse to become members of said defendant, and has in said manner and by said means upon sundry and divers occasions, and in all portions of the plaintiff's mines and works, both surface and underground, so terrified and intimidated such employees of plaintiff as to prevent them from performing the labors and duties of their respective positions, thereby depriving plaintiff of the value of their respective services and the

value of the services of numerous other employees whose labors and duties were such that they could not be properly and efficiently performed without the continuous, diligent, and attentive performance of the labors and duties of the said employees of plaintiff so threatened and intimidated, and has greatly lessened and impaired the efficiency and value of the services and labors of numerous of plaintiff's employees in various departments, all to plaintiff's damage in the sum of ten thousand dollars ($10,000).

Wherefore plaintiff prays judgment against the said defendant for the sum of ten thousand dollars ($10,000), together with costs of this action.

CHAMBERS KELLER, *Plaintiff's Attorney.*

STATE OF SOUTH DAKOTA, *County of Lawrence, ss:*

Thomas J. Grier, being first duly sworn, deposes and says that he is the superintendent and general manager of the Homestake Mining Co., plaintiff in the above-entitled action; that he has read the foregoing complaint, knows the contents thereof, and that the same is true of his own knowledge, except as to matters therein stated upon information and belief, and as to such matters he believes them to be true.

THOMAS J. GRIER.

Subscribed and sworn to before me, this 10 day of November, 1909.

[SEAL.] BLANCHE COLMAN, *Notary Public.*

EXHIBIT A.

Whereas, owing to the efforts of the Lead City Miners' Union No. 2, W. F. M., acting in conjunction with Central City Miners' Union No. 3, W. F. M., certain improvements and betterment of conditions obtained to all men employed in and around the various mines, mills, and surface work within the jurisdiction of the said unions, among which may be noted the establishment and maintenance of the 8-hour workday at the same scale of wages which formerly prevailed when 10 or 12 hours' labor was required from each employee for a shift's work; and

Whereas the policy of these unions has ever been lenient in the extreme, inviting all honorable miners, millmen, mechanics, and other laborers connected with the mining and milling industry to join and affiliate with them in their respective unions, for the purpose of maintaining the same in a position of strength and efficiency and in order that all might be entitled to full and equal participation in all benefits and benefactions accruing from membership in such union; and

Whereas it now appears that on account of such liberal policy on our part there are at this time a large number of men employed within our jurisdiction who have neglected to unite with our organization and many who have fallen in arrears to the extent of severing their connection with our union, and many others who are avowed enemies of unionism—scabs and spies and strike breakers—among whom and with whom we can not as self-respecting union men long continue to labor or associate with: Therefore be it

Resolved, That we demand of all ex-members who are now in arrears that they shall at once reinstate and place themselves in good standing in our union, and that we demand and require all eligible men who are employed within our jurisdiction to at once obtain cards certifying their membership in the proper local of the Western Federation of Miners.

Resolved, That any and all men within our jurisdiction who shall see fit to neglect or to ignore these just demands and requirements shall be dealt with in the near future accordingly as we may determine to act in each of their respective cases. And be it further

Resolved, That a full and sufficient number of these resolutions be ordered printed and posted in conspicuous public places and be distributed thoroughly throughout our jurisdiction, and that such public notices be printed in several different languages, viz, Croation, Finnish, Italian, and English.

EXHIBIT B.

Notice: At a mass meeting of the members of Western Federation of Miners, held at Lead Miners' Union Opera House on Sunday afternoon, Oct. 24, the following resolutions were adopted by a unanimous vote:

Whereas a resolution adopted on Oct. 10, calling upon all workers in the jurisdiction to join the W. F. of M., has been quite generally complied with: Therefore be it

Resolved, By us, the members of the Lead City Miners' Union No. 2, W. F. of M., and Central City Miners' Union No. 3, W. F. of M., in joint session assembled, that all men neglecting or refusing to become members in good standing of the local in whose jurisdiction they may be working, on or before November 25, 1909, will be declared unfair to the W. F. of M. And be it further

Resolved, That we, the members of the aforesaid unions, refuse to work with any and all men who become unfair to our organization by or through refusing to comply with the provisions of this resolution.

LEAD CITY MINERS' UNION No. 2, W. F. OF M.
CENTRAL CITY MINERS' UNION No. 3, W. F. OF M.

KELLER EXHIBIT NO. 2.

In the Circuit Court of the United States, Eighth Judicial Circuit, within and for the District of South Dakota, Western Division.

DEMURRER.

HOMESTAKE MINING CO. (A CORPORATION), PLAINTIFF, *v.* THE LEAD CITY MINERS' UNION (A CORPORATION), DEFENDANT.

Comes the defendant above named and demurs to the complaint filed in the above-styled cause, and as grounds of demurrer defendant alleges:

First, that said complaint does not state or set forth facts sufficient to constitute a cause of action against defendant.

Second, that said complaint does not show, or state facts showing, that the plaintiff is entitled to any relief against this defendant.

Third, that said complaint shows on its face that the plaintiff has no cause of action against defendant.

Fourth, that said complaint shows on its face that this court has no jurisdiction of the alleged cause of action set forth, or attempted to be set forth, in said complaint.

ROBERT C. HAYES,
RICHARDSON & HAWKINS,
Attorneys for Defendant.

KELLER EXHIBIT NO. 3.

This indenture, made and entered into this 1st day of March, 1892, by and between the Homestake Mining Co., a corporation organized under the laws of the State of California, and transacting business in Lawrence County, S. Dak.; James B. Haggin, of San Francisco, Cal.; Thomas J. Grier, of Lawrence County, S. Dak.; James Milliken, of Bellefonte, Pa., parties of the first part, and Cyrus H. Enos, Peter A. Gusburst, and Ernest May, all of Lead City, State of South Dakota, acting as trustees for and on behalf of the several occupants of the surface ground, situated within the boundaries and area of the Lead City town site as entered in the United States land office at Rapid City, parties of the second part:

Witnesseth, that said parties of the first part, in consideration of $1 to them in hand paid and other good and sufficient consideration, have and by these presents do convey and quitclaim unto the said parties of the second part, in their capacities as trustees, as aforesaid, subject to the conditions hereinafter expressed, the right to the surface occupancy of all the following described lots, pieces of lots, and parcels of ground situated within the boundary of said Lead City town-site entry, to wit:

Lots 49, 50, 51, the northerly 52 feet of lot 52½. Lots 53, 54, 55, and 56, block 9, in Lead City. All that part of lot 80 in block 11 which is situated on the Elephant Lode claim, Lead City. Lots 33, 35, 36, 37, 38, 39, 40, and 41, in block 5, Lead City. Lots 41 to 48, inclusive, in block 6, Lead City. Lots 17 to 24, inclusive, in block 3, Lead City. Lots 25 to 32, inclusive, in block 4, Lead City. Lots 1 to 10, inclusive, in block 7, South Lead. Lots 1 to 10, inclusive, in block 1, South Lead. Lots 9 to 16, inclusive, block 2, Lead City. Lots 1 to 8, inclusive, block 1, Lead City. Lots 65 to 72, inclusive, block 7, Lead City. Lots 73, 74, 75, 300, 301, 302, 303, 304, 305, 306, and 307, in block

10, Lead City. Lots 1 to 7, inclusive, in block platted and known as Robbins Row, South Lead. Lots 1 to 11, inclusive, in block D, South Lead. Lots 1, 2, and 10, the easterly 58 feet of lot 3. Lots 4, 5, 6, and the westerly 72 feet of lot 8 and lot 9, except so much thereof as is used and occupied for an alley or street, which is 12 feet wide, and extending from Bleeker Street easterly the whole length of said lot. It being intended to except out of lots 8, 9, and 3 the alleyway aforesaid and a piece of ground in the rear of said lots 8, 9, and 3, 48 feet by 70 feet, known as the Golden Star No. 2 shaft, lot and premises, all in block 2, South Lead. Lots 1 to 10, inclusive, block 6, South Lead. Lots 1 to 10, inclusive, block 3, South Lead. Lots 1 to 10, inclusive, block 5, South Lead. All those portions of lots 1 to 11, inclusive, Homestake Boulevard, which are now occupied by townsite claimants. Lots 1 to 5, inclusive, Church Place, Lead City. The premises known as the Swartout Place, Lead City. Lots 1 to 12, inclusive, Lower Main Street block, Lead City. Lots 1 to 9, inclusive, in block 1, Washington. Also lots 2 to 8, inclusive, in what is known as the Tuttle Place, Washington. Also lots 1 to 8 and 11 to 20, inclusive, in block 2, Washington. Also lots 2 to 9, inclusive, and lots 11, 12, and 13, in block 4, Washington. All those portions of the Elephant and Gordon lode claims lying along the north line of said townsite entry, within the said townsite-entry limits, which are now occupied by townsite settlers, except such portions of said claims as are included within the right of way of the Black Hills & Fort Pierre Railroad Co., which right-of-way portions are excluded from this indenture. That portion of what is described on the plat as the Billing's place, which is now occupied by dwellings or townsite settlers. All that portion of block 25, Lead City, except lots designated on the plat as E, F, G, and H. The whole of block A, in Lead City. The west 100 feet of lots 1, 2, 3, and 4, making those lots 50 by 100 feet. And all of lots 5 and 6, in block B, Lead City. So much of the Costello mill site as is now occupied for business purposes by Mrs. Phebe A. Hearst in connection with the Brick Store business. Lots 60, 63, and 64, block 8, Lead City. Lots 4, 5, and 6, block 19, Lead City, and Lead City district school grounds, Lead City. Lots 1 to 11, inclusive, in block 21, Lead City. Lots 84, 85, 86, 88, 89, and 90, block 12, Lead City. Lots 1 to 9, inclusive, block 20, Lead City. Lots 99, 100, 101, 103, 104, on Givin mill site. Lots 1 to 20, inclusive, block H, South Lead. Lots 1 to 4, inclusive, block K, South Lead. Lots 1 to 5, inclusive, block N, South Lead. Lots 1 to 10, inclusive, block M, South Lead. Out lot Y, South Lead. Lots 1 to 10, inclusive, block 4, South Lead. Out lot T, South Lead. Out lot R, South Lead. Out lot S, South Lead. Lots 7 to 11, inclusive, block B, South Lead. Lots 1 to 10, inclusive, block A, South Lead. Smith & Pringle & Co.'s mill site, Lead City. The foregoing descriptions are according to the plat of said town-site entry known as Hopkin's map.

To have and to hold unto the said party of the second part, their successors and assigns forever. This conveyance is to extend to the said trustees, the parties of the second part, their successors or assigns, with authority to convey the same to the beneficiaries of said trust, their assigns or successors in interest. This indenture and all conveyances by the said parties of the second part, trustee, as aforesaid, is and shall be subject to the following conditions and reservations: The said parties of the first part, and either of them, their successors, heirs, or assigns, and either of them, according to their respective ownership, shall have and continue to possess the right to mine underneath said surface and to use it for all such underground mining purposes by running drifts, tunnels, stopes, excavations of ore, or other material mining operations, including the sinking of shafts from the surface for actual mining purposes in good faith, such privilege and reservation to be exercised whenever and from time to time in the discretion of the said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, they may choose so to do, in order only to extract the ores therein for the purpose of reducing and milling them to obtain the gold and other metals therefrom; and in the course of such workings whenever it becomes important or necessary in the exercise of good faith on the part of said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, to come to the surface or so near the surface as to endanger the surface occupancy in mining or extracting the ore bodies, or in necessary air shafts to enable such work to proceed, they shall have the privilege of doing so; and in such case the said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, shall give to the particular occupant or occupants of the surface ground which is thus necessary to the working of the ore body under-

neath not less than 60 days' notice of the intention to come to the surface or so near the surface as to endanger the structures on the surface, and thereupon within 90 days from such notice said party or parties shall remove the structures from said surface ground, or so much thereof as shall be thus endangered; and in case of a neglect to thus remove such structures within the period aforesaid the mine owners may themselves remove such structures, or regard them as abandoned, and shall not be liable for any damage which may occur to the owner or occupant of such structures. Such notice shall be given personally to the owner of such structures if he can be found within the State by the exercise of due diligence; if not, then notice shall be given to the person in actual possession and occupancy as a tenant or otherwise if he can be found within the State by the exercise of reasonable diligence; otherwise by posting notice upon the structure thereon, which posting shall be sufficient service thereof. The shafts spoken of herein are to be sunk only in such portions of any of the lots or grounds thus quitclaimed as are not occupied or covered by valuable structures and in such place in any lot or parcel of ground as shall result in the least damage to the owner or occupant.

By this indenture it is not intended to dedicate to the public any of the streets or alleys in said town-site area except the surface use thereof subject to the same rights and reservations as herein set forth relating to the occupied lots and parcels of ground, with this modification, that notice to be given of any excavation which is to come to the surface or so near the surface as to endanger the surface occupancy of such surface as a street or alley, shall be given to the mayor or head official of the city of Lead.

The said parties of the second part, the said trustees, may at their option reconvey to the then owner or owners of the mineral claim on which any lot or parcel or parcels of ground may be situated all the right and title which they may acquire by this indenture discharged of the trust therein imposed.

In witness whereof the said parties of the first part have hereunto set their hands and caused these presents to be executed the day and year first aforesaid.

JAMES B. HAGGIN.
JAMES MILLIKEN.
THOMAS J. GRIER.
HOMESTAKE MINING CO.,
By LOUIS T. HAGGIN,
President Homestake Mining Co.
HOMESTAKE MINING CO.,
By IRWIN C. STUMP,
Secretary Homestake Mining Co.

(Duly and severally acknowledged by each of the foregoing.)

SMITH EXHIBIT NO. 1.

LEAD, S. DAK., *August 4, 1914.*

COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: I wish to reply to a statement of Mr. Grier's testimony given on the stand to-day after mine. In regard to the prices I charge for embalming, I wish to state that I did not charge $50 for embalming any of the employees of the Homestake Mining Co. for many years except in one single case. This was a nephew of Mrs. Phebe A. Hearst, who we embalmed to ship to California. She being very wealthy, I charged the full price that was charged by other undertakers in this section at that time. In most of the cases, where they had limited means, I did not charge anything for such work. The average price I charge for embalming will not amount to $10.

Respectfully,

S. R. SMITH.

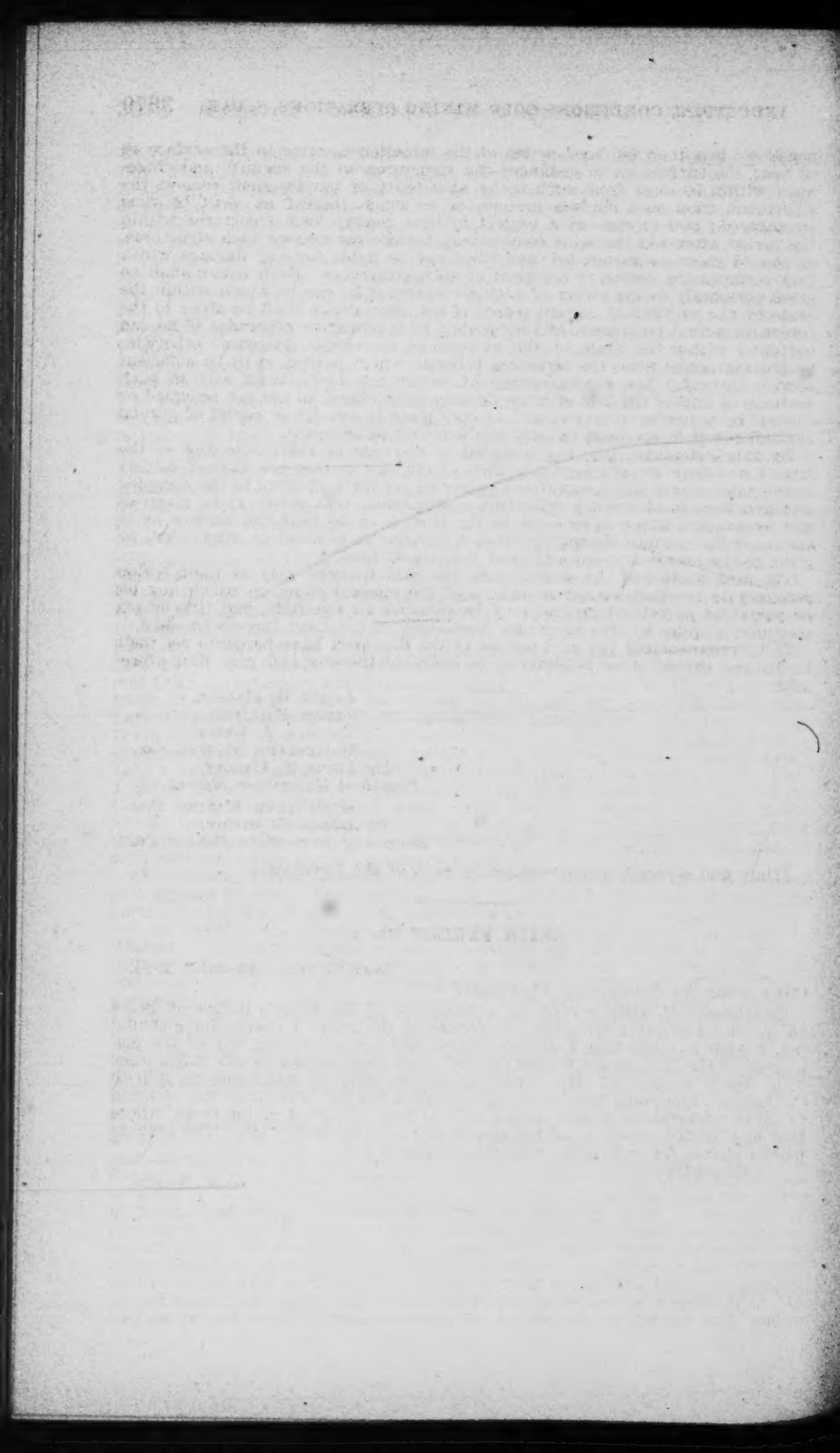

MINING CONDITIONS AND INDUSTRIAL RELATIONS AT BUTTE, MONT.

(For exhibits under this subject see pages 3867 to 4095.)

COMMISSION ON INDUSTRIAL RELATIONS.

BUTTE, MONT., *Thursday, August 6, 1914—10 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, O'Connell, and Lennon.

Acting Chairman COMMONS. The commission will come to order.

I wish to state to the witnesses and others that members of the commission who expected to be here have been unavoidably kept away. One of the commissioners has been appointed to another public position which, I presume, keeps him from attending; another one has been hit by the war in Europe—two others have been hit by the war in Europe—and consequently there are only four members of the commission present. The counsel of the commission also has been affected by the conditions in Europe and is not able to be present. The chairman of the commission has also been detained. The result is that the members here have chosen me to act as chairman and as counsel.

Regarding the kind of information which this commission desires to secure, I ought to say in advance that we are acting under an act of Congress requiring us to investigate the underlying causes of unrest and to make recommendations as to what Congress or other legislative bodies should do under the circumstances. We are not appointed as a board of mediation or arbitration or with the purpose of settling any troubles or disputes; our object is to make recommendations which in the future may allay unrest. Furthermore, our field does not permit us to enter into any personalities or individual controversies that may arise.

For this reason it seems to those of the commission who are present that we should not enter into any of the events which have occurred since the 18th of June; and we shall not take up any of those later events which do not seem to come under the mandate which we have in our investigation.

Is there anything further?

Commissioner LENNON. No.

Acting Chairman COMMONS. The first witness is Mr. Kelley, C. F. Kelley. Will you kindly take the chair?

TESTIMONY OF MR. C. F. KELLEY.

Acting Chairman COMMONS. I should explain that none of the witnesses will be placed under oath. While we have that authority, our purpose is more fundamental than to settle any particular situation, but rather to get all of the information and assistance which we can from the gentlemen who are kind enough to appear before us in fulfilling the law which we are appointed to carry out.

Mr. Kelley, will you give your name and address?

Mr. KELLEY. My name is C. F. Kelley.

Acting Chairman COMMONS. And your position or address—your address.

Mr. KELLEY. My address is Butte, Mont. By profession I am an attorney. My chief occupation is vice president and managing director of the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Will you state the relation between the Anaconda and the Amalgamated?

Mr. KELLEY. The Amalgamated Copper Co. is a holding concern, organized under the laws of the State of New Jersey and owning a large proportion, or percentage, of the capital stock of the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Does it own the stock of other corporations?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. In this State?

Mr. KELLEY. I know of none in this State; no, sir.

Acting Chairman COMMONS. What property does the Anaconda include?

Mr. KELLEY. The Anaconda properties are chiefly the mining properties in and about the city of Butte; the smelting and reduction works at Anaconda, about 26 miles distant; a smelting and reduction works and refinery at Great Falls, about 170 miles distant; sawmills located at Bonner, Hamilton, and St. Regis within the State of Montana; coal properties located at Washo and Lockree within the State of Montana; coal mining properties and sawmills located without the State of Montana; and stock of various small subsidiary corporations.

Acting Chairman COMMONS. These different properties you mentioned, are they owned directly by the Anaconda or through the holding of stock?

Mr. KELLEY. The main important properties are owned directly by the Anaconda; some of the departments you might call them that are incidental to the main properties of the company have, for the purpose of convenience, been placed in subsidiary companies, the stock of which are owned by the Anaconda Co.

Acting Chairman COMMONS. They were organized by the Anaconda Co.?

Mr. KELLEY. I think so; yes, sir.

Acting Chairman COMMONS. What, for example?

Mr. KELLEY. We have a number of small corporations; for instance, the Mines Timber Co.—that is a small concern, comparatively small—that operates in the woods for the purpose of furnishing stulls to the mines. That business is of such character that it can be carried on very advantageously by a small corporation without passing its business through the main corporate concern. We operate that as an independent concern. Also the Mill Creek Fluming Works, a similar concern; Deer Lodge Valley Farming Co., a farming concern; the Black Foot Land Development Co., which has been organized to handle cut-over or logged-over land of the company. So on I might enumerate additional small concerns, but that is the general character of the business that is done by them. The main business of the Anaconda Co. is conducted directly by the company, and the main properties of the company, the physical title to them, is vested in the concern itself.

Acting Chairman COMMONS. Could you state the capitalization of the Amalgamated company, the holding company?

Mr. KELLEY. The capitalization of the Amalgamated is $150,000,000, divided into shares of the par value of $100 each.

Acting Chairman COMMONS. What is its bonded indebtedness?

Mr. KELLEY. It has no bonded indebtedness.

Acting Chairman COMMONS. It has no bonded indebtedness?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. It is strictly a holding company?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Where are the offices of the Amalgamated?

Mr. KELLEY. At 42 Broad Street, New York City, the principal office.

Acting Chairman COMMONS. Who are the officers—president, treasurer, and directors?

Mr. KELLEY. Mr. John D. Ryan is president of the company. I don't know that I could give you the full board. Mr. A. H. Melin, I think, is treasurer. I should be very glad to submit a list of them, if you wish.

Acting Chairman COMMONS. Will you kindly do so?

Mr. KELLEY. Yes, sir.

(The following list was later submitted:)

Officers and directors of the Amalgamated Copper Co.: President, John D. Ryan; secretary and treasurer, A. H. Melin; directors, John D. Ryan, William G. Rockefeller, Benjamin B. Thayer, William Rockefeller, J. Horace Harding, H. H. Rogers, A. C. Burrage, and Charles N. King.

Acting Chairman COMMONS. Who are the principal stockholders of the Amalgamated?

Mr. KELLEY. That I do not know. The stock is very widely distributed; it is held practically all over the world—that is, investment world.

Acting Chairman COMMONS. What proportion of the stock of the Anaconda has the Amalgamated?

Mr. KELLEY. Roughly, about 75 per cent.

Acting Chairman COMMONS. What is the capitalization of the Anaconda?

Mr. KELLEY. The authorized capital of the Anaconda is $150,000,000, divided into 6,000,000 shares of the par value of $25; the issued capital is, I think, about 4,600,000 shares.

Acting Chairman COMMONS. In what way is the Anaconda controlled in its management by the Amalgamated?

Mr. KELLEY. I should say that the Anaconda is not directly controlled by the Amalgamated. The Amalgamated as the largest shareholder in the Anaconda is represented on the board of directors of the Anaconda, and through a community of interest there is rather a cooperative control than any direct or actual control.

Acting Chairman COMMONS. Who are president and officers of the Anaconda?

Mr. KELLEY. Mr. B. B. Thayer is president, I am vice president, and Mr. Meiin is secretary and treasurer.

Acting Chairman COMMONS. Where are the offices of the Anaconda?

Mr. KELLEY. At 42 Broadway, New York City.

Acting Chairman COMMONS. Can you give the valuation, both the assessed and true values of the properties held by the Anaconda Co.?

Mr. KELLEY. I can give you the assessed valuation of the properties. I do not know that I understand exactly what you mean by the true valuation.

Acting Chairman COMMONS. The market value.

Mr. KELLEY. That would be impossible for any man to give, because, particularly in the case of mining property and particularly where the mining property is of such a character and extent as that owned by the Anaconda Co., the valuation that might be placed upon it must necessarily be very largely a matter of opinion, must also be in the absence of complete development—which is entirely impossible—a matter of speculation to some extent; and it would be a matter of—merely a matter of opinion, and I am very frank to say to you that concerning its actual value in dollars and cents I have, and I think no man has any opinion—definite opinion as to the exact amount of money that is represented by these properties.

Acting Chairman COMMONS. Are the stocks of Anaconda listed on any exchange?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. New York?

Mr. KELLEY. The stock of the Anaconda Co. is listed on the New York Stock Exchange.

Acting Chairman COMMONS. Also the stock of the Amalgamated?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Well, if you will continue, then, with the assessed valuation.

Mr. KELLEY. I presume you are inquiring [producing papers]——

Acting Chairman COMMONS. Will you kindly submit it as an exhibit?

Mr. KELLEY. Yes, sir. I suppose you are referring to last year, 1913.

Acting Chairman COMMONS. The last full fiscal year, completed fiscal year.

Mr. KELLEY. You understand, Mr. Chairman, that in this State the year is not the same for the payment of the different kinds of taxes. Our assessment is made up as the first Monday in March of each year, but we pay on the net proceeds of mines from the first Monday in June to the first Monday in June.

I would like to make a word of explanation in that connection.

Acting Chairman COMMONS. Yes.

Mr. KELLEY. Under the Montana law all property, except mines, are assessed upon a cash valuation. Mining properties are assessed first, upon the surface at the price paid the United States Government for that surface, unless the surface is devoted to some other purpose than that of mining, in which event the valuation of the surface for the purpose to which it is devoted is taken. Upon the mine itself, the ores, minerals, mining companies—or mining properties are assessed upon the net proceeds—that is, the actual value of the metal taken—of the ore after allowing for the expenses of extraction, reduction, and so forth, in addition to which all improvements that are placed upon the surface are assessed as other property.

Now, of course, we make the return on the first Monday in March. We pay at the usual time in the fall, after November, upon the general property; but upon the net proceeds of mines, the statute fixes that at from June to June.

I might submit this as an exhibit. This is the assessment of the—it is a comparative statement of the assessment prepared for our office files, and correctly shows the assessment for 1912 and 1913.

(The paper so presented was marked "Kelley Exhibit No. 1." The same is printed under "Exhibits.")

Acting Chairman COMMONS. Will you state the total of this assessment as distinguished from the other, the net proceeds?

Mr. KELLEY. Yes, sir. You want the total amount of assessment exclusive of the net proceeds?

Acting Chairman COMMONS. Yes.

Mr. KELLEY. In 1913 it was $15,004,426.

Acting Chairman COMMONS. Now the net proceeds for the same year.

Mr. KELLEY. Eleven million four hundred and fifty-five thousand six hundred and forty dollars; that is, for the period ending in June.

Acting Chairman COMMONS. Of 1913?

Mr. KELLEY. 1913; yes, sir.

Acting Chairman COMMONS. What is the rate of tax on the assessed value?

Mr. KELLEY. The rate of tax varies in the different counties of the State somewhat, but will run from—approximately 30 mills is the levy.

Acting Chairman COMMONS. And what is the rate on net proceeds?

Mr. KELLEY. The same.

Acting Chairman COMMONS. Then it would be approximately 30 mills on thirteen million plus eleven millions, or twenty-six millions.

Mr. KELLEY. Yes, sir; approximately, about that, $26,000,000.

Acting Chairman COMMONS. By whom are these assessments made, and the ascertainment of net proceeds?

Mr. KELLEY. The assessments are made by the local assessing officers of the different counties. The ascertainment of net proceeds is arrived at by the actual book figures showing the cost and profit on the sale of metals, and is returned by the company.

Acting Chairman COMMONS. To whom?

Mr. KELLEY. To the local assessor.

Acting Chairman COMMONS. Is there any State tax commission, or State supervision of these assessments?

Mr. KELLEY. There is a State tax law which was adopted by the legislative assembly two years ago, but which has not as yet become effective in its operation. It is going through the preliminary stages necessary to put into effect.

Acting Chairman COMMONS. Does that provide for a State board of revision?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Have you distinguished in your assessment there between machinery, improvements, and real estate?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That is shown?

Mr. KELLEY. It is itemized and segregated by counties.

Acting Chairman COMMONS. For that same year, what were the gross revenues or income of the Anaconda Co.?

Will you kindly submit that as an exhibit? Is that your annual report?

Mr. KELLEY. This is the annual report for the year 1913.

Mr. KELLEY. I have not—the gross business is not stated here. I can get that for you, or I can give it to you approximately.

Acting Chairman COMMONS. Well, I mean the operating income of the company; you might state it roughly.

Mr. KELLEY. I would have to get that. I haven't it in mind. It would be somewhere in the neighborhood of forty-five to fifty millions of dollars; but I can get that for you, and will be pleased to do it. You see, the reason this is not shown upon the balance sheet, or that you can not ascertain it readily from your production, there is no extra ratio or proportionate relationship between production and sales. There is nothing so uncertain as the copper market. Probably no commodity in which stocks accumulate faster and our production from January 1 to December 31 of any year would not give an index to the gross business done, because of the differences in inventories there may be at the different periods. You understand?

Acting Chairman COMMONS. Yes. I am trying to get at also the operating expense. Can you give that total operating expense? I want to get at the way in which you reach this $11,000,000 of product.

Mr. KELLEY. Oh! Well, the $11,000,000 is arrived at by—we can furnish the detail of that, if you wish—it is arrived at by taking the cost of production, including the items which are specified in the statute, and deducting from it the credits which are also specified in the statute, not estimated at all, but the result is absolute book entries which can be checked back against the balance sheet of the company.

Acting Chairman COMMONS. That will not be the gross business of the company at all?

Mr. KELLEY. No, sir. The net proceeds of the company would be the profit made on the sales made by the company.

Acting Chairman COMMONS. That is what I want to get at; you can get that from this statement?

Mr. KELLEY. Yes. That was for the year, that period that you inquired, it was $11,450,000.

Acting Chairman COMMONS. What was the gross item that was used in ascertaining that amount? Then what was the expense item or——

Mr. KELLEY. I haven't that statement here. I have got it for this year, 1914, which is a later one.

Acting Chairman COMMONS. You may put that in.

Mr. KELLEY. That is the one I was requested to bring. For the year 1914 the number of tons of ore extracted was 4,714,653.40. The gross value per ton was $8.37. The gross value in dollars was $39,464,004.29; the gross cost per ton of mining that ore was $3.779, or a total of $17,816,505.99; the cost of transportation per mile per ton to the place of reduction was $0.2981, or 29 cents plus; the total cost of transportation was $1,405,558.18; the amount of money expended for necessary labor was $16,831,821.08; the amount expended for machinery and cost of supplies used in operation was $9,542,580.60; the marketing charges, including seaboard, refining, freight, and selling charges was $3,570,478.90, leaving a net proceed in value or value in dollars of $8,613,564.96, which was our return for the period from June, 1913, to June, 1914.

Now, right there I want to suggest that you can see immediately the tremendous influence—what might appear to the casual observer—that an ordinary rise and fall in the copper market has on the profits or loss of this business. For the year ending 1913 they made a net return of $11,450,000. Now, upon as large a tonnage practically—yes; it was a larger tonnage, and about the same copper production in the year ending 1914 we got from $11,450,000 to $8,057,000.

Acting Chairman COMMONS. What was the drop in the average price of copper?

Mr. KELLEY. I haven't it distinctly in mind, but I should say it was approximately 2½ cents, from a prevailing price of nearly 16 cents to a prevailing price of under 14 cents in the two periods, per pound.

Acting Chairman COMMONS. What was the highest price in the precednig year?

Mr. KELLEY. I would not be certain about that; my recollection is that copper advanced in the year 1912–13 to nearly 17 cents for a short period.

Acting Chairman COMMONS. What was the lowest in the latter?

Mr. KELLEY. In the last? Well, around 13 cents—13 cents flat, I think.

Acting Chairman COMMONS. You gave the item of labor as $16,800,000?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You also gave transportation; there is no duplication there?

Mr. KELLEY. No, sir; no. Roughly speaking, it may be stated—I notice that this is a little under because on a low price of copper. Our wage scale diminishes somewhat, but roughly speaking 50 cents out of every dollar's production goes directly to the labor expended in mining and smelting. Our pay roll, for instance, where our expenditures, total expenditures, will run somewhat over $40,000,000, between $40,000,000 and $45,000,000 in a year, of that expenditure $20,000,000 is direct pay-roll expense in mining and smelting. Now, the cost of transportation is in addition, of course, to the cost of mining.

Acting Chairman COMMONS. Transportation does not include your own railroad?

Mr. KELLEY. No, sir; I want to explain that, if you will permit me. In mining you can, of course, classify your accounts primarily into three main causes—mining, transportation, and reduction. Now, the transportation here referred to is the transportation of the ore to the smelters, a large part of it going to Anaconda over a railroad, the majority stock of which is owned by the Anaconda Co. on a very small charge, a charge that scarcely pays expenses, the remainder going to Great Falls over the Great Northern Railroad at a somewhat higher, though, we think, a fair charge.

Acting Chairman COMMONS. This $1,400,000 mentioned also includes the labor item of transportation?

Mr. KELLEY. Well, whatever labor is paid for by the railroad company.

Acting Chairman COMMONS. I see; it is a separate company with which you keep a separate account?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And it has its own labor cost the same as you do?

Mr. KELLEY. Of course, as a ramification, that is an interesting subject in connection with this inquiry. Probably of the total expenditure of $40,000,000, if you ramify it out into its principal items of transportation, fuel, supplies, proportionately as large a part as we pay directly for labor is paid out by the various concerns that are engaged in furnishing the different lines of service required in the business, and in this transportation charge—I think I have explained that part of the ore goes over the B., A. & P., which is the Anaconda controlled company; and part of it goes over the Great Northern, with which we have nothing to do.

Acting Chairman COMMONS. This item of machinery, $9,000,000—I think I am right, it is machinery—what would that include?

Mr. KELLEY. That includes the machinery supplies and necessary appliances used in the mining of the ore; a detailed statement of that can be furnished if required; I haven't it here.

Acting Chairman COMMONS. How do you figure your depreciation account?

Mr. KELLEY. The depreciation account of what?

Acting Chairman COMMONS. For the mine and machinery.

Mr. KELLEY. Well, of course, that depends on the particular fact, mill or machine. Necessarily all of the different plants have not the same depreciation. It is the custom of the Anaconda Co. to allow a reasonable depreciation charge, and our plants have been depreciated; but that is not a uniform per cent of anything; it depends on the character of the plant and the work it is doing and probable life.

Acting Chairman COMMONS. Is that included in this total operating expense, the depreciation?

Mr. KELLEY. The depreciation would be included; yes, sir.

Acting Chairman COMMONS. It is not stated in this analysis which you gave here, the cost of mining, labor, machinery, and marketing. I presume it is set up against new machinery or something of that kind.

Mr. KELLEY. Yes; of course the subject of depreciation in corporate accounting; it is, of course, in itself almost impossible to make any general answer. It is our experience that that question comes up with reference to practically every operation, and you have to decide those things very largely upon each individual transaction. Of course our general plant can be covered by blanket depreciation, but here, where we are constantly changing machinery and putting in heavier and taking out lighter, the question of replace value, breakdown value, possible utilization in other properties of the company, as well as the cost and life of new machinery, enters into the depreciation charge.

Acting Chairman COMMONS. Is there any accounting system or supervision of accounts of your supervision similar to that prevailing in the matter of railroads?

Mr. KELLEY. Government supervision?

Acting Chairman COMMONS. Yes; State or Federal.

Mr. KELLEY. With reference to some of the departments of our business; yes, sir.

Acting Chairman COMMONS. With reference to the transportation department.

Mr. KELLEY. With reference to the transportation department and public utilities, we have some other public utilities, but not as to general business. I wish to say this, however, that our accounts are subject to critical examination by a firm of certified public accountants of good standing, and the transaction recorded in the balance sheet certified is the balance sheet from the public accounts certified by the public accountants.

Acting Chairman COMMONS. Do you make reports under the income-tax law?

Mr. KELLEY. Yes, sir; a most exhaustive report.

Acting Chairman COMMONS. What amount was turned over to the Amalgamated as dividends or various other forms by the Anaconda Co. during this fiscal year you have been speaking about—the one that was finished in 1913? This $11,000,000, is that the amount?

Mr. KELLEY. Yes. The dividend rate was $3 for the year, I think; and, figuring roughly, 75 per cent of that would have been—twelve million—the dividend exceeded the earnings; was made up out of surplus. Now, the amount that was paid the Amalgamated would be 75 per cent of the total—

about that, of the total dividend, which, as I remember, was $3 a share. That is just a question of arithmetic.

Acting Chairman COMMONS. Amongst these properties which you hold do you have any company houses used by employees?

Mr. KELLEY. Not as a rule. In Butte we have none; Anaconda none.

Acting Chairman COMMONS. What is the title to the surface, and how do you arrange with the surface owner or lessee?

Mr. KELLEY. Well, the title to this property was originally a deed from a quartz and placer patent from the United States Government.

In the vicinity of Butte, not upon the hill where active mining operations are carried on so much, but in the outlying property, there has been a segregation of the surface from the underground title, and all surface has been platted and sold as real estate. That, however, in most instances, if not all, was done by the predecessors in interest of the Anaconda Co., the original owners of the property.

Acting Chairman COMMONS. The Anaconda owns the mining claims beneath the surface, does it?

Mr. KELLEY. In many instances; yes, sir.

Acting Chairman COMMONS. And the surface ownership is entirely separate?

Mr. KELLEY. Yes; in many instances; although for the most part the big bulk of the mining property of the Anaconda Co. is owned, both surface and subsurface, by the company itself.

Acting Chairman COMMONS. Take this, for instance, then, where the surface is owned and structures are built by private enterprise other than your company, what are the terms of the contract of sale?

Mr. KELLEY. Well, that all depends. You will have in each individual case to go back to the deed that was made by the original mineral owner when the surface was segregated.

This whole city, practically, outside of a very restricted area that was embraced in the original town site, is in just that condition.

Some of the most valuable property in the city of Butte was traced back originally from the quartz and placer ownership. There is not any uniformity of segregation. It depends upon the contract that the individual mineral owner made with his individual grantee.

Acting Chairman COMMONS. Did the Anaconda accumulate all of the mineral claims, no matter what the original source?

Mr. KELLEY. Oh, no; not by any means at all. We have accumulated quite a good deal of that property where the two titles were segregated. Now, the general clause that is contained in that deed is either one of two characters: First, that the surface is granted down to a specified depth, with an obligation not to conduct any mining operations above a certain limit, say, 50 feet. Usually such a deed has a clause, a general clause, which would prevent the underground worker from causing any damage to the property. In other deeds it is just merely the proposition of reserving the right to mine without causing surface damage.

Acting Chairman COMMONS. Have you had cases of surface damage to property owners?

Mr. KELLEY. Have there been?

Acting Chairman COMMONS. Yes.

Mr. KELLEY. Why, I think so.

Acting Chairman COMMONS. What plan of settlement has been the method of settlement of damages?

Mr. KELLEY. Well, those matters have been settled.

Acting Chairman COMMONS. According to the contract?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Damages are paid in all cases?

Mr. KELLEY. I think so; where it is clear what the cause is.

Commissioner GARRETSON. One question right there, Mr. Chairman.

Acting Chairman COMMONS. Yes.

Commissioner GARRETSON. Is there any clause in any of those agreements which bars the right of recovery if damage does ensue?

Mr. KELLEY. No; I think not, unless, of course, it would be a question of legal interpretation as to what consequential damage might be claimed in the event of the agreement that you would not mine within, say, 50 feet of the surface.

Commissioner GARRETSON. Well, that would fall under the provisions of the law and not of the agreement, then?

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON. But there is no absolute clause barring right to recovery?

Mr. KELLEY. I don't know of any; no, sir.

Acting Chairman COMMONS. How many employees have you in this, in the mining and reduction work?

Mr. KELLEY. Under normal conditions we would employ in the mining end here in Butte between nine and ten thousand men; at Anaconda between two thousand and twenty-two or twenty-three hundred; at Great Falls between seven hundred and fifty and a thousand.

Acting Chairman COMMONS Making a total in the mining operations of——

Mr. KELLEY. Of, say, ten, twelve—nearly thirteen thousand.

Acting Chairman COMMONS. And what proportion of your men are underground?

Mr. KELLEY. Well, a very large proportion of the nine to ten thousand that would be employed here in Butte would be underground, although the surface department is a very large department. I haven't the figures for that in mind, but I can get them, and will, if you wish.

(The information requested was later furnished, and is printed as "Kelley Exhibit No. 3.")

Acting Chairman COMMONS. We would like to get that, the total number of miners and helpers and underground men, classified.

Mr. KELLEY. Yes.

Acting Chairman COMMONS. What number are employed in the smelting operations and reductions works?

Mr. KELLEY. Well, about two thousand to twenty-three hundred at Anaconda, and seven hundred and fifty to a thousand at Great Falls. You want the number of men employed underground?

Acting Chairman COMMONS. Classified by their occupations—miners, helpers, loaders, or whatever they are.

Mr. KELLEY. Well, underground here, with the exception of the men who are in specific parts, all men who go underground are classified as miners and receive the same wage scale, the same minimum wage scale. We have no classification, so far as pay roll is concerned, between miners, helpers, and muckers underground. They all receive the same minimum wage scale that has been one of the regulations of the union that existed here in Butte. Of course, we have the different lines of work, so that I may understand you, as timbermen, pump men.

Acting Chairman COMMONS. Yes; I would like to get the scale for each man, each class of work. You say the minimum is $3.50 for miners, helpers, and muckers, as they are called?

Mr. KELLEY. Well, I don't remember saying that, but that is a fact. I can give you our wage scale.

Acting Chairman COMMONS. I would like to have you submit that as an exhibit? Will you hand it to the reporter to be numbered?

Mr. KELLEY. Yes.

(The paper so presented was marked "Kelley Exhibit No. 4." See Kelley Exhibit No. 4.)

Mr. KELLEY. And I wish to make a word of explanation with reference to it. This is the direction, is a copy of the direction to the timekeeper for the making up of time, and gives the minimum scale for each employment that is listed here. It shows—we have a splitting point in all occupations, at 15 cents for mining, another splitting point at 17 cents, and a third splitting point in the wage scale for all at 18 cents copper. This gives the rate of wages at the different splitting limits of copper. You understand that our wage scale is based upon——

Acting Chairman COMMONS. Will you explain the wage scale, if you will?

Mr. KELLEY. Well, the income as shown by these net-proceeds returns of a copper mining company is so directly affected by the price of copper that in order to maintain a satisfactory scale of wages, a scale of wages which is high enough under all circumstances to give a fair return to the employee, it has been deemed advisable to base it on the price of copper. Accordingly our wage scale is based with a minimum rate when copper is under 15 cents. At 15 cents copper—that is, upon the basis of a monthly wage—when copper is 15 cents or over, the rate of wages of all employees advances 25 cents a day. At 17 cents, or when copper is 17 cents per pound for a month, the rate of all men who are employed underground advances an additional 25 cents, but not of the

other employees. At 18 cents copper the rate of all employees, both above and below ground, advances an additional 25 cents.

Now, I want to say with reference to this wage scale that is submitted that that is the minimum scale. It does not include the special wage scale paid in almost every line of employment where work is of a particularly hazardous nature, dangerous nature, unhealthy nature, or where for any reason factors are introduced that do not affect common employment—additional compensation is paid.

Acting Chairman COMMONS. It does not include, either, the sliding-scale feature?

Mr. KELLEY. This does; yes; this has.

Acting Chairman COMMONS. It states what it would be?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does it state for this prosperous year, when your dividends were twelve millions, and this present year eight millions, what has been the actual payment to these classified employees, who vary with the price of copper?

Mr. KELLEY. No; this is the general scale here; but I can give you those figures. In fact, I have them prepared and will be very glad to give them.

As a matter of fact, our wage scale last year was over $2,000,000 more than it was the previous year, notwithstanding the price of copper was less.

(See Kelley Exhibit No. 2.)

Acting Chairman COMMONS. Last year—you mean the calendar year 1913?

Mr. KELLEY. I mean the calendar year 1913. According to my recollection, our pay roll was something over $20,000,000. For 1912 it was something over $18,000,000.

Commissioner O'CONNELL. And the wages are based upon the price of copper, regardless of the dividends?

Mr. KELLEY. Exactly. And when copper is very low and you have an enormous overhead expense to take care of you have got to increase your product rather than decrease it with a decreasing price of copper, and you have got to mine more tons of ore. And while the individual wage drops to three and a half, the aggregate wage scale upon a less total income is more than in a prosperous year. You get the point?

Commissioner GARRETSON. During the year——

Mr. KELLEY. You have got to make more production, in other words.

Commissioner GARRETSON. During the year, as I understand the testimony, the men during that year were working at the minimum rate, were they not, the bulk of them?

Mr. KELLEY. No.

Commissioner GARRETSON. On the sliding-scale basis?

Mr. KELLEY. No; during the year 1913—I think the greater part of the year 1913—the men were working on the scale in effect above 15 cents.

Commissioner GARRETSON. Above 15?

Mr. KELLEY. Yes.

Commissioner GARRETSON. What dividend rate was paid during the 15-cent period?

Mr. KELLEY. The same dividend rate, 75 cents a quarter per share, I think.

Commissioner GARRETSON. When the reduction did take place in the pay of the men owing to the sliding scale and the low price of copper, was there any reduction in the dividend rate?

Mr. KELLEY. There was a reduction in earnings, not in dividend rate, because there was a sufficient accumulation of surplus to take care of the deficit.

Commissioner GARRETSON. But none of that surplus was used to keep the wage at the same rate; it was used to keep the dividend at the same rate?

Mr. KELLEY. Well, I don't know that I get your point; I can't see any——

Commissioner GARRETSON. The point is, what I wanted to develop was this: Whether the low price of copper worked the same result on the stockholder and the employee.

Mr. KELLEY. It did unquestionably in ultimate result.

Commissioner GARRETSON. Oh, but not in immediate result.

Mr. KELLEY. Well, it did in this way: If you had a rate of wages based upon your income, there is a direct ratio between the amount paid as wages and the amount which the company has as net income. Now, then, if instead of paying all of that net income to the stockholders, a reserve is accumulated so that when you have a frightfully lean year such as we have had in the copper business at various times, when you can't save on your pay roll to make

a dividend, you have got a little in the box that you can take out to make up the difference.

Commissioner GARRETSON. In equity, is there any more reason in the lean year that the stockholder should be protected than there is that the employee should? Now, bear in mind, I am barring the existence of your agreement and only passing on the equity of it.

Mr. KELLEY. If you desire my view on the economics, I would be very glad to give it to you, but I should regard that as quite distinct, any application of that view, to the business management of a corporation.

Commissioner GARRETSON. If you could express without extended argument your opinion of whether or not a reduction in wage should in equity be accompanied on account of the market value of the product—should be accompanied by a reduction in dividend rate, I should be very glad to hear it.

Mr. KELLEY. I think unquestionably so, and I think unquestionably that that necessarily follows. You take one year and balance it against another particular year, there may not be the absolute reduction there. But in working out the business life of a corporation things must be kept at the same ratio, and they will be kept at the same ratio, and I concede you freely that it is my opinion and it is my belief that in prosperous times the whole prosperity should not go to the stockholder, but the wage earner should participate in it. That is the policy that I have tried to perform.

Commissioner GARRETSON. And that in lean times also——

Mr. KELLEY. And that in lean times it applies exactly the other way.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. There is one point that you mentioned regarding the lean years, or at least when the price is low.

Did I understand that in those years there is more employment, that you turn out more product in those lean years when the price goes down, we will say, to the 15—below 15?

Mr. KELLEY. That is true up to a certain limit. Now, I want to make this suggestion before I leave the topic discussed by the gentleman here [indicating Commissioner Garretson], and that is that vice versa of the fact that last year and year before last year the wage was reduced to the minimum, and the dividend was not, we have had years, a number of them, when there was absolutely no dividend at all paid or earned, and when the wage scale was not reduced.

Now, answering your question: If you endeavor on a lean copper market to keep your costs down you must increase your tonnage. As long as there is any profit in the business, which means as long as there is any continuous market for the copper, you may be able by increasing tonnage somewhat and consequent decreasing of expenses to make a profit. When the market ceases so that your copper can not be sold at all, then of course you must put a limit on your expenses, because you can not pay your bills in copper.

Acting Chairman COMMONS. Well, that is a little peculiar idea there. You speak of the market ceasing altogether?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The market would not cease altogether if you reduced the price?

Mr. KELLEY. It has at this time. At this time there is absolutely no foreign market for copper. There is no means of transporting copper to Europe, and there is no method by which you could collect for copper if you transported it. The bills, the drafts, that were drawn against the enormous stocks of copper that had been transported to European countries within the last 30 days, copper that is now afloat, are now coming back—that have been discounted, those drafts are coming back for repayment in New York to-day.

There is no local market for copper, no selling agency. While there is a price quoted at 13 cents, I believe, or 13¼, I don't believe that within the last 10 days there has been a pound of copper sold in the United States.

Acting Chairman COMMONS. Even at that low figure?

Mr. KELLEY. Even at that low price.

Acting Chairman COMMONS. Now, this is, of course, an extraordinary situation.

Mr. KELLEY. Very.

Acting Chairman COMMONS. What you say would you intend to apply generally in other times?

Mr. KELLEY. Yes; what I say—I can straighten out my exact meaning by suggesting this situation to you:

In 1907 for a while there was a financial stringency that absolutely wiped out our domestic market. At that time we could sell copper abroad for a while and keep going on that basis. When it got so bad we had to close down—now, up to the point you could afford to accumulate a stock of copper on a low-price market you can produce it; when you get to the point you can not carry copper any longer, then you have to stop.

Acting Chairman COMMONS. Up to that point, you can really increase the amount of employment as the price or profits go down.

Mr. KELLEY. Well, of course, you must take that in a very qualified manner. If you wish to keep up the production, the normal production, if you wish to maintain your production the same, that would be true.

Acting Chairman COMMONS. In which case you would have to build up your stock?

Mr. KELLEY. Have to build up your stock, and you could only do that as long as the markets take your stock. When the market stops then, of course, you have to curtail.

Acting Chairman COMMONS. Will you describe the operating organization of your system? You are the general manager. Take it down the line, the different grades of superintendents, foremen, and so on.

Mr. KELLEY. Our organization is a very simple one. Our various lines of business are divided into departments, and each department, or subdepartment, has a man in charge with the rank of superintendent or manager of that department. As illustrative of that, if you wish, my title is vice president. I have general charge of the operations. Mr. Gille is manager of mines, has charge of all the mining operations. Mr. Mathewson, the manager of the works in Anaconda, has general charge of the operations there. Mr. O'Grady, of Great Falls; Mr. Toole, of the lumber operations, and so forth.

Acting Chairman COMMONS. Then beneath each of these general superintendents, what is the next organization?

Mr. KELLEY. Well, in the mining organization we have the manager of mines, assistant manager of mines, general superintendent of mines. And they a foreman over each individual mine. Beneath him are assistant foremen and shift bosses.

Acting Chairman COMMONS. What are the salaries, beginning with the shift bosses and going up, what are the salaries paid to the shift bosses?

Mr. KELLEY. The shift boss' salary is $5 a day, with an increase when the price of copper is over 15 cents. The salaries of the assistant foremen vary somewhat. I think they are on the whole—I think they range about $200 a month—where is Mr. Gille? Mr. Gille could give you that information.

Acting Chairman COMMONS. Well, we will take that up. Mr. Gille is here?

Mr. KELLEY. Mr. Gille. I can give you that. The assistant foremen are about $200 a month; foremen, $225 a month for the small mines and $250 for the larger mines, in addition to which they have in some instances house rent, light, supplies of that kind furnished them.

Acting Chairman COMMONS. That comes up to the superintendent?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. What are their salaries, what do they get?

Mr. KELLEY. The assistant superintendent is $6,000; $7,500 for general superintendents. The assistant manager, do you wish these salaries?

Acting Chairman COMMONS. You can file a statement of that.

Mr. KELLEY. I would sooner do that; I would be more sure it was accurate.

Acting Chairman COMMONS. Yes; file that as a part of your statement. Do these shift bosses, foremen, superintendents receive any payments additional to those salaries based on either the price of copper or the earnings of the company?

Mr. KELLEY. Well, I told you that the shift bosses——

Acting Chairman COMMONS. Yes.

Mr. KELLEY. And the assistant foremen receive an increase or decrease on the price of copper the same as the miners. In addition to that there is no added salary for income, but there is a bonus for safety. We pay—set aside $1,000 a year, which is paid in sums of $750 and $250, respectively, to the foreman of the mine which shows the least number of accidents in the mine proportionate to the number of shifts worked.

Commissioner O'CONNELL. That is competitive, then?

Mr. KELLEY. Yes.

Commissioner O'CONNELL. And there is no regular standard system of bonuses to all those in charge of the mine?

Acting Chairman COMMONS. That is, the bonus for safety goes to the foreman of each mine and no lower than foreman, is that the idea?

Mr. KELLEY. It goes to the foreman of the mine which makes the best showing in that respect.

Acting Chairman COMMONS. It is a prize offered?

Mr. KELLEY. It is a prize; yes.

Commissioner GARRETSON. He does not divide that?

Mr. KELLEY. He does, as a matter of fact, divide——

Commissioner GARRETSON. I mean under your system he is not supposed to, but he in fact does?

Mr. KELLEY. He can do as he pleases with it. I do not know what he does.

Commissioner GARRETSON. It is his?

Mr. KELLEY. It is his.

Acting Chairman COMMONS. How long has that kind of a bonus been in operation?

Mr. KELLEY. Two years.

Acting Chairman COMMONS. Have you found good results?

Mr. KELLEY. Yes; I think we have.

Acting Chairman COMMONS. What reduction did the winner this last year make in the number of accidents?

Mr. KELLEY. Well, in the matter of percentage I do not know that I could give it to you. I can give you statistics on it. My recollection is the record for his mine was one accident for every 104,000 shifts worked underground, which figured out upon the basis of probable injury, considering the hazard of the business, we regard as rather extraordinary.

Acting Chairman COMMONS. By 104,000 shifts you mean men shifts?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. One accident to 104,000. Does that include all kinds of accidents?

Mr. KELLEY. That includes accidents which incapacitate for a period of 30 days or longer.

Acting Chairman COMMONS. I presume you have kept a complete record of accidents?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. How far back do they go?

Mr. KELLEY. Well, it does in some of the properties. You see, what is now the Anaconda Co. was originally a number of separate operating companies, and their method of settlement, their method of carrying insurance and keeping statistics, differed somewhat, so that for all of these properties we have not uniform statistics extending back any considerable length of time.

Commissioner GARRETSON. Have you since the consolidation?

Mr. KELLEY. Yes, sir; since 1909 we have the original; we have the complete Anaconda since 1900.

Acting Chairman COMMONS. Could you furnish us with that record?

Mr. KELLEY. I think so. It would take some time to get that together, but I would be very glad to do it and send it to you.

(The matter referred to is printed as "Kelley Exhibit No. 5.")

Acting Chairman COMMONS. Reduced to this basis that you spoke of, man shifts?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. How about the accidents of less than 30 days?

Mr. KELLEY. We have a record of those. We have a record of every accident which either caused the man to come to the surface or to go to the hospital for a dressing. We have a record of the length of time he was in the hospital; that is, we try to keep that record, and of the time when he came back to work.

Acting Chairman COMMONS. You could furnish that record, too, could you not?

Mr. KELLEY. I could. It might take some little time to compile it; it is not in just that shape, because as we have it it is intermingled with other things and is not kept with reference specifically to those things you would be interested in, but I would be glad to get it for you.

Acting Chairman COMMONS. You will do that, then?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Regarding the wages of men below the shift boss—that is, miners, helpers, and others—why is there no distinction made between miners and helpers, and what is the other term? Are they loaders?

Mr. KELLEY. Muckers.

Acting Chairman COMMONS. They are the loaders—shovelers, are they?

Mr. KELLEY. Well, the reason for it is that the Butte miners' union adopted at the time of its organization the principle that every man who went underground should receive the miner's wage, and while we have always felt there should be—should reasonably and logically be a classification of the employment underground, that has been one of the things that has been conceded by the employing companies and the employers at Butte.

Commissioner LENNON. I was going to ask, is it established by agreement with the union, or simply accepted?

Mr. KELLEY. Well, originally I think it was a part of their organic law, whatever it was, by-laws or constitution—and was agreed to by the operators and later when the contract system, as we speak of it and know it now, was put into force, it was agreed to by the operators; yes, sir. There is this distinction, perhaps I should say—there is this much classification, that in our contracts of employment certain lines of employment above, requiring more skill than the ordinary miner, are classified and additional wages are paid them.

Acting Chairman COMMONS. Is that a copy of the contract?

Mr. KELLEY. This is the original agreement. I was told to bring the original agreement, and I have it. I can furnish you with a copy; I wouldn't like to give you this.

Commissioner O'CONNELL. You can turn it in and we will have it copied right here and return it to you.

Mr. KELLEY. Yes, sir. Men engaged in shafts, stations, cutting winze, station tenders, are classified separately and receive an addition of 50 cents to the current wage per day. Now, in addition to that, in bad places we have a contract system and a contract wage frequently runs as high as $6—sometimes, $7 per shaft.

Acting Chairman COMMONS. You will allow the reporter to number that exhibit you had, and we will have it copied.

Mr. KELLEY. Yes, sir. There is the contract of 1907 and the contract of 1912.

(The papers so presented were marked "Kelley Exhibits Nos. 6 and 7."

See Kelley Exhibits Nos. 6 and 7.)

Acting Chairman COMMONS. The latter being the current one?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Do you wish to make a copy yourself?

Mr. KELLEY. Yes, sir; I don't like to let that out of my possession.

Acting Chairman COMMONS. You would like to present a copy instead?

Mr. KELLEY. Yes, sir; I will have a copy made and present them, and your stenographers can compare them if they wish.

Acting Chairman COMMONS. You may submit the copies, then, in place of the orignal.

Mr. KELLEY. All right.

Acting Chairman COMMONS. This additional of 50 cents extra on classified employees, did that come up as a proposition from the management?

Mr. KELLEY. That was a condition that was agreed upon by both the union and the management when the contract was signed.

Acting Chairman COMMONS. Has the company ever proposed a different scale for the different miners and helpers and muckers?

Mr. KELLEY. Well, the matter has been discussed, but there has been a sort of understanding there would be a row to change that.

Acting Chairman COMMONS. How long must a man work underground before you allow him to operate a machine as a miner?

Mr. KELLEY. There is no fixed term. There is no fixed term of apprenticeship in the mining business.

Acting Chairman COMMONS. This system, then, apparently permits you, on the operating side, to advance any man to the position of miner at any time or place, and he gets no additional pay; is that the idea?

Mr. KELLEY. Yes; of course good miners are what you want. They are scarce compared to the general labor market, and as rapidly as men can perform the work of a miner they are advanced to that position.

Commissioner LENNON. Is there any given amount of production on which you pass the judgment as to whether the man is fit to be used—to make a mucker fit to be used as a miner, or a helper fit to be used as a miner?

Mr. KELLEY. No, sir; there is no relationship between the production per man.

Acting Chairman COMMONS. You spoke a moment ago of the contract; what do you mean by contract? That is the agreement with the union, is that the idea?

Mr. KELLEY. Yes, sir; in 1907 when the sliding scale was adopted, a five-year contract was entered into between the different operating companies here and the miners' union and other affiliated crafts. That is, each craft that is engaged here in Butte has an operating contract, and they all have their own contracts with the operating company. On the expiration of that contract in 1912 a three-year contract was entered into in which there was some modification of the wage scale.

Commissioner LENNON. The contract of the other trades is not based on the sliding price of copper?

Mr. KELLEY. Yes, sir.

Commissioner LENNON. Machinists, and so on?

Mr. KELLEY. Yes, sir; everything—every employee.

Acting Chairman COMMONS. How long have you been in charge of the Anaconda properties?

Mr. KELLEY. I think in my present position about three years and a half.

Acting Chairman COMMONS. How long have you been connected with the operations of the company?

Mr. KELLEY. I have worked for the Anaconda Mining Co. off and on 30 years, nearly 30 years.

Acting Chairman COMMONS. The first contract was signed, then, in 1907, was it?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What was the situation prior to that regarding any agreement?

Mr. KELLEY. There was an established wage scale here, but none by agreement, and no sliding scale. The minimum wage of the miners in Butte from the time of the organization of the Butte miners' union was $3.50 a day, and it had always been regarded that certain classes of work underground should be paid additional to that minimum wage; shaft sinking, station cutting, winze, are regarded as additional. And there was an understanding as to what they should be paid, but I don't know that there was any difference of opinion about it. In 1907 the first contract was entered into, and it provided for a minimum wage for miners of $3.50 per day and $4 when copper sold at 18 cents and over. These other classifications of the mining business were increased proportionately. On the expiration of that contract we made the contract of 1912, which gave a 25-cent increase at 15 cents instead of making the 50-cent increase at 18 cents, and to the miners an additional 25 cents at 17 cents, and an additional 25 cents at 18 cents.

Acting Chairman COMMONS. So that in effect the amount amounts to an increase, when copper reaches 17 cents, of 25 cents over the old scale?

Mr. KELLEY. No; when copper reaches 15 cents. Our minimum up to 15 cents is $3.50, from 15 cents to 17 cents it is $3.75, from 17 cents to 18 cents it is $4, and above 18 cents it is $4.25; that is the minimum.

Acting Chairman COMMONS. And prior to the contract of 1912?

Mr. KELLEY. It was $3.50 to 18 cents and over 18 cents $4.

Acting Chairman COMMONS. So that it amounted to about 25 cents a day increase over what it was?

Mr. KELLEY. It amounted to 50 cents a day increase over what it was.

Acting Chairman COMMONS. Until it gets up to 17 cents?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Under the old agreement at 18 cents the man would have gotten 50 cents increase, which would put him to $4?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Under the new agreement at 18 cents he would get $4.25?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. What was the prevailing wage at the time that agreement was signed; I am speaking of the minimum; was it $3.50 or $4?

Mr. KELLEY. The price of copper—I happen to remember that because I was watching it—it was just a shade under 17 cents and it was so close that the contract—we negotiated that contract in June and the average price for copper, although the contract was not signed until in July, we made it retroactive and setled on a 17-cent basis; it was a shade under 17 cents.

Commissioner GARRETSON. How soon after that did the price of copper lower the wage?

Mr. KELLEY. I could not say, it was some months.

Commissioner GARRETSON. Has it ever gone up since?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. For how long a period?

Mr. KELLEY. Very short.

Commissioner GARRETSON. Then went back down?

Mr. KELLEY. Yes, sir; but has stayed for quite a considerable period of the period above 15 cents.

Commissioner GARRETSON. It went even to the $4.25 rate once?

Mr. KELLEY. No, sir; went to the $4. I don't think copper sold over 18 cents—I know it hasn't in the last few years.

Acting Chairman COMMONS. What were the reasons for the change to the contract system in 1907?

Mr. KELLEY. Well, in 1907, there developed a considerable agitation for an increase in wages, and the management of the company was willing to grant the increase to apply that to when they could afford to pay it, and the result was that the negotiation was conducted and it was agreed that if this five-year contract was made they would adopt the sliding scale; that seemed to be fairly satisfactory all around.

Acting Chairman COMMONS. Did the proposition come from the management or from the union to adopt the contract system?

Mr. KELLEY. Well, I think the proposition at the time when the union started was straight $4, and then it was a matter of negotiation that ultimately resulted, I think—it was negotiated by both sides.

Acting Chairman COMMONS. What I am getting at is prior to that you simply operated on an understanding?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. I take it those understandings originated in a rule or by-law adopted by the union?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And you simply accepted it?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Now, when it came to 1907 you began negotiating with them?

Mr. KELLEY. They began negotiations; they made a demand for $4.

Acting Chairman COMMONS. And the negotiations started?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. It was mutually agreed it should be put in writing?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And that is what you call the contract?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Is there any advantage in that system over the prior method?

Mr. KELLEY. Well, I think so—I think so. I think anything which tends to simplify and put on an agreed basis the relationship between employer and employee is of mutual advantage to both.

Acting Chairman COMMONS. You spoke a moment ago of a different scale for what you call, I think, unwholesome or bad places of work.

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What do you mean by that kind of places.

Mr. KELLEY. Well, we have some places that are wet, for instance. I might say this, in mining necessarily the work is continually progressing; we reach a certain elevation and open it up; call that a level. Now, when we have to go below that and open up a new level, you encounter water, the air is bad, the powder smoke is bad, work of that kind is entirely entitled to additional compensation, or in drifting work, drifting where the ventilation is not good.

Acting Chairman COMMONS. Then, that only occurs, then, in opening up new levels?

Mr. KELLEY. Chiefly occurs there; yes, sir.

Acting Chairman COMMONS. Does it also occur in working on the older levels?

Mr. KELLEY. No, sir; not after the level is opened up and developed.

Acting Chairman COMMONS. Then, what is there in the contract governing the increased pay which a man shall receive?

Mr. KELLEY. Fifty cents additional for shaft cutting, shaft sinking, winzes, and work of that kind.

Acting Chairman COMMONS. That kind of work would be plain, I am speaking as to the question of whether the work is unwholesome.

Mr. KELLEY. That is the kind of work that is unwholesome.

Commissioner O'CONNELL. It is agreed that that is the unwholesome work, among you?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Oh, I see. That is fully provided in the agreement. Do any disputes arise over that question, as between the men and the shift bosses?

Mr. KELLEY. I have never known of any.

Acting Chairman COMMONS. Who determines the character of the work?

Mr. KELLEY. Well, the work is just as well classified as it can be. It has a fixed definite meaning, and there could not be any room for dispute about it.

Acting Chairman COMMONS. Now, what has been the history of the hours of labor, the 8-hours system, in the mine; when did it begin, and was it universal; or has it been extended to new classes of labor?

Mr. KELLEY. Well, originally the shift here in Butte was 10 hours in the day and 9 hours at night; and, I think, in 1901 the legislative assembly passed an 8-hour law applicable to employees engaged in mines, mills, concentrators, etc. Since that time 8 hours has been the prevailing rule.

Acting Chairman COMMONS. Does that apply to—what I am getting at, does it apply to all work and labor of all kinds?

Mr. KELLEY. It applies to everything except a few watchmen, who are really pensioners just kept on.

Acting Chairman COMMONS. Does that apply to such men as work on construction work—building trades and ironworkers?

Mr. KELLEY. Yes, sir; all trades.

Acting Chairman COMMONS. The law has not been limited to underground and smelting work?

Mr. KELLEY. No, sir; practically all employment in this district is on the eight-hour basis.

Acting Chairman COMMONS. Is that by agreement with the union, or by act of the legislature?

Mr. KELLEY. Well, it is by both; the act of the legislature covers some branches and the agreement with the union covers the others.

Acting Chairman COMMONS. Now, could you state which are covered by the law?

Mr. KELLEY. I can get the statute in a moment.

Acting Chairman COMMONS. Will you kindly send for that, or have it brought in?

Mr. KELLEY. I wish to state that the Anaconda Co. was on an eight-hour basis before the statute was passed.

Acting Chairman COMMONS. That was brought about by agreement?

Mr. KELLEY. Yes, sir. I have here a statement which I sent for—that was requested in the course of the examination—very fine in detail, the statement I made in regard to wages paid during 1912 and 1913. In 1912 the total pay roll amounted to $18,306,209.47, and in 1913 it amounted to $20,215,089.05, about $2,000,000 more.

Commissioner GARRETSON. It was the same wage—virtually paid to more men?

Mr. KELLEY. Really, I think——

Commissioner GARRETSON. Or less wages, possibly, paid to a still greater number?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does that give the tonnage?

Mr. KELLEY. No, sir; but you have that in connection with the reports that have been submitted, and this shows by the departments. I would be glad to submit that again.

Commissioner GARRETSON. Can you submit a statement showing the rate of pay that obtains for the two years—that is, covering this $3.50 minimum rate?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Or other minimum rate, whatever it might be, showing the exact period to which each have applied.

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You said that the Anaconda Co. had had the eight-hour operations earlier than 1901?

Mr. KELLEY. Yes, sir; that is my recollection.

Acting Chairman COMMONS. In what branches?

Mr. KELLEY. Mining.

Acting Chairman COMMONS. In all classes?

Mr. KELLEY. I would not be certain enough about that to make a statement.

Acting Chairman COMMONS. You don't know how many or what grades were affected by the law of 1901?

Mr. KELLEY. No, sir; but I am quite certain that the underground employees at least were on an eight-hour basis prior to that time.

Acting Chairman COMMONS. When was the change made from the 10 and 9 hour shift to the 8 hour, do you remember?

Mr. KELLEY. I think about 1900.

Acting Chairman COMMONS. 1900?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The year before the law was adopted?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Have you in mind the influence or agitation that led to the adoption of that law of 1901?

Mr. KELLEY. There was an agitation.

Acting Chairman COMMONS. Was the union instrumental in that?

Mr. KELLEY. Yes, sir; the union was instrumental in it; the politicians assisted; some of the employing companies who were equally engaged in politics at that time likewise assisted.

Acting Chairman COMMONS. It was a general demand for the eight-hour day, was it?

Mr. KELLEY. Well, yes, sir; you might say it was a general demand, and not very strenuously opposed.

Commissioner GARRETSON. Did it reduce the personnel of the agitators——

Mr. KELLEY. I didn't use that name.

Commissioner GARRETSON. I was using it in the actual sense; I was only speaking of the persons who agitated as agitators, not in the offensive sense—only turned the crank. Were any of those persons who were engaged in agitation—I will put it in better form, possibly—dual in their character? Was the union man also a politician or the politician a union man, or was any officer of the company also an officer of the company and a politician?

Mr. KELLEY. I think all sorts of those combinations have at times existed.

Commissioner GARRETSON. I wondered.

Acting Chairman COMMONS. Do the shift bosses employ and discharge the miners and helpers and those under them?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. What is your system regarding employing and discharging men?

Mr. KELLEY. The foreman or assistant foreman, I think, employs men; the shift boss may discharge them.

Acting Chairman COMMONS. Do you have any central employment office?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What are the duties of that office?

Mr. KELLEY. Well, I don't know just what you mean by duties. I could describe the method; probably that would give you the answer.

Acting Chairman COMMONS. Well, explain that.

Mr. KELLEY. No man is hired without he has what is termed a rustling card. Any man who desires to seek employment may apply at the employment bureau and receive a card.

Commissioner O'CONNELL. Just explain what a rustling card is.

Mr. KELLEY. That is what I am doing now. A card which is termed a "rustling card"; this card is presented to any of the men who have the employment of men; a man is hired, and this card is turned in to the timekeeper and returned to the employment bureau; I think that is the system.

Commissioner O'CONNELL. Who is in charge of the central employment office?

Mr. KELLEY. Mr. Lentz; he has been subpœnaed, I believe.

Commissioner GARRETSON. Is a man allowed to work in the district without he is in possession of one of those cards?

Mr. KELLEY. In the district; yes, sir; but not for the Anaconda Co.

Commissioner GARRETSON. But not for the Anaconda Co.?

Mr. KELLEY. No, sir.

Commissioner GARRETSON. Then it is equivalent, after he runs the gantlet of the man who issues them, he is permitted to work for the Anaconda Co.?

Mr. KELLEY. No, sir; I don't know as I would phrase it quite so strong as running the gantlet. I think these cards are issued—as far as I know of my personal knowledge, they are issued to any applicant.

Commissioner GARRETSON. To any applicant?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. There is no investigation of the man's record or anything of that kind before issuance?

Mr. KELLEY. No, sir; among the questions which must be answered is where he was previously employed, and there is an investigation, as I understand it, of that question, but he is not held up in the meantime.

Commissioner GARRETSON. The card is issued, and then if the reference is unsatisfactory it is revoked; is that it?

Mr. KELLEY. No, sir; I don't know of any card having been revoked.

Commissioner GARRETSON. Then what is the object? Maybe you can tell us that.

Mr. KELLEY. I can, very freely, very frankly tell you the object of it. The object—I think any business that is doing the business that the Anaconda is doing should have some systematic method of employing its men. It is necessary in the first instance in order to keep a record of the employees straight; it is necessary particularly in a town like Butte where a credit system is employed in all the stores to keep track of the employees. We have any goodly number of men who were working under at least two or three different names in the same month with garnishments and bills and assignments coming from those tradesmen downtown, and the general information which I think an employer has a right to acquire as long as he does not abuse any information acquired, by maintaining a system of employment.

Commissioner GARRETSON. Then the only object lying behind it is the protection of the credit system?

Mr. KELLEY. No, sir; the object lying behind it is to give the Anaconda Copper Mining Co. the information concerning its employees which it deems it has a right to obtain, and which to my knowledge has never been abused in any way.

Commissioner GARRETSON. Is there any code system or arrangement or phrases on this card to serve as an indication to those to whom he presents it as to whether or not he is a desirable man to employ?

Mr. KELLEY. Absolutely nothing whatever.

Commissioner GARRETSON. Nothing?

Mr. KELLEY. No, sir.

Commissioner O'CONNELL. What is meant by the word "rustling?"

Mr. KELLEY. That is a phrase that is used to cover the seeking of employment.

Commissioner LENNON. That he goes from one foreman to another?

Mr. KELLEY. Yes, sir; he is rustling a job; that is the phrase that is used—he is seeking employment.

Commissioner LENNON. Can you state the total number of men who are on the list of eligibles to rustle?

Mr. KELLEY. There is a great many. My last information on that I think there were over 20,000, with an employment of 9,100 or 9,200. That many cards have been issued.

Commissioner LENNON. What is the total number of employees actually working? Does that apply to this total of 14,000?

Mr. KELLEY. No, sir; that applies to Butte.

Commissioner LENNON. The 9,000 jobs in Butte——

Mr. KELLEY. And there have been over 20,000 cards issued.

Commissioner GARRETSON. In how long?

Mr. KELLEY. Oh, less than a year. You know the labor situation here is somewhat peculiar. While we have a very large per cent of employees who are permanent residents and who live here and work continuously, there is a very large floating population coming in and going out at Butte, and I think that 25 per cent of the total number of men employed here are not men who permanently reside here; they come in and go out, and the personnel of the employees in the Butte district will probably change 25 per cent each year, while I should say 50 per cent of them do not change materially from year to year.

Commissioner GARRETSON. Well, this system I should think would not be calculated to furnish steady employment for the employees?

Mr. KELLEY. Would not be calculated?

Acting Chairman COMMONS. No; it would be calculated to have a large number of men on the ground who would be going around seeing the different shift bosses or foremen—they are the ones that employ the men—to see whether they

would have employment or not, and might get occasional employment and still enough to keep them here and keep them hanging on.

Mr. KELLEY. Well, I don't think that is correct.

Acting Chairman COMMONS. Isn't that the effect of such a system?

Mr. KELLEY. No, sir; I don't know how you arrive at that conclusion. If you would suggest to me what you have in mind——

Acting Chairman COMMONS. My suggestion would be this: Would you not make your force steadier and have more men steadily working during the year if this employment office—the office that issues the rustling cards—would also do all the employing instead of leaving it to the various foremen at the various mines? Wouldn't that encourage steady employment and do away with this floating population that you speak of?

Mr. KELLEY. No, sir; I don't think so. I don't think that the question of floating population is one of not being able to obtain steady employment under normal conditions it is more a question of the man who obtains the employment. They don't wish to remain. When a man obtains a job underground it is a very steady position if he takes care of it; but I think that 25 per cent of the men who come in and go out each year would go on irrespective of whether they were permanently employed. I don't think employment has anything to do with it; usually they can get employment, but they don't remain; they are floating.

Acting Chairman COMMONS. Then this 20,000; you have nothing which would show how many of them are in Butte at any one time—at the present time? There are 20,000 cards out, and the holders of those cards may have gone elsewhere, is that the idea, and taken their card with them?

Mr. KELLEY. Yes, sir. I have heard of them scattered all the way from Alaska to Mexico.

Acting Chairman COMMONS. They work here only a short time?

Mr. KELLEY. Those who take the card away never work; if they go to work, the card is returned to the employment office, you see.

Commissioner GARRETSON. If they want to gain employment in another one of your places, wouldn't they go and get a new card?

Mr. KELLEY. No. Well, he would have to get a local card at that local place. There is no interchange of cards between the different departments.

Commissioner GARRETSON. Well, but he would have to go back to this same man?

Mr. KELLEY. Oh, no; the smelter at Great Falls and the smelter at Anaconda, they both have employment offices.

Commissioner GARRETSON. I mean, that you have a number of men here, and the shift boss in each place puts the man to work, does he not?

Mr. KELLEY. No; the foreman.

Commissioner GARRETSON. Well, the foreman?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. The man goes to the rustling office and gets his card?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. And presents himself to a foreman in one of your plants who hires him?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And takes up the card?

Mr. KELLEY. That is it.

Commissioner GARRETSON. And if he left the employment would he be given back the card?

Mr. KELLEY. He would go back and get another card, but not the same card.

Commissioner GARRETSON. That is what I say; if he wanted to leave one place on one hill and go to one on the other he would have to go to the office of the man who issued the cards and get a new card?

Mr. KELLEY. Yes.

Commissioner GARRETSON. I see. He would have just as many cards as he had jobs—I mean, he would draw as many cards?

Mr. KELLEY. Yes, sir; and possibly one more.

Commissioner O'CONNELL. His one more would be a card in a prospective position?

Acting Chairman COMMONS. What advantage do you see in this system above simply letting the foreman hire and discharge?

Mr. KELLEY. Absolutely no information or record of any kind under the former system. Under this system you simply have a record of your employees, that is all; that is the only advantage. I agree with you that it might be an

advantage to have a central employment office to hire all the men, but I do not think that it is of enough advantage to make it a matter of any controversy or inconvenience.

Acting Chairman COMMONS. I simply am interested because I have never yet known of a system of this kind, but I do know of many where they have a central employment office which hires all the men, and it seems to be, I might say, quite an anarchistic system you have got here, as I look at it—that there is no system to it.

Mr. KELLEY. Very little, that is true.

Acting Chairman COMMONS. Very weak, and gives no security to any man at all, does not protect him in any way. All he has got is he has got permission to go and get somebody else's permission to work.

Mr. KELLEY. He has got permission to go to work. We have got a record of him; that is, of the work that he did.

Commissioner O'CONNELL. He is simply cleared through his last position?

Mr. KELLEY. That is all. Suppose a man had been guilty of drunkenness and his actions would submit himself and his fellows to danger, and that man would come to you, you could refuse him employment. We have had cases of that kind; but no man has been refused any card because of any——

Commissioner O'CONNELL. But suppose in the meantime that man had not only done that but performed some lawbreaking act, and in the interim of the service of employment had gone to some other party and under an assumed name, and came back here and gave you the same assumed name, you would have no accurate record?

Mr. KELLEY. No; that is right. I do not know how you would handle that situation. You can't, in my judgment, in fairness to the great body of men who seek employment and who are not lawbreakers and who should not be deprived of the means of obtaining speedy employment, hold them up and refuse them employment until you make some investigation to see whether back at any previous time in their lives they did do something that might preclude them from obtaining employment.

I would sooner, as a matter of policy, take the chance of employing an occasional man who might not be entitled to it, than to deprive a great many fellows who are really entitled to go to work of the opportunity of doing it.

Commissioner O'CONNELL. Does not this system really do this in its working out, does it not furnish your company with a far greater safeguard against getting undesirable local men than undesirable foreign men?

Commissioner GARRETSON. Isn't that the actual working out?

Mr. KELLEY. Well, I don't know that I follow you there; possibly it might.

Commissioner GARRETSON. In other words, a man who may have quite a wide acquaintance——

Mr. KELLEY. Yes.

Commissioner GARRETSON. And have reasons regardless of what may be considered undesirable; it gives you a cinch on him?

Mr. KELLEY. Oh, it could be so used, yes; but, in fact, is not.

Commissioner GARRETSON. Well, I am only speaking of the possibilities that appear in it.

Mr. KELLEY. Of course.

Commissioner GARRETSON. From the exposition there has been of it.

Mr. KELLEY. Taking a man of the character that you describe, you would not need any employment office or any system, if you did not want to employ him.

Commissioner GARRETSON. While this devolves the duty on one man alone in the identification bureau locally?

Mr. KELLEY Yes.

Commissioner GARRETSON. To a certain degree, doesn't it?

Mr. KELLEY. Yes; that is true.

Acting Chairman COMMONS. When a man makes application for a rustling card—is that what you call it?

Mr. KELLEY. Yes; that is what it is called.

Acting Chairman COMMONS. What are the questions that he answers on that card?

Mr. KELLEY. I could not give them to you. Mr. Lentz undoubtedly can furnish you with a copy of the application.

Acting Chairman COMMONS. Is he here?

Mr. KELLEY. Yes; he is on your program—he is subpœnaed.

Acting Chairman COMMONS. Is he here now?

Mr. KELLEY. Yes; he is here now.

Acting Chairman COMMONS. Mr. Lentz.

Mr. GEORGE W. LENTZ. There is a copy of it here.

Acting Chairman COMMONS. Then I would like to ask you to bring certain things.

You have a copy of the application blank. Bring some of the records that you keep, and the time sheets—any records that have been in your office—so that we may get a complete understanding.

Commissioner GARRETSON. And the form of request on references.

Mr. L. O. EVANS. I told him to bring the general letter that they write to the former employers who are referred to by the employee, you know; it would practically cover all these questions.

Acting Chairman COMMONS. And a complete set of forms and the actual records—samples of the actual records.

Mr. EVANS. And a sample of the letter of inquiry that he sends out regarding the men.

Mr. KELLEY. I want to say this in addition: Without having some means of obtaining the information we are required to furnish the Government—without having some such system as we have got now—we would be utterly unable to furnish the statistics that the Government, both State and National, inquire of us and require that we shall furnish. Moreover, some system that would enable even greater check than this will be absolutely indispensable in the event of the passage of compensation legislation, and this system was put into effect partly in view of anticipated legislation of that kind.

Acting Chairman COMMONS. Yes; I concede that. But my point is that it does not go far enough.

Mr. KELLEY. Well, I understand that it does not.

Acting Chairman COMMONS. All of the points that Mr. Garretson makes could be made against this system that you have in mind, but it would be much greater protection to the men and it could all be concentrated in the hands of one responsible man, even if it is scattered amongst a great number of irresponsible foremen?

Mr. KELLEY. Well——

Acting Chairman COMMONS. In the hiring and discharging of men?

Mr. KELLEY. I agree with you to this extent frankly, that this employment system of ours is really nothing but a preliminary sort of step that might be put into some use in the event of its becoming necessary either on account of compensation legislation or any other reason, and I agree with you that it is a means of doing what it is commonly supposed to do—which it had not been purposed to do—it is perhaps not as effective a system as can be put into force, but I don't think it fair to say that the foremen are irresponsible.

Now, the foremen of these mines, the men who hire these men, are usually men who have had long experience and long occupation in the district and who have a certain acquaintance with the men who are seeking employment, particularly those who are of the fixed population, and they have a better idea of what they want when they are hiring a man than any one man or set of men not directly connected with the operations would have, I think.

Acting Chairman COMMONS. Well, that is undoubtedly true in the first instance, but still they have absolute power over the men?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Without reference—without having been compelled to have their decision passed upon by some person higher up who is directly in contact with the policy of the general superintendent and the general manager, you can't be sure how they will treat the men who are under them, even though you are asking them for the delivery of product. They may use all kinds of discrimination.

Mr. KELLEY. Well, I think in fact there is very little of that done. We would hear about it.

Acting Chairman COMMONS. Your system, however, does not take care of it?

Mr. KELLEY. No; it does not.

Acting Chairman COMMONS. What is your system of policing and detective force? You have a chief of watchmen or guards; what is your plan?

Mr. KELLEY. No; we have—the principal system of watchmen is to try to find berths for fellows who are broken down and can't do anything else.

Acting Chairman COMMONS. Well, what about night watchmen?

Mr. KELLEY. Well, we have night watchmen, but I would not dignify them by the term of a police force. The local mine, the local plant, the men at

each local plant hire a certain number of watchmen. Usually those positions are given to old-timers, fellows who need the money and can't work underground. It is not an efficient military force in any sense of the word.

Acting Chairman COMMONS. Do they carry arms?

Mr. KELLEY. No, sir. Oh, no.

Acting Chairman COMMONS. They have no power of arresting trespassers?

Mr. KELLEY. Well, I think some of them may have been deputized. Each property maybe does have one or two men who have been deputized and who carry arms, but the big body of watchmen are not deputies and do not carry arms.

Acting Chairman COMMONS. At each property you have a deputy sheriff?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. He is deputized by the county sheriff, is he?

Mr. KELLEY. Yes, sir. I would not say at each property, but such men as we have are deputized that way; yes, sir.

Acting Chairman COMMONS. They are on your pay roll?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. They are not county officers?

Mr. KELLEY. Oh, no.

Acting Chairman COMMONS. Except to the extent that——

Mr. KELLEY. They are deputized to make legitimate the exercise of their functions.

Acting Chairman COMMONS. Now, do that class of men have authority over these watchmen?

Mr. KELLEY. No.

Acting Chairman COMMONS. The watchmen don't report to them?

Mr. KELLEY. No.

Acting Chairman COMMONS. Do these deputies, are they responsible, is a particular deputy responsible for any particular mine?

Mr. KELLEY. Well, I think I—I don't know of any system of that kind.

Acting Chairman COMMONS. How many of these deputies have you that are deputized by the sheriff?

Mr. KELLEY. Oh, very few, as the regular thing. I don't know. I could not tell you. Not more than probably a dozen altogether.

Acting Chairman COMMONS. Who could give us the accurate figures on that?

Mr. KELLEY. I could get it for you.

Acting Chairman COMMONS. Will you get those figures then, or send for them?

Mr. KELLEY. Yes, sir. Now, let me understand, what is it that you wish?

Acting Chairman COMMONS. Well, I wish to know what is the number of men on your force who are deputized either by the sheriff or any other public authority with the power to make arrests.

Commissioner LENNON. And carry firearms, carry arms.

Commissioner GARRETSON. Well, do they report to any controlling office?

Acting Chairman COMMONS. Well, I was just going to take that up. And also I wish to know the organization of that force, Mr. Kelley; who is the chief of that force?

Mr. KELLEY. There isn't any. There is not in the sense that you are using it. There is no such force and there is no chief to it.

Acting Chairman COMMONS. Who do these various deputies report to?

Mr. KELLEY. Well, the deputies, I suppose, report at the mines where they are stationed.

Acting Chairman COMMONS. Do they report to the foreman?

Mr. KELLEY. Yes; he is in charge of the mine.

Acting Chairman COMMONS. Well, if each deputy is not localized at one mine, he would have to report to a number of foremen then, would he not?

Mr. KELLEY. Well, so far as we have any deputies, they are localized at these mines.

Acting Chairman COMMONS. Who hires the deputies?

Mr. KELLEY. The man who hires the watchmen, the foreman of the mine.

Acting Chairman COMMONS. Then these deputies are hired by the foreman in the same way that the wage earners—the miners—are hired, are they?

Mr. KELLEY. Yes; some watchman that he has hired has been deputized.

Commissioner LENNON. Well, do they make reports every day or every week, or do they make reports only when something abnormal occurs?

Mr. KELLEY. I never heard of them making a report at all.

Commissioner LENNON. Well, if something——

Mr. KELLEY. Oh, if something—I catch this drift.
Commissioner LENNON. Yes.
Mr. KELLEY. Under abnormal conditions we would probably take steps to deputize for that particular condition.
Commissioner LENNON. I don't mean that; suppose——
Mr. KELLEY. And then we would have some organization.
Commissioner GARRETSON. He only means the regular force. Is there a systematized method by which he makes regular reports of things that he sees?
Mr. KELLEY. No.
Commissioner GARRETSON. Does he perform espionage?
Mr. KELLEY. No; no, sir.
Commissioner GARRETSON. Or have you in your regular force employed in the mine or in the mill, or in any part, employees performing their regular duties, but in addition thereto are paid sums for reporting their associates?
Mr. KELLEY. Not one.
Commissioner GARRETSON. Not one?
Mr. KELLEY. Not one man who is working in any plant—we have not—who gets an additional dollar because of any such service; and I wouldn't want it.
Commissioner GARRETSON. Nor do you exercise any surveillance over the man in his social relations?
Mr. KELLEY. No, sir.
Commissioner GARRETSON. Or his home life?
Mr. KELLEY. No, sir.
Commissioner O'CONNELL. If these men see one of the men intoxicated—frequently intoxicated—would they report it to anybody?
Mr. KELLEY. Well, I don't know of any man whose duty it would be to report that fact, beyond this proposition, that it is the duty of the timekeeper if, when a man applies and turns in his time or reports for work, if he is intoxicated, of course, the timekeeper would immediately notify the foreman. It would be the duty of the foreman, if he saw an intoxicated man at the mouth of the shaft, to send him home, or the shift boss if he discovered it. But it is not any man's duty to go about looking for intoxicated men.
Commissioner O'CONNELL. Around the town, I mean.
Mr. KELLEY. Oh, no; oh, no.
Commissioner GARRETSON. You recognize that as a duty of administration, and not of surveillance?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. Do you make any investigation of the men that make application to the employment office for these rustling cards—any physical examination?
Mr. KELLEY. No; we don't; but it was one thing we had in mind that might become necessary in the event of compensation legislation.
Acting Chairman COMMONS. Then there is no physical examination of employees that are sent to work?
Mr. KELLEY. No, sir.
Acting Chairman COMMONS. Do you have a system of sick and eccident benefits for employees?
Mr. KELLEY. No, sir. No; nothing that you would call a system. I believe that the company extends help as readily as any employer wherever it knows of any deserving need.
Acting Chairman COMMONS. Who has charge of the rendering that help—what officer of your organization?
Mr. KELLEY. Well, it is in the claim department primarily.
Acting Chairman COMMONS. Who is that?
Mr. KELLEY. Mr. Madden, who is subpœnaed before you.
Acting Chairman COMMONS. Is there any benefit society?
Mr. KELLEY. Well, I think all of these organizations—unions—have sick benefits.
Acting Chairman COMMONS. Sick and accident benefit?
Mr. KELLEY. I am not sure about accident benefit.
Acting Chairman COMMONS. Does the company contribute to these funds in any way?
Mr. KELLEY. To the funds of the union? No.
Acting Chairman COMMONS. For benefit purposes?
Mr. KELLEY. No.
Acting Chairman COMMONS. Does the company have hospitals that it operates?

Mr. KELLEY. No; the company has no hospitals. Hospitals have been established here, but they are not owned or operated directly by the company.

Acting Chairman COMMONS. What arrangement does the company have with these hospitals?

Mr. KELLEY. Well, the hospitals—a contribution is made by the men. One dollar a month is deducted from the wages of the employees. That supports the hospital; and then they receive attention at the hospital in the event of sickness or injury.

Acting Chairman COMMONS. Is that required of every employee, a part of his employment contract, that he should contribute his dollar?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And how much attention does that entitle him to in case of sickness or accident?

Mr. KELLEY. Well, I think he is entitled to medical service.

Acting Chairman COMMONS. Free of any additional cost or charge?

Mr. KELLEY. Yes, sir.

Commissioner O'CONNELL. Does that apply to his family?

Mr. KELLEY. Well, I think it does in some instances. I am not sure about that. As a general rule; no.

Acting Chairman COMMONS. Well, then, does the company designate the hospital to which this dollar of each man shall go?

Mr. KELLEY. It designates it in this way, that there are two large hospitals here in Butte and only two; they do the business.

Acting Chairman COMMONS. And either one of them is eligible. The money is collected by the men?

Mr. KELLEY. No; the money is not collected——

Acting Chairman COMMONS. Collected by the company?

Mr. KELLEY. Yes, sir; and turned over to the hospital.

Acting Chairman COMMONS. In what way is it turned over to the hospital?

Mr. KELLEY. Turned over to the hospital by check.

Commissioner LENNON. Half to each one, divided equally between those two hospitals?

Mr. KELLEY. Well, that has been the aim of the company to divide it equally between the Sisters' Hospital and what is known as the Murray Hospital, but at times that gets out of line, because where it can't be avoided, unless the men themselves have a preference for one of the hospitals, we don't like to have more than one hospital to one mine. We want to have one hospital designated for each mine, so that we don't have to look up and see whether the fellow is paid to this hospital or to the other.

Acting Chairman COMMONS. If a foreman discharges a man, is that final?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The employment office does not listen to any appeal?

Mr. KELLEY. No; it is final, but not permanent, if that is what you mean.

Acting Chairman COMMONS. Well, I am trying to get at what a man's status is after a foreman has fired him.

Mr. KELLEY. Well, he takes out another card and looks for another job.

Commissioner O'CONNELL. Well, if he thinks he has been unjustly discharged, is there any person that he can appeal to?

Mr. KELLEY. No, no; there is not. The discharge of the foreman or shift boss is final.

Commissioner GARRETSON. Do you mean to say that the unions have no——

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON (continuing). Means whereby they take up these things?

Mr. KELLEY. If a man was unjustly discharged, I suppose the union would take it up. It is reserved in their contract that the union may take up any matter of grievance with the management.

Commissioner GARRETSON. In fact, is that regularly done?

Mr. KELLEY. It has been done, but the occasions are rather infrequent.

Commissioner GARRETSON. Well, if they go to this foreman, as I assume they would——

Mr. KELLEY. No; they would probably go to Mr. Gillie.

Commissioner GARRETSON. Well, there is appeal, then, from the foreman, is there?

Mr. KELLEY. Oh, yes; if the union takes it up or if the man himself comes to see Mr. Gillie. Our purpose has been to absolutely encourage either the union

or any employee who felt that he had been unjustly discriminated against or unjustly treated to present his grievance. They have that right at any time.

Commissioner GARRETSON. How many instances, Mr. Kelley, have there been, we will say, in a year?

Mr. KELLEY. I don't know.

Commissioner GARRETSON. Where the men—well, I will reduce this problem, if you don't know how many cases have arisen, how many men have been reinstated in a year, through the efforts of himself individually or the committee of the union.

Mr. KELLEY. I don't know. That matter would not come to my attention. I would not say.

Acting Chairman COMMONS. I think you said that Mr. Gillie would know.

Mr. KELLEY. Mr. Gillie.

Acting Chairman COMMONS. What is your position, Mr. Gillie?

Mr. JOHN GILLIE. Manager of mines with the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Perhaps you could answer the question that has just been put.

Mr. GILLIE. Yes, sir; there probably have been within a year a half dozen occasions, including those that appeal from the hospital treatment, and also appeal from the abuse of a boss.

Commissioner GARRETSON. Those were handled with the man individually?

Mr. GILLIE. Individually. We court that and let it be known that they may come to our office if they are uncivilly or unfairly dealt with by any boss in our employ.

Commissioner GARRETSON. Well, how many of them in case of discharge—we will just put it on that basis—where the man claimed he had been unjustly discharged, how many have come to you?

Mr. GILLIE. Well, I don't know, but possibly one.

Commissioner GARRETSON. What was the result?

Mr. GILLIE. The man was told to go to some other place, because it would not be pleasant for him to put him under the same boss, and he was given a job at another place. It was simply a personal matter that arose between that boss and the man, that is all; there was probably something on the outside behind it. And with reference to the hospitals, we have the same condition; that is, we ask the men to report to our office any inattention or unfair treatment that they may receive at the hospital, because we only act as the agent of the hospital in collecting the money and paying it, and so we want to see that the men get fair treatment, and will go with the men or with the relatives or whomsoever they wish to see that the treatment has been carried out.

Commissioner GARRETSON. Well, the hospital is only an incident to the man's service, and in the service you say that if he was returned there, it would be unpleasant because he didn't get along well with the boss. If a boss or foreman develops the quality of being unable to get along with his men peacefully, what do you do with him?

Mr. GILLIE. Well, he don't last.

Commissioner GARRETSON. But in the meanwhile a lot of other fellows have suffered from the mortality rate under him?

Mr. GILLIE. Well, they may have before it has been brought to our attention, but we certainly get rid of a boss who is disagreeable or can't get along peaceable with his men.

Commissioner GARRETSON. Have you ever gone in after getting rid of a boss of that kind, have you ever gone back and looked up whether other men have been unjustly discharged by him growing out of that very feature?

Mr. GILLIE. Well, we have when there has been any strenuous complaint, numerous complaints.

Mr. KELLEY. In other words, where we have fired him.

Commissioner GARRETSON. It would not be apt to be very strenuous unless it was made by the representatives of the unions; it would not be hardly classed as strenuous?

Mr. GILLIE. Well, I mean by strenuous where there is a great number.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. As I understand it, then, such complaints as there are, or appeals, you might call them, from the action of the foreman are made by each individual workman who feels himself aggrieved, and they are not made to you by any representatives or by any committee of the union?

Mr. KELLEY. But they can be.

Mr. GILLIE. They can be and have been.

Acting Chairman COMMONS. Well, out of these six or seven that have been brought to your attention, how many have been brought by the union?

Mr. GILLIE. Oh, probably two or three, and more particularly in connection with the trades-unions.

Acting Chairman COMMONS. And not miners?

Mr. GILLIE. And not the miners; no, sir.

Acting Chairman COMMONS. Have there any been brought by the miners?

Mr. GILLIE. Oh, possibly within a few years there may have been one or two. It would not average one a year, I know, and I think that there has been perhaps in four or five years—there have been one or two cases.

Acting Chairman COMMONS. What are the unions that have brought complaints?

Mr. GILLIE. What unions?

Acting Chairman COMMONS. What unions; yes.

Mr. GILLIE. Why, those—principally machinists, boiler makers, or some one of the trades-unions who have a better opportunity, being in daylight, to see whether a man has been abused or not, and there is always a shop committee who take care of those things. But the occasions are very rare in which we are appealed to for reinstatement of a man.

Acting Chairman COMMONS. Well, would there likely be any appeals under your system? Your system apparently leaves it to each foreman to decide for himself, and if a man has been fired by one foreman then the only chance under your system of his having any justice done to him in case there is injustice would be to look up some other foreman who is equally powerful and controlling.

Mr. GILLIE. Well, naturally he would go to other foremen with which there was nothing against him, and many of them return even after the unpleasantness wears off.

Commissioner O'CONNELL. Mr. Kelly, can you give us an estimate of the amount of money that is paid per month to the hospitals or the amount of money that is collected by this $1 a month?

Mr. KELLEY. Well, that would be directly proportionate to the number of employees of our company when operating normally—between nine to ten thousand dollars here in Butte.

Commissioner O'CONNELL. Between nine and ten thousand dollars a month?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does the company endeavor, in addition to that, to contribute anything to those hospitals?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. It would in accident cases, wouldn't it; where it is responsible for the accident?

Mr. KELLEY. Not to the hospital; it does to the man.

Acting Chairman COMMONS. Oh, it pays the man?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Then, he takes care of himself?

Mr. KELLEY. That dollar a month takes care of it, absolutely, in the hospital; you see he gets medical attention, his room, and his meals.

Acting Chairman COMMONS. Can you furnish us with a statement of the amount of money that has been paid in the last year—for the past two or three years—on account of accidents to employees?

Mr. KELLEY. I could furnish that to the committee, but I would prefer not to.

Commissioner O'CONNELL. Is there not a systematic method by which a man is paid when he is off? Suppose a man breaks his leg, for instance, and he is off for 10 weeks with it; outside of the medical attention he gets at the hospital what is the method by which he is compensated for the loss of time?

Mr. KELLEY. The Anaconda Co. has been practically upon a compensation basis for the last 14 years, to my knowledge; and during that time has compensated practically every man who received any injury. Its method of handling the business is through a claim department, and that department is run somewhat differently from the ordinary claim department, as I understand it.

If a man is injured and he has a family we endeavor to look after the family first. We do not pursue the man; do not go after him for any settlement at all. When a man is out of the hospital we endeavor to get him back to work as soon as possible; and upon the presentation of a claim an allowance is made—settlement is not made dependent upon legal liability, although legal liability would of course be one factor that would be taken into consideration

in determining the amount which would be paid; whether the man is married or single; the number of dependents in his family and the general conditions; and we endeavor to make an equitable settlement, all other factors being taken into consideration. This statement will be disputed by some of the lawyers who will later appear, as I see from the program.

Commissioner GARRETSON. How satisfactory has that turned out to be to the injured man?

Mr. KELLEY. I believe that it has been absolutely as satisfactory as the relation between employer and employee can turn out anywhere on earth.

Commissioner GARRETSON. How many suits were brought, for instance, in the last two years?

Mr. KELLEY. I would not say how many. I don't know as I can tell you. I can get that for you. But I want to be as emphatic in it, and I think among the employees of the Anaconda Co. as good a feeling prevails on that account as can be possible between employer and employee anywhere.

Commissioner GARRETSON. How many verdicts have been rendered against the company in that time?

Mr. KELLEY. Personal injury verdicts?

Commissioner GARRETSON. Yes.

Mr. KELLEY. None. I do not know how many suits have been tried. How many [addressing Mr. Evans], Mr. Evans?

Mr. EVANS. We have only tried one in three or four years, the Anaconda Co. We have had verdicts against some of the subsidiary companies.

Mr. KELLEY. I am talking about the Anaconda. Probably one case, and when you consider the hazard of the business, not many.

Commissioner GARRETSON. Do you say that the Anaconda Co. have only been sued once in two years?

Mr. KELLEY. One case tried, I said. I think there have been verdicts rendered.

Commissioner GARRETSON. What has been the fate of the others where an action was brought?

Mr. KELLEY. Many of them have been settled by compromise with the attorneys and the——

Commissioner GARRETSON. After the action was brought; that is, and before it came to trial?

Mr. KELLEY. After; yes.

Commissioner GARRETSON. Well, then, it was ordinarily settled not on the scale of your method of compensation, but on something above that, as a rule?

Mr. KELLEY. I would question that statement.

Commissioner GARRETSON. Was not your method of compensation open to the man before he brought suit?

Mr. KELLEY. In some instances; in some instances the advance agents of the attorneys who make it their principal occupation to make—bring that character of litigation, met the man before he has had an opportunity to come to the claim department; and obtain possession of the case in the first instance.

Commissioner GARRETSON. You are not able to keep them out of the hospital, these advance agents out of the hospital?

Mr. KELLEY. We don't try to, we don't wish to enter into competition for the securing of the action, and, as a rule, they can make a fair settlement.

Commissioner GARRETSON. We can get data with regard to those claims from the records, I understand?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Have you made any comparison as to what would be the probable cost of compensation for accidents under a compensation law and the present cost according to the system that you have just now described?

Mr. KELLEY. We have endeavored to make such comparison. Of course, they are more or less uncertain because of the very many factors that must be taken into consideration. I believe that upon the basis of what I think would be a fair compensation law there would not be any very great difference. I believe that upon the basis of a compensation law which would create a political bureau and throw the entire cost of administration upon employers, the difference would be very great.

Commissioner GARRETSON. Are you familiar with the cost of administration in these countries where it has been in effect?

Mr. KELLEY. Not particularly.

Commissioner GARRETSON. Do you know of the German system—what the administration cost is?

Mr. KELLEY. I have not figures at the present time in mind.

Commissioner GARRETSON. Not to exceed 12 per cent?

Mr. KELLEY. Twelve per cent of the fund.

Acting Chairman COMMONS. To carry your own insurance, that don't insure the employer?

Mr. KELLEY. No; we carry no insurance.

Acting Chairman COMMONS. Have you figured out how you come out as compared with what terms you could make with insurance companies?

Mr. KELLEY. Well, yes, in this way, that originally one of these mining companies—the Boston & Montana Co.—carried insurance, employers' liability insurance, to which both the company and the employee contributed. And after we had had statistics compiled for a number of years, some of them—the Anaconda and the B. & M., for instance—we were in a position to make a comparison, and the general operations were about the same; and we figured—we felt that we could do, we could make a more economic administration by doing the business ourselves, and a more satisfactory one, for the reason that we could take the payment of the money; we found that the insurance companies were prone to contest cases, and where they did refuse payment suit was brought in the name, against the company, against the mining company, although we might have used our good offices in endeavoring to get the insurance company to settle. We felt also that the money which went for attorneys, doctors, and officials of insurance companies could more profitably be directed by us directly to the people, and in that way——

Commissioner GARRETSON. Do you make the statement that the employers pay part of the liability cost?

Mr. KELLEY. No; that is not the statement; I say that there was an insurance policy.

Commissioner GARRETSON. In what industry is that common, Mr. Kelley?

Mr. KELLEY. They don't pay part of the company's part, but they themselves carry insurance.

Commissioner GARRETSON. Oh, that is another problem.

Mr. KELLEY. The company also carries insurance.

Commissioner GARRETSON. But the way you phrased it originally was misleading. You said that they bought their liability of an insurance company and the employers paid part of the cost; I think that was the exact language you used.

Mr. KELLEY. What I should have said was this, that the employees of the B. & M. Co. were insured; they had insurance of their own.

Commissioner GARRETSON. Oh, well, that is another matter.

Mr. KELLEY. We had insurance of our own, and we paid in addition part of their insurance.

Commissioner GARRETSON. That was entirely different, as I understood you to state it.

Mr. KELLEY. I want to correct it, then.

Commissioner GARRETSON. If that was not what you meant, I want you to have the opportunity to correct it, because it is something I have never come across in all the years that I have dealt with problems of that kind.

Mr. KELLEY. They had their own insurance policy that they paid for. We insured our liability, and in addition we carried part of their insurance for them.

Commissioner GARRETSON. Are you familiar with the figures of the average commission, or of the commissions that have investigated this question, as to how much out of each dollar paid by the employer reaches the injured employee under the liability systems in existence, or the insurance systems?

Mr. KELLEY. Well, in a general way I have seen those figures.

Commissioner GARRETSON. Out of every dollar that you as an employer pay, from 33 to 34 cents of that dollar gets to the injured man?

Mr. KELLEY. That is one reason why I believe it is far better to have the employer deal directly with the employee and give him one hundred cents on every dollar that the business has to stand.

Commissioner GARRETSON. Well, is not that the object of workmen's compensation legislation?

Mr. KELLEY. It should be the object.

Commissioner GARRETSON. To save the attrition that wears down the dollar before it gets to the man.

Mr. KELLEY. It should be the object of the legislation, but I doubt if under some plans that is the result.

Commissioner GARRETSON. Well, in some it may, but in the betterment.
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. It undoubtedly would be the result?
Mr. KELLEY. It should be; yes, sir.
Acting Chairman COMMONS. The commission will now stand adjourned. Mr. Kelley, you will resume the stand at 2 o'clock.
(At 12.10 o'clock p. m., an adjournment was taken until 2 o'clock p. m., of the same day, Thursday, August 6, 1914.)

AFTER RECESS—2 O'CLOCK P. M.

Acting Chairman COMMONS. The commission will come to order. Mr. Kelley, take the stand.

TESTIMONY OF MR. C. F. KELLEY—Continued.

Acting Chairman COMMONS. There were some things called for this morning that you wish to speak about?
Mr. KELLEY. I think you asked for the copy of the law, the 8-hour law.
Acting Chairman COMMONS. Yes; as to what occupations it applied to.
Mr. KELLEY. Yes, sir. It appears there was an act passed in 1897 that was applicable to hoisting engineers; that is section 1731 of the Revised Code of 1897. I suppose it would be sufficient merely to give the reference?
Acting Chairman COMMONS. Yes, sir.
Mr. KELLEY. And in 1903 there was a second act passed applicable to hoisting engineers in which there was a division made on the horsepower of the engine or size of the engine as a classification; that is found in section 1734. In 1901 there was an act passed applicable to all men working in underground mines; that is found as section 1736; and at the same time an act was passed applicable to men working in smelters, stamp mills, sampling works, concentrators, and other institutions for the reduction of ore. That is designated as section 1737.
In 1907 an act was passed constituting eight hours a day's work on all undertakings carried on or aided by any municipality, county, or State government; that is designated as section 1739.
In 1907 what is known as the 16-hour law was passed, applicable to railroad employees; that is designated as section 1741.
Commissioner GARRETSON. That was simply a copy of the Federal act?
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. In almost all its provisions?
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. Those were all the 8-hour enactments, were they?
Mr. KELLEY. Yes, sir; except the railroad——
Commissioner GARRETSON. Except the hours of service act, as it is called?
Mr. KELLEY. Yes, sir; in the railroads.
Acting Chairman COMMONS. You had another statement that you were going to bring.
Commissioner LENNON. Those agreements.
Mr. KELLEY. Those agreements are being copied. We had copies of the 1912 but not of the 1907, and that is now being made. There were some other matters asked for that I have been unable to get during the brief interval of the noon hour.
Commissioner GARRETSON. I would like to ask if it is possible to get one other copy. This is for purposes of comparison. You spoke of the fact that there were two general forms in effect in regard to transfer of title in the town sites—or in the town site here. Can you readily furnish a copy of each of those two general forms? You said there were a number different.
Mr. KELLEY. Yes.
Commissioner GARRETSON. But there were two general forms in effect.
Mr. KELLEY. Perhaps I should have stated that better, Mr. Garretson, if I made no references to form, but if I said that the obligation—respective obligations of the grantor and grantee——
Commissioner GARRETSON. Yes.
Mr. KELLEY (continuing). Assumed one of two forms.
Commissioner GARRETSON. There you have it.
Mr. KELLEY. They may have been differently phrased. I don't know that there is any standard phraseology used. And I should perhaps correct a state-

ment to which my attention has been called during the noon hour in that particular matter. I said here this morning that the company here owned no houses. What I intended to convey was that the Anaconda Co. did not make any practice of building company houses and renting them to employees. It is a fact, however, that in acquiring necessary ground for mining operations we have, as independent transactions, purchased property upon which there was or may have been some houses constructed. And those houses have been rented irrespective of whether the occupants were employees or not.

And I also wish to make this qualification to another answer where I said there was no obligation as between grantor and grantee in these conveyances that would prevent the grantee from securing damages in the event of injury because of underground operations. We have occasionally picked up some tract of land with a house on it that was adjacent to mining operations, where it was necessary to secure it in order to carry on our operations, and in some cases where there has been merely a nominal consideration for such a house, or where we have voluntarily donated real property for the building of churches or matters of that character, we have imposed an obligation that there shall be no damage secured by reason of mining operations, irrespective of whether the damage is caused by surface or not. The matters that I intended to cover this morning were the general status.

Commissioner GARRETSON. These are exceptions in each case and not the rule?

Mr. KELLEY. That is it. I wish also to correct a statement inadvertently made this morning to the effect that the Amalgamated Co. did not own the stock of any other company in Montana except that of the Anaconda Co. It does own the capital stock of the Big Black Foot Milling Co., a corporation which formerly operated the sawmills that supply these mines with timber. Those sawmills have been conveyed directly to the Anaconda Co., and the Anaconda Co. owns the physical title.

Acting Chairman COMMONS. Mr. Kelley, in reference to the hours of labor, is there any provision regarding Sunday work, about employment on Sunday, in your agreements or in your practice?

Mr. KELLEY. As a general rule, not. The regular employment includes Sunday labor. I think that—well, I think that is the general rule.

Acting Chairman COMMONS. What is the practice about letting men off on Sunday?

Mr. KELLEY. Well, ordinarily every second week is change day, and a good many of the change days the men are not employed and as a rule there would be no serious objection to any man laying off Sunday.

We would like, if it was agreeable—I will state my own position about that: I would be very much in favor of Sunday closing if it could be brought about and was desired by the employees. We find, however—as a matter of fact—that, I think, would create a good deal of opposition. I think most of the men would prefer to work on Sunday.

Commissioner GARRETSON. Right there I would like to ask you one question.

Mr. KELLEY. I wanted to finish that answer or statement by suggesting that it might be a difficult matter in the smelters to do that, where the smelters must run continuously and require constant operation.

Commissioner GARRETSON. Outside of that one fact, would the business in general suffer a great deal from regular cessation on Sunday?

Mr. KELLEY. Well, I think it would suffer to some extent.

Commissioner GARRETSON. Well, would it suffer enough, in your opinion, to more than equalize—well, we will call it the physiological benefit for want of a better term.

Mr. KELLEY. Well, I really haven't figured that out in dollars and cents, but I think that it would be a desirable thing to bring about, if the cost wasn't out of all reason.

Commissioner GARRETSON. I assume from your position that you are a believer, as most men are that have given a study to the subject, than any animal, including man, is better off for rest one day in seven?

Mr. KELLEY. Yes, sir; I think that is a matter that should be brought about.

Acting Chairman COMMONS. Has the union at any time asked the company for a Sunday off, or one day in seven?

Mr. KELLEY. Not to my knowledge. That matter has never been discussed at all.

Commissioner GARRETSON. From your knowledge of their attitude of the subject do you think the members would generally be opposed?

Mr. KELLEY. Well, I don't know that I have sufficient information to make that statement. I believe that to be true, without having made any specific inquiry into it.

Commissioner O'CONNELL. Would the records show that the employees who do take a day off take it on rather a week day than a Sunday?

Mr. KELLEY. I haven't that information on that.

Commissioner O'CONNELL. We went through a set of books a few days ago that would indicate just that thing.

Mr. KELLEY. Yes.

Commissioner O'CONNELL. That the men took a day off, usually they work Sundays and their off days were some other days in the week. That was pretty generally the rule. What effect has the matter of your operating on Sunday on the attendance on churches, sunday schools, and things of that character in the community?

Mr. KELLEY. Well, of course the men who are employed Sunday morning have no opportunity of going to Sunday morning service. I think usually there is either the afternoon or evening service. As a matter of fact, I think that the general church attendance in Butte, of all denominations, is very good.

Commissioner GARRETSON. What is the general attitude of the ministerial union, if there is such a thing here, toward Sunday labor?

Mr. KELLEY. I have never discussed it with them.

Commissioner GARRETSON. It has never been a mooted question?

Mr. KELLEY. No.

Acting Chairman COMMONS. What is the system of changing shifts every two weeks on Sunday; how do you double up?

Mr. KELLEY. Well, the day shift works until noon, and then the shift that was off the previous—that was out the previous night comes on. That is the way it used to be. Mr. Gillie can answer that question properly.

Mr. GILLIE. The shift that had been employed during the previous two weeks on night shift work until half-past 2 or 3 o'clock on Sunday morning; then there is no shift comes out until Monday morning excepting when there is a requirement, an extraordinary requirement, for ore, then or some other condition, or there may have been a lay off in the mine.

Acting Chairman COMMONS. Then the night shift works 16 hours?

Mr. GILLIE. The night shift then comes on at 2.20 or 3 o'clock in the morning, goes to work Monday morning at 8 o'clock.

Acting Chairman COMMONS. One shift works 16 hours?

Mr. GILLIE. No, sir; no shift works 16 hours. The night shift went on Saturday evening at 6 o'clock, and worked the 8½ hours—that is, including the half hour for lunch—until 2.30 in the morning, and comes off and does not go to work again on change Sundays until Monday morning at 8 o'clock.

Acting Chairman COMMONS. Then it has 36 hours off?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. But that is only on break Sundays?

Mr. GILLIE. A change Sunday.

Commissioner GARRETSON. Take it through the week, do you work two shifts or three?

Mr. GILLIE. Two generally. Sometimes work three where we are sinking a shaft, a small per cent, 4 or 5 per cent, and working three shifts.

Commissioner O'CONNELL. Then there is really a closing down of operations every second Sunday?

Mr. GILLIE. Practically so, unless there have been some interruptions.

Commissioner O'CONNELL. How many workmen does that affect of the total? Of course the smelters are running and all that, where you have furnaces?

Mr. GILLIE. It affects practically all underground men, unless certain repair men. It does not affect mechanics or hoisting engineers or men of that character; they are on regularly.

Commissioner O'CONNELL. How long has that arrangement of having that extra Sunday off been in existence—this present method?

Mr. GILLIE. Since the eight-hour law and before that always. It has always been two weeks on and two weeks off ever since the district has been worked—on two shifts. There has always been a change Sunday off every second Sunday.

Commissioner O'CONNELL. When the men change to working regularly every seven days, is there any advantage in that that they may get a day off or day to stay at home, or do they work steadily the same part of the day the year around?

Mr. GILLIE. They usually work the same.

Commissioner O'CONNELL. There is no change in the time with them?

Mr. GILLIE. No, sir.

Commissioner O'CONNELL. The men working certain parts of a night, does that continue the same?

Mr. GILLIE. There are very few of that position.

Mr. KELLEY. The men that don't change are all on the day shift.

Commissioner O'CONNELL. What I wanted to get at is this, because this is a very important matter to us because we have just gone through a very peculiar matter where it was up, and it was suggested they should do just what you are doing, and it was said that wouldn't operate there. What I want to get at is what per cent of your total number of employees have a second Sunday off or every other Sunday off so that they can at least have a day's rest every second Sunday and stay at home or go to church or play ball or do what they please on the second Sunday.

Mr. GILLIE. I could not say accurately, but I would say 80 per cent of them.

Commissioner O'CONNELL. Won't that apply not on every second Sunday, but every fourth Sunday? It will affect half of the men on one of the breaks while the other one is really laying off, it will be a little short where they lap inside of each other?

Mr. GILLIE. No, sir; it affects the whole crew if you lay off both shifts.

Commissioner O'CONNELL. As I understand, every second Sunday the mine is practically shut down?

Mr. GILLIE. Except for repairs and things like that. As a matter of fact the weather conditions here and the condition of places of amusement and so on and opportunity for enjoying amusement about nine or ten months of the year are limited, with the result that the men are anxious to work 31 days a month, if you will give it to them.

Commissioner O'CONNELL. That may be true. You hitch a horse to a wagon and he will pull until he falls down, if somebody does not say "whoa"?

Mr. GILLIE. Yes; but he does not do it of his own accord, and they do.

Commissioner LENNON. Do I understand you work two shifts every day?

Mr. GILLIE. Yes; with a majority of the men.

Commissioner LENNON. Then, are the mines shut down the other eight hours or do they come back on again?

Mr. GILLIE. They are down. We divide the time in order to give a chance for ventilation and blowing out of gases and so on.

Acting Chairman COMMONS. What unions do you have agreements with besides the miners' union?

Mr. KELLEY. We have agreements with practically all unions that are employed. As I recall now, we have agreements with the blacksmiths, machinists, electrical workers, engineers, carpenters, painters, boilermakers, ironmolders, ironworkers, rope men, teamsters, and all of the different classes that are employed.

Commissioner GARRETSON. I suppose there are train-service organizations also?

Mr. KELLEY. That is an independent organization.

Commissioner GARRETSON. I know, but through your railroad?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does your company or subordinate companies operate any coal mines?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You have agreements there?

Mr. KELLEY. We have agreements there with the United Mine Workers.

Acting Chairman COMMONS. Where are those mines?

Mr. KELLEY. One mine is at Washoe, in the southeastern part of Montana; one at Lochree, in the northern part of Montana; and at Diamondville, in the State of Wyoming.

Acting Chairman COMMONS. About how many mine workers are employed in the coal mines?

Mr. KELLEY. That varies somewhat, one thousand to twelve hundred men.

Acting Chairman COMMONS. You have written agreements with the coal-mine workers—United Mine Workers?

Mr. KELLEY. Yes, sir; I think we have in practically all of their districts; they have agreements with the operators. As I understand it, the United Mine Workers work under a district plan and sign up agreements with the operators operating in each district.

Acting Chairman COMMONS. And you are a member of the operators' association?

Mr. KELLEY. Yes, sir; not having any separate agreement with them.

Acting Chairman COMMONS. You have no separate agreement with them?

Mr. KELLEY. No, sir; the rate that applies to all operators applies to us—all operators that do business with the United Mine Workers.

Acting Chairman COMMONS. How long has this policy been prevailing with making agreements with the other unions besides the miners?

Mr. KELLEY. Well, locally that came into force at the same time that our first contract with the miners' union was had in 1907.

Acting Chairman COMMONS. 1907?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The company at that time made these various agreements?

Mr. KELLEY. The various agreements with all trades. I think there was one or two at that time that were opposed to making term contracts, and they didn't come in.

Acting Chairman COMMONS. Do these other unions have clauses in their agreements providing for taking up grievances of its members?

Mr. KELLEY. Yes, sir. In every contract there is a clause that nothing contained in the contract shall prevent the taking up and considering of grievances at any time.

Acting Chairman COMMONS. That is in all contracts?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That it can be taken up at any time?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What has been the policy with reference to employing exclusively members of the union in these different agreements or working under these agreements?

Mr. KELLEY. Well, in the different agreements jurisdiction of the different lines of work is conferred upon the different unions, and the unions themselves have seen to it that the men employed were union men. Wherever anybody refused to join the union, and it was called to the attention of the company, the employee refusing has been discharged.

Acting Chairman COMMONS. In other words, the attitude of the company has been favorable to the employment of union men exclusively?

Mr. KELLEY. Very decidedly. I should like to say in that connection that I don't know of any place where the employers have taken a more favorable attitude toward organized labor than they have in this locality. I think that that is the reputation that has been enjoyed here for a great many years.

I think it has been due very largely to the fact that most of the men who have had to do with the operation, with the Anaconda Co. at least, are men who have been raised in a union atmosphere, and who believe in the principle of organized labor, and I may say that it has uniformly been the policy of our company to do business with organized labor and we prefer that as a matter of policy.

Acting Chairman COMMONS. And consistent with that you feel that you do not—you give the preference to the union man and even discharge men——

Mr. KELLEY. This has been an absolutely closed shop in that respect.

Acting Chairman COMMONS. Closed shop—not open, but closed?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That is not in the agreement, is it?

Mr. KELLEY. Except to the extent in the agreement we recognize the jurisdiction of the union. For instance, in our agreement with the structural ironworkers or machinists or engineers, we recognize their jurisdiction over the men that may be employed in that particular vocation, and, of course, that necessarily means we must employ nobody except the members whom the union sanctions.

Acting Chairman COMMONS. The actual process consists in the union officer representing to you that some person is not a member of the union, who is eligible and has been invited to join and who refused to join, is that the way?

Mr. KELLEY. Yes, sir; they have walking delegates or business agents or officers who look after that.

Acting Chairman COMMONS. In case a man has not been paying dues, do they give similar notice?

Mr. KELLEY. Yes; if he becomes ineligible, if he is no longer a member in good standing.

Acting Chairman COMMONS. If he has allowed his dues to lapse, they report him?

Mr. KELLEY. Yes, sir; that has been the practice.

Acting Chairman COMMONS. And each time they report a man for not paying dues, what would be the next step to such man?

Mr. KELLEY. Notify the man to get in good standing or quit.

Acting Chairman COMMONS. In the history of your connection here with the organization and business has that occurred frequently?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You have been called upon frequently to do that?

Mr. KELLEY. Yes, sir; Mr. Gillie would be more competent to give you that information than myself, but I know that has been done. The trades, the international crafts, exercise a greater supervision over their men than the miners' union does. As a matter of fact, the miners' union probably never had more than perhaps 75 or 80 per cent of the men in the union working in the mines. But in the trades crafts, working on the surface, in shops, where they can be gotten at and reached, every man belongs, and we probably have, oh, not to exceed three or four complaints a year that a man would not get in good standing.

Acting Chairman COMMONS. How do you account for that difference of the unions—they presumably have the same policy and requirements?

Mr. KELLEY. Differences between the miners' union?

Acting Chairman COMMONS. The miners' union has an international also.

Mr. KELLEY. It is pretty difficult to reach all the miners. A man would come in town and he would go to work at one of our mines and perhaps the agent of the miners' union might learn of him, and might not. He might come down and join the union of his own accord; he might work six months or a year before he would be found out; if his partner did not report him or they found out some other way why he would continue to work.

Acting Chairman COMMONS. So that you think it is the difficulty of keeping the tab on the men that has caused the miners——

Mr. KELLEY. Yes; to a great extent, and they dodge the paying of dues, many of them I know, notices have been posted on our shaft house, for instance, that on a certain date every man working in the mine must present his card. Now, the miners' union delegate would be there to see the cards of the men that go down; the men that did not have cards would lay off.

Acting Chairman COMMONS. Would that be regular, is that a monthly occurrence?

Mr. KELLEY. No; it is not monthly. No; that was done at stated times. They did not do that monthly. Occasionally they would post a notice at a shaft and say the employees, miners going down this shaft must present their cards before going on work on a certain date, and the representative of the union would be there to inspect the card. Men have laid off. We know that. We are always short a few men when such a notice was posted.

Commissioner GARRETSON. Are your shift bosses' lists at the disposal of the representatives of the union?

Mr. KELLEY. No.

Commissioner GARRETSON. Nor your pay roll?

Mr. KELLEY. No.

Acting Chairman COMMONS. In case a man is causing trouble in the mine, or an agitator, do you make any distinction in the matter, Mr. Gillie, retaining in your employee such men?

Mr. KELLEY. That matter would be one we would probably hear of so little that I would say as a rule, no.

Acting Chairman COMMONS. Who would decide on that, the foreman?

Mr. KELLEY. Yes; but I do not know of that occurring. As a rule, there is a very small amount.

Acting Chairman COMMONS. The foreman would get rid of such a man?

Mr. KELLEY. He might and might not; there is no rule about it at all.

Acting Chairman COMMONS. It would be left to you; there is no general policy that would be true in case a man was a Socialist; if he should discharge a man for being a Socialist would you or the company or your central employment office know anything of the matter?

Mr. KELLEY. No.

Acting Chairman COMMONS. It would be simply a matter of the foreman?

Mr. KELLEY. That is true.

Acting Chairman COMMONS. And if it came to you, if it came up at all, it would come up by way of appeal to Mr. Gillie?

Mr. KELLEY. I suppose so; yes, sir.

Acting Chairman COMMONS. Have you ever had any appeals on that ground, Mr. Gillie, of men being discharged for being agitators or anarchists or Socialists?

Mr. GILLIE. We had one general appeal that was made by a committee from the union for discharges of a number of men at one time here. That is the only instance that I know of.

Commissioner GARRETSON (addressing Acting Chairman Commons). What was the number that was discharged?

Acting Chairman COMMONS. What is that?

Commissioner GARRETSON. What was the number that was discharged?

Acting Chairman COMMONS. You ask the question.

Commissioner GARRETSON. How many men were discharged in that instance?

Mr. GILLIE. About 140, I think.

Commissioner GARRETSON. That was here in Butte?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. Has there been a like instance in Anaconda?

Mr. GILLIE. Not to my knowledge; no, sir.

Commissioner GARRETSON. There has not been a larger number than that discharged at any one time?

Mr. GILLIE. No; I don't think there has been anything near like that. Mr. Mathewson, our manager, is here, and he can tell you.

Commissioner GARRETSON. What was the allegation in that instance where those hundred-odd men were discharged? On what ground, what ground was set up?

Mr. GILLIE. Well, an undesirable class, I would say.

Commissioner GARRETSON. How is that?

Mr. GILLIE. An undesirable class.

Commissioner GARRETSON. I didn't get that last word.

Mr. GILLIE. I say an undesirable class of employee.

Commissioner GARRETSON. Oh, "class."

Mr. GILLIE. Yes.

Commissioner GARRETSON. Were they all of one belief?

Mr. GILLIE. Well, I don't know what their belief was, but—we didn't know, of course—of men that are of one belief, because we put——

Commissioner GARRETSON. Well, I don't mean religious belief, I mean political belief.

Mr. GILLIE. Well, I don't know about their policy.

Commissioner GARRETSON. Was it their political or social opinions that made them undesirable?

Mr. GILLIE. Well, their general community living conditions.

Commissioner GARRETSON. Then, it was part of it conduct?

Mr. GILLIE. Conduct and their——

Commissioner GARRETSON. And avowed opinion, social opinion?

Mr. GILLIE. Yes, sir; as well as their undesirability as citizens of the community.

Commissioner GARRETSON. What were they, Socialists?

Mr. GILLIE. I don't know.

Commissioner GARRETSON. Well, I wonder, if you don't know what their belief was, how you know it was undesirable?

Mr. GILLIE. I don't mean their belief, their method of living.

Commissioner GARRETSON. Oh, then, it was purely conduct, and not belief?

Mr. GILLIE. Well, it is—their assembling here, or their living in habitations the way they do live and the conducting of saloon matters and their social conditions generally.

Commissioner GARRETSON. By whom were these men designated?

Mr. GILLIE. By whom were they designated?

Commissioner GARRETSON. Yes.

Mr. GILLIE. Why——

Commissioner GARRETSON. Who made the investigation in regard to the conduct, if not belief; or, if belief entered into it, in regard to the belief?

Mr. GILLIE. Well, I will tell you as a matter of——

Commissioner GARRETSON. And who furnished the—who made up the list?

Mr. GILLIE. Well, I will tell you, as a matter of fact there was no disposition to lay off that number of men, but when there was information given to some of the foremen that a few men were undesirable people, why they exer-

cised a larger right and did—and went a good deal further than was expected.

Commissioner GARRETSON. They "socked" it to everybody?

Mr. GILLIE. With the result that we reinstated more than two-thirds of those people within two or three days.

Mr. KELLEY. That is right; I think it is fair to say that that was a misinterpretation, and it was remedied almost immediately.

Commissioner GARRETSON. What was it, 150 in the original instance?

Mr. GILLIE. About 140.

Commissioner GARRETSON. One hundred and forty, and two-thirds of them were personally immediately returned to the service?

Mr. GILLIE. Yes, sir; within a very short time.

Mr. KELLEY. I think they all did, ultimately.

Mr. GILLIE. They all did, ultimately—well, not ultimately, but most of them.

Acting Chairman COMMONS. What year was this?

Mr. GILLIE. Three or four years ago.

Mr. KELLEY. Something like that.

Commissioner GARRETSON. I wondered how the men were identified, that was all, in the original instance, as undesirable, because the other day we had the problem put up to us that the question of a man's religion was a matter of identification. And we could not tell why a dead Mohammedan looked any different from a dead Baptist.

Acting Chairman COMMONS. Mr. Kelley, what attention has the company given the subject of tuberculosis in the mines—miner's consumption—and what activity with reference to decreasing it?

Mr. KELLEY. The matter of tuberculosis has been one that has been investigated from time to time and an effort made to ascertain what, if any, causes connected with the occupation of the men were conducive to it, and those causes, when ascertained, have been remedied.

Acting Chairman COMMONS. Have you compiled any statistics or figures which would indicate the extent of tuberculosis——

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Amongst the employees?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Is that available so that you could furnish it to us?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And does it show the number of deaths during a period of years?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And you will give the death rate, will you?

Mr. KELLEY. How? I beg your pardon.

Acting Chairman COMMONS. Give the death rate, rate per thousand employees, or anything of that kind?

Mr. KELLEY. Well, I think it does. If not, we can readily furnish that. I may say this to the commission, that we have been intensely interested in the subject of tuberculosis and have had ourselves in addition put in possession of information concerning the investigations of others. And while we realize that there may be, and probably is, an intimate relation between the occupation and the disease, we feel that our investigation shows that in the cases here in Butte there is a closer relationship between the manner and method of living in certain neighborhoods, certain insanitary conditions, that are beyond the power of the employer to rectify.

These tests, I may say, have taken the line of investigating thoroughly sanitary conditions above and below ground, of having analyses made of the air, water, and the passageways underground, and of also making a house to house survey of the district in examination of the death records and the health records for the purpose of ascertaining the houses and the locality of the disease. And all matters of that kind have been gone into quite thoroughly.

The general subject of mine ventilation, upon which I would prefer Mr. Gillie to dwell, if it was gone into in detail, as I think it should, has been one that we have given a great deal of attention to.

I think at the present time, in addition to the natural draft that is created by reason of differences in elevation and temperature underground, that we are forcing into these mines at least a million cubic feet of fresh air a minute. I remember that our charge last year against ventilation alone amounted to something like $275,000.

I know that it has been the opinion of competent investigators—I mention Dr. Tuttle, who was secretary of the State board of health; Prof. Hoffman, who made an examination for the Prudential Life Co.; and Dr. Lansey, of the United States Bureau of Mines—that every possible effort that could be made in that direction was being made.

And I would like very much to extend and do extend to the commission an invitation to go through our surface plants, our underground workings, or both. We would like to have you go through them and see what we are doing in that respect.

Now, then, I don't know how far you want to go into this matter, but I will state as a general proposition that it is the result of investigation that the tuberculosis underground we feel is not communicated underground, but is communicated upon the surface. We believe, in the first place, that the sulphides in the ores and that the sulphuric acid in the waters that flow underground in these copper mines are of themselves germicides. That is undoubtedly true, because of the utter lack of diseases common to mining which prevail in other mining communities and of which we have none here.

And it is likewise true that the analyses will show that the air underground has upon the whole a percentage of oxygen that is in excess of what any of the authorities require before air is regarded as vitiated. It is also true that the carbon dioxide is less than was found in many surface rooms. We do find that in certain localities in the city the living conditions are not good, and there is an overcrowding in the sleeping apartments—there is not enough free air.

Commissioner GARRETSON. Is that racial?

Mr. KELLEY. It refers—to some extent; yes, sir. There is not enough oxygen or free air to accommodate the occupants. That it is also a question to some extent of susceptibility, the ratio differing according to nationality; that is tabulated. And we found what is particularly conducive to enlightenment upon the subject, that the area of tuberculosis in the city is restricted within well-defined limits, and that outside of an area which the health records indicate, the average rate of tuberculosis in this community is not any higher than it is in what are regarded as the most healthful cities in the State, notwithstanding the fact that those localities are populated almost entirely by miners.

For instance, you can take in this community a Maltese cross that would be represented by a line up and down Main Street and east and west on Broadway, and outside of that cross, which would contain suburbs such as Meaderville, Walkerville, and parts of Centerville, where the population is made up entirely of miners, the death rate, or tuberculosis rate, is not in excess of what it is in cities like Missoula, Livingston, and other places in the State.

Within this area which is undoubtedly the area of infection and which is inhabited to some extent by people who are particularly susceptible either because of their natural tendencies or method of living to tuberculosis, the rate is high. These statements of mine, which I make generally, are substantiated in detail by the figures which we have.

Commissioner GARRETSON. Have any agencies, municipal or State, made any effort or exercised any power to correct those conditions in the area to which you refer?

Mr. KELLEY. To some extent; yes.

Commissioner GARRETSON. But not far enough that there has been any result?

Mr. KELLEY. I think not.

Commissioner GARRETSON. Worked out yet?

Mr. KELLEY. I think not.

Commissioner GARRETSON. Now in regard to this ventilation and the efforts that you have made underground, is it not a fact that, contrasted with other mine propositions, your conditions, some of the conditions that exist in your mine, were so naturally, I mean now, so bad, that corrective measures become an absolute necessity in many cases?

Mr. KELLEY. That is absolutely not true.

Commissioner GARRETSON. It is not?

Mr. KELLEY. I do not believe that there is anywhere in the world in mining districts where the conditions are or have been as good underground as in the Butte district.

Commissioner GARRETSON. I should like to see you and other gentlemen we listened to the first part of this week in the same room.

Mr. KELLEY. I should love to be there. Of course it is true that to a certain extent conditions have improved, because our knowledge of those things and the

method of securing appliances to relieve them within the past few years has made great progress. The utilization of electric power, by which we can take a fan of enormous capacity and place it on an air shaft, attach a motor to it, and get it working, those things have helped wonderfully; and we have taken advantage of them as fast and as rapidly as we have known how.

Commissioner GARRETSON. We have had represented to us within the immediate past that the conditions in a mine which existed in the locality were so far ahead of any other that that in itself will really constitute a fair compensation for working there without any pay, and by contrast the conditions in mines here were often referred to.

Mr. KELLEY. Well, I should simply feel like congratulating the other operator, without acknowledging it is true at all, the basis of his comparison. There is not any occupation which is free from difficulty. And underground mining to my mind—I have been associated with it all my life—is one of the hardest, most dangerous, and difficult occupations. I do not mean to paint a picture that working underground in any mine is any paradise or any snap. But I do feel that in so far as the occupation is concerned that we have been, we are trying to do, and we are willing to do whatever can be done reasonably, practicably to alleviate the condition.

Commissioner GARRETSON. Well, I personally agree with you to this extent. While I have inspected a number of mines, I would say this to you: While I appreciate the kindness of your invitation to go down, I am not going to accept anybody's but the undertaker. He is the only man who is going to get me underground.

Mr. KELLEY. Well, I think that if you will take the number—I do not want to harp on the question of the casualties that is incidental to underground mining—I think if you will take our statistics and make a basis of comparison with any mining district, you will find it is about as safe here as anywhere. It is not——

Commissioner O'CONNELL. I was just going to ask you that question, Mr. Kelley. Will we be furnished by some one here, or can you furnish us a statement showing the accidents, casualties, and so on for the period of a year or two years or some such a matter?

Mr. KELLEY. Yes, sir.

Commissioner O'CONNELL. And the number of cases that have been attended to in the hospital here from the miners?

Mr. KELLEY. I have no doubt the hospital can furnish you that record. We could not, because we are only one company.

Commissioner O'CONNELL. What I want to compare is what the men are getting for this dollar per month they are paying as compared with some similar information that has been furnished us?

Mr. KELLEY. I have no doubt that the management of the hospital would be very glad to take you through if you can find time.

Commissioner O'CONNELL. I presume they keep a record of the cases.

Mr. KELLEY. You want a list of our casualties in the last five years?

Commissioner O'CONNELL. Yes.

Mr. KELLEY. I will give it to you, and also the number of shifts worked.

(See Kelley Exhibit No. 5.)

Commissioner O'CONNELL. Yes; so that we can get the basis or proportion between the accidents and the number of people employed.

Acting Chairman COMMONS. Will you file the report of this investigation on tuberculosis, or a summary of it?

Mr. KELLEY. I haven't but one copy of this report. I would be very glad to have a copy of this made and furnished to the commission. It is the only copy I have.

Acting Chairman COMMONS. It represents this investigation that you have been speaking of?

Mr. KELLEY. Yes; this one investigation, the last and most complete. This investigation was made under the direction of Dr. Tuttle, secretary of the State board of health, and in it he had probably five or six assistants besides men who were running the laboratories, and so forth. It is a summarized report. The entire report is extremely voluminous, but I can give you the summary of his report.

Acting Chairman COMMONS. Yes.

Mr. KELLEY. And I will be very glad to do it.

(See Kelley Exhibits Nos. 8 and 11.)

Acting Chairman COMMONS. Have you anything further, Mr. Kelley, that you care to mention?

Mr. KELLEY. I would like, if the commission has time, that Mr. Gillie should make a statement concerning the ventilating and sanitary methods.

Commissioner GARRETSON. I would like to ask Mr. Kelley one or two more questions. You replied to a question early in your statement as to the relations of Amalgamated and Anaconda?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. That the Amalgamated did not, in one sense, was I think the qualifying phrase you used, control or dictate the action of the Anaconda?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. How many directors are of the Anaconda?

Mr. KELLEY. Seven directors.

Commissioner GARRETSON. How many of them are represented on the Amalgamated?

Mr. KELLEY. Let us see. We have, I think, three common directors.

Commissioner GARRETSON. Three interlocking?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And does the fourth represent Amalgamated interests, although not being a common director?

Mr. KELLEY. Well, I perhaps had better explain it this way: In fact, the Amalgamated Copper Co. can elect the whole board of directors and control Anaconda. What I meant to convey to you was that in the actual operations the Amalgamated Co. as such does not direct operations.

Commissioner GARRETSON. Still it is an undoubted fact that when the board of directors of Anaconda meet, their action is in accord with the desires of Amalgamated?

Mr. KELLEY. I haven't any doubt about that, sir.

Commissioner GARRETSON. That is one point I wanted to touch on.

Mr. KELLEY. I would rather put it this way, that if there was any conflict between—there has not been—but if there should develop any conflict between the board of directors of Anaconda and the board of directors of Amalgamated, I suppose that Amalgamated could exercise its power and put in certain directors.

Commissioner O'CONNELL. Because of its control of the stock?

Mr. KELLEY. Yes.

Commissioner GARRETSON. In making your reports to the State of Montana—that is, your reports for assessment—the phrase was used that under the law one of the elements of taxation is the product, the production is taxable. Is that exactly synonymous with the report that you make to the Commissioner of Internal Revenue under the income-tax law? There are other elements that enter into the State report?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And that would naturally form the base of an income-tax report?

Mr. KELLEY. They would practically be synonymous with this exception, that there would be a difference, due to difference in period. They would not be identically the same report, as one would be for the calendar year, and the other would be for the——

Commissioner GARRETSON. For the contemporaneous period covering it they should present exactly the same elements?

Mr. KELLEY. Exactly, except for the differences in exemptions and things of that kind.

Commissioner GARRETSON. Now, in making up that report which you stated was made by deducting from gross income the cost of operations?

Mr. KELLEY. Yes.

Commissioner GARRETSON. Is there a line drawn between maintenance or betterment, which are two distinctly separate things—bear in mind they have been interpreted in the railway reports.

Mr. KELLEY. Yes.

Commissioner GARRETSON. And that replacement does often occur under the guise of maintenance?

Mr. KELLEY. Well, I stated this morning, Mr. Garretson, that that might be regarded maintenance and what might be regarded replacement, you can not make a general answer to that, because certain principles entered into the interpretation of those terms, but the State provides what we may deduct.

Commissioner GARRETSON. Yes.

Mr. KELLEY. That is the continuous factor.

Commissioner GARRETSON. Well, bear in mind what you say that it can't be done, it was because the railway companies took the position that it could not be done, that they were required to make the reports, keeping those items separate, not under their own interpretation but under the interpretation of the commission.

Mr. KELLEY. Exactly; and if you will pass, or if any authorized body will pass a law that will define these terms, then we can have a uniform practice; but where those terms are not legally defined it is very often a question which is maintenance or whether it is something else.

Commissioner GARRETSON. In the hands of, we will say, an unscrupulous manipulator of accounts, one term or the other might be like charity, covering a multitude of sins?

Mr. KELLEY. That is true, but——

Commissioner GARRETSON. Now, do you believe—this is what I want to know: Do you believe that for corporations of the magnitude, we will say, yours, that either Federal or State supervision to deal with just such details as that and place all such corporations on a parity with each other would be reasonable and desirable?

Mr. KELLEY. I will answer that in this way: That whatever is applicable to all corporations no one could find fault with. Now——

Commissioner GARRETSON. You want to bear in mind, I have no more beliefs than you that it should be played against one or against the other.

Mr. KELLEY. I believe that to a certain extent regulation and supervision is extremely desirable. I do not believe it is desirable when it gets to the point that the Government undertakes to run your business for you instead of permitting you to run it for yourself.

Commissioner GARRETSON. In other words, you believe, then, that when regulation reaches the stage——

Mr. KELLEY. Management.

Commissioner GARRETSON (continuing). Where it might create a deficit, that then the power that created the deficit should at least be responsible for the deficit?

Mr. KELLEY. Yes, you might put it that way. I believe that when a corporation——

Commissioner GARRETSON. Do not think now I am preaching Government ownership, because that is what it amounts to.

Mr. KELLEY. I believe this, that no corporation can cheat itself very long without paying the penalty. I do not believe in making a bookkeeping profit at the expense of your capital stock, or your shareholders, or your employees. I do believe in making a proper depreciation charge, a proper maintenance charge, but just how those shall be made and what it shall amount to is a matter which is pretty hard to answer generally. In this particular instance, I want to say, however, that the items which go against gross income are fixed and determined, I think with reasonable accuracy, I think with as much accuracy, as could under any form of supervision. And I want to insist upon this proposition before the commission, because it may be attacked, that the net proceeds return on mines is a return that is based absolutely on a hundred cents to the dollar. There is no 33⅓ per cent valuation, or 50 per cent valuation about that. Every dollar that is made from the sale of metals pays the tax, and that is the only property in the State of Montana or elsewhere that I know of that pays on an absolute basis of 100 per cent value.

Commissioner GARRETSON. Except realty in the form of small homes?

Mr. KELLEY. Well, that does not apply here. I do not know how it may apply elsewhere.

Commissioner GARRETSON. In most States?

Mr. KELLEY. It does not apply here.

Commissioner GARRETSON. Real estate in the form of small homes?

Mr. KELLEY. I think it comes nearer than any other, except our own business. I want to make this further statement: I want you to understand at this time this proposition, that I would be glad to come back at any time, if the matter becomes involved in this discussion, as it may, I am prepared to demonstrate that the Anaconda Co. is paying a higher valuation and greater taxes than any other citizen of the State that I know of.

Commissioner GARRETSON. That is all.

Mr. KELLEY. I will endeavor to get these supplemental matters and file them as soon as possible.

Acting Chairman COMMONS. Mr. Clarence Smith.

Mr. KELLEY. I did want Mr. Gillie to say a few words upon sanitation and ventilation, if you are interested.

Acting Chairman COMMONS. Suppose we take that up later. I have called the next witness now.

Mr. KELLEY. All right.

TESTIMONY OF MR. CLARENCE A. SMITH.

Acting Chairman COMMONS. Give your name and address to the reporter.

Mr. SMITH. Street address? Clarence A. Smith, 1114 South Arizona Street.

Acting Chairman COMMONS. State your present occupation.

Mr. SMITH. I am manager of the Socialist Publishing Co. and acting mayor at the present time.

Acting Chairman COMMONS. How long have you been acting mayor?

Mr. SMITH. About 30 days.

Acting Chairman COMMONS. What position did you hold by election?

Mr. SMITH. Member of the city council and president of the city council. By virtue of being president of the city council I act as mayor in the absence of the mayor.

Acting Chairman COMMONS. When were you elected?

Mr. SMITH. In April, 1913.

Acting Chairman COMMONS. Were you connected with the city government prior to that?

Mr. SMITH. Yes; I was first assistant treasurer for two years.

Acting Chairman COMMONS. When were you elected?

Mr. SMITH. That was an appointive position. I was appointed to the position May, 1911.

Acting Chairman COMMONS. Going back further, what was your first connection with the city government?

Mr. SMITH. That was my first connection with the city government.

Acting Chairman COMMONS. How long have you been connected with this publication—the Socialist publication?

Mr. SMITH. Since December, 1910. Not in exactly the same capacity, however, as at present.

Acting Chairman COMMONS. What publication do you refer to? What are the publications? Is it a printing office or a newspaper office?

Mr. SMITH. Both newspaper office and printing office. We print the Butte Socialist and the Montana Socialist, two separate publications.

Acting Chairman COMMONS. How long have those papers been published?

Mr. SMITH. The Butte Socialist was established in December, 1910. The Montana Socialist, September, 1912.

Acting Chairman Commons. How long have you been connected with the Socialist Party?

Mr. SMITH. Since June, 1902.

Acting Chairman COMMONS. Which wing?

Mr. SMITH. Why, at that time there was only one. In fact, at the present time there is only one Socialist Party in Butte. It was known in 1902 as the Socialist Party of America. It had just a short time previous to that been reorganized at Indianapolis—the Socialist Democratic Party and the Socialist Party had merged at a convention in Indianapolis previous to my joining the party.

Acting Chairman COMMONS. Have you been active as an organizer of that party?

Mr. SMITH. Not as an organizer. I have been more or less active as a member of the party during all of that time.

Acting Chairman COMMONS. And what national conventions have you attended?

Mr. SMITH. Why, I attended the national convention at Indianapolis in 1913, and I was a visitor at the convention in 1904. I have attended two national committee meetings, I believe.

Acting Chairman COMMONS. Are you a member of the national committee?

Mr. SMITH. No; I am not; not now.

Acting Chairman COMMONS. What labor organizations are you affiliated with?

Mr. SMITH. None at present. I am not eligible to membership in the labor organizations.

Acting Chairman COMMONS. You are not connected with any national organization?

Mr. SMITH. Not at this time.

Acting Chairman COMMONS. Except the Socialist Party?

Mr. SMITH. That is correct.

Acting Chairman COMMONS. What others have you been connected with?

Mr. SMITH. I became connected with the Knights of Labor in June, 1893, and I remained a member of that organization until 1898, when the local to which I belonged organized as the local of the Western Labor Union, which was organized in Salt Lake City in 1898. I remained a member of that organization, which later changed its name and jurisdiction to the American Labor Union, until 1905, when the Western Federation of Miners and the Western Labor Union and several other organizations formed the Industrial Workers of the World in Chicago. Shortly after that——

Acting Chairman COMMONS. Were you a delegate to that meeting?

Mr. SMITH. Yes; I was one of the representatives of the American Labor Union at that meeting.

Acting Chairman COMMONS. What has been your connection with that organization, the I. W. W., since?

Mr. SMITH. I remained a member of the local in Butte, in which I held my membership until, I think, some time in 1907, when my occupation took me outside of the jurisdiction of the union.

Acting Chairman COMMONS. So that you lapsed membership in the I. W. W.?

Mr. SMITH. Yes.

Acting Chairman COMMONS. Are you not now a member of that organization?

Mr. SMITH. No.

Acting Chairman COMMONS. How long have you lived in Butte?

Mr. SMITH. Since September, 1900.

Acting Chairman COMMONS. Has your occupation been that of a newspaper man or publisher.

Mr. SMITH. Well, my occupation has been more or less along newspaper lines since I was 17 years old. There has not been more than three or four years during that time that I have not been employed in one way or another with newspapers.

Acting Chairman COMMONS. Has your occupation kept you in touch with the labor conditions in Butte?

Mr. SMITH. Well, I will say with reference to that that when I came to Butte, in 1900, as secretary-treasurer of the Western Labor Union, the organization that I speak of as having been formed in conjunction with the Western Federation of Miners, and I remained in that position until the organization was merged into the I. W. W. Headquarters in Butte.

Acting Chairman COMMONS. I am speaking now particularly of the local labor situation since 1900; have you been acquainted with the local labor situation?

Mr. SMITH. Yes; I have been pretty closely connected with it since that time. Not officially, as a member of the Socialist Party, but the party is in very close affiliation with the local labor organizations.

Acting Chairman COMMONS. When did the Socialists first become a factor in the labor-union movement of this place?

Mr. SMITH. Well, I should say that the Socialist Party became a serious factor in the labor movement here as early as 1902. I do not mean to say by that that the party principles and policies dominated the movement at that time, but it had a strong influence in the movement at that time.

Acting Chairman COMMONS. How has its influence increased? Has its influence increased during that time?

Mr. SMITH. Its influence has increased gradually and continuously since that time.

Acting Chairman COMMONS. Among the membership of the miners' union?

Mr. SMITH. Among the membership of, I should say, nearly all unions in Butte.

Acting Chairman COMMONS. Nearly all of the unions?

Mr. SMITH. In Butte; yes.

Acting Chairman COMMONS. When did the Socialists first put up candidates for office in the town or city of Butte?

Mr. SMITH. They had a city ticket in 1900. Their first county ticket was in 1902. The city ticket was named in 1903, the following spring.

Acting Chairman COMMONS. When was the first election in which they were successful in the election in the county?

Mr. SMITH. In April, 1911. Did you say in the county?

Acting Chairman COMMONS. In the county.

Mr. SMITH. They elected an alderman in 1903.

Acting Chairman COMMONS. About when was the next election?

Mr. SMITH. Well, we had no greater strength than a representative from that ward until the election of April, 1911, when we elected all of the general officers of the city and five of the eight aldermen who were elected at that time.

Acting Chairman COMMONS. Then the later elections; what has been the growth of the vote and of the party?

Mr. SMITH. Well, I mean going on from the election of 1911—in the campaign of 1912 the discharge of these Socialists on the hill had a strong influence in that campaign.

Commissioner GARRETSON. That was the incident referred to in previous testimony?

Mr. SMITH. Yes. But the intimidation upon the voters generally because of that discharge, and the reasons that were openly given for discharging the men, together with a coalition of the Democratic and Republican Parties in that campaign resulted in our defeat, in spite of the fact that our party polled a greater vote than either of the other parties.

We elected only one alderman in 1912. In 1913—I should come from 1912, from the spring election to the county election, that was a very strenuous campaign between the Socialist Party and the Democratic Party of this county. I may say on the face of the returns the Socialists were beaten. Very close vote, however.

Acting Chairman COMMONS. That is the fall of 1912?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. What next?

Mr. SMITH. 1913, a year ago last spring, the party again elected or reelected all of its general officers and seven of the nine aldermen. There was one vacancy to be filled. We elected all of the general officers and seven of the nine aldermen to be elected.

Acting Chairman COMMONS. That is the present——

Mr. SMITH. That is the present complexion of the city council.

Commissioner GARRETSON. I would like to ask one question right there. You used a peculiar phrase a moment a moment ago, "On the face of the returns."

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. What lies behind that?

Mr. SMITH. I don't know that it is worth while——

Commissioner GARRETSON. That is dead now?

Mr. SMITH. We believed that nearly all of our candidates were elected. I am not able to prove it to you, though.

Commissioner GARRETSON. I didn't know whether you meant that or not.

Commissioner O'CONNELL. Isn't that pretty generally true of the defeated candidate usually?

Mr. SMITH. No, sir; I don't believe it is. That is the only election we have ever contested in the city or county.

Commissioner O'CONNELL. You did contest?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. You had a recount?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. What was the result of the recount?

Mr. SMITH. The result of the recount followed very closely to the vote as shown in the election. I may say in connection with this, however, that a number of the sacks containing the ballots were opened—showed they had been opened when the recount came.

Acting Chairman COMMONS. To go back to the relation of the Socialist to the miners' union, will you follow that out a little further the same way you have the city election? Have the Socialists elected their people to positions in the miners' union and has there been an effort to do so to get control both of the union and of the city and county governments?

Mr. SMITH. I don't think the commission could understand that very well without going briefly into the—I have here a list of the officers of the miners' union some place. I wish to say that the issue between the Socialist Party and the opposition in the miners' union has not been strictly a party question; in fact that applies to some extent to the political situation here. The Socialist Party, since the fall campaign of 1910, when considerable strength was shown, has been recognized in this city and county as the active opposition to the in-

fluence of the mining corporations in both economic and political organizations in this city and county. Both economic and political reasons. For that reason the support of the Socialist Party in miners' union elections, as well as in the political campaign, has come largely—not very largely, but to some extent—from persons who were not well-grounded Socialists; you understand, it has simply been a question as to a division of the people, as to whether this community should be dominated by mining corporations both in labor organizations and in the city and county governments or by the people themselves. That is a reason I don't want the record to show as coming from me, that the fight for control of the officers in the miners' union has been a political question simply.

Commissioner GARRETSON. You mean a large number of people voted with the Socialists politically and fraternally because they were at variance with certain conditions which they thought the Socialists were the best means of correcting?

Mr. SMITH. That is the idea.

Commissioner GARRETSON. When you speak of the influence, the increasing influence of the Socialists in the miners' union, do you mean the regular card Socialists or the sympathizers?

Mr. SMITH. I meant the influence which exhibited itself in the vote for officers of the miners' union and in matters of that sort.

Commissioner GARRETSON. How has that influence or that effort developed during these years since 1902?

Mr. SMITH. I thought I had a list of the officers here that would indicate that. Now, in the election of 1907 the active opposition to what is commonly known here as company control of the miners' union caucused before the election and nominated candidates and were successful in electing some of them, among whom was one Flynn as president of the miners' union.

Acting Chairman COMMONS. Just mention, while you are there, the different positions in the miners' union which are subject to election.

Mr. SMITH. Well, the important positions are the president, vice president, recording secretary, financial secretary, and executive committee. I believe there are other minor positions—warden, and so forth—but those are the important positions.

Acting Chairman COMMONS. Other positions are appointed by the executive committee?

Mr. SMITH. Yes; such as walking delegates and assistant secretaries. I believe that some assistant secretaries are elected also.

Acting Chairman COMMONS. Well, now, you may continue.

Mr. SMITH. Yes. In 1909; in the election in the miners' union in 1909 the so-called anticompany ticket was successful. A very large vote was cast. Dan Sullivan was elected president.

Commissioner O'CONNELL. Have you the vote there?

Mr. SMITH. No; I haven't the vote.

Commissioner O'CONNELL. You say a very large vote was cast. What percentage was the vote of the total membership?

Mr. SMITH. That can better be answered by some of the members of the union at that time. I should say my recollection is that about 3,000 votes were cast at that election, probably 50 per cent of the membership, which is a large vote of the miners' union. Now, in the year 1911, the following election, the same ticket was successful; that is, the anticompany ticket won then, too. After that, in 1912, what we commonly call the company crowd—and I don't wish to cast any reflection upon any one at all, but that is the only way we can designate things here, and the only way we do designate them to those who understand the situation—in 1912 what was known as the company crowd was again successful. And since that time they have retained control of the officials of the miners' union.

Commissioner O'CONNELL. That is, you mean the local miners' union?

Mr. SMITH. The local miners' union.

Commissioner O'CONNELL. No. 1.

Mr. SMITH. Yes.

Acting Chairman COMMONS. That is, the election of 1909 and 1911 were similar in their results, is that it?

Mr. SMITH. Yes.

Acting Chairman COMMONS. Was there an election in 1910?

Mr. SMITH. Yes; 1909 and 1910 and 1911.

Acting Chairman COMMONS. Three years?

Mr. SMITH. I believe that Sullivan was elected twice, if my recollection is correct; in 1909 and 1910.

Acting Chairman COMMONS. Did this faction, whatever you call it—the antis—did they have control of all the offices?

Mr. SMITH. I believe that they did. There may have been a minor office or two.

Acting Chairman COMMONS. Was there any change in the policy of the union as the result of those three years of control?

Mr. SMITH. Why, there was a considerable change with regard to the policy of the union. It was during the legislative session of 1911 an attempt was made by the officials of the union to influence State legislation in favor of better ventilation and safer conditions in the mines.

Commissioner O'CONNELL. How about its influence upon the policy of the company?

Mr. SMITH. Well, I may say that the influence of this organization, or the fact that the policy of the union had been changed, together with the further fact that the anticompany element had secured control of the city government and threatened control of the county government and State legislators from this county, had the effect of making the company very bitter toward the Socialists in this county, if that is the question that you ask.

Commissioner O'CONNELL. Then you encouraged their hostility rather than anything else, as I catch it?

Mr. SMITH. Well, I may answer that by saying that any influence that tends to interfere with the control of the company encourages the hostility of the company.

Acting Chairman COMMONS. The control was lost in 1912, then, was it; the election of 1912?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. What was the vote at that time, and what were the reasons for its loss of control? Had you not been able to accomplish the program?

Mr. SMITH. Well, I would prefer that that question be answered by some of the miners themselves. It is generally believed that the judges of election, who were elected on a ticket opposed to the incumbents at that time, largely influenced the result.

Commissioner O'CONNELL. Was the effect of the administration—city administration of the Socialist Party when in the city hall—as I understand there were one or two years you were in control of the offices of the city government?

Mr. SMITH. Yes.

Commissioner O'CONNELL. What had been the result of that control?

Mr. SMITH. We have been in control since 1911, and are still in control.

Commissioner O'CONNELL. 1911?

Mr. SMITH. What do you mean by the result?

Commissioner O'CONNELL. Well, what had been the—I take it that before you were in control, from the time you spoke about—1902 and 1908, because you disagreed with the situation in the city, the administration of the city, the political parties that were running the city, and so on, you set toward getting control of the city government yourselves, the Socialists? Now, what has occurred by the Socialist Party since then in the city hall, as you say, as an improvement over what was being done by those who were in power before you?

Mr. SMITH. Why, I can't say that for the economic advancement of the workers themselves that a great deal has been accomplished, except that the health conditions have been greatly improved in the city during that time. That is the biggest thing that the Socialists have done here in my judgment.

Commissioner O'CONNELL. The health conditions?

Mr. SMITH. The health conditions in the city have been vastly improved.

Commissioner O'CONNELL. For instance?

Mr. SMITH. As, for instance, as shown in the diminished death rate from communicable diseases and from contagious diseases.

Commissioner O'CONNELL. And what was done to lessen the ratio of deaths?

Mr. SMITH. The better cleaning of the city, a systematic and practical disposal of garbage, and that sort of thing, enforcement of sanitary regulations. I think that has been probably the most important thing that has been accomplished.

Commissioner O'CONNELL. And has the cost of citizenship been reduced in any way; I mean living in the community, the owning of homes, taxation.

Mr. SMITH. No; the cost of living has not been reduced, because in the city administration that would not be possible.

Commissioner O'CONNELL. The moral condition of the city has been improved?

Mr. SMITH. The moral condition has been improved considerably.

Commissioner O'CONNELL. In what way?

Mr. SMITH. Well, the sale of liquor in the restricted district has been done away with. Saloons have been closed there for one thing, and the pianos—music has been taken out of the district. Wine rooms have been closed.

Commissioner O'CONNELL. You mean by restricted district that commonly known as the red-light district?

Mr. SMITH. Yes, yes.

Commissioner O'CONNELL. Has that been closed entirely?

Mr. SMITH. Oh, no; not closed entirely; simply the attractive features taken from it.

Commissioner O'CONNELL. The attractive features?

Mr. SMITH. The features that attracted people to it, such as music, the matter I refer to, the sale of liquor in the district; the matter of having music there nights and all that sort of thing.

Commissioner O'CONNELL. Have the hours of closing the saloons been made earlier?

Mr. SMITH. Never been any change in that respect since——

Commissioner O'CONNELL. What are the hours of closing now?

Mr. SMITH. I don't think they ever close. I have never seen them closed except on election days and such days.

Commissioner O'CONNELL. They have no keys at all?

Mr. SMITH. I wish to say that the first time I recollect the saloons ever having been closed in this community is on election days since the Socialists have had control of the city government.

Commissioner O'CONNELL. Well, is that by choice of the saloon keepers themselves or by some action?

Mr. SMITH. That is by order of the mayor of the city.

Commissioner GARRETSON. Have any civic economies been effected, either that expenditures for public works or any kindred purpose have been lowered or that you have got more for the same amount of money expended?

Mr. SMITH. Oh, yes; I don't think that is disputed seriously by anyone, that we have got better—more and better service for less money than ever before in the city.

Commissioner GARRETSON. Has any special privilege heretofore enjoyed by any interest been curtailed in any degree, or has it ever been alleged that they had any special favor?

Mr. SMITH. Yes; there are special privileges enjoyed, but they are secured through State legislation entirely. The city is powerless in the matter of things of that kind.

Commissioner GARRETSON. City's charters, then, aren't the source of the things complained of?

Mr. SMITH. No. I don't know what the line of questioning is, but since we touched upon that matter of discrimination I should like the record to be a little fuller than it is through the testimony of Mr. Kelley.

Acting Chairman COMMONS. Of discrimination?

Commissioner GARRETSON. You mean against men for beliefs?

Mr. SMITH. Yes.

Acting Chairman COMMONS. The Socialists. Well, you were connected with the Socialists, and I presume you could speak of your own knowledge.

Mr. SMITH. Yes.

Acting Chairman COMMONS. On the subject.

Mr. SMITH. I could speak of my own knowledge and I have a copy of a paper that we issued, a special issue of a paper that we got out immediately after the discharge of these men on the hill.

Acting Chairman COMMONS. You might file that.

Mr. SMITH. It will give references.

Acting Chairman COMMONS. Kindly have the reporter mark it.

Mr. SMITH. I want to see if it is all here. I see it has been torn, some of it. Yes; I guess it is all here.

(The paper referred to, entitled "The Butte Socialist," volume 2, No. 8, dated Butte, Mont., March 28, 1912, was submitted in printed form.)

Mr. SMITH. The statement beginning on the first page is the important one. Now, will you copy that and return it, or how about it?

Acting Chairman COMMONS. File it as an exhibit?

Commissioner GARRETSON. Is that your only copy?

Acting Chairman COMMONS. Is that your only copy?

Mr. SMITH. I don't know. I telephoned to the office. I don't know whether we have another copy or not.

Acting Chairman COMMONS. Now, you may state, if you will, your interpretation of that situation.

Mr. SMITH. Well, I simply want to state that men were discharged because they were known to be active members of the Socialist Party. I have the words of the men themselves that they were told that when they were discharged.

Acting Chairman COMMONS. What year was this, 1912?

Mr. SMITH. 1912, yes.

Acting Chairman COMMONS. How many of them were discharged?

Mr. SMITH. It was stated here that one hundred, a hundred odd.

Acting Chairman COMMONS. A hundred and twenty.

Commissioner GARRETSON. One hundred and forty.

Mr. SMITH. One hundred and forty.

Commissioner GARRETSON. That is correct, isn't it?

Mr. SMITH. My recollection is that our estimate of the number at that time was between 300 and 400.

Acting Chairman COMMONS. Well, then, they were reinstated, some of them. What proportion, or what number were reinstated?

Mr. SMITH. I could not say as to that how many were reinstated. Quite a number left town. Others who were the most active members of the party, who failed to secure reinstatements—positions were found for them in the city under the city government. Others failed to secure employment of any kind. One man that I could refer to here is Ole Kolstead who was a repair man at the St. Lawrence mine for 20 years, was discharged. He was told that if he would sever his connection with the Socialist Party he could stay at work. He refused to do that, and he was discharged. I may say that after that Mr. Kolstead failed to secure employment, and tried to go into business for himself. I helped him to some extent, but he failed through lack of experience or capital, and later tried to commit suicide. He didn't succeed at that. I believe he is in the insane hospital now. I am not certain whether he died there during the last winter or not. This is one of a number of such cases.

Acting Chairman COMMONS. Your statement of 300 or 400 is based on enumeration?

Mr. SMITH. Based on enumeration and an estimate made at the time by members of our party.

Acting Chairman COMMONS. And your statement regarding the number that were not reinstated, on what do you base that?

Mr. SMITH. Well, that I would not be able to say, as to the number that were not reinstated, because, as I said, many left town.

Acting Chairman COMMONS. How many, of your own knowledge?

Mr. SMITH. Were not reinstated?

Acting Chairman COMMONS. Yes.

Mr. SMITH. Oh, I think I could safely say 20 of my own knowledge who remained here.

Acting Chairman COMMONS. And those that left town?

Mr. SMITH. And others that left town; yes.

Acting Chairman COMMONS. How many that left town?

Mr. SMITH. Well, that would only be a guess; if I should attempt to say that, I should say a hundred left town.

Acting Chairman COMMONS. And the number that were reinstated you don't know?

Mr. SMITH. No; I could not answer that; I could not say as to that.

Acting Chairman COMMONS. Well, would you want to say that the number was—in view of what has been said, that the number was more than 140 that were removed on this occasion?

Mr. SMITH. Yes; I believe, I firmly believe that more than 300 were discharged at that time for that reason.

I may add this, however, that it is my judgment that more were discharged than were intended to be discharged by the persons in authority; that is to say, I have reason to believe that bosses took advantage of the situation to get rid of men that they had personal grudges against. In fact I know men were discharged for being Socialists at that time who were actually not Socialists.

Acting Chairman COMMONS. Did the union take this matter up with the company?

Mr. SMITH. Yes, sir; a petition was circulated, as I remember it, for a special meeting of the union to consider this matter. The meeting was held and a committee appointed to wait on the company and demand the reinstatement of these men. This point also can probably be covered a little closer by some one who is active in the union now. The committee met with the officers of the company; the company took the position that they had the right to say who should work for them or not, without interference from anyone else. The position the company took the committee reported back, and I believe a larger and increased committee was made at that time to negotiate further with the company, which they did, and it finally resulted in a referendum vote being taken on the question of striking to support the discharged men.

Commissioner GARRETSON. To support the demand for the reinstatement of the men?

Mr. SMITH. Yes; to support the demand for the reinstatement of the men.

Acting Chairman COMMONS. You spoke of two factions in the union; which faction took this matter up; which faction was in control when this matter was taken up?

Mr. SMITH. The so-called radical faction was in control of the officers of the union at that time and they were responsible for the initiation of the move to reinstate the men.

Acting Chairman COMMONS. You spoke of one faction as radical; what is the other faction?

Mr. SMITH. Well, I don't know that the words are proper words to use, radical and conservative, because they do not properly identify the interests.

Acting Chairman COMMONS. Will you explain that a little more fully—what do you mean?

Mr. SMITH. The matter of company-controlled officers, or an officer who was not so controlled, that would be my definition of the situation.

Commissioner GARRETSON. How are they described locally? Company men or anticompany men?

Mr. SMITH. That is the generally accepted description.

Acting Chairman COMMONS. Are they also described as conservatives and radicals?

Mr. SMITH. Yes, sir; that is the phrase that the newspapers use in preference to the other—the daily newspapers.

Acting Chairman COMMONS. What is the fact; is it that the conservative men favor the company and the radicals are opposed to the company—is that your notion?

Mr. SMITH. No, sir; I should say that it is because the men who are styled conservatives by the daily papers are really representatives of the interests of the company, and that the others are representatives of the interests of the workers themselves.

Acting Chairman COMMONS. What specially have you in mind? State what your distinction is between conservative men who have in mind the interests of the company and radical men who do not. What specific act directly marks their actions? What have they done or not done?

Mr. SMITH. Well, we can go back to about the time I came here in 1900; the fight was on then for the eight-hour law in this State. The economic masters were Daly, which at that time became Amalgamated, and Clark and Heinze. The Daly interests, or Amalgamated interests, controlled the officers of the organization, and their manner of control is a matter that can be gone into later, if you wish. But just to show the difference, what is meant by company control or otherwise, I may say in spite of the fact that the Daly or Amalgamated interests controlled the officers of the union at that time, that this man Heinze, who was in a fight with the Amalgamated for the control of the courts, was able to get such a hold upon the rank and file of the workers as to win in that election, the election of 1900, and at no time, however, to my knowledge, from that time to 1908 or 1909 did the actual control of the officers of the union pass from the company.

Acting Chairman COMMONS. Generally that is the feeling of the Socialist element of the town, that the conservatives of the union are company men?

Mr. SMITH. Well, I should say that that is the feeling of the community generally; it is a recognized contest.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. Yes; one or two questions I want to ask. My attention was distracted for a moment, and I didn't hear the last questions you asked. In this eight-hour contention was there any violence whatever?

Mr. SMITH. You mean of the obtaining of the eight-hour law years ago?
Commissioner GARRETSON. Yes, sir.
Mr. SMITH. No, sir; no violence.
Commissioner GARRETSON. The rank and file of the men favored the eight-hour law, and the officers of the union opposed it; is that the history?
Mr. SMITH. The officers of the union, while not openly and actively campaigning against the eight-hour law, would not permit the union to be used in its favor.
Commissioner GARRETSON. It was a still hunt on their part it is alleged.
Mr. SMITH. That is correct.
Commissioner GARRETSON. Is politics in general—I want to phrase that in a way—you heard about Cæsar's estimate of what his wife should be, pure and above reproach?
Mr. SMITH. Yes, sir.
Commissioner GARRETSON. Is the average politician—in politics in general in this locality, would she have any business here?
Mr. SMITH. Why, I have an idea she would be safe in the Socialist Party here, Mr. Garretson.
Commissioner GARRETSON. In that case is the Socialist Party lonesome in that respect? Are politics conducted here on a high plane, in the general opinion of the citizens themselves?
Mr. SMITH. Why, that has not been the case. I believe politics are going to be conducted on a higher plane because of laws that we have recently secured.
Commissioner GARRETSON. You are familiar with what took place in Adams County, Ohio, a short time back?
Mr. SMITH. Not very familiar.
Commissioner GARRETSON. A large number of voters were disfranchised for selling their votes.
Mr. SMITH. Yes, sir.
Commissioner GARRETSON. What effect would it have on the electors in this locality if a like investigation should take place? Any?
Mr. SMITH. I don't think the same condition would be revealed here.
Commissioner GARRETSON. It is simply persuasion instead of money.
Mr. SMITH. Men sell their votes for jobs; that is the influence that controls.
Commissioner GARRETSON. A man that don't have jobs to dispose of would not be a political factor, is that it?
Mr. SMITH. I would put it the other way, that the man with the most jobs to dispose of would be the strongest political factor.
Commissioner GARRETSON. That is all.
Commissioner O'CONNELL. Tell me, what positions in the city administration are appointive?
Mr. SMITH. Why, the city clerk is appointed, the superintendent of streets, the commissioner of public works, and the city attorney.
Commissioner O'CONNELL. The chief of police?
Mr. SMITH. No, sir; the chief of police is really appointive, but he holds under the civil-service law.
Commissioner O'CONNELL. Chief of the fire department?
Mr. SMITH. The chief of the fire department holds in the same manner, practically civil-service regulations.
Commissioner O'CONNELL. The civil service applies to all the police department and the fire department?
Mr. SMITH. Yes, sir.
Commissioner O'CONNELL. And not any other department?
Mr. SMITH. No, sir.
Commissioner O'CONNELL. Does the city operate its own waterworks?
Mr. SMITH. No, sir; no, indeed.
Commissioner O'CONNELL. That is a private corporation?
Mr. SMITH. Yes, sir.
Commissioner O'CONNELL. Is that owned by the mining company?
Mr. SMITH. Why, it is by the same interests, we understand.
Commissioner O'CONNELL. But it is not as the Anaconda or Amalgamated Co.?
Mr. SMITH. No, sir.
Commissioner O'CONNELL. It is the Butte Water Co., or something of that kind?
Mr. SMITH. The Butte Water Co.

Commissioner O'CONNELL. When the administration changed as it is from the old to the new method, were all the appointive officers changed? When the last mayor, or the mayor who was elected at the last election, did he appoint all the positions he had authority to appoint?

Mr. SMITH. I believe that he did. I don't think any of the appointive officers held over except a subordinate here and there probably.

Commissioner O'CONNELL. Were all those appointments made from those men who were holding membership in the Socialist Party or from the citizenship generally?

Mr. SMITH. They were not confined to members of the party at all; in fact, we have had a city auditor for nearly four years, a man who is now a candidate for nomination on the Democratic ticket in this county, and Dr. Horst, city health officer, was retained from the old administration.

Commissioner O'CONNELL. What number of appointments were of the same party that was in power, for instance the city attorney?

Mr. SMITH. You mean what appointments were made from members of the Socialist Party when they took power?

Commissioner O'CONNELL. Yes, sir.

Mr. SMITH. City attorney, city clerk; I don't know—street commissioner, I believe those were the only heads of departments that were changed.

Commissioner O'CONNELL. Were there appointments under the chiefs of those departments?

Mr. SMITH. Yes, sir; there were appointments, some of the old-party men were retained, and others were appointed who were of other parties. The commissioner of public works, for instance—I think I had better tell you, it won't take but a minute—whether I can state all of them or not I won't be sure—the city engineer was a Republican, I am speaking of appointments made by the Socialists in 1911, the city engineer was a Republican, the health officer was a Democrat, and the city auditor was a Democrat. I believe those three heads of departments were the only heads of departments that were not Socialists. The Socialist heads of departments were the street commissioner, city clerk, and city attorney.

Commissioner GARRETSON. Right there, was there a competent engineer affiliated with the Socialist Party?

Mr. SMITH. Well, there were engineers affiliated with the party, but we didn't consider them as competent as the man who was given the place.

Commissioner O'CONNELL. Where is the mayor? Is he in the city?

Mr. SMITH. No, sir; he is in Salt Lake City at present.

Commissioner O'CONNELL. Incapacitated in some way?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. Does he reside there?

Mr. SMITH. No, sir.

Commissioner O'CONNELL. You are simply holding the position during his absence?

Mr. SMITH. Yes, as president of the council. The mayor was stabbed about a month ago.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. What party was in power in the union when the last agreement was made with the company—I should not say party, but were what you call the radical faction in power, did they hold the offices when the last agreement was made?

Mr. SMITH. I don't know as to that, and it is not of much importance, anyhow, because it was a matter of referendum vote, the matter of that agreement.

Commissioner LENNON. That is, the agreement was formulated by a committee and approved by a referendum vote, is that what you mean?

Mr. SMITH. Yes, sir.

Commissioner LENNON. Were you here this morning when Prof. Commons, the chairman, opened the session?

Mr. SMITH. No, sir; I didn't get here until about 11 o'clock.

Commissioner LENNON. He made the statement before we started in, that we were not here to undertake to settle internal quarrels or act as mediators, but to ascertain the causes of industrial unrest and report such recommendations as we might finally conclude were advisable to Congress for the amelioration of this unrest. He also stated that we would not take up any occurrence taking place on June 13 or since that date. Now, will you, or are you in position to give us an idea of the growth of the division into factions of the

miners' union in this city which caused such unrest—the division of the union as it apparently was divided prior to June 13?

Mr. SMITH. There are so many elements entering into that that I may be able to give you some idea of it. The basis for the division, I should go back, as I have stated, at least 14 years, to the time I came here, and possibly follow back from that.

I believe that the basis of the division is the matter of company interference in union affairs, I think that is the chief point of contention in the miners' union; many other things enter into it. For instance, the agitation for a better form of unionism than has prevailed in this country hitherto has probably been stronger here than any other part of the country. I believe that the rank and file of the workers in Butte have made a closer study of the matter of organization, labor organization, than is the case of any other part of the country. The feeling is pretty general here I think among those who have studied the question, and many have, that the mining industry ought to be within the jurisdiction of one labor organization, just as the operation of the mine is under the jurisdiction of one operating concern, and not split up among a number of craft organizations. The Western Federation of Miners has largely represented that idea; has represented that principle to some extent, but not wholly so. The trades here, the machinists and blacksmiths and carpenters, plumbers, iron molders, those different trades still maintain their separate jurisdictions with the company. The engineers, of course, belong to the Western Federation of Miners, but the fact that they have an organization separate has been responsible for some friction between the unions themselves at times. Well, there is that feeling on the matter of organization that has entered into it, and that brings us to the influence of the Industrial Workers of the World in this question.

Just at the time that the agitation for industrial organization was at its height here, the Industrial Workers of the World was formed in Chicago. Just about that time and while the organization, through what many of its members considered a mistaken policy, has alienated the workers of this community from it, yet the principle of industrial unionism has remained here, and the fact that the I. W. W. stood for those principles has given a sort of prestige to the organization here up to the present time.

Commissioner GARRETSON. How many member has the I. W. W. here?

Mr. SMITH. I would guess 200 members of the Propoganda League.

Commissioner GARRETSON. And in the organization proper?

Mr. SMITH. They have no organization proper.

Commissioner GARRETSON. Do you know what the number is the organization itself has enrolled?

Mr. SMITH. The general organization?

Commissioner GARRETSON. Yes, sir.

Mr. SMITH. I could only guess. If I was to guess I would say nine or ten thousand in good standing.

Commissioner GARRETSON. You are not very far off. Mr. St. John testified before the commission there was thirteen or fourteen thousand in good standing. That was in the month of June, I think.

Commissioner O'CONNELL. Is it the I. W. W. of Chicago you speak of, or this new faction of the I. W. W. known as the Detroit faction in the I. W. W.? With which faction does the I. W. W. of Butte affiliate? Do you understand the difference between the two?

Mr. SMITH. I understand the difference. The Detroit faction has no connection out West, I believe, at all.

Commissioner LENNON. What do you understand as being the difference between the two factions?

Mr. SMITH. Well, the difference between the two factions can be given as the difference between—perhaps I can get at it in a better way by telling the actual history leading up to the difference.

Commissioner LENNON. Well, just state it in a very few words. It is not a material detail as it has already been given to us.

Mr. SMITH. It won't take but a few minutes.

In the convention of 1905 the principles sought for by myself and others representing the labor unions in the Western Federation of Miners was the principle of industrial organization and organization on matters of political action, independent political action of the working classes. The I. W. W. subscribed to that but the next convention or the second convention after that,

I believe, took a stand against political action entirely—opposed absolutely to political action.

Commissioner LENNON. That is practically correct.

Mr. SMITH. And that marked the split in the organization, as I remember it.

Commissioner O'CONNELL. Some believed in contractual relations, and others absolutely not.

Mr. SMITH. I didn't understand that.

Commissioner O'CONNELL. Some believed in contractual relations or dealings with employers, and others none whatever; that is as given to the commission by the secretaries on both sides.

Mr. SMITH. Yes; that is correct.

Commissioner LENNON. Besides the discharge of these men that you have indicated you believe were discharged because of being Socialists, what other instances can you cite to the commission of the domination of the miners' union by the company?

Mr. SMITH. What other instances of actual domination?

Commissioner LENNON. Yes, sir.

Mr. SMITH. Well, I can say in the fight in 19—I believe it was 1902 and not 1900—the campaign was very bitter between the Amalgamated on one side and Heinze on the other, and the officers of the miners' union were active company men. Ed. Long, for instance, was president of the union at that time; afterwards he worked a profitable lease from the company.

Commissioner LENNON. Well, what more recent instances?

Mr. SMITH. I don't like to testify as to recent occurrences in the miners' union, because I know you have miners who will follow me on the stand who are more familiar with those things.

Commissioner LENNON. How have you reached the conclusion that the existence of these small-craft unions—comparatively small-craft unions in this city, were by any possibility tending to dominate the industrial situation as far as the miners are concerned—how do you reach the conclusion that the existence of those unions has been some cause for the widening of this breach and the creation of these factions?

Mr. SMITH. Well, this is the chief reason for that feeling. The craft unions down town, in the work outside of the jurisdiction of the mining companies, themselves enforce a scale of wages considerably in excess of the wages of the miners. For instance, the miners get $3.50 a day, and the carpenters, plumbers, lathers, and building-trade men get wages of from $6 to $8 a day. The same tradesmen work for the mining company for considerably less.

Commissioner LENNON. In the same union?

Mr. SMITH. In the same union. As much difference as a dollar and a half to $2 a day in some places; yes, more than that with regard to the plumbers. That creates a feeling among the miners that they are being grafted upon—not only are they being exploited through the sale of their labor power at the mines but also by the working class itself that belong to these other unions when they build houses and have work done in which these other tradesmen take part.

Commissioner LENNON. Have the factions arisen because of the desire to reduce the wages of the crafts or a desire of the miners to get the same wages the craft unions are getting?

Mr. SMITH. Well, I don't think there has ever been any express wish on the part of the miners to reduce the wages of any craftsmen in Butte.

Commissioner LENNON. I would like to get the information that my first question indicated, if I could. Perhaps we can get it somewhere from the miners themselves, and that is what caused this growth of these factions to the point where it did reach?

Mr. SMITH. Well, the last point that resulted in the break was unquestionably the domineering actions of the officers of the unions in dealing with the miners; but, as I say, the miners themselves can tell you better about that than I can.

Commissioner LENNON. That is all.

Commissioner GARRETSON. Your idea is that the culminating act was that the rank and file of the miners believed that their officers—the officers of the union—exercised—appropriated and exercised—a power that properly only belonged to the union as an entirety?

Mr. SMITH. Yes, sir. Not only that, but that the officers used every means to suppress any effort of the rank and file to reassert their constitutional rights or regain the control of the union through constitutional means.

Acting Chairman COMMONS. You were speaking of this split in the wages of the skilled craftsmen. What trades did you have in mind, the building trades?

Mr. SMITH. The building trades, particularly; yes, sir.

Acting Chairman COMMONS. You do not include machinists in that?

Mr. SMITH. I don't think there is—I was going to say I didn't think there was any difference in the wages of the machinists working for the company and other concerns, but I believe there is a slight difference. I did not have the machinists in mind, however, when I spoke of a difference.

Acting Chairman COMMONS. Generally, then, you say that the building trades working for outside contractors get a higher rate of pay than those who work for the Anaconda Co.?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. And you say that runs from a dollar to a dollar and a half a day?

Mr. SMITH. I believe there is even a greater difference than that. In the case of the plumbers I believe there is a difference of two or three dollars. I am not positive as to that, however.

Acting Chairman COMMONS. Can you state whether or not there is any difference in the amount of work that they can put in in a year? How much does the building trades in this climate—how many months do they get in in outdoor work?

Mr. SMITH. Well, they can't—there are plumbers that work the year around; there are carpenters that work the year around for private contractors, quite a number of them, quite a number of them; what proportion of them I could not say. I might say that is an argument that is used in favor of the difference in the scale as between the company and private contractors.

Acting Chairman COMMONS. Does the Amalgamated or Anaconda give fairly steady work to these trades?

Mr. SMITH. I should say so; yes, sir.

Acting Chairman COMMONS. And in general the outside contractor could not give as steady work?

Mr. SMITH. Well, a number of outside contractors give steady employment to a number of men.

Acting Chairman COMMONS. But take the building construction, how many months in the year can bricklayers and carpenters get outside work in this climate—can they get seven months?

Mr. SMITH. Well, I have seen them laying brick here pretty much all winter—hurry-up jobs. I should say seven months is the average.

Acting Chairman COMMONS. On the average about seven months outside?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. And on the inside, such as the Amalgamated; they get about 12 months?

Mr. SMITH. Yes, sir; and on inside work in town they get as much as 12 months.

Acting Chairman COMMONS. There is a considerable amount of inside besides that which is furnished by the Amalgamated?

Mr. SMITH. Yes; for instance, in the erection of a large building. It is generally intended to get the framework up and be ready to do the inside work when cold weather comes.

Acting Chairman COMMONS. Does the union make a scale with reference to inside or outside work, or with reference to the company? Is the Amalgamated Co.'s rate lower than that of operators outside who give steady work?

Mr. SMITH. Oh, yes; the operator outside who gives steady work pays as much as the contractor who only gives occasional work.

Acting Chairman COMMONS. The outside operator would have part of his work exposed and limited to seven months, and the finishing work would be limited to the extent of 12 months?

Mr. SMITH. Yes, sir; but in answer to your question, to be plain about it, the private contractor, even though he works the men steadily 12 months in the year, pays the downtown scale or a scale considerably higher than the wages paid by the company for the same tradesmen or members of the same union.

Commissioner GARRETSON. But which employment does the average carpenter choose—the low rate of the Anaconda or the high rate of the contractor?

Mr. SMITH. I don't know that there is a choice in it.

Commissioner GARRETSON. He exercises it when the opportunity offers, does he not, one way or the other—or does he?

Mr. SMITH. Now, in the wintertime, when work is scarce, he would prefer to work for the company rather than to be idle.

Commissioner GARRETSON. Is there any service fairly established?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. They stay with the low rate the year around?

Mr. SMITH. Yes, sir; I believe they do. Of course, there are carpenters downtown that have steady work.

Commissioner GARRETSON. Oh, yes; but if the opportunity offered to a man who was regularly employed by the Anaconda to get regular work with the contractor, does he or not as a rule leave the low wage and go to the high one?

Mr. SMITH. I should say so. Of course, he would consider then the probability of a permanent employment.

Commissioner GARRETSON. He would consider probable all the factors that enter into it?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. But what I want to know is, how does it work out practically; which do they do?

Mr. SMITH. I think the best answer to that would be that the best carpenters, I believe, are not working for the company. I think the more skilled tradesmen are not working for the company.

Commissioner GARRETSON. The finished men?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. The company, I should judge, does not have that kind of inside-finish work that requires skilled labor; their work would probably be rough work?

Mr. SMITH. Nearly all; yes, sir.

Acting Chairman COMMONS. So that they wouldn't need that high skill. But take a man, a common, ordinary carpenter that does the ordinary rough work; would he in this town prefer to have a steady job with the Anaconda, or such as he could pick up in competition with better skilled men among the outside contractors?

Mr. SMITH. Well, the less skilled the man, possibly the more anxious he would be to secure the steady job, naturally.

Acting Chairman COMMONS. That would be the only type of man the Anaconda people would have?

Mr. SMITH. No, sir; they require skilled work in some cases.

Acting Chairman COMMONS. Then this fine inside-finish work, where you need a man to make a very fine work finishing——

Mr. SMITH. Not much of that. They do have some of that work, though.

Commissioner O'CONNELL. How about the miscellaneous trades outside? Take the cigar makers, printers, and tailors—those miscellaneous trades.

Mr. SMITH. There are practically no cigar makers here. The printers get less than the carpenters or plumbers or blacksmiths or lathers. The scale for the printers is less than for any of those other trades mentioned.

Commissioner O'CONNELL. It would average so among any of the miscellaneous trades that there might be, regardless of the number?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. That will be sufficient, Mr. Smith. Mr. Dennis Murphy.

TESTIMONY OF DENNIS MURPHY.

Acting Chairman COMMONS. Give your name and address.

Mr. MURPHY. Dennis Murphy, Butte, Mont.

Acting Chairman COMMONS. What is your present occupation?

Mr. MURPHY. Miner.

Acting Chairman COMMONS. For what employer?

Mr. MURPHY. The Anaconda Co.

Acting Chairman COMMONS. What pay do you get?

Mr. MURPHY. Three fifty a day.

Acting Chairman COMMONS. How long have you been in the mining business?

Mr. MURPHY. About 10 years.

Acting Chairman COMMONS. Have you been active in the miners' union?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. Have you held office?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. What office?

Mr. MURPHY. President of the miners' union.

Acting Chairman COMMONS. When was your first official position in the miners' union?

Mr. MURPHY. I commenced in July, 1912, and ended July, 1913.

Acting Chairman COMMONS. I take it, then, you represented that element that was previously described as the company crowd?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Did you hold a position prior to the time of 1912, when the antis came out?

Mr. MURPHY. No, sir.

Acting Chairman COMMONS. Had your record been such as you were recognized as opposing these antis during the career of the union and their career?

Mr. MURPHY. I don't know as I had any known record before 1912.

Acting Chairman COMMONS. But you were picked up as a candidate in 1912?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. For this reason. Do you call yourself a conservative or company man?

Mr. MURPHY. I call myself a conservative.

Acting Chairman COMMONS. What distinction do you made between those two terms?

Mr. MURPHY. Why, I believe a conservative union man is the man that would live up to the rules of organized labor strictly, and I suppose a company man would be a man that would work to the interests of the company in the union. That is the distinction I would make.

Acting Chairman COMMONS. Well, explain that a little more fully. What has been the attitude of the conservative element in the union toward the employer—toward the Anaconda Co.—in, say, the period since 1906 or 1907?

Mr. MURPHY. Why, I don't know that I have—the question again.

Acting Chairman COMMONS. I asked what has been the attitude of the conservative element toward the employer as compared with the attitude of the radical element?

Mr. MURPHY. I don't know as there was any particular attitude in force toward the company between the radical or conservative element to amount to anything during that period.

Acting Chairman COMMONS. Do they take a different attitude? Was the policy different toward the company than that which the radical element followed?

Mr. MURPHY. In some things their policy was different.

Acting Chairman COMMONS. In what was it different during the years 1909 to 1912? For example, what were the issues you put up against them in the campaign of 1912 in asking for election?

Mr. MURPHY. The issue was some of the literature they were subscribing to; that was one of the issues that was made in that campaign, that the radical element that had been in power were subscribing to.

Acting Chairman COMMONS. What, for example?

Mr. MURPHY. The Ripsaw was one paper.

Acting Chairman COMMONS. Where was that published?

Mr. MURPHY. I believe it is published in the State of Washington.

Acting Chairman COMMONS. What line of philosophy does it represent?

Mr. MURPHY. The I. W. W. philosophy.

Acting Chairman COMMONS. Which branch does it represent?

Mr. MURPHY. I am not positive which branch.

Acting Chairman COMMONS. What other paper?

Mr. MURPHY. The Solidarity was another paper.

Acting Chairman COMMONS. That represented the I. W. W. of what type?

Mr. MURPHY. I don't know which faction of the I. W. W. it represented. I know it was edited by an I. W. W.

Acting Chairman COMMONS. What other paper?

Mr. MURPHY. Those were the only two I recollect.

Acting Chairman COMMONS. Why should the subscribing for these papers occupy such a large place in your mind? Why should that be a reason for condemning them, or making it an issue in the campaign?

Mr. MURPHY. Those papers are generally condemnatory of the policy of the Western Federation of Miners, that was one reason.

Acting Chairman COMMONS. What were the points on which they condemned the policy? I take it your idea is not merely the subscribing to these papers, but that they indorse the principles, is that it?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Now, those principles were attacking the Western Federation?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. Now, on what points did they attack them or oppose them?

Mr. MURPHY. I suppose in their method of procedure and line of conducting strikes and one thing and another.

Acting Chairman COMMONS. Their mode of procedure, what was their attack on the mode of procedure of the Butte union, I am here speaking of—not the Western Federation generally, but the Butte union?

Mr. MURPHY. The mode of procedure of the Butte union?

Acting Chairman COMMONS. What did they attack in the mode of procedure of the Butte union?

Mr. MURPHY. Well, I could not say, could not specifically state anything.

Commissioner O'CONNELL. Didn't they charge you were inactive? That you had done nothing for the miners and that sort of thing; that wages had not been increased or altered here for years? Wasn't that one of the charges?

Mr. MURPHY. Those charges had been made I expect; yes, sir.

Commissioner O'CONNELL. On that line of inactivity?

Mr. MURPHY. Yes, sir.

Commissioner GARRETSON. Didn't they also attack the method of election?

Mr. MURPHY. Not to my knowledge—not in those papers.

Commissioner GARRETSON. That wasn't a question of procedure involved?

Mr. MURPHY. No, sir.

Commissioner O'CONNELL. But regardless of the papers, among the men here at Butte, those who were talking of it and agitating it and speaking on the street corners, if there was such a thing, in their denunciation of the union—I am not saying this because of any information that I have in mind in the matter. I am drawing on my imagination—was there statements to the effect that the Western Federation of Miners had done nothing and was inactive and belonged to the company and could not do anything because they belonged to the company?

Mr. MURPHY. Such statements as that were made.

Commissioner O'CONNELL. Such statements were circulated; I am drawing that from the testimony given here before by Mr. Smith?

Mr. MURPHY. Such statements were circulated.

Commissioner O'CONNELL. Were those the things that were charged?

Mr. MURPHY. Yes.

Commissioner GARRETSON. Was it also alleged that one of the assets of the Anaconda Co. was the ability to control the union of the miners?

Mr. MURPHY. It has never been alleged specifically to me that it was one of their assets.

Commissioner GARRETSON. Well, they might not express it in that way, but that the company was the gainer by controlling the union?

Mr. MURPHY. Such reports might have been made, not in my hearing.

Commissioner GARRETSON. Not in your hearing? [Laughter.]

Acting Chairman COMMONS. Order, please.

Commissioner GARRETSON. That is all.

Commissioner LENNON. Mr. Murphy, you spoke about their taking those two publications, the Ripsaw and Solidarity. You didn't object to their individually subscribing for those papers, did you?

Mr. MURPHY. No, sir.

Commissioner LENNON. Did they take the money out of the treasury for the papers?

Mr. MURPHY. Yes, sir.

Commissioner LENNON. For all the members of the union?

Mr. MURPHY. Yes; there was a clause in the constitution that specified, I believe, that 1 per cent of the dues should be turned over for educational purposes.

Commissioner LENNON. And under that clause those were the papers the union selected at that time?

Mr. MURPHY. Yes, sir; some of the papers.

Commissioner O'CONNELL. Who decided that those papers were the proper literature for the members?

Mr. MURPHY. I suppose it was decided at meetings of the miners' union.

Commissioner GARRETSON. By a majority action?

Mr. MURPHY. I expect so; yes, sir.

Commissioner GARRETSON. From your standpoint, has a democratic body like a union a right to assert its own preference in those matters?

Mr. MURPHY. I think so.

Commissioner LENNON. That is all I have, Mr. Chairman.

Acting Chairman COMMONS. What do you consider has been the accomplishments, or what has the union in the past 15 years accomplished for its members in the improvement of conditions—take sanitary conditions?

Mr. MURPHY. Well, I could not speak for 15 years.

Acting Chairman COMMONS. Well, since your activity, since your knowledge of the activity of the union and your participation in it.

Mr. MURPHY. I don't think they have accomplished very much in those lines. [Laughter.]

Acting Chairman COMMONS. The room will have to be cleared if there is any interruption of the witness. What about representing members of the union in the matter of damage suits or liability, and getting compensation for accidents? Has the union had a benefit system?

Mr. MURPHY. Yes, sir; they carried a sick benefit for 10 weeks in the year for anybody who was injured.

Acting Chairman COMMONS. How much was the benefit?

Mr. MURPHY. Ten dollars a week.

Acting Chairman COMMONS. And what was the amount of money which the member paid to entitle him to that, a dollar a month?

Mr. MURPHY. A dollar; and $90 burial benefit.

Acting Chairman COMMONS. Were the total dues of the union $1 a month?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. During the six years?

Mr. MURPHY. The dues of the union.

Acting Chairman COMMONS. Does that cover all expenditures of the union?

Mr. MURPHY. All expenditures of the union.

Acting Chairman COMMONS. Were there special assessments at any time?

Mr. MURPHY. There were special assessments for men that were afflicted with tuberculosis or were unable to work. It has been the custom of the union during the last five or six years to levy two bits or 50 cents assessments, according to the number of the men that were on the list to receive the money that would be derived from those assessments.

Acting Chairman COMMONS. So that a dollar a month was not sufficient to keep up this amount of benefit which the union was paying?

Mr. MURPHY. Well, not sufficient; the union thought that they could further help their sick and injured members by adding this assessment every other month, or every third month, as the case might be.

Commissioner GARRETSON. In that way did they pay more than the 10 weeks in the year?

Mr. MURPHY. This was a special assessment, and what was derived from it went for this particular purpose.

Commissioner GARRETSON. Were those particular persons for whom it was levied?

Mr. MURPHY. Exactly.

Commissioner GARRETSON. And paid them more than what was paid for in the regular dollar assessment?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Has the union taken any steps toward protecting men who have been discharged?

Mr. MURPHY. The only steps that have been taken to my knowledge was in the one that was mentioned here to-day, where these 140 men—or whatever the number was—was discharged at the time.

Acting Chairman COMMONS. Were you president of the union at that time?

Mr. MURPHY. No, sir.

Acting Chairman COMMONS. You don't know, then, how that was taken up with the company?

Mr. MURPHY. Well, I wasn't active in it; just from being a member of the union. I wasn't active in that.

Acting Chairman COMMONS. Any other quesions?

Commissioner GARRETSON. Yes; I have one. I would like to know two or three things.

Acting Chairman COMMONS. Go ahead.

Commissioner GARRETSON. Has your organization any regular protective machinery for the purpose of protecting men who claim to be unjustly discharged, and who, after investigation, the organization finds are unjustly discharged?

Mr. MURPHY. It never had to my knowledge.

Commissioner GARRETSON. Don't many organizations have—don't the average labor union have machinery of that character?

Mr. MURPHY. The United Mine Workers have, to my knowledge.

Commissioner GARRETSON. Well, don't every other one, almost, that you come in contact with?

Mr. MURPHY. I don't know whether any of the local craft unions have any such.

Commissioner GARRETSON. Do you ever come in contact with the railway organizations here, the Orphans' Home, the B. M. P.?

Mr. MURPHY. No; I haven't.

Commissioner GARRETSON. Their agreements all have a clause that reads: If a man isunjustly discharged, he shall have the right to a hearing, accompanied by committees of the organization, or representatives of the organization, it reads in some cases, and the right to appeal to the highest officer of the company. Those clauses are universal in all the agreements of men of that craft. Your organization has nothing of that kind?

Mr. MURPHY. No, sir.

Commissioner GARRETSON. Nor no method of raising money for the payment of dues for such purposes?

Mr. MURPHY. No, sir.

Commissioner GARRETSON. Have you at any time during your term in office in the union, or prior thereto, seen any effort—seen or been aware of any effort on the part of any officer of the company, or anybody from the shift boss up, to influence the action—the union action or political action of men in the union?

Mr. MURPHY. It has not been with me directly; I can't state for anybody else.

Commissioner GARRETSON. Well, have you ever seen evidence of it directed toward others?

Mr. MURPHY. Not to my knowledge.

Commissioner GARRETSON. Have you ever seen any effort to use men for or against legislation that the company either considered inimical to its interests or desirable for its purposes?

Mr. MURPHY. I haven't seen any. I was just going to state that I was a member of the last legislature in Montana, and I didn't witness anything of the kind during the session.

Commissioner GARRETSON. What was the attitude of the company toward eight-hour legislation originally?

Mr. MURPHY. I wasn't in Montana——

Commissioner GARRETSON. You don't know?

Mr. MURPHY (continuing). At the time.

Commissioner GARRETSON. Well, that is going too far back, then, for you?

Mr. MURPHY. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner O'CONNELL. I will ask this one question: Mr. Murphy, was there any influence in Butte or in this vicinity coming from people either in business or laboring men or in any of the walks of life in the community tending toward interference with the affairs of the miners' organization, who were not miners at all? Is there any outside influence that is endeavoring to dictate the policy or control the affairs of the miners' union for purposes not altogether for the miners?

Mr. MURPHY. Well, I could not state that there is. I haven't any specific knowledge of any.

Commissioner O'CONNELL. I dont' mean by that the copper company altogether.

Mr. MURPHY. I know what you mean—from any source.

Commmissioner O'CONNELL. Yes. For instance, your Socialist papers, or some of the Socialists in the city who are not miners, working at other trades, and who seem to take exceptional interest in the miners' affairs and probably little in their own?

Mr. MURPHY. They are certainly interested in them. I can't very well deny it. They are interested for political advantage.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Commissioner GARRETSON. One more question, Mr. Chairman.

Acting Chairman COMMONS. All right.

Commissioner GARRETSON. Mr. Murphy, have you ever had reason to believe that the company which you serve was active politically or legislatively?

Mr. MURPHY. I had no reason to believe they were active ligislatively during the last session of the legislature, though I was a member of it.

Commissioner GARRETSON. Nor locally in politics?

Mr. MURPHY. As far as I know, I have no knowledge.

Acting Chairman COMMON. That is sufficient, Mr. Murphy. Mr. Gillie.

Mr. EVANS. Mr. Chairman, here are the two copies of the contracts that you desired made.

(See Kelley Exhibits Nos. 6 and 7.)

TESTIMONY OF MR. JOHN GILLIE.

Acting Chairman COMMONS. Mr. Gillie, you have some statement regarding the ventilation scheme. Could you state briefly and file with the reporter the details that you have?

Mr. GILLIE. Yes.

Acting Chairman COMMONS. When did the company start in with its improved attention or greater attention to improved ventilation?

Mr. GILLIE. Well, as the mines commenced to gain greater depth, say 10 years ago, when the mines were comparatively shallow, you have shafts enough and the ventilation takes care of itself, but when you get at greater depth these sulphide-ore mines get very warm, and it necessitates forced ventilation. One thing that favored us in that was the making of very favorable contracts for electric power, all we could use, within the last few years, so that we could scatter around these ventilating fans wherever we wished or wherever we had an opening to place a fan. The result has been a much more marked change in, say, the last five years than previous to that time and is going on at the present time. With reference to this ventilation, I would like to file an itemized statement showing here that the capacity, the fan capacity that we are using now—that we were not using 10 years ago—has increased to 2,000,000 feet, cubic feet of air per minute for ventilation purposes. This copy, if it is of any use, I will leave.

(See Gillie Exhibit No. 1.)

Mr. GILLIE. Mr. O'Connell here asked Mr. Kelley about a condition that might obtain in these mines.

Commissioner GARRETSON. Not Mr. O'Connell. This is Mr. O'Connell [indicating]. My name is Garretson.

Mr. GILLIE. Garretson; yes, Mr. Garretson. There is a condition here that does not obtain in some mines, and that is due to the character of the ores. The ores are a compound of sulphur.

Commissioner GARRETSON. It is a chemical condition, then?

Mr. GILLIE. Yes, sir. That is, the ores are known as sulphide ores, being composed of certain ingredients, rock ingredients and sulphur combined. The oxidation of this sulphur and a large amount of timber that we have to use in mining operations here, the oxidation of that produces considerable of heat, although we don't have anything like some other mines, and for that reason our workings are naturally very much warmer, and we use probably what was referred to at your other mining investigations.

Commissioner GARRETSON. No; the question of heat was brought up here in this hearing. That didn't refer to heat?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. It referred to dampness and to bad air and to one or two other features.

Mr. GILLIE. Well, of course, we could challenge any of the others in the world, I think, on air, as far as the component parts of the air are concerned.

The humidity and the temperature we have got a great deal the worst of it on, and it is quite extensive, when I state that for the Government mine inspector—or the State mine inspector, the ventilating figures alone amounted to $279,000 for 1913.

Commissioner O'CONNELL. Well, of course, they haven't got the same gases to work against that you have?

Mr. GILLIE. Well, yes. We have no deleterious gases like a coal mine, inasmuch as they are explosive, or anything like that. We have powder gas, of course; gas from powder, but the heat and the humidity is the one thing that we have got to contend with. This electric power was a godsend to us in being able to string a wire a quarter of a mile away and stick a fan on there underground. We carry them anywhere and we have a fresh supply of air. You can stick a fan anywhere and just carry your wire for the power, and it relieves the condition very materially. Now, this is not entirely a condition—that is, this ventilating, it is not entirely a condition that we bring about ourselves on account of the men, which we would do. It is to our advantage.

Commissioner GARRETSON. It is a business proposition?

Mr. GILLIE. It is a business proposition, yes; nothing but that.

Commissioner GARRETSON. You don't palm it off as philanthropy, you make it business?

Mr. GILLIE. No. In addition to the taking care of the health of the men as far as we can, why it is so much to our good, because a man can do a day's work if he has got some air, and if he hasn't he can't; that is all.

Commissioner GARRETSON. I like good business works when they are put up as good business works, but when a man does a thing he ought to do and then claims credit for philanthropy for it, why I don't like it on the basis of so much a philanth.

Mr. GILLIE. Well, we are not philanthropists altogether exactly.

Acting Chairman COMMONS. Is that all?

Mr. GILLIE. That is about all.

Acting Chairman COMMONS. Well, if you will file your statement, then, we are very much obliged.

Mr. GILLIE. But would you care to know the difference in the rate of wages between the hill and town scale?

Acting Chairman COMMONS. Well, you have that information, have you?

Mr. GILLIE. Well, I haven't got it, but I can give it to you offhand.

Commissioner LENNON. I wish you would give us that. I was going to ask it of some of the workingmen when we got to that.

Mr. GILLIE. We have no difficulty in securing all the craftsmen—that is, the trades craft—that we require on the hill—as we call the hill at the mines. Our employment is steady. They have comfortable places to work. Our wage scale at the present time is $4.50 a day for machinists, for a carpenter, for a blacksmith, for a plumber. We only have one or two plumbers; we haven't many of those—for a boilermaker. Downtown that plumber would get $8, the carpenter would get $7. The machinist gets the same scale downtown and on the hill.

Commissioner GARRETSON. There is $3.50 spread in that plumber, isn't there?

Mr. GILLIE. Oh, yes. Well, the plumber—you know what he is everywhere.

Commissioner O'CONNELL. He gets his.

Commissioner GARRETSON. I am not far enough away from home to find fault with the plumber. He might fix me next winter.

Mr. GILLIE. But we have no difficulty in securing good workmen. When we want a cabinet maker, for instance—that is, on finer work—if we have an office building on the hill that requires some fine fixtures, we have no difficulty in securing that man. We can get good men, and we can get them without any trouble. They will work for us at that scale in preference to working downtown and catching jobs wherever they can.

Commissioner GARRETSON. Well, now, let me ask you the same thing I asked the other witness.

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. If the man has regular employment down there, with all that goes with it, does he ever leave to go to you for regular employment?

Mr. GILLIE. No; he would not. Certainly not; because the carpenter is better off with $7 regular employment than he is with four and a half.

Commissioner GARRETSON. Well, that was the feature?

Mr. GILLIE. Sure.

Commissioner GARRETSON. I wanted to determine.

Mr. GILLIE. Yes.

Commissioner GARRETSON. But, on the other hand, I suppose that if a man with you regularly had the opportunity for the steady employment in the town he would embrace the opportunity?

Mr. GILLIE. Yes, sir. Now, when we go into the town on our own building, for instance, we have got an office building right there on Main Street. If we send a man from our own mines up there into the town, we pay the $7 to a carpenter, or the town scale. If we send an electrician, he gets $6.

Commissioner GARRETSON. Your scale applies only to mine work around the mine?

Mr. GILLIE. To mine work directly in connection with the mine.

Commissioner GARRETSON. Or is there a territorial provision?

Mr. GILLIE. No; it is not territorial; directly in connection with the town and for town building we pay the regular scale to our own men; we pay the regular town scale.

Acting Chairman COMMONS. Anything further? Much obliged.

The commission will stand adjourned until to-morrow morning at 9 o'clock.

(And thereupon, at 5.15 o'clock p. m. of this August 6, 1914, an adjournment was taken until the following day, August 7, 1914, at the hour of 9 o'clock a. m.)

BUTTE, MONT., *Friday, August 7, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will come to order. Mr. Pope.

TESTIMONY OF MR. JOHN D. POPE.

Acting Chairman COMMONS. Give your name and address to the reporter.

Mr. POPE. My name is John D. Pope; I reside near Butte, Mont.

Acting Chairman COMMONS. What is your business?

Mr. POPE. I am general manager of the North Butte Mining Co.

Acting Chairman COMMONS. What is your company, its capital, and so on?

Mr. POPE. It is a mining company with an authorized capital of 600,000 shares of the par value of $15; of those, 430,000 have been issued; the rest is unissued.

Acting Chairman COMMONS. Is your company one of the companies held by the Amalgamated?

Mr. POPE. No, sir; there is none of our stock held by the Amalgamated Co., as far as I know. I do not think they hold any in it at all.

Acting Chairman COMMONS. Held by any other companies?

Mr. POPE. No; it is very widely distributed; held in small lots. We have over 4,000 shareholders.

Acting Chairman COMMONS. Are they local shareholders largely?

Mr. POPE. There are some in Butte; some in Duluth and Minneapolis, Minn.; some in Milwaukee; some in Pittsburgh; some in New York City; most of them in lots scattered through Massachusetts, Connecticut, Rhode Island, and New England. I think almost half of it is held in small lots in New England.

Acting Chairman COMMONS. What are the products—copper?

Mr. POPE. Copper, silver, and gold; copper and silver are the principal products; a small amount of gold.

Acting Chairman COMMONS. How many employees do you have?

Mr. POPE. When running at normal capacity we have about 900.

Now we have about 1,050, because we are doing some construction work, putting in some new machinery. But our regular crew is from 900 to 925.

Acting Chairman COMMONS. You heard the testimony of Mr. Kelley regarding wages, hours, relationship to union, and so on?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. Have you anything additional to add, or anything that differs in your company as compared with the Anaconda?

Mr. POPE. The wages and hours are the same with us that they are with them. We have separate contracts with the various unions here in Butte. These contracts are necessarily identical with the contracts which the Anaconda Co. has, because naturally the unions won't enter into a different contract with us than what they would with them.

But they are separate and individual contracts, but our working conditions are practically the same.

There is one difference that I noticed from the testimony of Mr. Gillie in regard to Sunday work and change days. We work Sunday night; that is, the men who work Saturday from 8 to half past 4, then lay off until Sunday night at 6, and work from 6 until 3.30 Monday morning.

Acting Chairman COMMONS. So that they are off how many hours?

Mr. POPE. They are off 25½ hours.

Acting Chairman COMMONS. And the men that work Sunday night?

Mr. POPE. The men that work Saturday night?

Acting Chairman COMMONS. The men that work Saturday night?

Mr. POPE. Go off at half past 2 Sunday morning and come to work Monday, so that there they have about 24 hours. I notice from his testimony that they don't work Sunday nights on change days, but we do and always have.

Commissioner GARRETSON. They shut down on change, and you don't?

Mr. POPE. Their mine is down two shifts, while our mine is down one shift. I didn't know that was the case with them. We have always worked Sunday night.

Acting Chairman COMMONS. How many days' work does a man get with you a month?

Mr. POPE. A man who is working steadily and as we would like to have him work will get from 29 to 31 days.

Acting Chairman COMMONS. Is your work steady during the year?

Mr. POPE. Our work is steady. We aim to keep the mine in operation regularly and steadily. We don't shut down unless we have to.

Acting Chairman COMMONS. Are you affected by the price of copper as the other company?

Mr. POPE. Just the same way, we have to sell our copper on the market as they do.

Acting Chairman COMMONS. Copper is the main product?

Mr. POPE. Copper is the main product. We produce in the year between twenty-seven and twenty-eight million pounds of copper and about a million and a half ounces of silver, so that, while our silver production is important, the copper is the main production and main value.

Acting Charman COMMONS. You have the same contracts and same dates with the Western Federation of Miners' Union as the Anaconda?

Mr. POPE. Not the same date. Ours was signed about two or three weeks after theirs; that is, the Anaconda Co. made the contract. They didn't consult us about it at all. They made the contract with the miners' union, and then the union came around to us, and so the only thing for us to do was sign the same contract, because we could not get them to work for us under different conditions than for the Anaconda.

Acting Chairman COMMONS. What conditions are there in the contract for taking up individual grievances?

Mr. POPE. I don't recall the details of it, but they are the same as in the contract Mr. Kelley gave you.

Acting Chairman COMMONS. Has the union during the time you have been in charge brought up any grievances?

Mr. POPE. They have brought up the one question as to the discharge of Socialists at the same time they took the question up with the Anaconda. Besides that, they have taken up old grievances of that kind with me.

Acting Chairman COMMONS. Have you the same system of discharge—you have just one shaft?

Mr. POPE. We are operating just one shaft. We have several shafts, but there is only one that we operate now.

Acting Chairman COMMONS. The foreman there hires the men?

Mr. POPE. The foreman hires all underground men. The shop foreman hires his men, the master mechanic hires the machinists, and the master blacksmith hires his men, and the same with the boilermakers, and so on.

Acting Chairman COMMONS. If there is any appeal, it comes to you?

Mr. POPE. Any appeal from any foreman, it comes to me.

Acting Chairman COMMONS. Were there Socialists discharged?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. And the matter brought to you by the union?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. And what was the action?

Mr. POPE. I told the union or the committee from the union that in order to maintain proper discipline in the mine I considered it necessary to have the right to discharge men at will; that I wouldn't blacklist anybody or try to keep a man from working somewhere else; but that very often the reason for discharging a man was so involved that I considered it necessary that we should have the right to discharge men for any reason that seemed good to us.

Acting Chairman COMMONS. Was that accepted?

Mr. POPE. Apparently; yes, sir.

Acting Chairman COMMONS. You have no need of this system described as rustling?

Mr. POPE. We don't use any such system at all. A man seeking work goes up and shows himself to the foreman, and if the foreman likes his looks and wants a man he puts him on.

Acting Chairman COMMONS. Are your instructions to the foreman such that he shall employ only members of the union?

Mr. POPE. No, sir; we pay no attention to that at all. We hire any man that seems to us to be a good man; but he is required afterwards to join the union, unless he already belongs. We work with the union to that extent. We don't inquire whether a man is a union man or not when he comes for a job; but after he gets a job, unless he is already a member in good standing, he is required to join.

Acting Chairman COMMONS. If you should discharge a man belonging to the union, you do not give him any reason for his discharge?

Mr. POPE. Not necessarily. Sometimes if a man does something we don't like; if he does not put in a set of timber as we want them, the boss will tell him he ought to know better, and to get out; we don't believe he is a good miner or he would not have done it.

Acting Chairman COMMONS. Is there any such thing as a man being discharged for union activity?

Mr. POPE. That has never occurred in the North Butte Mining Co.

Acting Chairman COMMONS. There has been no complaint of that kind?

Mr. POPE. No, sir; we never discharge a man because of union activity.

Acting Chairman COMMONS. How deep are the workings?

Mr. POPE. Our lowest level is 3,000 feet below the surface; our lowest extensive work is 2,800 feet. We have just started a station on the 3,000; no work aside from that.

Acting Chairman COMMONS. What have you done toward miners' consumption, ventilation, etc.?

Mr. POPE. We of course know of the work which the Anaconda Co. has done, and, while we have not been in on it, we know the result; and it has always seemed to me from that that the sole cause of miners' consumption, as far as conditions in the mine are concerned, was due to the dust. There are places in our mines where, if they are allowed to remain, are excessively dusty. The mines are dry and the rock, aside from the copper and minerals, is light and breaks fine. So, in some places there is an excessive amount of dust; but if you ventilate properly, use fans, and assist your natural ventilation, it increases the amount of that dust by drying out the workings more. Now, in order to allay that dust, we have tried to introduce a spraying system with the drills; but we find that the men are very averse to using that, and unless you stand right over a man he won't use it. They are quite a nuisance and sort of interfere with the men working to a certain extent, and they won't use them unless they are absolutely compelled. So, we tried the system of wetting down the mine where it is dusty, the manways and piles of dirt, before they are handled at all.

Acting Chairman COMMONS. Is that a success?

Mr. POPE. It seems to me it is very successful; yes. Of course, as to the results on the men we can't check up, because we have no system of medical examination. That is what I mean when I say it is absolutely successful. It does reduce the dust, and in those parts of the mine it absolutely stops it. As to the absolute effects on the men I don't know, because we have no system of examining them before they go to work or after they are working or when they quit.

Acting Chairman COMMONS. Does it increase the dampness in the mine in such a way that you consider it a bad thing?

Mr. POPE. No; it does not cause any bad effects of that kind at all.

Acting Chairman COMMONS. How do you control the temperature?

Mr. POPE. The only control we have over temperature is the introduction of air from the surface. Of course, that air is cooled and cools down the parts of the mine where it is introduced.

Acting Chairman COMMONS. What are your temperature records of the lowest workings?

Mr. POPE. I think our highest natural temperature is about 92.

Acting Chairman COMMONS. Is that a continuous temperature on the different levels?

Mr. POPE. Well, that is the natural temperature of the rock in the lower levels.

Acting Chairman COMMONS. What would the air reduce it to?

Mr. POPE. Well, we have reduced that below 90, I think, in every place that we have been able to introduce the artificial ventilation. There are certain ends of the workings where you can't introduce that air current.

Acting Chairman COMMONS. So the men are working practically under a 90° or 92° temperature?

Mr. POPE. In the hottest places; yes.

Acting Chairman COMMONS. In the hottest places; yes.

Mr. POPE. Of course, there are only a few of them.

Acting Chairman COMMONS. Yes; on the lower levels.

Mr. POPE. On the lower levels, where the development is going on and where the development is ahead of the stopes. As the stopes are opened up the air gets better at once and circulates after the workings are connected with them.

Acting Chairman COMMONS. You, of course, have accident records?

Mr. POPE. Yes.

Acting Chairman COMMONS. Could you file with us a statement of the accident records?

Mr. POPE. I can give you the deaths. I don't know whether I can give you the minor accidents complete or not. I think I can.

Acting Chairman COMMONS. How do you compile the death statistics?

Mr. POPE. Well, we simply have records of the accidents at the office.

Acting Chairman COMMONS. You heard the figures given the other day—yesterday?

Mr. POPE. Yes.

Acting Chairman COMMONS. How do yours compare?

Mr. POPE. I think ours are about the same as the Anaconda. Wherever we have compared them they have been about the same.

Acting Chairman COMMONS. Would you file a statement showing those figures?

Mr. POPE. Yes, sir; I can give them to you for the last two or three years. (See Pope Exhibit No. 1.)

Acting Chairman COMMONS. Yes.

Mr. POPE. I don't know that they run back further than that—that is, the figures prior to that I don't think are accurate, because they were not kept as carefully as they were in the last few years.

Acting Chairman COMMONS. What are the nationalities employed in your mine?

Mr. POPE. They are very much mixed—Americans, English, Irish; there are some Scotch also, and Welsh.

Acting Chairman COMMONS. How about the foreign born?

Mr. POPE. Well, there are quite a few of them that are foreign born, you know, the English and Irish and Scotch and Welsh are, a good proportion of them, foreign born. Then we have probably between 5 and 10 per cent of the Finlanders, and about the same amount of Austrians, as we call them. They are Serbians, mostly Serbians, and Montenegrins, I think.

Acting Chairman COMMONS. Is there any——

Mr. POPE. We have four or five Mexicans in the crew.

Acting Chairman COMMONS. Does the company exercise any preference in reference to employing men?

Mr. POPE. No; except that I don't like to see too many of one nationality put together. I would rather keep them mixed. Otherwise, there is no preference. I think you get better results if you don't have all of your employees belonging to one clan or nationality.

Acting Chairman COMMONS. Is there any other question?

Commissioner GARRETSON. Yes. How many men did you discharge for being Socialists at the time referred to?

Mr. POPE. I think it might have been a half a dozen.

Commissioner GARRETSON. This was at the same time that the Anaconda did?

Mr. POPE. Just about the same time; yes.

Commissioner GARRETSON. Did the other mines do likewise?

Mr. POPE. I understood so; yes.

Commissioner GARRETSON. Was this the outcome of an understanding between the managements of the various mines?

Mr. POPE. No; I don't think it was a definite understanding.

Commissioner GARRETSON. But a general understanding that you would all throw the harpoon at once?

Mr. POPE. Well, I think that perhaps is putting it a little too strong; but that is the idea.

Commissioner GARRETSON. That is what worked out?

Mr. POPE. That is the way it worked out; yes.

Commissioner GARRETSON. Do you think that the best result is obtained in the employment of men where a man of the grade of foreman is given an absolutely free hand in the discharge of men?

Mr. POPE. I have found it so; yes.

Commissioner GARRETSON. Do you believe that with men of good class the feeling in the minds of those men that they are at the mercy of a man who may be swayed by personal prejudice—bear in mind I am bringing no charge against the class but against individuals of the class, and I am bringing it from the standpoint of a man who worked under other men for many years—do you believe that the building of the idea in the minds of good employees that they are at the mercy of a man of that class and that ready means of going above him are not available creates a desirable sentiment?

Mr. POPE. In the first place that does not exactly represent the conditions here. There is a very easy way for a man to go above the foreman.

Commissioner GARRETSON. Yes.

Mr. POPE. The men have come to me individually quite a number of times with complaints of unjust discharge. In some cases I have rectified—wherever I considered their point was properly taken, I have rectified it.

Commissioner GARRETSON. Yes.

Mr. POPE. Generally speaking, I have not, because, generally speaking, I have been satisfied that the foreman was right.

Commissioner GARRETSON. Yes.

Mr. POPE. So I want to qualify that question with that by saying that that is not——

Commissioner GARRETSON. You heard the testimony yesterday with regard to the number of appeals that have been made with the large number of men that the other organization employ?

Mr. POPE. Yes.

Commissioner GARRETSON. And you can see how it works out there?

Mr. POPE. Yes. I think that that is very largely a matter of personality and feeling—personal feeling between the foreman and the employees. Here in Butte I think that in the very large majority of cases it has worked out well. I think it is a good thing in a hazardous occupation like mining for the men to know that they must do in detail as the foreman or shift bosses ask them. They are continually ordering men to make their place safe. It is the general understanding that the man should take care of his heading first. Then he is to do his work. Now, these men have not the judgment of the foreman. That is why he is put in as a foreman, because he is the best miner that we can pick out, knows underground conditions, and knows what to do better than they do. And I think it is necessary that they should feel that whenever he issues an order for them to put in a wedge or block or piece of timber, that the orders are to be carried out to the letter under penalty of discharge.

Commissioner GARRETSON. You believe that is an extra hazardous feature of the employment?

Mr. POPE. I think so; yes; it has been my experience.

Commissioner GARRETSON. Doesn't the opposite maintain among other extra hazardous service?

Mr. POPE. I do not know. My experience has been entirely in mining work. I have no experience elsewhere.

Commissioner GARRETSON. Is not railway service extra hazardous?

Mr. POPE. It seems to me; yes; from the accident statistics; yes.

Commissioner GARRETSON. There are more railway employees killed and injured on an average, well, since the war started in Mexico—there have been more railway employees killed and injured in the same period than there have been in the Mexican war.

Mr. POPE. Yes; I suppose that is true.

Commissioner GARRETSON. That being the case, it would class as extra hazardous?

Mr. POPE. Yes.

Commissioner GARRETSON. But while the direct opposite condition maintains there and universally, no man can be discharged without the company is prepared to show cause, and justifiable cause; and it goes clear to the president of the property. Have you any reason to believe that discipline on the railway was impaired thereby?

Mr. POPE. Well, I have not had any railway experience except traveling over the line.

Commissioner GARRETSON. You ride on railways, I suppose, occasionally?

Mr. POPE. I do. But I do not think their discipline is as good as mine discipline, no.

Commissioner GARRETSON. No; and it is not as good as it is in the Regular Army.

Mr. POPE. No; I don't think so.

Commissioner GARRETSON. They don't shoot them for disobeying orders.

Mr. POPE. Neither do we.

Commissioner GARRETSON. Oh, no; you just shoot them out.

Mr. POPE. But the conditions here are different from almost any other community that I know of. If a man is discharged, in Butte at least, and generally speaking in Montana, as far as my experience goes, it is not considered that he is sentenced to starve to death; that he is not allowed to get a job somewhere else; he can go back the first of the month and get a job.

Commissioner GARRETSON. You don't consider in the other service either. Isn't it a fact that the day of absolute judgment is passing?

Mr. POPE. In some lines.

Commissioner GARRETSON. The general tendency I am speaking of.

Mr. POPE. The general tendency is toward democracy, no doubt about that.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. POPE. I will have those extra statements prepared for you, Professor.

(See Pope Exhibit No. 1.)

Acting Chairman COMMONS. That is all; thank you. Gov. Stewart.

TESTIMONY OF GOV. SAMUEL V. STEWART.

Acting Chairman COMMONS. For the record, will you give your name?

Gov. STEWART. Samuel V. Stewart; Helena, Mont.

Acting Chairman COMMONS. And you are governor of the State of Montana?

Gov. STEWART. I am.

Acting Chairman COMMONS. How long have you been governor?

Gov. STEWART. Since January, 1913.

Acting Chairman COMMONS. Have you held any State office prior to that?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. The points of interest which have come up in this hearing so far bear upon the general instructions which Congress has given to this commission, that we should investigate the underlying causes of unrest and should make recommendations, either to Congress or to other legislative bodies, with reference to remedying any causes of industrial unrest, that seem practicable and possible. It is not the object of the commission to arbitrate or enter into disputes, but to get the more fundamental, permanent things which should be considered and discussed in the report and recommendations of this commission. The points that seem to have been developed so far turn upon such questions as the influence of corporations in politics, in elections, the control of the judiciary, legislation, local and State governments; the influence of corporations in the control of labor, particularly, in this instance, the control of labor unions.

Now, we should like to have your general opinion on the subject based upon your experience and observation, particularly upon the situation in the State of Montana. First, will you state what is the law and practice of the State regarding the question of the militia and Federal troops and State troops, the enforcement of law, and summary law, and the calling out of the troops in labor disturbances. Has there been any such?

Gov. STEWART. No.

Acting Chairman COMMONS. In this State?

Gov. STEWART. I am not exactly positive about what happened years ago, but certainly there has been no martial law in this State, no troops have been called out, either State or National, for many years. I think back in the nineties, in the railroad strike, I believe it was—that was before my time—there were some troops brought in here, but of course I have no intimate knowledge

of that, and would suggest that you get some person who has more intimate knowledge if you care to go into that feature.

Acting Chairman COMMONS. That is the Federal troops?

Gov. STEWART. Yes. But for the last 20 years no troops of any kind have been brought out in labor disputes; as far as I know none have been requested. This recent strike caused a good deal of talk about the utilization of troops, and it was thought at one time that for the preservation of law and order that resort might be had to troops. But I can say as far as the State government is concerned and as far as we were concerned at that time, that was only viewed as an absolutely last resort and then only for the protection of life and property.

Acting Chairman COMMONS. Is the governor bound by requests?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. It is in his discretion?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. On such information as he may himself have?

Gov. STEWART. That is my construction of the law. I certainly assumed the responsibility wholly for such action or inaction as obtained in the recent disturbance.

Acting Chairman COMMONS. The governor, of course, has authority to send his own investigators and find out the facts?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. What is the force of militia in this State?

Gov. STEWART. About 600 men at the present time.

Acting Chairman COMMONS. What is the financial arrangement regarding their pay and services, and so forth?

Gov. STEWART. Well, they are not under pay ordinarily because they are not in use, but if they are called out they are paid from the State treasury. I assume that the order can be drawn direct on the State treasury for the pay of the men.

Acting Chairman COMMONS. By the governor?

Gov. STEWART. By the governor.

Acting Chairman COMMONS. Without audit by the auditor?

Gov. STEWART. I think that perhaps it would go through his hands; I am not clear on that; I haven't looked it up carefully. In Colorado I understand that they tested it out recently, and it was held that the auditor could not stop it.

Acting Chairman COMMONS. The governor's word is final?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. As to the amount of expense and the persons to whom it should be paid?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. The militia are enlisted, or in what way?

Gov. STEWART. They are enlisted; they are the National Guard.

Acting Chairman COMMONS. For what period?

Gov. STEWART. Well, as long as they care to affiliate.

Acting Chairman COMMONS. Is there a limit to the number that may be enlisted? You spoke of 600.

Gov. STEWART. Well, we are supposed to have a regiment, which would be 12 companies; but we only have 10 companies at the present time, and we cooperate with the National Government, with the War Department—and I assume that they wouldn't care to have maintained in this State more than one regiment.

I wish to say we could if we saw fit keep a full regiment; but we have made no particular effort to have them brought up to war strength, although last spring, when the Mexican situation was active there were hundreds of applicants came in from different organizations and different individuals desiring to enlist men and raise companies to take part in that trouble if it was necessary to send troops; but most of these men were not very anxious to remain in the National Guard in time of peace, therefore we did not enlist any new companies; we had 10 companies at that time, and we just simply kept them.

Acting Chairman COMMONS. Does the Federal Government have a certain force in this State?

Gov. STEWART. Not now; they used to have; they had four or five forts. There was one at Missoula, Fort Missoula, and Fort William Henry Harrison at Helena, and Fort Assinniboine at Havre, and Fort Keogh at Miles City, and they are all abandoned at the time; at least, there are no soldiers there.

Acting Chairman COMMONS. That was on account of the Mexican War.

Gov. STEWART. No, sir; they were taken away before the Mexican War came up. There are a few at Missoula only; the last ones were taken away some few months before the Mexican trouble came up; that is, before the United States became involved.

Commissioner GARRETSON. Those posts are nothing but relics of Indian conditions?

Gov. STEWART. No, sir; that is not true. Missoula and William Henry Harrison and Assinniboine are in a high state of repair and good shape.

Commissioner GARRETSON. I mean they were so created?

Gov. STEWART. No, sir; I think William Henry Harrison at Helena was created within the last 12 or 15 years. My understanding is that the fort has been enlarged and improved within the last 20 years at least, and over at Assinniboine the buildings are mostly new.

Acting Chairman COMMONS. Does this State have any legislation regarding the employment of armed guards, giving them authority as deputy sheriffs by private corporations?

Gov. STEWART. I don't think there are any regulations on that that I know of.

Acting Chairman COMMONS. There has been no legislation on that subject?

Gov. STEWART. I don't think so. There has been none of it to my knowledge, I haven't known of it being done.

Acting Chairman COMMONS. Do deputy sheriffs have authority to appoint such men as guards when they are in the pay or derive their pay from private corporations?

Gov. STEWART. Deputy sheriffs don't have.

Acting Chairman COMMONS. I mean the sheriff?

Gov. STEWART. The sheriff might have authority to appoint such men if they would be necessary to maintain peace, but I am not clear on that. I have never gone into that feature of it, it has never been brought up as far as I know.

Acting Chairman COMMONS. Questions of that kind have never come up in this State?

Gov. STEWART. Not in my administration.

Acting Chairman COMMONS. Not that you know of?

Gov. STEWART. Not any that I know of. I am not familiar with conditions of that kind.

Acting Chairman COMMONS. The question of the matter of the relation of corporations to the politics of the State, elections, and so on, has been a matter that has been considerably discussed in this State, has it not?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. When did that issue first arise, do you know?

Gov. STEWART. When corporations first began to do business in the State, I suppose the issue first arose.

Acting Chairman COMMONS. What class of corporations—railroad corporations?

Gov. STEWART. Well, all corporations, I presume. Mostly the talk has been about mining corporations.

Acting Chairman COMMONS. Has there been measures taken—legislative measures taken with reference to this activity of corporations in the politics of the State?

Gov. STEWART. Well, I presume that some of the measures on our statute books may have been aimed at reformation along those lines. While they do not specifically state, I presume that some of our legislation may have been actuated by some such reasons.

Acting Chairman COMMONS. What legislation?

Gov. STEWART. Well, just for the protection of the ballot; corrupt practice act, and different safeguards that have been thrown around the voter in the exercise of his franchise. We have, of course, as they have in all the States, I presume, the Australian ballot system, which we have had for a long time. It has been developed from time to time so as to make it as nearly perfect as possible, and we now have a very stringent corrupt practice act.

Acting Chairman COMMONS. When was the corrupt practice act adopted?

Gov. STEWART. The last one was adopted by initiative two years ago. Initiated by the people and passed. Prior to that time we have had from time to time different corrupt practice acts, more or less of them have been enforced strictly, others not.

Acting Chairman COMMONS. Now state the details regarding the publication of expenditures required?

Gov. STEWART. Under the present law it is very strict. Everything must show.

Acting Chairman COMMONS. All contributions must be shown?

Gov. STEWART. Yes, sir; everything.

Acting Chairman COMMONS. All money brought into the State from outside?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. How does the law secure publicity regarding contributions that might come from outside the State?

Gov. STEWART. Well, everything must be published, as I understand it.

Acting Chairman COMMONS. How do they get at a foreign contributor?

Gov. STEWART. Well, I don't know. The man himself is responsible; he is made responsible for everything he does.

Acting Chairman COMMONS. That is, the local man who would receive it?

Gov. STEWART. The man who would receive the contribution, I assume.

Acting Chairman COMMONS. Have any elections been held yet under this new act?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. You are not able to say then how it will work?

Gov. STEWART. I don't know how it will work out.

Acting Chairman COMMONS. Was the old act, the former act, unsatisfactory?

Gov. STEWART. Well, I suppose that there was a need felt for a new one or it would not have been passed. There has always been more or less talk about it, and it was felt by a good many people that the act which was passed was required to put the State in line with other progressive communities.

Acting Chairman COMMONS. Had there been charges or investigations which showed, prior to the adoption of these acts, that corporations had influenced—that their contributions had influenced the elections?

Gov. STEWART. There had been lots of charges, but I don't know of any investigation that ever disclosed those things to be absolutely true or to verify the charges.

Acting Chairman COMMONS. The matter was never investigated in this State?

Gov. STEWART. It was never investigated as far as I know of.

Acting Chairman COMMONS. Officially?

Gov. STEWART. As far as the corporations were concerned.

Acting Chairman COMMONS. So that it is only a matter of hearsay and charges?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. And never has been established?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. What are the principal mining corporations in this State?

Gov. STEWART. Well, what is known as the Amalgamated group of corporations are, I should say, the principal mining corporations. I wouldn't assume to give the names of all of them, because I don't know.

Acting Chairman COMMONS. The Amalgamated is the main mining interest in the State?

Gov. STEWART. It is the main mining interest, although there are numerous others, but they are the chief employers of labor and the chief producers of precious metals and copper in this State.

Acting Chairman COMMONS. You think that they include more than half?

Gov. STEWART. Yes, sir; I think more than half, considerably.

Acting Chairman COMMONS. Have you any legislation in this State regarding the activities of the lobby in the legislature—so-called lobby?

Gov. STEWART. Well, we haven't very stringent legislation on that subject.

Acting Chairman COMMONS. You say you do have some legislation?

Gov. STEWART. I don't think it is very stringent. There are some laws on the line of bribery and things of that kind.

Acting Chairman COMMONS. Are lobbyists required to register?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. No question of publicity regarding the lobbyists?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. Anything as to the expenditure of money?

Gov. STEWART. No, sir; nothing of that kind. At the last session of the legislature there was a bill of that kind considered more or less, but it never was passed.

Acting Chairman COMMONS. When was the initiative and referendum adopted in this State?

Gov. STEWART. In 1906.

Acting Chairman COMMONS. Is it now in the form in which it was originally adopted?

Gov. STEWART. Yes, sir; it never has been changed. It never was invoked from 1906, the time it was passed, until two years ago, 1912.

Acting Chairman COMMONS. What measures have been initiated and voted upon?

Gov. STEWART. What is known as the primary law, the corrupt-practice act, presidential primaries, and I am not sure whether there was another one or not; I know of those three.

Mr. MCCUSKER. We passed a State direct election of United States Senators.

Gov. STEWART. Yes; we passed a State direct election of United States Senators; all of them along that same line, the three of them.

Acting Chairman COMMONS. They were initiated?

Gov. STEWART. Yes, sir; they were initiated by the people.

Acting Chairman COMMONS. Do initiative measures go before the legislature?

Gov. STEWART. Not at all; they have nothing to do with it.

Acting Chairman COMMONS. It goes straight to the people?

Gov. STEWART. It goes straight to the people, and if it receives a majority vote it becomes a law upon the proclamation of the governor.

Acting Chairman COMMONS. Take the three interests—agriculture, transportation and railroads, and mining—which is the predominant interest in this State?

Gov. STEWART. The agricultural, at this time.

Acting Chairman COMMONS. How do you measure that—by the number of people engaged?

Gov. STEWART. Yes, sir; and by the number of representatives which they have in the legislative assembly at this time. We have grown very rapidly along agricultural lines in the last few years. The value of agricultural products has almost reached the value of the production of the mines. I think that last year the production of the mines aggregated right around $80,000,000, and farm products are right up about that, and recently a great many people have come into this State and located on these Government projects, reclamation projects, and on the Carey land-act projects, and on the dry land, so called. Up to the last few years it was not thought possible we could raise dry-land crops successfully in this State, but recent years have shown, with scientific methods employed, we can raise fine crops of wheat, flax, and sometimes oats and alfalfa and other crops without irrigation. That has caused a great influx of people into this State, and those people have formed themselves into active communities and have been responsible for the segregation of different districts into new counties. We have had since I became governor of the State, in the last 18 or 19 months, created the counties of Big Horn, Stillwater, and Richland, Sheridan, Toole, Webo, and Mineral, and Fallon.

Acting Chairman COMMONS. Are those all agricultural communities?

Gov. STEWART. Nearly all of them, except, perhaps, Mineral. All the others are agricultural counties.

Acting Chairman COMMONS. Elections are not yet held there?

Gov. STEWART. They held elections when they were created and elected their officers under the new law.

Acting Chairman COMMONS. Elected their representatives to the State legislature?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. They have representatives to the legislature?

Gov. STEWART. Of course, the legislature has not been in session since most of those were created. In the session of 1913 some of them were represented. In the session of 1913 the others elected their members, but they would not have—or they have not availed anything by reason of the fact that no session of the legislature has been held. However, they will elect at the regular election this fall again.

Acting Chairman COMMONS. Has there been representation in the legislature of the so-called labor element?

Gov. STEWART. Oh, yes.

Acting Chairman COMMONS. Labor vote?

Gov. STEWART. Yes; in fact they have always had representatives. That is, they have when they have had representatives—I mean that men affiliated with

organized labor have had membership in every legislature with which I have been familiar.

Acting Chairman COMMONS. Referring to agriculturists and labor and others, how do you divide up the lower house of the legislature, the membership?

Gov. STEWART. Oh, I think that in the last session considerably more than half of the lower house were interested in agricultural pursuits directly and indirectly, most of them directly, if not as actual farmers they were small business men and professional men from the agricultural districts who depend upon the farms for their support.

Acting Chairman COMMONS. And what proportion would be the representatives of labor interests?

Gov. STEWART. Well, I would not be able to say how many laboring men—that is, men who are affiliated with union labor—were in the last session; probably not to exceed—well, not to exceed a dozen, I should say.

Acting Chairman COMMONS. What is the total membership of the lower house?

Gov. STEWART. I have forgotten the membership the last time. It changes so rapidly with these new counties that I could not give it to you, but I can get it from the session laws and give you the figures.

Acting Chairman COMMONS. Are these labor representatives representatives of union labor or are they Socialists?

Gov. STEWART. No, no; they are union-labor men. There was one Socialist in the house and none in the senate the last time, and this Socialist was a farmer.

Acting Chairman COMMONS. Have the labor people been active people in securing measures?

Gov. STEWART. I think so.

Acting Chairman COMMONS. Bearing on the interests of labor?

Gov. STEWART. Yes, sir; I think so.

Acting Chairman COMMONS. What measures?

Gov. STEWART. Well, they have the eight-hour law and the different railroad laws which are on our statute books. Especially the one having to do with personal-injury suits, taking away from the corporations the defenses and the other measures having to do with the regulation of mines, the operation of them. I think that there are very few States that have as many regulations along that line as we have.

Acting Chairman COMMONS. Particularly for the mining industries?

Gov. STEWART. The mining industries and the railroad industries.

Acting Chairman COMMONS. There are no manufacturing?

Gov. STEWART. No; they are not very important in this State.

Acting Chairman COMMONS. Now, the farming interests have supported this class of legislation?

Gov. STEWART. Yes; they have, more or less. Of course, conditions, as I attempted to say awhile ago, are rather changing more or less. There was a time when the mining interests in this State absolutely dominated the situation, because it was looked upon as strictly a mining State. But that view is rapidly changing. Still, by that I do not want to be understood as saying that the mining industry is going backward at all. What I mean to say is that the farming industry is growing so rapidly that it is catching up, and in time must of necessity overtake the other industries.

Acting Chairman COMMONS. When you speak of the mining industry, you mean from the employers'—the corporation—standpoint?

Gov. STEWART. No; I mean just the industry as a whole—the production.

Acting Chairman COMMONS. From the wage earners' standpoint?

Gov. STEWART. From every standpoint.

Acting Chairman COMMONS. They used to dominate more than they do now?

Gov. STEWART. Yes.

Acting Chairman COMMONS. What I am getting at, as between the corporation that operates the mining industry and the employees that work in the industry, what is the attitude of the agricultural interests?

Gov. STEWART. Well, I should say that the attitude of the agricultural interests would be favorable to the employees, as between they and the employers.

Acting Chairman COMMONS. Imposing these protective measures upon the company?

Gov. STEWART. Yes, I understand so.

Acting Chairman COMMONS. On behalf of the employees generally, is that the way?

Gov. STEWART. That would be my judgment; that the sympathy of the nonmining member would ordinarily be with the employee rather than the employer.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. I want to ask one or two. You have a State liability law, have you—an employers' liability?

Gov. STEWART. Not——

Commissioner GARRETSON. This applies to all classes, or only railway and mining industries?

Gov. STEWART. That is not what you know as a State compensation liability.

Commissioner GARRETSON. No; I am speaking of liability as against compensation.

Gov. STEWART. Yes.

Commissioner GARRETSON. The old form.

Gov. STEWART. Yes.

Commissioner GARRETSON. The common-law remedy.

Gov. STEWART. Yes.

Commissioner GARRETSON. Does that debar—does it abolish the defenses of fellow servant, assumption of risk, and contributory negligence?

Gov. STEWART. Only in the railroad cases, as I understand it.

Commissioner GARRETSON. Only on the railroads. It does not apply to any other class?

Gov. STEWART. No.

Commissioner GARRETSON. Compensation laws have been introduced, but have not yet been enacted?

Gov. STEWART. Several were pending.

Commissioner GARRETSON. Have you had any State commission created for the investigation?

Gov. STEWART. Yes; we have had two or three. There was a commission appointed two years ago—four years ago—that prepared a bill which was introduced in the legislature and that bill was defeated. Several bills were introduced at that time. And again, two years ago, there were a number of bills, and at this time there is a measure pending before the people by initiation.

Commissioner GARRETSON. What has been the general attitude of the employer toward the enactment of compensation laws?

Gov. STEWART. Well, they claim they are favorable, but it is a question of getting together on a basis.

Commissioner GARRETSON. They are favorable to compensation that don't compensate, are they?

Gov. STEWART. Well, I do not know what they favor. I say they claim they are favorable.

Commissioner GARRETSON. The instance you refer to in 1894, when the troops were called, there was no clash between the troops and the people at that time, was there?

Gov. STEWART. I don't think so; I do not recall that there was.

Commissioner GARRETSON. That was the railroad strike, the labor strike, as it was called?

Gov. STEWART. Yes.

Mr. EVANS. It was that Coxey business.

Gov. STEWART. Yes; the Coxey affair.

Commissioner GARRETSON. You remember there were troops in 1894 at the time of the A. R. W. strike, I think? You spoke of the fact that measures had been passed which might indirectly have been actuated by the desire to deal with corporations. Have measures been introduced in the legislature which did actually deal with them and which failed of passage?

Gov. STEWART. Oh, lots of measures have been introduced on every subject.

Commissioner GARRETSON. Including that?

Gov. STEWART. Everything, I think, that you can imagine. We have our regular crop of bills every time the legislature meets.

Commissioner GARRETSON. Have corporations in the State ever debarred their employees from holding political positions while serving the company?

Gov. STEWART. I could not say as to that; I do not know.

Commissioner GARRETSON. You do not know whether there is a rule in effect now in Montana, as well as contiguous territory, by which the employees of railroad companies are debarred from being candidates for public office?

Gov. STEWART. I do not believe so, because we have a lot of them in the legislature each time; they hold our public offices.

Commissioner GARRETSON. That would show that the rule has been withdrawn?

Gov. STEWART. If there ever was it has been withdrawn. We usually have some conductors and sometimes engineers and firemen—always conductors. They seem to be there every time.

Commissioner GARRETSON. I will say there was a rule in effect on one of the railroads crossing the State of Montana and was in effect for many years. You remember the incident of the special train some years ago?

Gov. STEWART. Yes.

Commissioner GARRETSON. That is what brought it about?

Gov. STEWART. Yes.

Commissioner GARRETSON. That was the conductor on that train who was a fugitive legislator.

Gov. STEWART. Yes; I remember it.

Commissioner GARRETSON. In regard to unrest, I would like to ask you one question upon your experience. I know you stated you have not held office before, but I judge from the one you now hold and certain offices, that you have come in contact with many men of many classes. Do you believe that social unrest, I am using the wider word for industry, that social unrest is contributed to by the great aggregation of wealth that occurs in the hands of the occasional individual?

Gov. STEWART. Well, I presume that is true.

Commissioner GARRETSON. Do you believe there is any greater influence to create such unrest than that—that is the result, bear in mind, of a system—and do you believe that any other influence contributes in greater degree to the condition of social unrest?

Gov. STEWART. Well, I do not know that I could answer that intelligently. It seems to be a universal unrest that is over the world, as evidenced by the recent war.

Commissioner GARRETSON. It does——

Gov. STEWART. And I would not be able to say that one thing has contributed in this country more than any other one thing. There is no doubt but what the cause that you mention has had its influence.

Commissioner GARRETSON. I will phrase it in a little different way. If other alleviative measures were originated and made effective, do you believe if that one continued to exist that the great bulk of unrest would be done away with—bear in mind I am putting it on the basis of an envious unrest.

Gov. STEWART. In this case——

Commissioner GARRETSON. I am not putting it on a high moral ground at all—that this envious unrest comes from that?

Gov. STEWART. No; I do not really believe that there is an envious unrest in this State.

Commissioner GARRETSON. I am not applying that question in that respect—world-wide.

Gov. STEWART. Well, it might be true, but I have found from my experience in this State a great degree of loyalty among the employees for the interests of their employers and a great deal of pride in the success of the enterprise in which they are engaged. I think that is more noticeable than the idea of envy. I would not speak as to the rest of the world because I am not familiar enough with general conditions to apply that doctrine.

Commissioner GARRETSON. That loyalty was directed toward the individual employer—I am using individual as applied to corporations as well as men.

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. To the individual employer for whom they serve?

Gov. STEWART. For whom they serve.

Commissioner GARRETSON. But at the same time right with it may exist wild resentment of the wealth accrued with some of them?

Gov. STEWART. Yes, sir; I think that is true; no doubt about that.

Commissioner GARRETSON. I am a believer as you are in the loyalty of the average employee to his employer if he is decently treated.

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any other questions?

Commissioner LENNON. Governor, how in your opinion compares the attitude of employers in this State toward organized labor as compared with surrounding States, those that are near by that you have some knowledge of?

Gov. STEWART. I think that the attitude of the employers in this State toward organized labor is infinitely better from the point of view of the employee than it is in any of the other surrounding States. In fact, I don't believe that there is a State in the Union where organized labor is as strong and as well satisfied as the State of Montana.

Commissioner LENNON. Have you any law in this State regarding, we will say, the subject of mediation and arbitration in case of labor disputes?

Gov. STEWART. No; I think not.

Commissioner LENNON. You have no bureau or board to carry out any mediation of that kind?

Gov. STEWART. No; I think not.

Commissioner LENNON. Well, has the governor any power under laws giving him power to appoint special representatives, or has he that general power?

Gov. STEWART. Well, I should say he would have the general power, but the appointees would probably be without authority other than advisory.

Commissioner LENNON. Yes. Do you have a labor-statistics department?

Gov. STEWART. Yes, sir; we have a department of labor and industry.

Commissioner LENNON. Studying not only the questions of labor, but agriculture and mining?

Gov. STEWART. No. We have two departments. Formerly we had the department of agriculture, labor, and industry. At the last session of the legislature we segregated those and created a department of labor and industry, with a commissioner at its head, and a department of agriculture and publicity, with a commissioner. Our department of labor and industry is devoted wholly to the labor and industry world.

Commissioner LENNON. What is the magnitude of the lumber interests in this State, Governor?

Gov. STEWART. They are very large, but I would not attempt to give the figures at this time.

Commissioner LENNON. No. They come next to the matter of mining and agriculture, do they not?

Gov. STEWART. Yes, sir; I should say they do.

Commissioner LENNON. Have you been in the lumber camps? What do you know as to conditions and the mode of living in the lumber camps in Montana as compared with, perhaps, certain parts of Washington and this western country?

Gov. STEWART. Well, I could not——

Commissioner LENNON. Have you ever been in the lumber camps?

Gov. STEWART. I could not compare them. I have never been at any length in the lumber camps of Montana to get a definite idea, and I have never been in any of the camps of the surrounding States.

Commissioner LENNON. Have you been in this State?

Gov. STEWART. Some of them.

Commissioner LENNON. Well, do the men seem to be fairly well cared for?

Gov. STEWART. I think so; I think so.

Commissioner LENNON. Does the Sunday work apply in the camps, do you know?

Gov. STEWART. I am not sure about that. I would say that there is no rule; that that probably would be a matter of local arrangement. It may in some places, and others not.

Commissioner LENNON. Is there any power on the part of the State as to inspection—any department—that might, if they had a sufficient appropriation or inclination, that they might go in there and make inspections?

Gov. STEWART. Well, along what lines would you mean?

Commissioner LENNON. Well, as to sanitation of their camps?

Gov. STEWART. Oh, yes. Yes; indeed. Our health laws are considered to be very good, indeed. At the national associations the secretary of our State board of health told me that our laws were considered by that association to be about as perfect as any in existence, and our State board of health, under the direction—has under its direction a secretary and other officials, who make careful investigations of all those matters.

Commissioner LENNON. Has the State the power to make investigations as to sanitary conditions in the mines at any time they desire?

Gov. STEWART. Yes, sir; we have mine inspectors.

Commissioner LENNON. Yes.

Gov. STEWART. We inspect the mines at all times, and coal-mine inspectors who inspect the coal mines. And, in addition to that, the health department can be called in on anything that affects the health of the employees.

Commissioner LENNON. Do you know—has there been any complaint, any considerable complaint, as to the inefficiency of these departments?

Gov. STEWART. No, sir; I don't think so. I haven't heard it.

Commissioner LENNON. Yes. Has there ever been any considerable land grants from the Government of the United States to corporations in this State, either railroad or mining corporations?

Gov. STEWART. There was a tremendous grant to the Northern Pacific Railway Co.

Commissioner LENNON. Did that grant in giving land to this corporation, did it cover considerable agricultural land?

Gov. STEWART. Oh, yes, indeed; a vast amount of it.

Commissioner LENNON. In whose name do the titles now rest, in the main? I don't mean——

Gov. STEWART. Most of that land has been sold by the railroad companies from time to time to individual settlers, landowners, and the balance of it, I think, now rests with the Northern Pacific Railway Co.

Commissioner LENNON. Have there ever been any grants to mining corporations?

Gov. STEWART. Not to my knowledge.

Commissioner LENNON. Well, in this land grant to the Northern Pacific Railway Co., were there any reservations as to mineral rights?

Gov. STEWART. Yes, sir.

Commissioner LENNON. Has that been the cause of litigation to any extent in this State?

Gov. STEWART. To some extent. There have been some decisions on that. They reserved coal and iron, as I recall it, or everything but coal and iron, and the railroads when they sold reserved everything. And we had a suit last summer in which the supreme court held that the reservations—or reserves, rather, the reserved minerals—were taxable separate and apart from the land.

Commissioner LENNON. Do you remember of the case that was decided that—will you have some one—I have a personal reason for wanting to study the matter—would you have the case, the number of the case, and the book in which it can be found given to the commission?

Gov. STEWART. Certainly; be glad to do so.

Commissioner LENNON. Yes.

(See Stewart Exhibit No. 1.)

Gov. STEWART. I will say that that is a matter that I had under consideration quite a while. When I was practicing law the matter came up, and I formed the opinion that these reservations, or, rather, reserved minerals, were taxable; and after I was elected governor and Mr. Kelly, the present attorney general, was elected attorney general, we discussed the matter, and he entertained the same view. And we advised the assessors to assess those reservations. They did so, and a suit was brought to strike the assessment of these reserved minerals from the tax rolls in Park County last summer. And that was decided by Judge Stark, of the district court in Park County, and appealed to the supreme court and affirmed, both courts holding that they were property separate and distinct from the surface and subject to taxation.

Commissioner LENNON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Is there any law, Governor, in this State regarding the boycott and the blacklist?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. What is the substance of it?

Gov. STEWART. Well, I would not attempt to give you the substance of it, because I haven't looked it up recently, and I would prefer to reserve—give you the citations of the law later and let you incorporate it in that way.

Acting Chairman COMMONS. Has there been any attempt on the part of employers in this State to secure injunctions or damages or prosecutions of organized labor, of unions?

Gov. STEWART. No; I don't think there has been any attempt to prosecute the unions along those lines.

Acting Chairman COMMONS. How do you account for this favorable attitude of organized labor and their representatives in the legislature toward corporations, toward employers? I take it from the answer that you gave a moment ago that you refer simply to the attitude in private relations between the individual and the employer. Is the same attitude shown in the dealing with labor legislation in this State?

Gov. STEWART. You mean the same liberality shown?

Acting Chairman COMMONS. By the workingmen, by the employees, toward the employer; that is, put it in another way, when it comes to a matter of labor legislation, is it conducted simply by a lobby, two lobbies coming before the committee, one representing labor interests and the other the employing interests, regarding, we will say, mine inspection or hours of labor, and then leaving it to the committee to decide? Or is there an attempt prior to that for the employers and employees to get together and agree upon practicable measures that will satisfy both, and thus come before the legislature united on some of these labor measures?

Gov. STEWART. Well, I assume that both methods have been used. For instance, when the eight-hour law was passed it was sort of conceded before the legislature convened that it would be enacted, by reason of the fact that the different parties had declared in favor of it and put it in their platforms. Usually most of the laws embodying reforms have been brought about in that way. There has been an agitation which has resulted in their being made issues, and the different political parties indorsing the theories and pledging themselves to enact a suitable law. And then, of course, when the legislature convenes the method that you mention has been in vogue, and they have committee hearings, and lobbies appear for all sides.

Acting Chairman COMMONS. Well, coming down more specifically, take such a thing as the mine-inspection laws in this State. I am not familiar with what they are. In the drafting of those laws were the employers, the mine operators, consulted?

Gov. STEWART. I think so. I think all elements were consulted.

Acting Chairman COMMONS. They were all consulted so that the law was not only effective but practical; it not only reached the object which the labor people wanted, but was practicable in the sense that it fitted in with the business arrangements?

Gov. STEWART. I think so. I would not say that that law nor any other law is entirely satisfactory to both elements. It is, I think, undisputed that if the employers had their way about it absolutely that it would be modified; and if the employees had their way it would be modified in the other direction, and it is probably the result of a compromise.

Acting Chairman COMMONS. There is no provision in the labor-legislation law and inspection law for the inspector to modify the law to fit the actual conditions?

Gov. STEWART. Oh, no; he can't modify the law. He must administer the law as he finds it.

Acting Chairman COMMONS. There is no power for him to issue orders in the way of adjusting the law in special cases?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. Or particular instances?

Gov. STEWART. I don't think so.

Acting Chairman COMMONS. It is all up to the discretion of the inspector in the field?

Gov. STEWART. Yes.

Acting Chairman COMMONS. As to whether the law actually applies or not?

Gov. STEWART. Yes; but, of course, he has not the final say. The court must enforce the law, although the inspector should be derelict in his duty and refuse to report an abuse of the law—any individual could make a complaint and bring about a prosecution which would subject the offender to the penalties of the law.

Acting Chairman COMMONS. Do you happen to know about the prosecutions that have been entered by the mine-inspection department?

Gov. STEWART. Oh, I think there have been a good many.

Acting Chairman COMMONS. And what is the verdict usually; how does it come out?

Gov. STEWART. Well, I could not say as to that. I know a good many fines are imposed from time to time. But, of course, there are complaints probably that are ungrounded, and in those cases no conviction would obtain. But I think that, taking it as a whole, the law is pretty well enforced.

Acting Chairman COMMONS. Is there any law in this State regarding work on Sunday in mines?

Gov. STEWART. I don't think so.

Acting Chairman COMMONS. There has never been legislation on Sunday?

Gov. STEWART. No.

Acting Chairman COMMONS. Has the matter been up in the legislature?

Gov. STEWART. I am not sure that it has. I believe that it may have been discussed, but I don't believe very seriously.

Commissioner LENNON. Have you any Sunday laws?

Gov. STEWART. Yes; we have some; but, of course, we haven't the strict Sunday laws that they have in some States. Sunday is a nonjudicial day in this State—holiday.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. Have you any suggestions bearing on recommendations that you think this commission should make toward this general subject that has been before you to-day with reference either to the State—the part that the State should take or the Federal Government should take?

Gov. STEWART. No; I could not say that I have. I will say this, that I am a strong believer in the arbitration of differences between capital and labor. And I believe a board such as your board, if clothed with authority, could effect a great reformation in the relations between labor and capital if they were enabled to go in and hold hearings and hand down findings that would be binding on both sides.

Acting Chairman COMMONS. Would your idea be that that should be a Federal board or State boards? Which would you think would be more effective in a matter where we have these large corporations operating throughout the country—I am not speaking of railroads now, because they do have that law for railroads, but for mining and manufacturing men particularly—do you think a Federal board of mediation and arbitration similar to that which is in vogue in the matter of railways would be advisable or would you think that that ought to be left entirely to the States?

Gov. STEWART. Well, that is a hard question to answer. There are advantages on both sides. The Federal board would be further removed from local influences and less likely to be swayed by those local influences. On the other hand, a State board would have perhaps more intimate knowledge of the situation, so that it would be a hard question to answer. On the whole, though, I think a Federal arbitration board would probably be more effective.

Acting Chairman COMMONS. When a disturbance of this kind, a labor disturbance reaches a critical position and large numbers involved, would the State likely be compelled to call for Federal troops instead of relying upon the State militia?

Gov. STEWART. It might.

Acting Chairman COMMONS. Suppose such were the case in Montana, that five or ten thousand men were on strike; could the State militia cope with the situation?

Gov. STEWART. Well, I could not say as to that. It would depend upon circumstances. I believe that the people of this State are loyal enough to respond to any call that would be made to maintain peace and quiet if they had time in which to organize and get in shape. However, in case of strike disorders I think they could be very much more easily quieted by the intervention of Federal troops. My idea is that the appearance of Federal troops prevents resistance in many cases and things quiet down, whereas as with local authorities, such as militia, very often the disturbing elements desire to take a try at them and see if they can't whip them.

Acting Chairman COMMONS. In case Federal troops come in, their only object is to preserve the law and order?

Gov. STEWART. Well, that would be the only object that either one could possibly have.

Acting Chairman COMMONS. Now, in that case would a board, in your opinion, a board of mediation and arbitration, also under the authority of the President of the United States, with power to precede the troops and endeavor to conciliate—would not that follow from the ultimate fact that the President might be compelled to order in the troops in such a case?

Gov. STEWART. Yes; I think that is true.

Acting Chairman COMMONS. Would that, in your opinion, be a justification for a Federal board of this kind, a permanent board, to undertake such mediation in matters which lie solely within a State?

Gov. STEWART. I think so. I think it would be unfair to ask the Federal Government to station troops in any State permanently. And the permanency would necessarily follow if there was no authorized medium through which a settlement of the existing difficulties could obtain. For instance, if you just sent them in there to quell the disorder, they would quell the disorder, and when they were removed, if the cause was not removed, the disorder would

recur. And it would seem to be futile to keep sending them back unless you could remove the cause.

Acting Chairman COMMONS. How far would you go in giving power, legal power, compulsory power to such a board of mediation and conciliation? Or have you thought about that?

Gov. STEWART. Well, I haven't thought about that enough to be able to say, but it does seem that there ought to be some such a board; and I feel this way, that if there was a properly authorized board, that you would never need any troops, because I believe that the employers and the employees in ordinary cases would be satisfied with the results, and would abide by them, with the findings of such an arbitration board. There is not any disposition or desire on the part of the ordinary citizen of this country to indulge in any disorders at all. I think that the disorders that have obtained in this State have been due perhaps to outside influences, although there are grave differences between the men. The ordinary miner in this camp, the man who has lived here and worked here, he may have his grievance, but he is perfectly willing to settle it in an ordinary and legal way and abide by the result. Our people are good losers, and, while they will fight hard for what they want, if they don't get it they don't take up arms. I think that those who resort to that kind of tactics are outsiders.

Acting Chairman COMMONS. Well, then, you think that such a board, if necessary to be constituted, such a board should be in a position to act promptly, in the very initiation, prior to any disturbance?

Gov. STEWART. Yes; I think there would not be the disturbance, because if they knew they had a court, a fair and impartial court, with full authority, they would resort to that rather than to the disturbance.

Acting Chairman COMMONS. Supposing that such a Federal board were created, would you consider that it should have power to enter a State on its own initiative, in a purely local matter, or would it have to wait upon the request of the governor, as is the case in the bringing in of the troops?

Gov. STEWART. Well, they ought to have authority to take up all labor disputes.

Acting Chairman COMMONS. Regardless of whether the governor makes request or not?

Gov. STEWART. I should think so, if a Federal board is to be established?

Acting Chairman COMMONS. Would you give that board the power of taking testimony under oath?

Gov. STEWART. Oh, yes.

Acting Chairman COMMONS. And the bringing in of books, that would be essential?

Gov. STEWART. I think absolutely.

Acting Chairman COMMONS. And with reference to preventing strikes and lockouts pending investigations, like the Canadian system, what would be your idea of adopting the Canadian system?

Gov. STEWART. I am not familiar enough with the Canadian system to speak, but I think there ought to be some such provision as that, so that industries could be continued pending the settlement of differences.

Acting Chairman COMMONS. You haven't considered that phase wholly?

Gov. STEWART. No; I haven't considered it.

Acting Chairman COMMONS. You would want a little more evidence on both sides to form an opinion?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. Do you have any questions, gentlemen?

Commissioner GARRETSON. Just one question that has come out of this: Governor, you just stated your belief in arbitration?

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. The moment that arbitration becomes compulsory hasn't it ceased to be arbitration and become a labor court?

Gov. STEWART. Well, that is the trouble. That is the only trouble about it.

Commissioner GARRETSON. The very essence of arbitration is voluntary action on the part of the two who have disagreed?

Gov. STEWART. Yes; that is true.

Commissioner GARRETSON. That is all.

Gov. STEWART. But, of course, until we can get some perfect system we will find any system with its faults.

Commissioner GARRETSON. Oh, yes. Have you been familiar with the workings of the Canadian act?

Gov. STEWART. What?

Commissioner GARRETSON. The Canadian disputes act?

Gov. STEWART. No; I haven't.

Commissioner GARRETSON. It is a compulsory investigation without any binding power.

Gov. STEWART. What I have said about this has been brought out right here. I had no idea that this line would be followed, and I haven't any very well defined views on this question. They are more or less unsettled and uncertain and would be subject to change if I could get information on which to base a decision.

Commissioner GARRETSON. If you had the facts before you, that is true.

Gov. STEWART. Certainly.

Acting Chairman COMMONS. One more question: Has the subject of unemployment been a matter of importance in this State?

Gov. STEWART. No; I think not.

Acting Chairman COMMONS. Lack of employment?

Gov. STEWART. No. I think our people have been very largely employed.

Acting Chairman COMMONS. Does that hold true for a period of years?

Gov. STEWART. Yes.

Acting Chairman COMMONS. Past?

Gov. STEWART. Many years back.

Acting Chairman COMMONS. You have a considerable force of what is called floating or casual labor?

Gov. STEWART. Yes; there are a good many so-called floaters—people who work and move on—but we don't have a very large number of unemployed.

Acting Chairman COMMONS. It is mostly the floating, casual labor?

Gov. STEWART. Yes.

Acting Chairman COMMONS. Do you have any State or municipal systems of free employment offices?

Gov. STEWART. Yes; there are free employment offices in nearly every city in the State.

Acting Chairman COMMONS. Are they under a State system?

Gov. STEWART. Well, they are under the city generally, but under a general law.

Acting Chairman COMMONS. Are you familiar with the operations of any of those?

Gov. STEWART. Not very familiar.

Acting Chairman COMMONS. You could not state as to whether they are effective or efficient or not?

Gov. STEWART. No; I could not say as to that.

Acting Chairman COMMONS. I think that is all, Governor, and we are very much obliged to you.

Gov. STEWART. Thank you, gentlemen.

Acting Chairman COMMONS. Mr. Dan Sullivan.

TESTIMONY OF MR. DAN SULLIVAN.

Acting Chairman COMMONS. Mr. Sullivan, will you give your name to the reporter?

Mr. SULLIVAN. Dan Sullivan.

Acting Chairman COMMONS. Your address is Butte?

Mr. SULLIVAN. 112 West Broadway, Butte.

Acting Chairman COMMONS. What is your position at present?

Mr. SULLIVAN. Superintendent of streets, city of Butte.

Acting Chairman COMMONS. Have you been employed in the mines?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. For how long?

Mr. SULLIVAN. About 23 years, between Montana and Michigan.

Acting Chairman COMMONS. How long in the mines at Butte?

Mr. Sullivan. Nineteen years, off and on, mostly here in Butte; about 18 months on the outside out of that 19 years.

Acting Chairman COMMONS. With what company were you employed here, Anaconda?

Mr. SULLIVAN. Anaconda Co., Heinze Co., the North Butte Co., Butte & Superior Co.

Acting Chairman COMMONS. All of the companies practically?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. How long since you have been employed in the mines?

Mr. SULLIVAN. A year ago last June since I——

Acting Chairman COMMONS. Were you discharged at that time?

Mr. SULLIVAN. No; I left my work voluntarily to accept this position for the city.

Acting Chairman COMMONS. Is this an appointive position?

Mr. SULLIVAN. This is an appointive position.

Acting Chairman COMMONS. How long have you been a member of the union, or you are a member and have been, have you?

Mr. SULLIVAN. I have been a member up to some time after I accepted this job, and then I discontinued paying dues to the Butte Miners' Union. I haven't been connected with any union since.

Acting Chairman COMMONS. Not been connected with any union?

Mr. SULLIVAN. Not any since.

Acting Chairman COMMONS. What positions have you held in the miners' union?

Mr. SULLIVAN. I was president of the Butte Miners' Union.

Acting Chairman COMMONS. At what time?

Mr. SULLIVAN. I was elected in December, 1910, and again in June, 1911.

Acting Chairman COMMONS. Are elections held every six months?

Mr. SULLIVAN. They were at that time. Later on they amended their by-laws and constitution to have elections annually instead of semiannually.

Acting Chairman COMMONS. What at that time was the voting membership of the miners' union?

Mr. SULLIVAN. Those eligible to vote, you mean?

Acting Chairman COMMONS. Yes; eligible to vote.

Mr. SULLIVAN. Why, in the neighborhood of 6,000.

Acting Chairman COMMONS. At that time were the number—what was the number eligible to membership? Those were dues-paying members, I take it, 6,000 dues-paying members?

Mr. SULLIVAN. Yes; there were probably 6,500, and some of those men were a few months behind and they are not eligible to vote. You had to be in good standing in the union in order to vote. That meant that your dues would have to be paid up within 60 days of the day you voted.

Acting Chairman COMMONS. Yes; and apparently there were 9,000 men employed in the mines here. Would that number be eligible to membership?

Mr. SULLIVAN. Yes; all the men in the mines and men working around the sawmills and mills or at the surface work that were not connected with any particular trade or craft.

Acting Chairman COMMONS. Well, then, apparently there were some 3,000 eligible who had not paid up their dues?

Mr. SULLIVAN. At that time there was what is called the smelterman's union. Now, they had jurisdiction over all work on the surface and around the surface and in the different mills here, carpenter shops, and so forth, those that were doing the work. Later on the smeltermen's charter was revoked, and they were taken over by Butte Miners' Union No. 1. Then they came under the jurisdiction of Butte Miners' Union No. 1 from that time.

Acting Chairman COMMONS. That was after your election?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. When was this consolidation?

Mr. SULLIVAN. That was in the winter of 1912.

Acting Chairman COMMONS. Were you president?

Mr. SULLIVAN. No, sir; not at that time.

Acting Chairman COMMONS. During what period, what dates, were you president?

Mr. SULLIVAN. I was president from the 1st of January, 1911, to the 5th of August, I think, 1911. I served one month of the second term as president.

Acting Chairman COMMONS. When you resigned to take this?

Mr. SULLIVAN. No; I was elected on the executive board of the Western Federation of Miners at the convention that was held here at Butte at that time.

Acting Chairman COMMONS. You resigned to take that?

Mr. SULLIVAN. I was elected on that, to that position, and consequently I left the other position as president of the miners' union.

Acting Chairman COMMONS. Can you describe the system that is known as the rustling card system?

Mr. SULLIVAN. I don't know very much about it. I have never made application for a rustling card—only what I hear other fellows tell about it.

Acting Chairman COMMONS. Has it been a matter which was discussed in the union?

Mr. SULLIVAN. Yes; it was taken up in the Butte Miners' Union.

Acting Chairman COMMONS. And you heard the discussion?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Did you take part in it?

Mr. SULLIVAN. Yes, I did.

Acting Chairman COMMONS. So that you feel you are informed about it?

Mr. SULLIVAN. Yes; of course, I don't know how the workings in the office are up there, or how you make application, or anything of that kind, because I have never made application to any of the men for any job.

Acting Chairman COMMONS. What date was that system adopted?

Mr. SULLIVAN. It was in the fall of 1912, some time around there.

Acting Chairman COMMONS. Is there any one of these witnesses who knows more about this than you do?

Mr. SULLIVAN. Well, I guess some of them that made application for work; I don't know whether any are going to be called here or not.

Acting Chairman COMMONS. You have noticed the names on the printed list?

Mr. SULLIVAN. I don't know as any of these fellows has made application for a rustling card.

Acting Chairman COMMONS. You may explain the system as you understand it, the best you can.

Mr. SULLIVAN. Well, that rustling card was adopted here by the company and put into execution; and we brought it up in the miners' union and wanted to know at that time if the union was going to take any action to find out about this card, or what was going to be done. The result of it was there was a committee appointed to investigate. They did investigate, and they held a meeting at the auditorium on West Broadway, to report back. That is where they reported back to the membership—this committee, that was appointed to investigate. The meeting was called down there and a majority of the committee reported, and there was a minority report. The majority report was read and the man at the head of the minority report got up to read his report, and he wanted to make some statement before he read his report, and he started in to make his statement to the membership there, and before he got through his statement, before he had really started to make his report on the rustling card system here, the lights were turned out and the meeting broke up there and a large part of the membership left, probably one-third. So they finally got the lights back on and the members that were left there held a meeting, and this man reported on the rustling card system. Now, I don't remember what the report was.

Acting Chairman COMMONS. What was the majority report?

Mr. SULLIVAN. I don't hardly remember what the majority report was. They reported about the card being in vogue here, that they did not think they could do anything. I think that was about what the substance of the report was.

Acting Chairman COMMONS. The majority report was favorable to the card?

Mr. SULLIVAN. The rustling card.

Acting Chairman COMMONS. The minority report was opposed to it?

Mr. SULLIVAN. Opposed to the rustling card.

Acting Chairman COMMONS. Your explanation is that the minority was not allowed to make a report?

Mr. SULLIVAN. Did not make the report with the regular officers at their positions in the union.

Acting Chairman COMMONS. Was other action taken by the union on that system?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What was it?

Mr. SULLIVAN. Yes, sir. The next Tuesday night, two weeks from that night, the members that were opposed to the card seemed to go to the hall in large numbers. They got the motion through that they take a referendum vote on whether they were in favor of this card or not. And the referendum was held.

Acting Chairman COMMONS. Explain your method of holding a referendum.

Mr. SULLIVAN. Well, the referendum vote means that every man in good standing in the Butte Miners' Union can, on presenting his card to the clerks and judges, cast his vote either way he wants to.

Acting Chairman COMMONS. Must that be done at certain hours?

Mr. SULLIVAN. Yes; between 9 o'clock in the morning and 11 o'clock in the evening. The polls are open all that time, between 9 o'clock in the morning——

Acting Chairman COMMONS. About 14 hours?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. Are available for voting?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. Does that make it possible for every man that is eligible to vote?

Mr. SULLIVAN. Well, I don't think that under a question of that kind where it was voting yes or no—I do think they could vote the whole, entire membership in that time. If the vote was to pass on different candidates it would require more time.

Acting Chairman COMMONS. They voted on this question yes or no; that is, to approve or disapprove this system?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. What was done at the referendum on this?

Mr. SULLIVAN. There were something like 4,000 votes cast; the majority were opposed to the card.

Acting Chairman COMMONS. What was the vote?

Mr. SULLIVAN. I don't remember the exact figures, but the majority won out by 250 or 300. That is about the majority that they had.

Acting Chairman COMMONS. Against the card?

Mr. SULLIVAN. Yes; against the card. And I might state that this ballot that was presented by the officers at that time confused a great many of the members. In order to vote against this here rustling-card system you had to vote yes, instead of, as under ordinary circumstances, if you wanted to vote against a proposition you voted no. The reading of the ballot was such if you wanted to vote against the card you had to vote yes, and a great many of the members thought that was the reason that rustling cards got such a vote that it did.

Acting Chairman COMMONS. That is, you think the majority against it would have been larger?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. But you say that the majority against it was about 200?

Mr. SULLIVAN. Between 250 and 300, I think.

Acting Chairman COMMONS. Out of 4,000 votes?

Mr. SULLIVAN. Out of 4,000 votes.

Acting Chairman COMMONS. And there were about how many eligible to vote?

Mr. SULLIVAN. I don't know how many were in good standing at that time; I would venture to say between five and six thousand.

Acting Chairman COMMONS. You have heard the rustling-card system described here at the hearing, have you?

Mr. SULLIVAN. Partially; yes, sir.

Acting Chairman COMMONS. What you have heard of it is practically substantially correct, is it?

Mr. SULLIVAN. I think so.

Acting Chairman COMMONS. There is another matter that was brought up here, the discharge of certain Socialists. Was a referendum held on that subject?

Mr. SULLIVAN. On the discharge; yes, sir.

Acting Chairman COMMONS. What was the record of that? Were you an officer at that time?

Mr. SULLIVAN. I was a member of the executive board of the Western Federation of Miners, and happened to be here at that time that the men were discharged.

Acting Chairman COMMONS. What was the result of the referendum?

Mr. SULLIVAN. Eleven hundred and twenty-six to forty-four hundred and some odd; I don't know just what it was exactly. The majority were in favor of seeing the men discharged; but that wasn't the way it was put to them; it was put on the strike question.

Acting Chairman COMMONS. I am speaking of what was the referendum on—the question of the discharge of the Socialists? How was that question put?

Mr. SULLIVAN. There was no referendum taken on the discharge of the Socialists.

Acting Chairman COMMONS. What was the question?

Mr. SULLIVAN. It was the question of whether we should go on strike in favor of the discharged members.

Commissioner GARRETSON. In favor of their reinstatement?

Mr. SULLIVAN. In favor of their reinstatement.

Acting Chairman COMMONS. In favor of their reinstatement?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Will you state the steps in regard to that? First, did the union officers take up the matter of their discharge with the company?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What was the reply of the company next?

Mr. SULLIVAN. At first—I might explain that in detail the best I know how.

Acting Chairman COMMONS. Yes; in your own way.

Mr. SULLIVAN. I was a member of the executive board at that time, and I happened to be in here, and there were several hundred men discharged. I think there were something over 300 men, by the best authority I could get. I tried to find out the exact number from the different men discharged, and it was something over 300, they told me; I have their word for it.

Commissioner GARRETSON. In all the mines, or the Anaconda only?

Mr. SULLIVAN. In the Anaconda and North Butte; those are the only two I remember of discharging; I don't know of any others. There was complaint came to the union officers up there, and I was around the hall a good deal at the time the few days I was in here, and I wrote out a call myself for a special meeting of the miners' union to consider these questions, and the meeting was held in the miners' union hall, and at that meeting the hall was just as full as it could get. I expect about 700 men would fill the hall. There was a committee of five appointed to interview the management and ascertain, if possible, what the wholesale discharge was for; and we went to see the company officials, and we were told that they reserved the right to discharge men if they felt like it—felt so disposed. That was the substance of their answer, and we reported back to a special meeting at the Orion Theater, on West Broadway. I expect the place will hold 1,200 people—galleries, balcony, and downstairs. We reported and there was a motion made that the committee be discharged. The motion was defeated; so I asked what they intended to do with the committee if they didn't want to discharge them. There was silence for awhile; nobody seemed to know just exactly what to do, and some fellow presented a set of resolutions, and in those resolutions it stated that the committee be enlarged to 25 and given full power to handle this matter, and the resolutions went through, and they were to report back to another special meeting in a day or two after that meeting—I forget the exact date—and this committee went to see the management and got the same reply.

The management of the different mines stated they were not at that time discharging men because they were Socialists, although they admitted there was a larger number of men than usual discharged on those few days. We didn't get any satisfaction from the company, and we went back to report to the special meeting, and I went down at 6.30—the meeting was to be called at 7 o'clock—and all in front of the Orion Theater was packed, jammed right up against the door, all kinds of disorder, but no disturbance, no fighting, or anything of that kind; they were all crowding to get in. When we got in there the hall was jammed full right up, aisles and everything else, and we could get no order; they were all hollering and whooping. There was not anything accomplished other than some member, I think it was a man by the name of Lowney, made a motion that they take a referendum vote next Thursday, I think it was. I believe this was Tuesday, and the referendum was to be held in two or three days from that date. That motion prevailed that they take a referendum vote, and a vote was taken. This committee—this large committee of 25, I might state, I overlooked that—they recommended to the meeting that if the company did not reinstate those men that the committee and the union requested all members in and around the mines to cease work until they were reinstated—much the same as calling a strike.

That was the question that was submitted to the membership, and the motion was made in the hall to take a referendum vote on it, and the referendum vote was held in the miners' union hall, and the polls were open for two days, and the mines, most of the mines, in the camp shut down to give the men an opportunity to vote—all of the different mines. I don't know of any of the mines that worked. The mines that worked the first day shut down the next day in order to let the men vote.

Acting Chairman COMMONS. What was the total vote at that time?

Mr. SULLIVAN. The total vote?

Acting Chairman COMMONS. You gave the vote at the time as 1,126.

Mr. SULLIVAN. One thousand one hundred and twenty-six in favor of reinstating those men.

Acting Chairman COMMONS. One thousand one hundred and twenty-six in favor of reinstating those men?

Mr. SULLIVAN. Yes, sir; and the other 4,400, I forget just exactly, something over 4,400.

Commissioner GARRETSON. Against?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Against what?

Mr. SULLIVAN. Against reinstating them or against ceasing work to have them reinstated.

Acting Chairman COMMONS. Was the vote on the question of whether they should strike at that time?

Mr. SULLIVAN. That is the way the thing was put on the ballot: Are you in favor of going on strike for the reinstatement of our discharged brothers or discriminated brothers, or something of that kind?

Acting Chairman COMMONS. And the vote was 4,400 to 1,126 against striking on account of these discharged Socialists?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Would you consider that a fair representation of the feeling of the rank and file of the membership as distinguished from this committee of 25?

Mr. SULLIVAN. I don't quite understand.

Acting Chairman COMMONS. Would that vote of 4,400 to 1,126 be a fair judgment of the feeling of the rank and file on that question as distinguished from any influence that the leaders or officers of the union might have?

Mr. SULLIVAN. I think that was a fair—that was their opinion, they voted that way.

Acting Chairman COMMONS. They were not in favor of standing out to have these men reinstated?

Mr. SULLIVAN. That is the way they voted.

Acting Chairman COMMONS. The company is said to have reinstated some of these men. Was that done before or after this vote?

Mr. SULLIVAN. It was done after, I think. I don't think there was anybody reinstated before that vote. And rumor had it on the street there were to be several hundred more discharged.

I believe that the union, or the officers of the union, would not have taken any action only because those rumors were so current on the street that they were going to clean out a certain political party here, right out of the city.

Acting Chairman COMMONS. It would seem on the face of it that four-fifths of the voters would stand by the company in cleaning out the Socialists?

Mr. SULLIVAN. Well, that is the way they voted. They were voting against a strike, apparently.

Acting Chairman COMMONS. What date was this election?

Mr. SULLIVAN. It was in—I should judge it was on the 22d or 23d of March, around there—between that and the latter part of March, 1912.

Acting Chairman COMMONS. What other referendum votes has the union conducted? Did it conduct any on the adoption of these contracts that were adopted here?

Mr. SULLIVAN. Yes, sir; it took a referendum, I think, on both of those contracts. I wasn't here at the last time the contract was made; but I was here at the time the first contract was made.

Acting Chairman COMMONS. In 1907?

Mr. SULLIVAN. In 1907.

Acting Chairman COMMONS. Do you remember what the referendum vote was?

Mr. SULLIVAN. No, sir; I don't remember. I could not say.

Acting Chairman COMMONS. Do you remember which way the vote went?

Mr. SULLIVAN. Well, it took two referendums the first time. I am not quite clear on it now; I have forgotten; but the first referendum was for $4 straight. The miners' union amended their constitution now, if I remember right, making the minimum wage $4, and the first referendum they took was—they adopted the amendment to the constitution making the minimum wage $4, then they had some dickering with the company through committees, the slid-

ing scale was proposed, and they took another referendum on the sliding scale and that was adopted. They amended their constitution again, put the provisions of the contract right into the constitution, and they voted on that and they adopted it.

Acting Chairman COMMONS. And that sliding scale was adopted?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What officer of the union has a record of those votes?

Mr. SULLIVAN. Well, I guess it is pretty hard to get a record now; they were destroyed.

Acting Chairman COMMONS. Then, from your recollection, what would you say was the majority, or was it an overwhelming vote?

Mr. SULLIVAN. Well, I think it was decidedly in favor of it.

Acting Chairman COMMONS. You say it was strongly or decidedly in favor of it?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And the next one, the second contract in 1912, you have no recollection of it?

Mr. SULLIVAN. In 1912, I wasn't here at the time; but I think it was something over 3,000 for the contract. I was given the figures; but I forgot what they were.

Acting Chairman COMMONS. Now, what other referendums have they had? There have been several matters that have come up here with reference to the action of the union. What I want to get at is what is the feeling of the rank and file as distinguished from the small number of people that are able to get into that hall. There are only 600 out of 5,000 that can get into the hall. When it goes to a referendum, I take it, then, they have an expression of the rank and file that can not get into the hall. What other votes have they had?

Mr. SULLIVAN. I don't know exactly. I don't remember any others; there may be several others.

Acting Chairman COMMONS. Did they have more than one vote on any of the other questions? They voted twice on the contract, you say?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And reversed themselves the second vote, was that true?

Mr. SULLIVAN. On which contract?

Acting Chairman COMMONS. That first contract, they changed—the second vote reversed the first vote?

Mr. SULLIVAN. Yes, sir; they did.

Acting Chairman COMMONS. They took the attitude of the company or they took the proposition which the company offered, did they?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And which was agreed upon by the committee?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Was that true of the rustling card system; did they have second vote on that?

Mr. SULLIVAN. Not a second referendum vote. Not to my knowledge; I can not remember that they did.

Acting Chairman COMMONS. If the majority against it was 250, it would look as though they would have instructed the executive committee to take some summary action on the question if the 250 majority were against it?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Why did not that happen?

Mr. SULLIVAN. I don't know why they didn't do it. It was the action of the membership, and they carried it by a referendum vote, and it should have been the duty of the officers of the union at that time to carry out the instructions of the majority.

Acting Chairman COMMONS. Were you here at that time?

Mr. SULLIVAN. Yes, sir; I was here at that time.

Acting Chairman COMMONS. You do not remember of a second referendum on the subject?

Mr. SULLIVAN. No, sir; I don't remember of a second referendum on the subject.

Acting Chairman COMMONS. You were elected in 1909 or 1910—the fall of 1910. What were the issues which you stood for as a candidate for president?

Mr. SULLIVAN. I don't know as there was any issue at that time. I don't think there was any issue, simply two opposing parties at that time.

Acting Chairman COMMONS. On what ground did you make the campaign; was it merely personal grounds?

Mr. SULLIVAN. No, sir; not that I know of. It was this man who testified yesterday, Mr. Murphy, that opposed me the first time I ran for president of the miners' union, and I was elected at that time. I had no personal feeling against Mr. Murphy other than I had the same right to contest for the office that he did.

Acting Chairman COMMONS. Did you oppose the policies of the union as conducted then?

Mr. SULLIVAN. Yes, sir; we opposed the policies of the union to a certain extent. Most of the fellows, I guess, that voted for me were not in favor of the policies of the union.

Acting Chairman COMMONS. For example, what policies?

Mr. SULLIVAN. Well, take, for instance, some of the policies that were carried out later in allowing the rustling card system to be put in vogue in a place like this, where there was no occasion for it. That we should not stand idly by and allow a thing like that to go through and didn't even consult the membership.

Acting Chairman COMMONS. Did you make that an issue?

Mr. SULLIVAN. No, sir; that was before the rustling card system was put in vogue.

Acting Chairman COMMONS. The rustling card system was put in later?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What were the other issues at that time?

Mr. SULLIVAN. The policies, you mean?

Acting Chairman COMMONS. When were the Socialists discharged?

Mr. SULLIVAN. The Socialists were discharged in March, 1912.

Acting Chairman COMMONS. After your time?

Mr. SULLIVAN. Yes, sir; that was after I was elected president; that was while I was a member of the executive board. I don't think there was any clear-cut issue at the time I was elected president. It was simply a feeling that those fellows were company men and that they didn't really represent the membership.

Acting Chairman COMMONS. In what sense was there a feeling that they were company men; they had made this contract?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Which had been voted upon by the miners?

Mr. SULLIVAN. Not those particular men, but it was their followers.

Acting Chairman COMMONS. They had made this contract?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And the membership had supported it apparently?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Then, that was not one of the issues?

Mr. SULLIVAN. No, sir; and prior to this time, I might say back along several years, the company were in the habit of giving leases to the officers of the miners' union.

Acting Chairman COMMONS. What do you mean by that?

Mr. SULLIVAN. Well, a lease—some people call it tribute. They would give them a little ledge of first-class ore in one of the mines to go in and take out—first-class ore or pretty good ore. They ship it to the smelter and get their money for it.

Acting Chairman COMMONS. You mean they would allow them to go in, not working on a wage scale at all?

Mr. SULLIVAN. Yes; a lease is something just the same as a contract you take from somebody. You go in and make what you can. Say, for instance, I lease a little property up here, and I would go down and everything I would get out of there was mine, except a certain commission I gave to the man that I leased the property from—a royalty.

Acting Chairman COMMONS. Was there very much of that?

Mr. SULLIVAN. Why, yes, sir; there was a whole lot of it.

The aldermen of the city got leases, the officers of the union got leases all around down at Green Mountain mine, and at Wild Bill, and different places around the officers had leases.

Acting Chairman COMMONS. During what period was the leasing?

Mr. SULLIVAN. I could not give the dates, but it was when Mr. Scallon was manager of the Amalgamated mines here.

Acting Chairman COMMONS. It was prior to the time that you were elected?

Mr. SULLIVAN. It was before my time.

Commissioner LENNON. That must be 10 years ago or more?

Mr. SULLIVAN. Yes, sir; I think it was.

Commissioner LENNON. Because he has not been manager for 10 years, I am sure. How long was it, Mr. Kelley, since Mr. Scallon was manager?

Mr. KELLEY. It was 11 years last February.

Acting Chairman COMMONS. Did that lease system continue after Mr. Scallon?

Mr. SULLIVAN. I don't think so. I don't think it did.

Acting Chairman COMMONS. Then it had not been in existence from 1905 down until the time that you were elected?

Mr. SULLIVAN. No, sir; I don't think so.

Acting Chairman COMMONS. That could not have been an issue in your election?

Mr. SULLIVAN. No, sir; the leasing proposition wasn't an issue, but those same fellows that were instrumental and very active around the miners' union at the time of the leasing were still actively supporting the men that were opposed to the ticket I was running on.

Acting Chairman COMMONS. You think that that thing that had been seven years ago—seven years previous—do you think that had considerable to do with the feeling in electing you as opposed to them?

Mr. SULLIVAN. Well, I expect it had something to do on account of those fellows.

Acting Chairman COMMONS. Then were there any other issues?

Mr. SULLIVAN. Any other issues?

Acting Chairman COMMONS. Yes.

Mr. SULLIVAN. I don't know of any other issues. Those fellows that were on the other side at that time seemed to do the bidding of the company on different occasions. Say, for instance, the time the clerks worked for early closing here. They wanted to close at 6 o'clock, and most of the stores did close here at 6 o'clock, with the exception of the Hennessy Co., and they wouldn't close at 6 o'clock, and the clerks' union brought their grievances up to the miners' union, to get the indorsement of the miners' union on the stand they had taken, the early closing stand.

Acting Chairman COMMONS. Mr. Garretson, any questions?

Mr. SULLIVAN. The miners' union at that time was pretty evenly divided on the matter, and the fact of the matter was that after the thing was thrashed out they decided against the clerks, against the stand that the clerks' union had taken, and stood with the company store—the Hennessy store.

Commissioner GARRETSON. These leases—in giving of leases by companies like the mining companies, did they give them to many individuals?

Mr. SULLIVAN. No, sir; not to many; they gave them to those men that they thought were influential in the organization.

Commissioner GARRETSON. Are they given to anybody—I mean according to common report—except for a purpose?

Mr. SULLIVAN. Oh, I think they have a purpose; yes, sir.

Commissioner GARRETSON. Were they always profitable, these leases?

Mr. SULLIVAN. I think the most of them were; yes, sir; I am positive they were.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Lennon, any questions?

Commissioner LENNON. Had the Amalgamated ever been connected with the company store here?

Mr. SULLIVAN. The Amalgamated?

Commissioner LENNON. Yes, sir.

Mr. SULLIVAN. That is something I could not tell you.

Commissioner LENNON. Was there a time when the people of Butte considered the Hennessy store a company store?

Mr. SULLIVAN. Yes, sir; there was.

Commissioner LENNON. That was before the Amalgamated?

Mr. SULLIVAN. That was before the Amalgamated; yes, sir.

Commissioner LENNON. Before the Amalgamated Co. was in existence here?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. Well, was it in reality a company store?

Mr. SULLIVAN. I don't know; I could not say; but I always thought it was, and I thought so for a long time after the Amalgamated took things over. I thought it was a company store, still I don't know whether it was or not.

Commissioner GARRETSON. What year did this question of early closing in the Hennessy store come up?

Mr. SULLIVAN. That is a long way back; I could not tell you exactly what year.

Commissioner GARRETSON. About 1899?

Mr. SULLIVAN. It probably was 1899 or 1900; somewhere there.

Commissioner O'CONNELL. Is this leasing system still in vogue?

Mr. SULLIVAN. No, sir; I don't know of any of it going on now—that is, the company giving leases.

Commissioner O'CONNELL. How long ago was that discontinued?

Mr. SULLIVAN. It was probably shortly after Mr. Scallon left here.

Commissioner GARRETSON. Do you know whether such leases as that were made a matter of record?

Mr. SULLIVAN. On what book?

Commissioner GARRETSON. Are they recorded in any public place?

Mr. SULLIVAN. I don't think so; no, sir. I don't think they are; I don't know.

Commissioner O'CONNELL. It was some 10 or 11 years ago since the leasing system was in vogue?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. What number of men do you imagine had leases?

Mr. SULLIVAN. Well, I could not tell you exactly.

Commissioner O'CONNELL. Do you know personally of men that had leases?

Mr. SULLIVAN. Yes; oh, yes.

Commissioner O'CONNELL. Were they officers of the organization?

Mr. SULLIVAN. Yes, sir. Ed Long, he was president, or past president, he had a lease; Dan Shay, he was a secretary of the miners' union, he had a lease; Jerry Hanley, secretary, he had a lease.

Commissioner O'CONNELL. Had these leases when they held these offices?

Mr. SULLIVAN. No; I think they had left the offices; got the leases after that.

Commissioner O'CONNELL. Got the leases after they retired from office?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. That wouldn't indicate, then, they were seeking influence with the officers after he had left the office, would it?

Mr. SULLIVAN. No; it would not. A fellow on the outside might think that they had probably done something that they were paid for after they left.

Commissioner O'CONNELL. Paid for work done?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. That was purely imaginary?

Mr. SULLIVAN. My imagination, exactly.

Commissioner O'CONNELL. You mentioned three. Are there any others, any large number, say fifty or a hundred?

Mr. SULLIVAN. Oh, I could mention more. I might mention one more—I don't know whether he was—he was at one time president of the miners' union.

Commissioner O'CONNELL. Were there any humble members of the union who had leases?

Mr. SULLIVAN. Not that I know of.

Commissioner O'CONNELL. Who never held office, who just simply held membership; they probably would not come to your attention.

Mr. SULLIVAN. Well, there was two—I can't call their names—I know one fellow, his first name is Archie, but I can't——

Commissioner O'CONNELL. Did you ever have a lease?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Ever offered one?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Every seek one?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Do you know anything about what the profits on these leases were?

Mr. SULLIVAN. No; I haven't any idea what the profit of those leases was.

Commissioner O'CONNELL. Did the man who had a lease—for instance, one of these officers you mentioned—would his mode of living and his walk in life, his dress, or anything in his make-up or appearance indicate that he was living more profitably than he had before?

Mr. SULLIVAN. Well, I expect so. A fellow can tell pretty nearly whether a man is broke or has a little in reserve. I should judge that by their appearance, while they didn't put on any extra fashions or anything of that kind, that they were very comfortably fixed.

Commissioner O'CONNELL. No indication that they had grown rich very suddenly, however?

Mr. SULLIVAN. This Shay fellow, he bought a ranch down in Bitter Root; he is on it still; he is a judge, justice of the peace, here at the present time.

Commissioner O'CONNELL. You are holding a city position now, as I understand?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. What is the salary of the mayor of Butte?

Mr. SULLIVAN. The salary?

Commissioner O'CONNELL. Yes.

Mr. SULLIVAN. Four thousand dollars a year.

Commissioner O'CONNELL. What salary to the position you are now occupying?

Mr. SULLIVAN. Eighteen hundred dollars a year.

Commissioner O'CONNELL. You are appointed by the mayor?

Mr. SULLIVAN. Appointed by the mayor; yes, sir.

Commissioner O'CONNELL. What are the salaries of the other officials; for instance, city attorney?

Mr. SULLIVAN. The city attorney, I don't know exactly what his salary is.

Commissioner O'CONNELL. What is the salary of the chief of the fire department, or whoever is head of that department, or whatever you call him—the chief of police?

Mr. SULLIVAN. I think his salary is $200 a month; I ain't positive about that.

Commissioner O'CONNELL. What is the salary of the chief of police?

Mr. SULLIVAN. I couldn't say what that is.

Commissioner O'CONNELL. What department are you in charge of?

Mr. SULLIVAN. Street department.

Commissioner O'CONNELL. You are the head of the street department?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. What comes under your department?

Mr. SULLIVAN. The work?

Commissioner O'CONNELL. All the street work?

Mr. SULLIVAN. You mean what work I have charge of here in the city?

Commissioner O'CONNELL. Yes.

Mr. SULLIVAN. Street work; that is, cleaning the streets and grading the streets and keeping the crosswalks in, cleaning the gutters, building water boxes, and so forth, and looking after removal of all garbage and ashes.

Commissioner O'CONNELL. What class of skill have you employed?

Mr. SULLIVAN. Common labor.

Commissioner O'CONNELL. All common labor?

Mr. SULLIVAN. Common labor and teamsters.

Commissioner O'CONNELL. What is the salary of the labor?

Mr. SULLIVAN. Four dollars a day for eight hours.

Commissioner O'CONNELL. Teamsters?

Mr. SULLIVAN. Four dollars a day for eight hours.

Commissioner O'CONNELL. All labor coming under your department is $4 a day for eight hours?

Mr. SULLIVAN. With the exception of the men on steam rollers, and firemen that watch the steam rollers at night, the horseshoers and the blacksmiths; they get a larger scale than $4.

Commissioner O'CONNELL. How long have you held this position?

Mr. SULLIVAN. Since this last July, the 1st of last July, a year ago—that is, the 1st of last July.

Commissioner O'CONNELL. They are not under civil service, are they?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Is the same force that was employed when you took office still employed?

Mr. SULLIVAN. Not all of them, no; but I guess the majority of them are still there.

Commissioner O'CONNELL. How are they selected; how are the workmen selected in your department?

Mr. SULLIVAN. Mostly efficiency. Of course, I know a large number of men here, and when I have an opportunity and I know a fellow is a good workman, have known him for a number of years, I give him a chance to go to work.

Commissioner O'CONNELL. Do you know the political affiliations of the employees in your department?

Mr. SULLIVAN. The political affiliations, well, I do not. There are some Democrats, some of them Republicans, and the majority of them are Socialists.

Commissioner O'CONNELL. It is not a necessary qualification for employment for them to belong to any one particular party, is it?

Mr. SULLIVAN. No, sir. I have never asked a man what his political affiliations were.

Commissioner O'CONNELL. Would you know without asking him?

Mr. SULLIVAN. No; I have no way of knowing.

Commissioner O'CONNELL. If a man was a prominent Socialist in this city, would you know it?

Mr. SULLIVAN. Yes, sir; if he took a prominent part, an active part, in the Socialist movement here, I would know it, I think.

Commissioner O'CONNELL. Then, if he made application for employment, you would have a pretty fair idea?

Mr. SULLIVAN. I would have an idea he was a Socialist.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. That is all, Mr. Sullivan. Thank you.

TESTIMONY OF MR. DAN SHOVLIN.

Acting Chairman COMMONS. Your name and address?

Mr. SHOVLIN. Dan Shovlin, 80 East Park Street.

Acting Chairman COMMONS. What is your occupation?

Mr. SHOVLIN. Miner.

Acting Chairman COMMONS. Are you working?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. For what company?

Mr. SHOVLIN. The Davis-Daly.

Acting Chairman COMMONS. Where is that?

Mr. SHOVLIN. It is a mine down on Park Street.

Acting Chairman COMMONS. How long have you been in the work?

Mr. SHOVLIN. Working for that company?

Acting Chairman COMMONS. No; any company in the mining district.

Mr. SHOVLIN. Been mining about 14 years.

Acting Chairman COMMONS. What companies have you worked for?

Mr. SHOVLIN. I worked for the A. C. M. Co., and for the Clark interests when they were here, and for the Davis-Daly people.

Acting Chairman COMMONS. You were active in organizing the new union, were you not?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. At what time was that organized?

Mr. SHOVLIN. It was organized on the 23d of June.

Acting Chairman COMMONS. What were the causes leading up to that organization? You heard the statement that Mr. Sullivan made?

Mr. SHOVLIN. Some of them; yes, sir.

Acting Chairman COMMONS. Which of those were prominent in leading to the organization of the new union?

Mr. SHOVLIN. Dissatisfaction with the old organization.

Acting Chairman COMMONS. Well, on what grounds, what particular grounds were prominent?

Mr. SHOVLIN. I believe one of the most important factors in causing the organization of the new union was the refusal of the officers of Butte Miners' Union to accept a motion for a referendum vote on the assessment; that is, the extra assessment that was levied for the strikers in Michigan.

Acting Chairman COMMONS. What time was that?

Mr. SHOVLIN. I believe it was in September that that assessment was levied. First there was an assessment that came from Denver of $2. I believe that came in September. That is authorized by the executive board; that is, their power to levy that assessment. It was never questioned that they had that right. At a regular meeting also in September, I believe, the——

Acting Chairman COMMONS. Well, now, what meeting, regular meeting of what?

Mr. SHOVLIN. Well, now, a regular meeting of the miners' union. I am speaking of the miners' union now.

Acting Chairman COMMONS. Was that first one the local miners' union or the Denver headquarters that ordered the assessment?

Mr. SHOVLIN. The first assessment?

Acting Chairman COMMONS. Yes.

Mr. SHOVLIN. The executive board. There is no executive board in the local.

Acting Chairman COMMONS. Now, the second one was—just continue.

Mr. SHOVLIN. It was at a regular meeting of the miners. I don't know how many was there. I happened to be night shift at the time. And they voted at that meeting to put on an amount, enough of an amount to make it shift for the month; that is, a shift wages for the month—a day's wage for the month. That would be an assessment that was put on, and we are entitled to a referendum vote on all assesments that are levied in the local. This was put on at a regular meeting.

Acting Chairman COMMONS. In September?

Mr. SHOVLIN. I believe it was in September.

Acting Chairman COMMONS. Well.

Mr. SHOVLIN. And in October—I believe it was the latter part of September—and then the first part of October I happened to go on the day shift again, and I made a motion from the floor of the miners' union hall at another regular meeting that the members be given a referendum vote on that assessment. The president in the chair at the time refused to entertain the motion. I appealed from his decision, as any member has the right. He refused to put the appeal, showing that he did not understand parliamentary tactics, or he just wouldn't put the motion because Shovlin made it, or some reason or other. And then after, I got the floor then and told him what I thought about that for taking such arbitrary action, and finally some fellow in the audience, I believe it was—I ain't sure who it was now—he says: "Oh, give it to them and show them how bad we can beat them." And on the appeal the president put the motion on the appeal, and I lost on the appeal.

Acting Chairman COMMONS. Does the referendum vote in the local require action by a meeting of this kind?

Mr. SHOVLIN. It is not necessary. That was the means we took to force them.

Acting Chairman COMMONS. What is the rule of the union about initiating the referendum vote? Can you do it by petition?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. A certain number of names?

Mr. SHOVLIN. Twenty names are sufficient.

Acting Chairman COMMONS. Why didn't you follow that procedure, then, and get 20 members to sign your petition for referendum?

Mr. SHOVLIN. That wasn't necessary, wasn't absolutely necessary. It could have been brought up at a regular meeting and done that, but it wasn't absolutely necessary to petition.

Acting Chairman COMMONS. When they voted you down on that proposition why didn't you try the other method?

Mr. SHOVLIN. Just about as useless to attempt the other method as it was to try to get the floor.

Acting Chairman COMMONS. Why was it?

Mr. SHOVLIN. I thought so.

Acting Chairman COMMONS. Couldn't you have gotten 20 names?

Mr. SHOVLIN. I could have gotten 20 names easily.

Acting Chairman COMMONS. Why didn't you go and get them, then?

Mr. SHOVLIN. Because I didn't think it was worth while after being turned down that way. It would have been a waste of time.

Acting Chairman COMMONS. Why did you think it was not worth while and would be a waste of time? Why did you think it was a waste of time?

Mr. SHOVLIN. I thought it would be a waste of time; I figured it would be turned down just the same as the other was; it might have been, too.

Acting Chairman COMMONS. In what way? We have had a description of the way in which the referendum vote is conducted—12 hours, or two days are given for a referendum vote. Would that be a useless procedure?

Mr. SHOVLIN. If you get a referendum vote it would not be a useless procedure, but you would have to go before the meeting, a regular meeting.

Acting Chairman COMMONS. When you initiate by petition, does it have to come before a regular meeting?

Mr. SHOVLIN. Yes. The initiative for petition has to be submitted to the body, and they take action on it.

Commissioner GARRETSON. The petition is directed to the lodge itself, is it not?

Mr. SHOVLIN. It is directed to the officers calling for a meeting.

Commissioner GARRETSON. Yes.

Mr. SHOVLIN. That is subject to discussion to refer that.

Commissioner GARRETSON. And the body has to pass on it, the lodge itself has to pass on it before it is referred to the membership for a referendum vote?

Mr. SHOVLIN. Yes.

Commissioner GARRETSON. Referred to the lodge itself?

Mr. SHOVLIN. Yes; that is it.

Commissioner GARRETSON. And not by the originators of the petition?

Mr. SHOVLIN. No; it is not referred by them at all.

Acting Chairman COMMONS. As I understand it, you have two methods, one by the meeting and one by petition?

Mr. SHOVLIN. No.

Acting Chairman COMMONS. Then the petition has to go before the meeting?

Mr. SHOVLIN. Yes; it does. The petition that is gotten up that way is simply a called meeting making that a special order of business.

Acting Chairman COMMONS. Now, what other causes of dissatisfaction?

Mr. SHOVLIN. Then another cause was later on—was the action of the president in having one of the members of the organization working at the High Ore mine discharged without consulting the local; that is, without consulting the members at a regular meeting.

Acting Chairman COMMONS. I didn't get that point.

Mr. SHOVLIN. I say it was the action of the president of the miners' union in having a member of the miners' union discharged from the High Ore mine.

Commissioner O'CONNELL. That means up high?

Mr. SHOVLIN. That means the name of the mine.

Commissioner O'CONNELL. Just continue. Why did he ask for his discharge?

Mr. SHOVLIN. Because they quarreled and they had at the mine—this fellow struck him a couple of times and knocked him down a couple of times, I understand.

Acting Chairman COMMONS. How did he get him discharged—go to the foreman?

Mr. SHOVLIN. No, sir. He went to the foreman first, and the foreman says, asked him if this young fellow—said, "Is he in good standing?" And the young fellow answered, "Yes," and this foreman said, "Well, since you are in good standing, that is all. You can go to work."

Commissioner O'CONNELL. Was that one of the requisites—that the president allow everybody to lick him?

Mr. SHOVLIN. No; that it not a requisite at all, because this fellow happened to be a big, husky fellow, and the fellow that licked him was a little bit of fellow.

Commissioner O'CONNELL. Ashamed of the fellow?

Mr. SHOVLIN. So it was no requisite he would have for that.

Acting Chairman COMMONS. How did he succeed in having him fired?

Mr. SHOVLIN. He went—afterwards he came down town; the foreman refused; and the president came down town, I presume, and went to the office; he seen one of the managers some place, had this fellow discharged; that is, word was sent to the mine for this fellow to come and see Mr. Gillie. I believe he did that there. That was another of the reasons, I believe.

Acting Chairman COMMONS. When did that occur?

Mr. SHOVLIN. Some time in March or April.

Acting Chairman COMMONS. Well, any other instances?

Mr. SHOVLIN. Yes; there was another instance. When we thought possibly we could get a square election up there by having voting machines in. An amendment was submitted to that effect, was read at two meetings, and on the night of the third, why, the action was to be taken, and was brought up that night and read, and I made a motion myself that it be adopted as read. Another member there made a motion that it be thrown in the waste basket. The vote was taken on it—that is, the usual form of vote—and we were not satisfied with that, because the president ruled that the motion had carried to throw it in the waste basket, and threw the amendment in the waste basket. A division of the house was called with reference to it, and he refused to give a division of the house, and——

Acting Chairman COMMONS. Was this another initiative petition of 20 members?

Mr. SHOVLIN. No; just made in the usual form; action taken on the third meeting, regular meeting.

Acting Chairman COMMONS. They refused, then, to adopt the Australian system of voting?

Mr. SHOVLIN. The machine system.

Acting Chairman COMMONS. The machine system?

Mr. SHOVLIN. Yes. And they refused, inasmuch as the president ruled that the motion to put it in the waste basket had carried.

Acting Chairman COMMONS. At what date was this action?

Mr. SHOVLIN. I don't know the exact date; that was some time in April also.

Acting Chairman COMMONS. April?

Mr. SHOVLIN. Yes; recently.

Acting Chairman COMMONS. Has the new union adopted the machine method of voting?

Mr. SHOVLIN. Yes, sir; they are making their first election—that is, the first ballot is on the machines.

Acting Chairman COMMONS. That was one of the issues, then, that you wished to have a machine method of voting?

Mr. SHOVLIN. Most assuredly one of the issues.

Acting Chairman COMMONS. Well, why was that an issue?

Mr. SHOVLIN. Why was that an issue?

Acting Chairman COMMONS. Yes.

Mr. SHOVLIN. Well, because under the old method the ones that happened to have the hall packed the tightest that night would get their judges and clerks in there, and when you get the judges and clerks that was the election.

Commissioner LENNON. Did that apply to both sides, all factions or just one? Whichever faction happened to get possession of the hall, did they carry that plan out?

Mr. SHOVLIN. Yes; whichever faction happened to get possession of it, but it always happened——

Commissioner LENNON. Was that a case of the pot calling the kettle black?

Mr. SHOVLIN. Yes; whichever one, but the two fellows that have got control at that time got their bunch in there, because there was some method they had worked of getting the men down early, see, and packed them into the hall. There was some way that they had to get around to the mine; I don't know how it was—I got my own views of how it was. They used to get them in there and fill the hall right full, and then when us fellows who were called radicals and rebels and revolutionists, and all that sort of stuff, got around, we had an awful time to get in the hall.

Acting Chairman COMMONS. Well, then, it was simply due to the fact that you wanted to have a system by which all the membership could vote, was that it? How would machines help unless it was a referendum vote where everybody voted?

Mr. SHOVLIN. Well, the machines, the way they would help, they could not be—you could not pack them. That's one thing, you could not pack a machine, because the machine is opened in the morning and the numbers taken on the counter, and it is closed, and it is closed until all vote in the evening.

Acting Chairman COMMONS. But if only 600 get in there they could vote just the same on a machine as they could by tellers.

Mr. SHOVLIN. You understand me, the machine, this machine to be used at the election is so fixed, the election is held, the regular hours are from 9 o'clock in the morning until 11 at night on the day of the election. It is not in the hall—it is in the hall and the members pass in and out all during the day.

Acting Chairman COMMONS. Oh, they do?

Mr. SHOVLIN. They are not in there for any length of time.

Acting Chairman COMMONS. Did you also have a machine for referendum purposes?

Mr. SHOVLIN. The machine for all purposes of balloting except the election judges and clerks. That would be done at a regular meeting.

Acting Chairman COMMONS. When was this action in regard to the machine? In April, you say?

Mr. SHOVLIN. In April some time; yes.

Acting Chairman COMMONS. Any other instances that you have? What other causes of dissatisfaction?

Mr. SHOVLIN. I don't know of any others particularly.

Acting Chairman COMMONS. Have you any questions, Mr. Garretson?

Commissioner GARRETSON. What is to hinder the individual passing before the machine and punching each candidate a couple of times?

Mr. SHOVLIN. The machine don't allow that. It only allows them to vote one name for each office.

Commissioner GARRETSON. And repeating is not possible with this?

Mr. SHOVLIN. I don't believe it is possible.

Commissioner GARRETSON. What is to hinder a man coming back?

Mr. SHOVLIN. Got a clinch about it.

Commissioner GARRETSON. If the judges of election are as corrupt on each side as is here inferred, what is to hinder the man from marching around in a circle and going through the performance again?

Mr. SHOVLIN. Possible chance of coming back; the machine is not—he can only vote once each time he comes back, and the other way he could vote half a dozen times.

Commissioner GARRETSON. The percentage would be greater under the old plan than under the new?

Mr. SHOVLIN. Yes, sir.

Commissioner GARRETSON. Has there ever been any instance in an election by referendum where there were more ballots cast than members entitled to vote?

Mr. SHOVLIN. I believe at this last election there was.

Commissioner GARRETSON. You stated that the presiding officer violated parliamentary procedure when he refused to entertain a motion and did refuse to entertain an appeal?

Mr. SHOVLIN. Yes, sir; I did.

Commissioner GARRETSON. I was just wondering, after your statement that whichever side got in certain things occurred, whether or not, in your statement to the presiding officer, when you told him what you thought of him, that you used parliamentary language altogether.

Mr. SHOVLIN. I never used anything that was not fit to use here.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. Mr. Shovlin, how long have you been a member of the miners' organization here; I mean the Western Federation?

Mr. SHOVLIN. I don't know just exactly. Frank Conners was in there as secretary when I went in; I can not say exactly?

Commissioner O'CONNELL. Ten or fifteen years?

Mr. SHOVLIN. About 14 years; I wouldn't state that positively.

Commissioner O'CONNELL. That is not necessary to state positively. Have you an idea of what the membership of No. 1 was at that time—it was No. 1, then, wasn't it?

Mr. SHOVLIN. Yes. I did not take an active part at that time, and I couldn't say.

Commissioner O'CONNELL. During your membership what was the largest membership ever had by No. 1 in the city or in the district?

Mr. SHOVLIN. I believe the largest membership was about 8,000. It was at the time Dan Sullivan was president.

Commissioner O'CONNELL. How long ago was that?

Mr. SHOVLIN. I can't tell that exactly.

Commissioner O'CONNELL. Four, five, or eight years?

Mr. SHOVLIN. He stated here a while ago when he was president here.

Commissioner O'CONNELL. Oh, the gentleman that was on before you?

Mr. SHOVLIN. Yes.

Commissioner O'CONNELL. What is the membership of No. 1 now?

Mr. SHOVLIN. I haven't the least idea.

Commissioner O'CONNELL. What is the membership of the organization that you now represent—what do you call it?

Mr. SHOVLIN. The mine workers.

Commissioner O'CONNELL. The mine workers?

Mr. SHOVLIN. It has fifty-four hundred and something, I believe.

Commissioner O'CONNELL. Fifty-four hundred?

Mr. SHOVLIN. Fifty-three or fifty-four hundred.

Commissioner O'CONNELL. In that organization there is what is known and pronounced as I. W. W. men?

Mr. SHOVLIN. Yes.

Commissioner O'CONNELL. What number of that class of men hold membership in your organization?

Mr. SHOVLIN. A very small percentage.

Commissioner O'CONNELL: Five or 10 per cent?
Mr. SHOVLIN. I couldn't state.
Commissioner O'CONNELL. Approximately?
Mr. SHOVLIN. I couldn't state, but a very small number, though.
Commissioner O'CONNELL. Do they hold affiliations in any way with the national organization of the I. W. W.? Have they a branch of any of them here?
Mr. SHOVLIN. The I. W. W.? They have a propaganda like, here. That is all I know.
Commissioner O'CONNELL. That does not hold a charter from the general organization of the I. W. W. at headquarters of Chicago or Detroit?
Mr. SHOVLIN. I haven't any idea.
Commissioner O'CONNELL. You know there are two organizations of the I. W. W., one with headquarters at Chicago, and one with headquarters in Detroit?
Mr. SHOVLIN. Yes.
Commissioner O'CONNELL. A split between these two organizations, one having for its purpose the evasion of all contractual relations with employers, as stated before our commission, the practice of sabotage, if necessary; the other just reverse. You do not know which of the parties the I. W. W. here are?
Mr. SHOVLIN. Are affiliated with, no.
Commissioner O'CONNELL. Do you know whether they practice sabotage here in any way?
Mr. SHOVLIN. I don't know.
Commissioner O'CONNELL. Have there been any rumors that they have?
Mr. SHOVLIN. I never heard of anything.
Commissioner O'CONNELL. While this is not a matter for our commission to look into personally, what would be necessary to bring the miners of Butte all back into one organization?
Mr. SHOVLIN. For them to join the mine workers.
Commissioner O'CONNELL. That is the coal mine workers?
Mr. SHOVLIN. No; the Butte mine workers.
Commissioner O'CONNELL. Oh, your organization?
Mr. SHOVLIN. Yes, sir.
Commissioner O'CONNELL. That would be the cure of the disease, if there was any disease?
Mr. SHOVLIN. Yes, sir; I believe so.
Commissioner O'CONNELL. Then you have, I take it, among yourselves the policy that your organization is correct and the other is wrong? Of course if yours is the correct policy, the proper thing would be for them to affiliate themselves with you?
Mr. SHOVLIN. We believe ourselves to be correct, to be the correct policy, and if it is not correct in the minds of the others they have the privilege of correcting where they see it is wrong.
Commissioner LENNON. Have you a constitution of the new union?
Mr. SHOVLIN. Yes, sir.
Commissioner LENNON. In print?
Mr. SHOVLIN. Yes, sir.
Commissioner LENNON. Will you furnish a copy?
Mr. SHOVLIN. We will furnish you with one, yes.
("The Constitution and By-Laws of the Butte Mine Workers' Union," Butte, Mont., adopted July 19, 1914, was submitted in printed form.)
Commissioner LENNON. That is all.
Acting Chairman COMMONS. Did I understand you to say that personally you belonged to the I. W. W. or not?
Mr. SHOVLIN. No, sir; you didn't understand me to say that.
Acting Chairman COMMONS. You say you do not?
Mr. SHOVLIN. No, sir; I do not belong.
Acting Chairman COMMONS. And never have?
Mr. SHOVLIN. No, sir.
Acting Chairman COMMONS. Your action in this matter is solely based on local conditions?
Mr. SHOVLIN. Yes, sir.
Acting Chairman COMMONS. And not on any general principles of philosophy?
Mr. SHOVLIN. Only on the philosophy of industrial unionism, not that as preached by the I. W. W. I am an industrial unionist, but not an I. W. W.
Acting Chairman COMMONS. Are you a Socialist?
Mr. SHOVLIN. No, sir. That is, I don't belong to the Socialist Party.
Acting Chairman COMMONS. That is all. Mr. O'Brien.

TESTIMONY OF MR. W. L. O'BRIEN.

Acting Chairman COMMONS. Give your name and address, please.

Mr. O'BRIEN. 9 East Granite, Butte, Mont.

Acting Chairman COMMONS. Are you a miner?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Are you employed now?

Mr. O'BRIEN. Not now.

Acting Chairman COMMONS. How long since you have been employed, Mr. O'Brien?

Mr. O'BRIEN. Six months.

Acting Chairman COMMONS. Are you a member of the new organization?

Mr. O'BRIEN. I am.

Acting Chairman COMMONS. You have heard what Mr. Shovlin has just now said regarding questions asked. Have you anything to add to what he has said as representing the causes of dissatisfaction and the results which led up to the new organization?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. In the first place, do you affirm all the things that he did say?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Now, what points have you to add as an additional cause of disturbance?

Mr. O'BRIEN. Company control.

Acting Chairman COMMONS. And what is your reason for affirming company control?

Mr. O'BRIEN. Inasmuch as whenever any vital subject came up, the company sent the men home from work, and paid them.

Acting Chairman COMMONS. Sent them home from work?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And paid them?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. What is your evidence of that?

Mr. O'BRIEN. Men have told me, that worked in the mine, that the boss came to them and told them to go down and vote the amendment down, told them to go down and vote against so and so, as he was a radical or Socialist; and further, whenever anything came up it was easily discerned that there was company control, when there was men attending to the hall that were never seen there before excepting when something of that kind came up.

Acting Chairman COMMONS. Then I take it your evidence is based upon what men have told you as to what the shift bosses have done?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. That the foremen or shift bosses have told them to do?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And were they men who had done as the shift boss had directed?

Mr. O'BRIEN. They came home, but they always didn't vote the way the shift boss wanted them. The shift boss he don't always know what is in a man's mind. But invariably they did vote as the shift boss wanted, I don't say.

Acting Chairman COMMONS. You say that the men told you that the shift boss laid them off on company's time?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. To go to these meetings?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Can you give specific instances?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And names of individuals who have told you that this was the case?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Will you be willing to furnish the commission with the names?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Will you do it now or will you submit that later?

Mr. O'BRIEN. I will submit it later.

Acting Chairman COMMONS. Please submit us such a list. When will you submit that?

Mr. O'BRIEN. This afternoon probably.

(See O'Brien Exhibit No. 1.)

Acting Chairman COMMONS. Is there anything further that you have to add?

Mr. O'BRIEN. I would say, if you are after the things that led up to the revolt in this union, that there are numerous things besides company control. Inasmuch as everything in nature dies, I presume the Western Federation has about outlived its usefulness and we buried it, although rather violently. The contract system has a good deal to do, together with the rustling cards; also corruption of officials, excessive assessments improperly applied, and so on and so forth.

Acting Chairman COMMONS. Do you agree with Mr. Shovlin on those points?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. How long have you been in Butte?

Mr. O'BRIEN. Ten months and seven days.

Acting Chairman COMMONS, What mine have you worked in?

Mr. O'BRIEN. Just one—Elmoriu.

Acting Chairman COMMONS. Where had you worked in the mining business before you came here?

Mr. O'BRIEN. All over the world—Africa, Australia, New Zealand, Tasmania, Canada, Alaska, Mexico, this country, and South America.

Acting Chairman COMMONS. And your birthplace is where?

Mr. O'BRIEN. Ireland, County Cork.

Commissioner O'CONNELL. You come from a pretty good county.

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Have you been a member of labor organizations in other countries than this country?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. What countries?

Mr. O'BRIEN. Australia, Africa, New Zealand, Tasmania.

Acting Chairman COMMONS. Metalliferous mining or coal mining?

Mr. O'BRIEN. Metalliferous.

Acting Chairman COMMONS. Do you have any questions?

Commissioner O'CONNELL. Yes. How long were you a member of the Western Federation of Miners?

Mr. O'BRIEN. Twelve years.

Commissioner O'CONNELL. You have been in Butte, you say, 10 months now?

Mr. O'BRIEN. Yes; and seven days.

Commissioner O'CONNELL. How long since you have been employed in a mine here?

Mr. O'BRIEN. Six months.

Commissioner O'CONNELL. You have been out six months?

Mr. O'BRIEN. Was sick half of it; took pneumonia.

Commissioner O'CONNELL. Then you really worked about four months in the mine here?

Mr. O'BRIEN. Yes.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Has there been presented to you evidence as to the corruption of the union officials?

Mr. O'BRIEN. Yes.

Commissioner LENNON. From the records or simply from conversation?

Mr. O'BRIEN. Conversations, and both.

Commissioner LENNON. Was the matter ever brought before the union?

Mr. O'BRIEN. Not to my knowledge.

Commissioner LENNON. Why wasn't it? You weren't here probably—you know why it wasn't brought before the union?

Mr. O'BRIEN. Because we could get no redress. You would be apt to be thrown from the window or called a socialist, or an I. W. W., or an anarchist, or any other one of the six.

Commissioner O'CONNELL. It is impossible to throw them through the window just now?

Mr. O'BRIEN. No.

Commissioner LENNON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any questions? Jacob Oliver.

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WESTERN AMERICANA

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TESTIMONY OF MR. JACOB OLIVER.

Acting Chairman COMMONS. Will you give your name?

Mr. OLIVER. Jacob Oliver, 215 East Quartz.

Acting Chairman COMMONS. Are you working in the mine, Mr. Oliver?

Mr. OLIVER. Yes, sir. I have not been working in the mines for six weeks. The last mining work I worked was Mountain View.

Acting Chairman COMMONS. That is an Anaconda mine?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. How long have you been in the district?

Mr. OLIVER. In this district? Twenty-nine years and seven months.

Acting Chairman COMMONS. And what mines have you been working in?

Mr. OLIVER. In practically every mine in Silver Bow County of any size.

Acting Chairman COMMONS. Have you had any official position in the miners' union in this time?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Never have had?

Mr. OLIVER. Never held office in the miners' union in my life.

Acting Chairman COMMONS. Have you had any official position in the city, county, or State?

Mr. OLIVER. Yes; I was deputy inspector of mines in 1890, 1891, and 1892.

Acting Chairman COMMONS. That is 25 years ago?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Just briefly on that point, have conditions in the mines improved since that time?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Materially?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Have you followed that carefully so that you could give this commission accurate information as regards the improvements?

Mr. OLIVER. Well, I believe I am aware of what improvements have taken place.

Commissioner O'CONNELL. We would be glad to hear what improvements have taken place in the mines since you were inspector.

Mr. OLIVER. Twenty-five years ago the man that was on the day shift in the wintertime would hardly see daylight. At that time when he worked on day shift they worked 10 hours; now he works 8. Twenty-five years ago, if a miner left Butte, in the majority of the outside camps you would receive three or four dollars per day, laborers or muckers three dollars. That was the standard wages throughout the State practically, with the exception of Butte, and perhaps Elkhorn was the only other camp that I recall that was paying the wage of three-fifty per day. In Marysville the Drum Lummon mine workers were paid $3 per day; hammer and drill men and timbermen were paid three and a quarter, and mine men were paid three and a half. So, if the old union hadn't done anything else to maintain the high standard of wages that was established by the old Butte Miners' Union in 1878——

Acting Chairman COMMONS. What about the health conditions in the mines, ventilation, and things of that kind?

Mr. OLIVER. I believe at the present time there is more miner's consumption in the Butte district than ever there was before. While I believe the company to some extent has done their best, or at least made efforts to improve sanitary conditions in the mines, yet I think there is a whole lot of improvement that still could be made.

Commissioner O'CONNELL. What are they now, if you have them right in mind?

Mr. OLIVER. For instance, in driving drifts, cross-cuts, opening up new ground, they could introduce a system of air courses. This method was in vogue here in Butte 25 years by one or two of the companies, and that was about all. In the majority of quartz mines, I am sorry to say, ventilation is not considered, or not to any great extent, unless the men happen to get in places where it is impossible for them to do a shift's work. Then, of course, for their own benefit the different companies then go to work perhaps and install pipe lines or fans, drafts, or something of that kind, to make circulation.

Acting Chairman COMMONS. What is this method that you said was in vogue 25 years ago?

Mr. OLIVER. One of the systems was having air courses.

Acting Chairman COMMONS. Describe the air-course system.

Mr. OLIVER. Well, for instance, in driving a drift——

Acting Chairman COMMONS. Yes.

Mr. OLIVER. The cross-cuts over the timbers, or the sets, that is, in drifts, either by the establishment of a pipe, or a box, making an air current so that there will be an inlet and an outlet for air to make circulation.

Acting Chairman COMMONS. Just go right ahead.

Mr. OLIVER. Making a drift, shaft, or whatever it may be, and then comes in as a rule, it comes in the drift and goes back over the timbers.

Acting Chairman COMMONS. Is it a pipe?

Mr. OLIVER. It all depends; sometimes there is a pipe and sometimes it is a box.

Acting Chairman COMMONS. It is a forced draft; it is forced up to the base of the cut?

Mr. OLIVER. No; it is done naturally; there is no force connected with it, just simply making an air current.

Acting Chairman COMMONS. If it is a drift that is being driven into a new opening, there would be no air courses there except what would be driven?

Mr. OLIVER. Well, you have got to make one; you make one, you see, by sealing up all the crevices and make it air-tight over your drift or your cross-cut, and that will make a circulation then.

Acting Chairman COMMONS. Is that required by the State law?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Was it ever required?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. How did it happen to be in vogue years ago?

Mr. OLIVER. I believe it was introduced by Ben. Tibby.

Acting Chairman COMMONS. How does it happen to have been dropped since that time?

Mr. OLIVER. Well, I don't know. There was an old saying around here that all Ben. Tibby thought about was ventilation. We used to have a josh on Ben.

Acting Chairman COMMONS. When you were inspector, did you have power to require an air course under such circumstances?

Mr. OLIVER. When I was deputy mine inspector the deputy inspector had practically no power at all to enforce anything.

Acting Chairman COMMONS. Has the inspector now authority to order that kind of change?

Mr. OLIVER. I do not believe he has but very little power.

Acting Chairman COMMONS. Not very much power?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Have you been connected with the union so that you could give us the causes that led up to this disruption? You have heard the testimony on that point?

Mr. OLIVER. Yes; I have.

Acting Chairman COMMONS. Are there any of those points you care to comment upon?

Mr. OLIVER. Well, I believe the main causes that led up to the eruption and explosion and revolt, whatever you call it, was dissatisfaction with the old officials of the union, mainly.

Commissioner GARRETSON. The local or general officials?

Mr. OLIVER. Local and general, both.

Acting Chairman COMMONS. Specify some of the dissatisfaction.

Mr. OLIVER. I believe the main cause was the little details more than anything else. For instance, I might say lack of courtesy, mainly, and perhaps in some of the officials' incompetency. I believe if the business of the union was conducted on a business principle that this eruption would not have happened. I believe a majority of the miners in Butte are union men and believe in union principles. In fact, the real contention is that, and the real fight is, or what the men consider, really a better union.

Acting Chairman COMMONS. What, for example? What other feature of the activities of employees or procedure of the older officials, former officials, besides lack of courtesy, have you in mind? Is that the only thing you think of? That certainly would not be adequate to cause a revolution.

Mr. OLIVER. Well, for instance—well, there is lots of little things working up to it until, of course, it comes to a revolt. I believe the revolt came through, we might say, the refusal of the president to grant Mr. Shovlin, I

believe was the man to make the motion in the miners' union for a rising vote whether or not on the adoption of the amendment to the constitution——

Acting Chairman COMMONS. Regarding the machine?

Mr. OLIVER. Regarding the machine; yes, sir.

Acting Chairman COMMONS. You think that was an important cause?

Mr. OLIVER. I do; yes, sir.

Acting Chairman COMMONS. What other causes?

Mr. OLIVER. Well, then, there was another one, I think; another incident that came under my notice was the day that the president of the union had trouble at the High Ore mine.

Acting Chairman COMMONS. This instance that was referred to?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. And his statement was correct on that, was it not?

Mr. OLIVER. I believe in its essence it was correct.

Acting Chairman COMMONS. What other, then?

Mr. OLIVER. Well, I believe that is about all. I think those are all.

Acting Chairman COMMONS. Are you connected with the old union or the new?

Mr. OLIVER. I am still a member of the old union.

Acting Chairman COMMONS. Regular; paying up?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. At the present time?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Have you any questions?

Commissioner GARRETSON. Yes. I gathered from your general statement there that this one last act of refusal to entertain a motion, a proper parliamentary motion——

Mr. OLIVER. Yes.

Commissioner GARRETSON. I take that it was under either your parliamentary procedure or new law that it was the straw that broke the camel's back?

Mr. OLIVER. That is the way it looks to me.

Commissioner GARRETSON. It was the culmination of a great series of—well, mosquito bites?

Mr. OLIVER. Well, yes; that is it.

Commissioner GARRETSON. In your experience in dealing with men, is it not that discontent is usually brought to a head by little things instead of big things?

Mr. OLIVER. That is my idea of things.

Commissioner GARRETSON. You spoke that it used to be a josh that—what is that manager's name?

Mr. OLIVER. Ben Tibby.

Commissioner GARRETSON. Worked for ventilation, is that the phrase?

Mr. OLIVER. Yes, sir.

Commissioner GARRETSON. And that was contrasted among the men, that others worked for dividends?

Mr. OLIVER. Well, I presume that was the idea.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman COMMONS. Mr. Lennon?

Commissioner LENNON. You spoke regarding the increase of miner's consumption now from 25 years ago. What class of people worked in the mines 25 years ago? Who were they?

Mr. OLIVER. They were English, Irish, and Americans.

Commissioner LENNON. Are the people now working in the mines somewhat more anemic or less capable of resisting the inroads of consumption than was the truth with races that were here 25 years ago?

Mr. OLIVER. I don't think so.

Commissioner LENNON. You think the people who are here now, mixed races, are just as capable of resisting consumption as were the races you speak of?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. You do?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. What had the union to do with the introduction of the eight-hour workday in the mines?

Mr. OLIVER. Well, the first agitation for the eight-hour day, that I remember, was in 1888 and 1889. In 1891 an eight-hour measure was introduced in the legislature and was defeated, I think, by a vote of 30 to 31. It seemed that the Democrats and Republicans got together and made it as near a tie vote as they could so that neither one of the parties could be blamed, or at least that is the way it was stated at the time. At that time, even, some of the members and some of the officers of the union signed a petition opposing the eight-hour law—opposing the eight-hour law that was introduced at that time.

Commissioner LENNON. Some of the miners opposed it?

Mr. OLIVER. There was a considerable number of miners opposed to it.

Commissioner LENNON. Well, did the union ever take any action against the introduction of the eight-hour day?

Mr. OLIVER. No, sir.

Commissioner LENNON. But were they active in promoting its enactment?

Mr. OLIVER. I believe the majority of the union were very active in promoting it.

Commissioner LENNON. And that has been maintained ever since?

Mr. OLIVER. No; the eight-hour law was passed in 1901.

Commissioner LENNON. But you have had no cessation of the eight-hour day?

Mr. OLIVER. Since it became a law?

Commissioner LENNON. Since it was introduced.

Mr. OLIVER. No, sir.

Commissioner LENNON. You have been working in the mines a long time. What degree of heat can men work under in the mines without material injury?

Mr. OLIVER. Well, I should say that a man could work in the mines—it is pretty hard to work in the mines at any degree of heat without material injury, because any place—in time if a man works in a place that the air is contaminated, it naturally injures his health. But, of course, I believe a man could—the average man could work where the heat would be, say, 65, or possibly 70.

Commissioner LENNON. Well, are there any places in the mines where the depth is considerable that the temperature does not exceed 65?

Mr. OLIVER. Oh, yes, sir; there are several.

Commissioner LENNON. There are?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. I guess I had better keep away from that subject. I am not a scientist on that.

In the mines that I have personally visited, I have found as we went down the heat increased in all of them, both coal mines and mineral—all mines that I have visited.

Mr. OLIVER. Well, that is natural.

Commissioner LENNON. I have been a visitor; I have not been a scientist or anything of that kind.

Mr. OLIVER. That is natural. The deeper you go, it naturally gets hotter.

Commissioner LENNON. But I can not now recall a case where I went down fifteen and eighteen hundred feet, where I found a temperature of 65°. As I say——

Mr. OLIVER. Well, we have places in Butte, I believe, that run as high as 90 degrees, very few places that are not hot.

Commissioner LENNON. Who do you know in this city that would be considered an expert on a subject of this kind?

Acting Chairman COMMONS. Do you consider Mr. Gillie an expert on that subject?

Mr. OLIVER. Well, I should judge that Mr. Gillie ought to be as capable a witness as you could get on that question.

Acting Chairman COMMONS. Is there anybody better?

Mr. OLIVER. I don't know of anybody; no.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. You spoke, Mr. Oliver, of the question of the vote at the meeting as the final thing; that is, that the suppressing of that vote on election by use of the machine.

Mr. OLIVER. Well, Mr. Chairman——

Acting Chairman COMMONS. Yes.

Mr. OLIVER. The vote really wasn't suppressed. The vote had already been taken, and the chair, after being counted by the secretaries, decided that the amendment to the motion was carried. Then there was an appeal taken from

the chair, or rather a division of the house was called for, and the chair refused to entertain that motion.

Acting Chairman COMMONS. Well, now, was this question, was this issue very important, substituting a machine system for the other system of election? Was that an important issue in the organization?

Mr. OLIVER. I believe that the other side considered it an important question.

Acting Chairman COMMONS. That is, of course, the side that——

Mr. OLIVER. Was in favor of the machine.

Acting Chairman COMMONS. Was in favor of it?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And what were the grounds of their considering it so important a question?

Mr. OLIVER. Well, they claimed that—their contention was that it was cheaper, that it would not cost the union so much to hold the election. That was the contention, or their argument, that they put forth in advocating the use of the machines.

Acting Chairman COMMONS. Well, from your knowledge of the cost of conducting elections under the system which the union has had, would it be cheaper to run it by a machine?

Mr. OLIVER. Well, I don't believe it would have been but very little cheaper.

Acting Chairman COMMONS. How much time does it take, and how many judges and so on, to count the ballots?

Mr. OLIVER. Well, they usually take a week or two to count the ballots.

Acting Chairman COMMONS. Well, who are the officials that count the ballots?

Mr. OLIVER. The clerks and judges that is elected the week previous to the election at the regular meeting.

Acting Chairman COMMONS. Now, the election is held in the hall, is it?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And the votes are about 4,000 votes that are cast?

Mr. OLIVER. Well, they run all the way from 4,000, sometimes over 5,000.

Acting Chairman COMMONS. And how many candidates are there up usually?

Mr. OLIVER. Oh, sometimes 50 or 60 candidates.

Acting Chairman COMMONS. And how many offices to be filled?

Mr. OLIVER. When there is an election for delegates to the Western Federation convention, there is something like 30 offices to be filled.

Acting Chairman COMMONS. And how many judges?

Mr. OLIVER. Generally, six judges and four clerks is the general rule.

Acting Chairman COMMONS. Are these judges selected by the candidates?

Mr. OLIVER. No; these judges and clerks are selected by the union at the regular meeting preceding the election.

Acting Chairman COMMONS. Well, then, if there are two factions or two sets of candidates, there is no provision by which each set of candidates can have its judges or watchers?

Mr. OLIVER. Not at the election; no, sir.

Acting Chairman COMMONS. There would be at a political election in a State, wouldn't there?

Mr. OLIVER. Well, the minority party is supposed to get representation, of course, at a general election politically.

Acting Chairman COMMONS. But there is no provision in this for a minority representation in the matter of judges and clerks?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Was that also one of the reasons for demanding this ballot?

Mr. OLIVER. I believe that was one of the reasons they set forth.

Acting Chairman COMMONS. Did they demand also minority representation in the judges of election?

Mr. OLIVER. I don't recollect that any such demand was made. The only time that the candidates have representation is for the selection of the clerks and judges, and when this selection takes place the candidate who runs for president names his own tellers, and I happened to be chosen for one of the tellers there at the last election.

Acting Chairman COMMONS. By a candidate?

Mr. OLIVER. By a candidate; yes, sir.

Acting Chairman COMMONS. I take it, then, that your idea of the explanation of this dissatisfaction is that it largely turned on the machinery of the union; that it was not such that it secured a fair expression of the vote of the membership?

Mr. OLIVER. Well, that is what it is claimed. In fact, one fellow got up there in the union and he says, "Well," he says, "if you fellows will get the clerks and judges, you will win. If we get the clerks and judges, we win." And he was a candidate himself.

Acting Chairman COMMONS. Well, then, your suggestion—what is your suggestion, or have you any to offer?

Mr. OLIVER. My suggestion would be that each candidate should be represented on the board of judges.

Commissioner LENNON. Well, if you had 50 candidates that would make rather a large force.

Mr. OLIVER. Well, each candidate there would be a candidate for the office of president.

Commissioner LENNON. Yes.

Acting Chairman COMMONS. That each candidate should be allowed to elect, should be entitled to judges and clerks?

Mr. OLIVER. Yes, sir; should have at least a minority the same as any political party in a general election.

Acting Chairman COMMONS. That is, you would copy what has been copied in the primary election?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And in judges of the ordinary elections that you have for public officials?

Mr. OLIVER. That is my idea, sir.

Acting Chairman COMMONS. Well, do you feel that there is any other issue more fundamental than that of the division caused in this union?

Mr. OLIVER. No.

Acting Chairman COMMONS. This question of industrial unionism has been brought out. Do you consider that that is an important issue here?

Mr. OLIVER. No; I don't really think so, only in so far that the industrial unionists, of course, would naturally take advantage of any trouble that might come up, and jump to the front. But I don't believe the I. W. W.'s are very strong in Butte, from my observation.

Acting Chairman COMMONS. And this charge that the men are company men, what is your judgment regarding that?

Mr. OLIVER. Well, there was a good deal of race feeling in connection with that.

Acting Chairman COMMONS. Of what kind of a feeling?

Mr. OLIVER. Race feeling.

Acting Chairman COMMONS. Race?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. How is that?

Mr. OLIVER. Well, the majority of those men who were discharged at that time were Finlanders.

Acting Chairman COMMONS. Socialists?

Mr. OLIVER. Well, they were supposed to be Socialists. Now, I don't know, if my observation of it is true, I don't see what reason, the company had, if they wanted to get rid of the Socialists, why they would fire the Finlanders, because the great majority of the Finlanders are not voters. Therefore they would have no say as to the decision of the elections in Silver Bow County.

Acting Chairman COMMONS. Well, then, why should they be discharged because they are Finlanders?

Mr. OLIVER. Well, I don't know.

Acting Chairman COMMONS. What race discharged them?

Mr. OLIVER. Well, I guess they were all races that got after them at that time; that is, the foremen. I believe that there is men of every race almost holding jobs either as shift bosses, foremen, or superintendents in the different mines.

Acting Chairman COMMONS. Well, then, I can't quite understand. You ascribe the division to race feeling, and you turn it on the Finlanders. You must assert some race or some other combination of races against the Finlanders.

Mr. OLIVER. Well, it came on to my notice when the referendum vote was taken on whether or not the union should go out on strike, or the miners should go out on strike, to compel the company to reinstate those discharged men.

The sentiment seemingly throughout the camp was that the men would be sustained; in other words, the company would be compelled to reinstate those men. But in general conversation with the men I found that a sentiment was

opposed to going out on strike to reinstate the Finlanders. There were several reasons given, mainly on account of they claimed the action of the Finlanders at that time in Michigan. Some years ago it seems that the Finns refused to organize in Michigan. And the sentiment here at that time, I believe the sentiment of the Americans and I believe of the English and the Irish were opposed to the Finlanders. They said, "They drove us out of Michigan and other places. They are not going to drive us out of Butte." I heard that expression several times.

Commissioner GARRETSON. Well, then, wasn't the racial question really applied to the question of reinstatement and not to the question of discharge?

Mr. OLIVER. Well, I could not say as to that.

Commissioner GARRETSON. Wouldn't that show?

Mr. OLIVER. They were men of different races discharged at that time. They were not all Finlanders, although I believe the majority were Finlanders.

Commissioner GARRETSON. What is the buzzer system?

Mr. OLIVER. What?

Commissioner GARRETSON. What is the buzzer system?

Mr. OLIVER. The buzzer? Well, that is the—that is a small machine. It is what is called a hammer drill, and it is supposed to be used by one man, and in drilling uppers or holes—that is, looking straight up—it is a very handy machine at times for drilling short holes, plugs, and that like in mines, but, of course, those machines can not be used universally, because they are not practicable for drilling water holes.

Commissioner GARRETSON. In your opinion is there any relation between the operation of these machines and health conditions or not?

Mr. OLIVER. Well, I don't believe the buzzer machine would tend to lengthen the life of the miner by any means.

Commissioner GARRETSON. Are there enough of them used that they would have any direct effect except on the ones operating them?

Mr. OLIVER. That is all, I take it.

Acting Chairman COMMONS. That is all, Mr. Oliver. The commission will stand adjourned until 2 o'clock.

(And thereupon, at 12.25 o'clock p. m. of this, Friday, August 7, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Acting Chairman COMMONS. The commission will come to order. Mr. Rankin. Is Mr. Rankin here—J. B. Rankin?

TESTIMONY OF MR. J. B. RANKIN.

Acting Chairman COMMONS. Give your name.

Mr. RANKIN. J. B. Rankin.

Acting Chairman COMMONS. Your address?

Mr. RANKIN. Anaconda, Mont.

Acting Chairman COMMONS. What is your line of work?

Mr. RANKIN. Mill work—concentrator. I work in the concentrator at the smelter.

Acting Chairman COMMONS. At the smelter—how long have you been working there?

Mr. RANKIN. Nearly 15 years.

Acting Chairman COMMONS. What are the wages at the smelter?

Mr. RANKIN. Three dollars and up.

Acting Chairman COMMONS. What class get more than $3?

Mr. RANKIN. Well, there are different classes in the concentrator and converter and glass. It runs up as high as four and four and a half.

Acting Chairman COMMONS. Is this a scale that is agreed upon in the contract that has been spoken of?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Is there a smeltermen's union separate from the miners' union?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Well, you may give the history of that union. How was it organized?

Mr. RANKIN. It was organized, I think, about 1901—some time in the latter part of 1900 or 1901—the beginning of 1901, or some place about there; and all

employees at the smelter—that is, the mill and smelter, with the exception of the tradesmen—belong to the mill and smelter union, chartered by the Western Federation of Miners.

Acting Chairman COMMONS. Does that maintain a separate organization from the miners' union?

Mr. RANKIN. A separate local.

Acting Chairman COMMONS. A separate local?

Mr. RANKIN. Yes; it is chartered by the Western Federation of Miners.

Acting Chairman COMMONS. What is the number and name?

Mr. RANKIN. Anaconda Mill and Smeltermen's Union, No. 117.

Acting Chairman COMMONS. How many members of that union?

Mr. RANKIN. Well, it will run around 1,700.

Acting Chairman COMMONS. How many are employed in the mill and smelter that are eligible?

Mr. RANKIN. That is, under our jurisdiction?

Acting Chairman COMMONS. Yes, sir.

Mr. RANKIN. I judge around all the way, probably, from seventeen to eighteen hundred; sometimes it will run more than that. It might go as high as 1,900. We have had as high as 2,200 members, but now, lately, it has gone down. The last—those showing in good standing—you know what I mean in good standing; a man entitled to sick benefits—the 1st of July was fourteen hundred and something; but that will vary, the chances are, 200 in a month. But it hangs around sixteen fifty to seventeen hundred; it will average that.

Acting Chairman COMMONS. There are about 2,300 employees, are there not, in the plant?

Mr. RANKIN. Oh, I believe more than that. You mean tradesmen and all?

Acting Chairman COMMONS. No; just the various——

Mr. RANKIN. No, sir; there is not that many under our jurisdiction.

Commissioner O'CONNELL. You have all over whom you claim jurisdiction, as I take it?

Mr. RANKIN. We are entitled to have all of them.

Commissioner O'CONNELL. But there are more or less employed, and your organization goes up and down?

Mr. RANKIN. Yes; we don't bother anyone unless he is working steadily. If a man comes along and works probably a few days and moves along, he is never bothered. Unless a man gets fairly good pay for a couple of months we don't bother him.

Acting Chairman COMMONS. Everybody that is working there over two months and eligible to your organization becomes a member?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Does your organization have a grievance committee to take up any complaints?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. How is that constituted?

Mr. RANKIN. Why, the two secretaries and president of the union always constitute the grievance committee.

Acting Chairman COMMONS. And what is the nature of grievances that are taken up?

Mr. RANKIN. Oh, that differs. About the only grievances that we have is men sometimes think they are discharged for nothing, and they will come to the union with their grievance and we will go to the management with it.

Acting Chairman COMMONS. What attitude does the union take regarding discharges by foremen?

Mr. RANKIN. Well, we don't have very much of it. There has only been, I believe, two cases reported in the last year.

Acting Chairman COMMONS. That is, the union gives the company a free hand regarding all discharges?

Mr. RANKIN. Oh, yes. Yes; that is, unless there is complaint made to the union that a man considers that he is discharged without any just cause—why, he comes to the union with it.

Acting Chairman COMMONS. How many of those complaints are there?

Mr. RANKIN. Well, I think there was two in the last year back.

Acting Chairman COMMONS. Only two members; two discharged men made complaint?

Mr. RANKIN. Yes; made complaint direct to the union.

Acting Chairman COMMONS. To the union?

Mr. RANKIN. Yes.

Acting Chairman COMMONS. You are president of the union, are you?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. How long have you been president?

Mr. RANKIN. Since—well, I was elected in June last year and reelected June this year again.

Acting Chairman COMMONS. So that during the time you have been president there have been about two complaints?

Mr. RANKIN. Two complaints; that is what there was, if I remember correctly; just two.

Acting Chairman COMMONS. The question has been brought up here with reference to the miners' union regarding the discharge of Socialists. What is the attitude of your union on that matter, or have Socialists been discharged in similar ways?

Mr. RANKIN. I haven't heard any mention whatever of it.

Acting Chairman COMMONS. There never has been any discharged?

Mr. RANKIN. Not that I know anything about. We never—I don't know of any case where a man was discharged because he was a Socialist or anything else, as far as that goes.

Acting Chairman COMMONS. The question has never come up to your union, then, regarding the discharge of Socialists?

Mr. RANKIN. Well, not that I know anything about. Not in my time.

Acting Chairman COMMONS. That is, that means during the past 15 years?

Mr. RANKIN. Well, there was Socialists here some years ago, but I don't know. There was something going on at that time, but whether or not it was socialism or not I don't know. I am not in position to say what it was.

Acting Chairman COMMONS. What improvement has been made in the working conditions or in the operations under the jurisdiction of your union?

Mr. RANKIN. Improvements in what way?

Acting Chairman COMMONS. Well, as for hours of labor, first?

Mr. RANKIN. Well, we have enjoyed the same conditions as Butte and all the other departments of the company.

Acting Chairman COMMONS. How long has that been?

Mr. RANKIN. The same time as the eight-hour law went into effect.

Acting Chairman COMMONS. And the sanitary conditions—protection of health?

Mr. RANKIN. It looks pretty good to me. I think it is as good as could be. There was a time when accidents were pretty—there was a good many accidents when the new works first started out, that is only on the air line. There was a few that was killed in other parts, but I guess there were more killed on the air line than any other department. And I think it was young fellows trying to run the engines too fast, as near as I can tell.

Acting Chairman COMMONS. You have a benefit system?

Mr. RANKIN. Which?

Acting Chairman COMMONS. A benefit system?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Does it cover the same as the miners?

Mr. RANKIN. Pay sick and funeral benefit.

Acting Chairman COMMONS. To the same amounts, same amounts?

Mr. RANKIN. Ten dollars a week sick benefit.

Acting Chairman COMMONS. Any question?

Commissioner GARRETSON. Yes; I would like to ask one or two.

Acting Chairman COMMONS. Go ahead.

Commissioner GARRETSON. With regard to what you said is the attitude of your union about men being discharged or protecting them in their employment: Do you recognize the right of the company to discharge any man if they consider him for any reason, business or otherwise, undesirable?

Mr. RANKIN. Well, they claim that right.

Commissioner GARRETSON. I say, do you recognize that right?

Mr. RANKIN. Oh!

Commissioner GARRETSON. Does your union recognize it?

Mr. RANKIN. Well, I can't say that it does.

Commissioner GARRETSON. Does your union set up, as the average labor union does, that as long as a man properly performs the service for which he is hired that his discharge without specific cause is not justified?

Mr. RANKIN. Well, I have only been on two cases, and that is all I know anything about. In one of those cases in particular we had the man reinstated.

Commissioner GARRETSON. You demonstrated that he had been unjustly discharged, in other words?

Mr. RANKIN. Yes; that is, through the foreman.

Commissioner GARRETSON. How is that?

Mr. RANKIN. The foreman was as much to blame; they considered the foreman was as much to blame as the man.

Commissioner GARRETSON. Yes. In other words, there were extenuating circumstances there?

Mr. RANKIN. Yes.

Commissioner GARRETSON. There have only been two cases presented in a union that has an average membership of probably 1,600 men?

Mr. RANKIN. Yes.

Commissioner GARRETSON. Two cases in a year?

Mr. RANKIN. I have been on two cases in my time.

Commissioner GARRETSON. That of itself is rather fair evidence that the membership of the union itself recognizes that it would be hopeless in a general way to bring cases there, does it not?

Mr. RANKIN. I don't see why it should be.

Commissioner GARRETSON. How many men have been discharged in the period of a year?

Mr. RANKIN. Oh, I am not in position to answer that.

Commissioner GARRETSON. Haven't any idea?

Mr. RANKIN. No; I haven't any idea. I could not answer that.

Commissioner GARRETSON. Don't you know what the general rate of discharge among your membership is?

Mr. RANKIN. Well, no, I don't. Men are coming and going there every day. I don't know whether they are discharged or not. If they are discharged, they say nothing about it. I don't know anything about that. I couldn't answer that, how many are discharged.

Commissioner GARRETSON. Well, doesn't the average labor union keep some track of the inroads upon its members?

Mr. RANKIN. Well, we try to.

Commissioner GARRETSON. A protective labor organization.

Mr. RANKIN. We try to keep track of them, but men will come there and be there months, you know, and then they will drop out.

Commissioner GARRETSON. Well, I am not speaking of discharge of men in increase or decrease of force. I am speaking of men who are in regular employment and who are removed, fired.

Mr. RANKIN. I understand. Well, I am not in position to answer how many are fired. No; I can't answer that because I only work in one department, and men being fired in that department there are very few.

Commissioner GARRETSON. Well, I would suppose that regular reports were made by the men in all departments as to the occurrences in their departments.

Mr. RANKIN. Well——

Commissioner GARRETSON. What is laid down as the object of your organization?

Mr. RANKIN. Why, the object of the organization is the same as laid down by the Western Federation of Miners—protect the workingmen.

Commissioner GARRETSON. Is the union founded on the basis of the protective feature—that is, protecting a man in his service is one of the greatest benefits that can come to him?

Mr. RANKIN. Yes.

Commissioner GARRETSON. In other words, protecting him against the caprice ordinarily of subordinate representatives of the employer?

Mr. RANKIN. Well, that is what it is supposed to be; yes.

Commissioner GARRETSON. But still it has only worked out two cases in a year?

Mr. RANKIN. I said there was only two cases reported to the union.

Commissioner GARRETSON. Well, I mean it has worked out that the union has had official notice of two instances?

Mr. RANKIN. That is all.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Any questions?

Commissioner LENNON. Mr. Rankin, has your union been divided, as evidently has been the case in Butte recently?

Mr. RANKIN. Which?

Commissioner LENNON. Is your union, the smeltermen's union, divided up as it is in Butte?

Mr. RANKIN. No, sir.
Commissioner LENNON. They are still intact?
Mr. RANKIN. Yes, sir.
Commissioner LENNON. Still affiliated with the Western Federation?
Mr. RANKIN. Yes, sir.
Commissioner LENNON. Have you ever had in your union any of the complaints that we have heard here, regarding elections of officers, for instance, that were supposed to be unjust?
Mr. RANKIN. That is, you mean anything wrong about the elections?
Commissioner LENNON. Elections; yes, sir.
Mr. RANKIN. None that I have heard tell of.
Commissioner LENNON. You have heard of nothing of the kind?
Mr. RANKIN. No, sir.
Commissioner LENNON. Are the conditions that you have over in Anaconda maintained generally throughout the United States in similar plants—the wages, for instance?
Mr. RANKIN. The wages?
Commissioner LENNON. Yes.
Mr. RANKIN. Well, the lowest wages paid is $3 a day. I don't know what they pay in other parts of the country.
Commissioner LENNON. You don't?
Mr. RANKIN. That is the lowest paid.
Commissioner LENNON. Yes. That is all, Mr. Chairman.
Acting Chairman COMMONS. That is all.
Commissioner GARRETSON. Let me ask about one other matter: Have you ever seen any evidence of an effort on the part of the company to secure the vote of its employees in any given direction politically?
Mr. RANKIN. Well, I can't say that I did; that is, directly; no.
Commissioner GARRETSON. Well, how indirectly?
Mr. RANKIN. Oh, I have heard it said that the company wanted a certain party elected, or something like that.
Commissioner GARRETSON. How is the news passed around?
Mr. RANKIN. Oh, well, I don't know; the news started and then it goes around. Of course, no person ever said anything to me.
Commissioner GARRETSON. You don't know of any instance where there have been specific instances?
Mr. RANKIN. You mean direct orders?
Commissioner GARRETSON. Oh, no. Requests is a better word.
Mr. RANKIN. Well, I have heard it said in a general way that the company wanted a certain ticket elected.
Commissioner GARRETSON. Have you ever heard that expressed by a man whom you had reason to believe was a direct representative of the company's will?
Mr. RANKIN. Oh, no; I can't say that; no. Fellows that lined up with the party that wanted the party elected, I suppose.
Commissioner GARRETSON. Then you have no direct knowledge on that subject?
Mr. RANKIN. I have never mixed in politics close enough to be led that way.
Commissioner GARRETSON. You are not a political agent?
Mr. RANKIN. Not a political agent; no; never was.
Commissioner GARRETSON. That is all.
Acting Chairman COMMONS. That is all.
Mr. Mathewson.

TESTIMONY OF MR. E. P. MATHEWSON.

Acting Chairman COMMONS. Give your name and address, Mr. Mathewson.
Mr. MATHEWSON. E. P. Mathewson, Anaconda, Mont.
Acting Chairman COMMONS. Your position?
Mr. MATHEWSON. Manager of the Washoe reduction works of the Anaconda Copper Mining Co.
Acting Chairman COMMONS. What do you mean by reduction works?
Mr. MATHEWSON. Where ores are reduced to the metal.
Acting Chairman COMMONS. Reduced what?
Mr. MATHEWSON. Brought to metal; metal is extracted from the ores.
Acting Chairman COMMONS. Will you describe the processes, just briefly, so that we may have an idea?
Mr. MATHEWSON. You mean of our particular plant?

Acting Chairman COMMONS. Yes.

Mr. MATHEWSON. The ore is brought from Butte; is for the most part put into what is known as a concentrator, where by the action of gravity and water we separate the waste material from the better ore, richer ore. This we call concentrating and about three tons of the ore coming from Butte will be concentrated into one ton of concentrates.

These concentrates are then sent to the roasting furnaces, where the sulphur, surplus sulphur, is extracted by heat. Then the calcine, as it is then called, or roasted material, is put into melting furnaces, either blast furnaces or reverberatory furnaces, and melted. This material is melted down and separated in that way from a lot of worthless material; we get two products—a slag, which is thrown away, and a mat, which contains the copper, silver, and gold in the ore. This mat runs possibly between 40 and 50 per cent in copper. This material is then taken to the converters and in these furnaces—this material is taken molten to the converters—and in these furnaces air is applied under pressure, and the iron and sulphur in the mat are eliminated. The sulphur goes off in gas and the iron is fluxed with some silicious ore and makes a slag. This slag is poured off and returned to the blast furnaces for further treatment, as it contains values, both in metal and as a flux. There is left nothing, then, but the copper containing the silver and gold. This copper containing the silver and gold is put into what we call casting furnaces. In these furnaces it gets a rough refining, the object being to get the metal to such a state that it can be poured into molds, and the plates thus formed will have an even, level surface or nearly level surface; if it were not refined, the surface would be very irregular, and the metal would not be in shape for the next step in the process of refining. We call these plates of metal anodes. These anodes we ship to our refinery in Perth Amboy, N. J., where they are treated and the different metals extracted. Certain of the ores in Butte are rich enough to go direct to the blast furnace without any preliminary treatment. Those ores are mixed with flux and melted with coke as fuel in the blast furnace. The product is the same as in the reverberatory furnace, mat and slag. The mat is the same composition and takes the same treatment. The slag is mixed with the slag from the reverberatory furnace, and is of no further value and is thrown away.

Commissioner GARRETSON. Isn't that process in the handling of the ores the same as what is known in free milling?

Mr. MATHEWSON. Yes. Free milling is a term that does not apply to copper ores.

Commissioner GARRETSON. At all?

Mr. MATHEWSON. It does to gold.

Commissioner GARRETSON. Well, gold and silver, too.

Mr. MATHEWSON. Yes; gold and silver ore; but our ore is known as sulphide ore, and has to go through this treatment.

Acting Chairman COMMONS. Then the next is——

Mr. MATHEWSON. Roasting, to remove sulphur, then melting or smelting. That is, the smelting proper.

Acting Chairman COMMONS. What process does reduction cover?

Mr. MATHEWSON. That covers the whole business.

Acting Chairman COMMONS. Concentrating, reduction, and smelting?

Mr. MATHEWSON. Yes, sir; it is reducing the metal from the ore to the metallic state.

Acting Chairman COMMONS. The term you used, ore smelting, where does that come in?

Mr. MATHEWSON. That is the same word as melting. Smelting and melting are synonymous terms.

Acting Chairman COMMONS. The term reduction covers the whole process?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. Is this unskilled labor, all of it?

Mr. MATHEWSON. No, sir.

Acting Chairman COMMONS. How large a force is unskilled?

Mr. MATHEWSON. All the helpers and common laborers around the plant are unskilled. The furnace men are skilled men, and men after a little practice in the different departments become skilled and more valuable to us than ordinary new men coming in.

Acting Chairman COMMONS. How many employees altogether in these processes?

Mr. MATHEWSON. Usually we have in the whole plant about 2,300 men employed.

Acting Chairman COMMONS. What proportion would be unskilled?

Mr. MATHEWSON. Probably half of them would be unskilled men.

Acting Chairman COMMONS. What proportion are three dollar and a half men?

Mr. MATHEWSON. It is pretty hard to tell you. I could get you a list of the men and give you all those rates, but offhand I could not tell you.

Acting Chairman COMMONS. How high up does it go?

Mr. MATHEWSON. We go up on our regular pay roll to $4 for furnace men. Furnace men get $4, and there are men in the concentrators that get $3.50. Most of the men get $3 in the concentrators. In the roasting department the men are $3 men. There is a furnace man on each shift that gets $4, and the helper gets $3. In the converter the skimmers get $3, and the crane men get $4. Some men get $3.50, and the balance $3. In the blast furnace the feeders and tappers get $4, and the helpers get $3. In the stationary engineer's department, where the compressers are, the men get $4, and the helpers get $3. Most of them are engineers.

Acting Chairman COMMONS. All of the work is continuous, is it?

Mr. MATHEWSON. Continuous except in trade work, which is stopped on Sunday.

Acting Chairman COMMONS. And three shifts?

Mr. MATHEWSON. Three shifts.

Acting Chairman COMMONS. And how do you arrange the change in shifts?

Mr. MATHEWSON. They change at 7 and 3 and 11.

Acting Chairman COMMONS. Well, on day and night shifts?

Mr. MATHEWSON. Every two weeks they change. One shift will work a long shift and the other come in its regular turn again.

Acting Chairman COMMONS. What would be the long shift, 16 hours?

Mr. MATHEWSON. Sixteen hours; it would be 16 hours.

Acting Chairman COMMONS. A man works 16 hours how often?

Mr. MATHEWSON. He would work 16 hours and lay off 16 hours.

Acting Chairman COMMONS. How often?

Mr. MATHEWSON. Once in two weeks. Immediately after that shift he will lay off 16 hours.

Commissioner GARRETSON. Every two weeks?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. One shift doubles and the other two spread?

Mr. MATHEWSON. Yes, sir; that is it.

Acting Chairman COMMONS. How long have the conditions been as you have now described them?

Mr. MATHEWSON. You mean how long has the plant been in operation?

Acting Chairman COMMONS. I mean how long have the wages and hours and shifts been on this basis?

Mr. MATHEWSON. Well, ever since I have been connected with the plant it has been like that, except the wages. The wage question was settled in 1907, when this contract was entered into with the mill and smeltermen's union and other unions.

Acting Chairman COMMONS. How did that contract affect it? Was there a change in the wages?

Mr. MATHEWSON. Yes, sir; it raised the wages for a great many of our common laborers.

Acting Chairman COMMONS. What had they been paid?

Mr. MATHEWSON. They had been paid two dollars and a half. A good many of them had been paid two dollars and a half a day.

Acting Chairman COMMONS. It affected probably half?

Mr. MATHEWSON. I think as much as half.

Acting Chairman COMMONS. Those now getting $3 would have been getting two fifty?

Mr. MATHEWSON. Some of them had been getting $3 a little before that. There was some agitation before the contract was made and some increase had been made in certain departments, but the bulk of the increase was made at that time.

Acting Chairman COMMONS. How long have you been in charge?

Mr. MATHEWSON. In actual charge since the 1st of June, 1903, but I was in charge of a department of the plant for a year previous.

Acting Chairman COMMONS. Since 1903 what changes have been made in the matter of health or the protection of health of the workmen have you entered into?

Mr. MATHEWSON. The health?

Acting Chairman COMMONS. Yes, sir.

Mr. MATHEWSON. We have done away with the clay mill—what was known as the clay mill—where powdered ore was in the air considerably. We have put in ventilators wherever we could see they would do any good. We have improved the flue system so as to get the deleterious gases away from contact with the employees. We have put up all manner of safety appliances to prevent the men from having accidents, and in every way we could think of we have tried to improve the conditions of the men. We have also introduced a first-aid system in case of accidents. We have on the pay roll of the company a professional nurse, and we have a first-aid room, and we have all manner of first-aid appliances there, and medicines and bandages and so on, to attend to the men promptly in case of accident. This is all at the company's expense and has nothing to do with the hospital fund, which is a separate fund and is worked something like it is worked here in Butte at the mines. We collect from the men a dollar a month and turn that over to the Sisters Hospital, the only hospital in town, and for that dollar the men get medical attendance and hospital attendance.

Acting Chairman COMMONS. Would your accident figures be comprised in the others we have asked for?

Mr. MATHEWSON. Yes, sir; the same claim agent looks after the mine as the smelter.

Acting Chairman COMMONS. The previous witness stated that the company has complete control of the matter of the discharge for any reason or no reason whatever. Is that the way in which the management operates the removal of men from employment?

Mr. MATHEWSON. No, sir; our arrangement regarding the removal of men from the employment is this: We put it up to the foreman in charge of the different departments to hire their own men, and if the men are not satisfactory to discharge them. If the man is discharged, the foreman must send in a report to the general manager's office, and state the reason of the discharge, or if a man is laid off for more than 10 days, the same thing must be done, the same report must be made. Then if the man is not satisfied with the explanation given him by his foreman, he has the right to come to the office either himself or come through the union. They very seldom come through the union, but frequently come themselves.

Acting Chairman COMMONS. To whom would they come?

Mr. MATHEWSON. They come to me generally.

Acting Chairman COMMONS. Or to the next——

Mr. MATHEWSON. Or to the next man in charge.

Acting Chairman COMMONS. Who is the next man in charge?

Mr. MATHEWSON. Mr. Laist, who is called general superintendent of the plant.

Acting Chairman COMMONS. In case you take action or arrive at the opinion that the man has been unreasonably discharged, what action do you take with reference to the foreman?

Mr. MATHEWSON. You say if he has been unreasonably discharged?

Acting Chairman COMMONS. Yes.

Mr. MATHEWSON. I generally call the foreman up to my office and have him explain his side of the story, and if his explanation is satisfactory to me I let the thing stand as it is. If it is not satisfactory to me, I tell him to put the man back to work.

Acting Chairman COMMONS. Have you done that?

Mr. MATHEWSON. I have done that many times. Put the man back to work many times. I consider the foreman didn't use good judgment. If I found it was a personal difference between the foreman and the man—that is, some personal equation came in and the man was a capable man and capable of giving good service to the company—I have changed him to some other foreman. I have done that also frequently.

Acting Chairman COMMONS. Would you consider requiring a foreman to take back a man he has discharged——

Mr. MATHEWSON. Beg pardon.

Acting Chairman COMMONS. Would you consider requiring a foreman to take back a man he has dismissed? Does not that weaken his discipline?

Mr. MATHEWSON. I don't allow him to take him back unless he is willing to take him back. If I can persuade him to take him back, all right. I never force him to take him back.

Acting Chairman COMMONS. He must find another foreman?

Mr. MATHEWSON. He must either find another foreman or get out.

Acting Chairman COMMONS. Do you have this system that has been described as the rustling card?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. Where is that card secured for your work?

Mr. MATHEWSON. At our gate—the gate of the plant.

Acting Chairman COMMONS. And who has charge of that?

Mr. MATHEWSON. There is a special clerk on that job called an employment agent.

Acting Chairman COMMONS. And what is his name?

Mr. MATHEWSON. Mr. Martin.

Acting Chairman COMMONS. Is he under the general direction of the general employment office?

Mr. MATHEWSON. No, sir; he is under my direction solely.

Acting Chairman COMMONS. Solely?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. What are the questions which are asked on the employment blank?

Mr. MATHEWSON. I am not sure that I can recall all of them, but they are simply something like this: The man's name is asked, his birthplace, and his age, and where he last worked. He is asked if he is an American citizen and if he has any property in Anaconda. I think that is about all that is on the list.

Acting Chairman COMMONS. You have 2,300 men employed—that is, steadily—we will say. How many are on the list that have cards permitting them to rustle?

Mr. MATHEWSON. Oh, there are a great many. I think the number now is up around fifteen or sixteen thousand. This system has been in vogue for a long time in Anaconda.

Acting Chairman COMMONS. Of course, then, you don't keep a record with reference to the men on the ground? The great bulk of those have left town?

Mr. MATHEWSON. Oh, yes; a great many of them have come and gone.

Acting Chairman COMMONS. Can you state how many men you hire in a year in order to keep up your force of 2,300.

Mr. MATHEWSON. I could not state with any degree of accuracy. I can get the figures.

Acting Chairman COMMONS. Can you state by the month?

Mr. MATHEWSON. I say I could not do that with any degree of accuracy; it varies very much. Some seasons we have a great many men coming in and changing, and in other seasons they work very steadily.

Acting Chairman COMMONS. Could you furnish a statement that would show the number of men hired during the year?

Mr. MATHEWSON. I could furnish it for recent years; yes, sir.

Acting Chairman COMMONS. Will you furnish such a statement?

Mr. MATHEWSON. Yes, sir. For how many years back would you like it?

Acting Chairman COMMONS. For one year is sufficient.

Mr. MATHEWSON. During the past year.

Acting Chairman COMMONS. That means the number of men—the number of new men taken on by foremen.

Mr. MATHEWSON. During the year; yes, sir.

Acting Chairman COMMONS. It should include also the number of men dismissed.

Mr. MATHEWSON. That would be a separate thing. I might say there are very few men discharged in our plant.

(The following communication was subsequently received from Mr. Mathewson:)

BUTTE, MONT., *August 8, 1914.*

The number of rustling cards issued by the reduction works of the Anaconda Copper Mining Co., Anaconda, Mont., from July 1, 1913, to August 1, 1914, was 1,926; the number of men discharged in same period was 35.

There were several hundred men added to our force during this period for construction work and included in the 1,926.

E. P. MATHEWSON,
Manager Reduction Works,
Anaconda Copper Mining Co., Anaconda, Mont.

COMMITTEE,
United States Labor Commission.

Acting Chairman COMMONS. Apparently there is no such thing as discharge here; simply the foreman don't take them on; is that it?

Mr. MATHEWSON. They are laid off. The men are laid off sometimes. If a foreman gets a notion he don't like a man, he will lay him off, and the man gets discouraged and stays away. That is the way some foremen act. If a man is real quarrelsome or drunk or something like that and generally useless to the foremen, they simply discharge them; but it is very seldom they do discharge them.

Acting Chairman COMMONS. Have you ever considered concentrating your employment in the hands of a chief employment agent directly in your office?

Mr. MATHEWSON. Have I ever considered what?

Acting Chairman COMMONS. Ever considered the proposition of changing the system and not permitting the foremen to hire and discharge men, but having them hired directly from the central office?

Mr. MATHEWSON. We used to have a system something like that, but it was very unsatisfactory.

Acting Chairman COMMONS. In what way?

Mr. MATHEWSON. Well, it resulted in nepotism; they would have friends and relatives that would be coming around and wanting jobs. They would come and bring influence to bear on the office, and somebody would say he would like for Tom, Dick, or Harry to have a job, and we would give him a note to some foreman, and he would put him on because he had a note from the office. And the result was that we had two men for every job on the plant, and when times got hard we had to change the method, and we took the foremen into our counsel and asked them how it was they had so many men on the job when really there wasn't work for them.

They said the men were sent from the office, and he could not get any work out of them and had to hire other men. We made this ruling—that the foremen should be absolutely responsible for the hiring and discharging of the men, and we would hold the foremen responsible for the work, and if there were any men in his employment who were beyond work—been faithful servants of the company in the past—we should send them up to the office and we would take care of them.

Acting Chairman COMMONS. I was thinking of a little different plan that is in vogue at different places—that the foreman would simply make a requisition. When he has discharged a man or has laid off a man, he makes a requisition on the office, so that there would not be this piling up of men waiting to be put to work. That does not follow that that centralized system requires that there be men kept in such large numbers on the reserve list. It could be operated in a different way from what you have described.

Mr. MATHEWSON. Well, the great trouble would be, you have three shifts, day and night. You would have to have somebody in the employment office day and night to supply these men. The nearest approach we have to that system is the timekeepers' office. If a foreman is shy a man, he telephones up to the timekeeper, and says, "Send me down a rustler; we are short a man."

But our great trouble has been too many men seeking employment. The men are too numerous, and at times we have to shut off rustling cards altogether on account of too many men coming into town. We are very seldom short of men.

Acting Chairman COMMONS. I should think your system encourages men coming here and hanging around without any opportunity of steady employment. It encourages the accumulation of idle men in the town who will hang on and think that they might possibly secure work, but secure only a small amount of work. Now, isn't that the effect of your system?

Mr. MATHEWSON. There is a certain amount of that. They hang around a while, but they very soon get to know whether or not they are going to get on. After they have rustled a little while, they tumble to the fact there is not likely to be a vacancy in the particular department in which they are rustling and go on to the next place, but most of our men are very steady and the chances for a rustler are extremely slim, and the man who rustles is generally a newcomer or floater who just comes around for a few days to see if he can get a job and rustles a few shifts, and if he don't strike a job, he goes on some new place.

If a man rustles faithfully for a month, they are pretty sure to get a job, but they don't do that. They try two or three days, and are not satisfied with getting a job and so they go on.

Acting Chairman COMMONS. It don't seem to me that is a very good system.

Mr. MATHEWSON. It has worked out in our case very satisfactorily. We haven't had any trouble.

Acting Chairman COMMONS. I wonder if we could get accurate figures that would show the number of men that are hanging around rustling, as compared with the number of men that have steady work?

Mr. MATHEWSON. Well, in ordinarily busy seasons under normal conditions perhaps we will have 20 rustlers there a day.

Acting Chairman COMMONS. Out of 2,300?

Mr. MATHEWSON. Out of 2,300 men working there will be 20 rustlers at the gate every day, under normal conditions. With hard times, there would be 200

Acting Chairman COMMONS. Well, that is a very small proportion, 20 for 2,300 probably would be very small.

Mr. MATHEWSON. Yes, sir; that is about the proportion.

Acting Chairman COMMONS. What is the method that you have in dealing with personal injury cases?

Mr. MATHEWSON. We make a report of every accident, and give the names of the witnesses and so on; file that report with the claim agent at Butte, and he attends to the matter, we have nothing further to do with it.

Acting Chairman COMMONS. It is all turned over to him?

Mr. MATHEWSON. It is all turned over to the claim agent at Butte.

Acting Chairman COMMONS. Does he have his representative there?

Mr. MATHEWSON. No, sir; we are his representatives. We make the investigation and the foreman makes the report.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. You stated that when the employment agent did the hiring that nepotism entered into it to a certain degree. Do you find that your foreman is less human than the employment agent in that direction?

Mr. MATHEWSON. Well, he is for this reason: We hold the foreman responsible for the work where we could not hold him before.

Commissioner GARRETSON. What measure of efficiency have you for making a comparison on?

Mr. MATHEWSON. We know how many tons a day he should get out of a certain product with a certain number of men, and there are a certain number of men sent to a certain job, so many men to a furnace. He can't put more than that on. He has a limited number to put on each furnace.

Commissioner GARRETSON. How would he do in the old days?

Mr. MATHEWSON. Put them on any way he liked. Let them hide around behind boxes or anywhere.

Commissioner GARRETSON. Didn't you hold him responsible for that?

Mr. MATHEWSON. We tried to whenever we could catch him, but there was no way of catching him.

Commissioner GARRETSON. You can catch him easier now?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. You say there are very few men discharged. They don't discharge unless a man gets on a drunk, but you suspend him and refuse to put him back again. What is the difference between discharge and suspension of that character?

Mr. MATHEWSON. Well, in one case a man would have to get a new card and go to rustling all over again in some other department, and in the other case he has his brass check and can go in anywhere and has a better chance than a rustler.

Commissioner GARRETSON. You mean a man suspended in one department, while under that suspension, can work in another department?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. That is a new one. That is all.

Acting Chairman COMMONS. Mr. O'Connell, any questions?

Commissioner O'CONNELL. No questions.

Acting Chairman COMMONS. That is all. Mr. Daly.

TESTIMONY OF MR. WILLIAM B. DALY.

Acting Chairman COMMONS. State your name.

Mr. DALY. William B. Daly.

Acting Chairman COMMONS. Your business?

Mr. DALY. General superintendent of mines for the A. C. M. Co.

Acting Chairman COMMONS. I think we were asked to substitute you for Mr. Lentz.

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. On the ground that you had installed this rustling, card system?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. And were informed about its workings?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. Have you brought with you the blanks and forms we requested yesterday that Mr. Lentz should get?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. Will you kindly file them?

Mr. DALY. This is a form of record——

Acting Chairman COMMONS. By the way, I should like to have you start in at the beginning of the system and describe it in regard to what inquiries are made, and we will not ask you any questions, but you describe it in your own way.

Mr. DALY. The first thing that is done if a man seeks employment is to apply at the office for a rustling card. When he makes application he is required to fill out and sign this blank.

Acting Chairman COMMONS. Let the reporter have that.

Mr. DALY. The blank is as follows:

(Place for number.)

APPLICATION FOR EMPLOYMENT, A. C. M. Co., BUTTE, MONT.

Name of applicant, age, birthplace, if foreign born, are you a citizen of the United States_____

Trade or occupation_____

Were you ever in the employment of this company? If so, in what mine or in what department were you last employed?_____

State date of leaving last employment_____

Can you read and write English?_____

Single or married; if married, where does your family reside?_____

My present address is_____

Date and place for the signature of the applicant_____

When he has filled out this application blank, if he has never received a rustling card before and has not been in the employment of the company at any time since the installation of the department, he is required to furnish a previous service record—that is, to state the name of his employer and the time that he worked for the different employers, the period of years, and so on, that have passed since the installment of the office.

Acting Chairman COMMONS. Is that on the blank?

Mr. DALY. No, sir; it is written on the back of this blank in longhand, that information. When he has done that he is given this card.

(The paper so presented was marked "Document Serial No. 390, August 7, 1914, Witness Daly.")

Mr. DALY. This card is as follows:

A. C. M. Co., BUTTE, MONT.

Application No. _____.

Name_____

Date of issue_____

ANACONDA MINING CO.

By — the party issuing the card.

On the reverse side of this card—to connect the story—after having received this card, he proceeds to rustle in any of the departments of the company he wishes. If he obtains employment, he presents this card to the timekeeper at the first shift—the beginning of the first shift, and signs his name on the back of it. The timekeeper then fills in the balance of it at the desk in the mine or department and designates the time or department that he is employed and the date of starting and his trade or occupation. The timekeeper signs that and returns it to the office. That completes that part of the card, and the card is taken up.

Commissioner LENNON. Do you file the card or make a book record from the card?

Mr. DALY. We make a book record from the form I have just presented and file the card also.

Acting Chairman COMMONS. You didn't speak of that book record.

Mr. DALY. This is the form. The record is kept in loose-leaf form. This is one of the leaves on which the record is kept.

(The record referred to was submitted in printed form.)

Commissioner GARRETSON. The column headings agree with the blanks on the card in general?

Mr. DALY. Precisely.

Commissioner GARRETSON. Every line is a virtual copy of the application and card?

Mr. DALY. Well, this states the name and number and date of application, and date employed, mine or department, and date left service.

Commissioner GARRETSON. Oh, I see.

Mr. DALY. That completes our record for a job.

Commissioner GARRETSON. In conjunction with the card, it gives the man's record?

Mr. DALY. Exactly. Every one of those lines will give a man 12 jobs before he would have to be transferred to another page.

Commissioner GARRETSON. That is, you mean he could be employed 12 times in the same department or be employed once in 12 departments?

Mr. DALY. Either way.

Commissioner GARRETSON. Either way?

Mr. DALY. Yes, sir.

Commissioner GARRETSON. Or six times in two departments?

Mr. DALY. He can get as many cards as he can get jobs.

Acting Chairman COMMONS. That is, there is a separate rustling card for each column?

Mr. DALY. Yes, sir; for each line and for each job he must secure a new card. In that connection, with new men who have applied for work who have not worked for the company before, a form of information of previous record of service is obtained. After issuing the card the information is checked up by correspondence. This is the form of letter that is sent out to the parties for whom he claims to have worked. Do you wish to make that a part of the record?

Acting Chairman COMMONS. Yes.

(The blank record referred to was submitted in printed form.)

Acting Chairman COMMONS. You may go on.

Mr. DALY. I was going to read it, if you wanted to hear it; but if you prefer to look at it and examine it, all right.

Commissioner GARRETSON. That provides for the return of the inquiry to you?

Mr. DALY. Precisely.

Acting Chairman COMMONS. It is filled out?

Mr. DALY. Yes.

Acting Chairman COMMONS. The answer is filled in.

Commissioner GARRETSON. It says, "Please reply herein."

Mr. DALY. The purpose of that is having this reply upon the letterhead, that without that a great many replying would not refer to the name, who the man was that was inquired about, and when they replied we wouldn't know who it was that they had replied about—the name of the one we inquired of.

Commissioner GARRETSON. It has developed also that there is another good purpose to be served in that direction, has it not?

Mr. DALY. I do not know of any.

Commissioner GARRETSON. I do not know that it has in your business, but it has in others.

Mr. DALY. I would not see how it could be covered by that.

Commissioner GARRETSON. Well, under the law of some of the States you would probably find that it would have a very serious effect in that direction. It is well to have all your communications on the subject returned.

Mr. DALY. That was not the purpose of this.

Commissioner GARRETSON. Well, that may be, but reference letters are generally.

Mr. DALY. Well, I don't know about that because there are many cases where the letter has not been returned and they will answer upon their own form.

Commissioner GARRETSON. And there have been instances where the failure to return—have you ever known of any instances where the failure to return was hard to get around?

Mr. DALY. No; I have not.

Commissioner GARRETSON. It may not have developed in your business at all.

Mr. DALY. No; there are certain employers who have a very elaborate filing system. Anything that once comes to them is filed, and they never leave it go back. We have numerous instances of where the letter would be filed immediately, and they would answer them on their own forms covering the same information.

Commissioner GARRETSON. I know that is true. I have had occasion to follow references up in my business.

Mr. DALY. Yes.

Commissioner GARRETSON. Where I developed in it not only the information I was looking for but other.

Mr. DALY. Do you wish me to read these or do you wish them filed?

Acting Chairman COMMONS. No. I do not care to read it. That completes your statement?

Mr. DALY. That completes that. I have some of the answers here just for a sample. I would prefer to keep this, because that is our record.

Acting Chairman COMMONS. They are typical answers?

Mr. DALY. Yes. Here is one which says: "Union Lumber Co., Fort Bragg, Cal., dated July 27, 1914. Mr. Harry Ballard, age 25, birth place, Iowa, has made application to this company for employment as miner. He states that he was employed by you as follows: As a craneman, under Mr. Johnson, boss, from December, 1912, to June, 1913. Kindly inform me if this statement is correct. Your reply will be treated confidentially. Yours, very truly, George W. Lentz, superintendent." The answer: "I find that this man was employed here during the time mentioned as a lumber handler and slingman on crane but not as a crane operator."

Here is another one, written to the Gold Tunnel Mining Co., Silverton, Colo.: "Mr. John Ssalonen, age 33, birth place, Finland, has made application to this company for employment as miner. He states that he was employed by you as follows: As a miner at the Highland Mary mine, under Mr. John McClain, boss, from August, 1912, to June, 1913." That is the general trend of all of the replies that come back. If the reply is received the man has not worked there, the reply will say his statement is not correct, don't know him, or something.

Commissioner GARRETSON. Do you ask for the man's record with the company, as a rule, only for the term of his employment?

Mr. DALY. Only as to whether he worked as he has stated; that is all that we ask. The part of the letter which makes inquiry is, "Kindly inform me if this statement is correct."

Commissioner GARRETSON. That is a perfectly legitimate method of inquiry.

Mr. DALY. Yes. Of course I have others, but they are along the same line.

Acting Chairman COMMONS. Your filing system is on this loose leaf; you do not have a system of card filing?

Mr. DALY. No. The record is kept on that form, and then the cards and application are filed in a paper envelope.

Acting Chairman COMMONS. Any questions regarding this? Very much obliged.

Mr. EVANS. I have two deeds you desired, showing the mineral reservation, asked of Mr. Kelley.

Commissioner LENNON. The deeds?

Mr. EVANS. The deeds upon these forms.

(See Kelley Exhibits Nos. 9 and 10.)

Acting Chairman COMMONS. Mr. J. L. Bruce.

TESTIMONY OF MR. J. L. BRUCE.

Acting Chairman COMMONS. Will you kindly give your name?

Mr. BRUCE. J. L. Bruce.

Acting Chairman COMMONS. And your address?

Mr. KELLEY (interrupting). I have here a copy of the medical report.

Acting Chairman COMMONS. Dr. Tuttle's report?

Mr. KELLEY. Yes. And a list of the officers of the Amalgamated Co. I think that is all except some statistical information that is being prepared.

Commissioner GARRETSON. Your Anaconda smelter is this Washoe?
Mr. KELLEY. Yes.
(See Kelley Exhibit No. 8.)
Acting Chairman COMMONS. Mr. Bruce, will you state your business?
Mr. BRUCE. General manager, Butte & Superior Mining Co.
Acting Chairman COMMONS. And your address is Butte?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. Is your company part of the Amalgamated?
Mr. BRUCE. No; it is not.
Acting Chairman COMMONS. Where are your stockholders, mainly?
Mr. BRUCE. The stockholders are quite widely distributed: Boston, New York, Detroit; quite a little stock held in Butte.
Acting Chairman COMMONS. What is your production—copper or zinc?
Mr. BRUCE. Principally zinc, some lead, and a good deal of silver.
Acting Chairman COMMONS. In the mining production much the same as in copper?
Mr. BRUCE. The mining is very similar.
Acting Chairman COMMONS. Similar?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. And the reduction, is that similar?
Mr. BRUCE. Yes; in a general way. It is water concentration. It is followed up by a floatation of concentrates by oil floatation method.
Acting Chairman COMMONS. Is that reduction done here?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. The same as the other?
Mr. BRUCE. It is done at the mine, right close to the mine.
Acting Chairman COMMONS. How long have you been manager of the company?
Mr. BRUCE. About 17 months.
Acting Chairman COMMONS. Have you been employed with them before?
Mr. BRUCE. No, sir.
Acting Chairman COMMONS. How many employees have you?
Mr. BRUCE. Ordinarily about 950.
Acting Chairman COMMONS. Do you have an agrement with the miners' union?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. You have heard what has been said by Mr. Kelley regarding the agreement there, and what has been said by others?
Mr. BRUCE. We have the same agreement.
Acting Chairman COMMONS. The same agreement?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. In all respects?
Mr. BRUCE. I think in every respect. I have never compared them, but I think it is the same thing.
Acting Chairman COMMONS. On the question of removals, that is left to your foreman?
Mr. BRUCE. Discharges, you mean?
Acting Chairman COMMONS. Discharges; yes.
Mr. BRUCE. Formerly the shift bosses discharged the men.
Acting Chairman COMMONS. And if there is any appeal, to whom does it come?
Mr. BRUCE. Well, it may come to their immediate superior officer, or it may come to me; some of them come to me.
Acting Chairman COMMONS. Does it come through the union?
Mr. BRUCE. I do not remember of any instance in which I had a complaint coming through the union.
Acting Chairman COMMONS. The individual appeals directly?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. What are the depths you are working?
Mr. BRUCE. About 1,600 feet.
Acting Chairman COMMONS. What is the capitalization of your company?
Mr. BRUCE. Three hundred and fifty thousand shares of the par value of $10.
Acting Chairman COMMONS. In general, what has been said by witness regarding the Anaconda Co. would apply to this, would it not—wages, hours, agreements, methods of handling their labor?
Mr. BRUCE. Those things are all practically the same.
Acting Chairman COMMONS. Governed by contracts of similar tenor?

Mr. BRUCE. Yes.

Acting Chairman COMMONS. And adopted, one in 1907 and one in 1912?

Mr. BRUCE. I don't know whether our company made any contract in 1907. Ours is one of the younger companies here. They were just commencing operations about that time.

Acting Chairman COMMONS. I believe that is satisfactory.

Commissioner GARRETSON. Just one question: In general you recognize the Anaconda as the wage fixing agency in the district in conjunction with the unions?

Mr. BRUCE. Yes.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Maury.

TESTIMONY OF MR. LOWNDES MAURY.

Acting Chairman COMMONS. Give your name, please.

Mr. MAURY. Lowndes Maury.

Acting Chairman COMMONS. What is your business, Mr. Maury?

Mr. MAURY. I am an attorney at law.

Acting Chairman COMMONS. What is your practice, mainly?

Mr. MAURY. Why, my practice has been very varied. I have been city attorney of the city of Butte; I have worked for the Montana Power Co.; I have been an apprentice in an office that worked for the Clarkes and for the Heinzes. I have prosecuted personal-injury suits; I have defended them. I have been engaged in mining suits, almost every variety of practice except in criminal practice, in the last eight or nine years.

Acting Chairman COMMONS. How long have you been engaged in personal-injury suits?

Mr. MAURY. Oh, I think the first personal-injury suits in which I had any success was eight or nine years ago.

Acting Chairman COMMONS. About how many cases have you handled?

Mr. MAURY. It is impossible for me to say, sir. I think I have handled—my firm has handled as many as 100 a year.

Acting Chairman COMMONS. On which side has your firm usually been?

Mr. MAURY. Both sides. More often for the plaintiff.

Acting Chairman COMMONS. What proportion would you say?

Mr. MAURY. When I was city attorney for two years, more often for the defendant, other times more often for the plaintiff. Probably eight-tenths before I was city attorney for the plaintiff, probably the same proportion for the defendant when I was city attorney. That is an estimate only.

Acting Chairman COMMONS. Is it your idea that a workmen's compensation law would be preferable to the existing system of personal-injury service?

Mr. MAURY. Yes, sir; between master and servant, very preferable.

Acting Chairman COMMONS. How would it affect the business of attorneys, as yourself?

Mr. MAURY. It would put them out of business a year or so after it got to be thoroughly understood.

Acting Chairman COMMONS. You think that would be a desirable end to accomplish?

Mr. MAURY. I do, sir; in that line of work for the men, for the people at large, but of course not for the attorneys.

Acting Chairman COMMONS. How many attorneys in this town are similarly engaged in this personal-injury work?

Mr. MAURY. For the plaintiff?

Acting Chairman COMMONS. Yes; for the plaintiff.

Mr. MAURY. For the plaintiff, not more than 8 or 10 of any large practice. I am including firms by that.

Acting Chairman COMMONS. Are you able to state the number of cases each year by all the firms, or give some idea?

Mr. MAURY. I should say three a week are probably commenced.

Acting Chairman COMMONS. And those are mainly against what companies?

Mr. MAURY. They are against all companies, commenced against all companies, tried against some companies.

Commissioner O'CONNELL. Just what do you mean by that—commenced against all companies and tried against some companies?

Mr. MAURY. There was very rarely a trial against the Anaconda Co. and its associates.

Commissioner GARRETSON. They settled after notice of action was filed; is that the explanation?

Mr. MAURY. They settled, usually, immediately before trial.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. How do the liability or the personal injury lawyers secure their clients?

Mr. MAURY. I know that some of them seek their clients. For my part, I have never sought the work of any man, woman, child, or corporation.

Acting Chairman COMMONS. Are there professional ambulance chasers?

Mr. MAURY. Yes, sir; both for the companies and for the persons injured.

Commissioner O'CONNELL. For the companies to secure settlements?

Mr. MAURY. Yes, sir; and for the companies to get statements from the men when they are in the hospital as to how the accident occurred, and for other reasons.

Commissioner O'CONNELL. When judgments are given by the courts, usually to what amounts or in what amounts?

Mr. MAURY. Are the verdicts?

Commissioner O'CONNELL. Yes.

Mr. MAURY. And judgments?

Commissioner O'CONNELL. Yes.

Mr. MAURY. I have obtained verdicts as high as $25,000, though none for $25,000 has ever been affirmed. There have been affirmances in my firm, myself, as high as $20,000—$21,000, I think—no; $20,000 was the highest. The one I had in mind for $21,000 was settled before final argument in Supreme Court.

Commissioner O'CONNELL. Where settlements are made after cases are filed, how are they usually settled—on what percentage of claims?

Mr. MAURY. Why, that would convey no idea. Suits are brought for fantastic amounts, and that would convey no idea. I have known of suits for $50,000 being settled for $500, and suits for $20,000 being settled for $14,000. It would convey no idea. That is merely dependent on the whim of the lawyer bringing the suit.

Commissioner GARRETSON. Does the amount that is paid in settlement in these settlements immediately preceding the trial, as a general rule, exceed the amount that the plaintiff could have secured before going to trial?

Mr. MAURY. No, sir.

Commissioner GARRETSON. It does not?

Mr. MAURY. No, sir.

Commissionr O'CONNELL. What is usually the basis upon which these attorneys take these cases?

Mr. MAURY. Well, cases against some companies—I can only speak of my own firm—cases against some companies, where it may not go forward to a successful trial, or there is a reasonable chance of it—it does not go to successful trial—we have two rates, one-half and one-third. One-third if the client advances the costs. Against the A. C. M. Co. I never make a contract. The rate is variable. I usually, when it is settled up just before trial, charge something like 10, 15 per cent; but because the client is notified in advance that there can be no recovery except on a settlement, that it is impossible to win against them.

Commissioner O'CONNELL. Has there never been a case tried against this company in which a verdict has been rendered?

Mr. MAURY. In Silver Bow County, not in seven years, where it has been finally affirmed either against the Anaconda mine nor against the North Butte Mining Co., is my study of the statistics and of the court records. Of course, I have not examined all of the court records.

Commissioner LENNON. Is that true of cases tried by jury as well as those heard only by the court?

Mr. MAURY. It is true as to both classes of cases. There can be no recovery against that company in Silver Bow County.

Commissioner O'CONNELL. To what do you attribute that situation?

Mr. MAURY. I attribute it to the situation, political and economic, which has existed for many years and has been constantly growing in intensity.

Commissioner O'CONNELL. Would you indicate by that that these companies were in a position to influence the court?

Mr. MAURY. Yes, sir.

Commissioner O'CONNELL. And juries?

Mr. MAURY. Yes, sir; and companies and attorneys.

Commissioner O'CONNELL. Well, it is pretty hard to beat that game.

Mr. MAURY. That is the situation.

Commissioner GARRETSON. Mr. Chairman, I shall be glad, if the witness has no objection, to hear him state, if he will, how those influences are exerted or how they work.

Mr. MAURY. I can give sporadic instances; be willing to do so. Of course all of the instances I can give must have the connection to know them, Mr. Commissioner.

Commissioner GARRETSON. I shall be very glad indeed to hear that.

Mr. MAURY. Going back for a period of 15 to 18 years, largesses to the judiciary, and as long as 16 or 17 years ago when one particular justice of the supreme court when off the supreme bench he went into the employment of the Boston & Montana Co., now one of the companies composing or merged into the Anaconda Copper Mining Co. Later than that, when a judge was appointed to the district bench here, a day or so after he was appointed, why, there had been an old fee allowed of $5,000 in a receivership case, and the Boston & Montana Co. was appealing from that fee. A day or so after he was appointed to the bench here the fee was paid him in cash. One of the judges on the district bench here was sued for separate maintenance by his wife. A great many of the attorneys for the Anaconda Co. and of the Boston & Montana Co. entered their appearance in his defense. A year or so ago a justice retired from the supreme bench of Montana. He was taken into the employ of one of the street railway companies in Helena on a salary. That is one way in which largesses have been paid and bestowed by the company on the judiciary. There are other ways—employment after they leave the bench. That has not been confined to the Anaconda Copper Mining Co. at all, but it was carried on by the Heinze interests before they started what is called the copper war here.

In the early days of that copper war here one attorney was said to be employed because he had been a partner of a Federal judge before the Federal judge was appointed, and that is the way that—generally the way in which the influence is exerted on the judiciary, leaving out the political support at the elections. Of course the present judiciary was supported at the elections politically by the employees of the Anaconda Copper Mining Co. and the old companies that were merged into this company. The way the juries are influenced here in the Federal court—the influence is caught at the fountain head right now. The Federal jury commissioner, Mr. Brophy, is a man of high ideals, but a political and economic fanatic. He fixes with the clerk of the Federal court the jurors that serve in that court; goes through the city directory and picks out the acceptable and leaves out the unacceptable, and in that way that is controlled right at the fountain head. In the district court here, the State court here, there is a little different method. In watching the drawings of jurors here in this district court, where it is supposed to be by lot from all the 4,000 or more taxpayers of the county, why, you will see come out of the box names that are acceptable duplicated. That has happened right here in this court room. The acceptable will be more often, and the same name will be repeated in the jury box and somtimes be drawn out twice in the same day. The influence that is exerted in the courts when the jurors are actually on trial after they have been hand sorted is more apparent than any other way.

When there is a case against a mining company you will notice the great solidarity of capital and corporations here. You will notice that the case is against the Butte & Alec Scott Co., which is a very small company—you will notice shift bosses from the Butte & Superior or other head servants of the Butte & Superior—if there is a Butte & Superior man on the jury—come here about some immaterial expert matter, and they will qualify as experts and demonstrate that they want one kind of a verdict from that jury. And you will find witnesses—if there are Anaconda men on the jury and the case is against the Butte & Alec Scott Co.—you will find witnesses from the Anaconda Copper Co.'s mines on the most trivial expert questions, and you will see them load them with 9 or 10 witnesses on a little expert question, and sometimes their testimony will be to the ordinary man absolutely false. I have heard nine of them in succession—shift bosses—upon this witness stand in this court room not two months ago go on and swear that 60 per cent nitroglycerin powder was not more dangerous than 40 per cent, and simply for the purpose of influencing the juries and controlling the verdicts.

There are other ways in which those verdicts are controlled. It will be whispered around during the trial that the company has offered so much and no verdict will ever exceed that so much, if that has been the amount offered

in compromise, that will be whispered around. In this particular case that I think of where these nine witnesses followed each other one after the other to prove that 60 per cent nitroglycerin dynamite was not any more dangerous than 40 per cent nitroglycerin dynamite—why, I was told by one of the jurors who heard before the verdict that the company offered that man $5,000, and though he had lost both eyes and one hand in the accident, and in which they found in his favor, the verdict was $5,000. And you hear similar stories all through the trial, and those whisperings speak with the voice of the prophet, you know what is coming.

Commissioner O'CONNELL. You say—Mr. Brophy, I think it was.

Mr. MAURY. Jury commissioner.

Commissioner O'CONNELL. Is a political fanatic, you said.

Mr. MAURY. Why, yes, sir.

Commissioner O'CONNELL. What particular species of politics does Mr. Brophy follow?

Mr. MAURY. Democrat.

Commissioner GARRETSON. That is the first thing you have said, Mr. Maury, that went below the belt.

Mr. MAURY. A Democrat, sir; I say that Mr. Brophy——

Commissioner O'CONNELL. Is that character pretty general with the Democrats in this locality?

Mr. MAURY. In this section; yes, sir. Mr. Brophy was foreman of the jury, or was on the jury, anyway, in the case of Leary *v.* A. C. M.—that is, Anaconda Copper Mining Co. That is about—well, the Leary case, he was on the second jury—that was when the jury decided against Leary. On the first jury he wasn't on there was a verdict against the company. That was seven years ago at least. That was the last verdict against the company; and on the second trial of the case the supreme court reversed it and sent it back for a new trial. On the second trial of the case Mr. Brophy was foreman—was on the jury in the State court and decided against Leary. And after that decision he was retained as jury commissioner. He is a holder of copper interests himself—interested in the Butte Range Copper Co.—and he has sold copper lands to the North Butte Copper Co., receiving large amounts of money. And Mr. Brophy in his own mind is a high-class, intelligent gentleman, but a fanatic.

Commissioner GARRETSON. I would understand from that statement as to his eligibility for jury commissioner that applicants for official position here have to have a rustling card?

Mr. MURPHY. Why, applicants for official position here, I don't know. I have been an applicant for official position, and my rustling card was a membership in the Socialists.

Commissioner O'CONNELL. Just let me ask this question about the jurors: Are there a number of so-called professional jurors, who are around all the time ready to be drawn and serve in these jury cases?

Mr. MAURY. That was noticeable a year and a half or two years ago. We have a provision that a man can serve only once in a year—a calendar year, that is. About half of the jurors that were serving in this department, which was then in another building—this courthouse hadn't been completed then—showed up in December, about half of them were serving in January in another department. But really they were not a bad class of jurors; they were men who were beyond the desire for jobs. They were old stiffs, and they were a pretty good class of men, because they had passed beyond the age where——

Commissioner O'CONNELL. They could use employment; that is beyond the age of assimilation in this atmosphere.

Mr. MAURY. Yes; yes, sir. To a large extent there were no trials against the A. C. M. Co. at that time, as I remember. There might have been one or two, but if there were they were unsuccessful.

Acting Chairman COMMONS. Have you any other point to make?

Mr. MAURY. I was speaking of political qualifications to hold office—I notice one remark of the governor this morning, if I understood the governor, and my hearing is not of the best—the governor said that there has been prosecutions for breaches of the safety appliance act. I was sitting back in the back part of the room. There has never been but one in Silver Bow County. There have been men killed time without number for failure to put the gates on as required by law—there has never been but one prosecution, and that was many years ago soon after the law was passed, and for the purpose of getting it declared unconstitutional.

Acting Chairman COMMONS. Are you familiar with the coroner's inquests?

Mr. MAURY. Yes, sir.

Acting Chairman COMMONS. Coroner's courts?

Mr. MAURY. Yes, sir; I have attended a great many of them, and I knew the personnel of the juries and the universal verdict.

Commissioner O'CONNELL. That is, the universal verdict is——

Mr. MAURY. Is that the man came to his death by touching an electric wire or by a rock falling on him, or by—just the physical facts. They never go into the negligence of the concern for whom he works. I venture to say that of the 40 or 50 coroner's verdicts a year in the last 10 years of mining casualties there has never been a single solitary one in which any blame was laid on the master. I only gain my information from through having been to those trials or coroner's inquests, and from newspapers' accounts. I have been there representing the master; I have been there representing the servant.

Acting Chairman COMMONS. Any other question?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. That will do, Mr. Maury. Much obliged to you. Call Mr. Evans, representing the company.

TESTIMONY OF MR. L. O. EVANS.

Acting Chairman COMMONS. Give your name, please.

Mr. EVANS. L. O. Evans.

Acting Chairman COMMONS. What is your position?

Mr. EVANS. I am chief counsel for the Anaconda Copper Mining Co.

Acting Chairman COMMONS. How long have you been counsel?

Mr. EVANS. Well, I have been counsel for the company, one of the companies, retained and employed by the company, the Anaconda Co., since 1901. I was employed by subsidiary companies to the Amalgamated, which were afterwards merged into the Anaconda Co., prior to that time and from the latter part of 1895.

Acting Chairman COMMONS. Have you had charge of the personal-injury cases of the company?

Mr. EVANS. Well, since I have been chief counsel I have had charge of them, and I have been familiar with them all through; I think all through that period. I have been familiar with all the legal business of the company, and in a large measure familiar with the business affairs of the company, too, from the fact that I have been familiar with most of the important operations of the company.

Acting Chairman COMMONS. Who has defended those cases?

Mr. EVANS. I have, a number of them that have been tried, and in the settlements I have had a great deal to do with them.

Acting Chairman COMMONS. What?

Mr. EVANS. In the settlements and negotiations for settlements and in the actual trials, I have been. I have been in most of the trials and in the settlements. I have had to do and have known of most all of them, I think. The matters that Mr. Maury spoke of, I think I am particularly familiar with them. I have investigated the facts back and forth. I have been in court proceedings where these charges were made by Mr. Maury, and I think am fully familiar with all the facts that go to enter into them.

Acting Chairman COMMONS. What is the position of Mr. Madden with reference to your men?

Mr. EVANS. Mr. Madden is the claim agent; he takes up any case of any difficulty; the question of liability or matters of that kind he takes up with us.

Acting Chairman COMMONS. Who makes the settlements?

Mr. EVANS. He makes the settlements, and it was the practice to allow the men, to pay them something, to try and reach some satisfactory settlement in almost every case. But, of course, in the more serious cases, the question of possible liability of the company, where that enters in, particularly on the questions of legal liability, he takes it up with the attorney.

Acting Chairman COMMONS. Does Mr. Madden act under your advice?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Your legal advice?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Do you ever aim to secure a release from all employees who have had accidents?

Mr. EVANS. Where there is a settlement.

Acting Chairman COMMONS. Where a settlement is made?

Mr. EVANS. Yes; certainly.

Acting Chairman COMMONS. In all cases?

Mr. EVANS. Yes, sir; all cases. All cases where settlements are made we take releases, complete releases; that is, complete as we can make them.

Acting Chairman COMMONS. What are the lowest settlements that have been made—the lowest amount that has been paid in a settlement?

Mr. EVANS. Oh, we have had men come in with two or three days—as a rule not much attention is paid to as slight an injury as that, but, I think, oh, twenty-five or thirty dollars, I think, where there is a question of a few days, something of that kind, and the man has gone back to work.

Acting Chairman COMMONS. The lowest settlement, then, is twenty-five or thirty dollars?

Mr. EVANS. I think so.

Acting Chairman COMMONS. What has been the highest settlement made?

Mr. EVANS. If the commission please, I would be glad to submit the figures to the commission, but we have some particular objection to making these figures public. I will be very glad to give all the figures to the commission before you leave—anything that you desire in that line.

Acting Chairman COMMONS. You have heard the statement of Mr. Maury?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Regarding politics?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. The judges?

Mr. EVANS. Yes.

Acting Chairman COMMONS. The jurors?

Mr. EVANS. Yes.

Acting Chairman COMMONS. The coroners?

Mr. EVANS. Yes.

Acting Chairman COMMONS. What have you to say with regard to that?

Mr. EVANS. Well, I have heard it, it is not novel at all; I have heard a good deal the same statement from Mr. Maury a number of times. He varies it a little bit, some new idea occurs to him. Why, there is absolutely no foundation for it. Now, as shown by [laughter]——

Acting Chairman COMMONS. The audience will be quiet.

Mr. EVANS (continuing). Statistics, of course this commission isn't expected to try out this question upon the evidence produced. If it desires to do so, we would be very glad to go into it fully, but the situation is more or less this:

Now, first the charges as to the judges. I am not going to defend the judges of Silver Bow County, either the State or the Federal judges. Their reputations are well known here. The commission can get that from any reputable citizen. The charge in detail that I remember, Mr. Maury suggested the way of influencing the present judges by employing other judges as they left the bench. I think that started with a supreme court justice, Judge De Witt, I think he referred to, who has been dead a number of years. Judge De Witt was an attorney practicing in Butte here, employed by the different mining interests here, and went from here to the supreme court as one of our supreme court justices, and his record, the Montana reports will show the record that he made there. He came back here to practice, opened up an office, and was in general practice before he was employed by the corporations, something like a year, I think six months. He officed in the same building that my partner and myself were in the Silver Bow block. It was right at the time of the Heinze fight, Heinze-Amalgamated fight, which was getting right about its height then, and it was absolutely necessary to have other counsel, and able counsel, and Judge De Witt was employed, and he gave at least a dollar's worth of service—I think several dollars' worth of service for every dollar he was paid. He was an awfully hard working lawyer, and simply practiced law legitimately for the company. Now, I thing that is the history of the first case that Mr. Maury refers to.

I didn't catch the second, I was called aside here. I wish somebody would tell me about the second.

Mr. KELLEY. The fee that was paid in cash the day after the first one was appointed judge, I think.

Mr. EVANS. After who?

Mr. KELLEY. I didn't get it; I am not familiar with it myself.

Commissioner O'CONNELL. It was regarding the payment of the amount of $5,000 that had been hanging fire in some case and was paid.

Commissioner GARRETSON. Receiver's fees.

Commissioner O'CONNELL. Yes; a receiver's fee.

Commissioner GARRETSON. In the Butte and Montana case, a receivership case here was being adjusted in court, and that within a certain period after his designation as judge it was paid in cash by the same company that was contesting it.

Mr. EVANS. Well, I don't know what that referred to, what the details were. In the Boston & Montana litigation or receivership the firm of—I am not sure Mr. Maury was a partner of Judge Pemberton—they got a fee. I am not sure Mr. Maury was in as a partner at the time that the service was rendered for which the fee was paid. I do not think that would refer to Judge Pemberton. Judge Pemberton had been on the supreme bench, and came here and was employed by this receiver. It was a hostile receivership to the Boston & Montana Co., and of course Judge Pemberton's employment could not be attributed to that company.

Judge McClernan, who is now on the district bench, was also attorney for the receiver. There was reference to him. But how it was paid and when it was paid, I don't know. He was attorney for the receiver and rendered service, and there was bound to be payment by the company. I don't know just about that detail.

Commissioner GARRETSON. In regard to his allegations, as he phrased it, of largess.

Mr. EVANS. Yes; of largess.

Commissioner GARRETSON. For judicial actions only, are the facts—leaving inferences aside, are the facts in the individual cases named by Mr. Maury, as he stated them—that is, were those employments given in the cases named?

Mr. EVANS. Well, I have taken them up and I was telling the actual facts, as I had endeavored to do.

Commissioner GARRETSON. Well, as far as you have covered it, your facts and his agree.

Mr. EVANS. Well, except that——

Commissioner GARRETSON. But your inferences do not?

Mr. EVANS. Well, my facts are much fuller. Now, as to Judge De Witt, the supreme court justice. He was employed here in Butte. He was a mining lawyer and employed, and he went to the supreme court and came back.

Commissioner GARRETSON. Let me ask you one question on a term you used. You said able counsel in that case was needed?

Mr. EVANS. Yes; very much.

Commissioner GARRETSON. Is there a difference between able counsel and influential counsel?

Mr. EVANS. Well, I think—no; I don't—I had no—made no distinction; almost any able counsel has more or less influence, of course. And Judge De Witt had retired from the bench; his term had expired some six months or a year before the employment was had.

I don't know of any attorney, and I remember we were canvassing for assistance here—I don't know of any attorney in this section that was competent for the service that Judge De Witt was employed for; I mean mining attorney of ability, who could be employed to step into that litigation.

Commissioner GARRETSON. What made me ask that question as between able and influential, I have had in court myself in the same case two lawyers hired.

Mr. EVANS. Yes.

Commissioner GARRETSON. One for what he knows, and one for what he could do.

Acting Chairman COMMONS. Now, the other instance.

Mr. EVANS. Yes; the other. Mr. Maury referred to a separate maintenance suit being brought against a district judge, and the counsel for the company—he was a little vague about it—entered their appearance for him. Now, I am positive there has been no such occurrence of that kind. One of our district judges had some difficulty, I think it was either a maintenance suit brought by his wife, but if any counsel for our companies appeared for him or took any part in it, I knew nothing about it. I am sure it didn't occur.

Commissioner GARRETSON. Will the records disclose whether it did or not?

Mr. EVANS. Yes; the record will disclose who the counsel were. All I know about that proceeding, at the time we had a local bar association here that was active at intervals—it was spasmodically active. Charges were filed in the bar association based upon the same things. Two of the lawyers for the wife presented charges in the bar association. I was appointed on a committee to—no; the judge himself presented the matter to the bar association and

wanted an investigation. I was appointed one of—I was on the standing grievance committee, I think, or the committee that covered that—I have forgotten whether that was the title of it or not. I was one of five on that committee.

Commissioner GARRETSON. I didn't know that anything but a labor organization had a grievance committee.

Mr. EVANS. Oh, yes; attorneys have more grievances than anybody.

I was appointed on a committee to investigate this matter, so the committee called upon the judge. It had been laid by him before the committee, and we asked for any statement that he had as to the facts in the matter, and he said he declined to make any, that whatever charges his wife—statements she chose to make—that he didn't propose to enter into it at all. In fact, he took a very high moral position about it, and he didn't leave the committee anything to do, and that was the end of it. Now, as far as appearing in court, I am quite positive that no attorney for our company appeared in it or took part in it.

Commissioner GARRETSON. Well, that should be capable of proof.

Mr. EVANS. Yes, certainly. Now, the other, the only other—I don't know what Mr. Maury means by a supreme court justice going into the employ of a street car company at Helena. Our companies—I can think of no concerns that they are affiliated with that I know of that have any interest whatsoever in the Helena Street Railway Co.

Commissioner GARRETSON. No; but bear in mind Mr. Maury distinctly and specifically stated that his charges in those directions were not wholly against the Anaconda Co., but against corporations in general.

Mr. EVANS. Well, did you understand that they extend to all the others in the State?

Commissioner GARRETSON. As far as that is concerned, I don't know how far he intended to extend it. At the same time, I don't know whether—I am only speaking from my own understanding—it applied specifically to Silver Bow County and State officials, and I didn't hear any explanation about other counties.

Mr. EVANS. Yes; I thought there must be some attempt to connect the corporations of Silver Bow County or something.

Commissioner GARRETSON. No; he connected, I think, corporations in general.

Mr. EVANS. Oh.

Commissioner GARRETSON. Standing shoulder to shoulder.

Mr. EVANS. Well, as far as that is concerned, I think that most of the attorneys who reach the point of where they are selected as supreme court justices, either before they are on the bench or afterwards, they are pretty apt to accept employment by corporations. As a rule, they are looking for that class of lawyers. And, if you are going to extend it to corporations all over the State, all over the country, I don't suppose that there is a man who ever reached a high judicial position on the bench who didn't have the opportunity either before or afterwards, and most of them have accepted it, to enter into corporate employ as lawyers. It is the most desirable employment, as a rule it is the most lucrative employment, and as a rule they are usually looking for lawyers who at least have ability enough to go upon the district and supreme benches.

Commissioner LENNON. Does the record show that Mr. Maury ever appeared for any corporations in the courts in this district?

Mr. EVANS. Of this district?

Commissioner LENNON. Yes; about here.

Mr. EVANS. Yes; Mr. Maury, I think, has appeared a few times for the Montana Power Co. He was employed for awhile. That employment has been terminated. But his main corporation employment, I think, that he refers to, was while he was city attorney of the city of Butte two years under the Socialist administration, I think his practice has been, in the main, the personal-injury practice.

Now, I should very much have liked Mr. Maury to have extended his denial about the soliciting of personal-injury cases, not alone to himself but to his partners. Now, as to the other matter, I want to present this briefly. I don't want to take any more of the commission's time—but as to the charge that justice can not be had in Silver Bow County. If any reason is given by Mr. Maury about this general corporation influence and the domination and control of the jurors or anything of that kind, I want to say that we have broad change of venue laws. They provide for a change of venue to other counties upon a showing of any of these facts that Mr. Maury has attempted to detail

here. Mr. Maury has never made an application in this court for a change of venue upon any of those grounds. He would be entitled to it. If he didn't secure it from the district judge, it is a matter that is capable of revision in the Supreme Court. Now, as to judges, if Mr. Maury considers, as he stated here openly before this court, that the judges are judges—and we have three different judges in Silver Bow County in the State court—are dominated by anybody so that justice can not be obtained before them, and I think that will be a shock to every reputable man in this county to hear that statement, that is, if it is a fact under our law. We have a peculiar law known as the disqualification of judge law. A man can disqualify, any litigant can disqualify any judge, district judge, by simply filing an affidavit stating that he has reason to believe, and does believe, that he can not obtain a fair and impartial trial before that judge.

No facts are required or no trial. That in itself disqualifies the judge. Now, we have three in Silver Bow County, three district judges. A man is allowed to file two of these, any litigant. When he has filed two, then the case must go to a judge from an outside county, so that in this county simply by the filing of this formal affidavit Mr. Maury or any of his clients can procure a hearing before a judge from an outside county. Now, that is the situation, so that if he desired to present this matter, which should be a matter of judicial injury in the district court, he is not required to present it to any of our local judges. Now, as to the State court, he never has filed application. What he has done in advertising himself and his personal-injury business in this county is to get up in his Socialist meetings, get up in the street and other places and make these charges and then fail to support them or to take them to the proper place. Now, as to the Federal court, Mr. Maury has appeared in a number of cases in the Federal court, personal-injury cases. He has four there now pending that he is interested in. He brought a case some years ago. Our Federal court sits—it is divided—the court sits now in a number of cities in the State—Butte, Helena, Billings, Missoula, and Great Falls. It was divided into divisions, and at the time I speak of it was divided into two divisions, the southern and the northern. Butte was the court seat of the southern and Helena of the northern.

The statute provided that cases arising in the several counties composing the southern district should be filed at Butte and cases in the other should be filed at Helena. Provision was made for a judge to go from one to the other by the court at its discretion at any time whenever the ends of justice or a reason that appealed to the court decided. Besides that—that is the condition now—but besides that, the court rules provide for a change from one place to another, and has been the same as provided in our local State statutes upon change of venue to cover any of these grounds that Mr. Maury suggested. Now, the Federal court, Judge Hunt sitting there some four or five years ago, the first time any of these applications were heard of in open court, Mr. Maury filed a personal-injury case at Helena instead of filing it here. It arose here. Instead of filing it here as the rule contemplated, he filed it at Helena. So the defendant company, the Boston & Montana Co. it was at that time, filed an application at Helena for a change of the place for trial. Mr. Maury resisted that upon the ground that he has given here, that he could not obtain a fair trial before a jury in Silver Bow County. A full hearing was had, affidavits of all the prominent citizens here—not all, but a representative number of prominent citizens of every class, attorneys, doctors, bankers, the officers of our local commercial organizations, officials—everybody that you could think of that would be representative, were presented there, showing that there was absolutely no merit in the contention. Mr. Maury had his own affidavit, I think, and one of his litigants and one or two more, a few more to the contrary.

The matter was all thrashed out before Judge Hunt, who is now the circuit judge of the United States, stationed or assigned to Philadelphia, and Judge Hunt granted the motion, ruling flatly against Mr. Maury's contention.

Now, Judge Hunt had lived ever since his boyhood in Montana. He came here as a young lawyer; he had been on the State bench; he had been on the State district bench, the State supreme bench, and was appointed by President Roosevelt governor of Porto Rico. He was absent for two or three years and came back here and was appointed to our United States court sitting at this time.

Now, that is the first application, and I have a copy of the order in my pocket of Judge Hunt granting the application to bring that case to Butte, ruling

against Mr. Maury's contention, where he had full opportunity to present all of the proof that he could of these sensational charges that you gentlemen have heard to-day.

Now, the second time it came up was here within the last three months. Mr. Maury made the same application in four personal-injury cases in the Federal court here. That was thrashed out, a full hearing had, affidavits taken there, and affidavits produced, a great number of them, and Judge Bourquin, after taking the matter under advisement for a while—a short time, when he reached the matter, decided—made his written order finding against Mr. Maury and his affidavits, and then referring to the fact that both parties had referred to the personal knowledge of the judge as a resident of Silver Bow County, and then gave his views and opinions from his observations as a resident of this county for 20 or more years, finding that there was absolutely no justification for the charge.

Now, I wish, if the commission have no objection, I would like very much to present copies of these orders for a part of your record, these judicial determinations.

Acting Chairman COMMONS. They may be presented.

(See Evans Exhibits Nos. 1 and 2.)

Mr. EVANS. Now, the judge—I wish to state this: I don't want to be understood or say anything in addition, eulogizing him or anything, but simply because the record of Judge Bourquin, of the Federal court, in this matter, I think, ought to be known. He worked in the mines before I ever heard of him, studied law, educated himself, and was appointed either register or receiver of the land office at Helena. He was a resident of Butte. He was a Republican. He was appointed, it must have been, by President Harrison away back, 20 or more years ago.

After his return from there, he came back to Butte and practiced law for a number of years, and then was elected to the district bench and served four years upon our State bench here. He was defeated for reelection by a Democrat, and then practiced law here for a number of years, and then was appointed to the Federal bench, upon the resignation of the then judge, by President Taft.

Mr. Maury was one of his indorsers for the position upon the Federal bench, as I am informed that he wrote a very eulogistic letter to the President, commending him for that position. I think he was supported by the bar generally. But his knowledge of conditions in Silver Bow County runs back a much longer time than my own, more than 20 years; and he was the judge who passed upon this application after a full hearing. The evidence was all presented, the matter argued, briefs filed. Mr. Maury filed two briefs and rendered the decision that I wish to make a part of the record. I have the orders, both of Judge Bourquin and Judge Hunt.

Now, I wish to say this, that any man here—I am perfectly familiar with this matter, of course, when these charges have been made I have been handling them for these companies. I would go out to the citizens of Butte and talk with them about this matter in order to obtain their affidavits, going to the representative men here, the bankers and men that have no connection with them in any possible way, the men—if we have any men in Silver Bow County at all who are men who are not dominated and controlled, why, they are the men whom we would select and who would be free from these influences. We would go to those men without hesitation. They state the facts just as I have given them to you, and these have all been matters of court records; I mean, the affidavits upon these two hearings that I speak of.

Commissioner O'CONNELL. Just briefly, something about this charge of general influence over the courts and the jurors, and the implication of the coroner, and the implication of the coroner's juries and everybody, for instance, were either under the influence of somebody or corrupt themselves.

Mr. EVANS. Well, there is absolutely no foundation for it. Now, our feeling, for instance, that the courts—I feel that in going into these courts, and I think we meet the usual—I think we meet the experience that every corporation has with juries. I think we meet a willingness on the part of the courts to give us the laboring oar a little bit because we are large. I think it is a natural thing for a judge to feel that if anybody is going to be given a little more of the burden of it, these corporations should do it, and that there has been absolutely no leaning of any kind. Now, as to juries, I think we have the same experience, when you come to them.

Commissioner GARRETSON. Before you come to the juries, let me ask you a question in regard to these court records, the court decisions on this point that you are introducing?

Mr. EVANS. Yes.

Commissioner GARRETSON. I mean, as to their value and as to their effect on the question that is raised. I am putting this question to you as a lawyer.

Mr. EVANS. Yes, sir.

Commissioner GARRETSON. And if the charges made are well founded that the corporations have their hand on the judiciary, then the finding of a court in accordance with the lines named would have no value as evidence. On the other hand——

Mr. EVANS. Well——

Commissioner GARRETSON. Wait; let me put the other side of it.

Mr. EVANS. Yes.

Commissioner GARRETSON. On the other hand, if the condition did not exist, and the entire charge was false, then it would be valuable as evidence.

Mr. EVANS. Certainly.

Commissioner GARRETSON. Have I stated it correctly?

Mr. EVANS. Why, certainly. I have given you the decisions of two Federal judges appointed for life—been given after full hearing. Now, if these two men—Judge Hunt, a man whom, perhaps, many of the commission know, and Judge Bourquin—are corrupt or influenced, as Mr. Maury charges, why, of course, their decisions are valueless.

Commissioner GARRETSON. Then they prove the other man's contention?

Mr. EVANS. Certainly, certainly; and uphold Mr. Maury's contention. This commission must necessarily find that these two Federal judges were corrupt, because they had the evidence and they both of them know the local conditions.

Commissioner GARRETSON. Don't even get an inference that this commission is going to pass a verdict.

Mr. EVANS. No.

Commissioner GARRETSON. On that.

Mr. EVANS. I haven't any.

Commissioner GARRETSON. As a personal question.

Mr. EVANS. I haven't the slightest idea that the——

Acting Chairman COMMONS. Now, Mr.——

Mr. EVANS. Now, as to the State court, the point I make is this, that Mr. Maury has never made an effort in the State court to have this matter judicially determined, and he would not have to stop with our local judges; he would get outside judges to determine it. He would not stop with them because he would appeal to our supreme court, so that to sustain Mr. Maury's contention on that, this commission has not alone got to impeach our two Federal judges, but you have got to impeach our whole body of men on the supreme court down, you have got to impeach every reputable citizen of Silver Bow County who has made these affidavits—you have got to show that men in Silver Bow County are not men.

Commissioner O'CONNELL. Did I understand you to say, Mr. Evans, that your bar association is not in existence here now?

Mr. EVANS. Well, I say it is active spasmodically.

Commissioner O'CONNELL. How is it now; is it healthy now?

Mr. EVANS. Well, there has not been a meeting for some time; I think it is a little dormant.

Commissioner O'CONNELL. I want to ask you a couple of questions; you need not answer them if you don't want to.

Mr. EVANS. I will answer them.

Commissioner O'CONNELL. Are you a member of it?

Mr. EVANS. Yes.

Commissioner O'CONNELL. Is Mr. Maury a member of it?

Mr. EVANS. Yes; I presume he is. He was the last I knew. Mr. Maury and I have both been at different times president of the thing.

Acting Chairman COMMONS. Do you agree with Mr. Maury—you disagree with him evidently—but do you agree with him on the proposition that it would be preferable to have a compensation law that would eliminate all of these questions?

Mr. EVANS. Very much.

Acting Chairman COMMONS. Personal injury cases.

Mr. EVANS. Very much so. I think that a proper compensation law, a compensation law on the theory of your Wisconsin law, a compensation law with

fair return to the men and upon some fixed definite basis, where an employer can to-day or this year know how much his accidents are costing him, and not have it accumulated and be paying for the accidents that were caused by corporations 20 years ago, or somebody that went out of business yesterday. I think any fair compensation law that will do nothing less than put the matter into judicial hands where it would allay any feeling, any chance of charges of that kind, coercion of the men and unfair treatment—I think it would be very desirable and we are very much in favor of it.

Commissioner GARRETSON. Don't all compensation laws take it out of judicial hands?

Mr. EVANS. No.

Commissioner GARRETSON. And put it into automatic hands?

Mr. EVANS. I mean all judicial channels; I mean where it is administered by somebody other than the two parties themselves.

Commissioner GARRETSON. Oh, you are not applying it to the bench?

Mr. EVANS. No; but most all of the compensation laws have methods of judicial determination, you know.

Commissioner GARRETSON. Well, that is only on moot questions?

Mr. EVANS. Yes; certainly.

Commissioner GARRETSON. But the ordinary application would be that in——

Mr. EVANS. Yes.

Commissioner GARRETSON. The records of the courts, then——

Mr. EVANS. Where the injury is certainly——

Commissioner GARRETSON. Would determine?

Mr. EVANS. Yes.

Commissioner O'CONNELL. Whereby the injured would be paid a hundred cents on the dollar?

Mr. EVANS. Yes; that is it exactly; it would all go to him, and that has been our aim in connection with ours. Now, I want to tell the court—Mr. Maury has referred to his failure to get verdicts. And to give a specific instance, now I am not calling on my imagination as to the courts in these matters; they are matters of general knowledge. Mr. Maury had here about two years ago, he had some cases coming on before the Federal court here, on for trial on the jury panel; he had four in a row, and two of them—one of them was against the Boston & Montana, one of the former companies merged into the Anaconda Co., one was against the North Butte Co., and two against other corporations. The jury panel up there, about half of them were entirely outside Silver Bow and Deer Lodge Counties, about half; that is the approximate number. I don't remember exactly. The others were residents here.

In our Federal court here we get the best men; we get the most intelligent fellows. We can't call them the best, but perhaps the most intelligent class of people that we have. They get splendid juries. The judges don't excuse them for trivial causes. They make them stay. Mr. Maury got up, the first case he tried in that panel, he got up before the jurors who were sitting in the box who had been called in that case, with the rest of the panel sitting in the court room, and he told them that he didn't expect a verdict at their hands, because he knew they were dominated or coerced so that they would not give a verdict. He was reprimanded by the court, and within 15 minutes he did it again. He was punished by the court, and fined $500 for contempt of court. He took that to San Francisco, and the sentence was affirmed. This jury panel that he had insulted tried his three or four cases. I think one of them was taken away by the court. The other three went to this jury panel with the natural result. Now, one of the cases Mr. Maury bases, one of the cases where the jury found against him, was a case against the North Butte Mining Co., Melichovich against the company, the judge granted a new trial because of an error in instructions, and there were two causes of action. He granted a new trial upon one of them. Mr. Maury went down to Minnesota and brought it over again; he could not get a fair trial before a jury in this county, so he went down to Minnesota, and it was tried there. Our attorney, who was familiar with the case, was unable to go because of the recent labor trouble, and we sent one of the younger men in the office, who never heard of the case until he took up the papers, he never had any familiarity with it before he got on this train and went down there, and was assisted by a young man from Duluth who had had no experience in mining matters at all. The unanimous verdict was returned against Mr. Maury, to the same effect as the verdict returned here, in one hour and a half. Now, that is the actual fact regarding Mr. Maury's jury trials and experience.

But, as I said, my view of this is that these matters should be tried in the courts, if our courts are so corrupt, why, of course, we are in bad shape in Silver Bow County; we are in very bad shape, but I don't think any member of the commission is going to believe that.

Commissioner GARRETSON. Then your position would be that in Montana there is no invisible government?

Mr. EVANS. Why, no; not to any serious extent. Everybody has influence.

Commissioner GARRETSON. That phrase is not mine; I borrowed that.

Mr. EVANS. Yes, I understand; it is a phrase that has been used here and used everywhere. Every corporation, of course, has more or less influence. Every person has who amounts to anything. Everybody has a little, and in Montana there is no unreasonable influence in Silver Bow County, particularly in regard to the courts and litigation, I think. And I think I know this company and its influence and its ins and outs as well as anyone in the past 12 or 15 years.

Acting Chairman COMMONS. That is all you have to say, then, Mr. Evans?

Mr. EVANS. Unless the commission desire to ask any question. Now, I can present all the details about the cases and the history of them, and everything that the commission would like. I can obtain it in a few minutes. If there is anything the commission think they would like to have in the way of records——

Acting Chairman COMMONS. Well, we will let you know to-morrow.

Mr. EVANS. Thank you.

Acting Chairman COMMONS. The commission will stand adjourned until 9 o'clock to-morrow morning.

(See O'Brien Exhibit No. 1 and Pope Exhibit No. 1.)

(Thereupon, at 4 o'clock p. m. on this 7th day of August, 1914, an adjournment was taken to the following day, Saturday, August 8, 1914, at 9 o'clock a. m.)

BUTTE, MONT., *Saturday, August 8, 1914—9 a. m.*

Acting Chairman COMMONS. The commission will come to order. Mr. H. G. Miller, will you take the stand?

TESTIMONY OF MR. H. G. MILLER.

Acting Chairman COMMONS. Mr. Miller, will you give your name and address to the reporter?

Mr. MILLER. H. G. Miller; Kalispell, Mont.

Acting Chairman COMMONS. Mr. Miller, what is your occupation?

Mr. MILLER. I am in the lumber business.

Acting Chairman COMMONS. How long have you been in the lumber business in this State?

Mr. MILLER. Since 1891.

Acting Chairman COMMONS. Is there an association of lumber, mill owners?

Mr. MILLER. There is in our section of the country an association of manufacturers.

Acting Chairman COMMONS. That is, owners of timberlands?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. In what section of the State is this association?

Mr. MILLER. The section known as Flathead County and Lincoln County; northern and western part.

Acting Chairman COMMONS. What is the object of this association?

Mr. MILLER. The association primarily is one to secure uniform grading of the product.

Acting Chairman COMMONS. What is the class of lumber?

Mr. MILLER. The lumber is principally made from larch trees with a percentage of fir, pine, and spruce.

Acting Chairman COMMONS. How many members are there of this association?

Mr. MILLER. I think there are nine now.

Acting Chairman COMMONS. Does that include the principal production of the lumber of this State?

Mr. MILLER. It does in that section. The mills in the southern part of the State are not connected with us.

Acting Chairman COMMONS. About how many employees would be in the service of these nine?

Mr. MILLER. That will vary with the season. When the logging operations are on more men are employed than at other times. The operations are not continuous; sawing is conducted in the summer, and logging as a rule in the winter.

Acting Chairman COMMONS. Can you estimate the number?

Mr. MILLER. Number of men employed?

Acting Chairman COMMONS. In the winter and in the summer.

Mr. MILLER. There is no data on that subject in our section of the country. My estimate would be approximately 2,000 men.

Acting Chairman COMMONS. In the winter?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. And in the summer about——

Mr. MILLER. No; in the winter it would exceed that. Three thousand in the winter.

Acting Chairman COMMONS. And about 2,000 in the summer?

Mr. MILLER. Two thousand in the summer.

Acting Chairman COMMONS. Are the same men employed in both operations?

Mr. MILLER. No, sir.

Acting Chairman COMMONS. How much work, how many months' work will the men engaged in the logging operations secure in the winter?

Mr. MILLER. From September to March.

Acting Chairman COMMONS. How many months for the men in the milling operations?

Mr. MILLER. And they begin in April and they will run until September, the latter part of September. There are one or two institutions that supply themselves by rail, log by rail and not by water. Those institutions get 9, 10, or 11 months' operation.

Acting Chairman COMMONS. Are they large ones or small ones?

Mr. MILLER. Both.

Acting Chairman COMMONS. What method have you of securing your help?

Mr. MILLER. There is no concerted effort, no regular method.

Acting Chairman COMMONS. Where do you apply for help?

Mr. MILLER. We don't apply; the men apply themselves.

Acting Chairman COMMONS. They are men, then, who have been in the camp before and return?

Mr. MILLER. The mills employ men who are largely family men. Those men get the preference, and from year to year we have a large number of men that we can always depend on and they depend on us. The contrary rule is in effect in the woods. Those men are very largely drifting men.

Acting Chairman COMMONS. Now, these men at the mills, what is their occupation during the other months of the year when the mills are not running?

Mr. MILLER. A great many of them do nothing; others scatter around and pick up odd jobs. You will find them working at the carpentry business or anything else that offers employment during the idle period.

Acting Chairman COMMONS. Some of them go to logging?

Mr. MILLER. Yes, sir; some of them go to logging.

Acting Chairman COMMONS. What are the prevailing rates of wages for the men at the mills?

Mr. MILLER. The minimum wage is $2.50 for 10 hours.

Acting Chairman COMMONS. You said there were about 2,000?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. What proportion get $2.50 for 10 hours?

Mr. MILLER. Sixty per cent.

Acting Chairman COMMONS. What is the next scale—$3?

Mr. MILLER. No; $2.75. 3, $3.25, $3.50. Then, there is a limited class of employees, filers, head sawyers, superintendents, and foremen who earn from $5 to $8 a day; that would vary with the different mills, the degree of responsibility, etc.

Acting Chairman COMMONS. Are these mill men organized in unions?

Mr. MILLER. No, sir; there is no organization.

Acting Chairman COMMONS. Has there ever been an organization?

Mr. MILLER. No, sir.

Acting Chairman COMMONS. A man in the——

Mr. MILLER (interrupting). I want to correct that. There have been two organizations at one mill, but the organizations have been abandoned.

Acting Chairman COMMONS. Which mill was that?
Mr. MILLER. The Sommers Lumber Co.
Acting Chairman COMMONS. At what place?
Mr. MILLER. At Sommer, a town 12 miles from Kalispell.
Acting Chairman COMMONS. What year?
Mr. MILLER. I can't recall the year.
Acting Chairman COMMONS. Recently?
Mr. MILLER. The last one, I think, three years ago.
Acting Chairman COMMONS. Do you know about how long it lasted—a few months?
Mr. MILLER. The organization?
Acting Chairman COMMONS. Yes.
Mr. MILLER. I don't know when it began. There was a difficulty over it, a strike, and I think that lasted about six weeks.
Acting Chairman COMMONS. These men that work in the winter—these 3,000 men—do they—is there any concerted method by which they know when they are coming or where they are going—any organization at all?
Mr. MILLER. No, sir; no organization among them as far as I know.
Acting Chairman COMMONS. Are they sent in by employment agencies?
Mr. MILLER. No, sir.
Acting Chairman COMMONS. Then, they just wander in without any——
Mr. MILLER (interrupting). They usually have a general knowledge of when logging is likely to begin, and about that time you begin to see them show up.
Acting Chairman COMMONS. What nationalities do they include?
Mr. MILLER. I think they include every nationality?
Acting Chairman COMMONS. And what is the pay of the men in the winter?
Mr. MILLER. The custom in our country is to supply the board and lodging, and in addition to that they get from $40 to $60 per month, varying with the supply. If it is very difficult to get men, why they start in and build up on us. They will move from one camp to another, and the various logging companies bid against each other for employees if they are short.
Acting Chairman COMMONS. Do they go in bunches?
Mr. MILLER. Well, in times of high wages the men drift from one camp to another. They seem to want to go, and the custom has been to have about three crews, one coming and one going and one at work. That is about the way it divides itself up. They know the moment they leave one camp they can stop at the next.
Acting Chairman COMMONS. Has your association or any other association made any effort to organize this matter of securing help in the winter?
Mr. MILLER. There was one year when it was very difficult for us to get employees, and we sent representatives to the State of North Dakota, where the harvest was about over, and tried to get additional men from there. It was only partially successful.
Acting Chairman COMMONS. And that has never been tried again?
Mr. MILLER. No, sir.
Acting Chairman COMMONS. What do you consider the board and lodging worth?
Mr. MILLER. I think that would vary with the different places. We keep actual count of it and our expenses are 22 cents per meal. That covers everything—the provisions and service.
Acting Chairman COMMONS. And the lodging?
Mr. MILLER. Well, that is immaterial. The lodging is in a building that the company constructed, and the men all carry their own bedding; it is a practice of the country.
Acting Chairman COMMONS. They take care of the building?
Mr. MILLER. Yes; the company always provides an attendant for these bunk houses, as they are called. He provides the water and fuel and sees that it is cleaned up each day.
Acting Chairman COMMONS. Is there any State legislation governing the conditions?
Mr. MILLER. I think not.
Acting Chairman COMMONS. In the lumber camps?
Mr. MILLER. I think not.
Acting Chairman COMMONS. Does your association take into account the conditions of the bunk houses?
Mr. MILLER. No, sir.

Acting Chairman COMMONS. That is left to each company?

Mr. MILLER. Yes, sir; that is an individual affair. I want to add in that connection that those matters have to be attended to properly, because you can't keep your crew unless your conditions are favorable. You have got to have good water, and it is nearly always running water—in the cleanliness of the place; the character of the food and the quantity of it—all these things are considered by the men; and if they don't like it, as they say, they "bunch the job."

Acting Chairman COMMONS. What are their hours of labor?

Mr. MILLER. It varies with the length of the day in the woods. The short days, of course, they do not get in over 8 or 9 hours; the long days they put in 10; but at the manufacturing—at the mills—those are all 10-hour shifts.

Acting Chairman COMMONS. Have you knowledge, or even hearsay, with regard to what these men do in the other seasons—when the other season is on—where they go?

Mr. MILLER. No, sir; I have conversed with some of them. They don't show up each season; the same men. I have seen men show up three years after we previously employed them. They give an account of where they might have gone—in Alaska, California, or in the East. They apparently were continually on the move to see the country.

Acting Chairman COMMONS. How many positions do you have in your mill; how many men do you have at this time in your employ?

Mr. MILLER. Not to exceed 120 at any one time.

Acting Chairman COMMONS. In the logging?

Mr. MILLER. No; in the logging, not over 80.

Acting Chairman COMMONS. Well, how many will you hire during the winter, the logging season, to keep up that 80?

Mr. MILLER. In a normal season, probably 160 men; in an abnormal season, probably 1,000.

Acting Chairman COMMONS. You mean by abnormal, what?

Mr. MILLER. When labor is very scarce and the men are moving from camp to camp.

Commissioner GARRETSON. The scarcer it is the more men you hire?

Mr. MILLER. The more men we hire.

Commissioner GARRETSON. That is, the more hirings are made?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. And that is the time that the higher wages are paid?

Mr. MILLER. Yes, sir; and that is the time when the men are less efficient?

Acting Chairman COMMONS. You think you will have to hire a thousand men at $60 to keep up a force of 80?

Mr. MILLER. When the conditions are very hard; yes, sir.

Acting Chairman COMMONS. In the course of seven months; I think you figured about seven months.

Mr. MILLER. About seven.

Acting Chairman COMMONS. And when the times are hard—that is, when there is an abundance of labor—the men will stick to the job then?

Mr. MILLER. They will.

Acting Chairman COMMONS. And you can get—you only need to hire 160 men?

Mr. MILLER. In a season.

Acting Chairman COMMONS. To keep up that 40?

Mr. MILLER. Well, not 40; no sir; 40 is the minimum; it will range from 40 to 50, depending upon the class of employment. For instance, when an ordinary workman is getting $40, a four-horse teamster may get $50.

Acting Chairman COMMONS. I am speaking about the difference; the minimum is—

Mr. MILLER. Yes; the minimum is 40.

Acting Chairman COMMONS. Where the wages are at the minimum—that is, when the work is—they keep their jobs and don't move on.

Mr. MILLER. Yes; they will do twice as much then for $40 as they will do for $60, in my observation.

Acting Chairman COMMONS. It looks as though it was badly disorganized, doesn't it?

Mr. MILLER. Totally unorganized.

Commissioner GARRETSON. Is that on the same principle that when the price of a commodity is high the scale beam is watched lots closer by the man that sells?

Mr. MILLER. Precisely. That is the operation of supply and demand purely.

Commissioner GARRETSON. And the application of human nature?

Mr. MILLER. Precisely.

Acting Chairman COMMONS. Do you know whether any of those men, either in the mills or in the logging, alternate with mine working?

Mr. MILLER. I don't think so.

Acting Chairman COMMONS. They don't go into the mines?

Mr. MILLER. That is, not in our neighborhood. Now, in the southern part of the State, which is close to the mining region, that statement might not hold good. I don't know as to that. But in our country it does not hold good.

Acting Chairman COMMONS. Any of these that work in the winter, do they have homesteads?

Mr. MILLER. Yes; there are a considerable number of what are known as dry-land farmers, coming into the State in the last five years. These men have a pretty hard time, and in the winter they will drift over in the mountains and work in the lumber camps to get a grub stake for the next season.

Acting Chairman COMMONS. Are they superior to this drifting class of men?

Mr. MILLER. They are much more dependable men after they learn the business. To begin with, they know nothing about it and are practically useless for a month or so until they are taught.

Acting Chairman COMMONS. Do you pay them more than this other class?

Mr. MILLER. No, sir; they are subject to the same laws that I have described, depending on the supply of labor and the urgency of the conditions.

Acting Chairman COMMONS. Do you keep a record in your mills of the accidents?

Mr. MILLER. No; we don't. We keep copies of the notices that are sent to the liability insurance companies. We are insured, of course, for our legal liability. That is necessary, and these policies obligate us to report each accident in detail to the insurance company. Copies of those letters are kept.

Acting Chairman COMMONS. You don't compile any?

Mr. MILLER. We don't.

Commissioner LENNON. How are the settlements made—by the representative of the insurance company or by yourselves?

Mr. MILLER. In all cases of legal liability where the company has admitted they make the settlement. The policy requires that. We are not permitted to get in. Where there is no liability we have to make the settlement.

Acting Chairman COMMONS. What is the premium that is paid?

Mr. MILLER. One dollar and thirty-five cents a hundred.

Acting Chairman COMMONS. That covers the entire pay roll?

Mr. MILLER. The entire pay roll.

Acting Chairman COMMONS. One dollar and twenty-five cents?

Mr. MILLER. One dollar and thirty-five cents.

Commissioner GARRETSON. In the terms of that policy, Mr. Miller, you are in fact barred even from taking action that you would desire to take?

Mr. MILLER. Certainly.

Commissioner GARRETSON. In the case of an injured man, because the terms of this policy throws the liability onto you if you do it?

Mr. MILLER. That is one of the worst things about it. We have men that are our personal friends, and right in the time of their adversity we want to help them out and can't.

Acting Chairman COMMONS. Does your association as an association insure with the liability companies?

Mr. MILLER. No; it is an individual affair with each company.

Acting Chairman COMMONS. But the rate is the same for each?

Mr. MILLER. I think it is.

Acting Chairman COMMONS. What is the rate of the logging operations?

Mr. MILLER. It is the same.

Acting Chairman COMMONS. You have the same rate?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. For all operations?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. Is that a board rate made by agreement amongst the companies?

Mr. MILLER. I think it is now. In the beginning it was not, but now I think that all the companies enforce the same rate.

Acting Chairman COMMONS. You have then no system, no benefit system or insurance system or anything of that kind?

Mr. MILLER. Nothing of the sort.

Acting Chairman COMMONS. Outside of——

Mr. MILLER. Except that we have a hospital fee system which covers both sickness and accidents for a period of six months. The men pay that at $1 per month.

Acting Chairman COMMONS. Where are the hospitals?

Mr. MILLER. They are located in Kalispell.

Acting Chairman COMMONS. Do all the companies that are connected with the association——

Mr. MILLER. No; where the places are remote from Kalispell they have hospitals, so called. They are not really good hospitals, but they do the best they can under the circumstances. Usually some physician will establish a hospital for that purpose in a small community. The camps that are accessible to Kalispell all depend upon the Kalispell hospitals. I can furnish you with a copy of that contract which we have with the hospitals if you wish it.

Acting Chairman COMMONS. If you will file that with us.

Mr. MILLER. Yes, sir.

(The paper so presented was marked "Document Serial No. 408 August 8, 1914, Witness Miller."

The contract referred to was submitted in printed form.)

Acting Chairman COMMONS. Do you know what the premium rate in your business is under the system in the State of Washington?

Mr. MILLER. What are you referring to?

Acting Chairman COMMONS. The premium rate.

Mr. MILLER. On insurance?

Acting Chairman COMMONS. Insurance, yes; under the compensation law.

Commissioner GARRETSON. State insurance system.

Mr. MILLER. Oh, the State insurance system?

Acting Chairman COMMONS. State insurance system of the State of Washington, yes.

Mr. MILLER. What our business would be under that classification?

Acting Chairman COMMONS. Yes.

Mr. MILLER. It would be two and one-half under the State of Washington.

Acting Chairman COMMONS. Against $1.35?

Mr. MILLER. Well, there is no comparison. You know the liability in the State of Washington is complete and covers everything. Under these policies that we have nothing but legal liability is covered; that is to say, where the company is culpable, the policy covers, but where there is no culpability on the part of the company, the policy does not apply. The man is adrift; he gets nothing. In Washington every man gets something if he is injured.

Commissioner GARRETSON. As between the $1.35 that you pay liability and the two—what did you say?

Mr. MILLER. Two and a half.

Commissioner GARRETSON (continuing). That you would pay under the Washington State insurance system, the return—what would be the proportionate return, not speaking now of yourself as an employer and the man as an employee, but both as citizens.

Mr. MILLER. What would be the return to the community?

Commissioner GARRETSON. Yes.

Mr. MILLER. There would be in the beginning an absence of litigation of the matter. There will be an absence of any bad feeling between the employer and the employee. There would be in all cases something to help the man bridge over, according to the circumstances of the case, and the general public, so far as possible, would pay the entire bill through the added cost of production. But in competitive conditions, where producers could not add to their cost and still compete, in such cases the employers would be paying the whole bill, except such part of it as was used up in administering the law that comes from general taxation in the State of Washington.

Commissioner GARRETSON. In other words, it would really distribute the casualites and the cost arising from every industry upon the patrons of that industry instead of upon the taxpayers of the community?

Mr. MILLER. If the competitive condition permitted the addition.

Commissioner GARRETSON. Certainly. And when it becomes a legal statute the competitive conditions have to yield to the law?

Mr. MILLER. No; the competitive conditions do not yield to the law.

Commissioner GARRETSON. Competitive conditions in that sense will be compelled to yield to law, will they not, because the competitors have to conform to the law?

Mr. MILLER. Well, they would in a certain State. If the average production of any State in a State is sold within that State and does not come in competition with similar products shipped into that State from another State, then your holding would be correct.

Commissioner GARRETSON. Assume a continent-wide or nation-wide condition, because there are certain social questions that can never be considered from the standpoint of the community.

Mr. MILLER. You are right.

Commissioner GARRETSON. I mean in their last analysis.

Mr. MILLER. In their last analysis, that nation-wide application—that would be strictly true.

Commissioner GARRETSON. That is what I mean. Then the practical benefits that are received from the two and one-half payment are as a totality far greater than would be indicated in the difference between one thirty-five and two fifty?

Mr. MILLER. Oh, yes; there is no comparison at all.

Commissioner LENNON. Would you tell us, as nearly as you can, if you remember, what is furnished for the three meals a day—breakfast, dinner, or whatever you call it, and their evening meal?

Mr. MILLER. The staple food is meat in various forms. In addition to that all obtainable vegetables, except that not very many fresh vegetables are used. Some are used. A great deal of canned fruit and canned vegetables is used; and, of course, the staples like potatoes, turnips, and articles of that kind are bulk.

Commissioner GARRETSON. Don't forget beans.

Mr. MILLER. No; we use a good many canned beans. The table is supplied with all they can possibly eat, and there is no question about food supply; but of course the boarding houses are urged to avoid any waste. Food that is not used is frequently recooked in some form that is palatable and sanitary.

Commissioner LENNON. The meals are practically all about alike, are they?

Mr. MILLER. Oh, no; there is a constant variety, meat, however, being the staple; and there is a good deal of pastry used.

Commissioner LENNON. What are the toilet facilities for the workers?

Mr. MILLER. At the mill places?

Commissioner LENNON. No; at the camps in the lumber?

Mr. MILLER. They are of purely a temporary character; they are changed frequently, as necessity may require.

Commissioner LENNON. Not with running water, hardly ever?

Mr. MILLER. No, sir; no running water used in connection with the toilet facilities, as far as I know.

Commissioner LENNON. But they are repeatedly changed?

Mr. MILLER. Oh, yes.

Commissioner LENNON. What did I understand you to say the cost—did you say the cost per day or per meal was about 22 cents?

Mr. MILLER. Per meal. That is actual cost.

Commissioner GARRETSON. That includes overhead?

Mr. MILLER. No, sir; there is no overhead, unless you can call the cook overhead.

Commissioner GARRETSON. That is what I meant.

Mr. MILLER. Yes, sir; it includes that; it includes service.

Commissioner GARRETSON. That is all the overhead there could be in a performance of that kind.

Mr. MILLER. No, sir; there is the construction of the building and things of that kind, but those are not included in the cost of the meal.

Commissioner LENNON. That makes the wage about $60 per month, when you are paying $40 approximately?

Mr. MILLER. Well, it would be a little more than that. However, that is an approximation; that is close enough.

Commissioner LENNON. What do the men provide as to their accommodation for sleeping? What does the man bring to use as a bed?

Mr. MILLER. A roll of blankets.

Commissioner LENNON. Does he have any mattress of any kind?

Mr. MILLER. No, sir.

Commissioner LENNON. Or a straw tick?

Mr. MILLER. No, sir; the company furnishes the hay.

Commissioner LENNON. The hay is spread in the bunk, and they use their blankets?

Mr. MILLER. Yes, sir.

Commissioner LENNON. Is the hay changed from time to time, or lasts through the season?

Mr. MILLER. No, sir; it is changed from time to time. Of course, where parties are careless and the men don't care, there might not be changes in the hay as far as I know, but the practice is to change it frequently.

Commissioner LENNON. Do you have an inspector? Does each camp have an inspector to see that these things are taken care of properly, or does it depend on the men themselves?

Mr. MILLER. It depends largely on the men themselves; all their demands are met, anything within reason.

Commissioner LENNON. Suppose they want clothing or shoes, or anything that they may want, tobacco or anything else, where do they get it?

Mr. MILLER. The camp foreman usually has a supply of that on hand.

Commissioner LENNON. The camp foreman?

Mr. MILLER. Yes.

Commissioner LENNON. Are these supplies owned by him and sold by him, or owned by the company?

Mr. MILLER. Owned by the company.

Commissioner GARRETSON. Are they sold at a low rate?

Mr. MILLER. Oh, yes; they can get anything they want now by parcel post if they are not suited at the camp.

Commissioner GARRETSON. That is one thing that competition regulates?

Mr. MILLER. Yes, sir; they can write a letter to town and get anything they want by parcel post.

Commissioner LENNON. That is done to a certain extent, is it?

Mr. MILLER. I think so.

Commissioner LENNON. I think that is all.

Commissioner GARRETSON. Has your experience shown you that liability companies all quote you the same rate?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. Do you know whether that rate is fixed by a State tribunal of the insurance companies or by headquarters?

Mr. MILLER. I understand it is all a headquarters proposition.

Commissioner GARRETSON. It becomes perfectly evident to you when you desire to buy you are not buying liability insurance in a competitive market?

Mr. MILLER. Sure.

Commissioner GARRETSON. Is your association composed only of manufacturers, or it is also composed of wholesalers and retailers?

Mr. MILLER. I think they are all manufacturers.

Commissioner GARRETSON. The wholesalers and retailers have their own association?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. Have you any connection with any of them?

Mr. MILLER. Well, yes, sir; I think I have. We operate one retail yard.

Commissioner GARRETSON. I mean, is there any understanding or gathering or meeting between them?

Mr. MILLER. The organizations?

Commissioner GARRETSON. Representatives of your association as manufacturers and theirs as jobbers or wholesalers or retailers?

Mr. MILLER. Nothing of that sort at all.

Commissioner GARRETSON. Have you any connection with any national body?

Mr. MILLER. No, sir.

Commissioner GARRETSON. Is your organization or the others ever charged with price fixing?

Mr. MILLER. We never have been.

Commissioner GARRETSON. How about the retailers or wholesalers—I am only speaking of common rumor? Is it so charged?

Mr. MILLER. Oh, it is so charged everywhere that the lumbermen are all robbers; yes, sir.

Commissioner GARRETSON. Where is the burden placed, as a rule, on the retailers and wholesalers or manufacturers?

Mr. MILLER. Usually placed on the manufacturers, I believe.

Commissioner GARRETSON. That is all, Mr. Chairman.

Action has never been brought in any direction on that basis in this State?

Mr. MILLER. No, sir; the question has never been raised here, as far as I know.

Commissioner GARRETSON. Nor have any of your association ever been a party to actions brought elsewhere?

Mr. MILLER. No, sir.

Commissioner GARRETSON. You are familiar with the actions that have been brought against the national association?

Mr. MILLER. In a general way.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. That is all, Mr. Miller; much obliged. Mr. Drennan.

Commissioner GARRETSON. I would like to ask Mr. Miller just one question; you need not return to the chair. Has the health department of the State ever exercised any power of supervision over lumber camps in the State, as far as you know—inspectors, I mean?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. And required of employers any certain measures?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. Sanitary and otherwise?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. That has been done?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. That is all.

TESTIMONY OF MR. HENRY DRENNAN.

Acting Chairman COMMONS. Give your name and address.

Mr. DRENNAN. Henry Drennan, Billings, Mont.

Acting Chairman COMMONS. What place?

Mr. DRENNAN. Billings.

Acting Chairman COMMONS. Are you a mine worker?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. Coal miner?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. In what place?

Mr. DRENNAN. Well, I represent the coal miners in this State.

Acting Chairman COMMONS. What is the organization that you represent?

Mr. DRENNAN. The United Mine Workers of America.

Acting Chairman COMMONS. What is the district?

Mr. DRENNAN. Twenty-seven.

Acting Chairman COMMONS. Where are your headquarters?

Mr. DRENNAN. Billings.

Acting Chairman COMMONS. Where are the mines?

Mr. DRENNAN. The mines are located pretty much all over the State. They are segregated to some extent; for instance, we have mines in practically the extreme southern part of the State, some practically in the central part of the State, and some within 100 miles of the north boundary of the State. The field here is not regular; therefore, the segregation.

Acting Chairman COMMONS. They are all in one district, however?

Mr. DRENNAN. Yes, sir; Montana comprises district 27.

Acting Chairman COMMONS. Are the coal operators organized?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. What is the name of their organization?

Mr. DRENNAN. The Montana Coal Operators' Association.

Acting Chairman COMMONS. Who are the officers?

Mr. DRENNAN. The president and secretary—we have a commissioner that acts as secretary of the organization.

Acting Chairman COMMONS. Who is the commissioner?

Mr. DRENNAN. Mr. Purcell.

Acting Chairman COMMONS. Where is his office?

Mr. DRENNAN. At Billings.

Acting Chairman COMMONS. Do you give all your time to the work of the mine workers' union?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. What is the number of mine workers in the district?

Mr. DRENNAN. Well, it fluctuates. The fact of the matter is in the summer months, as a rule, like all coal-mining districts, the membership is lower in the summer time than it is in the wintertime. Now, about from this time on we will have a membership, probably, of 3,700 or 3,800, and in the summer time right around 3,000—that is, the fluctuation of it.

Acting Chairman COMMONS. By membership you mean paid up?

Mr. DRENNAN. Well, yes, sir; they are paid up. All the men that work in the State belong to the organization—that is, all the men that are in the mines and who have been working more than 7 to 10 years. There is not a mine in the State that is not under the union mine workers, except little country banks around in different localities.

Acting Chairman COMMONS. You have agreements with the mine operators' association?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. How long have those been in operation?

Mr. DRENNAN. They have been in force ever since I have been here, I have only been in the State seven years.

Acting Chairman COMMONS. When were they first inaugurated?

Mr. DRENNAN. About 1903 or 1904; I am not absolutely certain as to the exact date.

Acting Chairman COMMONS. What is the scale of wages for coal miners?

Mr. DRENNAN. The scale of wages?

Acting Chairman COMMONS. Yes; and the hours?

Mr. DRENNAN. The hours are eight in all of the mines of the State—in every department. The scale is based upon different classifications of work.

Acting Chairman COMMONS. Take the surface laborers, that is the lowest scale, what is the minimum wage?

Mr. DRENNAN. The lowest scale of wages for surface laborers is $2.90.

Acting Chairman COMMONS. For eight hours?

Mr. DRENNAN. For eight hours; yes, sir.

Acting Chairman COMMONS. What is the next classification?

Mr. DRENNAN. Well, we have a classification of the outside scale. The lowest, that is the ordinary laborer, in classification, he receives $2.90; the others are classified from the fact that they work on the tipple, the tipple man gets $3; the head dumper, the man that dumps the coal, get $3.15; the man that works down on the flat, he gets $3.50; the man that runs the box car loader that distributes the coal in the car, you understand, the head brakeman—we have to have a brakeman around the yards to take care of the cars in this State—and the head brakeman receives $3.20; and the other brakeman $3; so, you see, that the whole business is classified from one item to another.

Acting Chairman COMMONS. Take the men underground.

Mr. DRENNAN. The men underground, they are classified as well. The unclassified get $3.40.

Acting Chairman COMMONS. For eight hours?

Mr. DRENNAN. Eight hours; yes, sir.

Acting Chairman COMMONS. Define that eight hours, is it net or gross?

Mr. DRENNAN. Pardon me?

Acting Chairman COMMONS. Is it eight hours at the face?

Mr. DRENNAN. Yes; eight hours at the face—supposed to be.

Acting Chairman COMMONS. And at the surface?

Mr. DRENNAN. We have an agreement that generally applies to this matter. You are supposed to take time enough to get to your working place by 8 o'clock, for instance, if that is the working time. They have different starting times in different locations, it is a matter of the humor of the men more than anything else that is involved, you understand. It is immaterial to the company whether they start at 7 or 8 o'clock, so that they get eight hours just the same.

Commissioner GARRETSON. Is that eight hours in the pit or that you start?

Mr. DRENNAN. No, sir; it is from bank to bank. It is eight hours exclusive of the time going to and coming from work, except where shooting time is. We are allowed under the contract 15 minutes before we could get time for shooting.

Commissioner GARRETSON. Is that eight hours from the pit mouth, when he has to go to work; that is, he leaves the pit mouth?

Mr. DRENNAN. No; it is not; from bank to bank.

Commissioner GARRETSON. It is not?

Mr. DRENNAN. No; it is eight hours exclusive of going to and from the bank, excepting where shooting time is not allowed.

Acting Chairman COMMONS. Does that come out of this eight hours, is that company time or yours?

Mr. DRENNAN. That is on their own time.

Acting Chairman COMMONS. You say it is?

Mr. DRENNAN. It is eight hours work at the working place.

Acting Chairman COMMONS At the face of the coal, the working place?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. You said the unclassified laborer gets $3.40 for eight hours?

Mr. DRENNAN. Yes; the work such as shoveling, such as working on the roadway, the timber man, the track man, or something of that character. Then the classification for the miner other than contractor, understand, for day work, understand, is $3.80.

The man that lays the track gets $3.80, the timber man gets $3.80, the driver gets $3.60. So that is the classification.

Acting Chairman COMMONS. The driver, the driver of what?

Mr. DRENNAN. That is the man that pulls the coal, either horse or motor.

Acting Chairman COMMONS. What are the tonnage rates?

Mr. DRENNAN. Well, the tonnage rates vary.

Acting Chairman COMMONS. How much is a man expected to earn under the tonnage rate?

Mr. DRENNAN. All he can.

Acting Chairman COMMONS. What do they?

Mr. DRENNAN. That is a matter that is quite a difficult proposition from the fact that it varies from the different working conditions, you understand. The conditions in this State are so varied, that there are not two mines that work under the same conditions.

Acting Chairman COMMONS. Take the worst mine, the lowest-paid mine in the State.

Mr. DRENNAN. The lowest-paid mine in the State, it will average about $3.50 a day; that is, for their working days.

Acting Chairman COMMONS. By contract you mean what?

Mr. DRENNAN. That is the term.

Acting Chairman COMMONS. Three fifty?

Mr. DRENNAN. That is, I would say that as an estimate, as near as I can get.

Acting Chairman COMMONS. That is less than the day rate, which is three eighty?

Mr. DRENNAN. Yes; that would be less than the day rate, the lowest day rate.

Acting Chairman COMMONS. What is the highest?

Mr. DRENNAN. I couldn't just answer that to be absolutely correct, but there is contract men in this State will make as high as, I would say, $8 and $9 a day. That only applies, however, in certain localities, understand.

Acting Chairman COMMONS. Would that apply to some mines, to the entire mine?

Mr. DRENNAN. Well, no, it would not apply to any entire mine. The classification of our work in the coal mine, of course, it is varied, understand. The entry work, for instance, which is termed in the case of quartz, hard-rock work, gangway, entry work is better paid than the room work. Simply as a matter of fact we are paid yardage over tonnage price, it is the same price as the contract man gets.

Acting Chairman COMMONS. I was not after the entry work, I was after the other.

Mr. DRENNAN. The average on the other work is so varied that to take an average of the entire State I never tried to figure it up, really never did.

Acting Chairman COMMONS. Just the highest and lowest.

Mr. DRENNAN. Well, the lowest, I would say, is probably some lower than $3.50 a day; there is some, you know, in some instances that therefore it is a pretty hard proposition from the natural conditions of the work or the physical conditions that you work under makes it a very hard proposition to get.

Acting Chairman COMMONS. How many months does a man get during the year?

Mr. DRENNAN. Well, that is according to localities, as well. We have mines in this State at the present time that have not lost a day in three weeks all summer. We have other mines in the State that haven't worked three weeks all summer. So that there is a proposition so far as the coal business is concerned.

Acting Chairman COMMONS. Is the Anaconda Co. or the Amalgamated Co. the owner of any of the mines in district 27?

Mr. DRENNAN. Yes, sir; two.

Acting Chairman COMMONS. Two?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. How many days' work in the year are secured in those mines?

Mr. DRENNAN. Well they will average—with some of the mines they will average fairly good; with others they are not up to the average. That is, I mean to say by that, that, for instance, in the Bear Creek field we have a mine—that is, in the southern part of the State—they have a mine what they call the Washoe, and it is practically the same field as the Bear Creek—we have a field down there that is called the Bear Creek field, a little creek runs down there, and that is the name of the creek, and all the mines go under that name down there, although under different names; it is all called Bear Creek; the Washoe people down there have worked a little better on the average this summer than the other mines have, excepting one. The six mines in the field—the five mines in the field, one mine as compared, as working days, with the Washoe, about on an average of probably three days a week this summer; the other mines in the field have probably worked an average of a day and three-quarters.

Acting Chairman COMMONS. Take this summer and also run over the last two years, this Washoe mine, about how many days' work per year do your men get or can they count on getting?

Mr. DRENNAN. Well, now, I told you, you can't count on anything.

Acting Chairman COMMONS. How many days has it operated?

Mr. DRENNAN. Well, I would say on the average of about three days a week.

Acting Chairman COMMONS. For the last three or four years?

Mr. DRENNAN. No; I am speaking of the summer months. Now, in the winter-time; that is, where the coal business, you understand, fluctuates to a certain extent.

Acting Chairman COMMONS. Could you put it this way, about the number of days per year in the year they have operated? Would you say 250 days?

Mr. DRENNAN. No; I don't believe I would. I never figured it over to see, understand.

Acting Chairman COMMONS. I wonder if we could get those figures from some one. Mr. Evans, could you get this?

Mr. EVANS. Yes; I think so. As to the Washoe, how did you say that compared to the other mine there?

Mr. DRENNAN. What is that?

Mr. EVANS. How does Washoe compare with the other mine?

Mr. DRENNAN. It does not compare favorably.

Mr. EVANS. It is better than three days and not as good as one?

Mr. DRENNAN. Yes; that is about the way the thing would average.

Mr. EVANS. You mean just as to the Washoe?

Acting Chairman COMMONS. I am trying to get all the mines. I want to find what the coal miner earns as compared to the mine workers of Butte, including the rate of pay and the number of days they work during the year.

Mr. DRENNAN. If that is the idea of the proposition, I will say that the coal miners, as far as their day's work is concerned, in Butte, compared with contract miners, in comparison with day's work, understand, not putting the sum total up against the seven days a week, against the Butte miners, but putting the number of days the coal miner in Butte, compares any way you want to take it.

Acting Chairman COMMONS. Suppose the contract miner gets, we will say, from three and a half up to five or six per day.

Mr. DRENNAN. The contract miner in the Washoe mine, I will say that, I would say that the Washoe miner, coal miner, makes a better average, by far, than the Butte miner does with seven days a week; that is, for the days they work, not taking the seven days a week; they don't work seven days a week.

Commissioner O'CONNELL. What would the year's average be?

Mr. DRENNAN. I never figured it up.

Commissioner O'CONNELL. Would the Butte miner have the best of it at the end of the year?

Mr. DRENNAN. I can say this much, that they work seven days a week, you understand. I might probably say that the miners in the Washoe mine or in all except a couple of mines in the Bear Creek field, for the days they work, will average about five and a half a day.

Acting Chairman COMMONS. Do you have a six-day rule?

Mr. DRENNAN. Yes, sir; absolutely so.

Acting Chairman COMMONS. Is that a union regulation?

Mr. DRENNAN. Yes, sir; it is recognized by contract. I have a contract here.

Acting Chairman COMMONS. Suppose you file that with the stenographer.

(The paper so presented was marked "Document Serial No. 404, August 8, 1914, Witness Drennan.")

Acting Chairman COMMONS. That is your present contract?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. How do you account for the difference in the attitude of the two organizations, the Western Federation, which generally insists on continuous seven-day work, and your organization, which insists on six-day work?

Mr. DRENNAN. How do I account for it?

Acting Chairman COMMONS. Yes; why should there be such a difference? They are both miners and both underground.

Mr. DRENNAN. I fail to understand the proposition myself. I have never been able to find out why it is these men wanted to work seven days a week.

Commissioner LENNON. Good boy.

Mr. DRENNAN. I never understood. I have had lots of men try to tell me about it, but I never could understand why they wanted to work seven days a week.

Acting Chairman COMMONS. Is it your impression, or your knowledge, that the metalliferous mine workers do want to work seven days?

Mr. DRENNAN. Apparently so.

Acting Chairman COMMONS. Do you get any idea that they are forced to do so by the wishes of the company—employers?

Mr. DRENNAN. If they have any organization, any contract that means anything, they could not force them to work seven days a week.

Acting Chairman COMMONS. I don't quite understand. What I am getting at, has it always been the policy of the metalliferous miners to work seven days a week?

Mr. DRENNAN. That is really the whole business, in my opinion, it has been the policy; that is all.

Acting Chairman COMMONS. They have never agitated any other conditions?

Mr. DRENNAN. I have never heard of it.

Acting Chairman COMMONS. You have discussed it with them at times?

Mr. DRENNAN. Oh, I have talked to individuals, understand. I never discussed it to any extent. I would just meet with the miners, the metalliferous miners in any locality, and I have talked to different individuals and they don't seem to think they could get along if they didn't work seven days a week. That is the way they put it up to me.

Acting Chairman COMMONS. Could not get along?

Mr. DRENNAN. Could not exist properly, or they think they could not, unless they are working seven days a week.

Acting Chairman COMMONS. Is there any interchange between coal-mine workers and metalliferous-mine workers in working cards?

Mr. DRENNAN. The Western Federation and the United Mine Workers interchange cards.

Acting Chairman COMMONS. Changing from coal mines to metalliferous and back?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. Amongst the mines?

Mr. DRENNAN. Yes; and has been right along all the time; that is, the Western Federation now, you understand.

Acting Chairman COMMONS. Yes.

Mr. DRENNAN. The only exchange of cards we have, as far as the United Mine Workers are concerned, is between the Western Federation and the United Mine Workers of America; no other organization.

Acting Chairman COMMONS. I mean as changing from the Butte mines, or the mines in this neighborhood, and going to work in the coal mines.

Mr. DRENNAN. Oh, yes.

Acting Chairman COMMONS. Have you talked with them about their estimate of the comparative conditions, earnings, health, etc.?

Mr. DRENNAN. That is a very peculiar thing to talk to a man about, especially if a man is a little dissatisfied. Take an individual that is a little dissatisfied in either Butte or any other place, when he transfers or leaves Butte, for instance—I am taking Butte, because we are in Butte, and that is one of the biggest mining centers—transfers from Butte into the United Mine Workers' territory, of course, everything is wrong with Butte with that in-

dividual, as a rule, understand. I suppose when he gets down to the mine workers and works for a while and is ready to make another change, then something goes wrong down there. So that is human nature.

Acting Chairman COMMONS. He comes back to Butte?

Mr. DRENNAN. He goes to some place, anyway. That is rather peculiar about the human, I find.

Acting Chairman COMMONS. So you never, in your own mind, figured—not what you think yourself, but what the men themselves think that are changing back and forth between mines, as to which they would prefer?

Mr. DRENNAN. That is a pretty hard thing to tell, simply because the men give varied opinions on those things, don't you see. There are lots of men, men working in Butte to-day, if they could get located in localities they had worked in, in coal mines, tell me that they would never go back to the metalliferous mines again.

Acting Chairman COMMONS. Well, how about the other fellow?

Mr. DRENNAN. Well, the other fellow I haven't talked to a great deal. I don't mix a great deal with the metalliferous miners.

Acting Chairman COMMONS. So far as you know, this condition applies?

Mr. DRENNAN. Well, in some instances, yes; it might be considered so.

Acting Chairman COMMONS. Now, what other mines, coal mines, does the Anaconda Co. operate, or their subsidiaries?

Mr. DRENNAN. Well, they——

Acting Chairman COMMONS. Besides the Washoe.

Mr. DRENNAN. Well, they operate a mine at Tracy; that is, out in the——

Acting Chairman COMMONS. And what will the contract miner average there?

Mr. DRENNAN. Well, really I am not hardly in a position to say, from the fact that recently we made a contract scale there and I haven't been in close touch with the situation for some months or so, and I am unable to give it.

Acting Chairman COMMONS. Did the scale bring about any increase?

Mr. DRENNAN. Well, I rather think it did.

Acting Chairman COMMONS. Do you know what they were earning before this scale?

Mr. DRENNAN. They were working day work—$3.80.

Acting Chairman COMMONS. Day work?

Mr. DRENNAN. Under the classification of miners.

Acting Chairman COMMONS. It wasn't all day work?

Mr. DRENNAN. That is, the majority of it. Under certain systems you see the system changes from contract pick work to contract machine work, that is where the difference changes. Then the scale of wages, it requires another modification of the scale to put the machines in the mine. However, that is takn up and agreed on just the same as if we were going into conference to make a contract with the operators, the operators represented by the commissioner. I represent the coal miners, and we take the matter up of that condition with the superintendent of the mine there, and I have the committee of the coal miners, and we go into details and discuss it.

Acting Chairman COMMONS. What other mine have they outside of Tracy?

Mr. DRENNAN. That is all I know. Recently they have taken the Tracy mine over so far as I know, at least it is considered so.

Acting Chairman COMMONS. Any other questions?

Commissioner GARRETSON. Mr. Drennan, in this matter of seven-day working, as a labor man who has dealt for wage for a good many years, do you or do you not believe that the practice of working seven days has a tendency to bring about a condition where the seven-day man only gets as much in the year as the six-day man?

Mr. DRENNAN. Absolutely so.

Commissioner GARRETSON. That it produces in statistics an unfair estimate of what a man's wage is, or a man's earnings for the year?

Mr. DRENNAN. Yes, sir; absolutely.

Commissioner GARRETSON. Unless the fact is brought out that he has worked 52 days more in the year than the average laborer does.

Mr. DRENNAN. Yes, sir; absolutely.

Commissioner GARRETSON. In your business does vein depth run the same all over the State—thickness of vein?

Mr. DRENNAN. No, sir.

Commissioner GARRETSON. Does it run the same in the same district?

Mr. DRENNAN. No, sir.

Commissioner GARRETSON. The thickness of vein will cut a very considerable figure, will it not, in the earnings under the tonnage system?

Mr. DRENNAN. Yes; it does, to a great extent.

Commissioner GARRETSON. And the clearness of the vein, or the presence of reject material?

Mr. DRENNAN. That is where the matter lies more than anything else.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Lennon?

Commissioner LENNON. Mr. Drennan, what system have you in this district as to taking care of grievances of men? Suppose the men are discharged by the foreman, or by whoever has the power of discharge at the mine, does the union take the matter up with the employers, or how does it come about? Do the men make complaint, or how are those things handled?

Mr. DRENNAN. That is provided by contract. The matter is first handled—the individual concerned has the right under our contract to take his own grievance up first to see if he can settle it. If he fails, then we have a mine committee. The individual can go to the mine committee and lay his case before the mine committee. If they think there is any injustice done the individual, then they can go to the mine foreman, and can take the matter up and discuss it again from that point of view under the terms of contract which provides for the working conditions. If they fail to agree then there is an executive committee of that union in that locality where we have a local union at each mine. The executive committee comprises the executive officers of the local union—president, financial secretary, and the vice president. They meet the superintendent of the mine, and they in turn take the matter up and discuss it with him, being removed from the first part of the case all concerned. In a great many instances they are enabled to settle those grievances. However, there are hundreds of them where the claim goes on up, which is provided by contract that in case they disagree then it provides that the matter shall be sent to the commissioner of the mining coal operatotrs' association and the president of the district.

Acting Chairman COMMONS. That is yourself?

Mr. DRENNAN. Then we come on the ground; we go to the locality involved and get the witnesses together and take the matter up in that line. And in many instances we settle the grievances. Lots of the time we have to continue the case, which is a provision made that it goes to the international organization, and then the commissioner has the right to get in on the case again. And in case of we will say a discharge and it is proven that an injustice is done this man, after traveling this course, and he has been idle 15 days, the company has to compensate him for 15 days' work.

Commissioner LENNON. How long have you been a coal miner?

Mr. DRENNAN. About 27 or 28 years.

Commissioner LENNON. What I wanted to find out now is, does this procedure of handling grievances reduce the number of discharges in the mines, or are there just as many discharges as there were before the system existed?

Mr. DRENNAN. Oh, it reduces it.

Commissioner LENNON. Materially reduces it?

Mr. DRENNAN. Oh, yes; oh, yes.

Commissioner LENNON. Well, now, suppose the man is discharged and unjustly discharged, but he makes no complaint to anybody, he simply accepts it and goes away. Then, would the union intervene? The man has to start the complaint, does he?

Mr. DRENNAN. Yes; absolutely so.

Commissioner LENNON. That is the way it is handled?

Mr. DRENNAN. Yes, sir.

Commissioner LENNON. About the cost of these appeals, that is borne by the union, and by the operators' association on their side; it don't fall back on the individual miner in any case, does it?

Mr. DRENNAN. Oh, no; no; the organization stands the expense.

Commissioner LENNON. In the coal-mining business throughout the country and throughout the world, as you know it, what about the six-day work policy? What is the policy of coal miners in the United States on that subject?

Mr. DRENNAN. Well, the policy, so far as I know, the places that I have worked—I have worked pretty much west of the Ohio, clear to the Pacific coast. There are places in the West, or was a short time ago, where they work seven days a week. They were in a position that they could not get away from it. There was no organization there, and they were forced to do it. If you

didn't work on Sunday, why, you didn't have any job on Monday. But, of course, the organization, and since they have got to that point in the making of contracts the operators are very well satisfied, I think, with six days a week. In fact, it don't require seven days a week. There is an overproduction of coal even in this State, and there are only a few mines. Of course, we are surrounded by mines both in Utah on the south of us, and south and west of us, and the line on the other side, which their coal field lays right on the line. Crows Nest Pass is right on the boundary of Montana, and Wyoming is right next to us. Sheridan County is practically a part of Montana, and we are surrounded by coal. In every respect, therefore, there is an overproduction of coal.

Commissioner LENNON. Have you ever worked in a mine where the seven-day rule prevails?

Mr. DRENNAN. Oh, yes; yes, sir.

Commissioner LENNON. Well, what does your observation teach you as to the amount of production by the mine for, take the winter season—will they produce more coal, taking the entire six months of winter, or seven months of winter, with the seven-day rule prevailing or with the six-day rule prevailing?

Mr. DRENNAN. Well, I would say this, it is just according to whether you are working on the contract basis or wage contract—day-wage basis. I don't think there is any individual man I know will dispute the fact that a man will do more under contract than he will under day wage. There is no question about that; that is not disputed by anybody. I think that is reasonable.

Commissioner LENNON. That is piecework?

Mr. DRENNAN. Yes; he will naturally go ahead and produce more that way than he will the other way, so you will have to compare it from one to the other; it will have to come from the day-wage standpoint or the contract standpoint. However, taking in consideration the day-wage production in those mines where you are compelled to work seven days, you practically have a task to fill. If they don't fill it, they want to know why. They generally find out why, too, as a rule; that is, I am speaking of the company or the foreman in charge.

Commissioner LENNON. That is all, Mr. Chairman.

Commissioner GARRETSON. Does the Anaconda Co. mine only for its own consumption or for market purposes?

Mr. DRENNAN. Well, really I could not say.

Commissioner GARRETSON. You don't know?

Mr. DRENNAN. I am not in position to say.

Commissioner LENNON. Their coal is all shipped, is it?

Mr. DRENNAN. It is all shipped.

Mr. EVANS. They sell a little.

Commissioner GARRETSON. They are in the market?

Mr. EVANS. They sell a little.

Mr. DRENNAN. I am told so, but I could not say.

Commissioner GARRETSON. Your organization holds and practices that the protective feature of the organization is of just as much importance as the wage fixing?

Mr. DRENNAN. Absolutely so.

Commissioner GARRETSON. Mission?

Mr. DRENNAN. Yes, sir.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Are there any nonunion miners in this State?

Mr. DRENNAN. No nonunion coal miners; no, sir.

Acting Chairman COMMONS. Are they such in adjoining States?

Mr. DRENNAN. Well, Utah has all nonunion miners.

Acting Chairman COMMONS. How does your scale compare with the scale in other States where you have agreements?

Mr. DRENNAN. Well, we have a much higher scale than any State except Washington.

Acting Chairman COMMONS. Except Washington?

Mr. DRENNAN. That is, I am speaking of the day-wage rate, understand. As far as the contract basis is concerned, it is pretty much the same that is earned, comparing a man getting out coal. For instance, I can explain it better this way: We have mines in this State that work by the undercut machine, mining machine, understand. We have mines in this State where they undercut the coal, and the miner shoots it down and loads it into the car. He gets a lesser price than the man that shoots it off of the solid or mines

if off of the solid and loads it out. For instance, we have men in the State that get 73 cents a ton for solid work; that is, you know, working off the solid—and 51½ cents for the same work; that is, contract, you understand, so you see——

Acting Chairman COMMONS. I am taking either.

Mr. DRENNAN. The man that works behind the machine has got to load more coal than the other fellow.

Acting Chairman COMMONS. Yes, I know; but take the machine scale in this State and the machine scale in adjoining States for similar work.

Mr. DRENNAN. Oh, we have a higher machine scale than they have.

Acting Chairman COMMONS. And the pick rate is higher, too?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. For the same class of work?

Mr. DRENNAN. Yes, sir; but then I have got to explain that, too, so there is no misunderstanding. We have in this State a semibituminous coal. It is between a lignite and bituminous coal. In the adjoining States they have a purely lignite coal. Their veins are high. They have some veins in Wyoming, you know, that is 60 to 70 feet thick, and in the Sheridan field is a large vein that is 10, 12, or 14 feet. Well, their system of taking the coal out there has no comparison with ours. We have one vein in this State that works about 13 feet, and there is about 2 feet of dirt and rock, now that has to be picked out by the miners.

Acting Chairman COMMONS. Take it on the basis of earnings, then, daily earnings.

Mr. DRENNAN. Well, the daily earnings compare practically the same as far as the contract is concerned. Our day scale is higher than theirs. Their highest rate in Wyoming is three forty, and our highest rate is three eighty; that is, for the miner, truckman, etc. Our low-class labor in this State is three forty compared to their highest rate.

Commissioner GARRETSON. Do you know what the wage is in Utah for the same class of men?

Mr. DRENNAN. I don't know. I don't think there is anybody can tell you that.

Commissioner GARRETSON. It is the caprice of the employer?

Mr. DRENNAN. That is exactly it.

Acting Chairman COMMONS. You are not acquainted with the workings of the unions in Butte further than you have already mentioned, are you?

Mr. DRENNAN. Well, I haven't—you know I am not thoroughly acquainted with their conditions. I could not say a great deal about that. I have been in Butte on a number of occasions and met some of their officials at different times. I don't know anything practically about their business, and I am not much of a hand to mix in anybody else's business. I have got all of my own to attend to myself in my line, and it keeps me on the road practically all the time. There is hardly a day of the week that I am not some place settling up some matter of some character so far as the miners are concerned.

Acting Chairman COMMONS. Have you never been called in by them to give them advice?

Mr. DRENNAN. Which; in the Butte situation?

Acting Chairman COMMONS. Yes.

Mr. DRENNAN. Well, not officially, only once; and then I didn't meet the individual that called me in.

Acting Chairman COMMONS. You didn't give them any advice, then?

Mr. DRENNAN. No; I didn't give them any advice. I never was asked for it outside of once, and I didn't happen to meet the individual that sent me the request, through some strange circumstance.

Acting Chairman COMMONS. Is there anything else?

Commissioner GARRETSON. Just one question, and that question you are at perfect liberty to answer or not, just as you desire. From your general knowledge of the methods that have obtained in the conduct of contractual affairs in this mining district, would you consider it a desirable method to follow yourself as an officer of the union?

Mr. DRENNAN. You mean in this locality here?

Commissioner GARRETSON. Yes.

Mr. DRENNAN. I should say not.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. That will be all, Mr. Drennan.

Mr. Madden; is Mr. Madden present; Dan Madden?

Mr. EVANS. I understood you would not want him. Oh, Dan Madden. Mr. Chairman, may I inquire as to the data you desired me to get about the coal mining concerning our Washoe mine or other mines, the number of days that they have worked for a period of years past that they have operated, and the minimum and maximum earnings of the men?

Commissioner LENNON. Yes; day men and contract men.

Mr. EVANS. Yes; it would be hard——

Commissioner LENNON. A couple of years would be enough for it.

Mr. EVANS. One year?

Commissioner LENNON. A couple of years at the most.

Mr. EVANS. Well, what I was in doubt about was whether you want us to try to average what they make. That would be rather difficult, I think; they are changing all the time.

Acting Chairman COMMONS. No.

Commissioner LENNON. How many days they work and what their rate is.

Mr. EVANS. Well, their rate, of course, is in this contract.

Acting Chairman COMMONS. The number of days operating during the year for all of your coal mines.

Mr. EVANS. Yes; we have only—have two in the State now, and a small one in northern Montana—the Washoe.

Acting Chairman COMMONS. You have another one outside?

Mr. EVANS. At Diamondville, Wyo. Would you like to have that, too?

Acting Chairman COMMONS. Yes; and the wage scale there, too.

Mr. EVANS. I would like to ask Mr. Drennan. I am not sure but they are under the same scale. [Addressing Mr. Drennan:] Are they under the same scale at Diamondville, Mr. Drennan?

Mr. DRENNAN. I beg your pardon?

Mr. EVANS. Are they under the same scale at Diamondville?

Mr. DRENNAN. No, sir.

Mr. EVANS. They have their separate contract there?

Mr. DRENNAN. Yes.

Mr. EVANS. Well, I can get that for you.

Acting Chairman COMMONS. Yes.

TESTIMONY OF MR. DAN MADDEN.

Acting Chairman COMMONS. Mr. Madden, will you give your name to the reporter?

Mr. MADDEN. D. Madden.

Acting Chairman COMMONS. What is your occupation, Mr. Madden?

Mr. MADDEN. Carpenter.

Acting Chairman COMMONS. Carpenter in Butte?

Mr. MADDEN. In Butte.

Acting Chairman COMMONS. You are president of the central organization, are you?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. What is the name of that organization?

Mr. MADDEN. The Silver Bow Trades and Labor Council.

Acting Chairman COMMONS. What organizations are eligible and are members?

Mr. MADDEN. Why, there are about 40 different unions affiliated with the Silver Bow Trades and Labor Council. I could give you a list of the different unions if you wished me to.

Acting Chairman COMMONS. It includes all classes?

Mr. MADDEN. Includes all classes, the Workmen's Protective Union, and all classes.

Acting Chairman COMMONS. Affiliated with the American Federation of Labor?

Mr. MADDEN. Affiliated with the American Federation of Labor.

Acting Chairman COMMONS. Does the carpenters' union make a separate scale with the Anaconda Co. and with the master carpenters in the city of Butte?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. What is the difference in the scale?

Mr. MADDEN. The difference in the scale is the carpenters working for the companies work on a sliding scale. It all depends on the price of copper. We

get 4 and 6 bits per hour. The carpenters that work around the city get $7 per day.

Chairman COMMONS. What is the highest pay they have gotten on the sliding scale with the company?

Mr. MADDEN. Four dollars and seventy-five cents.

Acting Chairman COMMONS. And $6, did you say?

Mr. MADDEN. Seven dollars for the scale downtown.

Acting Chairman COMMONS. How long has this $7 scale been in effect?

Mr. MADDEN. It has been in effect about—in my judgment, about 10 months, or probably a year.

Acting Chairman COMMONS. What was the scale prior to that?

Mr. MADDEN. Six dollars.

Acting Chairman COMMONS. How long had that been in effect?

Mr. MADDEN. That had been in effect for about three years, I presume.

Acting Chairman COMMONS. And what preceded that?

Mr. MADDEN. Five dollars.

Acting Chairman COMMONS. And how long had that been in effect?

Mr. MADDEN. That had been in effect about 15 or 16 years, probably.

Acting Chairman COMMONS. That had been the scale for 15 or 16 years—$5?

Mr. MADDEN. Yes, sir; at that time——

Acting Chairman COMMONS. At that time what was the scale with the Anaconda Co. when you had the $5 scale for carpenters outside?

Mr. MADDEN. Four and a half.

Acting Chairman COMMONS. So there has always been a difference. There was one time here in Butte that they paid more in the companies to carpenters than they did down in the city. That is some years ago. I presume it is 28 or 29 years ago. Were you here at that time?

Mr. MADDEN. No, sir; I was here a few years later.

Acting Chairman COMMONS. What was the difference then?

Mr. MADDEN. There was about 4 bits difference, 50 cents.

Acting Chairman COMMONS. Fifty cents; that is, the company paid 50 cents more than the contract?

Mr. MADDEN. Than the contract.

Acting Chairman COMMONS. About 20 or 30 years ago?

Mr. MADDEN. About 28 years ago, I presume.

Acting Chairman COMMONS. So that gradually you have increased this differential. First the contractors paid less, then they paid 50 cents more, then they paid increasing amounts at different times until now it is——

Mr. MADDEN. Seven dollars.

Acting Chairman COMMONS. It is how much?

Mr. MADDEN. Seven dollars.

Commissioner LENNON. And four seventy-five?

Mr. MADDEN. And four fifty, at the present time.

Commissioner LENNON. Four fifty and seven?

Mr. MADDEN. And $7.

Acting Chairman COMMONS. Two dollars and a half difference.

Mr. MADDEN. Two and a half difference.

Acting Chairman COMMONS. What was the reason for making this difference during this period of 30 years?

Mr. MADDEN. The difference in making the changes in the wage scale down town and the company scale is that the down-town men, as we call them, don't get any more than half time, don't work half time in the year.

Acting Chairman COMMONS. You mean six months?

Mr. MADDEN. I mean six months, and they work steady on the hill, so that the man that works on the hill gets more wages at the end of the year than the man that works down town.

Acting Chairman COMMONS. Is there any class of carpenters down town that gets steady work?

Mr. MADDEN. I don't know of any; there may probably be two or three.

Acting Chairman COMMONS. Two or three men?

Mr. MADDEN. Two or three men.

Acting Chairman COMMONS. How many men are there in the union?

Mr. MADDEN. There are at the present time 690, or probably there are 700. There are 690 at least.

Acting Chairman COMMONS. Then you would say that out of about 700 men that 2 or 3 are getting steady work the year through at $7?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Not more than that?

Mr. MADDEN. Not more than that to my knowledge, but probably there is. But I would not say that there is.

Acting Chairman COMMONS. Have you any official position in the carpenters' union?

Mr. MADDEN. No, sir; none.

Acting Chairman COMMONS. Would there be anyone in the carpenters' union that would have more accurate knowledge than you?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Who would that be?

Mr. MADDEN. Why, the business agent would have.

Acting Chairman COMMONS. What is his name?

Mr. MADDEN. Aleck Martin.

Acting Chairman COMMONS. What is his address?

Mr. MADDEN. His address? Now, I don't know, but you could get him at the carpenters' hall at noon to-day, at 12 o'clock. I could find out his address, though.

Acting Chairman COMMONS. That is sufficient on that point. You would know whether carpenters preferred the steady job at the Anaconda or the $7 job, outside of those two or three with contractors. What is the preference amongst carpenters?

Mr. MADDEN. Well, to my knowledge the men that are working for the companies are more satisfied than the men that are working around town. They prefer—the men that are working for the companies—prefer to work for them than they do down town.

Acting Chairman COMMONS. You have talked with numbers, have you?

Mr. MADDEN. Yes, sir; I have talked.

Acting Chairman COMMONS. Have you worked yourself for the company?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. And have you worked down town?

Mr. MADDEN. I have worked—yes, sir; I have worked around town.

Acting Chairman COMMONS. Have you had a steady job with the company?

Mr. MADDEN. Not a steady job; no. Probably I would have one for a year, six months or a year, three months along, but not steady work with them. I have worked as high as six years with the one company.

Acting Chairman COMMONS. Do all the men working for the company have steady work?

Mr. MADDEN. Well, the majority of them do, except as it comes the same as they have at the present time, a curtailment of the output, then the carpenters are laid off as at the present time.

Acting Chairman COMMONS. I am not speaking of a special event like this, but generally all the carpenters there have steady jobs?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. The company, in other words, has a steady force of carpenters while it is operating the mines?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. About how many are employed there?

Mr. MADDEN. Really I could not answer the question, how many carpenters are employed at the different mines. Sometimes there will be probably as high as 50 or 75 working in some of those mills and mines.

Commissioner LENNON. Are half the membership of your union carpenters who work in the mines? You say you have 700; do 350 of them work in the mines?

Mr. MADDEN. I don't believe it is quite that much.

Commissioner LENNON. Well, do 250 work in the mines?

Mr. MADDEN. Yes, sir; there is 250, I believe.

Commissioner LENNON. Somewhere between 250 and 350?

Mr. MADDEN. To my judgment, yes, sir.

Acting Chairman COMMONS. Has the Butte Miners' Union No. 1 been a member of this central body?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. Has it ever been a member?

Mr. MADDEN. Not to my knowledge.

Commissioner LENNON. How long have you been president?

Mr. MADDEN. This is my second term, I should say seven months.

Acting Chairman COMMONS. Has that union been eligible to membership?

Mr. MADDEN. I don't believe it has.

Commissioner LENNON. Let us clear that up. Mr. Oliver, has the Butte Miners' Union been a member of the central body?

Mr. OLIVER. Yes, sir; at one time.

Commissioner LENNON. Some years ago?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. How long since?

Mr. OLIVER. I think something like 14 or 15 years since it was a member of the Silver Bow Trades and Labor Council.

Acting Chairman COMMONS. It has not been a member since your connection with the central body?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. How long has it been eligible to be a member?

Mr. MADDEN. To my knowledge I don't know as the miners' union ever made application for to have delegates sent to the central body.

Acting Chairman COMMONS. Are only organizations affiliated with the American Federation of Labor eligible, are they?

Mr. MADDEN. There are others that are not affiliated with the American Federation that have delegates to the council.

Acting Chairman COMMONS. Oh, there are others. Are there at the present time others?

Mr. MADDEN. At the present time I believe there is one or two.

Acting Chairman COMMONS. Are you familiar with any reason or do you know any reason why it has not made application for membership?

Mr. MADDEN. I do not.

Acting Chairman COMMONS. You have no knowledge?

Mr. MADDEN. I have no knowledge whatever.

Acting Chairman COMMONS. Has the central body ever extended an invitation to this union?

Mr. MADDEN. Not to my knowledge.

Acting Chairman COMMONS. Is it the policy or is it not the policy of the central body to secure adherents of all labor unions in the localities?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. But you have not endeavored to secure the adherence of this union?

Mr. MADDEN. No, sir; we have not.

Acting Chairman COMMONS. You have made an exception in that case?

Mr. MADDEN. Not particularly; no, sir.

Commissioner GARRETSON. Is this the largest union in the Territory?

Mr. MADDEN. Which?

Commissioner GARRETSON. The miners?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Up to recent times?

Mr. MADDEN. Yes, sir.

Commissioner GARRETSON. Yes; up to the time as it is mentioned as being in existence or dominating the situation?

Mr. MADDEN. Yes, sir.

Commissioner GARRETSON. The 13th of July, was it?

Mr. MADDEN. June.

Acting Chairman COMMONS. Has the central body cooperated with the miners' union notwithstanding it not being a member?

Mr. MADDEN. Yes.

Acting Chairman COMMONS. In what way has it cooperated?

Mr. MADDEN. It cooperated with the miners' union in taking up matters pertaining to the union at the time there were grievances with the employers. It took up the matter and a committee was appointed—Silver Bow Trades and Labor Council took up the matter with the miners' union, and also appointed a committee to investigate the trouble.

Commissioner LENNON. Investigate what?

Mr. MADDEN. Trouble.

Acting Chairman COMMONS. When was the first occasion that grievances of this kind were taken up on the part of the central body on behalf of the miners' union?

Mr. MADDEN. To my knowledge it was a year ago this month, in August.

Acting Chairman COMMONS. What was that grievance?

Mr. MADDEN. That grievance was to investigate the hospital for consumptives located at Deer Lodge Valley. There had been a grievance brought in to

the Silver Bow Trades and Labor Council that the county commissioners would not make application for admission to this institution. There was two complaints brought in that miners that wanted to go to the institution made application to the county commissioners, and they wouldn't do nothing for them.

Commissioner GARRETSON. What is that, a State institution?

Mr. MADDEN. A State institution; yes, sir.

Acting Chairman COMMONS. A State institution for tuberculosis?

Mr. MADDEN. For tuberculosis; yes, sir. So that matter was taken up and there was a motion made for a committee of three to be appointed to investigate. That committee of three was appointed, and they went to the miners' union and asked for a like committee from the miners' union to work in conjunction with the committee from the Silver Bow council to investigate that case, which the miners' union done.

Acting Chairman COMMONS. What was the next instance of cooperation?

Mr. MADDEN. The next instance of cooperation was in regard to the air brakes and the heating of the vestibules on the street railways cars.

Acting Chairman COMMONS. Did the grievance come from the miners' union to the Silver Bow Trades and Labor Council?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. How did it originate?

Mr. MADDEN. It came from the—some of the delegates of the Amalgamated Street Car Union.

Acting Chairman COMMONS. What was the connection of the miners' union with the grievance?

Mr. MADDEN. The miners did not have no grievance. When the grievance was brought into the Silver Bow in regard to the heating of the vestibules and the calling for the air brakes there was also a committee of three appointed at that time, and that committee likewise went to he miners' union to ask them to work in conjunction with them.

Acting Chairman COMMONS. What was the next instance of cooperation?

Commissioner GARRETSON. In those two instances, did they cooperate?

Mr. MADDEN. Yes, sir. The next was, I believe, on the picnic for Labor Day.

Acting Chairman COMMONS. Did they have a joint picnic?

Mr. MADDEN. They had a joint picnic.

Acting Chairman COMMONS. What was the next?

Mr. MADDEN. I don't remember of any other.

Acting Chairman COMMONS. You spoke of investigation of recent trouble. What did the central body——

Mr. MADDEN (interrupting). In what trouble?

Acting Chairman COMMONS. You said that the central body appointed a committee to investigate recent trouble, did you not?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Did the central body appoint such a committee?

Mr. MADDEN. Oh, no, sir; not the recent trouble. I never said anything about that.

Acting Chairman COMMONS. I misunderstood you. Those you mentioned are the only instances in which the central body has acted with reference to the affairs of the miners' union?

Mr. MADDEN. To my knowledge.

Commissioner LENNON. That is, that is within the term you have been president?

Mr. MADDEN. Well, that occurred before I was president. I was a delegate there. But since I have been president there have been no——

Commissioner LENNON. Have you any knowledge of, say the last 10 years, of the miners' union assisting in the matter of improving the condition of the clerks and other organizations about the town, cooperating with the Silver Bow Trades and Labor Council?

Mr. MADDEN. I have not. I wasn't a member or delegate to the Silver Bow Trades and Labor Council at that time.

Commissioner LENNON. You are just covering the things that come under your knowledge?

Mr. MADDEN. The things that come under my knowledge; yes, sir.

Commissioner LENNON. You don't mean it shall be understood as covering all the cooperation that has ever existed here between the Silver Bow Trades and Labor Council and the miners?

Mr. MADDEN. No, sir; not at all.
Commissioner LENNON. That is all.
Commissioner GARRETSON. Has there been causes of—well, possibly criticism or possibly disagreements between the trades and labor assembly and the miners?
Mr. MADDEN. None whatever, to my knowledge.
Commissioner GARRETSON. None to your knowledge. There has been no hostility between the two?
Mr. MADDEN. None whatever.
Commissioner GARRETSON. They have each simply followed their own way?
Mr. MADDEN. Yes, sir.
Commissioner GARRETSON. Only coming together in these instances you have named?
Mr. MADDEN. Yes, sir.
Commissioner GARRETSON. That is all, Mr. Chairman.
Acting Chairman COMMONS. You have followed the testimony regarding the causes of difference which led up to the——
Mr. MADDEN (interrupting). Sir?
Acting Chairman COMMONS. You have followed the testimony regarding the causes that led up to the disagreement in the miners' union?
Mr. MADDEN. I have not?
Acting Chairman COMMONS. You have not?
Mr. MADDEN. I haven't had time.
Commissioner LENNON. You were not here yesterday?
Mr. MADDEN. No, sir.
Acting Chairman COMMONS. That is all, Mr. Madden. Mr. McCusker.

TESTIMONY OF MR. M. McCUSKER.

Acting Chairman COMMONS. Give your name and address.
Mr. McCUSKER. M. McCusker, Livingston, Mont.
Acting Chairman COMMONS. Your occupation.
Mr. McCUSKER. I am now employed by the industrial commission.
Acting Chairman COMMONS. How long have you been a member—a resident of Butte, or are you a resident of Butte?
Mr. McCUSKER. No, sir; Livingston. I have been in Montana about six and one-half years.
Acting Chairman COMMONS. You have made a study of the mortality statistics of this county—life statistics?
Mr. McCUSKER. Yes, sir.
Acting Chairman COMMONS. With reference to the subject of consumption?
Mr. McCUSKER. I have.
Acting Chairman COMMONS. Will you state briefly a summary of your investigation, what you have investigated, and the result?
Mr. McCUSKER. I will. In doing so I wish to merely present to the commission the method by which the investigation was pursued, so that they can have a more thorough knowledge of it. We have compiled tables for each year.
Acting Chairman COMMONS. Have you an exhibit which you will file?
Mr. McCUSKER. This exhibit I will file; yes, sir.[1]
Mr. McCUSKER. This is the monthly table made up by occupations, ages, and nationalities, covering each year and each month.
Acting Chairman COMMONS. Since when?
Mr. McCUSKER. Of all cases from 1907 to 1913.
Commissioner GARRETSON. From what source are these figures taken?
Mr. McCUSKER. These figures are taken from the death certificates of Silver Bow County.
Acting Chairman COMMONS. Are they taken from the official statistics published?
Mr. McCUSKER. They are not taken from any statistics. It is rather peculiar. We have statistics that are not statistics. We have some very good reports and some that are not even good guesses, so that it was necessary to check the death certificates; and after I had checked them the fourth time, verified my figures the fourth time, I got the statistics from the State, so at variance with the facts in the matter that it was necessary to go over the entire matter the fifth time to check.
Acting Chairman COMMONS. When you say that you went over the entire matter, what does that mean—over the death certificates?

[1] Exhibit not transmitted with testimony.

Mr. McCUSKER. Yes, sir; for seven years.

Acting Chairman COMMONS. For all causes?

Mr. McCUSKER. For tuberculosis; and we made then a comparative table——

Acting Chairman COMMONS (interrupting). Just a moment. Have the first one identified.

Mr. McCUSKER. You want it identified for each year or the several years?

Acting Chairman COMMONS. The exhibit as it is will cover the seven years?

Mr. McCUSKER. Yes, sir.

Commissioner GARRETSON. The death certificates are basic?

Mr. McCUSKER. They are the real record.

Acting Chairman COMMONS. You went over this record yourself?

Mr. McCUSKER. Yes, sir; I checked them four times myself, and the assistant checked them once; and although many others checked also, yet every one of those figures was verified by a check of my own. I have here a comparative table showing the deaths in Silver Bow from tuberculosis and from all other causes.

Acting Chairman COMMONS. Will you file that?

Mr. McCUSKER. I will file it.[1]

Mr. McCUSKER. By the growth of tuberculosis I wish to call your attention to this, the vital statistics covering a period of 10 years in America over the registration area is 11.2 per cent for all causes of tuberculosis.

Acting Chairman COMMONS. All kinds of tuberculosis?

Mr. McCUSKER. Yes, sir; exclusive of stillbirths and premature births. The record that I have here shows that in 1907 there were 11 and a fraction of 423/45700 per cent, which is just a trifle higher than 11.2 or the average in the United States. From that there is a gradual increase up to 1913, when it reaches 17-62/11400 of 1 per cent.

Acting Chairman COMMONS. That is deaths from tuberculosis?

Mr. McCUSKER. The deaths from tuberculosis, in comparison.

Acting Chairman COMMONS. Are 17 per cent of the total death record?

Mr. McCUSKER. Yes, sir.

Acting Chairman COMMONS. Exclusive of stillbirths and what else?

Mr. McCUSKER. And premature births. In 1911 it reached 18 per cent and a fraction of about one-tenth.

Commissioner GARRETSON. That includes all forms of tuberculosis?

Mr. McCUSKER. That includes all forms of tuberculosis, and I wish you to keep that particularly in mind. The low death rate from tuberculosis in comparison, and other statistics which I will present, and keep in mind the fact that the fact is that the rate here in Butte covering everybody was comparatively the same as over the registration area of the United States. Will you identify this exhibit?[1]

I have here made a comparative table covering the same periods of deaths of miners and by occupations and per cent. For instance, January, 1907, of all the deaths of tuberculosis—this is merely dealing with tuberculosis deaths, 63-7/11 miners. February, 57 miners.

Commissioner LENNON. What year?

Mr. McCUSKER. 1907, and during the year 1907 there were total deaths of 100 of tuberculosis in the city of Butte or Silver Bow County, and of those 63 were miners, or 57-78/10900 of 1 per cent of miners. In 1907, carrying out the idea, there were 63 died of tuberculosis and 36 killed in the mines, making a per cent of 37-27/72 who either died of miner's consumption or killed in the mines. In 1908 the same thing is carried down until the summary of the total deaths of miners to the whole number was 69-93/10300 of 1 per cent.

Acting Chairman COMMONS. That is miners for all causes?

Mr. McCUSKER. No, sir; miners that died with tuberculosis, the comparison to the whole number of deaths from tuberculosis in this city. In 1908 the total deaths of miners was 244; 72 of those were tuberculosis and 27 killed in mine accidents, which made 41-31/61 per cent in that year. In 1909 there was 168 deaths from tuberculosis in Silver Bow County, and 115 deaths of miners, making 69 per cent of deaths of tuberculosis were confined to miners engaged in mining, and from the two causes in Silver Bow County there was 66-96/23300 of miners died from either tuberculosis or were killed in mines.

Commissioner GARRETSON. Miners' families are not included in the figures of miners at all, but in the other column?

Mr. McCUSKER. Yes, sir; in the other causes. I will call attention to that in a moment. In 1910 there were 144 deaths of tuberculosis in the city, and

[1] Exhibit not transmitted with testimony.

90 of those miners, making 62½ per cent of all tubercular deaths were caused in the mines.

We had for the two causes that year 56 per cent of all miners dying from tuberculosis and mine accidents. In 1911 we had from the causes a death rate of 57⅛ per cent of miners die from miner's consumption or from mine accidents, being killed outright in the mine. In 1912 we had 68¼ per cent of all deaths from tuberculosis in Silver Bow County were deaths of miners, and 47 11/19 per cent—were the deaths of all miners caused by accidents and tuberculosis in comparison to the deaths of all miners.

In 1913 we had 190 deaths; out of those 190 deaths there were 137 died from tuberculosis; there were 137 deaths from tuberculosis in the miners, or 72 1/19 per cent; and 69 14/19 per cent of the deaths of all miners was caused by tuberculosis or killed in the mines.

Now, I wish to state to the commission this fact: That this does not include all the deaths of miners from tuberculosis in Silver Bow County, because of the peculiar fact, as I find by making a quiet investigation of many of the physicians here, that many of the physicians here, practitioners, have naturally a great deal of sympathy for men who they have been acquainted with for a number of years, and many of these men have taken out insurance policies and contracted consumption and died before the time limit set in the insurance policy so that they would be able to collect. And I understand also that possibly some of the men have tuberculosis or miner's consumption at the time that they got the policy. Hence, whenever they die, they give it the name of local pneumonia, or something of that kind.

Now, many of the miners here, when he contracts tuberculosis, will leave and go back to their old homes. Miners die who contract tuberculosis in Butte in every country possibly in the world. And that must be taken into consideration. But there is no way by which it can be checked—comparative tables.

Commissioner GARRETSON. You mean checked in the sense of tally?

Mr. MCCUSKER. Yes; you can't go behind the death record. I would like to have these two marked as exhibits.[1]

Mr. MCCUSKER. As far as I was concerned, I did not have access to Dr. Tuttle's report before this time. I have been trying to get hold of Dr. Tuttle's report ever since they have been made and have been unable to do so for one excuse or another. I am very glad to and sometime may be able to say, if my conclusions are at variance with his, it is not on account of wishing to be at enmity or difference, but merely that I have to go ahead with this on an entirely different line from him, and if there is a difference within the merits of either this report or Dr. Tuttle's report they will have to be compared and a conclusion drawn. Either Dr. Tuttle's report is wrong or this report is wrong; either Dr. Tuttle's conclusions are wrong or my conclusions are wrong. It has been stated here that it was owing to the insanitary condition in certain homes of the city, and in connection with that it was inferred that it was owing to the foreign element, and so forth and so on, of insanitary conditions in boarding houses, etc.

Commissioner GARRETSON. Housing conditions?

Mr. MCCUSKER. Housing conditions in general. The table here will show the ages and nationalities——

Acting Chairman COMMONS. Just have it identified.[1]

Mr. MCCUSKER. My information is that the English-speaking races of people in the city of Butte are living in as good sanitary conditions as $3.50 a day will permit. That is my conclusion. And it is my conclusion that the English-speaking races of Butte will compare favorably with the English-speaking races or people in any place on the American Continent. So in order to determine as to whether or not the figures—how the figures would come out, I compared the nationality table, and I found that we had a total death in seven years of 675 from miner's consumption in the city of Butte and the county of Silver Bow. Out of that 675 there were 155 Americans, there were 140 Englishmen, there were 271 Irishmen, and 9 Welsh, and 5 Scotch; and the other nationalities are virtually very small. For instance, we have the Finlanders, I think, with the highest other rate of 38. The number of English-speaking miners who died from tuberculosis was 572 out of this 675, leaving for the foreign-speaking races 103 deaths. Or we had a percentage of English-speaking miners of 84.9 per cent. The figures that have been given to me, were given to me, I believe, by Mr. Evans. Is Mr. Evans here?

Mr. EVANS. Yes.

[1] Exhibit not transmitted with testimony.

Mr. McCUSKER. I understood, or at least that is my understanding, that approximately 75 per cent of all miners working in this camp were English speaking.

Mr. EVANS. I didn't give you that.

Mr. McCUSKER. I didn't get that from you?

Mr. EVANS. You made no inquiry of me.

Mr. McCUSKER. Then it was Mr. Kelley from whom I made inquiry. But, anyway, that is what I think are about the facts.

Mr. EVANS. I don't know.

Commissioner GARRETSON. Testimony has been given here on that, and it is a matter of record.

Mr. EVANS. I think so.

Mr. McCUSKER. Of the 75 per cent of English-speaking miners in the district 84 and a fraction of deaths are English speaking, so that it shows that the prevalence of tuberculosis is not among the foreigners in the city of Butte. But the higher death rate, even if it exists among the English-speaking races, I don't believe the charge of insanitary conditions or insanitary living would hold true.

Commissioner GARRETSON. Then you are a believer in the theory of the Maltese Cross, as you heard referred to here?

Mr. McCUSKER. There is another table here, and then I will refer to the Maltese Cross. Bearing out Dr. Tuttle's theory of insanitary conditions, it would necessarily resolve itself down as to whether or not the tuberculosis was in the homes. I have made a comparative table of deaths of all women and children in the city of Butte, including the housewives, domestics, and children.

Acting Chairman COMMONS. Please identify those.[1]

Mr. McCUSKER. In 1907 there were 109 total deaths here from tuberculosis; there were 10 housewives, 2 at-homes, 6 children, and 1 domestic. In 1908 there were 4 housewives, 2 at-homes, 1 child, and no domestics. In 1909 there were 12 housewives, 2 at-homes, 8 children, and 3 domestics. In 1910 there were 12 housewives, 4 at-homes, 8 children, and no domestics. In 1911 there were no housewives, 2 at-homes, 9 children, and 14 domestics. In 1912 there were 7 housewives, 1 at-home, 11 children, and 3 domestics. In 1913 there was 1 housewife, 1 at-home, 11 children, and 9 domestics. Now, I wish to segregate that report for the benefit of the commission. The children in nearly every instance died of tubercular spinal meningitis, which was caused by syphilitic taints in the parent. The at-homes and domestics—it is my opinion particularly that the at-home deaths from tuberculosis in the restricted district of Butte, the domestics were servants that have been in the employ of servants, and nearly every one of them were foreign, Swiss and Finlanders prevailing.

To get a comparative report right down to the home, and to determine as to what actual effect the insanitary conditions of the home in Butte have to the tubercular rate, it was necessary to segregate and compare the total death rate from tuberculosis with the total deaths of housewives in the city of Butte. The total deaths from tuberculosis during the seven years was 1,021; the total number of housewives dying was 46, or a percentage of $4\frac{316}{1000}$ per cent. So if the housewives now would be more affected with insanitary conditions in the home than anyone else would be because she would be there a much greater length of time, and if there was any truth in the conclusions as to insanitary home conditions, if this table means anything at all it means that it does not hold true. Those are my conclusions. I have here another exhibit I wish you would mark.

Commissioner LENNON. Is that all of that record with regard to tuberculosis?

Mr. McCUSKER. This is the tubercular exhibit, too.

Commissioner O'CONNELL. Under whose auspices was that made?

Mr. McCUSKER. The auspices of the commission.

Commissioner O'CONNELL. How long have you been working on that?

Mr. McCUSKER. Well, now, since approximately—that would have to be explained. I have been working approximately pretty near every night and at least some part of the day, possibly on the average of 16 to 18 hours a day, since the 5th day of July. And in connection with my work has been the assistance of an office force ranging from 5 to 9.

(Five microscopic slides containing samples of ground ore were submitted.[1])

Mr. McCUSKER. I have here a microscopic examination of the ores from the different mines. I will make a report and submit them with my report.

[1] Exhibit not transmitted with testimony.

I merely wish to show that we pulverized certain classes of ore, made it into a very fine dust, and then put it under the microscope to see exactly how the ore would break up, what form it would take after it had broken up. One of the specimens shows that the ore breaks very sharply—that is, most of the fragments of dust have a little hook on them, or sharp places, jagged edges.

My general conclusion, so far as the investigation and figures are concerned, is this: A tubercular germ is a scavenger for civilization virtually—that is, civilization, as we understand it, is combating the nature forces. We try to break down the law of the survival of the fittest. The tubercular germ, when a man is in perfect physical health and condition, will not attack him if his physique—his general system—it in good condition; the germs are incapable of affecting him, and he is capable of resisting them if they do attack him. A man comes here to work in the mine. Now, the mines are, the chances are, as cool as they can be made. I don't know. That is a matter for other men to assert one way or the other; I do not know; but, at least, I know this, that the conditions underground 3,000 feet are not as good as conditions on the surface. In other words, the conditions in a mine are not a health resort. The heat in the mine, the same as in the Tropics, will weaken a man's vitality. The mine is more or less full of dust, such as this ore pulverizes. He is breathing that continually, and the sharp particles with the little jagged edges on the dust hold them into his lungs and gradually cut off the amount—the ability of the lungs to absorb their normal amount of oxygen—which again weakens his condition.

Another thing, he is generally a worker, particularly if he is married and is building a home, he has to work nearly every day of his life. Then if he is going to build a home and educate his children or anything of that kind, it is necessary to again work even harder, put in every shift that is possible for him to put in, which again weakens his condition, owing to the seven shifts. The conditions underground are exceptionally hard. I understand they are good, though I don't make that assertion, but I understand that some do not think it is necessary; but a certain amount of blasting on shifts is done. Then, again, you must take into consideration the sulphide ores. Some places in the mine here, I understand, those ores are burning. The gases from these ores and the gas that would naturally be thrown off from the high-charged sulphur water would all have effect. That would be naturally industrial effect over which no man could have any control. See? Now, I may not be exactly right in regard to whether these fumes from the burning, the oxidization of the sulphide has any material effect or not, but I know there is a complication of different industrial causes which all tend to weaken the physique of a man.

Taking that into consideration with the age of the miners—apparently miner's consumption does not attack the young man; it attacks him at a certain time in life when his physique is actually beginning to weaken. It should not, and in the ordinary man outside, the laboring man who works hard, it does not, but along about the age of 40, 35 to 40, I find it is a decided increase. For instance, there were no miners died below the years of 20; from 20 to 25, there were 14; that is, in seven years; from 25 to 30, there were 30; from 30 to 35, there were 67; from 35 to 40, there were 108; from 40 to 45, 125; from 45 to 50, 140. That is the apex. It suddenly breaks down again, going the other way. So it shows that along at the years when a man is struggling, raising a family, building a home, or acquiring something, it is at that time when he is doing his very best that the tuberculosis seizes him.

Commissioner GARRETSON. Have you compared those figures with the accepted tables of the probability of life?

Mr. MCCUSKER. I have not compared the tables with the statistics, but I did compare a table submitted to me by the State, which was found to be glaringly incorrect.

Commissioner GARRETSON. Well, you take what is known as the fraternal tables, or the old-line tables?

Mr. MCCUSKER. I have not compared them at all.

Commissioner GARRETSON. You have not compared with either of these?

Mr. MCCUSKER. No, sir.

Commissioner GARRETSON. Those are the two accepted tables.

Mr. MCCUSKER. No; I have not compared them with the mortality tables of life insurance companies.

Commissioner LENNON. Did you make any study as to the effect of the use of alcoholic beverages in causing these increasing deaths at certain ages and the breaking down of the constitution?

Mr. McCUSKER. There is not any question but that alcoholic stimulants, the same as any other cause which would tend to break down a man's vitality, has a direct bearing upon tuberculosis. Though, as I said, all those causes which would tend to weaken his physique would be prolific.

Commissioner GARRETSON. It would lessen his power of resistance, his factor of resistance?

Mr. McCUSKER. His factor in tuberculosis.

Commissioner O'CONNELL. Have you any idea as to the number of saloons in the city of Butte?

Mr. McCUSKER. I have never made much of an investigation as to the number of saloons particularly.

Commissioner O'CONNELL. I ask it simply because walking up and down here about every other place seems to be a booze shop.

Mr. McCUSKER. I didn't notice them so much out here. I have not personally noticed very many.

Commissioner O'CONNELL. So if this is a cause, one of the breaking causes toward breaking down a man's constitution, there are certainly a large number of breakdown shops here very close together.

Mr. McCUSKER. It would be, in my opinion, if some such system could be devised to eliminate entirely intoxicating liquors, that it would be a mighty good thing. I do not know whether anything has been successfully devised or not, but merely as a suggestion in this way, that I believe anything that tends to break down a man's physique is an evil in civilization, and should be at least curtailed to a large extent.

If the commission will permit me, I will check these reports before they are finally submitted, if I might have that privilege. Many of these have just come from the stenographer now.

Commissioner LENNON. That is all right; except the records that you have made of statements can not be changed.

Mr. McCUSKER. The record of statements would not necessarily have to be changed. All the figures I have given are the true figures, but some of the other things—there might be a figure struck in the wrong place, or something of that sort.

Acting Chairman COMMONS. Dr. Tuttle.

TESTIMONY OF DR. T. D. TUTTLE.

Acting Chairman COMMONS. Give your name.

Dr. TUTTLE. Dr. T. D. Tuttle.

Acting Chairman COMMONS. And your address?

Dr. TUTTLE. State Tuberculosis——

Commissioner GARRETSON. We can't hear you.

Dr. TUTTLE. State Tuberculosis Hospital at Deer Lodge.

Acting Chairman COMMONS. Your official position?

Dr. TUTTLE. President of the State tuberculosis sanatorium.

Acting Chairman COMMONS. There has been submitted to us an exhibit on the report of your investigation on sanitary conditions in mines, and of the conditions under which miners living in Silver Bow County work. Will you kindly examine them and identify it as to whether it is your report [handing document to the witness]?

Dr. TUTTLE. It is, with one or two typographical errors in it.

Acting Chairman COMMONS. When did you make this investigation, Dr. Tuttle?

Dr. TUTTLE. In the summer and fall of 1912.

Acting Chairman COMMONS. Will you state your method and conclusions that you reached?

Dr. TUTTLE. I studied all the death certificates, a study of the death certificates was made from the death certificates—a study of the death records was made from the death certificates filed with the State board of health under a law known as the registration act, passed through the legislature of 1907, and went into effect some time during the spring of 1907, but was really not in operation until 1908.

Acting Chairman COMMONS. Is this the uniform registration act required by the United States census?

Dr. TUTTLE. The registration act drawn up and sent to me by the United States Census Bureau and was passed by our legislature without amendment.

Acting Chairman COMMONS. Are you yourself connected with the registration office?

Dr. TUTTLE. Not at the present time.

Acting Chairman COMMONS. You examined the original physicians' certificates, did you?

Dr. TUTTLE. The original physician's certificate on file with the State board of health. At that time I was an officer of the State board of health.

Acting Chairman COMMONS. And your figures in this record are based on your examination of those physicians' certificates?

Dr. TUTTLE. Yes, sir.

Acting Chairman COMMONS. What was your next?

Dr. TUTTLE. After the study, or in connection with the work—studying the death certificates was one part of it—a study of the conditions in which mining, and on the surface, was carried on; there were two men working in the mine, one a photographer, the other a physician. He exposed culture plates, took samples of air, samples of drinking water, and photographs of such conditions by flashlight as were considered of special interest. There were two men working on the surface, one man a physician and one man a photographer, who followed the same process on the surface, examining the houses in which miners lived, and the houses in general—the community in which the miners lived. During this time, in connection with the study, these culture plates were submitted to a physician who was employed as a bacteriologist and who studied from a bacteriological standpoint; samples of air and water, drinking water, were sent to Bozeman, where the chemist of the agricultural college was employed, to analyze the air and water. Records were also taken of the temperatures in both wet and dry bulb temperature, so as to secure the humidity in the mines. In connection with the study of the death rates a map of Silver Bow County was secured—a large map—and at each point where a case had died from tuberculosis a pin was put in the map—the locality. The deaths that had occurred in the hospital were not reported at the locality of the hospital but at the point from which they went to the hospital; that is, if a man died in the hospital—St. James Hospital, or Marys Hospital but whose residence was somewhere on Wyoming Street or Iowa Street—that death was recorded at the point at which it came from to the hospital, the effort being to find in what locality tuberculosis was most prevalent in the city.

Having no reports of tubercular cases, we could only use the death certificates as a basis of locating the points at which tuberculosis existed. The statistical study, as the gentleman stated that some of the statistics were not statistics, that is very true; but it is considerably a matter of opinion as to which are statistics. Where the statistics for 1907 came from, I do not know. We had in the State no law relative to registration of deaths prior to 1907, and the working of that law was not in operation at all until the middle of June, 1907, and had not become sufficiently initiated to be of any value until the end of 1907.

Acting Chairman COMMONS. So that the beginning of 1908 is the first year of reliable statistics?

Dr. TUTTLE. Reliable statistics at all; and we were not admitted as a registration State until 1909. My records are not recognized until 1909. They were tested by the United States Census Bureau, tested by examining newspaper reports of deaths, and they checked up our records; and in 1909 we were recognized as a registration State. The study of the death certificates is frequently a matter at which you have to guess. Some doctors are not very careful about how they state the cause of death, or just what they state the cause of death to be; others are very careful. A knowledge of the customs of the practices of the individual physicians is necessary to appreciate the value of a death certificate. You get that knowledge by studying the various certificates of different physicians.

Acting Chairman COMMONS. Well, you were the official in charge of these vital statistics during the period of 1908 until what time?

Dr. TUTTLE. December, 1912.

Acting Chairman COMMONS. You are at present there?

Dr. TUTTLE. No; I am not connected with it now.

Acting Chairman COMMONS. Now, in making that study of the physicians' death certificate, did you accept each certificate at its full value, or did you correct it in the way you have just now described?

Dr. TUTTLE. I have never corrected any, although certain were discarded as valueless.

Acting Chairman COMMONS. Certain reports of physicians?

Dr. TUTTLE. Reports of cases of——

Acting Chairman COMMONS. Deaths from tuberculosis you discarded?

Dr. TUTTLE. No; if they would report a case of death from tuberculosis that would not be discarded, but it would be where there was a question of whether it was tuberculosis or not. For instance——

Acting Chairman COMMONS. About how many of those cases which the physicians reported as tuberculosis did you discard?

Dr. TUTTLE. I never discarded any that were reported as tuberculosis.

Acting Chairman COMMONS. Then, I did not get your point on that.

Dr. TUTTLE. If a physician signed a death certificate like this: "Pneumonia; has had a cough for five or six years; might be tuberculosis."

Commissioner GARRETSON. Only a diagnosis, unless the diagnosis was positive?

Dr. TUTTLE. Unless it was positive.

Commissioner GARRETSON. You discarded it?

Dr. TUTTLE. Discarded those cases.

Acting Chairman COMMONS. All doubtful cases you discarded?

Dr. TUTTLE. Yes.

Acting Chairman COMMONS. About how many would you say were doubtful; what proportion?

Dr. TUTTLE. Oh, I judge the number I discarded was 20 or 30.

Acting Chairman COMMONS. During the entire time?

Dr. TUTTLE. That might have been tuberculosis and might not.

Acting Chairman COMMONS. What is the general conclusion that you reached? Would you state briefly regarding the relative importance of these three factors that have been mentioned, mines, the housing, and the individual matters?

Dr. TUTTLE. It would be hard to say between ill housing and the mines, because they are associated so closely. The mines—undoubtedly the mining occupation furnishes irritation to the lungs. I do not think anybody questions that. The occupation of mining must necessarily furnish a source of irritation to his lungs. You bring that miner out of the mine with his lungs irritated, as it necessarily is, and put him in a house where one has suffered from tuberculosis, and where there is undoubtedly an insufficient amount of air, he is far more apt to contract tuberculosis than is the man who lives—the woman who lives in that house all day, because she has not got this irritated condition in her lungs. The house condition as a direct immediate source of infection, I believe is greater than the mine. Alcohol, I think, bears a strong, a very strong relation to infection with tuberculosis.

I have always believed it, and during the nearly two years I have had charge of the sanitarium I have had it forced home on me stronger than ever before, almost without an exception the miners who have been committed to the sanitarium have been heavy drinkers and are heavy drinkers. The fight against the liquor habit—is the fight we have with them. It is a strong, hard fight for most of them. I say almost without exception—that don't mean without a single exception, there are several of them that have not been heavy drinkers—but the majority of them—several of them have come there almost in D. T's.

Commissioner GARRETSON. One question on your statement there, doctor. Take the condition of the irritation of the lung which you refer to, which breaks down the man's power of resistance and renders him liable to infection, would you from your conclusions tell us what proportion of responsibility for that condition in the case of infection you would place upon the occupation which created the condition of irritation?

Dr. TUTTLE. Oh, I would place a very large per cent of the responsibility on the occupation.

Commissioner GARRETSON. Because if he was following a pursuit where that irritation did not take place he would have more power of resistance, the same power of resistance as the housewife.

Dr. TUTTLE. Oh, yes. A man working in marble dust gets the same irritation of his lung. He may work there in the marble dust day in and day out and he would not get tuberculosis unless he got around where the bug was.

Commissioner GARRETSON. How about a thrasher man?

Dr. TUTTLE. Not to the same extent because the dust of the thrasher does not keep up so long.

Commissioner GARRETSON. It is only for short periods, anyhow?

Dr. TUTTLE. I have never known it before. It is news to me that syphilis is a source of tuberculosis. I always thought that they were an entirely different species of bug that caused the two diseases.

I wish to state in connection with this map work, the Maltese cross has been mentioned, the Maltese cross just struck me on the map as a peculiar thing. These deaths seem to have occurred in an area that mapped itself out in a Maltese cross. They were in the older parts of the city and the means of disinfecting the houses in which people lived was brought to me so forcibly, that these infections take place in those houses, or else they go back there, and that tuberculosis is a disease that needs disinfection as much as scarlet fever or smallpox—more so than smallpox, because you can vaccinate, and a man who is vaccinated don't have to have smallpox, but you can not vaccinate against tuberculosis.

Commissioner LENNON. Doctor, would you say whether there was more than one death from tuberculosis, indicated by the returns, in the same house?

Dr. TUTTLE. Yes.

Commissioner LENNON. Were there periods, say, one death perhaps in 1908, and then a period of several years elapse before another death would occur?

Dr. TUTTLE. That I do not recall.

Commissioner LENNON. You do not recall that?

Dr. TUTTLE. Take a boarding house, you know——

Commissioner LENNON. Yes.

Dr. TUTTLE. And they have a number of deaths, the majority of them would go to the hospital and die, but they come from that boarding house, that same boarding house.

Commissioner LENNON. You did not investigate as to whether they were occupants of the same room, or anything of that kind?

Dr. TUTTLE. Yes; we did. We find one or two instances where we could follow it back where we found two or three deaths had come from the same house. And we have had the physician that was doing the surface work inquire as to whether these men occupied the same room. And in one or two instances we found they had occupied the same room. I found that with patients at the sanitarium that have occupied the same room, the man who had died of tuberculosis a short time before.

Commissioner GARRETSON. One other question: Doctor, medical experts always dodge hypothetical questions when they are on the witness stand, as a rule. I want to put one, but I am not going to make it 1,800 words long. If the death rate among men in a certain locality, the men of the family, or the men who reside there was heavy, and the death rate of the family was low, what would that demonstrate?

Dr. TUTTLE. Well, it would demonstrate one of two things.

Commissioner GARRETSON. In a general way.

Dr. TUTTLE. Possibly some of both. That a man's occupation was an occupation that predisposed him to tuberculosis, and that the man, as is a well-known fact, is also a heavier drinker than the woman, might be a good deal in that, he has helped that depressing effect by overdrinking.

Commissioner GARRETSON. On the other hand, if the conditions were—what would it prove in regard to the difference, only that it was insanitary to a degree that overcame low resistance and not high; would that be?

Dr. TUTTLE. That would be a fair proposition.

Commissioner GARRETSON. A fair way of stating it?

Dr. TUTTLE. Yes.

Commissioner GARRETSON. If the reverse was true and the death rate was low among the men or high among the family, then wouldn't it prove that the insanitary conditions was the primal matter?

Dr. TUTTLE. Insanitary condition would be the sole matter?

Commissioner GARRETSON. Yes; I put it as first. That is all.

Commissioner LENNON. Doctor, is it true or not that men in this county exceed in numbers the women to a greater extent than in most counties throughout the United States?

Dr. TUTTLE. That would be just a guess. The same question prevails in the State in regard to these figures.

Commissioner LENNON. I asked the question——

Dr. TUTTLE. Because I do not know how many Irish live here or how many Jews or how many something else.

Commissioner LENNON. I asked the question for the reason that in one of the papers I have seen here I see the number of registered voters given as something less than 18,000. I do not know whether the statement is right or wrong. If that is true, that is an extraordinary number of registered voters for a city of this size. I know no cities in the East that do have that number of registered voters for a city of seventy-five or eighty thousand.

Dr. TUTTLE. I think there is a fair basis to judge that, sir. You take the number of deaths in a locality as an index. You find as many deaths among women as you find among men, and there is something radically wrong for the deaths among women, for there are a good many more men than there are women. And our death records, though I haven't studied them completely, it is in evidence from these reports than we have more men than women in Montana, very decidedly more.

Acting Chairman COMMONS. That is all, Doctor.

TESTIMONY OF MR. M. McCUSKER—Recalled.

Mr. McCUSKER. May I present an exhibit for the commission? It is an exhibit, a comparison here, or correction of the State reports in regard to the actual facts as they exist upon the death records in the city. I wish merely to submit it for what it is.

Acting Chairman COMMONS. What does it show in general?

Mr. McCUSKER. It shows that the State records, so far as tuberculosis and deaths from all causes are concerned, are glaringly inaccurate in comparison to the records on file in the board of health office in Silver Bow County.

Acting Chairman COMMONS. I suppose as far as you and Dr. Tuttle are concerned, both of you have had the original death certificates, so that there is no disagreement.

Mr. McCUSKER. I know I have used a copy filed in this county. The original goes to Helena.

Acting Chairman COMMONS. He used the original at Helena, and you have used the copy in this county?

Mr. McCUSKER. I do not know what he used, but I know I used a copy.

Acting Chairman COMMONS. He says he used the original death certificates at Helena.

Mr. McCUSKER. Where is Dr. Tuttle? Did you have the originals?

Dr. TUTTLE. The originals.

Mr. McCUSKER. Did you take them?

Dr. TUTTLE. I have charge of the health department, and I took the original certificates; had them right in my hand.

Acting Chairman COMMONS. And he took it from the original and you took it from the copy. Is that a carbon copy?

Mr. McCUSKER. Carbon copy.

Acting Chairman COMMONS. Did the physician making out the report include the carbon and send one to the office at Helena and one to the office here?

Mr. McCUSKER. I do not know what their system is, but the original copy that was made in connection with the carbon on file here was sent to the office at Helena.

Acting Chairman COMMONS. Presumably they are identical?

Mr. McCUSKER. They are identical.

Commissioner O'CONNELL. In these figures showing the death rate of the various nationalities have you any basis, or did you make any investigation in gathering information—have you a basis as to the total rate per thousand in the nationality so that they could be compared? Unless we have something of that kind, such statistics are absolutely useless.

Mr. McCUSKER. Regarding how many there are here?

Commissioner O'CONNELL. Yes. For instance, how many Irish have you per thousand, how many Germans per thousand, or any per thousand?

Mr. McCUSKER. I have the total here, as near as can be covered. We have 75 per cent English-speaking miners, and I might be able to say that there was 84 per cent of English-speaking deaths among those and 75 or 76 of the——

Commissioner O'CONNELL. How much more of a per cent of English-speaking people are there in your figures than non-English-speaking?

Mr. McCUSKER. I just said there was 75 per cent of the English-speaking people in the district, and 84 per cent of the tubercular deaths of the English-speaking people in the district shown upon the table there.

With regard to the registration figures, you will notice the registration is in the school election, and the women participate.

Commissioner LENNON. It showed the number of women comparatively small.

Dr. TUTTLE. I wish to state with regard to the original death certificates, that the law upon this in this State is: The undertaker secures the family history of the deceased, and he takes that death certificate to the physician who fills in the cause of death, and there is no carbon copy made.

Acting Chairman COMMONS. No carbon copy?

Commissioner GARRETSON. Is the original death certificate on file here, or where?

Dr. TUTTLE. At the State board of health in Helena.

Commissioner GARRETSON. The certificates themselves?

Dr. TUTTLE. The orginal certificate signed by the physician and by the undertaker is on file in Helena. Miss Curits has the charge here, and she can tell you how the records are kept.

Acting Chairman COMMONS. Is Miss Curtis here?

Miss CURTIS. Dr. Horst is here, and he can give you that information.

TESTIMONY OF DR. C. H. HORST.

Acting Chairman COMMONS. What is your position?

Dr. HORST. I am city health officer.

Acting Chairman COMMONS. How long have you been city health officer?

Dr. HORST. About four years.

Acting Chairman COMMONS. Are you in charge of the vital statistics?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Registration?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Is it done by you or by some one under your direction?

Dr. HORST. Done by my clerk.

Acting Chairman COMMONS. Who is your clerk?

Dr. HORST. Miss Curtis.

Acting Chairman COMMONS. Does she report to you?

Dr. HORST. Well, the work is done under my direction.

Acting Chairman COMMONS. You examine the certificates?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Will you explain your system?

Dr. HORST. The death certificates are turned into the health office, as Dr. Tuttle just reported.

Acting Chairman COMMONS. To your health office?

Dr. HORST. Yes, sir. And then we issue a burial permit for the body, and then we make a typewritten copy of the death certificate and file it in our office. Those are the death certificates that Mr. McCusker examined.

Acting Chairman COMMONS. Then he was incorrect in saying that it was a carbon copy?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. It is a typewritten copy?

Dr. HORST. It is a typewritten copy made by the clerk at the health office.

Commissioner GARRETSON. And the certificate then is finally sent to the State board of health?

Dr. HORST. Yes.

Acting Chairman COMMONS. How long have you kept these typewritten copies?

Dr. HORST. Well, I have been here for, as I said, about four years, and during that entire time it has been kept in that way. Our records are from 1907.

Acting Chairman COMMONS. From 1907?

Dr. HORST. Yes.

Commissioner GARRETSON. Had Silver Bow County required these certificates prior to the enactment of the later law?

Dr. HORST. Well, with regard to the law, sir, I am not familiar with it, how long it has been in force, but this I do know.

Commissioner GARRETSON. Either the registration law or—that dates from 1909, doesn't it?

Dr. HORST. 1909.

Dr. TUTTLE. 1907.

Commissioner GARRETSON. 1907. When did it become effective?

Dr. HORST. It became effective immediately, but was not in operation to any degree until about the beginning of 1908. We were not admitted as a registered State, our records were not recognized, until 1909.

Commissioner GARRETSON. That is where the discrepancy comes in in that testimony. You have no personal knowledge of how complete it was in 1907?

Dr. HORST. No, sir.

Acting Chairman COMMONS. Dr. Horst, have you given particular attention to this subject?

Dr. HORST. Beg pardon. I want to get my notes. With regard to the records of our deaths, we have also a large book, and we keep a typewritten copy of each death certificate. That is on a yellow piece of paper. Then besides that we register each death, and we have a very large volume which gives the details of that which is found in the death certificate.

Commissioner GARRETSON. Does the column book vary with the details in the certificate?

Dr. HORST. The first book—no, sir; not entirely; but the last book we have made, the one we have been using for about six months, agrees in every detail with the death certificate.

Acting Chairman COMMONS. Dr. Horst, has this city of Butte a municipal regulation regarding houses, housing, cleanliness, and sanitation of houses?

Dr. HORST. No, sir.

Acting Chairman COMMONS. There are no municipal regulations?

Dr. HORST. No.

Acting Chairman COMMONS. What regulations govern housing conditions?

Dr. HORST. Well, if there are no regulations, we have no regulations regarding the housing—you mean in private dwellings?

Acting Chairman COMMONS. Yes; in private dwellings. There are no regulations?

Dr. HORST. No, sir.

Commissioner LENNON. Have you no power of abatement of a nuisance in a private dwelling?

Dr. HORST. Yes; if it was a nuisance, we have power to go and investigate it and to compel the people to arrest this. For instance, if a man is putting up a building we have no jurisdiction; we assume that they will put it up in a sanitary manner.

Acting Chairman COMMONS. The building permit does not require any supervision by you?

Dr. HORST. No, sir.

Commissioner GARRETSON. Can you declare a nuisance, or is a nuisance established by an action at law?

Dr. HORST. We can declare a nuisance; we have that power.

Acting Chairman COMMONS. What action have you taken in this city toward remedying the housing conditions with reference to abating such things as would come under the head of consumption, the predisposition to consumption?

Dr. HORST. Well, we have taken these measures: We have cleaned the alleys and we have installed garbage cans; we have made the people clean their cesspools; we have made the citizens connect the sewers wherever we could. There were certain people who were so poor that we have allowed them time on it. We have made a great many people that had large buildings improve their plumbing. We have kept as strict a quarantine on houses as possible. We have lately had the doctors report in to us the number of cases of tuberculosis that were living, and in turn have given those to the visiting nurse, who is visiting the homes for tuberculosis. In these cases where people have desired it, we have fumigated the room where people have died.

Commissioner LENNON. Suppose a case of escaping sewer gas is reported to you, can you compel either the evacuation of the house so far as the tenants or concerned or compel the correction of the evil; can you force that?

Dr. HORST. Yes, sir; we can force that.

Commissioner LENNON. Well, who would you serve the process on, the tenant or the owner of the house?

Dr. HORST. The landlord.

Commissioner GARRETSON. Have you any regulations in regard to overcrowding in the matter of lodgings principally?

Dr. HORST. Yes; we have in lodging houses, that each individual person shall have 300 cubic feet of air.

Commissioner GARRETSON. You can do away with the overlodging?

Dr. HORST. Yes, sir; we can; but we have not made any great effort to do that; most of our efforts in the health office so far have been cleaning the city.

Acting Chairman COMMONS. Does your jurisdiction extend underground to the workings in the mines?

Dr. HORST. Well, I don't know. We never have attempted to exert the influence. Most of the mines here are in the county.

Acting Chairman COMMONS. Not in the city?

Dr. HORST. Yes, sir; not in the city.

Acting Chairman COMMONS. What mines are in the city?

Dr. HORST. Well, the Davis-Daly is in the city, but I don't remember any other mines. I don't remember any other mines in the city.

Mr. EVANS. The Original?

Dr. HORST. Yes, sir; the Original.

Acting Chairman COMMONS. Have you ever taken up with any of the officers of the company——

Dr. HORST. No, sir.

Acting Chairman COMMONS (continuing). The question of ventilation or improvement of mine conditions?

Dr. HORST. No, sir.

Acting Chairman COMMONS. With reference to this subject?

Dr. HORST. No, sir.

Commissioner O'CONNELL. How much of a force do you have in your office?

Dr. HORST. I have eight men.

Commissioner O'CONNELL. Eight men?

Dr. HORST. Eight persons; yes.

Commissioner O'CONNELL. They go around inspecting food and different things?

Dr. HORST. Yes, sir; we have two food inspectors.

Commissioner O'CONNELL. Two food inspectors?

Dr. HORST. Two food inspectors; yes. We have two sanitary inspectors—three sanitary inspectors.

Commissioner O'CONNELL. Where do the food inspectors operate?

Dr. HORST. They operate in the city.

Commissioner O'CONNELL. I know; but what I mean is at the stores?

Dr. HORST. They operate everywhere foodstuff is sold, sir.

Commissioner O'CONNELL. Only where it is sold?

Dr. HORST. They operate in the restaurants and in the produce stores and in the butter shops.

Commissioner O'CONNELL. They operate only where it is sold; for instance they don't go, after it is sold, to the houses or hospitals or restaurants?

Dr. HORST. Yes, sir; our milk inspector goes to the restaurants, and we also have inspections of the ice boxes in the restaurants and in the hotels.

Commissioner O'CONNELL. Have you a standard requirement as to the conditions under which a restaurant shall operate?

Dr. HORST. Yes, sir; that is a State——

Commissioner O'CONNELL. The kitchens and hotels and so on?

Dr. HORST. Yes, sir; that is a State law.

Commissioner O'CONNELL. Those are all investigated and given certificates of cleanliness and health?

Dr. HORST. Yes, sir.

Commissioner O'CONNELL. Those certificates are published, they are given a certificate, and is it put up or anything?

Dr. HORST. Well, I think this week in the Socialist will be the first time we have published it.

Commissioner O'CONNELL. This week what?

Dr. HORST. This week it will be published for the first time in the Socialist; that is, in the city. But the State Bulletin published in Helena also gives the results of examinations of butters and of milk and of various things.

Commissioner O'CONNELL. Is there a requirement that it shall be published by law?

Dr. HORST. Not that I know of, sir.

Commissioner O'CONNELL. And why is it being published, for instance, in the Socialist? Why not in the Socialist and some other paper?

Dr. HORST. Well, it is not published in the Standard. It is not published in the Standard because when the first reports came from a study of our milk,

I took them to the Standard office for the purpose of having them published, and it was refused, so I gave it up.

Commissioner O'CONNELL. It is being published gratuitously in the Socialist, is it?

Dr. HORST. Yes, sir.

Commissioner GARRETSON. Was it considered a reflection on local methods, the reason given as the refusal to publish?

Dr. HORST. They gave no reason, sir.

Commissioner GARRETSON. Just refused?

Dr. HORST. They said they would not publish; yes, sir.

Commissioner O'CONNELL. Well, were you prepared to pay for its publication?

Dr. HORST. No; we were not.

Commissioner O'CONNELL. Or did you ask them to publish it as a matter of news?

Dr. HORST. I wanted it put in so that it would help the standard of our milk. I wanted it put in so that all of us who drink milk would know what we were drinking.

Commissioner O'CONNELL. The papers would not cooperate with your department?

Dr. HORST. Well, I don't know, sir. I would not give any reason what they had for not wanting to publish it. So I let it drop.

Commissioner GARRETSON. Was it presented to the other papers?

Dr. HORST. I did not present it to the Miner, but I did take it over to the Standard.

Acting Chairman COMMONS. Does the city have a hospital service?

Dr. HORST. It has a small hospital called the Emergency Hospital.

Acting Chairman COMMONS. Do you have supervision over the hospitals?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. In the city?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Are cases of consumption, tuberculosis, admitted to the hospital?

Dr. HORST. No, sir. The Emergency Hospital, sir, is used—consists of but a few rooms, is situated over the jail, and it is intended to take care of people just over night. Occasionally we have people who come there who are seriously injured and who can not be moved for a week or 10 days, but it is merely a first-aid hospital.

Commissioner LENNON. Well, have you charge of the other hospitals—inspection and direction of the other hospitals?

Dr. HORST. Well, we—I think that our ordinance would allow us of that, but we have not made any attempt to inspect them.

Commissioner O'CONNELL. Does your inspection lead you to barber shops?

Dr. HORST. No, sir.

Commissioner O'CONNELL. Is there any requirement about barber shops sterilizing their instruments and furnishing clean towels and all that sort of thing?

Dr. HORST. No, sir.

Commissioner O'CONNELL. The prices would indicate here that they ought to be able to furnish them. I don't know whether they do. But you have no investigation of the barber shops at all?

Dr. HORST. No, sir.

Acting Chairman COMMONS. That is all, Dr. Horst.

Dr. HORST. Well, I would like to state to the commission here why I think the miners die of consumption.

Commissioner O'CONNELL. Why the miners die of consumption?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. What is your idea?

Dr. HORST. Now, it is my opinion that the miners die of consumption because of the dollar contract system that exists in this town. Everybody——

Commissioner O'CONNELL. The dollar contract system?

Dr. HORST. Yes, sir.

Commissioner O'CONNELL. You mean this paying $1 a month to the hospital?

Dr. HORST. Yes, sir. Everybody recognizes that in order to cure any malignant disease, whether it is tuberculosis or cancer, that it has to be recognized in its incipiency. If you allow it to develop so that any layman can tell that a miner is dying of consumption, then by sending him to the Montana Tuberculosis Sanatorium you send him down there to die, which he probably does.

Now, this dollar contract system takes these miners' dollars, and they, when these miners go to them for treatment, if they have tuberculosis they get no treatment. They are allowed to go back in the mine and work until the disease stops them from working. That is when they stop working—when the disease stops them; when they are unable to work any longer.

Now, I hold that if the contract miner—the mining doctors would do their duty, that each and every miner should be examined three or four times each year, and that those miners who came down there who had incipient tuberculosis would then be either discharged from service of taken care of properly in a sanitarium until such time as their lungs healed.

If any of you gentlemen would go to the mine doctor and he told you that you were coming down with incipient tuberculosis, and the best thing you could do would be to go down to work in the mine until you died off, you would not think it was very good advice. But that is practically what these fellows are doing. They are taking these miners' dollars and these miners are developing tuberculosis; but instead of trying to help them and cure them, they are sending them down in the mines to stay until such time as the tuberculosis kills them, and then they bury them. But they keep on collecting the dollars just the same.

Commissioner GARRETSON. They don't give them more than the dollar's worth?

Dr. HORST. What is that?

Commissioner GARRETSON. They don't give them more than the dollar's worth in return, is that it?

Dr. HORST. Well, if a man takes—if a man takes a dollar from the miners and contracts to take care of them for their physical ailments, he should take care of them for tuberculosis.

Commissioner GARRETSON. You and I won't disagree on that.

Dr. HORST. Well, so it comes to pass that this is what is the truth, that about 90 per cent of all of us here in this room have got lesions of tuberculosis in our lungs. Now, these lesions may be healed or they may be unhealed, or they may—some of us might have the disease well developed. Now, if we go in the mine and we inhale this dust and we inhale this air—which no person on earth, no matter who he is, could expect would be as good as it is on top—it will start up an irritation in that lung. Now, if this process is in an unhealthy state, this irritating dust will cause extra irritation there, and soon this man will be developing tuberculosis. If he has a healed process of tuberculosis, then the irritating dust can develop tuberuclosis. There are many miners here who have worked 25 or 30 years and they haven't got it, and that is the way I would explain that.

Now, about these housewives, and this thing of people contracting the disease in their own homes, that is about the most absurd thing I have ever heard anybody talk about.

From May 1, 1913, to May 1, 1914, I have collected the number of people who died of pulmonary tuberculosis in Silver Bow County. There were a total of 152 patients died of pulmonary tuberculosis in our city, 147 males and 5 females, and 118 of these males were miners, and 34 of the males were some other occupation. Now I will have you gentlemen understand that many miners after being miners, when the disease gets more or less developed, or before it is fully developed, would take up the occupation of janitor or teamster or farmer.

Commissioner GARRETSON. Surface pursuits.

Dr. HORST. Yes, sir; and that is what pretty nearly these whole 34 are, they are ex-miners. Now, just remember of that number, the terrible home conditions killed off 5 females and 147 males. I don't think there is any question to it, and it is agreed by all medical authorities that in order to cure tuberculosis or any other malignant disease, it must be taken at the beginning and treated then; and no miner, no matter whether Irish or German or Finlander, can ever expect to go with the disease down in the mine and come out anything but worse. That is why miners die of tuberculosis.

Acting Chairman COMMONS. Who has charge of the hospital?

Dr. HORST. One hospital, the St. James Hospital——

Acting Chairman COMMONS. Who is in charge?

Dr. HORST. The charge of that is by the Sisters of Charity. The other one, the Murray Hospital, is presided over presumably by Dr. Murray.

Acting Chairman COMMONS. Is Dr. Murray here?

Dr. HORST. Yes, sir; he sits here to my left.

Acting Chairman COMMONS. Then we will listen to Dr. Murray.

Commissioner GARRETSON. Let me ask the gentleman one question. Can you give us from vital statistics the proportion of men and women that die of tuberculosis the country over?

Dr. HORST. No, sir.

Commissioner GARRETSON. You can't tell the proportion?

Dr. HORST. No, sir.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Dr. Murray.

TESTIMONY OF DR. T. J. MURRAY.

Acting Chairman COMMONS. Give the reporter your name, please, and address.

Dr. MURRAY. T. J. Murray, Butte, Mont.

Acting Chairman COMMONS You have charge of what hospital?

Dr. MURRAY. I have charge of my hospital.

Acting Chairman COMMONS. How long have you had charge?

Dr. MURRAY. I started to build the hospital in 1890, and I have had charge of it ever since.

Acting Chairman COMMONS. What is the form of the contract referred to, this one-dollar contract it is called?

Dr. MURRAY. We haven't any real contract.

Acting Chairman COMMONS. What is the proposition?

Dr. MURRAY. We make the proposition to the mine if they will collect $1 a month for each man that is working there, we will treat them for all diseases not arising from immoral habits or contagious diseases while in the employ of the company.

Acting Chairman COMMONS. This proposition, then, is made with whom?

Dr. MURRAY. Made to the mine.

Acting Chairman COMMONS. To the miners?

Dr. MURRAY. To the mine.

Acting Chairman COMMONS. The miners' union?

Dr. MURRAY. To the mine owners and railroads.

Acting Chairman COMMONS. They collect the dollar from the wages, then?

Dr. MURRAY. Yes, sir.

Acting Chairman COMMONS. And pay it to you?

Dr. MURRAY. Yes, sir.

Acting Chairman COMMONS. How much do you receive a month in that way?

Dr. MURRAY. Well, it varies very much; it is altogther owing to how the mine is working.

Acting Chairman COMMONS. Well, just give an example.

Dr. MURRAY. If they are working along, it has run up as much as $8,000 a month.

Acting Chairman COMMONS. That is the highest; and what is the lowest?

Dr. MURRAY. It runs down to $100 a month, and sometimes even less than that.

Acting Chairman COMMONS. During the past year?

Dr. MURRAY. The past year?

Acting Chairman COMMONS. Yes.

Dr. MURRAY. It has run from six to eight thousand dollars.

Acting Chairman COMMONS. Do you treat these miners for consumption?

Dr. MURRAY. No, sir; we do not. That is a contagious disease and we exclude it from our proposition. We treat them—if a man comes in with lung trouble, we make as thorough an examination as he will allow, a thorough, careful physical examination.

Acting Chairman COMMONS. Then, as far as this contract is concerned, it does not cover consumption?

Dr. MURRAY. It does not cover consumption.

Acting Chairman COMMONS. So that when a man comes in and you ascertain it is consumption, what is your next step that you take?

Dr. MURRAY. If he has consumption, we recommend to him that he has consumption and tell him what he ought to do and persuade him to quit his work in the mine and go to the country if he can, and tell him just as much about consumption that we know.

Acting Chairman COMMONS. Do you keep a record of the number of cases which have come to you which you have diagnosed as consumption?

Dr. MURRAY. Yes, sir; we have a record.

Acting Chairman COMMONS. Can you furnish us that record?

Dr. MURRAY. We have it all in the book. There is a record of it, but it would take a good deal of time to compile it.

Acting Chairman COMMONS. Take the last year, for example.

Dr. MURRAY. It would probably take 10 days' work to get it up.

Acting Chairman COMMONS. How many new cases apply each year?

Dr. MURRAY. I can't tell that.

Acting Chairman COMMONS. Of all cases.

Dr. MURRAY. When a patient comes to our hospital, we take his name and address and then we make the diagnosis and put that on, tell what has been done with him, and follow the record, and keep a record of all of that, and it is on our books.

Acting Chairman COMMONS. Do you make a report to any State authority?

Dr. MURRAY. Do we make a report to any State authority? No, sir; not any more than is required in the way of certificates—death certificates.

Acting Chairman COMMONS. Do you publish an annual report?

Dr. MURRAY. We don't publish an annual report; no, sir.

Acting Chairman COMMONS. You publish no report?

Dr. MURRAY. No, sir.

Acting Chairman COMMONS. You have never considered it necessary to make a report of the total operations?

Dr. MURRAY. Yes, sir; I consider it necessary to make these reports. It would be necessary to keep a more complete record and make bigger reports and get them up, but it costs a great deal and adds expense to us, and we have taken the attitude that if anybody wants the data to use we are willing to give it to them.

Acting Chairman COMMONS. When the case comes in and you fill out the report, do you have it on file?

Dr. MURRAY. That is our record.

Acting Chairman COMMONS. But you have not made any statistical summary?

Dr. MURRAY. No, sir; I haven't.

Acting Chairman COMMONS. You think it would take considerable time?

Dr. MURRAY. It would take time.

Acting Chairman COMMONS. Would you permit the commission to do it?

Dr. MURRAY. Yes, sir; certainly.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. Doctor, how many cases do you average in the hospital? What is your current number of patients?

Dr. MURRAY. We usually run about between 56 and 60 a day per year.

Commissioner GARRETSON. Inmates or visitors?

Dr. MURRAY. You mean——

Commissioner GARRETSON (interrupting). Are those all inmates of the hospital?

Dr. MURRAY. They are patients.

Commissioner GARRETSON. What part of them come there daily?

Dr. MURRAY. These are patients in the hospital.

Commissioner GARRETSON. They are in the hospital?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. In addition to that, how many apply for treatment that do not enter the hospital?

Dr. MURRAY. There are patients we visit on the outside and patients we see at the hospital for dressing and treatment and prescriptions, they will run from 75 to 100 a day.

Commissioner GARRETSON. The $8,000. We will take an average, we will take the lower maximum you gave, $6,000 a month. That represents the contributions of 6,000 men?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. Each month what proportion of those 6,000 men or their families receive treatment in any form whatever?

Dr. MURRAY. We don't treat the family.

Commissioner GARRETSON. You don't treat the family?

Dr. MURRAY. No, sir.

Commissioner GARRETSON. Nothing but the individual?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. What proportion of those 6,000 men present themselves in the ordinary month?

Dr. MURRAY. Well, as I told you, we have about 25—we have from 56 to 60 patients in the hospital a day, part of them are private patients and not in the

mining business at all. Then we would run probably 25 or 30 in the hospital from fractures and injuries a day, and then we will treat, we will dress and visit probably 75 to 100 outside and in the hospital.

Commissioner GARRETSON. A very large proportion of the men that make the payment never avail themselves of your services except in cases of accident?

Dr. MURRAY. Quite a number; yes, sir. It is not necessary, because they are not sick or injured.

Commissioner GARRETSON. Oh, no; I realize that they wouldn't come to you just to get something for their money.

Dr. MURRAY. Certainly.

Commissioner GARRETSON. Unless he complained of something. They are not like a negro I know that bought accident insurance, and he would not have it any more because he had paid seven years and never got anything. I suppose you have men who have paid year after year and never got anything?

Dr. MURRAY. Yes, sir; we have men that send their boys to the hospital to get castor oil to grease the machine.

Commissioner GARRETSON. Have you any idea of the proportion of men who pay the hospital fee who never present themselves?

Dr. MURRAY. No, sir; I could not tell that.

Commissioner GARRETSON. You have no data that would show that?

Dr. MURRAY. No, sir.

Acting Chairman COMMONS. Any other questions?

Dr. MURRAY. Now, I would like to say this much, that those men, a great many of these men that go to their homes, and our doctors visit them at the home and treat them for the tuberculosis, but not in the hospital.

It is a contagious disease, and we feel to have them in the hospital would affect our surgical cases and affect other people, and we think it is dangerous, and we won't take them in.

Acting Chairman COMMONS. Your practice is to treat the man at the home?

Dr. MURRAY. Oh, yes; we treat them at the home.

Acting Chairman COMMONS. All cases of tuberculosis are treated at the home?

Dr. MURRAY. Yes, sir; we make this agreement, but we do treat them at the home, and we treat a great many others at the home, but not in the hospital where it would endanger the people in the hospital.

Acting Chairman COMMONS. I think that covers the ground. Much obliged to you.

Joe Shannon. Is Mr. Shannon here?

Mr. EVANS. Mr. Mathewson sent up this statement that you asked for yesterday.

Acting Chairman COMMONS. Here is an exhibit submitted by Mr. Mathewson.[1]

TESTIMONY OF MR. JOE SHANNON.

Acting Chairman COMMONS. Give your name to the reporter.

Mr. SHANNON. Joe Shannon.

Acting Chairman COMMONS. And your residence?

Mr. SHANNON. Butte, Mont.

Acting Chairman COMMONS. Your street address?

Mr. SHANNON. 1117 Maryland Avenue.

Acting Chairman COMMONS. Are you employed at the mines in Butte?

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. What is your occupation?

Mr. SHANNON. I have been following mining.

Acting Chairman COMMONS. How many years have you been employed?

Mr. SHANNON. About 17 or 18, not all the time. There was a part of the time they thought my health was bad, and they gave me a rest.

Acting Chairman COMMONS. You are working now?

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. You heard the testimony of Mr. Shovlin here, who was a witness yesterday. Did you hear that testimony?

Mr. SHANNON. No, sir; I did not.

Acting Chairman COMMONS. Did you hear the testimony of Mr. Sullivan?

Mr. SHANNON. No, sir.

Acting Chairman COMMONS. Will you state your idea of the causes that led up to the recent disagreement within the Butte Miners' Union?

Mr. SHANNON. Well, the causes that led up to that, I would have to go back quite a little ways and trace the various events up to the present time.

[1] Exhibit not transmitted with testimony.

Acting Chairman COMMONS. Well, take the first cause that led up to it.

Mr. SHANNON. About the first cause that I would consider that led up to that had its inception in—what transpired here last month or the month before—was after the Amalgamated got into control here in Butte.

Acting Chairman COMMONS. I didn't get that.

Mr. SHANNON. After the Amalgamated came into Butte?

Acting Chairman COMMONS. Yes.

Mr. SHANNON. That was in 1898.

Acting Chairman COMMONS. What do you consider the first cause?

Mr. SHANNON. The first fight we had with them was for the eight-hour law, that was in 1900. They put up a pretty vigorous fight against the miners here trying to get the eight hours. There were one or two companies here that gave the eight hours, and we appointed a joint committee from the smelters' union and the miners' union to see what we could do with the Amalgamated Copper Co., and one of the men that was on the committee was working for the Amalgamated Copper Co., and we sent them up to interview the powers that be on the hill, and they were told promptly they would never get eight hours, and this man that was working for the company got fired, and he was told he would never get a job on the hill again, which he never did. We then had an election in 1900, and the legislature that was elected—the members of the legislature, of which there were 12 from Silver Bow County, that were elected, were pledged to support the eight-hour day for the miners and smeltermen, which they did in the face of tremendous temptation in the way of bribes over there at the legislature. The eight-hour day then went into effect, and we had to send out circulars all over the country in 1901, right after the bill became a law, notifying organized labor throughout the country to post circulars to state that there was no man wanted in this county because it was overrun with idle men. They started to bring in men, and advertised for idle men to come in. At that time the union had to issue circulars notifying outside organized labor to keep men from coming in here. The bill went into effect in May, 1901, and the Amalgamated Copper Co. didn't give the eight hours for five years later. It has been stated here that they gave it in 1901, but I don't know whether it was a slip of the mind or what it was, but it was not a fact, they didn't enjoy the eight-hour day until 1906, in May, then they were forced to give it.

Acting Chairman COMMONS. What was the next instance?

Mr. SHANNON. The next instance after that was they induced the miners' union to buy 500 shares of stock of the Amalgamated Copper Co. to boost the stock and bear this market.

Acting Chairman COMMONS. Yes. What was the next instance?

Mr. SHANNON. They came pretty nearly that time dividing the union and busting it up.

Commissioner GARRETSON. Did the union buy it as a union, or the individual members?

Mr. SHANNON. They bought it as a union, bought it out of the union treasury. They rushed the hall full of some of their ardent supporters and put it over.

Commissioner O'CONNELL. You say for the purpose of boosting the stock?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. How many shares did they buy?

Mr. SHANNON. Five hundred shares, at $100 a share, and the stock at that time was worth 110, and the bulletins went up in Berlin and on the Bourse, and the other stock exchanges, and the word went out that the horny-handed sons of toil had bought the stock.

Commissioner O'CONNELL. Five hundred shares?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Do you know how many shares of stock are dealt in on the New York Exchange?

Mr. SHANNON. I could not tell you anything about it. It was just the bait on the end of the line. I will tell you why. We were guaranteed, but we had to keep the stock for a year, but if the stock went down to $80 or $2 we were to receive back our $100 a share, which we did when it went down.

Commissioner O'CONNELL. You didn't buy the stock outright; who did you buy it from?

Mr. SHANNON. Got it from the Daly Bank; John D. Ryan was president. There was quite a general discussion in the union; it took about four or five meetings to decide this. In the meantime one of the trustees had left town,

and they had to elect another. The meeting was held, and after the meeting adjourned—it was 11.20 or 11.30 when the meeting adjourned—he took the funds out of the union, and they changed the banking system in Butte to accept it at about a quarter to 12. The Daly bank was open when he brought down the money.

Acting Chairman COMMONS. What is the next instance?

Commissioner O'CONNELL. The Amalgamated copper stock on the New York Exchange is a very active stock, one of the most active stocks in the exchange. Some days there are dealt in more than a hundred to two hundred thousand shares that change hands in a day.

Mr. SHANNON. But that would not have the effect on the country that this 500 shares had.

Commissioner O'CONNELL. Probably not.

Acting Chairman COMMONS. What is the next instance you have in mind?

Mr. SHANNON. We then had political conditions right here. They called a session of the legislature to enact what was known to them as the fair-trial bill.

Acting Chairman COMMONS. A what?

Mr. SHANNON. A fair-trial bill?

Acting Chairman COMMONS. Fair trial?

Mr. SHANNON. Yes, sir. They closed the mines down. First they gave a barbecue and fed all the miners up, and the next day they shut the mines down. So then after the mines were shut down they had a meeting of the miners' union, and they called on the hill at headquarters from the union. They were the whippers of all the unions in the State. The big union had to whip all the other unions into line. They appealed to the governor to have a special session of the legislature to pass this bill. It cost the State something like twelve or thirteen thousand dollars in the extra session, and at the next general session they wanted it repealed, this fair-trial bill. That caused dissension in the ranks of the miners' union, and all of those things started to widen the breach. It didn't heal it by any means, and it kept coming along down the line until they asked for a raise of wages in 1907. We asked for the raise of wages in 1906 and they gave a voluntary raise of two bits before we asked for the four bits. We then asked for the raise of 50 cents a day, and it was refused.

The next thing there was an amendment offered to our constitution and by-laws asking for this, and at first it was denied, and then they asked for a larger committee that they could do business with; asked for a meeting; it was held. So then it developed that among the things we were going to get was Mr. Ryan, who was the president of the Amalgamated Copper Co., had discovered in looking over the account books or some other things of that kind, that he had about $5,000,000. The dust was on it, and they didn't know it. It was going to waste, and they thought they would invest it and build homes for the miners if they would sign the contract, so that the real estate sharks would not be getting all of our money for rent. That was one of the inducements, and this $4 a day, and they got the $4 from April to November, and that was the only time they enjoyed it for five years.

You must understand also that the miners' union worked for $3.50 a day for 29 years, and then signed a contract they would work for $3.50 a day for 5 years more. After working for 29 years without a contract they signed one then they would work for $3.50 a day.

Acting Chairman COMMONS. What is the next instance?

Mr. SHANNON. Those men who were instrumental in doing this, they went over and bought real estate in Ireland—the most of them, the majority of them did. They went back home and didn't have to stand any of this dust you are hearing so much about.

Acting Chairman COMMONS. What is the next case?

Mr. SHANNON. Well, after that contract expired we had another one for three years, and that is now in vogue, and it will terminate—that is, to those fellows that stand with the union, old No. 1, as they call themselves—next June. By this time the company had complete control of the officers of the union, complete control. The papers used to ridicule any one who would go up to the hall and express an opinion different from those men who the company owned. The papers ridiculed them. Even at the time that they bolted the convention in 1907, the Inter Mountain came out and said they were going to bolt the convention the evening they left. They left Thursday, and the convention was to convene next Monday, and the Inter Mountain had it that they would bolt the convention when it came to order, which they did. They were going according to instructions.

The conditions that exist now and existed when the mines were shallow are entirely different. The mines then were cool. When the men received $3.50 a day the mines were cool, the ground was cool. As they went down in the sulphide the ground got hotter, and it is now a regular hell hole down to the present time, and they do as much work now in the 8 hours as they did in the 10 hours or more. They are compelled to do it because there is an army of unemployed at the surface waiting to take your place, and you are fired and fired indiscriminately. If you are active in union affairs you are blackballed and blacklisted. I have a card that shows you what they do up at the employment office, it might be good to take just a little look at it. In case you don't tell the truth they will do the next thing to you.

Acting Chairman COMMONS. You file that?

Commissioner GARRETSON. Put that in as an exhibit.[1]

Acting Chairman COMMONS. You file that with the commission?

Mr. SHANNON. Certainly.

Commissioner GARRETSON. Do you hold that adage, or is it held to apply to every employee of the Anaconda Co. regardless of whatever position he may occupy?

Mr. SHANNON. In getting the rustling card, that is what it applies to.

Commissioner GARRETSON. In getting the rustling card?

Mr. SHANNON. Yes, sir.

Commissioner GARRETSON. That means only tell the truth in getting the card?

Mr. SHANNON. It does not say. If you tell a lie in favor of the company, it is all right.

Commissioner O'CONNELL. You speak of blacklisting and so on. Can you give us some specific case? Have you been discharged at any time yourself?

Mr. SHANNON. Well, I rustled for work; I could not get it, and I was told the blacklist had been against me.

Commissioner O'CONNELL. Do you work for the company now?

Mr. SHANNON. No, sir; not for that company; I could not.

Commissioner O'CONNELL. How long since you have worked for them?

Mr. SHANNON. Quite a while.

Commissioner O'CONNELL. How long—how many years?

Mr. SHANNON. Probably 12 or 13.

Commissioner O'CONNELL. Have you any specific case of men you know? You yourself have been blacklisted and can't get work?

Mr. SHANNON. Myself.

Commissioner O'CONNELL. Any other cases?

Mr. SHANNON. Several of them; yes, sir; people had to leave here and get out with their families. People from Anaconda came up and could not get work here. They have a system there that they give you a tag; you lose your name. No matter what they christened you, you are given a number. They give you a brass tag and you get a paper tag and go to work with it. If you lose the brass tag, it costs you a dollar. If you come in and there is a blue card hanging up, that means you are discharged and no more work for you. That is the way it has been there, and it is the same way here—the invisible government; the iron hand working all the time.

Commissioner O'CONNELL. If there had been this persistent and consistent discriminating and blacklisting, from the indications we have had, there have been no cases of complaints taken up by the union on this charge with the company?

Mr. SHANNON. If a man robs you and takes your watch, do you suppose you would put him on the stand to be the judge between himself and you?

Commissioner O'CONNELL. I think I would adopt some other method.

Mr. SHANNON. That is what we were trying to do in the union when this fracas came up. That very thing. To better our own conditions. Anything that tended toward it they absolutely put their foot down on it, and they have the support of the press.

Commissioner O'CONNELL. Of the president?

Mr. SHANNON. The press.

Commissioner O'CONNELL. Oh, the press. What I am trying to get at is, with this five or six or seven thousand miners here, if this was going on, and I take it from what you say it was flagrantly and openly going on, what were these five or six thousand miners doing that they didn't compel a sort of stopping and adjustment and standing still of things to see where they were?

Mr. SHANNON. About 300 men would fill the hall.

Commissioner O'CONNELL. Three hundred men would fill the hall?

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[1] Exhibit not transmitted with testimony.

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Wasn't there vacant spaces around either in the flat or in places where you could gather them together?

Mr. SHANNON. There is lots of room now, you can gather them altogether now.

Commissioner O'CONNELL. I am talking about the past.

Mr. SHANNON. Exactly, that is what I am talking about. We could not get them to stick. It was an utter impossibility to take these things and get this cosmopolitan union of ours together, but they are more or less together now.

Commissioner GARRETSON. Was there any difference in the question of domination—you stated since the Amalgamated Co. came in certain conditions existed. Is there—is it any easier, so far as domination then is concerned between the time before the Amalgamated Co. came in and the time after, only now there is one master and before that you had a number.

Mr. SHANNON. Well, you had more of an even break before; you had them fellows fighting.

Commissioner GARRETSON. You could play them against each other?

Mr. SHANNON. Exactly; more or less.

Commissioner GARRETSON. Was the object of the men that were in opposition to the union—to make the question clear—a good many men have testified here that if one gang got its election clerks in they won, and if the other gang got their election clerks in they won. That has been testified to a number of times as to the conditions that existed. Did the party that was in opposition desire to get into power to reform things, or to run it themselves?

Mr. SHANNON. Well, the time that the union was in the hands of the union men was about two years at that time. They tried to get some betterment then, and ran things along what we considered union lines, and we put $85,000 in the treasury. That is more than was ever put in since or before. It was conducted on businesslike lines.

Commissioner GARRETSON. You really tried—your intention was not to get your election clerks in and run things, but to run them right?

Mr. SHANNON. To run them right, that was our aim. We paid as much sick benefits and death benefits at that time as any other time since or before, for any two years.

Commissioner GARRETSON. And did you do anything more in the way of protecting your membership from unreasonable discharge and the conditions you say you are subject to than you did before?

Mr. SHANNON. At that time? No, sir; we tried to educate them.

Commissioner GARRETSON. You heard the testimony of the president of the United Mine Workers for district 27 this morning?

Mr. SHANNON. Part of it; I could not hear him distinctly.

Commissioner GARRETSON. You heard him outline the method they followed in the protection of the men?

Mr. SHANNON. I am familiar with it.

Commissioner GARRETSON. Do you believe in that method?

Mr. SHANNON. Yes, sir; more or less.

Commissioner GARRETSON. More or less is rather an elastic expression. Do you believe that the mission of the union is to protect their men when they are right?

Mr. SHANNON. That is what the union is supposed to be for.

Commissioner GARRETSON. I haven't heard that declaration. Maybe you have heard that declaration here, but I haven't. That don't seem to have been the mission of this branch of the miners' union here, from what has been testified here.

Mr. SHANNON. The mission of these men here was—we were trying to educate them out of it—but the mission of this bunch here was that they were an asset of the Amalgamated Co.—they took care of the machine. We are trying to teach them a way of getting away from those conditions.

Commissioner GARRETSON. For the good of their soul and body?

Mr. SHANNON. This soul business is a kind of myth with me, more or less.

Commissioner GARRETSON. You look after the body?

Mr. SHANNON. I believe in looking after the body and letting the other fellow take care of the soul after it leaves the body. We have enough to do to take care of the body.

Commissioner O'CONNELL. Is the miners' union, the one you spoke of as supporting those things, is that composed of men exclusively engaged in the mining industry?

Mr. SHANNON. Yes, sir; in and around the mines, the same as the other one was.

Commissioner O'CONNELL. Are there any men holding memberships in this organization who are engaged in any other occupation in the city of Butte?

Mr. SHANNON. In which way?

Commissioner O'CONNELL. Any way—carpenters, street car men, newspaper men, lawyers, doctors, or any others.

Mr. SHANNON. Not that I know of. It only includes those working in and around the mines.

Commissioner O'CONNELL. Are you sure?

Mr. SHANNON. To my certain knowledge there are none that I know of, only those in and around the mines. The statement has been made here——

Commissioner O'CONNELL. I have heard the statement made, is the reason I asked, that it does take in everybody indiscriminately.

Mr. SHANNON. The statement has been made here about copper fluctuating and one thing and another. There was a time in this camp when they sacked the little bits of ore they got and put them on jackasses and walked them down 80 miles until they got to the narrow-gauge railroad, and then put them on the narrow gauge and ran on that until they got to the wide gauge and then went to Galveston and put them aboard sailing vessels and took it to Wales and got 9 cents a pound and paid $3.50 a day at Butte. That is the condition we are up against here.

And at that time they would have 15 men, or a total of 45 on three furnaces, and others were employed at it. They still can give us a dollar more now; that is, and hold the kite with the tail on the end.

Commissioner GARRETSON. Well, you probably have a different method of figuring the financial value of things than the company has.

Mr. SHANNON. Well, I have mine and they have theirs. There is no identity of interest, you know, between us.

Commissioner GARRETSON. By that you mean that the workman is trying to get for his labor the best he can, and the other side is trying to get labor at the least possible price?

Mr. SHANNON. Yes.

Commissioner GARRETSON. Or reduce it to the lowest, is that what you mean by that?

Mr. SHANNON. That is what I mean all the time.

Commissioner GARRETSON. All right.

Acting Chairman COMMONS. Any other questions?

Mr. SHANNON. Now, there is another question that ought to be brought up here, and that is with regard to the health of the miners. Of course, I am not a physician or a doctor, but I have handled these things that they call the "buzzy." They are a nice thing to discuss up here in the Silver Bow Club, where the air is good. They are a one-man drill, and there is a lot of those what we call them fine-day miners that has never taken hold of them.

Commissioner GARRETSON. What do you mean by fine-day miners?

Mr. SHANNON. Those fellows that have got an easy place in the mine, where the air is good, and they always have a good word for the company for giving them the job. But they are not down where the actual work has got to be done or where the heat is intense, where you don't eat anything and where you drink a keg of water and never urinate once in the 24 hours—you sweat it out. Them are the places, and you gentlemen ought to take a look at them.

Commissioner O'CONNELL. I think some of us were down last night in the mines; I was down.

Mr. SHANNON. Now, these buzzy machines, they grind the dust up extra fine, and it comes out without the old method of clearing itself, and you inhale every bit of that dust as it comes out. The dust settles in your lungs and you can't get away from it. You are right there facing it, and it is pumped into you, the same as the hose turned on you. And the man down below you shoveling, he inhales it just as bad as you.

Commissioner O'CONNELL. And those jobs appear to go to the men that are not inclined to be company men, as you state it?

Mr. SHANNON. The good, robust fellows, you know.

Commissioner O'CONNELL. Strong men?

Mr. SHANNON. Strong men; yes.

Commissioner O'CONNELL. Men who have——

Mr. SHANNON. Weak in the head.

Commissioner O'CONNELL (continuing). Talked right out what they think about things?

Mr. SHANNON. Exactly, like anybody should. No; nothing to be afraid of, discuss things any chance you get to better your condition, the same as you would. If you were going to buy a ticket on the railroad to-morrow, you would discuss which would be the cheapest and best road. You would have a certain right of discussing that which you are going to travel over.

Commissioner O'CONNELL. Do you suppose that the company puts these weaker men—you say the stronger men go down below—the weaker men, because of their health conditions, into the better air and better working conditions? Is there any humanity in connection with it?

Mr. SHANNON. I think, sir, you do, when you come to rustle, the same as you would consider buying a good strong horse if you wanted him for the farm. You wouldn't buy a weakling; you would buy a good strong horse even if you had to pay $250 or $300. They look at it the same as they did on the slaves down South.

Commissioner O'CONNELL. I understand there isn't any physical examination?

Mr. SHANNON. Well, the boss is a pretty good physical examiner.

Commissioner O'CONNELL. Well, would you expect him to hire indiscriminately everybody who comes along, regardless of whether he was sickly or had some disease that he could communicate to others?

Mr. SHANNON. Not necessarily.

Commissioner O'CONNELL. Wouldn't you think that those who were inclined to grow old or weak or sickly, that they ought to have the preference as to work—easier jobs and so on, as a matter of humanity?

Mr. SHANNON. Yes; they don't do it, however.

Commissioner O'CONNELL. That is not the reason, you think?

Mr. SHANNON. They don't get those jobs. There is a lot of these young healthy fellows that is up there getting them. There is a lot of these men that has put in 30 years of their life up here. And a miner's work, you know you never can prelearn it; especially in bad ground they don't pick up these miners and shove them in there, they have to put in the old-timers in bad ground where it is caving.

Commissioner O'CONNELL. Well, now, if you were given the authority to outline a plan by which the mines in this territory should be operated, under what conditions or how would you have these mines operated? What would you suggest as a means of correcting all the ills and complaints that you speak of here and object to in the mining industry?

Mr. SHANNON. The first thing is about the men, a shorter workday.

Commissioner O'CONNELL. Less than eight hours?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. Now what would you do next if it were left up to you? This commission is to inquire and report back.

Mr. SHANNON. The next thing is to ventilate the mines.

Commissioner O'CONNELL. Ventilate?

Mr. SHANNON. When you go down into a place, you know, and you stand right up and sweat boils out of you and runs over the tops of your shoes, you ain't inclined to kill yourself working.

Commissioner O'CONNELL. You say this——

Mr. SHANNON. If we had those places properly ventilated, them things will not be there. There is one thing of trying to cure the effect; but if you go to the cause, you know, then is where you are to remedy the thing.

Commissioner O'CONNELL. Then let us go to the cause.

Mr. SHANNON. That is the cause, because they are not ventilated, inadequate ventilation in the mines at Butte. Now, there was a man in this camp——

Commissioner O'CONNELL. What you want is to get better ventilation, and it seems that the same ventilation that is on top of the earth can't be brought below. That seems an impossibility, but we will agree that it can be improved materially. Now, in order that we may give more time to still getting better air into the system, you will agree, will you, that the mines shall be closed on Sunday?

Mr. SHANNON. Well, I am always in favor of six days' work.

Commissioner O'CONNELL. What will the miners say to that? You must have one day's rest just as you give the horse you talked about. Will you agree to that?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Will all the miners agree to that?

Mr. SHANNON. I should think they would.

Commissioner O'CONNELL. Do you think if it was put to a vote, that they would all vote "yes"?

(A bystander here attempted to speak to the witness.)

Commissioner O'CONNELL. Just let the gentleman speak for himself, I think he is capable.

Mr. SHANNON. I am capable of answering any question.

Commissioner O'CONNELL. I think you are, sir.

Acting Chairman COMMONS. All of them.

Commissioner O'CONNELL. I think you are.

Mr. SHANNON. If the miners were to say, "We will have Sunday," and the company, "Anybody that went out Sunday, he can't work"——

Commissioner O'CONNELL. No; regardless of the company. We will say to the company, "Now you have got to do this," and they will do it?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. We want one day's rest, that is the first thing we want?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. Then we will get some air. Nobody can take that away from us in the open, if we are there where we can get it.

Mr. SHANNON. Yes. There is lots of them gets all that kind of air they want. They are laid off here two or three months at a time to teach them to be good.

Commissioner O'CONNELL. That is incidental; what I want to get at is the fundamentals.

Mr. SHANNON. There is lots of them gets that; there is lots of them that don't work 30 days a month, more like they work 20.

Commissioner O'CONNELL. We have gone over that.

Mr. SHANNON. A miner works the general rule seven days a week with the exception of one day every two weeks.

Commissioner O'CONNELL. You still have it a little better here in that direction than they have in some other places, because they work every Sunday, and we found, upon investigation of the daily report books, that the men worked every Sunday but laid off other days. They seem to have an especial preference for Sunday, don't like Sunday leisure. I don't know why. It interferes with their church relations. They want to go to church; at least some men do, if not all. They ought to have that day off for religious service, for recreation, for pleasure, and they ought to be in a position to get a sufficient compensation for the six days so that they would not have to work Sunday.

Mr. SHANNON. That is the idea. That is what we are after.

Commissioner O'CONNELL. Now, is that one of the things you would agree to?

Mr. SHANNON. No work Sunday, the shorter workday during the rest of the week—we will agree to that.

Commissioner O'CONNELL. Now we have the shorter workday, better ventilation, the observance of Sunday—or one day's rest in seven—and a better wage rate.

Mr. SHANNON. We will take all that. And we will go further. We will take a half holiday on Saturday, if you will give it to us. We will take all that. We are not a bit adverse to it, not a bit. But we want more money because it takes all you can get here to make both ends meet.

Commissioner O'CONNELL. Well, I think I have got for my own satisfaction some of the things that might help.

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. Any questions?

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. You have finished stating all of the causes that you had in mind of dissatisfaction?

Mr. SHANNON. Well, they are the primary causes.

Acting Chairman COMMONS. That is sufficient, then, much obliged to you.

Call Mr. Kelley again to take the stand.

TESTIMONY OF MR. C. F. KELLEY—Recalled.

Acting Chairman COMMONS. You were the first witness, and you stated in a general way the questions that were uppermost in our minds at that time. There have been various charges made that you have doubtless heard. Is there anything that you wish to say regarding any of them?

Mr. KELLEY. Of course, I haven't been here all the time. The charges that I have heard have been more or less of a general nature. I don't know of any specific instances that were referred to. There has been a general charge of company domination of the Butte Miners' Union. So far as that charge is concerned, I wish to say this to the committee—the commission: There has been for many years a situation existing here that is by no means peculiar to Butte, but I think can be found in every industrial community. Wherever organized labor has asserted itself, it is universally conceded that the principal line of division of its membership comes between those who are possessed of radical tendencies, whose policy it is to wage an eternal warfare against the employer, who will be satisfied with no concession, but who believes that it is a principle of organized labor to engage constantly for something that in many instances can not be granted.

On the other hand, there is a division which believes in fairness as between the employer and the employee in endeavoring to carry on the controversies that arise in such a way as to ameliorate as far as possible the condition of the worker, while at the same time recognizing that the employer has some rights. That was the primary division in the Butte Miners' Union. That, as I understand it, is the primary division in a great many labor organizations. Now, I deny that the Anaconda Co. has ever, directly or indirectly, attempted to assert any domination over the Butte Miners' Union in its internal affairs. I assert that the sole interest which this company has—at least during the period covered by my knowledge of its affairs, manifested in the doings of the miners' union or any other labor organization in this community, was to endeavor at times to get as large a proportion of the membership as possible to attend the meetings, so that the action which would be taken would not voice the sentiments of a few radical agitators, but would more nearly represent the voice of the great body of the union who were to be affected by the action taken. In that I assert that the employer did not step out of his way or out of his function. If we have a body of 9,000 men working for us here, and if we are to live up to and follow what the union dictates, if we are obliged to meet the action of the union, it seems to me that an effort on the part of the employers to get as many employees interested in the union as possible is not only within our proper function, but is entirely commendable.

Now, then, that is as far—so far as this domination, ownership, and control of men is concerned, I deny that that exists. You will hear that charge everywhere where a condition such as obtains in Butte exists, where there is one large corporation that is the dominating factor in the industrial life. But I assert that so far as the different officers of this union are concerned—and I perhaps have had as intimate dealings with them as any—that I haven't known these men. I don't know that within my time of administering the affairs of this company that I have ever known a man who has been placed in nomination for office before he was placed in nomination or before he came to see me on some business connected with the union. That certainly will apply to at least the last three administrations of the Butte Miners' Union; that we have never known them, we have never undertaken in any way to say who should be or who should not be officers of this union. Now, then, of course, we have wished, we have desired to get along with our employees, to have amicable relations. There are a number of gentlemen who have given evidence, if you call it evidence here—I mean because of the lack of an oath, is all—and with them I think in a good many cases they have not been in the employ of this company, or the company that I represent, at least. They have not for many years been in the employ of the company.

Now, there are some specific matters that were referred to here. One was the relative cost of production in early days as compared with the cost of production at this time. And I think Mr. Shannon gave as an illustration how the copper was transported by various means to Swansea in early days, when $3.50 was paid for wages, and he compared it with the present day operating conditions. Well, to a certain extent that is true. When the Butte Miners' Union was organized, as I remember in 1876, they paid the minimum scale of $3.50 a day. That was for a 10-hour day. And later the number of hours was reduced to eight, and later some modification was made in working rules. That is the only thing I can think of as possibly being involved in the statement of Mr. Shannon that this company did not grant eight hours until 1906. I know of my positive knowledge that the statement, except as it may be modified in some trivial way, is not correct. When the copper mines of Butte first began their operations, at the time testified to by Mr. Shannon, this was a pioneer country. The scale of wages was probably the highest

then adopted for similar business anywhere in the United States, anywhere in the world.

A BYSTANDER. Except Virginia City.

Mr. KELLEY. Except Virginia City in the early days; that may be true. In the copper-mining business the scale of wage that is maintained in Butte has been the highest wage paid anywhere in the world, with one exception that I know of, and that is in Arizona. And to-day and yesterday, with the curtailment there, they are putting into effect in Arizona a reduced wage scale that brings the miner's wage to $3.60, the helper to $3, and the mucker to $2.75. Now, at that time these surface deposits were just beginning to be explored. The surface ores of Butte were of enormous richness. Calcacite, which ran chemically to the standard, above 70 per cent copper, was found. Ore that went anything like the vast bulk of the ore that is being treated to-day could not be taken from the ground. The ore that was shipped to Swansea was ore that went from 30 to 70 per cent copper, and associated with it was silver in varying quantities of from 20 to 150 ounces per ton. It likewise carried a very large gold value. Now, ore of that kind of course yielded a tremendous profit. To-day the average grade of the copper ores in Butte that are mined is about 3 per cent, and they will carry approximately 2 ounces, is it, Mr. Gillie, of silver to the ton?

Mr. GILLIE. Yes.

Mr. KELLEY. And there will be an approximation of about 25—well, a very small percentage of gold. Now, during the period from the early days when this ore of enormous value was sent to Swansea—and that was only sent during a period of time when it was—when they were getting money out of this high-grade ore, leaving on the dump what was then considered low grade, which would be ore that is vastly richer than any we have got to-day. They sent this high-grade ore over there, selected and sent it, and got money back here to begin the development of these mines, and to build these smelters and railroads and other things that have been made that were necessary in order to make this an industrial center and a mining center. Now, the conditions have changed since then. With increasing depth increased costs have been brought about. It has been a constant fight against increased depth, remoteness of ore, which involved heavier tramming costs, increase in costs of supplies, increased labor cost. Labor has increased more proportionately in cost than would be expected merely by the reduction in wages, or by the reduction in hours because of a decreased efficiency in the class of labor. All of these factors have been brought about to increase the costs until the profit to-day on mining operations bears no comparison to the profit that was obtained at the time of which Mr. Shannon speaks.

And remember this—and it should be remembered—that we are mining copper to-day from the 3,000-foot level, or going to the 3,000-foot level of these mines with the installation of perhaps the most costly mining machinery in the world. With transportation problems that make us ship our ore from Montana to the Atlantic seaboard and then around the world in competition with mines that are favorably located with reference to transportation facilities all over the world. That, with every item of our operations increased in cost, we are in competition with the copper that is being produced all over the world. We are in competition with the copper that comes from the labor of the Mexican peon, who gets 50 to 75 cents a day in Mexican money. We are in competition with the Peruvian mines, the Spanish miner, the Japanese miner. Out of a production, a world's production of 2,000,000,000 pounds of copper, we make less than 300,000,000 here in Butte. We can not control the market. We can not fix the price. Our copper sells in Berlin or Hamburg or London or Paris at so much a pound in competition with the copper that comes from any other mining district in the world. And it simply means that with a margin of profit that is now extremely close, as close as it is in any industrial business—not any mining business, which is a wasting business and a depreciation of capital constantly—it means greatly added expenditures in the production of copper, and this means that copper will cease to be produced; that is all. You can't meet the competition of the world if you are not willing to fight your cost of production, and if it is tremendously higher than copper can be produced elsewhere.

The single item of freight alone upon our copper—our railroad bill last year was $7,000,000 out of a gross business of something over $40,000,000. Railroad freight is seven million. We are in competition with the water transportation from Chile, from Peru, from Japan, from Spain. Now, then, I simply wanted to make this general statement so that we may dissipate the

idea that was suggested a moment ago by one of the commission that there is a fight on the one hand on the part of the operator to get as much as possible out of labor, and there is a fight on the part of labor to get as much as it can out of the employer. There comes a line of division beyond which if the cost of production goes, production must cease. That has reference to the shorter workday that was suggested by Mr. Shannon. At the present time, with the mines on an eight-hour basis, that means eight hours from the collar of the shaft. My recollection is, and Mr. Gillie can verify it if I am wrong, because he is far more familiar with these mining details, that on an average it takes 26 minutes for a man to reach his place of work. The shift begins shooting, the shift terminates with the blasting, and that is anywhere from a half an hour—usually about a half an hour—before the termination of the shift.

I will venture the assertion without fear of successful contradiction that six hours of actual labor is not put in upon the average in the stopes of the mines of Butte. A shorter workday would mean an increased cost of production that could not be maintained, because I know of no business in which the cost of labor bears a more direct relation to the total cost of production than it does in the mining business. As I made the statement to you the other day that you can take out of every round dollar—I have some charts on that that I would be glad to submit—out of every round dollar that is taken out of these mines, more than 50 cents goes directly to the man in the mine and the man in the smelter. Now, then, one of the great items of cost is lumber, timber. We use, say, 75,000,000 feet a year in timbering these mines; 300,000 stulls are used, and a big proportion of that cost, the cost of our lumbering operations, is labor. As I told you a moment ago, we pay $7,000,000 in freight. The railroad labor is a big part of that, so that the labor cost of producing copper is probably as great, if not greater, than that which would obtain in any other industry. So far as the general subject of ventilation of mines is concerned, we have been somewhat between the devil and the deep blue sea on that, if you will pardon the expression. I had occasion to refer to it. Mr. Gillie had occasion to refer to it. If we had absolutely no humanitarian motive at all, but it was a straight business proposition of dollars and cents, it stands to reason that anything that we can do to increase the efficiency of a factor that is representative of more than 50 per cent of our gross expenditures, we are going to do it.

It is very easy for men to say, who are not engaged with this proposition, that we don't do this and we don't do that. We have every opening figured, the area of that opening, the possibilities of that opening with reference to either forced or natural ventilation, the carrying capacity of every hole in the ground here is figured, and a scheme of ventilation is laid out, not alone because it is absolutely necessary in order that these men may live underground. But I want to say without any bouquet about that, that I think the management of this company takes as much interest in that as does any industrial organization that I know of. But as a pure matter of efficiency of labor we would figure that, and we do figure it. I don't know whether Mr. Gillie gave you the figures, but my recollection is that we have 6,000 horsepower, isn't it?

Mr. GILLIE. About 3,000.

Mr. KELLEY. How is that?

Mr. GILLIE. About 3,000.

Mr. KELLEY. About 3,000. And you know when you take a hole down here and over here another, and there is a difference in temperature, you have natural ventilation. And you have the cages going there, and you have got these drills working. And in addition to that we have 3,000 horsepower pulling fans and trying to get air down into these mines.

Now, it may be that the ultimate end of these mines will be the limit of the possibility of ventilating. But just as long as mechanical means can be devised to furnish ventilation underground, why we are going to take advantage of it and do the best we can to ventilate these mines. Now, that is incidental perhaps. You take it in the lower levels here where the mines are wet, we can ventilate. The draft—without respect to draft. Of course, in the upper levels where the water has leeched out, ventilation is accompanied with the raising of dust. You can't help that. You see you get one evil—in trying to correct one evil you notice the effect of another. Because the dust we recognise is the harmful factor, so far as pulmonary troubles are concerned. Now, so far as appliances are concerned, we have endeavored to use the best appliances possible. The buzzer drill was referred to. I think that was the

only appliance that was mentioned by Mr. Shannon. The buzzer drill is a recognized appliance in mining all over the world. We have endeavored to use a canvas bag that would catch the dust. We have endeavored to get a muzzle worn. But any man who has had anything to do with employing labor knows and understands that one of the hardest things is to get that laborer to do that proportion of what he ought to do in the protection of himself that he should do.

Why, the other day I went through a cement plant, a plant where they were dumping cement over here in the construction of a dam, and dumped cement down into a blower. And the moment I went in I asked the man if there were muzzles furnished the man who were handling the cement there. And he said, "Yes." I said, "There is a man who has not got his muzzle on." He turned around and the muzzle was hanging on a nail. Now that is illustrative. I could tell you our experience in camps where we have had sanitation under our control and have endeavored to enforce regulations. You almost have to enforce them with military discipline in order to get the average miner or the average man to help you in those matters. I will tell you that if the grog shops upon this hill were shut up and men took as much care of themselves as they could take when they are off shift, as they have it within their own control to exercise, if they did as much as they expect us to do, the general sanitary conditions would be much improved, and the accident record, the casualty record would be closed. Let these reformers get at the fundamental causes. We will meet them half way. We have a condition that prevails here where every man going off shift—I won't say every man, but a great many of them, stop to drink at these places. They drink going on shift. It would be looked upon as a serious intereference with their American privileges if that was cut off. But a man that comes up to the collar of the shaft with a half a dozen drinks under his belt and gets by the timekeeper and the foreman and the shift boss, and then goes underground into this superheated atmosphere, when it begins to ooze out of him, is the man who many times falls into a chute, loses his hold upon a lever, or misses a loose piece of ground that is over his head. And then, of course, the employer is the sole responsible party.

Now, I don't know that there are any other specific matters. If there are other matters that I haven't heard of, other matters that you wish to ask me about, I shall be very glad to answer any questions within my knowledge that the commission desires to ask.

Commissioner GARRETSON. In regard to the statement that if conditions exceeded a certain point the production of copper might be stopped in the Butte district, or would of necessity be stopped, have you any opinion that any industry has the right to survive unless it can pay a reasonable wage?

Mr. KELLEY. No; absolutely not. But where an industry that is being conducted all over the earth, as the copper-mining industry is, is paying in a particular locality the highest wage that is paid by that industry in any part of the earth, and is carrying on that industry under conditions that are better, we believe, than accompany that industry in any other part of the earth, I don't think that industry should be put out of business in that particular locality because of its inability to meet the demands of, we will say, a certain number of unreasonable men.

Commissioner GARRETSON. In passing upon the reasonableness or unreasonableness, that, of course, becomes a question of fact.

Mr. KELLEY. A question of fact, which is determined by the universal standard that pertains in any particular line of business.

For instance, if you say whether this is a reasonable wage here for this business or for that business, how do you determine it? You take the standard wage that is paid by that class of employment wherever it is conducted. Now, if we here have a rate of wages which is higher than they have in any other locality for a similar business, it would be fair to assume that we are paying a reasonable wage as controlled by the factors that must necessarily enter into it. If we are not paying a reasonable wage, then nobody in this line of business is paying a reasonable wage. And if the copper business can not be conducted here upon the conditions that pertain, it can not be conducted in any other part of the world because they would be more unreasonable than we. You see the point?

Commissioner GARRETSON. If a man predicates an opinion on these matters upon a thesis that in itself is false for a basis, then—I am using false in the sense of incorrect——

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON (continuing). Then naturally the whole theory comes into the same category.

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON. Because a structure that maintains—or will not rest, can not rest, upon a secure foundation.

Mr. KELLEY. No, sir; your premise must be right or your——

Commissioner GARRETSON. There you have it.

Mr. KELLEY (continuing). Conclusion will be wrong.

Commissioner GARRETSON. And if the operative conditions in the trade had always controlled questions of this character, there never would have been betterment; it is only when——

Mr. KELLEY. No; I——

Commissioner GARRETSON (continuing). Advance has been attempted independent of comparison that betterment has ensued.

Mr. KELLEY. I grant you that is true to a certain extent. Of course, anyone who is familiar with economic history knows that every advance that has been made by the wage earner has come as the result of agitation, of demand, and of successful attack, you might say.

Commissioner GARRETSON. More or less successful.

Mr. KELLEY. More or less successful.

Commissioner GARRETSON. I would put it that way.

Mr. KELLEY. I say every advance has been the result of that. That spells progress. Now, then, you reach a point—you reach a point at which you can no longer conduct your business profitably from one standpoint, and the wage earner thinks that it can no longer be conducted because of insufficient remuneration from his standpoint. That means the cessation of that business or the introduction of some other system of working.

Commissioner GARRETSON. From the experience you have had, I would like an expression of opinion from you on one subject. You bear in mind this is purely ethical.

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. It may become practical. Do you believe the true—now, this is not in your experience as an employer at all—but in your experience as a citizen, is the truest remedy, in your opinion, for many industrial evils an increase of wage or a betterment of conditions?

Mr. KELLEY. I would say, in answer to that, it would mean ultimately a betterment of conditions. Now, whether that comes from increased wage or not is another proposition. Of course, what everybody is striving for, what we are all striving for—I regard myself as an employee and a wage earner. I am striving for it. I have no fault to find with any man who works for the Anaconda Co. who is striving to better his condition. Now, it does not necessarily follow that two bits a day more—or 50 cents a day more—is going to mean that betterment in condition.

Commissioner GARRETSON. If the 50 cents went to every wage earner the condition would have been equalized?

Mr. KELLEY. Absolutely.

Commissioner GARRETSON. Unless his hours of service and conditions under which he furnishes his labor had at the same time been bettered?

Mr. KELLEY. I think that is true, because, it seems to me, we have had a peculiar illustration of the working out of that principle right here in Butte. Wages were high here to begin with. They have been maintained at a high standard. And, incidental to the development of the mining business here, a community grew up. And with the upbuilding of that community numerous trades and crafts came in here and obtained employment.

And, starting with a high rate of wages, each craft has endeavored to boost a higher rate of wages, until the rate paid some of the trades-unions in this city, as compared with the scale that maintains generally, is absolutely out of all reason and all proportion. Now, then, the great bulk of employment here comes back, one class employs another, it seems to me. If your butcher is getting a very high rate of wages, of course, it is added to the price of meat. If your plumber is getting a very high rate of wages, it is added to the cost of putting a bathroom or a sink or a faucet in your house, and so on. Now, then, we are all cannibalistic in a way. We live off one another. And it seems to me the high rate of wage, the extremely high rate of wages that has prevailed among the local crafts in the community downtown here has been one of the factors that has made living very high here and has entered into, very largely,

the problem that has faced the big body of workmen—the miner and the laborer—in meeting the necessities of life. So that I don't think that increased wages of itself is going to do any good unless all the other factors that surround these things are going to be bettered and leveled.

Commissioner GARRETSON. And I assume that you hold the opinion that even in the absence of increase of the wage, the shortening of the time of labor, and the betterment of the condition under which the man works would produce the effect that of itself.

Mr. KELLEY. I don't know that I quite get that.

Commissioner GARRETSON. Would produce the effect and remedy many of the things that are complained of.

Mr. KELLEY. I think so; certainly.

Commissioner GARRETSON. For instance, you will take what you cite yourself as what may become an impossible condition in your lower levels; that is, the inability to ventilate?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. The only solution that would be left, then, in that impossible condition for a man in which he would recognize the impossibility of staying there eight hours would be to reduce that period, as I believe it was. Weren't there some Nevada mines where men only worked in a three or four hour shift?

Mr. KELLEY. Yes. They have worked 20 minutes here.

Commissioner GARRETSON. On account of the excessive heat. Well, that would be the only solution left, if it was continued?

Mr. KELLEY. Certainly.

Commissioner GARRETSON. And all onerous conditions of service would in the long run be met by the contraction of the period of service therein on account of the onerous character?

Mr. KELLEY. Certainly; that would have to follow.

Commissioner GARRETSON. Isn't it the natural result? Now, you state in speaking of precautions or the measures taken by your company in regard to demonstration and figuring as to each air passage and its capacity. Isn't a man who is down there and suffers from the conditions impervious to the idea that those figures exist?

Mr. KELLEY. Just a minute; your question contains an assumption that I could not concede for a moment. Now, then, in the lower levels, before ore can be taken out, you understand——

Commissioner GARRETSON. Yes, sir.

Mr. KELLEY (continuing). And you get your system of ventilation completed—for instance, you sink down and you start off a level, and you have got a dead end there that you can only get an artificial means of ventilating from the hose pipe that works the machine, or by carrying in a pipe.

Commissioner GARRETSON. You can't keep it in the extreme end?

Mr. KELLEY. Yes; we do; but the ventilation is not as good there as it is after your connections are made and your air courses are established. Now, I will admit that there are those necessary places that are not properly ventilated, but that these mines as a whole in their working levels or stopes are improperly ventilated, that they are to any considerable extent suffering because of insufficient ventilation, I would absolutely deny. The records of temperatures, the records of oxygen content, of carbon dioxide content contradict this, and the records of the men themselves.

Commissioner GARRETSON. There is a shade of meaning there, suffering and discontent.

Mr. KELLEY. Well, there is discomfort.

Commissioner GARRETSON. They may be two things.

Mr. KELLEY. I think that the most comfortable place—I speak from experience—I have worked underground. I think the most comfortable place I have ever worked was underground, and I don't think that I drew at all times the places that were characterized by my friend Shannon as "fine-day-miner" places.

Commissioner GARRETSON. Would you choose one of your lower levels to spend a vacation in?

Mr. KELLEY. No, no. But I have never yet been able to secure my occupation by selecting a place for a vacation.

Commissioner GARRETSON. You only secure the vacation by that?

Mr. KELLEY. Incidental to the occupation.

Commissioner GARRETSON. Yes; I have seen men that had a vacation—very long—and it wasn't incidental to the occupation.

Mr. KELLEY. I haven't had that good fortune.

Commissioner GARRETSON. I haven't had that experience myself; I have been in rather continuous service.

Mr. KELLEY. There was one other matter that was referred to, and that was the investment of the miners' union funds in Amalgamated stock. My recollection of that transaction, gentlemen, was about this: At that time I was counsel for the company and didn't have any direct connection with it, but I remember talking about it. The miners' union had some fifty-odd thousand dollars that they wished to invest. Mr. Ryan at that time was not connected in any way with the Amalgamated Co. or the Anaconda Co.; he was president of a bank and doing a banking business. My recollection is that the miners' union treasurer came and talked to him. The Amalgamated Co. was paying 6 or 8 per cent, and he recommended an investment in the stock provided they could be guaranteed against loss. The matter was taken up with the then managing director, I think Mr. Scallon, and it was arranged if this $50,000 was invested in stock it could be sold at any time after a period of a year and irrespective of the market price of stock, the price that they paid would be guaranteed to them.

Commissioner O'CONNELL. Have you any idea that the sale of this 500 shares had any effect on the fluctuation of the stock?

Mr. KELLEY. I have had too much experience in buying and selling Amalgamated stock myself to believe that.

Commissioner GARRETSON. Have you any knowledge as to whether or not it was heralded as an advertising feature?

Mr. KELLEY. I never knew it was heralded or spoken of really in any way except that it was a safe investment for the Butte Miners Union, far safer than some others they have made, and that it would be a good idea. Perhaps the thing that induced the management to guarantee it was that any community of interest between employer and employee is a good thing to establish.

Commissioner GARRETSON. As a business man, Mr. Kelley, wouldn't you hold that in a region where there was no means of investigating, that no better demonstration or illustration could be furnished to prospective purchasers of stock than to represent to them that the men who dug it out of the mine took it as an investment?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. It is good business?

Mr. KELLEY. You bet it is.

Commissioner GARRETSON. Fine advertising material?

Mr. KELLEY. That is good business all around.

Commissioner GARRETSON. That is what it is.

Mr. KELLEY. And there would be no better business than to have every miner in Butte a shareholder in Anaconda stock.

Commissioner GARRETSON. I hold it is good business and showing its value to the prospective purchaser as a convincing argument that the men who knew were buying it.

Mr. KELLEY. Yes, sir; it is possibly good business.

Acting Chairman COMMONS. Have you any other statement?

Mr. KELLEY. Yes, sir; there was a matter that was referred to by, I think, Mr. Sullivan or one of the other gentlemen who referred to the fact that during the Socialist, so-called, administration of the Butte Miners' Union they attempted to get legislative action on the subject of ventilation, and that a committee from the union went to Helena. It is true they did go. A committee came to Butte and made an investigation into the ventilation of the mine and into the sanitation of the mine. I have a copy of the testimony and a copy of the report of that committee, and I would like very much to furnish a copy to the commission. This is the only one I have, and I would like to make a copy and have it amplified, or I would be glad for your own stenographers to take it and have it copied and send it back to us. Can you do that?

(See Kelley Exhibits Nos. 11 and 12.)

Acting Chairman COMMONS. Yes; there are some other things we asked which you will submit also. Any other witnesses that desire to submit any statement or affidavit can do so.

The commission will now stand adjourned.

Mr. MCCUSKER. I have here the affidavits and papers that were called for in Mr. Maury's testimony.

(See Maury Exhibit No. 1.)

(Whereupon, at 1.45 o'clock p. m., of this Saturday, August 8, 1914, an adjournment was taken until Monday, August 10, 1914, at the city of Seattle, Wash., at 10 o'clock a. m.)

EXHIBITS.

KELLEY EXHIBIT NO. 1.

Comparative statement of assessment, 1912 and 1913.

	1912	1913
ANACONDA COPPER MINING CO.		
Silver Bow County:		
Mining claims, real estate, machinery, buildings, and all other property	$648,470	$708,565
Hardware department	40,020	39,055
Purchasing department	147,050	167,050
Total	835,540	909,670
Deer Lodge County:		
Reduction works, including refinery	108,700	108,500
Foundry department	83,965	83,965
Brick department	33,775	33,615
Hotel department	70,050	70,050
Supply department	75,500	75,450
Street railway department	73,745	73,745
Waterworks department	99,300	99,200
Electric-light department	33,525	33,600
Town-site department	65,960	44,210
Land department	86,690	98,158
Stock-farm department	7,068	7,884
Allen flume department	1,500	1,500
Southern Cross mines department	16,820	18,685
Total	755,398	748,562
Madison County, lands	470	470
Jefferson County, lands	800	800
Powell County, mining claims	135	135
Beaverhead County, mining claims	600	600
Cascade County, coal mines belt	122,073	115,977
Cascade County, mercantile department	31,425	28,700
Ravalli County, lands	464,047	332,010
Total	619,552	498,692
Silver Bow County	835,540	909,670
Deer Lodge County	755,398	748,562
All other counties	619,552	498,692
Total	2,210,390	2,156,924
Decrease		53,466
ORIGINAL MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, reduction works, machinery, etc.	217,665	199,965
Decrease		17,700
WASHOE DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	62,010	54,140
Sampling works	37,500	37,500
Real estate occupied by the Hennessy Co.	374,055	374,055
Total	473,565	465,695
Deer Lodge County:		
Smelting plant, including flumes, pumping station, machinery, and other personal property	3,277,985	3,272,095
Lands and improvements	48,757	49,353
Real estate occupied by the Copper City Commercial Co.	79,200	77,700
Total	3,405,942	3,399,148

Comparative statement of assessment, 1912 and 1913—Continued.

	1912	1913
WASHOE DEPARTMENT—continued.		
Carbon County:		
Coal and timber lands, machinery, and buildings	$83,910	$60,360
Gallatin County:		
Coal lands and buildings at Storrs	7,380	6,980
Park County:		
Cokedale Coal Co	5,660	6,010
Madison County:		
Mining claims	380	335
Beaverhead County:		
Mining claims, improvements, and machinery	205	205
Total	97,535	103,940
Silver Bow County	473,565	465,695
Deer Lodge County	3,405,942	3,399,148
All other counties	97,535	103,940
Total	3,977,042	3,968,783
Decrease		8,259
LUMBER DEPARTMENT, BONNER.		
Granite County	53,430	53,638
Powell County	404,530	425,962
Missoula County	1,891,228	1,961,711
Missoula County (Northwest Milling Co.)	1,004	
Ravalli County (Northwest Milling Co.)	14,195	
Granite County (Northwest Milling Co.)	198	
Ravalli County	133,965	141,185
Silver Bow County	15,615	15,615
Lewis and Clark County (Capital Lumber Co.)	3,570	3,570
Lewis and Clark County (timberlands)	60,364	60,365
Lincoln County	776,398	808,865
Flathead County	743,730	835,600
Flathead County (purchases J. Neil)		21,933
Cascade County (lots in Great Falls)	800	800
Sanders County	650,878	681,407
Total	4,753,395	5,047,723
Increase		294,328
BOSTON & MONTANA DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, and other property	488,235	502,360
Cascade County:		
Smelter plant, including lands, machinery, and all other property	1,794,555	1,800,151
Jefferson County:		
Lands and improvements	1,207	1,207
Total	2,283,997	2,303,618
Increase		19,621
BUTTE AND BOSTON DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, and other property	84,905	98,725
Increase		11,820
TRENTON MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, concentrators, and all other property	34,155	33,645
Decrease		510
PARROT MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	46,300	45,500
Decrease		800
ALICE MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	13,830	13,830
RED METAL MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	61,650	63,525
Increase		1,875

Comparative statement of assessment, 1912 and 1913—Continued.

	1912	1913
BUTTE, ANACONDA & PACIFIC RAILWAY CO.		
Silver Bow County:		
Right of way and rolling stock on main line, spurs, and sidetracks, depots, improvements, real estate, and other property	$531,455	$553,651
Deer Lodge County:		
Right of way and rolling stock on main line, spurs, and sidetracks, depots, improvements, real estate, and other property	461,167	519,427
Total	992,622	1,073,078
Increase		80,456
MONTANA WATER, ELECTRIC POWER, AND MINING DEPARTMENT.		
Deer Lodge County:		
Dam, real estate, etc	35,060	35,585
Granite County:		
Power house, machinery, etc	55,525	55,525
Total	90,585	91,110
Increase		525
Assessment:		
Anaconda Copper Mining Co	2,210,360	2,159,694
Washoe department	3,977,042	3,968,763
Lumber department, Bonner	4,753,396	5,047,723
Boston & Montana department	2,283,997	2,303,618
Butte & Boston department	84,996	96,726
Trenton mines department	34,155	33,645
Parrot mines department	46,300	45,500
Alice mines department	13,830	13,830
Red Metal mines department	61,650	63,525
Original mines department	217,065	199,965
Butte, Anaconda & Pacific Ry	992,622	1,073,078
Montana water, electric power, and mining department	90,585	91,110
Total	14,766,536	15,094,436
Increase		327,900

Increases for 1913:		
Lumber department, Bonner	$294,328	
Boston & Montana department	19,621	
Butte & Boston department	11,730	
Red Metal mines department	1,875	
Butte, Anaconda & Pacific Ry. Co	80,456	
Montana water, electric power, and mining department	525	
		$408,535
Decreases for 1913:		
Anaconda Copper Mining Co	53,466	
Original mines department	17,700	
Washoe mines department	8,279	
Trenton mines department	510	
Parrot mines department	800	
		80,735
Net increase, 1913		327,900

ASSESSMENT, BY COUNTIES.

Silver Bow County:		
Anaconda Copper Mining Co	$909,670	
Washoe department	465,695	
Lumber department, Bonner	18,615	
Boston & Montana mines department	502,260	
Butte & Boston mines department	96,725	
Trenton mines department	33,645	
Parrot mines department	45,500	
Alice mines department	13,830	
Red Metal mines department	63,525	
Original mines department	199,965	
Butte, Anaconda & Pacific Railway Co	553,651	
Net proceeds of mines	11,446,902	
		$14,349,983
Deer Lodge County:		
Anaconda Copper Mining Co	748,562	
Washoe department	3,399,148	
Butte, Anaconda & Pacific Railway Co	519,427	
Montana water, electric power, and mining department	35,585	
		4,702,722

Cascade County:		
Anaconda Copper Mining Co. (coal department)	$115,977	
Anaconda Copper Mining Co. (mercantile department)	28,700	
Lumber department, Bonner	800	
Boston & Montana reduction department	1,800,151	
		$1,945,628
Madison County:		
Anaconda Copper Mining Co	470	
Washoe department	385	
		855
Jefferson County:		
Anaconda Copper Mining Co	800	
Boston & Montana reduction department	1,207	
		2,007
Lewis and Clark County:		
Lumber department, Bonner	60,365	
Capital lumber department	3,570	
		63,935
Carbon County:		
Washoe department, lands	90,360	
Net proceeds of mines	8,738	
		99,098
Beaverhead County:		
Anaconda Copper Mining Co	600	
Washoe department	205	
		805
Gallatin County:		
Washoe department		6,980
Ravalli County:		
Lumber department, Hamilton	352,010	
Lumber department, Bonner	141,185	
		493,195
Granite County:		
Lumber department, Bonner	53,628	
Montana water, electric power, and mining department	55,525	
		109,153
Powell County:		
Lumber department, Bonner	485,982	
Anaconda Copper Mining Co	135	
		486,117
Missoula County:		
Lumber department, Bonner		1,931,711
Flathead County:		
Lumber department, Bonner	836,690	
Purchase from J. Neil	21,885	
		858,575
Lincoln County:		
Lumber department, Bonner		808,885
Sanders County:		
Lumber department, Bonner		684,407
Park County:		
Washoe department		6,010
Total assessment		26,550,066

SUMMARY OF ASSESSMENT, BY COUNTIES, 1913.

Silver Bow County	$14,349,983
Deer Lodge County	4,702,722
Cascade County	1,945,628
Missoula County	1,931,711
Flathead County	858,575
Lincoln County	808,885
Sanders County	684,407
Ravalli County	493,195
Powell County	486,117
Granite County	109,153
Carbon County	99,098
Lewis and Clark County	63,935
Gallatin County	6,980
Park County	6,010
Jefferson County	2,007
Madison County	850
Beaverhead County	805
Total assessment Anaconda Copper Mining Co. in State of Montana, for 1913	26,550,066
Increase for 1913	1,249,888

NET PROCEEDS OF MINES, 1912 AND 1913.

Anaconda Copper Mining Co	$10,525,730	
Coal department, Washoe	7,922	
		10,533,652
Anaconda Copper Mining Co	11,446,902	
Coal department, Washoe	8,738	
		11,455,640
Increase 1913		921,988

In explanation of the various increases and decreases of the foregoing statement I beg leave to submit the following:

Anaconda Copper Mining Co.—Decrease in assessment caused principally by the reduction in the stocks of lumber, logs, etc., at the company's plant in Hamilton; also coal department, assessment at Belt, and account of sale of town lots at Anaconda. Wherever increases are shown in the department, they are caused by the addition of new machinery and stock on hand.

Original mines department.—Decrease in this department caused by a reduction of $10,000 obtained on the assessment of buildings at the Butte Reduction Works and sales of lots and improvements thereon during the past year.

Washoe mines department.—Decreases in the assessment caused by sale of lots and improvements thereon.

Lumber department, Bonner.—Increase over 1912, $294,328. In the counties of Flathead and Lincoln the increases were on account of the assessment on other property in both counties being raised from 8 to 10 per cent, and some of our timberlands were increased in that proportion. In Missoula County the assessor increased our return by $451,327. We appeared before the board of equalization of that county, and after three days' work succeeded in having the assessor's increase of $451,000 reduced to $87,000. In Powell County the assessor increased our return $79,000. The board of equalization of that county promised to cut this down to $31,000. I protested against the increase and filed my protest with the board.

The increases in the following departments, viz., Boston & Montana and Butte & Boston mines departments were caused by the addition of new machinery and improvements during the year.

Butte, Anaconda & Pacific Railway Co.—Increase in the assessment of this company caused by two reasons, viz., the state board of equalization increased the assessment of all main lines in the State from $19,925 to $21,000 per mile. The Georgetown extension of 16.2 miles came up for assessment before the State board for the first time and I managed to have the same assessed for the year at the rate of $3,000 per mile.

I wish to call your attention to the decision of the attorney general of this State, who instructed the assessors of this State to assess the mineral reserved by any of the companies selling lands and making such reservations in their deeds. Under these instructions the assessors of Carbon and Ravalli Counties have assessed the Anaconda Copper Mining Co. for the reservations made on lands sold in these counties. Protests were prepared by our legal department and filed with the boards of equalization of these counties, who declined to take any action at this time.

The entire increase in the State of Montana for the year 1913 was $1,249,888, of which amount the net proceeds of mines' increase over 1912 amounted to $921,988, leaving a total increase in all other property of the company of $327,900, being an increase of 2½ per cent almost entirely on the timberlands owned by the company and the assessment of the Georgetown extension of the Butte, Anaconda & Pacific Railway Co.

Respectfully submitted,

CHAS. SCHWARTZ,
General Land and Tax Agent.

KELLEY EXHIBIT NO. 2.

Statement showing amount of money paid for wages and salaries, years 1912 and 1913, Anaconda Copper Mining Co.

	1912	1913
Traffic department, Chicago	$9,381.16	$12,087.61
General officer's pay roll	182,379.68	192,646.36
General office and sundry	123,496.45	161,714.98
Southern Cross	20,076.01	149,836.00
Washoe reduction works	2,756,712.15	3,183,818.85
Flint Creek	6,035.71	5,287.34
Butte mines	11,415,019.36	12,306,708.17
Washoe sampler	42,350.90	42,126.25
Rocker	31,370.95	42,381.06
Alice department	4,063.25	4,615.75
Deer Lodge Valley Farms Co		22,035.94
Watchmen (special)	2,250.00	3,600.00
Examiners, cut-over land		4,188.97
Blackfoot Lands Development Co		1,649.43

Statement showing amount of money paid for wages and salaries, years 1912 and 1913, Anaconda Copper Mining Co.—Continued.

	1912	1913
Atlantic Mines Co.		$3,101.73
Helena legal office	$1,500.00	1,500.00
Foundry department, Anaconda	229,008.65	279,279.70
Brick department, Anaconda	36,033.47	38,889.09
Electric light and railway departments, Anaconda	56,772.65	55,345.80
Waterworks department, Anaconda	7,224.90	10,652.65
Hotel department, Anaconda	30,107.17	30,797.23
Purchasing department	117,260.08	130,598.14
Hardware department	28,442.06	29,964.26
Lumber department:		
Bonner	423,800.33	426,629.77
St. Regis	151,267.67	126,396.86
Hamilton	54,272.54	74,947.50
Coal department, Belt	129,205.69	48,192.74
Mercantile department, Belt	14,725.31	12,815.57
Coal department, Washoe	185,714.53	221,832.68
Great Falls reduction works	1,305,909.64	1,606,915.40
Brick department, Great Falls	26,604.65	44,960.27
Hope Lumber Manufacturing Co.	84,082.61	89,645.23
Diamond Coal & Coke Co.	631,716.85	612,356.75
Mountain Trading Co.	24,002.28	25,290.61
Interstate Lumber Co.	57,067.26	60,613.16
Mill Creek Timber Co.	1,882.05	35,491.05
Mines Timber Co.	116,234.14	107,143.49
Total	15,306,209.47	20,215,630.05

KELLEY EXHIBIT NO. 3.

Employees, by occupations, July 1, 1914.

Assayers	17
Blacksmiths	61
Blacksmiths' helpers	60
Boiler makers	26
Boiler-makers' helpers	24
Boiler cleaners	10
Boiler-cleaners' helpers	4
Cable repairers	76
Carpenters	130
Carpenters' helpers	64
Compressor men	28
Electricians	52
Electricians' helpers	13
Engineers	163
Firemen	67
Coal passers and ash men	12
Foremen	23
Foremen, assistant	32
Foremen, surface	7
Laborers	335
Masons	7
Masons' helpers	25
Machinists	132
Machinists' helpers	94
Machinists' apprentice	10
Miners and other underground employees	6,785
Oilers and wipers	96
Painters	16
Pipemen	62
Pump men	110
Samplers	21
Shift bosses	170
Station tenders	178
Stablemen	3
Teamsters	28

Timekeepers	73
Tool sharpeners	20
Tool-sharpeners' helpers	20
Watchmen	133
Total	9,187

KELLEY EXHIBIT NO. 4.

Employees of Anaconda Copper Mining Co., at its mines at Butte, Mont., July 1, 1914, showing wage rate, which is based on the monthly price of electrolytic copper.

Occupation.	When price of copper is under 15 cents.	When price of copper is 15 cents and under 17 cents.	When price of copper is 17 cents and under 18 cents.	When price of copper is 18 cents and over.
Assayers	[1]	[1]	[1]	[1]
Blacksmith, boss	$5.00	$5.25	$5.25	$5.25
Blacksmiths	4.50	4.75	4.75	4.75
Blacksmiths' helpers	3.50	3.75	3.75	3.75
Boiler makers	4.50	4.75	4.75	4.75
Boiler-makers' helpers	3.50	3.75	3.75	3.75
Boiler cleaners	3.75	4.00	4.00	4.25
Boiler-cleaners' helpers	3.00	3.25	3.25	3.50
Cable repair bosses	4.00	4.25	4.25	4.25
Cable repairers	3.50	3.75	3.75	3.75
Carpenter's boss	5.00	5.25	5.25	5.25
Carpenters	4.50	4.75	4.75	4.75
Sawyers	4.00	4.25	4.25	4.25
	3.75	4.00	4.00	4.00
Sawyer's helpers	3.50	3.75	3.75	4.00
Compressor men	4.00	4.25	4.50	4.50
Diamond drill runners	4.00	4.25	4.50	4.50
Diamond drill helpers	3.50	3.75	4.00	4.00
Engineers, first motion	4.50	4.75	5.00	5.00
Engineers, geared	4.00	4.25	4.50	4.50
Electricians	4.50	4.75	4.75	4.75
Electrician's helpers	3.50	3.75	3.75	4.00
Firemen	3.50	3.75	4.00	4.00
Coal passers and ash men	3.00	3.25	3.25	3.50
Laborers	3.00	3.25	3.25	3.50
Change-house men	3.00	3.25	3.25	3.25
	3.50	3.50	3.50	3.50
Machinists	4.50	4.75	4.75	4.75
Machinists' helpers	[2]	[2]	[2]	[2]
Miners (all underground men engaged in mining)	3.50	3.75	4.00	4.00
Miners (in shafts, station cutting, and winze)	4.00	4.25	4.50	4.50
Locomotive drivers, surface	3.50	3.75	3.75	4.00
Oilers	3.00	3.25	3.25	3.50
Oilers (second-class license)	3.50	3.75	3.75	4.00
Pump men	4.00	4.25	4.50	4.50
Pipemen (general)	4.00	4.25	4.25	4.25
Pipemen	3.50	3.75	4.00	4.00
Painters	4.75	4.75	4.75	4.75
Shift bosses	5.00	5.25	5.50	5.50
Station tenders	4.00	4.25	4.50	4.50
Teamsters and stablemen	3.25	3.50	3.50	3.50
Teamsters and stablemen helpers	3.00	3.25	3.25	3.25
Timekeepers	[3] 125.00	[3] 125.00	[3] 125.00	[3] 125.00
Toolmen	3.50	3.75	4.00	4.00
Tool sharpeners	4.00	4.25	4.25	4.25
Tool-sharpeners' helpers	3.50	3.75	3.75	3.75
Watchmen	3.00	3.25	3.25	3.25
	3.50	3.50	3.50	3.50
Assistant foremen	6.00	[3] 200.00	[3] 200.00	[3] 200.00

[1] $150 to $175 per month. [2] According to class, 25-cent raise. [3] Per month.

Eight hours is the day's work for all occupations.
Where 3 consecutive shifts are employed, one-half hour in each 8 hours is given for lunch.

KELLEY EXHIBIT NO. 5.

Number of cases of personal injuries, Anaconda Copper mining Co., copper mines, Butte, Mont., years 1910–1913.

Killed:		
Fall of ground	56	
Falling drill	1	
Falling	34	
Blast	22	
Caught by machinery	5	
Caught by car	6	
Caught by cage	9	
Electrocuted	7	
Falling rock	6	
Overwinding	1	
Gas	4	
Runaway engine	5	
Falling timber	4	
Sliver from guide	1	
Scalded by steam	1	
		162
Paralysis: Fall of ground		2
Loss of 2 eyes: Blasted		5
Loss of 1 eye:		
Fall of ground	2	
Blasted	5	
Copper water	1	
Handling tools	6	
Handling material	1	
		15
Loss of 1 finger or thumb:		
Handling material	1	
Caught by car	6	
Fall of ground	6	
Handling tools	2	
Falling rock	1	
Falling timber	1	
Caught by machinery	1	
		18
Loss of 2 fingers:		
Caught by machinery	1	
Falling rock	1	
Caught by car	1	
Handling tools	1	
		4
Loss of 1 arm:		
Caught by machinery	2	
Falling rock	1	
		3
Loss of 2 toes:		
Caught by machinery	1	
Fall of ground	1	
		2
Loss of 1 foot: Fall of ground		2
Loss of 1 leg:		
Caught by car	1	
Fall of ground	3	
Runaway engine	1	
		5
Loss of thumb and 2 fingers: Caught by machinery		1
Loss of 3 fingers: Fall of ground		1
Loss of 3 toes: Fall of ground		1
Loss of 4 fingers: Caught by machinery		1
Loss of 1 arm and 1 eye: Blast		1
Loss of 2 eyes and 1 arm: Blast		1
Loss of thumb and 3 fingers: Handling tools		1

Loss of 1 toe: Handling tools		2
Fracture of arm and 2 ribs: Falling rock		1
Fracture of 2 feet: Falling		1
Fracture of 2 toes: Fall of ground		1
Fracture of ankle:		
Fall of ground	2	
Falling timber	1	
		3
Fracture of hip: Falling		1
Fracture of collar bone: Caught by car		1
Fracture of back: Fall of ground		1
Fracture of 1 finger or thumb:		
Caught by car	11	
Handling tools	7	
Fall of ground	10	
Handling material	3	
Falling rock	6	
Falling	2	
Caught by machinery	1	
Falling timber	1	
		41
Fracture of 2 fingers:		
Fall of ground	3	
Handling material	1	
		4
Fracture of 1 hand:		
Fall of ground	3	
Handling tools	3	
Falling	1	
Caught by cage	1	
Caught by car	2	
Handling material	1	
		11
Fracture of 1 arm:		
Falling	7	
Caught by car	9	
Caught by cage	2	
Falling timber	3	
Handling material	1	
Fall of ground	4	
Caught by machinery	2	
Falling rock	3	
Handling tools	3	
		34
Fracture of shoulder:		
Falling rock	1	
Fall of ground	1	
Falling	1	
		3
Fracture of clavicle:		
Falling	1	
Fall of ground	3	
Caught by car	1	
Handling tools	1	
Falling timber	1	
		7
Fracture of clavicle and one rib: Fall of ground		1
Fracture of breast bone: Caught by machinery		1
Fracture of 1 rib and 1 finger: Kicked by horse		1
Fracture of 1 rib:		
Fall of ground	1	
Caught by car	2	
Falling	3	
Falling timber	1	
		7

Fracture of 2 ribs:		
Fall of ground	4	
Falling timber	1	
Falling	1	
Falling rock	1	
Caught by car	1	
Handling material	1	
		9
Fracture of 6 ribs: Fall of ground		1
Fracture of nose:		
Fall of ground	2	
Caught by car	2	
Falling	2	
Handling material	1	
Falling timber	1	
Falling rock	1	
		9
Fracture of skull:		
Caught by cage	1	
Falling	1	
Handling material	1	
Fall of ground	5	
Falling rock	4	
		12
Fracture of skull and injury to eye and ear: Falling		1
Fracture of pelvis—Rupture of urethra and hernia: Fall of ground		1
Fracture of 1 toe:		
Fall of ground	7	
Caught by cage	1	
Caught by machinery	1	
Falling rock	1	
Handling material	3	
Handling tools	1	
		14
Fracture of 1 foot:		
Fall of ground	11	
Handling tools	4	
Handling timber	5	
Handling material	1	
Caught by car	3	
Falling	1	
Falling rock	2	
		27
Fracture of 1 leg:		
Falling	16	
Fall of ground	67	
Caught by car	20	
Caught by cage	3	
Falling timber	6	
Handling tools	4	
Falling rock	6	
Handling material	3	
Runaway engine	4	
		129
Fracture of both arms: Falling		1
Fracture of jaw:		
Fall of ground	1	
Handling material	1	
Handling tools	1	
		3
Fracture of jaw and 2 ribs: Caught by cage		1
Fracture of 1 leg and shoulder: Fall of ground		1
Fracture of leg and 3 ribs:		
Caught by cage	1	
Fall of ground	1	
		2
Fracture of leg and jaw: Fall of ground		1

Fracture of 3 ribs:		
Falling	1	
Fall of ground	1	
Caught by car	1	
		3
Fracture of 2 legs:		
Caught by cage	1	
Fall of ground	2	
Falling	3	
Runaway engine	2	
		8
Fracture of 1 leg and 1 arm:		
Falling	1	
Caught by cage	1	
Fall of ground	2	
		4
Dislocated shoulder:		
Caught by car	1	
Falling	3	
Falling rock	1	
		5
Dislocated ankle: Falling		1
Dislocated hip:		
Caught by car	1	
Falling	1	
Fall of ground	3	
Falling timber	1	
Falling rock	1	
		7
Injury to groin:		
Fall of ground	3	
Caught by car	9	
Falling rock	4	
Handling tools	10	
Handling material	7	
Falling	3	
		36
Ruptured:		
Handling material	5	
Falling	2	
Fall of ground	2	
Handling tools	3	
Caught by car	3	
		15
Ruptured urethra:		
Falling	1	
Falling rock	1	
		2
Injury to eyes (not severe):		
Handling tools	25	
Handling material	26	
Bursting pipe	1	
Falling rock	6	
Fall of ground	3	
Falling	2	
Electricity	1	
		64
Injury to eyes (severe):		
Handling tools	2	
Falling rock	1	
		3
Burned (not severe):		
Steam	3	
Electricity	2	
		5

Burned (severe):		
Steam	6	
Hot water	1	
Boiler fire box	1	
Fire	1	
Electricity	3	
Handling material	1	
		13
Injury to head or face (not severe):		
Handling tools	44	
Falling	16	
Handling material	9	
Caught by car	14	
Fall of ground	161	
Falling rock	84	
Falling timber	9	
		337
Injury to head or face (severe):		
Fall of ground	3	
Handling tools	4	
Falling timber	1	
Falling rock	3	
Falling	1	
		12
Injury to head or face (not fractured):		
Blast	7	
Fall of ground	298	
Handling material	38	
Handling tools	96	
Falling	41	
Caught by car	15	
Falling timber	27	
Falling rock	159	
Caught by machinery	1	
Caught by cage	1	
		683
Injury to arms, hands, or fingers (not fractured):		
Caught by car	312	
Fall of ground	379	
Falling	85	
Caught by cage	6	
Falling timber	26	
Caught by machinery	31	
Handling tools	297	
Handling material	272	
Falling rock	180	
Blast	6	
Runaway engine	1	
		1,595
Injury to back or shoulders (not fractured):		
Fall of ground	344	
Caught by car	90	
Falling	200	
Caught by cage	7	
Handling material	58	
Handling tools	44	
Falling timber	44	
Blast	2	
Falling rock	62	
Caught by machinery	3	
Runaway engine	1	
		855
Injury to legs, feet, or toes (not fractured):		
Handling material	233	
Fall of ground	427	
Caught by car	272	
Falling	122	

Injury to legs, feet, or toes (not fractured)—Continued.		
Handling tools	178	
Caught by cage	18	
Caught by machinery	3	
Falling timber	96	
Falling rock	152	
Blast	2	
Runaway engine	5	
		1,508
General cuts and bruises:		
Caught by car	22	
Fall of ground	102	
Falling	76	
Caught by cage	3	
Blast	10	
Falling timber	8	
Handling material	13	
Falling rock	6	
Caught by machinery	1	
Electricity	1	
Overwinding	1	
		243
Total		5,957
Total killed		162
Total injured		5,795
Grand total		5,957

Total number of shifts worked, 10,934,957.
For each 67,500 shifts worked, 1 man was killed.
For each 1,888 shifts worked, 1 man was injured.
In 1910 per 1,000 men employed, 4.91 were killed.
In 1911 per 1,000 men employed, 3.98 were killed.
In 1912 per 1,000 men employed, 4.47 were killed.
In 1913 per 1,000 men employed, 5.29 were killed.
For the four years, the average was, per 1,000 men employed, 4.68 killed.

KELLEY EXHIBIT NO. 6.

This agreement, made and entered into this 4th day of April, A. D. 1907, by and between Butte Miners' Union No. 1, Western Federation of Miners, party of the first part, and the Anaconda Copper Mining Co., party of the second part, witnesseth: That

Whereas the said second party hereto employs a number of members of the first party hereto at and about its mines, in the vicinity of Butte, Silver Bow County, Mont., and it is the desire of each of the respective parties hereto to perpetuate friendly relations and at the same time to have a definite agreement with reference to the compensation to be paid the members of said first party by said second party:

Now, therefore, in consideration of the mutual promises and agreements herein specified it is agreed between the respective parties hereto as follows, to wit:

1. That eight (8) hours in each twenty-four (24) hours shall constitute a shift or day's work.

2. That the miners shall start to go down the shaft or into other mine opening at the beginning of the shift and shall leave their places of work at the expiration of eight and one-half (8½) hours from that time, it being understood that the miners shall have one-half hour of said time in which to eat lunch, the miners to be hoisted or come from their work on their own time. It is also understood that where three consecutive shifts are employed eight (8) consecutive hours shall constitute a day's work.

3. Where the word "miner" is used in this agreement it shall mean all underground men engaged in any of the work of mining.

4. The rate or amount of wages to be paid miners for a day's work, or proportionately for a part of a day's work, to be determined as follows: The aver-

age market price per pound of electrolytic copper as given in the Engineering and Mining Journal for each calendar month shall be the basis for determining the rate of wages.

5. When the average monthly price of electrolytic copper shall be eighteen (18) cents per pound or over, then the wage rate shall be four ($4) dollars per day for all miners other than miners in shafts, station cutting, winzes, and station tenders, and for all miners in shafts, station cutting, and winzes, and station tenders the wage rate shall be four dollars and fifty cents ($4.50) per day.

6. When the average monthly price of electrolytic copper shall be under eighteen (18) cents per pound, then the wage rate shall be three dollars and fifty cents ($3.50) per day for all miners other than miners in shafts, station cutting, and winzes, and station tenders; and for all miners in shafts, station cutting, and winzes, and station tenders the wage rate shall be four dollars ($4) per day; and in no case shall wages be less than specified in this section.

7. Should a miner's employment terminate by reason of voluntarily quitting, discharge, or other reason, before the end of any calendar month, the rate of settlement in such cases shall be as follows: The wage rate for any settlement made for any part of a month up to and including the 15th of said month shall be based upon the previous month's average price of electrolytic copper. The wage rate for any settlement made for any part of a month extending beyond the 15th of said month shall be made for the whole time of employment in said month at a rate based upon the average price of electrolytic copper for the first 15 days of the calendar month of settlement.

8. Should the authority used in ascertaining the market price of copper appear to either party to this agreement to be false or wrong at any time, then either party shall have the right to request that a representative be appointed by each party, and those two persons to appoint a third, a majority of whom shall decide on the method or means to be used in arriving at the correct market price of copper for purposes of this agreement.

9. Nothing in this agreement shall deny or preclude the right to employees, either themselves or through the first party hereto, from taking up with the second party hereto the question of any grievance or unfair treatment, or any matter not herein agreed upon that may require adjustment.

10. It is agreed that this agreement and contract shall remain in full force and effect for a period of five (5) years from and after the 1st day of April, A. D. 1907; and said agreement shall remain in full force and effect thereafter until thirty (30) days' notice shall be given by either party of its desire to terminate the same.

In witness whereof said party of the first part has caused these presents to be executed, in duplicate, by the following committee, thereunto duly authorized by the said first party; and the second party has caused these presents to be executed, in duplicate, by its proper officer, thereunto duly authorized, the day and year herein first above written.

[SEAL.] BUTTE MINERS' UNION No. 1, W. F. M.,
By P. J. DUFFY,
ED. F. BOYLE,
JOHN J. CONWAY,
JAMES WHITE,
MICHAL MCCORMICK,
Authorized Committee, Party of the First Part.

[SEAL.] ANACONDA COPPER MINING CO.,
By JOHN D. RYAN,
Its President, Party of the Second Part.

KELLEY EXHIBIT NO. 7.

This agreement, made and entered into this 3d day of July, A. D. 1912, by and between the Butte Miners' Union No. 1, Western Federation of Miners, hereinafter designated as the "Union," party of the first part, and the Anaconda Copper Mining Company, hereinafter designated as the "Mining Company," party of the second part, witnesseth:

Whereas the said Mining Company employs a number of the members of the Union at and about its mines in the vicinity of Butte, Silver Bow County, Mont., and it is the desire of each of the respective parties hereto to perpetuate friendly relations and at the same time to have a definite agreement with reference to

the compensation to be paid the members of the Union employed by the Mining Company;

Now, therefore, in consideration of the mutual promises and agreements herein specified, it is agreed between the respective parties hereto as follows, to wit:

1. That eight (8) hours in each twenty-four (24) hours shall constitute a shift or day's work.

2. That the men employed underground belonging to said Union shall start to go down the shaft or into other mine opening at the beginning of a shift, and shall leave their places of work at the expiration of eight and one-half (8½) hours from that time, it being understood that the miners shall have one-half (½) hour of said time in which to eat lunch, the miners to be hoisted or come from their work on their own time. It is also understood that where three consecutive shifts are employed, eight (8) consecutive hours shall constitute a day's work.

3. Where the word "miner" is used in this agreement it shall mean all underground men engaged in any of the work of mining and cage tenders at the collar of the shaft.

4. The rate or amount of wages to be paid miners for a day's work, or proportionately for a part of a day's work shall be determined as follows:

The average price of electrolytic copper as given in the Engineering and Mining Journal for each calendar month shall be the basis for determining the rate of wages.

5. The Mining Compay agrees that it will during the continuance of this contract pay a minimum wage scale which shall be equal to the amount which the members of the Union were receiving during the month of May, 1912.

6. When the average monthly price of electrolytic copper is fifteen (15) cents and over, and under seventeen (17) cents, the wages of all men within the jurisdiction of the Union employed underground shall be increased twenty-five (25) cents per day over and above the wage scale in effect during the month of May, 1912; when the price of electrolytic copper is seventeen (17) cents and over, the wages of all men employed underground belonging to the Union shall be increased an additional twenty-five (25) cents per day over the scale of wages received during the month of May, 1912.

The intention of the foregoing is that when the average monthly price of electrolytic copper is under fifteen (15) cents per pound, all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, shall receive $3.50 per day; for all miners employed in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4 per day; when the average monthly price of electrolytic copper is fifteen (15) cents and under seventeen (17) cents then the wage rate shall be $3.75 per day for all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, and for all miners employed in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4.25 per day; when the average monthly price of electrolytic copper is seventeen (17) cents per pound or over, the wage rate shall be $4 per day for all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, and for all miners in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4.50 per day.

For all men employed upon the surface at or about any of the mines of the Mining Company, over whom the said Union has acquired jurisdiction from the mill and smeltermen's union, the wage rate shall be as follows: When the average monthly price of electrolytic copper is under fifteen (15) cents the wage rate shall be the scale formerly required by that union when copper was under eighteen (18) cents per pound; when the average monthly price of electrolytic copper is fifteen (15) cents and over and under eighteen (18) cents per pound, then the wage rate shall be increased twenty-five cents (25¢) per day above that scale, and when the average monthly price of electrolytic copper is eighteen (18) cents per pound and over then the wage rate for such employees shall be increased an additional twenty-five cents (25¢) per day. It is understood that whenever the Company has been paying during the month of May a rate in excess of the Union wage scale, the foregoing increase shall not apply, but in no case shall any employee receive less than the union scale as above specified.

7. Should a miner's employment terminate by reason of voluntarily quitting, discharge, or other reason before the end of any calendar month, the rate of settlement in such cases shall be as follows:

The wage rate for any settlement made for any part of a month up to and including the 15th of such month shall be based upon the previous month's price of electrolytic copper.

That wage rate for any settlement made for any part of a month extending beyond the 15th of such month shall be made for the whole time of employment in said month, at a rate based upon the average price of electrolytic copper for the first fifteen (15) days of the calendar month of settlement.

8. Should the authority used in ascertaining the market price of copper appear to either party to this agreement to be false or wrong at any time, then either party shall have the right to request that a representative be appointed by each party and those two persons shall appoint a third, a majority of whom shall decide on the method or means to be used in arriving at the correct price of copper for the purposes of this agreement.

9. Nothing in this agreement shall deny or preclude the right of employees, either themselves or through the said union, from taking up with the Mining Company the question of any grievance or unfair treatment or any matter not herein agreed upon that may require adjustment.

10. It is agreed that this agreement and contract shall take effect from June 1, 1912, and remain in full force and effect for a period of three (3) years from and after the date hereof, and that said agreement shall remain in full force and effect thereafter until thirty (30) days' written notice shall be given by either party to the other of its desire to terminate the contract.

In witness whereof, the said party of the first part has caused these presents to be executed in duplicate by the following committee, thereunto duly authorized by said first party, and the party of the second part has caused these presents to be executed in duplicate by its proper officers, thereunto duly authorized, the day and year first above written.

BUTTE MINERS' UNION No. 1, W. F. OF M.,
By JACOB OLIVER,
W. M. MAXWELL,
FRANK O'CONNOR,
JOSEPH PENHALL,
DENNIS MURPHY,
Authorized Committee of the Party of the First Part.

ANACONDA COPPER MINING COMPANY,
By C. F. KELLEY,
Its Vice President, Party of the Second Part.

KELLEY EXHIBIT NO. 8.

(A portion of this exhibit, entitled "Report of investigation of sanitary conditions in mines, and of the conditions under which the miners live in Silver Bow County," is printed as Kelley Exhibit No. 11.)

REPORT SHOWING RESULT OF INSPECTION OF DWELLINGS, HOTELS, ROOMING HOUSES, AND BOARDING HOUSES AND THEIR SURROUNDINGS.

(In this report we have detailed only conditions found to be insanitary. A report covering all of the houses inspected would make too large a volume.)

No. 24 North Atlantic. Very dirty. Ten people; five rooms; 810 cubic feet air space to each. Toilet in house; sewer connection. Use condensed milk. One case tuberculosis, April, 1912. Disinfected six months ago. Tenant lived there five years.

No. 246 Anaconda Road, rooming and boarding house. Sixteen people; eight rooms, two people in each room; average air space, 540 cubic feet to each person. Toilet outside; sewage disposed of in creek. Own cow. Very dirty and insanitary place. Woman was cooking meal and looked very unclean. One tuberculosis, September, 1909; one, March, 1910; and one, May, 1910. Never disinfected.

No. 110 East Broadway. Forty people; 35 rooms; average 1,760 cubic feet air space to each person. Two toilets inside; sewer connection; fairly clean, but poor ventilation in the toilets; one tuberculosis, November, 1909. Never disinfected.

No. 508 East Broadway. Six people; one bedroom 16 by 9½ by 9; 228 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Independent Dairy. House fairly clean; poorly ventilated. Toilet very dirty; bad oder. One tuberculosis, March, 1910; one scarlet fever, May, 1909. Never disinfected. Tenant lived there one month.

No. 486 East Broadway. Two people; one bedroom; 480 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Very small house; dark and dirty. One scarlet fever, December, 1908; one tuberculosis, July, 1911. Never disinfected.

No. 333 East Broadway. Nine people; three rooms; room No. 1, five people, 304 cubic feet air to each; room No. 2, 643 cubic feet; and room No. 4, 742 cubic feet air space to each person. Toilet inside; sewer connections. Milk from Montana Dairy. Sanitary conditions very bad; toilet very dirty. One tuberculosis, April, 1911. Never disinfected.

No. 462 East Broadway. Seven people; three rooms. Room No. 1, three people, 336 cubic feet air space each; room No. 2, two people; and No. 3, two people, average 495 cubic feet air space to each person. Toilet in the house; sewer connections. Milk from Western Dairy or Creamery. Very insanitary; many flies; no screens; dirty rooms; and poor plastering. One tuberculosis, March, 1909. Never disinfected.

No. 897 East Broadway. Four people; three bedrooms. Room No. 1, 405 cubic feet air space and rooms 2 and 3, 810 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Own cow. House clean but henhouse and barn in back yard are very insanitary. Slops and waste water thrown into streets. House and surrounding lots are owned by the Anaconda Mining Co. One scarlet fever, February, 1910. Never disinfected. Tenant lived there 18 years.

No. 600½ East Broadway. Two people; one bedroom; 256 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Lundgren. Neat, clean house. Water pipe under sink leaking, and owner refuses to repair; causes house to be damp. Never disinfected. One tuberculosis, March, 1911.

Nos. 246–250 East Broadway (Florence Hotel). Rooms fairly clean, but toilets very bad; eight toilets in basement very dark and dirty. Rear of this hotel, in alley, very dirty and insanitary. Shops and refuse thrown into shed in rear. (See picture No. 1 of this shed and the pile of refuse.[1]) One tuberculosis, February, 1911; one tuberculosis, January, 1912.

No. 209 East Broadway. Four people; three bedrooms; poorly ventilated. Toilet outside; sewer connections. Milk from Independent Dairy. Very dirty and insanitary. One enteritis, April, 1911. Never disinfected.

No. 324 East Broadway. Eight people; four bedrooms. Room No. 1, 270 cubic feet air space to each person; room No. 2, 1,512 cubic feet air space to each person. Toilet inside; sewer connection. Milk from West Side Dairy. No screens on doors or windows; flies swarmed the place. Dirty and insanitary. One scarlet fever, June, 1910. Don't know when disinfected. Tenant lived there eight months.

No. 2201 Cottonwood. Four people; two bedrooms, 756 cubic feet air space to each person; fairly clean. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Children playing around house with swollen necks, discharge from ear, and eruptions on face. Never been disinfected. One scarlet fever, December, 1911; one scarlet fever, January, 1912. Tenant lived there 11 months. If place had been disinfected since January, 1912, present tenants would know.

No. 210 Curtis. Five people; two bedrooms. Room No. 1, 494, and room No. 2, 741 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Holstein Dairy. Never disinfected. One enteritis, August, 1909. Very dirty; cesspool only 4 feet from house.

No. 17 Corra Terrace. Four people; two bedrooms. Room No. 1, 544 cubic feet, and room No. 2, 342 cubic feet air space to each person. Toilet outside; sewage disposed of through a pipe from the house to the alley; carries slops, etc., into street. Milk from Mrs. Pierce, who has no license. Never disinfected. One tuberculosis, September, 1909.

No. 22 Cora Terrace. Four people; one bedroom, 272 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Own cow. Never disinfected. Very dirty house. Cowpen at back door. Many flies; no screens. Pipes in sink leaking and water dripping from side of house. One enteritis, August, 1909, and one August, 1911.

No. 1519 Clayton. Toilet outside; sewage disposed of in cesspool. Milk from Thomas, who has no license. House fairly clean, but yard very dirty. One tuberculosis, January, 1911. Never disinfected.

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[1] Not printed.

No. 2127 South Colorado. Toilet inside; sewer connections. Milk from Holstein Dairy. Never disinfected. One tuberculosis, December, 1909. House fairly clean, but yard very dirty.

No. 123 Covert. Twelve people; seven bedrooms; average 800 cubic feet air space to each person. Toilet inside; sewer connections. Use condensed milk. One enteritis, July, 1910. Toilet very dirty, small, and dark and poorly ventilated. Never disinfected.

No. 1817 South Dakota. Ten people; one room; 352 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. No communicable disease past two years. Very filthy, dirty place. Only one bed, and those who do not get into bed must sleep on old clothes or mattress on the floor. Glass broke out of windows and paper substituted. Hole in middle of the room; slops and dish water thrown into it. Odor in house very bad. Tenant lived there seven years.

No. 137 East Daly. One room; one bedroom; 980 cubic feet air space. Toilet outside; sewage disposed of into street. Do not use milk. Never disinfected. One tuberculosis, April, 1912. Very dirty and filthy place. Bad odor. Woman very unclean, and stated had running sores on her hips; her face and hands were covered with pimples. No garbage can, and slops, etc., thrown into street.

No. 823 North Excelsior. Four people; two rooms; 756 cubic feet air space to each person. Toilet in house; sewer connection. Milk from Mrs. Shea, who has no license. One tuberculosis, October, 1910. Never disinfected. Very dirty place and yard.

No. 2108 Firr. Five people; one room; 372 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. One tuberculosis, November, 1909. Fairly clean, but crowded.

No. 908 George Street. Three people; two rooms; 800 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Delmore. Never disinfected. One typhoid, June, 1910. House fairly clean, but cesspool only 10 feet from house.

No. 1121 Gallatin. Fairly clean house, but cesspool only 5 feet from house. Toilet outside; sewage disposed of in cesspool. Milk from Nine Mile Dairy. Disinfected February, 1912. One scarlet fever, January, 1912.

No. 307 East Granite. Vacant house, very dirty; surroundings very insanitary. One enteritis, September, 1909. Do not know when disinfected.

No. 1139 East Galena. Five people; two rooms; 360 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from John Bono. Never disinfected. One enteritis, August, 1910. House clean inside, yard and surroundings very dirty and insanitary; pools of dirty water around and under the house; people state would dig cesspool soon.

No. 124 East Granite (Hazel Block). Ninety people; 48 rooms, average 585 cubic feet air space to each person. Rooms fairly clean, but garbage allowed to accumulate outside the kitchen door and apparently not hauled away for some time. Four toilets in house; sewage disposed of into sewer. Milk from Independent or Eagle Dairy. Disinfected September, 1909. No communicable disease in past two years. One typhoid in June, 1910. Tenant lived there six years.

No. 1019 East Galena. Two people; one room, 540 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from Turner, who has no license. Never disinfected. One enteritis, December, 1910. Dirty water from houses upon hill, making it very insanitary around this and other places in this vicinity.

No. 2210 Hays Street. Five people; two rooms, 450 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Mendenville Dairy. Disinfected March, 1912. One scarlet fever, March, 1912. Very dirty and insanitary. Hogpen 20 feet from house, and refuse and slops thrown into alley.

No. 102 Kemper. Four people; one bedroom, 264 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Montana Dairy. Never disinfected. One enteritis, August, 1909. Cesspool only 10 feet from house; very dirty, and odor is so bad people state they are going to move on this account; has not been cleaned for some time.

No. 27 East La Platte. Ten people; four rooms. Room No. 1, 324 cubic feet air space, and rooms 2, 3, and 4, 697 cubic feet air space to each person. Sewage disposed of into street. Toilet outside. Milk from Mrs. O'Brien,

who has no license. Never disinfected. One enteritis, August 1911. House fairly clean, back yard dirty and insanitary.

No. 61 East La Platte. Four people; one room, 378 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from Mrs. O'Brien, who has no license. One typhoid, April, 1910. Disinfected April, 1912. House fairly clean, but great deal of water running through yard, and big puddle of water standing in front of the house (green color).

No. 395 East Mercury. Twelve people; three rooms. Room No. 1, 187 cubic feet air space to each person; rooms Nos. 2 and 3, 140 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Riley. Never disinfected. No communicable disease in past two years. Place very dirty, insanitary, and crowded.

No. 254 East Mercury (Chinese laundry). Five people; one room, 500 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. No communicable disease in past two years. Very dirty and insanitary.

No. 49 Missoula Avenue. Five people; three rooms, 714 cubic feet air space to each person. Toilet outside; sewage disposed into cesspool. Own cow. Never disinfected. One enteritis, August, 1911. Very dirty and insanitary place.

No. 347 East Mercury (dago village). Three people; one room, 514 cubic feet air space to each person. Toilet outside; sewage disposed of in street. Use condensed milk. Never disinfected. One tuberculosis, 1909, and one tuberculosis, 1911. No garbage cans in this neighborhood, and slops and dirty water thrown into street. Three men batching here. Very dirty and insanitary in and around the house. (See photograph[1] No. 3, two of the occupants of the house standing in front of garbage pile. No. 2, manure pile rear and close to street. Photograph No. 4 is another view of this settlement; houses very close together, several families living in less than 50 feet; slops and refuse thrown into street; looks very insanitary.)

No. 214 East Mercury. Three people; two bedrooms, 540 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Montana Dairy. Disinfected regularly. One tuberculosis, March, 1910. Inside of house neat and clean; water pipe broken in sink, and holes in bottom of sink; owner refuses to connect and repair. Cesspool and toilet only about 15 feet from house and three families use them; very insanitary.

No. 276 East Park (Clarence Hotel). Kitchen in a very insanitary condition when inspected August 7, 1912; scraps of food on floors and porch, and heaps of it in back yard.

No. 17 South Oklahoma. Seven people; two rooms. Room No. 1, five people, 259 cubic feet air space, and room No. 2, two people, 540 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. One enteritis, August, 1909. Never disinfected. House very dirty and crowded; poorly ventilated.

No. 301 East Park. Four people; two bedrooms, 540 cubic feet air space to each person. Toilet inside; sewer connections. Milk from John Bros., who have no license. Never disinfected. One scarlet fever, August, 1910. Very dirty, dark, and poorly ventilated. Tenant lived there 20 years.

No. 705 East Park. One person; one room, 1,404 cubic feet air space. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Disinfected August, 1911. One tuberculosis, February, 1909. Two dogs in kitchen; uncovered food also in kitchen. Toilet and kitchen very dirty and insanitary.

No. 337 East Park. Four people; two rooms, 544 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, August, 1909. Many outside toilets in this neighborhood; not very clean or sanitary.

No. 918 East Park. Five people; two bedrooms. Room No. 1, three people, 447 cubic feet air space; room No. 2, two people, 405 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Never disinfected. One tuberculosis, April, 1912. Milk, Holstein Dairy. Very dirty; many flies; floors dirty and slop pails uncovered.

No. 449 East Park. Two people; two rooms, 1,080 cubic feet air space to each person. Toilet outside; sewer connection. Use condensed milk. Disinfected August, 1910. One enteritis, June, 1910. Fairly clean. No ventilation from toilet, except through the kitchen. Very insanitary.

[1] Photographs not printed.

No. 340 East Park (rear). Three people; one room, 273 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Do not use milk. Never disinfected. One tuberculosis, Agust, 1909. Very dirty and insanitary. Many flies; no screens on doors or windows. Back yard full of trash and rubbish.

No. 361 East Park. Two people; 2 berdooms, 911 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, April, 1910. House condemned. Tenants pay no rent. Very filthy and dirty.

No. 343 East Park. Six people; four rooms. Rooms 1 and 2, 540 cubic feet air space; 3 and 4, 1,200 cubic feet air space to each person. Toilet inside; sewage disposed of in cesspool. Milk from Montana Dairy. Never disinfected. One tuberculosis, January, 1910. Very dirty house; no screen doors or windows; many flies; water pipes leaking in toilet and toilet very dirty and insanitary.

No. 117 West Pacific. Four people; one room, 380 cubic feet air to each person. Toilet outside; sewage disposed of in cesspool. Milk from Reliable Dairy. Never disinfected. One enteritis, September, 1909. House very dirty, poorly ventilated, and crowded.

No. 349 East Park. Four people; one bedroom, 236 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. One tuberculosis, February, 1909. House fairly clean, but crowded; four families use same toilet.

No. 253 West Pacific. Ten people; 3 rooms. Room No. 1, 390 cubic feet air, and rooms 2 and 3, 520 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Phillips, who has no license. Never disinfected. One enteritis, July, 1910. Fairly clean. Water pipe from sink empties into street within few feet from the house; bad odor.

No. 19 Plum Street. Three people; two bedrooms, average air space to each person 434 cubic feet. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One scarlet fever, December, 1911. House small and dark; little chance to isolate scarlet-fever patients. Tenant lived there one month. Would not know about disinfection.

No. 30 Plum Street (flat No. 1). Eight people; 2 rooms. Room No. 1, 449 feet, and room No. 2, 166 cubic feet air space to each person. Six people in room No. 2. Toilet outside; sewage disposed of in cesspool. Milk from George Pinchello. Never disinfected. One tuberculosis, April, 1911. House fairly clean but very crowded.

No. 30 Plum Street (flat No. 2). Five people; two rooms. Room No. 1, three people, 480 cubic feet air, and room No. 2, two people, 720 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from George Pinchello. Never disinfected. One tuberculosis, April, 1911, and one tuberculosis, October, 1911. House fairly clean, but pigpen at back door, very insanitary.

No. 41 Plum Street. Six people; three rooms, 715 cubic air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Pinchello. Never disinfected. One typhoid fever, October, 1910. House fairly clean, but back yard filthy; cowpen at back door, very insanitary.

No. 1105 East Park. Seven people; three rooms. Room No. 1, 420 cubic feet, room No. 2, 600 cubic feet, and No. 3, 700 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Disinfected September, 1910. One tuberculosis, February, 1910. House fairly clean, but conditions in back yard very bad; many flies, etc.

No. 21 Plum Street. Condition in vacant half block adjacent to this place is very insanitary; people in streets above keep hogs and cows; slops and refuse are thrown into alley, rain washes it down into flat where it lodges in an old cellar on flat, close to 21 Plum Street; no drainage from this hole and water stands in it until dried up by the sun; cats are drowned here and dead animals are thrown into this hole; people compelled to keep windows and doors closed on account of the odor from this place.

No. 430 East Park. Vacant brick house; very dirty and insanitary in and about the place. Family living in basement. Very dirty; no garbage cans; slops and refuse thrown in back yard close to back door. Never disinfected. One tuberculosis, January, 1909.

No. 312 East Park (saloon and rooming house; proprietor, Mr. Snair). Saloon and rooms insanitary, and back yard very dirty; slops and refuse thrown

under stairway at back door; odor from this very bad. Saair's attention called to it and photo No. 5[1] shows the pile of refuse under the stairway.

No. 29 East Quartz (Silver Lake Hotel). Seventy-five people; 35 rooms; two people in each room; average air space, 720 cubic feet to each person. Toilet inside; sewer connection. Milk from Crescent Dairy. Disinfected regularly. One scarlet fever, April, 1910, one tuberculosis, January, 1911, and one diphtheria, August, 1909. House and rooms clean and neat inside. Alley in rear very dirty and insanitary. Refuse from the hotel thrown out of windows into vacant lot on west side; landlady of the Napton Hotel stated smell from this vacant lot very bad at times and has often lost roomers on this account. There is also a large open box at rear of hotel in alley which is used for garbage, etc.; the lady at Napton stated this box is often filled and then not cleaned out for two or three days and this also cfuses her roomers to complain and leave the hotel. The alley in general is very dirty (except at rear of Napton Hotel) and needs cleaning up.

No. 1259 East Second. Four people; three rooms. Room No. 1, two people, 770 cubic feet; room No. 2, one, 1,100 cubic feet of air space to each person; room No. 3, not occupied. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Peary, who has no license. Never disinfected. One tuberculosis, March, 1909. House fairly clean, but cesspool only 3 feet from house.

No. 316 Shields. Six people; one room, 220 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Parrott Dairy. Never disinfected. One enteritis, July, 1910. Dirty and insanitary; poor ventilation; but one small window in bedroom.

No. 401 Shields. Six people; one bedroom, 200 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Delmore. Never disinfected. One enteritis in February, 1912. House dirty, dark, and damp. Raining while inspector there, and the people had pan in the center of the room to catch the water which leaked through the roof.

No. 530 Shields. Six people; three rooms, average 450 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Used condensed milk. Never disinfected. One enteritis in August, 1910. House fairly clean, but cesspool only 4 feet from house and very insanitary. No sewerage in this neighborhood. Present tenant has lived there six months.

No. 22 East Summit. Four people; two bedrooms, average 576 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, April, 1910. House and back yard fairly clean, but slops, etc., thrown into street.

No. 12 East Summit. Two people; two bedrooms, 960 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One enteritis in August, 1910. House fairly clean. Cesspool dirty and insanitary, needs cleaning badly.

No. 1550 Second Avenue. Five people; two bedrooms. Room No. 1, 540 cubic feet of air space, and room No. 2, 810 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in January, 1910. House fairly clean. Two small windows on one side and one 2 feet square on the other. Yard very dirty; full of débris. Chicken coop and toilet 10 feet from house and very dirty and insanitary.

No. 103 Toboggan. Three people; two rooms. Room No. 1, 1,080 cubic feet of air space, and No. 2, 702 cubic feet of air space to each individual. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Hollohan, who has no license. Never disinfected. Two tuberculosis in March, 1910. House fairly clean, but surrounding neighborhood is dirty and insanitary; neighbors throw slops and wash water into streets.

No. 920 Waukesha. One person; two bedrooms, 1,512 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool and garbage can. Use condensed milk. Never disinfected. One tuberculosis in April, 1912. Very dirty and insanitary.

No. 525 North Wyoming. Two people; one room, 605 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. Two tuberculosis in May, 1909. This and following two houses are very dirty and insanitary. Poor ventilation. Occu-

[1] Not printed.

pants of house state there are but two people in each cabin, but Inspector McMallan believes there are more from indications.

No. 712½ North Wyoming. Seven people; three rooms. Rooms 1 and 2, 882 cubic feet air space per individual; and room No. 3, 588 cubic feet of air space per individual. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One enteritis, August, 1911. Very dirty neighborhood. Houses built back from street and close together. Many people keep hogs and cows. Slops and refuse thrown into alley. Many flies, and odor bad. No sewer.

No. 720½ North Wyoming. Six people; two rooms. Room No. 1, two people, 450 cubic feet of air space per person; No. 2, four people, 324 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One tuberculosis in April, 1910. Very dirty and insanitary. Houses built close together back from street. Pigs and cows around. Slops and refuse thrown into alley. Many flies; no screens. Bad odor.

No. 725 North Wyoming. Four people; three rooms; average 600 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mike Mickovich, who has not license. Disinfected September, 1908. Two tuberculosis, November, 1910. This neighborhood is dirty, but this house is filthy. Fifteen or twenty men live here, while the party who answered questions claimed but four live here. Slops thrown in back yard. Bedrooms very dirty and insanitary.

No. 825 North Wyoming. Two people; two bedrooms; average 1,320 cubic feet of air space to each person. Toilet inside; sewer connections. Own cow. Never disinfected. One tuberculosis in May, 1909. Very dirty and insanitary house.

No. 315 South Wyoming. Three people; three rooms; 1,009 cubic feet of air space to each person. Toilet inside; sewage in main sewer. Milk from party on South Jackson; could not give name. Disinfected regularly. One tuberculosis, June, 1910. Very neat house and yard.

No. 2210 Yew Street. Seven people; four rooms; average 780 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in May, 1909. Widow with several small children live here. Very crowded and dirty.

No. 2211 Yew Street. Seven people; four rooms; average 780 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in October, 1909. No garbage cans; garbage and slops thrown in back yard. Very insanitary.

No. 420 West Virginia. Two people; one bedroom; 882 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in December, 1910. Cesspool about 4 feet from house. Very dirty and insanitary.

No. 395 East Mercury. Twelve people; three rooms. Room No. 1, three people, 180 cubic feet of air space, and room No. 2, five people; room No. 3, four people, 140 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Never disinfected. Milk from Riley. No communicable diseases within past two years. Very dirty and crowded.

Just east of Mountain Con mine. Four people; three rooms, average 480 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Own cow. Never disinfected, one tuberculosis in December, 1911. House fairly clean, but slops, etc., are thrown into street and there is a very bad odor.

No. 29 North Main. Thirty-five people; 32 rooms, average 636 cubic feet of air space to each person. Toilet inside; sewer connection. Milk from Independent Dairy. Never disinfected. One tuberculosis in January, 1911. Rooms very small and dark; halls about 3 feet wide, dark and poorly ventilated. Inner rooms no windows and no ventilation except through transom. Landlady stated but one person in each room, but there seems to be more.

No. 624 Placer. Four people; one room, 180 cubic feet of air space to each person. Toilet inside; sewer connection. Milk from Montana Dairy. Never disinfected. One tuberculosis in January, 1911. Bathtub and toilet are in the hall. Toilet pipes leak and odor is very bad.

No. 321 East Summit. House and yard are fairly clean, but sewer pipes are bursted and stopped up; odor very foul and insanitary.

No. 405 East Summit. Five people; two rooms. Room No. 1, 360 cubic feet of air space, and No. 2, 480 cubic feet of air space to each person. Toilet outside; sewage disposed of in street. Milk from Mrs. Shea, who has no license

and lives at No. 3 Ridgley Avenue. Never disinfected. One enteritis in October, 1911, and one case of tuberculosis in the house now. House and yard fairly clean, but Ridgley Avenue, where slops, etc., are thrown, would require a boat to get through.

No. 47 East Woolman. Seven people; three rooms. Room No. 1, three people, 266 cubic feet of air space to each person, and No. 2, three persons; room No. 3, two people, 224 cubic feet of air space to each person. Toilet outside; sewage disposed of in street. Use condensed milk. Never disinfected. One tuberculosis in February, 1910. House fairly clean. Toilet very dirty and insanitary. Slops thrown into street and run back into kitchen.

No. 20 East Woolman. Seven people; three rooms. Room Nos. 1 and 2, 756 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in 1911. House very dirty and insanitary. Some cabins in connection in rear are filthy dirty.

No. 432 East Park. In basement, very dirty and insanitary. No garbage cans. Back yard very dirty. People up stairs complain of the insanitary conditions below.

Mrs. McGrath, on Transit Street, selling milk to Mrs. William Malcare, 326 West Daily, has no license. Place very dirty and insanitary. Small barn. No ventilation. Chickens, ducks, turkeys, and pigs and cattle all together in same barn. Large manure piles at rear and side of barn. Great many flies. Pools of water here and there. Women very unclean.

Photograph No. 1,[1] manure piles at rear of 422 Transit. People have two or three cows and understand sell milk. Many flies around here, also, and conditions very insanitary.

No. 137 East Daily. Woman living alone; she is very dirty and filthy. House very unclean; queer odor; should be fumigated. Woman stated she had running sores on her body and her face was covered with pimples. East Daily to Main Street very dirty and insanitary. People throw slops and dirty water into street. No sewer in this neighborhood. Many children playing in this water.

East Galena Street. From 416 to 1139, very dirty and insanitary. No sewerage. Slops and dirty water thrown into yards and streets. Foul odor. Water from houses on the hill above this street comes down and runs through yards below. Pools and small streams of water every few yards. At 1139 East Galena water in pools under and around the house. Odor very foul.

No. 435 East Mercury (see photo 89).[1] Three cows. Yards and barns very dirty and filthy. Wet manure 3 or 4 inches deep all over yards. Two calves about 2 months old; chickens, ducks, turkeys, cows, and calves all mix together. Woman claimed she did not sell milk, but am of the opinion that she does. Stated she was a widow and alone and could not keep yard any cleaner.

No. 214 West Mercury. Three families use the same toilet and cesspool, Very small and insanitary. Water pipes and sink in house 214, but not connected, and owner refuses to connect. Sink full of holes. Should have new sink and pipes connected, as it would help to make the place more sanitary.

Mrs. Gray, 1215 West Granite. Selling milk to Mr. Pat Koane, 1207 West Granite; has no license. Barn small and no ventilation. Lady stated did not house cattle, but let them roam the hills night and day. Chickens and ducks housed in barns.

Basement of Napton Hotel (Young Woman's Association). Lady in charge called attention to rear window in kitchen which opened out on alley at rear; stated slops and other refuse is being thrown into this open window from adjoining houses and at times the stench is terrible. All the cooking for the Y. W. A. is done here, and on account of these people using this open window for a garbage can makes it very insanitary.

Photo No. 85,[1] back yard and toilet, 337 East Park Street. Very insanitary.

Photo No. 86,[1] back yard, 1100 block, East Broadway. "X" shows opening into shallow sewer, which has been provided for carrying off the slops. General conditions around this place insanitary.

Photo No. 87,[1] rear of 480 East Broadway. General junk pile and children at play.

Photo No. 88,[1] back yard, 430 Lee Avenue. Very insanitary.

Photo No. 89,[1] manure pile and barn, near 435 East Mercury. Very dirty cow yards and barn. Three milch cows, two young calves, and chickens, ducks, etc., all mixed together. Very insanitary.

[1] Not printed.

Photo No. 90,[1] rear 346 East Broadway. Surrounding conditions very fair. Thorough inspection made of poor farm. Complete report of this inspection has been submitted to Board of County Commissioners of Silver Bow County. In general we find that there is much need in way of improvement at the poor farm.

Photo No. 91,[1] 712 North Wyoming. "X" marks dead chicken. General conditions very insanitary. Entire block is one general junk pile.

Photo No. 92,[1] back yard 121 Center. Very insanitary. "XX" is pile of soiled clothes.

Photo No. 94,[1] rear of 145 East La Platte. Great deal of filth around. This place is insanitary.

Photo No. 95,[1] chicken yard No. 20 O'Neill Street, Centerville. The arrow points to wheelbarrow of manure. Place wet and filthy and only 16 by 20 feet, with turkeys, chickens, geese, and goat, also the dog.

Photo No. 96,[1] same as 94. Very filthy and insanitary.

Photo No. 97,[1] is another view of No. 20 O'Neill Street, Centerville.

Photo No. 98[1] shows the drain from Bennett Street to La Platte Street in Centerville.

Photo No. 99,[1] another view of No. 20 O'Neill Street, Centerville.

Photo No. 100a,[1] part of East La Platte Street, Centerville.

Photo No. 101a,[1] back yard No. 60 East La Platte Street, Centerville.

Photo No. 102,[1] back yard Minah Street, Centerville.

Photo No. 3,[1] general catchall in Centerville, natural drainage, only sewer known.

Photo No. 104a,[1] back yard No. 20 O'Neill Street Centerville.

Photo No. 105,[1] another view of same yard, general conditions; 100a to 105, inclusive, very dirty and insanitary.

Photo No. 109,[1] side street 1100 block on East Broadway.

Photo No. 121,[1] rear 728½ North Montana.

Photo No. 122,[1] No. 1600 Second Avenue, out on the flats The body of water remains whole year around.

Photo No. 123,[1] rear of West La Platte Street, Centerville.

Photo No. 120,[1] two old manure piles, rear of 422 Transit Street, Walkerville.

Photo No. 125,[1] toilet at 320 West Daily Street, Centerville. Very filthy and dirty; floor covered with feces. "X" marks a pile of manure.

Photo No. 126,[1] shows hole on West Daily Street, Walkerville. Water has no outlet and has a greenish color.

Photo No. 127,[1] a street in Meaderville.

Photo No. 128,[1] Main Street in Meaderville.

Photo No. 129,[1] rear of Main Street in Meaderville.

AIR ANALYSIS.

Saloon, corner Main and Broadway. Barometric reading, 24.3; temperature, 62; hygrometer, wet bulb 56, dry 62; carbon dioxide, 7.4 parts per 10,000; humidity, 69.

Saloon, 120 West Park. Barometric reading, 24.3; temperature, 55; hygrometer, wet bulb 52, dry 55; humidity, 82; carbon dioxide, 6.2 parts per 10,000.

Schilling's pool room, North Main. Barometric reading, 24.3; temperature, 57; hygrometer, wet bulb 56, dry 57; carbon dioxide, 7.3 parts per 10,000.

Symons Dry Goods Co.: Barometric reading, 24.3; temperature, 66; hygrometer, wet bulb 57, dry 66; humidity, 58; carbon dioxide, 6.1 parts per 10,000.

BACTERIOLOGICAL EXAMINATION OF AIR.

341 East Park, kitchen, negative, dining room, Florence Hotel, tetanus; 349 East Park, staphlacoccus aureus; 361 East Park, staphlacoccus albus; Bennett Block, second floor, colon bacillus; 343 East Park, upstairs, diplococcus pneumonia and staphlacoccus albus; 391 East Park, dining room, diplococcus pneumonia; 343 East Park, toilet, colon bacillus; Bismark Saloon, West Granite, negative; Merkle Cigar Store, North Main, negative; Schilling's pool room, negative; Symons Dry Goods Co., wrapping room, staphlacoccus albus; 128 West Park (saloon), negative; 619 East Broadway, colon bacillus; corner Main and Broadway (saloon), negative.

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[1] Not printed.

REPORT OF CONDITIONS NOTED IN STREETS.

By M. J. McNallan, M. D.

Little Minah. This street is about 20 feet wide. Houses are built close together. No sewer. Toilets close to back door at many houses. Rubbish and slops thrown into street. Alley between Minah and Buffalo about 12 feet wide; very filthy. Garbage thrown into alley. No sewer.

Mullin Street. Pile of decayed meat in alley near butcher shop. Refuse thrown on street in front of Mullin House. This part of the street is flat and very little drainage. Refuse from Wells and Center Streets washed down and becomes stagnant here. Some of the people have cows, and the manure is very much in evidence.

East La Platte. No sewer. Slop thrown in street. Many people have cows. Very dirty back yards. Refuse from Bennett and O'Neill Streets drain into East La Platte. Alley between Bennett and O'Neill Streets very dirty and narrow. So much refuse thrown into ally it is almost impossible to drive through. People also have pigs, and troughs are built to carry refuse from back yard into alley. This drains into East La Platte.

Toboggan Avenue. Receives drainage from Lexington and Gladstone Streets. Many people have cows and chickens. Tin cans and refuse thrown into street. Avenue steep and narrow, and people depend on floods to clean the street.

Anaconda Road. This street is not very dirty. There is no sewerage, however.

Clear Grit. Street is narrow but fairly clean. Houses are very small.

North Wyoming, 700 block. This is one of the dirtiest and most insanitary places inspected. Houses built throughout the block with little regard for alleys. Small and dirty. Slops thrown into street from nearly all the places. Houses are so thick there is scarcely room for toilets, and from the odor think toilets are not cleaned regularly. Some people have cows, and their places are filthy.

East Woolman Street. Tin cans and slops thrown into street. One place (47 East Woolman) do not carry slops as far as street but throw it out of the back door and let it run over the sidewalk. People on south side throw refuse out back door, and it runs into Gagnon Street. No sewer.

Ohio, Hopkins, New, and Mahoney Streets. This section is what is known as the Cabbage Patch and is too filthy to describe. Found but one garbage can covered; many of the garbage cans on the sidewalks and in the streets. Houses small, poorly ventilated; alleys filthy. Dead dog found in alley and, judging from odor, believe had been dead three or four days. Understand many miners live in this section on account of the cheap rent.

Meaderville Street. Slop and refuse thrown into street on south side of Main, north end of town. People have toilets built near the creek and trenches running from toilets to creek. Many keep pigs and cows.

Flat. The flat in general is pretty clean, but it is too flat for drainage. Many people have dug wells and use the water.

KELLEY EXHIBIT NO. 9.

GRANT DEED.

This indenture made the eighth day of April, A. D. 1912, between Robert Laing (unmarried), of Butte, Silver Bow County, Mont., party of the first part, and Archibald Chisholm, of the same place, party of the second part:

Witnesseth that the said party of the first part, in consideration of the sum of one and no one-hundredths dollars, lawful money of the United States of America, to him in hand paid, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey, unto the said party of the second part, and to his heirs and assigns forever, all of the following-described property, situated in Silver Bow County, State of Montana, to wit:

Lot numbered twenty-three (23) in block numbered five (5) of the Hope Addition to Butte, Mont., according to the official plat and survey thereof now on file in the office of the county clerk and recorder of the said Silver Bow County, Mont.

Excepting and reserving, however, from this conveyance all ores and minerals beneath the surface of the above-described premises, with the right to

mine for and extract the same, provided that in the exercise of such mining right the surface thereof shall not be disturbed or interfered with or in any wise damaged.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversions, remainders, rents, issues, and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand the day and year first above written.

ROBERT LAING.

STATE OF MONTANA, *County of Silver Bow, ss:*

On the 9th day of April, in the year 1912, before me, Isaac W. Genzberger, a notary public in and for State of Montana, personally appeared Robert Laing (unmarried), to me personally known to be the person whose name is subscribed to the foregoing instrument, and severally acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate above written.

[SEAL.]

ISAAC W. GENZBERGER,
Notary Public for the State of Montana,
residing at Butte, Mont.

My Commission expires March 25, 1914.

Filed for record September 5, A. D. 1913, at 35 minutes past 2 o'clock p. m.

DAVE KEHOE, *County Recorder,*
By LEO BUTLER, *Deputy.*

(Recorded in vol. 108 of deeds, at page 456, records of Silver Bow County, State of Montana.)

KELLEY EXHIBIT NO. 10.

This indenture, made the 9th day of May, in the year of our Lord one thousand nine hundred and fourteen, between the Butte Land and Investment Co., a corporation duly organized and existing under and by virtue of the laws of the State of Montana, the party of the first part, and Alexander Mackel, of Butte, Silver Bow County, Mont., the party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of one and no hundredths dollars ($1), lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his heirs and assigns, forever, all those certain lots, pieces or parcels of land situate, lying, and being in the county of Silver Bow and State of Montana, described as follows, to wit:

Lots numbered thirty-eight (38) and thirty-nine (39) in block No. two (2) of the Hurlburt Addition to the City of Butte, Silver Bow County, Mont., according to the survey and plat thereof on file in the office of the clerk and recorder of Silver Bow County, Mont.

Excepting from this grant and from the operation thereof, and reserving to the grantor herein, all veins, leads, lodes, ledges, ores, mines, minerals, metals, and mineral-bearing earth, rock and deposits, within or belonging to the above described tract of ground; together with the right to enter beneath the surface of the above-described tract of ground, and to mine, prospect for, and extract any and all of said ores and minerals, metals, and mineral-bearing earth, rock and deposits within or belonging to the said above described tract of ground, underneath a horizontal plane parallel to and fifty (50) feet below the natural surface of the said premises.

It is an express condition of this grant that the said described premises shall not, nor shall any part thereof, be used for saloon or road-house purposes, and that in the event of said described ground, or any part thereof, being used for saloon or road-house purposes, such use shall at once terminate this grant as a condition subsequent, and the title shall thereupon at once revert to the

grantors, who shall thereupon be entitled to reenter and take possession of said ground.

The grantee further agrees that he will erect thereon a house to cost not less than twelve hundred and no hundredths ($1,200) dollars, and further agrees that in construction of such house no building will be erected closer than 20 feet from the front line of the lot described.

The grantee further agrees that in the occupation of said land he will not maintain or suffer to be maintained thereon anything in the nature of a public nuisance.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining as usually had and enjoyed, save and except as hereinbefore excepted and reserved.

To have and to hold, all and singular the said premises unto the said party of the second part, and to his heirs and assigns forever.

It is understood and agreed that this deed is given in satisfaction of a certain agreement between the respective parties hereto dated the 23d day of October, 1913, wherein first party agrees to sell and second party agrees to buy above-described premises, and first party does not warrant title to said premises against any liens or encumbrances that may have arisen since the date of said agreement, affecting the same and not caused by said party of the first part.

In witness whereof said party of the first part has caused its corporate name to be hereunto signed by its president and attested by its secretary, thereunto duly authorized, and its corporate seal to be hereunto affixed the day and year first above written.

[SEAL.] BUTTE LAND AND INVESTMENT CO.,
By W. A. KEMPER, *President.*

Attest:
E. S. SHIELDS, *Secretary.*

STATE OF MONTANA, *County of Silver Bow, ss:*

On this 9th day of May, in the year 1914, before me, E. A. MacPherson, a notary public in and for the State of Montana, personally appeared W. A. Kemper, known to me to be the president of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I have hereunto set my hand and affixed my notarial seal the day and year first above written.

[SEAL.] E. A. MACPHERSON,
Notary Public in and for the State of Montana, residing at Butte, Mont.

My commission expires June 4, 1915.

Filed for record June 1, A. D. 1914, at 15 minutes past 11 o'clock a. m.

DAVE KEHOE, *County Recorder.*
By J. R. ROSSITER, *Deputy.*

(Recorded in Vol. 113 of deeds at page 332, records of Silver Bow County, State of Montana.)

KELLEY EXHIBIT NO. 11.

REPORT OF INVESTIGATION OF SANITARY CONDITIONS IN MINES AND OF THE CONDITIONS UNDER WHICH THE MINERS LIVE IN SILVER BOW COUNTY.

(See also Kelley Exhibit No. 8.)

This investigation was undertaken to determine, if possible, the source of the high death rate from tuberculosis in Silver Bow County. The question has been discussed repeatedly, and it seems that there has never been a study of conditions on which the statements made by some "that all the tuberculosis in Silver Bow County comes from surface conditions," and that made by others "that all the tuberculosis in Silver Bow County comes from conditions in the mines," could be based.

The first work was that of studying the death records relative to tuberculosis from December, 1908, up to April, 1912, inclusive. We found that there had been 556 deaths from tuberculosis during this period. A map of Silver Bow County was secured, and the location of this disease was indicated thereon

with pins inserted into the map. The deaths occuring at hospitals were located at the point from which the patient went to the hospital. In other words, the death was classed as having occurred at the place where the patient lived, rather than at the hospital where he had been only a short time.

We find that of the 526 deaths 29 were among imported individuals—that is, individuals who did not live in Silver Bow County. Of the deaths reported as having occurred at the poor farm we find that in 32 the residence was not given, making a total of 61 that we could not class as regards residence. Of the 465 deaths whose residence we were able to locate we find that 330, or 71 per cent, occurred in a portion of the city and county, which, when mapped out, forms an irregular Maltese cross. (See diagram at end of this article.)

Outside of this area the pins indicating the deaths from tuberculosis are no more numerous than we find in any other city of the State.

A remarkable feature in connection with this study is the scarcity of deaths from tuberculosis in Walkerville and Meaderville. These two localities are populated largely by miners, and yet the deaths from tuberculosis among the residents of these two localities are very few compared with those within the "irregular Maltese cross area." This would seem to indicate that there is something within this "Maltese cross area" that has an influence on tuberculosis. Granting that the proportion of miners within this "Maltese cross area" is equal to that in Walkerville and Meaderville, why should there be such a large death rate among those living in one locality and such a comparatively small death rate among those living in the other locality? We believe that the fact that tuberculosis has existed in this "Maltese cross area" for such a long time that many, if not all, of the houses in this area are infected with this disease, while comparatively few of those in Walkerville and Meaderville have become infected. A study of the detailed report of conditions found would seem to support this theory.

The next study with regard to deaths from tuberculosis was a study of the deaths by nationalities. Of the 526 deaths reported we find that they occurred as follows:

Irish	270	Canadians	16
English	82	Polack	1
Swedish	17	French	4
Finlanders	38	Russians	7
Austrians	10	Scotch	5
Hungarian	1	Germans	14
Norwegians	3	Swiss	4
Italians	11	Chinamen	5
Welsh	8	Americans	30

This data is practically valueless unless we could know what proportion of each nationality constituted the population of Silver Bow County. On this subject we have been unable to secure reliable figures.

STUDY OF CONDITIONS IN MINES.

The study of the mines was carried out in the following manner. Two men accompanied by an engineer went through 10 of the mines, this being all that we were able to cover in the three and one-half months devoted to this work. A report was made with regard to each level and special reports relative to conditions found on any level, the following being the more important questions embodied in the report:

Date of inspection.
Name of mine.
Character of mine.
Photographs taken (flash-light pictures taken of all conditions of special interest).
Location in mine (with regard to level and position in level, number of men working, approximate air space where men are working).
Method of disposal of excreta.
Method of handling drinking water.
Source of drinking water.
Source of ice in water.
Condition of the level with regard to moisture (whether dry, moderately dry, or wet).

Whether or not sample of water was taken.
Method of ventilation (temperature, wet and dry bulb).
Whether or not sample of air was taken.
Whether or not culture plate was exposed to air.
Whether or not any level in mine is on fire, and if so, what measures are taken to control fire.
Condition of dry.
Condition of lockers in dry.
Whether or not culture plate were exposed to air in dry.
Bathing facilities in dry, how heated.
General condition.
Ventilation.
Whether or not pictures were taken of dry, and if so, number of the pictures.

Where culture plates were exposed to air, these were sent to the bacteriologist and report made on cultures found in such plates. Water and air samples were forwarded to Prof. W. M. Cobleigh, of Bozeman, Mont., and his report on these samples is embodied in the detailed report. A report answering the above question was made with regard to each level in each of the mines inspected, and also with regard to conditions in the various levels showing matters of special importance.

INSPECTION OF SURFACE CONDITIONS.

In the surface inspection 438 houses and their surrounding conditions were inspected. There were 2,949 occupants in these residences. There were 1,418 rooms in these residences. In regard to the air space per individual in the residences, we found as follows: 5 rooms, between 100 and 200 cubic feet of air space; 27 rooms, between 200 and 300 cubic feet of air space; 67 rooms, between 300 and 400 cubic feet of air space; 133 rooms, between 400 and 500 cubic feet of air space; 186 rooms, between 500 and 600 cubic feet of air space; 165 rooms, between 600 and 700 cubic feet of air space; 251 rooms, between 700 and 800 cubic feet of air space; 180 rooms, between 800 and 900 cubic feet of air spac; 56 rooms, between 900 and 1,000 cubic feet of air space; 348 rooms, over 1,000 cubic feet of air space; average, 335 cubic feet per individual.

There should certainly be a strictly enforced law prohibiting boarding houses, hotels, etc., renting rooms wherein the air space is less than 650 cubic feet per occupant.

In the study of the living conditions of the miners the following questions were answered with regard to each house:

Street and number.
Name of householder.
Number of photographs taken, if any.
Date and hour inspected.
Number of people living in house.
Number of bedrooms in house.
Cubic feet of air space per each individual occupying each room.
Whether or not more than one shift sleeps in any room.
Number of toilets in house.
Disposal of sewage.
Number of bathtubs.
Condition of bathtubs, whether clean or dirty.
Whether or not meals are served to boarders; and if so, source of milk supply.
Whether or not there has been a communicable disease in house during last two years. If so, when was house last disinfected?
How long present tenants have lived in house.
Whether or not sample of air was taken.
Whether or not culture plate was exposed.

When culture plates were exposed, or sample of air taken, these were submitted to the bacteriologist or chemist and their report is found in the detailed report submitted herewith.

AIR ANALYSIS.

In regard to air analysis, both in the mines and out, we find in Alexander Smith's College Chemistry the following: "Pure country air contains about 3

parts in 10,000 of carbon dioxide. In city air there are 6 to 7 parts in the same volume, while in air of audience rooms or where ventilation is defective the proportion may rise as high as 50 parts. The per cent of oxygen in dry air ranges between 20.26 and 21, the latter being the proportion in normal air."

We further quote from Dr. Thomas R. Crowder, in a bulletin of the Kansas State Board of Health, as follows:

"Since textbooks on hygiene and on ventilation and heating generally specify that carbon dioxide shall not be allowed to go above a few parts in 10,000 of air, it is supposed that any greater excess acts as a poison. The truth of the matter is quite otherwise; for whatever the percentage of CO_2 in the surrounding atmosphere may be, that in the air of the lungs remains constant at about 5 per cent of an atmosphere, and it is maintained so by the action of the respiratory center. The air of the lungs is never pure air; it never even remotely approaches pure air; and no one breathes pure air into his lungs. At each breath we take back into the alveoli the expired air contained in the nose and large bronchi, and this constitutes about one-third of the whole inspiration. This reinspiration is necessary in order to keep the CO_2 of the blood from falling too low. No excess of CO_2 enters into our bodies by breathing the atmosphere of the worst ventilated rooms, where the CO_2 certainly does not reach a higher concentration than 1 per cent of the atmosphere. The only result of breathing such an excess of CO_2 is a slight increase in the depth of respiration, which is exactly adjusted to keep the concentration of CO_2 in the alveolar air at the normal 5 per cent of an atmosphere.

"It has been pointed out by Lehmann and Hill that men who tend the fermentation vats in breweries work for long hours in an atmosphere containing 0.5 to 2.5 per cent of CO_2, and that they are healthy and longlived. Many investigators have subjected themselves or others to an atmosphere artificially charged with CO_2, and the results have uniformly schown that less than 3 or 4 per cent has no influence on the health of those who breathe it and can not be detected by them through any subjective channels."

This idea is thoroughly supported by the general reports on ventilation at the International Congress on Hygiene, held in Washington in September, 1912. In connection with this work Prof. Cobleigh made the following analysis of air at Bozeman. The outside air near the Agricultural College at Bozeman showed as follows:

August 17, 3.6 parts carbon dioxide per 10,000.
September 20, 4 parts carbon dioxide per 10,000.
October 5, 5.3 parts carbon dioxide per 10,000.

On August 17 he analyzed the air of the experiment station laboratory, a fairly large room where only one man was working, and found it to contain 5.5 parts of carbon dioxide per 10,000. It will be noted that on August 17 the outdoor air contained 3.6 parts per 10,000. On October 5, at 8 a. m., before anyone went to work in the food laboratory, the analysis showed the air to contain 6.3 parts carbon dioxide per 10,000, whereas the outside air on the same date showed 5.3 parts per 10,000. On September 20, with Bunsen burners going and two men working, an analysis of air showed 21.8 parts of carbon dioxide per 10,000. On October 5 after two Bunsen burners had been working for one hour in the laboratory, the analysis showed 15 parts carbon dioxide per 10,000.

From the above quotations, we know that normal air carries from 20.26 per cent to 21 per cent of oxygen. Reference to the analyses of samples of air taken in the mines shows that they uniformly come up to this standard, the only question open being with regard to the per cent of carbon dioxide present in the air. We find that in a laboratory considered a well-ventilated laboratory, that the per cent of carbon dioxide reached 21.8 parts per 10,000, whereas we find in the mine that the oxygen in no instance was reduced below 20 per cent, and in most instances the carbon dioxide was within 25 parts per 10,000, very little higher than found in a large laboratory in one of our State institutions, and a well-conducted laboratory at that.

In one mine, however—namely, the Mountain Con—we find the carbon dioxide unusually high. Here we found the carbon dioxide to reach as high as 61.4 parts per 1,000. In the 1,100 level of the Little Minah we also found the carbon dioxide rather high, namely, 46.9 parts per 10,000, and here also the oxygen was reduced to the lowest point found in any mine, namely, 19.8 per cent.

Another interesting analysis of air is the sample taken from the bottom of a sump, where we found 28.2 parts of carbon dioxide per 10,000 not an extremely high amount of carbon dioxide; and yet, on account of the stillness of

the air in the sump, together with the temperature and humidity of the air, the men complained of the effects of poor ventilation.

In the face of these analyses and confronted by reports of recent studies relative to ventilation, we must recognize the fact that analysis of the air gives us little or no information relative to what we are disposed to call good or bad ventilation, but that the effect on the individual is not due to carbon dioxide nor to the quantity of oxygen present, but is due to the temperature and degree of humidity in the air; that is, a comparatively high temperature and high per cent of humidity has a greater influence on the ability of the individual working in common atmosphere than does an increase of carbon dioxide or decrease of oxygen in the same air.

We must therefore recognize that ventilation is a matter of relation between humidity and temperature rather than between oxygen and carbon dioxide present in the air. In the various levels of the mines the humidity is stated in the reports of air analyses, this being estimated from the difference between the reading of the wet and dry bulb thermometers.

We find that in some of the levels the humidity and temperature are both quite high, but have no suggestion to make as to how the humidity or temperature could be lessened in these levels.

SANITARY CONDITIONS.

In regard to the sanitary conditions found to exist, these varied extremely in various mines and are set forth in the detailed report.

One or two matters of importance we desire to call to your attention.

First, that the bacteriological count in the Original and Gagnon mines is lower with regard to the bacilli of the colon type than we found in the other mines inspected. This we believe to be due to the fact that toilet cars are provided throughout these two mines, but notwithstanding this we found bacilli of the colon type and typhoid bacilli present in the air in two levels of these mines. We would call your attention to the fact that while the instructions are strictly that these toilet cars shall be cleaned daily with live steam, our inspectors found on more than one occasion that this was not done; that the men whose duty it was to so clean these cars neglected to do so.

We also found that the miners make a practice of urinating in the mines at any convenient point, regardless of whether a toilet car is provided or not. This is an important matter, and the miners should be made to understand that after one has recovered from typhoid fever the urine will frequently contain typhoid bacilli for many months, and when an individual thus recovered urinates promiscuously he distributes typhoid fever germs. It is highly probable that the germs found in the air for those two mines came from this source.

We note in bacteriological reports that colon and typhoid fever bacilli are more or less frequently found in the air. From the various reports made it would seem that typhoid fever is comparatively rare in Silver Bow County. For instance, we find that in 1910 there were 7 cases reported from Silver Bow County and 9 cases reported from the city of Butte, but at the same time we note in 1910 there were 2 deaths reported from Silver Bow County and 10 from the city of Butte. Again, in 1911 we note that there were no cases of typhoid fever reported from Silver Bow and there were no deaths reported as being due to typhoid fever, but in Butte there were 9 cases of typhoid fever reported and 8 deaths. This means that in 1910 there was a death rate in Silver Bow County, outside of the city of Butte, from typhoid fever of 42.8 per cent, and that within the city limits more people died of typhoid fever than were cases reported, while in 1911 the death rate from typhoid fever, according to cases reported, would be 88.8.

If we allow a death rate of 10 per cent for typhoid fever (this is a high death rate) there should have been reported in Silver Bow County and the city of Butte together, for 1910, 130 cases instead of 16 cases, and in 1911 there should have been 80 cases reported instead of 9 cases, thus indicating that typhoid fever is by no means a rare disease in the city of Butte. If we were to assume that one-half of the cases that should have been reported occurred among miners, this would mean that in 1910 there were 65, and in 1911, 40 typhoid carriers returned to work in the mines.

The question of how to prevent the men from urinating promiscuously in the mines and how to prevent their answering nature's calls in improper places in mines where toilet cars are not provided, at first appears to be a

difficult problem, but in large institutions where efforts have been made to educate the employees along sanitary lines and where the educational matter has been presented in an interesting manner, it has been found that the men, though frequently of a very unintelligent class, take remarkably kindly to and profit by such teaching. It might be said as opposed to educating the miners along these lines that a good per cent of them only work a comparatively short time in one locality. On the other hand, it is undoubtedly a fact that a good per cent of the miners work for a long time in the same locality. If this were not true, we would not find them owning their own homes in any locality, and if these men who live and expect to continue to live in a locality are taught the importance of proper disposal of human excreta, they will endeavor to see that their working mates, though transient in character, do not commit acts that will endanger the health and lives of the permanent residents of the locality. Educating these people along such lines would be a tedious task to begin with, but when once started, it would undoubtedly give good results in the working capacity of the men employed.

In some of the mines we find that the men use dead crosscuts for answering nature's calls, and in some instances they go into these dead crosscuts, used for this purpose, to eat their luncheons. I believe that any miner who answers nature's call in a dead crosscut should be immediately discharged, and the foreman who discharges him congratulated on his care and precaution.

In most of the mines where horses are used we find a decided increase in the bacteria found in the air. In several instances bacteria peculiar to horses were found, bacteria of a character especially dangerous to man. I refer to the anthrax bacteria and actinomycosis. This would indicate the importance of having horses sent into the mines examined very carefully for anthrax and lump jaw. I wish especially to note that in no instance did our inspectors notice any indication that any horse in the mines was suffering from anthrax or actinomycosis, but frequently these diseases are not noted in their early stages only after a most careful examination.

We found in several instances that the analysis of the drinking water indicated that the vessels were not as thoroughly cleaned as they should be. Note the analysis of the water from the Steward mine, 1,700 and 1,800 levels, and also at the 1500 station in the Little Minah. Comparing the analysis of the drinking water in the open vessels and that in closed vessels, the water in the open vessels shows a decided tendency toward contamination. Again, compare the analysis of the drinking waters from the closed steel tanks and those from closed wooden vessels. These analyses would seem to indicate that either the wooden vessels are not as thoroughly cleaned as are the steel tanks, or that the same cleaning does not suffice for the wooden vessels as does for the steel tanks.

Your attention is respectfully called to the general conditions found in the Mountain Con mine. Of the 10 mines examined, this mine showed the most insanitary conditions in general. Not only were many of the conditions found insanitary, but the ventilation in this mine was not as good as that of any other of the mines, the carbon dioxide in every instance being much higher than that found in samples of air taken from any other of the mines. Your attention is also especially called to the condition of the barn in the 2,100 level of this mine.

CONDITIONS OF THE MINES AS REGARDS MOISTURE.

It has been claimed by some that the moist or wet condition of deep mines would prohibit the spread of communicable disease, such as tuberculosis, in the mines. This we recognize as true to a certain extent, but our inspection does not support the theory as a whole. We found the tubercle bacillus, typhoid bacillus, and other germs in the air of the mines. This is not a theoretical finding, but an actual practical demonstration of the presence of these germs in the air.

We find, however, that these germs are more prevalent in the dry levels than in the wet levels. This statement on the very face of it does not conform with the idea that these mines are all wet. In fact, we found as a matter of fact that the very deep levels are wet, that the intermediate levels are more or less damp or wet, whereas the more superficial levels are perfectly dry. It is absurd, of course, to assume that when a consumptive expectorates promiscuously in one of these dry levels, that the sputum will not become dried and blown about

with the dust in the air of the mines, just the same as it would be on the surface in a dry locality.

As to the moisture in the air, we find a high degree of humidity in practically all of the levels, the humidity of course being higher in wet levels than in dry levels, but being higher in the driest levels than we find on the surface in this locality. This humidity of course can not be prevented, neither can the high temperature in the very low levels be avoided. This is a condition incidental to the mining industry that can not be overcome.

CONDITIONS IN REGARD TO DUST.

In the wet levels we found comparatively little dust, except immediately surrounding the localities where the drills were in operation, and even there the dust was comparatively little (much less than we find on the streets of our cities during windy days), except when the drills were just starting.

In the dry levels, however, we noted considerable dust at all times. This dust necessarily irritates the air passages of those working in dry levels and places such air passages in fit condition to make an ideal culture ground for disease germs, which may enter the air passages in the mines or which may enter them in localities outside the mines, and we are inclined to believe that the conditions under which we found many of the miners living are more conducive to the introduction of disease germs into the system than are the conditions that we found to exist in the mines. So far as the writer knows there is no way by which the dust in the dry levels can be avoided.

The only thing that could be done would be to educate the miners relative to the dangers of spitting promiscuously in the mines, remembering always that a consumptive is not dangerous except when he expectorates where the germs in his sputum may become dried and blown about in the air.

HOUSE-TO-HOUSE INSPECTION.

In this work 438 houses, with 1,418 rooms and 2,049 occupants, were inspected. In the detailed report we mentioned only such places as were found to be in an insanitary condition.

The division of air space per capita in all of the houses inspected is set forth above, showing an average of 335 cubic feet of air space per capita. People living and sleeping in such restricted air space can not expect to maintain health. Even with the best ventilation possible 335 cubic feet of air space is not sufficient by any means, but our inspection shows that ventilation is frequently not provided even with this restricted air space.

The sanitary conditions found in many of these houses (a great many of them are boarding or rooming houses) are anything but satisfactory, to say the least. In some of the houses where the sanitary conditions were found to be fair the conditions surrounding the houses were found decidedly insanitary. For fuller description see the detailed report and photographs attached.[1]

The study of the map showing the location of deaths from tuberculosis indicates that the disease is confined to a very large degree to the old part of Butte, and the fact that these houses have never been disinfected for this disease leads us to believe that they are a fruitful source of infection with tuberculosis, a disease to which the miners are especially susceptible on account of the irritated condition of the air passages, resulting from unavoidable conditions incidental to their vocation.

Your attention is also especially called to the report made by Dr. M. J. McNallan, relative to conditions found in certain streets inspected.

Recently a clipping was forwarded to the writer, calling attention to the reduction in the number of deaths from enteric diseases in Butte during the last year, and claiming that this reduction was due entirely to the improved sanitary conditions in the city of Butte. If conditions as found by our inspectors are "improved conditions" we can not conceive of what they were before they were "improved." We believe that the reduction in enteric diseases in Butte, as well as over the entire State of Montana, is due solely to the improvement in the food supply made under the pure-food law passed by the last legislature.

[1] Not printed.

CONCLUSIONS.

As a result of this study, I am forced to the conclusion that neither the statement "that practically all of the tuberculosis in Silver Bow County is due to the conditions in the mines" or "that practically all the tuberculosis in Silver Bow County is due to surface conditions," is correct; but that the conditions in the mines together with the conditions on the surface result in the high death rate from tuberculosis, with a decided leaning toward the conditions on the surface having a greater influence on the high death rate from tuberculosis than do the conditions in the mines.

In addition to this many of the conditions in the mines can not be remedied. For instance, the high humidity and high temperatures can not be avoided. They are natural conditions and, so far as is known, there is no way of preventing their existence. On the other hand, such conditions as the improper disposal of excreta, open water vessels, and dirty barns in the mines can readily be remedied, though the improper disposal of excreta will require, not only the supplying of proper places for such disposal, but the education of the employees as to the importance of using such places.

Conditions on the surface are all remediable. There is no excuse for permitting the renting of rooms or houses that are not provided with proper air space and adequate ventilation.

There is no excuse for permitting the existence of the insanitary conditions found to exist in many of the houses, yards, and streets inspected.

We believe with a thorough enforcement of proper sanitary laws and regulations and with a complete control of tuberculosis among the dairy cattle that the death rate from tuberculosis in Silver Bow County can be cut in two within a period of five years.

SUGGESTIONS.

Relative to mines.—It being impracticable to discharge the men at present employed in the mines who are afflicted with tuberculosis, we earnestly urge that efforts be made to educate these men relative to the dangers of expectorating promiscuously in the mines, and that all new employees be carefully and thoroughly examined for any evidence of tuberculosis, and that any applicant who shows any evidence of tuberculosis whatever be not employed.

It being a well-known fact that those who have suffered from typhoid fever frequently carry the germs of this disease in their excreta for many months, and in rare instances even for years, that the excreta of all employees be examined to determine which are typhoid carriers, and that all typhoid carriers be excluded from the mines; and further, when any employee is found to be suffering from any enteric disease that his excreta be carefully examined for typhoid bacilli, and if such bacilli are found that he be not permitted to return to the mines until his excreta is found to be free from typhoid germs, and that this same examination be made of all new applicants for work in the mines.

That toilet cars be provided in all mines and that the men be strictly required to use these cars for answering all of nature's calls, with a penalty of being discharged for failure to comply with this requirement.

That all drinking water be supplied in covered and locked metallic containers.

That all horses taken into the mines be examined by an experienced veterinarian for anthrax and other communicable diseases.

That frequent and thorough inspections be made in order to see that toilet cars, water vessels, barns, etc., are thoroughly cleaned at proper intervals in order to keep them at all times in a clean and sanitary condition.

Relative to surface conditions.—That proper laws be enacted to secure the keeping of the surface conditions in a clean and sanitary condition at all times, and that a heavy penalty be imposed on the officer whose duty it is to see that sanitary conditions are maintained should he fail to perform the duties required of him.

That laws be enacted prohibiting the renting of any room in which the air space shall be less than 650 cubic feet per occupant, and that such room be provided with windows for proper ventilation.

That tuberculosis be made a reportable disease with a heavy penalty against those who fail to report it, and that all rooms or houses, public or private, where any case of tuberculosis is known to have existed be thoroughly disin-

fected before such house or room is rented or sold, or its occupancy permitted by any individual.

Finally, that the officer in charge of enforcing sanitary regulations be required to devote his entire time to this work and to refrain from the practice of medicine in either public or private capacity.

Map showing in a general way the location of deaths from tuberculosis.

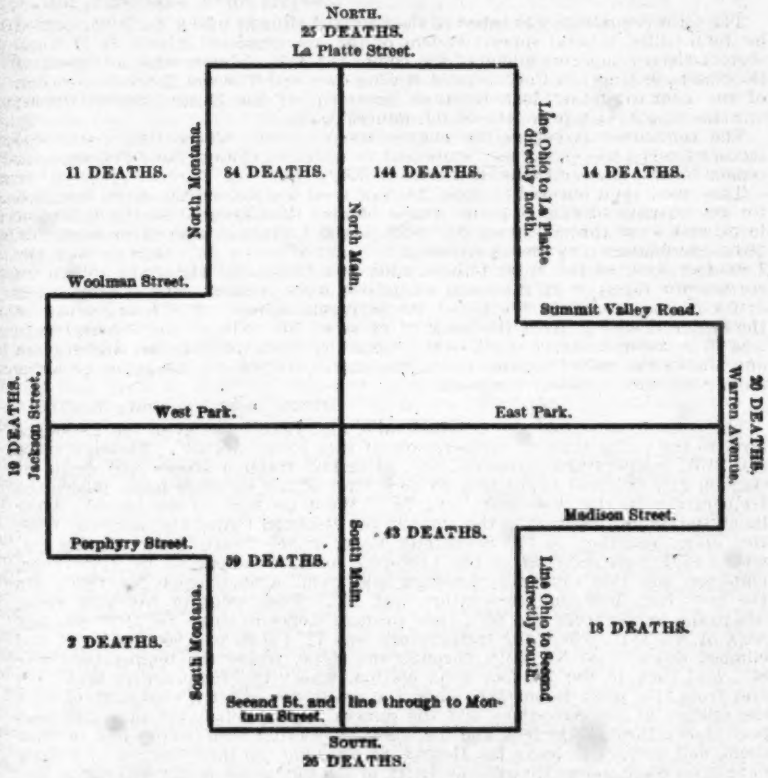

KELLEY EXHIBIT NO. 12.

PROCEEDINGS OF THE JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF THE TWELFTH LEGISLATIVE ASSEMBLY APPOINTED TO INVESTIGATE THE SANITARY CONDITIONS AND THE CONDITIONS OF VENTILATION OF THE MINES OF THE STATE, ESPECIALLY OF BUTTE.

Be it remembered that on the 4th day of January, 1911, the following joint committee of the senate and house to investigate the sanitary conditions and the conditions of ventilation of the mines of the State, especially of Butte, was appointed:

From the senate: Senators I. A. Leighton, W. E. Christopher, J. C. McCarthy, C. P. Tooley, and L. E. Leary.

From the house: Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., M. L. Hewitt, and O. N. Byrnes.

JANUARY 5, 1911.

The joint committee above mentioned left Helena for Butte at 2.55 p. m., and upon their arrival in Butte notified the management of the mines and also the officers of the miners' union that their mission was to investigate the sanitary and ventilating conditions of the mines, and informed them that they would proceed with the investigation the following morning.

BUTTE, MONT., *January 6, 1911.*

The joint committee was taken to the Leonard Mine at 9.30 a. m., accompanied by John Gillie, general superintendent of the Amalgamated mines; B. H. Dunshee, assistant superintendent of the company; J. C. Adams, superintendent of the Boston & Montana Consolidated Mining Co.; and Thomas Mitchell, foreman of the Leonard mine; Dan Sullivan, president of the Butte Miners' Union; and Joe Guelfi, vice president of the miners' union.

The committee inspected the change room or dry, where they found 600 lockers for the use of the men employed in which to change their clothes, with cement floors, shower baths, and washrooms.

They were then lowered to the 1,200-foot level and shown the doors installed for the purpose of changing the course of air; then lowered to the 1,400-foot level, and went through stope No. 1623 to the 1,800-foot level at crosscut No. 1803; the temperature there registered 73°, and at breast 82°; then through the 1,800-foot level to the West Calusa mine and Comanche air shaft. Went on surface for lunch at 12 m., when committee went through several stopes and drifts of the Mountain View and Pennsylvania mines. The temperature of the water dropping from the back of crosscut No. 1813 of the Pennsylvania was 76°. After coming to surface the committee were taken to the engine room and shown the safety appliances on the engine to prevent the cages or skips from going into the sheave wheels.

BUTTE, MONT., *January 7, 1911.*

The committee visited the Original mine and were lowered to the 2,000-foot level to the pump station; temperature at this point was 73°. Through stope No. 2101, temperature registered 88°. Climbed through stopes and drifts of Gagnon and Original mines to 2,400-foot level of the Original mine, where the temperature in the west drift was 78°. Went on surface for lunch. After lunch the committee went to the plant of the Missouri Power Co., near the High Ore mine, and then to the Speculator mine, of the North Butte Mining Co., where they were lowered to the 1,600-foot level, accompanied by John Pope, manager, and Dan Courtney, foreman, and went through stope No. 1816. On the twentieth floor the temperature was 80°. Then went to No. 1820 raise, where the temperature was 80°; then through stopes to stope No. 1838, 300 feet west of No. 1816, where the temperature was 72°; then to 1,800-foot level and climbed down raise No. 2018, through the stope, where the temperature was 80°, and then to the 200-foot level station, where the temperature was 78°; and from this point to surface, when the committee, after a consultation with the officers of the companies and the miners' union, concluded that they had been shown through the best and the worst places that both parties had to show them, and decided to leave for Helena, to continue the investigation at a later date upon some course that the majority of the committee might determine.

JANUARY 10, 1911.

The committee met in the parlor of the Grandon Hotel, at Helena, Mont., with all members present. Chairman Leighton called the meeting to order, and stated that he had telephoned the president of the Butte Miners' Union and was answered that the union would meet to-night.

A lengthy discussion ensued as to the course to be pursued by the committee in order to enlighten themselves on the subject of sanitation and ventilation of mines.

On motion duly seconded, the chairman was authorized and instructed to request the Butte Miners' Union to appoint one of their members from each of the following mines—

Original, Stewart, Gagnon, Montana, Con, Bell & Diamond, East Gray Rock, Speculator, Badger, Buffalo, High Ore, Never Sweat, Anaconda, St. Lawrence, Colorado, Pennsylvania, Tramway, Silver Bow, West Caluse, Leonard, Pittsmont, Blackrock, Elm Orin—to appear before this committee to give such evidence as they might wish, each of said members to be working in the

mine he represents; also to notify the managements of those properties of the action taken.

On motion duly seconded, the committee adjourned to the call of chairman.

JANUARY 24, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on January 24, 1911, at 7.30 o'clock p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary; also representatives P. J. Duffy, J. C. Duffy, and O. N. Byrnes.

Senator I. A. LEIGHTON (chairman). Now, gentlemen, there is one thing that I wish to state, and that is this, that in the testimony that will be given by the various witnesses here, I wish that it would be confined absolutely to those two conditions that this joint committee is called upon to thoroughly investigate and inquire into, and those are the sanitary conditions of the mines of the State, especially of Butte, and the conditions of ventilation. In our other meetings that we have had and those whom we have met, especially at the meeting of Butte, they seemed to drift off from those two subjects and wandered into other things. As we are now to begin to take testimony pertaining to those two subjects, we can not allow extraneous matter to be brought in, but only evidence pertaining to these two subjects, sanitary conditions and the condition of ventilation; and we propose to subpœna and bring here, before this committee, other miners from Butte, as we may see fit, and also the mine owners, or any man whom we think can bring us any information in regard to this matter, for it is the object of the committee, and it is the desire of the twelfth legislative assembly, that we should go to the bottom of this matter and see if we can not enact some law or in some manner correct these things that seem to be prevailing over there that are wrong. Consequently, I asked those who take the witness stand to remember that we can not allow anything but that pertaining to these two subjects.

Representative P. J. DUFFY. Mr. Chairman, in answer to you, I will say this: From what we saw, your investigation committee, what we saw over there we know exists. If you get 500 men here as well as 3 who have worked over there, 4 or 5 or 20, we know the evil exists, and with a small number, with a small committee, we can come around to the same conclusions, same judgments, far more than if we got 500. Of course, that lies in the chairman's power to do whatever he suggests. I am with you on any question, but on this affair a small committee can sit down and tell conditions which exist, can try and eliminate affairs, and it will be better far, with a small committee. They will sit down with us and help us to eliminate. That is what we are asking for. A big committee will be talking against one another. You will take the men who are working in the Leonard mine, they will tell you the conditions which exist in the Leonard mine, and another one will tell you of the High Ore, where the fire is at present, the way the fire broke out, another will tell you of the Speculator, and another of the Bell, and another of the Diamond, another of the Gagnon, and that, as far as we are concerned we all know that we can not regulate each and every mine in the city of Butte, but at the same time we can come down with men who have worked in the various mines and come to a sound conclusion, correct judgment, to our own way and to the best way. We are representing the State of Montana, not alone Silver Bow County. If you get 500 men here, we will be waiting until the legislature adjourns. What we want is this, what my idea was this, something to alleviate the present affairs, something to get conditions around to what they ought to be. If you get three witnesses to-day, four to-morrow, two the next day, and so on, subpœnaing witnesses—you know, everyone of us knows on this committee what we want to do. What is the use of bringing 500, 100, or 1,000 over here? What we want is action, not hot air, there is enough of it over there, and God knows that is what we are trying to get rid of in the mines. The first place we visited was the best mine in the city of Butte. You saw the conditions there, where fans were working, where conditions——

Representative J. C. DUFFY. Excuse me, Mr. Chairman, we are not discussing the report, whatever report the committee sees fit to tender. As I understand, we are here to accept the testimony of these gentlemen here who are in a position to offer any, and not to render any particular report, as far as the committe is concerned that I know of, and I would like my friend, Mr. Duffy, to confine himself to the question.

Representative P. J. DUFFY. I certainly am confining myself to the question at all times, and as one I want to say this to you, that you have got two experts in the Butte Miners' Union of the executive officers of the Western Federation of Miners, and an ex-State officer. If you bring a hundred over here, one's testimony would not figure over the others. If the names are here to-morrow from the different mining companies, what good is that going to do this committee? We know what they want; we already have come to the conclusion that something ought to be done. There is no use peddling hot air on this question. What we want is something practical. We don't want to wait until the last day of this session, but we want it now.

Senator MCCARTHY. As Mr. Duffy seems to know what we want so thoroughly I would suggest that he be sworn to give his testimony in the formal manner, and his recommendations along with it.

Senator LEIGHTON. That appeals to me as being certainly all right, and I think that would be well, as we are dealing with one of the most important matters that will come up before the twelfth legislative assembly that every member of the twelfth assembly agrees to. Then if that is correct, why I am going to ask that we thoroughly investigate this matter, and I believe that Senator McCarthy's suggestion is certainly good.

Representative P. J. DUFFY. I certainly accord with the gentlemen.

Senator LEIGHTON. And, Mr. Duffy, with permission of the committee, we will put you on the witness stand now.

(Whereupon Representative P. J. Duffy was called and sworn as a witness and testified as follows:)

By Senator I. A. LEIGHTON:

Q. Will you give us your name?—A. P. J. Duffy; Patrick J. Duffy.

Q. And where do you reside?—A. Silver Bow, at 1122 Broadway, Butte, Mont.

Q. And your age.—A. Thirty-three.

Q. And your occupation also?—A. At the present time—well, you can call it surfaceman; I am working for the A. C. M. Hardware; haven't worked in the mines since last May, 27th day of May, when I quit the mines.

Q. You have held some position there in the miners' union?—A. President of the miners' union for three terms.

Q. What years were they you were president of the miners' union; what were the years?—A. From September, 1906, to April, 1908.

Q. What mines have you worked in in Butte, Mr. Duffy?—A. To commence with, the St. Lawrence.

Q. How long did you work in the St. Lawrence mine?—A. About five months—four months—between three and five months. That is going back years ago.

Q. May I ask what was your work there?—A. Miner.

Q. Just a miner?—A. Miner.

Q. What other mines have you worked in?—A. Diamond.

Q. How long did you work there?—A. About—less than a month; I couldn't state the exact date.

Q. Filled the same capacity there as you did in the others.—A. Yes, sir.

Q. Now, Mr. Duffy, will you state to this committee——A. (Interrupting.) I have worked in about 20 others since then.

Q. Yes; but that will be plenty. Will you state to the committee what the conditions from a sanitary standpoint, and from a standpoint of ventilation, the conditions that you found in any of those mines were?—A. I will state this first: The St. Lawrence mine six years ago last September—six, I think it is, possibly, seven; I wouldn't be positive; either six or seven last December—I helped—I was one of the parties to it, to lay the sill for the 1,500 raise, where men were smothering; the temperature was fiercer and hotter than any place your committee visited. Water over ankle deep; you would have to feel with your hands under water to lay a sill, to get it level. After the raise was drove ventilation was in there; it was good; as good a place as a man would want to work in Silver Bow County in the mines. The raise connected with the 1,200 level of the Pennsylvania, one side of where your committee visited the fan. Prior to the fan being installed there, the place was something where you could not work and do justice to the company. After the fan was installed the tonnage with the report of the company over doubled.

By Senator J. C. MCCARTHY:

Q. I would like to ask Mr. Duffy how far in advance of the air were you working, or, rather, how far away from any established air current were they working at the time you speak of?—A. Possibly not—I couldn't accurately

answer you; but to the best of my judgment, Senator McCarthy, about 1,800 feet from the St. Lawrence shaft.

Q. You stated that after the air was driven to the place where you were working the tonnage supplied by the men doubled. Am I right?—A. If not more; if not more.

Q. What would you consider was the reason that the company maintained a condition where their men could only produce half the amount that they produced when conditions were better?—A. It was before the amalgamation of the Anaconda and B. & M. properties.

Q. Was it possible for the company with any reasonable expense to better conditions there at the time they were working?—A. Yes, sir.

Q. In what way?—A. By raises to connect with the level.

Q. How far would they have to raise?—A. The St. Lawrence was worked from two to the sixteen when I worked there six years ago.

Q. That is really not an answer. How far would they have to make this raise?—A. From the two hundred to the sixteen she was working.

Q. That is 1,200 feet?—A. And from the two to the surface answers itself.

Q. How long would it take them to make that raise?—A. That depends on how many or how much of a force—and what condition they attempt to drive a raise on.

Q. The company generally worked three shifts in a place of that kind, did they not?—A. Sometimes, and sometimes no.

Q. Well, assuming that they work three shifts of 8 hours each in the 24, how much progress would they make in 24 hours, approximately?—A. If they worked three shifts, Senator, they would make about—let's see—now, here I have to take the ground into consideration on that; if you strike a bar on ground—you know what I mean, Senator McCarthy?

Q. I am referring to average conditions.—A. Average conditions, over one set in 24 hours.

Q. Give the distance in feet?—A. Over 7 feet every 24 hours.

Q. Then, in order to get this air course, and to better conditions on the 1,200-foot level, they would have to drive 1,200 feet, would they not?—A. No, sir; I didn't say that.

Q. Well, I understood you to say, Mr. Duffy, that they would have to raise from the 1,200-foot to the 200-foot level.—A. No, sir; I said the mine was working from the 200 to the 1,600.

Q. Well, my question was, how far would they have to raise to get better air in the place where you were working?—A. If the 200-foot level was only 200 feet below ground, how far would that be?

Q. It would be just 200 feet.—A. Well, that's it.

Q. Just 200 feet, then, was all they would have?—A. They were working, then, from the 200 feet I told you to the 1,600 foot. From the two to the sixteen, I said, if the stenographer will read it over, I said from the 200 to the 1,600 foot they were working.

Q. You understand, it is not my purpose to ask you any aggravating questions?—A. No, no; oh, gee whiz, no.

Q. We are looking for the light, and if we can obtain it from you we will be glad; and the purpose of my question was this, to know whether or not conditions could be remedied more speedily by the raise you suggest than by connecting with the shaft—what is the name of that other shaft? What I wish to get at is this, whether the company could more speedily get relief by making this raise you suggest than by connecting with the shaft that was afterwards connected, when they increased the tonnage from the mine 100 per cent?—A. That depends now whether the raise is cheaper or whether the drift is cheaper.

Q. But the time; the time I was after. I am not thinking of the cost to the company; the time?—A. Well, they connected it afterwards with the Metcalf shaft.

Q. How long afterwards?—A. About a year.

Q. In your judgment——A. Somewhere in that neighborhood; now, I am not positive.

Senator J. C. McCarthy. That's all.

Senator A. I. Leighton. Any other members of the committee wish to ask any questions of the witness? Mr. Duffy, have you anything further that you can enlighten us on?

A. All I have got to say, Senator, is this, that by putting such as you saw in the B. & M. property, intake and outtake fans on the different levels with air shafts, that it is this, it will make better conditions for miners, longer life,

and more work for men, better tonnage for the production of the mine if they will give better air, such as we saw there in the B. & M. properties, than it will take, such as we saw in the Original and North Butte. I admit this much, though, that under the conditions we saw affairs—never mind the property; I don't want to discriminate against anybody; but where air was good, where ventilation was there, where sanitation was there, there were better results than such as was shown in other properties.

Senator J. C. McCarthy. I would like to say, Mr. Chairman, that, as I understand it, the purpose of this committee is not either to discriminate or to protect.

A. That is it exactly; but I don't want to discriminate against anybody.

Senator J. C. McCarthy. I would like to have the witness state his views, regardless of where it strikes. Is that not your idea?

Senator I. A. Leighton. That is my idea.

A. If that is what you want, gentlemen, I want to say this to you: With all the raises you can drive, with all you can do, the North Butte property can not be ventilated such as other mining properties which we visited.

Senator I. A. Leighton. Do you mean to state, Mr. Duffy, that under no condition can it be?

A. Not the way she is worked.

Q. Can it be improved in that particular?—A. Not the way she is worked.

Q. Have you any suggestions to make wherein they could improve it?—A. Why, that is up to the management of the company.

Senator J. C. McCarthy. Well, the committee would like, Mr. Duffy, to have your views as to what possible manner the North Butte could be worked so as to bring it up to the standard of the Leonard and the adjoining property.

A. I could explain it—but let her go. Here I want to say this to you: First, Senator McCarthy, you, as a mining man, did you ever work a ledge four floors up and four floors down? You, as a mining man, know it looks more like a sheep herder's mine to me than it does like a mining mine. As we went through that mine it was climb down, climb up—how are you going to get your air into a place, ventilation, with such conditions as we found in that mine? It was up and down, up and down. Perhaps with their management the extraction of ore may be cheaper the way they work it, but for ventilation, sanitation, and for the condition of men, you know, as all of us know, that 18 floors below us a man can not climb for sanitation.

Senator J. C. McCarthy. What would you suggest, Mr. Duffy, in the way of change of the present method of working the North Butte property?

A. Not being an authority to dictate to them what way they should work it, and if the management, such as it is, is working it to a success, I couldn't do it.

Q. You couldn't suggest any change in the present method at all?—A. The only suggestion I would make is this: Work it as the B. & M. properties—in sections.

Q. Well, that is a valuable suggestion.—A. Where the stope is so wide and so long, ground heavy, take it in sections. What I mean by sections is not take the full stope, such as was there; take so much of the heavy ground, hard to hold. What I mean by hard to hold is where your hanging is breaking. Take only—work so much of it at a time, and go up with that, fill it in, and then go down and take the other. Better results and better ventilation and sanitation can be obtained. Sanitation, I mean by this, as this committee knows, if you go to far east or to far west, whatever the way the stope runs. Generally the ledge at Butte runs a little—let me see; hanged if I know underground; I know on top. If you go too far one way, you meet the other mine workings, the workers ahead of you; if you go under there for sanitation, you ain't going to climb no 8 or 10 or 12 or 14 or 18 floors. The place where the sanitation will confine himself will be right in under you. If you go too far ahead, you will meet the man ahead of you; he will say, "God damn you, get back where you belong"; go back 6 feet, 10, and under you, you will be told to get over where you belong. There is no place under the present conditions for a man's duty when nature calls its course.

Q. What is the height of a floor, Mr. Duffy?—A. Seven feet two inches is the post in the clear.

Q. Does that include the flooring for the fill?—A. No, sir.

Q. What is the height including the flooring?—A. Seven feet two inches in the clear.

Q. How far apart are the levels of the North Butte mine?—A. From the twelve to the sixteen is 200 feet, say, because they are driving an intermediate level now.

Q. What is the height of the different levels in the Leonard mines, approximately?—A. They are using 12 by 12 timbers and 6 feet 10 inches——

Q. But the height of the different levels?—A. One hundred feet.

Q. One hundred feet; just half of the distance in the North Butte mine?—A. Yes.

Q. Then, your idea is, Mr. Duffy, that better sanitation and better ventilation may be obtained by driving the levels 100 feet apart instead of 200?—A. For sanitary conditions and ventilation 200 feet is just as good as 100 feet after the raise is through; she is poor, but after the raise is through, for ventilation, why, I would agree with the 200 feet, because it is a cheaper way of working a mine, to pay dividends all around, because after you go above the twelfth floor you come down on it. What I mean by coming down on it is this, that after you go above the sixth floor on a hundred feet lift—what I call a lift—you will come down on it; you will get off on the level above where you are working, come down, and go into the stope where you are working—after you get above the twelfth floor of a 200-foot lift you come down on it, or of the twentieth floor; it is easier to climb down than it is up; you will lower stuff down instead of raising it up.

Q. How wide is the vein in the North Butte property?—A. Well, it is from 2 to 10.

Q. Ten what?—A. Two posts for one set, 10 sets.

Q. Give the distance in feet, if you please?—A. In feet?

Representative J. C. DUFFY. Excuse me, but I don't think that is a pertinent question. We have no desire to discuss the commercial feature of the North Butte property, any more than any other, and I think this is not a proper question at this time.

Senator J. C. MCCARTHY. Well, don't answer the question.

Senator CHRISTOPHER. I would like to have you explain some question. I am not a mining man and am not asking from that standpoint, but for general information—what would you suggest, take where men are working there, we will take the worst place shown to us as an average place, how could that be remedied to help those men while they were working there, so that they could receive the benefit from it?

A. There is only one way to remedy it.

Q. That is what I want to know.—A. By raises with fans to give air.

Q. By raises or fans, or by raises and fans, did you say?—A. If the shaft is downcast, put up a raise that is an upcast, to get fans in the most inner depths of that mine, the lowest places with suction pipes there to take the smoke, gases and bad obnoxious gases away. At the present time you haven't got them.

Senator J. C. MCCARTHY. I think Mr. Chairman, that the senator from Sanders County has elicited more information in that one question than in all the questions I asked.

Senator I. A. LEIGHTON. I think so, too, senator, and I hope the balance of the committee will watch carefully the questions and answers given, and any time when you see that they can ask a question that will enlighten us to do so. That is a good question, Senator Christopher. Are there any other questions you think of, any member of the committee, that you would like to ask the witness.

Representative J. C. DUFFY. Is it necessary to raise 1,400 feet to make air connections that was necessary in the St. Lawrence?

A. I say most emphatically no.

Q. That is my interpretation of it, and I believe that is the manner in which the answer was given.—A. When a mine is worked from the 200-foot level to the 1,600-foot level, you don't have to raise 1,400 feet to get a raise to the surface.

Q. It was in order to get clear that I asked the question. I venture to say that there are levels every hundred feet, are there not?—A. Every hundred feet in the St. Lawrence; yes, sir.

Senator J. C. MCCARTHY. Mr. Duffy, has it been the practice in the Butte mines to make the raises at the same time, or as near thereafter as possible, that they made the shafts?

A. No, sir.

Q. Could you name any striking instance of that at the present moment, for instance, a place where they sunk a shaft to a depth of 1,000 feet and commenced operations and afterwards endeavored to make an upraise for the purpose of ventilation?—A. I want to answer you this way: If they sink a shaft 1,000 feet, they drift for an ore body; if they have got to raise 1,000 feet, they will never do it unless there is ore above them; they drift above again to see if there is ore on the upper level, and drift again. Compressed air then is the means and the only means and the only thing the miners have got to live on. Compressed air is composed of no oxygen; there is no oxygen in compressed air; she is made air.

Senator McCARTHY. Oxygen has been compressed in the air originally, Mr. Duffy, and how did you eliminate it?

A. In made air?

Senator McCARTHY. Yes.

A. Very little, because as she circulated she loses what is in her; it is not the same as pure air and air on the surface.

Q. I understand that, Mr. Duffy, but I can not understand how oxygen is eliminated from compressed air and I am asking the question for the purpose of getting right on the matter, if you can give it to me—A. All I know is just the theory which engineers and which scientists tell us; reading is all I know about it; I have never made it.

Q. You understand, Mr. Duffy, that oxygen is a part of the air we are breathing at the present moment?—A. Exactly.

Q. Now, assuming that this chamber is hermetically sealed.——A. Yes.

Q. And that a suction pipe leads into it——A. Yes.

Q. And all the air is withdrawn from this room and compressed, how is it possible to eliminate the oxygen from that air?—A. How is is possible to eliminate the oxygen from that air? Where is your inlet?

Q. I am asking the question for information.—A. But I am asking you right back where is your inlet to it? Where does this air come from?

Q. It came out of this room, of course.

Senator J. C. McCARTHY. I am afraid, Mr. Chairman, the question is too deep for the witness to answer or for me to explain. I am free to confess that I know very little about matters of that kind. That is a question for chemistry to determine.

A. That's it exactly. It answers itself right in that case.

(Witness excused.)

Whereupon DAN HOLLAND was called and sworn as a witness and testified as follows:

Senator I. A. LEIGHTON. Your name, Mr. Holland?—A. Dan Holland.

Q. And where do you live?—A. 137 East Center Street, Butte, Mont.

Q. Your age?—A. Thirty-five, going on thirty-six.

Q. And how long have you resided in Butte?—A. Fourteen years.

Q. Fourteen years. During that time what has been your principal business?—A. Mining.

Q. Mining; in what mine have you worked?—A. I worked in mostly all the mines of the camp.

Q. Nearly all of the large mines of the camp?—A. Most of them, yes. I haven't been employed in the mines for a year and a half.

Q. You haven't been for a year and a half?—A. No, sir; I have been president of the union.

Q. You are somewhat familiar with the conditions from a sanitary standpoint, and ventilation standpoint, are you, of these mines in Butte?—A. Yes, sir.

Q. Mr. Holland, now I wish you would state from your knowledge and observation of the conditions of those mines pertaining to those two subjects, what you know.—A. The sanitary conditions are generally bad; that has been my experience.

Q. Will you describe to the committee what conditions that they are in, that would lead to you to believe or know that the sanitary condition is bad?—A. The ventilation, no means of egress or ingress provided for air. Stoping is done in a great majority of cases without any raises to let the gases and smoke emanate to the surface and to the outer air. I will say, Mr. Chairman, that, acting under your suggestions of yesterday, Mr. Lowney, Mr. Oliver, and I got together and outlined a skeleton of some work that we would suggest to the committee to improve conditions in the mines. If you care to have it submitted I can let you have it.

Senator I. A. LEIGHTON. Does the committee so desire that it be submitted now or after we are through with the testimony?

Senator J. C. MCCARTHY. I would suggest the communication to be read, if there is no objection to it.

Senator W. E. CHRISTOPHER. We asked him to do that.

Senator I. A. LEIGHTON. Yes; you can submit that, if you will.

A. "First. That in underground workings no powder be used until the expiration of a shift, except in places where it does not vitiate the air breathed by employees at said work; and that where such blasting be permitted, means of egress be provided for smoke and gases from usage of powder to the outer air." That is the first clause, if you want to ask me any questions on that.

"Second. That in cases where water is needed for drinking purposes, it be lowered in sufficient quantity in covered receptacles, said receptacles to be thoroughly cleansed at the expiration of each shift."

Water in a great many cases is lowered to the mines in open receptacles and copper water and dirt and one thing and another dropped into it while it is being lowered in the shaft or while it is in the station, and men come along who are dripping sweat, stoop over the water keg and drink and sweat drops out of their heads and faces into the water. That is a cause of a good deal of the disease that prevails amongst the mines—consumption.

The third is, "That sanitary toilets be installed in each level of a mine where men are employed; or means be made available for employees to repair to surface on such occasions." That is where men are employed in that particular level; there are lots of levels where no men are employed, that have been worked out.

The fourth is, "That where extensive stoping is being conducted, raises be run at intervals of so many feet apart for the purpose of ventilation." We haven't come to any conclusion as to the number of feet, but conditions would vary the matter so that we would not name any certain amount of feet.

And that last is, "That in all underground workings of a temperature exceeding 80°, or where no current of air is available, six hours shall constitute a day's work." That is, we merely drew up the skeleton to give the committee an idea of what we need, and you can ask questions on any of these particular clauses.

Senator I. A. LEIGHTON. Are there any questions that any member of the committee would like to ask this witness?

Representative P. J. DUFFY. I would like for him to explain where six hours has prevailed in the city of Butte, and what the results were where the air was bad and drifts were driving in on the lower levels of mines to connect with High Ore mine?

A. In mostly all of the bottom levels of the High Ore mine, for eight or nine years past, long drifts have been run all on six-hour shifts. I have heard of them in other mines, but I haven't got any positive proof; that is hearsay that I discovered as president of the union; but I worked in those places myself.

Representative P. J. DUFFY. Please make it explicit. From what mines you worked to the High Ore drift?

A. In the High Ore mine?

Representative P. J. DUFFY. Driving to another place, you were on the incline then?

A. Driving to the ledge; to the lead?

Senator A. I. LEIGHTON. Mr. Holland, in regard to this sanitary condition; there, when nature calls one—I am just asking you this in a broad way—do those cars, those little toilet cars, if they were put in operation, would they be satisfactory?

A. Of a certainty; yes, sir.

Q. They would be all right, would they, if they were in general use throughout all the mines?—A. Yes, sir; this particular mine, I mentioned, the High Ore, those cars are in use.

Q. And wherever they are in use they are satisfactory to the men?—A. Yes, sir; they have been taken on top at the expiration of each shift and thoroughly flushed with water hose under pressure.

Senator J. C. MCCARTHY. Are those cars in use in any other mine in Butte?

A. Not to my knowledge.

Q. We saw several of those cars in the Original mine; have they ever been used in that mine to your knowledge?—A. No. I couldn't tell you.

Q. That is, we saw them on top; not in the mine.—A. Yes; I haven't been in the mine.

Senator I. A. LEIGHTON. They are in use in the High Ore?

A. Yes, sir.

Q. And as far as your knowledge goes, you don't know that they are in use in other mines in Butte?—A. In any other mine; no, sir.

Q. But the High Ore?—A. Yes, sir.

Senator J. C. MCCARTHY. Are they in use on all the levels of the High Ore mine, or just in some of them?

A. I am not positive of that either.

Q. The assumption is that they are in use where there are any great number of men employed?—A. Yes, sir.

Senator I. A. LEIGHTON. How many toilet cars are there in use in the High Ore mine?

A. The first I saw of them was—I believe it was about two months ago that I saw this car, and it looked a little strange to me, and I did not know what its use was, and I inquired what it was. I only saw the one car, and I inquired, and I was told what its purpose was, what it was intended for, and told, I think it was the shift boss, that those cars were all on the levels.

Q. In all of the levels of the High Ore mine?—A. Or on the levels that they did not have them they were obtaining more and others were in process of being made.

Q. Then, Mr. Holland, wherever those toilet cars are in use you would not complain or would not think that any man would have any complaint on that one condition?—A. Any complaint would be groundless when they are given all the facilities. It was disgusting to any person, excepting somebody with an exceedingly strong stomach, to sit down to a meal on the ninth or tenth floor of a stope and have your nostrils disgusted with the stench of somebody down beneath you answering a call of nature.

Senator I. A. LEIGHTON. It is not very pleasant.

A. It does not make a meal taste better.

Senator MCCARTHY. Are you inclined to believe, Mr. Holland, that in case those cars were in general use that the men would avail themselves of them at all times?

A. Yes, sir.

Q. And, Mr. Holland, where those cars were in use at any time did you notice whether the men had refused to use them, or rather had not used them and had used the levels?—A. I have never seen them, Senator; they have never been used in my time when I was underground. These are a modern innovation at Butte.

Q. In other words, wherever those cars are, you thing they are generally used by the men?—A. I believe so; yes.

Q. In your judgment, Mr. Holland, are conditions better in Butte at the present time than formerly; that is, at the time you were employed in the mine?—A. I believe they are growing worse?

Q. Growing worse?—A. Yes, sir.

Q. You mean as regards ventilation?—A. As regards ventilation.

Q. What did you give as reasons?—A. That is, in some mines; conditions have improved in some mines and conditions have retrograded in others. I don't know whether they both balance or not.

Q. In which mine do you consider conditions are worse than they were when you worked underground?—A. This is hearsay——

Q. Yes.—A. "The Speculator" is one. "Mountain Consolidated" is another. "Never Sweat," I believe, from all I can hear. "The Parrott" is growing steadily worse from what I can hear, and that is about all I can think of.

Q. Could you give us the name of a reliable witness from each of the mines you mentioned?—A. No, sir; I couldn't; men change around so much; and when I was president of the union I could lay my hand on the men and tell where they were working; now I am out of the union for the past three weeks or four, when my term of office expired, and men change around so much that I couldn't locate them; I wouldn't be sure of any.

Q. Did they pump by steam or electricity when you were underground?—A. By steam.

Q. Don't you think, Mr. Holland, that conditions will be remedied when the use of electricity is more generally employed underground in the mines of Butte?—A. I don't know, I am sure; that is something I haven't given any serious thought.

Senator J. E. LEARY. Mr. Chairman, I would like to ask if these mines that you have mentioned are owned by one company or by several companies?

The WITNESS. They are owned by one company.

Q. The last ones you mentioned? A. Those companies are designated sometimes as "The Parrot Mining Co.," "The Mountain Consolidated Mining Co.," or the "Anaconda Mining Co.," but I believe they are the Amalgamated Mining Co.; that is what we understand, I haven't got any inner knowledge of it, but from my understanding they are all the Amalgamated properties.

Senator J. C. MCCARTHY. There is no question in my mind whatever but what all the mines belong to the Anaconda Copper Co.

Representative P. J. DUFFY. Except the North Butte and the Pittsmont, and this Davis-Daly.

The WITNESS. That is a cause of a good deal of the insanitary conditions that prevail, that when a ledge is worked out, the sill floor is worked out before a raise is done, men start to stope, one gang follows another and blasts in the middle of a shift and that powder smoke just naturally dies and hangs around there all the time, that powder smoke and gas; no means of egress for the gas, no raises have been run through yet.

Senator I. A. LEIGHTON. You spoke of water receptacles there, may I ask are there any in use in any of the mines in Butte that would meet with your requirements in any of the mines?

A. Yes; they are in use in nearly all of the mines on some levels where 25 or 30 or 40 men work on a level; then where there are 4, 5, or 6 men working they will lower a keg.

Senator I. A. LEIGHTON. You want them universally used.

A. Yes; they can cover a keg just as well as they can cover an iron tank.

Q. Yes; I understand; but I did not know but what there was some kind of special kegs?—A. No, sir. We don't have any special kind of kegs in view, but something to be covered so as to keep the dirt from dropping into it or water or sweat or anything of that kind.

Q. They do use them in the mines, but not universally?—A. Yes, sir; they do in a great majority of places—they are used in a majority of places—those water tanks, but not in all cases. I often saw a case where a man came to a station for a drink with the sweat just dropping off of him, pouring off of him, and stood over a keg and drank out of it; that sweat dropped out of his body into the keg, somebody else who didn't see that comes along, didn't see that and even if he did, he needed a drink so badly he drinks anyhow.

Senator J. C. MCCARTHY. Mr. Chairman, when this committee was over there, when we were down in some of those mines I think in the Leonard and in the Mountain View—ain't that the name?

The WITNESS. Yes, sir.

Senator J. C. MCCARTHY. We drank—I did at least—we drank out of, if I remember correctly, it seems like an iron tank.

A. Yes; with wheels on it.

Q. And wheels on it and there was a cover on that.—A. They are used in a great majority of cases.

Q. Where do they get that water? Do they bring that water into the mine from the surface?—A. They take those to the surface and fill them at the surface.

Q. That is city water is it?—A. Yes, sir.

Q. Those tanks, that is what you call them?—A. Yes, sir.

Q. Those tanks that they were using in the Leonard and Mountain View, where they were covered, that we drank out of, those are satisfactory?—A. Are satisfactory; yes, sir.

Q. That is, where this copper that drops down the copper water can not get into that?—A. No, sir.

Q. Now, the miner that comes along perspiring can not perspire into it?—A. Where they are into use they are all locked.

Q. But there are some mines, I think you testified to, where they did have those, they did not provide the miners with those?—A. Yes, sir.

Q. What are those, simply open buckets?—A. Just a keg with one end knocked off.

Q. The water they bring in them is city water, is it not?—A. Yes, sir.

Q. But they do not provide them with covers?—A. Do not provide any cover. And we also—what we request about the tanks is that they be thoroughly cleansed. There is a whole lot of carelessness in cleaning those tanks.

Representative J. C. DUFFY. Do you think, Mr. Holland, if upraises were in vogue, say, within every 300 feet, that it would materially improve the conditions so far as circulation is concerned?

A. You mean to raise it?

Q. Yes.—A. To a certainty, yes; where the air is put through any such places as you say the ventilation is good, that is, comparatively good.

Q. Senator I. A. LEIGHTON. Mr. Holland, wherever the fan system is installed in those mines the air is—the ventilation—the air seems to be all right, does it, wherever they are installed?

A. I never worked in any place where a fan was in use, only in one place, and that was about 10 years ago, and we found no beneficial effect from that fan, not even straight ahead for 75 or 80 feet, or an acute angle either way; going 15 to 20 feet on either side of that pipe the conditions were just as bad; that air had no means of circulating; it just turned around and reverted back on itself.

Q. I would like to ask you in reference to the compressed air, what is your opinion in reference to the amount of oxygen that is in this compressed air?—A. I suppose just the same amount as there is where it is pumped from. I don't see where it can lose it.

Q. It is beyond my knowledge, but still I have no knowledge of such things, particularly speaking; it does not lose any of the oxygen?—A. Not that I know of. I am not an expert, but I never heard of it. Oxygen is a component part of air and if the air is pumped through a compressor it will naturally have the oxygen from where the air is pumped; at least I would suppose so.

Senator J. C. MCCARTHY. But your opinion is, Mr. Holland, that the compressed air is not as healthful as the free air from the surface.

A. No, sir.

Q. I agree with you.

(Witnessed excused.)

Whereupon JACOB OLIVER was called and sworn as a witness and testified as follows:

Senator I. A. LEIGHTON. Your name?

A. Jacob Oliver.

Q. Where do you reside?—A. 215 East Quartz, Butte, Mont.

Q. And your age?—A. Forty-six.

Q. How long have you resided in Butte?—A. About 25 years.

Q. What is your occupation?—A. Miner.

Q. How long have you followed that? All this time? The 25 years?—A. About 35 years.

Q. Pretty good miner, then?—A. Apt to be.

Q. Mr. Oliver, you were the gentlemen, Mr. Holland and the other gentleman, when you made up this paper together?—A. Yes; we had to draw the line somewhere, as far as the ventilation part of it was concerned, and we thought that by making it a certain degree of heat the company would use their own judgment or discretion whether they would allow the work there six hours, six hours to constitute a shift, or by some other means to bring fresh air into that stope or place of work. So we would give the company the option either to cool the place off by ventilation, either by openings, or fans, or otherwise give the men a six-hour shift. And I think as far as that is concerned I think it is a good practicable way, for this reason: If a place is so hot that a man can not work hard eight hours, then the company loses, and if a man can not work eight hours it is better for him to work six and go up to the fresh air or go home and have that much more time in the fresh air.

Q. What mines in Butte have you worked in?—A. I have worked in practically all the mines in Butte.

Q. And what is the deepest mine there that you have worked in?—A. Twenty-two hundred feet is the deepest mine I have worked in.

Q. That is what mine?—A. The Mountain View.

Q. Mr. Oliver, I would like to ask you some questions in reference to the toilet cars. Have you worked in the mines over there where these toilet cars have been installed, where they have been in use?—A. There was no toilet cars in any mine in Butte while I worked there.

Q. How long has it been since you worked in the mines?—A. I worked there last week.

Q. And at the 2,200-foot level, is it?—A. I am working on what is called the 900, or 13; we call it 900 for the reason there is connection made with the Leonard, which is 400 feet deeper, you see, and the first level is the 400 level of the Mountain View; and it is connected with the Pennsylvania and the Leonard.

Q. How many mines in Butte are using these toilet cars that you know of?—A. Only one that I know of, the High Ore, and I can not state positively that they are used there; it is just hearsay.

Q. The High Ore?—A. Yes. They can work those hot places by giving the men six hours or by bringing air there, just as they see fit.

Senator J. C. McCarthy. Mr. Oliver, would you consider 80° injurious, assuming that you had plenty of fresh air?

A. Fresh air, no, sir; I don't.

Q. Could you state to the committee the temperature of the ground in, say, the 2,000-foot level of any mine in Butte, the natural temperature?—A. No; I have never took it, and I have never seen it taken, so I couldn't state.

Q. Do you know how much the heat increases as it goes down for 100 feet?—A. Now, I have seen statements made where experiment shafts have been sunk from time to time in different parts, but I can not recall now the increase of the heat; I can not recall at all how much the increase is.

Q. Do you know how much the temperature is in the Calumet and Hecla mines at Michigan at a depth of 5,000 feet?—A. No. But I have been told—whether it is true or not I don't know—that in cutting one of the stations, I think it was in the High Ore mine, that the heat ranged from 100° to 120°.

Q. How deep was that station?—A. I think it was 16; now, I am not positive.

Q. What mine was that?—A. The High Ore. As far as the Calumet is concerned, I don't know anything about it, any more than what we read.

Q. Were they using a steam pump at that place?—A. Sure.

Q. Is your judgment the use of the steam was what made the temperature so high?—A. Well, naturally it increased the temperature, of course.

Q. I think the natural temperature increases at the rate of about 1° to 70 feet; that is, the general raise all over the world; somewhere about that; I wouldn't be certain about the amount.—A. I don't hardly think it would increase that much, because if it did, by the time you got down 5,000 I don't see how a man could live.

Q. You understand, Mr. Oliver, that means are provided for cooling that temperature at that depth, by means of forced draft, air being pumped continuously through it? That is what makes it possible.—A. Senator, you know if you were to work a mine, a ledge, take out a body of ore, you know the first thing is whether it will pay or not, and you might be right, as far as that is concerned, but I don't know whether it would increase that much; I don't think hardly it does, from my own observation. You sink a shaft out in the country, in the granite, in what we term country rock, sink it in the rock alone, not putting in any timbers nor use any steam, and you would go down a long ways before you would find any heat. Timbers, you know, create heat.

Q. Yes; we understand that.—A. And that is what is creating so much heat in Butte.

Q. That is, the decaying timber increases temperature.

Representative P. J. Duffy. You have known rock itself to attain a certain heat, haven't you?

A. You take right here in Butte, around in certain places in the lead right where it is close to hot stopes, the rock itself is warm, of course; when you get close to the fires it is hot, but that is artificial heat; that ain't the natural heat of the earth, you see.

Q. I have known the rock to be so hot in some cases that it was dangerous to load their holes.—A. I have been told that the St. Lawrence, when she was working, the men have had to pour water into the holes before they loaded them to blast.

Q. Is that on account of the condition of the ground?—A. No; that is on account of the fire.

Q. The fire naturally made the ground hot?—A. Yes.

Q. In raises—if you have not worked in them you have been told where the glycerine would drip out of the holes in the raise when there would be a missed hole in the raise—have you ever——A. That has never come under my observation.

Q. You have been told it?—A. I have heard it.

Q. Your humble servant experienced it. You worked in the Mountain Consolidated?—A. I worked in the Mountain Consolidated something like 20 years ago.

Q. Those properties are removed from the fire zone altogether are they not?—A. Oh, yes.

Q. And still you experienced the heat before?—A. Well, the timber you know?

Q. I mean the rock, the ore I mean.—A. No.

Q. How long have you been employed around the mines of the city of Butte and went over there to Marysville to work in the Drum Lummon and with the Empire?—A. Went to Granite, finally to Butte again, and have been there practically ever since.

Q. You were the assistant State mine inspector?—A. I was deputy inspector of mines in 1890, 1891, and 1892.

Q. Do you believe, Mr. Oliver, that with the facilities in the B. & M. mines that better conditions could not be brought about in the other properties?—A. Well, I believe myself that the B. & M. mines are worked more practically or scientifically than any of the other properties in Butte.

Senator I. A. LEIGHTON. The B. & M. you mean, the Boston & Montana?

A. The Boston & Montana.

Q. That belongs to the amalgamated?—A. Certainly it does.

Representative P. J. DUFFY. Comprising the Mountain View, Pennsylvania, and the Leonard, and the East and West Colusas?

A. Yes.

Q. Those properties are worked to better advantage, to your way of thinking, than the other properties are and better results received?—A. There is no doubt about it at all.

Q. In those mines, Mr. Oliver, where these fans are installed, are the men there better satisfied than in the other mines?—A. Well, I presume so, they do not seem to change there so often; the men hold their jobs longer.

Q. What you mean by change, men do not quit their jobs to go elsewhere to get a job, but they work there continuously?—A. As a rule, yes.

Senator J. C. MCCARTHY. How do conditions in Marysville compare with present conditions in Butte?

A. Now, in the Drum Lummon mine they had toilets, as far as the sanitary conditions were concerned they were better; as far as the ventilation is concerned they were not as good.

Q. What kind of toilets did they have?—A. They had a kind of a box fixed on a track and they had a seat formed for the men to sit on and then ran this truck under this seat.

Q. Something in the form of a toilet car?—A. The toilet car you might say was boxed, and there was an old fellow there who had the job of cleaning them; that's all the work he had to do.

Representative P. J. DUFFY. I will ask you, Mr. Oliver, if you had not known in some mines where some men have been discharged when it was known that they deposited underground.

A. That was before men had to eat their lunch underground. Since that time, of course, we know that nature must take its course and men have got to use themselves sometimes during the shift, and of course it is overlooked now, but when the mines were working 10 hours and the men were hoisted on top to eat their lunch, then it was against the rules, of course, for men to crap underground.

Q. And if nature called them, the cages were at their service to go up to the surface?—A. Yes.

Q. Since skips went into vogue, men are not hoisted when rock is being hoisted?—A. Well, only through the chippy shaft.

Q. And there is where timbers and other tools and stuff have to come down?—A. Yes.

Q. Since skips went into vogue—and men have been denied eating on top from that time on nature, if it comes her course, nature's course if it comes, understand what I mean, you do business underground?—A. Sure; there's when a man will have to.

Q. That is the only place for you?—A. Yes.

Q. There is no doubt in the world that something ought to be done to alleviate the conditions that exist in some of the mines. As far as the Mountain View mine is concerned, I believe that they make every reasonable effort to ventilate the mine to the best of their ability and go to great extent. Of course, it is pretty hard to tell a company how they shall conduct a mine; the owners

have something to say to that; and even then the officials have different ideas and ways as to operate; two men haven't the same ideas of doing hardly anything.

Representative O. N. BYRNES. Mr. Oliver, what percentage of the mines do you recognize make a reasonable effort to get them in good shape?

A. Well, the percentage is rather small; I think the percentage is rather small.

Q. You said the percentage would be small. Do you think it is one-fourth or one-third, or what percentage? Give us a rough idea—or 10 per cent, or what?—A. Well, I don't hardly know.

Q. It is your opinion that the management of the Butte Mines are neglecting getting those mines in shape so that they will be more healthy, better ventilated, and so on?—A. I think some of them are a little negligent in that respect.

Q. There are so many of them that—would you know what per cent of the mines are—that some attempt is being made to get them in good shape, and what percentage are not?—A. Do they neglect in the majority of cases?

Q. Do you think the majority are making an effort, or are not?—A. Are not.

Q. Are not making an effort. That is all I want to ask you.

Senator J. C. MCCARTHY. Mr. Oliver, you heard Mr. Duffy testify that where conditions were placed in the best possible shape the output per man would double. What is your opinion of that testimony?

A. Well, I don't know. Of course, it is natural that where conditions are good, ventilation is good, a man can accomplish more, do more work, but, you see, where they used compressed air they can go practically into a poor-air drift almost and bring up pretty near the same amount as they would where there is fairly good air. I have worked myself, contract, in a place in drifts where they have been 500 feet from any current of air; we did just as much work there as we would where there was good air, by the use, you see, of compressed air.

Q. That seems to contradict Mr. Duffy's testimony.—A. Now, in drifts, you see, of course, in stopes it is different; they can't do that. The total output of the mine, of course—the better the mine is ventilated, of course, the better results would be obtained. Now, for instance, the old Parrot Mine one time was considered the best ventilated mine in Butte during Ben Tibby's time. I know the time there when you could go in the main drift and blast any time during the shift, and in a few minutes walk right in and resume work. All the smoke and gas would be gone. You see, they had air courses over the timbers, carried in air courses along with the drift, and the air would come in the drift and go back over the air course.

Q. Is there any reasons why all of the mines in Butte couldn't be ventilated on that system?—A. No, sir.

Q. None whatever?—A. None whatever.

Q. And in view of the fact that by putting that kind of ventilation all through Butte the output of the mines would be doubled——A. Well, I wouldn't say that it would be doubled; that is quite a bit. There is no doubt in the world—it would be increased and they would obtain better results.

Q. What increase do you think it would make in the output per man—that is, speaking broadly, you understand?—A. Well, I would say I believe they could make at least a 25 per cent increase.

Q. Then a mine employing 500 men at an average increase of 25 per cent would make a net saving, at $3.50 per day, of approximately $450?—A. I think so.

Q. What is the reasons, in your judgment, that the management do not put their mines in shape to effect that increase?—A. Well, in the first place, Mr. Tibby was an old miner; he studied ventilation. Under him was a practical miner, first-class man. They developed that property from the surface. Most of the other properties went to work, you might say, blindly; ventilation wasn't considered at all; they just got down after the ore, that was all there was to it, to get returns. The B. & M. mines, they were started on a practical basis under Capt. Couch; he laid out a system, what is termed block system; he has manways and air courses; in every chute or raise he would have a trap door, a slide door, you know, to bring back, to close and keep the air down in the drifts, and the air always was kept in motion, and that system prevailed to a certain extent to-day. That is one of the reasons why the B. & M. property is in better condition than any other property in Butte.

Q. You mentioned the Parrot property as one of the properties now in very bad condition?—A. That was considered the best.

Q. It was considered the best? You do not consider it in good shape at the present time?—A. It ain't fit for a man to work in to-day; in fact, I don't believe there is anybody working there.

Q. Mr. Oliver, not at present?—A. No; it is closed down.

Representative O. N. BYRNES. Do you give the present poor conditions of the mine to the fact that here is no plan, no system of working adopted to their present needs?

A. Now, I believe under this new management they are trying to systematize their work.

Q. But it comes from the fact that there was no plan?—A. In the first, there was no system at all when those properties were developed, practically none.

Q. They just go for the ore and take any chance on the ventilation?—A. Yes.

Q. That is what it was?—A. Yes.

Senator J. C. MCCARTHY. Do you think the extensive litigation over the Butte mines has something to do with the bad conditions existing at the present time?

A. I don't know; I believe the extensive litigation helped conditions; they have done a whole lot of work down there—upraising and drifting, drifts and that like—that made conditions better.

Representative P. J. DUFFY. Mr. Oliver, when you are 500 feet or more in the drift working under compressed air, does it affect you the same as if you had a general current of air?

A. Oh, no; I should say not. I have enough of it; I don't work at it very long.

Q. But you can't do the same work. You can for a while, but eventually what is the result?—A. Well, the result is a man keeps it up, and in a little while miner's consumption, that is what he gets; but you know it can be done, and it is done, that's all.

Q. They can do the work for a short time and then play out?—A. Yes.

Q. That is a plain answer it it?—A. That's right.

Q. What is your opinion as to the average life of a miner in Butte under the present conditions?—A. I don't believe a man will average—I don't think he will average 16 years; of course, I have no statistics to bear me out in that.

Senator I. A. LEIGHTON. That is your opinion?

A. It is just off-handed; I have not given that matter any consideration; that is just off-handed.

Representative O. N. BYRNES. Do you think, Mr. Oliver, in 15 years a man's health would fail?

A. Yes, sir.

Q. The average man, say, 25 years old, 15 years after he would be a broken-down old man?—A. Yes; the majority of men that was working in Butte when I started working there—well, there are very few left. Of course, I haven't worked continuously in the mines. Sometimes I have been out of them a year or two; I have had charge of properties myself and tried to do a little promoting, and other ways, and I haven't been in the mines continuously. If I had, I don't think I would be as good a man as I am to-day.

Representative J. C. DUFFY. I will ask you, Mr. Oliver, if there is any of those people you knew 25 years ago living to-day that are working continuously in the mines since?

A. There are a few.

Q. That are working continuously?—A. Yes.

Representative P. J. DUFFY. If you go into a drift that is over 500 or 1,000 feet, with no outlet, just the one opening, the drift, and you get there, you have got compressed air blowing on you continually to keep that clear, have you not?

A. Sure.

Q. That is the only way you can work?—A. That is the only way.

Q. If you have water, you put water on it to keep the gases and dust down, do you not?—A. As a rule, this work is done under contract, and you ain't throwing water down to do anything, you are getting that dirt out.

Q. There is drift after drift in the B. & M. properties that drove, and you have got a water line with your air line, in your stope?—A. I have never seen any.

Q. They are all around where I have worked—water line with your air line. You disconnect the hose from the air line and connect it with the water line in those transfer joints, so there won't be dust below.—A. In the Mountain View they have large tanks, just as large as they can get through the drifts,

get into the stopes, and they use a hose in some of the dusty stopes to damp down the dust, but I never have seen a water line there.

Q. There is a water line; disconnects the air hose off the air line, put it on your water line and wet down to kill the gases; but all the time you are in, after you get three or four hundred feet, you have that air blowing all the time on your back in order to do the work?—A. Sure, you have got to.

Q. That is the compressed air; in the face of your drift, at the breast like, it is clear. You go back, and you have got to stoop down to keep out of the smoke and gases, do you not?—A. Sure, sometimes.

Senator W. E. CHRISTOPHER. What condition would remedy that in regard to that gas and smoke in there that would be practicable?

A. The only way, you can make an air course by boxes; of course, if you are using timbers you can make an air course over the timbers, which is very easily done; but all this new development work, as a rule, is done without timbers if the ground will stand, and after, of course, they get in so far, strike a lead, for instance, of ore, you know, then of course they start to use timber. You know it would be pretty expensive to drive a drift and bring the fresh air right in that drift all the way. That is all right if you are drifting ore.

(Witness excused.)

Whereupon J. C. LOWNEY was called and sworn as a witness, and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. J. C. Lowney.

Q. And where do you reside?—A. 405 North Idaho Street, Butte.

Q. How long have you resided there, Mr. Lowney?—A. Resided in Butte about—well I come there about 22 years ago.

Q. And what has been your occupation in that length of time?—A. Miner.

Q. All the time—the 22 years?—A. I will state that I have not worked, to start with, that I have not worked in the mines for pretty near five years, so I would not be along the direction which you have outlined; I would not be able to give practically any testimony to this committee. My occupation at the present time is an organizer—board member of the miners for the district of Montana—and I travel throughout the State in that capacity.

Q. And you have been following that occupation for the past five years?—A. About five years.

Q. Ah, do you think, in your judgment, you couldn't——A. I couldn't give any testimony on the conditions of the mines at this time. Of course, if the committee wishes to ask me any questions about suggestions or things as I generally know them, I might be able to answer them.

Q. But the present conditions, at this present time, you have no personal knowledge of it?—A. No, sir.

Representative J. C. DUFFY. Which was the last mine you worked in?—A. Silver Bow mine.

Q. That is five years ago?—A. About five years ago, or four years last May was the last shift I worked.

Representative J. C. DUFFY. I think the Chair ought to ask Mr. Lowney to offer such suggestions as he sees fit in the matter to remedy conditions.

Senator I. A. LEIGHTON. Do you hold any position with the Western Federation of Miners at the present time?—A. Yes, sir.

Q. What is it?—A. I am executive board member and organizer for the States of Montana and Wyoming.

Q. How long have you held that position?—A. About four and a half years.

Q. Mr. Lowney, have you any suggestions to offer in the matter of remedying present conditions?—A. I would say that in my opinion and from my previous knowledge of the mines, working there, that the condition, the condition of the mines will inevitably become worse as they go deeper and for development, and I believe that this suggestion that was offered by the other members, other witnesses here, to-night, that if we would establish a six-hour day for those places that a certain degree of heat obtained, that the indorsement of this provision would be a self-acting penalty for the employer to make conditions better; that is, there are places in the mines where it is difficult immediately to make good sanitary conditions or good ventilation, and if the employers thought that it was cheaper to rush through the development in order to create this ventilation, they would do so in order to eliminate the six hour proposition, and if they did not deem it better, then the men working would have the

benefit of the shorter workday in order to prolong his health. We who live in Butte know that the conditions, the health conditions of the men there, has been very bad; that probably the greater portion of all those working there are affected with miners' consumption or have died with it; I think a greater portion than have been killed or injured in any other way; and as a condition for that the Butte Miners' Union, as an organization, distributes on an average about $1,200 a week in sick benefits, mostly through the effect of consumption and the conditions obtaining from insanitary and bad ventilation of the mines. And I believe that this proposition of submitting a practical solution in the way of a shorter day for those places would inflict no hardship upon the operators or employers. It would simply be a self-acting penalty whereby they would try to make better conditions or else bear the expense of the shorter workday; and I believe, from a humanitarian standpoint, a shorter workday is an absolute necessity in the worst overheated places in the mines. That is about all I would suggest, in addition to the other sanitary matter in regard to water and toilets. We have often given this considerable consideration as to what we could do. We realize that there will be some opposition to the suggestion, but on the whole I believe this is the most practical, and it is not anything unreasonable, because employees to-day on the surface, throughout the State, in municipal work, where they have good sanitary conditions, they work the eight-hour workday, and we believe it is nothing unreasonable to ask the employers to give the shorter workday in those insanitary places.

Representative P. J. DUFFY. Mr. Lowney, do you think by bringing more members, miners employed in Butte, that that would give any more knowledge of conditions than what we have got from the committee which is here before you?

A. Why, I believe there are men working, if they would wish to come here and testify, if you could suggest men in some of those mines, who could give the committee the same information as to the comparatively intolerable conditions in some of those places?

Q. I don't mean that. Could we learn any more than we have learned to-night?—A. I don't understand that.

Q. Could we learn from those men any more than we have learned here to-night?—A. That is a question I couldn't answer; that is the judgment of the committee, what they wish to learn.

Senator J. C. MCCARTHY. I would like to ask, Mr. Lowney, what is the cause, what is known as the cause, of the disease known as miners' consumption; is it caused by poor ventilation or by the dust or by bad sanitary surroundings?

A. Principally, I believe, from smoke permitted to remain in the stopes and drifts, etc., and stopes not cleared sufficiently, and dust, in addition to that—the dust generated naturally by the operation of the mines.

Senator I. A. LEIGHTON. Mr. Lowney, is it a fact that in a number of post mortem examinations that have been made, that we have found an enormous amount of this dust that you speak of lodged in the lung tissues—bronchial tubes?

A. I believe that it is almost a general condition, Doctor.

Q. As a professional man, I have attended a few of those examinations, and we have in all those cases—I think there have been four for me—in all those cases we have found an enormous amount of deposit in the lung tissues, in the small air cells; in other words, of the lungs?—A. I worked in the Parrot, I believe it was 1902; the 1,400 level was the bottom level at the time, and there was two ledges being worked; there were something like from 9 to 12 machines working there, and one of the levels was worked up to the seventh floor, and the other to the fourth and fifth, and there wasn't at that time any raise through either of the ledges; I did not work there since, but I did work, I might say, in a really bad place since.

Senator J. C. MCCARTHY. What causes you to believe, Mr. Lowney, that the conditions will get worse as the mines are developed more fully?

A. Why, as they go deeper, they naturally meet with the same conditions of development that they would nearer the surface with regard to ventilation, and as they go deeper they will naturally grow hotter, and the greater amount of timber in the mines, as I understood it when I was working in the mines, that it generated heat. Now, so far as the natural depth, the question that you asked a while ago of Mr. Oliver, a generally creating greater heat, so many degrees as you go to depth, that wouldn't altogether obtain in a mine where ventilation was good; but I have seen in the Anaconda mine in 1892 in

the 600 level, where one side was cool and the other around 100°; men used to work naked, with the exception of overall pants—no shirt or anything. I worked there myself and would say the heat was 100°.

Senator J. C. McCarthy. Was there any general reason why one side of the mine was so hot and the other so comfortable?

A. Undoubtedly the lack of proper ventilation, the circulation of air.

Q. So far the committee have had very little information as to the better method of ventilating the mines. Could you at this time or any time to-morrow bring any witnesses before the committee who would be prepared to submit a better method of ventilating the Butte mines? Have you knowledge of such men?—A. No, sir; I have not; I couldn't suggest, because I believe that Mr. Oliver here is about as well acquainted as any other we could suggest for the conditions along that line, and has had lots of experience; and furthermore, I presume if the committee would call witnesses here, they will testify from the other side that they would make reasonable efforts to try, that we have known by actual experience in the past that the immediate officials of the corporations had neglected it to a great extent?

Q. In all cases?—A. Not in all cases; but I will say, in a great many cases in the past when I worked in mines several years ago.

Q. Then, your opinion is that conditions are not very much better now than when you worked in the mines?—A. As far as I can learn, they are not.

Q. As far as you can learn. You have no actual experience?—A. No; not for the last four or five years, I couldn't give no personal testimony in the matter whatever.

Q. Could you give us the name of any man who worked in the mines at the same time you did, and is working there at the present time—that is, I mean some reliable, intelligent miner, who would give us any information along that line?—A. No, sir; for the mine I worked in the last five years, I believe, I worked between four and five years in this mine, and the conditions are comparatively good there—that is, the Silver Bow mine—so it wouldn't be any use to send anybody from that particular mine.

Representative P. J. Duffy. This is a single jack mine which we worked in, understand, it is not one of the big producers of Butte. There is men there—William Faulkner, working in the Silver Bow right now.

Senator J. C. McCarthy. He would be able to give no testimony as to the actual conditions in bad places, that is what I mean. What the committee desires is some person who has general knowledge of the working conditions years ago and at the present time, and what we are trying to get at, if I reflect the views of the committee, is for some one to enable us to arrive at some intelligent understanding of the conditions and the means to remedy them. We know that conditions aren't what they ought to be in all cases, and we are anxious for light, for recommendation, from some practical person, and we would like very much to get the name of that person. Am I right?

Senator I. A. Leighton. Yes, indeed. That is what we are after.

A. I believe that the proposition of getting somebody before you to give you some practical information or suggestions as to perfect ventilation, or as perfect as possible, that is a very difficult proposition. We believe in the continuous process of development that the companies will demonstrate that they are attempting to do this. I am candid in saying that I believe I could express the opinion of a great many that the only practical method of benefiting the men working in those places at this time is to introduce the shorter work day, and then leave it optional with the company to find which method would be cheaper for them—to ventilate to make conditions tolerable, or concede a shorter work day, which is a necessity under the bad conditions.

Senator J. C. McCarthy. You understand that this committee, or this legislature, or no one else has any power to compel a shorter or a longer work day, and all suggestions along that line would be futile. What this committee wants is some information that would enable them to give the State mine inspector authority to adopt certain rules and regulations, and it is utterly foolish to discuss either a shorter or longer day; it won't serve the purpose of the committee at all. That is a matter that must be taken up between the miners' union, of Butte, and the operators of the various properties; it is purely a labor question, not a legislative function.

A. Senator, in reply to that I would say that this would be purely within the province of a health measure. The eight-hour day was passed purely as a health measure; that was a police measure, enforcing health regulations.

Q. I understand that; but in order to put that law in force, we would have to adopt a constitutional amendment. Isn't that your understanding of it?—A. It wouldn't be necessary to adopt, it would be a bill passed by this legislature, would be all sufficient for this purpose as a sanitary measure, as a health measure, for the protection of the health of certain employees in certain underground places.

Q. I am not clear on that point, Mr. Lowney, and I will inquire into it.—A. I will state I am satisfied the senate and the members of the committee are, of course, all aware of the fact that the eight-hour law passed in 1901 was a police-power measure for the protection of certain employees in certain occupations. That stood for two years without any protest from anybody. Then it was made a constitutional proposition. Now, a separate health measure for the protection of employees in certain underground places specifying the conditions would also be a health measure, and I believe would be constitutional, except I believe it would be tested in the courts by the employers. It is purely suggested by these witnesses here, by myself, and the others as a practical method of enforcing sanitary conditions in the mines or penalizing the non-enforcement of those sanitary conditions and ventilation and being a possible means of reducing the temperature in those hot places, which is certainly detrimental to the health of the men working there, and if the company does not deem it practical to make those conditions possible, then they could grant a shorter work day, which would be equivalent to at least a little betterment of the conditions.

Senator I. A. LEIGHTON. Where could we enact a law to draw a line between the short hour and the long hour, or the six hours and the eight hours, as it is now?

A. Simply by establishing what you would consider a reasonable standard of temperature, or places that would not be available for air, for practical ventilation by the circulation of air in those places. We know a lot of those places exist.

Q. Then, even that, wouldn't it be a matter that would come up between the men who are working and the companies themselves?—A. Undoubtedly; they would determine where the law would apply.

Q. Where the law would apply?—A. Yes.

Q. This law, you suggest the short hours, the benefit that the men would derive from it, the fact of forcing the companies to give them better air and improve——A. To compel them to make, to force the air through or make better sanitary conditions, better ventilating conditions in those places so that the six-hour day would be obviated.

Q. In other words, you think the companies do not do that, that is, they do not try to better the conditions in those places?—A. I believe that the officials, the immediate officials of the company who have the practical operation of the work, that they do not consider to any great extent the welfare of the employees, if they can get results; I believe if they can get certain work done in certain places, they will send men there to do it, and if they can get it done without going to any extraordinary expense and method of ventilating or anything, that they will proceed to continue with that work; for one reason they give contracts in drifts, etc., men earn better wages than the daily average wage would be, the men work harder to try to make all they can, and they put men on contracts in some places in order to get men to work at all in those places and make the pay more considerable; nevertheless, the men who work in those places under contract generally lose their health.

Senator J. C. MCCARTHY. As a practical proposition, Mr. Lowney, how could you apply that six-hour day? In other words, would it be necessary to designate somebody who would be the arbitrator in a case of that kind as to whether the temperature was too high and when it was below the standard set for six hours?

A. That would be a proposition that would to a large extent lay with probably the officials of the union and those men working in those places, who may make a complaint and request an investigation of the places; that is, if the employer himself did not cheerfully concede it, or the foreman.

Representative P. J. DUFFY. Mr. Lowney, you, as an officer of the Federation of the State of Montana, could you not as one, see to this affair, if such an affair were not in vogue?

A. I don't think it would be hardly——

Representative P. J. DUFFY. With the mine inspector?

A. It would be hardly necessary or practical at all times. There are local officials of the union at all times that would be sufficient to inquire into that matter if there was complaints made of it.

(Witness excused.)

Senator J. C. McCarthy. I move we now adjourn subject to the call of the chair.

Representative C. N. Byrnes. Second the motion.

(The motion being put by the chair was unanimously carried.)

JANUARY 30, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on January 30, 1911, at 7.30 p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. F. Tooley, and J. E. Leary; also Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., and O. N. Byrnes.

Senator I. A. Leighton. Now, gentlemen, we will begin by taking testimony in reference to the sanitary conditions and the conditions of ventilation of the mines of the State, and especially those in Butte, and I want to say this, that we want to confine ourselves strictly to those two subjects. The questions and answers must be limited to those two subjects. As there are one or two witnesses that are anxious to get back to Butte, I will accommodate them by calling them first.

Whereupon JOHN VICKERS, a witness called and sworn, testified as follows:

By Senator I. A. Leighton:

Q. Your name?—A. John Vickers.

Q. And where do you reside?—A. Walkerville, Mont.

Q. Your age?—A. Thirty-five.

Q. How long have you resided in Butte?—A. Five years.

Q. What is your occupation?—A. Miner.

Q. How long have you been following that occupation?—A. For the last seven months I have not; no, sir.

Q. How long have you been following that occupation?—A. For 10 years?

Q. About 10 years?—A. Yes, sir.

Q. In what mines in Butte have you worked?—A. Chiefly in the North Butte and for the Red Metal Co.

Q. How deep are those mines?—A. At this time, the North Butte is 2,400, I believe, and the Tramway, why, I think they are between 1,800 and 2,000.

Q. You have worked in the lower levels of these mines, have you?—A. No; 1,800 is the lowest work I did in the Speculator, and 1,400 was the lowest place I worked in the Tramway.

Q. From a sanitary condition, what condition did you find these mines in?—A. In the big stopes pretty bad.

Q. Will you explain to the committee what conditions they were in, the condition you found them in, that makes you think that it is in a bad condition?—A. Why, in most cases the big stopes are hot, and men naturally going underground do their business around the stopes, which is insanitary in my opinion.

Q. Do they continue that right along—those men who work in the lower levels?—A. To the best of my knowledge, it is so on all levels that I worked on.

Q. Is there no provision for toilet places?—A. I have never seen any.

Q. Have they ever installed any of the toilet cars in these levels?—A. Not to my knowledge.

Representative Nelson Story, Jr. How hot do these stopes get, Mr. Vickers?

A. That is something that I couldn't say; I never had the opportunity of carrying a thermometer in my pocket to test them.

Q. Is the heat such that it affects you during one shift, materially?—A. Why, very much; one is naturally weak after working eight hours in a hot place.

Q. What effect does that have on a man when he follows that from day to day?—A. He has to quit and get a cooler place to work in; that has been my experience.

Q. How long did you work at one time in any particular stope, how many days?—A. How many days?

Q. Yes.—A. We usually run it a month, not figured by days.

Q. That is, you worked in one of these hot stopes for a month?—A. Yes, sir; and I have for a couple of months at a stretch.

Q. How many men do they work in one of those hot stopes?—A. That varies according to conditions.

Representative P. J. DUFFY. Please state the condition.

A. If there is a big ledge of ore, there is quite a number of them; if it is a small lead, there is not so many men.

Senator C. P. TOOLEY. Would you state there is no disposition on the part of the owner to remedy the sanitary conditions there; that is, providing suitable toilets?

A. I never seen any.

Representative NELSON STOREY, Jr. Did you ever encounter bad odors in those stopes, or bad air, Mr. Vickers; that is, so bad that it made you sick, or anything of that sort?

A. No; I can not say that I did get sick with it.

Q. It was on account of the heat more than it was the foulness of the air, was it?—A. Well, the heat and the sanitary conditions combined naturally affects a man; that is naturally weakening.

Q. Well, in your estimation, can the conditions be improved without any excessive outlay of capital or labor?—A. Well, I tell you that is a question I don't think I am able to answer. I am not well enough acquainted with that matter to know what the expense of anything like that would be.

Q. Regardless of the expense, could it be done?—A. That is something I could not answer either.

Representative P. J. DUFFY. You couldn't answer it?

A. No; I can't, practically speaking. I never studied ventilation, but it is my own opinion that it could be altered.

Q. Have you worked in cool places?—A. Yes, sir.

Q. What made that place cool?—A. Circulation of air.

Q. What caused the circulation of air?—A. I didn't see any forces at all that caused that.

Q. Was there plenty of raises?—A. There was.

Q. And drifts opened?—A. Yes, sir.

Q. Does that cause circulations?—A. In some places.

Q. Take a hot box, such as we term it, with connections to upper levels where there are cool places, would that cause a hot box to get cool and other facilities?—A. I don't know; I seen hot boxes with raises in with a very small inlet of air that did not get cool.

Q. But, there was a small inlet of air you say?—A. Yes, sir.

Q. By a small inlet, what do you mean, Mr. Vickers?—A. I mean a place where a person is trying to keep within the vein in a stope.

Q. And, in that case, there was not sufficient place to keep the air cool?—A. I don't think there was enough air to keep this place cool.

Representative NELSON STOREY, Jr. Have any of these properties in which you have worked or formerly worked changed hands lately, Mr. Vickers?

A. Yes; just about the time I quit the mine, the Red Metal Co. changed hands.

Q. Of your own knowledge, then, you don't know whether the conditions since then have improved or not?—A. I could not say; I have not been underground since the change; they changed a few days before I quit.

Senator C. P. TOOLEY. Seven months ago?

A. Seven months ago, since I quit the mine.

Representative J. C. DUFFY. You say the Red Metal Co. changed hands?

A. Yes, sir. The last check I drew I drew from the Anaconda Co., the only check I drew there.

Q. Isn't it under the same management at the present time?—A. I guess so; that was the only check and last check I drew.

Q. Isn't the same foreman there?—A. The same foreman.

Q. Have you got any theory or any knowledge in regard to how these conditions could be bettered, Mr. Vickers, that could enlighten this committee?—A. There is one thing I would suggest; that is that toilet cars be put on every level and enforce the men to use them.

Senator I. A. LEIGHTON. Repeat that answer, please.

A. Toilet cars put on every level and force men to use them, and enforcements made that they be used, and have sanitary conditions in the stopes.

Q. I would like, Mr. Vickers, for you to explain the conditions in those stopes where you have been, in plain language, so that we will all understand. There are no ladies present; speak plainly, so we will understand.—A. It comes very natural that a man going down underground, he has got to do his business some place.

Q. How many men would do that in any one stope that you were working in there; how many men were in one stope there?—A. That would depend on the number of men working there.

Q. How many?—A. In places you will find 20; other places you will find 50; in places you will find only 3 or 4.

Q. Was there a large amount of foul matter in this stope?—A. Yes; there was sometimes, and sometimes there was not.

Q. Was there any great amount of stench or odor from that?—A. In places; yes, sir.

Q. Would men be allowed to go to the surface if they wanted to?—A. Not to my knowledge.

Q. Did you ever at any time, or any man that you know of working in the mine, complain to the company or to the superintendent of the conditions that you say existed there?—A. No, sir.

Q. Is that custom practiced in nearly all of the mines in Butte?—A. Practically in every place I worked.

Q. Will you kindly name the mines that you have worked in?—A. I named them before—North Butte and Speculator.

Q. Only the two?—A. Yes, sir.

Q. The North Butte and Speculator, did you say?—A. At least I should have said the Speculator and the Red Metal Co.

Q. These mines are owned by what company?—A. The North Butte Co. and, I believe, the Anaconda Mining Co. own the Red Metal at the present time.

Q. Did the men find a great deal of fault with the sanitary conditions while you were working there?—A. At times; yes, sir.

Q. Do you, or did they seem to think that there was any sickness that had arisen from that condition?—A. I should judge that such condition would naturally have a tendency to cause sicknesses.

Representative NELSON STORY, Jr. Would there be any difficulty in getting these men to use these toilet cars if they were handled?

A. That is something I could not say.

Q. Well, judging from the class of men that usually work in the mines, do you think it would need much urging on the part of the management to get them to use the cars?—A. That is something I could not really answer, because human nature is rather fickle.

Senator C. P. TOOLEY. In conjunction with that question, I will ask you whether the men that are employed would attend the car if they were installed?

A. That is rather a difficult question to answer; anyone knows how men are, anyway.

Q. They generally have their preference as to the particular class of work they will pursue?—A. I don't understand your question, Senator.

Q. I mean, if these cars were installed the men would not care particularly to attend to them, to do that work, would they?—A. That is something I could not answer; I know for myself that I would use them.

Q. I mean to attend to them, to empty them, to cart them away from the mine?

Representative NELSON STORY, Jr. They would have to hire a separate man to do that; they could not expect a miner to attend to that work.

Representative P. J. DUFFY. Did you kick over men coming close to the vicinity that you were working in, and letting the duties of nature take its course?

A. Yes, sir; lots of times.

Q. If, with such convenience in a mine, as stated in previous questions, and the same could be removed, do you not think that men would not use the same?—A. That is the same question as before.

Q. I know it, but I am coming right back at you.—A. You know human nature as well as I do.

Q. Would not the majority of men if you kicked or said a word to them—would they not go to a toilet car in preference to eating their own stench in a stope?—A. I know I would.

Q. Where air is poor; no toilet car in vogue where you had to eat your supper or your lunch, did the—to use a common name as we call them in the mines—shit flies—did they ever bother you?—A. Yes, sir; and cockroaches, too.

Q. Do you think in your judgment with toilet cars in vogue on a level, that this could be eliminated?—A. Well, the men would have no excuse.

Q. That is not plain to me. With toilet cars on a level and the same to be used, would these shit flies be in the stope?—A. I don't see how they could be up there.

Representative NELSON STORY, Jr. In your judgment, it would have a tendency to do away with such as that?

A. I would think so; if there was nothing in there I don't see where they would breed from.

Q. Has there been any typhoid-fever cases in any of the mines that you ever worked in?—A. No; but there have been epidemics of typhoid fever and smallpox around town; you don't get them in the mines; you don't stay there long enough.

Q. Do you think the conditions in the mines ever gave rise to typhoid fever; that is, the conditions in a mine?—A. That is something I can not say; a medical man could tell you better than I.

Q. What particular disease affects the miners over there more than any other?—A. Miners' consumption is the worst disease.

Q. Do men advanced in stages of consumption work in a mine?—A. They work until they can not work any longer; when they lose their strength they have got to quit.

Q. There is no enforcement of any rule by the miners' union itself, or by the management itself that would keep a man with consumption from going into the mines to work, is there?—A. None that I am aware of.

Q. Is there ever any complaint by men not afflicted with consumption to get against those that are to work?—A. No; furthermore you will hardly get a man to acknowledge when he has got consumption that he has got it.

Q. Would you work with a partner that had consumption?—A. Necessity would perhaps compel me to do so.

Senator C. P. TOOLEY. Could a person that has a general case of consumption keep up his end?

A. Why, naturally not.

Representative NELSON STORY, Jr. Do miners as a rule, Mr. Vickers, regard consumption in a mine—miners' consumption—as a particularly infectious or contagious disease?

A. Why, that is something I never made a study of. I think from what I have heard about it that physicians will tell you it is infectious.

Q. Is the prevalence of consumption in the Butte mines ever regarded seriously by the men as a whole?—A. I think the men as a whole are accustomed to the subject and keep working.

Q. The miners themselves to your knowledge have never taken any steps that would tend to decrease this disease, have they?—A. Two years ago the miners' union sent a bill over here on these same lines and tried to get it through, I believe.

Senator C. P. TOOLEY. What was the subject of the bill?

A. Well, the details of the bill I don't know, because I never read it.

Senator J. C. MCCARTHY. Were you connected with the miners' union at that time?

A. Just a member; that is all.

Q. Not in an official capacity?—A. No, sir.

Q. Who drew that bill, do you know?—A. That is more than I can state.

Q. Do you know of any one of the witnesses here that has any knowledge of that particular bill?—A. I don't know.

Q. You have no knowledge of the scope of that measure at all, have you?—A. No, sir.

Q: Could you name any one who had?—A. I think——

Representative J. C. DUFFY. I think Peter Breen was the man that drafted the bill; that is my opinion; I am not positively sure about it, but I think so. Perhaps Mr. Lowney can tell us something about that. Mr. Lowney, do you know who drafted that bill?

Mr. LOWNEY. I haven't any personal knowledge about it, but I understood it was Peter Breen.

Senator J. C. MCCARTHY. The bill was printed, did you say?

Representative J. C. DUFFY. So I understood.

Senator J. C. MCCARTHY. Have you any knowledge as to whether or not the bill was printed?

A. In the house?

Representative J. C. DUFFY. Yes; I can answer that question.

Senator J. C. MCCARTHY. Then, we can get a copy of it from the Historical Library to-morrow.

Representative P. J. DUFFY. I have a copy of it that I got from the secretary of state by writing over here last October for it.

Senator J. C. McCARTHY. Mr. Vickers, assuming that you were the owner or manager of the Speculator mine, what change or changes would you make in order to make mining conditions better underground—what changes would you suggest from the present method?

A. Do you mean in the general workings?

Q. General working.—A. That is rather a lengthy subject to go into for a man that never studied mining any more than breaking rock.

Q. You haven't any suggestions at all to offer, have you?—A. I have already stated what I would do from a sanitary standpoint, but in regard to the ventilation of a mine I am not able to answer.

Q. I will ask you what would you do in order to better the ventilating appliances in use at the present time?—A. To tell you the truth, I am practically at sea to know anything about ventilation.

Representative NELSON STORY, Jr. Would you be in favor of a bill preventing a miner with consumption in its incipient stage going underground?

A. I am afraid you will have to call one-third of the miners out of the mines in Butte at the present time.

Representative O. N. BYRNES. What proportion of miners do you think have miners' consumption?

A. One-third; that is, of those who have worked there any length at all. It is pretty hard to convey any definite idea at all for the reason that the miners in Butte are a moving population to a great extent; any of them that have worked any length of time are more or less afflicted with it.

Senator C. P. TOOLEY. How long does it take to manifest itself?

A. That is something I couldn't answer either.

Q. It is according to how a person takes care of himself, I suppose?—A. Yes, sir.

Representative P. J. DUFFY. Will you kindly give us a rough estimate, is it injuries or miners' consumption that draws the biggest benefits from the miners' union for sick benefits?

A. Why, injuries, I think, are just about a stand-off with diseases.

Q. The diseases are comprised mostly of what?—A. Why, the greatest disease that human nature is afflicted with.

Q. Namely?—A. Miners' consumption; there is also typhoid fever, scarlet fever, measles, all kinds of diseases lately.

Representative J. C. DUFFY. But the greatest benefits as paid by that union, is it paid for typhoid fever, scarlet fever, or measles, or what is it paid for?

A. Typhoid fever and those cases are a small percentage?.

Q. Then, what is the big percentage paid for?—A. The big percentage of benefit is for tuberculosis.

Representative O. N. BYRNES. Doctor, is there not a record of deaths and its causes in Silver Bow County?

Senator I. A. LEIGHTON. There should be. We can get that from the health officer. There is a law, I believe, that a record of the deaths and causes, as well as the births, shall be made.

Representative O. N. BYRNES. That ought to be on file for last year?

Senator I. A. LEIGHTON. That law is in the hands, you understand, of the State board of health. That is, they are the ones that enforced that. The health officer in each county in the State has to report to the secretary of the State board of health every month the deaths, causes, and all diseases.

Senator C. P. TOOLEY. That is accessible, I suppose, Mr. Chairman. Those records are accessible to the committee, are they not?

Senator I. A. LEIGHTON. Oh, yes; we can get them right in the capitol building from Dr. Tuttle.

Representative NELSON STORY, Jr. Do you think that anything that the management—any measure that the management of these mines could take in the way of improving sanitation and ventilation, would be as effective in offsetting the ravages of tuberculosis, as keeping men afflicted with this disease out of the mines?

Answer. Well, there is another question that I could not answer. I understand from medical men that is disease will spread, so that is rather a conflicting kind of a question.

Senator W. E. CHRISTOPHER. Is the mining management over there making any effort to improve the conditions as to what they were a year or so ago?

A. I can not tell what they have done in the last seven months, as I have not been underground.

Q. In the way of putting in and installing fans, machinery, etc.?—A. They had not been in operation when I came out, and I don't know what they are doing now.

(Witness excused.)

Whereupon DAN. D. SULLIVAN was called and sworn as a witness, testified as follows:

By Senator I. A. LEIGHTON:

Q. Give your name.—A. Dan. D. Sullivan.
Q. And where do you reside?—A. Butte, Mont.
Q. Your age?—A. Thirty-five.
Q. How long have you resided in Butte?—A. Fifteen years.
Q. And what is your occupation?—A. Miner.
Q. How long have you been a miner there?—A. In Butte?
Q. Yes.—A. Fifteen years in Butte.
Q. What mines have you worked in there?—A. I worked in the Speculator, Lexington, Anaconda, St. Lawrence, Bell, Minnie Healy, I guess that is about all.
Q. What position do you now occupy as to the miners' union?—A. President.
Q. Mr. Sullivan, I wish you would state to the committee the conditions of these various mines, as to sanitary conditions and ventilation?—A. Well, I have not worked in any of the Amalgamated mines for a year now; I could not state how the conditions are in those mines at the present time, but I worked in the Speculator for a year, and quit there two months ago. I worked on the 2,200 level of the Speculator, of the Jessie lead, for about eight months, and conditions there were pretty bad.
Q. Will you describe what those conditions were?—A. Well, they were real warm there, and it was a downcast raise coming in there; there was one raise through, it was a downcast and all the manways are open there, and air comes right down the raise, right down the first manway; it would not travel through the stope, and the men working in the stope would not get the benefit of that air; and they blast there at noon; blasts going off irregularly; the smoke hung around in the west part of the stope where the air did not circulate, where the most of the men worked, the smoke hung there for a couple of hours, generally died out; they would turn on the compressed air and blow it out.

Representative P. J. DUFFY. Now, it is an absolute necessity, or is it just a mining management affair, that they blast at noon. Could not they drift all shifts and blast when they are going off, and leave rock enough for the next shift?

A. Certainly they could; they could drill all day and have rock on both shifts.

Q. Do you blast twice?—A. You would have to blast when the shift boss told you to.

Q. But it could be worked by drilling one whole shift, and then the blast going off, and leave rock enough for both shifts.—A. Yes, sir.
Q. And the smoke would be nearly all gone when the next shift came on?—A. Yes, sir.

Q. If you blast at noon, as I call it, when you eat your meal, would it not be smoky and gassy around when you go back to that stope?—A. Yes; certainly would for hours afterwards.

Q. Almost impossible to see in some places, I suppose?—A. If you are in the air course the air will take some of it out. Of course, if you turn on the air compressor that would move it away, cause a suction.

Q. After you would blast at dinner time—day shift as I call it—or at supper time—night shift as I call it—shovelers and miners, it would be impossible for them to go back to work when time was up, after their lunch was eaten?—A. It would be impossible for them to go right back to work.
Q. Yes.—A. No, sir; they couldn't, they would have to stand back.
Q. Then you are losing time by blasting at dinner time or supper time, are you not?—A. Yes, sir.

Representative NELSON STORY, Jr. Is that customary?

A. Yes; it is customary all over. I don't know whether it is the shift boss's fault or whose fault it is; if they are short of rock, they will come around and tell you to blast.

Senator C. P. TOOLEY. You are not losing this time on your own account are you?

A. Oh, no; the company is losing it.

Representative P. J. DUFFY. Men do suffer from the obnoxious gases and smoke so as to cover over the shovelers, so that the ore can be transferred, do they not?

A. Yes.

Q. Is that correct?—A. Yes; that is correct.

Representative NELSON STORY, Jr. Is there any lasting effect due to this cause, or does it just temporarily make a man sick?

A. It makes him good and sick. Sometimes for a week I have had a headache. If you happen to work on night shift, it affects a man more than on the day shift; it affected me more on night shift, and that is the way it is with some people, and I would have a headache the next day when I would wake up, from the effect of those gases and smoke.

Q. Do you consider that that state of affairs was one incidental to the successful operation of a mine, or could it be obviated?—A. I should think so; yes, sir. I think they could operate a mine successfully otherwise, without blasting at noon, that is my opinion.

Representative P. J. DUFFY. Noon, or supper, as it may be termed, do you mean?

A. Yes, sir; noon hour we call it, when we go to eat.

Senator J. C. MCCARTHY. What object does a company gain to compel a man to go in at a time when they are unable to do their best work?

A. I don't know whether a company wants a man to do that; the shift boss might want to make a reputation for himself, get up more rock than the other fellow, that may be the object.

Q. You can not see any gain to the company from that mode of procedure?—A. No, sir; I think it is a loss to the company.

Q. Don't you think that the company should learn those things, and change their system, if there was not some benefits to gain by that method of procedure?—A. It seems as though they ought to.

Q. How would you carry air—you spoke of a little while ago—from the downcast up through the stope?—A. This raise is coming down on the stope, that we were working there, right down through, the air was coming down there.

Q. How would you distribute that air to where the men were working?—A. I might be able to get it through that stope; I couldn't offer you any remedy of ventilation, but I would cover over the manways—I would put in a double door there, make the entire manway open and let the air go in that way, come down on the inside where the men were working. Cover all the manways and keep rock in the chute.

Representative P. J. DUFFY. Wouldn't you cover this manway on the floor you were working?

A. Probably the floor underneath would not be filled up. I would cover right close to the bottom.

Q. You would cover over on the floor that was filled in, where the shovelers were working?—A. I don't know; I would rather cover over on the floor—right on the sill, cover over tight, keep rock in the chute and keep air right where the men were working, right down along the breast. Of course it is impossible to keep the chute full where the carmen are down below hammering on the door for rock.

Representative NELSON STORY, Jr. From your judgment and acquaintance with the mines in Butte, do you think it would be a very hard job to distribute the air fairly well through all those stopes, either by the natural flow of the air down the shaft, or the manways, or by forcing the air in there with fans and tools?

A. It would be a hard job for me to do that because I don't understand it. If you had a man there that understood ventilation I don't think it would be a hard job.

Q. Don't you think they have got men there that understand ventilation?—A. I don't know; it don't seem so.

Q. Now, speaking of the conditions caused by the excretion of the miners, spoken of by Mr. Vickers, you are acquainted with that, Mr. Sullivan, the foul smell, are you not?—A. Yes, sir.

Q. Do you think the miners would use those sanitary cars if they were put in there handy?—A. You put a penalty on them, and they will use them; if you

catch any of them people doing it around the stope, drop the flag on him, and the next man will go down.

Q. Would they have to be forced to use those?—A. If a fellow is way up seven or eight floors and in a warm stope, and he has got to climb down to the level, if he thinks the boss is not around he might sneak around in a corner and drop it in the corner.

Q. Don't you think the men themselves would enforce that rule pretty thoroughly?—A. I think some of them would probably; it may be like some of the men in the South; for instance, Habana. They had a very insanitary condition there, and there was a law that was passed over there. Since then they have a pretty sanitary city, so I am told.

Q. I take it that the civilized conditions existing among the miners in Butte is a little better than what they had down there?—A. I don't know anything about that; but I know the Cubans are free; that they got their freedom.

Senator C. P. TOOLEY. Have you noticed any improvements in recent years in sanitary conditions?

A. Just that day I was down with your committee; that is the time I could tell about those mines, where the improvements had been made in the Amalgamated mines.

Q. Were they better than they were before?—A. I never seen those fans in operation in the mines before, except at the North Butte; they had a small fan there on the 2,200 level, about 20 inches in diameter.

Q. But from your last observation, conditions are really improving a little bit, are they not?—A. I was never in the Leonard mine before; I don't know what they were before. I couldn't say.

Representative C. J. DUFFY. Don't you know that the B. & M. own the mine?

A. I don't know who owns the mine, but it is generally called an Amalgamated mine.

Senator C. P. TOOLEY. It is immaterial who owns the mine, is it not, Mr. Chairman?

Representative P. J. DUFFY. I am not going into that. The Mountain View, Leonard, East and West Colusa, Pennsylvania have always been known as B. & M. mines, have they not?

A. Yes, sir.

Q. It is all the mines that you know of that they own?—A. It is all the mines I have been through. That is the first time I ever was through those mines; I couldn't tell you what the conditions were before that.

Senator I. A. LEIGHTON. How did you find the conditions as far as the ventilation and sanitation of those mines were concerned that we went through?

A. They were real good through the Leonard, where we went through the Pennsylvania, and over the Mountain View through that level, and down through that stope conditions were good. There was a little dust in the Pennsylvania; you could notice a little dust in there, otherwise it was cool and in great shape.

Q. Then, would you suggest any improvement, any change in any of those mines that we went through;—that is, the Leonard and the Mountain View and the West Colusa?—A. Well, I couldn't suggest any improvements along there; that place was in pretty good shape where we went through. The only fault I could find anywhere there, that there was a little dust going through there; but every place we went through were good, except that little place in the Pennsylvania where that water was dripping. It was pretty warm in there, and down in the 1,800 of the Leonard it was real warm in there.

Senator J. C. MCCARTHY. How warm was it; do you know?

A. I don't know; I really couldn't tell you.

Representative P. J. DUFFY. The warm place in the Pennsylvania was the new drift, was it not?

A. Yes, sir.

Q. Just drifting as a prospect for ore?—A. I don't know what the object was of driving that drift.

Q. Well, naturally, a drift is driven as a prospect, is it not?—A. Yes, sir.

Q. Through the stopes of the Pennsylvania you found conditions good?—A. Certainly; they were fine down in the stopes.

Q. You saw water running there with an air line, did you not?—A. In the Pennsylvania. I didn't notice any water line.

Q. There was water on one side of the air line?—A. I didn't see that. I didn't go up in the stope; I went down through.

Q. I thought that you were with us through that stope.—A. No, sir; I didn't go up there.

Representative NELSON STORY, Jr. Mr. Sullivan, do you think that there is any necessity of any more mining laws to be put on the statute books of the State of Montana, or would you empower the mining inspector to see that the laws on the books were enforced?

A. Well, I would give him a little more power if I had the doing of it. I would give the mining inspector the power whereby those mines could be cooled off or call off the shift. I understand that can be done. Fellows tell me that have worked in coal mines that it could be done.

Q. And you would empower the mining inspector to that extent, that he could order it done; otherwise to call off the shift until it was done?—A. Yes; I think that mining law ought to have a penalty attached to it. If the mining inspector says you are violating the law there should be a penalty attached so that they will not violate it. This ought to be changed. The mining inspector told me that he has given orders, but that he couldn't accomplish anything; there is not any penalty attached.

Representative P. J. DUFFY. Do you think the same conditions prevail in the Original, Gagnon, North Butte such as prevail in the Pennsylvania?

A. Do I think they could?

Q. Yes.—A. I should think so. I don't see why they couldn't. I might be mistaken, but it looks as though if they could drive the air through the stopes and drifts in one mine they could do the same in the other.

Q. You saw the fan in operation in the Pennsylvania?—A. I didn't see the fan in operation, but I seen just where it was; I heard it work and felt the air there.

Q. You saw the air, how it was conducted, and the way the air was split?—A. I don't know anything about the air splitting.

Q. You saw the air was conducted by these doors?—A. Yes, sir.

Q. Could not the same conditions prevail in other mines as it does there, or, in your judgment, do you think it would be impossible to conduct it the same in other mines?—A. I don't think it would be; no, sir. If it is feasible and possible there in the Leonard, why I don't see why they couldn't do the same in other mines.

Representative NELSON STORY, Jr. Speaking of consumption, did you ever give it any personal attention?

A. No, sir; I never gave it any personal attention more than seeing some of my fellow workmen failing every day; they had my sympathy, they had my sympathy; I suppose, if I kept on, I would be getting somebody else's sympathy.

Q. You are a little bit afraid of it, then?—A. Yes, sir; I certainly am.

Senator J. C. MCCARTHY. Do you know if miner's consumption prevails in Michigan, Mr. Sullivan?

A. I spent several years there; I never heard of it. I never heard of a miner's consumption in Michigan. There are men working in the mines there that have been working there for 40 years and they are pretty lively old chaps yet; they are trotting around with their buckets.

Q. How do you compare conditions of the Calumet and Hecla and the large mines in Butte?—A. I never worked at the Calumet and Hecla.

Q. Well, any of the Michigan mines?—A. I worked on the 3,200 level of the Franklin; conditions were good there.

Q. How do they keep those mines cool?—A. It seemed to me that they did not pay any attention to ventilation; they worked the whole thing and didn't fill in, and the air circulated through there; it seemed naturally; I never seen a door put up anyway there through any mine I worked in.

Q. Are there any fans there?—A. No fans in any that I worked in, none down below or none on top.

Q. How wide is the vain?—A. It varies from 4 feet to 30 feet; they leave a pillar of ground, and don't fill in at all, maybe 100 and 200 feet apart, and stope everything else out.

Representative O. N. BYRNES. They have not any decaying timber there, have they?

A. Not in the mine I worked in; the timber was in the shaft; there was not much timber throughout the mine except in the shaft, in the mine I worked in. In the Calumet and Hecla they have more timber; they timber with square sets there, something on the order that we have in Butte, only that we have longer caps, longer plates, and longer posts; I have never seen them, but I understood they were practically the same as what we had here.

Representative NELSON STORY, Jr. Does the nature of the ore make any difference in the heat of the mine?

A. I don't know much about the nature of the ore; I don't think that would have much to do with it, but I believe the country rock has something to do with it; I believe the granite and porphyry is impregnated with lime, and naturally there is heat where there is lime, that is, in our Butte mines.

Senator J. C. MCCARTHY. You couldn't get lime mixed in with the granite at that depth, could you?

A. Yes, sir.

Q. I mean Michigan.—A. Oh, there is no granite walls in Michigan; they call it trap rock and sandstone; in the Calumet and Hecla it is trap rock on one wall and sandstone on the other.

Q. Have you worked in any of the Arizona mines?—A. No; I never was in Arizona.

Q. Your experience has been confined entirely to Michigan and Montana?—A. Exactly.

Representative NELSON STORY, Jr. Do you know of any epidemic occurring in Butte from conditions in those mines; that is, typhoid fever, for instance?

A. Not an epidemic; no, sir. I had typhoid fever myself while I was there.

Q. Do you think you caught it from the mines?—A. I couldn't tell you; I caught it while I was working in the mines some 10 years ago, I guess.

Senator J. C. MCCARTHY. Did they use the city water in the mines at that time?

A. They brought water up from Anaconda at that time on flat cars.

Q. The Butte city water was not in use at that time underground?—A. I don't think it was; they stopped them from sprinkling the streets there with that water.

Representative NELSON STORY, Jr. Mr. Sullivan, would you be in favor of a law prohibiting men in any advanced stage of consumption going down into a mine to work?

A. Would I be in favor of such a law?

Q. Yes.—A. Prohibiting that?

Q. Yes.—A. I don't know; it would be kind of depriving a man of his bread and butter, if he is able to work.

Q. I realize that, but for the protection of the men that have not caught it, you say, yourself, you wouldn't like to go down and work with a man that had consumption.—A. No; you didn't ask me that question.

Q. I will ask you that question. You wouldn't like to work with a partner that had consumption, would you?—A. I have worked with them.

Q. You didn't like it?—A. I don't like it. Circumstances alter cases; it all depends on the size of your pile.

Q. The reason I asked that question is because there is more or less agitation in the State of Montana for the establishment of a tuberculosis hospital to take care of those men, and if it were possible to take care of them the best that could be done; don't you think that it would be one of the best things for the miners if there was some regulation prohibiting a man having consumption going underground in a mine?—A. Yes; if you had a hospital for consumptives; I think the place to put them would be in the hospital, not down in the mines.

Q. Don't you think that the fact that they are allowed to mine with other men is largely due to the spread of consumption of the miners over there?—A. Well, I couldn't answer—I couldn't answer that question; it takes a man like the doctor there; he might give you a little information.

Q. I think you know just about as much about it as he does; I have got my idea about it, but I have not got it to work yet.—A. If your State would appropriate enough to keep these people, I would be in favor of putting them in the hospital as soon as you found out one had consumption—put him in the hospital and keep him away from the rest. If we had no hospital, or no place to keep them, you have got to let them work to make a living.

Representative P. J. DUFFY. If he is a married man, who will take care of the family?

A. I couldn't tell you what to do with that fellow's family; I would not be in favor of shutting off their bread and butter. If this disease is contagious, as they claim, or infectious—I don't know that it is or not; I understand it is, I understand it is——

Representative NELSON STORY, Jr. I don't think there is any doubt about that. My opinion is that while conditions in the mines may be advantageous to the ravages of the disease, that the thing we have got to do, in the first place, is

to keep the men from going down there; you have got to make provisions to take care of them.

Senator I. A. LEIGHTON. Mr. Sullivan, how many miners are there at work in Butte; that is, approximately?

A. I couldn't exactly tell how many there are now; there are not as many now as there were eight months ago.

Q. Just in your judgment, in your opinion, how many are there?—A. Well, I suppose there are probably 3,000; I am not sure.

Q. What percentage of the 3,000 are afflicted with what is known as miner's consumption?—A. I couldn't tell you that.

Q. In your opinion?—A. Well, that is not a fair question to ask a man; I could not begin to make a guess, or anything like that; I am not a judge of a man that has consumption, in the first place.

Q. Mr. Vickers thought that was about one-third.—A. I can not tell when a man has the first symptoms of consumption, and can not even tell until he is right down with an advanced stage of consumption, and then anybody can tell; but when a man is first afflicted I couldn't begin to tell.

Representative J. C. DUFFY. How much benefits did they pay out of the union as the result of diseases and accidents, we will say, annually?

A. The last quarter we paid $17,000 in sick benefits, over $17,000—I don't remember what the funeral benefits were—and I think the last 15 months something over $114,000 sick benefits alone.

Senator I. A. LEIGHTON. One hundred and fourteen thousand dollars?

Mr. VICKERS. I can answer that question, if I am allowed to do so.

Q. You may do so.

Mr. VICKERS. The last 15 months we paid out for sick benefits $94,425; we had 199 funerals we paid for.

Senator I. A. LEIGHTON. How many months?

A. Fifteen months.

Representative J. C. DUFFY. That is largely due to the disease?

A. I can not tell you how much was paid out for those diseases, because I have not been there so long. There is a 25-cent assessment every second month, and there is a 35-cent assessment on this month for those men that are in advanced stages of consumption.

Q. Do you classify the amount paid for those different diseases?—A. If we dug into the treasury for all those fellows that had miner's consumption, we wouldn't have any treasury at all; they would pick up another scheme and assess the members 25 cents more every second month—we wouldn't have any treasury left at all.

Senator I. A. LEIGHTON. What physician or physicians would you suggest for us to subpœna before the committee that would be the best informed in reference to the cause of this miner's consumption that develops in those mines in Butte?

A. Well, it seems to me the hospital physicians over there would be the proper people; still I don't know, but I should think they would be the proper people to have come before you.

Representative NELSON STORY, Jr. Do you ever sweep the dust away with a broom? When we went down through a manway it was so damn dusty——

A. No; I never seen a broom used around the stopes; they used them around the stations, and probably in the mule station, but I never seen them in the stopes—well, I don't know much about it, anyway.

(Witness excused.)

Whereupon JOSEPH GUELFI, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. 26 North Main Street, Butte, Mont.

Q. How long have you resided in Butte?—A. Twenty-two years.

Q. What is your occupation?—A. Miner.

Q. Have you followed that occupation for the whole 20 years?—A. I should say not; no, sir.

Q. What other work have you been engaged in in Butte?—A. Previous to that time I used to go to school.

Q. I didn't understand your first answer, or you didn't understand my first question. I asked you if you had been working there for those 22 years?—A. I have been residing in Butte the last 22 years.

Q. How long have you been working in the mines?—A. Fourteen years; I worked in the Buffalo, Silver Bow, Pennsylvania, Leonard, East Colusa, Speculator, the Corra; I guess that's all.

Q. Do you hold some position in the miners' union?—A. Yes, sir; vice president.

Q. At the present time?—A. Yes, sir.

Q. You sent over here a list of several witnesses to be examined before this committee. We understood that as an expression or desire on the part of the Butte Miners' Union that those witnesses should be examined and no others; were we correct?—A. As far as the union is concerned; not me.

Q. You do not object—the Butte Miners' Union do not object to our getting any information from any other source, do they?—A. I don't know what they want or what they will object to.

Mr. D. D. SULLIVAN. May I answer that question, Mr. Chairman?

Senator I. A. LEIGHTON. You may.

Mr. D. D. SULLIVAN. I will answer that question. We have no objection at all to your getting all the information you can from all the Butte miners you can get hold of. The reason we sent that list over here was in fear that some people would come here saying they represented the miners' union whereas they did not.

Representative P. J. DUFFY. All the witnesses here have got proper credentials authorized by the miners' union, have they?

A. Yes, sir; they have got credentials authorized by the union.

Mr. GUELFI. I would say that at your suggestion, or the suggestion of this committee, we brought this matter before the union, that you people were to subpœna whatever committee that this organization wanted to send over here.

Senator J. C. MCCARTHY. I think that this committee has asked for the name of one miner from each of the various mines in Butte, and, as we understood later, that request was refused, and the committee names, instead of one man from each of the various mines, just a certain number of the members of the union?

A. If you will allow me to refresh your memory, Senator, it was you that told us, after that suggestion was made, that a smaller committee, in fact, would be more effective.

Q. Immediately after that talk, which I do not have a very clear recollection of, although I won't contradict it, it was formally requested from the Butte Miners' Union to supply a person from each of the mines and the miner's given name?—A. Yes; that request was made.

Q. You did not comply with that request—the union did not comply with that request?—A. We told the union about it, and they did not comply with it; no, sir.

Q. Have you any witness here capable of giving us any information as to the best method of ventilating the Butte mines?—A. Well, I believe we got witnesses here—they are practical coal miners, and they know something about ventilating mines.

Q. They are here at the present time?—A. Yes, sir.

Q. What suggestion have you to offer as to the best means of ventilating any of the mines you spoke of?—A. Probably there might be different systems adopted—by driving raises, enlarging air shafts, fans, trap doors, and other things—ventilation changes could be effected.

Representative NELSON STORY, Jr. There is no doubt in your mind but what this could be done?

A. Not probably in all cases.

Q. Well, pretty near all cases.—A. Well, yes, sir.

Q. A sufficient number could change conditions over there?—A. Quite a number of cases.

Senator J. C. MCCARTHY. Do you consider the mines at the present time as being in better shape than they were several years ago when you went underground the first time?—A. Oh, no, not in some; in some there is, but not in others.

Q. Could you give us the name of a mine that is not in as good condition at the present time as it was 10 years ago; that is, depth considered?—A. I am going to tell you about the mine that I worked in 10 years ago and those that I worked in later. I left the Pennsylvania mine, she was good; I went to the Rarus, and I tell you I got into a good hot hole, what I call hell, and oven; as soon as you would get on clothes that you had to work in, why the clothes were wet with sweat; I would take off my shirt and wring it out

there—and before I could do anything at all—and by the time I got through straightening out the clothes ready to operate with the machine I was ready to take another shower bath, as I call it—take off my shirt and wring it again.

Q. How long ago was that?—A. That was six years ago.

Q. Do you know anything of the conditions at the Pennsylvania mine at the present time?—A. The only time I was in the Pennsylvania mine since then was when you folks were over there.

Q. You found conditions improved, did you not?—A. As far as one place; yes. There was one bad place that I saw there and that was where they were working in that cross out; that advancement they were making in that cross out.

Q. You understand that it is impossible to drive those advances and keep the temperature as cool as they will in the part of the mine where the men are working; you understand that, don't you?—A. Sure.

Q. And that condition can not be avoided by any system you could devise?—A. No, sir; they could be bettered in some cases, all right, even at that.

Q. You have not any general plan, then, for bettering conditions in Butte, have you?—A. I don't know; they might have for all I know.

Q. I mean you yourself, personally, you have no general plan of bettering conditions in Butte?—A. There is a stope in the Pennsylvania that could be improved; the air was going down in the manway, and there was nothing there, not a particle of air there; that air could have been confined and held on the floor; that is, it would circulate on that floor.

Q. Did you ever discuss the conditions of the underground working at Butte in the Butte miners' meeting?—A. Well, sometimes in a general way.

Q. I think it would be a good thing if you would.—A. Probably it would.

Q. I recommend you to do it.—A. We might take your suggestion, then.

Representative P. J. DUFFY. Six years you worked in the Pennsylvania, you said?

A. No; the last I worked in the B. & M. was at the Leonard; I believe it was six years ago, though I am not quite sure; I had left the Pennsylvania.

Q. What level did you work on last in the Pennsylvania?—A. The last level I worked on was the Harris and Lloyd tunnel.

Q. You never worked on the lower levels, then, six years ago?—A. Yes; I worked on the 1,200 for a while.

Q. What stope on the 1,200 did you work in?—A. I forget the number, 1,200 and something.

Q. The Red Metal?—A. No, not the Red Metal.

Q. Or Big Woods?—A. I suppose they call it Big Woods for all I know.

Q. What was the condition in there?—A. The Big Woods?

Q. Yes.—A. Oh, Moses; pretty hot.

Q. In going through the Pennsylvania last time with this committee on the 1,300, did you recollect where you were at then; did you know the country you were in?—A. No, sir.

Q. You didn't work there in what is commonly known as the Big Woods, in the 1,200 of the Pennsylvania, after the fan was installed, did you?—A. No, sir.

Representative NELSON STORY, Jr. There is no doubt in your mind but that the use of the sanitary mining cars would tend to that part of it all right enough—you know those cars that are in use?

A. I seen one car at the Rarus for two years, I believe, on top; never seen one in the mines.

Q. There were some new cars that we saw over there, up to the Original, setting outside—some new cars?—A. I understand that they have been working them lately.

Q. Well, there is no doubt but what the installation and use of those would tend largely to do away with the odors arising from the offal of the men?—A. I will say, if their use is steady, it certainly would have a great tendency to do away with that smell from the offal of any man.

Representative O. N. BYRNES. You say you worked in the mines 14 years?

A. Yes, sir.

Q. You worked most of the time in the mines in Butte?—A. Not altogether in Butte; I worked in Corbin.

Q. But you are acquainted with conditions in Butte for that length of time?—A. With the exception of the last six or seven months.

Q. What do you say about the conditions now as compared with six or eight years ago, have the conditions improved in Butte?—A. In some of the mines they have, and some mines they have not.

Q. That really does not mean anything to us. What we want to know is whether there is any effort made by the companies in Butte to better those conditions.—A. The company may have made an effort in some of the mines, for all I know, because I have not been in them for some time.

Q. But as a member of the union wouldn't you know from discussions with other miners as to what is the general conversation among the miners in Butte?—A. I don't go on hearsay very much; you hear all kinds of tales.

Q. We have to go on hearsay testimony here; that is the reason we can not get any direct answer. What we would like to know about is whether or not there has been an effort made by the company to improve the condition in Butte, and we can not find out in any way except what you people tell us.—A. If you specify any particular mine that I have any knowledge of I can answer you, yes or no.

Q. Yes; but we are called to investigate all the mines in Butte.—A. If I were sent out to investigate the mines in Butte, I would investigate them; then you would know from your personal knowledge whether or not they are in bad or good shape.

Q. You were there with the committee the other day?—A. Yes, sir.

Q. You were there five or six years ago?—A. Yes, sir.

Q. Have they improved any?—A. No, sir.

Q. What place was that?—A. That was the sixteen hundred on the Speculator.

Q. Is that the same as it was there six years ago? Are the conditions just as bad now as it was six or seven years ago?—A. It is only three years ago.

Q. It has not improved any in three years?—A. No, sir.

Q. How about the other mines?—A. The other mines, I couldn't say; I worked in the Buffalo after that; the Buffalo is all right.

Q. Is there anybody that could give us that information?—A. I should think it would be an impossibility for anyone to so say, for you would have to work in all the mines. Well, I am not able to give you that information only in this particular instance. I know that that particular condition has not been changed from the last time I was there to the last time I saw it.

Q. That is, within a period of three years?—A. Yes, sir.

Q. Can you suggest any way that this committee can get that information? We were there through those mines lately; we don't know what was there three or four years ago.—A. I don't know.

Q. If we had to find out from our own knowledge, we would have to stay there the rest of the year.—A. I don't know any way.

Q. Senator C. P. TOOLEY. Is there a disposition on the part of the mine owners to improve the conditions there, do you think?

A. I believe there is to a certain extent. At least in one particular mine that I know of—that is, in the Buffalo—I know they are trying to carry the air through there all the time.

Q. As a matter of fact it is to their interest to do that, and they would get better results, would they not?—A. I should think they would.

Q. They are good business people that own those properties there; they are conceded to be, are they not?—A. I don't know; I never had any business dealings with them.

Q. If they could get the same returns, or better, why, they would certainly improve the conditions, would they not?—A. Well, I should think that it would be to their interest to keep the air as cool as possible, because they would get more labor for the energy.

Senator J. C. MCCARTHY. Have you read the law governing the operation of the precious metals mine of the State of Montana?

A. No, sir; I have not.

Q. You have never read that law—A. No, sir.

Q. You never read the mine-inspection law?—A. I read the inspector's report, but not the law.

Q. The law is embodied in the report?—A. Yes, sir.

Q. You never read the law?—A. No, sir.

Q. But you have no suggestions at all as to what further power should be given the mine inspector?—A. Yes; I believe the mine inspector should have more power; according to his own statement, or in an interview that I had, or talk that I had with him, he said he couldn't enforce any law whatever, because he has got no law to enforce.

Representative NELSON STORY, JR. No law to enforce, or no authority to enforce the law?

A. No authority to enforce the law; in fact, he told me he had no law to enforce, if I am not mistaken.

Representative J. C. McCARTHY. Has the Butte Miners' Union taken up the matter of that law—and granting more power to the mine inspector?

A. I suppose the individual members may have; I don't know as the union itself has taken it up as a matter. I believe they did two years ago; I believe there is an agitation on toward electing a State mine inspector and giving him more power.

Q. That is, as to the election of a mine inspector?—A. Yes; to give him more power.

Q. Have you anything to suggest at this time on that matter?—A. I believe we could go to work and extend the law of the State, whatever is required in the matter, having some form of commission appointed, or something; see what laws are required for the safest ventilation and sanitation of the miners.

Q. But the Butte Miners' Union has no commission, or no one designated especially to look into that matter?—A. No, sir; not that I know of.

Q. You would know it if it had?—A. Probably not.

Q. You are vice president of the union, are you not?—A. I am not supposed to know everything.

Q. No one expects you to, but you ought to know something about the body of which you are vice president.—A. I do; in certain things in the organization lines; I am the walking delegate; I generally go around the mines and take a look at the cards, and see how they stand; that is my business.

Q. The principal work of the Butte Miners' Union seems to me to be that every man that works in Butte is a member of the miners' union?—A. That is one thing.

Q. That is one of their functions?—A. Yes, sir.

Q. Have they any other functions?—A. They may have.

Q. Do you understand anything as to the manner in which coal-mine operatives handle their business, I mean their coal miners?—A. I don't know about the operators, because I never owned a coal mine.

Q. I mean with men working in a coal mine?—A. I have talked with quite a few of them; yes, sir. I read their report here, and read their laws in the State of Montana, and I believe they have good laws. I would like to see that such laws existed in the metalliferous mines.

Senator J. C. McCARTHY. I would like to recommend here and now to the Butte Miners' Union that they employ a coal miner of ordinary intelligence, and that they open up a kindergarten in behalf of the Butte Miners' Union.

A. Allow me to thank you on behalf of the union.

Representative P. J. DUFFY. To correct one of your statements here, if there was any commission authorized by the Butte Miners' Union, you certainly would know it, would you not?

A. I say that I would not necessarily know it.

Mr. D. D. SULLIVAN. Mr. Chairman, would you allow me to answer that question?

Senator I. A. LEIGHTON. Yes, sir.

Mr. D. D. SULLIVAN. There is not such a body there.

Representative P. J. DUFFY. During your employment in the Buffalo mine, which is a cool mine, were not the shovelers able to turn out more rock, and I wish you would tell us to the best of your ability about how much more rock they would handle than they would in a hot box, in the Speculator, where you worked?

A. A man—that is, it depends on the floor he has got, and the rock, you understand that has a whole lot to do with it. A man can work in the Buffalo, I should judge, anyhow, 50 per cent more comfortably; that is very conservative, too.

Q. Can do 50 per cent more work in the Buffalo than he will in the hot box in the Speculator?—A. Yes, sir.

Q. And with good air, such ventilation as the Buffalo has got, they will do—one man will do almost twice as much work as a man will do in a hot box, in some of the other hot boxes in the city of Butte?—A. I know because when I was in the Speculator you couldn't do very much.

Representantive P. J. DUFFY. Why I asked this question is this: I made that statement when I was on the stand here, with good ventilation and good air, that the output would be to the best of my judgment about 50 per cent more.

Representative NELSON STORY, Jr. You never worked in the Original?

A. No, sir; never worked in the Original at all.

Representative P. J. DUFFY. If you are working in a drift, with compressed air blowing on you to keep the gases and dust out, could you do as much as you could in a well-ventilated drift—in a well-ventilated stope or drift?

A. Why, I don't suppose I could; no, sir.

Representative NELSON STORY, Jr. Do you know anything about the quality of compressed air?

A. The quality?

Q. Yes.—A. Well, I don't know what the quality of compressed air is. Of course, I suppose, it is forced air, whatever that is. I know if you take it and apply it on you, blow it on you this way [illustrating], while you are sweating, it chills you so quick, you know, you get out of it in a jiffy.

Q. It is worse than if you didn't have it, is it?—A. That is the way it acted on me; I don't know how it acted on anybody else. I know what compressed air is all right. We had an experience of that in the Rarus; when we came in the Mountain View, where that hole goes through, they had that hole closed up and we had to use that compressed air; there is where you could find the difference between the natural air and the compressed air.

Q. I have heard the statement made before this commission that the compressed air was vitiated; that the oxygen was more or less gone?—A. I couldn't tell you the quantity of compressed air. I suppose there is a certain amount of oxygen because it has got to be taken from the surface; there might be a certain percentage of it.

Representative P. J. DUFFY. Is compressed air wet or dry?

A. Well, both; wet at times and dry at times; there is water in its make up.

Q. Do they not use oil to compress the air?—A. Yes, sir; you have to have oil for the machinery.

Q. Does not this oil and other ingredients which they use, don't that get into the air?—A. I don't know how the compressor generates the air; I don't know the mechanics of that part of it; I know that it makes air, that is all; how she makes it, I don't know.

Q. You know that the oil goes into the air?—A. No; I don't know, because I never seen it.

Q. You have seen times when compressed air—you would turn it on, you would open your valve where she would be, it would be very moist—haven't you seen that?—A. I seen it that way; yes, sir.

Senator W. E. CHRISTOPHER. How long did you say you worked in the Buffalo?

A. I quit there last July—pretty near two years and eight months, I believe, previous to that.

Q. And all the time you worked there conditions improved?—A. They were good all the time.

Q. What did the management of that mine; what operation did they put in there to stop the conditions of the mine, such as they were?—A. Wherever they had a current of air coming—that is, from either the Pauline or Stella shafts—they would go to work and course that air by doors to the one manway, or the balance of the manway would be trapped—trapdoor put on them air-tight, the air would be down one end of the stope and go out through the other end of the stope. There was only one outlet to that air; it would come down to the east end and flow out on the west; go through continuous passage there; go down to the next level; it would go in those stopes in the same way; they would make it a rule to go to the air course as quick as they could to tap it in either one of the shafts; they had ventilating shafts for that purpose.

Representative NELSON STORY, Jr. You have never seen any appliances whereby air could be put in, like in the dead end of that stope of the Pennsylvania that we were in?

A. Lots of air could be put in there if a fellow had any practical knowledge of those things. How to keep that air in there, you can figure that up on a piece of paper; you have got to work and do it right. I seen air conveyed in all dead ends in the East Colusa and Pennsylvania by just a little space above the cap in the main drift, just about 18 inches high, and the flooring and the sheeting above the cap was fixed, you know, so that it would be air-tight, so that it could not leave, so that it would go out through the top and out the bottom, or either, vice versa.

Representative P. J. DUFFY. Speaking of the Buffalo, how many shafts connect with its workings?

A. Well, there is the Stella, connects with it on one level, and, I believe, the Pauline on all levels. The Buffalo, you see, that is the operating shaft, one

level. The Pauline is further to the west—that is, pretty near connected on all levels—and the Stella is connected with one level alone with the Buffalo.

Q. All drifts are drove from the Buffalo shaft?—A. Yes, sir.

Q. So almost exclusively to make air connections?—A. The first thing.

Q. Take it on the 700 or 800, I am not positive which, you have got a third shaft?—A. Yes, sir.

Q. Is it a small lead?—A. Yes, sir; that is a winze. That is an intermediate winze; that don't go to the surface.

Q. That is one of the exceptions of the mines in Butte, is it not?—A. I should say it is. The East Colusa is good; the Buffalo is good, too.

(Witness excused.)

Whereupon JOHN DRISCOLL, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John Driscoll.

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. Ten years.

Q. Your age?—A. Thirty.

Q. What is your occupation?—A. Mining.

Q. Do you hold any position in the miners' union?—A. No, sir.

Representative STORY NELSON, Jr. Are you mining at the present time, Mr. Driscoll?

A. I am not mining; I am timbering at present.

Q. You are in the mine?—A. Yes, sir.

Q. What mine are you in?—A. Gagnon.

Q. What part of it?—A. The 2,200, 2,300—both levels.

Q. How long have you been there?—A. Four months.

Q. In that length of time have you noticed any effort on the part of the management to improve the conditions of that particular mine?—A. There has been some; I will answer yes.

Q. What are the conditions; what are the general conditions from your standpoint as a miner?—A. Bad, in most place.

Q. In what particular feature?—A. Heat, vermin, and filth.

Q. Is the air foul or just stagnant?—A. I suppose foul and stagnant in places.

Q. Is that mine wet or dry?—A. It is dry where I am working; it is dry in places and wet in places.

Q. Dusty?—A. Yes; more or less.

Q. Are you affected in any degree by the smell of the offal of your fellow men?—A. I certainly am; while I am at work down there it hurts me.

Q. How many men are working with you on your shift?—A. I couldn't say, exactly; but I should judge there are 150 men working on the shift.

Q. Is there any provision made for sanitation; are there any of these sanitary cars of which you have spoken of?—A. I have not seen any. I understand there is on the Original side. If we had these cars you would have to climb up from where I am at—you would have to climb up six floors from the 2,200—not six floors; where I am it is seven floors to the 2,200. You would have to go down five or six floors to the level of the Original mine where they have got a car.

Q. The fact is, that the inaccessibility of this car makes it almost useless?—A. I consider it a very good thing.

Q. Well, my question was this: That if the car is so far away from the point at which you are working that it is quite a job to go from your work to the car?—A. Well, it is not such a job after all. Of course, if a man is answering a call of nature he may not have time to reach it; but under normal conditions he would have plenty of time; no hardship on him.

Q. How is that particular point of the mine ventilated?—A. Well, it is ventilated; there is the main shaft and there is the air shaft. The main shaft is downcast and the air shaft is an upcast. Until four or five days ago, as near as I can recollect, from what I heard, speaking about the air shaft, it is down to the 15 level of the Gagnon; but they have been driving raises from the 2,200 to the 20—I am wrong; I think it is the 1,800 level—and they drove raises from the 22 to the 20, and there was another party raising from the 20 to the 18. I understand that they have got them connected down to the 2,200 from the surface.

Q. Were you timbering in the stopes?—A. Yes, sir; raising the chute occasionally. I am timbering in the stope.

Q. When you speak of the raising, you speak about being connected up with two air shafts. The air dropped down through the downcast and up through the stope?—A. It comes down the shaft and goes up through the air raise. The air raise is an upcast shaft; it draws up.

Q. It comes up through the stope where you are working?—A. Yes, sir.

Q. If that was in shape it ought to give you a fair ventilation?—A. It does; it has improved conditions in that particular, I suppose; but there are other portions of that mine that are awful hot.

Q. Who is commonly supposed to own that property?—A. Why, the Amalgamated Copper Co.

Q. Has your observation in the mine of late been such that you could state with any degree of accuracy whether or not their idea is to improve this?—A. I don't understand your statement.

Q. Are they putting forth any effort, from your observations, to better the conditions, as a general thing, in the mines in Butte?—A. Well, in this particular case there has; it shows that they have plainly, because they run the air raise from the 2,200 up to the 18. It shows they are doing something toward ventilation. They are also making a new shaft which is down, I think, to the 1,200, and their intention is to drive it down to the bottom of the 2,300. I am not in a position to state, but I suppose that is their intention.

Senator J. C. McCarthy. Is that an air shaft pure and simple?

A. No; the way I understand it, it is to be a hoisting shaft; it is a large shaft.

Q. When that shaft is in operation they can use one of the other shafts as an air shaft?—A. Yes; provided it goes to the bottom; it certainly will improve the conditions of that mine to a great extent.

Q. Is it the opinion of the miners there that it is going to the bottom?—A. Well, I have never consulted many of the miners to that effect, but what men I heard speak of it—that is, the suspicion—that it is to go to the 2,300. I also understand that it is the main shaft when they get it down to the depth. I am not in a position to state what the management is going to do.

Q. Did they make that connection that was spoken of when we were in Butte between the Gagnon and the Original mines?—A. They have connected with the Gagnon and several levels.

Q. They spoke about a new shaft from the Original, and they said when that shaft was completed, which they expected to do in a very few days, that it would improve conditions very much in both of those mines. Do you know if that connection has been made?—A. That is the connection I have spoken of. This air raise they have connected from the 18 to the 22—that is an air raise; it is not exactly a shaft, but what they term an air raise; it is something similar to a shaft.

Q. Could you offer us any better scheme—any general scheme—to better the conditions in the particular mine in which you are working?—A. Well, no; I would suggest—I would state that if this shaft, the main shaft that they are sinking, if it is to be a main shaft and go to the bottom it will improve this mine; I think that that is what they are trying to do; it will greatly improve that mine; such as blasting at noon. I agree perfectly with Mr. Sullivan that blasting at noon is injurious to the health of the miners. When they blast in the drift in the first or second or third or fourth floors, the smoke naturally goes up higher to where the men are working, and if it is hot and the ventilation is poor it hangs there for two or three hours; but the system they have there in mining is about as good as any I have seen.

In many cases they rig up their machines on the night shift and they will drill all the shaft and leave it there until the next day shift comes along and finishes up the rounds, and then blast; but there are times when the boss will order you to blast at any time. I have been ordered to blast there at any time, whether that was through the order of the boss to the shift boss I am unable to state.

Q. Do you think it would be possible to maintain a general average in Butte by drilling on one shift and blasting?—A. I think it would help to a great extent.

Q. Do you think it would be possible to maintain a general average in Butte would.

Q. Well, what, in your judgment, is the reason that the company does not adopt that system?—A. Well, from my point of view, there has been a constant

cry for rock ever since I have been working in Butte—one shift boss trying to beat the other—that is about the only reason I can think of.

Q. Then, your opinion is that the men have been sacrificed to a certain extent in order to maintain the reputation of the shift boss? Is that your idea?—A. I think it has been prejudiced to that extent.

Q. And not helping the company in any way?—A. I don't consider it such; of course, I have no knowledge of how the management should be run, not ever having run a mine myself?

Representative NELSON STORY, Jr. Are the shift bosses members of the union?—A. Yes; they have a right if they see fit to continue their membership in the union. They are entitled to a sick benefit, funeral benefit.

Q. Well, do they as a rule continue their membership?—A. Most of them do, but they have no voice in the affairs of the organization.

Representative P. J. DUFFY. The union has no jurisdiction over a shift boss, have they?

A. No; not while he is employed in that capacity; the union has nothing whatever to do with it. If he continues in the union, it is as a beneficiary member.

Senator J. C. MCCARTHY. Do they object to continuing him as such, as a rule?

A. As a beneficiary member?

Q. Yes.—A. No, sir; it is optional with the bosses themselves.

Representative NELSON STORY, Jr. Do you know whether conditions are better in the big mines operated by the Amalgamated or in the small ones operated by some one else, Mr. Driscoll, or are you in a position to state?

A. I am not in position. I have never worked in very many. What small mines I have worked in, which are very few in this State, conditions are far better in the small mines, because there is a reason for that—the workings are not as large, much better to ventilate. I should think that would be so, naturally; where the workings are not so large, it is easier to ventilate.

Q. Did you mine before you came to Montana, Mr. Driscoll?—A. Yes, sir; a short time.

Q. Where was that?—A. Michigan.

Q. How were the conditions there as compared with Butte?—A. Vast difference.

Q. As to the method of mining, the nature of the ore, or the facilities of the company?—A. Well, I think they are a little better in all respects; their methods of mining are quite different from here.

Q. Did you ever pay any particular attention to the so-called miner's consumption, Mr. Driscoll?—A. Well, I paid attention to it to this extent, that I have seen a great portion of our membership in the last four or five years dying with miner's consumption.

Q. The men, the old miners in Butte, are affected by it largely, to a large degree, are they?—A. Yes; I think about one-third of the old-timers are affected with miner's consumption that have worked for some time in the mines. It is certainly a sad sight.

Senator J. E. LEARY. I would like to ask you if it were necessary to use as much powder in the mines in Michigan as it is in Butte?

A. If it is as necessary?

Q. Yes; if they use as much?—A. Well, yes; the rock is a good deal harder than it is in the Butte district.

Representative NELSON STORY, Jr. Have you any suggestions whereby you could do away with this blasting in the middle of the day or in the middle of a shift, whatever it is?

A. As I stated before, if they would blast going off shift, that it would be more beneficial to the health of the miners.

Q. Yes; I understand that; but have you any idea whereby such an arrangement could be perfected? Don't you suppose that if it was put up to the company in the proper light that they would see it that way, or do you suppose that the shift do it without consulting their superiors?—A. I couldn't state.

Senator J. C. MCCARTHY. What Mr. Story wishes to get at is this: One shift drills the entire day through and puts in their full day's work and blast as they are leaving shift, and that would allow the smoke to escape in the meantime before the other shift came on.—A. Why, I think so in the majority of stopes.

(Whereupon the hearing was adjourned until Tuesday, January 31, 1911, at 7.30 p. m.)

JANUARY 31, 1911.

Pursuant to the call of the chairman of the joint committee the committee met at the courthouse at Helena, Mont., on January 31, 1911, at 7.30 o'clock, the following members being present:

Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary.

The following representatives were also present: Representatives P. J. Duffy, J. C. Duffy, and Nelson Story, Jr.

The meeting having been called to order.

Dr. P. H. McCARTHY was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. P. H. McCarthy.

Q. And you are a physician and surgeon, are you?—A. A physician and surgeon.

Q. How long have you resided in Butte?—A. About 18 or 20 years.

Q. During this time you have been practicing your profession all the time—all this time?—A. Practicing my profession in Butte about 11 years.

Q. Previous to that time what were you doing—working in the mines?—A. Working in the mines; that is, part of the time.

Q. Yes, sir; and, Doctor, during your professional life there have you come in contact with a great many of so-called miner's consumption?—A. I have.

Q. Will you state to the committee—first, let me ask did you ever hold an autopsy on one of these subjects?—A. Yes, sir; a great many.

Q. Doctor, will you go on and state to the committee the conditions that you found the body in—the lungs, etc.—according to your research in those matters?—A. When we find consumption of the lungs, as a rule, of course, the body was badly emaciated and run down, as you will find in any case. We would find the tubercular nodules in the lungs; and the cases in Butte are just the same as in any other case of consumption. We find the tubercular bacillus—that is, the germ that causes it—find the giant cells and tubercle. We would find the lungs hardened and indurated; in the miner's lung we would find also what we call, or what is known in medical parlance, anthracosis; that is, a blackened deposit in the lung tissue itself. That is about the only appreciable difference that you would find in the consumption that we have among the miners and any other kind of consumption. Anybody that has lived in Butte, or in any smoky city, where they are absorbing the smoke and dust, we find the lungs in almost the same condition; but amongst the miners you find it worse, because you find deposits of fine granite-like substance or sulphur-like substance, whatever it may be.

Q. Doctor, may I ask you a question right there? In these fine deposits that you found in the lung tissue—that is where you found it?—A. Yes, sir, Senator.

Q. Did you ever place that under a microscope to ascertain just what it was?—A. Yes; I have, but I never made—you would find just small, small particles of dust, but not making any chemical examination of it, why, I wouldn't be able to state, of course, what it is.

Q. Was there very much of that deposit, that fine dust deposit, in the lung tissue. Was there a large quantity of it?—A. No, no; not a large quantity, just sufficient to blacken the tissue of the lungs.

Q. May I ask again; you stated that a black deposit—that is what you meant by a black deposit?—A. Yes.

Q. Why do you call it a black deposit? Because it is darkened?—A. Because it is dark in color, and, of course, it is just typical, what we call the anthracosis, just the same as they get in the anthracite regions of Pennsylvania, the same kind of deposits, or the same kind of deposits that we would get from anybody in a smoky city.

Q. Now you may proceed, Doctor.—A. Well, that is about all I could tell.

Representative NELSON STORY, Jr. You say, Doctor, never having made a chemical analysis of this black deposit you are not prepared to state exactly what it consists of?

A. No; it is pretty hard. Of course, it would be constituted of a great many different things, for instance, it may be from smoke, some of it would be from coal smoke, and some may be from the dust in the drifts, some of it may be from the smelter smoke that we have had there for years, so you would find different elements in this deposit undoubtedly.

Senator I. A. LEIGHTON. What do you mean, Doctor, by that—you find different deposits?

A. Undoubtedly.

Q. What were those different deposits besides the real rock itself? Real rock dust?—A. Well, I wouldn't be prepared to say, of course, only that we know that smoke, any kind, say the sulphur smoke. Now, if we analyze that we find—we may find some arsenic, we may find some sulphur, we may find just calcium salts, we may find any of those in there.

Q. In your opinion, Doctor, as a professional man, Doctor, do you think that these deposits that have been drawn into the lungs that you describe would produce the condition that you find the man in, a tubercular condition in other words?—A. No, no.

Q. Then, Doctor, do you think that the man had tuberculosis, had consumption, before he started to work in the mines?—A. No, not necessarily; no. He may have, but not necessarily; no.

Q. Then, if he contracted the disease while working in the mine, how in your opinion did he get this, how did he contract it?—A. I think he contracted consumption by coming in direct; that is, he directly contracted consumption or phthisis, whichever name we wish to call it, by coming in direct contact with the tubercular bacillus, that is, the germ that causes consumption, that is the real cause. Now, there is no question about it that a predisposing cause to that would be, this dust could irritate the lungs, a man could be in bad air, powder smoke, or different conditions of that kind, it would lower his resisting powers, then when he came in direct contact with this tubercular bacillus, given off from perhaps somebody that is working in the stope or drift or a raise with him, he is more liable to contract consumption than he would if he was out in the sunlight, and he has a better chance because he is in a close, boxed-up place.

Q. You regard, Doctor, consumption a germ disease, do you?—A. Undoubtedly.

Q. You don't consider it to be contagious, or do you?—A. Well, of course, we would have——

Q. Information is what we want, Doctor?—A. Of course, I am not in a position to say whether it is contagious absolutely or not, but I do know it is infectious.

Q. Right here, Doctor, isn't it so considered by the medical profession today that consumption is not a contagious disease but an infectious disease?—A. Correct; I think according to the best authorities we have.

Q. Yes; that is my understanding. Then, Doctor, you could say that the large number of so-called miner's consumption, consumptive cases, that we understand are now in the city of Butte among the miners there, one-third has been claimed, that one-third of the miners to-day are affected with this disease, we understand you to claim that they do not contract that disease through the conditions of the mine?—A. Not entirely; no.

Q. Well, do they in any sense of the word?—A. Well, just as I say, it may predispose; if we can take the cause and trace it back entirely, we would have to say that mining is a position that would predispose to those diseases like consumption, it would irritate the lungs sufficiently to give this tubercular baccilus an opportunity to act, and I firmly believe that a good healthy person can throw off those tubercular bacilli for a great many times; their resisting powers are greater than a man working in a mine where the air is bad and such things that you can describe that you will find in the mines, but if they never came in contact with this tubercular bacillus they would never have consumption; but it is a predisposing cause, mining is.

Q. Doctor, the healthy lung, then, will take in that that you found—the deposit in the lung, the healthy lung?—A. Yes, sir.

Q. If their conditions, then, were good; that is, if they were not mingled with consumptives after that, what would be the result of these deposits in the lungs, in your opinion?—A. It may cause a sort of a form of asthma, in a way, your breadth would become shorter, the air cells of the lungs may be impaired some, but it would not cause death.

Q. Well, do you mean by that, Doctor, that the lungs, in time, would throw that off?—A. The deposits?

Q. Yes.—A. No; not entirely; you would always have this anthracosis condition, or, in other words, as we understand anthracosis, it is a disease, but it is not a fatal disease, and you can live on for years and have your lungs. To explain it to a committee not understanding what it means, of course, an

anthracosis condition will just leave the lungs just kind of hardened from this deposit, and when you breathe you don't take in the air as readily and let out the CO_2, the carbon dioxide, the poisonous material from the body, as readily as a good healthy lung, but it won't cause consumption.

Q. What would be the results, Doctor, in your opinion, of a large amount, where large amounts of these deposits—would it, then, in your opinion, make any difference as to developing into a tubercular condition?—A. No, sir; you never could get tuberculosis without the tubercular bacillus.

Q. What is the opinion of the medical profession; that it is a germ disease?—A. That is the opinion of the medical profession all over the world, I think. I know the best authorities——

Senator I. A. LEIGHTON. Any member of the committee would like to ask the Doctor some questions; he is practically here as an expert on that.

Representative NELSON STORY, JR. Doctor, what is your opinion of the general prevalence, or the general presence of these tubercular germs in the average man; that is, take an analysis of an average community that is alive with them, what percentage of men would you find that had these tubercular germs in their saliva?

A. Different localities; it would depend.

Q. Well, take Montana, take here for instance—take in this room?—A. Well, we may go over this entire room and not find it, but the chances are that we would find it in some; but nature will throw it off a great many times. Sunlight will kill the tubercular germs quicker than anything else that we know of at the present time. Different localities, of course, you find it, like New York or the State of Michigan or different States that have got sanitariums to take care of the tubercular patients, of course, you don't find the tubercular bacillus around as great as you do in places where they are let run at large entirely and no restrictions whatever upon it. Of course in New York State and in different States they take care of the patients and almost have a quarantine on them, and they carry their sputum box to spit in, etc., and that is burnt up; some of them are arranged so that there is an antiseptic in the box, that when they spit the germ is killed off, and then they don't fly around the country, and you don't find as many germs. Consumption is absolutely infectious, and it is a mighty easy matter to get irritation, just the slightest irritation, or an abrasion on the hand, any place, you may take tuberculosis or consumption; it is the same thing you find it a great many time in the bones of the leg, find it a great many times in the skin, or cases of lupus, that is consumption, but it is local, it is superficial, and we can kill it off. Any place that we can get at the germ we can kill it, or any place we can get at the disease we can kill it, but in the lung we can't get at it.

Q. Then, Doctor, this disease called miner's consumption, there is really no such thing as miner's consumption?—A. No; there is really no such thing. The only reason, I suppose, we would call it miner's consumption is because we find it oftener among the miners; the miners are exposed to infection oftener than any other class of people.

Q. Are tubercular germs ever passed through the bowels like typhoid-fever germs?—A. Where you have a tubercular condition of the intestines you pass it through the body, but not like typhoid.

Q. Does that prevail to any extent among the miners—A. No, sir; it don't; no; you very seldom find a germ in the stool unless you have a tubercular condition of the intestines, stomach, or esophagus, or stomach; there are a good many times it could be passed through, of course, but as a rule you spit them out. Of course, you will find it in the urine; you take a tubercular condition of the kidney, or urethra, or the bladder; you will find it in the urine; wherever the conditions, that is where you find the germ.

Q. In your estimation, would it be easier to contract consumption in a dry place than in a damp one?—A. Yes, sir; it would.

Senator I. A. LEIGHTON. Doctor, it has been said that one-third of the miners in Butte are consumptives. How do you account for that thing?

A. They are becoming—unquestionably, they are becoming infected from each other. You take one man will be good and healthy, and he will get down in a drift with another man that has consumption; this drift is a small narrow place, the dust, of course, arising from the drill and from the air; they spit out there on the ground, the sputum dries up, and the air and dust bring it into the lungs; the dust undoubtedly will irritate the lungs sufficiently to give the tubercular germ a chance to act, and they become infected from each other.

Representative NELSON STORY, Jr. Now, if you were authorized to stamp out this miner's consumption in Butte, what would be one of the first steps that you would advocate, Doctor?

A. The very first step—O, well, if they put me on to stamp it out, the only way I could go at it would be this way: I would get just as good condition of the mines as I possibly could to start with; the next thing I would do would be to allow no man with consumption to work in the mines, especially with a healthy bunch of men; I would have to quarantine sufficiently to keep them separated.

Representative J. C. DUFFY. You hold, then, Doctor, that the dust that is in the mine is not responsible for the miner's disease?

A. Absolutely not responsible for the disease. I say that it predisposes; in other words, Mr. Duffy, it takes the germ of consumption to cause consumption, and you can not have consumption any other way; but I say this, that if dust will irritate the bronchial tubes, etc., and leave a raw surface there it give this germ a better opportunity; but you never have consumption unless you come in direct contact with tubercular bacillus or the germ that causes consumption.

Q. If you send two healthy men down to work in a virgin mine without coming in contact with any of those people who are affected with this disease, there is no danger of them contracting that disease?—A. No; not in that mine——

Q. No matter what the ventilation may be or dust?—A. No matter what the ventilation or dust may be, they would never get consumption, but they would get this other condition—what I call anthracosis; but it takes these tubercular bacillus to cause consumption, and without the tubercular bacillus you haven't got consumption; you may have another disease; you may develop an asthma; the deposits of dust in the lungs may be sufficient to prevent you taking the oxygen in the air and giving out the CO_2, the carbon dioxide, or the waste material from the blood; the circulation of the lung would be plugged up and the arteries hardened that they couldn't get those off; still that wouldn't be consumption.

Q. Doctor, it is possible that this may be asthma, and not consumption, as we term it?—A. Why, we know that it is not; we know the tubercular bacillus is present in a great many cases, as far as we have examined, and we have examined a great many.

Q. How do you distinguish the difference between miner's consumption and mill consumption, Doctor; is there any difference?—A. No; I don't really believe there is any difference between any kind of consumption. Now, I am strictly speaking of consumption.

Q. I have reference to what we term as miner's, both mine and mill consumption. Perhaps we may not be correct in using that phrase?—A. Yes; I think that would be quite correct, Mr. Duffy; I think that if you work in a mill or you work in a mine it is a hazardous job undoubtedly, and you are not breathing in as good and as fresh air as somebody on top; your lungs are weakened to a certain extent, then when you come in contact with the tubercular bacillus, or the germ that causes consumption, you can get it very readily. But there is only one consumption that is absolutely due—that is known as the disease of consumption—that is due to the tubercular bacillus; and if my lungs are irritated and the surface is a little raw in there, and I am not feeling good, my resisting powers have weakened and I come in direct contact with that tubercular bacillus I am going to develop tuberculosis or consumption. But the dust will predispose to consumption that way; bad ventilation, bad sleeping rooms, anything that will lower the resisting power of the body will predispose to consumption.

Q. You know, Doctor, that the air is ever so much better in the mill than it is underground a couple of thousand feet, and can you account for out of the thousand or twelve hundred men that die in a period of, say, between six and seven years in Granite County, how it came about. It is certainly a fact that the air was good—if this wasn't caused by dust?—A. Of course we know—you saw whole families wiped out in five years that never saw a mine or mill with consumption, haven't you?

Q. Not as general as this.—A. Can you recall of any families where you have heard that consumption was hereditary and they all died, and it was almost hopeless if your father and mother had consumption; you would expect the whole family to go soon—you recall those cases, don't you?

Q. I have heard of those cases.—A. That is the same thing—one infected the other. I think now the only way I could explain Granite County was the

dust undoubtedly irritates the lungs; somebody came in amongst those men that had consumption; they caught that, one from the other. We know in the State of Michigan, or in the State of New York that the question—well, in every State in the Union—the question of consumption is becoming quite a question, and the different States have got institutions to separate them as much as they can, because one catches it from the other. Before the State of Michigan put on restrictions on consumption their death rate was larger than any State in the Union; 12 years ago they started to quarantine them, more or less, build institutions for them, and they have cut their death rate down at least 85 per cent. Our death rate in the State of Montana from consumption is running upward, while theirs is running down; New York is the same; they got a quarantine on it, more or less, and they are lowering their death rate very considerably, and, in fact, in a short time they expect to wipe it out, and I think they can, just the same as they have the yellow fever; any of those places, by putting restrictions on. Typhoid—you saw hundreds and hundreds die of typhoid—well, they became infected from the typhoid germ; when they put on the proper sanitations we had no more typhoid. I think if the proper sanitations are put on consumption we would have no more of it; it is absolutely a disease that can be handled.

Representative NELSON STORY, Jr. Do you know, Doctor, what the ratio of deaths in Montana from consumption is, compared with the deaths from other causes?

A. No; I do not. I haven't looked it up, but it is something appalling.

Q. Isn't it a fact that there are more people die from consumption than from all the rest of the diseases in the State of Montana?—A. I wouldn't say that for sure, but I think it is close to it; I haven't looked it up; I couldn't answer definitely.

Senator I. A. LEIGHTON. Any other questions to ask by the committee?

Representative P. J. DUFFY. Do you think the sanitary conditions in the mines in Butte has got anything to do with the breaking down of the men?

A. Yes; that is, the air, undoubtedly.

Q. I mean from nature's call of men, where they are right around among themselves, do you think that has got anything to do with the breaking down of their health?—A. It is not a good thing; I think it has, more or less. Of course, I think drinking cups, different things like that have a great deal to do with it, the breaking down of the men.

Q. What I mean is strictly—is this——A. All right; be plain.

Q. Shitting in the stopes right under you, 7 feet under you, and this smell going around, has that got anything to do with the breaking down of men?

Representative NELSON STORY, Jr. Ammonia irritates the lungs, does it not?

A. Yes.

Q. That undoubtedly arises from a man's stool?—A. Yes; NH_3 is given off; any time it starts to decompose NH_3 is given off; that is not good; it is not healthy.

Senator I. A. LEIGHTON. Any other questions any other member of the committee would like to ask?

Representative J. C. DUFFY. Are you somewhat familiar with the mines in Michigan?

A. Well, a year ago or a year and a half ago, I think, I went down in one of them; that is the only time I ever went in the mines in Michigan.

Q. What do you find the conditions there as compared with the mines in Butte, where large bodies of men are working? Is the disease as prevalent as it is in Butte?—A. I hardly think so; I don't think so; I don't think it is; I think at present Butte is worse than any place I know of.

Q. You don't know how to account for that, Doctor?—A. No; only in the evidence I have given in the past. Perhaps the Michigan mines are wetter; there is not as much dust given off, I think. I have never been through any of the Michigan mines; I have just been down.

Q. Then the dust would have something to do with it?—A. Dust will irritate the lungs; that is my absolute contention, and anything that will irritate the lungs will predispose to that disease.

Representative P. J. DUFFY. Smoke will.

A. Yes.

Q. Powder smoke will irritate.—A. Powder smoke will irritate low resistance. But if the germ isn't present we would never have consumption.

Representative J. C. DUFFY. When asthma sets in, as you say, shortness of breath, the lungs at that time are weaker, are they not?

A. Yes.

Q. That weakens them?—A. Yes.

Q. Then it is very easy for them to contract the disease?—A. Yes, easy; the circulation in the lungs is interfered with; the tissue is not as flexible as it would be if it didn't have those deposits. Then, of course, it is harder for the oxygen to get in there; your circulation becomes stagnant, perhaps causes—well congestion in any particular spot; then there is the irritation in the air cell proper, and the moment that the tubercular bacillus enters there it gives it a good field to act upon.

Representative NELSON STORY, Jr. Impoverishment of the blood necessarily reduces the vitality of man.

A. Reduces the vitality of man. That supply of oxygen is not as great as though you were in the open air; any kind of mining will more or less predispose, it don't matter where; it lowers your vitality; your air is impossible to get in as good, and the better the air the better your condition will be. No question about that.

(Witness excused.)

Whereupon JAMES McGUIRE, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. James McGuire.

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. Two years ago last May I came in there this last time.

Q. What is your age?—A. Thirty-seven, 17th of last February.

Q. What is your occupation?—A. Miner at present.

Q. How long have you worked at that business?—A. At mining?

Q. Yes.—A. Well, I have worked now 25 years underground.

Q. Twenty-five years?—A. Yes.

Q. Twenty-five years. Are you working at the present time; that is, in any mine up there now—A. Yes, sir.

Q. What mine?—A. The Speculator.

Q. How long have you worked in this mine?—A. Since the 10th of last November.

Q. Can you say whether the conditions now are better or worse than when you first began to work in this mine?—A. Well, no; not in that length of time. I can not say that they have varied any one way or the other.

Q. Have you anything to suggest or offer as to how the present conditions could be improved?—A. Well, the air certainly can be improved in any mine that I have ever worked in in Butte. Remember, I am quite an old-timer around there, too; I have been there before.

Q. Mr. McGuire, is there any apparent effort upon the part of the management in the mines to improve conditions?—A. Well, as near as I know, the air is not practically handled—or properly handled.

Q. Will you explain to the committee what you mean by that, Mr. McGuire; I don't know as I really understand what you mean.—A. When I say this—it is not carried in a direct air course when it ought to be.

Q. Well, then, you can go back to the question that I asked you a while ago. Is there any suggestion you would offer as to the improvement in that particular?—A. Well, my suggestion is, carrying an inlet and an outlet to where each man and every man is working, as it ought to be, and it is not expensive to the company, or very small one; I believe an inlet and outlet on your sills especially; that is, on the lead of the ore.

Q. Would you explain to the committee how that could be done?—A. Well, it could be done by carrying the first floor within 30 or 40 feet of the breast of the sill, or four or five sets from the breast, and bring the first floor over the top of the sill; that gives you an inlet and an outlet.

Q. Have you anything to offer as to the conditions as you found them in this mine, from a sanitary standpoint?—A. Well, sir, what would be a very good thing in these mines, although they don't use them, are the sanitary cars, although they don't use them in a coal mine, but the sanitary conditions are just as good and ought to be used in a mine just the same as they are used on the surface; can be worked just as clean.

Representative P. J. DUFFY. Couldn't you give us further explanation in the way of ventilation; how to get better ventilation?

A. Well, they could use fans and give you a forced ventilation; anything helps; where you have a single air current there is different ways of getting air, a better ventilation of air in Butte. You can put doors on each and every manway and leave a few cars of rock in the chute, and your stope will make your natural air course for you, as it ain't done in no mine that I ever worked in in Butte, the air will come down a raise, and maybe it will go to the next chute or manway and down onto the sill, and chance is to her outlet and out the shaft.

Senator J. C. McCARTHY. Has a man pushing a car any means of knowing how much ore is in a chute before he starts to load?

A. He has a pretty fair idea; he knows when he pulls the car out of the chute it will make a noise enough to leave him know.

Q. And he can learn by sound?—A. He can learn by the sound, according to how much rock there is in the chute, or make a pretty fair guess; he can pretty near tell whether there is 7 or 8 cars in there, or whether there is 40 or 50.

Q. Has he the privilege of going to any chute he pleases to load his car?—A. Well, the way they conduct it now, they go to any chute that they have got rock in and clean them all out, as clean as they possibly can get them.

Q. Is that done at the end of every shaft; is that the idea to clean out all the ore there is at the end of each shift?—A. That is done from the time they start on shift until they go off; the chute is generally empty all the time, without you happen to blast right over the top of them, and then there may be 40 or 50 or 100 cars go in there at once, and they would take them in there to pull it out.

Q. Then you think if a little rock was left in each chute, enough to shut off the air that the conditions in the stope would be much improved?—A. The conditions in the stope would certainly be much improved over what air we have got at the present day without getting better air.

Q. Then do you think there is any gain to the company by cleaning out the chutes every shift?—A. No, sir; I think it is detrimental to them.

(Witness excused.)

Whereupon JOHN DALY was called and sworn as witness, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John Daly.

Q. Where do you reside?—A. Butte.

Q. How long have you resided there?—A. Well, I have been off and on around there for 12 years.

Q. Your age?—A. Thirty-one.

Q. What is your occupation?—A. Mining.

Q. How long have you been following that business?—A. Well, since I was 12 years old.

Q. Twelve years old?—A. Yes, sir.

Q. What mine do you work in?—A. I am now working—now, at the present time—in the North Butte, Speculator mine.

Q. How long have you worked in this mine?—A. Well, I have worked there four or five different times, but this last time I started in there last spring and been working there ever since.

Q. Can you say whether the conditions in the North Butte mine are now better or worse than when you first worked there?—A. Well, they are a little better in some places, and other places they are worse.

Q. Then on the whole would you say the conditions are improving or not?—A. They are improving some in certain places, where the air reaches, and other places where the air does not reach at all they are actually worse.

Q. Have you any suggestions to offer as to the improvements on the present conditions of the mines?—A. Yes; the air could be conveyed from where it is good, where there is lots of it, and turned in a proper manner by carrying air courses, of course; that is, turning the air so it could travel through these hot places, and not letting it get back to the surface; it takes the short route from the intake to the outlet and they don't take enough means to prevent it. They can do it by shutting it off and transferring it into these hot places.

Q. Is there any apparent effort upon the part of the management to improve these conditions?—A. Well, I see a little; they are making efforts, but it don't seem that they have enough knowledge to follow it up.

Q. I don't understand that.—A. It don't seem that they have enough knowledge in ventilation to follow it up.

Senator I. A. LEIGHTON. Any member of the committee wish to ask any questions?

Senator J. C. MCCARTHY. Mr. Daly, you have worked in coal mines a great deal, haven't you?

A. Yes; I have.

Q. What part of the country or the world did you work in? Did you work in England for some time?—A. Worked in England when I was a boy; that is where I was first broke in; I worked in several States in the Union, pretty much from the Atlantic to the Pacific.

Q. Do you know of any reason why the North Butte, or the Speculator I believe you mentioned, couldn't be ventilated properly?—A. I don't see why it shouldn't. I haven't seen a mine yet, or any part of a mine, that couldn't be ventilated if it was undertook. It just simply means, if they ain't got enough air down there they could use forced ventilation to convey it there. Anyhow, all they have got to do is to transfer it after they get it down, but they have got to give it a chance; they have got to make a distinct air course; the air has got to come down and it has got to make circuit; I don't mean by driving raises through from one level to the other. The more raises that is drove through those levels from the air courses is detrimental to the current of air when it is traveling on its course.

Q. You stated a little while ago that they made no efforts to take from the air courses, to transfer it to the inside workings? How could that be done? By doors?—A. By doors and brattich. Brattich is a term we use in coal mining; it simply means light lumber placed for ventilating purposes; in other words, they use canvas; in places they use canvas in place of brattich.

Q. There is both an intake and outlet to that mine, of course?—A. Yes; they have got an intake on the one lead, and, of course, the main hoisting shaft is the outlet, as far as I can see.

Q. In your opinion, does the operation of the cage in that interfere with the ventilation very much?—A. Well, not necessarily; their outlet is really larger than their intake, and the cages cause a vacuum anyhow and help it, I should think, because you can feel it; there's instances when you are working in on the main air course you can tell, you can feel like the vibration of air, and you can tell when these cages are running. Of course, an expert could determine that; I am speaking from a practical standpoint.

Q. How many levels are there in operation at the present time in that mine?—A. Well, I couldn't state. I think it is in the neighborhood from the 600 down that is working at the present time.

Q. To what depth?—A. I think they are drifting on the 24; I am not positive now; I know they were cutting a station a while ago.

Q. Suppose the management issued an order that a certain amount of rock be allowed to remain in the chutes at all times; would that effect the air very much?—A. It certainly would; it would be beneficial to the air if the air was left in the chute and the manways with trapdoors, or offset it from the sill. Of course, I mean by this that you take your air; this is your permanent air course—your sill is your permanent air course to your innermost workings to the sill. Well, everything is to be concealed along there between there and the work above, that has got to be shut off entirely, trapdoors put on the manways; either that or offset and trapdoor entrances to the manways, and this rock has got to be left in the chute just in order for to keep—just enough to keep the air from coming through. I have seen this worked out myself in Butte, where I worked in the Stewart mine.

Q. You saw that plan in operation in the Stewart mine?—A. Yes, sir; saw it in operation in the Stewart mine.

Q. Well, how did it work?—A. Well, it worked pretty fair, but they didn't have quite enough air, and they got kind of lacking in their discipline; they didn't look after things; it fell off; it wasn't carried on properly; it was carried on to a certain extent, you know, but it just simply dropped off. They had pretty good results; it was a little warm in the stopes, but they have the continual fresh air going in there, and the sill was an exceedingly fine place to work. That was on the 1,800.

Q. Isn't the air course of the Speculator mine connected with the different levels?—A. Well, it is; it is branched off—the branches from the air course into all levels, you understand.

Q. Then your idea is, Mr. Daly, that the air could be split, as they say in coal mines, a certain proportion sent to the different levels and distributed in the way you mention?—A. Certainly it could be taken from the nearest point from the air shaft, and, for instance, you have got men on the east, west, and north, of course, you have got to make a division according to the number of men you have got and what direction you are working in; if you have got more men on one side, you can make your division a little larger.

Q. That could be easily arranged?—A. It certainly can.

Q. How many men are there at work in that mine?—A. Well, I couldn't tell you.

Q. Approximately?—A. Oh, I should judge about 300 a shift, I guess; something like that.

Q. What is the size of the air course?—A. I was never down the air course at all.

Representative NELSON STORY, Jr. Then, if you had an air course that supplied sufficient air to the mine it would be just as easy by the use of those trap-doors and brattiches, as you call them, to distribute that air around the mine as it would be for a farmer to put the water from his ditches around on the different parts of his land?

A. Just the same to a practical miner.

(Witness excused.)

Whereupon PATRICK CLOONAN, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. A little over 10 years.

Q. What is your age?—A. Thirty-two.

Q. What is your occupation?—A. Miner.

Q. How long have you followed that occupation?—A. A little over 10 years.

Q. What mine do you now work in?—A. Well, at the present time I have not been working in any mine, the last mine I worked in was the Buffalo.

Q. When?—A. About two months ago, or a little more.

Q. How long did you work in the Buffalo?—A. Just about two years.

Q. Can you say that the conditions that you worked in at the Buffalo mine—that the conditions were better or worse when you first began to work in the Buffalo mine?—A. I couldn't tell you any different, I didn't see any difference; it was about the same all the time.

Q. Have you anything to offer, any suggestion to make as to how the present conditions could be improved?—A. Well, the only condition at the Buffalo mine that could be improved was that the sanitary conditions could be improved.

Q. How; explain to the committee?—A. Well, there could be cars taken in the crosscuts in the mine, and have a place for me to go to answer a call of nature, or when a call of nature comes on them, besides going down where men are working; it is then very easy to take the car out on top and take the hose and wash it, and wash it out, and take it down again.

Q. Was there any effort on the part of the management to improve those conditions?—A. Not the sanitary conditions.

Q. None whatever?—A. No, sir.

Representative NELSON STORY, Jr. What are the general conditions in the Buffalo mines?

A. Good.

Q. Ventilation is first class?—A. Yes; the ventilation is good.

Senator I. A. LEIGHTON. Did I understand you to say that the conditions as to ventilation and the conditions from a sanitary standpoint are good?

A. I said ventilation is good.

Q. But the sanitary conditions, what did you say, I didn't understand how you answered that question? I thought Representative Story asked you that question?—A. Well, the sanitary conditions are just the same there as it is in other mines; there is nothing used in any other mines, no more than men go down and crap anywhere they want to, that is all.

Senator J. C. MCCARTHY. How wide is the Buffalo vein?

A. It varies, you know, in places.

Q. What is the widest place that you recall?—A. I guess about 10 sets.

Q. About 70 feet?—A. Yes, sir; just about.

Q. You don't find any excessive heat there, do you?—A. No, sir.

Q. How deep is it where the widest place is?—A. I believe the widest stope they have there is in the four, I think, if my memory serves me right.

Representative NELSON STORY, Jr. If the sanitary conditions were improved there, would it be as good a mine as you could expect to work in—would the other conditions be as good as you would naturally expect in a mine?

A. Yes, sir; just about.

Q. That is, if the rest of the mines were as good as that, you wouldn't have any great kick coming?—A. No, sir; I don't believe there would be a kick coming.

Senator J. C. MCCARTHY. Have they a fan in that mine?

A. No, sir.

Q. Natural ventilation clear through?—A. Yes; natural ventilation.

Representative P. J. DUFFY. It is considered as one of the best mines in Butte, as far as ventilation goes, is it not?

A. Yes, sir.

Senator I. A. LEIGHTON. I would like to ask those who have testified, anyone of the witnesses, if they have anything further that they would like to tell the committee, that might be of interest to the committee, any of those who testified, I would like to have them do so at this time; if not, I will call Mr. Gillie to take the witness stand.

(Witness excused.)

Whereupon JOHN GILLIE was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John Gillie.

Q. Where do you reside, Mr. Gillie?—A. Butte, Mont.

Q. How long have you resided in Butte?—A. Nearly 30 years.

Q. What is your position there? What position do you hold with the Amalgamated Co.?—A. I am general superintendent of the properties at Butte.

Q. Mr. Gillie, the committee would like to have you, as you thoroughly understand the object of this committee, to go ahead and make any statement that you feel as though you would like to make to inform the committee of anything that would be of interest to them. As you understand, this committee is selected by the legislature to investigate the sanitary conditions and the conditions of ventilation of the mines of Butte, and if you have any suggestion, or anything to offer to the committee, we would like to hear from you.—A. The question that seems to be of more importance, not only to the miners themselves, but to the company, is the one affecting the health of the men; and in this connection a great deal has been said with reference to miner's consumption. It has been very excellently explained by Dr. McCarthy, and his explanation is in perfect accord with reports that we have had made many times by physicians and surgeons who have been connected with the camp, hospitals, principally of the district, for a great number of years.

The first serious disease that seemed to attack the men in the early days of the camp was pneumonia. This was very prevalent some years ago, and our own investigations led us to believe that it was exposure of the men coming from the warm mines and going to their homes in that condition without proper cooling or attention. We started on that within the last 10 or 12 years very systematically, in furnishing change houses where the miners could come in their regular clothes, change, have a suitable place to lock up their clothes, and, on going from the mines, having means provided for thoroughly washing off and showers or pans as they wished, and put on their ordinary clothes and go home in a suitable condition. This has had a marked effect and has cured to a great extent that pneumonia scourge that we had in Butte.

The other serious disease that we have, the miner's consumption, so-called, no different from any other consumption, led us to investigate pretty thoroughly, and at first we were disposed to think that a disease had come into the mines of Butte similar to that which they have in Cornwall, Germany, Spain, and Prussia, all the mines of the old country, known as ankylostomiasis. This is a disease that attacks the human person, similar to the bot disease that attacks a horse or animal. It is a worm that attaches itself to the intestines and takes the substance from the person that should go to him, the same as it does in an animal, causing an anemic and run-down condition. It is not a fatal disease unless the occupation or avocation is persued throughout a long term, and then he gradually will die from decline, worn out. In the older countries

they rest, and they are sent away, or they rest from it, and they overcome it. It is not communicated to the members of the families; for instance, the wives or children do not have it, but the infection is spread through the mines by coming in contact with the excrement in some way, for instance, the urine or the excrement, it may get on around ladders in some way and the germ gets to the mouth, and it is communicated in that way. The physicians there, at our request, made numbers of tests; they found some persons affected with it, new arrivals, or comparatively new arrivals, but in the older men, or after having worked in the Butte district for a time, it disappeared, so we were not alarmed about the spread of the disease. It is quite prevalent in the older countries, and has been the subject of government investigation by all of them, and we secured a number of those reports, also opinions from physicians and others over in that country.

Having disposed of that question, that that was not attacking the Butte miners, why, it comes down to the question of what was; and we found it, as explained by Dr. McCarthy, to be incident to the occupations; that is, it is consumption of tuberculosis produced by the occupation, such as stonecutters have, marble workers, quarrymen, quartz mill, tanneries, factories of numerous kinds wherever the air is vitiated or filled with dust to a greater or less extent.

The dust feature is probably the worst one we have to contend with, and the one that we can hardly completely overcome. When you take into account that there is exploded in the Butte mine about 4,000,000 pounds of powder per year, and realize the amount of attrition, rubbing, and bursting of rocks into small particles, it not only affects the immediate section of the explosion but every portion of the mines, it causes reverberations clean to the top in the old workings, it starts dust from everywhere, places that you could hardly get at.

Something was said by some of the witnesses with reference to these explosions of powder, as to when they occurred, or the blasting operations, as it is commonly called. We attempt to work in Butte two shifts, two eight-hour shifts. In that way we have a certain period of time, as long as possible between shifts in order for the settling of the dust and the clearing out of the smoke and gases produced by the combustion of the powder, and our general practice is that the shooting is done a short time before the shift goes off—that is, the great majority of the blasting is performed at these times. There are many places in all mines where development work is being carried on, where you are carrying on drifts for development or for ventilating purposes, or for sinking shafts to get down where we worked through shafts; that means, of course, that the explosions or the blasting must be done at other time than those mentioned between shifts, but that is a small percentage of the total blasting; it, however, starts dust and causes gases. In some of the mines where the dust has shown to be excessive, we have introduced water, but only in a few places can you get that water effective; that is, where you know there is a very dusty place you can carry water to that point, but in two or three hours before, when the heavy blasting was going on, the dust from all portions of the mine and old openings has been started, why you can hardly detect it in the air; if you will breathe through a handkerchief or some object like that, you will still find these particles of dust in the air. That is an incident to mining, and not only is it in metalliferous mines, but in coal mines or any other form of excavation; outside in quarries it has a better chance to disappear.

As I say, we are doing something toward that, but we can not prevent that feature. The gases from the powder we are attempting to get out as quickly as possible. If you do not get them out, you do not get the efficiency out of the men, and the man, if he attempts to do an honest day's work, why, he is worn out and can not do it, and it is only a question of time until your crew is demoralized. That is the whole substance of it. So it is to our benefit to do the best we can in that direction.

The other point, the question of temperature, is not such a serious one, although it may cause a lassitude or enervating condition, I do not think it affects the health materially. It is also very difficult to overcome. In the mines of Butte there is used about 75,000,000 board measure feet per year and about 250,000 round timbers in addition to these 75,000,000 feet of sawed timber. This timber as soon as it goes into a mine working, there is an oxidation taking place, the heat is given out from that timber, and, to illustrate, it is practically the same as though you are consuming or burning or starting a fire with that and giving out its heat. It may be distributed over

20 years, might be 40 years, but the same amount of heat units that there is in a stick of timber, if it is entirely rotted or consumed, is given off as though it were burned in a stove. You can readily understand the number of thousands of cords of wood going into the mines to illustrate and put it in that way, and this is being burned or consumed by oxidation, which is simply a burning. This causes a large proportion of the heat. We have, also, due to the character of the ores of Butte, which are sulphide, or sulphur, and other compounds called sulphides, and an oxidation going on in the rock itself which produces heat. This, in connection with the heat given off by the timbers, is the great causes of the higher temperature in the mines. Also, in going into the earth's crust at almost any point, whether you are going after ore, whether you are drilling a well, no matter what you are doing, if you are going into the earth's crust, the normal increase in temperature in going in toward the center of the earth is about 1 degree for each 60 feet you go down. This does not hold true in Butte, it does not increase nearly as fast as that, but that is the average of the earth, excavation into the earth, so that you can understand by going into the earth a half a mile, even though there is no oxidation or no heat from the timbers, the natural temperature of the rocks would be considerably higher than when you started.

Now, as to what we are doing in Butte in the way of ventilation. I can state, in the last four or five years, and particularly in the last two years, we have been equipping with a system of forced ventilation. When mines are shallow, or comparatively shallow, the natural or induced ventilation by providing one air course down and another one out, it will naturally ventilate itself. We find that it is too slow in going into deep workings, and have got to get this air quicker, and we are doing that with a system of fans. I have a list of the fans that we have installed during this period and the amount of air that we are putting into the mines is 753,000 cubic feet of air a minute. That, of course, is not all; in addition to the natural—we have a number of natural or induced air openings or ventilating shafts or air courses, as you may call them. Some of these places we are forcing the air in, others we are exhausting the warm air out, which has to be replaced by cooler air from some other places, because when you exhaust the air its place must be taken with more air. This we have found to be very effective. We have had one of our properties, known as the Gagnon mine—some of these gentlemen who testified have worked in it—we opened up twenty-two and twenty-three hundred foot levels. We couldn't get efficiency out of the men who were working in those lower openings, and they came out more tired and run down than they would with probably twice the labor on the surface or at some other place. We installed an exhaust on the air courses in that mine as soon as it was possible to purchase electric power, and we made those levels, twenty-two and twenty-three hundred, the deepest in the mine, comparatively good places to work. We could notice the difference in a very short time.

It might appear to some of the gentlemen of this committee that those things could be systematically started, means of ventilation, and they do in a coal mine. Senator McCarthy is interested in coal mining, perhaps some of the other gentlemen also have operated coal mines; and that is a very essential part of operating a coal mine, is the ventilation of any mines, but coal mines in particular you have got to have it. The difference between our metalliferous mines and the coal mines are roughly as follows: A coal mine consists of a vein or seam in the ground, which is as uniform almost as a sheet of paper in a pile of sand. You start entry on it, your slope, and you start your air courses and you carry them along with you. You can lay out your ventilation system on a piece of paper that is good for 20 years, just what you would do in the operation of that mine, once you have proven your coal seam or vein. With our ore mines, we go down, a vein will appear to be fairly regular, it will be faulted, or it may be continuous; we run a crosscut off into one of the walls, we encounter another body of ore, we start the other way and we encounter something else, another body of ore there; now, we haven't got separate openings to the surface from each one of those bodies of ore—it would be an impossible condition; these bodies of ore might not reach but one or two hundred feet, they might be small, as they often are, small lenses or bunches, as we would call them, separate and apart; it would be impossible to have a separate shaft and air courses for each particular body of ore. That is about the principal difference, when it comes to carrying your air. The other feature of timber in a coal mine, they use a few props and usually draw those when they get out of the way and let the roof come. We can not do that with a coal mine. We frequently have

to go back to the 400 level—we will say, the 400—when we have opened something on the 800, to see if it did not exist up there. We can not let the openings come like that—that is, walls or roofs of a coal mine—they let it come, and they do not have any excessive amount of timber in a coal mine, practically no timber around a coal mine.

In this Gagnon mine that I referred to, as to what we are doing there in ventilation, one of the gentlemen referred to it here, was the shaft that was sinking on the west end; that is, on the extreme west end of the property, as far as we know that the values go, situated 1,000 feet westerly from the main shaft. We are sinking an air shaft at that point, which to the 2,300, where it is proposed to go—at present that is the depth of the mine—we expect to carry it as far as the mines go, but that piece of work alone to the depth that we have outlines will cost over $230,000. That is for air. Now, we are not doing that as philanthropists; we expect to get the value back on the number of tons of ore a day per man; it is economic mining. It tends, of course, to the better health and the better conditions of the miners, and the better he is the better he is for us.

Within two years we have sunk one shaft 1,800 feet, connecting with the group of mines to the north, known as the Badger State shaft, which has made a great difference in that section of the country. We are sinking at the east Colusa, and as soon as we took over the Heinze properties the first work that was started was the air shaft to the 1,300, which has made possible the working of the Rarus mine when that was completed. When we took it over it was in an impossible condition; it was all you could do to go through it.

On speaking of the miners' consumption, I omitted to mention what appears to be the great prevalence of it in the Butte district, which is exaggerated and is greater in that district than in any other district that I know of; one of the reasons is this: When a new camp opens, like Corbin, in your district, Doctor, or Radersburg or Salmon City, the big strong men would sooner—and rightly, too; his judgment is good—would sooner work in the shallow mines of Corbin or Radersburg or a new district, if he is going to follow mining, than he would work in the deeper mines of Butte, where they are bound to be warm; he can not avoid a certain amount of high temperature in the properties. They leave us; none of the men with miners' consumption—that is, that are affected enough to be noticeable—go to those places, because the man at those properties will pick out a good, big, strong man that appears and offers himself for work. This leaves the Butte mines with the older crew all the time; and the younger men have better opportunities in the new camp, and they are going to those new places; they have gone to Nevada and Idaho and Alaska and our own districts in this Rocky Mountain region. The opportunities are better and generally the wages are the same, and I do not blame them for going. We do not, as I said before, claim that we are doing the ventilation solely for the benefits of the miner, although we do attempt to take as good care of him as we can; it is to our benefit in doing that for the men. I think we attempt to use them pretty fairly, and we expect to improve conditions right along. I think a number of those gentlemen who have testified can remember what a hot box the St. Lawrence was. It was in the vicinity of the fire that we have in the Anaconda mine. That fire started, November, 1889, and is burning yet. We put down air shafts and made connections there so that the St. Lawrence is one of the good mines to work in.

Another very favorable feature is the one of consolidation. It used to be, when we made a connection with a neighbor that we were not interested in, if our good air went his way when we made a connection, as soon as possible we bulkheaded or closed that opening up. Now, we are in a position where we can see, owning that adjoining property, that openings must be made and must be left open. One of the principal features in connection with the improvement of conditions in the St. Lawrence was due to the acquisition of the Boston & Montana adjoining property, the Pennsylvania. We were able to make connections with that property and keep them open, and that is true in all the properties, the more openings you can have and can utilize them systematically, the better. We expect to continue this ventilation problem; pursue it to the fullest extent possible, and get the best air to the men that are working in the mines. It means not only good to them but to us.

Representative NELSON STORY, Jr. You are following our general plan that means a perfect system of ventilation to all the properties that you are operating there now?

A. You can hardly say that it is one definite plan, because conditions arise from time to time that you have to change those. You find that one shaft—you think that you will make an upcast from a certain shaft, and you go along and you make connections and you find out that it is not the best way.

Q. But the air won't go there?—A. We are following the general idea of making as many openings and keeping them in as good shape as possible, and we are making them larger. This opening that we are making for the air shaft of the Gagnon has a clear opening of 5½ by 17 feet; that is exclusive of timber or anything else in the shaft; a good-sized opening.

Q. What percentage of your wages at the present time are being paid for improvements and ventilation?—A. Well, a very large proportion just now, or a considerable proportion just now, for the reason that production has been decreased over there; that is, producing of tons of ore, and development has not been curtailed, so we are doing a good deal more in proportion than we would ordinarily. We have a number of those dead-work openings going; that makes the proportion large to the amount of ore we are producing. The other matter touched upon here—considerable was said about it—was sanitation. That is a pretty difficult matter to control for the reason that it is about the only thing that they do not join us in; that is, the men themselves do not join us in. If the men would take the precaution to go into the stopes, which is usually considered the place where he is supposed to go, instead of to a dead end of a drift or an unused drift, the mines would be very much more cleanly. We are continually up against the problem of trying to keep these unused drifts—by that I mean unused; they are not used for tramming purposes or actual mining purposes—a cross-cut may have been run off here 200 feet, or something for a connection of some kind, or for a prospect opening, and it remains there. Pretty soon it is fouled from one end to the other. If you go into the stope to perform a call of nature, it goes into the gob and is soon covered up.

Senator I. A. LEIGHTON. Let me ask you, Mr. Gillie, how is it covered up? What is the method?

A. We have got to fill these stopes all the time.

Q. By filling?—A. We have got to fill all the time; the filling covers them up sooner. And in this connection I would state that any other kind of mines than these sulphide mines would be very much worse off; and a worse condition than they are in the sulphide deposits or ores. They are disinfecting themselves to a great extent, to a very large extent. It is one of the reasons for the disappearance of this disease that I mentioned before—the germ can not live in the presence of this sulphide dust, or whatever moisture comes in contact with this sulphide ore, the slightest amount of it forms an acid that is a great disinfectant. However, there was considerable agitation on this sanitary business and we have tried to work out some scheme, and we have for about a year and a half in one of the largest properties, we have toilet cars. Also we have experienced a great deal of trouble in getting the men to use them, but a large proportion now, by keeping after them, they are using them. Many of them I have talked with myself would prefer to go to the stope, where he don't come in contact where any other person has been, than he would go to a water-closet. The toilet car is simply a water-closet that he gets on there; the same as any other toilet. It is not like a toilet in a hotel, for instance, that is porcelain and washed off every day. This is washed twice a day for that matter, but there has been a great number of men there before him, and he don't know but that he might come in contact with some kind of a disease; that is natural for anyone to think so. The mine I refer to equipped with the—was one of our large properties, the High Ore mine; they are equipped with those toilet cars. There is a car run on each level where there is any considerable number of men working, and put in a convenient place, and they are supposed to go and use them, and we make the best effort we can to have them all use them. It has got a sealed top with a removable bottom, made like an inverted pyramid in the bottom, and is taken on top and run out on the dump and washed out with a hose; that is, at the end of each shift, and then returned to its place. It is about the best thing we have been able to devise. In no other place have we been able to learn of where they have any appliance of the kind. We are equipping the Original; we are getting those cars made at the present time for the Original, Gagnon, and Stewart properties, and we expect to put them in throughout if we find that it is suitable and is in favor with the employees. It does not mean any great

expense; it takes but two or three hours twice a day for a man, but we are willing to do anything like that that we can that will improve conditions.

Senator I. A. LEIGHTON. Mr. Gillie, in the levels that you have just explained, where the men would not use, would not respond, to the calls of nature to those places that would better the sanitary conditions, isn't is a fact that your shift bosses could force them to do so; that is, to see that they did do that?

A. Well, you can to a large extent. It is what we are attempting to do by that means. But a shift boss, when he gets a pretty good crew and he gets a good man—for instance, if he found that a man went off in the stope somewhere and attended to a call, why, he wouldn't want to send him on top simply because he didn't go down to the car. But we are using our best efforts to prevail upon all of them to use that appliance, and we will equip throughout and see what effect it has. If it is in favor, and they will use them, why, we will continue to use and get completely equipped with the toilet cars; and it is the best one we know of, best one we can learn of. They have them in no other place. It is something like our change houses. When we first put in the shower baths 15 or 20 per cent of the men would use them. We have kept insisting all the time that they use them more until now a great large proportion of them use these shower baths and change properly and avoid pneumonia troubles. We have probably received more compliments from the families from a good many of these men than from anybody else in the equipping the change houses. Men would go, for instance, to the boarding houses and such places with their old clothes. They are a nuisance and an odor from them, etc. Now they can leave them at the mine.

Senator I. A. LEIGHTON. Are all the large mines in Butte equipped with these change houses, as you call them?

A. Nearly so. We have in our properties that we have taken over recently, the Original and the Stewart, which are not very well equipped. They have got change houses there, but there is no shower bath; nothing but a wash pan; but we will correct that as early as possible, because we find it very beneficial to the men.

Representative NELSON STORY, Jr. Did it ever strike you, Mr. Gillie, that some of your drinking-water appliances in the mines are mighty poor as regards the prevention of the spread of consumption?

A. Well, no; for this reason: That, no matter how many tin cups you furnish at the water car or water keg, they disappear, with the result that they are not drinking out of the same cups continually. For instance, contagion can not spread in that way. They take water often in their lunch buckets, take the bucket with them and have their own lunch buckets; take the bucket with them, and they take the top of their own buckets and use it when drinking from these water tanks that we provide.

Representative NELSON STORY, Jr. I noticed some of them, though, just dip the cup down into the tank.

A. We have some that way; and also all of them are provided with a spigot, a valve, for drawing the water from the bottom. I don't think the water conditions can be very much improved now. Everybody drinks out of them. I saw you gentlemen, too. I don't think you have hardly anything to complain of there. We furnish all the ice that is required; and one thing about working in that warmer temperature, ice does not seem to have any deleterious or poor effect on the men. They drink the ice water in unlimited quantities without any bad effects.

These, generally, are explanatory of the condition and what we propose to do. Within the past year and a half, since electric power is in sight in practically unlimited quantities, we can install these fans either above or below ground. You couldn't install such a fan, such as you gentlemen saw there the other day, on the 1,200 of the Pennsylvania, if we had to carry a steam line through there. By carrying power down with wires it is an easy matter, comparatively so, to install any such appliance. With reference to the compressed air, which also was mentioned here, we are much better off than at the smaller properties, or when the properties were in their early stages of development. The nearer you are to a compressor the nearer you are in use of the air to a compressor the poorer the air is, that is, it is saturated or takes up the oil that is used in lubricating the machines, as Mr. Duffy referred to, and if you use the air close to the machine compressing it you get that oiled vapor; if it travels some considerable distance that condenses and it is not given out in vapor. Our compressor plants now are consolidated, that is, furnishing say 20 to 25 of the mines. There are just three or four points the air

has to travel in some instances as much as half a mile; some one or two traveling a mile, to the point of use. This gives the air or puts that air in much better condition; it is not quite as effective for work, because it is cooled off, but it is much better for using and ventilating, and as a matter of fact the use of compressed air, the large amounts that are used there, is a great assistance in reducing the temperature. When you compress air you cause heat; when you expand it again, reduce its pressure, it produces cold very fast, in fact it is one of the means of refrigeration; I have seen in pumps 1,500 feet underground, where we would use air instead of steam, I have seen the exhaust all covered with ice. That is on account of the property of air on expansion causing a reduced temperature. I don't know that there is anything further I wish to say. If there is anything you gentlemen wish to ask, I shall be pleased to answer.

Senator I. A. LEIGHTON. Any questions you gentlemen would like to ask, any member of the committee?

Representative J. C. DUFFY. I would like to ask what is the estimated cost of installing one of those fans such as we saw the other day.

A. You mean the cost of the fan?

Q. And the attachments, everything pertaining thereto?—A. That would depend on how far you have got to carry an electric line; but you can roughly say for $2,000 you can install one of those large fans, and it will take about $225 worth of power per month to run it; some slight attentions, probably three or four days in the month, would be the total attention; and then there is oil and repairs, or renewals.

Representative P. J. DUFFY. There is nobody have to take care of them fans after once installed, only just once in a while, except repairs?

A. He just goes out to see that they are properly lubricated, excepting when the power shuts off, like it did here just now [the electric lights having gone out for a moment]; if we have that occur on our power line, our motor stops and it don't start up again.

Q. Somebody has to go out and start it, nobody has to go out and stay with it—they did for a while?—A. Yes; but they are perfecting them so that they take care of themselves, excepting a trip a day, or something like that. I would state that I have this list of fans which have been installed, if you wish to have them. It shows what we have installed up to January, 1911.

Capacity of ventilating fans now installed, January, 1911.

	Cubic feet per minute.
1,200 Pennsylvania	60,000
Mitchell shaft	40,000
Gambetta shaft	40,000
1,600 Leonard	60,000
Rarus air shaft	90,000
1,700 tramway	73,000
1,200 tramway	50,000
Gagnon shaft	36,000
Green Mountain shaft	54,000
Parnell shaft	75,000
Corra shaft	75,000
Original shaft	50,000
East Stewart shaft	50,000
Total	753,000

Senator I. A. LEIGHTON. If there are no further questions you can step aside.

Whereupon JOHN D. POPE, called and sworn as a witness, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John D. Pope.

Q. And your position—what position do you occupy?—A. I am manager of the North Butte Mining Co., in Butte, Mont.

Q. Now, Mr. Pope, I will ask you the same as I did Mr. Gillie; if you have anything that will be of interest to the committee to proceed and tell it. We are looking for information.—A. Well, on the question of ventilation: During the year 1910 we have sunk the Granite Mountain shaft and connected it from the 500, which was the bottom of the shaft, to the 1,800 level. That was an upcast shaft. That gives an extra upcast shaft. Our main hoisting shaft, the Speculator shaft, has been an upcast shaft for several years, and partly because it was not large enough and partly because the cage was running in it we saw the necessity of sinking another shaft so we could connect the Granite Mountain to the 1,800, and during the present year we will connect up to the

2,000. Our air comes down through two shafts; one is the Gem shaft, which in 1909 we sank from the 700 to the 1,600, and the other is the Badger shaft, belonging to the Anaconda Co., which connects with our workings on the 1,800. The committee will probably remember, as they went there, the 1,800—as we approached the Badger shaft the air was very much cooler; going out it was very cool, but going through that large stope the air heats up, although the same air goes from one end of the stope to the other, and the settling ground—the oxidation of the timber—heats the air as it goes through. During this present year we will connect the Gem shaft, which is another downcast from the 1,600, its present bottom, down to the 22, which will give us more cold air on the 22, and these extensions of air shafts, or of others, we will have to sink later on; they will have to be continued continuously; as long as the mine is worked we will have to extend the present air shaft and probably sink new ones. We are working at the present north of our Gem shaft, and as that work is extended north it will need new air connections, and these, of course, we will expect to provide. During the present year, also, we will enlarge both these air shafts, both the Granite Mountain and the Gem shafts; we will bring them up to full size, which will be 5 by 17 in the clear, both of them, and we will probably, as soon as the work is done on the Granite Mountain, install a suction fan at the Granite Mountain shaft. It will be impossible to install this and operate it, of course, while the work in the shaft is going on, because when the fan is installed it will be necessary to box the top of the shaft and take all the air through the fan to get the suction, which suction will reach from the shaft to the fan, and so it will be impossible to install this and operate it while this work is going on in the shaft itself. This work will have to start at the surface, and it will start in the month of February; and it will be necessary to handle the dirt and the men from the surface, and as soon as that work is done—we get below far enough so that the work can be handled from the underground workings—we will install the fan at the Granite Mountain shaft.

The temperature of the stope in the North Butte mine has been very materially decreased in the last three years. The mine, as you perhaps know, is a new one; it was first opened up in 1905, so that for large productions it has been operated, say, from January 1, 1906, or thereabouts, making the mine about five years old altogether. In that time we have opened up two large veins and several small ones, and started at first from the 1,600, where the ore was first discovered; it was necessary to get an air connection from there to the surface besides our hoisting shaft. When I first went there there was no connection—air connections—north of the hoisting shaft at all, and all of our work was done north of the shaft. The mine was developed first on the 1,600, and the only connection was south of the shaft on the 1,600 to the High Ore. Since that time we have made the various connections on the Jessie vein to the surface, including the connection to the Jessie shaft itself, and the deepening of the Gem shaft, which was 700 feet deep, to a depth of 1,600 feet; and lately the volume of air which will get through the main hoisting shaft is insufficient, so that we have taken up the Granite Mountain shaft and extended that down to the 1,800 by means of raises, as that was the quickest and cheapest way of doing it, and now we are going to enlarge that to a full-sized shaft, so that it will take a very much larger volume of air than it is now carrying.

In regard to the sanitary conditions, I don't know that I have anything to add to what Mr. Gillie has just said. He has covered the subject more thoroughly than I could, because they have installed the sanitary cars, which we have not. We have always tried to get the men to use the stopes, because if a man will use the stopes it is covered almost immediately, the waste cars are close behind the stope, and the process of filling is continuous in every stope; the waste is dumped in continuously behind the men as the ore is taken out in front of them, so that I don't think I have detected any odor in the stopes more than a few times in the last five years. Generally speaking, it is covered up immediately. We have also the same trouble that he has in getting the men to use the stopes altogether, and we find it necessary to board up every drift and crosscut which is not actually in use. Of course, if we discover that there is any demand for these cars and the men will use them generally, we won't have the slightest objection to installing them, because the expense is small, they can be looked after very easily by the men on top, it won't be any particular expense, and it won't be very much trouble. But I don't think it will ever be possible to compel all the men to use them. Our

levels are 200 feet apart, which is the usual distance in Butte, and I don't think many of the men will climb down, say, 100 feet to use the car and climb back again. The men on the levels will probably use them. That simply means the men who are doing the development, drivers, loaders, and the station men.

Representative NELSON STORY, Jr. Men working in a stope usually use the stopes anyway?

A. Yes; and I think they will continue to do so.

Q. Your ideas of the tuberculosis situation coincide with Dr. McCarthy's?—A. I did not hear all of Dr. McCarthy's testimony; I just heard the last end of it; but as far as I heard it, they are, generally speaking, the same as his. I know several cases in which men have contracted tuberculosis where I have ascribed it to the effect of the dust, probably in the way he described—not the dust directly, but the dust has caused weakening of the lungs. I haven't noticed any large percentage of the men in Butte being troubled that way, but I know if a man works in the dust too long he wants to get out of it. That is, perhaps, especially true in upraise work, because the dust in drilling is always falling on the men and it is much harder for them to keep out of it than when working on the sills. The increased ventilation will not help that condition at all; in fact, the stronger air current you have I think the more dust you will have, because it drives the dust up and will make it fly in the air, but I don't consider that an argument for poor ventilation.

Representative NELSON STORY, Jr. In your opinion, would it be practical to put water into the mines so that they could be sprinkled? Could water be used on those overhead drills?

A. I am not sure whether you could use them in the upraises or not. I think that can be very easily avoided though if a man will wear a wet sponge. I have tried to get men to do that with very small success, because it is not a comfortable thing to wear. I know when I worked in a dry mill I used to wear a sponge all the time and it wasn't comfortable. I didn't feel like working very hard with a wet sponge strapped in front of my face, but I used to do it just the same, because the dust was so thick that I had to. The dust is very largely in the manways.

Representative NELSON STORY, Jr. I noticed that.

Q. And mostly in the manways—that is, the completed manways—I mean the manways where the men are not working—in some places where they have to travel to and from, going and coming from work, and it comes very largely from the ore being passed through the chutes. We have cleaned them down in several cases and we find that it is a continuous process and have to keep cleaning them, and even then the dust keeps collecting. It is very easily stirred up; it is very light and, generally speaking, the manways with the strongest drafts are the dustiest.

Senator J. C. MCCARTHY. How far apart are your air chutes, Mr. Pope?

A. The air shafts, you mean?

Q. The ore chutes in the different levels?—A. In the large ore bodies they are 50 feet apart—50-foot centers. In the small ore bodies they are 40-foot centers.

Q. About what is the average length of the levels? How far will the sill floor extend?—A. Well, it is apt to extend a half a mile. Most of them, of course, do not extend that far, but we have some that are approximately half a mile long. There are various drifts running from those crosscuts there in various directions.

Q. Would there be any particular disadvantage to the company in allowing a certain amount of rock to remain into two or three of the lowest air chutes in the different levels?—A. Why, in most cases I should imagine not. It would be a very hard thing to do though.

Q. You heard Mr. Daly's testimony in which he stated that if ore chutes were kept with a little rock in them and some trapdoor put at the air course, the air would flow along the sill floor continuously where the men are working. Do you think that is practical?—A. I think he has a wrong idea about that. I think it is better to take the air up through the stopes and carry it along the top of the stope where the men are working rather than along the sill. The men on the sill are generally insignificant in number and, generally speaking, the sills are fairly cool, especially where the men are working; but generally the place to get the air is up in the stope itself, because most of the men are working there, and I think it is better to carry it up in the stope and carry it along the stope where the men are working.

Q. You understand that when two or three ore chutes next to the air course are opened, all the air will flow up to those chutes, and the men working inside

of them will not have any air at all?—A. Well, that is true, too; that is, it is not strictly true. Of course, the air wil divide to a certain extent; the air is of much larger amount than one manway will ordinarily carry, but I think it is better to take the air up to the stope and run it along the level and allowing it to go up to the far end——

Q. It comes back over the entire stope, does it not?—A. Yes, but it has to make a double circuit to do it, while, if it goes up to the near end and travels along the stope—goes up the other end—it makes simply the one circuit; it does not have to make the complete circuit of the stope; in on the level, where you take it up and then take it along the stope, it will only have to travel once—the distance—the distance once; of course the conditions in ventilation necessarily change as the stope advances and gets higher. In opening up the sill, when the stope is close to the sill, it is better to take it into the sill first and then back, gradually ascending as it comes back, but when the stope is advanced, as most of our stopes happen to be at present,it is better to take up the nearest manway and take it through the back, where the men are working, and then carry it along the far end.

Q. Would you mind drawing me a diagram of one of those stopes you speak of? [Witness complies.]

(Witness excused.)

Senator J. C. McCarthy. I move that we adjourn.

(The motion receiving a second was, on vote, unanimously carried.)

Senator I. C. Leighton. Gentlemen, we will meet here again to-morrow night at 7.30 o'clock.

February 1, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on February 1, 1911, at 7.30 o'clock p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary; also, Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., and Marcus Hewett.

Senator I. A. Leighton. Gentlemen, if there are no objections, Mr. McQuire, who was on the stand last night has asked me to allow him to go onto the stand to-night for a short time.

Senator C. P. Tooley. I move you, Mr. Chairman, that he be allowed to testify again.

(Whereupon the motion was duly seconded and carried. Whereupon Mr. McQuire testified as follows:)

Senator I. A. Leighton. I have no questions to ask you. You asked to return to the witness chair; there is something that you want to say; you can proceed.

A. Well, last night I was asked to explain if I had——

Senator I. A. Leighton. In order that Representative Hewett will understand it, I will state to you, Mr. Hewett, that Mr. McQuire was on the witness stand last night, and he requests to return to the witness chair, as he wants to make a statement. I don't know whether it is for a correction or what, but he is not a regular witness, he is just given permission to return to the stand. You can proceed now, Mr. McQuire.

A. Well, I was asked last night if I had any way or means—knew any way of ventilating these here mines in a practical manner or proper manner.

Senator I. A. Leighton. You were asked the question, have you any suggestions to offer as to how the present conditions could be improved. That is the question that you want to answer.

A. Yes, sir.

Q. All right.—A. Well, I have. If they would only put in a continuous air course, as they have many of them to-day; if they will put in trap doors enough to keep them continuous with the workings that they are working, and on top on the Bell & Diamond Mine they represent just one shaft. Now, they are installing fans, and I believe they intend to install fans in this mine particularly—have two suction fans from this Diamond mine.

Q. You have reference to the Diamond mine—A. Diamond and Bell; all their ores go from the top level, represents the Bell, and the bottom level represents the Diamond. They have a fan on top of the Corra Mine, a suction fan, supposed to pull 280 cubic feet a minute, by the mine inspector's report, and also the same on top of the Parnell. Now, the Parnell is connected on the 1,000, on the south side of the Diamond, or the Bell, as you call them; the Corra is connected on the 2,200 on the north side of the Diamond, and for the want of putting in a few doors here and there, as they should ought to have; on every chute or every manway, and places they should ought to have

them on the main air course and turn the air up on their sill just wherever it is needed, they are not there. Now, the air will go straight down the Diamond shaft, and part of this air, I couldn't say how much, because it makes its own split, will go to the Corra shaft and straight up when it travels under some of the stopes, and where it is a suction in places, to have every manway and chute is left open, and there is no door to make the continuous air courses as they should ought to be. The other course of the air will go over to the Parnell, principally, the same way, and up the shaft, up the Parnell shaft, to the fan. Now, if there was doors on each and every level to carry this air on the south side of the shaft to the 2,200-foot level, and carry it from there into the stopes, and continue from the stope, or to the breast of the sill, I should say, continue on up over to the next level until they get to the 2,200 level, they have got raises, all kinds of them, from level to level, lots of them, if they would put in these doors they would have continuous air courses; when they carry it back up to the 1,000-foot level they could turn the air into the outlet or leave it go to the surface. If it was necessary, if they had levels working up there, they could carry it above this outlet and then back up to this level to this fan and up the Parnell shaft, but it seems they lack the experience of doing so, or else they don't want to use the little lumber to make a door and the labor to put it on. Now, I have got a map drawed out here, and I believe there is men on this here committee that understand this here map, and if they want to have it I will give it to them, or I will explain it to them.

Representative NELSON STORY, Jr. I would suggest that Mr. McQuire explain to the committee; he showed it to me a while ago, and you can understand it very readily by following it on his map here.

Senator C. P. TOOLEY. I would suggest that it be left here with the committee as an exhibit.

Senator I. A. LEIGHTON. That would be better, I would think, to leave the map with the committee so that they can go over it.

Representative NELSON STORY, Jr. Senator McCarthy is also familiar with that map.

The WITNESS. There is a little more I would like to say that I have got on this map that I didn't explain; there is places in here, it may be 15 or 20; it may be 50 feet, and it may be possibly 100 feet, that ore is not in paying quantities, and they will leave in a pillar between the stope and another body of ore that they run into, if they continue along, that is in paying values, and they will start to work this place without a raise, no possible show for air, to get it in there, or out of it; there is a possibility of getting it in if it was put in, no possible show for it to get out; they have no continuous air course; whereas with a few hundred dollars it would give them an inlet and an outlet, but it seems that they don't want to expend that money in a place of that kind; that is mostly the cause of killing the miners off to-day in Butte than any other cause.

Senator I. A. LEIGHTON. In what way do you mean in killing them off?

A. He has got no air in there; it is just the same principle nearly as locking a man in an ice box; he has got nothing there to live on, with the exception of compressed air; they run a 2 or 3 inch line, whichever is running in there to run the machinery; and I don't believe in them places, if it was not for compressed air, that a candle would burn.

Senator J. C. MCCARTHY. I would like to ask you where you would suggest placing the door. I ask the question for the purpose of getting it into the record. Just refer to that map now and say where you would place the door so that the air course would be continuous and give the best results?

A. I will make a continuous air course on there, if you wish to have it made, I will mark every place.

Q. Just explain it, if you will, naming the levels on which you would place the doors?—A. In each and every one of the top levels I would have to have a door on a down-cast shaft, for the working shaft is a down-cast shaft; I would have to have a door on each and every top of them; the bottom level would get the first of the air, it doesn't matter how deep it is, whether it is twenty-two, ten or twelve, or twenty-eight, as I have worked on the twenty-eight of the diamond myself, and you will leave the bottom level open, so you will have to have a door on each and every level from the surface until you come to your lowest level, and you leave it open to make your continuous air course.

Q. And, in addition to that, would you advise placing your trapdoors in your various manways?—A. I would advise trapdoors in pretty near every manway

in the mines only where I have to continue my air course, whichever way it would come. Various ways of doing these things when you go to do them yourself. You will carry your air in on the sill, just as Mr. Daly drawed out that there program on the blackboard there, carry it on the sill and bring it up onto the first floor and then onto the stope.

Representative NELSON STORY, Jr. Then would you need trapdoors in your sills, would you?

A. Not and continue in the way it was made.

Q. On your map over there?—A. On my map I would.

Representative J. C. DUFFY. I would suggest that this map be handed the chairman as an exhibit.

Senator I. A. LEIGHTON. You will kindly leave your map with the committee. Have you anything further that you would like to offer?

A. No; I have nothing further.

(Witness excused.)

Whereupon DR. F. McGINN, a witness, called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. Edward F. McGinn.

Q. And where do you reside?—A. Butte, Mont.

Q. You are a physician and surgeon?—A. I am a physician and surgeon.

Q. How long have you resided in Butte?—A. About six years.

Q. Dr. McGinn, in your practice up there you have had something to do with the so-called miner's consumption.—A. I have.

Q. Doctor, I wish that you would use the simplest terms possible, so that not only those who don't belong to our profession can understand better, and I wish you would go on and explain the conditions that you found the lungs in, and your ideas as to the cause of this so-called miner's consumption.—A. Well, in the first place, I would like to state that the consumption that we get is not a miner's consumption in the true sense of the word. We have really no such thing as a miner's consumption. We have what we call a pneumococcus, in other words, a scarification in the lungs, which is the first affection they develop, that affection produced interferes with the amount of air that is being interchanged with the blood in the lungs, and therefore reduces a man's resistance; reduces his vitality, and if he comes in contact with the germ of tuberculosis, he has a prepared field which allows him to contract the disease, which usually runs a rapid course. Now then, consumption, to begin with, is a disease that the majority of the population in the world at some time or other are affected with. The fact that they have good conditions, plenty of fresh air, and plenty of sunlight, and plenty of food, also plenty of rest, allows the majority of them to overcome the effect of the disease and thereby get well. Those that have not quite that amount of resistance go on as mild tubercular cases. I merely explain this to show that we get all degrees of the disease. Now, we will say that consumption is primarily a condition due to confinement, and the affection of the germ is in some part of the body, usually the lungs. Now I think that is a fair explanation of it, unless you want something else.

Q. Doctor, in the autopsy—I suppose you have held a number of them, by the way?—A. Yes, sir.

Q. Did you find a large amount of the deposits of this fine dust that naturally arises from the process of mining deposited in the lungs?—A. We find in the autopsies, on people that have been working in mines, driving coal wagons, and doing work in which they will come in contact with a large amount of dust, we find the lungs much darker, much less resistant, and more scarified than we do in those people who are not following such occupation. Take the lungs of a young person, you will find a light, clear-colored lung. Take the lung of a man who has worked under ground for years, in the dust, you will find a darker colored lung, very much thicker and hardened lung, and a lung in which the air spaces are limited. In regard to the type of the dust, we get a great many different types, and I have not gone into the question in regard to the type of dust, because I never felt it was necessary. I presume on analysis, though, we could tell what type of dust it was and what it comes from. The fact of the dust being there, the fact of the irritation of the lung prepared the field for the tubercular germ. A man's age is another question that would have to be taken into consideration; a man that has worked for years at the mine has reached a stage where treatment for tuberculosis will be less successful.

Q. In your opinion, Doctor, do the miners contract tuberculosis after they go into the mines in Butte?—A. I think they go into the mines as healthy men—the majority of them; they may have some tubercular germs, but they prepare the field for the tubercular germ in their work.

Q. Just explain that statement.—A. I mean, by preparing the field, that a man goes in there with a lung that is very good, and that takes in a normal amount of air; that after he has worked for years in the dust the lungs have become hardened, and they become irritated until the lung tissue has been replaced in a large amount by scar tissue. Then, there is not a sufficient amount of oxidation taking place, his resistance is lowered, and if he comes in contact with the tubercular germ, irrespective of whether he gets it underground, or whether he gets it in the house in which he is living, which is very possible in Butte, he will gradually die of the disease.

Q. Doctor, if I understand you correctly, the man who is afflicted with this so-called miner's consumption, it was in his system when he came there, when he started in to work in those mines?—A. It was either in his system when he came there, or the preparation of the field by lowering his resistance has allowed him to contract, or rather assimilate the germ and he is unable to throw it off. I don't like to say that it was in his system when he went there, because it is an impossibility to tell that.

Q. What have you to say, Doctor, in regard to this enormous amount of dust deposit that you found in the lungs in holding your autopsies, as to the cause of it producing consumption?—A. I would say that the dust and the irritation of the lungs prepares the field in such a manner that the minute the man comes in contact with the tubercular germ he assimilates the germ, and therefore he is a good subject for tuberculosis. I would say that tuberculosis is a disease which is generally conceded to be due to poor air, poor food, confinement, and lack of rest; it is essentially a house disease; that is, a disease that is not contracted by being out of doors in the fresh air.

Q. It is a germ disease, is it not?—A. It is a germ disease; yes, sir; but the field must be prepared for the germ; a person's resistance must be lowered.

Q. For the germ to develop, you mean?—A. For the germ to develop and make its advances.

Senator I. A. LEIGHTON. Are there any questions that any member of the committee would like to ask the doctor?

Representative NELSON STORY, Jr. In his testimony last night Dr. McCarthy said that tuberculosis could not happen without the tubercular bacillus?

A. That is true. The name itself is taken from the bacillus. With the tubercular bacillus we would have this condition that I mentioned first. We were speaking of the miner; he works a long time in the mine; he would have a scarification of the lungs; in other words, pneumococcus; in that way if the man did not develop tuberculosis, it would be only on account of the fact that he did not have the germ in his system or he did not come in contact with it. If he picked up the germ, he would die rapidly with it. In that condition he would have an impaired breathing space and an impaired circulation and a disturbed heart. That would refer to active cases of tuberculosis. Take a man who is expectorating, and bringing the germ in his sputum, he is in a condition to spread the disease; and once in the mine or in his house—the general majority of the men in Butte rent their houses, live in a small house. They are not ventilated as they should be. A good many of them leave that house and go into another and leave an infected house. Another man will move into that house, apparently perfectly sound. He sleeps in that house, the windows are closed and the doors are closed and breathes these germs that have been expectorated on the window sills and walks, and he becomes afflicted with tuberculosis. The same thing can occur in the mine. Coming down to a question of examination, first with a tuberculin test, we would find the majority of the men up to the age of 30, they would give a positive reaction; they would be tubercular subjects; they would be liable to the germ, or would have had it some time or other in their system, although it might not be active. It would hardly be fair to exclude those men from the mines, for you would be excluding the majority of the workingmen to-day. The ones in the active state should certainly be excluded; should be put in institutions and treated for tuberculosis.

Representative P. J. DUFFY. Doctor, what effect has hot smoke and gases on the lungs?

A. It has the same effect as the dust we have been speaking about or any other irritant. It irritates the lungs, and in that way gradually reduces the resistance of the lungs. The man is not going to breathe any more of that

smoke than he can; therefore he will not dilate all the air space of the lung, and part of the lung will become inactive, will become scarified, and those portions of the lung will leave a field for the tubercular bacillus, if he comes in contact with it.

Q. It will not kill?—A. Kill what?

Q. Smoke and gas. Will it kill, enough of it, or have they got to have this tubercular bacillus?—A. You mean will kill this tubercular bacillus?

Q. Yes.—A. No; the smoke and gas of sufficient strength to kill a tubercular bacillus will be of sufficient strength to kill the patient.

Senator I. A. LEIGHTON. Doctor, I am not sure whether I asked you this question or not. If I have not, I would like for you to explain to the committee—explain to them the condition that you found the lungs in where you have held a post-mortem or autopsies?

Representative NELSON STORY, Jr. I think that is the first question you asked him?

A. Yes; I believe I answered that. I spoke of the lung as being scarified.

Q. Dr. McCarthy spoke last night, in describing it, of some very dark spots?—A. Well, we get dark spots in the lungs of a person, especially if the person—for that matter, who has lived in a large city, breathing the smoke and dirt of a city, you will find the lungs dark, and you will find in the lungs, and the lungs of a patient who has died of tuberculosis—it depends entirely upon the type of the lesion that you find the lung in; that is, the appearance of the lung. But this so-called miner's consumption, as I said before, you have, first, the lack of air space; the air space has been reduced and scarified until it has contracted; and we have the discoloration, the appearance of dust deposits in the lungs; we may have calcareous deposits due to the tubercular bacillus; we may have a small miliary type, which may have got in there the size of a millet seed; we may have those all over the lungs. But the main point of these cases which we get after working in the mines, the fact that the lung space is limited, contracted, and the tubercular coming on them, on the limited air space, is practically sure death, because we have a circulatory disturbance with it.

Representative NELSON STORY, Jr. Then an abundance of fresh air would mitigate against the condition to some extent, would it not?

A. To some extent; yes, sir.

Q. I asked Dr. McCarthy last night if he were in power to stamp out tuberculosis in the city of Butte, what would be the first step he would take. What would be your first step?—A. The first step to stamp out tuberculosis in Butte would be to insist upon reports to the health officer of all tubercular cases, tubercular houses in which people have died or have lived with tuberculosis; to furnish the people with an abundance of fresh air, sunshine, good food, plenty of rest, and keep the tubercular patient in such a manner that there would be no chance for the people not affected with tuberculosis coming in contact with a tubercular germ.

Q. That would necessitate more or less of a quarantine?—A. It would in a way necessitate a quarantine, but not a true quarantine; but, as I said before, the majority of the people in the United States—in fact, the majority of the white race—at some time in their lives have shown signs of it. If we started in with a perfect quarantine we would probably have to quarantine almost the whole white race. The only cases that should be handled should be the active cases of tuberculosis, those that are coughing and expectorating the germs; those are the only ones that should be handled in that manner. I believe if we started to stamp out tuberculosis in Butte we would not only have to look for fresh air but we would also have to improve their condition out of mines, and we would have to keep the active tubercular cases out of the mines and away from the others as much as possible.

Q. Your idea is, then, that a sanitarium or a hospital in which these active cases could be sent is an imperative necessity?—A. Yes, sir; that would be my idea; that we have sanitariums in which they would get the open-air treatment; that treatment has been used since 1896, first started in Switzerland, and has been a very successful treatment.

Senator I. A. LEIGHTON. Any further questions to ask the doctor?

Representative P. J. DUFFY. Has poor sanitary conditions got anything to do with the breaking down of the miner in Butte?

A. Poor sanitary conditions, taken all the way through, is practically the real cause of a man's contracting tuberculosis; poor sanitation causes tuberculosis.

Senator I. A. LEIGHTON. Do you mean to say that the insanitary conditions produced the germ?

A. No; it prepares the field for the germs.

Q. It develops the germ, in other words?—A. It prepares the field so that a man himself coming in contact with the germ can not throw it off, can not hold it in an inactive state.

Senator I. A. LEIGHTON. Any further questions to ask the witness; any member of the committee would like to ask any further questions?

(Witness excused.)

Whereupon Dr. T. J. MURRAY, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name, Doctor?—A. Dr. T. J. Murray; live in Butte.

Q. How long have you resided there?—A. I went there in 1885, and I have been practicing there ever since.

Q. 1885?—A. Yes, sir.

Q. And, Doctor, you have had considerable to do, I suppose, with this so-called miner's consumption?—A. Yes, sir. We have been treating those cases. I have been running a hospital for a great part of this time, and we are treating them—some of them—all the time. A man in general work naturally comes in contact with them.

Q. Have you ever held an autopsy on these cases?—A. Yes; I have seen autopsies performed. As I understand it, this committee is trying to investigate the conditions in Butte of the mines, and other conditions, or of the conditions that affect the miners, or people that might be diseased; is that the condition of it?

Q. It is to investigate into the sanitary conditions and the condition of ventilation that affects the health, etc., of the miners.—A. And, then, your special efforts are devoted to tuberculosis?

Q. That is what we have been doing.—A. This miner's consumption, as they call it, I think a great many of these cases are not tubercular cases at all. There is a condition there, that Dr. McGinn explained, of the lungs from injuries, such as gas and dust and things of that kind, on account of the injury. Now, when you get consumption, as we understand it, it is tuberculosis. Now, then, these other conditions outside of the infection, it is a special disease. Now, when this patient is affected with that dust, it begins to develop and breaks him down rapidly; it is a special disease, the same as diphtheria, or scarlet fever, but a diphtheria germ will not produce typhoid fever, no more than a typhoid-fever germ will produce diphtheria. Any person coming in contact with these germs—and their condition is such that they will take them up and find a field that they will grow in, the same as corn will grow in Missouri, or wheat will grow in Wisconsin, or anything of that kind. Wherever they get a good field to work in they will develop much more rapidly and grow. That makes the distinction. They are distinct germs. Now, there are a great many conditions there in Butte that predispose to this—that makes it a good field for it. We have got, apparently, a great deal of the miner's consumption, I understand, while I am taking the public term of it; but there are a great many of these men, more than usual. When I went there there were a great number of young men—young people—and these injuries from the dust did not exist so much. The miners' habits in Butte are not good in a great many instances.

Q. Kindly explain those, Doctor, for the interest of the committee.—A. I have had to talk so much to those fellows there. What I mean, they don't take care of themselves, in a certain way; they don't know how to take care of themselves. A great many of them, in the first place, they eat a great deal of very rich food; they live well; a great many of them drink enough, and that doesn't do them very much good; they don't take care of themselves; they don't bathe themselves as much as they ought to; while a great many of them are clean, they are not cleanly. A great many places in Butte—the sanitary condition outside of the mines is not good. The boarding houses and a great many of the houses in Butte have their privies close to the house; and they throw garbage out; they have open privies; there are a great many places of that kind in Butte; it is a breeding place for flies, and the flies are the greatest carriers of the disease we have got.

Q. What is the matter with your health officer over there?—A. Our health officer is a politician.

Q. The same as in Jefferson County, do you mean?—A. Oh, no; it has not been controlled; these conditions have never been controlled. They are much better than they were 25 years ago; very much better since we have got in water in Butte and got a certain amount of sewerage; still we have a great many open privies. It can be remedied a great deal more. However, the conditions are better; quite a number of our people have families that they didn't have 25 years ago; they take better care of their children.

Now, there is one thing, in older communities where people are broken down in years, in older cities like Philadelphia and Boston, where the people are broken down and poorly fed—hard worked and poorly fed, badly housed, brought into poor ventilated rooms, a great many of the children enter these houses. This class of people have tuberculosis, they have hip-joint diseases, spinal diseases and tuberculosis, peritonitis. That you don't see in the region of Butte; it is very rare that you see that. Now, these are all contributory causes that produce, or contribute, to a person that is exposed to tubercular bacillus; they may become affected. While quite a number of these miners have not the tuberculosis at all; for instance, we take a man, a man that comes into a hospital; he has a cough, a bronchial cough; he loses flesh; he does not regain his strength with a certain amount of nutrition, from his food, and we will take that man's sputum and examine it and find no tuberculosis at all, tubercular bacilla; we do that over and over again. I think the conditions outside of the mines probably contribute as much to their poor health, and may be a little more so than the mines.

Q. What is your opinion, Doctor?—A. Yes, sir. The surroundings; you take a great many of these people and they sleep in very small rooms; they are poorly ventilated, and they will use blankets on their beds—not so much now as they did—those blankets are not changed very often. They spit on the floor, the blankets become soiled and they sleep in them. That is a source of infection, that is one of the sources. And then the privies, as I spoke of before, they are another source of infection, and the natural filth around the houses is bad in all communities. I don't know whether it is worse in Butte than in other places, but it is bad there. There is one thing that I have had a theory about in the mines; that we have not been able to demonstrate yet, but I doubt very much that many of these germs will live in the copper mines, especially where there is moisture; the sulphate of copper if it don't kill these germs, it retards them, a great many of them. A few years ago there was thought to be intestinal worms brought over from the miners working in the mines of Germany. I don't think that the miners have ever been infected with them very much in Butte. I think it is owing to the copper water that these germs have passed. They will get in the mine, in the dust, it gets wet, the copper in it retards it. That has not been worked out yet, but it is being worked out, it is being developed. Now, if there is any questions that you want to ask me, I will be pleased to answer.

Senator I. A. LEIGHTON. Any question that any member of this committee would like to ask the doctor?

Representative P. J. DUFFY. The sanitary condition that you spoke of, is outside of the city of Butte, outside of the city limits, is it not?

A. Oh, no; it is right inside the city limits, it is up in that block that I live in, it has got plenty of it in. There is the old Langlois barn, there is small houses back of Langlois's barn that haven't got sewer connections, and there is not a block in town that has not got some of it in.

Q. Isn't Centerville and up that way, worse?—A. No, sir; Centerville is not very much worse because it is drained. Some of these other places are not drained.

Q. Then with poor conditions existing, which are told to exist in the mines, don't you think that helps to break down men?—A. I don't think that that is worked out clear yet. I think that where you have got poor air in the mines, that is a detriment, there is no question about it. If you have got poor air, that is poor sanitation. Now, I don't think that there is any infection that you get from the mines proper; I doubt very much if any of the germs, any disease germs, will live in the Butte mines, in a copper mine, and be active.

Q. The smell of where men have to answer nature's call in stopes, when that has been done don't that help break down the men?—A. Oh, yes; that has got to, if you have got fecal matter; that is, exposed naturally.

Q. You speak of rooms being close, and attribute that partly to the cause. In other mining camps where sheets are not known, they use blankets and comforts exclusive, why is it there is not more consumption prevalent there?—A. Well, I don't know that is the condition.

Q. In Utah, for instance, where bunk houses—rooms as large as this court-room, bunk houses—one row of men sleeping on the top of another row—you don't hear of conditions there as bad as they are in Butte, do you?—A. Then you probably don't hear. This part is demonstrated beyond a doubt; this tubercular bacillus will, when expectorated, when thrown out any place, it will dry, and the dust will carry them into the people, carry them into any room; wherever we find a field where they get nourishment they will grow. Now, the condition that you speak of, where men are huddled together in that way, in blankets, one man with consumption may infect nearly all these men. That has been demonstrated. That is demonstrated by cows and cattle, where they are crowded together in a warm barn, when they are hot, and one of them is infected, it may infect the whole herd. Now, those things are absolutely worked out, and there is no question about that as a fact. Now, you have got the same conditions that you speak about, huddling these men together on beds, and there is no sheets; but when you make that statement I don't think you are fully advised, because if you were to go down here to your hotel and find a row of beds there, and that a tubercular patient had been sleeping there, and his sputum was around the room, wouldn't you walk the streets, or would you sleep there?

Q. Sheets are unknown in the bunk houses, and you will see men from Butte—leave Butte and go down there for rest, and build up in those places.—A. Do they come back?

Q. Yes.—A. That is not the condition. If I were to run a hospital in that way in Butte the miners would go down there and burn it up, and I wouldn't blame them for doing it, either.

Q. These patients that have such as is termed miners' consumption, you can not receive all of them in your hospital?—A. No, sir; we can not.

Q. Your place is one for injured men, or for men who are hurt, or for fever or pneumonia, such diseases as that?—A. We have a contract, we haven't any contract, but we make a proposition to the miners to take them in, if they pay us a dollar a month for any diseases not arising from vicious or immoral habits; such diseases as scarlet fever, tuberculosis, and infectious disease, smallpox, some of those things the city won't allow us to take. We take care of typhoid fever. We don't let any of these others in when we can avoid it; but, for instance, a man may come in there with a fractured thigh, he has got tuberculosis, and we have got to isolate him, put him in another room; we do that, we keep him separated just as far as we can. We make it pretty broad, we take care of all that we can take care of. I don't think it is safe to put tuberculosis patients near well people.

Q. Then the poor farm is their home?—A. No; I don't think so, I don't think so.

Representative J. C. DUFFY. Do you receive patients from other vocations other than mining?

A. Oh, yes; we do general surgery and do general practice.

Q. Well, as a matter of comparison, such as teamsters, smelter men, when the smelter was running there, brickmakers, or any of the other callings, how do they compare with mining as far as this class of disease is concerned? Did you discover the disease to be as prevalent among other classes as you do among miners?—A. To answer that question intelligently, for the answer to be worth anything, we would have to keep very elaborate statistics of the miners and the others as to their callings, and, another thing about it, we have no means of examining these miners before they go to work, so that we can not tell when their disease began.

Q. Well, approximately?—A. It would be merely a guess, the answer would not be worth anything; I couldn't give you an intelligent answer.

Q. Now, teamsters attract a great deal of dust in the shoveling of these ores, as a rule, don't they?—A. Yes; and a teamster has got other things to contend with. I used to dread to see a teamster come in the hospital. As a rule they take less care of themselves than anybody else, and drink more; they are hard people to handle.

Q. In proportion to the number of teamsters employed as compared to miners, have you noticed as many cases?—A. No; I haven't any statistics, nothing that I could work on to give an intelligent answer to that question.

Q. How is it as to the smelter men?—A. Great many of those men were bothered with lung trouble on account of the gases in the smelter; a great many of the smelter men used to have pneumonia, but as far as comparing it with the tuberculosis of the miners, I don't know.

Q. Have you had many cases, Doctor, from these two callings?—A. That I would have to go to the records and find out. We make a record of a man, where he is working, and his disease. We don't take those up and find out whether so many men were smelter men, or whether so many smelter men have typhoid fever, or whether they have pneumonia, or whether they have had diphtheria, or anything of that kind. We have no record of that kind.

Q. As a matter of observation, you have no line on it at all?—A. I have no line on it.

Representative P. J. DUFFY. There is one more question I would like to ask you. Does a man who is injured with a broken limb in a mine, does that take that man longer to heal than it does from a man who is working outside?

A. Oh, no. A great many of these men are of fine physique and heal very rapidly. Another thing is peculiar about a great many of these people, we get many from the same mine with almost identically the same injuries, they are put in a room, and there may be two or three weeks' difference in the time that the bones will heal.

Representative NELSON STORY, Jr. Does this condition that you described there at first, as not being a true consumption, yield readily to treatment?

A. Oh, no; as it goes on the worse it grows. As Dr. McGinn explained to you, there is a change in the lungs; you have got an injury there from these irritants, such as the smoke and the fine dust, and it changes the whole lung tissue. Lung tissue, when it comes in contact with mucous membrane—that is the lining inside—then you have the work of blood vessels; they run out and catch the air; then you have the cellular tissue; then you have a gland tissue in there; and all this making up the lungs. Now, when you get this, you lessen the functions of these tissues; the blood vessels become contracted; the glands won't do the work; the mucous membrane won't perform its functions; it won't do the work because it is changed, it is a scarred tissue; the circulation is not proper. Now, then, we have all that condition; you have a breathing like a man with asthma; he is short of breath; he feels that he can not get enough air. That throws the work on the heart—extra work on the heart—it throws extra work on the blood vessels, and it is all changed. A great many of these men that you talk about having this miner's consumption, they are not infected at all; it is a change like old age coming on. It will come on all of us if we drink too much and don't take enough exercise in the open air and keep in good condition.

Q. You haven't any idea of the average length of a man's life after he becomes seriously affected with this condition?—A. That is altogether owing to his habits after he gets it. If you will take that man and give him certain kinds of food and a certain amount of exercise and plenty of baths and keep him clean and enough exercise to keep his blood vessels active, he will live much longer than if you overcrowd him. It doesn't make any difference whether you put him in a mine or boarding house, if the conditions are bad, if he becomes infected, it don't make any difference whether it is typhoid fever or not, he will get pneumonia; he will get diphtheria, kidney trouble; he hasn't got the resistance, the resisting forces a young man would or a healthy man would.

Q. Under favorable conditions, would a man in that state be more or less self-supporting?—A. How's that?

Q. I say, under favorable conditions, would a man in that state be more or less self-supporting?—A. Yes; at certain vocations; if he has light work to do out in the open air, with good food. Send him to the seacoast in the winter-time—warm sea air—send him to the mountains in the summer time, and give him plenty of money to spend; keep him in good humor; let him enjoy himself.

Q. Take a man in the incipient stages of consumption, will the disease yield to any treatment?—A. Yes, sir. A great many of those cases that have tubercular deposits in their lungs, it becomes insistent, and he may come around and die from some other disease—from old age, or something of that kind.

Q. What would be your idea of a State sanitarium to take care of those men?—A. There are a great many factors connected with a State institution. The great difficulty with a State institution is to get men to go to it. That is the first thing to contend with. In the first place, you would have to get a sanitarium that would be attractive; and, in the next place, you have to have a sanitarium big enough to keep these men far enough apart that they would not infect each other. It is a very difficult matter, especially with the old people, it doesn't make any difference whether they are miners or what they are, to get them to quit their habits and get them to leave their families and friends. It

is a very serious proposition. If they get homesick, they are the most miserable creatures you can find.

Q. Then a man's mind is one of the principal factors as to his improvement?—A. I don't think that the mind controls his physical condition, but it is a factor. It would be very difficult for a man to believe he was comfortable if he had to stand with his feet in a bucket of ice water.

There is a great deal of the conditions in Butte that can be bettered, and, as I understand from the owners of the properties and the people who have control of them, they are trying to work that out. They are trying to work out the sanitary conditions and ventilation conditions. The sanitary conditions in Butte, certainly a great many of them can be remedied on the surface; and from what they say about the mines some of them can be remedied, and they are doing it. They are a great deal better now than they were 10 years ago, or 5; 25 years ago we had no hospitals. We have a pathological laboratory, and that is rather an expensive thing; and those are the things where a great many of these things can be worked out; that is a big expense. When I practiced medicine a pathological laboratory was hardly known; that was 30 years ago; and still to-day we can not get along without it; you can not run a hospital successfully—a good hospital—without it. It is a necessary equipment of it—as much so as the instruments or anything else. It is necessary in diagnosis. With that you can take and find out a great many things about the mines. For instance, about these germs, to know whether they will live in this copper water. You will remember that when we had water in Butte that there was a great deal of odor to it, and we didn't know what to do with it. Mr. Carroll worked it out; he took copper in sacks, brought it down in his reservoir at Basin, and that water was purified. There is no question but that a great many of these germs will not live in copper water.

Senator C. P. TOOLEY. Do the mine owners render your hospital moral support?

A. Oh, yes.

Q. They are interested in the welfare of their employees?—A. Yes, sir; not only that, but they are doing a great many things to make it better all the time—both of the hospitals, not only one. For instance, I was down in one of their coal mines; I was with one of the officials of the coal mines, and there is a town above the other there, and there was a defect in the sewerage from the upper town. When he found out the conditions he went to work at it, and has been working at it ever since, but he run up against a politician who was the health officer, and he has got to wait.

Senator C. P. TOOLEY. That is beyond the scope of our investigation.

Dr. T. J. MURRAY. I thought this committee could come pretty near regulating anything; I was in hopes so.

Representative P. J. DUFFY. What is your opinion—how do these flies get in certain portions of the mine?

A. That I don't know anything about. What kind of flies are they?

Q. It is generally understood from the miners that they breed from the insanitary conditions; for instance, a man's deposit in the stope.—A. They have horses and mules in the mines; flies breed a great deal. I don't know what the condition is you speak of, but flies breed a great deal from horse manure; that is where their eggs are deposited and hatched, and it is a great source of their breeding.

Q. Using a miner's phrase, they are commonly known as shit flies?—A. That might apply to horse manure.

Q. It is not very convenient for the horses to get up in these stopes?—A. If there is fecal matter around in the mines, why, it is dangerous.

Senator C. P. TOOLEY. Do you make frequent trips through the mines?

A. No, I don't make frequent trips; I go through occasionally.

Q. Have you ever seen any such flies?—A. No, I never seen the flies; I never seen the flies in the mines.

Senator J. C. MCCARTHY. Do you think that the decaying timber would breed flies?

A. I don't know about that. They couldn't breed those flies there anywhere without they got their eggs deposited in there somewhere.

Representative P. J. DUFFY. Isn't it generally in these places where a man has responded to a call of nature?

A. I think it might be there, but that is something I don't know about.

Q. And it is contended on the part of the majority of the miners that they are injurious to health?—A. I think flies are injurious to health anywhere;

they carry more disease than anything else. You see, they light everywhere, they fly around these houses where they have open privies, or where they have a case of typhoid fever, and they will throw their excrement out, the flies light on it, carry it right back, and carry it right to another house. They carry typhoid; they carry diphtheria; they carry nearly everything. Of course there are other means by which it can be carried.

Senator I. A. LEIGHTON. You stated that you went down the mines occasionally—that is, once in a while?

A. Yes, sir.

Q. How recent has been your last visit?—A. It has been a year since I was down there; I have not been down in a mine for a year.

Q. What did you notice at that time as to the sanitary conditions, whether they had improved or otherwise?—A. That I don't know, because they would probably take me down in a place that was not very bad; I would go through and see some of the ore and hear these men talk about it, and see how they were doing the work, and see the size of the stope.

Q. They don't have near as many cases of pneumonia in Butte as they used to?—A. No; not near so much.

Q. What do you understand the reason of that is? Is it the improvement of the general conditions?—A. I think the sanitary conditions are better. When we had our great amount of pneumonia there it was about 15 or 16 years ago—we had the grippe—it was the year we had a great deal of grippe, and quite a number of the miners that were sick caught pneumonia; then they would go out on the flat to these funerals, and it was owing to the exposure of these parties; at the same time we had fumes from the smelter. We have less pneumonia and have less typhoid fever now.

Q. And, Doctor, is it your opinion that if the sanitary conditions or the insanitary conditions of the city, aside from the mines, was looked after that it would lessen the number of tubercular cases that they now have?—A. I think that it will lessen all the diseases that we have, especially typhoid fever, and it will lessen any infectious diseases; it will lessen a great deal of it. You can understand that if a case of smallpox is reported everybody is afraid of it, and they want to get away from it as soon as they can, but they pay very little attention to a case of typhoid fever, and that is much more dangerous, a great deal more dangerous, than the smallpox. We had last spring, I think it was six or eight cases of typhoid fever from one boarding house, and upon investigation all we could find was a filthy boarding house.

Q. Filthy boarding house?—A. That was all; throwed the slops right out the door and let them lay there.

Q. I presume that was reported to the health officer?—A. Yes; we reported it.

Q. That is all the good it did?—A. We reported it.

Q. He is a politician, you say?—A. (No answer.)

(Witness excused.)

Senator I. A. LEIGHTON. I will ask the State mining inspector to take the stand.

Whereupon WILLIAM WALSH, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. William Walsh.

Q. Where do you reside?—A. Helena.

Q. What is your occupation?—A. State mine inspector.

Q. How long have you filled that position?—A. Six years; will be six years the 4th of March.

Q. I don't know that I have any questions that I care to ask the mine inspector. I will turn him over to the committee.

Senator C. P. TOOLEY. He might in a general way state the conditions in Butte.

Senator I. A. LEIGHTON. Yes; he might state.

Senator C. P. TOOLEY. In story form.

Senator I. A. LEIGHTON. You may go on, Mr. Walsh, if you have any information that you can give the committee; the general conditions in Butte; the general conditions in Butte.

Representative J. C. DUFFY. I would say in connection with that, any recommendations to the committee as well.

Mr. WALSH. I will state that there are conditions in some of the mines in Butte that have been noticeably improved in the last two or three years, while there are conditions in other mines that are worse than they were five or six years ago. That is in regards to ventilation and sanitation. There are a great many of the mines that have installed mechanical means to assist the natural means of ventilation. That is, by installing electric fans, and opening up several air courses, in order that the air may be taken into portions of stopes that they are operating in. There are a great many of the mines that still stick with the natural means of ventilation. In the first place, they have not got the proper openings to create the amount of air required into the mine to supply the different portions of the mine where men are at work. And my idea to overcome certain parts of the conditions would be to open up larger air courses and carry them to the extreme bottom level of the mine, keep the air as low as the working portion of the mine, and distribute it from there, or distribute to any level that they would need it by the use of air doors, and stoppings of any kind, that they may place in drifts or openings of any kind on the regular course of the air. In the mines in Butte several of them have adopted the system of fans and stoppings and doors and levels to systematize the air, and keep it in motion. The conditions have been improved.

Senator J. C. MCCARTHY. Have you, in your official capacity as mine inspector, ever received any complaint from the Butte miners' union as to bad conditions in Butte?

A. Not officially; no, sir.

Q. Have you received any complaint from individuals, any written complaint?—A. Written complaints—no, sir.

Q. Under the law are you required to keep written complaints as secret in the office?—A. I keep them on file if I receive them.

Q. Does the law specifically provide that provision?—A. It does; yes, sir.

Q. Then any miner in Butte making a complaint to you, he would have the assurance that his complaint would be a secret to the office?—A. Yes, sir.

Q. What authority have you to enforce any better regulations in the Butte mines?—A. I have not had any under the law.

Q. Have you made any recommendations to the Butte mine owners as to how their properties could be bettered?—A. I have, every time I made an inspection. I have always recommended and suggested some of them. Some of them have been carried out. I remember five years ago, I believe it was, or five years ago last spring on my visit to the Gray Rock there. I believe that was the worst mine I ever came in contact with in the Butte district at that time, and I suggested several changes and recommendations to the foreman, who was Mr. Emerson at that time. I found men working in places that reached above ninety, between ninety and one hundred, and where a candle would not burn and hold it in a standing position; in order that the light might burn you would have to turn it on the side, so that the grease or tallow from the candle would run on the wick and cause the flame to burn, and I recommended to him that a certain crosscut be driven a certain distance where an air course could be tapped. And from there the air could cause a circulation; it would cause a circulation from the lower portion of the mine on what we termed the still floor; take the air from the air course up through this stope and out through this crosscut, and strike the main air course to surface, and the air would always be in motion; he didn't do that, and I made a trip to that same particular mine, I think it was five months later, and I still insisted that he make those changes. It was a very short time after I made the second inspection he was fired, or at least——

Q. Resigned, maybe——A. He resigned and a man by the name of William Daly got his place. I made a tour of inspection with Daly, and we came to the conclusion that the best method and course to pursue—I laid down my idea and he laid down his idea—so we came to the conclusion and he worked it out, and some nine months from that day the superintendent told me that they were extracting ore from the Gray Rock mine 35 cents cheaper a ton than they could under Emerson's time. I said: "What has brought about the change?" He said: "The ventilation that Daly had brought to the portion of the stope where men couldn't work."

Q. How many tons of ore per day do they hoist from the Gray Rock?—A. Oh, it is not a very large property; I believe seven or eight hundred tons in 24 hours; something like that.

Q. That would mean a saving of $250 a day then?—A. And after driving this crosscut north it tapped what we call the Corra mine. Then to connect—to ventilate the lower portion of the mine—we tapped several raises, made con-

nections from one level to another in order that the air might circulate. He placed a fan on this Corra shaft, which assisted the natural means of ventilation and caused a suction, and there is not—I don't know that there is a place in that mine to-day that a man could kick to work in; I don't know of any. While there are some places that are a little warm, it is an utter impossibility to make every portion of a metalliferous mine as men would want it.

Q. Through visits of inspection to the Butte mines do you carry a thermometer?—A. Well, not very often; I have at times.

Q. Do you know if the fans that are now installed in the Butte mines are placed on main air courses where they can get an abundance of fresh air?—A. Well, mostly all of them.

Q. In which of the mines did you notice the conditions had improved? Can you give the names?—A. Well, the Gray Rock; the Original has improved a great deal the last six months or a year; the East and West Colusias and the Leonard, and also the Pennsylvania; and the Diamond has improved somewhat.

Q. In which of the mines have the conditions grown worse?—A. Well, I believe there are—I found conditions in the Mountain Con mine, while I couldn't say that they are worse, but they are as bad as they were.

Q. In other words, the conditions have not improved?—A. Have not improved; no, sir.

Q. How about the North Butte property?—A. Well, that is a property that has not improved. In some portions of it air has improved a little in the last year. I believe since there has been several air courses tapped it has improved a little; it has improved conditions close to the air course, but you get off the air course and conditions are practically the same.

Q. I have not been able to read your report; I have not had the time. In your report to the governor do you mention any specific instances of where improvements could be made in any particular mine, or do you simply dwell on general conditions?—A. I report on general conditions. I never report the conditions of any particular mine.

Q. Well, would the same recommendation govern in all cases in the Butte mines?—A. The same conditions——

Q. Recommendations, the same recommendations; in other words, would a general recommendation touch every particular property where men are employed at the present time?—A. Well, yes; in a way it would.

Q. Have you any suggestions to offer as to the bettering of conditions in the Butte properties as to ventilation and sanitation?—A. Well, now as to the matter of sanitation, that is one of the easiest and simplest things that I know of. To better the sanitary conditions the solution is to take the offals—which I don't think it would take any great argument to satisfy any reasonable man—where there are seven or eight hundred men underground every day in the year, more or less, and nature's calls are all deposited below, and where there are a certain amount of decayed timbers, causing heat, and the heat and the oxidation in the mineral in the ground itself, which causes heat, and all this mixture—I believe that is all that it is necessary to state that something should be done in a sanitary way. You take, for instance, in comparison—you take a little band of soldiers, put them out here on the plain where they have the canopy of heaven to carry off everything, and let them do as the miners do underground—pass it off anywhere they happen to light, and do that around their camp and camp there for five months, what would be the condition of that camp?

Q. That is not exactly a parallel case.—A. That is just a comparison I drew.

Q. Because such a camp as you have described is not being covered over all the time, such as the stopes are in Butte. The surface where those obnoxious deposits are placed are not being covered over like those stopes are in Butte.—A. Well, the solution of the sanitary question, in my opinion, the only solution is the sanitary car, which can be built—there is not a mine in Butte that I know of that has not trucks of cars that are still strong enough to be replaced for that purpose. Take the old mine car, line the old box—that is, the bottom of the car—with a heavy sheet iron or light steel, make it air tight; make a regular privy cover on that that will clasp tight; two stools on there where two men can approach the car at once, at one time together; put lids on them just the same way as you would have them in any of your toilets, only have it iron, so that when it goes down it will strike on a rubber band, the suction will hold it tight. This mine car, when the time comes to run to the surface, they could go right out on the track and on the cage, taken to surface, and a hose turned in; it can be cleaned and disinfected in that way. All they have to

do is to throw a small portion of chloride of lime in them and seal them up. Put one on each level in every mine; it will settle the sanitary condition to some extent.

Q. I would like to ask you how many times you visited the Butte mines per year, or your deputy?—A. Well, I make a trip every year; some of the time twice a year. How many trips my deputy makes—he is called pretty often in places.

Q. Are you compelled to make regular examinations at stated periods?—A. Yes, sir.

Q. In all the working places in the mine?—A. All the working places.

Q. That is an annual inspection?—A. Yes, sir.

Q. And in all that time that you have been the mine inspector you have received no written complaint from any member of the Butte miners' union?—A. No, sir; to the best of my recollection I never have.

Q. Just simply verbal complaints is all that you have received?—A. Oh, just meeting the miners when I would go to Butte, or they might just have a conversation, one or two togeher, something like that, and make some remark of how a certain stope in a certain mine or conditions in this mine or that mine, generally in an off-hand way.

Q. If written complaints had been made to you would you feel compelled to examine the places where the complaint was made—would you feel in duty bound to inspect it?—A. Well, other than sanitation or ventilation, yes. But for those two particular things a second inspection I never thought was required, because I didn't have any authority under the law to enforce anything; the law does not touch on that; there is nothing governing sanitation or ventilation at all.

Senator C. P. TOOLEY. What is the law specific on, Mr. Walsh?

A. Well, the safety of mines, timbering, and escapes—general safety of the miners.

Senator I. A. LEIGHTON. From accident, do you mean?

A. From accidents—general safety.

Q. And it does not touch upon sanitation or ventilation?—A. No, sir.

Q. Then, if written complaint should have come in from the miners' union to you you would have no power under the law to correct these conditions?—A. Other than I suggested, if the management would say the conditions were not as represented, or were fairly good, why, my authority ceases.

Q. And did I understand you to say that it would not be your duty to investigate those matters, if a written complaint had come in pertaining to sanitation and ventilation? In other words, it is not a part of your duties to look after that part.—A. It is my duty, to a certain extent; but to force anyone to remedy it, why, I don't know that I could do it. I didn't have the authority under the law.

Q. Well, why would it be your duty, if you are not clothed with authority to correct?—A. Well, we do a great deal by suggesting governing things that the law does not touch on in a general way. Of course, if I can see in any particular mine where the lives of the men are endangered or can prove that the health of the miners is jeopardized in any way, why, I believe I have got a certain amount of authority, while it is not specific in the law.

Representative NELSON STORY, Jr. What changes would you suggest in the law at present to make your office as effective as it ought to be?

A. I would ask that a law be enacted governing ventilation and sanitation to some extent—lay down some rules governing the conditions.

Q. Could you, with your experience, give this committee intelligent lines upon which to draft some legislation—some proposed legislation?—A. Well, I could give them an idea—set forth an idea—that would better conditions.

Q. And would you suggest any effective way of putting it in operation?—A. Well, the same conditions don't exist in all mines. A remedy that will better the conditions in one mine may not be effective in another. Some mines you can bring to a fairly good condition—bring about a fairly good condition in regard to ventilation by natural ventilation, but others would have to be assisted by mechanical means in order to better the condition. It is a great deal more difficult to ventilate metalliferous mines than it is coal mines.

Q. But you think a general law could be drafted that would help cover most of the cases?—A. Well, a general law might be drafted that would help remedy the conditions.

Q. And if its enforcement was left largely to the discretion of the mine inspector and he was empowered to see that it was put in force, do you think

that conditions could be vastly improved?—A. Well, any law that is enacted governing the conditions in a mine is left entirely to the discretion of the mine inspector. He is the only man in the world that would have the authority to enforce.

Representative NELSON STORY, Jr. Well, that was my idea.

Senator J. C. MCCARTHY. Can you state, Mr. Walsh, from your knowledge whether or not conditions have improved during your term of office in the Butte mines?

A. Well, as I say, in some of them; in some of them they have not.

Q. I mean speaking as a whole.—A. Well, in a great many of the mines the conditions are noticeably improved in places, while in several of those mines where the conditions in part of the mine have been improved, there are portions of the mine still remaining in the same condition—bad.

Representative J. C. DUFFY. Do you consider mining as carried on in Butte, in hot places, as a healthy occupation?

A. Well, I wouldn't say that it is.

Q. Do you believe that the longer number of hours that a man works in those places the more injurious 't is to his health?—A. Well, he would be better off not to have to work in them at all.

Q. Do you believe that a shorter day would improve the conditions any?—A. Shorter day in the bad places?

Q. Yes; as far as the miner is concerned?—A. Yes; I believe it would.

Q. How long did it take you, Mr. Walsh, to go through all the Butte properties—make a general inspection, I mean, from top to bottom, and go over the workings?—A. Well, a man not losing any time, it would take him close to two months. He would have to put in eight hours a day, at that. I inspected the North Butte property last April; I put in four days in that one mine, and I went down with the men and came up with the men.

Senator C. P. TOOLEY. Did the committee get a fairly good idea of the condition?

A. Where, in Butte?

Q. Yes.—A. Well, as far as they went, I expect.

Q. Well, they traveled pretty well for two days there?—A. Well, they did for amateurs.

Senator I. A. LEIGHTON. The mining inspector was with us all the time.

Senator J. C. MCCARTHY. If there are no further questions, I move you, Mr. Chairman, we adjourn.

Representative P. J. DUFFY. I might ask one question: When are we going to meet again? We want to get together; I think the chairman ought to designate some time. I understand we are through with all the witnesses.

Senator C. P. TOOLEY. As a substitute to Senator McCarthy's motion, I move that all witnesses be discharged and the secretary make a record of their mileage and per diem, and a bill appropriating money to pay all expenses of this hearing be presented.

(Whereupon the motion, having been duly seconded, was unanimously carried.)

The SECRETARY. I would like to ask under what capacity would I put in items, just like the mining inspector, for instance?

Senator I. A. LEIGHTON. You can go to the sergeant at arms and find out what time they were subpœnaed and allow them from that time until they were discharged.

Senator J. C. MCCARTHY. I think those questions are determined by statute; just simply turn in the number of days and the number of miles.

Senator C. P. TOOLEY. The attorney general's office will supply all that information.

Senator I. A. LEIGHTON. Gentlemen, on behalf of the committee we thank you for your attention, having taken you from your business, which I know is quite a hardship to come here and give testimony before this committee. Most of your testimony has been very instructive indeed, and it will probably lead to some means whereby the committee will try and give you the proper relief. We hope so, at least.

Senator J. C. MCCARTHY. I move that we adjourn subject to the call of the chairman.

(Whereupon the motion, being duly seconded, was unanimously carried.)

FEBRUARY 8, 1911.

Pursuant to the call of the chairman of the joint committee the committee met at the courthouse at Helena, Mont., on February 8, 1911, at 7.30 o'clock p. m., the following members being present:

Senators I. A. Leighton (chairman), W. E. Christopher, and J. C. McCarthy.

The following representatives were also present: Representatives P. J. Duffy, Nelson Story, jr., O. N. Byrnes, and J. C. Duffy.

The meeting having been called to order, Senator J. C. McCarthy asked as to whether or not there was any business before the committee.

Senator I. A. LEIGHTON. Gentlemen of the committee, while the other evening, when we adjourned, it was practically understood that we were about through with the testimony, personally I feel, and one or two others of the committee, that we would like to have Mr. Orem take the witness stand, and if the balance of the committee haven't any objection, I will put him on the stand—that is, if you would like to hear him.

Representative J. C. DUFFY. I would like to hear from Mr. Orem; have him give a general outline.

Representative P. J. DUFFY. Mr. Orem knows more about the mines in Butte than any other man that has been up here yet.

Whereupon W. B. OREM was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. About 16 years this last time.

Q. What is your occupation?—A. Deputy State mining inspector.

Q. In your official capacity you have had something to do with reference to the various mines in Butte?—A. Yes, sir.

Q. Mr. Orem, in the shafts that are sunk here for air purposes, I would like for you to state to the committee in reference to them, or whatever you think would be of interest to the committee.—A. Well, there have been various air shafts sunk there; take the Leonard for a starter—I mean the Rarus. Some years ago the Rarus was supposed to be one of the hottest mines in Butte.

Q. The Rarus?—A. The Rarus. It belongs to the Anaconda Co.; that is, it belongs to the Red Metal Co., but it is all the Anaconda Co. When Mr. Walsh and I first went into office this was considered a very warm mine; but within the last three or four years they have sunk a four-compartment shaft on the west end of the ground 1,600 feet deep. They installed a very large fan on top; I think it had a capacity of 140,000 cubic feet of air a minute. At the present time there is not much work going on in the Rarus mine, the Rarus ground; but this shaft is used to ventilate from the Tramway to the crosscut and raised from the bottom levels. They also have a fan on the 1,300 of the Tramway. That has a capacity of, I should judge, thirty or forty thousand cubic feet of air a minute; they also have a fan on the 1,700 of the Tramway with a capacity of about 70,000 cubic feet of air a minute. This air is conveyed through the lower workings of the Tramway mine. There is a raise connected with this crosscut that goes over to this air shaft; it is used to ventilate the two mines.

Now, the Leonard mine, they sunk a new four-compartment shaft within the last three or four years; it is down to the 1,800-foot level now. It has benefited the mine a great deal in the matter of ventilation, being a strong, downcast shaft, and they have also sunk two air shafts on the west end of that mine. They are down to the 1,000-foot level, and it is right on top of their first district; but they have raises going up through—connected to those two air courses—air shafts. Both air shafts are equipped with fans. Within the last year the old Original shaft—which was 1,200 feet deep—they have sunk and raised that shaft now until it is a three-compartment shaft 1,600 feet deep, with a fan on there, I should judge they would have fifty to sixty thousand cubic feet of air a minute, and they intend to raise from the 1,800 up to that 1,600 shaft, which will make a connection clear to the bottom of their mine. They are also sinking an air shaft west of the East Calusa, which is going to be sunk, I should judge, to the 1,800 level, or the bottom. The intention of the company is to equip the top of this shaft with a very large suction fan. The way the conditions are now they have a strong downcast shaft pulling air into this mine, and that is not outlet enough, and the idea of

the management is to get that shaft down to connect those two air shafts and have a suction fan drawing out and giving a circulation from the two downcast shafts.

The Pennsylvania mine was a rather warm mine when we first went into office, and all through our administration we have been recommending air shafts, getting down as near the bottom as they could with the working shaft, so that they would have air connection with the bottom.

Q. What do you mean by "we"?—A. The mine inspector and myself. They have a raise. They have a new shaft known as their air shaft; it is 1,200 feet deep. They have a large fan at the bottom of that—you remember when you were in there. They are also going to raise that shaft to the bottom to connect with their eighteen hundred, but they have raises now connecting the lower level separate from the one they are now raising, which has cooled the mine off comparatively.

Take the Speculator, now—or the North Butte. The North Butte has been a rather warm mine on account of not having air shafts down to help ventilate the mine, but within the last year they sunk the Granite Mountain shaft. It is down to the 1,800-foot level now. They sunk and raised 1,250 feet last year, and they intend raising this down to the bottom. They have also made connections with the Badger on the eighteen hundred and fourteen hundred—you remember that is where we got that current of air in there when we were down in the bottom levels—which has helped this mine considerably. I recommended to Mr. Pope, the superintendent, a short time ago—their main shaft is a downcast shaft, and this Granite Mountain, this new shaft that they have sunk and raised to the eighteen hundred, is an upcast shaft—I recommended that they should put a fan on that to help draw out the hot air, and that is the intention of the company to put it on there. But they are going to raise out another compartment and make it three compartments.

Take the Gagnon: The Gagnon main shaft used to be an upcast, but they put a fan on it and reversed it, making the suction downward, and they have it connected with their air raise that they have up on the west end of their ground there. They have kept pretty well down to the bottom; I think it is down to the twenty-two hundred now, but within the last two years they sunk a three-compartment shaft on the west end of the ground; it is down 1,520 feet now, and they soon will have their air connection down there, so that this air will go down through the bottom of the mine. The intention of the company is to sink clear to the bottom, and it will be their main hoisting shaft.

The West Stewart mine: It was a strong downcast shaft, and they had a shaft on the east end of the ground there that was closed up, so Mr. Walsh and I recommended that they should retimber that shaft, and use it as an air shaft. Well, they retimbered it down to the twelve hundred, and it was doing a great deal of benefit to the mine, but through Clark's management—he was very slow in putting up raises, and such like, so the development was always ahead of the air shaft; the consequences were that they did not get the results that they should have. At the present time that has become the property of the Anaconda Co., and the Original, too, and they are putting raises up there to connect with that shaft, which will be a great benefit, too, in regard to ventilation, because it will help—the main shaft is a downcast shaft—it will help take out all the warm air that is down there. The Original has also been a very warm mine from the lack of proper management during the time that Clark had it, but now, since the Anaconda Co. has got it they can connect with the Gagnon and they will get a great deal of that air that is going to come in from the Gagnon on the west, and it will be only a short time, I think, until the conditions in that mine are greatly improved.

Take the Diamond mine: The Diamond mine has also been a rather warm mine on account of the general condition there—the ore is scattered and a long ways apart; but after they became the owners of the Corra property that shaft was closed, and through the recommendation of Mr. Walsh and myself they retimbered part of it and opened it up to the twenty-two hundred, and this connected over with the Diamond shaft, and is doing a great deal in the matter of ventilation in the Diamond mine. They also sunk and raised the Parnell shaft, down where they got their main ore body, that is connected down to the eighteen hundred now; they also have a fan installed on the top of this shaft pulling out, and it has done a great deal for the mine. That has been done within the last two years, and the Parnell within the last three years.

The East Grey Rock, why, I don't know but what it was the warmest mine in Butte when we went into office. I don't think there is a question about it.

The West Grey Rock at the time that we took office was in the hands of leasers, but fortunately they developed some pretty rich ore bodies in there, and after the lease expired from those leasers Mr. Walsh and I recommended that they should sink this West Grey Rock shaft down to the eleven hundred to connect with the East Grey Rock shaft. This was done, and raises put up from the bottom of this shaft down to their sixteen hundred, and the condition there changed wonderfully. I suppose it is one of the best ventilated mines in Butte to-day.

The Mountain View mine: The Mountain View mine also was warm in portions of it, it having very extensive ore bodies. This mine was worked, I should judge, from the two hundred to the bottom on every level. They have also sunk and raised an air shaft down to the eighteen hundred; it is connected to the bottom of the mine; that has been done within the last three or four years. They sank 300 feet this year. (You remember when we went from the Mountain View to the Leonard.) I should judge down in the bottom before that connection was made to the Leonard and the air shaft, that it was 85 and 90. I don't believe I ever was in a hotter place than I was in there, but it is cool now.

The Tuolumne, of course, is a cool mine, but they have also put an air raise from the sixteen hundred to surface. I think that takes in pretty nearly all of them. There has been a vast amount of money spent in the last four or five years in the matter of ventilation. When we took this office they had no air shafts, practically; they have all been started since. Oh, yes; there is the St. Lawrence.

Representative J. C. DUFFY. What about the conditions in the Anaconda, in the matter of suppressing the first?

A. It has been necessary there to sink several air shafts in order to take out the fumes and gases in those mines. They have got the Mollie Murphy down to the fourteen hundred; the Sweet Metcalf shaft is connected down—that is, in the southern portion of the St. Lawrence mine, southern end; that is where they get their main supply of air, that is connected down through all the workings in the mine at the present time, and during the recent fire that they had in the Anaconda the main shaft has filled up, which was 2,400 feet deep, and they are now engaged in retimbering it and cleaning it out to the bottom. They have retimbered something like 1,300 feet in the last year or so. I think that is about all the air shafts that I remember of. I ought to have a list.

I actually believe that they have done almost everything within reason that they could do, and my idea about this matter of ventilation is that these air shafts should be kept down with the working shafts, and should be sunk in solid ground, away from all mine workings, where crosscuts could be closed with a door, so that it would be easy to convey air to different parts of the mine. If those connections are kept at any reasonable depth of the working shaft—that is, the air shafts are kept within any reasonable depth of the working shafts—you have got a circulation that you can not get any other way; fans are no good if you have not got any circulation; you have got to have some place to draw air from to make a fan do any good at all. If you have got a downcast shaft—they are beginning to experiment a great deal on that—they use a fan at the bottom of their shafts, see, on their downcast, and in the upcast a fan is put on top to pull out.

Another thing people have got to take into consideration is that those mines within the last year or so have had several bad fires. In the Leonard mine, practically a new fire from the twelve hundred down; they lost all their stopes above that from fire, and, consequently, it has been warmer and has made the mine warmer than it would have been if they had not had that fire. I think Mitchell told me the last time I was down there that they had 125 concrete bulkheads and have got the fire fenced off. I think they are doing nearly everything that they can.

Senator I. A. LEIGHTON. From your testimony I would say that many of the air shafts have been sunk through the recommendation of the office of the State mining inspectors?

A. Yes; and through our working with the company. We have always recommended those air shafts.

Q. And the company willingly responded to your recommendations?—A. Within the last few years they have taken a great interest in it, because the mines became warm, and they wouldn't get the results without having the air down there. I also recommended those sanitary cars to be installed in all working levels.

Q. In all working levels?—A. In all working levels; and Mr. Dunshee told me that they had ordered cars for that purpose and were going to install them in all their mines.

Q. Mr. who?—A. Dunshee; he is assistant superintendent under Gillie. I believe those are all the air shafts that I can remember now.

Senator I. A. LEIGHTON. Any one of the committee would like to ask any questions?

Representative P. J. DUFFY. Mr. Orem, in most of the mines in Butte they are working from the two hundred to bottom, are they not, or the three hundred?

A. Well, some are, Pat, and some are not. Of course, take a mine like the Original, and those—the Original mine is worked out to the nineteen hundred level.

Q. There is raises through to every level in all these mines, is there?—A. Most of them; there is one or two raises through nearly in all of them.

Q. Do these raises extend to the surface?—A. Yes, sir.

Q. And it is very little they have to sink in order to connect with these raises, which is a very cheap way of getting air carried through?—A. Well, yes; I would say that in some cases you might do that, but where you are working a mine down to the nineteen or eighteen hundred foot level, or twelve hundred, or in places like that, if you have got one raise through to surface, it is not so bad; it would be impossible to put every raise through to surface.

Q. No; we do not want every raise to the surface; but you have got to have a main air course?—A. Yes; that is what it is supposed to be; that is what I am recommending these air shafts for, so that they will have two separate air courses.

Q. One is the intake and the other is the outlet?—A. That is an intake and the other an outlet.

Q. Is that it?—A. Yes; that is the idea, exactly.

Q. Most of these air courses have chippy engines on, and fans also to get the air down, do they not?—A. Some have and some have not. That Rarus shaft has no chippy on it at all; the Gambetta No. 1 and No. 2 of the Leonard has no chippy on it at all.

Q. Where these air courses are in mines with chippy engines on them already, are they not a saving to the company, because they are practically in the center of their mine, where most men are employed?—A. Well, they are a great saving to a company. But supposing you have a three-compartment shaft, like they are sinking on the Gagnon; you practically have two compartments open; then if you have got two compartments open and an engine working on it, you have got two compartments——

Q. Free for air?—A. Yes; and they never sink a shaft unless they have two compartments.

Q. This shaft you speak of on the Gagnon, do they not intend to use for their main working shaft?—A. Yes; that will be the main working shaft, and they can use the Gagnon shaft——

Q. For an air course?—A. You see there is practically two shafts there. There is the Original and Gagnon right together; chances are they will make an upcast with the Original when they connect with this west end.

Q. How deep would they have to sink—what is the top level of the Mountain Con mine at the present time where men are employed extracting ore?—A. They are working on the three hundred of the Mountain Con.

Q. What is their lowest level?—A. Twenty-two hundred.

Q. Are mines through from the twenty-two hundred to the three hundred?—A. Why, not necessarily; they are not, because they are connected to other shafts in there.

Q. How far would they have to raise or sink from the top level of the present workings of the Mountain Con to reach surface?—A. From the top level of the Mountain Con?

Q. Yes.—A. Well, Pat, they don't need that, I will tell you why. They are connected to two or three different shafts on the 200, and that air goes right down through the stope.

Q. In the bottom level?—A. You said from the top level.

Q. I want to get you to the bottom from the top level of the Mountain Con. How far would they have to raise, or is there any raises through to the sixteen or eighteen hundred?—A. Yes; I believe there is. I think I started at the two hundred, if I remember, and went down, I wouldn't say positively, to the seven or eight hundred foot level. Then they are connected with the

Buffalo, and they are also connected with the Little Mina on the thousand, and all that air comes in through there.

Q. There is no fan on this property at all at the present time?—A. I will tell you; let me explain that before we go any further. There was a fan on the top of the Green Mountain until this fire broke out over on the High Ore and they moved this fan from there to put on the Modoc shaft. That High Ore mine until this recent fire was supposed to be one of the coolest large mines in the Butte district. They have sunk the Modoc shaft within the last three years 1,200 feet; it is down to the 1,800-foot level now. That also connects with the Ballaklava, which has a strong downcast shaft; this air was conveyed through raises down to the two thousand. They have also got raises now starting from the twenty-two hundred and twenty-four hundred to connect up there until this fire broke out, but it is all bulkheaded off at the present time, and no telling how long it will be before they will be able to work in there. Of all air shafts that I have ever recommended, it has always been our intention to have those air shafts for that purpose and nothing else. But after taking the thing under consideration, if a shaft is a three-compartment shaft, if you have got two compartments for air it is going to give you quite a supply. In most of those places where they run chippies they use it mostly for lowering timbers into the stope. Of course, no mining inspector has got authority to tell them what they can do after they sink those shafts; they use them to suit themselves. Every time that a shaft has been sunk and kept at a reasonable working depth, it has benefited the mine, because it has given a circulation that you could get no other way. I guess that is about all unless you fellows want to ask me something.

Q. That was my idea in asking you this question, to show that it was a benefit to the company to keep the place ventilated in the working places where men were employed.—A. Yes; it is a benefit to them; it is not detrimental.

Q. I want to convey this idea. That when their air shafts are sunk, in the majority of cases, it has been around in the main workings so that the company could use them for other purposes besides air.—A. Oh, yes; they are a great benefit, there is no question about that.

Q. Do you know of any mine in Butte which they had to sink exclusively for air, that they could not use that shaft for another purpose?—A. Well, there are shafts that they are not using for any other purpose but air, but they could be used at any other time for other purposes; at the present time they are using them for nothing else than air.

Q. The Mountain View shaft which is stated was working at the present time while they were repairing their engine and shaft, they are using that air course and hoisting ore and working men while they are making the repairs, are they not?—A. Yes, sir.

Q. It has been a benefit, then, to the company as well as to the men?—A. Oh, yes; there is no question about that.

Q. Do you think that company could make an improvement on their present air courses?—A. Well, I would say this, that within the last two years they have taken a great interest—the last four years—in regard to their air courses, because the mines were getting warm and it became necessary that they should do those things.

Q. Men have been able to do a great deal more with good air than with poor air?—A. Well, I can give you an example of that. In that East Grey Rock mine, that I was telling you about, that was so warm, after they got this air shaft to the 1,100 and connected down to the 1,600, the superintendent told me that it reduced the cost of their mining of their ore 35 cents.

Q. A ton?—A. Yes; a ton.

Senator J. C. McCarthy. Mr. Orem, do you know of any reason why trap doors could not be used for manways in the different levels so as to maintain a continuation of air in the stopes?

A. In some places they have; they are just beginning to do that recently. I have noticed during the last year where they are putting doors in the manways, and have them so that they can close them when you go down through them.

Q. Do you consider that a very good improvement?—A. I do.

Q. Do you know of any reason why a certain amount of ore could not be kept nearly all the time in the various chutes in order to help the circulation of air?—A. Yes; but the shift bosses won't let you do it.

Q. Assuming that the shift bosses had orders from the general manager to do that, would there be any drawback to the management, as a rule, by leaving

the ore—or, at least, a little ore in the various chutes?—A. You mean in order to stop the circulation going up the chute?

Q. Yes; that is my idea.—A. Well, if you could do it it wouldn't hurt anything.

Q. Would it help any at all?—A. Well, it might. Supposing, for example, that your floors were practically worked out where your manways were, and your chutes were near the top, and your biggest part of ore was at the breast, by keeping that place closed you drive your air to the stope where the men were working, that is your idea?

Q. That is my idea exactly. Of course, you understand, Mr. Orem, that in case that they discontinue the use of an ore chute, a small trapdoor would answer the purpose equally as well.—A. Yes; but they will fill them with waste.

Q. It would answer the purpose, would it not?—A. They saw off the mouth of the chute and fill it with waste—they fill the chute with waste.

Q. Then, your idea is, Mr. Orem, that the rivalry between the shift bosses to establish a record on their particular shift is the reason why ore chutes are sometimes emptied of ore?—A. I think that is half of it.

Q. Isn't that the whole of it?—A. A man is generally figured on the amount of rock that he gets up. You know if a shift boss walks down through a sill and don't hear the rock rolling in the box, there is something doing when he goes up, Jerry. That is my general idea about that. I might give you a little more data as to the mines in Butte, but I would have to remember it from memory.

Q. Your idea, as a whole, is that the conditions are being rapidly improved in Butte?—A. Oh, they are 100 per cent better than they were a year ago. I do believe that they should keep those air shafts down within a reasonable depth of their main working shaft.

Q. What would you consider a reasonable distance?—A. Any place so that they could connect within 100 feet or so.

Representative J. C. DUFFY. It is not practical for to carry your air course down within 100 feet or 200 feet of your work shaft, because you have got to extend your drift?

A. It is all right to keep them so that you can connect them right up. I will tell you what I have seen recently, to show you how they are doing those things. Over there in the Gagnon, Ferns had the same system; he would sink a winze down 50 or 60 feet; see, way in over there above their bottom level, then when they get under that place, you see they would only have to run a raise 40 or 50 feet and they would have their raise through—the air would be in the bottom—they would put their waste in and start to fill their stopes. It is a great help. They are using that system a great deal there now.

Senator J. C. MCCARTHY. Have they uniform sizes to go by in the matter of establishing air courses in the various mines?

A. No; they have not, but if they find it is not large enough—they are going to do that on this Granite Mountain; they sunk a two compartment, now they are going to raise it out another compartment. They did the same thing on the air course in the Rarus; they first raised it out two compartments; they saw it was not pulling air enough, so that they raised it out four compartments. It is quite a job, you know, to keep those places open.

Representative P. J. DUFFY. In most shafts they sink now, which are sunk now, they sink one or two compartments and then raise, do they not?

A. They never sink a shaft less than two compartments.

Q. And raise it and make it four compartments or whatever size they want it?—A. Yes.

Q. Now, in blasting, is it necessary to blast at noon in these mines, or could they drill all shift and blast going off each shift and leave rock for the muckers?—A. Well, now, that is a hard proposition. Supposing your partners were working in a drift and they drilled four or five holes, you come on and drill five more, do you think it would be right to wait until night before blasting that round of holes?

Q. In cases it takes more than eight or nine holes to pull it?—A. Sometimes it does not and sometimes it does. I have not any authority to tell them when they shall blast or shall not; but it is not customary to blast in most of the mines in Butte at noon, because their mine would be full of smoke during some hours afterwards; but you take places—now, Pat, where you are working in drifts, and crosscuts, and places like that, if you limited the time of blasting you would stop the progress—would stop the progress, would you not?

Q. I will answer you this way. In most drifts where you have got to drill five holes, clean out your holes, tear down, get floors, you have got a shift's work.—A. Oh, no. Let me tell you another thing in regard to the working of a mine. They are generally either running a crosscut or drift in on the same level. It is generally customary to drill in one while they muck in the other. I think that is a good scheme; they generally blast going off shift.

Senator J. C. McCarthy. In other words, you think it is impractical to establish any particular line of work or determine what can be done in any particular vein in all places of the mine?

A. No; I don't think it is practical.

Senator W. E. Christopher. Is there any authority in the law, either the civil or penal law, that clothes you with authority as mine inspector to overcome these conditions; that is, do you know of any?

A. Why, all I know of is that we can recommend. I believe that there is a place there, is I am not mistaken, that if a man gets a statement from a man signed by two or three different individuals in regard to the safety of a place, that is the duty of the mine inspector or his deputy to investigate that. I believe I have had one or two occurrences of that when I went into office, signed by two miners that worked in the place, and I immediately went over there and rectified that demand.

Representative P. J. Duffy. That is a matter of protection and safety to the miners?

A. Anything that endangers or pertains to the life of a miner, it is the mining inspector's business to recommend that those places should be fixed safe.

Q. How long would it take you to go through all the Butte mines and examine them?—A. Well, for a fellow to go through them thoroughly it would take him two months and a half or three months. I mean if he would go through every raise. He could go through in less time than that by hurrying.

Q. I mean to examine them, to see what condition they are in?—A. I believe it would take that time.

Q. Two months and a half or three months?—A. Yes. I have certain times that I go through if I have an accident, or such; I generally go through a level or two. That way you are generally in touch with them all the time; you see from memory I can tell you pretty near everything around there.

Q. Is there enough work there for another deputy with you?—A. Well, I don't hardly think there is, Pat. There might be. I believe one man can attend to that district all right. Of course a man over there is up against it a great many times; he is the limelight for everything.

Q. That is what I am getting at.—A. He is a gentleman sometimes and sometimes he is otherwise.

Q. Do you think that with another deputy that any good could be accomplished?—A. I don't believe so in that district, because friction might come between the two deputies. That's all.

(Whereupon Mr. William Walsh, mine inspector, submitted written paper for the consideration of the committee.

Upon motion duly made, seconded, the meeting was adjourned subject to the call of the chairman.)

Report of Joint Committee.

Helena, Mont., *February 16, 1911.*

To the honorable Senate and House of Representatives of the State of Montana.

Gentlemen: We, your committee, duly and regularly appointed for the purpose of investigating and reporting upon the sanitary conditions and the conditions of ventilation of the mines in this State, especially of Butte, respectfully report as follows:

The entire committee visited the city of Butte on January 5, 1911, arriving there at 2.55 p. m., and upon arrival notified the different managers of the mines, and also the officers of the Butte miners' union, that our mission was to investigate the sanitary and ventilating conditions of the mines, and informed them that the committee would proceed with the investigation the following morning.

On the following morning at 9.30 a. m., accompanied by Mr. John Gillie, general superintendent of the Amalgamated mines; R. H. Dunshee, assistant superintendent of the company; J. C. Adams, superintendent of the Boston & Montana Consolidated Mining Co.; Thomas Mitchell, foreman of the Leonard

mine; D. D. Sullivan, president of the Butte miners' union; and Joseph Guelfi, vice president of the Butte miners' union, the committee inspected the change room or dry room, where they found 600 lockers for the use of the men employed in which to change their clothes, with cement floors, shower baths, and wash rooms. The committee was very favorably impressed with the fact that the companies were doing what they could to prevent the men from exposure.

We were then lowered to the 1,200-foot level of the Leonard mine, and we were shown doors installed for the purpose of changing the course of air. We were then lowered to the 1,400-foot level and went through stope No. 1623 to the 1,800-foot level. At the crosscut No. 1803 the temperature there registered 73° and at the breast 82°. Then we went through the 1,800-foot level to the West Calusa mine and Comanche air shaft. We were then taken to the surface for lunch. After lunch the committee went through several stopes and drifts of the Mountain View and Pennsylvania mines. The temperature from the back of the crosscut No. 1813 of the Pennsylvania was 76°.

After coming to the surface the committee were taken to the engine-room and shown the safety appliances on the engine to prevent the cages or skips from going into the sheave wheels.

On January 7 the committee, accompanied by the officers of the miners' union, went to the Original mine, and we were lowered to the 2,000-foot level to the pump station. Temperature at this point was 73°; through stope No. 2101 temperature registered 88°. Climbed through stopes and drifts of Gagnon and Original mines to 2,400-foot level of the Original mine, where the temperature in the west drift was 78°. Went up to surface for lunch. After lunch the committee went to the plant of the Great Falls Power Co., near the High Ore mine, and to the compressor room of the Diamond mine, and then to the Speculator mine of the North Butte Mining Co., where they were lowered to the 1,600-foot level, accompanied by Mr. John Pope, manager, and Mr. Dan Courtney, foreman, and went through stope No. 1816. On the twentieth floor the temperature was 80°. Then we went to No. 1826 raise, where the temperature was 80°; then through stope No. 1838, 300 feet west of No. 1816, where the temperature was 72°; then to 1,800-foot level and climbed down raise No. 2018, through the stope, where the temperature was 80°, and then to the 200-foot level station, where the temperature was 78°; and from this point to surface, when the committee, after a consultation with the officers of the companies and the miners' union, concluded that they had been shown through the best and worst places that both parties had to show them, and decided to leave for Helena to continue the investigation at a later date upon some course that the majority of the committee might determine.

On January 10 the committee met pursuant to call of the chairman. Chairman Leighton called the meeting to order and stated that he had telephoned the president of the Butte miners' union, and was informed that the union would meet that night. On motion, duly seconded, the chairman was authorized and instructed to request the Butte miners' union to appoint one of their members from each of the following mines—

Original, Stewart, Gagnon, Mountain Con, Bell & Diamond, East Grey Rock, Speculator, Badger, Buffalo, High Ore, Never Sweat, Anaconda, St. Lawrence, Colorado, Pennsylvania, Tramway, Silver Bow, West Calusa, Leonard, Pittsmont, Blackrock, Elm Orlum to appear before this committee to give such evidence as they might wish, each of said members to be working in the mine he represents; also to notify the managements of those properties of the action taken.

The chairman thereupon notified the Butte miners' union of the action of the committee, as above set forth; whereupon the Butte miners' union informed the chairman that they preferred sending a committee of five or six to appear before this joint committee.

Whereupon, at the request of the Butte miners' union, the committee caused to be summoned to appear before them the following witnesses: Dan Holland, Jacob Oliver, J. C. Lowney, John Vickers, Dan D. Sullivan, Joseph Guelfi, John Driscoll, James McQuire, John Daly, Patrick Cloonan, and William Walsh. Other witnesses appearing before the committee were Dr. P. H. McCarthy, John Gillie, John D. Pope, Dr. W. F. Maginn, Dr. T. J. Murray, and W. B. Orem.

Whereupon, on January 24, the committee was called to order by the chairman, and Chairman Leighton made the following statement as to what testimony should be adduced before the committee:

Gentlemen, there is one thing that I wish to state, and that is this, that in the testimony that will be given by the various witnesses here, I wish that it

would be confined absolutely to those two conditions that this joint committee is called upon to thoroughly investigate and inquire into, and those are the sanitary conditions of the mines of the State, especially of Butte, and the conditions of ventilation. In our other meetings that we have had and those whom we have met, especially at the meeting in Butte, they seemed to drift off from those two subjects and wandered into other things. As we are now to begin taking testimony pertaining to those two subjects, we can not allow extraneous matter to be brought in, but only evidence pertaining to these two subjects, sanitary conditions and the conditions of ventilation; and we propose to subpœna and bring before this committee other miners from Butte, as many as we see fit, and also the mine owners, or any man whom we think can bring us any information in regard to this matter, for it is the object of the committee, and it is the desire of the twelfth legislative assembly that we should get to the bottom of this matter and see if we can not enact some law, or in some manner correct those things that seem to be prevailing over there that are wrong. Consequently I ask those who take the witness stand to remember that we can not allow anything but that pertaining to these two subjects.

Whereupon the following witnesses were called, duly sworn, and testified: P. J. Duffy, Dan Holland, Jacob Oliver, and J. C. Lowney.

Whereupon, on January 30, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: John Vickers, Dan D. Sullivan, Joseph Guelfi, John Driscoll.

Whereupon, on January 31, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: Dr. P. H. McCarthy, James McQuire, John Daly, Patrick Cloonan, John Gillie, and John D. Pope.

Whereupon, on February 1, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: James McQuire, Dr. W. F. Maginn, Dr. T. J. Murray, and William Walsh.

Whereupon, on February 8, the committee was called to order by the chairman, and Mr. W. B. Orem was called, duly sworn, and testified.

After considering all the testimony adduced before us and after due deliberation, we respectfully submit our conclusions as follows:

We find that the companies in Butte are doing all in their power to perfect their ventilation and sanitary conditions, and are not sparing expense in doing so. The mining sanitary cars are to be installed in all of the mines in Butte, some already being in use.

The testimony of Mr. Gillie shows that the following mines have been installed with fans in the last year:

	Cubic feet per minute.		Cubic feet per minute.
1,200 Pennsylvania	60,000	Green Mountain shaft	54,000
Mitchell shaft	40,000	Parnell shaft	75,000
Gambetta shaft	40,000	Corra shaft	75,000
1,600 Leonard	60,000	Original shaft	50,000
Rarus air shaft	90,000	East Stewart shaft	50,000
1,700 Tramway	73,000		
1,200 Tramway	50,000	Total	753,000
Gagnon air shaft	36,000		

From the testimony of Mr. John Gillie, Mr. John Pope, William Walsh, State mine inspector, and Mr. W. B. Orem, deputy mine inspector, it will be seen that raises are being put in all the mines to produce better ventilation. Mr. Gillie, superintendent of the Amalgamated Co., and Mr. Pope, superintendent of the North Butte Mining Co., assured the committee that they were sparing no expense to have the mines properly ventilated and the sanitary conditions perfected; their testimony shows that it is to the interest of the companies to bring about good sanitary conditions and ventilating conditions. The preponderance of the testimony of the miners themselves shows that the operators in Butte are making a systematic effort to improve the sanitary and ventilating conditions in that district.

The committee summoned to appear before them three able physicians from the city of Butte, who had performed many autopsies on these miners who were supposed to have died from the so-called miners' consumption. Their testimony definitely proves that the conditions of the mines can not alone produce consumption, but that the occupation of a miner is such, due to absence of sunshine and natural surface conditions, that it tends to so weaken and irri-

tate the lungs that a miner is more liable to contract the disease called consumption, and for this reason tuberculosis is more prevalent in a mining community than elsewhere.

The testimony taken upon the several hearings held by our committee has been transcribed and is herewith submitted and made a part of this report.

Your committee also submits and presents herewith a suitable bill for an act, which your committee believes might tend to correct any troubles complained of, and recommended to the consideration of the legislature.

Respectfully submitted.

GILLIE EXHIBIT NO. 1.

Number of fans and horsepower used in ventilating mines of Anaconda Copper Mining Co.

Mine.	Fans.	Number of fans.	Installation.	Cubic feet per minute.	Horsepower.	Revolutions per minute.	Pressure.	Motor horsepower.
							Ounces.	
Anaconda	American Blower Co., No. 100.	1	Surface	110,000	150.0			150.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
Never Sweat	Sirocco, No. 11	1	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
High Ore	Sirocco, No. 11	2	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 6	3	Underground	19,500	27.5	660	3.0	30.0
Do	Sirocco, No. 4	5	do	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	3	do	6,620	9.4	1,130	3.0	10.0
Do	Venture, No. 6	2	do					
Diamond	Sirocco, No. 13	1	Surface	83,500	98.0	278	2.5	100.0
Do	Sirocco, No. 11	1	do	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 4	1	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	1	do	6,620	9.4	1,130	3.0	10.0
Gray Rock	Sirocco, No. 11	1	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 3½	1	Underground	6,620	9.4	1,130	3.0	10.0
Mountain Consolidated.	Sirocco, No. 13	1	Surface	83,500	98.0	278	2.5	100.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	2	do	6,620	9.4	1,130	3.0	10.0
Do	Sirocco, No. 2½	1	do	3,636	6.5	1,700	3.6	7.5
Steward	Sirocco, No. 11	1	Surface	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 4	1	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	1	do	6,620	9.4	1,130	3.0	10.0
Original	Sirocco, No. 11	2	Surface	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 2½	2	Underground	3,636	6.5	1,700	316.0	7.5
Do	Sirocco, No. 5	1	do					
Belmont	Sirocco, No. 2½	4	do	3,636	6.5	1,700	316.0	7.5
Nettie	do	1	Surface	3,636	6.5	1,700	316.0	7.5
Leonard	Sirocco, No. 15	2	do	100,000	150.0	225	3.0	150.0
Do	Sirocco, mill type	3	Underground	9,820	17.5	1,120	3.8	20.0
Do	Buffalo	1	do	30,000				40.0
West Colusa	Sirocco, No. 15	1	Surface	100,000	150.0	225	3.0	150.0
Mountain View	do	1	do	100,000	150.0	225	3.0	150.0
Do	Buffalo	1	do	30,000				50.0
Pennsylvania	do	2	Underground	30,000				75.0
Do	Sirocco, No. 6	2	do	19,500	27.5	660	3.0	30.0
Berkeley	do	1	do	19,500	27.5	660	3.0	30.0
Mountain View	do	3	do	19,500	27.5	660	3.0	30.0
East Colusa	Buffalo	1	Surface	30,000				75.0
Ella	Sirocco No. 6	1	do	19,500	27.5	660	3.0	30.0
Tramway	American Blower Co.	1	do	110,000	128.0			150.0
Do	Sirocco No. 15	1	do	100,000	150.0	225	3.0	150.0
Do	Conoidial	1	Underground	60,000	28.0			50.0
Do	do	1	do	75,000	51.0			100.0
Do	Sirocco No. 4	2	do	9,820	17.5	1,120	318.0	20.0
Do	Sirocco No. 2½	1	do	3,636	6½	1,700	316.0	7.5

Total number of fans	72
Total horse power used	2,721.2
Total capacity (cubic feet per minute)	2,030,108

POPE EXHIBIT NO. 1.

List of accidents, North Butte Mining Co.

	Slight.	Serious.	Killed.	Total.
1907.				
Underground:				
Fall of rock from breast, hanging-wall, etc.	5	2		7
Fall of rock or articles down shaft, chute, manway, etc.		1		1
By mine cars		1		1
Explosions	1			1
Miscellaneous	1	1		1
By fall down shaft, chute, manway, etc.	1	1	1	3
Total	8	6	1	15
Surface: Handling lumber (total)	1			1
Grand total				16
Average number of men employed:[1] Surface, 175; underground, 576; total, 751.				
1908.				
Underground:				
Fall of rock from breast, hanging-wall, etc.	13	5		18
Fall of rocks or articles down shaft, chute, manway, etc.	2	1		3
By mine cars	4	2		6
By tools or machinery	1			1
Miscellaneous	6			6
By fall down shaft, chute, manway, etc.	1	1		2
By gas	1			1
Total	28	9		37
Surface:				
Loading timber	3			3
Miscellaneous	1			1
Total	4			4
Grand total				41
Average number of men employed:[1] Surface, 95; underground, 635; total, 730.				
1909.				
Underground:				
Fall of rock from breast, hanging wall, etc.	22	4		26
Fall of rock or articles down shaft, chute, manway, etc.	2			2
By mine cars	2	1		3
Explosions		1		1
By tools or machinery	4	1		5
Miscellaneous	5	1		6
By fall down shaft, chute, manway, etc.	3	2	3	8
Found dead, no cause known			1	1
By electricity			1	1
Total	38	10	5	53
Surface: By tools or machinery	1			1
Grand total				54
Average number of men employed:[1] Surface, 96; underground, 802; total, 898.				
1910.				
Underground:				
Fall of rock from breast, hanging wall, etc.	22	4	1	27
Fall of rock or articles down shaft, chute, manway, etc.	6		1	7
By mine cars	5	2		7
Explosions	1		2	3
By tools or machinery	1			1
Miscellaneous	4			4
By fall down shaft, chute, manway, etc.	5	2	1	8
Total	44	8	5	57
Surface:				
By tools or machinery	2			2
Handling timber	2		1	3
Total	4		1	5
Grand total				62
Average number of men employed:[1] Surface, 114; underground, 725; total, 839.				

[1] Number of men employed arrived at by dividing total number of shifts per year by 300.

List of accidents, North Butte Mining Co.—Continued.

	Slight.	Serious.	Killed.	Total.
1911.				
Underground:				
Fall of rock from breast, hanging wall, etc.	21	5	1	27
Fall of rock or articles down shaft, chute, manway, etc.	9	1	1	11
By mine cars	13	1		14
Explosions	1	1	1	3
Miscellaneous	6			6
By tools or machinery	4			4
By fall down shaft, chute, manway, etc.	2		2	4
Injured on cage		1		1
Total	56	9	5	70
Surface: By tools or machinery (total)	1			1
Grand total				71
Average number of men employed:[1] Surface, 115; underground, 714; total, 829.				
1912.				
Underground:				
Fall of rock from breast, hanging wall, etc.	77	2	1	80
Fall of rock or articles down shaft, chute, manway, etc.	12		1	13
By mine cars	18	3		21
By tools or machinery and timber	20	1		21
By fall down shaft, chute, manway, etc.	4	1		5
By skip or cage	1	1		2
By electricity	0		1	1
Miscellaneous	7			7
Total	139	8	3	150
Surface:				
By machinery		3		3
Lumber pile	3		1	4
Grand total	142	11	4	157
Average number of men employed:[1] Surface, 125; underground, 774; total, 899.				
1913.				
Underground:				
Fall of rock from breast, hanging wall, etc.	146	6		152
Fall of rock or articles down shaft, chute, manway, etc.	33	2	2	37
By mine cars	29	2	1	32
By tools or machinery and timber	39	1		40
By fall down shaft, chute, manway, etc.	9	1		10
By skip or cage		1		1
Miscellaneous	19			19
Total	275	13	3	291
Surface:				
By machinery	5			5
Lumber pile	2			2
Ore bin	1			1
Grand total	283	13	3	299
Average number of men employed:[1] Surface, 145; underground, 769; total, 914. Number days mine operated in 1913, 345.				

[1] Number of men employed arrived at by dividing total number of shifts per year by 360.

NOTE.—It should be explained that the accidents entitled "Slight" embrace the most trivial accidents, such as a cut or bruised finger or toe, and in the large majority of these cases the employee loses no time at all. The above is drawn up in accordance with the Form used by the Bureau of Labor at Washington, and serious accidents are those which prevent a man from returning to work in less than two weeks.

STEWART EXHIBIT NO. 1.

THE STATE OF MONTANA,
DEPARTMENT OF ATTORNEY GENERAL,
HELENA, *November 18, 1914.*

Hon. LEWIS K. BROWN,
Secretary U. S. Committee on Industrial Relations,
Chicago, Ill.

DEAR SIR: Your letter of the 13th instant, addressed to Hon. Sam. V. Stewart, governor, Helena, Mont., has been by him transmitted to this department, with request that the desired information be furnished from this office.

In compliance therewith I am directed by Attorney General Kelly to give you the following:

The decision of the Supreme Court of Montana, with reference to the taxation of minerals, etc., reserved by railroads when land is sold, separate and apart from the land, will be found in the case of Northern Pacific Railroad Co. v. Mjelde, reported in 48 Mont., 287; 137 Pac., 386.

We have no law in this State specifically relating to boycott.

The law of our State with reference to protection of discharged employees and the prevention of blacklisting, is found in sections 1755, 1756, 1757, and 8647, Revised Codes of 1907. For your information these sections are set forth herein:

"1755. If any person, after having discharged an employee from his service prevents, or attempts to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, such person is punishable as provided in paragraph 8467 (656), of the Penal Code, and is liable in punitive damages to such discharged person, to be recovered by civil action; no person is prohibited from informing, by word or writing, any person to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

"1756. If any company or corporation in this State authorizes or allows any of its agents to blacklist, or any person does blacklist, any discharged employee, or attempts by word or writing or any other means whatever, to prevent any discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with another person, except as provided for in the next preceding section, such company or corporation or person is liable in punitive damages to such employee so prevented from obtaining employment, to be recovered by him in civil action; and is also punishable as provided in paragraph 8467 of the Penal Code.

"1757. It is the duty of any person, after having discharged any employee from his service, upon demand by such discharged employee, to furnish him in writing a full, succinct, and complete statement of the reason of his discharge, and if such person refuses so to do within a reasonable time after such demand, it is unlawful thereafter for such person to furnish any statement of the reason of such discharge to any person, or in any way to blacklist or to prevent such discharged person from procuring employment elsewhere; subject to the penalties and damages prescribed in this chapter.

"8467. Every person who violates any of the provisions of Chapter XXI (now Chapter II), Title VII, Part III, of the Political Code, relating to the protection of discharged employees, and the prevention of blacklisting, is guilty of a misdemeanor."

Yours, very truly,

JOHN J. MCGUINNESS,
Secretary to Attorney General.

O'BRIEN EXHIBIT NO. 1.

Court House, Butte, Mont.

INDUSTRIAL RELATIONS COMMISSION.

DEAR SIRS: In accordance with my promise I herewith submit to you the names of men who the Amalgamated Co. sent home to vote on the night of May 19, 1914, also on the night of May 26 of the same year.

I wish to state that in my wide experience in the various mines of the world that I might be able to give some valuable testimony regarding removing the cause of tuberculosis in the mines of Butte.

Sincerely, yours,

WM. O'BRIEN.

Names of men who were sent home by the company to vote on above date: Have interviewed two of these men and they refuse to have their names submitted through fear of being blacklisted.—W. O'B.

EVANS EXHIBIT NO. 1.

In the District Court of the United States, District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR, v. ANACONDA COPPER MINING CO. No. 151.

This action is for wrongful death. It was commenced in this court and in Silver Bow County, in the Butte division of this Federal district, where

the cause of action arose. For trial plaintiff moves to transfer it to Lewis and Clark County, in the Helena division. The motion is resisted. Like motions are made in three like cases. The grounds of the motion are that plaintiff can not have a fair or an impartial trial hereof in Silver Bow County and can not have such fair or impartial trial "before a jury or panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County, in Montana." Said counties are two of four constituting the Butte division. The motion was heard on affidavits and oral testimony. The oral testimony was that of one of defendant's counsel, a witness for both parties, to certain employment of him and other of said counsel by others than defendant, to property purchases by defendant, and other matters of little materiality.

Plaintiff presented affidavits of twenty-three attorneys and four other persons, and defendant presented affidavits of thirty-one attorneys and forty-one other persons. Of these, defendant asserts plaintiff's are of attorneys interested in personal injury litigation and plaintiff retorts defendant's are of attorneys interested in corporation practice. In the main both are correct, with no apparent discredit to either.

Plaintiff's four affidavits other than by attorneys are by two persons interested in this and the like motions and one by a person who heretofore has been unsuccessful in a personal-injury action against defendant. Defendant's forty-one affidavits other than by attorneys are mostly by prominent and leading business men and public officers of the counties of Silver Bow and Deer Lodge, with some few by agents and employees of defendant. In substance, plaintiff's affidavits are that defendant is of great and preponderatory magnitude in the mining and smelting industries of said counties to the extent of employing therein nearly one-half the men thereof; that nearly all the people of said counties depend for support upon mining and the good will of defendant; that defendant's agents and servants have taken an interest in politics and have dominated conventions in Silver Bow County; that defendant and its agents have other business connections in said counties; that defendant maintains a card system to identify its employees; that defendant is of wealth and influence, and (note, one affidavit only by one of plaintiff's counsel to all the following) so great has been that influence in "the life political, economical, and judicial" of said counties it has established in the minds of the people thereof "a fear of deciding any cause against this corporation or against any other corporation in favor of an individual"; that in a little more than the last seven years, though many cases have been brought against defendant and other named corporations, affiant is informed and believes that there has not been a verdict rendered in Silver Bow County against any of said corporations; that in the last seven years, though personal-injury and death cases have been tried in this court sitting in Silver Bow County, affiant is informed and believes that there has not been a verdict rendered for any plaintiff; that affiant "avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana."

Twenty-six of plaintiff's affidavits are duplicate copies of a single blank original, wherein each attorney executing one inserted his name in the proper blank. These affidavits recite that affiants have "heard many people talk on the subject of whether any ordinary litigant or any litigant at all can have a fair and impartial trial before any jury whereon there are residents" of said counties. But this is a mere intrusive or detached statement and goes for nothing, for not only is there silence as to the tenor of the "talk" or of consensus of opinion by it expressed, if any was expressed, but it is not alleged it is in any way the basis of affiants' belief therein declared that "it is impossible in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting in whole or in part of residents" of said counties.

In substance defendant's affidavits are that the makers are in a position to know, and do know, the state of public opinion and sentiment in said counties in relation to the defendant; that there is not therein any bias or fear or favor or prejudice or sentiment making in behalf of defendant nor any dread or fear of defendant nor any condition, sentiment, or reason which in the affiants' opinion would in any way prevent plaintiff from securing a fair and impartial trial hereof in Silver Bow County and before a jury composed of residents of said counties; that they have never heard of any attempt by defendant to influence or punish any litigant, witness, or juror (note, plaintiff does not charge any thereof); that (note, affidavits by defendant's agents only) defend-

ant pays no attention to the residence of witnesses and jurors and neither seeks nor obtains information in respect to their conduct in any case; that defendant in no manner discriminates in its employments or otherwise because of witness or jury service or for any reason at all due to litigation.

And all those executing defendant's affidavits declare that they know of no reason, and believe none exists, why this case cannot be fairly and impartially tried herein and before a jury of residents of said counties, and that they believe a fair and impartial trial can be so had. In an affidavit by one of defendant's counsel it is stated that for years defendant's policy has been to settle, when resonably possible, all claims against it for personal injuries irrespective of liability; that in 1913 it settled 403 such claims; that since March, 1910, but two personal-injury cases against defendant have been tried in Silver Bow County, though 87 thereof have been there commenced, and almost all of which have been settled; that so far has defendant pursued this policy that to one of those executing an affidavit presented herein by plaintiff defendant paid $3,500 after his action for personal injuries against defendant had been upon trial finally disposed of adversely to him; that in a little more than seven years last past in the State court in Silver Bow County in actions against defendant or the other corporations named in plaintiff's affidavits six verdicts were rendered for plaintiffs and seven for defendants; that in the same period in this court sitting in said county in personal-injury or death actions, wherein juries were properly instructed and verdicts not directed, four verdicts were rendered for plaintiffs and six for defendants; that in the last five years in the State court in said county in personal-injury actions against the city of Butte and other corporations not of those named in plaintiff's affidavits a great many verdicts have been rendered for plaintiffs and approximately 40 for defendants, including 12 for said city. It is also therein alleged that efforts have long been made by one of plaintiff's counsel and others to promote "personal-injury business" and to that end in said counties, by political and other abuse, to create public sentiment adverse to defendant and other corporations, which is by said counsel in so far as he is concerned in effect denied.

It is further alleged that in none of the cases aforesaid in the State court was any effort made to secure a change of venue from Silver Bow County; that in said county juries, even as elsewhere, are inclined to return verdicts for plaintiffs in personal-injury cases "if any basis whatever can be found therefor," and that if this motion for transfer for trial be granted it will inconvenience witnesses, increase expense, and in effect establish that none of cases wherein defendant is a party shall be tried where they originate in Silver Bow County or before any jury whereon are residents of either of said counties. This statement of what court records show is undenied, has been verified in this court, and is taken as true in respect to the State court. It is first to be observed that by statute and rule of court of the force of statute the place of trial of this action is where it originated and was commenced. Both parties have a vested, substantial, and valuable right to have it there tried, of which neither of them can be involuntarily deprived save for good cause. Inability to there secure a fair trial or impartial trial would be good cause to transfer the action elsewhere for trial. The presumption is that a fair and impartial trial can be had where, in accordance with statute and rule, the action was commenced, and the party who alleges contrary has the burden to sustain it by a preponderance of legal evidence in quality and quantity sufficient to satisfy the court of the truth of his allegation. Here this burden is upon plaintiff, and he has not sustained it. No labored discussion of the affidavits is necessary to demonstrate this. It suffices to say that, taken as a whole, in quantity, quality, trustworthiness, and weight not only do defendant's affidavits balance and offset those of plaintiff, but they preponderate over them.

It is worthy of note that plaintiff attempts to prove too much. He goes far beyond the necessities of his motion and by most sweeping allegations embracing all and any litigation and parties, he would proscribe from any jury service the nearly 100,000 inhabitants of Silver Bow and Deer Lodge Counties. These are taken to be exaggerations and sought to be fortified by erroneous information and belief in respect to court records available to all. Exaggerations are not excused by zeal. They help no cause, and disproven to the extent here, discredit the proceedings wherein they appear. Stripped of nonessentials, argument, inferences, conclusions, and beliefs, not of themselves evidence save that in so far as conclusions and beliefs are based upon and supported by facts therein they may be considered. Plaintiff's affidavits are that defendant is of industrial preponderance in said counties and its many employees exercise

their political rights therein—insufficient to support the conclusion of the "fear" alleged and insufficient to warrant the belief alleged that plaintiff can not secure a fair and impartial trial in Silver Bow County. Both parties hereto have departed from the record and appealed the knowledge of the court. In proceedings of this character courts may and do resort to their own knowledge. In view of the premises the writer hereof will say that while a great variety of criticism of defendant, to put it mildly, justly or unjustly has been for years the chief plank in the platform of many members of all parties in Montana, so far as his experience of twenty years at the bar and on the bench of Silver Bow County and Montana, and some participation in the political activities of the county and State qualify him to speak, he has not believed and has had no reason to believe at any time that in the courts sitting in Silver Bow County or elsewhere in Montana any jury was either influenced by or infected with fear or any other unworthy emotion constraining or inducing it to favor defendant.

No substantial reason appears why this case can not be fairly tried in Silver Bow County before a jury drawn as the rule requires. Plaintiff's belief to the contrary may be founded on the erroneous information aforesaid. At any rate, although it is highly desirable that every litigant have confidence in the jury before which his cause will be tried, merely to inspire this confidence therein his opponent's right to a trial at a particular place is not to be denied. Substance must not be made to yield to shadow. The motion is denied, and a like order will be entered in each of the other cases.

BOURQUIN, J.

JULY 22, 1914.

EVANS EXHIBIT NO. 2.

In the Circuit Court of the United States, Ninth Circuit, District of Montana. 31st day April Term, 1909. Thursday, June 17, 1909. In open court.

MYRTLE NORTHAM AND HEDLEY NORTHAM, PLAINTIFFS,
vs.
BOSTON AND MONTANA COPPER AND SILVER MINING CO., A CORPORATION, DEFENDANT. No. 906.

This cause, heretofore submitted to the court upon motion of defendant to transfer said cause from records at Helena, Mont., to records of Butte, Mont., came on regularly at this time for the decision of the court, and, after due consideration, it is ordered that said motion be granted and cause ordered transferred. Exception of plaintiff to said ruling noted.

Entered, in open court, June 17, 1909.

GEO. W. SPROULE, *Clerk.*

Attest: A true copy of order.

GEO. W. SPROULE, *Clerk.*

[SEAL.] By C. R. GARLOW,
Deputy Clerk.

MAURY EXHIBIT NO. 1.

In the District Court of the United States, for the District of Montana.

At law. Complaint. No. 151.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

Plaintiff complains, and for a cause of action, alleges:

1. That Corrado Modena died on August 19, 1913.

2. That Joseph Modena, this plaintiff, was by order and judgment of the district court of the second judicial district of the State of Montana, in and for the county of Silver Bow, duly and regularly appointed administrator of the estate of Corrado Modena on the 31st day of January, 1913, and he immediately thereafter qualified as such administrator, and is now the duly appointed, qualified, and acting administrator of said estate.

3. That Joseph Modena is an alien; that he is a citizen and subject of the King of Italy.

4. That the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Montana, and a citizen of said State.

5. That the amount involved in this controversy is of a greater amount than the sum of three thousand ($3,000.00) dollars, exclusive of costs and interest, and is of the sum of twenty thousand ($20,000.00) dollars.

6. That the defendant on the 19th day of August, 1913, and for several years prior thereto, carelessly and negligently maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana; that said pond was very attractive to children, and a large number of children, more than one hundred (100), living in and about said Meaderville were attracted to said pond and were accustomed to play in and about said pond almost daily for more than a year prior to the said 19th day of August, 1913, with the knowledge and consent of the defendant; that the said pond was through the negligence of the defendant left open and entirely unguarded; that said pond, through the negligence of the defendant, contained a deep hole, to wit, about twelve (12) feet deep in the center thereof with perpendicular sides or walls; that said pond, through the negligence of the defendant, was filled with murky copper water, the same being very poisonous and dangerous to human beings, and it was also impossible for persons to see beneath the surface of the same.

7. That on the said 19th day of August, 1913, plaintiff's decedent, Corrado Modena, a boy of about eight (8) years of age, while exercising due care and caution on his part, was attracted to said pond, and while playing in and about the same fell into said deep hole in the center thereof, and his mouth, stomach, lungs, and internal organs were filled with said copper water, and he died from the effects thereof about ten or fifteen minutes thereafter.

8. That said Corrado Modena was a bright and intelligent boy for his age, of good capacity to work, and would have earned much money after he became twenty-one (21) years old but for the wrongful and negligent acts of the defendant herein set out; that by the wrongful and negligent acts of the defendant herein set out the said Corrado Modena was deprived of a long and happy existence, his earning capacity was completely destroyed, he was caused to suffer great physical and mental pain and anguish, all to his damage in the sum of twenty thousand ($20,000.00) dollars.

9. That between the wrongful and negligent acts of the defendant herein set out and the falling by said Corrado Modena into said hole in said pond and the death of said Corrado Modena he had a cause of action against this defendant; that the same was not prosecuted prior to his death, and is now being prosecuted by this plaintiff.

Wherefore plaintiff prays judgment against the defendant for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

II.

Plaintiff, for a second cause of action against the defendant, complains and alleges:

1. That Corrado Modena died on August 19, 1913.

2. That Joseph Modena, this plaintiff, was by order and judgment of the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow, duly and regularly appointed administrator of the estate of Corrado Modena on the 31st day of January, 1913, and he immediately thereafter qualified as such administrator, and is now duly appointed, qualified, and acting administrator of said estate.

3. That Joseph Modena is an alien; that he is a citizen and subject of the King of Italy.

4. That the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Montana and a citizen of said State.

5. That the amount involved in this controversy is of a greater amount than the sum of three thousand ($3,000.00) dollars exclusive of costs and interest, and is of the sum of twenty thousand ($20,000.00) dollars.

6. That the defendant on the 19th day of August, 1913, and for many months prior thereto, carelessly and negligently, upon its property, maintained and permitted a shaft, drift, and cut more than ten (10) feet deep to remain open, exposed, and unprotected without any cover over the same or any fence around the same, the same being within the limits of the town of Meaderville, Silver Bow County, Montana, and within one mile of the corporate limits of the city of Butte, Silver Bow County, Montana, and the same also being within three

hundred (300) feet of a street, road, and public highway of the said town of Meaderville, and the said city of Butte, and the said county of Silver Bow, Montana; that the plaintiff's decedent, Corrado Modena, on the said 19th day of August, 1913, while exercising due care and caution on his part, and while playing about said open, exposed, and unprotected shaft, drift, and cut, fell into the same and received such grievous personal injuries that he died therefrom on said day about ten or fifteen minutes after falling into the same.

7. That said Corrado Modena was a bright and intelligent boy for his age, of good capacity to work, and would have earned much money after he became twenty-one (21) years old but for the wrongful and negligent acts of the defendant herein set out; that by wrongful and negligent acts of the defendant herein set out the said Corrado Modena was deprived of a long and happy existence, his earning capacity was completely destroyed, he was caused to suffer great physical and mental pain and anguish, all to his damage in the sum of twenty thousand ($20,000.00) dollars.

8. That between the wrongful and negligent acts of the defendant herein set out and the falling by said Corrado Modena into said shaft, drift, and cut, and the death of said Corrado Modena he had a cause of action against this defendant; that the same was not prosecuted prior to his death, and is now being prosecuted by this plaintiff.

Wherefore plaintiff prays judgment against the defendant for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

Plaintiff, however, prays for but one judgment for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

B. K. WHEELER,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

UNITED STATES OF AMERICA, STATE OF MONTANA,
County of Silver Bow, ss:

Joseph Modena, being first duly sworn, deposes and says: I, as administrator of the estate of Corrado Modena, am the plaintiff in the above-entitled action; I have heard read the above and foregoing complaint and know the contents thereof; the same is true to the best of my knowledge, information, and belief.

[SEAL.] JOSEPH MODENA.

Subscribed and sworn to before me this 4th day of Feb., 1914.

J. D. EASAN, Jr.,
Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires October 1, 1916.
Filed February 6, 1914.

United States of America, District Court of the United States, District of Montana.

No. 151. Action brought in the said district court and the complaint filed in the office of the clerk of said district court, in the city of Butte, County of Silver Bow.

JOSEPH MODENA, AS ADM. OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

The President of the United States of America, greeting, to the above-named defendant, Anaconda Copper Mining Company, a corporation:

You are hereby summoned to answer the complaint in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Witness the honorable Geo. M. Bourquin, judge of the United States district court, district of Montana, this 6th day of February, in the year of our Lord one thousand nine hundred and fourteen and of our independence the 138.

[SEAL.] GEO. W. SPROULE, *Clerk.*
By HARRY H. WALKER, *Deputy Clerk.*

Filed February 7, 1914.

UNITED STATES OF AMERICA,
District of Montana, ss:

I hereby certify and return that I served the annexed summons on the therein-named Anaconda Copper Mining Company, a corporation, by handing to and leaving a true and correct copy thereof with C. F. Kelley, vice president of said company, together with a true copy of bill of complaint, in said action certified to by clerk of U. S. district court, service made at Butte, County of Silver Bow, on the 6th day of February, 1914.

WILLIAM LINDSAY,
United States Marshal.
By GEORGE A. MCKAY, *Deputy.*

In the District Court of the United States for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

DEMURRER.

I.

Comes now the above-named defendant and demurs to the first cause of action attempted to be set forth in the complaint of plaintiff, upon the ground and for the reason that the same does not state facts sufficient to constitue a cause of action against this defendant.

II.

Defendant demurs to the second cause of action attempted to be set forth in the complaint of plaintiff, upon the ground and for the reason that the same does not state facts sufficient to constitute a cause of action against this defendant.

III.

Defendant demurs to the complaint of plaintiff upon the following grounds and reasons:

First. That the said complaint does not state facts sufficient to constitute a cause of action against this defendant.

Second. That the court has no jurisdiction of the person of the defendant or of the defendant.

Third. That the court has no jurisdiction of the subject of the action.

C. F. KELLEY, L. O. EVANS,
W. B. ROGERS & D. GAY STIVERS,
Attorneys for Defendant.

Filed February 26, 1914.

Service of the foregoing admitted and copy received this 26th day of February, A. D. 1914.

MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

In the District Court of the United States, District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

ANSWER.

First.

Now comes the defendant and, for answer to the first cause of action set up in plaintiff's complaint, admits, denies, and alleges as follows, to wit:

1. Defendant admits that Corrado Modena died on August 19, 1913.

2. As to whether or not the facts alleged in paragraph 2 of said plaintiff's first pretended cause of action are true, this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

3. As to whether or not Joseph Modena is an alien, or as to whether or not he is a citizen, and subject of the King of Italy, defendant denies that it has any knowledge or information thereof sufficient to form a belief.

4. Defendant admits paragraph 4 of said first pretended cause of action, and also paragraph 5 thereof.

5. Defendant denies that on the 19th day of August, 1913, or for several years prior thereto, or at any time or at all, it carelessly or negligently, or carelessly and negligently, maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana, or elsewhere; denies that at said times, or at any other time, it maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana, other than to the extent and in the manner as hereinafter in this answer set out; denies that said pond was very, or at all, attractive to children, or that a large number of children, more than one hundred, or any other number of children, were attracted to said pond; denies that a large number of children, more than one hundred, or any other number of children living in and about Meaderville or elsewhere, were accustomed to play on and about said pond almost daily, or at all, for more than a year prior to the said 19th day of August, 1913, or for any time prior thereto, with the knowledge and consent, or knowledge or consent, of the defendant, or with or without such knowledge or consent; but admits that on the said 19th day of August, 1913, certain children did play on or about a small pond or body of water situated upon lands belonging to the said defendant; but denies that such playing of such children thereon was with the knowledge and consent, or knowledge or consent, of the defendant; denies that said pond was, through the negligence of the defendant, or otherwise, left open and entirely unguarded, or left open or unguarded; denies that said pond, through the negligence of the defendant, contained a deep hole, to wit, about twelve feet deep, in the center thereof, with perpendicular sides or walls, or contained a hole of any depth whatever other than a depth of about eight or nine feet; denies that said pond, through the negligence of the defendant, or otherwise or at all, was filled with murky copper water or that the water therein was very poisonous, or poisonous at all, or dangerous to human beings on account of poisons contained therein; and denies that it was impossible for persons to see beneath the surface of the same.

6. Denies that on or about the 19th day of August, 1913, plaintiff's decendent, Corrado Modena, while exercising due care and caution, or due care or caution, on his part, was attracted to said pond, but admits that the said Corrado Modena went to said pond or pool of water, and went and waded therein; denies that while playing in and about the same, the said Corrado Modena fell into said deep hole in the center thereof, or got into said deep holes at all, other than as hereinafter stated in this answer; denies that his mouth, stomach, lungs, and internal organs, or his mouth, stomach, lungs, or internal organs, were filled with copper water and denies that he died from the effects thereof, about ten or fifteen minutes thereafter; or from the effect of any poisonous or copper water; but alleges the fact to be that the said Modena went into said pool or pond of water which said pool or pond of water was not poisonous, and while in said pool or pond of water, attempted to get upon a log or railroad tie therein situate, and ride thereon and that in doing so he got into water beyond his depth and was drowned from the effects thereof, and that his death by reason of such drowning was instantaneous and contemporaneous with the time of his getting into water over his head and beyond his depth.

Defendant admits that the said Corrado Modena was a boy about eight years of age, but as to the exact age of the said Corrado Modena this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

7. Defendant admits that said Corrado Modena was a bright and intelligent boy for his age; denies that he was of good capacity to work, and would have earned much or any money after he became twenty-one years old but for the alleged wrongful and negligent or wrongful or negligent acts of the defendant, set out in plaintiff's complaint; denies that said defendant was guilty of any wrongful and negligent or wrongful or negligent acts set out in plaintiff's complaint; denies that by the wrongful and negligent acts, or by any wrongful and negligent or wrongful or negligent acts of the defendant the said Corrado Modena was deprived of a long and happy existence or a long or happy existence, or his earning capacity was completely or otherwise destroyed; denies

that by any wrongful and negligent or wrongful or negligent acts of the defendant, set out in plaintiff's complaint, the said Corrado Modena was caused to suffer great or other physical and mental pain and anguish or pain or anguish, to his damage in the sum of twenty thousand dollars, or in any other sum whatsoever.

8. Defendant denies each and every other allegation contained in plaintiff's pretended first cause of action, not hereinbefore expressly admitted or denied.

Second.

For a first, separate, and affirmative defense to plaintiff's first pretended cause of action, defendant alleges: That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley Mine, and that upon said tract of land there was located and situated a certain pond or pool of water which is the pond or pool of water mentioned in plaintiff's pretended first cause of action; that prior to the acquisition of title to said land by said defendant, the predecessors in interest, and the then owners of said tract of land, had made and constructed an excavation upon the same for the sole purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom itself; that said excavation was so situated that when, and after said smelting plant was dismantled as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof, by means of an artificial watercourse and pipe line, into said excavation; that said excavation was inclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed also by a wall which came up to the surface of the waters contained therein, and was clearly visible, and could be seen by any person who was in or about said excavation, or the waters therein.

That on or about the 19th day of August, 1913, the said Corrado Modena went to said pond or pool of water in connection with two or three other boys, some of whom were about as old and others older than he, and went upon the lands so belonging to the defendant as aforesaid and waded in said water and about said pond; that the said Modena fully knew and understood the conditions of said pond, as herein related, and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth and any and all dangers of drowning in said water; that shortly prior to the time of his death he was warned by a man passing there by of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber, and that the said Modena attempted to mount said log, railroad log, or timber and ride thereon over the deepest portion of said water; and that thereupon he was warned by one of his companions not to do so, and notified that it was dangerous and that the water was deep; and that notwithstanding such warnings as aforesaid and such full knowledge and appreciation on the part of the said Modena he voluntarily and of his own free will remained in and about said water and waded therein and went into said deeper portion of said water and attempted to mount and ride upon said log, thereby getting into water over his head, and was by reason thereof drowned, and the drowning of said Modena occurred by reason of conditions which were obvious, open, notorious, well understood by and appreciated by the said Modena; and when the said Modena voluntarily went into said pool of water and remained therein, as herein stated, and went about said deeper portions of said pool of water, as herein stated, and failed to observe the warnings of other persons, as herein stated, he assumed all risk of injury or death

by reason of drowning or getting quantities of water in his lungs or stomach, or all risk of injury or death accruing to him in the manner set out in plaintiff's complaint, and this defendant is not liable therefor.

Third.

Defendant for a further, second, separate, and affirmative defense to plaintiff's pretended first cause of action alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool, which is the pond or pool of water mentioned in plaintiff's pretended cause of action; that prior to the acquisition of title to said land by the said defendant the predecessors in interest and the then owners of said tract of land had made and constructed an excavation upon the same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting plant, which said smelting plant and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid natural waters from the surface of the earth caused by heavy rains and melting snows settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof by means of an artificial watercourse and pipe line into said excavation; that said excavation was inclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed by a wall which came up to the surface of the waters contained therein, and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Modena fully knew and understood the conditions of said poind as herein related, and fully knew and understood and appreciated all dangers of death and injury to himself should he get into said water over his depth, and any and all danger of drowning in said water; that on said day the said Modena went to said pond or pool of water accompanied by two or three other boys, some of whom were about as old and others older than he, and went upon and over the lands so belonging to the defendant aforesaid, and negligently waded in said water and about said pond; that shortly prior to the time of his death he was warned by a man passing there by of the dangers attendant thereon, and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber; that the said Modena was warned by one of his companions that the water in said pond was deep and that it was dangerous, and that it was dangerous to attempt to mount and ride upon said log or piece of timber; that notwithstanding said warnings so given to the said Modena, and his full appreciation and understanding of the danger of drowning in said water, and the said Modena continued to negligently wade and play in and about the said water; and the said Modena negligently attempted to mount said log, railroad tie, or piece of timber so floating upon said water, and negligently went into said deeper portion of said water, thereby getting into water over his head, and was, by reason of his said negligence, drowned in said pool of water, all of which negligence upon the part of said Modena was a proximate cause of his injury and death, without which his injury and death would not have occurred; and if the said death of the said Modena occurred by reason of any negligent act or acts charged by the plaintiff in said pretended first cause of action against the defendant the said negligent acts of the said Modena in so wading in said water as aforesaid, and in so failing to heed the warnings so given him as aforesaid, and in so getting into the water over his head as aforesaid, and in so attempting to mount said log, railroad tie, or piece of timber as aforesaid,

under the conditions aforesaid, combined and concurred with the negligent acts of the defendant, if any, and contributed directly as a proximate cause to the injury and death of the said Modena, and without which his injury and death would not have occurred.

II.

For answer to plaintiff's pretended second cause of action, alleged and set out in plaintiff's complaint, defendant admits, denies, and alleges as follows, to wit:

First.

1. Defendant admits that Corrado Modena died on August 19, 1913.

2. As to whether or not the facts alleged in paragraph 2 of said plaintiff's pretended second cause of action are true this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

3. As to whether or not Joseph Modena is an alien, or as to whether or not he is a citizen, and subject of the King of Italy, defendant denies that it has any knowledge or information thereof sufficient to form a belief.

4. Defendants admits paragraph 4 of said second pretended cause of action, and also paragraph 5 thereof.

5. Defendant denies that on the 19th day of August, 1913, or for many months prior thereto, it carelessly and negligently or carelessly or negligently, upon its property or elsewhere, maintained and permitted, or maintained or permitted, a shaft, drift, and cut, or a shaft, drift, or cut more than ten feet deep, or of any other depth, to remain open or exposed or unprotected, or without any cover over the same, or any fence around the same; denies that any shaft, drift, or cut upon the property of the defendant was within the limits of the town of Meaderville, Silver Bow County, Montana, or within one mile of the corporate limits of the city of Butte, Silver Bow County, Montana, or within three hundred feet of a street, road, or public highway of the said town of Meaderville, or the said city of Butte, or the said county of Silver Bow, Montana; denies that the place into which it is alleged the said Corrado Modena fell was either a shaft or drift or a cut; denies that the said Corrado Modena on the 19th day of August, 1913, or any other time, or at all, while exercising due care and caution, or due care or caution on his part, or while playing about any open, exposed, and unprotected, or open, exposed, or unprotected shaft, drift, and cut, or shaft or drift or cut, fell into the same, and denies that by falling into any shaft, drift, and cut, or shaft, drift, or cut the said Modena received any personal injuries whatever, or that he died from any personal injuries received by falling into a shaft, drift, and cut or shaft, drift, or cut on said day, or upon any other day, or about ten or fifteen minutes after falling into the same, or anytime whatever thereafter.

6. Defendant admits that said Corrado Modena was a bright and intelligent boy for his age; denies that he was of good capacity to work and would have earned much of any money after he became twenty-one years of age but for the alleged wrongful and negligent, or wrongful or negligent, acts of the defendant, set out in plaintiff's complaint; denies that said defendant was guilty of any wrongful and negligent, or wrongful or negligent acts, set out in plaintiff's complaint; denies that by the wrongful and negligent acts, or by any wrongful and negligent, or wrongful or negligent, acts of the defendant the said Corrado Modena was deprived of a long and happy existence, or long or happy existence, or his earning capacity was completely or otherwise destroyed; denies that by any wrongful and negligent, or wrongful or negligent, acts of the defendant, set out in plaintiff's complaint, the said Corrado Modena was caused to suffer great or other physical or mental pain and anguish, or any pain or anguish, to his damage in the sum of twenty thousand dollars, or in any other sum whatsoever.

7. Defendant denies each and every other allegation contained in plaintiff's pretended second cause of action not hereinbefore specifically admitted or denied.

Second.

For a first, separate, and affirmative defense to plaintiff's second pretended cause of action defendant alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon

said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's pretended second cause of action; that prior to the acquisition of the title to said land by the said defendant the predecessors in interest and the then owners of said tract of land had made and constructed an excavation upon the same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the defendant, for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof by means of an artificial water course and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were enclosed by a wall which come up to the surface of the waters contained therein, and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Corrado Modena went to said pond or pool of water in connection with two or three other boys, some of whom were about as old, and others older, than he, and went upon the lands so belonging to the defendant as aforesaid, and waded in said water and about said pond; that the said Modena fully knew and understood the conditions of said pool as herein related and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth, and any and all dangers of drowning in said water; that shortly prior to the time of his death he was warned by a man passing thereby of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber, and that the said Modena attempted to mount said log, railroad tie, or timber and ride thereon over the deepest portion of said water; that thereupon he was warned by one of his companions not to do so, and notified that it was dangerous, and that the water was deep, and that notwithstanding such warnings as aforesaid, and such full knowledge and appreciation on the part of the said Modena, he voluntarily and of his own free will remained in and about said water and waded therein and went into said deeper portion of said water and attempted to mount and ride upon said log, thereby getting into water over his head, and was by reason thereof drowned, and the drowning of said Modena occured by reason of conditions which were obvious, open, notorious, well understood by and appreciated by the said Modena, and when the said Modena voluntarily went into said pool of water and remained therein, as herein stated, and attempted to mount said log, as herein stated, and went about said deeper portions of said pool of water, as herein stated, and failed to observe the warnings of other persons, as herein stated, he assumed all risk of injury or death by reason of drowning, or getting qantities of water in his lungs or stomach, or all risk of injury or death, accruing to him in the manner set out in plaintiff's complaint, and this defendant is not liable therefor.

Third.

Defendant, for a further second, separate, and affirmative defense to plaintiff's pretended second cause of action, alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's pretended

second cause of action; that prior to the acquisition of title to said land by the said defendant, the predecessors in interest, and the then owners of said tract of land, had made and constructed an excavation upon this same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when, and after said smelting plant was dismantled, as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers and boiler room and dry thereof by means of an artificial water course and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were enclosed also by a wall which came up to the surface of the waters contained therein and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Modena fully knew and understood the condition of said pond as herein related and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth and any and all danger of drowning in said water; that on said day the said Modena went to said pond or pool of water, accompanied by two or three other boys, some of whom were about as old, and others older than he, and went upon and over the lands so belonging to the defendant as aforesaid and negligently waded in said water and about said pond; that shortly prior to the time of his death he was warned by a man passing thereby of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber; that the said Modena was warned by one of his companions that the water in said pond was deep, and that it was dangerous, and that it was dangerous to attempt to mount and ride upon said log or piece of timber; that notwithstanding said warnings so given to the said Modena and his full appreciation and understanding of the danger of drowning in said water the said Modena continued to negligently wade and play in and about the said water, and the said Modena negligently attempted to mount said log, railroad tie, or piece of timber so floating upon said water and negligently went into said deeper portion of said water, thereby getting into water over his head and was, by reason of his said negligent conduct, drowned in said pool of water, all of which negligence upon the part of said Modena was a proximate cause of his injury and death, without which his injury and death would not have occurred; and if the said death of the said Modena occurred by reason of any negligent act or acts charged by the plaintiff in said pretended second cause of action against the defendant, the said negligent acts of the said Modena in so wading in said water, as aforesaid, and in so failing to heed the warnings so given him, as aforesaid, and in so getting into water over his head, as aforesaid, and in so attempting to mount said log, railroad tie, or piece of timber, as aforesaid, under the conditions aforesaid, combined and concurred with the negligent acts of the defendant, if any, and contributed directly as a proximate cause to the injury and death of the said Modena, and without which his injury and death would not have occurred.

Wherefore defendant having fully answered the complaint of plaintiff herein, prays to be dismissed hence with its costs.

C. F. KELLEY, L. O. EVANS,
W. B. RODGER & D. GAY STIVERS,
Attorneys for Defendant.

STATE OF MONTANA,
County of Silver Bow, ss:

C. F. Kelley, being first duly sworn, on oath deposes and says: That he is an officer of the defendant Anaconda Copper Mining Company, in the above entitled action, to wit, the vice president thereof, and makes this verification for and on behalf of said corporation; that he has read the foregoing answer, knows the contents thereof, and that the same is true to his best knowledge, information, and belief.

C. F. KELLEY.

Subscribed and sworn to before me this 13th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.

Service of the foregoing answer admitted and copy received this 13th day of May, 1914.

B. K. WHEELER, A. A. GRORUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Filed May 13, 1914.

In the District Court of the United States in and for the District of Montana.

Notice. No. 151.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

To the defendant above named, and to Messrs. L. O. Evans, its chief counsel, and D. Gay Stivers and W. B. Rodgers, its attorneys: Gentlemen, take notice:

That on Monday morning, the 25th day of May, 1914, at the hour of ten o'clock, or as soon thereafter as counsel will be heard, the plaintiff will present to the above-entitled court in the Federal Building at Butte, Montana, the motion hereunto annexed.

Dated, May 20, 1914.

B. K. WHEELER, A. A. GRORUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the above notice admitted and copy received this 20th day of May, 1914.

C. F. KELLEY, L. O. EVANS,
W. B. RODGERS & D. GAY STIVERS,
Attorneys for Defendant.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

MOTION TO CHANGE THE PLACE OF TRIAL.

Now comes the plaintiff above named and respectfully moves to change the place of trial of the above-entitled action from Butte, in the county of Silver Bow, in Montana, to Helena, in the county of Lewis and Clark, in Montana.

This motion will be based upon the affidavit of M. Kerr Beadle, C. N. Davidson, Homer G. Murphy, A. A. Grorud, I. G. Deeny, J. D. Eason, jr., George B. Dygert, M. J. English, P. E. Geagan, L. M. Van Etten, H. L. Clinton, J. O. Davies, H. A. Tyvand, Wm. F. Davis, Timothy F. Nolan, Lewis P. Donovan, Edward C. Smith, Alexander Macken, Charles A. Wallace, and Lowndes Maury (two).

It will be based upon further affidavits to be served previous to the motion. It will be based upon oral testimony to be given at the hearing of the motion;

and the ground of the motion is that the plaintiff can not have a fair or an impartial trial of the above-entitled action in Silver Bow County, Montana, wherein is the department of the court where the cause is pending; and on the ground that the plaintiff can not have a fair or an impartial trial of the above-entitled action before a jury or a panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County in Montana; and on the further ground that this is an action at law properly tryable to a jury and no jury has been waived by the plaintiff.

B. K. WHEELER, A. A. GROBUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

In the District Court of the United States in and for the District of Montana.

At law.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING CO., A CORPORATION, DEFENDANT.

AFFIDAVIT.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being duly sworn on his oath, does say: I am resident of Silver Bow County, Mont., and have resided therein for 19 years last past. I am by occupation a lawyer. I am acquainted with the defendant Anaconda Copper Mining Co. The defendant is engaged in quartz mining in said county, and is engaged in smelting and treating the ores mined in Silver Bow County, in Deer Lodge County, Mont., near the city of Anaconda, and has been so engaged in quartz mining and smelting in the said counties for more than 10 years last past. The principal and almost the only industry in Silver Bow County is that of mining. The principal industry of Deer Lodge County, and the principal industry in or near the city of Anaconda therein, is smelting.

The defendant Anaconda Copper Mining Co. owns, operates, and controls nearly all of the important mines in Silver Bow County. Nearly all of the inhabitants of Silver Bow County and of the cities of Butte, Walkerville, and towns of Centerville and Meadersville therein, are dependent either directly or indirectly for subsistence and support upon the mining industry and upon the good will of the defendant. The defendant employs, directly or indirectly, in the said counties of Silver Bow and Deer Lodge far more than ten times as many laborers than any other employer of labor in the said counties or in either of them.

That affiant in a general way is familiar with the history of the trial of cases had in Silver Bow County during 10 years last past, wherein defendant has been a party; that affiant has heard many people talk on the subject of whether any ordinary litigant, or any litigant at all, can have a fair and impartial trial before any jury wherein there are residents of Silver Bow County or of Deer Lodge County.

That affiant verily believes that it is impossible for the plaintiff in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting, in whole or in part, of residents of Silver Bow County or of Deer Lodge County.

LOWNDES MAURY.

Subscribed and sworn to before me this 18th day of May, 1914.

[SEAL.] J. D. EASON, Jr.
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

(NOTE OF SHORTHAND REPORTING CO.—Identically the same affidavit is made by the persons listed below, but for the sake of brevity we omit the body of the affidavit in each case.)

Name of affiant.	Years in Silver Bow County.	Occupation.	Years familiar with trial of cases.
Chas. A. Wallace	Nine	Lawyer	Five.
Alexander Mackel	Fifteen	do	Fifteen.
Edward C. Smith	Three	do	Three.
Louis P. Donovan	Eight	do	Seven.
Timothy F. Nolan	Ten	do	Ten.
Wm. F. Davies	Thirteen	do	Thirteen.
H. A. Tyvand	Two	do	Two.
J. O. Darnier	Seven	do	Seven.
R. L. Clinton	Fifteen	do	Ten.
L. M. Van Etten	Seven	do	Seven.
P. E. Geagan	Twelve	do	Eight.
M. J. English	Sixteen	do	Sixteen.
George B. Dygert	Eighteen	do	Ten.
J. D. Eason, jr	Nineteen months	do	Nineteen months.
T. G. Denny	Thirteen years	do	Thirteen years.
A. A. Grorud	Nine	do	Five.
Homer G. Murphy	Eleven	do	Six.
C. N. Davidson	Thirteen	do	Thirteen.
M. Kerr Beadle	Fifteen	do	Ten.
B. K. Wheeler	Eight	do	Eight.
Frank Ostermann	Seven	Miner	Seven.
Susie Mardonin	Ten	Widow	Ten.
Jalmar Koskinen	Eight	Miner	Eight.
Dennis P. Leary	Twenty-two	do	Eleven.
Ed. Fitzpatrick	Twelve	Lawyer	Six.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR OF CORRADO MODENA, DECEASED, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

AFFIDAVIT OF LOWNDES MAURY.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being first duly sworn, on his oath does say:

I am by occupation and profession an attorney at law. I have lived in Butte for more than 19 years last past, and practiced my profession of law there and elsewhere in the northwest portion of the United States for more than 16 years. I am a member of the law firm of Maury, Templeman & Davies. I have been trusted with a large measure of the litigation in Silver Bow County for the last seven or eight years. I have been attorney of record in the courts of Silver Bow County and in the United States district and circuit courts in more than 100 pending cases at one time and often. I have been city attorney of the city of Butte for a term of two years, and at the time that I took office as such there were pending undetermined actions at law and suits in equity in which the city was interested, more than 85 and almost all of these were tried and disposed of during my term of office, and in such trials I gave personal attention to all of them except two or three in which I was disqualified by reason of my having appeared or given advice concerning the same before my appointment as city attorney, and I personally was present and assisting my deputies in the trials of almost all of these 85 cases; and many more cases were commenced in which the city was interested during my term of office, and in which cases I appeared and conducted the trial. So tense has been the litigation for the city, and so voluminous has it been, and such litigation as that I was interested as an attorney, that in one day 5 cases in which the city was a party were presented by argument to the Supreme Court of Montana (and in some of these I wrote the briefs), and on the same day 16 cases consolidated into 1 against the city were being defended by me personally in Silver Bow County.

I have had experience as an attorney and counselor at law, retained by the year to serve for Butte Electric & Power Co., Montana Power Transmission Co., Billings & Eastern Montana Power Co., Madison River Power Co., and other concerns, finally merged into the Montana Power Co.

I have had experience in the prosecution and defense of many personal-injury and death cases outside of the previous matters hereinabove described. More than seven years ago, in a meeting of the bar association of Silver Bow County, I announced that it was impossible to get a fair or an impartial trial

before a jury consisting of residents of Silver Bow County in a cause to which the following-named corporations or any of them were parties ,to wit: The Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Butte & Boston Consolidated Mining Co., the Trenton Mining & Development Co., the Boston & Montana Consolidated Copper & Silver Mining Co., and the Washoe Copper Co., and since the said time I have watched the progress of litigation against the said companies in Silver Bow County. I have carefully noted court records and newspaper accounts of litigation in which any of the said companies were concerned—I have not, of course, read all of the court records nor all of the newspaper accounts—and in the said time, I am informed and believe, that there has not been a verdict rendered against any of the said companies by any jury or any court in Silver Bow County; and I know of my own knowledge that scores of cases against one or more of these companies have been commenced in Silver Bow County.

At some time during the last seven years all of the said corporations have been merged into the Anaconda Copper Mining Co. The properties, mining, mills, and smelters of all of the other said companies have been transferred to the Anaconda Copper Mining Co., and it is now operating substantially the same properties as all of the other companies and itself did operate before the said merger. About seven years ago, and for sometime thereafter, there was a corporation operating mines and a smelter in Butte known as Colusa Parrot Mining & Smelting Co., and since the said time it has transferred to the Anaconda Copper Mining Co., all of its mining properties and its smelter, as affiant is informed and believes, and such company is dissolved, as affiant is informed and believes, and properties previously worked by it are being operated by the said Anaconda Copper Mining Co. Said Anaconda Copper Mining Co., as affiant is informed and believes, is the owner of 51 per cent of the capital stock of a railroad operating between Butte and Anaconda, known as the Butte, Anaconda & Pacific Railway Co. The said Anaconda Copper Mining Co. does a large amount of smelting of customs ores from other mining companies produced in Silver Bow County, to wit, it smelts ores, as affiant is informed and believes, of North Butte Mining Co., which concern operates with usually three or four hundred men, of Tuolumne Copper Mining Co., of Butte Alex Scott Mining Co.

That, in addition to its mines in Silver Bow County, affiant is informed and believes, that the said Anaconda Copper Mining Co. has in the last two or three years obtained control of and owns and is operating large gold producing mines at Southern Cross and elsewhere in Deer Lodge County, Montana.

That, as affiant is informed and believes, the said Anaconda Copper Mining Co. gives employment to 12,000 men in Silver Bow County, and about 1,800 men in Deer Lodge County; that, as affiant is informed and believes, the Anaconda Copper Mining Co. maintains a so-called "blue card" system, a system for the identification of men, and that no man may enter the employ of the said company in Silver Bow County without first procuring such a card from a central office and identifying himself before such card is obtained.

That the same counsel who appear generally for the Anaconda Copper Mining Co. also represent in litigation the Butte Water Co., which furnishes all water for domestic consumption to the inhabitants of the city of Butte; for the Montana Power Co., which is a concern with a capital stock of $100,000,000; for the Butte, Anaconda & Pacific Railway Co., aforesaid, a large mercantile company—probably the largest in Silver Bow County—to wit, the Hennessy Co.; for a large banking establishment in Butte, in Silver Bow County, known as the Daly Bank & Trust Co., of Butte; for a large banking establishment in Anaconda, known as the Daly Bank & Trust Co., of Anaconda, and also for the said North Butte Mining Co.

That the said Anaconda Copper Mining Co. can exert a great power over most, if not all, of the merchants of Butte, in that most, if not all, of the merchants of Butte extend credit to laborers, servants of the said company, on the security of assignments of the time and wages of said servants, and such method is a great convenience to the merchants of Butte.

That for many years the chief local servants of the Anaconda Copper Mining Co., its superintendants, its managers, its servants, have taken an intense interest in the politics of Silver Bow County. They have sought to dominate political conventions and have dominated many of them. And so great has been the influence of this corporation in the life political, economical, and juridical of Silver Bow County that it has established in the minds of the people of Silver Bow County and Deer Lodge County a fear of deciding any

cause against this corporation or against any other corporation in favor of the individual.

Affiant has in a general way kept track of and searched the records of the above entitled district court sitting in Silver Bow County. Affiant is informed and believes, and therefore states the fact to be, that there has not been a verdict in favor of the plaintiff in any case for personal injuries or tortious death in the department of the above-entitled court, either district court or circuit court in seven years, that the last verdict obtained by a plaintiff in such a case in the above-entitled court in so far as Silver Bow County is concerned was in the case of Monohan versus Colusa Parrot Mining & Smelting Co., the said verdict being rendered on or about the first week in April, 1907; that since the said time, such causes have been tried in the above-entitled court or in the circuit court which was merged into the above-entitled court, and in the Federal Building in Butte, causes for personal injury or death by the following counsel: The firm of Walsh, Nolan & Scallon, one of whom is now United States Senator from Montana, one of whom has been attorney general of Montana, one of whom has been chief counsel for, and local managing director of, and chief local officer of the Anaconda Copper Mining Co. Other similar causes have been prosecuted by Peter Breen, former county attorney of Silver Bow County, and esteemed one of the ablest members of the bar of the county; Lewis P. Forestell, formerly city attorney of the city of Butte, and esteemed one of the ables members of the Butte bar; and many have been prosecuted by the firm or firms of which affiant is a member, or has been a member in the said time, and many other attorneys at law of high standing and great ability have gone down to defeat before juries in the same court in the said seven years.

And by reason of the foregoing facts, affiant avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana; that the present panel of jurors and all of the panels of jurors that have been drawn for jury service in the said department of the said court, to wit, that department which sits in Silver Bow County, and in Butte therein, consists and have consisted largely of the residents of Silver Bow County and Deer Lodge County; that on the present panel, out of 24 members and men constituting the panel, as affiant is informed by the clerk and believes, 7 are residents either of Silver Bow County or of Deer Lodge County, and the remainder are residents of other counties in the State, and such has been a fair proportion of other panels.

LOWNDES MAURY.

Subscribed and sworn to before me this 20th day of May, 1914.

[SEAL.] J. D. EASAN, Jr.,
Notary Public for State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

Service of foregoing affidavite admitted and copy received this 20th day of May, 1914.

C. F. KELLEY ET AL.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR OF CORRADO MODENA, DECEASED, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

STATE OF MONTANA,
County of Silver Bow, ss:

Burton K. Wheeler, being first duly sworn, on his oath does say: I am by profession an attorney at law. I have lived in Butte for about eight years last past, and practiced my profession of law there and elsewhere in the State of Montana. I have had experience as a member of the Legislative Assembly of the State of Montana. I am now district attorney of the United States in and for the district of Montana.

I do not believe that the plaintiff above named can have a fair or impartial trial of the above-entitled cause against the Anaconda Copper Mining Co. at Butte so long as any material portion of the jury empaneled to try the cause is drawn from citizens of Silver Bow County, wherein Butte is situated, or from citizens of Deer Lodge County, wherein Anaconda is situated.

My reasons for holding this opinion and expressing this belief are as follows:

The Anaconda Copper Mining Co. is engaged in the business of mining copper, silver, and gold ores in Silver Bow County, and in the mining of gold ores in Deer Lodge County, and in the smelting and reduction of all such ores in Deer Lodge County.

In the county of Siver Bow the said company owns, operates, and controls approximately 90 per cent of all the copper, gold, and silver production of the county. In the county of Deer Lodge it produces approximately 75 per cent of all the gold mined and extracted in the said county.

In the county of Silver Bow in Montana the Anaconda Copper Mining Co. has been in business and the chief factor in the industrial and political life of the said county for now more than five years. The county of Silver Bow has a population variously estimated to approximate 75,000 people. Almost its sole productive industry is that of copper and zinc mining, with gold and silver as by-products. It has no material agricultural interest either in products directly of the soil or in herds of cattle or flocks of sheep or other domestic animals. Of this population there are about 10,000 children of school age; of the remainder of 65,000 people there are one-third women; of the remaining 40,000 people there are about one-third directly in the service of the Anaconda Copper Mining Co.

This company and its directors and managing agents have large interests in other financial and mercantile institutions in the city of Butte and county of Silver Bow. The largest mercantile institution in Silver Bow County is known as the Hennessy Co. One of the largest banks in Silver Bow County is the Daly Bank & Trust Co. of Butte. The sole source of electric power supply, either for lighting or other power purposes, in Silver Bow County is the Montana Power Co. and its various hydroelectric dams. There is a railroad running from Butte to Anaconda known as the Butte, Anaconda & Pacific Railroad. These five companies are all represented in Butte by the same attorneys at law whenever there is litigation for or against any of them.

In the last two years there has been established by the Anaconda Copper Mining Co., and maintained continuously, a correct and scientific bureau of espionageand means of identification of all of its servants who apply for work at the mines, known as the "blue-card" system; and by this system, though the company employs underground about 10,000 men, yet no man can procure service underground in the mines of the said company unless he present to the proper foreman, superintendent, or shift boss a clearance card from this bureau.

There is another mining concern, known as the North Butte Mining Co., which has usually had an interlocking directorate with Anaconda Copper Mining Co. The North Butte company employs about 700 men. All of its ores are treated at the smelter of the Anaconda Copper Mining Co., at Great Falls, and such system has continued for several years. The North Butte Mining Co. is also represented by the same attorneys at law whenever it has litigation in court.

All of the water supply of Butte, the principal city in Silver Bow County, is supplied by the Butte Water Co., a corporation. The general superintendent of that company, one Eugene Carroll, has for many years generally been rumored to be active in furthering the political advancement of the Anaconda Co. By reason of its great wealth and influence it is not possible, in my belief, to have a fair trial of the above-entitled cause in Silver Bow County.

B. K. WHEELER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

EDWIN M. LAMB,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 31, 1915.

Service of the foregoing affidavit admitted and copy received this 28th day of May, 1914.

G. GAY STIVERS,
Attorney for Defendant.

Filed May 28, 1914.

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In the District Court of the United States, District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

REPLY.

Comes now the plaintiff and, for his reply to the answer of the defendant on file herein, admits, denies, and alleges as follows, to wit:

Admits that on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's complaint; that prior to the acquisition of the title to said land by said defendant, the predecessors in interest, and the owners of said tract of land, had made and constructed an excavation upon the same for the sole purpose and only purpose of building thereon a smelting and reduction plant, and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained thereon; and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used, by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boiler and from the dry used in connection with the operation of said Berkeley mine; and that said waters were drained out and away from said Berkeley mine, and said boilers, boiler room, and dry thereof, by means of an artificial watercourse and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed by a wall; that on or about the 19th day of August, 1913, the said Corrado Modena went into said pool or pond of water in connection with other boys, some of whom were about as old and others older than he, and went upon the lands belonging to the said defendants, and waded in said water and about said pond.

Admits that there was at that time floating upon said water a log or railroad tie or piece of timber.

As to whether or not the said Modena attempted to mount said log, railroad tie, or timber and ride thereon over the deeper portions of said water this plaintiff denies that he has any knowledge or information sufficient to form a belief.

Admits that plaintiff's decedent got into the water over his head and was by reason thereof drowned.

Admits that the death of said Modena occurred by reason of the negligent act or acts charged by the plaintiff in his first cause of action against the defendant.

And denies each and every other allegation and all other allegations contained in said answer.

Plaintiff, for his reply to the answer of the defendant on file herein, denies generally each and every other allegation and all allegations therein contained except such allegations as have been hereinbefore specifically admitted or denied.

Wherefore plaintiff, having fully replied to the answer of the defendant on file herein, prays judgment in accordance with the prayer of his complaint.

MAURY, TEMPLEMAN & DAVIES,
B. K. WHEELER,
Attorneys for Plaintiff.

UNITED STATES OF AMERICA, STATE OF MONTANA,
County of Silver Bow, ss:

Joseph Modena, being first duly sworn, deposes and says: I, as administrator of the estate of Corrado Modena, deceased, am the plaintiff in the above

and foregoing action mentioned. I have read the above and foregoing reply and know the contents thereof, and the same is true to the best of my knowledge, information, and belief.

JOSEPH MODENA.

Subscribed and sworn to before me this 16th day of May, 1914.

[SEAL.] JOHN L. TEMPLEMAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires August 14, 1914.

Service of the foregoing reply admitted and copy received this 28th day of May, 1914.

C. F. KELLEY,
L. O. EVANS,
W. B. ROGERS,
D. GAY STIVERS,
Attorneys for Defendant.

Filed May 28, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151. Notice.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

To the above-named defendant Anaconda Copper Mining Company and to L. O. Evans, W. B. Rogers, and D. Gay Stivers, its attorneys:

You and each of you will please take notice that the above-named plaintiff will, at the hearing of his motion for change of place of trial, introduce as evidence the certified copy of the affidavit of James A. Murray made and filed in cause No. A-2995 in the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow, Anaconda Copper Mining Company, a corporation, plaintiff, versus Butte and Balaklava Mining Company, a corporation, defendant, a certified copy of which affidavit has this day been served in cause No. 149, Frank Osterman versus Anaconda Copper Mining Company, a corporation.

B. K. WHEELER,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the foregoing notice admitted and copy received this 26th day of May, 1914.

L. O. EVANS,
Attorney for Defendant.

Filed May 29, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

AFFIDAVIT OF JOHN GILLIE.

STATE OF MONTANA,
County of Silver Bow, ss:

John Gillie, being first duly sworn, on oath deposes and says that he is now, and for more than 11 years has been, the general superintendent of the Anaconda Copper Mining Co., the above-named defendant, and that prior to becoming the general superintendent of the Anaconda Copper Mining Co. affiant occupied the position of general manager of the Butte & Boston Consolidated Mining Co.

That affiant has been a resident of Silver Bow County since the year 1881, and prior to devoting his time to the affairs of the above-named corporations was engaged in a general civil and mining engineering business, with his headquarters at Butte, Silver Bow County, Mont.; that affiant is thoroughly acquainted with the properties, affairs, and operations of the said Anaconda Copper Mining Co.

That there is no connection of any kind or character between the Daly Bank & Trust Co. of Butte, Mont., and the Anaconda Copper Mining Co., save the fact that the banking business of said Anaconda Copper Mining Co. is largely transacted at said Daly Bank & Trust Co.; that the said Daly Bank & Trust Co. and its affairs are conducted independently of said Anaconda Copper Mining Co., and are conducted in the same manner as that of the six other banking institutions of Butte, Mont., at least one, and possibly two, of which are larger in amount of deposits and business transactions than the Daly Bank & Trust Co.

Affiant further says that the said Anaconda Copper Mining Co. is not the owner of any stock of or interested in any way in the Montana Power Co.

That said Anaconda Copper Mining Co., nor any of its officers or agents, so far as affiant knows or can learn, have any interests whatsoever in the Hennessy Co. or its business affairs.

That in employing its miners or other workmen the defendant is in no way affected or influenced by the fact of whether the person applying is a debtor or customer of the said Hennessy Co. or any other merchant or mercantile house; that the affairs of the said Anaconda Copper Mining Co. are conducted in the same manner, as they affect the said Hennessy Co., as any and all other merchants and others engaged in business in the city of Butte and elsewhere.

That it is not true that the Anaconda Copper Mining Co. has exerted, or can exert, a great or any power over the merchants of the city of Butte or anyone else by reason of any custom of the employees of said company in assigning their wages due, or to become due, as security for indebtedness; that the affairs of said Anaconda Copper Mining Co. are conducted as those of all other mining companies operating in Silver Bow County, so far as such assignments are concerned, and all merchants are treated alike in respect to them; that when assignments, or other notice thereof, are given to the said Anaconda Copper Mining Co. they are recognized and paid out of any money coming to the employee.

Affiant further says that the population of Silver Bow County, Mont., is estimated as being from seventy-five to eighty thousand; that for the State election held in November, 1912, the registration records in the office of the county clerk and recorder of Silver Bow County show that approximately 17,149 men were registered, and that affiant believes that there are many more eligible to registration at the present time in Silver Bow County; that a large proportion of the employees of said Anaconda Copper Mining Co. are not citizens of the United States or eligible to registration, and that an additional large proportion of said employees are not taxpayers, and many more are under the age of 21 years and over the age of 70, so that a comparatively small proportion, which affiant believes, from the information he has been able to obtain, is less than one-third of the employees of the said Copper Mining Co. in Silver Bow County, Mont., would be eligible for jury service.

That the said Anaconda Copper Mining Co., in and about its mining properties and operations in Silver Bow County, Mont., is employing not to exceed 9,100 men; that there are many other mining companies operating in Silver Bow County, Mont., employing large numbers of men, among which are the North Butte Mining Co., employing approximately 1,000 men; the Butte & Superior Copper Co., employing approximately 1,000 men; the Elm Orlu mine; the East Butte Mining Co.; the Butte-Ballaklava Mining Co.; the Butte-Alex Scott Mining Co.; the Tuolumne Mining Co.; the Davis-Daly Mining Co.; the Pilot-Butte Mining Co.; the Rainbow Lode Development Co.; the Butte & Duluth Mining Co.; the Bullwhacker Mining Co.; the Butte-Zenith Mining Co.; and other comparatively small operators; that in addition to those mentioned above, there are a large number of other employers of men in Silver Bow County, among which are the Chicago, Milwaukee & St. Paul Railway Co.; the Great Northern Railway Co.; the Northern Pacific Railway Co.; and Oregon Short Line Railway Co., employing more than 625 men; the Montana Power Co., employing approximately 125 men; the Street Railway Co., employing ap-

proximately 185 men; and many other industries—breweries, mercantile houses, factories, etc.—employing large numbers of men.

That the Butte, Anaconda & Pacific Railway Co., a majority of the stock of which is owned by the Anaconda Copper Mining Co., employs approximately 185 men in Silver Bow County.

Affiant further says that the conduct and handling of litigation, in which the said Anaconda Copper Mining Co. is interested, is turned over to the attorneys for said company, who entirely control and handle the same, investigate the facts, and call upon the operating department for such witnesses as are necessary to testify to the facts; that while affiant, as a witness, has attended a number of the trials, it has not been the practice of the officials or other representatives or agents of the said company to attend upon the trial of any case unless required as witnesses, and that the practice has been for the representatives of the Anaconda Copper Mining Co., other than the attorneys, to pay little, if any, attention to the cases pending or being tried.

Affiant further says that the said Anaconda Copper Mining Co., during the period of affiant's connection with it, has not, of affiant's knowledge or belief, coerced or influenced, or attempted to coerce or influence, in any way any resident of Silver Bow County who has been called or who has acted as a juror or witness in any case in any court; and that the said company has not, of affiant's knowledge or belief, at any time rewarded or punished, or attempted to reward or punish, in any way, or refuse to give or gave employment to any person because of his acting as such juror or witness in any of the courts; and the fact that any person has acted as juror in any case in Silver Bow County, whether the said company was party thereto or not, or as a witness in any action, has not been permitted to influence the company's action in any way, whether extending him employment or otherwise.

That affiant knows of nothing in the conduct of the company's affairs in Silver Bow County, during the period with which he has been familiar with them, and affiant thinks he would know of such if it had existed or occurred, which would establish or cause in the mind of any resident of Silver Bow County or Deer Lodge County any fear of deciding or hesitation in justly deciding any action brought against this corporation or against any other corporation in favor of any opposing litigant.

Affiant further says that he knows of no sentiment or feeling of condition of fear or bias or other sentiment or feeling in Silver Bow or Deer Lodge County, Mont., in favor of the said Anaconda Mining Co., or against any opposing litigant, which would prevent such litigant from obtaining a fair trial as against said Anaconda Copper Mining Co. before a jury composed of residents of either Silver Bow County or Deer Lodge County; and affiant knows of nothing and does not believe that anything exists in the operation or method of operation of the said defendant corporation which would give rise to any such sentiment of fear or bias or any other sentiment or feeling which would work to the disadvantage of such opposing litigant. That affiant knows of no reason or condition why the above-named plaintiff can not secure a fair and impartial trial before a jury composed of residents of either Silver Bow or Deer Lodge County, and, on the contrary, affiant believes that said plaintiff can and will, if such action is tried, secure a fair and impartial trial, whether the jury be made up of residents of Silver Bow or Deer Lodge County or elsewhere.

JOHN GILLIE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.
Filed May 29, 1914.

AFFIDAVIT OF W. J. JOHNSON.

STATE OF MONTANA,
County of Deer Lodge, ss:

W. J. Johnson, being first duly sworn, on oath says: That he is now, and for 29 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county and for a period

of more than five years last past has been a member of the board of county commissioners of such county and is now chairman of such board; that affiant has taken part in and participated in various political campaigns during his residence in Anaconda, and has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residence of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear of or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of sid Deer Lodge County, and affiant believes that no difficulty would be had in empanelling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason and believes none exists why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

W. J. JOHNSON.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.
Filed May 29, 1914.

AFFIDAVIT OF THOMAS J. WALKER.

STATE OF MONTANA,
County of Silver Bow, ss:

Thomas J. Walker, being first duly sworn, on his oath deposes and says: I am now and for 25 years last past have been a resident of Silver Bow County, Mont.; that I am an attorney at law and have been practicing my profession as such in Silver Bow County and Deer Lodge County, Mont., for a period of more than 10 years last past. That for four years prior to the first Monday of January, 1913, affiant was county attorney of said county of Silver Bow, and for several years prior to becoming county attorney affiant acted as assistant or deputy county attorney for such county; that during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant has been generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession there, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and the other corporations engaged in business in Silver Bow County. That during all of the years of his practice affiant has taken part in and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including the miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; that from his knowledge of the conditions and sentiment in Silver Bow County, in affiant's opinion, there is no condition of bias or prejudice in favor of the said Anaconda Copper Mining Co., or of fear or dread or other sentment in favor of said company, or any other condition or reason which would in affiant's opinion in any way prevent the plain-

tiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow or Deer Lodge County; affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow or Deer Lodge County, in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above-entitled action if tried in Silver Bow County, Mont.

THOMAS J. WALKER.

Subscribed and sworn to before me this 25th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 2, 1915.
Filed May 29, 1914.

AFFIDAVIT OF CHARLES S. HENDERSON.

STATE OF MONTANA, *County of Silver Bow, ss:*

Charles S. Henderson, being first duly sworn, on oath deposes and says: That he is now and for the past 27 years has been a resident of Silver Bow County, Mont.; that during the years 1907 and 1908 affiant was sheriff of Silver Bow County, Mont., and that for many years prior thereto and since affiant has been engaged in the mercantile business and various business enterprises in Silver Bow County, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County; and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 10 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant therein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

CHAS. S. HENDERSON.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.
Filed May 29, 1914.

AFFIDAVIT OF HERMAN BLANK.

STATE OF MONTANA, *County of Silver Bow, ss:*

Herman Blank, being first duly sworn, on oath deposes and says: That he is now and for more than 21 years last past has been a resident of Butte, Silver Bow County, State of Montana, and during said time has been engaged in the wholesale liquor business and is and has been interested in other business enterprises in said city.

That for a period of 10 years prior to the formation of the Butte Chamber of Commerce, which was organized about the month of March, 1912, affiant was president of the Butte Business Men's Association, an organization composed of the business and professional men of the city of Butte and organized and maintained for the purpose of promoting the welfare of the business and other interests of the city of Butte. That affiant during approximately the entire period of its organization was a member of said Butte Business Men's Association and took an active interest in its affairs. Affiant says that he does not recall that Mr. C. J. Kelly ever attended a meeting of said Butte Business Men's Association, and that Mr. Kelly certainly had very little, if anything, to do with the affairs of said association, and that affiant while president of said organization made an effort to have Mr. Kelly take a more active part in said organization, and affiant regrets tht he was unable to do so, as he felt that it would have been to the interest of said organization and Butte generally to have enlisted more of Mr. Kelly's efforts in this behalf. That at no time during the incumbency of this affiant as president of said organization, nor at any time while affiant was a member thereof, has the said Kelly, of the Hennessey Co., or anyone else, ever attempted, to affiant's knowledge, to directly or indirectly influence the affairs of said Butte Business Men's Association on behalf of the said Kelly or said Hennessey Co. or on behalf of the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any other mining company. That none of the said corporations has ever, to affiant's knowledge, attempted directly or indirectly to influence or dominate the said association or the individual members thereof. That, aside from supporting in a legitimate manner, when requested so to do, matters of public importance and benefit, no influence of any kind, to affiant's knowledge and belief, has been exercised by said corporations, or either of them, or on their behalf.

Affiant further says that from his knowledge of conditions in Butte, and from his associations with the other residents of said city, he feels that he is well acquainted with the conditions and sentiment existing in said city and Silver Bow County, and that it is affiant's belief that the above-named plaintiff can have a fair and impartial trial before a jury of residents of Silver Bow County, Mont., in the above-entitled action, or upon any other issue to which he may be a party or be interested in, and that affiant knows of no condition, sentiment, or reason which would in anywise prevent or interfere with the obtaining by plaintiff of a fair trial before such jury against said Anaconda Copper Mining Co.

HERMAN BLANK.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

Filed May 29, 1914.

AFFIDAVIT OF J. K. O'ROURKE.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. K. O'Rourke, being first duly sworn, on oath deposes and says: That he is now, and for 13 years last past has been, a resident of Butte, Silver Bow County, Mont. That affiant formerly was engaged as a timekeeper in and about the Butte mines, and since the first of the year 1909 has been sheriff of Silver Bow County, Mont. That affiant was Sheriff of Silver Bow County for four years ending in January, 1913. That during the period of his residence in Butte affiant has had, and now has, a very large acquaintance personally with the miners and workmen in and about the Butte mines, and has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years in the vari-

ous general elections had in Silver Bow County during said period, and that the plaintiff in this action, and the other large mining companies operating in and near Butte, have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, and in his opinion, there is no condition of general interest in or bias in favor of said plaintiff company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., plaintiff therein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion, there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury of residents thereof.

JOHN K. O'ROURKE.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

Filed May 29, 1914.

AFFIDAVIT OF D. GAY STIVERS.

STATE OF MONTANA,

County of Silver Bow, ss:

D. Gay Stivers, being first duly sworn, on his oath deposes and says: That he has resided in Butte, Silver Bow County, Mont., 24 years last past, is an attorney at law by profession, and has been practicing as such at Butte, Mont., since May, 1895; that affiant has been continuously employed as an attorney at law by the Anaconda Copper Mining Co., Parrot Silver & Copper Co., Washoe Copper Co., Butte, Anaconda & Pacific Railway Co., and the Colorado Smelting & Mining Co., and its successors in interest, the Trenton Mining & Development Co., from March, 1899, until the consolidation of the properties of said companies with the Anaconda Copper Mining Co. in 1910, and since that time has been continuously employed by the Anaconda Copper Mining Co.; that prior to such consolidation affiant, for a period of about nine years, was also employed by the Butte & Boston Consolidated Mining Co. and the Boston & Montana Consolidated Copper & Silver Mining Co.; that affiant as attorney for the said corporations, and particularly for said Anaconda Copper Mining Co., has been generally familiar and acquainted with its business and affairs and particularly with the conduct of its litigation and other legal business, and for the past 10 years has participated in almost all of the trials of cases to which said Anaconda Copper Mining Co. was a party in Silver Bow County, Mont.; that among the cases in which affiant has assisted in the trial of have been a number of what are known as "personal injury" cases against the said corporations, and affiant has been familiar with the history of such cases and the results thereof, and has also been generally familiar with the history of trials of other cases in Silver Bow County, Mont., including those against other corporations; that it has been affiant's observation and his opinion that the same condition prevails in Silver Bow County, Mont., as elsewhere, and has prevailed during the past few years, in respect to the prejudice of certain members of juries against corporations in personal-injury cases, or of bias toward the plaintiff in such cases, and it is affiant's opinion that with juries in said Silver Bow County, Mont., as elsewhere, difficulty is met in inducing them to give the same consideration or weight to

evidence in cases presented by defendant corporations in personal-injury cases as that accorded the cases of plaintiffs in such class of cases; that upon the trials of cases in which the said Anaconda Copper Mining Co. and other corporations above named have been parties the conduct and control of such cases has been left entirely to affiant and other attorneys for said companies, and it has not been the practice for the managers, foremen, or other officials or representatives of said companies to attend upon the trials of said cases or give attention thereto in any way except when called or required as witnesses, and as a general rule, upon the trial of all such cases, no one representing such corporations has been present in the court room except the counsel and the witnesses; that affiant knows of nothing, and that he believes he would know if such existed, in the operation or conduct of the business of the Anaconda Copper Mining Co. or the other corporations above named which in anywise would tend to give rise to any feeling of fear or hesitation or any other feeling or sentiment in any of the residents of Silver Bow County, or which would in any other way tend to cause any of such residents to hesitate in fairly and impartially trying any cases to which the said company might be a party; that to affiant's knowledge and belief there is no feeling or sentiment or condition of bias or other leaning toward the said corporation, or of dread or fear of the same in Silver Bow County, and affiant knows of no condition or sentiment or feeling of any kind which would in anywise prevent the residents of Silver Bow County from acting fairly and impartially if called as jurors on cases to which the said Anaconda Copper Mining Co. or any other corporation is a party.

Affiant further says that he knows of no fact, condition, or reason, and does not believe that any exists, why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above court, in Silver Bow County, Mont., and affiant believes that a fair and impartial trial could be had by the plaintiff in the above action if tried before a jury of Silver Bow County residents in Silver Bow County, Mont.

G. GAY STIVERS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.
Filed May 29, 1914.

AFFIDAVIT OF J. L. WINES.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. L. Wines, being first duly sworn on his oath, deposes and says: That affiant is now and for more than 19 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, and in other counties in the State of Montana for a period of more than 19 years last yast.

Affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the State mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County; in relation with the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread, or other sentiment or reason, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant has heard discussions among attorneys practicing in Silver Bow County of the claim advanced by Mr. Loundes Maury in this action; that litigants could not obtain a fair trial before a jury composed of residents of Silver Bow County in an action against the Anaconda Copper Mining Co., or where said company was an opposing party, and that the said Maury is the only one whom affiant has heard claim or advance n opinion that a fair trial could not be had under such circumstances, while affiant has heard others of such attorneys express their opinions to the contrary.

Affiant believes that if in his practice he should bring action against said Anaconda Mining Co.; that he could and would submit the cause to a jury of residents of Silver Bow County and obtain a fair and impartial determinations thereof, the same as if the same was against any other party.

Affiant further says that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above entitled action, if tried in said Silver Bow County, Mont., before a jury of residents of said county.

J. L. WINES.

Subscribed and sworn to before me this 27th day of May, 1914.

[SEAL.] T. J. HARRINGTON,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires December 16, 1916.

AFFIDAVIT OF GEORGE F. SHELTON.

STATE OF MONTANA, *County of Silver Bow, ss:*

George F. Shelton, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 12 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 30 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the histories of cases tried before juries, including those tried against the Anaconda Copper Mining Co., and other corporations engaged in business in said Silver Bow County; that affiant has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread, or other sentiment, in favor of said company, or any other conditions, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaitiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

GEORGE F. SHELTON.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] A. J. VERHEYEN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 23, 1913.

AFFIDAVIT OF WILLIAM MEYER.

STATE OF MONTANA, *County of Silver Bow, ss:*

William Meyer, being first duly sworn, on his oath deposes and says: That affiant is now, and for more than 29 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10½ years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corportions, and has participated in the defense of cases for corporations as parties defendants; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County. That affiant has brought and tried a number of what are known as "personal-injury" cases, and is and has been familiar with the history of such litigation in Silver Bow County; that affiant has brought a number of such cases against the Anaconda Copper Mining Co., and the Butte, Anaconda & Pacific Railway Co., most of which have been settled on a satisfactory basis; that affiant would not hesitate to try such a case, or any case against either of said corporations before a jury composed of residents of Silver Bow County, and with the expectation and belief that a fair trial and an impartial trial would be had before such jury.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County and in the above-entitled court in the County of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

WILLIAM MEYER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF C. P. DRENNEN.

STATE OF MONTANA,
County of Silver Bow, ss:

C. P. Drennen, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than twenty years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally

familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there are no conditions, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

C. P. DRENNEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing in Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF W. I. LIPPINCOTT.

STATE OF MONTANA,

County of Silver Bow, ss:

W. I. Lippincott, being first duly sworn, on his oath deposes and says: That affiant is now and has been for more than 32 years last past a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 32 years last past.

That affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice, and has been concerned in, and has tried, a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases for corporaions in Silver Bow County, since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co., and other corporations in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial

trial could be had by plaintiff in the above-entitled action if tried in Silver Bow County, Mont.

WILLIAM I. LIPPINCOTT.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF LEWIS A. SMITH.

STATE OF MONTANA,
County of Silver Bow, ss:

Lewis A. Smith, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 18 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more then 18 years last past.

That affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice, and has been concerned in, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

LEWIS A. SMITH.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES MATTISON.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles Mattison, being first duly sworn and on his oath, deposes and says: That affiant is now and for more than 24 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 21 years last past; that during the years 1893 and 1894–1896 affiant was deputy county attorney of said Silver Bow County.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

CHAS. MATTISON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF J. BRUCE KREMER.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. Bruce Kremer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 13 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 13 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice or of fear or dread or other sentiment in favor of said company, or any other condition or sentiment or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

J. BRUCE KREMER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF FRANK C. WALKER.

STATE OF MONTANA,
County of Silver Bow, ss:

Frank C. Walker, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 23 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now, and has never been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personlly mong the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein, there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

FRANK C. WALKER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF ANDREW J. DAVIS.

STATE OF MONTANA,
County of Silver Bow, ss:

Andrew J. Davis, being first duly sworn, on oath deposes and says: That he is now, and for more than 30 years last past has been, a resident of Silver Bow County, Mont.; that during all of said time he has been connected in a business way with the First National Bank of Butte, and for 20 years last past has been, and now is, the president of the said First National Bank of Butte; that during all of said times affiant has been, and now is, widely ac-

quainted with the business men, miners, and workingmen in Silver Bow County, Mont.; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

ANDREW J. DAVIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF DAVID J. CHARLES.

STATE OF MONTANA,
County of Silver Bow, ss:

David J. Charles, being first duly sworn, deposes and says: That he has been a resident of Butte, Silver Bow County, Mont., for more than 30 years last past, and during said time has been engaged in various mercantile businesses, and since its organization has been, and is now, president of the Miners' Savings Bank & Trust Co.

Affiant says that he was, after its organization in the month of March, 1912, and until January, 1914, president of the Butte Chamber of Commerce, an organization of business and professional men, residents of Butte, organized for the purpose of promoting the general welfare and prosperity of Butte, and suburbs.

That the Butte Business Men's Association ceased to exist about the time of the formation of the chamber of commerce, the chamber of commerce having been organized to carry out the same purpose for which the business men's association was formed, but with somewhat broader objects and views.

Affiant says that the chamber of commerce, during affiant's presidency, had a membership of approximately 310, and that out of said membership not over approximately 16 or 17 are employees of or connected with the Anaconda Copper Mining Co., the Butte Water Co., or the Butte, Anaconda & Pacific Railway Co. That neither the said Anaconda Copper Mining Co., nor any of its employees, or anyone for it, has attempted in any way to influence the action of said chamber of commerce or to control its movements, and that all of the active members of said chamber of commerce and its officers have been engaged in promoting the welfare of Butte generally, without regard to any particular interest, corporation, or individual.

Affiant further says that he has been more or less connected with politics in said Silver Bow County, Mont., and that during his residence here he has been, and is now, well acquainted with the people of Butte, including large numbers of the miners and workingmen, and feels that he is well acquainted with the feeling and sentiments generally in said Butte City.

Affiant further says that he knows of no sentiment, feeling, or other reason why the plaintiff in the above-entitled action can not obtain a fair trial

therein before a jury of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County, Mont., in the above-entitled action, or upon any other issue to which plaintiff may be a party.

Affiant is not now, and never has been, employed by or connected with the business or affairs of the Amalgamated Copper Co. or the Anaconda Copper Mining Co., and that affiant has no interest whatsoever in the above-entitled action or its outcome.

DAVID J. CHARLES.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

JOHN E. CORETTE,
Notary Public for the State of Montana,
residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF DONALD CAMPBELL.

STATE OF MONTANA, *County of Silver Bow, ss:*

Donald Campbell, being first duly sworn, on oath deposes and says: That he is now, and for the past 22 years has been, a resident of Silver Bow County, Mont.; that affiant is now a practicing physician and surgeon, and has been such in Silver Bow County, Mont., for the past 22 years; that during all of said times affiant became widely acquainted with the miners and workingmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 22 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant in his practice has treated a great many men who have been injured in accidents while employed by the mining and railroad corporations operating in or near Butte, and has often discussed with them their injuries and their claims for compensation on account thereof.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connections with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action would be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

DONALD CAMPBELL.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF F. L. MELCHER.

STATE OF MONTANA, *County of Silver Bow, ss:*

F. L. Melcher, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now and for the past 24 years has been engaged in the foundry and ironwork business and employs in the neighborhood of 45 men; that during all of said times affiant became widely acquainted with the miners and workingmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the said period in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people of said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action; and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

F. L. MELCHER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF HUGH DALY.

STATE OF MONTANA, *County of Silver Bow, ss:*

Hugh Daly, being first duly sworn, on oath deposes and says: That he is now, and for the past eight years has been, a resident of Silver Bow County, Mont; that affiant is now one of the owners and the manager of what is known as Gregson Springs, Mont., said Gregson Springs being a large hotel and bathing resort within the limits of Silver Bow County, Mont., and that at said place affiant, as such manager, employs in the neighborhood of 50 men; that affiant prior to becoming an owner and manager at Gregson Springs was for many years in the hotel business in Butte, Silver Bow County, Mont., and the actual manager of different hotels at said place; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County; and that during said period, and the period while at said Gregson Springs, affiant has been more or less active in politics and political matters.

Affiant has also taken part in and participated in various political campaigns during the past six years in the various general elections had in said Silver Bow County, Mont., during said period, and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as an issue, more or less, in said campaigns; that affiant is well

acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

HUGH DALY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF P. J. BROPHY.

STATE OF MONTANA,
County of Silver Bow, ss:

P. J. Brophy, being first duly sworn, on oath deposes and says: That he is now, and for the past 31 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant during said period was and is engaged in various business enterprises in the city of Butte; that affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant therein; that affiant has now, and during his entire residence in Butte has had, a large personal acquaintance generally in said Butte city, and especially with the workmen in and about the Butte mines, and affiant has also been more or less active in political matters; that affiant is well acquainted with the condition and public sentiment both politically and generally in Silver Bow County, Mont., in relation to the mining companies and business enterprises conducted therein, and other matters of general public interest in said Silver Bow County, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury of citizens of said Silver Bow County.

P. J. BROPHY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF M. J. SHEEHAN.

STATE OF MONTANA,
County of Silver Bow, ss:

M. J. Sheehan, being first duly sworn, on oath deposes and says: That he is now, and for the last 24 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now and since about the month of December, 1911, has been county treasurer of Silver Bow County, Mont., and for the four years immediately preceding the year 1911 he was deputy treasurer of Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 16 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action, and the other large mining companies operating in and near Butte, have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other mining companies, and in relation to the matters generally in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action couldn't be impartially tried in Silver Bow County, before a jury composed of residents of Silver Bow County, and, in the affiant's opinion, there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and, in affiant's opinion, there is no sentiment of fear, or bias, or prejudice, or other sentiment, or feeling, or any condition in Silver Bow County, Mont., which would in anywise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same could be fairly and impartially tried before a jury of citizens thereof, in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

M. J. SHEEHAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF T. J. BENNETTS.

STATE OF MONTANA, *County of Silver Bow, ss:*

T. J. Bennetts, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now and for more than 23 years last past has been engaged in the mercantile business in Silver Bow County, Mont., and does and has employed numerous men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters; affiant has also taken part and participated in various political campaigns during such period, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies, and their employees, and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and, in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias, or prejudice, or feeling of fear, or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

T. J. BENNETTS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF WILLIAM BAWDEN.

STATE OF MONTANA,
County of Silver Bow, ss:

William Bawden, being first duly sworn, on oath deposes and says: That he is now, and for the past 27 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 27 years has been, engaged in the foundry and ironwork business, and is now president of the Western Iron Works, and employs in the neighborhood of 45 men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County; and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the said period in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana, that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially

tried in Silver Bow County, Mont., before a jury composed of residents of said county.

WILLIAM BAWDEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF MALCOLM GILLIS.

STATE OF MONTANA,
County of Silver Bow, ss:

Malcolm Gillis, being first duly sworn, on oath deposes and says: That he is now, and for the past 25 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since about the month of April, 1907, has been, postmaster of the city of Butte Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 25 years in the various general elections, and in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and, in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the defendant in the above action and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

MALCOLM GILLIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Pulic for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES P. NEVIN.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles P. Nevin, being first duly sworn, on oath deposes and says: That he is now, and for the past 31 years has been, a resident of Silver Bow County, Mont.; that affiant was mayor of the city of Butte from May, 1909, to May, 1911, and at the present time and for several years last past has been engaged in the plumbing and heating business in the city of Butte, Mont., and employs numer-

ous men in and about said business; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years, in the various general elections had in said county of Silver Bow, Mont., during said period, and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

CHAS. P. NEVIN.

Subscribed and sworn to before me this 27th day of May, 1914.

[SEAL.] W. T. BLEICK,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF CHARLES E. ALSOP.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles E. Alsop, being first duly sworn, says on oath: That he has been a resident of Butte, Mont., for the past 24 years, and for the past 3 years has been assistant secretary of the Butte Association of Credit Men, and has during all of said time devoted his entire time to its affairs; that affiant is not employed by or connected with or interested in the Anaconda Copper Mining Co. or the Amalgamated Copper Co., and has no interest whatsoever in the above entitled action.

That affiant is acquainted with Charles J. Kelly, manager of the Hennessy Co.; that affiant has never seen the said Charles J. Kelly at any of the meetings of said association, and is of the opinion that said Kelly has never attended such meetings; that the said Charles J. Kelly has never influenced or directed or attempted, to affiant's knowledge, to influence or direct the action of the said association of credit men in any way whatsoever, directly or indirectly, and that there has never been any attempt or effort by any person or corporation whatsoever to influence said credit men's association in favor of the Hennessy Co. or the Anaconda Copper Mining Co., or any of the other mining companies operating in Silver Bow County, Mont.

That the said credit men's association was organized and is maintained for the purpose of keeping supervision over the credits extended by the wholesale dealers of the city of Butte to the retail dealers and others, and of assisting retail merchants requiring assistance to carry on their respective businesses,

and for other purposes of mutual assistance to the wholesale and retail dealers of Butte; that the business or affairs of the Anaconda Copper Mining Co., or any other mining corporation, has never in any way entered into the administration of the affairs of the said credit men's association, but the same has been conducted on business principles and to the interest of all concerned as in any other community.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise, or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a jury composed of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action or upon any other issue to which the said plaintiff may be a party.

CHARLES E. ALSOP.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF PATRICK CONLON.

STATE OF MONTANA,
County of Silver Bow, ss:

Patrick Conlon, being first duly sworn, on oath deposes and says: That he is now, and for the past 36 years has been, a resident of Silver Bow County, Mont.; that during all of said time affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 36 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action; and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

PATRICK CONLON.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES AUSTIN.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles Austin, being first duly sworn, on oath deposes and says: That he is now, and has been for the past 10 years, a resident of Butte, Mont., and is at present and has been since January, 1907, assistant secretary of the Merchants' Association of Butte, an association for the retail merchants of said city, formed by said merchants for mutual protection, particularly in connection with the credit business done by them, and devotes his entire time thereto; that affiant is also secretary of the Butte Chamber of Commerce; that affiant is well acquainted with Mr. Charles J. Kelly, manager of the Hennessy Co. in said city, and that during affiant's connection with said merchants' association the said Kelly has never been active in its affairs; that said Kelly or the said Hennessy Co. or anyone else has never at any time attempted to exercise or use any influence in connection with said merchants' association, either on behalf of or against the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any of the other mining corporations of Butte or vicinity; that the matters taken up by the said merchants' association in connection with credit to be extended to the customers or the members of said association has been entirely along business lines, and has not been based upon or influenced in any way by any interest of the Anaconda Copper Mining Co. or any other mining corporation or based upon or influenced by the relations, friendly or otherwise, of said persons with said Anaconda Copper Mining Co., but that all of such matters have been based upon the facts in each case, and upon the merits without regard to such mining companies or their affairs. Affiant further says that there has been nothing in the affairs of said merchants' association or the business conducted by it which could in any wise affect or bias any person or persons whatsoever in Silver Bow County toward or against the parties to the above-entitled action or any other mining corporation or enter into in any way or influence in any way any proceeding in the above-entitled action to affiant's knowledge.

That affiant is familiar with the method followed by the Hennessy Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all the merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith; that the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company, or the feeling of such individual toward the mining company or the mining company toward such individual, does not enter into the matter.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a jury composed of residents of Silver Bow County in Silver Bow County, Mont.; and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action or upon any other issues to which the said plaintiff may be a party.

CHARLES AUSTIN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF E. P. MATHEWSON.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. P. Mathewson, being first duly sworn, says on his oath: That he is and has been for 10 years last past manager of the Anaconda Copper Mining Co., in the city of Anaconda, county of Deer Lodge, State of Montana, of what is known as the Washoe smelter, situated near said city; that as such manager

he has had general direction of the policy of said company in said county, and is familiar with the conduct of all of its affairs, and with the employment and discharge of men in the employ of said company, and has also been familiar with the conduct of said company toward the citizens of said city and said county; that said company in its operations in said county has never discriminated in any way, either for or against, any citizen of said county in giving or refusing employment to such citizens of said county, or in any other way, on account of or by reason of any conduct of any of the citizens thereof, as jurors, as witnesses, in the courts of said county, or in the United States courts, or elsewhere; that no attention has ever been paid as to whether any citizen of said county had served upon the jury in said county or in the courts of the United States, or had served or sat in any cases in which said company was interested, and no information was ever sought or obtained in reference to the action or conduct of any citizen of said county when acting as a juror or witness in any of said courts, or any attention whatever paid to the conduct of such citizens while acting as such jurors or witnesses, if they so acted, and that the said company, nor any of its managers, agents, or servants, have not to the knowledge of this affiant, or with the consent or approval of any official of said company or of the said company itself, ever given or refused employment to any juror or witness in either of said courts by reason of or on account of any testimony given by any witness or any verdict rendered by any juror in any case, of any kind or character, in either of said courts. Affiant further says that neither has he as such manager of such company, nor any of its servants or agents to his knowledge, nor any officials of said company or the company itself, discriminated for or against any citizen of said county in any manner whatever, whether such citizen be employed by said company or engaged in his own individual or private pursuits for or on account of any evidence given or any verdict rendered by such citizen, either as a witness or as a juror in the court of said county or in the courts of the United States, and that said company has not concerned itself or made inquiries concerning, nor attempted in any way to interfere with the full liberty of any citizen of said county in the discharge of his duties, either as a witness or juror, in either or any of said courts during the whole time of the incumbency of this affiant as manager of said company extending from about the 1st day of June, 1903, until the present time.

Affiant further says that he is thoroughly acquainted in the said county of Deer Lodge both with persons in the employ of said company and with the other citizens thereof engaged in other lines of business, and upon their own account, such as mining, ranching, mercantile, and other lines of trade and business, and that he has associated and mixed generally with the citizens and people of said county.

That it is generally estimated that the population of said county is about 15,000 people, and that it is estimated generally that the population of the city of Anaconda is about 13,000 people; that there are large numbers of qualified jurors in said county engaged in their own individual pursuits and not dependent upon said Anaconda Copper Mining Co. other than the welfare of every citizen of every community is dependent generally upon the prosperity of the community; that there is quite a large independent farming community made up of men who are qualified as jurors in the courts of the United States in the State of Montana; that there are a large number of men engaged in mercantile and other general businesses of like character.

Affiant states from such full knowledge of the conditions and the full acquaintance with the citizens of said county that he does not believe that the citizens of said county would not entertain any fear of injury to themselves from any conduct of said company toward them, and that he does not believe that the citizens of said county would entertain any fear of injury arising to them, or to any of them, by reason of their conduct as either witnesses upon cases in which said company was interested or jurors in the trial of the same, and that he does not believe that said citizens of said county would be influenced at all in the trial of cases wherein said company is interested in favor of said company, by reason of any fear, or dread of, or bias, or favor of, or hope of reward from said company; and affiant further says that he does not believe that there is any feeling among the citizens or residents of Deer Lodge County, either of bias in favor of said company or fear or dread of the same, which would influence the citizens of said county or any of them should they be called as jurors and be selected to sit in the trial of a cause wherein said company is interested.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Deer Lodge County, Mont., and that in affiant's opinion a fair and impartial trial could be had in the above action before a jury composed of such residents of Deer Lodge County.

E. P. MATHEWSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF JOHN E. CORETTE.

STATE OF MONTANA, *County of Silver Bow, ss:*

John E. Corette, being first duly sworn, on oath deposes and says: That affiant is now, and for more than 23 years last past has been, a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County for a period of more than 10 years last past; that affiant has been during the greater portion of said time, and is now, employed by the Anaconda Copper Mining Co., and in addition has been engaged in general practice as an attorney at law, with his office in Butte, Mont.

That affiant is the attorney for the Daly Bank & Trust Co., of Butte, Mont.; that such employment and the services rendered under the same have had no connection with or relation to the Anaconda Copper Mining Co. in any way, and that the affairs of said bank are conducted entirely independently of said Anaconda Copper Mining Co. and its business and affairs; that affiant has also at different times rendered professional services to the Hennessy Co., of Butte, Mont., but that the Hennessy Co. has also employed a number of other attorneys to the same extent, some of said attorneys so employed being among those who have made affidavits for the plaintiff in this action, including T. F. Nolan and L. P. Donovan.

That during the years that affiant has been practicing his profession he has been generally familiar with the history of the trials of cases in Silver Bow County, including those tried before juries and against the Anaconda Copper Mining Co., and other corporations engaged in business in said Silver Bow County; that affiant has also during said time taken part in various political campaigns in the county of Silver Bow, wherein the Anaconda Copper Mining Co. and other corporations of Silver Bow County were discussed and made issues more or less. Affiant knows practically all of the lawyers practicing in Silver Bow County, Mont., and also has a large acquaintance amongst the miners, business men, and other residents of Silver Bow County, and is well acquainted with the conditions and public sentiment, both political and otherwise, in Silver Bow County, in relation to said Anaconda Copper Mining Co.

That to affiant's knowledge and belief, and affiant is of the opinion that he would know if such existed, there is no condition or sentiment or feeling of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment, feeling, or condition, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

That affiant has heard discussed, and has discussed with many residents of Silver Bow County, including business men, lawyers, and other professional men, bankers, and men engaged in almost every other business and industry, the claim advanced by H. Lowndes Maury that a litigant could not obtain a fair trial against the Anaconda Copper Mining Co. before a jury of residents of Silver Bow County, and affiant states that, with the exception of the said Maury and two or three others of the lawyers who have made affidavits in the above action, he has never heard a claim made or opinion expressed that a fair trial could not be had under such circumstances; and on the contrary all of the others of such residents, including lawyers, have expressed themselves to the contrary, and emphatically and unhesitatingly given it as their opinion that there is no reason whatever why any case could not be fairly and impartially tried as against said Anaconda Copper Mining Co. before a jury of residents of Silver Bow County.

Affiant further says that he knows of no fact or reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, Mont., in the above-entitled court in said

county, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried before a jury of Silver Bow County residents in said Silver Bow County, Mont.

JOHN E. CORETTE.

Subscribed and sworn to before me this 28th day May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF CARL J. CHRISTIAN.

STATE OF MONTANA,
County of Silver Bow, ss:

Carl J. Christian, being first duly sworn, on oath deposes and says: That he is now, and for more than 23 years last past has been, a resident of Silver Bow County, Mont.; is an attorney at law by profession, and has been practicing his profession in Silver Bow County, Mont., for a period of seven years last past; that affiant during the time of his said practice has been employed as an attorney by the Anaconda Copper Mining Co., and has also been engaged in general practice outside of the services rendered said corporation; that affiant has been in and about the court rooms of Silver Bow County, Mont., including the Federal court, a great deal during the time he has been practicing and is generally familiar with the trial of cases in Silver Bow County, including those tried before juries, and including the cases tried against the Anaconda Copper Minning Co. and the other corporations operating in Silver Bow County, Mont.; that affiant has also, during all of said time, been an active member of the Silver Bow County Bar Association and has made a practice of attending its meetings. That affiant knows practically all of the lawyers practicing in Silver Bow County, and also has a large acquaintance among the other residents of said county; that to affiant's knowledge and belief there is no condition of bias or prejudice in favor of the said Anaconda Copper Mining Co., or of fear or dread or other sentiment, condition, or feeling which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action, or any other litigant, from securing a fair trial as against said Anaconda Copper Mining Co. before a jury composed of residents of Silver Bow County; that affiant has heard a number of discussions among lawyers and other residents of Silver Bow County in regard to the claim advanced by H. Lowndes Maury that a litigant would not obtain a fair trial against the Anaconda Copper Mining Co. before a jury composed of Silver Bow County residents, and that the said D. Lowndes Maury and one or two others of the lawyers who have made affidavits to such effect in this case, are the only ones that affiant has ever heard advance such opinion or claim, while on the contrary affiant has heard a large number of other residents, including lawyers practicing here, express an opinion to the contrary, and to the effect that there was no foundation for such a claim or belief, that a fair trial could not be obtained against the said Anaconda Copper Mining Co. before a jury of Silver Bow County residents, and that there is no reason why such fair trial could not be obtained under such conditions.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents thereof.

CARL J. CHRISTIAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commissoin expires January 27, 1915.

AFFIDAVIT OF J. J. O'MEARA.

STATE OF MONTANA,
County of Silver Bow, ss:

J. J. O'Meara, being first duly sworn, on oath deposes and says: That he is now and for the past 33 years has been a resident of Butte, Silver Bow County,

Mont.; that affiant for a long period was engaged in working in and about the mines of Butte, and for a number of years last past has been engaged in various business enterprises in the city of Butte; and is at present general manager of the Centennial Brewing Co.; that affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant therein, nor in any of the other large mining companies operating in Butte, Mont.; that affiant has now, and during his entire residence in Butte has had, a large personal acquaintance generally in said Butte City, and especially with the workmen in and about the Butte mines, and affiant has also been more or less active in political matters; that affiant is well acquainted with the conditions and public sentiment both politically and generally in Silver Bow County, Mont., in relation to the mining companies and business enterprises conducted therein and other matters of general public interest in said Silver Bow County, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice of feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried before a jury of citizens of Silver Bow County in Silver Bow County, Mont.

J. J. O'MEARA.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES E. YOULDEN.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles E. Youlden, being first duly sworn, says on oath: That he has been a resident of Silver Bow County for a period of 13 years, and during such period has been engaged in various mercantile businesses, and is now president of the Davidson Grocery Co., engaged in the wholesale grocery business, and also a member of the firm of Youlden Grocery Co., engaged in the retail business in Butte City; that affiant is not employed by or connected with or interested in the Anaconda Copper Mining Co. or the Amalgamated Copper Co., and has no interest whatsoever in the above-entitled action; that affiant was for two years from and after February, 1912, president of the Butte Association of Credit men, having succeeded Mr. Charles E. Virden as such president; that prior to becoming president of such organization affiant was active in connection with its affairs and has attended most of its meetings; that affiant is acquainted with Charles J. Kelly, manager of the Hennessey Co.; that affiant has never seen the said Charles J. Kelly at any of the meetings of the said association, and is of the opinion that said Kelly has never attended such meetings; that the said Charles J. Kelly has never influenced or directed or attempted, to affiant's knowledge, to influence or direct the action of the said Association of Credit Men in any way whatsoever, directly or indirectly, and that there has never been any attempt or effort by any person or corporation whatsoever to influence said Credit Men's Association in favor of the Hennessey Co. or the Anaconda Copper Mining Co., or any of the other mining companies operating in Silver Bow County, Mont.

That the said credit men's association was organized and is organized for the purpose of keeping supervision over the credits extended by the wholesale dealers of the city of Butte to the retail dealers and others, and of assisting retail merchants requiring assistance to carry on their respective businesses, and for other purposes of mutual assistance to the wholesale and retail dealers of Butte; that the business or affairs of the Anaconda Copper Mining Co., or any other mining corporation, has never in any way entered into the administration of the affairs of the said credit men's association, but the same has been conducted on business principles and to the interest of all concerned, as in any other

community; that affiant is familiar with the method followed by the Hennessey Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith; that the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company or the feeling of such individual toward the mining company or the mining company toward such individual does not enter into the matter.

Affiant further states that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a court and jury composed of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action, or upon any other issue to which the said defendant may be a party.

CHARLES E. YOULDEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF A. T. MORGAN.

STATE OF MONTANA,
County of Silver Bow, ss:

A. T. Morgan, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 24 years has been, engaged in the real estate and insurance business in Silver Bow County, Mont.; that during all of said time affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 22 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant has been a member of jury panels in the State and Federal courts of Silver Bow County, and, as such, has acted upon the trial cases against corporations and others; that affiant has no connection with, and is not interested in, the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and in affiant's opinion there is no public

or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

A. T. MORGAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN J. KALOUSEK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 20, 1916.

AFFIDAVIT OF SAMUEL BARKER, JR.

STATE OF MONTANA,
County of Silver Bow, ss:

Samuel Barker, jr., being first duly sworn, on oath deposes and says: That he is now and for the past 30 years has been, a resident of Silver Bow County, Mont.; that affiant is now and since the year 1886 has been, a civil and mining engineer, practicing his profession in Silver Bow County, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past six years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaign. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above entitled action, now in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartilly tried in Silver Bow County, Mont., before a jury composed of residents of said county.

SAMUEL BARKER, Jr.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL O'HOWE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires August 10, 1915.

AFFIDAVIT OF H. J. M'DONALD.

STATE OF MONTANA,
County of Silver Bow, ss:

H. J. McDonald, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County,

Mont.; that affiant is now, a practicing physician and surgeon, and has been such in Silver Bow County, Mont., for the past 24 years; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in political matters and politics. Affiant has also taken part in and participated in various political campaigns during the past 24 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation to the matters in which the said companies and their employees, and the public generally has been interested in said Silver Bow County.

Affiant further states, from hisknowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

H. J. McDONALD.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF S. L. TRIPP.

STATE OF MONTANA,
County of Silver Bow, ss:

S. L. Tripp, being first duly sworn, on oath deposes and says: That he is now and has been for the past 13 years a resident of Butte, Mont., and engaged in the mercantile business, and is secretary-treasurer of the Tripp & Dragstedt Co., engaged in the grocery business in said city. That affiant was vice president of the Merchants' Association of Butte, Mont., during the years 1912 and 1913, an association of the retail merchants of said city, formed by said merchants for mutual protection, particularly in connection with the credit business done by them. That the said association has now merged with the Butte Chamber of Commerce.

That affiant is well acquainted with Mr. Charles J. Kelly, manager of the Hennessy Co., in said city, and that during affiant's connection with said merchants' association, covering a period of a number of years, the said Kelly has never been active in its affairs. That said Kelly, or the said Hennessey Co., or anyone else, has never at any time attempted to exercise or use any influence in connection with or to influence or use any proceedings in connection with said merchants' association, either on behalf of or against the Amalgamated Copper Mining Co. or the Anaconda Copper Mining Co. or any of the other mining corporations of Butte or vicinity. That the matters taken up by the said merchants' association in connection with credit to be extended to the customers of the members of said association has been entirely along business lines and has not been based or influenced in any way by any interest

of the Anaconda Copper Mining Co. or any other mining corporation, or based upon or influenced by the relations, friendly or otherwise, of said persons with said Anaconda Copper Mining Co., but that all of such matters have been based upon the facts in each case and upon the merits, without regard to such mining companies or their affairs. Affiant further says that there has been nothing in the affairs of said merchants' association or the business conducted by it which could in anywise affect or bias any person or persons whatsoever in Silver Bow County toward or against the parties to the above-entitled action, or any other mining corporation, or enter into in any way or influence in any way any proceedings in the above-entitled action to affiant's knowledge.

That affiant is familiar with the method followed by the Hennessy Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all the merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith. That the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company, or the feeling of such individual toward the mining company or the mining company toward such individual does not enter into the matter.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a court and jury composed of residents of Silver Bow, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County, in the above-entitled action, or upon any other issue to which the said plaintiff my be a party.

S. L. TRIPP.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires July 18, 1916.

AFFIDAVIT OF H. W. RODGERS.

STATE OF MONTANA,
County of Deer Lodge, ss:

H. W. Rodgers, being first duly sworn, says on oath: That he is an attorney at law admitted to practice in the courts of the State of Montana and also in the district court of the United States for the district of Montana, and that for more than 10 years last past he has been a resident of Anaconda, Deer Lodge County, Mont., and has been during such time engaged in the practice of law, having had during all the time above mentioned an office in the city of Anaconda, Deer Lodge County, Mont., being a member of the law firm of Rodgers & Rodgers, composed of W. W. Rodgers and H. W. Rodgers; that for more than two years last past he has been employed as one of the attorneys for the Anaconda Copper Mining Co., and during the course of his employment as such attorney for said company to a considerable extent he has had charge of the legal business of said company in the county of Deer Lodge, State of Montana.

Affiant further says that he has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matter in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lorge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing

occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County; and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court before a jury composed of residents of said Deer Lodge County; and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

H. W. RODGERS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires March 14, 1914.

AFFIDAVIT OF E. J. BOWMAN.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. J. Bowman, being first duly sworn, on oath says: That he is now and for eight years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of the said time affiant has been a resident of Anaconda, in Deer Lodge County, Mont., he has been connected in an official capacity with the Daly Bank & Trust Co. of Anaconda; for about the first five years of his residence in Anaconda he was the vice president and manager of said Daly Bank & Trust Co. of Anaconda, and that for the last three years he has been the president and manager of said Daly Bank & Trust Co. of Anaconda; that said Daly Bank & Trust Co. is incorporated under the laws of the State of Montana and does a large general banking business in said county of Deer Lodge; that in his connection with said bank in such official capacity and otherwise he has become acquainted with a great many people and residents of the said county of Deer Lodge; that the Anaconda Copper Mining Co. has not now and never has had during any of the time affiant has had such official connection with said bank any ownership or control of said Daly Bank & Trust Co. of Anaconda; nor has the Anaconda Copper Mining Co. directed or controlled the affairs or policy of said bank in any way; and affiant believes that prior to the time that he became connected with said bank in such official capacity as above stated that the Anaconda Copper Mining Co. never at any time had any ownership or control of the said Daly Bank & Trust Co.; and affiant believes that if it ever had had such control he would have obtained knowledge of the same from the records of said bank and from other sources available to him.

Affiant further states that he has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear of bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair

and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

The affiant knows of no reason, and believes none exists, why this action could not be tried in the United States or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

E. J. BOWMAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

HIRAM W. RODGERS,
Notary Public for the State of Montana,
residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF T. C. DAVIDSON.

STATE OF MONTANA,
County of Deer Lodge, ss:

T. C. Davidson, being first duly sworn, on oath says: That he is now and for 34 years last past has been a resident of Deer Lodge County, Mont., and for 20 years last past has been a resident of the city of Anaconda, in Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county; and that a number of years ago, for about three years, affiant served as county commissioner in and for Deer Lodge County; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear of bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party; that said affiant knows of no reason and believes none exists why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

T. C. DAVIDSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.]

HIRAM W. RODGERS,
Notary Public for the State of Montana,
residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF W. H. TRIPPET.

STATE OF MONTANA,
County of Deer Lodge, ss:

W. H. Trippet, being first duly sworn on oath, says: That he is now, and for more than 30 years last past has been, a resident of Deer Lodge County, Mont.; and for more than 15 years last past has been a resident of the city of Anaconda, Deer Lodge County, Mont.; that he has, during all of said time, been an attorney at law, regularly admitted to practice in the courts of the State of Montana, and has been actively engaged in the practice of law in the county of Deer Lodge, Mont.; that for more than 15 years last past he has had his office in the city of Anaconda, in said county; that during the time above mentioned, he has been county attorney of the county of Deer Lodge for six years, having last held said office during the term of two years from the first Monday in January, 1909, and expiring immediately prior to the first Monday in January, 1911; that affiant is now city attorney in and for the city of Anaconda; that affiant is not now, and has not at any time, been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county, and is generally well acquainted with the people residing in said county, and has been well acquainted generally with the people in said county during all the time above mentioned.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party; that affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

W. H. TRIPPET.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF ALFRED J. VERHEYEN.

STATE OF MONTANA,
County of Silver Bow, ss:

Alfred J. Verheyen, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 14 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, and in other counties in the State of Montana, for a period of more than two years last past.

That affiant is not now and never has been connected with the Anaconda Copper Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice and has been concerned in and has

tried a great many cases, some against corporations and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history and trial of cases in Silver Bow County, since he has been practicing his profession in said county and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions, and with public sentimen, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition in affiants opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said mining company, or any other conditions, sentiment, or reason, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant further believes that a fair and impartial trial could be had by the plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

ALFRED J. VEBHEYEN.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] FRED J. FURMAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires September 28, 1916.

AFFIDAVIT OF JOHN V. DWYER.

STATE OF MONTANA,
County of Silver Bow, ss:

John V. Dwyer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than seven years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than five years last past; that for more than three years prior to the first Monday in January, 1913, affiant was deputy county attorney of said Silver Bow County, and ever since last-mentioned date has been and is now the chief deputy county attorney thereof; that affiant is not connected with or interested in the Anaconda Copper Mining Co., professionally or otherwise; that during all of the years affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions, and with public sentiment, both political and otherwise in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiments therein, there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other conditions, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of

Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action, if tried in said Silver Bow County, Mont., before a jury composed of residents of said county.

J. V. DWYER.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF E. F. O'FLYNN.

STATE OF MONTANA,
County of Silver Bow, ss:

E. F. O'Flynn, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 18 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and other workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

E. F. O'FLYNN.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF T. J. DAVIS.

STATE OF MONTANA, *County of Silver Bow, ss:*

T. J. Davis, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 17 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than 2 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the period affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury from said county.

T. J. DAVIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF TIMOTHY J. HARRINGTON.

STATE OF MONTANA,
County of Silver Bow, ss:

Timothy J. Harrington, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 24 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than three years last past; that affiant is now and has been ever since the first Monday in January, 1913, public administrator of said Silver Bow County.

That affiant is not now and has never been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the period affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow; and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or of fear or dread or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair and impartial trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be

had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury from said county.

TIMOTHY J. HARRINGTON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF JOHN F. DAVIES.

STATE OF MONTANA,
County of Silver Bow, ss:

John F. Davies, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corportions, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

JOHN F. DAVIES.

Subscribed and sworn to before me, this 28th day of May, A. D. 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF L. P. SANDERS.

STATE OF MONTANA,
County of Silver Bow, ss:

L. P. Sanders, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 13 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 13 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in some political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court and in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

L. P. SANDERS.

Subscribed and sworn to before me, this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF HENRY C. HOPKINS.

STATE OF MONTANA,
County of Silver Bow, ss:

Henry C. Hopkins, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 32 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties of the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried many cases; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of

Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

HENRY C. HOPKINS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF F. J. FURMAN.

STATE OF MONTANA,
County of Silver Bow, ss:

F. J. Furman, being first duly sworn, on his oath deposes and says: That affiant is now and for more than five years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County, since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and other workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

FRED J. FURMAN.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] A. J. VERHEYEN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 23, 1915.

AFFIDAVIT OF W. A. JACKSON.

STATE OF MONTANA,
County of Silver Bow, ss:

W. A. Jackson, being first duly sworn, on his oath deposes and says: That affiant is now and for more than four years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than three years last past; that affiant is now and since January 1, 1912, has been deputy county attorney of said Silver Bow County.

That affiant is not connected with or interested in the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history and trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of the cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow in the State of Montana; and affiant believes that a fair and impartial trial could be had by the plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

W. A. JACKSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF ALFRED C. KREMER.

STATE OF MONTANA, *County of Silver Bow, ss:*

Alfred C. Kremer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 10 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history and trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair

and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

ALFRED C. KREMER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF MILES J. CAVANAUGH.

STATE OF MONTANA,
County of Silver Bow, ss:

Miles J. Cavanaugh, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 25 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

M. J. CAVANAUGH.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF PERCY NAPTON.

STATE OF MONTANA,
County of Silver Bow, ss:

Percy Napton, being first duly sworn, on his oath deposes and says: That affiant is now and for more than eight years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 12 years last past; that ever since the first Monday of January, 1913, affiant has been and is now deputy county attorney of said Silver Bow County.

That during the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried

many cases; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

PERCY NAPTON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF D. F. KEHOE.

STATE OF MONTANA,
County of Silver Bow, ss:

D. F. Kehoe, being first duly sworn, on oath deposes and says: That he is now, and for the last 14 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now, and since the first of the year 1913 has been, county clerk and recorder of Silver Bow County, Mont., and for the four years immediately preceding said time was deputy county clerk and recorder of Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 10 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont, and in his opinion there is no condition of general interest in, except usual interest in all industries in said community, or bias in favor of said defendant company or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of Silver Bow County, and, in affiant's opinion, there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein; and, in affiant's opinion, there is no sentiment of fear or bias or prejudice or other sentiment or feeling or any condition in Silver Bow County, Mont., which would in any wise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same be fairly and impartially tried before a jury of citizens thereof in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action nor in the Anaconda

Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

D. F. KEHOE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF WILLIAM M. TUOHY.

STATE OF MONTANA,
County of Silver Bow, ss:

William M. Tuohy, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since January, 1914, has been, president of the Butte Chamber of Commerce and is now, and has been for the past 12 years, engaged in the wood and coal business in Butte, Mont., and employs in the neighborhood of 15 men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 24 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

W. M. TUOHY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1914.

AFFIDAVIT OF TIM DRISCOLL.

STATE OF MONTANA,
County of Silver Bow, ss:

Tim Driscoll, being first duly sworn, on oath deposes and says: That he is now, and for the past 27 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since the first Monday of January, 1913, has been, sheriff of Silver Bow County, Mont.; that during all of said times affiant

became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 27 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

TIM DRISCOLL.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.]

CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF P. C. GILLIS.

STATE OF MONTANA,
County of Silver Bow, ss:

P. C. Gillis, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 15 years has been, engaged in the mercantile business in the city of Butte, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participted in various campigns during the past 10 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

P. C. GILLIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF J. J. FOLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

J. J. Foley, being first duly sworn, on oath deposes and says: That he is now and for the 34 years last past has been a resident of Butte, Silver Bow County, Mont.; that affiant is at present, and since January, 1909, has been, the clerk of the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow; that during the period of his residence in Butte affiant has had, and now has, a very large personal acquaintance with the miners and workmen in and about the Butte mines, and has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years in the various general elections had in said Silver Bow County during the said period, and that the defendant in this action, and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and in relation generally to the matters in which the said company and its employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of such county, and in affiant's opinion there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and in affiant's opinion there is no sentiment or fear, bias, or prejudice, or other sentiment or feeling or conditions, in Silver Bow County, Mont., which would in anywise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same could be fairly and impartially tried in said Silver Bow County, Mont., before a jury of citizens of said county; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the mining companies operating in said Silver Bow County, Mont.

J. J. FOLEY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commisison expires March 14, 1910.

AFFIDAVIT OF GUS J. STROMME.

STATE OF MONTANA,
County of Silver Bow, ss:

Gus J. Stromme, being first duly sworn, on oath deposes and says: That he is now, and for the last 26 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now, and since the first of the year 1911, has been a member of the board of county commissioners of Silver Bow County, Mont., and is now chairman of said board, and for the two years 1907 and 1908 was county auditor for Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 20 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action, and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Aanconda Copper Mining Co. and the other mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of Silver Bow County, and in affiant's opinion there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and in affiant's opinion there is no sentiment of fear or bias or prejudice, or other sentiment or feeling or any condition in Silver Bow County, Mont., which would in any wise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial and that the same could be fairly and impartially tried before a jury of citizens thereof in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

GUS J. STROMME.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF E. E. MOORE.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. E. Moore, being first duly sworn, on oath says: That he is now and for 19 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that during all of said time above mentioned affiant has been the manager of the Copper City Commercial Co.; that said Copper City Commercial Co. is now a branch of what is known as the Hennessy Co., a corporation whose principal place of business is Butte, Mont., but that the Copper City Commercial Co. is now and has been during all the times above mentioned a large department store with numerous customers, and doing a large retail and wholesale business in the city of Anaconda, Deer Lodge County, Mont.; that as such manager of the said Copper City Commercial Co. affiant has direct and immediate charge of its affairs in the city of Anaconda, County of Deer Lodge, State of Montana.

That the Anaconda Copper Mining Co. is not interested in either the Copper City Commercial Co. or in the Hennessy Co. above mentioned, to affiant's best knowledge, information, and belief, and he believes that if the Anaconda Copper Mining Co. had any interest therein that he would know of the same owing to his position as manager of the Copper City Comercial Co.; that affiant is not now and has not at any time within nine years last past been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.

Affiant further says that as such manager of the Copper City Commercial Co. and otherwise during all the time of his residence in the city of Anaconda, Deer Lodge County, Mont., as above set out, he has had occasion to meet large numbers of people and residents of Deer Lodge County, Mont., and has been intimately acquainted with many of them; and that he has a large acquaintance with the business, laboring, and professional men, and those engged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial, in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

E. E. MOORE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted, and copy received this ——— day of May, A. D. 1914.

———— ————,
———— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF MYLES KELLEY.

STATE OF MONTANA, *County of Deer Lodge, ss:*

Myles Kelley, being first duly sworn, on oath says: That he is now, and for 20 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is now the sheriff of Deer Lodge County, Mont., and has been sheriff of Deer Lodge County, Mont., since the first Monday of January, 1913; that since he has been such sheriff he has not been connected in any way either in business or otherwise with the Anaconda Copper Mining Co.; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; that affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co., and the public generally, are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case where the said company is a party before jurors

selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from the residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

The affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

MYLES KELLEY.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted, and copy received this ——— day of May, A. D. 1914.

———— ————,
————— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF J. P. STAGG.

STATE OF MONTANA, *County of Deer Lodge, ss:*

J. P. Stagg, being first duly sworn, on oath says: That he is now, and for 25 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not at any time been, connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during the 20 years last past affiant has been engaged in business in the city of Anaconda, in said county of Deer Lodge; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co., and the public generally, are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case where the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

J. P. STAGG.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
Residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted and copy received this ——— day of May, 1914.

———— ————,
————— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF M. L. M'DERMOTT.

STATE OF MONTANA,
County of Deer Lodge, ss:

M. L. McDermott, being first duly sworn, on oath says: That he is now and for 16 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; affiant has been since the first Monday in January, 1913, clerk of the district court in and for Deer Lodge County, Mont.; that during the time he has been such clerk of said court, he has not been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that prior to the time he became clerk of said court, during his residence in Anaconda, he worked at various employments as a common laborer and also for a number of years as an electrician; that affiant has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way, a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

M. L. McDERMOTT.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
Residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF B. D. MAHAN.

STATE OF MONTANA,
County of Deer Lodge, ss:

B. D. Mahan, being first duly sworn, or oath says: That he is now, and for 28 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not within 18 years last past, at any time, been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county, and since first Monday in January, 1913, has been a member of the board of county commissioners of Deer Lodge County, Mont.; that affiant has a large acquaintenance with the business, laboring and professional men, and those engaged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County; and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

B. D. MAHAN.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.
[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.
My commission expires January 23, 1916.

AFFIDAVIT OF R. B. ABBOTT.

STATE OF MONTANA, *County of Deer Lodge, ss:*

R. B. Abbott, being first duly sworn, on oath says: That he is now, and for 12 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not at any time been, connected in any way in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county, and has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in this county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action, as such, nor of any attempt to reward or punish or affect in any way a junior or witness who has participated in any trial; and affiant believes that if such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

R. B. ABBOTT.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.
[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.
My commission expires January 23, 1916.

AFFIDAVIT OF W. B. RODGERS.

STATE OF MONTANA, *County of Deer Lodge, ss:*

W. B. Rodgers, being first duly sworn, says on oath: That he is an attorney at law, admitted to practice in the courts of the State of Montana, and also in the District Court of the United States for the District of Montana; that for more than 16 years last past he has been a resident of Anaconda, Deer Lodge County, Mont.; that from about the 1st of March, 1898, until about the 1st of March, 1902, he held the office of the United States attorney for the district

of Montana, and was located at Helena, Mont., but maintained his legal residence in Deer Lodge County, Mont.; that at the expiration of his term of office as such United States attorney he returned to Anaconda, and has ever since been engaged in the practice of law in Deer Lodge County, though for the last several years, since on or about the 1st day of September, 1910, he has been principally engaged in the practice of law in the city of Butte, Silver Bow County, Mont., but has maintained his residence in Anaconda, Deer Lodge County, Mont.; that for about 12 years he has been employed by the Anaconda Copper Mining Co., as one of its attorneys, and has to a considerable extent during all of said time had charge of the legal business of said company in the county of Deer Lodge, State of Montana, though since the employment of one H. W. Rodgers, as an attorney for said company, said affiant has devoted most of his time to the legal business of said company in Silver Bow County, Mont., and also to a certain extent in other counties of said State.

Affiant further says that he has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

That affiant has a considerable acquaintance with the residents and citizens of Silver Bow County, Mont., and with the conditions and public sentiment in said Silver Bow County in relation to the said Anaconda Copper Mining Co, and in relation generally to matters in which the Anaconda Copper Mining Co. and the public generally are interested in Silver Bow County, Mont. Affiant does not know of, nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from residents of said Silver Bow County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Silver Bow County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be brought in the United States court or any other court, before a jury composed of residents of said Silver Bow County; and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Silver Bow County.

W. B. RODGERS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,

Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1914.

AFFIDAVIT OF L. O. EVANS.

STATE OF MONTANA,
County of Silver Bow, ss:

L. O. Evans, being first duly sworn, deposes and says: That he is now, and since December, 1895, has been, residing and practicing his profession at Butte, Silver Bow County, Mont.

That until the consolidation of the said companies with the Anaconda Copper Mining Co. in the year 1910 affiant was continuously employed as an attorney at law by the Boston & Montana Consolidated Copper & Silver Mining Co. from early in the year 1895, by the Butte & Boston Consolidated Mining Co. since shortly after its incorporation in 1897, and by the Parrot Silver & Copper Co., Anaconda Copper Mining Co., Washoe Copper Co., and Trenton Mining & Development Co. and its predecessor in interest, the Colorado Mining & Smelting Co., since the summer of 1901, and by the Butte, Anaconda & Pacific Railway Co. from the summer of 1901 to the present time; and that since the properties of the above-named companies, excepting those of the Butte, Anaconda & Pacific Railway Co., were conveyed to the Anaconda Copper Mining Co. by conveyances as of March 31, 1910, affiant has been and is now employed as an attorney by the defendant Anaconda Copper Mining Co.; that affiant, as attorney for said corporations, has become familiar with their affairs and business, and particularly with that of the Anaconda Copper Mining Co.

That affiant has read the affidavits filed on behalf of the plaintiff upon application for a change of place of trial to Helena in the above action and is familiar with their contents; that the Anaconda Copper Mining Co. is not now and has not been at any time since affiant's connection with it engaged in mining or other industrial business in the county of Lewis and Clark, State of Montana; that said company has large smelting works in Deer Lodge County, Mont., but the only mine operated by said company in said Deer Lodge County is a gold-producing mine known as the Southern Cross, which employs approximately 100 to 150 men, said mine situated a distance of about 18 miles from the city of Anaconda.

That affiant and John E. Corette, of Butte, Mont., are and have been for a number of years the sole attorneys for the Butte Water Co., and affiant has been so employed since long prior to his employment by the Anaconda Copper Mining Co.; that the affairs and business of the Butte Water Co. are conducted entirely independent of and separately from the operations of said Anaconda Copper Mining Co.; and that within the past five years the only cases tried by or against said water company have been two in number, one a case involving the construction of a contract with the city of Butte, which was tried by the court without a jury and decided in favor of the Butte Water Co., and affirmed by the Supreme Court of Montana; the other, a case involving the title to real estate, was tried by a jury of residents of Silver Bow County, and a verdict returned by said jury against said water company in direct conflict with the instructions given the jury by the court, for which reason the verdict was afterwards set aside by the court and the case afterwards settled and dismissed.

That affiant is also attorney for the North Butte Mining Co., a large mining company operating in Butte, Mont., and has been such attorney since immediately after the incorporation of the company in about 1905.

That neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. has ever had any interest in said North Butte Mining Co., and affiant is informed and believes that there never has been at any time and are not now any common directors or officers of said North Butte Mining Co. and said Anaconda Copper Mining Co. That as shown by the records of the courts of Silver Bow County there have been two cases tried in said county in which the North Butte Mining Co. was a party since its organization, both of which were of the class known as personal-injury cases; in one of these cases the plaintiff, whose injuries were shown to have been of the slightest, recovered a verdict of $1,500, and in the other, tried in this court, the jury returned a verdict for the defendant. That the said North Butte Mining Co. has always followed the same general practice of settling all claims and cases, if possible, as that followed by the Anaconda Copper Mining Co., as hereinafter specified. That the management and operations of the said North Butte Mining Co. have at all times been entirely separate and distinct from said Anaconda Copper Mining Co., the only thing in common between them, so far as affiant knows, or has been able to learn, being their employment of the same counsel and assistants in connection with the claims and suits and other legal matters.

Affiant is also one of the attorneys for the Montana Power Co.; that the operations of said company are entirely independent of and separate from those of the Anaconda Copper Mining Co. and the other mining companies in Butte; and that the said Anaconda Copper Mining Co. has no interest in or connection with the said power company.

That the ores produced by the Alex Scott Mining Co. are not smelted at the works of or by the Anaconda Copper Mining Co., said ores being treated and reduced at the smelter of the East Butte Mining Co.; that the ores produced by the North Butte Mining Co. and the Tuolumne Mining Co. are smelted and reduced by the Anaconda Copper Mining Co.; and that the said ores are handled and treated as other custom ores, and there is no other connection with the said companies.

That ever since affiant has been connected with the said corporations above named it has been the policy of each and all of them, and particularly has it been the policy of the Anaconda Copper Mining Co. during recent years, to settle, if possible, every claim or case brought, whether there appeared a possibility of legal liability to the plaintiff or not, and where a settlement within reason could be obtained.

That in addition it has been and is the practice of the Anaconda Copper Mining Co. to settle almost every claim presented, whether there was apparently any legal liability assertable on the claim or not, and that in addition to the settlement of cases actually begun it has been the practice of said corporations, and particularly the Anaconda Copper Mining Co., to settle are possible claims without litigation. That affiant has not been able to collate from the records even an approximation of the number of claims settled without litigation upon personal-injury claims, but that the records kept by said corporation show that in the year 1913 there was 403 settlements made by said Anaconda Copper Mining Co. upon claims for personal injuries and deaths. That in addition to the direct settlements made by said corporations upon claims presented, all of the said companies, and particularly the Anaconda Copper Mining Co., have assisted their employees injured and the relatives of employees killed or injured in a great many cases in substantial amounts where no claim of liability was made, and in addition in a great many cases where no claim of liability was made they paid the expense of medical attendance and burial, and besides the settlements above stated the above-named corporations, and particularly the Anaconda Copper Mining Co., have pursued the practice of giving positions as watchman or other congenial employment to workmen crippled in their employ, and in a number of cases have created positions for such crippled employees.

That as a result of the foregoing but very few cases have been tried to which the said Anaconda Copper Mining Co. or the other companies above named have been parties; that since the consolidation of said companies, which was made as of date March 31, 1910, as shown by the records, there have been but two personal-injury cases tried in Silver Bow County against said Anaconda Copper Mining Co., one of which was tried by the court sitting without a jury, and a decision rendered in favor of the defendant and affirmed by the supreme court; the other was tried before a jury, and a verdict was rendered for the defendant; in this latter case the evidence introduced by the plaintiff, in affiant's opinion, clearly disposed of any claim of liability as against the defendant.

That there have been since the time of said consolidation approximately 87 personal-injury cases brought against said Anaconda Copper Mining Co., almost all of which have been settled and dismissed. That affiant has read the statement of H. L. Maury, in his affidavit filed herein, that for a period of more than seven years there has not been a verdict rendered against the Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Butte & Boston Consolidated Mining Co., the Trenton Mining & Development Co., and Boston & Montana Consolidated Copper & Silver Mining Co., or the Washoe Copper Co., in Silver Bow County. That the records of the courts of Silver Bow County, including this court, show the history of cases tried against said companies and against the Butte, Anaconda & Pacific Railway Co., a majority of the stock of which is owned by the Anaconda Copper Mining Co., during a period of approximately seven years last past, to be as follows:

No cases whatsoever have been tried against said Butte & Boston Consolidated Mining Co.

The Washoe Copper Co. has tried three cases, two by the court sitting without a jury, in one of which the court found against the said Washoe Copper Co. and the other for said Washoe Copper Co.; and the other, a case tried

against the Washoe Copper Co., in which the verdict was rendered for said Washoe Copper Co.

Two cases have been tried by said Parrot Silver & Copper Co., in one of which a nonsuit was granted by the court and the other a verdict was returned for the defendant by the jury.

Two cases have been tried against the said Boston & Montana Consolidated Copper & Silver Mining Co., in one of which, the case of Osterholm against said company, for injuries to plaintiff's foot, tried in the district court, Hon. George M. Bourquin, judge presiding, the jury returned a verdict for the plaintiff in the sum of $7,500 on November 7, 1905; this judgment was reversed by the Supreme Court of the State of Montana and the case afterwards settled and dismissed; and the case of Northam against said company, tried in this court, in which a verdict was rendered for the defendant. Upon the first trial of this case the jury was instructed by the court to return a verdict for the defendant; upon appeal the judgment was reversed and the case remanded for a second trial; the judgment upon the second trial was by this court set aside because of erroneous instructions, a new trial granted, and the case afterwards settled for the sum of $4,500 and dismissed.

No cases have been tried against the Trenton Mining & Development Co.

Against the Anaconda Copper Mining Co. four cases were tried, in one of which, the case of Dennis P. Leary against said company, there were two trials; upon the first trial a verdict for $6,500 was returned against the company; upon appeal to the supreme court the judgment was reversed because of erroneous instructions, and on the second trial a verdict was returned for the defendant; after the case had been disposed of, affiant is informed and believes, a settlement was made with the plaintiff Leary wherein he was paid the sum of $3,500 and other compensation.

The case of Maronen against the Anaconda Copper Mining Co. was tried by the court sitting without a jury, and judgment was rendered for the defendant and affirmed by the supreme court upon appeal.

In the case of O'Reilly against the said Anaconda Copper Mining Co., a nonsuit was granted by the district court, Hon. George M. Bourquin, presiding judge.

In the case of Katie Kearney against the Anaconda Copper Mining Co., a verdict for the defendant was returned by the jury.

Against the Butte, Anaconda & Pacific Railway Co. there have been five cases tried, in two of which there were two trials each; four of these cases were personal-injury cases, the other for damages on account of fire alleged to have been set by the railway company's engine.

In the case of Bernard Harrington against the railway company, tried in February, 1907, the case being brought by the plaintiff, a minor, for injuries which resulted in the loss of part of one arm, a verdict was returned for the plaintiff in the sum of $20,000. A new trial was granted by the district court, and upon the second trial of the action, in March, 1908, the jury returned a verdict in the sum of $20,000. The district court, Hon. George M. Bourquin, judge presiding, held the amount excessive and reduced the same to the sum of $12,000, which with costs was paid by the defendant.

The case of J. P. Harrington, the father of Bernard Harrington, was brought up against the railway company, to recover for loss of service, was tried in February, 1907, and a verdict returned for the sum of $4,000; on appeal to the supreme court the judgment was reversed on the ground, among others, that the evidence was insufficient, and a second trial was had in May, 1908; upon the second trial the jury returned a verdict in favor of plaintiff in the sum of $7,500; upon motion for a new trial, Hon. George M. Bourquin, presiding judge, reduced the same to $4,000, holding that the verdict was excessive, and this judgment with costs was paid.

The case of Nicholas against the Butte, Anaconda & Pacific Railway Co. was for injuries claimed to have been received by reason of the frightening of a team of horses at a railroad crossing.

Knuth against the Butte, Anaconda & Pacific Railway Co. was a case for damages from a fire claimed to have been set by one of the railway company's engines.

Boyle against the Butte Electric Railway Co. and the Butte, Anaconda & Pacific Railway Co. jointly was for injuries claimed to have been received by Boyle, an employee of the street railway company. In both of these two latter cases verdicts were returned for the defendants, the verdict in the Boyle case being in favor of both defendants.

In the approximate period above given the records show that of the 18 cases tried against the said companies 3 were tried by the court without a jury, 2 being decided in favor of the corporations and one against them; and in 2 cases tried before juries nonsuits were granted by the court; and in the cases in which verdicts were rendered, including the Harrington cases, 6 were against and 7 in favor of the corporations.

That affiant either assisted in the trial of the above cases or was familiar with the evidence in the same, and that, in affiant's opinion, in every case in which the defendant corporations were successful before juries, the evidence was overwhelmingly against the plaintiffs and in favor of said defendants.

That affiant has been familiar not alone with the cases tried against the corporations above named but generally with the history of the trial of cases in Silver Bow County since he has been a resident thereof, and that, in affiant's opinion there is not now and has not been at any time during affiant's residence in Silver Bow County any difficulty whatever in securing a fair and impartial jury to try any case against any corporation or person therein. That it has been affiant's experience and is his opinion that the same conditions to a large extent prevail and have prevailed in Silver Bow County as elsewhere in respect to the prejudice of juries against corporations in personal injury cases or bias toward the plaintiffs in such cases, and it is affiant's opinion that many jurors in Silver Bow County, as elsewhere, do not give the same consideration to the evidence of a defendant corporation in a personal-injury case as that accorded the evidence presented on behalf of the plaintiff, and that such jurors, through sympathy or prejudice, are inclined to return verdicts if any basis whatever can be found therefor, for the plaintiff in such cases.

Affiant further says that he knows of nothing in the operations of the defendant corporation or the conduct of its business affairs which would tend to influence or coerce or intimidate in any way or prevent the free exercise of their judgment by any jurors of Silver Bow County, Mont., who might be selected to try a case against said corporation.

Affiant further says that he is and has been for a number of years well acquainted with H. Lowndes Maury, counsel for the plaintiff in this section, and who had made an affidavit in his behalf; that with the exception of the employment of the firm of which the said Maury is a member by the Montana Power Co. and its predecessors in interest for a period, the said retainer having come to said firm through one of the members, Mr. J. L. Templeman, who, previous to entering said firm, had been and was then employed by the predecessors of said Montana Power Co., and, with the exception of his service as attorney for the city of Butte for one term—a successor having been chosen for him at the end of the first term, although affiant is informed and believes that said Maury actively sought reappointment to the office—the legal business of the said Maury has been almost wholly made up of what is known as personal-injury litigation, including actions for injuries which have resulted in deaths, mainly against corporations. That the said Maury and certain partners associated with him early in his career, as affiant is informed and believes, established the business of soliciting said business on contingent fees, and the said Maury had persistently, for the past eight years or more, conducted a campaign of hatred and abuse against corporations in Silver Bow County, and particularly the defendant corporation, for the purpose, as affiant is informed and believes, of advertising and aiding his personal-injury business.

That affiant is informed and believes that the said Maury became a member of, and has continued an active membership in, the Socialist Party in Silver Bow County for the purpose or effect both in securing such business and aid in carrying on the same from members of the party as parties, jurors, or otherwise. That as a part of said campaign the said Maury began to circulate in public and private at practically every opportunity, and has continued so to do, the claim advanced in his affidavit in this case, that his clients and other litigants could not obtain fair trials in cases in Silver Bow County against the corporations hereinbefore named, including the defendant corporation. That it has been the habit and custom of the said Maury, whenever opposed or defeated in any of his purposes or plans or cases, to inflict a tirade of abuse and slander upon the offending person, whether judge, juror, opposing counsel, or others, and that in affiant's opinion, while his lack of success in recent years—affiant being informed that the said Maury has lost approximately the last nine cases which he has tried, and none of which were against this defendant corporation—in the trial of cases in Silver Bow County has probably been due mainly to lack of merit in his cases; it has also probably been due in part to such

practices and habits of the said Maury. That affiant is informed and believes that the said Maury has not made and does not now make, the charge of inability to obtain a fair trial against this defendant corporation in good faith, or for the purpose of obtaining a fair trial in such cases elsewhere, but in order to make such litigation expensive and irksome to the defendant and increase the said Maury's revenues from settlements of each year.

That affiant has read the statement in the affidavit of said Maury; that for a period of seven years last past no verdict for plaintiff in a personal-injury suit has been returned in this court, or the circuit court, which preceded this district court. That affiant has caused the records of this court to be examined for seven years, running back to April 7, 1907, and is advised that the said records show, and affiant therefore states the facts to be, that during that period there have been 14 personal-injury cases tried to juries in said courts; in four of these, verdicts were returned for the plaintiffs; in three, verdicts were returned for the defendant under peremptory instructions from the court, and in seven of the cases verdicts were returned by the juries for the defendants; the above includes the case against the Chicago, Milwaukee & St. Paul Railway Co., in which a verdict for $7,500 was returned in favor of plaintiff within a day or two after the filing of the said Maury affidavit herein. One of said cases was against the Boston & Montana Consolidated Copper & Silver Mining Co.; one against the North Butte Mining Co., and the others against various other corporations, which are not charged to be or have been affiliated in any way with the said Anaconda Copper Mining Co.

That affiant has also caused the records of the district court of Silver Bow County, for the past five years, to be examined, and is advised that such records show, and affiant therefore states the fact to be, that in approximately 40 cases, including 12 wherein the city of Butte was a party, verdicts have been rendered in personal injury cases by juries in favor of corporations other than corporations charged in any of the affidavits filed herein on behalf of plaintiff, to be or to have been in any way affiliated or connected with the Anaconda Copper Mining Co., and that during said period a great many verdicts have also been rendered against corporations.

Affiant further states that for some years past in Silver Bow County there has been a political party called the Socialist party, the campaign of many of the members of which party has largely consisted of tirades and attacks upon corporations, and particularly upon the defendant corporation; that the following, among those who have made affidavits on behalf of the plaintiff in this action, are commonly reputed to be, and as affiant is informed and believes, and therefore states, are and have been members of such party: H. Lowndes Maury, Charles A. Wallace, Alexander Mackel, William F. Davis, H. A. Tyvand, J. D. Eason, junior, I. G. Denny, Jalmar Koskinen, Frank Osterman and Joseph Modena; and the said Susie Maronen, who made an affidavit herein, or a person of the same name, is the widow of August Maronen, deceased, and will be one of the chief beneficiaries under any judgment which may be recovered in the action of Latva against the Anaconda Copper Mining Co.; the said Jalmar Koskinen, who has made an affidavit on behalf of plaintiff herein, as affiant is informed and believes, has been active in presenting or attempting to present, claims for damages for personal injuries against this defendant corporation, and as affiant is informed and believes, as one of the chief advisers of the said Susie Maronen, prevented a satisfactory settlement being made with the said Susie Maronen for the claim based upon the death of her husband; the said Dennis P. Leary, who has made an affidavit herein, or a man of the same name, is a man who prosecuted an action for personal injuries against the Anaconda Copper Mining Co., as herein set forth, and who, after his action had been finally defeated, was paid the sum of $3,500 and other valuable consideration by the defendant; the said H. Lownders Maury, Charles A. Wallace, Alexander Mackel, H. A. Tyvand, and J. O. Davies, P. E. Geagan, A. A. Grorud, and B. K. Wheeler as attorneys practicing in Butte, the principal part of whose business consists of the prosecution and presentation of claims for personal injuries and damages against corporations and others; that said R L. Clinton, who has made an affidavit herein, has been chief attorney in very bitter litigation on behalf of certain farmers residing in Deer Lodge County against this corporation, and is also counsel in other pending litigation against this defendant; that the said Edward C. Smith has not, to affiant's knowledge, practiced law in Silver Bow County, and affiant is informed and believes that since residing here he has devoted his time to stenographic work, and affiant is informed and believes that the said Smith has been employed more or less by the said H. Lowndes

Maury; that about the time the said Smith first came to Butte, the said Maury acted as attorney for the said Smith, or was employed by the said Smith in an action in which the said Smith was very much interested. That the said Edward C. Smith, P. E. Geagan, M. J. English, George B. Dygert, J. D. Eason, jr., I. G. Denny, A. A. Grorud, C. N. Davidson, M. Kerr Beadle, and Ed Fitzpatrick, who have made affidavits in behalf of plaintiff, have never tried a case against this defendant corporation in Silver Bow County. The said Homer G. Murphy, who has made an affidavit on behalf of plaintiff, is a resident of Lewis and Clark County, Mont., and affiant is informed and believed is not widely acquainted in, and has spent but little time in Silver Bow or Deer Lodge County.

Affiant further says that although there is and has been during all of said times in force in the State of Montana a statute providing for a change of venue from the county wherein a case is brought, where there is reason to believe that a fair trial can not be had therein, and although there has been filed in the District Court of Silver Bow County, Mont., since the early part of the year 1910, more than 87 cases against this defendant corporation, and many actions filed prior to that time, there has never been but one application in Silver Bow County, wherein the defendant was a party, for a change of venue on account of inability to obtain a fair trial against defendant, which application was by the court, after a full hearing, denied, and the only other case in which such question has been raised or objection raised, was the case of Northam against the Boston & Montana Consolidated Copper & Silver Mining Co., wherein the said H. Lowndes Maury, as attorney for plaintiff, objected to the transfer of the cause from Helena to Butte upon such ground, which objection was by the circuit court, Hon. William H. Hunt, presiding, overruled, and the case ordered transferred.

Affiant further says that on or about Thursday, May 7, at the time that this court overruled the demurers of defendant in the cases of Latva against the defendant corporation, and Osterman against this defendant corporation, the said H. Lowndes Maury requested this court to set the said two cases and the case of Modena against this defendant corporation for trial; the defendant corporation in each of said cases was given until Thursday, May 14, in which to file answers in such cases, and said Maury announced that upon the answers being filed he would immediately ask that the said cases be set for trial before the jury panel then in attendance upon this court. After the filing of defendant's answers in the said three cases, on Saturday, May 16 last, affiant requested the court to set the case of Latva against the defendant corporation for trial, and objection was made by the said H. Lowndes Maury, he then stating that he intended to file an application for change of venue in that and the other two cases, and when reminded of his request a week before to have the cases set for trial, the said Maury, in substance, stated in open court that at the time he had requested the cases set for trial, he was satisfied with the jury panel and would have been satisfied to have let his cases go to trial before the jury panel as it then stood.

Affiant further states that the premises where the accident occurred, which is the basis of this action, are situated in Silver Bow County, Mont., and that all of the counsel for the defendant corporation, and also counsel for plaintiff, reside at Butte, Silver Bow County, Mont.; that upon the trial of said cause it will be necessary, as affiant is advised, to have witnesses, at least five in number, on behalf of the defendant, all of whom will be residents of Silver Bow County, and that if the venue of the cause be changed from Silver Bow County, Mont., the attorneys and witnesses residing in Butte will be compelled to go to Helena and will be caused considerable inconvenience by so doing, and defendant will be put to large and additional expense; that by reason of the fact that if a change of venue be granted upon the application made in this case, the same reasons which would impel the same would exist in almost any other action brought against the defendant corporation, and the result would be that the defendant would have to employ local counsel at the place to which the venue would be changed and be put to more or less expense in employing counsel and securing the attendance of such counsel from Butte as would be necessary upon the trial of such cases.

Affiant further states that since the claim was first advanced by the said H. Lowndes Maury that a fair trial could not be obtained before a jury of residents of Silver Bow County, in a case wherein the defendant corporation or the other corporations, predecessors of this corporation, were parties, affiant has heard many discussions of such claim, and has himself discussed the claim with many residents of Silver Bow County, including attorneys, merchants,

bankers, miners, and others, and that outside of the said Maury and several other attorneys interested in personal-injury litigation, affiant has never heard anyone advance the opinion or claim that a fair trial could not be had under such circumstances; on the contrary, affiant has heard scores of representative and reputable residents of Silver Bow County unhesitatingly and emphatically express their opinion that no difficulty whatsoever would be had in securing a fair and impartial jury from residents of Silver Bow County in any case against the said defendant corporation or any other corporation.

That affiant has participated more or less in political campaigns wherein the defendant corporation and other corporations of Silver Bow County were discussed and attempted to be made issues more or less, and that affiant has a wide acquaintance among the residents of Silver Bow County; that it is affiant's belief that there is no condition or sentiment or reason whatsoever why the plaintiff in the above-entitled action could not obtain a fair trial against the defendant corporation before a jury impaneled from the residents of Silver Bow County, Mont., and affiant believes that such a fair and impartial jury could be readily obtained from the residents of either Silver Bow or Deer Lodge County, and that it is affiant's opinion that if this action be tried in Silver Bow County, no difficulty will be had in impaneling in the manner provided by law a fair and impartial jury, whether the same be made up in whole or in part of residents of Silver Bow County or Deer Lodge County.

L. O. EVANS.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] W. T. BLEICK,

Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF C. F. KELLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

C. F. Kelley, being first duly sworn, on his oath says: That he has resided in Silver Bow County, Mont., for a period of over 30 years; that he is an attorney at law and has been practicing such profession in Silver Bow County, Mont., for more than 15 years last past; that since the year 1901 affiant has been employed as an attorney at law by the Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Colorado Smelting & Mining Co. and its successor the Trenton Mining & Development Co., the Butte, Anaconda & Pacific Railway Co., the Washoe Copper Co., the Boston & Montana Consolidated Copper & Silver Mining Co., and the Butte & Boston Consolidated Mining Co., until the consolidation of the said companies above named, excepting the Butte, Anaconda & Pacific Railway Co. with the Anaconda Copper Mining Co. in the year 1910; that since such consolidation in 1910 affiant has been acting as attorney for said Anaconda Copper Mining Co., and for a period of more than two years last past affiant has been vice president and managing director of the said Anaconda Copper Mining Co. in the State of Montana; that during all of said period affiant has been familiar with the operations conducted by said companies, and particularly with the operations conducted by the said Anaconda Copper Mining Co. since and including the year 1910.

That the said Anaconda Copper Mining Co. since the date of said consolidation has been the employer of a great many men in the county of Silver Bow, approximately 9,000; that the principal industry of Silver Bow County is mining, and in addition to said Anaconda Copper Mining Co. there are a number of other corporations engaged in mining on a comparatively large scale, among such companies so operating being the Butte & Superior Copper Co., operating mines and large concentrating plant; the East Butte Mining Co., operating mines and a smelter; the Tuolumne Mining Co.; the Butte Balaklava Mining Co.; the David-Daly Copper Co.; the North Butte Mining Co.; the Rainbow Lode Development Co.; the Bullwhacker Mining Co.; the Butte & Duluth Mining Co., and corporations owned or controlled by ex-Senator W. A. Clark, operating what are known as the Clark properties, and other smaller operators; in addition there are many men employed in Butte by the four railway companies—the Northern Pacific Railway Co., the Great Northern Railway Co., the Chicago, Milwaukee & St. Paul Railway Co., and the Oregon Short Line Railway Co.—and many men engaged in foundries, factories, and mercantile and other businesses and industries of various kinds.

Affiant further says that a great many men in the employ of the Anaconda Copper Mining Co. are not citizens of the United States, and many employees who are citizens of the United States are not taxpayers; so that a comparatively small portion of the residents of Silver Bow County, Mont., eligible for jury service, is found among the employees of said Anaconda Copper Mining Co.

Affiant further says that in Silver Bow County the mines of said defendant corporation are operated through a number of independent shafts or openings, each of which has a foreman or other executive agent who employs the men for that particular work. That in the conduct of its mining operations and the employment of its men it became desirable to adopt some uniform method of hiring its employees, principally for the following reasons:

First. Numerous charges had been made against some of the foremen in the employ of said company and against the so-called representatives of men of different nationalities in the city of Butte who were charged with being able to procure for a consideration the hiring men by said foremen in the companies' mines, and it was believed by adopting a uniform system of hiring their men, and keeping check on those hired, the possibility of any "grafting," as the practice was commonly called, would be eliminated.

Second. In the employment of so many men under the system previously in force it became impossible to exclude drunken and incompetent employees, and as a matter of safeguarding the welfare of the competent and sober employees of the company it was believed that effective results could be accomplished by keeping a record of the men discharged and the reasons therefor.

Third. Many of the business men of the city of Butte had complained to the management of the company, from time to time, of the fraudulent practices that were being pursued by certain of the company's employees who obtained credit at the different mercantile institutions in the city of Butte and who, for the purpose of avoiding payment of the indebtedness thus incurred, moved from one mine of the company to another, changing their names as they took their respective employments at different mines, and the earnest cooperation of the company was requested by the business men of Butte to adopt some system that would prevent this practice being followed.

That on account of the foregoing reasons and as a matter of company policy it was decided more than a year ago to adopt a uniform policy with reference to the hiring of men which would require the men to apply for and receive an employment card entitling them to seek employment at any of the different mines owned by the company; that following the adoption of this plan the system was installed which is referred to in the affidavit of H. L. Maury as the "card system."

Affiant further says that, so far as he is informed and believes, no man who has applied for a card has been refused the opportunity to seek employment, but that a record has been kept of those who have been employed and discharged, and the reasons therefor.

Affiant further says that it was not the intention of the Anaconda Copper Mining Co., in establishing said system, nor has it been its practice in following it, to establish any blacklist, and that in fact no blacklist of any kind or character has been established, and that the said uniform employment system was not established for the purpose and has not been used for the purpose of interfering with the freedom and liberty of any employee, either politically or in connection with any of his other duties as a citizen or a member of the community.

That it has not been the practice of said Anaconda Copper Mining Co., during affiant's familiarity with its affairs, and to affiant's knowledge or belief there has never been a single instance wherein the company in its operation has discriminated in any way against the, or for any of the, business men in the city of Butte; that the said company has not of affiant's knowledge or belief coerced or attempted to coerce or influence in any way any resident of Silver Bow County who has acted as a juror or witness in any cause in the courts of said county or the Federal or other courts, and that the said company has not of affiant's knowledge or belief at any time attempted to reward or punish or refuse to give or give employment to any person because of his having acted as such juror or witness in any of such courts, and the fact that any person has acted upon a jury which has rendered a verdict against the said company, or as a witness in such action, has not been permitted to influence the company's action in any way, whether in extending him employment or otherwise; that affiant knows of nothing in the conduct of said company's affairs in Silver Bow County which would establish in the minds of

any resident of Silver Bow or Deer Lodge County, Mont., any fear of deciding or hesitation in justly deciding any action brought against this corporation or against any other corporation in favor of any opposing litigant.

Affiant further says that the said Anaconda Copper Mining Co. can not and is not in a position to exert a great, or any, power over the merchants of Butte because of the fact that such merchants extend credit to laborers or servants of the said company on the security of assignment of their time and wages; that all of such servants and laborers have a legal right to make such assignment if they desire, and any corporation to require the same; and no distinction is now made, or has at any time been made, to affiant's knowledge or belief, as between any of the respective merchants in Silver Bow County; that they are, and all have been, treated alike.

Affiant further says that as attorney for the said corporation he has participated in the trial of many cases in Silver Bow County, both in the State and Federal courts. That affiant knows of no sentiment of fear or bias or other sentiment or feeling in favor of the said Anaconda Copper Mining Co., or against any opposing litigant, which would prevent such litigant from obtaining a fair trial as against the said Anaconda Copper Mining Co. before a jury composed of residents of either Silver Bow or Deer Lodge County, and that affiant knows of nothing and does not believe that anything exists in the operation of the said corporation which would give rise to any such sentiment of fear or bias or other sentiment or feeling which would work to the disadvantage of such opposing litigant; that affiant knows of no reason why the above-named plaintiff can not secure a fair and impartial trial before a jury composed of residents of either Silver Bow or Deer Lodge County, and on the contrary, it is the belief of affiant that the plaintiff can and will, if said action is tried, secure a fair and impartial trial before such a jury.

C. F. KELLEY.

Subscribed and sworn to before me this 26th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF C. F. KELLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

C. J. Kelley, being first duly sworn, on his oath deposes and says: That he is the general manager of the Hennessey Co., engaged in the mercantile business at Butte, Mont.; and that he has occupied said position since the time of the organization of said company in July, 1909; that prior to said time this affiant was and had been since January, 1908, general manager, and since 1899 the secretary and treasurer of the Hennessey Mercantile Co., a corporation to which the above-named Hennessey Co. is successor in and to its mercantile business.

Affiant further says that he has at all times since the year 1899 been familiar with the ownership of the stock of the Hennessey Mercantile Co., and since its organization with the ownership of the stock of the Hennessey Co. Affiant further says that at no time has the Amalgamated Copper Co., or any of its subsidiary companies, or the Anaconda Copper Mining Co., or anyone for any of said corporations, been the owner of any of the stock of the Hennessey Co. or had any interest therein, and that since prior to the 15th day of May, 1904, neither the said Amalgamated Copper Co., nor any of its subsidiary companies, nor the Anaconda Copper Mining Co., or anyone representing them or either of them, owned any of the stock of the Hennessey Mercantile Co. or been interested therein.

Affiant further says that the said Hennessey Mercantile Co. from and since prior to May 15, 1904, until it was succeeded by the Hennessey Co., and the Hennessey Co .have at all times been independent of the said Amalgamated Copper Co. and the said Anaconda Copper Mining Co. and any and all of their subsidiary companies or representatives and that the only relationship of any kind or character which exists between the said corporations is that of landlord and tenant arising out of the fact that the Hennessey Co. leases from the Anaconda Copper Mining Co., for the purpose of carrying on and conducting its business, certain real property belonging to the said Anaconda Copper Mining Co.; that said lease is for a definite period at a stipulated rental of a fixed

character provided for therein, so that the said Hennessey Co. is independent of the said mining companies and all of them.

Affiant further says that he has never attended a meeting of either of the Butte Business Men's Association or the Butte Credit Men's Association, and that neither affiant nor the said Hennessey Co. has ever taken any active part in the affairs of said organization; that affiant has never nor has anyone else to affiant's knowledge on behalf of said Hennessey Co. attempted to influence or direct any action whatsoever in either of said organizations, and that affiant has never taken part in any of the commercial organizations of Butte, except to assist toward certain movements desired by the other merchants and residents of Butte, and in which the said Hennessey Co. and affiant had no particular interest; affiant says that any statement as to this affiant ever exercising or attempting to exercise any influence in the said Butte Business Men's Association or any business organization of Butte on behalf of said Anaconda Copper Mining Co. or said Amalgamated Copper Co. or any other mining company or that affiant ever attempted to exercise influence possessed by him in said organizations or either of them against any person, association of persons, or corporation whatsoever, on account of any supposed unfriendly relations existing between the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any other mining company on the one part and such person, association, or corporation on the other is wholly and absolutely untrue.

Affiant further says that so far as affiant knows there has never been any action taken by the Butte Credit Men's Association or the Butte Business Men's Association or any other mercantile organization of Butte at the solicitation of or on behalf of the Anaconda Copper Mining Co., the Amalgamated Copper Co., or any other mining corporation, or anyone acting for it or either of them.

Affiant further says that so far as affiant knows or can ascertain neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. ever exercised any influence or control whatsoever over the business houses of the city of Butte through any of the business men's associations or otherwise. Affiant further says that he knows of nothing in the conduct of the operations of the Anaconda Copper Mining Co., and affiant thinks he would have known of such condition or occurrence if it had existed or occurred, which would cause any dread or fear of said company among the business men or other residents of Silver Bow County.

Affiant further says that while it has been the practice of the Hennessy Mercantile Co. and the Hennessy Co. to extend credit in many cases to the laboring men of Silver Bow County, such credit is not and has not been based upon the fact that the men were employees of any of the so-called Amalgamated companies, any more than any of the other companies or employers in Butte; that the said Hennessy companies have in many cases taken assignment of the wages due such debtors, following a practice common to all the merchants of Butte, the practice being the same as to all other companies and employers as with the so-called Amalgamated companies, and that all of the men engaged in business in the city of Butte have had, for a number of years, at least, and now have the same facilities as are possessed by the Hennessy Co. for obtaining information necessary in connection with the taking of such assignment and in presenting and having such assignments accepted by the mining companies, including the Anaconda Copper Mining Co.; that it is not true that all classes of laboring men, or all laboring men who accept credit of the Hennessy Co. must assign their wages to the company or purchase their merchandise from said company; that it is not true that if such wage earners are in debt to the said Hennessy Co. their chances for obtaining employment from the Amalgamated interests are greater than if they were not in debt to the said Hennessy Co.; that neither the said Hennessy Co. nor affiant nor any of the other representatives of said company, so far as affiant knows, have anything to do with the obtaining employment from the Amalgamated interests by trading with the said Hennessy Co.; that affiant denies that there is any belief among the wage earners that their chances for obtaining employment from the Amalgamated interests are better or their chance of obtaining credit are better with the said Hennessy Co. if the relation of debtor and creditor exists with the said Hennessy Co.; that the said Hennessy Co. does not enjoy any advantage whatsoever over other merchants with the mining companies, or any of them, and conducts its business and extends its credit in the manner usual to mercantile houses everywhere.

That affiant is the president of the Daly Bank & Trust Co. of Butte and is acquainted with the various other banking houses and concerns engaged in

business in Silver Bow County, Mont., and neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. are stockholders or otherwise interested in the affairs of the Daly Bank & Trust Co. and have no connection therewith, excepting that the Anaconda Copper Mining Co. does a considerable portion of its banking business through the said bank; that the said Daly Bank & Trust Co. is but one of the seven organized banking houses doing business in Butte City, Mont., at least one of which, the First National Bank of Butte, with deposits, as shown by its published statements, of approximately $4,650,000 and loans and discounts to the amount of $2,933,000, is much larger in the matter of deposits and volume of business transacted than the said Daly Bank & Trust Co.; and probably one other, the banking house of W. A. Clark & Bro., a private bank, according to the best information and belief to be the fact, has deposits approximately the same, or a slightly larger amount, than the said Daly Bank & Trust Co.; that the affairs of said Daly Bank & Trust Co. are conducted in practically the same manner as that of the other banking house of Butte, Mont., and entirely without regard to the effect of such banking operations and business upon the Anaconda Copper Mining Co. or its employees, and that the conduct of the same could in no way influence the sentiment of the citizens and residents of Butte in regard to the said Anaconda Mining Co.

Affiant further says that he has been a resident of the city of Butte for more than 13 years last past and has a large personal acquaintance in said city and Silver Bow County, and particularly with the men working and employed in and about the mines, and is familiar with the conditions existing in said city and county of Silver Bow; that affiant knows of no, and does not believe that there exists, conditions or sentiment or feeling of fear or bias, or other feeling, sentiment, or condition which would prevent the residents of Silver Bow County from fairly and impartially acting as jurors in any cases where the Anaconda Mining Co. is a party upon any issue in which he may be interested before a court and jury composed of residents of Silver Bow County, in Silver Bow County, Mont.; and that he believes that the above action can be impartially and fairly tried before a court and jury of residents of Silver Bow County, in said Silver Bow County.

C. J. KELLEY.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN.

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

In the District Court of the United States in and for the District of Montana.

AFFIDAVIT OF LOWNDES MAURY.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being first duly sworn, on his oath does say: He is the person mentioned in the affidavit of L. O. Evans, filed on behalf of defendant in this case. On page 2 of the affidavit said Evans mentions that the injuries to one Kinsel were of the slightest, and a verdict was recovered of $1,500. The testimony showed that Kinsel was a young man about 27 years of age, and in the injuries was caused a permanent lesion of the heart from which he would never recover.

That affiant did not actively seek reappointment for the office of city attorney, and while such appointment of affiant's successor was being debated affiant did not vote on the question personally and was absent in the city of Spokane on business. Said Evans states in his affidavit that the said Maury and certain partners associated with him early in his career established the business of soliciting said business on contingent fees. The said statement is false, known by the said L. O. Evans to be without foundation; that affiant has never at any time solicited any business of any man, woman, child, or corporation; that affiant has never conducted any campaign of hatred or abuse against corporations, nor did the affiant become a member of or continue in active membership in the Socialist Party for the purpose of effect of securing business or aid in carrying on the same from the members of the party, either as jurors or otherwise; that at the time that affiant announced his readiness to go to trial before

the present panel in one of the cases against the company defendant there were more than half of the panel consisted of persons not resident of either Silver Bow or Deer Lodge County; that when the court excused persons until there were only seven of the panel nonresidents of Silver Bow and Deer Lodge it was deemed by affiant and his cocounsel, Mr. Charles A. Denny, in a third cause impossible to obtain a fair or an impartial trial of the causes or any of them.

The said Evans says in his affidavit that a satisfactory settlement was prevented in the case of Susie Maronen, mentioned in the affidavit. The settlement offered by the defendant was $2,000. Affiant was one of the attorneys in that case and knows of no other offer having been made, and that action was for death, by reason of the breach by the defendant of a statutory duty of the said Susie Maronen's husband, a young man about twenty seven or eight years old, living with her and supporting her and their child. It was not accepted.

LOWNDES MAURY.

Subscribed and sworn to before me this 1st day of June, 1914.

[SEAL.] J. D. EASON, Jr.,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

Service of the foregoing affidavit admitted and copy received this 1st day of June, 1914.

C. A. KELLEY,
L. O. EVANS,
W. D. RODGERS,
D. GAY STEIVERS,
Attorneys for Defendant.

Filed June 1, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 150.

JOHN LATVA, ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 154.

REFUGIO MARTINEZ, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 149.

FRANK OSTERMANN, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

BRIEF ON MOTION TO CHANGE THE PLACE OF TRIAL IN THE SAID CASES.

The situation of these cases before the court is probably unique in the history of American jurisprudence. The question as to whether there shall be a change of venue or not places the Constitution of the United States directly on trial. The founders of the Republic realized as clearly as we now do that there would be individuals and corporations of such great local influence that national courts must be established for the protection of a fair trial and the purity of the fountain of justice in causes arising between aliens and citizens of other States and such influential individuals in the forum of their residence.

The founders of the Nation realized that control over a man's subsistence was control over his will, and in laying the foundation of our National Government they openly averred that this rule of private economics applied not only to ordinary individuals, but even to the judiciary, and in order to remove the judiciary which should preside over trials between aliens and citizens

of other States when litigating persons of strong local influence it made the tenure of these Federal judges terminable only by death or bad behavior, and the Constitution, following out the wisdom of the convention which promulgated it, made their salary undiminishable during their term of office. Their appointments were dependent on the National Executive and the National Senator. Every possible precaution was taken by the fathers to remove this Nation from the disgrace of iniquity of an unfair tribunal.

The question confronting the court is whether that wise and wholesome provision of foresight of our ancestors is to be carried out by their descendants.

All of the foregoing causes are actions at law tryable to juries, over whose verdicts the court has no positive control, except to the extent of granting new trials if the verdict so far depart from the perpendicular as to offend the court's sense of justice. The granting of new trials is not a means of procuring justice, but only of correcting injustice. Repeated new trials are but a makeshift, and offensive to that provision of the Constitution that justice shall not be delayed.

While the foregoing propositions seem elementary, yet, lest we forget and fall out of the straight and narrow way laid by the founders of the Constitution, and because the reasons of those men are better expressed in their own language than by subsequent writers, we shall quote at length from that unique collection of essays known as the "Federalist":

"Because when once an efficient National Government is established the best men in the country will not only consent to serve, but also will generally be appointed to manage it; for although town or country or other contracted influence may place men in State assemblies, or senates, or courts of justice, or executive department, yet more general and extensive reputation for talents and other qualifications will be necessary to recommend men to offices under the National Government. * * * Hence it will result that the administration, the political counsels, and the judicial decisions of the National Government will be more wise, systematical, and judicious than those of individual States, and consequently more satisfactory with respect to other nations, as well as more safe with respect to us." (Federalist, pp. 13 and 14.)

"The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a Republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any Government to secure a steady, upright, and impartial administration of the laws." (Federalist, p. 539.)

"Next to permanency in office nothing can contribute more to the independence of the judges than a fixed provision for their support * * *. In the general course of human nature a power over a man's subsistence amounts to a power over his will. And we can never hope to see realized in practice the complete separation of the judicial from the legislative power in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter." (Federalist, p. 548.)

The very basis of the motion for a change of venue is found in that maxim, "A power over a man's subsistence amounts to a power over his will." Our application of the maxim is of course to the juries taken from Silver Bow County and Deer Lodge County; not by any means to the presiding judge, for his subsistence has been provided for by the Constitution, and his tenure is for life. Nor in fact would we have applied it to the presiding judge were his particular subsistence unproved for or his tenure determinable. We have too good an evidence of his independence in the Osterholm nisi prius decision and others that we might mention. But the rule while not universal in its effects is universal in its tendency. To deny the existence of the tendency is as to deny the tendency of men to sink in water and drown by reason of the fact that many are seen overcoming the tendency.

This line of thought so clearly evinced in the Federalist brings us to the facts in the instant cases, and these facts are unique. These facts are beyond dispute. The defendant controls the subsistence of two counties, and such control has been continually increasing for fifteen years. It employs approximately twelve thousand men. In those counties there are not one hundred thousand people, counting the men, women, and children; and the men employed by it directly are far more than one-half of the able-bodied men in those two counties. An arbitrary shutdown of its works and mines has in the history of those counties driven all of the interests in those counties to despair,

and to the calling of a special session of the Montana Legislature to answer its demand for laws for its benefit.

We limit this to this defendant because the physical properties of all of the concerns which made that demand are now of the composition of this defendant.

It will be answered that this defendant's power in politics of the two counties is not supreme. It can not be truthfully answered that it is not supreme in the county of Deer Lodge. It might be answered that it is only a little more than half of the power in Silver Bow. But a partly fair trial is not what we are entitled to. A partly fair trial is like a tolerably good egg. This question of a fair trial does not seem that the plaintiff shall have six jurymen leaning his way and the defendant six jurymen leaning its way by any means. A fair trial on an action at law means that the plaintiff shall present his evidence before twelve men who have no leaning either toward the plaintiff nor toward the defendant; and that the defendant shall have the same right.

It will doubtless be answered that in the political complexion of Silver Bow County there is a political party of great strength opposed to the defendant. That is true, but that merely accentuates the unfairness of a trial in Silver Bow and with men from Silver Bow. Were one of the jury commissioners of this court of that party we would doubtless easily succeed in getting a panel where half the men would have a leaning against the defendant and half a leaning for the defendant. Jurymen are not drawn by lot in Federal court, and neither of the jury commissioners are members of the political party exhibiting in the last two or three years such increasing strength.

This question of what constitutes local influence has not come up frequently in causes where a change of venue was sought in the Federal court, though we are not without precedent. In the causes of Terry *v.* Skinner, Tuttle *v.* Terry, Terry *v.* Nalor et al. (110 Fed., 494), we quote the following:

"The parties favoring removal put it upon the ground of convenience and economy. Terry resists because of local prejudice against him and in favor of Thomas G. Skinner, an ex-congressman, State senator, and prominent man in that section * * *;

"In this case or the two cases many affidavits are filed and good reasons given for the position of each party; the one arguing that Elizabeth City is more convenient to parties, witnesses, and records, the other, local prejudice, as before stated, arguing, if not successful, he will pay the cost of witnesses, etc. In exercising a sound discretion, these arguments should be given proper weight, but it is not necessary to answer or consider every reason in detail. Parties litigant should not only have a fair trial, but, as far as may be, even the unsuccessful party should feel that his case has been decided by an impartial court and jury. Mr. Terry evidently believed there is strong prejudice against him in the section of the district surrounding Elizabeth City, and that Mr. Skinner has great influence with jurors summoned to that court. He files strong affidavits to this effect. These affidavits are met with equally strong affidavits denying the prejudice against Terry, records showing he has been reasonably successful in former litigation in that section, but not denying the influence of Mr. Skinner. Allusions are made in the rebutting affidavits to Mr. Skinner's health, but it is hoped this is only a temporary complaint. He spent much time in Raleigh last winter, and it is heped will again add to the pleasure of friends in that city. The question of economy should have but little weight. Elizabeth City is more than 100 miles from Raleigh, and the rules for taking depositions are ample. True, it is more satisfactory to counsel to have witnesses face the jury, but this is not essential in arriving at the facts in a case, and the court can set aside a verdict not in accordance with the law and evidence. But why go through this when at a little inconvenience and additional expense a trial can be had on equal grounds, where there can be no just cause for even a suspicion. Terry lives in Ohio, Skinner near Elizabeth City. In Raleigh they must meet on neutral ground. One case remains in the court at Raleigh, and in the exercise of a sound discretion it seems it would better serve the ends of justice that all, which are to some extent interwoven, should be tried in the same division of the court, at the same place."

As to what constitutes local influence, we find more and better expressions in decisions on those cases where causes have been retained by the Federal courts after being removed to them from the State court under the act of Congress providing for such removal where local influence or prejudice exists against a defendant.

Our contentions are based on the following proposition:

Local prejudice and influence does not necessarily consist or partake of hostility toward a plaintiff. It may as well and more frequently does consist of a feeling of respect, fear, or friendship arising from great wealth and political influence and industrial strength of the defendant in the locality of his home and of his mighty works. In this we are borne out by the decision in the case of Neale *v.* Foster (31 Fed., 54).

We quote from that opinion:

"The affidavits of the defendants amount to nothing. Of course, there is no prejudice in the county against the plaintiff personally, for he is unknown to the community. But there may be a prejudice in favor of his adversary that would be as much in his way of obtaining as a prejudice against himself. The prejudice and local influence mentioned in the statute is not merely a prejudice or influence primarily existing against the party seeking a removal. It includes as well that prejudice in favor of his adversary which may arise from the fact that he is long resident and favorably known in the community. Then there is the element of local influence, which implies that in a controversy between a stranger and resident parties having the power, through wealth, business or social relations, or personal popularity, or all combined, to direct or materially aid in the direction of political parties and control the selection of public officers and the distribution of party emoluments, the former may be a great disadvantage if not powerless to assert his right.

"And this implication is no unusual reflection on any particular community or persons. On the contrary, it is such a well understood and recognized frailty of human nature that jurisdiction of controversies between citizens of different States was expressly given by the Constitution to the National Government and this, not only as a means of doing justice, but of facilitating only the trade and intercourse between the people of the several States, which was what the Constitution was formed for more than any other purpose, to protect and promote. Neither is it unreasonable that in a case like this, where a stranger from another State is seeking to set aside conveyances made in favor of local creditors of long standing and high character in the community by a failing debtor of like standing and character that there should be prejudice and local influence, not against the plaintiff personally, but against his cause, and in favor of his adversaries. How far this influence and local prejudice might extend and whether it would consciously influence the mind and action of the court would depend largely on the temper and character of the judge.

"Counsel for the defendants maintain that, admitting there is a prejudice and local influence in Linn County in favor of the defendants in this case, the case being an equity one, to be decided by the court without a jury, there is no reason to think or believe that the circuit judge would be affected or influenced by it in the least degree. On the other hand, counsel for the plaintiff contends that on the proofs, and in the nature of things, there is a strong prejudice and influence in Linn County in favor of the defendants in this controversy; and that the circuit judge who holds his office by the good will of this community, and is a particular friend of the principal defendant, may be and probably will be more or less unconsciously affected in his mental vision and conclusion by these circumstances."

Another proposition on which we rely is that it is impossible absolutely to determine in advance that a party can not have an impartial trial. The question for the court to consider is that a party might not have a fair trial or an impartial trial. And this idea is well expressed in the following language:

"It was not the purpose of the Constitution and law passed to effect its intent, to put the removing party to proof that he could not obtain justice in his particular case or that he would not, but only that he might not obtain justice."

Montgomery County *v.* Cochran (116 Fed Rep., 992). For the convenience of the court and because of the enormous importance to these four litigants we quote at great length from the opinion in this case:

"The order of removal having been made ex parte at the last term upon the statement of the facts contained in the verified petition, it was insisted by the defendants that the plaintiff is without right to traverse the facts set forth in the petition, or now, to call in question the order of removal. Whelen *v.* Railroad Co. (C. C.), 35 Fed., 849, and other cases following it, are cited in support of this view. The plaintiff relies on Ellison *v.* Railroad Co. (50 C. C. A., 530; 112 Fed., 805), which holds to the contrary. Congress having power to authorize removals of controversies between citizens of different States on

that ground alone, the mode of ascertaining prejudice, making it to appear, under the present statute could not be jurisdictional unless the statute prescribed an exclusive mode. Congress has prescribed no mode. The existence vel non of prejudice or local influence, as distinguished from the mode of making it to appear, is a jurisdictional fact under the present statute. It does not predicate jurisdiction here on diverse citizenship alone but couples it, the further condition of the existence or prejudice or local influence to be ascertained by the court. If the ascertainment of a jurisdictional prejudice or local influence is the ascertainment of a jurisdictional fact, a party to the suit certainly has the right to be heard as to it at some stage of trial, as much so as upon any other issue of fact which affects his case. It is the duty of the court at any stage of the proceedings to dismiss or remand the suit if it finds that it is without jurisdiction.

"Irrespective of what is merely modal and what is jurisdictional, it is quite clear that Congress by its last legislation on this subject intended to charge the conscience of the removing court with the ascertainment of the existence of prejudice or local influence, and to constrain the court to refuse jurisdiction unless the existence of such prejudice or local influence was made to appear, to its satisfaction. The whole subject of Congress in making the change in the former law would be defeated if any other view is taken of the question. Save in the instance where local influence or prejudice is claimed to grow out of notorious matters of local history and the like, of which the court may take judicial notice, how can the judicial mind be satisfied of the existence of prejudice vel non when it has acted ex parte and then refuses to hear the other side, who offers to prove that the court has been misled or deceived and that the allegations of fact, from which the existence of prejudice was ascertained, are utterly false? Unless the court hears the parties on such an issue it can not know whether the denial which involves a denial of jurisdiction is true or false. If it does not know whether the denial is true or false, it can not know whether it has jurisdiction. This is not the condition of being legally satisfied, which the supreme court declares the law exacts before it permits the court to take jurisdiction.

"It is not meant to declare that the court can not in any case order a removal ex parte. The act gives it a very broad field of discretion. The facts relied on in some cases, as in this instance, may be so notorious, recent, and so related to local history that a judge might well take judicial notice of them, or at least utilize such knowledge in determining whether from the petition prejudice or local influence was sufficiently made to appear. In a case of that character the court might well believe it is unnecessary to take up time hearing an issue which the opposite party might raise. It was upon such considerations that the court acts in making the ex parte order here. It was not contemplated, however, that such action could bar the right of the opposite party to traverse the petition for removal, or to be heard thereon, or lessen in any degree the duty of the court to inquire into such matters at his instance. The contrary view involves the denial of a clear right to the plaintiff. The court therefore heard the plaintiff who had not been heard before on the merits of the order of removal, and having reopened the matter, allowed both sides to offer evidence, the substance of which is not of importance in this phase of the case.

"2. The word, justice, is used but twice in the constitution of the United States. It is first found in the preamble giving the reasons for the formation of the Constitution, one of which is declared to be 'to establish justice.' It is next found in one of the provisions of the Constitution intended to effect its purpose—'to establish justice'—by requiring persons who 'flee from justice' to be delivered up, etc. Necessarily, 'to establish justice' the Constitution must provide for the exercise of legislative power to that end, and jurisdiction in certain tribuals to construe and enforce the laws thus passed. Accordingly the Constitution provides that legislative power shall be vested in Congress and judicial power shall be vested in the Supreme Court and other tribunals to be established by Congress, and that the judicial power thus vested 'shall extend' to certain matters which the Constitution specifies with great particularity. Save as to certain jurisdiction of the Supreme Court, legislation is necessary, of course, to distribute to any court any part of the judicial power. Among the matters thus committed to the judicial power of the United States are controversies between citizens of different States. In ascertaining the purpose of the framers of the Constitution in extending the judicial power 'to controversies between different cititzens of different States'

we must look to the history of the Constitution, the causes which led to its adoption, and the evils disclosed by the working of the Government under the articles of confederation which was intended to be remedied by the new instrument. The Federalist declared that one evil which 'crowns the defects of the confederation' is the 'want of judiciary power.' This want of a judiciary power developed numberless ills, not the least of which was the inability of the Government to protect the equality of the rights of 'citizens of different States' when a citizen of one State litigated in the courts of a State with a citizen thereof.

"It is a matter of common knowledge, at least among all well-informed persons, that at the time of the formation of the Constitution there was a prevalent opinion that 'the stranger in a strange land' might not have, and often did not have, that measure of justice in the courts of a State which was accorded to its own citizens. There was no common tribunal deriving authority and power from the whole people, responsible to them only, which could protect or enforce or supervise the enforcement of equality in this respect. There were local jealousies, local interests, and local opinion in the different States which worked adversely to the nonresident citizen in favor of the resident citizen who prosecuted in the courts of his own State a complaint against the nonresident citizen. These things caused some bitterness, tended to diminish free intercourse and trade 'between citizens of different States and stood in the way of a more perfect union.' The framers of the Constitution, in providing for jurisdiction in the Federal courts of 'controversies between citizens of different States,' had in mind to cure the imperfection in these respects of the articles of confederation. The purpose was 'to establish justice' as to such controversies by authority to be conferred over them on courts deriving their power from the Constitution, freed from dependency in any respect on local power and removed as far as possible from the effects of local environment which might militate against a nonresident in favor of the citizen of the State where the court sat. The purpose was to give the nonresident citizen the right to resort to these courts when he sued the citizen of another State or to remove his case out of the State when sued therein by a citizen thereof, in order to avoid local jealousies, interest, or passion which might sway or tempt the decision by the State court in favor of its own citizen. The purpose was to sweep aside the risk of injustice in the local tribunal growing out of the status of a nonresident contending with the home man. The 'justice' which the Constitution, and laws passed in pursuance thereof, intended to 'establish' in such controversies was to be worked out by giving the nonresident citizen the right, when properly demanded, to remove the trial of his cause from a local court whenever local interest, prejudice, opinion, or passion might be thought to expose him to the risk of a trial in which he might be put on an unequal footing with or measured in a different way from his adversary in the State court, and thus exposed to a hazard of determination against him on consideration other than the real merits of the case. As stated in the very able opinion in City of Detroit *v.* Detroit City R. Co. (C. C., 54 Fed., 18), 'The justice which the defendant has a right to obtain is a hearing and decision by a court wholly free from and not exposed to the effect of prejudice and local influence.' It was not the purpose of the Constitution, and laws passed to effect its intent, to put the removing party to proof that he could not obtain justice in his particular case, or that he would not, but only that he might not obtain justice. More than this, in the nature of things, he could not prove in advance, for the contention that he could not or would not obtain 'justice' in the particular case could be shown only by test of trial in the State court, and then it would be too late to remove. When, therefore, we seek the purpose of the words 'He will not be able to obtain justice in such State court,' we must give those words the purpose which, as we have seen, the Constitution had in view when it used the word 'justice' and gave the Federal courts jurisdiction of that particular class of controversies in order to establish that justice. The purpose intended to be effected by the grant of jurisdiction to the Federal courts 'over controversies between citizens of different States' is stated in broader terms as to other matters in section 2 of Article IV, which declares, 'The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

"Having seen the reasons for the constitutional policy, it is quite plain that the fact that the local judge tries the cases without a jury can not withdraw such a controversy from the influence of the rule. The terms and spirit of the Constitution include cases where the judge alone tried the facts as well as those in which the jury tries the facts. The jurisdiction extends to all cases in law and equity. Both are brought under the same rule for the same purpose

by the most explicit command of the Constitution itself. Apart from this, the operation of prejudice or local influence upon the judge may be so far harmful to the nonresident litigant that when such influences move the jury a judge can correct the wrongs done by a jury. Their verdict amounts to nothing if it does not have the stamp of his approval. On the other hand, if the judge is improperly moved by 'local influence,' it is, in many cases, impossible to correct the wrong; and in no case is that difficulty more insurmountable than where he not only determines the law, but is sole trier of the facts. If there is any evidence which can support his findings in such a case, however may it be opposed to the weight of testimony, his verdict, although it may be induced by 'local influence,' must stand, for there is no way to review it, which is not the case when the finding only involves the application of the law."

In view of the hue and cry that there is one law for the rich and one law for the poor in this Nation to-day, it might be well to cite the court to the records of the circuit court, the predecessor of this one, where, against a puny adversary, on no such showing as that of 20 disinterested members of the bar, the same counsel as resist this motion, then acting for a corporation now merged into this defendant, obtained an order changing the place of trial from Butte to Helena, and that was in a cause where the additional expense of a trial in Helena was doubtless 10 times as much as the additional expense of trying all the causes of the nature of these four causes arising against the defendant in 10 years—certainly 10 times as much as has arisen in this court in causes of this nature during the life of the defendant or the life of this court.

No contention is made that the defendant will not get a fair trial in Helena. Neither side avers that as a fact. The causes of Federal jurisdiction are remarkably few compared with the great volume of jurisdiction. We are asking for the same kind of relief that has been granted by the predecessor of this court to the predecessor of this defendant, applying through these same counsel. We ask no advantage over our adversary. We ask to go to equal ground, where Ostermann, Martinez, Latva, and Modena are still strangers in a strange land.

The reason for resistance is not the matter of expense in the trial, because that could be provided for easily in the way of requiring a bond for costs if the court makes a conditional order. The reason for resistance is because a fair trial before an uncontrolled, unprejudiced, unbiased jury is the last thing that the defendant wants. It is suffering from the same terror that overcame a defendant in a criminal prosecution when he was told by his attorney that he would get justice before a particular judge. We ask the privilege of fighting on equal ground, and that the defendant be made to come from behind its breastworks of influence erected by it through a period of increasing industrial and political strength now lasting 20 years. Fair play and no favors is what we are seeking.

Respectfully,

B. K. WHEELER, C. A. WALLACE, I. G. DENNY,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff, Respective.

Service of the foregoing brief admitted, and copy received this 29th day of May, 1914.

D. GAY STIVERS,
Of Attorneys for Defendants.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT, AND OTHER PENDING CASES.

MEMORANDUM OF POINTS AND AUTHORITIES ON BEHALF OF DEFENDANT UPON MOTION FOR CHANGE OF VENUE.

STATEMENT.

The affidavits filed in support of these motions are of three substantial classes:

1. The affidavit of H. Lowndes Maury, when stripped of the personal allusions to himself and the history of his activities, begun over seven years ago, to

create an impression in Silver Bow County that litigants could not have fair trials against the Anaconda Copper Mining Company or its subsidiary corporations, is in substance as follows:

(*a*) That the Anaconda Copper Mining Company is a very large corporation, employing ten times more men than any other single employer of labor in the counties of Silver Bow and Deer Lodge, owning an interest in the capital stock of the Butte, Anaconda & Pacific Railway Company, and smelting under contract certain ores from other mining companies in Silver Bow County.

(*b*) That certain attorneys for the Anaconda Copper Mining Company also appear as counsel for certain other interests in Silver Bow and Deer Lodge Counties, to wit, Butte, Anaconda & Pacific Railway Company, Hennessy Company, Daly Bank & Trust Company, North Butte Company, Butte Water Company, and Montana Power Company.

(*c*) That certain of the servants of the Anaconda Copper Mining Company have taken a great interest in politics in Silver Bow County, Montana.

(*d*) That the Anaconda Copper Mining Company can exert a great power over the merchants of Butte, because said merchants do business on the credit of assignments made by employees of said company.

(*e*) That the corporation has been so active in the life of the county that it has established in the minds of the people of Silver Bow County and Deed Lodge County a fear of deciding any cause against this corporation or against any other corporation in favor of an individual.

This latter statement, of course, can not be given any force, for it is impossible for the affiant to know the condition of the minds of the people of Silver Bow County except as that condition may be disclosed by visible or tangible facts. The affiant states that no facts from which he derives the conclusion that this undisclosed fear exists in the minds of the people of Silver Bow and Deer Lodge Counties. The extravagance of affiant's statement is also disclosed by the fact that he includes all other corporations, whether allied with the Anaconda Company or otherwise.

That for seven years there has been no cases decided in the district court of the United States in any case for personal injuries or tortuous death in favor of the plaintiff and against the defendant.

(*g*) That it is impossible (of course this can be stated only as an opinion) for an ordinary litigant to have a fair and impartial trial before a panel of jurors consisting in whole or in part of residents of Silver Bow County or Deer Lodge County.

The said Maury also files an affidavit in rebuttal of certain statements contained in the affidavit for the defendant and oral testimony of Mr. O. L. Evans. The denials contained in this affidavit are, of course, of the most evasive character. Nowhere therein does he deny the conversation testified to by Mr. Evans, wherein the said Maury states that he was a double character, one the Socialist Maury and the other the corporation Maury; neither does the said Maury in the said affidavit any place deny or attempt to explain the solicitation of personal injury business on the basis of contingent fees by various firms with which he has been connected.

The affidavit does, however, contain a most important admission, which reads as follows:

"That at the time that affiant announced his readiness to go to trial before the present panel in one of the cases against the company defendant there was more than one-half of the panel neither residents of Silver Bow or Deer Lodge County; that when the court excused persons until there was only seven of the panel nonresidents of Silver Bow and Deer Lodge Counties, it was deemed by affiant and his cocounsel, Mr. Charles A. Wallace in one case, Mr. B. K. Wheeler in another case, and Mr. I. G. Denny in a third case, impossible to obtain a fair and impartial trial in the causes, or any of them."

2. The affidavit of Burton K. Wheeler, which affidavit states the belief of the said Wheeler that the plaintiffs in these causes can not have a fair and impartial trial, and proceeds to outline his reasons for such belief. They are, in substance, as follows:

(*a*) That the defendant produces a large percentage of the copper, gold, and silver produced in Silver Bow County, and is, in brief, a large concern. An important fact, however, disclosed by his affidavit is that there are forty thousand men in Silver Bow County, and that about one-third of such number are in the employ of the Anaconda Copper Mining Company. The statement, however, that about one-third of forty thousand men are employed by the Anaconda

Copper Mining Company must, of course, yield to the positive sworn statement set forth in affidavits in these causes by people who know that the number of men employed in Silver Bow County by the Anaconda Company in 1910, thus leaving 30,000 men, according to the affidavit of Mr. Wheeler, in Silver Bow County not connected in any way with the defendant in this cause.

(*b*) That directors and managing agents of the defendant have large interests in financial and mercantile institutions in the city of Butte, Silver Bow County; that certain large interests here—the Henressy Mercantile Company, the Montana Power Company, and the Butte, Anaconda & Pacific Railroad Company, the North Butte Mining Company, and the Butte Water Company—are represented by the same attorneys as the defendant. Reference is also made to what is termed as the "blue card" system employed by the defendant in the employment of men.

3. Certain affidavits of certain professional gentlement in the city of Butte engaged in the practice of law, and the affidavits of the plaintiffs in these respective actions. In substance these affidavits are all the same, and disclose that the mining and smelting of ores, is the principal industry in Silver Bow and Deer Lodge Counties. That the Anaconda Copper Mining Co. employs 10 times as many men as any other single employer of men; that each of the affiants has heard people talk on the subject as to whether an ordinary litigant could get justice in the courts of Silver Bow and Deer Lodge Counties. Each of them concludes as follows:

"That affiant verily believes that it is impossible for the plaintiff in the above entitled action to have a fair and impartial trial in this case before a jury consisting in whole or in part of residents of Silver Bow and Deer Lodge Counties."

It will be observed that none of these affidavits disclose that any litigant has heretofore ever failed to have a fair and impartial trial in either of these counties; it is not disclosed that the large number of employees of the defendant are interested or have ever taken any interest, or have ever exerted any influence of any kind or character to forward the interests of the defendant in litigation, or to prevent any of its antagonists from obtaining a fair and impartial trial; it is not disclosed that any official or any counsel of the defendant, or any person whomsoever or that the defendant itself, has ever sought to influence the course of litigation in said counties, or sought either directly or indirectly to control the action or judgment of any juror, or any man about to become a juror, or any witness in any trial, in which the said defendant was interested; it is not disclosed that said company or any of its agents, has ever attempted to coerce, punish, or to reward any juror or witness for any action upon their part, it is not disclosed that any extraordinary circumstances exist touching these respective cases, or that the situation of these litigants is different or other, in so far as the question of fair trial is concerned, than the situation of all other litigants, for years past has been and is now; neither is it disclosed what, if any, kind of influence the defendant company could if it would bring to bear upon the 30,000 men in Silver Bow County, not employed by said company, and the large number of men in Deer Lodge County not employed by the company, to influence or control their actions to the prejudice or injury of any litigant in this court.

The affidavits and the testimony of the witnesses on behalf of the defendant are too numerous to quote from at length in this statement; they not only meet every suggestion of unfairness, or every suggestion of any reason why any unfair trial should be had in these counties, but they go far beyond the requirement of the case, and disclose absolutely, by a large number of reliable witnesses and a large amount of uncontradicted testimony, that the situation is such in either of these counties that a litigant adverse to the defendant could have a fair and impartial trial. They show the number of men employed by the defendant in Silver Bow County to be 9,100; they show that large numbers of these men are not qualified jurymen; they show that the various companies mentioned by the affiants in their affidavits, such as the Hennessy Mercantile Co., the Butte Water Co., and the Daly Bank & Trust Co., the North Butte Mining Co., the Montana Power Co. and others, are not associated or connected with the defendant in any way whatever, and that the defendant has no interest whatever in them, or in their success; they show that the same general counsel are not employed by the defendant and these several companies, but that some one or other of the several counsel of the Anaconda Copper Mining Co. are employed either or at intervals in attending to the legal business of these companies.

They take up the history of the trial of all cases which have been tried between the defendants and what were at one time its subsidiary companies, and other parties, and show that the defendant herein, or such subsidiary companies, neither won nor lost an unusual number of such cases either in the courts of Silver Bow County or in the district court of the United States.

They show that during the period of seven years last past eighteen cases were tried against the defendant and the companies which were in 1910 consolidated with the defendant; that three of these cases were tried by the court without a jury, two being decided in favor of the corporations and one against them, and in two cases tried before juries nonsuits were granted by the court, and in the cases in which verdicts were rendered, including the Harrington cases, against the Butte, Anaconda & Pacific Railway Company, six were against and seven in favor of the corporations.

The affidavits of Messrs, Evans, Stivers, Rodgers, Kelley, Gillie, and others, either of counsel for the defendant or in the general management of its affairs in Silver Bow County and Deer Lodge County and who would be in a position to know if such were true, show conclusively that neither the said defendants nor any of its agents, servants, counsel, or employees have ever attempted to prevent any litigant from obtaining a fair and impartial trial, or have ever sought to influence the action or conduct of any juror in any case or of witnesses in any case, and that the conduct of said company has never been such that any juror or citizen of either Silver Bow or Deer Lodge County would be influenced by said company in the discharge of his duties or would have any just ground to fear that any evil consequences would be extended to him on account of any action of his when sitting upon a jury in a case in which said defendant was interested.

They show the personal interest, bias, and prejudice of the chief movent in these proceedings, Mr. H. Lowndes Maury, and the interest, bias, and prejudice of most of the affiants whose affidavits have been filed by the plaintiffs in these cases; they show that of the cases brought against corporations in the United States district court in the seven years last past, referred to in Mr. Maury's affidavit, only seven cases were tried; that five of these cases were tried at the October term, 1912, of the district court; that H. Lowndes Maury was attorney in four of these cases; that on the trial of the first of these cases Mr. Maury wantonly insulted the jury panel; that two of the verdicts rendered in these cases were set aside by the court on account of the court having misdirected the jury in regard to the law; that another one of these cases was nonsuited; that they show that very large numbers of qualified jurors in both Silver Bow and Deer Lodge Counties have no connection whatever, either directly or indirectly, with the Anaconda Copper Mining Company. The so-called "blue card" system is fully and satisfactorily explained and shown to have no association or connection, either directly or indirectly, with litigated matters in court. They show that great inconvenience and expense will be caused the defendant by the removal of these causes to Helena for trial, and the affidavits of scores of as reputable men as live in the counties of Deer Lodge and Silver Bow, engaged in all lines of business and professions, including many lawyers of wide experience, show beyond controversy that there is no reason to conclude or even to suspect that an ordinary litigant opposed to the defendant will not and can not obtain a fair and impartial trial in this court before a jury composed either in whole or in part of residents of these two counties.

We invite the court to a careful reading and analysis of these affidavits, being compelled to content ourselves with the foregoing brief summary of some of the important points covered by same.

ARGUMENT.

This motion is of more than ordinary significance. Ordinarily a motion for change of venue arises out of conditions which are transient and which appertain to the particular case involved, and may be expected to pass away. Therefore, while the right to trial at a particular place is an absolute right unless such right is forfeited by some exceptional circumstances, still the injury of removal to the party claiming such right may not be very great. Upon these motions, however, the question whether the Anaconda Copper Mining Company shall be entitled to a trial of its causes in the forum where by law it is entitled to try the same is involved. The conditions which bring about this application are permanent; they have existed for many years; they will, so

long as the Anaconda Copper Mining Company is a going concern, continue to exist. There is no unusual or exceptional circumstance connected with any of these cases. There is no popular excitement, and the public mind is not in the least aroused. The cases are ordinary in their issues and ordinary in their results. If these cases are to be removed to Helena for trial the court must necessarily, and to be consistent, remove all other cases of every nature in which the defendant is interested. Not only must this court do so, but if this court remove these cases, and is right in such removal, it necessarily follows that it is incumbent on all the judges of the district courts either in the county of Deer Lodge or the county of Silver Bow to remove all cases wherein said company is a party to some other county in the State for trial.

It is the general policy of the laws of the United States to trust to the judges of the courts of the United States to see that every party has a fair and impartial trial and that not by giving them power to remove causes from one district to another, but by the general power which they have over juries and their verdicts. Such a thing as a removal of a cause from one district to another on account of bias or prejudice existing in one district against a party in the minds of the jurors or persons qualified to act as jurors is unknown to the laws of the United States; neither is it an ordinary practice in the court of the United States on such grounds to remove causes from one place to another, and wherever such power is exercised it is in pursuance of some rule of the court or some special statute. Therefore, the direct questions here presented are practically without precedent, so far as the decisions of the courts of the United States are concerned.

The power here invoked by the plaintiffs, if it exists, arises under section 92 of the Judicial Code of the United States and rule 9–2 and rule 9–3 of this court adopted on the 6th day of September, 1912. Section 92 of the Judicial Code reads as follows:

"The State of Montana shall constitute one judicial district to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls, on the first Mondays in May and October; and at Missoula, on the first Mondays in January and June; and at Billings, on the first Mondays in March and August. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena or from Helena or Butte to Great Falls or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice will be promoted by the transfer, and any interlocutory order may be made by the court or judge thereof in either place."

Rule 9–2 divides the district of Montana into divisions known as the Butte, Great Falls, Helena, and Billings divisions, and to the Butte division the territory in the counties of Silver Bow, Madison, Beaverhead, and Deer Lodge is allotted.

Rule 9–3 provides as follows:

"All causes shall be assigned to that division of the district wherein they properly belong by conformity, as near as may be, to the laws of the State of Montana governing the places of trial in a court thereof; and the trial of all issues shall be at the place where court is held within the division to which the cause is assigned, unless by agreement of the parties, with the consent of the court, or by order of the court, in its discretion, or for good cause shown, such trial is ordered elsewhere. The plaintiff shall endorse on the complaint or bill the division wherein the cause is assignable."

In view of the fact that no such thing is known as the transfer of a cause from one district of the United States to another district on account of inability of a party to obtain a fair trial before a jury and prejudice and bias on behalf of the residents of such district, it might very well be doubted whether the indefinite terms used in section 92 of the Judicial Code were intended to cover the transfer of trials for that reasons; that it might also be very well doubted whether the language "for good cause shown," used in rule 9-3, was intended for the same purpose. The ends of justice might require the removal of the cause for other reasons altogether that the one suggested, and "good cause shown" might be intended to cover not only convenience of parties, but also the question of the expense attendant upon trials. Our doubt upon this subject is further increased when we consider the almost unlimited power which the judges of the United States courts have in the selection of jury panels and the absolute unlimited power which they have for any reasons whatever which appeals to their conscience and judgment to set aside the verdicts of juries.

In the code of the State of Montana, section 6506, the language of the United States statute appears in subdivision 3 of said section and clearly does not include a change of the place of trial for the reason set up in these motions. The language of this subdivision is, "when the convenience of witnesses and the ends of justice would be promoted by the change," but the question of an impartial trial is treated in subdivision 2 of the same section, which reads as follows:

"When there is reason to believe that an impartial trial can not be had therein."

It therefore clearly appears that the language "ends of justice" is a different and other reason for the change of place of trial under the laws of the State of Montana than the fact that an impartial trial can not be had in any particular county.

We will, however, in the further argument treat this case upon the theory that the language "ends of justice" used in the statute and the language "for the good of the cause shown" used in the rule includes the change of the place of trial from one division of the district to another on account of the bias and prejudice of the people of such division generally against one of the parties.

By rule 9–3 causes are to be assigned to that division of the district wherein they properly belong, by conformity as near as may be, to the laws of the State of Montana governing the place of trial in a court thereof. The trial of all issues shall be at such place, unless for good cause shown, the place of trial is changed by the court.

By this rule, then, a positive right is given to the defendant in any action to have his cause tried in that division of the district wherein the venue would be, provided the case had been brought in the State courts, and it was clearly the intent of the court in so far as said rule did not conflict with the section of the Judicial Code above quoted to conform with the change of place of trial as nearly as may be to the laws of the State of Montana; otherwise issues would not be tried in the division of the district wherein they would be tried, provided the suit was brought in the State court. Assuming that the words "ends of justice" in the United States statute include a change of venue for bias and prejudice of the citizens of the division of the district in which the case is pending, then this would be a good cause shown under rule 903, but the showing would be in conformity with the rules of law and the decisions of the courts of the State of Montana.

Under the decisions in the State of Montana, as well as in many other States, the mere belief of the affiants, sworn to on behalf of the plaintiffs, that the said plaintiff can not have a fair and impartial trial is valueless to the court. The facts out of which such a condition arises must be shown to the court, and the court must draw its own conclusion. In every affidavit filed by the plaintiffs, while it is stated that the affiant has heard the question discussed in Silver Bow County, there is absolutely no statement whatever as to the trend of such discussion but the bald, naked fact that the affiant so believes constitutes the entire substance of this portion of the several affidavits. That all this is valueless and must be disregarded is shown by the following cases and others in our own State which might be cited, as well as cases from other jurisdictions: Kenyon *v.* Gilmer, 5 Montant 259; State *v.* Spotted Hawk, 22 Montana, 52; Willard *v.* Norcross, 75 Atlantic, 269.

In State *v.* Kenyon the supreme court of this State said: "Venue may be changed for only good cause shown. The matter does not rest in the mere discretion of the court; the court has no authority to exercise any other than a judicial discretion. The affidavit must show the cause by a statement of facts. The court must arrive at a conclusion from the facts stated and not from a conclusion of the witnesses. An affidavit against a whole community that states the mere conclusion of the witness is of no consequence whatever; it ought to state the facts so that the court, and not the witness, may determine whether the community is prejudiced. The court is to make a finding from the facts. It is to determine in a judicial manner whether an impartial trial may be had. An affidavit which states that the affiant is acquainted with and knows the general sentiments and opinions of the public in reference to said action and the parties thereto, and from his knowledge of such public opinion affiant has reason to believe and does believe that defendant can not have a fair and impartial trial of said cause in the county named, is a mere conclusion of the witness and does not state any facts upon which the court can ascertain the sentiment of the community. In support of this proposition the court cites with approval the following cases: People *v.* Yoakum, 53 Cal., 567;

People *v.* Congelton, 44 Cal., 95; People *v.* Shuler, 28 Cal., 495; People *v.* Mahoney, 18 Cal., 185; People *v.* McCauley, 1 Cal., 383; Cloan *v.* Smith, 8 Cal., 413.

"In People *v.* Spotted Hawk, supra, it was said: 'It is also the rule that the application must set forth the facts upon which it is based, and not the mere opinion of the affiant or witnesses who are sworn in support of them.'"

Stripped, then, of these useless statements of belief found in plaintiffs' affidavits the only probative fact stated in these affidavits which is not utterly overcome and overthrown by the affidavits of the defendant upon which the court could make a finding in favor of the plaintiff that the same has been established is that the defendant is a large corporation engaged in a large productive industry, operating in the counties of Silver Bow and Deer Lodge, employing about 9,000 men out of about 40,000 men residents in Silver Bow County, and a considerable portion of the men residents in the county of Deer Lodge; and we most respectfully submit that this does not operate as a reason why the defendant should be deprived of its legal right to have its causes tried in this division of the district. If this were true, then there is probably not a county in the State of Montana wherein there are not residents, individuals or corporations, who on account of their wealth, progressiveness, and industrial standing would be deprived of the same right, and would be compelled to undergo the inconvenience, expense, delay, and annoyance of following their lawsuits throughout the length and breadth of Montana; and also deprived of the right, which is as ancient as the common law itself, to have their causes submitted to juries drawn from the political or judicial subdivisions in which they reside.

Of course, none of the men employed by the Anaconda Copper Mining Co. can sit upon juries in its causes; therefore they must be eliminated. Not being present their influence can not be felt. As heretofore pointed out, it does not appear that these men take any interest whatever in the litigation of the company, or exert their influence in the company's behalf. On the contrary, it affirmatively appears that they do not. No attempt is made in the affidavits of the plaintiffs to show that in the trial of these causes any jury selected would be influenced by unusual conditions, by the attendance upon court of the company officers or its employees, by inflammatory or untruthful articles in newspapers, or by any exterior influence whatever.

On the contrary, it clearly appears that the plaintiffs do not rely upon any such condition of affairs, by the affidavits filed by the plaintiffs, of H. Lowndes Maury, in which he states that only two weeks prior to the filing of the motions for these changes he was entirely satisfied with the jury panel which had been called to sit in this court, it clearly appears that plaintiffs complain only of their inability to obtain fair and impartial men for jury service, but do not complain of being compelled to try their causes in Silver Bow County on account of influences which might be brought to bear upon jurors.

A change of venue will not be granted for the reasons which do not disqualify jurors from sitting in the trial of causes. (Gilbert *v.* Washington Water Power Co., 115 Pac., 925.)

The statutes of the State of Montana by which the qualifications of the jurors in the district court of the United States are tested cover every disqualifications of the same.

Among these we do not find any provisions "that a juror shall be disqualified to sit in the trial of a case wherein any person residing in the same county as such juror is a party, if such party is wealthier than any other person in the county, or employs ten times, or any number of times more men than any other single employer of labor."

Neither do we find any statute providing "that all persons within a certain political or judicial subdivision of the State shall have the right to have their causes tried therein unless it shall appear that they are wealthier than any other person in the community or employ ten times more men, or a greater number of men than any other single employer of labor in said political or judicial subdivision."

Until some such a statute or statutes shall be enacted, this fact does not present any valid, just, or legal reason why the conditions should warrant a change of the place of trial.

In Gilbert *v.* Washington Water Power Company, supra, the Supreme Court of Idaho said:

"In determining a question for a change of venue where the affidavits in support of a motion are based merely upon the fact that such articles were published, the court must keep in view what the law requires as grounds to disqualify a person from sitting as a juror. (See sec. 4380, Rev. Codes.) It may be that every citizen in Kootenai County read the articles published in these different newspapers, and yet none of them, on account of the mere reading of such articles, would be disqualified from sitting as a fair and impartial juror in the trial of the cause. The place where the juror resides, whether he has talked it over with his neighbors or with his family, and whether he has ever expressed his views about it, all have to be considered, and while it might require greater care upon the part of the trial judge in the case to obtain a jury of fair minds to try the case when such publications have been made, yet the fact that such articles were published and were read by a juror would not of itself necessarily disqualify the juror."

Again in the same case it is said:

"The bias or formed opinions which would disqualify jurors is not shown by the affidavits filed in this case."

In the brief filed in this cause by counsel for the plaintiff, taking us back to the days of the founders of the Republic, the articles of the Federalists, and putting the Constitution of the United States on trial, we find a statement which, of course, we do not controvert and that has always been recognized, "that power over a man's subsistence is power by will." The Statutes of the State of Montana by which the qualifications of jurors in the courts of the United States are to be tested, fully recognize this principle, and establishes the only recognition of the same which is permissible by this court in determining the qualification or disqualification of jurors. It disqualifies a juror where he is indebted to or is a creditor of one of the parties; it disqualifies a juror if the relation of master and servant exists between them, or the relation of agent and principal, attorney and client, etc. It does not disqualify a juryman because he happens to live in a community where one of the parties is dominantly rich or employs an extraordinary number of men in his business affairs, or where one of the parties adds to the material or productive wealth of the community. Such a disqualification would be absurd and would be a ridiculous misapplication of the principle above so enunciated by plaintiff's counsel. The agriculturists of the world produce everything necessary for the subsistence of mankind. Should they cease to grow grain and vegetable, and raise crops of corn, wheat and oats, barley and rye, and engage in the stock-raising industry, all people would soon be on the verge of starvation. Would this be any reason why a change of venue should be granted to a party because the community in which the case was lawfully triable was engaged alone in agricultural pursuits or because the other party owned ten times more land or employed ten times more laborers in such agricultural pursuits than any other single farmer in that community? Nothing could more clearly demonstrate than this the illogical and untenable position taken by the counsel for the plaintiffs.

The question of how many cases have been won or lost within the last ten or fifteen years by the Anaconda Copper Mining Company in the county of Silver Bow is, in our opinion, unimportant, and standing alone, even if a great number of such cases had been won by the Anaconda Mining Company, would furnish no proper predicate for a conclusion that ordinary litigants could not have fair trials before jurors in said county against the said Anaconda Mining Company. Before this fact would be of any value to the court, the court would be compelled to make a complete analysis of each of said cases; to know the frame of the pleadings; to know all the testimony introduced; to be advised as to all the rulings of the court and its instructions; to have been present and observed the conduct and demeanor of counsel, as well as the conduct and demeanor of witnesses and the condition of plaintiffs; the court would be compelled to measure the skill and ability of counsel; in short, the court would have to place itself in a position to be able to judge from all the facts and circumstances connected with the case and its trial, whether or not an unworthy or unlawful motive actuated the jurors who tried the case. However this may be, an analysis of the cases tried during the period disclosed by the affidavits shows that the Anaconda Copper Mining Company, defendant, lost more cases than it ought to have lost, and absolutely contradicts the statement of plaintiff's witnesses that fair trials can not and could not in the past be obtained by plaintiffs of personal injury suits against said company, and the other companies which have in recent years been con-

solidated with it; it is proof strong as Holy Writ that no condition exists in Silver Bow County which prevents an ordinary litigant from having a fair and impartial trial before a jury composed in whole or in part of residents of said county.

There is a statement contained in the rebuttal affidavit of Mr. Maury filed in all of these causes, and by which statement all of the plaintiffs are bound, which brands their claim that they can not have a fair and impartial trial in the district court of this division as untrue and false, to which we desire to invite the court's particular attention. This is the statement wherein Mr. Maury swears that a short time prior to the filing of these motions after a jury panel had been drawn to serve in this court, which jury panel was made up of about one-half of residents of Silver Bow and Deer Lodge Counties, he was satisfied with the jury. Of course, this is equivalent to saying that the plaintiffs were satisfied that the jury panel then in attendance would give them a fair and impartial trial, for Mr. Maury and his clients would not be satisfied with any jury which would not give them a fair and impartial trial. The claim of the plaintiffs here is that no fair and impartial trial can be obtained from any jury drawn on this division of the District Court of Montana, composed in whole or in part of residents of Silver Bow and Deer Lodge Counties. By his sworn statement he shows that such a jury was drawn and was in attendance within two weeks of the trial of these motions, and it was only after, on account of lack of sufficient members of the jury a special venire was issued and certain additional men were drawn from Silver Bow County that he became dissatisfied with the jury and concluded that in reference to that particular panel he could not have a fair and impartial trial; that particular panel having served its purpose; its time has expired and it has been discharged; defendant can not have these cases tried before that particular panel which dissatisfied the plaintiffs. It is shown by this affidavit that the disquietude of the plaintiffs arose from the personnel of a particular panel; since that panel has been discharged the obstacle in the way of plaintiffs having a fair trial has disappeared, and it certainly is clear to the court that if, during one term of court, the first panel drawn was satisfactory to the plaintiffs although the panel composed of about one-half (the evidence shows more than one-half) of persons drawn from Silver Bow and Deer Lodge Counties, that the statement and claim of plaintiffs is untrue that they can not have a fair trial before any panel composed in whole or in part of residents of Silver Bow and Deer Lodge Counties, and the court can not and will not conclude that because one panel drawn is unsatisfactory to the plaintiffs that the panel which shall be in attendance upon the court at the next trial of jury causes will likewise be unsatisfactory and prejudiced, when it appears that during the same term of court at which an unsatisfactory panel was in attendance there was for a large period of said term a panel in attendance against which even the plaintiffs and their counsel could not urge any objections.

The cases cited by the plaintiffs in support of their contention are, in our opinion, not in point, and in so far as they might be deemed in point, they do not correctly state the law applicable to the cases now under consideration.

The case of Terry *v.* Skinner (110 Fed., p. 494) is the only case cited wherein the question of removing a cause from one place of holding court in a district to another was under consideration. This was in the District Court of North Carolina. In that district neither the law nor any rule of the court gave either of the parties an absolute right to have his cause tried at a particular place of trial. It is quite important that this should be remembered because under the rules of this court, hereinbefore quoted in full, this absolute right is given to the defendant in these cases. A case might be filed in the District Court of North Carolina by one party, at any place in the district where court was holden; there was, however, a rule of court which provided that upon "the affidavit of a party plaintiff or defendant the court may, for good cause, remove a place of trial from one place of holding court to another." In this case the application was not for a change of venue, but the application was to remove a cause which was pending at one of the places of trial in said State, on the ground of convenience of witnesses. The party against whom the application was pressed resisted the motion on account of undue influence of the movant in said other place of trial; there was one case already pending in Raleigh in connection with the same matters. The court having considered the matter, thought that no good cause appeared why the place of trial should be removed from Raleigh to Elizabeth City, and in the exercise of discretion decided not to so remove it. In this case the question of one trial only was

involved. It did not involve the question as here presented of outlawing for all time a large corporation with a large amount of litigation. The differences herein pointed out and which appear in the opinion render this case of no value as an authority. In the course of this opinion it was said:

"Parties litigant should not only have a fair trial but, as far as may be, even the unsuccessful party should feel that his case has been decided by an impartial court and jury."

As a rule for the guidance of this court in reference to change of venue from one subdivision of a district in the State of Montana to another, this statement of the learned judge is not applicable. It does not conform to the decisions of the court of the State of Montana, neither does it conform to the decision of the highest courts of the United States on questions of removal of causes from State courts to United States courts on account of bias or prejudice of the people of the State. Indeed, it is not the law anywhere or any place. Who ever heard of an unsuccessful party feeling that he has had a fair and impartial court and jury, and who ever before heard of this being a rule of law to guide any court in determining the question as to whether or not one of the litigants should have his absolute legal right to have his case tried in a particular jurisdiction taken away and the venue of the place of trial changed?

So far as the other cases cited by counsel for plaintiffs are concerned, so far as they depart from the rules laid down by the Supreme Court of the United States in the following cases cited, they, of course, do not state the law applicable to the subject discussed therein. (In re Pennsylvania Co., petitioner, 137 U. S., 451; P. Schwenk & Co. *v.* Strang, 59 Fed., 209; Bellaire *v.* B. & O. R. R. Co., 146 U. S., 118; Fisk *v.* Henarie, 142 U. S., 465.)

The first act of the Congress of the United States provided for the changing of the place of trial from a State court to the United States court, on the ground of local bias and prejudice, was passed in 1867, and it grew out of the animosities and bitterness of the war between the States. This act gave to the moving party the absolute right to have the transfer made upon a petition or affidavit that he had reason to believe that, on account of such local prejudice, he could not obtain justice in the State court. Under this act the right was absolute, the same as it is under our change-of-venue law in the State of Montana, for a change of judges. No inquiry could be made into the facts, and upon the filing of a proper petition the duty of the court was imperative to order the change. Therefore decisions under the act are not at all pertinent.

In 1887 the act was amended so as to read as follows:

"Any defendant being such citizen of any State may remove such suit into the circuit court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said circuit court that, from prejudice or local influence, he will not be able to obtain justice in such State court or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause."

As to the law governing the courts of the United States in determining the question whether such local prejudice existed as to require a removal, it was said by the Supreme Court of the United States in re Pennsylvania Company, supra, as follows:

"There is another question raised in this case, on which it is proper that we should express our opinion. It arises upon the following words of the act: 'When it shall be made to appear to said circuit court that, from prejudice, etc.' How must it be made to appear that, from prejudice or local influence, the defendant will not be able to obtain justice in the State court? The act of 1867 only required an affidavit of the party that he had reason to believe that, from prejudice or local influence, he would not be able to obtain justice in the State court. By the act of 1887 it must be made to appear to the court. On this point also various opinions have been expressed in the circuit courts. Our opinion is that the circuit court must be legally (not merely morally) satisfied of the truth of the allegation that, from prejudice or local influence, the defendant will not be able to obtain justice in the State court. Legal satisfaction requires some proof suitable to the nature of the case; at least, an affidavit of a credible person, and a statement of facts in such affidavit which sufficiently evince the truth of the allegation. The amount and the manner of proof required in each case must be left to the discretion of the court itself. A perfunctory showing by a formal affidavit of mere belief will not be sufficient. If the petition for removal states the facts upon which the allegation is

founded, and that petition be verified by affidavit of a person or persons in whom the court has confidence, this may be regarded as prima facie proof sufficient to satisfy the conscience of the court. If more be required by the court, more should be offered."

In the case of Fisk *v.* Henarie, supra, in an opinion by Mr. Justice Fuller, it was said:

"The prejudice or local influence must be made to appear to the circuit court—that is, the circuit court must be legally satisfied by proof suitable to the nature of the case of the truth of the allegations that by reason of those causes the defendant will not be able to obtain justice in the State courts, and review on writ of error or mandamus is taken away."

In the case of Bellaire *v.* B. & O. R. R. (146 U. S., 118) it was said:

"Under the act of Congress in force at the time of the removal of this case and of the refusal to remand it, prejudice and local influence which would prevent the party removing it from obtaining justice in the State court must be proved to the satisfaction of the circuit court of the United States if its jurisdiction is to be supported on that ground."

In the case of Schwenk & Co. *v.* Strang, supra, the circuit court of appeals of the eighth circuit, by Caldwell, circuit judge, said:

"In a word, the affidavit does not contain a hint of any fact or circumstances from which any court could say that it had been made to appear that, from prejudice or local influence, the defendant would not be able to obtain justice in the State court. The grounds upon which the affiant arrived at the conclusion to which he swears are not disclosed. His residence is not disclosed. It does not appear that he ever was in Madison County, or knows a single citizen of the county or knows anything about the sentiments or feelings of the people of the county toward the plaintiff or the defendant. If he had stated the facts upon which he founded his conclusions, the court could then have determined whether his deductions were sound.

"It not unfrequently occurs, as every judge who has had experience on the circuit knows, that affidavits like the one under consideration are filed when it is perfectly obvious that the only prejudice that has any existence in fact is the prejudice of the affiant against the people of the county, of whom he knows nothing, and whose impartiality and fairness he impeaches without the slightest foundation of fact. Instances are not wanting where such affidavits had no better foundation than an earnest desire on the part of defendant to harass and delay the plaintiff in his suit. It was the knowledge of these facts that induced Congress to change the law on this subject. Under the statute in force prior to the present act, the removal of the cause from the State to the Federal court upon the ground of prejudice or local influence was effected by simply filing an affidavit in the State court stating that the party has reason to believe, and does believe, that from prejudice or local influence he will not be able to obtain justice in such State court. No inquiry into the truth of the affidavit was permissible. Under the act of 1887 the application for the removal on the ground of prejudice or local influence must be addressed to the circuit court, and the language of the act is that 'when it shall be made to appear to the circuit said court that from prejudice or local influence he will not be able to obtain justice in such State court, etc.' It will be observed that this act does not provide as did the act of 1867, that the cause shall be removed upon filing an affidavit alleging in general terms the existence of prejudice or local influence. * * *

"How must this fact be made to appear? Obviously, in some of the recognized modes by which facts are proved in courts of justice. It is not made to appear by the simple declaration in an ex parte affidavit that it does exist. That declaration proves nothing, and is evidence of nothing but the opinion of the affiant that the issue is not one to be determined by the opinion of an expert. An opinion or conclusion expressed in an ex parte affidavit which does not disclose the facts upon which the conclusion is founded, has no probative force. The court can not abdicate its functions and transfer to the maker of such an affidavit the high duty imposed upon it by law, of judging after inquiry and deliberation. The judicial faculty can not be farmed out in this manner. Before the court can remove the cause it must be made to appear that the fact exists upon which the right to the removal depends. The statute contemplated a judicial inquiry into the alleged fact. The court must take the responsibility of determining and adjudging judicially that prejudice exists before it can order the removal. Its judgment on this question must be reached by the customary and approved judicial methods."

An ex parte affidavit, which states no fact, but simply the affiant's opinion or conclusion, is sometimes made sufficient by statute for certain purposes. The act of 1867 is an example of such a statute. But in the absence of the statute such an affidavit ought not to be accepted as satisfactory evidence of the existence of any fact upon which the judgment of the court is to rest. When the court is charged with the duty as it is under the act of 1887, of ascertaining and determining for itself the existence or nonexistence of prejudice or local influence, it ought not to accept an ex parte affidavit such as was filed in this case as sufficient evidence, or indeed, as any evidence on the point. To give effect to such an affidavit is practically to nullify the act of 1887 and revive the act of 1867. The question should be determined by the court, as it would determine any other issue of fact arising in the progress of the case affecting the rights of the parties to the suit. The parties to be affected by the action of the court should have reasonable notice of the application for removal and an opportunity to contest it. When notice to the party adversely interested is practicable, the court should not in any case rest its judgment on a mere ex parte showing. Such hearings are often deceptive and misleading and for this reason are not favored. When the court comes to act upon the application it may receive evidence upon the point by affidavits which state facts or by deposition or by oral examinations of witnesses.

At this point it is proper for us to call the court's attention to the fact that the objections which we urge against plaintiff's affidavits which are supported by the decisions cited from the Supreme Court of Montana and the one last above quoted from can not be successfully urged against the affidavits which we have filed in this case on behalf of the defendant.

Our affidavits show long residence in the counties of Silver Bow and Deer Lodge, an intimate acquaintance with the people of the several counties, and in some instances, particularly the affidavits of counsel and officers and employees of the Anaconda Copper Mining Company, they show very particular acquaintance with the methods of that company in relation to court matters. Each of the affiants states that notwithsanding his long residence and acquaintance with conditions and with people they know of no fact that would indicate that the plaintiffs could not have a fair trial; that if any such facts existed they show that they have been in a position and would most certainly have known of the same, and that it is their belief and opinion that no conditions of affairs exist that would deprive the plaintiffs or any other litigants in the courts of said counties of a fair and impartial trial.

The plaintiffs are required to prove the affirmative of the issue in these cases, and in proof of an affirmative fact it is necessary to have some positive evidence of the same.

Upon us the duty devolves of proving the negative. Proof of the negative may be established by absence of anything to indicate the contrary. Therefore the statement of those who made affidavits in behalf of the defendant that they know of no fact leading to the conclusion that a fair and impartial trial can not be had and that in their opinion they believe that such a trial can be had, and that if any of the facts existed which would lead to a contrary opinion they would have known of the same, necessarily negative facts to the contrary, and the condition being a negative and normal one the situation is entirely different from that of the defendant, and therefore such testimony on the part of defendant's witnesses and such opinions and beliefs become satisfactory proof of the nonexistence of a state or condition which would deprive the plaintiffs of a fair and impartial trial. (Gilbert *v.* Washington Water Power Co., 115 Pac., 925; Willard *v.* Norcross, 75 Atl., 269.)

Under well-settled rules in jurisdictions with statutes similar to our own, if this court is to be guided by the laws of the State of Montana in regard to change of venue, the court might well wait, and it is within the discretion of the court to wait until the trial and by actual experimen in impaneling a jury ascertain whether a fair jury could be obtained in this county. (State *v.* Gray, 19 Nev., 212; State *v.* Millain, 3 Nev., 409; People *v.* Plummer, 9 Colo., 299; People *v.* Mahoney, 18 Cal., 299; Watson *v.* Whitney, 23 Cal., 375; Cook *v.* Pendergast, 61 Cal., 72.)

Upon the general subject of change of venue see the following: Gilbert *v.* Washington Water Power Co., 115 Pac., 924; Willard *v.* Norcross, 75 Atl., 269; Noonan *v.* Luther, 112 N. Y. Sup., 898.

The right of the defendant in these cases to have not only these cases but all others similarly situated tried in the southern division of this district is a substantial legal right, of which it ought not to be lightly deprived. Not only

is this so on account of the rules of this court, which have the force and the effect of law, but the right of parties to a trial by jury of the vicinage is as old as the common law; the plaintiffs in all of these cases are entitled to this right, unless they choose to waive the same; if they choose to do so, that is their affair. The defendant is entitled to his right, unless a legal reason exists why it should not be granted to him. If an individual is a party litigant and the cause of action is properly triable in the community in which he resides, he is entitled to such trial. If he is a reliable, credible individual, if by right living and just conduct he has established a good reputation in such community for truth and veracity and honesty and fair dealing, he is entitled to whatever benefit he may legitimately derive therefrom. This is one of the just rewards of good citizenship, and no one would say that this is a reason why his cause must be tried elsewhere.

Corporations, like individuals, acquire reputations. The court will undoubtedly take judicial notice of the fact that the tendency of ordinary juries is to entertain more or less feeling or prejudice against corporations generally. The larger this corporation may be the more this prejudice is accentuated. The court will also take judicial notice of the fact that the Anaconda Copper Mining Company has been much talked about in the State of Montana; that many persons seeking public office and many politicians desiring to take advantage of the natural feeling of antagonism toward a large corporation have upon political platforms of the State abused and vilified the Anaconda Copper Mining Company; that many newspapers have done likewise. Among those who have been most active in this effort to arouse public antagonism to this company throughout the entire State of Montana is some of the counsel who are now seeking to have these cases removed into communities where it is hoped that the misrepresentations indulged in will be beneficial to the plaintiffs in these and other causes which are to be hereafter removed. To remove these causes would expose the defendant to imminent danger of injury to its rights, arising out of this persistent and long-continued campaign of misrepresentation and vituperation, and the trial of the same in a community affected by this prejudice, having no knowledge of the corporation and its method of conducting business and its reputation among those who know it, would be a most dangerous experiment and would certainly not tend to promote the ends of justice. If the defendant during the period of its legal existence has be good conduct and a fair and just conduct, we respectfully submit that it, the same as an individual, ought not to be deprived of any benefits which may legitimately accrue therefrom.

The charges contained in plaintiff's affidavits are serious allegations against the people of the counties of Silver Bow and Deer Lodge, and in one sense their honesty and integrity is called in question. Under the proof there are alone in the county of Silver Bow disassociated altogether from the Anaconda Copper Mining Company over 30,000 men; in the county of Deer Lodge there is also a large number. These men have no disqualifying relations with the Anaconda Copper Mining Company; they are certainly as reliable and honorable and as conscientious, as a whole, as any other like body of men to be found in the State, and observe the ordinary amenities of civilized life. They come from every State in the Union and from every country almost of the world. It is sought to have the court hold that out of this large number of men no man can be found to sit upon a jury and fairly try a case against the Anaconda Copper Mining Company, simply because the company is rich and a strong company. In times of great excitement arising out of some particular conditions even honest men may be unconsciously swayed from the strict line of duty when acting as jurors; and, therefore, under such circumstances no very great influence upon a body of citizens is contained in an order granting a change of venue on account of bias and prejudice, but no condition of that character exists in the instant cases. If these men are disqualified and unfit to sit as jurors, the disqualification must arise from sordid and unworthy motives; they must be held to be willing, simply because the defendant is rich and strong and powerful, to violate their oaths as jurors—both the oath which is to direct them in their consideration of these causes and also the oath which binds their conscience when they answer questions with regard to their qualifications. The court should certainly hesitate long before by solemn judicial judgment it impeaches the honesty and integrity of almost one hundred thousand people.

One reason why these causes should not be removed is the almost unlimited power of this court over the verdicts of the juries.

In the case of Montgomery County *v.* Cochran, 116 Federal, on page 193, it was said:

"Apart from this, the operation of prejudice or local influence upon the judge may be far more harmful to the nonresident litigant than when such influences move the jury. A judge can correct the wrongs done by a jury. Their verdict amounts to nothing if it does not have the stamp of his approval. On the other hand, if the judge is improperly moved by local influence, it is, in many cases, impossible to correct the wrong, and in no case is that difficulty more insurmountable than where he not only determines the law but is sole arbiter of the facts."

This case correctly states the rule, and the power which is given to the judges in the Federal courts to grant new trials from which there is no appeal to either party is one of the instruments placed in the hands of the Federal judiciary to protect all litigants from any bias or prejudice or unjust act of a jury. Probably no one is in as good a position to judge of whether an unworthy motive or prejudice has actuated the verdict of a jury as the judge who tries the cause. Certainly the experience of the judge of this court upon the bench in Silver Bow County and in this court in the trial of causes wherein the defendant and other corporations have been defendants or plaintiffs against ordinary litigants much better qualifies him to judge the facts than the reading of newspaper accounts of such trial qualifies the gentlemen who have made affidavits for plaintiffs.

In the trial of the pending cases if this court should conclude from all the matters before it that any jury has been swayed from the paths of rectitude by bias or prejudice, or any other unlawful or illegal motive, and from this there is no appeal, and if this court should conclude from his observation or any unusual conduct on the part of juries that the allegations of the plaintiffs are true and that no fair and impartial trial can be had of a cause wherein the Anaconda Copper Mining Company is a party litigant, it will then be time enough for the court to consider the exercise of the extraordinary power of depriving this corporation of the right to try any of its suits in the southern district of this State.

There is no reason which renders it necessary for these or any other causes wherein the Anaconda Copper Mining Company is a party to be transferred to Helena or elsewhere for trial. No complaint is made against jurors summoned from Powell and Beaverhead Counties. The complaint is directed against those only from the county of Silver Bow and the county of Deer Lodge. The court has the unrestricted power in the trial of any of these causes to set aside any and all jurors drawn from the county of Silver Bow or the county of Deer Lodge, and try the cause with the jurors drawn from the other counties of the district. The court also has the unrestricted power to draw an entire jury panel from any of the other counties of the district and equally the court has the power to draw a jury panel from any county within the district of Montana and try all cases with such jury panel. This manner, however, should not be invoked and, of course, will not be invoked as a mere expediency or for the purpose of satisfying the clamor of the lawyers who have initiated and are pushing forward this movement. Courts are primarily made for litigants and for the people and not for any particular class of the members of the bar. Should, however, the court find the allegations of the plaintiffs are true—that no jurymen from Deer Lodge County and Silver Bow County should be permitted to sit in a cause wherein the Anaconda Copper Mining Company is a party litigant—then such a course would be both legal, expeditious, remedial, and certainly would be the only proper course to pursue, especially in view of the fact that the only crime laid at the door of the defendant is that it is rich, powerful, employs many men, and in an industrial way adds mightily to the prosperity not only of the people of the counties of Deer Lodge and Silver Bow but of the whole people of the State of Montana.

Respectfully submitted.

C. F. KELLEY, L. O. EVANS,
W. B. RODGERS & W. GAY STIVERS,
Attorneys for defendant.

Service of the foregoing admitted and copy received, this 5th day of June, A. D. 1914.

B. K. WHEELER, C. A. WALLACE,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiffs.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT, AND OTHER CASES PENDING.

REPLY BRIEF ON MOTION FOR A CHANGE OF PLACE OF TRIAL.

We desire to make a short analysis of the brief of the Anaconda Copper Mining Company in reply. We shall go through the brief of the company backwards, and wherever the company has taken occasion to step outside of the record we propose to follow it.

The company ends with the statement that "in an industrial way it adds mightily to the prosperity of Deer Lodge and Silver Bow and of the whole people of the State of Montana." Such statement, if germane, might well be doubted.

Before it monopolized the copper industry of Montana there was greater prosperity in Butte than right to-day in proportion to the number of people here, and there was something here then dearer to these people than industrial prosperity. There was a spirit of liberty, freedom of thought, independence of action. These have been banished by assault after assault, invariably successful, made in the courts on independent operators.

Twenty years ago the Societe d'Anonyme de Lexington was assaulted by a predecessor in interest of the defendant. After a bitter litigation in the courts of Silver Bow County and the Supreme Court of Montana its activities were destroyed.

Eighteen years ago the mightiest individual operator that ever lived in all the world of finance, W. A. Clark, was operating a group known as the Colusa Parrot. A deadly clash came between him and this defendant. He was mulcted for a million or two and took a compromise, which was an acknowledgment of defeat.

Later a little leaser started up into life one Geyman Mining Company. It had no sooner commenced to ship ore than its prime mover was pursued by a predecessor in interest of this company, smoked out of its hole, and landed in jail.

Later came a mighty genius for fight. He realized that to carry on successful war against the present defendant and others associated with it he had to invade the citadel of the defendant, the courts in Silver Bow County. As long as he could control these he was successful. As soon as his possession there was disturbed his wreck became complete.

About the same time Raven Copper Company opened up some ore bodies on the sacred hill. It was told by this defendant or one of its predecessors in interest to evacuate the premises, though the ore bodies were admittedly beneath its surface lines. It did evacuate the premises, lingered long, languishing, and in December of last year quoth nevermore.

One James Murray, many times a millionaire, opened up ore bodies beneath the surface of the Ticon claim, also on the sacred hill. As soon as the claim commenced to produce the present defendant, or its coadjutor, the North Butte Mining Company (it matters not which), by means of an injunction, a court ring thrown around the neck of the smaller snake, stifled its activities, and as far as mining is concerned it lingers hibernating, as is permitted to such cold-blooded animals, lo these many years.

Coming down in point of time, Edward Hickey and Michael Hickey, locators of the Anaconda mine itself, attempted to open up a claim with the Lizzie Fraction. As soon as commercial ore was struck they were coiled by the Anaconda, and after the proper amount of oil had been spit upon them to make them go down slick they were swallowed in a mining way.

Following along in point of time, the Butte & Balaklava, at an expenditure for land, equipment, and development of six or seven hundred thousand dollars, opened up an ore body. Charmed by the approach of the serpent with its weapon, the courts and their subsidiary officers, the jurors, it shut down and finally took the same old compromise—was allowed to retain enough of its ore bodies to pay for its development and get out even with the game.

Then came the final and closing contest with the former Senator from Montana. We have spoken of him as the great individual operator of the world of finance; and as an individual operator he is without a peer. Brutus and Crassus amassed their enormous wealth by the sacking of Provinces and Govern-

ment aid; the Rothchilds, theirs through five generations of hoarding; Li Hung Chang, by the aid of a mighty Government which had existed over an Empire of unequaled richness; the Morgans and the Rockefellers amassed theirs not by individual effort but by associating themselves with mighty allies, and then (according to Mr. Mellon) fleecing them. But this individualist commenced 50 short years ago as a country school-teacher, without allies and without Government aid, has risen to second place in the world of finance.

But four or five years ago, when the present defendant announced to him that among the other assets of Heinze it had purchased the Umbrella Apex, he folded his tent, acquiesced in the decision, dares not fight, sold his properties which had been the scene of his youthful mining activities, the fountainhead of his mighty fortunes and were still in their infancy of development, for a sum paltry to him and to the value of his properties, and departed from the production of copper in Montana.

Another independent operator, the Tuolumne Copper Mining Company, also supported by the Hickeys, the locators of the mighty nucleus of the wealth of the defendant, after an expenditure in development of two hundred thousand or more dollars, opened up valuable ore bodies. The ally of this company defendant then proceeded to commit champerty, bought and held an outstanding claim of a man who believed that he had sold the interest to the Tuolumne Company, and by champerty the ally of this defendant proceeded to the courts presided over by the judges which it can and has elected, and served by juries which it can (it denies that it does) control. And without risking a final trial, such cessions of its ore bodies was made for peace that the price of its stock fell from approximately five dollars to to-day's quotation of thirty-five cents.

The author of this brief is not making this statement out of chagrin at a personal loss, because the author long before the litigation came, knowing the tenets and tendencies of this defendant and its ally, proceeded with due diligence to get in the clear.

And then, coming further down, a secret assault was made on Butte-Alex Scott, an independent concern, and it took the same old compromise.

The latest is Pilot Butte, which, at an expenditure for property and development of five or six hundred thousand dollars, opened up a little ore body. As soon as this happened an injunction was sought, and so little confidence had the buying public and the owners in Pilot Butte in the chance of a fair trial in Silver Bow County that the day after the commencement of this suit the stock of this concern went from about nine dollars a share to a dollar and a half. And why should it not do so? Were they not the same people who are called the "invisible government" of Montana, and rightly so; because it is a matter of history in this State that it said, when it was hurt in a lawsuit, to the governor and to the legislature of the State, "This is our will; do this because we want it," and they did it. And so we aver that the statement that "this defendant has added mightily to the prosperity of Deer Lodge County, Silver Bow County, and the State of Montana" is seriously open to argument.

The general proposition of taking away ten millions of dollars annually from the natural resources of the State is thought by some to detract in the long run mightily from the prosperity of a people who live in the State.

Going further backward through the brief, a compromise is offered to the court of bringing in jurors from the outside. For our part we know that this would be an improvement on the present system of trying these cases, but in the Federal courts we were taught to expect a system of trials which would guaranty a trial as nearly perfect as human wisdom could ordain.

The day after this argument, and in an attempt beyond a doubt (for it could be for no other purpose unless it be to satisfy the spleen of counsel) to influence the Federal judge presiding over these motions, the press of this defendant, one of which claims a circulation of ten thousand copies, another a circulation of eight thousand copies, and its ally for this purpose, the paper of the mighty individualist, printed at length, column after column, of the most one-sided stuff about this motion; and much of this stuff was false. It was from the affidavit of one Lew Orvis Evans.

Among the falsehoods was a statement that the writer had lost the last nine cases in which the writer had actively participated. This statement was not germane in any way, and by the presiding judge of the Federal court, of his own knowledge known to be false, and will doubtless be known to be false by the circuit court of appeals, which may eventually review this matter, because there are pending before that court at the present writing two cases in which the writer was successful. And the statement was equally false as to the record of cases in the State courts of Silver Bow County.

But nothing will satisfy the wrath of this concern against a man who makes a demand that they meet their opponents on equal ground.

In the affidavit of this same Lewis Orvis Evans there are accusations that an ex-chief justice of Montana, William Young Pemberton, was an "ambulance chaser" and a solicitor of litigation; that Robert B. Smith, with whom the writer had a kind of a partnership agreement, one of the ex-governors of Montana, and the man who first helped in a professional way the maker of the affidavit up the ladder of the profession, was likewise engaged in the same business. The writer's feelings are not hurt by the slanders of the man who promulgates the affidavit. It places the writer in the class with all of the able lawyers who have opposed Evans in his professional career. No such vituperation has been cast at the writer by Evans as has been cast by him in days gone by at Corbet, at Clayberg, at Bach, at Toole, at McHatton, at Denny, at Leonard, at Vale before he joined the ranks of the Amalgamated lawyers. Nor is the vituperation which has been cast at the writer by Evans anything to equal the wrath which will be secretly hurled by him at the presiding judge of this court when this motion goes against him.

Going further backward through the brief the writer is accused of raising a turmoil against this defendant lasting during seven years. The writer has consistently announced that no fair trial can be had against this defendant in this county.

The politics of the State was invaded in the brief of the defendant. May we likewise venture into that field of public knowledge, and say that it is the writer's candid belief that all that I have said on this subject has weighed little when compared with the effect of one of those speeches made on heated occasions, which lasts for years through a community, and made in the auditorium of the city of Butte, in a Republican convention some decade ago, snatches of which linger yet in the memories of people who heard it. I can see a man stirred by righteous indignation, a man earnest for the truth, earnest for righteousness in government, pointing his hand to various leaders of that convention, announcing, "Here is a shift boss; there is a superintendent; you are but sheep," and other similar burning words. That speech, coming from that man in that convention, did more to convince the people of Silver Bow County and this State that the political situation and civil government of Silver Bow County was entirely under the thumb of the Anaconda Copper Mining Company than any words of the writer, a member of an opposition party.

So that, while I may be to blame and have been guilty of this lese majeste, I have much good company with me.

We are entitled to get out of this environment. We are entitled to a trial away from the influence of a concern which can control great political parties. They say that they have never used this tremendous power in lawsuits. It is useful to them without being called into activity by any overt act of theirs. It is as much of an advantage as the man who plays with secretly marked cards against an adversary playing a fair game. Their plan is to the court of trust them not to call to their aid this mighty power. Now, there are men who are honorable enough to even play with marked cards and not take advantage of their adversaries, but these men seldom object to bringing in a new deck. And for my part, there is nothing so indicative of retrogression of the bar from its high standards as the fact indicated here, that there are men who claim to be better than we who strain heaven and earth to keep their adversaries in a lawsuit at a disadvantage.

Going backward through the brief, we find that there are many newspapers in Montana that have opposed the defendant. So far as we know, there is a weekly called the "Montana Socialist"—the same printed matter is delivered in Butte under the head of "Butte Socialist"; a weekly in Helena called the "Montana Progressive"; a daily in Missoula called the "Missoulian." We have not asked for a transfer to Missoula. In Helena there is a weekly. They would gladly force to trial entire strangers in Butte in the presence of that mighty press, the Standard and the Post, with the Miner equally interested against all such cases as these. They admit the power of the press and its persuasive influence in the trial of lawsuits when they admit their fear of a little weekly like the Montana Progressive. Their admission speaks volumes for our right to remove from the region of their press.

The writer did and does aver that no individual can get a fair trial against any large corporation in Butte. Nothing more clearly demonstrates that than the horde of corporation counsel and office-holding lawyers that rushed to the rescue of this defendant and showed willingness to swear to a negative (never as worthy of belief as men who swear to an affirmative proposition).

The first set of affidavits was a chorus of county attorneys; another the sheriff, the ex-sheriff, and the ex-ex-sheriff; and then the corps of corporation lawyers—the Milwaukee lawyers, the Great Northern lawyers, the Northern Pacific lawyers, the East Butte lawyers, the Oregon Short Line lawyers, the Clark lawyers, the North Butte lawyers, and the Montana Power Company lawyers. It sounded like the Salvation Army singing that old song, "Onward, Christian soldiers; we are all united, of one purpose we." Strange is it not that outside of those lawyers none were found willing to join with the defendant and the harmonious unison in which they sang. And the harmonious unison in which they sang demonstrates to the public that any man working for a corporation should not, to retain the friendship of his master, decide against another corporation.

And the results through seven years were foretold seven years ago. In seven years in the district court above entitled, and in the circuit court, its predecessors in jurisdiction, though hordes of cases against corporations for personal injury or death were tried, there was one verdict for two hundred and fifty dollars (in actual money).

There appeared in a law journal some years ago a story of a judge and a trial in one of the Southern States. The law was one way and popular opinion was another, and it was silently agreed on in the community that in this case there should never be a unanimous jury, unanimity being required under the laws of that State. The judge tried the case once with a jury and there was a disagreement, and the same outcome took place until the sixth trial had been conducted, to the same disagreement of the jury. And the judge delivered himself of the following statement:

"In discharging you, gentlemen of the jury, in this the sixth trial of this case, I may state that in a game of crap to throw four sixes once is a very good throw; to throw it twice in succession is remarkable; to throw it three times in succession is marvelous; to throw it four times in succession is phenomenal; to throw it five times in succession borders on the miraculous; but to throw it six times in succession is in nowise miraculous, phenomenal, marvelous, or unusual. Any man can do it with loaded dice and do it almost every time."

We have quoted little law. The only law on the case is to be found in our original brief. It is not answered. This is a question involving knowledge of conditions political, economic, and otherwise. The comparison between the influence of a popular Congressmen in North Carolina and the influence of the Anaconda Copper Mining Company in Montana is insignificant, and greatly in favor of the cat when one compares the strength of a household kitten to the strength of a Bengal tiger.

We opened the argument in the first brief with the statement that the Constitution of the United States is on trial. Not in written laws will freedom and justice be preserved. No nation in its government ever rose above the standard of marrow and courage of the men who conducted the government. The Constitution of the United States and all of the decisions construing it, and all of the acts of Congress might be engrafted on Russia by one mighty act of the Czar and the Douma, and the day after it was done and 50 years after it was done it would have made no change in the manner of the liberties of the Russians. But freedom comes from judges such as withstood the aggression of the Stewarts, or from some village Hampden that with dauntless breast the little tyrant of its fields withstood.

And we may close this brief with Xenophon's remarks to the ten thousand Athenians which had been betrayed in the heart of Persia: "Men of Athens, the glory of Athens is not in her ships, nor in her wealth, her mines of gold or her mines of silver. The glory of Athens is in her men." Unless the men in this Nation can secure justice, then are the bulwarks of liberty provided by our ancestors idle words.

Respectfully submitted.

B. K. WHEELER,
C. A. WALLACE,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the foregoing brief admitted and copy received this 8th day of June, 1914.

C. F. KELLEY,
S. O. EVANS,
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D. GAY STIVERS,
Attorneys for defendant.

In the District Court of the United States, District of Montana.

No. 151.

JOSEPH MODENA, AS ADMIN., *v.* ANACONDA COPPER MINING CO.

This action is for wrongful death. It was commenced in this court and in Silver Bow County in the Butte division of this Federal district, where the cause of action arose. For trial plaintiff moves to transfer it to Lewis and Clark County in the Helena division. The motion is resisted. Like motions are made in three like cases. The grounds of the motion are that plaintiff can not have a fair trial or an impartial trial hereof in Silver Bow County and can not have such fair or impartial trial "before a jury or panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County in Montana." Said counties are two of four constituting the Butte division. The motion was heard on affidavits and oral testimony. The oral testimony was that of one of defendant's counsel, a witness for both parties, to certain employment of him and other of said counsel by other than defendant, to property purchases by defendant and other matters of little materiality.

Plaintiff presented affidavits of twenty-three attorneys and four other persons, and defendant presented affidavits of thirty-one attorneys and forty-one other persons. Of these, defendant asserts plaintiff's are of attorneys interested in personal-injury litigation, and plaintiff retorts defendant's are of attorneys interested in corporation practice. In the main, both are correct with no apparent discredit to either.

Plaintiff's four affidavits other than by attorneys are by two persons interested in this and the like motions and one by a person who heretofore has been unsuccessful in a personal-injury action against defendant. Defendant's forty-one affidavits, other than by attorneys, are mostly by prominent and leading business men and public officers of the counties of Silver Bow and Deer Lodge, with some few by agents and employees of defendant. In substance, plaintiff's affidavits are that defendant is of great and preponderatory magnitude in the mining and smelting industries of said counties to the extent of employing therein nearly one-half the men thereof; that nearly all the people of said counties depend for support upon mining and the good will of defendant; that defendant's agents and servants have taken an interest in politics and have dominated conventions in Silver Bow County; that defendant and its agents have other business connections in said counties; that defendant maintains a card system to identify its employees; that defendant is of wealth and influence, and (note—one affidavit only by one of plaintiff's counsel to all the following) so great has been that influence in "the political, economical, and juridical" of said counties it has established in the minds of the people thereof "a fear of deciding any cause against this corporation or against any other corporation in favor of an individual"; that in a little more than the last seven years, though many cases have been brought against defendant and other named corporations, affiant is informed and believes that there has not been a verdict rendered in Silver Bow County against any of said corporations; that in the last seven years, though personal-injury and death cases have been tried in this court sitting in Silver Bow County, affiant is informed and believes that there has not been a verdict rendered for any plaintiff; that affiant "avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana."

Twenty-six of plaintiff's affidavits are duplicate copies of a single blank original, wherein each attorney executing one inserted his name in the proper blank. These affidavits recite that affiants have "heard many people talk on the subject of whether any ordinary litigant or any litigant at all can have a fair and impartial trial before any jury whereon there are residents" of said counties. But this is a mere intrusive or detached statement and goes for nothing. For not only is there silence as to the tenor of the "talk" or of consensus of opinion by it expressed, if any was expressed; but it is not alleged it is in any way the basis of affiant's belief therein declared that "it is impossible in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting in whole or in part of residents of said committee."

In substance, defendant's affidavits are that the makers are in a position to know and do know the state of public opinion and sentiment in said counties in relation to defendant; that there is not therein any bias or fear or favor or

prejudice or sentiment making in behalf of defendant, nor any dread or fear of defendant, nor any condition, sentiment, or reason which in the affiant's opinion would in any way prevent plaintiff from securing a fair and impartial trial hereof in Silver Bow County, and before a jury composed of residents of said counties; that they have never heard of any attempt by defendant to influence or punish any litigant, witness, or juror (note—plaintiff does not charge any thereof) that (note—affidavits by defendant's agents only) defendant pays no attention to the residence of witnesses and jurors, and neither seeks nor obtains information in respect to any of their conduct in any case; that defendant in no manner discriminates in its employment or otherwise because of witness or jury service, or any reason, or at all due to litigation.

And all those executing defendant's affidavits declare that they know of no reason and believe none exists why this case can not be fairly and impartially tried herein and before a jury of residents of said counties and that they believe a fair and impartial trial can be so had. In an affidavit by one of defendant's counsel it is stated that for years defendant's policy has been to settle when resonably possible all claims against it for personal injuries irrespective of liability; that in 1913 it settled 403 such claims; that since March, 1910, but two personal injury cases against defendant have been tried in Silver Bow County, though 87 thereof have been there commenced and almost all of which have been settled; that so far has defendant pursued this policy that to one of those executing an affidavit presented herein by plaintiff, defendant paid $3,500 after his action for personal injuries against defendant had been upon trial disposed of adversely to him; that in a little more than seven years last past in the State court in Silver Bow County in actions against defendant or the other corporations named in plaintiff's affidavits six verdicts were rendered for plaintiffs and seven for defendants; that in the same period in this court sitting in said county in personal injury or death actions, wherein juries were properly instructed and verdicts not directed, four verdicts were rendered for plaintiffs and six for defendants; that in the last five years in the State court in said county in personal injury actions against the city of Butte and other corporations not of those named in plaintiff's affidavits a great many verdicts have been rendered for plaintiffs and approximately forty for defendants, including twelve for said city. It is also therein alleged that efforts have long been made by one of plaintiff's counsel and others to promote "personal injury business" and to that end in said counties, by political and other abuse, to create public sentiment adverse to defendant and other corporations, which is by said counsel, in so far as he is concerned, in effect denied.

It is further alleged that in none of the cases aforesaid in the State court was any effort made to secure a change of venue from Silver Bow County; that in said county juries, even as elsewhere, are inclined to return verdicts for plaintiffs in personal injury cases, "if any basis whatever can be found therefor," and that if this motion for transfer for trial be granted it will inconvenience witnesses, increase expense, and in effect establish that none of the cases wherein defendant is a party shall be tried where they originate in Silver Bow County or before any jury whereon are residents of either of said counties. This statement of what court records show is undenied has been verified in this court, and is taken as true in respect to the State court. It is first to be observed that by statute and rule of court of the force of statute the place of trial of this action is where it originated and was commenced. Both parties have a vested, substantial, and valuable right to have it there tried, of which neither of them can be involuntarily deprived, save for good cause. Inability to there secure a fair or impartial trial would be good cause to transfer the action elsewhere for trial. The presumption is that a fair and impartial trial can be had where, in accordance with statute and rule, the action was commenced, and the party who alleges the contrary has the burden to sustain it by a preponderance of legal evidence in quality and quantity sufficient to satisfy the court of the truth of his allegation. Here this burden is upon plaintiff, and he has not sustained it. No labored discussion of the affidavits is necessary to demonstrate this. It suffices to say that, taken as a whole, in quantity, quality, trustworthiness, and weight not only do defendant's affidavits balance and offset those of plaintiff, but they preponderate over them.

It is worthy of note that plaintiff attempts to prove too much. He goes far beyond the necessities of his motion and by most sweeping allegations embracing all and any litigation and parties he would proscribe from any jury service the nearly 100,000 inhabitants of Silver Bow and Deer Lodge Counties. These are taken to be exaggerations and sought to be fortified by erroneous information

and belief in respect to court records available to all. Exaggerations are not by seal. They help no cause, and, disproven to the extent here, discredit the proceedings wherein they appear. Stripped nonessentials, argument, inferences, conclusions, and beliefs not of themselves evidence, save that in so far as conclusions and beliefs are based upon and supported by facts therein they may be considered. Plaintiff's affidavits are that defendant is of industrial preponderance in said counties, and its many employees exercise their political rights therein—insufficient to support the conclusion of the "fear" alleged and insufficient to warrant the belief alleged that plaintiff can not secure a fair and impartial trial in Silver Bow County. Both parties hereto have departed from the record and appealed to the knowledge of the court. In proceedings of this character courts may and do resort to their own knowledge. In view of the premises the writer hereof will say that while a great variety of criticism of defendant, to put it mildly, justly or unjustly, has been for years the chief plank in the platform of many members of all parties in Montana, so far as his experience of twenty years at the bar and on the bench of Silver Bow County and Montana and some participation in the political activities of the county and State qualify him to speak, he has not believed, and has had no reason to believe at any time that in the courts sitting in Silver Bow County or elsewhere in Montana any jury was either influenced by or infected with fear or any other unworthy emotion constraining or inducing it to favor defendant.

No substantial reason appears why this case can not be fairly tried in Silver Bow County before a jury drawn as the rule requires. Plaintiff's belief to the contrary may be founded on the erroneous information aforesaid. At any rate, although it is highly desirable that every litigant have confidence in the jury before which his cause will be tried, merely to inspire this confidence therein his opponent's right to a trial at a particular place is not to be denied. Substance must not be made to yield to shadow. The motion is denied, and like order will be entered in each of the other cases.

July 22, 1914. BOURQUIN, J

In the District Court of the United States in and for the District of Montana.

No. 151.

JOSEPH MODENA, AS ADM., *v.* ANACONDA COPPER MINING CO.

This cause, heretofore submitted to the court upon plaintiff's motion to change the place of trial of the above-entitled cause from Butte, Mont., to Helena, Mont., and affidavits in support thereof and in opposition thereto, came on regularly at this time for the judgment and decision of the court; and now, after due consideration had, it is ordered that plaintiff's said motion be and hereby is denied, in accordance with the written decision of the court this day filed.

Entered, in open court, July 22, 1914.

GEO. W. SPROULE, *Clerk.*

Attest a true copy of order:
GEO. W. SPROULE, *Clerk.*
By C. R. GARLOW, *Deputy.*

O

64TH CONGRESS } SENATE { DOCUMENT
1st Session } { No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

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INDUSTRIAL RELATIONS AND REMEDIES, SEATTLE, WASH.

(For exhibits under this subject, see pages 4414 to 4571)

COMMISSION ON INDUSTRIAL RELATIONS.

SEATTLE, WASH., *Monday, August 10, 1914—10 a. m.*

Present: Commissioners Commons (acting chairman), Lennon, O'Connell, and Garretson.

Acting Chairman COMMONS. The commission will come to order.

I will say to the witnesses and others that unfortunately several members of the commission have found it impossible to be here, and I have been selected to act as chairman in the absence of Mr. Walsh. Other members will be expected within a day or two, or are expected, and it is hoped that they will be here.

The Industrial Relations Commission was created by act of Congress to inquire into the general causes of industrial unrest, and to make recommendations to Congress, and to other legislative bodies, regarding such remedies as it may find advisable.

There is almost no specific limit to the field that should be covered by this commission in so far as it relates to the relations between employers and employees, and their relation to the general public.

The list of witnesses for Seattle covers almost all of the subjects which the commission is called upon to investigate.

The sessions of the commission are entirely informal. Witnesses are not sworn. The main object is to get such assistance as we can from the witnesses in understanding the main subjects that we have before us, and in giving recommendations based upon your practical experience and your knowledge of the conditions in the State of Washington.

Mr. Thompson, will you call your first witness?

Mr. THOMPSON. The Hon. Mr. Gill, please take the stand.

TESTIMONY OF HON. HIRAM C. GILL.

Mr. THOMPSON. Will you please give us your name?

Mr. GILL. Hiram C. Gill.

Mr. THOMPSON. Will you give your official position, please, in the city of Seattle?

Mr. GILL. I have been mayor of the city since the 4th day of March of this year; previously I was mayor from March, 1910, until March, 1911.

Mr. THOMPSON. March, 1911?

Mr. GILL. Yes, sir.

Mr. THOMPSON. How long have you lived in the city of Seattle?

Mr. GILL. Twenty-five years.

Mr. THOMPSON. Twenty-five years?

Mr. GILL. Yes, sir.

Mr. THOMPSON. What profession or occupation or business do you follow?

Mr. GILL. I am a lawyer by profession, and have been such except when I was mayor. I was a stenographer for the first three years.

Mr. THOMPSON. From your residence in the city of Seattle and your acquaintance with the general industrial conditions here, what in your opinion is the leading industrial work in Seattle and in the vicinity?

Mr. GILL. Oh, the various branches of lumbering are the leading industries here. Probably latterly the fishing industry more than it was—but the lumber has always been the dominating industry.

Mr. THOMPSON. In the city of Seattle itself what would be the industry—that, too?

Mr. GILL. Yes; that is included. Lumber probably employs more men right in the city, taking in the suburb of Ballard than anything else besides.

Mr. THOMPSON. As far as you know, what has been the general condition—what is the general condition of labor in the lumber industry in and around Seattle?

Mr. GILL. Well, it all has been depressed more or less the last several years, and is now. That is, logs have been way down, a great many mills are shut down, shingles particularly. I think they are picking up a little again just now lately, but there has been a great deal of depression.

Mr. THOMPSON. Well, in particular with reference to the relationship which exists between the employer in the lumber industry and the employee, what would you say with reference to that?

Mr. GILL. Well, it has not been a satisfactory condition from the standpoint of the employee, particularly in the shingle business.

Mr. THOMPSON. Particularly in Chamberlin?

Mr. GILL. In shingling.

Mr. THOMPSON. Why do you make that statement?

Mr. GILL. Well, there was trouble over the wages between the men and the shingle-mill owners. You understand out at Ballard, there are probably more shingle mills than at any one place in the world, and that is where the shingles are mostly cut. That is in the city limits, and for a year or two there has been a continuous strike out there; it terminated a few months ago, but I think unsatisfactory to the employees, and there has always been a feeling of unrest there, I think; and there is throughout the State among the mill employees, particularly among the unskilled branches.

Mr. THOMPSON. Organized or unorganized?

Mr. GILL. They have an organization. The shingle weavers union has an organization for practically a comparatively unskilled trade, and it is not strong enough to absolutely dominate at all. And whatever hold they have on wages they have been compelled to fight for, and they have maintained themselves, or they would not be getting the wages they do. And the fact that they could not reduce the wages of the employees, I think, has a great deal to do with the fact that a good many of the mills did shut down for quite a while.

Mr. THOMPSON. In the strikes which you say have occurred in the shingle industry here within the city limits of Ballard, what has been the general attitude of the city administration toward the preservation of peace at such times? What has been the nature of the strikes with reference to being peaceful or disorderly?

Mr. GILL. My predecessor—there has been no strike nor trouble in Ballard since I took office this time. At that time I think my predecessor refused to furnish police, and all of the policing work was done by special deputy sheriffs furnished by the county sometimes, by the employees, or the men of the employers. My own policy has been not to allow the police to interfere in any way on one side or another other than to preserve order on the streets.

Mr. THOMPSON. In all of these cases where you say special deputy sheriffs were furnished by the county and in some cases by the employees—I understand by the last statement you mean that the employers hired men who were sworn in as deputy sheriffs?

Mr. GILL. I think that is true. Now, I don't want to say that positively. That was the general understanding. That is the understanding I had. I wasn't in office that time, but merely knew superficially. I want you to understand my statements on these labor questions are just superficial general knowledge. I may be wrong on some of them. My understanding was that the mill companies designated these men, and that they were deputized by the sheriff. I think that is right.

Mr. THOMPSON. Generally, is that the method used here in handling strikes? For instance, do the employers hire outside agencies, such as the private detective agencies, or get protectors from other sources that are private, that sometimes may be kept just as private detectives on the ground, and in other cases may be sworn in as deputy sheriffs?

Mr. GILL. I understand that that has been the practice of the county.

Mr. THOMPSON. Yes. So far as you know, has there ever been any objection to such a practice by the organized authorities, either of the city of Seattle, the county, or of the State, so far as you know?

Mr. GILL. Well, I don't—I think there has always been a good deal of objection by everybody that thinks much of the rights of the ordinary citizen, to an employer of labor being able to hire men to perform police functions. I have got an objection myself, although I never said much about that. As

mayor of the city, I would not tolerate it; that is, I would not deputize men as special police to run anybody's business.

Mr. THOMPSON. Has there ever been as far as you know—I rather imagine from your answer it has not been—but has any formal action ever been taken by the municipal authorities against the hiring of special guards by the employers?

Mr. GILL. Well, I could state only for myself. When I was mayor for the first time—I was elected in 1910—at that time there was a strike among the machinists and the shopmen. I was requested at that time to designate men as special policemen in various machine shops, which I refused to do. When I took office this last time there was a teamsters' strike on, and the city was maintaining some 50 special policemen and paying them. I didn't deem them necessary, and my chief of police and myself let them all out. The matter was settled up later on, and we have never had any more to do with it. But so far as the policy of the city government when I say I have been connected with it—I was councilman a good many years—it was always the policy of the city government during those times to refuse the employment of, or to allow employers of labor to designate their own men for police service. That is my policy—always will be. I don't believe in it.

Mr. THOMPSON. What would be your policy, Mr. Gill, in case a strike should occur in any important industry here and the employers should call on you for assistance to maintain order and to protect their property?

Mr. GILL. If the chief of police should say that he thought the police force was inadequate, and I agreed with him, I would try myself to name the special policemen and make the employers pay for them. That would be my idea if I could not get police force enough. Then I would ask the city government to let me name special policemen myself, and have them paid by the city. I would name them myself. I would not allow anybody else to name the policemen. That would be my policy if it ever came to that kind of situation.

Mr. THOMPSON. You say you never had any strikes during your term of office?

Mr. GILL. Yes; there was a teamsters' strike in existence when I came in office. That is all I ever had. The machinists' strike was on when I was first mayor.

Mr. THOMPSON. During all these strikes have the employers as such ever asked you to do more than to maintain order and protect property?

Mr. GILL. Well, in the machinists' strike the employers claimed that their property was being jeopardized and they thought I should police their premises for them; but when I investigated the matter I never found that the laboring men were doing anything that they hadn't the right to do, and that whatever abuses there were were always as much on one side as the other. We had an understanding as to what everybody should do, and we never had any more trouble. I never had any trouble with the strikers myself; they always seemed to me to be fair here in this city. We have never had anything that was serious.

Mr. THOMPSON. During those strikes, I take it, there was no destruction of the private property of the employers?

Mr. GILL. No, sir; never any destruction of private property in this city while I have been mayor in any strike that I can recall.

Mr. THOMPSON. Were there acts of violence committed during the strike?

Mr. GILL. Oh, of course, there are always street fights and fist fights between men. Take during the teamsters' strike there was a good deal of fighting—some men were beaten occasionally. Nobody could ever very well say on whom the blame could be laid. Just as many times it was the men hired by the team owners, the employers' association, as it was by the men themselves. The men employed to break this strike would go armed, and there would be bitter personal feeling, of course, between the men once in a while; but there never was, in my opinion, any violence which was sanctioned by the union strikers. I never could see that they sanctioned anything of the kind. A few hot-headed fellows would get out and fight. The same was true in the old machinists' strike. On the contrary, the shop owners used as much violence as anybody else. I remember one factory that undertook to turn a hose on a lot of employees in the street. They had a right to be in the street. They have used as much violence as the men have.

Mr. THOMPSON. What is your opinion from these two experiences which you state, with reference to the advisability or necessity of the employers using private guards?

Mr. GILL. I don't think they should be allowed to use them. I don't think any private individual should be given police authority to use in a fight where he is a party. I think the policemen should be impartial men, and I don't think an employer's policemen are impartial men any more than I think the labor men's policemen would be impartial. I don't think they should be allowed to use them while they are making a fight. They should be put on the same basis and fight it out.

Mr. THOMPSON. From your experience as mayor during these two strikes, what views have you with reference to the question of arbitration in industrial disputes and what experience as mayor have you had with that problem?

Mr. GILL. Well, that is a pretty broad question, the time is more or less limited.

Mr. THOMPSON. You did try to get these strikes submitted to arbitration, did you not?

Mr. GILL. How is that?

Mr. THOMPSON. You did try to get these strikes submitted to arbitration, did you not?

Mr. GILL. Well, this teamsters' strike was an illustration of what I think could generally be done. We have in this State a compulsory arbitration statute which is ineffective because it hasn't any penalty and is more or less a meaningless statute and does not amount to anything. In this teamsters' strike we had asked a body of men—I did, 12, I think, prominent business men around the town in all walks of life who had no interest one way or another—they were not employers of labor, because I didn't want them belonging to the employers' association, and they were not labor men. They took the matter up with the team owners and the striking teamsters and worked on it for quite a long while seeing what they could do in a perfectly voluntary manner. The strike was settled; both parties lived up to it in perfect good faith, and it worked admirably in that instance. They have had no more trouble. The teamsters themselves were just as willing, and more willing if anything, than the owners were, to settle. That has been my observation, that there are very few labor strikes nowadays which, if the employer will look at it in the light which he should under the legislation and developments of recent years, could not be settled without any trouble. My observation is that the employee is just as reasonable as the employer is. The trouble has been always for so many years that the employer could not get the idea in his head that anybody else had any intelligence or rights. They are getting over that idea. I believe they are going to realize that they are going to be treated as fairly as they treat the other men. It probably will be necessary to get legislation to compel arbitration where they won't arbitrate voluntarily. It is a hard thing to legislate on, and hard to enforce. I believe if anybody would try to deal with the situation and if the employers and employees tried it, they could settle most of them themselves.

Mr. THOMPSON. Mr. Gill, in your term of office as mayor of the city of Seattle have industrial disputes come up before you in an official way or a private way in which you have had to deal with them and which have not reached the strike stage?

Mr. GILL. I did not quite catch that last remark.

Mr. THOMPSON. Industrial disputes where there have not been strikes, have you had to deal with any of those cases, either as a private citizen or mayor?

Mr. GILL. No; I have not had to do that.

Mr. THOMPSON. What was done by the city in the industrial methods—that is, was not the question of relations between the employee and the employer considered; does the city exercise any supervision over that question in any shape or form?

Mr. GILL. No; only as to a part of it. That is, this city maintains and has for many years maintained a free employment bureau of its own—always has; that is about the only instance that we have had.

Mr. THOMPSON. Is that under the State law?

Mr. GILL. Of that we have control. We license employment agents—it has not worked very satisfactorily, yet it prevents a great many of the abuses. There is legislation pending now at the next election where there is an initiative bill forbidding private employment agents—probably unconstitutional, in my opinion, but the idea of that, though, was to put the employment of labor entirely in the hands of the city, I presume.

Mr. THOMPSON. Well, this employment agency you speak of now as being in the hands of the city, have you instances—are they run at the expense of the city?

Mr. GILL. Entirely at the expense of the city.

Mr. THOMPSON. Have you any detailed knowledge of the work it does, or would others speak of that?

Mr. GILL. Well, I know how it works. It furnishes thousands upon thousands of situations to both men and women. It has always worked very satisfactorily, so far as that is concerned. They can get the very best service the city can give, for nothing. But the trouble with the employment-agent situation, where the private employment agent cuts into it, is that a great many of the big employers of labor, their foremen, or somebody in there are dividing the money with the employment agents, and they will hire only through private employment agencies, because the employers are receiving the same service. That is why the city office can not be as effective as it might be.

Mr. THOMPSON. Is there anything specific which you would like to give the commission upon which you base that judgment, Mr. Gill?

Mr. GILL. No; I can not think of anything.

Mr. THOMPSON. What is your view of the bill which is to prohibit private employment agencies?

Mr. GILL. Oh, I never thought very seriously of it. It goes a long way in the direction of paternalism. There are abuses in private employment agencies, as there are abuses in everything. I do not think the bill is constitutional, myself, and for that reason I have not thought very seriously one way or the other. I do not think that it will amount to anything if it passes.

Mr. THOMPSON. That is all.

Commissioner LENNON. What wages are paid the city employees who work on the streets?

Mr. GILL. $2.75 is the minimum wage paid by the city. There are men in the street department who are paid, common labor, who are paid $3 a day, but the general run of men, labor, the wage is $2.75.

Commissioner LENNON. They work eight hours or more per day?

Mr. GILL. They work eight hours a day. They get two weeks a year vacation on pay.

Commissioner LENNON. Is there any rule or regulation of the city or any agreement with the employers which requires that they should be union men?

Mr. GILL. No; no requirement.

Commissioner LENNON. No requirement of that kind?

Mr. GILL. No, sir.

Commissioner LENNON. Is that the practice?

Mr. GILL. That is the practice by the city. Everything we have outside of the library department is civil service. The civil-service board has never made unionism or nonunionism a test of city employment, and consequently whatever they happen to be when the take the examination they remain. There are in the skilled departments, the light department particularly, a great many union men, probably more union than anybody else, I guess; that is simply because as a general rule they are better able to pass an examination than the others are.

Commissioner LENNON. Are there any large number of Asiatics in this city working in different industries?

Mr. GILL. You mean employed by the city?

Commissioner LENNON. No.

Mr. GILL. Employed by others?

Commissioner LENNON. Yes.

Mr. GILL. Yes; there are a lot of Japanese, a good many; they are not as a general rule employed in the skilled trades at all. They are restaurant men and domestic help, and a great many of them in the suburbs are getting to be vegetable gardeners, probably getting to control the vegetable gardening in and around the city.

Commissioner LENNON. Do you know whether or not they receive the standard wage where they are employed; that is, the wage that the American would receive?

Mr. GILL. No; I do not know. I do not think they are, however, although I noticed here a little while ago that the Japanese barbers are, a great many of them, applying for admission to the barbers' union. That matter was being very seriously considered by the union itself. The Japanese are, I think, willing to put their wages on a higher standard, as high a standard as anybody

else. In those trades where they are skilled, I don't think they work for less than anybody else; they don't if they can help it.

Commissioner LENNON. You may have noticed in the eastern papers the reports of Hindus coming in just across the border. Has there been any attempt to land them here?

Mr. GILL. Practically no attempt. There are no Hindus here to speak of. There are just a very few. They have tried, and did try some time ago, to come in, but I think they were turned back; did not get in.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. Mr. Garretson wants to ask some questions.

Commissioner GARRETSON. Do you believe that it is any greater inconsistency under our laws for laboring men to band themselves together as armed bands than it is for their employers to maintain armed bands?

Mr. GILL. No; I think if one is going to be allowed to maintain an armed band the other should. I don't think either of them should.

Commissioner GARRETSON. I agree with you.

Mr. GILL. If one should, both should.

Commissioner GARRETSON. You spoke as if you were somewhat of a believer in compulsory arbitration. When the arbitration becomes compulsory, isn't it a fact that it ceases to be arbitration and only becomes another form of a court?

Mr. GILL. Yes; that is what it would be, as I say. Now, I don't want to be misunderstood; I would simply say that if you had a compulsory arbitration statute it would help those who wanted to settle disputes by conciliation to settle them. I believe it can all be done practically, just as this little strike here was, by getting the people together themselves before an impartial body of men. I think most of them can be settled, and always could be, if people would try to do it.

Commissioner GARRETSON. Don't you really believe, then, that when you put it into those statutes in the form of law that what you would advocate is really conciliation?

Mr. GILL. That is what I say about that.

Commissioner GARRETSON. As against arbitration.

Mr. GILL. I want to make myself plain on that.

Commissioner GARRETSON. As against arbitration of compulsory form?

Mr. GILL. Yes; but you can't make a man conciliate with an ax. I want something to fall back on if people don't conciliate.

Commissioner GARRETSON. Well, then, it becomes really an industrial court, if it is compulsory. That is what it would be, isn't that it?

Mr. GILL. Well, you may call it that.

Commissioner GARRETSON. It is only another form of legal tribunal.

Mr. GILL. It depends on the way the act is drawn.

Commissioner GARRETSON. Are you familiar with the old Erdman Act or the new Newlands Act, as applied to interstate employees of railways?

Mr. GILL. Yes; I understand that railroad act. I don't know about the new act.

Commissioner GARRETSON. Well, the new one has been in vogue since last July, I believe, and superseded the Erdman Act.

Mr. GILL. Yes.

Commissioner GARRETSON. It provides for conciliation first, and, if conciliation fails, then the energies of the administrators of the law are bent toward securing the consent of both parties to arbitrate, but there is nothing compulsory at any stage of the game.

Mr. GILL. No. Well, I don't—I may be a little dense—I don't understand the difference between conciliation which is compelled by law and an arbitration. You might want to call them something different.

Commissioner GARRETSON. There is no conciliation compelled by law.

Mr. GILL. I understand a conciliatory settlement to be one that is settled by the people themselves without reference to any legal enactment or any compulsion, and that when you can't get them to conciliate, why, then, you might enforce compulsory arbitration.

Commissioner GARRETSON. There has not been during the period in which the Erdman Act has been in vogue, covering a period from 1907 to the present time—it was dormant until that time—there has not been to exceed two instances in which conciliation was refused by either party—I mean the friendly service of the conciliators. It has not always. There are one or two instances where it failed. As, for instance, you are familiar with the engineers' trouble of late with the railroad companies?

Mr. GILL. Yes.

Commissioner GARRETSON. There you have a working of the act. They endeavored to conciliate, and the final result was that they secured the consent of both parties to arbitrate, although there is no compulsion on either party. Do you believe that that would be more desirable than compulsory arbitration would?

Mr. GILL. Yes; if they would get together, it certainly would.

Commissioner GARRETSON. Well, if they would not?

Mr. GILL. Well, I want to explain this much, that I don't really pretend to be very—possess a very deep knowledge in these matters, and I never hired anybody. I have simply got a superficial idea of how things could be adjusted. With me it has worked out. You have problems in the East which we don't have here. You don't use as much sense. You have got capitalists that can't recognise that there is anybody on earth but themselves. You have got employees that are ignorant. We have got a different class to deal with out here. My own personal opinion has been, as mayor of this city, that as long as the executive of the city wants to see these people treated fairly, and if the employer understands in the beginning that he has got to stand on his own bottom and make his own fight, that he will conciliate and join in arbitration, and that everything that ever comes up while I am mayor will be settled without any trouble. They will always fight and always refuse arbitration as long as the governing heads are elected and controlled only by one side, as they are mostly in the East. Out here they are not.

Commissioner GARRETSON. On the other hand, if the chief executive of the municipality, or of the State, as the case may be, was absolutely dominated by one interest or the other, it matters not which, then would not compulsory arbitration become a deadly weapon?

Mr. GILL. Yes, it would; unquestionably would.

Commissioner GARRETSON. Have you ever given any consideration, Mr. Mayor, to how limited the field is—the field of absolutely unbiased arbitrators on the part of the labor men?

Mr. GILL. No; I don't think they are limited in their choice out here at all.

Commissioner GARRETSON. How many men in your acquaintance can rise superior to their property interests in giving a verdict?

Mr. GILL. Well, I can get arbitrators who haven't any property interests, that is, who are affected by the particular industry involved in the strike. I don't mean a bunch of paupers.

Commissioner GARRETSON. Has it ever occurred to you that every employer of labor is himself disqualified for service as an arbitrator on the wage question?

Mr. GILL. Oh, no; I know lots of employers of labor that I regard as honest.

Commissioner GARRETSON. And so do I. But when it comes to raising the wage of some other employee when he thought it would react on his own men, then he might be honest and still not be desirous of doing that?

Mr. GILL. Oh, yes; if you are going to get down to a proposition that everybody that owns a dollar is a crook——

Commissioner GARRETSON. I know some men who don't own a dollar who are crooks.

Mr. GILL. That is all aside. I think that is taking too broad a view of the dishonesty of everybody, which I don't believe.

Commissioner GARRETSON. I have been seeking arbitrators for 30 years, and it is the outgrowth of my experience for that many years on the subject. When you take that phase of it and consider that every labor employer has a direct interest in the going wage, how many of them are qualified to act as arbitrators in industrial disputes that take in wages?

Mr. GILL. Oh, unquestionably the great body of them probably would be, you might say, disqualified by personal interest or prejudice; but there are a great many men in every municipality who have no relation of that kind who can settle these disputes. You don't need necessarily to get an employer of labor. You could get even a lawyer—he might arbitrate something—or a physician or a doctor or a minister. I had on this conciliation board of mine that kind of men mostly, because I didn't want the employers of labor. But we had no trouble in getting a body of men, very prominent people of all grades, and I think the labor men were perfectly satisfied after they got through that they acted fairly and impartially in their effort to settle the matter. It was a most important matter to settle.

Commissioner GARRETSON. Isn't it a fact that the labor man usually accepts the situation whether he is satisfied or not; isn't that the history of the movement?

Mr. GILL. My understanding is when a man is licked, whether a laboring man or a capitalist, he always accepts it. I always looked at it in that way.

Commissioner GARRETSON. Lots of men don't know when they are licked.

Mr. GILL. Most of them do.

Commissioner GARRETSON. It is not because of being licked when you accept an arbitration verdict.

Mr. GILL. We have feeble-minded homes for men who don't know when they are licked.

Commissioner GARRETSON. Do you look on the arbitration verdict as one to be accepted after you are licked? Arbitration is before it comes to war, while it is still hanging in the balance. If you are licked, the other side wouldn't arbitrate.

Mr. GILL. That is true.

Commissioner GARRETSON. I am speaking of the faith that underlies the acceptance of the verdict of the arbitration board.

Mr. GILL. You have given this thing a great deal more study than I have. I am really not qualified to say, looking at it from the standpoint of the employee along the lines you have suggested, whether I would as a matter of final analysis, and I had the enactment or not of compulsory arbitration—whether I would advise it or not. It simply has looked to me, as one who hasn't given this matter much study, but from the standpoint of the employee himself—and he is the man I generally think more of than the employer, because the employer can look out for himself better—in the final analysis where I could get these people together and settle—that is, where there is hope of settlement—that they should get together and settle. You can sometimes make a big employer settle if he thinks he has to.

Commissioner GARRETSON. The attitude of the employer himself toward that circumscribed field is something like this: In one case where the arbitration of a very large matter was proposed by a large railroad we took the position we would accept no employer of labor; we would accept no owner of stock of corporations or politician. Here is his interpretation: "My God, we wouldn't have nobody left but preachers and walking delegates." You can see where the field is narrowed to from the standpoint of the employer if you take the interested men out. If you study arbitration from that standpoint, as a party in interest in the arbitration naturally does, would it not narrow the field greatly?

Mr. GILL. Oh, yes; it narrows the field, but, then, everything has its limits. You elect your judges and you are narrowed down to lawyers. It might be better if we were not confined to that, but you have a good deal broader field in arbitrators than you have in judges. You have real estate men and insurance agents and things like that.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Do you know whether there is any city or State supervision of employment offices?

Mr. GILL. Well, there are some State laws affecting it, although here we control them, in so far as they are controlled, by city ordinance. We supervise them in a measure.

Acting Chairman COMMONS. What is the extent of that supervision; are they required to pay license?

Mr. GILL. Our ordinance has this kind of provision: A man that is employed by a private employment agency must go to the place of the job and the employer must indorse on his slip, if they refuse him employment, why. They put it there, and we have a kind of record of it. If the man comes back—for instance, a crooked employment office sends him up to a job and there is no job—when he comes back, if he hasn't a job he can go to the employment agent, and he pays back the money. If he doesn't, we can revoke his license. It hasn't happened often that we have had to do that on account of this provision. The council passes on every license, and they can revoke the license.

Acting Chairman COMMONS. Who revokes the license?

Mr. GILL. The city council has the right of revocation.

Acting Chairman COMMONS. Do you have an officer or staff in charge of this supervision?

Mr. GILL. Yes, sir; it is a branch of the civil service department of the city. The secretary of the civil service board has supervision over that, and if he recommends to the council that the license be revoked, the council has that right. It is a measure of protection, and it saves a good many people

from being robbed, as they are always; but still there are abuses that we can not get away from.

Acting Chairman COMMONS. Give us the name of the secretary.

Mr. GILL. A. H. Grout is secretary of the civil service board.

Acting Chairman COMMONS. A. H. Grout?

Mr. GILL. Arthur H. Grout; he can tell you in full—or Mr. Kenyon, his assistant.

Commissioner GARRETSON. He really exercises a jurisdiction as wide as the scope of the employment office?

Mr. GILL. Yes, sir.

Acting Chairman COMMONS. Who has charge of the city municipal employment office?

Mr. GILL. He has; he is secretary of the civil service board—Mr. Grout.

Acting Chairman COMMONS. Then the civil service commission is not only a civil service commission, but also an employment office?

Mr. GILL. Yes; the secretary is ex officio head of the employment office.

Acting Chairman COMMONS. Who is secretary of the civil service commission—the same man?

Mr. GILL. Mr. Grout, the same man.

Acting Chairman COMMONS. He is also head of the employment office?

Mr. GILL. Yes, sir.

Acting Chairman COMMONS. You spoke a moment ago apparently to the effect that the employment office was not quite as satisfactory as it might be. Did you have in mind any methods by which it could be improved?

Mr. GILL. No, sir; I haven't, for the simple reason I see the limitation in this way: Most of these large railroad companies employ men out of the city; most of the big mills—their men are coming and going all the time—they deal with private employment offices, I have always presumed, because somewhere is some boss who is getting part of the fee. That may be an unfair assumption, but that seems to me the hardest thing to combat and it limits our field of employment in that way.

Acting Chairman COMMONS. Does your civil service commission hold examinations for all employees of the city government?

Mr. GILL. Every employee of the city government except the hospital staff, the city treasurer's employees, and one city department, those are exceptions.

Acting Chairman COMMONS. Who is the officer that is responsible for holding those examinations; is that Mr. Grout here?

Mr. GILL. He has charge of them; yes, sir; under the direction of the board. The civil service board consists of three members.

Acting Chairman COMMONS. They are appointed?

Mr. GILL. They are appointed by the mayor and confirmed by the council, and they are at the head of the civil service commission. Theoretically, they hold the examinations, but it devolves upon the secretary.

Acting Chairman COMMONS. Does the municipality have any municipal utilities which it owns and operates, like waterworks and light plants?

Mr. GILL. It owns the water department and light and has a small asphalt plant and maintains its own city emergency hospital. That is all that the city owns, I think.

Acting Chairman COMMONS. Have they any interest in the street car system?

Mr. GILL. Oh, yes; we started on a street car system and own one line about 4 miles in length in the city and another about 9 miles in length which was given to the city if it would take charge of it, running out into a practically undeveloped territory at the south end of the city. It hasn't any connection up to the city yet, and we haven't got very far started on the street car proposition as yet.

Acting Chairman COMMONS. Are the employees under civil service?

Mr. GILL. Yes, sir.

Acting Chairman COMMONS. The old employees were taken over by the city at that time, or not?

Mr. GILL. No, sir.

Acting Chairman COMMONS. A new staff?

Mr. GILL. New men.

Acting Chairman COMMONS. Are they organized—have a union?

Mr. GILL. No, sir; I don't think so. The street car employees of the city have never been organized. Some years ago there was a very serious, long drawn out strike. That is about 8 or 10 years ago, and the men were beaten. Since that time they never have been organized.

Acting Chairman COMMONS. Do you have more unemployed in the winter than in the summer?

Mr. GILL. Yes, sir.

Acting Chairman COMMONS. Is it very much larger?

Mr. GILL. How is that?

Acting Chairman COMMONS. Is it very much larger?

Mr. GILL. Oh, yes; I think it increases very noticeably.

Acting Chairman COMMONS. Has the city undertaken in any way to provide for the unemployed in winter?

Mr. GILL. The city maintains a building out in the south suburb of the city where they are clearing a lot of land. Any man that goes to the city police station and reports he is broke or has no place to go or stay, they send him up there and let him sleep and eat, and let him work a couple of hours clearing land to pay for it. It maintains that all the time. No man need come to town and go hungry and have no place to sleep if he will report to the police station and be sent out. During last winter when the employment question got a little serious at one time the city appropriated some eight or ten thousand dollars, I think, that the street superintendent used in hiring men to clear some street slides at that time. They were given alternate days so as to make it cover a good many men. They got $2.75 a day, and that was used to relieve the situation. Outside of that all the city does is to maintain this place where any man can go and sleep and get something to eat.

Acting Chairman COMMONS. That is under your police department?

Mr. GILL. That is under the police department.

Acting Chairman COMMONS. Not under the civil-service department?

Mr. GILL. No, sir; not under the civil-service department.

Acting Chairman COMMONS. So that they are the ones that select these men for the jobs in the winter?

Mr. GILL. The occasion that I spoke of, that was rather an emergency proposition and really was an unlawful act. They had no right to employ anyone who wasn't a civil-service employee, but then the mayor and the street department simply went ahead and put these men to work. They had no right to do it theoretically, because they were not civil-service eligibles.

Acting Chairman COMMONS. The policy of the city seems to be to provide some opportunity for work every winter, and not only this emergency appropriation you mentioned, but also this other line?

Mr. GILL. The city always maintains a place out near one of the parks, which is being cleared up, where men may go and get a meal and sleep over night—sleep until he gets a job.

Acting Chairman COMMONS. Is that a kind of work that can be profitably done in winter?

Mr. GILL. There is no profit in it to the city, but it gives them work and makes them pay in a measure for what they get. It is profitable to the extent it is clearing land, which is needed.

Acting Chairman COMMONS. Is your winter so severe that the ground freezes?

Mr. GILL. The ground never freezes.

Acting Chairman COMMONS. It is possible to shift a good deal of construction work of the city into the winter?

Mr. GILL. Yes, sir; they can do that kind of work. The city maintains, for instance, the jail stockade. Men that get more than a five-day sentence are sent to the stockade, which is in one of the parks that is being cleared up. It is not being used as a park now, but it must be cleared up. Instead of the rock pile, they put them to clearing ground.

Acting Chairman COMMONS. You think the city does take care of the men in the winter?

Mr. GILL. Yes, sir; most any man who is down and out can always find some place he can sleep overnight and get a meal that will satisfy his hunger. We always do that.

Acting Chairman COMMONS. Would you think that would be preferable to place that under the head of the city employment office?

Mr. GILL. No, sir.

Acting Chairman COMMONS. You think it would be better to leave it to the police?

Mr. GILL. Yes, sir; leave it to the police.

Acting Chairman COMMONS. A man has to be a beggar to get a job, does he?

Mr. GILL. No, sir; he would not have to be a beggar. A man unfortunate enough to have to ask relief, simply has to go to the police department and state he has no place to sleep. In a great many cities of the country they go and report in that way and are allowed to lie on the cement floor, and here they are allowed to go to a decent bunk, and I would not say it was begging. It is a good deal better from the city's standpoint than to have them standing on the streets touching everybody that comes along for money and spending it for liquor.

Acting Chairman COMMONS. We can get this information from Mr. Kenyon, can we?

Mr. GILL. Yes; or Mr. Grout will give you the full information on the civil-service matter. Anybody in the police department will tell you all about the employment end of it.

Acting Chairman COMMONS. Whom would you get from the police department?

Mr. GILL. I think that Chief Griffith leaves the city to-night. He could probably get——

Acting Chairman COMMONS. Who would have charge of it in the police department?

Mr. GILL. Well, it is all right under the head. I would suggest Inspector Powers, Mike Powers, who is the inspector, and who would be chief in the absence of Chief Griffith leaving the city to-night.

Commissioner O'CONNELL. Who handles licenses in the city?

Mr. GILL. The saloon licenses and the employment licenses are granted by the city council by ordinance. All of the small peddling licenses and show licenses are issued, as a matter of course, by the comptroller, to whomever may pay him the money for them. But the saloons and employment licenses are kept strictly under the city council's office.

Commissioner LENNON. What is the city license for a saloon?

Mr. GILL. A saloon—$1,000.

Commissioner O'CONNELL. Does that cover all, like a bar in a hotel or restaurant?

Mr. GILL. Any bar which sells liquor must pay $1,000, and if a saloon in addition to that maintains a dining room in connection it pays an additional license of $250.

Commissioner O'CONNELL. How many licenses are there issued to saloons to sell liquor in Seattle?

Mr. GILL. The city charter limits the number to, I think it is, about 300. I have forgotten the exact number. That can never be exceeded. We have been running to the limit for a great many years. There can be no additional licenses.

Commissioner O'CONNELL. Are they issued in proportion to the number of citizens?

Mr. GILL. No; the number was fixed at an arbitrary figure by charter amendment several years ago. It can not be increased until the city has 500,000 population.

Commissioner O'CONNELL. What are the closing hours and opening hours of the saloons?

Mr. GILL. They close at 1 o'clock, except on Saturday, when they close at 12 o'clock; they open at 6.

Commissioner O'CONNELL. Are they open on Sundays, holidays, or election day?

Mr. GILL. They are open on holidays, but not on election days and Sundays.

Commissioner O'CONNELL. Are there any licenses issued in restricted districts, or are there any restricted districts?

Mr. GILL. There is no restricted district here now.

Commissioner O'CONNELL. How long since?

Mr. GILL. Since March, a little before March, 1911, when I retired. [Laughter.] It is a matter of local history. I was elected mayor——

Commissioner O'CONNELL. I must have struck an amusing spot.

Mr. GILL. It is understood better by the public in general than it is by you gentlemen. I was elected in March, 1910, as mayor of this city, on a platform to maintain a segregated district——

Commissioner O'CONNELL. Maintain it!

Mr. GILL. I was elected, and I was a believer in maintaining the district segregated, segregating these women. My opponent was not. I was elected. I maintained this district. Various complications arose, among others the fact

that the women became eligible to vote, and I made a wrong start apparently with the chief of police, and I was recalled, and the mayor abolished the restricted district. He maintained the women mostly in the residence district of the city, and his successor also. In the meantime the State legislature passed what is known as one of these abatement acts, whereby there can be no such district maintained by any official; consequently we have no restricted district at the present time.

Commissioner O'CONNELL. Well, if there isn't any known restricted district, is there any other form of districting or method whereby such places are carried on?

Mr. GILL. Not as such. There is no such thing as a known house of prostitution in the city.

Commissioner O'CONNELL. Houses of assignation?

Mr. GILL. I am informed that there are some, and inevitably must be; but it is kept, whatever there is, under the present chief of police—I have been giving but very little attention to it. It is all handled by Mr. Griffith, and as the thing is recognized it does not exist at the present time in the residence district at all. But I presume there are a great many of these women living around in certain classes of hotels and places of that kind where they will always congregate.

Commissioner O'CONNELL. What licenses do the ordinary peddlers on the street pay?

Mr. GILL. Oh, they vary. The jewelry peddlers, for them I think the license is prohibitive, or something like $15 or $20 a day. These fish peddlers pay, I think, $10 a quarter. There is a varying and what I call an erratic schedule of peddlers' licenses in this city, and it is low as to necessaries and high as to jewelry and such things. The others are small.

Commissioner O'CONNELL. I understood you to say that when the women secured the vote here it rather changed the face of things in the city. Has it had an effect on cleansing the morals of the community politically and otherwise?

Mr. GILL. Yes; I think it has. I think it has. I don't want to say that the fact that the women had the vote was due to the fact that I was recalled, although I think a great many of them voted against me on that one issue of the restricted district. I ran the following year. I ran again against the man who beat me, and was beaten by Mayor O'Connell. This year I was elected. Now, speaking generally of their influence on the morals and things of that kind; why, I might be said to be prejudiced if I said I thought they had. I was elected this spring by a very large vote, and satisfied a great many women voters. But, as to what the effect has been generally I think it has been a very good effect. It has been a good effect on all officials. A great many officials can't do some things that they could do before women had the vote—morally, and in a great many other respects. It has been a good influence, and I wasn't a woman suffragist from the beginning, either.

Commissioner O'CONNELL. Are you now?

Mr. GILL. I am.

Acting Chairman COMMONS. Any questions?

Commissioner LENNON. Yes.

Acting Chairman COMMONS. Mr. Lennon.

Commissioner LENNON. I was just going to ask this question: Have the wage earners of the city, either organized or unorganized, given any expression as to their attitude as to the segregated district?

Mr. GILL. No; never have taken any attitude on it at all.

Acting Chairman COMMONS. Have they on the saloon license question, prohibition?

Mr. GILL. Never have.

Acting Chairman COMMONS. Has any investigation been made here, or any discussion respecting the increased cost of living among wage earners?

Mr. GILL. No; I don't think so, as organizations. I do not recollect of having heard anything of the kind; no.

Acting Chairman COMMONS. Respecting the increased cost of living in the last 10 or 15 years, has it been noticeable in this district?

Mr. GILL. Oh, yes; it has been noticeable. I can testify to that, and I think everybody else; but the fact that the cost of living has increased possibly proportionately, it has not increased as much here as in some other places, for the reason that the town was for a long time ahead of its buildings for people to live in, and rents were always high. And then there came rather a period of reaction when there were more buildings than there were people, and rents

went down, and while other things may have been up rents were comparatively down.

Acting Chairman COMMONS. Who could give us the information on that question of rents?

Mr. GILL. Oh, you have a number of men here, I notice, that are subpœnaed from the various organizations, that, in my opinion, can give you as clear an idea along that line as anybody.

Acting Chairman COMMONS. Well, anybody who has made any investigation that would cover that?

Mr. GILL. No; there has never been any organized investigation of the question out here.

Acting Chairman COMMONS. I think that is all.

Mr. THOMPSON. One more question, Mr. Chairman.

Acting Chairman COMMONS. Mr. Thompson.

Mr. THOMPSON. Mr. Gill, in the case of a strike breaking out in the city, we will take it, that assumes large proportions, what view do you take of your duties and responsibilities so far as the use of the police is concerned?

Mr. GILL. Simply that every policeman shall do his duty just as though he would be—as though there were no strike; simply enforce the city ordinances as to fighting and keep the streets clear as he would on an ordinary day when there was no strike on and attend to his business as a policeman without bias or prejudice one way or the other. As I say, if the situation got beyond control, where a mob got violent or anything of that kind, then I should simply, as I have the right to do under our city charter in case of an emergency—I have the right to appoint as many policemen as I want to on pay as city men until the next regular meeting of the city council. Unless the council indorses my action these men go out. It puts the ultimate responsibility onto the council, although I would have the right if they met and adjourned and threw my men out, I would declare an emergency the next day. That is the way I would handle it. I would expect the city policemen, of the city's own appointing, paid their $100 a month, to be city men and have them be unbiased and impartial and have them make arrests just exactly to the extent they would have to do.

Mr. THOMPSON. Apparently your experience here has been the same as that of the chief executives in cities elsewhere, as a sort of mediator or conciliator in the cases of industrial trouble. Would that fact, the fact that you are to act as such, influence you either consciously or unconsciously by your handling of the police?

Mr. GILL. I don't think so; no; I don't think so.

Mr. THOMPSON. What views do you take of chief executives of cities handling the police directly for the purpose of bringing about conciliation or arbitration where either of the parties don't want it?

Mr. GILL. Well, I have only had the one experience. Now, here was the way this teamsters' strike situation worked. The city was full of special policemen—there were 50 of them. The minute those 50 men were let out there was, in my opinion, better control of the whole situation than when they were in. They were men who didn't know police business. Some of them may have been biased one way, and some probably the other. It aggravated the situation rather than aided it, and the minute those men were out—and so far as that is concerned, except, as I say, in isolated instances where a couple of these men met and had a private fight of their own—we never had any disorder. And I never had any disorder to contend with on the part of labor unions in this city. They never violated any ordinances. They may have got out and claimed to do things which they had a right to do. The biggest man in the employers' association is a man that could not see the rights of the individual as against the manufacturing corporations under any conditions, nor don't want to, nor never will. But the ordinary kind of man will. And I have never had as much trouble yet here from the standpoint of violence, organized violence, turning the hose on the men—I never had anything from the men; it is the employer who wants that. And I have never had any trouble with organized labor. And from that standpoint I have never seen that they showed a disposition here to be violent. They wanted the things they have got a right to have, and that is all they have done to me.

Mr. THOMPSON. Take a case where there is a strike and the employer has hired private detectives or gun men or other people, and the strikers or employees are asking for protection against them. Take that case on the one side, and take it on the other side that the employer is asking for police protection

against the destruction of his factory or property. Now, take it that either one of these people are asking for protection, and should not meet the views that the city executive has of conciliation and arbitration. Do you believe that the executive would have the right to withhold the police force in order to enforce or persuade either side to agree to something that they didn't believe in?

Mr. GILL. Oh, he could not compulsorily do it. But I could do this, assuming that this state of facts existed, that some union was going to destroy somebody's property; I would put the whole police force down there to protect that property, assuming that condition to come about. But I don't assume the condition while I am mayor of this city where any employer of labor will have a lot of armed strike breakers, because I will disarm them and won't have them in there, nor will I have a lot of armed union men. I have never seen them try to arm, and I would not let them, nor I would not allow the employer to arm the men, nor I won't let him make his own men policemen. I will furnish the policemen to protect his property if his property is in danger, if I have to take everybody in town to protect it. I don't assume any condition of that kind ever will arise in Seattle. I have never seen anything that looked like it might ever.

Mr. THOMPSON. Neither would you give or withhold police force in order to induce either party to take any action you wanted to bring about—arbitration, for instance?

Mr. GILL. Why, I think the fact that I refused to maintain 50 men on the city's pay roll as special policemen here last spring had considerable to do in inducing people to get together in this little teamsters' strike. It wasn't, as a matter of fact, the team owners we had our difficulty with, it is what is known as the employers' association here, mostly big men who are absolutely nonunion, maintaining this employers' association. It was through them that my predecessor put these men in as special policemen. As long as they can have all the special policemen they want and the taxpayers and the city care for them, they don't care much about settling things. And as soon as they can't, why they begin to feel conciliatory immediately. That is my experience.

Mr. THOMPSON. What theory did the employer have of the use of the police?

Mr. GILL. Why, he had the theory that if you let him, he will have his employees for policemen paid by the city.

Mr. THOMPSON. Well, then, what would these police do, would they make attacks on strikers, would they protect property from destruction?

Mr. GILL. I think that is the assumption. I think back East they would probably go out and shoot a lot of men.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Thompson, call your next witness?

Mr. THOMPSON. Hon. E. W. Olson.

TESTIMONY OF MR. E. W. OLSON.

Mr. THOMPSON. Will you please give your name to the reporter?

Mr. OLSON. Edward W. Olson.

Mr. THOMPSON. And your business address?

Mr. OLSON. Olympia.

Mr. THOMPSON. And your occupation or position?

Mr. OLSON. State labor commissioner.

Mr. THOMPSON. How long, Mr. Olson, have you been State labor commissioner?

Mr. OLSON. Since April 7, 1913.

Mr. THOMPSON. Is the commissioner appointed under some special act of the legislature creating that office?

Mr. OLSON. Under a special act creating the bureau of labor.

Mr. THOMPSON. When was that act passed, if you know; about?

Mr. OLSON. The act was passed in 1897.

Mr. THOMPSON. Well, is there any special commission that is appointed under an act of this State of recent date?

Mr. OLSON. An industrial commission?

Mr. THOMPSON. Yes.

Mr. OLSON. Yes; industrial welfare commission.

Mr. THOMPSON. Have you in your position as labor commissioner had anything to do with that commission?

Mr. OLSON. I am chairman of that commission.

Mr. THOMPSON. You may tell us, if you please, Mr. Olson, generally the scope and purpose of your department of labor?

Mr. OLSON. Of the bureau of labor?

Mr. THOMPSON. Yes.

Mr. OLSON. The scope of that department is to enforce all of the labor laws of the State, and to look after the welfare of the laboring people generally.

Mr. THOMPSON. How many inspectors have you to carry out the law of the State and into what divisions are they divided?

Mr. OLSON. I have an assistant, a lady assistant, to enforce the laws for women; five inspectors who go through the factories in the State, State factory inspectors; also two steamboat inspectors.

Mr. THOMPSON. Now, in a general way you can state, if you can offhand, the list—the laws of this State relating to industrial matters that come within the supervision of that bureau.

Mr. OLSON. All of the laws?

Mr. THOMPSON. Well, generally, the law, the child-labor law and so on.

Mr. OLSON. We have three statutes pertaining to child labor. Then we have the women's eight-hour law and several minor statutes pertaining to the welfare of women outside of the minimum-wage law. We have the 10-hour law for street car men and we have the mine inspectors' law for the inspection of coal mines. We have the eight-hour public work law for all contract labor that is employed on public works. It is impossible for me to here enumerate all of the minor laboring laws that we have.

Mr. THOMPSON. That is the general field?

Mr. OLSON. Yes; I would be glad to give the commission a copy of the laws.

Mr. THOMPSON. We would be very glad to have those. In your opinion, is the force that you have adequate to cause the various laws within your jurisdiction to be fulfilled and enforced?

(A pamphlet entitled "Labor Laws of the State of Washington," edition 1913, compiled by Edward W. Olson, commissioner of labor, was subsequently submitted in printed form.)

Mr. OLSON. I think in order to fulfill all of the functions of the bureau of labor it would be necessary at least to treble our force.

Mr. THOMPSON. In your opinion, from your experience as head of the bureau, are the laws here, with reference to the subject you have supervision of, generally lived up to or not?

Mr. OLSON. Beg pardon?

Mr. THOMPSON. Are the laws relating to industrial matters generally lived up to in this State, or not?

Mr. OLSON. As far as I can determine they are generally lived up to.

Mr. THOMPSON. Is that the report of your inspectors as they go around?

Mr. OLSON. That is the report of the inspectors as a general rule. We find violations under some of our laws, and it is almost impossible at times to enforce them.

Mr. THOMPSON. What laws, for instance?

Mr. OLSON. The eight-hour law for women is a very hard law to enforce, from the fact that it is impossible to get a woman to go on the witness stand against her employer, in many cases. We may subpœna them, but we find when they go on the witness stand that they use every effort to evade questions that are put to them and to protect the employer. This has generally been done in fear of discharge.

Mr. THOMPSON. What means do you take, then, to get the evidence in the case?

Mr. OLSON. We have no adequate means, because we can't do picket duty to get this evidence.

Mr. THOMPSON. Your force is not adequate?

Mr. OLSON. Our force is not adequate.

Mr. THOMPSON. Do you hold any executive sessions where witnesses are heard in private?

Mr. OLSON. We do wherever it is possible.

Mr. THOMPSON. And in cases of prosecution, of course you have to put the witnesses on the stand, or as commissioner of the bureau——

Mr. OLSON. We must put the witnesses on the stand.

Mr. THOMPSON. And bring an action in the ordinary courts?

Mr. OLSON. In the ordinary courts.

Mr. THOMPSON. And in the trial of those cases you need the direct witnesses?

Mr. OLSON. The direct witnesses.

Mr. THOMPSON. The inspector is not permitted to speak except as to what he knows of his own knowledge, I take it?

Mr. OLSON. That is right.

Mr. THOMPSON. Are you a lawyer?

Mr. OLSON. I am not.

Mr. THOMPSON. With reference to the work of the commission which has established the minimum wage here, or is establishing minimum wages, what is the general scope and force of that commission, and how is it organized, and what does it do?

Mr. OLSON. The general scope?

Mr. THOMPSON. Yes.

Mr. OLSON. The general scope of that law is to create a living minimum wage for women and minors employed in the different industries of our State. And this wage is established by holding conferences that are called together by the commission, a conference for each industry. Did you want to know further about the scope of the work?

Mr. THOMPSON. Yes; go right ahead.

Mr. OLSON. Of our past work, is that of interest to the commission?

Mr. THOMPSON. Yes.

Mr. OLSON. Our first conference was called to order on, I think it was March 31 of this year, which was for the purpose of establishing a minimum wage and conditions of labor in the mercantile industry in this State. This conference was in session for about two days, and made a recommendation to the commission that a wage of $10 per week be established for women employed in that industry, and also other conditions of labor; all of which were adopted by the commission and put into effect on the 27th day of June.

(See Olson Exhibit No. 1.)

The second conference was held in the month of May and was for the purpose of establishing a minimum wage in factories, the recommendation being made by that conference of $8.00 per week for women employed in that industry, and other conditions of labor also. These recommendations were adopted by the commission and became effective on the first of this month.

(See Olson Exhibit No. 2.)

The third conference was held a few days after that, and was for the purpose of establishing a minimum wage in laundries. That conference recommended a wage of $8.50 for women employed in that industry, together with other conditions of labor. This wage was rejected by the commission on the ground that it was not a sufficient sum upon which a woman would be able to live. Through the investigation made by the conference we had facts and figures that justified the commission in rejecting this recommendation.

(See Olson Exhibit No. 3.)

A new conference was called which recommended to the commission the wage of $9 per week. And this was adopted, together with other conditions of labor recommended by the conference.

The fifth conference was that of the telegraph and telephone industries, which recommended a minimum wage of $9 per week, which recommendation was also accepted by the commission and put into effect—or rather goes into effect on the 7th of next September.

Mr. THOMPSON. September 7 next?

Mr. OLSON. That covers the amount of work we have so far done. We have under investigation now the canning industry, the fruit picking industry, and several other occupations in which women are employed—office girls, hotel help, restaurant help, and so on.

Mr. THOMPSON. You may state, Mr. Olson, in your own way, how the commission is called to act upon this information and establish minimum wages? At whose instance, and what machinery did you use in carrying out the investigation; how you got your evidence, etc.?

Mr. OLSON. I might go back a little bit and state what the requirements of the law are in selecting these conferences. The law requires that an equal number of employees and employers shall sit in these conferences, together with one or more members representing the disinterested public. The commission is also authorized by that law to formulate rules and regulations governing the conduct of these conferences. And in these rules and regulations the commission decided to appoint three members representing the employers, three representing the public, and three representing the employees. The law requires that a

member of the commission shall be chairman of these conferences. The member of the commission who is chairman of this conference does not vote on the questions submitted to the conference. In handling these conferences the cost of living is the main topic to be considered; although other questions are permitted to enter into the discussion.

Mr. THOMPSON. At whose instance are these conferences called to take up any particular industry? Does the commission itself pick out an industry, or do individuals request the commission to take an industry up?

Mr. OLSON. The law requires that the commission shall investigate the cost of living of women employed in different industries in the State. That was the first work of the commission, to investigate the different industries, and the cost of living; and in doing so the commission found that in nearly all of the industries in the State so far investigated the wages paid were not sufficient to cover the cost of living of a woman worker employed in these industries.

Mr. THOMPSON. Then the first investigations were undertaken by the commission itself?

Mr. OLSON. Yes.

Mr. THOMPSON. Now, in carrying on the work of investigation, take, for instance, the first one you made, the establishment of the minimum wage, the 10-hour day for women in mercantile establishments, how was that carried on, how many investigators did you have, what was the scope of their investigation?

Mr. OLSON. The commission did the main work of investigation, and also employed, I believe, five investigators in different parts of the State to enter into a comprehensive investigation of the cost of living and the conditions of labor and other things pertaining to that question.

Commissioner GARRETSON. Covering how long a period, Mr. Olson?

Mr. OLSON. How long a period?

Commissioner GARRETSON. How far back did you go—10, 12, or 15 years?

Mr. OLSON. No; that investigation was only for the present.

Commissioner GARRETSON. Only in the immediate present?

Mr. OLSON. Only in the immediate present.

Mr. THOMPSON. When you say the main part of the work was done by the commission, what do you want us to understand by that—that they made an investigation, or that they had hearings at which they sat, or what?

Mr. OLSON. This investigation was a personal investigation made by members of the commission, and also by employed investigators. In connection with that we held public hearings. We held 16 public hearings in the different parts of the State, some of them for employers and some for employees; this in order to get all of the information and data possible with the very least effort, because of the fact that our appropriation was not so large that we could employ very many investigators.

Mr. THOMPSON. Were the public hearings taken down in shorthand?

Mr. OLSON. Not in shorthand.

Mr. THOMPSON. Are there any public printed records of the results of these hearings—what was gotten there?

Mr. OLSON. No; there are none.

Mr. THOMPSON. That this commission could have the use of?

Mr. OLSON. No reports printed of these hearings.

Mr. THOMPSON. What individual work did the commissioners do, and how did they carry it on outside of the public hearings? You say they made individual investigations. Were different trades apportioned off for each commissioner, or how?

Mr. OLSON. To some extent; yes. The commissioners, the different commissioners residing in different parts of the State were expected to and did cover those parts as thoroughly as possible.

Mr. THOMPSON. And submit reports in writing?

Mr. OLSON. To some extent; yes.

Mr. THOMPSON. How would the commission get the benefit of the work of the man, the whole commission?

Mr. OLSON. The work of each member of the commission?

Mr. THOMPSON. Yes.

Mr. OLSON. That was brought about by employing a special investigator, Miss Gleason, or Oregon, secretary of the industrial welfare commission, who made a comprehensive survey of the State, taking into consideration also the data that had been secured by the other investigators and members of the commission, from all of which a report was compiled.

Mr. THOMPSON. And upon her survey she took into consideration the work of the commissioners and your other investigators, and you made these various findings?

Mr. OLSON. Yes.

Mr. THOMPSON. In these different industries?

Mr. OLSON. Yes.

Mr. THOMPSON. Could this commission be furnished with a copy of her report, her survey?

Mr. OLSON. I will send you one.

(A pamphlet entitled "Report of the Industrial Welfare Commission of the State of Washington," prepared by Caroline J. Gleason, dated Olympia, Wash., March, 1914, was subsequently submitted in printed form.)

Mr. THOMPSON. Now, in the act appointing this commission, it is stated it shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals, or at wages which are not adequate to their maintenance. Has your commission, or has the commission so far made any finding as to what is detrimental to health or what is detrimental to morals?

Mr. OLSON. Any particular finding?

Mr. THOMPSON. Yes; I take it on the wage question you have made certain specific findings.

Mr. OLSON. Well, in order to be within our legal bounds, we have made particular findings which are to some extent embodied in our report.

Mr. THOMPSON. As to the health and morals proposition?

Mr. OLSON. Yes. The morals proposition, however, we did not cover, because that had no direct bearing on the establishing of the minimum wage.

Mr. THOMPSON. Well, in the question of the health proposition can you recall generally some of the findings that you have made on that phase of the question?

Mr. OLSON. Some of the findings that have been made?

Mr. THOMPSON. Yes; by your commission.

Mr. OLSON. It is rather hard for me to cite those here at the present time.

Mr. THOMPSON. Passing that subject for the moment, then—has your commission established a minimum wage for minors?

Mr. OLSON. Yes; minors under the age of 18?

Mr. THOMPSON. What is that minimum wage, or when was it established?

Mr. OLSON. We treated the question of minors in each industry separately, and so far we have established the same minimum wage of $8 per week for minors in all of the industries that we have covered.

Mr. THOMPSON. When was that put into effect?

Mr. OLSON. It went into effect at the time the minimum wage for women went into effect—the obligatory orders were issued at the same time.

Mr. THOMPSON. You have had no chance to study the results of the minimum wage for minors to any extent?

Mr. OLSON. We are now making a study of the effects of the minimum wage on both minors and women.

Mr. THOMPSON. Where are you beginning that study?

Mr. OLSON. We are beginning it all over the State.

Mr. THOMPSON. When do you think you will have it concluded?

Mr. OLSON. It will be a year before we conclude that.

Mr. THOMPSON. What difficulties in the administration of this commission, of your bureau, do you meet with generally? What are the most noticeable ones?

Mr. OLSON. We meet with a great many difficulties, difficulties that are unforeseen. I might be able to state them, but it would take a great deal of time.

Mr. THOMPSON. Take the general heads, so that we will know.

Mr. OLSON. Some of the great difficulties that we have had is in selecting the members from the employees' side for these conferences. As a rule the girls whom we call on to serve on these conferences are very hesitant; they are afraid they may not be able to maintain their position if they properly represent the employees. We find that condition existing all the way through. That is one of the hardest problems that we have had to deal with in selecting the members of our conferences.

Mr. THOMPSON. Have you gotten around that difficulty in any respect?

Mr. OLSON. We have through a great deal of effort; we have found it necessary, sometimes, to interview as high as 30 or 40 girls before we find the ones we deem capable of representing their sister wage earners on these conferences.

Mr. THOMPSON. How about the penalty part of your law? Have you any difficulty with that?

Mr. OLSON. We have not found any difficulty with it so far, owing to the fact that we have had no occasion to enforce it. I rather think, though, that the penalty is not adequate to cover the situation.

Mr. THOMPSON. How generally is that true of the enforcement of the other labor laws under your bureau?

Mr. OLSON. I believe that is generally true of those, that the penalties are too small under all of our labor statutes. As a rule, it is hard to get any more than the minimum fine imposed in any case of violation.

Mr. THOMPSON. Have you brought many cases for the violation of the eight-hour law, and what has been the result in those cases generally?

Mr. OLSON. I am not certain as to the figures, but I believe we have brought as high as 60 cases in the last year and a half, out of which we have probably secured convictions in 75 per cent of those cases.

Mr. THOMPSON. What, so far as you have been able to ascertain, is the general attitude of the employers of this State toward the enforcement of the laws, of these laws?

Mr. OLSON. The general attitude of the employers toward the enforcement of the laws is very good. There are very few employers in the State who are trying to evade the law.

Mr. THOMPSON. Is there any defect in the administration or enforcement of the child-labor law that has come out so far in your investigation of its effect?

Mr. OLSON. Well, there are several defects in our child-labor laws. However, we are trying to remedy some of those defects through the authority given the minimum-wage commission.

Mr. THOMPSON. What are the most pointed defects that have come to your attention?

Mr. OLSON. Well, one of the greatest defects in our child-labor law is that it does not specify in particular all of the industries to which it should apply.

Mr. THOMPSON. Then, it does not apply generally?

Mr. OLSON. It is hard to get convictions under that statute, and especially in cases where the industry itself is not clearly defined; that is, the industry or establishment.

Mr. THOMPSON. Well, in a general way, what is the method of describing industries that are within the law? Are there excepted industries?

Mr. OLSON. There are some excepted industries, farm work, for instance.

Mr. THOMPSON. Is there any other industry that is excepted?

Mr. OLSON. No; not specifically, but it does not clearly define all of the industries that child-labor laws should cover. For instance, it is almost impossible to enforce the child-labor statute against theaters where children are employed on the stage. However, to some extent the juvenile court act covers that, at least they are trying to make it cover.

Mr. THOMPSON. How about selling newspapers on the street?

Mr. OLSON. That comes under the juvenile court act entirely.

Mr. THOMPSON. Did you make any investigation of the cannery industry of this State?

Mr. OLSON. I did.

Mr. THOMPSON. What did you find there? When was the investigation made?

Mr. OLSON. The investigation was made, I believe, on the 15th of August last, from the 15th to the 20th of last August. In company with a member of the welfare commission I made an investigation of these canneries. We covered 16 canneries in all; and this investigation was largely for the purpose of determining the status of the child-labor question as well as the woman-labor question; and in addition to that I also made an investigation of the employment of Chinese and Japs in these canneries.

Mr. THOMPSON. Well, with reference to women and children, what condition did you find there?

Mr. OLSON. In some cases we found the condition of labor of the women and children very deplorable. In other cases they were very good.

Mr. THOMPSON. When you say deplorable, what would we understand by that?

Mr. OLSON. So far as hours are concerned.

Mr. THOMPSON. So far as hours are concerned?

Mr. OLSON. Yes; and also the conditions under which they worked. These conditions varied in different canneries.

Mr. THOMPSON. Can you give the commission a general view as to some of the conditions that were objectionable?

Mr. OLSON. We found in some of the canneries women were required to work from 15 to 19 hours per day during the height of the canning season, and we found in some places where minors, under the ages of 14 and 16 years, were required to work as high as 15 hours a day.

Commissioner GARRETSON. Paid by the day, hour, or piece?

Mr. OLSON. We found that the women packing fish were paid by the piece. Some of these women were able to make $9 per day. They made all the way from $4.50 to $9 a day, packing flat cans of salmon by the piece. The children employed there were usually employed by the hour.

Commissioner O'CONNELL. How about sanitary conditions?

Mr. OLSON. As I said before, the sanitary conditions in some of the canneries are very good; in others very bad. I might say they run from one extreme to the other.

Commissioner O'CONNELL. Any inspection in regard to the health of the employees in connection with the cutting of the hands, disease, or in any way like that?

Mr. OLSON. I do not know. There is no inspection in that regard so far as I know.

Commissioner GARRETSON. What is the moral condition of the houses?

Mr. OLSON. The moral condition of the housing in some places was not of the best, but we did not find a great deal of that.

Commissioner O'CONNELL. Was there a proper segregation between the males and females?

Mr. OLSON. In all cases but one that I know of.

Commissioner O'CONNELL. In that instance they were compelled to use the same toilet?

Mr. OLSON. The same toilet; yes, sir. That, however, was remedied as soon as we called their attention to it.

Commissioner O'CONNELL. How about sleeping?

Mr. OLSON. Why, I found no case where the houses were not segregated. In some of the canning establishments they have bunk houses for the women as well as for the men—that is, not really bunk houses—they have bedsteads with four to six girls sleeping in a room—two or three beds in a room—and these houses are built of very rough lumber and are only intended for use during the period of the canning season.

Commissioner O'CONNELL. Do whole families go into the canning industry in the season—father, mother, and children?

Mr. OLSON. In some instances they did; not in a great many instances.

Commissioner O'CONNELL. Are the facilities for cooking in these houses good, or do they cook outside?

Mr. OLSON. They usually have a kitchen in connection with the house.

Commissioner O'CONNELL. Are there any of the camps where they have no houses and use tents?

Mr. OLSON. There were none brought to my notice.

Mr. THOMPSON. How young are the children employed in the industry?

Mr. OLSON. The youngest child that I found was 11 years of age.

Commissioner O'CONNELL. Male or female child?

Mr. OLSON. Male child. I was told there were some of an age less than 8, but I did not see them personally.

Commissioner O'CONNELL. What is the condition of the material being canned? Was it apparently being handled in a sanitary manner?

Mr. OLSON. Most of the fish in the canneries are canned by machines, and not handled by hand except to put the fish into the can. Some of the cans are handled by women, and are packed by hand. These women have gloves on, and I did not see any condition there that would be considered radically wrong. It is hard to make conditions pleasing to the eye, where they have a big lot of fish coming in, and have things look as though they are perfectly sanitary in all parts. There is bound to be more or less slush. However, we found some conditions that could have been remedied, to some extent at least.

Commissioner O'CONNELL. Have you fruit canneries?

Mr. OLSON. We have fruit canneries in the State.

Commissioner O'CONNELL. How about those?

Mr. OLSON. The conditions in the fruit canneries are quite good.

Commissioner O'CONNELL. As to sanitation and housing and segregation?

Mr. OLSON. They are quite good as far as I can see.

Commissioner GARRETSON. What are the hours?

Mr. OLSON. The hours in the fruit canneries are a great deal the same as they are in the salmon canneries. They vary according to the amount of product they bring in to have canned. I have not, however, noticed any women employed in fruit canneries for more than 12 to 13 hours in the height of the season.

Commissioner GARRETSON. Have you vegetable canneries?

Mr. OLSON. Beg pardon?

Commissioner GARRETSON. Have you vegetable canneries?

Mr. OLSON. We have vegetable canneries, but they are run in connection with some of the fruit canneries.

Mr. THOMPSON. With reference to the enforcement of the child-labor law, have you had any difficulty with that?

Mr. OLSON. We have had some irregularity in issuing permits. The judges of the superior courts of the different counties of the State have been quite lax in issuing permits. In our investigation of the child-labor problem in one of the counties of the State we found that one of the judges had delegated this power to the county superintendent of schools, and he in turn had issued these permits promiscuously without any investigation.

Mr. THOMPSON. Does your bureau set up any standards, or does the law, upon which the certifications are issued?

Mr. OLSON. Our department is not authorized under the law, to do that. However, we do confer with the different judges of the superior courts in this matter whenever cases arise, and ask them to live up to certain standards in issuing these permits.

Mr. THOMPSON. I take it from what you say that the judge of the court issues the permit?

Mr. OLSON. Yes, sir.

Mr. THOMPSON. What generally is the practice of the courts and judges with reference to ascertaining the age of the applicant?

Mr. OLSON. Well, the court usually takes the word of the parents for that.

Mr. THOMPSON. Generally under oath or without?

Mr. OLSON. No; not under oath.

Mr. THOMPSON. Not under oath?

Mr. OLSON. No.

Mr. THOMPSON. What investigation do you make, or does your bureau make, as to whether or not in any case the facts are as stated in court? Do you have any check-up at all on the administration of the law?

Mr. OLSON. We haven't any check-up so far as that is concerned. Whenever we find a child-labor violation, of course, it is necessary for us to take the word of the child or the word of their parents or some one else as to their age. Usually we take it from the child, and I haven't found one case yet where the child has misrepresented.

Mr. THOMPSON. Then, when your inspector goes into a factory where children are employed, what is his method of making an investigation with reference to their ages?

Mr. OLSON. What is his——

Mr. THOMPSON. Yes; what method of investigation does he make. Are the certificates all handed to him or on hand for him to investigate?

Mr. OLSON. Yes, sir.

Mr. THOMPSON. Does he take the children apart and ask them their ages, or what does he do?

Mr. OLSON. In some instances we found where the children hold the certificates, and others where they were left with the factory. In all cases we insist that the employer must have these certificates, so that we can investigate them.

Mr. THOMPSON. And generally one of your inspectors will go through the shop, is that the fact?

Mr. OLSON. Yes, sir.

Mr. THOMPSON. And size up the children and those he considers look young——

Mr. OLSON. He questions the children.

Mr. THOMPSON. With reference to the minimum-wage law for minors, how does the apprenticeship system which is in operation in this State affect that?

Mr. OLSON. It will be hard for me to give a clear answer to you at this time, inasmuch as we are just working out the apprenticeship question. I might say this, however, that it was thought some time ago that the apprenticeship question might be the means of defeating the purpose of the law. I am

absolutely convinced at this time that it is not, that it will not be the means of defeating the purpose of the law, but will rather be a benefit to it. In the mercantile establishments in this State, in which the law has been in effect since the 27th of June, and during that time the commission has issued something like 275 licenses to women to be employed as apprentices in all parts of the State. That is a very small per cent. We find, however, that it is necessary to reject a great many applications. I am not prepared at this time to say how many applications we have rejected during that time, but whenever we refuse these applications we find that the girls send them back and want us to reconsider them. That happens almost incessantly. Whenever we issue a license to a girl to work, say, for $7.50 or $9 a week and she fails to secure or hold the job at that wage, she immediately wants a reduction. That is the greatest problem we are up against in the apprenticeship question.

Mr. THOMPSON. What is the provision generally of the apprenticeship law as the commission has the right to enforce it?

Mr. OLSON. The provisions of it?

Mr. THOMPSON. Yes.

Mr. OLSON. The law gives the commission authority to issue to an apprentice a license designating the period of that apprenticeship, and the wage under which she may work.

Mr. THOMPSON. Are they related principally to—entirely to minors and women?

Mr. OLSON. No; the apprenticeship section does not relate to minors whatever. The law does not give the commission any authority to issue a license to a minor. However, in some instances we can make, and find it necessary to make, different rulings with reference to minors.

Mr. THOMPSON. Now, referring to the cannery proposition and fruit packing, those are seasonal occupations, of course?

Mr. OLSON. Yes; they are entirely seasonal.

Mr. THOMPSON. In either of those fields is the work that they there do generally their sole earnings for the year?

Mr. OLSON. No.

Mr. THOMPSON. Do the people that work in fish canneries rely upon the fish canneries for their total wage of the year?

Mr. OLSON. I haven't found any instances whereby I could say that it is. That employment goes hand in hand with a lot of other intermittent employment that we have in the State. As a matter of fact, this State is seething with intermittent employment. That is one of the great faults of our industrial life here, we have so much intermittent employment that men and women are not employed in the same industry but a short time, when they have to seek work in other lines.

Mr. THOMPSON. Has your commission given that any consideration, or have you any power?

Mr. OLSON. We are; but we have no power to remedy that situation.

Mr. THOMPSON. What appropriation does this commission have per year?

Mr. OLSON. Five thousand dollars per year, or ten thousand dollars for the biennium.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Lennon has a question.

Commissioner LENNON. Mr. Olson, has the enactment of the eight-hour day, even though not able to enforce it, has it had a general effect of reducing the hours of labor of women in the State of Washington?

Mr. OLSON. Yes, sir; it has. I don't want to leave this commission under the impression that the eight-hour law for women is not generally enforced.

Commissioner LENNON. No.

Mr. OLSON. Generally it is enforced.

Commissioner LENNON. Not thoroughly enforced?

Mr. OLSON. Not thoroughly enforced. I don't believe that there are any of our laws that are absolutely and thoroughly enforced.

Commissioner LENNON. Well, the experience with this law, where you go to make an investigation or inspection, for instance, where you have never been, where no inspection or investigation has ever been made, does your inquiry indicate that the enactment of the law has made some difference even in such a place?

Mr. OLSON. Oh, yes; yes, sir.

Commissioner LENNON. Mr. Olson, what have you to say regarding industrial or social unrest in the State of Washington that threatens in any way the

social well-being of society or the continuity of civilized government? Do you know of any unrest that is dangerous in those ways?

Mr. OLSON. In the past few years we have had an unrest in this State that has been caused, or has come from various sources. As I said a little while ago, the great problem that we have before us in this State is the matter of unemployment which is caused by intermittent employment. Men secure work for two or three months in one class of employment, when they are required to find new fields. And they are constantly on the jump from one thing to another in order to make a living. This, however, is only general in certain industries.

The lumbering industry of this State is one of the largest that gives steady employment to men the year round. Our wheat fields, our canneries, and our fruit-packing and fruit-growing industries and hop-growing industries are those that give only intermittent employment to both men and women.

Then we have a peculiar condition surrounding us on the north as well as on the east. We have a very salubrious climate here, and in the wintertime a great many workmen flock in here from other sections of the country, from Montana—from the cold regions in Montana and from Alaska, from Oregon, from British Columbia. Last winter the problem of our unemployment was largely caused by the influx of laboring people from British Columbia. There was a period of depression over there in some of the industries, and men flocked from there here, and they naturally came to Seattle, the largest city in the State. When spring opens up they go out and find employment in some of the industries that give employment at that time. This employment is generally during the summer months, and we are back again to the same condition of unemployment in the wintertime.

Commissioner LENNON. Can you offer any suggestions to the commission as to what they might do to mitigate the evils of this irregular employment or to vitiate the unrest which is, in your opinion, not necessary for the advancement of civilization?

Mr. OLSON. I haven't anything to suggest in that regard that I think might be practical.

It is quite a hard problem. The only thing that I might say is that an effort should be made by the people of this State to get industries here that will fill up those periods of unemployment or give work to the people during those periods of unemployment. We require probably 50 per cent more people here in the summertime in these different industries than we do in the winter. In making figures on the question of employment throughout the State, covering only the factories—we are not tabulating them—I find that in the mills and workshops and factories in the State there are periods when we require 25 per cent more help than we do at other periods. In other words, we must have a surplus of 25 per cent of men in our mills and workshops. Those men are only employed a few months in the year.

Commissioner LENNON. Have you noticed whether or not an unrest which might be dangerous at times to the well-being of society is greater among organized than unorganized men and women?

Mr. OLSON. I should say that the social unrest is greatest among unorganized men. There we find conditions most deplorable. We have men in this State that are working for $1.50 a day and paying $1 a day board, or rather a little less than $1 a day board. But, of course, such cases are not very numerous, yet that condition exists to some extent. The organized laboring people of the State are commanding higher wages than that. There is not nearly as much social unrest there; but as it is organized, we probably see the effects of it more than we do among unorganized labor.

Commissioner LENNON. What opportunities are there now in the State of Washington for securing homesteads—getting land either under the homestead laws or for very small compensation?

Mr. OLSON. As far as I know there is very little opportunity, and where there is opportunity for a man to secure land, to secure a homestead, he would necessarily have to have considerable money in order to carry it through successfully. That has been my observation. Our land problem is a very deep one.

Commissioner LENNON. Not easy to get onto the land unless you have means, then?

Mr. OLSON. You must have means, and small means are not sufficient, such as they used to be.

Commissioner LENNON. How long have you been working under the compensation law in this State? How long has it been in operation?

Mr. OLSON. Workmen's compensation?

Commissioner LENNON. Yes.

Mr. OLSON. Since October, 1911.

Commissioner LENNON. Can you indicate to us as to the proportion under the compensation law that reaches the injured as compared with what it was under the old liability laws?

Mr. OLSON. I am not well enough conversant to give you a clear answer to that question. I know, however, that it is very much greater.

Commissioner LENNON. Prof. Commons tells me that there are men who are specially connected with that feature of the Government that can tell us.

Mr. OLSON. Yes.

Commissioner LENNON. That is all, as far as I am concerned.

Commissioner GARRETSON. You speak of the unrest of the organized and the unorganized. Has your experience been that the organized man finds means of expression and efforts to correct the causes of his unrest that the other man has not?

Mr. OLSON. That is precisely what I tried to convey.

Commissioner GARRETSON. In other words, the dangerous feature of the unrest of the organized man has a safety valve in his means of endeavoring to correct them that the other man has not?

Mr. OLSON. Yes; that is my belief.

Commissioner GARRETSON. Have you any birth-registration laws in the State?

Mr. OLSON. I am not conversant with that question. I rather think we have in different municipalities; but whether we have or not in the State at large, I don't know.

Commissioner GARRETSON. Has your investigation demonstrated anything as to whether or not the increase in wages within any given period has kept pace with the increased cost of living?

Mr. OLSON. I have some figures on that question which show that they have not; the increase in wages has not kept pace with the cost of living.

Commissioner GARRETSON. Has your commission any power to fix minimum wages or conditions of service for males of the adult age?

Mr. OLSON. Not males; no, sir.

Commissioner GARRETSON. Males of the adult age?

Mr. OLSON. No, sir.

Commissioner GARRETSON. You deal with minor males?

Mr. OLSON. Yes, sir.

Commissioner GARRETSON. And females of all ages?

Mr. OLSON. Yes, sir.

Commissioner GARRETSON. From your experience with the commission in the State of Washington, as long as it has existed, are your impressions favorable with the results that come from the existence of such law and the commission applying it as against the nonexistence of the law and the commission?

Mr. OLSON. I find that it will be necessary to see this law in effect for some time before I could adequately answer that question. However, at this time I think that there is good going to come from it.

Commissioner GARRETSON. You believe it exercises an influence that is desirable on behalf of that class of wageworkers who would exercise little influence on their own behalf?

Mr. OLSON. Yes; but not always to the one who does not exercise any influence on her own behalf. The inefficient worker is going to be thrown out of employment.

Commissioner GARRETSON. That naturally will follow on the application of such law. I think that is an economic fact. Do you believe, assuming for a moment that the existence of a commission of this character is desirable in a State, that those benefits would be added to by the existence of like commissions in all States and a close relationship between those commissions and an interchange of experience with each other and giving a chance to all to avail themselves of the experience of all.

Mr. OLSON. I think similar commissions in other States are absolutely necessary. I believe there should be commissions of this kind in every State if we are going to carry it out.

Commissioner GARRETSON. Do you believe a Federal commission similar in character, not necessarily exercising control but acting in accordance with and as a clearing house for such commissions, would produce beneficial results?

Mr. OLSON. I think such a Federal commission is absolutely necessary to gain the best results.

Commissioner GARRETSON. It furnishes the skeleton upon which the others hang?

Mr. OLSON. Yes, sir.

Commissioner GARRETSON. Is the harvesting of hops a great industry in this State?

Mr. OLSON. Yes, sir.

Commissioner GARRETSON. Have you made any investigation into the harvesting of the crop?

Mr. OLSON. The harvesting of the crop is not yet in progress.

Commissioner GARRETSON. Then you don't know what the abuses or absence of abuses may be in that direction, or whether like conditions exist here to what were cited as existing in other States?

Mr. OLSON. From what standpoint are you speaking?

Commissioner GARRETSON. Housing and hours and associated questions that go with them, just as they handle them in Canada.

Mr. OLSON. I made an investigation last year in one of the eastern Washington counties of certain conditions under which labor was performed in the field, and I find that the sanitary conditions are very bad, especially where they employ a large number of people. There is no preparation made whatever for these people coming there and they have to shift for themselves in the best way they can. Yet it is one of the conditions that I do not know how it is possible to remedy for years to come, because the industry can't stand to build these houses. It is one of the new and growing industries of the State, and we haven't any good market at the present time for fruit. This is the fruit industry that I am speaking of, and not the hop-growing industry. There are labor conditions that are deplorable in some of these sections.

Commissioner GARRETSON. Is the family engaged in that industry the same as it is in the eastern hop districts or is it the segregated individuals?

Mr. OLSON. I believe families are engaged in it to a great extent. I found it so in Yakima County. At the time of my investigation last year there were families who left home for a little recreation trip expecting to make some money during the vacation period in the fruit and hop fields. Some were disappointed and some were able to make wages.

Commissioner GARRETSON. Is your commission charged with the administration of the industrial insurance act of this State?

Mr. OLSON. No, sir.

Commissioner GARRETSON. It is not?

Mr. OLSON. No, sir; that is a different commission.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. You spoke of increase in wages and the increased cost of living. Has that been published?

Mr. OLSON. The investigation of the increased cost of living—the figures I have were compiled by the Federal Government.

Acting Chairman COMMONS. You made no State investigation?

Mr. OLSON. No, sir; no State investigation has ever been made by our bureau.

Acting Chairman COMMONS. You are not able to state and have no way of stating whether those Federal figures apply to this State?

Mr. OLSON. They do; they apply to the Western States.

Acting Chairman COMMONS. Have you checked it up or tested it in any way to see whether they are. For example, would you say that the cost of living in this State in 17 years has increased 59 per cent?

Mr. OLSON. I could not. I have tried to test those figures, but it is impossible to do so, because I don't know upon what lines the Federal Government made its investigation, and it was made some time ago. However, I have made an investigation of the cost of living, but not in connection with wages; I haven't been able to reach that point yet. It is very difficult to get material from the past at the present time. The State bureau of labor in the past never made any investigation of that kind. It is something only recently undertaken, and what is being done now will not be of any material benefit until two or three years from now.

Acting Chairman COMMONS. So that your statement as to the increased cost of living and increased wages is based solely upon the Federal figures?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Not on your own investigation?

Mr. OLSON. Not on my own investigation.

Acting Chairman COMMONS. Has the question of the regulation of hours and the regulation of wages and the question of interstate competition arisen in this State as an objection?

Mr. OLSON. That is one of the great questions.

Acting Chairman COMMONS. In all industries?

Mr. OLSON. The manufacturing industries, they are more largely involved in that question than any other.

Acting Chairman COMMONS. The industries for which you have fixed wages seem to be the stores. They would not come in there, would they?

Mr. OLSON. Not to any great extent.

Acting Chairman COMMONS. Laundries?

Mr. OLSON. No, sir.

Acting Chairman COMMONS. Telephone and telegraph?

Mr. OLSON. No, sir.

Acting Chairman COMMONS. What is the number of women or minors in the industries which you have dealt with, or which exist in this State, which are affected by interstate competition.

Mr. OLSON. I would have to hazard a guess on that proposition, because, as I said before, there is not enough money in our appropriation to take a census of the State. We would naturally have to take a census of the entire State in order to get those figures.

Acting Chairman COMMONS. What are the main lines of manufacture in this State that come in competition with that of other States?

Mr. OLSON. The main line of manufacture?

Acting Chairman COMMONS. Yes, sir.

Mr. OLSON. There are a great many of them. The candy and cracker industry is one.

Acting Chairman COMMONS. With what State is that competing?

Mr. OLSON. It competes with a great many Eastern States—Illinois, Minnesota, and as far back as New York.

Acting Chairman COMMONS. Are there many establishments of that industry in this State—candy?

Mr. OLSON. They are quite numerous, small establishments, and we have a few large plants.

Acting Chairman COMMONS. What other industries in the State?

Mr. OLSON. Well, there are the manufacturers of small novelties and jewelry, and a great many such industries. I can't possibly enumerate them now, but I could if I had a little time to think.

Acting Chairman COMMONS. Could you furnish us a statement?

Mr. OLSON. There is our textile industry, our garment-making industry, our knitting works; they are in competition with the East.

Acting Chairman COMMONS. As a matter of fact, you have not fixed minimum wages for any industry of interstate competition?

Mr. OLSON. Oh, yes; we have.

Acting Chairman COMMONS. You mean what?

Mr. OLSON. In the factories.

Acting Chairman COMMONS. Has the regulation there affected all factories?

Mr. OLSON. Every factory in the State.

Acting Chairman COMMONS. You have placed a minimum there of——

Mr. OLSON. Eight dollars and ninety cents.

Acting Chairman COMMONS. Did you take into account in fixing the amount of that figure the cost of living in competing States?

Mr. OLSON. The law does not give us that authority. We base our minimum wage upon the cost of living in this State, regardless of other conditions.

Acting Chairman COMMONS. Did you make any study at all?

Mr. OLSON. To some extent we did.

Acting Chairman COMMONS. Did you consider whether or not your manufacturers would be placed at a disadvantage at the $8.90 rate in competition with other States?

Mr. OLSON. I am convinced that some of them are at a great disadvantage.

Acting Chairman COMMONS. What class of manufacturers?

Mr. OLSON. The candy-manufacturing industry, I think, has suffered much in that way. The cracker manufacturers, also. The freight rate out here also enters into that question, because I have had figures submitted to me showing a difference of 15 per cent over this wage scale as against manufacturing establishments in the East. An increase of 15 per cent; in other words, that product would cost 15 per cent more to manufacture here than it would in the East.

Acting Chairman COMMONS. That means solely the wages of the women employees?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. That does not take into account the efficiency of the factory, or anything of that kind?

Mr. OLSON. No, sir; the factory is about as efficient here as it is in the East—those factories are. It is harder to get skilled help in this State, however, than it is in the East.

Acting Chairman COMMONS. And the freight rate from the East is so low that it does not offset the difference in wages?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. There is a natural disadvantage of 15 per cent net in the candy industry?

Mr. OLSON. What I also had reference to was the cracker-manufacturing business.

Acting Chairman COMMONS. What is the net disadvantage?

Mr. OLSON. From 13 to 15 per cent.

Acting Chairman COMMONS. Taking the freight rate into account?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. So that the difference in wages must be much greater than 15 per cent?

Mr. OLSON. Yes, sir; they are. In some of the cracker factories in the East I understand they employ female help for $4.50 as against $9 or $8.90 here.

Acting Chairman COMMONS. That is a difference of 100 per cent or more?

Mr. OLSON. And they work them in units in the cracker factories in all the larger establishments, and where we have 55 employed to a unit in the State of Washington, they have 50 to the unit back there. They employ less labor on the same output of their product.

Acting Chairman COMMONS. Does the general law regarding hours of labor fix the same standard of hours for all occupations of women, or is there a difference?

Mr. OLSON. The provisions of the eight-hour law control.

Acting Chairman COMMONS. Can the commission adjust the hours and make a difference?

Mr. OLSON. The law does not give us any authority to deal with hours as far as women are concerned.

Acting Chairman COMMONS. Could it make the hours longer in the canning industry in the height of the season, if it found it was not injurious to the health of the women, for a short period?

Mr. OLSON. We haven't determined the question yet whether or not the commission has the right to deal with hours in those industries not covered by the eight-hour law. That is a question that will have to be decided by the courts; the law is not clear on that point.

Acting Chairman COMMONS. You are speaking of the wages, are you?

Mr. OLSON. No, sir; the hours.

Acting Chairman COMMONS. Has the legislature enacted a uniform eight-hour law in all industries?

Mr. OLSON. Not in all industries; the canning and fruit-packing industries are excepted.

Acting Chairman COMMONS. That is the reason?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. They are totally excepted?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. And you have no authority, in certain industries where these abuses exist, to adjust them?

Mr. OLSON. And it is doubtful whether the welfare commission has authority to regulate hours in the industries exempted from the eight-hour law.

Acting Chairman COMMONS. The welfare commission regulates only wages?

Mr. OLSON. That is all; but it can regulate the hours of minors.

Acting Chairman COMMONS. Would it be advisable, in your judgment, to give to the welfare commission the power to regulate hours in season of the canning industries?

Mr. OLSON. I believe it would be well to have the welfare commission handle that question, as well as the question of wages, because they are closely related one to the other.

Acting Chairman COMMONS. You haven't had enough experience yet to know whether it would be difficult to enforce the minimum-wage law?

Mr. OLSON. I don't anticipate a great deal of difficulty, inasmuch as the employees will find it is to their advantage to aid us in enforcing the law, where the women under the eight-hour law do not. That is a matter of higher

wages, and very few employees will hesitate in giving testimony against their employers when they are going to be financially benefited by it.

It is different with the eight-hour law, there she is likely to lose her job or have a cut in wages on account of a reduction in hours.

Acting Chairman COMMONS. Isn't she as likely to lose her job if she makes complaint regarding wages—as much as she is regarding hours?

Mr. OLSON. There is a chance that she will, yet at the same time the employer is placed in a different position than what he is under the eight-hour law.

Acting Chairman COMMONS. You have had no practical experience?

Mr. OLSON. We have had no practical demonstration.

Acting Chairman COMMONS. All you say is speculation so far on that question?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Do you enforce the law regarding safety and sanitation in factories, and so on?

Mr. OLSON. I do.

Acting Chairman COMMONS. What is the connection between your commission or department and the accident compensation commission in the matter of prevention of accidents?

Mr. OLSON. The law gives us no direct connection, except in the matter of the safeguarding of the plants. The Bureau of Labor is authorized under the law to put inspectors into the field to safeguard the machinery in different plants. The scope of that is limited, however.

Acting Chairman COMMONS. Which body keeps the statistics that would show whether or not there had been an improvement in that regard?

Mr. OLSON. The industrial insurance commission is better able to give those statistics than the bureau of labor is.

Acting Chairman COMMONS. But you enforce the law regarding safety?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. And bring prosecutions?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Are there many prosecutions?

Mr. OLSON. We don't find any trouble in enforcing the safeguarding provisions of this law. The last report of the industrial insurance department shows only 2 per cent of the accidents caused in the mills and factories of this State were caused by lack of safeguarding. The employer, as a rule, does anything in the way of safeguarding that he is asked to do where it is possible to safeguard.

Acting Chairman COMMONS. Is that owing to the compensation law?

Mr. OLSON. I rather think it is.

Acting Chairman COMMONS. In the matter of employment offices, are there free employment offices in places other than Seattle?

Mr. OLSON. There are employment offices in all large cities—beg pardon, free?

Acting Chairman COMMONS. Yes; municipal employment offices?

Mr. OLSON. We have free employment offices in Tacoma and Spokane, and I don't know whether there is one in Everett now or not; there used to be.

Acting Chairman COMMONS. There is no State authority over them?

Mr. OLSON. No, sir; none whatever.

Acting Chairman COMMONS. Any system of connection between them?

Mr. OLSON. No, sir; none that I know of, except voluntary.

Acting Chairman COMMONS. Do you get reports from all of them or is there any central body?

Mr. OLSON. No central body whatever.

Acting Chairman COMMONS. No uniform method of keeping their records?

Mr. OLSON. There is not.

Acting Chairman COMMONS. Have you ever investigated these offices?

Mr. OLSON. To some extent. I have reports from them now that I have not yet been able to tabulate.

Acting Chairman COMMONS. Are you able to reach any decision, or have you a decision, with reference to the efficiency with which they are conducted?

Mr. OLSON. I have not. I rather think, from my general observation, that they are efficient. I can't come to any other conclusion but that they are quite efficient. However, they don't attract the class of labor that some of the private employment bureaus do; this probably from the fact that they don't receive the patronage of the large employers of the State.

Acting Chairman COMMONS. Do they make—I am speaking of outside of Seattle, because we will probably have some one here that can tell about Seattle—but do you know whether they make an effort to find the kind of men that employers want, or do they simply send to them anybody that comes along?

Mr. OLSON. I made an investigation of a lot of workmen in one of the road-construction camps in the mountains last week, and a great many of the men were sent there by the free employment bureau of Seattle, and I believe they sent the first ones on the list, the first ones that came along, regardless of the nature of the employment. At least the facts I gleaned there seemed to indicate that. I don't know how it is about skilled labor. However, there is some unskilled labor on these roads. I saw one man sent out as a blaster who had never seen gunpowder.

Acting Chairman COMMONS. Is it your idea that they send that type of employees—the first ones that come?

Mr. OLSON. It may be possible; I have no facts that would substantiate that theory.

Acting Chairman COMMONS. If so, it is not likely that the employers would patronize them?

Mr. OLSON. I could not say as to that, because I haven't any figures or facts.

Acting Chairman COMMONS. The only fact you have is this one you mentioned?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Was that public employment—public work?

Mr. OLSON. Yes, sir; that was public work.

Acting Chairman COMMONS. And they sent there men who were not fitted for that work?

Mr. OLSON. However, this was only one case I saw there; but I have seen other cases in other places.

Acting Chairman COMMONS. What other places?

Mr. OLSON. Well, in the sawmills and in the shingle mills.

Acting Chairman COMMONS. In the case of private employers?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Have they sent men not fitted for the work to private employers?

Mr. OLSON. Apparently so; but that is not alone true about the free employment agencies, that is probably more largely true of the private employment agents.

Acting Chairman COMMONS. How does it come that private agencies send in men not fitted for the work?

Mr. OLSON. I can't account for that except that they don't take the time to look into the matter—to investigate.

Acting Chairman COMMONS. Have the employers' associations established their own employment agencies for employing help?

Mr. OLSON. Yes; in some parts of the State.

Acting Chairman COMMONS. In what part of the State?

Mr. OLSON. I understand at Aberdeen the employers' associations have established agencies of their own.

Acting Chairman COMMONS. Is that lumber?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. What other ones?

Mr. OLSON. Those are the only ones I know about.

Acting Chairman COMMONS. The rest of the employers depend upon private and public agencies as far as you know?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. And neither endeavors to select the type of men that the employer specifically wants?

Mr. OLSON. Now, I wouldn't say that positively in all cases; but I have seen instances.

Acting Chairman COMMONS. So far as you have looked into it, it is so?

Mr. OLSON. Yes, sir.

Acting Chairman COMMONS. Any questions?

Commissioner LENNON. Yes, sir. If a child enters into an industry under the permit system or comes to the age where they can enter without such

permission, what provisions have the State of Washington made for the continuation of schools or vocational schools or anything of that kind?

Mr. OLSON. No provision whatever. There was a bill introduced at the last session of the legislature for the purpose of establishing a continuation school; but it never emerged from the committee.

Commissioner LENNON. The matter is being discussed by your people, is it, and having consideration?

Mr. OLSON. To some extent.

Commissioner LENNON. Does the public-school system do anything along that line as to vocational training in Seattle or elsewhere in the State?

Mr. OLSON. I understand in the cities of Seattle, Spokane, and Tacoma—I am not certain as to Spokane, however, that they give some vocational training in regard to millinery work, and probably other lines. I do know that they do with reference to millinery.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. Mr. Thompson, anything more?

Mr. THOMPSON. Just a few more questions. About how many workingmen are there in the State, if you know or have an estimate?

Mr. OLSON. I would have to hazard a guess, as there has never been a census taken except by the Federal Government, and I have gone to the census reports of the Federal Government and have not been able to find anything definite. I would say as a rough guess 400,000.

Mr. THOMPSON. What per cent, in your opinion, of those men are organized?

Mr. OLSON. I believe that there are about 25,000 men organized in the State of Washington.

Mr. THOMPSON. What, if any, efforts have been made, as far as you know, to prevent the organization of men in the various industries?

Mr. OLSON. In the last two years there has been an employers' association formed in the State of Washington to combat organized labor and the closed shop.

Mr. THOMPSON. Do some of the employers of this State shift their men for the purpose of preventing organization, as far as you know?

Mr. OLSON. I can't say positively; I have heard rumors of it.

Mr. THOMPSON. How about Gray Harbor district?

Mr. OLSON. I have heard rumors of them doing it there. However, so far as I have been able to investigate, I haven't gotten any facts in that case.

Mr. THOMPSON. Do you know whether there is any definite information abroad in that respect? Who would be apt to know?

Mr. OLSON. I could not point out anybody particularly that would know, because the rumor that has come to my ears has only been general.

Mr. THOMPSON. You say, if I remember correctly, that in fixing the minimum wage to be paid to these various women workers here in the State, that the element of the cost of living was largely considered?

Mr. OLSON. Yes, sir.

Mr. THOMPSON. Was that the only consideration?

Mr. OLSON. That was not the only consideration, but that was the main consideration. That was the one upon which the minimum wage is founded.

Mr. THOMPSON. What specific would you want to say about the establishment of this minimum wage for different industries, like $10 for mercantile establishments, $8.90 for manufacturing work, $9 for women working in laundries, and $9 for telegraph and telephone girls?

Mr. OLSON. To some extent, that is a matter of the difference of opinion of the different conferences. So far as the minimum wage established in mercantile establishments is concerned as against that established in factories, the facts that were brought out in those two conferences were, that there was a difference in the cost of living in those two industries—that the girl employed in a mercantile establishment required considerably more money for clothes than the one employed in a factory. Facts brought out in our laundry conference showed in some instances that a girl employed there needed more money for some things that the one employed in the mercantile establishments. However, it varied all down the line. For shoes, the girl working in the laundry required quite a bit more than the girl working in the mercantile establishment. That was rather a surprise to me, but these things were all gone over item by item, and, as I say, it might be to some extent a difference of opinion on the part of the different conferences in establishing the different wages. However, I think to a great extent they are logical.

Mr. THOMPSON. Can you file with this commission a statement of the various items which entered into the settlement of these different wages?

Mr. OLSON. I can.

Mr. THOMPSON. We will be pleased to have you do so.

Mr. OLSON. All right.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. Mr. Olson, if there were 25,000 organized workers in the State, and 375,000 were not organized, does the wage-fixing ability of the 25,000 exert a strong influence on the wage of the other 375,000?

Mr. OLSON. I think it does.

Commissioner GARRETSON. They are the real factor of strength in the wage fixing?

Mr. OLSON. There is no question about it.

Commissioner GARRETSON. That is all.

Commissioner O'CONNELL. Does that include the railroads of the State, the various brotherhoods, railroad brotherhoods?

Mr. OLSON. No; that does not include the railroad people of the State, because they have no locals in this State. I am merely speaking of those unions that have locals in the State.

Commissioner O'CONNELL. So there you lose almost 50 per cent of the organized force at once?

Mr. OLSON. Yes.

Commissioner GARRETSON. Is there any other industry of the State as closely organized as the railway employees?

Mr. OLSON. Yes; I think there is.

Commissioner GARRETSON. What branch?

Mr. OLSON. I think the printers and pressmen are as closely organized.

Commissioner GARRETSON. They are, I grant you, in the centers. Are they outlying?

Mr. OLSON. Well, they are if you include all of the railway men that are employed on logging railways, etc.

Commissioner GARRETSON. Well, I do not on logging railways. If you take the kind of labor that you speak of; the kind of employment I was referring to were the regular employees in the train movement and shop crafts.

Mr. OLSON. They might be weaker.

Commissioner O'CONNELL. Have you any idea as to the number of workmen that are employed in the transportation and mechanical forces in the railways of the State of Washington?

Mr. OLSON. I have not. I have not been able to get those figures.

Commissioner O'CONNELL. Do you think that they are organized to the extent of 98 per cent, both in the transportation and mechanical departments?

Mr. OLSON. They are very generally organized.

Commissioner O'CONNELL. You think there are about 25,000 organized. So far as your records show, do you think that can easily be doubled by putting in the railway people of the State?

Mr. OLSON. I have no idea how many railway people are employed in this State. On account of being interstate commerce it is hard to get those figures.

Commissioner GARRETSON. It is difficult to segregate them from interstate.

Acting Chairman COMMONS. Is this figure, 400,000, based on the census that was issued in the last month?

Mr. OLSON. I haven't seen a copy of that. Has it been delivered yet?

Acting Chairman COMMONS. Yes.

Mr. OLSON. Our department has not received it.

Acting Chairman COMMONS. Then of that 400,000, what number do you estimate are men and what women?

Mr. OLSON. I should say that we have 60,000 women employed in this State in all occupations.

Acting Chairman COMMONS. Three hundred and forty thousand, does that include agricultural labor and those in the seasonal industries, picking, and that kind of thing?

Mr. OLSON. Yes. That does not mean steady employment by any means to the 400,000.

Commissioner GARRETSON. Different individuals who labor?

Mr. OLSON. Yes.

Acting Chairman COMMONS. That is the maximum number of employees at any time?

Mr. OLSON. Yes, sir.

Commissioner GARRETSON. Or who are available for employment?

Mr. OLSON. Yes; that is it.

Acting Chairman COMMONS. That is sufficient. The commission will adjourn until 2 o'clock.

(And thereupon at 12.30 o'clock p. m. of this Monday, August 10, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Acting Chairman COMMONS. The commission will come to order. Mr. Thompson, call your next witness.

TESTIMONY OF DR. J. ALLEN SMITH.

Mr. THOMPSON. Dr. Smith, will you give your name, please?

Dr. SMITH. J. Allen Smith.

Mr. THOMPSON. Your address?

Dr. SMITH. 4510 Twenty-second Avenue Northeast, Seattle.

Mr. THOMPSON. And your business or profession?

Dr. SMITH. Professor of political and social science, State University, Seattle.

Mr. THOMPSON. How long have you been connected with the university?

Dr. SMITH. Seventeen years.

Mr. THOMPSON. And in this department?

Dr. SMITH. Seventeen years.

Mr. THOMPSON. Generally, for the information of the commission, what subjects do you personally take up in the pursuit of those two branches?

Dr. SMITH. My entire time and attention at present is given to political science. I have no work in any other field.

Mr. THOMPSON. But in your general university work and in your general study, Professor, you have covered the industrial field, I take it?

Dr. SMITH. I was formerly professor of economics, and gave most of my time to that one subject.

Mr. THOMPSON. Yes.

Dr. SMITH. But not recently.

Mr. THOMPSON. Have you followed the general industrial situation in this State and in the country in a general way?

Dr. SMITH. Only in a very general way, and then mostly with reference to political questions.

Mr. THOMPSON. Well, referring now, to Seattle and the State of Washington in the first instance, what in your view, or what views have you of the general economics and industrial situation in this vicinity?

Dr. SMITH. Well——

Mr. THOMPSON. I will ask whether the relations between employers and employees are friendly, or where they have fallen down?

Dr. SMITH. I think the relation here is very much the same as you would find it in any other State where conditions are somewhat similar. In some lines it is friendly. But many of the large employers here in this State seem to be distinctly opposed to effective labor organizations. That is true, however, in other places as well.

Mr. THOMPSON. Are you familiar with the views or the grounds upon which they base their attitude?

Dr. SMITH. So far as I see, it is put on the same grounds as it is elsewhere—the alleged abuses of trades-unions. But, of course, it all comes back to the question of control—control of industry. I think that is one point upon which the whole controversy hinges.

Mr. THOMPSON. That is, the division of power?

Dr. SMITH. Yes, sir; the division of power between the employer and the employee and the general public.

Mr. THOMPSON. Have any questions come up here with reference to the restriction of output or limitation of work by the employee?

Dr. SMITH. What is your question?

Mr. THOMPSON. The question of limitation of output.

Dr. SMITH. Yes, sir.

Mr. THOMPSON. Or would all such questions be merged in the question of power?

Dr. SMITH. I think they all come back to this one question.

Mr. THOMPSON. Well, what would be your remedy for a controversy which hinges around, centers around that fact?

Dr. SMITH. If you will allow me to make a rather extended answer to that question.

Mr. THOMPSON. Do that.

Dr. SMITH. I would say that my remedy would be to give the worker larger control in industry. My reason for that is this: As I see it, the law practically recognises the employer as in control of industry. Legally he is in control, though actually this control is limited, because of the activities of labor unions that are entirely outside the law. But, nevertheless, he has very great influence in the direction of determining the distribution of the income between employer and employee. Of course, his right to control industry is limited to some extent by legislation, here and everywhere else. But the laboring man has the feeling that governmental regulation of such matters may be unsatisfactory, for two reasons: In the first place, as lawyers know, the bulk, or at least a very large part, of the law relating to employer and employee comes down from a time when the employee had very little influence upon legislation. Consequently it does not fully recognise the rights and interests of the employee.

And another reason is this: This morning Mr. Olson said that in suits involving breaches of labor laws the minimum fines are assessed where convictions are obtained. I think that the law is not only administered too leniently but that the view taken by the Government itself too largely reflects the point of view of the employer, and it is hard for the laboring man to change the system because of the checks and restraints which characterise our whole political system in this country, under which the majority find it difficult to enact public opinion into legislation. This has the effect of making the laboring man realise the fact that the protection of his interests through State control is exceptionally difficult here in the United States, and so he naturally turns to the trade-union, entirely outside the law, as the most trustworthy source of relief. The trade-union is, you might say, an extra legal means by which the laboring man is seeking to get the protection which he feels he does not get at the present time in an adequate measure through the State.

Mr. THOMPSON. Relating to the law as you spoke of it, you have said that the system of government in this country, by means of the various checks and restraints that we have, makes it almost impossible for the laboring man to get an expression of his views.

Dr. SMITH. Yes, sir.

Mr. THOMPSON. What is your opinion as to whether or not the old common law as such——

Dr. SMITH. What is that?

Mr. THOMPSON. What is your opinion as to whether or not the old common law as such, coming out of an industrial situation wholly different from that which exists to-day——

Dr. SMITH. Yes, sir.

Mr. THOMPSON. In other words, relationship in the industry where master worked at the same bench with the men in many cases, do you think that common law itself is capable of reaching an adjustment of the rights and equities of the employees to-day?

Dr. SMITH. I think it would be, provided you had courts that were thoroughly in sympathy with the point of view of labor and thoroughly understood the problems that labor is up against. I think it largely fails because the courts do not sympathise with or fully understand the point of view of labor.

Mr. THOMPSON. You are familiar, of course, with law and jurisprudence?

Dr. SMITH. To some extent; yes, sir.

Mr. THOMPSON. Of course the old common law consisted of decisions and positions taken by the law wherein the memory of man runneth not to the contrary, and some of the old law relating to master and servant growing out of the early conditions might be perhaps appropriate to our present situation, where we have large factories and large industries like railroads?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. If the common law would have to follow the beaten line of decisions coming down from that kind of civilization, do you believe, then, such law, even though fairly administered, would meet the present economic conditions?

Dr. SMITH. No, sir; not entirely. The laboring man has to look here, as in other countries, largely to the legislative power of the State to secure needed

adjustment of laws to new conditions, and so many difficulties are encountered in securing readjustment, either through ordinary legislation or court decisions, that the laboring man does not get the relief at the hands of the State that he has a right to expect and which in some countries he has been getting.

Mr. THOMPSON. Have you any idea as to the specific form in which this relief might go, the form it might take in order to adjust some of this unrest and grievances which exist to-day?

Dr. SMITH. I think we have started in the right direction in this State in the case of the industrial insurance commission, which is based on the principle of protecting the laborer against the risks of industry.

Mr. THOMPSON. Do you think if the present courts had their power extended so that, say, in injunction cases where either of the parties came for an injunction in a labor dispute, the court would have a right to pass not only on the law of the case as it exists to-day, but might have the right to go into the merits of the industrial controversy and pass on that, would that be a help in your opinion?

Dr. SMITH. I would be afraid to extend the power of the courts in that direction until lawyers and judges as a whole are more in line, as far as their economic training is concerned, with the present condition of industry.

Mr. THOMPSON. What would be your opinion of a system of industrial courts not to be administered by lawyers, but to be administered by men who understood economics and business?

Dr. SMITH. I think if such courts were composed of laymen, business men and laboring men, and men other than lawyers and judges, they would be highly desirable.

Mr. THOMPSON. Of course, such courts would be a radical departure from our present system of government in this country, would it not?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. And might be had to bring about?

Dr. SMITH. I don't know.

Mr. THOMPSON. A slow process?

Dr. SMITH. I don't know about the difficulty, but I think it would be very desirable.

Mr. THOMPSON. What would you think of the institution of a Federal industrial council, say with power to mediate and conciliate, and perhaps to arbitrate, if desired, by both sides?

Dr. SMITH. I think any move in that direction is desirable.

Mr. THOMPSON. And from your study of political and economic science, would that seem to be the line of least resistance and the next step—or what would you present to be the next step?

Dr. SMITH. Yes, sir; if you combine with that the taking over of the duty of investigation and publicity in connection with disputes. It seems to me that is the next and most important step at this time. If we could get all matters of dispute between employees and employer fully investigated and thoroughly aired before the public, that would be the best step to take at the present moment.

Mr. THOMPSON. I didn't state, but I meant to include that in my statement of such board. In your opinion, such council would be a good many steps in advance?

Dr. SMITH. I think it would.

Mr. THOMPSON. In your opinion, then, what else would you like to say, or have you in mind to say, with reference to the industrial unrest which exists and the causes which lead to it and the possible cure or remedy?

Dr. SMITH. I would like to make one comment on the reasons pointed out; in my opinion one of the causes of unrest peculiar to this country is the lack of control, either political or economic, on the part of the laboring man. So, naturally, I think, that one line along which it would be well to develop would be in the direction of a little more democracy. I think that would have an extremely good effect on both the laboring man and the employer. One of the reasons why the employer in this country is in some cases, especially in the case of the large employer, so unwilling to arbitrate or deal with the employee, is that he feels that when it comes to measuring strength with the employee, the latter is no match for him. More democracy, if it could be brought about, would weaken the power of resistance of the employer and make him more conciliatory. Also, on the part of the laboring man, it would give him a different attitude toward the Government. He would come to have more faith in its fairness and justice in all matters affecting labor.

Mr. THOMPSON. I take it the democracy you are speaking of now is political democracy rather than economic?

Dr. SMITH. Political democracy; yes.

Mr. THOMPSON. Now, where would you start out to get more democracy in our political make-up.

Dr. SMITH. I would suggest an easier method of amending the Constitution. Then we would be able to get at some of these other questions directly.

Mr. THOMPSON. Do you think that the principle of democracy might also be extended to industry itself?

Dr. SMITH. Yes; to some extent. I haven't thought of that in particular, but I believe that will come about in some measure.

Mr. THOMPSON. Well, in the field of collective bargaining, of course, the elements of democracy have more or less play.

Dr. SMITH. Yes, sir.

Mr. THOMPSON. And have you given that field any consideration?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. As to its use and value in sounding problems of an industrial character?

Dr. SMITH. I feel that labor would have to be thoroughly organized in order to guarantee the success of the plan of collective bargaining. For that reason I would offer the freest possible opportunity on the part of labor to get together and act as a unit against the employer that is already a unit.

Mr. THOMPSON. When you say guarantee, what do you mean in that respect, to guarantee the collective bargaining?

Dr. SMITH. I mean the power practically to enforce it, because as it is now——

Mr. THOMPSON. As against the employer or against the employee?

Dr. SMITH. As against, I should say, both. I think that, logically, there goes along with that the idea that all workers must get together, otherwise the employer will have the advantage in the distribution of power. I can not see any other outcome than that labor will have to be fully organized if it is to hold its own in collective bargaining.

Mr. THOMPSON. In relation to the economic and political proposition, Doctor, do you believe that interstate competition has more or less to do with that problem?

Dr. SMITH. You mean such matters as were discussed here this morning?

Mr. THOMPSON. Yes.

Dr. SMITH. Certainly. It has a great deal to do with it.

Mr. THOMPSON. Well, do you believe that international competition has something to do, too, with that problem?

Dr. SMITH. It would, but for our tariff policy by which we guard against that, or attempt to at any rate. Its effect would be more pronounced under free trade, no doubt.

Mr. THOMPSON. Well, international forces have a good deal to do with the cost of living, don't they?

Dr. SMITH. Yes.

Mr. THOMPSON. The high cost?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. Take, for instance, the present war.

Dr. SMITH. Very much.

Mr. THOMPSON. It has a material effect, I take it, on the price of foodstuffs, according to the market quotations?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. Do you believe that anything could be done along that line in order to establish an equilibrium internationally?

Dr. SMITH. Establish what?

Mr. THOMPSON. An equilibrium or stability. Do you think that the workers of the country and of the world could do anything to help to bring about a stable situation?

Dr. SMITH. Stable in what respect?

Mr. THOMPSON. With regard to nations as well as with regard to interstate affairs.

Dr. SMITH. You mean so as to avoid collisions?

Mr. THOMPSON. Wars and the disturbance of economic conditions through wars.

Dr. SMITH. I think the remedy there, as the remedy must ultimately be, in the case of labor or any other problem we have, a matter of public opinion.

In that case possibly it would require a world public opinion. But if we can get a public opinion in any case that is clearly defined and thoroughly organized and well directed, I believe that it will accomplish its object.

Mr. THOMPSON. Of course, if we are correctly informed by the papers, labor has taken a very decided stand against the present war, for instance.

Dr. SMITH. Yes.

Mr. THOMPSON. In all the countries?

Dr. SMITH. Yes, sir.

Mr. THOMPSON. Recognizing, as they do thoroughly, that it has a very great effect——

Dr. SMITH. Yes, sir.

Mr. THOMPSON (continuing). On their economic conditions.

Dr. SMITH. Yes, sir.

Mr. THOMPSON. I am referring to that, as you stated you are professor of political science as well as economic science. Take the present war: Do you feel that an association, say, of the citizens of Germany and of England and of France and Austria, their people, if they come to this country, if they form an association together here, and speak to their respective peoples in Europe and state: "Here we live in friendship and in perfect accord"; do you think that it would have an influence on helping to determine that war or end it?

Dr. SMITH. I should think that the United States, being the one great neutral nation not having anything to do with this war in the Old World, any such move would have some moral effect; how much I don't know. Sometimes, of course, a very slight thing may change the whole course of history. Any organized protest against what is going on over there from a country such as this, where we have all nations represented—where, as you say, all do live side by side in the most friendly intercourse—would, I think, have a moral effect; but whether it would materially affect the attitude of the various foreign countries themselves in the present struggle is something to be determined by subsequent events.

Mr. THOMPSON. In referring to the question of collective bargaining, Doctor, what would you consider to be the elements that enter into that subject—I mean, take the question of responsibility—must it be mutual?

Dr. SMITH. I think that it would have to be mutual. I believe that when labor has its rights fully recognized in the law, labor will have more responsibility to assume than it assumes now. I believe that when a collective bargain is made both sides ought to be equally responsible.

Mr. THOMPSON. But you think that will come about through the fact that labor will ultimately——

Dr. SMITH. I think as labor gets more power labor will assume more responsibility, and will be willing to assume it.

Mr. THOMPSON. You think that labor as at present—under the present conditions—should assume a financial responsibility?

Dr. SMITH. I would not favor financial responsibility until labor has the power which, it seems to me, ought to go hand in hand with such responsibility.

Mr. THOMPSON. Referring to your last answer, Doctor, do you think if the financial responsibility were placed on unions to-day that it would tend to make them more responsible, or what effect do you think it would have on them?

Dr. SMITH. I think that inasmuch as the government in some localities is more or less opposed to the union such a policy would tend to disrupt and destroy it. That is why I would not want to see the union made financially responsible until it comes to possess the proportionate share of influence and power to which the importance of its interests would seem to entitle it.

Mr. THOMPSON. Have you made a study of public-service corporations and their methods?

Dr. SMITH. Not specially.

Mr. THOMPSON. Have you any views as to the organization of public-service employees, or employees of the State?

Dr. SMITH. You mean the public-service corporation employees?

Mr. THOMPSON. Like street car, electric light, or gas companies.

Dr. SMITH. My own belief is that public-service corporations should be required to submit their disputes with their employees to arbitration. I noticed some years ago in our street-car strike that we had to walk for about a week, although I think the franchise of that very company required the company to submit all matters of dispute to arbitration.

Mr. THOMPSON. What would you say with reference to Government employees?

Dr. SMITH. I think that Government employees are in a somewhat different position from the employees of a private corporation.

Mr. THOMPSON. In what respect would his position be different from the private employee?

Dr. SMITH. There would be no question, in my opinion, about his right to organize; but I do think that in the case of Government employees the organization would have to submit to some restrictions not imposed on other employees. Take, for example, the postal employees. They naturally would not be permitted to inaugurate and carry out policies that an ordinary labor union might.

Mr. THOMPSON. Is your opinion based on some fundamental distinction you make between these two branches of service, or a sort of feeling you have?

Dr. SMITH. I haven't thought it out clearly, but I have in mind the relation which the employee bears to the employer and to the public. In one case the employer is the public, and in the other case a more or less regulated or unregulated private corporation. I think it is highly desirable, of course, to give labor in its dealings with unregulated private corporations, in many cases a monopoly, more freedom with reference to various policies of labor unions than would be given to employees working for the State itself.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. Doctor, do you believe that the system of fining for violation of law, for instance, the minimum wage law, or the eight-hour day law, is adequate in such event where the violation of the law, or the profit of the violation of the law exceeds the loss from the fine?

Dr. SMITH. I certainly do not. I think the fine must be heavy enough to discourage the offense.

Commissioner GARRETSON. Or else another penalty would have to be devised to make it effective?

Dr. SMITH. Yes.

Commissioner GARRETSON. Is it not true that under our system the employee, either industrially or legislatively, is compelled to fight against not only the employer, but capital itself concentrated in its hands—the power of capital?

Dr. SMITH. Yes; I think so.

Commissioner GARRETSON. That the only possible show that the employee would have to exercise any degree of influence is by a combination of the large number of human units for the purpose?

Dr. SMITH. That is my reason for saying that all labor must be combined so that capital can not play one part of it against the rest. Otherwise labor's influence, it seems to me, must be greatly weakened.

Commissioner GARRETSON. Counsel asked you a question with regard to your knowledge of jurisprudence. And he referred also to the growth of the common law, and I am only applying the common law of England—because our own is an outgrowth of it, or an appropriation of it—is not, in your opinion, the common law as it was, purely judge-made law?

Dr. SMITH. Yes; I would call it judge-made law. I do not know what lawyers would say about it. I would say more than that. I should say that during the time that it was crystallizing and becoming the common law, the judges did not in any sense represent the laboring class, but represented rather the ruling class.

Commissioner GARRETSON. That was exactly the next point I wanted to ask your opinion on. Is not the whole burden of that law evidence of the influence of the employer—and I am not using "influence" in the sense of improper—but one actually existant—the influence of the employer on the judiciary during the time of the building of the common law?

Dr. SMITH. I don't know that this influence was conscious, but the landlord class at that time largely controlled the State.

Commissioner GARRETSON. And the real burden was in favor of the master and against the man?

Dr. SMITH. Certainly. I think that is seen in all our common law, master and servant, etc.

Commissioner GARRETSON. If employers' associations should succeed in stamping out labor unions, in your opinion would the position of the individual laboring man be much better than it was under the English decisions in regard to the master and man?

Dr. SMITH. I think labor would lie in an extremely unfortunate position if the labor unions should be completely crushed.

Commissioner GARRETSON. Has your experience or investigation led you to form an opinion as to whether or not the clearly complete organization of men in any pursuit—I am speaking now of the healthy growth of an organization, not going in and taking immediate action—but where there have been complete organizations grown in any pursuit, and with that growth the power that comes from that organization, there has been a corresponding increase in the sense of responsibility on the part of the men that composed it?

Dr. SMITH. I think always, so far as I have been able to watch the working of unions, that has been noticeable. And it is perfectly natural that with the possession of power there should go the sense of responsibility.

Commissioner GARRETSON. Is it not really axiomatic that if a man has the material in him, putting the responsibility on him will develop it, bring it out?

Dr. SMITH. I think so.

Commissioner GARRETSON. And it would be unreasonable to suppose that it would not be the same; but the man is not impelled by the same motive, whether a member of a union or the administration of his property?

Dr. SMITH. Yes.

Acting Chairman COMMONS. I take it from what you have said you consider the establishment of the workmen's compensation or insurance commission in Washington as a step in the direction of eliminating the lawyer and judge and putting in the business man?

Dr. SMITH. Yes; in protecting the laboring man against the risks the old courts' decisions compelled him to assume.

Acting Chairman COMMONS. How has this system worked out according to your ideas? What would be the proper way for it to work out? Has it been effective in the sense you have in mind?

Dr. SMITH. I think the feeling is that the law does not go as far as it ought to. I believe that it has up to the present time been beneficial not only to the employee but to the employer as well. I think it should be revised and the scale of indemnities increased for various kinds of accidents.

Acting Chairman COMMONS. That is the only amendment you suggest, is it, in the scale of indemnities?

Dr. SMITH. Yes. Of course, there are many features that ought to be changed, but I think it is in the direction of giving labor a larger measure of damages. What I had in mind was its recognition of the principle that a trade ought to bear its own risk and not the individual worker.

Acting Chairman COMMONS. Has this law been effective in reducing accidents in this State?

Dr. SMITH. I could not say as to that, but I think it has, to some extent.

Acting Chairman COMMONS. Has there been the effect of being more burdensome on the employers of the State than similar lines in competing States?

Dr. SMITH. I have not given special attention to it, but from what I can see I think that the employers, as a whole, are very well satisfied with the law. I have not heard any serious complaint.

Acting Chairman COMMONS. Would you consider that the same principle should be, or that the State of Washington is now ready to extend that same principle of sickness insurance and occupational diseases; that it, has your experience with this law justified the principle sufficiently?

Dr. SMITH. Of course, we have not tried it sufficiently for one to have a final opinion with regard to it, but as to the general principle underlying it, I do not think there is any question.

Acting Chairman COMMONS. Have you investigated the sick-benefit system of private corporations in this State?

Mr. SMITH. No; not to any considerable extent. I know that such systems are in existence.

Acting Chairman COMMONS. That is all. Call your next witness.

Mr. THOMPSON. Earl Constantine.

TESTIMONY OF MR. EARL CONSTANTINE.

Mr. THOMPSON. Please give us your name.

Mr. CONSTANTINE. Earl Constantine.

Mr. THOMPSON. And your business address?

Mr. CONSTANTINE. 331 Lyon Building.

Mr. THOMPSON. And your position?

Mr. CONSTANTINE. Manager of the Employers' Association of Washington.

Mr. THOMPSON. Is that association over the whole State, or just confined in its workings to Seattle?

Mr. CONSTANTINE. It extends its field from the Columbia River on the south up to the British Columbia line on the north, and as far as the Cascades, overlapping only in a few cases.

Mr. THOMPSON. What is the membership, in round numbers, if you know, of the association?

Mr. CONSTANTINE. In factory membership—we have individual memberships, too, but in factory membership, about 600.

Mr. THOMPSON. What lines of industry does it take in, or what lines if any are excluded?

Mr. CONSTANTINE. It excludes none.

Mr. THOMPSON. Are the employers of the district covered by your association fairly well represented in the membership?

Mr. CONSTANTINE. Yes.

Mr. THOMPSON. What proportion of the employers of that district who are eligible to membership belong, if you know—about?

Mr. CONSTANTINE. It varies as to locality. In some cases it runs as high as 80 per cent; in other cases it would run as low even as 10 or 15 per cent.

Mr. THOMPSON. Where are the places where employers are best organized, and where is that territory the least best organized?

Mr. CONSTANTINE. I would say the best organized to-day outside the city of Seattle is what is known as the Grays Harbor country, taking in a number of small towns located on Grays Harbor.

Mr. THOMPSON. Is that territory right contiguous to Seattle?

Mr. CONSTANTINE. It is about sixty odd miles, I think, southwest of here; possibly a little bit more—it is a little bit more than that.

Mr. THOMPSON. Is there any one particular trade or industry which has a larger percentage of membership in your association than another?

Mr. CONSTANTINE. Possibly the lumber industry, that being our chief industry in the State.

Mr. THOMPSON. What are the objects and purposes of your association?

Mr. CONSTANTINE. Mainly, I would say, to act as an intelligence bureau on industrial matters for the benefit of its members; to act as advisor and counsel and assist with all difficulties or troubles, labor matters; next, I should say, to keep itself fully advised on modern legislation, and advise its members thereon and to lend such assistance as is within its power. Outside of that, the calls that come from our members for service and to see that the members are properly served.

Mr. THOMPSON. When you say that your association acts as an intelligence bureau, what would we understand by that, what are we to understand by it?

Mr. CONSTANTINE. Our mail daily brings us information from different members in different parts of the State as to conditions, industrial conditions. And we have our agents who are traveling throughout the State and they bring in information of their own.

Mr. THOMPSON. Well, what general field would this information cover, if it could be divided into classes of information?

Mr. CONSTANTINE. Labor and legislation in general.

Mr. THOMPSON. Would such organizations as unions be considered part of the information that you gather?

Mr. CONSTANTINE. Most certainly.

Mr. THOMPSON. Their existence and their work?

Mr. CONSTANTINE. Their work; their methods.

Mr. THOMPSON. Has your association got a constitution and by-laws?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Can you furnish the commission with a copy?

Mr. CONSTANTINE. Yes, sir.

(See Constantine Exhibit No. 1.)

Mr. THOMPSON. In your constitution and by-laws, does your association take any stand upon any particular phase of the industrial field?

Mr. CONSTANTINE. It takes the stand for the open shop as against the closed shop.

Mr. THOMPSON. Against the closed shop?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Are there any other matters upon which it takes a definite stand?

Mr. CONSTANTINE. It does not.

Mr. THOMPSON. When you say your association stands for the open shop as contrasted with the closed shop or union shop, what do you want the commission to understand by that action—I mean how far does it go?

Mr. CONSTANTINE. It goes this far: That our main principle of organization is we believe that a man has a right to take and sell his property, which in that case, in the case of labor, will be his brain and brawn, as he sees fit, and without the dictation of a third party.

Mr. THOMPSON. Will it go any further. I simply want to get your idea, is all. I understand what you say, but is that expressed in any particular attitude toward the organization of employees among your membership, other than just simply an open shop, so called?

Mr. CONSTANTINE. I fail to really grasp what your question is, if you will pardon me.

Mr. THOMPSON. I will put it more specifically, I don't want to ask you too direct. Is the open shop, as you state it, construed as in opposition to any organization of working men?

Mr. CONSTANTINE. No, sir; decidedly not. I don't know that the majority of our members—I don't know just what majority I would place it at, but the majority of the members of the employers' association do believe in organized labor.

Mr. THOMPSON. Do believe in it?

Mr. CONSTANTINE. They do believe in it, but they do not believe in having organizations to a point where they monopolize any particular plant or line of industry.

Mr. THOMPSON. What would be the facts upon which monopoly would be determined in an industry?

Mr. CONSTANTINE. When in a given plant the representative of the laboring men in that plant is able to walk in at any time and with such frequency as he may desire and upon such provocation as he may desire and tie up that plant for a given period of time. Or to use, in other words, hasty action or drastic action with reference to any plant. I might say that would be a monopoly.

Mr. THOMPSON. Of course, that might vary with the different trades?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. If a man could walk into a plant and call out, say, 80 per cent of the workers, it might result in tying up that industry?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Would you consider the organization of 80 per cent of the workers such a monopoly as would create it a dangerous one?

Mr. CONSTANTINE. I will answer your question in this form: That given a certain plant and a plant where, say, there were three distinct lines of skilled labor that composed all the way from 90 to 100 per cent of the labor there employed, that the position of our members and our organization would be that in none of those three, any more than all three, should there be monopoly by organization. In other words, if a man should appear at the door of the plant or employment window and should show qualifications to perform services in an efficient manner and should show a character which is honest and commendable, and there should be a vacancy there, we ought to be able to give him employment despite the fact he does not belong to any union or pay tribute thereto.

Mr. THOMPSON. I do not wish to pursue you on that question, Mr. Constantine.

Mr. CONSTANTINE. That is all right; I am very glad to be here.

Mr. THOMPSON. What I want to get at as fully as you care to state is the view of your organization toward the question of organization?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Now, we have, for instance, to illustrate to you—in the past we have found associations which object to any organization which has more than 40 per cent of the workers of any class.

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. It becomes dangerous beyond that point?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. They make it a percentage consideration and just simply have the open shop, that is all. Now, what, in so far as your association has gone into it, how far has it formulated any ideas in that respect?

Mr. CONSTANTINE. Well, that would be impossible for me, I think, to take and attempt to tell you what percentage of organized labor is a safe percentage

to have. We do not figure it that way. There might be such a thing, I imagine, I can imagine such a thing as a very high percentage of organized labor, granting that the individuals in that percentage are men of intelligence and fair-minded, which would make the plant absolutely safe. But, following on the same thought and as voicing perhaps more my own personal opinions in the matter, I would believe in the closed shop when the same is based on a high standard of requirement for the laboring man to belong to that union, so that I know that that union's standard of efficiency is high. It thereby creates a closed market in which I am compelled to go to buy, because I must take and employ the most efficient labor if I am going to attempt to compete successfully in the market. But when the union in itself places absolutely no requirement on any man's joining the union—there are unions, of course, that have and require—in most cases unions make no requirement at all of ability and efficiency in accepting a man into their ranks, and we then do not grant them the power to monopolize a plant.

Mr. THOMPSON. Would it be fair to state that your association fears any organization; that is to say, when they hear that an organization of labor is attempted in any plant or industry, that it should be gotten rid of, because under present conditions such an organization or organizations are dangerous—would that be a fair statement of the position of your association?

Mr. CONSTANTINE. Well, I don't know just what you mean. You said any organization. Do you refer to some specific union?

Mr. THOMPSON. Well, assuming that you have got a lot of employers in your association.

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. And that an employer hears that there is an attempt being made in one of his factories to unionize the men. Would the attitude of your association be in advising that man, that he should limit the unionization of the men as much as possible and get rid of them?

Mr. CONSTANTINE. That is a hard question to answer. We have to treat every case on its own merits.

Mr. THOMPSON. Then there is no general rule?

Mr. CONSTANTINE. No. We usually send an investigator down to find what the conditions are in the plant and what situations have preceded that, before coming to some conclusion. We frequently have just as much trouble perhaps in making our own members see our light—I mean keeping them from going to the extreme, as we might in keeping them from not going far enough.

Mr. THOMPSON. In your opinion, now, personally, how do you view organizations of labor? Do you think that they lead to peace or do you think that they lead to strife in an industry?

Mr. CONSTANTINE. Organizations of labor, in my opinion, those that are based on open-shop principles, the history of the country in the past has shown that they lead to peace. And I have in mind the largest unions in the United States, and they are unions unfortunately that are not generally accepted as unions or looked on as unions by the public. I refer to the three large brotherhoods that control the labor on our railroads. Now, there are three large unions—I am speaking irrespective of the fact that one of the commissioners is an officer. I have put myself on record on that question time and again. There is a union that every employer in the country commends to-day. I understand that a man who enters, for instance, to-day as a locomotive engineer, is not eligible to membership in that brotherhood until he has had a certain period of apprenticeship, and when that period of apprenticeship has passed he is then eligible, and he no doubt is given an invitation to join, but it is optional as to whether he desires to join the brotherhood or not. I have lived in railroad communities where almost every neighbor of mine was a railroad man—engineer or fireman or so on—and their standard is exceptionally high, I should say the highest standard of labor in the country to-day. And there is absolutely no compulsion, however, placed upon the prospective candidate to join the union. And should he desire not to join the brotherhood, he could continue to pursue his labor in peace and to gain a livelihood for himself and for his family. Such a union has proven its worth. Such a principle has proven its worth, by the fact that the records show that all the way from 90 per cent up of the men eligible to it belong to the brotherhoods.

Mr. THOMPSON. If you were, as you are, advising this commission as to what you think is best, what would you advise them to recommend, that the organization of workingmen is a good thing to industry or not?

Mr. CONSTANTINE. With the open-shop principle connected with it, it is.

Mr. THOMPSON. Well would you make any statement of that character, or would you leave the question of organization out of consideration if you were on this commission?

Mr. CONSTANTINE. I have already committed myself here, that I believe in organization of labor, provided that it has the open-shop basis, and no coercion is used to get a man into the union or to prevent one that does not belong from securing a livelihood.

Mr. THOMPSON. Now, looking at the proposition from the standpoint of the employer, do you believe that the organization of workingmen is a good thing or not?

Mr. CONSTANTINE. I believe it is a good thing.

Mr. THOMPSON. Have you made any study—as you must have probably—of the economic and industrial situation around Seattle in the country where your association has its organization?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Is there a condition of unrest? I understand you have some views on that subject which you are ready to state to the commission?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. You may go ahead and state them in your own way.

Mr. CONSTANTINE. There is undoubtedly a more or less general feeling of unrest in labor to-day. I think it is even perceptible to the average citizen. The causes for the same are no doubt varied.

Mr. THOMPSON. I didn't get your last answer.

Mr. CONSTANTINE. I say there are no doubt, of course, several causes for the unrest. It would be foolish and anything but truthful for me or anyone else to say that every employer has a standard that could be commended; I mean in his viewpoints toward labor or in his treatment of his own employees. We have black sheep among employers just as certainly as there are black sheep among laboring men. The unrest as it exists is partly of course in spots where there is such an employer who is unscrupulous. I believe it is only fair to say that the progress that we have made throughout the country in the last 20 years, particularly toward sanitation, toward safeguarding of machinery, toward care of the injured, toward providing, in other words, for the comfort and surroundings of the employee, and even providing for his increased return on his work, can not be attributable entirely to any one particular class of society, meaning labor. It is only fair to assume that a certain proportion of that movement comes on the part of the employer. In other words, it would be foolish for any economist to say that while labor has been progressing to a higher level that the employer on the other hand has been stagnating or falling down from the general levels of society. I think there is a general movement throughout the country. I traveled last year all over the United States for the purpose of studying that and no other purpose, and there is a general broadening of the viewpoints of the employer toward labor, toward matters of economics, sanitation, safeguarding of machinery, and all those things. I believe very firmly that the largest cause to-day for unrest, leaving out unemployment, which I shall touch upon, and a few other things of that kind, the largest cause of unrest to-day is the type of leadership in a very large number of unions and also very pointedly the kind of leadership that we find in the men who dictate the press of the labor unions.

Mr. THOMPSON. Well, from your study of industrial conditions in that trip you made around the country last year, did you arrive at any conclusion or any idea as to the improvements that could be made in the industrial situation which would relieve the unrest? More specifically, do you think that the question of the machinery that we have, either in the Government or in industry itself, is sufficient to meet the requirements?

Mr. CONSTANTINE. I don't know whether I am answering your question or not, but I wish to make this statement: It is a patent fact, and indisputable, of course, that the attitude of the manufacturer and the employer up to, say, 10 years ago was very much one of defense in matters of legislation. I believe that within the last 10 years there has been a gradually increasing and more and more perceptible movement of offensive, constructive effort on the part of the employer toward bettering labor conditions. And I believe that within the next 10 years we shall see much more of that. I happen to know that many employers' association, not only in the State of Washington but others are planning to take a more offensive part in legislation in the future, toward constructive work, toward remedying some of the abuses that now exist.

Mr. THOMPSON. During the last two years we have seen the breakdown of civil government in three of the great Commonwealths of this country because of the maladjustment of the relations of employer and employee. Have you any ideas as to any machinery that might be established, either by employers and employees themselves apart from the Government, or by the Government, which would assist and help in such cases as that and in other industrial disputes?

Mr. CONSTANTINE. Meaning arbitration?

Mr. THOMPSON. Meaning arbitration and conciliation.

Mr. CONSTANTINE. Yes. I don't see, of course, where the Federal Government would be of very much help to us in the majority of our industrial troubles, inasmuch as they are usually of a local nature. It might be that some such Federal board would have a natural tendency to set an example for the State legislatures. The question of arbitration between employer and employee in time of industrial strife is more and more on the increase, and my personal opinion is that arbitration, provided there were proper safeguards about it, as the mayor said this morning, and the personnel of the board was fair and was not partial either to employer or employee, will be eventually the solution of the question. Not the least important—the most important thing connected with arbitration is the fact that it gives publicity to the facts.

Mr. THOMPSON. Do you think that a Federal body, say, for instance, call it a Federal industrial council, from your view of the Federal Government as such, as contrasted with the State government, would have more influence toward conciliating than a State board would have?

Mr. CONSTANTINE. You mean if there was industrial trouble in the harbor at Seattle you could send us a Federal commission from Washington?

Mr. THOMPSON. Or a Federal commissioner, we will say, or mediator.

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Would that be apt to have—the very fact that he represents the Federal Government—would that be apt to have more influence toward persuading the contending parties to enter into negotiation?

Mr. CONSTANTINE. I would say that it would have a good influence. It would tend toward settling the problems, although there are quite a few employers who look with some skepticism upon the general attitude of the Federal Government, particularly in the last several years.

Mr. THOMPSON. Of course that wouldn't necessarily affect that question at all, would it, just simply a Federal institution as such?

Mr. CONSTANTINE. Except that the element of the absence or presence of faith on the part of both parties in laying their case is important.

Mr. THOMPSON. I take it that absence of faith in all government does not exist to-day. Is there anything you care to say in reference to the formation of your association—conditions you have met and, more particularly, the teamsters' strike and the like here in Seattle?

Mr. CONSTANTINE. The mayor said this morning when he was inducted into office the teamsters' strike was nearly ended, and he made a statement that the employment of 45 policemen on the part of his predecessor was unjustifiable; and, therefore, having found it so, he discharged the men. The mayor is entitled to his opinion. However, the record shows approximately 900 cases of assault in a period of 11 months, and in every one of those cases the assault is directly attributable to the teamsters' strike—the slashing of horses, cutting of harness, destruction of automobile engines, ditching of wagons over the hill, the beating up of men, the use of firearms, and everything else—all of which occurred in the 12 months preceding the induction of the present mayor into office. That should be sufficient explanation—or excuse, at least—for his predecessor appointing those 45 men. All of these cases I have mentioned are to be found on the police records and court records of the city of Seattle. I shall present to the commission of the industrial—with the permission of the commission, I shall present an issue of the Weekly Messenger, the same being a weekly publication on the part of the employers' association, this of date April 11, which contains the presentation of our case to Mayor Gill's arbitration committee or investigation committee.

Mr. THOMPSON. Very much pleased to have it.

(The paper referred to, entitled "The Weekly Messenger," vol. 1, No. 13, dated April 11, 1914, published by the Employers' Association of Washington, Seattle, Wash., was submitted in printed form.)

Mr. CONSTANTINE. I should also like to attach to that a subsequent issue of the Weekly Messenger, dated April 25.

(The issue of the Weekly Messenger referred to, vol. 1, No. 15, dated April 25, 1914, was submitted in printed form.)

And just a word with reference to the teamsters' strike. The arbitration committee, as the mayor informed you this morning, was entirely disinterested. I am frank to say we were not entirely pleased with the personnel; probably the other side was not. You never could get both sides pleased. These men were public-spirited men—some doctors, some attorneys, some stockmen, insurance men, and educators, and ministers. They sat on the case for some three weeks. About a week prior to the filing of their decisions in the teamsters' strike—which is the most important strike that has taken place in Seattle in many years, affecting as it does the primary transportation—they called for a final statement on the part of both the teamsters' union and the team owners' association as to the final details of the statement on their part. In this issue of April 25 you will find the complete findings of this commission, including the two letters finally submitted by the union and by the employing team owners, and the findings of the commission are three, the first of which reads as follows:

"That the open-shop principle be hereafter fairly observed by both parties; that there shall never be any discrimination made by the employing team owners against a teamster because the latter may belong to a union; that no teamster shall ever discriminate against an employer because the latter may employ nonunion labor; and that efficiency shall at all times be the standard test for employment."

Since then, as the mayor says, both parties have gotten along very well. My last report of a month ago shows out of 40 new men employed 50 per cent of them had been men who had been on strike prior to that.

Mr. THOMPSON. Referring to the question of private detectives during the time of labor trouble, what is your opinion on that subject, if you have one, and what are the reasons back of it?

Mr. CONSTANTINE. I believe when a plant, or manufacturer, or employer is facing a condition where there is violence, or destruction of property either actually going on or distinctly promised and approaching, or any danger of life and limb, that the employer is fully entitled to protection, even if it means doubling of the police force. I would not think violence should be countenanced on the part of the individual, or on the part of an organization any more than an individual.

Mr. THOMPSON. What would you say with reference to the right of an employer to hire private detectives?

Mr. CONSTANTINE. I don't think an employer would ever seek or think of suggesting the employment of private detectives if given full protection on the part of the public authorities.

Mr. THOMPSON. From your investigation of that subject, do you believe generally in the United States the employer does hire private detectives in labor disputes like strikes?

Mr. CONSTANTINE. I suppose there are places in the country where that is attempted more or less. In the State of Washington it is not countenanced.

Mr. THOMPSON. It is not countenanced?

Mr. CONSTANTINE. No, sir; it is rather rare, I would put it.

Mr. THOMPSON. The mayor, I think, testified this morning it had been done here.

Mr. CONSTANTINE. As I gather from the testimony of the mayor, he was referring to the Ballard strike here in the city, where the city is said to have not offered extra protection and the sheriff of the county swore in deputies and sent them out, and in some cases deputized employees of the employer.

Mr. THOMPSON. Take that case and the other cases which you say have existed in this country, do you believe in the principle of the employment by the employer of private guards or private detectives, or whatever you may call them, in time of strike and lockout?

Mr. CONSTANTINE. I think that basically it is not a good principle, but I think that the fact is that generally the employer is not in position to get the protection he is entitled to, and that creates a condition where for the protection of life, as much as for the protection of property, he should have the right to take and deputize employees, or get them deputized, rather, to guard his plant.

Mr. THOMPSON. It has been said by some that this is the only country among civilized nations where such a condition is permitted; that in the old countries of Europe—France, Germany, England, and the like—private guards are not permitted at all.

Mr. CONSTANTINE. That is probably true, because the enforcement of law is much more observed.

Mr. THOMPSON. Would that be your reason for the difference?

Mr. CONSTANTINE. I believe so. I happen to have lived in Europe and know something about that.

Mr. THOMPSON. Is that all the reason you care to give, or is there anything else?

Mr. CONSTANTINE. I think that is sufficient.

Mr. THOMPSON. You have finished your own statement with reference to the question of unrest and conditions here in Seattle?

Mr. CONSTANTINE. I gave the main ones. Of course, there is the question of the unemployed, and that is due, to a very great extent, to the fact we have a very large amount of seasonal employment, and it is an unfortunate condition and could only be remedied did we have a large number of industries that could take this labor that is in the camps and fruit fields and farming in their regular period, and put them into a manufacturing plant; but our trouble is our industrial centers are very few, comparatively speaking.

Mr. THOMPSON. What is the general attitude, if you know, of the employers, or your association, toward witnesses who testified before the industrial commission? It has been stated here that the employees were being discharged when telling of the facts. What do you know about that?

Mr. CONSTANTINE. As far as my personal knowledge goes, and my personal feeling in the matter is that the employer would in no case—well, would in most cases—not object to an employee testifying in a matter that affected him or her so very directly. Now, we have again some black sheep in the flock, and I have had cases where I have had to go and talk to our members, where I have known that they would want to take and use their influence, and warned them against doing that—not for fear of the law but because we are trying to educate our members to a higher standard in some of these matters. We have a few that look upon those things not quite like we would like to have them.

Mr. THOMPSON. It follows from what you say that your association does not countenance such action?

Mr. CONSTANTINE. Absolutely not. I am not in position to take and mention specific cases, but I have several in mind.

Mr. THOMPSON. Does your association keep any track of employees who have been hired by the different employers of your association—keep any list of them, or anything of that kind, for any purpose?

Mr. CONSTANTINE. We do not run an employment bureau, I mean as a part of our work; it is simply incidental. We have calls every day on the part of employers seeking for employees to fill positions and we probably daily have calls on the part of employees seeking positions.

Mr. THOMPSON. But do you keep any list or record of employees?

Mr. CONSTANTINE. In other words, you want to know if we have a blacklist? We do not.

Mr. THOMPSON. I didn't want to term it so.

Mr. CONSTANTINE. We do not have any blacklist. We do not countenance a blacklist.

Mr. THOMPSON. Is there any other statement you would like to make before this commission?

Mr. CONSTANTINE. Yes, sir. I think that one of the reasons that explains to a large extent why there are employers' associations and why they are growing in number as organizations and as members of organizations is the increasing activity which organized labor is taking in legislation. That activity assumes many different forms. It is to be found not only in the municipal affairs, but in particular I refer to State legislation. I am not speaking from hearsay, inasmuch as I had the privilege of representing the legislative bureau of the manufacturers at the last session of the legislature. With your permission—I imagine you want as many documents as you can get for information—I have here in my hand a form, three pages, that is an exact duplicate of the legislative pledge which is exacted, if possible, on the part of the labor unions from every man who is seeking election to the statehouse or State senate.

Mr. THOMPSON. I would like to have it filed.

(See Constantine Exhibit No. 2.)

Mr. CONSTANTINE. I would like to read part of this:

"Joint legislative committee," and so on. It is addressed in the form of a letter. If you will allow me the privilege of reading the first paragraph, it will cover the case:

"The joint legislative committee are anxious to inform their membership and the many voters of the State who look to them for guidance as to your attitude, if elected to the legislature, on the following issues, upon which these organizations have mutually agreed to support one another in securing the enactment of the legislation thereon.

"Your signature in the blank space below each measure outlined signifies that you approve of such legislation and will use your best endeavors to enact same into law in form as will effectually guard the interests of the masses of the people, whom the measure is aimed to benefit," and so on. "Failure to sign and return to the undersigned within 10 days will be construed as a negative answer. Your reply will be given the fullest possible publicity, in order that those interested may know your attitude toward these measures."

It is needless to say we do not believe in submitting to our candidates for the legislature a given number of measures in complete form and asking him to sign his name pledging himself to vote for those measures. If it pledged him on one measure, the influence there would not be so bad; but where there is a grouping together of good, bad, and indifferent, it is a significant fact. I have known of several cases in which a man perhaps not consciously but unthinkingly signs his name below the measure that is not good where, if he gave it sufficient thought, he would not support it. And in the gallery of the house and senate there stands regularly night and day an agent of that league with shorthand notes watching the actions of any one of their pledgees and checking up their members. It has actually been characterized by one of the members of the legislative session as "pulling the strings from the gallery of the house and senate." And those are the things that compelled the employers in the State of Washington and in other States of the country to organize themselves and keep very close tab on legislative matters.

Mr. THOMPSON. It has been stated by some of our witnesses that they believe in a thorough organization of both employers and employees, and the industrial council of England in investigating the matter made the same recommendations. Do you believe that fact? Do you believe it is best to have thorough organization of both employers and employees?

Mr. CONSTANTINE. I believe in organization for both sides.

Mr. THOMPSON. Wouldn't the organization of employers naturally come along with, concurrently, the organization of employees into unions;

Mr. CONSTANTINE. It is doing that to-day. It would be only natural it would.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. How long has your employers' association been organized, did you say?

Mr. CONSTANTINE. About 12 years; originally under the name of the citizens' alliance, but under the present changed name about 6 or 7 years ago.

Commissioner O'CONNELL. How long have you been secretary of it?

Mr. CONSTANTINE. Since March 1, 1914. Prior to that being secretary of the employers' association of Spokane; but my work there brought me very frequently into Seattle.

Commissioner O'CONNELL. What was your business before becoming secretary of the manufacturers' association?

Mr. CONSTANTINE. Instructor in the public high school.

Commissioner O'CONNELL. Instructor in the public high schools where?

Mr. CONSTANTINE. In the city of Spokane.

Commissioner O'CONNELL. How long were you instructor in the public high schools?

Mr. CONSTANTINE. Four years.

Commissioner O'CONNELL. Have you been a manufacturer?

Mr. CONSTANTINE. I have not.

Commissioner O'CONNELL. Before that what were you doing?

Mr. CONSTANTINE. I was in a publishing house in the city of Minneapolis.

Commissioner O'CONNELL. As a workman?

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. What was you working on?

Mr. CONSTANTINE. I had the getting out—the publication of post cards; that department.

Commissioner O'CONNELL. Post cards?

Mr. CONSTANTINE. Yes; view post cards.

Commissioner O'CONNELL. As a printer?

Mr. CONSTANTINE. No, sir; just in charge of that department.

Commissioner O'CONNELL. How long have you been in the United States?

Mr. CONSTANTINE. Thirteen years.

Commissioner O'CONNELL. You are a citizen of the United States?

Mr. CONSTANTINE. Born a citizen.

Commissioner O'CONNELL. Born a citizen?

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. Is your association here connected with the National Manufacturers' Association or National Association of Manufacturers?

Mr. CONSTANTINE. Not connected with any association. We hold membership in what is known as the Federation of Employers' Association of the Pacific Coast. That takes in the coast from here to San Diego.

Commissioner O'CONNELL. That takes in all the employers' associations on the Pacific coast?

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. You say you have a number of individuals or firms?

Mr. CONSTANTINE. Yes, sir; we have individual memberships. Our membership is open to anyone who believes in the principle of the open shop.

Commissioner O'CONNELL. You take in individuals who may not be employers?

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. What is the per cent of those that you have?

Mr. CONSTANTINE. Quite small; almost negligible.

Commissioner O'CONNELL. What value would an individual be to your manufacturers' association?

Mr. CONSTANTINE. He is of no direct value to us other than perhaps he forms one more agent of publicity. Simply gives him an opportunity to support the work in which he believes.

Commissioner O'CONNELL. You say your association does not keep any record of any kind of the individual workingmen?

Mr. CONSTANTINE. It does not.

Commissioner O'CONNELL. Does your individual membership keep any record?

Mr. CONSTANTINE. I am not in position to say. I do not know.

Commissioner O'CONNELL. If an association affiliated with your organization, from San Francisco, we will say, wrote to you here for information as to whether John Brown was a strike agitator, or something, in this city, would you furnish him or seek to furnish him that information?

Mr. CONSTANTINE. I would furnish him that information.

Commissioner O'CONNELL. How would you go about doing it?

Mr. CONSTANTINE. By finding his former employer.

Commissioner O'CONNELL. You would not have any record in your office you could immediately refer to?

Mr. CONSTANTINE. No, sir; I would not.

Commissioner O'CONNELL. How many employees have you in your office?

Mr. CONSTANTINE. In the office?

Commissioner O'CONNELL. Yes, sir; here.

Mr. CONSTANTINE. We have five now.

Commissioner O'CONNELL. They are engaged in what sort of employment? What do they do?

Mr. CONSTANTINE. Two of them do general work; we send them out in the State to answer calls on the part of employers.

Commissioner O'CONNELL. What would the employer be calling for, for instance? Cite some case.

Mr. CONSTANTINE. Well, we have a case—for instance, a man even sends in sometimes to ask us whether his machinery is conforming possibly with certain regulations of the State. Now, you would expect a member would take and have sense enough to go to the state department and inquire, but instead of that they will take and ask us for it. Sometimes they have impending trouble coming up with their laborers and ask for a representative to consult with them.

Commissioner O'Connell. Now, if a member of your association in the city of Seattle or somewhere else in your jurisdiction has a strike, do you immediately proceed to take part as an association in that strike?

Mr. Constantine. No, sir; we do not.

Commissioner O'Connell. They first call upon you for services?

Mr. Constantine. Yes; and he must prove his case is good.

Commissioner O'Connell. What do you mean by a good case?

Mr. Constantine. That his side of the question is right and fair.

Commissioner O'Connell. Suppose the men rebel against what you are pleased to call the open shop; do you proceed to defend him in that position?

Mr. Constantine. We would.

Commissioner O'Connell. And when a strike occurred, to what extent would you go to defend him?

Mr. Constantine. In the first place, we would probably meet and give him advice based on other cases we have been close to, and give him such assistance in the matter of information, and so on, that would be of value to him.

Commissioner O'Connell. Seek to furnish him employees if his people went on strike?

Mr. Constantine. We do, sometimes.

Commissioner O'Connell. And trained men to guard his plant, possibly?

Mr. Constantine. We are not in touch with those. We don't keep in touch with any group of trained men for any purpose of that kind.

Commissioner O'Connell. Do you compensate the employer in any way for losses?

Mr. Constantine. No, sir; that is not our practice. We have had cases where members of our association have solicited our assistance where we have found that the facts in the case were that the only question involved was a question of wages, and we have absolutely refused to have any part in a situation of that kind.

Commissioner O'Connell. Does your association believe in collective bargaining?

Mr. Constantine. As an association?

Commissioner O'Connell. Yes.

Mr. Constantine. Well, they are not committed as an association on the question.

Commissioner O'Connell. Does it object to members—does your constitution or by-laws in any way object to that on the part of the members?

Mr. Constantine. No, sir; it does not.

Commissioner O'Connell. Does it prohibit in any way the membership signing contracts that only members of a certain union shall be employed?

Mr. Constantine. It does not.

Commissioner O'Connell. What do you mean by "open shop"?

Mr. Constantine. By the "open shop" I mean that the efficiency alone is the basis of employment.

Commissioner O'Connell. Efficiency?

Mr. Constantine. Efficiency—efficiency and desirability.

Commissioner O'Connell. That is to say that the employer shall have the right without question to hire and discharge at will?

Mr. Constantine. Yes, sir; exactly.

Commissioner O'Connell. Would it be a sufficient cause if one of your employers operating a shop should discover that one of his employees was a member of a union, to discharge him—and the employee felt that was not sufficient cause, would you support your member in that contention?

Mr. Constantine. That in itself would not be—I would not consider that, and the organization would not consider that cause for discharge. It is unfortunate, however, that in a very large number of cases where employees were discharged because of existing incompetency, that their fellow workmen assumed that the discharge was because of his connection with the union and not because of his lack of efficiency.

Commissioner O'Connell. Have you ever suspended or fined a member of your association for not complying with your laws?

Mr. Constantine. We have not.

Commissioner O'Connell. Have you ever had any charges preferred against one of your members for failure to comply with your laws?

Mr. Constantine. We have not; not during my incumbency.

Commissioner O'Connell. You spoke of a kind of union that you think ought to be organized, a high standard—a union of high standard.

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. And you cited an instance, I think, as an ideal of a high standard of union. I take it you infer from that they are operating under an open shop, and that they don't have strikes.

Mr. CONSTANTINE. No, sir.

Commissioner O'CONNELL. And don't boycott, and so on.

Mr. CONSTANTINE. No; I am better acquainted with their history than that.

Commissioner O'CONNELL. I didn't know but what it was because they didn't strike.

Mr. CONSTANTINE. No, sir; they sometimes make unreasonable demands in arbitration, and so on.

Commissioner O'CONNELL. You say that legislation has been going on for some years for the alleviation of the laboring people and public generally, and that that isn't due to any one particular phase of society, and that the employers' association and the employers are becoming interested, indicating, to me at least, that they have taken some part in the direction of having these laws passed. Will you cite to me one law in the State of Washington or in the United States that the employers have gone before the legislature to seek to enact, if the law was toward alleviation in any way?

Mr. CONSTANTINE. I cite to you the industrial insurance act of the State of Washington.

Commissioner O'CONNELL. That is immaterial, because that has been going on many years in all the States.

Mr. CONSTANTINE. You said in the State of Washington, and I mentioned a law of the State of Washington.

Commissioner O'CONNELL. You say you maintained a lobby at the State capital the same as the other side did.

Mr. CONSTANTINE. You didn't understand me.

Commissioner O'CONNELL. I am not using your exact words.

Mr. CONSTANTINE. What I said was they maintained a legislative bureau in the capital of the State—Olympia.

Commissioner O'CONNELL. Well, a rose by any other name.

Mr. CONSTANTINE. I am distinguishing between the two, that is why.

Commissioner O'CONNELL. For what purpose do you maintain that particular body at the State capital?

Mr. CONSTANTINE. It does not consist of any body; it consists of one man.

Commissioner O'CONNELL. Representing a number of bodies?

Mr. CONSTANTINE. Representing the employers of the State.

Commissioner O'CONNELL. Do you seek to influence legislation in any way?

Mr. CONSTANTINE. We seek to influence legislation by seeking a hearing before committees and presenting our facts.

Commissioner O'CONNELL. Have you appeared in opposition to all measures in which the representatives of organized labor have appeared at the State capital?

Mr. CONSTANTINE. No, sir; appeared only in some.

Commissioner O'CONNELL. In some?

Mr. CONSTANTINE. Yes, sir.

Commissioner O'CONNELL. Have you appeared in any there, in favor of them, that labor was standing for?

Mr. CONSTANTINE. Our organization was in favor of the minimum-wage law for women when it was before the session of the last legislature. We favored it. We only suggested two amendments, both of which the legislature incorporated.

Commissioner O'CONNELL. Did your association send out letters of any kind during the meeting of the State legislature to the members or others supposed to have influence with the legislature seeking to influence them in any way?

Mr. CONSTANTINE. Our bureau up there has never sent out any circular letter to the legislature. Never sent out a single circular to their own members. We propose at the next session to send out weekly bulletins, which may be public property.

Commissioner O'CONNELL. That will be for the purpose of what?

Mr. CONSTANTINE. Of advising our members of the status of particular measures in which they may be interested.

Commissioner O'CONNELL. They might fall into the hands of others which they might enlighten?

Mr. CONSTANTINE. They always do. We expect it would.

Commissioner O'CONNELL. You say your association is not opposed to collective bargaining. Under this idea of the so-called open shop, how could

collective bargaining be successful if 30 per cent or 20 per cent of the people were organized and 70 per cent or 80 per cent were not organized?

Mr. CONSTANTINE. If, as I said a few minutes ago, in order to belong to the organized 30 per cent, a man would have to have a certain degree of efficiency as a prerequisite to membership in that 30 per cent, then he commands the labor market and I have to employ him because I must have efficiency in my plant, and in that you would find the strength of organized labor.

Commissioner O'CONNELL. Do you believe it is possible for a workingman, as an individual, to increase his wages, to reduce his hours, and to improve his condition of employment to-day?

Mr. CONSTANTINE. We have a large number of plants—a number of plants right here in the city of Seattle, open-shop plants, where the wages are higher by the way than the prevailing scale in the same line of work gotten by unions.

Commissioner O'CONNELL. How was that brought about—by the organized men?

Mr. CONSTANTINE. No, sir.

Commissioner O'CONNELL. How was it brought about?

Mr. CONSTANTINE. It was brought about because the modern manufacturer believes in efficient labor, and he is willing to pay for it.

Commissioner O'CONNELL. Is it possible for the individual to make our day? Would we get that to-day?

Mr. CONSTANTINE. We have plants in this State operating on the eight-hour schedule.

Commissioner O'CONNELL. How did that come about?

Mr. CONSTANTINE. Of course in some of the large industries where we are in a large competitive field, particularly with States farther east, like the metal trades and lumber business, it would be suicidal for those lines of business to take and put them on an eight-hour basis.

Commissioner O'CONNELL. Suppose that in the lumber business it was perfectly justifiable to work eight hours and that it was possibly a success, and that it was the best thing physically for the employee, and that the employer could get the best possible results from it, and yet he wouldn't care to reduce the hours of labor under those conditions—would it be possible for the individual employee to bring about a reduction of hours?

Mr. CONSTANTINE. I should not say so.

Commissioner O'CONNELL. What is there left for him to do then?

Mr. CONSTANTINE. It is to organize, as I said right here. Just so long as he grants the man who does not desire to organize the right to remain free, and not otherwise. I have one or two papers I would like to introduce into the record, if I may.

Commissioner O'CONNELL. Yes, sir.

Mr. CONSTANTINE. I have one or two papers I should like to introduce in the record, if I may.

Acting Chairman COMMONS. Yes.

Mr. CONSTANTINE. I should like to read one page briefly. Here is a letter, gentlemen of the commission, that is sent out by one of the local unions recently, and it reads as follows. This is addressed to some retailer [reading]:

STOP! LOOK! LISTEN!

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
Local Union No. 77, Seattle, Wash.

DEAR SIR: Very recently a business man in Seattle who has more than $10,000 invested in an enterprise signed a contract for two years with "The Electric Co.," legally known as the Puget Sound Traction, Light & Power Co. This company some years ago was declared unfair to organized labor in Seattle and vicinity. This man claims he did not know this fact. His receipts dropped to such an extent that in a short time he would have been compelled to go out of business. He investigated and found the cause. He thereupon applied to the Central Labor Council of Seattle and vicinity, and an investigation was made by a committee of said council. He claimed he did not know the facts, and the committee, believing him, relieved him of further loss by a report, the gist of which was published in the Union Record and Seattle Herald of recent date. He will in the future stop, look, and listen.

Do you wish to be placed in the same predicament without the excuse he gave? You can not say you did not know—this informs you of the fact that the Puget Sound Traction, Light & Power Co. is unfair to organized labor.

If you are using this unfair product of this unfair company and your receipts are not coming up to your expectations you will know the cause of at least a part of the lack of income.

If you are contemplating using electric light and power, it would be advisable to sign a contract with the city of Seattle—your own plant—for light and power. Every user of city light in any business is known to Local Union No. 77, International Brotherhood of Electrical Workers. They send communications to the other 105 affiliated unions, representing about 60,000 population in this city and vicinity, and they are always on the job. A word to the wise is sufficient. Don't afterwards say "I did not know" (it was loaded).

Stop! look! listen! For city light, your own plant and property, call Main 8500, Local 56, and a solicitor will be sent to you.

Yours, truly,

LOCAL UNION No. 77, I. B. E. W.

(See also Constantine Exhibit No. 3.

The witness also presented a newspaper, the Seattle Union Record, vol. 30, No. 16, dated Seattle, Wash., May 2, 1914.)

Commissioner LENNON. I suppose that having held the position in organized labor that I have I must be classed amongst the undesirables. Why is that so? What is there in my life, for instance, that makes me undesirable as a citizen or as an officer in organized labor?

Mr. CONSTANTINE. Mr. Lennon——

Commissioner LENNON. My life is known to the people of this country, in Seattle, as well as elsewhere.

Mr. CONSTANTINE. It would not be fair to take and accuse me of making a statement that every man who has held the position you have held is undesirable.

Commissioner LENNON. What makes the man undesirable? What are the things that he will do as an officer of the labor organization that makes him undesirable that is not good for organized labor? Answer that for me.

Mr. CONSTANTINE. It is unfortunate, but in my judgment very true, that frequently the agent, meaning the officer, agent of the union being employed, as he is, to safeguard the interests of his members, finds it necessary in his own eyes to do things which show him useful to the men he serves. The result of that is that he is looking always for something wrong, more so than looking for what is right.

Commissioner LENNON. That is never true with the employers?

Mr. CONSTANTINE. That is true in cases of employers, too.

Commissioner LENNON. Who fixes the qualifications for membership of the unions?

Mr. CONSTANTINE. I don't find that in many cases any fixing of qualification exists.

Commissioner LENNON. Where do unions recruit their membership?

Mr. CONSTANTINE. From the immediately surrounding territory, as a rule, and the incoming men from other centers.

Commissioner LENNON. Do they not recruit their membership from the people who are employed in their industry or in their trade or in their craft?

Mr. CONSTANTINE. To a certain extent; yes.

Commissioner LENNON. Well, if that is true——

Mr. CONSTANTINE. And to some extent, no.

Commissioner LENNON. Then they have to take as members people that the employers give work to? The labor organization, in other words, is the only organization in the world that has to take as members the people who are selected by somebody else?

Mr. CONSTANTINE. That is quite true; only I want to cite a case, for instance, to illustrate what I have in mind. Take the bricklayers' union, which is skilled labor. I might be a bricklayer in some small jerkwater town, and I might be laying up common brick which is entirely satisfactory for a town of that size, for the job I am working on; and then there may be a local bricklayers' union there, and it would not take very much service in laying up brick in a small town like that for me to become a member of the union. It may be that sometime after that I desire to move my residence to a large city; and I procure a transfer card, and I find myself into the membership of this large union where much of the work in the city is skilled; and, perhaps, let us say, within a week after I get to that union there is a call for bricklayers, and I am sent out, and I find myself up against a number of skilled bricklayers. Now, as a

rule, in that union, it forces other competent men, members of the union, to take and keep their output down to mine to protect them.

Commissioner LENNON. If this alleged bricklayer that is incompetent comes from a nonunion town, and a man erecting a building in Seattle hires him, what choice has the union as to the membership if they desire to maintain their organization?

Mr. CONSTANTINE. Is it essential that they have him as a member?

Commissioner LENNON. I am not arguing with you. That is not my province.

Mr. CONSTANTINE. I am not trying to do that; I am trying to get your question, Mr. Lennon.

Commissioner LENNON. Will you admit as members of your organization, of the employers' organization, all the employers in a given industry?

Mr. CONSTANTINE. Provided they believed in open-shop rule.

Commissioner LENNON. Well, it would not be an open shop so far as the employers of the industry were concerned if everyone was in?

Mr. CONSTANTINE. Except we have not got—we are not in position to enforce upon the public that they buy all of their product from these particular manufacturers.

Commissioner LENNON. That is all.

Commissioner GARRETSON. You made the statement a moment ago that employers heretofore had been inactive in legislation; that the campaign of laboring men had gone on unopposed, but that for the future the manufacturers were going to take an aggressive position. Did I understand you correctly?

Mr. CONSTANTINE. I was speaking of legislation affecting the welfare of the employees at the time.

Commissioner GARRETSON. What might be called social legislation?

Mr. CONSTANTINE. Yes; exactly.

Commissioner GARRETSON. I suppose you are familiar with the history of social legislation of this country?

Mr. CONSTANTINE. More or less.

Commissioner GARRETSON. How far back did the labor man of this country succeed in passing any social legislation?

Mr. CONSTANTINE. I made the statement, I think, to the effect that within the last 10 years the bulk of legislation of that nature has been passed.

Commissioner GARRETSON. Can you mention any specific act preceding that time?

Mr. CONSTANTINE. Not offhand.

Commissioner GARRETSON. Then, the activity of the labor man regarding social legislation did not adopt any particular form up until that time?

Mr. CONSTANTINE. Either that is part of the explanation, or the attempt had not been made as strong as it has been for the last 10 years.

Commissioner GARRETSON. How about the preceding 500 years to that time?

Mr. CONSTANTINE. Why, the attempt wasn't there as much as it has been in the last 10 years.

Commissioner GARRETSON. Preceding that 10 years has there ever been any record of legislation in any English-speaking country secured by labor outside of the factory acts of England?

Mr. CONSTANTINE. Not very much.

Commissioner GARRETSON. Then, the employer has had from the beginning of time virtually his innings, and now you assume labor has had 10 years, and you are going to start an aggressive campaign against it?

Mr. CONSTANTINE. Don't misquote me. I don't think you understood me. I said we are now becoming aggressive, working hand in hand with them, not against them.

Commissioner GARRETSON. Oh, hand in hand.

Mr. CONSTANTINE. Yes.

Commissioner GARRETSON. That is different. That is better than hand in pocket, isn't it? You spoke of this magnificent attitude of the railway brotherhood. I suppose you are familiar with the method of dealing of the railway brotherhoods with their employers?

Mr. CONSTANTINE. I am.

Commissioner GARRETSON. Are you aware of the fact you spoke of three brotherhoods? I don't know what grudge you had against the other one, because there are four of them.

Mr. CONSTANTINE. I am glad to include the fourth.

Commissioner GARRETSON. What?

Mr. CONSTANTINE. I am glad to include the fourth, and include more, too, if there are any.

Commissioner GARRETSON. Well, I didn't know but what you excepted the one that I belong to.

Mr. CONSTANTINE. That is probably the one that I forgot.

Commissioner GARRETSON. Are you aware of the attitude that these organizations, all four of them, take when they walk into the offices of their employers to determine wage?

Mr. CONSTANTINE. I have never been present at such an occasion.

Commissioner GARRETSON. Are you aware of the fact—I will take my own organization, called the Order of Railway Conductors—that when they walk into the general manager's office of the Northern Pacific Railway, you know who it assumes to deal for?

Mr. CONSTANTINE. For its members.

Commissioner GARRETSON. No, sir; for every conductor in the service of the Northern Pacific Railway.

Mr. CONSTANTINE. Well, that is good enough.

Commissioner GARRETSON. Members and nonmembers. We deal for every man on the line. Now, do you know the restriction we place on the man who is not a member? We are open shop, as you have quoted, but we don't let him work for less than we do. Are you aware of that?

Mr. CONSTANTINE. Yes, sir.

Commissioner GARRETSON. We sign an agreement for the company for every man who performs that service that he gets the stated rate of pay. Therefore a nonunion man is perfectly welcome to work there, but he can't work for less than the scale nor can he make any private agreement with the company. There is the position of those four brotherhoods on that basis. We do not recognize—are you aware of the fact that we do not recognize the right of the individual to deal for either his wage or conditions on a railway—the four brotherhoods?

Mr. CONSTANTINE. Why, I could not picture to myself where the 5 or 10 per cent would ever attempt to demand anything of the kind.

Commissioner GARRETSON. Oh, you have got the percentage too high; there are not near that many.

Mr. CONSTANTINE. Two per cent is closer to it.

Commissioner GARRETSON. It is closer.

Mr. CONSTANTINE. Yes, sir.

Commissioner GARRETSON. You used the phrase—I believe this was the phrase verbatim: "The man must be permitted to sell his property—that is, his brain and brawn—without the intervention of a third party." That is the attitude of your association?

Mr. CONSTANTINE. Yes, sir.

Commissioner GARRETSON. Don't that mean that you assert the right of the employer to buy his brain and brawn without the intervention of a third party?

Mr. CONSTANTINE. No; it does not.

Commissioner GARRETSON. Isn't that what it works out?

Mr. CONSTANTINE. No; it is not.

Commissioner GARRETSON. If you can keep him dealing on his own basis without the intervention of the third party, you won't need any aggressive—would you need any aggressive legislative campaign, hand in hand? Would you?

Mr. CONSTANTINE. I don't know if I exactly care to——

Commissioner GARRETSON. If you can keep him as an individual without the intervention of a third party, whether of his own class or not, you don't need any legislation to keep him under, do you?

Mr. CONSTANTINE. I don't know as I care to——

Commissioner GARRETSON. Oh, I would not want you to convict yourself.

Mr. CONSTANTINE. Yes, sir.

Commissioner GARRETSON. I suppose the slogan of your association is like that of many others—that you are engaged in upholding the God-given American right of a man to work when he wants to, regardless of what his wage is?

Mr. CONSTANTINE. It is his right, we believe, in that every man has the right to work as he chooses under conditions as he desires for such price as he desires.

Commissioner GARRETSON. And his right to remain unorganized?

Mr. CONSTANTINE. He has the right to remain unorganized; yes, sir; it is his privilege.

Commissioner GARRETSON. And then you immediately proceed to organize to see that he has the right to stay unorganized?

Mr. CONSTANTINE. Oh, we don't take and compel those who don't care to join us.

Commissioner GARRETSON. What is the difference between the boycott that you complain of on the part of the labor man in refusing to buy an article and the assertion of the right to hire and fire any man that you want to, regardless of cause, as long as he performs his work right? What is the difference between boycotting goods and boycotting humans?

Mr. CONSTANTINE. Because the boycott is frequently performed, most frequently, by parties that are not directly interested.

Commissioner GARRETSON. How is that?

Mr. CONSTANTINE. The boycott is most frequently practiced by the party that is not interested.

Commissioner GARRETSON. By the party that is not interested. They are at least interested to the extent that they don't want to buy the goods for a certain reason, whatever it may be.

Mr. CONSTANTINE. They are simply sent down by droves without knowing why they are going, and they are just simply going to damage this man's property.

Commissioner GARRETSON. But what has boycott got to do with damaging a man's property? It is refusing to buy property.

Mr. CONSTANTINE. That is what I mean; that is damaging.

Commissioner GARRETSON. If a man can't make a product that enough people want to use—to induce them to buy it—where does the speculative chance lie, with him or with them?

Mr. CONSTANTINE. When you boycott a product you naturally reduce the value of that product in the market.

Commissioner GARRETSON. And if it ought to be reduced, what then? I know a lot of properties that would be better off if their value was reduced.

Mr. CONSTANTINE. I am speaking of normal conditions. I am not speaking of abnormal conditions.

Commissioner GARRETSON. Oh! Has a man the right to refuse to purchase goods that don't suit him?

Mr. CONSTANTINE. He has.

Commissioner GARRETSON. If one under our laws—is it a crime for two men to do what one can legally do?

Mr. CONSTANTINE. It is.

Commissioner GARRETSON. Just in the boycott?

Mr. CONSTANTINE. No.

Commissioner GARRETSON. What laws? How does the conspiracy law read?

Mr. CONSTANTINE. The same thing is true in the monopolising of manufacturing.

Commissioner GARRETSON. Don't the conspiracy act read that it is not a crime for men to do collectively what any of them can do individually lawfully?

Mr. CONSTANTINE. Well, it is just as unlawful to do it collectively as to do it individually.

Commissioner GARRETSON. Who has secured the decisions that exist, or the laws that exist in regard to boycott? Did you ever hear of the laborers trying to get them?

Mr. CONSTANTINE. To get laws against boycotting?

Commissioner GARRETSON. Yes.

Mr. CONSTANTINE. Why, of course not.

Commissioner GARRETSON. Sure not, and still they dominate legislation.

Mr. CONSTANTINE. Of course not.

Commissioner GARRETSON. Did you ever hear of labor trying to get further injunctional legislation enacted?

Mr. CONSTANTINE. No. I have heard of their trying to get class legislation enacted under the Clayton bill.

Commissioner GARRETSON. They have succeeded in some degree, haven't they?

Mr. CONSTANTINE. Yes, sir.

Commissioner GARRETSON. Have you ever had any request from nonunionised labor asking you to represent their rights?

Mr. CONSTANTINE. We have.

Commissioner GARRETSON. Could you file them with this commission?

Mr. CONSTANTINE. What do you mean?

Commissioner GARRETSON. Credentials that you are authorized to represent the unorganised laboring men of the Republic?

Mr. CONSTANTINE. I am speaking of individuals.

Commissioner GARRETSON. Oh, well, can you file any individual requests?

Mr. CONSTANTINE. We don't keep records of any, but we have had such records as the man coming in with tears streaming down his eyes, and telling his story, and that is a better record to carry in your mind than any record that you might have in black and white.

Commissioner GARRETSON. Yes. You heard about the man that had a million in his mind and lost his mind and went broke.

Mr. CONSTANTINE. It is not in the literature that I have read.

Commissioner GARRETSON. Well, I got it in the daily press that it was so.

Mr. CONSTANTINE. Maybe so.

Commissioner GARRETSON. Your position in regard to labor leaders being responsible for the present unrest—I suppose if that holds good at the present day, it ought to hold good throughout the most of the unrest of the ages, wouldn't it?

Mr. CONSTANTINE. I suppose so. It is probably a matter of degree. The degree is larger to-day.

Commissioner GARRETSON. How about the labor leaders preceding the French Revolution?

Mr. CONSTANTINE. I am not—I am more interested in present conditions than I am in that period.

Commissioner GARRETSON. There are people who have written that the security of the future lies in the history of the past. Were there any labor leaders then?

Mr. CONSTANTINE. There probably were.

Commissioner GARRETSON. Dead or alive?

Mr. CONSTANTINE. Well——

Commissioner GARRETSON. Under that régime would they have lasted?

Mr. CONSTANTINE. I don't know, sir.

Commissioner GARRETSON. Well, in regard to your position legislatively, do you spend any money in elections of candidates? Do you approve of it?

Mr. CONSTANTINE. We do not.

Commissioner GARRETSON. Do you make any effort to influence the make-up of committees of the State legislature?

Mr. CONSTANTINE. We do not.

Commissioner GARRETSON. Haven't any members under obligations to you by favors conferred or loans granted?

Mr. CONSTANTINE. Loans granted—no, sir.

Commissioner GARRETSON. You aren't in full sympathy, then, with some other manufacturers' associations?

Mr. CONSTANTINE. I imagine I would not be.

Commissioner GARRETSON. Do the labor unions in this State, through their labor lobby, exercise or endeavor to exercise—I won't put it exercise; I will put it endeavor to exercise—any greater or more legitimate influences than your association?

Mr. CONSTANTINE. I can only state at the last session they maintained all the way from 20 to 30 or more agents present at the legislature for a period of about two months. Now, as to just what influence those 20 to 30 had down there, I, of course, am not in a position to say.

Commissioner GARRETSON. How many did you maintain?

Mr. CONSTANTINE. I was down there alone, with two helpers in the office, and we went on the theory that where in the past the employers had everlastingly been down to the legislature in droves and had pestered the lives out of the legislators, that we would try to create a condition where the employers stayed away from the legislative session, except as some particular case came up which was of interest to him, and we advised them from our bureau and called them to Olympia as the case demanded.

Commissioner GARRETSON. Have they ever at any time in the history of legislation in the State of Washington—have employers ever compelled their employees to go to Olympia to give testimony with regard to the proposed legislation that was utterly opposed—where their testimony was opposed to the interests of labor in general?

Mr. CONSTANTINE. Not to my knowledge.

Commissioner GARRETSON. Have you ever endeavored to acquire knowledge of that subject?

Mr. CONSTANTINE. I should think that in my work, if there was anything of that kind going on, it would come to my knowledge before it would to anybody else's.

Commissioner GARRETSON. Well, if you haven't knowledge of that fact, let me commend you to a study of that subject.

Mr. CONSTANTINE. I have studied it for some time.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Constantine, have you any knowledge of the enforcement of the factory-inspection laws in this State?

Mr. CONSTANTINE. Why, the factory-inspection laws, the enforcement of them, is in such cases, Mr. Chairman, dependent on the energy of the man who is administering them. I think that to-day the factory-inspection laws are being enforced probably more fully than ever before. Within the last six months there has been a very great movement on the part of both the metal trades and State labor commissioner, working jointly, to enforce the laws more fully, provide more safety devices on the machinery, and even it has gone to the extent where the State labor commissioner has created safety committees in a large number of factories. I think over two hundred-odd factories have safety committees of three employees, whose duty it is to watch the machinery in the plant and to make such recommendations as they think will make the working conditions safer.

Acting Chairman COMMONS. Your association has cooperated in that work?

Mr. CONSTANTINE. Our association has cooperated in that work. As soon as we heard that that was being done we wrote a letter to our members and approved of it and told them to assist in that.

Acting Chairman COMMONS. Do you approve of the class of men that have held office in the past years in the enforcement of labor laws?

Mr. CONSTANTINE. I have only been acquainted with the present incumbent and his predecessor. My judgment of both men is that they are men of high quality. We have differences on anything and everything except the enforcement of laws. We have always worked absolutely in harmony with them; never had any occasion to work any different. There has been no friction whatever between our association and the State labor commissioners.

Acting Chairman COMMONS. That is true also of those new laws that are being enacted under the head of minimum wage?

Mr. CONSTANTINE. The same thing would apply to those.

Acting Chairman COMMONS. Your association has cooperated?

Mr. CONSTANTINE. Exactly.

Acting Chairman COMMONS. Does your association include the metal trades?

Mr. CONSTANTINE. Yes, sir.

Acting Chairman COMMONS. That is a constituent part of the larger association?

Mr. CONSTANTINE. Yes, sir. In other words, we do not probably have all the metal trades members, but we have a majority of them—the large majority of them.

Acting Chairman COMMONS. I take it your position is that hitherto, up until recently, the laborers have used their political influence to get legislation bearing upon the employer—interfering with his business. Now that you consider that the employers are entitled to organize and defend themselves also, you are taking a step in advance of that, not only to defend yourselves against what you consider unfair acts, but you have actually gone ahead and taken the initiative in certain measures which to you seem to be rightful in behalf of labor, either organized or unorganized?

Mr. CONSTANTINE. The condition in the State of Washington is very parallel to the condition, I would say, in the most of the States of the Union in the last 10 years. It is also true that when you swing a pendulum it is likely to swing one way more than it is best for all concerned. It has swung within the last several years, I would say, to a point where it has been disadvantageous to industry and business, and there is a feeling of fear on the part of industry to-day, both in the State of Washington and other States of the country, as we find it. And that is due in part to legislation enacted and in part to impending legislation, particularly such legislation as covers the eight-hour day, which is impending on November 4 in this State. It means, as I have said before, suicide to some of our industries that simply can not operate on an eight-hour day and compete with the competitive field. It would be only natural, then, that where any dispute of that kind exists there should be a large degree of hesitancy or fear on the part of the employer, and retrenchment. That retrenchment, perhaps, has been in part some of the unemployment existing to-day.

Acting Chairman COMMONS. Do you feel, for example, that the workmen's compensation law has put a burden on the employers of Washington higher than of other States?

Mr. CONSTANTINE. The compensation law generally is on an average a higher expense to the employer than the premiums paid previously to the

insurance companies. However, in my judgment, practically every employer in the State of Washington is satisfied with the compensation law, and would not return to the old system, partly because all of the benefits of the act go directly to the hands of the man injured, or his widow and children, where formerly a large portion of them necessarily went into the hands of unscrupulous attorneys.

Acting Chairman COMMONS. Now, take interstate competition, is that true in that case also?

Mr. CONSTANTINE. That that is satisfactory?

Acting Chairman COMMONS. Yes.

Mr. CONSTANTINE. Yes: lumber is our main industry, and the lumbermen are satisfied with that.

Acting Chairman COMMONS. That is satisfactory to the lumber industry?

Mr. CONSTANTINE. Yes, sir. We, of course, have individual cases—individual manufacturers who would go back to the old basis—individual manufacturers who are not satisfied with the rates to-day, and so on. But, generally speaking, there is satisfaction—it is satisfactory to both employers and employees.

Acting Chairman COMMONS. Has your association taken up any other measures than this one, of which you have spoken, for the promotion of better industrial conditions?

Mr. CONSTANTINE. Well, I may mention off-hand, we had a measure drafted at the last session of the legislature to remedy some of the evils that exist in employment agencies. It was a remedial measure instead of a measure which was proposed by labor wanting to do away entirely with the fee agents. Our position was that employment agencies are to-day serving a purpose efficiently, and that our industry could not afford to do without them. We recognized, however, there were certain attending evils that had grown up in the trade in many years past, and that were wrong and should be remedied, and our measure was intended to remedy those.

Acting Chairman COMMONS. What is your knowledge and observation regarding the free employment offices in this State?

Mr. CONSTANTINE. The free employment offices generally are not used by the employer. That is true for several reasons. I will mention a few of them. We have in the city of Seattle several employment agencies that specialize in the kind of labor they supply. For instance, here is an agency that probably 90 per cent of its business is the supplying of labor for railroad construction, and here is another one that specializes in supplying labor for lumber camps, and the ordinary supply of labor for the metal trades, although the metal trades mostly employ their men directly. Now, these agencies become after years very well acquainted with the labor field of that particular trade. They know those men personally. They know whether they are fit and able or not, and as the result the employers in that line of business go to that particular agency in order to get their help. Now, such is the personality on the part of the employment agent and the man who is doing the work that it would be impossible in a public office, is impossible in a public office, to have that advantage, because of the frequent shiftings of the personnel in that office. The result is that while the agent in a public office may get to know his field for a year or two, why, it is likely that he may be either promoted out of business or be dropped out of office, and an ignorant man comes in there.

Acting Chairman COMMONS. What class of supervision do you propose for these private offices, by law, which you have originated?

Mr. CONSTANTINE. Well, where a man is sent out, for instance, to a job out of town without the employment agent being fully satisfied that the position really exists there, and the man is at a loss then for his fare to and from as well as his fee, we had a provision that not only would he be refunded his fare and refunded his fee, but there would be a case of misdemeanor, and action in court would rest. Although there were different abuses, we had them made misdemeanors and provided for legal redress on the part of the man injured.

Acting Chairman COMMONS. Your idea is if the private offices were abolished altogether, you would not have the assistance necessary in these public offices?

Mr. CONSTANTINE. No; it is not. My opinion is that if the private offices are abolished that there would be created more public offices, but at the same time I believe that organizations such as ours would be compelled to maintain free employment bureaus as an adjunct of their work. We would probably have to maintain an employment bureau where we would employ men without

charge, without any fee. I believe that that would be one of the results of the abolishment of the regular employment agencies.

Acting Chairman COMMONS. That is, that you would be compelled to establish an employment office?

Mr. CONSTANTINE. Yes.

Acting Chairman COMMONS. Of the employers' association?

Mr. CONSTANTINE. Yes; and that would be true of other employers' organizations.

Acting Chairman COMMONS. Is there anything further you wish to say?

Mr. CONSTANTINE. No; nothing further that I know of.

Acting Chairman COMMONS. With regard to any of the other measures that your association has promoted?

Mr. CONSTANTINE. I have nothing particular just now to mention.

Acting Chairman COMMONS. Mr. Thompson, any questions?

Mr. THOMPSON. I have a question or two, Mr. Chairman. What has been the attitude of your association in regard to the enactment of the women's eight-hour law and child-labor law; did they furnish funds for carrying on the bureau of labor?

Mr. CONSTANTINE. My contact with legislation at Olympia is only since the last session of the legislature. I am not in position to answer the question. I wish I were.

Mr. THOMPSON. Well, did your association take any attitude on the subject of the eight-hour law for women?

Mr. CONSTANTINE. Well, so far as I know, from the records as I found them, no attitude has been taken at all in the matter. I believe that a larger number of employers were more fearful of the passage of such a measure at the time than history has proven that they were justified in.

Mr. THOMPSON. What attitude is your association taking to legislation now pending, with regard to the pending legislation for first aid?

Mr. CONSTANTINE. The pending legislation for first aid, or the initiative for first aid, is one which provides that the whole cost of the same shall devolve upon the employer. As I said a minute ago in answer to the chairman of the commission, the expense to the employer under the compensation act is higher to-day as a whole than the premiums that they paid to the insurance companies formerly. Now, the first aid as now proposed would be an additional burden to that cost on the part of the employer, and the estimates that we make show that that will run between 50 and as high as 100 per cent additional cost.

I think the attitude of most employers is that when we get first aid that some part of the expense of that first aid—it need not be a large part, but some part of the expense of that first aid should be contributed by the man who benefits from it, not so much because of the total fund it would create, because that would be negligible, but because of the fact that it brings in the element of responsibility and of cost and of care on the part of the employee which otherwise would naturally be absent to a great extent.

Acting Chairman COMMONS. Mr. Constantine, what is your proposed first aid? What do you mean by that; I don't understand it?

Mr. CONSTANTINE. That is attention to the injured in industry—sickness.

Acting Chairman COMMONS. Is it simply a provision that the employer shall pay the medical costs?

Mr. CONSTANTINE. Yes, sir; pay all the costs of first aid.

Acting Chairman COMMONS. Then it has not——

Mr. CONSTANTINE. It has not the waiting period provided; it provides for no waiting period.

Acting Chairman COMMONS. Well, isn't that cared for in the existing law?

Mr. CONSTANTINE. No; we don't have any first-aid feature to our compensation.

Acting Chairman COMMONS. It is simply compensation for time lost?

Mr. CONSTANTINE. It simply compensates for——

Acting Chairman COMMONS. And the injured pays his own medical expenses?

Mr. CONSTANTINE. Well, the compensation covers a variety of classes. There is the temporary total-disability class, temporary partial disability, permanent partial disability, and, of course, death cases. That covers those four classes in particular. I have some tables and reports I thought might be valuable.

Acting Chairman COMMONS. But it does not cover hospital and medical assistance?

Mr. CONSTANTINE. No; it does not.

Acting Chairman COMMONS. The employee pays for that himself?

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. I have in my hands, Mr. Constantine, a pamphlet entitled "Workmen's Compulsory Compensation System a Proved Failure and a Business Menace."

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Apparently written by J. V. Paterson, president of the Seattle Construction & Dry Dock Co., Seattle, Wash. There is no date on that, but it is a statement of reasons against the compensation law.

Mr. CONSTANTINE. Yes, sir.

Mr. THOMPSON. Is the position taken by Mr. Paterson at the time he wrote that the same as the position he occupies to-day, and to what extent does that document express the opinion of a section of the employer class here, if you know?

Mr. CONSTANTINE. It perhaps expresses the opinion of a certain percentage. I would not say what percentage. But, as I said, generally speaking, the manufacturers approve the bill. That pamphlet was issued, I think, about two years ago. I don't know just what Mr. Paterson's position is to-day, although I am inclined to think it is about the same as it was at that time.

Mr. THOMPSON. Have you got extra copies, or could you furnish them?

Mr. CONSTANTINE. I could furnish them. I haven't got them in my office, but I will get them from Mr. Paterson.

Mr. THOMPSON. If you will, please, because this is only loaned to me. That is all, Mr. Chairman.

(The pamphlet referred to by Mr. Constantine, entitled "Workmen's Compulsory Compensation System, State of Washington," by J. V. Paterson, president Seattle Construction & Dry Dock Co., Seattle, Wash., was subsequently submitted in printed form.)

Mr. CONSTANTINE. Would you care, Mr. Chairman, for these blanks?

Mr. THOMPSON. Yes; if you will file them.

(The papers referred to, entitled "Bulletin No. 4, Statistical Review of the First Eighteen Months' Operation of the Workmen's Compensation Act," "Statement of Awards on Account of Injuries," year from October 1, 1912, to October 1, 1913, and "Statement of Accident Fund on October 1, 1913," all issued by the Industrial Insurance Commission of the State of Washington, were submitted in printed form.)

Acting Chairman COMMONS. Call your next.

TESTIMONY OF MR. GEORGE N. SKINNER.

Mr. THOMPSON. Mr. Skinner, give us your name, please.

Mr. SKINNER. George N. Skinner.

Mr. THOMPSON. Your business address?

Mr. SKINNER. 747 Central Building, Pier 3.

Mr. THOMPSON. Your business?

Mr. SKINNER. Wholesale lumber business and shipping. I operate some freight boats on the Sound.

Mr. THOMPSON. Do you also have the position of president of the Employers' Association of Washington?

Mr. SKINNER. Yes, sir.

Mr. THOMPSON. How long have you held that position, Mr. Skinner?

Mr. SKINNER. Since February.

Mr. THOMPSON. This year?

Mr. SKINNER. Yes, sir.

Mr. THOMPSON. Have you been a member of the board of directors or trustee before that time?

Mr. SKINNER. Yes, sir.

Mr. THOMPSON. For how long?

Mr. SKINNER. For some three years.

Mr. THOMPSON. How long have you been engaged in business in Seattle, Mr. Skinner?

Mr. SKINNER. About six years.

Mr. THOMPSON. Six years. From your position as an employer of labor here, and also as an official and officer of the Employers' Association of Washington, have you had occasion to study the industrial problems in this vicinity?

Mr. SKINNER. To some extent.

Mr. THOMPSON. What is your view of the unrest here? If there is any, what is its cause and what might be done to ameliorate it, lessen it?

Mr. SKINNER. Business conditions have more to do, I think, with the condition of unrest at the present time than anything else—lack of demand for help.

Mr. THOMPSON. Well, take the general situation apart from these few months past and take the general situation the last few years, as you have known it, the unrest.

Mr. SKINNER. We have had this same condition prevailing out here a great deal of the time during the last five years, particularly in the lumber business.

Mr. THOMPSON. Now, then, if business was fair, would there be no unrest industrially speaking; you think labor would be satisfied and there would be peace and harmony between employer and employee?

Mr. SKINNER. There would always be more or less unrest on account of this being the big labor market of this section, the coming and going of a vast number of laborers to Alaska. People are induced to come here from all sections of the world expecting that they will find employment, and there is not enough employment even during normal conditions to employ everybody that comes here. It is like the immigrant coming to New York—they have to get away from New York before they get through. And here they go back east and south or different directions.

Mr. THOMPSON. Have you any views, Mr. Skinner, of the value and utility of the closed shop and the open shop as such?

Mr. SKINNER. Only from the experience that we have had in comparing conditions where ideal closed-shop conditions have prevailed; it has destroyed the industries and driven very largely the industries out of business.

Mr. THOMPSON. What industries have you in mind, Mr. Skinner?

Mr. SKINNER. Well, I have more particularly in mind the condition in San Francisco.

Mr. THOMPSON. You have been in business there?

Mr. SKINNER. What do you say?

Mr. THOMPSON. Have you made a study of conditions there?

Mr. SKINNER. Well, I have to some extent.

Mr. THOMPSON. Have you been in business there?

Mr. SKINNER. Through inquiry, and having been there, and so on.

Mr. THOMPSON. Have you ever worked a shop with the open shop?

Mr. SKINNER. My employment is entirely open shop. In fact, I never have asked, however, whether my people employed are union or nonunion men. In the boat business, that I am in, the engineers are pretty generaly organised, but I have never taken occasion to ask my office to employ only nonunion or union men. They are never taken into account.

Mr. THOMPSON. Have you any views as to the efficiency, comparative efficiency, of those two forms of organizations?

Mr. SKINNER. Well, I would assume that where employment is forced upon an employer, that the efficiency would naturally be lacking to some extent; personal effort—if that was entirely necessary to get the man the compensation that he thought was justly due him, he would be very apt to labor with a different idea in mind, and to better advantage.

Mr. THOMPSON. What view do you take of the organization of labor as such?

Mr. SKINNER. I believe in the organization of labor if the union is properly conducted.

Mr. THOMPSON. What suggestions have you to make to this condition, as to the way they should be organised so as to be properly conducted?

Mr. SKINNER. I think that the conduct of the labor unions should be entirely within the scope of the man that works, the man that is interested in his labor, and I think that they should be made responsible on both sides, and that both sides might have some of it.

Mr. THOMPSON. What form of responsibility? Have you given thought to that—what that might be?

Mr. SKINNER. The law should prescribe that anything that the labor unions entered into, if they entered into a contract with the employer, that they must carry it out or be penalised financially. They would have to organise, take out a charter, and pay a sufficient amount of capital to guarantee the enforcement of their contract, the living up to the contract.

Mr. THOMPSON. In other words, they should be incorporated?

Mr. SKINNER. Yes, sir.

Mr. THOMPSON. That is what you meant by taking out a charter?

Mr. SKINNER. Yes, sir.

Mr. THOMPSON. In your opinion, that would help a lot toward making labor more responsible?

Mr. SKINNER. I have no doubt that there are lots of things that laboring people do during disputes and times of trouble that they would not resort to if they were responsible.

Mr. THOMPSON. Have you in mind any specific thing they have done in times of trouble that because of lack of financial responsibility they would not have done otherwise?

Mr. SKINNER. You are all familiar, of course, with the methods that they have employed all over the country. We have had a recent exhibition right here in our teamsters' strike.

Mr. THOMPSON. What I want to get at——

Mr. SKINNER. Destruction of property.

Mr. THOMPSON. Destruction of property?

Mr. SKINNER. Destruction of property, and violence.

Mr. THOMPSON. That would be separate responsibility of private contract, of course.

Mr. SKINNER. That would be a part of the contract, wouldn't it?

Mr. THOMPSON. Well, hardly. I take it where you make a contract, agreeing to do certain things, a failure to carry out the contract would be, I think. Of course, if other things, if they did other things also, acts of violence like destruction of property and injury, that would bind still further by non-contractual liability, of course. Have you any idea as to what should be done in cases of breakdown of the civil law, like in Michigan and West Virginia, where they have had civil government absolutely broken down in the last two years because of the difference between employer and employee with regard to their relationship? What suggestion would you make in regard to that situation as a whole?

Mr. SKINNER. I think it is up to the police power of the State. I think that both the employer and the men are entitled to protection.

Mr. THOMPSON. That is after the trouble has arisen, if you have any such condition of civilization, or lack of it, that there is a conflict, what would you do or what would you suggest to prevent the coming of such a condition where troops have to come in and martial law has to be declared, or have you given any thought to that?

Mr. SKINNER. No, sir; I don't think I have.

Mr. THOMPSON. Have you heard the testimony of Mr. Constantine here?

Mr. SKINNER. Yes; but I can't hear readily enough to hear much of it. I could not understand much of it.

Mr. THOMPSON. Is there anything you would like to add to that which you did hear, as to what he said about your association or the general industrial situation in the city of Seattle?

Mr. SKINNER. I think Mr. Constantine covered the subject pretty thoroughly, and I am willing to subscribe to it. I am willing to subscribe to, I believe, all of it, because I know what his views are on all of these different subjects.

Mr. THOMPSON. And generally you are in accord with him?

Mr. SKINNER. Yes.

Mr. THOMPSON. Is that true also of the workmen's compensation law?

Mr. SKINNER. What is that?

Mr. THOMPSON. Is that true also of the workmen's compensation law in this State?

Mr. SKINNER. Yes; I was present when the compensation law was passed in Olympia, and we, the manufacturers of the State, were in favor of a compensation law, and argued for it before the committee.

Mr. THOMPSON. What was the stand or general attitude of the manufacturers and other employers on this eight-hour law for women, if you know? What opinion have you on that?

Mr. SKINNER. My impression is our own people did not offer any objection to it. We were not interested, our industry, at that time, in the employers' association.

Mr. THOMPSON. Have you got any opinion about the advisability of such legislation in industry?

Mr. SKINNER. I approve of it.

Mr. THOMPSON. Is that the general attitude of employers, as you follow them?

Mr. SKINNER. I think so, as far as mine are concerned.

Mr. THOMPSON. Have you any idea as to what might be done to assist and help the present machinery for the adjustment of industrial disputes? Do you think, for instance, such an institution as a Federal industrial council would help in preventing trouble? You heard what I said to Mr. Constantine about that.

Mr. SKINNER. I think a properly constituted arbitration board would be effective, without any prejudice.

Mr. THOMPSON. Is there anything else, Mr. Skinner, which you would like to say to the commission——

Mr. SKINNER. I don't know.

Mr. THOMPSON. Touching the industrial problems?

Mr. SKINNER. I don't know of anything in particular.

Acting Chairman COMMONS. Mr. Skinner, I think the Washington law on the compensation question is substantially an absolute insurance system, isn't it, in which the employers are required to contribute? Did your association favor that sort of an arrangement?

Mr. SKINNER. Yes, sir; we used our influence to get the law—we used our influence to have the law enacted.

Acting Chairman COMMONS. It has worked out satisfactorily, hasn't it, in that respect?

Mr. SKINNER. Yes; I think pretty generally.

Acting Chairman COMMONS. Has it brought about a reduction in the accidents; that is, the safeguards which the employers have installed in order to reduce the premiums they have to pay?

Mr. SKINNER. Well, I am not posted what the conditions are in that respect. I know that for a time, so far as the application that is made for relief was concerned, it was very much larger than had been reported. There were no records we could get at previously. Then, I think that for a time the experience was different; that the accidents were more limited. But I understand this year there is an increase again. To what extent I do not know, because I have not had the figures.

Acting Chairman COMMONS. In general, would you say that the employers of this State are satisfied with the law?

Mr. SKINNER. I think so, as a rule, and also with the movement to safeguard. There have been movements in the State during the past year to use extra precautions, put new safeguards on, and they have been generally in accord with that, so far as we know in our association. The metal trades have been very active; the employers of the metal-trade association here have been very active in helping to get for the commissioner of labor in the State the cooperation of all of the manufacturing industries in the State to put in these devices.

Acting Chairman COMMONS. Considerag the extent of unemployment that you have mentioned and the conditions here, would you think that there should be a better organization, a stronger central organization of employment offices, and that the offices should contribute or cooperate with each other in exchanging information? Have you thought of any way by which you could improve industrial conditions?

Mr. SKINNER. It would depend on so many things.

Acting Chairman COMMONS. Merely making the labor market more accessible—have you considered whether your association might properly take up and establish the employment offices and cooperate in that way?

Mr. SKINNER. I think our association would only be induced to undertake that provided the employment agencies were done away with and politics entered into the conduct of such employment agencies as was started by the State.

Acting Commissioner COMMONS. You are familiar with the employment offices that are conducted by the city around here?

Mr. SKINNER. Well, in a way. I never have had the same difficulty with the other employment agencies they had—private employment agencies. Just the other day we had a complaint that some people had gone in, and it had been represented to them that they could get work at a certain place, and five or six of them went down there and paid their fare and could not get positions and came back. I don't know whether that was intentional. I presume it was not. It is liable to happen with some of the private employment associations. I assume that the private employment agencies have to conduct this business in such a way that he gets his clientele and holds it in competition with the public and others in the same business. I assume that they are probably conducted in that way. Recently some of them have had their licenses—I under-

stand some of their licenses have been taken away. They should be safeguarded and properly conducted.

Commissioner GARRETSON. Mr. Skinner, you spoke of making unions responsible by incorporating them and putting up bonds. Assume now for a moment that you entered into an agreement with your employees for a period of a year. That provided for a rate of wage and the other conditions that entered into an agreement of that kind with the ordinary union. That union put up a bond for the faithful carrying out and performance thereof. Would you hold that the employer also should put up a bond for the faithful performance of it, or would you hold that his business standing was a guaranty enough?

Mr. SKINNER. I think his credit would be subject to criticism by the union who are making that contract the same as the credit of the union would be by the employer who would expect that contract to be carried out.

Commissioner GARRETSON. Then you would look for the bond both ways?

Mr. SKINNER. Yes.

Commissioner GARRETSON. In the event of the failure, your failure in business, when half the period had been disposed of, would you hold with that guaranteed contract, in the event that the wage had risen, or the tendency were in that direction, that the unexpired period was an obligation of your firm?

Mr. SKINNER. I do not know that I just understand you.

Commissioner GARRETSON. If a contractor put up a bond to work at that rate for a year, and you held that contract and the bond payable therefor was guaranty therefor, if he failed in business, would that contract that he owns, in your opinion, be an asset of your firm?

Mr. SKINNER. Well, that depends.

Commissioner GARRETSON. If the labor market had gone up in the meanwhile, for instance, that would make it more valuable, wouldn't it, if it had an unexpired period to run?

Mr. SKINNER. It might. I haven't given that any thought.

Commissioner GARRETSON. Would you be willing to put up a bond big enough to guarantee payment of those men for the unexpired period after a failure that might occur?

Mr. SKINNER. Well, I think just as well as we would have to put up a bond to secure a contract of sufficient size. There should be security for the bond.

Commissioner GARRETSON. If your pay roll would be big enough it would take a good deal of money?

Mr. SKINNER. If he had a big pay roll he could probably afford to put up a big bond.

Commissioner GARRETSON. What is your experience? Is it your experience that the bigger the pay roll the greater the financial responsibility?

Mr. SKINNER. Not always; no, sir.

Commissioner GARRETSON. You state that you are favorable to organization if properly conducted. What would you consider an organization that is properly conducted?

Mr. SKINNER. We have had as members of our organization those who are doing business with labor unions under contract.

Commissioner GARRETSON. Well, I don't just understand that idea, and I want to understand it. If your employees organized completely—they may have been at it for a considerable period—but to-morrow they come in to you with a demand for an increased wage and better conditions, and you refuse, and they go on strike for the furtherance of their desire, in your opinion would that be a properly conducted labor organization?

Mr. SKINNER. I don't think they have any right to do any different than I would have any right to do—to destroy property or life or anything of that kind.

Commissioner GARRETSON. I am speaking particularly of a strike.

Mr. SKINNER. They can strike as much as they want; I do not see any reason why they can't strike.

Commissioner GARRETSON. That wouldn't be any reflection on the proper conduct of it?

Mr. SKINNER. I can't see that it would be. If a man does not want to work for a certain wage or under certain conditions, he certainly has a right to discontinue that employment.

Commissioner GARRETSON. Collectively?

Mr. SKINNER. Either that or separately.

Commissioner GARRETSON. Then you think and hold that a labor organization has a perfect right to carry the organization to a perfect sequence of what you might call coercing the employer, if your contracts were such you would have to yield?

Mr. SKINNER. That is the purpose of the organization, of the employers' association—to combat that very same condition. There is no reason why we should use coercion; I don't believe in coercion.

Commissioner GARRETSON. Oh, well, your employers' association is attempting to coerce labor unions into a different course of procedure in regard to the union shop.

Mr. SKINNER. No, sir; because labor unions constitute a very small portion of the labor that is employed in our State or in any other State, and there is no reason why the labor union should control, or any other labor, in that industry or any other industry. If they were the total number of employees in the labor union they might control them.

Commissioner GARRETSON. Does anybody but labor unions advocate the closed shop, as you speak of it?

Mr. SKINNER. I don't know of anybody.

Commissioner GARRETSON. Then your organization is formed to coerce union labor?

Mr. SKINNER. No, sir.

Commissioner GARRETSON. Oh! Coercion is one thing when done by the employee and another when it is done by the employer?

Mr. SKINNER. No, sir; it is for protection.

Commissioner GARRETSON. Coercion for protection?

Mr. SKINNER. Yes. I didn't say coercion at all; I do not believe in coercion on either side. I think we have got a free country, should have here, and I am not in favor of being told what I should do. I don't think the labor unions ought.

Commissioner GARRETSON. What is the courthouse built for, and the legislative halls, but to tell you what to do and to tell me what to do?

Mr. SKINNER. I don't think if only 8 per cent of the population are constituted with the authority to do that——

Commissioner GARRETSON. What is a church built for—what was the Bible written for?

Mr. SKINNER. To preach certain things.

Commissioner GARRETSON. To tell you and I what to do?

Mr. SKINNER. To advise us what to do.

Commissioner GARRETSON. It is for advice, instead of telling? That is all, Mr. Chairman.

Mr. SKINNER. People don't always carry out the dictates of the Bible.

Commissioner GARRETSON. Some of them have got coerced for not doing it.

Mr. SKINNER. No doubt about that.

Commissioner GARRETSON. If the theory is true, there is going to be a final job of coercion along the line.

Mr. THOMPSON. Is it not true that the employers' association was opposed to the first-aid provision presented by the commission composed of employees and employers?

Mr. SKINNER. Yes.

Mr. THOMPSON. And that same thing, I take it, was the reason back of the present opposition?

Mr. SKINNER. I don't hear you.

Mr. THOMPSON. The same reason actuating the employers' association in that case actuates them now?

Mr. SKINNER. The employers are not against the first aid to-day. The employers told them at the time this bill was passed—they made a suggestion that it was a pretty hard portion of the act to undertake at that time; that if they would allow it to go until later the employers would help frame such a substitute for the bill or measure to attach to the bill as would be satisfactory to the employees and employers. But two years ago, when they started to undertake to pass a first-aid bill in the legislature there had not been sufficient experience with the law to enable us to get any data, and the result was they were asked to wait until this coming session, at which time I presume the employers will carry out their agreement to undertake to do what they agreed to do at that time and help draft a first-aid bill that will be satisfactory to both.

Mr. THOMPSON. Mr. Constantine said while on the stand that they opposed the first-aid provision on the theory that it required the employer to pay all, whereas, in his opinion, some portion of the burden should fall on the employee.

Mr. SKINNER. That was one of the reasons.

Mr. THOMPSON. Are there other reasons?

Mr. SKINNER. Yes; there were other reasons. There were hospitals maintained in connection with plants under different kinds of contracts.

Mr. THOMPSON. Take the position to-day; what would you say of it in that respect?

Mr. SKINNER. Well, I do not know that I have given much thought to it. I have given some thought to it. I don't believe I have my mind made up. I do not believe I am competent to express an opinion to-day. I haven't given it sufficient care and attention.

Mr. THOMPSON. Did the employees at the time of the passage of the original compensation law induce the legislature to reduce the scale of awards in case of different classes of injuries?

Mr. SKINNER. I don't believe that they took any part in any discussion of that kind before the committee. I was there at all of the meetings, and I don't remember any such.

Mr. THOMPSON. Was that a vital part of the working of the law?

Mr. SKINNER. I don't think they entered into that feature at all.

Mr. THOMPSON. It is a vital part of the law, is it not, Mr. Skinner, the question of the amount of the award?

Mr. SKINNER. Yes.

Mr. THOMPSON. And one that must be met by the contribution of all parties to the act?

Mr. SKINNER. Yes.

Mr. THOMPSON. Does the employers' association hire men for the Seattle Construction Co.?

Mr. SKINNER. No, sir.

Mr. THOMPSON. Do you know whether men hired by the company are asked whether they belong to unions or not?

Mr. SKINNER. I do not.

Mr. THOMPSON. That is all.

Acting Chairman COMMONS. Anything you care to add?

Mr. SKINNER. I don't think of anything.

Acting Chairman COMMONS. That is sufficient; much obliged.

The commission will not hold a session to-morrow afternoon, but we will meet to-morrow morning at 10 o'clock. The commission will now stand adjourned.

(Whereupon, at 4.45 o'clock p. m. of this Monday, August 10, 1914, an adjournment was taken until the following day, Tuesday, August 11, 1914, at the hour of 10 o'clock a. m.)

SEATTLE, WASH., *Tuesday, August 11, 1914—10 a. m.*

Present: Commissioners Commons (acting chairman), Lennon, O'Connell, and Garretson. W. O. Thompson, counsel.

Acting Chairman COMMONS. The commission will come to order.

Mr. Thompson, call the first witness, please.

Mr. THOMPSON. Mrs. McMahon.

TESTIMONY OF DR. THERESA S. McMAHON.

Mr. THOMPSON. Doctor, will you please give us your name?

Dr. MCMAHON. Theresa S. McMahon.

Mr. THOMPSON. Your address?

Dr. MCMAHON. 4026 Tenth NE.

Mr. THOMPSON. And your profession?

Dr. MCMAHON. Teacher, political and social science department, University of Washington.

Mr. THOMPSON. How long have you been a teacher of political and social science?

Dr. MCMAHON. Three years and a half.

Mr. THOMPSON. At this university?

Dr. MCMAHON. Yes, sir.

Mr. THOMPSON. What were you doing before that; where were you instructor?

Dr. MCMAHON. I was statistician for the Associated Charities of Chicago, and before that I gathered statistics for Hull House, and before that I was in school.

Mr. THOMPSON. In your work here in Seattle, have you had occasion to look into the general industrial situation?

Dr. MCMAHON. Yes, sir; my subject is labor problems, so I have conducted a number of investigations with my students along the line of labor problems.

Mr. THOMPSON. Could you tell us briefly what you have done in that way; in what branches of industry you have examined?

Dr. MCMAHON. Largely dealing with the labor of women and children. Last August I was appointed a member of the industrial welfare commission of the State, and I was assigned the term of four months, which did not give me very much opportunity to investigate. With the assistance of the students I investigated the employment of women and children in the State.

Mr. THOMPSON. Do I understand you were a member of the industrial commission?

Dr. MCMAHON. Yes.

Mr. THOMPSON. And are you to-day?

Dr. MCMAHON. No; my term expired the 1st of January, 1914; I was not reappointed.

Mr. THOMPSON. Well, what generally is the average term of the commissioners, four months or a longer period?

Dr. MCMAHON. No; the first term expired the 1st of January, 1914. We were appointed, I think, July 31; the next term was a year and four months, or five months; the next, two years and the next three years. If I had been reappointed my term of office would have been for four years.

Mr. THOMPSON. In your study of industrial conditions around Seattle have you paid any attention to the question of emigration as affecting the relations between the employer and employee and the conditions of the worker?

Dr. MCMAHON. The question of emigration is very much the same here as it is in other parts of the country. Wherever you have a large influx of workers, whether it is through emigration or whether the natural increase of the population, it has a tendency to lower wages. Of course, the more ignorant the emigrant, the less able is he to make a favorable contract with his employer. With us the emigration question up to the present time has been largely one of orientals. The more ignorant they are of our institutions and our customs the poorer the bargain they make. I have found in my investigations that just as soon as they become acquainted with our institutions they tend to demand more wages.

Mr. THOMPSON. Referring directly to the matter of your investigation, Doctor, you say you were connected mostly with the investigation in regard to women and children?

Dr. MCMAHON. Yes, sir.

Mr. THOMPSON. Was that work in Seattle or other parts of the State, or all over the State?

Dr. MCMAHON. Largely in Seattle. I carried on the investigation in Seattle for the commission.

Mr. THOMPSON. How was your investigation organized, what manner did you organize it, and how many assistants did you have, and how did they work?

Dr. MCMAHON. I was allowed the sum of $100 to carry on the investigation. The commission thought that would be sufficient. Naturally, in order to get any material I had to have voluntary workers and work myself. As I was teaching in the university I found this very difficult to do. With the help of the students working in my department, I was able to go over the pay rolls of the principal industrial establishment in Seattle. In consulting the employer I was impressed with the fact that the question at issue would be one of apprenticeship. Practically all of the employers said they were willing that a minimum wage should be set, provided that a fair apprenticeship period were allowed. I thought, under the circumstances, it would be wise to look into the period of employment. We copied the pay rolls of the department stores, one box factory, two candy factories, two laundries, and a large mail-order house. We copied the names of all the girls on the pay roll the first week in October. We traced their term of employment back six months and inserted every new name that appeared. Every name that appeared on the pay rolls for six months was traced back one year. I wanted to find out how many girls were employed in the period of six months and what per cent of them worked more than one year, so as to see if the spirit of the law could be evaded if an apprenticeship period were allowed.

Mr. THOMPSON. As a result of that investigation what did you find with reference to the length of employment?

Dr. MCMAHON. I found practically the same thing that the Massachusetts commission did—that practically the girls worked a comparatively short period. If you will pardon me, I have the figures here. I excluded from my tabulation the suit department because it is a seasonable trade and contained apprentices in dressmaking. The alteration, millinery, and restaurant departments were left out so as to make it a little fairer, since these departments are recognized as most susceptible to short periods of employment.

In department store No. 1 the records were valueless because the firm had been under new management only six months.

No. 2, exclusive of cloaks, suits, alteration, millinery, and restaurant departments, 60 per cent of the girls worked less than one year; 40 per cent one year or more. This was the best department store in the city in relation to the girls.

No. 3, 74 per cent of the girls worked less than a year and 26 per cent one year or more.

Massachusetts finds in one department store that 71.8 per cent of the girls worked less than one year, and 28.2 one year or more, getting practically the same results as I did.

I wish to say this about the department-store situation: Although my investigation dealt largely with the department stores, because more girls are employed in department stores than in any other line of work in the State, I did not find conditions as bad as in the factories. The wages are better. The reason the department stores receive more attention and are more sensitive to public opinion is that they deal directly with the consumer.

In a paper-box factory 88 per cent of the workers worked less than one year. None of this 88 per cent received $9.

Of the 12 per cent who worked one year or more only 14 per cent received $9 or more. Most of the girls in the factory received less than $5 per week. They rarely worked six days of the week. The average week was about five and one-half days or five days, depending upon the orders for boxes.

In the factories—the candy and cracker factories— 82 per cent of them worked less than one year. Seventy-two per cent of those who worked less than one year received less than $9. Eighteen per cent worked one year or more. Sixty per cent of these received less than $9.

The wages in the candy factories are very much as they are in the paper-box factories.

In the laundry, 80 per cent of the girls employed at the mangles during the six months which the investigation covered had worked less than six months. None of them received $9. Sixty-three per cent of all other workers in the other departments worked less than six months. Forty-three per cent of those girls in all other departments get $9 or more, showing that in the laundry you can make a distinct division between mangle work and work in other departments. The flux of workers among girls at mangles is very much greater.

In Massachusetts practically the same situation exists. In a Massachusetts laundry 92.9 per cent worked less than one year; 7.1 per cent worked one year or more.

I did this for the purpose of finding out whether the allowance of apprenticeship of six months or year would not defeat the entire spirit of the law, and I believe it will.

I think our rulings in this State are superior to the rulings made in Oregon. But the tendency on the part of the employers is to ask for an apprenticeship period, which, if granted, allows them to evade the spirit of the law entirely by discharging the girls when their apprenticeship period is over.

Apprenticeship laws have never been enforced since the old guild system. Only where you have a close organization of those interested in maintaining your apprenticeship has it been enforced. In the early nineteenth century the employers held that there was no need for apprenticeship, because with the division of labor much of the work was unskilled, and so the old apprenticeship laws were discarded at the request of the employers.

Since the division of labor has been carried on more minutely by virtue of scientific management we have the employers insisting that the apprenticeship system must be recognized in all industries. History shows that the employers have been inconsistent in their attitude.

The other phase of the question of the minimum-wage law is the one relative to age. The law in this State says that a girl is an adult as soon as she

reaches the age of 16; before reaching that age she must get a legal permit to work. The minimum-wage law says she is not an adult until she is 18.

When child-labor laws are passed looking toward the prohibiting of the exploitation of children the employers are anxious to have the age limit made low. In minimum-wage laws they wish the age to be put just as high as possible.

The largest number of girls is available between the ages of 16 and 18. Many women marry before 20 years of age and leave the labor market. This is especially true in Washington, where women do not enter industry as workers to the same extent as in Eastern States.

I have found in our box factories and in our candy factories and mail-order houses that mostly all employees who were getting less than $9 were under 20 years of age. It is quite possible, it seems to me, to supply the demand for girl workers out of the available female labor supply of from 16 to 18 years—assuming the age limit can be enforced, which I doubt. The girl will lie about her age to hold her job. The mother will lie about the girl's age, and unless you have a very careful registration of births there is no way of enforcing it.

But assuming it can be enforced, it seems to me that the minimum-wage law puts a premium on child labor, and a girl of over 18 is going to find it very difficult to get a job. One of the most conscientious, honest, and frank employers I consulted when on the minimum-wage board, in whose establishment I found the best conditions, frankly said, when I asked, "What are you going to do?" said, "Let the girls go, and get girls under 18. I will admit it. The others may not."

One of the biggest problems in labor history is the substitution of child labor for adult labor. It has been taken up by Sidney and Beatrice Webb in England and others, and they found parents walked the streets while children can get employment.

It seems to me that legislation of this nature is merely aggravating the social problem. From my point of view the minimum-wage law as it is being passed all over the country has only one virtue. It is educating the public to the conditions that exist relative to women and child labor.

Mr. THOMPSON. Doctor, in case the minimum-wage law did not have any reference to age, providing that anybody in industry should pay at a certain rate, would that obviate your objection to the present law in the State?

Dr. MCMAHON. Yes; I think when a child is in adult's work it ought to get adult's pay. As it is, there is no restriction to the number of children, according to the law; you can employ just as many as you like.

I found in the canneries boys competing with men in pushing heavy trucks. The boys could do it better than the men. The boss hurried the boys so that they ran with their trucks. A man would take, what he considered a reasonable gait, and if urged to hurry would probably quit work. Even then the boilers turned out the cans of salmon faster than the boys could take care of them. They never caught up with their job.

Mr. THOMPSON. Take the minimum-wage law as a general proposition; do you favor such a law?

Dr. MCMAHON. I certainly do.

Mr. THOMPSON. What would be the provisions of such a law that would meet with your favor, and what would be the objections other than what you have already named of the age limit?

Dr. MCMAHON. I believe it would have to be a real minimum. For instance, we have a law relative to male workers in this city. The man is not told he has to have two weeks' experience before he can get the minimum wage. If he can't handle his shovel, he probably is discharged. I think the minimum wage ought to be fixed for unskilled labor. As far as the apprenticeship is concerned, from the experience of history, it seems to me that the training of the children will have to ultimately be taken over by our educational institutions.

Experience has taught us that we can't trust the employer to look after the interests of the children. As far as the blind-alley occupations are concerned, I think that children ought to be prohibited from following them. The immediate step, I think, ought to be an apprenticeship law, such as Wisconsin has, clearly defining what an apprenticeship is, and not including under it inexperienced workers whose only claim to apprenticeship is inexperience in handling goods.

Mr. THOMPSON. Will you give us your reasons in favor of a minimum wage of the kind you believe in?

Dr. MCMAHON. Industry is rapidly becoming so scientifically managed that you can clearly see that there are certain jobs that are more or less mechanical and that can be performed by anyone who is physically and mentally sound. Under those conditions you naturally have a large number of people competing for those jobs, and when they are out of a job their places are readily taken by others, either by immigrants who come over here or by people who live in the community. We have an oversupply of labor for the unskilled work. Those people are too weak to organize. I don't look forward to the time when we can organize all workers. When a man or woman is hungry his first thought is to get a job and it would be pretty hard to hold him in line and make a martyr of him for principle's sake. These unskilled workers are too weak to bargain themselves, so the State ought to step in and bargain for them.

Mr. THOMPSON. Referring to the effect and the employment of women 18 years and over by reason of the minimum wage law in this State, have you any concrete case where it has affected women over that age?

Dr. MCMAHON. You mean the present enforcement of the law?

Mr. THOMPSON. Yes.

Dr. MCMAHON. Yes; complaints come constantly to me. One, within the last day or two, by an organization coming in close contact with the girls, telling me that the girls had become panicky and were losing their places. I wanted a written statement, but the organization felt it could not afford to be involved and asked that I should not mention its name.

Mr. THOMPSON. Referring to the scale of wages that has been established here under this law in the different occupations, have you anything to say in regard to that.

Now, for instance, the wage of $10 for women in mercantile establishments that went into effect on July 27, last; also the wage of $8.90 for women in manufacturing work that went into effect on August 1; and $9 a week wage for girls in laundry work and telegraph and telephone operators.

Dr. MCMAHON. I would like to say this, that in the department stores you can divide your workers into two broad classes, those girls who require skill, intelligence, and personality to sell the goods. Those girls go into the department store often without experience and draw wages of $10. There are other lines of work in the department stores. The sales girls are not as important from the viewpoint of the minimum wage as the cheap office girls. Much of the office work can be done by cheap help. Inexperienced saleswomen often get $9 or $10 per week, depending on the department in which they work. I found only five saleswomen in one large department over 18 years of age who had been employed by the firm one year or more who were not getting $9 or more per week.

Younger girls can be used for much of the office work, so that whether your minimum wage is fixed at seven, or eight, or nine, or ten dollars per week for adult workers the pay roll of the office force will be little affected.

Conditions are different in laundries. Laundries are not able to carry out the minute division of the work as in department stores and will have to depend largely on the fact that the girls will never be able to serve out their apprenticeship in order to avoid paying the fixed minimum wage for adults. Laundries can not use young girls.

Mr. THOMPSON. With reference to the $8 minimum established for minors, what is your view of that?

Dr. MCMAHON. The fact that employers have to pay only $8 to girls under 18 and $10 to girls over 18 puts a big premium on child labor.

Mr. THOMPSON. You have covered that, then, in your other statement?

Dr. MCMAHON. Yes, sir.

Mr. THOMPSON. What condition did you find in the canning industry with reference to labor generally, not only labor of children and women, but of adults?

Dr. MCMAHON. Shortly after the minimum-wage commission was appointed Mr. Olson, the labor commissioner, and I made an investigation of the salmon canneries in the northern part of the State. The fish make a heavy run every four years, and we were fortunate enough to carry on the investigation in one of the heavy years. I do not know whether the commission has attempted to publish the results of the investigation, but I made a short synopsis of the result for the commission. Girls were employed moving and filling wooden

trays with empty cans; wages, 20 cents. Trays were taken away on trucks by boys, filled, delivered to girls who stood at the head of the chute and slid the trays to the floors below, where the cans were filled with fish by older girls and women.

After the cans were filled and closed small children stacked them. Here is where we found the large number of small children. Some were paid by the tray and others by the hour. The wages ranged from 10 to 15 cents an hour. Ages of the children ranged from 9 years to 14—many of them were illegally employed. Fifteen cents an hour is especially attractive, as the children worked long hours, thus making fairly good daily wages.

The work in can factories is done principally by boys and girls. We found but one can factory. The more skilled work fell to the girls from 16 to 19 years of age. Children were forced to work rapidly in order to keep up with the machinery. In several instances machinery had to be stopped as it belched forth cans faster than the children could pick them up. Boys were quite generally employed in pushing trucks loaded with cans of salmon.

Mr. Olson was especially interested in the issuing of permits, I in the employment of women. The law says that boys under 14 and girls under 16 years of age must not work without permits. We found many violations of the child-labor law.

The reasons were given as follows: No apparent reason for the enforcement of the law, since permits were procured for the asking. I went over the permits issued by Whatcom County. I found two permits that did not even have the child's name on. The permit was issued to Mary Smith's niece or nephew.

Where we found violations of the law they were generally due to the inconvenience of getting the permit; when the county seat was in a different city. Under such circumstances we found 50 to 100 children working without permits. In one community where many children were employed in canneries no violations of the law were detected. This was true wherever the superintendent was given the power to issue permits. The children could run up after work and get their permit from the superintendent. When the judge failed to delegate this power, we found many violations.

Mr. THOMPSON. By superintendent you mean the superintendent of the cannery?

Dr. MCMAHON. The superintendent of the schools.

Mr. THOMPSON. Oh.

Dr. MCMAHON. When a cannery was located in a comparatively large city many children were employed. Canneries isolated from settled communities employed adults to do the work which was done by children in the large cities, showing that the children came in direct competition with the adults in the large cities. Occasionally men were found wheeling trucks of canned salmon from cannery to storehouse, but most often this work was done by boys, as I have told you before.

In one cannery the boys said they worked from 9.30 until 12 o'clock at night or 1 a. m. They were wheeling trays of salmon to the warehouse. The hours most often cited were from 6 a. m. to 7 p. m., with one-half hour for lunch.

Why are these children employed? The following reasons were given: First, the desire on the part of the canneries to get cheap labor; and, second, the willingness of parents to exploit their children because of the attractiveness of the wage. I believe that if an investigation were made it would be found that in but few instances do the parents need the wage of the children, because we found the parents working with the children, and many parents admitted it was not necessary for the children to work.

The cannery men gave as their reasons these: First, parents beg us to employ their children; second, social service on the part of the employers who are willing to sacrifice their own interests in order to provide means for keeping the children off the streets and out of mischief.

Children are generally considered by the employers as being a nuisance in the canneries.

We often heard it said the women workers in canneries get high wages. The high wages are given in the packing of fish. They pack fish by hand and earn from $2 to $9 per day. The one girl alone who was able to make $9 a day said it was impossible for her to work for more than three weeks, and during that period she had to take frequent rests. The girls who are able to get high wages are pointed out with pride by the managers. They are the pace setters, as we call them in industry. The girls said that the great diff-

culty in packing fish is that the wrists and the back give out. In one cannery the foreman said that rest intervals were provided for the girls. The girls said these were forced rest periods of about 10 minutes, due to the clogging of the machinery or to the fact that fresh fish was not butchered fast enough to keep up with the packers, or one department lagged behind the other. The packers were stopped until readjustments took place. Sometimes several days elapsed without such a rest period. At other times these rest periods came frequently. One of the best packers in the plant gave as her reason for stopping her day's work at noon that so many stops occurred in the packing that day she could not make fair wages, and so she decided to take the remainder of the day off.

Wherever cans were filled by machinery, girls were paid a flat rate of 20 to 25 cents an hour.

When the eight-hour law for women came up before the legislature, I was requested to represent the girls. I had just come from Chicago, and, as a social worker, was asked to represent the girls before the joint committee of the house and senate. There I met the employers, who were well represented, making a plea that the canneries be exempted from the eight-hour law.

They said that if the eight-hour law applied to women in canneries they would discharge the girls and put in Chinamen. In going through the canneries it was evident there was no competition between the two classes of workers, the orientals and the girls; but on the contrary the complaint was made in practically every cannery that the oriental labor was becoming scarcer each year, and they found it absolutely necessary to employ white men in places formerly filled by orientals. This scarcity is due to a stricter enforcement of the Chinese-exclusion act. Whenever the question was asked as to whether the oriental or white men could be substituted for the girl packing fish, the answer invariably was that such a move would be impracticable, as neither the oriental nor the white man possessed speed or dexterity of the female worker when it came to packing fish by hand.

With the exception of the women scraping and washing the fish the oriental and Indian women compete more often with juvenile labor than female adult labor. The women scraping and washing the fish do compete with the oriental and Indian man. These women get about 5 cents less an hour in canneries where Indian women were employed. This may be merely a coincidence. Canneries located in cities generally have no Indian labor supply to draw upon. The price of female labor in cities may have been higher because entering into competition with other industries in the community. If the labor supply is short, they often draw upon the Indian reservation for a considerable labor supply.

Women show little inclination to work in fish canneries for the same wage as in other industries. I think this is due to the disagreeable nature of the work. I doubt very much if the minimum wage, when it is fixed, will affect the women in canneries who get $2 a day for six days a week. The minimum wage would probably be less.

With a few exceptions the canning companies had taken little cognizance of the necessity of providing girls with sanitary washing and toilet facilities. Most of the canneries provide rough board privies located on the docks. Many of them were in a filthy condition. Often these privies were without locks or doors. The girls complained that those privies assigned to them were sometimes used by the men. This was the most common complaint in every cannery where flush toilets were not provided. The girls requested the minimum wage commission to better the sanitary conditions in canneries. After the fish have been cleaned by machinery, it is necessary for them to be scraped and washed. This is very disagreeable work, as the hands are constantly in water. The workers have to stand on a narrow plank in order to keep the feet dry. In most canneries this work is done by Chinese. It is done by Indian women only when near reservations. Examining the hands of some of these Indian women, they were found to be raw, and ulcerous sores under the finger nails. These women work from 6 a. m. until 9 p. m., with one-half hour for lunch; wages, 20 cents per hour.

I hope that the commission will recommend that the cannery situation be investigated. I think that it is the worst condition that we have in the State, and has received the least attention. I know nothing about the fruit canneries. I have not been through them.

I want to call the commission's attention to the contract in the canneries made with the Chinamen. I received some of this information from an orien-

tal student who has worked in the canneries, from the employers themselves, and from the contract of which I have a printed copy.

Commissioner LENNON. Before leaving that subject, will you indicate whether or not you discovered anything with regard to the prevalence of tuberculosis among the girls in the canneries?

Dr. McMAHON. I had no way of determining. I asked a great many of the girls what they did when the canning season was over, and they said mostly housework.

I took the names of two or three girls in every cannery, hoping they would be of some assistance to the commission when I returned to Seattle. With one exception there was no response. The girl who answered my letter said that the girls were employed at housework during the winter and were not particularly interested in the industrial situation. The girls showed an unwillingness to give information that might involve them. My experience on the commission and watching the commission's work since convinces me that a girl is foolhardy to give any testimony or any information where her name is involved.

Mr. THOMPSON. What is the reason for that, Doctor?

Dr. McMAHON. Simply that she will be persecuted. The commission has the example of one of the girls who was called before the commission to act in behalf of the girls. She lost her position. I believe that the violation was brought up to court and the employer was fined. This experience makes me doubt the honesty of employers. They have not been honest with me in that many statements they have made proved false.

In going into one of the large department stores the employer wanted to convince me that the girls were satisfied; so he took me around to the different girls. "Jennie," he said, "how many times have I offered to promote you?" Jennie smiled and said, "Oh, a good many times—three or four times." So he said, "I will take you to some one else." He took me down the line with the same results. Finally I requested the privilege to ask the questions. "Jennie," I said, "if you were offered an increase in pay would you go over to department so-and-so?" "Sure I would." We did not go any further. But I felt that the employer was trying to give me an impression which was entirely false.

Another instance. At one of the conferences which I attended we asked if there were any employees in the audience. One of the girls got up and gave her testimony, describing to us the conditions in the industry in which she was employed. I was not on the commission very much longer. After my term expired I received a letter from an organization which deals with women in that city—"would I please do something for this girl; she had lost her job." I said I would do what I could. I spoke of the case in public as an illustration, showing that it was unwise for a girl to testify. It was taken up by the department of labor. Shortly after I received another letter from the same organization, asking if I would please call off the department of labor, that they were misinformed, the girl was merely laid off—that there was an oversupply of labor and the firm had to let some of the workers go and she happened to be one. I was not able to follow up that case and I do not know what became of it. But I think if a girl would testify before the commission as to the actual conditions, especially where she is showing that she has been unjustly treated, I can not see that her prospects of promotion would be very good even though she were not discharged.

Mr. THOMPSON. All right, Doctor.

Dr. McMAHON. Now, about these cannery contracts. We have a number of big Chinese contractors who agree to send Chinese to the canneries. They take the contract for canning the fish. Some of these Chinese contractors can't get enough Chinese, so they hire Japanese. The Japanese contractor has to agree to supply a certain number of Japanese for the work, and a fine of $50 for each man he fails to provide.

In case of sickness, idleness, or lay-off these Chinese workmen have to pay 25 cents an hour. They are paid only 15 cents an hour when they work. I have a printed copy here. I think the commission could get a similar one. It was given to me indirectly by our corporation counsel.

This reads: "If requested to work on Sunday or overtime the party of the second part shall do so at any time, under the directions of the Chinese foreman, the Japanese foreman, or the agent, or person in charge of the cannery, and if the second party shall refuse to work on Sunday or overtime, then the party of the first part shall have the right to deduct from all wages due to the party of the second part the sum of 25 cents per hour for each hour that the said party shall refuse to work on Sunday or overtime, and the same shall be

deducted from the wages of the party of the second part at the end of the season."

Acting Chairman COMMONS. Would you file it with the commission?

Dr. MCMAHON. It is the only one I have, Prof. Commons. I will try to get you another one.

Mr. THOMPSON. If you will let us have it, we will have it copied.

Dr. MCMAHON. All right.

(The paper so presented was marked "McMahon Exhibit" and appears in full at the end of this subject.)

Dr. MCMAHON. The contractor charges an employment fee of $1 to $3 for each laborer employed. The Chinese contractor receives $9 to $12 a month for feeding the Chinese worker. Feeding is subcontracted to the bookman for $7 to $8. These bookmen feed their men for about $6 to $7. The food is extraordinarily poor, and the men are forced to buy canned food with their wages. There is a growing scarcity of Chinese labor. The young men absolutely refuse to put up with the conditions. The Japanese contractors have to put up large sums of money as security for the Japanese that they employ. The Japanese do not make as desirable workers as the Chinese; they are more independent; they are not as docile. They have to supplement the Chinese labor with the Hawaiians, Mexicans, and Filipinos.

The hours of work are often 19 hours a day for a period of three weeks. Often the Chinamen get but 3 hours sleep out of 24. White men never work more than 15 hours.

I have a statement here that was made by one of the employers of a cannery. He was one of the owners of a fish cannery. He said when they had a large run of fish he urged the contractor to get the Chinamen up earlier in the morning. The contractor said it was impossible, as they cried like babies. The cannery owner said he looked into the situation, and found that the men's hands were worn to the bone and their boots had to be cut off from their legs, they were so badly swollen. This occurred before the iron chink came into use.

On returning to Seattle I interviewed one of the biggest Chinese contractors. He said that the wages of the Chinese are going up, and they can't get them now without paying them $280 to $320 for the season. White men receive 25 cents an hour, and the oriental beside him, doing exactly the same work, gets 15 cents an hour. Invariably the answer was made to the question, "Why employ white men?" That Chinese were becoming scarcer because of the more rigid enforcement of the exclusion law.

The Americanized Chinese are unwilling to accept conditions that are accepted by the new arrivals. He also said no one can live up to the contract the employer imposes on them; it is too strong. If you do not put up 2,000 cases of salmon, you have to pay $3.50 for each case you are short. That part of the contract is not enforced only when labor is plentiful and the rush is over. They must run two lines to fulfill the contract. If the machinery breaks down, they can not live up to the contract, although they are held responsible. The cannery people tried to enforce the contract. When fish are scarce, the contract does not hold. The contractor must pay the Chinamen in advance, often his season's pay. There is no danger of his running away, as he says Chinamen always keep their word. If the contractor just fills his contract, he loses money. If he puts up more fish than the contract calls for, he makes money. The labor cost is the main element, as the men are hired by the season.

I think that is about all unless you have some special questions on the cannery situation. One thing I want to mention is the reason why the men do not strike. There is a clause which you will notice in the contract which reads that in cases of strike any loss of time shall come out of their wages at the end of the season, so that the cannery owners are protected from striking workmen.

Mr. THOMPSON. Have you any remedy to suggest for the situation?

Dr. MCMAHON. Yes; State ownership of the canneries. I believe that the fish belong to the people of the State. The cannery men pay nothing but a small tax for the fish. There is little expense involved in the canning of fish. They have just shacks in most cases, and there is not a great amount of machinery. I hope the time will come when the State takes the fish canneries over.

Mr. THOMPSON. Assuming that the State owned the fish canneries, and there was a big catch of fish came in, how would you handle the labor problem in that case?

Dr. McMAHON. By shifts. Employees could work in shifts; the machinery could be duplicated. According to the fish reports there are enormous profits in the business. The catches are small excepting once in four years. Some of the canneries run only one out of four years. Cannery men can tell about how the fish are going to run. Many of the canneries are owned by large corporations. For instance, I found one of the canneries at Bellingham under the same management as one at Blaine, and another at Anacortes.

Mr. THOMPSON. You think the labor situation ought to be controlled by State legislation?

Dr. McMAHON. I think the eight-hour law ought to apply to the canneries. I think the contract system ought to be looked into, and I do not see why legislation can't be passed relative to such contracts.

Mr. THOMPSON. These working conditions you speak about you testify that they relate to white workers as well?

Dr. McMAHON. In most cases the white labor is employed directly by the canning company. In a few instances we found the girls were employed by the Chinese contractors. In one cannery the Chinese contractor had hired a woman to scour the country for female employees to take to the canneries.

Mr. THOMPSON. Referring, Doctor, to the apprenticeship law that you have just spoken of, have you made any study of apprenticeship as applied in industry to-day, under either unorganised trades or in trades that are organized?

Dr. McMAHON. Yes, sir.

Mr. THOMPSON. Union rules and the like?

Dr. McMAHON. I was fortunate enough to have one of the students who was working for a master's degree take up as her thesis subject child labor, and she worked in connection with the commission—that is, as long as I was on the commission.

She wrote to every union in the city and asked them for a copy of their apprenticeship rules, and went over them carefully.

This seemed to be the tendency—where your trade required considerable skill and your union was strong enough—there seemed to be some regulation of apprenticeship. Where your union was not strong the apprenticeship broke down—that is, the unions could not regulate the number of apprentices. Of course that has been true of history that the unions are losing out when it comes to the enforcement of apprenticeship agreements.

Mr. THOMPSON. Have you any idea as to how apprenticeships might be handled?

Dr. McMAHON. Yes, sir; by the State.

Mr. THOMPSON. By the State?

Dr. McMAHON. I can't see that there is any way out of it; that is, I think ultimately the State will have to educate for the trades and the professions.

Mr. THOMPSON. Well, do you mean to take care of it in what we ordinarily call vocational training of children and youth?

Dr. McMAHON. Yes; and perhaps do as we do in school-teaching. For instance, we train teachers at the university. The students are sent to the city schools for a little experience—cadetting, as they say—under the teachers.

I don't know whether it is any help to the teachers or not, but I think some system will have to be worked out where they can get the practical side and the theoretical, but it will have to rest with the State in some way to see that the children are rightly trained.

Speaking of apprenticeship, I would like to call the commission's attention to the informal conferences that were held over the State to see what the employers thought of the situation. Those minutes are on file in the Olympia office. I would like to read two or three statements which show that the employers really agree with me.

Mr. THOMPSON. Go ahead, Doctor.

Dr. McMAHON (reading). "If you are allowed"——

Acting Chairman COMMONS (interrupting). What minutes are these you are referring to?

Dr. McMAHON. The commission decided to hold informal conferences over the State, one conference for employers and one for employees. We took up the laundry and mercantile establishments and factories. We generally held the conference for girls in the evening. They were not successful in many ways. For instance, at Everett, at the mercantile conference, the one held for mercantile establishments, one employer showed up. At Spokane we had a good attendance. At these conferences the secretary took the minutes. They were not taken in shorthand, but he wrote as rapidly as he could and got most of the

testimony. These minutes ought to be on file. If not, I have a copy I should be very glad to allow your stenographer to copy, because I think they will be of great service to you when taking up the subject of the minimum-wage law.

"Question. If you are allowed a fair apprenticeship system, will the minimum wage affect your pay roll very much?

"Answer. It would some.

"Question. Suppose your pay roll were increased 15 per cent, would you want to reduce the wages of the higher-priced girls?

"Answer. That would be impossible, for they are too valuable to us.

"Question. Then you get them as cheap as you can, don't you?

"Answer. There is something in that. We are obliged to pay them high wages in order to hold them. Competition between merchants regulates that.

Another statement was made: "We are flooded with applicants all the time."

That is the most pitiful part of the employment of women.

In going over the books and going over files I saw there were thousands and thousands of girls who were applying for work in our department stores. I say department stores because I went into that industry more carefully, because of the criticisms aimed at them. I have heard girls pleading for jobs.

One employer said: "They are glad to work part time in order to get on our list and to get a start."

Another one says: "There are carloads of them waiting to get in. You will find them in bunches."

Another one says, speaking of the notions department, the question was asked: "What proportion are still there at the end of six months?" He says, "About one-fourth."

"Question. If there were a minimum wage of $10, what would you do?" He says, "I think we would have to get some new people."

Another says: "The extreme worth of a great many girls is at $6 and $7 a week, and if the minimum wage is established these would be thrown out."

Another: "If you make a minimum wage at $9 and don't allow sufficient time for apprenticeship, it will turn out a tremendous amount of girls on the street, in my opinion. Suppose a term of apprenticeship was fixed at six months; at the end of that time a girl would have to be raised to the minimum, but we might refuse to pay her the minimum because she was not worth it, and she would be thrown out. The next merchant to whom she applied would look up her record, and she would not find a place anywhere."

You see they practically confirm beforehand what experience shows. The minimum wage has not worked anywhere, I think, on account of apprenticeship. Such is the complaint that is made in Australia and New Zealand. Girls have to pretend they are apprentices in order to get jobs.

Mr. THOMPSON. Referring to the issuance of permits to minors to work, you said you found that that was very lax here in the State—the issuance of them. Have you any ideas as to how in the administration of child-labor laws the permits issued to children might be checked up successfully?

Dr. MCMAHON. Well, there seems to be a general feeling on the part of parents that a child ought to be employed during vacation. What I said concerning permits related to vacation time. I don't think that children under 14 years of age, or a higher age than that, should be allowed to be employed at all. I don't believe that a child should be employed because the parents need the money. I can't see any reason for a child being employed, unless it is for educational purposes of some kind.

I don't see how your permit system is going to work unless you specifically state the conditions under which children can work. For instance, take it in the city here, children are often excused from attendance at school because the parents need their assistance.

Miss Nellie Higgins carried on the investigation this winter. She interviewed all these children who had permits, and in comparing the statements of the wages of the family as filed with the superintendent of schools and the statements the children gave, she found they were contradictory. In many instances she found that the family had an income of as much as $90 a month. I don't believe in child labor at all.

Mr. THOMPSON. How would you take care of inefficient girls in industry where you have a minimum wage?

Dr. MCMAHON. I can't see the force of the argument that the inefficient girl will be thrown out, unless our minimum wage is so high that it is going to attract girls from other places, which I think it might do.

For instance, if you are running a factory and you have got a large number of applicants, especially where you have a thousand or two or more of applicants than you need, you will pick out the very best girls you can. It seems to me that if minimum wage is fixed in all industries, and you have a fixed labor supply—assuming that new girls can not come in—you are going to try to get the best in all cases, whether the minimum is six or seven or eight or nine or ten dollars. If the minimum-wage law is going to attract girls from the East or from the States where the wage is not as high, then I think it would throw out the least efficient, but the employers are always picking out the best. Take, for instance, in Christmas time as many as 200 girls are taken on. What they do is to pick out the very best that they find. Some girls in the newly employed group are better than those steadily employed. They are retained and the older hands dismissed.

The fact that employers can take on 200 new girls at Christmas time without crippling their industry is pretty good proof that it is not a skilled trade.

Mr. THOMPSON. Doctor, in the course of your study of this problem, you are aware of the general economic conditions that exist in industry and with the unrest of the worker. Have you any suggestions to make to this commission as to what might be done to help or alleviate that situation?

Dr. MCMAHON. I believe that there is a growing consciousness on the part of workers of the futility of laws. That is, we work for legislation, and by adding some loophole in the legislation its purpose is defeated. I think, perhaps, this is responsible for much of the unrest to-day. Low wages, unemployment, and labor laws are not enforced, or else they are so interpreted or so enforced as to defeat the end they had in view. I think that there should be—I should recommend publicity for the first thing—that the facts should be given to the public. In fact, I am in favor of publicity of your books, of your department stores, and of your factories.

I believe that an industry is a public trust, and I think the public ought to know what is going on there. I believe that if we could get the facts and pass legislation accordingly, and enforce it, it would alleviate some of the unrest. I think though that the fact that so many of the working people feel that there is enough being produced—our storehouses are overflowing with products, we have good crops, and yet they can't get enough to keep soul and body together—even though they don't work it out in their own minds so that they know the exact reason, they feel that somewhere there is a great injustice. I believe that with the increased intelligence of the working people we are going to have increased social unrest.

Mr. THOMPSON. Well, Doctor, concretely, how would you go about providing a remedy for it? What would be the first thing you would do? Is there any governmental machinery or anything the workers can do, not Utopian, but something that is next at hand?

Dr. MCMAHON. Oh, as far as the commission is concerned?

Mr. THOMPSON. Well, any ideas that come to your mind.

Dr. MCMAHON. Well, first, I would have publicity. Second, I think we need organization of the labor market the country over. That must be followed, I think, by the organization of our industries, so as to prevent industries from carrying on work at periods of the year when it is not absolutely necessary, and so causing a great demand for labor at one period of the year and a small demand at other periods. After you have done this, I think, you will be in a position to get at some of the fundamental causes of unemployment. I don't believe that organization of the labor market is going to do away with unemployment; but I think that is the first step. We have got to get the situation in hand and to know the situation. I would say the organization of the labor market first. I believe in a national minimum-wage law, and that law must be worked out by students of the problem. The trouble with so much of our legislation is that we appoint commissions, and they are people who know absolutely nothing of labor history, people who are not well informed, whose hearts are in the right place, but who don't know and can't give the time to study it so as to provide effective legislation. And I think that these things must be worked out nationally. I believe that we will ultimately have a national minimum-wage law, and that we can remedy some of these defects that we are now confronted with, and which make many girls afraid of minimum-wage laws. I think the working people, as a whole, are afraid of minimum-wage laws.

Mr. THOMPSON. Doctor, in regard to the question of publicity and the like, do you believe that a national body, such as a Federal industrial council,

with the power to investigate the conditions in industry and to give publicity to the facts ascertained by investigation, with the power to act as conciliators and mediators, where there is trouble, and arbitrators, where the parties agree, would that be a good method, in your opinion, to bring these forces into play that you say should be used?

Dr. McMAHON. I think that wherever there is industrial trouble, such as we have been having in the mines, a great deal would be gained by the commission investigation and giving the facts to the public. Just as soon as you would start to arbitrate as a commission, I would be a little skeptical about the influence that would be brought upon the commission in order to have that commission made up of members who would be favorable to the class that had the greatest power, and, under those conditions, I don't think arbitration would work.

Commissioner O'CONNELL. You think the commission would be all right if it were selected of human beings that would not be imposed upon them?

Dr. McMAHON. Well, I don't think that there are any intelligent people whose sympathies are not on one side or the other. I haven't found any.

Commissioner O'CONNELL. Intelligent people whose sympathies are not on one side or the other?

Dr. McMAHON. Yes.

Commissioner GARRETSON. The intelligent——

Dr. McMAHON (interposing). What I mean is this: You take a person with large property interests, naturally he would be biased. And you take a person who has not any property interests and he would be biased. Now, our mayor said yesterday that he could get people without any property interests. It is pretty hard to get anyone whose position professionally or otherwise is not related to one of the two classes. I don't believe that people are—I think people's opinions are very often largely guided by their economic interests.

Acting Chairman COMMONS. Mr. Lennon would like to ask you a question.

Commissioner LENNON. You were speaking of the breaking down of the apprenticeship system, and I understood you to say that you found employers recently taking the opposite position to which they used to take, and favorable to the apprenticeship system. Is that correct?

Dr. McMAHON. Yes, sir.

Commissioner LENNON. Are you aware of the fact that of the near 40 trades of the country that have rules and regulations regarding apprenticeship that in not a single one of the trades do the employers make use of the number that are allowed under the union rules?

Dr. McMAHON. I should have qualified my statement by saying that they wanted apprentices in the unskilled trades. I think that their attitude toward the skilled trades—that is, the attitude you speak of—is due to the fact that the regulation of apprenticeships is such that it would not allow abuse.

I think if the Wisconsin law is strictly enforced relative to apprenticeship the next cry will be that there is not sufficient opportunity for young people to learn the trades. That is, if you have got to teach the child the complete trade, it will affect the economic value of that child in the industry. That is, I believe that in the ordinary apprenticeship that the employer very often does not gain anything, or very little. It is questionable. It depends upon the trade.

Commissioner LENNON. I would like to ask your view regarding a certain line of testimony that has come before the commission very strongly, to the effect that in a number of industries in manufacturing the increase—the notable increase—in classes of employees is on the part of those that are highly skilled and that the more or less unskilled are becoming less in these industries all the time, whereas in the highly skilled and better paid workers are continually increasing. What is your view on that?

Dr. McMAHON. I don't believe it. I think that scientific management means the conduct of an industry with the greatest economy. And we know—take, for instance, I can give a good example from my experience in our department stores.

You take a department store in a small town in this State and the employee not only sells the goods but wraps the parcels and makes the change and does all of the work. The large department stores often employ 600 people. Now, if they have to pay this girl, we will say, $10 a week or $9 a week, in a large department store where they employ 600 girls they can carry out the division of labor to such an extent that this high-priced girl—we will say $9 is high

wages, and it is a comparatively high wage—is kept busy at work that a cheaper person could not do. The wrapping of the parcel is done by a girl getting $6 a week, perhaps. Looking after the checks and the making of change, and the division of labor there means that a cheaper girl can do the cheaper grades of work. The larger your establishment the more effectively can this be carried out, which, of course, means that your smaller establishment can not compete as effectively as your large establishment where they draw upon the same trade.

Commissioner LENNON. You think that statement, then, is incorrect?

Dr. MCMAHON. I would say it is incorrect.

Commissioner LENNON. It was made with very great emphasis by the representatives, for instance, of the Baldwin Locomotive Works, the Midvale Steel Co., the Link Belt Co., and with the insistence that for a dollar they had a greater value of product with the more and more highly skilled people employed than they had with the less skilled.

Dr. MCMAHON. But wasn't the machinery changed in some way so that some of this unskilled work was done by machinery?

Commissioner LENNON. I just wanted to see what your observation had been. Is there any law in this State requiring the inspection of the food qualities of these salmon that are packed?

Dr. MCMAHON. Yes, sir.

Commissioner LENNON. Is it a continuous inspection that is sufficient to protect the people?

Dr. MCMAHON. The girls told me in one cannery that the fish smelled so bad that they had packed the Saturday before that it nauseated them so that they could hardly stand to work over it.

Commissioner LENNON. I wonder if I have bought any of that.

Dr. MCMAHON. I haven't eaten any fish since I went to the cannery.

Commissioner LENNON. Well, I haven't wanted it very much. That is all.

Commissioner GARRETSON. Doctor, has your experience been that where public attention through any agency was attracted to an industry where conditions were virtually indefensible, that a better one followed?

Dr. MCMAHON. Yes.

Commissioner GARRETSON. Do you believe that any greater power is wielded by the average labor union than the concentrating of public attention upon the evils that they complain of if those evils are indefensible?

Dr. MCMAHON. I think you are right, sir.

Commissioner GARRETSON. Speaking of the apprenticeship system, has it appeared to you from investigation that whenever the apprenticeship system was of no value to the employer as a wage controller he had no use for it, but the moment it became a club by which the wage could be manipulated as against legislation that then he desired to use it?

Dr. MCMAHON. Yes; I think all classes look out for their own financial interests.

Commissioner GARRETSON. And the employer is fully as active as a class as the employee can be?

Dr. MCMAHON. Yes.

Commissioner GARRETSON. In that direction?

Dr. MCMAHON. Yes; I think the only difference is that employers have the upper hand.

Commissioner GARRETSON. He has more power to carry this purpose to a conclusion in his favor?

Dr. MCMAHON. Yes; and the more unemployed we have the greater that power is made.

Commissioner GARRETSON. Can there be free bargaining by a hungry man?

Dr. MCMAHON. No, sir.

Commissioner GARRETSON. Hunger in itself constitutes duress. Can there be an unerring application of the child-labor law in which the age limit enters without a complete system of birth registration?

Dr. MCMAHON. No, sir.

Commissioner GARRETSON. It is really basic on all legislation of that character?

Dr. MCMAHON. Yes. Then you have got to have some one to enforce the law. Take in this State—we have one woman enforcing the law of this State relative to the women. A small appropriation—I don't remember what it is; I think $1,500—a small appropriation that allows her to go to some cities only once in a year, and I suppose some she can't get to at all. I think here in

Seattle there is work enough for two or three. When she enters a town they know she is there when she registers at the hotel, and of course she won't find many violations.

Commissioner GARRETSON. Because her presence—it is very possible that during her presence there that very many violations are covered up by collusion between employer and employee in many instances?

Dr. McMAHON. I don't doubt it.

Commissioner GARRETSON. In legislative matters has it been your experience that employers—I am speaking as a class and not of individuals—give their full and free support to social legislation that in its application means increased cost of operation?

Dr. McMAHON. I met the employers at the legislature when we worked for the eight-hour law. They were well represented; the girls were not. There were a few labor representatives—organized labor representatives—but I should say, as an offhand guess, that the employers had probably ten people to every one that represented the girls. Of course the employers had some girls representing them, too.

Commissioner GARRETSON. Then you have reason to believe that employers do require employees to go and give testimony in legislative matters that is really against the interests of the employees so testifying?

Dr. McMAHON. There is no doubt about it.

Commissioner GARRETSON. You heard it questioned yesterday?

Dr. McMAHON. Yes, sir.

Commissioner GARRETSON. Has your experience been that employers are apt to give full and free support to social legislation after they have been successful in pulling the teeth in the legislation?

Dr. McMAHON. Yes; they would rather have no legislation, but where there is bound to be some legislation they succeed in pulling the teeth almost every time.

Commissioner GARRETSON. They don't hesitate to avail themselves of the claim that they advocated such legislation. Rest periods in the canneries are deducted from the time paid for, are they?

Dr. McMAHON. No, sir. Those rest periods are with the piecoworkers, and they get so much for the cans or trays that they pack.

Commissioner GARRETSON. Then the worker pays for his own rest periods?

Dr. McMAHON. Certainly.

Commissioner GARRETSON. That is all. One minute. Let me ask one other question of the doctor. You spoke of the fact you do not believe child labor should be indulged in at all preceding a certain age. Do you hold the opinion that if the State assumes the right to pass legislation covering hours, conditions of labor, sanitation under which adults labor, that there is the accompanying obligation upon the State to assume, if necessary, the support of the child until it comes to the age where it can labor properly?

Dr. McMAHON. I certainly do.

Commissioner GARRETSON. And not stunt it?

Dr. McMAHON. I certainly do. I think it would be an economic gain for the community, both in dollars and cents, to take care of the child.

Commissioner GARRETSON. One is the direct opposite and associated with the other. That if the State fixes the conditions of labor it guarantees that the labor comes up to the age of competency uninjured by previous labor.

Dr. McMAHON. I believe the State is responsible for the child until the child reaches citizenship.

Commissioner O'CONNELL. I wanted to know something about the method, if there is any, of taking care of people in canneries during sickness.

Dr. McMAHON. In one cannery we found a matron who took care of the girls whenever they cut their hands. There is danger of poisoning the hands with the fish bones. She was there for the purpose of taking care of girls. That was the only cannery in which we found any attempt made to look out for the girls.

Commissioner O'CONNELL. No inspection of any kind at all on the part of the employers?

Dr. McMAHON. Not that we were conscious of.

Commissioner O'CONNELL. If the girl—the male or female—were taken sick and it was necessary to quit work?

Dr. McMAHON. Yes.

Commissioner O'CONNELL. By reason of some dangerous disease of some kind, what was done in the matter?

Dr. McMAHON. We did not look into it. But in one case a man had been shot for breaking the fish laws relative to the traps, and the manager made the statement that he was in their hospital. The labor commissioner asked this question: "Do you have many people in the hospital?" and, if I remember correctly, he said he was the only one there at the time. We did not make it a point to ask the question. But this special cannery that had the hospital had unusually good conditions. The employer provided the girls with a hot dinner and the girls received as high wages as they did in any cannery—25 cents an hour. It was the highest wage per hour we found in any cannery.

Commissioner O'CONNELL. Are the Americans and Asiatics separated?

Dr. McMAHON. No; they work side by side.

Commissioner O'CONNELL. How about their living quarters?

Dr. McMAHON. I don't know where the orientals stay in the cities. Most of the white people take care of themselves just as they would in a city of this size. Out in the country districts we found very few white men. The workers are principally Indians and orientals. The managers were white.

Girls were provided with bunk houses. We went through one bunk house, and it was nothing short of a fire trap. It was a two-story affair. There was a table in the kitchen, but no chairs were provided. On a table were a few loaves of bread, showing that the girls lived principally on luncheons. There was a stove. The girls had to do their own cooking. But the girls said when they worked such long hours they were so tired that they did not stop to cook. The bedrooms, which were upstairs, were partitioned off into small rooms, the partition not going to the ceiling. It was a fire trap in every sense of the word. In each room was, as I remember, two little beds and a dresser. This dresser consisted of a covered box, on which was bread and a few utensils, which indicated that the girls ate in their rooms. No chairs were provided anywhere. There were a few boxes standing around here and there. The whole place was insanitary and filthy. No provision was made for the care of the house or to see whether the girls were getting proper food. This cannery was some distance from any city.

Commissioner O'CONNELL. Were there males employed there?

Dr. McMAHON. Yes. They told me that the moral conditions down there were very bad. I later met one of the girls who had lived right there in the community and worked in the cannery, and she said the moral conditions had been very bad. The cannery management made a rule that all girls had to be in the house at 10 o'clock. I don't know how strictly it was enforced, but this rule was made to meet the moral problem in this cannery.

Commissioner GARRETSON. Was this dormitory you speak of, where the girls were, segregated from the male dormitory?

D. McMAHON. Yes; it was some distance away. I do not know where the white men stayed. We went through the oriental quarters, and the orientals had a much better place to stay than the girls. They provided their own. The girls' house was provided by the cannery management.

Commissioner O'CONNELL. About this matter that Attorney Thompson asked you, this proposed Federal board, with a view to looking into the difficulties of labor, mediating and conciliating and all that sort of thing, to bring about an amelioration of industrial unrest, you say that the people are so biased, either on one side or the other, that they would be afraid it would not operate? Am I to understand that you have lost faith in human nature, or are not the people big enough in this country of ours to assume such a position with fairness to all parties in interest through the entire country?

Dr. McMAHON. Yes. And yet here is one point that I wanted to make clear: In an arbitration board of this kind it seems to me it is almost impossible to get people to serve on such a board who have no interest on one side or the other. If there are such disinterested people, is it not possible to control them in some other way, if they are people who are not economically free?

Acting Chairman COMMONS. Let me ask, Doctor, what kind of a board, what power are you considering in discussing this question?

Commissioner O'CONNELL. I was just going to ask that question.

Dr. McMAHON. I think you asked the question of an arbitration board to arbitrate disputes between employer and employee.

Acting Chairman COMMONS. Compulsory arbitration?

Dr. McMAHON. Compulsory arbitration.

Acting Chairman COMMONS. That is what you are talking about?

Dr. McMAHON. That is what I was talking about.

Commissioner O'CONNELL. We are not talking about that. We are not considering the matter of compulsory arbitration at all. I do not know that anybody believes in that, the most radical on either side I don't think does. They may say so, but I do not think they do. But what we are trying to get at is a conciliation board, something to bring people together before they get to fighting, or even after they get to fighting, get them together; preferably before. Do you understand there is a law now under which railroad matters are handled in this way, that has power to prevent strikes, which brings them together, uses its great influence, great power to bring people together—the influence of the Government to bring people together—something of that kind, that would bring people together; if there were being appointed on that board to-day a dozen men of various walks of life, if you will, six from the man that has, and six from the man that has not? They may have equal powers, they may sit down at the round table together, invite in belligerents to sit in with them—nobody has any power to say do this or do that, but they conciliate and they appeal to men's reason, and to women's reason.

Dr. MCMAHON. They are neither representing an entire class of employees or employers?

Commissioner O'CONNELL. If you will, neither or both.

Dr. MCMAHON. Yes. I do not see why that should not work if they represent both evenly. I think that it would be a good thing, that is to show up persons to the other side, to show things they did not see before.

Commissioner O'CONNELL. Not so much a matter of showing up, not so much a matter of trying to make bad of one trouble and good of another, but the purpose of getting people to see each other's rights and wrongs, if there be any, and weaknesses, to bring people together in the first place, that is the purpose.

Dr. MCMAHON. I do not see why it would not work well.

Commissioner O'CONNELL. Are not our troubles largely from the fact that we do not get together, we do not talk to each other, in some instances will not see each other, walking on one side of the street when we see him on the other side, if it is possible; going the other way when we see him coming down the street, the idea being to get people together. Our troubles, I think, and our unrest can be largely said to be because we do not get together. We do not see the other fellow's side of the question, his standard. The idea being, what we have in mind is not prepared, or even outlined, but we are trying to get from those with whom we come in touch in the various parts of the country what they think along that subject, and have them make suggestions along the line and give us advice and ideas as to something that might be formulated. What would you think of a board that was composed of business men, employers, and employees? In England, you know, they have a board that is composed of business men, employers, and employees, and so far as we learn they have accomplished wonders. And in our civilized country it seems as though we ought to be able to be big enough to do all the things that they have been successful in doing in other countries, and go still further in those matters. I think that is the idea of Mr. Thompson, that he was trying to get at. I did not want it to appear you were in opposition to it, because I do not think you quite understood.

Dr. MCMAHON. No; the point I wanted to make was that there would be a tendency to attempt to get control over such a board—that is, for certain interests to get control over such a board. The capitalistic interests might get a man or men appointed on such a board. The employers might be more successful than employees. Isn't this one reason why working people are skeptical.

Commissioner O'CONNELL. People might be skeptical, yes; and probably in some instances in the past they have had some reason to be.

Dr. MCMAHON. Yes.

Commissioner O'CONNELL. But I think that is only incidental. It is so small an amount as against the great things, that it ought to be overlooked; it ought to be forgotten, and we ought to make some progress in the other way. I do not think there would be anything accomplished in any direction that we are not going to have industrial unrest. I do not think anybody wants to get entirely rid of industrial unrest. I think that it would be a good thing. My personal belief is that we have got to have people, some of the minority. I don't think I look forward to the doing away entirely of industrial unrest or unrest of any kind. I do not suppose professors and doctors do. That is all.

Acting Chairman COMMONS. Dr. McMahon, your apprehension about these public bodies, is it based on your idea that simply employers are likely to get control of them?

Dr. McMAHON. No; I think that both sides would attempt to get control, but the employer class has in the past been more successful.

Acting Chairman COMMONS. But you take our Labor Department—you take our Department of Labor at Washington; you take the bureau of labor, the bureaus of labor statistics in this country—have you ever looked into the question as to what class is usually appointed to those positions? Is it not usually the representatives of the trades-unions?

Dr. McMAHON. Yes.

Acting Chairman COMMONS. Have you investigated that very fully?

Dr. McMAHON. Well, I have noted that. I have inquired on that point. Some of the union people feel that at times the weaker members are put in such positions, rather than the stronger.

Acting Chairman COMMONS. Have you investigated the matter to see whether trades-unions make an effort to have their representatives put in these positions?

Dr. McMAHON. It has been true here, I believe; they are represented.

Commissioner O'CONNELL. Have the trades-unions of this State endeavored to have their people put in these positions—labor departments and so on?

Dr. McMAHON. Yes, I think so.

Acting Chairman COMMONS. Well, would you consider it as injurious to the country that labor unions should control the departments as it would be if the employers should control these departments?

Dr. McMAHON. No, I do not. I do not think you will ever find that the working people will hold together for monopolistic purpose effectively for any length of time. They are too large a class.

Acting Chairman COMMONS. Well, why do you say that the weaker members are put forward, get the appointments? In what way? How does that come about?

Dr. McMAHON. That is the point that has been made by some of the representatives of labor to me when I have commented on the fact that a member of a trade-union had been put in a certain position. The member of the trade-union appointed is in sympathy with the employer or at least can be controlled by the employer. I think you will have examples of it before the end of the week. The best example that we have in mind is the industrial insurance commission. If I am rightly informed organized labor requested that the man who held the position representing organized labor be retained. He was the choice of organized labor. He was not retained but another member of organized labor was put in, whom I think did not have organized labor's support. As the bill was originally drawn, organized organized labor was to have a representative on the commission, but that part was eliminated from the bill; but the spirit has been lived up to and some member of organized labor has been on the commission ever since, but labor could not choose its own member.

Acting Chairman COMMONS. It appears, then, that the appointment is not made by the organization directly?

Dr. McMAHON. No. One of the weaker members of organized labor is appointed to a commission. This is not always true. It depends on who does the appointing. The employer tends to have his strongest people representing him.

Acting Chairman COMMONS. Is that your observation generally?

Dr. McMAHON. That has been my observation here; I haven't had much personal experience along that line except in this State, and I think I am fairly familiar with the leaders on both sides.

Commissioner O'CONNELL. Do I get what you mean by a weaker brother, the difference between conservatism and radicalism?

Dr. McMAHON. No; I would say the man who is most easily controlled. I think the average person has pretty weak knees. You will find such people in the ranks of organized labor, just as you find them everywhere. A weak-kneed person may have a good point of view; he may have the right point of view as far as organized labor is concerned, but he may not be able to withstand the pressure that is brought on him.

Commissioner O'CONNELL. How would that be ascertained before the appointment?

Dr. McMAHON. Why, I would put the responsibility on organized labor; let them pick out their own and then they won't feel that they had no voice in it. I think there is that danger.

Commissioner GARRETSON. Your idea is, Doctor, that a member of organized labor can, by his previous conduct under his employer, establish the fact that he will stand stronger for his convictions even though there may be considerable pressure brought to bear on him—not be subservient to a certain degree to the employer's interests?

Dr. MCMAHON. Well, the fact that the employer is not willing that the labor union shall appoint their men looks a little bit as if they would be afraid they would appoint their strongest men.

Acting Chairman COMMONS. Then in the same way you would have the employers' association or organization select their own representative?

Dr. MCMAHON. Yes.

Acting Chairman COMMONS. That means you would have neither appointed by the governor?

Dr. MCMAHON. You mean when it comes to—I was thinking of the industrial insurance board.

Acting Chairman COMMONS. I was thinking of either the industrial insurance board, the minimum wage board, or an arbitration board, or any of these boards which tended to deal with the relations between employer and employee.

Dr. MCMAHON. Why would neither be appointed?

Acting Chairman COMMONS. I am trying to get at how you are going to avoid these boards you are speaking of having this subtle underground influence you find which you think controls. The ordinary method I think as a rule is they are appointed by the governor, are they not?

Dr. MCMAHON. Yes.

Acting Chairman COMMONS. And then if the governor appoints a weak brother, he does it at the behest of somebody, does he?

Dr. MCMAHON. Well, it looks a little that way.

Acting Chairman COMMONS. Then how would you free the appointing power, or how would you eliminate this influence you speak of?

Dr. MCMAHON. Well, I believe in holding the man who does the appointing responsible for his appointee. Of course that necessarily means you have to have some workable system of recall in order to hold them responsible. If the man who has the appointing power is in office for four years or a certain definite term and has no intention of running again, it is immaterial to him whether the public holds him responsible or not. I believe in the education of the people of the community by publicity, and I believe that publicity will be an important factor in holding the individual responsible for his appointee, but you have to have some tangible way of compelling him to be responsible.

Acting Chairman COMMONS. You think that the recall is all that is necessary?

Dr. MCMAHON. Well, whether it is through recall or public opinion, we will have to have some way of some control over the man whom we hold responsible. It does not make any difference if I hold you responsible for a certain fact if you in no way are going to feel concerned for that responsibility.

Acting Chairman COMMONS. Are you familiar with the method of the selection of the industrial council?

Dr. MCMAHON. No, sir.

Acting Chairman COMMONS. Are you familiar with the appointment of the Board of Mediation under the Newlands Act?

Dr. MCMAHON. No, sir.

Commissioner GARRETSON. Your idea is that the members should be appointed, for instance, like the members of this commission were appointed. The bill provided the three labor members of this commission shall be representatives of organized labor. One of the representatives on this commission was supported by the largest labor body in the country, the A. F. of L., and one chosen by the four big brotherhoods of the railways, and they were appointed by the President, and they are undoubtedly responsible to those bodies. Is that your idea?

Dr. MCMAHON. Certainly. If they are to represent organized labor or unorganied labor or capital, if they are to represent me, or to represent any class, I think that class ought to at least have the right to say who shall represent that class. I would hate to have somebody represent me and that somebody appointed in a haphazard way. I would want somebody that knew something about me to represent me.

Acting Chairman COMMONS. You heard the figure given yesterday about the number of wage earners in this State. Have you analyzed those figures yesterday as to the number that was organized?

Dr. McMAHON. I asked the question after the conference yesterday morning of one of the labor leaders, and he estimated it to be something like 175,000 wage earners and about 50,000 organized. I suppose it was a rough guess.

Acting Chairman COMMONS. The commissioner of labor said 400,000 wage earners, and 25,000 organized.

Dr. McMAHON. Yes, sir.

Acting Chairman COMMONS. So that you would say there is no statistics?

Dr. McMAHON. No statistics available on the subject.

Acting Chairman COMMONS. So that you can't tell?

Dr. McMAHON. We have a big influx of labor in the wintertime, due to the fact that the men come from Alaska, and then they go out again.

Acting Chairman COMMONS. What would be your method of having the unorganized labor represented on these bodies?

Dr. McMAHON. I don't see how they can be represented unless they are represented by some one who is interested, especially interested in unorganized labor. I don't see how you can get them together to select their own representative.

Commissioner O'CONNELL. That would be the employer, then?

Dr. McMAHON. You would have to have some one who is fairly on the side of the employee.

Commissioner O'CONNELL. I don't know of any one else but the employer.

Acting Chairman COMMONS. Would you say that apparently in this State there is anywhere from 90 per cent down to 60 per cent of unorganized wage earners? According to the figures given us yesterday, there would be about 6 per cent organized, and according to the figures you have just given there would be about 25 per cent, I should think.

Dr. McMAHON. With me it would be just a rough guess. My feeling about organized labor is this: I believe that organized labor has a stronger hold on the Pacific coast than it has farther east, and I think the reason for it is there hasn't been in our industries such a great demand for unskilled workers. I believe as time goes on that the tendency will be, if the development is practically the same as it has been in the past, for a decreasing proportion of workers to be organized.

Acting Chairman COMMONS. Decreasing?

Dr. McMAHON. A decreasing number.

Acting Chairman COMMONS. Would you say in the appointment of these boards that the representatives of organized labor should be considered also as representatives of unorganized labor?

Dr. McMAHON. No, sir. No; I do not think that they are always representatives of unorganized labor.

Acting Chairman COMMONS. On what ground do they not represent unorganized labor?

Dr. McMAHON. Well——

Acting Chairman COMMONS. What instances have you in mind showing that they do not represent unorganized labor?

Dr. McMAHON. I haven't any specific instances in mind in this State. In this State the labor unions have been instrumental in getting most of our labor legislation passed. The statement has been made to me by some eastern member of the organization that certain legislation was detrimental to unions in that the workers could get by legislation what the unions are organized to gain for them. Now, in this State the eight-hour law for women was initiated, brought up, and agitated by a woman who is head of the waitresses' union. It was taken up by organized labor, and that is true also of the minimum-wage law. There, again, the labor union instituted it. The labor unions in this State have taken the initiative. Now, in case you had a strong labor union which tended to be monopolistic in its character, I think the people on the outside might feel that they may not be fairly represented. That is organized labor's idea, it seems to me, to a certain extent, to protect the organized worker. I believe all workers should get into the organization.

Acting Chairman COMMONS. But you prophesy that a smaller and smaller proportion will be in the organization. So that according to that we will have to look for a larger and larger number not represented by those selected by organized labor.

Dr. McMAHON. I think that organized labor is changing its attitude. As organized labor loses out I think it is beginning to find it has to represent the working people as a whole, and that is made clear by going into politics, and they then appeal to the working people as a whole. I believe when organized

labor begins to find that it can not get by organization all it thinks is right and just, then it will go into politics. Then I think that they will come nearer representing labor as a whole; that is, they are acting as a mass. When speaking of organized labor perhaps I should have made it clear I have been thinking of trade organizations and not industrial organization. If the industrial idea can be realized of course they will be representative of the people as a whole.

Commissioner O'CONNELL. Is your ideal the industrial ideal of organization?

Dr. MCMAHON. Yes, sir.

Commissioner O'CONNELL. What form of politics would you have labor organizations take up?

Dr. MCMAHON. I believe in the labor party in politics representing the working classes, and while they have not been very successful in the past I think with the growing intelligence of the working people they will realize that their interests are common, and they will stand together just as the employers stand together.

Commissioner O'CONNELL. Do I understand you to say that your investigation showed that organized labor is growing less?

Dr. MCMAHON. No, sir; I did not. That is my impression only. With the growing of these large industrial centers and the divisions of labor and the elimination of skill, it seems to me that the tendency would be, as the employers gain in power, with the concentration of wealth and the concentration of industry and large-scale production, that labor unionism is going to have rather a difficult road. I should point as an example to the steel workers.

Commissioner O'CONNELL. That is the general example everybody applies.

Dr. MCMAHON. Yes, sir. In your monopolistic industries where it is carried on on a large scale and they carry out divisions of labor and employ unskilled workers we do not very often find that the labor union has been very successful in organizing the workers, and there is a tendency to large-scale production.

Commissioner O'CONNELL. You think the combination of capital is going on now, greater and greater all the time?

Dr. MCMAHON. I certainly do.

Commissioner O'CONNELL. We haven't checked it by legislation at all?

Dr. MCMAHON. Yes; but the ball rolls so much faster than the legislation.

Commissioner O'CONNELL. It is gathering speed on us?

Dr. MCMAHON. Yes, sir.

Commissioner O'CONNELL. Do you believe in the organization of the employees in an industry as an organization, or the industry organized in which all belong?

Dr. MCMAHON. I believe in an industrial organization in which all belong. I believe their working interests are very much the same. They may have to have divisions for the purpose of collective bargaining, but I believe the working people will have to stand together as a class politically.

Commissioner O'CONNELL. Then you are in perfect accord with the plan of the I. W. W.?

Dr. MCMAHON. Not in their methods.

Commissioner O'CONNELL. Methods of organization?

Dr. MCMAHON. Methods of reaching that organization.

Acting Chairman COMMONS. Have you paid attention to the organization of employment offices in this State?

Dr. MCMAHON. Yes, sir. Last year one of our students wrote his master's thesis on employment offices. He got a permit from Mr. Grout, civil service commissioner, to go through the books of all private employment offices in the city. We haven't published it yet at the university; we haven't had the money.

Acting Chairman COMMONS. Did you have part in the investigation?

Dr. MCMAHON. Yes, sir; he did the work with me.

Acting Chairman COMMONS. What is your own conclusions in the matter?

Dr. MCMAHON. Practically the same conclusions were reached as Dr. Leiserson reached in his investigation in New York. The public employment office can not compete with the private employment office for a good many reasons. Your employer and your private employment offices are often in copartnership.

Acting Chairman COMMONS. What is your summing up of the efficiency of the public employment offices in this State?

Dr. MCMAHON. I think that your private employment office has a financial motive only, while your public offices have as their motive services to the com-

munity. The two motives are entirely different, and that I think is one reason why your public offices fail in competing with private offices.

Acting Chairman COMMONS. In what way? Specify how does the public office fail.

Dr. McMAHON. Your public office attracts only unskilled workers. For instance, the women's employment office attracts household help, berry pickers, charwomen, or day workers. The complaint is made of the men's office that efficient help can not be secured. I think one reason for this is the lack of office employees to carry on the work. For instance, in the men's office last year when we made the investigation there was but one man in the office. Now, all he could do when he got a job was to post it. There would be hundreds of men for that one job. There was no scientific method of management on account of lack of funds for that work.

Acting Chairman COMMONS. In other words, it does not make a definite effort to get the kind of people the employers want?

Dr. McMAHON. Not at all; it can't. Take, for instance, the women's employment office. One woman has charge of that, and she is busy all day answering telephone calls and sending girls out. There is not adequate financial provision made for the support of the office.

Acting Chairman COMMONS. Is it your idea that the public office should try to get people that would satisfy the employers?

Dr. McMAHON. Yes, sir.

Acting Chairman COMMONS. In what sense would it differ from the private employment office?

Dr. McMAHON. You would have to eliminate your private office. For instance, Mr. Rice, in one case with another man went to a private employment office in order to get a position at one of the mills. He was charged a different rate than the man next to him. He said he probably looked a little more prosperous. I think there is no doubt that your employer and your employment office divides up the fee, which means nothing else but hiring your people at a lower wage. For instance, if the employment office charges a dollar and divides it with the employer, and in the course of a few days then man is discharged and another man is hired, it means lower pay roll for employer. Where the work is unskilled this method can be used. I have heard such instances given here. Whether they can be traced out and proven, I don't know. I don't doubt the statements are true. The history of employment has shown it to be true, and I think this is no exception.

Acting Chairman COMMONS. What is your idea of a remedy?

Dr. McMAHON. To legislate private offices out of existence; that is, eliminate the fees. If you eliminate the fees you eliminate private offices carried on for gain. Trade-unions, I believe, can do the work more effectively.

Acting Chairman COMMONS. Your idea would be that employers' associations should run free offices?

Dr. McMAHON. If they want to run offices; yes, sir. They do now. You take, for instance, your department stores; they have their employment departments; they never advertise for workers. I don't believe they have advertised for a single worker.

Acting Chairman COMMONS. Do you think a public office could compete with a private office run by an employers' association if both were free?

Dr. McMAHON. It seems to me it wouldn't make very much difference. If you can compel private offices to keep records, if they want to render this service they ought to be in better position to know what kind of employees they want than the public office.

Acting Chairman COMMONS. Practically, that would drive the public office out of business.

Dr. McMAHON. Oh, no; I think not. For instance, in the department stores they wouldn't; in the lumbering industries to a certain extent. I think the lumbering industry has an office up at Everett. They did have a year or two ago; but there are a good many industries that could not afford it unless they had a general employers' employment office, which I don't think they would consider profitable. I think it would have to be a specific industry that had such an office.

Acting Chairman COMMONS. For the miscellaneous unorganized employee a public office would be desirable?

Dr. McMAHON. Yes, sir; I think so.

Acting Chairman COMMONS. The field would be divided among organized employers' associations which run their own offices?

Dr. McMAHON. Yes, sir.

Acting Chairman COMMONS. And unorganised employers who would depend on the free public office?

Dr. McMAHON. Yes; just as they do in Germany; but eliminate the fee. If we tried to eliminate all employment offices, the expense would be tremendous, and I am not sure the results would warrant the amount expended.

Acting Chairman COMMONS. Mr. Thompson, any questions?

Mr. THOMPSON. Just one other question: In your study of the industrial situation and trade-unions in this part of the country, have you made any particular investigation of collective bargaining, as such, between unions and employers?

Dr. McMAHON. Well, if your unions are strong enough, they can bring about collective bargaining. In the copy of the contract they have sent me it is perfectly apparent that they had collective bargaining relative to certain points—apprenticeship and wages.

Mr. THOMPSON. Have you any idea as to how the contract so made might be carried out or might be enforced in case either party didn't wish to do it?

Dr. McMAHON. Why, I think if your labor union is strong enough and your employers' association strong enough, they respect each other, and I think that mutual fear and respect would enforce it. It is only where one party is weaker than the other, I think, in carrying out the contract that you will find that it is not lived up to.

Mr. THOMPSON. How would you view any such thing as a penalty being placed on either of the parties in the nature of a fine?

Dr. McMAHON. I don't think that would do, because a labor organization usually makes the best terms it can; it is not the terms that they consider exactly fair and just. If both sides considered they were fair and just at the time——

Acting Chairman COMMONS. Then, your view would be that the matter should be left to take its course in the natural development of the industry and of the organization of workers?

Dr. McMAHON. Yes, sir.

Mr. THOMPSON. Have you any view as to the advisability of having trade-unions incorporated?

Dr. McMAHON. Well, some of them are incorporated. I think that the great danger of incorporating them is making them liable, which I think would be a death blow to trade-unionism.

Mr. THOMPSON. That is all.

Acting Chairman COMMONS. Call your next witness.

Mr. THOMPSON. Mr. Ault.

(See letters filed in re testimony of Dr. McMahon, pp. 4563 to 4571.)

TESTIMONY OF MR. E. B. AULT.

Mr. THOMPSON. Give us your name.

Mr. AULT. E. B. Ault.

Mr. THOMPSON. And your business address.

Mr. AULT. Labor Temple.

Mr. THOMPSON. And your occupation.

Mr. AULT. I am editor and manager of the Seattle Union Record, the official organ of organized labor.

Mr. THOMPSON. The official organ?

Mr. AULT. Yes.

Mr. THOMPSON. What do you mean by official organ?

Mr. AULT. It is owned and controlled by the Central Labor Council, a delegate body representing practically all the unions in the city.

Mr. THOMPSON. How often is the paper issued?

Mr. AULT. Weekly.

Mr. THOMPSON. And what circulation generally has it got?

Mr. AULT. We print and distribute to subscribers sixty-five hundred copies per week.

Mr. THOMPSON. In a general way, what is the purpose of instituting the paper? To furnish the members with union news?

Mr. AULT. To furnish the members with news of labor movements in general, and educate them as to their rights under the law and as to suggested changes in the law that would benefit their condition.

Mr. THOMPSON. How long have you acted as editor of the paper?

Mr. AULT. Since April 7, 1913. I became editor coincident with Mr. Constantine becoming manager of the employers' association.

Mr. THOMPSON. Purely a coincidence?

Mr. AULT. Purely a coincidence; yes, sir.

Mr. THOMPSON. How long has the paper been in existence?

Mr. AULT. Sixteen years the 12th of last August.

Mr. THOMPSON. Prior to your becoming editor of this paper what were you doing?

Mr. AULT. A printer.

Mr. THOMPSON. And were you a member of the union—typographical union?

Mr. AULT. Yes, sir.

Mr. THOMPSON. How long have you been a member of the union?

Mr. AULT. Since October, 1901.

Mr. THOMPSON. Have you been living much in this part of the country?

Mr. AULT. Since becoming a member of organized labor, yes, sir. I came to Seattle in 1898.

Mr. THOMPSON. During these several years you have been a member of organized labor have you taken an active part in the work of organized labor?

Mr. AULT. Practically all the time; yes, sir.

Mr. THOMPSON. Have you been an officer of your union any part of the time?

Mr. AULT. Yes, sir; part of the time I have been an officer of my union.

Mr. THOMPSON. Now, during your work as an officer and with your membership in the organization have you made any study, general or specific, of industrial conditions?

Mr. AULT. Yes, sir.

Mr. THOMPSON. In Seattle and the country around here?

Mr. AULT. Yes, sir; I have, as far as lay in my power, studied that constantly all my life.

Mr. THOMPSON. Do you believe there are causes of industrial unrest existing in this country here?

Mr. AULT. Yes, sir.

Mr. THOMPSON. What, in your opinion, are they?

Mr. AULT. I think the main cause of industrial unrest is the lack of employment by a large proportion of the workers—available workers.

Mr. THOMPSON. Well, what is that due to, what are the conditions that bring that about?

Mr. AULT. Well, it is due to several—there are several reasons. The main reason, I take it, is that the worker is not able to repurchase his product. That is, it takes—that is, the sum received in wages by the average worker does not buy back products of the industry corresponding to the amount that the worker produces. I think that is the fundamental reason for unemployment.

Mr. THOMPSON. That reason is generally true of all people engaged in industry?

Mr. AULT. Of all people in all countries, as far as I know.

Mr. THOMPSON. That would apply even in the best organized crafts, would it not?

Mr. AULT. Yes; to a less degree. The better organized crafts have been able to secure a larger proportion of the products of their labor.

Mr. THOMPSON. What I mean is that that theory of unrest, while not saying it is not true, but it would be more of a general proposition not only the country over but the world over?

Mr. AULT. Yes, sir; that is true.

Mr. THOMPSON. It follows as a matter of necessity that the worker must get less if anybody else is to get any profit out of the industry?

Mr. AULT. Yes, sir.

Mr. THOMPSON. But more specifically or what nearer at hand would you say was the cause of the unrest here. Are there any other causes, in your opinion, that operate other than that cause?

Mr. AULT. It is perfectly true, as Mr. Constantine said yesterday, that some of us who have reached some knowledge of the conditions under which the laboring classes labor are endeavoring to interest and lead the rest of the workers, who have not had the opportunity, to discover those conditions and know what those conditions are. I think there are agitators among the workers who attempt at all times to give the workers a knowledge of their rights, of the fact that they are abused under the present conditions and that they are entitled to a larger proportion of what they produce.

Mr. THOMPSON. Do you think that the workers in the canning industry in this State, as described by Dr. McMahon on the stand, require agitators to tell those workers that they have a hard time?

Mr. AULT. Yes, sir; I think they do. The workers in the canning industry are particularly and peculiarly subservient; they make no protest against these conditions; that is, no audible protest, no organized protest; they have no means of expressing any protest, and I think they do require agitation.

Mr. THOMPSON. Well, what I mean is: Do you think that the cause of their unrest would be the cause of an agitation which might be undertaken in their behalf?

Mr. AULT. Yes.

Mr. THOMPSON. Or whether it would be due to the conditions under which they work?

Mr. AULT. The conditions under which all of us work are the fundamental reasons that we agitate.

Mr. THOMPSON. What I want to get at, then, was not the voice which gives expression to the unrest, which we all recognize, of course, must go through certain avenues. Now, those are human beings that express themselves through the press or on the platform. But what, in your opinion, are the causes existing in this vicinity which would make the agitator—putting it in your own language—feel he should get up and start an agitation to make people dissatisfied?

Mr. AULT. Just such things as Mrs. McMahon spoke about in the canning industry—the long hours of labor—and the intermittent labor in the lumber industry, and, to a lesser degree, in all other industries, and the low wages, which are a general condition except in the better organized trades.

Mr. THOMPSON. For the benefit of the commission could you be a little more specific than that? For instance, we have the canning industry pretty well told; we have heard something of seasonal occupations, of the great amount of floating labor that comes here in the wintertime. Could you carry that out more specifically and give us some graspable condition?

Mr. AULT. I can't speak except in the most general terms with reference to the lumber industry, with which I am only acquainted by hearsay, and the same condition is true of our other largest industry, that of construction work, which takes in a large army of seasonal workers who work for usually a day of 10 hours, I believe; but they work for very low wages and under the most horrible sanitary conditions, and they are continuously going to and coming from the job. This movement is accelerated by the private employment offices, and, as has been stated before on the stand, the inference is general through the country here that there is collusion between some one in authority on these construction jobs and in the logging camp and in the mill and the private employment agent, whereby there is a rake-off from the fees that the men pay.

In addition to that the tendency to hire and fire men is accelerated by the fact that they charge more for board when the man stays less than a week out in the camp, and they charge 20 cents per day for hospital fee, so that the worker who works five days in any month is compelled to pay the full dollar required for the hospital fee, and if he is fired the next day and goes to another job he will be compelled to pay this hospital fee on the next job so that sometimes workers are compelled to pay four or five dollars a month in hospital fees. Those are all contributing causes to the unrest in this section.

Mr. THOMPSON. Take the question of this large amount of floating labor that comes here during the wintertime—that has been the condition in Seattle for a great number of years, has it not?

Mr. AULT. Yes, sir; as far as I can remember Seattle has been the mecca in the fall and winter months for the workers of the woods and construction workers.

Mr. THOMPSON. What remedy have you to suggest to the commission for that that would alleviate it in part or wholly?

Mr. AULT. There are a number of things which could be done to alleviate it and better it. One is better organization of the biggest industry in the State, the lumber industry. That is not necessarily a seasonal occupation in this country, because the winters are mild and there is no reasonable excuse for the logging and lumbering industries being seasonal occupations.

Mr. THOMPSON. What makes it such, if you know?

Mr. AULT. Why, the supply of labor; the fact that they can get all that they want at a given time, and there is this advantage in the summer months that they can work longer days than they can in the winter, the days are shorter

in the winter. But a general reduction of the hours of labor in the logging camps and the industries generally, an eight-hour day would be a tremendous benefit to that industry and would solve in some small part this problem of seasonal employment.

Mr. THOMPSON. How, in your opinion, could this eight-hour day be best brought around?

Mr. AULT. In my opinion, the best way to bring it around is by organization of the workers involved. That would be the most effective way and the most certain way. At present we are engaged in an effort to bring it about through legislation.

Mr. THOMPSON. You are speaking now of lumbering generally?

Mr. AULT. Yes, sir.

Mr. THOMPSON. What organization is there, if any, now in that industry?

Mr. AULT. There is an organization styled the timber workers, which is composed, as I understand it, mainly of shingle weavers—men engaged in the manufacture and packing of shingles.

Mr. THOMPSON. Does that organization include also people that work in the forest?

Mr. AULT. It has jurisdiction to cover those workers and is attempting to organize them.

Mr. THOMPSON. You are not specifically acquainted with that industry, are you?

Mr. AULT. Not specifically; no, sir.

Mr. THOMPSON. What other remedy would you give for this state of industrial unrest which you say exists here?

Mr. AULT. Why, the only general remedy I could give is a radical reduction of the working day, so as to employ all available workers.

Mr. THOMPSON. Have you any industrial conflicts here. Are there many strikes of large or small degree?

Mr. AULT. They are fairly numerous; not so numerous, however, as in other places, and they haven't been particularly bitter; that is, in Seattle particularly.

Mr. THOMPSON. Has there been any trouble in adjusting those which have arisen?

Mr. AULT. Yes, sir; there has been trouble in all of them.

Mr. THOMPSON. Has there been much violence, if you know, and the destruction of property?

Mr. AULT. Not any appreciable violence or destruction of property.

Mr. THOMPSON. Have you any views as to the best method of adjusting industrial disputes where they arise, or any view as to how to prevent them from arising where there is organization or lack of organization, either way?

Mr. AULT. Well, the only method I know is by sufficient organization on the part of the workers to secure their demands.

Preferably, perhaps, through a show of power before a mediation board—conciliation board—but if necessary through a strike. I don't know of any way of avoiding strikes altogether. I don't know that it is desirable to avoid them altogether.

Mr. THOMPSON. Well, what part do you think this mediation board could play in the adjustment of the trouble between the employer and the employee?

Mr. AULT. I think in many instances a mediation board could on knowledge of trouble impending, get the conflicting parties together and perhaps bring about a settlement that would, while not satisfactory to either, avoid a conflict and would be a betterment of conditions for the workers, or probably in some cases hold what they are about to lose.

Mr. THOMPSON. Have you made a study of the subject of the mediation boards?

Mr. AULT. Only superficially.

Mr. THOMPSON. And their work?

Mr. AULT. Only superficially.

Mr. THOMPSON. Have you any conviction or idea as to how such a board could be constituted?

Mr. AULT. Well, I haven't really. I feel that such a board should be composed of equal numbers of the parties in interest.

Mr. THOMPSON. Your own union, the typographical union, is a believer in collective bargaining, is it not?

Mr. AULT. Yes, sir; and is very successful.

Mr. THOMPSON. They use that method extensively, I believe?

Mr. AULT. Altogether.

Mr. THOMPSON. What is your opinion as to the best method or any method that might be inaugurated for the purpose of helping those contracts to be carried out where both sides are concerned?

Mr. AULT. Well, the best method that I know of is an organization of all of the workers involved in the industry. And, on the other hand, the organization of the employers. Under such conditions the workers would be able to secure, when a contract had been entered into, the workers would be able to insure its observance.

Mr. THOMPSON. Where you say the workers would be able to insure its observance, do you mean on their part or on the part of the employers?

Mr. AULT. On the part of both. I think that the history of contractural relations between employer and employees will show that where there has been one violation of a contract on the part of the workers there have been a hundred violations on the part of the employer.

Mr. THOMPSON. Looking at this for the moment from the standpoint of the employers it is generally said, you hear it pretty often, that the employer feels that trades-unions do not live up to their contracts, and that there is more or less of a demand made that unions should either be incorporated or that they should give bonds, or that in some way they should be held responsible, definitely and financially, for agreements that they make. Have you heard that question raised?

Mr. AULT. Yes; I have heard that question raised.

Mr. THOMPSON. What is your view with regard to that matter?

Mr. AULT. I feel, speaking as a union man, that incorporation, or any form of financial liability on the individual members of organized labor, would be a great detriment to the progress of organized labor.

Mr. THOMPSON. Tell us more or less in detail your reasons why.

Mr. AULT. As, for instance, the case of the Danbury hatters, wherein the individual members of organized labor had been held responsible for losses incurred by a firm of manufacturers as the result of a boycott. Now, in a general fight of that kind the boycott is the only weapon that organized labor has. If the membership of organized labor, the individual membership of organized labor, can be held individually responsible for losses incurred by the employer, it means that labor must give up the only weapon that it has, and that when unions can do nothing for themselves they will naturally pass out of existence.

Mr. THOMPSON. In the troubles you have had out here, has there been any trouble over the policing of strikes or lockouts?

Mr. AULT. We have had——

Mr. THOMPSON. Or the employment of private agencies by the employer?

Mr. AULT. We have had some experience with that in the miners' strike at Renton, closed a short time ago; some firm furnished private guards to the employer, and they were deputized by the county sheriff. In another case in Ballard, in the shingle weavers' strike, a similar condition prevailed. There was more or less violence in both of those strikes, due almost entirely to the use of these guards. They picked fights and they got them when they picked them. And in Ballard, particularly, there were dynamite plants placed by one of these guards with the object of throwing odium on the union involved, but it was unsuccessful, because of the prompt action taken by the union in exposing the entire affair. But the attempt was there. And in the recent teamsters' strike there was an attempt to plant dynamite at the home of some of the strikers, but they made a mistake and got the dynamite planted 10 blocks away and that blew up.

Mr. THOMPSON. Well, have you opinions as to whether or not the law should take a hand in permitting or saying something about whether any class of the community should be permitted to hire private armed guards?

Mr. AULT. I think that the use of armed guards under private control is utterly indefensible, that if there is no law—I believe that it is an extralegal proceeding. There is no law that allows it, and if there is no law that prevents it, there should be a law.

Mr. THOMPSON. What would you say with reference to the argument which is stated pretty unanimously that the employer has to guard his works against destruction and prevent the property from being destroyed?

Mr. AULT. I can't think that that is true, in view of the fact that the employer has practically absolute control of the governing forces in city, State, and Nation.

Mr. THOMPSON. In this State, I understand, it was stated that when the mayor withdrew the 50 special armed guards that were placed there by the sheriff, that then the employers settled the trouble or agreed to arbitrate.

Mr. AULT. Well, that was a very——

Mr. THOMPSON. If that is so—I don't know, but it is stated that it is so—why was it that the employer was induced to settle, or why did he settle then when he had not before? What is your opinion on that?

Mr. AULT. There are a great many factors entering into that particular settlement.

Acting Chairman COMMONS. Mr. Ault, it is time for the commission to adjourn, and we will not meet again until to-morrow, on account of the funeral of Mrs. Wilson, the President's wife. Will you take the stand to-morrow at 10 o'clock?

Mr. AULT. Yes; I will be glad to.

Acting Chairman COMMONS. And begin at that point.

The commission will stand adjourned.

(And thereupon, at 12.30 o'clock p. m. Tuesday, August 11, 1914, an adjournment was taken until the following day, August 12, 1914, at 10 o'clock a. m.)

SEATTLE, WASH., *Wednesday, August 12, 1914—10 a. m.*

Present: Commissioners Commons (acting chairman), Lennon, Garretson, and O'Connell; also W. O. Thompson, counsel.

Acting Chairman COMMONS. The commission will come to order. Mr. Thompson, call your witness.

Mr. THOMPSON. Mr. Ault, take the stand.

TESTIMONY OF MR. E. B. AULT—Continued.

Mr. THOMPSON. I believe, Mr. Ault, you were stopped——

Mr. AULT. Why, I don't remember the question, and I would like to make a statement in respect to yesterday's testimony before proceeding with the examination. I was called up by a gentleman who styled himself president, I believe, of the association of employment agencies, who took exception to the testimony I gave yesterday in respect to collusion between employment offices and foremen or contractors or their agents. And he asked specific instances which I could not and can not give. The practice, or the assumption that the practice exists, however, is so general, and the conditions which make for such practice are so general and so generally accepted that we have made no particular effort as far as I know to get particular cases; but it is a generally accepted condition throughout the West that the employment offices, at least some of the employment offices, and some of the foremen have some method of dividing the employment fees, because there are bodies of workingmen going from job to job, from employment office back to the job constantly in such large numbers that the efficiency of the work must be impaired, and therefore there can be no other explanation except a division of the fees.

Commissioner O'CONNELL. Will you just designate who is the principal employment agent so that we can subpœna him?

Mr. AULT. The gentleman told me his name, but I could not understand it, the telephone wasn't working.

Commissioner O'CONNELL. Will you find out for us?

Mr. AULT. Yes, sir; we can find out.

Acting Chairman COMMONS. Get us his name and address.

Mr. AULT. Yes, sir; that is very easy, and maybe some of the other gentlemen here know it already.

Mr. THOMPSON. We ended yesterday's examination with some statement in regard to the teamsters' strike and the settlement of it. Prior to your testimony in that regard, Mr. Ault, you spoke of the fact that there had been some planting of dynamite here in Seattle by the employers, if I remember correctly?

Mr. AULT. I don't know that I said that. It was planted, I stated, in the effort to—oh, show that the strikers were—it was planted in an effort to cast odium on the strikers. That was the statement I made, I believe.

Mr. THOMPSON. That was planted, in your opinion, or according to the facts you have, by the employers, for that purpose, Mr. Ault?

Mr. AULT. I feel that the employers had knowledge of the condition; yes. I have no evidence to prove that, but that is my impression; that was the impression that was quite general through the city, I believe.

Mr. THOMPSON. That is, of course, a pretty serious charge.

Mr. AULT. Yes, sir.

Mr. THOMPSON. Would you want to be understood that they planted that with the idea of having an explosion occur, or just to be discovered and create public opinion?

Mr. AULT. In one case an explosion occurred, Mr. Thompson. In the case of the shingle weavers' strike in Ballard an explosion occurred. The dynamite was planted in that place where it would not do any particular harm to the plant, but the explosion occurred. In the other case the intention was that the men who—the dynamite was planted in the rear of what was presumed to be the home of a striking teamster, or a number of striking teamsters, in an effort to—and then was discovered—in an effort to prove that the teamsters were going to use dynamite.

Mr. THOMPSON. In regard to placing the responsibility for that, you have no specific evidence, you say?

Mr. AULT. I believe there is quite specific evidence in the matter of the shingle weavers planting at Ballard. The matter was in the courts, and for some reason or other the prosecuting attorney's office did not press the matter as thoroughly as we had hoped they would.

Mr. THOMPSON. Could you get the data and furnish this commission with it?

Mr. AULT. Why, I believe Mr. Brown who is to be called later has all of that matter.

Mr. THOMPSON. Now, with reference to the dynamite in the teamsters' strike in this city, is there any specific evidence that you have or could refer the commission to, which they could investigate?

Mr. AULT. We have only the evidence of the man who discovered the dynamite and implied in the confession that he made that another man who was well known in this country as a strike breaker, an agent for securing strike breakers, was implicated with him in the planting of the dynamite in an effort to throw suspicion on the teamsters' union. That confession is of record, I believe, in the county courthouse.

Mr. THOMPSON. Was there any prosecution of those two men?

Mr. AULT. I think that the man—I am not certain now—but I believe that the man who confessed served a six months' sentence, or was sentenced for six months. I think he is in jail now.

Mr. THOMPSON. Do you know how that confession was brought about?

Mr. AULT. By third-degree methods, I think, perhaps.

Mr. THOMPSON. I mean——

Mr. AULT. Careful questioning by the prosecuting attorney's office.

Mr. THOMPSON. Who unearthed the dynamite? Who reported it to the police? And if there was a prosecution, who was back of it, if you know?

Mr. AULT. Well, this man who confessed, as I remember, reported it to the sheriff's office, and the sheriff's deputies were suspicious and questioned the man closely, and he made a number of—his statements did not corroborate one another.

Mr. THOMPSON. Have you investigated, Mr. Ault, as to how it occurred that this man confessed to the sheriff as to what caused him to go to the sheriff after doing this thing and confessing it?

Mr. AULT. Well, his statement was that he went to the sheriff in an effort to show that the teamsters had dynamite planted here, and that he had discovered it, and he made the statement that the intention was to blow up some of the property of the members of the team owners' association.

Mr. THOMPSON. Who was the sheriff at that time?

Mr. AULT. The present sheriff, Sheriff Cudihee. This occurred only about six months ago.

Mr. THOMPSON. Do you know whether or not the employers' association of this city had something to do with causing the indictment and prosecution of these men?

Mr. AULT. No; I do not.

Mr. THOMPSON. Have you heard anything of that kind?

Mr. AULT. The only thing that I know positively is that they disclaimed any connection with the matter at the time it occurred.

Mr. THOMPSON. Did you personally make any investigation to see whether or not—to find out how the confession of this man was procured or how he came to make a confession to the sheriff?

Mr. AULT. No. The matter was looked on as though somebody's calculation had gone wrong, and the matter came out to our satisfaction, and we did not pay any more attention to it.

Mr. THOMPSON. Then so far as you actually know it might be that the unearthing of this dynamite planting, the apprehension of the men who did it, and their prosecution might have been at the hands of the employers' association of this city?

Mr. AULT. Yes; so far as I positively know.

Mr. THOMPSON. Referring to the question of specific remedies, Mr. Ault, in the industrial labor which you have spoken of more generally in your first testimony, what other remedies than those you have suggested, remedies that this commission has the legal power to take into consideration and which Congress of the United States have power to act on, would you suggest?

Mr. AULT. I think that a better organization of the labor distributing forces of the country might be accomplished through congressional action or through recommendation of this commission. That would tend to determine the actual number of wage workers in employment and out of employment at all times; something that is of vital importance to any constructive measure is to find out what the facts are. That is something that so far there apparently is no agency to cover.

Mr. THOMPSON. What sort of an agency would you have for that or would it include any other function than simply getting information?

Mr. AULT. Yes; I should think it would include as one of its functions the matter of furnishing employment and distributing the workers where there was work in case there was work and merely as a remedial measure.

Mr. THOMPSON. Then a system of Federal employment bureau or offices in the different cities and States of the Union working in cooperation with one another, keeping track of the matter of the labor market of the respective vicinities, and also keeping track of the labor supply and communicating back and forth, and working also in connection with State agencies, that, in your opinion, would be a good step?

Mr. AULT. That would be a good step to take, I think. I don't believe it would accomplish any great result in the matter of relieving the unemployed, because it is my firm belief from the data I have been able to gather that there is no possibility of employing all possible wage earners under the present conditions.

Mr. THOMPSON. In your opinion could the present conditions be changed radically?

Mr. AULT. Yes, sir.

Mr. THOMPSON. At any one time? I mean to say, considering the people, their ideas of industrial life, and so on, no radical change is possible, is it? You can't get the people to go with you on a radical change?

Mr. AULT. That, of course, I haven't absolutely determined for myself as yet. I feel it is possible, but perhaps hardly probable.

Mr. THOMPSON. I mean probable; we are dealing in probabilities, of course; we have to.

Mr. AULT. Yes, sir.

Mr. THOMPSON. With reference to any other thing which you think that the Federal Government could do to help at least in the line of progress along industrial and commercial fields.

Mr. AULT. I think perhaps the greatest thing that the workers need is some right, some method of enforcing their right to organize; that the Government take some steps to protect the workers in their right to organize and give them an opportunity to organize.

Mr. THOMPSON. Well, concretely, what would you recommend?

Mr. AULT. I would like to elaborate a little here.

Mr. THOMPSON. You can.

Mr. AULT. In this city, for instance, the Puget Sound Traction Light & Power Co. maintains an absolutely closed shop. No member of organized labor, if he is known to be a member of organized labor, can work for this company—that is, I speak of the operating department of the street railway. There are, I believe, one or two or half a dozen union men in the employment of the

company in other positions, but in the operating department particularly there is every discrimination made against union men and I understand—this I can only speak of from secondhand information, men have told me who have worked for the company, that it is the practice of this company to every so often discharge a number of men and bulletin them as having been agitators or attempting to organize, whether there was any truth in the assertion or not. It was a method of keeping them in fear of any attempt to organize. There appears to be, according to the statements of these street car men to me, there appears to be no attempt to determine whether they have been agitators or not, but just a number of men who could be discharged were discharged, and it is the practice of the company to continually break in new men, so that perhaps 30 per cent of the working population of this city is now capable of running a street car in case of any disturbance. That right—that is, I believe, typical of a great many industries. That condition is true of the Seattle Construction & Dry Dock Co. The general manager of that company, Mr. J. V. Patterson, will not allow knowingly a union man to work in his plant. The metal trades association, I understand, have a very effective employment office which effectually disposes of all agitators. I think with that proposition it would be possible perhaps to withdraw from employers, who refused to allow their employers to organize, the protection of their property. That may sound a little funny at first, but in this State we have already done that in respect to the industrial insurance act. We have taken away from the employer all of the old common-law defenses in case of accident, in case he elects or refuses to come in under the industrial insurance act. In that case the old defenses of fellow servant and anything of that kind are removed, and an employee—or any employer who has not come under the industrial insurance act can go into court, and the employer has practically no defense. I think that some similar action might be taken in respect to the employer who will not allow his workers to organize and who will not deal or bargain collectively with his workers. I think there is more really involved than merely the right to organize. I think that they should be compelled to recognize the policy of collective bargaining and to bargain collectively. That I think would aid and probably work to the ultimate solution of the entire labor problem if such a policy was undertaken.

Mr. THOMPSON. Well, coming down to more detailed enactments, how would you do that? Would you simply say that the employer must permit his people to organize? Would you have any lines of organization that they might join?

Mr. AULT. I think that should be determined by the workers themselves, what their organization is, what their form of organization should be.

Mr. THOMPSON. Of course, in an insurance proposition, it is a State-wide matter.

Mr. AULT. Yes, sir.

Mr. THOMPSON. It relates not only to the employer who runs a factory or a store or a mill, but I take it—although I don't know your law in detail—it relates to everybody who is employed.

Mr. AULT. All in harzardous or partially hazardous occupations, that is all.

Mr. THOMPSON. Now, in the matter or organization, would you have it apply to all the States, to everybody employed, no matter in what service?

Mr. AULT. I should think so.

Mr. THOMPSON. And under that law, or in that law would you have any provision stating, for instance, that the members of a labor organization, any labor organization, should be denied the right to quit work because a man working for the same employer was not a member of their organization? Would you take that right away from the labor unions?

Mr. AULT. No; I would not. I think that is one of their fundamental rights.

Mr. THOMPSON. Yes. Well, now, assuming that your law then does not simply compel the employer to permit organization, and does not prevent the employees from refusing to work with anybody there, what would you do in case of rival organizations that were formed in the same factory, or in the case where some citizens of the United States—some American citizen, for reasons of his own, did not wish to join the organization?

Mr. AULT. Well, it would—that is a matter of detail which I will admit I haven't worked out in my own mind.

Mr. THOMPSON. Well, that would simply put industry so far as the workers are concerned, in the hands of those who would organize?

Mr. AULT. Yes, sir.

Mr. THOMPSON. And would be, as a matter of fact would be, a compulsion, indirect but still powerful, on the man and the worker who did not want to organize?

Mr. AULT. Yes, sir.

Mr. THOMPSON. How would you view that in the attitude of both the unions and employers who object to compulsory arbitration, where a great dispute is on; for instance, where a street car line may be tied up and citizens may be compelled to walk, and yet they say, "We won't submit to compulsory arbitration." How would you distinguish those two things one from the other?

Mr. AULT. As I say, I haven't worked out in my own mind the details of this proposition. It is a matter that occurred to me as a possible method of enforcing the right of the workers to organize. But I personally believe that it is the duty of every worker to organize. I see no, absolutely no method of the worker getting any control in industry, having anything to say in respect to his hours or conditions of employment, except through organization. And I feel that every worker is entitled to this right that he has. I have here a copy of the issue of the Weekly Messenger, official organ of the employers' association for August 1, 1914, in which they state in their concluding paragraph on their first page: "Our manufacturers must continue to realize that the most valuable machinery in the plant is the man or woman working in it, and that their health and happiness are productive of profits to both the employer and the employee." Now, we own that machinery. That is our capital that is invested, and we have the right to determine the conditions under which that machinery is used. And I see no effective way of doing that except through organization.

Mr. THOMPSON. Well, you are speaking, though, more directly of the fact the State should take a hand in that and compel organization.

Mr. AULT. No.

Mr. THOMPSON. I think everybody, apparently so far as we go and have gone, both the employer and the employee believe, do not question the right of the worker to organize.

Mr. AULT. That is true, Mr. Thompson, in testimony given, but in actual practice the reverse is true. They not only question the right of the employee to organize, but they prevent the possibility of him organizing.

Mr. THOMPSON. Well, what I probably should have stated is that they grant the theoretical right.

Mr. AULT. Yes.

Mr. THOMPSON. But they may reserve the personal right, that he don't want to deal with organization.

Mr. AULT. My proposal is an attempt at a practical proposition—to withdraw support, to withdraw Government support, to withdraw guaranties from an employer who actually in a concrete case refuses to allow his employees to organize.

Mr. THOMPSON. Well, such a law as you state would practically be the first step in the socialization of industry, would it not?

Mr. AULT. Probably that is true. At least in the democratization of the industry.

Mr. THOMPSON. Well, perhaps. With reference to that matter, do you think it is practicable to recommend to Congress the passage of such a law, when not more than 6 or 7 per cent of the workers of the country are organized—do you think there is enough public opinion back of it in this day and age to get it put into a law?

Mr. AULT. I would like to be a little clearer on that statement of 6 or 7 per cent of the workers being organized.

Mr. THOMPSON. Well, whatever per cent you agree——

Mr. AULT. I don't agree to that. I think that there is approximately 40 to 50 per cent of the workers susceptible to organization organized.

Mr. THOMPSON. Of course, I don't know on what you base that statement, but, as a matter of fact the workers of the country are more than 6 or 7 per cent, or possibly, at the outside, 10 per cent, as a matter of fact, organized.

Mr. AULT. Ten per cent of the population?

Mr. THOMPSON. Of the working population actually working. It may be there are a larger percentage of those who are subject to organization.

Mr. AULT. Three million.

Commissioner O'CONNELL. Of those who are capable of working?

Mr. AULT. Three million.

Mr. THOMPSON. Of those actually working?

Mr. AULT. Three million workers in the country.

Acting Chairman COMMONS. About 30,000,000 wage earners?

Mr. THOMPSON. About 30,000,000.

Commissioner O'CONNELL. That depends entirely upon what you figure as a wage earner.

Mr. AULT. That is the question.

Mr. THOMPSON. Understand, Mr. Ault, that it is the purpose of this commission, and we simply want to get from you and others practical suggestions that can be put in operation.

Mr. AULT. Yes; I recognize that.

Mr. THOMPSON. If we should recommend socialism, Congress will say that they can not do that; that that may be a very good propaganda, but it will not result in any practical effects. What other suggestions have you got, Mr. Ault, that this commission might recommend to Congress and which Congress, as society is now organized, might be willing to pass?

Mr. AULT. Well, I really believe that, as I say, the main proposition is to give the workers the right to organize. That is the first practical suggestion. If there is any possible practical way of enforcing the right of the workers to organize, I think that they will take care of most of these problems themselves. I think that they are altogether capable of taking care of their own problems if they can first be assured of the right to act collectively, as I said.

Mr. THOMPSON. Have you any more definite suggestion to offer as to how that might be brought about than you have already stated?

Mr. AULT. That is the only definite suggestion that I have in that respect.

Mr. THOMPSON. I might say to you if you get any other concrete views on that subject the commission will be pleased to receive anything you have to send to them in writing and make it a part of the record.

Mr. AULT. All right.

Mr. THOMPSON. Is there anything more, Mr. Ault, that you care to speak of?

Mr. AULT. Why, I want rather to emphasize the statement Dr. McMahon made yesterday with respect to the proportion of organized workers to unorganized workers in this State. As Mr. Olson said in his testimony, he was making a guess, and I am afraid he has hazarded a very wild guess. There are one hundred and sixty-five thousand and odd workers come under the industrial insurance act of this State. This comprises approximately 80 to 85 per cent of all the workers engaged in industry in this State. That would make a total working population of this State not more than 225,000 people.

The number of organized workers is not 25,000. We have 15,000 in Seattle. The railroad brotherhoods have nearly 15,000 themselves. There are more nearly 50,000 organized workers in the State than 25,000. So that the relative proportion is a great deal different from that that people who are otherwise uninformed would get from the testimony given. In this teamsters' strike—I have made a few notes of a number of things that I think should be touched on. In the teamsters' strike Mr. Constantine stated there had been 300 cases of arrest for violence. He failed to state also that there was only 1 conviction in those 300 cases. There were numerous convictions of strike breakers carrying arms, and of occasionally using them, but there was no instance where a striker was found carrying arms—not even found carrying arms. The matter of workers appearing before the minimum-wage commission and acting in their own interest or testifying in their own behalf: There was one young woman who was given permission by her employer to appear before the commission. Her testimony was distinctly favorable to a high minimum wage in the laundry industry and the result was she was discharged—or rather she was discharged, whether that was the result of her testimony or not is a matter of dispute. But be that as it may, the proprietor of that laundry was fined $100 in the justice court for his action in discharging this girl. The case is now before the superior court on appeal. This was the case of Miss Johanna Hilts. The teamsters' arbitration was not satisfactory to either party as far as I can gather.

The teamsters, I believe, have lived up absolutely to their part of the agreement. I don't believe there is any criticism even from the employers on that point. Some of the employers have not done as they agreed to do. Under the terms of the settlement the employers agreed to take back all the union men, employ them as fast as vacancies occurred. Instead of doing that, they have discriminated against some twenty-odd teamsters who are still in destitute circumstances because of the discrimination of the employers involved.

There is one other point that I want to bring out that I feel is the—that the solution of this proposition is the solution of the entire matter. The statement was made that in some industries in this State 23 per cent excess working population is required to handle the work in the rush season, in others as high as 50 per cent. That means—that is supplemented in a statement made by the secretary of the National Chamber of Commerce before the Indianapolis Chamber of Commerce, some three or four months ago, I don't remember the exact date, in which he stated that the productive forces of this country had reached the point where they could supply the home market with 90 days' production. In 90 days' time each year. If that is true, there is certainly some radical remedy necessary to relieve such a condition. Something must be done to expand the home market or something must be done in the matter of dividing up the jobs so that all the workers may have the opportunity to work during those 90 days, or divide up those 90 days during the year. Those are all the notes I have made, Mr. Thompson.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any questions, Mr. Lennon?

Commissioner LENNON. Were you here yesterday morning when Dr. McMahon was on the stand and Commissioner Garretson explained in asking questions as to their organization, what they meant by the open shop? Did you hear that?

Mr. AULT. Yes, sir; I heard that.

Commissioner LENNON. That is to say, as the railroad brotherhoods have collective bargaining, they do not insist on what is called the closed shop in so far as everybody must be a member of the brotherhood, but they do insist that there shall be no individual bargaining, that every one working in their particular line must come under the collective bargaining. Do you believe that that idea of the open shop would be objectionable to trade-unions generally?

Mr. AULT. As far as I know it would not. If that practice was general, I believe it would work out to the advantage of the trade-unions.

Commissioner LENNON. Now, in suggesting the idea of protecting the right to organize, you know something—perhaps you know more even than I do, for all I know—of the existing trade-union act in Great Britain, which recognizes certain practices that the unions are carrying out, and the work they participate in; recognizes the fact that the unions exist; that they picket and do certain other things, and in conjunction with the institution of the British Labor Council, a conciliatory body, a body for mediation purposes, recognizing by the nation that labor organizations exist and that they have a right to exist. Do you believe that adapting this to American conditions, that the passage of a law by Congress of the United States on the line of the Great Britain union act and establishing a labor council to look after these interests generally, do you believe that would help in this country?

Mr. AULT. I am not very familiar with the trade act in England, but I believe such a condition would be of benefit to the workers. I believe that the recognition by the Government of the right to organize would be a long step toward the workers themselves taking up the opportunity to organize.

Commissioner LENNON. That is all I desire to ask.

Acting Chairman COMMONS. Any questions, Mr. O'Connell?

Commissioner O'CONNELL. Do you know whether there are any laws that are controlling these employment agencies—State laws or municipal laws?

Mr. AULT. There are State laws and some municipal ordinances.

Commissioner O'CONNELL. They are licensed, are they?

Mr. AULT. They pay a license of $100, I believe; I am not certain as to that, and the law provides that they inform the applicant for work whether there is a strike on at the place where the job is, and other details of that matter, and providing for the return of the fee in case the work is not found as represented.

Commissioner O'CONNELL. Do they make a practice of furnishing men to take the place of strikers?

Mr. AULT. I could not say generally, but some of them do that.

Commissioner O'CONNELL. Have you observed that they specialized their business here, some providing railroad men exclusively, and others lumbermen?

Mr. AULT. Yes; to quite a large extent that is true.

Commissioner O'CONNELL. Some of them make a specialty of supplying female labor?

Mr. AULT. Yes; a large number of them.

Commissioner O'CONNELL. Are there any inspectors or investigations as to the methods they adopt in employing female labor?

Mr. AULT. The city maintains a special agent for employment offices, who investigates all complaints and has general supervision over the employment offices. He is a very conscientious and earnest worker. I don't know how much he can do; he is alone.

Commissioner O'CONNELL. Have there been any charges of white slavery in connection with their employment?

Mr. AULT. Not that I know of.

Commissioner O'CONNELL. We have discovered in some instances where we have investigated that such has been the case.

Mr. AULT. Yes, sir. I know of nothing specific in that connection in this country.

Commissioner O'CONNELL. You will get the name of one who is considered to be the leader of the employment agents in the city, or if they have an association, the name of the president.

Acting Chairman COMMONS. We have it.

Commissioner O'CONNELL. Have they an association?

Mr. AULT. That is what I understand. A gentleman called me up this morning, stating that he was president of the association. I could not get his name over the telephone.

Acting Chairman COMMONS. Any questions, Mr. Garretson?

Commissioner GARRETSON. Are you aware of the fact that as far back as 1895 or 1897 a Federal act was passed making it an offense to discharge a man for membership in the labor union?

Mr. AULT. No, sir; I must admit that I am not.

Commissioner GARRETSON. Are you aware of the fact that the act was declared unconstitutional by the lowest grade of Federal judge, and there was no legal process in effect whereby it could be gotten to the Supreme Court to determine whether or not it was constitutional?

Mr. AULT. No, sir; not knowing the other fact, I naturally wouldn't know the sequence.

Commissioner GARRETSON. You are not familiar, then, with the provisions in the original act?

Mr. AULT. No, sir.

Commissioner GARRETSON. Affecting interstate employees?

Mr. AULT. No, sir.

Commissioner GARRETSON. In which that proviso was incorporated, and the decision was made by Judge Evans in a north Kentucky district?

Mr. AULT. That was in 1906?

Commissioner GARRETSON. The act was in 1895 or 1897.

Mr. AULT. I was a very, very young man at that time. I haven't studied the railroad situation particularly.

Commissioner GARRETSON. I am a very young man myself, but I was there when it was passed. Your belief is there are too many men for the jobs that exist?

Mr. AULT. Yes, sir.

Commissioner GARRETSON. There is not enough jobs to go around?

Mr. AULT. There is not enough jobs to go around; that is my belief.

Commissioner GARRETSON. But you do believe that the machinery that was cited to you, of a comprehensive system of employment agencies, combined as intelligence agencies, acting in conjunction with and under a certain degree of supervision of a Federal agency, naturally the Department of Labor, would at least succeed in getting the number of people—succeed in connecting the number of jobs that there are with the number of men that could fill them?

Mr. AULT. Yes; I think so; and in addition it would show the number of excess men there were, which is of vital importance.

Commissioner GARRETSON. We would know even if we could not feed them?

Mr. AULT. If we could learn the number we might take some steps to feed them.

Commissioner GARRETSON. In your personal contact with laboring men—not necessarily labor men, but laboring men, regardless of union or nonunion—have you ever found one who didn't regard the piling up of a colossal fortune in the hands of an individual as positive proof of the injustice of the present industrial system?

Mr. AULT. I have met a few who had hopes they would become pilers of colossal fortunes themselves—a very few.

Commissioner GARRETSON. They were perfectly willing to tolerate them if they were doing the piling?

Mr. AULT. That was the idea exactly.

Commissioner GARRETSON. But they did not approve of it in the hands of others?

Mr. AULT. No.

Commissioner GARRETSON. Then it was another question as an ethical proposition?

Mr. AULT. Yes; as an ethical proposition.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. You stated yesterday in answer to some question that you were a socialist?

Mr. AULT. I have been a member of the Socialist Party for a great number of years; yes.

Acting Chairman COMMONS. Are you a member now?

Mr. AULT. Yes.

Acting Chairman COMMONS. Is your paper the official organ of trade-unions or of the socialists?

Mr. AULT. My paper is the official organ—it is not my paper—it is the official organ and the property of the Central Labor Council of Seattle. It is not a Socialist paper in any sense of the word. It is a trade-union paper, advocating the policies laid down by the American Federation of Labor.

Acting Chairman COMMONS. How do you distinguish in this State and in Seattle trades-unionism from socialism?

Mr. AULT. Well, socialism is—or rather the Socialist Party is—a political party to secure the enactment through legislation of certain economic theories, but the trades-union movement is an organization of wageworkers for the immediate amelioration of conditions of wageworkers, bettering of all kinds of conditions of wageworkers in so far as possible.

Acting Chairman COMMONS. Is it your judgment that a large proportion of trades-unionists are Socialists, also, like yourself, in this locality?

Mr. AULT. Well, a very large number are. I wouldn't say as to proportions, but a large number are also Socialists.

Acting Chairman COMMONS. So large it dominates the trades-union movement in your election?

Mr. AULT. No; I do not believe that the question of socialism entered into my election. I was, I think, selected because I had some experience in newspaper work and am able to get out a newspaper that was satisfactory to the majority of the membership.

Commissioner GARRETSON. Was there any understanding, Mr. Ault, at the time that you entered into that service, that you would not utilize the paper in the carrying on of socialistic propaganda?

Mr. AULT. That was not questioned at all. I do not consider that a trades-union paper, except in so far as the membership of organized labor may themselves discuss economic questions, is a vehicle for the furtherance of socialism. I think—I believe that it is a distinct disadvantage to any trade-union to become affiliated with any political party.

Acting Chairman COMMONS. But do you publish articles socialistic in their character?

Mr. AULT. There have been occasions, I presume, when that has occurred; yes.

Acting Chairman COMMONS. Speaking of the collective bargaining proposition, or rather the policy of the unions, would you consider that the boycott was an essential right of organized labor?

Mr. AULT. I can't conceive of any condition or any method of depriving labor of the boycott if they use it intelligently. I think that that is an essential right. I believe I have as an individual a personal right not to buy where I don't want to buy.

Acting Chairman COMMONS. Does that in your own mind go as far as what is known as the secondary boycott?

Mr. AULT. Yes; I think so.

Acting Chairman COMMONS. What do you understand by the secondary boycott?

Mr. AULT. The secondary boycott, as I understand it, is where the trade involved asks the assistance of all other workers in refraining from purchasing the articles produced by the merchant or the——

Acting Chairman COMMONS. For example—give an example of some case.

Mr. AULT. Well, for an example, the recent strike of the metal polishers in the Indian motorcycle factory, where the metal polishers——

Acting Chairman COMMONS. Where is that?

Mr. AULT. That is Springfield, Mass.

Acting Chairman COMMONS. Take a Seattle example.

Mr. AULT. Well, we haven't—I don't know that we have found it necessary particularly to use it in Seattle, unless, perhaps, in respect to the electrical workers.

Acting Chairman COMMONS. You have a central body?

Mr. AULT. Yes.

Acting Chairman COMMONS. Of all the trades?

Mr. AULT. Yes.

Acting Chairman COMMONS. Has that ever declared, or recently declared or assisted any of the local members of the associated unions?

Mr. AULT. Oh, yes.

Acting Chairman COMMONS. In refusing to patronize?

Mr. AULT. Well, on an appeal from a local union it is the practice to consider the—to secure an adjustment, if possible, calling all the parties in the controversy into council in an effort to secure an amicable settlement. In case that is unsuccessful, the council will declare for itself whether that firm is unfair or fair to organized labor. The members govern themselves accordingly, I believe. Not very generally—sometimes.

Acting Chairman COMMONS. So a secondary boycott with you means really a sympathetic boycott, where other unions join in to assist the union that is aggrieved?

Mr. AULT. Yes; that is my impression. Perhaps I am not correct technically, but that is the impression I have had of it.

Acting Chairman COMMONS. Well, as is suggested to me, take the hatters' case, was that boycott extended here in Seattle?

Mr. AULT. Yes, I think that it was; yes, we refused to buy, and still refuse to buy the hats produced under unfair conditions.

Acting Chairman COMMONS. What is the method of boycotting that—or the Buck's stove—did the organizations here go to dealers in hats and endeavor to get them to cease?

Mr. AULT. We endeavored to get them to handle only union made hats, which was determined by the use of the hat workers' union label.

Acting Chairman COMMONS. And if they refused to concede, would you go further and boycott their stores?

Mr. AULT. No; that never occurred in the hatters' case particularly.

Acting Chairman COMMONS. That never occurred?

Mr. AULT. We refused to purchase from them, that was all. They were posted as having no union hats, and we refused to purchase from them, but there was no official action taken in that case.

Acting Chairman COMMONS. Was there an agreement at all amongst the unions that you should refuse to patronize any hatter's store here that dealt in these?

Mr. AULT. No.

Acting Chairman COMMONS. How about the Buck's stove?

Mr. AULT. We used every means in our power to let our own membership know that the Buck's Stove & Range Co. was unfair, and to urge them not to purchase a Buck's stove and range.

Acting Chairman COMMONS. And did you visit the dealers in the Buck's stoves here?

Mr. AULT. That was before my time in active participation in central labor council affairs. I could not say definitely.

Acting Chairman COMMONS. I take it you speak for the organized labor of the city. You hold that it is an essential and important right to maintain this second class, which I would call the secondary boycott instead of the sympathetic boycott?

Mr. AULT. Yes; I think in a great many instances we are unable to bring any effective pressure to bear on an employer except through this form of discrimination that we may make.

Acting Chairman COMMONS. You have never practiced it, however, in Seattle, or in this State, that you know of?

Mr. AULT. Well, understand me correctly. We are constantly striving to educate our membership to the fact that they are violating their obligations, that they are discriminating against themselves, unless they purchase only union-made products. These are determined by the use of the union label. In cases where there are—where particularly flagrant violations of union—or rather particularly flagrant discriminations against unions occur, we have published the fact that these certain firms have made these discriminations and urged our membership not to purchase their products.

Acting Chairman COMMONS. Well, take any local stores in this town, have you declared any boycotts against any local stores?

Mr. AULT. Yes, sir.

Acting Chairman COMMONS. What, for example?

Mr. AULT. We declared the Bon Marché unfair at one time.

Acting Chairman COMMONS. What was the reason?

Mr. AULT. They refused to deal with the clerks' union. At the time we declared them unfair they refused to allow the clerks to organize in their store.

Acting Chairman COMMONS. What other cases in this town?

Mr. AULT. Well, the Puget Sound Traction, Light & Power Co. has been declared unfair by organized labor because of their refusal to allow more than 50 per cent of their employees in the construction department to organize. They were willing to agree that 50 per cent of their employees should organize, but that not one of those 50 per cent might be advanced in position, and that there never should be more than 50 per cent organized. We could not naturally accept such an agreement as that, and we refused to. Not being able to secure any better conditions, we declared them unfair.

Acting Chairman COMMONS. And what other cases?

Mr. AULT. Well, there are numerous cases coming up, little affairs where a single union is involved, that calls on the assistance of other unions, and those are always taken up and adjusted to the best of our ability. If they are not adjusted, why we refuse to patronize those firms.

Acting Chairman COMMONS. Are there any other unions that have brought up grievances to this council?

Mr. AULT. Any other unions?

Acting Chairman COMMONS. Yes; local unions—any local cases? You have spoken of the clerks and of the street car employees.

Mr. AULT. No; not the street car employees. The construction workers and the linemen.

Acting Chairman COMMONS. The shopmen?

Mr. AULT. That is the linemen.

Acting Chairman COMMONS. That is the electrical workers?

Mr. AULT. Yes, sir.

Commissioner GARRETSON. I saw men this morning patroling in front of a local tailor shop.

Mr. AULT. Yes.

Commissioner GARRETSON. With a card across their breasts with the proprietor's name, and in big letters the words, "He is unfair."

Mr. AULT. They haven't—that is, a tailor's fight of their own. They haven't asked the assistance of organized labor in that matter.

Commissioner GARRETSON. It is individuals banded together and acting, is it?

Mr. AULT. Yes, sir—that is, it is the tailors' union, I presume.

Commissioner GARRETSON. Oh.

Mr. AULT. But they haven't asked the assistance of the rest of organized labor. The same is true of the—the same has been true of the culinary crafts at various times. They usually settle their own affairs, though.

Acting Chairman COMMONS. You mean the——

Mr. AULT (interposing). Cooks and waiters.

Acting Chairman COMMONS. You mean by that waiters and cooks?

Mr. AULT. Cooks and waiters; yes.

Acting Chairman COMMONS. Has there been any sympathetic strikes on, or have they been declared at all by them?

Mr. AULT. Yes; the Hollywood Lunch was declared unfair a year or so ago.

Acting Chairman COMMONS. As far as your knowledge goes, what has been the outcome of these local boycotts?

Mr. AULT. The outcome has been a successful settlement, as a rule, the recognition of the union, the right of collective bargaining, and the management thoroughly satisfied with the conditions after they had tried them.

Acting Chairman COMMONS. Is that true in the case of the Bon Marché?

Mr. AULT. The Bon Marché settlement was not entirely successful from the workers' standpoint in that the clerks are not yet organized. But the Bon Marché management recognizes the right of the clerks to organize, and it is up to the clerks now to do their part.

Acting Chairman COMMONS. Is that true in the case of the traction company?

Mr. AULT. The traction company is still unfair to organized labor. They will not allow any of their men to organize under any circumstances.

Acting Chairman COMMONS. Then, apparently it has been successful in one instance and not successful in the other?

Mr. AULT. Yes.

Acting Chairman COMMONS. You mentioned three instances. What was the third? I have forgotten. Practically it is an equal balance, then?

Mr. AULT. It is about an even break. There has been constant progress in the securing of enactments—agreements in this State—without the recourse to either the strike or the boycott.

Acting Chairman COMMONS. Do the unions of this locality consider it an essential thing to obtain the right to quit work in case a nonunion man is employed?

Mr. AULT. So far as my knowledge goes all of the unions affiliated with the American Federation of Labor do not require the closed-shop conditions. The larger number do, I believe, and in this city the general sentiment is that the workers should have the right to quit work—that is, the organized worker should quit unless all of the men are organized.

Acting Chairman COMMONS. Do you call that the closed shop?

Mr. AULT. We call it the union shop. It is not the closed shop, because every worker is open to become a member of organized labor. We make no discrimination.

Acting Chairman COMMONS. Have there been strikes here—quitting work on account of the employment of nonunion men in the establishment?

Mr. AULT. I do not remember of any specific instance.

Acting Chairman COMMONS. You do not know that they have gone out in a case of that kind?

Mr. AULT. No; I do not know of any specific instance.

Acting Chairman COMMONS. Or that they have threatened the employers with a strike if they kept nonunion men?

Mr. AULT. Well, I do not know of any specific instance of that. I do not know that it has been necessary.

Acting Chairman COMMONS. But they all consider that is essential?

Mr. AULT. We consider that that is essential. I believe that is the general sentiment of the labor movement of this city. We consider it essential that, in case we have our work with a firm, that our members only should be employed.

Acting Chairman COMMONS. Well, do you consider, then, that the employer has the right to refuse to employ union men?

Mr. AULT. Yes; if he can get along without them.

Acting Chairman COMMONS. Would you call that a blacklist?

Mr. AULT. You mean the employer refusing to hire union men?

Acting Chairman COMMONS. Yes.

Mr. AULT. No; not where it is done by an individual employer against an entire body of men. But where an association of employers will keep a list of certain agitators discriminating against certain individuals then I consider that a blacklist.

Commissioner O'CONNELL. If the employer would use that as a reason why he would not employ them, because a man did belong to the union?

Mr. AULT. Yes.

Commissioner O'CONNELL. Specifically state that; would you consider that a blacklist?

Mr. AULT. We would consider that a blacklist.

Commissioner O'CONNELL. Where he communicated to other parties that he had done that?

Mr. AULT. Really that is what in my opinion constitutes a blacklist, where he communicates to other parties. A man can not get very far in blacklisting on his own account. I realize that in a great many industries it is not easy to build up a working force that is wholly satisfactory to the employer, and that he will discriminate against some men because he does not like them,

because he can not work with them. That will be done under almost any conditions. But where he communicates with corporations and with some other employer, that is an attempt to prevent that man from securing work at all—that, I consider, is a blacklist.

Acting Chairman COMMONS. That is what you would have legislation prohibit?

Mr. AULT. Yes; I think that would be desirable for the legislature to prohibit it.

Acting Chairman COMMONS. If the legislature should prohibit that, should it not also prohibit boycotting and sympathetic strikes—prohibit the unions from quitting work where the employer had nonunion men?

Mr. AULT. I would like to make a statement. I consider the best method of arriving at all of these conclusions is through the organization of the workers determining their own condition. I have not a great deal of faith in legislative enactments. My impression is that ordinary labor legislation is entirely unenforced unless there is an effective trades-union or some sort of union organization to back it up and see that it is enforced.

Acting Chairman COMMONS. Then, according to that you would permit the employers to blacklist by law?

Mr. AULT. I do not know of any particular advantage it would be to prevent them from blacklisting by law. I do not know that they could be enforced.

Acting Chairman COMMONS. How would you enforce a law, then, that would require you to engage in collective bargaining?

Mr. AULT. By withdrawing all protection in case of strike. In case of a strike of any kind, let the workers and employers fight it out. If they are unwilling to consider the right of the men to organize, let them rely on their own resources to prevent them organizing. The use of the police power—of course, our entire Government system is built up on the theory that the protection of property is the supreme thing.

Acting Chairman COMMONS. Well, if you took away the protection of the police power, would you permit them to have their own private guards?

Mr. AULT. No; they should not be allowed any protection.

Acting Chairman COMMONS. Provided they did not have their guards deputized as sheriffs, you think they should protect themselves in self-defense; would you prohibit that?

Mr. AULT. I would prohibit that. If they are so unreasonable as to refuse to bargain collectively, they should not have any protection from the State.

Acting Chairman COMMONS. The printers' union have a rule, I understand, requiring that matrices shall not be exchanged among printing offices? Or, that when type is set up in one office it can not be used by another office for the same work, but that it has to be set over again if it is taken up by another office.

Mr. AULT. I am not certain that I can answer that question.

Acting Chairman COMMONS. You are a member of the printers' union?

Mr. AULT. I am a member of the printers' union.

Acting Chairman COMMONS. And you do not know whether there is such a rule in the union or not?

Mr. AULT. I know that the practice is to discourage switching matter.

Acting Chairman COMMONS. Do you have a copy of the agreement of the printers' union?

Mr. AULT. It can be procured; yes, sir. I haven't got a copy, but I can get one. I am in this position: A job printer by trade and I am not as familiar with the newspaper scale as I should be.

Acting Chairman COMMONS. In the job business would not the same thing hold?

Mr. AULT. We are not allowed, under our agreement, to transfer matter from one job-printing office to another job-printing office.

Acting Chairman COMMONS. That is, you have this rule in job offices?

Mr. AULT. Yes, sir.

Acting Chairman COMMONS. Is that true as applied to newspaper offices?

Mr. AULT. Yes.

Acting Chairman COMMONS. Well, suppose an employer refuses to make an agreement with you in which you have that sort of a demand, would you have the Government then take away his defense?

Mr. AULT. Well, as far as the printers are concerned, they have been able to handle their situation very efficiently without any Government interference one way or the other. We have fairly good conditions with them, and we have

fairly good relations with our employers. We have not had any trouble over this particular provision that I know of in any instance.

Acting Chairman COMMONS. So that that would be generally true if the right to organize was legalized?

Mr. AULT. I think so.

Commissioner O'CONNELL. There would not be any necessity for any other laws at all?

Mr. AULT. The reason I proposed this manner of action was that the right to organize might be enforced. It was a suggestion as to the manner in which the right to organize might be enforced. I believe everybody agrees we have a right to organize.

Acting Chairman COMMONS. Do you consider you have a right to organize?

Mr. AULT. Yes; I believe we have the right to organize.

Acting Chairman COMMONS. What is the main point, then, which prevents you from making that effective?

Mr. AULT. Why, just as——

Acting Chairman COMMONS. Isn't it simply what you stated at the beginning, that the employer refuses to hire a union man, blacklists the union man, that is the only reason why your right to organize is not effective?

Mr. AULT. Yes; that probably is the real reason. As I say, I do not know of any way of enforcing the right to organize. It is not a right, really, unless we can enforce it.

Acting Chairman COMMONS. Then you can not enforce the right to organize except by taking away the right from the employer to hire nonunion men, or to discharge union men; that is the only way you can make the right effective?

Mr. AULT. That is the only way I know of.

Acting Chairman COMMONS. So that, then, you would have the Government require employers to hire union men?

Mr. AULT. Well, that is a hard question. I think that it is a reasonable proposition that employers should be required to hire union men, but I realize also that it is not likely that that will ever be a Government enactment.

Acting Chairman COMMONS. If you should enforce it, it would take away all the rights that the union has to boycott, the sympathetic strike, and sympathetic boycott?

Mr. AULT. I do not believe sympathetic boycotts would be necessary if we had an effective and thorough organization. The sympathetic boycotts are used almost always in the interests of unions which are numerically weak—I mean in relation to the industry.

Acting Chairman COMMONS. And they are numerically weak because the employer will not hire union men?

Mr. AULT. Yes.

Acting Chairman COMMONS. So you get back to the proposition, Mr. Ault, you can not give them strength unless you take away from the employer his right to hire nonunion men?

Commissioner LENNON. Mr. Ault, would you be willing to concede exactly the same rights of organization to the employers as you demand for your workingmen?

Mr. AULT. Yes. I do not see any objection to the employers organizing. I think that perhaps it would be advantageous in developing a system of collective bargaining that the employers should be thoroughly organized.

Mr. THOMPSON. I would like to ask you a few questions here, Mr. Ault. Do you know of any crime which men have committed in the past, or in our present system in this country—of any crime which is on our statute books which takes away from the criminal the protection not only of his life but of his property?

Commissioner O'CONNELL. I did not get that.

Mr. THOMPSON. The question I asked was this: Does he know of any laws in this country, any criminal laws, which describe what crime is, from murder up or down, which take away from the criminal the protection for his life and protection for his property.

Mr. AULT. I can cite the instance of the employers who refused to come under the industrial insurance act in this State, the protection of their property is taken away from them.

Mr. THOMPSON. No.

Mr. AULT. Some protection, perhaps not all, but some protection is taken away from them.

Mr. THOMPSON. No. I would say, perhaps, being a lawyer I can possibly put you right on that.

Mr. AULT. Yes.

Mr. THOMPSON. A number of the old rules of the common law are changed, the master and servant law and perhaps the assumption of risk, which are only parts of the law——

Mr. AULT. Yes.

Mr. THOMPSON. But the man has a right to have his property protected in case of riot, in case of anybody seeking to blow it up, in case of a man seeking to burn it; not only that, but he can not be enforced to pay any money in case persons are injured without trial in court.

Mr. AULT. That is true.

Mr. THOMPSON. Without trial in court by jury of his peers. But I know of no case in this country, or know of no case anywhere, where Anglo-Saxon jurisprudence reigns, in Canada, Australia, New Zealand, South Africa, England, in the last 500 years where a criminal has been deprived either of his right to life or his rights to property without what is called due process of law.

Mr. AULT. Well, Mr. Thompson——

Mr. THOMPSON. It used to be in the early days when a man, for instance, was declared, by act of Parliament, an outlaw—500 years ago—then anybody who met him on the street could take his life, or steal his property, or anything else.

Mr. AULT. If a burglar enters my house I can shoot him, too.

Mr. THOMPSON. If he enters your house?

Mr. AULT. Yes. I think that this—I can conceive of a condition, not being a lawyer I can't work out the technical details, but I can conceive of a condition where some of the safeguards that exist now for employers should be withdrawn in case they refuse to allow their employees to organize. Now, I do not make that as a sweeping statement, but I make that as a suggestion that might be considered by the commission as a method of enforcing the right to organize.

Mr. THOMPSON. Now, more specifically, what would you recommend? Do you think it would help the progress of society industrially if we should take away the protection of property of anybody, which would mean that we would permit people to burn and destroy wantonly; do you think that such a condition, such a law, would make for progress among men?

Mr. AULT. I think that is assuming that some of them want to burn and destroy.

Mr. THOMPSON. Giving them the privilege, the property would become outlaw property.

Mr. AULT. I do not think the assumption is a fair assumption.

Mr. THOMPSON. It is very pertinently said, why take away the protection of either unless we take away all that protection that is supposed to have some influence upon the employer. What would he fear? What would a man fear, have a right to fear, from the common knowledge of the history of men, in such a case?

Mr. AULT. For instance, in the street car——

Mr. THOMPSON. In other words, do you intend to use coercion on the employer to take away the protection?

Mr. AULT. For instance, in case of the street car company, which I have in mind, the present government in case of a strike will use the police power to enforce the laws on the running of the street cars in the streets. Now, I can conceive of a condition whereby those street cars will not be allowed to run through legal process because of the employer refusing to deal with his men in collective bargaining.

Mr. THOMPSON. What would you say about the street cars themselves, if they were housed in a barn with other property?

Mr. AULT. That is a line of demarcation that could be drawn.

Mr. THOMPSON. Then you would change it, then, to this, that you would have a law by which the Government would refuse to assist in carrying on the business?

Mr. AULT. That is the idea. That is the thing I had in mind.

Mr. THOMPSON. That is what now exists in the Colorado coal fields with the United States troops.

Mr. AULT. To a certain extent.

Mr. THOMPSON. When you say you have no confidence in law, in its enforcement, from your experience in this State with laws and your labor bureau, and from Commissioner Olson's work here, do you feel that the enforcement of laws is always curtailed and crippled?

Mr. AULT. I believe that Commissioner Olson does everything, and his assistants do everything they can to enforce the law. On the other hand they have nothing to work with, no appropriation, no funds, and they can not enforce the law. The prosecuting officials in the various counties who are charged with the enforcement of the law refuse to enforce the law, refuse to take any steps toward the enforcement of the law. That is what I mean. The women's eight-hour law is constantly violated throughout this State, in innumerable instances almost, because of the refusal of the prosecuting officers, because of the refusal of the women themselves to testify because of the fear of discharge. There is no method has yet been devised whereby workers will be protected in their right to avail themselves of any labor legislation except they are organized into some effective trades-unions.

Mr. THOMPSON. As I understood it, if I understood it correctly, your attitude was against laws being efficacious and helpful to the worker. Now, I would like to ask whether you or your association, the Central Labor Union, sought to have the eight-hour law passed?

Mr. AULT. Yes. If I was understood that way, I was understood wrong. I do not want it to be inferred that the law—that laws can not be depended on. They are of advantage. They are of advantage in the establishing of conditions of public opinion at a given time; in establishing a condition, the condition of public opinion. Now, if we pass an eight-hour law, which we are endeavoring to do, that will be an assertion that the public of the State of Washington believes that eight hours is long enough for any man, woman, or child to work. But that law can not be enforced unless we have an organization to see that it is enforced in its detail.

Mr. THOMPSON. Well, as far as Commissioner Olson has funds, so far as he has investigators employed, have they been able to enforce the law in any degree?

Mr. AULT. Yes. The law has been of advantage in that it has been enforced in some degree.

Mr. THOMPSON. Wouldn't your attitude on that proposition be rather not opposition to laws, but the request for more laws, so that actual provision will be made for the enforcement of such laws as the eight-hour law?

Mr. AULT. I want this thoroughly understood. My attitude is not opposition to the laws or to law. My attitude is that the workers can not and should not depend upon the law solely.

Mr. THOMPSON. In regard to the number of union men in this State, are there any sources of information that are at your disposal by which you could ascertain the number of men?

Mr. AULT. I think that can be ascertained within one or two thousand.

Mr. THOMPSON. In regard to the figures you have given, 15,000 men in Seattle and 15,000 railway men, are those estimates from just glancing over the field generally or have you some basis of fact on which to base them?

Mr. AULT. We have the basis of the per capita tax paid by the individual members. It can be determined within, as I say, within one or two thousand at the very outside.

Mr. THOMPSON. To what extent do you believe in carrying out the principle of the boycott, that is, would you limit it to the action of the unions themselves, allied together, organized people, or would you seek to impose the boycott on nonunion people, and how would you seek to do that?

Mr. AULT. The principle effect of a boycott is the education of the—well, the boycott, if it is effective at all, must be used in every way possible. I believe in getting the assistance of all classes who are sympathetic with the issue involved. The main method of enforcing the boycott that I have ever known is the publication of the facts in relation to the controversy involved, and the public has determined its purchasing in accordance with the facts as shown.

Mr. THOMPSON. Will you be in favor of any form of coercion to compel third parties, not union people, but the public generally, to help in the boycott?

Mr. AULT. Do you mean legal coercion, or any form?

Mr. THOMPSON. Coercion by the people who carry on the boycott, by the union people or others who may carry it on.

Mr. AULT. I see no reasonable objection to my refusing to purchase from a man whom I know is supporting practically a firm which is at war with some of my fellow unionists, if that is what you mean.

Mr. THOMPSON. How far would you carry that; would you have the plumber refuse to repair the plumbing in the house of a man who bought goods that were unfair?

Mr. AULT. That is something of a ridiculous question because of its impossibility, the impossibility of carrying a boycott to that extent.

Personally, if you want my personal view on it, I should say yes, but it is not possible.

Mr. THOMPSON. Then, as far as you are concerned, if that could be done you believe in doing it?

Mr. AULT. Yes, sir.

Mr. THOMPSON. And that would be what you would advocate as a plan of action by the union?

Mr. AULT. That is probably substantially what I am trying to educate the organized workers into doing—is to use all of the legal weapons that they have to secure better conditions.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. I just want to ask a question. We seem to have gotten into a legal proposition here in this boycott. Is it not a fact that every human being is constantly boycotting every opportunity? We differentiate between where we will eat dinner. Is that not in itself a boycott against the place where we do not eat?

Mr. AULT. I consider it such.

Commissioner O'CONNELL. If we go to buy a suit of clothes we differentiate between the places we buy. We may go to a dozen different places. We may tell our friends that the place we were in didn't suit us at all and that we found the best place and the cheapest place in some other place, and isn't that a boycott?

Mr. AULT. That is as much a boycott as I know of.

Commissioner O'CONNELL. If our esteemed friend, the counsel, wouldn't choose to go to dinner with another counsel for some reason or other, would it not be evidence of some sort of boycott in his own mind?

Mr. AULT. I should think so. A discrimination certainly.

Commissioner O'CONNELL. So that in every step, however innocent, we are innocently boycotting somebody?

Mr. AULT. That would be my opinion; certainly.

Commissioner O'CONNELL. Now this question of blacklisting. I think counsel probably got your impression wrong, your nonbelief, in law. The same rights—you would be willing to grant to the employer the same protection under the law that you ask for yourself, but you want the law equally and fairly administered?

Mr. AULT. That is the position exactly. The law—the enforcement of the law—has been in the hands of the opponents of labor.

Commissioner O'CONNELL. And you want the laws that are on our statute books enforced, not laws that are made by some individual person?

Mr. AULT. That is it exactly.

Commissioner O'CONNELL. At his will and behest, and you want the wage-workers to have the protection under the law that the other person has under the law, the employer or wealthy person under the law?

Mr. AULT. Yes, sir; exactly.

Commissioner O'CONNELL. You want the law so that you can get quick action under the law because you are a poor man as the rich man gets under the law?

Mr. AULT. Certainly.

Commissioner O'CONNELL. In other words, you don't want the law, because of your inability to carry your case from court to court, that the very law itself under the action of the law will simply make it impossible for you to get justice because of your inability to carry it through. You want the courts so arranged that the law can be speedily carried out. After all that is what you have in mind with regard to the question of law. You have no opposition to law, and organized labor, as you understand it, has no opposition to law?

Mr. AULT. Certainly not.

Commissioner O'CONNELL. But organized labor has found it necessary to band themselves together for the purpose of seeing that the laws when they are enacted are enforced?

Mr. AULT. Yes, sir.

Commissioner O'CONNELL. All the laws that have been enacted for the alleviation of the working people, as well as of laboring conditions and covering the employment of children and women and the conditions of employment and safety appliances and all of that, if it were not for organized labor these laws would be a dead letter on the statute books?

Mr. AULT. If it were not for organized labor these laws would not exist, in my estimation.

Commissioner O'CONNELL. Well, but after they do exist?

Mr. AULT. They would all be dead letters, certainly.

Acting Chairman COMMONS. That is all, Mr. Ault. Call your next witness.

Mr. THOMPSON. Mr. Brown.

TESTIMONY OF MR. J. G. BROWN.

Mr. THOMPSON. Mr. Brown, will you please give us your name?

Mr. BROWN. J. G. Brown.

Mr. THOMPSON. Your business address?

Mr. BROWN. 202 Maynard Building.

Mr. THOMPSON. And your position?

Mr. BROWN. President of the International Union of Timber Workers.

Acting Chairman COMMONS. Mr. Brown, could you speak a little louder? We find it difficult to hear what you say.

Mr. THOMPSON. Now state again your position.

Mr. BROWN. President of the International Union of Timber Workers.

Mr. THOMPSON. What workmen does that organization embrace?

Mr. BROWN. It embraces all men employed in and around sawmills, logging camps, shingle mills, and all other woodworking industries and woodworking factories and plants.

Mr. THOMPSON. Well, sash and door mills?

Mr. BROWN. Well, not particularly—where it don't infringe on other organizations.

Mr. THOMPSON. What other organizations?

Mr. BROWN. Well, the carpenters' union takes in some of the men working in sash and door factories. The glaziers, for instance, take in the glaziers.

Mr. THOMPSON. You don't——

Mr. BROWN. We don't extend over that. There isn't any organization but what finds a time when it possibly overlaps onto some other one.

Mr. THOMPSON. How old an organization is yours?

Mr. BROWN. Well, as an international union of timber workers it is only about 2 years old, but it is the outgrowth of the old International Union of Shingle Weavers which was organized about 10 or 11 years ago.

Mr. THOMPSON. Are these unions, or were the old ones, or is the present one affiliated with any labor body?

Mr. BROWN. Yes; they were both affiliated with the American Federation of Labor and the various State bodies of the American Federation of Labor.

Mr. THOMPSON. Where is the principal membership of your organization?

Mr. BROWN. Here on Puget Sound; and I think perhaps in Everett we have the largest membership of any one locality.

Mr. THOMPSON. About how many members have you, if you care to state, in your organization?

Mr. BROWN. I think about 8,000.

Mr. THOMPSON. And that is the country over?

Mr. BROWN. Yes; but the most of them are here on Puget Sound.

Mr. THOMPSON. Have you got a constitution and by-laws printed?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. Would you be willing to furnish the commission with a copy?

Mr. BROWN. Be glad to.

Mr. THOMPSON. We will be pleased to have you.

Mr. BROWN. I haven't got one with me. I can get one.

Mr. THOMPSON. You can send one to the commission. What is the general purpose and object or objects of your association?

Mr. BROWN. Well, to improve the conditions of the men, promote fraternal relations, and shorten the hours of labor and increase wages and remuneration.

Mr. THOMPSON. Well, it is the same as that of all the other unions affiliated with the American Federation of Labor, is that right?

Mr. BROWN. Exactly.

Mr. THOMPSON. How long have you been connected with this organization?

Mr. BROWN. Since it first started, about—we had a few local unions that were affiliated directly with the American Federation of Labor, and those local unions having a sufficient number to justify it, were brought together by delegate repre-

sentatives, and they organised the international union. I think it is about 14 years ago since the union that I was particularly connected with was organized.

Mr. THOMPSON. Well, from your experience in this line of industry with your organization, what have you got to say as to the general conditions in that industry, conditions of the workingmen?

Mr. BROWN. I believe the conditions in the lumber industry are the worst they are in any industry in America.

Mr. THOMPSON. Now, Mr. Brown, will you please tell us your reasons for making that statement?

Mr. BROWN. Well, the wages are the lowest, the hours are as long, the conditions are as bad under which men have to work as that of any other industry generally, or worse, in America, I think.

Mr. THOMPSON. Well, would you care, Mr. Brown, to go more into specific detail in that regard? What are the wages, what are the hours in the different branches of your trade?

Mr. BROWN. I have here a reproduction of a cut taken from the American Lumberman. It is published in Chicago and, I think, the recognized, one of the recognized, authorities of the lumber industry—that is, the employers. In the issue of May 30, I think this year, showing the attractiveness of the lumber industry for investors, they produce figures presumably taken, alleged to be taken, from the census of 1910, in which they show the number of men employed in the lumber industry and the amount of wages paid them.

That cut is supposed to represent the number of men employed [indicating]. The next is the steel industry, which is about, I should judge, one-fifth less. These bags down here [indicating] are supposed to represent the wages and, because of the fact that there are a fifth more men employed in the lumber industry, you see there is about a fifth less wages gotten. The value of the products, according to the same authority, is represented as somewheres near the sum of about fifty or sixty million dollars more for the steel products. I should say, if that is correct, that the conditions must be worse in the lumber industry than they are in the steel industry, so far as the wages are concerned, so far as the amount of that proportion of the products going to the worker.

Mr. THOMPSON. Would you be willing to file that with the commission?

Mr. BROWN. Yes, sir.

(The paper so presented was marked "Document Serial No. 430, August 12, 1914, Witness Brown."

The paper referred to, an illustration, was submitted in printed form.)

Mr. THOMPSON. Well, could you give us some definite information or details with reference to the situation here in Washington?

Mr. BROWN. Yes, sir. Here in Washington, in the logging camps, I think the men are imposed on perhaps more than in any other branch of the industry. The industry in a general way has three departments. They might be classified as the shingle department and the lumber mill department and the logging camp department, where they get out the logs out of the woods. In the sawmill department, of course, come other branches and subdivisions, like planing mills, box factories, and tank factories, and that sort of thing. I think the shingle mill department is the best organized. There the highest percentage of skill is required. I should imagine there is 90 per cent of the men employed in that branch of the industry who are organized. Their hours of labor, however, are the same as those in the other branches—that is, in the sawmill department—that is, 10 hours a day. The wages are a great deal better. The lowest wages for any of the hazardous occupations in the shingle department are $3.50 a day; that is union wages. The nonhazardous occupation in the shingle mill pays a somewhat less wage. I don't think there is anyone works in the shingle department that does not get as high as $2.50 a day.

In the sawmills the wages are miserably low. The conditions of employment are not good. The men are victimized by employment-office men to the very last degree, I think. I know one, as an illustration, I know of one sawmill on Grays Harbor—the Grays Harbor country—where they used to have a standing order with employment offices in Portland and in Tacoma and in Seattle for men. I don't know whether there was any collusion between the employers and any of the foremen of the company or not, but I know there was always a place found for these men. They went down there in any quantities it was possible for the employment-office man to secure. Naturally, after they got down there a place had to be made for them if it did not already exist. The upshot of that was that men worked a very short time sometimes,

because of the bad conditions. They got small wages. They had to pay hospital dues, paid their board, and other things of that sort. Frequently the other mills of Grays Harbor, where conditions were a little better, used to rely upon the floaters that drifted away from this plant to recruit their labor from. I think the common laborer in this particular plant was getting about $26 a month and board. Now, if they happen to be married men they were allowed $10 a month in place of their board. If they wanted to stay at home, they were allowed $10 a month. If, however, they laid off one or two days they were charged board at the rate of $20 a month. That board amounted to $10 a month if you didn't take it, and $20 a month if you did. The frequent changing of men always required the payment of a month's hospital dues. The men might work in two or three of those mills during the same month and have to pay hospital dues in each one of them.

Some mills have a practice if men work four days, some only one day, some five days, they pay their monthly hospital dues, which run from 50 cents to $1, most of them $1 a month. These men were usually advanced their fare when they went down to this plant by the employment agent. He would take their baggage as security that this money would be paid back that was advanced—their fee and their fare. When they got down there they worked out their board as they went along, their hospital dues, and their employment-agency fee, and their fare down there, and then they got a chance to change their clothes. I hold in my hand some time statements from a mill down in Centralia, a sawmill.

Mr. THOMPSON. Would you mind reading those, if you care to?

Mr. BROWN. Yes; I would just as soon. This is the Eastern Railway & Lumber Co., Centralia, Wash., 730——

Acting Chairman COMMONS. Mr. Brown, will you turn them in as exhibits?

Mr. BROWN. Yes, sir.

Acting Chairman COMMONS. Will you kindly let the reporter number them for identification?

(See Brown exhibit.)

Commissioner LENNON. Before leaving the subject of sawmills tell us the wages paid to the different men that work in the different sawmills.

Mr. BROWN. Yes; I am just getting at that.

Commissioner LENNON. All right.

Mr. BROWN. These are common wages—wages for common laborers. Here is the one I started on: Eastern Railway & Lumber Co. pay-roll statement: Name, A. Kesler; worked 45 hours; wages, $1.50, less 10 per cent.

Commissioner O'CONNELL. For 45 hours?

Mr. BROWN. What?

Commissioner O'CONNELL. For 45 hours?

Mr. BROWN. Well, he got at the rate of $1.50 a day; that means a 10-hour day. That means four days and a half. He got $1.50 a day less 10 per cent.

Commissioner O'CONNELL. What was that?

Mr. BROWN. Well, that would be 15 cents off from $1.50.

Commissioner O'CONNELL. No; but why?

Mr. BROWN. Well, I don't know why. They have that marked this way. There is his wages stated on the slip. Then down here at the bottom it says: "Less 10 per cent," and that 10 per cent is subtracted.

Commissioner LENNON. What rule causes all that?

Commissioner O'CONNELL. What is it for, do you know, Mr. Brown?

Mr. BROWN. Well, I think it is cheaper labor.

Commissioner GARRETSON. Who gets the 10 per cent, the employer?

Mr. BROWN. The man who owns the mill; the employer; yes.

Commissioner GARRETSON. He declares a dividend on wages?

Mr. BROWN. Yes. That is all it says. Instead of stating the wages at $1.35, which would be the same, they give him $1.50 a day and then subtract 10 per cent. That makes his wages $1.35.

Commissioner O'CONNELL. That is frenzied financiering.

Mr. BROWN. Then here is another one where a man worked; this man has six children. This man's name is——

Commissioner O'CONNELL. Mr. Brown, before you get away from that there, is there any method whereby we can get what that means? Is there some one subpœnaed here from the lumber interests who would know anything about why that is—that reduction, I mean, of 10 per cent?

Mr. BROWN. I suppose there is nobody here.

Commissioner O'CONNELL. Any of the employment agencies?

Mr. THOMPSON. Where is that mill?

Mr. BROWN. Centralia.

Commissioner GARRETSON. The name of the corporation.

Mr. BROWN. Eastern Railway & Lumber Co. I have just been down there. These boys went on a strike here a few days ago, and that is how the matter was brought to my attention, and I got hold of these statements at that time. Now, on the 1st of May their wages was reduced; they were told that the wages would be reduced 10 per cent, and they took this form of carrying it out.

Commissioner O'CONNELL. Then they gave notice of reduction of wages, and then when they went to pay off they made the reduction from what they had formerly agreed to pay?

Mr. BROWN. Yes.

Commissioner O'CONNELL. Is that the idea?

Mr. BROWN. No; no. They agreed to pay this; they had been paying them—from last year I think the average wages here were about $2.25. On the 8th of September they cut the wages from 25 cents to $1 a day, according to the different class of men. Then on May 1 they notified them that times were so hard that they would have to cut wages again 10 per cent, and it seems their statements are according to the rate that was paid after the first cut last September, less 10 per cent. I don't know why that is. That is rather new to me, but that is the way it works out. Here is a man who worked 244 hours at a rate of $1.75 a day. From that is deducted 10 per cent and $1 for hospital dues. At the same time that this company reduced the pay last September they raised the price of wood that they sell to their employees and to others 25 cents a load. Those are samples of the others. None of them run above $1.75 less 10 per cent; that was the wages paid, I think, for common labor in that mill.

Commissioner LENNON. They are all from the same mill?

Mr. BROWN. Yes; they are all from the same mill; these are.

Mr. THOMPSON. Mr. Brown, are these conditions which you speak of in connection with that mill typical of the conditions in this vicinity in all mills?

Mr. BROWN. I think they are. I don't think there are any places where they are any worse than the two I have cited. I don't know of any, and there are some where they are better. Take at Everett, for instance, where the men are to some extent, perhaps 50 per cent, organized, and the wages for common labor about $2.50 a day. There has been no effort to cut the wages of those men in any department. But in this place, Centralia, there has been a very backward movement. The employers resist the attempt to organize. Most of these men have come out there from Missouri, men who have lived in agricultural communities, and it seems as though they take advantage of their nonresistance or timidity or something and cut them down until they have them down to a margin as low as a dollar and thirty-five cents a day. The per cent of skilled men in sawmills is very small. In a sawmill employing 100 men the only skilled men would be the engineer, the filer, the head sawyer, the edger man, and perhaps a head planer. That is about all the really skilled men that would be required around a sawmill.

Commissioner LENNON. What do those skilled men get?

Mr. BROWN. Well, there is no fixed scale of wages. Band-saw filers get as high as $12 to $14 a day. They get as low as $5, depending on the size of the mill and the amount of work required.

Mr. THOMPSON. Referring to the statement again, Mr. Brown, that you read off. Are those conditions typical in Buckley?

Mr. BROWN. Well, there are no sawmills in Buckley now that I know of.

Mr. THOMPSON. Well, I mean of labor in use in Buckley.

Mr. BROWN. Well, there is no sawmill at Buckley that I know of now, or shingle mill, either.

Mr. THOMPSON. How about Cosmopolis?

Mr. BROWN. Yes, sir; that is one of the mills I was speaking of. That was the first one I mentioned.

Mr. THOMPSON. That includes the Gray Harbor country?

Mr. BROWN. Cosmopolis is one of the towns that makes up what is called the Gray Harbor country.

Mr. THOMPSON. How about Aberdeen?

Mr. BROWN. At Aberdeen the conditions of employment are a little better. I think wages are as low as a dollar and seventy-five cents a day. They haven't the mess-house feature; that is, where they board all the men as they do in Cosmopolis. They pay them so much a day and let them board where they like.

Mr. THOMPSON. You can go ahead, Mr. Brown.

Mr. BROWN. In the logging camps the wages are a little better, because there is a higher per cent of skill required than there is in the sawmills. However, for common labor I don't think the wages are very much higher, perhaps 25 cents a day higher, than they are in the sawmills. One of the biggest logging camps on Grays Harbor pays $2 a day for common labor. They charge $5.25 a week for board at that mill, and deduct the hospital dues from each month or a fraction of a month that the man works there. The worst thing I find that the men in the logging camps have to contend with is the bad conditions. There is one logging camp on Grays Harbor where they have a bunk house with room in the bunk house for about 50 persons. Those men sleep in wooden bunks; those bunks are double tiers running clear around the building. Those bunk houses have only one window in one end of them. A man would have to light a lamp to read in the middle of the day. They have a big stove in the center of that, and the only other comfort is a bench that runs around on a level with the lower bunk. A man can sit on those benches, or perhaps have a box or something of that sort to sit on if they want to sit around the table and play cards or something of that character. They have stoves, and in the periods of the year when it is raining the stoves are hung all about with wet clothing. That is their only method that these loggers and woodmen have of drying their clothes. The men naturally in the bunks have to inhale the steam that comes off of these drying clothes. In the wintertime or fall of the year the men keep the door open in order that they can be more comfortable from the heat of the stoves. When the fire dies out that makes a sudden change in the temperature. They are victims of colds and other diseases that come from that—rheumatism and the like of that. They work these men in the fall and winter all of the daylight there is. In the summer time they work them about 12 hours a day. The start out from the bunk house at 6 o'clock, presumably; frequently it is 20 minutes to 6. They walk anywhere from 30 rods to a mile and a half to their work. They reach their work and leave at 6 o'clock at night and have to go that distance back home on their own time. They theoretically walk one way on the company's time and the other way on their own time. It frequently happens that what is theoretically 10 hours is stretched into a 12-hour day, sometimes even longer than that. Those long hours of employment, the uncertainty of it, and the bad conditions under which they live are the main complaints that the loggers have. They resent very bitterly this compulsory payment of hospital fees. But speaking further about the insanitary conditions: It usually happens that 25 or 30 feet from the bunk house is the cookhouse, and the cookhouses usually have a habit of throwing all their garbage and empty cans and everything right out of the window. In the hot time of the summer that not only makes a bad odor but attracts swarms of flies, and presumably the idea is they convey disease to a greater or less extent. Of course, the work in the logging camps is in the open and healthful, and that, perhaps, is one reason why they are not the victims of diseases that they otherwise would be.

The shingle weavers tried for a long while to get out of the payment of these hospital dues. I remember I was in Willapa Harbor, and the shingle weavers took that matter up with the employers and asked them to let the union provide for their own members. They explained at that time as a reason why they could not do that that the casualty insurance company with whom they then insured—that was before the passage of the workmen's compensation law in this State—required that every mill guarantee first-aid treatment to all their employees. The only way they were in position to guarantee that was by seeing that every one of their employees carried this hospital insurance, and in order to make certain of that they attended to it themselves.

Commissioner O'CONNELL. Are they still continuing the hospital insurance?

Mr. BROWN. Yes, sir. We haven't taken the matter up. I don't know what the excuse is now, but that was the reason then. The members of organized labor, the direct legislation league, and others introduced a first-aid bill in the last legislature. The provisions of that bill were that the employer and employee should each stand half of the cost of that first aid. The employers were very bitterly opposed to it, and it failed to pass. Now we have a first-aid law among these initiative measures that we are trying to get submitted to the voters of this State this fall. That measure will require the employer to pay the whole of the first-aid insurance cost.

Mr. THOMPSON. How are the conditions at these camps with reference to the kind of food supplied and toilet arrangements?

Mr. BROWN. Well, they don't usually have much of any toilet arrangements. They turn the man loose and let him choose any part of the property he wants that is not otherwise occupied.

Mr. THOMPSON. How about the food?

Mr. BROWN. Well, the food generally is fair. The food is fairly good; it is of a substantial nature; it is good, nutritious food. Usually fair in quality and quantity.

Commissioner O'CONNELL. Follow up, Mr. Thompson, the bunking facilities and beds. What about that?

Mr. BROWN. There has been an improvement in some of those bunks. Now, most of the places in Grays Harbor they have iron beds with springs, a cheap quality of mattress. The men have to carry their own bedding; they carry it around with them from place to place. They rent these bunks to the men, and charge them 25 cents a month for the use of these bunks in the bunk house.

Commissioner GARRETSON. For what period?

Mr. BROWN. Each month.

Commissioner GARRETSON. Each month?

Mr. BROWN. Yes, sir; 25 cents each month.

Commissioner O'CONNELL. Are there some of these bunk houses where they have no mattresses, and simply throw straw or hay in them?

Mr. BROWN. Yes, sir; some of them; and it used to be general. Some of them are just wooden affairs, wooden bottoms, and the wall constitutes one side, and they have a board nailed on the other side, and divisions between them. They just fill them with straw, and frequently the men choose to use boughs of the trees. The straw usually attracts too much vermin and things of that sort.

Commissioner O'CONNELL. Whose duty would it be to turn the straw over, or change it occasionally?

Mr. BROWN. I think that would be the logger's duty. Most of the camps even now have no caretaker. They are simply camps—there are some camps where conditions are good, but very few, very few.

Commissioner O'CONNELL. These camps have horses and mules in them, camped around?

Mr. BROWN. Yes, sir; they usually have.

Commissioner O'CONNELL. What is the condition comparatively between the horses and human beings, as to bunking arrangements?

Mr. BROWN. Well, the beds are always made for the horses, the other fellows have to make their own beds, if they are made. Usually these men are tired out, and have no chance to, or care or desire to improve their conditions. They just come in and sleep. Nearly all of these camps are infested with bedbugs, some of them have fleas, and some of them are lousy. One camp down on Grays Harbor—the men last summer went out and slept out doors out in the woods, rather than tolerate the conditions in the bunk house. They would take their bed and go out and sleep on the ground in the woods. They did that for quite a period of time to get rid of the bedbugs.

Mr. THOMPSON. Are there any strikes now in the lumber industry in this State?

Mr. BROWN. Well, there is a strike on down in Centralia where the men are working for the Eastern Railway & Lumber Co.

Mr. THOMPSON. What is the basis of the strike?

Mr. BROWN. They have asked a restoration of 10 per cent, the last cut in wages.

Mr. THOMPSON. How many men are involved in the strike?

Mr. BROWN. About a hundred and twenty-five.

Mr. THOMPSON. How long has it been on?

Mr. BROWN. Since the 2d or 3d of this month.

Mr. THOMPSON. Has there been any effort made to reach a settlement there?

Mr. BROWN. Yes, sir; the men went and organized at the time they went out on a strike. At the time this dissatisfaction arose they appointed from among their number a committee to go and see the foreman and tell him that they wanted a restoration of this 10 per cent last cut. That was on Saturday, I think, of August 1. They told him they would give him until August 3, that would be Monday, for an answer. On the 3d of August one of the members of the committee went to the foreman and asked him if he had his answer ready. The foreman appeared not to know what he was talking about, and he asked him, "What are you talking about?" He said, "About this 10 per cent increase in wages." "You fellows will get no increase in wages; you can go to hell, all of you."

So they quit, and after a day or two formed a union.

Mr. THOMPSON. Have there been any negotiations between the men since they have organized and the company, that you know of?

Mr. BROWN. The company expressed a willingness to see a committee, or desired to see a committee from among their members, and they selected five and they went down, and the company told them that the men could return to work if they wanted to and there would be no discrimination against them because of their membership in the union; but that there could be no increase in the wages because they were paying as much as they could afford to pay at that time. That company operates, I think, under as favorable conditions as any other in the State. They have their own logging camp, and thereby get whatever profit comes from handling the raw material; they are at a junction point where they have all kinds of railroad connections—there are five or six transcontinental lines that pass right through there—they have all the local trade there is in that part of the country; I think they are as favorably situated to pay good wages as any I know of, if a person would judge from observation.

Mr. THOMPSON. Have any of your officials had any dealings with the company?

Mr. BROWN. How is that?

Mr. THOMPSON. Have any of your officials had any dealings with this company with regard to the strike?

Mr. BROWN. Oh, I had some very brief dealings with them. I went down with the men, down on the picket line. The company said they were going to start up one morning, and they did start up. At noon the men thought they would go down on the picket line and see if they could induce any of the men to quit. As we went down there, perhaps 75 men, we approached the company's property, and I learned afterwards the owner and president of the company came out and said it must be understood we were not to trespass on the company's property. I asked them to define exactly where the company's property extended to, and he showed me, and we went out on the railroad track. He then started out to make a speech to the men, and warned them against following any labor leader because, for those who had done it, he said, it usually resulted in disaster, and I replied that the men did not have much to lose, because the men were only getting a dollar fifty-seven cents a day in the majority of cases taking his advice, and they could not lose very much by experimenting in some other direction. The men seemed to be pretty well satisfied, and we had a few words back and forth, not entirely of a complimentary nature. That is about the only time the company and any official of our organization have come in contact.

Mr. THOMPSON. Is there a general depression in the lumber industry in this section of the country?

Mr. BROWN. Yes, sir; I think there is.

Mr. THOMPSON. Do you think that would have anything to do with the reduction in wages?

Mr. BROWN. It hasn't had anything to do with the reduction of wages in the organized portion of it. The employers naturally avail themselves of the flooded labor market to reduce wages where they can. Last fall they reduced wages in the logging camps of Grays Harbor from $2.50 to $2 a day. This spring they raised the price of board in one camp particularly from 75 cents to 90 cents a day, and the men went on strike at that camp, and they went on strike at noon, I think, and the employers' association began sending men down to take their places the next morning "after making a full investigation of the affair."

Commissioner GARRETSON. Has there been any corresponding decrease in the price of the output in the lumber mills?

Mr. BROWN. No, sir; I don't think so. There has been perhaps some, but the prices haven't been very good, but I don't know that their market quotations are any less. I think in some particulars they are more this year than they were last. The demand, however, I think has been less.

Mr. THOMPSON. Has there been any introduction of the speeding-up process in the lumber and logging camps? Have men been offered bonuses to speed up and the work done this year been taken as a basis for the minimum wage the next year?

Mr. BROWN. I could not say generally as to that.

Mr. THOMPSON. Or has the amount of work done been made the minimum for the amount of work to be done the next season?

Mr. BROWN. Yes; I think that is the general practice of the employer, to take the highest work done by anyone as a standard toward which they endeavor to get all to come up to. Out here in the camps between here and Everett this spring I was told they started the men on the minimum-wage basis and offered them bonuses if they would get out a certain amount of logs, a certain number of feet of logs, as they were measured; and later on having shown that the men could do a considerable amount more than the minimum that had been established, they cut off the bonuses and then required as a condition of employment that the men should do what they had previously shown was possible for them to do when they were getting the bonus.

In the shingle mills the piecework system, I think, has been employed more than in any other place. The men have been able to preserve their relative wages, but it is none the less a very disagreeable thing for them. They introduced about 10 years ago into this country a new kind of shingle machine called an upright. When that machine was first introduced the men who first worked on it found it possible to cut about 20,000 a day after some little experience and some little practice. There have been a few improvements in the machine since then; men have become more proficient in their use, and they have been more generally introduced. There are some mills now that won't hire a man, however, that can't cut on an average 45,000 a day. That is more than twice what the first men were able to do after some experience.

Mr. THOMPSON. In your experience has the tariff, the raising of the tariff on shingles, had anything to do with the wages of the men?

Mr. BROWN. Well, I think perhaps it has this year, from the fact that there has been a lack of demand for the shingles. That is the situation here in this State, and naturally this limited market had to be divided with the shingles that come in from British Columbia. I don't think, as a general thing, as a general proposition, that the tariff cuts any figure. I don't think the wage cost or labor cost, as a general thing, is any less in British Columbia than it is in Washington.

Mr. THOMPSON. Would putting on the tariff, or an increasing of the tariff, increase the value of stumpage here and affect wages in that way?

Mr. BROWN. I could not say whether it increases the value of the stumpage or not. The stumpage rates are higher here than in British Columbia.

Mr. THOMPSON. What per cent of the men, if you know, use the hospital during the month?

Mr. BROWN. Well, I don't know. The shingle weavers very rarely use it. Most of the shingle weavers belong to different fraternal orders that provide insurance, and they prefer, since they have to pay it in both places, they prefer to take their services from the lodge that they belong to—the Eagles, and Elks, and Moose, and that sort of thing.

Mr. THOMPSON. Take the case of Centralia, where the men's wages were reduced 10 per cent. Was there any statement made to the men by the company that they would have to operate more cheaply on the labor proposition or shut down, and were the men given an opportunity to accept reduced wages and continue work or have the industry closed down? Do you know about that?

Mr. BROWN. They were notified last May—I think on the 29th of April each employee received a printed circular stating that the conditions in the lumber business at that plant had been so bad that the company could not longer operate at a profit or pay the wages they had been paying, and therefore the company was confronted with the alternative of either being compelled to reduce wages or close the plant, and they decided they would reduce the wages, and beginning the 1st of May the wages would be reduced 10 per cent. I don't think the men had any option on the matter at all, further than to accept the 10 per cent reduction or quit.

Mr. THOMPSON. With what field does this section here compete in the lumber market?

Mr. BROWN. How is that?

Mr. THOMPSON. What competition has the lumber market here?

Mr. BROWN. All of the mills in this part of the country are in one competitive field; the same market is open to all of them; all of them have the same rate on the railroads. The mills in Seattle would be in—except for local conditions, what little local trade they would get—there would be no advantage whether the mill was located here or at Centralia, as to their being able to market their product, or at Everett or anywhere else.

Mr. THOMPSON. Have you got your mills classified as to districts here?

Mr. BROWN. No, sir.

Mr. THOMPSON. Is there such a thing as southern mills and northern mills?

Mr. BROWN. No, sir; our district is north of the California line. They are not very accurately divided, but we have three districts. District No. 1 includes all of this territory west of the Missouri River and north of the California line, or what would be parallel with the California line.

Mr. THOMPSON. I have a question presented here that the party requests that the question be asked. If there is no objection to that I will put it to you in that way. I don't understand what it means:

Does the lumber industry in this section have to compete with the southern mills?

Mr. BROWN. Oh, I suppose it is like the factories all over this section. It is like the jurisdiction of the different unions, one laps over the other in some places. There is no active competition.

Mr. THOMPSON. What do you understand is meant by southern mills?

Mr. BROWN. The mills in Louisiana, down in the cypress field; that is an entirely different timber. They manufacture shingles out of cypress and yellow pine. The timber here is cedar, fir, and spruce.

Mr. THOMPSON. Does this timber here compete with that?

Mr. BROWN. I suppose in some measure.

Mr. THOMPSON. Do you know what effect that competition has had on the profits of the business or mills here?

Mr. BROWN. I have never seen any particular complaint or any particular reference made to it; it is hardly ever mentioned.

Mr. THOMPSON. Would it affect some mills in this section more than others?

Mr. BROWN. Well, I presume it might.

Mr. THOMPSON. Well, take the Centralia mill; would that suffer more on account of this competition than other mills that pay better wages that you have spoken of?

Mr. BROWN. I could not see why it should. They make all classes of lumber—rough and finished lumber—and all that sort of thing. I could not see any reason why they should be subject to any greater competition.

Mr. THOMPSON. You have made a study of the industrial situation; what remedy have you to suggest to the commission that the commission could recommend to Congress or the various States that they could adopt which would help in any degree?

Mr. BROWN. Well, I think as a State proposition, I think it will be a general help to the men in the lumber industry if they succeed in passing this bill to do away with the fee employment offices here in this State. I think the fact that the employer knows by merely telephoning to an industrial center he can get other men on the next train it makes him less patient with the men for any reason, be it frivolous or important, and he discharges the men because he knows he can get more to take their place very readily. That is one reason why the men change around so much. On the other hand, the fact that a man knows he can go and buy a job probably makes him less likely to stay in one place. I think that will be very helpful if that law is adopted and is pronounced constitutional. I am very largely of the same opinion as Mr. Ault—that if some measure could be brought about whereby the men could be protected in their right to organise, that would have a more helpful effect than any one thing that could be done. There are so many mills here where they will not simply allow the men to organise at all. Some mills even compel men to sign a statement before entering their employ, and they require them to sign a statement that they are not now, and will not during their employment with the firm, become a member of any labor organisation.

Mr. THOMPSON. Could you give us a list of those mills?

Mr. BROWN. Well, I can give you one mill.

Mr. THOMPSON. Can you get us a form of the statement required?

Mr. BROWN. I am not sure that I can. The matter came to my attention two or three years ago, and I got a copy of the statement which the men were required to sign. The only way, I suppose, that could be furnished is from the company's office.

Mr. THOMPSON. Can you name the company?

Mr. BROWN. Yes, sir; the Stimson Mill Co. here in Seattle.

Mr. THOMPSON. What?

Mr. BROWN. The Stimson Co. here in Seattle; they require that, and on the statement made to me by some of the employees I took the matter up with the labor commissioner here in this State. He wrote back to me and told me he would take the matter up with the attorney general and see if anything could

be done to cause that company to rescind on that proposition. The attorney general rendered an opinion that the company was violating no law by requiring the men to sign such a statement, and so nothing further could be done.

Mr. THOMPSON. Have you any further recommendation you think would help in the solution of these problems? That is all.

Mr. BROWN. Well, I believe that a Federal board, Federal commission that would make inquiry into these conditions, and give them publicity, act as an intelligence bureau, and that would act as a conciliation board, some department of it, bring men together, employers and employees together, where there was an industrial dispute on, that they will all be helpful.

Mr. THOMPSON. Such a council, for instance, as they have in England, the Industrial Council?

Mr. BROWN. I am not very familiar with the Industrial Council. If it is such as I understand it to be, that is along the lines that I have in mind.

Mr. THOMPSON. Are you acquainted with the Industrial Workers of the World, Mr. Brown?

Mr. BROWN. Yes; some.

Mr. THOMPSON. What relations do you have with them, if any?

Mr. BROWN. We do not have very pleasant relations with them.

Mr. THOMPSON. Well, do you meet in the organization of this industry that you work in?

Mr. BROWN. How is that?

Mr. THOMPSON. Do your two organizations meet in the organization of the lumber industry?

Mr. BROWN. Well, I do not think they have any organization.

Mr. THOMPSON. Why do you say that your relations are not friendly?

Mr. BROWN. Well, they have organizations in the industry, and then they have members scattered around, individual members. It seems to be a part of their program to try and defeat the organization, and in that respect they become very capable allies of the employers in defeating our efforts to organize.

Mr. THOMPSON. You have had some serious strikes in this country, haven't you?

Mr. BROWN. Yes; we had a strike—about the most serious strike we have had has been in the shingle department, out here in Ballard, which is a suburb of Seattle.

Mr. THOMPSON. How about questions of violence in that strike, or those strikes?

Mr. BROWN. Out in Ballard we had a strike there in 1906 that lasted for several months. The employers, on the plea that there was violence there being committed, secured an injunction against us. I have forgotten all the things that they did prohibit us from doing, pretty nearly everything that we wanted to do. The injunction was never—could never be brought to a hearing. Whenever we made an attempt to secure a hearing on the injunction it was postponed upon the request of the attorney for the plaintiffs. When the strike was over the plaintiffs' attorney asked for a dismissal of the injunction, and it was done. The case never came on for a hearing. Last year we had a strike out there. I think there was perhaps 15 or 20 men arrested on some—some union men and some nonunion men. We were not very successful in securing the arrest of the nonunion men. I think one of our men was a man who happened to belong to a union, was convicted of assault. However, it did not grow out of the strike. It was some personal family matter, I think. And that is about the only cases there were that came in—the justice court. There was some dynamite exploded out there one night, and we endeavored to secure the arrest of the proprietors of one of the mills out there for exploding the dynamite. We had affidavits from five or six of his employees showing he engineered the thing. We were not able to secure his arrest, however. We got one of his leading strikebreakers arrested. The prosecuting attorney claimed that the same evidence would come on in the hearing of his case as would in the hearing of the other case; that the one trial would be made a test. This man's case was tried in the justice court. The men, whose affidavits we had, when they were put on the stand, absolutely denied their affidavits. I do not know just what their reasons were for denying them, but it was a coincidence at least that these men had left the employ of this company, were reemployed by the company, and their material circumstances took on a marked improvement. We tried to get the prosecuting attorney—the justice, when he was trying the case, asked this man after they had read the affidavits, asked the man: "You now say all that is untrue?" "Absolutely untrue," he said. The justice said: "You step over here; I will look into your case a little further." He insisted he should be

held on a charge of perjury. I thought that was a pretty clear case. But when I went up to the prosecuting attorney's office in an effort to press the proposition, he said it was almost impossible to secure a conviction. The man was subsequently released.

Mr. THOMPSON. Have you any views with reference to the employment of private detectives or private agencies by the employer in case of strikes, and also as to the use of the municipal police and State authorities?

Mr. BROWN. Last summer out in Ballard, the strike we had out there, the police came down there morning, noon, and night, usually one there all the time. They did not bother us. They seemed to act impartially, and we got along all right until finally a day or two before this dynamite was exploded the mill owners out there made application to the sheriff to have some of their employees, their watchmen and one thing and another, deputized. This sheriff did deputize a number of them. This man we had arrested for—that was arrested for exploding the dynamite, he was one of them. He made no bones about being a professional strike breaker. He was in the business. He hired men to break the strike of the coal miners out here at Renton. He made a business of hiring men out there. We got quite well acquainted with him later on when he came, after he had had a falling out with his employers out here in Ballard; he came and wanted to strike up a bargain with us whereby he would procure the necessary evidence to be able to convict this millman out here in Ballard. I went again up to the prosecuting attorney's office for some other advice, and they told me it was a dangerous thing to do, to hire anybody that way; that they did not think a conviction could be secured. So we dropped the matter.

Then the man then said he was—this man was trying to hire strike breakers for the coal mines in Colorado. Such men as that, the employment of such men at that time out there in Ballard—whatever trouble there was started from the time of their employment. It is my belief that the dynamite was exploded in order that a plausible pretext could be made for asking for the appointment of these deputies. These deputies were not appointed to avoid the trouble, but it seemed like it started then. I think that the start of that trouble out there was assisted and fostered by the employers. I believe that is usually the purpose of the employment of private guards and deputy sheriffs. I think many of the employers' associations have no other purpose in asking for troops, extra police force, and the appointment of deputies except to have those men partisan to their side to use either as strike breakers themselves or as helps to strike breakers.

Mr. THOMPSON. This same man that you spoke of that was involved in the dynamiting was involved in the teamsters' strike?

Mr. BROWN. The same man, but not convicted in either case. Mr. Anit, you remember, spoke about one man confessing This man who made the confession said that this other man, Semple by name, was implicated with him; that he, Semple, had made the dynamite plant. Semple was again arrested, but, I think, not proved guilty.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. The commission will stand adjourned until 2 o'clock.

Mr. Brown, you will resume the stand at 2 o'clock.

(Whereupon, at 12.30 o'clock p. m. of this Wednesday, August 12, 1914, the commission took an adjournment until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Present: Commissioners Commons (acting chairman), Lennon, Garretson, and O'Connell; also W. O. Thompson, Esq., counsel.

Acting Chairman COMMONS. The commission will come to order. You may proceed, Mr. Thompson.

TESTIMONY OF MR. J. G. BROWN—Continued.

Mr. THOMPSON. I am through.

Acting Chairman COMMONS. Have you any questions to ask of Mr. Brown, Mr. O'Connell?

Commissioner O'CONNELL. Yes.

Acting Chairman COMMONS. Mr. Brown, Mr. O'Connell has some questions.

Commissioner O'CONNELL. Mr. Brown, I want to get at something as to the method of employing people in these mills and logging camps. Are the men largely secured from these employment agencies?

Mr. BROWN. Yes. I think they are except in—well, even in the cities, even the men who are employed in the city here I think they are largely secured from employment offices—private employment offices.

Commissioner O'CONNELL. Do you suppose there is any collusion between the employers and those agencies in the matter of securing men because of the fees charged?

Mr. BROWN. Well, I haven't the positive proof, but there are many circumstances that point to that. For instance, there have been one or two cases of where their licenses have been revoked. For instance—this does not apply to a mill, but it is along the same lines—there was an employment office in Spokane named Mayko Bros. Employment Office; they furnished men for a construction camp on the Chicago, Milwaukee & St. Paul road. The men were employed near Ritzville. There was only a hundred men employed there when the crew was filled up. This concern sent out 300 men there in one month. That would indicate that there was a change in less than every 10 days. They charged those men $2 each for the job, and each one of those men had to pay a dollar hospital dues besides their railroad fares. Some of them I presume were shipped out on the company's own lines. That matter was brought to the attention of the Spokane city council, the case was worked up by the men over there in Spokane, and the license of this concern was finally revoked.

Commissioner O'CONNELL. Does the State law cover these agencies as to compelling them to return the fees where work is not procured?

Mr. BROWN. I do not believe there is any State law. I think Mr. Ault, when he testified there was a State law regulating employment offices, was mistaken. There was a bill introduced at the last session of the legislature requiring employment offices to post notices where a strike was on and men were to be secured to work in those places. And the matter was killed in the rules committee; died in the rules committee. I do not think there is any law at all, only such law as may be provided by the different municipalities. Now, this city has a law requiring that notice shall appear where there is a strike on. Now, we have run across that in several instances. They do not tell the men anything about it. They just give them a slip, have the ordinance printed on a slip, and it is filled in, a few blank spaces, and they stamp across the face of it, "Strike on"; and unless the man is looking for it, especially where he can not read the language, it is a downright deception, even though it does appear on there. They had a strike up in Everett this spring and we ran across any number of men who came up there, claiming no knowledge of the strike being on. At the same time this appeared stamped across the page "Strike on."

Commissioner O'CONNELL. I suppose that fulfills the requirement of the law?

Mr. BROWN. It seemingly would. The city ordinance here requires the return of the fee, and I think it is fair when the job is secured through misrepresentation, but when that is marked across there they hold there is no misrepresentation for which the men can be held.

Commissioner O'CONNELL. Are there evidences of large numbers of these men being sent out to the camps and only working a few days, and being discharged or let go?

Mr. BROWN. I know of a case of a man who went to a logging camp up here and asked for a job, and he was told to come to Seattle and secure employment through an agent, giving him the name. He came and got the job and went back and was put to work and worked three days and was discharged.

Commissioner O'CONNELL. Are there any laws requiring sanitary inspection of camps or inspection of boilers and machinery and wire-rope cables and so on?

Mr. BROWN. Absolutely none. There is no law requiring an inspection of logging camps in this State.

Commissioner O'CONNELL. Are there any number of boiler explosions in these camps?

Mr. BROWN. Well, there are some. There was one boiler explosion last year in a camp on Grays Harbor. Two or three men were killed. Men working there told me that the boiler had long been known to be absolutely past the point where a large pressure of steam was safe in it. I think some one told me it had been condemned for use in some factory or city work here where it had been used.

Commissioner O'CONNELL. Do the employers themselves have any inspection to see that the cables are properly kept up? If a strand becomes broken that they don't break entirely?

Mr. BROWN. I suppose if they saw a cable was going to break and do some damage that they would anticipate it and try to have it fixed, because when a cable starts to break in one strand it soon unravels and breaks very easily. No inspection of any kind is required. There is no man designated to do that class of work; it just happens, and if they see it some one of course stops it, and it is repaired.

Commissioner O'CONNELL. Now, about this hospital fee charge, this dollar a month, what do the men get in return for that?

Mr. BROWN. They just get hospital care in case they are hurt while at work.

Commissioner O'CONNELL. Do they get compensation for loss of time while they are injured?

Mr. BROWN. No, sir; no compensation at all. That is the only thing the contract implies—if you are hurt, a man gets a leg smashed or cut off he is loaded into the best conveyance at hand and shipped to the hospital that the arrangement is made with, and there he is treated until his leg is well. He gets no compensation, however.

Commissioner O'CONNELL. Are the hospitals at the camps?

Mr. BROWN. They don't have hospitals at any of the camps. I think that all of the men who are hurt in Grays Harbor section; that, I think, is the largest lumber section in this country, probably 3,000 men are employed, and there are 50 camps. When any of them are injured at those camps, from 25 to 50 miles away, they are brought to Aberdeen or Cosmopolis or Hoquiam.

Commissioner O'CONNELL. There are about 3,000 men in the camps?

Mr. BROWN. Yes, sir.

Commissioner O'CONNELL. They pay $3,000 a month for hospital fees?

Mr. BROWN. If they didn't change around, just take a dollar from each man. Sometimes one job may have three or four men during the month. In that event there will be $3 or $4 collected on that one job.

Commissioner O'CONNELL. Are those hospitals, the physicians that are there, employed exclusively for the men at these places?

Mr. BROWN. No, sir. The Aberdeen general hospital, I think, has a contract with most of the camps. The hospital arrangements are made between the doctors and the company; the men have absolutely no choice in the matter and nothing to say about it, and are never consulted as far as I know.

Commissioner O'CONNELL. If a man is taken with disease of some kind other than an accident, do they take care of him in that case and take him to the hospital?

Mr. BROWN. I think it would be purely optional with the company. The men working in logging camps are generally healthy and not very much sickness occurs among them because it is hard work and requires big, strong, healthy men to do the work. I think it would be purely optional with the company as to whether they got any hospital treatment in case of sickness or not.

Commissioner O'CONNELL. The men who follow the logging end of the business, do they, when the logging business is not active, go into the mills, and vice versa?

Mr. BROWN. No; the man who follows the logging usually has his—that is his calling. When there isn't any logging he doesn't work at all as a rule.

Commissioner O'CONNELL. Now, how much time in a year would a man in the logging business—how much work would he secure in a year?

Mr. BROWN. Well, I presume in an exceptionally good year he might figure on nine months, possibly nine and a half. The time that would be off for holiday periods and time when weather conditions would prevent operations would limit his work to, at least—would limit his work two months and a half out of the year. Now, if conditions were as they are, or have been here for the last five or six years, I don't believe the men have averaged over six or seven months in the year.

Commissioner O'CONNELL. What would be his average earnings for the year?

Mr. BROWN. Well, I would imagine they get—a man working seven months would probably get about $700, that is, in the skilled branches. If he worked in the unskilled branches with wages as they are now, he would not make much more than half of that.

Commissioner O'CONNELL. Now, what do they follow when they are not working at the logging business?

Mr. BROWN. Well, the most of them congregate in town, and they become a problem for the municipalities to look after. I think here in Seattle last winter there was at one time perhaps 20,000 men. I think it is safe to say that 95 per cent of those men relied upon the lumber industry for their livelihood.

Commissioner O'CONNELL. In the commissary arrangements in these camps do the companies sell all the things that they ordinarily buy outside of their regular keeping, like tobaccos, clothing, and liquors? Do they sell them?

Mr. BROWN. No. I do not know of any camp where they sell intoxicating liquors. They generally have a commissary in each camp where the men can buy tobacco and such clothing as they are likely to need in the camp, blankets and that sort of thing.

Commissioner O'CONNELL. Have you any idea as to what prices range in those camps—how they compare with city prices?

Mr. BROWN. No; I have not. Well, even if the prices were the same, I should imagine the profit would be greater, because there would be no expense in the way of rent and other things that would have to be taken care of in a general merchandise store. They just have them in a rough shack where the men can go and get them.

Commissioner O'CONNELL. Do you have in your business what is called rustling cards or clearance cards?

Mr. BROWN. No; not in very many cases. I think there are one or two places where they require references as to a man's previous employment.

Commissioner O'CONNELL. Is any physical examination of any kind required?

Mr. BROWN. No; no physical examination of any kind at all in any department.

Commissioner O'CONNELL. Do they make any distinction in the selection between married men and single men?

Mr. BROWN. Well, it frequently happens in cities like Seattle and Tacoma and Everett they hardly ever ask the question whether they are married or single. But in a good many out-of-the-way places—I have in mind one mill particularly up here about 100 miles, they send in to our office sometimes for some of their shingle-mill help, and they always make the special request that the men be married men. The inference that we draw from that is that when they get them up there—they own all the houses, they own the store, and everything—when they get the men up there they would get rent out of them. And they think, for instance, they are less likely to move for a trifling cause. On the other hand, at Cosmopolis, I think they rather put a premium on single men. They only allow them $10 out of the $20 usual rate charged for board in case they board at home.

Commissioner O'CONNELL. In some of the stories I have read of the logging camps in the Northwest by some of our famous writers they tell about a sort of cleaning up in the spring time, a general carousal on the part of the woodsmen, a general beating up of each other until the king lives among them. Is that the custom that prevails now?

Mr. BROWN. I don't think so. I didn't happen to be around when anything of that kind happened.

Commissioner O'CONNELL. You have read some of the stories?

Mr. BROWN. I have read some of them. It is very interesting reading, but I never happened to be there.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Mr. Brown, what effort has your union made to enter into collective agreements in order to maintain conditions by these strikes in the lumber regions?

Mr. BROWN. We have always held out; we have always advocated the trade agreement as the best method of adjusting the relations between the men and the employers. But I do not think we ever made a special effort to get the mills signed up until 1912. I interviewed something like 100 different mill companies, and our organizers interviewed as many more as they could, in an effort to secure a trade agreement. The provisions of the agreement that we asked them to sign at that time were that the conditions that then prevailed should continue until March 1, 1914, at which time, or 30 days before the expiration of which time, a joint meeting should be held for the purpose of entering into a new agreement to adjust such inequalities as might then exist. We were not, however, very successful in it. I think we got something in the neighborhood of 40 concerns to sign that agreement. Outside of the city of Everett there were not any very large concerns. The ones who signed outside

of Everett were very small manufacturers and had very little influence in the industry generally. We only tried to do that in the shingle mills, because our organization at that time only included the shingle-mill workers in its ranks. The percentage of the number who signed was so small that we felt that it was neither a satisfactory arrangement for the men nor for ourselves. However, we tried to get some of those who signed that agreement to call a meeting on the 1st of last February, or during the month of February, 30 days before it expired; but we were unable to get anyone to call such a meeting, and the contract therefore expired. All of these contracts that we had signed at that time provided that in case of dispute—provided several preliminary stages by which they might be adjusted, and if they were not adjusted in this way they should finally be left to arbitration as a means for settling disputes.

Commissioner LENNON. Well, in undertaking to reach an agreement, do you believe that your representatives would fairly take into consideration the competition in the business and general conditions that prevail through the country, or would you be arbitrary and stand out for just what you could get?

Mr. BROWN. The conditions in the shingle department are nearly uniform. Such inequalities as exist in the matter of wages—for instance, some places they pay above the minimum scale, but in those places they are usually remote, and that disadvantage is offset by the advantage of being closer to the raw material. They get their timber cheaper. The conditions are fairly uniform in the shingle branch of the industry, and there is at present no competition in the shingle mills in this part of the country. They are all on about the same footing with the exception, perhaps, of a few. That might be slightly modified by saying that the mills in British Columbia, some of them, get their timber a little bit cheaper—somewhat cheaper.

Acting Chairman COMMONS. Mr. Thompson, have you anything more?

Mr. THOMPSON. I have a couple of questions here. With reference to the wages paid in your industry, seven or eight years ago there was a higher wage, was there not?

Mr. BROWN. Well, I think they were somewhat higher in the logging and sawmill branches. There has been no change, no general change in the wage scale in the shingle mills since 1907.

Mr. THOMPSON. How about the selling price of the product, has that remained stationery, or has it gone up or down?

Mr. BROWN. Well, that fluctuates. It has been up and it has been down.

Mr. THOMPSON. Generally, as compared with seven or eight years ago, how is it?

Mr. BROWN. Well, I think that the—1907 was an exceptional year. There was an embargo on among the railroads here, and shipment facilities were badly crippled, and as a consequence the price of all lumber products went up. The next spring when shipping conditions became more normal, more nearly normal, the prices went down, and I think it has been about the same since then as it was before. Possibly a little higher in some respects.

Mr. THOMPSON. Has the fact that there is another organization seeking to organize the workers in the lumber industry affected the attitude of the employers toward your organization?

Mr. BROWN. Well, I don't know. Outside of the shingle manufacturers—some of them we have had very friendly relations with for a long while—I have never yet met a man who in the logging and sawmill branches of the industry expressed a willingness to see his men organized in any kind of a union.

Mr. THOMPSON. In your organization, do you take in all branches of the workers—you do?

Mr. BROWN. All branches.

Mr. THOMPSON. Your union might be called an industrial union, might it not?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. Are the different branches organized into different locals, or in some places are the members performing different work, in the same local?

Mr. BROWN. They are all in the same local, except it is provided that in case it would be any advantage for them to segregate for purposes of expediting business, they could do that. But up to this time they are all organized in mixed locals where all of the men in any branch of the industry may belong and do belong.

Mr. THOMPSON. Do you as an organization stand for the idea of collective bargaining—do you not?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. Is that one of the instruments through which you expect to help the worker?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. How about the other organizations in the field that are seeking to get these same workers into their organization?

Mr. BROWN. I think it is the policy of the Industrial Workers of the World—they are the only organization I know of that is professing to organize the men—I think they frankly proclaim a revolutionary program. They go on the theory that it is a continual war between the employers and the employees, and that any advantage they can take at any time is justifiable.

Mr. THOMPSON. Well, do you think the fact that such an organization having that program, has sought to organize the workers in your field, has helped your organization at all?

Mr. BROWN. No; I don't think it has. I haven't any reason for believing that it has. I rather think that the employers use every method they can to prevent organization by holding a club over the heads of the men. The Industrial Workers of the World have an equally effective weapon by pointing out the futility of organizing anything less than a revolutionary union. One discourages them, causes them to believe that they could not gain from organizing in any other union except theirs, and the employers prevent them from organizing by fear of discharge and other things.

Mr. THOMPSON. Referring to employment agencies, what would you do with the private agency, would you abolish them?

Mr. BROWN. Yes, sir.

Mr. THOMPSON. Or would you regulate them?

Mr. BROWN. I don't see that the private employment agent serves any necessary function. Down in Grays Harbor, for instance, the Grays Harbor Commercial Co., I think, hires their own men through a private employement office in Seattle, Tacoma, and Portland. The logging camps of Grays Harbor put in together, each camp puts in $15 a month, I understand, to maintain a free employment office in the city of Aberdeen. That secures all their men through that employment office. The city of Hoquiam as a city maintains a free employment office in that city. The free employment offices here in this city—I think the city will put on all the additional help that the patronage of that office will require. The facts of the matter are, employers don't send there for help, and consequently they can not furnish help that is not asked for.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. In the conduct of employment agencies is there any belief or evidence that somebody splits the money?

Mr. BROWN. Well, yes, sir; there is a widespread belief and some evidence. I think the fact that men are changed around for trifling causes or no cause aparently, that all men must be hired through private employment agencies, I think that is evidence that there is some sort of collusion between them.

Commissioner GARRETSON. If such a practice did exist wouldn't the entire influence of the man who was splitting his part out be used to retain the private employment agency as a means for securing men?

Mr. BROWN. Yes, sir; I think so.

Commissioner GARRETSON. He might urge other reasons, but that would be the actual one?

Mr. BROWN. They had a hearing down at Olympia, a joint hearing of the committee on labor—the joint house of representatives and senate, when this bill to abolish private employment offices and substitute public employment offices was up for consideration at the last session.

At that time the men who opposed the bill the most were not the employment agents themselves, but the loggers, the logging-camp owners and mill owners. There was only one, as I remember, only one proprietor of an employment office, that appeared in opposition to that measure, and the reasons advanced why these private employment offices should be maintained was that they specialized in their work. Now, as a matter of fact, they don't sepcialize particularly. Some men who may have an acquaintance, for instance, at the shingle mills do make a kind of specialty of shingle-mill employees, but they take the men for other positions all the time. They take the man's word for it all the time. If they want a saw filer—for instance, a man comes in and says he is a saw filer, that is enough, that is all the evidence that is required that he is a saw filer, and they take his money and turn him loose on the job. The same test could be applied in the public employment office, they would have to take a man's word for it in any event. It is only possible

he might accept the position from the public employment office, even though he did not have the confidence in his ability that he would otherwise. By paying for the job, it would probably indicate he had confidence in his ability to hold the job. One of these employment offices here in Seattle—the question was asked this morning whether they were used as strike breakers or recruiting agencies for strike breakers. I can say one employment office here last year misrepresented the conditions at the Ballard strike so much that application was made to the city council to have their license revoked. It was found out upon investigation that their license expired in a very short time, and the evidence was so strong against them that they refused to renew their license. I would just like, if I might, to say just a few words not in response to any question; it is a matter I did not touch on this morning.

I spoke of high wages in the shingle mills, the shingle department. That was true, but rather a false impression might be gained of the amount of money that they get if it was not also stated they are very much like the logging camps. The time, the months during the year when this work can be done I don't believe has averaged over seven months, sometimes runs down to five months in a year. Another thing that should be stated about them is the extreme danger. I just cut out a clipping in a paper this morning, in this morning's paper, stating that out of a list of accidents numbering 2,119 that had been looked into by the bureau of labor in this State, 547 was the result of accidents on power-driven saws. Most of the accidents on saws in mills occur in shingle mills because there is where the workers have to come in close contact with the saws. We found in an investigation four or five years ago—investigating a thousand members—we found out that the year previous 15 per cent of those members had been incapacitated either through accident or through the injurious effect of cedar dust which they inhale in the cedar mills, and it is very injurious to the lungs, produces cedar asthma, and that sort of thing.

I just want to say a further word in connection with the difficulty we have in cooperating with the manufacturers. They proposed to raise the tariff on shingles in the year 1908, I believe. We were very much in hopes that if the price of shingles was raised, or if the tariff was lowered, we were told we would be thrown in competition with British Columbia, where orientals are very much employed in shingle mills, so that we got very busy in our endeavors, not only to keep the tariff where it was, but to secure an advance in it. We succeeded. We sent one $28 telegram that I remember of. I don't know just what influence that had, but, anyway, the tariff went up from 30 cents a thousand to 50 cents a thousand. We anticipated very prosperous times. There was not another year in the history of our organization when we had to make as hard a fight as we did then to maintain our scale of wages. The employers attacked us all over this part of the State. So that when the question of taking the tariff off this time was brought up some of our enthusiasm had died out. In the meantime, I remember talking to one man, and he pointed out that all the mills would move over into British Columbia if they took the tariff off of shingles. told him I would take it up at our meeting.

We had a meeting of the boys over at Ballard, and there was one of them said he thought he could move over into British Columbia nearly as easy as they could move the big mills, so that we didn't take any active part in keeping the tariff on shingles. As a matter of fact, I don't believe there is any advantage in the employment of oriental labor from the employers' standpoint. They have to have about twice as much machinery to produce the same amount of work, and that carries twice the overhead expense and twice the capacity of the mills, and twice the investment, and that sort of thing.

Commissioner O'CONNELL. Are orientals employed in the mills of this State?

Mr. BROWN. Not in the sawmills. Mr. Skinner, who is the head of the Fort Blakely mill, employs a large number in his mill at Fort Blakely, and there is another mill, the Crown Lumber Co., that employs a large number of orientals, mostly Japanese.

Commissioner O'CONNELL. Are they employed in logging?

Mr. BROWN. No, sir; not in this State.

Commissioner O'CONNELL. Why not?

Mr. BROWN. I think for the same reason they are not employed in British Columbia. There is the additional reason that there is not nearly as many here as there are there. They are physically unable to do the work required in the logging camps. Hardly any are employed in the logging camps in British Columbia.

Commissioner O'Connell. That is all.

Acting Chairman Commons. That is all. Call your next, Mr. Thompson.

Mr. Thompson. Col. Blethen.

TESTIMONY OF COL. ALDEN J. BLETHEN.

Mr. Thompson. Colonel, will you give us your name?

Col. Blethen. Alden J. Blethen.

Mr. Thompson. And your business address?

Col. Blethen. Seattle.

Mr. Thompson. And you are publisher of the Seattle Times?

Col. Blethen. I am the president of the company, which is really the publisher, and the editor in chief.

Mr. Thompson. How long have you been head of that paper?

Col. Blethen. Eighteen years the 10th day of this month; eighteen years day before yesterday.

Mr. Thompson. In your public capacity as a newspaper man you have had occasion to keep pretty well in touch with industrial conditions around Seattle and in Seattle, have you?

Col. Blethen. Yes, sir.

Mr. Thompson. In that touch which you have kept with industrial affairs here, have you reached any opinion in regard to the industrial unrest which exists, the causes which have led to it, if it does exist, and any ideas as to how it might be remedied, in detail or in part?

(See Blethen exhibit.)

Col. Blethen. My observation as publisher is, I find unrest in industrial conditions is based on the idea of idleness. Men employed are usually contented if not happy. We have but very little trouble with men when they are employed. If they are not employed, necessarily the cost of living going on the same as before, the ability to live is reduced, and they become unhappy, and out of it grows agitation—street speaking by the I. W. W. [laughter]——

Commissioner Lennon. We will not have that.

Mr. Thompson. Now, Col. Blethen, in your view of the conditions in Seattle, has there been a good deal of the idleness that you speak of which has led to this trouble? What is the cause of the idleness, in your opinion?

Col. Blethen. Lack of employment. In other words, there have been more men and women than could be employed to produce the product that could be sold.

Mr. Thompson. Well, has that lack of employment been due to the fact either that there are too many working people here or to the fact that there are seasonal occupations around Seattle which employ the men at one time of the year but do not keep them employed the whole year?

Col. Blethen. Undoubtedly that is true.

Mr. Thompson. To what extent would you say that the seasonal occupations that exist around Seattle are responsible for the unemployment of a great number of workers during a large part of the year?

Col. Blethen. To a very large degree. The industrial conditions in lumber, which have been very carefully set forth by Mr. Brown, necessarily renders idle an average for nearly half the time of a great body of men who are employed the rest of the time.

Mr. Thompson. How would it be with reference to the workers who come down in the winter time from Alaska?

Col. Blethen. Not so true of them, in my experience, because they have generally done better. They have had higher wages or, perhaps, have been to work for themselves. And I don't think that the return from Alaska during the winter months has added very materially to the unemployed.

Mr. Thompson. How would you suggest, Col. Blethen, that we might remedy the unemployment arising from the seasonal occupations in Seattle?

Col. Blethen. I don't know how. I can't suggest any remedy. Our conditions here are very favorable compared with the colder States. Although we have a good deal of rain in the winter, we have no cold weather. We have on the mountains some snow, and once in a while a little ice in the valleys, but generally, so far as temperature is concerned, men could work the year around. But conditions arise, either from overproduction or from rules and regulations which are established by the manufacturer himself, so that it is a fact that those engaged in the forests and in the lumber business and in the products of lumber are not employed a very considerable portion of the year.

And they do not receive sufficient wages during the time they are employed to maintain them during the balance of the year. If we could find markets enough so we could keep all of these men employed for 12 months in the year, there would be no unrest as a rule. There are certain classes of people that are always uneasy. They don't want to work. But the great majority of people want to work and are happy when they do work.

Mr. THOMPSON. Well, Colonel, what can we do to help the situation? What can the city do? What can the employers do? What can the community as a whole do through the National Government, State government, or the municipality to help in that situation of enforced idleness apparently because of seasonal work?

Col. BLETHEN. I scarcely know how the regulations which have been adopted by the various unions can be improved by law. Take my own business, for example: Of course, we go on the year around. If we have any slackness in our business, it is in July and August and January and February, but not to that extent by any means that prevails in the East, where you have extreme heat in the summer and extreme cold in the winter. Our men receive, for example, $5 by day for seven hours' work; $5.50 by night. And there are other compensations. And they get quite uniformly steady employment. Our printers, our pressmen, our stereotypers—the men who work for the newspapers here—are among the very best in quality and manhood, in education and steadiness, that can be found anywhere. One of the interesting things that I have always tried to do—and I am now over 30 years in the business—is to make my employees happy, to make them contented, to get them to be home builders, because I find that a contented and happy man produces better work and more of it—so I am a little selfish. I find that the man who is a home builder is a great deal better than the man who to-day is here and in Portland next week. I find that by assisting men when they are ill, by sort of pensioning them when they get to be old, and helping them feel that they are a part and parcel of our institution, tends to make better men, to make for greater contentment, and we get better results.

Now, the laws of the State or the Nation could not help us as publishers. At least I don't see how they could. We have contentions every year or two. You know the publishers are brought together under demand of the typographical union, the pressmen's union, the stereotypers' union—all three unions—for a new scale and shorter hours and new things. We get together and scold each other half a dozen times or a dozen times, and then we get down to work—and as the result of conciliation I think we have never had two arbitrations in the 18 years I have been here. Matters are settled by conciliation, and everybody goes home happy. And then we try to benefit those who try to benefit themselves. Two men or two women sitting side by side at the Mergenthaler machines, one will produce 45,000, perhaps, in seven hours and a half, or 42,000 in seven hours, just as easily as the other will produce 35,000. We established a minimum product that they must make. No person that does not reach that would be retained. The union would not have them. We don't have to keep them. But when we come to a man or a woman who does this extra work just as naturally and just as easily as the man or the woman does the other, we pay those people a bonus—extra money for the extra work. And of course that is selfish. But it helps that man and woman to earn more, to get more, and to build a better home.

Mr. THOMPSON. Is that bonus, Colonel, based upon any regular systematic estimate of extra work?

Col. BLETHEN. No.

Mr. THOMPSON. Just as you may size it up from time to time?

Col. BLETHEN. Oh, no; it is measured by machines. They know exactly each day when they get through how many thousands they have set. And the difference between the amount which they must set under their contract in order to earn a day's wages and what they do set, is split and paid for by the thousands.

Mr. THOMPSON. I see. You take half and he takes half of the extra pay?

Col. BLETHEN. Yes, sir.

Mr. THOMPSON. Under that scheme, of course, it is the best thing for you to have the faster workers?

Col. BLETHEN. Yes.

Mr. THOMPSON. It would reduce the average cost of your production?

Col. BLETHEN. It makes that man a better man. He gets a better home, and he likes to stay in Seattle; he don't want to go away.

Mr. THOMPSON. Of course you have collective bargaining with these different unions?

Col. BLETHEN. Yes; necessarily.

Mr. THOMPSON. Do you believe in the theory of collective bargaining?

Col. BLETHEN. We get better results out of the union as handled by the men than we get out of unorganized labor. The men are under control. They are expected to come up to a standard. They can not go to the foreman and complain that they are being treated badly. They must go to the union and deal with the union officials, and they must take it up, and they must go to the executive board, and if they have a wrong the committee will take it up with them. The result is that the general character of the union men who work for us is higher than the nonunion men I employed when I first started in Kansas City where I had a nonunion office.

Mr. THOMPSON. Then I easily gather from what you say that you believe in organized labor?

Col. BLETHEN. I do when controlled by the men. When controlled by the walking delegate—no. The agitator is bad.

Mr. THOMPSON. And from your idea, Colonel, you believe it is a good thing for the employer as well as for the employee?

Col. BLETHEN. Absolutely.

Mr. THOMPSON. Now, you say you draw the line at the walking delegate or the agitator? Explain more in detail what you mean by that.

Col. BLETHEN. I mean to say the man who uses his mouth to get a living rather than his hands, and who is employed to go among other men of his own profession, and stir them up to believe that they are working too many hours—not getting pay enough—who is here for a week, and then somewhere else next week, has not the vital interest of the men at heart that the home builder, the regular man, the executive officers of the union have.

Mr. THOMPSON. Of course, these different unions that you deal with—the typographical union, the stereotypers' union, the pressmen's union—all have agents representing them who do not work at the trade.

Col. BLETHEN. Oh, I presume so, but we never see them. We enter into a contract once a year, or once in two years, or sometimes four years, and that is the end of it. We deal entirely with our own men.

Mr. THOMPSON. But you know that they have these agents?

Col. BLETHEN. Oh, yes.

Mr. THOMPSON. Who are watching their interests?

Col. BLETHEN. I presume so.

Mr. THOMPSON. That is true all over the United States that these locals you speak of—unions you speak of?

Col. BLETHEN. Well, in the Typographical Union, the president of the union, the secretary of the union, and the executive committee here look after the interests of these men so thoroughly that they do not need any help.

Mr. THOMPSON. Are these men that you speak of engaged in typesetting or in presswork?

Col. BLETHEN. Oh, yes; both. They are a part of our establishment. Every one of them, I think, holds positions on the papers of this city.

Mr. THOMPSON. Well, has the Typographical Union got any agent in this city who is located here all the time to look after the business of the Typographical Union, not only among the newspapers but among the job plants?

Col. BLETHEN. Well, if they have, I don't know. We do not deal with them enough so that I know them. I have only met them occasionally.

Mr. THOMPSON. Wouldn't your judgment be that there is such a man here?

Col. BLETHEN. Oh, I presume there is. But if there be, I do not see him enough, Mr. Thompson, to know. The president of the union knows, and I would be glad to give you his name if you would like to call him. I am not familiar with all the details.

Mr. THOMPSON. If there is such a man, as there probably is, you are not referring to that kind?

Col. BLETHEN. No; not at all. I am referring to the fellow that goes from town to town and agitates.

Mr. THOMPSON. I see. Well, give us more in detail where you draw the line, Colonel, as between the walking delegate who represents the union and who gives his entire time to it, and who is the right kind of a man, and the walking delegate who does not give his entire time to the union and is the wrong kind of a man.

Col. BLETHEN. If we have a representative of the union who lives in Seattle, he will have plenty of work to do and be a part and parcel of us, and be regarded as one of our workmen. If he be a man who travels over the country, what is generally denominated as a walking delegate, he has no other interest than to disturb the present situation.

Mr. THOMPSON. Assuming, Colonel, that a radical organization—I won't name any—but assuming that there is a radical organization and that that organization has a representative who is permanently located in Seattle, who makes his home here—his wife and children live here—would he be the kind of a man who would be safe?

Col. BLETHEN. We would regard him as a part of the union located here, and who is interested here. Take the secretary of the Typographical Union, Mr. McCullough. He is that very kind of a man you speak of, one of the best fellows we have got.

Mr. THOMPSON. Assume the secretary of the Industrial Workers of the World or some representative was located here permanently, had his home here, his family here——

Col. BLETHEN. I do not see any reason why there should be any distinction.

Mr. THOMPSON. No distinction?

Col. BLETHEN. No.

Mr. THOMPSON. Are you acquainted with the Industrial Workers of the World, Colonel?

Col. BLETHEN. Not favorably. [Laughter.] I know something about them, Mr. Thompson. We have had trouble only with them all the time.

Mr. THOMPSON. What are your views of that organization?

Col. BLETHEN. I think if the rest of the unions would get together and put them out of business, we would be getting good results.

Mr. THOMPSON. They are an organization existing all over the country?

Col. BLETHEN. They are revolutionary in their movements, in their propaganda, and in their action. Revolutionists I have no use for.

Mr. THOMPSON. When you use the term "revolutionist," Colonel, what do you mean by the term "revolutionist"?

Col. BLETHEN. I mean to say that when the I. W. W. determine that a body of men, no matter who they are—take the typographical union, for example, in this city—and the I. W. W. think these men are not getting the wages they ought to have, if they can disturb it or interfere, they will proceed to do so for the purpose of breaking them up—not bettering them, but to destroy them—their purpose being to disorganize and destroy, not to organize and build up, the exact opposite of the typographical union, for example.

Mr. THOMPSON. Well, if the purpose of the Industrial Workers of the World was to organize rather than to disorganize, to build up rather than to tear down, to increase the wages of the men, better their condition, shorten their hours, then you have no objection to the organization?

Col. BLETHEN. No, sir.

Mr. THOMPSON. Is that it?

Col. BLETHEN. That is precisely it, Mr. Thompson.

Mr. THOMPSON. As you conceive the idea, it is an organization which is the antithesis of these things?

Col. BLETHEN. The exact opposite.

Mr. THOMPSON. Is there any positive or specific information you would like to give the commission?

Col. BLETHEN. Incidentally, when you were speaking of organizations—I presume the commission is familiar with the fact that the organization of the typographical union and the others, although the typographical union was the main mover, that caused the publishers of the United States to organize the American Newspaper Publishers' Association—there are now 900 or possibly 1,000 of them. By reason of this organization and the work which has been accomplished through the officers of that organization and the international officers of the typographical union, the pressmen's union, and the stereotypers' union conciliation and arbitration have been accomplished almost completely in the United States.

Mr. THOMPSON. Col. Blethen, have you any opinion as to the wisdom of permitting or restraining what is ordinarily called soap-box street gatherings?

Col. BLETHEN. I would restrain them to this extent, Mr. Thompson: I would not allow them to speak in the public streets where they become a nuisance by reason of gatherings, loud talk, and filling the streets. There is no objection

to their speaking, so far as I am concerned, in the public parks or open places where the people can congregate and hear them if they desire; but to get under the windows of a business office like ours, for example, and proceed to "orate" for an hour and a half, telling the 280 employees in that building what a son-of-a-gun I am [laughter and applause]—what an outrage it is to permit The Times to be published, and all that sort of a thing—I won't have them doing that if I can prevent it, and I have succeeded in preventing it so far. But I haven't the slightest objection to their going out upon Times Square, for example—we are putting up a building there—and "orating" all day or all night.

Mr. THOMPSON. The Times Building is down here on Second Street?

Col. BLETHEN. The present building, where we now operate, is at the corner of Union and Second. We are constructing a new building on Times Square.

Mr. THOMPSON. You have some war bulletins in the window there?

Col. BLETHEN. Yes, sir.

Mr. THOMPSON. Do the people gather around there and read them?

Col. BLETHEN. Yes. Oh, well, I don't know as they read them, but I think the war [laughter]—I think the war has been fought over about 40 times since The Times put up those bulletins. Sometimes the English are winning, sometimes the Russians, sometimes the Germans. The boys have a good time, anyway. They stay there until way into the night, when they can't read a bulletin in the window to save their lives, still "cussing" and discussing the whole problem, with prejudice, of course, according to their nationality.

Mr. THOMPSON. Would your views as to street-corner gatherings include an objection to department stores or any stores that have window displays—any store that has a window display which causes men to gather around and impede and obstruct travel in the highway?

Col. BLETHEN. Not the slightest. The I. W. W. might fill our square full if they just talked among themselves. It is the shouting—it is the disturbance of the employees on the four stories of our building—that disturbs. For example, the 67 men on the top floor hear the I. W. W. outside "cussing" me; they all go and look out the window [laughter and applause]. That would be true of the newsroom, where there are 55 to 60 more people. It would be true of the business and circulating departments; and it is that—the disturbance of the operation of this work in the gathering of the people—that annoys.

Mr. THOMPSON. You wouldn't want it to be understood that the objection on your part is personal to those gatherings?

Col. BLETHEN. No.

Mr. THOMPSON. Because they speak of you?

Col. BLETHEN. Not at all. If they want to talk about me and wouldn't disturb the work of my employees it would be all right.

Mr. THOMPSON. Well, then, your objection to what is called open-air speech-making——

Col. BLETHEN. Street speaking.

Mr. THOMPSON. Is purely local?

Col. BLETHEN. Purely local.

Mr. THOMPSON. Col. Blethen, in regard to the question of industrial unrest and any cures there are for it, have you anything to add to what you have said, in the way of remedy or suggestion to this commission?

Col. BLETHEN. I have studied that problem all my life. I do not know but one thing, and that is, to give men and women enough to do and keep them employed. That is the whole of it.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. Colonel, if you gave that a logical, practical interpretation, would the man who works five hours a day be three times as dangerous as the man who works 15?

Col. BLETHEN. Well, I think you have got the maximum too high, and your minimum too low.

Commissioner GARRETSON. Make it 8 and 16, and put it twice, or make it 8 and 12, and make it one and one-half times as bad.

Col. BLETHEN. The man who is engaged in any legitimate business a reasonable number of hours at fair wages is a contented man.

Commissioner GARRETSON. The man who is not employed at all, take the day laborer, is the man who works the long day more contented than the one who works the short day?

Col. BLETHEN. Certainly not. The man who works 8 hours a day, the laboring man, is more contented than the man who works 12.

Commissioner GARRETSON. Then there is a point where your theory works down and then starts up, is that it? Just a sliding scale?

Col. BLETHEN. No; not a sliding scale, except you apply it to skilled and common labor. I think skilled labor should have fewer hours than common labor. I do not believe the common laborer ought to be compelled to work beyond the ordinary eight hours.

Commissioner GARRETSON. Does brain fag more easily than brawn?

Col. BLETHEN. Well, I don't know. I have been operating my brain for 67 years, and it has never got tired yet. I also do a great deal of physical work about the building and take much exercise, and I haven't become tired yet.

Commissioner GARRETSON. A man once charged that I didn't have brain enough to get tired.

Col. BLETHEN. What was that?

Commissioner GARRETSON. I say a man once charged me that I didn't have brain enough to get tired.

Col. BLETHEN. He evidently hadn't seen you.

Commissioner GARRETSON. If the idle poor are a dangerous element on account of idleness, what about the idle rich?

Col. BLETHEN. Pretty nearly as bad, except you can get rid of the idle rich, and you can't get rid of the idle poor. The poor can't go away. The idle rich can go to Europe where a hundred thousand of them are now stranded on account of the war.

Commissioner GARRETSON. In the bonus system that is maintained in the typographical union, what is your minimum, 35,000?

Col. BLETHEN. I think it is—my impression is 38,000.

Commissioner GARRETSON. If a man sets 42,000, is he paid for each of those 4,000 excess over 38,000?

Col. BLETHEN. No, sir; not over the minimum. He is paid for half.

Commissioner GARRETSON. In other words, is he paid for each succeeding thousand half as much as he is paid for the original 38?

Col. BLETHEN. That is it.

Commissioner GARRETSON. Who gets the bonus, the employer or the employee?

Col. BLETHEN. Both. In other words, the man or woman who just as easily, with the same nerve, energy, and activity, sets 42,000 while the other man or woman sets 38,000, and has worked just as hard to set the 38,000, is entitled to a consideration on account of his superior natural ability, and that is the main reason we divide it with them. We don't work the man extra to do it. He works naturally.

Commissioner GARRETSON. He works naturally, but is there any greater expenditure of energy?

Col. BLETHEN. Not a bit.

Commissioner GARRETSON. Although more easily expended than in the other case.

Col. BLETHEN. No; I don't think so. You take two men and let them walk 10 blocks in this city, and one will get there about 50 per cent quicker than the other, and both men be in the same breath and same condition when they get there.

Commissioner GARRETSON. But would that be any sign that either his voltage or his amperage had not been reduced thereby?

Col. BLETHEN. No; but it would be a sign that applying that same example to his work, that he is entitled to his superior natural ability, and should be paid for it.

Commissioner GARRETSON. Because he has consumed more of his reserve force?

Col. BLETHEN. No, not by any means.

Commissioner GARRETSON. No?

Col. BLETHEN. The man that walks the 10 blocks 50 per cent quicker than the other fellow, who hasn't lost any more energy than the other fellow who has tried to keep up——

Commissioner GARRETSON. How about an electric car running up and down here upon a storage battery. If one does it one-half quicker than the other, what will be the relative record of the ammeter on that machine?

Col. BLETHEN. Well, you will have to ask an electrician. I am talking about natural ability.

Commissioner GARRETSON. You don't believe there is any analogy between nervous force and natural power?

Col. BLETHEN. Well, artificial power—natural force is one thing and artificial power is another.

Commissioner GARRETSON. On your statement in regard to agitators, I am a little interested in that. I am inside the list in this. I live in one part of the country and I am often in another. Have you any knowledge that a man of that type, a nonresident, is often, in fact, regularly summoned by large employers to exercise a restraining influence over their own employees.

Col. BLETHEN. I have no personal acquaintance with any condition of that kind.

Commissioner GARRETSON. You have never heard of that?

Col. BLETHEN. I never had the experience myself and I have never had any personal acquaintance with anything of that kind.

Commissioner GARRETSON. You would be perfectly willing to verify the fact that such conditions do exist if they were cited to you?

Col. BLETHEN. If they were authoritative, certainly.

Commissioner GARRETSON. I say, to determine whether or not they were authentic. I don't know whether you have heard some of the testimony that has been given here.

Col. BLETHEN. I have only been here since 2 o'clock this afternoon.

Commissioner GARRETSON. Only since 2. It has been asserted here and elsewhere that employers as a class, through associations and otherwise, oppose the class of legislation that betters the condition of the workers, that is embraced in the class covering sanitation, hours of service, in some localities the minimum wage, and kindred legislation presumably as legitimate as that. Do you believe it is a consistent position to take for employers, or do you not?

Col. BLETHEN. I believe in being consistent; yes. But I can say so far as the publishers are concerned that they don't have to wait for any legislation touching sanitation. They enter into a cooperative understanding with the executive committee, who work almost entirely in that identical room, or at least one of them always does, and whenever any complaint is presented we have an examination by a health officer, for example, and immediately comply with whatever conditions or orders may be made for the improvement of those conditions without going to the legislature or the city council, or anywhere else.

Commissioner GARRETSON. Well, isn't the newspaper publishing fraternity in this fix—it is so busy throwing stones that it don't care to live in a glass house?

Col. BLETHEN. Well, we are putting up a building over here that is going to be all glass.

Commissioner GARRETSON. Well, you will keep it inside so nobody will want to get stones in there, probably.

Col. BLETHEN. I don't know. We may have to keep stones in there to keep the other fellow out, but we haven't arrived at that point yet.

Commissioner GARRETSON. If you have already conformed to these sanitary requirements without the enactment of law, do you consider that men who have refused to conform to them are justified in contending against law?

Col. BLETHEN. That would be a natural thing for them to do, but I think we ought to have laws to compel them to do it.

Commissioner GARRETSON. And do you belive it would be legitimate to clog the enforcement of the law or interfere therewith?

Col. BLETHEN. No, sir; I don't.

Commissioner GARRETSON. Then you would hold that the methods of employers who did those things—well, how much better would they be than the methods that you seem to think obtain in the industrial world?

Col. BLETHEN. Well, it is pretty hard to answer that question.

Commissioner GARRETSON. That is a question of degree, is it?

Col. BLETHEN. It is pretty hard to answer that question.

Commissioner GARRETSON. I will waive it. That is all, Mr. Chairman.

Acting Chairman COMMONS. The agreements you have in the printing industry, are they what are known as closed-shop agreements?

Col. BLETHEN. Yes, sir; all union organizations are closed shop.

Acting Chairman COMMONS. And you find that this is the proper kind of contract, and that is the reason you make it. What are your reasons for making a closed-shop contract?

Col. BLETHEN. Simply because it controls the men under one organization, whereas if in the open shop you have no control. You control it yourself, but it keeps you mighty busy. The quarrels that come up between the nonunion men and the union men must be settled. Often the results are very

adverse, whereas the union guarantees to give you good workmen, to control them, and see that all the conditions of the contract are carried out. We have never had more than two or three complaints against the union in 18 years.

I had an experience of four and a half years in Kansas City in running a nonunion office, and I compared the two, and comparatively speaking I prefer that which we have here to what I had there.

Acting Chairman COMMONS. You make separate agreements with the different unions?

Col. BLETHEN. Yes, sir; entirely separate.

Acting Chairman COMMONS. And they come to you at the same time or different times?

Col. BLETHEN. No, sir; the contracts all expire at different times, just as a matter of convenience. We could not take them all up at the same time. The conditions of work and other conditions are wholly different. To illustrate: The pressmen insist on a certain number of men running a quad press, being based on the 8-page paper. The double press has 16 pages; the triple, 24; the quad, 32; the sextuple, 48; the septuple, 56; and the octuple, the largest they make, 64, and contains 8 units. In our agreements with the pressmen they demand that a certain number of men shall be employed, according to the size of the press you run. If it be an 8-page paper, it is two men, for example. If a quad, four men; and if a sex, six men; and if an octuple, eight men. But when you get to the stereotypers you have no conditions of that kind whatever. The foreman employs the number of men necessary to do the work and works the number of hours that is agreed and at the wages agreed.

Acting Chairman COMMONS. Is the number of men on the press agreed to jointly?

Col. BLETHEN. Oh, yes; that is in the contract. That is after the conciliator has settled all details.

Acting Chairman COMMONS. That is part of the agreement?

Col. BLETHEN. We write it in the agreement and sign it up, and they are sent to the international offices for approval before they are put into operation.

Acting Chairman COMMONS. Do you have the agreement that is customary in many towns, in typographical unions, of requiring that a "mat" that is set up, or matrix that is set up, shall not be loaned or exchanged among newspaper offices?

Col. BLETHEN. We don't permit that. It is very irregular, however, among the publishers. Perhaps the majority use matrices, as we call them, but in our union where there is a certain kind of matrix, where the page, for example, is largely literature, largely printed matter, that has to be reset and destroyed. That is one thing we always fight over, but we always yield. The boys always win out on that. It does not amount to anything very serious, but I think the principle is wrong, provided from their standpoint the original type is set up by union men. They ought to accept that, but that is a thing we don't quarrel about in the end.

Acting Chairman COMMONS. Is their reason for insisting on that simply to make more work?

Col. BLETHEN. To make more work. The union will not permit a matrix set by the Post Intelligencer, for example, to be used by the Times. The type will have to be set up again. We don't complain about that. We think perhaps that would be all right; when it comes from abroad and we enlarge a paper that would not be enlarged, and it is done by union labor, we have a feeling we ought not to pay for the setting twice. But here the boys win out every time; but they don't in many other places.

Acting Chairman COMMONS. Have you ever figured out how much that cost you?

Col. BLETHEN. Yes; our foreman has gone through that a good many times. It will run, according to the month of the year, from $40 to $60 a week.

Acting Chairman COMMONS. In excess of——

Col. BLETHEN. That is just set up and thrown away.

Acting Chairman COMMONS. What per cent would that be of the total pay roll?

Col. BLETHEN. I would have to figure that out. Our total pay roll for printers runs about $2,300 a week.

Acting Chairman COMMONS. This would be an increase of forty to sixty dollars on twenty-three hundred?

Col. BLETHEN. Yes; along there; perhaps an average of $50.

Acting Chairman COMMONS. About 2 per cent increase?

Col. BLETHEN. Yes, sir.

Acting Chairman COMMONS. Two per cent difference in the wage cost?

Col. BLETHEN. Not to exceed 2 per cent.

Acting Chairman COMMONS. Not to exceed 2 per cent. Do these unions join in sympathetic strikes in the printing business?

Col. BLETHEN. We never have had one since I have been here.

Acting Chairman COMMONS. You have had no experience in that?

Col. BLETHEN. No, sir.

Acting Chairman COMMONS. Have you had any experience with the boycott?

Col. BLETHEN. Only among a lot of old women and crazy people, but never with the unions.

Acting Chairman COMMONS. Never any labor-union or trade-union boycott?

Col. BLETHEN. No, sir.

Commissioner O'CONNELL. What do women boycott for?

Col. BLETHEN. Some of our crazy women get on a moral reform, and if they can't use you they boycott you.

Commissioner O'CONNELL. Boycott your paper because you don't advocate the theory that they stand for?

Col. BLETHEN. Because they can't control it, showing they are insane, of course. [Applause.]

Commissioner LENNON. We are going to have order, or I will insist that the audience be cleared from the room. I am interested in this subject; I have been all my life. I have attended all kinds of meetings and I never disturbed one. It disturbs me, and if any more applause or laughing takes place I shall insist on secret sessions.

Acting Chairman COMMONS. Have you, Colonel, any opinion regarding the kind of legislation which should be recommended respecting the boycott?

Col. BLETHEN. I have very decided opinions about the strike and boycott and lockout. I think they ought to be written into the criminal law, every one of them.

Acting Chairman COMMONS. All of them prohibited?

Col. BLETHEN. Yes, sir. The day has arrived when employer and employee ought to be compelled to get together through a legislative enforcement—to conciliate and arbitrate, if it comes to that.

Acting Chairman COMMONS. Which means what is known as compulsory arbitration?

Col. BLETHEN. It amounts to that. It is a great deal better than strikes or lockouts, I think. I had the pleasure of saying that to our Secretary of Labor when he was here and attended the convention last year. I was one at the Press Club to help entertain him a little while. We had 40 or 50 visitors, and I made that point very plain. I have printed it a thousand times, perhaps. I have printed it and spoken it a thousand times, and he got up on his "hind legs" and just roasted the life out of me, to the satisfaction of the boys present. I said to the boys, "I am almighty glad I said what I did, because you would not have gotten this beautiful speech from a member of the Cabinet if I hadn't said it," and then I had the laugh on him.

Commissioner GARRETSON. There are a number of people who hold the same opinion with regard to war.

Col. BLETHEN. I don't know. I never went to war.

Commissioner GARRETSON. So far one has been about as successful as the other.

Col. BLETHEN. No, sir; you are off. Strikes have been reduced to that extent now that I don't believe one would be thought of in Seattle; I mean in our profession.

Commissioner GARRETSON. Have they been reduced by legislation ever?

Col. BLETHEN. No, sir; that is why I want them to try it.

Commissioner GARRETSON. If they have been reduced the per cent you claim without legislation, why not follow the same course?

Col. BLETHEN. Because the reduction has occurred among the intelligent classes of unions, while the other is the lower classes. You don't require as much law to take care of the respectable citizen who has property and a family as to take care of the hoodlum on the street.

Commissioner GARRETSON. Well, I don't know.

Col. BLETHEN. That is my opinion—you asked for it.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Any questions, Mr. Thompson?

Mr. THOMPSON. Just one question: You think that a national law, or law passed by the State limiting the hours of a man's work to 8 hours a day, would help on the question of unemployment?

Col. BLETHEN. Possibly it might. I would have a national law and not a State law.

Mr. THOMPSON. Do you believe the law should deal with such questions or should it leave that to the unions?

Col. BLETHEN. Well, the workers have brought it out in fine shape, but we are going into a good deal of law. Take our industrial insurance, that would never have been brought around except through big efforts, and I think that is a case where perhaps the employers did more than the employees to have it legislated and enacted. With us it does not amount to much because we try so faithfully to take care of our boys and girls that when we have an accident now and have to go to the industrial insurance they only get about half of what they got from us, and I take their check and keep them on the pay roll. They like it.

Mr. THOMPSON. That is all.

Acting Chairman COMMONS. That is all; much obliged. Call your next.

Mr. THOMPSON. Mr. Thompson.

TESTIMONY OF MR. JAMES P. THOMPSON.

Mr. THOMPSON. Will you please give us your name?

Mr. J. P. THOMPSON. James P. Thompson.

Mr. THOMPSON. And your business address?

Mr. J. P. THOMPSON. 208 Second Avenue.

Mr. THOMPSON. And your occupation?

Mr. J. P. THOMPSON. Organizer of the Industrial Workers of the World.

Mr. THOMPSON. That is the organization with headquarters in Chicago?

Mr. J. P. THOMPSON. Chicago.

Mr. THOMPSON. Of which Mr. Vincent St. John is general secretary?

Mr. J. P. THOMPSON. Yes, sir.

Mr. THOMPSON. How long have you been an organizer of the Industrial Workers of the World?

Mr. J. P. THOMPSON. I have been an organizer for the Industrial Workers of the World; that is, drawing a salary from them as an organizer, about since 1906. I was one of those who worked for it before it was born; I mean I helped organize it.

Mr. THOMPSON. You say you helped work for it before it was born; you means as a similar organization?

Mr. J. P. THOMPSON. I mean I was one of those who worked to have it formed and took steps in starting it.

Mr. THOMPSON. How long have you been engaged in the work of propagation or agitation, or whatever you want to call it, along that line, Mr. Thompson?

Mr. J. P. THOMPSON. Well, let me see—I think I got to be a sort of agitator when I was a fireman on the Great Lakes, when I was about 15 or 16 years old.

Mr. THOMPSON. As you look over the labor field and look into the condition of the workers and look at the organization then in existence, what was in your mind that gave you the idea that a new organization should be formed? What was the reason that led you to that conclusion?

Mr. J. P. THOMPSON. Why, I saw the one big union of employers forming; I saw that in case of a strike in a shop that one craft would strike and the other crafts in that shop would remain at work and help the company to break the strike. From that I got the idea that every one in the shop should be organized together, from the man who scrubs the floor to the man who starts the engine. Then I saw that when we even succeeded in tying up a shop in that manner that they would sometimes be able to get scabs, what we call strike breakers. I saw then an organization must be formed in such a way as to cut off the raw material from one end of such a mill where strike breakers were working and refuse to handle the scab products brought out at the other end. Then we saw as we studied that one big union of bosses, employers' associations, and so on, that they met even those tactics by transferring orders to other shops—to other members of the employers' association; and so we got the idea that every one in a craft should stand together in the shop, and every shop in the industry should stand together, and then we saw,

like in the case of the strike of the coal miners, we saw the railroad men haul scabs in on one train and haul scab coal away on another, and from that the idea formed that not only should every craft in an industry stand together, but the workers of one industry should back up the workers of another industry, and that we should all combine into one big union having for our motto an injury to one is an injury to all.

Mr. THOMPSON. Looking at the standpoint of the older organizations, wherein would you claim that there is a difference between yours and theirs, so far as the question of organization is concerned?

Mr. J. P. THOMPSON. The former, as I have just pointed out, is chiefly organized by crafts. They teach every one in a craft to stand together. Now, we say for the same reason that every one in a craft should stand together, for that same reason every craft in an industry should stand together, and every industry should stand together, the workers of one industry with another. And fundamentally the difference is vital; the craft union is founded upon the attempt to simply better the condition of the wageworker under present conditions. The I. W. W. is founded upon a recognition of the class struggle and that a revolution is rapidly approaching, and that the thing most vital for any workingman to do is to organize, not only for the everyday struggle with the capitalist but also to carry on production when capitalism shall have been overthrown. Now, your civil government has broken down in three States, I think I heard you say. It will break down in every State. There will be a general strike and revolt that will be too big for anyone to handle, only the organized workers. Now, by the way, I am the author of the I. W. W. preamble, and I would like to have you read, if you want to figure on our principles, the last paragraph, which says: "The army of production must be organized, not only for the everyday struggle with the capitalists, but also to carry on production when capitalism shall have been overthrown." I look to the time when the organization known as the Industrial Workers of the World, or a revolutionary organization formed on the same lines, will be the class who will save civilization from going back to barbarism. I see a time when our speakers can influence when no one else can.

Mr. THOMPSON. Well, Mr. Thompson, getting more to specifics on that proposition, how would you figure, for instance, that the old organizations, the craft unions, would fall down in the matter of production in case the capitalistic system went to pieces?

Mr. J. P. THOMPSON. The craft union to-day is a result, you understand. Of course, you understand that when any organization is first formed it is supposed to conform to the conditions of the time. And when those conditions change, if the organization does not change to meet the changed conditions, then we have what we call an out-of-date organization. Now, there are ideas that go along with out-of-date organizations, and the American Federation of Labor is out of date in form. It is out of date in spirit. It is a representative of the past, as far as organized labor is concerned. It is dying of dry rot. The I. W. W. has got the red-blooded part of the working class. And we are not organizing on craft lines but on class lines. And the I. W. W. is aiming not only to better our condition now but to prepare for the revolution.

Mr. THOMPSON. Just coming again to specifics, Mr. Thompson, what can you state to this commission, what facts or data of any kind can you give to them from which they can draw the same conclusions that you are drawing?

Mr. J. P. THOMPSON. Well, I would say to the commission, I understand that the law that created you says that you should investigate the underlying cause of social unrest. I think it foolish to ask the man who is satisfied with the system the cause of unrest. He would not tell you if he knew; many of them would not, anyway. You have had quite a lot of hypocrites; you have had men who were afraid of losing their jobs if they told the truth. But I would advise that if you really want to know the underlying cause of the social unrest that you should ask the revolutionist. Now, I claim to be a revolutionist——

Mr. THOMPSON. Well——

Mr. J. P. THOMPSON. And I claim to be able to answer that question—the cause of social unrest.

Mr. THOMPSON. Well, I will get to that, Mr. Thompson; but before getting to that the commission is commanded by Congress to examine into organizations of labor.

Mr. J. P. THOMPSON. Yes, sir.

Mr. THOMPSON. We are examining now through you, as we have done through others, into the Industrial Workers of the World.

You have made a statement that the older unions were organized under a condition which has passed away; that they carry with them a philosophy of action which does not fit present needs.

Mr. J. P. THOMPSON. Practically what I said.

Mr. THOMPSON. And that they are on the wane, but you are on the come.

Mr. J. P. THOMPSON. Yes.

Mr. THOMPSON. Now, what I ask is, it is clear—of course, it must be to you—that these are conclusions. They may be correct. It is not for me to question them here as counsel.

Mr. J. P. THOMPSON. I understand that.

Mr. THOMPSON. I simply want to get from you the facts, so that the commission itself, when it reads your testimony, may say that, "Well, from what he states, which appear to be the correct facts, his conclusions are correct or they are incorrect." Now, what I would like you to give the commission is some data with reference to the old organization which will prove the statements you make, or tend to prove them.

Mr. J. P. THOMPSON. Why, you want documentary proof?

Mr. THOMPSON. No; we don't limit you. You can take your own way of stating it. You can state what you hear or what you have seen yourself, or what you believe; but I simply ask you for facts rather than for conclusions.

Mr. J. P. THOMPSON. Well, since one of the printing industry was represented here a moment ago in the form of one of the employers, I will call attention to the fact that in San Francisco last winter the pressmen went on strike in the job-printing shops, and the union—so-called union—printers remained at work; the union bookbinders, and so on, remained at work; and by remaining at work they helped the company to fill their orders and helped the company to break the strike of the pressmen. And I also will take the testimony, while it is warm, from Col. Blethen that these people sign contracts running out at different times. That is sufficient proof of what I said about them breaking one another's strikes; it is a fact, not a dream or anything like that.

Mr. THOMPSON. That objection would go to the question of sympathetic strikes; that is to say, that the old organization does not indulge sufficiently in sympathetic—what are commonly called sympathetic strikes.

Mr. J. P. THOMPSON. No; I don't like the word "sympathetic" strikes.

Mr. THOMPSON. But I am talking about the word as the general public uses it.

Mr. J. P. THOMPSON. Well, the general public don't use the word in that sense; that is sympathetic. Now, here is the idea: If there is a strike in a restaurant, and a harness maker up on some street somewhere would go on strike in sympathy, you know—you might say it was sympathy, but we can get that in the dictionary; sympathy, that is the way we look at it. We say that the ice-wagon driver and the bread-wagon driver and the driver who delivers meat or ice or supplies of any kind to that scab restaurant are strike breakers, and it is a question of whether they want to be union men or scabs, not a question of whether they want to strike in sympathy, but a question of whether they want to help break the strike or win the strike, and if they do those things we call that union strike breakers.

Mr. THOMPSON. Well, now, in what other respects is the old organization unable to meet the new conditions?

Mr. J. P. THOMPSON. The old organization is not based on a recognition of the class struggle, and an organization that is not revolutionary—a labor organization that is not revolutionary can not rally to its support any red-blooded members of the working class. I will add further that I believe that the red-blooded part of the American Federation of Labor, when it comes to a showdown, will back up the I. W. W. better than they will the A. F. of L.

Mr. THOMPSON. What do you mean by the class struggle, as you have stated it?

Mr. J. P. THOMPSON. Well, whenever you get ready to ask me that question of the cause of social unrest, I think I could probably lay the foundation of the whole thing right there in a nutshell.

Mr. THOMPSON. Well, I said you might follow your own method, Mr. Thompson.

Mr. J. P. THOMPSON. Well, I understood you said later you would ask about that.

Mr. THOMPSON. Yes.

Mr. J. P. THOMPSON. The reason I say this, I would like to answer the whole thing at once in one way.

Mr. THOMPSON. You may go on and answer it; take up the question of industrial unrest, its cause——

Mr. J. P. THOMPSON. The class struggle all comes under that.

Mr. THOMPSON. And your cure. I want to get from you your opinion.

Mr. J. P. THOMPSON. Certainly; that is the idea; and it is worth whatever it weighs; that is the idea.

Mr. THOMPSON. Go right ahead.

Mr. J. P. THOMPSON. Now, the real cause of all social changes and revolutions are to be sought, not in men's brains, not in their more or less confused ideas of right and wrong or of truth and justice, not in the philosophy, but in the economics of each particular epoch. That is one of our sayings. We say that in order to understand the social problem it must be looked at as a process of natural history, governed not only by laws independent of the human will, consciousness, and intelligence, but, on the contrary, determining that very will, consciousness, and intelligence. Now, when we speak of the world, of the working class, we mean the workers of the world. We are as broad as the world. We claim that in studying economics we must consider it from the standpoint of the world. You never hear us talk about immigration being a bad thing; we believe it is a good thing, and so on. And so you might question me on that, if you wish, later. But here is the point, that I will just take, for example, this country, since I am an American for many generations, and naturally quite familiar with the history of this country. In the day of what we call petty industry in this country the tool of production was of a kind that could be used by the individual. The man who used the tool owned the tool. In the early days of our forefathers all they had to do was to kill some Indians and get the land, and then they could settle down on that land and make a living. They didn't have any railroads. The only railroad they had then was in the form of an ox team, and they took their own commodities to market. They didn't have shoe factories. The worker who made shoes made them by hand and carried his tools under his arm. When the farmer in those days wanted any clothing, he didn't go to the factory for it. The women folks used to be the textile mill in the home. They used to make the homespuns, knit the socks and the mittens, and make the clothing, the homespuns.

Now, if a man was up against it, as we put it to-day, why they would say: "Go out and take up a piece of land and settle down and make your own living." Well, now, there has a change come. There is an unrest here; look for the cause in a change in the economics, in the mode of production. The tool of production is not now a thing that can be used by an individual. The labor process has taken the cooperative form. You can not if you own a textile mill, you can not weave woolen cloth without the sheepshearer, or cotton cloth without the cotton picker. You can't weave cloth, then, even if you have wool or cotton without the ironworker to make the looms, and you can't have the building without the labor of the building worker. The tool of production to-day is not an individual tool, not a thing that one man can use. The cooperative plan or form has entered into the labor process. Now, here is what is the matter in the world: We have social production but we have private ownership of the means of production, and this divides the human race into two classes, the class who own the means of production and don't operate them, the class who operate them and don't own them. You never saw a railroad operated by the class that owns it, nor you never saw a railroad built by the owners of it. You will find one class own the means of production and another class operate them. The interests of these two classes are diametrically opposed. The interest of the employing class demands that we work hard for small pay. Our interest demands that we put the other class to work. To-day we not only have to feed ourselves, but we have to feed an idle, worthless class who have no more function in society than a bedbug. Now, in order that you may fully understand this, you have asked me in this letter to me, or in subpœnaing me, to mention the lumber industry. And I will explain the psychology of the lumber worker. I think, although I am a longshoreman, I am one of those undesirables who travel everywhere, not simply to stir up people, but to tell people what we believe can be done to make this a better world. Now, the logger, he walks out in the woods and he looks around at a wilderness of trees. He works hard in there. And what does he get? He gets wages that are below the dead line, I say dead line in wages means below the line necessary to keep him alive. They are being murdered on the installment plan. Now, they breathe bad air in the camps. That ruins their lungs. They

eat bad food. That ruins their stomachs. The foul conditions shorten their lives and make their short lives miserable.

When they ask for more, like the I. W. W. did—we asked for dry rooms, so we could have a place to dry our clothes. If we don't dry our clothes—I have got a bad cold, it bothers my throat—if we don't have—that is all right, I don't want any water, thank you. You know it rains very much. Now, speaking of this particular part of the country, which I always like to apologize for doing, as this is a world question—I am only using this as an example—in this part of the country, for example, it rains a great deal, and they work in the rain. If they didn't work in the rain they wouldn't work at all. When they come in from the camps they are wet, their feet are wet. They go into a dark barn, not as good as where the horses are, and the only place to dry their clothes is around the hot stove, made hot to dry the clothes. Those in the top bunk suffer from the heat; those far away, from the cold. Well, if they don't dry their clothes they put them on wet the next morning. Then they would have rheumatism. And when we asked for dry rooms in which to dry our clothes, a man like Weyerhaeuser, who owns all this land here as far as your eye can reach—or a mind's eye can reach, almost. Oh, no, he can't afford to put in dry rooms. No. Why not? Well, business is business. And so the logger, he finds that he is nothing but a living machine, not even treated as well as a horse. When the horse is out of work he is glad of it. When the wageworker is out of work he is up against it; they turn the hose on him in Sacramento. All right. Now, to show you just how we look at this: We say that in the early days a man came into this western country—this is only an example of the western country—when land was cheap, and when politicians could be bought for two for a nickel—that is the way we put it in our own language, understand—they got possession of this land—like Morgan and those fellows of the so-called better class, you know, that bribe legislators, as in the New Haven Railroad proposition you know about. They got out here and by bribing and grafting and gunning and one thing and another they got possession of this land, this forest out here. And then they say to us: "You came too late. We own this land." "Where did you get it?" We know where they got it, they stole it. But they say: "We have a legal right," and all that stuff, a law they made themselves. Now, just to show you how we look at it, because that is the vital point, you know—you are talking now with a revolutionist. I believe I have the psychology of a revolutionist. And we look at that as just as ridiculous as it would be if we would go out into the forest, and we would see a lot of squirrels out there working, working hard gathering nuts.

Then in the winter we would go out there and we would see the nuts piled high and these same working squirrels in misery. We would say to them, "What is the matter?" "Why," they would say, "don't you know what is the matter? Why, those fat squirrels over there, they never worked, and they own all this forest here, and when we produce the nuts we turn all the nuts over to those fat squirrels. And then they have a lot of little clerks to sort out the wormy nuts, and on pay day they give us our snuff and our overalls and our hobnailed boots." The way the worker puts it the squirrel would get the wormy nuts. We claim that no man has any more right to own this earth than he has to own the air we breathe, that John D. Rockefeller has no more right to say, "I own that coal mine; I own the coal down in the earth as far down as hell"—you don't have to go very far in a coal mine to get to hell. You are in hell if you are in a coal mine, especially if it is Rockefeller's coal mine, because he murders more in proportion to the number than any other in the country.

We say they have no right to own this. Right is a relative term. They will own it just as long as they have the power to own it. And just the minute that we get the power we will do away with this thing of some human beings owning the things that other human beings must use in order to live. And now I will become a real American again. Abraham Lincoln said "the government of the people, by the people, for the people." Well, that is tame compared to the I. W. W., and our idea will prevail when those who are opposing it are forgotten. I believe that as much as that I am sitting here. We are the modern abolitionists fighting against wage slavery. Here is one of our sayings: "The industries must be owned by the people, operated by the people for the people, instead of being owned by the few, operated by the many for the few." And that in regard to social unrest, it is not the degree of exploitation so much as it is the fact of exploitation. If we remained in this room for many days here we would learn more about the room as we remained.

We would know that it was warmer in one corner and more cool in another. And so with any society—the longer we live in this capitalist society the more we learn about it.

We have learned that the capitalist papers, as we call them, will lie, that they will lie—well, they will lie about the I. W. W.—see? And so, as the result of the lying and suggestions and misrepresentations on the part of the press, the workers are losing confidence. You know we used to say in this country that a thing was true, and prove it was by saying we saw it in black and white. Well, a man would try to prove a thing by saying he saw it in black and white in some of the papers in this country now would be a candidate for the insane asylum. And so with the courts. Now, we are losing confidence in the law. We have but very little confidence. I am speaking frankly of the working class all over the country and to those of the world; this applies to a more or less extent. The country most developed industrially will furnish to the more backward countries the image of their own future. Now, we are gradually losing respect for the law, because it is universally expressed in this way—there is one law for the rich and another law for the poor. Everyone, generally speaking, will admit that if you steal a loaf of bread you go to jail; if you steal a railroad, you go to Congress. Now, that is the way they express that idea. Now, the other class attempts to hold our class down by their high-handed methods, like the hop pickers' case. When you go to California you will hear about the hop pickers' case. Two men are in jail, sentenced to life imprisonment. They didn't kill anybody. Everybody admits they didn't kill anybody. They were telling the workers in that hop ranch what they thought ought to be done. There was no drinking water there. Every way the conditions were unspeakable. I won't take up your time with that. I expect you will get all of that in California. But these two men are in jail.

Now, it doesn't matter what you think or what I think, in a way; what I mean is this, that going from one end of this country to the other, any working man who knows anything about it believes those men are innocent, and every day they are in jail—every day they are in jail, just like rust eats iron, so confidence in the capitalist courts is dying in the hearts of the workers. Now, they can be highhanded, like in Ludlow. They can fire the tents there, and they did. And you have heard that old saying, the shot is heard around the world. When they fired the tents of Ludlow they lighted fires in the hearts of the workers they never can put out. We are not patriotic like we used to be in the sense that we will fight for the other class to get markets. We do not take any stock in this foreign-market business at all. The world's market for steel, the workers of the world produce the steel—and no matter whether the railroad is built in China or in England, it matters not to us as a class. We do the work, and all we get is what? As the wealth piles up on the one hand, misery piles up on the other, and the working class see this. They know that labor produces all the wealth. Now this puts it so any child can understand it. You know we form habits of thought. Now we workers know that if our class wasn't here on earth at all the other class would have to go to work. We know that well enough. If our class weren't here on earth and the other class wanted shoes, for instance, they would have to go ahead and make them; and if they didn't know how to make them they would have to learn how or go barefoot. Now, the difference between what we produce and what we get is the amount of which we are robbed. All capital is unpaid labor. Now, there are two armies in the world, the army of production and the army of destruction. The army of destruction is the military army; that is one of them. Now, the army of production feeds everybody. They produce it all; and what we want is for the army of destruction to disband and join the army of production, and then we who do the work won't have to work so hard—won't have to work so long. We will have the world's work to do, but we will have more help to do it, and then we won't have the capitalist class—that class who say: "We own the earth and the machinery of production." We want to put them to work and make them do their share. In other words, we want to do away with the wage system and establish the cooperative system in its place.

The labor process has taken the cooperative form, and the things that are used collectively must be owned collectively. And this class struggle will never end until the workers of the world organize as a class and take possession of the earth and the machinery of production and abolish the wage system.

Mr. THOMPSON. Now, Mr. Thompson, assuming that we were all in accord with your ideas, your philosophy of industry, taking society as it is to-day, formed of people with various views, with the majority not perhaps agreeing

with your theories of production, what would you say to this commission that it could do, either by recommendation to Congress, to the various State governments, or to the workers—the people of the country—that would probably be accepted and would lead toward this newer society that you are speaking of?

Mr. J. P. THOMPSON. Well, since you put it so broadly, that you recommend to all the different ones what to do: Now, I would, to the Government, for instance, to put it that way, I look upon them as a committee of the capitalist class. But the government, political government, not the real ruling Government of the country; I don't mean that—I mean the political government. I mean that I would recommend to this commission that they say to the representatives: To all whom it may concern: That the cause of social unrest is to be found in the mode of production; that a revolution is inevitable; that we may delay that revolution a little; we may hurry it a little, but we can't stop it; and that everyone who is big enough to rise above local interests and see the inevitable should do all they can to lessen the birth pangs of the new society being born from the womb of the old. And to the capitalist class, I would say to them: "You are doomed. The best thing you can do is to look for a soft place to fall."

Mr. THOMPSON. That, Mr. Thompson, then, would be your practical suggestions to this commission?

Mr. J. P. THOMPSON. I would absolutely think that that would save—if the ruling class of to-day were big enough to do that—I believe it would save much misery in the world.

Mr. THOMPSON. I don't mean that, Mr. Thompson.

Mr. J. P. THOMPSON. I don't know——

Mr. THOMPSON. I mean your idea of what can be accomplished.

Mr. J. P. THOMPSON. I lost one point. You asked me what I would recommend to the working people?

Mr. THOMPSON. Yes.

Mr. J. P. THOMPSON. You said all classes; it includes them. Generally, everybody leaves them out except us.

Mr. THOMPSON. It would include them, of course?

Mr. J. P. THOMPSON. All right; we would recommend to the working class that they organise as a class and depend for their labor laws, not upon the politician, but that they should organise and pass the labor laws in the union and enforce them on the job. Unlike the editor of the Seattle Record of the A. F. of L.—he says they, the A. F. of L., issue a paper. You asked them what the purpose of that union paper was, and he said—if I remember rightly, he said it was to teach the workers their rights under the law and to get them to work for the passage of better laws. Now, our idea of a labor paper is that it should teach the foolishness of going to these politicians to get these laws and that they should pass the law in the union and enforce it on the job. If you wanted to do away with child labor, organise and refuse to work with children.

Mr. THOMPSON. Any other practical suggestions, Mr. Thompson?

Mr. J. P. THOMPSON. I believe that the way to do away with the unemployed is this: Now, I mentioned a moment ago that there are two armies, the army of production and the army of destruction. I included the capitalists in that because when they eat it is destruction of property. When the workingman eats, it is, in a sense, productive consumption, like a locomotive eating coal. So, I say this: That—I don't mean that literally; that it is real production consumption when I say the workman eats. I don't mean that in the literal sense, but I mean it in one sense; but in regard to this army of production and the army of destruction, I want to use an illustration that I think will make clear the cause and cure for unemployment. Now, we will take the army of destruction in an enemy's country. Suppose that there is only a certain amount of food to eat, and it is all in the form of bread; suppose that when we come to see that that army of soldiers, the army of destruction, we see that they have nothing to eat but bread. But that one part of the army got eight or ten loaves every day and the other part of the army had no bread at all. We would think they were crazy. We would say: "Put that army on rations; give each five loaves, or whatever is necessary so it will go around." Now, we walk away from them, and we see the army of production, they do not live on bread—they do and they don't—they must have labor in order to live. Well, we see that some of that army get 8, 10, or 12 hours labor, and the others have none at all. Well, what would we do?

The same as with the bread. Now, we divide the bread among the soldiers, and so we should divide—now, notice—we should divide the work of the world among the workers of the world. Then, when we do that there will be no unemployment. If there is not work enough for all of us all the time, there must be work enough for all of us part of the time. This idea of some working 10 hours and others doing no work at all, that is out of date, ridiculous. This idea of little children being worked to death while strong men are out of work, no one but a savage will support that in our opinion. So we believe that we ought to shorten the workday, divide the work of the world among the workers of the world, and then there would be no unemployed. Then the other class in their struggle with us would find it hard to get scabs; they would have a hard time to get men to eat food that we had refused to eat, as there wouldn't be any unemployed to draw from. Well, when we got the unemployed out of the hands of the other class, the main club would be out of their hands, and then we would make the boss—we would force the boss—to pay us more wages for five or six hours than he does now for eight or ten. That is not all. When we have divided the work among the workers of the world, then we have gotten the bosses around on the slippery end of the stick. Then we will put them to work, and this system will be over, and we will establish the co-operative system. That is revolutionary, but that is what we are after.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. I want to ask you a few questions. In one of your direct answers to Mr. Thompson—how long has the I. W. W., that branch that you represent, been in existence as an organization?

Mr. J. P. THOMPSON. The I. W. W. was formed in 1905.

Commissioner O'CONNELL. There is another organization of the I. W. W., is there not?

Mr. J. P. THOMPSON. There is a small group of men with headquarters in Detroit, Mich. They are quite different from the I. W. W. They stole our name. They have a political idea instead of the union idea.

Commissioner O'CONNELL. They were originally connected with the I. W. W., were they not?

Mr. J. P. THOMPSON. No. One or two—I will tell you, the editor of their paper, the Socialist Labor Party paper in New York, came to the convention of the I. W. W. in 1908. We contested his credentials on very good grounds and he was refused a seat—just a moment and I will finish shortly; you asked me to be brief. After the 1908 convention when the politicians of the Socialist Labor Party found themselves outside of the I. W. W. they held a conference in Paterson, N. J., and they decided they would form an organization of their own with a political clause, and when they came to decide on a name there was much debate. They said, "Let us"—one of them, I believe, said this: "Socialist Labor Party"; "Socialist Labor Union." S. L. P.—S. L. U. But another motion prevailed, and they stole the name of the I. W. W. and called themselves the Industrial Workers of the World, although they don't amount to much.

Commissioner O'CONNELL. Are you a Socialist Mr. Thompson?

Mr. J. P. THOMPSON. I am not a parliamentary Socialist. I take no stock in the ballot, the capitalistic ballot. I believe in the ballot in the union.

Commissioner O'CONNELL. Do you believe in the cooperative commonwealth?

Mr. J. P. THOMPSON. I believe in the cooperative commonwealth. I am really a revolutionary Socialist.

Commissioner O'CONNELL. The Socialist organization stands for that clear through?

Mr. J. P. THOMPSON. The Socialist Party, they do stand for the cooperative commonwealth, at the same time they devote their energies chiefly to the patching up of capitalism.

Commissioner O'CONNELL. Do you believe in sabotage?

Mr. J. P. THOMPSON. Yes; I believe in some forms of sabotage.

Commissioner O'CONNELL. What forms?

Mr. J. P. THOMPSON. Whatever form will win. Now, that is a question of judgment. In order that I may be perfectly clear on that, I believe in eating, but I don't believe in eating poison. I believe in talking, but I don't believe in saying anything that I do not believe, for instance. So in the same way I believe in sabotage.

Commissioner O'CONNELL. Taking poison, for instance?

Mr. J. P. THOMPSON. No; of course I believe in talking, but that does not mean that I believe in saying everything; and because I believe in sabotage does not mean I believe in all forms of sabotage.

Commissioner O'CONNELL. You mean destruction of property to obtain your ends?

Mr. J. P. THOMPSON. Well, to the point of destruction of property, you know that is such a question that you want me to answer it right off the bat, so I will go a little further: I believe that if there is a man behind you who is going to kill you now, I would kill him to save you. So I not only believe in destruction of property, but I believe in the destruction of human life if it will save human life. You understand? And so on. Now, it is all a relative term. So when you ask me do I believe in destruction of property, I don't as a general principle believe in the destruction of property, but as between the destruction of property and the destruction of human life, let the property go. I believe like the old abolitionists used to say: "One drop of blood shed by a master's lash outweighs a nation's gold."

Commissioner O'CONNELL. If your organization was involved in a strike in which great numbers, a small or large number of your members were engaged in battling for what you consider increased opportunities of life——

Mr. J. P. THOMPSON. Yes.

Commissioner O'CONNELL. And it came to a question of where in order to win that it would be necessary to destroy property, in an event of that kind, what would you do?

Mr. J. P. THOMPSON. Well, I wouldn't like to see a strike won, and have it go out through the country that it was won because we destroyed property. I will tell you why. I do not want to be misunderstood on that.

The I. W. W. teaches that the greatest weapon in the hands of the working class is economic power. Now, what I mean by that is we are the living parts of industry. All we have to do is to fold our arms and industry is paralyzed. If there was a street car strike and the motorman was a scab, I would much prefer to see them stop that car by use of their economic power than with a brickbat or club. In other words, I would much prefer as a lesson to the other workers who are fighting, instead of destroying the street car in times of a street car strike that they should stop that car by shutting off the juice at the power house. That would be a lesson.

Commissioner O'CONNELL. What is the total membership of the I. W. W.?

Mr. J. P. THOMPSON. The total membership of the I. W. W., I don't know, but I say this——

Commissioner O'CONNELL. I am taking Mr. St. John's word for it.

Mr. J. P. THOMPSON. I will say St. John doesn't know either.

Commissioner O'CONNELL. He is secretary.

Mr. J. P. THOMPSON. I know he is; but just like the A. F. L., they don't know how many members they have got. The A. F. L., for instance——

Commissioner O'CONNELL. I am not talking about the A. F. of L.

Mr. J. P. THOMPSON. I am only using that as an illustration; they don't know how many members they have got, because they have one man that belongs to four or five unions, and they call him five when he is only one. I know a man who is a member of a carpenter's union, and he is a machinist; yet he is one and the same man. What I mean when I say members of the I. W. W. is the actual paid up members. I don't know. St. John knows more about that, because he has got the books.

Commissioner O'CONNELL. He said about 13,000.

Mr. J. P. THOMPSON. Yes; I expect that is quite a big number, 13,000.

Commissioner O'CONNELL. The reason I was asking——

Mr. J. P. THOMPSON. What I want to say is, the membership of the I. W. W. is not to be reckoned by the absolute paid-up members.

Commissioner O'CONNELL. The reason I ask is because the statement made by you that the red blood——

Mr. J. P. THOMPSON. That is what I said.

Commissioner O'CONNELL (continuing). Is made up in this membership in the I. W. W.

Mr. J. P. THOMPSON. No; you misunderstand me. I said that an organization that stood for the present system and did not have a revolutionary goal, could not rally to its support any red-blooded members of the working class; that the red-blooded members of the working class believe this system is only a passing stage, in the economic development of mankind. No one who has any intelligence, I mean, and red blood at the same time—and anybody—of course, if you believe in slavery, because I have no use for anyone who believes in slavery, I despise a man, or I despise nothing more than I do a contented slave.

Commissioner O'CONNELL. Am I to understand you compare the 3,000,000 organized workers in the trade-union——

Mr. J. P. THOMPSON. Yes.

Commissioner O'CONNELL. About 3,000,000, including the labor organizations which are members—these 3,000,000 are entirely ignorant of the situation?

Mr. J. P. THOMPSON. No. I say that—if you will remember, I said—my memory is better than yours—I said I believe the red-blooded members of the American Federation of Labor would support the I. W. W. better than they would their own program.

Commissioner O'CONNELL. Then, as I take it, as compared to the members having the red blood it is indicated by their membership in your organization?

Mr. J. P. THOMPSON. What I have in mind when I say that they are red blooded is that—I was in the Lawrence strike. I was general organizer in the Lawrence strike, and I had occasion to see that the miners, the coal miners, you know, and so on—the money poured in, and they supported us in this country, enthusiastically, and their letters show, "You have got the only dope, go to it."

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. Have you anything more? [After a pause.] That will be sufficient. You are excused.

Mr. Thompson, call your next witness.

Mr. THOMPSON. Mr. Pauly.

TESTIMONY OF MR. HENRY PAULY.

Mr. THOMPSON. Will you give us your name?

Mr. PAULY. Henry Pauly.

Mr. THOMPSON. And your address?

Mr. PAULY. 813 Eighth Avenue.

Mr. THOMPSON. And your present position?

Mr. PAULY. Clearing lands at Du Pont, Wash.

Mr. THOMPSON. Is there such an organization as the Itinerant Workers' Union?

Mr. PAULY. There is an international order of itinerant workers; this is Local 22.

Mr. THOMPSON. Have you any connection with that?

Mr. PAULY. I am chairman of the union.

Mr. THOMPSON. In the work you say you are doing, clearing land, is that in connection woth your union, or this matter?

Mr. PAULY. In connection with it, part of it.

Mr. THOMPSON. What kind of organization is the Itinerant Workers' Union?

Mr. PAULY. The Itinerant Workers' Union is composed of men following construction work, following the harvest fields, bridge builders, men doing all seasonal work, men following timbering, lumbering, most all seasonal work.

Mr. THOMPSON. Is it affiliated with any other labor organization?

Mr. PAULY. Fraternally, yes, sir; with the A. F. of L.

Mr. THOMPSON. Where are most of the members located in your union, the international organization as a whole?

Mr. PAULY. The international organization is at Cincinnati, Ohio; Jeff Davis is president of the international order, and Harry Shriber is secretary-treasurer.

Mr. THOMPSON. Where is the principal membership, in the East or Middle States, or the West here?

Mr. PAULY. In the East, the order is new in the West.

Mr. THOMPSON. What is the purpose of your union?

Mr. PAULY. The purpose of this union is to keep the itinerant workers from going and taking strikers' places, to get the men to organize, to better their conditions, to help their conditions during the winter months when there is no work.

Mr. THOMPSON. Are you engaged in work of that kind here in Seattle?

Mr. PAULY. Yes; I have been engaged in that work since the 26th of December.

Mr. THOMPSON. Now, in your own way, tell us what you are doing in that work, when you started, where you have worked, and how you work.

Mr. PAULY. Last November I finished up with the Government work. I was out of employment, and I shipped from Spokane to Lewiston, Mont. I paid two

dollars and a half for the shipment to Lewiston. They were paying two dollars and a quarter a day for workers. I left Spokane, and I met a train that was going to Harlow with a bunch of men shipped from Seattle here. I forget the name of the little station on the Milwaukee where we met them. Anyway, when the Spokane shipment met the train from Seattle, we were all crowded so that there was not standing room for the men in there. They crowded us from Spokane into the car there, and we were in there from 9.30 that morning until away along the next afternoon without water or any place to lay down; some of them could not even stand up, the way they crowded us in there, and when we got to Lewiston there was about four or five hundred men laying around the prairie there, and they didn't know where the next bite to eat was to come from, and there was no work—the majority of the camps were closing down.

It was Sunday afternoon when I got to Lewiston. Monday morning there was a sign on the board—the Milwaukee road had a man catcher there, what they call a man catcher. When they needed any men up on the line, they would post it on the blackboard and load up the men and ship them up the line. They wanted 150 men at Amhurst, material yard men, Monday morning, and I landed there Sunday. I went down to the depot Monday morning, and I was one of the 150 men they picked for Amhurst. I went up there, and when I got there there was 150 men at Amhurst on a grub strike. The men demanded another cook or they wouldn't go out until they got another cook. They were paying five dollars and a half board, and they demanded something to eat. So they wouldn't furnish them another cook, and the men that didn't go out that morning to go to work, they fired them. So they ran 150 men of us that was idle and had shipped to Lewiston to Amhurst. The men were compelled to go to work, a lot of them hadn't eaten for a number of days. We were forced to go to work. I went out with the men after dinner, and I guess I looked pretty good to the foreman, and he put me to bucking ties, what they call bucking ties. The rest of the men were put in different gangs, steel gangs, and so on. I was taken down to a pile of logs, about 35 feet away from the dock. That was a cross-pile or bunch of ties left there, and I was told I was to get a cent and a half a tie. I started to buck some green railroad ties there. They were fir ties, green, that had been piled there, and I had about 45 feet to carry these ties up on a branch on a flat car and pile them. I noticed other fellows that had been there, and some of the ties were piled so that they were pulling these ties down from a pile that was piled along parallel with the railroad track. They used a pick or roll. I spoke to the timekeeper, and he said, "Your turn will come next, you will get a good pile, we divide that up." I finished a couple of cars bucking these piles of ties, carrying them. The next car I got I want a car where I could pull them off of the pile with a pick or roll. Well, I didn't get that car. They gave me another car to carry up. So I left the car there, and I told him it was pay day, if he could not give me a car the same as the others, I was taking equal chances. He told me he had no other work for me, if I didn't want to buck ties I would have to go and get my time.

I went to work and got my time and they charged me a dollar hospital fee for the hospital, and then I had to go back to Lewiston to get my money. The men had quite a time getting their money. After the men quit work there they had to go down to Lewiston to get their pay. I didn't have a whole lot coming, and I had to go back up the line to get what they call a traveling stake. I went to the gang there and went to work for the McGrath Service Co. They had a bunch of Americans and a bunch of Bulgarians. The white men were boarded with the Western Commissary Co. and the Bulgarians had a camp of their own and were buying the raw material from the Western Commissary Co., and the Western Commissary Co. was supplying them a cook free gratis. The food that they furnished there was in such condition that the men possibly could not stay. There was dysentery the same as we had in the Army in 1898 at Jacksonville, Fla. I worked there as long as I could. I went back to Lewiston and went to work. The frost had come and they could not work the servicing gang; they could not lay the rails. When I got to Lewiston there was about four or five hundred men laying around the prairie and more men coming down from the camps and still shipping in from St. Louis, Spokane, St. Paul, Minneapolis, and St. Louis, and things were getting pretty desperate there. We could get nothing to eat and the men could not get their time. They had trouble getting their money from the railroad company.

and I tried to organize the men, and we tried to get the city attorney at Lewiston to collect our time, so that we could get away from Lewiston.

We could not organize the men, so I went to the city officials at Lewiston to force or have the railroad company give us a pass back to where they shipped us from. They called a special council meeting there on Monday, and I explained conditions as they were, and they took it up with the railroad company, and the railroad company started to ship us wherever we were shipped from—west; any way—we wanted to go to Spokane or Seattle, but they wouldn't ship the eastern shipment farther east than Mowbridge, N. Dak., so that the majority of men coming down from the work shipped to Seattle. That brought quite an influx of men into Seattle here. At that time Jeff Davis, the international president of the International Itinerant Workers or Hoboes of America, was trying to organize here in the city all unemployed to get some means of feeding and housing the men there were in the city, and there were men coming in from Montana, and they would make quite an army of unemployed. I got in the order or joined the union, the hobos' union, and with the assistance of the citizens here we managed to get a hotel here, the old Provident Hospital on Sixth and Madison.

The Itinerant Workers' Union elected me as their chairman. The central labor council here in the city that was paying rent for the building placed me in the building there as superintendent of the building. During the time I was in the hotel we registered some 2,200 men. We took care of the men; the men got two meals a day here; those that worked got three meals—the men that would saw wood or carry wood got three meals a day and the others got two, and then we would place out men as the work came in. We placed a lot of men out among the ranchers here; they got $10 a month, and some $15 a month, from these small ranches and board. In February the Itinerant Workers' Union took up land clearing. I took one contract to clear an acre out at Green Lake. We cleared an acre of ground in a day. Fifty of the men went out and cleared up the acre in a day. With that 50 men we had $50 left on the first contract that we paid part payment on a stump puller, and we bought a stump puller and bought other tools, and we started to contract clearing land out of the city, clearing city property.

We done some wrecking here. The hoboes' union went to anybody to make it a self-supporting institution from the 17th of February up to the present time; but our men, the majority are out in the harvest fields now. They have the trouble that most of the jobs they can't stay at long enough, as there are generally three crews to the job that the men are working on, seasonal work, which is only work that only lasts a certain period. The men have got to move, and every time a man makes a move it costs him money, and when the winter months come the man is here stranded in the city and no work here. All the work here is seasonal work; there is nothing permanent, and we have made all the efforts we can to make permanent work for the seasonal workers here, and the only solution that we can see at this time is to put the—give the itinerant workers a chance to work on idle lands. We have made all the efforts that we can, but we wasn't very successful in getting work.

Mr. THOMPSON. Is there any place now where you are working on idle land?

Mr. PAULY. We have a few men that are staying here keeping up the organization with me. There are 17 of us that are clearing 80 acres at Du Pont, Wash., which we are finishing, and we will finish next Tuesday.

Mr. THOMPSON. What is it your intention to do with that land?

Mr. PAULY. We are clearing that for the Roy & Roy Milling Co.

Mr. THOMPSON. You are not clearing it for the purpose of putting it into agriculture for yourselves, but for another company?

Mr. PAULY. Clearing it for the Roy & Roy Milling Co. at so much an acre.

Mr. THOMPSON. What other kind of work have you got here for the workers in order to take care of those who are out of work because of seasonal employment?

Mr. PAULY. Well we have placed men—we have placed about 2000 men in different lines of work as the work came up. We have averaged 500 men in one night at the Hotel de Gink last winter here. Some days we have fed over 900 meals a day to men that were out of employment.

Mr. THOMPSON. Where do you get the money to pay for these meals? From the work of the men, or how?

Mr. PAULY. The men have a fund that they call the kitty. After a man has earned a little money he would put some money in the general fund. Then we divide the men into what we call flying squads; we put one man on the

bread detail, and another man on the milk, and so on, and one man would go to work cleaning out a dairy for the milk that comes back, and we would have a man sorting spuds at the commission houses on Western Avenue. That is where we got our food supply here last winter for the unemployed.

Mr. THOMPSON. Have you carried on any agricultural effort other than what you have named?

Mr. PAULY. We have placed men, but as far as the union itself is concerned we have not. We have placed a considerable number of men throughout the country in agricultural pursuits.

Mr. THOMPSON. What is the scale of wages paid in this territory for farm work and ranch work and clearing land, and so on, the different kinds of work you people do?

Mr. PAULY. The wages are very poor. Lots of the small ranches pay from $15 to $20 a month and board. Some of the big dairy ranches pay from $35 to $45 a month.

Mr. THOMPSON. With board and room?

Mr. PAULY. With board and room. For the common labor the wages run from a dollar and a half to two and a quarter.

Mr. THOMPSON. Does he feed himself, then?

Mr. PAULY. He feeds himself and pays his board and hospital fee.

Mr. THOMPSON. That is, working generally for a company?

Mr. PAULY. That is working for a company.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Do you do any work for lumber companies?

Mr. PAULY. Yes, sir; I have worked for lumber companies the biggest part of my life.

Acting Chairman COMMONS. In what part of the State?

Mr. PAULY. I have worked in Wisconsin, Michigan, Arizona, and have worked around this State for a number of years.

Acting Chairman COMMONS. Has your Itinerant Workers Union placed men with lumber companies?

Mr. PAULY. The men place themselves generally with the lumber companies; we had no call from any lumber company for men since we organized.

Acting Chairman COMMONS. How do you find these 2,000 jobs—place the men?

Mr. PAULY. They come in over the telephone. We created an employment office while we were at the hotel, and advertised in the want column. People came there asking for help at the employment office.

Acting Chairman COMMONS. How many of your men went into the lumber business, logging and so on?

Mr. PAULY. The men as they left didn't leave word where they were going. They were going and coming.

Acting Chairman COMMONS. You don't know how many went into that. What report have you from those that came back comparing their positions in the lumber and logging camps and in the lumber mills with other work that you have. How does it compare?

Mr. PAULY. Well, the conditions are different. Some camps work different hours. The sanitary conditions of the camps are different. Some camps change crews frequently, and others have a pretty steady crew. Some camps are different. Some make a practice of having three gangs.

Acting Chairman COMMONS. What do you mean by three gangs?

Mr. PAULY. One gang working, one gang coming, and another gang going.

Commissioner LENNON. How do you expect to effect any permanent relief for these people unless you work out some plan whereby you can locate them on land—or have you any such idea in view as that?

Mr. PAULY. Why that was about all we could see at the time of depression, was idle land, clearing the land. There was no other work here, there was nothing permanent in the line of work.

Commissioner LENNON. Have you ever tried to cooperate with the governor of the State, or the legislature?

Mr. PAULY. That is what we were agitating to do, to get some State land to work in the winter time when we have nothing to do—to clear it.

Commissioner LENNON. Yes; but I mean, have some of these idle workers cured of that habit of being itinerant workers and make permanent citizens of them, and give them land and have them and their families work it.

Mr. PAULY. The majority of the itinerant workers if they were given a chance to take a permanent job would gladly take it, but they usually keep us going.

Acting Chairman COMMONS. Have you taken this up at all with any organization of employers engaged in seasonal work, like lumber people or others?

Mr. PAULY. We have been to many of them looking for contracts to cut cordwood and cut cedar posts. We have gotten work wherever we could get it. We have solicited work and had men going around to different office buildings and soliciting work and advertised for work throughout the country here.

Acting Chairman COMMONS. When you take contracts, what terms do you make, by the day or job—or how?

Mr. PAULY. We take it by the acre or cord, or any way we can't get work.

Acting Chairman COMMONS. Then, how do you divide up among the members?

Mr. PAULY. It is according to how the men work. They may divide equally among those that are working together.

Acting Chairman COMMONS. On the clearing of the land?

Mr. PAULY. They share the expenses and have an equal division. They cooperatively work the land that we are working on now.

Acting Chairman COMMONS. Where does the title lie—who owns the stump puller?

Mr. PAULY. It belongs to the union, the men that have paid for it. Different men put in different time at clearing, and have paid for it.

Acting Chairman COMMONS. You keep account of the work and divide it according to the number of hours?

Mr. PAULY. The men that work on the job equally divide it among themselves.

Acting Chairman COMMONS. How much are you making by that method?

Mr. PAULY. That varies. Sometimes we make wages and other times we don't make wages.

Acting Chairman COMMONS. What do you call wages?

Mr. PAULY. Two dollars and a half a day is what we call wages here for labor.

Acting Chairman COMMONS. Do you get that in the lumber camps and sawmills?

Mr. PAULY. Yes, sir; on some work; and on others you don't.

Acting Chairman COMMONS. On railroad construction work?

Mr. PAULY. On railroad construction work they pay from $2 to $2.25 in these railroad camps. Most construction work is $1.75.

Acting Chairman COMMONS. Does that include board?

Mr. PAULY. No, sir; you pay your own board out of that and the hospital fee.

Acting Chairman COMMONS. Is it quite general, paying hospital fees throughout this country?

Mr. PAULY. You pay hospital fees most every job you go to, and if you change camps with the same company you pay twice a month.

Commissioner LENNON. Does everybody in the State of Washington pay hospital fees?

Mr. PAULY. Wherever you go all these employees pay hospital fees.

Commissioner LENNON. We have heard a great deal about it here.

Mr. PAULY. That is legal here, to charge you a hospital fee two or three times a month if you happen to change camps.

Acting Chairman COMMONS. How many, or did you ever guess, how many itinerant workers there are?

Mr. PAULY. Most of them are itinerant workers; there are no permanent factories here. It is most all timber work and seasonal work, harvest and so forth. The majority of the men in this State follow that line of work, outside of the few lucky ones that have something permanent.

Acting Chairman COMMONS. Do many of them have families?

Mr. PAULY. Some have. We had quite a few men shipped out here by the railroad companies that had families in the East last winter.

Acting Chairman COMMONS. In the East?

Mr. PAULY. Yes; that is where you have your majority of itinerant workers. Those here in the West are shipped out from the East by the railroad companies.

Acting Chairman COMMONS. That is the way they got here?

Mr. PAULY. That is the way they got here; shipped here by the railroad companies for railroad work—different construction work.

Acting Chairman COMMONS. Where do they get the jobs in the East—the employment offices?

Mr. PAULY. That is where the employment offices generally send these itinerant workers from, is the East; the majority of them. The majority of them

that were stranded last winter were fellows from the East, sent out here by the different employment firms, St. Louis, St. Paul, Minneapolis, and Chicago. I expect after the construction work closed down they were up against it and they came to the coast because the railroad companies would not transport them back east farther than North Dakota.

Acting Chairman COMMONS. Did you maintain these headquarters this summer?

Mr. PAULY. We have a home at 813 Eighth Avenue, which is closed. We have one man taking care of our quarters. We have our bedding and tools stored in the place.

Acting Chairman COMMONS. Any more questions?

Mr. THOMPSON. One more question. In this work you do around here in organizing the men is there any attitude that they take with reference to joining in sympathy strikes or otherwise?

Mr. PAULY. The men that join the hoboes union must take an oath that he will never act as a strike breaker.

Mr. THOMPSON. Do the men that join pretty generally observe that pledge?

Mr. PAULY. They have observed it here last winter when they tried to get strike breakers for Tacoma. The first place they came to was the Hotel de Gink to get a crew of men, and they were hooted out of the building. They were not very successful in getting a crew to open up the smelter.

Mr. THOMPSON. That is all.

Acting Chairman COMMONS. Anything further you wish to add as to what recommendations we ought to make, for instance, to the Federal Government or the State government as to what they should do?

Mr. PAULY. Yes, sir.

Acting Chairman COMMONS. What would you suggest?

Mr. PAULY. I wish to state that the majority of the men on the road are not there of their own free will. They are placed there through false representations by the employment office that ships them out to the different work. The men get out there and don't get enough money to get back to where they came from. They get shabby in their clothes and get down and out.

It is not the man's fault. There ought to be restrictions in regard to shipping men from one State to the other. They load the men down there into cars; the men are not given water for days at a time; they will not even get fresh water. They have to water hogs and cattle when they transport them over the country. They don't do that for the men when they ship them to the country.

Acting Chairman COMMONS. What kind of cars are they generally shipped in?

Mr. PAULY. Generally old passenger coaches. They put them on the back of the train and haul them through the country.

Acting Chairman COMMONS. Who pays the fare?

Mr. PAULY. The railroad company that uses them.

Acting Chairman COMMONS. They are shipped out for railroad purposes?

Mr. PAULY. The railroad company generally furnishes free transportation for the railroad contractors that are doing railroad work.

Acting Chairman COMMONS. You say most of them start out in the East doing railroad construction work. Don't they come out and work in the harvest?

Mr. PAULY. They will find work if they can, and I have talked to the men, and most of them generally start their western trip in that way, ship out to work in the West.

Acting Chairman COMMONS. Don't they come to work on ranches or farms or in the harvest?

Mr. PAULY. Some of them come for the harvest, but the harvest is generally only as far as North Dakota. Generally the men shipped into Montana and Idaho and those places have been shipped there to do railroad construction work.

Acting Chairman COMMONS. Are they all English speaking?

Mr. PAULY. Some are and some are not.

Acting Chairman COMMONS. In your union, I mean.

Mr. PAULY. Ours are all English-speaking men. The foreigners are all organized, generally.

Acting Chairman COMMONS. What?

Mr. PAULY. All the foreigners that are on these construction works are generally organized and are contracted for by the season.

Acting Chairman COMMONS. They are not organized into any union?

Mr. PAULY. Not in our union. They are all English-speaking people in our union.

Acting Chairman COMMONS. The others are under contract?

Mr. PAULY. The majority of the Bulgarians are generally organized among themselves.

Commissioner O'CONNELL. Who owns the Hotel de Gink?

Mr. PAULY. Why, the hotel was owned by the Sisters. That is, the old hospital that was used temporarily to place the unemployed men here last winter during the time of depression.

Commissioner O'CONNELL. Have you rented it?

Mr. PAULY. We have rented the place, and the central labor council organization is paying our rent.

Commissioner O'CONNELL. Are they paying the rent now?

Mr. PAULY. It is out of existence. That existed up until the 27th of April. After things opened up and we got most of the men, the unemployed, to work and we closed up the hotel.

Commissioner O'CONNELL. What rent was paid for it?

Mr. PAULY. Fifty-five dollars a month, which organized labor paid; organized labor paid the rent for the unemployed here in the city last winter.

Commissioner O'CONNELL. Do you have members employed around the city taking up various jobs of work? For instance, you say you wrecked some buildings?

Mr. PAULY. Yes; we wrecked buildings here last winter for fuel.

Commissioner O'CONNELL. Do your members demand the standard rate of wage and hours of work throughout the city?

Mr. PAULY. We haven't the chance to demand anything. We were lucky to get work last winter. There was no chance to demand anything. We went to work wherever we could get work. We had 25 men that worked at Bellevue, clearing land, that did not have no cover nowhere, no shelter of any kind there for over a month; was working out in the rain, and never had a chance to change clothes or anything, in a continuous rain.

Commissioner O'CONNELL. Do you think that the employers or those securing work for them took advantage of the fact that your members were in that condition who needed work, regardless of wages?

Mr. PAULY. They certainly took advantage of us here last winter, because we was down and out, no money, no work, and they took advantage in giving us work, and as far as wages were concerned, lots of times after we earned the money, in getting the money. We have right at this time a number of cases in court for work that was done by the men that we could not get no money for after the work was done, because the condition we was in, lots of people took advantage of us, for this reason, that we had no way of protecting ourselves.

Commissioner LENNON. Did you take work that union men would otherwise have done?

Mr. PAULY. We tried to get work that did not interfere with any organized labor.

Commissioner LENNON. Your story seems to indicate that you built up what we might call—perhaps, in other countries they have names—cooperative employment agencies?

Mr. PAULY. We had a cooperative employment agency while we had the hotel; yes, sir.

Commissioner LENNON. I mean your whole scheme is a cooperative employment agency?

Mr. PAULY. It is one help the other cooperatively. That is the way we existed last winter—by cooperation.

Commissioner LENNON. I would suggest to you that you study the question of getting on the land permanently.

Mr. PAULY. We have studied it, and we know what we can clear it for in different ways. We have——

Commissioner O'CONNELL. That is, to clear the land and let the other fellow work on?

Commissioner LENNON. I mean clear it for yourself.

Mr. PAULY. I think we would have a pretty hard job in getting anything around this country. We are very lucky to get the work without getting land of our own.

Acting Chairman COMMONS. That is sufficient.

The commission will now stand adjourned. We will meet to-morrow morning at 9.30 instead of 10 o'clock. The witnesses will please be here at 9.30.

(Whereupon, at 4.45 o'clock p. m. of this Wednesday, August 12, 1914, the commission adjourned to meet to-morrow, August 13, 1914, at 9.30 o'clock a. m.)

SEATTLE, WASH., *Thursday, August 13, 1914—9.30 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, O'Connell, and Lennon; also W. O. Thompson, Esq., counsel.

Acting Chairman COMMONS. The commission will be in order. Mr. Thompson, call your next witness.

Mr. THOMPSON. Mr. Page.

TESTIMONY OF MR. PAUL H. PAGE.

Mr. THOMPSON. Will you give us your name?

Mr. PAGE. Paul H. Page.

Mr. THOMPSON. Your business address?

Mr. PAGE. Buckley, Wash.

Mr. THOMPSON. And your business?

Mr. PAGE. I am president of the Page Lumber Co.; in the lumber business.

Mr. THOMPSON. What branch of the lumber business are you in?

Mr. PAGE. In the manufacture of lumber and logging.

Mr. THOMPSON. That is the manufacture of the raw material; are you making shingles?

Mr. PAGE. We don't make shingles, and we are not what is called a finishing mill. We try to get our lumber on the cars as near the log as possible—do as little finishing as possible.

Mr. THOMPSON. How long have you been engaged in the lumber business?

Mr. PAGE. Nineteen years.

Mr. THOMPSON. In this country?

Mr. PAGE. In this State.

Mr. THOMPSON. About how large an establishment have you got?

Mr. PAGE. Our mill capacity is 90,000 feet a day.

Mr. THOMPSON. About how many men during the height of the season would you employ?

Mr. PAGE. Our force to-day is 188 men.

Mr. THOMPSON. Is this the season now for the work?

Mr. PAGE. That is our regular working force. We keep that force the year around.

Mr. THOMPSON. What wages, as far as you know, are generally paid for the different classes of work in this State in the lumber industry?

Mr. PAGE. In our sawmill—this is sawmill work, does not include the yard—the minimum wage is $2.50, and the maximum is $6, and the average wage is $3.62.

Mr. THOMPSON. What would be the wage in the yard, as you have it?

Mr. PAGE. The wage in the yard has a minimum of $2.25, and a maximum of $2.25, and the average is $2.25.

Mr. THOMPSON. What would we understand by the yards; do you do any logging?

Mr. PAGE. The yard is where the lumber is handled after it is manufactured. In the logging camp the minimum is $2.50, and the maximum is $5.75, and the average is $3.48; that is, for the loggers. The railroad has a minimum of $2.25, and a maximum of $2.25, and an average of $2.25 a day.

Mr. THOMPSON. Then, according to that statement, Mr. Page, the lowest wage you pay to any of the labor is $2.25 a day?

Mr. PAGE. This statement is made up on the last six months' operations. At that time the lowest wage we paid was $2.25. That was on the logging, and on the railroad, and in the mill yard. We are now paying $2 on the logging railroad; that is, railroad work—the laying of the ties and work of that kind, $2 now.

Mr. THOMPSON. What, so far as your observation has gone, Mr. Page, is the condition of labor in the lumbering industry in this State?

Mr. PAGE. Well, I have not noticed any more uneasiness in the labor in the woods and in the mills of late than there has been at all times since I have been in the business for 19 years, with the exception of the hard times in 1895, 1896, and 1897. At that time there was not so much unrest. And at that time we paid in the yard 90 cents a day, and we did not pay it in money.

Mr. THOMPSON. Have you had any conflicts with labor, what is ordinarily called strikes?

Mr. PAGE. None whatever.

Mr. THOMPSON. Has the Page Lumber Co. had any?

Mr PAGE. Never.

Mr. THOMPSON. Do you know whether or not the men working for you are organized at all?

Mr. PAGE. I have never seen any organization. It has never come to me. I do not believe they are.

Mr. THOMPSON. With reference to the wages you pay, you mean to say that is the ordinary wage that the workers get in the industry in this State?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. What would you say—were you here yesterday?

Mr. PAGE. Yes.

Mr. THOMPSON. Did you hear the testimony regarding the mill down at Centralia, I think it was?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. If those facts were true they would be exceptional, would they not?

Mr. PAGE. Yes. But I do not think they are true. I have not seen that time statement, but I think the face of that time statement will show the wage was paid to a boy, not to a man. You can not hire men in the State of Washington to work anywhere for $1.35 a day. The employment offices here are posted. Anybody can read them on the outside, on the bulletin boards, $2.25, $2 a day. I do not know why a man would work for $1.35 when he can step into the employment office and get a job for $2.25 a day, and hire if he is a skilled lumberman, if he can get that.

Mr. THOMPSON. Have the lumbermen got an association?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Are you an officer of that association?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Do they keep pretty well in touch with the general conditions of the trade throughout the State through their association?

Mr. PAGE. Yes; that is the object of the association.

Mr. THOMPSON. Do they through this association know in a general way of the wages paid all over the State for the labor?

Mr. PAGE. No, sir; the association as an association has nothing to do with that.

Mr. THOMPSON. I mean through that would the men keep pretty well informed with the labor market?

Mr. PAGE. Yes; you would in talking with members of the association as you meet them at the association meetings.

Mr. THOMPSON. What kind of men usually work in the logging camps and in and around the mills?

Mr. PAGE. In the logging camps; that is, the logging camps proper that get out the logs, that is skilled labor, and it is composed largely of young men and mostly of unmarried men. They are a high-strung class of fellows and reckless; they are in a reckless business, a risky business, and they throw their money away; they are men of that kind.

Mr. THOMPSON. Well, take the men that work in these lumber camps generally, how long a year do they have—how much work do they have in the camp?

Mr. PAGE. Why most of the logging camps run the season through. Here in the Sound country as the winter approaches and as the timber is cut off on the lower levels we are going back into the mountains, and conditions are changing here somewhat now. A good many of the camps are up in the mountains where the snow compels them to stop logging in the wintertime, but as a general thing the camps run the year around.

Mr. THOMPSON. Could you make an estimate as to about how much work—take the lumber camps as a whole—the men would have during the year? It has been stated here it is seasonal work.

Mr. PAGE. No, sir; it is not seasonal work in this State. Last year we did not lose a day; we worked during the whole winter.

Mr. THOMPSON. That seems to be a pretty fair consensus of opinion of all the witnesses so far who have come on, that the men come down to Seattle during the off months in the lumber season. Where would these men come from?

Mr. PAGE. No, sir; that is not true. The men come to Seattle in this way: Take our best men in the logging business, take the best men in the logging camps of all the lumber industry and they work, say, 30 to 60 days, and

then they stop work and draw their pay and come to Seattle, and a good deal of that money—a great deal of that money is simply thrown away, and then that man gets work in another camp and works there 30 to 60 days and repeats the operation and comes back to us. They are rovers, they are restless; they want to travel from camp to camp; those are the best men; those are the skilled men. We have them and they keeping coming back to us. Men that have worked for us for 17 or 18 years, they keep repeating that—going from one camp to another, and coming back to us.

Mr. THOMPSON. Well, would that be true of the average man?

Mr. PAGE. That is true of practically all of them; 90 per cent of them.

Mr. THOMPSON. Ninety per cent. What are the conditions surrounding the lumber camps? Are they such that a man could establish himself and have a family, or is it necessarily the work of single men?

Mr. PAGE. Well, some of the lumber camps are so situated that family men could work in them, but most of them are off at a distance. While they all have families, I don't suppose there is a camp in the State that has not more or less families in the camp, but as a general thing the loggers are single men.

Mr. THOMPSON. Well, in your opinion, looking at family life as you live it probably, and as you know it, and as you believe it ought to be, do you think the men in the lumbering industry in this State could carry on that kind of life and be engaged in that work under present conditions?

Mr. PAGE. Why, it would be pretty hard for the logger to do that. I don't think he has any inclination of that kind. I think it is the high-strung, reckless man that gets into the logging business. They are all the same.

Mr. THOMPSON. You mean that includes the common laborer, as you call them.

Mr. PAGE. Well, you must segregate the logging end of the business from the mill end. It is entirely different; the mill end is entirely different from the logging. Different class of men entirely.

Mr. THOMPSON. Well, take the mill end, are the conditions around mills and mill towns such that married men could work in the mills?

Mr. PAGE. Oh, yes; married men could work in the mills.

Mr. THOMPSON. And in the yards?

Mr. PAGE. Not so much in the yards, though. The yardman is a rover—he is worse than the logger.

Mr. THOMPSON. Is there anything in the conditions around the yard or in the work there that would prevent a man from carrying on family life?

Mr. PAGE. Yes. Well, now, let me explain this rover. We have a vast number of men in this State, swarms of them, as I suppose there is in other States, who work at a low wage. They are men who work at the construction of logging railroads, and they are the men who do the work in the yards of the lumber mills. Now, these men as a class won't work more than three or four days a week. That is all they want to work; and they are the rovers. They keep coming and going all the time. Now, let me illustrate that to you just a minute while we are on that.

Mr. THOMPSON. Yes.

Mr. PAGE. To show you how that, what that roving propensity is. Now, in working a crew of 138 men in January we worked 186 men, in February 222, in March 224, in April 229, May 234, and June 170. Now, those figures mean a little bit more than that. Now, the month of January 186 men were on the pay-roll to work 138. That means that their means had been exhausted for the Christmas holidays, and they went to work for a stake. In February they commenced to rove; March, April, and May, and June, before the 4th of July, in order to accumulate a stake for the 4th of July, we worked 170 as against 234 in May. That is the——

Acting Chairman COMMONS. Mr. Page, does that mean so many men hired, new men hired?

Mr. PAGE. Yes; our crew is 138 men. Now, in order to work that 138 men constantly we have on the pay roll 234 men; you understand?

Acting Chairman COMMONS. Constituting how many men that you have to hire during the year to keep up the force?

Mr. PAGE. That is what I am telling you. We use 138 men. But in order to work 138 men every day there are 234 men coming and going to take these places. One man works to-day and he drops out; another man takes his place to-morrow.

Mr. THOMPSON. Let me illustrate. If you have 138 men working steadily you hire 238 men during the month or have 238 on the pay roll, which means you hire 100 extra men during that month to keep up your regular force?

Mr. PAGE. That is it exactly.

Mr. THOMPSON. Now, referring to the matter which has been stated here, Mr. Page, that the most of the work on the Pacific coast in this neighborhood is seasonal work—fruit picking is seasonal work. It has been stated also that the lumber business is more or less seasonal; that the railroad work is seasonal. What do you know about that? What would you say; would you say that is true?

Mr. PAGE. There is a good deal of seasonal work in these industries; a good deal of it.

Mr. THOMPSON. Well, have you ever studied the effect on the man's economic nature where he engages in seasonal work, as to whether it breaks down that steadiness, that continuous working habit that we see formed among other workers?

Mr. PAGE. Why, to my mind that seasonal work don't enter into the proposition of the idle man at all.

Mr. THOMPSON. No; but would it enter into the proposition of the habits of the man—some men who work steadily in factories down east, and work there year in and year out, they have the habit of going to work every day—of staying at work. Now, men who necessarily go into the fruit industry, they work for three or four weeks, and their work is done, and they have a business that calls them to search elsewhere for work. Now, what would that have in the way of an effect of giving a man the roving habit? Do you think it would?

Mr. PAGE. Yes.

Mr. THOMPSON. Whether they wanted it or not?

Mr. PAGE. Yes. I think the more a man roves the more he wants to rove. And I do not think it is the seasonal work that causes the roving.

Mr. THOMPSON. You do not think that is the cause?

Mr. PAGE. No; I do not.

Mr. THOMPSON. Have you given any study, Mr. Page, to that matter?

Mr. PAGE. I am not a theorist, I don't believe. But I don't believe that is the cause.

Acting Chairman COMMONS. What would be the cause?

Mr. PAGE. I think the cause is that you have got 15 jobs and 10 men. That is the only way I can look at it at all times.

Commissioner LENNON. What has the liquor habit to do with this condition of roving?

Mr. PAGE. I do not think the liquor habit is the cause of it. I think it is the result. I think men get to roving and then get into these liquor habits. That is my idea of it.

Mr. THOMPSON. Mr. Page, we have had some evidence here of a compensation act in this State?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. As a lumberman here, have you had anything to do with that?

Mr. PAGE. Yes, sir. The lumbermen were the people who started the first move toward passing a compensation act in this State.

Mr. THOMPSON. Now tell what you did when it was started, and in your own way tell us the story of the compensation act as you see it.

Mr. PAGE. In 1910 at the annual meeting of the West Coast Lumber Manufacturers' Association, the association adopted the legislative committee's report, and that report condemned the conditions that were at that time existing. There was a great deal of money paid by the employers to the liability insurance people. The man that got hurt got nothing, or got a small amount, and there were—there was a feeling in regard to the courts; they were unsatisfactory—and they asked for a mass meeting to see if we could not get the employers of labor and the laborers together and devise some means of remedying that evil. And that was followed by a mass meeting in Tacoma. And at that meeting there were representatives of labor, representatives of the employers. The governor of the State presided, and after a two days' session he appointed a commission to see what could be done to draft a compensation act. And in that connection I would like to say right here, contradicting some of the testimony that appeared here—and I am not saying this in any malice at all—but the Federation of Labor of this State refused at that time to meet with the employers, on the ground that it was impossible

for the employer and the employee to get together on that proposition, and that the employer was not acting in good faith, but was trying to put one over on the lumbermen. That commission was appointed and the bill was drafted and presented to the governor, and in turn presented to the legislature and passed with practically no amendments except the elimination of the first aid. That is the history of the compensation act of this State.

Mr. THOMPSON. Well, were there any objections by labor raised to the provisions of the bill that you wanted passed?

Mr. PAGE. The lumbermen indorsed the bill, and the State Federation of Labor of the State indorsed the bill without a dissent, I think.

Mr. THOMPSON. The same bill?

Mr. PAGE. The same bill. There was a controversy in the house when it came up before the house in regard to the first aid, and everything that was in the original draft of the bill that referred to first aid was taken out of the bill.

Mr. THOMPSON. Is there a bill pending relating to the first-aid proposition now?

Mr. PAGE. Yes; there is an initiative bill.

Mr. THOMPSON. What is the attitude of the lumbering interests toward that bill?

Mr. PAGE. We are opposed to the bill.

Mr. THOMPSON. What are the grounds?

Mr. PAGE. Personally, I am opposed myself to the bill on the principle of an initiative bill; I don't believe in it at all. Again, it is a loosely drawn bill. One of the provisions in the bill—the main provision of the bill—is that in case of an accident an employer is to pay $100, or whatever part of $100 is required, to give the injured employee service in the hospital. If it takes more than $100, the balance of that is to be paid from the accident fund, and the accident fund is secured by contributions from the employees. It seems to me it leaves an opening for a great deal of collusion between an unprincipled physician and the injured person, and there would be no end to the expense. It would be a great tax on the industry and really get nothing out of it, any more than they get now.

Commissioner GARRETSON. Mr. Page, you state that you are opposed to that, first because it is an initiative bill, and you oppose the initiative.

Mr. PAGE. Yes, sir; I do.

Commissioner GARRETSON. Is it the law in this State that the initiative is permissible?

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. Do you take the position that even though a law is in effect, if it don't suit you, you refuse to be bound by it?

Mr. PAGE. Oh, no; oh, no. I am not a lawbreaker; but there are a great many laws that I don't agree with.

Commissioner GARRETSON. Oh, there are laws?

Mr. PAGE. What?

Commissioner GARRETSON. There are laws.

Mr. PAGE. Oh, they are laws; yes.

Mr. THOMPSON. Now, Mr. Page, referring to some testimony that has been given with reference to the influence on legislation which both sides bring to bear in this State, what have you to say about that, if anything?

Mr. PAGE. Well, there has been a great deal said here of how the employer in this State rules the legislation of the State. I can give you one example of what the employers of this State went after before the last legislature and what they got, and that is in relation to the compensation act.

We have got a lot of theorists in this State—a swarm of them—and we are raising them every day in our educational institutions. They never hired a man in their lives, and they never worked as laborers. They have got a solution for all of these difficulties that come up between capital—or the employer and the employee. They know all about the compensation question. What they don't know about compensation acts has never been written. Each and every one of them has got a pet amendment that he thinks, or she thinks, should be tacked onto our compensation act and if that amendment was put on the compensation act it would be a perfect act. Well, if we would turn that bunch loose at our compensation act, before they got through with it it would look like a crazy quilt. We would have no act. The lumbermen as an association decided that the only way to find out whether we did have a compensation act or whether we did not was to let the compensation act work

out its own salvation, and the only way to do that was to leave it alone; and we tried to devise some means of doing that.

I was instrumental in organizing what was called the general legislative committee. I was made chairman of it, and I have been chairman of the legislative committee for the lumbermen's manufacturers' association of this State for the last eight years, and nothing that the lumbermen have done as an association in politics in this State—every particle of it has gone through my hands. I know all about it. This is not hearsay I am giving you; I know what I am talking about. This general legislative committee was organized. It consisted of representatives from every body of organized employers in this State, and we formed a plan and agreed upon what we wanted to have done with our compensation act, and that was to have it left alone—nobody to bother with it at all; make no amendments; let it work out its own salvation. As chairman of that committee I went to the governor and I presented the proposition to him and asked him to appoint a commission to investigate the compensation act and to meet with the industrial insurance commission, and if that commission decided that there were any amendments, to draw up the amendments and present them to the legislature—that is, this coming legislature—for passage.

The governor didn't seem to warm up to that proposition; sort of noncommittal. And I went to the industrial insurance committee. That was a committee appointed by the house to handle all bills that were introduced that had to do with the compensation act. I talked to the members of that committee as members, as individuals, and I talked before the committee as a committee, and stated what I wanted. They seemed to think that that was a business proposition, but the question was raised as to whether that really was the wish of the employers. And we thought we could demonstrate the fact that it was. And we called our people to Olympia, and we had a meeting before that committee which was the largest gathering of business men asking for anything before the Legislature of the State of Washington that had ever been in Olympia for any purpose. And all we asked was that the compensation act be left alone until it could work out its own salvation. The industrial insurance committee turned in that report, and the minute it was turned in there were 20 men on the floor each with an amendment to the committee's report and each man with an amendment to the other fellow's amendment, and the friends of the bill got it off from the floor, and it was sidetracked.

Now, there was the representative employers of this State. This iniquitous sawdust ring that controls the policies of the State of Washington in politics—we were down there asking for as simple a thing as that, and we could not get it. I don't think we control the politics of the State of Washington.

Mr. THOMPSON. How do you view the industrial conditions? I mean by that the relations in employment between the employer and the employee in this State.

Mr. PAGE. In what way?

Mr. THOMPSON. I mean as far as things go in this world. Is it satisfactory to you?

Mr. PAGE. Why, we have had no trouble with our men whatever.

Mr. THOMPSON. You think that the workers in this locality have any reasonable cause of complaint?

Mr. PAGE. I will tell you what I think. I think the earnest workingman who wants to get ahead and wants to be somebody and is looking for work and when he finds it works with his employer instead of working for him, I think that man is contented—reasonably contented and reasonably prosperous. While he don't have all the good things that there are in the world, there are a whole lot of the employers that don't have all the good things. On the other hand, I think the fellow that is a rover and going from place to place and looking for a job and who has a grouch and who is listening to these agitators and reading all this stuff about the downtrodden laboring man and thinks that because there are idle rich in the world that never work, that society is all wrong, and he is abused because he has to work, I think that man is discontented and down and out the most of the time, and my private opinion is that he gets just what is coming to him. The man that can't take pleasure out of an honest day's work, I don't think he fits in anywhere, and I think the man that wants to do that kind of work, while there are cases where he can't get it, I think in the majority of cases he can get it if he is looking for it.

Mr. THOMPSON. Then in your opinion, Mr. Page, the discontent which exists is mostly caused by agitators and by the rover, who really does not wish to be satisfied; is that it?

Mr. PAGE. I think there is a great deal of it. As I said before, I think the main cause is there are not enough jobs to go around. I think that is making some of the discontent.

Mr. THOMPSON. That cause would be a really serious cause of discontent?

Mr. PAGE. Yes; I think so.

Mr. THOMPSON. Take the country as a whole, take the industrial situation as you read about it in the papers and as you hear generally discussed, there is a really legitimate cause for discontent on the part of the workers?

Mr. PAGE. No, sir; I don't think so.

Mr. THOMPSON. Now, for instance, this commission is appointed by the Government to look into the industrial situation, the relations between employer and employee; to look into the cause of discontent and unrest, if any exists. Do you think that this commission has any work to do. I don't mean to say—of course it must look into the question, but is there any legitimate cause for any recommendation to be made?

Mr. PAGE. Why, of course I have my ideas of what is wrong. I don't think I have a cure-all; I don't claim to.

Mr. THOMPSON. What are your ideas—what is your idea—of what is wrong, different or more than what you said? What would you say could be done?

Mr. PAGE. Well, I think, in the first place, this rover who wants to work three days out of the week and loaf the other four, I don't think there is any law—I don't think there is anything—that will ever touch him. I don't think that there is anything that will ever eliminate him, unless it is an education that starts in the family when he is a baby. I think he is here, and here to stay.

Mr. THOMPSON. You think that vocational training of the young would be apt to change that, or have you any idea how that might be changed? You don't have to start with a man when he is grown up; we can start with him as a baby.

Mr. PAGE. The only way I can see is right at the mother's knee. That is where the training comes in.

Mr. THOMPSON. Train the mother?

Mr. PAGE. Some of them need training.

Mr. THOMPSON. What would you do with reference to the situation where there are only 15 jobs and 16 workers? What recommendation would you make to the commission?

Mr. PAGE. I think the only solution to that is to get the sixteenth man on the land and make a producer out of him.

Mr. THOMPSON. How would you do that?

Mr. PAGE. In the first place, the only way to do it is to get the inclination to go onto the land into that man's mind. You can't force him on the land; you can't hire him to go on the land.

Mr. THOMPSON. Would you try and make land free. It has been stated most of the land is held by speculators and other people. Would you pass any Government regulation declaring, like single tax, saying people must pay a tax on land and can't hold it for speculation, and thereby let this sixteenth man get on the land free? What is your method of getting onto the land?

Mr. PAGE. He wouldn't go. The only way to get him on is to get the inclination to go on the land. Let me give you an illustration here.

Right here at the back door of Seattle we have the valley of the Puyallup, the White, the Black, and the Green Rivers. That is probably as rich land as anywhere in the world. For all practical purposes for years this land has lain idle. Some has been used, but there was a great deal idle. There is a great deal idle now. We have had these unemployed men walking the railroad tracks back and forth through this land for years, and they haven't done anything with it. In the last few years the little Jap man came in. He paid thirty to fifty dollars cash rent for that land in advance, and he farmed it and farmed it for a few years and takes the proceeds and goes back to Japan an independent man; and the Japanese cousin or brother or uncle comes and steps on the rented land and does the same thing, and repeats it. The inclination to go on the land is there and he takes the land, and the fellow that is walking the railroad tracks with the bundle of blankets on his back has the same opportunity, but he hasn't got the inclination.

Mr. THOMPSON. What has taken that inclination from the man? I take it that it is generally conceded that all of our ancestors were agricultural people.

Mr. PAGE. Let me cite you one case. I don't know of a blacksmith in the

United States who is an efficient workman who wishes to have his son a blacksmith, or I don't know a blacksmith's son in the United States who wishes to be a better blacksmith than his dad. There is the point.

Mr. THOMPSON. I can illustrate better. I know very few lawyers who want their sons to be lawyers.

Mr. PAGE. Well, I don't blame them.

Commissioner O'CONNELL. They might want them to be better lawyers.

Mr. THOMPSON. The father wouldn't think that.

Commissioner LENNON. How about professors—do they want their sons to be professors?

Mr. THOMPSON. I don't know; I can't speak for them. What can you say in general as to conditions in the lumber industry which might have an effect on wages?

Mr. PAGE. Let me give you another illustration. Now, last year we had—last winter there was an estimate that there were 15,000 idle men in the State of Washington. I don't know whether there were 15,000 or 1,500. There were idle men here; no question about that. Last year this State imported into the State, according to the State reports, dairy products to the amount of $30,000,000, of butter, cheese, sheep, hogs, and cattle. Now, we had to bring in here, to feed these men that we have in the State, because we did not raise it ourselves, that amount; and there were 15,000 idle men in the State. That $30,000,000 is enough to pay that 15,000 idle men $2 a day for three years. Isn't there something wrong there, that those idle men weren't on the farm producing that stuff?

Mr. THOMPSON. Do you know anything about the work of Mr. Pauly, Henry Pauly, the head of the Itinerate Workers' Union?

Mr. PAGE. No; very little. I heard him yesterday.

Mr. THOMPSON. In the carrying on of your business have you met with any action by union labor which you consider detrimental?

Mr. PAGE. Oh, that is a matter of opinion.

Mr. THOMPSON. Have you been subject to any boycotts anywhere in your product?

Mr. PAGE. We have the California boycott, yes; we have always had that. That is——

Mr. THOMPSON. How does it affect the lumber industry here?

Mr. PAGE. Well, that is detrimental to the lumber worker here. You see, in the city of San Francisco we can not ship any finished lumber into that city, with the exception of flooring. Now, we take that lumber, take a 2 by 4, or a 2 by 6—we can ship into San Francisco rough, but we can't surface it. The lumber unions won't accept it, won't allow it to come in there. And as the result the surfacing of the lumber cost a great deal more in San Francisco than it would here in the mill. It is that much extra work that the San Francisco laborer gets and the Washington laborer don't get.

Mr. THOMPSON. How do you view that action, from your standpoint as a business man; what view do you take of it?

Mr. PAGE. Well, I think that resolves itself down to the same question that you have got 15 jobs and you have got 16 men. The fellows that have got the 15 jobs are going to hold them and let the other fellow look for himself, hustle for his own. That is the attitude of the San Francisco union as far as I can see. I can not see any other motive for stopping this surfacing of lumber here and coming into San Francisco unsurfaced other than the unions down there want that work for their men regardless of what the fellow up here in Washington gets.

Mr. THOMPSON. Well, would that bear any comparison with what is termed the tariff against products of other nations?

Mr. PAGE. Oh, I can't talk tariff; I don't know anything about the tariff.

Mr. THOMPSON. And I don't want to ask anything about the tariff. I mean just as an illustration, the tariff is more or less of a boycott on outside goods, is it not?

Mr. PAGE. You can lay any iniquity or any virtue on the tariff.

Mr. THOMPSON. I am not speaking about either evil or good.

Mr. PAGE. I don't know. I can't answer that question.

Mr. THOMPSON. That is all you have to say about that, your views on that?

Mr. PAGE. I believe so.

Mr. THOMPSON. Did you hear the testimony of Mr. Brown yesterday in regard to the conditions in the lumber camps?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Have you anything you would like to add to what he said?

Mr. PAGE. Oh, nothing more than he naturally would pick out the poorest conditions possible he could find and the poorest illustrations, and the most illy conducted camp.

Mr. THOMPSON. How are the housing arrangements in the best camp? What is the arrangement in your camp, for instance? What kind of bunk houses have you? How are their beds arranged? What is the bedding that they have? How often is it changed? Who takes care of it? What are the toilet arrangements? What kind of food do they get?

Mr. PAGE. We have bunk houses. We have what we call bunk houses. They are large houses with a hall through the center and a room at each end, and on both sides of this hall are rooms with doors and windows, locks and keys on the doors so that a man can have privacy in those rooms. The bunks are supplied with a mattress and springs, and the employees furnish their own bedding. We have a man that is called the bull cook. Every camp has a bull cook.

Mr. THOMPSON. You will have to repeat that name. I didn't get that name.

Mr. PAGE. That is a good name, bull cook.

Mr. THOMPSON. Bull cook?

Mr. PAGE. That is one of the names. He is the flunkey that takes care of the bunk house. He goes in there and fills the lamps and sweeps the building and keeps it clean, and in cold weather he has the fires started and the house warmed for the men when they come in from work.

Mr. THOMPSON. Is there any special place provided for the drying of clothing?

Mr. PAGE. These two rooms at the end of the building, they use those for drying.

Commissioner GARRETSON. The same room they sleep in?

Mr. PAGE. No, sir; it is in the same building; there is a hall running down through the building the same as if you would run a hall down through here, and there is a room on each side.

Commissioner GARRETSON. Do they have any bunks in?

Mr. PAGE. No; no bunks.

Mr. THOMPSON. What is the condition of the lumber industry in this State with regard to the business situation?

Mr. PAGE. Very bad.

Mr. THOMPSON. Well, is it temporary or has it been coming on for some time, or what?

Mr. PAGE. It is chronic.

Mr. THOMPSON. Chronic?

Mr. PAGE. Yes, sir; all the time. We have had some good spots, but the most of the time it is a depressed business.

Mr. THOMPSON. What are the causes for that, if you know?

Mr. PAGE. Overproduction is one cause; keen competition, high freight rates to meet that competition, substitutes, lack of organization, high taxes.

Mr. THOMPSON. What influence does that condition have on the wages that are paid in the industry?

Mr. PAGE. They fluctuate. The wages fluctuate up and down.

Mr. THOMPSON. With this condition?

Mr. PAGE. Yes, sir. Now, to illustrate: In 1906 and 1907, while San Francisco was recovering, rebuilding from the fire and earthquake, previous to that time we were paying a dollar seventy-five for our cheap labor; that is, the labor we are paying $2 for to-day, the man who works on the logging railroad and the man who works in the yard. During those years we paid $2.75 for the same work. The price of labor goes up with the price of lumber, and it goes down with the price of lumber. I think that it goes up faster than it goes down.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any questions?

Commissioner O'CONNELL. Yes.

Acting Chairman COMMONS. Mr. Page, Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Mr. Page, will you explain to us this hospital system that is conducted by the lumber companies or by your company?

Mr. PAGE. Yes, sir; I will give you our individual arrangement, and it is the same as the other mills. There is a doctor by the name of Dr. Taylor at Kent, Wash., who has a hospital, and we arrange with him to take care of the men—sickness, accidents, everything but venereal diseases, for a dollar per head per month. When a man comes to work for us we charge him this

dollar. If he works four days, he is charged 25 cents. If he works over four days, he pays the dollar. When he quits working for us, if he has been charged the dollar, and goes to some other camp, we give him a hospital ticket, if he asks for it. It is there for him if he wants it, and that hospital ticket will be honored by any mill in the State of Washington. He goes to another mill and presents that ticket and says, "I want work." If he is put to work, he won't be charged by that other mill for hospital service until the expiration of the time of that hospital ticket; that is, for one month. We honor other mill hospital tickets, and our hospital tickets are honored by other mills. I will say there is an indifference on the part of the employee in asking for those tickets. I have paid off men myself, where I have written the check and made out the time check, and given them a hospital ticket, and they would look at it and tear it up and throw it on the floor and go off.

Commissioner O'CONNELL. If a man worked four days for your company the latter part of the month, he is supposed to pay that dollar?

Mr. PAGE. No; if he works four days he is charged 25 cents. If he works five days he is charged a dollar. We have to establish a point somewhere in which to charge.

Commissioner O'CONNELL. Well, your number of employees you say is about 128?

Mr. PAGE. One hundred and thirty-eight.

Commissioner O'CONNELL. What number of accidents have you had—what number of your people have been sent to the hospital during, say, the past 12 months?

Mr. PAGE. Oh, we have quite a—I can't tell you the exact number, but we have had a good many.

Commissioner O'CONNELL. Twenty-five or fifty or a hundred?

Mr. PAGE. I should say not to exceed 50 in the last year.

Commissioner O'CONNELL. Well, then, if you had sent 50 people to the hospital and they had a dollar a month, wouldn't it appear they were paying a very high percentage for that hospital insurance?

Mr. PAGE. No; it don't seem so to me; no.

Commissioner O'CONNELL. This commission in its investigations at various places has come against various methods of corporations collecting hospital fees from their employees. In some instances we have found exceptional liberality in the things that may be enjoyed by the employees for that dollar; in others rather restricted. As, for instance, one concern we came in contact with within a few weeks, the employees pay a dollar a month into this hospital association. This hospital association is kept exclusively for their use. Six physicians are provided. Nurses are provided. A man not only gets care for himself, but he gets care for his wife and his children in all cases of sickness. He is paid a dollar a day if he is off sick, and he is paid a thousand dollars if he dies—or his heirs—out of this $1. And they have accumulated in addition $35,000 in this fund as a reserve fund.

Now, it would seem that if men only get just the bare hospital treatment for themselves in cases of accident, there is a great disparity as to what the cost is.

Mr. PAGE. No; but they get—you understand, Mr. Commissioner, they get hospital service for accidents and hospital service for illness together. I do not know what the institution is to which you refer, but there may not be the hazard in that institution, of accidents, that there is in the lumber business.

Commissioner O'CONNELL. Well, it is a mining industry. That is quite hazardous.

Mr. PAGE. Yes, sir. I will tell you where you can get that and get it complete, if you will ask that of Mr. Wallace, who comes here later.

Commissioner O'CONNELL. Comes on here?

Mr. PAGE. He is the gentleman who is on our industrial-insurance commission, and he is a mine worker, and mines in this State have a hospital of their own to which the miners contribute. They run the whole thing.

Commissioner O'CONNELL. Do the camps work Sundays?

Mr. PAGE. No; not as a rule.

Commissioner O'CONNELL. Not as a rule; but they do at times, do they?

Mr. PAGE. No; I don't know of any logging camp that works on Sundays. I don't know of any mill that runs on Sundays at all unless it is some special—for some special occasion, some special thing.

Commissioner O'CONNELL. Then there is a recognition of one day in seven for rest?

Mr. PAGE. Oh, yes; yes.

Commissioner O'CONNELL. Does your company run a company store in connection with its business?

Mr. PAGE. Yes, sir.

Commissioner O'CONNELL. Are the men supposed to buy all of their supplies in this store?

Mr. PAGE. No; we don't care where they buy their supplies. We would rather not run the store. It is an expense to us.

Commissioner O'CONNELL. All the commissaries are kept in that store for the feeding, and your cooking establishments are kept there?

Mr. PAGE. No, no; we have that somewhat divided. We keep the commissary for the benefit of the men and for the benefit of the families that we have there. We have quite a number of families at our place, although we are what you might call an outpost away up in the mountains, away from civilization—there is not a town within 20 miles of us.

Commissioner O'CONNELL. How do your prices compare where you are located with the prices in Seattle?

Mr. PAGE. They are the same. We can't ask any higher prices.

Commissioner O'CONNELL. You board all of your people?

Mr. PAGE. All but the married people; yes.

Commissioner O'CONNELL. What do they pay for board a month?

Mr. PAGE. Five dollars and a half a week.

Commissioner O'CONNELL. What are they fed generally?

Mr. PAGE. They are fed the best that money can buy. We don't believe that a logger can do the work that he has to do unless he has the very best of food; and he can't do it; that is all there is to it.

Commissioner O'CONNELL. Given meat three times a day?

Mr. PAGE. Do they eat three times?

Commissioner O'CONNELL. Meat?

Mr. PAGE. Yes; always—three times a day—and it isn't cow beef, it is beef—steer beef—the best we can buy.

Commissioner O'CONNELL. I suppose the proverbial bean is there occasionally?

Mr. PAGE. Bushels of them. That is a business proposition, to feed your men well, even if we didn't want to.

Commissioner O'CONNELL. Well, is that same care taken in connection with their housing, their sleeping and resting opportunities?

Mr. PAGE. Why, I think so. You have got a funny class of men to deal with in these loggers. Now, lots of times we will get loggers that will go in and throw the mattress out of the window and go up to the barn and get hay and put it in that bunk. That is what he wants.

Commissioner O'CONNELL. Are they furnished their hay and straw free?

Mr. PAGE. Yes, sir.

Commissioner O'CONNELL. But they furnish their own mattress if they want one?

Mr. PAGE. No, no; they furnish their bedding. They furnish their blanket, we furnish the mattress.

Commissioner O'CONNELL. They buy the blankets in your stores?

Mr. PAGE. Why, sometimes; not very many. Most of them have their blankets with them when they come.

Commissioner O'CONNELL. That is considered part of their trade, I suppose, when they are seeking employment?

Mr. PAGE. That is the badge of the trade.

Commissioner O'CONNELL. Part of their tools, as it were?

Mr. PAGE. Yes, sir.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. Mr. Garretson.

Commissioner GARRETSON. Mr. Page, when this man throws the mattress out of the window, is it ever because he has the idea that somebody else—something else has taken possession of it before he was there?

Mr. PAGE. Possibly.

Commissioner GARRETSON. How many other camps are under the supervision of this same doctor?

Mr. PAGE. I don't believe there is any more.

Commissioner GARRETSON. Just yours?

Mr. PAGE. I believe so; yes, sir.

Commissioner GARRETSON. How many hospitals serve your entire membership in your association, or in the lumber trade?

Mr. PAGE. Oh, I don't know. A great many.

Commissioner GARRETSON. Are there hospitals available in this territory contiguous to Seattle?

Mr. PAGE. Yes; a great many.

Commissioner GARRETSON. There were three named here yesterday.

Mr. PAGE. Oh, there are hospitals all over; they have to have the hospitals. These men have to be taken care of.

Commissioner GARRETSON. Are any of them built on the profits from this dollar?

Mr. PAGE. I don't know what built them.

Commissioner GARRETSON. How far is your camp from the hospital and the surgeon?

Mr. PAGE. About 45 miles.

Commissioner GARRETSON. Forty-five. Have you ever given any thought or investigation, or has your association, to the cost in other pursuits that are somewhat, at least slightly hazardous?

Mr. PAGE. The cost of the hospital service?

Commissioner GARRETSON. Yes, sir; to the men.

Mr. PAGE. No; I don't believe any——

Commissioner GARRETSON. Are you familiar with the railroad form of assessment for hospital service?

Mr. PAGE. No; I know that the railroad people have a very complete hospital at Tacoma.

Commissioner GARRETSON. Almost universal over the continent, and the charge universal. Do you know what that charge is?

Mr. PAGE. No; I don't.

Commissioner GARRETSON. A man that earns $50 or over is assessed 50 cents a month for all service for himself in illness or injury, and for medicines for his family, and trettment either in the hospital or at home for himself. If he earns less than $50, twenty-five cents a month. On that, many companies—are you aware of the fact that they build complete hospitals with a heavy overhead cost, and have amassed large amounts of reserve?

Mr. PAGE. Large amounts of reserve?

Commissioner GARRETSON. Yes; money.

Mr. PAGE. No.

Commissioner GARRETSON. You will admit, I suppose, that railroading is as hazardous as lumbering? Do you know anything of the figures or railroad injuries?

Mr. PAGE. I do not; no.

Commissioner GARRETSON. You have not seen the last report of the Interstate Commerce Commission to the effect that from 1890 to 1912, 1,675,854 were killed and injured?

Mr. PAGE. No; I don't know anything about that. I can't carry those figures in my head. But if you want to know how the lumber industry cripples up men, what proportion they have to the railroads, or to any other business, we have a complete report of that in the State here, and I would be glad to give it to you.

Commissioner GARRETSON. Well, wouldn't it look like any business that slaughtered that amount of men, if 50 cents or 25 cents will show a balance in favor of taking care of them exclusively, that a dollar is a good deal of a pudding for somebody?

Mr. PAGE. Oh, I don't know. That is the same old story. You can twist figures. You can take two hens and a scratch pad and make a million dollars in 24 hours.

Commissioner GARRETSON. You are a believer in the old adage that figures won't lie, but liars will figure?

Mr. PAGE. Yes; liars will figure and they will try to force a point by using part of the figures. I do not know any of those hospitals—I don't know of any doctor here in this State who has made a million dollars out of crippled men in the hospital service. They may have had that here, but I don't know.

Commissioner GARRETSON. Is there anything less than a million dollars worth stealing?

Mr. PAGE. Oh, well, now, what advantage is that to this commission?

Commissioner GARRETSON. It is worth this to this commission to know whether the workers as a class in any industry are exploited or not.

Mr. PAGE. That a million dollars is worth stealing?

Commissioner GARRETSON. Whether 25 cents is worth stealing from an employee—that is what is involved in it.

Mr. PAGE. I didn't come down here to argue or to get into any acrimonious discussion; if you want any information I am here to give it.

Commissioner GARRETSON. That is just the information I am after.

Mr. PAGE. I don't know anything about whether a million dollars is worth stealing or whether it is not.

Commissioner GARRETSON. If a man is charged unreasonably for a certain thing that is of interest to this commission. That is all there is in it. You spoke of lack of organization as being one of the causes leading to the chronic depression of the lumber trade. That is, organization on the part of the manufacturers; is that your understanding?

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. Has it ever occurred to you that the depression in wages may be on account of lack of organization of those who are interested in getting the wages?

Mr. PAGE. No, sir; I don't think so. You get right back to that proposition again; you have 15 jobs and 16 men. If the 15 men organize how is that going to help the sixteenth man. If you take the sixteenth man in, how is it going to help the 15?

Commissioner GARRETSON. If there are 16 manufacturers operating in the field where there is only a market for the products of 15, wouldn't the logical outcome of organization be that they would distribute the market between the 16 or curtail the production?

Mr. PAGE. I don't know anything about that, but I can't figure out how you are going to do anything with the sixteenth man by organizing the 15.

Commissioner GARRETSON. Then what contributes to this depression on account of lack of organization of the manufacturers?

Mr. PAGE. Well, there is a lack of organization in this way, lack of knowing the conditions; lack of knowing the market; lack of confidence in each other to the giving of this inside information as to where is the best place to market, what is the best place and how is the best way to manufacture lumber.

Commissioner GARRETSON. Organization won't make the market any greater?

Mr. PAGE. Well, under the Sherman Act it won't.

Commissioner GARRETSON. It will just utilize what market there is to the best advantage, is that your idea?

Mr. PAGE. Now, let's see a minute.

Commissioner GARRETSON. Then wouldn't the organization on the part of the employees utilize the 15 jobs to the best advantage of the 16 men?

Mr. PAGE. No, sir; it wouldn't.

Commissioner GARRETSON. Then it is good for the employer or manufacturer, but not good for the employee?

Mr. PAGE. No, sir; you have a concrete illustration of that. I have just given it to you at Frisco, where the union wants all the surfacing of this lumber. They don't care whether the surfacers up in Washington are out of a job or not. If we would let the surfacing go to Frisco these men up here would not be working.

Commissioner GARRETSON. Haven't you lost sight of the real reason for that? That is because the Washington man is paid less than the union scale, while in Frisco he is paid the union scale?

Mr. PAGE. That is not so.

Commissioner GARRETSON. You think that Washington pays as much for the men as at Frisco. If that is so, what is your statement based on that you could do it lots cheaper here than you could do it there?

Mr. PAGE. Well, you can take a piece of lumber that comes off of the chains at a mill where a man reaches for it over here and puts it through this machine, and it is surfaced, you certainly can do it cheaper.

Commissioner GARRETSON. How long does it take to handle it——

Mr. PAGE. Wait a minute. You can do that cheaper than you can take and unload it from the ship onto the lighter and unload it from the lighter onto the dock, and from the dock into a wagon, and from the wagon to the planing mill, and onto the machine. You can certainly do it cheaper.

Commissioner GARRETSON. There is just one more operation?

Mr. PAGE. There is 40 more.

Commissioner GARRETSON. You have to put it to the barge dock and to the place of delivery. You interrupt that by going to the mill, just one movement added.

Mr. PAGE. No, sir; we have all those movements.

Commissioner GARRETSON. You would have all those to get the dressed lumber, and you are perfectly aware of the fact.

Mr. PAGE. No, sir; you are getting your wires crossed.

Commissioner GARRETSON. The movements from here to Frisco are the same.

Mr. PAGE. You can't tell me anything about the sawmill business, because I know all about it.

Commissioner GARRETSON. You can't tell me anything about the sawmill business in transportation, because I know something about it.

Mr. PAGE. When you think you can load it on the truck and run it off to the sawmill and put it through the machines and handle it as cheaply as you could where you take it off the chains and run it through the machines you are talking through your hat.

Commissioner GARRETSON. You will never make a case on that basis. The pleasure that comes out of the honest day's work you cited as one of the greatest enjoyments of man. What constitutes an honest day's work, 8 or 16 hours?

Mr. PAGE. I don't know.

Commissioner GARRETSON. How is that?

Mr. PAGE. I don't know.

Commissioner GARRETSON. Well, I want to know the gauge for pleasure.

Mr. PAGE. Well, I tell you what I think about it. I enjoy my work, I like to gain my end. If the work forces me to work 8 hours, I have to do it. If I have to work 16 hours, I don't like it.

Commissioner GARRETSON. There are two of us.

Mr. PAGE. But I will work the 16 hours, and I do get some satisfaction out of the 16 hours, although I don't like the fatigue of it.

Commissioner GARRETSON. You get more out of the 8-hour day?

Mr. PAGE. I get more; yes, sir.

Commissioner GARRETSON. You spoke of the men being discontented because they listened to the agitators and read literature along those lines?

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. You don't mean by that you desire the employee to take all his opinions secondhanded from the channels furnished him by his employer?

Mr. PAGE. I don't think the employer makes any attempt to furnish him that.

Commissioner GARRETSON. Well, I don't know whether he does or not, but if he was barred from all the others, wouldn't it become their duty to furnish him something of that kind?

Mr. PAGE. I dont' believe in restricting anybody, and I don't think anybody in this country is restricted. He can read what he pleases.

Commissioner GARRETSON. Well, you stated, as I understood you, that the man who listened to the agitator and read the literature was, in your opinion, getting just what was coming to him under present industrial conditions.

Mr. PAGE. No, sir; I think the man who is listening to that and is discontented because he is listening gets just what is coming to him.

Commissioner GARRETSON. Do you believe the present industrial condition is an equitable one?

Mr. PAGE. No, sir; I don't.

Commissioner GARRETSON. You said the attitude of the employers toward compensation was that you desired it to be left alone and let it work out its own salvation.

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. Have you ever made any study or investigation of the attitude of employers toward measures of that character for, we will say, we won't go back very far, let us say 60 years?

Mr. PAGE. In what way?

Commissioner GARRETSON. As to letting them alone.

Mr. PAGE. I don't think there has ever a parallel case come up.

Commissioner GARRETSON. Isn't it a fact that the eternal attitude of the employer has always been toward this condition that that existed to let it alone. For instance, the slave owners wanted slavery left alone. Their legislative attitude in regard to all social legislation has been eternally to let it alone;

and if that had been conformed to, we would have still been in the dark ages, wouldn't we?

Mr. PAGE. That is all bunk.

Commissioner GARRETSON. It doesn't matter whether it is bunk or not.

Mr. PAGE. It hasn't anything to do with the question at all. Here is a piece of machinery, a patented machine, and set up to do a certain piece of work. You look at it and start it up, and here comes along a theorist and says we want another gear over here and another here, let's stop the machine and put those on. Is there any sense to that? Why not test the machine and let it run long enough to see whether it needs them or not.

Commissioner GARRETSON. It is very possible that the machine had been running somewhere else and that running had demonstrated the necessity for another gear, is it not? Is every man going to work out his own experience, or is he going to avail himself of the experience of others?

Mr. PAGE. Well, he might work out his own, and he might avail himself of the experience of others.

Commissioner GARRETSON. The rule is we avail ourselves of the experience of others, is it not?

Mr. PAGE. How about new patents?

Commissioner GARRETSON. About new patents?

Mr. PAGE. Nobody has ever thought of before, the solution——

Commissioner GARRETSON. I suppose the inventor works that out before he puts it on the market.

Mr. PAGE. From somebody else's experience?

Commissioner GARRETSON. In mechanics, yes; there are certain fixed laws that any mechanic has got to take advantage of, are there not?

Mr. PAGE. If that is the fact all these things work themselves out without anybody's initiative.

Commissioner GARRETSON. There have been a good many things taken care of with legislation. Was the atttitude of the average employer toward the fellow servant defense?

Mr. PAGE. Yes.

Commissioner GARRETSON. And assumption of risk.

Mr. PAGE. Yes.

Commissioner GARRETSON. And contributory negligence.

Mr. PAGE. Yes.

Commissioner GARRETSON. And still nearly all have been abolished.

Mr. PAGE. We didn't have any of that in our compensation act.

Commissioner GARRETSON. It is the eternal attitude of opposition, is it not, that prevails toward social legislation?

Mr. PAGE. Why, I don't think so. I have just told you where the lumberman and the employer go hand in hand with the laborers in trying to get something new in our compensation act. That is a concrete example that we have in this State.

Commissioner GARRETSON. There has been very considerable testimony here as to the attitude of the employing associations on the enactment of that very bill.

Mr. PAGE. Yes.

Commissioner GARRETSON. And it is not in accord with the fact that they were going hand in hand.

Mr. PAGE. They don't know what they are talking about, then.

Commissioner GARRETSON. I suppose it is a matter that could be really demonstrated.

Mr. PAGE. It can not be demonstrated. I know what I am talking about. I was chairman of the commission that drew the compensation act, and I know all about it.

Commissioner GARRETSON. Did the individuals of your association work in accord?

Mr. PAGE. On that commission?

Commissioner GARRETSON. I mean favoring the legislation?

Mr. PAGE. You mean all the individuals in our association, the lumbermen's association? No. We had a great many of them opposed to it.

Commissioner GARRETSON. And they played their lone hand if they desired to?

Mr. PAGE. Oh, certainly.

Commissioner GARRETSON. Can you furnish to this commission, Mr. Page—you state what seems to be at variance with the general consensus of testimony

from both sides of your industry. Can you furnish this commission with a copy of your pay rolls of a single logging camp anywhere, any one of them, for 12 months?

Mr. PAGE. Yes.

Commissioner GARRETSON. And would you do so?

Mr. PAGE. I will give you our pay roll. You can get the pay rolls from all the camps. Wait a minute; let me tell you.

Commissioner GARRETSON. I was only speaking of your own.

Mr. PAGE. Now, just a minute, let me tell you something. You go to the industrial commission and ask them for a copy of the pay roll of not only our camp, but some other camp, and every pay roll that you like in every camp in the State of Washington; they will give it to you, you can have that.

Commissioner GARRETSON. They are a matter of record?

Mr. PAGE. Yes; they are a matter of record.

Commissioner GARRETSON. I did not know that they were.

Mr. PAGE. They have got the whole thing.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. What was the premium which your business paid for insurance, liability insurance, prior to the enactment of the compensation law, as compared with what it costs now, is what I mean?

Mr. PAGE. We paid $1.35. That was the minimum. Just previous to the time that the question of the compensation act came up, the employers' liability insurance companies raised the rates of insurance in Oregon and said that they were going to raise them here. In fact the last time that we insured in the employers' liability insurance we were given a certain time to get in under the $1.35 rate, or, if we did not get in by that time it would be $1.50. Now, we paid them, we might say, $1.50, because that was what was coming, or existed at that time. Now, in the commission——

Commissioner LENNON (interposing). You paid $1.50 on $100 of the pay roll?

Mr. PAGE. Yes; I can give you that exactly. I have got here exactly what goes to make the cost of 1,000 feet of lumber, what labor gets out of it, and the whole thing. The industrial insurance was one and eight-tenths per cent of the pay roll.

Commissioner GARRETSON. Mr. Page, did that liability company quote you a higher rate at first than they did later on, under your local rate?

Mr. PAGE. No; they said they were going to raise the rate.

Commissioner GARRETSON. They did not endeavor to hold you up in that direction?

Mr. PAGE. In the price?

Commissioner GARRETSON. Oh, yes.

Mr. PAGE. Oh, yes; that was the reason; they were going to raise the price from $1.35 minimum, to $1.50.

Acting Chairman COMMONS. And the premium under the State plan is $1.80, isn't it?

Mr. PAGE. That is the way it worked out. From the last report the cost on the pay roll in the lumber industry was $1.77, if I remember correctly.

Acting Chairman COMMONS. On each $100?

Mr. PAGE. On each $100. But you can get that from Mr. Daggett. He has got it all at his fingers' ends; he knows all about it.

Acting Chairman COMMONS. It costs something like 27 or 30 cents more than the older system?

Mr. PAGE. Yes; but I would say that under this system we are insured completely. Under the old system we were only insured for $5,000, and if we hurt a man or if we killed a man and a judgment was rendered against us for the death or injury of that man, if it was in excess of $5,000, we had to pay that excess; the insuance company paid up to $5,000. Under our compensation act we are protected entirely. There is no controversy between the employee and the employer under this act—no chance for a lawsuit.

Acting Chairman COMMONS. I don't quite understand why it should be that you had a first aid—I presume by first aid you mean medical service?

Mr. PAGE. Yes, sir.

Acting Chairman COMMONS. With medical service?

Mr. PAGE. Yes.

Acting Chairman COMMONS. I do not understand why you had that in the first draft of the bill and what occurred in the law—that was stricken out in the legislature, I understand?

Mr. PAGE. Yes, sir.

Acting Chairman COMMONS. And now why do you object to it going back to the original plan that you approved when the commission made it?

Mr. PAGE. Oh, no; you didn't understand me. I am not opposed to first aid. I was in favor of that in the original draft of the bill; but I am opposed to this first-aid bill that is now to be initiated, not because it is an initiative measure, but opposed to the bill itself. I do not think it is——

Acting Chairman COMMONS. What would be your idea of a proper hospital and medical provision in a compensation law?

Mr. PAGE. I think the original first aid, as drawn in the commission's report, was about as near as we can get to a solution of the first-aid question.

Commissioner GARRETSON. That is, of dividing the expense?

Mr. PAGE. Yes; that is dividing the expense.

Acting Chairman COMMONS. What was that provision?

Mr. PAGE. It was a tax of so much a day upon the employer and so much a day upon the employee.

Acting Chairman COMMONS. During the period of sickness?

Mr. PAGE. No; every day. The objection to that was that there was no statistics in this State at all as to the number of accidents. There was the opportunity of piling up a great amount of money, and the politicians were afraid that if the Democrats were in power they would have a lot of money and a lot of power with the having of this money; and the Republicans were the same, they were fighting each other, they decided that it was wrong in putting it in, and they cut it out entirely.

Acting Chairman COMMONS. So there has no fund accumulated?

Mr. PAGE. No; it is not in the bill at all.

Acting Chairman COMMONS. It is paid out as it comes in?

Mr. PAGE. It was cut out of the bill. There is no first aid in the bill.

Acting Chairman COMMONS. Then the compensation proper that is to be paid by the employer solely—there were two provisions in the first bill, in the first draft, one covering hospital and medical services.

Mr. PAGE. That was first aid.

Acting Chairman COMMONS. That is what you call first aid?

Mr. PAGE. That was first aid. That was cut out of the bill. Now, all the expense, with the exception of the administration, is paid by the employer. The administration of the bill is paid for by an appropriation. The State pays for that. But all the costs come from the employer. Just for illustration: One of our men fell last spring and sprained his ankle. About the same time I fell and sprained mine. He was back in his work while I was still hobbling around with a cane. He got his compensation from the State. It cost him nothing at all. I got mine from the Iowa State Traveling Men's Association, which cost me considerable. He got more than I did.

Acting Chairman COMMONS. That is, compensation for being out of work?

Mr. PAGE. Being out of work.

Acting Chairman COMMONS. Not for the first aid?

Mr. PAGE. Not first aid.

Acting Chairman COMMONS. In addition to that, his insurance—his dollar a month—entitled him to medical treatment, did it?

Mr. PAGE. Yes; the insurance entitled him to medical treatment; that is, the dollar we charged him—his hospital fee; that has nothing to do with the compensation act at all.

Acting Chairman COMMONS. It did have in the first draft?

Mr. PAGE. Yes; the first draft. But that was eliminated; never was passed. That act never provided—the act as passed never provided for any first aid.

Commissioner LENNON. If the first-aid provision had been adopted as proposed, would it have done away with this dollar that has been paid now?

Mr. PAGE. Yes.

Commissioner LENNON. It eliminated all that?

Mr. PAGE. Yes; it is done away with.

Commissioner GARRETSON. They followed the Federal act in making that provision or the arrangement of that character in the present bill?

Mr. PAGE. Yes.

Acting Chairman COMMONS. Have you figured out how much additional expense it is to the builder in San Francisco, on account of this regulation of the unions there requiring surfacing to be done there, over what it would cost here?

Mr. PAGE. Yes; it is a great deal more expensive. I think we have in our association, the lumbermen's association—I think we have what is charged by

the planing mills in San Francisco for surfacing lumber, and I will ask the manager to furnish you with a copy of that scale.

Acting Chairman COMMONS. But that wouldn't give the total difference, because you mentioned these other items—the double shipment, the double hauling, and various other items. I should think in order to get the actual difference you would have to take figures of what the costs are here.

Mr. PAGE. You might get that if you get a lumberman on the stand here who is familiar with the San Francisco trade, who ships lumber down here—he might be able to give you that information. We never ship anything into Frisco.

Acting Chairman COMMONS. Is there one that you know of?

Mr. PAGE. I think Mr. Mack—I think perhaps Mr. Mack can give you that information. I do not know, because we don't ship to Frisco.

Acting Chairman COMMONS. This reduction in wages recently from $2.25 to $2, was that owing to the condition of the work?

Mr. PAGE. That is owing to a drop in the price of lumber that took place in May. There was a flat drop out here of 50 cents a thousand on common lumber in May.

Acting Chairman COMMONS. Was the amount that was dropped on the mill or was it an all-around drop of 10 per cent?

Mr. PAGE. It went all the way through. We made a sweeping reduction.

Acting Chairman COMMONS. Ten per cent?

Mr. PAGE. Ten per cent.

Acting Chairman COMMONS. And that has been in effect since May?

Mr. PAGE. No; that has been in effect since the 15th of July.

Acting Chairman COMMONS. The drop occurred in May?

Mr. PAGE. In May.

Acting Chairman COMMONS. And as a result of that drop wages have been reduced?

Mr. PAGE. We reduced our wages when we started up after the 4th of July close-down—July 15.

Acting Chairman COMMONS. Have any of the mills been shut down in the State on account of this drop?

Mr. PAGE. Oh, I don't know. A great many of the mills are idle. To illustrate the lumber business, we have been in the lumber business for 19 years. Out of the 19 years we have been closed down 9 on account of the price of lumber.

Acting Chairman COMMONS. Closed down 9?

Mr. PAGE. We have been running 19 years; closed down 9, and running 10.

Acting Chairman COMMONS. During the past 3 years how much have you been closed down?

Mr. PAGE. We closed down our mill in 1910, and we didn't start it up until—we rebuilt our mill—dismantled our Buckley mill, and we built the other mill and did not start up until the 15th of July, 1913. We have been running now a little over a year. Previous to that time we came through one of these two-year close-downs.

Acting Chairman COMMONS. Do you engage any of your men—hire your men through employment offices? Or do they report——

Mr. PAGE. No; we hire them through employment offices.

Acting Chairman COMMONS. All of this additional force that you mention that you require, the monthly force, you hire them all through employment offices?

Mr. PAGE. Yes; we hire the men through employment offices because it is very seldom that men come to our camp to apply for work, because we are 2 or 3 miles from the Northern Pacific Railway Co., and it is quite a trip up there and back again, and they don't come. While we were operating at Buckley we never got many from the employment offices. They were coming and going all the time.

Acting Chairman COMMONS. It is only for the remote camps, then, that you have to depend on the employment offices?

Mr. PAGE. I think so, as a general thing.

Acting Chairman COMMONS. Do you get the class of help that is suitable for the work? That is, are there offices that deal in particularly—specialize in that line?

Mr. PAGE. Yes; we have one office here we get all our loggers from.

Acting Chairman COMMONS. Do you know what the men have to pay for their job?

Mr. PAGE. A dollar.

Acting Chairman COMMONS. Then they pay the employment office a dollar?

Mr. PAGE. I think they pay a dollar; yes.

Acting Chairman COMMONS. It has been stated here, men changing during the month pay this hospital fee as much as two, three, or four times.

Mr. PAGE. Yes.

Acting Chairman COMMONS. What do you know about that statement?

Mr. PAGE. I think they do; but it is the man's fault. If a man takes his card, his hospital card, there is not a mill in the State of Washington that won't honor a hospital ticket. But many of them take their hospital ticket and tear it up when he gets it; he says he is a great big husky fellow and he don't need any hospital ticket.

Acting Chairman COMMONS. Then, all have that rule, have they, that they will honor the hospital ticket?

Mr. PAGE. I do not know a mill that would dishonor one. I would hate like anything to dishonor a man's hospital ticket. I think he would be into me in one jump.

Acting Chairman COMMONS. Do you pay these hospital people all of this money? In what way is it paid? What kind of a contract is made?

Mr. PAGE. We turn it over on pay day; we make up what is due the physician from our pay roll, and a check goes out with the pay-roll check.

Acting Chairman COMMONS. He gets the entire amount?

Mr. PAGE. He gets the whole thing.

Acting Chairman COMMONS. He gets everything?

Mr. PAGE. Yes; everything.

Acting Chairman COMMONS. Then, he would be the one who would have to honor the hospital ticket?

Mr. PAGE. Yes; he is the man.

Acting Chairman COMMONS. And your contract with him requires that he shall?

Mr. PAGE. Our contract with him requires that he must furnish hospital service for that man for illness and accident for 90 days for a dollar.

Acting Chairman COMMONS. I am speaking of a man who comes with a ticket from another camp. Would he have a claim on the same hospital?

Mr. PAGE. He would have a claim on the hospital that he came from—that the mill had a contract with that he came from. For instance, if we work a man up at our mill and he had a paid hospital ticket, and he came down here to Seattle and got hurt, he could go to the Kent hospital, Mr. Taylor's hospital.

Acting Chairman COMMONS. I don't see how that has any effect on what you call honoring the ticket. Suppose that the man has left one camp and has come to your camp. He has a hospital ticket which entitled him to service at the camp which he left. An accident occurs to him at your camp. Do you say the hospital will honor that ticket?

Mr. PAGE. No, no; the hospital he comes from. We don't charge that man anything when he comes with a hospital ticket. He is not under our contract at all. He is still under the contract of the other man.

Acting Chairman COMMONS. You mean you don't charge him?

Mr. PAGE. We don't charge him.

Acting Chairman COMMONS. You take charge of this ticket?

Mr. PAGE. His hospital ticket; he has a hospital ticket.—

Acting Chairman COMMONS. His ticket is good with you?

Mr. PAGE. No; he is entitled to the hospital service at the hospital where he paid.

Acting Chairman COMMONS. Then his ticket would not be of much value to him; he didn't need to keep it.

Mr. PAGE. Why not?

Acting Chairman COMMONS. Because he would have to go to that other camp that he had left to get hospital treatment.

Mr. PAGE. No. He would have to go back to their hospital. Their hospital might be nearer our operations than our hospital would be.

Acting Chairman COMMONS. How far from your camp is your hospital?

Mr. PAGE. It is 45 miles, I think. Kent is, from Eagle Gorge.

Acting Chairman COMMONS. So that in any case the man has to go some distance for hospital service?

Mr. PAGE. That is true of most of the camps.

Acting Chairman COMMONS. For hospital treatment?

Mr. PAGE. It is true of the camps. Of course, these hospitals right immediately adjoining—there are mills right here near the city.

Acting Chairman COMMONS. In the case of a mill outside of Seattle in other places the hospitals are near by also, are they?

Mr. PAGE. Where there is a town or city there is a hospital. We had a hospital at Buckley.

Acting Chairman COMMONS. Would you think that any measures of a national character regulating unemployment might be adopted? Is there a large immigration into this State from other States regarding the labor market here that could be remedied in some way?

Mr. PAGE. I think that is the whole trouble. Now, let me illustrate: Now, here in the last 10 years we have had virtually all of the Alaska business that has developed. That has taken hundreds and thousands of men from the employed and unemployed; nobody knows where they came from; and we have had the automobile business that has come in in the last 10 years, and the ramifications of that business relative to labor are something that nobody knows where they do extend. That has taken hundreds and hundreds of thousands of men. The same is true with the motorcycle business; that put thousands of men into employment that were not in that employment 10 years ago. And, then, another thing is the moving pictures. The development of that has taken thousands and thousands of men. But the trades have not absorbed this surplus of men that are in the country. I believe the reason that you have not is because you have in the eastern ports a constant stream of men coming in here, and as soon as we make the job for the sixteenth man here comes the seventeenth. I think that if we could pass an immigration law that would not allow anybody to come into this country unless he came in to go on a farm—if that were done, I think that would relieve the situation to a great extent.

Acting Chairman COMMONS. So far as you know, does the State of Washington and the vicinity—is that true of the Pacific coast also?

Mr. PAGE. Oh, I don't think so. I think that condition is general.

Acting Chairman COMMONS. General throughout the country?

Mr. PAGE. I think so.

Acting Chairman COMMONS. Mr. Thompson, do you have any other questions?

Mr. THOMPSON. Yes.

Mr. Page, I understand the purpose of this commission is we want to get at such facts as you may have as bear on the industrial situation, and then we want to get your views as to remedies that might be applied. Now, in regard to the hospital service for which you charge a dollar a month, some questions have been asked you with reference to the amount or the proposition as to the surplus funds that have accumulated in other cases where hospital and medical service have been given where even less amounts have been charged. Do you know the facts under which these other funds are collected and the methods and ways in which they are paid out?

Mr. PAGE. No; I don't. I don't know anything about those hospitals.

Mr. THOMPSON. Now, you are a business man and you are acquainted, of course, with the business law that you can repeat an operation, if you have to repeat it hundreds and thousands of times, cheaper than you can perform a new operation each time. Isn't that correct?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. It is probably, or it is as a matter of fact, we all know under that system of production that the National Biscuit Co., for instance, taking that as an illustration, is able to produce a package of biscuit for 5 cents that any small manufacturer producing in very small amounts would be unable to place on the market?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Isn't that correct?

Mr. PAGE. That is correct.

Mr. THOMPSON. Now, might it be true that the same law of business, with the division of the overhead expenses into a very large amount of business, might be accountable for the handling of the hospital service and medical attention?

Mr. PAGE. I don't think there is any question but what that is the fact.

Mr. THOMPSON. At least that law might apply there.

Mr. PAGE. It might apply there, probably does.

Mr. THOMPSON. You are not acquainted with the facts?

Mr. PAGE. Probably does.

Mr. THOMPSON. Now, in regard to the hospital and medical service which is supplied in the lumber camps here, how near are these camps together, how large are they, and what is the method of furnishing the service to the men?

Mr. PAGE. Well, I think the universal charge in the logging camps is the same charge of a dollar; I don't think any charge any more or any charge any less. The hospitals are private institutions. I don't know of any hospital that is run by any logging camp or by any mill. I think they all have the same methods.

Mr. THOMPSON. There seems to be, Mr. Page, a good deal of feeling about the hospital proposition. Do you think it would be possible that the various mills might join together and form an association by which this service could be rendered perhaps just as effectively, perhaps even more effectively, and serve for a less sum to the men? Do you think anything could be worked out of that kind that might help?

Mr. PAGE. Yes; I think perhaps something could be done.

Mr. THOMPSON. Now, in regard to the hospital ticket, what time does that run for—30 days from date of issue?

Mr. PAGE. Thirty days.

Mr. THOMPSON. Of the current month?

Mr. PAGE. Thirty days, the current month.

Mr. THOMPSON. You spoke of having the items that enter in the cost of producing a thousand feet of lumber.

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Could you give those to the commission?

Mr. PAGE. Yes.

Mr. THOMPSON. Would you be willing to?

Mr. PAGE. Yes, sir. This is worked out on 10,000,000 feet of lumber, taken on the selling price of 10,000,000 feet of lumber. The fire insurance was nine-tenths of 1 per cent. Taxes, 1.4 per cent. Interest—that is, interest on timber contracts—4.8 per cent. General expense, 11.3 per cent. That general expense includes selling expense and new construction, oil, and belts, and things of that kind. Stumpage, 25 per cent. Labor, 55.3 per cent. That makes up the 100 per cent.

Mr. THOMPSON. I believe you had something to say as to how these figures were made up and what period of time they covered.

Mr. PAGE. They are made up from the operations that cover 10,000,000 feet, six months.

Mr. THOMPSON. That is, of your mill?

Mr. PAGE. That is, of our mill; yes, sir; the last six months of our operation.

Mr. THOMPSON. Would that be generally true of other producers of timber?

Mr. PAGE. It would with like mills. We haven't got a finishing mill; we don't finish the lumber. We try to get our lumber on the car as near the log as possible.

Mr. THOMPSON. Are such figures as yours kept by other mills?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Do you suppose the commission could ascertain the general cost in that way?

Mr. PAGE. If you could get this cost—this is a general example of a mill which is not a finishing mill. You probably can get the cost from complete finishing mills where they finish everything.

But the relative charge cost between a rough mill and a finishing mill—the change would only be in the labor, the amount that labor got out of it.

Commissioner GARDNER. The proportion of the labor cost would be much higher in the finishing mill?

Mr. PAGE. Yes, sir; naturally.

Mr. THOMPSON. Referring to the hospital proposition again, do you know whether the section hands on the railroad receive hospital services or not?

Mr. PAGE. Oh, yes; they all get the same services of our men.

Mr. THOMPSON. I believe you answered that the company made no profit in the hospital services?

Mr. PAGE. No, sir; we make no profit.

Mr. THOMPSON. You pay it all over to the doctors?

Mr. PAGE. Nobody makes any profit on the hospital services.

Mr. THOMPSON. Is the compensation which is to be paid under the act in existence in this State in case of accident, in any way superseded or affected by the hospital services?

Mr. PAGE. No, sir; that has nothing to do with it at all.

Mr. THOMPSON. Is there any waiting period under your compensation act before compensation begins?

Mr. PAGE. No, sir.

Mr. THOMPSON. Do you know what is the case in other States?

Mr. PAGE. Yes, sir; there is a waiting period in various compensation acts. Mr. Daggett, who is going to appear here later, will give you all of that.

Mr. THOMPSON. Is Howard Taylor, speaker of the house, a partner of yours in business?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Was he at the time that this insurance act was passed?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Did he take any part in the fight being made on the first aid?

Mr. PAGE. Yes, sir.

Mr. THOMPSON. Was it an open fight?

Mr. PAGE. Yes, sir; an open fight. He was opposed to it, opposed to first aid, and I was in favor of it. There was dissension in the family.

Commissioner GARRETSON. A house divided against itself?

Mr. PAGE. A house divided.

Mr. THOMPSON. Did his vote have anything to do with defeating a reconsideration?

Mr. PAGE. Did what?

Mr. THOMPSON. Do you know what action he took during that time?

Mr. PAGE. Yes; the first aid was defeated.

Mr. THOMPSON. Well, did he defeat it on a reconsideration vote?

Mr. PAGE. Now, let's see how that did come. No, sir; I think he made an argument against it. In fact, I know he did, but just exactly how it was defeated I don't know.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. Just one more question, Mr. Page, on the hypothetical question that was put to you there. In regard to the distribution of the overhead charges—hospital charge against a large number of men—it probably amounts to cheapening in per capita instances.

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. In the event an institution employing only 150 men—I am putting it near your own force——

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. Suppose in a community where there were three hospitals and each one competed to perform the services and they were all notified of the small amount that was referred to here, 50 cents or 25 cents, and each of the three wanted the business, and would even pay a bonus to get it, wouldn't it be proof there was money in it, even at that figure?

Mr. PAGE. I think it would prove there was money in it, certainly.

Commissioner GARRETSON. Even at the lower rate?

Mr. PAGE. Yes, sir.

Commissioner GARRETSON. And without the large number to operate on?

Mr. PAGE. Yes, sir.

Commissioner LENNON. Mr. Page, I want to ask one question, I don't know whether I understood you correctly or not. Did you say out of 10 years in the lumber business you had only been able to operate 10 years?

Mr. PAGE. Yes, sir.

Commissioner LENNON. And the other nine years shut down?

Mr. PAGE. Yes, sir; shut down.

Commissioner LENNON. Well, if that is the case generally in the lumber business, isn't that the cause, or one of the great causes, in making men hobos, the falling off in their work and going from one place to another?

Mr. PAGE. No, sir; that is not general in the lumber business. The mills have worked here—most of the mills have worked here all the time. Some of the mills have closed down. Some of the mills thought that was the proper way to do when lumber was very low. We did, but we have changed our mind; we are going to run continuously now.

Commissioner LENNON. I think if you will run continuously 10 years you will find the stability of your force will be materially improved.

Mr. PAGE. Well, possibly.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. You heard the testimony of others that has been given here. Is there anything that you care to say about any of their statements?

Mr. PAGE. Well, there is one thing I would like to say that I think there was an injustice, and I would like to correct it, and that is the letting out of Jack

Wallace on the industrial insurance board and the appointment of Clarence Parker. I think they called him the weak member or weak brother. I served with Mr. Parker on the commission for months and months, and I didn't see he was a weak brother. There were three men that represented labor that were fitted to fill that position, who were interested in the bill and knew all about the bill. They were Jack Wallace and Clarence Parker and Mr. Henrietta. When Wallace was let out I think the governor used good judgment when he went and got another of those men who was familiar with the bill and helped draft the bill and appointed him in Wallace's place, and I don't think Parker is the weak member.

Commissioner O'CONNELL. Have you some reference to the statement made by Dr. McMahon the other day?

Mr. PAGE. Yes, sir.

Commissioner O'CONNELL. That is what was referred to in the weak-member part of the subject?

Mr. PAGE. Yes, sir.

Mr. O'CONNELL. The change of officials in that department?

Mr. PAGE. Yes, sir.

Commissioner O'CONNELL. But there are some personal differences there between the doctor——

Mr. PAGE. Oh, I don't know anything about that; that is not testimony. I don't want to go into that thing at all. I don't know anything about that.

Commissioner O'CONNELL. Just a minute, Mr. Page; don't get impatient.

Mr. PAGE. I am not impatient.

Commissioner O'CONNELL. Well, you are not very calm.

Mr. PAGE. All right; I will calm myself, then.

Commissioner O'CONNELL. I am not trying to inquire into any personal matters. If I ask you a question that does not appeal to you, you simply don't need to answer.

Mr. PAGE. Yes.

Commissioner O'CONNELL. No differences on that at all. I wanted to get at what was meant by this testimony the other day if you know.

Mr. PAGE. I don't know. I don't know why you bring out such testimony. It seemed to me it was malicious; that is all. I don't know whether there is any foundation for it or any reason.

Commissioner O'CONNELL. You think it is malicious. Now, what is the reason for its maliciousness?

Mr. PAGE. I don't know anything about the maliciousness, but when a man calls another man a liar I think he is doing it for maliciousness; I don't think Mr. Parker——

Commissioner GARRETSON. You mean unless he is a liar?

Mr. PAGE. I don't believe in Mr. Parker being called a weak member. He is not a weak member.

Commissioner GARRETSON. Bear in mind that statement was not made in response to any inquiry.

Mr. PAGE. I don't know why it was made, but the statement was made.

Acting Chairman COMMONS. Is there any other statement, Mr. Page, that you think should be made or anything that should be corrected?

Mr. PAGE. I don't know that I have given you anything of value. If there is anything I can——

Acting Chairman COMMONS. Well, we are very much obliged.

Mr. PAGE. All right, sir.

Acting Chairman COMMONS. Mr. Thompson, call the next witness.

Mr. THOMPSON. Mr. Cooney.

TESTIMONY OF MR. NEIL COONEY.

Mr. THOMPSON. Mr. Cooney, will you give us your name, please?

Mr. COONEY. Neil Cooney.

Mr. THOMPSON. And your business address?

Mr. COONEY. Cosmopolis, Wash.

Mr. THOMPSON. And your business, Mr. Cooney?

Mr. COONEY. Manager of the Grays Harbor Commercial Co., lumber business, logging, and so on.

Mr. THOMPSON. In what kind of business is this company engaged, Mr. Cooney?

Mr. COONEY. Principally lumber and logging.

Mr. THOMPSON. Principally what? I didn't hear.

Mr. COONEY. Principally lumber and logging.

Mr. THOMPSON. Lumber and logging?

Mr. COONEY. Yes.

Mr. THOMPSON. Well, now, that is about the same work that Mr. Page's company is engaged in?

Mr. COONEY. No; we——

Mr. THOMPSON. Well, give us a little more in detail; a brief statement of what you mean by lumber and what you mean by logging.

Mr. COONEY. Logging would be the same; sawmill would be the same. We also operate a box factory, tank factory, pump factory, and make pumps and go into several details with the lumber.

Mr. THOMPSON. Well, is it all connected with the lumber business?

Mr. COONEY. Well, hardly. We do specialty work more than any other mill probably on this coast; we get out more detailed stock than any other mill on the coast.

Mr. THOMPSON. You will have to speak a little louder, Mr. Cooney, because I don't think the commission can hear you. How long has your company been engaged in that work at Grays Harbor?

Mr. COONEY. Over 25 years.

Mr. THOMPSON. How long have you been connected with the company, Mr. Cooney?

Mr. COONEY. About 25 years.

Mr. THOMPSON. You have been superintendent a good many years?

Mr. COONEY. Well, I was foreman and superintendent; I am now manager.

Mr. THOMPSON. Now manager. Well, you have been manager a good many years?

Mr. COONEY. Well, four years I have been the active, the real manager. Before that I was assistant manager for about four years; prior to that I was superintendent.

Mr. THOMPSON. In other words, you are thoroughly acquainted with the business of the company?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. About how many men do you employ in all your work there?

Mr. COONEY. Over 700 at the present time; about 600 men in the mill in the lumber business, and 100 in the camps.

Mr. THOMPSON. Is that the normal amount, or is that more or less?

Mr. COONEY. That is probably a little more at this time. We operate the year around, run steady, and we operate every working day in the year—that is, practically speaking—and employ from four to eight hundred men.

Commissioner LENNON. Operate Sundays?

Mr. COONEY. I say, practically speaking.

Mr. THOMPSON. You don't operate Sundays?

Mr. COONEY. No, sir.

Mr. THOMPSON. Now, with regard to the wages that you pay at your plant, what do you pay? What is the lowest wage you pay for ordinary labor per day?

Mr. COONEY. Twenty-six dollars a month and board—that is, $1 a day and board for a 10-hour day.

Mr. THOMPSON. One dollar a day and board?

Mr. COONEY. At the present time.

Mr. THOMPSON. Yes. What does your board consist of?

Mr. COONEY. Well, we get a boarding house that furnishes the regular board.

Mr. THOMPSON. Well, in the first place, it is three meals a day, I take it?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. And what do you furnish them for meals; do you know?

Mr. COONEY. Why, no; I can't go into that detail, but I, as manager, don't get a complaint on the board probably once in two months.

Mr. THOMPSON. Would all complaints on the board come to you? You are a pretty busy man, aren't you, as manager of this big plant?

Mr. COONEY. Well, I grew up with the men and the foremen and complaints would come to me right quick.

Mr. THOMPSON. Now, to what number of the help does this $26 a month and board apply, of the four to eight hundred that you have?

Mr. COONEY. I have got the figures [producing papers]. On the last day of June we employed 675 men in the manufacture of lumber, and 223 were getting $26.

Mr. THOMPSON. What was the scale of wages paid to the next highest class of help?

Mr. COONEY. Thirty dollars.

Mr. THOMPSON. What is that?

Mr. COONEY. Thirty dollars.

Mr. THOMPSON. Thirty dollars a month?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. And board?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. Now, this board includes lodging, doesn't it?

Mr. COONEY. No, sir.

Mr. THOMPSON. It does not?

Mr. COONEY. No, sir.

Mr. THOMPSON. Just the meals?

Mr. COONEY. Just the meals.

Mr. THOMPSON. How many do you have of those?

Mr. COONEY. Seventy.

Mr. THOMPSON. Seventy. What is the next highest class of help?

Mr. COONEY. Thirty-five dollars.

Mr. THOMPSON. That you are paying.

Mr. COONEY. Thirty-five dollars.

Mr. THOMPSON. And board?

Mr. COONEY. Yes.

Mr. THOMPSON. How many have you of those?

Mr. COONEY. Sixty-four.

Mr. THOMPSON. What is the next highest class of help you have?

Mr. COONEY. Forty dollars.

Mr. THOMPSON. How many have you of those?

Mr. COONEY. Seventeen.

Mr. THOMPSON. Go on through the scale, Mr. Cooney, will you please?

Mr. COONEY. Ten, $45; nine, $50; fourteen, $55; eight, $60; one, $70; two, $90, making a total of 403. Now, we have got 128 that board themselves; they were hired for so much per day, and we pay them so much per day and they board themselves.

Mr. THOMPSON. How much do you pay them additional where they board themselves a month?

Mr. COONEY. We hire them for so much per day.

Mr. THOMPSON. Well, I mean how much do you calculate in your own business affairs that the man should get who boards himself?

Mr. COONEY. Our board costs us about 50 cents a day. We allow $15 for any of those men that are going to board themselves.

Mr. THOMPSON. Did you hear the testimony of Mr. Brown here?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. Does his testimony with regard to $10 a month being allowed to the men, refer to your mill?

Mr. COONEY. That is incorrect. Mr. Brown is basing that testimony on 10 years ago. He worked for us at one time.

Mr. THOMPSON. But that is not true to-day, in your opinion?

Mr. COONEY. No, sir; I know it is not true.

Mr. THOMPSON. How do the men live, what kind of houses do they have, and where do they get them from? You say you don't lodge them.

Mr. COONEY. No; there are lodging houses—men that go into that business, that follow that business.

Mr. THOMPSON. Yes. Well, what kind of houses do they have; do you know?

Mr. COONEY. Yes, sir; they usually room in lodging houses, two-story.

Mr. THOMPSON. Yes.

Mr. COONEY. That will room from 20 to 40 men.

Mr. THOMPSON. Well, how are the men? Does each man have an individual room at night?

Mr. COONEY. In some cases.

Mr. THOMPSON. I mean as a rule.

Mr. COONEY. No.

Mr. THOMPSON. Of course, I presume in some cases they do.

Mr. COONEY. I should say that as a class it would be about two men to a room.

Mr. THOMPSON. About two men to a *room*? What kind of beds do they have?

Mr. COONEY. I think fair beds.

Mr. THOMPSON. Well, I mean—that is not very descriptive, Mr. Cooney.

Mr. COONEY. Well, I don't know.

Mr. THOMPSON. You don't know?

Mr. COONEY. No.

Mr. THOMPSON. Do you know how many? What is the basis of your information that they only sleep two men in a room?

Mr. COONEY. From the fact that there is two or three of the lodging houses that we own.

Mr. THOMPSON. I see.

Mr. COONEY. And I would know from that.

Mr. THOMPSON. Well, now take the lodging houses that you own. Take one of them, for instance. Do you have names for them?

Mr. COONEY. We own the building and rent it.

Mr. THOMPSON. Oh, you own the building and rent it. Then, you do not operate the house?

Mr. COONEY. None at all.

Mr. THOMPSON. And therefore your owning of the building would not help you—would not give you any information as to how many men sleep in a room, would it?

Mr. COONEY. No.

Mr. THOMPSON. Well, what other sources of information have you that only two men sleep in a room?

Mr. COONEY. Not any other.

Mr. THOMPSON. Not any other?

Mr. COONEY. No.

Mr. THOMPSON. So you really have no source of information outside of that?

Mr. COONEY. Well, I have got that source of them buildings that we own.

Mr. THOMPSON. But you say that you don't run them and you don't know.

Mr. COONEY. Well, I know about the rooms that they would not put any more than two men in a room.

Mr. THOMPSON. Well, how large are the rooms?

Mr. COONEY. Well, the rooms, I should judge, would be about 10 by 12, probably.

Mr. THOMPSON. Ten by twelve?

Mr. COONEY. Then there is many of the families in town takes roomers.

Mr. THOMPSON. Takes roomers. What rent do these men pay to the landlords of those houses that your company owns?

Mr. COONEY. I don't know that.

Mr. THOMPSON. You don't know what they have to pay for their rooms?

Mr. COONEY. No; I know about the rent of rooms—that is, from $8 to $6 a month.

Mr. THOMPSON. To the men?

Mr. COONEY. Yes, sir; 50 or 75 cents a week would be the most per man, or a dollar and a half for the room.

Mr. THOMPSON. Are many of the men that work for your firm married?

Mr. COONEY. We have got about a hundred men that is married or sons of married people that live at their home.

Mr. THOMPSON. Will you let me have that list or pay roll, Mr. Cooney?

Mr. COONEY. Yes.

Mr. THOMPSON. This one here [indicating].

Mr. COONEY. I have got three different ones.

Mr. THOMPSON. I want the one you read these people off from—the number of people employed and the different rates of wages.

Mr. COONEY. Yes, sir [handing papers to Mr. Thompson].

Mr. THOMPSON. This is not very decipherable to me, Mr. Cooney, and I won't take the time. But, as I understood the figures that you gave here and read off the pay roll, and which our reporter has, the vast—the larger—proportion of your men work for $35 a month and under?

Mr. COONEY. You better give me that sheet and I will return it to you. [Examining paper referred to.] Less than $35, yes; the larger proportion.

Mr. THOMPSON. The larger proportion?

Mr. COONEY. Yes.

Mr. THOMPSON. I probably haven't got the figures correctly, but probably three-quarters of them work for $40 a month and under.

Mr. COONEY. Yes; probably there would be that proportion.

Mr. THOMPSON. Now, I would like to ask you, Mr. Cooney, whether—this is no criticism of your company at all, I simply want to get the facts, that is all.

Mr. COONEY. I want you to have them.

Mr. THOMPSON. Whether under these conditions you think that men could live the family life, could have wives and children, at that rate of pay?

Mr. COONEY. No, sir.

Mr. THOMPSON. In justice to you, I want to ask you this further question in that connection, whether or not your company is making money in this business or not?

Mr. COONEY. No, sir.

Mr. THOMPSON. What was the result of that last month's business, if you know?

Mr. COONEY. The result of last month's business, which includes our stores and different things, was a loss of $515. We sold $104,000 worth of lumber.

Mr. THOMPSON. Well, what was that, a normal amount of business for the month or not?

Mr. COONEY. No; that was over normal.

Mr. THOMPSON. What?

Mr. COONEY. Over normal. Our average business would be about $90,000.

Mr. THOMPSON. You sold more and still you sold at a loss?

Mr. COONEY. Yes.

Mr. THOMPSON. Now, Mr. Cooney, I would like you to tell the commission why it is that if the lumbering industry of this State is to be judged by what your company does, why it is that this big industry—what has been stated to be the most prominent industry on this coast—isn't able to support its workers in an American way, provide for a man and wife and children. What is the reason for that?

Mr. COONEY. I don't know. We manufacture in the United States about 40,000,000,000 feet of lumber yearly.

Mr. THOMPSON. Don't you think that, say, like on the Pacific coast here, that is looked upon as being a great part of the country, with the principal industry not being able to keep the men the way men believe they ought to live, is a great cause of industrial unrest, bound to be?

Mr. COONEY. Yes, sir. The employers and the men have got to get together closer. Every employee should know the condition of his employer's business.

Mr. THOMPSON. My questions, Mr. Cooney, and I want all witnesses to understand the same, are not aimed to criticise you or to criticise your company. I want to simply get, as I told Mr. Thompson, who was on the stand yesterday, the facts that he has and his views.

Mr. COONEY. Put your question again, will you, please.

Mr. THOMPSON. Whether or not that fact in itself, no matter who is to blame for it, no matter if nobody is personally to blame for it, the question of the fact that men can not live in an American manner—isn't that bound to cause a great deal of unrest?

Mr. COONEY. In our plant, Mr. Thompson, we work more laborers or low-grade help than any other concern on the Pacific coast. Our company are large timber holders, and built the plant to utilize everything that is in the tree. We put in a large box factory. About half of our output goes into boxes. We are working at the present time 167 men in the box factory. We are working up a very low-grade stock that is usually burned up in other mills, or a lot of it, and making a cannery box which we have to sell at competing prices—we are a long distance from the market—for these boxes, and transportation is high.

Mr. THOMPSON. I understand, Mr. Cooney, that there are probably very urgent business reasons from a commercial standpoint why you probably have to make a low rate on the product which you sell. I am not entering into that question now. I am not criticising your company nor you, but I just want your view of an industry where human beings are employed at a rate of wage which won't permit them to live according to the way a man must naturally feel he wants to live. What remedy would you suggest for that?

Mr. COONEY. Well, publicity would help.

Mr. THOMPSON. What?

Mr. COONEY. Well, publicity would help it.

Mr. THOMPSON. You think some regulation of competition might help?

Mr. COONEY. Well, I say if the men understood the exact conditions—just what our company is doing, what every company was earning, they would give

more efficient help, would be more contented, would hold their jobs better, and would save their money.

Mr. THOMPSON. Well, if the condition of business was such, if competition caused you to make such low prices as you have stated, which does not permit you, no matter how much you might want to, still it does not permit you to pay a living wage as we understand it, how would the publicity of that fact help the men in being contented?

Mr. COONEY. The men are of the opinion that the employers are getting wealthy, that they are making a lot of money off of their earnings.

Mr. THOMPSON. Yes; but from my standpoint I am leaving that question out, of whether people make wealth or not. What I am assuming is that the wage you pay is the wage that competition forces you to pay, and I am simply asking you the question if that is the wage which the industry will pay—discontent is normal and natural—and what remedies would you have for it?

Mr. COONEY. I don't think there is any. Now, I might explain in regard to our business—that these dollar-a-day men, we develop them all we possibly can. We never go out for high-skilled help for our skilled help. We take them all from the ranks; we take these men if they show an inclination to work—if they are willing to work, do a fair day's work—we will advance them as fast as we possibly can.

Mr. THOMPSON. But your pay roll there, Mr. Cooney, doesn't show many high-paid men?

Mr. COONEY. Well, you haven't seen it all. This whole pay roll averages $2.40 a day.

Mr. THOMPSON. Well, I don't know; I doubt that it would show those figures.

Mr. COONEY. I will give you the pay roll to figure.

Mr. THOMPSON. I would like to have the pay roll turned in to the commission.

(See Cooney Exhibit No. 1.)

Mr. THOMPSON. What view do you take, Mr. Cooney, of the question of industrial unrest?

Mr. COONEY. I know it exists.

Mr. THOMPSON. Well, what is its cause and what suggestions have you to make with regard to it?

Mr. COONEY. Well, that one thing, publicity, would do more than anything else that I know of.

Mr. THOMPSON. Now, Mr. Cooney, have you ever had any strikes at your plants?

Mr. COONEY. Only in the shingle mill.

Mr. THOMPSON. In the shingle mill?

Mr. COONEY. Yes; we have had some small strikes in the shingle mill.

Mr. THOMPSON. Are the men in your shingle mill organized?

Mr. COONEY. I have an idea there are some union men there.

Mr. THOMPSON. What was the cause of the strike?

Mr. COONEY. More wages.

Mr. THOMPSON. When was it and how was it terminated?

Mr. COONEY. More wages—an increase of wages.

Mr. THOMPSON. What were the wages they got?

Mr. COONEY. Well, we haven't had a strike for five or six years, and I don't remember the details of it.

Mr. THOMPSON. You don't remember the details?

Mr. COONEY. No; but in all instances——

Mr. THOMPSON. Were the men organized at that time, if you know?

Mr. COONEY. I don't think so. We never aimed to have them organized. We have opposed it.

Mr. THOMPSON. Did you hear the testimony of Mr. Brown?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. What have you to add to what he said?

Mr. COONEY. In what regard?

Mr. THOMPSON. Well, in regard to strikes?

Mr. COONEY. Well, he said so much that I don't remember. Mr. Brown worked for us at one time, and I think he pulled off one of the strikes, but I didn't have any difficulty in settling with them.

Mr. THOMPSON. Well, was that the last strike?

Mr. COONEY. Oh, no; that must be 15 or 18 years ago.

Mr. THOMPSON. Well, how about the last strike? Who led that, do you know?

Mr. COONEY. I don't know.

Mr. THOMPSON. Do you know whether he had anything to do with it or not?

Mr. COONEY. I don't think so. As the head of the organization he would, probably.

Mr. THOMPSON. Well, he stated that the shingle weavers, as I understood it, were fairly well organized. You don't know about that?

Mr. COONEY. Yes; I know they are.

Mr. THOMPSON. They are a skilled class of help?

Mr. COONEY. Yes.

Mr. THOMPSON. But you don't know about the organization in your company?

Mr. COONEY. Well, I don't think they are organized, although I believe we have got some that are union men. My candid opinion is that the union has let us go; they are willing that union men shall work there with the non-union men.

Mr. THOMPSON. What wages do you pay the shingle weavers?

Mr. COONEY. We pay nearly the union scale, I think.

Mr. THOMPSON. What do you mean by nearly, Mr. Cooney?

Mr. COONEY. Well, for instance, 9 cents for packing and 16 cents for sawing.

Mr. THOMPSON. What is the union scale?

Mr. COONEY. I believe that is the union scale.

Mr. THOMPSON. Then you pay the union scale?

Mr. COONEY. Yes. I am not sure, but it is very close to the union scale.

Mr. THOMPSON. It is the piece-rate system?

Mr. COONEY. That is on the sawing and packing.

Mr. THOMPSON. Is there anything further you would like to say to this commission as to how the industrial unrest might be helped?

Mr. COONEY. I don't know.

Mr. THOMPSON. What wages do you pay in your logging camps?

Mr. COONEY. I can give you a list of what each position gets, as it is termed in a logging camp.

Mr. THOMPSON. Well, you might do that.

Mr. COONEY. Blacksmith, $3.75; helper, 2.75; buckers, $3.25; wood buckers, $2.50; chunk buckers, $2.75; chaser, for yarder, $3.25; for a hook-on, $2.75; choker men, $3.25; head cook, $90 and board; bull cook, $40 and board; flunkey, $35 and board; common labor, $2.50; engineer, chief, $3.75; swing donkey, $3.25; yarder, $3.50; roader, $3.25; hook tender, $3; knotters, $2.75; pump men, $3; rigging slinger, $3.75; swamper, $2.75; skidders, head skidder, $3.25; skid roadmen, $2.50; superintendent, $200 a month and board; timekeeper, $80 a month and board; faller—head faller $3.50; second faller, $3.25; filer, $3.75; flagman, $2.75; fireman, $2.50, and engineer, skid road, $2.75.

Mr. THOMPSON. With reference to the kind of houses that the men live in that are in the logging camps?

Mr. COONEY. They have the regular kind of bunk houses. I think they are a little above the average.

Mr. THOMPSON. You say they have the regular kind of bunk houses. Do you mean they have a house with bunks around the walls; two tiers of bunks?

Mr. COONEY. No, sir; one tier. They are separate bunks.

Mr. THOMPSON. I mean, is one bunk above the other?

Mr. COONEY. No, sir.

Mr. THOMPSON. Just one tier around the room?

Mr. COONEY. Just one tier around the room, and they are not connected; they are made separate.

Mr. THOMPSON. Separate beds. What kind of bedding do you furnish?

Mr. COONEY. We just furnish a mattress.

Mr. THOMPSON. Who takes care of the house?

Mr. COONEY. The bull cook; his business is to have the house swept out and the fires lit when the men come in, and take care of them generally.

Mr. THOMPSON. How about drying clothes?

Mr. COONEY. They will dry their clothes around the stove.

Mr. THOMPSON. Do you think that a good feature?

Mr. COONEY. In order to get this plain, our superintendent is a practical woodsman developed from the work and has studied it all his life. He is a man of family, has his men around him, and they are men of families, and they are all crowded around together, and I tell them to build the houses to suit themselves, and I don't interfere very much. The fact is they build to suit themselves, and as far as I know the men are entirely satisfied with their conditions, food, etc.

Mr. THOMPSON. What is the attitude that the company has toward union labor?

Mr. COONEY. We don't employ union labor.

Mr. THOMPSON. You don't? You have discharged men because they belonged to the union?

Mr. COONEY. No, sir; not that I know of.

Mr. THOMPSON. But you don't object to employing them?

Mr. COONEY. No, sir; we make no difference until the trouble comes up. I am satisfied we have several union men working for us—machinists, etc.

Mr. THOMPSON. But if you wanted a man for a certain kind of work and there were two men to choose from you would choose the nonunion man?

Mr. COONEY. If they were both equal, I would take the nonunion man in every respect, but I would make very little difference.

Mr. THOMPSON. You say you never discharged a man because he belonged to the union?

Mr. COONEY. I don't remember. There may have been several in the shingle mill and in the shingle business.

Mr. THOMPSON. Have you any trade agreement with your men either in the shingle business or elsewhere?

Mr. COONEY. None at all.

Mr. THOMPSON. Have the men ever approached you to get together with you on an agreement of any kind either verbal or written?

Mr. COONEY. They have years ago from the shingle mill.

Mr. THOMPSON. Did your company there make any agreement?

Mr. COONEY. No, sir; we agreed to be open shop.

Mr. THOMPSON. The only question they asked you was whether it would be open shop or closed shop. I simply want to get your views, Mr. Cooney, and your attitude toward organized labor. That is part of the work of this commission to investigate.

Mr. COONEY. We don't think it is practical, and we don't believe we can operate our plant with organized labor, and therefore we have made up our minds not to have organized labor.

Mr. THOMPSON. Will you give us the reasons that caused you to come to that conclusion that you can't operate successfully with union labor?

Mr. COONEY. My personal experience comes from operating the shingle mill.

Mr. THOMPSON. What was that?

Mr. COONEY. We would have a continuous run of a lot of fellows raised right in town—our town has about 1,200 people—they were good men and making money; all at once they would send in petitions for an advance in wages or a union or something of the kind.

Mr. THOMPSON. There was more than that experience, wasn't there, that caused you to reach that conclusion?

Mr. COONEY. Yes; Grays Harbor is a very large lumber district, and we are manufacturing within a radius of 6 miles along the river from two and a half up to three million feet of lumber a day. Every year or so or every two or three years there is a breaking out among the men. They will close down the mill and blow the whistle and go in a mob and take the crews all out. They have attempted to get our crew several times, but never got them.

Mr. THOMPSON. If you were a workingman, what view, then, would you have on the question of organization? Would that probably change your views?

Mr. COONEY. I can take my own experience. I came to this country from Canada right off of the farm 34 years ago a common laborer, built myself up to the position I have, and had no education.

Mr. THOMPSON. Do you think every man has the same capacity to do that and the same opportunity that you have?

Mr. COONEY. They haven't the same capacity, but they have the opportunity more and more every day.

Mr. THOMPSON. Of course we will all admit and all know that there are some places at the top, but looking at the industry from a standpoint of the multitude every man can't be a superintendent or manager, can he?

Mr. COONEY. No, sir; but there is room.

Mr. THOMPSON. You say your industry needs 600 people to work there. There will be one of those 600 manager.

Mr. COONEY. Yes, sir.

Mr. THOMPSON. And one assistant, and so on down the line, and there must be a great many of what is ordinarily called hewers of wood and drawers of water to carry the work out. Looking at it from the standpoint of the man who works in the ranks, would you say from their standpoint organization is a good thing or not?

Mr. COONEY. From the men that are working in the lumberyards?

Mr. THOMPSON. For the workers generally?

Mr. COONEY. If they would organize right——

Mr. THOMPSON. I just want your view, that is all.

Mr. COONEY. This handling of lumber—no man should work at it without the idea of advancement. No man doing common work around the mill or logging camp that is willing to do a fair day's work that is not picked up and advanced quickly and promptly. Therefore no man that wants to get ahead stays in that class; they are continually shifting.

Mr. THOMPSON. To test your views, Mr. Cooney, suppose every man wanted to get ahead and work, you could not supply such jobs for everybody?

Mr. COONEY. No, sir; but it continues to come up. We are always short of high-classed men, with a surplus of low class.

Mr. THOMPSON. But the proposition which confronts the average worker is that nine-tenths of the workers must be in the ranks. That is true of industry generally everywhere the world over. Now, from the standpoint of those nine-tenths in the ranks, do you think organization is a good thing for them or not?

Mr. COONEY. Under certain conditions they could be organized.

Mr. THOMPSON. Well, assuming under certain conditions it is a good thing for the mass of the workers to be organized, what would you say as to what should be the attitude of capital or employers toward the desire for organization of this mass of people; how should it be approached?

Mr. COONEY. Well, you take the average man, they can't guarantee anything to the capital. They could not guarantee they would fulfill the bill. Let me give you an instance. We have a surplus of men that work for a dollar a day. We used to use them in piling lumber in the lumber yards. In the last year we have contracted that at 22 cents a thousand. The men are making from seventy-five to eighty or a hundred dollars a month. We can't put in a dollar a day man in there and do it as cheap. Now, if those men would organize and you could get them to agree to do the work as cheaply as we are doing it now, or cheaper, we would be ahead.

Mr. THOMPSON. Did you hear the testimony of Mr. Page here this morning?

Mr. COONEY. Yes; I could not hear it very well.

Mr. THOMPSON. He said there was a surplus of unskilled labor in this market; is that true?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. How is it with the skilled market?

Mr. COONEY. In our class we can't get men to fill the positions.

Mr. THOMPSON. Would you think the fact there was a surplus would have something to do with the economic conditions?

Mr. COONEY. Well, I don't know; men come out here from the East in droves to the harvest fields, and make a little money, and then come to the coast and spend it.

Mr. THOMPSON. Of course, the harvest field—that is seasonal work?

Mr. COONEY. Yes, sir.

Mr. THOMPSON. They have to come here, probably, or go some place else, probably, to seek work.

Mr. COONEY. When jobs are scarce and men plentiful the men will hold their jobs and work every day, and do probably 25 per cent more work—I am speaking about labor when men are scarce and there are plenty of jobs. Therefore in dull times take it—we will say, for instance, in times like these—if lumber would go up and the war was over and everything all right, there would be work for everybody, simply because the men wouldn't work over two or three days in the week. When times are hard and the mills shutting down the men will work every day and will save their money.

Mr. THOMPSON. In your position as manager of this mill what thought do you give to the condition of the worker, and from what angle do you approach it? Do you approach it from the standpoint that you need so many workers and it will cost you so much money?

Mr. COONEY. The men will come and work, and the first thing I would do when superintendent would be to ask him where he came from and what work he had done, get a brief history of him, and put him to work. I would watch him, and if he was doing just a fair day's work would have him in mind for the job which he was best fitted for in the plant, and whenever there was a vacancy would pick him up and put him there. We aim to follow that up now.

Mr. THOMPSON. Do you pay any of your help anywhere as low as $10 a month and board?

Mr. COONEY. Probably some boys during school vacation. Our planer foreman has two boys working at the factory, one about 15 years of age and the other under age. He wanted them to work, and so he went to the court and got an order. I don't know what he is getting; I expect he gets $10.

Mr. THOMPSON. Are you paying any people, say, 18 years and over as low as $10?

Mr. COONEY. We seem to have 10 men working for $20 a month and board.

Mr. THOMPSON. How about $10 a month?

Mr. COONEY. I don't see any, but I have an idea there is some working right now, some boys. They would not be boarding, though; we would probably pay them $20 a month, and the boys would board at home.

Mr. THOMPSON. Do you know whether or not it is true that in one of the lodging houses owned by your company there is as many as nine beds in one room and five in another?

Mr. COONEY. There is one of the lodging houses that has a front room and a big ward in the back. I presume that is so.

Mr. THOMPSON. How many stores do you operate in Cosmopolis?

Mr. COONEY. We operate a general merchandise store and a cash grocery store, as we call it, and a toggery.

Mr. THOMPSON. What is the theory of operating several stores?

Mr. COONEY. The business moved to a street other than the one we were using, and we wanted some place where the men could get what they wanted quickly.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. Do you sell any liquor?

Mr. COONEY. No, sir.

Commissioner LENNON. Is your company a corporation?

Mr. COONEY. Yes, sir.

Commissioner LENNON. How much land do you own in that section of the country?

Mr. COONEY. Timberland?

Commissioner LENNON. Yes; that is, all kinds of land.

Mr. COONEY. We own probably four or five thousand acres.

Commissioner LENNON. How early a date did you begin accumulating this land—how long ago?

Mr. COONEY. Twenty-five years ago.

Commissioner LENNON. What did land cost in those days?

Mr. COONEY. Well, now, you will have to define the land. We don't buy land, but timber.

Commissioner LENNON. After the timber is taken off, don't you own the surface?

Mr. COONEY. Yes, sir.

Commissioner LENNON. Then, you buy the timber and the land?

Mr. COONEY. But when we buy the timber, we buy the timber and don't regard the land as of any value.

Commissioner LENNON. Of being of any advantage?

Mr. COONEY. That is, practically speaking.

Commissioner LENNON. What did you pay for timber 25 years ago?

Mr. COONEY. I don't remember buying any 25 years ago.

Commissioner LENNON. Well, the last time when you did. When did you first begin to buy?

Mr. COONEY. The big body of timber we bought we paid about $2 a thousand for the stumpage.

Commissioner LENNON. How many thousand would there be on the acre?

Mr. COONEY. Well, a section, 640 acres, will have about 35,000,000.

Commissioner LENNON. Are there any opportunities now of that kind in that section of the country for the poor man?

Mr. COONEY. No, sir; not in that section. There is, though, in Oregon.

Commissioner LENNON. Are they near to transportation and the facilities for manufacture as it is at Grays Harbor?

Mr. COONEY. No, sir.

Commissioner LENNON. Well, I have asked these questions to see how it was that you had reached the conclusion that the man of to-day has as good opportunity as the man when you started.

Mr. COONEY. Well, in other concerns. If he goes to a mill and works he can work up to any position.

Commissioner LENNON. You think he could do that now?

Mr. COONEY. I know it.

Commissioner LENNON. Then, you don't know corporate power if you think so, because you could not do it.

Mr. COONEY. You could in the lumber and logging business; that is all I know.

Commissioner LENNON. If there is anywhere a business that is handled by corporations where the opportunity of the workingman is as great as it was under individual employment, I am going to study that industry very carefully and see if I can't recommend it to others. I know of nothing of the kind. If the lumber industry is an exception to the rule that it shuts off opportunities, I didn't know it.

Mr. COONEY. On the contrary, there is the finest chance in the country for a young man to come here and develop; I don't know of a concern on the coast where there is a better opportunity than with the Grays Harbor Commercial Co.

Commissioner LENNON. Do you believe that an industry that pays less than a living wage has a right to exist?

Mr. COONEY. I don't know; that is, less than a living wage, you would have to define that.

Commissioner LENNON. I mean by living wage that kind of wage that will enable a man to live decently, to raise a family, to give them a proper education and have a dollar to spare for the emergencies of old age or sickness.

Mr. COONEY. Not if the man wants to get ahead. If the man wants to help himself he should have the opportunity.

Commissioner LENNON. That is, you believe—then would you reply that the business should not exist that pays less than a living wage?

Mr. COONEY. No, sir; that business has got a perfect right to live.

Commissioner LENNON. It has?

Mr. COONEY. That is, if the men refuse to help themselves.

Commissioner LENNON. What would become of society if all businesses paid less than a living wage, where would the people be supported from?

Mr. COONEY. Well, I can't answer that question.

Commissioner LENNON. Suppose there was in this city a business that paid less than a living wage that employed a thousand people. Those people have to live, and consequently they must live off of the production of other industries, isn't that so?

Mr. COONEY. Well, a living wage, what do you mean by that? We will take a man that goes down to us and goes to work for a dollar day, he can accumulate ten to twelve dollars a month.

Commissioner LENNON. He can?

Mr. COONEY. Yes; fifteen to twenty dollars a month.

Commissioner LENNON. And live as a man ought to live?

Mr. COONEY. Well, he will get good board, just as good board as he wants.

Commissioner LENNON. That is, he will have the opportunity to eat and something to cover his nakedness.

Mr. COONEY. That is it. And he will have the money, and if he wants to go ahead he will not be working in that job two weeks.

Commissioner LENNON. That is all I desire to ask.

Acting Chairman COMMONS. Any questions, Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman COMMONS. Mr. Garretson?

Commissioner GARRETSON. Yes. You stated a moment ago, Mr. Cooney, you knew of no better opportunity for men to get forward than in your organization, your company.

Mr. COONEY. Well, I know that; I know he can get ahead there.

Commissioner GARRETSON. If there is so great an opportunity to get ahead in this country, what positions are open for a man to get forward to? On your pay roll you have one man who draws $200 a month, that is the highest gift.

Mr. COONEY. You are speaking about the logging camp now. I referred particularly to the sawmill.

Commissioner GARRETSON. All I know is the roll you gave. You had one man drawing $200 a month.

Mr. COONEY. That is our logging camp.

Commissioner GARRETSON. How many better positions have you with the mill?

Mr. COONEY. We haven't got many. But I regard anything over a hundred dollars a month as fair wages for a man that has nothing.

Commissioner GARRETSON. Would you regard a hundred-dollar position as an adult man's, or a strong man's ambition?

Mr. COONEY. No, sir.

Commissioner GARRETSON. He would not have gone very far forward, then, if he had the best you have to offer?

Mr. COONEY. No; he would have to go further than that to suit me.

Commissioner GARRETSON. Then, in general, you could only offer him a stepping stone on the road to advancement?

Mr. COONEY. We haven't got any employee slated to take my position. He can go down and have that in a few years.

Commissioner GARRETSON. If you are losing $815 a month——

Mr. COONEY. I didn't say $815, I said $515.

Commissioner GARRETSON. If you are losing $515 a month in the business you are conducting, how long is that position going to be in existence?

Mr. COONEY. We hope not long.

Commissioner GARRETSON. You mean, you hope the loss won't continue long?

Mr. COONEY. Yes.

Commissioner GARRETSON. But it would absorb the position after awhile?

Mr. COONEY. Yes; if I can't manipulate it I will be out of a job.

Commissioner GARRETSON. There are three-fourths of your men whom you, in your answer to a question, stated wouldn't earn money enough to permit them to live and assume the family obligations.

Mr. COONEY. Not in their present position.

Commissioner GARRETSON. Certainly; but the positions are going to stay there, are they not?

Mr. COONEY. Possibly; no, sir. Now, a year ago we were paying for those positions, thirty to thirty-five dollars a month.

Commissioner GARRETSON. Now you are paying less?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. If your business continues in the condition it is, I suppose your idea is to pay still less?

Mr. COONEY. I will certainly do it before I will close down, if the men want it. I will put it up to them.

Commissioner GARRETSON. You stated, though, the present average wage is $2.40.

Mr. COONEY. At the present time.

Commissioner GARRETSON. Then, the man who isn't earning the wage that will permit him to live humanly, is he able to pay his grocery bill with the average wage? If he is getting a dollar a day and the average wage is $2.40, can he use that $1.40 for any purpose?

Mr. COONEY. I don't get that.

Commissioner GARRETSON. What?

Mr. COONEY. I don't catch you on that.

Commissioner GARRETSON. You stated the average wage paid was $2.40?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. And you have a larger number of men that draw a dollar a day?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. Is the average you pay in your establishment of any value to the man who is only drawing a dollar a day? Can he buy anything with the knowledge that the average wage paid here where he is employed is $2.40?

Mr. COONEY. I don't catch that yet. You will have to make it clearer.

Commissioner GARRETSON. The doctrine of averages isn't worth anything to the man who is hungry and hasn't anything to buy a meal. He can't eat the average, can he?

Mr. COONEY. No, sir.

Commissioner GARRETSON. Then, the fact is that the average wage paid cuts no figure whatever in determining what are the wages of the largest number of individuals?

Mr. COONEY. I can't understand what you are getting at. Do you mean to ask me if the average wage we pay will support a family?

Commissioner GARRETSON. Oh, no. You stated that $2.40 is the average wage paid to all of your employees.

Mr. COONEY. That is it; yes, sir.

Commissioner GARRETSON. What I asked you was, If that average is any value whatever to the man who is drawing less than the average? Does that mean anything to him? Does he get it because it is your average wage?

Mr. COONEY. No, sir; he don't get any benefit out of that; not a cent.

Commissioner GARRETSON. Then, the average wage in itself is misleading, isn't it, as being stated as an average wage in an establishment?

Mr. COONEY. Yes, sir; it is misleading.

Commissioner GARRETSON. The law of average in itself is a device—well, it is like a fog; it obscures things. You run a number of stores?

Mr. COONEY. Yes, sir; we run some stores.

Commissioner GARRETSON. Do they all sell the same quality?

Mr. COONEY. No, sir.

Commissioner GARRETSON. Or do some of them sell all the things that are sold in any of them?

Mr. COONEY. I believe not. There may be some little difference; I don't know.

Commissioner GARRETSON. The one you referred to as a cash grocery——

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. Is that patronized by——

Mr. COONEY. Everybody.

Commissioner GARRETSON. Regardless of whether employees or not?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. Are the prices charged at that store the same as where the employees deal on time tickets?

Mr. COONEY. Yes, sir. A man gets his money from us any time he wants it.

Commissioner GARRETSON. There is no difference in the charge whether it is against a time ticket or he is paying the coin down?

Mr. COONEY. No, sir. Somebody may tell you we run a coupon system. We do that to reduce bookkeeping. A man comes in that has a family and wants to get goods during the month; will take a coupon; and if he don't use it up, he will come in at the end of the month and get the cash.

Commissioner GARRETSON. He can cash it if he wants to?

Mr. COONEY. Yes, sir.

Acting Chairman COMMONS. Mr. Cooney, about these men that get a dollar a day; I don't know that I understand that correctly. Do they get $26 a month, that is, the pay?

Mr. COONEY. Yes, sir.

Acting Chairman COMMONS. And board?

Mr. COONEY. Yes, sir.

Acting Chairman COMMONS. And the board is figured at how much a month, $15?

Mr. COONEY. Yes; that is what it costs us.

Acting Chairman COMMONS. So actually they are getting $1.50 a day?

Mr. COONEY. Yes; and the hospital dues out. We charge our men 50 cents a month hospital dues.

Acting Chairman COMMONS. You charge 50 cents a month hospital dues?

Mr. COONEY. We charge our men 50 cents a month hospital dues.

Acting Chairman COMMONS. The men get $1.50 a day. When did you reduce the scale of wages to this $26 level?

Mr. COONEY. Probably last fall, I think we cut it down from $30 to $26.

Acting Chairman COMMONS. What had it been? It had been $30?

Mr. COONEY. Prior to that time.

Acting Chairman COMMONS. What was it previously, before the $30 level was reached?

Mr. COONEY. Well, there is just one or two months in the year when we can not secure men, and we probably use more $35 and $40 men at that time.

Acting Chairman COMMONS. That is only just during the year?

Mr. COONEY. Yes.

Acting Chairman COMMONS. But you had a force there of how many to bring that up to 283?

Mr. COONEY. Two hundred and something, yes; this was the last month.

Acting Chairman COMMONS. How many men do you hire during the month; how many men are on your pay roll during the month?

Mr. COONEY. I haven't got the figures. They average about 10 a day probably, I think about that.

Acting Chairman COMMONS. That would be how many for the month?

Mr. COONEY. That would be about 260 a month; probably about 1,000 men, 800 or 900 men.

Acting Chairman COMMONS. Eight or nine hundred men?

Mr. COONEY. I would think so; yes.

Acting Chairman COMMONS. Do you keep that average force for the $26 men or for the entire force?

Mr. COONEY. For the entire force.

Acting Chairman COMMONS. That 600, your entire force, I thought you said was 600?

Mr. COONEY. Six hundred, yes; I said 600.

Acting Chairman COMMONS. How many men will you hire during the year to keep that up to a force of 600?

Mr. COONEY. Oh, keep it up, probably hire 2,500 to 3,000 men.

Acting Chairman COMMONS. About 3,000 men you would hire?

Mr. COONEY. I would say so.

Acting Chairman COMMONS. Would there be that number, or a smaller proportion, of these shingle men there? Are they more steady or not?

Mr. COONEY. Yes; the shingle men are more steady.

Acting Chairman COMMONS. That would put these figures then that you hire five men to keep one man, to keep one job filled?

Mr. COONEY. Yes; according to those figures. Of course the shingle men are a very small part; we are only working about 20 men.

Acting Chairman COMMONS. Is labor more fluctuating in these lower-paid positions?

Mr. COONEY. Yes.

Acting Chairman COMMONS. Is your average of hiring five men to keep one position filled—you would have to hire many more men to keep up these?

Mr. COONEY. Yes.

Acting Chairman COMMONS. You stated, I think, your wages were lower than what is usually paid, this lower level, than what is usually paid in the lumber business in this State?

Mr. COONEY. Yes, sir. That is on account of our box factory and other factories in which we use a lot of men.

Acting Chairman COMMONS. You heard Mr. Page's statement as to the wages that they paid. I think the lowest was $2 now.

Mr. COONEY. Two dollars now.

Acting Chairman COMMONS. Does that correspond with the same class of labor that you pay $1.50 for?

Mr. COONEY. That is the sawmill and planing mill, we would probably not have but very few men at less than $2 in those departments.

Acting Chairman COMMONS. Your men working in the sawmill and the planing mill——

Mr. COONEY. Sawmill and planing would get probably the same wages—we work the cheaper class men in our box factory, in handling lumber for the box factory, ripping up lumber for betterment, etc.

Acting Chairman COMMONS. So that is the same class of employee that he described—you are paying substantially the same for that class?

Mr. COONEY. I think so. Now we aim to take a log and get all the money out of it we possibly can. We put a value on the labor of—I don't remember what Mr. Page's was—did he give the cost, or did he state it?

Acting Chairman COMMONS. He gave the percentage of the total cost.

Mr. COONEY. We put about from $7 to $8 a thousand labor on our lumber; and the average mill will put about $4.

Acting Chairman COMMONS. Then you carry it through the planing mill, which they don't have, and through the box factory?

Mr. COONEY. We aim to send our lumber out finished, ready for nailing up in position, finished lumber. Our principal busines is the finished product for retail around in the Middle West.

Acting Chairman COMMONS. Does that mean lumber that has been planed?

Mr. COONEY. Planed all ready for use.

Acting Chairman COMMONS. For example, do you ship into the San Francisco market?

Mr. COONEY. Very little.

Acting Chairman COMMONS. You do that planing work here that they do there?

Mr. COONEY. Yes; we finish our lumber. Our principal market is the Middle West. We go to the Atlantic.

Acting Chairman COMMONS. What men working on this planing work, on this finished work—are they the men that get this dollar and a half?

Mr. COONEY. Yes; principally. A few of them in different places. I have the list here and I could read it off.

Acting Chairman COMMONS. The finished work and the box factory, then, is where the lowest wages are paid?

Mr. COONEY. Yes.

Acting Chairman COMMONS. You say the reason for that is because in that line of work, in finishing the boxes you are in competition with other places?

Mr. COONEY. Competition with mills and factories that are close to the market. We have another competition springing up now, which is the fiber box. We have to contend with the fiber box taking the place of the sawed box we had in the past.

Acting Chairman COMMONS. How long since you started to build up this planing and finishing and box industry?

Mr. COONEY. We have had it for 20 years.

Acting Chairman COMMONS. Have the conditions in that branch of industry been similar during the 20 years—that is, have you been compelled to pay lower wages there than you have in the rough work?

Mr. COONEY. We have to take the business as a whole. Take this class of labor, for instance, a young man will come out here from the East, generally shipped out to the wheat fields of Canada or eastern Washington where he will work a little while and from there he drifts down to our mill—a nice looking fellow with a trunk and a lot of clothes, and he will work for a little while and go away; and in two years or so he will come back with a roll of blankets and say, "I want something to do, give me work."

Acting Chairman COMMONS. Then you expect to maintain this finishing and box-factory work by that very transient labor?

Mr. COONEY. Yes; if we would have to pay $2, increase the rate, we would close down. We could not operate.

Acting Chairman COMMONS. And the advantage which comes to the workman is that there is always a large supply of transient labor in this district, passing through all the time?

Mr. COONEY. Passing through. We aim to run that the year around, prepare our boxes, this year; during the winter season we will stock up our supply of apple, pear, and prune boxes for next season.

Acting Chairman COMMONS. You stock up?

Mr. COONEY. We stock up.

Acting Chairman COMMONS. So that you keep running steadily?

Mr. COONEY. Yes, sir; keep it running all the time; yes, sir.

Acting Chairman COMMONS. You do not expect to keep the force steady at all?

Mr. COONEY. We will, if they will stay. We would be very glad if they would not change. We don't want them to change. Every time a new man comes in, we have got to educate that man.

Acting Chairman COMMONS. Would you think you could keep a more steady force if you could afford, in that branch, to pay $2.50 or $2?

Mr. COONEY. Yes.

Acting Chairman COMMONS. So that one of the reasons for that——

Mr. COONEY. It would be so much easier to operate the plant. One of our chief troubles is during this time of the year to keep help enough.

Acting Chairman COMMONS. They are attracted by higher wages elsewhere?

Mr. COONEY. Yes; there are two seasons of the year in which the men move; in April they go to Alaska, and then July and August they go to the wheat fields.

Acting Chairman COMMONS. For this work do you get men through employment offices?

Mr. COONEY. Yes.

Acting Chairman COMMONS. That is for the box factory and finishing?

Mr. COONEY. Yes, sir.

Acting Chairman COMMONS. Do most of these men come to you?

Mr. COONEY. Whenever we are real short of men, we send to the employment offices for them.

Acting Chairman COMMONS. But you find that ordinarily outside of these two seasons that you mention—the two months of the year—that you can get plenty of men to come at that rate of pay?

Mr. COONEY. In the winter time; yes. This winter we will have an awful job to handle the men that will come begging for work. There will probably be 50 men around there all winter begging for something to do.

Acting Chairman COMMONS. In that case, of course, you do not appeal to the employment offices?

Mr. COONEY. No. Then an old man will come there, one who has worked for us, and he will say: "I have got to have something to do." I will take him out and say to the foreman "This is a man that worked for us two years ago, and we have got to take care of him."

Acting Chairman COMMONS. What class of work is there for these $1.50 men—is it feeding planing mills?

Mr. COONEY. Taking away—in a box factory; they would not feed planers; they will tie up lumber, take away, and work at different things.

Acting Chairman COMMONS. So it does not require any instruction at all?

Mr. COONEY. Some. But then we have a foreman that will educate them.

Acting Chairman COMMONS. A man can start in and in a day learn it the first day?

Mr. COONEY. Yes—he can do pretty well, if he wants to. In addition, in the country where we are it rains from 80 to 120 inches per year. That is the rainfall per year. We take those men that come to the plant, the strong, hardy men, and put them out in the yard, and work the men of that kind on the outside. The others we try to get in the box factory and planing mill and lumber sheds, trying to take care of them.

Acting Chairman COMMONS. Are there other factories, box factories and planing mills in the State?

Mr. COONEY. Yes; in Hoquaim there are two. The manager of one testified in a tax case there that he put over a million dollars in the plant, and that it was for sale at $250,000. He operated for a year and shut down the other day indefinitely. He reported that he lost $18,000 that year.

Acting Chairman COMMONS. What other factories are there, box and finishing?

Mr. COONEY. There is one more, the Northwestern; they are still operating.

Acting Chairman COMMONS. That business, then, is a losing business, that end of the business?

Mr. COONEY. Without you understand it and handle it right; it has not been successful on this coast.

Acting Chairman COMMONS. It has not been successful; but you think it can be made a success?

Mr. COONEY. In the way we handle it, we can manage to pull it along.

Acting Chairman COMMONS. If you had to pay $2 or $2.50 a day——

Mr. COONEY. I wouldn't attempt to operate it one minute.

Acting Chairman COMMONS. On your other work, your rough work, you make a profit?

Mr. COONEY. Well, we organize to take hold of this; if we were to shut down on this other work we would reduce our overhead expense all we could; we would have to change our organization. But we could take our other mill and do the same, run it, operate it the same.

Acting Chairman COMMONS. When you speak of the timber, do you own your own timber land, or do you buy such as is needed?

Mr. COONEY. We buy about two-thirds of our logs.

Acting Chairman COMMONS. Who are the owners of the timberlands that you buy from?

Mr. COONEY. Well, there are independent loggers down there that buy timber and own timber and put in logs for the market and sell them.

Acting Chairman COMMONS. You buy about two-thirds?

Mr. COONEY. We buy about two-thirds of our logs.

Acting Chairman COMMONS. And you own about a third, you say, yourself?

Mr. COONEY. Yes.

Acting Chairman COMMONS. How much timber land have you of your own?

Mr. COONEY. We have about 200,000,000 feet of timber.

Acting Chairman COMMONS. Would that be considered a small lot?

Mr. COONEY. That is very small considering the capacity of our plant.

Acting Chairman COMMONS. So practically you are not an owner of timberland to any degree?

Mr. COONEY. No; we aim to buy logs on the market.

Acting Chairman COMMONS. What do you pay for stumpage now?

Mr. COONEY. Stumpage on Grays Harbor now would not be less than $3.

Acting Chairman COMMONS. Has that increased?

Mr. COONEY. Yes. When we started at Grays Harbor stumpage could be bought for about 30 to 50 cents a thousand.

Acting Chairman COMMONS. Twenty years ago?

Mr. COONEY. Twenty-five years ago.

Acting Chairman COMMONS. So your profits do not come from any increase in the value of the timber that you own?

Mr. COONEY. No.

Acting Chairman COMMONS. You simply have to make your profit out——

Mr. COONEY. Out of the logs.

Acting Chairman COMMONS. And the state of the market and the competition squeeze you between the timber owner on the one hand and the box manufacturer on the other?

Mr. COONEY. Yes; and the competing markets of the country, you know. The price of lumber has reduced in the last 18 months. Anything that comes out of fir, which constituted practicialy 90 per cent of the forests of the State of Washington—everything that a mill manufactures in fir has dropped in value from $2 to $7 a thousand, probably an average of $4 within the last 18 months.

Acting Chairman COMMONS. You know about the San Francisco cost of planing?

Mr. COONEY. No; I do not know.

Acting Chairman COMMONS. The cost of planing there as compared with yours?

Mr. COONEY. No; I don't know.

Acting Chairman COMMONS. What is your cost of planing?

Mr. COONEY. I think about a dollar and a half a thousand—everything.

Acting Chairman COMMONS. That includes labor and everything?

Mr. COONEY. And when you say planing——

Acting Chairman COMMONS. I don't know that I define it correctly, but we are trying to draw a line between this rough work and this finished work, which goes into the San Francisco market—the finishing end of the work.

Mr. COONEY. That would be anything that would feed through the planer from flooring and ceiling to dimension stock.

Acting Chairman COMMONS. Take the smallest class of work, is it about a dollar and a half?

Mr. COONEY. No; you take sized lumber, sized studding for wooden buildings which they use most of, is run through—dressing one side and one edge—that can possibly be done for 25 cents a thousand, easy.

Acting Chairman COMMONS. And, as I understand your situation, then, these low wages that you pay are simply in the finishing end which—where you are trying to do something which ordinarily would be done in the cities at cheaper labor?

Mr. COONEY. That is it.

Acting Chairman COMMONS. And so far as the rough work is concerned, your situation, and the wages you pay are about the same as those paid by Mr. Page?

Mr. COONEY. I think we pay a little higher, probably, for our skilled help than he does.

Acting Chairman COMMONS. Would you submit your pay roll, and classify it in such a way as I have suggested, your rough work and your finished work and so on? So that we can compare it with the other mills in the State?

Mr. COONEY. I could send the cost of operation—we can send the cost of operation of any of our departments.

Acting Chairman COMMONS. I don't mean the cost; I mean the pay roll.

Mr. COONEY. The pay roll?

Acting Chairman COMMONS. Yes; the pay roll by the classes.

Mr. COONEY. The wages we pay in the different departments?

Acting Chairman COMMONS. Designate the department by the class of work—rough work, box work, etc.

Mr. COONEY. Take the list I have here, it would give that; that would be saw-mill, planing mill, box factory, handling, machine shop, etc.

Acting Chairman COMMONS. Yes; all of the employees in those several departments; the occupations.

Mr. COONEY. Naming the occupations?

Acting Chairman COMMONS. Yes.

Mr. COONEY. In the different departments?

Acting Chairman COMMONS. You have that there?

Mr. COONEY. No; I haven't, but I will make one and send it, if you will tell me where to send it.

Mr. THOMPSON. When can you get it?

Mr. COONEY. I might have that made by Saturday.

Mr. THOMPSON. You could forward to the Transportation Building at Chicago, when you get it done.

Mr. COONEY. Will you put the address down for me?

(See Cooney Exhibit No. 2.)

Acting Chairman COMMONS. Any other questions?

Mr. THOMPSON. Just a question or two.

Acting Chairman COMMONS. We will adjourn at the present time, and meet again at 2 o'clock. Will you return at 2 o'clock?

Mr. COONEY. Yes, sir.

(Whereupon, at 12.30 p. m. of this, Thursday, an adjournment was taken until 2 o'clock p. m. of the same day, August 13, 1914.)

AFTER RECESS—2 P. M.

The commission met pursuant to adjournment. Present as before. And thereupon the following proceedings were had:

Acting Chairman COMMONS. Come to order.

TESTIMONY OF MR. NEIL COONEY—Continued.

Acting Chairman COMMONS. Mr. O'Connell has some questions to ask.

Commissioner O'CONNELL. Mr. Cooney, I understand your firm to be a corporation—incorporated?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. Under the laws of the State of Washington?

Mr. COONEY. No; the laws of the State of California?

Commissioner O'CONNELL. California?

Mr. COONEY. Yes.

Commissioner O'CONNELL. What was the capitalization of your company when it was incorporated?

Mr. COONEY. They incorporated two companies, and then joined them. I should think about $250,000—I don't remember.

Commissioner O'CONNELL. Has that capitalization been increased or decreased since then?

Mr. COONEY. It has been increased.

Commissioner O'CONNELL. How much?

Mr. COONEY. To five hundred thousand.

Commissioner O'CONNELL. It is now five hundred thousand?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. How did the increase come to take place?

Mr. COONEY. When they combined the two companies.

Commissioner O'CONNELL. There were two separate companies?

Mr. COONEY. Two companies—two separate companies—the Grays Harbor Mill Co. and the Grays Harbor Commercial Co.

Commissioner O'CONNELL. What were those individual companies capitalized for before they were combined?

Mr. COONEY. I don't know—I estimated $250,000.

Commissioner O'CONNELL. Two hundred and fifty each?

Mr. COONEY. No; about $250,000.

Commissioner O'CONNELL. Then, when they were combined the capitalization was made $500,000?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. Why was that increase of $250,000?

Mr. COONEY. I don't know.

Commissioner O'CONNELL. Had the business increased in some way?

Mr. COONEY. The business has continually increased.

Commissioner O'CONNELL. How is the stock held of the company?

Mr. COONEY. The stock of the company is held by individuals.

Commissioner O'CONNELL. Is it closely held?

Mr. COONEY. Fairly so.

Commissioner O'CONNELL. Who are the large stockholders?

Mr. COONEY. Pope & Talbot, of San Francisco.

Commissioner O'CONNELL. What per cent of the stock does he own?

Mr. COONEY. I don't know.

Commissioner O'CONNELL. Does the company pay dividends?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. What dividends have they been paying?

Mr. COONEY. They have been paying 6 per cent on the capital.

Commissioner O'CONNELL. Six per cent on $500,000?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. Did the two companies before they were merged pay dividends?

Mr. COONEY. No, sir.

Commissioner O'CONNELL. After the combination took place the capital was increased from $250,000 to $500,000, and they began paying dividends?

Mr. COONEY. Possibly not then. They paid 6 per cent dividends—I have some stock in the company, and, as I remember, I have been getting dividends for about eight years. Previous to that they didn't pay anything.

Commissioner O'CONNELL. What is the total business of the company per year?

Mr. COONEY. We will sell close to a million dollars' worth of lumber per year. We do a merchandise business of about $150,000 a year.

Commissioner O'CONNELL. What is the net earnings of the company per year?

Mr. COONEY. Last year I think we earned about $25,000.

Commissioner O'CONNELL. That would be an average earning?

Mr. COONEY. No, sir; it has earned up to $60,000 a year.

Commissioner O'CONNELL. How does the company pay 6 per cent on half a million dollars from that earning?

Mr. COONEY. Six per cent is $30,000 a year. If they earned $60,000, they could pay thirty.

Commissioner O'CONNELL. And if they earned twenty-five thousand?

Mr. COONEY. Pay it out of the surplus.

Commissioner O'CONNELL. What is the surplus of the company?

Mr. COONEY. About half a million dollars.

Commissioner O'CONNELL. About half a million dollars?

Mr. COONEY. With the value placed on the plant as it is. It is all in the plant. We owe now about $200,000.

Commissioner O'CONNELL. Well, this increase of capital from two hundred and fifty thousand to five hundred thousand, is that in real value or is it in what is known as water.

Mr. COONEY. That is in plant—real value in plant—if the plant is worth anything at the present time. If we were to say to a man, to any man, take this plant and operate it and we will pay the taxes, you wouldn't get a man in the State of Washington that would take it. If this eight-hour law goes into effect the plant will be worth nothing only for junk.

Commissioner O'CONNELL. Under normal conditions what would you say the plant was worth?

Mr. COONEY. Well, we have a plant down there that cost $1,000,000 that is for sale at $250,000, and they are offering a commission for the man who will sell it.

Commissioner O'CONNELL. How many salaried officers are there in the company?

Mr. COONEY. We have a president and a secretary. The president of the company I don't think is getting very much of a salary. Our secretary—I don't know what salary he is getting, but I think both would draw not to exceed $500.

Commissioner O'CONNELL. What is the salary of the general manager?

Mr. COONEY. Five hundred dollars.

Commissioner O'CONNELL. A month?

Mr. COONEY. And in addition to that I am the general manager—they furnish a house and keep it up.

Commissioner O'CONNELL. Does the general manager, or any other officer, receive a bonus of any kind at the end of the year for the business done?

Mr. COONEY. Not a cent.

Commissioner O'CONNELL. Are bonuses of any kind paid to either officials or employees of the company?

Mr. COONEY. Previous to three years ago they made a habit of sending up a small bonus to the office help. When I became general manager and had control of it, I advised that they discontinue it simply because I felt if they were to pay a bonus the men working in the plant were as much entitled to it as the office men. Therefore it was discontinued.

Commissioner O'CONNELL. You make annual reports, I suppose, to the proper officials of the State, of the business done?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. Is that in form that it can be filed with this commission?

Mr. COONEY. Now, I don't know as to that. I am not well up on bookkeeping. I suppose we make a report.

Commissioner O'CONNELL. You print an annual form, I suppose, for the directors or your shareholders—stockholders?

Mr. COONEY. The property books, the stock books, are held in San Francisco. San Francisco is the head office. I don't think we make a report to the Government, do we? We are not obliged to do that.

Commissioner O'CONNELL. Under the new law of paying on your earnings?

Mr. COONEY. Oh, on the income? Yes; that is made from our San Francisco office.

Commissioner O'CONNELL. What was the face value of the stock when issued, $100 shares or $50 shares?

Mr. COONEY. One hundred dollar shares.

Commissioner O'CONNELL. One hundred dollar shares?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. Are they sold in the open market. Are they listed on any of the markets?

Mr. COONEY. No, sir.

Commissioner O'CONNELL. Not listed in any city?

Mr. COONEY. No; but last year there was about 900 shares on the market. The man I succeeded as manager had 900 shares; his health failed and he sold it.

Commissioner O'CONNELL. What is the market value of the stock now?

Mr. COONEY. That stock was sold at that time for, I think, $150 a share.

Commissioner O'CONNELL. If I wanted to buy some shares now, what could I purchased them for?

Mr. COONEY. I don't know. I will sell you mine.

Commissioner O'CONNELL. For what price?

Mr. COONEY. Are you ready to buy?

Commissioner O'CONNELL. Yes; I am a business man.

Mr. COONEY. All right, you can have them for a dollar and a half—one fifty.

Commissioner O'CONNELL. A dollar and a half a share?

Mr. COONEY. At one fifty a share.

Commissioner O'CONNELL. How many shares do you hold?

Mr. COONEY. I hold, I think, 312.

Commissioner O'CONNELL. Well, for a firm that is losing money—you say on your last month's business you lost money—$50 a share seems to be a pretty good price—I don't think we will trade.

Mr. COONEY. We have been building that business for 25 years. I have been working there as hard as I knew how to build up the business for 25 years and I am entitled to some profit on my work.

Commissioner O'CONNELL. Has your salary increased during that time?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. What did you originally start with the company for?

Mr. COONEY. I think $100. I went there as a mechanic.

Commissioner O'CONNELL. Your salary has increased 400 per cent?

Mr. COONEY. Yes, sir.

Commissioner O'CONNELL. That is a pretty fair dividend?

Mr. COONEY. Yes; that helps.

Commissioner O'CONNELL. That is all I care to ask.

Commissioner GARRETSON. What did you pay for common labor, Mr. Cooney, at the time that the consolidation took place?

Mr. COONEY. I can't remember that.

Commissioner GARRETSON. About, approximately.

Mr. COONEY. Common labor, probably $30.

Commissioner GARRETSON. The same you are now paying twenty for?

Mr. COONEY. No; twenty-six.

Commissioner GARRETSON. Twenty-six?

Mr. COONEY. Yes.

Commissioner GARRETSON. Then, regardless of the fact that it is a losing corporation, the stock has advanced 50 per cent in value in that time on the quotation you make, while the shares of the men who are working have decreased $4 per share.

Mr. COONEY. It is not a losing proposition.

Commissioner GARRETSON. Well, the testimony was that within a given period——

Mr. COONEY. Last month.

Commissioner GARRETSON. You lost money.

Mr. COONEY. Last month; yes.

Commissioner GARRETSON. Was that testimony given with the idea of conveying the impression that it was a losing proposition and therefore you had to pay low wages?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. Then that testimony is not a fair exposition of the financial condition of the company?

Mr. COONEY. I don't——

Commissioner GARRETSON. I mean in regard to the losing of money.

Mr. COONEY. Why not? We have property that is worth $700,000. Are we not entitled to some interest on that?

Commissioner GARRETSON. Interest and book value are two entirely different things, aren't they?

Mr. COONEY. Well, take the book value of it, then.

Commissioner GARRETSON. Book value.

Mr. COONEY. Take 500,000.

Commissioner GARRETSON. What is your book value?

Mr. COONEY. Oh, the book value——

Commissioner GARRETSON. Yes.

Mr. COONEY. I think the book value would be about a million dollars.

Commissioner GARRETSON. Oh, the book value per share.

Mr. COONEY. Well, the book value is $100—$500,000.

Commissioner GARRETSON. How is that?

Mr. COONEY. Five hundred thousand.

Commissioner GARRETSON. The par value is five hundred thousand?

Mr. COONEY. Well, the book value would be the value of the stock and surplus, which I say is about a million dollars.

Commissioner GARRETSON. Then your book value is $200,000?

Mr. COONEY. The book value?

Commissioner GARRETSON. Your book value is $200 per share?

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. And still it is such a losing proposition——

Mr. COONEY. We——

Commissioner GARRETSON (continuing). That you only pay $4 per month less wage than you did originally.

Mr. COONEY. The books of the company are open. We would be glad to show you all the facts in it, all the conditions, and the best way to get that would be for your experts to come down and see.

Commissioner GARRETSON. Well, your own statement now, as to the amount of surplus, your estimated value of the stock that you own and the relation of former wages and present wages gets strongly at cross purposes with each other, do they not?

Mr. COONEY. We are not making anything on the investment now. We are not making anything this year. We have an investment we put in, say originally, of $500,000. Instead of paying the earnings out of that we have increased the investment.

Commissioner O'CONNELL. You have piled up this surplus of $500,000 while wages have gone down?

Mr. COONEY. In 25 years. Wages haven't gone down all that time. You are taking this unusually low wage of $26 a month. The majority of them are not able to go out and get any work with the railroads or do laboring work. They are doing work where they could not do a laborer's work; that is my opinion.

Commissioner GARRETSON. When you send to these employment agencies that furnish you with this constant stream of changing men, do you arrange with them that they will hire you the flotsam and jetsam of industrial life that can't go anywhere else?

Mr. COONEY. No, sir; we will tell him we want so many for the box factory, we want so many men from some other place, and want good men, and he will go and send these down.

Commissioner GARRETSON. You have heard the testimony given to the effect that there are some places that keep three gangs, one gang coming and one going and one at work.

Mr. COONEY. That is our place.

Commissioner GARRETSON. You must have five gangs, on the testimony given this morning that you hired five men each year for every job.

Mr. COONEY. That is for the year.

Commissioner GARRETSON. Well, what are you doing with the other two; are you gathering them up ready to start? Is it a fact that the employment agency that does your business keeps a standing advertisement in the papers at Portland, Tacoma, and Seattle to supply the demand for labor of that class in your place?

Mr. COONEY. We haven't had a man from Portland for perhaps a year or six months or so. We only go to Portland when we are practically boycotted in Seattle and Tacoma, when a notice is put up, "Don't go to Cosmopolis."

Commissioner GARRETSON. The place has a reputation, then?

Mr. COONEY. It has during strike trouble. It is one of the places that has never been taken.

Commissioner GARRETSON. How is that?

Mr. COONEY. All the time I have been there I have run the place.

Commissioner GARRETSON. And you have run it so that a boycott does exist?

Mr. COONEY. Boycott don't exist.

Commissioner GARRETSON. You said when you were boycotted you went to Portland.

Mr. COONEY. When we are boycotted from getting men.

Commissioner GARRETSON. That is what I mean.

Mr. COONEY. Yes, sir.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. That is all, Mr. Cooney. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Mr. Mack.

TESTIMONY OF MR. WILLIAM B. MACK.

Mr. THOMPSON. Will you give us your name?

Mr. MACK. William B. Mack.

Mr. THOMPSON. And your business address?

Mr. MACK. Aberdeen, Wash.

Mr. THOMPSON. And your business?

Mr. MACK. I am manager of the S. E. Slade Lumber Co., the Slade-Wells Logging Co., and the Hump-Tulips Logging Co.

Mr. THOMPSON. Tell us the kind of business, and where?

Mr. MACK. Logging and lumbering at Aberdeen; vessel interests along the coast.

Mr. THOMPSON. How many men are employed in the various branches of the business, giving the branches separately?

Mr. MACK. When the camps are running at full force we employ at the Hump-Tulips logging camp about 250 men; at the Slade-Wells, about 150; and at the mill about 100 men. At the present time the Hump-Tulips camps are closed, and the Slade-Wells camps are closed, because we can buy logs in the open market cheaper than we can put them in. Our mill is running, but we fear that the present war trouble is going to force us to close down the mill because we sell a great deal of our lumber to the foreign markets, principally on the west coast of South America and Mexico, and generally we get our pay from those countries in bills of exchange on London and Hamburg, and embargoes having been declared on the South American ports there is no prospect of our getting pay for the lumber, so that while we have vessels at the wharf and lumber ready to load we do not deem it advisable to take chances to load and ship the stuff. We fear we will be obliged to close down.

Mr. THOMPSON. What wages do you pay the various classes of people that you employ?

Mr. MACK. Well, in the mill, take band-saw filers, for instance, we pay $3 per day, and helpers $3.50. Our sawyers get $8 per day each, both our head sawyer and our second sawyer. We pay them both the same and insist upon equal ability. Our edger men get $4.25; our automatic trimmer men, $4.25; and the wages run down to $2.25—the minimum wage is $2.25 per day. We have

very few men at that wage. The common laborer in the yard—we insist upon certain efficiency and pay about $2.50 a day for the major portion of our common labor.

Mr. THOMPSON. That includes both the common labor you use in the mills and in the yards and in the logging camps?

Mr. MACK. Not in the logging camps. The logging camps are separate and distinct and should be treated altogether different. In the logging camps we pay our superintendent $250 per month, our logging foreman $175 per month. Both instances include board. Our cooks are paid from $125 to $150 per month and board; flunkeys, $45 and board; bull cook, $45 and board. The hood tender we used to pay $5.50 and board. We changed that to $6 and they pay their own board—that is, during this year. Our head loaders get $4.50 and $5; second loader, $3.50 and $4, and so on through the regular run.

Mr. THOMPSON. What do you pay for the ordinary laborer?

Mr. MACK. Ordinary labor—there is very little of it used in the lumber woods. We use it on the logging road—I mean logging railroad—and there the lowest we pay is $2.50 per day. Our locomotive engineer, we pay him $4.50 a day; firemen, $3.

Mr. THOMPSON. What kind of accommodations have you got for the men in the logging camps?

Mr. MACK. Why——

Mr. THOMPSON. Give the conditions generally.

Mr. MACK. Our camps, well, the Slade-Wells, for instance, is on a railroad, and we build houses there on cars. The bunk cars, I presume that you want to know more about, are built 40 feet long and 14 feet wide, 8-foot walls, and the maximum capacity of one of those cars is 16 men, or 8 single bunks in each end of the car, leaving a space in the center for a stove and for a kind of gathering place or social hall, theoretically, but practically it is used by the men for hanging up the wet clothes and drying them, although we have accommodations there for drying clothes. We have a room set apart in the camp for that purpose, but it is hardly ever used. The men will go in and take a bath, a shower generally, and change clothes, go to the camp first on their way from work and grab a change and go over and take this shower, put on their good clothes, and bring away the clothes that they worked in during the day and perspired in, and hang them up in the room that they live in. And to pass any edict or attempt to do that, you would lose your crew, who would say that you are trying to molly-coddle them. And you have got to understand the peculiar nature of your logger to understand that. He won't stand babying, he won't be dictated to, and he won't be interfered with.

Mr. THOMPSON. What other conditions have you in your camp—take sanitary conditions?

Mr. MACK. We have good toilet arrangements off at a distance from the camp, generally on running water. Often we have to pump the water in order to create a flow. Board walks are laid, and every convenience imaginable to make them as sanitary as we can. They are crude and rough.

Mr. THOMPSON. How about bedding?

Mr. MACK. The beddingwe have embraced—we have, first, wire springs and on top of that a mattress. We charge for that 25 cents per month. Those springs and mattresses both are changed about once a year to keep them up. They are what we call three-quarter beds, simply for one man, and in a climate in the woods where it is damp and all the wires rust and they become saggy. The mattress gets hard. And we make a practice of renewing them once a year, and this $3 that we get from the men if they are working continuously, pays about one-fourth of the cost of the mattress and the spring.

Mr. THOMPSON. What do you do to take care of it, who has that work about keeping the camp clean, who does the work, the chambermaid work?

Mr. MACK. Well, we have what we call the bull cook. Then we have constant overseeing by the superintendent, by the foreman, and largely by the men themselves. Because the men take—rather take a pride in enforcing cleanliness. If a man comes in there, a "buggy," as they call him, why he is ostracised and kicked out of the camp. You will find that in nearly all well-regulated camps that the men regulate that themselves. But it is looked after closely, first by the superintendent and foreman, and by the bull cook under instructions from his superiors.

Mr. THOMPSON. To what extent do you use the employment agencies, I mean the private agencies, in the employment of help of any kind?

Mr. MACK. Very little in the camps. We have in Aberdeen an employment agent there that is hired by a number of the camps, a number of the logging companies that are constantly keeping the office open and answering telephone calls from the camp. No charge is made to the men, it is kept up by each logging company paying in a certain amount per month to this man for wages and office rent.

Mr. THOMPSON. Is any part of your establishment organized?

Mr. MACK. You mean labor?

Mr. THOMPSON. I mean labor.

Mr. MACK. No, sir; not that I know of. We probably have quite a number of union men working. We never ask a man his religion, his politics, nor any of his beliefs.

Mr. THOMPSON. How do you personally view organized labor?

Mr. MACK. I am naturally opposed to it.

Mr. THOMPSON. What forms the basis of your opposition?

Mr. MACK. Oh, it destroys individualism. Now, you take what I have particularly in mind, the testimony here relating to the logging camps. Now, there is not an American industry to-day that is as well individualized as the logging business. You hire a superintendent, a logging superintendent, and he has got a following in the way of foremen. Now, if you fire that superintendent or if he leaves you for any reason, universally the foreman will leave with him. Now, in turn, if a superintendent has a row with one of his foremen, nearly always his best men will go with the foreman—that is, there is a close companionship or comradeship, or whatever you may term it, they are close to one another. I don't know of any business in the United States that there is as much individuality about as there is in the logging business in the State of Washington as it is conducted to-day.

Mr. THOMPSON. Well, looking at it more particularly from the standpoint of the employer, what is your objection, or rather, how do you view unionism?

Mr. MACK. Well, I fear that in losing your individuality—that individual touch, that personal touch, if you please, that you get back, so that you run it about the way that our ships are being run—that is, that instead of your having a good feeling and a get-together and working for the best interests, that you will find that your men are not working with you, they are simply working for you. That term was used here to-day, and I think it is a very good one, and it is the curse of business in the United States to-day, that we are not working enough with our men or our men with us; we are out of sympathy with one another.

Mr. THOMPSON. From the standpoint of the worker, Mr. Mack, taking the field of industry as a whole here and elsewhere, how do you view unionism from his standpoint?

Mr. MACK. Well, if he is of less than ordinary ability, I think that perhaps unionism might perhaps assist him. But if he is of ordinary ability or above it I think that it is a handicap to him.

Mr. THOMPSON. Well, you think on the whole that the organization of men into unions has not helped the condition of labor?

Mr. MACK. I don't. I think that when they started that certain classes in having the start were able perhaps to shoot up their particular product a little, and now that we are extending that we are just simply completing the cycle, and that they are no better off in any place than they were in the first instance. I believe that it retards the individual and as a dead-leveling process is nationally wrong and is not good for the country or for the men.

Mr. THOMPSON. Looking at the condition of the workers generally throughout the country, irrespective of whether they are unionized or not unionized.

Mr. MACK. Yes, sir.

Mr. THOMPSON. How do you view the condition, is it one that needs help or attention at all?

Mr. MACK. No, I think that—well, I believe that there is less discontent and less unrest to-day than usual in the world—well, in the United States. I think that it is simply more in evidence, discontent is more in evidence. You hear more of it. It is exploited more. There are more cures, more panaceas for it—like a bunch of fellows can go to work and talk to any individual, if he is not wise to the fact, they can talk him sick. That is, they can go to work and half a dozen men call on that fellow and tell him how poor he is looking, and he goes to bed before 6 o'clock violently ill, with his mind overmastered, if you please. I think, if you will pardon the expression, we are largely going nutty on the subject here in the United States.

Mr. THOMPSON. Your opinion, then, would be that if we would put it out of our minds completely, it would be better?

Mr. MACK. I don't think that is possible, Mr. Thompson. But, as I view it, the people are better housed and better clothed and better nourished than I have ever seen them, and I have handled men practically all my life, and I am no young man, and that the country is better, the people are more contended, and they are saving more money, and yet you hear a wail going up that is greater and greater from them.

Mr. THOMPSON. Well, to what do you ascribe the improvement in the condition of the workingman that you speak of?

Mr. MACK. Natural betterment of conditions and their striving—that they are discontented, they always have been discontented, and we owe our natural greatness to our discontent.

Mr. THOMPSON. Would you give any credit for that improvement to the organization of the men into unions?

Mr. MACK. No; I think not. I think that you will find more discontent outside of the union than you will in the union. In other words, that you find in the union a lot of self-satisfied men that are looking to their leaders to be a Moses to lead them, while the other fellows are discontended and are striving themselves. And, as I say, their discontent, we don't want to discourage in this country, because it has made this country, and we need more of it to make our people struggle and get ahead. Discontent is not to be discouraged, in my judgment.

Mr. THOMPSON. Now, Mr. Mack, this commission has been appointed by the United States Government to look into this industrial question.

Mr. MACK. Yes.

Mr. THOMPSON. Now, what would you say to the commission that it should do, suppose you were on the commission, and you are here now as an adviser to the commission, one of the witnesses before it—now what would you say to them?

Mr. MACK. I don't believe I could advise it.

Mr. THOMPSON. Well, you have given them some advice already.

Mr. MACK. Well, that is as far as I go. I don't believe I could go any further.

Mr. THOMPSON. I don't want to keep on the one question too much, but you would not think, then, that the conditions in the country would call for any remedial recommendations by this commission to Congress?

Mr. MACK. I don't think so. I think we have had too many regulations, too many investigations, and too many—too much of turmoil, making the patient sicker.

Mr. THOMPSON. Well, then, that would be your recommendation to Congress, if you were on the commission, say?

Mr. MACK. Yes.

Mr. THOMPSON. That you would recommend that the doctrine of laissez faire should continue, the thing should be left alone for awhile?

Mr. MACK. I think our civilisation must grow sympathetic, the Civil War made us more sympathetic. I believe this world war will make the world more sympathetic. I believe it is going to bring relief, and you will see a great expansion in the United States as soon as things have adjusted themselves, and you won't hear any more of this until the next hard times. The next time we have a panic, everybody for the storm cellar.

Mr. THOMPSON. Is there anything else you would like to add to what you have stated?

Mr. MACK. No, sir.

Mr. THOMPSON. That is all.

Commissioner GARRETSON. Mr. Mack, you referred to the logging industry as one that largely tended toward individualism, and you cited as an illustration thereof that if you discharged a superintendent, he was very apt to take all the foremen with him; that if the superintendent got into a row with one foreman and that the foreman should be discharged, he would be very apt to take all the best men with him—that was the way you cited it, was it not?

Mr. MACK. Yes, sir.

Commissioner GARRETSON. Is that an evidence of individualism or of tacit organization?

Mr. MACK. Of what?

Commissioner GARRETSON. Of tacit organization?

Mr. MACK. You are getting too deep for me. That word is not in my vocabulary.

Commissioner GARRETSON. I will bring it down—or shall I put it up? Is it evidence of an understanding between the superintendent and the foreman that they will stand or fall together?

Mr. MACK. No.

Commissioner GARRETSON. It is not? What causes them to leave, then?

Mr. MACK. Loyalty.

Commissioner GARRETSON. Loyalty. What is organization between men but loyalty to each other?

Mr. MACK. Search me.

Commissioner GARRETSON. You rather conveyed the idea, or I misunderstood you, that organization had never bettered—labor organization had never bettered—the condition of men. Is that right?

Mr. MACK. You heard my testimony, Mr. Garretson.

Commissioner GARRETSON. You are familiar, I suppose, with railways—you are at least a passenger occasionally. Are you a believer in safety appliances for the benefit of all concerned, passenger trains and freight trains?

Mr. MACK. Am I examining you or you examining me?

Commissioner GARRETSON. I am examining you.

Mr. MACK. All right, sir.

Commissioner GARRETSON. You are?

Mr. MACK. Yes, sir.

Commissioner GARRETSON. Are you aware of what influence enacted all the Federal safety appliance laws on this continent? Do you know what agency had them drawn and enacted?

Mr. MACK. No, sir; I really don't.

Commissioner GARRETSON. If a labor organization had been solely responsible for the drawing and enactment of those laws, would they have been performing a good service to humanity at large as well as themselves?

Mr. MACK. I think it was a desirable thing. I think it was the thinkers that helped that along, and your organization probably got behind it.

Commissioner GARRETSON. If the influence was able to enact it, was it a good purpose?

Mr. MACK. If you create a crying need and it is enacted, if some vociferous individual gets up and shouts for it, they can't claim all the credit for it.

Commissioner GARRETSON. If the organization stood all the expense of all the preparatory work——

Mr. MACK. I hope you don't mean they were insidious lobbyists.

Commissioner GARRETSON. They were not insidious lobbyists, they were open lobbyists. We very frankly accept the name. Would that matter if it went through be a desirable influence?

Mr. MACK. I will admit all that line of argument you are going to present. Time is short, and I will admit all you are going to bring out.

Commissioner GARRETSON. Good. Just one other. I don't know whether you will admit that or not. I want to say in a prefatory way that we sometimes criticise a man for his religious belief. Are you a Christian Scientist?

Mr. MACK. No, sir.

Commissioner GARRETSON. I thought you were from the remedy you gave for discontent. All you would have to do under that system is just to think there was no discontent and there would not be any. Is that your belief in the theory?

Mr. MACK. No, sir; psychological.

Commissioner GARRETSON. Psychological, pure and simple. That is all.

Acting Chairman COMMONS. It has been stated by one of the preceding witnesses that you might be able to explain to us this so-called San Francisco boycott. At least, tell us the difference in cost of the finished lumber if it were finished directly from the Washington mills, and the expense there is in San Francisco on the basis of the regulations at that place. Do you have a planing or finishing mill?

Mr. MACK. I haven't got it for San Francisco.

Acting Chairman COMMONS. You have one in your own mill?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. Could you give us the cost of that work here in Washington as you have taken it from the rough or sawmill through the planing or finishing mill? I think that is the next stage, is it not?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. What is the added cost?

Mr. MACK. It will run from a dollar per thousand to as high as $8 per thousand, depending on the size and length and amount that has to be done.

Acting Chairman COMMONS. Now, is that purely labor cost that you are thinking of?

Mr. MACK. No, sir; that is everything; that includes labor cost, machinery, depreciation, etc.

Acting Chairman COMMONS. Suppose you put the cost in thousand feet up to the rough lumber you are going to finish.

Mr. MACK. Up to the rough——

Acting Chairman COMMONS. How many dollars per thousand feet would the different grades of lumber up to the time it was ready in the planing or finishing mill cost?

Mr. MACK. You would have to know the size and length.

Acting Chairman COMMONS. Take something that is the largest standard—which has the largest output.

Mr. MACK. Now, the largest items coming through the mills are 2 inches up to 12 inches in width. They are 2 by 4's and 2 by 6's, that means pieces 2 inches wide or 4 inches or 6 inches wide, that are commonly used for rafters and general construction.

Acting Chairman COMMONS. Do those have to be finished?

Mr. MACK. They have to be sized. It has to run through the planing mill and one side is dressed, and one edge is dressed so that they make a uniform width and thickness.

Acting Chairman COMMONS. That is the kind of operation, you say, that has to be done in San Francisco?

Mr. MACK. Yes. The charge, as I understand that, for that small stuff is a dollar per thousand, while we can do it in the mill for about 25 cents.

Chairman COMMONS. That is including labor and everything?

Mr. MACK. Yes, sir; including everything, because it can go right through the machinery just the same as any of our other material. It can go through with the minimum amount of labor and handling.

Acting Chairman COMMONS. That cost of $1 a thousand; if it would cost 25 cents a thousand, what would be the total cost of that class?

Mr. MACK. Offhand I would say it would be about 75 cents. When they take that lumber down into the yard it will probably cost them $2 per thousand to put that into a pile, if they take it from the vessel to the yard to be piled. Now, as your order comes in, then you have to move it from the pile to the planing mill and dress it, and then it goes out on the job. It would probably cost them $2, as I say, to put it through the yard; probably 50 cents a thousand more to get it from the pile to the planer.

Now, down there it costs a full dollar a thousand more to dress it, on account of working under certain regulations that slows up the operation. For instance, in the lot here, we will say, we will dress anything up to 2 by 8's—2 by 4's, 2 by 6's, or 2 by 8's. We have a planer with a divided roll and we can shove through two pieces at one time. It goes through quickly and is piled on the truck. Down below, under union regulations as I have seen them, one piece must be fed in at a time. They must have an extra man at the mill as a steward and an extra man at each machine with a rubber stamp putting the union label on each piece of lumber that goes through; so that it runs up the cost to the manufacturer, and ultimately the consumer, of about—well, I should say the average cost of at least $2.50 a thousand.

Acting Chairman COMMONS. Against 25 cents a thousand here?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. Now, take the selling price of that lumber—that class of stuff. What is the selling price of that class?

Mr. MACK. The selling price here of that stock to-day is not to exceed $7.

Acting Chairman COMMONS. Seven dollars?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. The shipping to San Francisco?

Mr. MACK. The shipping to San Francisco is about $3.

Acting Chairman COMMONS. Now, the cost, then, delivered is $10?

Mr. MACK. Ten dollars.

Acting Chairman COMMONS. Ten dollars delivered?

Mr. MACK. Now, as to the market there at this time I am unable to tell you.

Acting Chairman COMMONS. I am getting at the cost.

Mr. MACK. About $10.

Acting Chairman COMMONS. After you finish it, then you could deliver at ten twenty-five?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. At present it is costing them, based solely on cost figures, $12.50; that is the difference?

Mr. MACK. That would be about the difference; yes, sir.

Acting Chairman COMMONS. That is $2 more on the thousand?

Mr. MACK. About two dollars and a quarter more, is it not?

Acting Chairman COMMONS. Two dollars and a quarter more on $10; that is about 22 per cent more.

Mr. MACK. Yes, sir; I would say from 20 to 25 per cent more.

Acting Chairman COMMONS. That is, it is costing the builder in San Francisco about 20 to 25 per cent more?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. On account of this regulation, then?

Mr. MACK. That is something that the mills themselves in the North are divided on. It is economic loss there that we don't feel vitally interested in; that is, San Francisco—incidentally, of course, the men that work in the mills—but as manufacturers we feel that it is not such a burning question.

Commissioner O'CONNELL. Take the difference between the rate here and the mills in San Francisco or the hours of work.

Mr. MACK. No; there is not.

Commissioner O'CONNELL. Do you know whether the millowners in San Francisco are not at the bottom of this arrangement to prevent what they might consider lumber coming from cheaper conditions competing with them?

Mr. MACK. No; that is not true.

Commissioner O'CONNELL. No combination on the part of owners?

Mr. MACK. No; it is the labor.

Commissioner O'CONNELL. Purely labor?

Mr. MACK. A compromise. That was fought out in San Francisco at the end of the strike. It was a compromise.

Commissioner O'CONNELL. Do you suppose the fact is that their wages may be, instead of this difference of percentage, the figures here of 20 per cent, the difference of the wages may be 50 per cent?

Mr. MACK. I do not know what the difference is.

Commissioner O'CONNELL. And the difference in hours may be 20 per cent?

Mr. MACK. I say it is no part of ours. It is an economic loss we are not interested in.

Acting Chairman COMMONS. Can you furnish those figures, so that when we get to San Francisco we can carry out this comparison?

Mr. MACK. I think so.

Acting Chairman COMMONS. Will you do so?

Mr. MACK. Let me understand what figures you want.

Acting Chairman COMMONS. I wanted it for the class of lumber, the largest usage in building; that is what I want.

Mr. MACK. I will get that for you.

Commissioner GARRETSON. How large dimension stuff do you speak of at the same price?

Mr. MACK. I would in the price I am taking include 2 by 4's, 2 by 6's, and 2 by 8's.

Commissioner GARRETSON. Three of those classes are all one price?

Mr. MACK. Practically one price.

Commissioner GARRETSON. That is a large part of your output?

Mr. MACK. Yes, sir. And I take it from 8 foot to 16. I will send you those figures.

Acting Chairman COMMONS. You may address them here.

Mr. MACK. All right.

Acting Chairman COMMONS. You had how many employees? I have forgotten the number.

Mr. MACK. In our camps, in one 250 and the other about 150; in our mill, about 160.

Acting Chairman COMMONS. Now, taking the question that has been asked other witnesses, how many men do you have to employ in the month or during the year to keep up that force of about 500?

Mr. MACK. I didn't catch the question.

Acting Chairman COMMONS. You have 500 employees altogether, or a little over?

Mr. MACK. Well, yes.

Acting Chairman COMMONS. How many men do you have to hire during the year to keep up that number?

Mr. MACK. I do not believe I can answer that. Our crews are pretty steady. In our woods—woods operations—there is a large shifting of what you would call the common labor.

Acting Chairman COMMONS. That is the $2.50 man?

Mr. MACK. That is the $2.50 man; and from that up to $2.75 they are large shifters. But, then, the skilled men, the so-called skilled men—snipers, knotters, buckers, and fallers—they are as a rule pretty steady.

Acting Chairman COMMONS. Have they families?

Mr. MACK. Many of them have in our district. We pay more wages in Grays Harbor district than are paid on the average on Grays Harbor, and we attract down in there more steady men; although we have a lot of the trash and some of the hobos, yet we get a pretty good class of men down there.

Acting Chairman COMMONS. Then take your mill. How about your mill—could you tell?

Mr. MACK. Yes. Now, we have the men shifting there. Our men would not shift in our mill; on the basis of 100 they would not shift over 4 a week. That is all in the men, such as men driving truck horses; we seem to have more shifting there than anywhere—men that are getting $2.50 a day for driving a single horse. And some of our men in the yards, they are getting $2.25 and $2.50. We find they are paid that wage because they are speedy men. In my judgment, every time you lose one of your employees there is an economic loss there; that it costs you something to break in somebody else.

Acting Chairman COMMONS. You state in the course of the year you would only have about 50 out of 150?

Mr. MACK. That is hardly fair to put it that way. I am talking now—there are times there, in harvest and fishing seasons, perhaps—in the fishing season we will probably lose half our yard crew. They follow fishing, a good many of them, in the yard. We have a great many Swedes, and they go fishing. Well, we have a temporary crew in there, and when they return the fishing season is over. That has been going on there for a number of years. And so we probably have more changes than 50 a year. I really could not give you the exact figures.

Acting Chairman COMMONS. You say 4 a month?

Mr. MACK. Yes; 4 a month, 50 a year.

Acting Chairman COMMONS. In the other branch?

Mr. MACK. In the logging?

Acting Chairman COMMONS. You mentioned logging and the mill. What was the other?

Mr. MACK. It is the mill I was talking about. The changes in the camps, I don't know. In the first place we have two absolute clearances in the logging camp. One is before the 4th of July, and the other is just before Christmas. Every man in your employ, your superintendent, your foreman, your cooks, everybody else clears at that time. It is an absolute clearance. It is not a foreman or a superintendent who goes back. You have got to hire him. It is an absolute clearance. If you have anything against him that you don't want to hire him again there is no ill feeling, you simply hire another superintendent, another foreman, and go on. It is a new clean slate. So that we have a complete change twice every year that way. And then during the other times—oh, there are a lot of them that are the most improvident class—there are a lot of them that just as soon as they get a stake, if it was hot—when it gets hot as it is in this room now—probably 25 per cent of your crew would go down; will say, "I am going to where there is cool beer." And you won't see some of the men in the morning, until they get all the cool beer they want, and then they will come back to you, but you have to hire other men to take their places. They are itinerants to a certain extent, independent, devil-may-care chaps, independent as a hog on ice. You can't talk to them; you can't order them around or anything. If a man undertakes to swear at one of them it is just as much as his job would be worth, his life would be worth. You have got to understand the fellow before you can appreciate his kind.

Acting Chairman COMMONS. Then the trouble is the same in the mills as in the camps, or is it more fluctuating in the mill?

Mr. MACK. Well, you have a different class of men in your mill. As your logger grows older, he marries and settles down, and then he generally becomes a mill man. There are quite a number of them, and they go along and they go

into business in the town. They want to be near their families, because, you understand, those camps are away out in the woods, naturally. You start in a mill say to-day right in the wilderness, and in two years your camps are 4 or 5 miles from you; go on 10 years and they are off 40 or 50 miles. So that many of the camps are located at long distances from—well, from civilization. Out on the frontier, pioneers in the truest sense of the word. You are working under the crudest conditions and as near nature as it is possible for a man to get and get along. Now, the conditions, we hear some of them depict here, they undoubtedly exist. But you find universally, I think, that the largest concerns are running clean, very sanitary, as sanitary as they can get it, and well regulated camps. But the fellow that is small, that starts in with a shoe string, goes out here and gets a piece of timber—anybody can get it—you can start logging here that way. But whenever they do, just start in with the small way just the essentials—the stuff that is absolutely necessary to get along with, and they go out there. Some of the conditions are pretty crude. But they are bettered, and bettered as lively as possible. So that even when they draw a horrible pen picture, or horrible word picture, of the deplorable conditions in the camp, it is some poor chap that has no foothold; but as soon as they get bigger they get in better shape, and the bigger camps are in better shape.

Acting Chairman COMMONS. The difference in the rate of wages does not make much difference, then, apparently, in the stability of the force. If you increase your rates of pay, make higher wages, do you leave the other more constant?

Mr. MACK. If your wages are general then it acts the other way. The quicker the man can get a stake the more it bothers them.

Acting Chairman COMMONS. If one gets higher than the other, are they pretty steady, is that your idea?

Mr. MACK. Just as I say, they are largely an improvident, unthrifty class. They want to keep the money in circulation.

Acting Chairman COMMONS. Is there any reason in your business for having a steady force?

Mr. MACK. Well, you have got to get along with that class of men. You have got to get good, young, husky fellows that take kindly to that kind of work just the same as you have men on your skyscrapers putting your steel together, and all that kind of work, men on your surveying parties, railroads—you have got to get the young red-blooded husky that goes with that work.

Acting Chairman COMMONS. Do you work through employment offices?

Mr. MACK. No; the employment offices I spoke to you about that we had.

Acting Chairman COMMONS. Only your own?

Mr. MACK. Only our own.

Acting Chairman COMMONS. You do not get them through private offices?

Mr. MACK. No. We don't hire practically any through any of them. At times we will perhaps run shy of common labor, there are railroad men—sometimes we will have our agent in the employment office phone up and have the agent there send them. Generally that is the way it is done. We phone up here and ask if they can't send down such and such men. He probably sends 25 or 30 men, and they will be scattered between 8 or 10 different camps, you understand. This, Seattle, you understand, is the clearing house, this is the commercial center, and the labor is scattered over a large territory. The city of Seattle is one and Portland is another clearing house, the same way, for a good portion of Washington and all of Oregon. Aberdeen and Hoquiam are big lumber centers. There are over 2,000,000 feet per day of lumber manufactured, and some of the largest and best mills in the State there. There is quite a demand for labor. But often when a man gets out of work he wants to have a high old time, and he comes to Seattle, and when he strikes the streets here you will find more unrest and more discontent in the labor district in Seattle than anywhere else in the State. It has become so flagrant that we almost hesitate to send for men here to the city of Seattle. You are liable to get out a lot of fellows like that that are more uneasy, discontented, and real trouble breeders.

Acting Chairman COMMONS. Mr. Thompson, have you any questions?

Mr. THOMPSON. Just one more question: Do you know anything about the plant that Mr. Cooney is manager of?

Mr. MACK. Yes, sir.

Mr. THOMPSON. How do the wages there paid compare with the wages you pay?

Mr. MACK. They are altogether different. I run a sawmill, and we ship our lumber all over the world, largely offshore, but it is in a very crude or unfinished condition; but the commercial company have got a different business, altogether. They take the rough lumber, when I get through with it, and they go ahead and they spend more money on labor on that product there than I have up to the time that I quit on it. They finish their lumber, and they ship all over—you might say, all over the United States. They do but very little foreign order business. Now, their biggest business is in box making. I presume that their largest competitors are found in the city of Seattle or in Portland. You go down into one of those box factories, and you will find a lot of boys and a lot of girls working there. They are doing the work that those people here—men—ought to do. The commercial company are off from civilization, and when they start they just naturally go out after the misfits. They bring in everybody and anybody and pour them into the hopper to do the work.

Commissioner GARRETSON. Mostly culls?

Mr. MACK. No; they are not. I just want to say here that the majority are good men, and they are public benefactors. You take the man that strikes Seattle down and out, absolutely at the end of his resources, he can go along there and there is not a job open for him. He has got to either be an object of charity or get out, that is all. Here is the employment agency down here that has got a standing sign up there, "Men wanted," and it don't matter whether the man has got ability to earn a salary of a hundred dollars a minute or $1 a week, he can get a job there at $26, and he comes down. For instance, I have had two assistant managers—one succeeded the other—that are bright, brainy fellows; one is manager of the mill now, and the other is a manager of one of the largest independent logging companies. They both started in at $26 a month in that plant.

Commissioner GARRETSON. They were physical culls, just the same, from the description you give.

Mr. MACK. No. They were down and out financially. They were not physical culls. Both of them were pretty husky fellows. But they were both down and out, and they started in down there, and just as soon as they could do so they got into something better. My head accountant to-day is a man who started in there years ago. They are really recruiting stations for Grays Harbor. They are public benefactors. There is always a job open, and you will find them ready to take them. You go out in the streets of Seattle to-day, and there are two men—I think you will find there are two men here for every job that there is in the city of Seattle; that you must go outside of the city to secure work.

Commissioner GARRETSON. That is what is open for men in that plant?

Mr. MACK. You can call it what you please.

Commissioner GARRETSON. I did not name it.

Mr. MACK. Do not get sarcastic about it, because it is a fact, and we need more of those plants there, more in the State. There is not a place in the State of Washington but what ought to have more people to work up our lumbermen. If we did, we would have more men to work, and we would have a larger pay roll. It costs us about $3 for pay roll to men, and they may pay eight; who does the greatest good for the community? The money is brought out. You asked the question if I thought any industry that did not pay a living wage had a right to exist. I don't know.

Commissioner GARRETSON. No; it was that gentleman over there.

Mr. MACK. I don't know.

Commissioner GARRETSON. I asked it yesterday.

Mr. MACK. Now, you are insisting here in the United States on free, open competition. You go to work, you in the United States insisting on absolute open competition, but when you see the fruits of it you get sarcastic and find fault with it.

Commissioner GARRETSON. Who is insisting on open competition?

Mr. MACK. Show me. We have had investigating committees, and they all look alike to us. We have had investigating committees out here trying to put that in for the last five years.

Commissioner GARRETSON. What did they do to the railroad companies for open competition?

Mr. MACK. They are putting them on the blink, that is all. What are they doing? They are going into the hands of receivers. If this war hadn't started in, in six months half of your railroads in the United States would be in the hands of receivers.

Commissioner GARRETSON. They started things on the other side, all right. I want to ask you one question: I assume you are perfectly familiar with the movement of lumber from the stump to the consuming point?

Mr. MACK. Yes, sir.

Commissioner GARRETSON. Take the run of dimension stuff, the largest run of it from your mill; I want to follow that for a moment: You turn it out rough. You move it. I do not know what your movement is, possibly, from the mill to the dock, or from the dock to the next dock; I don't know—do you use lighterage?

Mr. MACK. No.

Commissioner GARRETSON. What?

Mr. MACK. Onto a vessel.

Commissioner GARRETSON. From the dock to the yard that you spoke of a little while ago there it was piled. That would be the ordinary movement?

Mr. MACK. You are talking about the mill end of it, are you?

Commissioner GARRETSON. No; I am talking about the San Francisco end.

Mr. MACK. Oh.

Commissioner GARRETSON. From the saw to your own pile, or to the car, do you market from that?

Mr. MACK. Well, of course we market it here.

Commissioner GARRETSON. You market it here?

Mr. MACK. Yes; down there; but that is a separate transaction we have no voice in whatever. We don't really know what they do at San Francisco.

Commissioner GARRETSON. Do you deliver in the pile or on the car?

Mr. MACK. We deliver at the side of the vessel at our dock.

Commissioner GARRETSON. How is that?

Mr. MACK. Deliver alongside the vessel at our dock.

Commissioner GARRETSON. You have a dock of your own?

Mr. MACK. Yes.

Commissioner GARRETSON. You deliver at your dock?

Mr. MACK. At our dock, and at the mill. That is one part. There are others that quote a price delivered on the dock at San Francisco.

Commissioner GARRETSON. Where you deliver on the dock at San Francisco, the movement from the saw, it was near enough to the dock that you could take it right from the dock, or do you have to transfer in a car?

Mr. MACK. You talking now again about San Francisco?

Commissioner GARRETSON. No. Your own dock.

Mr. MACK. No; our dock. Our mill is right on the edge.

Commissioner GARRETSON. So it is taken right from the saw and it goes on the carrier and it moves out, and the only interruption of that movement would be that you finish it; for instance, you size it when it goes on a carriage and is moved out?

Mr. MACK. I told you when it gets to San Francisco, now, then, it goes into the yard; that is universally the practice. It goes from the vessel. We will discharge it on the dock, we will say, and the yardman picks it up and moves it into the yard and piles it in a pile.

Commissioner GARRETSON. He does?

Mr. MACK. And when the order comes in they size it.

Commissioner GARRETSON. The movements that would put that in the pile in the San Francisco yards are exactly the same whether you size it or whether you do not, except that when it goes from the saw you have an automatic carrier to take it right to the planer?

Mr. MACK. No; just shove and pull them right off.

Commissioner GARRETSON. The movement is continuous?

Mr. MACK. Yes; practically so.

Commissioner GARRETSON. Consequently the only thing it adds here is the movement from the saw to the planer?

Mr. MACK. That is all.

Commissioner GARRETSON. And then it goes to the dock just the same as if it was rough?

Mr. MACK. Just the same.

Commissioner GARRETSON. And when it gets into San Francisco rough it is piled in the yard. The cost up to that point is just exactly the same whether it is smooth or rough, as far as transportation and handling are concerned, except if you plane they add 25 cents a thousand on the estimate you gave a little while ago; and when it moves from the yard in San Francisco to the builder the only difference is not only the difference in the handling—I am

speaking now of handling the stuff—that if it is sized it will go direct from the pile in the yard to the builder, wherever he wants it; and if it is going to be sized there will be one movement added, namely, to the mill, because the movement either to the builder or to the mill is exactly the same and would be chargeable against the product anyhow. Is that correct?

Mr. MACK. I take it, now, the commission wants facts, and that is what you are going to get.

Commissioner GARRETSON. Is there anything involved but that one movement?

Mr. MACK. I don't know. Ask San Francisco.

Commissioner GARRETSON. I thought you knew.

Mr. MACK. I do.

Commissioner GARRETSON. The movement of lumber from the saw to the consumer.

Mr. MACK. I do. I told you, but you are trying to get me to say something else.

Commissioner GARRETSON. Well, we will find out.

Mr. MACK. Well, you can find out in San Francisco.

Commissioner O'CONNELL. I want to ask you a few questions. I asked Mr. Cooney the same question when he was on the stand: Is your company incorporated?

Mr. MACK. Yes, sir.

Commissioner O'CONNELL. What is its capital stock?

Mr. MACK. The capital stock, I think, is a million dollars—that is, the Slade Co.; the Slade Lumber Co.

Commissioner O'CONNELL. Shares of the par value of what?

Mr. MACK. I don't really know.

Commissioner O'CONNELL. How many shares were issued?

Mr. MACK. I would say, Mr. O'Connell, that our home office is in San Francisco and the accounts are all kept there, and that the mill—that I represent the mill end of it; simply the manufacturing end.

Commissioner O'CONNELL. Do you publish an annual statement?

Mr. MACK. They do in San Francisco. I don't publish them.

Commissioner O'CONNELL. Now, you could not give us any exact figures as to the earnings of the business or the corporation, only in your management?

Mr. MACK. I have seen the figures.

Commissioner O'CONNELL. Do you know whether they have paid any dividends?

Mr. MACK. No, sir; they have not paid any dividends for seven years.

Commissioner O'CONNELL. What dividends were paid before that?

Mr. MACK. They have paid as high as 15 or 16 per cent.

Commissioner O'CONNELL. Has the capital been increased or decreased during the organization?

Mr. MACK. I don't remember; I think not. I think the surplus was accumulated as a surplus in years past and that still stands. It has been diminished a little, but not much. The business has been unprofitable for several years.

Commissioner O'CONNELL. You mean by that that you have not been able to pay dividends in seven years?

Mr. MACK. No, sir; I mean we haven't hardly paid expenses.

Commissioner O'CONNELL. Haven't paid expenses?

Mr. MACK. No, sir; it may sound silly for a man to say he is running at a loss and losing money, but we have quite a plant there, and we estimate it costs us about $5,000 a month to shut down. That is, our insurance has to be kept up, and taxes have to be met——

Commissioner O'CONNELL. Your overhead charges.

Mr. MACK. Our overheard charges are going along, and if we can run and have a loss under operation below $5,000 we have saved money.

Commissioner O'CONNELL. We can get at San Francisco the other details?

Mr. MACK. Yes, sir.

Acting Chairman COMMONS. You own your timberland?

Mr. MACK. Yes, sir; we own considerable.

Acting Chairman COMMONS. Did you buy considerable?

Mr. MACK. Yes, sir; we buy a great deal.

Acting Chairman COMMONS. What has been the increase in this period in the cost of stumpage?

Mr. MACK. Well, the stumpage has more than doubled.

Acting Chairman COMMONS. What would be the quotation?

Mr. MACK. For instance, we bought stumpage—we bought stumpage about 10 years ago, about 600,000,000 at a dollar and a half, and that stands on our books to-day at about three dollars. That is, that the yearly cost is added to that, not declaring any dividends on it or any paper profits, but the carrying cost.

Acting Chairman COMMONS. The carrying cost?

Mr. MACK. Yes, sir. We wrote a very low rate of interest, and I don't care to go into that. You can get that, as I say.

Acting Chairman COMMONS. The market value of stumpage——

Mr. MACK. Has about doubled in the last 10 years. I would say it hasn't advanced any in seven years. We had a boom on the river, thanks to bountiful crops in the East during 1905, 1906, and 1907, and the San Francisco fire, and timber shot up. Logs here went from $7.50 and $8 per thousand to $12 per thousand in the log, and stumpage went up, stumpage followed. And it stayed up. While the man that owns stumpage, if you wanted to buy, it was at this level, and it hasn't receded any, but it has not advanced any. So that stumpage has not increased since 1907 and could not be sold to-day for a price that was offered then.

Acting Chairman COMMONS. The man who has held stumpage during this period has made money?

Mr. MACK. No, sir; he has not. When we bought timber in the early days we bought timber as low as 25 cents a thousand. Then the carrying cost was small; the country was new and taxes were light, and it didn't cost so much to carry it, and it took longer for it to double. But once that stumpage got over a dollar, then the cost commenced to pyramid, and now one of the curses of the times is everybody is trying to unload, they are trying to liquidate. You take, say, $3 stumpage cost to-day; now, 6 per cent on that is reasonable interest—that is 18 cents per thousand per year. Now, your taxes will run up—it is averaging over 6 cents. Now, you have to spend something in fire patrol and looking after it, so that you can call that 1 cent per thousand; that is reasonable; you are not doing a great deal at that. Now, there is 18 cents, and 6 cents, and 1 cent; that is 25 cents per thousand per year. You take and pyramid that and compound it, as you would naturally do if you were loaning your money out, and see the way it is going up. The natural development of the country is not going to raise stumpage, I think, to a point that timber holding is going to be profitable. I don't believe it will ever be profitable again to hold timber.

Acting Chairman COMMONS. Any questions, Mr. Thompson?

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. That is all, Mr. Mack. Call your next, Mr. Thompson.

Mr. THOMPSON. Mr. Rucker.

TESTIMONY OF MR. W. J. RUCKER.

Mr. THOMPSON. Will you give us your name?

Mr. RUCKER. W. J. RUCKER.

Mr. THOMPSON. And your address?

Mr. RUCKER. Everett, Wash.

Mr. THOMPSON. And your business?

Mr. RUCKER. Lumbering.

Mr. THOMPSON. What company are you with?

Mr. RUCKER. Rucker Bros. (Inc.) and Cavanaugh Timber Co.

Mr. THOMPSON. What kind of lumber business are you engaged in?

Mr. RUCKER. We log and manufacture.

Mr. THOMPSON. How many men do you employ on the average?

Mr. RUCKER. Well, I should say in the vicinity of 400.

Mr. THOMPSON. Mostly in manufacturing, or are they equally divided?

Mr. RUCKER. Well, we manufacture probably—we have 250 men manufacturing, the balance in logging, and some road building outside of our logging operations.

Mr. THOMPSON. You have been here the last couple of days?

Mr. RUCKER. Yes, sir; I have been here for two days; you promised to put me on two days ago, and to let me get away.

Acting Chairman COMMONS. We are very sorry we didn't do that, and we hope to be forgiven.

Mr. RUCKER. I see lots of people that were here. I have been around here waiting, and I have other things to do.

Mr. THOMPSON. I haven't established much of a reputation as a promiser, have I?

Mr. RUCKER. I haven't as much confidence in you as I would have had.

Acting Chairman COMMONS. I take the blame, Mr. Rucker.

Mr. THOMPSON. You heard the testimony of the men who have been on the stand?

Mr. RUCKER. Yes, sir.

Mr. THOMPSON. What have you to add either to what Mr. Brown said, representing labor, or the other men, speaking for labor in the lumbering field, or what have you got to add to what has been said to-day by the men representing the employers in the lumber field?

Mr. RUCKER. Well, I don't know that I have anything to add. I believe in the employment of labor that it is important that you treat them right, and that you keep a good sanitary condition about your camps.

Mr. THOMPSON. What view do you take of the conditions of labor in the lumber industry in this vicinity?

Mr. RUCKER. Well, I think it is very good. I don't believe there is labor in any part of the United States that compares with the labor in the logging camps and sawmills of Puget Sound. I believe they are possibly more intelligent, better informed, and, by being a little careful in selecting, just as honorable.

Mr. THOMPSON. What are the lowest wages that you pay for ordinary labor?

Mr. RUCKER. I think the lowest wages that we pay is $2.50.

Mr. THOMPSON. What percentage of the men in the lumber industry are married, if you know, and are they generally a married class of men or are they single?

Mr. RUCKER. I could not tell you that. We have a system, a card system, that we take from our men, that we could make you up a report from.

Mr. THOMPSON. What proportion of work or how much work does a lumberman have during the year, if you know?

Mr. RUCKER. Well, we have not lost, I don't believe on account of weather conditions, to exceed 10 days in the last two years.

Mr. THOMPSON. Then, the men working for your company have had pretty steady work?

Mr. RUCKER. Yes, sir.

Mr. THOMPSON. If they wished to.

Mr. RUCKER. We want to keep going all the time if we can.

Mr. THOMPSON. Do you keep fairly well in touch with the labor conditions around this country?

Mr. RUCKER. Well, I don't know that I do, excepting our employment system. We have a card system that we take from our men, and then keep their addresses and try to do our own employing of men.

Mr. THOMPSON. Looking at the conditions of labor, as a citizen of the country, do you feel that it calls for any remedial measures of any kind, or how do you view it?

Mr. RUCKER. Oh, I don't think so. I think if a man wants to get out and succeed that he can do it. Certainly there are opportunities in this country.

Mr. THOMPSON. Then, as you view the conditions in the labor field here, if you were a member of this commission you would be compelled to say, in accordance with your views, that there was nothing that you saw that needed attention, and, therefore, you had nothing to recommend, we will say?

Mr. RUCKER. Well, I think that this commission will have to let labor hoe its own row. You go to taking care of labor—put a man in the shade and fan him, and he will never develop, he will never create. I don't believe the time will ever come when another man can look after the interests of his neighbor. He is liable to make pretty short grazing in the other fellow's pasture.

Mr. THOMPSON. Well, is there anything that you would say about the industrial situation? Would you say that apparently, as you view it, that it seemed that the field is fairly good, that the men are fairly contented, that they had reason to be contented, or, if they are discontented, that they have no real justice back of their discontent?

Mr. RUCKER. Well, from my experience and our own operations, I would say that they have not. Now, our average wage that we pay in the woods is at least $3.50. The average in the mill is more than $3, and I know that when I was starting out that I worked for $1 a day, and I know we had the same labor troubles at that time. I was mayor of a little town in Ohio, and I remember our militia went down to Cincinnati, where they had a bad strike, and was stoned and maimed up, and we have always had those conditions. I don't see that there is any way, excepting the individuals to work it out for themselves.

Mr. THOMPSON. Well, that brings me to part of your testimony that you gave, Mr. Rucker. You say that we have always had these same labor troubles?

Mr. RUCKER. Well, we have always had labor troubles and always have had them.

Mr. THOMPSON. I rather gathered from what you said that the condition was good?

Mr. RUCKER. Well, it is as good as it has ever been possibly—that is, for an average of a long period.

Mr. THOMPSON. Well, assuming that to be true, you believe there are labor troubles?

Mr. RUCKER. Oh, there has been for centuries.

Mr. THOMPSON. Well, now, do you believe that the Government and society as a whole should not study them, should not try to find out what is at the bottom of them, and should not attempt to take care of them; would you think that that would require some attention?

Mr. RUCKER. I don't know but that it is a good thing. I think that if I—I don't object to labor organizations. We employ men just as freely if they belong, and I would not object to joining a labor organization myself if I was working by the day. But just as soon as that organization undertook to impose upon an employer some man that had been discharged for destroying or wasting property, why, then, I would break with them right there. They have got to be fair, and the majority of the men in the logging and mill operations are just and right.

Mr. THOMPSON. Well, take labor as a whole.

Mr. RUCKER. Well, I could not tell you about it, except ours.

Mr. THOMPSON. The good with the bad, do you believe that organization is a good thing for the workingman?

Mr. RUCKER. I would be inclined to think it was.

Mr. THOMPSON. Well, what do you think should be the attitude of the employer if that is so; what would be the way to handle the problem involved in labor to-day?

Mr. RUCKER. Well, I don't believe my judgment in the matter would be of any value. I believe in every individual working out his own salvation. That is where it finally fetches up. Of course, if the Government has a commission, it may be of assistance. I don't think I would want a commission to dictate to me, though, how I shall run my business, if I have got to pay the bills.

Mr. THOMPSON. That would be your recommendation to the commission?

Mr. RUCKER. Well, I would want to have a good deal to say about my business if I was paying the bills.

Mr. THOMPSON. Well, as this commission is commanded by Congress to look into the condition of labor, into the organizations of labor, into the organizations of employers, into any unrest, if it exists, and if it does exist, the causes, and to suggest remedies—some questions have been sent to you in writing for you to give your views in the matter. What would you say to this commission about it now?

Mr. RUCKER. Well, I think that the thing they should do is to endeavor to discover that remedy. I am afraid they won't do it. I don't believe that this commission can aid very materially the man that won't aid himself or do for himself.

Mr. THOMPSON. Is there anything further you would like to say, Mr. Rucker, in any respect?

Mr. RUCKER. Well, there are a few things about taxes that worry me a good deal more than labor, but I don't know that it would be of any interest to the commission.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Rucker, you spoke about having an employment system of your own.

Mr. RUCKER. Yes, sir.

Acting Chairman COMMONS. Will you describe that system; does it take the place of the private employment office?

Mr. RUCKER. Well, I have a card here that we ask the men to sign, and they generally sign it. I think they sign it in all cases.

Acting Chairman COMMONS. That is filed and constitutes an address and mailing list, does it?

Mr. RUCKER. Yes. Now this card, we have it in blank:

"State particulars of your suspension or discharge from any employment. Give the date of your employment and the kind of employment, the companies, and addresses."

Then on the other side we have this card numbered, and we want:

"Full name of applicant, employment desired, age, nationality, married or single, name and address of wife, father or mother, and self. Do you use intoxicating liquors? Date and character of past employment by Rucker Bros. Physical ailments or defects, if any, and state when, where, and nature of any physical injuries suffered."

Then we have a card that we address to their references, with a return card asking:

"Did he work for you as stated? Why did he leave your employ? Were his services satisfactory? Do you consider him intelligent, reliable, and industrious? Is he inclined to be careful or reckless? Do you believe him honest? Has he any distinct traits of character not mentioned above? State, if possible, for whom he worked before and after leaving your employ. Do you fully recommend him for the position of ———?"

This is addressed to the parties——

Acting Chairman COMMONS. Now, do all of the employees who apply for work sign and fill out this first card?

Mr. RUCKER. Yes; we haven't had any trouble about that.

Acting Chairman COMMONS. You ask them to fill that out?

Mr. RUCKER. Yes.

Acting Chairman COMMONS. Then you send out this inquiry to other employers in all cases?

Mr. RUCKER. Yes, sir.

Acting Chairman COMMONS. Then you keep a record?

Mr. RUCKER. Then we have a case that we file these in, and keep them all in there in regular order, so that when we have a place open we can reach them.

Acting Chairman COMMONS. Now, is the object of that—you apparently go into this matter of their qualifications more than others who have been before us—is it the object to secure a permanent force?

Mr. RUCKER. The best labor we can get.

Acting Chairman COMMONS. And keep them permanently?

Mr. RUCKER. And keep them permanently.

Acting Chairman COMMONS. You have heard the questions that have been asked about the transient character of this labor?

Mr. RUCKER. Yes.

Acting Chairman COMMONS. Can you state in any way to what extent you have a permanent and stable force?

Mr. RUCKER. Well, at our mill I would say that we have created homes and that enough have homes they have paid for, that in case every man would walk out of the mill that they would step right in and operate the mill. I think that in the last 15 years we have been instrumental in assisting, oh, possibly hundreds of people to comfortable homes. And in our camp—now I have heard a lot of testimony here about people furnishing all kinds of places for people to sleep in. Of course, now that is ridiculous, the working of some child or man and injuring them physically. Why, any man that does that is foolish. He injures himself when he does it. Now, with our camp, we have three buildings that are 140 feet long. Those buildings are divided into apartments of about 12 or 14. We have steam heat, electric light, hot and cold water. We furnish bedding, blankets, and linen sheets. We have our own washing outfit, electric washers and electric irons, and steam driers. We have a 60 by 16 boiler that heats these buildings and furnishes the hot water. We have a water system that cost a large amount of money, bringing it in possibly for a mile, spring water, 8-inch main, with 300-foot head that runs the turbine that generates the light. We have a sewer system that is laid

probably 15 feet under the ground in places and 800 feet long that carries the sewage away from the building—got a toilet system, and everything, which is very expensive. This idea that people are not properly housed—I think in all of the larger camps that they are take care of. We furnish a janitor and he makes their beds and sweeps their rooms. We have a trained nurse, one of the best in the country, that stays right there to look after the men if they are injured. Of course we have the same hospital or doctor's service that the other camps have. And we believe it makes us money. We buy the best provisions we can. We charge these men $5.50 for board per week.

Commissioner O'CONNELL. I just want to interrupt just a moment, if you please. As I understand it, your wage rates are higher, from your statements here, than has been stated to us by any witness we have had, isn't it?

Mr. RUCKER. I think so.

Commissioner O'CONNELL. The conditions under which they are housed, and their sanitary arrangements and those arrangements under which they live far exceed those that have been spoken of before. Some concerns tell us, and one concern only ran 10 years out of 19, and another is losing money—does your concern find it profitable to operate its business under the basis you tell us now?

Mr. RUCKER. Well, for a period of years we have done—we are satisfied. Under this administration we are not doing so well.

Commissioner O'CONNELL. You mean the Democratic administration?

Mr. RUCKER. Yes. But we hope to get through.

Commissioner O'CONNELL. Well, there may be a change some time, you never can tell.

Mr. RUCKER. Yes; I hope so.

Commissioner O'CONNELL. What I want to get at is, do you find it profitable as a business proposition to operate your business under the basis you speak of?

Mr. RUCKER. Yes; I believe it is more profitable than not, to give your men good treatment, give them wholesome food, and give them a good sanitary place to live.

Commissioner O'CONNELL. Then instead of sleeping on ordinary straw and hay, you furnish them a sheet to sleep on, on top of that, as I understand it?

Mr. RUCKER. Well, we furnish them sheets.

Commissioner O'CONNELL. I take it in some of these other camps they would scarcely know what a sheet was.

Mr. RUCKER. Well, I don't know, I have been in some camps that are very well kept. Now, this industrial insurance. We operated for 10 years prior to the passage of that act. We never paid a dollar insurance. We never paid a dollar damages. And now all at once we are dumped into an industrial insurance—last year, I think, we paid insurance amounting to—well, I will say between $7,000 and $10,000. Still we are paying this wage. Now, I would rather pay it to the men. During the period that we were operating prior to the passage of the act, we had an understanding with our men. We said, "Now, here you are taking a hazardous place here. You are going to get in front of a head saw. We are going to pay you a wage, not so much for your skill, but the risk. Now, we don't want you to hold us responsible for any accident that might happen here. We are going to furnish every safety device that we can think of. But you must assume the risk, we can't. We may be wound up here right off the reel if we have got to pay damages." Well, now, we had during that period probably, I should say, 12 or 15 men that were killed, and many men wounded. We never had a damage suit. We had one or two actions commenced, but were never brought to suit, and we never had to do anything in the matter of compromising them.

Commissioner O'CONNELL. Do you mean to say that you never paid anything to the heirs of these people, of men who were killed?

Mr. RUCKER. No, sir; we never did. We had a positive understanding, and these heirs had an understanding.

Commissioner O'CONNELL. Did they sign away their rights when they went to work there?

Mr. RUCKER. No, sir; it would not be of any value. No, sir; it was a matter of honor in selecting men, and men being honorable. There was an understanding, a positive understanding that they must not take that position.

Commissioner O'CONNELL. Do I understand you would prefer that condition to the conditions now prevailing?

Mr. RUCKER. Yes, sir; I certainly would. Now, we are compelled to pay here—in 10 years we are compelled to pay $75,000 or $100,000. I would rather give it to the men and let them insure themselves.

Commissioner O'CONNELL. Well, but as I understand, you didn't give it to the men.

Mr. RUCKER. No. Well, we give it in the wages and we are now compelled to insure the men under the law, but we don't do that voluntarily. I don't like it.

Commissioner O'CONNELL. Doesn't that appear to you as a humane matter?

Mr. RUCKER. Why, humane; quite humane. But I would rather pay it to the men and let them insure themselves.

Commissioner O'CONNELL. What became of the families, the wives and children of those who were married, who were killed?

Mr. RUCKER. Well, now, the sympathetic part of it; that is all good, we are looking at that.

Commissioner O'CONNELL. I am not looking at the matter of sympathy, but the actual living; these people have to live.

Mr. RUCKER. Yes; that is good. That is good. But we propose to pay the men this money and let them take care of themselves. Then we will know where we are getting off. Here is some fellow in the shingle mill that has got his finger scratched. He comes here to the commission and the commission gives him $300. I have ridden on the train when the boys were telling about that; the slickest lot of fellows in the country are these shingle weavers, and they know how to take care of themselves. They would be comparing and one would say, "I got $200 for that. Your finger there was scratched, you ought to get two or three hundred dollars."

Commissioner O'CONNELL. He couldn't very well keep that up, you know, and cut a little piece off of his finger every day or two?

Mr. RUCKER. No.

Commissioner O'CONNELL. He might get his arm up to the shoulder after a while.

Mr. RUCKER. Well, that is true. Those things are bad, and should be taken care of.

Commissioner O'CONNELL. Well, it seems that at least the trend of human activity now is that this sort of legislation is going on. It is coming; there is not any question about that. The question is to bring it about in the most reasonable and businesslike way, so that all in the industries and business will be taxed; that some won't escape and others have to pay it all; that all may be taxed somewhat.

Mr. RUCKER. Well, I will tell you, this tax system is all wrong. We pay, my brother and I—we ain't got a whole lot, either—I guess in 18 months we have paid $40,000 taxes in various ways, and I think that in the town of Everett there are about 6,000 people paying taxes; in Seattle here possibly 30,000 people paying taxes. You ask a Seattle citizen and he will tell you then there were 300,000 more that weren't paying. Now, what I would like to say is that every man that has a voting franchise should be taxed. Then we would have a Government, and we would have a different tax.

Commissioner O'CONNELL. Mr. Rucker, don't you suppose that with this taxation that is now being levied in your State for care of accidents, that that is going to have the effect of lessening accidents; it is going to have the effect of employers taking greater precautions around their factories and their workshops; that it is going to be a cry of safety first, and as accidents reduce, and as employers provide to prevent accidents, that then your taxes and your cost of carrying that insurance is going to drop, and drop constantly?

Mr. RUCKER. I think that labor ought to assist in carrying that burden. I don't think that industry should be confiscated.

Commissioner O'CONNELL. Well, from what I have heard this morning, there is some of the industry that has not been confiscated.

Mr. RUCKER. Well, I will tell you now, of course, we all have our hard places, I guess.

Commissioner O'CONNELL. Well, that is true. Is your company an incorporated association?

Mr. RUCKER. Well, Rucker Bros. (Inc.), is an incorporated association, and the Cavanaugh Timber Co. Rucker Bros., is private ownership; my brother and I own all the stock.

Commissioner O'CONNELL. You are a limited company, then, are you?

Mr. RUCKER. Yes. Now, we make a full report of our operations to the——

Commissioner O'CONNELL. What is your limit of capital?

Mr. RUCKER. Well it is a hundred thousand. But we make a report to the revenue department, so that——

Commissioner O'CONNELL. That is available?

Mr. RUCKER. That is all made in detail; yes.

Commissioner O'CONNELL. Yes. That is all.

Acting Chairman COMMONS. Would you be willing to file with the reporter those cards of identification?

Mr. RUCKER. Yes, sir.

(The papers referred to were submitted in printed form.)

Mr. RUCKER. We have another system at the bank or at the mill. We don't pay our men in money, we give them a deposit slip.

Commissioner O'CONNELL. Well, are you interested in the bank in any way?

Mr. RUCKER. Yes; we own the bank.

Commissioner O'CONNELL. You own the bank?

Mr. RUCKER. Yes.

Commissioner O'CONNELL. You don't want the money to get away at all, do you? Now we are getting acquainted.

Mr. RUCKER. Yes. I thought I had a deposit slip.

Acting Chairman COMMONS. It is all in the family, anyhow?

Mr. RUCKER. Well, anyhow, we make up a deposit slip instead of a check:

HARTFORD, WASH., _____, 191__.

Mr. _____:

We have placed to your credit in the bank of Rucker Bros. & Co. this day _____ dollars, as shown by the statement of your _____ wages below, which is subject to your check at any time.

RUCKER BROS. (INC.),

Then we give their time and hospital and board and store account and ledger account.

Commissioner O'CONNELL. It is simply a deposit credit you give them in lieu?

Mr. RUCKER. Yes; and then they have a check and check it out as they please.

Acting Chairman COMMONS. Would you just turn that in to the reporter?

Mr. RUCKER. Yes.

(The paper so presented was marked "Document Serial No. 440, August 13, 1914, Witness Rucker."

The paper referred to was submitted in printed form.)

Commissioner O'CONNELL. Do you pay them interest on their deposits?

Mr. RUCKER. We do if they leave it there for a number of months, and we encourage them to make investments, and we endeavor to get them securities if they save their money—warrants or any securities that they want. We want to see the men become prosperous and become taxpayers, we need help.

Commissioner O'CONNELL. Are your employees fairly good depositors?

Mr. RUCKER. Yes; very good, most of them.

Commissioner O'CONNELL. What is the capitalization of your bank?

Mr. RUCKER. There ain't no capital.

Commissioner O'CONNELL. A private bank?

Mr. RUCKER. Just a private bank—my brother and I.

Commissioner O'CONNELL. What is the last statement published by your bank?

Mr. RUCKER. We don't publish a statement.

Commissioner O'CONNELL. If you didn't do anything of that kind, you ought to make money.

Mr. RUCKER. What's the use?

Commissioner O'CONNELL. Well, what are the resources of the bank?

Mr. RUCKER. Well, the resources of the bank are whatever Rucker Bros. have; it is a private partnership.

Acting Chairman COMMONS. Unlimited liability as far as the bank is concerned?

Mr. RUCKER. Yes.

Commissioner GARRETSON. Any system of State bank examination in this State?

Mr. RUCKER. Oh, yes; there is under incorporated banks.

Commissioner GARRETSON. Private banks?

Mr. RUCKER. This bank doesn't come under that.

Commissioner GARRETSON. A private bank can be run here without any inspection?

Mr. RUCKER. Yes, sir. I think now there is a law that possibly next year that private banks will come under the provision of the State bank examiner, but that has not gone into effect yet. That law was passed, I think, some two or three years ago.

Acting Chairman COMMONS. To what extent is labor organized in your plant?

Mr. RUCKER. Well, I don't know; I never pay much attention to that.

Acting Chairman COMMONS. Do the organizers ever call on you—agitators?

Mr. RUCKER. Well, I know some of the men at the head of the labor organizations.

Acting Chairman COMMONS. Do they ever ask you to make any agreements—any trade agreements?

Mr. RUCKER. I don't think so.

Acting Chairman COMMONS. Have they ever presented a scale—a union scale—to you?

Mr. RUCKER. I don't know that they ever have. I think that we pay more than the union scale. I think they would be foolish to.

Acting Chairman COMMONS. You don't know what their scale is?

Mr. RUCKER. No; I don't. But I think, now, for instance, in the matter of shingles, that possibly 9 and 18 cents—9 cents for packing and 18 for sawing—is possibly their union scale.

Acting Chairman COMMONS. Is that what you pay?

Mr. RUCKER. Well, we may pay a little more than that. We make a little better shingles than our neighbors. We don't try to cut so many. We saw them vertically, and we don't want them to saw over 30,000 to the machine, and we try to make them a little better, and we get a little better price for them.

Commissioner GARRETSON. You would rather have quality than quantity?

Mr. RUCKER. That is the idea.

Acting Chairman COMMONS. What is your total pay roll here?

Mr. RUCKER. Our total pay roll here, I think it is about—I think it runs right about $30,000 a month.

Acting Chairman COMMONS. Would you furnish us a table that would show the married men and the single men in all of your force?

Mr. RUCKER. Yes, sir; I will do that.

Acting Chairman COMMONS. Will you show on a given date the length of time that these men have been employed in your service?

Mr. RUCKER. Yes, sir.

Acting Chairman COMMONS. For each one, so that we could group them. The period of time they have been employed.

Mr. RUCKER. Yes; that is, we can get you the average.

Acting Chairman COMMONS. We don't want the average; we want it classified. I want to be able to say so many men have been in the service six months, so many have been in the service nine months, so many a year, so many five years. Could you do it in that form?

Mr. RUCKER. Yes; you want that for all the men employed; that is, in the sawmills and in the woods?

Acting Chairman COMMONS. Yes; I don't want to ask too much of you.

Mr. RUCKER. Oh, that is all right.

Acting Chairman COMMONS. Could you give also the number of men you have hired during the present year; that is, new men taken on in order to keep up this force?

Mr. RUCKER. Yes, sir; we can do that.

(See Rucker exhibit.)

Acting Chairman COMMONS. Will you mail that to us at our headquarters at Washington?

Mr. RUCKER. I don't know whether I have your address.

Mr. THOMPSON. At Chicago.

Acting Chairman COMMONS. At Chicago. Much obliged to you, Mr. Rucker, unless you have anything further to suggest.

Mr. RUCKER. I haven't anything to suggest.

Acting Chairman COMMONS. Much obliged to you. Call your next.

Mr. THOMPSON. Mr. Paterson.

TESTIMONY OF MR. J. V. PATERSON.

Mr. THOMPSON. Will you give us your name?

Mr. PATERSON. J. V. Paterson.

Mr. THOMPSON. And your address?

Mr. PATERSON. Seattle.

Mr. THOMPSON. And your business?

Mr. PATERSON. Shipbuilder.

Mr. THOMPSON. Are you connected with the company or for yourself?

Mr. PATERSON. I am the president of the Seattle Construction & Dry Dock Co.

Mr. THOMPSON. How long have you been connected with that company?

Mr. PATERSON. Since the start of the company.

Mr. THOMPSON. About how many years is that, Mr. Patterson?

Mr. PATERSON. Two years.

Mr. THOMPSON. Are you interested in the ownership of the company?

Mr. PATERSON. I am.

Mr. THOMPSON. What business were you engaged in here prior to two years ago?

Mr. PATERSON. The same business.

Mr. THOMPSON. Then that is a firm, then?

Mr. PATERSON. The old company that the present company purchased.

Mr. THOMPSON. Your company is the company that built these two submarines?

Mr. PATERSON. Yes; and sold them.

Mr. THOMPSON. How many years have you been engaged in shipbuilding in Seattle?

Mr. PATERSON. Eight years, I think.

Mr. THOMPSON. Have you any connection with the metal trades' association?

Mr. PATERSON. I have.

Mr. THOMPSON. What is your connection?

Mr. PATERSON. Just as a member.

Mr. THOMPSON. Have you been president at any time of that association?

Mr. PATERSON. No, sir; I have never had the honor.

Mr. THOMPSON. Do you know what the purpose of that association is?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. Would you mind telling us?

Mr. PATERSON. To regulate the action of the employers.

Mr. THOMPSON. About how many firms or individuals are members of your association, and what territory does it take in?

Mr. PATERSON. Oh, I could not tell you the total number. It takes in the State here, and Oregon.

Mr. THOMPSON. Do you know whether or not it has—do you know about what per cent of the people engaged in the metal trades it has in its membership?

Mr. PATERSON. I don't know, but I should think practically all.

Mr. THOMPSON. More particularly for the purpose of the record, will you tell us what branches of the business the metal trades association includes?

Mr. PATERSON. The foundries, the ironworks of all kinds—all kinds of ironworks.

Mr. THOMPSON. Could you give some of the more important branches of it so that we could be sure to have a record of it?

Mr. PATERSON. The shipbuilding, logging engines, boiler making, and foundries, the iron foundries and brass foundries.

Mr. THOMPSON. It includes all foundries and machine shops?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. No matter what the metal may be?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. Would you want to add to the statement of the purpose which you very laconically just compressed into a phrase?

Mr. PATERSON. Well, I think the most important object of it is to provide an exchange for labor.

Mr. THOMPSON. When you say to provide an exchange for labor, will you say what you mean by that?

Mr. PATERSON. Say a man coming here, he can go to the office and obtain employment, and if our company had to discharge a man who had been faithful to us he would go to the office and get help either here or Oregon or anywhere else.

Mr. THOMPSON. When you say you maintain an office, do you keep a record of your employees?

Mr. PATERSON. Oh, yes; a very careful record.

Mr. THOMPSON. At this general office?

Mr. PATERSON. Well, I don't know about that; however, it keeps a record, and I keep a record, also.

Mr. THOMPSON. First, the association office. If a man is discharged from your plant, do you send a memorandum of that discharge to the association office?

Mr. PATERSON. We ought to, but I dont' know that we always do it.

Mr. THOMPSON. That is the theory of the association?

Mr. PATERSON. That is the theory. Anyhow, he has been there before, and he is told to go there.

Mr. THOMPSON. And if you employ a man and you didnt' know all about him, would you send to the association office to ask for his record?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. And they would send it to you?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. Do you know what kind of record they keep of the employes—what the record contains?

Mr. PATERSON. Just the particulars with regard to the man's ability, his honesty and character, and general record.

Mr. THOMPSON. Is your association affiliated with any other employers' association?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. What other employers' association?

Mr. PATERSON. Well, affiliated—they work together.

Mr. THOMPSON. Cooperate?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. What other associations do you cooperate with?

Mr. PATERSON. The National.

Mr. THOMPSON. The National Manufacturers' Association?

Mr. PATERSON. Yes; and metal trades, erectors, and Pacific Coast.

Mr. THOMPSON. National Foundrymen's Association?

Mr. PATERSON. Excuse me?

Mr. THOMPSON. National Foundrymen's Association?

Mr. PATERSON. Well, occasionally, not very often.

Mr. THOMPSON. What attitude or position does your association take with reference to general labor matters?

Mr. PATERSON. What attitude?

Mr. THOMPSON. Yes; or position.

Mr. PATERSON. Well, its principles, as stated, are to promote fair dealing.

Mr. THOMPSON. Have you any—in the first place, have you a constitution and by-laws printed?

Mr. PATERSON. Yes, sir,

Mr. THOMPSON. Could you furnish the commission with a copy of them?

Mr. PATERSON. I suppose I can. I can get one from the secretary.

Mr. THOMPSON. I would be pleased to have you do so. With reference to hours, is there any understanding generally in your association what the hours in trade shall be?

(Booklet entitled "Constitution and By-Laws of the United Metal Trades Association of the Pacific Coast," was subsequently submitted in printed form.)

Mr. PATERSON. Well, nine hours is the idea.

Mr. THOMPSON. Will one manufacturer or one metal tradesman aid another and expect those hours to be kept or not?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. And how about shop conditions? Is there any general—does your association take any notice of that?

Mr. PATERSON. Yes, sir; and insist upon decent treatment.

Mr. THOMPSON. Would you call your association a defensive association?

Mr. PATERSON. It has been, and offensive also.

Mr. THOMPSON. In case of labor troubles that one of your members had, would your association participate in that?

Mr. PATERSON. With extreme activity.

Mr. THOMPSON. What would be the form of your extreme activity?

Mr. PATERSON. Well, what we might call advice to our elected and paid employees in the city and State to carry out their oaths of office. That would be one thing.

Mr. THOMPSON. That is to say, the municipal authorities?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. You would be quick to tell them that they must maintain the law?

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. What other activity would you carry out?

Mr. PATERSON. We might help them do it.

Mr. THOMPSON. What form would your help take?

Mr. PATERSON. Anything that was asked.

Mr. THOMPSON. That is pretty broad. It must run in certain defined fields or channels.

Mr. PATERSON. Occasionally, owing to the brutality of the union officers, men have been attacked on going home. We would help them to get home.

Mr. THOMPSON. I don't want to cross examine you on these things. What I would like for you to do is to tell us in your own way what you would do, whether you would employ armed guards or private agencies or private detectives, and how far you would go with it; whether you would assist the members of your association by money, or how?

Mr. PATERSON. No, sir; we never had occasion to. We find the union people, the unions are cowardly enough when it comes to the point. We have never had occasion at all to do that. Of course, if the city or State fails to carry out their duty we, of course, have the right to protect ourselves. On a celebrated occasion I told the chief of police here that I expected him to stop the occurrences, and he promised to do so. Failing that, I said, "I will do it."

Mr. THOMPSON. Did he fail, and did you do it?

Mr. PATERSON. He didn't fail.

Mr. THOMPSON. He didn't fail?

Mr. PATERSON. No, sir; they never fail when it comes to that.

Mr. THOMPSON. How do you personally—that is, apart from your association, how do you personally view the employment of private guards by employers in times of trouble?

Mr. PATTERSON. As a disgrace to the community.

Mr. THOMPSON. That is, you think it should not be necessary?

Mr. PATTERSON. Yes, sir.

Mr. THOMPSON. Do you think it is necessary generally?

Mr. PATERSON. It isn't necessary if the city authorities act.

Mr. THOMPSON. Some people say that that is an institution peculiar to this country; that in the other countries of western civilized lands that that is not done.

Mr. PATERSON. I am sorry to say that that is true.

Mr. THOMPSON. What is your reason for that? What is the cause of that difference?

Mr. PATERSON. Well, I have personally given this matter some attention, and every person who gets into office here—I don't say every person, there may be an occasional exception—has hopes of a further office, an office a little higher, and he has been taught by the noise that the union creates, that the unions have a tremendous power in the elections, and accordingly he plays to the unions. We have some examples here in town.

Mr. THOMPSON. Do you care to give any of these examples?

Mr. PATERSON. Our mayor. On a former occasion I heard him express his opinion of the unions in a language that—well, I wouldn't care to use it here.

Mr. THOMPSON. What are your views individually of the unions?

Mr. PATERSON. I think they are an absolute abomination.

Mr. THOMPSON. What is the view of the Metal Trades Association?

Mr. PATERSON. I am not responsible for their views.

Mr. THOMPSON. I know that, but does your association take a stand on the question of organization?

Mr. PATERSON. I think there is a divided opinion because some people have never clearly thought on that line, and they balance around and see what the newspaper opinion is and the prevailing opinion, and go with the tide.

Mr. THOMPSON. There is a association of your character in Chicago. I think that their attitude is that they don't want to see more than 40 per cent of the members in any shop organized, and when it threatens to get above that figure they take means to prevent it. Have you any such rule or understanding here in regard to that matter?

Mr. PATERSON. No, sir. Well, put it like this: Supposing that you had an institution of any kind, which was happy, and out of charity you took in the waifs or strays to a point that they began to control you. You would be apt to say that isn't the right thing, wouldn't you?

Mr. THOMPSON. Well, I probably would if I understood what you mean, but I don't.

Mr. PATERSON. Our position is this: We don't employ unions. The business calls for special talent, and special talent is rarely found in the unions. The fact is that men of character will not remain in the unions; they won't be dictated to as to how their special talent shall be disposed of; and we find that that is the idea of the American Constitution—as it was special talent that created this great Government, which is rapidly being ruined—and, exercising our right to employ those people who are in sympathy with us, we exclude the agitators. The fact is, we are a haven of refuge for the abused union man.

Mr. THOMPSON. This country is?

Mr. PATERSON. No, sir; our plant is. Oh, this country is not. We have in our employment at the present time notorious agitators—perhaps not agitators, but partakers in disturbances in the East who have come here to get rid of the unions and everything connected with them.

Mr. THOMPSON. You mean they were formerly union men and now they are not?

Mr. PATERSON. Yes, sir.

Acting Chairman COMMONS. I hardly hear what you are saying. I missed most of that sentence. Could you speak a little louder?

Mr. PATERSON. I will try.

Acting Chairman COMMONS. If you please.

Mr. THOMPSON. Your last answer, if I understood it correctly, is that your plant here is a haven of refuge.

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. For agitators and union men who operated as such down East and have come here to get some peace and quit the union?

Mr. PATERSON. Yes, sir; well, not agitators—I wouldn't go to that extent. We don't want anyone here who is an agitator. There are plenty of agitators at home.

Mr. THOMPSON. Taking the fact, unless you dispute it, that people are generally of average ability——

Mr. PATERSON. They are not.

Mr. THOMPSON. While here and there men are deficient, and while here and there men are more than of usual capacity, isn't it your opinion, taking the world over, there is a certain average of ability that men come close to, leaving out the exceptional men?

Mr. PATERSON. I think that is a result merely because there is hardly any man developed—hardly any man develops.

Mr. THOMPSON. But taking history——

Mr. PATERSON. Oh, he has the ability, but he is tied down by organizations of all kind and idols of his creation and of the community's creation.

Mr. THOMPSON. Look over the industries and look over the history of the world before we had this thing we call unionism; don't it show a sort of average of the people? There were a few inventors and a few poets, a few writers, and there are comparatively few deficients. The above normal and subnormal are a small per cent of the population.

Mr. PATERSON. I don't want to be obtuse, but if you will go on, I will tell you if I agree with you.

Mr. THOMPSON. What I wanted to say is this: If you were an average man of the average ability, would you consider, the way you view it, that to join a union would be a good thing or a bad thing?

Mr. PATERSON. A very bad thing.

Mr. THOMPSON. Then, your opinion must be that the unions in the United States and other countries have not helped the conditions of the workers?

Mr. PATERSON. They have hurt it. I think in this country the average man is all you have got to be, the average, as defined by you there.

Mr. THOMPSON. Do you know of any union that puts a maximum wage on industry?

Mr. PATERSON. I never heard of one.

Mr. THOMPSON. Well, how would the establishment of a minimum wage necessarily hurt a more than extraordinarily capable man?

Mr. PATERSON. It wouldn't hurt him at all.

Mr. THOMPSON. Then, as far as the establishment of the wage is concerned, the unions haven't hurt the able man?

Mr. PATERSON. They haven't established the wage.

Mr. THOMPSON. Well, some places they have a minimum wage.

Mr. PATERSON. The extraordinary man is a very rare man—I mean a high-class man, who is original—you can't buy him at all. It is impossible to buy him. In the place he is he will be kept.

Mr. THOMPSON. As you see it, what are the other objections to organization?

Mr. PATERSON. Paralysis of the individual.

Mr. THOMPSON. Let me get some concrete case. Restriction of output—is that one?

Mr. PATERSON. That is one.

Mr. THOMPSON. And limitations of the individual's right to work?

Mr. PATERSON. To choose. He is held down.

Mr. THOMPSON. What I would like to get—you seem to have pretty clear-cut, positive views on this subject——

Mr. PATERSON. Yes sir; I have.

Mr. THOMPSON. And I would like to get them before the commission, so that they can read this record over—those who are not here—and those who are here can read it again and be able to form a conclusion from your testimony.

Mr. PATERSON. Yes, sir.

Mr. THOMPSON. Will you go ahead in your own way and tell your attitude and your position?

Mr. PATERSON. I am, first of all, a radical; I believe in going down to the root of the thing; and I first of all ask myself—I can tell you I have had great experience with the unions in England and Antwerp. Antwerp is one of the hottest of the hot. The unions there are absolutely different from anything here; that is, the leaders in Europe, as I have had to do with them personally, are entirely devoted to their cause. There is no personal question; there is no holding a job in it; it is not a money-making scheme, as it is here; there is no graft in it; there is no buying off the strike, as I have been offered here to have it bought off; there is nothing like that. There is not any exaction from the workingman. The unions here love him so long as he can pay, but the minute that he fails to pay, that minute the union drops him, registers a fine against him, and so on. And do you think the union will help the eastern union man here to get a job. Don't be deceived. No such thing. It is a closed corporation. Not only are the eastern American trade-union men bound up there with all other evidences of their slavery but they won't allow any boy to learn a trade here, if the employers are weak enough; that is to say, in the midst of our community we have a cancer which is eating the vitals out of this American people. And I hate it!

Mr. THOMPSON. Then it would follow, Mr. Paterson, that you can not, of course, believe in collective bargaining?

Mr. PATERSON. I have done collective bargaining in England with the Iron Boilermakers' Association. It was headed by men, who were business men, with business brains, and it was an advantage to the employer and a great advantage. I had a ship in dry dock. I told the men this, "You have got to go into those tanks. You will be paid extra as usual." And they said, "What is usual?" I said, "Being a stranger here, I don't know. But being acquainted with Mr. Knight, I will inquire. But whatever it is, you will be paid." Well, we were in the dry dock and we were on the schedule and had to get out on our date. But the men came to me and said, "If you don't pay us a pound a hundred, we won't go on." I said, "Won't you? You wait and see, and I will tell you after." I telegraphed Newcastle, and Newcastle telegraphed Cardiff, and that evening the head man from Cardiff came along and ordered those men right back. And I asked him, "What right have you to do that," and he said, "They are under agreement. They agreed if they depart from the orders of this society they will be liable." The men were ordered back and told not to dare to break their agreement or to endanger the good name of the boilermakers' society.

Mr. THOMPSON. I would gather from what you now have stated that you believe in organization and collective bargaining, but not under the conditions you find out here.

Mr. PATERSON. No. I believe in freedom—that is, if the men want to organize they can do it, but they must not compel every man to come into that.

Mr. THOMPSON. But isn't that generally the attitude of the English trades unions? Haven't they got all the principles of American trades unionism with this exception, that perhaps they may not have as much of business in the trades union?

Mr. PATERSON. The new unionism, I have not been acquainted with that for a long while, and I don't know but at that time it was an advantage to every man to belong there.

Mr. THOMPSON. Isn't that true that the charge is made by the English manufacturers that there is a restriction of output?

Mr. PATERSON. I think that is so. They are becoming that way now. I don't know personally, but what I am telling you I know of my own observation.

Mr. THOMPSON. Of course, you don't question the right of the people to form an association?

Mr. PATERSON. Absolutely not.

Mr. THOMPSON. You have your own association?

Mr. PATERSON. Absolutely no. All I object to is any military action on the part of civilians.

Mr. THOMPSON. Now, assuming, Mr. Paterson, that as far as your attitude is concerned that it was the attitude of the employers in this part of the country or all over the country, that you had a strong association of your own, so that practically everybody that is in the metal trades in both the States of Oregon and Washington are in your association; assume that all the employers have strong associations; that they are associated for the purpose of giving active assistance to any member in case of labor trouble, and that as a result these associations of workers were nonassociated, the unions were disrupted, they were simply individuals that they had to deal with, do you think that under that condition that the worker would be as well off both as to his hours, to his pay, and to his working conditions as he would be with his own organization to assist and help him?

Mr. PATERSON. Exactly, or better.

Mr. THOMPSON. I think the deductions from that answer will cover a lot of other questions I wish to put to you. What wages do you pay, Mr. Paterson, here?

Mr. PATERSON. All kinds of wages. To every man according to his ability.

Mr. THOMPSON. Mr. Drew would like to have you state the different rates of wges that you pay.

Mr. PATERSON. Well, we pay as high as 55 cents an hour in the iron trade. The apprentices get 20 cents.

Acting Chairman COMMONS. Twenty cents for apprentices, did you say?

Mr. PATERSON. And the carpenters are paid as high as 50 cents; joiners are paid as high as 48; pattern makers, from 40 to 48 and 50; we have got a man at 50. Machinists and press men, 35 up to 50, 55 to 60. Riveters are paid on piecework, and we are trying to introduce piecework into everything.

Mr. THOMPSON. Mr. Paterson, you have stated your attitude, and if I may say so, perhaps your opposition to the ordinary trade union, as in the metal trades union. Are you acquainted with the methods and principles of the Industrial Workers of the World? What is your attitude toward them, and do you approve of their methods and principles?

Mr. PATERSON. When they first of all began I admired these people. They had ideas something above the common; something that could be developed. But at any rate, even if they are in error, I believe in the utility of error. I think that the man who is honestly and openly wrong is doing a very good work. And the contrast between the I. W. W. and the unions is tremendous to me. The I. W. W. appreciates the individual. He has got something to offer above the sordid, rotten existence. He has got ideals. And he is nearer to Almighty God than many other political propagandists that I know of.

Mr. THOMPSON. Do you hold a card in the I. W. W.?

Mr. PATERSON. No; I am not open to one. I like the name. That is a good name.

Mr. THOMPSON. How do your wages compare with the union scale, if you know?

Mr. PATERSON. Oh, they don't compare at all. A union man would not earn anything in our place.

Mr. THOMPSON. He would not?

Mr. PATERSON. He is outclassed entirely; absolutely outclassed; because you see the union man has been trained first of all as a union apprentice. He was put in the shop because the union allowed him—that is, he was allowed to earn his bread because the gang of miscreants who have no right to be in office at all or anywhere but in jail deny him the right to his American freedom. Of course a man who submits to that or a boy who submits to that

is not worth anything. He could never become an I. W. W. That is one thing, gentlemen—I don't think this is a joke at all; no joke about it.

Commissioner O'CONNELL. How about sabotage?

Mr. PATERSON. I don't know anything about it.

Commissioner O'CONNELL. What do you think about that subject?

Mr. PATERSON. I have told you all I know. I just mean what I said, and if it is not clear enough I will make it a little sharper.

Commissioner O'CONNELL. Go to it.

Mr. PATERSON. Just you wait a bit and you will hear.

Mr. THOMPSON. You say that your scale does not compare with the union scale. Is it higher or lower?

Mr. PATERSON. Their scale is away below ours.

Mr. THOMPSON. That is why you pay higher wages?

Mr. PATERSON. They have been coming up to our scale all the time; trying to get up to it. It is impossible; economically impossible.

Mr. THOMPSON. What do you mean when you say it is economically impossible?

Mr. PATERSON. Any employer who pays that to the union people can't earn any money.

Mr. THOMPSON. Have you had dealings with the unions here?

Mr. PATERSON. No; they have had dealings with me.

Mr. THOMPSON. Well, now, what do you mean by that?

Mr. PATERSON. I mean that I had not been here a day when the distinguished member with a red nose came in smelling of drink to tell me that the local something or other—I haven't the honor to remember—had determined that we were to work eight hours a day. So this being quite new to me and unexpected I said, "Is that so; you tell me, sir, how it is going to be done." He said, "Why, what do you mean? Just simply do it; eight hours a day." I said, "Tell me what about our competitors, what about the railroad freight which we are paying against our 10 hour a day competitors in the East?" And he said, "It will right itself." "Well," I said, "yes; it will right itself by wronging everybody and putting an end to the business." Which, of course, was true. "Well," he said, "think it over," and I said, "How is this going to be paid; have you found out?" "Oh," he said, "charge it up to the customer." That is union economics. They are just taking it from the other man; he will in turn take it, simply take it, and nobody knows where it ends. They simply don't know; ignorant men; don't want to know. All they want is graft. That is all—money. It is a money-making business.

Acting Chairman COMMONS. Could you be here to-morrow morning at the opening of the session or are you going to leave town?

Mr. PATERSON. No; I don't think I will be here. I have been here all day, and I am thoroughly tired. I can give you an hour to-morrow morning if you will take me first when I come here, but I dont' want to come here and hang around this place.

Acting Chairman COMMONS. Will you be here in the morning at half past 9 and we will hear you for a couple of hours in the morning.

Commissioner O'CONNELL. I think it will be very interesting.

Acting Chairman COMMONS. The commission will now stand adjourned until 9.30 o'clock to-morrow morning.

(Whereupon, at 4.35 o'clock p. m., on this Thursday, August 13, 1914, the commission took an adjournment until the following day, Friday, August 14, 1914, at the hour of 9.30 a. m.)

SEATTLE, WASH., *Friday, August 14, 1914—9.30 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Commons, and Lennon; also, W. O. Thompson, Esq., counsel.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Well, the examination in direct is finished, Mr. Chairman. Mr. Paterson.

TESTIMONY OF MR. J. V. PATERSON—Continued.

Mr. PATERSON. Will you excuse me a bit. I would not have come back here were it not to conclude the testimony I had only begun.

Mr. THOMPSON. I mean, Mr. Paterson, my examination had been finished.

Mr. PATERSON. I had not completed that part of it.

Mr. THOMPSON. Oh.

Chairman WALSH. Well, if there is any other statement, Mr. Paterson, you may proceed.

Mr. PATERSON. Yes; I was asked if I had anything to propose in the way of legislation, or anything to suggest as a cure for the undoubted unrest, as it is called. Well, I believe in going to the root of the matter, as I told you before. The cause of the unrest is, of course, primarily in the constitution of the man. There is a great deal that can only be gone into thoroughly in discourse. And if I become irritatingly discursive, you stop me.

Chairman WALSH. I didn't hear that, please.

Mr. PATERSON. I say, if I become irritatingly discursive to stop me.

Chairman WALSH. All right.

Mr. PATERSON. I understand that I am here asked to tell what I know and help you. That is what Prof. Commons told me, and that is what I have come here to do, and what I did yesterday was merely to clear away any cobwebs that might be in the minds of people with reference to the opinion I have about the utility of the unions. The right of the people to organise is limited only by their interference with the liberty of others. That is the foundation principle of government, of all possible government. Anything else is anarchy, will end in anarchy, and, as I said, I preferred the propaganda of the I. W. W. to the present drifting into anarchy which this Government is enduring. The class legislation which is being enacted is an outrage on the name of freedom. That will never cure the trouble; it will create more. I want to explain that I have no hatred of the union as a principle; what I hate is the use of a self-constituted power to enforce the will of a few men on any one man, because they are thereby taking away the man's elemental right as a citizen of this country. The trouble is that we have at the present time men in power, in the Cabinet, in the law courts, on the bench, in the legislature, in the offices of the city, whose one aim and object is self, self, and nothing else. And, gentlemen, self is the cause of all the unrest to-day. Each man is thinking of himself and nothing else. Now, that is the real cause. And the only cure of it is in a departure from materialism and materialistic preposession of any kind whatever. The denial of the spiritual principle in mankind is the cause of all this thing, and there is no doubt about it; it is tacit.

Chairman WALSH. It is what?

Mr. PATERSON. It is tacit. We are thinking of nothing else than how much I can take from you and you from me. This is becoming a very long discourse, and I have not very much time; but I want to say this, that legislation is necessary to undo what has been done and to regulate and control self-constituted power. The federation of labor, the federations of employers, have no rights in this country at all more than the right of the private citizen. And if they usurp the right or suggest the usurpation of it they should be destroyed, absolutely annihilated as enemies of freedom. If this country does not stand for freedom it stands for nothing, and as a citizen I should help to destroy it.

If all we are caring for is our mutton, let us perish. That is what I say, for it is not worth living. Now, the movement of the I. W. W. is merely the cry of the oppressed; there is no getting away from it, you have got to be decent. You have got to be honest with yourself. It is misery become articulate. The union, on the other hand, is a cancer. The disease is in the body, to pass to the biological analogy again, or the pathological—the disease is in the body. The I. W. W. and other organizations, or disorganisations, of that kind are the symptoms only. That is all. The union is the independent cancer living on the disease. If the body were healthy the cancer could not be there, but the disease comes in, and the cancer starts in. And there it is living independently, gaining force and strength—to pass from the figure again—noisily distracting attention from the real troubles which are the cause of it all, and are the foundation of its existence. The origin of unionism was a similar condition to the origin of the I. W. W. movement and others. There was trouble; there was oppression, and the unions, which in the early days were merely the continuation of the guilds, overcame it by their sacrifice of themselves. But we don't see any sacrifice of the self in the unionism of to-day. We see the plunder of the workmen for a principle which will never help him—never help him; merely keep trouble stirred up.

Now, I say let's get down to the root of the whole matter; let's find out what is the cause. I don't hate you gentlemen because you are trade-unionists; I

don't care a button about you. If you are wrong, that is your affair; but I will not allow you to use the power which you have usurped, if I can, to intimidate me or any man that I feel myself responsible to as a trustee. Now, the cause of unrest is the success of selfishness. First of all, the amassing of a huge amount of wealth in the hands of a few people, that is an evil; that is a very great evil. The amassing of power or the means of it in the hands of any one man or body of men is a crime in the present age. We are having a horrible example of it in Europe. But there is nothing to prevent tyranny worse than the tyranny of the Kaiser or the Czar being right here. It is here now; it is here now. I know of cases right here in this town where union men coming from the East were not allowed to obtain employment. They had their cards and everything else. They were starving, and I employed them. Well, that is merely a trifle. The power to force money, which is of course an easy thing to do, out of the workingman, out of the oppressed—because they are oppressed because they are weak; therefore they can be robbed—makes the union a vast fraud on mankind. There is no doubt about that now. There is no question it can't effect anything but disturbance; it is not doing any good; it is creating a feeling of war. It is a self-constituted authority. It exercises the power of life and death. It organizes destructive forces; it uses them. Therefore it is going to be abolished. The people take a long time to rise, but they are going to rise; they are going to annihilate unionism. It is not doing any good; it never will.

Now, there are lots of good union men. Here and there we will hear, "I know a union man, and he is a good man." I know hundreds of them. I know hundreds of them, and I know what they are, the best of them, the good workmen, the married men; and they say, "We won't belong to the union, but we are forced to. We are afraid." Think of an American citizen having to say that. Think of the blood that has been shed for freedom, gentlemen, and this is freedom. In this country, in this West, the land of the free, men can come to an employer and say, "We have no quarrel with you; we know that you want to do what you can, but we are forced to this; we are forced. We don't want to go out. We have got children. It will be ruin to them. It will be starving and suffering, but we have got to go because we are forced." And the men are dogged to their homes. You have heard of it; it has been published often enough. But it does not hit your business man at all; he does not feel it; he is too busy. He is too busy to pay any attention even to the character of the legislator. The result is the legislator hears nothing but the howl of the blatant unionist, and he thinks—that is the idea—and he believes it, although the union never did and never will deliver the union vote. But the ability of the unions is immense. They have very able people. They are bound to have, or it would be impossible to do so much with so little real power. They have got absolutely no power at all, gentlemen, absolutely none, if you and I do our duty.

Well, now, accumulation of wealth is a good thing. Without it we could not live; and distribution of it is essential. I am not going to tell you how it ought to be accumulated and how it should be distributed or anything of the kind.

Chairman WALSH. I can't hear you. You pitch your voice away from us, Mr. Patterson.

Mr. PATTERSON. I say, I can't pretend to tell you how it ought to be accumulated or distributed.

Chairman WALSH. Well, I don't follow you. How what ought to be accumulated?

Mr. PATTERSON. Wealth in the hands of a few is wrong because it is power, that is all. It is quite possible—is possible—is a fact to-day that wealth is in the hands of a few people, of some few who use it as a trust, as it is and must be. But the majority of people abuse power. That is the reason for democracy and representative government. We require, first of all, the education of the individual because until each individual takes himself by the throat he had better leave other people's throats alone. And there is the anxiety of each of us to control everybody else and not to control ourselves, that is another cause of the present trouble.

Now, here we have prohibition advocated. We want to prevent another man doing something. We want to interfere with freedom, that is all. We don't want that man to become a really free man by gaining power over his inclination to get drunk. It is just as necessary, gentlemen, to inculcate the desire to overcome the agony to get rich. And it is more important still to educate the people to the fact that the best thing in the world is work, though I heard yesterday some of our friends here sneer at the fact that a

man could enjoy his work. We are all trying to escape work, and that means we are trying to get into trouble, and we are going to be in it always. The educative powers that we are talking about. The school, for instance: The modern school is a curse. That is not education at all. Why, we are having the children and the young people here taught the veriest rubbish, the veriest rubbish.

We have even had professors of our university come down here and make propositions, if the papers can be depended upon, propositions to seize private property. This is what we are teaching the young, then we wonder about this unrest. You can't put a plaster over this, gentlemen, this is a sore; this is rotten; right down rotten. Now, we have at the head of the Nation a professor who is so ignorant of his profession even that he tolerates, evidently from cowardice, for it can't be from ignorance, the horror of class legislation, the beginning of the end, in fact—the beginning of the end because if the unions and farmers have the right to special legislation, then the I. W. W., who outnumber them, have certainly got the right, and we have some rights ourselves, we poor workers—the real workers. Until you control the educative powers, you are going to have unrest all the time, because they are pushing out among the people men who are actively corrupting badly instructed people with all the elements of misery and idleness. They are taught that. And against all this power the unions are nothing; the I. W. W. propaganda, though there is a little of the higher lift about it, that won't do it. That won't do it. Therefore, each of us has got to take hold of himself; get himself right first; ask himself what are you going to give up—not what are you going to get—but what are you going to give up for the good of all; and then we must elect honest men to Congress, and the half-made utter failures of lawyers will not be in the offices at all.

Chairman WALSH. Ladies and gentlemen, we must have perfect order. I know you will assist us. We must have no exclamation or laughter, or anything of that sort. Now, proceed, Mr. Paterson.

Mr. PATERSON. Now, I think we require another law to control the self-constituted authorities—to make it impossible for any trade-union or any employers' association to perpetrate a crime on the community, and we want a strong public opinion at the back of that law, inspired by people who are real patriots, which means they want to give up something for their country; a public opinion so strong that the law will not be necessary.

We want business men who will leave their business, who will make a little less money and give a little more time to the amelioration of conditions by their giving up something, giving up something. Then the I. W. W. will probably come to see that you can't jump into the millenium; that there never will be a millenium; that those things that they are seeking are mere appearances; that the realities which are urging them on are behind appearances—it is the great spiritual principle which makes it possible for this planet to exist, whatever it is. And it is because you do not invoke, gentlemen, the foundation of all things, the thing that you rest on, the spiritual principle in nature. It does not matter how crude our conception of it is, it is there. Here is your trouble. You are trying to use a man who is, if he is a man at all, if he has not fallen back, if he has not degenerated—if he has ascended on a biological plan, you are trying to use him as if he were a mere engine, a mechanism and nothing else.

Now, it is all necessary, this fighting and tumbling and war and everything else, is necessary to the education of you and me. And we had better recognize the fact and not hate each other, but hate each other's opinions heartily, if we are wrong.

I never got together with any group of people on any important question upon which I did not ultimately agree with them, or they agreed with me occasionally. And unless we are able to understand—if we want to, it is easy for us to understand—that only by sacrifice can this unrest be allayed, we are not going to do anything, and we will probably be in anarchy and war here, right here. There is no doubt of it. All the forces are here, the hatreds more bitter than the hatreds of the French toward the Germans—far more so. All that is wanting is the means, the means. That is all that is wanting.

Now, why should it be? Socialism is our dream. It may be accomplished. It might be a very good thing, no doubt. But it can't be accomplished on the jump without losing the possibility of accomplishing it at all. That is going backwards.

No economic or political amelioration can be made by force. Force must be applied only as police to prevent the aggression of self-constituted authority.

If we elect rotten people, which we have done, to Congress—our Congress is absolutely rotten, absolutely rotten—we have got to stand for that, you and me. We have got to stand for it until we are wise enough to elect a Congress of the right kind.

We must not go and try to kill these men or destroy them or ruin their business or starve their children or hurt somebody. It is our fault. Let us vote the right men into office.

Why, these infernal cowards, they won't come out and even tell you their real feelings. They will tell you one thing, gentlemen of the unions; they will come to me behind your back and will say, "That is all right, of course we have to do that." I ask them, "What is that thing that I call a bedbug on their card? What is that? What necessary part of this campaign literature is this hideous thing here?" And they say, "Oh, you know we have got to do that, have the union label—you know, the label." These are the facts, gentlemen, and you must know that.

Commissioner O'CONNELL. What do you refer to by the bug?

Chairman WALSH. Let him proceed.

Mr. PATERSON. That little union label. I wish you would let me design one for you.

Chairman WALSH. You mean the union label?

Mr. PATERSON. I mean the union label. Let me design one for you.

Chairman WALSH. Proceed.

Mr. PATERSON. And that is their answer, insincerity right throughout, from the President in the highest office right down through; from the mayor right down through all. Insincerity, that is what is the matter with us. And why is it? Because we don't begin by being honest with ourselves. I don't see the good in passing Clayton bills or any other kind of bills. That won't help us a bit, because, gentlemen, you will force us, the people, to the point where we will fight you. We will rise with a counter revolution. We will fight you. We have a right to do it. We have got the power. We certainly have the power. We will destroy you if it comes to that. And that is the end. That is what it is coming to. It is coming to a civil war, gentlemen, and we will fight. Don't be the least surprised about that. We will fight. That is what it is coming to. I am ready.

Now, I say, gentlemen, that unless you are prepared, each of you, to sacrifice your life for a principle, you should not be a voter at all. You have no right to vote. You have got no right to vote. Do you people of the unions believe for one instant that all the claptrap that you hear is sincere?

The men who are giving you the power are giving you the power because they think you are paying them for it. They are buying your help; they are trying to buy mine. Now, how are you going to overcome that? What law—what law is going to alter that? None, none; absolutely none, gentlemen. And the facts are that if this community can not—I mean the whole country—if it can not adopt, readopt, the principles of the great revolution, what is going to become of us? We are going to pieces. I say that the only right use of force is police duty, and police duty not administered as a method of buying an election, which it has been here, but police duty to prevent any action at all by self-constituted power. If there is any justification for the guillotine, it is the existence of self-constituted power. It will come. Turn your backs on the past; don't read history; read the vaporings of the rotten professors that you have in your universities; read that trash and you will soon read—you will soon read of a worse revolution than that of France, far worse.

To get right back. Read the history of the human race. Do not despise what has been gained by the experience of your ancestors, if you had any. We Americans are all proud of our ancestors, but it is only the fact that we have ancestors—we don't know what ancestry means. These men suffered and fought and worked for us. And what are we doing? With levity frittering away what we have received. The wealthy man who accumulates wealth, what is he doing? He raises his children to be disgraces. That is all, until the name of wealthy Americans is a mocking in the world. The great trouble is that the only thing we are thinking about is the accumulation of money. And it turns to ashes and rots in our hands, and it is poisoning our children.

Now, I tell you that until you find some law to overcome that you are going to have a pretty hard time. You won't find a law at all to do it except the law that is in every one of you, if you are honest and decent.

Gentlemen, I want to see the Clayton bill dishonored by Congress. The President who allowed it to pass, on any miserable plea, is forever disgraced in the history of this country as the worst enemy the country ever had, the worst enemy of the workingman, the worst enemy of the union man—the worst enemy it ever had. And I want the Republican Party, if it must come in power, to be told before it comes into power what it has got to do. So before the next election comes along let us get right men—men who come right out in public and say, "We won't put the label on anything; we are free men; if you don't want to elect us for our principles, don't elect us at all."

Therefore, gentlemen, to prevent the aggression of the unions—I think we have laws now, but we are not content with our old laws; we have got to have new ones. So let us make new ones, but let us make one first of all to prevent the aggressions of any self-constituted authority, and let us make it to cover the employers just as much and no more and no less than unions. But let us have real, equal opportunity in the country. Let us have no talk about Government handling all the utilities, because that means graft—unfortunately it is true, gentlemen, it means graft. We are not educated yet. We have not been trained yet to be decent in our public affairs. Therefore leave it to the private corporations, the individuals; control them absolutely, as you like, or leave them free; control them so far as their encroachments on liberty are possible.

And for the rest, how are you going to handle the unemployment? Now, there is a thing a real union could do to reduce this evil; the union whose officers don't make money at all. If in every community the machinist, the logger, or whoever had a union, or call it anything you please, an amalgamation of each craft with the object of improving the individual, making it an honor to belong to a union, there would be a means all through this country, facilitated by the post office perhaps, whereby the surplus of labor might be placed where required back and forth. There is a practical, possible activity for a real union. A thing of that kind would help. But the union managers of the present—that is the whole trouble of it—they are paid officers whose interests are to create and continue disturbances, who can't live unless there is disturbance. Now, if there is no disturbance and the object of the union is the amelioration of the workingman, why can't we encourage the workingmen to become members of real unions, the real union that helps each member and does not rob the weak. The union began all right, but it is like everything else, like the church even, it has become rotten because of power—simply that thing that makes men drunk, this power over others. Sacrifice that, you gentlemen, dissolve your federation and say for the benefit of the workingmen this federation is dissolved; we want nothing for ourselves. Then every union in every town for every trade would have its own president, elected for one year or one month, who would be unpaid; the secretary also for the same time unpaid. I would deal with that union. I would deal with it. It would become an honor to a man to belong to a union because he could not obtain the grade in the union until he had proved by his work or his brain what he could do, and the union would be the means of taking the American boy, and instead of allowing him to spend his time in lust, teach him to work with the despised labor of his hands, which I am glad to say I did, and gradually, bit by bit, rise in the union knighthood, if you have got to borrow a name. And, gentlemen, your union unrest would be fixed right off.

A public opinion would be created instantaneously that no employers' federation in the world could stand against for one minute, not for one minute. You would restore the name of America as a land of good workmen, which it is not now.

There are very few good workmen here now. All our good workmen are importations. It would give to work a dignity which it only has, and men would be honored, not for their loud mouths, but for what they have done.

If I were the president of the federation of labor I would not lose a month in arranging my affairs. I would call together my lieutenants and tell them, "The time has come, gentlemen, when we have pushed this union business as far as we can push it. As patriots we are now called upon to sacrifice maybe our comfort, perhaps our lives, but we have got to do it. As patriots we will abolish the federation through what we are going to leave behind as our monument."

And I know—I know the men—that there is enough ability in the federation, in the trades-unions, to do that without any help at all. I know it; to create this plan of a union in every town and hamlet in this land, abolishing this permanent office proposition, all possibilities of grasping power, so that the young boys would feel it was an honor to belong to it, that the badge of the union of whatever grade meant a real worker and could be absolutely depended on. And then I would agree, if the men wished it, to collective bargaining, to this extent, a rate of pay for every grade. That rate would be arrived at in the discussion with the employers who would point out the basis of the possibility of paying anything at all, and the possibility of getting the work.

And then we would have real competition. We would have every man right, from ourselves downward or upward, working his best, doing his utmost. The more that is produced of real wealth the more the people will get. The more that is produced of nonwealth the less the people will get. Unemployment will result, starvation, and so on. But there is no such thing as overproduction of wealth, and wealth is the necessary part of the accumulation of what you have got to live on, what is possible to lay out to create more.

If you employ your people in shifting the scenes in your photo-play houses, or in polishing diamonds, or in anything of that kind, you destroy possible wealth. The people won't get it. The people will starve. Look at the broad acres that are waiting. Look at the men wandering around aimlessly, and the union meeting—nothing doing. But if there was a fight on you are there. And it is in your power not only to work it out but any man who has thought about it knows it is possible, and all that is necessary is the will and faith in mankind.

I noticed that you union men, the richest of you, the men who are exploiting the workingman most, the man that has the greatest power to grind down the workmen, who starves the apprentices, who prevents the apprentice getting his employment—I do not believe you are hopeless at all. I have got absolute faith in the spiritual principle in this world. I believe you have only got to see it once to turn right around. Mr. Gompers and the whole lot of you will earn a real name in history as constructive statesmen if you do what I suggest now. And you will get your men, the real men, taught the greatest thing of all—that the most valuable possession he can have is character. And you will have a nation of workingmen, and that is the greatest kind of aristocracy that I know of.

Now, one thing before I am done. We have educators of all kinds. We have got to clean house. We have got to clean out these professors; we have got to clean out the clergy who are creating conditions which are even impossible for themselves. The church—and when I say that I say all the churches; I am not talking about any particular church, but I am talking about the men who, instead of following the advice of the Great Apostle in his warning to think of everything that is pure and of good report, and any virtue and any praise—what do you think we have here? Don't imagine that we have any such thing here. To listen to the pulpit here you would believe that this was hell, this was hell; that there was nothing pure or clean or decent or possibly decent in the whole country. We hear nothing but denunciation, cursing, and blasphemy of the most shocking kind from the pulpits of this town.

Now, what sort of effect is that going to have on the people, if the alleged ministers of God spend their time in low vituperation, in self-seeking competition for money? That is all it is. It has become a business like everything else. It has become a business, a money-making proposition. The man who talks loudest, abuses people the most, and denies God, in fact—that is what it amounts to—he is the accepted man. His congregation is very, very prosperous. And the others who present what is pure and clean and decent—there is nothing doing there; they are going down.

Now, we have heard a great deal from the clergy with regard to the recent strike that happened here. I will ask any one of those gentlemen to come with me privately and let us talk over this teamsters' strike that occurred here, and I want to be convinced. What did the clergy do? The clergy said, "Why, nobody has any right to be anything else than a union man; anything else is un-American."

Well, it ought not to need, it ought not to need, any remarks at all. If it does, we are hopeless. But the possibility of a man attracting people who can talk like that, who denounces capital as if capital was a living creature with

attributes belonging to a man. The men are so insincere, so rotten to the core, that they can't think straight. They can't see the facts. And these are the people that are teaching our I. W. W.'s and our unrest people the tenets of the Prince of Peace. It is just—in plain language, the pulpit of this town is disgusting. There is nothing more immoral, nothing. That is another of the causes of the trouble—that is, it is one of those things which are keeping things stirred up, preventing us analyzing this cauldron of rottenness. When they find they have got to get together, well, they get together, and a fine mess they certainly do make of it.

That is the situation, gentlemen. Now, I don't know whether I am tiring the commission or not, but I am tired myself.

Chairman WALSH. Proceed with anything more you have to say.

Mr. PATERSON. Constructively, that is up to the men that are elected. Let us have no more class legislation, or we will have it repealed by bayonets. We ought to; that is our duty to do that; and we will do it, no doubt about that. Let us have real legislation, reaffirm—solemnly reaffirm the Constitution of the United States, that is all, and we will use the Sherman Act or whatever act we ought to use, and we will really apply it, we don't need to make any other. We will prevent any destructive competition, and we will help all proper cooperation. Cooperation should be the principle of our organism; if it is not, we are going to die. The Government, or rather the Cabinet, provokes, however, attacks on wealth, or attacks the machine created to produce wealth, imagines that that is a service. They should say, here is the Standard Oil Co., a vast power in the hands of a few; abused, yes; but is there no good in it; has it done no good? It has done good. What has it done? It has cut the price of oil to a mere nothing; it pays the highest wages in the world; it has abolished the explosion that used to wreck homes and kill people; it is a splendid organization. Has it no good use? Why, certainly it has. The Harvester Trust, any trust that produces a thing cheaply, is a good thing, because all those trusts pay the highest wages, they learn how to produce cheaply, how to pay the highest wages, and distribute the most goods. If in doing that they have also done some wrong, why should we think of the wrong only? Why not see the right? Can't we legislate on this subject without looking on the Standard Oil Co. as if it were an inhuman being or devil, and applying to this company attributes which don't belong to any company, and can't? And all your reason is vitiated by this asinine illusion, just as the reasoning of Europe is distorted by this illusion of Germany as a devil or something of that kind, and that France is another, and so on, forgetful that that is merely a name that covers your limitations—your limitations of conception of a large number of human beings just like yourself, and probably a great deal better—probably a great deal better. And that applies to those gentlemen of the Standard Oil Co. and all those oil companies. By following the laws of economics, by discovering them in practice, they have amassed wealth that has amazed themselves, and it was a vast power that they didn't know how to use entirely properly. But in a measure they did use it properly, and for that plus, that something gained from the wilderness, let us be thankful and use it.

A BYSTANDER. Well, well.

Chairman WALSH. One minute, sir. You must not make any remarks, please.

Mr. PATERSON. And therefore let us have legislation, whatever is wise, to control the use of that vast wealth which is to become congested in the hands of a few and therefore abused, to control the operations of it or the destructive operations of it. And the right men to deal with that subject are the professors, the men—not because they are professors—but the men who have professed economics as a business and honestly have become instructed therein. And then we will have the millenium so far as we can have it. We won't have it, however, right off. There is an awful lot to be done. But until we have got the will to do it, gentlemen, it is all futile, and we are going to fight, because we will hold onto what we have got; and we know one thing, we know that freedom is essential. And the Clayton bill and all such legislation is going in the opposite direction. And the initiative and referendum and all this turning back on the experience of mankind is wrong. It is wrong. It is going to cost a fearful lot of comfort and effort to direct or else it is going to create trouble. You can't get anything that way. That is all I have got to say.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Thank you, Mr. Paterson.

Chairman WALSH. Call the next, Mr. Thompson.

Mr. THOMPSON. Mr. Gibson.

TESTIMONY OF MR. J. BRUCE GIBSON.

Chairman WALSH. Please be in perfect order, ladies and gentlemen. We must catch up with our program, and I know you will assist us. Please be in perfect order. Silence must be maintained. We will proceed now.

Mr. THOMPSON. Mr. Chairman——

Chairman WALSH. Mr. Sergeant at Arms, the confusion must be allayed at the door there. Mr. Thompson.

Mr. THOMPSON. Mr. Gibson, will you give us your name?

Mr. GIBSON. J. Bruce Gibson.

Mr. THOMPSON. Give your business and address.

Mr. GIBSON. Everett.

Mr. THOMPSON. And your business?

Mr. GIBSON. Manufacturer of machinery.

Mr. THOMPSON. What is the name of the company you are with, Mr. Gibson?

Mr. GIBSON. The Sumner Iron Works.

Mr. THOMPSON. What kind of business is that engaged in?

Mr. GIBSON. Making sawmill machinery; engines, boilers, and so on.

Mr. THOMPSON. How long has it been engaged in that business?

Mr. GIBSON. Twenty-two years.

Mr. THOMPSON. And how long have you been connected with it?

Mr. GIBSON. Eight.

Mr. THOMPSON. How many people do you employ in that business?

Mr. GIBSON. Approximately 200 average.

Mr. THOMPSON. Are you also president of the Federation of Employers' Associations of the Pacific coast?

Mr. GIBSON. I am.

Mr. THOMPSON. How long have you been such president?

Mr. GIBSON. A year, practically.

Mr. THOMPSON. What is that association composed of?

Mr. GIBSON. Of different other associations; it is not an association, it is a federation.

Mr. THOMPSON. Yes; I know.

Mr. GIBSON. Of which the different associations of the cities of the coast are members.

Mr. THOMPSON. Could you give us that list, or have you got a printed copy of the list?

Mr. GIBSON. No, I haven't; but I have got a list of them given me by the secretary that has the correct names. Shall I read it to you?

Mr. THOMPSON. If you will, please.

Mr. GIBSON. The Employers' Association of Vancouver, British Columbia; Employers' Association of Washington, with headquarters at Seattle, which includes as well Aberdeen, Hoquiam, and the Grays Harbor district; the Employers' Association of the Inland Empire, Spokane; the Builders and Employers' Association of Tacoma; Employers' Association of Oregon, with headquarters at Portland, takes in the State; the Merchants and Manufacturers' Association of San Francisco; Merchants and Manufacturers' Association of Oakland; Employers' Association of Fresno; Merchants, Manufacturers and Employers' Association of Stockton; the Founders and Employers' Association of Los Angeles; and Merchants and Builders' Association of Los Angeles.

Mr. THOMPSON. Have you got a printed copy of the by-laws?

Mr. GIBSON. Yes.

Mr. THOMPSON. Of your association?

Mr. GIBSON. Yes.

Mr. THOMPSON. Will you give us that?

Mr. GIBSON. Yes; do you mean to turn it over?

Mr. THOMPSON. Yes; to the commission.

Mr. GIBSON. And not read?

Mr. THOMPSON. No; I do not care for it to be read.

(See Gibson Exhibit No. 1.)

Mr. THOMPSON. Briefly, tell what the purpose of this organization is.

Mr. GIBSON. The declaration of principles which heads those by-laws, the constitution and by-laws, states it very clearly. Would you like me to read it? It would not take but an instant?

Chairman WALSH. You may read it.

Mr. GIBSON (reading:)

"The name of this federation shall be the Federation of Employers' Associations of the Pacific Coast.

"This federation is formed to foster and protect the industrial interests of the Pacific coast and adjoining territory; to unify the actions of its members upon matters where united and concerted action and a determined, fixed policy may seem wise and necessary; to secure for employers and employees the freedom of individual contract in the matter of employment; to oppose restriction of output, sympathetic strikes, lockouts and boycotts, and illegal persecution of individuals, all of which are a menace to the industrial progress of our Government and tend to the undermining of constitutional rights; to prevent any interference with persons seeking through honest effort to work and earn a living; to prevent or avert industrial disturbances, to harmonize differences between employers and employees, with justice to all concerned and to assist in the enforcement of the laws of the land; the investigation and adjustment, by the proper officers of the federation, of any question arising between members and their employees which may be referred to and come within the jurisdiction of the federation; the cooperation with other kindred organizations in the United States and Canada in the accomplishment of the objects hereinabove stated, upon such terms and conditions as may be determined by the several associations."

Mr. THOMPSON. From your reading of the objects and principles of the federation, do you deal mostly with the labor problem?

Mr. GIBSON. No. The labor problem is one of the problems of the federation; we have paid more attention to, in our federation, educational work among the different associations as to their conduct of business.

Mr. THOMPSON. Well, now, would you tell us briefly, Mr. Gibson, how you cooperate with the different associations? Take particularly in the case of industrial conflicts, such as strikes, what would you do in such a case?

Mr. GIBSON. We have not as yet found it necessary to have any conferences particularly on labor disturbances—that is, as a sole matter of a conference—for the reason that each association has been able to take care of their own affairs. But we hold meetings at intervals. Meetings will be held shortly in San Francisco. We feel now that we should take more active interest—that is, mobilizing our strength to oppose unreasonable demands on the part of labor or unreasonable attitude of politicians in matters affecting us, and following this meeting we will have a very much stronger organization than we have now, covering a larger latitude and a larger and different variety of associations.

Mr. THOMPSON. Has your federation got anything to do with keeping lists of employees?

Mr. GIBSON. None at all.

Mr. THOMPSON. If that is done, it is done by the association?

Mr. GIBSON. The federation has nothing to do with it at all.

Mr. THOMPSON. Now, Mr. Gibson, a list of questions has been submitted to you, and in order to save time you can speak to those questions. I would like you to go ahead and make your statement.

Mr. GIBSON. To these questions here, you say?

Mr. THOMPSON. Or such statement as you wish to make to those.

Chairman WALSH. Are they the same we have here, Mr. Thompson?

Mr. THOMPSON. Yes.

Chairman WALSH. Give the number as you refer to them.

Mr. GIBSON. I will make a brief statement. Some of these I won't touch on, because I am not familiar with the subject.

Chairman WALSH. Those you are not familiar with, just indicate.

Mr. GIBSON. I will tell what it is. "Brief account of activities in connection with labor matters." I have already done that. Our labor connection has not been very determined, more advisory. "General causes of industrial dissatisfaction." It starts off with methods employed by "union shops and factories." I have made some memoranda on that. The two subjects, really, A and B, "methods employed by union shops and factories and restriction on output, difference between open and closed shops are practically one." The restriction of output is one of the bad features of union organization, and is illustrated in manufacturing costs. I have here a copy of some items in our plant, showing the difference in cost of operation during closed shop seven years ago, or eight years ago, when we had a union foundry and an open shop as at present. This is on standard machinery, of which we have a number of recurrences, and also as taken from our records.

Shingle machine, 26-inch saw collars, 6 as union; as open shop, 12. I will say to illustrate this that when the molder was on this work and tried to make 7, the steward in the shop stopped him. Shingle-mill gears, 4 to 10; friction pulleys, 3 to 8; main frames, 1 to 2; track, 1 as union shop and 2 and some small work as open shop; carriages, 1 to 2, and some small work as open shop; pulleys, 24 by 12, 1 to 2, and some small work.

In making pulleys we make them as the orders come in. During closed shop 1 man and a helper set up 36 by 10 and 24 by 10—that is, as closed shop. As open shop the same men or the same class of labor set up five 24 by 10, two 18 by 11, and two 16 by 11, a total of 9 pulleys with practically the same labor, as against 2 under the closed shop.

Spur-iron frictions, 36 by 8, 1 under closed shop and 3 under open shop.

Those are the records as we have them in our works.

As to the methods employed by unions, another method, that of picketing, has in our own case been very aggressive. Some seven years ago we had a union strike at the foundry, which we had very little trouble with, because most of the men came back and signed an agreement with us and tore up their union cards, the men we wanted. They have been working since on that same agreement for seven years. Four years ago we had a machinists' strike. Before the machinists' strike came on we were advised they were going to ask for an eight-hour day. We called the men together and had a conference; told them it would be absolutely impossible for us to grant the eight-hour day for the reason our competition was principally with the Allis-Chalmers Co., of Milwaukee; we were building the same line of machinery and competing for it in this territory. They were working on a 10-hour day, and we 9 hours; our wages were 42½ cents an hour and theirs 37½; we were required to carry from four to six months' of raw material in order to have it on hand; they can go to the telephone and get any single order; we have to buy in carload lots in order to get the freight rate on the carload west. It makes our burden as heavy as we can possibly stand, and we told them all the conditions, and they thoroughly understood it, but the union had told them that they had to go out, and that was all there was to it. Twenty-seven of our mechanics walked out.

Following those matters—prior to this we had treated our men as well as anybody could possibly do it; there was a very friendly feeling between us. Following those matters they started picketing. We had a good many cases of men being beaten up by those pickets. They eventually built a house right at the approach of the bridge that we had to cross to go to our work, and stayed there continually on duty, calling the men scabs, following the men to their homes and threatening them, and going into the restaurants where they ate and calling them scabs, and trying to get the restaurant people to keep them out, and even went to the homes of the workingmen who were renters and saw they were forced out by threatening the men who owned the buildings.

We had to rent a big building and put the men with families in there until they could get homes where they would not be molested. They went to the wives and kept after them and kept after them until the wives would try to get the men out of our shop because they were tired of the everlasting nagging that they got.

I was going to cut out some of this because your time is short.

Chairman WALSH. We don't want to limit you, Mr. Gibson. We don't intend to cut you off. You are getting right down to the facts. Just proceed. Don't cut out anything for lack of time; we will not sacrifice anything that is important. Give us anything that you have.

Mr. GIBSON. The methods of doing business and the way it affects the community as well as the individual, those who have to work for a living. I will illustrate that: Some 14 years ago I bought a plant in San Francisco, a plant to sample gold and silver ores in. At the time I bought it there was ore laying on the floor of the plant worth $50,000 that had not been moved on account of the teamsters' strike in San Francisco. I think most of us who are here will remember the strike because it was a very aggressive one, and very serious. It lay there three months after I got the plant because I was not able to get it moved. In Frisco they had no rails on the wharf because the union had said such things were out of the question. They still have difficulty in getting tracks. They still had to haul it by teams at a cost of 50 cents a ton for a haul of about three blocks, which was an almost prohibitive price in the first instance, but it was impossible on account of the fact that I could not move it.

At the end of three months I lost patience, and with eight days and nine policemen I got the ore down to the wharf and also moved the plant to Oakland. I had open-shop conditions and got to the wharf with rails, and did business there for three or four years afterwards until the Smelter Trust bought me out.

That shows the injustice of arbitrary regulation of primary transportation which drives a man away from a community, and the community suffers by it.

"Limitation of apprentices." In our shop we give every son of every employee that we have that has been with us any length of time an opportunity to become an apprentice with us, and that is limited only by our ability to teach. We don't take an apprentice into our shop to learn by himself and learn incorrect methods of doing the business, but we have the foreman or some delegated assistant to him to teach those boys how to properly do the work, and how properly to fit his tool up, and what cut to make on the different articles he is machining up until he becomes at the end of the fourth year a skilled mechanic. He is really a skilled mechanic before then. We apprentice them four years. The rate of pay is small, but we don't take boys unless they are living with their families. It ranges from 8 cents—in the case of molder apprentices from 11 cents an hour to 28 cents an hour with a bonus at the end of the fourth year of $100. We give them that in cash. We had two that went out last month, and we gave them $100 each.

Machinists begin at 8 cents an hour and increase to 25 cents an hour with the same bonus. There is a good deal of injury done in the shop by machinists in the waste of material and the breaking of tools, so that necessarily we have to start them in at a low rate of pay; still the very lowest is 72 cents per day with the $100 bonus.

The limitation of these apprentices by unions is one of the most un-American things I can possibly imagine. Any class of foreigner that carries a union card can come into the country, and 15 minutes after he arrives he can get work as a mechanic. I presume that is a fact, I am not quite sure as to that, but I know it won't take him long to affiliate with some union or join it. A man that has any ambition and has become a skilled blacksmith or mechanic of any description would naturally wish to see his son follow in his footsteps, and if possible, make him more skillful than themselves, but on account of the limitation, why, he is barred from that, and all he can do is go in as a common laborer, as he can't apprentice himself to the shop if the limit has been reached; and as I say, it is the most un-American proceeding to limit our American sons to unskilled work.

Boycott on material. A cowardly weapon. The boycott is identical with the blacklist, and we never have practiced it so that I am really not clear in my mind; but I understand the blacklist is illegal, illegal by law, isn't it?

Chairman WALSH. In many States.

Mr. GIBSON. In our State?

Chairman WALSH. Yes.

Mr. GIBSON. Well, if the blacklist is illegal, why is it that to boycott or blacklist a merchant is legal? That is what I want to get into my head, especially as the boycott is so obnoxious in its way of doing business. There have been others who have talked on this boycott before me, so that it is not necessary for me to dwell on it. But my opinion, and my firm opinion is, that any judge that allows it in his district is not capable to hold the bench. It is a most disgraceful procedure on the part of the unions or anybody else that practices it. There are several questions here that I will read: "Relative advantages of piecework and day-wage system." "Attitude of workmen toward piecework system, premium or bonus system." None of these are we able to practice for the reason that our business is miscellaneous, and we can't divide up the work.

Chairman WALSH. You would not care to speak on that?

Mr. GIBSON. No; so I will just pass that.

"Effect of automatic machinery on opportunities of employment in metal trades." That, as an abstract theory with me, is that the more automatic machinery becomes the more we are able to produce at a low rate of cost per article, the more we are in competition not with ourselves but with the country, the world at large. We can not look entirely to a local territory in order to develop the country and you can't get employment unless the country is developed. We must do that first. But with he application of modern methods of manufacture through modern machinery we necessarily must make more employment from the fact that we have broadened our ability to market our goods by lowering costs.

The matters that follow now have been touched on; that is, welfare work, the workmen's compensation laws, by those that already have had a great deal to do with it; pension systems, accident insurance, sickness insurance—they all follow in the same class. I am not prepared to speak particularly of them. I have views, but it has all been handled. Methods of conciliation and arbitration——

Chairman WALSH. Do you have any views differing from what has been suggested by any other employer of labor? You might give them.

Mr. GIMSON. The only views I have is that the laws are good as passed in Wisconsin—I think it is. I have just been talking with one gentleman. These laws are very excellent and should be followed here in some way—that we should have laws that are a little more equitable than they are now to cover the compensation. And that the whole thing depends largely, in my mind, on the administration of the law and on the class of men that have to do with the actual workings of the law after it is put in force.

Chairman WALSH. Generally speaking, would you or would you not say the proper policy of this Government should be some sort of pensioning system and accident insurance and sickness insurance?

Mr. GIMSON. No; not generally speaking, for the reason that I think every man should have foresight enough and enough ambition to take care of himself by saving from his wages. He is not a good citizen otherwise; that is, if he has the ability to do it, I mean by that. Some people are poor because they can't help themselves.

Chairman WALSH. Methods of conciliation.

Mr. GIMSON. Methods of conciliation and arbitration. I haven't discussed that because we haven't any trade agreements. I haven't yet been able to see where we as a firm could ever arbitrate or conciliate or agree with a union in any way whatsoever.

Seven years ago the union—the founders' or the molders' union—from Seattle came to Everett and said, "You are going to have trouble here and we would like to have the opportunity of unionizing your plant." "Well," we said, "We don't care to have that done, for the reason that we never have agreed with the union principles and never have been a union shop." "Well," they said, "You are practically all union, and there is only one man that is not, a man by the name of Mr. Billings, that came out with the Sumners from the East 22 years ago."

And after talking it over—we had two conferences with them, and they made their argument; and it eventually came to us that possibly there was some good in it, and we would try it anyway for a year. So we signed an agreement with them. It was signed by ourselves as officers. It was signed by themselves as officers, sent to Seattle and the seal put on it, and returned to us.

The understanding was this: That for one year we were not to have any demand for increased wages or decrease in hours in the foundry; that we were to have Mr. Billings put in an application for membership in the union, which he did. He became a union member, and we started in with our agreement.

Six weeks after that the molders walked out for an eight-hour day. That broke our faith in any agreements or arbitration, because until the unions—until, for instance, the American Federation of Labor, which I understand has an income of $24,000,000 a year, something like that; that has been given me in particular terms—until the unions can back their agreements up by the responsibility that is back of them the same as we are responsible for any agreement with them, until they do that, until the unions are able to get rid of men who might hamstring the horse—until they are responsible for that act, or whatever they might do which might come about through strikes, and that money could be attached for restitution, so long do I believe it is impossible to have trade agreements, conciliations, boards of arbitration, because they won't agree to anything that is not distinctly favorable to them.

Employers' associations, desirability of strong associations, field of activity of such associations, methods used by associations, maintenance of individual records of employees; do such records constitute a black list? Maintenance of employment bureaus. Maintenance of special squads of employees for use in strikes.

There is no question as to the desirability of employers' associations, because without them we are unable to properly develop our field of activities in marketing our products. We are not able to compare notes as to new devices for cheapening costs. We go into competition—unless we have associations we go into competition, one not talking to the other, and knifing each other.

Through associations we are able to get a more and better understanding of other people's motives.

The black list is a thing that is not practiced. I haven't anything to do with that and know nothing of it.

The maintenance of employment bureaus is necessary, most of all that we must have them for the reason that we will go down the street here this afternoon and we will see hundreds of men looking the boards over to see where they can get work. Without that they would be scattered; they would not know where to go.

The maintenance of special squads for use in strikes is only retaliatory. We have to do that in order to protect ourselves. We don't use special squads, but we tell the men that in case they are attacked to fight back; they will be protected by us to the full extent of our business, every dollar we have got; if they are injured in any way or injury attempted, we will put it all in the pot until it is all gone.

"Justice in labor matters, inadequate, obsolete, and unfair laws." There are several things to say regarding justice. I know nothing about it at all. I am not a lawyer, but a business man.

Chairman WALSH. Speaking as a manufacturer, have you observed anything with respect to the law which you might think was unfair to either side, regarding the operation of laws that have become obsolete, on account of the growth in your association and such things?

Mr. GIBSON. No; there things that I was going to touch on later in the matter of suggestions as to what I had to say about the betterment of conditions.

Chairman WALSH. All right.

Mr. GIBSON. The only thing is, if the law is based on, if we get equity, if we get law administered as it is intended, right distinguished from wrong, that is all there is to it.

Chairman WALSH. Have you found the attitude of the judges to be fair or unfair?

Mr. GIBSON. Personally, no.

Chairman WALSH. Personally, no?

Mr. GIBSON. No, I never had. The only time that I ever appeared before a court of any description—twice I have appeared—was after our men got beat up, and I appeared then before the court to try to get the man who was responsible for it in each case put into jail. I was unable to do anything at all.

Chairman WALSH. Was it a lower court?

Mr. GIBSON. A lower court.

Chairman WALSH. You have only one instance in mind?

Mr. GIBSON. Two in mind.

Chairman WALSH. Two in mind?

Mr. GIBSON. That is the only time.

Chairman WALSH. Is there any responsibility that you could place on the prosecuting officers or the administrative officers?

Mr. GIBSON. No; it was wishywashy; it was just the fear of the labor unions as organized.

Chairman WALSH. Go ahead.

Mr. GIBSON. "The policing of industry, causes and effect of the policy of employment of private police and detectives—the causes and effect and extent." I don't know anything as to the extent. We have had to have our men deputized. We have been able to do that from time to time where the fight got so bad that they could not close their eyes to the fact that we needed protection. We have also had the patrol come to us at our call on other occasions where the mob was so great that we had to protect our men to get through them.

Chairman WALSH. In your observation, to what extent were they so made officers, and what sort of officers were they made?

Mr. GIBSON. They were deputized by the chief of police of the city.

Chairman WALSH. To what extent—what numbers?

Mr. GIBSON. I think we had six.

Chairman WALSH. Were they employees?

Mr. GIBSON. They were employees who had been threatened.

Chairman WALSH. Working at some craft at the same time?

Mr. GIBSON. Yes; they were mechanics in our shop working during the strike, and they had their lives threatened.

Chairman WALSH. They continued their work?

Mr. GIBSON. They continued their work; and it was very despicable the way it was done; the threatening of their lives was passed to their wives by the wives of the union men—a very, very low-down trick.

Chairman WALSH. In your experience there were six instances of that kind in your industry?

Mr. GIBSON. Yes.

Chairman WALSH. Now, what have you observed as to the attitude of police and other civil authorities in labor matters where there were industrial disturbances?

Mr. GIBSON. What is that? I didn't understand you.

Chairman WALSH. Do you find anything to criticise or commend, or what has been your experience as to the attitude of police and other civil authorities in similar matters—when you called upon them to deputize men, were you satisfied with what they did?

Mr. GIBSON. In that instance, yes. My general observation is, however, that it is pretty hard to get a police judge or other judge to do what you want, for the reason that they are always playing to the galleries. So long as the judges of our United States are in politics, just so long will we get poorly administered laws. And the fear of the vote, the fear of organized labor is strong within them, although—as I think Mr. Paterson said, or somebody said—they never have won in it but once—delivered the goods. This last week we have an illustration of the power of the labor organizations in our city. They are claimed to be 50 per cent organized by Mr. Brown. I presume that is a fact now for the reason that we have been able in this last week to elect a Socialist commissioner, a thing which would have been impossible under any condition, but there is where once they have delivered the goods.

Chairman WALSH. Have you had any experience with the use of the militia?

Mr. GIBSON. None.

Chairman WALSH. You said, I believe, you had some observations and some suggestions to make?

Mr. GIBSON. Yes; constructive proposals.

Mr. THOMPSON. Just one question.

Mr. GIBSON. Yes.

Mr. THOMPSON. Mr. Gibson, do you know the union scale of wages in the different lines of work you carry on?

Mr. GIBSON. No; I don't. I have here a statement of the wages we pay in our own plant, and I think they will compare more than favorably with any union scale of wages in the United States.

Mr. THOMPSON. Well, I have this question, how your wages compare with the union scale?

Mr. GIBSON. Well, I really am not informed as to the union scale of wages. We haven't regulated it by that at all. I have a long list here of the different classes; the machinists get from $3.60 to $4.05 per day, and work nine hours.

Mr. GIBSON. Molders, $3 to $4.25 per day, and so on.

The highest rate of pay we pay is for pattern makers, $4.05 to $4.50. The lowest rate of pay is $2.25, which is $25 cents an hour for common labor, and we only have one or two men on that basis; the balance are $2.50 a day for nine hours.

I would like to file this, because it is the rate of wages, shows the rate of wages, and what we always have aimed to do.

(See Gibson Exhibit.)

Mr. GIBSON. We think it will bring on the very highest class of mechanic, and we have better business, and think it is poor business to pay a low wage. As a matter of suggestion, I think one of the greatest causes of our social unrest is due to the allowance of yellow journalism, cartoonists that send out these bloody things depicting capital, and all that sort of thing, in the most abhorrent way. Let me suggest, I would like to read to you here from the Washington Socialist of July 16. I would like to read it.

Chairman WALSH. How long is it?

Mr. GIBSON. It is very short, if you would care to listen to it.

Chairman WALSH. Our policy is to take any documentary evidence.

Mr. GIBSON. It is in line with the argument I wish to make.

Chairman WALSH. About how long is it?

Mr. GIBSON. Just that [indicating].

Chairman WALSH. Very well. Go ahead.

Mr. GIBSON (reading):

"DEAR COMRADES: The article in the Washington Socialist of June 18, 1914, 'The Armed Citizen,' is a timely topic. It is very evident that capital, drunk with power and control, intends to exterminate those who have begun to think and deplore the misery, poverty, and ill treatment of the masses at the hands of the money lords, and therefore another civil war is certainly threatening. It is to be hoped that it can be averted, but, if not, I also hope that the proletariat will not allow itself and families to be slaughtered like sheep. It will be certainly necessary, as Victor Berger suggests, to procure arms and ammunition. Shoverling, Daly & Gales, New York City, sell the Mauser repeater, 12-inch barrel, high power, 7 and 9 millimeter, a shot, steel jacketed, or mushroom ball, range 2,000 yards, for $13.50. This is handy and perfectly sighted, clip-loading, and breechblock can be removed in an instant for cleaning. A long heavy rifle is not desirable. If we of the rabble make these preparations now, the money powers and their hired assassins may pause and consider."

It is articles such as that, allowed by the Government to be printed and circulated through our press, is one of the reasons for the unrest in labor conditions. That is one only, and it is mild compared with "The Armed Citizen" as it is edited, and it is treason. There is no other name for it—absolute treason.

Another suggestion—the business men must work, awaken to the fact more generally; we must send business men to the legislature instead of lawyers who have been unable to make the success in their own profession, and who go into it for money reasons. Practically no principles; they know nothing about business; they are just skilled to repeat something to a professor when they are in school, pass an examination, call themselves lawyers, and have the gift of gab, and they go to Congress or they go to our State body.

Through them we get all sorts of vicious, unnecessary laws. If we have business men that go in there who are honest and will make laws that will be properly administered by judges who are in some way—that we can put judges into office so that there won't be any interest, business interest, ahead of them, and a little of this unrest, a good deal of it, I think, will be a thing of the past.

I do not know that I have any further suggestions. As I felt the necessity of briefness in this matter it somewhat bothered me to clearly express myself. I think that is all.

Chairman WALSH. Any questions?

Commissioner LENNON. Yes.

Chairman WALSH. Commissioner Lennon wishes to ask you some questions.

Commissioner LENNON. In order that your impressions shall be corrected as to the income of the federation, I want to say this—and it is unusual for us to make this statement—that I have been treasurer of the federation for 25 years and am now treasurer. The income has averaged $10,000 a month; at the present time it averages $20,000 a month. That is the income of the federation.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Mr. GIBSON. May I ask a question? I would like to be informed—is that the regular income, or does that include special assessments?

Commissioner LENNON. That includes the entire income. I handle all the money.

Mr. GIBSON. All the money?

Commissioner GARRETSON. In regard to apprentices—limiting apprentices—are you aware that there are organizations who use two apprentices to every mechanic, and eternally insist on more than the employer will furnish?

Mr. GIBSON. Well, that would be extreme.

Commissioner GARRETSON. No; not considering the business it would not.

Mr. GIBSON. If you will tell me what the business is possibly I can——

Commissioner GARRETSON. The railway service. The brakeman is apprenticed to the conductor in the railway.

Mr. GIBSON. Is he articled?

Commissioner GARRETSON. Individual articles have virtually ceased—never existed in that business—but it is the apprentice, and he stands in line for promotion whenever a vacancy occurs.

Mr. GIBSON. He is a helper, in other words?

Commissioner GARRETSON. He is in the form of helper apprentice.

Mr. GIBSON. We have helpers in our shop, what we called them, men; no boy——

Commissioner GARRETSON. That is not in our business, you know; no boy can get into our business, because it is an adult service. But that is the relation they stand in in that business.

Mr. GIBSON. I see.

Commissioner GARRETSON. You spoke of the obnoxiousness of the lawyer. What is the difference between the labor man refusing to buy goods that do not bear the union label—I will just put it on that because it is the commonest ground——

Mr. GIBSON. Yes.

Commissioner GARRETSON. And the employer refusing to employ union men?

Mr. GIBSON. The employer that refuses to employ union men under conditions is the exception.

Commissioner GARRETSON. But it has been declared repeatedly here within the last few days that they do refuse if they know it.

Mr. GIBSON. Where they are declared unfair and are really fighting against the union, how can they do otherwise?

Commissioner GARRETSON. I think not in many instances, but bear in mind——

Mr. GIBSON. We do not employ union men for the simple reason they boycott us, call us unfair to union labor, and they so class it. We do not care anything about that personally.

Commissioner GARRETSON. But if there be unfairness, how then?

Mr. GIBSON. It is a matter then largely of individual opinion as to what they wish to do in that matter. But my idea is, as I have them expressed, that the open shop does not discriminate against any man, whether he belongs to the union or whether he does not belong to the union, or whether he belongs to any other organization, or church, or whatever it is; and so long as we have that principle just so long is the boycott an absolute wrong, picketing, and all that sort of thing.

Chairman WALSH. Let me put the question and see if I get the point. The question was: Do you make any distinction between the employee, the worker, who boycotts your product, and the man, the manufacturer, who refuses to hire a man simply because he belongs to a labor union? That is the question.

Commissioner GARRETSON. I am only asking for your opinion personally. If the employer boycotts the union man, is it as great an offense as if the union man boycotts the product?

Mr. GIBSON. I have not seen any boycotting of union men, except where they brought it on themselves. There is no such thing as boycotting union men. If somebody fights you you must retaliate, you must fight back with the only weapons you have.

Commissioner GARRETSON. Is one equally iniquitous with the other, from your standpoint?

Mr. GIBSON. I don't understand the question.

Commissioner GARRETSON. If it should exist?

Mr. GIBSON. I have tried to explain to you that I don't think such a thing as a boycott against the union is possible.

Commissioner GARRETSON. If an employer refuses to employ a union man under any circumstances, if he knows it, is that a boycott?

Mr. GIBSON. There is no such thing in my estimation.

Commissioner GARRETSON. If he knows, if that is the case?

Mr. GIBSON. It is only when you have to fight back that you employ the weapon that is employed against you—you have to fight with the same weapons that are given you—retaliation; I do not think it originates with him—we do not originate that thing. There is a condition, but we never do originate that.

Commissioner GARRETSON. Are there unions that keep all their agreements?

Mr. GIBSON. Repeat that question, please.

Commissioner GARRETSON. Are there unions who never break agreements? As illustrated from your own plant?

Mr. GIBSON. Yes.

Commissioner GARRETSON. Do you know of any union that generally observes agreements and has never been charged with violating them?

Mr. GIBSON. The Brotherhood of Locomotive Engineers are a union which do not, I think, because they stand by their word, and they have never made any unnecessary trouble.

Commissioner GARRETSON. Is that the only one?

Mr. GIBSON. That is the only one I know of.

Commissioner GARRETSON. Have you heard of the other railway brotherhoods violating agreements?

Mr. GIBSON. I included them in that one.

Commissioner GARRETSON. They are not included; they are an independent organization.

Mr. GIBSON. I am not familiar with the organization of the railroad people, but I have heard this particular brotherhood spoken of in very high terms.

Commissioner GARRETSON. Have you heard of an instance where their agreement has been violated?

Mr. GIBSON. No; I have not.

Commissioner GARRETSON. You read an article from the Washington Socialist.

Mr. GIBSON. Yes.

Commissioner GARRETSON. Just a moment ago—from a Socialist paper, I did not know just what it was. Were you here this morning at the opening?

Mr. GIBSON. Yes.

Commissioner GARRETSON. Would you consider that article any more incendiary than the testimony that you heard given before you came on the stand?

Mr. GIBSON. Mr. Paterson clearly expressed his views and gave the reason for them from beginning to end.

Commissioner GARRETSON. Would you consider one article more incendiary than the other?

Mr. GIBSON. Mr. Paterson's remarks were explanatory as they went along. This is merely an invitation to go out and shoot—speaking of the Washington Socialist.

Commissioner GARRETSON. And the other was a declaration of intent to shoot in a certain case. Now, what is the difference, Mr. Gibson, except the channel that is used as a form of expression?

Mr. GIBSON. Personally, I would not have used the language Mr. Paterson did, because I am more moderate in my ideas. But on the principle he is working on, that the man must protect himself against a force, that is in his idea and in mine obnoxious, when unrest threatens life and property and everything there is, and it is fire, and it is everything that goes with it, I think his attitude is properly taken. But he expressed it a little differently than I would. I think he has the same opinion as mine, in saying that we have to fight back, and that we are going to fight to the last ditch.

Commissioner GARRETSON. Now, we suppose that the man who wrote the article that is published there had less ground for considering the force he assailed as obnoxious?

Mr. GIBSON. There is a difference between Mr. Paterson and the editor of that paper, or the editor of the other paper. He was asked the direct question as to his opinion; he does not go out proselyting or preaching this doctrine he might have expressed. He was asked and he is giving it as far as he thinks, and that is as far as it will go. It will end with Mr. Paterson as far as the inflammatory remarks, as you are pleased to call them, are concerned.

Commissioner GARRETSON. You expressed the opinion that the article was treasonable?

Mr. GIBSON. Yes, sir; it is treasonable.

Commissioner GARRETSON. Was the other?

Mr. GIBSON. No, sir; it was not.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. O'Connell wants to ask a question.

Commissioner O'CONNELL. I just want to carry that a little bit further, Mr. Gibson: Did Mr. Paterson, in his indictment of society generally, including our legislature, the church, the college, organizations of labor, express the general opinion held by the members of your organization?

Mr. GIBSON. No, sir; he does not. I am a believer and our organization is a believer in moderation in all affairs. Aiming to protect ourselves against the encroachment on our rights wherever it is necessary, but they always attempt to be moderate and fair in all matters. I am not criticizing Mr. Paterson, because he has his ideas and he is entitled to them. He has expressed them fully.

Commissioner O'CONNELL. I have no desire to criticise him.

Mr. GIBSON. Further than that, our organization is doing this; it will as quickly attempt to chastise, if chastisement is needed, an employer who stands out for greed or anything that is wrong toward the laboring man or the com-

munity at large, as it will the organization locally of the Federation of Labor when they try to encroach on our rights. We have that feeling in this work.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, thank you. Call your next.

Mr. THOMPSON. Mr. Taylor, take the stand.

TESTIMONY OF MR. J. A. TAYLOR.

Mr. THOMPSON. Will you give us your name, please?

Mr. TAYLOR. J. A. Taylor.

Mr. THOMPSON. And your business address?

Mr. TAYLOR. 317 Labor Temple.

Mr. THOMPSON. And your occupation?

Mr. TAYLOR. I am representing the machinists of District 26, Northwest.

Mr. THOMPSON. What does District 26 mean in the machinists' organization?

Mr. TAYLOR. District 26 comprises Oregon, Washington, and British Columbia, in the contract shops.

Mr. THOMPSON. You say you are representing them, are you their agent?

Mr. TAYLOR. Their agent; yes, sir.

Mr. THOMPSON. Representing the International Union?

Mr. TAYLOR. Representing the International Union.

Mr. THOMPSON. How long have you been such representative?

Mr. TAYLOR. Five years.

Mr. THOMPSON. You might tell us more specifically, but still briefly, what kind of work you do as such representative.

Mr. TAYLOR. I take care of the business of the district so as to keep the organization in the three different States apprised of conditions of work, and where it is located, and otherwise keep the organization informed as to anything of that kind. If there is any grievances come up between employer and employee where we have an organization, before there is any action taken, as a general rule, I am sent to that part of the district to investigate the trouble, and if the men are wrong, see that they live up to their agreement, if they have one.

Mr. THOMPSON. Now some questions have been given you. In order to save time, will you just follow down those questions and make answer to such as you care to answer?

Mr. TAYLOR. All right. In regard to the general condition in the metal trades of Washington and the Northwest, I might say that the conditions here in the Northwest, regardless of what has been said, don't compare with the conditions in San Francisco. You have heard one of the men who has been on the stand here tell about how the Frisco people are being put out of business and have gone out of business on account of the union. As a matter of fact, the machinists and metal industries in Frisco work eight hours per day and receive $4 per day in wages. The wages up here run from, I should say, 30 to 35 cents an hour for machinists, to 45 cents in the nonunion shops. Regardless of what Mr. Gibson or Mr. Paterson say about the high rate of wages they have paid and are paying, I believe they must have a rate for the commission and a rate for other times when they come before such institutions as the wage board at Bremerton. The wage board at the navy yard every year goes out and tries to find out the rates of wages paid to all the trades in that locality, and every year they set the wages at the navy yard according to the basis of the wages paid in that locality surrounding it, in the mechanical line. This metal trades' association gave the wage board a list last year, stating that their mechanics were getting 30 to 35 cents as a minimum, I have forgotten which just now, and 45 cents.

That was the highest, I believe, that was given in, which would have a tendency to have the wages at Bremerton lowered, perhaps. We went out and got the rate of wages paid to the machinists—this was just the machinists alone, and brought in 115 affidavits, showing that the wages were from $4 to $5 a day in the union shop. I myself then went to the statehouse at Olympia—that was about the only way I could find out what wages were really being paid at the nonunion shops. You have all noticed the attitude of Mr. Paterson, and it would not be very healthy, I suppose, for a business agent to try to get into the Seattle Construction & Dry Dock Co. to investigate anything in the iron business. I might say, perhaps, he is one of the causes of industrial unrest in this part of the country. So I went to the statehouse at Olympia and looked through the files that are filed by the employers when a man is hurt under the

compensation act, and investigated four shops where machinists were hurt, and in each case they had another rate. They had a rate there because, I believe, under the compensation act you are paid a rate according to the wages you have received. At least I understood that previous to that time, and in each case I found there they paid no machinist less than 45 to 50 cents an hour, which would lead me to believe that they had a rate for the compensation act and a rate for the Industrial Commission and a rate for the wage board at Bremerton. However, we held our wages at Bremerton and, I believe, got an 8-cent raise for the highest mechanics, and the rate over there is $4.17.

There has been a great deal said about competition that we are up against in this line of business and, I would say, that the manufacturers in Frisco, when they made their agreement for eight hours a day in the metal trades, made it with the understanding that the condition would be brought to eight hours a day in this part of the country as soon as possible, which would lead one to believe there was a very little competition from the eastern part of the country, or it would have been necessary to try and get the entire country on the eight-hour basis, and on a wage scale the same as theirs. So I don't believe that the question of competition in business enters into the conditions in this part of the country, as far as the mechanics are concerned, to any great extent. There is not so very much manufacturing in this part of the country, and I would say, if I haven't already said it, that although they claim that the business is being driven out, and that the unions have put the mechanics out of business in Frisco, that there are more mechanics employed in Frisco and Oakland than there are in the States of Oregon and Washington. I believe that statement is correct.

In regard to the fact that we can't be trusted in keeping our agreements, I want to point out the fact that the machinists have an agreement, this same organization, with the Milwaukee Railway, the Northern Pacific Railroad, and the Great Northern. We have had agreements with those roads since 1902, I believe, or 1901. The agreement is signed up or renewed every year. It covers wages, shop conditions, apprenticeship questions, and everything in that respect. The first year I was working at Missoula, Mont., when one of the schedules was signed for district 32 and helped get that schedule and was in St. Paul with the committee, and after we signed up the contract and went back the company broke the agreement, and we have a regular system by which we can bring that before the company and have the matter adjusted without having a strike or lockout or walkout or anything of that kind. When the agreement was broken I, as the representative, went back to St. Paul and took the matter up with Mr. Mitchell, who at that time was superintendent of motive power, and the matter was adjusted. At that time Mr. Mitchell told us he considered that from a financial basis that was one of the best things that the company had done; that by signing up the agreement with the men he kept better mechanics and they wouldn't move around so much, perhaps, on account of knowing that the wages and conditions would be uniform. We also made agreements with him that we were to work five days a week and eight hours a day in case of a reduction, so as to keep everybody employed, and the relations between this same organization that has been stated as causing so much trouble in the Northwest country in the contract shops for the last 10 years has been of the very best on those roads. If there was any little trouble come up in a local shop, the business agent that you have heard so much talk about is sent out to investigate, and there has never been a case on any of those roads where the men were found to be in the wrong or where they didn't take the matter up according to schedule and the constitution of the organization but what they have been forced to return to work. And the international organization, located at Washington, D. C., insists upon agreements being lived up to in that manner. Which would also show, I believe, that we have been responsible in agreements we have made.

When it comes to trying to enforce an agreement in shops like Mr. Paterson's, that has never had an agreement in it or where a union man has never been allowed to work, it is impossible for anyone to enforce a matter of that kind if the men in there take voluntary action.

Now, in regard to the next question, which, I believe, is existing conditions between the metal workers' union and the metal trades association in Seattle and vicinity, one of the objections we have to the employers in this part of the country, especially in the metal trades, is the fact that they take unto themselves the right to organize and set rates of wages and go out and preach the doctrine of organization to the man that owns the shops; say it is a good thing for him to control his market; it is a good thing for him to have an employment agency

and to know all about the conditions in that district; it is a good thing for him to control the metal-trade industry in this part of the country as a business man, but turn around, on the other hand, and tell his employees in the shop this is a good thing for me, but it is a bad thing for you; you are an individual American citizen, you can bargain individually, and they get some individual bargaining.

That attitude is one that I think is very inconsistent. I myself believe that the employers in the metal industry ought to have an organization, or in any other industry, and I believe that the employees should be given the same right; that they have a right to organize and get together and draw up their agreement and schedule, so that they know they are going to go through for a year or whatever time it is, and that they will have peace; that they will have peace at all times. But when one or the other takes the stand that one has the right to do that and the other hasn't a right to do the same, why, the outcome generally is that there is trouble in some manner.

I believe Mr. Constantine the other day said that the metal-trades association was a branch of his organization, the employers' association, and stated that they didn't keep an employment agency. They have an employment agent at 222 Lyons Building. I have a card here which I will present from their employment agency. If a man goes to a shop and asks for a job that belongs to the metal trades' association here in this city, instead of employing him direct, they send him to Mr. Garrison, at 222 Lyons Building, and this form of card is made out.

Commissioner GARRETSON. How is the name spelled?

Mr. TAYLOR. I didn't notice that, but I notice they are very much alike.

Commissioner GARRETSON. I-s-o-n?

Mr. TAYLOR. I think so.

Commissioner GARRETSON. Good.

(See Taylor Exhibit No. 1.)

Mr. TAYLOR. They are asked the question when they go there if they belong to the union. We know, because we have sent men there to find out, and in some cases they have come back and said where they said they belonged to the union they told them they didn't want union men. They were running an open shop, and still they didn't want union men. Now, they have said right along here, I believe, that they were running an open shop, and that the metal trades association stood for the open shop. I have a letter here, which I will also present, of the proceedings of a meeting of the metal trades association which will show the open-shop attitude of the employers' association. It is very short and will show the open-shop question as the metal trades association views it. You asked the question in regard to how much of an organization they would be in favor of having in their shops, and I believe that this would answer the question. This is the United Metal Trades Association of the Pacific Coast:

SEATTLE, WASH., *June 16, 1910.*

To the members of the Washington district:

GENTLEMEN: At the regular monthly meeting held last night in this office, the following resolution was unanimously adopted:

"*Resolved*, That this association forthwith adopt the absolute nonunion shop. And the inclosed notice was ordered sent to all members of the association, with the request that they post in their shops on receipt of same. For the benefit of members of the association who were not present last night we will say that the association has taken this stand after giving the open shop a good trial and has found that the minute union men get into the shop they immediately start to organize and interfere with the nonunion men and create discord, and the meeting was unanimous in its declaration for an absolutely nonunion condition in their shops hereafter."

Yours, very truly,

UNITED METAL TRADES ASSOCIATION,
A. H. GARRISON, *Secretary.*

That is the open shop as the metal trades association views it, and that is one thing that caused trouble so far as the mechanics are concerned in this part of the country.

Now, in regard to their boycotting, I have two letters here. They take the stand that organized labor should not be given the right to boycott, and I want to read just one sketch in here that would seem to show that the metal trades association use the boycott themselves.

This is the United Metal Trades Association of the Pacific Coast, and there is one part that relates to cooperation:

"We wish to commend each member of the association for the cooperation he has given the other members. Since this strike has been declared, the members are working together more than ever, but we might help each other much more than we do without any inconvenience in the least. If you have work done outside, let one of the members do it. Generally this is done, but sometimes it is not, and it only encourages the firms that sign up with the unions to continue as they are if you give them your work. They are trying to tear down what you are trying to build up, and work given them helps them to do it. Don't forget this when you let work out."

It gives a list of the pattern shops at Portland, Seattle, and Tacoma on the open-shop plan.

There is another clause which I will read——

Mr. THOMPSON. Has that letter got a date?

Mr. TAYLOR. June 25, 1910.

(See Taylor Exhibit No. 2.)

Mr. TAYLOR. Here is a letter sent out from Portland, Oreg., dated March 11, 1911, a weekly letter, and I will just read one part of it on this boycott proposition:

"OPEN-SHOP CONTRACTS.

"We recently received a communication from Walter Drew, commissioner, National Erectors' Association, requesting a list of open-shop, steel-erecting concerns in this city. Mr. Drew advises us that it is the intention of the members of their association to let their work to open-shop contractors as far as possible all over the country. The Seattle office has supplied Mr. Drew with the names of open-shop contractors in Seattle, Tacoma, and Spokane. The members of this association will appreciate the efforts that are being made by the eastern associations in our behalf."

(See Taylor Exhibit No. 3.)

Mr. TAYLOR. Now, in regard to the 1910 strike, I want to say that as far as the 1910 strike was concerned, it was not a strike, it was a lockout. We sent out a letter and communicated with the metal trades association, asking that they meet with a committee from the organization of the machinists' district, to try and bring about a shorter working-day and better conditions in this part of the country along the same lines as those enjoyed by the mechanics in Frisco. They took no notice of this communication, and, as a matter of fact, in one of the largest shops in Tacoma, they immediately began locking out our men. I went to the Phoenix Engineering Co., in Tacoma, and met the two owners of that shop, and was in there talking to them for at least an hour and a half or two hours, trying to get them to be reasonable as far as letting men out was concerned; that perhaps there would not be a strike; that we might get together in some manner and adjust matters and prevent a strike. And in reply to that he said, "No; I am going to discharge all the union men and get all the good men on the market now, and get the best of the other shops."

We took it up with the international union and tried in every way to overcome the necessity of striking in that shop, but they made their statement plain that they intended to discharge the men, and the steel works over there started to do the same thing, and it was necessary to start the strike at Tacoma, I think, about 10 days before the strike was even voted on in Seattle.

I have a letter somewhere, I don't know just where it is at the present time, but I will furnish it—a letter from Portland, which is evidence that this is a fact. That states that Tacoma locked their men out. That was the first place that the trouble started. After the strike started, I think June 1 or 2, 1910, after we had written to the secretary of the metal trades' association, recognizing their association, although they wouldn't recognize ours, we sent individual letters to the employers asking for a conference, and we were willing even to allow a conference of the men in the shops. It didn't matter whether they met the men in the shops or met a representative of the organization, as far as I am individually concerned. There was not a reply to that.

Then we called up in Seattle here before going out—we called up every individual shop owner and asked him if he would meet a committee of his employees, and that was refused. Therefore the strike was declared.

When the machinists came out on strike the employers shipped in or brought men in from Chicago. I think there was 17 men shipped out here from Chicago. They were furnished with everything that money could buy, even to

whisky and other things on the way out, and arriving here they found there was a strike on. They were shipped out not knowing there was a strike on in this part of the country, and they had sent their baggage shipped in care of Mr. Garrison, to the metal trades' association; and then, after they found out there was a strike on—and I want to say here that is why we do picketing, to let the men know that come in, not knowing about the trouble, that there is a strike, to walk along beside him and talk to him, and that was the instruction of every man when he went out on the picket line. We catch him on the picket line and tell him there is a strike, and they would refuse to go to work. There was quite a few union men came out on the train that brought some of the rest out. There was a few men that went to work. They would hold the men in the shops and hold them for the wages—hold their wages until they had paid for their transportation coming out here; so that it was necessary in one case where a man had worked some time in there to sue for the amount. There is a letter and some affidavits here in that respect. These are the affidavits here, I believe, of the men in regard to having been shipped out from Chicago. There is quite a bunch of them.

Mr. THOMPSON. Are you offering those in evidence?

Mr. TAYLOR. Yes, sir.

(See Taylor Exhibit No. 4.)

Mr. THOMPSON. Will you read just the names of those who are there?

Mr. TAYLOR. Affidavit, State of Washington, county of King——

Mr. THOMPSON. Just read the names of the people who made the affidavits.

Mr. TAYLOR. Herman Kottenbach, Robert Feja, Emil Krohn, Frank C. Parker, Henry W. Biggs, John Tomligas, Adam Crocus.

Mr. THOMPSON. About what dates are those? About the same dates? I don't care for the individual dates, but just about the same, are they?

Mr. TAYLOR. August, 1910. They would hold the baggage checks and refuse to turn their baggage over to them, and would hold their baggage if possible. We never had to go to court in regard to that, I don't believe, but we would get the baggage in some manner—either lost our baggage checks or something else, and the baggage was received, at least in some cases.

Now, in regard to the pickets causing all the trouble in the strikes. I want to say that there was a good deal of trouble caused by the other side.

At the Washington Iron Works, there was just two or three of our men on the picket line down there, and the employees and, I believe, one of the foremen went to the top of the building and turned the fire hose on them, and also—I am not sure, but I think threw rotten eggs at them. Knowing that it would be repeated perhaps, the two pickets went down to that same place with one of the city officials, either the water or hydrant inspector, and they turned it on him and the two pickets from the same place.

I have something here on that. The Washington Iron Works' attachés had appeared on the roof of the office and turned the fire hose on them, drenching them to the skin. Again the police were appealed to, but could not do anything because the offenders could not be identified. But knowing that they had appeared on a former occasion and would probably appear again, which they did, they went down, and this time witnesses were taken, who identified them. It took a month and a half to get the men into court, and after the usual delay they were found guilty, in spite of the carefully concocted story which they gave to the court, aided by Attorney France, who is now, I believe, president of the Municipal League.

Other cases of violence, by police officer No. 65, who arrested one of our members, who by the way is a very small man, and at the behest of Mr. James, attorney for the metal trades association. We asked for the reason of making the arrest, and the police officer replied by smashing the man in the face and knocking him down and applying all the violent epithets that ever passed the lips of a human being. There was violence caused by the employers in that instance.

And at the Sumner Iron Works, in Everett, that Mr. Gibson spoke of, they did have a house out there where the pickets remained in out of the wet in wintertime, and used to meet the men coming across the bridge, which crosses the river there, and talk to them with reference to coming out to assist to better their condition.

One case of violence that I know was committed up there, the son of one of the employers came out and declared himself, that he could whip anybody in the crowd singlehanded, and there happened to be a man in that crowd that

thought perhaps he couldn't do it. So they just formed a ring and went at it. As a result of it, the picket got the best of the fight, and then the wagon was called. And as a matter of fact, quite a good deal of the trouble that is caused is caused by the men working in the shop—every man that is appointed as a deputy inside the shop is working as a mechanic, and they come out and cause the trouble.

In Portland, where I was located at that time, in one case one of the men that worked in the shop stated that the employer came in to him and asked him to go out and cause trouble on the picket line, and he refused. This same employer, when they would arrest our men for hardly nothing, went to the man who would go on his bail and tried to get him to take his name off so that the man would be kept in jail. That is about the tactics that they pursued in so far as trying to have peace theirselves was concerned.

The attitude of the court at that place was very partial to the employer. A man would be arrested for some offense where the maximum fine could not possibly be over $15 or $20 if he was found guilty, and they would place the bail at $500 cash bail to get him out. They would arrest him on Saturday afternoon when the banks were closed so that it would be necessary to go and get the cash. As a matter of fact there never was any of them ever got behind the bars, because we always had somebody telephone to us, and we would get them bail before they got in jail.

As a matter of fact, all that trouble in Portland was caused by the company wanting to get an injunction. The city passed an ordinance, antipicket ordinance, and they have the referendum in that city, and if they get enough signers they can refer the ordinance or law to the voters. It was referred to the voters at the next election, which held it up for a year, and at the regular election it was defeated, so that the employers tried to get an injunction to keep the men from standing out and letting people know that there was trouble in that place. And to do that we believe that there was quite a good deal of manipulation from inside the shop to cause the trouble when the men came out.

As a matter of fact we know—any union man knows—that we are always getting the worst of it in causing trouble on the picket line. That would be the last place where he would start it, if he was using good judgment, and the most of them used good judgment, and the most of them are under direct control of their organizations. And in all the cases, every case where any of our men has been arrested in the entire time of the strike, there never has been one found with a concealed weapon, and as much can not be said for the other side, for they carried both blackjacks and guns.

We can show a picture here, taken when these men came out from Chicago and started to go into work in one of these shops here. I believe one of the pickets was out there and talked to them, and let them know what the trouble was, and that was one reason they didn't go to work.

The secretary of the metal trades association, Mr. Garrison, was with the four of them to take them in, I believe, to the Moran plant, now the Seattle Construction & Dry Dock Co. And one of the pickets had a kodak and was taking a picture of the men as they went in. This angered Mr. Garrison to such an extent that he tried to kick the camera over. He succeeded in that, but he didn't succeed in stopping the picture. He is shown there in the attitude of one foot in the air, both fists clenched, an attitude which was not very peaceable, I imagine.

(The picture was submitted by the witness; it is not printed.)

Mr. TAYLOR. We have heard something, I believe, here, in regard to the union entering into politics. And I believe that that is the place for them. But we also can show here by a letter sent out by the metal trades industry, that the metal trades association also enters into politics.

Here is a letter which I will file, dated Portland, Oreg., May 4, 1911. This is the city election in Portland. This is a United Metal Trades Association paper:

"*Political situation.*—At a special meeting of the Oregon district held Tuesday evening, May 2, the following candidates were decided upon as being those who would work to our interests."

Then it goes on and gives a list of the mayor and the city auditor and all those people, which I will file. At the end it says:

"From what information we have at hand, the candidates named above are the best men in the field.

"We trust that H. B. Rushlight, Ed D. Williams, William H. Daly, and Ralph C. Clyde will be snowed under so deep that they can not get out for

several years. These people do not hesitate to state their preference for organized labor."

(See Taylor Exhibit No. 5.)

They used every means in their power to get the men in their shops to vote against these men mentioned. I will say, however, that they were elected; that is, three of them were elected, I believe.

Here is another instance of political action, so far as the employers' association in the State of Washington is concerned. It is a newspaper clipping. It says:

"Stop-Look-Listen League asks 50-cent contribution for every employee in State.

"Waves eight-hour initiative bill as red flag in face of State industries."

This is taken from the Seattle Star.

"In an effort to obtain more money, the Stop-Look-Listen League is attempting to inflame a class war between employers and employees in its campaign against the 'Seven Sisters' and other initiative bills, one of which asks a universal eight-hour day.

"A 'jing' letter has been addressed by the Stop-Look-Listeners to employers in Washington asking them to contribute 50 cents for every man and woman in their employ.

"Show how to dodge law.

"Instructions are given foreign corporations doing business in Washington how to contribute and still avoid prosecution.

"In Chehalis County, R. A. Archer, one of the notorious Ed Benn gang of politicians, is sending out these secret letters:

"'If the arrangement is satisfactory to you, kindly forward me a check for the amount of your assessment at as early a date as possible, making the same payable to the Stop-Look-Listen League.

"'In the case of foreign or other corporations, their residence or principal office outside the State, or a corporation having a majority of its stockholders nonresidents of the State, its resident manager can be a subscriber to the fun, but must send his personal check for his subscription, as the law makes it a misdemeanor punishable by a fine to do otherwise.'"

(The paper referred to, an extract from the Seattle Star of June 13, 1914, was submitted in printed form.)

In regard to the competition between the different trades, between the metal trades industry in this country and the eastern metal trades industry—I have no specific thing to offer here in that respect, only in a general manner.

We heard yesterday about the competition in the lumber business, and the lumber industry. Here is a clipping from the P. I., "Portland, Oreg., June 29," which will be of interest, perhaps, to the lumber interests, which will show that the competition coming from the East is not so keen on some things as they would have us believe.

Chairman WALSH. Mr. Taylor, we have adopted a rule, I don't know whether it has been adhered to strictly in these hearings, that all documentary evidence be simply handed in, with a description of what it is. That would apply to a clipping.

Mr. TAYLOR. I did not know that, Mr. Chairman, because the fact is witnesses have been given plenty of latitude in the way of reading anything that was wished.

Chairman WALSH. We are going to try to get back to the rule.

Mr. TAYLOR. I will file that, and it just covers——

Chairman WALSH (interrupting). Describe the clipping, saying what it is.

Mr. TAYLOR. It covers the proposition of where the manufacturers of sash and doors in the South are asking for higher railroad rates so as to overcome the competition of those people in the West. We would imagine that the employer, when a law is passed, would live up to at least that part of it without an agreement with an organization. But as a matter of fact, we have a Government eight-hour law which says that all work shall be done under eight-hour conditions. Labor organizations have worked, since previous to 1892, to have such a law placed on the statute books. We passed the law in 1892, and an Attorney General of the United States ruled, although it mentioned contractors, that it meant work done on Government property only, and did not consider battleships Government property; but if it was work done on a private dock they could work as many hours as they wished; if the work was done in a Government yard, it had to be eight hours.

If this building was built on this corner, all the work on the lot would have to be done under eight-hour conditions. But the man who dressed the stone although it was around here, could take it over across the street and work 24 hours if he wished. After this decision we worked several years to get the eight-hour law established in Government work and for contractors and subcontractors working for the Government—we found plenty of opposition from this National Manufacturers' Association, and this employers' association affiliated with it, but we got the law passed, I believe, in 1911, which we thought would certainly stop this violation of the law as we saw it.

Now, that law is in effect which states that either the contractor or subcontractor must work eight hours a day on Government work. We have no organization in some of the machine shops and shipbuilding plants in this part of the country, and have no way of knowing whether that law is violated or not. I have sent men to work in this place, and I have an affidavit here to show the violation by one of the employers in this State of the eight-hour law. This covers three or four days' work on the U. S. S. *General Miflin* and the U. S. S. *Dix*, which I will file.

Chairman WALSH. What is the name of the factory?

Mr. TAYLOR. William C. Gates and the Seattle Machine Works, 8th day of October, 1913. He made the statement that one man worked 36 hours continuously at one of the machine shops on the Government boat although the eight-hour law is supposed to be in effect.

Chairman WALSH. This seems to be a good point to stop, and we will now adjourn until 2 o'clock.

(The clipping referred to was submitted in printed form. For affidavit, see Taylor Exhibit No. 6.)

(Whereupon an adjournment was taken at 12.10 o'clock p. m. of this, Friday, to 2 o'clock p. m. of the same day, Friday, Aug. 14, 1914.)

AFTER RECESS—2 P. M.

Chairman WALSH. You may resume the stand now, Mr. Taylor.

TESTIMONY OF MR. J. A. TAYLOR—Continued.

Mr. THOMPSON. All right, Mr. Taylor. Proceed with your testimony.

Mr. TAYLOR. I have a notice of judgment in regard to the Chicago cases and one affidavit extra in regard to the shipping of men from Chicago, which I wish to present.

(See Taylor Exhibit No. 7.)

Mr. TAYLOR. Also——

Chairman WALSH. The affidavit of whom? Just give the name and date please.

Mr. TAYLOR. This is Krohn—no; not Krohn, what a minute. Of Walter Leuzinger.

Chairman WALSH. And the date?

Mr. TAYLOR. Tenth day of July, 1910. I also have two affidavits to show the attitude of the police in this city.

Chairman WALSH. The names.

Mr. TAYLOR. One of J. E. Hendricksen, and the other one of M. F. Krowl, 30th day of July, 1910.

(See Taylor Exhibit No. 8.)

Mr. THOMPSON. Briefly stated, what was that attitude that the affidavits show?

Mr. TAYLOR. Well, it was against pickets and against the unions; that is, they took a stand——

Chairman WALSH. What was it that Mr. Thompson spoke of?

Mr. THOMPSON. The attitude of the police at that time.

Mr. TAYLOR. The attitude of the police in those two instances was against the organization, against the union.

I also have a copy of the letter, which I shall file, which was sent to the employers' association and to the individual members at that time. The date was May, 1910.

(See Taylor Exhibit No. 9.)

I will also file a copy of the agreement which we asked for, which will show we did not ask for the closed shop.

(See Taylor Exhibit No. 10.)

I wish to file another paper of the American Anti-Boycott Association. Just one paragraph of this I wish to bring out, the ruling of the supreme court of Connecticut, which has ruled "that manufacturers may bind themselves together by penal bonds to adhere to the open-shop policy, and that such agreements are enforceable. That manufacturers in any industry may make agreements with each other to maintain the open shop, and it becomes unlawful for any labor union having knowledge of that agreement to use even lawful means to unionize that shop."

(The paper referred, entitled "July Bulletin," published by the American Anti-Boycott Association, 27 William Street, N. Y., was submitted in printed form.)

Mr. THOMPSON. Are you quoting from the paper?

Mr. TAYLOR. From this letter I have just filed.

In regard to the business agents and the representatives of organized labor that is such a detriment to the organized-labor movement, as spoken of this morning by Mr. Paterson, I wish to say that the business agent exists, and his position is held because of the attitude of the employers; when a committee working in the employer's shop, in a great many cases, goes in in front of the management to ask for better conditions, unless he is subservient to the wishes of the employer to a certain extent, a great many times he is discharged, which makes it necessary for the organization to have a man whom the employer can not reach—so that the man working for him has nothing to do but get the man that is representing him, so that he does not get in bad with the man that is inclined to be unfair—I am speaking now of the unscrupulous employer. But for myself, I wish to say this at this time, that if the employers would meet all of the machinists as machinists in this community that I represent, and would meet a committee from the shops and treat with them impartially as organized men and not discriminate against them, my resignation will be in his hands at any time.

I say that because I think I can make a living as a machinist; I have done it previously as master mechanic and in other occupations.

The next thing I want to take up is the strike of the machinists in 1907. That strike was called May 1, 1907, for the purpose of establishing the 40-cent minimum rate of wages—and by minimum rate of wages we don't cut off or curtail individual ability. We set a minimum scale that we think any mechanic that is worthy of shop room ought to be able to earn. That would be $3.60 a day for nine hours for a man who works to the one-thousandth part of an inch in a great many instances, and if the employers want to take the rest or any of the men in the shop as individuals because they are better able to earn more money than 40 cents, the sky is the limit. He can raise it just as high as he wishes. There is nothing in the organization that keeps him from going the limit and giving him the maximum rate and that will be satisfactory at any time with us.

A very respectful letter was sent to the employers' association asking for a conference, and no reply was ever received. A little later a letter was sent to the employers individually, to which only a few replied. As a last resort a committee was sent to the individual employers and the strike called on such as could not be persuaded to concede the reasonable demands. A very large per cent in the machine shops responded to the strike call; pickets were put on and the work was very effective, so much so that the employers were driven to hard straits to obtain men. Finding themselves losing out and growing desperate the employers sought to influence the police department to restrain the pickets and make their work ineffective. The mayor of the city after a thorough investigation of the pickets refused to give additional police protection as requested by the employers. I believe Mr. Moore was mayor at that time. Not being able to use the police department to prevent the pickets telling the truth to the prospective employees, they resorted to the court and sought and obtained an injunction which was the most drastic ever granted in this State. The hearing of the case in which it was sought to make the injunction permanent was from time to time postponed until about a year later when and after the object of the picketing had been defeated and the shops filled with men, and in addition to that the strike being practically called off, the case was called and the plaintiff asked that it be dismissed.

It was granted by the court. The result was that that judge who issued the injunction and who had been elected by the largest majority was, through force of public sentiment, dropped to the bottom at the following election.

I wish to present a copy of this injunction. I don't want to read it, but I want to state that this injunction enjoins any of the men herein mentioned. I

was working for the Willamette Iron Works at that time in Portland, Oreg., as one of their outside men, and I was vice president of this district. I am enjoined in this, and never knew that the injunction was issued until later. They enjoin any of the men that went on strike, or that even did not go on strike, Jon Doe and Richard Roe, and all the rest of them, from talking to any of the men, visiting at their homes and peacefully asking them to go out on strike, and refusing them the rights of the public highways leading to any of the machine shops that were on strike. And I place it here on file.

(See Taylor Exhibit No. 11.)

Mr. TAYLOR. Further, in regard to the administration of labor law, I wish to say that we have an eight-hour law in the city here. I believe that legislation is a good thing. I believe in the worker taking advantage of every opportunity to get better results for all the workers, not only the union workers, but anybody that works for a living, whether it is by legislation or whether it is by organization.

But I have found through actual experience that when we pass a law, unless we have an organization of some kind in the shop to see that the law is lived up to, to see that it is enforced, it is practically impossible to have it done.

Just last week one of those large concerns that we have heard mentioned this morning as being in competition with the metal trades' association in this country came out here to erect steam turbines and generators in the new city light plant.

The employers here must have known that these people were bidding in competition with them with the intention of breaking this law that other contractors, if they are honest, expect to live up to. And we did not hear of any employers' association taking up the question and seeing to it that the eastern concern lived up to that ordinance. But one of us business agents—we find the law is broken and take the matter up, with the result that they were instructed to live up to the ordinance or their contract would be annulled. We also got the decision that the inspector on the job hereafter should be held responsible. Heretofore the inspector on the job, while a man might work 15 hours and break the ordinance as often as he pleased—I don't know whether he shut his eyes or what happened to him, but he never was able to at least bring it before the board of public works. So that it is necessary to have an organization, even though you have a political organization. The two together work fine. Singly they don't get the results that we think we should have.

Any proposals for improvement in those labor laws is the next question. Especially the eight-hour law and another one where the minimum-wage question was involved, where a girl went before the minimum-wage board and her testimony did not particularly suit the man that runs the Troy Laundry, and where he discharged her for it and was fined by the lower court $100. Since that time it has been appealed to the supreme court.

I don't think that a fine is adequate to see that an employer or anyone else lives up to the law. If we go out here and break a law it is not always just a fine we get. Sometimes we get sent to jail. And I believe on the first offense when an employer breaks any of these laws that he should have the option of paying a fine; but when he breaks the law again on the second offense that you should give him a jail sentence the same as the English law.

In regard to the unemployment and extent and causes and possible remedies: I would take it not so much of an overproduction as an underconsumption. We can all use more goods. I could have better clothes than what I have got, I am sure, and everybody here perhaps could live a little bit better. We all are in a position that we could live better if we were able to do it. And if everybody was employed and employed so that they would remain employed, I think that you would reach a very good result in that respect.

I believe that some legislation some time in the future—I don't know how far removed that will be—will make it so that we will have conditions in this country where every man or every worker will be able to work when they are willing, and be able to feed their children and will be able to raise a family instead of having no children, or in some cases but one, as in this country. And government would find it a very good economic proposition to see that those conditions are brought about.

I believe that by reducing hours of labor and keeping everybody employed that you will have less dissatisfaction.

I believe that if the workers had more confidence in the people that are enforcing the law that we would have less dissatisfaction. We figure that we send a man to Congress, or we send him here or there or somewhere else

politically, and he does not represent us sometimes when he says that he will. We feel—perhaps we just feel it, but we know just the same—that we do not always get the same consideration from a judge, even though he is elected, as has been brought out here this morning, when we are broke, down and out, that we get if we have got the kale—the money. I do not say by that that the courts could be bought, but I would leave the impression that an influence can be used.

In one case we find the secretary of state insisting upon interpreting some laws to suit himself, where men that are elected to office of State, as the secretary, should apply the law as it reads. The people pass a law—a referendum law—that they can go out and get so many signatures to any law that they wish to put to referendum; they get 10 per cent of the signatures of the voters of the State; and they are checked over in the city where they come from, by the regular man—a clerk or whoever he is who has charge of it; the signatures are checked, and we find that there is enough signatures to some of those bills that the Stop-Look-Listen League do not wish to go on the ballot even to give the public a chance to say whether it was a good thing or a bad thing—we find our secretary of state, according to reports that I have from men that have been down there and have watched the counting and will substantiate by affidavits if necessary, that he has been very partial, and he has been serving his master to the best of his ability.

I believe that is all the statement I have to make at this time.

Chairman WALSH. Any questions?

Commissioner GARRETSON. One question.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Is it your experience as a machinist and representing that organization, as I assume, or having knowledge of it, that the organization has, in the years gone by, maintained its contracts in precisely the same way as you heard it admitted this morning that the railway organization did?

Mr. TAYLOR. I would say to the extent we are organized. If we have a very poor organization—that is, weak——

Commissioner GARRETSON. Where you control the situation?

Mr. TAYLOR. Where we control the situation we live up to our agreement positively.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Commissioner O'CONNELL. You heard Mr. Paterson's testimony?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Now, Mr. Paterson stated that the rate of wages that was being obtained in the shipyard of which he was president was as high, if not higher, than the rates of wages being paid in this territory or this section of the country. In fact, they were so high it was economically impossible for other concerns to pay as high wages.

I take it from that he meant that if they paid those wages they could not succeed in business. I understand that this Seattle Construction & Dry Dock Co. is doing a regular marine work, building ships and repairing ships and that sort of work?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. They are operating their plant under the nine-hour basis?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. He stated a number of his machinists were being paid 37 cents an hour on a nine-hour basis.

Mr. TAYLOR. Well, he made the statement that they paid several different rates; 35 cents was the lowest.

Commissioner O'CONNELL. From that up to 50 cents.

Mr. TAYLOR. Sixty, he said, also.

Commissioner O'CONNELL. I think he said in one or two instances they paid 60 cents to some men. The Union Iron Works, at San Francisco, is a shipbuilding concern, is it not?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Of a considerable capacity, a large employer of labor?

Mr. TAYLOR. Yes, sir; even larger than this one, I believe.

Commissioner O'CONNELL. The Union Iron Works has been operating on the eight-hour basis for some years, has it not?

Mr. TAYLOR. On the eight-hour basis?

Commissioner O'CONNELL. Yes, sir.

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. And the minimum rate of wages paid in San Francisco for eight hours is $4, or 50 cents an hour?

Mr. TAYLOR. As I understand it.

Commissioner O'CONNELL. Are they competing with the shipbuilding concern in this city?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Do you know whether the shipyards in the East—for instance, the New York Shipbuilding Co., at Camden, N. J., which is one of the largest in the country—that concern has been operating on the eight-hour basis for some years?

Mr. TAYLOR. Yes, sir; it has.

Commissioner O'CONNELL. Do you know whether the Fore River Shipbuilding Co., at Quincy, Mass., has been operating on the eight-hour basis?

Mr. TAYLOR. It has.

Commissioner O'CONNELL. The Newport Shipbuilding Co., at Newport, Va., has been operating a great portion of its employees on the eight-hour basis?

Mr. TAYLOR. At least for the last year or two years.

Commissioner O'CONNELL. That the rates of wages paid by these concerns will compare favorably, if not to a greater degree, with the rate paid by the shipyard company in Seattle?

Mr. TAYLOR. I think they will. I think they would be a little better in regard to living conditions. Perhaps they live cheaper back there.

Commissioner O'CONNELL. And that the shipyard company meet their employees for the purpose of settling rates of wages, hours, and conditions of employment, and enter into contractual relations with them?

Mr. TAYLOR. I think that is a fact.

Commissioner O'CONNELL. That is true in so far at least as the Union Iron Works at San Francisco is concerned?

Mr. TAYLOR. Yes, sir. I was going to say I have no way of knowing how many 35-cent men there are in the Seattle Dry Dock Co. or how many 50-cent men, but I have never met a man out of there yet that got 50 or 60 cents.

Commissioner O'CONNELL. Do you know whether the metal trades association of this district, comprising the States of Washington and Nevada, I understand—is it those two States?

Mr. TAYLOR. The metal trades?

Commissioner O'CONNELL. Yes, sir.

Mr. TAYLOR. Comprising Washington and Oregon.

Commissioner O'CONNELL. Do you know whether a circular has been issued to the members of that association by the general secretary of this district to the effect that discontinuance of the open shop would be preferable and the organization of absolute nonunion shop lines?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Have you ever seen such a circular?

Mr. TAYLOR. I have seen it and placed it on file.

Commissioner O'CONNELL. Do you know whether that association has recently issued a circular advising its members to appear before this commission and in other words giving them permission to appear before the commission?

Mr. TAYLOR. I saw that letter yesterday, where it was stated that all union men would be here and that there would be union men on the commission, and advising all employers to be present at this meeting.

Commissioner O'CONNELL. Would that imply, if such circular had not been issued or such request had not been issued, that they might not appear before this commission?

Mr. TAYLOR. Well, I would take it that way.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all; thank you. Call your next.

Mr. THOMPSON. There are some other questions that have been handed to me.

Chairman WALSH. All right. Proceed.

Mr. THOMPSON. Mr. Taylor, I hand you what purports to be a copy of the letter sent by Mr. Garrison to the commander of the naval yard; accompanying that is also a list of the people employed in the metal trades and the wages per hour that they receive. Will you kindly look at that and see whether that is in accordance with the information you found?

Mr. TAYLOR. Just a minute. I want to take these with this. This gives a list of 55-cent machinists—12 machinists, at 55 cents; 27 machinists, at 50 cents; and 60 at 40 cents. I will say I never saw this list, but I am speaking from the information given this morning, given me by the machinists of the Bremerton yard, who are organized, that they had been led to believe, at least by some one in authority, that it was going to be necessary for them to go out and get affidavits to keep the machinists, the first-class machinists in Bremerton, from having a reduction in wages.

Mr. THOMPSON. What do they get?

Mr. TAYLOR. $4.08, I believe, at that time, or $4.07. I think they got a raise afterwards.

Mr. THOMPSON. From that list you have there—would that——

Mr. TAYLOR. I would like to finish—that they were led to believe in that respect, and were told by some one over there that the employers over here had stated that they could get all the machinists they wanted for 35 and 40 cents an hour, that that was practically their standard rate of wages. So far as getting a statement like this was concerned, it would be impossible for me to get it, perhaps. I never saw a statement like this at all.

(See Taylor Exhibit No. 12.)

Commissioner COMMONS. What is that paper?

Mr. THOMPSON. It is a copy of a letter Mr. Garrison sent to the commander of the navy yard at Bremerton, giving the wages of mechanics.

Mr. TAYLOR. But I will state that the machinists' scale would be even higher than that, so far as the union scale is concerned here. I have a list here, so far as the union wages are concerned here in this city and vicinity, or this city, and they run from 45 cents to 60 cents.

Mr. THOMPSON. That is all I wish to know about that anyway, because it will have to be established by other people before it can go in the evidence. How many men does the Union Iron Works employ, if you know?

Mr. TAYLOR. Well, I couldn't say as to that, not having been in Frisco but once in my life.

Mr. THOMPSON. Do you know whether or not they employ more now than they did six years ago, or less?

Mr. TAYLOR. I believe, perhaps six years ago—that would bring it about about—I don't know just what year that would be, 1906, or 1907. They were very busy just previous to the panic in 1907. And I believe it is the policy of the Steel Trust, and I think the Union Iron Works are a subsidiary company or belongs to them to do their shipbuilding in the East as much as they can.

Mr. THOMPSON. Do you know whether there have been more ships built in the Union Yards, or less, in the last five years, than previously?

Mr. TAYLOR. Well, I know that the Union Iron Works has received three or four Government contracts for building Government boats. I know that in 1911 or 1912 that the shops in this district, especially in Portland, refused to compete on those contracts on account of having the eight-hour clause in them, and there was an editorial written regarding the matter in the Oregonian, I believe, in Portland, telling the employers of labor there that if they expected this to be an up-to-date community they would have to adjust themselves to the conditions that existed.

Mr. THOMPSON. Do you know how many ships have been built in union shops in the last five years?

Mr. TAYLOR. Union Iron Works?

Mr. THOMPSON. Is that what you mean; Union Iron Works?

(This question was asked Mr. Hayes.)

Mr. TAYLOR. No; I couldn't say.

Mr. THOMPSON. Do you know how many machinists there are in Oakland, and how many in San Francisco, in round numbers?

Mr. TAYLOR. Well, I believe there is about 3,000 machinists.

Mr. THOMPSON. In Oakland? Where?

Mr. TAYLOR. In Oakland and San Francisco.

Mr. THOMPSON. Do you know how it is divided as between the two cities?

Mr. TAYLOR. Well, I judge that there is about two-thirds of them in San Francisco, or very close to it.

Mr. THOMPSON. But you have no accurate figures?

Mr. TAYLOR. Not accurately, no; but almost accurately. It is within, I would judge, a few hundred, a hundred or so of that.

Mr. THOMPSON. Is Oakland an open or closed shop town?

Mr. TAYLOR. So far as the machinists' agreement is concerned, we have never asked for the closed shop.

Mr. THOMPSON. Never have?

Mr. TAYLOR. Not in Oakland or San Francisco, either.

Mr. THOMPSON. Do you know whether there are as many machinists in San Francisco now as there were five or six or seven years ago? If not, what is the reason for it?

Mr. TAYLOR. I know there are more machinists in the union down there in Frisco than there was at that time.

Mr. THOMPSON. In relation to the——

Chairman WALSH. Do you know whether or not there are more machinists, in and out?

Mr. TAYLOR. In and out of Frisco?

Chairman WALSH. In and out of the union.

Mr. TAYLOR. Well, I have no positive way of knowing; only judging, as it were, from the increase in the union, that I can average it up in that respect—but I believe there is at least as many, if not more.

Mr. THOMPSON. In regard to the violations which you claim were made of the eight-hour law, have you called the attention of the authorities to it, do you?

Mr. TAYLOR. I got this affidavit and was instructed by a member of the executive board of the machinists, whose advice I took, to take it up with Washington, D. C., and not the district attorney here. That has been several months ago, and I have never heard anything about any action taken, or I have never received any letter in regard to it. I will say that I took it up with our business agent in Washington, D. C., and he wrote a letter stating that they were so busy that they would have quite a few other things to take up first.

Mr. THOMPSON. In regard to the Stop-Look-and-Listen League, what is that league; do you know?

Mr. TAYLOR. The Stop-Look-and-Listen League, as I understand it, is an organization that was organized a few months ago, I believe, to fight some of the bills that were presented for referendum vote; and I believe, as all of us believe, that it was organized by the employers' association—at least their attitude would show that.

Mr. THOMPSON. In the case where you said the hose was turned on the men, in the trial of that case, was it shown that the employer had notice of the fact that the hose was used?

Mr. TAYLOR. Yes, sir; I think it was.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. That is all, Mr. Taylor; thank you. Call your next.

Mr. THOMPSON. Mr. Daggett.

TESTIMONY OF MR. FLOYD L. DAGGETT.

Mr. THOMPSON. Mr. Daggett, please give us your name.

Mr. DAGGETT. Floyd L. Daggett.

Mr. THOMPSON. And your business address?

Mr. DAGGETT. At the present time it is Olympia, Wash.

Mr. THOMPSON. And your position, Mr. Daggett?

Mr. DAGGETT. Chairman of the industrial insurance commission.

Mr. THOMPSON. How long have you been chairman of that commission?

Mr. DAGGETT. Since April 1, 1912.

Mr. THOMPSON. How long has that commission been in existence?

Mr. DAGGETT. The law went into active effect October 1, 1911, but the commission was in existence, I think, from July, 1911.

Mr. THOMPSON. Now, Mr. Daggett, you received some—I will ask you what you were previous to being chairman of that commission?

Mr. DAGGETT. My business has been the insurance business for a number of years.

Mr. THOMPSON. In this city?

Mr. DAGGETT. In the State of Washington.

Mr. THOMPSON. State of Washington. Fire insurance or life?

Mr. DAGGETT. Both. Well, fire and liability and accident insurance.

Mr. THOMPSON. I see. Now, you have gotten some questions in regard to the work of your commission that were sent to you?

Mr. DAGGETT. No, sir; I did not. I didn't even get the intimation of what line of testimony you wanted.

Mr. THOMPSON. It was sent to you, but I don't believe it reached you.

Mr. DAGGETT. I don't think so. I got my mail yesterday from the office.

Mr. THOMPSON. You might tell us as briefly as you can the scope and purpose of the commission, and the purpose of the law under which this commission was appointed.

Mr. DAGGETT. Well, the scope of the commission is the administration of the workmen's compensation act. The workmen's compensation act was passed by the legislature and went into effect October 1, 1911. The purpose of the act is the compensation of workmen injured in the several industries that are classed as extra hazardous by the said act, and the creation of a fund for that purpose.

Mr. THOMPSON. Now, Mr. Daggett, how is your commission organized; what kind of a force has it got, and how is the force divided?

Mr. DAGGETT. Well, you mean——

Mr. THOMPSON. Just state in your own way about your organization.

Mr. DAGGETT. Our departments, and so forth?

Mr. THOMPSON. Yes.

Mr. DAGGETT. There are three commissioners appointed by the governor, and the commissioners have joint powers and equal powers, the three.

Our departmental work: Our office force at Olympia is divided into our auditing department and claim-adjusting department. We have branch offices at Seattle, Spokane, Vancouver, and Bellingham for the convenience of our field work. The auditing department is for the purpose of visiting the employers and getting the amount of their pay rolls, because the fund out of which these accidents are paid is recruited by assessments upon the pay rolls of the employers in the several classes into which the industries are divided. That is a general description of our department.

Mr. THOMPSON. Well, in the carrying on of the work of the commission, do you find that your force, as you have it, is sufficient to cover the State properly?

Mr. DAGGETT. I think so.

Mr. THOMPSON. Can you tell us in a way what industries are covered by the act?

Mr. DAGGETT. The largest industry—or, that is, employing the largest number of workmen, and they have perhaps the largest pay rolls—is the lumber industry. Then the next would be the coal mines. Then we have other lines, the carpenter work, general construction work of buildings, everything pertaining to the general construction work, such as railroad work, street work, sewer work, and that character of work. In fact, nearly every line of work that is at all hazardous. We do not—the law does not contemplate covering such business as clerical work in retail stores or employments of that character.

Mr. THOMPSON. Is this automatic, or do these various firms register with you, or do you compel them to do it?

Mr. DAGGETT. Our law is compulsory.

Mr. THOMPSON. It is compulsory?

Mr. DAGGETT. All the employees comprehended in the act must come under the law, and all the workmen in these industries must come under the provisions of the law.

Mr. THOMPSON. And in the act, are the industries named, or do you determine whether or not an industry comes within the terms of the act?

Mr. DAGGETT. They are named in the act, although if any new employment should arise that was not then named in the act, that the commission thought was hazardous, or would naturally come within the provisions, they have the power to place it within the scope of the law.

Mr. THOMPSON. What is your opinion as to the relative merits of compulsory and optional insurance of this kind?

Mr. DAGGETT. Why, I think there is only one way to carry on this workmen's compensation proposition, and that is through a compulsory act.

Mr. THOMPSON. What is your reason for that?

Mr. DAGGETT. In the first place I think that every workman employed in the State in the same line of industry, and every employer in that same line of industry, should be upon an equal basis.

I think a workman has a right to the same conditions in one firm that he would have in another firm, and I think an employer as to cost and general conditions should be upon the same basis as his fellow employer. I also feel that under the optional law you don't have all the employers, you don't have the funds as well recruited for this purpose, and I don't think that the administration of the department is nearly so efficient.

Mr. THOMPSON. How are the funds recruited now?

Mr. DAGGETT. The law names a basis rate for the industry. For instance, to use an illustration, in the lumber industry of two and a half per cent—two and a half dollars per hundred dollars pay roll. We make what we term "calls," which are in effect assessments upon the pay roll of the employers listed in that industry, at such times as it is necessary to meet the requirements of the fund for the payment of accidents insured in that industry. We usually make them in quarterly calls, and for instance so far this year we have made one quarterly call in the lumber industries. What we term the adjustment call which I will explain in a moment, at the first of this year was sufficient to care for the accidents in that industry, up to say the 1st of April. The one, two, three call, which would be a three months' call, that was next out then, has been sufficient up to the present time.

The employers paying into this fund, at the end of the calendar year if there is a surplus in the fund or if there is a deficiency in the fund, we make what we term an adjustment call. For instance, I will have to go a little into detail, I presume, on that.

Mr. THOMPSON. You may do that.

Mr. DAGGETT. We take from time to time the audits of their pay rolls. Now, at the end of the year we take their actual pay roll for the preceding year. That may vary, and generally does from the pay rolls that have been taken at different times during the year, and the call that is necessary on their actual pay roll to provide sufficient funds to meet the previous demands, or the demands of the calendar year—that amount is levied upon this call, and that is called an assessment.

For 1913 our assessment—our adjustment call in the lumber industry was two-twelfths, or for two months.

Mr. THOMPSON. How is the rate determined, that the different industries should pay?

Mr. DAGGETT. That is set down by the law itself in the original law.

Mr. THOMPSON. Well, in case of the adding on of a new industry, do you have power to do that?

Mr. DAGGETT. Well, the commission would have power to name what they consider an equitable rate.

Mr. THOMPSON. You haven't had occasion to do that?

Mr. DAGGETT. Not yet; no, sir.

Mr. THOMPSON. What does the injured man have to do in order to receive compensation for an injury? Tell the process he goes through.

Mr. DAGGETT. The employers are provided with blanks. We have three blanks that are necessary to placing a claim before our department. One is the workman's application for compensation in which is recited also the circumstances of the accident and some other information. Then the employer's report of the same proposition, and then the attending physician's report.

Those three are assembled in our department. Then if there is anything more we want, we get that from whatever source is necessary.

Mr. THOMPSON. How is the schedule of compensation arranged? Upon what basis?

Mr. DAGGETT. It is provided in the law. For instance, we pay temporary disability, which we call time loss. Then we pay permanent partial disability, permanent total disability, and temporary loss of earning power. The time loss, or temporary disability, is the time that a man is disabled in the event that he does not have what we term a permanent partial disability. For instance, if a man would cut his hand or get it bruised so he could not work, and that should recover so there was no loss to that hand, he would be paid time loss. If a portion of that hand was severed, he would receive what we call permanent partial disability. And if both hands, or in any other way he was totally incapacitated permanently, why he would be put on the pension basis.

Mr. THOMPSON. Is the basis of judging these different industries left to the commission, or is that put in the act, too?

Mr. DAGGETT. The act defines what these various disabilities are, but there is, of course, a wide range of judgment on the part of the commission as to the extent of those injuries. For instance, on permanent or partial disability the law provides that the maximum shall be the loss of the major arm at or above the elbow at $1,500. All other partial or permanent disabilities are rated in proportion thereto. The commission in the early stages worked out a schedule which has been in effect ever since that time on these various disabilities.

Mr. THOMPSON. When the commission determines what the disability is, then the amount that is to be paid automatically, works automatically under the act?

Mr. DAGGETT. Yes, sir.

Mr. THOMPSON. Is the injured party permitted to get any other compensation. Can he sue, for instance, the party that caused the injury?

Mr. DAGGETT. Well, I will explain one point there. The law is based on the theory that in consideration of all of the accident being paid for, no matter as to the character of the accident—all defenses of the employer under the former liability system are taken away, and the right is taken away from the workingman to sue his employer. There are two points where the workman can sue his employer. For instance, if the employer has not paid his assessment, then the workman has the right to elect whether he will accept the compensation provided by the act or sue his employer. Again, if there is a third party injury to the employee away from the plant of his employer, he has the right of election as to whether he shall sue his employer or take under the act.

Mr. THOMPSON. Those are the only exceptions?

Mr. DAGGETT. Those are the only exceptions.

Mr. THOMPSON. What is your opinion—what opinion have you as to whether or not the awards under the act are compensatory or just?

Mr. DAGGETT. You mean sufficiently so?

Mr. THOMPSON. Yes, sir.

Mr. DAGGETT. Of course, I think that all of us feel that an injured workman can not be reasonably compensated on a money basis, and in individual cases I think our awards are much lower than they would get if they obtained an award through the court under the old system; but I think that it is a fair statement that under this system the workingmen will receive as a whole over the State at least three times as much as they ever did receive under the old liability system, except where the employer stepped in himself and voluntarily paid it. I am speaking of it as a legal proposition.

Mr. THOMPSON. What is the feeling, if you know, of the workmen and employers toward the law, so far as you have met them?

Mr. DAGGETT. So far as those we have come in contact with, I think it is very satisfactory.

Mr. THOMPSON. How does the cost of this insurance compare with the old rates?

Mr. DAGGETT. In some instances it is less and in some a little more, but I do not know that it is any more in any industry considering the complete protection that this act gives the employer, whereas under the liability system, he did not have complete protection.

Mr. THOMPSON. When you say did not have complete protection, you mean beyond a certain amount?

Mr. DAGGETT. Beyond a certain amount.

Mr. THOMPSON. How is this money held? Is it subject to confiscation?

Mr. DAGGETT. It is in the hands of the State treasurer, and when our awards are made the memorandum of that is sent to the State auditor, who draws a State warrant, and that State warrant is sent to the party to whom it is due. And the law provides that a claim can not be assigned in any way.

Mr. THOMPSON. Well, does the law also prevent its being attached?

Mr. DAGGETT. Yes, sir; it can not be attached by anyone, or paid, except to the man to whom it is due.

Mr. THOMPSON. Or garnisheed?

Mr. DAGGETT. It could not be garnisheed.

Mr. THOMPSON. Are there any exceptions to that, in case of doctors, or otherwise?

Mr. DAGGETT. No; there are no exceptions; and he can not even assign it voluntarily.

Mr. THOMPSON. Does your commission, or does the law, provide for any adjustment of doctor's fees in case of injury?

Mr. DAGGETT. The present law does not provide any hospital or medical attendance, and we have no supervision or jurisdiction whatsoever over that part.

Mr. THOMPSON. You do, however, make an allowance for burial fees?

Mr. DAGGETT. Yes; the law provides $75 for burial.

Mr. THOMPSON. Do you know why the law did not provide for the taking care of the doctor?

Mr. DAGGETT. I had no connection with the commission at the time that the law was prepared, and I have no knowledge of it in that respect, except hearsay.

Mr. THOMPSON. What is the general attitude of the doctors toward the injured? Is it influenced by this act one way or the other, so far as you know?

Mr. DAGGETT. Toward treating the injured, you mean?

Mr. THOMPSON. Yes.

Mr. DAGGETT. Why, where there is no contract system, I think the doctors feel that they are losing many of their fees that otherwise, under the old form or system, the employer paid. The man oftimes is injured, and when he is ready for settlement with our department he is somewhere else, and the doctor does not come in touch with him so that he can get his fee. Again, it is quite often the case that the amount of the award is not sufficient to pay the doctor's bill. But to quite a large extent the men coming under this act are under the contract hospital system in one form or another, over the State.

Mr. THOMPSON. Do you have any medical service on the commission?

Mr. DAGGETT. Sir?

Mr. THOMPSON. Do you furnish any medical service?

Mr. DAGGETT. To the injured man?

Mr. THOMPSON. Yes, sir.

Mr. DAGGETT. No, sir.

Mr. THOMPSON. Of any kind?

Mr. DAGGETT. No, sir.

Mr. THOMPSON. Have no medical organization for any purpose?

Mr. DAGGETT. We have a medical organization for the purpose of adjusting claims.

Mr. THOMPSON. Adjusting claims?

Mr. DAGGETT. Yes, but not to furnish medical attendance to the injured man.

Mr. THOMPSON. What kind of an organization is that? How does it work?

Mr. DAGGETT. Why, we have a chief medical adviser, who devotes his time to inspecting these files of claims; and then we have appointed physicians at various centers, that we use to examine the claimants wherever necessary.

Mr. THOMPSON. In regard to that feature of the matter, does the medical fraternity, or does the hospital, take any attitude one way or the other?

Mr. DAGGETT. I don't think so; nothing unfriendly, so far as I know.

Mr. THOMPSON. What are the difficulties in the way of carrying out the administration of the act, so far as you have noticed?

Mr. DAGGETT. Well, the administration of the present law is working very smoothly and satisfactorily.

Mr. THOMPSON. Have you any suggestions that you would care to make as to how the law might be improved?

Mr. DAGGETT. There are only minor amendments that the commission are considering proposing to the incoming legislature—nothing of any particular moment, except that they did have in mind and were preparing a so-called first aid or medical attendance feature. But there is an initiated bill, which, of course, if it is passed by the voters at the coming election, will take the place of the amendment that the commission were proposing or were about to propose.

Mr. THOMPSON. With regard to the first-aid proposition, what is your opinion on that? Do you think it is a desirable thing or not?

Mr. DAGGETT. I think medical attendance is desirable under proper supervision.

Mr. THOMPSON. Well, what do you mean by proper supervision? How would that be arranged?

Mr. DAGGETT. I think the supervision should be absolutely within the department, both as to the character of attendance, to see that a man does get the attendance that he needs, and also as to the fees, both as to hospitals and doctors.

Mr. THOMPSON. Does the compensation which is paid for injuries not only bear a relation to the kind of injury but also as to the salary the man gets?

Mr. DAGGETT. Yes. A man is paid on time-lost basis. A single man is paid $20 a month. Five dollars is added if there is a wife; $5 for each child under 16 years of age, up to a total of $35 a month. That is increased 50 per cent during the first six months, which makes the maximum time loss that can be paid $52.50 per month. That can not exceed 60 per cent of the man's wage. You take, for instance, a man earning $3 a day; that would be $82 a month; and he might have a wife and two children, enough to entitle him to $52.50, if it were not for the wage; but he will be put upon a 60 per cent wage basis, which will be $31.20, as I carry it in my head, in place of $52.50.

Mr. THOMPSON. Do you think that is a just feature of the law or not?

Mr. DAGGETT. I think, really, a wage percentage is better, perhaps, than a fixed scale.

Mr. THOMPSON. Where is the justice to that man who only gets $31.25 or $31.50, instead of $52.50?

Mr. DAGGETT. That is the theory that the law is now based on—that the low-wage man is entitled to a certain amount. I would fix a minimum.

Mr. THOMPSON. The chances are that the low-wage man is in need of assistance more than the high-wage man.

Mr. DAGGETT. That is possibly true. I would fix a minimum, so that the low-wage man would not be discriminated against.

Mr. THOMPSON. What do you think about the idea of having sickness and unemployment insurance; or have you given that any thought?

Mr. DAGGETT. I haven't given sufficient study to it.

Mr. THOMPSON. I see. How much more, in your judgment, would the proposed first-aid law increase the cost of the act?

Mr. DAGGETT. There are no statistics available in the State of Washington at the present time. The commission has not kept sufficient statistics upon which to base a fair judgment of that; but we are now endeavoring to compile statistics to have ready for the benefit of the incoming legislature.

Mr. THOMPSON. What would you say about Federal cooperation; have you any views on that?

Mr. DAGGETT. As to a general Federal law, you mean?

Mr. THOMPSON. Yes; cooperating with the State law.

Mr. DAGGETT. We are now placed in this peculiar position: Any man engaged in work of an interstate nature does not come within the scope of the act. For instance, there is a railway shop here in the city that part of their employees are engaged in interstate, which does not come under the act, and some of them are engaged in intrastate, which does come under the act. We sometimes have very difficult questions to decide as to just where the line is to be drawn. Take the case of a logging road; that comes under the act. But now just where does that logging road stop when it gets onto the interstate line? Take the case of longshoring. The law has been now interpreted to mean that if a man gets injured on the vessel he is not under our act, but until he gets to the vessel he is. Of course, it is quite common practice in loading a vessel for this same man to go clear into the hold of the vessel.

Mr. THOMPSON. There ought to be Federal cooperation, then, you think?

Mr. DAGGETT. I think so; yes, sir.

Mr. THOMPSON. Is there anything more you care to say to the commission?

Mr. DAGGETT. Nothing especially without you have some particular question.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. Mr. Daggett, if a man in the lumber industry; if two men in the lumber industry received exactly the same injuries and are receiving the same salary, have the same family responsibility, do they at all times receive the same amount of benefit?

Mr. DAGGETT. Well, there would be the same basis; the amount of benefit, for instance, if they had permanent or partial disability of equal character, they would receive the same amount. One man might get an injury and might recover more quickly than the other, and he would have less time lost, but he would be paid on the same monthly basis of time loss while his injury still existed.

Commissioner LENNON. Suppose he lost an arm or both legs?

Mr. DAGGETT. They would receive the same amount.

Commissioner LENNON. Always receive the same amount?

Mr. DAGGETT. Yes, sir.

Commissioner LENNON. There will be no discrimination?

Mr. DAGGETT. The wage scale does not affect that at all as to permanent partial disability—just on the time lost.

Commissioner LENNON. What authority has your auditing department to pass upon the amount of compensation to be paid for any specific injury?

Mr. DAGGETT. Well, you mean the claim department, I presume?

Commissioner LENNON. Yes; the claim department.

Mr. DAGGETT. Well, the general proposition is laid down in the law, and then the commission has authority to carry out that law wherever the specific amounts are not therein named.

Commissioner LENNON. Now, how do you satisfy yourself as to the accuracy of the pay rolls that are furnished by the employers?

Mr. DAGGETT. Our auditors are supposed to go to the original, and are so directed, and we presume they do.

Commissioner LENNON. Is there any other department of the State to which the employers have to furnish pay rolls to which you would have access?

Mr. DAGGETT. No, sir.

Commissioner LENNON. What is your view as to the lessening of industrial accidents by the establishment of this law in Washington?

Mr. DAGGETT. So far there has been practically no appreciable lessening due to the compensation act, but I think as the matter gets under way there necessarily will be, owing to the advantage to the employer of placing safety provisions around the employee in order to lessen the accident cost.

Commissioner LENNON. Under the law there must be a report of all accidents, no matter how minor?

Mr. DAGGETT. Yes, sir.

Commissioner LENNON. Was that the case before the law existed?

Mr. DAGGETT. No, sir.

Commissioner LENNON. Then there is a possibility that they may have been lessened and still the commission not know it?

Mr. DAGGETT. We haven't any statistics upon which to base any close conclusion.

Commissioner LENNON. It is a matter of opinion?

Mr. DAGGETT. Yes, sir.

Commissioner LENNON. Insofar as the blanks that are furnished for the application for benefits and on the part of the employer to make a statement of the injury, are they separate blanks, or do the two parties make returns on the same blank?

Mr. DAGGETT. We have both. Workmen that wish to make a separate statement on a separate blank has access to that at any time. The usual blank is a double blank.

Commissioner LENNON. A double blank; that is, the employer uses it and the employee also?

Mr. DAGGETT. Yes, sir.

Commissioner LENNON. What effect do you believe this law has had upon mitigation of industrial unrest among the people of this State?

Mr. DAGGETT. Oh, I don't know; I can't quite see that it has had any particular effect.

Commissioner LENNON. Well, was your business prior to going on this commission of such a character that would have brought you in contact with the wageworkers, so that you would know whether there was serious complaint as to lack of compensation when they were injured?

Mr. DAGGETT. My business was in, of course, a more limited territory than it is now, and I would not have come in contact with it so generally.

Commissioner LENNON. Were you a representative of a company that furnished surety for companies against liability?

Mr. DAGGETT. Yes, sir; several years ago. I have not been connected with that for the last 10 years.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. The basis of compensation for the injury is on a per cent basis of the wage?

Mr. DAGGETT. No, sir; we have a fixed scale, but it shall not exceed 60 per cent of the wage.

Commissioner GARRETSON. You give a certain amount, regardless of what the wage may be, for a certain injury?

Mr. DAGGETT. For permanent disability. The time loss——

Commissioner GARRETSON. The time loss is based on the wage?

Mr. DAGGETT. It is not to exceed 60 per cent of the wage. For instance, a man getting three dollars and a quarter a day would get as much time loss as a man getting $6 a day.

Commissioner GARRETSON. A man earning $100 a month would get $60 for time loss?

Mr. DAGGETT. He would get—his maximum would be fifty-two dollars and a half.

Commissioner GARRETSON. No matter what he was earning, he could not get above fifty-two dollars and a half?

Mr. DAGGETT. That is the maximum, and that must not exceed 60 per cent of the wage.

Commissioner GARRETSON. Your rate, then, is really lower than New York or the Ohio scale?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. How do you pay—in the lump sum or weekly or monthly payments?

Mr. DAGGETT. Time loss is paid monthly.

Commissioner GARRETSON. Total disability?

Mr. DAGGETT. Total permanent disability is a monthly pension.

Commissioner GARRETSON. A monthly pension?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. What form is paid in the lump sum?

Mr. DAGGETT. The permanent partial disability, like loss of a hand or arm.

Commissioner GARRETSON. That is paid down at once?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. In those that are distributed over a series of weekly or monthly payments is the employer allowed to compound by the payment of a lump sum?

Mr. DAGGETT. The employer has no jurisdiction over this.

Commissioner GARRETSON. Over its administration in any way whatever?

Mr. DAGGETT. Not at all.

Commissioner GARRETSON. Are employers permitted or required to reinsure the risk?

Mr. DAGGETT. Why, they are required to come under this act.

Commissioner GARRETSON. I know; but in outside liability companies to reinsure them?

Mr. DAGGETT. No, sir; no provision.

Commissioner GARRETSON. They can do so if they desire?

Mr. DAGGETT. Yes, sir; we have no jurisdiction over that.

Commissioner GARRETSON. What guarantee exists in the event of the failure of the institution that has incurred obligations of this monthly pension character? Does the industry in which that belongs underwrite that risk?

Mr. DAGGETT. Yes, sir; in a sense they do, because the class must—an industrial class must pay the accidents incurred in that industry. Take the case of pensions for either total disability or for a deceased workman and his dependents, that pension is figured on the expectation of life, and not to exceed $4,000. That is immediately set aside in the hands of the State treasurer and invested as all State funds are.

Commissioner GARRETSON. The assessment don't cover that; there is an immediate levy made for the entire amount necessary to meet the demand?

Mr. DAGGETT. It is taken out of the current fund of the class and set aside.

Commissioner GARRETSON. It is taken from the current fund of the class and not from the individual employer?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. Oh, I see.

Mr. DAGGETT. Our law contemplated the class standing by itself, and not the employer.

Commissioner GARRETSON. In other words, if a man has been in business as an employer or manufacturer and has incurred liability of that character, virtually $4,000 is your limit?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. If he fails a month after that, his class has to take up and pay that?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. Are the so-called voluntary release schemes permitted to be organized by employers, or does your law abolish them?

Mr. DAGGETT. We have nothing whatever to do with any arrangement that the employer and employee make between themselves outside of the act.

Commissioner GARRETSON. They are not barred under the act as they were under the proposed Federal act?

Mr. DAGGETT. No, sir; they are not barred.

Commissioner GARRETSON. If an employee of a factory which is contiguous to a railroad track—I am giving you a question and an illustration at once—is injured by the railroad company, can that employee take his choice of choosing compensation or bringing action against the railroad company as a citizen?

Mr. DAGGETT. You speak of the railroad being right alongside of the plant, or in the plant, where the man works in his ordinary duties.

Commissioner GARRETSON. A wharf, probably, of the industry connecting with railroad tracks.

Mr. DAGGETT. If in the regular duties in the plant of his employer and injured by any cause, third party or otherwise, he must accept compensation under the act.

Commissioner GARRETSON. He must take the compensation?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. In that event does the right to recover from the railroad company revert to the employer?

Mr. DAGGETT. No, sir. The only right for recovery on a third-party injury comes where the employer is in default; that is, hasn't paid his assessment when due or when the man is injured away from the plant of his employer by a third party. He may be in the course of his duty and be away from the plant of his employer.

Commissioner GARRETSON. Then, in that instance, it would absolutely relieve the railroad company from liability for the killing of a citizen?

Mr. DAGGETT. Yes, sir, in that sense.

Commissioner GARRETSON. Are you familiar with the proposed Federal act in that respect?

Mr. DAGGETT. No, sir; I am not.

Commissioner GARRETSON. It passed the right of recovery to the employer if the employee was not allowed to exercise it?

Mr. DAGGETT. I would like to say there that the provisions of our law have never been squarely before the Supreme Court, and there is quite a contention by different ones as to just what the language of the law means in that respect, but I am giving you the way the law is being interpreted.

Commissioner GARRETSON. There has been no decision as to whether the right of recovery is wholly extinguished or not?

Mr. DAGGETT. There has been no decision to that effect.

Commissioner GARRETSON. Have you any data—did you have a commission here that formulated the compensation act?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. What was the conclusion of that commission under the liability process of what proportion of every dollar paid by the employer reached the injured man under the old liability system?

Mr. DAGGETT. I think their conclusions were that the employers of the State were paying about $1,500,000 in liability premiums. There was, of course, a number of employers in the State that were not carrying insurance, that was variously estimated at from a quarter to half a million of dollars, and I am informed that they concluded that out of the awards made by the courts on personal-injury cases but only about a quarter of a million dollars reached the injured workmen.

Commissioner GARRETSON. What proportion was that; I didn't follow it.

Mr. DAGGETT. It would be about a quarter of a million to a million and a half dollars.

Commissioner GARRETSON. That is a little lower than the average?

Mr. DAGGETT. Under the present act—under the 34 months' experience there has been about two and a half million dollars paid direct to the workmen, and a little over a million dollars set aside for pensions, and about a hundred and fifty payments on those pensions. The total amount that has been handled by the department in 34 months is just a little over $4,000,000.

Commissioner GARRETSON. Then what do you call your cost of administration in per cent?

Mr. DAGGETT. Of course, it varies under the different classes.

Commissioner GARRETSON. As a general average?

Mr. DAGGETT. As a whole it makes about a dollar eighty-three cents on all the classes. It will average that.

Commissioner GARRETSON. A dollar eighty-three cents?

Mr. DAGGETT. I think that is it; I have the figures here.

Commissioner GARRETSON. You mean one eight-hundredth per cent as cost of administration?

Mr. DAGGETT. No. Just a moment and I will give you the exact figures. The total pay roll for 1913—this is on the firms listed—is $91,973,771.94. The total claims paid that year was $1,690,178.87. The average cost per hundred of pay roll for the year 1913 is $1.83.

Commissioner GARRETSON. That is a cost of administration of one and eight-tenths?

Mr. DAGGETT. No, sir; that is not administration, that is claims paid. The administration is paid from a fund created by the legislature; it is not paid out of the contributions of the employers. Our administration expense for 34 months is seven and twenty-seven hundredths per cent on the amount contributed by the employers.

Commissioner GARRETSON. Then you would run about 9 per cent?

Mr. DAGGETT. A little less than 7½ per cent?

Commissioner GARRETSON. You are making a favorable showing according to the German standard.

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. Although you don't administer as many features of the act as they do.

Mr. DAGGETT. No, sir.

Commissioner GARRETSON. You spoke of the question that arises as between interstate and intrastate. Have any of the tribunals of your State ever rendered a decision as to what employees, for instance, of the railroads were interstate and intrastate?

Mr. DAGGETT. That has only come before us in the case of longshoremen injured and the Federal circuit court—that is, as far as it has gone—has given a decision that I mentioned. That when the workman reaches the vessel he is under the admiralty jurisdiction or under interstate commerce, and he had a right of action against his employer or against the vessel.

Commissioner GARRETSON. Under the Federal act?

Mr. DAGGETT. Under the Federal act.

Commissioner GARRETSON. Federal liability act?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. You know of no decision that has ever been made of railroad employees themselves going further than those actually engaged in train and engine movements, do you?

Mr. DAGGETT. No, sir; we would have no way of getting any trainmen before our circuit court or supreme court under this act, except logging roads belonging to the different logging companies, and we include them in the act.

Commissioner GARRETSON. And lying wholly within the limits of your own State?

Mr. DAGGETT. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all.

Call your next.

Mr. THOMPSON. Mr. Wallace.

TESTIMONY OF MR. JOHN H. WALLACE.

Mr. THOMPSON. Give us your name.

Mr. WALLACE. J. H. Wallace.

Mr. THOMPSON. And your business address.

Mr. WALLACE. Ravensdale, Wash.

Mr. THOMPSON. And your business.

Mr. WALLACE. Engineer.

Mr. THOMPSON. What kind of engineer?

Mr. WALLACE. Hoisting engineer at the mines.

Mr. THOMPSON. What kind of a mine was there?

Mr. WALLACE. A coal mine.

Mr. THOMPSON. How long have you been acting as hoisting engineer there?

Mr. WALLACE. As hoisting engineer two years previous to my acting as State secretary for the mine workers, which consumed three years. Three years that I was engaged as industrial insurance commissioner representing the employees, and since being relieved of my duties there I have returned to the same engine.

Mr. THOMPSON. I see. The industrial commission you speak of is the one that Mr. Daggett just spoke about?

Mr. WALLACE. Yes, sir.

Mr. THOMPSON. Of which he is chairman?

Mr. WALLACE. Yes, sir.

Mr. THOMPSON. You served, you say, for three years on that commission?

Mr. WALLACE. Practically three years; yes, sir.

Mr. THOMPSON. Well, what is your opinion of the act as it is administered, and of its benefit to the injured workmen?

Mr. WALLACE. Well, you have asked me a number of questions in one.

Mr. THOMPSON. Well, you may divide it up as you choose.

Mr. WALLACE. I think as a piece of humane social legislation, it is a grand thing. I think that the intent and purpose of the act are correct. I think the basic principles of the law are just and fair. I question sometimes the ability or the honesty of those who are administering the law.

Mr. THOMPSON. Now, Mr. Wallace, will you give us briefly and more in detail what you mean by that?

Mr. WALLACE. In the first place, it may be necessary for me to state that I am a labor agitator, if you will use that term. I believe that I am as fair as the average employer of labor, probably a little more so. I have worked in the mines since I was 11 years old. I have carted men out, unrecognizable masses of humanity. I have seen their families ordered out of the company houses when father had been taken away from them, mother not knowing what to do with her offspring. The usual coroner's inquest was held and the usual verdict returned, of nobody to blame.

Under such conditions where the common law failed to provide a remedy for mother and the babies, I believed that some kind of social insurance, such as is enjoyed by Germany, England, and all of the European countries, should be enacted in the United States. As one of the leaders of my mining boys in this State, we took up the question in our convention several years ago, and in conference with our employers discussed the matter. Whether that had anything to do with the final outcome of a meeting that was called in Tacoma, while we were in session in the year 1910, or not, I can not say at this time. However, there was such a meeting called, our convention notified to send delegates, which we did, I being present in person to represent the mine workers of the State. We found upon our arrival at the meeting in Tacoma that part of the plan of campaign had been worked out, which provided for the selection of one labor candidate on a commission of five men, I believe, to draft some kind of an insurance act.

Our representative, who was then president of the State federation of labor, Brother Charles Case, refused to act upon such a commission, claiming that labor was not getting fair representation. The outcome of the resignation of Brother Case was the appointment of a commission by the governor, consisting of 10 men, 5 representing labor and 5 representing the employers of labor. These 10 men gathered statistics, prepared a bill, and submitted it to the legislature, embodying this first-aid clause that you have heard so much discussed during these sessions. We have heard that labor is ever ready to violate its agreements; that it will never stand pledged to the things that it says it will carry out. In good faith we expected that employer and workman would stand behind the bill in the legislature and see it enacted into law. Imagine our surprise then when without warning a relay force of employers served notice upon the legislature that they would not stand for the bill in its present form, that the first-aid clause must be eliminated, when they would permit the bill to be passed.

You have heard discussed the activity of the speaker of the house, who is a brother-in-law of Mr. Page, who left his chair, got out on the floor of the house, and made an eloquent appeal to the members to defeat the first-aid clause after it had either carried or the vote had been tied in the morning session. A reconsideration was taken and later defeated. These men have constantly ever since that time said just what they say here to these commissioners, "We are in favor of some kind of a first-aid clause." Since that time I have submitted a bill similar to the one embodied in the original bill, because our friends the employers said they were willing we should have a first-aid clause. I had the privilege of addressing the committee on labor and labor statistics when we presented that bill for the State federation of labor during the last session, and had the usual spectacle of the lumber interests of the State sitting around the table elbowing with the legislators and laughing me to scorn because they would not give me a hearing; told me that it would not be passed and could not be passed, and it was not.

They say now they are willing we shall have a first-aid bill. They don't mean what they say. They are fighting a bill now that is up on initiative by the people of the State. They have spent as much money as a first-aid bill would cost them, or the cost on first aid to the injured, already. And I dare say it will cost them a good deal more before we are done with them. We were in favor of social insurance, because we paid the bill anyway. The cost of casualty insurance in the State of Washington to the employers who

were carrying casualty insurance was increasing rapidly. In 1909 they paid over $600,000 for protection that guaranteed them protection up to $5,000, as you heard Mr. Page say yesterday. It had increased to $900,000 in 1910. Just what it was for 1911 we can't tell. But the experience of the United States was the experience of the State of Washington; and I have some figures here which give the premiums for the Aetna Life Insurance Co., the American Fidelity Co., the Casualty Co. of America, the Employers' Liability Assurance Corporation, Fidelity & Casualty Co., Frankfort Marine Accident & Plate Glass Insurance Co., General Accident, Fire & Life Insurance Corporation, and several others.

Their premiums for 1910 were $27,815,046; their net losses $11,569,992. The percentage of loss paid, 41.6 per cent. The commission expense, $16,245,182. Percentage of commission expense and profit to premiums, 58.4 per cent.

Out of the $600,000 collected in the State, the employers made the statement themselves that less than $200,000 found its way to injured workmen or the families of the deceased; in 1910 about the same proportion. Sometimes without litigation, sometimes after men had been blacklisted because they dared to take action in the courts. And altogether we wanted to eliminate another cause of friction between capital and labor. We lent every energy to the passage of the bill, even though they left us with a one-legged law. We were not asked to take it for the experience we could glean from it as laboring people; we wanted to find out if this country was really as energetic and eager for conservation along the lines of human life as it is over its material things, such as minerals, timber, water power, and so on. We wanted to find out if men amounted to more than money.

And I am sorry to say that ever since I have sat in this meeting I have heard discussed dollars and cents. Men have been thrown in the discard, and we have been told gladly that we were paid $20 a month wages. We have said that they could not raise a family on it under American conditions—give them an American living, an American education, and American opportunities that they speak so much about. And yet we are worth $20 a month as against the millions that we are interested in—the forest, the mine, and mill in every place. Men don't count; money does.

You asked a question awhile ago, Did the insurance prevent accidents? Had the experience in the State tended to lessen the maiming of men and the killing of men? No; not by any means. Under the first year's operation of the workmen's compensation act we killed 270 men. Under the second year's operation of the act we killed 371 men, or 92 men more than we did during the first year.

We injured eleven thousand and some hundreds in 1911 and 1912, sixteen thousand in 1913.

Mr. THOMPSON. Mr. Wallace, you say you have some objections to the administration of the law. What are those objections? What remedies do you propose, or amendments to the law?

Mr. WALLACE. One of the men sitting here this morning said that legislation affecting labor can not be given vitalizing force and effect unless labor has a hand or at least some part of the enforcement of the law. I believe in equity and right, in justice, in fair play. And for the first two years that I was on that commission I believe that the men with whom I worked sought to give a square deal to every man. As ex-commissioner is in this room now that I worked with, not a labor man. Never belonged to a labor organization. A man who is a professional man. Probably has no use for labor unions, or naturally would not have if he hadn't got a heart as big as all outdoors and was a real man. I was associated with him for a long time, and as a lawyer, as a man that wanted to do what was right, give the workingman the benefit of the doubt, I have never met his peer among men.

It made little difference whether the labor representative on the commission was present when claims were passed on or not, the labor member knew that men would get a square deal. With the change of administration, however—and I may say this is true of the employers' representative on the original commission—with the change of administration, however, we began to get what we feared we would get when the law was enacted—that was politics.

We are getting plenty of politics in the administration of the industrial insurance law now.

You asked me why that I didn't think the law was being fairly administered. About the first thing that called my attention to an unfair attitude on the part of the present commission was the joint blank spoken of by the chairman, and which I took an exception to. I pointed out to the two commissioners serving with me that the joint blank was not fair to the laboring man; that the employer had those blanks in his charge; that the large percentage of laboring men in the State were unorganized, and, as a result, without a voice; that where the employer handed out the blanks to the workmen to fill in, if he answered the questions asked by the commission as he should answer them, and in all probability would answer them, he would do so without coercion or intimidation, sending in his own report, allowing the employer to do likewise. This was denied him under the joint-blank system and tended to intimidate him into keeping silence were the employers to blame for injury. I wanted to get statistics that were worth while and would be of educational value. For my pains I was informed that I was afraid of a too close relationship between employer and workmen, that I held the views of the labor agitator. The joint blank intimidated the men against giving the information asked by the commission.

I notified the president of the State federation of labor, who is in the building now, as to what was going on, and had about decided it was about time for me to quit the commission. However, I had been told that if I did not cease my first-aid activities and stop preaching it—it was all right for me to have those views as long as I did not express them, give publicity to them—but as long as I continued to do that I was warned that some day my head would come off; that the governor had nearly got tired of hearing me talk first aid. Well, I have lived before I saw governors; in fact, I don't know that he is made out of any better mud than I am. And I continued to talk my first aid, and am doing it yet. However, I boarded him in his car one day and asked him if he would kindly inform me as to the statements that were emanating from his office, and which I was getting second and third handed, because I like to have my information direct. But I walked out as I went in, without any satisfaction.

I again notified my friend of the labor movement. Just about that time I was informed that an order has been given to the claim department—this also without my knowledge or consent—that hereafter where an employer's blank was received, and the physician's blank showing a probable time loss of two weeks or less, that no follow-up would be sent to the workman; that rather the employer's blanks—that the follow-up letter would not be sent up to the workman as had been the case heretofore, but that the workman failing to file his blank, the other blanks would be placed in the claim file and put in the no-claim file. The reason for this is obvious. The law provides that when a man's wages are reduced 5 per cent, or he has lost 5 per cent, he can claim compensation. That permits of a day and a half's time loss before he can file his report and receive compensation under the law. The scheme was to discourage the payment of claims for the first two weeks, thus making cheap insurance for the employers.

I was somewhat surprised when I learned of this, and I called in one of the men working in the office. I said, "When did you get an order to this effect?" He said, "The 22d day of June." This was late in October. "Who gave the order?" "The chairman of the commission." "What for?" "He said he had had a conference with the employers, and the employers did not like the idea of paying these small trivial claims." "But," I said, "the law does not give the commissioner the right to say what shall be paid or how they shall be paid. The law is specific." I said, "I shall take this matter up with the chairman upon his return to the office," which I did. I was informed by the chairman that he did not know anything about such an order. I said, "You what?" He said, "I don't know anything about such an order." And he suddenly brightened up and said, "I believe I do." But he said the other commissioner gave it. "Let him rescind it."

The law also provides that the action of two commissioners shall be the action of the board. Now, I had an equal say with the other commissioners, which the chairman stated here a while ago. I had as much power as either one of the other commissioners, yet I found myself in the position of having the chairman tell me that since the other commissioner had given the order, "Let him rescind it." He was the whole commission so far as the order was concerned. It was so palpably unfair that any man would have been glad to undo the wrong and the injustice done the workmen. I could get no redress.

At a later date I spoke to the other commissioner about it. He said he didn't give the order, didn't know anything about it. Then I demanded that the order be rescinded. There were fireworks in the office for a while. I did not get my redress that day; the next day I did. Copies of the original order, together with my order rescinding their order, and then their own order rescinding their first order are in the hands of the president of the State federation of labor in this meeting. I informed the president that I was not going to participate in such conduct any longer. I demanded a hearing at the hands of the governor, and I made my statement there, I think, as clearly and concisely as I am making it here, if not more so. The double blank was still being used, as yet. The conditions I have outlined are still being indulged in; men are receiving compensation according to the views of sometimes one commissioner and sometimes the subordinates; and the poor men in many instances being ignorant as to their rights under the law, accept their compensation in gratitude and go their way.

This condition became so flagrant that at the meeting of the State federation of labor in Raymond last January I brought to the attention of the convention the conditions that existed in the industrial insurance department. Upon my return to Olympia I received a letter from the governor requesting me as to why I had criticised the other members of the board. This is my reply to the governor. (See Wallace Exhibit No. 2.) I should like to read it to you, but I know I am denied that privilege by reason of the ruling of the chairman this morning. But I shall try to convince you that what I said was true when I said the law was not being administered properly. After replying at length as to the spirit of the act as understood by the original commission that drafted it, by the men who were first charged with its administration, and by the large majority of people in the State who were its direct beneficiaries, I went into detail and specifically pointed out case after case for the governor's benefit where men were denied their just dues under the workmen's compensation law. In company with the man that preceded me in this chair I walked in to interview a man with a broken back. He had a wife and two children. He was entitled to the limit of the law, setting aside $4,000, out of which should be paid $20 a month to himself, $5 to his wife, and $5 to each of his two children, making a maximum of $35. The chairman of the commission, in my presence, offered that man and his wife $500 to settle the case. That is recorded in this document to the governor.

Another case was that of a man who had lost part of his vision at the concrete quarries. He was paid $225. And in accordance with the custom prevalent in the office, we had sent the employer a notice to the effect that we were to pay the man a lump sum of $525 for permanent partial disability, the man having returned to his former employment and getting the same wage. The employer objected, calling our attention to the fact that the man was able to earn the same money that he did before, and that his disability did not count. In order that we might not err, we had the man reexamined by another specialist, holding up the warrant for $525 in the meantime. The examination showed a more marked disability than the first. Whereupon I pointed out to the commissioners that since the second examination showed a greater disability than the first, the man was entitled to the increased award. They agreed with me. But some time later the original check for $325 was released. Two months afterwards I thought I would go through the files and see if that man had been paid his additional $225 to which he was entitled. He had not. I again took the matter up with the commission, and they paid the other $225. That man does not know to-day why he got it. Other cases which I have pointed out were those where men suffered permanent partial disabilities, and under the ruling of our chief surgeon were allowed no such compensation.

But there crept into the business of the department a method of bargaining with men. And it does not take men long to find out when you bargain with them. Consequently there is an ever-increasing number of men now who will not accept what the commission gives or offers them; they want a little more. They are growing in numbers, so they tell me.

Another man at Everett had to sue for what was coming to him. The commission, without any special examination as to the merits of the award made, offered him an arbitrary amount, which he declined to accept, and entered suit in the courts for what he thought was right, according to the law. His judgment was better than the commissioners'. He received exactly what he asked for. However, he did not need to go through the court process to get it after an examination was entered.

Numbers of these cases have been brought, as I said, to the attention of the governor. He has them in his office. They are a matter of record. This is not all.

I said I was working at the engine again, in spite of Mr. Patterson's statement to the contrary that union men sell out; I am working out. The law provides where a man returns to work at a less wage than he formerly earned, or at a wage which he earned prior to his accident, because of the accident his earning capacity is reduced, then he shall receive compensation in proportion to the lessened earning ability. One of the boys at the pit that I pull coal from came to the engine house the other evening to see me, and he said, "I wish you would help me get my money." He handed me this [exhibiting paper], showing that the department acknowledged that he had returned to work for $2.60 a day, where formerly he had earned $3.62. The man is a foreigner, and does not know the method of procedure whereby he can secure his compensation. They paid him up until May 11, I believe—yes—they know that he is working for a less wage than formerly. But on July 30 they sent him a letter saying: "This is to advise that compensation having been awarded you for time lost on account of said injury up to and including the 11th of May, your compensation ceases on said date, and the commission is considering your case as closed."

In the first place, they acknowledge by their blank that the man is not able to earn his former wage. The law gives him, and entitles him, to the difference between his former earning capacity and his present. That has been brought to the attention of the commission. Yet he gets a letter that he has nothing coming to him.

I say that I can not agree with the administration of the law in that manner. I, indeed, like to be honest. I like to be square. I want men to get what is coming to them. If we are wrong, let us right ourselves. But for heaven's sake let us give each other a square deal before we start accusing each other. All I want to do is to get what is right. Labor tried to be fair on that commission. Labor wanted what was coming to it. No more. Not any less. It stood for what it thought was right—at least this individual member of labor did. I have never voiced this sentiment before any public gathering relative to my dismissal from the industrial insurance commission. I care less about the job than I do about the principles involved in the administration of this law in simple, social justice to the workers of the State. But I do think it is high time that something was done to set the machinery in motion that will equitably compensate men according to the law, as poor as it is. That law will be of value, of social value, to the people of the State if you will render the assistance possible to make this insurance as cheap as it can possibly be made, not by depriving the man of the pittance that is his due under the law but by stopping this willful waste of life and limb. Let us have safety. Let us have accident prevention. The workmen of this State don't want the employers' money. We are willing to work for our living, and we ask for nothing.

Mr. THOMPSON. Are there some papers you would like to file with the commission later on with regard to other matters?

Mr. WALLACE. Yes. You may have this.

Mr. THOMPSON. Are there any other documents?

Mr. WALLACE. I have just another thing I wish to bring before the commission.

Mr. THOMPSON. What does that relate to?

Mr. WALLACE. This relates to the proportion of burden carried by the individual and the employer. You have asked what proportion of loss is borne by the individual, and what proportion by the employer. The history of the law would place the proportion of loss at about 60 per cent upon the workman, and at about 38 per cent upon the employer.

Mr. THOMPSON. What do you mean by "loss," Mr. Wallace, there?

Mr. WALLACE. Their loss of wages and hospital treatment as against the amounts that they receive in compensation.

Mr. THOMPSON. Have you got statistics on that, there?

Mr. WALLACE. I have some here. I am not clear as to one of these, but I have one for the month of January, 1914. I have some more, but unfortunately they are packed up with my goods in Olympia in the process of moving. This is a monthly report taken from the files where men pay for their own doctor and hospital treatment and shows this condition: The number of work days lost is about 5,000, and the amount of wages lost——

Mr. THOMPSON. Could that be filed with the commission?

Mr. WALLACE. Yes, sir.

Mr. THOMPSON. That statement?

Mr. WALLACE. This shows a total amount of——

Commissioner O'CONNELL. Gives those totals.

Mr. WALLACE. It shows a total wage loss and treatment cost of $26,069.80; the awards, $8,827.98.

Mr. THOMPSON. Just file that, if you care to, and file any other information of that character. You may do that later on, if you wish, if you have anything else.

That is all.

(The papers so presented were marked "Wallace Exhibit No. 1" and "Wallace Exhibit No. 2," and are printed among the exhibits at the end of this subject.

Mr. Wallace also submitted Claim No. 29758, which is printed as "Wallace Exhibit No. 3.")

Commissioner LENNON. Mr. Wallace, in your position as commissioner, did you have any means of ascertaining how many workmen in the State come under the compensation law?

Mr. WALLACE. How many workmen?

Commissioner LENNON. Yes; in the State, men and women.

Mr. WALLACE. As nearly as we could estimate it we had about 160,000 men.

Commissioner LENNON. Had you any means at the same time of ascertaining how many employers in the State are paying the $1 hospital fee under private arrangement?

Mr. WALLACE. From 55 to 60 per cent.

Commissioner LENNON. From 55 to 60 per cent?

Mr. WALLACE. Yes, sir.

Commissioner LENNON. Has the passage of the compensation law relieved to any considerable extent from the payment of the $1 rate?

Mr. WALLACE. Not at all.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. Mr. Wallace, in the formation of this act, the preparation of it, rather, you say that there was a public meeting called of some kind to which employers and laboring men were called together.

Mr. WALLACE. Yes, sir.

Commissioner O'CONNELL. Do you understand, Mr. Wallace, that in that gathering the bill as originally drafted with the first aid clause was agreed to?

Mr. WALLACE. As a result of that gathering, the governor, who was chairman of the meeting, appointed a commission, at the request of the meeting, to draft the bill. The bill was unanimously reported by the five employers and the five workmen that were chosen from that meeting, who gave months of effort and study to the drafting of the bill.

Commissioner O'CONNELL. To whom was the bill reported back, to the governor as the unanimous opinion of this commission?

Mr. WALLACE. Yes. It became his measure in the legislature.

Commissioner O'CONNELL. It would be fair to conclude, then, that the appointment of this commission, and the unanimous agreement upon a bill, would mean the carrying with it the support both of the employer and the employee?

Mr. WALLACE. The employer was responsible for calling the original meeting inviting the workmen.

Commissioner O'CONNELL. Did any of those who were prominent at that meeting at which this result occurred appear prominently as against the passage of the bill with the first aid provision in, before the legislature?

Mr. WALLACE. I was in Columbus, Ohio, during the debate upon the bill, attending a miners' convention that year, and did not return until the bill had been disposed of, leaving one of the other boys to take care of the legislative work in my absence.

Commissioner O'CONNELL. What I am trying to get at is the position you stated that the employers took that they had not promised their support—that they had not affirmed their agreement?

Mr. WALLACE. They did.

Commissioner O'CONNELL. In this matter I was trying to ascertain just what their agreement was.

Mr. WALLACE. Well, their agreement was in asking us to go in with them and formulate a bill. It was their proposal.

Commissioner O'CONNELL. Was Mr. Page interested in it?

Mr. WALLACE. Mr. Page was chairman of the commission.

Commissioner O'CONNELL. Did Mr. Page stand on his original agreement?

Mr. WALLACE. The only one that did. Mr. Page sent 50 telegrams to business men to come and assist in passing the bill; and I think he got one answer.

Commissioner GARRETSON. Under the law, Mr. Wallace, are the commissioners—or is the commission—authorized to compound with men for any claims that they may have under the law for a less sum than named therein?

Mr. WALLACE. Absolutely no.

Commissioner GARRETSON. The statement was made by the chairman of this commission, in response to an inquiry as to the amount of each dollar that reached the industry under the old liability system, that the cost was a million five hundred thousand, and of that about a quarter of a million reached the injured men—that is, 16⅔ cents out of every dollar. Was that in accord with the developments?

Mr. WALLACE. It was a little better than that.

Commissioner GARRETSON. What was it—around 20 or 24?

Mr. WALLACE. Something around 30 per cent.

Commissioner GARRETSON. It was in accordance with the findings of other commissions?

Mr. WALLACE. I think so.

Commissioner GARRETSON. That have investigated the subject?

Mr. WALLACE. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Call your next witness.

Mr. THOMPSON. Mr. Lowman.

TESTIMONY OF MR. WILL A. LOWMAN.

Mr. THOMPSON. Mr. Lowman, will you give us your name?

Mr. LOWMAN. Will A. Lowman.

Mr. THOMPSON. And your business address?

Mr. LOWMAN. Anacortes, Wash.

Mr. THOMPSON. And your business?

Mr. LOWMAN. Salmon packer, and president of the Puget Sound Salmon Canneries Association.

Mr. THOMPSON. How long have you been president of that association?

Mr. LOWMAN. Several times. At the present time, since last March.

Mr. THOMPSON. What is the association for?

Mr. LOWMAN. The association is for the benefit of its members and the industry, largely in the promotion and introduction of the sale of canned salmon as a food product; for the purpose of conserving and perpetuating the supply of salmon; and such other benefits as may accrue by such association other than fixing any prices for the sale of purchase of the raw material or the finished product. Those two things are barred.

Mr. THOMPSON. Some evidence was given here with reference to conditions in the salmon industry. Are you aware of that evidence?

Mr. LOWMAN. Through our public press I became aware that highly sensational statements had been made here in such a way that isolated and individual cases were made to appear as the general rule.

Mr. THOMPSON. Have you read the evidence?

Mr. LOWMAN. I have read considerable of the evidence, and have it here, having secured it from this commission, or rather from the reporters for the commission.

Mr. THOMPSON. Will you tell us what you wish to say to this commission in regard to the conditions in the salmon-canning industry?

Mr. LOWMAN. Under ordinary circumstances such reports as this would have been passed over, but coming from an authority such as one high in the councils of the State Socialist headquarters, alias the University of Washington, we thought it would be wise to correct the impression that they would leave on the public.

Chairman WALSH. If you will, please take up those specific points in which you want to contradict the lady and state them, will you?

Mr. LOWMAN. The point is this, she stated in this evidence—by the way, I want to say she gave me a clean bill of health, for which I thank her.

Chairman WALSH. Please confine yourself to this matter.

Mr. LOWMAN. She has made statements of insanitary conditions; immoral conditions; minimum wage; exploiting of child labor; and of oriental labor being deprived of its right as a human being to work when in condition to work or not to work. A few possibly isolated cases of the kind, and in no event

to exceed a fraction of 1 per cent of the total, should not be given as a reason for the confiscation of an industry by the State. It would be just as well to say that we are a State of thieves, murderers, and rape fiends because now and then an isolated crime of that kind is committed.

The salmon industry as a whole gets along in the very best of an understanding with its employees. The State labor commissioner will bear us out that we pay the highest wage to them. The industry is of a peculiar character in that it does all of its business in a very limited length of time; handles a very perishable product, and in the handling of this product sometimes finds it necessary that the factory operate more than some given length of time, because if we did not there would be a loss of raw material, which loss is directly against the State law and is prohibited. In other words, the destruction of food fish is a prohibited thing and is an offense against the law of the State. When by reason of an overplus of raw material or the breaking down of machinery or the stoppage and slowness of production, it becomes necessary to work longer hours, this has been done, with the exception that it is not done in the case of women, so far as I know, as it is prohibited by law.

Women work eight hours in the industries of this State except in those of the canning of meats, fish, and fruits, where they are permitted to work 10 hours. Cases have been brought where women worked more than 8 hours on some part of the canning industry, other than mere handling and incasing in tin of the raw material, and a conviction was had, showing that the State labor department is active in seeing that even technical violations are prohibited and punished. The law was new and was not thoroughly understood, or even this case would not have been necessary.

To state that the conditions are immoral is a base slander on my neighbors' wives and children. It is considered a sort of a picnic by a good many to whom it is unnecessary, not at all necessary, in fact, that they work for a living. They want to work in the canneries for a limited length of time, attracted by the high wage.

This little slip of paper gives the daily earnings of an average woman hand filler in my own cannery for the last 25 workdays. At no time did she work over eight hours, and very little of the time over five or six, because the quantity of fish necessary to keep that line of machinery operating was limited, and the number of employees was practically unlimited. She made an average of 70 cents per hour, a total of $90—excuse me, I will have to put on my glasses before I can refer to any written statement.

Chairman WALSH. Just give the totals.

Mr. LOWMAN. Ninety dollars and eighty-nine cents in the 25 days, earning from $0.12 down to $1.95—it being piecework. In no case is any child paid less than an elderly person. The work by piecework is at a fixed rate per piece. The hours are at a fixed rate per hour, and it is the job we pay and not the employee. Therefore, we are not exploiting child labor. And I have recently been able to hear a judge say in our district that permits would not be granted except where it was shown that the minor's work was necessary to the support of the family. For which I am very thankful.

It has been stated that Chinamen were made what amounts to slaves. A slave who receives an average of $70 per month absolutely net of even the transportation of his baggage from his boarding house to the train and back again, regardless of whether that is San Francisco, Portland, or Seattle, is a slave to be envied by the man whom the gentleman just preceding me said worked for $30 a month.

I have here a list in no case of which a Chinaman received less than $285 and up to $410 and more, which wages were net from the 15th day of July to the 31st day of December. The company furnished all transportation, board, tools, and clothing necessary other than ordinary clothing, and in addition to these figures they were paid for every hour of overtime, Sundays, and holidays. This cannery is a fair sample of every cannery on Puget Sound.

It has been stated that boarding houses were fire traps and the bunk house an immoral place and an insanitary place, and that the food consisted solely of hoosh. This is untrue. It was not stated that a passenger boat stopped at that cannery every day and that there was not a single employee there that was not able to step on that boat and leave any time he wanted to. And at that particular cannery—I must guess at what it is, but the description, covering as it does only one possible case that I can imagine of, I take it for granted that I am speaking of the right place—a woman was employed. This woman was a mother and a grandmother. She was employed as matron at this place.

She was formerly in my employ, and left for the better wage she would get here; and she had carte blanche as to the commissary.

I am defending now another cannery. I know what I say to be true, because she has stated so to me before she went to take the job, while she was working on the job, and since she has quit the job. I believe every word she says. I have known her for nearly 20 years.

As to Chinamen crying because they had to get up in the morning, I am not prepared to say that one or more of them did not, nor am I prepared to say that they did. It is entirely possible that a Chinaman would be not unlike any other human being and would do anything that he happened to see fit at that time. But it was not because he had not had any sleep and was forced to go to work; because it is not true that a Chinaman can be made a slave of, because, when you want to talk unions, let me tell you that there is but one real, ironclad, bullet-proof, nonscratchable-with-a-diamond union in the salmon industry—that is the Chinese. They are a little the best business men and best organized labor there is anywhere, and your sympathy is wasted whenever you undertake to sympathize with them. They are practically all old men on account of the exclusion law, and their place can not be filled. Many years ago, when the salmon-canning industry was established, Chinese were practically the only labor available, and to-day they are the expert producers of canned salmon in the packing department.

A Chinaman of 25 or 30 years' experience knows all of these little things that you and I would have to devote as long an apprenticeship as he did in order to learn it, because his intelligence from that point of view is equal to ours, and I am not ashamed to say it.

As to toilet conditions, it is true that plain board places of this kind have been provided in some cases, but in every case where such is the case that has come to my attention—there are but a few of them—it is directly over the ebb and flow of the tide, and you could not produce a more sanitary condition, I am sure. I know in my particular case I do not have to answer that question, but those who do have to answer it are justified in saying that the condition there existing is not and can not be more sanitary—excuse me, I am just a little bit rattled. I have got about two hours and a half to say, and I am trying to say it in fifteen minutes—the conditions, the sanitary conditions, in these places need no apology from that particular point of view.

Some canneries, as was stated in the evidence, give a hot meal at noon without any charge or reduction of wages. That is true in one case I can speak of, and the reason of it is every employee in that cannery is a neighbor, and I believe I can make money by doing it for this reason: If a woman had to walk a mile and get a cold lunch and walk back again, I believe I would lose more that afternoon in her efficiency than it cost me to give her a bowl of soup, two kinds of meat, two kinds of vegetables, bread and butter, cake, pie, or pudding, because it is a square meal, with coffee, tea, or milk. That is the reason I do it, and I believe it is wisdom, and I believe that the conditions existing between canners and their employees is evidenced by the fact that, so far as I know, I never heard anywhere of a fish strike.

Now, we pick up a heterogeneous mass of laborers. We are rushed; to-day we had 2,000 fish and to-morrow 50,000. It is nature's method of providing this raw material, and no man can foresee the result of the day's harvest. The fish are invisible—they are in the water—and you can not tell until they are taken out; and when they are taken out by any other means than traps they are killed in the taking. In order to do this we pick up any kind of labor we can get, and you would consider that under those circumstances, and it is the opinion of all of you that if there was a ground, the faintest ground, for trouble we would have it.

Now, I have here a letter handed me by a gentleman who had to leave, a State official and head of one of the departments. This letter states:

"To whom it may concern:

"This is to certify that between the dates of June 15 and July 15, 1914, I personally visited the following salmon canneries: Anacortes, Lummi Bay, Everett, Neah Bay. The sanitary conditions of these establishments was found to be in a satisfactory condition.

"Yours, very truly,

"H. T. GRAVES,

"*Acting Commissioner of Agriculture.*"

He is what might be called our pure-food man. I wish to file that, if you please, and this and this.

(The papers so presented, were marked "Lowman Exhibit No. 1" and "Lowman Exhibit No. 2," and are printed among exhibits at end of this subject.)

Mr. LOWMAN. It has been suggested that the State take over the salmon canneries. Up at Anacortes the State owns a stone quarry. We have to the west of it a privately owned stone quarry; to the south of it a privately owned gravel or stone quarry. And at Anacortes six active salmon canneries. The privately-owned stone quarry is operating night and day at a profit and paying regular wages. The gravel pit is doing the same thing, and so are the six canneries, while the State-owned stone quarry operated—when it was operated—with convict labor, which cost nothing but the food and maintenance and guards, is to-day an abandoned proposition because it could not be operated at a profit under those conditions. But if the State does want to take over the salmon canneries, I beg it take mine first at its invoice value. As to the statement that the State could take these over and that the State does own the fish, nothing could be more far from the facts. The State of Washington owns every foot of ground under the water whether it is dry none of the time or part of the time, and under our law it may sell that part of the overflowed lands of the sea which are bare at low tide, but it can not sell but may give license or lease to those lands which are overflowed all the time. Therefore, the State of Washington has a perfect right to say that before you can put in a fish trap, or do this, that, and the other which uses the bottom of the sea, you must obtain from us a permit or license or call it what you will; but the State of Washington can not, nor could it by any stretch of the imagination give me a right and say to me you can not put in such a thing until I have first obtained a permit from the United States of America through its Engineering and War Department to obstruct the waters which belong to the United States Government and in which all the fish float.

Coming as they do from outside the 3-mile limit of the international waters of the world, large quantities of them coming through our waters merely as migratory to foreign waters, the claim that the State of Washington has absolute ownership has been made, but claims do not constitute facts; if they did, there would always be two facts to every cause, because there are always two claims. But nothing could be of less value than a fish in the water until after it is taken.

Dr. Pennington, head of the bureau of food research, stated to me last summer while my guest that it was absolutely necessary to the welfare of the United States that the entire food supply from every source be increased, because we are approaching that point where it would be necessary to look to greater efficiency in the production of all classes of food, and that we would have to look more and more to the sea—and she made the statement that the salmon canneries here such a favorable comparison to the vegetable and fruit canneries of the United States that there was really no comparison.

Now, it would not have mattered about these statements if it had not been that salmon canning in Alaska and the United States is very largely centered in the State of Washington, and the injury being done by a false impression being spread broadcast by the report of such an august commission as this could not but attract the attention of the world. And such a statement going out was bound to be detrimental to the financial interests of the packer, the laboring interest of the employees, and the ability to make a living of the 5,000 independent fishermen of the State of Washington of all kinds and character. These people, every one of them, are laboring men. Every one of them would feel any injustice or injury to the industry.

Just at this time, when the United States Government has gone to the extent of issuing a unique document and stating the comparative food value of salmon, and making it unique in that it gives a number of receipts for the serving of it, in order to introduce it into those countries through the Consular Service, where it has been barred by excessive duties—such a statement leaving such impression as it would is bound to be injurious to both labor and capital and the well-being of the State, and should not be permitted to go unchallenged.

I want to say there is a gentleman in the room, and I hope the commission will give him five minutes—that will be enough—who made a request at Washington of Secretary Redfield personally that he would have a national investigation of the canneries, and as a producer of Puget Sound and the presi-

dent of the Puget Sound Canneries I want to ask you—and if I had the right, I would demand it of you—that you do anything you can to secure a complete and thorough national investigation of the entire salmon canning industry in Puget Sound. With that, if you have no questions, I will thank you. Will you permit Mr. T. J. Gorman to take the next two minutes of my time?

Chairman WALSH. We are going to adjourn now until 9.30 to-morrow morning.

Mr. LOWMAN. Then let me finish the statement.

Chairman WALSH. All right.

Mr. LOWMAN. I will make the statement for him. Mr. Gorman, the head of Gorman & Co., made the request in Secretary Redfield's office in Washington, and I seconded that request to Secretary Redfield personally in my own office in Seattle, that we desired to have an investigation, a national investigation, of the entire salmon industry of Puget Sound and the State of Washington, and I sincerely hope that such an investigation will be made and that there will be such a complete refutation to such acts of legislation, for instance, as the recent initiative bill, which secured out of 400,000 votes, after raking this State with a fine-toothed comb, a measly total of 32,100 signatures, and some of them have sworn they didn't know what they were signing when they signed it.

Thank you.

Chairman WALSH. The commission will stand adjourned until 9.30 o'clock to-morrow morning.

(Whereupon, at 4.30 o'clock p. m., Friday, Aug. 14, 1914, an adjournment was taken until the following day, Saturday, Aug. 15, 1914, at 9.30 o'clock a. m.)

SEATTLE, WASH., *Saturday, August 15, 1914—9.30 a. m.*

Present: Frank P. Walsh (chairman), Commissioners Garretson, O'Connell, Commons, and Lennon. W. O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. Call your witness, Mr. Thompson.

Mr. THOMPSON. Mr. Ernst.

TESTIMONY OF MR. A. B. ERNST.

Mr. THOMPSON. Give us your name.

Mr. ERNST. A. B. Ernst.

Mr. THOMPSON. And your business address?

Mr. ERNST. Olympia.

Mr. THOMPSON. And your business?

Mr. ERNST. Member industrial insurance commission of this State.

Mr. THOMPSON. How long have you been a member of the commission?

Mr. ERNST. Since the 1st of May, 1913.

Mr. THOMPSON. What business were you in prior to that time?

Mr. ERNST. Engaged in the mining business.

Mr. THOMPSON. I didn't catch that.

Mr. ERNST. Engaged in the mining business, and shortly before that in the newspaper and printing business.

Mr. THOMPSON. I understand you have a statement that you wish to make to the commission. Will you please make it.

Mr. ERNST. Why, the question was raised yesterday when Mr. Wallace was on the stand as to the single blank, you know, an objection to it from the laboring standpoint. After assuming the duties of commissioner I was assigned more especially the office work in Olympia, and in going over the details of the office and trying to figure out, because the law was new in its operation here, and trying to see where things could be improved, and talking the matter over with the chief of the claim department and the secretary, I found we had a great deal of trouble in getting in blanks from workmen that were injured. They didn't seem to understand the law, that they had to make a report. They seemed to think if they reported to their employer and sometimes to the doctor that that was their report, and in talking it over we came to the conclusion if the employee's report was on the back of the employer's that the timekeeper or foreman who would make the report would probably say to the man, "See here, you have to sign a

report, and it is right here," and you can get them that way. Sometimes they don't understand the language and don't read very well, and you can have them made out in that manner, as two reports are necessary for the claim. That was the only reason that the blank was adopted. But across the top of it was printed in red ink, if the workman desired he could call for this Form 22, as it is called, answer these questions, and return direct to the commission. The company had these blanks (the employee's) and would pass them out to the men if they were asked for. There was no intention in any way, shape, or form to coerce the man from making a statement he didn't want to make.

We simply figured in the office that it really helped the workman, and the aim in the office was to expedite the payment of money as much as possible; for instance, a claimant makes a claim, and he is sick and injured, he needs the money, and all our aim was that he would get that money, the compensation he would be entitled to, just as quickly as possible. And this was simply one of the methods that we thought would expedite getting the injured man his pay.

Further, the statement was made that the workman was not being treated as fairly as he had been formerly. I can hardly understand that, for the reason that our annual report shows that the average number of work days the second year, under the administration of the new commission, had increased the days of disability and increased the amount of money per accident, so that rather than cutting men short it seemed that we were more lenient with them and were rather going the other way.

And as regards workingmen not getting what is coming to them, we reopen hundreds of claims. Sometimes a disability does not show at the time the claimant is paid for his time loss. And if we were to go into it and take up individual claims, we could find several hundred of them that the new commission opened that were closed by the former commission. I don't mean to say in that at all that they were closed intentionally to cut the workman's pay, but that they were simply closed because the accident or disability did not show. The new commission, whenever a man comes and makes that kind of a showing, reopens it gives him what, under the law, we figure he is entitled to. I can only cite this with regard to the treatment of the employees. During the last year we probably made final settlement in more than 1,000 claims per month. The average accident reports run from eleven to fifteen hundred a month. Now, we make final settlements in about—oh, over a thousand per month. Under the law, each injured workman who is not satisfied with the award made, has a right to appeal to the superior court of the county where he is.

I want to say that in checking our records not long ago, in ten months where we had made final settlement in eleven thousand four hundred and sixty and odd claims there had been ten appeals taken; one dissatisfied workman in a thousand.

Now, when a commission deals between the employer and the laborer and can make those awards so that there will not be more than one appeal in a thousand, it does seem to me that they are meeting and trying to meet the workmen and give them satisfaction under the law.

And that was the reason I would like to make this statement so the impression would not get out that the commission is not dealing fairly with the laboring man. The fact of it is the commission travels over a great part of the State and meets the men wherever they are, meets them just as they can, and gives them personal attention. I want to say here that there is not in all these claims that we have handled while Mr. Wallace was still on that commission where he asked to have the award increased, that the other commissioners turned it down. I want to say, too, that in that time that he made examinations like the other commissioners, and there was never any recommendation made by Mr. Wallace that was turned down.

There is nothing to show that there was any feeling, or any ill feeling, in the handling of claims. There was at times disputes on this in theory, but in actual practice, paying the men, giving the claimants what was due, I do not believe there is a record in our office, which is open to anyone who wishes to see, where a recommendation made by Mr. Wallace was not carried out.

The only time, I think, that Mr. Wallace and I had a real dispute on a claim was that, in his absence, I made an award of a pension to a mother in eastern Washington of $12.50 a month. Her son, 26 years of age, had been killed. The record showed that he had been contributing $25 a month toward the mother's support and toward paying for some land, State land, that she was living on. Mr. Wallace raised the technical objection that she had a husband living, stepfather to the boy that was killed, although he was worthless, was not doing any-

ding toward that mother's support—that we should not allow anything to the mother. He wrote a letter to the attorney general, and the attorney general held that technically she had a man that ought to support her, but that it was entirely up to the commissioners whether or not under the rules she was entitled to this award. I made the award of $12.50 a month, and the award is still being paid. That is really the only dispute that we have ever carried to a final conclusion where Mr. Wallace was overruled. That was in giving a pension to a mother who was depending on her son.

Now we are paying out monthly just about $100,000 to these injured workmen. The last six months' average is ninety-nine thousand and six or seven hundred dollars. So you might call it a hundred thousand dollars. And as I am saying, the records show that the injured workmen, the men that we come in touch with, that we settle their claims, they universally are satisfied with the action of the commission and with the operation of the law. Many times they think they are not getting the amount that they ought to have, many times we feel we are not giving the men all that they should have, but the law lays down certain rules and amounts that we try to follow out, and as near as we can we always give them what we can. It has been the rule with this commission and the former commission, I believe, to give the laboring man the benefit of the doubt, if there is any doubt, with regard to the amount that he ought to receive.

Mr. THOMPSON. Have you ever compounded any claims, Mr. Ernst?

Mr. ERNST. Beg pardon?

Mr. THOMPSON. Have you ever compromised any claims?

Mr. ERNST. I do not know what you call a compromise. For instance, a man is injured, and he has what you would call a permanent partial disability. For instance, he had a broken leg, and that leg after healing is not normal. We have the doctor make an examination of that, and he will say, "Well, that is 10 per cent injured, or 20 per cent injured," as the case may be. Now, then, the rating for the loss of a leg is $1,500; 10 per cent of that would be a rating of $150, and so on. I will say to the man, "The doctor rates you at a 10 per cent loss on that." The man will say, "Look here, now, it is more than that." And he talks that way, and the man feels that way, naturally. I will say, "I don't know. There is the doctor's rating. He is a medical man." Probably we have an X-ray picture showing what the result is. The commission has one of the best X-ray machines in the State, and makes the X ray free to the employes. I will say, "That is the rating, but I will make that $200." If you call that compounding, when we talk over with the man his injury, and we try to judge how much he has been injured, based on the loss of the arm at $1,500 or the loss of the leg at $1,500. Everything is rated in proportion to that.

Mr. THOMPSON. You changed from the individual form to the joint blank?

Mr. ERNST. Yes; I made the change. The individual blank is still in existence. We have it yet to send to the employes, if they wish it.

Mr. THOMPSON. When you made that change from the individual to the joint blank, did you change some of the questions from one blank to the other; I mean, did you give certain questions to be answered by the employer that formerly were answered by the employes?

Mr. ERNST. In this way: There were some of the questions that were hardly ever answered. The employer can answer some questions best, and we changed them, but left them on the one form blank and changed them only on the other. But in addition to that the commission got out a separate blank covering all the questions that the labor boys wanted to ask the man, and this blank is sent to the man now when the final payment is made to him. Formerly some of those questions were answered on the blank application for injury. I can just state that when a man has been injured and is suffering pain a great many of these questions are simply not answered at all, and our records show that on the former blank probably 10 per cent of the men answered certain questions, and under the way we are sending them now the same questions are answered by 90 per cent of the injured.

Mr. THOMPSON. Let me put it more concretely. When you made the change in the form of the blank did you take the question relating to the nature of the accident, cause, and treatment from the employee's form and place it on the employer's form?

Mr. ERNST. I didn't get that.

Mr. THOMPSON. Questions relating to the nature of the accident, cause of the accident, and treatment.

Mr. ERNST. Well, the wording of the question may have been changed, but the statement was right there; and the employees answered how they were

injured, you know, and what statement they wanted to make. The form of the question may have been changed.

Mr. THOMPSON. What were the reasons for any change, if you know?

Mr. EAVES. They were simply combining and shortening up to do away with some of the questions that were not answered. This was all done after consulting with the claim department and the secretary and the workers in the office and going over the claims themselves and seeing how the questions were answered. We changed the wording of some of them so as to make it probably more clear to answer, and some were changed in order to make the questions come later when he (the workman) was more clear.

One of the questions in the blank was medical attendance. When the man was first injured he had absolutely no knowledge of medical attendance. Now when we send the question out he is cured and ready to return to work, and all these questions are answered and we get that data much better than we did before. It was simply changing the system of getting the same result.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions? Mr. Garretson would like to ask a question.

Commissioner GARRETSON. Is it not true that any system that requires an employee to sign a statement prepared by or prepare one in the presence of the master or his representative, that the man, especially in minor injuries, is subjected to a form of duress?

Mr. EAVES. No, sir; I don't think so.

Commissioner GARRETSON. If he expects to retain his position in the case of minor injuries, isn't he unconsciously influenced by the presence of the master in making up the statement?

Mr. EAVES. Well, I might explain that in this way: You seem to go on the assumption that the employer does not want to pay the man for the injury. It is just the other way—we have more trouble with employers wanting to pay their individual employees higher than they are entitled to, because all employers are putting into the fund.

Commissioner GARRETSON. I am not going on the assumption—the question is based on knowledge of dealings between master and man.

Mr. EAVES. Well, the employee does not have to make out the blank there.

Commissioner GARRETSON. How is that?

Mr. EAVES. The employee does not have to make out any blank with the employer if he does not want to. He is furnished his blank. It says right there in red printing across the top——

Commissioner GARRETSON. Wouldn't it be a better practice to furnish them separately, absolutely separately?

Mr. EAVES. Well, they usually call on the employer for the blank. No workman carries a blank in his pocket, expecting to be injured.

Commissioner GARRETSON. Let it be through other channels he should get it.

Mr. EAVES. Every union organization in the State that asks for these blanks have them on file, and we have them on file at every suboffice as well as every doctor. I think every doctor that treats men—these contract doctors in the camps all have these blanks on file, and they can get the blanks if they ask for them.

Commissioner GARRETSON. Why not make it absolutely separate; no connection between the two?

Mr. EAVES. It was simply done because there are a great many foreigners here that don't understand they have to make out a blank. We would have to write and write to them and they would say they have made it out, meaning that they told the doctor.

Commissioner GARRETSON. Well, for men of that class shouldn't the employer be absolutely barred from making it out, because it is subject to abuse—a man that is not familiar with the language?

Mr. EAVES. Well, we were figuring that we simply want to get the report quicker and get him his money.

Commissioner GARRETSON. Even though it costs him the money?

Mr. EAVES. Well, of course, if you look at it that way I have simply given you the practice to give every injured workman the money he was entitled to and trying to get it to him as quickly as possible. I want to say we have improved the methods of the office in that way.

Commissioner GARRETSON. Couldn't it be made the subject of abuse?

Mr. EBNER. I suppose it could, but we find that the man that usually makes it out is the timekeeper or the foreman on the job, that works side by side with the man that is injured.

Commissioner GARRETSON. Sure; and isn't the timekeeper the man that is ordinarily charged with keeping the pay roll down?

Mr. EBNER. Well, but he has nothing to do with that.

Commissioner GARRETSON. I know the pay roll doesn't enter into this, but it is the habit of action of this man.

Mr. EBNER. Well, how could anything that the timekeeper would put on there influence the man's injury?

Commissioner GARRETSON. It might not influence his injury, but it would prejudice his case by a statement that it was less than it was actually.

Mr. EBNER. There isn't anything under this law about whether it is the man's fault or the employer's fault or a mechanical fault. He is still paid his money.

Commissioner GARRETSON. I beg your pardon. I got a cross current here and a short circuit. Will you repeat that?

Mr. EBNER. Why, I say under the law here it does not matter whether it is the employee's fault or the employer's fault or a mechanical fault.

Commissioner GARRETSON. I know.

Mr. EBNER. If the accident occurred they are all paid, if it was during the working time.

Commissioner GARRETSON. But in the event that the man is dissatisfied with his award to the degree that he would like to go into the courts——

Mr. EBNER. Yes, sir.

Commissioner GARRETSON (continuing)——wouldn't he be prejudiced by the original statement he had signed or his case would be prejudiced?

Mr. EBNER. No.

Commissioner GARRETSON. What kind of courts have you?

Mr. EBNER. Well, I don't see how it could. That award is a matter between the commission and the man, and it is not based on the injury at the time it happened and the way it happened. It is based on the result of the injury.

Commissioner GARRETSON. Wouldn't the entire record of the case go into court?

Mr. EBNER. Usually does, but you see it is based on this: It is the result of the accident that the commission has to deal with.

Commissioner GARRETSON. But still his case might be prejudiced by statements that he made?

Mr. EBNER. No, no; because——

Commissioner GARRETSON. It could not?

Mr. EBNER. Well, as am just saying to you, the employee, no matter how the accident happens, is paid.

Commissioner GARRETSON. Is it a fact that the commission compounds with the man?

Mr. EBNER. No; not except the way I explained. We try to deal with them. A man comes up here with a bad foot. I sat in the office yesterday down here in the Alaska Building. He came in with a bad foot. "Well," I say, "the doctor gave you a rating of the loss of one-half of that foot." He would say, "Well, I don't know; I don't think that is it." "Well," I say, "here is what it is, and there is the foot." And so on. That is what we are allowed to pay. We talk these matters over. And I don't find any compounding in that. We aim to agree with the man and satisfy him. And, as I have said, we give him the benefit of the doubt. If we think the doctor's rating is too close, why we would rather add $50 or $100 than have him believe he didn't get what he was entitled to. No compounding.

Commissioner GARRETSON. Do you ever give less than the doctor's rating?

Mr. EBNER. Never have.

Commissioner GARRETSON. What is this dickering over?

Mr. EBNER. I want to say——

Commissioner GARRETSON. A question of law or a question of fact?

Mr. EBNER. What is that?

Commissioner GARRETSON. I say what is this compounding done on—on the basis of a question of law or a question of fact?

Mr. EBNER. Well, it is rather a question of fact, of what the amount of the injury is. And you naturally would expect the man who is injured and who has a bad arm or a bad leg to rather feel that he has more of a disability probably than the other man that has not the injury. I think that is human nature.

Commissioner GARRETSON. Under the terms of the law, do you believe or do you hold that the commission has the power, the legitimate power, to bargain with that man?

Mr. EARLY. To what?

Commissioner GARRETSON. To bargain with him—negotiate.

Mr. EARLY. Well, I don't know what you would call bargaining. We are supposed to pay him for his disability.

Commissioner GARRETSON. Yes.

Mr. EARLY. Now, we say to him, "Here is what you are disabled, what we are figuring on."

Commissioner GARRETSON. Well, then, if he holds that under the law he is entitled to more——

Mr. EARLY. Yes.

Commissioner GARRETSON. Is it then your province by personal bargaining with him to pay him the amount you have named, or the amount that he demands, or an intermediate sum between?

Mr. EARLY. I think it is entirely up to the commission to pay the amount it believes ought to be paid to the man.

Commissioner GARRETSON. Well, then, should it not always be fixed by the commission and not subject to negotiation?

Mr. EARLY. It is usually fixed by the commission. Now, sometimes when we get an injured man, correspondence will ensue. The man was not seen; he was rated strictly on the doctor's rating; the commission may see him afterwards and believe the doctor's rating was too close and raise the doctor's rating. I have done that several times. I have never lowered it.

Commissioner GARRETSON. Have you ever placed the commission in the position by this compounding or bargaining that it could be charged with more or less justice that you were attempting to make a good showing for an economic administration and thereby invading the right or interest of the injured man?

Mr. EARLY. No; I think if any charge could be made, it would be made that we were rather paying more than less, because if you don't lower the doctor's rating, and rather raise it, you are certainly not doing the man an injustice.

Commissioner GARRETSON. You have absolute faith in the doctor's examination?

Mr. EARLY. Well, we have to judge according to the professional man to a certain extent. We have the X-ray machine and get plates made and we see the conditions. We have the same medical adviser that was with the commission since the beginning of the law. He is still the medical adviser of the commission.

Commissioner GARRETSON. How wide has your experience been with physicians' examinations?

Mr. EARLY. Well——

Commissioner GARRETSON. How many years and in what numbers?

Mr. EARLY. Oh, mostly during this last year in connection with this work, and of course as we have to deal with doctors more or less during our lives.

Commissioner GARRETSON. Then you would not count it a matter of surprise that a man that had dealt with them as an official of an insurance company for 30 years might be somewhat skeptical of the infallibility of their findings?

Mr. EARLY. I don't think there is anyone infallible. I think we are all subject to making mistakes.

Commissioner GARRETSON. That is all.

Chairman WALSH. Anything else?

Mr. EARLY. Here is the blank.

(The paper so presented, entitled "Form 22. The Industrial Insurance Commission of the State of Washington—Workman's Claim for Compensation," was submitted in printed form.)

TESTIMONY OF MR. WARREN D. LANE.

Mr. THOMPSON. Your name, please?

Mr. LANE. Warren D. Lane.

Mr. THOMPSON. Your address and your business?

Mr. LANE. No. 711 White Building, attorney.

Mr. THOMPSON. You are on what commission; the State commission of unemployment?

Mr. LANE. No, sir; it is a city committee.

Mr. THOMPSON. You are on that committee?

LANE. Yes, sir.

THOMPSON. What is the purpose and scope of that committee?

LANE. That was a committee appointed by the Central Council of Social ...es at the suggestion of the chief of police, during the last winter, to look ...he conditions of unemployment and to help to alleviate those conditions ...as possible, and to make any recommendations we thought that would help ...viate them.

THOMPSON. Did you make any recommendations?

LANE. We made our report to the Central Council.

THOMPSON. Have you a copy of that report here?

LANE. I have not.

THOMPSON. Would you be willing to furnish the commission with that ...?

LANE. I would.

THOMPSON. Pleased to have you do that.

LANE. I was not chairman of the committee, but I prepared the written ...

THOMPSON. I will suspend my examination here, and Prof. Commons will ...t up.

...missioner COMMONS. What were the main points in your report?

LANE. We reported the conditions as we found them here, and then made ...suggestions as to what we thought might be done to alleviate the local ...ions not only for this year but for the coming years.

...missioner COMMONS. What was the condition as to the number of unem...?

LANE. There were no satisfactory statistics that could be obtained on ...uestion. It would be largely a matter of estimate to say how many unem... men there were. Of course we found definitely a certain number of ...loyed men at the Hotel de Gink and also at the Brotherhood League, but ...was, of course, a per cent of the whole of the unemployed. We also were ...d upon by a committee representing the unemployed Seattle citizens. ...was a committee of 30 or 40 waited upon us and said they represented ...mily men in Seattle who were out of employment. We investigated the ...de Gink to see its plan of operation.

...missioner COMMONS. What did your investigation of this Hotel de Gink ...as to its financial support and the use of its funds?

LANE. The investigation showed that the hotel had cared for about twenty-...ndred men at different times. Of course they were not all there at the ... There were perhaps three or four hundred there at a time. That the ...f the building had been paid by the Central Labor Council, $65 a month; ...otherwise this institution was self-supporting; that they had furnished ... meals; that they had earned their money by clearing lands and doing ...work as they could pick up around town, especially on Western Avenue, ... they would sort vegetables and get "seconds" for their work; they would ...their fuel from buildings which were being torn down, and so they man...o support themselves. We looked over the books, and I don't think there ... dollar or a cent that was misappropriated. Nobody in connection with it ...lowed to have a cent's salary. Mr. Pauly donated his services. We found ...he discipline in the institution was excellent; the men had to be in at ...t night, and any man that was out—the books showed whether he was in ... The question was raised some time when there were some burglaries in ...and some holdups whether or not the men at this institution might not be ...nsible for those. Of course if anything occurred after 10.30 at night their ...would show whether a certain man was in. But Sergt. Ryan, of the police ... was stationed there, and in conversation with him he told me that all the ...e was there he had never found it necessary to interfere in the interest of ...line; that he considered the discipline perfect; and that at one time, to ...y themselves, without any notice whatever they made a search of the whole ...ng, and said they didn't find so much as a peanutle that didn't belong there. ...anitary conditions were good; everything was kept scrupulously clean. ...en's clothes were dry steamed when they came in, and altogether it im...d me as a very interesting and instructive social experiment.

...missioner COMMONS. Have you any idea what proportion of the unem... they took care of?

LANE. Well, they took care of more men than the Brotherhood League ...these were the only two places where large numbers were taken care of. ...ere to make an estimate, including not only homeless men but all others

in the city, I would say that there were probably fifteen hundred to two thousand unemployed in the city at one time.

Commissioner COMMONS. Fifteen hundred to two thousand altogether?

Mr. LANE. Yes; and they would take care of three or four or five hundred at a time, so that perhaps they might have taken care of one-fourth of the unemployed. If a man came into their institution that was not found worthy, he would be put out. If he was not ready to respond to work when it was offered, they would not have him there.

Commissioner COMMONS. What agency took care of that class?

Mr. LANE. They would generally drift down to the Brotherhood League or Salvation Army or the Volunteers.

Commissioner COMMONS. Did the police department take care of any?

Mr. LANE. Well, not that I know of. The police, of course, were interested in the matter; the chief was particularly interested in the matter, and it was at his suggestion that our committee was formed.

Commissioner COMMONS. Did you make any recommendation regarding the continuance of this kind of organization like this Hotel de Glink?

Mr. LANE. The report of the subcommittee which made the investigation was that it was worthy of our support; that is, our moral support. That is all, as I understand it, that they wanted. Mr. Pauly says if the people of this city will lend this institution their moral support they will make it absolutely self-supporting.

Commissioner COMMONS. Did you make any recommendation toward a municipal lodging house?

Mr. LANE. I don't think we recommended a municipal lodging house?

Commissioner COMMONS. On what grounds?

Mr. LANE. Well, it is somewhat of a question how good a thing a municipal lodging house is. I have no objection to one if properly conducted. I believe, however, in dealing with the unemployed that the very first thing that is necessary is to classify the unemployed. When you undertake to put all them, as you might say, "all cats in the same sack," and deal with them all in the same way, injustice is sure to result, and if a man is honest and willing to work and just simply unfortunate, to treat him in the same way you would a bum or a tramp would be unjust and would be demoralizing to him. So I would think that a municipal lodging house or a labor colony would be a desirable thing for certain classes of the unemployed. Those that are able and willing to work ought to have a chance to work. The first thing to do for them, the right thing to do for them, is to give them a job and not send them to any municipal lodging house or farm colony. Those who are unable to work ought to be treated as unfortunates, cared for, and that taken into account. Those who can work and won't work, there is another class of treatment for them. I can not see how you can deal fairly with the unemployed at all until you are able to face every man with a job.

For instance, if a man comes to you on the street and asks you for something to get a meal, of course there might be the presumption that that man is not worthy from the fact that he is begging on the street. But then perhaps after you have talked with him you do not feel sure but what he is worthy after all. He may be an exception. If you are in a position to say, now, "Here, you can get work at a certain place," you have got him classified. If he wants it, he will take it. If he doesn't want to work, it will show he is not worthy. So I would say the first thing in caring for the unemployed is to classify them and to treat each class in the way that his particular class calls for.

Commissioner COMMONS. Have you investigated private agencies, private employment agencies?

Mr. LANE. No; I have not. All I know about that is hearsay. I know it has been a very common source of serious complaint, about the employment agencies, and it has come to me from so many different sources, so frequently and so directly, that I have believed that there was just cause of complaint.

Commissioner COMMONS. Have you investigated the public employment agencies?

Mr. LANE. Yes; to some extent.

Commissioner COMMONS. What were your findings there?

Mr. LANE. We did not make any findings in the matter. The public employment office, as has been shown here before in testimony that has been given here, under present conditions is perhaps not in a position to compete with private agencies; that is, it is perhaps not used by the employer like the private agency.

Commons. Did you go into the question of the reasons for that should be?

I did not.

Commons. That is all.

an. Mr. Garretson would like to ask you a few questions.

Garretson. I assume that you have taken considerable interest being connected with this committee?

ave taken interest in it long before I was connected with that

Garretson. I took that as an evidence that you were interested.

Garretson. Have you given any thought or made any investigation ablishment of industrial farms and colonies for the class who

now of such farms in Germany. I have studied those.

Garretson. New York has established one of them, although it he primary stage yet. Have you an opinion as to the results, work out?

elieve good results work out, but in the operating of that I precautions should be taken all the time not to send a man who is able and willing to work. I think the facts show that abor colonies, for instance, there is a large percentage of criminothing like 60 per cent. Now, to send an honest, worthy man with the criminals, the down-and-out class, I do not think that

Garretson. It goes without saying that the willing man should

Garretson. But many men of necessity go there who were ge.

; that is the place to treat them.

Garretson. That is your idea?

an. Call your next witness.

, Mr. Distler.

TESTIMONY OF MR. RUDOLPH DISTLER.

. Give your name and your business address, please.

Rudolph Distler; Cosmopolis, Wash.

. What business are you in?

Why, I have retired from business there; I attend to my own

. Now, Mr. Distler, you have heard the testimony given here conditions at Cosmopolis in the lumber industry?

Yes.

. Will you please briefly tell us, in your own way, the condit there, what you have to add further to what has already been . Brown and by the others?

I know you are short on time, and I will make my remarks ble, and will touch on the important matters. There are some matters——

an. Refer to those important ones, Mr. Distler.

I think I will. The statement was made here that men were onth for board. There have been little changes made lately. I account of the fact that this investigation was coming. The month the men were only allowed $10 a month for board, only ed $35 and over had $15 a month. They made a distinction is this: Why should a man pay tribute to a mess house——

an. Let us try to get to the facts. Tell us what the facts are, the conclusion as to why it should be so, or why it should not is short. Just give us the facts now. Somebody has testified e that you think is not in strict accordance with the facts. e facts, then, as you understand them, minus the argument.

The men of family who board at home have to pay tribute to of $10 a month. Board costs $20 a month in the other place,

and he can't board himself; that is, for less than that. So when they only allow $10 he has to pay a tribute of $10 for the privilege of boarding at home.

Now, in regard to pay day: The pay day is supposed to be on the first Saturday after the 10th, but in many instances often it happens that it is the second Saturday after the 10th. In between those times no cash has been paid. In fact, notice appears on the cashier's windows reading something like this: "Pay day the 22d; no cash will be paid until then. For coupons call next window."

This [indicating] is one of the coupons. They are issued from $1 to $20. This is made to compel those people to buy their groceries in those stores.

(The coupon book referred to, reading "The coupons in this book are good only for merchandise at the store of Grays Harbor Commercial Co. $1.00. Not transferable," was submitted in printed form.)

The statement was made that the company had three stores. The fact is they have got five stores. In a little town from twelve to fourteen hundred inhabitants, why is this done? Why five stores in a town of twelve hundred inhabitants? They have a general merchandise store; they have a furnishing goods store; they have a cash grocery store; they have an extra meat store; any they have another store, furniture and stuff, such things as that. But this furniture store has no special attention to it.

Chairman WALSH. Could you file that with the commission?

Mr. DISTLER. Yes, sir. Now, in regard to the coupon book, one more interesting point: When a man wants cash in between times, they take these coupon books and go to the saloons, and the saloons discount them for 20 cents on the dollar. The saloon occupies—the buildings are owned by the Commercial Co., three out of four saloons. Generally they are old, poor buildings, but they pay a high rent, and by getting this discount on the poor laboring man, for 80 cents on the dollar, and then turning it over to the company for a dollar, of course, it reduces their rent. Then, too, the fact that they are renting from the Commercial Co. makes them subservient to the company, and they will do what the company asks them in cases of election, etc.

Now, in the last two months that has been remedied to this effect, that a man is allowed to draw once in between pay day, but his cash is limited; he must bring the timekeeper's statement that he has a certain amount of money coming; then he is allowed to draw some of his cash money.

Now, about hospital fees: They only charge 50 cents hospital fees, but there is nothing, as was stated here the other day in regard to these hospital tickets, a man pays—if he goes to work on the last few days of any month, he is charged 50 cents, and he is charged 50 cents again if he works several days in the next new month. That makes it a dollar if he works the 10 days. He pays a dollar to the hospital fund for medical aid, and this won't amount to much, either. But their own timekeeper has made statements that there was as many as 3,000 men on the pay roll in one month. Labor leaders have investigated that years ago, and they found as many as 2,500 on the pay roll in one month. So every position is filled so often; if it is filled five times, the hospital fee amounts to $2.50 instead of 50 cents. In other words, they contract for the hospital, doctor and hospital—and I will say the hospital doctors are very good; I have no complaint to make of them at all—but I do not believe that the hospital or the doctor gets all the money that they collect from these laboring men.

When those men are sent by employment agencies—that is the greatest injustice ever practiced on labor; I know there has been much testimony, and we have gotten affidavits many different times sent to officials, but no relief. These men have been sent out for a certain job. Last Sunday I met a man who said he had been sent down there to get a position as machinist at $40 or $50 a month. When he got there there was no such position. They asked him to work in the mill for $26 a month and board. At first he went to work—he didn't know that he was not going to get $40 a month. Then he found he was only going to get $26, and he went to the time office and asked about it, and they said, "Yes; that is all you get." So he went away.

I want to call attention to another interesting point: The former prosecuting attorney, W. E. Campbell, of Hoquiam, Wash., told me last Saturday that he had all the information that there was collusion between the Grays Harbor Commercial Co. and the employment offices, and there was also collusion between the Grays Harbor Commercial Co. and the railroads, but he wouldn't give that testimony to me. He would give it to this commission if he was subpœnaed to do so.

Now, the fact is these men are sent down and the baggage is held. The railroad company keeps the baggage in their baggage room. If a man wants to take out his working clothes, he must leave his other clothes he wears in that baggage room. It is taken out and put in under supervision of some of the officials there. That is what the railroad companies do.

The prosecuting attorney further told me—I was aware of the fact—that a great many boys are sent down to work at $10 a month and board; if they don't board, they get $20. We have some in our neighborhood getting $20 a month, but that proves again they only allow $10 a month for board. Last month one of these boys was sent down for a certain job. When he came down he was put on machinery. He had never worked on machinery before, and they are crippled up; they are not experienced with this machinery—they get their fingers cut off and crippled to a great extent. The worst part of it is that after working a couple of days they send them off again. This prosecuting attorney said that while some of these boys have bad reputations, yet some of them were honest boys and never had done anything wrong; but they had been discharged without any money and for no particular cause.

A boy walking across the bridge had some money in his pocket. One of these boys came along, had had nothing to eat, and he jumped on this fellow and held him up. He made a confession; he had never done anything like that before. This condition makes criminals. There is lots of other information we might get from prosecuting attorneys there. This commission would send a special agent down there, unbeknown to the company, and get information where they could get it, not from the company, but from the men around in town.

Now, when a man gets down there he is met at the depot by a rooming-house boss. The company owns the rooming house. I don't want to go into that matter; we have mentioned that before. But this man has to sign an order for one week's lodging. If he stays long enough, the lodging order is paid to the rooming-house boss. One of those bosses told me that he had lost not less than $30 from the men who did not stay long enough to pay off their rooming order that they had given him; that the company would always deduct their own expenses, railroad fare, and so on, from the money before they would pay those rooming-house charges.

Another point is that hardly anybody can get a job without a slip from an employment agency. This same man told me he had five men laying there in the rooming house for three weeks. They could not get a job on account of the fact they had not come from the employment agency. The company was hiring men every day, men coming in every day, and they were giving them jobs. These men had no slips and could not get a job. The marshal told me the same thing. He said the men were there, and they were hiring men all the time, but they wouldn't give these men a job on account of the fact they did not come from the employment agencies. He was keeping the men in jail overnight, and had the restaurant furnish the meals so they would not starve.

Now, this baggage is held. A man will redeem his baggage if he has a possible chance; he will work long enough to redeem it. I have seen photographs at Grays Harbor where wagonloads of 200 pieces of baggage was hauled from Cosmopolis to the railroad station in another town and shipped away. Second-hand dealers had bought it. Since then they have sold them more secretly. At the present day the Grays Harbor Commercial Co. has a pile of stuff not up which belongs to them poor fellows, that they had taken away from those poor fellows illegally. And this is done in the United States.

There are other things that are bad, that are real important about this mess-house condition. For instance, in the wintertime it often happens that a man only works nine hours a day, on account it gets dark too early and they can not see in the yards. So if after a man works 10 days, nine hours each day, he has practically lost one day, and he gets paid according to that. But they charge him that one day's board extra. On the other hand, they are making a practice of working a man what they call five-quarters time; that is, 12½ hours a day. So after a man works four days five-quarter time he has put in five days' time, and they do not allow him for any extra board. That is another point. In other words, the company gains one day's board in four, on account of the man gets a dollar a day and board, and he has worked five days and only gets four days' board. In fact, a man gets less for overtime than he does for actual time.

And the living conditions—I won't say anything about the rooming houses and other things. The company has a good many cabins. I have measured them, and they measure on the outside 12½ by 6½.

They have a good many of them around town, but in one particular place there are 15 cabins on a plot of ground 50 by 120. It is the back part of some lot; there is a dwelling house owned by the Commercial Co. in the front, and the back part of the lot toward the alley is where these two rows of cabins are on a piece of ground 50 by 120. The cabins are cheaply constructed; they have a partition, but without a door in the center, which divides it into two rooms, and there are two windows, one in the front and one in the back. These cabins are rented to men for $3 a month in these particular places. The cabins are divided by a sidewalk, 14 feet wide, and the whole is surrounded by a tight board fence 8 feet high, with an opening to the street, a 4-foot opening. These 15 cabins have one toilet together with two seats. They have one hydrant with a half-inch supply pipe. The condition of these cabins is extremely filthy. The odor and what you can see with your eyes is very bad. It has already been admitted in one place they have nine beds in one room, and in the other five, but I won't go into that.

Chairman WALSH. Now, your report, it appears, is full of details, and we have our investigator right here on the ground, and suppose you just submit that report and we will make a detailed investigation of that now, before we leave this country. It is not that I want to hurry you, but I think it can be covered more scientifically and with better satisfaction of your self and the commission.

Mr. DISTLER. All right. There is just one proposition I want to state.

Chairman WALSH. Go ahead and state your other proposition, or anything you wish to state for that matter, but I think we can do this in that way and it will be more satisfactory.

Mr. DISTLER. I want to file with the commission an open letter, a circular, which we sent to the governor and State representatives of the State of Washington. It was sent by the Citizens Progressive Club, of Cosmopolis. This letter is signed by O. A. Bergland, H. W. Stengel, and Christopher Schoch, executive committee.

Chairman WALSH. What date?

Mr. DISTLER. This was in 1912, when the legislature was in session last.

(The letter referred to was submitted in printed form.)

Mr. DISTLER. We asked these men to relieve these conditions. I want to state that Gov. Hays promised the labor organization to do all he could, and to make a recommendation to the legislature for relief. When the time of the legislature meeting came he had changed his mind. Now, we have this before these State officers, and so far nothing has been done, but I would like to file it with the commission.

Chairman WALSH. Very good.

Mr. DISTLER. I want to read just one more report to show the conditions and the result of this affair at Cosmopolis.

Chairman WALSH. Mr. Distler, we have a rule that all documentary evidence must be filed. We have applied it ever since yesterday morning to the witnesses. I don't want to limit you, but if it is a document you will have to describe it, not read it.

Mr. DISTLER. Well, it is pretty hard to understand. Of the 650 men employed in 1913—I will get the date.

Chairman WALSH. You may get the date out of there for any statement; that is all right.

Mr. DISTLER. The company has only 18 men with families which own their home in Cosmopolis.

Chairman WALSH. How is that; I didn't catch it? Eighteen men with families out of how many employees?

Mr. DISTLER. Six hundred and fifty. The United States census report shows the condition—that is, from 1900 to 1910 the town of Cosmopolis increased 1% in population. At the same time the last United States census was made there were three railroad camps temporarily located in Cosmopolis, so the actual affect was we didn't have any increase at all, although Hoquiam, under the same conditions and not as favorably located as Cosmopolis, has had a tremendous increase of population.

Now, in the same period of time, 1900 to 1910, the Grays Harbor Commercial Co. more than doubled their plant, and still there was no increase in population. That shows the effect it has on our Government.

Chairman WALSH. Does that give those figures in there?

Mr. DISTLER. Yes, sir; they are in there. I don't go behind those men. I believe these men are responsible and not the Commercial Co.

I have written an open letter to W. H. Talbot, Fred Talbot, and A. W. Jackson, and others, officers of the Grays Harbor Commercial Co., of San Francisco and Cosmopolis, dated May 15, 1911, in which I appeal to them. I say: "Why continue to undermine the Government with the mess house? Why don't you as honest men make your money out of the lumber business as the other mills do?" This is the only mill that does that.

Chairman WALSH. I didn't catch that, and probably some of the other commissioners did not. You live at Cosmopolis, do you?

Mr. DISTLER. Yes, sir.

Chairman WALSH. What is your business, Mr. Distler?

Mr. DISTLER. Well, I attend to my own real estate just now. I have worked in lumber camps and worked in sawmills since I first came here. I worked 11½ hours per day in a sawmill.

Chairman WALSH. You are a former workman yourself?

Mr. DISTLER. Yes.

Chairman WALSH. And have made some accumulations?

Mr. DISTLER. I have cleared more land than the next man. When a man speaks of going on land, I know it costs $250 an acre to clear the land. That is what it costs. The land has got to clear itself. It has got to lie there for years and years after it has been logged off and burned over. Then it has got to clear itself. But talk about clearing a piece of green land, it costs $250 an acre.

Mr. THOMPSON. Mr. Distler, have you had any personal dealings with this company?

Mr. DISTLER. Yes; for instance, I deal with them now. If I can't buy my things from the other grocery store, I deal with them.

Mr. THOMPSON. Just answer it briefly. There are some facts I am anxious to get at. You do deal with them?

Mr. DISTLER. Yes, sir.

Mr. THOMPSON. Have you had any personal controversies about your own personal matters with the company at any time?

Mr. DISTLER. I have not.

Chairman WALSH. Say, I don't think we care for that, Mr. Thompson. I suppose that is admitted, but we don't care for that, because we only investigate the facts regardless; it don't make any difference.

Mr. DISTLER. I want to say the present manager has relieved—has moderated some of the evils. The former manager was a good deal worse than this one is.

Mr. THOMPSON. The chairman says you need not answer that anyway, so that is all.

Chairman WALSH. Mr. Garretson wants to ask a question.

Commissioner GARRETSON. Mr. Distler, when men apply there at Cosmopolis for employment and they are refused employment, while a regular supply of men is coming in from employment agencies, what is your opinion as to why these men are refused employment?

Mr. DISTLER. On account of not coming from the employment agency.

Commissioner GARRETSON. Well, what underlies that?

Mr. DISTLER. Why, that is a strong indication that there is a collusion between the employment agencies and this Commercial Co. I have seen as many as 50 men laid off to make room for others coming in.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, thank you, Mr. Distler.

Mr. DISTLER. This is my report.

(The papers as presented were marked "Distler exhibit." They consist of a printed paper entitled "An Open Letter," dated Cosmopolis, Wash., May 15, 1911, and two papers which are printed among the exhibits at the end of this subject.)

Mr. THOMPSON. Mr. McGill.

TESTIMONY OF REV. OSCAR H. McGILL.

Mr. THOMPSON. You may give us your name.

Rev. McGILL. Oscar H. McGill. I live in Seattle. I am social-service secretary of the Methodist Church.

Chairman WALSH. I didn't catch you.

Rev. McGILL. I am under the home mission board as social-servi
tary. I visit the camps, and I am familiar with and put in all my tim
ging and mining camps.

Mr. THOMPSON. Now, Mr. McGill, will you tell us what you have
this commission in regard to industrial conditions in these camps?

Rev. McGILL. Yes, sir.

Mr. THOMPSON. If you please.

Rev. McGILL. I would say that there has been considerable discu
dulged in as to the peculiarities of the logging man, and that sort
which is entirely beside the question.

I notice several of the men who have spoken of it here—Mr. Ruck
the statement that the men in Washington, the employees of the
camps and mills of Washington were the highest-grade workingme
world. Mr. Rucker, as is well known, conducts one of the cleanest
conducted camps in the State of Washington or anywhere. He has n
with his men. I have been to his camp different times. His men liv
houses around there. He employs married men. He doesn't dischar
Positions are at a premium. And when other camps are shut down a
mills have difficulty in getting men, he has no difficulty. The fact is, t
are susceptible to kindness and to treatment just like other human beings
lieve the cause of discontent very largely—there is much discontent—
it is because these workingmen have been exploited in a way that
indescribable, sir. I believe that the treatment they have had has m
independent, very independent, because their rights have been utterly

What is needed is more democracy. When a man will own, as the
those logging camps does, a whole community, a whole town, and re
allow discussion, refuses to allow his men to organize, to meet together
to allow men to come in and address them, and if men come to addr
they must go out on the public road or go off somewhere—meet out
do, in almost all those logging camps—he is wrong. In many of the
is absolutely no allowance for the men to organize. I was in a plac
short time ago where they would not allow a union man to walk ac
dock.

Chairman WALSH. Where was that?

Rev. McGILL. Port Angeles.

Chairman WALSH. Who was it?

Rev. McGILL. The mill company. None of the longshoremen. That is
new. Why, Mr. Paterson right here, refused a man with a union b
receive freight during a strike, or for some time, or union men
or go across his premises. And that is not anything new.

The fact of the matter is the men of this country—the workmen—ar
gent men. They have read. They do read. They think. And the emp
office, private employment office, and the graft of the doctors which am
an enormous amount, and the treatment these men receive in the bunk
and the fact that at the end of the year they come out without mo
bitters them.

These are seasonal trades. These men come out knowing that th
worked and have worked hard. They work long hours, 10 or 12 hour
They climb these mountains before daylight in time to get up there
rain—and it rains here out in those mountains; they climb the mount
get up there in time for daylight to go to work—a long day until d
then they come down at night.

And then they stay in these bunk houses. I have seen bunk houses
ing 16 to 20 men without a single window in it. They build these bunk
with the bunks built in as part of the house; build them right down
the floor, in a row—and here is a bunk, and here, and here. There are
four here and four above, and across the end the same, and across th
and not much room to go up and down. Often down in the middle of th
there is a double row of bunks. These men live in them; and there
chairs, often no table. Up on the Milwaukee they have seven or eig
houses that are made large enough to hold 100 men, and the bunks a
into the wall. There is no way of scrubbing the floor or cleaning it.
bunk houses are 5 or 6 years old. I don't know just how old, but it is
ber of years since they started to work.

Commissioner COMMONS. Are those construction camps or lumber c

Rev. McGILL. Those are construction camps, it just occurred to m
is a series of large bunk houses, some of them containing from 60 to
men.

Acting Chairman COMMONS. This is on construction work on the railroad?

Rev. McGILL. Yes; but it is the same thing, Professor, it is the same thing. The point that strikes me is that of the constant injustice to these men. May I give you an instance in this case up here? It is construction work. The men are sent out from the employment office here and put on railroad cars, and they can't ride when they go out; they can't ride on the ordinary cars. I rode up with them a short time ago and there was twice as many men in the baggage car as there should have been in there. They had their beds and stuff piled in the seats, and there was not room to sit down or scarcely to stand up. There was twice as many men in there as there should have been. In the car I was in there were seven or eight people. Some of those men wanted to go back and sit in there with us, but they were not allowed to do so. A number of them came back and they were forced forward. A number refused to go, and the conductor and brakeman forced them out and one man they just dragged through and used language that was unpriatable in handling ordinary people, they were to ride in the baggage car. It is such treatment as this that makes these men bitter. In the camps there is more or less of what is known as welfare work, Y. M. C. A. work, and that sort of thing. There is one camp at Bellingham that has a large building built——

Commissioner O'CONNELL. What does the Y. M. C. A. do?

Rev. McGILL. They have a general secretary, Mr. Goodall, who has charge of four States, and he goes if he is sent for by the owner of the mill company or camps and establishes a camp Y. M. C. A. They build a building and then they pay the secretary $75 a month. They pay the secretary—Mr. Goodall furnishes the man—and the company pays the secretary, and he comes in and often he helps to work on clerical work or scaling logs or something like that.

Commissioner O'CONNELL. The secretary does?

Rev. McGILL. Yes, sir.

Commissioner O'CONNELL. Is that welfare work?

Rev. McGILL. Well, no; that is not welfare work, but I know some of them do that.

Commissioner O'CONNELL. What do they really do? What do they do for the people, the people that really do scale logs?

Rev. McGILL. They have phonographs and come to the city and from the public library get a lot of books and a big number of old magazines and put them in there, and this place is left open, and they have a pool room, and the men pay a dollar a month membership.

Commissioner O'CONNELL. For this welfare work?

Rev. McGILL. They pay this for welfare work.

Commissioner O'CONNELL. The men have to pay for everything?

Rev. McGILL. The company pays the secretary's salary, and the secretary is under the direction of the company.

Commissioner O'CONNELL. Where does this dollar a month go?

Rev. McGILL. To the payment of buying books and phonograph records and that sort of thing.

Commissioner O'CONNELL. That would buy a lot of phonograph records.

Rev. McGILL. I have here a letter that I will submit, if you please, Mr. Chairman, from a mill owner who writes a letter to the general secretary, stating why he is displeased and why he refuses to continue to pay for the services of the secretary. It would be very interesting to read that, if you care to have me.

Chairman WALSH. Just let it go into the record.

(The paper so presented was marked "McGill exhibit," and is printed at the end of this subject.)

Rev. McGILL. It is a letter in which he declares that the Y. M. C. A. secretary does not attend to his business because there was a strike there, and the Y. M. C. A. secretary had not been in touch with the men, and didn't inform the management that there was going to be a strike, and he didn't want the secretary any more.

Commissioner GARRETSON. He wanted to use him as a spy?

Rev. McGILL. Yes, sir; you will find it right there in the letter.

Commissioner O'CONNELL. As I understand this welfare work, in addition to the company paying the secretary, the men pay for the welfare work themselves by an assessment of $1 per month?

Rev. McGILL. Yes, sir.

Commissioner O'Connell. And, of course, the company gets the credit for having the system in existence?

Rev. McGill. There is a lumber company up here that advertises that they have such a building. They have a pool room and card table and reading table in a large room. As a matter of fact, it is second-story room over the mess house downstairs, and the concessions that are sold—there is a man up there that runs a barber shop, and he pays a very high rate, a higher rate than he would pay in the city of Bellingham; and the man that sells soft drinks and that sort of thing; the concessions, I believe, rent for about $60 a month in that upstairs room. There are seats where the men can come and read and that sort of thing; but it is a very profitable investment, as I see it, $60 a month, for an upstairs room that is not even plastered or anything of that kind; but it goes along with that line of welfare work we hear considerably about at the camps that the employers are doing for the employees. The employees really pay that themselves. They know that; they are not fools. They know that they are being exploited to all this extent.

Commissioner Garretson. Do the men look on that as welfare work for the employer?

Rev. McGill. Yes, sir; there is a severe bitterness on the part of these men all over everywhere, and it partly is because of this.

I might say this: That in these company stores the men are outfitted. A place like this Cosmopolis, for instance, where there are four times as many employees in the month as on the real pay roll, the men go down and buy from the company stores the clothing that they need; they buy it, and they pay there a much higher rate than they would pay in an ordinary store—a much higher rate. These men are charged higher for board than they ought to be. They pay no rent, everything is in the very crudest form, and it is a matter of extortion, and the men realize the fact. Every time he is gouged, whether five cents or a dollar, he realizes it, and he knows it.

Commissioner Commons. What about the construction camps of the railroad; what are the wages paid there?

Rev. McGill. Well, I will tell you. In these special camps they are paying men $1.35 a day, and they board themselves. That is what they pay these Greeks and these in the special gangs, and they average about five days a week. You may just stop and figure up what that amounts to. These men pay for the job and then are sent there to live in the cars and have to pay their board out of the $1.35 a day. They buy their shoes, and it is rainy, wet weather, and they have to buy slickers and oil coats. Then the men support families or claim they support them. They often have families and they work at from $1.35 to $1.60 a day. The regular construction work runs $2 a day and under. I am speaking of the special gangs, and they work 9 to 10 hours a day.

Commissioner Commons. Where are these men recruited?

Rev. McGill. They get them in the cities.

Commissioner Commons. Through the employment offices?

Rev. McGill. Yes, sir.

Commissioner Commons. Or are they from contractors?

Rev. McGill. I think largely of that nature, but all these people are from the employment offices. You can go down to the Wilms Employment Agency and find a sign that has been there, and you will find it in various offices, "Ten men wanted for box factory at Cosmopolis." A good many men go in and hire for the box factory. He is just as likely to be sent to the yards or the mill or somewhere else. He advertises that he wants 10 men for the box factory, and they may be sent to the yard or the mill. I saw the advertisement yesterday or the day before, and you can go down and see that sign.

Now, up here at this Milwaukee Tunnel, where about a thousand men, I think, perhaps six hundred to a thousand men are employed during the ordinary season of the year, the timekeeper told me that they change the ordinary men—that the average stay of the men was five days, about five days. The day I was there there were 90 men quit. He showed me a bundle that he said contained 90 certificates.

Commissioner Lennon. Time checks?

Rev. McGill. Time checks; yes, sir; for the men. They pay those men in two checks, and they won't pay them until late in the afternoon, just before the train departs. They pay them in one check the amount of their fare to Seattle; and if there is anything left to come to them, they give them another check. There were 90 men either discharged or quit that day, out of about 300 men at that end of the tunnel.

Commissioner GARRETSON. Are they employees—do you know—of the railroad company or the contractor?

Rev. McGILL. They are employees of the railroad company.

Commissioner GARRETSON. The company does the work itself?

Rev. McGILL. Yes, sir. I heard a man say that the entire night shift had been discharged that day. Now, as a matter of fact, the man in charge, and who has been in charge of that job, is a brother-in-law to one of the worst employment sharks in the city. He is a brother-in-law and employs all his men through this office, the Wilms Employment Agency. I am speaking plainly, but everybody knows the situation exactly.

Commissioner O'CONNELL. Do you mean to imply by that that there is collusion between the brother-in-law and the agency to employ and discharge the men and make fees—split the fees?

Rev. McGILL. Yes, sir; that is the impression among the men. The average time is five days, and they must pay their railroad fare. The first thing is 75 cents for a candlestick. He gets a little piece of iron that ought to sell for 5 cents, and he is charged 75 cents. That is simply a form of graft.

He is charged a dollar for doctor's fee. There are four or five times as many men employed each month as the pay roll would indicate. Then he is charged for whatever he wants at the company store. Of course he is charged—well, these various charges that come in there, they are put in together.

Now, then, these men work in this way; they work in different shifts in this camp, for instance. There are three or four or five shifts—they work variously. For instance, at midnight one shift would come in, and here are men trying to sleep, and here these men come in all wet, and they make their fire in the bunk house, say there are 60 or 80 men in the bunk house, and they light a fire and smoke and dry their clothes and talk. These other men are trying to sleep; they have worked hard, and they are trying to get a little sleep. The same thing happens in the daytime. The men, of course, are changing all the time, and it makes it very difficult for them to live in that way. The bunks are built right down on the floor. An 8 or a 10 or 12 inch board is run on the floor, and right around and over here again. There is no way of cleaning these. I suppose these bunk houses have not been cleaned since the bunk houses were built.

A man said they often threw the mattresses out of the window. If you could see the mattress, you wouldn't wonder why they did. In this particular bunk house, where I talked the most, the men fight every night to see who will sleep on the table. There is just one table in the bunk house. They have reason to get just as far away from the bunks as they can. It is up in the mountains, and they can't sleep out of doors.

The toilet conditions are terrible—simply inexcusable. The toilet is behind the building up on the hill in very close proximity. The urinals are right between the buildings. Very many of the men have the impression that conditions are made in the camps just as bad as they can be so that the men will quit. The men do quit; they don't stay. They quit for various reasons. One reason that has not been given is this: A great many of them are out of work—they don't save any money; nobody could save money on the wages that they get; they live on coffee and "sinkers," as they call them, and they are physically not strong.

One reason the company is glad to have them quit at the end of four or five days is that they have squeezed about all out of them that there is in them. This logging camp and millwork is hard work, heavy work, and these men are exhausted.

Many of these men can't work more than 4 or 5 or 6 or 10 days until they must lay off. A great many of them are old men, and their physical condition is such that they can't stand it long. Many of them are not men adapted to it; they are men from every walk of life, and they drift into this seasonal employment. They are professional men and men of other classes, and they are not strong enough to do the work or stand it, and that is the reason they break down.

Commissioner GARRETSON. You mean also they are insufficiently nourished between jobs?

Rev. McGILL. Yes, sir.

Commissioner O'CONNELL. Has there been any study made of this matter and these conditions to ascertain what the real earnings of the men are, what real money they get out of the job and the real cost of living, and what the real charges are and whether they are fair or unfair, and how they compare with the charges in the city; what these insurance charges are; how much

money the company really collects in the month from the number of men employed. If they employ 300 regularly and have 600 to make up the 300, they must collect $600, instead of $300.

Rev. McGILL. Yes, sir.

Commissioner O'CONNELL. Has there been any investigation made in the State by anybody authorized or unauthorized that have any figures and facts getting at the real situation?

Rev. McGILL. Yes, sir; there has been a good deal of study.

Commissioner O'CONNELL. There has been study, I imagine; but I mean are there any facts gathered in?

Rev. McGILL. At the last session of the legislature the matter was quite fully presented, and there was a bitter fight made on the employment agencies. As a matter of fact, this first-aid clause that was defeated by the employers carried with it the question of employment, very largely of private employment agencies, and has to do with the doctor's fee, and these things are all linked together in that they form a part of the money that comes to the company here from the men.

Commissioner COMMONS. The question was asked by Mr. O'Connell as to whether any figures of their earnings had been collected.

Rev. McGILL. You have heard these men say that they work their mills 6 months in the year, or work 6 years out of 12, and that sort of thing.

Commissioner O'CONNELL. What I wanted to get at is this: If they agree to pay the men $26 a month, whatever the case may be——

Rev. McGILL. Yes, sir.

Commissioner O'CONNELL (continuing)——and his board?

Rev. McGILL. Yes, sir.

Commissioner O'CONNELL. Now, there would be reason to suppose at the end of the month he would get $26, but from what I ascertain from the testimony given, there is a little charge here and a little thing there taken out, and a little deduction here and another thing there, and all that sort of thing, and really he would not get anything at the end of the month?

Rev. McGILL. You heard Mr. Mack say they charged 25 cents for beds, and all those things are taken out.

Commissioner O'CONNELL. And the change of straw and hay, do they have an extra charge for that?

Rev. McGILL. I suppose so.

Commissioner O'CONNELL. There has been no investigation made to see whether a man really, for that matter, gets an existence?

Rev. McGILL. That is all they do get.

Commissioner COMMONS. You spoke about the Rucker camp. Do any of these criticisms of yours apply to that camp?

Rev. McGILL. Well, the worst features are eliminated. In the first place, you must know that a man who goes around with a bundle on his shoulder, carrying his bed on his shoulder, in the first place, loses his self-respect to a large extent, because—well, just because he does. The men go around with bundles on their shoulders, and they are not like other men.

Commissioner LENNON. He is a nomad?

Rev. McGILL. All right; he is also a menace to society for this reason: He is likely to carry disease. It is a wonder if he does not. Every one of them is a menace to society.

Chairman WALSH. The question is whether it applies to Mr. Rucker's camp, any of those conditions you mentioned.

Rev. McGILL. I don't think anything I have mentioned does.

Commissioner COMMONS. You have visited how many camps in this State?

Rev. McGILL. Oh, I have visited a lot—most of them.

Commissioner COMMONS. How many would you say there were you visited?

Rev. McGILL. I don't know of any other camps like Mr. Rucker's.

Commissioner COMMONS. I mean the total number of all kinds of camps in this State that you have visited—a hundred?

Rev. McGILL. Yes, sir; more.

Commissioner COMMONS. One hundred and fifty?

Rev. McGILL. Yes, sir; I think so.

Commissioner COMMONS. Two hundred?

Rev. McGILL. No, sir; probably not.

Commissioner COMMONS. Now, what number would be like Mr. Rucker's?

Rev. McGILL. I don't know of any other camps like Mr. Rucker's.

Commissioner COMMONS. He is the only one of that type you speak of?

Rev. McGILL. I would not say just that type, because there are better and worse.

Commissioner COMMONS. His is the best?

Rev. McGILL. His is the best that I know of.

Commissioner COMMONS. Then these points you make, these criticisms apply to others in different degrees?

Rev. McGILL. Yes, sir.

Commissioner COMMONS. How many would you say are of the lowest type that you have described, including having all of these worst features, out of the 150?

Rev. McGILL. Well, may I answer the question differently?

Commissioner COMMONS. Well.

Rev. McGILL. The question of the attitude of the men, as I understand it, is largely the question before this commission, and the fact that the doctor's fee and the employment fee and these different fees are taken advantage of, is one of the reasons and one of the causes that there is such a large amount of unemployment all the time—such a large number of men that are unemployed. It is the principal, as I understand it, the principal reason. This discontent applies generally to the whole situation, that of the camps and everything pertaining to the camp life. The fact that one camp is worse than another does not make so much difference. These men, however, are taken advantage of everywhere. When they come to the cities——

Commissioner COMMONS. Are they taken advantage of in this financial way by these deductions in Mr. Rucker's camp, that you speak of?

Rev. McGILL. I heard him say he employed the employment agency some.

Commissioner COMMONS. You are pointing out in his camp all the sanitary and physical conditions are all right?

Rev. McGILL. Yes, sir.

Commissioner COMMONS. The other things, these deductions and fees, and that class of deductions or payments, do they occur there the same as in the others?

Rev. McGILL. I am not prepared to state. I hadn't thought of that particularly. I don't know definitely now.

Commissioner COMMONS. Now, these 150 camps you have mentioned, what proportion of them are construction camps of railroads. How many of them are there in the State you have visited?

Rev. McGILL. There are not as many now as there have been, and yet there are still quite a good many of them.

Commissioner COMMONS. How do they compare with the lumber and logging camps?

Rev. McGILL. They are worse, a good deal worse. The men sleep in the hay, they just simply have hay, they don't undertake to have mattresses or springs, they generally just have hay to sleep in.

Commissioner COMMONS. When you speak of the logging camps and the mills in the lumber industry, what is the difference between the logging camps and in the mills?

Rev. McGILL. The men generally sleep in their houses at the mills.

Commissioner COMMONS. Has it been altogether logging camps you are talking about?

Rev. McGILL. Very largely.

Commissioner COMMONS. And not the mill camps?

Rev. McGILL. Not so much.

Commissioner COMMONS. You have visited them also?

Rev. McGILL. Yes, sir.

Commissioner COMMONS. How do they compare with the logging camps?

Rev. McGILL. Well, when they are camps they are much the same. I mean where they run eating houses, some of the mills don't have eating houses, some of the mills don't run boarding houses at all.

Commissioner COMMONS. What is your recommendation for relieving the conditions. What do you think ought to be done?

Rev. McGILL. I believe there ought to be a right for men to do more as they please. I believe there ought to be democracy everywhere. If the men want to form an organization, they ought to have the right to form an organization, in the first place. I don't think any man has a right to tell another man he shall not associate with his fellow men on any plan he chooses to. That is one of the worst features, it seems to me.

Then, I believe there must be a larger, that we must more nearly come to a proper division of the products of industry. These men see these other men

getting rich, and exploiting our natural resources. As Mr. Mack said, anybody could go out on a shoestring and start a logging camp, and if he could get enough men to work with him and postpone their pay until he sells his logs, he can do well. These men see the other man getting rich and making large amounts of money, and they themselves in utter poverty, and as long as that condition exists there will be discontent.

Commissioner COMMONS. More specifically, what would be your next ground?

Rev. MCGILL. Well, I have to mention those two things, that is all I have to mention.

Commissioner COMMONS. Your second thing involves a great many things. What would be your idea about employment offices?

Rev. MCGILL. There is absolutely no excuse for the employment office. The fight was made for the employment office, not by the employment agents themselves, as was stated on the stand, but by the employers. The city of Seattle stands ready to furnish every man a job and every employer a man, but these employers won't patronize the city office at all, and the city has an office here that goes begging. A few women telephone saying that they want a man for a couple of hours to wash windows, and the city employment office gets that kind of a job, but when they want a large number of men, they don't go to the city office, and they don't in Tacoma or Spokane.

Commissioner COMMONS. Would the remedy be to abolish private offices altogether?

Rev. MCGILL. Yes, sir; absolutely.

Commissioner COMMONS. How would you do that?

Rev. MCGILL. Take the fee away from them, that would abolish it very quickly.

Commissioner COMMONS. What other remedy would you employ. How about the deductions from pay. Would you have any legislation on that subject regulating that?

Rev. MCGILL. Why, yes, sir; I would do that and I would make it illegal for any man to employ a man without giving him a place to live. It is utterly ridiculous to think that these men should have to outfit at these places as they do, from the company's store, and they often go off, as is stated, and leave their things. Some men have too much pride to carry a bundle of old blankets and comforts around town with them, and they leave them in one place and have to buy them again in the next place. They hope to get something better, but they don't. I would make it incumbent upon every employer of labor to furnish a place for the men to live decently and respectably.

Commissioner GARRETSON. If such things were not available where the employment was?

Rev. MCGILL. Well, but they are available.

Commissioner GARRETSON. At the logging camps?

Rev. MCGILL. They could be made available.

Commissioner GARRETSON. I mean if he could not reasonably procure them for himself. You wouldn't make the employer in the city of Seattle, for instance, house his employees?

Rev. MCGILL. Oh, no, sir; not in that instance, because that would not be necessary.

Commissioner GARRETSON. That is the point I want to get clear.

Rev. MCGILL. Oh, yes; I see.

Commissioner COMMONS. Any other line of legislation or particular thing that you think would remedy or help to remedy the situation you describe?

Rev. MCGILL. It has occurred to me that the employment office—the employment business, could be conducted through our post offices. I don't know whether that is practical or not, but it has occurred to me that in our post office, organized as it is in all places, it would be a very small matter to have a place something like we have for money orders or something of that kind, that would give the facts relative to employment at every place that the Government has a post office. To look after employing the men and filling out application blanks, and men wanting work, all they would have to do in the way of looking after the business could be carried on easily. It could change this whole situation very largely.

Commissioner COMMONS. Do you think employment could be made more steady and the men would stay longer than these number of days?

Rev. MCGILL. Yes, sir.

Commissioner COMMONS. By these methods you speak of?

Rev. MCGILL. Yes, sir.

Commissioner COMMONS. Do you think it possible to have men with families employed?

Rev. McGILL. No, sir; you will find it right down here.

Commissioner COMMONS. By your remedies, I mean—by your remedies that you suggest do you think that there would be an increased proportion in the number of families?

Rev. McGILL. Yes, sir; I would just like to say, if you please, that there is a less willingness on the part of men to assume the family relations, and it has come to be really in a shocking condition here, because largely of such institutions as that at Grays Harbor that has just been described here. Now, you will find it a very common thing to see a statement that no married men are wanted where there are hundreds of employees, such, for instance, as up here at the tunnel. Now, a married man finds that there is a premium on being an unmarried man, and there is a good many men that either stay or get unmarried because it is more convenient, I suppose.

Commissioner LENNON. Mr. McGill, have you ever considered the necessity of State inspections for these camps and mills and construction camps, similar perhaps in character to that which is applied to the mines? Do you think that would be helpful?

Rev. McGILL. Why, I don't think so, because we have such inspections.

Commissioner LENNON. You do have such inspection?

Rev. McGILL. Yes; and I think that the inspection is made honestly, as far as it can be. As was stated here, the State labor commissioner has no funds at his disposal. He has no way of finding out anything except as it is volunteered to him, practically, I should say, at least to a very large extent.

Commissioner LENNON. Well, of course, if the State won't provide for a real inspection it is valueless. That is self-evident.

Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. Yes. Mr. McGill, if other employers in the lumber business would follow the same method of treatment with their men as is evidenced in the case of the Rucker Lumber Co., do you believe that they would discover, as Mr. Rucker states, that there is plenty of the best men on earth available?

Rev. McGILL. Yes; I think so.

Commissioner GARRETSON. Does the treatment—from your experience and investigation do you believe that the treatment that is received in the average camp of that character would make barbarians of men?

Rev. McGILL. No.

Commissioner GARRETSON. What?

Rev. McGILL. Such as the Rucker camp, you mean?

Commissioner GARRETSON. No, no; in the average camp.

Rev. McGILL. Yes, sir. It has done so with our men here.

Commissioner GARRETSON. It reduces every standard of the man who is so treated. In your opinion, is it the duty of an employer to safeguard his men against exploitation by others?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. Even though he has no connection in that exploitation himself?

Rev. McGILL. It is.

Commissioner GARRETSON. And has your experience and investigation led you to believe that somebody in the control of hiring and discharge of men is in collusion for profit?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. With those on the outside?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. You have expressed some opinions here founded on a statement of the facts as you have presented them. Is the knowledge of those facts, as you have recited them, the opinions founded upon that knowledge, and the open expression of those opinions one of the things that constitute the charge against the clergy of Seattle that you have heard made here, in your opinion?

Rev. McGILL. I am not real sure that I understand your question, Mr. Garretson.

Commissioner GARRETSON. We have heard it said that the clergy of this city are utterly undesirable from the standpoint of the man expressing the opinion. Is it on account of opinions like you have expressed here, and the expression

of them, as to the attitude of employers toward employees in many instances, that that opinion is held?

Rev. McGILL. I think so.

Commissioner GARRETSON. You think it is?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. I suppose you could accept philosophically, then, the denunciation?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. What has the church been able to do, or tried to do, in the amelioration of these conditions?

Rev. McGILL. Well, the church——

Commissioner GARRETSON. Remember, I mean by the use of the phrase "church," every phase.

Rev. McGILL. The church is placed in a peculiar position. These men themselves are mostly churchmen.

Commissioner GARRETSON. You mean the master or the man?

Rev. McGILL. The men that own the industries.

Commissioner O'CONNELL. They are churchmen, you say?

Rev. McGILL. Yes, sir; largely. Quite largely. They largely subscribe to and pay to the support of the church.

Commissioner O'CONNELL. Would you imply by that they are religious men?

Rev. McGILL. Yes, sir.

Commissioner GARRETSON. Do you mean religious men or claim to be?

Rev. McGILL. Well, they are; I think they are religious. I think Mr. Paterson is a very religious man.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all. Call your next.

Let us have perfect order, please.

Mr. THOMPSON. Mr. Marsh.

TESTIMONY OF MR. E. P. MARSH.

Mr. THOMPSON. Mr. Marsh, will you give your name, your business address, and your position?

Mr. MARSH. E. P. Marsh; address, Labor Temple, Everett; president of the Washington State Federation of Labor.

Mr. THOMPSON. Now, Mr. Marsh, certain questions have been sent to you. Will you answer them in your own way?

Mr. MARSH. Yes, sir.

Mr. THOMPSON. Without any further questioning.

Mr. MARSH. I have been asked the organization and purposes of the State Federation of Labor. The State Federation of Labor, as its name implies, is a federation of labor organizations of this State, comprising 252 local unions and trades bodies, central bodies, with an approximate membership of 20,000. I should judge this is about 50 per cent of the organizations, or rather the organized membership of the State within the federation.

I might briefly outline its purposes by saying they would come, possibly, under three heads: For purposes of organization, for purposes of legislation, and for the dissemination among people of all classes of industrial education.

The activities of the federation since its formation in 1902 have possibly covered the field of legislation more than any other field. At every session of the legislature the federation is represented there either by its president or some other man in official connection, looking after the passage, aiding in the passage, of labor legislation; also of social legislation proposed by ther bdies r by individuals in which organized labor may have an interest.

I might say that—well, I might enumerate very briefly some of the more important measures in which the federation has been instrumental in securing their passage. There has been no measure of labor legislation proposed either by the federation directly or by affiliated bodies or by the railroad brotherhoods that the federation has not taken an active hand in assisting its passage.

I think the pieces of legislation which stand out are, perhaps, the women's eight-hour law, the workmen's compensation act, the minimum wage for women and minors, the creation of a female deputy labor commissionership under the direction of the department of labor, the full train crew bill, the electric headlight bill, and, possibly more important than all of these, the passage of the constitutional amendment providing direct legislation.

I might say in passing that the federation of labor is the first body in this State that went into the legislature itself and actively began the fight within that body for direct legislation; that we followed it up from the time the fight was first commenced about eight years ago until two years ago, when the constitutional amendment was submitted to the people and passed and became part of the organic law of the State.

I have been asked to describe the general industrial conditions. I think, Mr. Chairman, that they have been quite thoroughly described. I think it would be a waste of the time of the commission for me to go into that any further.

Chairman WALSH. If you would just strike those things that appear significant to you.

Mr. MARSH. I will do that.

Chairman WALSH. You understand, that have not been covered.

Mr. MARSH. I will do that.

Commissioner LENNON. We have about 12 people to hear in less than an hour.

Mr. MARSH. I will pass the question of industrial dissatisfaction, inasmuch as it has been quite fully covered.

"Constructive proposals within the scope of the commission." It appears to me, Mr. Chairman, that one thing that we need very much is Federal legislation which will clearly define labor's rights, organized labor's rights. Every one concedes the right of labor to organize, but we want to know exactly what our status is under the law. What may we or what may we not do? May we peaceably picket? May we peaceably boycott? In short, may we do collectively what the law allows us to do individually, holding ourselves the same as individuals are held, amenable to the law for any attempt upon the life of people or upon property itself. It seems to me also—I am very much struck with a line of testimony that has been brought out at this hearing advocating some Federal laws in the matter of distribution of labor and distributing authentic information as to industrial conditions that obtain throughout the country. It seems to me that is quite necessary.

Also some gentlemen on the stand yesterday spoke of publicity being the remedy. I rather agree with them. For instance, if you will allow me to cite briefly, I believe that if a corporation is paying less than a living wage or only a living wage, giving as a reason that it is running at a loss, and we find that 50 per cent of its capital stock is water, and it is attempting to pay 6 or 7 or 8 per cent dividend upon the actual valuation of its property and upon that water as well, it seems to me that the people should know that. It seems to me that that is one of the causes of our unrest.

It strikes me also that we need some Federal aid in the matter of land development, the matter of placing people upon the land. The land question is too great for me to go into at any length. But let me tell you and assure you, Mr. Chairman, that in this city, and I think it is typical all over the State, that the longing for a piece of land is in the hearts of the people. They want a piece of land, but it is held by speculators out of their reach. The time was when a man could come West, as he was displaced in the East, and settle down on a piece of land. You can not do it to-day.

Now, on uncleared land a conservative estimate costs $125 to $150 to clear ready for cultivation. Your land ready for cultivation will cost from $250 up, according to the character of the soil, its closeness to transportation facilities, and so on. Your people are absolutely debarred from going on the land. And it seems to me if some system—I haven't this worked out—but if some system of Federal farm credits might be taken up and worked out by Congress to assist the people upon the land and assist immigrants upon the land it would go a long ways toward solving that problem.

A great many of these questions you have asked have been answered by other witnesses.

Chairman WALSH. Wherever you think they have been fairly answered by other witnesses you may omit those.

Mr. MARSH. The workmen's compensation law has been covered. I have been asked what I consider a proper basis of trade agreement. In the first place, let me say I am a firm believer in trade agreements, in that relation between employer and employee. I believe, in the first place, that the conditions under which the men agree to work, and the employers agree to employ them, should be so plainly and definitely stated in that agreement that it will be difficult to misconstrue them on either side.

My experience has been that in many of our trade agreements provisions have been vague, have been liable to misinterpretation upon both sides, and that has

brought a great deal of the trouble. The basis, of course, of the trade agreement is arbitration. I have had some experience there; and I have found that the odd member of an arbitration board—this is possibly a theory of mine; it has been my experience—has been a very prolific source of trouble. I have an occasion in mind where in a certain mill in this State they are still fighting after a period of 10 days in an attempt to get together—they are still fighting over the selection of the third man of that board, the odd man.

It seems to me that it has been argued that were there an even number upon the board a deadlock would likewise result. I think that that chance would be very much more than offset by the feeling in the minds of both parties to a dispute that there was no use jockeying for position in the matter of the third man, that there was not any—that the disposition would be to settle down and grapple with the problems involved in the disputes. That is my opinion upon the trade agreement.

Now, just one word about the character of organization, administration, and the degree of democratic control. You have heard throughout these hearings a great deal about the arbitrary, dictatorial methods of what have been termed "labor leaders." I want to say that I do not believe there exists to-day an organization anywhere as democratic in its make-up, in its opportunities, as the trade-labor movement. It may be possible that upon occasions labor officials do abuse their power. I think you will find that in every case where this happens it has been because of apathy and inattention upon the part of the membership itself that allowed that condition to come. As a general rule it has been my experience that your labor officials have been but carrying out the policies determined upon by the membership itself.

I am acquainted to a degree with the constitution, laws, and internal workings of a great many organizations, and many of them use the initiative, referendum, and recall in the transaction of their own business, election of officers, and so on. And I want to repeat the statement that there is no organization that I know of that has the opportunity for democratic control and management nor that is so managed, as the trades-union movement to-day.

Just a word, and I think that will finish the line of questions that I care to take up your time with:

I have been asked the effect of immigration upon industrial conditions. There is no question in my mind but what that has a large and a very bad effect. We have coming into this country something over a million a year—coming faster than we can by any possibility assimilate. As a consequence we have had a glutted labor market—the labor market centered in your industrial cities. I believe the reports made to Congress during the debate upon the Burnett measure showed that less than 2 per cent to-day of immigrants arriving were going upon the soil. They were going to your cities.

I just briefly wish to call your attention to a few conditions that touch us directly here at home—that have a direct bearing probably upon our conditions of employment in this State.

We are on the border between Washington and Canada. We have several hundred miles of practically unprotected, unpatrolled border. I lived upon that border for four years, at one of your ports of entry. I know that it is the easiest thing in the world for people to simply step across from the Canadian side to the American side. No question but that they do it in large numbers.

Let me say—let me make this explanation, Mr. Chairman and Mr. Thompson, that the facts that I am giving you now I am not at liberty to give their source. However, this is true: The Grand Trunk Pacific Railway, which has been doing construction work for many months in Canada, in one day last spring discharged 2,700 men, all of them southern Europeans, of those nationalities, and the last heard of them there they were striking for the line.

Let me cite you another instance which is authentic, which happened during the year 1913. Upon a ship arriving direct from Italy were 85 Italians, who came in a body to Chicago. Upon arrival there they were met by one of their countrymen. Thirteen of them were brought by this Italian to St. Paul, there given transportation by the Northern Pacific to Puget Sound, taken in a body, the 13, to the Sumas division of the Northern Pacific, placed at work upon construction work. One of these 13 was later found in the reformatory and deported. The man who brought them through from Chicago was a section foreman in the employ of the Northern Pacific. I cite that case to you. Our waters are scarcely patrolled, probably for want of money and men. There is no question but that men are entering this country illegally, although it is

probably hard for a layman like myself to produce the absolute proof to that effect.

Commissioner LENNON. Does this apply to Chinese as well as others?

Mr. MARSH. To a lesser degree, I think, than it does to the Russians, southern Italians, and people of those nationalities, although there is no question but that Chinese are still coming across.

I want to give just one more illustration. Our facilities for handling immigration on Puget Sound are of the very worst. We have a wooden rattletrap which we call a detention station at Interbay, a station which was condemned in the most vigorous terms by Immigration Commissioner Caminetti in his report to Secretary Wilson of the department. Despite the fact that the Panama Canal is completed and the first ship, I believe, one of the first ships, goes through to-day, despite the fact that heavy immigration may be expected, there has not been one dollar appropriated up to this time by Congress for the erection of a detention station, for its equipment, and for its manning; nor, apparently, has there been any disposition to make such appropriation. It seems to me that must be remedied. Admitting, for the sake of argument, that the canal opening does not increase the total flow of immigration, yet it is true that some of the immigration now arriving at Ellis Island and Boston will be diverted to Pacific coast ports rather than to Atlantic coast ports. Testimony has been given many times, once by former Commissioner Williams at Ellis Island, that upon certain days at Ellis Island it is necessary to physically examine and pass 180 immigrants every five minutes to keep the entrance way clear. Now, all of you know that is physically impossible. We don't want those conditions upon this western coast, and we do need Federal aid in the matter of strengthening and preparing for the immigration service on the Pacific coast to cope with the immigration which may be expected.

I might state, as a bearing upon our industrial conditions of this tide of immigration, there is a little town north of us, about 5 miles this side of Everett, called Mukilteo. There is a large sawmill in that place erected some 20 years ago. This mill employs 106 Japanese, 73 Greeks, and 100 whites. It would employ, did they employ whites rather than the Japs and the Greeks, 200 more men, all probably married men, bringing the population of that town—increasing it from 200, its present population, to 750, giving these 100 men the average family of five. I just cite that as one direct condition that we are confronted with in this State because of that labor.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner GARRETSON. Mr. Marsh, I should assume from the position you hold that you are reasonably familiar with the general conditions that exist governing employment as well as other features of the labor questions?

Mr. MARSH. I try to be.

Commissioner GARRETSON. Has it ever appeared to you, or has any investigation led you to reach the conclusion that many employers give the preference to single men on account of the fact that the compensation act gives more money to the man of family in case of injury?

Mr. MARSH. That may be true, offset possibly by the law recently passed allowing the dependents of a single man to sue in case of death or injury.

Commissioner GARRETSON. Is that a modification of the compensation act?

Mr. MARSH. No; that is entirely aside from the compensation act.

Commissioner GARRETSON. It gives the right of recovery in accord with the old liability law in case of the death of a single man?

Mr. MARSH. I think, however, that the compensation act now knocks that out, except as applied to railroad men or men who do not come under the provisions of the act. This bill I speak of was passed before the compensation act.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you. Call your next witness.

Mr. THOMPSON. Mr. Gilbert. [No response.] Dr. Bergland.

TESTIMONY OF DR. ABRAHAM BERGLUND.

Mr. THOMPSON. Will you give us your name, address, and profession?

Dr. BERGLUND. My name is Abraham Berglund. I am assistant professor of economics, University of Washington. My residence, Seattle.

Mr. THOMPSON. You may answer the questions that have been submitted to you.

Dr. BEMELUND. I have not received any list of questions.

Mr. THOMPSON. Doctor, how long have you been here in that position?

Dr. BEMELUND. I have been here about one year.

Mr. THOMPSON. I will just ask you one broad question which will include what you probably have to say to this commission. Have you given any consideration to the question of industrial unrest?

Dr. BEMELUND. Yes; I have given some attention to it.

Mr. THOMPSON. Will you give us your views as to its cause, if it exists, and the remedies you suggest to this commission?

Dr. BEMELUND. There are some things I should like to call the attention of the commission to.

Chairman WALSH. Will you please pick out those things in particular that are on your mind that have not been touched upon?

Dr. BEMELUND. That have not been touched upon. For four years I was special agent of the Bureau of Corporations at Washington, D. C., and there were certain things in connection with the work of the bureau that I think are not frequently considered in the matter of wage conditions. Now, we have organizations of employers, and organizations of employees.

For a part of the time that I was in the bureau we made some study of the lumber industry, and I did some work on the organization known as the Yellow Pine Manufacturers' Association. That organization was an organization of lumber manufacturers largely for the purpose of bringing about increased prices. At any rate the indications point to that purpose in view. Now, that organization was not friendly to organized labor. If any labor organization was developed in any part of the district covered by the yellow-pine district, information was immediately sent to the different members of that organization. You have this organization, used for the purpose of increasing prices. You have here an organization that favors increase in prices, but is opposed to organization for increase of wages or the maintenance of wages.

Now, coupled with that you have, in order to maintain prices, restriction of output. Now, this restriction of output did not mean reduction in the hours of labor; not at all. Now, in such a time as 1904, when there was restriction of something like 30 per cent in the lumber manufactures, it did not mean that the hours of labor were reduced; men were thrown off, and we have what is called a stiffening in prices. Prices are maintained and not only maintained, but raised. On the other hand, wages remain the same; the hours of labor remain the same. We have organizations of this character, not only in the lumber industry but in other industries—organizations for increase of prices and curtailment of output. If men are seeking work, they are told that there are not enough jobs to go around. As one witness stated before this commission, you have 16 men for 15 jobs. Now, it seems to me that we have a relationship between the curtailment of output and number of jobs. That is one point that I wish to call the attention of the commission to.

Commissioner GARRETSON. With that, Doctor, while wage was maintained earnings were largely decreased?

Dr. BEMELUND. Earnings were largely increased; yes, sir.

Chairman WALSH. Go ahead, Doctor. Is there something else you wish to say?

Dr. BEMELUND. There is nothing particular. I do wish to say that the unemployment committee, of which Mr. Lane was a member—I wish to say in connection with the number of the unemployed in Seattle there were estimates ranging all the way from five to ten thousand. There were some estimates more than double that.

Chairman WALSH. Any definite figures at all?

Dr. BEMELUND. No definite figures.

Chairman WALSH. Anything else you wish to suggest?

Dr. BEMELUND. There is one thing that was touched upon by one of the members of the insurance department. I have here some figures in regard to the burden of—this is taken from the second annual report of the insurance department for the 12 months ending September 30, 1912. Something was said by one of the witnesses to the effect that the employers are compelled to pay all this compensation. But when you consider the matter of burden you have got to consider not simply the amount paid in for insurance, but also the wages lost. Now, in this report you have the burden resting something like this: In the case of award from both temporary disability and permanent partial disability, the percentage of loss borne by employers, 28.3 per cent; the percentage of loss borne by employees, 71.7 per cent.

Commissioner GARRETSON. And that does not take into consideration suffering and the social loss of the men in any degree whatever—the injured men?

Dr. BERGLUND. No.

Commissioner GARRETSON. That is only the actual financial statement?

Dr. BERGLUND. Yes.

Chairman WALSH. That is all, Doctor; thank you. Call your next witness.

Mr. THOMPSON. Is Dr. Strong here?

TESTIMONY OF DR. SYDNEY STRONG.

Mr. THOMPSON. Give your name and address, and your profession.

Dr. STRONG. Sydney Strong; my residence, 508 Garfield Street; I am a minister.

Mr. THOMPSON. Doctor, in order to save time, as our time is brief, you have a list of questions, have you not?

Dr. STRONG. Yes, sir.

Mr. THOMPSON. Will you answer those in your own way?

Chairman WALSH. Those, Doctor, that you think have not been answered, and a statement of anything that you think is significant or that may be of information to us.

Dr. STRONG. Mr. Chairman and Mr. Thompson, I have been a listener all through the hearings, and I will try to speak simply of a few things that may have been omitted.

I happen to be the president of the Central Council of Social Agencies. I mention this because it suggests a form of organization that has been of a little help here in Seattle, not primarily, but secondarily, in industrial matters.

The committee on unemployment referred to was appointed by our executive committee, and the chief of police turned to us to make the appointment. That is one little side product. We also held a conference on immigration for three days during the past year. Our organization is made up of agencies—over 50—with delegates from one to three from each one, and these agencies being as wide apart as commercial club, chamber of commerce, Central Labor Council, and various charity organizations, Municipal League, etc., the purpose being to bring about a better understanding through fellowship, through acquaintance, through a common program, and through trying to bring to the minds of all the fact that the interests of all the citizens are fundamentally one and that there is no room for division. I think perhaps that is all I wish to say about that. If I may be permitted, I will file this statement.

(See Strong Exhibit No. 1.)

Dr. STRONG. The second thing I should like to present, if I may, is some statistics which I have gathered in regard to Japanese as bearing on the industrial situation here in Washington. I will not take the time, perhaps, to read them, but simply to say that in my judgment, after quite a long study, not as an expert, but as a student in Japan and here for eight years, the Japanese is by many of our citizens, I think, wrongly judged.

(See Strong Exhibit No. 2.)

Dr. STRONG. He comes to our shores and is an economic asset, to say nothing of other things. I bring out here the number of Japanese that are here in Seattle and in Washington.

Commissioner O'CONNELL. Have you those figures in mind, the number that are here?

Dr. STRONG. Yes.

Commissioner O'CONNELL. What are they?

Dr. STRONG. You mean in Washington?

Commissioner O'CONNELL. Yes.

Dr. STRONG. The number of Japanese in the State of Washington in 1912 was 10,551, about half of these being in Seattle.

Commissioner LENNON. Do you indicate as to the comparison of their wages with the wages of white people?

Dr. STRONG. The comparison as far as I can learn at the beginning is lower, but that on the whole the Japanese is not a cheap man at all, and that he responds very quickly to our living.

Commissioner O'CONNELL. Did you ascertain what number of these were working in houses, doing work that should be done by females?

Dr. STRONG. The number given here is laborers, farmers and gardeners, students, professional and business men, and miscellaneous. No, I did not.

Commissioner O'Connell. Would you think the miscellaneous would include house workers?

Dr. Strong. House workers, I suppose, miscellaneous, 870.

Commissioner O'Connell. That would not cover it, then.

Dr. Strong. I presume not. Now, the only other things I should like to speak of is in the way of general observation. My knowledge is general, not specific. I may say that by way of preparation I have been a fraternal delegate to the Central Labor Council here and in another city; so have kept in touch, I think, possibly a little above the average of my ministerial brethren, with labor organizations and labor conditions. I think I may say that the relationship in Seattle between the citizens generally and the labor people is unusually good.

I should like to mention one element that ought to be brought in: The cultivation of a better spirit of approach on both sides. I know that this is not very tangible, but in my judgment it is quite important. I may speak of it as an economic asset. If the approach on the part of employers and of the employees to one another could be changed the result that we are all hoping for would be gained.

Now, to be practical: Two things I should like to favor have been referred to by the commission. One of these things is to have in Washington, possibly, a duplication of the national bureau. A bureau that might be used for the collection of statistics, for bringing men together, for arbitration or anything of that kind, would be of the utmost benefit.

I should lay the responsibility of the introduction of a better spirit into the labor controversy—I should lay it upon the employer. I think the employer should as a rule take the initiative.

I should be willing to guarantee in our own city, for instance, that if the directors of the employers' association and the officers of the Central Labor Council would be willing to sit down together twice a month around the table and eat together and talk over frankly and freely their differences, I think it would reduce 50 per cent the difficulties we have existing between them. It is the unwillingness on the part of men to come together frankly and fairly and talk over their differences in a spirit of friendship without suspicion—that has been, I think, a part of our difficulty.

I should place it upon the employer as a rule to take the initiative. There are fewer of them, and public opinion has led him to take the lead in years and ages past, and my judgment is that as a rule the labor people have been more ready to conciliate than the employer. The employer should then take the initiative and welcome approaches—although there has been fault on both sides.

My only contribution, apart from other things that have been said, would be that any method by the Government or by local societies that would introduce a spirit of conciliation between the parties, recognizing that their interests are fundamental, would be a very great contribution to our problem.

That is all, Mr. Chairman.

Chairman Walsh. Any questions? That is all; thank you, Doctor.

At this point the public hearings at Seattle will now finally adjourn. There will be hearings here on the question of the smuggling of Asiatics, if any, into this part of the country upon Monday and Tuesday, but those hearings are necessarily executive.

The commission is very sorry that it has not been able to hear even all of the witnesses who have been summoned, on account of the length that is necessarily given to those who have testified, so that those who have been summoned but have not testified, if they will call upon the clerk here, they will be paid their witness fees.

Mr. Thompson. I might suggest, Mr. Chairman, that if some of the witnesses have their statements here, they can be filed with the commission and form a part of the record.

Chairman Walsh. Yes; any persons who have any suggestions that they had intended to elaborate on the witness stand we will be very thankful if they will turn them over to Mr. Dower, the secretary, or send in to the commission at Transportation Building, Chicago.

Mr. Thompson. Yes; send them in to the commission at the Transportation Building, Chicago.

Chairman Walsh. Or send them to the headquarters of the commission at the Transportation Building, Chicago.

I want to thank the witnesses and the citizens of Seattle for the very kindly cooperation which the commission has received.

(Whereupon, at 12.15 o'clock p. m. of this Saturday, Aug. 15, 1914, the public hearings of the commission were adjourned to Portland, Oreg., and an adjournment for executive sessions was taken until Monday, Aug. 17, 1914, at Seattle, Wash.)

STATEMENT OF HAMILTON HIGBAY.

The following statement was submitted in writing by Mr. Hamilton Higbay, assistant secretary, Seattle Port Commission:

I presume my name is among those in the printed list of witnesses, because for about two years I was industrial insurance commissioner for the State of Washington, and because of my advocacy of what is called in this State "first-aid" legislation. The term "first aid," as used in this State, means the cost of medical treatment required by an injured workman, and is not furnished by employers or the State at the present time, but such costs must be paid by the workmen themselves. Our workmen's compensation or industrial insurance act thus needs supplemental legislation.

In the second place, I have persistently pointed out that the largest social result of the workmen's compensation ought to be a development to a high degree of safety in industrial processes.

First aid and safety represent my contribution to the aroused social conscience in this State. Based on an economic need, they are now becoming political demands. My bringing these ideas prominently to public attention undoubtedly cost me my position as a State official. My study of compensation systems in Europe and the enactments of other American States, coupled with my day-by-day experience administering the new Washington work-accident system, led me to the profound conviction that ours is a one-legged law. The working people of this State so regard it. As conceived, it was a fine piece of social legislation; but as passed by the legislature under the whip of the big lumber interests, it is only a half loaf.

The working people want safety first. They only dimly perceive that it can be achieved. Compensation for a preventable injury is more than an insult—it is a social crime. I have persistently pointed out that over 50 per cent of industrial accidents are preventable. The statistics of great corporations like the Illinois Steel Co. and the International Harvester Co., which have carried on safety campaigns, prove this incontrovertibly, as does the notable work of the Minnesota Labor Department and the Wisconsin Industrial Commission.

Because of these ideas, I am regarded as an agitator, or at least an upstart or theorist, by organized employers. However, the ideas go marching on. They have become a well-defined demand of the people of our State.

In August, 1912, with the cordial support of the governor, the majority of the three members of our Industrial Insurance Commission (that is, John M. Wallace and myself) issued Bulletin No. 1, a safety bulletin, and ordered our traveling auditors to post it in mills and factories throughout the State. It was a fair and appropriate placard. But the manufacture member refused to allow his name to go on it, and the name was stricken from the proof after it came from the printer. His objection was that it would stir up the laborers; that the lumber crowd would not want any "agitation." So Wallace, representing labor on our board, myself appointed to represent the public, or lawyers, perhaps, issued the bulletin anyway. The opening paragraph, signed by Gov. Hay, read as follows:

"Preventing of work accidents is of vital importance to every employer, every workman, and every other citizen of Washington. Reports have been received by the industrial insurance commission of 9,012 men and women killed, maimed, and wounded in our State in 10 months, October 1, 1911, to August 1, 1912, out of an industrial army of only 100,000 to 125,000—eight or ten men out of each hundred employed. One-half of the suffering and the human and economic loss due to accidents is preventable. A systematic study of accident prevention—guards, speed, spacing—by workmen's committee, safety engineers, and private investigators, can not fail to yield beneficial results, stopping a needless drain on the industries of the Commonwealth in compensery compensation, saving to workmen hundreds of thousands of dollars in wages lost and medical costs, and returning safe and sound to the wives and children and mothers the breadwinners, whose worth can not be computed in human symbols of value. Cooperation with the industrial insurance commission and the State bureau of labor to this end is earnestly urged."

You will find a complete copy of this bulletin at page 94 of the first annual report of our department, 1912. You will also find that meetings called to consider safety in industries and suggestions of cooperative action among employers were absolutely ignored. At about the same time we sent out the safety bulletin we also issued and mailed to the large employers, secretaries of labor unions, and the State press, a circular giving a clear-cut article written by Prof. John R. Commons on the working of the Wisconsin safety system, where manufacturers, workmen, and safety experts work together to standardize machinery and shop practices and the prevention of injuries. Laboring men in this State heartily approved the idea, but employers to a man, so far as I know, utterly ignored it. In September we issued a 16-page pamphlet on "The Treatment Cost of Work Accidents," an address of mine before the State Medical Society, delivered in April. These three things constituted what the organized employers considered "propaganda" by a State official.

In September, 1912, I was selected by my associates, Pratt and Wallace, to prepare the yearly report required by our law. The first annual report, a volume of 516 pages, is the result. On November 19, while the book was still in the press, a delegation of six representatives of organized employers came down to the State capitol at Olympia, and as Gov. Hay told me, demanded my summary removal—asked for my head "with all the assurance in the world" and insisted that two chapters in that report be suppressed. These were the chapter on safety, at page 87, and the portion upon first aid and medical attention, at page 208. Mind you, they never came near the commission to argue the matter; they never attempted to meet the economic problems discussed. They simply ordered the governor to swing the ax. Among the six were E. O. Ames, of the Puget Mill Co.; Charles Patten, of the Atlas Lumber Co.; the president of the Metal Trades Association; and the secretary of the State Medical Association, whose office is next door to Ames. Ames is a son-in-law of Walker, the San Francisco lumber baron, and the Puget Mill Co. owns hundreds of thousands of acres of timber and logged-off lands in Washington. They operate the great export mills at Port Gamble and Port Ludlow. They are notoriously opposed to selling land, opening up roads, or paying on such land taxes which smaller men would be compelled to pay if they owned it. They do not want a country to settle up because settlers increase the fire hazard to their timber holdings. The metal trades men you have heard through their spokesman, J. V. Paterson, of the Seattle Construction and Dry Dock Co. I want to say that small employers objected strenuously to being put in the same class under the compensation act as Paterson's company, because of its wide reputation for heavy percentage of accidents.

The State Medical Society is a close corporation, which the secretary boasts that he runs to suit himself. He opposed first aid in fear that its trend would be toward State doctors on salary, as in Austria, or a State fee bill, as under the Lloyd George Act in England.

Well, we had a hot time in the governor's office from 2 p. m. until sundown—not argument, but collision. I was a nonpartisan efficiency appointee from my first position as district auditor in Seattle, and I told big business in plain terms when it lied and where it got off. The governor did not remove me, and the report was printed. It speaks for itself.

Now, it seems to me significant and of interest to this Federal Commission on Industrial Relations that representatives of organized labor are willing to meet officers administering laws affecting labor and discuss fully their merits and defects, while employers, as a class, are not; that labor men treat State officers with respect and even deference; that at public gatherings—men and women—the ordinary citizens in cities are glad to learn from public servants of the problems that confront them, but organized employers persist in regarding any official who is not a known representative of their class as an enemy, to be branded "agitator" or at least "politician" and quite likely "socialist," to be ignored at all times except on occasions of necessary business contact and thwarted whenever possible.

As a clear statement of the Washington compensation system for injured workmen I desire to file with the commission a copy of an address delivered by me at Wenatchee in December, 1912.[1] I call your attention to the analysis showing that workmen are carrying two-thirds of the cost of work accidents in Washington and the employer only one-third. To bring the statement right

[1] An article entitled "Industrial insurance act, Washington State," by Hamilton Hicks, from the Pacific Builder and Engineer, Aug. 30, 1913, was submitted in printed form.

up to date, I refer you to the second annual report, issued by the present State commission for the year ending October 1, 1913, at page 101, dealing with 1,508 cases, where the data on medical treatment was complete:

Wages lost	$107,296.67
Cost of medical treatment	36,206.80
Total loss to workmen	143,503.47
State awards (total loss to employers)	47,184.20

Now, employers know mighty well that is not an equitable distribution of the burden. In fact, small employers all over this State who work by the side of their helpers think injured workmen's doctor bills should be paid. The big business representative merely gets mad if the subject is raised. I remember meeting three of the leading men of the Cement Trust of the coast at the Tacoma Commercial Club. They asked me how the new compensation law was progressing. When I told them workmen chafed when confronted with doctor bills as big or bigger than the State awards they immediately congealed—ignored my presence, not even politely. The fact that workmen find their awards about equal their doctor bills, unless they are under the coercive hospital-ticket system, makes them feel that the law is framed against them. An old engineer at Tenino told me it was "another corporation skin deal." The courts are denied to the workman who wishes to sue his employer; he feels he is cheated by due process of law. He sees the law, in which his award about equals his doctor bill, as a measure of absolute protection to employers, but not fair compensation to him; he regards it as an employers' insurance act rather than a workmen's compensation act.

Employers who object to medical treatment being furnished a man, in addition to a compensation award for maiming, suffering, and loss of time, either contend that our workmen are getting more on the average than they could under the old common-law system in operation before 1911, which is true, or that it would raise the cost to industries of Washington much higher than such action has cost in States in competition with Washington, which is not true.

In fact, Washington stands pretty nearly alone among the 22 or 25 American States having some form of compensation in its failure to furnish medical attendance. The National Civic Federation sent an able commission over the country to examine the workings of such laws. Their findings are published as Senate Document No. 419, Sixty-third Congress, second session, and show, according to the Federation Review:

"With a few exceptions, the States require that the employer, in addition to the compensation, shall pay the medical bills of the injured workmen, with certain restrictions. Outside of the State of Washington the commission found no sentiment opposed to this requirement, it being generally conceded that the workman is not only entitled to medical treatment in addition to his compensation, but that it is to the interest of the employer and society to see that he receives it, thereby to minimize the extent of the disability."

Our first Washington report, at pages 18, 261, 277, shows how favorably employers in our State fare as compared with others. So when the special committee of big business tried to suppress discussions of safety and medical treatment, they did a stupid thing. They tried the method of domination, which seems to be their reliance, instead of cooperation. The average employer refuses to resort to cooperation except for joining hands against the consumer in fixing prices. The attempt to dominate embitters young men of this generation. It is akin to the smoldering fires kept alive by militarism in Europe. So, when I was waited on last winter by a committee of the State grange and the State federation of labor and asked to draft an initiative bill on first aid for submission to the people at the general election this fall, I willingly prepared it. I desire to file a copy of that bill[1] and a copy of the argument also prepared to accompany it in the State pamphlet that is mailed to each and every voter in the State.

(See Higday exhibit.)

Every obstruction has been put in the way of this and six other bills, called "The seven sisters," initiated by labor and the grange, and the attorney general has been, to put it mildly, conservative about them. The "Stop! Look! Listen!

[1] An act entitled "Initiative measure No. 9" was submitted in printed form.

League," an employers' press bureau with a $500-a-month secretary, has filled the metropolitan dailies and the weekly press with advertisements and mailed pamphlets broadcast just to keep the people from expressing their opinion on these measures at the ballot box. And the "joker" in the initiative law prohibits me or a union secretary from paying a man $3 for a day's work in circulating a petition among workmen or office people or in the fields. Labor has to fight to be heard. No wonder the demagogue gets a following. I want to file with this commission a copy of one of the "Stop! Look! Listen!" pamphlets. It deals with first aid at page 14.[1]

I also want to file a pamphlet against the workmen's compensation law, prepared by J. V. Paterson;[2] also a copy of my reply to it, published in the Survey June 21, 1913;[2] also a published criticism of the present commission by Robin Adair, connected with the Seattle street department.[2]

Now, a word about the effect of compensation system on safety. I think the law makes for safety. The laboring people think that since the workman can not sue his employer, that employer grows indifferent and the accidents are increasing. I do not concur. We have never before had the machinery for gathering information and could not know the astounding number of accidents occurring in our industries. Workmen were unfamiliar with our law when it first went into effect. Many accidents were never reported. The increase of from 11,896 the first year to 16,236 the second year means two things: First, that more men have been employed under the law; second, that accidents occurring are more nearly all reported and tabulated. Employers will come to see that it pays to study prevention and will try to keep down the premium drain on their business that now goes into the State accident fund.

I think our safety campaign and the publicity has stimulated the State labor commissioner to develop the shop committee idea which we recommended, a first step to appreciation and adoption of the Wisconsin idea of cooperation for safety. Big employers in the Pacific Northwest have heretofore been fighting safety agitation. They have gotten rich quick in appropriating natural resources; a lumber plant at Everett with $200,000 invested cleaned up $40,000 last year and complained of poor business. They strenously object to the rules of the game of business being changed. A public official or university investigator who opposes them is branded as an undesirable citizen. You have heard the State university called a breeding place for Socialists, but I am informed in the economics department of that university there is not a single Socialist. Will Lowman, the Anacortes fish canner, sat before you with red face and gritted teeth to condemn the whole State institution, but I want to tell you that the employees of Ed. Sims, Port Townsend canner, boss of our last legislature, and head of the "Stop! Look! Listen! League," and about whom Prof. McMahon testified, are bitter against him and his type; and Will Lowman practically ordered Commissioner Wallace off his premises when he called to examine his pay rolls and explain the compensation act. That is his fundamental respect for law.

The lumbermen, I was told by Mr. Pratt, my associate on the commission, who took pride in being their representative on the board, contributed $15,000 to Ernest Lister's campaign for the governorship in 1912. Mr. Pratt told me in November, after Lister's election by the accident of 700 votes out of 350,000 cast, that he had been a contractor and would "listen" to employers; that he had gone broke with liabilities of $62,000 and assigned for the benefit of creditors, and thus needed the job. When Lister was inaugurated, notwithstanding the many pressing labor problems in this State, he never mentioned one in his message to the legislature, and I was removed four days prior to the date I had set in my resignation, in the endeavor to discredit the first-aid movement. The official reason for that removal, filed by Lister with the secretary of state, was that he had consulted with my associates and found inharmony existed. Wallace and I worked as a unit; the only inharmony was that felt by the lumbermen's man. Furthermore, the governor had never consulted Wallace, and the State paper filed was a deliberate lie. The reason was not political; it was industrial.

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[1] Pamphlet entitled "Plain Talk to You" was submitted in printed form.
[2] Submitted in printed form.

STATEMENT OF MISS ADELIA M. PARKER.

The following statement was submitted in writing by Miss Adelia M. Parker:

A Plan to Inaugurate the Single Tax Without Injustice.

In order to inaugurate the single tax without injustice to any of the present owners it is necessary to accomplish only two things:

1. To compensate the present owners only, not their heirs.
2. To compensate the present owners to the amount of their investments only, not the unearned increment since investment, nor any future expectancy.

As to the first contention, heirs have no title to property other than that which is vested in them by the inheritance laws. These differ in different States and may be changed at any time, and are in fact frequently changed. And from the social standpoint, the man who could leave his heir a world of free opportunity would be leaving him a far greater heritage than any fortune.

As to the second contention, no man can claim a vested right in a future increment, inasmuch as a change in the laws of his period may at any time divest him of this property, nor does society guarantee to him the unearned increment which has already accumulated. Witness the ruthless squeezing out of the "water" in the express stock, the falling prices of land in England, "prohibition," and the abolition of slavery.

Adjustment on the basis of the first principle would be technically simple. All that would be necessary would be to deny to corporations the privilege of owning land and to refuse to heirs the right to inherit any interest in land other than perhaps a preferred right of occupancy.

Adjustment according to the second principle would be more difficult on account of the possibility of fictitious sales, yet many conditions of land ownership would yield to taxation at full rental value with no injustice whatever.

For instance, the following owners could raise no cry of injustice were the State to-morrow to begin to take all the rental value of their lands:

1. Heirs to land.
2. Persons who have received land as a gift.
3. Persons holding lands who have already collected in net rentals the full value of the purchase price.

The above-named classes of landowners stand in the position of one who has been the recipient of generous favors which have finally been withdrawn.

There remains only the case of the purchaser who has not yet realized on his investment. Let him keep his rentals until he does. Where this can be determined, determine it; where it can not (through fictitious sales or "padded" record price), let him keep his rentals until the present value has been recovered in rentals, basing this value on the capitalization of the rental to the highest bidder for the year following the adoption of this act, and in any case limiting the privilege to 20 years.

While this compensation may be regarded as reasonable means of making the transition from an unjust to a just system of taxation in the case of land which is in use, no such generosity would be necessary in the case of land which continued to be held out of use. Therefore, the law should provide that the full rental value of land remaining unimproved should be taken at the end of a much shorter period, say 10 years.

While this plan is intended to avoid injustice to certain owners of land who have purchased in good faith, and especially to such as are dependent upon land rentals for their livelihood, the fact must be overlooked that the real compensation in a just system would, in fact, be to those who have in all ages been shut out from the resources of nature. Such apparent advantages as these, the dispossessed, receive from the enactment of so moderate a reform as is herein set forth, can but slightly offset the tremendous handicap which they and theirs have had in the past.

Two general plans may be suggested in accordance with the principles laid down above.

Plan No. 1.—Individuals and partnerships only shall own land, and the full rental value of any interest in land shall be taken into the Public Treasury upon the death of that owner who had the title of record on the date that this law goes into effect.

Plan No. 2.—Estimating the present value of land at 20 times its rental value in the year following the enactment of this law, let the owner of any interest in land, whether individual, partnership, or corporation, retain the

rentals until these (net) equal this estimated value, but in any case no longer than 20 years; and in the case of land still unimproved at the end of 10 years, let the full rental value be collected from that time.

These plans have the advantage of compensation to actual owners only, in the first instance by not disturbing the owner's right at all, but by reasserting the community right in the land at his death, and in the second instance by giving to the owner merely the value of his land, not confirming to his heirs nor even to him any unearned increment whatever.

Observe that these plans contemplate changes in the laws of inheritance, corporations, and taxation, which are matters of State control.

Some additional details would need to be worked out.

Taxation.—As the present system of taxation would be changed gradually if the first plans were adopted, let all changes in the rate of taxation or in the increase in the assessment fall on land only. As rapidly as the full rental value of lands come into the tax fund, let this be used to lower the rate of taxation on property other than land until this disappears. And later abolish all licenses and fees in the same way.

Fixtures.—Provide that improvements upon real estate shall no longer attach to the land, but may be removable or shall be compensated for at their appraised value by those who get the right of occupation, at the option of the owner of the improvements.

Rights of occupant.—All land shall be subject to rental to the highest bidder, the occupant at the time the law goes into effect, and any occupant of one year thereafter shall receive the first year a rebate of 5 per cent, which shall diminish by 1 per cent yearly until a rebate of 1 per cent is reached, which the occupant at all times retains.

Heirs.—The rights of occupation may be inherited.

Exemptions.—Whenever any land pays the full rental value to the State, the improvements thereon shall be exempt.

Homesteads.—Land not to exceed 60 by 120 feet in cities and 1 acre outside cities shall be deemed a homestead when it is a dwelling place of the owner and no more than five persons other than relatives and dependents dwell thereon, and when no business is carried on therein which employs more than five persons. Owners of homesteads may receive a rebate of 2 per cent below the highest bidder.

Mortgages.—Interest of mortgages is an interest in land to the amount of investment, and is to be treated as any other interest in land. Mortgages on land and improvements to be separate.

Transition pensions.—Persons above 50 years of age whose land becomes taxable at the full rental value may, upon application, retain for the remainder of their lives such a portion of their rentals as would equal $1,200 per year. All persons above the age of 60 years not in the above-mentioned class may receive $600 per year.

Training.—As a part of the program of a change in taxation, let the State provide four years' training to any applicant with support meantime.

This support may be merely the "cost of subsistence," for, incidentally, it may be noted that the true standard of income is what one can produce in free competition or in voluntary cooperation in a free society, but during the years of training the standard of living may reasonably be limited to the cost of living if it is furnished by another.

Inequalities in compensation resulting from the adoption of the above-stated plans need not disturb us, inasmuch as no inequalities based on these principles could possibly be as unjust as the present system.

SUGGESTED QUESTIONAIRE TO BE SENT OUT BY THE DEPARTMENT OF LABOR TO ALL SCHOOLS AND CIVIC BODIES.

[By Adella M. Parker, Seattle, Wash.]

The following questions are raised for the purpose of arriving at sound conclusions with reference to the problems which will arise from the influx of immigration to the Pacific States through the opening of the Panama Canal:

1. Will the expected increase in the stream of immigration to the Western States lower the standard of living of the American workingman if there is no social adjustment either through changes in the laws or changes in the industrial relations?

2. What do you think would be the logical effect of this immigration if no such social adjustment be made?
3. If no such social adjustment be made is any special class likely to reap benefits from this immigration?
4. According to the Secretary of Agriculture, only 16 per cent of the arable land of the State of Washington is in use. What is the most feasible plan of getting this into use?
5. There are less than 7,000,000 people in the Pacific Coast States. How many more people can these States support without lowering the present standard of living of the laborer?
6. Is any social adjustment possible that would make it unnecessary for the laboring man to seek to reduce the hours and to get increase of pay for less work?
7. Will a minimum-wage law, if accepted and carried out, raise the standard of living?
8. Is there any way by law to promote an increase of wealth by diminishing unemployment and developing resources?
9. What measures can be taken to prevent transportation companies from charging all the traffic will bear?
10. Are there any changes in methods of taxation which would tend to promote industry, destroy special privilege, and raise the standard of living?
11. Can the standard of living be raised with increasing wages and lowering prices at the same time?
12. Can prices be lowered and wages be raised at the same time?
13. What system of credits would render the invention of money more advantageous to the people?
    (1) State issue of warrants, as in Pennsylvania and Georgia a century ago?
    (2) Municipal warrants, as in St. Louis, Mo.?
    (3) City banking, as in Dusseldorf, Germany?
    (4) Rural credit, as in Holland?
    (5) Cooperative banking?
14. If, as some students insist, it is only monopoly which prevents the raise in the standard of living, can these monopolies all be included in the following five:
    (1) Patents?
    (2) Credit?
    (3) Franchise?
    (4) Trade?
    (5) Land?
15. Which of these monopolies can be destroyed by State authority?
16. Is there any way whereby the evils of patent and trade monopoly can be reached by State law? Or by industrial action, or by community action?
17. Will raising wages alone, or lowering prices alone, raise the standard of living?
18. What is the cause of unemployment?
19. Will the shortening of the workday raise the standard of living?
20. Would there be any harm in the labor of foreigners in this country if every one got the full product of his labor?
21. Is the cash girl as efficient in her position as any adult would be and even more efficient; and, if so, why are her wages below subsistence?
22. What fixes wages?
23. How much wages ought a worker to receive? All he produces? Why does he not get all he produces?
24. Can the fact of how much a man produces be determined in modern production? How?
25. Has an employer the moral right to make all he can out of his business? Has an employee an equal right to make all he has the power to make?
26. What determines the share which the landlord, the capitalist, the business man, and the laborer each receive out of the total product?
27. Would child labor be used if the child got all he produced?
28. What economic interpretation can be put upon a business which does not or can not support all the persons engaged in it?
29. If the employees are working for less than they can live upon, who is subsidizing the business?
30. Under what circumstances should children go to work when they are unable to produce enough to live upon?

31. Upon whom should rest the responsibility of training children until they are able to earn enough to live upon?
32. Should a business subsidize its own apprentices?
33. How much wealth is society capable of producing at the present time?
34. What are the main wastes which are preventing the increase of wealth in this State?
35. When is unemployment a natural and logical condition?
36. Should there be a midweek holiday?
37. Is unearned wealth a demoralizing influence on the individual?
38. Why did we build the Panama Canal if it is going to lower the standard of living?
39. Could the Panama Canal be made the means of raising the general standard of living? How?
40. Why have not the invention of refrigerator cars and of labor-saving machinery generally raised the general standard of living more rapidly?
41. Why is it that when a country gets settled up—that is, more workers come in—poverty increases?
42. How does a man earn?
43. How much wages ought a man to earn?
44. What is meant by finding a solution of the economic problem?
45. If all immigration into the United States were stopped, would that alone solve the economic problem? Why?
46. Will that nation outstrip the others which first solves the economic problem?
47. When the question of immigration and the alien ownership of land are represented to be the economic problems, is not the true meaning that these will lower the standard of living; the real economic problem, then, is how to raise the standard of living. Should not the question be stated in this way: If immigration and alien ownership of land can be shown to lower the standard of living, should these not be prevented? If it can be shown that these could actually raise the standard of living for both the American and the foreigner, should they not be encouraged? If it can be shown that immigration with adjustment of our land question would in fact produce better conditions for all the workers, should this be encouraged?
48. Is the real economic problem the question of immigration or the question of the alien ownership of land; is it not really the question of raising the standard of living?
49. Would the American standard of living be safer if it were universal?
50. Can foreign immigration be made a means of raising the American standard of living, and, on the other hand, can it be made a means of lowering the American standard, depending entirely upon other conditions than the laborers?
51. Should the community furnish to every man a means of earning a living?
52. Is the Ford plan of bettering conditions a sound one?
53. Are the "business interests" of a workingman as important to him as are the "business interests" of a capitalist to him?
54. What is the program of the Socialist, the Single Taxer, the Anarchist, the Industrial Unionist, the Progressive, the Wilson Democrat, the Taft Republican?
55. What wealth is unearned?
56. Will cost rates for light, heat, transportation, water, and telephones raise the standard of living with no other adjustment?
57. Is charity sound economics?
58. Would frugality raise wages?
59. Effect of free land on the price of labor?
60. If all unoccupied land were accessible, would the lack of tools be an insuperable obstacle to production?
61. If risk in business were eliminated either by insurance or by State capitalism, would profit naturally disappear?
62. Does production for sale instead of production for use introduce "risk" into enterprise?
63. Does production for sale and its incidental risks produce waste?
64. Who are the producers of wealth?
65. What incomes are earned and what are unearned?
66. Is there a "double standard" in incomes—one standard for the manual worker and another standard for others?

67. If a man produces wealth on free land and gets it all and produces the same amount of wealth on owned land and gets a mere subsistence, which did he earn?
68. Would socialism destroy any other ambition except the ambition for special privilege?
69. Under what conditions would greater efficiency on the part of the workers raise wages and under what conditions would this greater efficiency lower wages?
70. In condemning a coal mine would the State be morally obliged to pay for more than the investment?
71. In condemning a railroad would the State be morally obliged to pay for the franchise as well as for the physical valuation (investment)?
72. Would the fixing of the rewards of labor under State socialism necessarily be arbitrary?
73. Is it possible to determine how much each one produces in modern industry unless we eliminate the privileges?

ADDITIONAL STATEMENT OF MR. HENRY PAULY.

I was taking care of the unemployed here (in the city of Seattle) last winter and I went to see the secretary of the chamber of commerce to get some assistance in securing employment for the men, and the secretary of the Seattle Chamber of Commerce told me at that time that the chamber of commerce did not want the working classes in the city of Seattle at all—that they had no business here—and refused to help me in any way in securing employment for the men.

The International Itinerant Workers' Union last winter took care of the unemployed in the city of Seattle. We gave lodging to 33,954. We gave 73,046 meals to the unemployed here, and tided these men over until they secured work or were able to go elsewhere.

(This I omitted in my testimony of to-day.)

HENRY PAULY.

Dated at Seattle, Wash., this 12th day of August, 1914.

ADDITIONAL STATEMENT OF MR. FLOYD L. DAGGETT.

INDUSTRIAL INSURANCE COMMISSION,
Olympia, Wash., August 19, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: After the testimony given by Mr. Daggett, chairman of our commission, at the hearing in Seattle, August 14, followed by testimony of Mr. J. H. Wallace, ex-member of this commission, in which Mr. Wallace took occasion to make allegations of maladministration against the present members of the commission, I requested from Mr. Thompson, your counsel, permission to file additional statement with your commission as part of the records, which permission was granted.

We do not believe that your commission is interested at all in any personal matters pertaining to either Mr. Wallace or the present members of this commission, and are interested only in the question of the administration of the workmen's compensation department and whether, in your opinion, it is being administered fairly to the claimants. Mr. Wallace was allowed to file a copy of his letter to Gov. Lister, under date of February 28, 1914. We are filing herewith copy of letter of Commissioners Ernst and Daggett to the governor upon the same subject. These letters were induced by a communication from the governor asking us to state our views of the workings of the department and as to what reason, if any, existed for the disturbance of the previous and as to what reason, if any, existed for the disturbance of the previous harmonious action between the commissioners. We, as you will note, submitted our letter 19 days previous to Mr. Wallace, so we had no means of knowing the contents of his communication, and I am quite sure that he did not know the contents of ours when he wrote his, therefore, they are not in a sense, a reply to each other.

I wish to add, and I do not think it was brought out in the testimony of myself or Mr. Ernst, that practically all of our settlements are based upon a doctor's certificate, and when there is any complication in the injury, or

doubt as to the result, we usually have more than one doctor examine. We wish to disclaim vigorously the assumption or insinuation on the part of any one that this commission is biased against the claimants, or are not giving them all that is possible under the present act. We have refrained from injecting politics into the administration of the department, either in its administrative or claim-adjusting features, and statements to the contrary are from political motives.

The writer was present at practically the entire hearing at Seattle and can readily understand how difficult it is for your commission to segregate real information from that which is biased. It is natural that one looks at a question from a biased standpoint, but we heard so much testimony given with an evident view to prejudice the conclusions of your commission, and this was not confined to any particular set of witnesses.

In connection with the statement herewith filed, wish to direct your particular attention to the testimony of our Mr. Ernst, in which he more fully went into some of the matters under discussion by Mr. Wallace.

Thanking you for your kindness, and adding that we are ready at all times to give your commission any further information that you may desire, I beg to remain,

Very truly, yours,

FLOYD L. DAGGETT, *Chairman.*

OLYMPIA, WASH., *February 9, 1914.*

HON. ERNEST LISTER, *Olympia, Wash.*

MY DEAR GOVERNOR: We have your recent favor requesting statement from us as to the condition of the industrial insurance department, especially as regards statements contained in the newspaper reports of an address given by Commissioner Wallace at Raymond recently, it being the meeting of the State federation of labor.

One of the statements therein was that the present commission had emasculated the workmen's compensation act. We do not quite know what he means by that statement, but a few days later in conversation with us in the office here, he made specific statements that we were not giving the claimants due consideration.

(2) That we were bargaining with the claimants instead of awarding them what were their just dues.

(3) That our sympathies were always with the employers and the workman did not get his just rights; and that the burden of proof in every instance would be thrown upon the workman, who was not in financial position to make such proof.

(4) That he was being ignored in the business of the department by the other commissioners.

Heretofore he has objected to the one-signature system that we are now using in handling claims through the office; to the single blank furnished for employers' and employees' reports, and also to the discontinuance of the follow-up letter, No. 22, or employees' reports in trivial injuries. We will take these up in the above order and submit the following for your consideration:

When we became members of the commission, it had been customary for the commissioners to sit around the executive table, and one of the commissioners would examine the claim files to see if the claim properly came within the scope of the law; it would then be signed and passed to another commissioner, who would append his signature and then passed on around the table, occupying the time of the commission for two or three days a week; then at the latter end of the week, the commissioners would take two or three claims and go to Seattle or Tacoma and spend Sunday, and come back Monday morning and be ready for business about Monday noon.

At that time, when the commissioners were considering these claims en banc, they had before them the findings of the claim and medical departments, and no other information upon which to base their conclusions. It resolved itself into a perfunctory performance as witnessed by the present chairman during the month of April while Mr. Pratt was still on the commission. At the present time, unless some extraordinary matter calls us all away, one commissioner is in the office all the time, and such commissioner, whoever he may be, appends his signature to the findings of the claim and medical departments, after he has examined the claim to see if it is complete and that the facts warrant the conclusion of the two departments; then, in executive session, each week, with

the full commission present, these claims are formally approved, but in the meantime the work of the department has been facilitated and expedited, so that at no time is the work in any of the departments congested, and the time of delivering the warrants to the claimants has been reduced from 8 to 12 days in each case.

As long as the above plan meets with the legal requirements and so greatly facilitates the work of the office, and the time of getting the money to the claimants, and at the same time has allowed two commissioners the balance of the time for work in the field, it has occurred to us that it was not only business, but is also a considerable money saver in the operating expenses. The claims that have been handled by the one-signature method are what we determine routine claims; that is, they require no special investigation, the reports of the employer, employee, and doctor agree as to time loss and injury. All claims that present special features requiring special investigation are held up for consideration by the full commission, or are passed to one of the commissioners for personal investigation; or a special examination is ordered before one of the special medical examiners in the field. We can not see where any claimant has received any injustice from this method.

Mr. Wallace's contention is that he knows of cases where offers of settlement have been made for less than the amount awarded as recommended by the examining physician, or our medical department, and that different amounts would be offered from time to time until a settlement was reached; in other words, the accusation would mean that we endeavor to settle with a man as cheaply as possible without going into the merits of the case. If there has been any case of that kind, it has not come to our knowledge, and frankly, we do not believe that any authentic cases can be shown. In clearing from 1,000 to 1,200 claims per month, it would be extremely improbable that no error of judgment would occur, but to say that anything of this sort is intentional on our part we are quite free to say to you, sir, is not in accordance with the facts.

The large amount of claims passing through this department, and in many instances the small compensation that is awarded by the law not being sufficient to pay a man's doctor and other expenses, claimants become disgruntled, and are apt to make statements that, through ignorance or otherwise, are not in accordance with the facts. For instance, claimants will sometimes go from one commissioner to another endeavoring to quote what has been said to him, expecting to get a better settlement. However, it is the intent to award a man the amount his injuries merit under the schedules and compensation provided by law, and in nearly every instance this amount is determined by competent medical authority, and not by any individual judgment of some layman, even including the commissioners.

A perusal of our second annual report will show that the amount of days awarded per claim has increased, and the amount paid per claim has increased, and the appended table will show that the amounts paid during the past year is in excess of the amount paid the preceding year by the former commission. It would seem to us that this would be competent testimony to show the inaccuracy of that accusation, and while it is a difficult matter to reply definitely to such a general statement, we wish to say that your commissioners are not conscious of that fact, and while we endeavor to adjust the claims strictly upon their merits, whenever there is a question of doubt we always give the claimant the benefit, believing that through his unfamiliarity with legal and industrial conditions he is less liable to make his case clear than the employer.

Further evidence is that when the present commissioners came in charge of this department there were a large number of appeals and cases set for court trial which have almost entirely disappeared. Attorneys sometimes come with their clients before the commission, and quite as often send their clients to the commission without appearing personally, believing, seemingly, that they will receive the attention merited by their claim.

Mr. Wallace has not been ignored in the workings of this department, except that upon his own request, made when the other two commissioners were appointed, that he, being the political minority member of the board, did not desire to have any part in any changes or appointments to the personnel of the staff. In every other instance that we can now recall, when Mr. Wallace was here where he could be advised, he has had a full say in matters coming up before the commission, but in this instance we beg to call your attention to the fact that owing to his operation and succeeding disability he took no part in the deliberations of this commission from some time in July to the latter

part of September, 1913, and since that time has been devoting the majority of his time in preparing and making addresses before various bodies.

In addition to other duties, a perusal of the files will show that from May, 1913, to January, 1914, Mr. Ernst and Mr. Daggett have personally investigated and adjusted 654 claims, and Mr. Wallace 98. These adjustments have all been made on outside trips, meeting the claimants personally.

We have endeavored to acquaint ourselves with the various phases of the operation of this department and familiarize ourselves with both the office and field work, and feel that we have done so. We think you will find that has not been the case with the other member of the commission. We believe that to-day there is a better understanding and more harmonious feeling between the employers, employees, and claimants than existed in April, when the present members were appointed by yourselves. The fact of the scarcity of appeals and the small amount of correspondence regarding adjustments will serve to indicate that this is a fact, in addition to what is said to us personally.

Referring again to the number of claims personally adjusted by the commissioners, we wish to say that these are the claims set aside for personal investigation and the list was as available to Mr. Wallace as to the other commissioners.

We are inclosing herewith statement of the secretary which goes into the various methods employed to expedite the work of the office, such as the single-blank proposition, the change in pay roll, etc. We think you will remember the discussion on the single blank when the executive board of the State Federation of Labor met last December in your office. As stated by the secretary, we are now using in addition to the single blank a separate workman's report which is available at the plant of the employer or at suboffices of the commission to any claimant who desires to make his claim that way.

The discontinuance of the follow-up for the No. 22 blank was also discussed in your office at this same meeting, and Mr. Wallace requested that we return again to the follow-up system. A perusal of the secretary's report will show you that there has been nothing gained by this, and by the continuance of the follow-up system the correspondence of the office has been materially increased. However, rather than do any injustice to any claimant we are now following up and asking for the workman's report in case it has not been previously filed.

To the complaint that the burden of proof is always put upon the workman, who is in no position to stand the financial or other expenses and inconvenience in substantiating his claim, wish to say that when a claim is presented it comes before the claim department, then to the medical department, and then to the commission, going through several hands in each department, where the facts are carefully weighed before reaching the commission. Now, when a claim is before the commission it must either be paid, specially investigated, or rejected. We do not believe it is the intent of the law that we take the position that Mr. Wallace has taken the last few days (which we never heard him take before that time), that where there was doubt about the legality of the claim or that the claim came within the scope of the compensation act it was the duty of the commission to pay the claim and let the employer protest and appeal, throwing any expense incidental thereto to the employer. We interpret the law to mean to decide these claims without reference to the individuals in the case, and where we believe a claim does not come within the act it should be rejected, irrespective upon whom the burden of appeal would rest. We do not knowingly construe the law to the benefit of either employer or employee against the interest of the other, nor do we shirk the responsibility of a decision imposed upon us by the law.

In conclusion we wish to reiterate that we do not believe that any authentic cases can be produced to substantiate the purported accusations of Mr. Wallace in his Raymond speech or that he made to the other members of the commission one day last week. Further, we desire to say that we never knew of these contentions until just prior to the meeting of the Federation of Labor which convened in the city of Seattle in last December. Up to that time Mr. Wallace had seemingly acquiesced in the methods adopted by this department, and to that date had never made a suggestion to us concerning any of these matters of which he has just recently complained.

Therefore, as we have not changed our attitude toward the workingman, we can scarcely understand why the difference in the attitude of Commissioner Wallace has taken place. We believe that it is due to outside influences incident to the opening of this year's political campaign. The commissioners signing this statement have no political or other ambitions which they intend to

further through the operations of this department, and have only the one aim in view—to give their very best services for the benefit of the people of the State of Washington, and are absolutely free from ulterior motives. In this statement we have endeavored to discuss every objection or complaint that is now known to us. If anything further is alleged, we would be very glad to have the opportunity to make a statement thereon. We have no personal feelings against Mr. Wallace nor against anyone else, and if he can work with the other commissioners as he did prior to December, 1913, we can still continue as harmoniously as could be desired.

There has been absolutely no friction between the two members signing this statement. We do not always agree as to our views regarding matters, but can freely and frankly discuss them with each other and arrive at a harmonious conclusion, and are working with full confidence in each other and with the utmost frankness. We believe that this condition should prevail among all the members of the department as it does exist among the employees. When we became members of this commission we found it more or less disorganized; there was friction between the secretary, chief of the claim department, and chief auditor—practically three separate institutions running under one department—more or less friction with the auditors in the field, and also with the field members and the office. Many changes had to be made in order to straighten these matters out, but we believe to-day that our department compares favorably in harmony, efficiency, and enthusiasm with any mercantile or corporate establishment in the State, public or private.

Respectfully submitted.

FLOYD L. DAGGETT, *Commissioner.*
A. B. ERNST, *Commissioner.*

ADDITIONAL STATEMENT OF COL. ALDEN J. BLETHEN.

The following supplemental statement was submitted in writing by Col. Alden J. Blethen, editor of the Seattle Daily and Sunday Times:

Answering the comprehensive question put to me by Examiner Thompson at yesterday's hearing, to wit, "What, in your judgment, is the cause of the great unrest now prevailing and what are the remedies?" I beg to submit the following statements in answer to the dual question and will segregate the same into two parts:

First. "What, in your judgment, is the cause of the great unrest now prevailing?"

Responsive to this question, I desire to say that in my judgment there are three most prominent and prevailing causes, to wit:

(1) The persistent and insistent enforcement of the antitrust law (Sherman) during the last decade.

(2) The enactment of the Underwood tariff law, whereby an entirely new schedule was created covering imports.

(3) The refusal of the Interstate Commerce Commission for a long period to grant to railway companies the right to increase their tolls in order to meet existing conditions.

Discussing these propositions in order, permit me to call attention to the following facts, which I believe are universally admitted:

(a) It is almost a truism that capital is timid, fearing to venture into new fields or take any action that carries risks of any kind.

(b) The persistent hammering which has been carried on against alleged trusts, in which enormous capital has been invested, and so done by several administrations, so that it is not a political proposition, has caused capital not only to halt but to retire—go into hiding and refuse to be active.

(c) Since activity of capital is absolutely necessary to the employment of labor, it follows as a sequence that when capital is halted labor must suffer.

When the enforcement of the Sherman antitrust law was put into operation, there was invested in the United States in various combines thousands of millions of dollars—and the holdings of these combines were widely scattered throughout the world—reaching out not only to the man of large means but to the ordinary investor—the man or woman seeking a better dividend than the savings banks or the municipal bonds paid—with the opportunity of an increase

in value of the stock held, thereby gratifying that disposition residing in almost every human heart "to take a chance"—a desire to speculate—to have one's capital increased through the activities of a great number of people rather than through the activity of the individual owner.

The first successful dissolution of a trust or a combine at once caused fear and trembling to the holder of the stock of that organization and caused a consideration of the outcome of the investment when the law declared it to be illegal.

The continued activities of the legal department of the Government in putting all of these alleged trusts and combines out of business or segregating them into individual corporations and relegating them to various localities in different States has all the while had the effect of intimidating the investors and making them fearful that schemes of that character would ultimately cause loss, if not complete destruction of the investment, and hence the creation of a fear against all kinds of corporate activities.

The consequence has been that capital has halted; money has sought investments in gilt-edged securities and low-rate interest as a substitute for stock in corporations of an industrial character.

The result necessarily has been a curtailment of extension by all large corporations—a withholding of the increasing opportunity for fear it may find itself in the clutches of the law.

In other words, great business has been hampered and almost throttled by the continued enforcement of a law which was ambiguous in its terms and because of its nonenforcement for years after its enactment led many men to take steps that afterwards put them in the position of being violators of that law.

All this, of course, has curtailed industrial growth everywhere and caused reductions little by little, until a very large amount of capital has become inactive in the industrial world, with the result that thousands upon thousands of laborers have suffered by loss of work.

THE EFFECTS OF THE UNDERWOOD TARIFF LAW.

This statute has been in active operation now for a period of nine months, and within that time we are told by the Bureau of Commerce and Labor that exportations of American products have decreased $212,000,000, the segregation being as follows:

Exports of partially manufactured materials	$30,000,000
Exports of raw materials	32,000,000
Exports of finished manufactured products	51,000,000
Exports of foodstuffs	99,000,000
Total	212,000,000

It may yet be said that the exportation of foodstuffs has not been affected by the tariff to any considerable extent, and therefore the net loss by reason of the tariff may be reduced to $111,000,000.

Another statement furnished by the same authorities shows that in the months of April, May, and June—the last three of the fiscal year—the imports increased almost $83,000,000 while the exports decreased over $76,000,000, making a grand total of almost $160,000,000 in both imports and exports during a period of only one-third of the time since the law went into effect.

Of course, it follows without argument that when the United States permits either one hundred millions or one hundred and sixty millions worth of products to be imported from foreign countries instead of being manufactured in the United States, it deprives the laboring man of this country of just that amount of wages which enter into the production of these goods as labor.

Continue to extend this for a series of years, and this country will be substituting the product of other nations, where men and women are paid a less wage, for the product of this Nation; and every time a dollar is expended in Europe for that which we wear or consume in America, every time a dollar will be taken from the American laborer.

INTERSTATE COMMERCE COMMISSION DELAYS.

Without any desire to criticise a great national commission which has undoubtedly produced a great deal of good to the country, it is apparent now and was prospectively apparent for a good while that the long delays of the Inter-

state Commerce Commission in permitting railroads to raise their tolls for freight especially has caused tremendous stagnation in the railway business.

The decision rendered by that body within a week, whereby on the same amount of freight carried last year an increased income will be received exceeding $47,000,000 is positive evidence that the railroad officials were right in making their demands and that the commission has put thousands upon thousands of men out of work because they have so long withheld this now granted privilege.

One has only to observe that these railways, during this interim, have made practically no extensions of lines, have not added to their rolling stock, have not kept up their proper repairs, but have just lived from hand to mouth waiting the action of the Interstate Commerce Commission in behalf of increased toll.

If this opinion had been rendered one year ago, then at least $40,000,000 would have been expended in improvements, which would have gone almost entirely into industrial lines and kept in employment thousands upon thousands of men who have been laid off because the railroads did not dare to undertake this additional expenditure without the right to earn the money with which to liquidate the same.

Observe that this position of the Interstate Commerce Commission relates to a very small portion of the United States in territory, though it may comprehend one-half of its railway system. Therefore, if similar treatment be accorded to the rest of the railroads in the United States, and done so speedily, there is no reason in the world why the railway companies of this country will not expend one hundred millions of money within the next 12 months following their right so to do.

While I have no exact statistics from which to quote, it is commonly reported that throughout the United States more than a quarter of a million of railway employees of every character have been laid off, thereby being deprived of their ordinary earnings, and almost entirely because of the refusal of the Interstate Commerce Commission to grant to the railroads the right to earn money enough with which to make the necessary improvements, extensions, and repairs which their business requires.

WHAT ARE THE REMEDIES?

Coming to the second part of Examiner Thompson's question—"What are the remedies?"—I have repeatedly expressed the following opinion editorially in The Times:

The enactment by Congress of an affirmative or positive law touching the subject of great business, so that every body of men who desire to enter into industrial activities may know affirmatively what they can do without jeopardizing their liberty and involving their property in litigation.

Because of the continued prosecution of capital by the legal department of the Government, business men are in great doubt as to what they can legally do with their money, and especially that class of business men who always desire to live within the law.

If Congress is willing that a dozen men living in as many States shall put together an aggregated capital of $1,000,000 and enter into an industrial undertaking that promises to pay more than the ordinary interest received from bonds of first-class character, and yet by reason of that aggregated capital will be able to manufacture larger products than a single individual can do with $100,000 capital, then let the law say that they can do it in plain language.

Taking this as an example, let the law affirmatively tell all kinds of business what it can do and still live within the law, so that every man who is competent to enter business may thoroughly understand his rights from the plain reading of the law.

Then, as a sequence to this, let the Government of the United States call off this legal warfare against capital and say to the world that it is going to rest on the victories it has won and see if the examples which it has made will not be sufficient to prevent other men violating even the Sherman antitrust law.

The instant that capital is invited by a national law to come out of hiding and undertake great activities under a law that will protect it from being constantly attacked and ultimately destroyed, then capital will once more seek investment in this country, existing industries will be increased, new ones will be built up, and the great mass of the unemployed of the United States to-day will resume employment as they had it for so many years prior to the active enforcement of the Sherman antitrust law.

Respectfully submitted.

ADDITIONAL STATEMENT OF DR. ABRAHAM BERGLUND.

UNIVERSITY OF WASHINGTON,
Seattle, August 25, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Transportation Building, Chicago, Ill.

GENTLEMEN: With your permission, I should like to substitute the inclosed written statement for the testimony which I gave at your hearings in Seattle. The transcript of my testimony does not bring out the meaning which I intended to convey. On account of the pressure of time and the confusion which prevailed in the room when I testified, I did not express myself as I should have done under ordinary circumstances. The written statement covers only those points which I intended to bring out in my testimony.

Respectfully,

ABRAHAM BERGLUND.

For four years I was a special agent of the Bureau of Corporations at Washington, D. C. In connection with my work in this bureau I came across certain things which, it seems to me, have a bearing on wage conditions, and possibly on unemployment. In the lumber industry, of which I made some study, we have associations of manufacturers formed largely for the purpose of maintaining or increasing prices. This purpose is usually denied by the members of such associations, but the evidence secured by the bureau was practically conclusive that this aim was in view when many of those associations were formed, and that they were effective in increasing prices far beyond what the natural conditions of supply and demand in the lumber industry would warrant. This evidence has recently been published in Part IV of the Commissioner of Corporations' Report on the Lumber Industry.

While these associations were putting forth their efforts to augment prices there was often evinced in their correspondence a tone of deep hostility toward trade-unions. In the case of at least one association, when any labor organization was formed in any part of the district in which its members conducted their operations word was promptly sent to all members directing them to watch their employees. Thus while we had organized efforts to increase prices and profits on the part of the manufacturers—and that in violation of law—similar efforts on the part of employees to raise wages or in other ways better their economic condition—though perfectly legal—were frowned upon, if not positively resisted. In the report of the commissioner of corporations just alluded to, the commissioner in his letter of submittal states that between 1897 and 1909 the prices of lumber increased from 80 to 200 per cent. Any such increase in the prices of commodities in general without a corresponding increase in wages must mean a decided lowering of our boasted American standard of living.

In order to increase prices output was often limited. Restriction of output in the lumber industry did not mean reduction in the hours of labor. The hours of labor remained as usual, but numbers of men were thrown out of employment. It was stated before this commission that one difficulty in the labor situation is that there are not enough jobs to go around. As one witness put it, there are 16 men for 15 jobs. When there is such organized effort to limit output in order to increase prices there must be at least some curtailment in the number of jobs to go around. Of course, it is difficult to draw very definite conclusions on this point, but I think it is not amiss to say that the problem of monopoly—the artificial restriction of output in order to secure abnormally high prices—is to some extent related to the problem of unemployment. In 1904 in the yellow-pine region the lumber manufacturers by general agreement reduced their output some 30 per cent. The percentage of workmen discharged during this period of curtailment was probably not less than 30 per cent. While this reduced output was in part necessitated by the industrial depression of that year the upward tendency of prices which immediately resulted and which went far beyond the prices prevailing before this curtailment was agreed upon showed that this restriction in production was much greater than necessary. While the manufacturer profited by higher prices the workman got no corresponding increase in wages, and his field of possible employment was restricted.

Another matter of which I should like to speak is the relative burdens borne by employers and employees on account of the workmen's compensation law of this State. The burdens of industrial accidents are not borne entirely by the

party who pays the insurance. There is the loss of wages sustained by the worker during his period of disability. There is also the medical expense which the injured employee must meet in this State, as there is no "first aid" paid under our law. When the loss of wages and the expense of medical treatment are taken into consideration the employee bears a larger proportion of the burden of industrial accidents than does the employer. The following figures taken from the Second Annual Report of the Industrial Insurance Department for the 12 months ending September 10, 1913, pages 101 and 102, will illustrate this fact.

During the year commencing October 1, 1912, and closing September 30, 1913, 12,880 claims under the workmen's compensation act were settled by the Industrial Insurance Department of Washington State. Of 1,722 cases, of which estimates of the cost of medical treatment and loss of wages were made, the results were as follows:

TABLE No. 1.—*Awards resulting in temporary disability only.*

Number of cases reported	1,503
Number of work days lost	35,102
Total amount of wages lost	$107,296.67
Total cost of medical treatment	$36,206.80
Awards for temporary total disability	$47,164.20
Total loss on account of disabilities (wages lost plus cost of medical treatment)	$143,503.47
Amount of loss borne by employers (awards for temporary total disability)	$47,164.20
Amount of loss borne by employees (total loss minus awards)	$96,339.27
Percentage of loss borne by employers	32.9
Percentage of loss borne by employees	67.1

TABLE No. 2.—*Awards resulting in both temporary disabilities and permanent partial disabilities.*

Number of cases reported	219
Number of work days lost	9,787.5
Total amount of wages lost	$32,051.05
Total cost of medical treatment	$14,432.15
Awards for temporary total disability	$18,340.19
Awards for permanent partial disability	$51,435.50
Total loss on account of disabilities (wages lost plus cost of medical treatment)	$47,083.20
Amount of immediate loss borne by employers (awards for temporary total disability)	$18,340.19
Amount of immediate loss borne by employees (total loss minus awards for temporary total disability)	$33,743.01
Percentage of loss borne by employers	28.8
Percentage of loss borne by employees	71.7

NOTE.—The awards for permanent partial disabilities are excluded from the above comparisons for the reason that these awards are made in payment for future reduced earning power, and hence ought not to be compared with the immediate loss of wages and cost of medical treatment.

The figures in these two tables are given as they are in the report referred to. It will be observed that in stating the total losses on account of disabilities in Table No. 2 no account is taken of the $51,435.50 paid in awards for permanent partial disability. This figure would materially increase the proportion of burden borne by employers. Even making all due allowance for this, however, it will be seen that while the workmen's compensation law of this State has been a material aid to the wage earner the burden of industrial accidents seems to rest more heavily upon the employee than upon the employer. I may also add that a former worker in the industrial insurance department states that about 25 per cent of all men injured in Washington and coming within the scope of the law pay more in doctor's bills and hospital fees than they receive in compensation.

Respectfully submitted.

ABRAHAM ROSENBERG.

EXHIBITS.

OLSON EXHIBIT NO. 1.

MERCANTILE CONFERENCE, SENATE CHAMBER, CAPITOL BUILDING, OLYMPIA, WASH., MARCH 31 AND APRIL 1, 1914.

Meeting called to order at 9 a. m. by Mr. E. W. Olson, chairman of the industrial welfare commission. The entire commission, composed of Mr. Olson, Mr. Marvin, Mrs. Silbaugh, Mrs. Swanson, and Mrs. Udall, were present. This commission and the following representatives composed the conference: Mr. E. W. Olson, chairman; Mr. J. L. Paine, Mr. W. N. Cuddy, and Mr. George J. Wolff, representing the employers; Mrs. Elizabeth Muir, Mrs. Florence Locke, and Miss Mayme Smith, representing the employees; Mrs. Frances C. Axtell, Prof. W. G. Beach, and Mr. J. D. Fletcher, representing the public.

Prayer by Rev. Marvin.

Roll call by secretary. All members of the conference and all members of the industrial welfare commission answered to the roll call.

The CHAIRMAN (reading):

To members of the mercantile conference:

After due investigation of the mercantile industry of the State of Washington, this commission has found that the wages paid to female employees in said industry are inadequate to supply them necessary cost of living and to maintain the workers in health, and this commission has further found that in said industry conditions of labor exist that are prejudicial to the health or morals of the women employed in said industry.

Therefore, by virtue of the authority vested in it by section 174, Laws of 1913, State of Washington, this commission has called a conference composed of an equal number of representatives of employers, employees, and the public, which after due consideration is to recommend to this commission the amount of an adequate wage in said mercantile industry to permit a self-supporting woman to maintain herself in decency and comfort, and to also recommend other conditions of work hereinafter specified. Said conference so selected is composed of the following members:

Mr. J. L. Paine, W. N. Cuddy, and George J. Wolff, representing the employers; Mrs. Elizabeth Muir, Mrs. Florence Locke, and Miss Mayme Smith, representing the employees; Mrs. Frances C. Axtell, W. G. Beach, and J. D. Fletcher, representing the public.

Therefore in accordance with the foregoing, the Industrial Welfare Commission of the State of Washington herewith submits to the conference the following questions:

What is the sum required per week to maintain in decent conditions of living a self-supporting woman employed in a mercantile establishment in the State of Washington?

The requisites for such decent conditions of living are itemized in the list below:

Meals, room, shoes and rubbers, repairing shoes, stockings, underwear, petticoats, suit, coat, dresses and aprons, incidentals, shirt waists, handkerchiefs, corsets, corset waists, gloves, neckwear, hats, umbrella, repair of clothing, church and other contributions, medicine and dentistry, street car fare, newspapers and magazines, stationery and postage, association dues, insurance, vacation expenses, amusements, and laundry.

What length of lunch period is demanded for maintenance of health of mercantile employees?

What provisions should be required in each mercantile establishment for (a) toilet for women workers? (b) Rest room? (c) Ventilation?

INDUSTRIAL WELFARE COMMISSION.

I wish to state that Roberts's Rules of Order will govern, and wish to refer you to section 5 of the "Regulations of Commission Governing Procedure of Conferences," which reads as follows:

"When the conference is called to order by the chairman, it shall deliberate under parliamentary law and no question shall be discussed that is not germane to the conditions of labor or cost of living of working women or minors as applied to that particular trade or industry. Roberts's Rules of Order shall govern."

We are here for the purpose of discussing the minimum wage for the women workers in the mercantile industry only.

Mr. PAINE. Does that include office employees?

The CHAIRMAN. It does not include office employees, except in the mercantile establishments—all women employed in the mercantile establishment would be included.

I wish you would all turn to page 9b, section 10, which says: "The secretary of the commission or a shorthand repeater shall be present at each conference and shall record the minutes of the meetings and shall be ex officio secretary of said conference." Also section 8, which says:

"The Chair shall not permit the discussion of the question as a whole until after each item of the cost of living has been taken up in the order given in the estimate blanks prepared by the commission, unless otherwise directed by a majority vote of the conference. After proper deliberation and discussion of questions that have been presented to the conference by the commission, the conference shall then, upon request of the commission, proceed to make recommendations upon such questions as the commission may designate."

Also section 9:

"The members of the conference so selected shall be paid their actual traveling and hotel expenses while attending said conference (out of the regular appropriation set aside by the legislature), provided that evidence of such expense be filed with the commission and sworn to in the manner provided by law, and it is further provided that before being allowed said expenses are to be approved by the commission."

I wish to say in this connection that we would like to have you make out your vouchers as soon as you return home and send them in so that warrant may be sent you. Itemize everything under 50 cents and furnish receipts for everything over 50 cents. I again wish to draw your attention to section 8, which reads:

"The Chair shall not permit the discussion of the question as a whole until after each item of the cost of living has been taken up in the order given in the estimate blanks prepared by the commission, unless otherwise directed by a majority vote of the conference."

Referring to section 1, we see that—

"A conference shall consist of nine persons and a member of the commission, who shall be chairman of said conference, three to represent the employers, three to represent the employees, and three to represent the public. One of the members representing the public shall be appointed by the chairman as chief interrogator. A member of the commission shall act as chairman of the conference."

The commission, at its meeting yesterday afternoon, decided that it would be best to have a chief interrogator chosen from the three representing the public, the other two members of conference, representing the public, to be associated in the work of interrogating; therefore, we have appointed Mr. Fletcher as chief interrogator to be associated with Mrs. Axtell and Prof. Beach.

We will now discuss the cost of living—meals.

Mr. FLETCHER. Is it the desire that we take up these questions item by item?

The CHAIRMAN. That is the desire.

Mr. FLETCHER. Those who know more about the expense of women's meals should speak. I have little knowledge along this line.

Mrs. AXTELL. Section 7 says that we shall establish a minimum wage for both women and minors. Are we to consider the minor question?

The CHAIRMAN. Not the minors.

Mr. FLETCHER. What is the desire of the Chair as to the method we should pursue? I would suggest that we hear from the employees as to their views, then from the employers, and then the public, so as to get the views of all.

The CHAIRMAN. I think that would be a good idea.

Mrs. LOCKE. No girl can retain her health for less than 15 cents for breakfast (consisting of coffee and rolls); for dinner she needs more substantial food—I would suggest 20 cents; and for supper she should have meats or something to that effect, and you can't get a meal for less than 25 cents, making the total for the week $2.90, including seven days. I am putting that at a very low price.

Mr. FLETCHER. Your figures would show $4.20 for the week, Mrs. Locke.

Mrs. LOCKE. I was just estimating that in my mind.

Mr. FLETCHER. I would ask the other representatives of the employees if that would meet with their ideas.

Mrs. MUIR. I have on my list, for breakfast, 15 cents; lunch, 20 cents; and dinner, 35 cents. We work hard all day and are very hungry at night, and I consider that a very small amount for our meals.

Mr. FLETCHER. Miss Smith, how does your list compare with these two?

Miss SMITH. I had thought in my mind that 75 cents a day would be correct, but that would be, perhaps, a little high, and allowing 35 cents for dinner would make the total 70 cents per day.

Mr. FLETCHER. I would like to hear from the representatives of the employers as to their ideas.

Mr. PAINE. Mr. Chairman, in the matter of the first two items, meals and room, they are very often considered together, as a great many take their meals at the same place where they room, or they have a fixed sum for both. I would consider the first two items under one head. If we take our meals around from place to place it would cost us more than a fixed boarding house would charge. They have, in that way, a sort of a home. I have made some investigations as to what board can be secured for in Spokane, and find that at the present time conditions are more favorable than when this report was given out. Recently there has been established in Spokane a woman's hotel, which accommodates 100 girls, and their rates there, for three meals a day and a room and accommodations of the home, are from $3 to $7 per week; this includes lunch (if they wish to take it to a place of business or at home), no deductions being made if they eat down town. The room at $3 is the dormitory style; for $4 they have rooms where two girls room together; for $5 separate rooms. This is one place where girls can economize in board. A great many girls prefer to rent a room and there cook their meals, but to go to the restaurants is very extravagant, I think. Of course, if the employee gets a good salary I believe in them having a room alone or a suite of rooms, but we are discussing to-day the minimum wage that one can support herself on. I think they should be able to get board and room, a little distant from center of city, at $4.50 or $5 per week.

Mrs. LOCKE. Is that including lunch?

Mr. PAINE. I think it is.

Mrs. LOCKE. In Seattle it is impossible to get board for $4 and get your lunch in the same place. In some places they will give you lunch for $5. If you go away from the center of the city, you can get it for $4.50 and pay car fare.

Mr. PAINE. This establishment I was speaking of is in walking distance.

Mrs. MUIR. Mr. Chairman, we haven't these establishments in all places. I know it is a saving to cook yourself, but many women can not stand this after working eight hours a day. If you go out very far you can't get a desirable room for less. If you want to get a real cheap room, you can get that right down in the heart of the city, but in a place that is not fit to live.

Mrs. AXTELL. On page 54, do you agree with the item under Spokane, that you can live on $20 per month, Mr. Paine?

Mr. PAINE. It may not be the universal rule, but I think they would allow them to take their lunch if they wish to. Most stores have lunch rooms, and I think $20 might include lunch that could be taken if they wished.

Mrs. LOCKE. Mr. Chairman, I would like to hear from the merchants what the price of a meal should be. What they would like to have a girl eat.

Mr. FLETCHER. Will you gentlemen give us your ideas on that?

Mr. WOLFF. We want to do what is fair to the employees, and everyone present is perfectly willing to aid this conference in bringing about this condition. I have figured meals and room together, and I find that the figures I have are sufficient to keep a girl in fairly well standing. I made it a point to talk with a good many girls who have been earning their own living on a small salary. On this basis I have estimated my figures, but the first item may be not very high, and other items are perhaps a little high. I observe that some people like to eat better than others, others like to spend more on clothes;

in other words, women are not all constituted the same way. I have practically cut out my lunch, and I find I can work better if I do not eat much for lunch. When out of the city I often eat a 10-cent breakfast, as I can do better work and eat a larger meal when I get home after 6 o'clock, so perhaps for that reason I have estimated my first item on a small scale. I figure that $5 is sufficient for a minimum room and meal. A little later on I intend to make the suggestion that this conference might issue a pamphlet on how a person can get along with so much a week; there are a good many young people who do not know how to spend their money. They spend it in an easy way, and at the end of the week find out they have spent more than they should. We all need education in that line. We overreach our bounds, and I think this should be one of the important features of this conference to teach and educate people how to live right and not extravagantly. I think cooking one's own meals is more extravagant and takes more energy.

Mr. FLETCHER. Mr. Wolff, I would suggest that you go right down the list and give your items.

Mr. WOLFF. The shoes and rubbers I figure at $7.50; that is, allowing two pairs of shoes at $3 per pair and two pairs of rubbers at $0.75 per pair; reparing of shoes, $1.50 per year; hosiery, 12 pairs at $2.50 per dozen or $2.50 for hose for year; I figured on two suits of $1 underwear for summer, or $2 for summer underwear; and two suits of fall underwear, at $1.50 a pair, making a total of $5 for underwear; two petticoats at $1 each, mercerized petticoats; one good suit, at $20 (the employees get 20 per cent discount on suits, in other words, a suit sold to the public for $25 would be $20 to an employee).

Mrs. LOCKE. Does every merchant give 20 per cent—is it universal?

Mr. PARKS. I think it is the custom to give 20 per cent.

Mrs. LOCKE. I have always got but 10 per cent on suits—I am speaking of Seattle.

Mr. WOLFF. My employees get 20 per cent. I have figured on $15 for a coat; $17.50 for the dresses (one serge dress at $10 and a simple evening dress or some other kind, at $7.50). Many girls get material and make a new dress. They sometimes get the material for $3.50 and make the dress. I have allowed $1 for aprons, four aprons per year, at 25 cents each; four shirt waists, at $1 each; $1.50 for handkerchiefs; two corsets at $1 each, making $2; corset waists, $1; I figure two pair kid gloves, at $1 each; two pair fabric gloves, at 25 cents each, would be $2.50 for gloves; neckwear, at $1; I figure two hats, at $3.50, would be $7; one umbrella, at $1; I estimated the laundry at $15 per year.

A girl can repair her own clothing, I think. For medicine and dentistry, I think, $20 is sufficient; for car fare, $35; for newspapers and reading matter, $5; postage, $3; lodges, $3; vacation, $10; amusements, $10; church and other contributions, $5; incidentals, $5; making the total for the year, $467.30.

I have only one employee that would come under the minimum wage and, in fact, the records would show that I am far above the average of a minimum wage, but in considering the different employers, I feel that I should be fair to the employers even if I don't know them and also fair to the employees. Some employers might have a number of employees that they would have to pay small wages to, but I don't know of any progressive merchant who don't recognize efficiency. I find that a person that don't earn any more than a minimum price, they don't care to keep them. I think if a girl is where she only gets a minimum price and she is worth more, she can get a position elsewhere.

Last week a young lady moved away from Aberdeen who received $15 per week. I have a young lady filling that position at $10 a week, but I would rather have the $15 a week girl than the one for $10. The price is kept down to the minimum for a girl who is not worth more. All employers are looking for the efficient clerk and there is a good deal of rivalry between employers in getting the most efficient clerks.

Mr. FLETCHER. Your figures come to about $9 a week.

Mr. WOLFF. Those are the figures I have estimated to the best of my judgment.

Mr. FLETCHER. Did you figure these yourself or did you talk to the other gentlemen?

Mr. WOLFF. We each had a sort of list of our own, but last night we got together and compared figures so that this is practically the opinion of all of us.

Mrs. MUIR. You say the gentlemen have worked together and have come to these conclusions. We girls haven't had time to get together, haven't even had time to think, so our ideas will be rather crude. Mr. Wolff speaks of caring more for clothes than eating; perhaps he cares more for clothes than food, or perhaps he eats a 75-cent dinner in the evening which does away with that lunch that he missed at noon. If a girl is not fed right she can not look right and can not sell the goods.

Mr. FLETCHER. Mrs. Muir, could you give us your idea in regard to Mr. Wolff's list?

Mrs. MUIR. I'm not quite prepared for that.

Mr. FLETCHER. Mrs. Locke, can you tell us your ideas?

Mrs. LOCKE. I will do my best. In regard to going home and sewing, a girl can't work eight hours a day and then go home and sew. She can't stand it. She should go home and rest, read, or something of that sort, but keep her mind off of work. She can mend her clothes or do some little thing, but as far as making a dress and making it look right, she can't do it. In regard to a suit, I think a $25 suit is none too good for a girl to work in. A suit bought this year is for best and next year she can wear the old suit to work and get a new one again.

Mr. FLETCHER. Have you figured board and room?

Mrs. LOCKE. For a week I have figured for board, $4; for lunch, $1.40; and for lodging, $2.50; for clothes and shoes, a week, $1; $1.15 to have shoes half-soled during three months. Repairing of clothing, 25 cents; laundry, 50 cents. The laundry I have figured extremely low, as a girl usually wears white shirt waists and needs at least three shirt waists a week, sometimes the fourth one, and they cost from 25 to 35 cents to be laundered. For medicine and dentistry, 50 cents per week; speaking for myself I have needed very little in the dentistry line. Street car fare, 60 cents for six days; newspapers and magazines, 50 cents per week; stationery and postals, 15 cents; association dues, 10 cents; insurance, 10 cents; vacation, 25 cents; church and other contributions, 15 cents; gifts, 10 cents; making the total for the week $12.

Mr. FLETCHER. Mrs. Muir, will you read us your list?

Mrs. MUIR. For board I have $4; luncheon, $1.40; lodging, $2.50; shoes and rubbers, $1; repairing shoes, 25 cents; laundry, 75 cents; medicine and dentistry, $1; street-carfare, 70 cents; newspapers and magazines, 50 cents; stationery and postage, 20 cents; association dues, 10 cents; insurance, 10 cents; vacation expense, 25 cents; amusements, 25 cents; church contributions, 10 cents; gifts, 10 cents—you see I haven't allowed anything for incidentals. Why, I couldn't begin to, for that is such a big item; for instance, I might break one of the lenses in my glasses and that would mean several dollars, or one might have to go to the dentist and pay $30 out in one week, so you see I couldn't allow for incidentals, as I have no idea how high they might come.

Mr. FLETCHER. What was your total for the week?

Mrs. MUIR. I haven't summed it up.

Mr. FLETCHER. I believe your figures would come to $13.20 for the week.

Mrs. UDALL. Mr. Chairman, we haven't heard from Mr. Cuddy.

Mr. CUDDY. I have been waiting to hear from all the employees.

Mr. FLETCHER. Miss Smith, will you give us your items?

Miss SMITH. I have figured mine up by the year. For a room, $6 per week; luncheon, $1.20 per week; shoes, two pairs at $4, or $8 for year; rubbers, $1.50 per year; hosiery, at $3.50 per dozen, or $3.50 per year; underwear, $6; petticoats, $4; suit, $25 (with, perhaps, an extra skirt); coat for $15; dresses and aprons, $20 (this would include one summer dress and some other light dress); shirt waists, $10; handkerchiefs, $1; corsets (two pairs, at $2 a pair), $4; corset waists, $1.50; gloves, $3.50; neckwear, $1; hats, $15; umbrella, $2.00; repair of clothing (cleaning of suits, etc.), $2; laundry, 50 cents per week, or $31.20 for the year; dentistry and medicine, 50 cents per week, or about $26 per year; car fare, 70 cents per week, or $36.40 per year; newspapers, $4 per year; stationery, $4 per year; association dues, 10 cents per week, or $5 per year; vacation, about $12 per year; amusements, about 20 cents a week, or $10 a year; church, $5 per year; and incidentals, $5 per year.

Mr. MARVIN. You make no allowance for insurance.

Miss SMITH. No; I make no allowance for insurance, as I have never looked into that matter.

Mr. MARVIN. None of you ladies make any allowance for insurance.

Mrs. LOCKE. I made 50 cents per month allowance for insurance, as I am carrying $1,000 insurance. I also have to pay $1 extra every three months, making about $12 per year.

Mr. PAINE. Mr. Chairman, is not this a new feature for employees to be insured? What is the idea in regard to insurance—life insurance?

The CHAIRMAN. Life insurance, I suppose.

Mr. MARVIN. I had the thought of accident insurance, not life insurance, but sickness.

Mr. FLETCHER. I think it should be sickness insurance or accident insurance.

Mrs. LOCKE. Not long ago there was a paper distributed around the store by some doctors, explaining how we could pay 10 cents a week to a certain association and that would take care of us in case of sickness—that is, we could go to the association hospital and get free medical treatment. The only charges were 10 cents a week, but I would not join it, as I belonged to a similar association in the East, and when I was sick I got very poor treatment at their hands. In fact, it was not satisfactory at all, and for that reason I did not care to be stung again.

Mrs. AXTELL. Mr. Chairman, is there any movement for insurance for women in the State similar to the industrial insurance for men?

The CHAIRMAN. I haven't heard of any movement like that—most of the girls, I think, carry insurance in old line companies or Ladies and Knights of Security, etc. They carry more life insurance than accident or sick insurance, I think.

Mrs. SWANSON. Isn't there a law against a health insurance for women?

Mr. FLETCHER. I do not know; there are so many laws passed I can't keep track of them; but I can't imagine why such a law should be passed by the legislature.

Mrs. SWANSON. I was told there was no insurance company carrying insurance for women in this State.

Mr. PAINE. In the matter of life insurance, I think it should be ruled out of this, as it is something for survivors. I think insurance is not carried to any large degree by employees. I think at least 75 per cent do not carry insurance. Some establishments have the custom of allowing a certain time during the year for sickness, their salary goes on just the same. Other firms allow the vacation of a week at full pay. We should try to get at this from the standpoint of the average employee. What would naturally and necessarily be required? We should not let our fancies flow on to all the clothes we want, but just those that are needed.

Mrs. MUM. You speak of the vacation and of saleswomen being given a week's vacation. In some establishments you have to work a year before you get a vacation. In speaking of clothing, a saleswoman, in order to stand before the public, has to look neat and clean—they wear their garments every day and every day, and still the employer expects them to look well. If we buy real cheap clothing, in a little while you have no clothing or no money. If you buy a real good suit, it will last so much longer. In some of the department stores they demand that a girl dress quite up to date. We all express our views the way we look at them. In regard to sickness, I find that if an employee is really good and gets sick once in a while, the merchant does not take any out of her wages; her salary goes on just the same.

Mr. WOLFF. Two weeks ago in my store I had one of my employees sick. She worked Monday and was sick the rest of the week, returning the following week. This employee gets $18 a week. When she came to the store Monday she got her check just the same as if she had been there. She got it because she deserved it. For that reason I feel that as this woman was sick she ought to be compensated. We want to be charitable, but fair in every way. The mother can spoil the child by being too good to the child. She might do everything possible for it while it is small, but she might not look far enough to see that she is doing the child harm. In the same way we can spoil our employees. If we adopt a law giving in to the ladies to keep from arguing with them, we could do them harm in the same way. We want to educate them more than anything else. Mrs. Locke's speaking of repairing clothes. I realize every girl is not adapted to make clothes, but I think the person should be brought up to do these things as far as possible. If we get things too easy they go easy, and the money is spent too easy. A person may be in the habit of doing a certain amount of work. They don't try to do more. President Wilson shaves himself, and yet many men go to the barber shop who are not nearly as busy as President Wilson; but he makes that his business, although he has a great deal to occupy his time. I think I work longer than any of my employees. After supper I take care of the horse, clean the stable, and I feel better, as it is a different kind of work; I feel it is a pleasure. If we

take all the work away from the younger generation and make it too easy for them in a few years they won't want to do any work at all. We are here to do something that means a great deal of good for the saleswoman. I think we have a fair-minded conference here, and I think we can do a great deal of good. This is very important work, and if we pile up a lot of expense to business interests, who will pay for it in the long run?

If it cost the State a certain amount to run the offices and if the taxes are not sufficient to pay for the expense the taxes are going to be raised. If you raise our expenses to a higher standard than they can stand, then we will have to mark the goods higher. We have to go slow or the merchant will go to the wall. I pay the very best, and only one of my clerks would come under the minimum wage, as I am considered one of the best wage payers in the State. If we pay too much for the minimum we decrease efficiency. We have to make them feel that they earn their money, and if they do earn it they figure a few times before they spend it.

Mr. FLETCHER. We are all very glad to hear Mr. Wolff's opinion on this matter, but I think we should get down to business now and compare the figures we have. Miss Smith, what was your average for the week?

Miss SMITH. I figured it up at $11.98 for the week.

Mr. FLETCHER. What was your average, Mrs. Muir?

Mrs. MUIR. My average was $13.20 for the week, with no incidentals. Mr. Wolff spoke of employees being sick. I was speaking of the vacation. Some employers do pay girls if they are good workers and are sick one or two days. May I ask in what department they pay $18 per week?

Mr. WOLFF. In the alteration department.

Mrs. MUIR. When you pay a girl real small wages they are not willing to do more than they have to. You ask them why they do not do this or that, and they answer, "Why should I? I am not going to do more than I have to. I only get 'so much' per week." Mr. Wolff also spoke of taking care of his horse in the evening. That is a diversion for him, and then he is outside; it is a different kind of work than he has been doing all day, and it is not as hard as having your head bent down and using your eyes all evening sewing on a dress. Most of the girls do some sewing, but to try and make a dress it is too much to do in the evenings.

Mr. CUDDY. Mr. Chairman, there would have to be an entire revolution in business if we passed a law such as our friends would like. The women on this board, I think, do not send all their clothes to the laundry. In my store I have given a very liberal discount—more than 10 and 15 per cent, but usually 20 and 25 per cent, which makes the clothing almost at cost. The Stone-Fisher Co. give 25 per cent in their ready-to-wear apparel; the discount is usually more than 10 per cent. In reference to the work, I do not think that selling is such hard work as we are led to think. Most of the large stores have rest rooms for their employees to rest a few minutes a day, and their work is not so terribly exhausting. It is hard, but not so nerve-racking as you would think. Again, another question that we must consider in a minimum wage around $12, there are lots of girls who are not worth that. Their efficiency is not up to that standard. In numbers of stores, especially in our large department stores, if a minimum wage were put to effect there would be numbers that would be dismissed; they are not worth that much.

Prof. BEACH. Are you speaking of minors?

Mr. CUDDY. No; I was speaking of those who are over age.

Prof. BEACH. Do you think the law would take into consideration whether she earns it or not, but rather what is the minimum for existence? Is she worth this much? That is not our question.

Mrs. AXTELL. I would like to know if you dismiss these girls from the notion and pattern departments if you have any other girls you could put in their places. Could the merchant fill the place in every instance with another girl?

Mr. CUDDY. We certainly could. I feel that board and room could be found for around $5 per week. It would be plain but wholesome. My suit item is away under $25—is from $15 to $22.50—don't you think so, Mr. Paine?

Mr. PAINE. Yes; I think so. The average is from $15 to $22.50. A gentleman brought me an item that he said one of his young ladies brought him voluntarily. She said that was all she had to live on; she and another lady room together; they get part of their meals and live on $6 a week, also lay up a little money by using the strictest kind of economy. She does her own washing and buys the plainest of things. I have a young lady in my store getting $10

a week and I know she saves money, but I think $6 is too small, but it is being done. The average girl would have a very difficult time living on $6 a week.

Mr. MARVIN. Did you have what the other folks are supplying us with—did you have an average for the week?

Mr. GUDOT. I have about the same as Mr. Wolff and Mr. Paine—about $9 per week.

Mr. WOLFF. I had a letter from Seattle a few days ago, from a young lady who attends the university, and she told me that she notices in the paper that I was appointed to the conference, and also that Prof. Beach was to be a member. She said you will find him a very pleasant gentleman. This girl started to work for me on Saturdays during the time she went to school. After school she worked for me, starting in at a dollar per day. She could adapt herself to clerking very well and was worth more than a dollar a day. She was taking shorthand and went to business college. Within two and one-half years her salary with me was $85 per month. She worked for $1 a day because she had no experience in store work. She later attended to the cash and made herself, in my estimation, very valuable and I paid her $85 a month, and whenever she comes back for Christmas vacation she comes to the store and works for a few days. I think it is a good plan to start them in on a low basis and as efficiency improves raise them just as much as they are worth.

One point about vacation and sickness. I had the experience in my store, when I first started in business, that some of the girls would only come to work at noon and would not even telephone to me. They would complain of having a headache, but upon investigation I would often find that they had been out in the evening (to a dance, for instance), and would stay at home until noon perhaps to sleep. I noticed this was worked so often that I said no money will be paid unless they are here, but if they are out their time will be deducted. I haven't these same people in my employ now. I have a fine crowd; it is just like a big family, and I know these girls won't stay away from work unless it is necessary and then they will call me up. If employers are taken advantage of they will shut up like a clam.

Mr. FLETCHER. Mr. Chairman, I think Mr. Wolff's ideas are not the ones we have to take into consideration here. It is rather a question of the minimum wage. Can you tell us what States have minimum-wage laws in force?

The CHAIRMAN. In Oregon they have a minimum wage of $9.25, and in Utah, $7.50. These are the only two States that have to this date established a minimum wage, as far as I know.

Mrs. ATTELL. If they have this law in operation in Oregon we would like any data as to how they act.

The CHAIRMAN. The rulings of the commission were suspended until the case could be heard before the supreme court. The law provides that they must hold a conference for each industry. Our law is patterned after their law in a great many ways.

Mr. MARVIN. The attorney general of the State of Oregon ruled that they might make one rate for the State and one for the city of Portland. The commission in Oregon has not made two rates, but they may do so.

Mr. GUDOT. Nine dollars and twenty-five cents is the rate for women wage earners in the city of Portland and $8.25 in the State of Oregon, I believe.

Mr. MARVIN. No; I believe the conference made certain recommendations, but I do not think the committee passed upon them.

The CHAIRMAN. Here are the rulings of the Oregon commission:

"No person, firm, or corporation shall employ any experienced adult woman in any industry in the State of Oregon, paid by time rate of payment, at a weekly wage rate of less than $8.25 a week, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women workers and to maintain them in health.

"Nor shall any such person, firm, or corporation employ women in any industry in the State of Oregon for more than 54 hours a week.

"No person, firm, or corporation owning or conducting any mercantile establishment in the city of Portland, Oreg., shall pay to any experienced adult woman worker a wage less than $9.25 a week."

Prof. BEACH. The prime things we have to go upon are the estimates that are made through the investigation of the commission as to the cost of living in the State of Washington. We seem to have our estimates that range from $9 to $13. No one seems to think it possible for a woman to live on less than $9. Our problem will be to determine between the difference of $9 and $12. I question whether the situation in Oregon affects us very much. Our problem is a

somewhat different one as it stands now. We ought to determine somewhere between the maximum and minimum shown by the representatives here. I might add that the investigations of your commission show an amount that lies between $9 and $12. The figures shown here are a minimum approaching or above $10. The total shows an estimate close to $10 and this evidently seems to be that they are not exaggerating the needs. At the university it is very difficult for any of the students to find board and room for less than $6 per week unless several board at one place.

Washing, especially a certain amount, I think, should not be done by employees after working eight hours. This is the limit of work that a woman ought to do so we ought not to expect her to do work after her eight hours of work is done. Sewing, too, I think should not be done in the evening.

Mr. WOLFF. How about fancywork?

Prof. BEACH. A little fancywork is all right if they do not use their eyes too long. There is a big difference between the work of the employer who is interested in it because he is manager and the employee who does the same work day after day, and we can't expect her to take an interest in doing work in the evenings—of course, something like fancywork is all right.

Mrs. AXTELL. In looking over the figures of the employers and employees and the welfare commission we have a minimum wage of $8.98 and from the employees, Mrs. Locke $12, Mrs. Muir $13.20, and Miss Smith $11.98. From your book we have a minimum wage of $10. To get the matter before the commission in motion form I move that the sum of $10.75 be designated as the proper amount to maintain a working woman in decency and comfort in the mercantile establishments in the State of Washington.

Prof. BEACH. I second the motion.

The CHAIRMAN. It has been moved and seconded that the sum of $10.75 be designated as the proper amount to maintain a working woman in decency and comfort in the mercantile establishments in the State of Washington. Are you ready for the question?

Mr. FLETCHER. Question.

Mrs. MUIR. A girl will do her work better if she can lay a little aside for a "rainy day." I think that is a somewhat reasonable amount.

Mr. CUDDY. I would like to say, in reply to that, that if such a law would become effective a great many department stores in our State would have to change their lines of business. The department stores could not operate under such a law.

Mr. FLETCHER. What is the average that they pay in the department stores such as Rhodes Bros.?

Mr. CUDDY. I would say that the average city department store pays right around $8.

The CHAIRMAN. It is just 12 o'clock, and I think we should adjourn for lunch. Motion is in order for adjournment.

Mrs. AXTELL. I move we adjourn.

Mr. FLETCHER. I second the motion.

The CHAIRMAN. It has been moved and seconded we adjourn for lunch. All in favor signify by saying "aye"—"no"—the "ayes" have it. We will adjourn until 1.30.

AFTER RECESS—1.30 P. M.

The CHAIRMAN. Meeting will please come to order. The motion before the house is the question of making the minimum wage $10.75 per week for women in mercantile establishments in the State of Washington.

Mr. PAINE. Before we proceed with that discussion I would like to know in regard to the minor help. I would like to have information as to whether this body is to take up the minor question or not?

The CHAIRMAN. We haven't asked the conference to take up that point, but would like to hear anything there is to be said on it.

Mr. PAINE. Minor and also apprentice help. Do I understand you to say, however, that it is not a matter that the conference is supposed to consider?

The CHAIRMAN. We have a ruling from the attorney general on the question of apprenticeship, that it need not be submitted to the conference, and in regard to minors that the commission, the law states, may be empowered to issue an obligatory order fixing the minimum wage without submitting it to the conference.

Mrs. AXTELL. Do I understand that your commission decides what the wage for minors should be, and also in regard to apprentices?

The CHAIRMAN. We have come to no definite decision, but would like to hear any point discussed. The attitude of the commission on that question is that we want to receive all the enlightenment that we can and want to hear both sides of that question.

Mr. PAINE. It seems to me that the two things are very closely connected in the matter of consideration from an employer's standpoint. Under the present system of education it now falls upon the employer of labor to educate a saleswoman. There is no regulation in this State that provides this instruction through the public schools. Wisconsin and some other States have such a law. They educate them in salesmanship, how to handle and make a sale, and to handle a customer—all these are vital points. The young girl leaves the grade school or high school, comes to the employer, makes application, and asks that the merchant take her and teach her something useful, as she may have to be self-supporting at some time. The burden of education falls upon the employer, and it costs a great deal to educate people in our line of business. If we have to take them and educate them, it seems to me that the employer should be entitled to pay a wage that would enable him to spend the extra pains and time in bringing them to a state of efficiency in order to compete with those who are experienced. I think a good idea would be to pay $6 per week to the apprentice for the first six months, at the end of the first six months advance them one dollar, at the end of the second six months advance them another dollar, at the end of the third six months advance them the third dollar, and at the end of this year and one-half period they should get the minimum wage that may be decided upon here to-day. If this is not the case, there are a great many who feel that they must help their parents in taking care of the family; and if they could not get into the stores at a wage of this kind and as an apprentice they would not be able to get in at all, and consequently would not be able to help the family at home. This gives them a chance to earn while they learn. A great many places—employers have schools of their own where they put them through a regular course, but this is very expensive and not practicable for a large percentage.

The CHAIRMAN. In reference to the question of apprentices, I desire to read section 13 of the law:

"For any occupation in which a minimum rate has been established, the commission, through its secretary, may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage * * *."

No flat ruling could be made in regard to apprenticeship. It's my individual opinion that a flat ruling is not feasible under this section of the law for the reason that a flat ruling would make it possible for a girl to be employed in a position where no period of apprenticeship exists.

Mr. PAINE. Mr. Chairman, what do you consider apprenticeship?

The CHAIRMAN. An apprenticeship is a period of learning in some trade that is skilled.

Mr. PAINE. Do you consider salesmanship such a trade?

The CHAIRMAN. It would depend entirely upon the nature of the work. There are certain employments in factories that do not need a period of apprenticeship, while there are others where a short term of apprenticeship is needed and still others where a longer term is needed. It was the intention of the legislature to determine the period of apprenticeship as well as the rate of pay—that is my conception of that section of the law.

Mr. PAINE. In that respect our law would differ from the Oregon law?

The CHAIRMAN. They have no such provision.

Mr. FLETCHER. How about the minor situation, would you consider that you could fix one scale for the minors regardless of age or qualifications?

The CHAIRMAN. I believe that while we haven't had an opinion from the attorney general on that question, it seems clear to us that the question of minors is entirely separate from the question of apprentices. We would have authority to make a general ruling covering the minors.

Mr. PAINE. You would not think of having a graduated scale to pay them?

The CHAIRMAN. I think it would be possible if you think it practicable. That would only include boys and girls under the age of 18 years.

Mrs. LOCKE. In regard to $6 for six months, that is a long time to get but $6. She is a pretty good saleslady at the end of six months if she is ever going to be a saleslady, and $8 a week won't pay expenses. Mr. Paine, where do you usually place your apprentices?

Mr. PAINE. I put her at a little job of wrapping packages, etc., which is not hard.

Mr. WOLFF. There has been apprentices since the beginning of business. We can't expect one to start out in business and be a business man or woman without starting down at the bottom and learning step by step. We are starting on a new adventure here, we do not understand it ourselves yet, we are just feeling our way. In time, next year perhaps, and our services to the community will be more valuable. We are trying our best, and we think our services next year will be worth more money. An apprentice should be taught the business. Many young girls do not care to go to school but want to learn some business. A woman came to my store the other day, and she said, "I wish you would find a place for my daughter, she does not care to go to school." I started the girl in at $7.50 per week, but she had had no experience whatsoever. She worked two months and showed no ability to work, she was not useful or reliable. For instance, this girl sold a lady a piece of embroidery at $1.50 per yard. This customer had bought the same kind of embroidery at 50 cents per yard just the week before. This lady gave the girl the money, got her package, and went out. After she got home she found the mistake in the price of the embroidery and called me up. I looked into the matter and found it should have been 50 cents instead of $1.50. She had also made a mistake in the multiplication and in her addition.

I tell you it is no pleasure to call up a customer and try to explain how these things sometimes happen, but it makes a merchant feel very uncomfortable to try to apologise for such mistakes. Wouldn't you rather go to a girl who has the experience and not to the apprentice to who makes mistakes? After 6, 12, or 18 months they are useful, but during that time the merchant is losing more than he is gaining. I learned the mercantile business in Germany, and had to work three years for nothing. I came to Olympia 26 years ago and worked for $2.50 per month and board, sending $1 each month home to Germany. If a person goes through this kind of experience they learn something. If they work without the proper effort on their part they don't get the right training, and they don't know anything about merchandise, with the exception of a few. If a girl has to work 18 months and gets a raise every six months they make better saleswomen. Some boys get $1 a day for delivering packages, but they leave at the end of the week because they can get 50 cents more somewhere else, delivering meat, for instance. They don't consider if it will do them any good or mean more to them later on. These same boys are often delivering meat at $12 or $15 per week or working in a grocery store at $65 per month, when they might have stayed with the mercantile business and advanced and became one of the head clerks or a window dresser at a wage of $25 per week.

Prof. BEACH. Is there not only a few positions where a boy or girl can raise themselves? Is it not a fact that most of them can go just as high and then have to stop?

Mr. WOLFF. We always look for good men; we take some one who can do the work.

Prof. BEACH. In what way can the saleslady educate herself along the mercantile lines? What have you to give the saleslady a knowledge of furs—as to where the furs came from and the relative costs of furs; have you a definite way of teaching her those things?

Mr. WOLFF. If a person takes enough interest in those things, we take them in to a confidential position, and show them the difference of the furs.

Prof. BEACH. If a girl wanted to find out you would give her considerable instruction in the fur selling?

Mr. WOLFF. We have trade journals, and if they feel inclined to read some of our journals they can. We figure that if they are capable they are of more value to the store. I am a great believer in an apprentice. You have to advance the same as in school, when a pupil passes from one grade to another in order to advance. You have to understand your business, you have to be up to date, for that reason I favor strongly the apprenticeship question, not only for the benefit of the employer, but the employee as well. There are not many boys who have the patience to stay in one department long enough to learn much about it. They want to be moving every few months and will leave one store for a very little higher wage and go to another store. It reflects upon the store when a clerk makes a bad mistake in waiting upon a customer. They do not wish to misrepresent the store, but it is just ignorance on their part. The clerk did not mean to measure anything short; he thought he was doing the right thing, but he often makes mistakes, and for that reason I think this commission should allow for an apprenticeship period of some kind.

Mrs. AXTELL. Having made this motion as to a minimum wage, I would like to hear from Mrs. Preston as to what the public schools have decided to do in regard to training girls for occupations. It is a question as to whether the employer can give the better training or whether the schools can give the better training.

Mrs. PRESTON. I feel unprepared to come before this commission to-day, and I can only, in speaking to you, go back to the legislature of the State of Washington—it is responsible for some action, through its schools, in vocational training. We have had manual training in all the large schools for some time, but it has only been recently that we have been getting it started in the smaller districts, along practical lines. Last session of the legislature I came here a new superintendent, and I felt somewhat confused with the conflicting bills; but I said at once, this State wants vocational training, but the people who introduced the bills, many of them, were not educators. They would say I am introducing this bill because some one wanted me to. I am very much in favor of vocational training in our schools. When the next session of the legislature comes we will be ready to give something definite to the State of Washington. I wish, Mrs. Axtell, that you could ask me questions, as I have not quite gotten into the spirit of the meeting.

Mrs. AXTELL. These merchants are affected very much by taking away the apprenticeship—the minimum wage would be the least wage they could use in their employment.

Mrs. PRESTON. The continuation school, I think, is what is needed for the employers and employees alike. We have, down at Auburn, a plant being worked out on that line. This is being given very careful consideration in this State at this time. The public school, through this plan, shall give to the State of Washington more than it has ever given before.

Mrs. AXTELL. Will every boy and girl be trained so that they can earn their living when they come out of the public school?

Mrs. PRESTON. That is held to be true in Massachusetts, where the matter is being worked out very satisfactorily. It will take some time to be perfected, but I believe it is possible.

Mr. CUDDY. Is the State of Washington planning to teach girls and boys textiles?

Mrs. PRESTON. The schools are planning to teach the scholars textiles. The University of Washington and the State college are making a very careful study of the home economics, and you will find that textiles are going to be taught in the high schools.

Mr. CUDDY. That would just affect those who are just entering the public schools?

Mrs. Preston. The time has come when the girls are not going out without knowing textiles.

Mr. CUDDY. It will be two years yet that the merchant will have to teach the girls.

Mrs. PRESTON. Have you anyone in your establishment who could teach textiles as they will be taught in school?

Mr. CUDDY. Yes; I think I have.

Mrs PRESTON. Where did they get their training, may I ask?

Mr. CUDDY. Some were educated in schools and some through the hard knocks of experience. I did not know before that it was being taken up in the schools to any great extent.

Mrs. PRESTON. The schools are taking up this matter and have been for some time. Miss Craig has been in every part of the State this year, and is teaching vocations.

Mrs. MUIR. In what department, Mr. Cuddy, do you commence your apprentices?

Mr. CUDDY. In any department. After they have worked six months I might advance them to some other department. Will this commission take up the minimum wage and also the apprenticeship question? Are the inexperienced people to come up before this commission—will that apply to all?

The CHAIRMAN. All over 18 years.

Mr. CUDDY. A young lady might finish high school and then go into the millinery department to pack boxes, but she would not be worth the minimum wage.

The CHAIRMAN. The fact of the matter is you would not employ her.

Mr. CUDDY. We haven't brought up very thoroughly the idea of small-town expenses. The town of Sumner or Buckley, the expense of living is far below

what it would be in the large city. A small store would almost be prohibited to run. A woman running a notion store could not afford to pay $500 or $575 per year for wages. If you will look up the Oregon law you will see there are two minimums fixed. I think we should economize and make a minimum wage of $9.50, and if we see this is not sufficient we will make it larger. I, therefore, offer an amendment to the motion substituting the sum of $9.50 for $10.75.

The CHAIRMAN. Will you kindly withhold your amendment for a few moments, Mr. Cuddy, while we hear a little more about the vocational schools in other States?

Mr. CUDDY. That is all right.

The CHAIRMAN. I would like to ask Mrs. Preston about the vocational law in the State of Wisconsin. Does it do away with the apprenticeship system in the State of Wisconsin? I believe the employer under the law is required to enter into a contract with the industrial commission, and it is mandatory that he allow his apprentices to go to this school one-half day in each week, but it does not do away with the apprenticeship system. Am I right about this?

Mrs. PRESTON. I believe Prof. Beach can answer that better than I.

Prof. BEACH. The continuation school operates with the apprenticeship system in Wisconsin. The employee must get instruction about five hours a week at this continuation school. The Wisconsin law insists that the contract shall be taken up through the employer and certain wage be given to employees.

Mrs. AXTELL. The employer must make them competent for their department of work. An apprenticeship of selling goods does not mean in any one department.

Prof. BEACH. Would you give an apprentice a training that would last over two years? The Wisconsin idea is to say that he must learn the business pretty thoroughly under a definite system of instructions.

The CHAIRMAN. I am under the impression that the law in the State of Wisconsin does not include the tuition of its pupils along the lines of apprentices. During the last session of the legislature a bill was introduced which provided for continuation schools in connection with our public-school system throughout the State. This bill was drawn up by a committee of which I was a member, and at that time I was quite conversant with the Wisconsin law; however, my mind is somewhat hazy at this time, yet, if I recollect correctly, I believe the Wisconsin employer, under the law, is required to enter into a contract with the industrial commission, and it is made mandatory that he allow his apprentices to go to school one-half day each week, but this does not do away with the apprenticeship system.

Last winter I heard Mrs. Raymond Robbins deliver a lecture in Seattle on the minimum-wage law, in the course of which she referred to the apprenticeship system in effect under the industrial commission in Wisconsin. Mrs. Robbins made the statement that the commission in Wisconsin entered into a contract with the employer that he must retain the apprentices in his employ at the minimum wage after the apprenticeship period had been served. She stated that this information had come to her from the outside, and she was not certain that it was correct. At that time I was in no position to correct her in the matter, but later on I wrote to the industrial commission of Wisconsin concerning it, and got a reply to the effect that no such ruling had been made. I realize that the apprenticeship question enters into the question of the minimum wage very materially.

Mrs. UDALL. Mrs. Preston, is there anything definite being done along this line in the night schools?

Mrs. PRESTON. All of our larger high schools are giving considerable training to the millinery department.

Mrs. SWANSON. What percentage of the girls take this vocational training?

Mrs. PRESTON. I am unable to tell this, but I do know that there are a great many more than one would think; for instance, the Tacoma High School was in the vocational training, and there were about 900 in that department, I believe, although I am not sure I have the number just right. In the high schools in Seattle and Spokane and in the University of Washington and the State college there are a great many taking vocational training.

Mrs. SWANSON. Does the girl taking the classical course have time to take this vocational training?

Mrs. PRESTON. The girl taking the classical course does not need the vocational training and does not take it as a rule.

Mrs. MUIR. The saleswoman is born and not made. If she does not show her ability within a week or two she has to get out. Speaking of furs, the

employer oftentimes does not know the name of the furs himself. We deal with the public directly, and we have to know a great deal about what we are handling. We have to make everyone feel good, and keep smiling even though we don't feel like it. You speak of the girls not feeling tired or looking tired when they leave the stores at night; we are probably smiling, but it is because we have so got in the habit of smiling. I am talking for those who are worse off than I am. The law demands that we have a living wage, and I know you want to do the right thing. We had better pay a little more and keep our girls who are Christians as Christians. I have to talk a great deal or I wouldn't make a good saleswoman. Mr. Wolff spoke of hiring a girl and keeping her two months and then discharging her because she made a mistake. Do you think, Mr. Wolff, you were giving her a fair chance?

Mr. WOLFF. I would like to correct your statement; I said that this young lady who worked in the store about two months made a great many mistakes. I did not discharge her; I told the friend of the family to tell the mother of the girl that I did not think she would ever make a good saleswoman. She was not suitable for store life. I also have in mind a very fine young lady who worked for me for a number of years and then went to Portland. She came back to Aberdeen and I gave her a position in the same department at a salary of $15 per week. It's the character of the person concerned that we consider, and what they desire to do. That is what makes the difference in salary. In regard to making a contract—I don't think this contract idea is a very good one. I learned the business in a two-year contract in Germany. If I had left before the contract was up, I would have had to start in all new at some other store. A girl who works in one store for two months could go to another store as an apprentice and get credit for the two months she had worked in the first store. A contract for one and one-half years would not be good, for I don't think the employee should be bound to stay in one store. The question of minors is far more important than the question of apprenticeship. An apprentice may start in the millinery department. The proprietor has the expense of teaching the girl the trade.

The CHAIRMAN. Mrs. Locke, how long does it take a girl to learn a department?

Mrs. LOCKE. To be a clerk you don't have to know every thread in the lace. Even the employer does not know a great deal about lace ofttimes, and a customer does not know lace very thoroughly either. It takes about six months for a girl to learn a certain department, as laces. A saleswoman is not made, as has been stated before; she is born a saleswoman. In Kansas City, Mo., I started in to learn the trade at 12 years of age. At 16 I was a stock girl and I knew the business thoroughly. I have advanced in salary because I have a stronger mind and demand larger wages.

Mr. MARVIN. Would it not be a good thing to fully discuss the question of apprenticeship and have you tell us what you think about these things?

Mr. CONOT. The store of Marshall Field & Co. take a girl in, but she does not go into the store; she is kept out of sight; she has imaginary people for customers to whom she sells things, and in this way she gets her training before she goes into the store as a saleswoman. She is taught how lace is made and the value of articles, but she is not allowed to go down into the department.

Mrs. LOCKE. A party in Seattle, when he found out that I was coming up to this convention, came to me and said, "Mrs. Locke, I am trying out a plan in my store, I have taken five inexperienced girls into my store, two in the domestic department, one in the suit department, one in the laces, and one in the handkerchief. I have been watching these girls very closely and the books of three of these five are averaging more than the books of some of the girls I have had behind the counter for a number of years. Why is it?"

Mr. CONOT. In a year they will probably be worth a great deal more than they are now.

Mrs. LOCKE. Not unless they get higher wages and are encouraged.

Mr. FLETCHER. I think we should get back to the motion and the reason why we are here to-day.

Mr. MARVIN. In regard to this question of minors and apprentices, I want to get just as much out of you as possible without you deciding it. All these questions must be considered in connection with the minimum wage—we can't get any away from it. I think I am here because I know a good many thousands of women and girls in the State of Washington and I am going to say that I wanted information on the subject. I want you all to speak

freely. These subjects are so interwoven that you can't evade the questions. We would like to know what you would recommend before we do certain things that are in our power. It doesn't seem possible to submit any of these subordinate questions, but it will be very nice to escape responsibility. We want all the light that we can possibly have on the subject. We think the highest type of employers have been chosen, the highest type of employees and the loftiest type of disinterested parties. Between the period when Mrs. Preston's vocational education is in use and the work of this commission, you have some desperately pressing questions in the State of Washington to-day that need attention in regard to the girls. The reason you were chosen was because we believed you could get together.

We are remembering in whose interests the bill was framed, but we should remember also that the employer himself is just as much to be considered. What we want to do is to approximate the thing. I have learned a good deal on the minor and apprenticeship question, but I think we should get down to business as soon as possible.

Mr. PAIGE. I arise to second the amendment offered by Mr. Cuddy. We do not think it is practical, at this time, to name a wage as high as was first made, inasmuch as the State of Washington is a new State and this is a new idea and we must go at it slowly. I, therefore, second the amendment of Mr. Cuddy.

Mr. GUDE. I simply made the amendment of $9.50 for $10.75, as formerly suggested.

The CHAIRMAN. An amendment was offered to the motion that the sum of $9.50 be substituted for $10.75.

Mrs. MUIR. Do you hire people because you want to help them? No. There are people working in the stores who don't need the money. They have husbands who make a big salary. Why do you employ them? We must bring out every phase of this for the benefit of these people. The people expect a great deal from the sales girl, they expect them to dress stylishly, a little bit up to date, and they can not do it on such small wages.

Mr. WOLFF. I give these ladies credit for the stand that they take but at the same time I would like to have them consider that we shouldn't be too hasty. If we take any extra measure it would be very much criticised everywhere. If the conditions are such that the business men are taxed more than they can stand, the person would rather go to some other State where they can do business for less money or a smaller per cent. I ask you all to use a little caution in taking a vote. We sometimes go too fast and then see our mistake when it is too late. We ought to use caution at all times.

Mrs. LOCKE. I think a motion has been made by one of the disinterested party that the minimum wage be $10.75; one of the employers has made a motion that it be $9.50—and I hereby make an amendment to the effect that the minimum wage be $10.25; that would make it 50 cents off. Therefore, my amendment is that the sum of $10.25 be substituted for the sum of $9.50 in the amendment of the original motion.

Mr. FLETCHER. I second the motion.

The CHAIRMAN. An amendment has been offered by Mrs. Locke that the sum of $10.25 be substituted for the sum of $9.50 in the amendment of the original motion, and seconded by Mr. Fletcher. Are you ready for the question?

Mr. WOLFF. When the time comes for this body to adjourn, I want to see a smile on everybody's face. I want it to be satisfactory to the employers of the State of Washington and also to the people of the State of Washington. If we go beyond what we feel the merchants can stand it will cause dissatisfaction. We must consider the motion stores or the stores who do business on a cheaper scale than we do, as I think that $10.25 would be more than some of the employers could stand.

Mrs. MUIR. If the employers think they can not stand this what are the girls going to do?

Mrs. LOCKE. Just imagine 25 cents for improvements.

Mrs. MUIR. Mr. Wolff, you speak of being cautious. That is the trouble, we have cried for years; we have been cautious or we wouldn't be here to-day. Your business will pay better if you pay the $10.75, for you will get better service. The stores in Los Angeles close their doors at 1 o'clock on Saturday and the merchants say themselves that they get better results. You speak of going to church—why we are too tired to go to church on Sunday—we have too much to do and besides we do not dare to spend the money for

car fare and church contributions, but we must stay home and mend our clothes. Why, many girls even wash and iron on Sunday; what do you think of that?

Mr. FISHBURN. I would like to call attention to the ruling of this commission that "no member of the conference shall be entitled to speak more than twice on any subject, or more than five minutes at a time, except by unanimous consent of the conference." This conference has been brought together to find out on what a woman can live decently and healthfully. It seems to me that this last amendment is a very good one, although I would like very much to see the $10.75 carried, but, as has been suggested, we will have to go slow. These men do come in competition with mail-order houses in Oregon, Idaho, and other neighboring States; but there is a question in my mind if the matter in hand can be raised or lowered; $10.75 will mean about $1.46 or $1.47 per day. That is about as low as a man or woman can live decently or in good health.

Mr. PALEN. The point we are trying to get at is, What is the amount that a girl can live decently and in good health? We are trying to arrive at that. I have a little statement here that I wish to make. The girls do not seem to be shabbily dressed or look as if they were not well fed or well taken care of that we see in the department stores. We have had, out of about 200 employees, 108 girls who are now and have been getting from $6.50 to $10 per week. They have no other resources; some live at home. Above the $10 schedule we have 94 that are getting $11 and over, some getting $15, $25, and $35 per week. Out of 108 their present salary is $918 per week, or an average of a little less than $8.50. This is a good deal under what any of these are speaking of at the present time. Girls in this establishment are well fed, well taken care of, and well dressed. A wage of $9.50 would take care of them better than they are now.

Mrs. LOCKE. How many of them are living at home?

Mr. PALEN. I can not tell. We don't try to get girls who are working and living at home, especially.

Mrs. LOCKE. No girl that is self-supporting can live on $6.50, $7.50, or $8.50 and retain health and decency.

Mrs. PALEN. This State is young and must be taken care of. We are dependent upon the development of this State and we have a great deal to do. It would be positively a mistake for us to put this so high it would defer the development of manufacturing. That is what our chamber of commerce is trying to do—to get industries in the State.

Mr. MUIR. I think there should be rest rooms, free lunches for girls in the mercantile establishments. Are not bookkeepers included?

The CHAIRMAN. Yes; bookkeepers are included in mercantile establishments.

Mr. MUIR. That was my understanding.

The CHAIRMAN. I have probably experienced considerable laxity in not holding the members of this conference down to the rules that govern; but I have done so with the feeling that every freedom should be given to each member to present his or her views to the utmost degree possible that we may come to an agreement and reach an unanimous decision as to the amount of a minimum wage. I feel that it is for the best interests of both the employers and employees, as well as for the people of the State of Washington, to have a little more light on this subject than we have thus far obtained. I would like to see this matter come to the point where there will be an absolute agreement on all sides. If this could be done, it will mean much toward helping the commission in enforcing the rulings when they become effective. If this conference can render a unanimous decision, it will tend to create a favorable sentiment throughout the State. A divided house on this question will also mean a divided State, and I am sure that every member of this conference will agree with me that if we can reach a unanimous agreement there will be little chance for a protest, both sides having thereby conceded that it is a fair minimum wage.

This is a very important matter that we have before us, because it involves not only the welfare and happiness of the working girls of this State, but it involves also the industry which we have under consideration and which will have to bear the increase that must be paid to these girls, and which they are entitled to.

I can not help but feel that I am warranted in making an appeal to each and every member of this conference to persevere toward reaching a unanimous decision. It appears to me that I would not be just in ending the debate so long as anyone has anything to say on the subject that will enlighten us. I believe that this conference can come to a direct agreement in this matter—that spirit is manifest on both sides.

Prof. BEACH. The question as to whether we have any right to consider the effect on the business or actual employing conditions has been brought before us. In one sense I question if we have any right to consider it, as our original reason for meeting here was to determine the minimum wage of living for women. It isn't the question of whether the minimum wage will help the business; it is the question of whether the business will have a right to survive; so in one sense we have no right to consider whether the minimum wage will drive out certain firms of business. Higher wages have, wherever they have been tried, tended to make better business. Some mercantile establishments are directly harmful to the people of Washington. We are not considering whether there are businesses which will not in the end be improved or some of them which will not cease to exist. On the other hand, I think we ought to recognise that the representatives of the employees speak with a good deal of feeling, and there's a reason. I can't help but recognize the fact that far more is seen of the actual condition of living by those who represent the employees than by any other persons present. They speak because they face conditions as they really exist. We ought to recognise that the price of goods within the last 10 years has gone up so much that it has made it harder for the employee to live—the cost is 50 per cent more to-day for the ordinary retail prices. Six dollars to-day does not mean what it did six years ago. It is the person receiving the really minimum wage, the low wage, who first feels the pressure.

Then we face the fact that if a real living wage is not paid to the employee, if $6 is paid, and one can't live on $6, some one else is paying the actual living wage. I am inclined to believe that we should meet the wage that is suggested—$10.25. I believe that there is no danger of our going too fast. I believe personally with the statement made by one of the members, that we have gone desperately slow.

I think that a wage of as low an amount as the Oregon wage will mean little to the employee. On the other hand, if it were possible to state to the people of Washington that we had reached a unanimous opinion, it would mean a great deal more. I would like to know if it would be possible for you to agree upon $10. I say it only as a suggestion. Would it be possible for you to come to an agreement on $10?

Mr. CUNOV. Many men in mills are getting $1.75 and $2 per day and are supporting families. Even at $9.50 it would mean a 20 per cent jump in some of the stores.

Mrs. ARNELL. If it takes $10 for the average woman to live decently on, and if she is only getting $8, then the father or brother is paying the difference between the $8 and the $10. I went into one of our most fashionable dressmaking establishments in our city the other day and asked the owner what she was paying her girls. She said from $1.25 to $3 per week. She is now charging as high as $100 for a gown, and I asked her why she did not pay them more. She said she would only have to charge more for the making of her gowns if she did. In the same way, if the wages are raised to the saleswoman, it will come upon the people who purchase the goods, but they are willing to pay it. It will be a great help and much value to the people of the State of Washington if we can come to a unanimous vote.

Mr. FITZGERALD. It is true that all laws practically have to depend upon the public for their enforcement. If our representatives of the employers and the employees can get together, it will tend largely to solve the enforcement of this law. I think $10.25 is small; yet if, as Prof. Beach has suggested, the two interested parties could agree on $10 a week, I suggest $10 a week, for the reason that the commission has largely in its recommendations suggested $10 as the minimum wage. Our report says that the commission found that present conditions are not as they should be. They found that in mercantile industries the wages paid to employees are inadequate to supply them necessary cost of living and to maintain the workers therein in health, and that the conditions of labor therein are prejudicial to the health and morals of the workers. I would ask the representatives of the employers and the employees if they won't agree on a $10 basis. I would not vote for $10 per week, nothing less than $10.25, unless I thought that $10 would bring a unanimous vote.

Mrs. LOGAN. If we girls would decide on $10, would you gentlemen come up to it?

Mr. MAHON. I believe that there is such a splendid spirit in this conference that it would be a great pity to let anything come in that would widen the gulf.

but rather that everything be introduced that would bring us together. It seems to me that it would be better to have an effective minimum wage that was unanimously decided upon by all the representatives here so that the people throughout the State would not raise any questions. I think we have reason to be proud of the splendid spirit of the three men who represent the employers. I never saw three men, in a meeting of this kind, who have so little of the class consciousness. If the chair would make a motion that three, at least, of the representatives here meet a few hours later and talk this matter over (one from those representing the employers, one from the representatives of the employees, and one from the disinterested party), I think they could find a common basis on this matter.

Mr. FLETCHER. I would suggest that Mr. Wolff, Mrs. Locke, and Prof. Beach get together and hold a conference, not deciding anything definite, but just talk the matter over, and we could meet again at 7.30.

The CHAIRMAN. It is moved and seconded that we adjourn until the hour of 7.30 and the chairman be instructed to appoint a committee to meet and report at 7.30. All in favor signify by saying "aye." [All vote "aye."] I appoint Mrs. Locke, Prof. Beach, and Mr. Wolff as a committee to get together and talk this matter over. We will now adjourn until 7.30 to-night.

AFTER RECESS—8 P. M.

The CHAIRMAN. Meeting is called to order. Secretary will please call the roll.

Mr. FLETCHER. I move that the secretary be instructed to dispense with the calling of the roll, but simply note that all are present.

Prof. BEACH. The committee is in rather a dubious state. I think it would be possible for the commission to recommend a definite wage between the three, if it were possible for all the representatives present to agree upon it, or if some feeling of certainty in regard to the apprenticeship question could be obtained. The employers present have expressed the feeling of their right to use apprentices at a lower wage. If they could feel sure that some such plan as the Oregon plan would become the plan of this State, they would probably agree on a wage of $10. The representatives of the employers think they might come to a wage of $10 if it were unanimously decided upon. In regard to the apprenticeship question, the commission and not the conference has the right to decide about the apprenticeship system. The commission is not yet ready to say what it will do along that line. We are still therefore in a position that it would seem that, other things being satisfactorily settled, the employers might come up to $10 and the employees come down to $10 and that we could agree on a definite amount. We are not ready to report on an absolute agreement, because of the possibility of employing a definite number of apprentices at a lower wage. I wish it were possible for us to reach that point. The vital thing is for both sides to reach an agreement.

Mr. FLETCHER. Is the commission in a position to give their idea along the line of minors?

The CHAIRMAN. After hearing Prof. Beach's report, I think it would be well for the commission to have a meeting and consider it. If this conference desires to know something about the apprenticeship question, I think it would be well for the commission to consider it and to see what could be done. We have done considerable investigating and I believe we could do no less than to have a meeting of the commission and discuss the matter. In the meantime it might be well for the committee to get together again and further discuss their end of the problem. What kind of an apprenticeship system would this conference like to have us consider? Along what lines?

Mr. WOLFF. The Oregon conference has an apprenticeship clause of 12 months at $6 per week for the first six months and $7.50 per week for the second six months. I think we could consider the apprenticeship at, say, $6 for the first six months, $7 for the second six months, and $8 for the third six months. If the apprenticeship clause were not in force in this State, I would just like to show how it would effect the girl who was just starting in and who worked alongside of the girl with experience. She wouldn't have a chance with the girl who has had experience.

Mr. FLETCHER. Mr. Wolff, is there any system in stores of increasing wages? Do you have any system or do you just increase as you think they should be?

Mr. WOLFF. There is a report kept of the saleswomen by number, the amount paid per week or per month is mentioned, and the amount of their sales. If a

girl gets $10 a week and don't sell $10 worth of goods a week, she is not advanced as fast as the girl whose sales are good.

Mr. FLEISCHER. How long is it ordinarily that a girl has to work at low wages, say, $6 per week?

Mr. WOLFF. It all depends on circumstances.

Mr. FLEISCHER. How long would they continue at those wages?

Mr. WOLFF. A girl started at $6, if in two weeks she shows she has ability, she is advanced to $7.50.

Mr. PAIGE. It is sometimes from six months to a year before she is advanced.

Mrs. ATTELL. I would like to ask if the merchant would consider if girls came in as apprentices, through the commission, if the term of apprenticeship would be lengthened or determined by the commission?

Mr. WOLFF. I think it is not a good plan. There are too many apprentices in the State.

Mrs. ATTELL. You don't think their plan is feasible? If a girl were to leave your employment at the end of six months, she would have to have a recommendation from you. An apprentice would get her card from this commission, she would start in at a store and work five months, and when she left she would show on her card that she worked five months.

The CHAIRMAN. There are a few establishments in the States who have no girls who have worked 12 months.

Mr. WOLFF. If a girl worked during vacation, that would be applied on her apprenticeship.

Mr. CUDDY. A girl may come to me and state that she had worked a certain number of months and all we have is her word, but by this card system she would have to make affidavit saying she had worked a certain number of months.

Mr. PAIGE. That would be very simple. I think this card system is a very important thing.

Mrs. UHALT. The Oregon law says "the length of term or apprenticeship shall be 18 months." I wish to say that the commission has not any intention of doing so and has told the mercantile men in private conference that they probably could not obtain the extension of the one year's apprenticeship period even if it were put up to the public conference, which action would have to be taken if the ruling were changed at all. The opportunity of putting this matter up to a conference is left with the mercantile men, however, and if they desire to submit the question to such a hearing the commission can not refuse them.

The CHAIRMAN. Wouldn't the 10-cent stores be inclined to take advantage of a ruling of that kind and take the inexperienced apprentices for the first six months and then discharge them and take a new relay and then discharge them, and so on?

Mr. PAIGE. That would not last very long, the supply would soon stop.

The CHAIRMAN. Would the employers be willing to do this—this is clearly a suggestion—would the employers be willing to limit the number of apprentices employed in each establishment to a certain percentage?

Mr. PAIGE. I think they would.

Mr. CUDDY. I can't see why they wouldn't. I can't see how a store could keep getting new apprentices.

Mrs. MUIR. Mr. Chairman, some one said there would be so many apprentices. A girl applies at a store for work and she has a letter from the last firm where she worked, but it is not the letter that does the work, it is the capabilities of the girl.

Mrs. LOCKE. Mr. Chairman, I think that each and every one of us have to start at the bottom and climb the ladder step by step. You take a girl who is left alone, her clothes are good, she applies for a position and she says she has had no experience; she goes to work at $6 per week and the second six months she gets $7 per week. She pays $2.50 for her room and 15 cents for each meal, which makes $3.45 a week; 60 cents for car fare; adding up that amount, it comes to $4.05. The next month after the six at $6, she gets $7. At the end of the year's time she should get the minimum wage, for she is in debt and her clothes are worn out, as she has not been able to get any during the year, and she needs the minimum wage to live on.

The CHAIRMAN. Would you apply that to all occupations in the mercantile establishments?

Mrs. LOCKE. I think $6.50 is the very smallest that should be given.

Mrs. SWANSON. Do you think the average girl goes into the department store with clothes enough to last a year?

Mrs. LOCKE. No; I was speaking of an exceptional girl. The average girl would not have clothes to last six months. The minimum wage that we are trying to get at now is not what we should have. We should get $8 for the inexperienced help.

Mr. MARVIN. I would like to ask these three ladies whether, in their judgment, after 12 months a girl over 18 years of age would be capable of earning the minimum wage. Whether they think that 12 months is long enough to demonstrate.

Mr. PAINE. We can't say that all girls will be worth a certain amount. We have girls who start in at $6 and are getting $15 at the end of the year. Others never get more than $7 or $8.

Mr. MARVIN. I have put these same propositions up to the labor leaders of this State, get the women of this State have looked the matter over and they do not want a long term of apprenticeship.

Mrs. PAINE. The only use we make of apprentices is to wrap packages and do little odd jobs.

Mrs. LOCKE. Are bundle wrappers to get the minimum wage at the end of the year? When are they to learn the business?

The CHAIRMAN. I will read the section of the law covering the point of apprenticeship.

"For any occupation in which a minimum rate has been established the commission, through its secretary, may issue to a women physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for such person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the commission shall decide and determine is proper."

I do not think there should be apprenticeship needed in all departments of a mercantile establishment.

Mr. CUDDY. In what department do you mean would not need apprentices?

The CHAIRMAN. I would go to your books in order to determine that. I would consider such occupations which show on your books that a girl had never advanced in them above the wage at which she started are not apprenticeship occupations. I don't think there is an apprenticeship in the 10-cent store. I think the average girl can hand out goods over a 10-cent counter after a week's experience.

Mrs. SILBAUGH. The 10-cent store merchants say the girls do not have to sell the goods; the goods sell themselves. Some departments in a mercantile store would come under the same heading.

Mr. FLETCHER. I doubt very seriously if any of the employments Mr. Paine has in mind would come under the apprenticeship head. Can't you employers leave the minor and apprenticeship propositions to this commission?

Mr. CUDDY. I hardly think there are as many girls under 18 years of age employed as you are led to believe. The average girl is 16 or 17 before she finishes school.

Prof. BEACH. I think this report says that about one-half of the girls are minors throughout the State.

Mrs. LOCKE. This minimum wage is going to give better salesmanship throughout the store in every way.

Prof. BEACH. You will find a statement on page 99 that between 11 and 12 per cent of the workers are minors.

Mr. MARVIN. As I figured it up, there are a little over one-twelfth of them minors, as you will see from the table on page 18; about 25 per cent of the whole.

Mr. WOLFF. The minimum wage for the city of Portland is $9.25; the minimum wage for the minors is $6.25. Now, I think the people of the Oregon Industrial Welfare Commission are all fair-minded people. It is the fair stand of the commission that has won the good will of everyone, but I think they must realize that we must look at this from all sides and be cautious.

Mrs. ARVELL. You don't think the Oregon commission could beat ours, do you, Mr. Wolff?

Mr. WOLFF. No; I think we have a fine commission.

Mr. FLETCHER. Miss Gleason says $10 is the minimum wage upon which a girl can live.

Mr. WOLFF. There is not a State in the Union that has a minimum wage as high as our friends here would like to have us consider.

Mr. MARVIN. I think it should be remembered that there are only three States in the Union who have passed any minimum wage at all, and the rest haven't passed any laws.

Prof. BEACH. I believe, since the apprenticeship idea can not be considered by this conference—that is, they can do nothing definite about it, and the employer can not get a very large proportion of people who would be considered apprentices; the law is also pretty definite in regard to minors—as this conference can do nothing with these things, I feel very much like proposing to the conference that we substitute for the motions that we have had before us the $10 wage as a minimum wage, with the general understanding that we have had on the problems regarding apprentices, that we agree on a $10 minimum wage. I will make this in the form of a motion—that is, that the sum of $10 be an adequate minimum wage.

Mr. FLETCHER. I will second that substitute, with the understanding that it be voted for unanimously, but if we can not get all to agree to that, it will be my right to withdraw this second.

Mr. CUDDY. I would like to say that after the meeting this afternoon, Mr. Paine and I thought that we would like to get in communication with some of the other people in the State, so we called up Seattle and Tacoma and talked to the various merchants' associations. They were extremely opposed to the $10 minimum, stating that it was $1.50 higher than throughout the State of Oregon, and they considered it altogether too high. They thought that for a start it was entirely too high, and that we ought not to jump at this in too sudden a manner, but that $9 would be about right. They stated that they couldn't even stand $9.50.

Mrs. AXTELL. When this law was made, it was made that we establish a minimum wage for women workers whereby they might live decently and healthfully. If conditions had been right, this law would never have been made. Conditions were wrong, and the law was made. If we wanted to at this time we could have communications pouring in to us, too, but we did not try to get into communication with anyone.

The CHAIRMAN. Getting back to our motion again. It was moved by Prof. Beach, as a substitute motion, that the sum of $10 be an adequate minimum wage for women in the mercantile establishments. Seconded by Mr. Fletcher, reserving the right to withdraw his second if the vote was not unanimous. Are you ready for the question?

Prof. BEACH. Question.

Upon roll call the following vote was recorded:

Ayes: Mrs. Locke, Mrs. Muir, Miss Smith, Mrs. Axtell, Mr. Fletcher, and Prof. Beach.

Noes: Mr. Paine, Mr. Wolff, and Mr. Cuddy.

Mr. FLETCHER. Having reserved the right to do so, I withdraw my second to the motion just voted upon, and as it is now 9 o'clock I move that we now adjourn for to-night.

Prof. BEACH. I second the motion.

The CHAIRMAN. Mr. Fletcher, having reserved the right to withdraw his second to the motion just voted upon if a unanimous vote was not forthcoming, takes advantage of that privilege, and the motion does not prevail. It has been moved and seconded that we adjourn until 9 o'clock in the morning. All in favor of this motion will signify their assent by saying "aye."

(All voted "aye.")

We now adjourn until 9 o'clock to-morrow morning.

WEDNESDAY—9 A. M.

The CHAIRMAN. Meeting will please come to order and secretary be instructed to call the roll.

(Roll call by secretary; all present.)

The motion that was voted upon before we adjourned last night was offered by Prof. Beach as a substitute motion, that the sum of $10 be recommended as an adequate minimum wage, and same was seconded by Mr. Fletcher, who reserved the right to withdraw his second if the vote on said motion was not unanimous. The motion was 6 to 3, so Mr. Fletcher had the right to withdraw his motion, which he did.

Mr. FLETCHER. I withdrew that second to the motion. I understood last evening that the commission might be able to report along the line of the appren-

ticeship question. Some of the employees have suggested that if the commission would suggest their intention as to allowing apprentices—for a period of a year—the first six months at $6 and the second six months at $7. Have the commission held their meeting, and have they anything to suggest? It was suggested that the number of apprentices be limited—that is, 1 apprentice to every 6 experienced employees, or 2 to every 12 employees. That was merely suggested by Mr. Cuddy.

The employers would be willing, it is thought, if the commission would give them that assurance, to perhaps vote on the $10 minimum wage. The major fraction would allow them two appentices, 1 apprentice for 6 employees up to 9 employees; out of 10 employees they would be entitled to 2 apprentices. In other words, 17 apprentices to every 100 employees.

The CHAIRMAN. Does the Chair understand that there is practically an agreement between all the members of the conference to the effect that if the commission would adopt a ruling to that effect that they would vote on the $10 wages?

Mr. FLETCHER. I haven't talked to all the gentlemen, but Mr. Cuddy just told me that they had practically come to that agreement.

Mr. PAINE. I think the matter of apprentices should best be left to the commission. Is a motion in order or an amendment to an amendment? I think that the employers have the desire to treat fairly this question and that they are inclined to recommend a fair minimum wage and that we feel it quite important that the conference shall unite on some wage that they can recommend unanimously. The matter between the employee and employers seems to be a little at variance. I would make this motion, that the conference recommend the minimum wage of $10 with the understanding that the commission set an apprenticeship period of one year, six months at $6 and six months at $7; but that they allow 17 per cent of the total number of females employed as apprentices and leave the minor question to the commission.

Mr. CUDDY. I second that motion.

The CHAIRMAN. It is moved and seconded, as a substitute motion, that a minimum wage of $10 be allowed, with an apprenticeship period of one year, the first six months at $6 and the second six months at $7, and to limit the apprenticeship period in the different establishments to 17 per cent of the total employees.

Mrs. AXTELL. I move as an amendment to this substitute motion that we give $2 per day, or $12 per week, as the minimum wage straight, and that the matter of apprenticeship be left to the commission entirely. I am making this motion because all the concession seems to be on one side, that of the employees, and I do not think it fair to them.

Mr. FLETCHER. What do you think as to the legality of our making a recommendation such as Mr. Paine has suggested? We are here to decide upon a fair minimum wage for the employees in the mercantile establishments, and I do not believe we can have any string attached to it. The recommendation as proposed is to fix the amount of $10 as conditional. I do not know if that is permissible. I think that we ought to propose a straight minimum wage and not recommend anything on condition that something else be done.

The CHAIRMAN. I think the conference should not recommend anything. The commission has not asked them to recommend.

Mr. FLETCHER. I doubt if Mr. Paine's motion is in order. I doubt if we have a right to say an employee in a mercantile establishment shall live on a certain amount, providing the apprenticeship is fixed at a certain period and amount of wages by the commission.

Prof. BEACH. I, too, think it is not permissible.

The CHAIRMAN. Since that point has been raised the Chair hadn't thought of that phase of the question, and I think the Chair is justified in ruling that motion out of order.

Mr. FLETCHER. I think the Chair is certainly right.

Mr. PAINE. It is quite a vital thing, as the two come so closely together, and it was my idea that we should have some idea as to what the commission expected to do along this line. Can we get at this in some other way?

The CHAIRMAN. I feel that it would be a concession on the part of the commission to offer any compromise, and it might be possible to do so in the event that we could get a unanimous vote on the $10 minimum; unless the commission is assured of that we can not suggest anything.

Mr. MARVIN. I sometimes wonder whether the highest point of all freedom is not the yielding or giving up. I wonder whether that doesn't lie at the base

of all legislation. I wonder whether we ought to entertain the idea that we can't get together. I wouldn't like to come within a thousand miles of preaching, but I would like to suggest to the ladies that it is not a step down but a step up from an abominable position. If we think of it as coming up from what has been, I think we shall see in it a vast improvement. I do believe that we are coming to a place where it would be a great pity not to get together. My own personal views of the matter are these: If this commission, after bringing you nine good folks together, should fail in getting a unanimous vote on anything, there is very little hope that it could bring nine other good folks in this State together who could agree.

Mrs. AXTELL. Do you think the concession should all be made on one side?

Mr. MARVIN. I don't like to answer that question, but it seems to me that back of that there lies an actual condition, out of which we are going to take a vast number of the women of the State of Washington, and I know Mrs. Axtell's mind is so much more acute than mine; still I wonder if Mrs. Axtell is not somewhat of an idealist, and is this not a practical condition and that concessions should be made on both sides.

Mr. WOLFF. After hearing Mrs. Axtell, I can realize the views she takes. From her point of view she thinks it should be fair that both sides should meet on half basis. I would like to explain to this conference how and why we came to the conclusion of offering a minimum of $9. I might say the minimum should be $8 or $8.50, and then it would have brought the figures nearer to what they should be, but we suggested $9, and I want to show you the fair stand that the employers take, and I think there is not a person in this room who will not agree with me. Before coming here I inserted a communication in every paper—daily, weekly, and semiweekly—on Grays Harbor, and asked the employers to express their ideas on the subject. In investigating the costs of living I have talked to women who work for more and some who work for less than $10. I wasn't selfish and narrow minded, not picking the people that I knew would agree with me, but I have talked with women who would not be affected by a low wage rate, and I have talked with women who would be affected, and they told me if they could only get $9 they would be satisfied. I based my minimum on the judgment of women who have to live on $9 or less. For that reason I do not see how we could take any fairer stand than we did. We thought $9 would be fair, as our figures came to $8.98. For that reason I would like to say to Mrs. Axtell that $9 by the workers is considered a very fair wage, so you can see the employers are not selfish; they want to take a very reasonable stand, but they must protect the interests of the other employers of the State.

Mrs. AXTELL. Do I understand that we can get a unanimous vote on the $10 minimum?

Mr. WOLFF. Yes; if we can be assured that we can get an apprenticeship period as was suggested.

Mr. FLETCHER. I think the $10 basis that we have figured on is fair; it is not as much as I would like to see, but, as suggested by Mr. Marvin, we are somewhat in the nature of a revolution in the business of the State. All of the business houses will have to readjust themselves even on the rate of $10. I think $6 or $7 is low for apprentices, but the old idea of apprentices was that they work for two, three, or four months at no wage. At the end of that time she is properly entitled to a great deal more money. This is a great step forward, and we have to step along slowly and feel our way and get this law into perfect effect. Experience will always show us improvements that I believe will easily be made as the law is applied and works out. The thing that I would like to see is to get all the people back of this law to get it started. I believe all the people will see where it must be improved. This that we are doing to-day will only last for one year, then it can be changed. In regard to the $5 or $7 for apprentices, women all over this State have been working for years at $6 and $7 or less. Now, the girl will start at a better wage than a great many of the women have been working for. I would ask these women if they are willing to vote for $10 as a minimum wage in the mercantile establishments if the apprentices wage shall be fixed at $6 for the first six months and $7 for the second six months. If this first motion is carried for $10, do you ladies feel that you, as representatives of the women of this State, could vote for such a recommendation to the commission? That don't necessarily have to be the wage decided upon, but if it should be it would be a step in the right direction and it only has to last for one year. No one can get everything they want.

but all life is made up of compromises and I would like to know if the ladies don't think they can join in a recommendation of this kind.

Mrs. MUIR. I understand that this commission was appointed because they had investigated and found that these girls were working for $6 and $7 per week and could not live respectfully and healthfully on this amount. What do you gentlemen consider a good length of time for a girl to become an experienced worker?

Mr. FLETCHER. At the end of the year a girl will get $10 per week or whatever is decided upon by the commission.

Mrs. MUIR. Don't you think they will keep bringing girls as apprentices into the store? You see there is a great army of people always wanting work.

Mr. FLETCHER. I don't think a store would prosper by always hiring new clerks. Mrs. Muir, would you suggest no apprentices at all?

Mrs. MUIR. I should suggest two months at $5 per week for an apprentice. At the end of the two months she is entitled to the minimum wage of $10. Some of them at the end of two months are first-class saleswomen.

Mrs. LOCKE. You are allowed 17 girls out of 100 girls for apprentices. Mr. Paine contends that he employs about 900 girls.

Mr. PAINE. No; not all girls.

Mrs. LOCKE. Well, we will take a store that hires 800 girls, for instance, that would be 136 inexperienced girls—where would they all work?

Mr. PAINE. In my particular line of work there is plenty for all of them to do.

Mrs. LOCKE. I do not think a girl can live on $6 per week. The very least she can live on is $7 per week, and I think a year is too long for a girl to work as an apprentice. It didn't take me that long to learn the business.

Mr. FLETCHER. How would you think six months at $7 and six months at $8 would be?

Mrs. LOCKE. That would be a little better but it would make it very hard for the girl to live on even that.

Mr. CUSOV. How are they getting along now?

Mrs. LOCKE. They are not getting along on it alone—they are selling their souls, sir.

Mr. CUSOV. This is what one of the girls in Tacoma, who is getting $6 a week, says, "I always buy the best of food but I use it economically and get along very well on $6 per week." But we will let that drop and try to get down to business. We are here to try to get together on some agreement.

Mrs. MUIR. Our lists were ridiculously low but you gentlemen's were much lower. Why is it, gentlemen, that you don't want to give this $10 minimum? Can't you afford it?

The CHAIRMAN. I would like to call your attention to page 18 of the report of the commission. You will find there that out of 5,155 employees in the State of Washington 2,777 are getting $10 or over per week and 2,267 are getting under $10. Therefore a wage of $10 would be a benefit to over half of the women workers in the State. The proposition has been made here that 17 per cent of these women be classified as apprentices. We find here that 25 are getting less than $4; 43 from $4 to $4.95; 90 from $5 to $5.95; 332 from $6 to $6.95; 488 from $7 to $7.95; 660 from $8 to $8.95; 630 from $9 to $9.95; 2,267 being the total number of employees receiving under $10 and 2,777 receiving $10 and over.

Mr. WOLFE. If these girls who are getting $4 and $5 per week had worked one year they would get the minimum of $10 if this was the wage fixed, also all the apprentices receiving $4 and $5 would be raised to the $6 minimum for the apprentices, if this is the amount decided upon by the commission.

Mrs. SILBAUGH. In regard to this report, I wish to say that it is perfect, so far as it goes, but there are a great many we didn't hear from, so it would also lift a great many more girls from a lower to a higher wage than we are now figuring on.

The CHAIRMAN. I want to say in regard to apprentices, I assume that to be a maximum amount of six months at $6 and six months at $7. That would not preclude the commission from issuing a permit saying the girl could work for two months only and then get the minimum. Is that the idea you have?

Mr. FLETCHER. Yes; that was my idea.

The CHAIRMAN. If we would make a ruling that if a girl was an apprentice and should work 6 months at $6 and 6 months at $7, that supposing she had already served 9 months as an apprentice, wouldn't it be the duty of the com-

mission to issue her a permit to receive $7. The law would permit the commission to extend the time of the girl.

Mr. FLETCHER. I think the conference should consider as to whether or not we should agree on a minimum wage of $10. I would like to make a recommendation like this: "I would recommend that the commission allow a period of apprenticeship in mercantile establishments for such period and at such wages and under such rules and regulations as the commission may prescribe. In this connection, would further recommend that the apprentice period do not extend more than one year and the wages be not less than $6.50 a week and the percentage of apprenticeship of total employees do not exceed 17 per cent."

Mrs. LOCKE. If you would compromise by making the period of apprenticeship 6 months and bringing the wage up 50 cents, that would be fine.

Mr. PAINE. I want to ask if Mr. Fletcher had in mind the percentage.

Mr. FLETCHER. I did add that I further recommended that the apprenticeship do not extend over a certain length of time.

Mrs. LOCKE. I think that percentage is rather high. I want to do my very best to help conditions while I am here at the conference, and I know there are lots of girls who have been down to the grindstone for so long that I think $7 a week would be like a mountain, but they can not live on $6.

Mr. MARDIS. Mrs. Locke, I am glad to hear you say that. Doesn't it seem right to do something that is within reach of everyone. To take 18,000 girls in the State of Washington and lift them from under the $10 wage to the $10 and then lift a considerable number of others who are at the present time under the $6.50 up to the $6.50—does that seem to be worth while? Does it seem to be worth while to lift these 18,000 girls out of this "under ten" to the "ten"?

Mrs. UDALL. I am wondering if you all realize that unless this conference does not come to some definite understanding that we will have to call another meeting, but none of you will probably be on the next conference. Some one else will have to decide these questions.

Mrs. AXTELL. When Mrs. Udall spoke of the apprenticeship period and if this conference did not come to some definite understanding, it made me think of the time when the law was before the House and how long it took us to decide this thing. The legislature thought that this commission could get together so much better and could make so much more just wages than the legislature, that for that reason the commission was appointed. Now, we come together and I think there is a spirit of compromise, and I think we could come together on the $10-a-week wage and leave this apprentice period to the commission. I think they are perfectly capable and willing to be fair about it. I think they will give you gentlemen a fair apprenticeship period and will give you a fair minor wage.

The CHAIRMAN. I would like to say that we have representatives from the public that are practically taking the same position that the commission are—a position of neutrality. Would it be well for the three members representing the disinterested public to meet with the commission and talk this apprenticeship period over? I believe they are perfectly fair in this matter and something might be done if we can get together and talk this over without any interference from other parties. If that will be allowable we might be able to accomplish something.

Prof. BEACH. It seems to me that this conference must eventually pass some motion on the question of minimum wage. It must not be entangled with any question of apprenticeship. The best we can do in regard to apprentices is to talk it over and we have talked it over very thoroughly, so we will now have to leave it to the commission for its final decision, and we have great faith in their ability. The law distinctly gives you the position of doing the deciding. You must not take from us anything that looks like dictation, so I think we must try now to decide on the problem of wage. I think the employers can reach the point of $10, but they would like to feel assured that the apprenticeship period will be as they wish it. The ladies think the apprenticeship period should be short. If the employers can pay $10 on the basis of the idea that that is not an exorbitant minimum, then I would feel that we have pretty nearly reached the point, if you can agree that that is reasonable, with a rational commission to work out other matters, and there are one or two other matters of vital importance which this commission will have to take up. But if you can reach the conclusion that $10 is not too high and you can make it, then you ought to be able to pass a measure of this kind. I wish we might proceed with the motion.

I will move that you substitute for the motions that you have before us a motion recommending to your commission that the conference approve of $10 as a minimum wage.

Mr. FLETCHER. I second the motion.

Mrs. AXTELL. I withdraw my motion.

Mrs. LOCKE. I would suggest that if they would take six months for an apprentice at $7 a week and at the end of the six months they are to get a minimum wage, I think that would be doing justice to all.

The CHAIRMAN. It has been moved by Prof. Beach, and seconded by Mr. Fletcher, as a substitute for previous motions, that the sum of $10 be recommended to the Industrial Welfare Commission as an adequate minimum wage for experienced adult women employed in the mercantile establishments in this State. I would ask Prof. Beach if I have put this motion correctly.

Prof. BEACH. Yes; that is correct.

Mr. PAINE. I believe that the employers would like, realizing that this matter is up to the commission to decide, you to understand that you have no recommendations coming from us, but would like to embody in the second resolution the facts that we have outlined heretofore, understanding, however, that it is up to the commission to reject or adopt this resolution. We would like to go on record as attempting to do what is for the best interests of the employers and employee. We want to go on record as having attempted to assist the commission in arriving at what is fair and right. In giving a short period of apprenticeship I feel that we would not be doing right by the employee.

Mrs. AXTELL. Mr. Paine, would you also be willing that the others make their recommendations?

Mr. PAINE. I think it would be fair.

Mrs. AXTELL. Mrs. Locke, then you can put your recommendation up to the commission.

Mr. MARVIN. Then, Mrs. Axtell, would you be willing to put up a recommendation to the commission also?

Prof. BEACH. I think there would be nothing unlawful in doing that. The three different parties will only present their views to the commission for their consideration.

The CHAIRMAN. We will have a moment's recess to get these resolutions in shape for the commission.

AFTER RECESS.

The CHAIRMAN. The meeting will now please come to order. The motion before the house, which was read a moment ago, is to the effect that the sum of $10 be recommended by this conference to the commission as a minimum wage for experienced adult women employed in mercantile establishments. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Mrs. Locke, Mrs. Muir, Miss Smith, Mrs. Axtel, Mr. Fletcher, Prof. Beach, Mr. Paine, Mr. Wolff, and Mr. Cuddy.

Noes: None.

The CHAIRMAN. The motion for a $10 minimum wage for women workers in mercantile establishments has been carried unanimously.

Mr. FLETCHER. I think we might as well go on in regard to a recommendation as to minors and apprentices. I think we ought to leave this matter entirely to the judgment of the commission. I move that we take up the provisions that should be required.

The CHAIRMAN. The question before the house is what length of lunch period is required for the women in the mercantile establishments.

Mr. FLETCHER. Mrs. Locke how long do you think a clerk should have for the lunch period?

Mrs. LOCKE. I think they should have at least one hour, and I believe this is given in most of the stores; it is in our store, with 15 minutes for rest in the morning and afternoon.

Mr. FLETCHER. How about in Tacoma, Mrs. Muir?

Mrs. MUIR. Tacoma merchants give one hour.

Mr. FLETCHER. Miss Smith, how long in Spokane?

Miss SMITH. I think one hour is the usual time given.

Mr. FLETCHER. I move that the conference recommend to the commission that the period of one hour be required in all the mercantile establishments for lunch.

Mr. PAINE. I second the motion.

The CHAIRMAN. It is moved and seconded that one hour be given us the period for noon luncheon. All in favor signify by saying "aye." [All voted "aye."] Now we will consider what provisions should be required in each mercantile establishment for (a) toilet for women workers, (b) rest room, (c) ventilation.

I haven't made much of a survey of the mercantile establishments, but I have found in many of the factories that women have to go into a toilet next to a gentlemen's or used by the gentlemen, so I know these conditions do exist.

Mrs. LOCKE. At one time I worked on a power machine in a factory in the East, and the toilet conditions were very bad there; I have also heard that they were not good in the factories in Seattle. The women employees sometimes have to go downstairs and into another building, and when busy at work it takes a lot of time, and conditions should be changed.

Mr. FLETCHER. How about the mercantile establishments, Mrs. Locke?

Mrs. LOCKE. In large department stores they are much better than in factories—at least, all I know about.

Prof. BEACH. In the 10-cent stores, Miss Gleason says the condition is very bad.

Mrs. LOCKE. The conditions in the 10-cent stores are very bad, and I think it ought to be looked into. The ventilation is also bad; oftentimes the windows open into an alley which is covered over, and thus they get practically no fresh air.

Mrs. SILBAUGH. I was with Miss Gleason when she made investigation of some of the 10-cent stores. The girls in some places had to go down dark stairways, where the ventilation was bad, and into another building to reach the toilet.

The CHAIRMAN. If the conference so desires, it may debate on the other two questions—rest rooms and ventilation.

Mrs. LOCKE. I think in every store there should be two or three couches in a rest room, so the girls could go and lie down when they are not feeling well. I think they should have a comfortable lunch room, where it is nice and clean, where the girls can go and eat their lunches if they are bringing them to the store in order to be economical. In many of the stores they have a lunch room, but it is not very clean, and the rest room has only stiff-backed chairs and no rockers to rest in. I think they should have couches to lie on, even if just for 15 minutes.

Mrs. MUIR. I never thought much about a rest room. I don't have much time for rest. I am busy from 9 to 12 and from 1 until 6. If I have to buy a pair of shoes or a new hat or anything of the sort, I have to get them at noon and run and do my errands after I eat my lunch. Unless I have something to do that takes up my hour, I go straight back to the store, so I don't have time to lie down. I need it, I will confess, but I am interested in my work and neglect myself.

Mr. MARVIN. I would suggest that you appoint a committee consisting of Mr. Paine, Mrs. Axtell, and Miss Smith to draw up resolutions on these matters and bring them before the commission.

The CHAIRMAN. I think that would be a good idea; then the conference would be able to consider them.

Mrs. LOCKE. Another thing I would like to bring up—there is not a store in Seattle that gives proper heat to the girl. There is not a girl in our store that did not go home two, three, or four days last winter on account of colds. I myself have lost more than that. We have to wear sweaters, which is very bad, as we take them off when we go out, and thus catch cold. I wear woolen underwear, and pay a little more than a dollar and a half per pair for them. The ventilation in the 10-cent stores is very bad.

I also think there should be vestibules or storm doors to keep the draft out, as the girl in the drug department or any department up near the door gets so much draft. Its to maintain health we are speaking of, and to help the girls. Many of the girls are out of work a great deal on account of colds.

Mrs. SILBAUGH. On my investigations I have found in Seattle that one or two of the stores have storm doors, but in some instances it has been very unfeasible where they needed them.

Mr. WELTY. I favor all Mrs. Locke has said, and I think most of the employers in the State would also favor these suggestions. In regard to conditions, I would like to say in the larger department stores the women employees and men employees should use a different clock. Before they leave the store they have to punch the same clock, and my idea is that they stand in line too close

together. So I think there should be two clocks—one for the women and one for the men.

Mrs. MUIR. That would be an awful expense.

Mr. WOLFF. The employer will have to buy the clocks and stand the expense.

Mrs. MUIR. But the little apprentices will have to pay for the clocks, as they do all the other expenses. Let the women work on their honor, as the little children do in the schools.

Prof. ROGERS. It is nearly 12 o'clock, and I think Mr. Marvin's suggestion of a committee is a very good one; the committee being suggested is also a good one, and I should like to make the suggestion that the committee made up of the three persons proposed—Miss Smith, Mrs. Axtell, and Mr. Paine—get together and draw up their resolutions.

Mr. FLETCHER. This matter of these rules and regulations, I think this should be left to the commission, and I make a motion that the conference recommend to the commission that it issue such obligatory orders as in its judgment may be necessary to provide proper toilet facilities, rest rooms, and ventilation for women workers in mercantile establishments of the State.

Mr. PAINE. I second that motion.

Mrs. MUIR. It is necessary that your stores be open about 20 minutes before the girls come in so that the fresh air can circulate and get the foul air of the day before out of the building.

The CHAIRMAN. It has been moved by Mr. Fletcher and seconded by Mr. Paine that the conference recommend to the commission that it issue such obligatory orders as in its judgment may be necessary to provide proper toilet facilities, rest rooms, and ventilation for women workers in the mercantile establishments of the State. All in favor signify by saying "aye." [All vote "aye."] I am glad to see you all leaving in a good spirit, and if we can keep the people of the State in as good a frame of mind I think we will be able to enforce this law properly. I want to thank you all for the confidence shown and for the feeling of good will expressed by all. Motion is now in order for adjournment.

Mr. FLETCHER. I move we adjourn.

Mr. PAINE. I second the motion.

The CHAIRMAN. It has been moved and seconded that we adjourn. All in favor signify by saying "aye." Carried.

FRANK E. MOTHER, *Secretary.*

OLSON EXHIBIT NO. 2.

MANUFACTURING CONFERENCE, SENATE CHAMBER, CAPITOL BUILDING, OLYMPIA, WASH., MAY 12 AND 13, 1914.

Meeting called to order at 9 a. m. by Mr. E. W. Olson, chairman of the industrial welfare commission. The entire commission, composed of Mr. Olson, Mr. Marvin, Mrs. Silbaugh, Mrs. Swanson, and Mrs. Udell, were present. This commission and the following representatives composed the conference: Mr. E. W. Olson, chairman; Mr. Fred Krause, Mr. O. B. Depp, and Mrs. O. C. Pentzon, representing the employers; Miss Emma Foisie, Mrs. Belle Roball, and Mrs. F. H. Lawton (née Miss Margaret McInnes), representing the employees; Mrs. W. C. Mills, Mr. Edgar C. Snyder, and Prof. W. H. Kerr, representing the public.

Roll call by secretary. All members of the conference and all members of the industrial welfare commission answered to the roll call.

The CHAIRMAN (reading):

To members of the factory conference:

After due investigation of the manufacturing industry of the State of Washington, the industrial welfare commission has found that the wages paid the female employees in said industry are inadequate to supply them necessary cost of living and to maintain the workers in health; and this commission has further found that in said industry conditions of labor exist that are prejudicial to the health or morals of the women employed in said industry.

Therefore, by virtue of the authority in it vested by section 174, Laws of 1913, State of Washington, this commission has called a conference composed of an equal number of representatives of employers, employees, and the public, which, after due consideration, is to recommend to this commission the amount of an adequate wage in said manufacturing industry to permit of a self-supporting woman to maintain herself in decency and comfort, and to also

recommend other conditions of work hereinafter specified. Said conference so selected is composed of the following members:

Fred Kreuse, O. B. Dagg, and O. C. Fenlason, representing the employers; Mrs. Belle Robair, Miss Emma Foltz, and Mrs. F. H. Lawton, (née Miss Margaret McInnes), representing the employees; Mrs. W. C. Mills, Edgar C. Snyder, and Prof. W. M. Kerr, representing the public.

Therefore, in accordance with the foregoing, the Industrial Welfare Commission of the State of Washington herewith submits to the conference the following questions:

What is the sum required per week to maintain in decent conditions of living a self-supporting woman employed in a manufacturing establishment in the State of Washington? The requisites for such decent conditions of living are itemized in the list below:

Meals, room, shoes and rubbers, repairing shoes, stockings, underwear, petticoats, suit, coat, dresses and aprons, shirt waists, handkerchiefs, corsets, corset waists, gloves, neckwear, hats, umbrella, repair of clothing, laundry, medicine and dentistry, street car fare, newspapers and magazines, stationery and postage, association dues, insurance, vacation expenses, amusements, church and other contributions, and incidentals.

What length of lunch period is demanded for maintenance of health of factory employees?

What provisions should be required in each manufacturing establishment for (*a*) toilet for women workers, (*b*) rest room, (*c*) ventilation?

INDUSTRIAL WELFARE COMMISSION.

According to the rules and regulations and in accordance with the law we are required to have a secretary for this conference, and the Chair will entertain a motion for the election of a secretary. The commission presents the name of Miss Pearl E. Motzer.

Prof. KERR. I move that Miss Pearl E. Motzer be elected our secretary.

Mr. SNYDER. I second the motion.

The CHAIRMAN. It is moved and seconded that Miss Pearl E. Motzer be elected secretary; all in favor signify their assent by saying "aye."

(The motion was carried.)

Before we go any further, I wish to speak with regard to your traveling and hotel expenses. The State auditor requires that you furnish vouchers covering all your expenses, and I wish you would make them out as soon as you return home and send them in at once, so that we can pass on them at the next meeting of the commission. If there is anything you wish explained you may step in at the labor commissioner's office and the young lady will explain to you anything that you do not understand.

If you will turn to page 168 of our report, I wish to read to you section 10 of the law in order to impress it upon your minds:

"If, after investigation, the commission shall find that in any occupation, trade, or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof."

I might say in this regard that the commission has designated me to be chairman of this conference.

"The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions of labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission."

If you will turn to page 90, I wish to read section 5:

"When the conference is called to order by the chairman it shall deliberate under parliamentary law and no question shall be discussed that is not germane to the conditions of labor or cost of living of working women or minors as applied to that particular trade or industry. Roberts's Rules or Order shall govern."

Now section 8:

"The Chair shall not permit the discussion of the question as a whole until after each item of the cost of living has been taken up in the order given in the estimate blanks prepared by the commission, unless otherwise directed by a majority vote of the conference. After proper deliberation and discussion of questions that have been presented to the conference by the commission the conference shall then, upon request of the commission, proceed to make recommendations upon such questions as the commission may designate."

We are confronted with a condition in this conference to-day that we did not have in our mercantile conference. The welfare commission has been requested by quite a number of factory men whose particular lines of business are not represented by any of the members of this conference, that they be granted the privilege of appearing before the conference to speak on the effect the minimum wage will have on each of their particular lines of industry. This privilege has been granted to them by the commission prompted by a desire to have the situation presented from as many angles as possible. Under these circumstances the Chair would suggest that the conference rules be temporarily suspended and the floor given to these visitors that they may be heard. Many of them are present now, and Mrs. Silbaugh advises me more will arrive on the 3 o'clock train this afternoon.

(Mr. George L. Sawyer, from Spokane.)

Mr. SAWYER. I would like to speak about the new industries.

The CHAIRMAN. About how long would you like to speak?

Mr. SAWYER. About 15 minutes, I think.

The CHAIRMAN. All right, Mr. Sawyer, we would be glad to hear you.

Mr. KRAUSE. I move that the rules and regulations governing this conference be suspended, and that the factory owners present be permitted to speak before this conference.

Mr. DAGG. I second the motion.

The CHAIRMAN. It is moved and seconded that the rules and regulations governing this conference be suspended, and that the factory owners present be permitted to speak before this conference. All in favor signify their assent by saying "aye." [All voted "aye."] The ayes have it.

Before we proceed with our regular order of business permit me to impress upon your minds that under the minimum-wage law we are confronted with a problem that is entitled to the deepest consideration by this conference. The law says that this conference must determine and recommend to the industrial welfare commission the amount of a wage upon which a self-supporting woman can maintain herself in decency and comfort. In order to arrive at a logical conclusion in this regard we have here at my right three ladies, who represent the employees in the factory industry. These ladies are here to tell us as near as they can what the average self-supporting woman needs to maintain herself in health, decency, and comfort. At my right we have three gentlemen, representing the employers in the industry, and I predict that they will endeavor to prove that the industry in which they are concerned will not be able to bear the impost of a wage such as the law contemplates; that their establishments are in competition with sweatshop and prison labor in the East and will be stifled by an increased wage scale. Of preeminent importance to this situation is the part that society will play in settling this wage dispute. Centered between the two contending sides of this controversy we have three representatives of the public, and let me say to you that in the final analysis of this question these three members representing the public will cast the deciding vote.

The responsibility of a fair and reasonable wage, considered from every standpoint, is placed upon these three members. They are here to tell us what the public will do if the necessary wage places the manufacturer in this State at a disadvantage in competing with the sweated industry in the East. After all the real employer of the wage earner is the public, and if the public will do its duty in purchasing the product of the well-paid girl then the gulf that now exists between the manufacturer and the wage earner will rapidly disappear. I hope that every member of the conference will try to do their best to reason out this problem, not only from a standpoint of the women who are

working in the industry but from the standpoint of the employer who has his capital invested in the industry. If it is necessary for the public to bear a greater burden than they now bear they should be willing to bear it.

We will now be glad to hear from Mr. Sawyer at this time if he is ready.

Mr. SAWYER. I would like to have the notes that are in your office.

The CHAIRMAN. All right, if you prefer we will call upon some one else. Anyone may have the floor now who so desires. Mr. Krause, can't we get you to open the discussion?

Mr. KRAUSE. I would like to sit back and hear the conference start this, but I want to say that I am interested in this question, as I have talked with each one of the conferees and with a large number of our business men in the city. In starting this discussion, Mr. Chairman, Mr. Sawyer, who is going to speak, is a member of our chamber of commerce. They have put up a campaign to do something for the city of Spokane. We must make eastern Washington a better place for all classes of people. We appealed to the business people to such an extent that they feel that something must be done to rebuild and re-create new industries. That is the work that they started last week, and I would be glad to do all I can to get this conference to arrive at a just wage for everybody.

Mr. FERGUSON. Mr. Chairman and colleagues, I have not had much time to study this matter, but am deeply interested in this from several standpoints—from the standpoint of the manufacturer, from the standpoint of our employees, from the standpoint of the State of Washington—the public in general. The question, as I understand it, is: We are to determine what is the amount per week that a woman can live comfortably and decently on, and I want to say this, so far as a member of this commission, my influence and acts will be based on what that one great man said—Abraham Lincoln—"Labor is prior to and the invention of capital. Capital never could have succeeded unless labor made it, therefore labor is much superior to capital and is entitled to much the higher consideration." We first should consider the laborer.

I had your request sent me a few months ago to fill out this blank and I didn't have any idea, at that time, that I would have to get into the "jack pot." I gave this proposition careful consideration and I compiled these figures along this line. I said, now, if my daughter had to work for a living what do you think she ought to get. You will find my answer on page 67, paragraph 5:

"In reply to your request the writer has made an estimate based on the theory that the girl or woman employed was not living at home, or with friends, but was compelled to pay her way the same as a man would among strangers. There is one important item of expense not enumerated in the schedule, viz, lost time on account of sickness or the want of a job. Therefore, the writer believes his estimate of $683.76 is a conservative one."

Now I have no reason to change my mind; not at all. I want to say to you that it is my opinion, and I believe it is the opinion of every man, that a girl or woman living an independent life away from home can not live on much less than $10 or $12 per week.

There is an ethical side as well as a practical side to this question. I stand here to say that a girl should receive $10 or $12, only it is my contention that those who are not efficient should have a term of apprenticeship. Can we do that in justice to the employer and can we do it in justice to the girls and women? It is just as essential that our women have employment, even though the standard may not be as high as I have stated in my estimate.

I manufacture berry boxes—a folding berry box is our principal business. I will just show you; I have a sample here. I hope some of these shirt men have brought along their clean collars. This is a plain box and it is collapsible. The minimum wage in our industry, if it was $10 or $12 per week, wouldn't cut much figure because we would simply raise the price of the product. In Michigan the girls are working 9 hours and receive less pay than our girls are getting for 8. It is only a question of whether you want the girls to make the berry boxes here or let them be manufactured in some other locality. What we are going to do on our eastern trade is to ship our raw material to our houses in the East and let them staple our boxes there. In our particular line, if they should put a minimum wage at $12, or perhaps $13, men would be employed instead of girls. Suppose we establish $7.50 per week, we couldn't employ any girls for less than $7.50 per week—if we should establish a $7.50 per week minimum then we should establish a certain apprenticeship period, at which there are no fixed wage, say three or four months for apprenticeship.

When you first put a girl on to work who don't understand the line of business it takes a higher priced employee first to educate her. I would be in favor myself of no fixed wage, but I would spread that out over a long period or a reasonable length of time so she could get adapted to the business. If you establish $7.50 then I think the apprenticeship period should be short. Suppose you establish a higher minimum, $10 or $12, then you should have a longer apprenticeship period, say, based on six months or a year. I would submit two things to the employee—a low minimum wage, about $7.50, with very short apprenticeship period or a higher minimum wage with a longer apprenticeship period. I wish that some of my gentlemen friends would give us their opinion about this question. Their businesses are considerably different from mine. In my business three months or four months and a girl would develop so that she is an efficient worker. Some girls who earn $1 per day set down and don't try to earn more, but say, "Well, papa don't want me to work." I would provide for just that class of people. I recognize, however, that God has made men and women as we find them; you have to use the material that God has given you, as nature has provided it.

I think the thing for us to find out is what the different industries could stand. I think the best plan is to give them what they earn for the first few months, and if they don't earn what they get "can" them.

I appreciate what Mr. Olsen said. He thought the employees would stand off against us and that the public will decide our scrap. That is not my viewpoint at all. I am going to give labor the first consideration, and I am going to stand for just as high a minimum wage as we can pay and not vote the girls out of a job. I thank you.

Mr. SWYER. Mr. Chairman, the spirit shown by the member of the conference who has just spoken seems to be for the success of the conference. It is undoubtedly true, as the Chair has shown, we are divided into three distinct groups; we are grouped like some of the parliamentary groups—right, left, and center. I recognize the responsibility in this instance resting upon the center. I am very much gratified by the attitude shown by the member on the left. I want to simply enter in behalf of the center a plea, an earnest plea, that none of us may take that attitude that is taken by the typical trader who enters into a transaction—that his asking price is always somewhat higher than his taking price. It appears to me that we will get farther and arrive there sooner if we would all frankly endeavor at the outset to come as nearly as possible to a fair basis, not to have the representatives of the workers demand something unreasonable at the very beginning in the hope thereby they may get a better concession, not to have the employers to demand an unreasonably low wage and then keep raising it, but I would like therefore to urgently ask that that be our attitude throughout this conference.

Mr. FENLASON. I think having this minimum wage is going to increase the efficiency of the employees. The class of girls that I spoke of who said, "I only want to earn $1," when they know they must earn more than $1, will try to become more efficient. I think the principle of the minimum wage will help the manufacturer along that line. The girls will soon find out that they have to get a move on them to hold their jobs.

Mr. SWYER. It is undoubtedly true that in all factory lines you will find girls who after a fair trial can never be efficient in your particular line of work. They should not be considered in the minimum wage for the average worker.

The CHAIRMAN. Mr. Sawyer may now have the floor.

Mr. SAWYER. Mr. Chairman, ladies, and gentlemen, I am here to-day in behalf of those industries that are not yet born. I am here representing one section of the State, but the same applies to all sections of the State. Our industries are before us, not behind us. There are at this time interests in the larger sections of the State devoting a great deal of time and a great deal of money to take care of and to bring in new industries into our State. It is true of Spokane, Seattle, Tacoma, Bellingham, Everett, and many other smaller places. It is due to conditions in the Eastern States that this movement of minimum wage has been started in the West and in our State. We have not gone far enough with our industries to settle a question of this kind. If you will make a survey through the records of the courts as regards receiverships, bankruptcies, etc., you will be surprised to find the number of our industrial institutions that have in the last five years gone to the wall. Those who are here in this conference have been a little more fortunate. The real question before the manufacturer to-day is his ability to compete with the East. Do we

all realize what percentage of industries are successes in the first case? It is necessary to put up 10 factories; in other words, it fails ten times before it succeeds once.

The western manufacturer has to depend upon the East almost entirely for raw materials. Our manufacturers out here have to depend on from 7 to 10 days in which to get the raw material. They consequently have to carry a larger stock than the eastern manufacturer, and this makes an added burden for the western manufacturer to bear. In other words, our markets are restricted. Our labor is one of the most difficult questions which we have to meet. Our western labor costs more, our girls receive higher wages here than they do in the East, there is no skilled labor in our lines in the West. The freight rates are a great deal higher in the West on account of it being a new country, and, generally speaking, for the same transportation cost in the East the factory can reach 80,000,000 consumers, where for the same freight rate they could only reach 4,000,000 here in the West. The western people are not educated to put money in industries. The result is that it costs more for the money; it makes a difference in costs of operation of 3 and 4 per cent. In fact, there is no one to go to for financial help. Then there are numerous added costs to the western manufacturer. He was perhaps successful in business in the East, but he comes out here to the West, and he is slow to grasp the western conditions. It is hard to get the right kind of help and to secure the right management, so these things all go to make it harder for the new employer.

I am not going to tell you what the conditions are in Spokane, for they are not the conditions that should be published. Unless we put a minimum here that is within reason—unless we put a minimum wage here that will keep the eastern manufacturer out—some of the girls will be out of work. I know of one establishment where they employed 30 girls; that man would prefer to use girls, but on account of the legislation in this State regarding girls he is putting men in.

Back of all this legislation is the desire to better the girl. Let us be sure that in attempting to better the girl we do not cripple the employer, but let us look at it from the employer's viewpoint as well as from the employees'.

Mr. PENLARON. What industry do you refer to where they would rather have girls than men?

Mr. SAWYER. The manufacture of woolen goods. Please understand that I have been looking for the man who is in trouble and needs help—not the successful one.

Mrs. MILLS. Do you think the failure is due to the wage that has been paid the girl?

Mr. SAWYER. It has in some industries. It is due to the 30 or 40 reasons that I have just mentioned.

Miss FOSHE. Can you cite in one instance where it was the wages paid to the girls?

Mr. SAWYER. I can say this: That it was due to the lack of money—that the man ran out of money. It is all these things taken into consideration that make the business a failure.

Prof. KERR. As a matter of fact is it not true that the men who are starting up these new industries, they are really experimenting?

Mr. SAWYER. Yes; in many instances. They have to experiment in order to get started. It is all an experiment. In one instance a man came here with a large amount of capital, but couldn't get the skilled labor they wanted. Tried to stock up with raw material and then it laid on the shelf. It is all an experiment here in this western country. If those eastern men can not make a success of it, who can?

Prof. KERR. Is there much competition among the employers to get the experienced help?

Mr. SAWYER. Yes, sir; there is. It is hard to get good experienced help here. The man I am considering is not the ordinary man who succeeds, it is the exceptional man. In the first place, it is hard to get these eastern manufacturers to come out here, but if they come they are likely to fail.

Mr. SNYDER. You spoke, Mr. Sawyer, of girls receiving a small wage and said there were very few who received $3 per week. Is it not true that over half of those employed receive less than $10 per week?

Mr. SAWYER. Yes; I think it is.

Mr. SNYDER. A really efficient girl makes over $10, does she not?

Mr. SAWYER. A girl of overefficient average would get over $10. I am speaking of the man who is starting. The man who is in the back end of some shack or third floor of some building.

Mr. SNYDER. The employer would rather have a girl who is capable of earning $10 per week or over; she is really worth more to him, is she not?

Mr. SAWYER. He wants to get the most efficient girl he can get. I am simply saying this on account of all these conditions a man has to meet; you can very easily put them out of business. The little fellow has no momentum to carry on over these conditions.

Mr. SNYDER. Does it matter anything to him whether he pays $3, $4, or $8 per week or pays considerably over $10 per week, providing he gets the returns.

Mr. SAWYER. It matters to this extent: That if he can pay $10 and operate, it is all right. The girl shared in her employer's success or failure. We don't want to shut him up so she can't work for him.

Mr. SNYDER. If we should decide on a certain minimum wage which, we will assume, will drive out of employment a considerable number of girls, will that minimum wage thereby have any undesirable effect upon the employer, assuming that he will still be able to have a sufficient supply of labor?

Mr. SAWYER. I don't understand your question, Mr. Snyder.

Mr. SNYDER. Suppose a minimum wage of $10 is fixed, which will drive out of employment the girl whom the employer finds can not earn $10 per week; he will discharge them, but the other girls that remain in his employ will be able to earn more than $10. How is the employer affected?

Mr. SAWYER. If he can get enough girls to fill the factory, if he can get sufficient girls who can earn $10 per week, he will be satisfied. If he can see that he can run on it and can get a sufficient quantity to fill his demand, he is satisfied.

Mr. FENLASON. Do we want in this State many more of those industries like the kinds you have mentioned here? You said you were here on behalf of industries not yet born. I hope they never will be born. Do we want those classes of industries? No; we don't want those industries. The going concern is more competent to pay the wage than one that is starting. We don't want to bear down the wages of our women. I am opposed to that "shack proposition."

Mr. SAWYER. I am not making any plea for anything of that kind. It isn't a one-sided proposition. Let us make sure that she receives a small wage rather than no wage at all.

Mr. FENLASON. I was only taking your own words. Are you in favor of a wage in order to protect the class of people who work in shacks?

Mr. SAWYER. The manufacturer of to-morrow is the one back somewhere in some shack learning the business.

Mrs. ROMAIN. Has that employer got to learn his business at the expense of his employees?

Mr. SAWYER. No; but we all have lots to learn, and the new employer has to learn by experience. If he gets skilled labor, he will pay what he should.

Miss FOLEY. The people who come out here should know their business before they come.

Mr. SAWYER. There is no eastern man who can come out here and know all the business; even with years of experience men will sometimes turn right around and fail.

Mr. DAGG. I move that we have a recess, say, for 10 or 15 minutes.

Mr. SAWYER. Before we do I want to thank the conference and commission for allowing me to state in my feeble way my views on this question.

The CHAIRMAN. You have heard the motion made by Mr. Dagg that we go into recess for 10 or 15 minutes. Does anyone second that motion?

Mr. KRAUSE. I second the motion.

The CHAIRMAN. It is moved and seconded that we go into recess for 10 or 15 minutes. All in favor of this motion signify their assent by saying "aye." The "ayes" have it.

AFTER RECESS.

The CHAIRMAN. The meeting will please come to order. There is no particular question before the house; merely a general discussion of the factory-wage problem.

Mr. FENLASON. In your opening remarks you stated that the lady employees of the State would tell us about the necessary cost of living, and I move that they tell us some things along that line.

The CHAIRMAN. I rather think it would be best to postpone that until we hear from the other men. Are there any gentlemen here from the outside that

would like to speak on the factory problem and the wages paid? Would Mr. Williams like to be heard? I understand he came here for that purpose.

(Mr. Williams of Seattle.)

Mr. WILLIAMS. Yes; I would like to speak. I am in the factory business. We manufacture wash dresses for women and children and children's play suits. Things along those lines.

If there is any question that you could ask that would lead up to the line that you wish me to take up it would help to get me started. I have not been here long enough to get the drift of the meeting.

The CHAIRMAN. The matter that this conference has mainly been called for is to establish a minimum wage for workers in the manufacturing industry. The question has been raised by the manufacturers of the State that the industries of the State can't bear a high minimum wage. That the different manufacturing concerns, the industry as a whole, can not bear a higher wage than they are now paying.

Mr. WILLIAMS. I would like to be understood as confining myself entirely to the garment manufacturing. We pay by the piece. There are very few paid by the week. We are bound to base our work upon the piece and maybe a girl this week would earn $8 and next week more or less. She has a bundle of work and on Saturday afternoon when she checks in her work, if she has that bundle completed and it is accepted by the inspector, she is paid for that bundle. We couldn't in the piecework say she would earn this much this week and so much next week. Now, of course, there has been a certain feeling of just what the effect would be if the minimum wage is fixed in comparison with Oregon. On a great many garments we do perhaps not make over 50 cents per dozen, so we would have to bring up the price of the garment if the minimum wage was fixed above a certain amount. I was talking with one of the manufacturers from Harrisburg, Pa., and he said, "We work 10 hours per day and our girls are satisfied to earn $1 per week."

We will try to make our factories well ventilated like they should be and just as comfortable as possible for the girls, but the girls don't have to wear as many shirt waists a week as the girls selling goods to a customer as in a mercantile establishment and they are not obliged to dress the same while at work, so that would be some saving to them. We think everyone on this commission wants to be just, and that is what the manufacturer wants—justice. We want it considered from our standpoint as well as from the standpoint of the employee and the lines we are engaged in, also the competition we have to meet. If you will allow me to go further, we have had in our employ a few elderly ladies that could not get employment in other lines of work. Those people are satisfied to work for $6.50 and $7 per week. They have been able to maintain themselves on that with a little help from other sources. It wouldn't hurt us as much as it would them if the minimum wage was high. What is to become of the ones who can't meet the requirements to get a high minimum wage? I think if the wage was put reasonably high the factory would be allowed to exist and it would not work a hardship on the women. In our factory if a girl is quick and gets hold of the work quickly, she gets $8 the first week on piecework and an increase the second week if she has improved. It sometimes happens in cases of this kind that the work done by people beginning we have to sell for one-half price. We never complain, but are willing to keep these people if they show signs of improvement after the first week or two. The second week the girl earns about 50 cents more.

Not having been in your session this morning I don't know just what you have discussed, but I will be very glad to answer your questions honestly. If it were possible for a different regulation for the garment manufacturers and if there could be some way of averaging it to cover each individual class of work, it seems to me that it would be more nearly just to each line of business. I am not prepared just at this time to go into what we would like to have as an apprenticeship period, but further on, if you care to ask me any questions, I will be glad to truthfully answer to the best of my knowledge.

The CHAIRMAN. Do you mean it would be best to separate the pieceworkers from the time-workers?

Mr. WILLIAMS. I mean the different occupations. I believe the paper-box makers work mostly by the week. One girl will start at $3 and will work up to $8.50 or $9. Another girl will start in at the same price and will never get more.

The CHAIRMAN. Is there anybody who wishes to ask Mr. Williams any questions?

Mrs. ROBAIR. What is the highest wages that you pay your girls?

Mr. WILLIAMS. We have girls who get from $13 to $16 a week.

Mrs. ROBAIR. In our factory some of the girls get as much as $20.

Mr. WILLIAMS. We have been told that we pay more than the union scale for our line of work. We allow the girls to go into the union, however, if they wish.

Mrs. MILLS. Does this gentleman allow any of the work to be taken to the homes? We have some factories where part of the work is taken to the homes.

Mr. WILLIAMS. Sometimes we have done that. We have allowed some to take work home but it has inconvenienced us a great deal. We prefer to have everything made under our own inspection.

Mr. FENLASON. What is the average wage of your employees?

Mr. WILLIAMS. It would be pretty hard to tell you that. Some of them get from $13 to $16, some less.

Mr. FENLASON. Would 50 per cent of your employees be under $7 per week?

Mr. WILLIAMS. Perhaps not.

Mr. SNYDER. Mr. Williams, why do you suggest a segregation of piece-workers from the time-workers.

Mr. WILLIAMS. Perhaps the girl would earn $2 more this week than next week, because she hasn't finished her work. The girl who lacks $2.50 of making the minimum wage some weeks—we don't want to have to pay that. Is there anything further?

Prof. KEEN. Mr. Williams, I would like to ask if there are a good many minors in your factory?

Mr. WILLIAMS. We sometimes have a few who come to work as soon as they are 16. One girl from England—a very small girl—came to me for work and I told her she would have to have a permit, but she was past 16 I found upon investigation. She never gets but $7 or $7.50, but she seems entirely satisfied with that. She is not as rapid as some of the others.

Mr. SNYDER. You stated the store girls were under considerable greater expense than the factory girls. I would like you to indicate, if you can, what this expense is.

Mr. WILLIAMS. Our girls come to work and change and put on a work dress. The girl in the store would have to wear more shirt waists and would wear out her skirts quicker.

Mr. SNYDER. Can you estimate what that expense would be?

Mr. WILLIAMS. No; not exactly. The stores, however, are not in competition with the other States, while we are directly in competition. Some of the stores require a uniform clothing, they must maintain the same uniform that the other girls have; they have the expense of getting this dress when they first start in. We don't require this uniform dress.

Mrs. ROBAIR. If a girl changes her dress, she has to have the wear and tear on her best clothes going back and forth to the factory, and she also has the extra expense of a work dress that she wears in the factory. If she has a work dress she has to send it to the laundry and has this added expense.

Mr. WILLIAMS. A girl does not need to wear the same suit to the factory that she would wear to the store to clerk all day.

Mr. SNYDER. To what extent is that situation met by the fact previously referred to that the factory girl is at a disadvantage with the girl in the store, as the girl in the store is able to get a discount and is more able to take advantage of the sales in the stores?

Mr. WILLIAMS. Our girls can take advantage of what we make. Our girls get out at 4 o'clock and have from then until 6 to shop. I think our girls have just as much advantage of the sales as the store girls. The store girls are not allowed to take advantage of the sales more than anyone else.

Miss FOSSE. The girls in the stores are excused from the stores during the morning hours and can do their shopping. They are also allowed 25 per cent discount on their suits and 15 per cent discount on other goods. A girl going shopping at 4.30 or 5 is tired or in a hurry and she hasn't the energy or vitality to buy her clothes that she would have in the morning.

Mr. WILLIAMS. The girl who buys one of those dresses and gets a 10 per cent discount has to pay more than if she got them from us. If Oregon has a certain schedule of price regardless of how much it takes to live in this State, if the industries are going to grow and this State is going to call for new industries, we must consider competition.

Mr. KRAUSE. The young lady there, Mrs. Lawton, knows nearly every girl in Spokane, I believe, and has been employed in Spokane. You have employed girls yourself, have you not, and your basis for employing girls is efficiency, is it not? You have had a good deal of trouble in getting girls who were efficient, didn't you?

Mrs. LAWTON. As a general rule I did not have much trouble.

Mr. KRAUSE. I claim that our business is built upon a competitive basis. Our business is divided into two industries—candy and crackers. Our commodity must be put on the market at a competitive price. Are any of you ladies loyal enough to pay more for a package of biscuits made here than for one made in Chicago that sells for less?

Mrs. SILBAUGH. We are not educated up to that yet.

Mr. KRAUSE. The price established in this commodity is a standard price, and under the pure-food laws each package must contain so many ounces or so many pieces. We men are each representing a certain company, and we each think we are making a very nice line of goods. We are only allowed to hire our girls eight hours a day; the same kind of industries in the East can work the girls 10 hours. Our rate of wages is from 20 per cent to 30 per cent higher than our competitors, so I believe, Mr. Chairman, that these points are pertinent to the establishment of the business. We are not all as fortunate as our friend here, Mr. Fenlason. He can say to the girls, "We have no competition; we don't need to keep you; we can put in men." The average girl comes into our factory for work—she wants to become a chocolate dipper. I start her in at wrapping packages. The greatest trouble we have is to get a girl to know how to use her hands. It takes a lot of our patience in order to get the girls to know how to use their hands. I will be very glad to answer any questions that I can in regard to this matter.

(Mr. F. Stevenson, of Tacoma.)

Mr. STEVENSON. May I have the floor a minute?

The CHAIRMAN. Yes; indeed. What business are you in, Mr. Stevenson?

Mr. STEVENSON. I am a garment manufacturer. Suppose a girl takes a bundle of say two dozen garments on Friday morning. Suppose this bundle amounts to $4.16. At the present time we are allowing them to hand these bundles in on Friday evening. Perhaps, she will have the bundle done before she gets her pay for it or the reverse would be that the girl, instead of handing in that bundle she may have to hold it over and, if we have a minimum wage, we have to pay her $2 or $3 more for the week than she has earned. The commission should take this into consideration on this piecework basis.

The CHAIRMAN. Would that be remedied by averaging for the month?

Mr. STEVENSON. Yes; it would be remedied that way.

Mr. MARVIN. Would the monthly plan be better than taking an estimate as to what is done?

Mr. STEVENSON. I think it would.

Mr. WILLIAMS. A girl should just get what she earns while she is an apprentice, I think. Then she would be learning the business and at the same time earning just what she produces. There are so many inefficient ones starting in all the time that we need some sort of apprenticeship.

Prof. KERR. You say you have a great many people who come to you to begin work that are inefficient. Do you have a good many minors that come to you for work? Do you think it is possible for the public schools to cooperate with the factory in training the girls from 15, 16, and 17 years?

Mr. WILLIAMS. We have students from the economical department of the University of Washington come to our factory to investigate. We would be glad to pay for the time they are in the schools, if the schools could cooperate in training them.

Prof. KERR. At the present time there is a commission in this State to make a State-wide study of the question of vocational training. Do you think it is possible for the schools to cooperate with the factories successfully? The plan is that the child shall be in school during one day in the week. If there is any reason why that sort of a scheme couldn't be made in the State, I would be glad to know of it.

Mr. BLACK. I would like to say that we can teach a girl in a week the things we would want her to do. Then it is a matter of practice until she knows the business well. They come to our factories, and they have to work up to speed on our particular line of work. We can only educate them in our factory in our particular line of business. The thing that I am interested in, and it is only natural, is the inefficient girl—the competent girl don't need any legisla-

tion to make her living. I want to ask these young ladies if this commission would fix a minimum wage of $1 per week would it affect the girl making garments in the State?

Mrs. ROMAIN. I don't know as that would affect any girl in the State. I know it wouldn't affect any girl in the factory I work in now, but will it affect the girl in the factories that come in as a new beginner at anything? She is very discouraged if the minimum wage is fixed at $5 per week. There would be some encouragement for the girl if the minimum wage was fixed at a reasonable price. The majority of the girls are industrious and ambitious and want to make the most that they can. If a girl finds that the girl working next to her is averaging $7 per week, if she was only making $5 per week she wouldn't be contented with $5; she would want to make $7. If the minimum wage was $5 they would sit down and would not try to ever make more than $5, but the manufacturer would soon weed them out. They couldn't keep them. I think that if the girl had a wage to start on that was encouraging, I think it would encourage her to make more.

Mr. BLACK. What effect would it have on the girls if the minimum was $10 per week?

Mrs. ROMAIN. I think the majority would come up to that.

Mr. BLACK. Don't you think a high minimum would work a hardship on the competent girl and help the incompetent girl? For instance, the girl who puts pockets down on the trousers legs of the overalls?

Mrs. ROMAIN. Where was your floor lady at that time?

Mr. BLACK. A girl who worked 10 months is supposed to know where the pockets should go. We have away above the average lot of factory girls—in fact, we have very intelligent girls, but still these things sometimes happen. We are willing to pay the girls all they earn, but these mistakes are sometimes inexcusible.

Not long ago I had a man come to me and try to sell me some overalls. I said, "No; I am in the overall business myself." He said, "I can sell overalls to you and you can't make them and sell them as cheap as if you buy them from me and sell them to the merchants." He asked me a price that was ridiculously low. I asked him how he could do it and he said, "What is your overhead expense for a pair of overalls." I told him. He then said, "Well, I get free rent, free power, and have no taxes to pay but have 250 convicts to work each day. That makes my expenses about 37½ cents as against your $2.50—can you beat it?" He said, "We sold $7,000,000 worth of overalls in the United States last year."

The State of Washington should pass a law that when you ship "convict-made" goods into this State you should be compelled to put a label on it saying it is "convict made." These convicts are put to work making aprons, dresses, children's dresses, and overalls, and when they come out of prison they are as helpless as babies. That is the most vital thing—we do need a minimum wage for a competent girl, but we also need laws against the man who will go around and put a pocketbook on the back of a desk and get the person to vote for him.

We are not pleading for anything except that you don't put the girls out of work completely by a high minimum wage. I know that no legislation that you will make will benefit anyone in my employ. You can't make any legislation that will help my 250 girls, but you can hurt them with a high minimum wage. I have one in my employ that her maximum is $28.80 and her minimum is around $18. When she first came to me she wasn't quite old enough to work and had to wait for a few days, but she has proven herself to be a good worker. I would like to speak on apprentices. We certainly want an apprenticeship period.

The CHAIRMAN. Mr. Black, I would like to interrupt you, as it is now 12.15, and I think we should adjourn for lunch.

Mr. SNYDER. I move we adjourn for lunch until 1.30.

Prof. KERR. I second the motion.

The CHAIRMAN. It has been moved and seconded that we adjourn until 1.30. All in favor signify their assent by saying "aye." [All voted "aye."] The ayes have it; we will adjourn until 1.30.

AFTER RECESS—1.30 P. M.

The CHAIRMAN. The meeting will please come to order. The secretary has informed me that she has quite a bit of difficulty in hearing the speakers. I would ask each one to speak a little louder and more plainly.

I think Mr. Black has the floor, and he may resume his address to the conference if he wishes to do so.

Mr. BLACK. I thank you for the opportunity to finish. I don't just remember where I left off. I think the manufacturers of Seattle that I know are disposed to be fair and just to their employees. It is the one who makes the good wages that is profitable to us. I conduct a cafeteria in my establishment, not as a matter of charity, because the girls are able to pay for what they get. It is a selfish business with me. If a girl gets a good lunch at noon, she feels better and does better work in the afternoon. Miss Folsie asked if the employees should be responsible for the manufacturer who comes here without experience from the East. I say "no." If the manufacturer isn't able to run his business, the employee shouldn't have to suffer. Neither should the employer be responsible for the inefficiency of the employee. The best way I can explain this matter of apprenticeship is this: You are a business man and you want a stenographer. You send uptown and you advertise. The girl makes her application, and you ask her if she can run a machine. She says no—would you hire a teacher, furnish the girl with a machine, and then pay her a salary? No; that would be ridiculous. That is exactly what we are doing in the factories, we are teaching the girls a trade that will put them beyond want if they will apply themselves.

We should not be put in a position where we have to pay them while we are teaching them. You ladies and gentlemen are here to determine a minimum wage for a girl that will keep them in health and comfort. You are not here to fix the wages of women. You are here to establish a wage that will protect the girl from taking $3 per week. When you give her a reasonable minimum wage she won't stay in that class very long. I hope you will give me the credit of being honest when I say that I am interested in the girls. I am here for the girls as much as I am here for the manufacturer. We want a reasonably fair condition, and we don't want to put the factories out of business. We want a minimum wage that will meet her wants until she can do better. We have tried paying a girl an apprenticeship wage while she is learning. We found it a failure because it destroys the individuality of the woman. Some just want a job for one or two weeks until their husbands, perhaps, are able to work. No matter what girl comes to our place to work it costs us from $25 to $50 to teach her until she earns something. That is all I have to say. If you want to ask me any questions, I will be very glad to answer them.

Mr. SNYDER. What is the minimum amount, in your opinion, upon which a girl can live decently and comfortably on.

Mr. BLACK. I don't want to discuss that, because I am sorry for the girl who has to live on $12 or even $15 a week. We must not lose sight of the fact that these figures have been compiled by girls who are making good wages. This wage is to protect the inefficient girl. The girl we want to protect is the girl who might go wrong. When a girl gets a reasonable amount of money in her pocket every Saturday night she is safe. The responsibility is not as great—I am saying this honestly. We are the pioneers in the State and we have had a hard pull. We have not lost five years since we started. We have to take every man and every girl and teach them the business. Those two women are as independent as any two women in the State of Washington as long as they keep their health, because they have a trade.

Mr. SNYDER. We must not lose sight of the fact that we are dealing with a condition in another sphere. A law has been passed which makes it unlawful to pay an inadequate amount to women workers.

Mr. BLACK. But some of our factory girls pay $35 for hats in a year and $15 for corsets. This law is not protecting that girl.

Mrs. UDALL. Can't you give an estimate of the amount an average girl should get? Not the one who spends the most or the one who spends the least, but the average girl.

Mr. BLACK. I haven't asked any of our girls. I can tell you what I lived on when I first went to work. The first week after I went to work I got $3 per week, and that lasted for the first year; $6 per week for the second year, and $7 per week for the third year.

Mr. SNYDER. There have been changes since that time.

Mr. BLACK. I understand that. If I can't pay my help a living wage I don't want them.

Mr. MARVIN. This conference and this commission are supposed to find out from all available sources what is required to enable a woman in the State of Washington to live decently and healthfully on, and presently I would like

to know what you think, and if you have not made up your mind I would like to have you take it under consideration.

Mr. BLACK. Understand that it is not my idea to try and get a low minimum.

Mrs. ROBAIR. Don't these people who work in those different branches—don't they have to live?

Mr. BLACK. Don't place the minimum so high that it will work a hardship on the girls.

Mrs. ROBAIR. I don't think it is going to. You said it took three weeks to learn this trade. The manufacturer would know whether a girl would be an operator in four weeks, at the most, and I think the apprenticeship period would not have to be over four weeks.

Mr. BLACK. You could tell in four weeks whether she would be an operator.

Mr. KRAUSE. I should say that the girl who comes to Mr. Black for a position for a short time comes from the solicitation of the mother and gets help from the family, but at the end of six months she is a help to the family herself. The heads of families sometimes come to me seeking employment for their daughters, saying they are not able to earn enough money to support the family, and appeal to me to find something for the daughter to do. She is one of the family unit, and after a few months is able to contribute something toward the support of the family.

Mrs. ROBAIR. If her father is giving her her board she is no help to the family.

Mr. KRAUSE. She is a help as long as she brings $5 home to the father.

Mr. BLACK. A girl should not be paid any more than she earns. I would like to have not less than three months in which a girl should get just what she earns. I think a reasonable wage for the beginner would be $3 for the first week, $5 and what she earns for the second week, $4 and what she earns for the third week. The next three months she should get $1 per day and what she earns, and after that she should receive the minimum.

Mrs. ROBAIR. I think myself that would be a good plan.

Mr. BLACK. You know that with the competition we have with the outside world we can't raise our piecework.

Mr. SNYDER. I think we need a reasonable minimum wage during the period of apprenticeship, and do you think it would work all right on this sliding scale?

Mr. BLACK. I am sure that would work to advantage for over 50 per cent of them at least.

Mr. MARVIN. I think from what you say, Mr. Black, that you are rather opposed to Prof. Kern's proposition. I would just like to ask you whether you do not think there is some compensation if the new manufacturer would get the girls at the best period of their lives. That might compensate them for the shortness of time they would have them. Suppose you take them at 15 or 16 years of age. If you take them after they have passed 18 years of age the period of adaptation is surely passed.

Mr. BLACK. I think taking them at the period of age you speak of would be an advantage. We find the girls learn more readily at 16 than at 20 years of age. We want the girls who have never earned anything. We never hire a laundry girl to work in our factories, as it is a different kind of work altogether. I can't see where this part-time school would work to advantage.

Prof. KERN. I believe that your difficulty is that you don't understand the situation. I can't think you want a girl at 18 who has been drifting around instead of a girl at 14 or 15 who is just out of school and who has to continue to go to school one day out of each week. You are going to know at the end of one or two years whether the girl is going to become especially good. The girl may decide during this time that this industry is not the thing she wants to do.

Mr. BLACK. I can't agree with you, Professor.

Prof. KERN. There is a part-time cooperation between the industry and the school.

Mr. BLACK. The first thing a girl comes in we teach her to thread the machine. Then to run the machine. She knows the whole thing in two or three days. Then, as I said before, it is just a matter of practice to get up speed. I do not think those things can be taught in the schools.

Prof. KERN. Nobody is going to teach those things to her but you. We are simply increasing her general intelligence.

Mr. MARVIN. It is a fact that to any degree that we can increase our mental intelligence, just to that extent she is able to speed up her machine. You were

speaking of this girl you employ at $18 per week to teach efficiency to the girls—is it not self-interest on your part?

Mr. BLACK. It is purely selfishness.

Mr. SNYDER. The more efficient the girl is the more profitable for you.

Mrs. ROBAIR. Did you say that you furnished free lunches for the girls?

Mr. BLACK. No; they pay for them. It is a cooperative plan.

Mrs. ROBAIR. Don't you charge enough for the meals so you get enough to pay the cook?

Mr. BLACK. We just charge enough to pay expenses.

Mr. SNYDER. You are not yet prepared to give this conference the amount necessary to maintain one of your girls decently and healthfully? That is what we are here for.

Mr. BLACK. I know it is. I don't like to fix that for this reason: Suppose a girl is experienced in candy making. The minimum wage is $7.50, but business is dull. The small place can not take that girl and she must therefore be without work altogether.

Mr. SNYDER. We are compelled to consider the question of the amount. Can she live on $7.50 per week?

Mr. BLACK. She can live for a while.

Mr. SNYDER. Let me ask you if it is fair to lay much stress on the "$35-hat girl." She may be willing to scrimp helfself on underwear in order to get her hats.

Mr. MARVIN. In making up our report there were extremely high estimates and extremely low estimates which were thrown out. For instance, anything under $300 was not representative and some were as high as $900 and $900, which were not representative.

Mr. BLACK. All I ask for you to do is to be fair to the women employed and to the employers.

Mr. FENLASON. I would like to get a little information. There is no necessity of us going outside the scope of this act. I would like to read on page 101, paragraph 2, which says:

"It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance."

Has this commission got any authority or right to fix a wage for apprentices less than is provided by that paragraph? If this commission has no right under the law to consider an apprenticeship wage, let's then pass on to what the law says we shall consider. We are to consider a wage that will be necessary to support a girl in a decent and healthful way.

The CHAIRMAN. I wish to direct you to section 13, page 105, which reads:

"For any occupation in which a minimum rate has been established the commission, through its secretary, may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper."

We have already made a ruling with reference to apprentices in mercantile establishments. While that ruling states that it will be the policy of the commission to issue apprentices' licenses, if it is necessary we have the authority to extend the period of apprenticeship. If we find it necessary to make a special investigation of a particular case, we have that privilege.

Mr. KRAUSE. We are not here to discuss the apprenticeship question, are we?

The CHAIRMAN. No; but we would like to be enlightened on that question.

Mr. SNYDER. I would say that undoubtedly sections 2 and 13 must be construed together.

Mr. FENLASON. I want to speak from the point of compensation that an employee should receive during the apprenticeship period that this commission might fix. Now, I want to bring out this point a little clearer, that Mr. Black touched on. In Mr. Sawyer's address this morning before he finished the lady in the center asked this question: Should the employees, the girls, be compelled to stand the burden of the inexperienced employer. In other words,

if the employer starts out in a small way should the employee be compelled to work for a low wage in order that the employer might do business in that way. Mr. Sawyer didn't seem willing to answer that. I want to say "no." I want to take the other side, the side of the inefficient employee. Here is a girl or boy that the professor is going to send out from the school to work in those industries. The boy or girl has had no experience; they know nothing. I submit that it would not be fair to compel the manufacturer to pay that inexperienced employee a wage equivalent to the minimum wage that you propose to establish. Under a piece-work proposition I believe it would be fair and just that there should be no wage established for the apprentices, we will say, for a period of 60 days. The apprentice should then get what he earns. Then, after that I think there should be a reasonable minimum wage. We will say at the end of four months they should receive the minimum wage, and at the end of the first sixty days should get $1 per day.

Mr. SNYDER. Is there not this difference between the two propositions that have been brought up, namedly, Mrs. Robair has been answered by you that the employee should not have to bear the failure of the employer, but that it would be all right for her to share in the responsibility if she had a share in the results that would come with success that might come later on?

Mr. FENLASON. Have you ever employed any men or girls?

Mr. SNYDER. Yes, sir.

Mr. FENLASON. Well, then, you know what these gentlemen say to be true. Here is the head of a family—the husband lost his job or is sick. The wife comes down and makes application for a job; perhaps just wants to stay long enough to make expenses until her husband is well or back to work. Or perhaps a girl will come and just want to earn enough to buy a new dress or hat. After working two or three weeks she leaves. In order to protect the employers from just such people I think that for the first 60 days at least there should be no minimum set for the apprentice to receive. After that time there should be a wage, because the girl or woman who would come down and stick it out that long, she deserved a position.

The CHAIRMAN. You are speaking of pieceworkers only, are you not?

Mr. FENLASON. We start in at $1.25 and all at least at $1 a day, but they all want to do piecework right away, because they can make more. I think for a day proposition the first 60 days would be a reasonable time for an apprentice.

Mr. CONSTANTINE. Mr. Chairman, may I have the floor?

The CHAIRMAN. Yes; you may.

Mr. CONSTANTINE. I want to say that there is nothing but honest desire on the part of the employers to cooperate with the employees. This morning the conversation was almost entirely on the question of competition, and particularly to call the attention of the members of the commission to this fact. You will find more interest in the competition question at this conference, perhaps, than will be shown at any of the other conferences. Our closest competition is with the State of Oregon. Directly east of us we have little competition until we reach the Twin Cities. South of us we strike the manufacturers of Portland. There they have fixed the minimum at $8.64 for the State of Oregon. That allows them to work the girls 54 hours as against 48 hours in the State of Washington. At the same ratio of nine hours as against eight in this State, the rate of wages in the State of Washington as compared with Oregon ought to be $7.68. I have one point I would like to bring to your attention. Suppose you do fix a minimum wage in the State of $7.68 as against $8.64 in Oregon, even at that the State of Oregon's manufacturers will have a degree of advantage over the State of Washington. While his maximum hours per week may not exceed 54, he is allowed to work the girl as much as 10 hours per day, providing, however, that the hours per week do not exceed 54. It means that the manufacturer may take and fluctuate his hours. It means he may work the girl 8, 8, or 10 hours for three succeeding days, or he may work them 10, 9, or 9 hours for three days. He can start at a low point and work to the peak point, or he can work his force a little heavier in order to get out his orders. In Washington we are limited to eight hours per day.

I think that is all I have to say, and I want to thank you for the privilege of the floor. While I am not an employer of labor to any large extent, I am constantly thrown with them, as I am their secretary. When the minimum-wage bill was brought before the legislature no effort was made to defeat the passage of the minimum-wage law for women. It is to the credit of the employers of the State that they were broad-minded enough to not try to defeat it. I wish you would bear the competition question in your minds and the effect that a

high minimum wage would have upon the girls. All big moves of progress must necessarily damage someone, but we want to take care of the girls. I thank you.

Mrs. YOUNG. Mr. Chairman, may I have the floor?

The CHAIRMAN. Yes, Mrs. Young.

Mrs. YOUNG. Having been in touch with the public-school work for the last 20 years, I have looked into this matter quite thoroughly. I heartily approve of the cooperation of the manufacturer and the educators.

You agree on a certain minimum wage that is all right for the time being, but the men are going to pick out the girl who is the most efficient. The girl that can not come up to the standard must go to some other occupation.

I say vocational training is going to come to our schools in the next year. You have to take into consideration efficiency. You must segregate the girls and get them started right; the manufacturer is not going to.

Mrs. MAHR. I would like to know if this woman is a manufacturer or an employee?

Mrs. YOUNG. I am neither. I am a woman. Give us cooperation; that is all we ask. I thank you.

(Mr. Moore, of the Spokane Dry Goods Co.)

Mr. MOORE. The lady who just spoke has given you my sentiments exactly, although I may not be able to express myself as clearly. There are about 400 employed in our particular line in the State of Washington. Most of the points that I had expected to discuss have been covered by the manufacturers present. I heartily believe in fair justice to the girls, but I think we will be doing her an injustice by placing the wage too high. If she can not come up to the minimum, the employer will not keep her. Has the State provided a way to protect this girl? I have had girls come to me for employment who have been failures elsewhere and have been able to give them employment at a low wage. We also have a number of old ladies who are earning $6 and $7 per week. It is merely an act of charity for us to keep these old ladies, and if this minimum is set too high, what is to become of these inefficient girls and old women? I have compared the price of some of our lines of work with others in the same business. In some cases they are lower, but, as a general rule, on an average, they are about equal. The Spokane Dry Goods Co. do not pay wages such as some girls think they need, but, let me ask, how could a business as large as the Spokane Dry Goods Co. ever reach this point of success in life if they did not treat their employees fair? I do not say it in any boasting manner, but the Spokane Dry Goods Co. and its affiliations are the largest mercantile establishment on the Pacific Coast.

Mrs. ROSARK. I would like to ask you if most of your employees are not married women?

Mr. MOORE. I could not answer that question intelligently. I don't know whether they have husbands or not. While it may not be fair to the married women, we try to give work to the girl that is self-supporting. Sometimes conditions will influence us otherwise. Suppose a woman comes to us for work, and she has had a lot of experience; she is married; a girl comes to us at the same time as an inexperienced clerk. We hire the married woman in that case.

Mrs. ROSARK. If a girl came to you that was self-supporting and didn't have experience, and a woman came to you at the same time who didn't have to support herself, but who had experience, would you give preference to the self-supporting woman?

Mr. MOORE. If we were in no hurry to get out a big lot of work, we would hire the inexperienced self-supporting woman.

Mr. KRAUSE. If you knew the experience was equal, you would give the single girl the job?

Mr. FINLASON. What is your reason for giving the self-supporting girl the preference?

Mr. MOORE. For the reason that she has a harder time to get along in life.

Mrs. ROSARK. What is the reason that you can't get experienced help in your line of work?

Mr. MOORE. I don't know as I can answer that question. The experienced help does not seem to come to Spokane. A person don't think of getting off the train there when coming out from the East. They don't know what a city we have.

Mrs. ROSARK. You have advertised for girls in Tacoma, have you not?

Mr. MOORE. Yes; but I don't know of any we ever got from there. The main and vital point that I hope you will consider is the competition. I don't think

this conference is going to fix a rate that is going to hurt the Spokane Dry Goods Co., but if a high minimum wage is fixed it certainly means that we manufacturers are going to work to get the most efficient girls we can get. In view of the fact of the minimum wage that is going into effect, one department store in Seattle has laid off 15 girls. I can not go on record as to that, but I heard it.

Mr. PENLASON. Do you know what the average wage is that the Spokane Dry Goods Co. pays?

Mr. MOORE. I wouldn't like to go on record as to that, but I think the prices paid are about the same as Mr. Black's, as our business is somewhat similar. I would like to ask this conference what is going to determine the experienced help. We have had girls come to us that have had three or four years' experience in other places and we have had to break them in in our business. What is going to determine experienced help?

Mr. SNYDER. Are you prepared now to give us an estimate of the amount that would be adequate for a girl to live decently and healthfully on, Mr. Moore?

Mr. MOORE. I am not, as there have been no blanks reached my hands from the commission. In our establishment about 5 girls out of 65 filled out the blanks and turned in the estimates. They said they were satisfied and didn't want to mix up with the law. It is true that we were paying one girl $10 per week and she turned in her weekly earnings to this commission at $7.50. Another girl had been getting for the past four months $10.83 per week, and she also turned in her average earning at $7.50.

Miss FOSSE. Do you know if these girls live at home?

Mr. MOORE. I think one lived at home, but I don't know about the other.

Miss FOSSE. Perhaps they were living at home and did not handle their own money. What do you think a girl should have to live decently and in comfort?

Mr. MOORE. I am not prepared to say that.

The CHAIRMAN. I believe these gentlemen will be able to give us some opinion in regard to that question when we take it up item by item.

Mrs. ROBAIR. Couldn't the gentleman tell us what he thinks his sister ought to get in order to live decently and healthfully?

Mr. MOORE. I am sorry to say I have no sister.

Mrs. ROBAIR. I beg your pardon. Did you say you only employ 65 employees?

Mr. MOORE. Sometimes we run up to about 90.

Mr. DAGG. It don't seem as if we get anywhere by this sort of conversation, and I believe that these people ought to get down to business.

Mr. WILLIAMS. I would like to have a little more to say.

The CHAIRMAN. We are waiting for these gentlemen who are coming on the 2.20 train; in the meantime you may proceed if you wish to.

Mr. WILLIAMS. I feel that we are going to be justly dealt with; that the thing that ought to be considered, as far as we are concerned, is the sum that has been fixed in Oregon, $8.64; also that they have a nine-hour law. I believe that if a girl is careful she can maintain herself on $7.65 per week.

Mr. SNYDER. Will you be willing to take one of these form blanks, No. 4, and indicate what you think it would cost a girl to live on?

Mr. WILLIAMS. I have not looked into the different items of cost.

Mrs. ROBAIR. In Tacoma there is no girl who can get a furnished room for less than $8 per month.

Mr. WILLIAMS. If the commission want to make a high minimum wage they should provide some way for the girls who will be thrown out of employment.

Mrs. ROBAIR. I understand that the minimum wage is a wage that a girl can live decently and healthfully on.

Mr. BLACK. It is a wage that will protect them until they can make more money. She has no business living down town in a steam-heated hotel.

Mrs. ROBAIR. What is a girl going to do that has no home?

Mrs. LAWTON. In Spokane it is not very easy for a girl to get into families. I have had about five years' experience, and the least a girl can live on is $9 or $10 per week. We have to deprive ourselves of lots of things even then. Whatever amusements you get you have to get from your friends.

Mr. BLACK. What does a girl expect from a minimum wage. This is just a wage to protect the girl until she can make more money.

Miss FOSSE. Do you know of any place in Seattle where a girl can get a room under $2?

Mrs. ROBAIR. There is not a boarding house that you would want any of your girls to live in, Mr. Black. Would such a boarding house help a girl morally and physically?

Mr. BLACK. I think there are some respectable places where a girl can room for less than $2 per week. There is a place out near Ballard where they would be very glad to get girls. I know of a place where they would take a number of girls; they have, in fact, a number of university girls there who help with the work to pay for part of their board.

Mr. MARVIN. Is there not a difference between the girl from the university, who is using her mind all day and then doing physical work in the evening, and the girl who works eight hours in a factory?

Mr. KRAUSE. Yes; that is true. Last Friday a lady said to me, "I have a friend coming from Chicago who is an experienced chocolate dipper; can you give her employment?" I said, "You bet I can." There is no question about the experienced help getting work; it is the inexperienced that we must look after.

Mrs. UDALL. Do you make an object of hiring a girl that lives at home?

Mr. KRAUSE. We make a practice of it.

Mrs. UDALL. Why?

Mr. KRAUSE. On account of the moral side of it.

Mrs. UDALL. Is the parent contributing partly to the support of the child?

Mr. KRAUSE. No; I don't think so. Perhaps the girl has never worked before, but her father is not able to support all of the family of five or six. The minute this girl helps to support herself or buys her clothes she is a distinct benefit to her family.

Mrs. ROBAIR. She doesn't support herself unless she pays her board. If she paid her board, $4 per week, and then her room, how could she clothe herself?

Mr. KRAUSE. I said that the minute she is buying her clothes she is a help to the family. Perhaps at the end of the year she is self-supporting.

The CHAIRMAN. Are you speaking of the minor?

Mr. KRAUSE. I am speaking of the average girl that comes to us.

Miss FOISIE. May I ask the proportion of time-workers that you have?

Mr. KRAUSE. We have possibly 85 per cent piecesworkers. We start the girls in now at $6 per week. I take it that you are one of the best operators in the State in your line of business. At least I have heard that.

Miss FOISIE. That was simply a compliment.

Mr. FENLASON. Two years ago I was in New York City. I had heard so much about the tenement district that I went down into the new Bowery district, and this is what I saw: I saw thousands and thousands of little children sitting out in the sidewalks, and of all the degredation I ever saw it was there. If we have to have industries that will bring that class of people, I hope to God that we don't get them. There is one thing about the cost of living—the board for girls. We are trying to combine two things in one. We have to meet a condition we are afraid to come out and say what it costs a girl to live on—to live away from home. You talk about the girl boarding for $4 per week; it has been my experience that the average family don't want girls to board. I put my board about $7 per week. I don't think it possible to get board for less than $6 per week. I don't think it can be done. Of course, you have to consider efficiency, but a girl can't live decently on less than $12 per week. If the girl is going to live independently it will cost her at least $10 per week. But the question is, Will the industries of the State stand a minimum of $10 per week. That is really what they ought to have.

Mr. SNYDER. I would like to suggest that we possibly may save time if all those from whom we expect to receive estimates of the amount upon which a girl can live would fill these blanks.

Mr. FENLASON. I would like to hear from the ladies on the other side of the house. We are the employers; you are the employees, and you are asking for something. Maybe we can meet your request without any trouble.

Mrs. LAWTON. I would like to say that I kept house for about five years; my sister and I lived together. We had a room which cost us $10 per month, and we found that we couldn't live on less than $10 per week.

Mr. KRAUSE. Your wages were more than $10 per week?

Mrs. LAWTON. I started in at $4 and worked for six months at that. We did our own washing and cooking, and we found that we couldn't live on less than $10 per week. We also did our own sewing.

Mr. KRAUSE. If a factory were given to you what would you start the girls in at?

Mrs. LAWTON. Knowing the business as I do, I would start them in at $10 and give the other girls more, as I know the profit that they make.

Mr. KRAUSE. What do you know about the profits of the business where you worked?

Mrs. LAWTON. I know what he paid for the business; what he made in six months, and the whole thing was told me in a conversation I had with him.

Mr. KRAUSE. Do you know why the Riley Candy Co. failed?

Mrs. LAWTON. The Riley Candy Co. failed because the owner was a cigar maker and the candy maker was a Greek, and didn't know his business.

Mr. SUTTON. Did any of these concerns fail because of the high wages they paid their help?

Mrs. LAWTON. Riley's were paying $10 per week when they failed.

The CHAIRMAN. That is a retail business?

Mrs. LAWTON. Yes; but they did wholesaling, too.

Mr. WILLIAMS. Suppose that minimum wage should be placed at $10 and I employ 50 girls and they earn only $7 per week.

Mrs. LAWTON. You would be very foolish to keep them.

Mr. WILLIAMS. I am glad the commission has the question of apprentices to settle. I believe that this commission with the facts that you have before you are wise enough and just enought to give justice in your decision. Not long ago a woman came to my factory, she said she had two little children and asked to come and learn the trade. We didn't have a place for a woman of that kind then, but I have been giving that woman little lengths so that she can go home and make dust caps and sell them to her friends and thus make a little money. If you are going to base a minimum wage on what you believe is necessary for a woman's maintenance you will be doing her harm, because businesses are not going to hire women that they will lose money on. You are going to do an injury that can't be undone to the woman who can't earn a high minimum wage.

Mr. DAGG. Aren't those cases liable to come in too fast for the commission?

Mr. WILLIAMS. The point I am trying to make is that this commission is going to be just.

Mr. SUTTON. I believe this commission is going to be just and also that this conference is going to be just and that is why I would like to respectfully insist that before Mr. Williams leaves us he would be good enought to leave with us an estimate to show us his ideas of the cost of living.

The CHAIRMAN. Before we complete this general discussion and go on to the cost of living, we have two gentlemen withus who just came in on the train, and I will now call on Mr. H. E. Fisher, of Seattle, who would like to be heard.

Mr. FISHER. I understand that this meeting is for the benefit of the female wage earners of the State. I am in the millinery business, and after our girls serve their apprenticeship they earn from $10 to $30 per week. We take these girls in and for about four weeks we actually lose money on everything they touch. All they can do is line hats. As you all well know, no two hats are alike. Each one is individual. We take them in and train them so that afterwards they make trimmers for our customers. Each season the experienced ones drop out and we have new girls all the time. It is entirely different from factory work. Another thing I would like to say is that most of the girls live at home. The millinery schools charge $20 to teach a girl for six weeks. After the girls have served their apprenticeship and if they make trimmers they can then earn from $15 to $30 per week. There are any number of trimmers in this State getting $25 per week. When a girl is competent, and I guess a great many of your ladies know, it is a question of price to get her, for our millinery work is not like ordinary factory work. You have to combine colors and have to know how to form these shapes together. It is individual work. Each hat is an individual thing. If a girl is a good trimmer she soon knows it and can get a good wage. The girls also have to develop speed. A girl can not learn to be a trimmer in less than three seasons. If the minimum wage is placed too high we can't take these girls in.

The CHAIRMAN. What is the minimum wage that you pay now for these girls?

Mr. FISHER. From about $2 to $6 for the first three seasons. The first season the wage is about $2, the second season, $4.50, and the third season, $6 per week for apprentices.

The CHAIRMAN. What is a seasonal period?

Mr. FISHER. About 16 weeks. The first 16 weeks we pay about $3, the second 16 weeks, $4.50, and the third 16 weeks, $6.

Miss FORBES. If a girl isn't a born milliner can you make one of her?

Mr. FISHER. No; a trimmer is an artist, just like a sculpturer.

Miss FOSTER. The wages you spoke of would mean very little to the girl as the seasons are so short.

Mr. FISHER. I know lots of girls that are milliners that go to department stores during our quiet season. Others go out and pick berries, and in that way get outdoor exercise and also earn a little money. They also get the Christmas work after our fall season. You will all grant that millinery is high as it is. If you had to pay more money for your hat you wouldn't like it. I understand there is a percentage of apprentices allowed in each factory.

The CHAIRMAN. That is to be decided by the commission.

Mr. FISHER. Mr. Stadaker and I thought if we could get 25 per cent for apprentices as millinery is something that has to be learned.

The CHAIRMAN. What does the apprentice do in the interim between these seasons?

Mr. FISHER. She will go to the stores and be a clerk. Our dull season is now while it is quite busy in the stores.

Mr. MARVIN. How many of the girls shop with making hands.

Mr. FISHER. We buy them. They put in the linings and learn to handle the materials.

Miss FOSTER. Do you teach differently than they teach in the millinery stores?

Mr. FISHER. For a retail store we have to sell the hats there very cheap.

The CHAIRMAN. When do these girls become proficient in their work so that they can command a minimum wage?

Mr. FISHER. They should after the third season.

The CHAIRMAN. Does the average girl become proficient after the third season?

Mr. FISHER. Yes; I think as a general rule. Of course, you must understand that the hats change every season. Perhaps they have been working on a certain style of hats and then the next season the style is entirely different and they have to learn the new styles.

Mr. MARVIN. You are an artist yourself or you wouldn't be where you are. How soon do you discover whether the girl is going to make a proficient milliner?

Mr. FISHER. We ought to know in the third month.

Mr. MARVIN. Wouldn't it be a kindness to tell her as soon as you find out if she will not make a milliner?

Mr. FISHER. Yes, sir. She would be a loss to us also, and it would be an injustice to her to let her stay and be a loss.

The CHAIRMAN. You stated that these girls would be a loss to you in the beginning.

Mr. FISHER. At first they can not make a cent for us.

Mr. MARVIN. If she is a born genius do you discover it after the first season?

Mr. FISHER. Yes, sir. The girls usually know their values and we don't aim to keep them down. There are outside trimmers who don't really work for us. They just apply to us for work and we take them in. They have to know the styles for the coming season, so we take them in and pay them $4 per week. They are glad to work for nothing just to learn the new season. During the season they then earn $12, $15, $18, $20, or $21, but they ask to be taken in even if they have to pay for the opportunity of learning the new season. They are not our regular help. The girls are very well satisfied and glad to get $4 per week.

Mrs. SILBAUGH. Do you know the custom in the eastern houses?

Mr. FISHER. Some of the houses won't take them, as they are actual money losers. I think that at $4 per week we are not making any money on them, as they do not work.

Mrs. SILBAUGH. Where do they go after they leave your establishment?

Mr. FISHER. They go to Olympia, Tacoma, Everett, Bellingham, Spokane, and other cities.

Mr. SILBAUGH. Do many go outside of the State?

Mr. FISHER. Yes; some go to Montana and Idaho, but most of them stay in the State. The western styles are very different from the eastern styles. We have trimmers come out from the East who just want to see the West and make a little money while they are here. They ask us to take them in and say they are a trimmer. If we can't recommend them and say that their work is good, we take them in for a couple of weeks and then send them out when we have a chance to supply one of our trimmers. In that way we do the girls a good turn by taking them in. We are very glad to do this.

Mr. REYNOLDS. We men are touched by one end of this hat business. To what extent does your situation affect the general situation? How many girls are involved in this trimming school?

Mr. FISHER. We have sometimes as many as 50 transients.

Mrs. MUIR. What do you pay the people who make frames?

Mr. FISHER. An apprentice can't make a wire frame. One-sixteenth off an inch will spoil the whole hat. We have to take a first-class girl to teach an apprentice a certain thing.

Mrs. MUIR. How long does it take them before they can make a wire frame?

Mr. FISHER. It depends upon the girl's own ability. Some learn in two or three months; others can't do it.

Mr. STADAKER. These frames are made in a regular wire-frame factory. It takes them six months to learn to make these frames.

Mr. SNYDER. After a girl has gone there for three seasons at the wage rate of $8, $4.50, or $5, what would be the next payment?

Mr. FISHER. About $8. While we think the minimum wage in Oregon is not any too cheap for many girls, I think it should not be over $8 in order to give us a chance to compete.

The CHAIRMAN. Have you strong competition with Oregon?

Mr. FISHER. Yes, sir.

Mr. MARVIN. Do you understand the law in this State. It says:

"It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance."

Do you think a woman can live on $8 per week?

Mr. FISHER. I don't think she could live very well on it. They all have to improve to be a trimmer and get the big wage.

The CHAIRMAN. I assume you are an expert in millinery values. I would like to ask your opinion as to what the hats that the representatives of employees here are wearing, which are extraordinary nice hats, are worth?

Mr. FISHER. It depends where they buy the hats. You can get good hats from $5 up.

Mrs. HOGAN. When you just pay the girl $3.50, why do the hats cost so much?

Mr. FISHER. You understand that the stores must make some profit. Each hat is different and we have to keep getting new styles. We don't keep the girls lining hats all summer. They make flowers and fix ribbons.

Miss FOLEY. You run it very different than most places.

Mr. FISHER. We try to teach them to be thorough milliners. Our aim is to get good help.

Miss FOLEY. I would like to ask if the minimum wage that was fixed in the mercantile establishments covers the millinery department in the department stores.

The CHAIRMAN. Yes; in all mercantile establishments.

Mr. FISHER. I think I have stated everything I wished to say and thank you for your attention.

Mr. MARVIN. You gentlemen understand that you are here to recommend a minimum wage that you think a girl could live on. I think Mr. Fisher suggested $8.

Mr. FISHER. A minimum wage would not necessarily mean that a girl would have to work for that. If she knows she can get more money she will soon leave. A lady came to me once and said, "Can you give me a position?" I said, "I don't know. Who are you, and where did you work?" She said she came to the coast for her health and had been getting $30 per week in the East. She just wanted to work two weeks and would have come under the head of transients.

Mr. SNYDER. What do you suggest as a minimum amount that will enable a girl to live decently and healthfully on? Do you regard $8 per week enough?

Mr. STADAKER. It would keep her for awhile. I think we have but one girl working for us that does not live at home. That one gets $10 per week.

Mr. MARVIN. May I ask how many of them are married women whose husbands could support them?

Mr. STADAKER. One.

Mr. FERGUSON. Don't you think these manufacturers of hats are responsible for the high minimum wage?

Mr. SAWYER. I think we should investigate the word minimum. That means the very lowest that we can get. I think we are talking a little above the minimum. What we should find to-day is the absolute minimum that a girl can live on.

Miss FORSH. Don't the law say decently and comfortably?

Mr. SAWYER. Yes; but don't get away from the idea that we are talking minimums. I have watched with considerable interest the statements of the different manufacturers. I find that they are employing a good many girls who are living at home. As I understand it this minimum wage is to be established for girls who are self-supporting. Now, the reports of manufacturers here, unless they are incorrect, show that a large percentage of the girls are living at home.

The CHAIRMAN. The law doesn't take into account the girl living at home, let me read what it says:

"It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance."

Mr. SAWYER. Don't forget this, that there are girls in every walk of life who are decent working for less than $10 and are living comfortably.

The CHAIRMAN. Now, I don't believe the law contemplates that we should establish a minimum wage of such proportion that a girl can be satisfied in all of her desires. We know that some girls want a great deal more than other girls, and I believe it is the duty of this conference to establish a wage based on the cost of living as per items mentioned. I think we ought to go into these matters thoroughly, even if it takes a whole week. I think we ought to be positive in our conclusions.

Mr. SAWYER. There are people living on less than $10 per week. Some of you might say a girl is entitled to her own room, but I know that two girls rooming together can economize.

Mr. KRAUSE. I lived in an Eastern State on a great deal less than $10. I also lived in Montana, and it cost me a great deal more. I think the girl that is establishing herself for future earning power and is coming under this minimum wage must make sacrifices at some time. The employer must have averages and maximums or his business is a failure.

Prof. KERR. How could we arrive at a reasonable solution of this if we didn't analyse it?

Mr. SAWYER. There are places in Spokane where you can get board for $3 and help a little with the work. Don't forget that we are talking minimums. The very least that a girl can live for.

Mrs. LAWTON. Could you tell me any places in Spokane where a girl can get board for $3?

Mr. MOORE. The Ladies' Hotel.

Mrs. LAWTON. The girl who stays there is accepting charity.

Miss FORSH. The Y. W. C. A. will take girls in, but that is charity.

Mr. BLACK. If we pay a girl $9, and she only earns $8, is not that charity?

Miss FORSH. Yes; but you expect to get returns later on.

Mr. MARVIN. I am sure we all want to arrive at a conclusion in this matter. The Attorney General's Office has clearly told us that this minimum wage must be made in view of a self-supporting woman. The girl who has to keep herself. I do not believe it is up to this conference to interpret. The law has clearly stated that you must answer the questions as to what a self-supporting girl, in the State of Washington, needs to maintain herself in comfort. That question, it seems to me, has been settled for us.

Prof. KERR. As I understand it, there is an institution where girls can stay for $3, but that is a charity institution.

Mrs. LAWTON. The girls have to work after hours to help keep it up.

Mr. KRAUSE. It is purely a business proposition and no charity institution.

Mrs. LAWTON. Why are they running the home if it is not a business proposition—still the girls are accepting charity by staying there. Why do they do it if it is not for profit?

Mr. KRAUSE. Don't you think some good ladies are interested in the girls?

Mr. SAWYER. I would like to ask the capacity of this Spokane home.

Mr. MOORE. It has about 200 rooms, I think, but I am not positive.

Mr. KRAUSE. Its purpose is to give those girls who have no homes a chance to get a nice home under nice conditions. Single rooms are so much per week and room for two girls cheaper.

Mrs. ROSAIR. When you come to get a single room, don't you have to pay as much as in any hotel?

Mr. KRAUSE. I believe you pay about $4 or $5.

Mr. FERLASON. I would like to ask Mr. Marvin this question: I understand the attorney general has said the minimum wage shall be sufficient to support a woman in decency and comfort. If we establish a minimum wage so high that it would be shown that the women would lose their jobs, would we be doing our duty under this law? If we should establish a wage of $12 or $10, if it could be shown that in many of our industries men would take the place of women, would we be doing our duty?

Mr. MARVIN. Not having any written opinion as to that from the attorney general's office, your duty is to determine what a minimum wage for a self-supporting woman in the State of Washington should be. Just as it was in the mercantile conference, so it is here; you men and women have been chosen after so much care and so much thought and you understand that you men were chosen after some of us have known you for 20 years; you women were chosen under the big conviction that we could get together and that concessions would have to be made on both sides; and the other three, the unbiased public, is also chosen with as much care. I am sure we can get together. None of us are responsible for the framing of this law. Mr. Snyder's interpretation of this law has been very clear and I think correct. I think that is the way the minimum wage must be fixed, and I profoundly hope that we will get together. I sincerely hope we can get together. I don't think anyone will have all their own way.

The CHAIRMAN. It is now a quarter after 5, and I think we ought to get down to real business.

Mr. FERLASON. I would like to know what security we are going to have that this law is going to be enforced. I wish each and every one of you would give me your opinion as to the enforcement of this law.

The CHAIRMAN. Why not carry that over until to-night and give them a chance to think it over.

Mrs. ROSAIR. I am self-supporting and also have another to support. Taking into consideration the board a girl has to pay in Tacoma, her lunches she has to get, and the prices she must pay for them, I don't see how she can get along on less than $10 per week. In Tacoma or in places that I have lived it would cost me on an average of $12 per month for my room and I would then have to furnish my own wood. Another thing, I would not live in the average rooming house. I would have to do my washing and my ironing, and this is not permitted in many of the rooms. We have to buy the foodstuffs in such small quantities that it costs more than in large lots. I find it cheaper to furnish my own rooms and do my own cooking. You can exist on bread and water just as you can exist on $5 or $6 per week; there are girls doing it, but you can not live and live right.

They are girls who go without necessary things to eat; they don't carry anything for their lunch but bread and butter; but do those girls live or just exist? There are places in Tacoma where you can get board, where they will not put up your lunch, for $4. Then the girl must get her lunch down town or go without. To get a living and not just exist I think the working girl should have $10. I hope this commission won't make class distinction between two sets of working girls. Why shouldn't the girl who works in the factory be as clean as the girl in the mercantile establishment? You take a candy factory or cracker factory—why shouldn't they be as clean, keep their clothes just as clean, as in a store. We want our candy to be clean and we want the girl who makes it to be clean. You take a laundry girl and they have to work harder than any other girl, and should be paid as much as the girl in the mercantile establishment.

Mr. Black states that it took three weeks for his employees to be operators. He brought up the question about prison-made goods. Why do the manufacturers buy these prison-made goods? They put their operators out of a job by doing so. Why don't the manufacturers get together and make a good big stand against it? They would soon help rid the State of Washington of prison-made goods. They would soon help the State to be rid of it completely. Another thing, Mr. Black stated that in prison when those people who learn that trade are let out they are just like babies and have no trade. A girl who learns the overall trade in his factory is a skilled workman. What is the difference?

Mr. BLACK. Because you girls wouldn't work with a man who comes from prison. I know that a girl can live and live decently on less than $10. I know

from actual experience that the cost of living is a great deal higher than it was 10 years ago, but I still contend that she can live on less than $10 per week.

Miss FOSTER. I think this thing has been thoroughly covered, and I certainly agree with Mrs. Rohair that a girl can not live decently on less than $10. I myself for a good many years haven't lived on $10 per week, and I don't thing anyone can comfortably live on $10 per week.

Mr. SNYDER. I move that we adjourn until 8 o'clock this evening.

Prof. KERR. I second that motion.

The CHAIRMAN. I has been moved and seconded that we adjourn until 8 o'clock this evening. All in favor signify by saying "aye." [All voted aye.] The ayes have it.

AFTER RECESS—8 O'CLOCK.

The CHAIRMAN. The meeting will please come to order. It appears to the Chair that we have just about exhausted our general debate, and if it is the pleasure of the conference we will now take up the question of the cost of living. According to the rules and regulations of the conference we will take this up item by item. Our first item on the list is meals and room. We can either discuss them separately or together. We will not discuss the total amount until after we have gone over every item, one by one.

Mr. KRAUSE. The minimum wage, as I understand it, is the rock bottom or the very least that a girl can possibly get—the very lowest point to be reached. It is not the standard of wages but the very lowest amount that is accepted. If the minimum is accepted as an earning power, then the party that is in the condition of accepting the minimum wage, they haven't established themselves of an earning power. The person who hasn't any earning power and is only a minimum-wage earner can not expect to partake of the good things that are due the minimum-wage earner. A girl that is the minimum is no asset to the producer, consequently, would be an expense to the company—the minimum wage which in all cases is a charitable proposition, for until they pass that low minimum they are no good to the producer. I submit as a fair basis for the two items—the girl that is a minimum-wage earner is no producer. Girls do live on $4 per week and get nice surroundings.

Miss FOSTER. Do you personally know of any places where you can get such board?

Mr. KRAUSE. I can give you one-half dozen places where a girl can get room and board in Spokane for $4.

Mrs. ROHAIR. You stated that you take the girls that were home girls—now will those same families that will take your girls in, will they take the self-supporting girls?

Mr. KRAUSE. Yes; there are families that will take them in. I know of one place in particular—a traveling salesman, who travels out of Spokane, whose wife would take a girl for a companion.

Mrs. LAWTON. There are not enough of those cases to accommodate all the girls. I have found it very difficult to find room and board at $4.

Mr. KRAUSE. Then, how did you get along when you were only receiving $4?

Mrs. LAWTON. I wore clothes I was not very proud of.

Mr. KRAUSE. If you had to, couldn't you get places for girls at that rate, Mr. Moore?

Mr. MOORE. I could get room for two girls together for $8.

Mr. KRAUSE. I know this is true. I don't submit this as a general rule, I submit it as the minimum, as the extreme cases in all instances in the State of Washington. It is not the general rule.

Mrs. SWARM. I think that we ought to take these two items separate—room and meals.

The CHAIRMAN. I think that we ought to take the items both ways and find a happy medium.

Mrs. SWARM. Unless the girls are out in walking distance, meals and room can not be obtained at the same place.

Mr. DEAN. Most of them take their lunches with them.

Mr. KRAUSE. Those girls who bring their lunches, our company has supplied an annex for those girls where they can eat their lunches. Each girl has a locker and there are chairs and a table and a heater if they care to make coffee. There is not 1 girl out of 50 that leaves the establishment for her lunch. Some of the girls come from Hillyard, 5 miles out of Spokane, and bring their lunches.

Mrs. UBALL. Do most of them live at home? Of course, they naturally bring their lunch from home.

Mr. DAGG. In our particular case we have a dining room; coffee can be made on the gas stove; takes one-half hour to get coffee ready, and each one takes a turn at making it.

Mr. KRAUSE. Mr. Roberts, of the Imperial Candy Co., has a cafeteria, and quite things very cheap. That plan is followed by the largest firms in Boston and other large cities.

The CHAIRMAN. Most of the factories of any size at all have a lunch room.

Mr. STEVENSON. In Tacoma at the factory the girls bring bread and butter and get meat, potatoes, and coffee at the lunch room. All of the girls but five or six in the factory do that and they live within three or four blocks of the factory. Do you find that condition, Mrs. Bobair?

Mrs. ROBAIR. We have a very nice cafeteria in connection with our factory where we can get meat, potatoes, and a cup of coffee for 10 cents. Then it is 5 cents extra for bread, pie, or cake.

Mr. STEVENSON. In our overall, pants, and jacket department those employees have to go to the other building for lunch.

Mrs. ROBAIR. I do not think that Mr. Day's factory, that Mr. Stevenson represents, is the average factory, as everything is very convenient there for the girl. We mustn't base the minimum wage upon the home girl, but take the self-supporting girl, the girl who has to support herself. We have to take the girl who has no father or mother to support her. It doesn't seem quite right for the father and mother to give her her board and room free of charge. The minimum, as I take it, is what a girl must have to live on, what is really necessary for a girl to live upon. If the home girl receives her board at home, her father and mother are paying part of her expenses and she is giving it to the manufacturer, because she is not receiving enough to live on.

Mr. KRAUSE. She is not giving the manufacturer anything, because she is not producing anything for the manufacturer. I claim that a minimum-wage worker is not producing anything for the manufacturer. The home girl is just that much more fortunate in having her parents to help her. She is just establishing herself, laying a foundation for her future. She is not giving the manufacturer anything, because she does not produce anything yet.

Miss FOWLE. Are you not referring to the apprentice and not the minimum-wage worker?

Mr. KRAUSE. Not necessarily. The apprentice clause takes under the minor age of 18.

Mr. MAYER. No; you are mistaken.

Mrs. UBALL. Did you understand that you were to start the girl with the minimum wage?

Mr. KRAUSE. We start ours at $6 per week, that is the minimum.

Mrs. ROBAIR. You just said a girl that is not a producer is the minimum-wage earner.

Mr. KRAUSE. We now have the privilege of making our own arrangements about the apprenticeship period and the wages paid. We are not under obligations to pay any more than we see fit. We take them and give them a try-out period. If at the end of two or three weeks they show any aptitude we keep them, and they can earn much more than $6 during piecework.

Mrs. ROBAIR. I would say, taking those two items of meals and room together, that it would be only fair to put it at $5 per week for room and board for a woman.

Mr. SNYDER. I think it would be a good idea to go through with Mr. Krause's list and find out what he gets for his total.

Mrs. MILLS. I think our record gives us some very different information as to meals and room.

Mrs. SUMMERS. On page 13 you will find the list of questions complete.

Mr. FERGASON. Supposing that each and every one of us fill out this list, and then we will take our list from our own viewpoint. I would like to present some real figures and facts. I was surprised to find out what we are giving our girls to live on and what they figure it costs to live on. Fifty-eight of our girls I asked to come to my office and answer these questions: Are you living at home, where do you board and room, do you pay room rent, are you married, single, or widow, are you satisfied with your wages? What wage do you suggest as a minimum wage for girls? The average age of these 58 girls is 22; 41 are living at home; 22 are not paying anything for board and room. The average wage for these 58 girls for month of April was $9.36;

30 were single. In answer to the question: Are you satisfied with your wages, 25 said yes, 20 said no, and the balance didn't answer. Then, when I asked what do you think a fair minimum wage, some didn't answer, others said we don't know, we want all we can get. One little girl I asked if she was satisfied with her wages, and she said, "I should say not." I said, "What wages do you think you ought to have" and she said, "$11." Some I asked, "What do you pay for board" and they answered, "Papa says I can have all I earn." I think that $4 per week or $208 per year for table board is sufficient, and $3 per month for room.

Mr. MARVIN. What is your average?

Mr. FERGASON. $9.56 for the week.

Mrs. ROMAIN. I figure that meals taken outside would be $208. There are 52 weeks in a year, so we have to pay over some months.

Mr. FERGASON. We all seem to take the position that the girl that lives at home that her folks are giving her board and she isn't paying her way. This matter depends entirely on where a girl lives. The average wage of a people is always equal to the average cost of living.

Miss FOSSE. I think the cost of living keeps on going up, and the wages do not go up.

Mr. KRAUSE. We are out of the game so far as shipping the manufactured product back to the Eastern States. The Eastern manufacturers think a minimum wage of $10 would hit us awfully hard.

Mr. DAGG. There is a good percentage who make less than that, and they will have to be discharged.

Mrs. ROMAIN. There are only seven that get below $10 of the pieceworkers in our factory and only four day workers that get below $8 per week. We have sanitary conditions. I am not appealing for the girls in the factory where I work, but for the women throughout the State of Washington who need the protection of this commission.

Miss FOSSE. I would like to ask Mr. Dagg if he don't think the women in his factory would come up to the minimum wage if there was one to work for.

Mr. DAGG. I don't think they could do it. There are women who have been there for a long time—possibly 50 or 55 years of age—and I don't think they could come up to a high minimum.

Miss FOSSE. Wouldn't they in most cases come under that special clause?

Mr. DAGG. I don't know about that part of it.

The CHAIRMAN. I want to say that this commission will have to have absolute proof that the worker is disabled and entitled to the permit. We can't issue a permit to any woman unless she is defective in health or physically disabled.

Mrs. ROMAIN. In our factory I find that we have four that are really inefficient—two from old age, one has the rheumatism, and the other is slow and aged. There are also two others that will never average much. They never will make garment workers.

The CHAIRMAN. I should say that the commission would have to abide by the intent of the law; and if these women are not speedy enough to produce a sufficient amount of goods to earn a minimum wage, we would not be authorized to issue licenses. They would have to leave that industry and place of employment and go elsewhere. That is going to be the result of the minimum-wage law. It was so in New Zealand, and it has been everywhere it has been tried out. It means a higher standard of efficiency.

We are not getting very far with the room and meals. I think we had better hear from somebody else on this matter. What do the members of the public think?

Mr. DAGG. How is living in Walla Walla; very high?

Prof. KERR. The particular place I know of I am led to believe that we can get good table board for less than some of the figures that have been given. I had perhaps figured the room a little high; that it would cost probably $3 per week, including heat and light.

Miss FOSSE. Aren't there factories throughout this State where a girl can never get over $9 per week?

Mr. KRAUSE. What percentage of the factories in Seattle are in that condition? Don't you find the average factory willing to pay the employees what they deserve?

Miss FOSSE. I don't think the time workers ever reach a very high wage.

Mr. KRAUSE. I suppose you know that the factories in the State of Washington must be inspected. If there is an elevator in the building, it must be

inspected. The health officers demand that the conditions in that factory must be up to a certain standard. There must be a certain standard established in these certain things. You owe it to your fellow workers to see that a factory that is not up to the standard is inspected.

Mr. FERGASON. Women have the right to vote; I am glad of it. But in asking for a $10 minimum do you think it fair to ask more for women than for men? A $10 minimum for eight hours is 25 cents per hour, or $2 per day, or $2.50 per 10 hours. I am just giving you these things to consider. You are asking more pay for the women and girls than the men are getting in the mills in lots of places. You suppose you are making it $10 because you know the profit in the business. You said you get $10, and you also said that the cheapest employee where you are working gets $6. If you have to increase that $6 to two-thirds, you yourself should be entitled to the same rate of increase; that would be giving you $20 per week.

Mrs. LAWTON. That would not be any more than I would be earning for the employer.

Mr. FERGASON. Don't you think you would be taking advantage of the poor girls?

Mrs. LAWTON. I know the expense of the business and I know what the business ought to get. I don't see why the owner should get all the profits.

Mr. KRAUSE. Do you know the cost of running the business?

Mrs. LAWTON. I think I do.

The CHAIRMAN. We will have to get back to the cost of board and room.

Mr. SNYDER. I want to say that I have endeavored to get a little information from Seattle, and I haven't been able to find, in Seattle, board for less than $4 per week. The least I can find for single room was $1.50.

The CHAIRMAN. We have our table of the investigation made by the Industrial Welfare Commission. We classified ads in all the leading newspapers in the State. This ad was signed "A working girl." We received 344 replies. Part of these were investigated by members of the commission, but we did not have the time to investigate all of them. We have here a list of 344 rooms, some of them including board. There are rooms at $1.25, $1.50, $1.75, and $4 per week.

Mr. KRAUSE. Are there many offers of board and room at $4?

The CHAIRMAN. Not very many at $4. I will read you a list of replies we received from Seattle, Tacoma, and Spokane.

(Chairman read from report of commission.)

Mr. KRAUSE. Was that an advertisement by the commission?

The CHAIRMAN. Yes, sir. Here is the way the ads were worded: "Wanted board and room by working girl; state price per week." "Young lady employed in downtown district desires room and board; state price."

Mr. KRAUSE. I still maintain that under the new conditions, pertaining to working girls, including our "women's hotels," these are factors in our question of girls away from home. I happen to know Mrs. Cunningham, who is stationed at the Northern Pacific depot in Spokane with the view of locating girls. Mrs. Cunningham is paid by the women's clubs and the associations of women's clubs are sponsor for the Woman's Hotel. She is a writer of some note and a very bright woman. She is depot matron, and looks after the girls.

Mrs. ROMAIN. I do not think the discussion of the women's hotels and those homes for girls should be allowed. Please let's rule that out. We are talking about a girl that is going to support herself. The club women and business men help to support these homes and the girls who stay there are therefore accepting charity. Besides, it costs as much for a girl to live at the Y. W. C. A. as at a good hotel.

Mr. MOORE. I know women in Spokane who are living at this home, and I know it is not a charity institution.

Mr. SNYDER. I gather that it is self-supporting, except for the original investment.

Mr. KRAUSE. It is considered an ideal place for girls to live.

Mr. MARVIN. Is it subject to taxation?

Mr. SNYDER. If it is not subject to taxation, that classifies it. It is then a charity institution.

Mrs. MUIR. I am not an employer or an employee at present, but I was talking with one of the ladies who has something to do with conducting a woman's inn in Tacoma, for which the girls can get board and room for $3 per week. She said we have found that some of the girls can not live on the wages they receive, so we have established the house for their benefit. It is away out

from the business district and the girls have to tramp away out there in the dark at night.

Mr. KRAUSE. This place in Spokane is established so that the girl who can not afford to pay high board can stay there and be thrown with the better class of girls who do pay high board.

Miss FOLEY. The Y. W. C. A. will bear me out that they carry part of the burden of the girl. They have a certain number who are positively on charity. They live on $2 and $3 or whatever they can afford to pay.

Mr. DAGG. I should think we ought to get back to our list.

Mr. MARVIN. I would like to ask if any of you have completed the whole list.

Mrs. MILLS. Yes; I have.

Mr. PENLASON. I move that each member of the conference fill out his own list for discussion.

Mr. DAGG. I second the motion.

The CHAIRMAN. It is moved and seconded that each member of the conference fill out his own list for discussion. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it. Miss Foisie, what have you?

Miss FOISIE. Six hundred and seventy-one dollars and seventy-five cents.

The CHAIRMAN. Mrs. Robair?

Mrs. ROBAIR. Five hundred and ninety-nine dollars and fifty cents.

The CHAIRMAN. Mrs. Lawton?

Mrs. LAWTON. Five hundred and sixty dollars.

The CHAIRMAN. Mrs. Mills?

Mrs. MILLS. Five hundred and fifty dollars and ten cents.

The CHAIRMAN. Prof. Kerr?

Prof. KERR. Four hundred and eighty-two dollars and fifty cents.

The CHAIRMAN. Mr. Snyder?

Mr. SNYDER. I would rather you pass me by for the present.

The CHAIRMAN. Mr. Krause?

Mr. KRAUSE. Three hundred and seventy-four dollars and five cents.

The CHAIRMAN. Mr. Dagg?

Mr. DAGG. Four hundred and eighteen dollars.

The CHAIRMAN. Mr. Penlason?

Mr. PENLASON. Six hundred and thirty-five dollars.

The CHAIRMAN. The average, then, would be $536.35. It is getting quite late, and do you not think we had better adjourn until to-morrow and take it up item by item?

Mr. KRAUSE. I move we adjourn.

Mr. SNYDER. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn until 9 o'clock in the morning. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it—we will adjourn.

WEDNESDAY, MAY 15.

The CHAIRMAN. The meeting will please come to order. The secretary will call the roll.

(The roll was called; every member present.)

Mr. SNYDER. I asked the conference last night to pass me by, but on careful consideration I have been able to arrive at figures which total $402.

Prof. KERR. I figured it over somewhat more carefully afterwards, and I would change my figure from $482.50 to $510.

Mrs. LAWTON. I had my figures at $560 and I find that they should be $565.

Mr. PENLASON. Mr. Chairman, I would suggest that we take it up along the same line as we did yesterday; I would suggest that we only act on one's estimate at a time. I think that would be fair.

The CHAIRMAN. Do you think we should take it up item by item?

Mr. MARVIN. We could hear from each one of the conferees as to their figures.

The CHAIRMAN. Miss Foisie, what are your figures?

Miss FOISIE. I have revised mine and am just making them out. I am not quite ready yet to give a total. Yes; I have $601.25 now.

The CHAIRMAN. Mrs. Robair?

Mrs. ROBAIR. Mine is $599.50.

The CHAIRMAN. Mrs. Lawton?

Mrs. LAWTON. I have $565.

The CHAIRMAN. Yours, Mrs. Mills?

Mrs. MILES. Five hundred and twenty-six dollars and ten cents.

Prof. KERR. I have $510.

The CHAIRMAN. Mr. Snyder's is $408. Yours, Mr. Krause?

Mr. KRAUSE. Three hundred and ninety-nine dollars and five cents.

The CHAIRMAN. Mr. Dagg?

Mr. DAGG. Four hundred and eighteen dollars.

The CHAIRMAN. Mr. Fenlason?

Mr. FENLASON. I want to say at this time that I have no reason to change my figures of $635, unless you may eliminate some of the items. I want to say what possibly might be eliminated in order to make the figures less.

The CHAIRMAN. My suggestion is to have the member of the employees' side who has the highest figure debate the question with the member of the employers' side who has the lowest.

Mr. FENLASON. I think it is right and just that we hear from our lawyer friend first and then I would suggest that we hear from the professor, because he is supposed to be wise, and then from the lady who is the friend of the girls.

Mr. SNYDER. I think Mr. Fenlason is entirely correct except as to his time. The time has not yet arrived for me to speak, but will more properly come after we have heard what the employers and employees have to say. They have given us totals, we want to know what makes up those complete lists. We should first know what we are to reconcile and have the basis upon which to bring about that reconciliation.

Mr. FENLASON. Will you permit me to answer that question. I think my colleague is absolutely wrong. I want to call your attention to my particular position. I am a manufacturer and employer of girls. I have been unable to agree with my two colleagues. My estimate of this thing is the highest of all. I wish to reserve the right to correct my figures by a process of elimination to which the ladies must agree. I am thinking of what a woman can live decently on. I am not thinking how it is going to affect the industries. If this conference is willing to eliminate certain things, if the ladies are willing to eliminate them, then I am willing. I being an employer and being the highest man on the list I want to meet you halfway on a compromise. I said I absolutely would not vote with them on the minimum they are going to ask for. I think it is right and just that we hear from the other side of the house first.

The CHAIRMAN. I regret to say that I can not see it in the light that Mr. Fenlason does. We haven't gone into the matter item by item yet, therefore we do not know if their proposition is tenable, neither do we know if the proposition of the employers is tenable. However, if the commission desires to override the ruling of the Chair, it may do so.

Mr. FENLASON. Then, I suggest, Mr. Chairman, that we start out and let the two lowest on the employers' side speak and then the lowest on the employees' side—well, anyway, I want to be left out of this.

The CHAIRMAN. Do you make that as a motion?

Mr. FENLASON. Yes; I move that the lowest on the employer's side and the highest on the employees' side and in that routine discuss the cost of living.

Mrs. ROBAIR. I second the motion.

The CHAIRMAN. It has been moved and seconded that the member representing the employers having the lowest estimate and the member having the highest estimate on the employees' side present their list to the conference for discussion. All in favor signify their assent by saying "Aye." [All voted aye.] The ayes have it.

Mr. KRAUSE. I have changed one figure and that is the figure of board and room. I have put it at $4.50 per week, that brings my total up to $400.05, or an average of $7.68 per week. I will be glad to take each item up separately and show how she can live decently and honestly upon this scale. Please understand, though, that I am speaking of the minimum girl. My contention is this, that the minimum should be $7.50. I am basing my argument upon that fact, but I know that the average girl who works in the factories in the State of Washington earns a great deal more than $7.50.

Miss FOSTER. After anyone has passed their term of apprenticeship, I do not think they are a nonproducer.

Mrs. ROBAIR. Mr. Chairman, how is the apprenticeship period in the mercantile establishments?

The CHAIRMAN. We allow a period of apprenticeship of one year to anyone who has had no experience.

Mrs. ROBAIR. Our minimum wage begins after she has served her apprenticeship.

Mr. SNYDER. The law clearly provides that we are to provide a minimum to maintain a woman in decency and comfort. Therefore, I think we are basing our estimate on the wrong ideas.

The CHAIRMAN. The chair will have to sustain the objection made by Mr. Snyder.

Mr. PENLASON. Do I understand the ruling of the Chair to mean that in defining what a self-supporting woman is, that it is not to be taken into consideration whether, when she is working for her employer, that she is producing enough for her employer. If she has the full profit of what she produces, if that wouldn't support her, is she self-supporting?

The CHAIRMAN. It appears to me that we must not lose sight of the question of the standard of efficiency in this matter. The standard of efficiency and the minimum wage whatever that may be, are related to one another. If the minimum wage is established so high that the average girl will not earn a profit for her employer over the standard wage, it will throw the girl out of employment, therefore, it would be well to determine, for our guidance, what is the standard of efficiency of a girl that can earn this proposed wage, yet we must base it upon the cost of living as nearly as possible.

Mr. KRAUSE. I would say that the average I have in mind is above $10. The point I was trying to illustrate was the minimum. I conclude that this commission will take care of the apprenticeship period, and after she has served this period she becomes a minimum-wage earner.

The CHAIRMAN. Yes; that is correct.

Miss FOLSE. For board and room you have $4.50, Mr. Krause?

Mr. KRAUSE. Yes; that is right. I claim we can live under these conditions. I don't think that a girl can ever afford to pay more than $4.50 for a room; but I think she can start out on that and as her wages advance she can get a better room.

Mrs. ROMAIN. If she can live in a $4.50 room at one time there is no reason why she should raise it or live in a more expensive room just because she is making a couple of dollars more.

Miss FOLSE. For board and room I have $6.

Mr. MARVIN. I think Mr. Krause should go through his list.

Mr. SNYDER. I move that Mr. Krause be instructed to proceed with his entire list, and that thereafter Miss Folse give us her list.

Mr. PENLASON. I second the motion.

The CHAIRMAN. Have you heard the motion made by Mr. Snyder, and seconded by Mr. Penlason, to the effect that Mr. Krause read his list and discuss it item by item. All in favor signify their assent by saying "aye." [All voted aye.]

The ayes have it. The first understanding was that the two members were to debate each item.

Mr. PENLASON. Mr. Chairman, I believe the records will show that we moved that the lowest estimate on this side and the highest on that side debate their propositions. I think none of the rest of us has anything to say until they get through. I think the motion that was made and carried covers the point.

The CHAIRMAN. I think Mr. Penlason's point is well taken. Proceed with the debate. Have we reached anything definite about board and room?

Mrs. ROMAIN. I thought we came to the conclusion that the board and room was $5.

The CHAIRMAN. There was no conclusion made. We ought to arrive at some general understanding.

Mr. MARVIN. Mr. Chairman, I understand that no one is to talk except these two who are giving their items.

The CHAIRMAN. I think the two parties debating should have the floor; but any member has a right to ask any question in order to bring out any point that they want discussed.

Mr. MARVIN. It seems to me that those who are interested have the parallel items at the conclusion of the list. We could each discuss the items.

The CHAIRMAN. The Chair takes the position in this matter that these figures are undoubtedly based on reason. The reason should be brought out. When I submit a figure of any kind I usually have some reason for it, and I believe these two members are fully qualified to say why they have estimated these figures. I think we should give them an opportunity to state their reasons.

Mrs. MILLS. I think it wise for us to keep in mind that one of these parties lives in Spokane and one in Seattle.

The CHAIRMAN. These investigations didn't show that the cost of living was very much different between Spokane and Seattle.

Mr. KRAUSE. I have not investigated the cost of these items. I haven't any authentic figures for these estimates. I haven't gone to the stores and priced these different articles of dress. I submitted my figures. What is your yearly basis on these figures?

Miss FOISIE. I have $182 for meals and $130 for room.

The CHAIRMAN. Does the conference wish to ask any questions relative to meals and room?

Mr. DAGG. I would like to say that for a young lady to room and board in two separate places is more expensive. As long as we are figuring on what is the minimum, we ought to take that into consideration. I figured $25 per year for car fare, and some of these places are within walking distance. Some of those out of walking distance are as low as $3.50.

The CHAIRMAN. The next will be shoes and rubbers.

Mr. KRAUSE. I have $7.

Miss FOISIE. I have $11.

The CHAIRMAN. Miss Foisie, how many pairs of shoes do you think a girl needs in a year?

Miss FOISIE. In a great many of the factories the floors are very uneven, and the average girl would need two pairs of shoes, one pair of low shoes, and one pair rubbers.

Mr. KRAUSE. I think the girl will need them all right, but I don't know of any factory where the floors are as you speak. The floors are a very important matter, and in most of the factories the girls change their shoes and uniforms before starting work.

Miss FOISIE. In a great many of the factories I know of they don't change their shoes or have uniforms to wear; and where a girl treadles all day she breaks her shoes down. I contend that two pairs of high shoes and one pair of low shoes is not any too many.

The CHAIRMAN. We have made quite a thorough investigation in the factories of the State, and we find that a great many of the girls change their shoes when they come into the factories. We recommended lockers in some of the factories where the girls could keep their shoes and where they could not be stolen. I believe that the girl in the mercantile establishment is required to wear a higher-priced shoe and is not able to change them for a cheaper shoe during working hours.

Miss FOISIE. In the candy factories and those places they don't change their shoes; they could if they wanted to, but a great many do not, and the candy drops on their shoes and wears the leather out.

The CHAIRMAN. Before we pass up the question of shoes and rubbers, what is the price of a pair of rubbers?

Miss FOISIE. Fifty, sixty, and seventy-five cents. Sixty-five is the medium.

The CHAIRMAN. We haven't heard of the average price of the shoes.

Mrs. ROBAIR. I think it is more reasonable to pay $4 for a pair of shoes than $2. One $4 pair lasts longer than two $2 pairs.

Mr. DAGG. You don't need to use the minimum in buying things, you can pay $4 or $5 for shoes if you want to, but you must remember that we are discussing the minimum girl now.

Mrs. ROBAIR. I have worked in the shoe factory myself—I know what kind of leather is put into these $2 shoes.

The CHAIRMAN. Would $3.50 be a fair price for a shoe? Two pair at $3.50 would be $7.

Mrs. LAWTON. I don't think any girl can work with just two pairs of shoes. The candy gets on the shoes and rots the leather.

The CHAIRMAN. We will now pass to repairing of shoes.

Mr. KRAUSE. For repairing of shoes I have allowed $3.

Miss FOISIE. It costs 75 cents to have a pair resoled. I have allowed $1.50 for repairing of shoes.

The CHAIRMAN. What have you for stockings?

Miss FOISIE. Six pair of 25-cent hosiery will last for six months.

Mr. KRAUSE. I have estimated this at eight pairs of 25-cent stockings, or $2.

The CHAIRMAN. We will pass that up and go to underwear.

Mr. KRAUSE. I have no facts, but put an estimate of those who seem to know more about it. I have $3.25 for underwear.

Miss FOISIE. A great many are obliged to get suits with a mixture of wool on account of the cold weather. I have my figures at $6 per year.

Mr. KRAUSE. I will be glad to accept your figures as I have no argument. For petticoats I have allowed $3.

Miss FOISIE. I have allowed $5.

The CHAIRMAN. We might ask what is the price of petticoats worn by those in the commission.

Mrs. UDALL. Mr. Krause is constantly being annoyed by some one interrupting him.

The CHAIRMAN. Yes; that is right. It will not be allowed hereafter.

Mr. SNYDER. The chair made a suggestion that the ladies on the commission give us an estimate of this item.

Mrs. SILBAUGH. I pay from $1 to $1.50 for my petticoats. I never wear out more than two in a year.

Mr. KRAUSE. A girl can get along on $2 for petticoats. I will change my estimate to $2 on petticoats.

The CHAIRMAN. We will hear from Mrs. Swanson.

Mrs. SWANSON. I buy material, good material, and make four petticoats every year. I should say $3 would be more than enough to cover the cost every year. I buy material that will stand washing and buy edging so you can make them yourselves very reasonable.

Mrs. ROBAIR. I must ask these women if they will take into consideration the fact that these girls have to change their petticoats more often than the woman at home. She has to change every two or three days and she must have more than two.

Mrs. SWANSON. I think that is a matter of personal weakness. I have always found that if I go into the kitchen I must put on a big apron.

The CHAIRMAN. We will now pass on to suits.

Mr. KRAUSE. The girl that I have in mind, the minimum girl, don't go to the first showing of a spring style to get a suit. I am frank to say that speaking from my own experience the average price is about $25. I will submit $15 as a fair price for a minimum girl for a suit.

Mrs. SILBAUGH. I think $20 is very reasonable.

The CHAIRMAN. How about coats?

Miss FOISIE. I had $12.50 for a coat and $20 for a suit.

Mr. KRAUSE. I have $10 for a coat.

The CHAIRMAN. Dresses and aprons?

Mr. KRAUSE. I consider that a girl under these conditions would not buy party or lace dresses. Our girls do not buy aprons, we furnish the aprons for them to wear in the factory. They have no expense as far as the factory is concerned for their uniform.

Miss FOISIE. Not many of the factories furnish the uniforms.

Mr. MARVIN. I wish you to bear in mind what this lady says. I think your factory is an exception. Isn't there a saving of 50 cents a week in your factory.

Miss FOISIE. I think there should be four aprons at 75 cents per week.

Mr. KRAUSE. It adds to the appearance of the factory to have the girls wear uniforms.

Mr. SNYDER. The commission does not feel that they can ask all the factories to furnish uniforms.

The CHAIRMAN. I might say that whenever we suggest a thing like that the average employer seems inclined to comply, especially the larger ones. We will now pass to shirt waists.

Mr. KRAUSE. I have allowed $5.

Miss FOISIE. I have $8 for shirt waists.

The CHAIRMAN. Miss Foisie, I would like to ask you this, is it necessary for one working in a factory to have as many shirt waists as one working in a store?

Miss FOISIE. The constant use of our arms makes our shirt waists wear out very quickly, and we have to get a good many shirt waists.

The CHAIRMAN. Isn't it true that a girl working in a mercantile establishment is required to buy a finer class of waists?

Miss FOISIE. It is not necessary for them to pay more for their waists, for they are right there when the sales open and can take advantage and get better values; besides, they have better judgment in regard to materials.

Mr. KRAUSE. I should say that for the average girl $8 is all right; but take the minimum girl, I think it is too high. Five shirt waists at $1 each is enough for the minimum girl.

Mr. DAVIS. Would that girl, under these conditions, save anything by buying the material and making those shirt waists?

Mr. SNYDER. The noon hour is getting close, and I would suggest that we speed up a little.

The CHAIRMAN. Yes; I think we had better.

Mr. FENLASON. There seems to be a tendency to have the girl do her washing, her sewing, and those things in the evenings after she has worked eight hours. We don't ask a man to do his washing after working eight hours.

The CHAIRMAN. Suppose we pass on to corsets. What is the usual amount paid for a corset?

Mrs. LAWTON. I would like to suggest that it all depends upon the size of the girl. I pay $3.50 for my corsets.

Miss FOSSE. I have allowed $5 for corsets and $1.50 for corset waists.

Mr. KRAUSE. I have allowed $3 for corsets and $1.50 for corset waists.

The CHAIRMAN. How about gloves?

Miss FOSSE. I have $3.75 for gloves. A girl ought to have four or five pairs a year.

Mr. KRAUSE. I have $2.

The CHAIRMAN. Out of 138 estimates received from employees and 102 from employers, we find that the average estimate for gloves is $4.23 for employees and $3 for the employers. We will pass to neckwear.

Mr. KRAUSE. I am not in a position to argue neckwear, as I don't know what it covers, but I have allowed $1.

Miss FOSSE. It covers collars, jabots, etc. I have $2.50.

The CHAIRMAN. We will pass to the next item—hats.

Miss FOSSE. I know some minimum girls that would go without something to eat in order to have a hat.

Mr. KRAUSE. I think $5 is plenty for hats.

Mr. FENLASON. Would you want to have a girl wear a hat in the summer time and the same one in the winter?

The CHAIRMAN. Let us hear from the ladies in regard to this, Miss Fosse?

Miss FOSSE. A girl can't fix up a last year's hat for less than $1, and I don't think she can get a new one under $4. Often a minimum girl would wear a retrimmed one to work, but she needs a new one for best.

Mr. KRAUSE. I am not going to argue the question with you.

The CHAIRMAN. Can a woman use a hat for two seasons?

Miss FOSSE. Yes; it can be done. I have allowed $10 for hats.

The CHAIRMAN. How about umbrellas?

Miss FOSSE. I have allowed $2.

Mr. KRAUSE. I have $1.

Mr. MARVIN. I think $1 for Spokane and $2 for Seattle is all right.

Mr. KRAUSE. The next item is repairing of clothing. I have not allowed anything for this, as the girl would repair her own clothing.

Miss FOSSE. I have allowed $7 for repairing of clothes.

The CHAIRMAN. From the lists we have 102 from employees giving an average of $5.19 for repair of clothing and 126 from employers giving an average of $4.18 for repair of clothing.

Mr. KRAUSE. I have figured $3 for laundry for the year, because, as I said, this minimum girl would do part of her own washing at home.

Miss FOSSE. Would this private family that you speak of, taking in a girl at $4.50, be willing to let her do her laundry in the kitchen and use the electric iron?

Mrs. UHALT. That is one of the strong reasons why they don't want a woman roomer and boarder.

The CHAIRMAN. How about dentistry and medicine?

Miss FOSSE. If a girl joins a hospital association she pays $12 per year to belong to it. I have allowed $20 per year for medicine and dentistry.

Mr. KRAUSE. I have $10, and for street-car fare $36.

Miss FOSSE. We agree there; I also have $36. For newspapers and magazines I have $5.

Mr. KRAUSE. I have $3. The average girl who is working has to establish herself. She comes to the factory without any training or trade and no position, so she must necessarily share part of the sacrifice in establishing herself.

Miss FOSSE. The fact that you want her to become intelligent, she should have one magazine a year at least.

Mr. DAGG. When a girl is striving to hold her expenses down, can't she use the magazines of her associates?

Miss FOSSE. That is often done. One girl will subscribe to a magazine, and then will exchange with other girls, and in that way they get to read several magazines.

Mr. KRAUSE. Don't overlook the public library, for they use it a good deal.

Miss FOSDIK. A girl has to pay 5 cents to get a new book. It is hard to get the current magazines at the library.

The CHAIRMAN. Does the average working girl subscribe for a magazine?

Miss FOSDIK. Yes; they do, to a large extent. If she gets a magazine at all, she wants one of the best.

The CHAIRMAN. The girl we are trying to provide for can not agree to have all of her desires provided for. This list of yours is vastly high, and is far in excess of any minimum that will probably be allowed. We will now consider stationery and postage.

Mr. KRAUSE. I have allowed $1.

Miss FOSDIK. She don't send any packages back home on that.

Mr. KRAUSE. No; my minimum girl is not at that stage yet. She is rather receiving packages from home.

Mrs. ROBAIR. Do you mean that she is receiving help from home in packages?

Mr. KRAUSE. What is in those packages I do not know.

Miss FOSDIK. I have $8 for the next item; any girl would pay $8 per year for union.

Mr. KRAUSE. Our girls pay 70 cents per year. Doesn't that have a sick benefit with it?

Miss FOSDIK. Yes; for $7. We are figuring sickness in that $7. Everybody pays some dues. The different unions vary as to what the assessment fee is. In the stores they usually have associations among themselves and pay dues of some kind.

Mr. KRAUSE. I have nothing for insurance.

Miss FOSDIK. I have $12. Supposing that this girl is sensible; she will take out an endowment when she is young and the rates are cheaper.

Mr. KRAUSE. I believe that, but this girl, until she gets past the minimum-wage period, does not need insurance.

Mr. DAGG. Do you carry insurance?

Miss FOSDIK. I do not.

Mrs. ROBAIR. I am insured, and I also have my child insured.

The CHAIRMAN. How about vacation?

Mr. KRAUSE. This girl has no vacation period yet; she will get one next year. However, I have allowed $10 for vacation expenses.

Miss FOSDIK. I have waited all my life for vacation, and I have given this minimum girl $20 for vacation.

The CHAIRMAN. Any remarks on that? If not, we will pass on to amusements.

Miss FOSDIK. I have $12.50 for amusements.

The CHAIRMAN. How about church and other contributions?

Miss FOSDIK. No girl would want to go to any church and be on the charity list. If she can not do a little, she does not want to go. The girls ought to be encouraged to go to the churches. Often at $6 per week a girl can be made to feel that she is helping some one else.

Mr. MARVIN. I think when any church gets into the place where it is supported with a few rich men it has lost its purpose. You raise a barrier immediately between the church and the people. A girl can't preserve her self-respect and go to church without contributing her little bit.

Miss FOSDIK. The church can not help her by taking away her self-respect.

Mrs. ROBAIR. There are lots of girls who won't go to church unless they can take part in the church work and pay their little contribution. Girls are dropping away completely from church just for that very reason.

The CHAIRMAN. We have records from 112 girls, nearly all receiving a very good wage. The average amount contributed toward the church is $1 per month for mercantile employees and $1.35 for factory employees.

Mr. MARVIN. I think $10 is high. This law is to take away the thought that the girl is on the charity list. Some provision should be made for that, not for the sake of the church but for the sake of the girl. I think $6 would be a fair estimate.

Mr. FENLASON. When I gave that $6 to the church I looked at that as purely a gift. Under amusements I was pretty high. Under the head of incidentals I allowed $15.

Mr. SNYDER. I move that we now adjourn until 1.30.

Prof. KERR. I second the motion.

The CHAIRMAN. It is moved and seconded that we now adjourn until 1.30. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it.

AFTER RECESS—1.30 P. M.

The CHAIRMAN. The meeting will please come to order. The secretary will please call the roll.

(The roll was called; all members were present.)

Mr. SNYDER. I think it has not yet been definitely decided upon by Mr. Krause and Miss Foisie just what concessions will be made.

Miss FOISIE. Why should not the other members of the conference say what their opinion is on these same items?

Mr. DAGG. It took us all morning to hear these two lists, so I think we should try to settle it.

The CHAIRMAN. It seems to me that in order to expedite matters we should have a motion of some kind before the house.

Mr. DAGG. In our factory on week work we pay $8; for an apprentice we pay $6. This law has nothing to do with an apprentice, but the regular wage for a minimum worker. Since we have taken the highest figure from the employees and the lowest figure from the employers, I would like to suggest that we strike an average. I would like, in order to settle the minimum wage, to make the suggestion, or it could be put to a vote, that we take $8 for the minimum wage. That is a motion, if it is in order.

Mrs. ROMAIN. I don't think that is really high enough. She can exist on that, but this commission is to find a minimum wage for a self-supporting woman.

Mr. PENLASON. Mr. Chairman, I wish to make a motion relative to minimum wage. My colleague here moved that it be $8; no one seconded it. I am going to move that the minimum wage, based on 48 hours per week, is $9. There is no second to that. Is it in order to speak on that motion before it is seconded?

The CHAIRMAN. You may speak on it.

Mr. PENLASON. If the ladies on the other side will accept that, if in their judgment they deem it fit, I am willing to vote on it. I am told by my colleagues that they will fold their tents and go home before they will submit to a minimum wage that is somewhat less than the motion I have made. I want to call your attention to this fact, that this law has been passed, and it is a great advantage to the women workers of this State to be able to have such a law. We have the principle of the minimum wage established. Now, if we can get together on this first conference so that the employers, employees, and disinterested public can agree, I think it will mean much toward enforcing the law.

I want to call your attention to a remark that my friend here made: "It is the duty of the parent to provide for these girls who are going to work." I submit it is also the duty of society to provide conditions so that the fathers and mothers of the country can provide for these girls. I think we are laying too much stress on the minimum or lowest wage these girls can live on. It says on the blank, "Below is given a statement which I believe to be a fair estimate of the amount required yearly by a prudent, self-supporting woman employed in a mercantile, mechanical, or other industrial establishment in order to maintain herself in reasonable comfort." When I was asked for my estimate it included all classes of women, and I want to say to you that I believe all classes of women on equal basis. I see no reason why a girl in a store should receive more than a girl working in a factory. I want to call your attention to the law itself. Those questions have nothing to do with the minimum. They do not ask us for the minimum. They ask us for the average wage on which a woman can live decently and respectfully. I find from my investigations that $4 per week is about as low as any girl can get 21 meals for and $8 per month for a room. I think boarding and rooming at different places is an expensive way to live. The very lowest price that a girl can get board and room for is $5 per week, or $260 per year. I wouldn't even want to say $5 per week unless the ladies would agree to that. For shoes and rubbers I have $9—two pair of shoes per year at $3.50 per pair, two pair rubbers at $1 per pair. One fifty for repairing of shoes. Twelve pair of stockings per year, at 50 cents per pair, or $6. Underwear I have put at $7. I have therefore made the motion that the minimum wage be $9, as I think the ladies will be able to compromise on that.

Perhaps I am a little high on suits. I have $20. I do not think one suit a year is enough for a girl. Do you want these girls for 365 days to wear the same suit? She can buy one costing $20 and one costing $10, for instance. I provide $20 for coats. Nothing is said about raincoats. I figure a girl should have two coats a year—one costing $12 and one costing $8. For shirt waists I have one at $3, one at $3.50, and one for $2. A girl, to live decently, wants to have a change of clothes. I want them to feel that they are supporting themselves in

a decent way. You can't buy a reasonably good corset for less than $2. I figure that is very cheap. For corset waists I have figured that the average girl should be able to make them. I want to see my wife have a nice corset waist, don't you? We are working on the wrong principle. We are trying to rectify something that the foundation is absolutely wrong. We don't need gloves, but we have come to that stage where we have to consider these things, whether we absolutely need them or not.

Seventy-five per cent of human energy is exerted to satisfy the eye. We asked these girls to dress so that they are fit to look at. I have allowed $10 for hats; $1 is good enough for an umbrella. I eliminated repair of clothing because the girl ought to do her own repairing. For laundry I allowed $26 per year, which is only 50 cents per week. I don't see anything wrong with that. Our employees pay $1 a month for medicine. We have an arrangement with the hospital and the employees pay $12 per year. They get medical attendance and surgical attention. I allowed $20, and it would be optional with the girl if she had hospital services. I have estimated $36 per year for street car fare. That is twice a day, going to and from work for 300 days. For newspapers and magazines I have allowed $5. If there is any one thing I would like to have my employees do it is to read and keep in touch with the current events of the day. I think $5 isn't very strong for newspapers and magazines. For stationery and postage I have $7. One letter per week would be $1.50—I think $7 per year is fairly conservative. I have allowed $8 for association dues. Now, that might be eliminated, but we men belong to lodges and if the girls want to belong to these institutions they have the right. Insurance, well, now, that is a proposition that is not essential. If this woman is never going to be married and is going to work in this industry year after year, she ought to be insured. I thought a woman ought to have a little something, pay a little premium on a policy, so I have allowed $18 for insurance.

I don't think we should squeeze these girls down to the last point; the men and women who are going to make the laws for our Nation. The trouble is we are trying to fit in an ethical proposition to an unjust economical proposition. A man who has a heart can't argue them both from the same viewpoint. There is no mention of the time a girl loses from sickness or looking for a job. These are items of cost, to the women and girls. I think a girl ought to have two weeks' wages for vacation. I figure $6 for church. Then, too, if a girl goes to church and Sunday school 52 Sundays in a year, that is 5 cents car fare each time. Shall we want her to wear her old suit and hat that she wears every day? Under incidentals there is a dozen things that a woman has to have, but I have just allowed $15. After going over these figures I find that I have $614.50, and after eliminating everything I possibly could I still have $487.50. I couldn't advocate any wage that would produce less than $487.50. It is altogether too low to support a girl right. I think it is up to the people on the other side. To get this in shape I have made a motion of $9, providing the ladies are willing to compromise.

Mr. DAGG. I have made a motion that the chair take a vote on the $8 minimum wage.

Mr. SNYDER. In order that our record may be kept straight I desire now, without committing myself, to second the motion of Mr. Penlason, reserving my privilege to withdraw my second if the vote is not unanimous.

The CHAIRMAN. It is moved and seconded that the sum of $9 be designated as a minimum wage. The motion is seconded by Mr. Snyder, reserving his right to withdraw the second if the vote is not unanimous.

Mr. PENLASON. Mr. Chairman, the motion was not put in that way, and I, as mover of the motion, want a square deal and honesty. I had much rather that he eliminate the proposition that he withdraw his second if the vote is not unanimous. I would much prefer, if it were possible, for the ladies to second that motion, if you can see your way clear. Am I out of order? Here is the proposition I want to put up to you: If you ladies can second that motion that puts me on record that you are willing to stand for a minimum of $9. I recognise that this commission says it takes $10 to support a girl that is working in a mercantile pursuit.

Mr. SNYDER. Mr. Chairman, I want to say that I agree with nearly all that Mr. Penlason has said, but the only reason—the very reason why I made my second in that way is to facilitate just what he is after. I want it put in the right order and we can still find out from the ladies present here what their attitude is; that is why I made the second in that manner and not to bar the ladies in any way. It is important, of course, that we arrive at a unanimity,

and for that reason I don't want a vote that will be carried and still leave us here as two factions.

The CHAIRMAN. The Chair can not refuse to accept the second made by Mr. Snyder to the motion. Mr. Fenlason, you have said that the motion has not been put properly, so, in order to have this motion worded in our record in the proper manner I have written it down. I will put it as follows:

"It has been moved and seconded that no person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage rate of less than $9, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health."

The majority rule holds, and Mr. Snyder has reserved the right to withdraw his second in case the vote is not unanimous.

Mr. KRAUSE. The motion before the house is to vote on $9 as a minimum wage.

The CHAIRMAN. Are you ready for the question? You have heard the motion as read.

Mr. SNYDER. Question.

The CHAIRMAN. The secretary will please call the role.

(Upon roll call the following vote was recorded:)

Ayes: Mrs. W. C. Mills, Mr. Edgar C. Snyder, and Mr. O. C. Fenlason.

Noes: Miss Emma Foisie, Mrs. Belle Robair, Mrs. F. H. Lawton, Prof. W. M. Kern, Mr. Fred Krause, and Mr. O. K. Dagg.

The SECRETARY. The roll call stands 6 noes and 3 ayes.

The CHAIRMAN. The motion is lost.

Mr. SNYDER. I reserve my right to withdraw my second.

Mrs. ROBAIR. Mr. Chairman, we have gone over these items carefully, but I would like to give you a few of my figures. If a girl does not dress decently she is looked down upon—the average school girl is looked down upon if she does not dress like the other girls. For dresses and aprons I have two street dresses and two house dresses. I think she needs two aprons for the factory when she is at work and four for the house. She ought to have a waist for her suit and four for the house. She needs two pairs of corsets at $4 each, for the year, one pair of winter gloves, one good pair for summer and two pairs of cheap gloves to wear to work. For neckwear I have allowed $2. One umbrella at $2. I have also allowed $6.50 for repair of clothing. I am going to ask if these gentlemen have really considered what a girl's laundry consists of. She has to have all her clothes laundered and if she is boarding she has no place to do it in her room. She has to pay 25 cents to get shirt waists laundered and house dresses 25 cents. For medicine and dentistry I have allowed $40. Street car fare, $36.40; newspapers and magazines, $2.50; stationery and stamps, $10; insurance, $15; vacation expenses, $25; amusements, $10; incidentals, $30; and my average is $500.50. We have taken these all into consideration and we find that a self-supporting girl can not live on less than this amount. We must allow for the girl who has to pay her board and room and who has to pay two car fares each day. The girl is not any more sure of her health and strength than anyone else and for that reason she should carry insurance. Therefore, I have come to the conclusion that it really takes $10 for a woman to be self-supporting. I am considering a girl who has served her time. I move that the minimum wage in the State of Washington be $10.

Miss FOISIE. I second that motion.

The CHAIRMAN. Is that subject to the wording of the motion we have put before?

Mrs. ROBAIR. Yes, sir.

Mr. MARVIN. What does your total come to?

Mrs. ROBAIR. Five hundred and ninety-nine dollars and fifty cents for the year.

Mr. MARVIN. Then it is $11.92 for the week.

The CHAIRMAN. It has been moved by Mrs. Robair, and seconded by Miss Foisie, that no person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage rate of less than $10, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health.

Are you ready for the question?

Miss FOISIE. Question?

Mr. FENLASON. I want to know if anyone could not vote on this question if they wished? I could conscientiously vote for $10, but in view of what I have said to my colleagues I would like to pass and not vote this time.

Mr. SNYDER. I am prepared to vote on this proposition, but, as Mr. Marvin has said, what we most want is unanimity, and I therefore want to protest against excusing anyone from voting. We can reconsider upon proper motion any decision that may be taken.

The CHAIRMAN. There is no provision in our rules and regulations for excusing a person from voting and I think therefore it would be better for you all to vote one way or the other. Are you ready for the question?

Mr. FENLASON. I want to ask who seconded this motion?

The CHAIRMAN. Miss Foisie. If there are no further remarks on the question we will have a roll call. The secretary will please call the roll.

(Roll call by secretary upon which the following vote was recorded:)

Ayes: Miss Emma Foisie, Mrs. Belle Robair, Mrs. F. H. Lawton, Mr. Edgar C. Snyder, and Prof. W. M. Kern.

Noes: Mrs. W. C. Mills, Mr. Fred Krause, Mr. O. B. Dagg, and Mr. O. C. Fenlason.

The SECRETARY. The vote stands 5 ayes and 4 noes.

The CHAIRMAN. The motion is carried.

Mr. SNYDER. Mr. Chairman, I am of the opinion that we have not accomplished much. I move that we reconsider the motion.

Prof. KERN. I second the motion that we reconsider the previous motion.

The CHAIRMAN. It is moved and seconded that we reconsider the motion. All in favor signify by saying "aye." [All voted aye.] The ayes have it.

Mr. MARVIN. I ask you whether, at this stage, it would not be advisable to ask the chairman of the conference to select a committee of three—one from each of the parties—to confer on this matter. Does that sound feasible to you?

Mr. SNYDER. I think, Mr. Chairman, that that suggestion is entirely appropriate and that plan is entirely feasible, and I therefore move that we now take a recess until 4.30—the chairman, before the recess, to appoint a committee of three, consisting of one of the representatives of the employers, one of the employees, and one of the public, to consider the question of a resolution to be presented to the conference.

Mr. DAGG. I second the motion.

The CHAIRMAN. It is moved and seconded that we take a recess until 4.30, and that the Chair appoint a committee of three to confer during the recess.

Mr. MARVIN. I wish to suggest that you take Mr. Olson into consideration.

Mr. SNYDER. I would like to include that in my motion.

The CHAIRMAN. Is that subject to the second?

Mr. DAGG. Yes, sir.

The CHAIRMAN. You have heard the motion stated; all in favor signify their assent by saying "aye." [All voted aye.] The ayes have it. I will appoint Miss Foisie, Prof. Kern, and Mr. Dagg to make up the committee. We will adjourn until 4.30.

AFTER RECESS.

The CHAIRMAN. The meeting will please come to order. We will now hear a report from Miss Foisie, who is chairman of the committee.

Miss FOISIE. Well, we have been out some little time but have failed to arrive at anything that is positively an agreement. We have spoken to the other employees and have heard from the employers yesterday and to-day, and knowing that they are trying to be fair we have decided that we would accept a $9 minimum and do the best we can and hope for something better in the future.

Prof. KERN. I move that we adjourn now until 8 o'clock.

Mr. DAGG. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn until 8 o'clock, but before we do it has been suggested that we hear from the manufacturers' side and see what they have to say on this question. We would like to have a report from Mr. Dagg.

Mr. DAGG. It seems that the manufacturers can't come together on anything higher for a minimum wage than $8.50. The representatives of the employees seem to think that they ought to have $9 and we can't see it.

Mr. SNYDER. I am still of the opinion that no resource should be overlooked which may bring about a reconciliation of these figures and a unanimous agreement. In the hope that there may be a further effort to bring about such an end, I renew the motion that we adjourn until 8 o'clock.

The CHAIRMAN. It is moved and seconded that we adjourn until 8 o'clock; all in favor signify by saying "aye." [All voted aye.] The ayes have it.

AFTER RECESS—8 P. M.

The CHAIRMAN. The meeting will please come to order. When we adjourned we had before us the resolution to reconsider the adoption of a $10 wage. What is your pleasure?

Mr. SNYDER. I think the proper course is either for us to vote upon this re-adoption, or reject, or else that someone else make a motion to amend the $10 motion.

Mr. FENLASON. I move as a substitute for the $10 minimum a wage of $8.75.

Mr. KRAUSE. I second that motion, and with your permission would like to give my reasons for seconding that motion. I have presented to the conference here the last two days figures that I thought correct for working girls to live upon in the State of Washington. We have discussed the matter and my figures have not been adopted. The conference does not agree with my proposition. I put myself on record with some of the members that my opinion, for the good of the working girls, was along certain lines. I said I would just go so far, and after this conference was in session one of the members asked me if I would appear before this extra session and discuss it. After I left here Mr. Dagg came to me and said, "Mr. Krause, it seems an awful pity that we can't arrive at some agreement, and we should get some sort of a concession from you." I have given you folks the benefit of my honest opinion of the things I thought was the fair matter pertaining to this girl question. You don't agree with me and that is your privilege. If you think I have been on the wrong side I will withdraw what I said was my ultimatum. I will be very glad to take your suggestion, and it is on that ground that I now second this motion and will support an $8.75 minimum wage.

The CHAIRMAN. Shall I read the motion as we have it drafted?

Mr. FENLASON. Yes, please.

The CHAIRMAN. It is moved by Mr. Fenlason and seconded by Mr. Krause "That no person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage rate of less than $8.75, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health." Are you ready for the question?

Mr. SNYDER. Mr. Chairman, I am ready to vote upon this motion, but I would like very briefly to explain my vote as it shall be given. I haven't said anything in this conference by way of elaboration of the figures at which I have arrived after very careful consideration. The figure of $468, which I gave you, was the absolute minimum upon which a girl can decently and comfortably live in this State for one year. I think, furthermore, that in arriving at a weekly minimum that we should recommend to this commission it is not proper for us to divide the actual total by 52 as has been assumed by these gentlemen. We must find, I am convinced, a lower divisor for these reasons. In the first place, the girl that we are discussing here, like all other normal persons, is conceded to require at least a week of vacation. That week must be deducted from the 52, as her expenses are as great as during the rest of the year. Again, in most of the factories there will come periods when there will be a shutdown, there will be breaks in the machinery, etc., and changes of various kinds which all involve the throwing out of employment of the girl. That period may not be, in some of the factories, more than a few days, or it may be a month or more, but it must all be considered. Again, we know that the girl, more than the man, must be conceded the right to stay away from work because of necessary illness at times. There can be no fixed period for that, but she will have to be away part of the time, and during that time her expenses will be at a greater degree than during the rest of the year. I can not say how many weeks that will take off from the 52, but I know it will take some off. Therefore I can not feel that while I am voting for a minimum wage I am voting for a wage that she will get 52 times during the year. We are just as much bound to ascertain as nearly as we may what is the smallest sum upon which a self-supporting woman working in factories in the State of Washington can healthfully and decently maintain herself, as a juror is to decide a case. I say, therefore, there is a limit to the point to which we can go in deciding what is a reasonable require-

ment in the case, but I am also led to concede that there is a little leeway allowed, so I believe I stretched that leeway to the fullest extent when I voted for a minimum wage of $9 per week. I believe we have reached that point where every reasonable concession has been made. I have tried to be fair, to consider honestly and fairly the views presented by all sides, and to try to bring about a unanimous decision. I want to plead with my friend from Spokane that $1 under the minimum already fixed for girls in the mercantile establishments is surely low enough.

I am satisfied they are under no really greater cost of living, at any rate, are not under a cost of living that is greater by $1 per week than the girls who work in the factories. Much as I regret to vote against the motion I must say that I shall have to vote on this motion "no."

Mr. FERGASON. I certainly agree with everything my colleague has said, but it is too late. You all well remember that I tried to persuade the disinterested ones to talk long before this so we could know where they stood, not leaving it to the last here when a motion has been made and is ready to be voted upon. It isn't a question of arguments now but we have all fully made up our minds what we will do. My friend says his conscience will not permit him to deviate from this. I think that sometimes it is right to do wrong that good may come of it. What is conscience, anyway? How do you define that thing? The only line of demarcation between a human being and a brute is conscience. Your conscience or my conscience never told us what is right or what is wrong. Our conscience does not tell us but our conscience gives us the desires to do right. Your conscience is just as good as mine but we have different intellects. This man's intellect is telling him that this is the right thing to do and that man's intellect is telling him that that is the right thing to do. My conscience is telling me that I am doing the right thing myself, although I have put to you a proposition that I am perfectly willing to admit is wrong, but I put it to you on the basis that it is sometimes right to do wrong that good may come of it. I am only talking to these three ladies because when they take their vote these three manufacturers will agree with you, and I submit that if the employees and the manufacturers are able to agree, unless it is very unreasonable, the disinterested public should agree with us. I am going to vote for this substitution just on this principle that it is right to do wrong because good will come of it. You will get more by getting together than you may think.

Mr. DAVIS. As a suggestion I would like to hear from the other two members representing the public.

Mrs. MILLS. For months—for years—this problem has been before me and I have studied it very closely. My figures are based on actual experience and I have not been able to reduce it below $10 per week. I think that conscientiously no girl could continue, after her apprenticeship, longer than a year on that basis. Rather than to go away from here after this lengthy session, without coming to some distinct understanding, I have conceded the one fact that it is best to come to a $9 wage, but I would not for one single moment say that if I thought a girl could be kept on $9 for more than one year.

Prof. KERR. Every individual is to a greater or less degree his brother's keeper. What would affect one is going to affect all of us. We are all living here together. What is good for one man is good for anther man. I have been led to believe that the public, as a rule, is not very much concerned about what is going to happen to one or two industries. The general public is not very much concerned as to what is going to happen to the manufacturer but they are concerned over what is to become of the girl. They are infinitely concerned about the girls 14, 15, 16, and 17 years of age that are dropping out of public schools and going into our industries. I spent considerable of my life in the city of New York and I know something of the condition that exists on the east side. If we have to have a slum district in any city in the State of Washington—if we have to transport New York's east side to the State of Washington, it is infinitely better that we have no industries in the State of Washington.

I am not quite sure I know just how much a girl ought to have to support herself decently and comfortably. I have tried to arrive at some figures, and it does appear to me from the figures that I have been able to get that this amount for a self-supporting woman ought to hinge somewhere around $9. Feeling this, I think it would be best if this delegation could agree upon this amount as a minimum wage. It seems to me that it would be a perfectly splendid thing that the State of Washington has fixed the highest minimum

wage in the mercantile establishments of any State in the United States; that we believe in protecting our mothers and our daughters and the girls who are working in the industries, and we believe that $9 is the minimum amount upon which a woman can support herself in decency and comfort.

The CHAIRMAN. Are you ready for the question?

Mr. FENLASON. Mr. Chairman, I certainly hate to see a vote taken on this. Can not we split the difference with the ladies?

Mrs. ROHAIR. I will split, then, for $8.90.

Mrs. LAWTON. It seems to me that the least we can live on is $10, and I don't see how we can come down 25 cents.

Mrs. ROHAIR. It has been proven here in these last two days that a minimum wage for a girl should be $10, and we have said we wanted $10. We have come half way and we have all on the conference but one. Do you think it will enlarge your business to let this go into the newspapers with you the only one holding back?

Mr. KRAUSE. If you don't agree with me, you record your vote the way you believe you should.

Mr. SNYDER. We give you credit for taking the stand you have as long as you feel that you are doing right, and we have no desire to have any one of us go away from here with any feeling of dissatisfaction. I therefore, in order to proceed in what I believe to be now the proper order, I wish, Mr. Chairman, to move an amendment to the substitute motion, substituting $9 for $8.75.

Mrs. ROHAIR. Don't you think a girl should have $9 to live on?

Mr. FENLASON. May I answer that question for my friends? It has come to a point where it don't enter into what it costs. This gentleman tells us that he has gone the limit. This other gentleman tells us that he will go a little further if we can get together. Is this the proper way for this thing to break up? I move that we proceed with this vote as it stands, and if we vote it down I will move that we adjourn until to-morrow.

Mr. MARVIN. I want to say to you, my friends, that there is no possibility for a number of years to come in the State of Washington in which you will reach an ideal condition. It is not a question as to whether we shall reach an ideal condition, but whether we shall reach something a little lower than the ideal. We are coming out of a condition that is extremely deplorable in some factories into something that is infinitely better. I had thought perhaps this difference might be split and make the amount, say, $8.90. I do not believe a thing is lost until it is lost, yet a unanimous vote is so infinitely better that I take it upon myself to suggest this thing.

Miss FOISIE. I would like to second Mr. Snyder's motion.

The CHAIRMAN. It has been moved by Mr. Snyder and seconded by Miss Foisie that the sum of $9 be substituted for the sum of $8.75 in the previous motion.

Mr. FENLASON. Let us vote on our amendment as it now stands and then we can move to reconsider it and put the other one. When this convention breaks up and we are not together it must go out to the citizens of the State that we couldn't split 25 cents.

The CHAIRMAN. The only way we can get things straightened out would be for you to withdraw your motion substituting $9 for $8.75 and the second.

Miss FOISIE. I am perfectly willing to withdraw my second.

Mr. SNYDER. I will, with the consent of Miss Foisie, who seconded the motion, withdraw my amendment.

The CHAIRMAN. Are you ready for the question? Do you want me to read the previous motion again?

Mr. SNYDER. Please.

The CHAIRMAN. Be it resolved that this factory conference does hereby make the following recommendation: "That no person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage of less than $8.75, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health."

The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Mr. Fred Krause, Mr. O. B. Dagg, and Mr. O. C. Fenlason.

Noes: Miss Emma Foisie, Mrs. Belle Rohair, Mrs. F. H. Lawton, Mrs. W. G. Mills, Prof. W. M. Kern, and Mr. E. C. Snyder.

The SECRETARY. The vote stands 6 noes and 3 ayes.

The CHAIRMAN. The motion is lost.

Mr. SNYDER. I wish to renew the motion now for $9, unless the Chair rules that we must proceed to vote upon the original motion.

The CHAIRMAN. It seems to me that that is what would be required. We should vote on the original motion of $10. Do you wish it read?

Mr. FENLASON. Please.

Mrs. ROBAIR. I am willing to withdraw my motion for $10.

Miss FOISIE. I withdraw my second to that motion.

Mr. FENLASON. I would like to ask what is before the house?

The CHAIRMAN. While the motion for reconsideration has been withdrawn, the original motion is still before the house.

Mr. SNYDER. I think the record will show that the motion to reconsider was voted upon and carried.

The CHAIRMAN. I desire to say that the motion that was up for a $10 wage is before the house.

Mr. FENALSON. I move that we indefinitely postpone the motion for a $10 minimum wage.

Mr. SNYDER. I second the motion.

The CHAIRMAN. It is moved and seconded that the motion for $10 be indefinitely postponed. All in favor signify their assent by saying aye. I think we had better have a roll call. The secretary will please call the roll.

(Upon roll call by the secretary all voted aye.)

The motion is carried.

Prof. KERN. Mr. Chairman, I have felt all the time that these girls ought to have $9 per week. I have tried to stand for that, but I would rather sacrifice 10 cents a week on it than to have it go out over the State that we couldn't split 10 or 15 cents. If Mr. Krause will join me in this, I will move you that the minimum wage be set at $8.90.

Mrs. MILLS. I second the motion.

Mr. KRAUSE. I will be very glad to join you in that.

The CHAIRMAN. Upon motion, duly made by W. M. Kern and seconded by Mrs. W. C. Mills, the following resolution was introduced:

"*Be it resolved*, That this factory conference does hereby make the following recommendation to the industrial welfare commission in reference to the minimum wage in the factory occupation and industry:

"That no person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage rate of less than $8.90, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living to such employees and to maintain them in health."

Are you ready for the question?

Mr. SNYDER. Question.

The CHAIRMAN. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Miss Emma Foisie, Mrs. Belle Robair, Mrs. F. H. Lawton, Mrs. W. C. Mills, Prof. W. M. Kern, Mr. Edgar C. Snyder, Mr. Fred Krause, Mr. O. B. Dash, and Mr. O. C. Fenalson.

The SECRETARY. All voted "aye."

The CHAIRMAN. The resolution is carried unanimously.

Mr. FENALSON. I understand that there remain before us two other questions propounded by the commission, first, the question as to the length of the lunch period; second, the question regarding toilet, rest rooms, and ventilation. I move that we endeavor to proceed to answer those questions.

The CHAIRMAN. The commission wants the conference to make a recommendation as to what length of lunch period is demanded for health of factory employees.

Miss FOISIE. I would like to make the motion that each factory should decide that for their own people, knowing the location of their factory and the different arrangements in the factory. Some places where they have a cafeteria in the factory the noon hour is not really necessary. I think that most employers have proven themselves more than kind and considerate on that question. I would like to make the motion that it be left to the individual factory.

Mr. DASH. I would like to second that motion.

The CHAIRMAN. The chair would suggest that no recommendation be made in the matter. The commission could hardly issue an obligatory order to that effect.

Mr. SNYDER. I move you, as a substitute motion, that in answer to the second question propounded by the commission to the conference that, as the conditions in the various factories are so different, that we are of the opinion that we can not properly make a recommendation applicable to all cases.

Prof. KERN. I second the motion.

The CHAIRMAN. Are you ready for the question? All in favor signify their assent by saying "aye."

(All voted aye.)

The ayes have it. The next question before the house is what provisions should be required in each manufacturing establishment for, first, toilet for women workers; second, rest room; and third, ventilation. I desire to read to you what the mercantile conference adopted in that regard:

"Every mercantile establishment where females are employed shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements, so that such employees may obtain rest when in a state of fatigue or in case of illness, such requirements being demanded, in the opinion of said conference, for the health and morals of such employees."

Miss FOISIE. The only question that occurs to me is whether the recommendations are needed in all the factories. It is entirely proper that there should be some rest facilities, but I know of some factories where it would be an imposition to insist upon special rest rooms.

Mr. KRAUSE. The small manufacturer who only employs one, two, or three girls can not afford a lunch or rest room, but the girls go into the office to eat their lunches. I believe that the commission will be fair in their ruling on that.

Mrs. LAWTON. I think there should be separate toilets for ladies and gentlemen. The ventilation, too, should be looked after. In some places it is very poor and there is no place to hang the wraps in some factories.

Prof. KERN. Would a recommendation passed here and accepted by the commission be authority?

The CHAIRMAN. Yes, sir; in regard to toilets, ventilation, and rest rooms.

Mr. KRAUSE. Wouldn't it be all right to make a recommendation similar to the one made by the mercantile conference?

The CHAIRMAN. That would be all right.

Mr. KRAUSE. I move that we adopt the same resolution to apply to the factories.

Prof. KERN. I second the motion.

The CHAIRMAN. Upon motion duly made by Mr. Krause and seconded by Prof. Kern the following resolution was introduced:

"*Be it resolved*, That the factory conference does hereby make the following recommendation to the industrial welfare commission in reference to standards of conditions and labor demanded by the health and morals of employees in such factory occupation and industry:

"Every manufacturing establishment where females are employed shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements, so that such employees may obtain rest when in state of fatigue or in case of illness, such requirements being demanded in the opinion of said conference for the health and morals of such employees."

Are you ready for the question?

Prof. KERN. Question.

The CHAIRMAN. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Miss Emma Foisie, Mrs. Belle Robair, Mrs. F. H. Lawton, Mrs. W. C. Mills, Prof. W. M. Kern, Mr. Edgar C. Snyder, Mr. Fred Krause, Mr. O. B. Dagg, and Mr. O. C. Fenlason.

The SECRETARY. All voted "aye."

The CHAIRMAN. The resolution carried unanimously.

Prof. KERN. I am going to make a motion regarding the apprenticeship question:

"*Be it resolved*, That it is the sense of this conference that the solution of the apprenticeship problem must be found in the part-time continuation school in which the public school and industry cooperate to train the worker from 15 to 18 years of age in general knowledge, technical knowledge and skill, and we respectfully urge the industrial welfare commission to take immediate steps to secure such legislation as will serve to inaugurate the vocational education in the State of Washington."

Mrs. MILLS. I second the motion.

The CHAIRMAN. You have heard the motion read. All in favor signify their assent by saying "aye." [All voted aye.] The motion is carried.

As it is getting rather late, and I think we should bring our meeting to a close, on behalf of the welfare commission I want to thank you all for coming here and giving us your cooperation in this matter. I wish you would all come to the office and we will have these resolutions written for you to sign.

Motion is now in order for adjournment.

Mr. SNYDER. I move we adjourn.

Mrs. MILLS. I second the motion.

The CHAIRMAN. It is moved and seconded that we do now adjourn sine die. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it, and we do now adjourn.

PEARL E. MOYER, *Secretary.*

OLSON EXHIBIT NO. 1.

LAUNDRY CONFERENCE, SENATE CHAMBER, CAPITOL BUILDING, OLYMPIA, WASH., MAY 14 AND 15, 1914.

Meeting called to order at 9 o'clock a. m. by Mr. H. W. Olson, chairman of the industrial welfare commission. The entire commission, composed of Mr. Olson, Mr. Marvin, Mrs. Silbaugh, Mrs. Swanson, and Mrs. Udall, were present.

This commission, and the following representatives, composed the conference: Mr. H. W. Olson (chairman), Mr. A. Jacobson, Mr. Frank Nixon, and Mr. W. J. Doust, representing the employers; Mrs. Julia A. Wilson, Mrs. Hilda O'Connor, and Miss Johanna Hilts, representing the employees; Mrs. R. C. McCredie, Rev. R. H. McGinnis, and Judge E. M. Day, representing the public.

Roll call by the secretary: All members of the conference and all members of the industrial welfare commission answered to the roll call.

The CHAIRMAN (reading):

To members of the laundry and dye-works conference:

After due investigation of the laundry and dye-works industry of the State of Washington, this commission has found that the wages paid to female employees in said industry are inadequate to supply them the necessary cost of living and to maintain the workers in health, and this commission has further found that in said industry conditions of labor exist that are prejudicial to the health or morals of the women employed in said industry.

Therefore, by virtue of the authority in it vested by section 174, laws of 1913, State of Washington, this commission has called a conference, composed of an equal number of representatives of employers, employees, and the public, which, after due consideration, is to recommend to this commission the amount of an adequate wage in said laundry and dye-works industry to permit a self-supporting woman to maintain herself in decency and comfort, and to also recommend other conditions of work hereinafter specified. Said conference so selected is composed of the following members:

A. Jacobson, Frank Nixon, and W. J. Doust, representing the employers; Mrs. Julia A. Wilson, Mrs. Hilda O'Connor, and Miss Johanna Hilts, representing the employees; and Mrs. R. C. McCredie, Rev. R. H. McGinnis, and Judge E. M. Day, representing the public.

Therefore, in accordance with the foregoing, the Industrial Welfare Commission of the State of Washington herewith submits to the conference the following questions:

What is the sum required per week to maintain in decent conditions of living a self-supporting woman employed in a laundry and dye-works establishment in the State of Washington? The requisites for such decent conditions of living are itemized in the list below:

Meals, room, shoes and rubbers, repairing shoes, stockings, underwear, petticoats, suit, coat, dresses and aprons, shirt waists, handkerchiefs, corsets, corset-waists, gloves, neckwear, hats, umbrella, repair of clothing, laundry, medicine and dentistry, street car fare, newspapers and magazines, stationery and postage, association dues, insurance, vacation expenses, amusements, church and other contributions, and incidentals.

What length of lunch period is demanded for maintentnce of health of laundry and dye-works employees?

What provisions should be required in each laundry and dye-works establishment for (a) toilet for women workers, (b) rest rooms, (c) ventilation?

INDUSTRIAL WELFARE COMMISSION.

If you will turn to page 103 of the report of the commission, I would like to refer you to section 10, which I will read so you may have a thorough understanding of the reason for which you are called here.

"If, after investigation, the commission shall find that in any occupation, trade, or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions or labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission."

I will now ask you to turn back to page 99, where I will read section 8. I would like to read section 5, on that page, first.

"When the conference is called to order by the chairman, it shall deliberate under parliamentary law, and no question shall be discussed that is not germane to the conditions of labor or cost of living of working women or minors as applied to that particular trade or industry. Roberts's Rules of Order shall govern."

Now section 8:

"The Chair shall not permit the discussion of the question as a whole until after each item of the cost of living has been taken up in the order given in the estimate blanks prepared by the commission, unless otherwise directed by a majority vote of the conference. After proper deliberation and discussion of questions that have been presented to the conference by the commission, the conference shall then, upon request of the commission, proceed to make recommendations upon such questions as the commission may designate."

With reference to section 9, I wish to say with regard to your traveling and hotel expenses that the State auditor requires that you furnish vouchers covering all your expenses, and I wish you would make them out as soon as you return home and send them in at once so that we can pass on them. If there is anything you wish explained, you may stop in at the labor commissioner's office and the young lady will explain to you anything that you do not understand.

I desire to say that yesterday, in our factory conference, owing to the fact that there were so many divers interests, we permitted a free discussion by all persons present. The commission, however, feels at this time that the representatives of the employers in the laundry conference are thoroughly conversant with all conditions, and it is the desire and ruling of this commission that no discussion be carried on on the outside. However, that does not prohibit the conference from asking for information.

According to the rules and regulations, and in accordance with the law, we are required to have a secretary for this conference, and the Chair will entertain a motion for the election of a secretary. The commission presents the name of Miss Pearl E. Motzer.

Rev. MCGINNIS. I move that Miss Pearl E. Motzer be elected secretary.

Judge DAY. I second the motion.

The CHAIRMAN. It is moved and seconded that Miss Pearl E. Motzer be elected secretary. All in favor signify their assent by saying "aye." [All voted aye.] The motion is carried.

The Chair is not decided, in his own mind, which is the best way to open the conference and I feel that it is no more than right that this matter be left to the conference; of course, as you all understand, a minimum wage will be based, according to law, on the cost of living of a self-supporting woman. There is no question but what other conditions should enter into our discussion and we shall not bar any question that is pertinent to the matter of establishing a minimum wage; therefore, I would like to have suggestions from any members of the conference.

Mr. JACOBSON. In view of the fact that the question has been so thoroughly aired in the preceding conferences and the further fact that we are here for the specific purpose of ascertaining what it costs a girl to live on, I would suggest that the best way and the simpliest way to get at this is to get right down to figures now.

The CHAIRMAN. If that is acceptable to the conference we will then commence the discussion of the cost of living. In accordance with the rules formulated by this commission, in reference to the cost of living, it states that each item shall be taken up separately before the question as a whole is discussed; therefore, we have first on the list meals.

Mr. DOUST. Wouldn't it be better to fill out these forms rather than to write them on a pad?

The CHAIRMAN. I think so.

Mr. JACOBSON. Mr. Chairman, may I be permitted to ask a question or offer a suggestion?

The CHAIRMAN. Certainly.

Mr. JACOBSON. It developed in one of the former conferences that there was a tendency on the part of one side to make out an extremely high estimate of this cost of living; also, on the other side possibly to make out a much lower one. Now, I want to know if that is going to be the policy in this conference and I think a suggestion at this time would be timely. My suggestion is to get right down to the point where the least concessions will have to be made, and I think we can eliminate a great deal of discussion.

The CHAIRMAN. If you all have your schedules complete I would like to hear from somebody in reference to the first item—meals. Has anyone any remarks to make?

Mrs. O'CONNOR. Mr. Chairman, I have it figured this way—meals at 75 cents per day for 365 days would be $273.75.

The CHAIRMAN. Would you care at this time to submit your figures on room?

Mrs. O'CONNOR. I have that figured at $150 per year. I would like to hear from the other members what they think we ought to live on.

Miss HILTS. That equals $2.88 per week for room. I think anyone will agree with me that we can't get a decent room for less.

The CHAIRMAN. In order to open this discussion I would like to ask the members representing the employees whether, within their knowledge, they have ascertained what percentage of laundry employees get their room and board at the same place. Many of the laundries in the different cities lie away from the business center of town where restaurant services are not adequate. It may be that a large percentage live with families. I think that is a very important point to bring out.

Miss HILTS. A majority of the girls, owing to the present salaries, can not afford to live with families, but are living in rented rooms. These figures that we are giving you are for the cost of living from that standpoint. We are giving you Seattle figures as we have investigated there.

Mr. JACOBSON. Would it not be wise to go right on through with this proposition of board and room? I should think that the policy would be to have the other members make up their list.

The CHAIRMAN. That is a very good suggestion as far as I am concerned, Mr. Jacobson, and I would call upon you for your figures and then we will go down the list.

Mr. JACOBSON. I haven't compiled any figures for separate rooms and meals for the reason that my experience teaches me that I never could find myself able to live in that way. I always found it cost me a great deal more to live that way than to find a boarding house where I could get my meals and room together. I have arrived at this list from experience on the basis of board and room together. My figures for board and room together for a girl, based on this minimum wage, is $4 per week. The other side will probable say that is impossible. I want to say that it is possible, and we are able to show that it is

possible, and that girls are living to-day, in the city of Seattle, on $4 per week for room and board.

Mr. MARVIN. That would make it $208 for the year?

Mr. JACOBSON. Yes; $208.

Mr. NIXON. In the town where I am doing business I can find a limited number of places where I can get board and room for $3.50 a week and would guarantee to find a great many more places where it could be got for $4. A great many of my employees are boarding there at that rate. I have allowed $208 for the year.

The CHAIRMAN. What have you, Miss Hilts, for board and room?

Miss HILTS. We have figured this thing down, as I said before, on the basis of living in light-housekeeping rooms. We have this figured down at the rate of 60 cents per day; that makes a total of $219 per year.

The CHAIRMAN. Mr. Doust, will you submit your figures?

Mr. DOUST. My figures are based on $4 per week, and I based those figures on actual experience. I had two telephone calls recently asking if I had any girls who wished board and room at $4, so I am positive it can be found at that price.

The CHAIRMAN. We would like to hear from Mrs. Wilson. Will you kindly submit your figures?

Mrs. WILSON. I count on a room—a good one—at $2 per week. As Mr. Doust says, there is a place where you can get fairly good meals, but a person don't want to confine themselves to that one place. One can not get board and room at the same price now that they could a few years ago. As commodities raise and the price of things go up, wages must go with them. I want to say right here that we don't want to crush any establishment, but we do want a wage upon which we can live decently and comfortably. The laundry girl earns all the money she gets, and she is entitled to a pretty fair wage for the work is hard. I have walked back and forth from the laundry six days a week just to save car fare. Let us build up humanity instead of tearing it down, and in helping the working girl you will be building up humanity.

Mr. MARVIN. You didn't give us your figures.

Mrs. WILSON. I figured meals at 60 cents per day and room at $2 per week.

The CHAIRMAN. That totals $323 for room and board together.

Mrs. WILSON. If we have to buy our own fuel we have to count on that, too.

Miss HILTS. In our figures we estimated a heated room.

Mrs. WILSON. We have to add the cost of fuel to this room rent—I think about 75 cents would be about right.

The CHAIRMAN. Seventy-five cents per week?

Mrs. WILSON. Well, perhaps 50 cents; that would make the room $2.50 per week.

Mrs. O'CONNOR. I would like to have it understood that she is speaking of Spokane and we are speaking of Seattle.

The CHAIRMAN. It is right and proper that we should know the part of the country which one is speaking of.

Mrs. O'CONNOR. It is much harder for a girl to get a room than a man. You can't get room and board for less than $5.50 per week.

Mr. JACOBSON. Mr. Chairman, I move that we hear what the public has to say on this.

The CHAIRMAN. I was just debating, within my own mind, inasmuch as the representatives of the public are occupying the position of mediators, it seems to me that we ought to thrash it out just as far as possible before we hear from them.

Judge DAY. I think we ought to hear more about this question from the employers and employees.

The CHAIRMAN. I rather think it would be a good plan to go right down the list and hear all the items discussed. According to the rules and regulations the Chair is permitted to appoint one of the members representing the public as chief interrogator. I take pleasure in designating Rev. McGinnis as interrogator. I will appoint the other two members representing the public as associated with him. I am informed that the average of these figures that have been presented amounts to $285.66. You can verify this by your own figures. Unless there are further remarks on this question of board and room, we will proceed to take up the next item—shoes and rubbers.

Mr. DOUST. Can we go back and consider these things later if we pass over them?

The CHAIRMAN. Yes, indeed. Has anyone got any figures to present on the next item?

Mrs. O'CONNOR. Mr. Chairman, I think that a girl needs three pairs of shoes at $3 per pair, and she also needs one pair of oxfords at $3 per pair. I have worn $2.50 shoes, but have ruined my feet in so doing. I have a total of $12 for shoes per year.

Judge DAY. Does that include rubbers?

Mrs. O'CONNOR. No; I have never worn rubbers in Seattle, but have always lived close to the car line.

The CHAIRMAN. Miss Hilts, what have you for shoes and rubbers?

Miss HILTS. I have figured three pairs of shoes at $3, equaling $9; one pair of dress shoes at $3, and one pair of rubbers at 50 cents per pair, making a total of $12.50 for the year.

The CHAIRMAN. I presume I had better call on you next, Mrs. Wilson, if you have your list prepared.

Mrs. WILSON. I am a little hard on shoes and the floors in the laundries are also hard on them. I wear out about four pairs of shoes each year, and I pay $2.50 for them. That would be $10 per year for shoes. I usually get cloth rubbers. I think they are 60 cents, that would be $1.80 for three pairs. I never can get shoes soled for less than 50 cents.

The CHAIRMAN. I would like to hear from the employers' side on this question.

Mr. JACOBSON. For shoes and rubbers I have $7.75; that is one pair of shoes at $3, two pairs at $2, rubbers 75 cents, making a total of $7.75.

The CHAIRMAN. Do you think you can buy a lady's shoe at $2?

Mr. JACOBSON. My wife has been able to buy $2 shoes. We are trying to get at the average or minimum cost, not what a girl may want to have, but what she can live on.

Miss HILTS. If I were to have the shoes I would like, I would have to pay a great deal more. I can buy a shoe in Seattle for $2.50 that will last me, probably, for one month and then they look far from dressy. I find that $3 is the cheapest shoe that I can get in the city of Seattle.

Mr. DOUST. The lady who buys four pair of shoes this year, would she have to buy four pair of shoes next year—that is, couldn't she wear this year's old shoes to work next year?

The CHAIRMAN. Mr. Nixon, what have you?

Mr. NIXON. I have $8.75; two pairs of shoes, one at $3.50, one at $2.50; and one pair of rubbers at 75 cents.

The CHAIRMAN. Mr. Doust.

Mr. DOUST. I have figured two pairs at $4, and one pair of rubbers at 75 cents, making a total of $8.75.

The CHAIRMAN. I would like to hear from the ladies as to how much longer the average $4 shoe would last than the $2 shoe?

Miss HILTS. You can have the $4 shoe resoled twice; but when the sole of the $2 shoe is worn, the shoe has completely lost its shape.

Mr. DOUST. I have found, in speaking with our girls, that they prefer to get a $4 shoe and to have them resoled three times than to get a cheaper shoe. The third time the shoe is resoled it makes a good shoe to wear in the laundry.

Rev. MCGINNIS. How long do you wear a $4 pair of shoes before you have to have them resoled?

Mrs. O'CONNOR. I am sorry to say that I never have had a pair of $4 shoes.

Rev. MCGINNIS. Can you tell, Miss Hilts?

Miss HILTS. I put a new pair of shoes on, wear them to the laundry, and in six weeks they have to be repaired; then they last about four weeks longer.

Mr. JACOBSON. I have noticed that our girls wear a sort of sandal—broad heels, heavy sole—when in the laundry. I don't know what they cost; but I should think they would be very economical.

Miss HILTS. I wish to state that that is the style of shoes I wear in the laundry, and I pay $3 per pair for them.

The CHAIRMAN. We will now take up the question of repairing shoes. What have you ladies for that?

Mr. JACOBSON. I have $1.50 for the repair of shoes.

Mr. NIXON. I have a like amount.

Mrs. O'CONNOR. I want you to realize that leather has gone up in price. It costs $1 for a pair of half soles. If you want rubber heels that is extra. My estimate is $2.40 for the year.

Miss HILTS. I have estimated it at $2.50; that allows two pair of half soles during the year, and one pair of rubber heels.

The CHAIRMAN. What are your figures, Mrs. Wilson?

Mrs. WILSON. I always have to get my shoes half-soled quite often. I pay 25 cents to have the heels lowered and rubber heels put on.

Rev. MCGINNIS. Four pairs of shoes half-soled would be $4.

Mrs. WILSON. One can get it done for 50 cents; that makes it $2 for the year.

The CHAIRMAN. The next item is stockings. Mrs. Wilson, will you give us your figures?

Mrs. WILSON. I really couldn't give you a figure on that, for I haven't bought any stockings for so long I really don't know the prices any more.

The CHAIRMAN. What is your estimate, Miss Hilts?

Miss HILTS. I have two dozen stockings at $3 per dozen, that would be $6, and one pair of silk stockings at $1.50, making a total of $7.50. I made my estimate at $4.50, however, and wish to state that I eliminated that pair of silk stockings.

The CHAIRMAN. Mrs. O'Connor.

Mrs. O'CONNOR. I have figured eight pairs of stockings at 25 cents a pair, or $2; two pair at 50 cents, $1; making a total of $3 for stockings for the year.

Mr. JACOBSON. I have stockings at $1.20, eight pairs at 15 cents.

Mr. NIXON. I have eight pairs at 20 cents, making $1.60.

Mr. DOUST. I have 10 pair at 15 cents, making $1.50.

The CHAIRMAN. It is 5 minutes to 12 o'clock, and the Chair will entertain a motion to adjourn until 1.30, or whatever is your pleasure.

Mr. DOUST. I move we adjourn until 1.30.

Mr. JACOBSON. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn until 1.30, all in favor signify their assent by saying "aye." [All voted aye.] The ayes have it. We will adjourn until 1.30.

AFTER RECESS—1.30 P. M.

The CHAIRMAN. The meeting will please come to order. I think there is too much of a difference in the figures given so far. The three members representing the public are evidently going to settle this proposition, if you people give figures that are unreasonable you are not doing justice to them, therefore, I think it would be well for you to get closer together. It would be best to do this in the beginning rather than to have so many concessions to make later on. I am not speaking any more to the employers than to the employees. The last item we had under discussion was stockings. The next is underwear. Will the ladies submit their figure on that item?

Miss HILTS. Mr. Chairman, I have this estimated at $6 per year. That allows for three union suits at the rate of 75 cents for winter, three for summer at 75 cents, and $1.50 for other muslins. Total, $6.

Mr. JACOBSON. I have $5 for underwear. Two suits at $2 and two suits at 50 cents each.

Mrs. O'CONNOR. I have $1.50 for three union suits for winter, and three at 25 cents for summer.

Mrs. WILSON. I have allowed for two suits woolen underwear at $2, four suits at 50 cents, $2, making a total of $4.

Mr. DOUST. I also have $4.

The CHAIRMAN. Is there any discussion on this item?

Rev. MCGINNIS. Mr. Chairman, we seem to be pretty close together on this, in fact, almost a unanimity.

The CHAIRMAN. The next is petticoats. I will have to call upon the ladies again. Miss Hilts have you your figures prepared?

Miss HILTS. I have that at $4, that allows for three petticoats for work at 50 cents, $1.50, one white petticoat at $1, and one silk petticoat at $1.50.

Mrs. O'CONNOR. I have one silk petticoat at $2.50, one white petticoat at $1.50, and two for work at $1, makes $5 for total.

Mr. JACOBSON. I have two petticoats at $1 each, $2.

The CHAIRMAN. Mr. Doust knows about the cold weather in Spokane. We can probably get a pretty good idea from him as to how many petticoats are needed.

Mr. DOUST. I don't know much about petticoats though. I move that we hear from some of the ladies on the conference or from the public.

The CHAIRMAN. I think they would be glad to give their opinions.

Mrs. SWANSON. I believe this minimum girl ought to be able to make a petticoat for $1. I have a petticoat that I got for 87 cents on sale, and it is real good. I think four at $1 apiece would be sufficient for a year.

Mrs. SILBAUGH. Considering the line of work that they are doing I think that $4 is quite reasonable; of course, I know that laundries are quite hard on clothes.

The CHAIRMAN. We will now pass to the next item—suits. We would like to hear from the ladies on that item.

Mrs. O'CONNOR. In the estimate in this report the girl is allowed two suits per year. I would rather take the money that is allowed for two suits and put it into one good suit. I consider I can get a good suit for $40.

Rev. McGINNIS. Mrs. O'Conner, may I just ask if you are still bearing in mind that this is a minimum wage that we are working on?

Mrs. O'CONNOR. I have found that one is economizing by buying one good suit rather than two cheaper ones and I do not think one can get a good suit for less than $40.

The CHAIRMAN. How long would a suit of that kind last—how long would it be in style?

Mrs. O'CONNOR. A working girl don't expect to dress in style. I don't try to follow the styles.

The CHAIRMAN. How long do you estimate that a suit of this kind will last?

Mrs. O'CONNOR. It will really last two years.

The CHAIRMAN. That would mean it would be $20 per year for suits?

Mrs. O'CONNOR. No; I mean that the suit I get this year would be for best wear and next year it would do for work.

Mr. DOUST. I have tried to be fair in making up this list and tried to get down to the necessities of a girl making a minimum wage. But I want to say that my wife don't get a $40 suit; if she gets a $25 suit, she is doing well. She would not think of paying $40 for a suit any more than I would.

Mrs. McCORMIR. I think the young lady is somewhat justified in taking the stand she does. It is true that a $40 suit will last longer and look better than two $20 suits. However, I believe I would recommend a $30 or $35 suit; I think I could get a good suit for that price.

The CHAIRMAN. I would like to ask Miss Hilts what her estimate is.

Miss HILTS. I have that estimated at $35, and I would expect to get one new suit each year.

The CHAIRMAN. Mrs. Wilson.

Mrs. WILSON. I have two suits a year—one at $20 and one at $10.

The CHAIRMAN. I think the law contemplated that we should try to determine what the self-supporting girl should live on decently and not extravagantly. It is merely a question of which is the most economical. Mr. Doust, what is your opinion.

Mr. DOUST. I have one suit at $20.

The CHAIRMAN. Mr. Jacobson.

Mr. JACOBSON. I have a little different idea about this and have grouped the next few articles. My idea is worked out like this: Two dress skirts, one at $3 and one at $5, making a total of $8. Then, two coats, one at $10 and one at $20, making a total of $28 for skirts and coats; this would take the place of suits.

Rev. McGINNIS. I think we might be able to get together on that suggestion.

The CHAIRMAN. If it is so desired, we might consider that question.

Mr. JACOBSON. As I said, I have two dress skirts, total $8; two coats, total $30; then three dresses at $2.50 each, $7.50; and four aprons at 50 cents, or $2. I have allowed for four shirt waists at $1 and two at $2, or $8. This makes my total for all, $55.50.

Mr. MARVIN. Mr. Chairman, I would like to hear from one of these ladies on those four items.

Miss HILTS. In the last three articles—dresses and aprons and shirt waists—I think he is very reasonable. His coats are a little higher than we have. In averaging all of them it is pretty close to our estimate.

Mr. MARVIN. What have you for the estimate of the four articles, Miss Hilts?

Miss HILTS. I had it at $60.

The CHAIRMAN. Mrs. O'Connor, what do you think about these figures.

Mrs. O'CONNOR. It would be satisfactory to me at $55.50

Mr. DOUST. My estimate was $52 for the total, but it was guesswork.

Mr. NIXON. Mine is $56.

Miss HILTS. I will withdraw my former statement and accept $55.50, if it is agreeable to everyone.

Mr. MARVIN. May I ask whether in many laundries of this State there is provision for an outer garment while at work?

Miss HILTS. I don't know of any; we furnish everything ourselves.

Mr. DOUST. I never heard of any laundry doing it.

The CHAIRMAN. There is none that do to my knowledge. We will now pass to the next item, which is handkerchiefs.

Miss HILTS. I have allowed $1 for handkerchiefs.

The CHAIRMAN. I am not going to call on the employers for this because I know they will agree to this. We want you to start out with corsets, Mrs. Wilson.

Mrs. WILSON. I have allowed $10 for the year, and I buy a cheap corset but get a good many during the year.

Mrs. O'CONNOR. I find that in a laundry a girl can't get along with less than three corsets during the year. I have allowed for three at $3.50 apiece, or $10.50 for the year.

Miss HILTS. My figures are the same as Mrs. O'Connor's on that—$10.50.

Mr. JACOBSON. I am not going to ruin my girl's health by putting her in corsets; she is going to wear two pair at $2 each.

Mr. NIXON. I have two pair, amounting to $3.75.

Mr. DOUST. I have two pair at $2, or $4.

Mr. MARVIN. My wife insists that a $3.50 corset is a cheaper corset. That is quite an item, isn't it, girls? We are trying to avoid too much discussion, but I think that in this case the higher-priced corset would be the most economical.

Mrs. SWANSON. I have averaged the figures; they are $7.04.

Mr. JACOBSON. May I ask if you think the figures available here that the employers sent in?

(Mr. Olson read list sent in by employers.)

The CHAIRMAN. The next is corset waists. What have you, Mrs. O'Connor?

Mrs. O'CONNOR. I have it figured at four corset waists at 75 cents, which would be $3.

The CHAIRMAN. Miss Hilts?

Miss HILTS. I have allowed four at 50 cents and one at $1, making a total of $3.

Mrs. WILSON. I have four at 25 cents each, or $1.

Mr. JACOBSON. I have three at 50 cents each, $1.50.

Mrs. NIXON. I have a total of $1.

Mr. DOUST. I have three at 50 cents, or $1.50.

The CHAIRMAN. The next item is gloves. I would like to hear from the employers this time in the matter of gloves.

Mr. DOUST. I have two pair of gloves at $1 each, $2.

Mr. JACOBSON. I have three pair at 50 cents each, $1.50

Mr. NIXON. One dollar and fifty cents for gloves; three pair at 50 cents.

The CHAIRMAN. Mrs. O'Connor, what is your estimate?

Mrs. O'CONNOR. I allowed $1 for work gloves and $2 for a good pair, making a total of $3 for the year.

The CHAIRMAN. Miss Hilts?

Mrs. WILSON. I have four pair at 50 cents each, $2

Miss HILTS. I have allowed $1 for work gloves and $1.50 for good gloves.

The CHAIRMAN. Neckwear. You girls ought to be able to tell us something about this. Miss Hilts, will you start this?

Miss HILTS. I have neckwear estimated at $1.

Mr. JACOBSON. We won't fight on that. I have the same.

Mrs. WILSON. I will allow $1, too.

Mrs. O'CONNOR. I think $1 will cover neckwear.

The CHAIRMAN. The next is a very grave question. Hats. I believe we will call on the laundrymen and see what they think should be expended for hats.

Mr. JACOBSON. I have allowed for two hats, one at $2 and one at $5; total, $7.

Mr. DOUST. I have two hats at $5, $10.

Mr. NIXON. I have one at $3 and one at $5, making a total of $8.

Mrs. WILSON. I have two hats at $5 each, making $10.

Miss HILTS. I was just going to suggest that we agree on $10 for hats. We have decided to come down to that if the employers will all agree to it.

Mr. JACOBSON. We will meet you.

The CHAIRMAN. The next item to be considered is umbrellas.

Mr. DOUST. I think we ought to allow one umbrella each year.

Mrs. WILSON. I think we ought to have one umbrella a year at $1.

Miss HILTS. My figures are $3.50 for an umbrella which will last two years.

The CHAIRMAN. We will pass to repairing of clothing. Does the average laundry girl repair a good deal of her own clothing?

Mrs. O'CONNOR. Yes, sir. About the only thing she sends out to be repaired is her suit coat. That would be about $2.50.

Miss HILTS. I have that at $2.

Mrs. WILSON. I have placed mine at $5 because I never do any sewing.

The CHAIRMAN. The next item is laundry. About how much do you find that you have to expend per week or per year for your laundry, Mrs. O'Connor?

Mrs. O'CONNOR. I have allowed $20 for one year. I figured it at 40 cents per week, which makes $20.80, but have made it $20.

The CHAIRMAN. Do you get any advantages from the laundry?

Mrs. O'CONNOR. Yes; we get 50 per cent off.

Miss HILTS. I have the laundry at $15 per year. In case we get our laundry in to go over in the "hold over" we get it done for one-half price. Some laundries will not allow their work to be done for half price unless you bring it yourself.

Mr. DOUST. We give 20 per cent. Most of our girls have their work rough dried.

Mrs. WILSON. I pay about $5 per year for laundry, and I usually do my own washing.

Mr. DOUST. As a matter of fact, they don't bring their clothes to the laundry as a general rule. Girls are permitted to use our irons during the noon period.

Miss HILTS. The mangle girls do not have time to do this. The girls in the department where I am get off early on Friday and Saturday, and they do it then.

Mr. JACOBSON. I put the figures for the laundry at $8.

Mr. NIXON. Mine are $5 for laundry.

The CHAIRMAN. Medicine and dentistry is the next item.

Mr. DOUST. I have $10.

Mr. JACOBSON. That is a hard thing to estimate, because some people require a great deal in this line and others very little. I have estimated that at $5 for the year.

Miss HILTS. Ten dollars is agreeable to the girls if the employers will agree on it.

Mr. NIXON. I have $5 per year for this.

Mrs. WILSON. Ten dollars is my estimate, too.

The CHAIRMAN. The next is street car fare.

Mrs. O'CONNOR. I have street car fare at $36 per year.

Miss HILTS. I have $36 per year.

Mrs. WILSON. My estimate is $36 for street car fare.

Mr. DOUST. I have $30 for street car fare.

Miss HILTS. We have found in our investigation in Seattle that 75 per cent of the girls pay street car fare.

The CHAIRMAN. If a girl pays street car fare and comes quite a distance to the laundry, the price of her room is usually cheaper; for that reason the board and room should be taken into consideration with the street car fare. Here is another thing we found, through our investigations of the laundries and mercantile stores: A great many of the laundries are located close to the residence district, while the stores are a great deal farther away. We have to consider price of board and room in connection with street car fare.

Mr. JACOBSON. What is the average for street car fare in the reports sent in?

(Chairman read from reports.)

The CHAIRMAN. The average is $27.58 for the year. A majority of these figures come from the larger cities. We had a great deal of difficulty getting the laundries in the small towns to send in their figures.

Mr. DOUST. Considering the fact that girls are continually traveling 365 days in the year, they certainly would take advantage of the rates. I think the $30 proposition is fair or even a lot higher than the average girl would need.

The CHAIRMAN. What are your figures, Mr. Jacobson?

Mr. JACOBSON. I have mine at $25.

Mr. NIXON. Mine are $25 also.

Mrs. O'CONNOR. I would recommend that we accept Mr. Doust's figures of $30 on the street car fare.

The CHAIRMAN. I think in this matter we ought to keep in mind the entire State. We are legislating for girls not only from Seattle, Tacoma, and Spokane,

but from all sections of the State. There are small laundries that have to be considered, and I think the figures offered by the employers are more than reasonable.

Judge DAY. I find that a large number of the people live at home and not far away from the laundries, but very few come from a long distance in Bellingham.

The CHAIRMAN. I didn't get your figures, Mr. Nixon.

Mr. NIXON. Twenty dollars.

The CHAIRMAN. The next is newspapers and magazines.

Mr. JACOBSON. I put down here $3.

Mr. DOUST. I have $3.

Mr. NIXON. I have $2.50 for newspapers and magazines.

Mrs. O'CONNOR. I have $3.

Miss HILTS. I have $3.

Mrs. WILSON. I also have $3.

The CHAIRMAN. The next is stationery and postage. How much do you think the average girl expends for paper and postage? I mean the average laundry girl, Miss Hilts.

Miss HILTS. I have $2.50.

Mrs. O'CONNOR. I also have $2.50 for postage and stationery.

Mrs. WILSON. I gave $2.50.

Mr. DOUST. Two dollars.

Mr. JACOBSON. One dollar.

Mr. NIXON. Two dollars.

The CHAIRMAN. The next on the list is association dues.

Mrs. O'CONNOR. My association dues are $7 per year.

Rev. McGINNIS. Is that the average amount paid by most of the girls?

Mrs. O'CONNOR. Most of the girls belong to some association or lodge.

Miss HILTS. My figures are $7.

Mrs. WILSON. Mine are $5.

Mr. JACOBSON. I have allowed $2. I would just like to know what the average girl asks for. I would like to know, from your records there, what the average figures are on this question.

(Chairman read from report.)

Mr. DOUST. I have $1.50 on that. I do not think we should place this figure very high, because so many of the girls don't pay anything. I know a great many girls in our laundry do not pay anything for association dues. It seems to me that these ladies are just giving what they pay. I don't think they base their figure on what the average girl pays.

Mrs. O'CONNOR. We have based our figures on what other girls pay. I pay $12 myself. I haven't considered myself in this average. The girls do not all belong to unions, but they like to belong to some lodge, as the I. O. G. T., Knights and Ladies of Security, or the Rebeccas.

Judge DAY. Would many of those associations include these girls?

Miss HILTS. Why, yes; our laundry girls belong to something of the kind.

Rev. McGINNIS. In the laundry in which you work, what per cent of the girls belong to the Rebeccas?

Miss HILTS. I couldn't say, as I don't know the exact number.

The CHAIRMAN. What are your figures, Mr. Nixon?

Mr. NIXON. I have $2.

The CHAIRMAN. The next is insurance. Are there many girls working in the laundries that carry insurance?

Miss HILTS. There are a number of them who carry insurance. Usually those who have some one dependent upon them.

Mr. DOUST. I don't think we can take those into consideration.

The CHAIRMAN. What is your estimate, Miss Hilts?

Miss HILTS. Five dollars per year.

Mrs. O'CONNOR. Five dollars for the year.

Mrs. WILSON. Mine is $5 per year.

Mr. DOUST. I have $3.

Mr. JACOBSON. I didn't allow anything for insurance.

Mr. NIXON. I have allowed $5 for insurance.

The CHAIRMAN. Vacation expenses.

Mr. JACOBSON. I have allowed $5 for vacation expenses.

Mr. DOUST. I have allowed $10.

Mr. NIXON. Ten dollars.

Miss HILTS. I have that at $15.

Mrs. O'CONNOR. Fifteen dollars.

Mrs. WILSON. I have allowed $12.

The CHAIRMAN. We will pass to the next item, amusements. Mrs. O'Connor, will you tell us what you think a girl ought to have for amusements for the year?

Mrs. O'CONNOR. I have it figured at $10 per year.

Miss HILTS. I have $10.

Mrs. WILSON. Ten dollars.

Mr. JACOBSON. Ten dollars.

Mr. NIXON. Five dollars.

Mr. DOUST. Eight dollars.

The CHAIRMAN. Church and other contributions.

Mr. JACOBSON. Six dollars.

Mr. DOUST. Five dollars.

Mr. NIXON. Six dollars.

Miss HILTS. The girls are willing to meet the gentlemen at $5.

The CHAIRMAN. The last item is incidentals.

Mr. JACOBSON. I have allowed for incidentals $12.

Mrs. O'CONNOR. I am allowing $10.

Miss HILTS. Ten dollars.

Mrs. WILSON. Ten dollars.

Mr. DOUST. Ten dollars.

Mr. NIXON. Ten dollars.

Mr. MARVIN. Would you care to know what each one has estimated? I have it all summed up. Mrs. O'Connor, $608; Miss Hilts, $604.25; Mrs. Wilson, $569.80; Mr. Doust, $493.25; Mr. Jacobson, $480.95; Mr. Nixon, $472.60.

Mrs. SWANSON. I have averaged all of your items and divided the sum by 52; the result is an average of $9.12 per week.

Mr. MARVIN. I wish to say that I have made a mistake of $100 on each total. Please take $100 from each total.

Mr. JACOBSON. I move that we adjourn for 15 minutes.

Mr. NIXON. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn for 15 minutes, but I wish to say that it is now about 5 o'clock, and if there is nothing special to come before the meeting the Chair will entertain a motion to adjourn until to-morrow morning. Our secretary has been at work night and day, and I think she needs a rest.

Mr. JACOBSON. I move that we adjourn until 9 o'clock to-morrow morning.

Rev. McGINNIS. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn until 9 o'clock to-morrow morning. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it; we will adjourn.

FRIDAY, MAY 16—9 A. M.

The CHAIRMAN. The meeting will please come to order and the secretary will please call the roll.

(Upon roll call by the secretary all answered "present.")

Before we proceed any further with our deliberations I would like to have you turn to page 101 of the report. I want to read to you section 2 of the law:

"It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance."

Also section 3, which says:

"There is hereby created a commission to be known as the Industrial Welfare Commission for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women."

I believe that the legislature, when it passed this law, had the purpose in mind that no woman in the State of Washington employed in any of its industries should be paid less wage than is required to support her in decency and comfort. They did not take into consideration the one who lives at home nor the women who receive support from the outside. They took into consideration just the woman who is self-supporting. That being the case, I want to

impress upon your minds this morning that we must follow that law in order to be within the spirit of it.

There was quite a diversified opinion here relative to the matter of the cost of board and room yesterday. I was somewhat astounded at the remarkably low figures of some in regard to board and room. I do not think that some of the lowest figures that were given were based upon the best judgment, but I am of the opinion that some of the figures that were given were rather high, which was because of these extremely low figures. Now, I appeal to the members of the conference to get right down to business—to find out what is required in the way of board and room. That, I think, is one of the things that ought to be given just and honest consideration. As one of the members of the employees' side said yesterday, if a woman is not properly fed she can't do her work right.

I don't expect any extravagance, but I don't think the minimum-wage woman should be placed on the starvation basis. We have, I think, here to-day with us a conference that is willing to be fair in this matter. We must consider this woman who toils. We have these figures here that range from $208 up to $369 for board and room. There is no reason why this great difference should exist. This commission has made quite a thorough investigation of this matter and have formed quite a fair idea as to what board and room should cost a woman. Our investigations have shown, as you will find on page 49 of the report, the average annual cost of board and room as $273 within walking distance and $267 outside of walking distance. As I said yesterday, I think we should consider street car fare in regard to board and room. I think that is fair. Where a room is located down town, in the business district, board and room is probably higher. Let us consider these matters and do justice to ourselves, to the girls, and to the employers. I assure you that the Industrial Welfare Commission of the State of Washington, who have been given this matter to handle, must abide by the spirit of the law, which is that a self-supporting woman must have an adequate wage based upon the cost of living. I do not think it would be proper of me to accept a motion determining what a minimum wage should be until we have come to some fair estimate of the cost of board and room. We do not want it to go out to the State that this board has cut down on a woman's board; therefore I think we should thoroughly discuss this matter and come to some tentative conclusion.

Mr. JACOBSON. Mr. Chairman, would it be permissible at this time to let me make some explanation of my position in this matter? I want the ladies on the other side to know that my personal likes and desires are not being taken into consideration in this. I am chosen to come here and represent an industry, the same as a man is supposed to represent his colleagues when he goes to Congress. This is on the same principle. You girls are sent up here to represent the working girls—that is, the girl who is to receive the minimum wage. You girls understand the meaning of the word "minimum." You understand we are not endeavoring to fix a schedule of wages in the same manner that a trade organization does; we are endeavoring to establish the least wage that a girl can consistently live on in decency and comfort. I am not here to represent the Rainier Laundry Co., of Seattle, nor the city of Seattle. I am here to represent the laundry industry and am attempting to stay within the bounds of reason. I am sure that everyone present will say that any girl can live respectfully and healthfully on what I am going to lay before this commission. This is not an altruistic business I am sorry to say; there are some problems in our business that have to be looked into. I will just simply state, with reference to this board and room, I am absolutely conscientious in presenting this case. I believe there are a great many self-supporting women that are living on $4 per week for board and room. It is not my purpose to state that the girls shall live on $4 per week, but it is a question of whether she can do so. The rest of the items, I want to say at this time, vary so little on this sheet of mine, with the exception of the item of board and room, that I think it would be possible to come together.

Mrs. UDALL. Do you know anything about these places where a girl can get board and room for $3.50?

Mr. JACOBSON. I really do not know, but that information can be obtained.

Mrs. UDALL. The Y. W. C. A., Women's Inn, and such places are charitable institutions. That is the reason I have asked you this.

Miss HYERS. Mr. Jacobson says he is very confident that a girl can obtain board and room for $4 per week. I don't think he has investigated very thor-

oughly or he would know that a girl can not live on the board and room that they receive. They give a little coffee and toast for breakfast. For lunch a little meat, potatoes, and coffee and bread and butter, and for dinner coffee, bread, and butter, with perhaps a piece of pie or cake.

Mr. JACOBSON. Have you ever boarded at any of those places, Miss Hilts?

Miss HILTS. No; I never have, and I don't think Mr. Jacobson has, either.

Judge DAY. Miss Hilts, let us try to get down to something. Have you actually talked to these girls who board at the cheaper boarding houses? Are you speaking merely from what you think or can you give us the names of girls who are now living in those places?

Mr. DOUST. Mr. Chairman, I believe that I would ordinarily be as liberal as anyone in granting the demands of the girls over there. I have investigated this board proposition pretty thoroughly before I came here, and what I said about this board for $4 per week is true. There is a place right next to my plant with board for $4 per week. The girls from the laundry used to go over and get their dinner and bring it over and eat it in the laundry. The high wage did not cut so much figure with the mercantile conference, for they said they would raise the price of their goods if the wage were placed high, but that is something we can not do. We are in competition with two outlawed firms.

There are the Chinese laundries and the House of the Good Shepherd in Spokane to compete with. They go out and solicit business in competition with us. The Japanese laundry in Spokane runs night and day. Their price list is 30 per cent lower than ours. How are we going to raise our wages and still do business. We can't do it; that is all there is to it. It seems to me that when the legislature makes laws to protect these people they ought to also protect the people who own these businesses. On this particular question I am satisfied that a girl in Spokane can get good board and room, and board on which she can do all kinds of work in a laundry, for $4. When our girls leave the laundry they don't go out as if they were worked to death.

Mrs. UHALL. May I ask you the same question I asked Mr. Jacobson—have you investigated any of those places?

Mrs. SWANSON. Mr. Krause was quite sure the Women's Hotel was self-supporting. Have you investigated it?

Mr. DOUST. The owner of the Women's Hotel sent out posters to our laundry. This hotel is absolutely self-supporting. It has been in operation in Spokane for a good many years, and I am sure it is not a charity institution.

Mr. MARVIN. I think they expect to make no returns on it.

Mr. DOUST. The women's clubs are behind this, but there is no charity about it.

Miss HILTS. Mr. Doust, can you give us about the number of laundry girls there are in the city of Spokane? Could you give us an estimate?

Mr. DOUST. We have 80 girls in our laundry.

Miss HILTS. That would nearly fill up the hotel alone.

Mr. DOUST. There are just about 13 girls in our laundry who do not live at home.

Mrs. UHALL. I still maintain that if the women maintain this home that it is a charity institution.

The CHAIRMAN. The advertisement says: "Rooms for 100 boarders for prices ranging from $3 to $5 per week." We have no means of knowing if the minimum price is going to give the girl proper accommodations.

Mr. MARVIN. I wish to say that, even if it could be proven that this institution was self-supporting, if it is not a business proposition, that to that extent it partakes of the nature of charity, and against any such thing I should have to enter my protest.

Miss HILTS. That would make an average of $5.50 per week if the rooms run from $3 to $5 per week.

The CHAIRMAN. What I contend is that these rooms in Spokane are not going to settle the question. I want to read to you what our investigations have shown with reference to rooms in Bellingham.

(Chairman read from report.)

Mrs. O'CONNOR. I should think we could easily come to some agreement on this thing. I think we should come to some definite decision. I don't think it is necessary to argue any longer on that.

Rev. McGINNIS. Mr. Chairman, I think we have come to a place in our discussion where we are neither going forward nor backward; we are standing still. In order that we may get together I would suggest that you appoint a

representative from each of the three parties here, who will retire and take this matter up and see if we can not arrive at some definite understanding.

The CHAIRMAN. Do you make that as a motion?

Rev. MCGINNIS. I do.

Mr. DOUST. I second the motion.

The CHAIRMAN. It has been moved and seconded that I appoint a committee of three to get together and try to come to some definite understanding on this matter.

Mr. DOUST. I would like to amend that and include Mr. Olson on that committee.

Rev. MCGINNIS. I would be very glad to include Mr. Olson on that.

The CHAIRMAN. All in favor signify by saying "aye." [All voted aye.] The ayes have it. I would request the conference to remain here until we return. I will appoint Mrs. O'Connor, Mrs. McCredie, and Mr. Doust on the committee.

Mr. DOUST. I would rather you appoint one of the other men. I would rather not serve on that committee.

The CHAIRMAN. I would rather not change my decision. I think you would be a very fair representative on that.

Mr. MARVIN. While this may not seem to cut any figure with you, I think it was a good plan to choose you three, as Mrs. O'Connor belongs to the west side, Mrs. McCredie to the center, and you belong to the east side of the State.

The CHAIRMAN. That is the reason I appointed you on this committee.

AFTER RECESS.

The CHAIRMAN. The meeting will please come to order. We have been unable to arrive at any conclusion whatever, and I would ask that we adjourn until 1.30 p. m.

Mr. JACOBSON. I make a motion that we now adjourn until 1.30 o'clock.

Rev. MCGINNIS. I second the motion.

The CHAIRMAN. It has been moved and seconded that we adjourn until 1.30 o'clock. All in favor signify their assent by saying "aye." [All voted aye.] The ayes have it. We will now adjourn.

AFTER RECESS—1.30 P. M.

The CHAIRMAN. The meeting will please come to order. As reported just before the noon hour, the committee which had been appointed was unable to bring in any decision at all, and the Chair would suggest that another committee be appointed to bring in their decision.

Judge DAY. Mr. Chairman, I don't want to take too much out of the hands of the Chair by motion, but I would like to move that another conference committee be appointed, composed of one from each one of these branches, and I would name Mr. Jacobson, Rev. McGinnis, and any one of the ladies from the employees. I make that a motion.

Mrs. O'CONNOR. Mr. Chairman, I served on the other one, as I think it would be up to those two.

The CHAIRMAN. It is moved and seconded that a committee composed of Mr. Jacobson, Rev. McGinnis, and a member from the ladies (selected by the conference) be appointed on a new committee.

Judge DAY. The Chair should select one.

The CHAIRMAN. Would Miss Hilts be satisfactory?

Judge DAY. Yes, sir.

The CHAIRMAN. It is moved and seconded that a committee, composed of Mr. Jacobson, Rev. McGinnis, and Miss Hilts be selected to confer on this matter and bring in a decision in 20 minutes. All in favor signify by saying "aye." [All voted aye.] The ayes have it.

AFTER RECESS.

The CHAIRMAN. The meeting will please come to order. I desire to say that the committee which was appointed was unable to reach any conclusion, and the question is now before the house in the same manner as before the committee was appointed. As you probably know, it is necessary to obtain a vote on this question before this conference can adjourn.

Mr. DOUST. I move that a committee of the balance of the conferees get together.

The CHAIRMAN. I doubt very much if we could get together. I would suggest that some kind of a motion be made.

Mrs. McCREDIE. I move that we fix the minimum wage at $9 per week. I might say here that this is not as large an amount as I think they should have, but under the conditions I make this motion in the hope that we can get something better later on.

Miss HILTS. I second the motion.

The CHAIRMAN. It is moved by Mrs. McCredie and seconded by Miss Hilts "that no person, firm, association, or corporation shall employ any female over the age of 18 years in any laundry and dye-works establishment at a weekly wage rate of less than $9, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living to such employees and to maintain them in health and comfort." Are you ready for the question?

Mr. JACOBSON. Do I understand that if this motion is carried it is to stand?

The CHAIRMAN. There is nothing said about that. I presume it is merely to get a test vote on the question.

Mr. DOUST. It seems to me that it doesn't cost any more to maintain a girl in the State of Washington than in the State of Oregon. I can't see where the consistency of the thing is.

The CHAIRMAN. Are there any further remarks?

Rev. MCGINNIS. Do I understand clearly that this rate of wages is to be paid when the 48 hours have been completed in the week—if a fewer number of hours, then the rate is pro rata? Is that right?

The CHAIRMAN. Yes, sir. It is pro rata. I would think that would be right. It would be based according to the 48 hours.

Judge DAY. A week would be 48 hours. If it was pro rata it would be based upon the hour.

The CHAIRMAN. It is computed on the hour basis.

Rev. MCGINNIS. I would move to amend that resolution and make it read $8.90 instead of $9.

The CHAIRMAN. An amendment is offered to this resolution. I don't hear any second.

Judge DAY. I second the motion.

The CHAIRMAN. It has been moved by Rev. McGinnis and seconded by Judge Day, "that no person, firm, association, or corporation shall employ any female over the age of 18 years in any laundry and dye-works establishment at a weekly wage rate of less than $8.90, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health and comfort." Are you ready for the question?

Judge DAY. Question.

The CHAIRMAN. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Miss Johanna Hilts, Mrs. Julia A. Wilson, Mrs. R. C. McCredie, Rev. R. H. McGinnis, Judge E. M. Day, and Mr. Frank Nixon.

Noes: Mrs. Hilda O'Connor, Mr. W. J. Doust, and Mr. A. Jacobson.

The SECRETARY. The motion stands, 6 ayes and 3 noes.

The CHAIRMAN. The motion is carried, the question, however, can be ratified.

Mr. JACOBSON. Do I understand that if the amendment is carried it will establish a precedent?

The CHAIRMAN. No; we are to ratify that by another motion.

Judge DAY. It would be proper now to vote for the question as amended.

The CHAIRMAN. I might explain that this was moved to get a test vote. If some one wants to make a motion for the regular resolution so that our minutes will show a motion has been passed in its regular form, the Chair will entertain such a motion. It is not necessary to have this voted on again, as it was merely a test vote. That was the intention of it, was it not, Mrs. McCredie?

Mrs. MCCREDIE. Yes, sir.

The CHAIRMAN. In order to lay aside any doubts on this matter we will put this original motion: "It is moved that it is the sense of this conference that the sum of $8.90 per week is the amount sufficient to maintain a woman engaged in the laundry industries. This amount is subject to ratification by proper resolution of this conference." Are you ready for the question?

Mrs. MCCREDIE. I will repeat this motion in the wording that you have been using:

"*Be it resolved*, That this laundry and dye-works conference does hereby make the following recommendation to the industrial welfare commission in

reference to the minimum wage in the laundry and dye-works occupation and industry:

"That no person, firm, association, or corporation shall employ any female over the age of 18 years in any laundry and dye-works establishment at a weekly wage rate of less than $8.90, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health and comfort."

Miss HILTS. I second the motion.

The CHAIRMAN. You have heard the resolution just read, all in favor signify their assent by saying "aye"; contrary, "no." The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Miss Johanna Hilts, Mrs. R. C. McCredie, Rev. R. H. McGinnis, and Judge E. M. Day.

Noes: Mrs. Hilda O'Connor, Mrs. Julia A. Wilson, Mr. W. J. Doust, Mr. Frank Nixon, and Mr. A. Jacobson.

The SECRETARY. The motion stands—5 noes and 4 ayes.

The CHAIRMAN. The motion is lost.

Mr. DOUST. I move that $8.50 be adopted as the minimum wage.

Mr. JACOBSON. I second the motion.

The CHAIRMAN. Upon motion duly made by Mr. W. J. Doust and seconded by Mr. A. Jacobson, the following resolution was recommended:

"*Be it resolved*, That this laundry and dye-works conference does hereby make the following recommendations to the industrial welfare commission in reference to the minimum wage in the laundry and dye-works occupation and industry:

"That no person, firm, association, or corporation shall employ any female over the age of 18 years in any laundry and dye-works establishment at a weekly wage rate of less than $8.50, such wage being the estimate of said conference of the minimum wage adequate in such occupation and industry to supply the necessary cost of living of such employees and to maintain them in health and comfort."

If this motion carries, it stands. Are you ready for the question?

Mr. NIXON. Question.

The CHAIRMAN. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Rev. R. H. McGinnis, Judge E. M. Day, Mr. W. J. Doust, Mr. Frank Nixon, and Mr. A. Jacobson.

Noes: Mrs. Hilda O'Connor, Miss Johanna Hilts, Mrs. Julia A. Wilson, and Mrs. R. C. McCredie.

The SECRETARY. The motion stands—5 ayes and 4 noes.

The CHAIRMAN. The motion is carried.

The CHAIRMAN. The next question before the house is what length of lunch period is demanded for maintenance of health of laundry and dye-works employees.

Mrs. O'CONNOR. I move that not less than one hour shall be allowed for noonday luncheon to any female employee in any laundry and dye-works establishment in the State of Wisconsin.

Mrs. MCCREDIE. I second the motion.

The CHAIRMAN. Upon motion made by Mrs. Hilda O'Connor and seconded by Mrs. R. C. McCredie, the following resolution was recommended:

"*Be it resolved*, That the laundry and dye works conference does hereby make the following recommendation to the industrial welfare commission in reference to standards of conditions and labor demanded for the health and morals of employees in such laundry and dye works occupation and industry:

"That not less than one (1) hour shall be allowed for noonday luncheon to any female employee in any laundry and dye works establishment, such requirement being demanded for the health of such employees."

Are you ready for the question?

Miss HILTS. Question.

The CHAIRMAN. The secretary will please call the roll.

(Upon roll call the following vote was recorded:)

Ayes: Miss Hilda O'Connor, Miss Johanna Hilts, Mrs. Julia A. Wilson, Mrs. R. C. McCredie, Rev. R. H. McGinnis, Judge E. M. Day, Mr. W. J. Doust, Mr. Frank Nixon, and Mr. A. Jacobson.

The SECRETARY. All voted aye.

The CHAIRMAN. The motion is carried.

The next question is what provisions should be required in each laundry and dye works establishment for (a) toilet for women workers, (b) rest rooms, (c) ventilation?

Mrs. MCCREDIE. I make the following as a motion:

"Every person, firm, or corporation engaged in the laundry business and employing males and females in the same establishment shall provide for such employees suitable and proper wash and dressing rooms and water-closets for males and females, and shall provide not less than 250 cubic feet of air space for each and every person in every workroom in said establishment; and the water-closets, wash and dressing rooms used by females shall not adjoin those used by males, but shall be built entirely away from those and shall be properly screened and ventilated; and all water-closets shall be at all times kept in a clean and sanitary condition.

"No person, firm, or corporation engaged in the laundry business and employing males and females in the same establishment shall require or permit both males and females to labor together in sorting soiled garments, but this labor shall be performed by either males or females alone and at a time when the opposite sex is not present."

Miss HILTS. I second the motion.

The CHAIRMAN. You have heard the reading of this resolution; it has been moved and seconded. Are you ready for the question?

Mr. DOUST. I want to say that if this motion is carried it would put some of the girls out of work. We have, at the present time, men and women marking clothes, two working at one end of a table and one at the other end, and if such a motion were carried and put into effect the girls would be thrown out of employment and men put in their places.

Rev. MCGINNIS. I would like to have an expression from the girls. There seems to be two resolutions in this one we have read. If one of these were left out it might perhaps be carried. With the two together it might fail.

Mrs. MCCREDIE. If we might dispose of this more easily I will withdraw the last part of the motion in regard to the soiled clothes. It would then read like this:

"Every person, firm, or corporation engaged in the laundry business and employing males and females in the same establishment shall provide for such employees suitable and proper washrooms and provide them with chairs, soap, and towels, and dressing rooms and water-closets for males and females, and the water-closets, wash and dressing rooms used by females shall not adjoin those used by males, but shall be built entirely away from those and shall be properly screened and ventilated; and all water-closets shall at all times be kept in a clean and sanitary condition."

Mr. JACOBSON. It might be a good idea to embody in this resolution that the factory laws do not cover this phase of the resolution. I would also say that this would work a hardship on the small laundry. In my particular plant it wouldn't make any difference.

Mrs. MCCREDIE. I wish to withdraw my resolution until we have something drafted along this line.

The CHAIRMAN. Was that motion withdrawn with the consent of your second?

Miss HILTS. Yes, sir.

Mrs. MCCREDIE. Mr. Chairman, I wish my motion to read like this:

"Every person, firm, or corporation engaged in the laundry and dye-works business and employing males and females in the same establishment shall provide for such employees suitable and proper wash and dressing rooms and water-closets for males and females; and the water-closets, wash and dressing rooms used by females shall not adjoin those used by males, but shall be built entirely away from those and shall be properly screened and ventilated; and all water-closets shall at all times be kept in a clean and sanitary condition."

Miss HILTS. I second the motion.

The CHAIRMAN. You hve heard the resolution read and seconded; are you ready for the question? If there is no remarks we will put it to a vote. The secretary will please call the roll.

Upon roll call the following vote was recorded:

Ayes: Mrs. Hilda O'Connor, Miss Johanna Hilts, Mrs. Julia A. Wilson, Mrs. R. C. McCredie, Rev. R. H. McGinnis, Judge E. M. Day, Mr. W. J. Doust, Mr. Frank Nixon, and Mr. A. Jacobson.

The SECRETARY. All voted aye.

The CHAIRMAN. The motion is carried.

As there is nothing further before the house, I want to thank each and every one of you for acting on this conference, and before you go away I would like to have you sign these recommendations that have been made to the commission so that we may have them in shape. Motion is now in order for adjournment.

Rev. MCGINNIS. I move we adjourn.

Mrs. MCCREDIE. I second the motion.

The CHAIRMAN. It is moved and seconded that we adjourn sine die—all in favor signify their assent by saying "aye." [All voted aye.] The ayes have it—and we do now adjourn.

PEARL E. MOTZER,
Secretary Laundry Conference.

CONSTANTINE EXHIBIT NO. 1.

CONSTITUTION AND BY-LAWS OF THE EMPLOYERS' ASSOCIATION OF WASHINGTON.

[Organized February 9, 1911.]

DECLARATION OF PRINCIPLE.

We believe in harmonious industrial relations between employer and employee, and that the latter shall receive adequate compensation and timely advancement for his services, measured by his individual efforts. We shall not countenance any employer who does not pay a fair day's wages for a fair day's work. Nor any employee who shirks a fair day's work for a fair day's pay.

We are unalterably opposed to the principle of the closed shop. It is un-American and illegal and unfair to the independent workman who does not desire to join a union, to the employer who prefers to operate an open shop, and to the public. Therefore, we shall defend the right of every workman to be free to dispose of his time and skill advantageously, and we shall maintain the right of every employer to conduct an open shop.

We are strenuously opposed to lockouts, strikes, sympathetic strikes, boycotts, and kindred evils. We will resist those selfish interests which through coercion, false statements, and violence disrupt the relations of peace and unity existing between the just employer and his employees.

Law and order are essential to the commercial progress and development of the communities of our State. We pledge our support to the properly constituted authorities for the impartial enforcement of law and the strict maintenance of order at all times and in all places, so that the communities of our State may enjoy their constitutional and inalienable rights to peace, liberty, and security for life and property.

BY-LAWS.

ARTICLE I.

NAME.

The name of this organization shall be The Employers' Association of Washington.

ARTICLE II.

MEMBERSHIP.

SECTION 1. The membership shall consist of individuals, corporations, partnerships, and employers' associations employing labor in any branch of industry. Any such individual, corporation, partnership, or employers' association may acquire membership in this association and have representation as provided by Article V after signing the membership roll and payment of dues.

SEC. 2. Members shall be elected by the board of directors in such manner as the board may prescribe.

SEC. 3. Each individual, corporation, partnership, or employers' association holding membership in the association, and entitled to vote, shall designate one person to represent him or it in the association; the person so designated may be represented by proxy, provided such proxy is presented by a partner in a firm or an officer or director in any corporation which may be a member of the association, by consent of a majority of the members of the board of directors present at any meeting.

ARTICLE III.

OFFICERS AND DIRECTORS.

SECTION 1. The government of this association shall be exercised by a board of directors of —— members who shall be elected at the first meeting of the association, one-third of whom shall serve one year, one-third two years, and one-third three years, the length of service of each class to be determined by lot.

The annual meeting of the association shall be held on the second Thursday in February of each year, at 2.30 p. m., at the rooms of the association in Seattle, at which annual meeting —— members to replace the outgoing class shall be elected by ballot as members of the board of directors, whose terms of office shall be three years. Any vacancies in the other classes shall also be filled at the annual meeting by ballot, and a majority of the votes cast shall be necessary to elect.

Special meetings of the association shall be called by the president upon written request of nine members. Notice of special meetings shall be mailed to each member at least three days prior to the date of holding such meetings.

SEC. 2. The board of directors shall meet within one week following the annual meeting, and shall elect from its members a president, vice president, and treasurer, who shall hold office until the next annual meeting or until their successors are elected and qualified. The board of directors shall also appoint a secretary and manager; one person may hold both offices.

SEC. 3. The board of directors shall hold regular meetings on the second Tuesday of each month, unless otherwise ordered. Special meetings may be called at any time by order of the president, and shall also be called at the request in writing of three members of the board. Seven members of the board shall constitute a quorum. The board of directors may fill any vacancy in its body by election by ballot from the members of the association, to hold office until the next annual meeting.

SEC. 4. The board of directors shall attend to all matters referred to it by the association; shall govern, manage, and act for the association in all emergencies; shall reject or approve applications for membership and resignations; shall suspend or expel members for cause. It may appoint employees and agents of the association, prescribe their duties, fix their compensation, and appropriate such sums from the treasury of this association for such purposes as it may deem necessary.

SEC. 5. The president, or in his absence, the vice president, shall preside at all meetings of the association and board of directors. In the event of their absence, a meeting of the association or board of directors may elect its presiding officer. The president shall, with the manager, sign all written contracts and obligations of the association. He shall appoint all committees for the current fiscal year, and shall have power at all times to fill vacancies in such committees. He shall perform such other duties as the board of directors may assign to him.

SEC. 6. The president shall appoint the following standing committees: An executive committee of five members, a finance committee of five members, and a membership committee of five members.

The executive committee may be appointed every three months and shall serve until their successors are appointed and qualified. It shall be the duty of the committee to visit the office of the manager from 1.30 to 3 p. m., at least once each week to confer with the manager and direct the work of the association, and shall have full power to conduct the affairs of the association, subject to the approval of the board of directors.

The finance committee shall finance the association, supervise expenditures, and do any and all things to maintain the association on a sound financial basis, subject to the approval of the board of directors.

The membership committee shall devise plans for securing membership and pass upon all applications for membership, subject to the approval of the board of directors.

SEC. 7. The secretary shall keep correct minutes of all meetings, both of the board of directors and the association; shall have the custody of all books and papers, excepting those belonging to the department of the treasurer; shall collect the fees and dues of the members and all other moneys due or coming to the association, and shall pay the same over to the treasurer, taking his receipt therefor, or the receipt of such bank as the treasurer may designate. He shall keep the records and conduct the general correspondence of the association; he shall notify each person elected to membership of his election, and that upon signing the by-laws he will be a member of the association.

SEC. 8. The treasurer shall receive from the secretary all moneys belonging to the association and shall receipt for and keep a correct account of the same. He shall pay out such moneys only upon written order of the manager, countersigned by the president. He shall make a detailed financial report to the association at each annual meeting, and at such other times as the board of directors may require.

SEC. 9. The officers and employees of the association shall, if so requested by the board of directors, give surety bonds for the faithful discharge of their duties in such sums as the board of directors may from time to time require. At the expiration of their several terms all officers shall turn over to their successors all moneys, property, books, and papers of the association in their possession. All bonds shall be for the benefit of and payable to the association; the surety companies issuing such bonds shall be selected by the board of directors, and the premiums therefor shall be paid for by the association.

SEC. 10. Fifteen members of the association shall be a quorum at any meeting for the transaction of business.

SEC. 11. A committee, to consist of five members of the association, to nominate directors for the ensuing year, shall be elected by ballot by the board of directors at a regular meeting of the board one month preceding the annual meeting of the association. The duty of such committee shall be to nominate members who have consented to serve for the term of three years, and as many other as may be required to fill any vacancy in the board which may have occurred during the year. Said committee shall make and sign such recommendation, and report to the board of directors the names of the parties recommended by them, at least 10 days prior to the date of the annual meeting.

ARTICLE IV.

SECTION 1. The monthly dues of the members of this association shall be—

	Per month in advance.
Less than 5 employees	$1.00
Over 5 less than 10 employees	1.50
Over 10 less than 15 employees	2.00
Over 15 less than 20 employees	2.50
Over 20 less than 30 employees	3.00
Over 30 less than 35 employees	3.50
Over 35 less than 40 employees	5.00
Over 40 less than 50 employees	7.50
Over 50 less than 75 employees	10.00
Over 75 less than 100 employees	12.50
Over 100 less than 150 employees	15.00
Over 150 less than 200 employees	20.00
Over 200 less than 250 employees	25.00
Over 250 less than 300 employees	30.00
Over 300 less than 350 employees	35.00
Over 350 less than 400 employees	40.00
Over 400 less than 500 employees	50.00

CONTRIBUTING MEMBERS.

This membership is confined to individuals, partnerships, and corporations not especially employing men, but interested in the work of the association.

Dues from $1 to $50 per month.

SEC. 2. Additional funds may be provided for by special assessments, the amount of which shall be determined by the board of directors.

SEC. 3. Any member three months in arrears in payment or assessments of dues may be suspended or expelled by a two-thirds vote of the board of directors.

SEC. 4. Any member who is in arrears for a period of 20 days in the payment of any sum due the association shall not be entitled to the benefits of membership in the association in the settlement of any difficulty arising between himself and his employers: *Provided, however*, That the board of directors may after careful consideration and by a majority vote grant to any such member the privilege of participating in all of the benefits of membership.

ARTICLE V.

VOTING POWER OF MEMBERS.

Each member in good standing shall be entitled to one vote: *Provided*, That when assessments paid by a member exceed $100 per annum, he shall be entitled to one additional vote for each $100 so paid. No member shall, however, be entitled to more than three votes at any association meeting.

ARTICLE VI.

SECTION 1. These by-laws may be amended at any meeting of the association by a two-third vote of the members present. Notice and copies of proposed amendments shall be furnished to the secretary at least 20 days before the date of the meeting at which it is proposed to consider them. The secretary shall cause notice of such meeting to be printed, together with such proposed amendments, and sent to each member at least 10 days prior to the date thereof.

ARTICLE VII.

Roberts's Rules of Order shall be recognized as the standard authority of this association.

ARTICLE VIII.

The order of business of any meeting of this association shall be:

1. Call to order.
2. Reading the minutes of previous meeting.
3. Reports of officers.
4. Reports of committees.
5. Unfinished business.
6. New business.
7. Election of officers.

CONSTANTINE EXHIBIT NO. 2.

(This pledge was urged upon all candidates to the legislature of 1913 by the labor unions and allies. An agent of the unions in both senate and house recorded the votes of the members and these later were so informed. The method has coercive effect on the legislator.)

JOINT LEGISLATIVE COMMITTEE OF DIRECT LEGISLATION LEAGUE OF WASHINGTON.

[State Federation of Labor, Farmers' Union, State Grange.]

DEAR SIR: The joint legislative committee are anxious to inform their membership and the many other voters of the State who look to them for guidance as to your attitude, if elected to the legislature, on the following issues, upon which these organizations have mutually agreed to support one another in securing the enactment of the legislation thereon.

Your signature in the blank space below each measure outlined signifies that you approve of such legislation and will use your best endeavors to enact same into law in such form as will effectually guard the interests of the masses of the people whom the measure is aimed to benefit.

1. A constitutional amendment granting to the people the right to amend their constitution by the initiative. The accompanying bill (see next page) passed the house (1911 session) by a vote of 77 for, 15 against, and 4 absent. Your signature on the blank line below pledges your support of this bill as

printed, with only such amendments as may be acceptable to the joint legislative committee.

Signed_____

2. A law permitting cooperative associations to form corporations for the transaction of any lawful business on the cooperative plan; providing for the payment of interest on paid-up capital stock, setting aside a percentage of the net profits for a reserve fund and the distribution of the remainder of said profits by uniform dividends upon the amount of purchases of shareholders and upon wages and salaries of employees.

Signed_____

3. A law making it a misdemeanor for any person to demand or receive, either directly or indirectly, from any person seeking employment, or from any person on his behalf, any remuneration whatever for providing him with employment. Also providing free State employment agencies in such number as to facilitate the prompt distribution of labor in response to demands.

Signed_____

4. A change in the rules of the house and senate which will eliminate the power of the rules committee over legislation by substituting a system whereby each senator and representative will by a vote express his preference as to what bills shall be considered daily those measures having the highest vote to have preference on the calendar.

Signed_____

5. A law providing for the regulation and supervision by the State of investment companies or other corporations organized to sell stocks or bonds to the public, in a manner similar to the present system of bank examination, the purpose being to prevent the fleecing of innocent people by wild-cat companies organized for such purposes.

Signed_____
Address_____
Legislative district_____

NOTE.—Read carefully the explanatory notes and references on next page, showing the needs of the above legislation. Failure to sign and return to the undersigned within 10 days will be construed as a negative answer. Your reply will be given the fullest possible publicity in order that those interested may know your attitude toward these measures.

Explanatory remarks may be written on the back thereof.

Sign and return to_____

Very truly, yours,

Address_____

EXPLANATORY NOTES.

1. Proposed amendment to our State constitution giving the people the right to initiate amendments to our constitution. The following is the bill referred to in the preceding pledge:

AN ACT To amend section 1 of Article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative.

Be it enacted by the Legislature of the State of Washington.

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1914, there shall be submitted to the qualified electors of the State of Washington for their adoption or rejection an amendment of section 1 of Article XXIII of the constitution of the State of Washington, relating to amendments and providing for the amendment of the constitution by the initiative, so that the same shall read as follows:

ARTICLE XXIII.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, or by the people, as hereinafter specified; and if the same shall be proposed by the legislature and agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes

and laws thereon, and be submitted to the qualified electors of the State for their approval at the next general election: *Provided, however*, That the people reserve to themselves the power to propose, independent of the legislature, any amendment or amendments to this constitution by petition setting fourth the full text of such proposed amendments, signed by not less than 10 per cent, nor in any case more than 50,000 of the legal voters of this State, the percentage required to be determined from the whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition, and filed with the secretary of state at least four months prior to the next regular election, who shall submit the same to the people for their approval or rejection at the next regular general election; and if the people approve and ratify such amendments or amendment by a majority of the electors voting thereon, the same shall become a part of this constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against each amendment separately.

The style of all bills for constitutional amendment proposed by initiative petition shall be: "*Be it enacted by the people of the State of Washington.*"

SEC. 2. The secretary of state shall cause the amendment proposed in section 1 of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published throughout the State.

SEC. 3. There shall be printed on all ballots provided for the said election the words:

"For the proposed amendment of section 1 of Article XXIII of the constitution, relating to amendments, and providing for the amendment of the constitution by the initiative."

"Against the proposed amendment to section 1 of Article XXIII of the constitution, relating to amendment, and providing for the amendment of the constitution by the initiative."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the constitution from the time of such proclamation.

(Read Review of Legislative Proceedings by Joint Legislative Committee under heading "To amend the constitution by the initiative" (H. B.), No. 60.)

2. The growing tendency of to-day toward cooperative institutions in the fruit, grain, dairy, and other farm products, cooperative factories, workshops, banks, and stores makes it imperative that legislation be enacted in the interests of those who participate in such cooperative corporations, to the end that uniformity of organization and methods of conducting such institutions in the interests of the great number of shareholders will be adhered to. Wisconsin has such a law, which commends itself to our people.

3. Private employment agencies, in their endeavor to bring the man and the job together, have to a large degree become systematic machines to exploit workmen for the financial gain of themselves and the employers or foremen with whom they frequently divide the profits of the business. Ex-Mayor Pratt, of the city of Spokane, cites as an illustration of the evils of the present system the case of a laborer that was sent 14 times upon one job of work by the same employment agency, paying a $2 fee each time, earning $120 and paying out $28 in employment-agency fees.

Efforts of other States to regulate paid employment agencies have in a large degree failed. The Federal Government, which enacts legislation in behalf of the sailors, has succeeded by striking directly at the heart of the evil and making it a misdemeanor to withhold any fees from a seaman's wages for having secured him employment. This does not eliminate paid employment agencies, but shifts the costs of fees, if any, from the employee to the employer. Such a law, together with State free employment agencies, will most effectually solve the question of prompt, economic, and successful distribution of labor in response to honest demands.

4. *Power of the rules or calendar committee.*—Read Review of Legislative Proceedings by Joint Legislative Committee, under heading "Organization of legislature and committee on rules and order," and you will immediately see the need of the change to a majority-rule system.

5. The necessity of regulation and supervision of all companies selling stock or bonds to the public, so that assurance may be given that the company is not a fake, but a legitimate investment, is apparent to all. Under such a law (blue-sky law) Kansas has driven from the State all fake investment companies. With its adoption an innocent public would be protected from being fleeced by United Wireless and similar companies organized for no other purpose.

Inquiries for further information addressed to any of the undersigned will be promptly replied to.

Trusting that you will carefully consider these matters and make your reply on the inclosed pledge blank, we remain,

FRED J. CHAMBERLAIN,
Chairman, Puyallup, Wash.,
ALMER McCURTAIN,
Davenport, Wash.,
CHAS. R. CASE,
Secretary-Treasurer, 1518 Sixteenth Avenue North, Seattle,
Joint Legislative Committee.

CONSTANTINE EXHIBIT NO. 2.

STOP! LOOK! LISTEN!

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
LOCAL UNION NO. 77,
Seattle, Wash.

DEAR SIR: Very recently a business man in Seattle who has more than $10,000 invested in an enterprise signed a contract for two years with "The Electric Co." legally known as the Puget Sound Traction, Light & Power Co. This company some two years ago was declared unfair to organized labor in Seattle and vicinity. This man claimed he did not know this fact. His receipts dropped to such an extent that in a short time he would have been compelled to go out of business. He investigated and found the cause. He thereupon applied to the Central Labor Council of Seattle and vicinity and an investigation was made by a committee of said council. He claimed he did not know the facts, and the committee, believing him, relieved him of further loss by a report the gist of which was published in the Union Record and Seattle Herald of recent date. He will in the future stop, look, and listen.

Do you wish to be placed in the same predicament without the excuse he gave? You can not say you did not know—this informs you of the fact that the Puget Sound Traction, Light & Power Co. is unfair to organized labor. If you are using this unfair product of this unfair company and your receipts are not coming up to your expectations, you will know the cause of at least a part of the lack of income.

If you are contemplating using electric light and power it would be advisable to sign a contract with the city of Seattle—your own company—for light and power. Every user of city light in any business is known to Local Union No. 77, International Brotherhood of Electrical Workers. They send communications to the other 105 affiliated unions, representing about 60,000 population in this city and vicinity, and they are always on the job. A word to the wise is sufficient. Don't afterwards say "I did not know" (it was loaded).

Stop! Look! Listen! For city light—your own plant and property—call Main 8500, Local 56, and a solicitor will be sent you.

Yours, truly,

LOCAL UNION NO. 77, I. B. E. W.

(This letter was sent out by the above union to a large number of retail establishments during the summer of 1914. It is typical of their methods of intimidation.—*Earl Constantine, Manager.*)

CENTRAL LABOR COUNCIL OF SEATTLE AND VICINITY,
Seattle, Wash., May 30, 1914.

DEAR SIR: A letter was read at the last regular meeting of this council again calling our attention to the fact that you are still employing Japanese help in your kitchen, and I was instructed to notify you that as long as an American citizen continues such practice while there are thousands of people, citizens of

this country, out of work, we condemn such practice and will warn every one from patronizing such eating places. We hope and trust that some day the very Japanese which you are employing will open up a place next door to you and take all trade away from you and send your good American dollars to Japan.

You can not afford to ruin your business, but you can build it up; and I trust that you will give this matter a little better than passing attention and turn your eating place into that kind in which every American citizen would like to eat, and eliminate that yellow streak that at this time mars your concern.

Very truly, yours,

R. Lowe, *Secretary.*

(This letter was sent to several delicatessen restaurants, and illustrates one of the coercive methods commonly employed by unions in attempting to unionize retail shops.—*Earl Constantine, Manager.*)

McMANON EXHIBIT.

CONTRACT FOR FISHING SEASON 191__.

Whereas _____, hereinafter designated as the party of the first part, is engaged in the business of hiring men for the purpose of working in the canneries of the Pacific coast; and whereas the undersigned, _____, hereinafter designated as the party of the second part, is desirous of being employed by the party of the first part:

Now, therefore, for and in consideration of the party of the first part securing employment by the party of the second part, and for certain other good and valuable considerations passing to the party of the second part from the party of the first part, and for the further consideration of the covenants and agreements hereinafter set forth, it is agreed herein by and between the said party of the first part and the party of the second part, as follows:

1. The said party of the second part is hereby employed to work for the said party of the first part for the entire season of 1914 at _____ and in and about and around such cannery, or in, around, and about such other cannery as may be hereafter designated by the party of the first part.

2. It is expressly agreed and understood by and between the party of the first part and the party of the second part that the fishing season for 191__ shall commence at such time as is designated by the party of the first part, and shall end at such time as is designated by the party of the first part, and shall commence when the party of the first part has secured transportation for the party of the second part, and when the sailing ship or steamboat is ready to leave any port in the State of Washington, or any port, for such cannery or canneries as may be designated by the party of the first part, and shall not end until after the full fishing season at such cannery or canneries so designated by the party of the first part shall have ceased, and until all the fish canned at said cannery shall have been canned, the cans lacquered, labeled, and cased, and the casings fully stenciled and ready to be loaded upon the steamer or boat to be transported from said place of shipment.

3. That during the fishing season of 1914, each day's work by the party of the second part shall be 11 hours, from 6 o'clock a. m. until 6 o'clock p. m.

4. That no extra time shall be allowed in any manner whatsoever for time prior to the run of fish, during which time the party of the second part, or other employees, are preparing and making cans.

5. The party of the first part agrees to pay to the party of the second part for said full season's work the following-named sum, to wit, the sum of $200 (usually $150), and in addition thereto agrees to pay to the part of the second part 15 cents per hour as overtime for all work done by the party of the second part between the hours of 6 o'clock p. m. and 6 o'clock a. m., but no overtime or Sunday work shall be allowed for making cans.

6. The party of the second part shall be paid $1.65 per day for Sunday work during the run of fish and 15 cents per hour as overtime between the hours of 6 o'clock p. m. and 6 a. m., when it is necessary that the party of the second part shall work to take care of the run of fish.

7. If requested to work on Sunday or overtime, the party of the second part shall do so at any time, under the direction of the Chinese foreman, the Japanese foreman, or the agent or person in charge of the cannery, and if the second party

shall refuse to work on Sunday or overtime, then the party of the first part shall have the right to deduct from all wages due the party of the second the sum of 25 cents per hour for each hour that the said second party shall refuse to work on Sunday or overtime, and the same shall be deducted from the wages of the party of the second part at the end of the season.

8. It is further agreed that should the party of the second part strike, refuse to work, cease work, or demand higher wages, the party of the first part shall have the right to employ a third person or persons to take the place of said person who may strike, refuse to work, or demand higher wages, or additional board or food, and in that event all amounts earned by the said person so employed to take the place of the party of the second part who shall cease to work, strike, or demand higher wages, additional board, or food shall be deducted by the party of the first part from the amount due to the party of the second part at the end of the season.

It is further agreed that if the cannery at which the party of the second part has hereby agreed to work should burn down or be destroyed, or if the work at said cannery should close before the end of the fishing season for said year, the party of the first part shall have the right to remove the party of the second part from such cannery to any other cannery or canneries in order to complete a full season's work as herein agreed, and should the cannery at which the party of the second part is employed burn or be blown down or cease to work before the end of the fishing season and should the said party of the second part refuse to be transferred to such other cannery or canneries as the party of the first part may designate, he shall collect under this agreement in such amount as the time which he worked before the destruction or shutting down of said cannery actually bears to a full season's work, and no more, and should said cannery at which the party of the second part has herein agreed be work be blown down or destroyed before the end of the fishing season, and should the party of the first part not being able to transfer the party of the second part to some other cannery or canneries, then the amount which the party of the first part shall pay under this agreement is such sum only as the time actually worked by the party of the second part bears to a full season's work.

9. The party of the first part shall pay the transportation of the party of the second part both ways from Seattle to the cannery and return, provided the party of the second remains and works the full season as herein agreed; but if the said party of the second part does not remain and work for the full season then there shall be charged up to the party of the second part and deducted from his wages his transportation both ways.

10. It is agreed and understood by and between the party of the first part and the party of the second part that board shall be furnished to the party of the second part by the Chinese contractor, the same as is usually furnished to Chinese laborers, and that the owner or owners of the cannery shall furnish to the party of the second part a place to sleep in some building or tent provided for that purpose.

11. The party of the second part agrees to remain at the same class of work during the whole of the season; but the foreman of the cannery, or the person in authority, may change the party of the second part to any other work he desires in and about the cannery or canneries; and there shall be no increase or decrease of wages by reason of the change of work.

12. If the party of the second part does not do the work that he is directed to do by any foreman in the manner designated, or if the party of the second part is incapacitated by sickness or any injury he may receive by reason of his own fault, or on account of any person whomsoever, the party of the second part shall be charged 25 cents per hour for each hour that he does not work and 25 cents for each meal that he may receive while not working, and the said amount or amounts shall be deducted from his wages at the end of the season.

13. It is further agreed that as soon as the fish begin to run the party of the second part must be in bed not later than the hour of 10 o'clock at night, and no gambling, carousing, brawling, shouting, or loud noises shall be indulged in, in, around, or about the cannery or sleeping places of the party of the second part, or of any other laborer after the said hour of 10 o'clock p. m., and should the party of the second part not obey this provision, then and in that event the foreman in charge of the cannery, the Chinese foreman, or the Japanese foreman, shall have the right to deduct the sum of $5 for each time the party of the second part shall be guilty of any such prohibited conduct,

said sum to be deducted from the wages of the party of the second part at the end of the season.

14. The party of the second part further agrees that he will not sell, give, or furnish any liquor to any Indian or Indians or to any person employed in, around, or about the said cannery in which he may be working during the continuance of this contract, and if he fails to keep this provision, then and in that event he shall work a forfeiture to the party of the first part of any and all wages and claims due to the party of the second part under and by virtue of this contract.

15. Should the party of the second part engage in brawls or fights, or become intoxicated, or shout or make loud noises after the hour of 10 o'clock p. m. during any of the said fishing season, the party of the first part shall have the right to forfeit this contract and to retain as liquidated damages to the party of the first part 25 cents for each hour of work from the time said contract is forfeited until the end of the fishing season, and shall have the right to discharge the party of the second part for any such conduct.

16. It is further agreed that the party of the second part shall pay to the party of the first part the sum of $3.50 per season as part of the consideration for obtaining said employment and in consideration of the party of the first storing any personal property which may be left with the party of the first part by the party of the second part, and for forwarding any and all mail that may come into possession of the party of the first part for the party of the second part to such cannery as the party of the second part may be employed, said sum to be deducted from the wages of the party of the second part at the end of the season.

17. All wages for the season shall be paid at the end of the season, at the office of the party of the first part, in the city of Seattle, King County, Wash., within seven days after the return of the party of the second part to Seattle.

18. It is further agreed by and between the parties hereto that any money that may be loaned or advanced by the party of the first part to the party of the second part before the beginning of the fishing season may be deducted from the wages of the party of the second part at the end of the season.

19. If the party of the second part shall willfully destroy any property owned by the person or company owning any cannery at which the party of the second part may be employed, or any property belonging to the Chinese contractor at said cannery or the foreman of the party of the first part, the value of all such property so destroyed shall be deducted from the wages of the party of the second part at the end of the fishing season's work.

20. The party of the second part has been fully informed and knows that neither the Japanese foreman in charge of the Japanese laborers, the Chinese foreman, or any person whomsoever other than the party of the first part has any authority to alter, change, or modify any of the terms or conditions of this agreement or to contract any bill or to incur any liability or indebtedness for any purpose whatever and that any such alteration or attempted alteration if made by any person other than the party of the first part shall be absolutely void, and that the parties to this agreement shall be held and firmly bound by this contract as originally signed and entered into between the parties hereto and not by any change or modification thereof.

21. The party of the first part shall deduct from the earnings of the party of the second part under this contract, at or before final payment is made, all charges for any and all goods or merchandise which the party of the second part shall procure from the owner of the cannery, the Chinese contractor, the Japanese foreman, or the Chinese foreman at the said cannery.

22. The party of the second part and the party of the third part hereto fully understand this agreement and all the covenants set forth and contained herein, and they and each of them agree to be bound thereby; they and each of them both understand that the party of the first part has heretofore made and entered into a binding contract with the Chinese contractor at the cannery or canneries to which the said party of the second part may be sent to perform labor, binding contracts to furnish healthy, sober, industrious, and competent Japanese laborers to perform the work and labor which the party of the second part has agreed to perform; that the canneries to which the party of the second part has hereby agreed to be sent are remote from places where laborers may be conveniently obtained and that the party of the first part will sustain damages in an amount equal to or greater than any amounts provided herein should the party of the second part fail to faithfully keep and perform each and all of the covenants and conditions of this agreement. The

said parties hereto understand that if the party of the second part shall go upon a strike or cease to work, or become intoxicated, or engage in brawls, or furnish liquor to the Indians or any laborer at said cannery or canneries, the Chinese contractor and his foreman have the right to demand that the party of the first part shall, or his foreman shall, discharge the party of the second part and remove the party of the second part from said cannery, and that the party of the second part, in such event, will be charged for all meals thereafter consumed at said cannery by the party of the second part after being discharged, and that the said Chinese contractor has the right to charge against the party of the first part the sum of 25 cents per hour for all time which the party of the second part shall refuse to faithfully work, as provided in this agreement, and that this is the reason why this contract is made as it is made, and in order that the party of the second part shall faithfully perform said contract and perform the full season's work as herein agreed, not only during the time the fish are actually being caught and canned, but until all the fish are caught and canned, the cans tested, lacquered, labeled, and cased, and the cases nailed and fully stenciled ready for shipment.

In witness whereof the parties to this agreement have hereunto set their hands and seals this_____day of_____, A. D. 191__.

_____ _____ [SEAL.]
_____ _____ [SEAL.]
_____ _____ [SEAL.]

BROWN EXHIBIT.

No. 82.

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *July 31, 1914.*

Pay-roll statement.

Name: Kessler, A.

Wages: 4.5 hours, at $1.50	$6.75
Less 10 per cent	.67
	6.08
Balance due, per check herewith	6.08

No. 83.

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *July 31, 1914.*

Pay-roll statement.

Name: Bristow, L. B.

Wages: 22.4 hours, at $1.75	$39.20
Less 10 per cent	3.92
	35.28
Total deductions	1.60
Balance due, per check herewith	34.28
	1.68
	35.96

No. 46.

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *July 31, 1914.*

Pay-roll statement.

Name: Ogden, M.

Wages: 4.5 hours, at $1.75	$7.87
Less 10 per cent	.78
	7.09
Balance due, per check herewith	7.09
	1.58
	8.67

No. 28.

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *June 30, 1914.*

Pay-roll statement.

Name: Sage, S. A. Month: June.

Wages: 26.2 hours, at $1.75		$45.85
Less 10 per cent		4.58
		41.27
Deductions:		
Cash	$6.00	
Rent	7.00	
Total deductions		13.00
Balance due, per check herewith		28.27

No. 34.

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *June 30, 1914.*

Pay-roll statement.

Name: Sage, W. H. Month: June.

Wages: 20.2 hours, at $1.75		$35.35
Less 10 per cent		3.53
		31.82
Deductions:		
Cash	$10.00	
Hospital	1.00	
Total deductions		11.00
Balance due, per check herewith		20.82

EASTERN RAILWAY & LUMBER CO.

CENTRALIA, WASH., *July 31, 1914.*

Pay-roll statement.

Name: Sage, W. H.

Wages: 24.4 hours, at $1.75	$42.70
Less 10 per cent	4.27
	38.43
Total deductions	1.00
Balance due, per check herewith	37.43
	1.58
	39.01

COONEY EXHIBIT NO. 1.

Wages.	Sawmill.	Planing mill.	Box factory.	Handling.	Tank and pump factory.	Dry kiln.	Machine shop.	Carpenter and blacksmith shop.	Main hall.	Power.	Shingle mill.	Total.
Rate per month, including board:												
$60			10									10
62.50									15			15
65	20	13	68	114	3	20	9	1		11	3	273
70	15	8	17	16		5	1	1	2	4	1	70
75	9	10	14	17	1	3		1	1	6	3	64
80	4	3	2	4	1		1					17
85	3		1		1				1		5	10
90	1	1	2				1		3	1	1	9
95	1						1	6				14
100							6	1			1	8
110									1			1
120									3			3
Rate per day, not including board:												
$1.40		6	9	6	8		1			1		31
1.55	1	1	4	3			3					10
1.75		1	3	3						1	1	9
1.90	2	1	3	9								15
2.00			1		1						4	6
2.10	1	2	4	3		1				1		12
2.25	1										1	2
2.30	3	3	3	1		1				1		9
2.40								1				1
2.50	4	2	2	7	2		2			2	5	26
2.70	1		1	3			3	1				9
2.75	1	2		3				1			3	10
2.80	1		1	1		1	3	3				10
2.90	4	2		1				1			2	10
3.00												1
3.25	2		1	3			1			1	1	10
3.50	2	1		1	1							5
3.75											1	1
3.85				1								1
4.00	2		1					3				6
4.25	2											2
4.50							1					1
4.60	1											1
5.00	1											1
5.25		1										1
5.50			1									1
6.00	1											1
6.50	1											1
7.25										1		1
8.00	1											1
Total	87	65	167	167	13	29	30	21	31	30	35	675

Average, $2.60.
Operatives, $19 to $32 per week.
Sawyers, 14 and 25 cents per thousand.
Packers, 8 and 12 cents per thousand.
June, 1914.

Clerical force and various foremen, June, 1914:	
1 at $250	$250
4 at $200	800
1 at $175	175
1 at $165	165
2 at $150	300
2 at $125	250
2 at $110	220
Clerical force and various foremen, June, 1914—Continued:	
1 at $100	$100
1 at $85	85
1 at $80	80
2 at $55	110
18	2,635

COONEY EXHIBIT NO. 2.

Log boom.—Scaler, $7.70 per day, no board; first boom man, $3.50 per day, no board; second boom man, $3 per day, no board; third boom man, $2.50 per day, no board.

Sawmill filing room.—Head filer, $7 per day, no board; second filer, $4.50 per day, no board; first helper, $3 per day, no board; second helper, $50 per month and board.

Sawmill.—Foreman, $4.25 per day, no board; pond man, $2.25 per day, no board; deck man, head rig, $35 per month and board; sawyer, head rig, $6.50 per day, no board; setter, head rig, $2.75 per day, no board; doggers, head rig, $2.40 per day, no board; off-bearers, head rig, $35 per month and board; sawmill oilers, $2.90 per day, no board; second sawmill oiler, $2.50 per day, no board.

Side rig: Deck man, $35 per month and board; sawyer, $4.25 per day, no board; setter, $2.50 per day, no board; doggers, $35 per month and board; off-bearers, $35 per month and board.

Edger: Edger man, $4.25 per day, no board; edger man's helper, $35 per month and board; off-bearer from edger, $30 per month and board; lever man for live rolls, $40 per month and board; slasher man, $35 per month and board.

Trimmers: Trimmer man, $3.50 per day, no board; trimmer feeder, head end, $40 per month and board; trimmer feeder, tail end, $2.30 per day, no board; trimmer, deck, $35 per month and board.

Sorting chains: Foreman, $3 per day, no board; marker, $3 per day, no board; laborers, $26 to $35 per month and board; resawyer, $3.25 per day, no board.

Lath mill.—Foreman, $3.25 per day, no board; bolter man, $35 per month and board; feeder, $35 per month and board; lath puller, $35 per month and board; lath tier, $30 per month and board; laborers, $26 to $30 per month and board.

Machine shop.—Shovelers, $30 to $35 per month and board; master mechanic, $6.75 per day, no board; shop foreman, $4.50 per day, no board; assistant to shop foreman, $3.25 per day, no board; machinists, $55 to $60 per month and board; engineer, $2.70 per day, no board; electrician, $2.70 per day, no board; sprinkler man, $2.50 per day, no board; pipe fitter, $2.50 per day, no board; steam fitter, $2.90 per day, no board; apprentices, $30 to $40 per month and board; head fireman, $2.50 per day, no board.

Blacksmith and carpenter shop.—Head blacksmith $4 per day, no board; horseshoer, $3 per day, no board; apprentices, $35 per month and board; head millwright, $4 per day, no board; carpenters, $2.50 per day, no board; millwrights, $50 to $60 per month and board.

Handling.—Fir-yard foreman, $3.50 per day, no board; spruce-yard foreman, $2.70 per day, no board; stacker foreman, $2.50 per day, no board; dry-kiln foreman, $3 per day; shipping foreman, $3.85 per day, no board; car checker, $3.25 per day, no board; tallymen, $40 to $50 per month and board, finish grader, $2.65 per day, no board; laborers, $26 to $35 per month and board.

Tank mill.—Foreman, $3.50 per day, no board; helper, $45 per month and board; cut-off men, $2.50 per day, no board; laborers, $26 to $30 per month and board.

Mess house.—Steward, $175 per month, board and room; assistant steward, $90 per month, board and room; head cook, $90 per month, board and room; second cook, $45 per month, board and room; baker, $70 per month, board and room; butcher, $50 per month, board and room, flunkeys, $25 to $35 per month, board and room; laborers, $26 per month, board and room.

Shingle mill.—Foreman, $3.75 per day, no board; filer, $4 per day, no board; cut-off man, $3.25 per day, no board; power bolter man, $3.25 per day, no board;

knee bolter, $3.75 per day, no board; deck man, $2.75 per day, no board; pond man, $2.75 per day, no board; sawyers, 16 and 25 cents per M, no board; packers, 9 and 12 cents per M, no board; tallyman, mill, $3.25 per day, no board; tallyman, car, $2.75 per day, no board; engineer, $3 per day, no board; fireman, $2.50 per day, no board; millwright, $3.25 per day, no board; block piler, $2.50 per day, no board; laborers, $2.50 per day, no board; sprinkler man, $3 per day, no board; watchman, $2 per day, no board.

Planing mill.—Foreman, $5.20 per day, no board; machinists, $3.50 per day, no board; filer, $2.75 per day, no board; feeders, $35 per month and board; graders, $40 to $50 per month and board; tiers, $30 per month and board; head grader, $3 per day, no board; ripsaw feeders, $35 per month and board; resawer, $40 per month and board; laborers, $26 to $30 per month and board.

Box factory.—Foreman, $6.25 per day, no board; assistant foreman, $4 per day, no board; floorwalkers, $2.30 per day, no board; tallyman, $3.25 per day, no board; resawers, $2.10 per day, no board; nailers, $30 to $35 per month and board; printing, $30 to $35 per month and board; tiers, $30 to $35 per month and board; head tier, $40 per month and board; planer man, $50 per month and board; feeders, $35 per month and board; cut-off men, $30 to $35 per month and board; ripsawyers, $30 to $35 per month and board; offbearers rip and cut-off saws, $26 to $30 per month and board; oiler, $35 per month and board; first fireman, $2.75 per day, no board; fireman's helpers, $30 per month and board, head filer, $5.25 per day, no board; filer's helper, $2 per day, no board; laborers, $26 to $30 per month and board.

RUCKER EXHIBIT.

Statement covering married and single men employed by Rucker Bros. and period of their employment at their mills and camps; Aug. 1, 1916.

SAW AND SHINGLE MILL.

	Married.	Single.
Length of service:		
1 month	4	5
2 months	1	4
3 months	6	11
4 months	10	10
5 months	3	2
6 months	5	1
7 months	1	
8 months	1	
9 months	1	1
10 months		2
11 months		0
1 year	0	
Total 1 year	37	45
1 year 1 month	1	1
1 year 3 months	2	2
1 year 4 months	2	1
1 year 5 months	1	1
1 year 6 months		2
1 year 7 months	2	
1 year 8 months	3	2
1 year 9 months	1	
1 year 11 months		1
2 years	3	8
Total 2 years	16	18
2 years 2 months		
2 years 3 months	2	
2 years 4 months	4	3
2 years 5 months	3	3
2 years 6 months	1	
2 years 7 months	1	2
2 years 8 months	1	1
3 years	11	2
Total 3 years	23	11
3 years 2 months		1
3 years 3 months	1	
3 years 4 months	3	1
3 years 5 months	1	3
3 years 6 months	1	
3 years 7 months	1	
4 years	13	2
Total 4 years	20	11
4 years 4 months	2	1
4 years 5 months	2	1
4 years 6 months	1	
4 years 7 months	1	1
4 years 8 months	1	
4 years 10 months	1	
5 years	4	1
Total 5 years	13	4
5 years 3 months	2	1
5 years 5 months		2
5 years 6 months	1	
5 years 7 months	1	
6 years	1	
Total 6 years	5	3
6 years 6 months	2	
6 years 8 months	1	
7 years	7	1
Total 7 years	10	1
7 years 3 months	1	
7 years 4 months	4	
7 years 6 months	7	2
Total 8 years	12	2
10 years		1
Total 10 years	139	94

	Married.	Single.
Length of service—Contd.		
3 years 5 months	1	3
3 years 6 months		3
3 years 7 months	4	1
4 years	13	3
Total 4 years	20	11
4 years 4 months	2	1
4 years 5 months	2	1
4 years 6 months	1	
4 years 7 months	1	1
4 years 8 months	1	
4 years 10 months	1	
5 years	4	1
Total 5 years	13	4
5 years 3 months	2	1
5 years 5 months		2
5 years 6 months	1	
5 years 7 months	1	
6 years	1	
Total 6 years	5	3
6 years 6 months	2	
6 years 8 months	1	
7 years	7	1
Total 7 years	10	1
7 years 3 months	1	
7 years 4 months	4	
7 years 6 months	7	2
Total 8 years	12	2
10 years		1
Total 10 years	139	94

Statement covering married and single men employed by Bucker Bros. and period of their employment at their mills and camps; Aug. 1, 1916—Contd.

LOGGING CAMP.

	Married.	Single.		Married.	Single.
Length of service:			Length of service—Contd.		
1 month	4	18	1 year, 6 months		6
2 months	2	3	1 year, 6 months	2	
3 months	2	2	1 year, 7 months		3
4 months	2	5	1 year, 8 months	2	6
5 months		4	1 year, 9 months	5	2
6 months		2	1 year, 10 months	2	7
7 months		2	1 year, 11 months		1
8 months	3	1	2 years	1	2
9 months		1	2 years, 3 months		1
10 months	1	1	2 years, 4 months	1	
11 months	2	2	3 years, 10 months	1	
1 year		10	4 years	1	1
1 year, 1 month		2			
1 year, 2 months	2	2	Total	30	92
1 year, 4 months	2				

Number of new men employed Aug. 1, 1913, to Aug. 1, 1914, to keep up force at Hartford mills.

1913:		1914:	
August	8	January	4
September	16	February	1
October	13	March	15
November	1	April	20
December	None.	May	17
		June	2
		July	8

Number of new men employed Aug. 1, 1913, to Aug. 1, 1914, to keep up force at Camp Cavano.

1913:		1914:	
August	11	January	7
September	16	February	4
October	13	March	4
November	7	April	13
December	6	May	14
		June	19
		July	15

Many of the married men own small farms and during the spring and fall months they lay off for the purpose of doing their farm work.

GIBSON EXHIBIT.

CONSTITUTION.

ARTICLE I.

NAME.

SECTION 1. The name of this federation shall be the Federation of Employers' Associations of the Pacific Coast.

ARTICLE II.

OBJECTS.

SECTION 1. This federation is formed to foster and protect the industrial interests of the Pacific coast and adjoining territory.

SEC. 2. To unify the actions of its members upon matters where united and concerted action and a determined, fixed policy may seem wise and necessary.

SEC. 3. To secure for employers and employees the freedom of individual contract in the matter of employment.

SEC. 4. To oppose restriction of output, sympathetic strikes, lockouts, and boycotts, and illegal persecution of individuals, all of which are a menace to

the industrial progress of our country, and tend to the undermining of constitutional rights.

SEC. 5. To prevent any interference with persons seeking through honest effort to work and earn a living.

SEC. 6. To prevent or avert industrial disturbances, to harmonize differences between employers and employees, with justice to all concerned, and to assist in the enforcement of the laws of the land.

SEC. 7. The investigation and adjustment by the proper officers of the federation of any question arising between members and their employees which may be referred to and come within the jurisdiction of the federation.

SEC. 8. The cooperation with other kindred organizations in the United States and Canada in accomplishment of the objects hereinabove stated, upon such terms and conditions as may be determined by the several associations.

ARTICLE III.

MEMBERSHIP.

SECTION 1. Membership in this federation shall embrace all Pacific coast associations and civic bodies directly or indirectly interested in the employment of labor or in labor conditions; also corporations, firms, or individuals who are not affiliated with any association which has membership in the federation. All members must sign the roll by their authorized officers and comply with the constitution and by-laws.

ELECTION OF MEMBERS.

SEC. 2. Members will be elected by the executive council in such manner as the board may prescribe.

ARTICLE IV.

GOVERNMENT.

SECTION 1. The government of this federation shall be exercised by an executive council to be elected in the manner hereinafter set forth.

ANNUAL MEETING.

SEC. 2. In October of each year an annual meeting of the various members of this federation shall be held; place and date of meeting to be determined by the executive council.

Prior to the annual meeting each association shall, by ballot, select an elector, who shall be properly credited by them to represent them at the annual meeting, for the purpose of nomination and election of such officers as are provided by the constitution and by-laws.

ELECTORS.

SEC. 3. At the annual meeting of the board of electors to be held for the ensuing year shall be chosen as follows:

One elector from each association member of the federation, provided the total members of said association number less than 500; and one elector for each additional 500 or major part thereof: *Provided, however*, that each separate association shall have not less than one vote or more than three votes on the board of electors.

EXECUTIVE COUNCIL.

SEC. 4. Within 10 days after election the board of electors shall meet at some designated place and elect by ballot in such manner as they may prescribe seven members to be known as the executive council, who shall hold office until their successors shall have been elected and qualified.

OFFICERS.

SEC. 5. The executive council immediately after its election shall organize and elect from among its own members a president, vice president, and treas-

urer, who shall hold office for one year or until successors are elected and qualified. The executive council shall be the administrative body of this federation and it shall put into effect its rules and regulations and shall have full power to act in such manner as it may deem advisable in the fulfillment of the objects of this federation.

ARTICLE V.

DUTIES OF OFFICERS.

SECTION 1. The duties of the president, vice president, and treasurer shall be the duties that usually pertain to these positions.

BONDS.

SEC. 2. Bonds shall be required from each officer as may be deemed necessary by the executive council.

EMPLOYEES.

SEC. 3. The executive council may engage such employees as it may deem necessary.

SECRETARY.

SEC. 4. The president shall have the authority to appoint a secretary for the executive council.

REVENUE.

SEC. 5. The dues and assessments of this federation shall be levied as follows:

Individuals, firms, and corporations employing labor may be admitted as members in the federation with dues not less than $5 per month.

Associations or organizations composed of different employers, who have a membership of less than 50 firms, corporations, or others in their association shall pay $5 per month.

More than 50 members and less than 100 members, $10 per month.

More than 100 members and less than 200 members, $15 per month.

More than 200 members, $25 per month.

The minimum of dues shall be not less than $5 per month, for any individual or association, and all dues shall be paid monthly in advance.

ARTICLE VI.

SECTION 1. This constitution may be amended by a two-thirds vote of the members of the association, either by ballot or by letters, provided the proposed amendment has been mailed to all members of the association at least 10 days before the amendment shall be voted upon. Each organization to have the same voting power as for electors.

BY-LAWS.

ARTICLE I.

PRESIDENT—DUTIES.

SECTION 1. President to call the meetings of the board; in his absence the vice president. Upon petition of three members of the executive council the president must or the petitioners may call said meeting.

ARTICLE II.

SECRETARY—DUTIES.

SECTION 1. Secretary to keep a full and accurate record of the transactions of the federation and perform all the duties that may come to him.

ARTICLE III.

TREASURER—DUTIES.

SECTION 1. Treasurer is to have charge of the moneys; disburse same by vouchers signed by the president and secretary.

To make annual report and to have books properly audited.

ARTICLE IV.

ORDER OF BUSINESS.

(1) Roll call, (2) reading of minutes, (3) report of officers, (4) report of committees, (5) appointment of committees, (6) unfinished business, (7) new business, and (8) election of officers and committees.

ARTICLE V.

AMENDMENTS.

SECTION 1. These by-laws may be amended in the same manner as prescribed for the amendment of articles of constitution.

RULES.

SEC. 2. Cushing's Manual shall be recognized as the standard authority by this federation.

SUPPLEMENTAL STATEMENT OF J. BRUCE GIBSON BEFORE THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, HELD IN SEATTLE AUGUST 14, 1914.

Working conditions and number of mechanics receiving certain wages in 33 of the largest firms in western Washington.

	Number of firms.
Work nine hours per day	33
Work one hour less on Saturdays	3
Work one-half day on Saturday during summer season	2
Work one-half day on Saturday whole year	5
Allow time and half overtime to 12 p. m., double time after 12 p. m., Sundays and holidays	29
Allow time and half overtime to 10 p. m., double time after 10 p. m., Sundays and holidays	4
Allow double time after 5 p. m., Saturdays	2

NUMBER OF MECHANICS.

Rate per hour.	Machinists.	Molders.	Boiler makers.	Blacksmiths.	Pattern makers.	Electricians.	Joiners.	Steam fitters.
37½ cents					1			
40 cents	13	1		1	1			
42½ cents		1			1			
45 cents	37	7	1	1	6			
46 cents					4			
47½ cents	2							
47 cents	2							
48 cents	69	26	8	4	17	5	9	
44½ cents	13	7		1	3			
44 cents		1						3
43 cents	30							
43½ cents	33		1					
42 cents	13		3	1	9	5	13	10
41 cents		1						
40 cents	60	4	3	3	3	4		1
39 cents		4						
38½ cents	1	1						
38 cents	6	5						
37 cents	1							6
36½ cents	1	2						
36 cents	1	5						
35 cents	2			1		3		
33½ cents	1							
33 cents	1	1						
30 cents							3	

FEDERATION OF EMPLOYERS ASSOCIATIONS OF THE PACIFIC COAST,
J. BRUCE GIBSON, *President.*

Attest:

UNITED METAL TRADES ASSOCIATION OF THE PACIFIC COAST,
A. H. GARRISON, *Secretary, Washington District.*

TAYLOR EXHIBIT NO. 1.

CARD OF INTRODUCTION.

PEARCE & HENDRICKS,
816 First Street.

The bearer, Carl Swanson, wants position as lathe hand.
U. N.

UNITED METAL TRADES ASSOCIATION PACIFIC COAST,
A. H. GARRISON, *Secretary.*

TAYLOR EXHIBIT NO. 2.

WEEKLY LETTER No. 71.

UNITED METAL TRADES ASSOCIATION OF THE PACIFIC COAST,
Portland, Oreg., June 25, 1910.

Machinists' strike.—There has been practically no change in the situation since our last weekly communication to you. Four men struck in the shop of the Sedro Woolley Iron Works, but several new men have been secured in other places so that, taken as a whole, we have gained more than we have lost during the past week.

In Seattle several new men have been put to work and some of the old men have returned to their jobs, so that they are now in better condition than at any time since the strike was called.

In Tacoma conditions remain about the same, with the balance in our favor.

In Portland we have gained a little on the situation. No more men have struck and a few new men have been secured; some of these are proving themselves to be good mechanics. No more of the old men have returned to work during the past week, but we have good reasons to believe that several of them will within a very short time, as we know some of them really want to come back, but are waiting for others to come with them and make a start.

We have no report of any change in any other locality.

The members all seem to be more determined than ever to fight this thing to a finish at the present time. There are several small shops outside the association affected by the strike, but they are fighting just as hard as any of the rest of us to maintain the open shop and the nine-hour day.

Los Angeles.—All reports from Los Angeles indicate that the employers are determined not to give in and that they are gradually gaining ground.

Cooperation.—We wish to commend each member of the association for the cooperation he has given the other members. Since this strike has been declared the members are working together more than ever, but we might help each other much more than we do without any inconvenience in the least. If you have work done outside, let one of the members do it. Generally this is done, but sometimes it is not, and it only encourages the firms that sign up with the unions to continue as they are if you give them your work. They are trying to tear down what you are trying to build up and work given them helps them to do it. Don't forget this when you let work out.

Pattern shops.—We now have two first-class, open-shop, pattern shops in Portland and one in Seattle. William Prehn Pattern Works and the Portland Pattern Works, of Portland, and the Puget Sound Pattern Works, of Seattle, belong to this association, and we believe you will get better and cheaper work by patronizing them than you will if you give your work to some union concern.

Teamsters' strike.—The teamsters' strike in Portland is rapidly drawing to a close. About half of the teams are now running and new men are being secured every day. We understand the teamsters of Seattle have about decided not to strike. No doubt the result of the strike here in Portland and the decided stand taken by some of the firms in Seattle has caused this change.

Liens on vessels for repairs.—We note the following from the bulletin of the New York and New Jersey branch of the National Metal Trades Association:

"The United States Senate and House of Representatives have passed the maritime lien bill, which makes uniform throughout the United States the laws relating to liens on vessels for repairs, supplies, and other necessaries, and supersedes the provisions of all State statutes conferring liens on vessels in so far as they purport to create the rights of actions against vessels for such

repairs, etc. This bill was introduced in the Senate and House at the request of the New York and New Jersey branch and the New York and New Jersey Dry Dock Association and it not only makes uniform the laws on this subject, but corrects the confusion due to State statutes and conflicting decisions of the admiralty courts in construing such statutes."

The members of this association will be interested to know that this bill has passed, and we wish to thank each of them for the assistance they have given in getting the bill through.

Respectfully submitted.

UNITED METAL TRADES ASSOCIATION.

TAYLOR EXHIBIT NO. 2.

WEEKLY LETTER No. 70.

UNITED METAL TRADES ASSOCIATION OF THE PACIFIC COAST,
Portland, Oreg., June 18, 1910.

Machinists' strike, Portland.—During the past week there has been but very little change in the condition of the strike here in Portland. A few of the strikers have applied for their places as nonunion men and have been given their old jobs. A few machinists have been picked up, so that the shops are in better condition just now than at any time since the strike was called. Every shop in Portland is running at the present time.

Seattle.—Since the last weekly letter the Washington Iron Works have lost 14 men. Four of these have already returned to work and some new men have been secured, so that at present they are not suffering at all for men. The other shops in Seattle are putting on new men every day, and at the present rate of hiring men it will be only a very short time until they will all have all the men they can use there.

Tacoma.—About the only change in Tacoma is that several new men have been put on, so that the shops are in a better position to turn out work than they have been since the strike was declared there, or probably we should say since the men were laid off, as the two largest shops in Tacoma discharged all their union men before the strike was called.

Everett.—The Summer Iron Works of Everett are gradually filling the places of the men they laid off before the time they had set to strike had arrived. They have a number of men working.

Victoria, British Columbia.—The machinists are all out in Victoria. Our member there, the British Columbia Marine Railway Co., having lost about 10 men.

Other sections where members of the association are located remain as last week; no trouble, except in Astoria. The machinists have stated that they would call the men out in Spokane, but up to date it has not been done.

Regarding the shops that have signed up, wish to state that no member of the association has given in, and none of the outside shops have signed up during the past week.

As reported last week, no shop of any consequence in either Seattle, Tacoma, or Portland has signed the agreement. The following are the names of the shops in Portland that have signed agreements with the union: Willamette Gas Engine Works, Mr. Concoff; Portland Elevator Co., Mr. Cornfoot.

WEEKLY LETTER No. 105.

PORTLAND, OREG., *March 11, 1911.*

Annual convention.—The fifth annual convention of the United Metal Trades Association will be held at the Commercial Club, 927 South C Street, Tacoma, Wash., April 14 and 15. Mark this date on your calendar now and begin making arrangements to be in Tacoma at this meeting. It comes but once a year, and your presence is necessary. Further particulars will be given later.

Plant dynamited.—The new $1,000,000 plant of Iroquois Iron Co., of Chicago, was dynamited the night of February 24. Detectives working on the case have obtained evidence which shows that the explosion is the result of union-labor trouble, and suspicion falls upon a number of union agitators. This plant was

constructed under open-shop conditions, and a number of nonunion men had been employed on the contracts. Fortunately no lives were lost, although one of the watchmen was within a short distance of some falling debris. It matters little to people who will do such work whether any lives are lost or not.

Typographical men strike.—Men belonging to the typographical union in Chicago struck recently for a different scale of pay than their agreement called for. The following telegram was sent out by J. M. Lynch, president typographical union: "Strike unauthorized, illegal, and without warrant. You are authorized to publish this dispatch." It is simply another case of a few hot-headed union men taking things into their own hands regardless of any previous agreements and going on strike. The union directed these men to return to work, which they did.

Columbus street car strike.—The March number of Hampton's Magazine contains a story of the street car strike in Columbus, Ohio, last fall. According to this article, Fred Fay, of the International Carmen's Union, came to Columbus and organized what men he could, the result of which was a strike later on. As the men were being organized 35 of them were discharged. The union demanded that they should be given their old places back. Rather than have a strike the company agreed to reinstate all of them, providing that the men who were promoted to fill the vacancies would consent to giving up their places. All of them were put back in their old places except four. These men were finally given city positions, and the strike was averted, at least for a time. The company had fulfilled its promise.

A strike was called to take effect on July 24 at 4 a. m., before the cars started from the barns. Out of the 1,225 men employed by the company only 325 men walked out, this being about 26 per cent of the number of men employed. This 26 per cent, with the agitators brought in from outside sources, caused many riots and wrecked 200 cars. On October 18, by a vote of 90 to 32, all that was left of the original 325, the strike was declared off.

This strike cost the State $200,000, the city $40,000, the company $250,000, and the unions $100,000, to say nothing of the loss of trade during that time. The men got exactly what the company agreed to give them before the strike, and many of them lost their positions. The result is about the same as the result of most strikes. Nobody is benefited except the walking delegates and the officials of the union.

Open-shop contracts.—We recently received a communication from Walter Drew, commissioner National Erectors' Association, requesting a list of open-shop steel-erecting concerns in this city. Mr. Drew advises us that it is the intention of the members of their association to let their work to open-shop contractors as far as possible all over the country. The Seattle office has supplied Mr. Drew with the names of open-shop contractors in Seattle, Tacoma, and Spokane. The members of this association will appreciate the efforts that are being made by the eastern associations in our behalf.

N. M. T. A. convention.—The National Metal Trades Association will hold its convention at the Hotel Astor, New York, April 12 and 13. This promises to be a very interesting convention, as important subjects will be discussed by able men. If any of our members are to be in the East at this time, we would urge you to attend this convention.

Yours, very truly,

F. C. FOSTER, *Secretary.*

TAYLOR EXHIBIT NO. 4.

AFFIDAVIT.

STATE OF WASHINGTON,
County of King, ss:

Herman Kothenbach, being first duly sworn, says: That he is a machinist by trade; that he is 20 years old, a native of Germany, a resident of the United States, and has taken out his first papers declaring his intention to become an American citizen; that affiant resided in Chicago, in the State of Illinois, until Monday, August 1, 1910; that affiant was informed by Walter Leuninger, one of the affiants in another affidavit, that one Hastings, who maintains an employment bureau at 182 Dearborn Street, in said Chicago, would furnish the affiant work at his trade, and suggested that affiant apply for said work or employment; that affiant went to the said employment

office or agency conducted by said Hastings and made application for the said employment; that the said Hastings then and there stated to the affiant that he had work he could furnish the affiant at Seattle, Wash.; said work or employment was that of a machinist's position, from 50 to 60 cents per hour, for a nine-hour day. Affiant then asked the said Hastings whether there was a strike on at Seattle or whether there was any other kind of labor trouble affecting the work, and affiant then and there told the said Hastings that he would not go as a strike breaker and did not want to work where there were any labor troubles; that said Hastings then and there told the affiant that there were no labor troubles of any kind or character at said Seattle and that the work offered was in all respects as represented theretofore by the said Hastings.

That affiant was then offered a paper to sign, and affiant then told the said Hastings that he would not work for less than 45 cents per hour, and thereupon the said Hastings told him that it would be all right and requested him to sign the said paper, and that affiant did then and there sign some unknown paper. That affiant is not well versed in the art of reading English print, and that said Hastings gave him no time to read the same, nor did he offer to read it to him, and the affiant signed the said paper hurriedly and without knowledge of the contents thereof. That if the said paper contains anything at a variance with the statement made herein the said statements in said paper are wrong and untrue. That on Monday, the 1st day of August, 1910, the said Hastings furnished the affiant with transportation to said Seattle, and the affiant then and there, on said day, journeyed from said Chicago to said Seattle, where he arrived upon the 4th day of said August. That upon arriving in said Seattle, in company with one Wheeler, an agent for the said Hastings, who accompanied the affiant and others on the said trip, affiant and others with him in like circumstances were met by one Garrison, who the affiant has since learned was the secretary of the National Metal Trades Association; that said Garrison took the affiant to the Arlington Hotel, in said Seattle, and on the following day the said Garrison accompanied the affiant and others to the Moran Co., a corporation engaged in boilermaking, engine and iron shipbuilding, said Seattle. That affiant, upon arriving at the said place of business of said Moran Co., learned that there was a general strike on and that the labor union for the machinists at Seattle had placed the said company on the unfair list, and that no union machinists were employed at the said plant. That the affiant had told the said Hastings in Chicago that he would not work where there was a strike, and that upon learning that a strike was in progress affiant refused the said employment. That the said representation made by the said Hastings in Chicago that no strike existed were the ones which controlled the affiant and caused him to leave Chicago to procure the said employment in Seattle.

HERMAN KOTTENBACH.

Subscribed and sworn to before me this 10th day of August, 1910.

[SEAL.] WESTON S. MARTIN,
A Notary Public in and for the State of Washington, Residing at Seattle.

AFFIDAVIT.

STATE OF WASHINGTON,
County of King:

Robert Fyda, being first duly sworn, upon his oath deposes and says: That he is a native of Germany; that he is 24 years old, is a machinist by trade, and that he has resided in the United States four years and a half and has declared his intention to become a citizen of the United States; that he was in Chicago, Ill., on and before August 2, 1910; that affiant went to 169 Dearborn Street, in the city of Chicago, in company with one Adam Orpow, in response to an advertisement in a Chicago paper, and there and then, on the 26th day of July, 1910, applied for a position as a machinist in the city of Seattle; that affiant talked with one Hastings, who had charge of the office, and who the affiant learned was the secretary of the National Metal Trades Association for said shops; that the said Hastings told the affiant that he needed men for the machinist trade in Seattle, Wash.; that he offered the affiant 45 cents per hour and free transportation to the said Seattle; that said Hastings was asked by the affiant if there were any labor troubles of any kind at Seattle and if there was a strike there; and that said Hastings then and there told the affiant that no labor troubles of any kind existed there at this time, or the date of the said conversation; said that there had been a strike for eight hours, but that the said

ter had been settled and there was no trouble of any kind there now; that affiant then told the said Hastings that he would not work where there was a strike or where there was labor trouble.

That said Hastings furnished the affiant transportation to said Seattle, and the affiant journeyed to Seattle in company with said Crocco, Kottenbach, and upon arrival were taken to the plant of the Moran Co., and affiant then learned that there was a general strike in progress and that said strike had existed since the 1st day of July; that affiant was induced to leave Chicago and journey to Seattle solely on the representation that no strike existed at the Seattle place of employment, and that he would not have left the said city of Chicago if he had been informed as to conditions in Seattle.

That affiant has read the affidavits of his companions who came to Seattle with him and the things therein stated are true.

Ramon Feja.

Subscribed and sworn to before me on this 10th day of August, 1910.

[SEAL.] Walter S. Martin,

A Notary Public in and for the State of Washington, Residing at Seattle.

AFFIDAVIT.

State of Washington,
County of King, ss:

Emil Krehl, being sworn, says:

That he is 30 years of age, a citizen of the United States, and a resident and elector of the State of Illinois for more than 17 years last past.

That on the 1st day of August, A. D. 1910, in the city of Chicago, affiant, in response to an advertisement in a newspaper, called upon one Hastings at 182 Dearborn Street; that said Hastings employed affiant to go to Seattle and work as a machinist for Moran Bros.; that affiant asked Hastings three or four times whether there was any strike or labor trouble among the machinists at Seattle or in Moran's shop, and each time Hastings declared to affiant that there was no strike or any other kind of labor trouble at Moran's or at Seattle; that affiant informed Hastings that if there was a strike or other labor trouble at Seattle or at Moran's he would not accept the employment, and he was assured most emphatically by Hastings that there was neither strike nor labor trouble of any kind either at Moran's shop or anywhere else in Seattle.

Hastings stated to affiant that the wages to be paid at Seattle ranged from 37 cents to 50 cents per hour, and that affiant would be paid 43 cents per hour and given permanent employment.

Hastings stated to affiant that it would cost him, Hastings, and the people he represented between $54 and $56 to transport affiant to Seattle, but did not inform affiant that it would not cost affiant a single penny for his transportation between Chicago and Seattle.

Affiant left Chicago August 1 and arrived in Seattle August 4, 1910.

Affiant was met at station in Seattle by one Garrison, agent and secretary for Metal Trades Association; six other men accompanied affiant from Chicago to Seattle, one of them holding the tickets for all seven and being given charge of the party by said Hastings.

Said Garrison took affiant and the other men to a hotel on arrival.

Affiant asked said Garrison three times whether there was any strike on in Seattle or at Moran's, and he was informed most positively by Garrison that there was no strike at Moran's or in Seattle.

Affiant learned after he commenced work at Moran's that there was a strike on there among the machinists, and that there had been a strike at said Moran's shop every day since the 2d day of June, 1910.

Garrison took affiant to Moran's shop on the 5th day of August, and affiant worked there as a machinist for 21 hours, or until the 10th day of August, 1910, and on leaving the employment of Moran's he was refused the wages due him and he was obliged to commence an action against the Moran Co. for the recovery of his wages.

Emil Krehl.

Subscribed and sworn to before me this 10th day of August, 1910.

[SEAL.] Thomas E. MacManus,

Notary Public for the State of Washington, Residing at Seattle.

AFFIDAVIT.

STATE OF WASHINGTON,
County of King, ss:

Frank C. Parker, being first duly sworn, says:

That he is a native American, 22 years of age, and is a machinist by trade and occupation. That he resided in Chicago, Ill., until the 20th day of July, 1910, when he left for Seattle to engage in work as a machinist. That affiant answered an advertisement in one of the Chicago papers, which advertised the statement that skilled machinists were wanted in Seattle, Wash. That affiant went to 182 Dearborn Street, in said Chicago, and talked with one Hastings. That said Hastings told the affiant that most who were first-class skilled machinists could find employment through him at Seattle, Wash., and that he would give him free transportation to said Seattle. That said Hastings told the affiant that the job would pay from 35 to 50 cents per hour. That affiant came to Seattle and found a general strike prevailing.

F. C. PARKER.

Subscribed and sworn to before me this 10th day of August, 1911.

[SEAL.] WYNNE S. MARTIN,
Notary Public in and for the State of Washington,
Residing at Seattle.

AFFIDAVIT.

STATE OF WASHINGTON, *County of King, ss:*

Henry W. Biggs, being sworn, says:

That he is a citizen of the United States, an elector of the State of Illinois, and for 20 years last past has resided with his family in the city of Chicago.

That for 28 years last past affiant has been and has worked as a machinist of the first class.

That on July 6, 1882, affiant entered United States Navy as a machinist aboard the U. S. S. *Richmond*, and on the 24 day of February, 1899, was appointed chief machinist aboard U. S. S. *Olympia* at Manila, Admiral Dewey, commander.

That on the 9th day of July, 1900, affiant was appointed by President McKinley as warrant machinist on first-class U. S. cruiser *Baltimore*, and continued in said capacity of warrant machinist until the 26th day of November, 1904, since which time he has followed his said trade in said city of Chicago.

That on the 2d day of August, 1910, affiant read an advertisement in Chicago Daily News stating: "Wanted—Machinists—35 cents to 50 cents per hour. Must be competent for jobbing on the Pacific coast. Apply room 30, 182 Dearborn Street."

Affiant called at said address at 4 p. m. on said day and inquired what the job was on Pacific coast and was referred to a rear office, where a man named Hastings, a crippled person, received affiant and asked him how long he had been a machinist, and affiant told him as above related and exhibited to him all of his official papers; Hastings said to affiant he must be pretty well up in marine work and he was just the kind of a man he wanted in Seattle; that it was a marine shop he wanted him to work in; it is Moran Bros.' shop. Hastings informed affiant his transportation and all expenses would be paid, and if affiant remained with Morans six months they would consider and make the transportation a bonus, and it would cost him nothing and not be deducted from his wages; that he should get his baggage together and start at once, and that he could bring his family out to Seattle too, in a very short time. Hastings further told affiant he would probably be paid 50 cents per hour right at the start.

Affiant asked Hastings if there was any trouble or strike on at Morans, and Hastings replied that there had been no trouble or strike at Morans in four or five years.

Hastings told affiant that they had both union and nonunion men working together in Moran's shop; that it was entirely an open shop and union men were employed there as readily as nonunion men, and that the only reason for offering men a bonus of their transportation was because it was hard to get men to go to the Pacific coast and not because there was any strike or other trouble there.

Hastings insisted on taking charge of and checking affiant's tools and stayed away from affiant until train had commenced to pull out of the station the day he left Chicago, August 5, at 10.15 p. m. Hastings kept check for affiant's tools and rushed up to him after the bell rang for train to start, thrust a paper into affiant's face, and asked him to sign it; that Hastings kept the paper folded so affiant could neither read its contents nor see what was written upon it, but, trusting to the representations of Hastings, affiant signed the paper while train was in motion, and Hastings kept it and put it in his pocket, giving affiant two single dollar bills to purchase food en route between Chicago and Seattle, which was all the money affiant had, and affiant went hungry most of the trip, leaving his wife and six children behind him in Chicago waiting for him to send for them.

Hastings gave affiant a card with the name of Hastings and Independent Foundry Co., Portland, Oreg., printed thereon and told affiant to present card to man who was to meet him at train in Seattle, and if you don't meet anybody go to an address he mentioned in an office building in Seattle and man there would look after him.

Affiant arrived at Seattle 8.15 p. m. Saturday, August 6, 1910, but no one met him at the train. Sunday, 7th, affiant went to Morans. Watchman there requested affiant to wait for the timekeeper to come, and when he came he telephoned a man named Garrison and told him affiant was there, and then telephoned clerk at Grand Union Hotel to fix up a machinist he was sending over to the hotel.

Timekeeper, whose name affiant learned is Twomby, asked affiant for his Navy commission and said he would take care of it for affiant; affiant asked for his tools and was told that Garrison would attend to it.

Affiant called at Moran's yard Monday morning, August 8, was met by said Twomby, to whom he told that he had been brought to Seattle on misrepresentations; that Twomby then told affiant there had been no strike or labor trouble at Morans in over five years.

Affiant demanded his warrant he had received in Navy, which Twomby took away from him the previous day, and his tools. Twomby told affiant to go and see Garrison about his tools, and he would find there was no strike and no labor trouble at Morans.

Affiant declares that labor conditions in Seattle and at Moran's shipyard were misrepresented to him and that he was told there was no trouble of any kind with the machinists in Seattle or at Morans.

That affiant never would have left his job and his family in Chicago if the truth had been told to him by aforementioned Hastings when he called at his office in Chicago in response to the advertisement printed in the Chicago Daily News.

HENRY W. IHOSS.

Subscribed and sworn to before me this 8th day of August, 1910.

[SEAL.] THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

AFFIDAVIT.

STATE OF WASHINGTON,
County of King, ss:

John Tomlinson, being sworn, says:

That he has resided in Chicago for six months last past.

That during the last week of July, 1910, affiant read an advertisement in Chicago Daily News stating machinists were wanted for Pacific coast, wages to be paid 30 cents to 60 cents per hour.

Affiant went to the address given in newspaper, room 35, at 183 Dearborn street; affiant was met at said address by the agent who published said notice, and was told by said agent he wanted him to go to Seattle and work on steam engines; said that he would pay affiant 45 cents per hour permanently, and if he was a good machinist he would be paid 50 cents per hour.

Affiant asked said agent if there was a strike or any trouble at the machine shop where affiant was going, and he was told by the agent that there was no trouble and no strike on among the machinists in Seattle, that it was an open shop where affiant was going.

Affiant told agent he was no strike breaker and that if there was a strike in progress at Seattle he would not go there to work, but he was assured by the agent that there was no strike and he was urged to go to Seattle forthwith.

Affiant left Chicago Monday night, August 1, 1910, arrived in Seattle Thursday, August 4, and was met at station by another agent and taken to a hotel.

Affiant was taken to Morans' shop on Friday morning, August 5.

Affiant told Seattle representative of Morans that he would not go to work if there was a strike in progress, and that he had been assured by Morans' agent in Chicago that there was no machinists' strike in Seattle, and particularly was there no strike on at Morans; that Morans' agent in Seattle, whose name affiant has since learned was Garrison, informed affiant that there was no strike at Morans and to come along with him to work.

That on going to work affiant learned there was a strike at Morans and had been for a long time.

That affiant was induced to come to Seattle and to go to work at Morans under a misrepresentation, and affiant would not have come to Seattle if the truth concerning the labor situation had been told him.

JOHN TOMLIGAS.

Subscribed and sworn to before me this 8th day of August, 1910.

[SEAL.] THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

AFFIDAVIT.

STATE OF WASHINGTON,
County of King, ss:

Adam Crocus, being sworn, says:

That he has resided in Beverly, Mass., two and one-half years; that he has resided and worked as a machinist in Chicago, Ill., for four months last past and until the 1st day of August, 1910.

That on Thursday, the 28th day of July, 1910, affiant read an advertisement printed, published, and circulated in the Daily News of Chicago, stating that machinists were wanted, all around machinists, apply to 122 Dearborn Street, Chicago, at room 30.

That on Saturday, July 30, 1910, affiant went to the above address with his friend, also a general machinist, and were met by a Mr. Hastings, secretary of National Metal Trades Association for out-of-town shops; Hastings told affiant that he needed 17 first-class all around machinists to go to Seattle, and he exhibited a telegram to affiant containing the above declaration; that said telegram was signed by one Garretson, and purported to be sent from Seattle to National Metal Trades Association at Chicago.

Hastings promised to pay affiant 50 cents per hour at Seattle in the Moran shop, and that affiant would be provided with work as a machinist elsewhere in Seattle at the same wage of 50 cents per hour if he did not like to work at Moran shop; that affiant was further told by Hastings that National Metal Trades Association was paying the fare of machinists to Seattle and affiant would be supposed to work at least six months for the association at Seattle, but not at Morans unless he liked the work there.

Hastings told affiant and other machinists present at the time that there was no trouble or any strike at Morans.

That affiant, with five other men, left Chicago, in charge of a man representing and acting as agent for Hastings and National Metal Trades Association, and arrived in Seattle Thursday, August 4, and were met at the train by Garretson, who took affiant and others to hotel. That affiant told Hastings in Chicago that if there was a strike on at Seattle he would not go there, and Hastings assured him there was no strike at Seattle and particularly at Morans. That Hastings asked affiant not to tell anyone that he promised to pay affiants 50 cents per hour at Morans.

ADAM CROCUS.

Subscribed and sworn to before me this 8th day of August, 1910.

[SEAL.] THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

TAYLOR EXHIBIT NO. 8.

Weekly Letter No. 181.

United Metal Trades Association of the Pacific Coast,
Portland, Oreg., May 4, 1911.

Machinists' strike.—The figures given below show the amount of money taken in by the machinists' union of this coast for the month of January, 1910, and January, 1911:

	January, 1910.		January, 1911.	
	Amount.	Days' pay assessment.	Amount.	Days' pay assessment.
Los Angeles	$228.07	$16.29	$112.15	$8.00
San Francisco, No. 68	792.54	107.51	494.53	14.99
San Francisco, No. 715	24.00	6.00	36.00	2.13
Sacramento	34.45	27.50	27.13	
Oakland	208.85	66.08	230.08	10.00
Portland	37.40	12.75	61.10	
Astoria	15.25		11.70	
Tacoma	51.00	4.00	32.35	3.75
Seattle	88.20	13.75	66.70	3.50
Everett	30.20	7.12	34.15	5.00
Bellingham	7.45	7.12	7.15	1.00
Aberdeen	4.20			
Victoria, British Columbia	32.00	20.00	35.10	2.50
Vancouver, British Columbia	102.75	11.10	23.00	1.25
Spokane	73.90	12.00	30.00	2.50
Total	1,817.29	323.22	1,377.04	65.62

These figures show a difference of $529.84 in one month's assessments. In January, 1910, the machinists' union, No. 68, of San Francisco paid in the total of $792.54. In January, 1911, this same union paid in only $494.54, which is only 62 per cent. This means that 38 per cent of the members of the union No. 68 have either left San Francisco or dropped the union during the last year. Inasmuch as practically all machinists working in San Francisco are union men, it would appear that business has fallen off there between January, 1910, and January, 1911.

The figures for Portland show a total of $37.40 for January, 1910, and $61.10 for January, 1911. Deducting the $12.75, the days paid assessment, from $37.40, the total gives us an assessment of $73.65, against $61.10 in January, 1911. Where are the machinists who have been paying this difference of $12.55? The unions claim that all their men are holding out. Several of these have either withdrawn from the union or left this lodge.

The figures in reference to Tacoma and Seattle will show a greater reduction in the number of members in the lodges there than it does in Portland.

The union is not only losing the strike but in trying to secure an eight-hour day they are gradually losing their members, which, if they continue for a few years with the same results as the past year, will deplete their organization entirely.

Political situation.—At a special meeting of the Oregon district held Tuesday evening, May 2, the following candidates were decided upon as being those who would work to our interests:

Mayor, Gay Lombard.

A. G. Rushlight made certain promises to the unions; among others, that he would appoint a union man as chief of police.

City auditor, Edward M. Lance.

City treasurer, J. H. Richmond.

City attorney, Frank S. Grant.

Municipal judge, Albert R. Gebhardt.

Councilman at large, George B. Cellars, J. J. Jennings, and E. L. Mills.

Councilman to fill two-year unexpired term of Thomas O. Devlin, John H. Burgard.

Councilman to fill two-year unexpired term of Gay Lombard, H. J. Mclnnis.

From what information we have at hand, the candidates named above are the best men in the field.

We trust that A. G. Rushlight, Ed. D. Williams, William H. Daly, and Ralph H. Clyde will be snowed under so deep that they can not get out for several years. These people do not hesitate to state their preference for organized labor.

Los Angeles.—Some of the papers recently reported that there were 30,000 men in line in the labor-union parade which took place a short time ago in Los Angeles. As a matter of fact, there were, by actual count, 7,800 men, and in that number was included a large delegation from the cities of Bakersfield, Fresno, Riverside, San Bernardino, Pasadena, and other surrounding towns.

Thirty-five pickets arrested about three weeks ago charged with conspiring to violate the picketing ordinance, are awaiting trial. After the examination of several hundred men, a jury was selected, but one of the jurymen was taken sick, which made a vacancy and delayed the trial.

We are very much interested to know how this case comes out, and will notify you the results. Very little picketing has been done since the arrest.

Yours, very truly,

F. C. FOSTER, *Secretary.*

TAYLOR EXHIBIT NO. 6.

AFFIDAVIT OF WILLIAM C. GATES.

STATE OF WASHINGTON,
County of King, ss:

William C. Gates, being sworn, says:

That he is a citizen of the United States of America and a resident of the State of Washington; that he is a general machinist by trade and has worked and followed said trade since 1903.

That on the 8th day of October, 1913, at Seattle Machine Works, he worked nine hours on the U. S. transport *Dix*, repairing and overhauling main feed-pump gear, bushings, and pins.

That on October 9, 1913, at Seattle Machine Works, he worked nine hours on U. S. steamer *General Miffin* and U. S. transport *Dix*, on feed pumps, rigging, and oil feed pumps.

That on the 10th day of October, 1913, he worked on the *General Miffin*, taking out and overhauling oil pump, for a continuous period of 15 hours.

That on the 11th day of October, 1913, he worked nine hours, and on the 12th day of October, 1913, he worked nine hours, all on same boat, the *General Miffin*, at said Seattle Machine Works, overhauling and taking out oil pump.

WILLIAM C. GATES.

Subscribed and sworn to before me this 21st day of October, 1913.

[SEAL.] THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

TAYLOR EXHIBIT NO.

SEATTLE, *December 2, 1913.*

MACHINISTS' UNION,
Labor Temple, Seattle.

GENTLEMEN: The celebrated case which we brought in behalf of Emil Krohn against the Moran Co. last summer has dragged at slow length along in court until now.

The Moran Co. was compelled to pay, and finally did pay, the judgments secured against them yesterday. After deducting the cost of the suit, I inclose check for $15, and not knowing Krohn's whereabouts, I send his check to you.

THOMAS B. MACMAHON.

AFFIDAVIT.

STATE OF WASHINGTON, *County of King, ss:*

Walter Leuzinger, being first duly sworn, says: That he is a native of Switzerland; that he has resided in the United States for three years last past; and that he has declared his intention to become a citizen of the United States.

and that he is a machinist by trade; that he answered an advertisement in the Chicago Daily News, which said advertisement stated that first-class men as machinists were wanted at Seattle, Wash.; that affiant went to the place named in the said advertisement, namely, 182 Dearborn Street, room 60, in said Chicago, Ill., and then and there applied for a position as said machinist in Seattle, Wash.; that affiant has read the affidavit of Herman Kottenbach, and the facts therein stated are true; that said Hastings told the affiant that there was no strike on at Seattle, and that the affiant would be furnished labor and work at his trade of machinist in said city; that affiant journeyed to said Seattle with said Kottenbach, and then and there upon arrival learned that there was a general strike on at Seattle, and that the said Moran Co., to whom the said Garrison took the affiant and others for employment, was on the unfair list, and that a general strike has been on since July 1, 1919; that the representation made to affiant that there was no strike at Seattle was one of the material representations concerning the said prospective employment at Seattle, and that affiant would not have sought the employment nor would he have signed any agreement to work and labor as a machinist in Seattle, if he had learned that a general strike existed; that affiant acted upon the statements made to him by said Hastings and was deceived thereby, and upon learning that strike existed in Seattle, refused to so work and labor.

WALTER LAUGHNER.

Subscribed and sworn to before me this 10th days of July, 1919.

[SEAL.] WINTER S. MARTIN,

A Notary Public in and for the State of Washington, residing at Seattle.

TAYLOR EXHIBIT NO. 8.

Hon. C. W. WAPPENSTEIN,

Chief of Police of the City of Seattle.

DEAR SIR: Pursuant to your request we hand you herewith the affidavits of J. H. Hendrickson and M. F. Kroll to the effect that your Officer Blount did, on the 30th day of July, 1919, use profane language in making an arrest of one of our members and, apparently, went out of his way to assist Moran's in their conduct of the strike now in progress at their yard.

On the trial of the member arrested by Officer Blount it developed that the case against Hendrickson was so weak that the city attorney asked to have it dismissed on the ground that there had been no violation of any ordinance or statute by said Hendrickson. (Stenographer's report of the proceedings before Judge Ryan attached hereto.)

THOMAS B. MACMAHON.

CITY OF SEATTLE *v.* J. H. HENDRICKSEN.

Police Officer Blount, after being duly sworn, testified as follows:

At Saturday noon, this man is one of the machinists on strike and we followed the man from Moran's shipyards to a restaurant and followed him back again and the man here kept talking to him and I told him to go away and leave him alone, and he told me he would like to know where I was at, and I told him if he did not leave the man alone I would have to send him in, and I sent him in.

CITY ATTORNEY. I would not ask for a conviction in this case and I move that it be dismissed.

(Case dismissed.)

The above and foregoing report made by Stenographer Frank Herbert, of United States Commissioner Bowman's office on the 1st day of August, 1919.

THOMAS B. MACMAHON.

STATE OF WASHINGTON, *County of King*, ss:

M. F. Kroll, being sworn, says: That he is 35 years of age, a citizen of the United States, an elector of the State of Washington, and a resident of the city of Seattle for more than 10 years last past; that on Saturday, July 26, A. D.

1910, between the hour of noon and 2.30 p. m., affiant was standing on Charles Street, at the corner of Railroad Avenue, in said city of Seattle, when he saw J. E. Hendricksen approaching and proceeding in a westerly direction on Charles Street; that when said Hendricksen reached a point about 10 feet distant from affiant one Tweedy, bookkeeper for Moran Shipyard, accosted Hendricksen, who was standing with his hands in his pockets; that almost immediately Officer Blount, a patrolman of said city, came up to Hendricksen and, without any cause or provocation, and without any word being spoken to him by Hendricksen, stated to Hendricksen in an exceedingly loud and angry tone, "God damn you; you are a lot of God damn kids trying to win a strike; damn you, I have a good mind to put you under arrest"; that thereupon said Officer Blount laid hands on said Hendricksen and took him to the patrol box on First Avenue between King Street and Seattle Hardware Co. store; that Hendricksen did not protest or resist arrest in any way.

M. F. KROLL.

Subscribed and sworn to before me this 1st day of August, 1910.

THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

STATE OF WASHINGTON, *County of King, ss:*

J. E. Hendricksen, being sworn, says: That he is 25 years of age, a citizen of the United States, an elector of the State of Washington, and a resident of the city of Seattle for more than eight years last past; that on Saturday, the 30th day of July, A. D. 1910, affiant was walking west on Charles Street, near Railroad Avenue, in said city, about 12.30 o'clock in the afternoon; that he had his hands in his pockets so no one might say that he put his hands on anyone to whom he might speak; that a man, apparently a machinist, was walking in the same direction with affiant; that affiant stated to the man, "The machinists are on strike at Moran's"; that affiant said nothing further to the man up to this time; that the man answered affiant by saying, "I am not working at Moran's"; that affiant then said, "Excuse me, I thought perhaps you were a machinist working for Moran's"; that affiant had then walked to within 10 or 12 feet of one M. F. Kroll, at which point a patrolman in uniform of the Seattle police, whose name affiant has since learned was Blount, yelled to and at affiant and said, "God damn you, I told you not to speak to them men that didn't want to talk to you." Affiant answered said Blount by saying, "I did not stop the man, I only told him the machinists were on strike at Moran's, and that is all he could be offended at if he is offended"; that Blount then said to affiant, "God damn you, I have a good mind to pull you into jail"; that Blount then came up behind affiant and took affiant by the shoulder and walked him to patrol box on First Avenue; that affiant made no resistance; that after affiant was placed under arrest Officer Blount said to him further, "God damn you, you send a lot of kids down here expecting to win a strike"; affiant told Blount he had no right to swear and use so much profane language, that affiant could prefer charges against him for it; that Blount then said to affiant, "I don't give a damn what charges you prefer against me; I have got you now and I will send you to jail, whether you stay there or they keep you or not, but I will put you there just the same."

J. E. HENDRICKSEN.

Subscribed and sworn to before me this 1st day of August, 1910.

THOMAS B. MACMAHON,
Notary Public for the State of Washington, residing at Seattle.

TAYLOR EXHIBIT NO. 8.

INTERNATIONAL ASSOCIATION OF MACHINISTS,
HOPE LODGE, No. 79.

GENTLEMEN: Letter sent to individual employers May, 1910.

We, the undersigned committee, representing Machinists' Hope Lodge, No. 79, of Seattle, are desirous of entering into a working agreement with your firm

and have herein inclosed a copy of the proposed agreement which we have submitted to every employer in this city for their consideration.

Our purpose in wishing to enter into this agreement with you is to keep pace with the constant change in industrial conditions throughout the country. As workingmen, we desire recognition and protection. We desire to increase our pay in accordance with the increased cost of living. We desire to give our employers as much of our time in the shops as justice to our family and health will permit, keeping for ourselves a sufficient amount of time to travel to and from our work and for recreation and rest.

We trust that you appreciate the position that we are taking in this matter, and that you will not feel that we as workingmen are antagonistic to your rights and interests as employers, as it is our earnest desire to agree and cooperate with you, to give you the best service that we have, and to work to the end that both the employers and employees shall be mutually benefited.

This move perhaps is a new departure from the old system of doing business, but one which the changing in industrial conditions was bound to bring about sooner or later, and now that this time has arrived we sincerely hope that the employers will show the same kind of feeling and give us the same consideration that we have shown to them, in order that a settlement may be reached that will be agreeable and beneficial to both parties.

If there is any part of this proposed agreement that you would like to take up with us, we would only be too pleased to meet you and discuss it with you.

Please send your answer to the Secretary of Hope Lodge, No. 79, I. A. M., if possible on or at least by June 1.

Thanking you in advance for whatever consideration you may show us, we remain,

Very respectfully, yours,

Hope Lodge, No. 79, I. A. M.

[SEAL.]

TAYLOR EXHIBIT NO. 10.

AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND THE FIRM OF _____, BELLINGHAM, WASH.

Rule No. 1.—Eight hours shall constitute a day's work.

Rule No. 2.—The minimum rate of wages for machinists shall be $3.60 per day.

Rule No. 3.—All time worked over the regular eight-hour day up to 10 p. m. shall be paid at the rate of time and one-half, and all time worked after 10 p. m., including Sunday and legal holidays, shall be paid at the rate of double time.

Rule No. 4.—One apprentice may be employed for the shop and one additional apprentice for each five machinists employed.

This agreement shall go into effect _____ and remain in effect until _____ after which time either party desiring a change shall give 30 days' notice.

Signed for the International Machinists' Association:

_____

_____

This agreement is signed with the understanding that if, during the life of this agreement, the above-mentioned organization allows any of its members to work over eight hours per day or for less than the above-mentioned rate per day in any of the contract shops in the city of Bellingham, Wash., this agreement will be null and void.

Signed for the International Machinists' Association:

_____

_____

TAYLOR EXHIBIT NO. 11.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON, FOR KING COUNTY.

Order No. ——

The Moran Co., plaintiff, v. Lodge No. 68 of International Association of Machinists, R. G. Cook, J. A. Taylor, W. Jordan, F. H. Stevens, H. F. Breckman, A. J. Pitch, J. B. Lamb, D. G. Morris, Victor Chrelist, F. L. Buckman, Richard Roe, and John Doe, Iron Molders' Union, No. 185, J. M. Johnson, W. W. Maruge, William Stafford, Thomas Fife, William Legge, Frank Wacker, John Morris, John Doe, and Richard Roe, International Brotherhood of Boiler Makers and Iron Ship Builders, Lodge No. 104, John Long, Frank Deenling, John Osborne, James McGill, Robert Molander, H. Todd, W. H. Clark, D. Cooper, W. Cooper, John Doe, and Richard Roe, defendants.

The above-entitled cause coming on for hearing in this court on Monday, May 27, 1907, and defendants having appeared by counsel in opposition to the application of the plaintiff for a temporary injunction herein and proof having been submitted to the court in behalf of both the plaintiff and the defendants and the court having been fully advised in the premises, adjudges that a case has been made by the plaintiff for a temporary injunction herein: Now, therefore, upon application of plaintiff and its counsel, it is hereby ordered that the defendants and each of them, as well as all persons aiding or abetting them, including the members of all defendant unions, are hereby restrained and enjoined from each and all the following acts:

1. From in any manner interfering with, hindering, or obstructing the business of the plaintiff, or its agents, servants, or employees in the maintenance, conduct, or management thereof.

2. From compelling or inducing, or attempting to compel or induce, by threats, force, violence, insults, or any species of intimidation, any of plaintiff's employees to quit the service of the plaintiff.

3. From preventing or attempting to prevent by means of threats, force, violence, insults, or intimidation any person or persons from freely entering into or continuing in the employ of the plaintiff.

4. From congregating about or near the premises of the plaintiff or in the streets, approaches, or places adjacent or directly leading to the premises of the plaintiff for the purpose of intimidating its employees or preventing or hindering them from fulfilling their duties as such employees, or for the purpose of inducing or coercing by threats, violence, or by intimidation, any of the plaintiff's employees to leave its service, or any person to refuse to enter its service.

5. From going singly or collectively to the place of residence of said employees for the purpose of attempting to induce any of them by means of threats or any kind of intimidation to quit the service of complainant.

6. From preventing or attempting to prevent, by threats or intimidation, any person from entering into contractual relations with the plaintiff.

7. From doing any act whatsoever in furtherance of any conspiracy or combination formed for the purpose of injuring plaintiff, or in any manner interfere with the plaintiff in the control of its business, and from directing, aiding, or abetting any scheme, design, or plan to interfere with the free and unhindered control of the plaintiff in its business and the free choice or will of any servant, agent, or employee of plaintiff.

8. From displaying any banners at or near the premises of the plaintiff for the purpose of intimidating any of the employees or customers of plaintiff, or deterring others from entering its employ.

9. From picketing said plaintiff's place of business or picketing the homes, boarding houses, or places of residence of any of the said employees.

10. From annoying, harassing, accosting, intercepting, ridiculing, hindering, insulting, or otherwise interfering with any of the employees of the plaintiff or with any person who may desire to enter the service of plaintiff, for the purpose of inducing such employees to quit said service, or preventing other persons from entering therein.

Done in open court this 3d day of June, A. D. 1907.

R. B. ALBERTSON, Judge.

TAYLOR EXHIBIT NO. 15.

DECEMBER 2, 1913.

Mr. JOHN RICHARD BRADY,
Commander Puget Sound Navy Yard, Bremerton, Wash.

DEAR SIR: We are inclosing you herewith tabulated list showing the working conditions and wages paid the mechanics in 33 of our western firms, hoping that this will be of some benefit to you.

We would appreciate very much if you would send us a copy of your new wage schedule, so that we can note any changes that have been made.

Thanking you in advance for the courtesy, I beg to remain,

Yours, very truly,

A. H. GARRISON, *Secretary.*

Working condition and number of mechanics who receive certain wage in 33 of the largest firms in western Washington October, 1913.

	Number of firms.
Work 9 hours per day	33
Work 1 hour less on Saturdays	1
Work one-half day Saturday during summer season	2
Work one-half day Saturday whole year	5
Allow time and half overtime to 12 p. m., double time after 12 p. m., Sundays and holidays	29
Allow time and half overtime to 10 p. m., double time after 10 p. m. Sundays and holidays	4
Allow double time after 5 p. m. Saturdays	2

Number of mechanics.

Rate per hour.	Machinists.	Molders.	Boiler makers.	Blacksmiths.	Pattern makers.	Electricians.	Joiners.	Steam fitters.
37½ cents					1			1
40 cents	13	1		1	1			
42½ cents					1			
45 cents	27	1	1	1	6			
47½ cents					4			
50 cents	2							
52½ cents	2							
55 cents	62	24	5	4	17	5	9	
57½ cents	19	7		2	3			
60 cents		1						2
62½ cents	30							
65 cents	12			1				
67½ cents	10		5	1	3	5	32	20
70 cents		1						
72½ cents	20	4	3	3	3	4		3
75 cents		4						
77½ cents	1	1						
80 cents	6	6						
82½ cents	1							5
85 cents	1	2						
87½ cents	2	3						
90 cents	2			1		2		
92½ cents	1							
95 cents	1	1						
97½ cents							2	

TAYLOR EXHIBIT NO. 11.

	Output.	
	At union foundry.	At open shop.
Standard castings, 1 molder and 1 helper:		
Shingle machine		
Shingle saw collars	5	10
Gears	4	10
Pulleys, pulleys	3	6
Main frames	1	2
Trucks	1	1½
Carriage	1	1½
Arbor pulleys, 36 by 12 inches	1	1½
Molding machine work, 1 molder and 1 helper:		
Pulleys—		
24 by 10 inches	1	
30 by 10 inches	1	
36 by 10 inches		1
12 by 11 inches		2
16 by 11 inches		2
Spur iron friction, 24 by 6 inches	1	2

[1] And some small work.

WALLACE EXHIBIT NO. 1.

January 1, 1914.

	Claim No.	Work-days lost.	Wages lost.	Cost of treatment.	Award for time lost.	Award for disability.
[illegible]		24	$100.00	$10.00	$27.43	
		15	102.00	15.00	65.45	
		11	265.00	30.00	105.00	
		15	52.50	5.00	17.50	
		13	68.00	11.00	14.75	
		6	18.00	30.00	9.00	
		11	50.25	10.00	15.12	
		3½	7.87	2.00	4.00	
		25	83.33	30.00	28.75	
		20	85.00	2.00	28.00	
		11	33.00	15.00	12.70	
		13½	47.25	4.00	11.00	
		10	77.50	30.00	11.00	
		71	177.50	4.00	105.00	
		15	45.00	5.00	20.75	
		24	105.00	30.00	41.50	
		14	33.00	2.00	21.00	
		9	21.00	25.00	10.00	
		25	85.00	2.00	28.00	
		45	120.00	15.00	72.00	
		31	85.00	41.75	30.00	
		2	4.00		2.00	
		14	42.00	2.00	28.00	
		13	35.00	2.00	15.00	
		104	260.00	30.00	130.00	
		9	22.50	2.00	11.00	
		13	39.00	6.00	15.00	
		38	171.00	90.00	45.00	
			11.00	10.00	5.75	
		24	72.00	7.00	41.00	
		25	85.00	12.00	30.00	
		28	98.70	30.00	30.00	
		20	80.00	15.00	30.00	
		10	35.00	4.00	15.00	
		20	80.00	7.00	45.00	
		20	55.00	30.00	24.00	
		40	120.00	30.00	124.00	
		11	33.00	7.00	30.00	
		15	41.25	5.00	24.75	
		4	17.00	5.00	6.00	
		20	60.00	30.00	30.00	
		27	67.50	10.00	30.00	

January 1, 1915—Continued.

Claim No.	Work-days lost.	Wages lost.	Cost of treatment.	Award for time lost.	Award for disability.
31199	12	27.00	6.00	12.85	
31200	27	58.50	15.00	62.75	
31207	43	105.00	1.50	44.00	
31210	90	225.75	102.00	166.25	
31213	6	27.00	14.00	13.50	
31214	7	24.50	2.75	10.14	
31217	22	55.00	1.00	25.30	
31217	13	30.00	1.00	17.25	
31217	19	47.50	6.00	20.00	
31218	24	22.75	6.00	9.00	
31220	6	15.30	5.00	6.00	
31276	4	12.00	25.00	8.45	
31284	13	35.00	3.00	12.72	
31285	12	42.00	3.00	14.00	
31311	10	30.00	15.00	17.25	
31315	51	102.00	15.00	34.00	
31319	13	42.00	15.00	48.10	
31320	14	36.00	6.00	22.00	
31322	18	44.00	3.00	20.00	
31323	28	82.00	14.00	31.20	
31326	27	102.00	15.00	34.00	
31327	28	120.15	20.00	38.20	
31327	10	40.00	12.15	18.20	
31703	14	42.00	5.00	15.20	
31947	10	37.50		11.25	
31952	1	7.00	5.00	3.66	
31953	4	32.00	2.00	6.20	
31956	60	240.00	5.00	67.70	
31960	60	288.40	25.00	100.00	
31977	6	16.25	7.00	5.75	
31978	10	27.50	6.00	16.00	
31980	11	38.50	2.25	16.15	
31981	17	59.50	12.00	19.00	
31982	12	42.00	20.00	34.00	
31984	6	15.00	25.00	6.00	
31977	4	14.00	20.00	11.00	
31987	37	133.00	20.00	48.75	
31988	10	30.00	6.00	16.00	
31989	30	60.00	10.00	34.00	
31990	14	1.50	1.00	1.75	
31991	30	105.00	7.00	35.00	
31992	11	27.50	20.00	16.00	
31993	11	33.00	10.00	22.00	
31994	15	52.50	20.00	45.75	
31995	11	44.00	7.00	12.00	
31996	30	105.00	15.00	34.00	
31997	30	105.00	15.00	34.00	
31998	32	112.00	15.00	34.00	
31999	12	36.00	5.00	15.00	
32000	4	8.00	2.00	4.00	
32001	2	4.00	10.00	4.00	
32002	24	72.00	20.00	34.00	
32003	2	4.00	4.00	4.00	
32004	12	36.00	20.00	34.00	
32005	12	36.00	5.00	15.00	
32006	11	33.00	20.00	34.00	
32007	12	36.00	5.00	15.00	
32008	11	33.00	20.00	34.00	
32009	12	36.00	5.00	15.00	
32010	11	33.00	20.00	34.00	
32011	12	36.00	5.00	15.00	
32012	11	33.00	20.00	34.00	
32013	12	36.00	5.00	15.00	
32014	11	33.00	20.00	34.00	
32015	12	36.00	5.00	15.00	
32016	11	33.00	20.00	34.00	
32017	12	36.00	5.00	15.00	
32018	11	33.00	20.00	34.00	
32019	12	36.00	5.00	15.00	
32020	11	33.00	20.00	34.00	
32021	12	36.00	5.00	15.00	
32022	11	33.00	20.00	34.00	
32023	12	36.00	5.00	15.00	
32024	11	33.00	20.00	34.00	
32025	12	36.00	5.00	15.00	
32026	11	33.00	20.00	34.00	
32027	12	36.00	5.00	15.00	
32028	11	33.00	20.00	34.00	
32029	12	36.00	5.00	15.00	
32030	11	33.00	20.00	34.00	
32031	12	36.00	5.00	15.00	
32032	11	33.00	20.00	34.00	
32033	12	36.00	5.00	15.00	
32034	11	33.00	20.00	34.00	
32035	12	36.00	5.00	15.00	
32036	11	33.00	20.00	34.00	
32037	12	36.00	5.00	15.00	
32038	11	33.00	20.00	34.00	
32039	12	36.00	5.00	15.00	
32040	11	33.00	20.00	34.00	
32041	12	36.00	5.00	15.00	
32042	11	33.00	20.00	34.00	
32043	12	36.00	5.00	15.00	
32044	11	33.00	20.00	34.00	
32045	12	36.00	5.00	15.00	
32046	11	33.00	20.00	34.00	
32047	12	36.00	5.00	15.00	
32048	11	33.00	20.00	34.00	
32049	12	36.00	5.00	15.00	
32050	11	33.00	20.00	34.00	
32051	12	36.00	5.00	15.00	
32052	11	33.00	20.00	34.00	
32053	12	36.00	5.00	15.00	
32054	11	33.00	20.00	34.00	
32055	12	36.00	5.00	15.00	
32056	11	33.00	20.00	34.00	
32057	12	36.00	5.00	15.00	
32058	11	33.00	20.00	34.00	
32059	12	36.00	5.00	15.00	
32060	11	33.00	20.00	34.00	
32061	12	36.00	5.00	15.00	
32062	11	33.00	20.00	34.00	
32063	12	36.00	5.00	15.00	
32064	11	33.00	20.00	34.00	
32065	12	36.00	5.00	15.00	
32066	11	33.00	20.00	34.00	
32067	12	36.00	5.00	15.00	
32068	11	33.00	20.00	34.00	
32069	12	36.00	5.00	15.00	
32070	11	33.00	20.00	34.00	
32071	12	36.00	5.00	15.00	
32072	11	33.00	20.00	34.00	
32073	12	36.00	5.00	15.00	
32074	11	33.00	20.00	34.00	
32075	12	36.00	5.00	15.00	
32076	11	33.00	20.00	34.00	
32077	12	36.00	5.00	15.00	
32078	11	33.00	20.00	34.00	
32079	12	36.00	5.00	15.00	
32080	11	33.00	20.00	34.00	
32081	12	36.00	5.00	15.00	
32082	11	33.00	20.00	34.00	
32083	12	36.00	5.00	15.00	
32084	11	33.00	20.00	34.00	
32085	12	36.00	5.00	15.00	
32086	11	33.00	20.00	34.00	
32087	12	36.00	5.00	15.00	
32088	11	33.00	20.00	34.00	
32089	12	36.00	5.00	15.00	
32090	11	33.00	20.00	34.00	
32091	12	36.00	5.00	15.00	
32092	11	33.00	20.00	34.00	
32093	12	36.00	5.00	15.00	
32094	11	33.00	20.00	34.00	
32095	12	36.00	5.00	15.00	
32096	11	33.00	20.00	34.00	
32097	12	36.00	5.00	15.00	
32098	11	33.00	20.00	34.00	
32099	12	36.00	5.00	15.00	
32100	11	33.00	20.00	34.00	
32101	12	36.00	5.00	15.00	
32102	11	33.00	20.00	34.00	
32103	12	36.00	5.00	15.00	
32104	11	33.00	20.00	34.00	
32105	12	36.00	5.00	15.00	
32106	11	33.00	20.00	34.00	
32107	12	36.00	5.00	15.00	
32108	11	33.00	20.00	34.00	
32109	12	36.00	5.00	15.00	
32110	11	33.00	20.00	34.00	
32111	12	36.00	5.00	15.00	
32112	11	33.00	20.00	34.00	
32113	12	36.00	5.00	15.00	
32114	11	33.00	20.00	34.00	
32115	12	36.00	5.00	15.00	
32116	11	33.00	20.00	34.00	
32117	12	36.00	5.00	15.00	
32118	11	33.00	20.00	34.00	
32119	12	36.00	5.00	15.00	
32120	11	33.00	20.00	34.00	
32121	12	36.00	5.00	15.00	
32122	11	33.00	20.00	34.00	
32123	12	36.00	5.00	15.00	
32124	11	33.00	20.00	34.00	
32125	12	36.00	5.00	15.00	
32126	11	33.00	20.00	34.00	
32127	12	36.00	5.00	15.00	
32128	11	33.00	20.00	34.00	
32129	12	36.00	5.00	15.00	
32130	11	33.00	20.00	34.00	
32131	12	36.00	5.00	15.00	
32132	11	33.00	20.00	34.00	
32133	12	36.00	5.00	15.00	
32134	11	33.00	20.00	34.00	
32135	12	36.00	5.00	15.00	
32136	11	33.00	20.00	34.00	
32137	12	36.00	5.00	15.00	
32138	11	33.00	20.00	34.00	
32139	12	36.00	5.00	15.00	
32140	11	33.00	20.00	34.00	
32141	12	36.00	5.00	15.00	
32142	11	33.00	20.00	34.00	
32143	12	36.00	5.00	15.00	
32144	11	33.00	20.00	34.00	
32145	12	36.00	5.00	15.00	
32146	11	33.00	20.00	34.00	
32147	12	36.00	5.00	15.00	
32148	11	33.00	20.00	34.00	
32149	12	36.00	5.00	15.00	
32150	11	33.00	20.00	34.00	

January 1, 1911—Continued.

Name.	Number.	Weeks days lost.	Wages lost.	Cost of treatment.	Award for time lost.	Award for disability.

January 1, 1914—Continued.

Claim No.	Work-days lost.	Wages lost.	Cost of treatment.	Award for time lost.	Award for disability.
[illegible]					
[illegible]	31	94.99	.85	94.99	
[illegible]	13	43.00	10.00	13.33	
[illegible]	22	126.00	25.00	26.00	
[illegible]	15	24.00	10.00	14.66	
[illegible]	9	10.44	10.00	6.30	
Total (307 claims)	4,907½	13,166.21	6,228.35	6,662.35	
[illegible]	26	52.00	15.00	26.00	100.00
[illegible]	21	105.00	15.00	44.70	100.00
[illegible]	84	216.00	125.00	109.00	1,000.00
[illegible]	22	112.00	25.00	38.00	25.00
[illegible]	26	144.00	15.00	46.00	25.00
[illegible]	20	102.00	62.00	34.00	37.50
[illegible]	167	488.38	145.00	208.50	125.00
[illegible]	190	666.00	200.00	194.43	100.00
[illegible]	66	276.00	100.00	140.00	125.00
[illegible]	30½	153.00	25.00	61.00	37.50
[illegible]	20	96.00	65.00	24.00	25.00
[illegible]	30	57.00	15.00	13.30	100.00
[illegible]	30	57.00	25.00	23.40	100.00
[illegible]	37	111.00	125.00	54.00	100.00
[illegible]	44	132.00	200.00	39.72	400.00
[illegible]	60	171.00	50.00	34.00	125.00
[illegible]	42	210.00	15.00	63.00	25.00
[illegible]	26	71.50	200.00	42.00	50.00
[illegible]	13	13.00	2.00	2.00	37.50
[illegible]	30	108.00	25.00	46.00	25.00
[illegible]	44	136.40	17.00	68.00	25.00
[illegible]	42	94.50	100.00	63.00	125.00
[illegible]	38	114.00	25.00	45.00	112.50
[illegible]	30	105.00	25.00	73.50	25.00
[illegible]	78	202.80	145.00	93.60	200.00
[illegible]	123	455.73	[illegible]	36.00	25.00
[illegible]	26	83.20	40.00	24.00	25.00
[illegible]	13	40.00	25.00	23.00	25.00
[illegible]	30	90.00	25.00	30.00	25.00
[illegible]	30	105.00	25.00	105.00	25.00
[illegible]	23	46.00	125.00	26.00	25.00
[illegible]	24	78.00	25.00	42.00	62.50
Total (31 cases)	1,455	5,341.20	2,230.75	2,145.70	3,200.00

WALLACE EXHIBIT NO. 2.

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, February 5, 1914.

Hon. J. H. WALLACE,
Member Industrial Insurance Commission.

DEAR SIR: In going through the newspaper clippings received by me, I find one from the Raymond Herald containing a part of your address delivered to the State federation of labor at the meeting held in Raymond a few days ago. A copy of this clipping I am herewith inclosing, so that you may have an opportunity to see just exactly your statement as given by the press.

It would appear from this statement that in your address you criticised severely the other two members of the industrial insurance commission, indicating that they were making an effort to "emasculate the law and that many causes for complaint had occurred during the past few months which you were powerless to prevent."

It is my desire that the best possible results be obtained from the operation of the industrial-insurance law. There is no doubt in the minds of those who have given careful study to the matter but that the law is proving to be an excellent measure in the handling of this particular line of insurance. I have at all times endeavored to impress upon the commission the necessity of their becoming thoroughly acquainted with the law and putting forth every effort to properly administer it. Inasmuch as this article from the Raymond Herald indicates there is a marked difference of opinion between the members of the commission regarding the method of administering the law, I desire to have from you a statement concerning wherein these differences occur and giving to

me such facts as will be of service in arriving at a proper conclusion regarding the actions of the members of the board. I hope that you will take sufficient time in the preparation of your answer to this request so that you may present the information called for in a clear and concise manner. I recognize that the work of the commission covers a large amount of detail; that this detail must be worked out carefully and correctly for the purpose of getting the proper results from its operation. I hope you will present such facts as you may have wherein you feel the other members of the board have not done their duty, so that I will be able to arrive at a fair and impartial conclusion from the facts submitted.

I have written to each member of the commission to-day. To the other two members of the commission I have forwarded a copy of the clipping, the same as is herewith inclosed, and have requested each of the other two members to submit to me a statement also in writing.

Awaiting your reply to this communication, I am,

Yours, truly,

ERNEST LISTER, *Governor.*

OLYMPIA, WASH., *February 28, 1914.*

Hon. ERNEST LISTER,
Governor of the State of Washington, Olympia, Wash.

MY DEAR GOVERNOR: Complying with your request of February 5, desiring a statement from me re the differences existing between the other members of the board and myself, your request being made as result of statements made by me at the federation of labor meeting in Raymond on Wednesday afternoon, January 22, 1914, I am indeed pleased that the privilege has been granted me to explain some of the administrative details of the workmen's compensation law, which, in my opinion, are not receiving the consideration they necessarily should, and because, in my opinion, legislation of this character can not possibly be successful without the hearty cooperation of all forces affected, to the end that it might be administered equitably, justly, without fear or favor, for the good of all parties concerned.

During the time I have been connected with this work I have endeavored to present my views in as nonpartisan, unbiased, and candid manner as it is possible for one man to deal with other men, and have felt free at all times to advance theories, which to me seemed practical and beneficial, in the hope that the most possible good would accrue to the people of our State as a result. I am also free to confess that, in my opinion, this is the only successful method of dealing with large humanitarian problems.

In studying the question of social insurance we are brought face to face with a great economic waste, which every class of people interested in great social problems admits existed under our old former common-law procedure. Moneys were being paid into channels diametrically opposed to the interests of those who should receive them. Expensive litigation was indulged in to defeat the ends of justice. Orphan homes, county poor farms, and charitable institutions were crowded to capacity because of the large number of destitute people, the direct outcome of industrial misfortune. It was to correct such conditions, to make brighter the dark day, to inspire hope where despair had come, to bring together into a closer unity of faith and action the man who performs and the man who plans our great industrial operations, that workmen's compensation laws came into being.

In the administration of our workmen's compensation law the first requisite for success must be found in the men charged with carrying out its provisions. This is vitally important, since they must necessarily be men of good judgment, capable of thinking justly, fearless in upholding its principles, bringing careful thought and study to the intricate problems confronting them, equitable and just in the payment of awards. This, with a careful analytical interest in the ultimate possibilities to be realized from such legislation, together with a knowledge of the laws of other countries and States, embodying the social significance attached thereto, should command the attention of every person directly affiliated with this great problem.

These principles comprise the greater significance of social insurance as outlined by and promulgated in the report of the original commission prior to the enactment of the law. Both the employer and employee now in the spirit and letter of the act not abuse the paying of moneys for injuries but the larger

and more vital benefits that would accrue as a result of education and experience from such legislation.

With these things in mind, the commission first appointed to administer this law devoted itself religiously to its great humanitarian work. Problems of administration were taken up and decided not by any individual commissioner but by the commission; questions of moment affecting the interests of all parties were debated and conclusions arrived at; claims were disposed of in a spirit of fairness and equity under the law; employers and employees received the same courteous treatment, the commission embodying the idea that while compensation was necessary when workmen were injured, the prime factor was not compensation but accident prevention.

This spirit, these sentiments, have actuated the writer, since the day of his appointment, to assist in carrying out the legislative intent of this great law, and, as one of its advocates, I am still of the opinion that you will appreciate its greater virtues in a systematic effort to decrease the number of unnecessary accidents, to conserve, as far as possible, life and limb, and thus make unnecessary the enormous financial drain upon industry now demanded in apology for this great human waste.

In the creation of a department to administer this law provision was made for the appointment of three commissioners, upon whom should devolve the duties of successfully carrying into effect the provisions of the act. It was the intent that all questions arising under the law upon which decision should be rendered must be concurred in by a majority of the board. This also contemplates a thorough familiarity with all phases of the work on the part of each member of the commission, to the end that whatever action is taken upon any problem arising thereunder each commissioner would be fully advised thereon. This would also, in my opinion, prohibit the discussion and final settlement of any problem demanding a ruling by the board, the validity of which might be questioned, with less than the full board present, in order that every phase of the subject under discussion be brought out and action taken after a thorough painstaking effort to apply the law justly in accordance with the merits of the case.

This was the policy pursued prior to the appointment by you of the two commissioners now serving with me, and was, for some time, indulged in by them, but later, for reasons best known to themselves, dispensed with. Changes in the policy of administration have been made without my knowledge or consent, and actions taken in which I could not concur, either from a legal or honorable standpoint. Policies affecting the welfare of both employers and employees are being carried out which, in my opinion, are a menace to the interests of both. It is because of my inability to remedy these conditions, after using every honorable influence with the other members for their correction, that I was compelled in the interests of my own good name and character to make the statements I did at the Raymond convention.

Permit me to say that my disagreement as to the policies outlined by the other members of the board affords me no particular pleasure, as I have sought by every honorable means to render all the assistance possible to the end that we might work in harmony with each other, in order that the law be made a success. Furthermore, I willingly and frankly contributed the information gleaned from my experience in the work, since its inception. However, for some months past the other commissioners have seemingly studied how to avoid a fair, honorable, and impartial application of the law and its provisions, and for a number of months have arbitrarily carried into execution theories of their own without warrant under the law, in theory or in fact, and refuse even at this time, although having been notified by attorney general's office that such methods are illegal, to desist from their policy. I refer specifically to the payment of claims as carried on at this time: Claims are assembled in the accounting department, passed on by the claim agent, where the amounts due injured workmen or the dependents of those killed are compiled; claims are then forwarded to the executive room, where it is the duty of the commission to inspect them carefully and, if found correct, attach their signatures for payment. Under the provisions of the law it is the duty of the department to pass upon the legitimacy of these claims, to see that they are figured correctly, that the amounts paid are in accordance with the act, and that all conditions necessary to their passage and payment have been complied with.

For some months past these claims have been figured as usual by the claim department, forwarded to the executive room to be passed on by the commission, but instead of having the careful, conscientious, and legitimate scrutiny

of at least two members of the board, they are signed arbitrarily by one commissioner without any investigation on his part as to the legitimacy of the claims or the merits of the award made. This, in my opinion, and I have so stated to the other members of the board, is absolutely contrary to the spirit and letter of the law and has been the source of much injustice, in that some claimants have not received the consideration and awards to which they were justly entitled, while others have received more than the letter or spirit of the act entitled them to. The only excuse offered by the chairman of the commission for not following out the policy as contemplated by the law, of having two commissioners with the chief surgeon pass upon every claim, as was the case under the original or old commission, was that he was not going to have two men spending their time around the office.

Another cause for complaint, and one which in my opinion merits special attention, is the position taken by your appointees where men have been injured to the extent of being permanently totally disabled. This, I believe, to be one of the most unfair attitudes taken by any set of men intrusted with the man as well as the money side of this great humanely interesting problem. The viciousness of this attitude was first brought to my attention during the early months of their appointment, when a victim of industrial misfortune, totally blind, presented himself to the commission, in the hope of getting some relief by settlement, for a lump sum. Upon this particular day the attorney general, W. V. Tanner, was in the commission's office when Mr. Daggett suggested a lump-sum settlement on the basis of $1,500 in full and final payment for injuries received. The attorney general advised him, in the presence of the other members of the commission, that if settlements were made on this basis it was high time that some one took action to have the law repealed. It is unnecessary to state that the man was afterwards placed on the permanent pension roll.

This advice seemingly satisfied but for the moment, since repeated attempts have been made to make settlements on the basis of $1,500 where men were permanently totally disabled. One such attempted settlement caused a furore in the particular locality where the claimant lived, a resolution being sent out to all labor bodies of the State condemning the action of the commission, even though the man was afterwards placed on the permanent pension roll and is now receiving his payments each month.

Permit me to say that while $1,500 is the maximum which may be paid for a permanent partial disability, nowhere within the pages of the law is it either written or implied that the commission shall arbitrarily fix the amount for permanent total disability at $1,500, or any other amount, excepting that they may not, when converting into a lump sum, final payment in cases of permanent total disability, pay more than $4,000, which is specifically stated in section 7 of the act.

One of the administrative problems facing the original board, and one which gave food for serious thought, was the section just referred to. After carefully analyzing every feature of the act and studying it from various angles the commission became firmly convinced that since the protection afforded by this law was not primarily for the mother, who is in most cases capable of caring for herself, but rather for those who were defenseless and helpless in dealing with economic conditions, namely, the children, that no lump-sum payments would be made, but dependents placed on the pension list receiving monthly their stipends, according to section 5 of the law. If this theory is predicated upon sound judgment with thought only for the good of our future citizenship and a spirit that demonstrates an endeavor to do that which is best for those intrusted to our care, most uncanny is the thought that any man, claiming to serve the people on this board, can justify his position by offering lump-sum settlements of $1,500, in the hope that such will be accepted in lieu of any amount between $1,500 and $4,000, which the law justifies us in giving.

Among the specific cases coming under this head, and which I have in mind, having been brought face to face with them, either by protest from the parties affected or by discussion of them by their friends, is case No. 23722, showing that the injured man was blinded by premature blast, losing the sight of both eyes and suffering other injuries, which leave him permanently totally disabled for life. This man was injured on June 6, 1912, monthly payments being made as per schedule. On January 5, in a letter dictated to the commission by Mr. Daggett, who had evidently interviewed the man in person, he makes the following statement:

"INDUSTRIAL INSURANCE COMMISSION,
"*Olympia, Wash.*

"GENTLEMEN: I have this day, on behalf of the commission, tendered claimant a settlement for $1,500 as full and complete payment for injuries now existing, or that he be placed on a pension of $20 per month from this date, either settlement to include time loss to date, with a lump-sum settlement. I am convinced that by an operation upon the leg and removal of cataract from the left eye he will have reasonably good result to the leg and about one-third to one-half vision of the eyes. Without these operations he is entitled to a permanent total disability. He has elected to take the pension, and I recommend that same be allowed.

"FLOYD L. DAGGETT."

It will be seen from this letter that the thought seemingly uppermost in the mind of the commissioner was to close claim regardless of the condition of the claimant. I have never been able to conjure in my mind where the idea took root in the minds of the commissioners that they had any legal or moral right to offer settlements on this basis. This method, however, is entirely too prevalent, as the theory of law was not to bargain with claimants, but to make settlements, where such were legitimate, on the basis of right and justice under the law and not on a basis of economic necessity.

Another case, referred to earlier in this article, is claim No. 22800, where the man appeared before the commission and was accorded the same treatment and made the same offer as in the previous case. Claimant refused to accept the $1,500, and some time later I was dispatched to investigate this man's condition and placed him on the permanent pension roll. This is the case in which the people in the community in which he lived voiced their vigorous protest at the action of the commission in offering the claimant the sum of $1,500; wrote your honor a letter relative to the matter, suggesting that if a change in the commissioners were made they would greatly appreciate it. They have since circulated their protest throughout the State, calling the attention of laboring men to the business methods employed by this department.

Another claim, No. 4166, where the injured person received a fracture of the spine. Receiving monthly payments for some time, he was confronted by one of our adjusters and offered a lump sum of, firstly, $1,000, and then $1,250 in a final settlement of his claim. This he refused to accept. At a later period, in company with Mr. Daggett, we paid this man a visit, when Mr. Daggett offered him $200 in full and complete settlement of his claim. To this both the wife and husband protested, the man at that time being still on crutches. Upon leaving the house I informed Mr. Daggett that the man should be placed on the permanent pension list, as, in my opinion, he would never again be able to perform any gainful labor. A few days afterwards the claim was acted upon by the commission and the sum of $4,000 set aside, from which payments are being made.

Such arbitrary actions as these on the part of the commission are doing more to crystallize unfavorable sentiment than all the good it is doing in other directions. Why the commission should attempt to make settlements with men during the time their injuries are indeterminate is, in my opinion, but a relic of the old casualty insurance method of making settlements and entirely out of harmony with the trend of modern thought as embodied in workmen's compensation laws. But it is not only in permanent total disability cases that our actions are being criticised. Even more pernicious is this system of barter in blood for dollars and cents where the injuries result in permanent partial disabilities.

Under the system now prevalent in this department little attention is paid to the ratings made by the chief surgeon, since those who do the most protesting and threatening receive the most when the bargain is finally struck, only those accepting what they are offered by the commission feeling they are being dealt with honestly and in good faith getting the ratings made by the chief physician and awards in keeping with showing made by him on special examination reports.

To such an extent has this been carried that one man, whose claim number is 23150, received much more in compensation than he was legally entitled to. He sustained severe injuries, which caused a permanent partial disability, for which our chief surgeon made a rating of 8 degrees, or $300. Rather than accept this amount he appealed from the findings of the board, engaged a lawyer to defend him in the courts, but was finally settled with by Mr. Daggett in the sum of

$850. This is one of the most extraordinary examples of settlement bargaining that has come to my notice.

As a direct result of the settlement made in the case just referred to, and one which bears out my former statements relative to the ratings made by the chief surgeon, is the attitude taken by claimant No. 24406. This man was injured June 17, 1913, suffering a fracture of the femur; monthly payments have been made in accordance with the law, and on January 17 the claim was closed as to time loss, with a rating of 16 degrees, or $400, for permanent partial disability. This man has since engaged a lawyer, who, on February 17, appeared before the commission with his client, demanding $850, the sum total to be made up in additional time loss, or in any other manner, as long as the full amount paid totaled $850. As a result of the attorney's interview with the commission, the chief surgeon's rating has been raised from 16 to 22 degrees, with an additional time loss of two and one-half months, which would make $800. In a letter written to the attorney on February 21 by the claim department, under instructions from the other members of the board, is the following:

"Mr. ROGER MARCHETTI,

"*No. 217 Lyon Building, Seattle, Wash.*

"DEAR SIR: Referring to the claim of Dominic Fazio, on account of injury sustained June 17, 1913.

"Will you kindly advise claimant that this commission, in addition to the compensation already allowed him, will make further award of $50 to cover two and one-half months' time loss, and $150 additional for the permanent partial disability. This, added to the payments already made, which amounted to $600, will give him a total of $800 for the accident.

"Kindly advise if your client will accept this amount. An early reply will be appreciated.

"Yours, very truly,

"INDUSTRIAL INSURANCE COMMISSION."

In this case the chief surgeon made a special examination of the claimant on February 17, making two radiographs, neither of which show any injury to the bone. In his special report the chief surgeon makes this statement:

"His disability should be estimated at two-thirds loss of leg at knee, or 16 degrees, which seems to me is entirely reasonable."

Yet, in spite of this, the rating has been raised arbitrarily by the commissioners without warrant under the law and, in my opinion, in strict violation of it.

If the commission can rate permanent partial disabilities in a more competent and efficient manner than our chief surgeon, whose life work, it seems to me, has peculiarly fitted him for such a position, then why the necessity of having him make examinations, since the commissioners are more expert than he. On the other hand, if it is admitted that our chief surgeon does not understand his business and is not capable of determining fairly and with reasonable accuracy permanent partial disabilities, or other results accruing from injuries, it would seem the duty of the department to replace him with a man in whom they have absolute confidence. In my opinion, however, this is unnecessary, as our chief surgeon is eminently capable of filling the position he now holds, as I have found him to be honest, efficient, and equitable in dealing with injured workmen who have been ordered before him for special examinations.

Another peculiar condition with which I am confronted is to be found in claim No. 19451. In this case the claimant was injured by a log rolling on his leg and breaking it. The firm was in default at the time and the claimant so notified, being advised that he could either sue his employer, as provided in the law, or take under the workmen's compensation act and assign his claim to the State. After numerous letters had been written by the claimant and this department to each other claimant finally assigned his claim to the State and accepted compensation as per the law. This claim shows a time loss of 93 days, with payments on the basis of $37.50 per month, the maximum that can be received by man and his wife. By some peculiar rating, unknown to the writer, this man received in payment for time loss only $104.70; the sum total payment in this case to which the claimant was justly entitled was $110.70; he, therefore, received $75 to which he was not entitled under the law, because of negligence on the part of the commission in not carefully scrutinizing claims

before attaching their signature thereto. This is signed by Chairman F. L. Daggett.

In claim No. 23915 we find another exhibition of the utter disregard of equity and justice in dealing with claimants, since this particular case forced itself upon the commission's attention because of the different ratings for permanent partial disability by the two specialists who reported on this man's condition. He suffered a severe injury to the left eye on June 8, which caused a very bad central corneal ulcer. On November 8 an examination was made by a specialist to determine the loss of vision, if any, and report made to the commission accordingly. This report showed a probable loss of vision entitling the man to 21 degrees, or $525, for permanent partial disability. As is customary when such payments are awarded, the employer was notified as to the amount the man would receive for the disability sustained. The employer immediately voiced his protest in a letter addressed to the commission, whereupon the commission had the man reexamined in order to ascertain if a mistake had been made by the first examiner. Accordingly, one month later, another special examination was made by another specialist, who found the man's vision much more impaired than when the first examination was made. The examination made by the second specialist showed that the man had practically no industrial vision with the left eye, and considered it very doubtful if the man would ever obtain any useful vision. In accordance with this later report, the man was rated by our chief surgeon as having nine-tenths loss of vision in the left eye, which would entitle him, under a fair and impartial application of the law, to $750. Upon receipt of the second special examiner's report I took up with Commissioner Ernst, in the presence of Dr. Mowell, the difference in rating, and insisted that since the latest report showed an impairment greater than that received in the first report the claimant was entitled to the difference in rating, said difference being an additional amount of $225. I made this statement very clear, because, as pointed out by me to my brother commissioner at that time, if the rating by the specialist making the second report had been less than that estimated in the first report there would have been no hesitancy on the part of the commission in reducing the amount in proportion to the lessened disability. It was only fair, therefore, that since the second report showed an increased disability the award should be increased accordingly. To this Commissioner Ernst seemed to be agreed, yet on January 15, 1914, the warrant for $525, which had been held up awaiting the second examination, was released, and the additional $225, to which the man was justly entitled according to the second specialist's report, has not been paid.

Another case brought to my attention was that of claimant No. 22281. Injury was such as to necessitate the amputation of part of the right foot. This accident occurred on May 28, 1913. On June 3 another amputation was necessary, causing the entire loss of the foot at the ankle joint. On August 25 card was received, showing that second amputation had been made; card marked showing a disability of 30 degrees. No report, however, was attached showing that the rating was made as a result of a special examination, yet the claim was closed on this basis on September 28, 1913. The man refused to accept the $750, placing his case in the hands of an attorney, contending that he was entitled to $1,600 as a result of the permanent partial disability sustained. After the attorney had been brought into the case a special examination was made of the man on December 16 in the presence of Mr. Daggett, and an award of the amount contested for, i. e., $1,000, was paid the claimant. Now, it seems to me that if the man was entitled to $1,000 in the last instance he was entitled to the same amount when the claim was finally closed on September 28, without the necessity of being compelled to engage counsel to procure for him that to which he was justly entitled.

On November 18, while in the Seattle office assisting Commissioner Ernst in passing upon claims, there being present a number of claimants who were desirous of receiving their awards, there appeared two claimants, the claim number of the first being 24125, the other being claimant No. 21873, both complaining of the arbitrary method taken by Commissioner Ernst in attempting to make settlements with them for injuries received.

In the case of claimant No. 24125, claimant was injured on July 3, 1913, showing a severe injury to the shoulder. The man was still unable to work, but had been offered as final payment three months' additional time loss from October 3 in order to close out his claim. No special examination had been made upon this case by anyone, yet the dislocation of the shoulder had caused an atrophy of the muscles, which would imply that the man was suffering

from some nerve involvement, which prohibited the use of the arm at any kind of work. Upon complaint of the claimant that he was not being fairly treated I advised him to come to Olympia to be examined by Dr. Mowell. In accordance with the results of the examination made at that time the claimant was awarded six months' time loss, and asked to return for another examination at the end of that period to definitely determine his condition at that time.

The other claim, No. 21573, was a much more aggravated case, since the man had suffered a fracture of the right arm on May 13, 1913, receiving monthly payments as per the law and closed out on time loss only. This claimant made the statement that he had taken his case up with Commissioner Ernst, claiming a permanent partial disability, which, upon examination by me, seemed to be very apparent. I accordingly ordered him before our special examiner in Olympia, who made two radiographs of this man's arm, which showed an overriding of the bone, with a displacement of the lower fragment down toward the ulna; this prevented complete supernation, which caused a permanent partial disability. He was accordingly awarded an additional $200, to which he was, under the act, rightfully entitled.

On the 19th of the present month I was handed a claim for investigation at Black Diamond, claim number being 32143. The peculiar feature in connection with this claim is shown on the summary sheet and demonstrates very forcibly the lack of attention given these claims by the members of the board. First monthly payment awarded was for $52.50, the maximum provided by law for temporary total disabilities to claimants having a wife and two or more children under the age of 16. The second payment, which was made in closing out the claim on a time loss of 23 days and which should have been rated in accordance with the act at $46.45, was computed on the basis of payment to a single man, at $30 per month, and an award of $26.25 made and voucher sent in final settlement thereof. This is a glaring example of the signing of claims without scrutiny on the part of the commission, the award for the first month being signed by Commissioner Ernst and the second by Chairman Floyd L. Daggett.

Another claim which shows the same lack of careful consideration is No. 29282. This claimant was severely injured on October 17, 1913, suffering a fracture of the neck of the femur; his report was made out by the nurse at the hospital, showing that he had received a wage of $2.50 per day; the employer's report, however, showed that the wage received by this man was $2.75 per day. Claimant having a wife, and two children under the age of 16, would have been entitled to $52.50 per month, had this amount been less than 60 per cent of his monthly earnings. Unfortunately, however, the smallness of the wage placed him within the 60 per cent rule and he was paid on the basis of 60 per cent of $2.50 per day, instead of $2.75, as shown on the report of the employer, his monthly award being $39 on that basis. He received three payments of $39, when, thinking his award was small and that some mistake had been made in its computation, he notified the commission, by letter, as to the wages he was paid prior to the accident; this increased his monthly award from $39 to $42.90, the additional amount for the three months previous being forwarded on the fourth payment made him. This discrepancy would no doubt have been discovered by the board before the first award was made had the claim been examined by the commission prior to its passage for the first monthly payment; however, neither the claim department nor the commission made this discovery until the claimant, himself, brought it to the attention of the department.

These are some of the concrete cases which have been brought to my attention, either by the claimants themselves, their friends, or from actual experience in the field and in the office, and are not the result of any investigation on my part to collect such evidence against my fellow commissioners. Numerous complaints have been made to me on my travels throughout the State, and if a careful inspection of the files were to be made, there is no doubt that other instances of a similar character would be discovered, which must, in my opinion, reflect everlasting discredit upon the men who are now intrusted with the administration of this law.

Instead of devoting themselves to the administrative problems confronting us, familiarizing themselves with the work, doing justice as between employer and workmen, the commission has degenerated into a claim-agency bureau, whose sole ambitions appear to be to make settlements as cheaply as possible and as quickly as possible, to the exclusion of any other thought of the intent and purposes of the act.

Details of administration are left to the heads of departments, one commissioner remaining in the office to sign claims arbitrarily, which in itself is illegal, without any perusal of the same whatever and with seemingly little care as to their validity, as long as the stamp of approval has been placed upon them by the claim agent. The other two commissioners have for months been acting as adjusters of claims, doing work which properly should be delegated to men in the field, whose duty should be to make reports to the commission, who, in turn, should have the most aggravated cases examined by specialists and X rayed when necessary, reports being submitted to the commission, when final action should be taken and disposition of the claims made.

Under present conditions, two of the commissioners are supplied with a number of claims each week, or thereabouts, go their different ways, examine and have examined claimants in different parts of the State, and in a great many instances arbitrarily settle with them, having them sign final settlement vouchers in relinquishment of all further claims against the State. This is contrary to the spirit and letter of the act, since the law does not place within the province of any individual commissioner the right to arbitrarily judge as to the claimant's condition nor the awards that shall be paid him. Legally, this can only be done by a majority number of the board, and this policy was strictly adhered to until recently.

As a result of the adoption of this system, fewer examinations are being made of injured men in an effort to accurately establish the disabilities sustained, there having been a marked decrease in the number of examinations made in proportion to the number of claims settled, as between the first and second fiscal years of the operation of the law. In this connection, let me state that during the first fiscal year 843 special examinations were made by physicians other than Dr. Mowell, our own special examiner, in the settlement of 6,356 claims; during the second year, during which the present board has had charge most of the time, only 1,122 special examinations were made on 13,169 final settlements, and for the four months ending January 31, 1914, 292 special examinations have been made in the settlement of 4,824 claims. This falling off in the number of special examinations, the necessity for which is unquestioned, is directly traceable to the method now in vogue for making settlement without rhyme or reason, excepting that somehow they be made.

Every other department of administrative work has been sacrificed to this one fad, which, in my opinion, but demonstrates more clearly every day the mistaken idea that men, whose judgment has been warped, whose whole career has been spent in an atmosphere directly out of keeping with a work of this character, can hope to bring to it the qualities that would eminently fit them for carrying it out to a successful conclusion. The prevailing idea which is apparent to me, at least, is that the worth of a commissioner in this department must be based upon the number of claims he can close up, the right or wrong of the matter eliminated, as if he were making a dollar and cents record for himself as do men thus engaged for casualty insurance companies. Under such conditions, which have been imposed upon me until I can no longer refrain from voicing a vigorous protest, not only on behalf of myself but on behalf of the citizenship of the State, I charged that the law was being emasculated, robbed of its virile strength, warped, and dwarfed into anything but the thing it was intended to be, either in the minds of those who first drafted it or the great mass of people who are its direct beneficiaries.

The administration of this act should be imposed upon three commissioners, as provided for under the law, who shall be commissioners in fact as well as in theory, devoting their time to the administrative affairs of this great work, and even though the detail work intrusted to their care be enormous, they will still find time to attend to the necessary field work, employing adjusters to do the bulk of the work they now perform, for which the legislature made a generous appropriation. When these conditions have been met by the commission the intent and spirit of the act will in some measure at least have been complied with.

Desiring, as I believe you do, the greatest possible good to be accomplished for the people of the State by those intrusted with the handling of their affairs, I submit this report in the hope that after you have given it a fair and impartial investigation and have satisfied yourself as to the accuracy of the same, I shall be favored with a statement as to the conclusions arrived at.

Trusting that I have made myself clear, I am,

Very sincerely, yours,

J. H. WALLACE, *Commissioner.*

WALLACE EXHIBIT NO. 8.

CLAIM No. 28758.

SEPTEMBER 17, 1913.

I was injured while working for the city of Seattle by trying to stop a runaway team. Was trampled on by the horses and the dump wagon ran over the lower part of my limbs and the small of my back, causing a blood tumor to form the full size of my back and extending 6 or 8 inches down on the hips. Had the aspiration needle used twice, and afterwards had an incision of 2 inches made for a drain. Was discharged from the hospital October 9, 1913, but was under the doctor's care for some time after, as the incision had not healed. My family consisted at the time of a wife and three children, and expecting a fourth, which came April 27, 1914, the oldest being 6 years. Received the first State warrant October 27, 1913, which was for $42.90, then was called to the office of Commissioner Ernst, 501 Alaska Building, on November 22, 1913. He asked me how I felt, and what my doctor had said about my case, and when I told him that the doctor had told me that it might be six months, a year, or even two before I would be able to do my full capacity of work, and at that he could only guess at it, which he didn't care to do, he said that he would allow me two warrants for $42.90, and that I might go back to work the first of the year—understand, there was already one warrant past due me. When I refused to consider his proposition, knowing my condition, and the possible outcome, with my family dependent on me for support, he "raised his bid" to three warrants.

At that time I was only able to be about with the aid of a cane, and it was five months before I was able to work, but, of course, could not do my full capacity.

On March 21, 1914, I was called again to the office of Mr. Ernst, who had Dr. Mowell, State physician, examine me. He (the doctor) said he would like to have an X-ray plate made of my back, that he might be able to tell whether or not any bones were broken; and that, as it would cost the State $10 to have it taken in Seattle, and only 75 cents in Olympia, he suggested that I go to that place. As no provision was made by the State for my transportation to and from Seattle to Olympia, and as I had no money, one of the commissioners suggested that I borrow $5 from some friend, and that it "would be made all right for me" in my next State warrant, which I did, but when my check came, which was my seventh, I received only $35—$7.90 less than my regular check, and no additional money to cover that which I had borrowed for my expenses while on my trip.

When I made a further claim for compensation, and a claim for the promised money due me, and for the elastic band, which the doctor has ordered for my knee, I was told by one of the commissioners that if I would sign a final settlement voucher he would allow me another State warrant for $35, and said he was doing more for me than he ought, but was doing it at his own risk. Because of the fact the State allowed me so little for the maintenance of my family, the $42.90 or $35 per month needing to cover rent, provisions, fuel, clothing, hospital, and doctor bills for wife and two children, who were also ill, I was obliged to go to work before I was able, and now there are days when I can scarcely work at all, and days when I actually have to leave my work and come home. However, even missing days of work now and then I am better able to support my little family and pay occasionally on my debts which have accumulated during my disabled period. I wonder if one or all of those commissioners would, or could, place themselves in my place, how they would feel over my treatment. In seven months' time I received $292.40.

J. W. COULON,
816 Tenth Avenue, Seattle, Wash.

LOWMAN EXHIBIT NO. 1.

Mrs. Grace Pringle, Anacortes, Wash.: $2.17, $2.60, $1.85, $2.08, $1.88, $5.28, $3.32, $3.10, $2, $2.10, $5.25, $1.75, $5.25, $2.07, $6.12, $4.50, $3.78, $5.77, $1.75, $3.24, $4.62, $5.96, $5.40, $5.54, $4.05; total, 25 days, $90.85.

LOWMAN EXHIBIT NO. 2.

COAST FISH CO., CHINESE LABOR, 1913.

Name and wages of employees: Ju Yuen, $350; Go Mow, $400; Wong Hoy, $360; Ho Fook, $350; Seid Sing, $360; Go Wing Song, $350; Go Bow, $360; Go Su, $370; Wong Och Hong, $400; Lo Man, $370; Seid Woo, $410; Chin Lam, $285; Lvain Free, $360; Gong Yow, $400; Go Shung, $360; Yee How, $400; Ge Jat, $390; K. Ishimitsu, $420; Jung Wy, $350; Lee Fook, $330; Yung Wah, $400; Weng Fury, $400; Seid Sang, $400; Seid Sing, $410; Seid Ju Lot, $410; Jayung Ming, $400; Mon Hung, $340; Jun Hang, $400; Lno Hung, $400; Law Doon, $390; Wah Sam, $390.

These wages are net, as the company furnishes all transportation, board, tools, and clothing necessary, other than ordinary clothing, and in addition to these figures they were paid for every hour of overtime and Sundays and holidays.

DIETZLER EXHIBIT.

Where there is a will there is a way.

"That it is the first law of self-preservation that any State or Nation may, and of right ought to, do all those things which are necessary to perpetuate its own existence; and to abolish all those practices and to counteract all those influences which are calculated to ruin the body politic and destroy society."—Declaration of Independence.

In the summer months from 10 to 40 men are brought in daily by false representation. Men are discharged or quit of their own accord fast enough to make room for the incoming hordes. The baggage of the dupes is held by the company till employement fee, railroad fare, hospital fee, etc., is worked out. By far the greater portion of unfortunates will redeem their belongings, by submitting to this peonage system. All baggage not so redeemed is sold by this company to secondhand dealers. From 200 to over 400 pieces of baggage is sold at a time. Modernized highway robbery. The truth of the matter is if labor was treating capital as capital is treating labor in Cosmopolis, the militia would be camping in town to bring labor to time.

Our prosecuting attorney says we need additional legislation to stop the crime, which he fully admits is being committed; our legislator says there is law to reach these criminals. The late lamented grand jury (if I was correctly informed by Prosecuting Attorney Campbell) had several good friends of the Commercial Co. in their midst—and so the crime goes on undisturbed. Then up to date this corporation had power and influence enough to muzzle press, gag officials, and blindfold justice.

Since the above was written, the second serious robbery has taken place in Cosmopolis within the last few months. D. F. Spiegle's establishment was broken into and goods to the value of about $200 were taken. The alarm is given, every newspaper comes out in large headlines, the sheriff and police officials take a hand in the case to land and punish the robbers. At the same time, next store to Spiegle's, the contents of more than 180 pieces of baggage is being sold. This plunder represents only a very small percentage of baggage illegally obtained by the Grays Harbor Commercial Co. annually from the most needy class of laboring men. The added value of this article was considerably greater to the owners, than the value of articles was taken from Spiegle's.

So the vital question after all is: Who are the robbers and who are the robbed?

Within the last four years new factory and mill located in South Aberdeen (which joins Cosmopolis to the west); this and the building of the O. & W. Railroad caused an increase in population and gave the town new life. No independent man who has the courage to stand by his convictions would stay long in the employ of the company, and he would not be wanted, either; those who are here and work for the company for years are subdued and are afraid at any time to express their opinion contrary to the company; and some of them have often betrayed the interest of the town, the best interest of their wives and children, at the request of the company.

The mess-house policy of the company is detrimental to our Government system and society, through its discrimination against the men of family; it is absolutely unnecessary. When men are hired they are given a nominal wage, which includes board in the mess house. Should a man not desire to board at the company mess house he is allowed but $10 a month, and as good board will cost approximately $30 per month the men are practically forced to accept the board at the mess house. About 500 men are now so compelled to board at this place. Such condition is not only a detriment to the man, but works a vital damage to the town in general, as it makes it impossible for a man with family to accept employment under such conditions. This state of affairs works directly against the rearing of families, which is the foundation of civilized government.

Another evil is the company stores. The town is incorporated and has now a population of about 1,400. In this small town the company conducts five stores. If not directly then indirectly a pressure is brought to bear to make the company employees deal in these stores.

The coupons are (within the last two years) issued at intervals; when so issued it is between pay days instead of cash. These coupons are good in any of the company stores, but of course do not give the employee the same opportunity to buy as in other stores.

I could show next how the company prevents the growth of the town. On different occasions it has tried to prevent the location of mills even in South Aberdeen. The former manager of this company dared and threatened Wm. Mack to build the Union Mill in South Aberdeen. Mr. Deming, who located in South Aberdeen, was also threatened, and so stated in the Aberdeen World. This indicates the absolute control of the public press by the company.

Another illustration: Some years ago John J. Carney, editor of the Aberdeen Herald, approached me with a proposition for me to put up $1,000 in cash, either in a bank or otherwise, but so he could collect the money when he had accomplished his part. He would guarantee that in less than one year's time he would make the Grays Harbor Commercial Co. abolish its mess-house system. As I did not have the sum of money required, I saw others of Cosmopolis, who told me to take him up, as we could get the money all right. In the meantime there appeared in the Herald an item something like this: "If conditions in Cosmopolis are such as reported—and by all appearance they are so and even worse—then a most thorough investigation is an urgent need." The day after these lines appeared I saw an official of the Commercial Co. enter the office of J. J. Carney. Later on I called on Mr. Carney and notified him that we were ready to enter into his proposition. He told me then that he had changed his mind, and it was all off. Since then J. J. Carney has championed the Grays Harbor Commercial Co. in all its doings.

I could show where the leading banker of Aberdeen was brought to time by this company. The company, threatening to start a bank in Cosmopolis, changed his attitude. Before this time he had put up money on different occasions to expose the wrongdoings of this company. For instance, we went in together and bought shares in the Grays Harbor Post, a labor paper, which for a considerable time did gallant work for bettering the conditions and denounced the methods practiced by the Grays Harbor Commercial Co. This same paper has since been disowned by the labor unions for its change of front.

I could show the active part taken by this company in elections. In one of the recent school elections we found 50 illegal votes cast by mill employees who were urged to vote by the straw bosses of the company. The company used to have absolute control of the town council and board of school directors.

WAGES AND DEDUCTIONS FROM WAGES.

Wages paid by the Grays Harbor Commercial Co. consist of cash, coupons, and board. The general wage is $26 per month and board. There are, however, many young men working for the company for $10 per month and board, or $10 per month and a bonus of $10 instead of board. The men are hired by the month, but paid by the day. The pay day is supposed to be the first Saturday after the 10th of each month, but it frequently happens that it is the second Saturday after the 10th. The wages are paid only to the last day of the preceding month. Between pay days, instead of cash, coupons have been paid, except where a man quits or is discharged, then the balance due him is paid in cash. I have been informed that within the last two or three months

a limited amount of cash is paid once in between pay days. Coupons are cashed by the saloons, but discounted 20 cents on the dollar. The saloons in turn use the coupons to pay their rent to the Commercial Co. This is one reason why the saloon element holds with the Commercial Co. Another reason is that the saloon men of Cosmopolis rent from the Commercial Co., and in this way the company controls this element, three of the four saloons in town being located on property owned by the Commercial Co.

Chief among the deductions is a charge of 50 cents per month, or any part thereof, for hospital fee. While this is not an unreasonable deduction where a man works straight through from month to month, but when a man has to pay 50 cents for the last days of one month and 50 cents for the first day of the next month it becomes a gross injustice. It has been claimed that the Commercial Co. has had as high as 2,500 different men on their pay roll during one month. Three thousand is the statement by their own timekeeper. From this it is apparent that each position has been filled approximately five times, making each position pay hospital fee of $2.50 for the month. The company engages the doctor and hospital by contract, and I believe the doctor and hospital are both good, but I do not believe they receive all of the money collected for this purpose.

Another deduction is made, as follows: When men arrive in Cosmopolis they are met at the depot by the lodging-house bosses, who take them to their lodging and who require them to sign an order on the company for a week's lodging. This order is then placed with the company, and the deduction is made from the wages accordingly. It is claimed by men coming to work for the Commercial Co. that this deduction is held out, even though the men do not remain at the lodging house for the full period of a week. On the other hand, a rooming-house boss told me yesterday morning that he lost more than $50 in the last year on men who stay only two or three days, as the company retains all of their own claims before they allow whatever may be due the rooming house.

In many instances a further deduction is made from the first month's wages, as follows: Frequently men without funds applying to certain of the employment agencies of Seattle or Portland will be given a slip entitling them to employment in the mill or camps of the Grays Harbor Commercial Co. and ticket entitling them to transportation to Cosmopolis. Under arrangement with the Commercial Co. the regular employment agency charge for securing employment. This, together with the regular railroad fare, is then deducted from the wages of the employee, and the baggage of the employee is held by the Commercial Co. as security for the repayment of these sums. In the event that the employee does not wish to remain with the company until his wages are sufficient to offset these various deductions the baggage will be retained and ultimately sold to pay the difference. The company now has a large amount of baggage on hand.

WORKING HOURS.

The ordinary working day of the employee of the Grays Harbor Commercial Co. is a 10-hour day, and it is on the basis of a 10-hour day that the company pays the wages of $26 a month and board. In the wintertime, however, it is frequently impossible to work more than nine hours during a day, and at such times a deduction is made from the wages of $26 per month accordingly. It will readily be seen that such a system works a reduction, at the same time requiring the employee to pay for 1 day's additional board in 10. In 10 days' time, each nine hours, the man is credited with nine days' labor, but is charged 60 cents extra for the one day's board. On the other hand, in the summer time during the long days employees of the company are frequently worked what is termed five-quarter time; that is, 12½ hours per day. During this season, although the actual cash wage is increased proportionately, no allowance is made for the matter of board. And here again we see that this failure to make allowance for board results in an advantage to the company, the company gaining the benefit of one day's board on each man for every four days of employment. The men receive less for overtime than for straight time.

LIVING CONDITIONS—BOARD, ETC.

The company owns four large rooming houses, which are rented to individuals, who in turn rent out rooms to the employees of the company. In one of

these rooming houses I have seen nine beds in one room and five in another, rent $1 to $2 a week. Otherwise the houses and rooms did not look bad, except the three old houses known as the Grays Harbor Lodging House, which have been run as one house. These should be condemned. The company also has a large number of cabins, the average size of which is 12½ by 16½ feet. They were cheaply constructed, with a partition wall dividing the cabin in two rooms, with two windows and one door. These cabins are rented at the rate of $3 per month, without furniture. At one place there are 15 of these cabins on a piece of ground 50 by 120 feet. This plat is the rear end of some lots the front of which are occupied by a dwelling house belonging to the company. The 15 cabins stand 8 and 7 in line, facing each other, and divided by plank walk 14 feet wide, the cabins being 2 feet apart. The whole is surrounded by an 8-foot high board fence, with a 4-foot opening to the street. There is but one toilet for the 15 cabins and one hydrant to supply water, this hydrant being connected to a one-half inch service pipe. The cabins and the surroundings are extremely filthy.

The company also conducts what is commonly known in this community as a mess house, where the employees of the company are boarded. So far as the food furnished in this mess house is concerned, I believe there is now comparatively little complaint. Under the former management very poor food was furnished, and Chinamen were employed as cooks, and the whole place was uncleanly. Under the present management conditions surrounding the mess house have improved, and there is little complaint upon the character of the board furnished. The objection of the people of Cosmopolis to the mess house is as an institution, and not because of the particular conditions surrounding this particular mess house. My objection to the mess house as an institution is based upon the facts as hereinafter set forth in my discussion under the head "Effect of conditions on the community."

CHARACTER OF EMPLOYEES.

All races are represented among the employees of the Commercial Co., but at the present the predominant element apparently is Croatian. At one time, a number of Hindus were employed but it was found that these men would not patronize the mess house of the company, and at the present time there are none of this nationality in the employ of the company. The large percentage of the employees of the company are single men, because it is impossible for a family man to keep his family on the wages received from the company. A great many of the employees of the company are young men, some of them mere boys. Comparatively few of the employees of the company are citizens of the United States. Of a population of about 1,400, Cosmopolis has a voting population of about 350.

TREATMENT OF EMPLOYEES BY FOREMEN.

I am not in position to furnish any information on this topic.

REGULARITY OF EMPLOYMENT AND LENGTH OF WORKING SEASON.

The company works regular hours and is very seldom shut down. The personnel, however, of the employees is continuously changing. It is generally understood that the Grays Harbor Commercial Co. keeps three crews in motion—one coming to work, to take the places of men actually engaged in work, the crew which is actually engaged in work, and the crew leaving the works whose places they have just taken.

METHOD OF EMPLOYING WORKMEN.

Nearly all employees secure their employment through employment agencies of Portland and Seattle. It is practically impossible for a man to secure work for this company unless he comes armed with a slip from an employment agency. The county officials are, and for a number of years have been, besieged by workmen who have been sent to the Grays Herbor Commercial Co. by employment agencies of Seattle or Portland with the promise of some particular position—as timekeeper, electrician, foreman, or the like—these men pay for the job which they are told by the employment agencies they will get upon arriving at Cosmopolis, when, in fact, their sealed ticket from the employment

agency calls for and they are offered jobs as common laborers in the yards of the company. It has been impossible to directly connect up the Grays Harbor Commercial Co. with these employement agencies, and the railroad company which furnishes the transportation, but in a recent conversation with a former prosecuting attorney of Chehalis County, W. E. Campbell, I was advised by Mr. Campbell that he, from his own experience and investigation, is convinced that there is a combination existing between the Grays Harbor Commercial Co. and these employment agencies before referred to and the railroad company, and that he would so testify if subpoenaed before this commission, also in regard to other information in his possession. The fact is that the railroad company keeps the baggage and men must change their good clothes for working clothes in the baggage room of the railroad company and is not allowed to remove baggage.

EFFECT OF CONDITIONS ON THE COMMUNITY.

As to the effect of conditions on the community, I would first refer to the increase in population which has come to the towns of Grays Harbor as shown by the United States census for 1900 and 1910. During those 10 years Hoquiam's population increased from 2,608 to 8,171. The population of Aberdeen increased from 3,747 to 13,660, while Cosmopolis, which is as favorably situated and should have shared in any prosperity coming to either of the other cities, shows an increase in population for that period of 10 years of 122, the population being 1,004 in 1900 and 1,122 in 1910. At the time when the 1910 census was taken three railroad camps were temporarily located within the city of Cosmopolis and these men were enumerated as inhabitants of this town, and during the same time—1900 to 1910—the Grays Harbor Commercial Co. more than doubled its plant. The following open letter, which was published in the Cosmopolis Times May 22, 1913, over the signature of Rudolph Distler, gives in concise form some statistics showing the effect of conditions on the community:

"The town of Cosmopolis, with a population between 1,300 and 1,400 souls, has only 200 families and householders. (Householders include bachelors and widows without family.)

"Eighty-eight heads of family own their home in Cosmopolis.

"The Grays Harbor Commercial Co.'s plant is practically the only industry in town and employs about 650 men. About 375 of these employees are boarding in the company's mess house.

"Only 60 heads of family are employed in or about the mills, planers, tank, box factory, offices, and stores of the Grays Harbor Commercial Co., and only 18 of these own their home in Cosmopolis.

"That the town of Cosmopolis offers a most desirable place for residence is proven by the fact that 48 families, besides many single men, live here who make their living in Aberdeen, this notwithstanding the highest street-car fare known of. Of these, 23 own their home here.

"The remaining 92 heads of family are engaged in fishing, railroading, logging, hotels, stores, etc. Forty-seven of these own their home in Cosmopolis.

"This condition is the result of discrimination against the man of family and the mess-house policy practiced by the Grays Harbor Commercial Co.

"These statistics are the result of a census taken during the first week of March, 1913, by the deputy assessor."

Another effect on the community was made apparent at the time the witness and writer of the foregoing letter attempted to have the same published. No newspaper on Grays Harbor, except the labor paper, would publish this communication. The editor of the Cosmopolis Times finally agreed to publish it under advertisement rates.

McGILL EXHIBIT NO. 1.

I quote here an excerpt from a letter written by the manager of an $18,000,000 corporation, in which he rebukes the local Y. M. C. A. secretary for failing to perform the duties of a spy and strike breaker, and illustrating what may be expected, and is expected, from any subsidized institution, religious or otherwise:

"I have been much dissatisfied," the letter reads, "with the Y. M. C. A. ever since 74 men walked out from camp No. 1, on the 5th day of June. This

is the most men that have walked out of any other camp in the country. In our camp No. 2, where there is no Y. M. C. A., not a man went out. If the secretary had had the company's interests at heart and been onto his job he would have been close enough to the men to have prevented this walkout, or notified us of the existence of I. W. W. organizers. When the secretaries are at the camp and think they must simply toady to the men and let the company go to hell does not appeal to me, and I have about came to the decision that we can not make this thing satisfactory to the company the way it is running. Of course, if the company was not paying any of the bills it would be none of our business, but it is a business proposition with us to see that we get value received for the money we spend."

These and like experiences convince us that an evangelism to reach these men must be free from entangling alliances and independent as to support.

McGILL EXHIBIT NO. 2.

REPORT OF THE INVESTIGATION MADE ON MAY 8, 1914, OF THE SNOQUALMIE TUNNEL AT ROCKDALE OR WEST END.

I met Mr. Horrocks, the superintendent of the works, and he had one of the men go through the tunnel with me, and told me to talk with any of the men I wanted to. The tunnel at this end is in 8,521 feet. I went through the tunnel to the header on the high line and back on the low line. I found about 3 inches of water on the low line. The tunnel men tell me that they would rather have that amount of water than to have the floor dry, from a sanitary point of view, as the water helps to kill the gas and keeps the air cool, also helps the muckers. I found more gas in this end of the tunnel than the east end, on account of a gasoline motor that hauls the cars on the low line. They have three fans running in the tunnel, but they don't keep the air pure by any means. I took this matter up with the superintendent, but as the time is so short now before the headers come together (then they will have plenty of ventilation) that it would not pay to install a new system at this time.

I went through the bunk houses. The company have just built eight new bunk houses. They have sanitary steel bunks and are in very fair condition. The four old bunk houses were in a very unsanitary condition; piles of dust and old socks, boots, and clothes under the bunks. I took Mr. Horrocks and showed him the dust and rubbish. He said I was justified in making a kick, and he called the two janitors in and showed them the dust and gave them strict orders to sweep the floors and under the bunks once a day and scrub the floors at least once a week. The timekeeper is to make at least two inspections a week of each bunk house and see that they are kept clean or lose his job. There are bedbugs in all the old bunk houses. The men tell me there are no lice around the camp. They are using disinfectants around the camp; also use chloride of lime in the closets; an incinerator in both camps, where they burn all the garbage, sweepings from the bunk houses, old clothes, and boots.

In talking with the men some of them said the lunches were no good that were sent into the tunnel. I picked out several as the waiter was taking them in to the men, and I found each one contained the following: Six sandwiches—three boiled beef, two ham, and one cheese—one piece pie, cookies, and doughnut, and hot coffee. I had three meals while I was at this place, and I think the food is above the average for railroad camps. Most of the men who complained of the food are the ones that work in the tunnel, where they have to breathe impure air and powder gas to some extent.

The company employs about 425 men in this camp. There is an average of 30 men leaving every day and about that many coming in. I might say that most of these are the type of men that travel on the road a great deal of the time, and as soon as they get a few dollars they want to move. The men pay from $1 to $2.50 to the Wilms Labor Agency for the jobs. They are given a pass to the tunnel. When they quit or get discharged they are given two checks. One is to pay railroad fare; the other covers balance due. Both checks are alike, except the amount. Nothing is deducted for the railroad fare from Seattle to the tunnel. I talked with a number of men who had quit, and they all told the same story. Some of the men beat their way to Seattle and save the fare.

The Chicago-Milwaukee Railroad are boring this tunnel by day work, and there is no contract work, except the concessionary. The Sullivan Contract Co.,

of Seattle, have this contract on both ends of the tunnel. They charge $3.25 per week for board. All men work in the tunnel for $3 or less per day; get rubber boots furnished free. If you want to buy them they charge from $3.50 to $7.50. Overalls and jumpers, $1.25 each. Tobacco and soft drinks at Seattle prices. Socks, 20 per cent above Seattle prices. In fact, all clothing sold in the commissary will average 20 per cent above Seattle prices.

All the bunk houses have hot and cold water, steam heat, and plenty of windows, so the men can get fresh air if they so desire. I saw the men come in and lay down in their bunks all covered with mud, so you will see that it is a hard matter to keep them clean. A great deal depends on the men. There is plenty of water and two shower baths, if they want to use them.

I am under the impression that conditions have improved since Mr. McGill wrote them up, and I think my trip will do some good along the same line. Mr. Horrocks said he would welcome an investigation by the State or county officers any time they wanted to come, but not the Seattle bunch, as he did not think they were giving him a square deal. I recommended a few changes around the machinery for safety, and he put a man to work making the changes.

I inclose scale of wages. This applies to both ends of the tunnel; also explains bonus system.

I met two young men who were going to work at Rockdale as I went up on the train. I posted them what to look out for and keep a memorandum of facts as they found them and report when they come to Seattle.

C. H. YOUNGER,
State Factory Inspector.

REPORT OF INVESTIGATION MADE ON MAY 7, 1914, OF THE SNOQUALMIE TUNNEL, EAST PORTAL.

I went in the tunnel on the high line to the heading and back to the portal on the low line. I found from 4 to 10 inches of water on the low line. All the men have to wear gum boots and slickers who work back of the heading. There is quite a lot of water seeping through the top of the tunnel, and the work is very disagreeable in several places. I talked with a number of the men in the tunnel. Only two complained of the work and conditions in the tunnel. I next went through the bunk houses. There are three of them. One has all-steel sanitary bunks, the other two have wooden bunks, and they were very dirty. The janitor only sweeps the alleyways and the high places. I called the foreman's attention to the dirt under the bunks, and he called the janitor in and set him to work. I went through the kitchen. I found it in a sanitary condition, so far as I could see. I also went through the dining room while meals were being served. There was plenty of good and wholesome food. Although some of the men told me that it was above the average on the day I was there. I had dinner with the men, and I was unable to find any fault with the food. All the bunk houses have steam heat and hot and cold water. There are two shower baths in the power house for the use of the men if they desire to take a bath. They employ about 225 men in this camp. All the men are hired through the Wilms Labor Agency, 221 Occidental Avenue, Seattle, except what men they can pick up on the road. I talked with a number of men who had quit work and were going back to Seattle. The sentiment of the majority of them was that they wanted to get back to Seattle, and did not like the work in the tunnel. I think the trouble is two-thirds of the men who go up to work in the tunnel have never had any experience in tunnel work, and they don't stay any longer than they have to. There is very little trouble with gas in this end of the tunnel, for they are only in 3,512 feet.

C. H. YOUNGER,
State Factory Inspector.

SCALE OF WAGES, SNOQUALMIE TUNNEL, WEST END.

TUNNEL.

Heading: Shift bosses, 50 cents per hour plus bonus and a half; 12 hours per day. Machine runners, 45 cents per hour plus bonus; work 8 hours on, 12 hours off, or 24 hours in three days. Machine helpers, 35 cents per hour plus bonus; work 8 hours on, 16 hours off, or 24 hours in three days. Muckers, 30

cents per hour plus bonus; work 6 hours on, 12 hours off, or 24 hours in three days. Nippers, 30 cents per hour plus bonus; work 12 hours per day. Teamsters, $2.75 per 12-hour shift.

BENCH.

Shift bosses, 50 cents per hour; work 10 hours per day. Machine runners, 36 cents per hour; work 10 hours per day. Machine helpers, 28 cents per hour; work 10 hours per day. Muckers, 22½ cents per hour; work 10 hours per day. Nippers, 25 cents per hour; work 10 hours per day.

Motor men (gasoline locomotives), $4 per 12-hour shift. Donkey engineers, 30 cents per hour; work 12 hours. Brakemen, 25 cents per hour; work 12 hours. Dump men, 25 cents per hour; work 12 hours.

CONCRETE WORK.

Spaders, 27½ cents per hour; work 11 hours. Shovelers, 25 cents per hour; work 11 hours. Gripmen, 22½ cents per hour; work 11 hours. Cement men, outside, 25 cents per hour; work 11 hours. Gravel chute men, 25 cents per hour; work 11 hours. Hopper men, 25 cents per hour; work 11 hours. Carman, below mixer, 25 cents per hour; work 11 hours. Engineer, 30 cents per hour; work 11 hours. Laborers, inside, 22½ cents per hour; work 10 hours. Carpenter helpers, 25 cents per hour; work 10 hours. Laborers, outside, 20 cents per hour; work 10 hours. Carpenters, 35 cents per hour; work 10 hours.

GRADING, OUTSIDE.

Powder man, 25 cents per hour; work 10 hours. Laborers, 20 cents per hour; work 10 hours. Hammermen, 22½ cents per hour; work 10 hours.

BONUS (FOR DRIVING OF HEADING).

For each man working in the heading bonus is figured in 10-day periods from the date he hires. The number of feet over 100 driven in each period is paid to him as an extra allowance, 1 foot counting as one hour. For example, a mucker working 30 days, or through three 10-day periods, in which, say, 90, 140, and 180 feet of heading were driven, would get 30 cents×8×30=$72; +40+80=100 hours bonus, at 30 cents=$30, or a total of $102.

MEDICAL SERVICES.

A doctor is maintained at each end, with office near the portal. Have hospital arrangements with Pacific Hospital, Seattle, and in emergency with Dr. Kirby's Hospital at Cle Elum. Hospital deductions are made from men at the rate of 20 cents per day for the first five days that a man works in each month, or a maximum charge of $1 per month.

PAYMENT OF MEN.

For steady men, pay day is 20th of the month, covering previous month's wages. Men quitting or discharged are paid in full, with bank check on Metropolitan Bank, Seattle. For convenience of all, a check for $1.75 is issued to each man going away who has that amount due him, and another check for the balance due him. Also for the man's convenience in getting checks paid, on the back of each check issued the payee's signature is taken and this signature is certified by paymaster, and the bank honors checks on a repetition of the signature. Stamp used for this purpose is shown below.

AMOUNT EARNED PER MAN.

Taking pay rolls for month of April, 1914, about 1,040 different men were carried on these rolls. Seven hundred and thirty-eight time checks for April time have been issued, amounting to approximately $16,000, making an average "stake" of about $20 per man over and above his deduction. Besides the 738 men paid off, pay rolls show the names of about 100 men who started to work, but worked only an hour or so, and left without having any money due them.

_____,
Engineer and Superintendent.

ROCKDALE, WASH., *May 8, 1914.*

COPY OF STAMP USED ON CHECKS.

The undersigned signature of the payee is for identification, and not an indorsement of this check.

_____
(Identification signature.)

I certify that the above is the signature of the payee of this check.

_____,
Agent.

STRONG EXHIBIT NO. 1.

STATEMENT OF SIDNEY STRONG, PRESIDENT CENTRAL COUNCIL OF SOCIAL AGENCIES, SEATTLE, FROM A MEMORANDUM OF QUESTIONS FURNISHED BY THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, AT THE SEATTLE HEARING, AUGUST 13, 1914.

The Seattle Council of Social Agencies was organized in 1912, Mayor George F. Cotterill having issued a call to 200 representative citizens to meet June 24, 1912. At the present time there are over 50 social agencies in the organization, each agency being represented by from one to three delegates, serving for one year.

The agencies included in the council are as representative, as far apart as the university, the school board, the library, the health department, the Commercial Club, the Central Labor Council, the Municipal League, the Ministers' Federation, and others of similar character along with 20 or so charity agencies.

The purposes of the council are: First, the promotion of fellowship among existing agencies, largely by means of a better understanding each of the other's work and of the city as a whole; second, the promotion of social intelligence by serving as a bureau for the dissemination of ideas and methods, by investigation, and by exhibits and surveys; by the working out of a social program for the whole city, in harmony with which various agencies may develop; and by acquainting the public mind with social problems; third, the promotion of social efficiency by the prevention of unnecessary duplication of efforts, or the creation of unnecessary new agencies; by acting on request in the capacity of adviser in matters pertaining to a single agency, or to several agencies in their relation to each other; by assisting the public authorities in adopting social measures that may be for the public good; by assisting in the initiation of new work as emergency may demand.

In general, the council proposes, in view of the rapid development of industries and the centralizing of populations that are imminent, to help work out that larger intelligence and efficiency both as to plans and as to details which will enable this city of the Northwest to meet its own problems in a broadly constructive and adequate way.

The theory of the council is that all wholesome agencies in the community have a point of social contact with each other; that this point of contact is the place to look for community prosperity, and that the final test of any agency is its social efficiency.

The work of the council has thus far been necessarily slow. It has, however, already done inestimable good in bringing together representatives of all sects and sections of the community. It has done two or three large pieces of social service, as for example, in the caring for the National Conference of Charities and Correction in 1913, and in carrying through a big child welfare exhibit in 1914, which was attended by 50,000 people. It has been used as the instrument for organizing a commission on unemployment, and in December, 1913, and January, 1914, it instituted a conference on immigration, while in January, 1913, it held a prelegislative institute for the purpose of discussion of proposed social legislation to come before the biennial State legislature.

The council constitutes a splendid instrument to be used for conciliation and arbitration in industrial strife—but as yet these waters have not been ventured upon.

STRONG EXHIBIT NO. 2.

THE INDUSTRIAL SITUATION WITH REGARD TO THE JAPANESE.

Number of Japanese in the State of Washington.

1912 (June):

Male	8,507
Female	2,044
Total	10,551

Number of Japanese in the city of Seattle.

[The statistics made by the Japanese Association, Seattle.]

	Male.	Female.	Total.
Married	1,630	300	5,030
Single	3,030	170	

Business:

Laborers (skilled and unskilled)	1,200
Farmers and gardeners	1,000
Students	350
Professional and business men	650
Miscellaneous	870
Total (males)	4,050

Religious connection: 3 Christian churches and 3 missions, 1 Buddhist temple, 2 Christian women homes.

JAPANESE IMMIGRATION.

CONSULATE GENERAL OF JAPAN,
San Francisco, Cal., January, 1911.

The following figures prepared by this consulate general from statistics received from the foreign office of the Japanese Government show the tendency of the movement of Japanese to and from the continent of the United States during the calendar years 1908, 1909, 1910, and 1911.

Year.	Departures from Japan for the United States.			Arrivals in Japan from the United States.		
	Non-laborers.	Laborers.	Total.	Non-laborers.	Laborers.	Total.
1908	3,384	1,822	3,206	357	3,188	4,050
1909	1,254	659	1,913	203	4,245	4,448
1910	2,056	824	2,880	273	4,838	5,111
1911	1,307	1,965	3,272	322	4,664	4,987
Total	7,000	5,000	12,071	1,157	16,943	18,000

Year.	Laborers departed from Japan for the United States.	Laborers arrived in Japan from the United States.	Excess arrivals in Japan.
1908	1,822	3,188	3,054
1909	659	4,245	3,586
1910	824	4,838	4,014
1911	1,965	4,664	3,699
Total	5,000	16,943	14,354

In other words, during the past four years there has been a decrease of 11,152 Japanese laborers in the population of the United States. The distinction between laborers and nonlaborers is made from data gathered in Japan at the time passports are issued. In the case of Japanese returning from abroad, an arbitrary distinction is based upon the passenger lists of vessels. Saloon passengers are classed as nonlaborers, all others as laborers. This method never far varies from the truth.

Concerning the accuracy of the foregoing figures, it may not be amiss to quote from the last annual report of the Commissioner of Immigration to the Secretary of Commerce and Labor of the United States for the fiscal year ended June 30, 1910. Under the head of Japanese Immigration, he says, page 125:

"It is both interesting and gratifying to observe how nearly the figures covering departures from Japan, kept by the Japanese officials, agree with those kept by the officials of the bureau, the difference being too slight to call for particular notice."

CONCLUSIONS ABOUT THE JAPANESE.

1. Must deal with them on the basis of equality.
2. Question of assimilability:
   Have shown capacity to absorb others' ideas and institutions.
   Open minded.
   Ownership of public utilities obtains in Japan.
   Seattle—do not tend to segregation.
   Democratic.
3. Labor problem:
   Japanese not cheap men; do displace, but make places.
   Do not, as rule, underbid American labor.
   Wages on coast have not been brought down.
   Wages advanced in those occupations in which Japanese engage—Sawmills, shingle mills, railroads.
4. As an immigrant:
   Purchase 89 per cent of material used in living requirements.
   About 80,000 in United States.
   Fewer than four years ago.
   Scattered over the country, although bulk in California, Washington, and Oregon.
   Majority farmers.
   Professional, large percentage, next to Germans.
   Amount of money, per capita, next to English and Germans.
   Ninety-seven per cent from 14 to 41.
   Educational test—smallest rate of illiteracy.

The Japanese of Seattle show distinct but courteous effort to enter into American life. Their merchants join the commercial bodies, subscribe to all civic affairs, and go wherever welcome. The Japanese Christian churches in Seattle are prompt to do their part and the pastors modestly but faithfully do their share. Indeed, the majority of the local Japanese would prefer not to build up distinctly Japanese Christian churches, but to scatter in the various American churches of the city, but they receive little encouragement.

The Japanese meet every overture looking toward friendly relations with promptness. Where there is a want of assimilation, it is usually not their fault. Their children are in the public schools; they "rally round" the Stars and Stripes; they adopt as many American ideas and customs as permitted; they learn English, study American history; are acquainted with Longfellow, Emerson, Washington, and Lincoln, and understand and appreciate the American spirit.

But can the Japanese be worked into our democracy? Assuming that they are a noble people, that in certain forms of art, in ability to organize to the point of minute details, in courtesy, cleanliness, and family discipline they are our superiors—after all, can they, being orientals, be worked into our scheme of life? Let me in answer mention a few things.

They reveal many democratic ideas; they have the open mind, which is fundamental to democracy. They stand for the "open door" in international politics quite as much as America. In their village and town life there is a good-natured fellowship between all classes. I was impressed on the steamers by

the comradeship shown between officers and sailors. I am informed that the same is true in the army and navy. The students in the universities of Japan purposely dress in simple attire to show their disregard for external wealth. In fact, with the majority of the Japanese, money is a secondary consideration.

Japan is socialistic in point of Government ownership of public utilities. Even Bernard Shaw is nearly satisfied with the extent to which Japan has carried Government ownership. Prof. A. B. Hart, of Harvard, says "socialism is realised in Japan." If the Japanese in America were allowed a voice and a vote they would be found almost solid in favor of our democratic movements, such as the governmental ownership of railways, of lighting and heating enterprises, of forests, of mines, of telegraphs, of telephones—for these things have been done in Japan for years. The Japanese Government is a kind of benevolent socialism.

It is in the labor world, however, that the greatest concern is felt by Americans. Can the Japanese be worked into our industrial scheme of things? It must be said at the outset that the labor world of Japan is quite different from ours. Wages are one-fifth what they are here; hours of work are longer; women are employed by the thousands; child labor is common. Labor is not organized as with us. Conditions, however, are rapidly changing, and for the better. There are many "model factories" in Japan.

When we turn to the Japanese in America, they do much work, for example, in farming that would be done by no one else; also, they are rather keen on securing good wages. Those Japanese I have known are good buyers, good livers, and not inclined to lower wages. If the Japanese were permitted to join the ranks of organized labor, I have the conviction that lowering of the standards of living or wages could not be charged against them. My advice to organized labor is to invite them to join their ranks, for among them would be found some of the ablest champions of the causes dear to the unions.

The solution of the "Japanese problem" will be found in our according to Japan full recognition; to treat with her on the basis of friendship and equality; to grant to her people who are in our borders the same privileges we grant to the people of the favored nations, as to the English and Germans. This is the way Japan treats Americans who come to her shores. If at any time it seems to our Nation that too many Japanese are coming, a "gentleman's agreement" will rectify the situation. But the Japanese who are here should be treated as are those from other favored lands. To do otherwise will be unfair to a noble people and a source of permanent irritation and danger.

HIGDAY EXHIBIT.

INITIATIVE MEASURE No. 9.

AN ACT To encourage industrial safety and relating to treatment of workers injured in extra hazardous employment, fixing pecuniary liability therefor, providing for arbitration of disputes, prohibiting certain deductions from wages, and imposing duties on the industrial insurance department.

[Submitted by State Federation of Labor, Farmers' Union, State Grange, and Direct Legislation League.]

ARGUMENT.

Initiative measure No. 9—the "first-aid" bill—deserves the approval of citizens of the State for the following reasons, among others:

1. General purpose: The bill was drafted to accomplish three primary objects: (1) Stimulate the prevention of work accidents, (2) assure injured men speedy and certain medical care, (3) abolish the coercive "hospital-fee" system and place employees' sickness funds under State supervision.

2. Limited to extrahazardous trades. The bill applies only to extrahazardous trades, and fills the gap left by the legislature of 1911, when the first-aid provision, so-called, was stricken from the workmen's-compensation act. That law as passed left the workman to pay his own medical bills. It also prohibited the injured workman from suing his employer, even where his medical care costs far more than he is awarded from the State accident fund. This is true even in cases where injury from inexcusable negligence of the employer or his agents would have resulted in jury verdicts of $5,000 or $10,000 under the

common law. Employers in dangerous trades are thus absolutely insured against litigation; the workmen gets only what the State gives him.

Briefly the present bill imposes upon the employer the duty of paying for the doctoring and medicines needed when the men whom he employs for his own profit get hurt in his service. Where the surgical or hospital expenses exceed $100 the State then steps in and pays the excess out of the collective accident fund.

3. "Safety first." The key idea of this bill is: An act to encourage industrial safety.

To achieve greater safety in dangerous occupations is progress; to pay compensation after a preventive injury is mere apology. Any act of organized society which measurably reduces the sum total of human agony from industrial accidents—with their waste of human working power and the driving from home of women and children unfitted for breadwinning—deserves the vigorous support of every citizen.

Fifty per cent of work accidents are preventable. "Safety first" has become a slogan throughout the Nation. Safeguards on dangerous machines are only a first step. Undue speeding of men, needless litter at the plant, bad light, unwarned green hands, defective apparatus, unconsiderate foremen—preventable accidents result largely from such causes which are wrongly classified as trade risks. It is in the power of the employer to stop injuries from such things; and generally at slight expense and with equal output. A half dozen State factory inspectors can not be held responsible for the safety of 160,000 men in our extrahazardous trades.

The boss who sees his accidents in his balance sheet, surely, automatically, will get his scientific management ideas to working and prevent accidents.

The small employer is not going to be put out of business by a $30 or a $90 doctor bill; the big business manager can't shift it onto his men as now and deceive his stockholders. Public opinion will know just where to put its thumb from reports required and published. And the thoughtful, humane employer will find that he is assessed fewer compulsory insurance premiums by the State to pay compensation for the maimings caused by his slave-driver competitor who regards men as merely something to exploit.

4. Remedies a cruel injustice. Men who work with their hands are now carrying two-thirds of the financial burden of work-accidents in Washington, and the employers only one-third. This is proven incontrovertably by cold statistics. See the 1913 report of the industrial insurance commission, page 101. And on top of this is the physical suffering and the want and worry passed on to the family where there are dependents.

Each year 15,000 serious industrial accidents occur in the State. In 1,508 cases, where the data was complete, the results were:

Total amount of wages lost	$107,296.67
Cost of medical treatment	36,206.80
Total financial loss to workmen	143,503.47
State's awards (cost to employers)	47,164.20

5. Brings Washington up to standard. The spirit of the age insists that industry shall bear the cost of its accidents. Twenty-five American States have passed workmen's compensation acts and the employer is obliged to pay for medical attendance for injured men as well as the definite money damage laid down by law. Washington is almost alone in compelling the workmen to pay the treatment cost.

"With a few exceptions," reports a notable commission of the National Civic Federation, "the States require that the employer, in addition to the compensation, shall pay the medical bills of the injured workmen, with certain restrictions. Outside of the State of Washington, the commission found no sentiment opposed to this requirement, it being generally conceded that the workman is not only entitled to medical treatment in addition to his compensation, but that it is to the interest of the employer and society to see that he receives it, thereby to minimize the extent of the disability."

What is right in California, Oregon, Illinois, Wisconsin, Michigan, Ohio, New Jersey, and Massachusetts, is also right in Washington.

6. Abolishes the vicious hospital ticket system. Certain organized employers, acting through the anonymous Stop-Look-Listen League, are bitterly opposing the standardizing of what humane firms of men do as plain Christian duty. These men say, "We already take care of our injured men." But they mean

they have given some contract doctor the corporation's franchise of treating its men and are deducting the dollars every month from the pay envelope of each of their laborers as a "hospital fee" to pay him, notwithstanding the often poor quality of his slapdash services. This bill will compel the contract doctors to meet professional competition on their merits, to the benefit of suffering workmen.

One hundred and sixty thousand workmen are covered by the compensation act. About 57.5 per cent, or 90,000 men, are under the benevolent compulsion of the deduction-from-wage, pay-in-advance installment system of putting up the medical cost of treating accidents. This means the workmen are putting up $1,000,000 a year for "hospital fees." This is collected by the companies, not the State—an unofficial, unaudited "accident fund." Thus they maintain the "hospitals" out of their own pockets—as the price of their jobs. The employers last year were assessed $1,600,000 by the State to pay the fixed damages for the killings and injuries in the dangerous trades. Nearly 15,000 awards were made by the State accident board. The average cost of medical treatment was $25, a total of about $375,000. Will anyone be convinced that sickness of employees (family ills and chronic disorders are not treated on "hospital ticket") absorbed the $625,000 balance of the men's money?

7. Responsibility for immediate medical care. When a man is hurt outside of the big mills, logging camps, or construction gangs, where the "hospital fee" is held out, no one is legally responsible for his prompt and efficient treatment. If he is penniless, the hospital or capable doctor doesn't want the case. The State pays no surgical, nursing, or other bills. The boss doesn't enthuse over guaranteeing them. Charity is thus called upon. Initiative bill No. 9 will change this indefensible system.

The governor's commission of 1910–11 which framed the workmen's compensation act put a first-aid fund into the bill, but the lumber barons and other big business dictators killed the provision in the legislature, leaving a one-legged law. In 1912–13 the majority of the industrial insurance commission, in its first annual report, after operating the law a year and a half, recommended substantially this initiative bill. Gov. Hay, the Progressive Party platform, and organized labor all urged first aid, but the legislature again smothered it. The State federation of labor, the farmers' grange, and the Direct Legislation League now appeal direct to the people for the relief and justice long denied.

PAULY EXHIBIT.

COMMITTEE REPORT.

To the chairman and members of the citizens' unemployment committee:

Your committee, appointed on March 28, 1914, consisting of J. R. Fowler, chairman; Dr. J. E. Crichton, Prof. A. Berglund, E. B. Ault, C. K. Bliss, and W. D. Lane for the purpose of investigating conditions of unemployment in this city and making recommendations, beg leave to report as follows:

Your committee first investigated the institution known as the "Hotel de Gink." This institution was first established by Mr. Jeff Davis, president of the International Itinerant Workers' Union, and is now under the management of Mr. Henry Pauly. "Itinerant workers" are commonly known as "hoboes." The "hobo" should not be confused with the "tramp" or "yegg." He is an itinerant workman, and plays a necessary part in our industrial system. These men occupy a portion of the building formerly occupied by the Providence Hospital. The rent, amounting to $55 a month, is paid by the central labor council; otherwise the institution is self-supporting. The men have taken several contracts for clearing land and have recommendations from those for whom they have worked. They have purchased a stump puller, at a cost of $300, and other machinery for the clearing of land, and are anxious to obtain contracts for that kind of work. Men doing this work have slept in the open while on the job. Vegetables for the "hotel" have been obtained by working at sorting and taking the seconds for pay. Certain restaurants have also donated food not suitable for their use. Fuel has been carried from razed buildings, where it could be obtained for taking away.

The institution has lodged and fed 2,250 men, at a cost of $765.39. Seventy thousand meals have been furnished. Each member who gets work is required to contribute to its support. An accurate set of books is kept showing all moneys received and disbursed. At the present time about 106 men are being cared for.

Strict sanitary rules have been established. A man on entering is required to have his clothing "dry steamed," and to take a bath. The building is kept clean and habits of personal cleanliness enforced.

Strict discipline is maintained. A "court" has been established, before whom offenders against the rules and good order of the institution are brought. If found guilty, they are disciplined or expelled. The men are nearly all American citizens. No incendiary or revolutionary progaganda is tolerated, and obedience to the law is inculcated. The building is decorated with the American flag. Cooperation and self-help are the basic principles of the institution.

We interviewed Sergt. Ryan, of the police force, who corroborated the foregoing statements. He stated that at the time he was stationed there he had never been called upon to interfere in the interest of good order. No stolen property was discovered in the building. Upon entering every man is given a number and a record kept of every night that he is in, which must be before 10.30 in the evening. We believe that the institution is conducted along right lines and is worthy of support. The owners of the building have given notice that no more rent will be accepted after April 25. The men have another building in view, which they hope to be able to obtain. They believe that their institution could be placed upon a completely self-supporting basis. They desire the moral support of the people in these efforts.

Your committee next visited the Brotherhood League, which is in charge of Mr. Martin. One hundred and fifty men were found there. The league furnishes cot beds in a fairly well-ventilated upstairs room for 10 cents for those who are able to pay; others sleep on the floor downstairs, where the ventilation is insufficient. We saw a number of men wrapping their feet and legs in newspapers, presumably to keep warm. It was the opinion of Mr. Martin that 75 per cent of these men would work if the opportunity were afforded. He thought that most of them would be out within a month, many having already left. This institution is maintained by private contributions.

Several cases of extreme necessity among our own citizens have come to your committee's knowledge. At one meeting we were visited by a committee of four, representing, as they said, 125 married men of the city who are out of work, some of whom are in great need. About 40 of these men were in waiting on the outside. They impressed your committee as being worthy and extremely anxious to find work. We also interviewed a millman, who gave us his experience in the employment of labor. He thought it unwise for the newspapers to publish that men would be furnished work here, for the reason that it creates a false impression as to the certainty of getting work and the wages to be paid, and so causes an influx of men to the city.

Scarcity of employment is not peculiar to Seattle. It is a local manifestation of a condition quite general. We are informed that conditions are worse here than in previous years. Some of the local men told us that they had never found it impossible to obtain work before.

Your committee recommends that the general committee be made permanent, at least until there shall be a board of public welfare or some public body which can can take charge of the work. We believe that such a body is necessary—one which will have the time and facilities for investigation and for securing work, which this committee does not possess. We recommend that an appeal be made to the citizens of Seattle to provide work for those worthy and most in need. We believe that many of our people, if they saw and understood the need as your committee has been brought to see it, would be willing to provide temporary employment. To do this it will be necessary that some place be provided to act as a clearing house, where applications for laborers might be made and where clothing might be sent for distribution. Itinerant workers are prepared to clear land if work of that kind can be procured for them. We believe that they should receive our moral support and such practical assistance as possible in their effort to establish a home for the itinerant worker.

Similar conditions in the future should be anticipated. If possible, a certain amount of public work should be reserved to be done during times of industrial depression. Care, however, should be taken in the kind of publicity given to our efforts to provide work for the unemployed. In our opinion, the general committee should do everything possible to relieve the present situation, and particularly should give attention to the prevention of similar conditions in the future.

Respectfully submitted.

——— ———, *Chairman.*

LETTERS IN RE TESTIMONY OF DR. THERESA S. McMAHON.

The following letters were filed by the Association of Pacific Fisheries in regard to the testimony of Dr. Theresa S. McMahon, and were ordered to be made a part of the commission's record:

BLAINE, WASH., *August 15, 1914.*

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: Our attention has been called during the past few days to articles in the daily press seriously reflecting upon the salmon canneries of this State, and purporting to be evidence of Dr. Theresa McMahon before the Federal Industrial Commission, which are so grossly unfair, unjust, false, and malicious that, if allowed to stand without protest, may be accepted as truth by the public and the commission.

Referring first to the Chinese contract, the old method of contracting for processing the pack at a fixed sum per case is no longer in vogue. A small force of orientals is employed during the entire season, and for this force a memorandum contract is made guaranteeing the wage, the length of time of employment, the hours of work, overtime, etc. Eleven hours is the extreme length of a day's work, and is only executed during a few days of the season when delay would be injurious to the pack. The usual hours for labor in our cannery is from 7 a. m. to 6 p. m., with an allowance of one hour at noon for dinner. All labor over 11 hours is paid overtime, but it is seldom extra hours are necessary.

During the rush season, rarely extending more than three or four weeks for the Sockeye pack, extra labor is employed, which is paid by hourly wage.

Sanitation.—The cannery operated by this company has one main longitudinal and 11 transverse sewers, which are daily flushed, and when the cannery is in active operation a stream of water is pumped through and continued all night. All machines in use are cleaned off by steam under 100 pounds pressure at noon and also at the end of the day's work, after which they are washed off by a stream of water from a steam pump and the whole cannery and fish house floor washed off and squeegeed down. Salt in abundance is then liberally sprinkled over the tables and floors, and the cannery is thus kept perfectly sweet and clean. We have sanitary drinking fountains at either end of the cannery, washing troughs and basins supplied with water from faucets for the employees, and in a separate and secluded building near the cannery, in a location not traversed by any male employees, is a rest room and toilet for the female employees. The toilets for the males are at a far distant point and entirely separated from the cannery.

Some women are employed at present during the packing season, a few at light work, such as attending the weighing machines, etc., who are paid 25 cents per hour, but the main body are employed in the packing. This work is paid for at a stipulated sum per case, and it is not unusual for a fast worker to earn $5 per day—indeed, on different occasions several of our girls made $5.80 a day.

Some of these girls live in the adjoining town and come and go morning and evening, bringing their lunch with them; others live in neighboring districts, and for these we have provided the following living accommodations: Situated on the Gulf of Georgia side of our property and bordering the high-water mark on the bathing beach, we have three cottages or bungalows and one mess house, all painted white. The cottages are divided into five rooms with a central room supplied with a kitchen range, table, shelves, etc., for those who desire to cook their own food. Each room has a doorway leading to the central space as well as a separate doorway leading outside. We supply good iron beds, mattresses, and chairs, five for each room, but there are never more than three, or at most four, persons in any one room. The cottages are all connected with wide platforms, and outside of each one is a suitable place for washing supplied with running water. All are electric lighted.

The mess house is a long building containing a mess room arranged with tables covered with white oilcloth, benches, etc., sufficiently large to accommodate 100 people if necessary; adjoining it is a large airy kitchen with a hotel range, extra-size hot-water boiler, sink, and other accessories for a well-appointed kitchen, and leading from it is a large pantry and a cook's room. Outside the kitchen is a covered porch having on one side a modern bathroom and separate from it stationary wash tubs, both with hot and cold water, and on the other side a modern toilet.

We supply a cook and helper, all kitchen and cooking utensils, all mess furniture, heat, and electric light.

The mess pays only for the actual food furnished which is ordered by the cook or one of the matrons who attend to the good order and wants of the female employees. Under this arrangement the cost has never been more than 10 cents per meal or 30 cents per day for board and room. Frequent inquiries as to whether the girls were obtaining plenty of wholesome food invariably received the reply from cook and matrons that not one single complaint had been made during the season, and that all were fully satisfied with the conditions.

The writer was here during the entire season and on several occasions inspected the quarters for the purpose of ascertaining their condition and to learn if anything could be added that would improve them and add to the comfort and welfare of those living in them. He invariably found them neat and clean and never once heard one complaint.

The girls employed come from the best of families in this section of the country and are presided over by two experienced matrons. The writer has seen these girls daily at work and at play and can testify that nowhere amongst the high or low can girls be found who are neater, cleaner, or more orderly than those employed at this cannery. To reflect upon the morals of these girls is a malicious outrage which should receive the condemnation of every well-thinking person.

It is a difficult matter to set forth in a letter the conditions prevailing here, and it is only by actually seeing the work that a proper understanding can be had.

We would, therefore, ask that the commission visit us and inspect our cannery and surroundings at any time, nay more, we will pay for any reasonable expense incurred by this commission in making us a visit, in order that the members may ascertain for themselves the true conditions and know, if the press reports are correct, what malicious and false evidence has been presented.

Yours, very truly,

ALASKA PACKERS ASSOCIATION,
JEFFU F. MOORE,
General Superintendent.

APEX FISH CO.,
Anacortes, Wash., August 20, 1914.

ASSOCIATION OF PACIFIC FISHERMEN,
Seattle, Wash.

GENTLEMEN: Our attention has been called recently to a number of articles which have appeared in some of our daily papers, purporting to be the evidence of one Dr. Theresa McMahon before the Federal Industrial Commission.

After reading these articles over carefully we feel that it is our duty to ourselves, to the industry we represent, and to the consuming public to emphatically contradict the statements made by Dr. McMahon as being absolutely untrue, unjust, and of a most malicious character; so much so that we do not believe that the commission will give it very much credence. However, we wish to be placed on record in the matter.

As regards to hours of labor, there is not a semblance of truth in the statement made, and we are paying the highest wages of any industry on the coast, and our employees are from some of the finest families in the town. Our female employees are practically all hand fillers, who make as high as $6.50 to $7 per day of 10 hours, never working more than that time and usually only 7 or 8 hours per day.

We earnestly request that the commission, either as a whole or that they select some member, visit our plant and make an investigation for themselves. We have always endeavored to conduct our business in the most sanitary and up-to-date manner. We should like to have you insist that the commission visit us, as we invite inspection at all times.

Very truly, yours,

LEE H. WAKEFIELD, *President.*

F. C. BARNES CO. (INC.),
Portland, Oreg., August 21, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: I have just been reading a notice that was published in the Seattle "P. I." on August 12, which I would like to call your attention to, as I consider it very unjust. It does not speak the truth in regard to employees in any of the canneries that I have ever visited and especially in our plant, and if allowed to stand without protest may be accepted as truth by the public and the commission.

Referring to Chinese contracts, that is an old method that was adopted years ago and now is no longer in vogue. The small force of orientals employed during the season are guaranteed for a certain period of time, or a certain number of months' work. The hours for work covered by these contracts are 11, and all over 11 hours is considered overtime, and employees are paid an agreed price for overtime. This is only done during extreme rush times. The usual hours for labor in our cannery is from 7 a. m. to 6 p. m., with an allowance of one hour for dinner. The rush season does not generally exceed over three or four weeks.

All machinery in use is cleaned off with steam under 100 pounds pressure at last twice a day and the floors and entire workroom is cleaned up and washed down every night thoroughly. Salt in abundance is then liberally sprinkled over the tables and floor of the cannery, thus keeping them perfectly sweet and clean.

Some women are employed during the packing season at light work, such as attending to the weighing machine and salting cans, and are paid 25 cents per hour.

We furnish a mess house for our Chinese employees and sleeping quarters, paying them no less than $50 per month and making them an allowance of $8 per month in addition for board. Although they furnish the supplies for their mess house, we pay the cook who does the cooking for them and we also pay the freight on their supplies and furnish them with wood and water. Besides this we pay the transportation from wherever this help is hired to the cannery and return. The white help are women that are hired in the cannery. They are paid by the hour and board themselves at their houses.

These are the conditions at our plant in South Bend, Wash.

Yours, truly,

F. C. BARNES CO.
By F. C. B.

CARLISLE PACKING CO. (INC.),
Bellingham, Wash., August 25, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: Our attention has been called recently to articles which have appeared in some of our daily papers purporting to be the evidence of one Dr. Theresa McMahon before the Federal Industrial Commission.

After reading these articles over we feel that it is a duty to ourselves, to the industry we represent, and to the consuming public to emphatically contradict and denounce the statements as being absolutely untrue, unfounded, and unjust, so much so that we are loathe to believe that the commission will give the testimony as made by Dr. McMahon any credence, and we wish to be placed on record in this matter as follows:

We are, I believe, paying the highest wage of any industry on the coast. Our employees are composed of members of some of the finest families in the towns tributary to our plant.

Our female employees are employed filling cans by hand, and make as high as $5, $6, and $6.50 per day of 10 hours. The majority of them are comfortably situated in tents a short distance from the cannery, where sanitary conditions can not be anything but of the best.

We have always conducted our business at this cannery in the most sanitary methods possible, and we earnestly request your honorable body, or any other investigating committee, to pay us a visit at this or any other time in the future; in fact, we will gladly welcome such an investigation to prove the injustice as reflected by the testimony as referred to in this letter.

Yours, truly,

FRANK WRIGHT, *President.*

EVERETT PACKING CO.,
Everett, Wash., August 24, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: The statements made by Dr. Theresa McMahon, in her testimony before the Commission of Industrial Relations, in the Federal building, on August 12, 1914, were so entirely unjust and so utterly unfair to the canning industry that it should not be allowed to pass unchallenged.

Speaking for the plant of the Everett Packing Co., of Everett, we desire to say that we employ white help entirely in every department, using men, women, girls, and boys. These employees are all residents of Everett, and a large per cent of the boys and girls are from the high schools of the city, who work during their summer vacation.

Seventy-five per cent of our men employed are paid 30 cents per hour, while the girls and women are paid almost altogther by piecework and earn from $2.50 to $5 per day of eight hours.

The old system of having the packs put up under contract at a stated price per case is no longer followed, and during the rush period of the canning season, when a certain number of the machines are operated overtime, the operators are paid well for such overtime, and we leave it largely to volunteers as to who will put in the overtime, some working overtime one day, while others do the same work the day following.

During the time the plant is in operation 10 hours a day, lunch is served, free of charge, at 9.30 a. m. and 3.30 p. m., and all work at the plant is stopped in each separate department while the employees are eating same.

Our girl employees dress neatly and in uniform; they are orderly and, as stated above, are residents and members of some of the best families of the city.

Were they not paid well and entirely satisfied with conditions at the plant they would certainly not remain in our employ.

As to cleanliness, general sanitation, etc., about the plant, we cheerfully invite inspection and investigation either day or night.

Yours, very truly,

J. O. MORRIS.

HOQUIAM, WASH., *August 21, 1914.*

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

DEAR SIRS: I have read an article in the Post-Intelligencer, of Seattle, under the date of August 12, 1914, headed "Minimum wage puts a premium on child labor—Attacks the canneries." This article was so entirely wrong and misleading that I can not let it pass without writing you this letter.

In the past with the old solder system we were compelled to use Chinese labor, and, owing to the system which the Chinese have of doing business, we were compelled to contract with Chinese labor contractors, who agreed to work their men 11 hours per day. In none of those contracts did those Chinese laborers agree to lose 25 cents per hour in case they refused to work overtime, nor was there at any time any such deduction made from their wages by myself. Since the sanitary system has been in operation with me, we have used all white labor. The lowest wages which we have paid to women was $1.75 per day. As soon as the women became used to their work they were put on piecework, where they could and did always earn more than $1.75 per day, some of them earning as high as $4 per day. The greater number of these women have homes in Moclips, a few of them, however, coming from outside towns during the canning season; some of them stopping at hotels and others with private families. I have never heard any complaint from these women as to any changes which they might desire in and around the cannery, and I do not believe that any such have ever been made, as they have always been at liberty to bring any complaints that they might wish to make to my attention. I am utterly at a loss to understand why Dr. McMahon should make such statements, unless through ignorance.

Yours, truly,

W. W. KUHN.

BROOKFIELD, WAHKIAKUM COUNTY, WASH.,
August 22, 1914.

Mr. J. J. REYNOLDS,
Secretary Association of Pacific Fisheries, Seattle, Wash.

DEAR SIR: In reply to your circular letter of August 18 and the one previous, we wish to say that it is impossible to answer all the assertions made by a lot of agitators. All we can say is that our cannery is open for the inspection of the public or for inspection by any State officer.

We do not employ any women at present. We do employ two or three girls for about a month. They label cans at that time and they work eight hours a day.

Our cannery is built entirely over the water and does not need any sewers, etc.

Yours, truly,

J. G. MEGLER & Co.

PACIFIC AMERICAN FISHERIES,
South Bellingham, Wash., August 20, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: We have been requested by some of the packers to express our views on the criticisms made by Dr. Theresa McMahon before the Federal commission in Seattle. Mrs. McMahon's charges were very sweeping, but I don't think that she really meant all that she said. Speaking for our own plant, I can say that Mrs. McMahon went all through the plant last year, and after going through it complimented us upon the conditions existing. Mr. Olsen, the labor commissioner, went through at the same time, and we invited criticisms and suggestions, and we do not know of any suggestion that they had to make or any criticisms. None of the male or female employees in our plant are housed in such a manner as she describes, and they all live at home. The plant itself is all over the water, and the tide ebbs and flows twice a day, so that all dirt or anything that would be insanitary is carried out to sea. The offal from the fish is taken into conveyors and runs clear through the plant into scows, and from there is taken to our fertilizing plant five miles away.

I think it useless to try and go into details explaining what we have around our plant, but we invite inspection. This is the way for the commission to get at it, visit the plants, and make their comparisons, and not take the prejudiced testimony of various people, or if any of these witnesses specified any particular plants that are not right, go after them and see that they are put right. If we are among that number, which I don't believe we are, tell us where we can better conditions, and we will gladly do it.

Yours, very truly,

E. B. DENNING, *President.*

PILLAR ROCK, WASH., *August 21, 1914.*

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: Our attention has been called to the evidence of Dr. Theresa McMahon, purported to be given before the Federal Industrial Commission, in regard to salmon canneries.

We can not see how anyone with average intelligence could make such a report, if, as the doctor says, she had visited any salmon cannery. We always welcome visitors, and as a gentleman and lady who spent a week's vacation at our place this summer said, "Why, we were always led to believe that a person could hardly live at a salmon cannery, and that one would never eat canned salmon if he saw it put up. Now, after inspecting your cannery we want to order a case of salmon sent home for this winter." As regards hours of labor, all our canning help is oriental, as we are isolated. There is not a girl or boy working in our plant. Hours are from 6 to 12, with one hour for noon, and 1 to 6; all other time is paid for as overtime. Some of the work is piecework, where a fast man makes from $5 to $6 in 11 hours. As regards sanitation, all offal goes into the Columbia River; also all sewage. We have an abundant supply of good mountain water running from the faucets all day. The floors are washed down and salted well at the end of every day. The machines are cleaned

first with steam twice each day and washed with the hose once. All benches are washed, scrubbed with a broom, and salted; all trays the same, and put out in the sun to dry. And if anyone can show us how we can make our place more sanitary we will gladly adopt their suggestions.

Very truly,

PILLAR ROCK PACKING CO.
W. B. STARR, *Secretary*

SAN JUAN FISHING & PACKING CO. (INC.),
Seattle, Wash., August 22, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: In reference to working conditions in the canneries on Puget Sound we have little knowledge outside of our own plant. We are located in Seattle, where facilities for board and lodging are ample, hence maintain no boarding house of any description. We employ no female labor whatever, except the lady stenographers in the office. Our cannery operatives, outside of skilled labor, are Chinamen secured through a Chinese contractor, this contractor being also the foreman in charge of his Chinese crew.

We pay the Chinese laborers $60 per month each for a period of five months, in addition to which they receive an allowance of $9 per month for board. We also furnish and pay for their Chinese cook, furnish them good quarters, built according to the plan furnished by the Chinese contractor and under the regulations of the ordinances of the city of Seattle. They also receive free wood, free water, and free light, and pay no rent for their quarters.

Our white labor in the cannery department in the skilled branches is paid from $80 to $125 per month. These men all live at home. The unskilled white labor employed consists of a few boys at light work, handling empty cans, light machines, etc. These we pay 20 cents per hour. They also live at home, so far as we are informed.

During practically the entire season the hours have run from 7.30 a. m to 6 p. m., with an hour off at noon.

As far as sanitation is concerned there is no establishment of a manufacturing character in the State of Washington kept any cleaner or more sanitary than our plant. This is one of the first requirements of every employee, that he is to be clean himself and keep his machinery or tools, as the case may be, perfectly clean.

We have visitors every day from every part of the United States, who, not having seen a cannery in operation, are curious to see and observe the methods employed in putting up canned salmon, and we have yet to hear the first one make any statement that any of these operatives or any of the operations are not conducted in a thoroughly clean and sanitary manner. In fact, most of them express surprise at the very clean and neat appearance of everything in connection with the work, as they have all read more or less of the same class of statements made by this Mrs. Dr. Theresa McMahon, and have been led to believe by these misstatements that the salmon canneries were a mass of filth. Such statements are a malicious libel and do the industry in this State incalculable harm.

We are glad you are taking this matter up in such a way as to demonstrate just what actual conditions are, and to refer such wild and untrue statements as were made before the Federal Industrial Commission.

Very respectfully,

F. A. TWICHELL.

J. L. SMILEY & CO.,
Blaine, Wash., August 21, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: We have noticed in the daily newspapers purported reports of Dr. Theresa McMahon's evidence before the Federal Industrial Commission, which are so unfounded in fact, and so grossly unjust and unfair to the salmon canners of this State and their employees, that we feel the public is entitled to an impartial and honest statement of the actual facts.

In the first place, with reference to contracts for oriental labor, we believe a copy of our contract will speak most plainly for itself, and you will therefore find a copy of this contract attached, the same being in the form of a letter addressed to the Japanese contractor. You will notice that there is no requirement as to the number of hours' work each day, but it is verbally understood that 10 hours during the greater portion of the season, and not to exceed 11 hours during the rush, shall constitute a day's work. All such labor is paid 20 cents per hour for overtime, but there is absolutely nothing in the contract which would compel any oriental laborer to work extra time unless he so desires, this being entirely optional with him.

With reference to sanitation, employment of women and girls, etc. All machines in use are thoroughly cleaned at the end of each day's work. The floors, tables, etc., are properly washed, scrubbed, and plentifully sprinkled with salt, so that the entire cannery is at all times clean and sanitary.

We have a women and girls' rest and toilet room, which is located in one corner of our building, away from the male employees. This is equipped with sanitary towels, toilet paper, sanitary drinking fountain, and flush closet. The women and girls are all of good moral character, and their surroundings are of the best; they themselves would be the first to condemn and refute any report to the contrary. We consider them ladies, and they are treated as such. A number of them have voluntarily branded the newspaper reports as a most malicious reflection upon themselves as well as upon the canneries.

Most of them are employed at piecework, and they earn from $3.50 to $7 per day of 10 hours. Some are employed at light work by the hour, for which they receive 20 to 25 cents per hour; children of 14 and 15, employed at labor which can not in any manner work harm to them, receive 15 cents per hour, and the opportunity to secure work of this kind during the summer season has proven itself to be of greatest benefit to those needing it.

Neither oriental nor white labor are compelled, or even requested, to work any excessive length of time. Our present employees consist principally of those who have worked for us in preceding seasons, and the mere fact of their return year after year would itself refute the above reports as contained in the newspapers.

Our cannery and all its operations are at all times open to investigation, and the employees may be freely questioned as to their treatment and surrounding. We can not understand the source or foundation of such reports and believe this matter should be presented to the commission for an investigation, which we believe is justly due us and our employees.

Very truly, yours,

J. L. SHILEY, *President.*

J. L. SHILEY & CO.,
Blaine, Wash., May 4, 1914.

Mr. ROY NOMURA, *Seattle, Wash.*

DEAR SIR: Have your letter of 2d. Regarding the furnishing by you of Japanese labor for our cannery work here this season, we understand you will furnish us 10 men, from June 15 to December 1, at a price of $240 for 3 men and $225 for the other 7 for the entire time, we to furnish board and house for men to live in free of charge. In case any extra men are hired, we to pay them $45 per month, including board. We to pay a cook for the season the sum of $220, and to pay 20 cents per hour for overtime for work done at night or on Sundays to all cannery men. We to pay you for your services for the season $425; also pay transportation charges by boat for all men furnished to and from Seattle to Blaine. You are to board all men furnished, for which we are to pay you the sum of $9.50 per month for each man. We are to furnish the necessary rubber boots and oil aprons free. We are to advance the necessary money to pay for groceries as required. We believe the above covers everything. You will note we state the men are to be here ready for work on June 15; we think, however, July 1 will be soon enough.

If this meets with your approval, kindly acknowledge receipt, and oblige,

Yours, very truly,

J. L. SHILEY & CO.

UNION FISHERMEN'S COOPERATIVE PACKING CO. (INC.),
Astoria, Oreg., August 20, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMAN: We have recently observed some unfavorable comment on conditions in salmon canneries situated in the State of Washington. We do not operate to any great extent in that State, having only a small cannery situated on the Chehalis River at Aberdeen. The help employed at that point has been chiefly white girls and men, who for the most part have lived at their own homes or in lodgings of their own choosing. This cannery is not equipped with any particular rest room for either male or female help. The hours worked is usually from 9 to 10 hours, the 10-hour day being the maximum, and overtime paid after 6 p. m. We have, however, a cannery at Astoria, located within the corporate limits of said city, in which white labor is also employed, our filing being done by girls and women, as well as the labeling, and under a piecework system which permits of an experienced operator earning from $2.50 to $3.50 and $4 per day. This help furnishes its own board and lodging, either at their own homes or at near-by boarding houses. The cannery is not equipped with any particular rest room, but is equipped with sanitary drinking fountains and separate toilet rooms for male and female help. We aim to keep it scrupulously clean by cleansing each machine used for crimping with steam hose and flushing our floors with steam-driven pump, as well as using a liberal amount of salt throughout all departments, thereby making the whole cannery sweet and clean. For this plant the maximum hours of labor are 10; the usual amount worked runs to 9. The wages for the male help range from $45 to $75 per month. We may say that we feel our plant is kept in such state of affairs that an inspection of its premises by any Government officials would be invited and acceptable to us.

Yours, very truly,

T. NELSON.

WARREN PACKING CO. (INC.),
Portland, Oreg., August 20, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: In answer to a statement before the Commission on Industrial Relations by Dr. Theresa McMahon as to conditions in salmon canneries, we herewith are making an exact statement of facts as existing in our canneries at Cathlamet, Wash., and Warrendale, Oreg., on the Columbia River.

At both of these canneries only Chinese and Japanese labor is employed, as no other labor is available on account of the situation. The canneries operate from May 1 to about September 1, a period of four months. The heavy run of fish does not last for more than two or three weeks at a time, but in order to take care of them it is necessary for us to employ for the entire four months the maximum number of laborers so as to have them available for the short period of heavy runs. These men are paid from $250 to $350 each and are furnished with board and lodging in addition free of charge for the entire four months. This is equivalent to from $62.50 to $87.50 per month and board and lodging. They work 11 hours per day when there is work to be done, and are paid extra for overtime and for all Sunday work.

During the greater part of the season when the work is slack the laborers work only as long as is necessary to pack the fish received, and this amounts at times to not more than two or three hours a day. Consequently the average time of work per day over the four months does not amount to more than seven or eight hours for each day.

Our men are very well satisfied with conditions in our plants, as is evidenced by the fact that the same men come back voluntarily year after year and apply for their old positions.

Yours, very truly,

GEO. A. WARREN, *Secretary.*

WILLAPA HARBOR FISH CO.,
South Bend, Wash., August 18, 1914.

ASSOCIATION OF PACIFIC FISHERIES,
Seattle, Wash.

GENTLEMEN: Referring to the articles in the daily press relative to the salmon-canning industry of the State of Washington and purporting to be

evidence of Dr. Theresa McMahon before the Federal Industrial Commission, the above company desires to be placed on record as stating that material matter as set forth in the articles of the press are wrong, unfair, false, and malicious, and must surely emanate from some one who is entirely ignorant of the up-to-date methods of operating a salmon cannery.

This company has no Chinese contract, with the exception of the agreement as to the wage for a regular days' labor of the different classes of such labor performed, a regular days' labor is from 7 a. m. to 6 p. m., with one hour off for noon, and should the rush season require overhours, then the laborer is paid for such overtime.

The sanitation of the cannery of this company is good, the machines of all kinds are steamed, cleaned, and the floors, tubs, and tables are cleaned in salt water and salt each day, the female toilets are far distant from the others, and the whites and Chinese have separate toilets.

During the packing season we have in the employ of this company several women and girls, who receive from $1.50 to $2 per day for 9 hours' work, commencing at 7 o'clock a. m. and quitting at 5 o'clock p. m., with one hour off for noon; nearly all of the females employed are over the age of 18 years.

It is far better for a body to visit the several canneries and observe for themselves than to take evidence from some person who is either ignorant of the true conditions existing, or is maliciously opposing the salmon-canning industry.

Very respectfully,

ELBERT PEDERSON, *Manager.*

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GENERAL INDUSTRIAL CONDITIONS AND RELATIONS IN PORTLAND, OREG.

GENERAL INDUSTRIAL CONDITIONS AND RELATIONS IN PORTLAND, OREG.

(For exhibits under this subject, see pages 4737 to 4770.)

GENERAL INDUSTRIAL CONDITIONS AND RELATIONS IN PORTLAND, OREG.

COMMISSION ON INDUSTRIAL RELATIONS.

PORTLAND, OREG., *Thursday, August 20, 1914—10 a. m.*

Present: Chairman Walsh and Commissioners Commons, Lennon, O'Connell, and Garretson; W. O. Thompson, counsel.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Gov. West is unable to be present.

Chairman WALSH. And when may we expect him here?

Mr. THOMPSON. He sent word that he was prepared to testify yesterday, and made arrangements for it, but did not think he would be present, as his time was so occupied, but that he would make every effort to come if he could find time.

Dr. Young.

TESTIMONY OF DR. F. G. YOUNG.

Mr. THOMPSON. Will you please give us your name and your business address?

Dr. YOUNG. F. G. Young; Eugene, Oreg.; University of Oregon.

Mr. THOMPSON. What department are you connected with at the University of Oregon?

Dr. YOUNG. Economics and sociology.

Mr. THOMPSON. How long have you been connected with the university in that capacity, Doctor?

Dr. YOUNG. Nineteen years.

Mr. THOMPSON. Nineteen years?

Dr. YOUNG. Yes; not exactly the same chair, but virtually.

Mr. THOMPSON. And in the course of your 19 years that you have been connected with the university out here, Doctor, have you had occasion to look into and to study the industrial conditions which exist in this part of the country?

Dr. YOUNG. Only in a general way, as I would have occasion through being in charge of the work of economics and sociology. No special occasion arose for any close study or investigation.

Mr. THOMPSON. And in the course of that work, Doctor, have you made a survey of the general industrial conditions?

Dr. YOUNG. Not in any systematic way. I tried to keep in touch with things.

Mr. THOMPSON. Will you tell us, Doctor, what study you have made of these conditions, and how you view these conditions to-day?

Dr. YOUNG. In Oregon?

Mr. THOMPSON. In Oregon; and in that part of the State which you are located in.

Dr. YOUNG. Excepting in a few of the trades, the conditions are rather primitive—that is, there is no fully developed conditions into the classes of the employers and the employees. There is no marked class consciousness of distinct interest or how to handle their condition—antagonistic interests, if they are conscious of it; that is, Oregon in its industrial development is somewhat in the condition which the older countries in the eastern part of the Nation was in before the factory stage arrived. Of course, we have the lumber industry and others that have been somewhat developed—industrial development, the capitalistic system of organization—yet we are an undeveloped State. So that there is no close organization as between the capitalistic class and the laboring class.

Mr. THOMPSON. Doctor, the inquiries of the commission, of course, are not limited to simply a study of the organizations.

Dr. YOUNG. Yes.

Mr. THOMPSON. We are to study the relations that exist between the employer and the employee, whatever they may be. In such thought as you have given to the situation here, are there any facts bearing on that relationship that you could give to this commission?

Dr. YOUNG. Well, it would seem that it would be highly advisable that both interests, the interests of labor and the interests of capital, were to become apprised of the need of organization, that they are not under a condition that is normal unless they do have organization or solidarity. And it would be well if there were any means of obtaining it, if the business interests in Oregon could come to realize that the trades-unions are an essential feature of the developed industrial system, and also that the employers in their respective lines could furnish their interests by uniting, and then developing the ideas of collective bargaining and of treating with each other under conditions which would tend to bring into systematic study their exact, their vital relations. That is, it seems to me, one thing that is necessary. Of course, probably I am not sure that it is advisable to hurry that, but that is one element.

Mr. THOMPSON. Doctor, into what classes does the bulk of the labor of this part of the country divide itself; what industries, rather?

Dr. YOUNG. Well, agricultural industry, and the lumber industry, the fishing industry, and the manufacturing generally of other lines than the lumbering. Of course, in agriculture we have divisions, into horticulture——

Mr. THOMPSON. Well, Doctor, taking those divisions of labor in the various industries in the State. Take the agricultural, what would you say of conditions of labor in that industry in this State?

Dr. YOUNG. Why, it is in a very chaotic condition, I think. It is seasonal employment that exists to a very large—very marked—degree, and the conditions that characterize individualism, every employee taking care of his own interests, and every employer looking out for his own particular interests.

Mr. THOMPSON. Well, in that branch of the trade it is more or less seasonal, isn't it, Doctor?

Dr. YOUNG. Yes, sir; it is.

Mr. THOMPSON. Well, what do the people who work in that industry do when that industry does not require their services? Where do they go; what becomes of them; do you know?

Dr. YOUNG. No, sir; there has been no survey made from the results of which to make any statement that has any basis of fact to warrant the statement. I suppose some of them go into the lumber camps, others are out of employment during a large part of the season.

Mr. THOMPSON. Take the lumber industry, now, Doctor, the fishing industry and the manufacturing; you might tell what you know about them.

Dr. YOUNG. I say I haven't definite enough information to make it worth while.

Mr. THOMPSON. Have you given any thought, Doctor, to the condition of the working people as a class as to whether there is a state of unrest or not existing among them, industrially? What are your views about that?

Dr. YOUNG. I think they are all conscious that conditions should be improved; that they deserve much better than they have, but they haven't that degree of clearness of ideas as to procedure or leadership, except, of course, in a few trades, to enable them to rise from their present quite unsatisfactory conditions, in so far as that condition is made unsatisfactory to their being the weaker party in the clash of interests.

Mr. THOMPSON. Well, what would you say as to the cause of this unrest on their part; how would you analyze it?

Dr. YOUNG. They are not getting their share of the profits of the industry.

Mr. THOMPSON. Well, in any specific industry is their more or less of a marked condition of that kind, or is that just a general feeling among all people who work?

Dr. YOUNG. I don't know of any particular trade or industry in which any peculiar degree of discontent exists.

Mr. THOMPSON. Well, do you think that the degree of discontent, if such exists as you have stated it in this part of the country, is such as to receive the attention and consideration of this commission?

Dr. YOUNG. Why, I should think so, because this commission will no doubt develop the conditions that obtain in the older parts of the country, with the development of our manufacturing interest, and this section should not be put under the necessity of traveling the long road of trial and experiment and going all the wrong ways without finding the right one. I think the commission could serve it in a very marked measure by pointing out what, in their opinion, are the features that characterize a satisfactory condition in the relations between employer and employee, and the procedure through

which our community here in its primitive stage could short cut to this desirable condition.

Mr. THOMPSON. Now, what recommendation would you make to this commission to remedy in whole or in part these conditions which you speak of, which are, of course, the practical scope and purpose of such commission as this?

Dr. YOUNG. Well, I think the school should have in its curriculum a representation of this problem; that is, the school should bring to the youth growing up a clearer outlined idea of the vital elements in industrial developments. And furthermore there should be, I think, recommended by this commission such surveys as will make as definite as possible to the different proposed industries in this community their prospects of succeeding; that is, their market problems and their problem, power and labor pertaining to other factors that determine whether the industries are normally located and developed in this region. I should say that the commission could be of great service in outlining the procedure or program that the authorities, the agencies, institutions responsible for those interests in the community to the people in this community, should outline to them, or that through their wider studies of the subject should be taken along.

Mr. THOMPSON. Have you any suggestions in that regard, any concrete suggestions to the commission?

Dr. YOUNG. Well, the University of Oregon is developing a system of commercial and industrial surveys that—we should be gratefully delighted to have the cooperation of this commission in aiding us to advance that work as far as possible. And then, too, as a third feature that I think if, the whole matter of industrial organization should be made—I don't know just how, just what agency we should rely upon, but the whole problem that rests upon industrial organizations, the accomplishment of that should be promoted and cleared up as much as possible.

Mr. THOMPSON. Have you made a detailed study of the operation and the effect of the minimum wage law in this State?

Dr. YOUNG. The minimum wage law?

Mr. THOMPSON. Yes.

Dr. YOUNG. No. I have not made any specific inquiry into it.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon, would like to ask you a few questions.

Commissioner LENNON. Doctor, what causes led to the people of Oregon being pioneers in welfare legislation, the law limiting the hours for women workers and to the establishment of wage boards? Was there industrial unrest that brought that to the people's attention, or what brought it?

Dr. YOUNG. Well, in a city like Portland the conditions approximate those of the older cities of the East. That fact together with the people of Oregon, I think you will acknowledge, have a quite complete emancipation from tradition, and are alert as to what is desired, and so cast about for remedies, even though the evils or the ills are not so severe as they might be elsewhere. That is, just as in Australia and New Zealand you find them very radical in their social legislation, while I do not believe that in either of those cases the ills reach anything like the degree that they have in the older countries like England.

Chairman WALSH. Any questions?

Commissioner COMMONS. Yes.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. Have you made a study that would enable you to tell about the proportions of the employees in these different industries, take the lumbering and logging.

Dr. YOUNG. No; my courses do not cover the labor problems. My assistant has those. I supposed he would be called as a witness here. And then those facts, so far as they are extant, are to be found in the report of our commissioner of labor and statistics.

Commissioner COMMONS. That gives the total laboring population?

Dr. YOUNG. I think so. I am quite sure.

Commissioner COMMONS. And distribution?

Dr. YOUNG. That is his responsibility to collate the statistics of labor.

Commissioner COMMONS. Then you yourself would not be able to give us information regarding how labor is organized?

Dr. YOUNG. No. You better rely upon some others in your list.

Commissioner COMMONS. Who, for instance?

Dr. YOUNG. Mr. Stack would be one of them, and Mr. A. H. Harris, who is here.

Commissioner COMMONS. Have you followed the operation of the initiative and referendum in this State with reference to labor legislation?

Dr. YOUNG. In a general way.

Commissioner COMMONS. Well, what have been some of the laws that have been put upon the statute books through the initiative, and who inaugurated them, and how did they get up the petitions, and so on?

Dr. YOUNG. Well, now, I can't be sure of just which ones of our labor laws were secured through the initiative and which ones through the regular legislative assembly enactment.

Commissioner COMMONS. In general, what has been the experience of the State in your judgment with reference to the kind of laws enacted by the legislature and the kind enacted through the initiative and referendum—or the initiative particularly?

Dr. YOUNG. I should say that if there is any marked difference those enacted through the process of the initiative are somewhat more radical, more extreme probably. They have to be quite simple in order to be fully comprehended by the people, or at least to have an interest taken in them by the people. But they are generally more radical.

Commissioner COMMONS. Well, are they enacted in such form that they can be carried out without further action by the legislature?

Dr. YOUNG. Most of them are. Nearly all of them are.

Commissioner COMMONS. They create agencies?

Dr. YOUNG. They do.

Commissioner COMMONS. Administrative agencies and so on?

Dr. YOUNG. Yes; the legislature is not under the necessity of supplementing them.

Commissioner COMMONS. Now, what about the efficiency of that class of legislation, as to the agencies that have been created under the initiative? Have they been such that those agencies are competent and have had sufficient power to carry out the intent of the initiative law?

Dr. YOUNG. Just now I am not clear as to what particular labor law was enacted. Probably you know better than I.

Commissioner COMMONS. No; I don't know. I am asking you.

Dr. YOUNG. The secretary of state's report would answer that.

Commissioner COMMONS. You haven't followed that out—haven't inquired into that?

Dr. YOUNG. Not in regard to that; no. I should say though, as your question implies, that the initiative does not lend itself to the most efficiency in securing good, effective legislation for social reform purposes.

Commissioner COMMONS. Well, is that opinion of yours based upon any particular investigation of that question, or is it just a general summing up?

Dr. YOUNG. Why, the general trend of initiative legislation, and the way in which the measures are developed here in this State, indicate that it is a matter of common sense that you can not—that they can not be developed, that they can not be matured so as to be effective.

Commissioner COMMONS. I think that is all.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson would like to ask you some questions. Commissioner Garretson.

Commissioner GARRETSON. Doctor, from your standpoint and information, can the individual laborer working by himself stand any chance of securing a reasonable degree of economic justice?

Dr. YOUNG. Not unless he is in close personal relation with his employer.

Commissioner GARRETSON. The personal equation is the only one that can make it possible?

Dr. YOUNG. I think so.

Commissioner GARRETSON. Then have you any opinion as to whether he can secure a greater degree of immediate corrective for what he believes are his disabilities—economic disabilities—by legislative action or by organization with others of his kind?

Dr. YOUNG. I should take it that it would be necessary, as a first step, to organize and get solidarity of opinion, class opinion—yes, class opinion—in order that they might be in position to develop legislation.

Commissioner GARRETSON. And would he, even if legislation were enacted that was reasonable, would he be able to secure its proper administration afterwards better if he was in a highly organized state than in a disorganized

Dr. YOUNG. No. Public opinion, of course, is a necessary basis both for intelligent legislation and for effective administration. And organization is necessary in order to give point and clearness.

Commissioner GARRETSON. To apply public opinion?

Dr. YOUNG. Yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all; thank you.

Mr. THOMPSON. One more question I would like to ask: Doctor, do you know whether the supply of labor is greater than the needs here in this State?

Dr. YOUNG. It is greatly in excess in the winter months, the slack months.

Mr. THOMPSON. That is all.

Mr. Francis is compelled to go away, and he has left here a written statement containing the replies to the questions sent to him.

Chairman WALSH. Let it be filed.

(The papers so presented were marked "Francis Exhibits Nos. 1, 2, 3, and 4." The statement marked "Exhibit No. 1" is printed on pages 4726–4736. Exhibits Nos. 2, 3, and 4, respectively, are "Constitution, By-Laws, and Trade Rules of the District Council of Carpenters of Portland, Oreg., and Vicinity," etc., adopted August, 1913; "Declaration of Principles and By-Laws of the Employers' Association of Oregon;" and "Constitution of the National Association of Stationary Engineers," revised and adopted by the national convention at Boston, Mass., September 2–5, 1902, and were submitted in printed form.)

TESTIMONY OF MR. E. J. STACK.

Mr. THOMPSON. Will you please give us your name and your business address?

Mr. STACK. E. J. Stack. My business address is 162½ Second Street.

Mr. THOMPSON. And your position?

Mr. STACK. Secretary of the State Federation of Labor of Oregon.

Mr. THOMPSON. How long have you been secretary of the federation?

Mr. STACK. This is the third term. A term is a little more than two and a half years.

Mr. THOMPSON. How long has the federation been in existence?

Mr. STACK. Well, it has been in existence twelve years and a half.

Mr. THOMPSON. Is the federation affiliated with any other bodies or body; and if so, what are they?

Mr. STACK. It is affiliated with the American Federation of Labor.

Mr. THOMPSON. Is it affiliated under the same rules and in the same way that other State federations of labor are affiliated?

Mr. STACK. Yes, sir.

Mr. THOMPSON. How many unions are affiliated with your organization, local unions, if you know, or international?

Mr. STACK. Why, approximately, I should say, including central bodies, unions would be about 56 now.

Mr. THOMPSON. Has your organization a constitution and by-laws?

Mr. STACK. It has.

Mr. THOMPSON. Are they printed?

Mr. STACK. Yes, sir.

Mr. THOMPSON. Would you be willing to furnish the commission with a copy?

Mr. STACK. Yes, sir; I haven't one with me; I didn't think to bring one with me.

Mr. THOMPSON. Will you send one to us?

Mr. STACK. Yes, sir.

Mr. THOMPSON. In lieu of that, you may state briefly the purposes of your organization.

Mr. STACK. The purpose of the State federation is to further remedial legislation. That is its chiefest purpose. It is composed of local unions throughout the State, and the head federation through its convention and the executive board in the interim of the convention looks after legislation and makes that its chiefest work. However, it also does what it can in organization work.

Mr. THOMPSON. Well, now, you might tell very briefly, if you will, what you do in furtherance of that work, whether you have agents at the capital, whether you circularize your members or the public or have campaigns or mass meetings, or what. Just tell us briefly.

Mr. STACK. Our plan briefly is to circularize the locals that are affiliated and also all unions that are not affiliated—there are some that are not—in Oregon, and to give what publicity we can through letters and circularization, and in measures particularly we maintain a legislative commission to attend sessions of the legislature and do what it can in the interests of legislation.

Mr. THOMPSON. And in the doing of that do you urge such legislation as you think ought to be passed and oppose such legislation as you think ought not be passed?

Mr. STACK. Yes, sir.

Mr. THOMPSON. And to what extent and in what manner do you seek to take part in elections, if any, or do you extend your activities to that extent?

Mr. STACK. No, sir.

Mr. THOMPSON. Of seeking to elect members who are favorable to you or in opposing men who are not?

Mr. STACK. No, sir; we haven't done that as a body except in the last primary. In the last primary we endeavored to elect members to the legislature—three members of the organization of labor—and failed.

Mr. THOMPSON. In that regard, what did you do? Did you seek any pledges, or did you simply indorse generally those candidates whom you thought were proper ones and oppose those whom you thought were not proper?

Mr. STACK. Our method in this was through a convention committee at the last convention of the State federation. This committee was appointed, and the committee circularized all local unions affiliated with the State federation and asked them for legislative timber, and from the names submitted selected one or two and according to their political affiliations put them on the primary through the petition.

Mr. THOMPSON. Now, in regard to the passage of laws. There is the referendum in this State—the initiative and referendum?

Mr. STACK. Yes, sir.

Mr. THOMPSON. Has your organization taken any interest in either advocating or opposing laws through that means, too?

Mr. STACK. It has; yes, sir.

Mr. THOMPSON. What other statements would you care to make in regard to the activities of your organization from a legislative standpoint?

Mr. STACK. Well, in a general way that is the activity of the federation.

Mr. THOMPSON. How long have you been connected with organized labor?

Mr. STACK. Fourteen years last June.

Mr. THOMPSON. What is your particular union?

Mr. STACK. I am a cigar maker.

Mr. THOMPSON. How long have you been out on the west coast here?

Mr. STACK. All my life, nearly.

Mr. THOMPSON. All your life? Have you made a sort of survey in the way of industrial conditions in this vicinity?

Mr. STACK. No, sir; only those I have come in contact with. I haven't neither had the time or money to give the time to a survey.

Mr. THOMPSON. Tell us what you know, such facts as you know, that bear on the relations—that is, the conditions of labor in the particular branches of industry?

Chairman WALSH. What crafts are organized? Did he state that?

Mr. THOMPSON. No, sir.

State what crafts are organized?

Chairman WALSH. First, state what crafts are organized that you have definite information about.

Mr. STACK. There is an organization in nearly every craft except the lumbering industry and the packing industry, such as fruit-packing plants, and even in the lumber industry there is the shingle weavers who have now extended their jurisdiction to take in all the people working in the lumber industry, although they are not organized to any great extent yet.

Mr. THOMPSON. What would be the best organized union, or craft?

Mr. STACK. Among the best organized are the printers and cigar makers. They have what they call a 100 per cent organization.

Mr. THOMPSON. Any other lines you care to speak of?

Mr. STACK. I don't know of any others that are so thoroughly organized.

Chairman WALSH. There has been evidence that there were organizations in the lumber industry. What are they?

Mr. THOMPSON. The chairman would like to know what has been done in the timber industry. You mentioned the fact that the shingle weavers had no

independent organization over the rest of the workers. What have they done generally in that line. Do you know?

Mr. STACK. They have offered membership to people working in the timber industries, and have attempted by themselves, but without any aid from the State federation, to organize the workers of the timber industry, and they have been gathering members regularly.

Chairman WALSH. Have you made any investigation or study of conditions in logging camps, in the timber industry, from the standpoint of the laborers that are not connected with your association?

Mr. STACK. Only that which we hear from persons; no personal organization.

Chairman WALSH. Has there been any organized effort on the part of the organized crafts to discover conditions in these logging camps?

Mr. STACK. Yes; they have made some effort to learn the conditions, and their method has been one of inquiry of the people who are working there.

Chairman WALSH. They never go out there? Do you have any organizer that goes into the camp?

Mr. STACK. Not from the State federation.

Chairman WALSH. Any investigator?

Mr. STACK. No; the State federation has none.

Mr. THOMPSON. Is that all, Mr. Chairman?

Chairman WALSH. Yes; that is all.

Mr. THOMPSON. Have you made any study of the condition of labor in the various industries here, as to whether there is dissatisfaction or not?

Mr. STACK. Yes.

Mr. THOMPSON. What is your opinion in regard to it?

Mr. STACK. Why, my personal opinion is that there is a considerable spirit of unrest in most of the industries that are not very well organized.

Mr. THOMPSON. What is the cause of that industrial unrest at this time, in your opinion?

Mr. STACK. Long hours, low wages, and bad working conditions.

Mr. THOMPSON. In what trade or industry would you say the unrest is the greatest in this locality?

Mr. STACK. In seasonal occupations, where migratory workers are working.

Mr. THOMPSON. Give us the names of those in the order in which those are the worst, from that standpoint.

Mr. STACK. Well, in the fruit-packing industries, and in—well, in the wheat fields, where men work in the fields, in the logging camps working short shifts, the men are sent out to camps and do not stay long. The conditions, they claim, are bad there. They are charged a fee from the employment agent and a hospital fee, and then they are turned loose again in a short time. And during the season, say, where operations run over half the year a camp that would ordinarily require three or four hundred men probably there has been men by the thousand there.

Mr. THOMPSON. Do you think, Mr. Stack, that the men are let go and others hired? What is the reason for doing that, if you know?

Mr. STACK. Well, I do not know other than it would be a connivance on the part of the employment agent and the men who hire the men, to split fees. I know this, that there has been arrests made in the city of Portland and the license taken away from them for that very reason, within the last week.

Mr. THOMPSON. Do you think there would be any other purpose in that? Do you think the supply of labor would have anything to do with that proposition?

Mr. STACK. Yes; the supply would have something to do with it, and then, too, the fact the men are kept on the go keeps them from organizing.

Mr. THOMPSON. Have you any other matters to suggest to the commission in that connection? I mean, with the hiring and discharging of a large number of men, when to fill three or four hundred jobs they are hiring thousands?

Mr. STACK. The only suggestion I would have to offer would be if the commission is equipped to do so, to make the survey itself and give publicity to it.

Mr. THOMPSON. What other suggestion would you make to this commission that it could reasonably enforce to help the conditions of labor in this locality?

Mr. STACK. In a general way?

Mr. THOMPSON. Yes; generally, and that would help labor generally throughout the country?

Mr. STACK. Well, I don't know anything that would be more beneficial to labor in this part or in any other part of the country than to survey, and then the widest kind of publicity given to the findings.

Mr. THOMPSON. Have you any views as to whether or not there might be such a thing as national employment offices established?

Mr. STACK. We thought lots about employment offices.

Mr. THOMPSON. Did you make a tentative suggestion in a bill in that respect?

Mr. STACK. Yes; we have. The State federation had a bill in the legislature.

Mr. THOMPSON. I mean, did you get it from this commission, a tentative suggestion?

Mr. STACK. No. We had a bill in the legislature to provide for a State bureau; a national bureau might be better.

Mr. THOMPSON. Well, what would you say with reference to machinery for adjusting industrial disputes, such as a national council, or industrial council that could investigate labor conditions, that could give publicity to them? Either during the time of peace or in times of industrial trouble, that could mediate and conciliate the parties and also act as an arbitrator, or appoint arbitrators in case it was agreeable? What would you say as to that?

Mr. STACK. Well, I would say that would be good—arbitration, if it were agreeable; I would think that compulsory investigation would be one of the best things, conciliation wherever possible, and arbitration where it is agreeable, but by all means investigation.

Mr. THOMPSON. Is there any other suggestion you care to make to this commission, Mr. Stack?

Mr. STACK. It doesn't come to my mind now, any that I care to make just now.

Mr. THOMPSON. Is there some effort being made here to employ people who are out of work on account of seasonal work on the public work?

Mr. STACK. Some effort is being made to take care of unemployment?

Mr. THOMPSON. Yes; what do you think of it? What is your view if there is?

Mr. STACK. It is only a makeshift.

Chairman WALSH. Has there, or is there any effort being made to do away with seasonal employment by putting the workers upon public works?

Mr. STACK. Last winter there was an effort made. This year there has been several efforts looking to some relief measures, but in nearly all instances it is to provide a rock pile.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Well, now, has there been any definite move outside of an attempt to provide a rock pile in the city to take care of seasonal labor in this State, to your knowledge?

Mr. STACK. Yes; there has been.

Chairman WALSH. Please state what it is, Mr. Stack.

Mr. STACK. There has been an effort to provide a law that would permit the State to build roads in seasons of unemployment.

Chairman WALSH. Has that taken any other form except an attempted introduction, or the introduction of such a law in the legislature?

Mr. STACK. No other attempt.

Chairman WALSH. Is that as far as it has gone?

Mr. STACK. Yes.

Chairman WALSH. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. Do you have records, or have you made inquiries, which would show the number of people unemployed in the lumber industry in the State?

Mr. STACK. We have not made any.

Commissioner COMMONS. About how many do you think there are unemployed in lumber and logging?

Mr. STACK. Lumber and logging?

Commissioner COMMONS. Yes.

Mr. STACK. The men that work in the industry, between 30,000 and 40,000.

Commissioner COMMONS. How many of them would be in the shingling—the shingle weavers?

Mr. STACK. I don't know.

Commissioner COMMONS. The seasonal labor that is employed in fruit packing and harvesting, and so on, have you any notion or idea as to whether there has been any investigation to show about the total number that are engaged?

Mr. STACK. No; I have not.

Commissioner COMMONS. In the height of the season?

Mr. STACK. There has not been by our federation.

Commissioner COMMONS. Have any been made?

Mr. STACK. Not to my knowledge.

Commissioner COMMONS. Are the building trades organized in Portland fully?

Mr. STACK. Yes; the building trades are organized.

Commissioner COMMONS. And in what other cities are they organized?

Mr. STACK. In Astoria and Salem, and in Eugene partially, and some organization in Baker.

Commissioner COMMONS. Are they represented? What bills has the State federation of labor or the labor element in the State initiated under the initiative law?

Mr. STACK. The employers' liability law and the eight hours for public works.

Commissioner COMMONS. Is that all?

Mr. STACK. That is all that they have initiated themselves. They have aided in other measures.

Commissioner COMMONS. What?

Mr. STACK. They have aided others, and those, as far as they have initiated themselves, the employers' liability and the eight hours for public works.

Commissioner COMMONS. Have they aided other organizations in promoting other bills?

Mr. STACK. Yes.

Commissioner COMMONS. What other organizations have you aided?

Mr. STACK. The Grangers, and the Farmers' Union, and the Farmers' Society of Equity, and the People's Power League.

Commissioner COMMONS. That makes three. What others?

Mr. STACK. The Grangers, Farmers' Union, Farmers' Society of Equity, and the People's Power League; four.

Commissioner COMMONS. Four of them. Is there an alliance between these various organizations to each promote initiative bills that others initiate?

Mr. STACK. Yes.

Commissioner COMMONS. They circulate petitions jointly, then?

Mr. STACK. Yes.

Commissioner COMMONS. Was this done in the case of the employers' liability?

Mr. STACK. No; not then. That was one of the first bills that the State federation initiated, and it did not have that machinery at that time.

Commissioner COMMONS. How about eight hours on public works?

Mr. STACK. The other organizations aided in giving publicity to it; we initiated it ourselves.

Commissioner COMMONS. Did they circulate a petition?

Mr. STACK. No; we circulated it ourselves.

Commissioner COMMONS. Has the employers' liability law been amended or legislated upon in any way by the legislature?

Mr. STACK. Yes—no; not by the legislature. It has been—the wording of it has been changed by the courts, constructions upon it changed by the courts.

Commissioner COMMONS. But the initiative bill proposed a complete scheme of employees' compensation?

Mr. STACK. Employers' liability.

Commissioner COMMONS. Is that what we know as the employees' compensation law? You have no compensation law?

Mr. STACK. Yes; we have a compensation law.

Commissioner COMMONS. What is that?

Mr. STACK. A compensation law.

Commissioner COMMONS. In case of accident, compensation?

Mr. STACK. Passed at the last legislature, the compensation law that is now a statute provides regular compensation for employees.

A VOICE FROM THE AUDIENCE. Louder, please.

Mr. STACK. To provide compensation for the employees in hazardous occupations and provides means for others to have compensation under the act. It is optional with them—an optional compensation.

Commissioner COMMONS. You have a commission to demonstrate or administer?

Mr. STACK. Yes.

Commissioner COMMONS. What was the employers' liability law that you initiated—just what did that provide?

Mr. STACK. That was to fix the responsibility for accidents.

Commissioner COMMONS. Did that overlap the compensation law?

Mr. STACK. No; there was no compensation law at that time.

Commissioner COMMONS. Then this compensation law takes the place of that liability law?

Mr. STACK. It does whenever the employees come under it.

Commissioner COMMONS. Oh, I see; it is optional.

Mr. STACK. With the employer; it is not optional with the employee. It is supposed to be, but it is not.

Commissioner COMMONS. What proportion of the employees organized in this State are under the compensation law?

Mr. STACK. I haven't that information. The law just came into operation the 1st of July. They are just now making it effective.

Commissioner COMMONS. What would you estimate the total number of organized labor or members of organized labor in this State?

Mr. STACK. Well, I haven't any means of giving a correct idea of the total number.

Commissioner COMMONS. Just those that are represented in the State Federation of Labor. Your per capita would show that?

Mr. STACK. Yes, sir.

Commissioner COMMONS. What would that show?

Mr. STACK. That would show approximately 11,000. Of course, we have no railroad unions of the State. I should judge it would be between sixteen and seventeen thousand.

Commissioner COMMONS. The total number sixteen or seventeen thousand?

Mr. STACK. Yes, sir.

Commissioner COMMONS. What would be the number organized in Portland?

Mr. STACK. Why, about around 8,200 or over.

Commissioner COMMONS. About half of them are in Portland?

Mr. STACK. Yes, sir; the bulk of the union men are in Portland.

Chairman WALSH. Please speak a little louder.

Mr. STACK. The bulk of the union men are in Portland.

Commissioner COMMONS. That includes the railroad brotherhood as well. To what extent have measures been taken by your organization to organize the common or unskilled labor in the various industries of the State—that is, those which are not represented by the craft unions or labor helpers or common laborers working along with them? To what extent has there been any organization of that class of labor?

Mr. STACK. They are very hard to organize. The efforts that have been made are those that are usually made through public meetings at times and by sending literature to the workers themselves.

Commissioner COMMONS. Is there anybody whose business it is, either in any of the city central bodies or in the State federation, to organize the common unskilled labor?

Mr. STACK. Not particularly the unskilled common labor.

Commissioner COMMONS. Do you have Federal labor unions?

Mr. STACK. We have none here at the present time except the civil service workers' organization.

Chairman WALSH. I can't hear you, Mr. Stack, and I am sure Brother Garretson is having great trouble. Please pitch your voice a little higher.

Mr. STACK. This is a very hard room to hear in.

Chairman WALSH. Well, help us all you can by talking louder.

Commissioner COMMONS. What is this civil-service organization that you speak of?

Mr. STACK. Merely an organization of civil service workers who are chartered by the American Federation of Labor as a Federal union.

Commissioner COMMONS. What kind of work are they engaged in?

Mr. STACK. All classes.

Commissioner COMMONS. Work for the city?

Mr. STACK. City employment.

Commissioner COMMONS. Is that organization in the city of Portland?

Mr. STACK. Yes.

Commissioner COMMONS. How many members has it?

Mr. STACK. I don't know.

Commissioner COMMONS. Is it represented in the central body?

Mr. STACK. Yes.

Commissioner COMMONS. Does it include all the workers on the street?

Mr. STACK. Any of them; it is organized as a Federal union—anyone that chooses to join on the streets or——

Commissioner COMMONS (interposing). Have they a business agent?

Mr. STACK. No; they have no business agent.

Commissioner COMMONS. But aside from that there is no organization of a Federal labor union to take in the unskilled and the unorganized?

Mr. STACK. Not at the present time.

Commissioner COMMONS. What unions have separate organizations for helpers, or what might be called unskilled labor?

Mr. STACK. Why, you will learn that better from the building trades' representatives.

Commissioner COMMONS. Is there some one here from them?

Mr. STACK. Mr. Osborne and Mr. Sleeman will give you that information.

Commissioner COMMONS. Is your residence in Portland?

Mr. STACK. No; I live at Multnomah Station, just outside of Portland.

Commissioner COMMONS. Was this initiative for eight hours, was that adopted by the State?

Mr. STACK. Yes.

Commissioner COMMONS. Does that apply to all bodies, local, county, and town?

Mr. STACK. Yes; applies to all political subdivisions of the State.

Commissioner COMMONS. In your effort to elect candidates to the legislature, do you print the legislative records of candidates?

Mr. STACK. No.

Commissioner COMMONS. You don't?

Mr. STACK. No; we keep a legislative record of all candidates.

Commissioner COMMONS. But this record of the legislators is not published and distributed over the State?

Mr. STACK. Only to the local unions. It is a matter printed in the proceedings of the conventions, and, of course, anybody that wants it may have it. But it is sent only to the local unions and to the libraries that call for it. They are on the mailing list, and to the different federations of labor throughout the United States. That is our mailing list.

Commissioner COMMONS. Has organized labor any other initiative measures which they are pressing or circulating, to come before the voters?

Mr. STACK. Not any that it is circulating itself. It has interested itself in several measures that will come on the ballot in November. One of them particularly is the women's eight-hour bill, initiated, however, by the women's eight-hour league.

Commissioner COMMONS. Who on this list has been active in circulating that, any of the witnesses?

Mr. STACK. I don't believe there is any that are on your list.

Commissioner COMMONS. What other measures are you assisting in the initiative?

Mr. STACK. We are assisting in the $1,500 tax-exemption measure, particularly, the abolishment of the senate, and of the proportional representation plan for the legislature.

Commission COMMONS. When do these come up for voting, this fall?

Mr. STACK. November 8; yes, sir.

Commissioner COMMONS. I have no more.

Chairman WALSH. Mr. Garretson, have you some questions?

Commissioner GARRETSON. Mr. Stack, do you know of any other compulsory act in effect on this continent, except the Canadian act?

Mr. STACK. Compensation act?

Commissioner GARRETSON. No; compulsory investigation.

Mr. STACK. No; I don't.

Commissioner GARRETSON. Are you familiar with the workings of that act?

Mr. STACK. No; I am not.

Commissioner GARRETSON. Are you familiar with the attitude of the very trade-union men who originally favored it, toward it since that time?

Mr. STACK. I am not.

Commissioner GARRETSON. Then, you have no practical knowledge in regard to the working of compulsory investigation, and whether or not it is favorable to the laboring man?

Mr. STACK. No; but I think that any industrial situation that won't bear investigation ought to be known, and that on whatever side would fall the brunt of publicity ought to bear it.

Commissioner GARRETSON. But do you believe that there should be a legal restriction against protective action by laboring men while that investigation was taking place?

Mr. STACK. I do not.

Commissioner GARRETSON. You are aware of the fact that such a provision is inserted in the Canadian industrial-disputes act?

Mr. STACK. No; I am not familiar with it.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. Lennon.

Commissioner LENNON. Mr. Stack, are there any women's organizations represented in the State federation of labor?

Mr. STACK. Yes, sir.

Commissioner LENNON. How are the women of this State who are wage-workers, how are they feeling toward the 10-hour law that was passed here some time ago, applying to women?

Mr. STACK. Well, you will find that information better given to you from Mrs. Gee, whom you have called, a member of the women's organization, who can tell you.

Commissioner LENNON. Well, doesn't the State federation of labor take up matters of that kind and make a study of them?

Mr. STACK. No——

Commissioner LENNON. The application of laws of that nature?

Mr. STACK. No, sir; it hasn't made any particular study; it has left the question of the application of the law to women workers—to the women's organizations that are affected thereby.

Commissioner LENNON. What has the State federation of labor done as to industrial or vocational education for the children of this State? Have you taken up that subject at all and given it any consideration?

Mr. STACK. It has given whatever consideration it could give to the subject. When the matter was presented—the matter was brought to our attention in the Oregon schools, taking up the question of vocational training, and the State federation approved of the plan for teaching practical things in the schools.

Commissioner LENNON. Have you ever considered the advisability of continuation schools or part-time schools, where the children go into the industries where they put them, and have an opportunity on the employer's time to continue their study in the schools?

Mr. STACK. We haven't considered that phase.

Commissioner LENNON. That is all.

Chairman WALSH. Anything else? One minute. Is there any strike or lock-out in this community at present?

Mr. STACK. Strike or lockout?

Chairman WALSH. Yes, sir.

Mr. STACK. Well, there is the railroad federation strike—the men are still on strike; it has been going on two years in September.

Chairman WALSH. Any others?

Mr. STACK. No others.

Chairman WALSH. When was the last strike in this community?

Mr. STACK. The last strike was within a month or two back is all.

Chairman WALSH. What was the craft, or in what industry was the strike?

Mr. STACK. It was on the water front.

Chairman WALSH. The longshoremen?

Mr. STACK. Yes, sir.

Chairman WALSH. Is there any organization among the longshoremen?

Mr. STACK. Yes.

Chairman WALSH. Is it an affiliated union organization?

Mr. STACK. Yes.

Chairman WALSH. How large an organization is it? What per cent of the workers in the industry?

Mr. STACK. Well, it is nearly a complete organization, I should judge.

Chairman WALSH. How was the strike ended?

Mr. STACK. By mediation; it only lasted a day or two.

Chairman WALSH. Was it over the question of hours and wages, or what was it, briefly?

Mr. STACK. Briefly, it was the question of another organization.

Chairman WALSH. Jurisdictional disputes?

Mr. STACK. Well, there was hours and wages involved in it, too, by checkers. If you would like to get the information about the longshoremen particularly, I would refer you to Mr. Mattson, who is here now, and who was present at the hearing, and is, I believe, here now.

Chairman WALSH. What other industrial disturbances have there been prior to that one, prior to the longshoremen?

Mr. STACK. Why, there have not been very many industrial disturbances here, more dissatisfaction and unrest than real outbreaks. There was a bad one on the East Side in a little cannery over there.

Chairman WALSH. How many workers involved in it?

Mr. STACK. I should judge 35 or 40 people.

Chairman WALSH. How many?

Mr. STACK. Thirty-five or forty people working there, I guess; I don't know how many people there was. They were not affiliated, and when they went on strike they had street meetings and they immediately came in contact with the city officials.

Chairman WALSH. Has there been any effort on the part of your organization to organize those people in the canneries, and has there been any investigation made about the conditions of labor and hours by your organization?

Mr. STACK. Not at that time.

Chairman WALSH. Now, what other disturbances have there been within the past year aside from the longshoremen and this one cannery in which you say there were 35 or 40 people involved?

Mr. STACK. Disturbances?

Chairman WALSH. Yes; what other strikes or lockouts.

Mr. STACK. There have not been any.

Chairman WALSH. There have not been any?

Mr. STACK. There have not been any strikes or lockouts.

Chairman WALSH. Sir?

Mr. STACK. There have been occasionally little disturbances in the building trades line that didn't amount to anything, no prolonged strike.

Chairman WALSH. No prolonged strike or lockout in the building trades. How many men or workers were involved in the longshoremen difficulty?

Mr. STACK. I could not give you that information.

Chairman WALSH. Could you give it approximately? Was it hundreds or what?

Mr. STACK. No, sir; I could not give it with any degree of correctness.

Chairman WALSH. Any boycott now going on? Any declared boycott against any business house or manufacturing establishment in this city?

Mr. STACK. Yes, sir; there is quite a number being boycotted; boycotts being prosecuted to a greater or less degree.

Chairman WALSH. About how many?

Mr. STACK. Well, there is the list—the unfair list of the Central Labor Council that carries possibly a dozen or so.

Chairman WALSH. Have you the unfair list with you?

Mr. STACK. No, sir; I haven't.

Chairman WALSH. Could you furnish it to the commission this afternoon at 2 o'clock?

Mr. STACK. Mr. Harris, the editor of the Labor Press, could give it to you.

Chairman WALSH. Could you do it?

Mr. STACK. Yes, sir.

Chairman WALSH. I wish you would. What means are taken to give publicity to the 12 or more boycotts that are on at the present time?

Mr. STACK. The general distribution of this literature among the union men, giving a knowledge of those on the unfair list, and occasionally a banner is carried in front of the business house.

Chairman WALSH. How many places in the city now in which banners are being carried?

Mr. STACK. Well, to my knowledge there are two.

Chairman WALSH. Are there any other places being boycotted for any reason except those two?

Mr. STACK. Not to my knowledge.

Chairman WALSH. Is it legal in this community to make declarations by word of mouth in relation to boycott?

Mr. STACK. It is not illegal to make declarations. It is not illegal to carry banners.

Chairman WALSH. Why do they carry banners instead of making verbal statements in regard to the alleged unfairness?

Mr. STACK. Why, it is an easier method of letting people know. A banner is carried for the purpose of letting the union men and their friends know. It is a sort of publication.

Chairman WALSH. It is simply their way of publishing the alleged facts?

Mr. STACK. Yes, sir.

Chairman WALSH. They could also state it verbally in this community; is that correct?

Mr. STACK. I am not quite clear on that point as to the law, but I believe it is correct.

Chairman WALSH. Has there been any claim that any limitation has been placed on the right of free speech in this community?

Mr. STACK. Yes, sir; there have been claims to that effect.

Chairman WALSH. To your knowledge, are the claims well grounded or do they have no basis—has the right of free speech been denied here to your knowledge?

Mr. STACK. Yes, sir.

Chairman WALSH. In what respect?

Mr. STACK. I will have to go back a little, if you will permit me, to make it clear.

Chairman WALSH. Very well; go back a little and make it clear, if you can.

Mr. STACK. There was initiated a bill to prohibit the gathering of citizens on the streets and prohibit the carrying of banners. These bills were initiated by interests and were defeated.

Chairman WALSH. Where?

Mr. STACK. At the polls by the initiative; and after that the people who gathered on the streets, their manner of using the streets and gathering crowds was objected to by the authorities, and they were dispersed by the police authorities.

Chairman WALSH. Were any of them arrested?

Mr. STACK. Yes, sir.

Chairman WALSH. About how many arrests were made?

Mr. STACK. I could not tell you. There were numerous arrests; some people arrested many times.

Chairman WALSH. Was there any organization gotten up on one side or the other for the purpose of vindicating the right or limiting it or questioning it?

Mr. STACK. Any organization?

Chairman WALSH. Any organization for the purpose of insisting upon speaking or insisting it should not be done that way?

Mr. STACK. Well, there was a number of people gathered together under what they called the Free Speech League, and their idea was to conserve that right—the right of free speech.

Chairman WALSH. Did your organization take any part in it one way or the other?

Mr. STACK. No, sir; it did not.

Chairman WALSH. Were any of your organizations involved in it? Was the direct legislation which was attempted directed against what you say is being done here now—carrying banners in front of places said to be unfair to your organization?

Mr. STACK. I don't quite get that clear.

Chairman WALSH. I say, was that proposed direct legislation forbidding that directed against the practices that you say are being indulged in at the present time?

Mr. STACK. Yes, sir.

Chairman WALSH. Did your organization take any part in attempting to defeat the legislation?

Mr. STACK. Yes, sir; it did.

Chairman WALSH. Have you any knowledge as to the attitude of the local courts toward offenders, alleged offenders, in the free-speech cases? Were the courts fair; did they treat them fairly or otherwise, to your knowledge?

Mr. STACK. To my personal knowledge, I could not say; but from the mouths of people who were there, the courts dealt rather harshly with them.

Chairman WALSH. What is the attitude of mind of those directly affected as to the conduct of the courts in these cases?

Mr. STACK. It is very bitter.

Chairman WALSH. It is very bitter?

Mr. STACK. Yes, sir.

Chairman WALSH. And how as to the administrative officials—the policemen, sheriffs, and the like?

Mr. STACK. Well, they are regarded possibly as the agencies, and come under that same feeling, perhaps.

Chairman WALSH. As the agencies of what—of advocating the right or suppressing it, or what?

Mr. STACK. For the suppression.

Chairman WALSH. Has it or has it not caused bitter feeling?

Mr. STACK. It has caused bitter feeling.

Chairman WALSH. That is all. Mr. O'Connell would like to ask you a question.

Commissioner O'CONNELL. Have we somebody on this list, or can you give us the name of some one who knows thoroughly the conditions of employment existing in the canneries, in the logging camps, and the fishing camps of the State?

Mr. STACK. I don't know whether you have the labor commissioner on there, but I should judge Mr. O. P. Hoff, labor commissioner, could give you that information.

Commissioner O'CONNELL. He does not seem to be on here.

Mr. STACK. He is present here but not on the list.

Commissioner O'CONNELL. He is here, is he?

Mr. STACK. Yes, sir.

Commissioner O'CONNELL. You will see he is subpœnaed?

Mr. THOMPSON. Yes, sir. He is not on the list to-day.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Before calling another witness, I want to ask that the witnesses talk as if they were shouting "fire." It is really a shame that men should take the stand and two witnesses be almost entirely unheard by the members of the commission itself. I could talk so that everybody in this room could hear, either from the witness box or anywhere else.

Chairman WALSH. Call your next.

Mr. THOMPSON. Mr. Averill.

TESTIMONY OF MR. A. H. AVERILL.

Chairman WALSH. Take that chair and we will see if we can inaugurate a new system.

Mr. THOMPSON. Give us your name and business address.

Mr. AVERILL. A. H. Averill, Portland, Oreg.

Mr. THOMPSON. And your business?

Mr. AVERILL. I am in the machinery business, and also president of the chamber of commerce.

Mr. THOMPSON. How long have you been in the machinery business in Portland?

Mr. AVERILL. About 25 years.

Mr. THOMPSON. How long have you been connected with the chamber of commerce?

Mr. AVERILL. I have been connected with the chamber of commerce for the last five years.

Mr. THOMPSON. During that time, of course, you have had the industrial question before your eyes?

Mr. AVERILL. Somewhat; yes, sir.

Mr. THOMPSON. I mean, the relations between employer and employee?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. What, in your opinion, is the condition of labor in the various industries in this locality. Generally, first, and then specifically.

Mr. AVERILL. Well, I think there is a feeling of unrest on the part of labor.

Mr. THOMPSON. Is it more particularly pronounced in one industry as contrasted with another, or is it general?

Mr. AVERILL. I think it is quite general.

Mr. THOMPSON. What, in your opinion, is the underlying cause of this unrest?

Mr. AVERILL. I think there are several causes; one of them is our seasonal occupations. Another is the agitator.

Chairman WALSH. Ladies and gentlemen, we must have complete order, in order to have a hearing. Everyone here will have an opportunity to be called, that is on the list, but please don't make any demonstration of any kind. I know that you will assist us to do that. We have found it to be absolutely necessary.

Mr. THOMPSON. If you could divide it into stronger causes and weaker causes, would the seasonal method of work be the major?

Mr. AVERILL. I think, perhaps, it is. There is a tendency on the part of the unemployed to flock to the city during the time they are not occupied in the work, and that is the time that they become restless and disturbances arise.

Mr. THOMPSON. In regard to the relationship of those workers who are engaged in seasonal work—allaying their unrest in part, at least, what would you suggest as to what can be done?

Mr. AVERILL. One thing that would help very materially would be to have more manufacturing industries here where we could work them more months during the year.

Mr. THOMPSON. You mean industries where when they were released from the seasonal work they could come and find employment?

Mr. AVERILL. That is my idea, that would be one relief.

Mr. THOMPSON. Have you any specific idea as to how that might be done?

Mr. AVERILL. No, sir; I have not.

Mr. THOMPSON. Have you made a sort of general survey of our industrial conditions here and what might be done by way of relieving it. Have you got a general statement you would like to make in answer to the questions that have been submitted to you by the commission?

Mr. AVERILL. I have had it prepared; yes, sir.

Mr. THOMPSON. Well, will you give it to the commission in your own way?

Mr. AVERILL. Well, I hardly know how to begin on this, because this is more statistics than anything else that has been prepared relative to the matter.

Mr. THOMPSON. Can you give the various divisions into which the statistics fall, and then, perhaps, you might file it with us, and then I might go on and ask some definite questions. Take first, what have you there to offer?

Mr. AVERILL. Well, the question of manufacturing, I touch on it, and I might say that as president of the chamber of commerce we have had numerous people come to us to look into the situation relative to establishing manufacturing plants here in Oregon, and particularly in and around Portland, and we have found in many instances that they have been frightened away and gone elsewhere on account of various conditions that exist here.

Mr. THOMPSON. What are those conditions?

Mr. AVERILL. One of the conditions was the uncertainty of the laws that might be passed; another condition was the labor condition.

Mr. THOMPSON. Well, in what regard did they consider the law uncertain, and in what angle did they view the labor situation as different from other States?

Mr. AVERILL. The principal thing relative to the law was prior to our present workmen's compensation law. We had an employer's liability law that manufacturers considered quite drastic, and they were afraid to come here and operate under that law, according to their reports to us.

Mr. THOMPSON. That objection has been now——

Mr. AVERILL. Quite largely removed, although not entirely.

Mr. THOMPSON. What other law did they fear?

Mr. AVERILL. That was the principal one.

Mr. THOMPSON. Was there any opposition to the initiative and referendum?

Mr. AVERILL. Yes, sir; there was at first on account of their not understanding it.

Mr. THOMPSON. As far as you know?

Mr. AVERILL. None of us understood the initiative and referendum at first, and we haven't got to understand it entirely yet.

Mr. THOMPSON. You are not quite as much afraid of it now as you were before?

Mr. AVERILL. I think not.

Mr. THOMPSON. Well, now, what would you say—is that all you wish to say about the effect of legislation?

Mr. AVERILL. I think so.

Mr. THOMPSON. What have you to say with reference to labor?

Mr. AVERILL. It was found by many manufacturers that labor was paid more here than elsewhere where the same class of goods was being built, that they must compete with. Particularly those coming from the far East found that they would have to tie up money in larger stocks here than in the East, where they were nearer headquarters, where they could procure the stocks on short notice.

Mr. THOMPSON. You mean raw material?

Mr. AVERILL. Raw material; yes, sir. And in addition to that they were obliged to pay greater wages than the eastern manufacturer paid in making

the same goods; they were fearful that they could not compete successfully with other localities.

Mr. THOMPSON. What particular lines of industry have you in mind, Mr. Averill, when you speak of that?

Mr. AVERILL. I have a memorandum here, I think, of some who have—we have had glass industries, hat factories, pipe-casting plants, machine factories for woodworking construction, and numerous other smaller industries, that have applied here and have been lost to us. At least we did not gain the plants.

Mr. THOMPSON. Well, which of those will you say that the fact that labor received a higher wage, or expected a higher wage here, drove away?

Mr. AVERILL. Well, I don't believe that I would be able to point out any particular one.

Mr. THOMPSON. The fact that labor asked and received a higher wage, was simply one general factor?

Mr. AVERILL. General factor, yes.

Mr. THOMPSON. That mitigated against establishing a business here?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. Has any comparison been made of the wages paid here compared with the industries down East?

Mr. AVERILL. I think I have no information on that line. I have some information relative to wages paid here, in various lines.

Mr. THOMPSON. Is that in those statistics?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. Has any comparison been made as to the cost of living here and in cities far East?

Mr. AVERILL. No; there has been no comparison made that I know of. Although I am of the opinion that the cost of living is a little higher here than in some eastern localities.

Mr. THOMPSON. In your opinion would that account for the higher wage demanded?

Mr. AVERILL. It would account for part of it; yes, sir.

Mr. THOMPSON. Part of it? How do you view the higher wage demanded here? Do you think it is an obstacle to the growth of this part of the country?

Mr. AVERILL. I think it is to a degree; yes, sir.

Mr. THOMPSON. Well, how important would you place that?

Mr. AVERILL. Well, I can illustrate that possibly better by speaking of our shipping here. We are handicapped greatly on account of the wages paid longshoremen, demanded by them in loading and unloading our vessels, as compared with Puget Sound ports. As an illustration, I have had a comparison made, which I would like to read:

In the Puget Sound district they pay for handling general cargo, 45 cents per hour; overtime, 55 cents per hour. In Portland, general cargo, 55 cents per hour; overtime, $1 per hour. In handling wheat and grain in Puget Sound ports they pay 50 cents per hour straight time; 75 cents per hour overtime. Here we pay 55 cents straight time, and $1 overtime.

Mr. THOMPSON. When you speak of Puget Sound ports, Mr. Averill, do you mean that that wage appertains in Seattle, for instance?

Mr. AVERILL. Seattle and Tacoma.

Mr. THOMPSON. Seattle and Tacoma?

Mr. AVERILL. Particularly. In handling lumber in Puget Sound ports, straight time is 50 cents; overtime, 75 cents. In Portland it is the same on lumber. All other general cargoes, in Puget Sound, 50 cents straight time; overtime, 75 cents. Portland, 55 cents; and overtime, $1.

The foremen in Portland—I don't have it for Seattle—the foremen here get 65 cents straight time, and $1.10 overtime. Down the river, which would be below St. Johns and on the Columbia and Willamette Rivers—below that point the straight time is from 50 to 65 cents per hour, and the overtime 75 cents to $1 per hour. Of course, that territory is all tributary to Portland, and is controlled by the same rule.

Mr. THOMPSON. Are those differences in wages, Mr. Averill, sufficient, in your opinion, to drive business away from this city?

Mr. AVERILL. The shipowners claim that it is, and I am satisfied that it does hinder us here in our shipping.

Mr. THOMPSON. What other matters would you care to bring to the attention of this commission, Mr. Averill, along that line or others touching on the question of relations of employer and employee?

Mr. AVERILL. Well, I don't know that I have anything particularly to bring out. If questions were asked, I could probably give you information that would be more satisfactory.

Mr. THOMPSON. In regard to the organization of labor here, is the labor in connection with the longshoremen organized or not, do you know?

Mr. AVERILL. It is; yes, sir.

Mr. THOMPSON. What influence, if any, does that have on the price of wages?

Mr. AVERILL. Of course, that would be only an opinion; I think it has considerable influence.

Mr. THOMPSON. You think it would raise wages?

Mr. AVERILL. I think it would; yes, sir.

Mr. THOMPSON. What would be your suggestion as to how this situation might be brought about so that Portland would stand on an equality with Seattle and other places?

Mr. AVERILL. Well, I think the principal thing would be to determine wages by the merits of the laborer, his efficiency.

Mr. THOMPSON. Well, you think the general scale of wages is too high here, or too low, as compared elsewhere?

Mr. AVERILL. It is too high as compared with other ports, especially for overtime.

Mr. THOMPSON. Have you any views with reference to the organization of the employees into unions? Do you think that that is a good thing or not for industry and a good thing or not for the workingman?

Mr. AVERILL. I think it is if the efficiency of the employee is taken into consideration.

Mr. THOMPSON. You are in the machinery business?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. What have you to say in regard to your own establishment with reference to those question?

Mr. AVERILL. We always consider efficiency in making our wages.

Mr. THOMPSON. Do you deal collectively with your men or not?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. And they are organized, are they?

Mr. AVERILL. I don't know that they are organized. It is a question that I have never asked. I misspoke; I wasn't paying attention to your question. We deal individually with our men instead of collectively. But the question of union or nonunion has never come up with us in any way.

Mr. THOMPSON. Have you any opinion as to the effect on industry, on production, of organization or nonorganization of the workers?

Mr. AVERILL. It would be merely a matter of opinion with me.

Mr. THOMPSON. I mean, taking either the quantity of goods produced, or the wages, or any other factor?

Mr. AVERILL. I haven't had experience that I could answer that intelligently.

Mr. THOMPSON. You belong to an employers' association, do you?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. You believe in organization?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. I take it, for both parties?

Mr. AVERILL. Yes, sir.

Mr. THOMPSON. I don't think of anything more, Mr. Chairman.

Chairman WALSH. Do you want to ask some questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Mr. THOMPSON. I want to say that we would like to have you file those papers, or any others.

Chairman WALSH. Yes; would you kindly submit those facts or documents, which you have?

Mr. AVERILL. Yes, sir.

(The paper so presented was marked "Averill exhibit," and is printed among the exhibits at the end of this subject.)

Commissioner O'CONNELL. Mr. Averill, what concerns have gone out of business or have moved from Portland in the last few years because of this high rate of wages and the conditions that you speak of?

Mr. AVERILL. Well, I don't have them in mind at the present time. I referred by the paper this morning that a woolen manufacturing establishment had just gone out of business.

Commissioner O'CONNELL. A woolen; how large a concern was that?

Mr. AVERILL. Well, I believe they employed something like 150 men.

Commissioner O'CONNELL. Have they failed in business, or——

Mr. AVERILL (interposing). I understand that they simply did not get markets for their products, and had to move elsewhere.

Commissioner O'CONNELL. What is the comparison of the rates and the wages in your business in Portland with San Francisco?

Mr. AVERILL. I don't know; I haven't that information at hand.

Commissioner O'CONNELL. You work, I suppose, nine hours here, do you, in your plant?

Mr. AVERILL. In our plant we work from 8 to 10 hours. During the summer season we work 10 hours, and during the winter season 8 hours. In explanation, I might say that we do not have a machine shop. We simply deal in machinery—it comes to us——

Commissioner O'CONNELL (interposing). Oh, you don't?

Mr. AVERILL. It comes to us very frequently in a knocked-down condition, and we have to have our men to set it up. We have a machine shop in which we have one machinist. We have blacksmiths and woodworking men.

Commissioner O'CONNELL. You would hardly dignify that by calling it a machine shop?

Mr. AVERILL. Not a machine shop; no.

Commissioner O'CONNELL. I thought you were in the manufacturing business.

Mr. AVERILL. No.

Commissioner O'CONNELL. Simply in the sales business?

Mr. AVERILL. Simply in the sales business.

Commissioner O'CONNELL. That is all. I thought he was a manufacturer.

Commissioner COMMONS. Have you information with regard to port charges here as compared with Tacoma and Seattle?

Mr. AVERILL. I haven't it——

Commissioner COMMONS. And outside?

Mr. AVERILL. With me here.

Commissioner COMMONS. How do your port charges compare with the charges in this place—the tonnage charges?

Mr. AVERILL. I think they are about the same. I wouldn't be quite positive on that question, however. I could get that information for you, and file it with you this afternoon, if you should wish.

Commissioner COMMONS. I wish you would.

Chairman WALSH. I wish you would please do that, and hand it to Mr. Thompson.

Commissioner O'CONNELL. Something as to this question of overtime that you spoke of being very high here. How much overtime work is there compared with Seattle and Tacoma, for instance?

Mr. AVERILL. I have an idea that there isn't any comparison in the overtime.

Commissioner COMMONS. You mentioned one line, longshore work, and said that there was the same condition, or seemed to be in the lumber, wasn't it?

Mr. AVERILL. I believe it was; yes, sir.

Commissioner COMMONS. How do you account for the fact that in that line, the lumber—I suppose that must be one of the largest items of shipping in this locality?

Mr. AVERILL. Among the largest shipping; yes, sir.

Commissioner COMMONS. About what proportion, would you say, of the longshore work was in lumber as compared with all of the others you have mentioned? Half of it? Is that half of all of your shipping in this port?

Mr. AVERILL. I don't know that I would have that information at hand. I haven't it with me.

Commissioner COMMONS. It is the largest single——

Mr. AVERILL (interposing). The largest single item.

Commissioner COMMONS. How do you account for it being on the same scale with the Puget Sound in the lumber loading so far as longshoremen are concerned, as against the others?

Mr. AVERILL. Possibly because the lumbermen are in a position to do the loading themselves to a very great degree. Many of them own their own vessels and could load them with their own help.

Commissioner COMMONS. They do not rely on the local longshoremen's organization?

Mr. AVERILL. I think they do, but they are in a position to load themselves if they should so desire.

Commissioner COMMONS. Are they able to keep wages down to the Puget Sound level?

Mr. AVERILL. I should presume that was one reason.

Commissioner COMMONS. That is all.

Commissioner GARRETSON. Mr. Averill, the morning paper described the closing of the mohair factory wholly and absolutely to the tariff, instead of the wage.

Mr. AVERILL. I think they mentioned the tariff.

Commissioner GARRETSON. Oh, yes. You make the statement that since the institution of that plan it has continually grown until it has reached its capacity, and now since the tariff has created an impossible condition that it closed down.

Mr. AVERILL. The question was not asked me as to whether the institution had closed on account of labor troubles. The question was asked as to why the institution had left here, and I spoke of it in that connection.

Commissioner GARRETSON. That is the ascribed cause in that instance.

Mr. AVERILL. In the paper that was mentioned.

Commissioner GARRETSON. And in the case of these other enterprises that you describe as to Portland, when the average enterprise is going to be started, especially if the originator of it, or the owner, the one who expects to move is coming from the East, doesn't he investigate, or send his proposition to all of these cities, or to a number of them?

Mr. AVERILL. I should presume that he would; yes, sir.

Commissioner GARRETSON. And it could only, under the most favorable conditions, go to one, any how?

Mr. AVERILL. I should suppose so.

Commissioner GARRETSON. Consequently it would be listed as lost by the three or four to whom the proposition was presented?

Mr. AVERILL. I should suppose so.

Commissioner GARRETSON. In this high overtime rate that you cite, is not the actual reason of a different proportion of overtime reached that it prohibits the payment of overtime altogether?

Mr. AVERILL. I know shipmasters have complained to us about the longshoremen lagging when they are on straight time in order to get an opportunity to put in overtime.

Commissioner GARRETSON. Well, is it not where you are oversupplied with labor, as seems to be the case here, a large portion of the year, on account of seasonal employment, doesn't it work the moment that the day is concluded that instead of paying overtime to those men a new gang starts?

Mr. AVERILL. I do not know what the working of the rule is.

Commissioner GARRETSON. That is ordinarily the result, is it not, where overtime is prohibited?

Mr. AVERILL. Well, those who are better informed can give you the information.

Chairman WALSH. He says he can not.

Commissioner GARRETSON. Yes. Now, with regard to the agitator being one of the causes of unrest, and I assume that you use the term as applied either to the street speaker, the publisher of—well, for want of a better term, the yellow journals, the writer of books, or any agency that declaims in regard to economic injustice; am I correct?

Mr. AVERILL. Well, to a certain degree; yes.

Commissioner GARRETSON. Bear in mind I am not overlooking the officers of labor unions, I am putting them in the list also.

Mr. AVERILL. Yes.

Commissioner GARRETSON. Is it not true in regard to the average agitator that his influence comes from the fact that from his auditors, or among his auditors, he strikes a responsive cord, he voices what they feel?

Mr. AVERILL. To a certain degree, I suppose; yes.

Commissioner GARRETSON. And that unless he dealt with a real condition he would be powerless to excite the people, or to get his crowd?

Mr. AVERILL. Probably so.

Commissioner GARRETSON. And in reality the agitator is an evidence instead of a cause, is he not, largely?

Mr. AVERILL. Well, I am not required to enter into an argument along that line.

Commissioner GARRETSON. It is not a question of argument. You have defined that as one of the causes of unrest.

Mr. AVERILL. Yes.

Commissioner GARRETSON. I do not desire to enter into the argument of the case, but to really determine whether the agitator himself is not the outgrowth of the unrest instead of the cause of it, an effect, in other words, instead of a cause?

Mr. AVERILL. Well, I don't know as to that.

Commissioner GARRETSON. If he did not have something real to talk to the people about, would he have any standing?

Mr. AVERILL. Well——

Commissioner GARRETSON. In your opinion.

Mr. AVERILL. Take the soap-box agitator here in Portland, when he will get up and damn the Government, damn the American flag, damn every one who has any property, and damn them for having property, I consider him a dangerous agitator.

Commissioner GARRETSON. Well, is not the dangerous effect the effect of certain underlying causes? Have you ever investigated one of those men, Mr. Averill?

Mr. AVERILL. No.

Commissioner GARRETSON. I mean to know why he did all this?

Mr. AVERILL. No.

Commissioner GARRETSON. That is all.

Chairman WALSH. Call your next witness.

Mr. THOMPSON. Mr. Swett.

TESTIMONY OF MR. ISAAC SWETT.

Mr. THOMPSON. Give us your name, please?

Mr. SWETT. Isaac Swett.

Mr. THOMPSON. And your address, your business address?

Mr. SWETT. 512 Yeon Building.

Mr. THOMPSON. And your occupation?

Mr. SWETT. Lawyer.

Mr. THOMPSON. How long have you been practicing here?

Mr. SWETT. About 18 years.

Mr. THOMPSON. Are you also executive secretary of the Oregon Civic League?

Mr. SWETT. I am.

Mr. THOMPSON. How long have been such secretary?

Mr. SWETT. Oh, I don't know; several months; six or eight months or so.

Mr. THOMPSON. How long has the Oregon Civic League been in existence?

Mr. SWETT. A year, roughly.

Mr. THOMPSON. What are the purposes and objects of the league?

Mr. SWETT. To examine matters that pertain to the public welfare, civic matters, matters economic, and any matters political, practically in all things that concern the welfare of the people, particularly of Portland and the State of Oregon, however, in general. Of course, we are——

Mr. THOMPSON. Has your league any written by-laws or constitution?

Mr. SWETT. We have.

Mr. THOMPSON. Would you be willing to furnish the commission with a copy?

Mr. SWETT. We only have one copy, and we do not like to part with it. However, we expect to have it printed shortly, and in such case I shall be very glad to furnish a copy.

Chairman WALSH. If you will furnish it to the stenographer we will have copies made, and also for you.

(The by-laws of the Oregon Civic League were submitted by Mr. Swett and are printed among the exhibits at the end of this subject.)

Mr. THOMPSON. You say your league is taking an interest in the questions generally affecting the welfare of the people?

Mr. SWETT. Yes.

Mr. THOMPSON. Economically, and you mean by that you look into questions affecting the relations of the employer and the employee?

Mr. SWETT. Incidentally, that is one of the matters; yes; and, in fact, we consider all matters that pertain to the welfare of the people, within the scope of our work, anything that is brought out in an important way prominently before the people, we feel it our duty to investigate.

Chairman WALSH. May I make the suggestion, Mr. Thompson, suppose you give us the general objects and plans of your organization, and follow that up by the activities you have engaged in?

Mr. SWETT. Our purposes really are educational. We propose to present, and do present, to the public the things that are of moment and pertain to the welfare of the people. We present it to the public from an educational standpoint, not for the purpose of partisanship, or partaking for the one or the other side, but to present the things to the public that pertain to their welfare. For instance, there are matters that are now before the people in the shape of the initiative petition for the abolishment of the senate. This matter, then, is presented to the public by those favoring it and those opposing it. Those best acquainted with the subject present it to the civic league at its meetings. We have again the matter of the proportionate representation that is being submitted to the people during this campaign. And we have had this matter discussed.

We have had the matter of prohibition discussed; all things that pertain, that are of moment and of importance we are merely discussing them. When, however, the matter leaves no other than one particular course that the people should take, we feel it our duty to participate in a remedy. For instance, we determine that in a remedy so far as our ability gives us—for instance, we have done that in the matter of unemployment during the last winter. It became a very serious matter in the city of Portland, and we devoted ourselves very much to this, and I believe that the main work in caring for the unemployed in the city of Portland was that that was done by the Oregon Civic League. They organized the whole of it. Whatever else was done was a consequence of it, as a consequence of our work and our request for assistance, because it was a public matter. It was merely a matter initiative and presented through proper channels to do this work.

Chairman WALSH. You may proceed with a description, a concise description of any other activities of your organization if you have any in mind.

Mr. SWETT. I think that the broad statement that we present every side of the things that are of public concern would be a proper answer to your question.

Chairman WALSH. Does that apply to things other than proposed laws?

Mr. SWETT. Yes. For instance, we have had the matter up of the jail in the city of Portland, the manner of their conduct. We have not had the matter of free speech. That was simply because this was the trouble before the league was fully organized—the Oregon Civic League—but this would have been a matter probably that we would have participated in if it appeared to be a matter that there should be but one side to, we would have simply taken the stand that it is proper that a certain course should be taken. On the other hand, if it is a matter subject to several different views, we would have probably had views on it.

Chairman WALSH. Who determines that question?

Mr. SWETT. How do you mean; what question?

Chairman WALSH. Who determines the question of whether or not a matter is debatable?

Mr. SWETT. Oh, it must be a matter all of us concede is not debatable.

Chairman WALSH. And if it is not one?

Mr. SWETT. I stated——

Commissioner O'CONNELL. Do you agree upon the proposed question?

Mr. SWETT. Not at all; not at all. Both sides are presented.

Commissioner O'CONNELL. Do you offer a conclusion to the public?

Mr. SWETT. No; merely that the matter of prohibition would be presented; that Mr. Some-one would debate, some one having a thorough knowledge of the question, a thorough knowledge of the question in favor of the proposition, and some one else who is opposed to prohibition will present his view or her view.

Chairman WALSH. How many members have you in your organization?

Mr. SWETT. Oh, some two hundred and odd members.

Chairman WALSH. And have you any officers who receive compensation?

Mr. SWETT. No; not now. At one time the Secretary was compensated. There was another secretary, but at the present time no one is compensated.

Chairman WALSH. How frequently do you have meetings?

Mr. SWETT. Outside of the summer months—we have now adjourned—we have met Saturdays, every Saturday noon at lunch, and the meeting was between 12 and 2, an opportunity being given to all people during that time to come that desired to do so. Outside of this there is an executive board that met twice a month, or rather every other Monday, every two weeks, who discussed the

matters that are of importance to present to go on with the work as the executive board laid it out.

Chairman WALSH. Do you pass upon the qualifications of candidates for public office, as municipal leagues do in some cities?

Mr. SWETT. We have presented the public officers, we have requested all of the important candidates for public office to come before us and present their views. We have usually had two at one meeting.

Chairman WALSH. Your league is nonpartisan from every standpoint?

Mr. SWETT. Entirely so.

Chairman WALSH. And it is open to workers as well as employers?

Mr. SWETT. Yes.

Chairman WALSH. Has it taken up the question of the organization of employers and employees in any respect?

Mr. SWETT. No.

Chairman WALSH. Has it taken up the question of the outside, or what is called the radical labor organization in their relation to the community?

Mr. SWETT. Only in so far as having, for instance, one extremist to present his views, John Devine, whom you no doubt have heard, and, indeed, we any prominent person having a very thorough knowledge of any particular thing here in the city of Portland, we would consider it our function and place to present his views to the people.

Chairman WALSH. I gather, then, that your organization is purely educational, is it not?

Mr. SWETT. We are organized purely for that, but I say it, however, something occurs that we feel requires action, as I say, we did in the matter of unemployment.

Chairman WALSH. Would you consider it within the scope of the organization, for instance, to attempt to mediate a difference in a labor trouble?

Mr. SWETT. I believe if an extreme condition existed here in Portland that it would be within our sphere.

Chairman WALSH. Would you consider it within the sphere of your organization to interpose in a difference over the alleged right of free speech?

Mr. SWETT. Yes; I desire—by the way, personally, if you do not mind, I have had very much, come very much in contact with that, and I should desire very much a little later on, at the proper time, to touch upon that.

Chairman WALSH. Well, we will let you do it now.

Mr. SWETT. Well, all right, I will go into it, then. I have had——

Chairman WALSH. Before we get to that, I am going to ask how are you financed, how do you take care of the finances?

Mr. SWETT. We have dues that are paid by members, $2 a year or more; each member pays $2 or more per year. And this is sufficient for our expenses.

Commissioner O'CONNELL. What is the number of the membership?

Mr. SWETT. I say, something around 200 or over. There are some paid more, several a few hundred dollars.

Mr. THOMPSON. Just touching upon the industrial——

Chairman WALSH. Very good. Mr. Thompson desires to ask you something.

Mr. THOMPSON. Just touch upon the industrial problem. What if any investigation or work has the league done with regard to that matter, touching the matter of the employer and the employee?

Mr. SWETT. As between the employer and the employee, no; I can not say that the league as such has done anything between the employer and the employee. Our work last year was very large, I say, in the matter of the unemployed. We were confronted with a situation, a severe condition here where a large number of people were out of employment. We found they were not only out of employment, but utterly destitute. That there were probably thousands, we do not know the exact number, in fact we did not know the number and do not know the number of those to-day, the exact number, within several thousands, of the actual number that were destitute, or of the actual number that were unemployed. We have no statistics as to that and at all. We have some statistics, though, covering only a very limited area. But the estimates range anywhere probably between 2,000 and 25,000, so wide is the range as to the exact, as it were, of the unemployed during last winter.

However, we had made an investigation, we sent out committees to discover as to whether or not there was a large number of people that were utterly destitute, no shelter, and without food. This committee reported that it found a very large number of people that were sleeping, in one instance, in a store,

all over the floor, in the basement, without blankets, that those people were eating one meal a day, many of them, and some one meal in two days, and that many of the lodging houses were packed with people; that the hallways, the stairways were littered with men sleeping there at night. A serious condition was there, and it presented itself in a rather alarming way, and action was immediately taken to find whether we could not place them in one house. We found we had a building here in the city called the Gypsy Smith Tabernacle, a very large building, that could hold very many people, probably all we needed; that this, I say, was the city's property, it was leased by the city. Every effort was made to induce the city authorities to open that. The city authorities were very loath to do so. There was, I believe, pressure brought to bear upon them by certain interests not to do so. But eventually the building was opened. The city paid for the fuel necessary to keep the stoves going, and some nine hundred men, upon an average, slept there between, roughly, the fore part of January and the 15th of March. Before that we were assisting them by having meal tickets. This by private subscription and some public subscriptions. I think the city gave $100 to it. To feed them at this place a municipal kitchen was opened, or rather the kitchen was opened that was conducted entirely by the men and not by the municipality, and that the men themselves, they formed an organization by themselves, and although the city had feared, the city authorities feared that they would be disorderly there, and had policemen placed to quell any improper conduct, there was no difficulty at any time, no call at any time for the police.

They were fed there nights and mornings, ranging from a small number of some four or five hundred until eventually there were about 1,000. At times there were 3,600 meals given there a day; over 3,000 on several days. The money for the meals was, or the food, was gotten by these men forming committees among themselves, going about the city requesting subscriptions in the shape of food stuffs. Sometimes there was a shortage and some of us had subscription of money from people, and we would fill out or buy the things that they were unable to obtain for themselves. But the city, after the first payment I think of $100, and outside of supplying fuel and also the light and taking away the garbage, and supplying the soap—outside of that gave nothing to feed all these men. These men were fed two meals a day, a meal in the morning and a meal at night. As I said, outside of that assistance that was given by the city, all of that was done practicly by the men themselves outside of money tht came in through other means, was really paid to us or to the secretary or chairman of the committee.

I say that the rest of that was done by the men themselves. They had an executive committee, and thorough order was kept at all times. I believe that as a consequence of that—indeed the city authorities and anyone knowing anything about it, admits that as a consequence of that—there was less crime in the city or Portland than at any time during recent years, that these men were the means of keeping absolute order there. Well, they had a barber shop, for instance, of their own, had barbers of their own, to shave them all. They had shoemakers to repair the shoes of the men. And then they had other floor committees to keep the place clean. All this work was done by the men themselves, done by the men without remuneration at all. At one time very shortly after the opening of the Gypsy Smith Tabernacle, the cry was raised that it was liable to be a breeding place for disease, and we were informed that some one was taken with some contagious disease. And consequently the place was closed by the municipal authorities, and these men were thrown out upon one of the stormiest nights that we had ever had here in the city of Portland. Several hundred men were thrown upon the street, and there was absolutely no place to go to, and nothing told them where they should go, simply that the place was closed and that they could not come there. After very much effort, we persuaded the city authorities to again reopen the place, and it was reopened to stay open until somewhere between the 15th and 20th of March, I think it was the 18th or 19th; somewhere about there.

I might say that there was very much data being taken by, particularly the people of Reed College—the instructors and professors of Reed College had taken very much interest in this themselves, perhaps more than any other body of people here in the city of Portland who worked there, and had taken very much data of very great importance, I think, to this work; and Mr. Wood, who was subpœnaed here, will be able to give the data relative to that.

Mr. THOMPSON. Now, Mr. Swett, referring to this condition of unemployment which existed in the wintertime——

Commissioner CAMERON. Let me ask one question in that connection.

Mr. THOMPSON. Yes.

Commissioner CAMERON. Mr. Swett, it really developed among those men a communal system for the time being?

Mr. SWETT. Yes, sir; a very thorough one, a very laudable one; there is nothing but praise to be given for their work.

Mr. THOMPSON. Do you expect that condition to exist again this winter?

Mr. SWETT. We have——

Mr. THOMPSON. Well, do you?

Mr. SWETT. Yes, sir. We have had ecommittees at work, having in mind the possibility that there will be a recurrence of this, and are endeavoring to meet that condition. I might say that we have divided the work in this manner at the present time. We have committees working upon legislation relative to unemployment, a committee upon finding employment, and a committee upon relief, and we expect to be able through these committees to care for that situation.

Mr. THOMPSON. Through what avenue do you think that relief can be had—what kind of work can be given to men, what can be done for them?

Mr. SWETT. I should have said that the city did employ and the county did employ certain men during the past winter, particularly the city. The city spent some—well, I have heard the estimates, ranging anywhere from $15,000 to $20,000 perhaps, to give employment to the men. At first the effort was to employ merely the married men, and some $3 a day was paid to the men for work by the city—that the city was giving. Only I think—they were only employed there two or three days; I think two days a week. Eventually this was stopped, and work was given them upon the—for to crush rock, and they were paid 75 cents a yard, cubic yard, for crushing it, or breaking the rock up. And only a small amount of work was permitted to be done by them. I think they were only permitted to crush 75 cents' worth a day; not permitted to do any more work than that. And eventually this work was stopped. And we found that there was very little that we could do in the matter of obtaining employment for men. Every effort of ours, of course, at first was expended to find employment for the men. It appeared as though that was the thing for us to do. Upon an endeavor to that end, however, we found that it was impossible to do very much; that there was generally a large number of men out of employment everywhere, and that there must be a very large number of men that were in absolute need.

Mr. THOMPSON. Briefly, have you got any specific idea of what can be done now by the men this winter?

Mr. SWETT. Personally, I will say that I am working upon—as one of the committee, in endeavoring through these things to find employment, as well as the matter of relief. I am very much afraid that as a matter of finding employment we will be enabled to do but very little. I can't see that it will be possible for us to do much in that line at all, and that in the end our work must be in the matter of relief if conditions are to continue as they are.

Mr. THOMPSON. Do you know whether anybody else—the public authorities or other people—are contemplating public work to be done by the men now?

Mr. SWETT. We have taken this matter up with the public authorities. We have taken this matter up with both the municipal and county authorities, and are corresponding with the different counties in the State and as well as to an extent with the Federal authorities to find whether there is not some way by which we may be enabled to defer work that should be done now, or perhaps to do work during the coming winter that should be done the manner following. But we are meeting with little success in that.

Mr. THOMPSON. Referring to work perhaps done by others, have you ever heard of anybody else making any effort, outside of your association or league?

Mr. SWETT. I have——

Mr. THOMPSON. I mean public work. Just briefly, Mr. Swett.

Mr. SWETT. Well, I should say generally, no. People have been studying upon the matter, and then the knowledge that these committees are taking up this work, they are leaving it to the committees. The committee on finding employment consists of a large number of people. For instance, the governor of the State is a member of it. One of the commissioners of the city is a member, and so on. It includes a very large number of representative people—

I won't say a large number, but a number of representative people of all classes, pretty much all classes.

Mr. TOUSSAINT. Do you think that any system of employment agencies, public employment agencies—national, by which work might be found elsewhere than in this community, would help that situation at all?

Mr. SWETT. I do. I do believe that employment agencies that are local can not be of very much service. I believe that the best employment agencies are the agencies—is to be the agency that is general and inclusive of the whole country. The State employment agency, or the employment agency that is to be conducted by a State, and that should be one that would include the whole State, would be very, very far superior, in my opinion, to the agency that would be by the city. And, of course, in my opinion, but, an agency of the Federal authorities, if it could be done by the Federal Government, would be far superior to that that could be done by the State. If you will permit me, I have had the questions presented to me by the committee, and have made a more or less concise statement of the answers that I wanted to give to them. And if I will be permitted I would like to state them in that way. I believe probably I would give them better.

Mr. TOUSSAINT. Go ahead.

Chairman WALSH. Very good. Just refresh your memory from that and give it orally.

Mr. SWETT. Well, to give it orally—this would only take 10 or 15 minutes, I think, and would cover the ground fairly.

Chairman WALSH. Very good. Just proceed.

Mr. SWETT. The question was asked as to the extent and causes of dissatisfaction and unrest in industry. And I answer, the extent of dissatisfaction and unrest in Oregon is utterly out of proportion to the natural conditions here. The undeveloped natural resources should have made a condition of plenty. Prosperity should be the reward of every thrifty, industrious person. The minerals and forests property should be a means of plenty to the comparatively small population of this State. The main wealth, the land, practically the whole of it, lies idle; this main source for material welfare stands barely untouched while many people that need it are permitted, on account of improper system, to be unhappy, unsatisfied, and starving. If the natural resources of this western country were properly developed there should be no extreme want or poverty. And I answer as to the constructive proposals within the scope of the commission's authority for improvement of conditions and alleviating unrest: Opportunities ought to be provided that the unemployed be permitted to purchase land. Perhaps small tracts would be best. Ten, twenty, or forty acres, depending upon quality. This to be paid for in small payments covering long periods, the first year or two, perhaps, without any payments. Assistance should be given by advancing some means to cultivate the land, and until crops are raised. There should be schools to such practical farming and the best means to contend with conditions. Experts should teach and direct to proper farming. Few here know of the best that any particular locality may turn to. It will probably serve a better purpose to study our soils for the best agricultural purposes than any other studies we now turn to. Farming may and should be made attractive, paying as well as healthful. Our energies should be bent to these ends. The most wholesome attractions of the city may be within reach of the farmer. This knowledge and proper striving to that end is of immense importance. Public schools should not only turn to industrial training but to the study of industrial and economic problems. There should be proper admonitions to the ever-developing and swiftly changing conditions. There should be a thorough knowledge of the demands or call in the professions or trades. Statistical knowledge of economic conditions are of greater practical importance than exact knowledge of correct dates of historical events. I think insurance against unemployment a large means of solving the problem of unemployment. The assurance is that the workman averages his earnings between good and bad times; that all workmen share the risk to which each is exposed.

In Europe certain unions insure against unemployment. In this country unions insure against unemployment during strikes. We insure against death and against illness, and a great benefaction and it does served. European investigators assure us that there is no insurmountable obstacle against insurance for unemployment. By insurance the right may be given to every employee to insure against unemployment. Insurance would save the workman humiliation and suffering and the community from the duty and burden to care for starv-

ing and homeless and from having to face a condition that makes unfit for a time at least large armies of unemployed. To be unemployed causes large numbers to become unemployable. I think the workmen's compensation act carries with it the salient features—I refer now to the workmen's compensation act of this State—carries with it the salient features of the scheme of insurance against unemployment. The State, employer, and employee are vitally interested that extreme want incident to unemployment be intelligently met. The State, employer and employee must discover to what degree each should contribute to the fund necessary to successful insurance. I am asked as to the extent, causes, and measures for the relief of unemployment and irregularity of unemployment, and I answer: We have no reliable data as to the extent of unemployment. So defective is this knowledge that we do not know to this day, as I have stated, within perhaps 5,000, of the number of unemployed in this State. I presume it is the purpose here to not dwell upon the casual employment, but rather on the unemployed that are in want or destitute circumstances. There are a large number of seasonal unemployed that either save enough to carry them over to further employment or that go back to farms or other vocations from which they temporarily turned to earn ready cash. The extent of destitute unemployed, of course, varies. In unusually severe conditions, as last winter, it was extreme. I believe that there were about 8,000 destitute, or near destitute, unemployed in Portland last winter. The causes are numerous. Seasonal unemployment refers, in this State, mainly to unemployment during winter months. Last winter this was made more severe on account of the closing of certain industries earlier in the season. Many mills were closed that would usually run during winter months. The depression in the East probably brought in unusual numbers to this coast that expected better conditions here. Depressions locally let out large numbers that otherwise would have been employed.

I may say that during this winter I am of the opinion that unless conditions change materially and present a different aspect than they do now, it is strongly probable that we will have a more severe condition this winter than that of last winter, because the men were enabled to earn less this year than they were last winter. There is less of a stake, as it were, by the men; less of ability to contend with the conditions than they were able to last year.

The necessity and methods of regulating private employment offices: Present methods of employment agencies work much injustice upon workmen. Men are exploited by manipulations of agencies; are often discharged after working a short time; are unable to save. There is a large waste of time and money. Power should be given to proper officials to investigate books and records of these agencies; to subpoena witnesses and compel them to testify relative to conduct of business. Power should be given to revoke licenses for flagrant abuses. There should be large powers for the strict regulation of employment agencies.

Desirability of public employment offices and principles that underlie their operation: I think public employment offices are very desirable, if properly conducted. These offices should be distributed in various parts of the State. I am decidedly of the opinion that they should be conducted by the State rather than by the cities. Indeed, if conducted by the United States Government throughout the entire country a much better and would be served.

As to State offices, these should be clearing houses of information, that labor be properly distributed throughout the State. Present deplorable conditions, where men from the southern part of the State come to the north to be employed, while those from the north go to the south or east and west, as the case may be, should not be tolerated. There is a great waste of time and money just where there should be a great conservation of both. The employees should have reliable information of labor conditions. The employer, likewise, should be acquainted with labor conditions. There should be cooperation of employer and employee in many lines, and particularly to the elimination to every degree possible of rush and slack seasons of employment.

Large contracts should be made to run longer periods. Proper and as complete data as possible to every employee and to everyone seeking employment and to the employer of the demand and the supply of labor in the different occupations and in the various sections should be given. This data should be constant and correct to the latest minute possible. Authority and means should be given to the State to gather this information, and the proper statistics and data be obtained in order that the employer and employee should have better knowledge of labor conditions; that the distributing of information, both public

and private, be effected, that work may be properly distributed during all seasons. This authority should include the power to investigate conditions of camps, shops, mills, factories, and all places of employment of men, women, and children everywhere to enforce proper conduct to employees. Power should be given to compel attendance of witnesses and production of records. All persons should be privileged to testify before these officers. The welfare of the laborer is of important concern to all people. It is a public matter, and the public is as much entitled to the power here suggested as in the matter of public corporations.

I might say here it is my opinion that a public institution, public agency conducted by the State should be conducted in this manner; it should be in charge of one person very well paid, and he should have the power to employ a skilled force with a moderate remuneration. But the system we have here in this city of paying a man a very small salary is one that must differ, in my opinion, with inadequate service.

Commissioner Commons. You have public free employment offices in this city?

Mr. Swarr. We do have.

Commissioner Commons. Also other cities?

Mr. Swarr. No, sir; Portland is the only place I know of in this State.

I think the community realizes interest of the community in industrial conditions and relations between employers and employees. I think the community realizes the importance of and the vital interest it has in the relations between employers and employees. This interest will become greater as the realization of its importance becomes more apparent. Most of us in the States are in one class or the other, and the question strikes close to home.

Certainly it concerns a very large and vital part of the whole community. As the relations between employers and employees are better the community profits most. The employee can not be treated successfully as a machine or as an animal. To do so must mean dissatisfaction and discord.

Rights and powers of the community to interfere in industrial matters and most desirable organization for community action. It can scarce be denied that the community has both the right and the power to interfere in industrial matters. Industry is vital to progress and public good.

I think a closer union between employer and employee is extremely important. There should be a cooperation in industry between all concerned. The welfare of the employee is of as much importance to the community as that of the employer.

The welfare of the Nation is not dependent upon wealth, but much more upon the proper distribution of wealth.

Mr. Ford, of Ford auto fame, is a notable instance, I suppose, of the practical ability of the cooperation between employer and employee and interesting the employee in his work. Not only has Mr. Ford made that system pay, but he has actually become famous on account of it. The employee here is paid better, is happier, and is feeling a personal interest in the business. There are many instances of the wisdom and practicability of the idea. Altogether, however, this phase of industrial affairs is scarce recognized anywhere. To the ordinary business man, capitalist, or large financial concern no attention is given this. To the present commission pointing ideals of improving industrial unrest this phase should be given deep study and stamp it as of importance.

The viewpoint of the laborer necessarily becomes important. A laborer can not be treated as a machine; each laborer is an independent entity. Capital can not well continue its independent aloofness and solidarity. Fundamentally capital is much more dependent than labor. Only conformance to law and order and voluntary combination has made labor dependent on capital. Labor can at any place divorce itself from accumulated wealth and has only natural principles. Wealth is wholly helpless without and wholly dependent upon labor.

It is the knowledge of these facts that causes strikes, that causes extreme views on those of the I. W. W.'s and so-called radicals. It is the knowledge of these facts that causes industrial unrest. Accustomed means of accumulating the wealth of wealth, of conforming to regulations of capital, and of secretly supporting rules and customs by which capital does business may not continue indefinitely without recognizing the worth of the laborer. It is only in recent times that establishment of public or quasi public institutions with in some degree effected. [illegible] is more or less a matter of course. Not long ago [illegible]

would have considered it an act of utter anarchy to question its business affairs, so long as it paid its debts; now, there is an ever-increasing tendency to subject even private institutions to close scrutiny where the public welfare is concerned. This tendency must develop as the place of the workman becomes better understood. Discord between labor and capital works a hardship upon both. A partnership or association between the two must work a beneficial end. A personal interest and part ownership in the business will lessen strife, if not largely destroy it. Were it not that a large percentage of the people expect to work into some degree of independence there would probably be much greater unrest. The prize ever before people to work into a state of wealth has been a large deterrent to more discord than we have had.

I think the development or closer relationship between the employer and the employee should be the large endeavor of people and government.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon, at 12.30 o'clock p. m., Thursday, August 20, 1914, an adjournment was taken until 2 o'clock p. m., of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

TESTIMONY OF MR. ISAAC SWETT—Continued.

Chairman WALSH. Resume the stand, please, Mr. Swett.

Mr. SWETT. I think I have answered in so far as having perpared the written answer, answers to the questions. I come now to the note I have made concerning free speech, and I prefer, perhaps, to make some questions concerning that.

Chairman WALSH. You may proceed.

Mr. SWETT. There was very much trouble in Portland in the matter of speaking upon the streets. Perhaps the trouble began in a strike that was going on at the canneries in the city of Portland. At any rate, namely, on Sixth Street, between Washington and Alder, that may be said to be the busiest portion of the city, almost so, away from Washington Street. Washington Street is that part of the city, it can be said, that is right close to Washington on Sixth; that is the next cross street perhaps to Washington Street. And the men were presenting their views there, it had been claimed by the city, in too strong a manner, and they were refused permission to speak there. The men then endeavored to speak at other places, and the sheriff of Multnomah County told them that they must stop; that they can not speak there. These men believed that they had the right to speak there, and I believe that the sheriff had no more authority to tell them not to do so than did any layman. That if any law—if there was any infraction of the law that infraction was upon the part of the sheriff in endeavoring to prohibit a person from doing that that he had a perfect right to do. I believe that only in case there was a riot—in case there was danger of riot, of inciting a riot, the danger of the crowd or mob doing that that was unlawful, unless there was such a case there was no more right or power upon the part of the sheriff to prohibit speaking than there was upon the part of any person; no power, no right there at all.

But the chief ordered them to stop speaking. These men endeavored to speak at several places, and were ordered everywhere to stop, and they were arrested, every one that attempted to speak. Men would get up and say merely two or three introductory words, as "Ladies and gentlemen," and immediately they would be pulled down and arrested. In order to make sure that such was the case, I sent a young man from my office to discover the exact facts, and to himself endeavor to speak and to see to it that he said nothing but what was proper. He got up on a box and said, "Ladies and gentlemen," and said no more. And he was pulled down and arrested. This continued until there was very bitter feeling, and the citizens of Portland believed that the procedure of the chief was entirely improper, wrong from every standpoint, and that it was an invasion of the personal rights and liberties of man. And eventually this matter was straightened out in the efforts of others. I might say further, that I myself had seen the chief and told him he had no right to stop this speaking, and that I would speak there at a certain place and a certain time, and I did, and I was not arrested, and from that time on there were no arrests made by the chief. Later this matter was taken up with the city authorities, who placed a certain ban, as it were,

or a certain prohibition to speak anywhere except in certain places, and this was taken up by several citizens of the city of Portland, representing the working people. The matter was taken up with the mayor with a view of showing to him there was nothing improper to prohibit in this. I do not believe there was any power on the part of the mayor to stop speaking then. It may be a police power, but it would only be by that construction to be the right within the power of the police in case there was danger of public tranquility being disturbed.

There was nothing indicative to that end by the men that endeavored to speak. There was no danger to that end at all, as far as the matter appeared then.

None the less, the mayor, who is at the head of the police department—we have, as you know, a commission form of government, and it is divided into several departments, one of them the police, and that is under the head of the mayor, and therefore under his control—we had a committee, I say, to see the mayor, and eventually an arrangement was made by which men were permitted to speak in the city of Portland upon the streets of Portland, although even now that permission was only in a limited sense—at Alder Street, between Fourth and Sixth. And I believe if there was any condemnation for the action taken in the matter of speaking upon the streets, those condemned should be those in authority and that endeavored to stop speaking, to wit, the sheriff of this county and the mayor of this county—of the city.

Chairman WALSH. Any questions, Mr. Garretson?

Commissioner GARRETSON. Yes; I would like to ask one or two.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Mr. Swett, you referred to the fact, or you used the language earlier in your statement, that when it was proposed to open the tabernacle for the lodgment of the unemployed, that certain interests opposed it. Were they individuals or organizations?

Mr. SWETT. Generally speaking, it may be said it was the business interests of the city of Portland, who were very much afraid of the consequence of having these people to be cared for in that manner. There seemed to be and there was at that time a feeling of financial unrest, and the business people seemed to be afraid that this would tend to exaggerate that condition, and that this matter must not be known throughout the States, that there was a condition in the city of Portland demanding assistance of the people in general; that there was starvation; that there was a large number that wanted shelter. They didn't want that phase of it to be distributed to the people throughout the country. They wanted the idea to be that this was a very prosperous city. I think that was the main reason. There are again a great many others that are generally opposed to matters of that kind entirely. They are of the opinion that this is merely the view of a few people who have exaggerated notions of conditions of that kind; that, as a matter of fact, there was no property, or very little of it.

Indeed, there were a considerable number of people during the very worst period that claimed very positively that there was no want in the city; that there was no starvation; that there was nobody who could not get work. I have personally phoned a good many people requesting their assistance in the shape of funds on account of the need at the tabernacle, and many of them answered me that there was no need of it, men could obtain employment; that we were entirely in error in that we were taking a place in the community that was harmful in this, that we were presenting a theory that could not be.

Commissioner GARRETSON. And those were the interests that opposed it?

Mr. SWETT. Generally speaking; yes, sir.

Commissioner GARRETSON. Have you ever in the course of your connection with these questions found anything that led you to believe that a considerable portion of the unemployment, or of the excess of men over positions at a great many portions of the year, were caused by—well, rose-colored advertising of the golden opportunities of the Northwest?

Mr. SWETT. Yes. Yes. I positively think so. I believe very, very many people were drawn in this country upon the theory that it was a land of honey and——

Commissioner GARRETSON. And milk.

Mr. SWETT. Milk and honey.

Commissioner GARRETSON. Flowing with milk and honey.

Mr. SWETT. And they, I say, came in because of the theory that an opportunity for earning a livelihood would be given to every one that would come

here, either the opportunity to earn a living or the opportunity to earn a living without striving for it in the extreme degree that is necessary elsewhere.

Commissioner GARRETSON. They learned when they got here that they had to do their own milking, and there was no honey?

Mr. SWEET. Yes.

Commissioner GARRETSON. Have you found a tendency in some cases on the part of the authorities to permit public speaking, providing the speaker didn't say anything?

Mr. SWEET. Yes. Not only that, but at the same time public speaking was prohibited upon the streets of Portland to these men, there were men that were speaking upon religious subjects at the same time and at the same place——

Commissioner GARRETSON. In other words, they could talk if they would say what the authorities wanted them to say?

Mr. SWEET. Yes. And here in the city of Portland every time there has been an election, men were speaking upon almost every corner in the city of Portland, and there was no prohibition of any, not one prohibited from speaking.

Commissioner GARRETSON. No instance, then, where the city administration, for instance, prohibited anybody from advocating their reelection, the reelection of the present administration?

Mr. SWEET. Not at all; not at all. Upon the contrary, it is a common thing in Portland that the streets are crowded with men listening to men, candidates, or to those desiring the election of one or another candidate.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions. Is there anything that you have not stated that you wish to state?

Mr. SWEET. My attention is called to the fact just now that at the same time and at the same place where men were being prohibited from speaking there was a billboard giving the results of the national baseball game, and the streets, the streets at that place was absolutely blocked, blocked in full with men, and nothing was said; nothing was said to prohibit these people congregating there. They were permitted to do so.

My attention has been called to some matter by somebody before I took my seat in the stand here, by two people in the audience, that at the cannery—that there were people that were working—this particular cannery had been on a strike—that there had been people that had been working and earning from 10 to 50 cents a day. They stated that these people would be up here to-morrow if it would be the desire of the committee to learn whether such was the case here in the city of Portland; they had been earning and giving all of their time to the work that they had been employed at, earning from 10 to 50 cents. I do not know of these facts.

Chairman WALSH. Give the names to Mr. Thompson and he will take care of that.

That is all, thank you.

Call your next witness.

Mr. THOMPSON. Dr. Wood.

TESTIMONY OF DR. A. B. WOOD.

Mr. THOMPSON. Give us your name.

Dr. WOOD. A. B. Wood.

Mr. THOMPSON. Sit down, please. Your business address?

Dr. WOOD. Reed College, Portland.

Mr. THOMPSON. What is your profession?

Dr. WOOD. Teacher.

Mr. THOMPSON. What branch of knowledge?

Dr. WOOD. Instructor in social science at Reed College.

Mr. THOMPSON. How long have you acted as such?

Dr. WOOD. I have been here for three years.

Mr. THOMPSON. Prior to that time, where were you engaged?

Dr. WOOD. In Boston.

Mr. THOMPSON. The same work?

Dr. WOOD. No; I was a student in Harvard University, and also engaged in social work in the city of Boston.

Mr. THOMPSON. Dr. Wood, in your work here in Portland have you had occasion to look into the industrial problem as it relates to the relations between employers and employees in all its phases?

Dr. WOOD. In some phases, yes; in some degree.

Mr. THOMPSON. To what particular phases have you given more thought than to others?

Dr. WOOD. Well, I was a member of the Portland Vice Commission, and I made some investigation for the economic aspect for the vice commission report; I was a member of the commission that drew up the minimum-wage law; the committee of the consumers' league that drew up the minimum-wage law; I was also interested in this matter of unemployment last winter, and made a survey of about 450 men who were in the tabernacle.

Mr. THOMPSON. Are you a member of the civic league?

Dr. WOOD. Yes, sir.

Mr. THOMPSON. I omitted to ask one question of the prior witness. From what sources are these funds drawn? Who contributes the money that goes to make up the organization?

Dr. WOOD. The funds of what—the civic league?

Mr. THOMPSON. Yes.

Dr. WOOD. It is at present supported entirely by the subscriptions of members, individual members; $2 a person.

Mr. THOMPSON. Are those from business men or labor unions or where?

Dr. WOOD. Well, pretty general. There have been some other subscriptions of large amounts, from different public-spirited citizens in this community, but most of the support of the organization is by individual contribution of yearly subscriptions.

Mr. THOMPSON. Now, taking up some of this work you have been doing, will you give us still more in detail, but still briefly, some account of this work you have done—for instance, under the minimum-wage law, what brought it about and what was the condition you sought to remedy by the law?

Dr. WOOD. Well, in the first place in regard to the details of the investigation for the minimum wage, the secretary of the minimum-wage commission will be here to-morrow, who herself made the detailed investigation, and I think she can give you more in detail the facts as to wages, etc., in regard to working women in Oregon than I can.

Mr. THOMPSON. Will that also be true with reference to the working out of the law?

Dr. WOOD. Well, yes, sir; possibly I can say somewhat in regard to that.

Mr. THOMPSON. I would like to have you.

Dr. WOOD. I attempted to find out whether there was any great amount of unemployment caused by the operation of the minimum-wage law, people being thrown out of employment because they could not earn the legal minimum wage. So far as I have been able to ascertain there has not been any great amount of that. I have had one or two students working on the question and questioned somewhat the employers in regard to it. I haven't found any great amount of unemployment caused by the necessity of paying the minimum wage. There have been some statements made—unproved as far as I am concerned—that employers might take advantage of the apprenticeship clause in the minimum-wage law and hire apprentices for the year during which they might pay them apprentices' wages, and then take on other apprentices. I haven't been able to ascertain how much that has been done, and as far as I know not a great amount of it has been done. I think it is a most important part of the work to be gone into, and if Miss Gleason can give you information on that, I think it would be a good thing.

Mr. THOMPSON. Are there any other phases of the working of the law that you have investigated and any conclusions you have arrived at which you could state to the commission?

Dr. WOOD. Well, it seems to me that the minimum wage ought to in time standardize the industries in which women are employed and bring them up to a higher standard, and if there are any persons who can not earn the minimum wage we ought to know who they are and take some action in regard to them. It seems to me that that is one of the advantages of the minimum wage, it will at least let us know who can't earn the minimum wage, and let us make provision concerning them.

Mr. THOMPSON. How long has the minimum wage law been in force in this State?

Dr. WOOD. I think the first ruling went into effect last fall sometime, last October or November sometime. I think the first ruling went into effect then. I think there have been five rulings by the commission thus far, as far as I know. A year, I think, a little less than a year ago, the first one was passed.

Mr. THOMPSON. We have other witnesses here subpœnaed on that subject, and they would have more detail than you would?

Dr. WOOD. I think so.

Mr. THOMPSON. Now, then, going to other matters of legislation and progressive work here, Mr. Wood, what would you say with reference to them?

Dr. WOOD. Well, there is a matter in which I am interested, and that is the question of industrial diseases. People who have been conversant with the industrial questions know that besides accidents there are a great many industrial diseases, and the visiting nurses' association two years ago petitioned the State board of health and aked them to require the reporting of industrial diseases. The board of health replied there were no industrial diseases in Oregon. A year passed, when I with some others sent to them considerable literature concerning industrial diseases, and still the reply was that there were none in Oregon.

Two students of mine made an investigation through questionnaires sent to physicians regarding industrial diseases that came under their observation, and in a very brief investigation of about a month several hundred cases were discovered that physicians had treated of industrial diseases, showing that even in Oregon, with a comparatively small number of manufactories they still do have plenty of industrial disease.

Mr. THOMPSON. What classes of manufactories would these come from, and what was the nature of the trouble?

Dr. WOOD. Some cases of lead poisining, and some cases of so-called cement poisoning, the cement dust aggravating lung trouble, and there had been a considerable amount of liver trouble caused by men in employment where standing constantly is required, and then there have been a considerable number of cases of deafness due to construction work and the noise of it, and some cases of disease to the eye through irritant dust, and some shingle poisoning, which is a thing which is not so severe but is very prevalent in Oregon, I understand. There is a shingle poison that comes from the cedar. Sufficient, I think, to show that there is a cause of destitution there and a cause of trouble unless proper social effort is directed to prevent it.

Mr. THOMPSON. What, if any, remedial measures have been suggested, or what is being studied?

Dr. WOOD. In that regard?

Mr. THOMPSON. Yes, sir.

Dr. WOOD. I think the first thing is for the reporting of all industrial diseases, require them just as required to report in case of typhoid and scarlet fever, and so forth. Know what they are, and then require the installation of such drafts and other means in the various manufactories which will prevent as far as possible the occurrence of the disease and place the victims of the industrial disease on the list of recipients of compensation for industrial injury.

Mr. THOMPSON. How far have you progressed with the advocacy of that, or with the remedy? Have you done anything concretely?

Dr. WOOD. Well, we are hoping this fall—the American Association for Labor Legislation has taken up—has drawn up a model bill for the reporting of diseases, and some people who are interested are presenting that bill to the legislature. Several States have that already in force, and it might be advisable in Oregon.

Mr. THOMPSON. That is the association with headquarters at New York?

Dr. WOOD. Yes, sir.

Mr. THOMPSON. Now, Mr. Wood, coming to the question of industry, the specific economic relations between employer and employee, what would you say with reference to the conditions in this locality? Are they free from unrest or is there a great deal of unrest, and why so?

Dr. WOOD. I think one of the leading causes of the unrest is the unemployment situation. I think that is the one outstanding cause, one of the leading causes.

Mr. THOMPSON. Briefly, what is the cause of that?

Dr. WOOD. Well, most of it has been stated here this morning. I think the seasonal occupations that Oregon industry is subject to, perhaps the overrushing of industries at special times, and then also the fluctuation in demand for products, and moreover the number of men that come to Oregon under more or less misinformation or ignorance concerning conditions here.

Mr. THOMPSON. What remedy would you apply to such situation?

Dr. Woon. Well, I think one of the first things to do is to establish both State and national labor exchanges, and gradually supplant or standardise the private employment agencies. I have a questionnaire here, a study of about 500 men employed last winter, and one of the men in the hall present asked me to be sure to emphasize the fact that one of the leading causes of distrust and unrest is the alleged abuses of the private employment agencies. I haven't gone into this personally investigating them, but if half of them are true, such as are stated to be so, there certainly is a great cause of unrest right there and a cause of great injustice and great misfortune and destitution.

Mr. THOMPSON. Well, what other causes are there and what do you say with reference to them?

Dr. WOON. Well, I think that unless, as was shown this morning, unless more industries come to Portland, and if any great amount of immigration comes here to the northwest with the opening of the Panama Canal, I think there will be a still more serious situation here unless we have the industries to absorb the new population of workers who come.

Mr. THOMPSON. You haven't got any definite suggestions that the commission might carry out?

Dr. WOON. Well, I think with regard to the immigration phase of it, that there is very urgent need of accurate facts being known throughout this country and throughout Europe concerning conditions here in Oregon and more effort being expended upon the distribution of the immigrants who come here.

I think the present immigration commission does good work, so far as it goes, in telling what the agricultural opportunities are for immigrants coming here. But they wish to draw farmers of small capital who come here. As a matter of fact, the farmers with capital among the immigrants who come here constitute only 1 per cent of all the immigrants, according to the United States census, and as a result all the State money being expended upon immigration is being spent on that 1 per cent. Of the other immigrants who come here very little is done to get them to the lands, and if they continue to come we shall have slums and other conditions that have developed in the East to an even greater degree in Oregon.

Mr. THOMPSON. Have you given any thought to the general industrial question, not only as it relates to Oregon, but as it relates to the whole country—the relation between employer and employee? How do you view that?

Dr. WOON. Well, I think it is the gravest question we have to face. It is a pretty big order to answer, I think, about the general industrial situation, but personally I think that the education, public education by such a body as this is one of the first things to be done—to let people know generally. I don't think the middle classes generally know about the industrial conditions of the wage earner. I think a great deal more sympathy and more interest would be established among them if they really knew what the conditions are.

Mr. THOMPSON. What, in your opinion, could the workers do, or could this commission suggest to Congress or to the States or to other people that would help in the adjustment of the industrial problem?

Dr. WOON. Well, the suggestion that we have a national labor exchange established, with branches in every State, and coordinated with all the State and municipal bureaus will help to eliminate the evils unnecessarily associated with unemployment. I don't think they can do entirely away with unemployment, but they certainly can do away with a large part of it. And I think another feature of the question is the low wages of adult male workers. I haven't any survey in Oregon, except with regard to these 500 men of whom I speak of, but I think it is said that the average yearly wage of male wage earners in this part of the country is about $650 a year. That is not enough to support a family on. I think the sooner that we can standardise wages for adult males, and those that can not earn it, either because they are deficient in some way—adopt some policy of caring for them—I think the sooner we shall be on the road toward gradual amelioration.

Mr. THOMPSON. With regard to the question of industrial conflicts that exist in industry from time to time, have you any suggestions to make with reference to them as to how they might be helped?

Dr. WOON. Well, I have not had so much experience there, but merely from what one reads it is not enough to qualify me to state any conclusion. I think that the more investigation, the more discussion, and the more mutual understanding that can be brought about through investigation, compulsory investigation, so that public opinion may be roused to see the justice of the situation, I think that that will alleviate conditions.

Mr. THOMPSON. Mr. Wood, a list of questions was submitted to you for you to touch upon such as you felt you had some information to give to the commission upon. Is there anything further with regard to them or other matters that you wish to say to this commission now?

Mr. WOOD. Well, I think the question was asked this morning with regard to industrial education. I think, to begin with, the children of the community is one of the first requisites. And there is a great deal in contemporary education that is worthless. We spend nine years in grade work and three more years in high-school work. The high schools reach less than 9 per cent of the community, and the grade schools do not prepare people generally for earning their livelihood and child labor ensues. And I should think the establishment of continuation schools, such as they have in Wisconsin, such as was developed in Germany, would have a great deal to do in informing the young people and preparing them for wage earning in life, and preparing them for earning their own livelihood and to know the conditions, and to instruct them in hygiene and citizenship, and in the purpose of industry. I think one of the great things that causes trouble is that the wage earner does not see the purpose of it all. He sees nothing but the grind and does not know of the purpose in it at all. And I think the only way the public schools can be made practical is to make them more related to the real business of life, and we shall alleviate some of these conditions.

Mr. THOMPSON. Mr. Wood, did you make some study of the men in the tabernacle last winter?

Dr. WOOD. Yes; I have a questionnaire about 447 of these men I made in cooperation with my colleague, Prof. Ogburn, and also in connection with members of the unemployment league themselves.

Mr. THOMPSON. Could you briefly state the results of that investigation, and could you file a copy of that more detailed investigation with the commission?

Dr. WOOD. Yes.

Chairman WALSH. Has it been published?

Dr. WOOD. No, sir. It will probably be published by the college, but has not been so yet.

(At this point Dr. Wood submitted the report referred to, and the same is printed among the exhibits at the end of this subject.)

The questionnaire was submitted to the men, which was drawn up by members of the executive committee of the employment league and myself and others to submit it to the men. The questionnaire covered general names.

Dr. WOOD. The unemployment league was a league of the unemployed men themselves who, I believe, last December—at the opening of the tabernacle, December 20, they had on their roster some 3,500 men. After, as Mr. Swett said, the tabernacle was open it was they who organized and who directed that work in a very commendatory way, which, I think, draws upon them very great commendation for the order and general condition of the way the place was conducted. From the fact that crime in the city last winter was less than for years, according to the police commissioner's report, I think is evidence of the fact that the relief work that was given, whereas not solving the problem, yet solved it as far as last winter was concerned—this questionnaire was concerned.

Commissioner COMMONS. They handled and conducted that tabernacle themselves?

Dr. WOOD. They conducted it themselves. There was absolutely—they were cooperative with the civil league, and the city officials after a while cooperated with them. They spent—I believe the city spent $300 in medical service in various ways on the tabernacle. I don't know how much they had for fumigating the hall; at least none was spent upon the men. And then a policeman was there occasionally, I believe, at night; but for the most part the hall was run and the league was organized by the men themselves.

Commissioner COMMONS. Did they have their own officers; did they elect them?

Dr. WOOD. They had an executive committee of five chosen from their numbers, a subcommittee to regulate, and there were some disturbances there of men which did not reach the outside, but some discussion among the members. I think one significant fact about it is in that discussion that occurred among the members, whereas the so-called agitators tried to get control of it, the I. W. W. members, the other members of the unemployment league made them cease the disturbance or leave the hall. As a matter of fact, they did leave the hall and the thing ran smoothly after they left the hall.

Commissioner COMMONS. Were the officers that they elected members of the I. W. W.?

Dr. WOOD. I don't think they were last winter. I think some may have been members of the I. W. W., but I do not think they were last winter.

Commissioner COMMONS. Could you give us the names of those officers?

Dr. WOOD. One of them I know—Mr. Spicer. I am quite sure he was here this morning, but I don't know whether he is here this afternoon or not. I do not see Mr. Gilbert.

Commissioner COMMONS. How did they organize to maintain discipline?

Dr. WOOD. Well, they divided up into committees. There was a committee on rustling for grub, there was a committee on kitchen and cooking, there was a committee on order, and I think there was a committee on securing employment. Each committee made requisitions for the men under them to serve, and the rustling committee went about among the merchants of the community, and it must be said to the credit of the merchants that many of them helped out very generously in giving food. And the unemployment committee did all they could to find employment; went around and posted notices of jobs, and the food committee cooked the food and washed the dishes.

Commissioner COMMONS. That is, all the committee did this?

Dr. WOOD. Of the men themselves.

Commissioner COMMONS. Of the unemployed themselves?

Dr. WOOD. Yes; absolutely.

Commissioner COMMONS. Did they form any organization or union of any kind?

Dr. WOOD. No; so far as the unemployment league they did not. I think some of them had been members of the union or were members of the union; but for this relief of the situation last winter they were the unemployment league, and known as such and not affiliated with any other organization so far as I know.

Commissioner COMMONS. Did the Central Labor Union assist them?

Dr. WOOD. I don't know. If they did receive any assistance from the Central Labor Union I don't think it was very much. I think possibly individual members of the Central Labor Council may have helped them. I do not think they made any organized effort to do so. I have these facts here and I do not know how you want them—a record of the length of time the men were out of work, the amount they had, why they were out of work, and various other facts—I don't know how you want that.

Commissioner LENNON. Do you show there as to what efficiency had to do with unemployment; that is, men who had gone into blind alleys and never had an opportunity to acquire sufficient knowledge to earn a living; do you go into that?

Dr. WOOD. That, I think, does not come out directly in the survey, but I have, in talking with men, I think unquestionably that that had—I think if our public school system, for example—if they could hold the youths until 18 years of age and educate them on broad lines, first industrially and then give them a detailed knowledge of one or two trades, it would facilitate the life of the man when he gets out in industry, and possibly make himself take care of himself, as any education that is worthy of the name should. I think that industrial education and what goes along with it is a very good thing—in our public school system I think the schools should hold longer. I had a young man here in the audience before I came up here bring out the fact that the night school had closed a month earlier this last year. He wanted to take in the night school and continue working, but they were closing down. No reason why the night school should close in April. I think the night school should continue more or less during the summer, and not continue only until April, as they have done this year; they ought to continue right through the year.

Commissioner LENNON. Did you hear the testimony of Mr. Swett regarding the free speech agitation here?

Dr. WOOD. I did, sir.

Commissioner LENNON. Do your conclusions differ from him in any degree, or do you corroborate what he said on the subject?

Dr. WOOD. I was away at the time, out of the city at the time—that summer time—I was out at the time of the agitation, and I have no evidence concerning it except there is just this fact: We have a great many investigations going on. Now, the investigation of the vice commission that took place the summer before this cannery trouble took place, and in that vice commission's report it is written that that cannery was—not naming by name—but that there were

conditions inimical to human life and prosperity and general welfare in the cannery conditions, the conditions of health, the condition of hours of employment, violation of law, and so on, and that commissioner's report was paid for, and the city paid $4,000 to have that commission's report, and nothing was done about it until trouble comes out. I sometimes wonder as to what these commissions' reports do, what good they do after they are published. They do not facilitate things any in getting things done. That could be avoided. That could have been avoided if the report had been read and action had been taken.

Commissioner O'Connell. Do you have this commission in mind?

Dr. Woon. No, I don't believe so; I don't think so.

Commissioner Commons. About these 400 or 500 men that are employed there, have you got anything showing the amount of money that they had when they came to town?

Dr. Woon. I have that, sir; and in addition to that I have got a list of men who had over $200, the 39 of them that had over $200, and $341 who had under $200. I have the list of how the money was spent.

Commissioner Commons. What does that show? Does it show they were wasteful and extravagant in manner of living?

Dr. Woon. I got 440 of the men; they all didn't answer the same questions and these may vary, but of the 440 men 341 spent the stake for living expenses, 12 for sickness, 17 for the support of others, 17 on drink, 2 men were robbed, and 2 miscellaneous expenses.

Commissioner Commons. What were the sums which they brought in?

Dr. Woon. Well, they bring in—90 per cent of the men brought in under $200, and of the remaining 10 per cent 39 brought in sums over $200. Now, I have also the length of time out of employment for those men. Of the men 391 who had under $200 were unemployed; the average unemployment amongst the men under $200 was 2 months and 14 days, and that is their average stake per week they would have to spend would be $5.40, if you had it divided into weeks. The men who had over $200 were unemployed slightly longer time than these. It seems to me evidence of improvidence among the men having over $200, unless there were facts which the men did not mention; but the improvident cases, if there are any, I think will fall in the cases of dissatisfaction, involuntary dissatisfaction, involuntary, brought upon them.

Commissioner Commons. Did you find what had been their employment, what industry they had been employed in?

Dr. Woon. I have the detailed facts concerning the 39 men over—you mean the men with respect to their stakes?

Commissioner Commons. The 500.

Dr. Woon. Yes; I have the list of the occupations.

Commissioner Commons. What industry contributes most to the unemployment?

Dr. Woon. I have the occupation list of the work here somewhere, and I think from the census data it would seem that the lumber industry is one of the great causes; that is one of the greatest seasonal industries in the State, the lumber industry; according to the State labor commission's report there are 21,000 men engaged in the lumber industry, which operates only 182 days of the year. And unless those men find other work it means they are out of work. That is according to the State labor commission's report. And it would seem that is the great difficulty with the leading industry, and that figures in the employment of the State.

Commissioner Commons. What was the next largest?

Dr. Woon. Well, so far as manufacturing industries are concerned, the construction work, which does not figure in the State—in the report of the census; of the 447 men, 288 were unskilled laborers, either just laborers or railroad-construction men or teamsters, and doubtless do construction work, and it is hard to do construction work in the winter months here, and I think the men working in construction work are out of employment largely during the winter months, a large part of the year.

Commissioner Commons. Do you believe there were many skilled workmen among this list? What proportion are skilled?

Dr. Woon. Out of the 447 men, 227, or a little over one-half of the men, gave occupations that were skilled occupations. That is, provided they were efficient in those occupations and had not been so long out of employment they had forgotten their art.

Commissioner Lennon. Was that analysis sufficient to reach a conclusion whether they were what is termed handy men or whether craftsmen?

Dr. Wood. It was not quite sufficient without more detailed investigation regarding the men at work. I have the facts as to why the men are out of work. The great proportion of them were asked the facts regarding the reasons why they left their last three jobs. Each man gave three reasons, and there were over 1,200 answers, and there were eight hundred and some of them gave the reason that they were laid off, naming the employment, naming the place where they were, and that they were laid off. I think that unquestionably that was the biggest cause of unemployment in the industry.

Commissioner Commons. That means that the industry shut down or——

Dr. Wood. That means, I think, either that the industry shut down or the weather—because of lack of funds or that the weather was bad; either one of those conditions, or that the job was finished—any of those three things.

Commissioner Commons. Speaking of these as to whether they were handy men or craftsmen, did you get anything about their union membership, as to whether they belonged in the union or not?

Dr. Wood. Yes, sir; I have something in regard to that. Three hundred and twenty-six men replied on the question of whether they were members of the union or not, and of the 326, 128 said they were not members of the union; 102 said they were members; 12 said they were former members of the union; 21 said they had union beliefs, possibly they may have been formerly union members; 5 said they were in one big union; 14 I. W. W.'s; and 46 made no reply to the question.

Commissioner Commons. When the hundred and two—was it?

Dr. Wood. Yes, sir.

Commissioner Commons. Said they were members of the union?

Dr. Wood. Yes, sir.

Commissioner Commons. Did that mean they were in good standing, paying their dues at the present time?

Dr. Wood. I don't suppose they were paying their dues last winter, but I presume it means they considered themselves as members of the union. Whether the union did or not, I didn't follow it up.

Commissioner O'Connell. I presume they would not be required to pay dues if they were not earning anything?

Dr. Wood. No, sir.

Mr. Thompson. I would like to ask you, Mr. Wood, if you remember whether the labor union, the Employers' Association of Oregon, or the Portland Chamber of Commerce contributed or assisted in raising funds for the support of the unemployed last winter?

Dr. Wood. The chamber of commerce gave $100.

Mr. Swett. Not as such, they gave it individually.

Dr. Wood. Individually, $100. I don't know about the employers' association.

Mr. Thompson. How about the labor unions?

Dr. Wood. I don't know whether they gave anything or not.

Commissioner Commons. Mr. Swett could answer that.

Mr. Swett. Yes, sir; I have an itemized statement of the money given. The unions did not give as such. There might have been some union members that gave individually.

Chairman Walsh. How about the employers' association?

Mr. Swett. None as such.

Chairman Walsh. How about the chamber of commerce?

Mr. Swett. Fifty dollars was given by the editor of the Journal, and 10 others gave $5 a piece, making $50. They were all members of the chamber of commerce and met at the chamber of commerce, and in response to the call for money they individually gave that money.

Chairman Walsh. Where did most of the money come from, if you know?

Mr. Swett. The money came from individuals, just individuals who gave money. There were requests for assistance, and in response to the request, they sent money or gave money.

Commissioner Commons. You spoke of an immigration commission, what is that commission?

Dr. Wood. That is the State immigration commission, appointed by the governor, I think, and consists of five or six members. I don't know the text of the law establishing them, but I think they get a sum from the State every two years, and I am quite sure that they spend most of it in publishing facts, which is a very good thing considering that a great many steamship companies are soliciting immigrants, that are said to be not giving the facts. It is a good

thing to know the facts about Oregon, but I think more should be done than they are doing.

Commissioner COMMONS. Where are these circulated?

Dr. WOOD. I think they are circulated all throughout Europe. I think there are a great many through Europe. I know they are mailed to Europe.

Commissioner COMMONS. If a person comes to this State with $1,500 or $2,000 or $1,000, and wants to get into farming, what is the way? For example, I came across a man out of employment and he said he had lost $1,500. He claimed to have come here with that, and that it was taken away from him in some way. Is he taken care of by the State commission?

Dr. WOOD. I think if such a man knew about the State commission, and would go to them, I think they would do their best to inform him about the best place to go as a farmer. I think they would do their best in that respect. I don't know what the means are for his knowing where they are.

Commissioner COMMONS. There is no agency of that kind?

Dr. WOOD. I think they have an office in the Commercial Club Building in this city, they have an office in this city.

Commissioner COMMONS. Do the real estate dealers of this State have any organization to discipline their unscrupulous members?

Dr. WOOD. I don't know of any; I don't know that they do.

Commissioner COMMONS. Does your State commission work in connection with the real estate dealers?

Dr. WOOD. I think they do to some extent. I think they are at present engaged in making a map of Oregon, showing the available lands which are open for cultivation and which may be had for a small amount, and I think they would have to work with some of the real estate people.

Commissioner COMMONS. Do you know as a matter of fact or has your investigation shown that any of the unemployed here came originally with some sum of money with which they expected to buy a home, and then got left and lost the money. Do you find many of these?

Dr. WOOD. One man testified in this report I have as having had a $784 stake which he spent. In answer to the question how it was spent, he gave two replies, one was a Hillsboro land deal, and the other was an attempt to establish an automobile business.

Commissioner COMMONS. Would you consider that a very large appreciable element in the causes of unemployment here?

Dr. WOOD. No, sir; I don't think I should. My opinion is that not enough men come here with large enough stakes.

Commissioner COMMONS. It isn't a feature worth investigating then?

Dr. WOOD. I don't think so.

Commissioner O'CONNELL. Was there any estimate made as to the time these men were in Portland—this number of men here at this place?

Dr. WOOD. Thirty-four per cent of them had come to Portland since January 1.

Commissioner O'CONNELL. Last January?

Dr. WOOD. Yes, sir. The hall was open from January 3 to April 1, and this survey was made about the middle of February, and the middle of February 34 per cent of the men had come since January 1.

Commissioner O'CONNELL. How long had the other per cent been there?

Dr. WOOD. All the way from two to six months, and a few over a year—some 10 or 12 over a year.

Commissioner O'CONNELL. They might be considered as itinerant workers?

Dr. WOOD. Yes, sir; I think they are largely migratory workers.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Doctor, you seem to have given considerable study to the question of employment agencies. Have you traveled far enough along the road to have definite ideas in regard to one or two matters I want to ask you about? That is, if a system of interlocking State and Federal agencies were established, to be thoroughly effective, they would have to reach every hamlet and crossroads virtually, wherever the mail went?

Dr. WOOD. Precisely.

Commissioner GARRETSON. To make them absolutely effective, telegraphic communication would be almost a necessity?

Dr. WOOD. Yes, sir.

Commissioner GARRETSON. And would not that carry out the necessity of public ownership of telegraph lines?

Dr. WOOD. I should think so.

Commissioner GARRETSON. Now, carrying it a step further, the eliciting of the information becomes valueless unless you can utilize it by connecting the men and the jobs?

Dr. WOOD. Yes, sir; I think so.

Commissioner GARRETSON. Must the carrying out of that, in your opinion, require a system of cheap industrial transportation for workers going to work or not?

Dr. WOOD. Precisely. I think so, particularly here in the Northwest where distances between industrial centers are so great. I have been camping up the line up on Columbia River this summer, and camping with the boys, and we fed an average of one man a day there going through from Portland out to the harvest fields, walking to the harvest fields, riding on the train until they got put off, and then getting off and walking. Those cases have come and have forced home on me that fact. A great expense among these men and how their stake was spent was in traveling. I think we need cheap transportation for laboring men.

Commissioner GARRETSON. Your investigation in other countries has developed the fact that wherever the railroads were not owned by the Government there was cheap industrial rates?

Dr. WOOD. Yes, sir.

Commissioner GARRETSON. And out of all proportion to the passenger rates?

Dr. WOOD. Yes, sir; I think there should be something of that sort established.

Commissioner GARRETSON. Do you believe there should be permitted to exist a system of employment agencies that depends for its maintenance and profit on the tribute levied upon the man out of work?

Dr. WOOD. Just the question put that way, I certainly do not. Nothing should exist which does not serve the public.

Commissioner GARRETSON. That is a question purely ethical?

Dr. WOOD. That is purely ethical, but as to allowing to exist the unregulated and unsystematized employment agency, I certainly do not. They should be standardized or put out of business.

Commissioner GARRETSON. The question is founded upon this state of affairs that might exist; if this national system was founded, should the other be allowed to flourish by the side of it if the other properly performs its function?

Dr. WOOD. If it properly performs its function—I think private effort might act as a check, and if the private agency could do the thing better than the public, then it ought to do the business.

Commissioner GARRETSON. Here is what prompted the question: It has been testified before this commission in former instances, not here, that employers as a whole, and especially organized employers, would not patronize the free agency established through municipal control.

Dr. WOOD. Yes, sir.

Commissioner GARRETSON. Reasons not always given; that they preferred to avail themselves of other agencies that did exist, which it was shown were not high class—to use a charitable term?

Dr. WOOD. Yes, sir.

Commissioner GARRETSON. If a State or municipal—if a State or Federal system is instituted, should it be exclusive?

Dr. WOOD. I think it should be, unless, as I say, you always allow room for any private individual, if he thinks he can do the job better, let him try it; but if it should appear that it is impossible to manage the State bureau unless the others are put out of business, I think the State bureau is what we want.

Commissioner GARRETSON. Would it be possible for those to be subsidized in this manner—it has been testified here that there exists places where there are three gangs of men, at least, in existence for every job, one coming and one working and the other leaving?

Dr. WOOD. Yes, sir.

Commissioner GARRETSON. Might it be to the interest of the employer who desired to avail himself of such a system, to make it profitable for the private employer even if he had no real mission to perform?

Dr. WOOD. I can't see how it is profitable to any employer to create discontent among his workmen.

Commissioner GARRETSON. He may think it is profitable.

Dr. WOOD. He may think it, but he is misinformed, and working in ignorance. It seems to me contentment is the basis of all things in industry, and it

seems to me until we can get conditions where that prevails, I think we have to educate every body involved.

Commissioner GARRETSON. It was testified before this commission, I will say to you, that in an industry that has 600 positions, that the number of men hired during one year to fill those 600 positions was in excess of 2,500.

Dr. WOOD. Well, charge the fees to the employers and not to the men.

Commissioner GARRETSON. That would meet one side of it, would it?

Dr. WOOD. Possibly so.

Commissioner GARRETSON. That is all.

Commissioner COMMONS. Have you looked into that matter at all, to see whether there is a splitting of fees between the employers and private agencies?

Dr. WOOD. I have heard a good deal of that rumored, but I, myself, haven't investigated. Personally, I don't know.

Commissioner COMMONS. You would not know whether in the case of a corporation it would be the management of the corporation, or whether it would be the foreman or superintendent?

Dr. WOOD. I should think it would be the latter. I can't conceive of how any such unjust practice would be to the advantage of the corporation.

Commissioner COMMONS. You haven't investigated that?

Dr. WOOD. No; I haven't.

Commissioner COMMONS. Who has been investigating that?

Dr. WOOD. Well, I think that possibly Mr. Gilbert and Mr. Spencer might give you some information, the men whose names I gave you. I don't know. I have heard a good deal of it rumored. I think it has been investigated.

Commissioner O'CONNELL. How many employment agencies are there in the city?

Dr. WOOD. There are 18 in the city directory.

Commissioner LENNON. Does your table show the ages of these men?

Dr. WOOD. Yes, sir; it does.

Chairman WALSH. That is all. Call your next.

Mr. THOMPSON. Mr. Harris—A. H. Harris.

Chairman WALSH. Is he on the program?

Mr. THOMPSON. Yes.

TESTIMONY OF MR. A. H. HARRIS.

Mr. THOMPSON. Mr. Harris, will you please give us your name?

Mr. HARRIS. A. H. Harris.

Mr. THOMPSON. Your business address?

Mr. HARRIS. 219 Goodnow Building.

Mr. THOMPSON. Your occupation?

Mr. HARRIS. I am editor of the Labor Press at the present time.

Mr. THOMPSON. What is the Labor Press?

Mr. HARRIS. It is the official organ of the State federation of labor and of the Portland Central Labor Council.

Mr. THOMPSON. How long have you been editor of that paper?

Mr. HARRIS. Twenty-three months.

Mr. THOMPSON. How long has the paper been in existence?

Mr. HARRIS. Twelve years.

Mr. THOMPSON. How long have you been on the coast here?

Mr. HARRIS. Since 1891.

Mr. THOMPSON. Around Portland?

Mr. HARRIS. Well, I have been in Washington and Oregon since 1891.

Mr. THOMPSON. During that time what unions have you been connected with, if any?

Mr. HARRIS. Typographical.

Mr. THOMPSON. During that time?

Mr. HARRIS. Yes, sir.

Mr. THOMPSON. Now, as editor of that paper and in touch with labor conditions generally, have you had occasion to make a survey of the relations between employer and employee in this part of the world?

Mr. HARRIS. I hardly think I have had time to make a survey. I think I have a reasonably fair comprehension of the real conditions that exist.

Mr. THOMPSON. Well, you have given more or less attention to that, haven't you?

Mr. HARRIS. Yes, sir.

Mr. THOMPSON. What is the condition that exists here in that regard?

Mr. HARRIS. Well, there is a condition of unrest and dissatisfaction, I think, nearly equally divided between the two interests.

Mr. THOMPSON. What do you mean by the two interests?

Mr. HARRIS. I think that the men representing organized capital are dissatisfied with the conditions that exist as well as the men representing organized labor.

Mr. THOMPSON. Of course, what I am referring to now is the relation existing between the two.

Mr. HARRIS. Yes.

Mr. THOMPSON. Not the general economic conditions. Why do you say that—what are the grounds upon which you base your statement?

Mr. HARRIS. Well, I find the general condition of unrest among the men that I meet and deal with, and in dealing with the business men of the town I find the same general conditions expressed by them. They have in their minds grievances that make them as badly dissatisfied, perhaps, as the conditions that confront the other side of the question.

Mr. THOMPSON. Well, follow that out and tell us, from the standpoint of labor, the ground. What would you suggest as remedies, and tell us how labor views the dissatisfaction of the employer.

Mr. HARRIS. Well, the employer, in the first place, is working under a financial condition on this Pacific coast that makes his work perhaps more difficult than at first seems possible, and the general tendency of men is that when they are struggling financially they are irritable and are liable to feel that they are aggrieved when they are not. On the other hand, organized labor on this Pacific coast is working under peculiar conditions, largely on account of the unfortunate immigration to this coast and on account of the unemployment that largely follows that and which opens the gap between the two interests, with absolutely no well-grounded reason for it.

Mr. THOMPSON. What is your suggestion to bridge that gap, or at least make communication less straitened between the two ranks?

Mr. HARRIS. My theory of that is organization. I see no solution to that problem except in organization.

Mr. THOMPSON. You mean organization of both sides?

Mr. HARRIS. Both sides.

Mr. THOMPSON. How would you accomplish that, or how could it be suggested that it be accomplished?

Mr. HARRIS. Well, I think the effort on the part of labor organizations in this country is to get an effective organization among the workers of the country, and, as near as I can ascertain, the employers of the country are very nearly organized as a group now.

Mr. THOMPSON. Well, then, both sides are trying to be organized now?

Mr. HARRIS. Yes; I think so.

Mr. THOMPSON. Well, is there anything you can say with regard to that? If that is the remedy or the best remedy and they are trying to do it what can be done to help it?

Mr. HARRIS. The problem of organizing the unskilled worker is the biggest problem before this country to-day, in my judgment, and it is going to be a slow process. I don't know; I haven't the remedy for that. But the disorganized condition of the unskilled worker in this country is the biggest problem in my judgment of this whole economic unrest.

Mr. THOMPSON. Well, what is being done by organized labor along that line, if you know?

Mr. HARRIS. The American Federation of Labor, I think, is making efforts in practically all of the large centers to get the unskilled together in Federal unions. But a great many of them are working under conditions that make it almost impossible for them to affiliate with organized labor because of the danger of being dismissed or the fear of being dismissed from their positions. It is a sense of fear that exists in the mind of the unorganized worker, whether it should exist or not; it does exist in his mind and is very hard to remove.

Mr. THOMPSON. What other steps could be taken by labor? You say that the American Federation of Labor is making some effort. Are there any efforts to be made outside of the American Federation of Labor?

Mr. HARRIS. Well, the Industrial Workers of the World have been organizing among the unskilled for quite a long time. I don't know how far they have progressed. The last membership statement I saw was about 14,000 or 15,000, I think.

Mr. THOMPSON. Well, what do you consider is the best method by which these unorganized workers might be organized?

Mr. HARRIS. I think the successful organization of them is going to come through the American Federation of Labor.

Mr. THOMPSON. Have you any suggestions by which they might be accelerated in any way?

Mr. HARRIS. Perhaps.

The labor movement in this country for a number of years has crystallized largely with the skilled men, because they were really in control of industry until the labor saving machinery and the specialization made it easy for the unskilled man to hold such a large part of the jobs in the country. The skilled man has been largely weeded out through specialization and division of labor, and it is coming to a point where the unskilled man becomes the real power in the labor situation in this country. He being usually an extreme individualist has always been slow to accept organization, and likely will be slow to accept organization until his economic condition forces him to realize the real necessity for cooperative efforts.

Mr. THOMPSON. There is nothing that you could add specifically to what is being done by the A. F. of L. and other organizations to perfect the union among the unskilled workers?

Mr. HARRIS. No; I think it is going to be a slow, hard process and will require some little time, and I believe it will be done and within not so many years.

Mr. THOMPSON. Is the central body here in Portland or Oregon doing anything to help the American Federation of Labor organize these workers?

Mr. HARRIS. Yes; the Central Labor Council has helped organize a Federal union in town that has taken some part in the organization—in the gathering together of the unskilled workers. But it has not been able to get the membership that it perhaps should have gotten up to the present time.

Mr. THOMPSON. To what exent is the central body here helping the shingle weavers organize in the lumber industry, if you know?

Mr. HARRIS. I don't think the local central body has been expending very much effort in that way. The organizations have been contributing money directly to the international in Seattle, and the international has been handling the organization among the lumber workers.

Mr. THOMPSON. Do you know what kind of effort is being made by the A. F. of L. or the shingle weavers to organize those men?

Mr. HARRIS. Why, up to a few months ago a very well organized effort was being made in nothern California and Washington and Oregon to organize in the larger lumber camps. Whether it is being carried on at the present time or not I am not sure.

Mr. THOMPSON. What would you say about the canneries in that respect?

Mr. HARRIS. About the canneries?

Mr. THOMPSON. Yes.

Mr. HARRIS. The only canneries—the only cannery that I know anything about personally is the one in Portland. The canneries at Astoria—the fish canneries—I know nothing about personally. No effort has been made, so far as I know, to organize the cannery workers in this town recently.

Mr. THOMPSON. What is the condition of organized labor here in the crafts themselves? Do you know as to their organization and the percentage of organization?

Mr. HARRIS. That is rather difficult to say. I think that there are about three or four lines that are pretty well organized. The printing trade is well organized. The water front, or the longshoremen, are well organized. Perhaps nearly a hundred per cent in both cases. The cigar makers are, I think, a hundred per cent organized. In the brewery interests in town there are nearly a hundred per cent organized—I think a hundred per cent.

Mr. THOMPSON. What work is being done by either of these, or all of these, toward assisting unorganized workers to be organized?

Mr. HARRIS. With the exception of what you might call moral suasion, not very much at the present time.

Mr. THOMPSON. Now, with reference to the industrial unrest, what other suggestion have you to make as to the causes for the unrest and the remedies for it?

Mr. HARRIS. I think one of the conditions that confronts me in my work is the man who has been the victim of the blind-alley job. I think that that is the problem that we have to face in this country in the next few years. And I think that one of the problems that deserves more consideration than this is vocational guidance. I think that there are more men struggling along who

have been the victims of the blind-alley job than, perhaps, any other one thing among the people I meet and the conditions that I have a chance to study.

Mr. THOMPSON. Exactly what do you mean by guidance as differentiated from vocational education?

Mr. HARRIS. I think that guidance comes before education, or should come before education. If a man has proper guidance the education is simple. If he has improper guidance, or no guidance at all, the education may not do him as much good as harm.

Mr. THOMPSON. Well, will you carry that guidance back to boyhood days?

Mr. HARRIS. Yes; I think——

Mr. THOMPSON. When would you begin with it?

Mr. HARRIS. I would begin about the formative period in a boy's life, and I would give the boy a chance to understand himself and his own faculties, and I would help guide him toward the line of work or the class of work in which he will meet the least resistance and have the best chance of success. Then I would base his education upon the individual qualifications or characteristics of the boy, not on any course of study.

Mr. THOMPSON. To put it to you practically, for a given city or town, would you have a survey made of the town vocationally—as to how many bricklayers and plumbers and bookkeepers and stenographers, etc., might be needed, and then would you educate them accordingly?

Mr. HARRIS. I see no reason why the wheat exporter in this country should spend thousands of dollars to keep in touch with the wheat crop in this country for the sole purpose of manipulating the market when we have nobody who spends $2 to take care of the boy crop of this country, which is worth everything to us.

Mr. THOMPSON. I mean, I was trying to give some practical tendency to your answer.

Mr. HARRIS. Yes, sir.

Mr. THOMPSON. What would you say about that, or what would be your suggestion?

Mr. HARRIS. I think society owes as much to the boy, to help him in his vocational selection, as the wheat man owes to his business in getting the information upon which to base his judgment and his speculation. In other words, there should be a method somewhere in this country of boys finding themselves before they go into a blind-alley job, and society should help them get together that material.

Commissioner LENNON. May I interrupt you?

Mr. THOMPSON. I am practically through.

Commissioner LENNON. I just want to ask him one question right on this phase; I would understand you to indicate your belief as being to treat the boy individually—not boys en masse—but give every boy a chance to grow on the means that he has for growing?

Mr. HARRIS. Absolutely so; each individual case by itself.

Mr. THOMPSON. Mr. Harris, now what other suggestions have you to make; I mean, what other causes of unrest? You have mentioned two now. What other causes are there, and what would be the remedies?

Mr. HARRIS. Well, on this Pacific coast the problem of immigration has been, in my judgment, one of the real causes of our present unrest. A great many men have come into this country who have been thrown back upon industry, discouraged, and having lost all the money they brought with them. A great many of those men have been men with families, who had limited means and who found land conditions, or land values, so out of reach on this coast that nothing but failure stared them in the face. They were forced out upon industry with nothing but a family on their hands, and the result has been that the labor market has been more or less crowded all the time, and is now.

Mr. THOMPSON. Will we understand by that that you think land is being held here in anticipation of a growing population?

Mr. HARRIS. There is no doubt but what land values have been raised in this country for the last 8 or 10 years, year by year, until it has reached an unconscionable speculative value.

Mr. THOMPSON. What would be your remedy for that?

Mr. HARRIS. I have no remedy for that. The men who own the land got it when it was very cheap, and I guess they can keep it.

Mr. THOMPSON. Well, what other causes of unrest here?

Mr. HARRIS. Well, there is one other contributing cause, perhaps, and that is the employment of women and children in a great many places where men

ought to be. That is not confined to the Pacific coast any more than it is to any other part of the country. But there has been in the last few years a strong tendency to employ women and children because they were cheap, and let the men go idle or seek jobs beneath the ordinary job at which they should be employed. That has forced a condition of unemployment among middle-aged men and particularly among men past middle life, that I detect all up and down the coast.

Mr. THOMPSON. Did you hear what was said by Mr. Wood on the question of unemployment and employment exchanges and the question of unemployment?

Mr. HARRIS. Yes, sir.

Mr. THOMPSON. What have you to add to that?

Mr. HARRIS. Well, my theory of the unemployment—or of an employment exchange, is that with perfect organization we have no use for private employment agencies nor public employment agencies. The labor unions control their unemployment problem entirely without the assistance of either one of those methods.

Mr. THOMPSON. But until you reach perfect organization, which you have stated will be very slow, what would you say about public institutions?

Mr. HARRIS. I am in favor of public employment agencies operated—if they are operated as effectively as the post office we would not have any trouble with the employment problem in this country so far as the employment agent is concerned.

Mr. THOMPSON. Mr. Harris, other questions were submitted to you. Do you care to speak to the commission upon them, or are there any other suggestions you would like to make touching industrial problems?

Mr. HARRIS. One matter I would like to mention before I leave, and that is that I think the representation made to the commission this morning in regard to the charges along the water front here for labor by the longshoremen—I think the conclusions are hardly warranted by the facts.

I think that as near as I can understand conditions on the coast, and I have given some thought to the water front, there is not a port on the coast that is as poorly equipped to handle cargo as Portland. I think the gear, the machinery, the equipment of the docks in Portland is about as poor as could be got anywhere. And I think the discrimination, if there is discrimination against shipping in Portland, comes from an entirely different angle than the wages of the men, or even the overtime of the men. I would like to ask the commission if it would be permissible that Mr. Madsen be called to give the facts in relation to that case. I am reasonably familiar with it, but not familiar with it enough to give the facts to the commission.

Chairman WALSH. Any questions?

Commissioner LENNON. Yes.

Chairman WALSH. Mr. Lennon.

Commissioner LENNON. Was it known to the members of the unions here last winter that there were this large number of men at the tabernacle unemployed, and that the unions gave no assistance to them?

Mr. HARRIS. The facts in the case are that very early in the season and before any action, I think, was taken by anybody, the Central Labor Council appointed a committee of three to take that matter up. And that committee went to the governor at Salem and had an interview with him and went to the county commissioners and to the city commissioners in Portland to arrange, if possible, for some public work to be started before the movement was made toward the tabernacle opening.

Commissioner LENNON. Were there any printers in this city last winter that were taken care of by public or private charity?

Mr. HARRIS. Printers?

Commissioner LENNON. Yes.

Mr. HARRIS. Not that I know of; no, sir.

Commissioner LENNON. Were there any union men that you know of?

Mr. HARRIS. During the period of the tabernacle, the existence of the tabernacle, I presume that five or six men came to me at the office discussing unionism, and they were members of unions. But there was not, perhaps, one of them that was within, perhaps, six months of good standing.

Commissioner LENNON. I say I was surprised at the testimony—this has nothing to do with the examination—because in the eastern country we take care of the union men.

Mr. HARRIS. So far as I know there was not a union man in good standing in the tabernacle last winter.

Commissioner COMMONS. What would you say as to the probabilities about that list of 102 names that Mr. Wood had? He said they were union members in good standing.

Mr. HARRIS. During the period of the tabernacle's existence, I think two or three or four men had interviews with me who had been members of railroad brotherhoods. Two or three of them were badly crippled, had been in accidents and were badly injured; that is, so that they had been put out of the service. And they had dropped from the brotherhoods and were what might be called scraps on industry, victims of misfortune who had got beyond their organizations entirely.

Commissioner COMMONS. And here were 102 men, who I take it represented quite a number of trades and crafts. Of course, they would still be in good standing, even though they didn't pay their dues, provided they were out of work, and yet they were among this large number of unskilled laborers and nonunion laborers who were not being taken care of by the unions. You have no knowledge of only these five or six cases that you mentioned?

Mr. HARRIS. Personal knowledge, no. My judgment is that a large number of the men in the Gypsy Smith Tabernacle have been the victims of promoted immigration to this coast. And quite a number of them had left their organizations and come out West here, and perhaps left their organizations permanently when they met reverses on this Pacific coast. And while they had been members of organizations, they did not so consider themselves at the time as members in good standing of any organizations. They had become backsliders a good deal like the average churchman does.

Commissioner COMMONS. I want to ask Mr. Wood about these men.

Dr. WOOD. I am here.

Commissioner COMMONS. You have a list there of 102 that said they were union men?

Dr. WOOD. Yes.

Commissioner COMMONS. You have a list also of some who said they had been in the unions?

Dr. WOOD. Yes; a number of them said they had been in the union.

Commissioner COMMONS. How many were they?

Dr. WOOD. Twenty-one said they had been in the union.

Commissioner COMMONS. Are you quite certain that those who said they were now members of the union were accurately stating the facts?

Dr. WOOD. Well, I think that they were telling the truth; yes. My judgment is that they were.

Commissioner GARRETSON. Isn't it a fact that many of the men who belong to labor unions, after they are suspended are given a period following the date of that suspension wherein they can again become members by the payment of their dues, and during that period the organization does not count them as members, but they are very apt to count themselves as such?

Mr. HARRIS. I think that is true of every organization I know anything about. The period will run from three months to nine months or a year. In some cases it will run a year.

Commissioner GARRETSON. They are stricken off the organization rolls, but because of their right to reinstate themselves by payment, they claim that they are union men?

Mr. HARRIS. Yes; and they really can be reinstated without question, by payment of their dues.

Commissioner COMMONS. But the question now is, Are they entitled to aid from the union during this period when they are out of work?

Mr. HARRIS. No.

Commissioner COMMONS. There is no provision by which they can be taken care of by the union?

Mr. HARRIS. Not after a man is once dropped for nonpayment of dues, he has no financial claim upon the organization.

Commissioner COMMONS. But suppose he had been dropped because of unemployment.

Mr. HARRIS. Well, if he let his organization know that he had been dropped through unemployment, that would be different. But very few men will do that.

Commissioner COMMONS. Well, then, it is probable that these 102 men who claimed to be members of the union in good standing, had simply failed to apply to the unions for assistance?

Mr. HARRIS. I think so.

Commissioner Commons. When they might have had it if they had applied, is that your conclusion?

Mr. Harris. That might be true in most cases. A great many men when they get away from home and get stranded don't let the organization know that they are out of employment. They allow themselves to lapse for nonpayment of dues without any word of explanation at all.

Commissioner Garretson. Isn't it a fact that the average member of a labor union almost invariably if he gives notice to the local to which he belongs that on account of unemployment he is unable to pay his dues, that the local will pay it for him and keep him in good standing?

Mr. Harris. I never knew a case where they would not.

Commissioner Garretson. In regard to the men that you spoke of as being ex-members of the railroad brotherhoods, isn't it a fact that the railway brotherhoods have the most comprehensive system of insurance against injury, and relief systems, of any of the unions—as good as any unions in existence that you know of?

Mr. Harris. Yes, sir; that is true.

Commissioner Garretson. And isn't it a fact that any member of those organizations, injured under those circumstances, would receive large payments from those insurance funds therefor, and afterwards the relief funds, if he kept himself in good standing after getting his insurance?

Mr. Harris. I think that is true as I understand the organizations; yes.

Commissioner Commons. It was stated, I think, this morning, you could give us information in regard to some of these boycotts that were being declared. What are the principal boycotts that are now on?

Mr. Harris. Well, the principal boycott, I presume, amongst the group is the boycott against Lipman-Wolff Co.

Commissioner Commons. Will you give a history of that boycott, what was the grievance and how did it originate?

Mr. Harris. That is a long story and I am not as familiar with that as some other people, and if you will——

Commissioner Commons. Did that grow out of a strike?

Mr. Harris. No; it grew out of a dispute between the organizations after the construction of the building, the new building in which the Lipman-Wolff store exists and operates at the present time.

Commissioner Commons. What was the dispute about the building?

Mr. Harris. The building was built under unfair conditions. If you want to get the story of the building, you have on your list two members of the building trades who know these conditions, Mr. Sleeman and Mr. Osborne.

Commissioner Commons. Are there any other than those stated on the list that could give us information? Perhaps there are some others we haven't got on the list.

Mr. Harris. There are about 14 or 15 of them, perhaps, in some of them, against the ice companies; that is rather an effective boycott.

Commissioner Commons. What is the boycott on the ice companies?

Mr. Harris. They refused to operate on the 8-hour day. Under the arrangement the scale of the engineers here in town the shops must go onto an 8-hour day, and they refused to go under the 8-hour day, so they are operating with nonunion engineers.

Commissioner Commons. On two shifts, 12-hour day?

Mr. Harris. I don't know; I think they are working about 10 hours, but I don't know.

Commissioner Commons. Does that cover their teamsters, too?

Mr. Harris. No; it does not cover the teamsters.

Commissioner Commons. Are the teamsters organized?

Mr. Harris. The teamsters in the ice plants are not organized.

Commissioner Commons. What other boycotts have there been?

Mr. Harris. Well, there is a boycott on against the Portland Flouring Mills Co.; Theodore B. Wilcox and his products.

Commissioner Commons. What is his grievance?

Mr. Harris. That was because he constructed his building, the Wilcox building, with open shop, with nonunion.

Commissioner Commons. Did he construct that or did the contractor construct it?

Mr. Harris. It was constructed under contract, I guess.

Commissioner Commons. And you boycott the owner in that case, although the contractor was the man who employed nonunion men?

Mr. HARRIS. He knew thoroughly, and understood thoroughly before the contract was let, the conditions under which the contract was going, and we understand he instructed that the work go that way.

Commissioner COMMONS. Is he otherwise unfair, except as regards the construction of that building?

Mr. HARRIS. I think not. None of the other interests are organised except the longshoremen and grain handlers, who handle his products in the warehouse.

Commissioner COMMONS. He is fair toward them?

Mr. HARRIS. Yes.

Commissioner COMMONS. What other boycotts have they?

Mr. HARRIS. Well, there is a boycott against the Hazelwood Creamery, I think, because it refuses to operate with engineers on the 8-hour day.

Commissioner COMMONS. That is, the stationary engineers have declared that. What others?

Mr. HARRIS. Well, there are two or three minor boycotts against some electrical supply houses, because they refuse to employ union electricians, and one meat market because it has had trouble with the meat cutters.

Commissioner COMMONS. Is that a question of employing union men or a question of wages?

Mr. HARRIS. I think in that case it was a question of hours.

Commissioner COMMONS. Are most of these boycotts based on the employment of nonunion men, or are they based on—you mentioned some which were complaints as to the 8-hour question. Does the employment of nonunion men enter also into that question?

Mr. HARRIS. No. I think the principal boycott here in town, or the largest number of them, are based on the 8-hour day.

Commissioner COMMONS. And those that deal with the construction of buildings are based on the employment of union men?

Mr. HARRIS. Yes.

Commissioner COMMONS. I think that is all.

Commissioner LENNON. Just one question on this. When a union applies to the central body for approval of a boycott, is it approved, or what action is taken first by the central body?

Mr. HARRIS. Well, when a boycott is asked for it must go through the section of the central body to which the union properly belongs. The section having approved the boycott it is passed up to the Central Labor Council, and the Central Labor Council, I think, refers it to the executive committee, and the executive committee holds it over, and upon the report of the executive committee the boycott is usually either indorsed or rejected.

Commissioner LENNON. What has the executive committee had to do during the time they have held of it, what do they do?

Mr. HARRIS. Well, the executive committee usually makes a reasonably full investigation of the facts of the case by seeing the people at interest—the unions that are affected, the men who own the plants, or the buildings—and make a reasonably full investigation of the facts in the case upon which to base their findings.

Commissioner LENNON. Do they undertake to settle it?

Mr. HARRIS. I think they do if there is a chance. They usually can ask for more time to assist in settling it, for instance, if they wish to make a settlement, I think, they usually take the time and make an effort to settle it.

Commissioner LENNON. That is all.

Commissioner COMMONS. Do you publish in your paper a list of these boycotts?

Mr. HARRIS. Yes, sir.

Commissioner COMMONS. Under the name "unfair," or what is the name?

Mr. HARRIS. Under the name "unfair list."

Commissioner COMMONS. Has that been before the courts in this State?

Mr. HARRIS. I don't know whether it has or not.

Commissioner COMMONS. Do you know of any cases at all?

Mr. HARRIS. No; I don't know. I would not want to say whether it had been or not, because I am not sure about that.

Commissioner O'CONNELL. In some cases does the manufacturers' association publish a paper, or any of the manufacturers?

Mr. HARRIS. The manufacturers' association, I think, last week or within the last two weeks, began the publication of an official publication. Heretofore the manufacturers' association has been represented by the American Manufacturer, published by a private enterprise.

Commissioner O'CONNELL. Do they publish an unfair list of any kind?

Mr. HARRIS. I do not know as to that.

Commissioner O'CONNELL. Are there any boycotts, alleged boycotts on their part, in the city?

Mr. HARRIS. None that I know of.

Commissioner O'CONNELL. Or a black list?

Mr. HARRIS. I hear rumors of alleged blacklisting, but I don't know anything about it personally.

Commissioner O'CONNELL. Allege—charge that the manufacturers are driving out firms that are favorable to the unions in this city?

Mr. HARRIS. Well, I think quite a little correspondence has passed in the last—the manufacturers, no; not the manufacturers, the employers' association has issued——

Commissioner O'CONNELL. Well, in any form, I don't care whether it is the manufacturers' association or not.

Mr. HARRIS. There are two organizations; they are entirely separate. The employers' association and the manufacturers' association are entirely separate.

Commissioner O'CONNELL. Either one of them.

Mr. HARRIS. The employers' association issued a letter, a pretty strong letter, in relation to the Meier-Frank Building some time ago. I think the letter was published in the Labor Press, and the original copy of the one I had photographed, I think, is in existence.

Commissioner O'CONNELL. Can you get those and furnish them to the commission?

Mr. HARRIS. Yes; I think I can this afternoon.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all.

Mr. THOMPSON. One moment. Do the unions here take an active part in politics?

Mr. HARRIS. As unions; no, sir.

Mr. THOMPSON. Do they seek to elect union men to positions in the city council and other municipal places?

Mr. HARRIS. The last meeting of the State federation, at Astoria, authorized a committee to take up the matter of assisting in electing members to the legislature, and that committee made an effort in the primary election to secure the nomination of three or four men on the various tickets, but failed.

Mr. THOMPSON. Have you got many union men in elective places in this city?

Mr. HARRIS. No; we have not, with the exception of one or two places.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Thank you. Call your next witness.

TESTIMONY OF MR. T. H. BURCHARD.

Mr. THOMPSON. Will you please give us your name?

Mr. BURCHARD. T. H. Burchard.

Mr. THOMPSON. What is your business address?

Mr. BURCHARD. At my home, 829 East Eleventh Street north.

Mr. THOMPSON. And your business is what?

Mr. BURCHARD. I have got so many positions, I don't know which one you mean.

Mr. THOMPSON. Take all of them, then.

Mr. BURCHARD. I am a musician by occupation. And I hold office of president of the Oregon State Federation of Labor and president of the Central Labor Council of Portland and vicinity.

Mr. THOMPSON. What is the form and purpose of the State federation of labor? Is it affiliated with the American Federation of Labor; is it similar to other State federations?

Mr. BURCHARD. Yes, sir.

Chairman WALSH. Is this the same organization of which Mr. Stack was secretary?

Mr. THOMPSON. I was just going to ask. Mr. Stack is your secretary, is he not?

Mr. BURCHARD. Yes, sir.

Mr. THOMPSON. Did you hear his testimony this morning?

Mr. BURCHARD. Yes, sir.

Mr. THOMPSON. Is there anything you care to add to what he said with regard to the federation and its activities?

Mr. BURCHARD. Well, I think he covered the ground pretty thoroughly as far as the organization is concerned.

Mr. THOMPSON. Then we will go right to the question of the industrial situation here. How long have you been president of the State federation of labor?

Mr. BURCHARD. Well, this is my second year.

Mr. THOMPSON. And you are pretty well acquainted with conditions of labor here in this territory?

Mr. BURCHARD. Well, fairly well.

Mr. THOMPSON. What is your opinion of the condition of labor here in the various industries, or in your particular industry, if you are more particularly acquainted with one?

Mr. BURCHARD. Well, I don't consider them very good.

Mr. THOMPSON. What is the reason? What industry? Perhaps you would rather particularize. What industry have you more in mind?

Mr. BURCHARD. Well, to begin with, business is quiet in all industries. The fact of the matter is, there is no business. But the men keep flocking in just the same. And the more men comes, the less business there is. The country in my estimate is overflooded with Greeks, Slavonians, Italians, and things of that sort, people who have no idea of what they are brought here for, or anything of that kind. They are used like cattle after they get here.

Mr. THOMPSON. Do you think there is too much immigration, that that is one of the causes of unrest?

Mr. BURCHARD. Yes.

Mr. THOMPSON. Now, what is the cause of immigration, if you have any idea on that?

Mr. BURCHARD. Cutting wages, perhaps.

Mr. THOMPSON. I mean what causes people to come here?

Mr. BURCHARD. Why, I think they are brought here by alluring literature; I have an idea, from the reports that can be gathered, that that is what brought them here.

Mr. THOMPSON. Well, what remedy would you have for that situation?

Mr. BURCHARD. Well, there are several that could be used. One of them would be to at least have the immigrants that come here to this country to be informed to the rightful conditions that do exist here, and, in addition to that, to be able to read and write.

Mr. THOMPSON. Along the line of the immigration bill being introduced in Congress?

Mr. BURCHARD. Yes, sir; the Dillingham bill.

Mr. THOMPSON. What other causes of unrest, leaving now out of consideration the fact that business is slack and that immigration is large.

Mr. BURCHARD. Well, of course, there is a whole lot of things here that could be remedied, I suppose, if there was a way to get at them to remedy them, but it is pretty hard to get at some of these things. There is the unemployed. There is the problem that, I think, will be a great deal worse this winter than it was last, from the simple fact that there is about, in my judgment, of the unskilled, possibly 60 per cent of the men in this city ain't working right now. This is summer time. I would not dare to predict what it will be this winter.

Mr. THOMPSON. Did you hear Mr. Harris's testimony with reference to the organization of the unskilled workers?

Mr. BURCHARD. Yes.

Mr. THOMPSON. Is there anything you care to add to what he said about the organization of the unskilled workmen?

Mr. BURCHARD. Well, there are several things confront the man that is not a skilled laborer. There are a good many things that would hinder them from being organized. In the first place, he is afraid to be organized from the simple fact that he has seen other people organized and has seen them immediately thrown out of work for doing it. You can hardly blame the man not wanting to go right straight and do something that would lose him his job. You can't hardly expect him to do that.

Mr. THOMPSON. Is there any opportunity among the unorganized workers to help themselves by organization?

Mr. BURCHARD. By organization?

Mr. THOMPSON. Yes. I mean do they seek to organize themselves at all?

Mr. BURCHARD. Well, of course at times they do that; it is kind of spasmodic. They take a notion once in a while they ought to be organized, and about the

time you get them ready to be organized some fellow from the other side throws a bomb in the camp and it is all off.

Mr. THOMPSON. What do you mean by throwing a bomb and the other side?

Mr. BURCHARD. Tells them where they are at.

Commissioner COMMONS. What do you mean by other side?

Mr. BURCHARD. I mean the man who is employing them. They won't be organized then, because they are afraid of their job; they would lose it, that is all. You take, for instance, the men in the civil service here. If all those men would organize the chances are they would all lose their jobs; that is the only thing to it.

Mr. THOMPSON. What constructive proposition have you to make within the line of the commission's scope that would help the industrial situation?

Mr. BURCHARD. Well, the way we are hooked up here, with so many people that really can't talk the language of this country at all, it is a pretty hard problem to say what would be good to do. Of course, the people that can talk—can speak our language fluently—if we could get them organized and could get rid of them that can't speak our language, we might have a chance to do something.

Mr. THOMPSON. What about the question of unemployment? You have heard what has been said about public employment agencies. What have you to add to the testimony already given?

Mr. BURCHARD. Well, I will tell you. I haven't been in a position for the last three or four years to have a great deal to do with employment agencies, but prior to that I did have a little insight into the employment agencies here. About four or five years ago the Oregon Electric—that is, the Willamette Construction Co.—was building a piece of road from Gardner Home to Forest Grove. They employed about 250 Greeks out there, and I went out there to run one of their work trains for them. I am a kind of jack-of-all-trades; work at a little of everything. I began railroading when I was pretty young and worked part of the time in railroading until that got so tough I could not stand it, and then I went into the music business, and when it got so rotten I could not stand it I would go back to railroading; and that is the way I work it, back and forth, and I am still at it. This was one of the jobs I worked on. It was the Oregon road being built, but the Willamette Construction Co. was constructing the road, and they had on three work trains and had about 250 Greeks and Italians and Slavonics and Austrians out there, mostly Greeks.

I found out after I was out there a little while that they had really three gangs there—one coming, one going, and one working—and it worked fine. It went along all right until the contractor or general foreman and the employment agency had a falling out about something. There evidently wasn't something coming through, or something; I don't know just what the outcome of it was; but they had bookmen on the job—what they call bookmen—there could not any of these fellows talk at all—the bookman—it was hard to make him understand. You had to watch them all the time, or they would get out some place and kill themselves. A half dozen would get out and saw themselves off of a limb or something. You had to watch them all the time. You put four or five on a flat car to unload steel, and it would take about two white men at each end of the car to watch them from being thrown out under the rails or something. You had to stick there all the time and watch them. That was the way they were working. At any rate, the employment agents and apparently this general foreman got into some kind of a mix-up and the general foreman came around to the bookmen and says: "You boys come through with a dollar a man a week and I will keep you boys the rest of the season," and as long as I stayed there the rest of the boys were there. I don't know how the thing worked out, but before that there was three gangs all the time—one coming, one going, one working.

Mr. THOMPSON. Are there any other constructive suggestions you have to make to the commission, Mr. Burchard?

Mr. BURCHARD. Well, I don't know as there is. As I said before, there is a whole lot of organization work that could be done if a man could get at it, and it is my opinion that if the men could be organized, that there would be a whole lot more harmony between the men hiring men and the men themselves. There is a lot of times a man loses a job when it is not his fault; it is just a lack of understanding between the man he is working for and himself. For instance, if a man putting up a building some place hires a big bunch of men; and if he hires a bunch of men not organized, we will say, not a labor organization—it don't make any difference what trade it is, whether plasterers, bricklayers, or woodworkers, or steel men. Now, if he has organized men he has men that

have worked together for several years, and he has a concrete organization to start his building from the ground up, and there is not going to be any time wasted or material wasted; but if he is hiring unskilled men, you might say, that is, men unorganized, he has all classes of men, even some tailors working on the job, and there is going to be some wood butchered there before they have the thing done, and there is going to be lots of different kinds of material wasted, and lots of time. That is where I think that organization, providing the employer would understand the situation and get right down to cold facts and hard tacks, and concede the fact that organization was the best for themselves as well as the men, there would be something done. You could do something. Either then the men could be held down, so that they would give a decent day's work for a decent day's pay, and they would have living conditions and living wages, and the other man would profit likewise, in my estimation.

Chairman WALSH. Any questions? That is all.

Mr. BUSCHARD. I would like to say, though——

Chairman WALSH. If there is anything you could suggest—I didn't ask you before.

Mr. BUSCHARD. In regard to some of the boycotting that is going on here. There is one on now that wasn't mentioned—well, there is two of them. There is one against the Home Telephone Co.—between the electricians and the Home Telephone Co.—that I think is a very just one, and there is another one on the Broadway Theater here. Everything absolutely that could be done was done to try to settle those two affairs before they were put on the unfair list, and there was no chance.

Chairman WALSH. Those are existing boycotts by your organization?

Mr. BUSCHARD. Yes, sir.

Commissioner COMMONS. What is the issue in the Home Telephone Co.?

Mr. BUSCHARD. They have refused to hire union men or treat with union men at all.

Commissioner COMMONS. It is a question of unionism?

Mr. BUSCHARD. Just simply closed them out.

Commissioner COMMONS. And in the other case, what is the reason?

Mr. BUSCHARD. The building was let to an unfair firm, Hurley & Mason, and they want to work an open shop, and where they could not get the men to do the work they were willing to hire union men, and where they could get these other butchers for 50 cents to a dollar cheaper, they wanted to do that.

Chairman COMMONS. The boycott in this case is on the owner of the building for letting a contract to a contractor who hired nonunion men?

Mr. BUSCHARD. We feel whenever we negotiate with a man and tell him a certain contractor is unfair to us, and if the contract is let to him that he understands that that condition exists, that that man is unfair to us because he will hire nonunion labor; consequently if he goes ahead and lets the contract to that man, he knows what he is going to expect—that we won't work on the job. He knows that when he lets the job he lets that with that expectation, wanting to do that.

Commissioner COMMONS. And in this case he is fair in all other particulars, is he?

Mr. BUSCHARD. Yes, sir.

Commissioner COMMONS. But he is unfair in this one?

Mr. BUSCHARD. Yes, sir; he knew, though, what he was going into; he wasn't going into it blindly at all. The committee even went clear to Seattle to talk with him over the matter, and tried to adjust it before anything was done either to the building or otherwise by the contractor.

Commissioner LENNON. Are there union musicians playing in the Broadway Theater?

Mr. BUSCHARD. Well, it is not done yet. The chances are that they will.

Commissioner LENNON. What are the conditions in your trade; how is your business?

Mr. BUSCHARD. Well, you know music is a luxury, rather than a necessity, and that is the first thing they cut off. You can imagine how business is—pretty bad.

Commissioner LENNON. You can go out railroading, then?

Mr. BUSCHARD. I am going out looking for some hand-car man's job pretty quick.

Commissioner LENNON. That is all.

Chairman WALSH. That is all, thank you. Call your next.

Mr. THOMPSON. Mr. Bleeman.

TESTIMONY OF MR. B. W. SLEEMAN.

Mr. THOMPSON. Give us your name.
Mr. SLEEMAN. B. W. Sleeman.
Mr. THOMPSON. Your business address?
Mr. SLEEMAN. 162½ Second Street.
Mr. THOMPSON. Are you business agent of the building trades council?
Mr. SLEEMAN. I was up until three months ago.
Mr. THOMPSON. What are you now?
Mr. SLEEMAN. I represent the carpenters.
Mr. THOMPSON. Business agent?
Mr. SLEEMAN. Yes, sir.
Mr. THOMPSON. How long have you been in the building trades in this city?
Mr. SLEEMAN. I have represented the building trades council about four years.
Mr. THOMPSON. Are you pretty well acquainted with conditions in the building trades?
Mr. SLEEMAN. Yes, sir.
Mr. THOMPSON. What are the relations now between the contractors and the building trades unions in Portland?
Mr. SLEEMAN. As far as the large responsible contractors are concerned, I will state that with the majority the relations are favorable.
Mr. THOMPSON. Well, you say with the big contractors. Is there any association of them?
Mr. SLEEMAN. No, sir.
Mr. THOMPSON. They have not. The masons, then, and the other contractors in the building lines are not associated here in any organization?
Mr. SLEEMAN. There is no organization of general contractors at all; we have to deal with them individually.
Mr. THOMPSON. When you say the conditions are favorable with the big contractors, what do you mean by the statement "conditions being favorable."?
Mr. SLEEMAN. I mean to state that the last two or three years we have been able to manage our conditions somewhat without any strike or lockout.
Mr. THOMPSON. Tell us what the conditions are. What are the hours and rates of pay in the different lines?
Mr. SLEEMAN. Why——
Mr. THOMPSON. With the big contractors.
Mr. SLEEMAN. Our hours are 8 hours a day, 44 hours a week, in most of the organizations.
Mr. THOMPSON. Most of the organizations?
Mr. SLEEMAN. Yes, sir.
Mr. THOMPSON. What are the rates of pay in most of the organizations?
Mr. SLEEMAN. Well, carpenters, $4; painters, $4; steel workers, $5 a day; plasterers, plumbers, and steam fitters and bricklayers, $6 a day; the electrical workers, $4.50 a day; and laborers, common laborers, from $2.50 to $4 a day.
Mr. THOMPSON. When you say that the conditions are favorable with the big contractors, do they pay higher wages and give shorter hours than other contractors?
Mr. SLEEMAN. Well, we have been able to maintain a better organization.
Mr. THOMPSON. I know, but I want specifically, Mr. Sleeman, to get at this point. Is it a matter of wages or hours that conditions are better with big contractors than the small ones?
Mr. SLEEMAN. Both.
Mr. THOMPSON. Or is it a matter of organization?
Mr. SLEEMAN. It is a matter of organization.
Mr. THOMPSON. In other words, the wages are paid pretty nearly the same by everybody?
Mr. SLEEMAN. No, sir; where the men are unorganized the wages are much less.
Mr. THOMPSON. I know; but I mean in dealing with the contractors here. Where the union deals with the small contractors, do you get the same wages you do with big contractors?
Mr. SLEEMAN. Yes, sir.
Mr. THOMPSON. Do you deal with small contractors?
Mr. SLEEMAN. Yes, sir.

Mr. THOMPSON. I would like to have you tell the commission wherein the conditions are better with the large contractors. In what respect, and what you mean by they are better in organization.

Mr. SLEEMAN. Well, through the organization in the building industry we have been in position to demand better conditions from the contractors hiring a large number of men, especially among the skilled mechanics, and inasmuch as the skilled mechanics have been organized we have been able to get better conditions for the laborers.

Mr. THOMPSON. What do you mean by better conditions? You mean where you deal with large contractors requiring a large number of skilled men you have union jobs?

Mr. SLEEMAN. Yes, sir.

Mr. THOMPSON. That is what you mean?

Mr. SLEEMAN. Yes, sir.

Mr. THOMPSON. In what other respects, if any, are conditions better?

Mr. SLEEMAN. Well, we have in the last three or four years in this city—about four years ago a majority of the work in the largest buildings in this city was in every line not less than 10 hours a day and several lines 7 days a week. At the present time the majority of the work is being done at 8 hours a day and 5½ days a week. We have made that much improvement by organization.

Mr. THOMPSON. That is due to what, in your opinion?

Mr. SLEEMAN. Organization of the building industry, of the building mechanics.

Commissioner COMMONS. Is that general through all the building trades?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. Bricklayers as well as others?

Mr. SLEEMAN. Well, not so particularly the bricklayers, because they have always been fairly well organized, but we have bettered the conditions of those other organizations that were not so well organized. For instance, you take the laborers, the concrete laborer at that time was working at any old price, from $2.50 down—not up, but down—and working any hours. It didn't matter what their hours was, the middle of the night or Sunday or any old time. At the present time we have got for them an organization where their wages at this time for pouring concrete are $3 a day and eight hours, and have overtime the same as mechanics.

Commissioner O'CONNELL. Which of the building laborers or organizations is it that works with the hod carriers?

Mr. SLEEMAN. The hod carriers are all organized. They have a fair organization.

Commissioner O'CONNELL. And all other laborers that work on the building?

Mr. SLEEMAN. As I said, we have organized the concrete men, but we haven't to any great extent organized the common laborers.

Commissioner O'CONNELL. Does not the building labor organization, the hod carriers, take in all building laborers?

Mr. SLEEMAN. Yes, sir.

Commissioner O'CONNELL. So that they are all in the building organization?

Mr. SLEEMAN. Yes, sir.

Commissioner O'CONNELL. They are being organized?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. You mean there is a union ready to take them in, but they are not all taken in yet?

Mr. SLEEMAN. The building laborers, namely, the men who help the plasterers and bricklayers, and pouring the concrete, that is what we have organized at the present time, and we are endeavoring at this time to organize all the common laborers in the building industry, and we have been successful to some extent with the common laborers, but the rest of the men are well organized.

Mr. THOMPSON. What per cent of the work done is done here under what you call favorable conditions or union conditions?

Mr. SLEEMAN. I should say in the large work, about 80 per cent of it.

Mr. THOMPSON. There has been something said about boycotting growing out of this building trades situation. Who are the contractors on the Lipman-Wolff Building and the Broadway Theater, two buildings that have been named?

Mr. SLEEMAN. A firm known as Hurley & Mason.

Mr. THOMPSON. What wages do they pay, and what hours do their men have, if you know, and how large is this firm?

Mr. SLEEMAN. The Hurley & Mason Co. three or four years ago had practically the bulk of the work, the large work. Their hours were 10 hours and no overtime, so that made it any time, 10 hours or any old time. But 10 hours was the regular day's work. In my own particular craft, that of carpenter, they paid any wages, 30 and 40 cents, and some men 50 cents an hour. Their conditions were much below that of the union conditions.

Mr. THOMPSON. Well, what are the conditions among them now? Do you know?

Mr. SLEEMAN. The conditions at the present time are somewhat better. They have reduced their hours to nine hours a day. They are about the only concern in the city of any magnitude, that is, building concern, working over eight hours.

Mr. THOMPSON. How do their wages compare with the union scale?

Mr. SLEEMAN. Not so good.

Mr. THOMPSON. Do you know what they are?

Mr. SLEEMAN. Well, I would not be positive, although I know they are better than they were. In my own particular line of carpentry, I believe that they are just a little below the union scale of wages, because we demand time and a half for overtime, and that is something that they don't get.

Mr. THOMPSON. Have you had a strike in the building trades in this city in the last two or three years?

Mr. SLEEMAN. Not of any magnitude.

Mr. THOMPSON. Not of any magnitude?

Mr. SLEEMAN. Let me see. We had a strike of the electrical workers; that was about three years ago.

Mr. THOMPSON. Were there any important principles involved in any of the strikes?

Mr. SLEEMAN. Just the rate of wages.

Mr. THOMPSON. Just the rate of wages. Nothing, then, in connection with the strike that would be of interest to the commission, as you look at it?

Mr. SLEEMAN. I don't think so; no, sir.

Mr. THOMPSON. Have you got any views as to the conditions of labor generally? In other words, with reference to the relations between employer and employee in this part of the country?

Mr. SLEEMAN. Beg pardon.

Mr. THOMPSON. Have you any views with reference to the relations which exist between employer and employee in this part of the country as to whether they are friendly or unfriendly, generally speaking?

Mr. SLEEMAN. Well, I believe that the conditions are different. There is no organization of employers other than there seems to be that of the employers' association, and as far as my experience has been with the employers' association, whenever we are in trouble or a little difficulty with any of our employers, why they are on the job to widen the breach instead of bringing us together. We at times have a little misunderstanding with some of our employers, and I found we always come out all right, but the employers' association haven't done anything, to my knowledge, to help us settle the difficulty other than to make the breach wider, because of the fact that we have to deal with the employers as individuals. Well, one employer thinks one way and the other the other, and there is no concrete foundation to work on.

Mr. THOMPSON. Then you believe it would be a good thing if there were employers' associations in the building trades?

Mr. SLEEMAN. Yes, sir; I believe if the employers in the building industry were in an organization and we could meet them as an organization it would be a whole lot better.

Mr. THOMPSON. Then, you would suggest unionization of the employers?

Mr. SLEEMAN. I believe in organization of the men, and I don't see any reason why the employers should not organize.

Mr. THOMPSON. Take conditions of labor outside of these crafts in the building trades, what is that here. You have been here all day?

Mr. SLEEMAN. Yes, sir.

Mr. THOMPSON. Have you heard what has been said by other witnesses in regard to that?

Mr. SLEEMAN. Yes, sir.

Mr. THOMPSON. What have you got to add to what has been said about unemployment and conditions of labor, etc.?

Mr. SLEEMAN. Well, here is what we have had—men in the building industry have had their time occupied so much by their own troubles, we haven't

had so much time to give to the study of other difficulties. But I know that there is a great deal of unrest among all the laboring men in this city, due to the fact that the men are unemployed—that is largely the case. When men are not working—I know in my own particular organization when the men are working there is no trouble; when they are not working, there is discontent. Another thing is, our wages have not been raised—not increased enough in proportion to the expense of living. It is making it a whole lot more difficult for a man to live on the same amount of money now than it was a few years ago.

Mr. THOMPSON. What have you to say with reference to the boycott that has been spoken of here. Have you anything to add to what has been said already?

Mr. SLEEMAN. Nothing other than I believe that whenever a building—speaking of one of our own institutions—has been constructed under unfavorable conditions or under conditions not recognized by those men that are organized, I think we should have the right to let the public know it.

Mr. THOMPSON. That is all you care to say about that now?

Mr. SLEEMAN. I think that is all.

Mr. THOMPSON. Have you anything else to say to the commission with reference to any subject that would come before it, or with reference to any of the questions submitted to you, that would be of value?

Mr. SLEEMAN. No, sir. I would answer any question you might like to ask me.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. I understood in the beginning of your testimony you indicated there might be some difference between the large and small contractors. Now, suppose a union contractor worked on the largest building ever constructed in this city to-day, and to-morrow he worked on a $1,500 house, but they are both union jobs. Does he get the same wages in both places?

Mr. SLEEMAN. Absolutely.

Commissioner LENNON. I was afraid there would be some misunderstanding.

Mr. SLEEMAN. My reference there was that the large employers—the reason I made it the large employers, the responsible employers, is, we deal with them and have a whole lot more success with them than we have with the small employers. That is why I made the difference in that respect.

Commissioner LENNON. Last winter when unemployment was acute here, did the carpenters' union take care of the unemployed carpenters where it was necessary for them to have help?

Mr. SLEEMAN. Our organization takes care of all its men to its limit. Very few men that are not taken care of by our organization.

Commissioner LENNON. I want to ask a question that has not been asked here, and see if you have ever given it any consideration. In the ordinary arrests in this city that come before the police court for drunkenness, for abuse of their wives or children, or ordinary misdemeanors, have you any real knowledge—I don't mean guesswork, but knowledge as to whether the union men show up as well as the nonunion men of the community. Not simply guesswork, if you don't know anything about it, say so.

Mr. SLEEMAN. I can't say I have given it any study at all. I know a man goes out and gets into court—members of our organization, if they beat up their wives, it is not very good for them when they come back to the organization. But outside of that, we haven't made any particular study except there are very few of our men that I know of that ever get arrested. We haven't had any necessity of helping anybody out in cases of that description.

Commissioner LENNON. That is all.

Chairman WALSH. Any other questions?

Commissioner COMMONS. I have a question I would like to ask: This firm you speak of, I have forgotten the name.

Mr. SLEEMAN. Hurley & Mason.

Commissioner COMMONS. You say they have in case of carpenters, employed them nine hours?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. And at 30 to 50 cents an hour?

Mr. SLEEMAN. I don't know exactly; I think they have increased their wages. They pay them, as they rate it, what the men are worth. They were paying 30 to 40 and 50 cents an hour, but that was three or four years ago.

Commissioner COMMONS. What is the union minimum scale?

Mr. SLEEMAN. Fifty cents an hour.

Commissioner COMMONS. Do you know of any number employed by this other firm at less than 50 cents an hour—carpenters?

Mr. SLEEMAN. Well, I haven't individually at this time asked the men what they were getting. I know some of the men at this time are getting 50 cents an hour, nine hours a day. On the last job they have, I haven't gone into it myself.

Commissioner COMMONS. What do you get for overtime?

Mr. SLEEMAN. Time and a half and double time for Sundays and holidays.

Commissioner COMMONS. So that if you work nine hours you would have——

Mr. SLEEMAN. Four dollars and seventy-five cents.

Commissioner COMMONS. And what would they get for nine hours, $4.50?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. How many buildings have they constructed here that are now being boycotted?

Mr. SLEEMAN. Two, right now.

Commissioner COMMONS. What are they—Lipman-Wolff——

Mr. SLEEMAN. And Broadway Theater.

Commissioner COMMONS. Those two?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. And what is the actual ground of the boycott—that they are a nonunion establishment?

Mr. SLEEMAN. Yes, sir; that they will not employ union men and the conditions maintained by the organization.

Commissioner COMMONS. Would you furnish us with figures—statistics that would show this increase in wages and the reduction of hours since the beginning of this period of organization which you said was about four or five years ago?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. Could you get that from your different organizations so that we could have it?

Mr. SLEEMAN. Yes, sir; I think we could.

Commissioner COMMONS. Will you do that?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. You understand what is wanted?

Mr. SLEEMAN. What is it you want?

Commissioner COMMONS. You said four or five years ago there was not much organization in the building trades?

Mr. SLEEMAN. Yes, sir.

Commissioner COMMONS. Take the wages and hours prior to that period, and also show them at the present time, both for the union establishment and for the nonunion establishment.

Mr. SLEEMAN. All right, sir.

Commissioner COMMONS. That is all.

Chairman WALSH. Anything else? That is all; thank you. Call your next.

Mr. THOMPSON. Mrs. Lizzie Gee.

TESTIMONY OF MRS. LIZZIE GEE.

Mr. THOMPSON. Give us your name.

Mrs. GEE. Mrs. Lizzie Gee.

Mr. THOMPSON. And your business address?

Mrs. GEE. My business address is 92 East Grand Avenue.

Mr. THOMPSON. What official position have you with the garment workers?

Mrs. GEE. I have no official position at the present time.

Mr. THOMPSON. Are you connected with the United Garment Workers' organization?

Mrs. GEE. Oh, yes.

Mr. THOMPSON. A member of it?

Mrs. GEE. I am a member of it.

Mr. THOMPSON. Did you have some official position with it?

Mrs. GEE. Not at the present time.

Mr. THOMPSON. How long have you been a member of the organization?

Mrs. GEE. Twelve years.

Mr. THOMPSON. In and around Portland?

Mrs. GEE. In Portland.

Mr. THOMPSON. What local do you belong to, or what craft?

Mrs. GEE. Two twenty-eight.

Mr. THOMPSON. Is that divided into pants makers and vest makers and coat makers?

Mrs. GEE. No, sir; it is mechanics. I am connected with the mechanics' clothing.

Commissioner COMMONS. What does that mean?

Mr. THOMPSON. What is that, overalls?

Mrs. GEE. Overalls; all kinds of mechanics' clothing—coats, and aprons and shirts and overalls.

Mr. THOMPSON. In your position as a union worker connected with the organization, have you some ideas with reference to the condition of labor in this locality?

Mrs. GEE. Well, do you mean particularly women, or to all?

Mr. THOMPSON. All labor, or such parts of the labor field that you are acquainted with. Have you some field that you are in touch with?

Mrs. GEE. Well, I have been very much interested in the labor field for the past 12 years.

Mr. THOMPSON. In your opinion is there a state of unrest, or not, in the labor world here?

Mrs. GEE. Well, at the present time I can say there is.

Mr. THOMPSON. What, in your opinion, is the cause of that unrest, if any exists?

Mrs. GEE. Well, it is the lack of sufficient employment.

Mr. THOMPSON. And what is that due to—too large a number of workers here, or what?

Mrs. GEE. A large number of workers; and a majority of them are working too long hours.

Mr. THOMPSON. What particular trade have you in mind now, or industry?

Mrs. GEE. Well, I have no particular trade or industry in mind; in all.

Mr. THOMPSON. What would you say in reference to what could be done to help the matter in that regard? Would shortening the hours be a sufficient remedy?

Mrs. GEE. No; it would not be sufficient, but it would help.

Mr. THOMPSON. What other remedy would you advocate or would you suggest?

Mrs. GEE. Well, I don't know as I am in a position to take up the matter. There are a great many people taking up questions to-day, but it seems that they can not solve them.

Mr. THOMPSON. You were presented with a list of questions, were you not?

Mrs. GEE. No; I was not.

Mr. THOMPSON. Take your own field, for instance, the garment makers' field, what would you say in regard to that? What are the conditions there?

Mrs. GEE. Well, the conditions in the garment workers' field locally are not good.

Mr. THOMPSON. What is the cause for their condition?

Mrs. GEE. Lack of demand for wearing apparel.

Mr. THOMPSON. Of course, that could only be helped by more business.

Mrs. GEE. That could only be helped, I presume, by more business.

Mr. THOMPSON. Are there any statements or suggestions that you would like to make to this commission touching your own industry, or in your particular industrial field?

Mrs. GEE. Why, as far as my own industry is concerned locally, we are organized.

Chairman WALSH. How many members have you, madam?

Mrs. GEE. We have about 300 members.

Chairman WALSH. How many are engaged generally in the garment industry in Portland?

Mrs. GEE. All of them. There are only the one local in the State of Oregon.

Chairman WALSH. Have you a 100 per cent union, or are there a number of unorganized ones in the industry?

Mrs. GEE. Well, in that particular trade we have; in that one particular trade.

Chairman WALSH. Do you have any special knowledge of the garment industry generally, outside of this making of garments for mechanics?

Mrs. GEE. Well, no; because I have not been—I am only speaking from an experienced standpoint.

Chairman WALSH. What are the wages paid to the members of your own craft in Portland?

Mrs. GEE. In my craft it is principally piecework.

Chairman WALSH. What would you say were the average earnings of your workers? Classify them.

Mrs. GEE. Well, under the average earnings of the workers, that will take the poor and the best, the apprentice and all, I would say an average wage of $20.

Chairman WALSH. What is the highest paid worker in your particular craft?

Mrs. GEE. You mean—that don't apply to pieceworkers?

Chairman WALSH. It applies to the pieceworkers; what is the highest wage made by those in your craft?

Mrs. GEE. Oh, the highest wage made?

Chairman WALSH. Yes.

Mrs. GEE. Well, the highest wage made is made by the pieceworkers, and I would say the highest wage made is $25 a week.

Chairman WALSH. How many of this membership of yours makes $25 a week would you say, approximately?

Mrs. GEE. Well, there isn't a great many of them.

Chairman WALSH. Well, how many?

Mrs. GEE. Well——

Chairman WALSH. Can you give the percentage?

Mrs. GEE. Out of 300 I presume there would not be more than 50.

Chairman WALSH. Fifty that would get $25?

Mrs. GEE. That is pieceworkers.

Chairman WALSH. I understand. Now, then, what is the lowest wage made by those pieceworkers?

Mrs. GEE. Well, you understand piecework, when a pieceworker goes to work they make what they—they just receive what they make.

Chairman WALSH. Certainly.

Mrs. GEE. And an inexperienced pieceworker that has no idea of the system or the running of a power machine——

Chairman WALSH. I would not want one like that.

Mrs. GEE. You wouldn't want that one, you would want one, say, that had been there a year, then?

Chairman WALSH. Yes; an average paid worker in your craft.

Mrs. GEE. I would say, then, that would be $10.

Chairman WALSH. So that the pay for a maker of mechanic clothing, you would say, ranges from $10 to $25 per week.

Mrs. GEE. Yes.

Chairman WALSH. In this community how many would you say get approximately $10 a week?

Mrs. GEE. Well, I would say that more than two-thirds.

Chairman WALSH. More than two-thirds make $10 a week?

Mrs. GEE. Yes.

Chairman WALSH. And then the balance would range between that and $25?

Mrs. GEE. Yes. That is speaking—that is saying after a year's experience.

Chairman WALSH. How many hours a day do you work?

Mrs. GEE. Eight hours.

Chairman WALSH. And what are the rules of apprentices? How many apprentices are there in that particular craft?

Mrs. GEE. As far as the pieceworkers are concerned they are all apprentices until they qualify themselves, or until a certain period.

Chairman WALSH. Under any rule that you care to designate yourself, how many apprentices are there in your particular craft?

Mrs. GEE. Well, I couldn't answer that because I do not—now, then, I would say, that in our particular trade they are coming and going all the time.

Chairman WALSH. So that you could not tell how many there are at any particular time?

Commissioner O'CONNELL. You have no apprentice rules?

Mrs. GEE. No; we have no apprentice rules.

Commissioner GARRETSON. The operative who works the first day gets the same price for the garment that he makes as the one that has been there five years?

Mrs. GEE. Yes; but as a rule—now, I will say, I am speaking for the firm I am working for, I do not say all firms do that, but the firm I am working for has a rule if an operative comes in and they see that he is likely to make a good operator, it would pay to keep him, they will make their wages up if they don't make enough, say, for the first two or three weeks to enable them to get along.

Mr. THOMPSON. What has been the effect of the minimum wage law, if any, on your industry?

Mrs. GEE. There has been no effect on my particular industry, except our union scale for paid workers; we paid, the average was $8 a week, and the minimum wage raised it to eight sixty-four.

Mr. THOMPSON. The garment workers who are making mechanics' clothing are pretty well organized, are they not?

Mrs. GEE. Yes.

Mr. THOMPSON. How are the garment workers who are making ordinary clothing; are they well organized or not, do you know?

Mrs. GEE. Not organized.

Mr. THOMPSON. What effect has the eight-hour law had on your industry?

Mrs. GEE. What effect would it have?

Mr. THOMPSON. Did it have, or have you got it?

Mrs. GEE. We haven't got any eight-hour law. Our organization gave us our eight hours.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Anything else?

Commissioner LENNON. How many weeks' works are you able to make in any year, do you suppose?

Mrs. GEE. Well, we are able to put in a year's work.

Commissioner LENNON. Do you have steady employment?

Mrs. GEE. Have so far, for 12 years.

Commissioner LENNON. For your 300 people?

Mrs. GEE. For the 300 people. We are now on a vacation for a month.

Commissioner LENNON. One month?

Mrs. GEE. Usually they do not close the place I am in. They allow their operatives to go a certain length of time, and so on.

Commissioner LENNON. If they permit some of the operatives to go do they get the 52 weeks' work a year?

Mrs. GEE. Well, it is to their option. If they want to go they can go and take their vacation if they see fit, if they care to.

Chairman WALSH. That is all; thank you. The commission will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon at 4.30 o'clock p. m. an adjournment was taken until 10 o'clock a. m. of the following day, August 21, 1914.)

PORTLAND, OREG., *Friday, August 21, 1914—10 a. m.*

Met pursuant to adjournment.

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Garretson, and Commons; also W. O. Thompson, counsel.

Chairman WALSH. The commission will please come to order. You may proceed, now, Mr. Thompson.

Mr. THOMPSON. Mr. Lorntsen.

TESTIMONY OF MR. H. M. LORNTSEN.

Mr. THOMPSON. Please give us your name.

Mr. LORNTSEN. H. M. Lorntsen.

Mr. THOMPSON. And your address—business address?

Mr. LORNTSEN. Box 138, Astoria, Oreg.

Mr. THOMPSON. And your business?

Mr. LORNTSEN. I am secretary of the Columbia Fishermen's Union and secretary of the Columbia River Protection Union.

Mr. THOMPSON. How long have you been connected with that organization?

Mr. LORNTSEN. I have been a member of the Columbia River Protective Union since 1887. I have been secretary since 1900, in the spring.

Mr. THOMPSON. How large an organization is that, and with what other bodies, if any, is it affiliated?

Mr. LORNTSEN. In the United Fishermen's Union there are six locals on Puget Sound. There is one at Broderick, Sacramento; there is one at Unqua, Oreg.; one at Siskiyou, Oreg.; and one on the Columbia River.

Mr. THOMPSON. Have you a printed constitution and by-laws?

Mr. LORNTSEN. Yes, sir.

Mr. THOMPSON. Have you a copy of it with you?

Mr. LORNTSEN. No, sir.

Mr. THOMPSON. Would you be willing to furnish the commission with a copy?

Mr. LORNTSEN. Certainly.

Mr. THOMPSON. If you please.

(Booklet entitled "Constitution and By-Laws of the Columbia River Fishermen's Protective Union, Local No. 2, United Fishermen of the Pacific," was subsequently submitted in printed form.)

Mr. THOMPSON. Please tell us briefly the aims and purposes of your organization and the class of workers it takes into it.

Mr. LORNTSEN. The aim and object first when we started was to better the condition along the line of the prices of fish, because as unorganized fishermen we had absolutely no show with the packers. They paid whatever they pleased, and if you would not take it—well, get.

I got a little table here taken from the United States fisheries report, showing the price paid for raw materials, and what they obtained for canned goods before the organization started. I also have something after that.

In the year of 1866 they commenced to can salmon on the Columbia River. They paid then 15 cents apiece for salmon and got $16 a case. In 1867, 20 cents was paid; they got $13 a case. In 1868, 20 cents; $12 a case. In 1869, 20 cents; $10 a case. In 1870, 20 cents; $9 a case. In 1871, 20 cents; $9.50 a case. In 1872, it was 22½, and they got $8 a case. From 1873 to 1879 it was 25 cents apiece, and they got from $4.50 to $7 a case. In 1880 it was 50 cents, and they got $4.60 to $4.80. In 1881, 60 cents apiece, and $5 a case. In 1882 and 1883, 75 cents, and $5 a case. In 1884, 50; $4.70 a case. In 1885, 75 cents, and $4.70. In the year of 1886 they were going to pay the fishermen 45 to 50 cents apiece. That was the price set by the packers, and the fishermen refused to accept, and they formed the Columbia River Fishermen's Protective Union. They only demanded 10 cents more a pound, and they got it after a struggle, to the end of May. They organized on the 11th of April and they struck on the 15th of May, and then the packers was able to figure out that they could pay the price. Now that then brought to the fishermen approximately——

Mr. THOMPSON. Give us more definitely, but still present briefly, the classes of workers in the organization?

Mr. LORNTSEN. That is, the gill-net fishermen?

Mr. THOMPSON. The gill-net fishermen and the packers, and in the canneries, too.

Mr. LORNTSEN. No; they have nothing to do with that.

Mr. THOMPSON. They haven't anything?

Mr. LORNTSEN. No; it is only the fishermen that is in the organization. Now, that brought to the fishermen then about $134,000 more than they would have had without the organization. Before that time the fishermen used to come to Astoria in the spring, and when the season was over they went somewhere else; but with the establishment of the union Astoria commenced to build up, the fishermen realized that they had something to live for, to live there for; something that they could bank on, and they settled down.

Mr. THOMPSON. Just a moment. When you speak of the price that you pay you mean for a fish?

Mr. LORNTSEN. Yes.

Mr. THOMPSON. You said sometimes 75 cents a fish. Was that a single fish?

Mr. LORNTSEN. That was a single fish; that is, for the fish at that time.

Mr. THOMPSON. Paid to the fishermen?

Mr. LORNTSEN. Yes, to the fishermen.

Commissioner COMMONS. What is meant by a case?

Mr. LORNTSEN. Forty-eight cans of 1 pound.

Commissioner COMMONS. How many fish?

Mr. LORNTSEN. That is an average of three fish.

Mr. THOMPSON. When you say you paid $5 for a case, what do you mean? To whom did they pay that?

Mr. LORNTSEN. That was what the packers received for it.

Mr. THOMPSON. Oh, the packers received that?

Mr. LORNTSEN. I want to say here, gentlemen, that there is absolutely no relationship between the price paid for raw material and what they receive for the canned goods. They paid as little as possible and got all they could, that is all.

Mr. THOMPSON. Three normal fish, you say, would make a case of average size?

Mr. LORNTSEN. We figure an average of three fish to a case.

Mr. THOMPSON. Go ahead.

Mr. LORNTSEN. Then the following year they raised the price to 80 cents and 90 cents, and have no trouble in getting it. That brought again to the fishermen, then, something like $328,000 more than we would have had without an organization. The fourth year was a dollar, and then $1.25; $1.25 they are paying for fish caught by private rigs. Used to have cannery rigs and didn't get so much, because in that case the canneries charged up against it; but they got $1.25 the third year, and that brought over $500,000 to the fishermen. That is the difference between the—I wouldn't say the difference between 45 and 55, say, the first year, in 1886, but we said that probably the canneries would have paid 75 cents without an organization on the river; but still the difference between 75 and $1.25 gave them over $500,000 for the fish that year; and the following year was the same thing, he had the same price, but the pack was not so big, but they cleared anyhow over $400,000, and gave on the river the biggest amount they had. Then the fishermen had heard all around about it, and the packers tried to get men in here to fish as cheap as possible. We then struck in—let us see, that was the fourth year—the ninth year it was we had struck. We had a couple of strikes after that, but the last strike we had was in 1900.

Mr. THOMPSON. What is the condition of the fishermen now? Is the organization in healthy condition?

Mr. LORNTSEN. Not as they should be. They would be a whole lot better off if more of them had sense enough to get in.

Mr. THOMPSON. What proportion of the men engaged in salmon fishing on the Pacific coast are in your organization?

Mr. LORNTSEN. Well, on the Columbia River we have about 2,000 men, and the local sound, Puget Sound, I don't know exactly the number, but all the fishermen in the locality where locals are in existence, they are all in. But they are only small locals. Down on the Sound I think there is one that has 60 members in the organization, practically every man is down there.

Mr. THOMPSON. About what proportion are organized?

Mr. LORNTSEN. In Oregon and Washington?

Mr. THOMPSON. Yes.

Mr. LORNTSEN. Well, altogether that is about a half organization; sailors and trappers, they have got their own organization.

Mr. THOMPSON. Your organization does not include those?

Mr. LORNTSEN. No; we have nothing to do with them.

Mr. THOMPSON. What are the prices that you are getting for fish now?

Mr. LORNTSEN. This season we have been paid 6 and 7½ cents a pound.

Mr. THOMPSON. What will the average fish weigh?

Mr. LORNTSEN. Well, it is pretty hard to tell exactly, about 20 pounds, 22 pounds, 23 on an average; yet it goes approximately between 63 and 65 pounds to a case.

Mr. THOMPSON. How much do you figure you would get out of that—the fishermen?

Mr. LORNTSEN. We are getting 6 cents a pound for the small fish—that is, fish less than 25 pounds.

Mr. THOMPSON. You would get a little over $3.50 a case, the fisherman would to-day?

Mr. LORNTSEN. Yes, sir.

Mr. THOMPSON. What does a case sell for to-day?

Mr. LORNTSEN. The tall cans is sold at $1.95; the flats, $2.10; halves, $1.25; ovals, 1 pound, $2.65; and half pound ovals, $1.80 per dozen.

Mr. THOMPSON. How many dozen in a case?

Mr. LORNTSEN. Four.

Mr. THOMPSON. Well, you had all the figures figured out as to what the fishermen got and what the cases sold for as to the others, but you don't seem to have the later figures figured out in that way. Could you get those figures up and give them to the commission later on?

Mr. LORNTSEN. Like this?

Mr. THOMPSON. What is that?

Mr. LORNTSEN. Like I have it here?

Mr. THOMPSON. You had some figures that gave the price per pound and per case?

Mr. LORNTSEN. Yes, sir.

Mr. THOMPSON. You can give us those figures so that we can figure it out ourselves?

(See Lorntsen exhibit.)

Commissioner COMMONS. What is the present price per case?

Mr. LORNTSEN. It don't sell by the case any more, it goes by the pound.

Commissioner COMMONS. Formerly when you got a dollar and a quarter for fish, what would it work out now?

Mr. LORNTSEN. We get more.

Commissioner COMMONS. What would it work out now?

Mr. LORNTSEN. I don't know exactly.

Commissioner COMMONS. A dollar and a half?

Mr. LORNTSEN. Probably.

Commissioner COMMONS. What does a case work out now?

Mr. LORNTSEN. That is what I just said. It is a dollar and ninety-five cents per dozen for talls, and two dollars and ten cents for flats.

Commissioner COMMONS. Take on the basis you started on.

Mr. Mr. LORNTSEN. Well, it would be about $8——

Commissioner COMMONS. Where they get $5 a case in 1880, what would they get now—in 1880?

Mr. LORNTSEN. They would get about seven dollars and some cents.

Commissioner GARRETSON. Eighty cents.

Commissioner LENNON. Seven dollars and eighty cents?

Mr. LORNTSEN. Yes.

Commissioner COMMONS. About $7.80, and you are getting about $1.50 per fish; that is, three and a half a case you are getting, and they are getting seven eighty a case. That is about the way it is now?

Mr. LORNTSEN. Yes.

Commissioner O'CONNELL. How much money do you make, how much, for instance, a week, a day, or a month? Let us get at the real money you make.

Mr. LORNTSEN. Well, the real money is very poor picking when it comes really down to that.

Commissioner O'CONNELL. Let us see, how much money do you earn a month?

Mr. LORNTSEN. The average, you see, per boat on the Columbia River would not go over $900.

Commissioner O'CONNELL. Now, a boat—how many men in a boat?

Mr. LORNTSEN. That is two at the most.

Commissioner O'CONNELL. Six hundred dollars a month for two?

Mr. LORNSTEN. No, sir; for the season.

Commissioner O'CONNELL. Oh, the season.

Mr. LORNTSEN. About six hundred; they average $900.

Commissioner O'CONNELL. Now, do you mean to say that a fisherman only earns $300 a year?

Mr. LORNTSEN. He has got to do something else or he would starve.

Commissioner O'CONNELL. At fishing.

Mr. LORNTSEN. He won't make that, even, at an average.

Commissioner O'CONNELL. Now listen, and see if we can't get it.

How long is the season, how long does he work at fishing each year?

Mr. LORNTSEN. The season at present commences May 1 and ends at August 25.

Commissioner O'CONNELL. That is May, June, July, and August, four months.

Mr. LORNTSEN. Yes; practically four months.

Commissioner O'CONNELL. That is all the fishing he does in a year, is it?

Mr. LORNTSEN. Well, most of it, do a little fishing in the fall and in the winter, but it don't amount to much.

Commissioner O'CONNELL. In those four months, how much money would he make?

Mr. LORNTSEN. At an average, probably make $300.

Commissioner O'CONNELL. Two hundred dollars a season for fishing?

Mr. LORNTSEN. Yes.

Commissioner O'CONNELL. Now, what does he do during the balance of the season?

Mr. LORNTSEN. Does anything he can get hold of.

Commissioner O'CONNELL. What do they do as a general thing, do they hang around?

Mr. LORNTSEN. No, no; there is some of them get little farms of their own, some go into other work, some longshoremen, some work in the mills, some work on the road, strike out at anything else, anything they can do.

Commissioner O'CONNELL. The occupation which they follow, or profession, that of fisherman, they only make $200 a year at it?

Mr. LORNTSEN. At an average. There is men, of course, that makes probably as high as a couple of thousand dollars' worth of fish, but there is other boats that don't get hardly anything.

Commissioner COMMONS. How much do they have invested in their boats and equipment?

Mr. LORNTSEN. Well, a gasoline boat comes somewhere around $600, and a net—one net will be at least $400, you might say.

Commissioner COMMONS. A thousand dollars?

Mr. LORNTSEN. Yes, sir; $1,500; some of them got two nets.

Commissioner COMMONS. And you say that they get $600?

Mr. LORNTSEN. Well, that is an average.

Commissioner COMMONS. Does that cover interest on that boat, out of that six hundred?

Mr. LORNTSEN. They generally figure that one-third of a catch goes to cover the rig.

Commissioner COMMONS. Then this $600 is net after the one-third?

Mr. LORNTSEN. No, sir; nothing net about it.

Commissioner COMMONS. The gross——

Mr. LORNTSEN. Yes, sir.

Commissioner COMMONS (continuing). Revenue is $600, out of which they have to pay for their rig?

Mr. LORNTSEN. Yes, sir.

Commissioner COMMONS. And meet the depreciation, and so on?

Mr. LORNTSEN. Yes, sir.

Commissioner COMMONS. And get whatever is left for earnings?

Mr. LORNTSEN. Yes.

Comissioner LENNON. How long do they use these boats; how many years?

Mr. LORNTSEN. Oh, a boat, by taking good care of it, it will last a good many years, but the net can't be depended on more than two years.

Commissioner LENNON. Will a boat last 10 years?

Mr. LORNTSEN. Yes.

Commissioner O'CONNELL. You mean to say that a net that he pays $400 for will only last two years?

Mr. LORNTSEN. Not to be depended on. Some won't last that long.

Commissioner O'CONNELL. Then, if he only makes $200 a year, he is buying nets with all the money he gets?

Mr. LORNTSEN. Yes; some of the canning men got to suffer for that.

Commissioner O'CONNELL. You mean to say out of these earnings, this $200 on an average that you say they make each year, that every second year they buy a new net that costs $400?

Mr. LORNTSEN. Oh, no; I didn't say that. The $200—there is $600 average to the boat. That is divided into three. Two hundred dollars goes into the rig. If that don't cover it, why the man that owns the rig, he has got to stand it.

Commissioner LENNON (addressing Commissioner O'Connell). Go ahead, Jim, and find out how much these men make.

Commissioner O'CONNELL. I want to find out how much money, when you go home Saturday night or at the end of the year, how much money you have got left out of your job of fishing four months?

Mr. LORNTSEN. Some don't get any; haven't paid their bills.

Commissioner O'CONNELL. He is in debt?

Mr. LORNTSEN. Yes; and not even paid the boat puller.

Commissioner O'CONNELL. Getting worse.

Commissioner COMMONS. How much do the best ones make?

Mr. LORNTSEN. Oh, the best one—some of them will probably get up to as high as $2,500 worth of fish, but that is only exceptions—some few boats. I guess the high boat on the river to-day is about 13 or 14 ton.

Commissioner COMMONS. How much will they make?

Mr. LORNTSEN. That is an average of $130 a ton—a hundred and forty to one hundred and thirty dollars a ton.

Commissioner COMMONS. That makes about twenty-five hundred. How many would be making that?

Mr. LORNTSEN. That is not many.

Commissioner COMMONS. Is that irregular?

Mr. LORNTSEN. Some years they make a good deal.

Commissioner COMMONS. And some years not?

Mr. LORNTSEN. Well, it depends a great deal upon how the fish are running and what chances the men take.

Commissioner COMMONS. Does one man own the boat and the other man work for him?

Mr. LORNTSEN. As a rule.

Commissioner COMMONS. Are both in the union?

Mr. LORNTSEN. Sometime, and sometimes not. We want them in.

Commissioner COMMONS. Which one is in the union?

Mr. LORNTSEN. Sometimes one, and sometimes the other; just depends upon what sense a man has got.

Commissioner COMMONS. Well, the helper, is he paid wages by the other man?

Mr. LORNTSEN. He is paid so much per cent—one-third, as a rule.

Commissioner COMMONS. He gets one-third?

Mr. LORNTSEN. As a rule.

Commissioner COMMONS. And the other gets the other two-thirds for the boat and rig?

Mr. LORNTSEN. Yes, sir.

Mr. THOMPSON. Is that all?

Chairman WALSH. Yes.

Mr. THOMPSON. Mr. Lorntsen, have you any knowledge or information in regard to the cooperative canning factories in this State?

Mr. LORNTSEN. Yes; I ought to know something about it. I am the one that started it.

Mr. THOMPSON. I see. Well, how large an institution is that? How many people does it employ, where does it have its place of business, and what amount of fish does it handle in dollars and cents? Tell us briefly.

Mr. LORNTSEN. In the first place, probably the gentlemen want to know how we started up that cannery, what brought us to do it. I think that ought to be shown up in your report just as well as anything else.

Mr. THOMPSON. Will you please briefly state that?

Mr. LORNTSEN. Yes, sir; as I said, up to 1896 we had—that year we had four strikes. We had for years been receiving 3 to 5 cents a pound for fish; but the packers combined and was not going to pay 4 cents. They put up a cash bonus that would be forfeited if any of them paid more than 4 cents a pound. The market had nothing to do with it, that was simply a combine, and they were going to break the organization. A man came out from Chicago and he turned the packers topsy turvy. We had a strike, then, until the 26th of June. The leaders of the strike, of course, then, we had a compromise, and the leaders of the strike were informed that they would take the fish from the fishermen that year, but after that they would not be able to deliver to any packing company on the Columbia River. Of course, then, we said we would pack our own fish. We got together about $20,000. We got the ground on tick, lots more on tick, built a plant worth $32,000, did the work ourselves, and put up 44,000 cases of salmon. We had a great deal of opposition. Of course, the other packers didn't like to see us succeed, and they blocked us in the market and everywhere else, and it was asserted we were going to hell before the end of that year. He hasn't got us yet. We were also told we would never see 5 cents a pound for fish if we called the strike. We commenced with our packing in 1897; it was only 4 cents a pound on the river then, and the following year it was only 4 cents a pound; but bye and bye the packers could not stand it themselves, the other side, and they commenced to go to the wall; they had to loosen up a little bit, and when they loosened up that helped the two of us also. Since then we have had pretty fair sailing. Of course, there were tight pinches once in a while when we got a little too much salmon on hand, like it was last winter, but I think we have done fairly well. We have been able to pay the ruling price on the river and pay some dividends besides. That is to say, after the ruling price on the river has been paid, also the running expenses, such as interest on the capital stock, depreciation, a little money put into an emergency fund, and whatever is left is turned over to the fishermen regardless of whether shareholders or not. All the stockholders or shareholders has got in the company is 6 per cent interest for his money; that is actual cash; there is no water in the stock.

There was a good many fishermen come over to fish, and we have been able to pay dividends. In 1899 we paid $5 a ton dividends above the price paid, and in 1901 and in 1902 there was only $2.50 per ton paid, but since that time it has not been any less than $10, and it has been as high as $20 for the early fish, except last year when it was only $5 a ton. It has paid as high as $40 a ton on some fish as dividends. This is the money that went direct to the fishermen. In the other case it would have gone to the packers.

Commissioner O'Connell. Is the total from earnings—the earnings shown there?

Mr. Lorntsen. No, sir; it is just a memorandum, I have jotted down. I didn't know what questions would come up. If I had known you wanted a paper, I would have made one.

Mr. Thompson. How many fish in dollars and cents did the cooperative proposition run the last year or the last fiscal year?

Mr. Lorntsen. Probably around several hundred thousand dollars worth of business. In 1911 we did over a million dollar business.

Mr. Thompson. How many people does it employ?

Mr. Lorntsen. There is probably 350 or 360 boats fishing, and we have an average of two men in the boat. A few boats have only one man in them on the river. There is quite a bunch in the cannery; I don't know exactly how many we have, but there is quite a bunch of people.

Mr. Thompson. Do these men receive separate wages—of course, they do?

Mr. Lorntsen. Yes, sir.

Mr. Thompson. What are they paid?

Mr. Lorntsen. Those working in the cannery are not getting anything as dividends or anything like that. They are paid according to the ruling price of wages paid in other places. They are paid probably a little more—probably 10 per cent more.

Mr. Thompson. Than the union scale?

Mr. Lorntsen. Well, there is no union among them.

Mr. Thompson. No union?

Mr. Lorntsen. No; the fact is, those that work in the canneries haven't got any organization.

Mr. Thompson. I mean the men who work for your cooperative enterprise?

Mr. Lorntsen. They have no union among themselves; not those working in the cannery.

Mr. Thompson. Are they all stockholders in this cooperative proposition?

Mr. Lorntsen. No.

Mr. Thompson. Have you sought to organize them at all?

Mr. Lorntsen. We had them organized one year. We were endeavoring one year to have the packing done by white labor exclusively, but we found out it was impossible to do so and compete with them. It cost us about $6,000 or $7,000 more to put up the pack than if we had had the Chinese contract like the rest of them. Then, there was another company that tried the same thing, but they also discarded it. Of course, that was before the sanitary canning machinery came into use. Since the sanitary canning has come into use it is different. Out in the ——— cannery there are nothing but white employees, except there are half a dozen old Chinks and Japs that are working there. They have been there a long time and they are doing the butchering. They are paid so much a day.

Mr. Thompson. What interest has your organization taken in the organization of the people working in the canning factories?

Mr. Lorntsen. Well, we had no objection to them organizing. We would rather see them organize, because it is a whole lot better if they do organize than individually. We had an organization there some years ago, but it went by the board. But I think the time will come, however, when they will organize. They ought to be organized, anyway. It wouldn't hurt us any at all. It would be a whole lot better for the community if they all were organized in all lines of business—canneries and others.

Mr. Thompson. That is all, Mr. Chairman.

Chairman Walsh. Do you want to ask any questions?

Commissioner Commons. Is your union affiliated with any other union?

Mr. Lorntsen. They are affiliated with the American Federation of Labor through the International Teamsters' Union of America and the United Fishermen of the Pacific.

Mr. Thompson. That is all.

Chairman WALSH. That is all, Mr. Lorntsen, unless there is something you wish to add. I wish you would submit those documents you have here containing these figures, and also if there are any suggestions you would like to make, we would be glad to have them.

Mr. Lorntsen. Well, I think while I am in the chair I might as well take up the hindrances to the work of fishing on the Columbia River.

Chairman WALSH. Very good.

Mr. LORNTSEN. Now, in the first place there is the salmon industry that is taken off on account of the greed of those that fish above tidewater. I am going to use plain language.

Chairman WALSH. Do, sure.

Mr. LORNTSEN. It is a fact that the Columbia River is the only stream that the salmon protection is along the line of destruction. We have passed laws and laws time and time again for the protection of salmon. But there is never any protection at all. It is only protection for a few men so that they will be able to gobble up all the fish. That ought to be regulated.

I know the Federal Government has done that in Alaska or wherever they have any authority; they won't allow any fishing above tidewater. In fact, fishing above tidewater and stationary fishing appliances in the rivers has been abolished everywhere where they are doing anything for salmon protection. But not so on the Columbia River, because there is a few men up there, who are getting rich on the ruination of the industry, and are not going to give it up as long as they can make money, regardless of the rest. There is absolutely no reason why the Columbia River should not yield at least 600,000 cases of first-class salmon. They do not yield 300,000 now. It is an inferior grade, something that the canneries would not have looked at when I first came here on the river.

Then there is another thing the Federal Government has to do to help with the fisheries on the Columbia River. They are filling up the channels with all the barriers they can possibly put in, whether they are needed or not, and it would seem to me that they are looking out—they claim it is for navigation—but some of the obstructions there are put there, they haven't been a help to navigation, but they have destroyed thousands and thousands of dollars' worth for the fishermen. That is what it is doing. The Federal Government, or the War Department, went and planted three mines down in Pick Up Bolt, the best fishing ground on the river. Then they could not get them up. It was just an experiment to see if they would stay. They stayed there so well that they couldn't get them up at all. And I am certain that $75,000 worth of damage has been done to the gill fishermen through the Government.

Then there is another rule that was placed to protect the gill-net fishermen. It is a part of the pilot laws that when they are trolling or fishing with any kind of a drag net they shall display certain lights. That ruling is good for such as mentioned in the law, but it is the worst thing that ever happened to the fishermen. You be out in a dark night in a little boat in the river and you have got two strong lights right up over your head and it blinds you. You can't see anything. And along comes a vessel and you can't tell whether you see the port light, you don't know whether that is the port light or whether it is a fisherman drifting there. And consequently the fisherman hasn't got time to get his net out of the way, and the vessel will run over it and destroy it. The law don't provide for it, it is a rule of the coastal department.

I have taken up the work, but they can't do anything. I took it up with Senator Lane and asked him to have it revised, a proviso inserted to exempt the gill-net boat from that, though the gill-net boat is not in the law, but it seems to me that they have got a move on foot to drive the individual fisherman from the river, so that the trappers and canners can get the whole business. They are corporations. I do not think that is going to help solve the river problem in the State.

Then there is another thing that hampers us a whole lot. It is a lack of the enforcement of the law of the State. It says in Oregon that before you can fish you must have a license. Before you can get a license you must be a citizen, or declare your intention, and have lived in here a year in the State before you can get a license. But they don't care for that. All they want is the $5 license. That is all it seems they care for. Of course there is a whole lot, they have no legal right to fish, but they are there and taking away the bread and butter from the people that live in Oregon and Washington, the men that would help them to build up and keep the salmon industry. I think

if the people of the State of Oregon and Washington would take a little more interest in the fishery and see that it is carried on, we would be better off. But there are thousands and hundreds of thousands of dollars taken away from the Columbia River to somewhere else. They have no right to come here, those men have no right to come here.

I know this much, if we had the proper laws for the Columbia River, the protection of the Columbia River salmon, there would be no fishing above tide water; there would be no stationary fishing appliances at all. If we got that it would be only five or six years until the Columbia River would yield double the amount of fish it is now. That is proven by the laws that was enacted for the coast streams in 1901, and that shows conclusively what common sense laws and regulations will do.

In 1901 the law was enacted to take away the stationary fishing appliances and fishing above certain lines in the coast streams of Oregon, and the Columbia River was included in that. But during the juggling, and so on, the Columbia River was exempted after it was passed.

In 1901 the total catch of coast stream salmon was less than 700,000, and less than 3,000,000 pounds silver sides. The law was enacted in that session, and in February, in 1908, the salmon catch in the coast streams increased to 3,019,000 pounds silver sides. They couldn't say that this was the result of the hatcheries, although they are commencing the hatcheries too early to have the result. It was simply common-sense laws, and the salmons had an opportunity to go take care of themselves, and you can't beat nature. I know that they have some bastard breeds of salmon in the Columbia River now. They get in the hatchery and they mix them up regardless of whether good or what. That is one reason that we had such a poor salmon river last year, the poorest since I have been on the river.

Commissioner LENNON. Do you mean to say that the United States Fisheries Department breeds salmon that are not of the best quality?

Mr. LOENTHEN. Well——

Commissioner LENNON. You are a fisherman. I don't know. I want to understand what you say.

Mr. LOENTHEN. Certainly; if they take salmon in the early part of the season and mix them up it is going to be poor. What you want is to have the early salmon go up and take care of themselves. The late salmon don't go up very far up the river, and they spawn before they get up. Take the salmon in the Columbia River now, and they spawn, and they have never been used. Simply take last fall. I don't know how many hundred tons of fish was taken and just dumped overboard. They couldn't use them, but they had to kill them. If they had left that salmon alone it would have been different. But it was changed to so late, and they fished above the tidewater and with stationary appliances and traps and seines, because they catch that fish in clear water, and they cut down the fish in the spring when it is first class, and, of course, they have gill netters, when the fishing is best, they do that in muddy water. They cut that out for the protection of the salmon. That sounds very good. But you can't fish salmon in the Columbia River from March 1 to May 1. And the result is that the salmon go up and that man gets them. Then they open the season to the 25th of August, when there should be no fish caught, the fish should be left alone. There should be no fishing on the Columbia River at least after the 10th of August, there should be no fishing until in October. And then you would have some results.

I know this much, if you take the fishing and take good care of them like they have done in Alaska—where in 1907 they had a half pack. They went to Washington to lay the matter before Straus and Roosevelt, and when they found out the truth they closed up the fishing in that river entirely. Since that the fish have increased, but the packers was interested, somebody in Washington fighting it, and all they cared for was the present question, and never mind the future. But when the question was brought to Mr. Roosevelt, he said, "Gentlemen, are you the fishermen?" "Yes, sir." He says, "Do you want to protect the salmon for the coming generation, so that they can have salmon as well as yourselves?" "That is what we are after." He says, "I am with you," and he said it closed right there, and there never was any shortage of fish as long as they kept the Wood River and the other river closed. The Wood River is the principal place. Now, if the Government hadn't closed up the Wood River to give the salmon a chance to get to the spawning beds up the river, why shouldn't the Government close up the river heads and let the fish get up there to spawn and protect themselves. That is the thing

the Columbia River Fishermen's Union are fighting for since they started in 1896, to protect the salmon, because we realised if there are no salmon to catch, we don't care if they are a dollar a pound, it wouldn't amount to anything to us. I guess that is about all.

Mr. THOMPSON. That is all.

Chairman WALSH. Any questions? That is all. This thing ought to be given very careful study by somebody on the commission idividually and then pass it up so that we can all consider it. If you could get a public sentiment behind your proposition, as it appears on its face, there should be no question about it.

Mr. LORNTSEN. In 1908 we had public opinion with us. We carried the measure to stop fishing by 26,000 majority, but from the governor down the whole line every official is against us. Even the attorney general had to go and ask the Federal court for an injunction to enforce the law in the State of Oregon. That is what we are up against. When the measure carried by 26,000 majority, and then the legislature went to work and repealed that law through all the jugglery—well, next time—there is only one thing, if we can get the fishermen to see it and get the public to see it—they are getting educated along those lines in the State of Oregon—another time when we go before the people with the measure we are going to clean up if the legislature won't do it. It has to be done—either, one thing, they have to do that or we will have no more salmon, that is all.

Chairman WALSH. Thank you, Mr. Lorntsen.

Mr. LORNTSEN. You are welcome.

Chairman WALSH. Call your next.

Mr. THOMPSON. Mr. Banfield.

TESTIMONY OF MR. M. C. BANFIELD.

Mr. THOMPSON. Will you give us your name?

Mr. BANFIELD. M. C. Banfield.

Mr. THOMPSON. Your business address?

Mr. BANFIELD. 1401 Yam Building.

Mr. THOMPSON. And your business?

Mr. BANFIELD. Well, I am vice president of the employers' association. You know what business the vice president usually does—how much it amounts to. When they make a man vice president he is usually sidetracked, so that I guess I am out of work now really.

Mr. THOMPSON. Have you any other associations, Mr. Banfield?

Mr. BANFIELD. No, sir.

Mr. THOMPSON. Were you one of the organizers or the organizer of the Employers' Association of the Pacific Coast?

Mr. BANFIELD. I was.

Mr. THOMPSON. The employers' association——

Mr. BANFIELD. The Employers' Association of the Pacific Coast; I organized it.

Mr. THOMPSON. Will you tell us the inception of that organization, and the objects and purposes, and the reason it was formed?

Mr. BANFIELD. Yes, sir. It was organized for the protection of the industries of the Pacific coast—a clearing house, as it were, or a switchboard to notify quickly the industries along the coast of any one particular industry that might be attacked—any one or more that might be attacked by the enemies of labor and capital.

Mr. THOMPSON. Well, what was the attack that was expected and feared?

Mr. BANFIELD. How is that?

Mr. THOMPSON. Was there an attack that was expected?

Mr. BANFIELD. Well——

Mr. THOMPSON. Or was there any danger that caused you to make that organization—specific danger?

Mr. BANFIELD. Well, I will divide it in three classes: There is the employer, the employee, and the barnacle on the body public—constitutes all on earth. There is none left after you have the employer, the employee, and the barnacle on the body public—that is, the man who is a leech. Then, after you have those three there are none left. So that you can draw your own conclusions from where we expected the attack.

Commissioner O'CONNELL. I don't quite get that yet, Mr. Thompson. [Laughter.]

Chairman WALSH. Please be in perfect order.

Mr. THOMPSON. I say I rather assume the witness did not want to make it more specific. Do you wish to make that more specific, Mr. Banfield?

Mr. BANFIELD. It seems to me it is plain. I have divided it in three. There is the employer, there is the employee, there is the barnacle, the leech, the man who never works, who commonly is considered a bloodsucker. That is rather hard language; I didn't intend to use that, but you seem to insist on it. The Employers' Association of the Pacific Coast was organized for the protection of labor and capital. Now, you can draw your own conclusion from where we expected the attack.

Mr. THOMPSON. Well, I take it, it was from the bloodsucker.

Chairman WALSH. Please put that in plain terms, Mr. Banfield, if I may ask you to do it. Now, you say you did it, or it was designed to protect labor and capital.

Mr. BANFIELD. Labor and capital.

Chairman WALSH. The men who work in the industries and the men who own the industries. Now, just be plain; whom do you designate as "barnacles"? They are not the consuming public?

Mr. BANFIELD. I have named the two——

Chairman WALSH. Well, I know——

Mr. BANFIELD. The consuming public is the employee and the employer. Then, when you take two from three you must have what is left.

Chairman WALSH. Well, we might as well have it plain.

Mr. BANFIELD. That is as plain as I desire to make it. I have no names to call it. I would rather you gentlemen would call it.

Chairman WALSH. So far as I am concerned, it is impossible for me to do so. Is there a class of people—how do they earn their living?

Mr. BANFIELD. I think the question is unnecessary. I refuse to answer it, because every man that is here knows. It is superfluous.

Chairman WALSH. It is superfluous? Is there a class of people that live without working in any industry?

Mr. BANFIELD. I drew—I outlined three classes.

Chairman WALSH. Well now, then, do you put in that other class those people who have retired from business, perhaps, and have investments on which they live?

Mr. BANFIELD. Are they not the employers?

Chairman WALSH. Well, are they? I don't know. That is exactly it.

Mr. BANFIELD. Sometimes they are not.

Chairman WALSH. Well, are they?

Mr. BANFIELD. If they are not, they are in the class that I have just mentioned.

Chairman WALSH. Or are they the ones, that is, those that have been engaged in industry and have retired and are living upon investments, such as stocks and bonds and so on?

Mr. BANFIELD. I call those employers in the pure and simple sense of the word; they are employers.

Chairman WALSH. Whether they have inherited those investments or earned them?

Mr. BANFIELD. The man who has inherited these is pitiable. The man who earns them knows how he has got them.

Chairman WALSH. Is he a barnacle?

Mr. BANFIELD. Yes; I think the man who inherits those things becomes a barnacle.

Chairman WALSH. Of course, you would include in that all dishonest persons that live by dishonesty—thieves and pickpockets and burglars?

Mr. BANFIELD. I certainly would think they would come in that class.

Chairman WALSH. You would call them barnacles?

Mr. BANFIELD. Yes.

Chairman WALSH. Now, are there any other persons that live without industry except those that I have mentioned?

Mr. BANFIELD. There are some.

Chairman WALSH. Would you include doctors and lawyers?

Mr. BANFIELD. No; they are professional men.

Chairman WALSH. You would not include professional men?

Mr. BANFIELD. They are employees; they are always employed by some one.

Chairman WALSH. Now, then, I wish you would just designate right here any others than those which you have designated which might be included as barnacles.

Mr. BANFIELD. I don't aim to be on record as naming them. There are too many, in the first place, to enumerate to advantage.

Chairman WALSH. Well, could you classify such persons, outside of those that I have suggested to you?

Mr. BANFIELD. I am not classifying anybody. Everybody knows what this investigation is for and everybody knows what I have said—what it means.

Chairman WALSH. Well, I wish to assure you in all seriousness and honesty that I don't know what you mean, Mr. Banfield.

Mr. BANFIELD. You don't know who I mean when I speak of employers and employees and the barnacles on the body public?

Chairman WALSH. I don't, sir.

Mr. BANFIELD. Well, sir, that is a man who earns nothing, lives off of others, and tries to make his living by his jawbone, either in politics, either by working up schemes on somebody who works, making them believe that he can get more by following his cue—in a thousand ways; that is the barnacle on the body public.

Chairman WALSH. Then, you would include in your term "barnacles," the politician, the man who runs for office?

Mr. BANFIELD. Many of them. I will outline what I mean by politicians later on.

Chairman WALSH. Very good. Well, now, what else is there? You said politicians and——

Mr. BANFIELD. Grafters.

Commissioner COMMONS. Agitators?

Chairman WALSH. He didn't say that.

Mr. BANFIELD. No, sir; I didn't use the word "agitators."

Commissioner COMMONS. You didn't say agitators?

Mr. BANFIELD. No, sir; I didn't because when we come to that, we right here are agitators; we are agitating a question that should be left alone, interfering with individuality. I didn't use the word "agitators."

Chairman WALSH. Well, what else besides politicians would you like to use in the term "barnacle"?

Mr. BANFIELD. All those who get their living without energy.

Chairman WALSH. All those who get their living without energy?

Mr. BANFIELD. Yes, sir.

Chairman WALSH. Do you mean physical energy?

Mr. BANFIELD. Physical energy. And, as I said before, the employees include all professional men of every class, because they are always employed by somebody.

Chairman WALSH. Well, now, is there anyone left out of your designation as "barnacles," whatsoever?

Mr. BANFIELD. How do you mean?

Chairman WALSH. Any class of persons that are left out. I am trying to elicit now what you mean by "barnacles." You have added certain politicians which you say that you will describe later on.

Mr. BANFIELD. Yes; I will.

Chairman WALSH. Now, then, what other persons or classes of persons have you left out that you wish to include in the term "barnacle"?

Mr. BANFIELD. I don't wish to classify them. It seems to me that you are trying to make me say something, and I will tell you right now I am not going to say it.

Chairman WALSH. Well, I assure you——

Mr. BANFIELD. Because you know I am not going to tell you what you already know, because you know more about it than I do.

Chairman WALSH. Well, I assure you that I am not trying to make you say anything, Mr. Banfield, except to get your meaning of that term. Now, as I understood you, you say that the organization was begun to repel assaults on your industry.

Mr. BANFIELD. On labor and capital.

Chairman WALSH. Upon labor and capital by the enemy?

Mr. BANFIELD. Yes, sir.

Chairman WALSH. Now, you are asked to designate what you meant by that, and you have given it as the barnacle upon the body politic or body public?

Mr. BANFIELD. The body politic is all right.

Chairman WALSH. Yes. Now then, you have designated certain classes of people that you would term barnacles, and what I am trying to find out is if you include any person else in that class, and I wish to say that I don't know what

you mean, and I haven't in mind any specific designation that I expect you to make.

Mr. BANFIELD. Well, Mr. Chairman, I am sorry that I do not or can not handle the English language better so that I could get you to understand what I mean.

Chairman WALSH. Have you expressed as well as you can now in the English language the classes that you mean to term "barnacles," or are there some that you do not wish to state?

Mr. BANFIELD. I do not wish to classify any, because I have made three classes, the employer, the employee, and the barnacle on the body public, that is the man who does not work. I don't class him. What I mean by that is the man who is trying to live without any energy—physical or mental—just getting a drag down, as it were, living off of the earnings of the man who is trying to make a living by the machine tool or any other line of life, the crowd that hangs onto him, instead of working themselves and making a living, hanging onto him on a percentage of his wages paid in for their keep.

Chairman WALSH. Would you include money lenders and interest——

Mr. BANFIELD. Of course, when you come to money lenders, they are necessary men in that line of business.

Chairman WALSH. You would not include those, then?

Mr. BANFIELD. I would not include bankers. They are all employers.

Chairman WALSH. None of the professions?

Mr. BANFIELD. None of the professions.

Chairman WALSH. Literature, poets, and the like?

Mr. BANFIELD. No, sir; they are all serving their place in the world. I am talking of the barnacle that lives off the earnings of others.

Chairman WALSH. Without physical or mental energy?

Mr. BANFIELD. Without physical or mental energy, only for graft; those are who I am talking about.

Chairman WALSH. You may proceed [addressing Mr. Thompson].

Mr. THOMPSON. Now, Mr. Banfield, will you kindly——

Chairman WALSH. Would you include dealers in real estate?

Mr. BANFIELD. Many times they pretty nearly fall into that list, though I do believe that they make some effort to live.

Chairman WALSH. Would you include holders of real estate for increasing values?

Mr. BANFIELD. I am not classifying. You might go into that until we never would get through. It seems to me what I have said should satisfy any man that wants the truth. Now, I can't give you any more than give you the whole truth. It is all a matter of opinion. Now, you can use yours and just use mine for what it is worth.

Chairman WALSH. One moment. I am trying to be specific, and I certainly would not say to you that I thought you were not trying to state this honestly, because I believe you are, Mr. Banfield.

Mr. BANFIELD. Yes.

Chairman WALSH. But when I say that this is a specific fact, as I understand it, that you created an organization to repel the enemy——

Mr. BANFIELD. Yes.

Chairman WALSH. A certain class; it is not going too far to ask you to specifically state who are included in that class.

Mr. BANFIELD. I did.

Chairman WALSH. What we are trying to do is to get at the facts. Are these organizations proper? Should they be made? Should the Government encourage them or discourage them? And to get at that fact we must certainly know the surroundings. That is not a matter of opinion.

Mr. BANFIELD. I stated that fact. I outlined in three classes——

Chairman WALSH. Will you excuse me just a minute? Prof. Commons says he would like to ask a question.

Mr. THOMPSON. Yes.

Commissioner COMMONS. I take it, Mr. Banfield, that what you mean is the officials of trade-unions?

Mr. BANFIELD. If you choose to name it so, sir, I think that you have come pretty close to it at the first guess.

Commissioner COMMONS. You mean business agents and those who receive salaries from trade-unions?

Mr. BANFIELD. I have said all on the matter I wish to say.

Commissioner COMMONS. Do you consider that they live by graft?

Mr. BANFIELD. I have said all on the matter I wish to say.

Commissioner COMMONS. Can you give us specific instances of where the officials of these unions have practiced graft?

Mr. BANFIELD. I never dealt with the agents of unions.

Commissioner COMMONS. Of your own knowledge, you don't know they have grafted?

Mr. BANFIELD. No, sir.

Commissioner COMMONS. Then, of your own knowledge you don't know that they are barnacles?

Mr. BANFIELD. I didn't call them barnacles.

Commissioner COMMONS. I thought you said that I guessed it right.

Mr. BANFIELD. No. [Laughter.]

Chairman WALSH. Ladies and gentlemen, let us have perfect order. Restrain your feelings.

Mr. BANFIELD. I said you made a pretty good guess. I didn't say you guessed it right. I said you made a pretty good guess. You got, probably, some of them.

Commissioner COMMONS. I am trying to get at the actual facts, in order to analyze and make up my mind upon the facts as you state them, as to whether they are barnacles and grafters.

Mr. BANFIELD. I think from the way you express yourself that you can make up your mind awfully quickly if you wish.

Commissioner COMMONS. Well, I will ask you this question: Do you feel that it is any advantage to labor in the different crafts to organize in order to raise wages and to shorten their hours?

Mr. BANFIELD. I think that organizations of all kinds, except for the investigation of possibly Government financial affairs and municipal, county, and State—I think commissions for that is sometimes good. But outside of that I think that all organizations, all commissions, and all interference with individual liberty is a failure.

Commissioner COMMONS. Then I take it that you think that the organization of labor is included under the head of the classes of organizations which are a failure?

Mr. BANFIELD. I mean to say this: That I came to this country when I was 19 years old—40 years ago. Wages to-day are not as good as they were then. At that time I went to work on the farm for $20 a month. The man who is a better man than me worked—with the name of Chris, who was a soldier in the Franco-Prussian War—he got $25 a month and his board and his horse kept. The man next better than he got $30 a month. And I will say right here that the average business man to-day, or the average banker to-day, is not as well off as the man who worked at that time for $30 a month and saved his money—as that man would be had he done so—and if he does not save his money, the earning and the opportunities of earning can not help him.

But I mean to say that after all this carnage of blood and murder, or organizations one fighting the other, the conditions here to-day are not any better than they were 40 years ago, taking all things into consideration. The man who worked for the $30 a month and saved his money would be better off than the average banker, the average business man anywhere in the United States to-day. That is what I mean.

Commissioner COMMONS. Is this organization that you are vice president of and that you organized, is it created to destroy these organizations of labor?

Mr. BANFIELD. I am not vice president of any employers'——

Commissioner COMMONS. When you organized it, was that your intention?

Mr. BANFIELD. No, sir; never thought of organized labor—of destroying it—because organized labor I never had any quarrel with.

Commissioner COMMONS. Well, would you consider that any organization can get along without salaried officials?

Mr. BANFIELD. They had better.

Commissioner COMMONS. If you can drive out all the salaried officials out of the labor organizations, would you not destroy the organizations?

Mr. BANFIELD. I am not trying to drive them out. I have nothing to do with them—never have had.

Commissioner COMMONS. You are trying to abolish them, aren't you?

Mr. BANFIELD. No, sir; no, sir. I am trying to abolish nothing.

Commissioner COMMONS. Assuming that I am right and that these salaried officials are barnacles, you are trying to put the barnacles out of business?

Mr. BANFIELD. No, sir. That is impossible. They will always be with us, like poverty. But we are trying to do the best we can to live and get along without the interference of barnacles, as far as we can.

Commissioner COMMONS. Well, then, your idea is to regulate?

Mr. BANFIELD. No. We do not care anything about them. Just go along and tend to our business; but see when the time comes of an attack of the barnacles, do everything within our power to protect ourselves.

Commissioner COMMONS. That is all.

Chairman WALSH (addressing Commissioner Garretson). Do you want to ask him?

Commissioner GARRETSON. Yes; I would like to ask one question: You were an organizer for the employers' association?

Mr. BANFIELD. For the Employers' Association of the Pacific Coast.

Commissioner GARRETSON. For the Employers' Association of the Pacific Coast?

Mr. BANFIELD. Yes, sir.

Commissioner GARRETSON. Under salary?

Mr. BANFIELD. Yes, sir; employers' association.

Commissioner GARRETSON. Under salary?

Mr. BANFIELD. Never thought of it; and I think any man working for any organization that draws a salary is a coward.

Commissioner GARRETSON. If he is, does that make him hesitate to describe in general terms that which he attacks?

Mr. BANFIELD. How is that?

Commissioner GARRETSON. Oh, I was just wondering how that cowardice worked out, what is the difference. I want to ask you this: What is the difference between an organizer for an employers' association and an organizer for a labor union in their status?

Mr. BANFIELD. I don't catch your point.

Commissioner GARRETSON. If you were an organizer for an employers' association and I the organizer of a labor union, would we be in the same class?

Mr. BANFIELD. Didn't I tell you what the organization was organized for at the start?

Commissioner GARRETSON. You know what the labor union is organized for, I suppose?

Mr. BANFIELD. I have heard.

Commissioner GARRETSON. I have heard what employers' associations were for.

Mr. BANFIELD. It was heard along this coast with disastrous effect.

Commissioner GARRETSON. That isn't the question. What is the relative status of the two organizers?

Mr. BANFIELD. I told you when I started in what we were organized for, and that is all I wish to say about it. You can analyze it if you wish, I don't care. It has no effect on me.

Commissioner GARRETSON. I might be afraid to analyze it.

Mr. BANFIELD. I don't think you would be afraid.

Commissioner GARRETSON. You stated that your purpose was to protect labor and capital?

Mr. BANFIELD. Yes, sir.

Commissioner GARRETSON. Who did you hold your credentials from on behalf of labor?

Mr. BANFIELD. I made the statement of that in my first remark, and I will not discuss it or be drawn into argument over it. You know all about it, and anything I might say would not make it better or worse.

Commissioner GARRETSON. Then you are a self-elected representative of labor?

Mr. BANFIELD. Just as you feel about it.

Commissioner GARRETSON. Just as I would be a self-elected representative of the employers, if I claimed to represent them?

Mr. BANFIELD. Just as you wish to think about it.

Commissioner GARRETSON. That is all. Thank you.

Mr. THOMPSON. Mr. Banfield, will you kindly state, if you have anything further to state about the purposes of your organization, and if nothing, will you kindly state the activities carried on by the organization; what they have had to do with matters which are within the purview of your objects?

Mr. BANFIELD. Did everything in our power to keep labor employed; that covers it all.

Mr. THOMPSON. And in doing that did you encounter any strikes of employees, or boycotts of employees, or anything of that kind?

Mr. BANFIELD. No, sir; the federation of employers did not deal with those things.

Mr. THOMPSON. Is there anything you possibly, Mr. Banfield, would like to say in regard to those matters?

Mr. BANFIELD. No, sir; nothing whatever.

Mr. THOMPSON. Are there any opinions or constructive suggestions that you would like to make to this commission relating to or dealing with the relations of employer and employee?

Mr. BANFIELD. No, sir; I don't know that there is any opinion I might have that would do you any good. I have my own opinion as to those things. I don't believe that any man has a moral right to sign away to part of the public that which belongs to all the public, the right under him to make their living, under any circumstances, and I would not under any circumstances sign a contract to employ my labor through any channel unless a man held a gun over my head and compelled me to do it, and then I would sign it, but within 10 minutes I would get a gun and kill him and take it away from him before he got an opportunity to show it to anybody, because I would be so ashamed of it.

Mr. THOMPSON. Is there any other statement you would like to make to this commission?

Mr. BANFIELD. Well, there are some things here I thought I might speak of, but I don't know that it would do much good. You have here "General opinion regarding causes of industrial dissatisfaction." I might say something along that line.

Mr. THOMPSON. We would be pleased to have you, Mr. Banfield.

Mr. BANFIELD. Now, we don't have to go out of this room for one of the causes. I don't know how many people are here, but you can see the number as well as I can. Every one of us should be doing something instead of being here. This day and this hearing here caused the greatest disturbance, the greatest dissatisfaction in the city among certain classes, of anything that has happened. Every one of us here, if we were earning something to-day, it would be far better than this inquiry going back to the Government. If we could only get away and work and stop the agitation instead of having one organization bucking the other—in short, I will say that the old adage, "Prepare for war in time of peace," is a failure, an absolute failure, and has never been so exemplified before the world as it is to-day in the old country, and this organization of labor pitted against capital is brought about through the influence of those who don't care either for labor or capital. In many cases they are not taxpayers, and I maintain that all of this inquiry interferes with the individual liberties of men to get out and do their work as they please. It is all wrong—no good will come from it. In the first place, take the cunningest politician to-day; he gets out—I am speaking of our city and municipal affairs—he promises anything and everything before election, and after election he will deceive the men who voted for him; will turn his attention to those things which are wrong; he will rob the taxpayers that voted for him, and go into connivance for graft; sell his soul and body and birthright; we have them to-day. I met some walking on the streets of Portland in the last 30 years that I know were in politics when I came here, and are now down and out with one foot in the grave, but tottering along the streets—a sorry sight to look at. It is one of the things that is the cause of dissatisfaction here. The voter and workingman who votes for that fellow, he knows how he is treated and what becomes of his taxes—you can't keep him from it. He has to pay. He will tell what he has, but he knows. Then you take the higher-up politician, the man who keeps his ear to the ground for the number of votes regardless of the question at issue whether right or wrong. It is a serious matter. He is not figuring whether it is right or wrong. That fellow is causing a great deal of dissatisfaction—more than we think for. We expect something from those men when they go into the higher places of our political conditions, and we are deceived. That causes dissatisfaction.

Then you take the deck of cards that was stacked in Baltimore, with five aces and a joker, our worthy President being made the joker unknowingly and unwillingly. These things cause a great deal of dissatisfaction. I spoke of the joker in the sundry civil bill. There was a clause put in that, wrapped up along with the appropriation which had to pass to run the Government, of which the President said when he signed it, "I can find no necessity for this either in theory or fact," but it was signed nevertheless. The Clayton bill is

now pending; what he will do with that remains to be seen. But, gentlemen, I want to tell you when this game of cards is played out and those cards have to be thrown face up on the table, and the five aces and the joker turned up, there is going to be hell. Those things are causing dissatisfaction among the working people of this country. They all know it. I don't need to say what it was or what those clauses were; you all know—every one of us knows it was class legislation; dangerous to the country at large—everybody knows that. But that was the stack of cards—the deck of cards that was stacked up at Baltimore between that disreputable man Gompers and the man whom we have now——

Chairman WALSH. One minute. We have tried to conduct our investigation without allowing any person to characterize any other individual——

Mr. BANFIELD. I will withdraw that.

Chairman WALSH. This applies, of course, to everybody, you understand. I wouldn't allow Mr. Gompers to take the stand in New York and characterize you.

Mr. BANFIELD. His name was so publicly known I thought it wouldn't hurt him, but I will withdraw using Mr. Gompers's name.

Chairman WALSH. Any person's name.

Mr. BANFIELD. I will say those having charge of the affairs, of which he was managing at that time.

Mr. THOMPSON. I would just like to ask you one question.

Chairman WALSH. Maybe Mr. Banfield hadn't finished. Was there something else you wished to say?

Mr. BANFIELD. Well, I have gone along with that. I just want to say it seems to me what you are after is to find out the dissatisfaction with labor. Those are some of the things that are bringing it about, and my advice would be to cut it all out; give the men individual liberty, the same as I had when I was a boy myself. Don't tie him down to eight hours. If you want to make a law for women and children all right, God bless them, let them get along with as little work as possible. But keep the men at work; idle hands find mischief still for men who are out of work. I did not quote it exactly, but you know what I mean. The man who is out of work is in a bad way, and is liable to do things he should not do. That is what I wanted to get at.

Mr. THOMPSON. Just one question, Mr. Banfield: Viewing the breakdown of the civil government in the State of Michigan and the State of West Virginia, also viewing the breakdown of not only the civil government but the martial government in the State of Colorado and the United States had to go in and help keep the peace and order, and taking into consideration those things arose out of the conflict between employer and employee, in view of those things, would you say there was nothing for a commission like this to investigate in this relationship?

Mr. BANFIELD. I mean to say, as I said at first, organization was the cause of it, and they are all wrong. The employers' association is wrong; organizations of labor, so far as interfering with business, is wrong. And as I said before, prepare for war in time of peace, and you will have war sure, and that is what has brought that about in Colorado. Now, I worked in Colorado 35 years ago in the mines. We never heard anything about trouble there. Wages at that time were just the same as it is to-day. What good do you get out of it? What is it all for? But what is it that keeps up this organization? It is the politician who truckles to the man who says, "I can give you so many votes." I know a man to-day who is United States Senator and when he was sent for by an employer to come and see him on a matter, he did not have time and could not come—but a negro man, called Dollar Bill, wired him he had five votes he could get but it would cost something. He was down on the next train. That is what is the matter, and that is what brings up the fight between organized labor and capital.

Chairman WALSH. Did you communicate that crime you have just mentioned to the prosecuting attorney?

Mr. BANFIELD. I did not. I don't think it would have done any good, because the prosecuting authority at that time and the man who did it were very particular friends. In fact, that is one of so many things.

Chairman WALSH. Is that character of crime prevalent in the Northwest?

Mr. BANFIELD. All over the United States, but not as much as it used to be.

Chairman WALSH. Have you investigated this particular act you speak of between this negro and the United States Senator?

Mr. BANFIELD. It would not be necessary to investigate it. When you know a thing you can't find out by investigation.

Chairman WALSH. You absolutely have that fact within your knowledge?

Mr. BANFIELD. It was given to me by reliable authority. Just as though you, Mr. Walsh, were to say to me that so and so happened, I would believe it. Just so I can believe this.

Chairman WALSH. Anything else?

Mr. BANFIELD. I would like to speak along the lines, and I expect that is what you wanted me for, of labor troubles that was here in the teamsters' strike, and there has been——

Chairman WALSH. We would be very glad to have you speak of the local labor troubles.

Mr. BANFIELD. I happened to be for some reason selected to handle the draymen's strike here at that time. I believe I was selected for the simple reason—this happened in 1909—in 1901 I had a strike with my own teamsters on the east side of the river, and in fact on this side. We had at that time about 100 teams. A pamphlet was issued so worded—I am sorry to say I haven't got one I can give you, I would like to give you one—"This is not a strike or a question of wages or hours, but a question of principle, recognition of the union." They had formed a union, as I knew; I had met in the hall with them at different times, talked with them, smoked their cigars, had a glass of beer with them, and was glad they were organized. We had given them all the advice we could, and told them, I said, "Boys, stay with your organization for hours and wages, and you will conquer the world." That is the statement I made to them. I said, "The minute you try to interfere with a man's business there is where you are going wrong." Well, they started out with this strike, and we were all a happy family before the strike came about. I had men working for me for 10 or 15 years.

Chairman WALSH. Excuse me, Mr. Banfield, what is your line? I did not catch it.

Mr. BANFIELD. Fuel. The Banfield Fuel Co. at that time. I advanced him money, he and others who were working for me, to pay for their homes, and buy farms they were buying. When they made payments they would say, "Mr. Banfield, I am a little short this month, and I would like for you to advance me some now and take it out of next month's check." And I gave it to them. They were working for me at that time, and they had bought their homes and bought little farms, and they were paying it out. A little 10-acre tract up within a very few miles of Portland, and he had a farm that he bought at that time, and it has made him very well to do. I was glad to do those things. After this strike came about this man came into my office, his name was Miller, and I said, "Miller, are you going to leave me, too?" He was a Scandinavian, a fine fellow, and he broke down and cried. He said, "Mr. Banfield, I have to." I said, "Are you afraid, Miller, I will not treat you right?" I said, "Don't you know the number of horses that I have got and that you would be the last man that I would let out, that we have to have some one to take care of our horses even though we went out of business?" He said, "I know, Mr. Banfield, but I was held up last night until 2 o'clock in the morning, and they wouldn't let me go, and they told me if I didn't come and join them, that they would kill me."

Then I said, "Miller, you are going to leave?" He said, "Mr. Banfield, I have to." That man cried like a child. He was a man 40 years old. He knew all I had done for him, and that we would treat him all right if he had given it up, but he wasn't strong enough to stem the tide. He wasn't of my make-up, and possibly not the same as some of the rest of us here, because if he had, he wouldn't have been to see me that morning. He might have been somewhere else. That was one of the things. Well, the strike went on, and the depredations that were caused were numerous. They would take the back off the wagons, and cut the harness. We had a lot of night work at that time, and had about 40 teams working at night. And they would cut the harness, and then they would get out in front of the teams at night, on a dark night, and run a bed sheet on a pole in front of the horses, and whirl them around, turn them around, and snap off the tongue and all those things. In fact, the son of the chief of police here followed one team and wagon up the street and let the rod gate out and let the load out onto the street, just couldn't help it. That was the spirit that was taught into the boy and pushed along. This wasn't the right thing to do. I finally got an injunction out, and we worked our way along until we had plenty of men to do our work without them. Then I wrote a letter and

told him that I didn't want this agitation, that I could use more men, and I sent them a list of the names of the men that might come back to work; but all those that were causing depredations which I knew of I wouldn't employ any more. They settled the thing up and sent a dispatch to San Francisco that Banfield had capitulated to the wishes of the union, and it came out in red lines.

We went along for a little while. Two months later, though, I met a man coming up on Sixth Street with one of our valuable teams. The team cost six or seven hundred dollars. He was driving down Sixth Street and on a heavy trot. They were too large horses to trot, and should not have been trotted. I whirled my buggy around and followed, for fear they might get away from him; went to the corner at the depot. I drove down and went around to the depot, and at one place I saw my team standing there without a driver and the lines without being tied, and I stood by the side of the team; they were all excited. Finally the driver came out and got on the wagon. I didn't say anything to him. I turned my buggy around and drove back to the office; phoned down to the yard, "When Jack comes in take his team from him and give him his time check"; that I didn't want him any more. So that was done. The next morning about 8 o'clock six of my teamsters came into the office. I said, "Well, boys, what's the matter?" They said, "We came to see you on a little matter." I said, "Where are your teams?" They said, "They are in the barn." I said, "What do you want to see me about?" "Well," he said, "we came up to see if you won't give Jack another chance—put him back to work again." I said, "Is it going to cost me $30?" which I figured my time worth—$5 apiece. I said, "Is it going to cost me $30 to know, or tell you whether I will put a man back or whether I have a right to discharge a man?" They said, "Well, this is orders from the union, Mr. Banfield—that we are to come to see you this morning to give Jack another chance." I said to my bookkeeper, "You give those men their time." I said, "Boys, I don't need you any more." I went into my private office and one came in and he said, "Mr. Banfield, this is all right with us, but I suppose you know what will happen in the morning?" I said, "I don't know." I said, "If I can't live without you, I can't live with you; that's a cinch." So I said, "I am ready, if needs be, to walk out of Portland on the ties along with you, barefooted, before I will ever, under any circumstances, deal with the labor organization again in any shape or form." This was only one or two of the conditions that came about. They drew the line while I was working under those union arrangements on making four loads of wood a day's work. Sometimes four loads would be a day's work. Some places we have to go 20 blocks with deliveries, and other places only 4. But they had made up their mind there in the union that four loads was a day's work, and that no more should be done. So one afternoon we found them out in the yard—four men sitting in a wagon playing cards—about half past 3 or 4 o'clock. We wanted to know what was the matter and they said they had done their day's work; that the union decided four loads a day was a day's work; that they had hauled their four loads. So I suppose you gentlemen know—any man who is in business would know—what happened to those fellows right then; that is, you can surmise what happened to the men, with a man of my temperament, can't you?

Chairman WALSH. Please, in a brief way, tell us what happened to the gentlemen.

Mr. BANFIELD. So that happened what you are thinking about.

Commissioner O'CONNELL. What was it?

Chairman WALSH. Just proceed. I really was thinking about something else.

Commissioner O'CONNELL. What did occur?

Mr. BANFIELD. They all got fired, naturally. I suppose that you who would handle men under the same circumstances, you wouldn't stand for men sitting in the wagon playing cards at half past 4 in the afternoon. And the only way to do was to let them go out and play cards. So those are many of the things. When you come down to the teamsters' strike here in 1909, the draymen came to the employers' association for assistance. I was president of the employers' association, and I called a meeting of the executive board and invited all of the draymen to lunch at the Commercial Club, to have this thing properly aired, and the questioning of the draymen was left almost to me. And I said, "Now, gentlemen, I want to know what your grievance is." He says, "We have been paying two seventy-five and they want $3, and we can't pay it." I said, "What else?" He said, "They have been sending us men, and we can't hire any men only through the union, and they will send us men who are hanging around

there, and sometimes they are no good; and if we send them back we get a call over the phone that we have got to keep this fellow until we can get some one else who is better." And he said, "That condition has worn us out."

"Well, now," I said, "the employers' association will assist you in this strike just under these conditions: That you go out and hire your men, give them all they ask—$3 a day—and give them a week to come back. That is one of the conditions. And the other condition is this, that if you take it up and every one of you will relieve yourself from any responsibility from any conversation with anybody you have been dealing with, except the men involved, to me, I will not take the matter up or have anything to do with it where you interfere with that affair in any shape or form." And they were offered $3, and the men, many of them, phoned into the employers wishing to come back, and the employers told them that they were made guardians of their own safety, and they didn't want to come back under those conditions. There were many of them wanted to work, but couldn't come back on account of a fear, and we had a great deal of damage done at that time. Some of the union men were very active, and this strike proceeded because they were fearful of coming back, not because they didn't want to come back; they were paid all they were asking, but there was a higher power somewhere that made them afraid to come back. So I immediately saw what we were up against, and I sent to get men to come in to take their places after I warned them and give them four days' notice that if they didn't take their teams at a certain hour, a certain day, others would take their places.

To make it short, their places were filled. Many of them were paid $3 a day, and I think the same wages are paid to-day. All the fight was over signing up for three years to employ all your men through our organization. That was the question at issue. The wages they asked they were paid. There was no question about hours. There was no question about overtime. All those things were agreed on. It came right down to having agreed to the right of recognition. The same thing as I was saying a while ago is all rot, one organization bucking the other. You are going to have trouble when you prepare for trouble. All this preparation because one or another is wrong. It is brought about by curbstone politicians, inquiries, higher-up politicians, that if our administrative government had a feeling of interest, that there was no class legislation, that it was all wrong and would not bend their knees to a promise that was made that never should have been made—now, those things, in my estimation, are what are disastrous and cause, as you say, this unrest, and, in fact, I don't believe the unrest, as far as——

Chairman WALSH. Say, please confine yourself to any other labor disturbances locally. We were on that subject and we are trying to confine ourselves to it.

Mr. BANFIELD. The first strike, the draymen's strike——

Chairman WALSH. First, let me ask you, the draymen's strike came to an end by your employing outsiders, and you did not accede to the demands to recognize the union?

Mr. BANFIELD. There has never been a strike won in Portland by the union.

Chairman WALSH. So, as it was not won it is still going on?

Mr. BANFIELD. It is not going on.

Chairman WALSH. You said the men that were on a strike stopped; the disturbance is at an end?

Mr. BANFIELD. Yes.

Chairman WALSH. Any other local disturbance you have in mind, Mr. Banfield?

Mr. BANFIELD. No local disturbance, I never paid much attention to. Of course, you will find the plumbers have some little trouble, but they settled it up among themselves and didn't call a strike. I mean a strike where the public——

Chairman WALSH. Yes. Have you detailed the only strikes that have existed here within the last year?

Mr. BANFIELD. Yes. There have not been any strikes here in the last year. The last strike was the teamsters', in 1900; none of my men went out. They all stayed at work. I had settled my affair in 1901. They went out and they never came back. And those that were working for me knew better than to try to get them.

Chairman WALSH. What was the date of the draymen's strike?

Mr. BANFIELD. 1900; mine was 1901.

Chairman WALSH. Anything else you wish to mention?

Mr. BANFIELD. I don't know that I could say any more.

Chairman WALSH. Very well; we thank you, Mr. Banfield. Call your next witness.

Mr. THOMPSON. Mr. Hunter.

TESTIMONY OF MR. L. D. HUNTER.

Mr. THOMPSON. Please give us your name.

Mr. HUNTER. L. D. Hunter.

Mr. THOMPSON. You need not stand up. You may sit down.

Mr. HUNTER. Oh.

Mr. THOMPSON. And your business address?

Mr. HUNTER. 107 Second Street. I am manager of the Pacific Stationery & Printing Co.

Mr. THOMPSON. Are you also secretary of the Portland Typothetæ?

Mr. HUNTER. Yes.

Mr. THOMPSON. How long have you been such secretary?

Mr. HUNTER. About a year.

Mr. THOMPSON. How long have you been engaged in the printing business here?

Mr. HUNTER. About 11 years—12 years.

Mr. THOMPSON. Can you tell us briefly, Mr. Hunter, the relations now existing between the printing and publishing companies and the printing trades unions?

Mr. HUNTER. Well, we are in harmony so far as I know. The typographical union, we have no trouble with the bookbinders' union, and the girls' bindery union, they have all been very peaceful. The only trouble we had was with the pressmen's union.

Mr. THOMPSON. Is there a strike on in that line of work now?

Mr. HUNTER. About nearly two years ago they were striking; they made an arbitrary demand which we could not accede to and run our business.

Mr. THOMPSON. What were the points of dispute?

Mr. HUNTER. Well, something along the line that Mr. Banfield explained; they demanded there should be a foreman to each two presses, and if there wasn't anything for the presses to do he could sit down and take it easy; along those lines, a very arbitrary rule.

Mr. THOMPSON. Can you recall them now specifically?

Mr. HUNTER. I had a copy of their rules they presented to us, I suppose about the size of this [indicating pamphlet] in small type, about 21 articles, I think it was, we were to follow.

Chairman WALSH. Excuse me, Mr. Hunter, what was the date of that?

Mr. HUNTER. Nearly two years ago, as near as I can remember. I haven't got the exact date.

Mr. THOMPSON. This is all, then, you can state specifically as to the points at issue?

Mr. HUNTER. They gave us until Monday morning to sign up with them, and go by these rules, what is called the pressmen's union. Now, the pressmen's union, what is called the pressmen's union, and the feeders' union, while they are separate they are allied in regard to strikes or anything of that kind. And of course the pressmen's union is the only thing we recognize as employing printers. But the feeders' union is made up of young boys and inexperienced help; that is, in a great sense. They went on a strike demanding an increase in wages, and also that we would accede to those rules, the shop rules is what they call them. And before they went on a strike they asked if we would not meet them, and we says, "No, we will not recognize you; we will meet the pressmen, but we will not meet the feeders." Finally we decided to meet them and confer with them. There was very little done at that meeting except we decided we could not run our shop and compete with outside work and accede to the demands. And we told them so. But they arbitrarily stated that next Monday morning—this was on Saturday—next Monday morning if we did not accede to their demands and rules they would go out on a strike. Knowing that they would we immediately wired Chicago and got all the men we wanted. We brought in two or three coaches of men and put them to work. And, of course, we had a great deal of trouble with the men. They were men picked up in Chicago, New York, and St. Louis, and we were very badly handicapped for competent help. We managed to get along. Business was very quiet, there was not very much work of any kind so far that is concerned, and we got along

by exchanging men very nicely. But they done everything possible to interfere with our men. We had our men protected by guards. We had them collected in a hotel, and we fought the thing along for six months, and they done everything possible to get our men to quit. Finally they cooled down a little. Well, after they cooled down a little—some of the pressmen are nice fellows, we had nothing particular against them, and I believe some of them were employed—quite a number have been employed since at the same wages that they demanded.

And I might say that the label—the employing printers represented about 90 per cent of the output, and there was a demand that the union label be put on all their work. Of course, we can't have the label unless we employ union men in the pressroom. Some of these men have gone back to work—some of the old men—in fact, I think a majority of them are now employed—old union men are employed in the shop. Whether they are still members of the union I don't know. They claim they are not. But we don't raise that point; as long as they behave themselves and work we are satisfied.

Mr. THOMPSON. In picking up these men you needed to take the places of the strikers did you join or work with the National Typothetæ?

Mr. HUNTER. Yes; we did.

Mr. THOMPSON. You are the local branch of the national organization?

Mr. HUNTER. Yes.

Mr. THOMPSON. You have the same rules and same regulations governing you in the violations that they have?

Mr. HUNTER. No; we have no rules and regulations at all; just simply the employers' association, and we simply—we pay so much dues to have a fund to help one another out in case of trouble or anything, the same as anybody else would.

Mr. THOMPSON. Referring to the demand that you say the pressmen made of you——

Mr. HUNTER. Yes.

Mr. THOMPSON. Could you find those and file them with us, do you think?

Mr. HUNTER. Could I get them?

Mr. THOMPSON. Yes.

Mr. HUNTER. I doubt very much. You see, that happened nearly two years ago. I had a copy of them, but whether I have now or not I don't know.

Chairman WALSH. Were they published in the newspaper at the time?

Mr. HUNTER. I think it was—no; I don't believe it was, either. I don't think they were published in the paper.

Mr. THOMPSON. Has your association, or have you individually, as a printer, agreements and arrangements with the other organizations in the printing industry?

Mr. HUNTER. Well, we had with the typographical union. It is just simply verbal; it is an understanding. I don't think there is any written agreement with them.

Mr. THOMPSON. Well, are you speaking now of yourself or of the typothetæ?

Mr. HUNTER. The typothetæ has no agreement with any organization. It is just simply a little local organization.

Mr. THOMPSON. Speaking for the trades now, do you know whether there is among the printers—the master printers—generally arrangements and agreements, either written or verbal, with the printers, with the crafts in the printing industry?

Mr. HUNTER. No; we have not. We have not any written agreement or any understanding. It is just simply to this effect, that they specify what their wages shall be, and we consent to that and give them what wages they demand. I believe previous to that, about five years ago, they signed up agreements—the typographical union—but I don't think that is in effect any more.

Mr. THOMPSON. Do what might be called union wages and union hours exist in this city?

Mr. HUNTER. Absolutely. We work in our pressroom—we work just the same as we did before; we give them just the same wages. But the serious objection to what we had in the closed shop is we are only permitted to employ one apprentice. And I know in my shop when I employ an apprentice they would always put up a job on him so he would spoil some work or something, so as to get rid of him. So we could not get a young fellow that wanted to learn the trade from school. That was the serious objection to the unions, and also to the typographical union to-day.

Mr. THOMPSON. Have you got any comment that you would care to make on the question of the organization of employers and employees—as to whether it is advisable or inadvisable?

Mr. HUNTER. I think if a union like the typographical union—we never had any trouble with them; they are always peaceful; they are always willing to meet us and talk things over and come to an agreement. The bookbinders' union is the same way; no trouble at all. We have no trouble. I believe now they have a strike in Tacoma with the typographical union. I don't know regarding what the causes are.

Chairman WALSH. Have you found your organization to be advantageous to the industry generally?

Mr. HUNTER. With the exception they don't allow only one apprentice to each four men. That is out of the question, to break in new men from out of school.

Chairman WALSH. Not the typothetæ; your organization.

Mr. HUNTER. Oh, beg pardon. I thought you said the other.

Chairman WALSH. Have you found it advantageous to your industry here locally to have a typothetæ.

Mr. HUNTER. Well, I can't say to that. I do not know what we could do against the union if we did not have.

Chairman WALSH. You believe you need an organization, and you find it advantageous to have one?

Mr. HUNTER. To that extent we do; yes.

Chairman WALSH. Have you found it likewise to be desirable to be affiliated with the National Typothetæ?

Mr. HUNTER. Of course, they are the controlling spirit, like any union.

Chairman WALSH. You find it well to be in touch with them?

Mr. HUNTER. We have not been in touch lately with the national organization, and I know very little with regard to that. We simply pay in dues, and that is about all it amounts to.

Chairman WALSH. Is there anything else you would like to say that might enlighten the commission on the general subject of having, if possible, more harmonious relations between employers and employees?

Mr. HUNTER. As far as we are concerned individually, I don't think it would be any more harmonious with regard to the employing printers with the typographical union and bookbinders.

Chairman WALSH. You find conditions at this time, then, in your industry satisfactory?

Mr. HUNTER. Satisfactory; we have no trouble with them.

Chairman WALSH. Mr. Garretson, would you like to ask a question?

Commissioner GARRETSON. You found the typothetæ useful to you in the strike by putting you in communication with people where you could reach these pressmen from Chicago, New York, and St. Louis?

Mr. HUNTER. We were not members at the time we had the first strike. We called on them, and we asked them if they would help us find men, and I think they did. We sent men back each to secure men.

Commissioner GARRETSON. They referred you to agents there in the different localities?

Mr. HUNTER. We hired through advertising in the papers.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Call your next witness.

Mr. THOMPSON. Mr. Howell. [No response.] Mr. Kroner.

TESTIMONY OF MR. ERNEST M. KRONER.

Mr. THOMPSON. Will you please give us your name?

Mr. KRONER. Ernest M. Kroner.

Mr. THOMPSON. And your business address?

Mr. KRONER. My business address is 622 Worcester Building, Portland.

Mr. THOMPSON. And your business?

Mr. KRONER. I am an architect.

Mr. THOMPSON. How long have you been engaged as an architect in Portland?

Mr. KRONER. I have had an independent office for perhaps 10 years.

Mr. THOMPSON. Are you acquainted with the relations existing between the building contractors in this city and the building trades unions?

Mr. KRONER. Fairly so; yes, sir.

Mr. THOMPSON. What is the status of that relationship?

Mr. KNOWER. At the present time and for some years immediately past the conditions of employment and the relations between the employers and employees have been very satisfactory. There has been at times a small disagreement, and the building trade is hardly ever without some contention. But comparing the conditions at Portland with those in other port cities we might say we have been fairly free from any serious disagreements. We have had no strikes that led to any trouble, and we have had no disagreements that entailed in tying up of the entire industry—not in recent years.

Some 10 years ago I was engaged in construction work, not at that time running an architect's office, but I was at that time a member of the Master Builders' Association and carried on a considerable amount of construction work. And at that time we had a general strike of the carpenters, which, through the usual sympathetic strikes, involved practically the entire building industry. It also involved the sawmill employees and the planing mill employees. And yet, as long as I remember now, at that time, during the general disturbance of this trouble, there occurred comparatively few serious breaches of the peace.

Mr. THOMPSON. What would you say with reference to the condition in this city for the last two or three years?

Mr. KNOWER. The city of Portland for the last several years, at least, has been fairly inactive, comparatively inactive in the building line. Of course it is the general tendency of labor organizations to withdraw those of their demands that are most objectionable during times of quiet seasons, and to increase and emphasize their demands through busier seasons; so that during the most recent years there has been comparatively little friction of any consequence.

Mr. THOMPSON. What were the main points involved in any troubles you have had here in the last two or three years?

Mr. KNOWER. Well, I recall a disagreement between the stonecutters and the bricklayers concerning the setting of stone. The question was as to whether the bricklayers should be permitted to set stone in the wall after the stonecutter had dressed it, or whether the stonecutter should be entitled to do that. It involved, for a short time, the tying up of several buildings, if I remember correctly, and was finally settled between the unions.

Mr. THOMPSON. That was a jurisdictional trouble?

Mr. KNOWER. That was a jurisdictional trouble, I think.

Mr. THOMPSON. How prevalent are such troubles in this city, if you know?

Mr. KNOWER. Well, they form possibly a considerable percentage, maybe one-half of the things that come up to the surface. Many of those things are more or less unimportant and cause no general disturbance of the business, or I, personally, did not take any notice of them. We had an electricians' strike. We had a disturbance on some of the buildings here owing to the disagreements between the steel erecting firms and their employees. But they seemed to have, in the course of a little while, gradually played out. Of course we have on our streets placards boycotting different buildings here and there that are carrying on as a result of those disagreements, and we have them every day, but they don't affect the industry materially at the present time.

Mr. THOMPSON. As an architect, you are the agent of the owner, the building contractor?

Mr. KNOWER. The architect's position in connection with building erection is somewhat peculiar. The architect is certainly the agent of the owner, but he is also, to a certain extent, and must function in his capacity as an architect as an arbitrator between the contractor and the owner, and in that capacity he is supposed to help both; that is, I think, at least as far as his judgment in settling disputes is concerned.

Mr. THOMPSON. As an architect how do you view the proposition of the organization of building trades into unions?

Mr. KNOWER. That enters, of course, into a very broad field of discussion. I view it, not only view it as an architect, but I view it as a citizen, and with your permission I will view it both ways, if my ideas are of any interest whatever. On the whole I will say that here in our city we find trades organizations have been moderately fair in their demands. As I stated before they accomplished, or have done, a considerable amount of detriment, but there has been no great deal of agitation to which employers and owners could reasonably object. Of course the object of every labor organization and every craftsmen's organization is to advance the compensation of the particular craft that they represent regardless of how that advancement, as a rule, regardless

of how that advancement would affect the general public and even those who work with them, in and around them, other workmen in other classes, other crafts. And to the extent to which a labor organization is capable of controlling the entire field, to that extent, of course, their demands increase.

Now, where a labor organization has a fair percentage of its particular craft in its control and not all of it, it has tended, in my opinion, to establish the equilibrium between the disputes of the employer to get as much as possible for his work regardless of the expenditure for living, and it has been generally the disposition of the workman to get all he could for his work. They have operated in that particular condition to establish what you might call equitable conditions. When a labor organization completely controlled the field they did what might be expected of them, they overreached themselves, having completely monopolized their field, but in that case, as a rule, the condition has resolved itself into an effort, on the part of the employer, for the purpose of counteracting this result, and the final result, as a rule, was that the employer monopolized the field as much as he could, and the employee monopolized the field as much as he could against the public.

Mr. THOMPSON. What branch of the building industry is that in evidence in this city, if any?

Mr. KNOWES. Well, right at the present time there is no labor union, as far as I know, that completely dominates the field, and if there were such a one employment is so scarce right now that this condition wouldn't crop out, wouldn't come to the surface, but in the recent past——

Mr. THOMPSON. Go ahead.

Mr. KNOWES. I was going to say in the recent past we have had an example, at least within the last 5 or 6 years we have had an example, of this final development, as I note it, of the organization of labor on one side and the complete organization and control of employers on the other side, in the case of the plumbing industry. The plumbers at that time practically controlled the plumbing labor market. That is to say, substantially every journeyman plumber was a member of the union, and at the time I speak of the building activities were quite brisk, so that they were in a position to enforce their demands, which came one upon the other and became quite burdensome. As a result of that the master plumbers' association, which was either then formed or came into more lively existence, was formed and the two combined under an agreement whereby the master plumbers' association agreed to employ none but union plumbers, and the journeymen plumbers' union agreed to work for no one but the master plumbers, and then they took the material men, the wholesalers, and agents of manufacturers into this combination, and they agreed to sell no merchandise in the plumbing line to anyone excepting this combination, and as a consequence of that they of course robbed the public—they outrageously overcharged the public; I will withdraw the term "robbed," and say they outrageously overcharged the public—and in order to keep this combination alive they had a system whereby every contracting plumber obligated himself when he took a contract to deposit with the treasurer of the master plumbers' association a certain fixed sum for every plumbing fixture which he installed, and this sum was accumulated and at certain intervals distributed between those of the master plumbers who did not have any contracts.

Mr. THOMPSON. What was that sum?

Mr. KNOWES. It was related to me that at one time it was $5, and another time $2.50 per fixture, so that it would amount in the ordinary bathroom to about $25 under one plan and about half that much on the other plan. They set that amount aside, and that amount was given to the unsuccessful contracting master plumbers in order to prevent them from bucking the combination in the event that they didn't get any business. So that it appears to me as an entirely disinterested person, not being associated either with the employers' association or a labor union or anyone else, and by my own appointment, somewhat representing the general public, that when a labor organization completely dominates the field and employers have banded themselves together and completely dominate their end of it, all those who are not inside of that combination are sufferers from this sort of thing.

Mr. THOMPSON. Do you know whether this sum that was laid aside was added to the price of the contract?

Mr. KNOWES. It was undoubtedly added to the price of the contract; it could come from nowhere else. In fact, my observation was that when this combination finally went to pieces and finally dissolved under threat of prosecution by the Federal Government, or at least under fear of it, when it finally dis-

solved, the prices of plumbing goods and of plumbing installation and building material decreased instantly.

Mr. THOMPSON. Do you know whether or not the plumbers' union has anything to do with the granting of licenses in this city?

Mr. KRONER. To the extent to which they are able to influence the appointment of the plumbing inspector and officers in connection with the sanitary inspection of the city they seek to do so, and I from my knowledge and experience in a residence extending over 25 years, I don't think any man has ever been in the plumbing inspector's office or near it or any public office in the sanitary department of the city, as far as plumbing inspection is concerned, who has not been a member of the plumbers' union, and I think those who are in there now are, and I think that—I don't think there ever was an official in connection with that department who was not a member of that union, and I imagine when he is in there he is there as a member to a considerable extent, which is somewhat detrimental to public service.

Mr. THOMPSON. In what manner could he regulate or interfere with the granting of licenses? How would he operate?

Mr. KRONER. I have had complaints brought to me privately, conversationally, from men who undertook to establish themselves in business. That is not in the very recent past; that was some five or six years ago, perhaps about six years ago. They found it impossible to obtain a license because they were not members of the plumbers' union.

I have particularly one case in mind of a man who undertook for a considerable time to establish a business here and who was refused this license. It appears that there is a certain religious denomination, a certain church or sect, which has, or seems to have, an opposition or objection to its members belonging to a labor union, and this person was a member of this church and entirely opposed to joining a union, and he applied for a considerable time for a license to do business in Portland, and didn't get it. There were several others, and the charge was made by them to me in conversation that the reason why they were unable to obtain licenses to do business and pass the examination that was presented to them was because they were not members of the union.

Commissioner COMMONS. Are there both journeymen licenses and master's licenses?

Mr. KRONER. Yes, sir.

Mr. THOMPSON. Is there much work produced here in shops—building material, for instance?

Mr. KRONER. I beg pardon.

Mr. THOMPSON. Is there much building material of any kind or character produced in the shops here?

Mr. KRONER. No, sir—the plumbing line, you mean?

Mr. THOMPSON. Or any line. Carpenter work, for instance?

Mr. KRONER. In the building material, of course we have very large and extensive saw-mill industries that produce not only all the lumber that we require but also for export.

We have also important planing-mill industries that produce sash and doors and things of that kind, all that we use locally.

Mr. THOMPSON. What percentage of the material that is used here would you call open-shop material?

Mr. KRONER. So far as I know at the present time, the saw mills and the planing mills and these sand and gravel docks that form the material portion of the building material here, are operating under the open-shop principle without discriminating against any employees on account of their affiliation or otherwise with the unions.

Mr. THOMPSON. But the brickyards are different?

Mr. KRONER. The brickyards, I think, are practically operating on the same principle. I forgot to mention those; yes.

Mr. THOMPSON. Then, would you say that practically all of the building material here is open-shop material?

Mr. KRONER. I think so.

Mr. THOMPSON. In regard to the work of the union in the erection of buildings, has there been any effort to restrict the output, as far as you know?

Mr. KRONER. Well, you refer, I imagine, to the idea that a workman makes an effort to not exceed a certain amount of work in a given time.

Mr. THOMPSON. No. I refer more particularly to a general agreement. I am not talking about the individual, but a general understanding or intention on the part of the members of any of the building trades to limit output?

Mr. KNOWER. At the present time conditions of labor in the building trades are such that anyone holding a position for a job on a building in the capacity of a mechanic is pretty apt to undertake to hold it by rendering a good day's work for his pay. I would say this, that that condition shifts as employment becomes more frequent, and there is a disposition on the part of building mechanics, as soon as they feel secure in their work, to not make themselves unpopular among their fellows by doing any more work than anyone else does. The general tendency of that would be to depress efficiency in the entire crew.

Mr. THOMPSON. Well, is that your feeling about it?

Mr. KNOWER. That is my observation that extends over some years of personal knowledge of the subject.

Mr. THOMPSON. Are you acquainted with the wages that are paid in open shops? How do they compare with wages paid to the union workers, bricklayers and carpenters?

Mr. KNOWER. There is at the present time practically no difference in erecting work, so far as wages are concerned, between the carpenter that works as a union man and one that works as a nonunion man. The fact is the question has not been disturbed very much, and the great majority of the men employed at erecting work in buildings, as I meet them, are union men. But in the very recent past they have not pressed the idea of refusing to work with a nonunion man, which they invariably do when work becomes abundant.

Mr. THOMPSON. Are there any firms, I mean contracting firms, that have a different scale of hours and a different wage from the union scale of hours and wages in this city?

Mr. KNOWER. The smaller contractors, those that employ two or three or four men, a half a dozen or such a matter, and work in the lighter construction, possibly vary considerably in the wages that they pay at the present time. But it appears to me that the larger construction work is carried on almost exclusively on the scale that is known here and generally agreed upon as the union scale of wages.

Mr. THOMPSON. Were you here yesterday?

Mr. KNOWER. I was not.

Mr. THOMPSON. Anything further you would like to say to the commission?

Mr. KNOWER. Why, I thought that I would suggest to the gentlemen of this commission something on the subject that has been brought up here this morning, and that is the effort on the part of labor unions to prevent the employment of apprentices, and to practically destroy the apprentice system. I have felt for many years, and as I noticed the result of this system, I am becoming more confirmed that the trades-unions of the United States are committing a grave mistake and are working seriously to the detriment of this country in undertaking to prevent the youth of the country from learning a useful and gainful occupation. I place that as a charge against the trade-unions, perhaps the most aggravated and serious one that I can think of. There are many people that object to unions on other ground. But my principal objection to the trade-union, one that I think goes deeper to the prosperity and perhaps in a sense goes deeper to the unrest in this country, is the fact that we have lost for some years now entirely the system of apprenticeship that used to be in vogue, and that used to prepare the young men of this country for their life work.

That has not been the fault of the labor unions, because that has been the condition of the shifting of the methods of construction to some extent. But from their own selfish standpoint the crafts trade-union has invariably, so far as my observation goes, used every effort to prevent the employment of young men in the capacity of apprentices. And I hold and will suggest to you gentlemen that that is a grievous injustice to the young men that want to learn these trades. I remember——

Commissioner O'CONNELL. Would you have that absolute and unlimited; leave it entirely in the judgment of the employer how it should operate?

Mr. KNOWER. I certainly believe that any young man in these United States is entitled, if he has the ambition to be so, to learn the trade of a shoemaker, or a plumber, or a plasterer, or a machinist, without the interference of any man or any combination of men. I think when they undertake to do that they trespass upon a right that has never been denied to any man in any civilized country. And a denial of that right is a denial that is as barbarous as anything that is charged against the tyrranical Governments of Europe; that is as barbarous as anything that has been in the past years.

Commissioner LENNON. Do you know——

Commissioner O'CONNELL. Just a minute, Brother Lennon, excuse me. Would you have any protection thrown around the boy at all in the way of employer giving him proper opportunities and facilities to learn the trade?

Mr. KRONER. I certainly believe that the employer's duty should be to have certain supervision and to charge himself to some extent with the responsibility of turning out a mechanic if he took an apprentice.

Commissioner O'CONNELL. Who would be the judge of that sort of thing, supposing the employer entered purely into the running of an institution of apprentices, how would they be taught?

Mr. KRONER. I don't think the employer could operate any plant with apprentices. I don't see how he could.

Commissioner O'CONNELL. You may not think it, but it is being done.

Mr. KRONER. I know what every employer's experience has been, and my own has been, and I have employed a fairly good-sized number of men at times, as much as 30 or 40—that the most thoroughly trained man is the one that last leaves the job when work gets slack. I think you gentlemen will find that that has been generally the experience of men employing help.

Commissioner O'CONNELL. Don't you think that men, tradesmen, ought to be in a way capable of judging to some extent, at least in a small degree, as you can imagine, as to the number of people that ought to go into a trade, so that they may have an opporunity to support themselves after they learn the trade?

Mr. KRONER. They certainly should have the right to judge all they want to. But standing upon my own ground, if I was a boy 16 years of age, and I wanted to be a machinist, I should assert that right to be a machinist here in this country against any declaration of any labor union or anybody to keep me from it.

I can't see any moral ground upon which the union can take that stand. If the men who finally become the journeymen in that particular line are too numerous, they must certainly seek other fields of employment. They do now. But to prevent any person from acquiring a proficiency along such lines as he feels most qualified, is, in my opinion, nothing short of criminal.

When I first came to these United States something like 30 years ago, the people of this country were the admiration and the astonishment of the world, owing to the uncanny ingenuity that they posses in mechanical matters. All over Europe you heard of the Yankees being the most inventive and the most clever mechanics that had ever been produced. Every little device that was known in Europe was known as a Yankee trick. And I will tell you, gentlemen, the people of America have lost that leadership to-day.

Commissioner LENNON. Is that corroborated by the records of the patent offices in Germany and the United States and Great Britain?

Mr. KRONER. I don't think, sir, that the records of the patent offices would be any evidence as to whether or not the people are good mechanics or bad. They might keep on inventing, but they don't now hold the leadership in important inventions that they held 30 years ago.

Commissioner O'CONNELL. Were they indenting apprentices 30 years ago when you came to this country, as they are now?

Mr. KRONER. The apprentices 30 years ago had not been completely obliterated. There were 30 years ago shops in which apprentices were employed and regularly installed as apprentices with a regular term of service. I served such a term as that 25 years ago myself, and that was the common practice around that part of the United States.

Commissioner O'CONNELL. Have you any idea as to the number of apprentices that were employed 30 years ago, and the number of mechanics, as compared to now?

Mr. KRONER. I can only say to you that I learned the sheet metal worker's trade in a shop that had somewhere between—they were migratory birds at that time, and they came and went.

Commissioner O'CONNELL. They haven't got over it yet.

Mr. KRONER. But, striking an average, I would say they employed on an average possibly six journeymen workmen. They had two apprentices and one who might be called and was pretty well on as an apprentice—they had on an average probably two in that line of trade, two apprentices to four workmen. But they refused none an opportunity to learn the business. The journeymen did not, and the employers did not refuse anyone an opportunity.

There was no effort at that time, so far as I know, to prevent any person from entering or from becoming either a blacksmith or a tinsmith——

Commissioner O'CONNELL. What I want to get is, have you any idea as to the time 30 years ago, comparing the number of apprentice boys that were learning the trades in the shops at that time as compared to the number now being taught, as, for instance, learning the machinist's trade. I learned the machinist's trade 30 years ago in a shop where there were more than 30 machinists, and I was the only apprentice boy in the shop. They would not have more than one or two boys. Can you show me a machine shop to-day with 50 machinists, that there are not at least 10 or 15?

Mr. KRONER. I don't think there are that many. I think that right here in Portland you will not find more than one apprentice to five or six machinists. The plasterers' union has confined apprentices to one to every six mechanics. And every labor-union in town has a schedule of apprentices that they will permit to work in connection with workmen. But I am not going to say to you gentlemen that these men should not use their influence to some extent in preventing any one trade from being overcrowded with mechanics. But I do say that they have no right to shut the gate of opportunity on the man that wants to learn that business. They might shut out the best mechanic.

Commissioner O'CONNELL. Do you believe there should be any investigation at all as to the method of putting the boy on probation, to ascertain whether he should be a machinist or a lawyer or something else?

Mr. KRONER. I think that would be the boy's and his parents' business to find out.

Commissioner O'CONNELL. It ought to be let run wild, as it were?

Mr. KRONER. I don't think that anyone at all under our present conditions, social and political, should undertake to dictate the career of any boy that has an ambition to learn a trade. If he is not fit for it, he will probably drop out in the end and will fill up the great gap of laborers that is constantly being recruited from the population. But I do say that we can't prevent the individual man from drifting where he belongs, and we should not shut the gate or shut the door to the man the believes he is fit and refuse him an opportunity.

Commissioner O'CONNELL. Have the architects got an association in this city, an organization of any character?

Mr. KRONER. Yes, sir.

Commissioner O'CONNELL. You are a member of it?

Mr. KRONER. No, sir.

Commissioner O'CONNELL. I might ask, why not?

Mr. KRONER. Why, I have never seen fit to associate myself with them. It is probably temperamental with me to go it alone. I do not particularly have any objection to their association, any more than I prefer to be entirely unhampered to carry out my ideas and do in my business and my office as I please.

Commissioner O'CONNELL. Do you find that the organization of the architects in any way interferes with your business?

Mr. KRONER. None at all. None in the least.

Commissioner O'CONNELL. Hampers you in any way?

Mr. KRONER. Not in the least. If anything, I think they are a help to me. If there was any occasion presented itself, I think they would assist me.

Commissioner O'CONNELL. Is there any effort on the part of the architects in Portland to prevent the architects from outside of Portland coming in and getting business here?

Mr. KRONER. There never was——

Commissioner O'CONNELL. Is there any jealousy about that?

Mr. KRONER. There is not the slightest feeling of that kind, so far as I am aware, among the architects. They not only help each other, as a rule, in professional matters, but they maintain at their expense a school for the teaching of young draftsmen right here at the present time in this city. And architects whose business is worth a great deal of money and whose time is very valuable, will be very often seen spending that time showing some young draftsman something that he ought to know, from the sheer feeling of goodfellowship and a desire to give the young man an opportunity to advance in that particular line of work. And that is the feeling, I think, that ought to prevail everywhere.

Commissioner O'CONNELL. There are a number of organizations of labor that are conducting most successful apprentice schools.

Mr. KRONER. I wish to give them full credit for that. I don't wish you gentlemen to understand that I have any antagonism against the labor unions on the whole, any more than there are certain things about which I am very decided, possibly, and I thought this was a good occasion to present my views.

Commissioner O'CONNELL. You mentioned the fact of the combination between the plumbers and the supply men, and so on, that it did keep prices up, but after the decision of the courts against that combination that prices were lower. Do you think that the plumbing supply people have entirely eliminated their efforts to maintain that restriction?

Mr. KRONER. At the present time there is no evidence that I can see of any combination among them.

Commissioner O'CONNELL. Could I, if I were a citizen of Portland, walk into any plumbing supply house in Portland and buy a complete set of plumbing supplies for my house?

Mr. KRONER. You could not buy anything unless you were a plumber.

Commissioner O'CONNELL. Isn't that restriction, then?

Mr. KRONER. Well, I suppose that it is fair to discriminate between a wholesale house refusing to sell its goods at retail. You will find the same condition if you go to some wholesale paper house or some wholesale shoe house. If you go in there in a wholesale shoe house and ask them for a pair of shoes, they will tell you they are not selling shoes at retail. You can buy anything you wish in any plumbing shop, or anything except a strictly wholesale house. And they have, all that I know about, the same regulations. And I haven't in my practice recently discovered any combination.

Commissioner GARRETSON. Do you believe that the prosecution of the Bath Tub Trust in Pittsburgh, and the Master Plumbers' Association of Sioux City, Iowa, has exercised any influence to make them suppress evidence of it elsewhere?

Mr. KRONER. That would undoubtedly have a tendency to make them very careful. The prosecution of the Furniture Trust here in Portland was the cause of the dissolution of this plumbing combination. That is how they came to quit. When they saw that, then they quit.

Commissioner GARRETSON. You are familiar with both cases I referred to?

Mr. KRONER. Somewhat, yes. Yes; in a general way.

Commissioner GARRETSON. In this limitation of apprentices, Mr. Kroner, bear in mind in my craft every journeyman has two apprentices and usually is fighting for three. So I am not under that ban. But isn't it true that the limitation of apprentices has been brought about more largely by the employer in the specialization of lines, which unfitted his shop for teaching a trade, than by any other influence?

Mr. KRONER. I would answer that this way: That what you mention has been a contributing cause; but just to what extent it has contributed would be largely a matter of opinion based upon the opportunities of observation.

Now, here in this western country many young men can't and won't enter employment of this character that I speak of as apprentices because they are afraid of being nagged. That is the truth. And it is also true that the labor unions look with considerable displeasure upon the efforts on the part of, for instance, the public schools to institute manual training and the Y. M. C. A. to teach trades. They are not in favor of those things. Their influence and very attitude toward it is hostile. Now, that is so, generally speaking, however much individuals may look upon the condition.

Commissioner GARRETSON. Isn't that a localism?

Mr. KRONER. I could only speak of that as being local, for I have no information as to how that thing is elsewhere.

Commissioner GARRETSON. Have you ever made any investigation to know what the attitude of the international is toward vocational schools?

Mr. KRONER. Which international?

Commissioner GARRETSON. The Internationals of the various shop trades, the machinists, for instance.

Mr. KRONER. No; that I don't know.

Commissioner GARRETSON. Well——

Mr. KRONER. But, of course, what I say, I wish to add just one word. What I say in connection with these matters must be largely taken as relating to the building trades, as I don't have much but a very vague information in the others.

Commissioner GARRETSON. And your experience and knowledge of them here?

Mr. KRONER. Mostly the building trades. Well, I would say that I have years ago. Of course, what I speak of is confined, or should be confiend, largely to the building trades, but, then, I think these conditions as I state here will maintain pretty generally in the building trades. And going outside of the field of the building trades, I would want to be understood as having no special information that is valuable, perhaps, because I am not familiar enough.

Commissioner GARRETSON. I would like to ask you in regard to one other matter. Speaking of the tendency when work was plentiful of the man not to do more than his associate was doing, and this tendency to lower the day's output, have you ever noticed that tendency any more strongly with union men than with nonunion men under exactly the same conditions?

Mr. KRONER. Under those conditions that you mention, those conditions that you mention are only noticeable in such times as when business is quite brisk.

Commissioner GARRETSON. Yes.

Mr. KRONER. And in those times the union man and the nonunion man do not usually mix. That is, the union makes it an invariable rule to not work on any building with a nonunion man, and it is difficult to gain any comparative idea as to how the two together work. However, where nonunion men will work on one building exclusively——

Commissioner GARRETSON. That is what I mean.

Mr. KRONER. And union men will work on another building exclusively, at the same time and under the same conditions, it is probably fair to say that the nonunion man will be less influenced by that feeling than the union man will.

Commissioner GARRETSON. Does that impulse come from humanism or from organization?

Mr. KRONER. The impulse, I imagine, comes from this fact: That the union men meet from time to time, they hold each other steadfast in what are considered their ideas and what is proper for the advance of their conditions, while the other men scatter around and have no meetings. I think to a certain extent there have been times, it must be, I think, evident to every person that there have been times when unions to a certain extent controlled their men by fear, and while a man might like to build up a few more brick in the wall than the others, he hates to do that for fear of being marked out as undesirable from the union standpoint, if you please. And I think that influence is largely noticeable when the times are good.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock this afternoon. Is there something else you wish?

Mr. THOMPSON. Yes.

Chairman WALSH (addressing the witness). Please resume the stand at 2 o'clock.

(Whereupon, at 12.30 p. m. on this, Friday, the 21st day of August, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Rev. Father O'Hara.

Chairman WALSH. One minute. We were not through quite with Mr. Kroner. Commissioner Lennon wants to ask you a few questions.

TESTIMONY OF MR. ERNEST KRONER—Continued.

Commissioner LENNON. Are you acquainted with the limitation of apprentices fixed by the general constitution of the building trades?

Mr. KRONER. You mean the constitution of——

Commissioner LENNON. The carpenters' brotherhood.

Mr. KRONER. Of the National Association?

Commissioner LENNON. Yes.

Mr. KRONER. I am not.

Commissioner LENNON. Are you aware that in the building trades as well as others that the apprenticeship rules and limitations set by the unions is very rarely reached by the employers?

Mr. KRONER. You mean that the limitation that the building trades have set upon apprentices——

Commissioner LENNON. Yes, sir.

Mr. KRONER. Is not used up by the employer?

Commissioner LENNON. That is what I mean—not used up by the employer.

Mr. KRONER. Well, yes, sir; that may be the case in some instances. It is because the union won't permit the apprentices around them.

Commissioner LENNON. Oh, no; not where they allow it—not where their law permits it.

Mr. KRONER. My observation is that they won't have them around on the building; they won't take an interest in them and won't teach them; they won't have them around. They make it disagreeable for the young men that haven't fully learned the trade, and as a consequence of that the young man doesn't see any incentive to undertake to work around a building without any instruction. In other words, I have been some 20 years working around buildings as a mechanic, contractor, and architect; I don't remember of an instance where about the building the mechanics have taken it upon themselves to teach or foster or to make easy the work of the apprentice. That feeling is so universal I don't remember at the present time of a single instance where that rule did not maintain.

Commissioner LENNON. The evidence submitted to the commission at various times, while much of it is on the line of yours, at the same time the testimony as given very clearly indicates that the limitation permitted by the unions is not used up. Have you ever investigated as to whether it is true?

Mr. KRONER. I know this—I know that one plumbing contractor, a master plumbing contractor, told me that the union refused him the privilege of employing his own son as an apprentice in his own shop. I know that frequently in the past complaints in a conversational have been made to me that owing to the unfriendly attitude of the men it was impossible to keep the young men employed around the building.

Commissioner LENNON. Have you any sons?

Mr. KRONER. I have.

Commissioner LENNON. Are they going to be metal workers?

Mr. KRONER. No. I have one son—he is an engineer—and the other one is too little to know what he is going to do.

Commissioner LENNON. Your sons are like mine; they want to follow some other business besides that of their father. You mentioned regarding the Y. M. C. A. and its manual-training trade school work. As a mechanic, do you know of any Y. M. C. A. institutions in this country that efficiently teach a trade?

Mr. KRONER. I would say that the rudiments of carpentry and of several other branches are efficiently taught in the Portland trade school, and I would say that the preliminary instruction that the young men get in the Y. M. C. A. here and in some others is excellent as far as it goes. Necessarily that degree of perfection that a mechanic obtains after years of practice at his trade can not be expected from any school.

Commissioner LENNON. Well, in what capacity are such boys usually employed after leaving the Y. M. C. A., as handy men or mechanics, or what kind of employment?

Mr. KRONER. That would depend upon some conditions of the trade. If there was a lack of mechanics they are generally able to hold down a job as a mechanic. I have had young men working for me who came out of these schools who did men's work and got men's wages.

Commissioner LENNON. That is they could use a saw and hatchet?

Mr. KRONER. Well, they have very often a better understanding of the science of framing or of the science of trigonometry or geometry as applied to carpenter work and framing and joining than some more experienced workers who have not had the scientific principles. They have in a great measure, in a great majority of the cases, they are picked-up men; that is to say men who never had any apprenticeship. They have never learned the trade, but they have merely worked at it until they have achieved a certain degree of proficiency, the degree of proficiency depending upon the natural aptitude of picking up things from the men as they see them work.

Commissioner LENNON. Is that true of mechanics or to the better class that are on the building?

Mr. KRONER. That is true, I should say, of 60 per cent of the mechanics that do the framing and carpenter work in general construction. It is true of 20 per cent of the men that do the woodwork on reinforced concrete and on similar construction. It is true of 95 per cent of the painters. It is true of 60 or 70 per cent of the plasterers, and it is true of anywhere from 40 to 60 per cent

of the bricklayers, according to the way I would size them up in my experience of handling these men.

Commissioner LENNON. Well, the apprentice system—that is, as it was originally known—having disappeared, is it not usually the case that mechanics are developed from working as helpers and assistants, as a kind of apprenticeship, and not bound for a number of years and all that kind of thing, but they get the experience through working with finished mechanics?

Mr. KNOWER. Yes; that is the way the men learn their trade now, generally speaking. Through that system he lacks that training that he should have to qualify him to become a mechanic. In other words, he does not acquire the science of his business, but he learns the bad traits, the tricks of the trade, as well as the good ones. And he copies from the man he thinks is better than he is, and he copies his methods.

Commissioner LENNON. Do architects do that, too?

Mr. KNOWER. Undoubtedly; I have no excuse for the architects. I think they ought to confess to them, if they do that sort of thing.

Commissioner LENNON. That is all.

Chairman WALSH. Any other questions?

Commissioner COMMONS. I want to ask a question. Is it not your idea that in the way in which a building is built it is not possible, in the way in which a modern building is rushed up, for a mechanic to give very much instruction or attention to apprentices?

Mr. KNOWER. Well, I should say that if the attitude in a general way of the mechanics, all of them, about the building was friendly and helpful toward the men that come as apprentices I am sure that only in the rarest cases would an employer object to such an amount of time as might be taken up by the finished mechanic in pointing out things to one who is working as an apprentice. It is true that every system of training by workmen of apprentices would have to be done jointly by friendly cooperation of the employer and the employee.

Commissioner COMMONS. You don't know of any agreements where they have agreed jointly to train apprentices?

Mr. KNOWER. In the building trades we have no such agreements. I don't happen to know of anything of that kind having been done.

Commissioner COMMONS. Nor any arrangement for instruction outside of the actual work on the building?

Mr. KNOWER. Oh, yes. The employers have been taken here in this city, for instance, an interest in the trade schools, and as an association the employers as well as the architects and some other citizens in all walks of life who are interested in this question have promoted the interests of our State school, the Oregon Agricultural College, which teaches much of the preliminary scientific work that goes to make up a mechanic. But all these things here have been in a sort of unfinished way. The necessity for some work of that kind exists. No one has taken a firm hold of it, and I think the labor unions could do more, perhaps, with the present state of public sentiment, and the friendly state of public sentiment that exists here, generally speaking, to find a solution and assist in a solution of that question than any other one body of public men or any other one class of men.

Commissioner COMMONS. How is this local trade school that you speak of financed?

Mr. KNOWER. It is a part of the public-school system. It is under the direction of the public-school board, and it is strictly a public school, a branch of the public education.

Commissioner COMMONS. They have practical instruction?

Mr. KNOWER. They have practical instructors in their practical mechanics.

Commissioner COMMONS. How long a period does it cover?

Mr. KNOWER. I am not familiar with their curriculum. I have had a draftsman from the public schools who had graduated there after the term of one year, which he had devoted partly to mechanical drawing and partly to instruction in carpentery, and he was probably more effective than the average. He was as effective as the average school graduate, I should say. He was an unusually bright boy. And I would say, from my experience with him, I think the instruction is successful.

Commissioner COMMONS. Is there any provision by which they can get that instruction while they are apprentices and going along with actual work?

Mr. KNOWER. I feel there is no doubt that if the application was there for that kind of work that the public-school authorities would be ready to furnish the

instruction, but I don't right now know whether they have any evening courses for mechanics or not. I think not.

Commissioner COMMONS. Do you think the master workmen or employers in the building trades would be willing to permit these apprentices to go to these schools in the daytime on the employers' time?

Mr. KNOWER. That would be a question everyone would have to answer for himself, after consulting his bank account.

Commissioner COMMONS. Has that ever been proposed?

Mr. KNOWER. Nobody has proposed it to them.

Commissioner COMMONS. Instead of night schools, having it in the daytime on the employer's time?

Mr. KNOWER. Nobody has proposed it, and I don't think it would be practical.

Commissioner COMMONS. Say, a half day a week?

Mr. KNOWER. It might be accomplished by general agreement to assist in that way. But what the attitude of the employing contractor would be as to that, I don't know. They would likely be friendly to a thing of that kind if it didn't embarrass their bank account too much.

Commissioner COMMONS. It is simply the German system.

Mr. KNOWER. Yes, sir.

Commissioner COMMONS. You have never proposed that?

Mr. KNOWER. I have never been requested to furnish my views to the public authorities, and I have never furnished them.

Commissioner GARRETSON. Take the other side, where the mechanics in the shop are employed on the piecework system, as is common, and in some sections general, could the journeyman whose time allowance for the performance of a certain job, for which he is paid a certain amount of money and is determined by the stop watch under the efficiency system, could he be expected to give a minute to the instruction of an apprentice, legitimately?

Mr. KNOWER. No, sir; he could not be expected to put his time in if he was working by the piece; but there is little of that sort.

Commissioner GARRETSON. You know how universal it is in the machine trade, or how common it is. Haven't those agencies been in existence and put in force and effect by employers been a large factor in the exclusion of the apprentice?

Mr. KNOWER. I should think what you refer to and it would be more particularly true, of the factory production, shoe shops and machine shops.

Commissioner GARRETSON. That would apply more strongly than to the building trade?

Mr. KNOWER. In the building trade the amount of work done by piece is negligible.

Commissioner GARRETSON. I know it is, but I am speaking of industries in general.

Mr. KNOWER. I should judge in factories, manufacturing institutions such as you describe the teaching of apprentices would be more particularly the province of the employer.

Commissioner GARRETSON. In fact, wholly by men who were paid for the period and expected to perform that service?

Mr. KNOWER. I think that your position is quite just if that is what you refer to.

Commissioner GARRETSON. Have you seen the tendency in trades of that character on the part of the employer to furnish such instruction?

Mr. KNOWER. Well, now, we have in our northwestern country here—we have as far as I know very few, and those are undeveloped specimens of this species of industry you speak of. Our principal industries are the lumber business and possibly fruit and the development of fruit and fruit canning and work of that sort, and the question as you have it does not apply in any magnitude at all here.

Commissioner GARRETSON. But in the older countries where machine-shop practices exceed, then it becomes vital and is a factor?

Mr. KNOWER. I should undoubtedly say in the factory like Fall River or in Connecticut where they manufacture mechanics' tools, where every bit is piecework and goes through a machine——

Commissioner GARRETSON. And the man is a machine tender and stays a machine tender.

Mr. KNOWER. Yes, sir.

Commissioner GARRETSON. And specialties the work?

Mr. KNOWER. He is not specially characterized as a mechanic.

Commissioner GARRETSON. That is all.
Chairman WALSH. That is all. Thank you. Call your next.
Mr. THOMPSON. Reverend Father O'Hara.

TESTIMONY OF REV. FATHER EDWIN V. O'HARA.

Mr. THOMPSON. Will you give us your name?
Rev. O'HARA. Edwin V. O'Hara.
Mr. THOMPSON. And give us your address?
Rev. O'HARA. 62 North Sixteenth Street, Portland.
Mr. THOMPSON. How long have you been located in this city?
Rev. O'HARA. Nine years.
Mr. THOMPSON. Are you the chairman of the Industrial Welfare Commission of Oregon?
Rev. O'HARA. Yes, sir.
Mr. THOMPSON. Father, will you kindly tell us the objects, aims, and purposes of your commission?
Rev. O'HARA. The commission was created by the legislature of 1913 to provide for the welfare of women and minor workers in the State, and the law as drawn up—the first sections are the sections outlining the duties of the commission—state that it shall extend to things that are defined by the law. The law says it shall be unlawful in the State of Oregon to employ women for unreasonably long hours, under conditions detrimental to their health and at wages that are inadequate to maintain them in health and decency; and that it shall be unlawful to employ minors in the State under conditions that are detrimental or hours that are unreasonable, or at wages that are unreasonable, and it is the business of the commission to determine in individual occupations at times what precisely are these conditions. So that the law as laid down by the statute, the commission has a duty similar somewhat to the duty of a railroad commission, to determine matters of fact and consequently to say what hours are unreasonably long and what conditions are detrimental and what wages are inadequate.
Mr. THOMPSON. How many members has your commission?
Rev. O'HARA. There are three members of the commission.
Mr. THOMPSON. What so far has the commission done with reference to these questions?
Rev. O'HARA. The commission has after organizing in June, 1913, first called some informal conferences to see whether the employers would not voluntarily agree to conditions and wages and hours which would be reasonable, and then not require legal machinery. After a number of conferences it was found nothing could be done in that way, and we began the holding of legal conferences.

First, for the city of Portland we held a conference on the mercantile business in Portland, and the manufacturing business in Portland, and office work in Portland. And then, having these conferences and the rulings which came from them, we held a State-wide conference on all occupations throughout the State not already regulated. Now, the sum and substance of these rulings is as follows: In the mercantile business in Portland the minimum wage was fixed at $9.25 a week for experienced adult women workers. The number of hours a week was 50 or 51, I am not sure—50, I think. The women were prohibited to be employed in the mercantile business in Portland after 6 o'clock in the evening of any night of the week. Those are the rulings for the mercantile establishments in Portland. Then, in the office establishments, all office help, the same minimum wage was fixed—$9.25 a week—and the hours practically were fixed at 50, but not determining any number of hours a day. Of course, they all come under the provisions of the State law of 10 hours a day. Then, in the manufacturing establishments of Portland a ruling was made that the minimum wage should be $8.64 a week—that is 16 cents an hour for a 54-hour week was the explanation of that figure—and that 54 hours be the maximum hours. And this was the case where the commission was enjoined, or sought to be enjoined, by a paper-box manufacturer from carrying this provision into effect.

The case was taken to the courts, and the constitutionality of the law was upheld both in the lower court and in the Supreme Court of Oregon, and now the same case has been appealed to the United States Supreme Court, where it is pending. After these rulings were made a State-wide conference was called to consider all occupations not already dealt with. And the provisions of

that State-wide conference—the recommendations which were finally adopted by the commission were that $8.25 a week should be the minimum in any occupation throughout the State for an experienced adult woman worker, an adult woman being one over 18. That not more than one year should be permitted in any occupation in the State of Oregon, in order that a woman should be qualified under what is meant by "experienced." We were not discussing apprenticeships in any trade term; we were discussing it for the purposes of this law, and we called it experienced, that after a woman had one year's experience in any occupation whatever she was entitled to be considered experienced in the sense of this law, and get the minimum wage for an adult woman worker. Then, a further provision of the State-wide conference was that in no mercantile or manufacturing or laundry establishment in Oregon should a woman be employed after 8.30 at night. These are substantially the rulings. Further, there is a ruling that an inexperienced woman, a normal worker, one who is not defective in any way, shall get at least a dollar a day in any occupation, and no woman may be in Oregon—no normal woman over 18 may be employed in Oregon at present for less than a dollar a day for the number of hours that are permitted. And no apprentice can be employed for less than a dollar. So these are substantially the rulings that have been made.

Mr. TOWNSEND. How long have these rulings been in effect?

Rev. O'HARA. They have been in effect since last fall. Some of them went into effect in November and December and January, and I think the last one went into effect about the 1st of February, and the first some time in November. It took us a certain length of time for the commission to make these rulings. The provisions of the law are that a conference representing the employers, employees, and members of the public has to be called, and the commission submits to this conference of nine members, three representing each element—the commission submits questions concerning what are reasonable hours, what are wages sufficient for decent maintenance, and what are decent conditions. This conference recommends back to the commission, makes its recommendations to the commission. The commission, if it accepts the conditions, must give a month's notice four times in the public press, four successive times in the public press, for the holding of a public hearing on these recommendations. And after the public hearing is held the commission may or may not, in its judgment, make the rulings mandatory.

The conferences have all recommended unanimously. All of the rulings of the commission up to date have come both, in the first place, from a unanimous recommendation of employers, employees, and the public, on the conference; and, secondly, a unanimous decision of the commission. There has been no question at any time of division of opinion as to the justice and reasonableness of these rulings. I may say that the law has had the support of public sentiment from the beginning, being passed by the legislature without reference to political parties, not being a political issue—unanimously passed by both houses of the legislature. And this was due, I think, in some degree, to the fact that the reason which was alleged by the committee that had the framing of the law—was one which must make this legislation permanently popular—and that is that emphasis was not placed—indeed, the question was not raised—of the relation of morality—of sex morality to low wages at all. That question was never raised by our committee that had the putting up of this law, for two reasons: In the first place, the committee doubted whether the relation was very close; and, secondly, it knew that any such suggestion was an insult to the women workers of the State whom we tried to help, because we don't believe that there is any large amount of immorality. That is just the important point. What we did find as the result of our investigation was that the girls were living on two meals a day, and living under conditions that they should not be permitted to live in—two or three rooming together in a dark, unlighted room. Some one else can tell you better—more about this—than I. But that is the argument on which this legislation was passed—that no woman, working in America should be compelled, after she goes through a whole day's work, to live on less than enough to maintain her under decent conditions. And that is the argument which will maintain popularity forever, because it is essentially just and the American people feel that that is a reasonable and just regulation of business.

So that the law has been popular and was supported by the commercial bodies as well as also by the labor unions. We were glad to report that we had the strongest recommendations both of the Central Labor Council of Portland and the State Federation, and also of the Commercial Club of Portland. And

we have no reason to believe that anyone, employer or employee, who has taken the bother of investigating either the law, its purposes, or its method of administration has anything but support for it. Now, effects of the law, if I am not running——

Chairman WALSH. Yes; proceed.

Mr. THOMPSON. Go ahead.

Rev. O'HARA. In the first place, the prohibition of night work in the city of Portland in the mercantile establishments meant that about 3,000 girls would have an opportunity to have a Sunday to themselves, and it was an unmitigated good thing. It means that there is no employment of women in the mercantile establishments in Portland after 6 o'clock on any night of the year. Secondly, in regard to the limitation of hours, we had been working under a 10-hour law—a 10-hour law for the State. The States north and south of us are working under eight-hour laws for women. Now, the commission might have been able to secure a more stringent regulation than a nine-hour law, but it was the general feeling of everyone connected with the legislation and the conferences that it was better to secure a favorable minimum wage; and, besides, the question of an eight-hour law comes before the people at this coming election, and the people of Oregon will have an opportunity to say whether they favor the eight-hour law for women I am speaking of. And the commission felt that since the law was initiated it would be glad to leave that important matter to the decision of the people of the State, instead of trying to secure such legislation by commission, which might result in beating down the wage. Now, it was confidently predicted there would be a great many women lose their positions as a result of this legislation; and there are two things to be said: In the first place, the shortening of the hours has thrown a few women out of employment, as it has done in every State, though with the nine-hour day—the 54-hour week—in Oregon it naturally is not as stringent as the eight-hour day in California and Washington; but the fact that it prohibits the women from working as many hours as men work in factories beside them will naturally displace a few women. That has happened. There is one factor that I know of that had about 15 or 20 women working, who were displaced by men. It was, fortunately, as far as the humanity is concerned, a factory where women should not have to work anyhow, being of a nature that—noise and everything attached to it—was not what one would consider desirable work. There has been some tendency in certain places to use that and similar things as showing that the minimum wage regulation has thrown women out of employment.

Now, our office has yet to hear from half a dozen women in the State of Oregon who were thrown out of employment by the minimum-wage regulation. We have only had three applications for permission to work for less than the minimum on the part of experienced workers. There has been, as we will refer to later on, perhaps, some disturbance among the learners. But as far as experienced workers, and they are the only ones affected directly by the legislation, there have been only applications for three to work for less. Now, there are seasons which occure when the force in various large establishments is very much diminished; where, for example, a large concern will lay off a very large number of women at two seasons in the year; and they have attributed this, of course, to the wage legislation. But the same thing happened last year, and it happened this year, and it will happen next year, because of the fluctuation of the business. But it is not due to any legislation. There are just as many women employed. We have the pay rolls and are in power to get the pay rolls of all the establishments in Oregon employing women, and we had secured quite a number of pay rolls of last year, and we have them this year—a large number of establishments—there is not any evidence of any less women employed. Now, in a great many establishments there is no evidence of any less women employed now than there was a year ago. Of course the business depression that is on at the present might naturally explain a smaller force that is to be found in certain occupations. That is all to be said, I think, in reference to the results of the rulings of the commission.

There are certain other results. One is to stimulate the movement for trade schools—continuation schools. The commission has taken up with the larger stores the question of establishing the continuation schools in salesmanship, and we made a special inquiry this summer into the work of Mrs. Prince's school, in Boston, and are recommending to the local school board informally, not having it in our power to formally recommend it, that such instruction be given, given at a time during the week, not at night school, but day work; giving time where they may go and learn to be more efficient. And the idea is

very well considered by the local large stores, and the question is up to the local school board. There are a great many problems that have come before the commission in the course of its two years' work, but I do not know whether you want any more.

Commissioner LENNON. Before leaving the subject I wish you would inform us as to the change in wage because of the action of this commission in any specific case, and also of the powers you have to reopen a finding. Suppose you had made a finding, what powers have you to reopen it.

Rev. O'HARA. In reference to the first, it may be said there has been a very notable increase in wages among business girls in mercantile establishments in Portland. Where $30 and $35 was the common wage among these girls, those who have had a year's experience are now getting $40 as a minimum. The same is true in the mercantile establishments. There has been a very considerable increase. The rulings of the Oregon commission were very moderate; and just because of the thing you suggested secondly, that the commission is able to reopen these things at any time as a practical question, with these rulings both employees as well as employers felt that the purpose of the law would be better reached by having moderate rulings to begin with, and the rulings of $8.20 and $8.64 are considered to be very moderate.

In other States which have adopted the same law—in fact, the exact law we drew up—have made considerably more stringent regulations and 75 cents a week more in its minima throughout. So the rulings were moderate, with the understanding that the commission, as a continuing commission, could reopen these matters at any time. I will say, though, that there are certain occupations which have not yet been affected by the wage rulings. The wage rulings so far made affect only time payment. The question of piece-rate payment was such a complicated one that the commission is just now calling a conference to consider it and first settle the time-rate payments and get that matter cleared up and to take one thing at a time. And so the question of piece rate has not been affected, although the standard has been set and there may be some question as to whether the standard could be enforced, but the commission is about to open—call a conference to discuss that question.

There are other questions. There is one other question that might be opened, and that is the short week in the laundries. There is a question that is just now being discussed. Our secretary has just compiled a report of the laundries of Portland, and we are calling a conference shortly to consider that question of wages in the laundries. Whereas the hourly rate may be very satisfactory, the weekly rate is very bad, because 75 per cent of the girls are not working full weeks. They are working from 40 to 48 hours out of 54, and only a small number of them will work a full week; consequently, if paid by the hour, the pay check at the end of the week is not the minimum. But we have arranged our minima; they are all rates, not amounts. Consequently that matter is still to come up; and I would say that at the present time the laundries have not been notably affected by our ruling, owing to that fact. And that is the reason the special conference is being called, I think. There may have been a few girls—a score of girls—whose wages have been raised by the present regulation.

Commissioner GARRETSON. The wage is satisfactory, but the earnings are not?

Rev. O'HARA. The wage rate is satisfactory, but the length of the week is a short week. What can be done is still in the future.

Mr. THOMPSON. In determining the amount of the minimum wage, it apparently varies, of course, in the different lines of work. Generally, what did the conference and the commission take into consideration in arriving at the figures named?

Rev. O'HARA. It took into consideration the cost of room and board and clothes. Those were the large items, and it was figured that $25 a month was required for decent room and board in Portland, and that figure—around that amount; perhaps $22.50 instead of $25—that would scarcely include the noonday meal; that is, for very large numbers. A small number could get room and board for less than that, but not very much less at the time these rulings were made. Then there was diversity of opinion as to the matter of women's dress, as might be expected; but a compromise or practical view was adopted, which brought the figure up to its present sum.

The matter of vacation and dental fees and medical fees and reading and recreation and all those things were discussed, but it would be hardly true to say that they were taken practically into account, because they were subjects that gave such a varied opportunity for opinion, and if each of them was added

it would have sent the minimum very much higher than was felt would be practicable to start with. It was a matter of practical judgment, and I think everyone concerned felt that that was the best way to start.

Mr. THOMPSON. In regard to the variation of the figures of the minimum wage for the different industries, did that arise from a different view of these main items?

Rev. O'HARA. Yes, sir; the matter of clothes.

Mr. THOMPSON. Or the industry itself?

Rev. O'HARA. The matter of clothing. For example, between mercantile and manufacturing establishments in Portland the difference between $9.25 and $8.64 a week. It was supposed by the conference that the girls who had to meet the public as saleswomen or as office girls would have to dress more expensively, at least have more laundry and that sort of thing, than the girls working in factories. That was the supposition of the conference in making this difference.

Mr. THOMPSON. Is there anything further, Father, you would like to say with reference to this industrial welfare commission?

Rev. O'HARA. Perhaps I would say that one of the causes of uneasiness among women workers has been the secrecy of the wage scale—the fact that women working side by side don't know what each other are getting—and consequently there has been no standard of women's wages—absolutely no standard of women's wages, except what they could be gotten for. That is, it was not even the law of supply and demand, because there was a great factor of ignorance—ignorance of what their work was worth on the part of the employees that made it even worse for them than the law of supply and demand if that had been allowed to operate directly, and I feel personally that there is one of the greatest evils connected with the employment of women; that is, the lack of a standard—the lack of publicity as to what women were getting. I believe if the public knew generally what women were getting in many of the industries, that they would demand better conditions for them. All of these things others may discuss better than I.

Mr. THOMPSON. Have you given any consideration to the question of unemployment?

Commissioner GARRETSON. Let me ask one question before we leave this subject.

Chairman WALSH. All right, Commissioner Garretson.

Commissioner GARRETSON. Has there been any instances where women were disciplined or discharged for testimony given before the commission as to violations of the law or undesirability of conditions under which they worked?

Rev. O'HARA. No, sir; because the commission made careful investigation and inquiry as to how the employers would treat their employees before getting them to testify, and it was impossible to get women to testify from certain industries; that is, from certain occupations. There were certain stores, for example, where it was impossible to get the women to testify from.

Commissioner GARRETSON. They were convinced they would lose their jobs?

Rev. O'HARA. Yes, sir.

Commissioner GARRETSON. Your experience is the same in that as similar commissions in other States?

Rev. O'HARA. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner COMMONS. I would just like to ask a question about the prosecutions under this law and the penalties. How are those carried on?

Rev. O'HARA. The prosecutions under the law are taken care of by the State labor commissioner, who has the enforcement of all labor legislation, although the commission has also authority to do it. The State labor commissioner has the machinery to do it and has prosecuted under this law, and I think that every provision of the rulings there have been prosecutions that have occurred and fines inflicted and wages given under every provision of the law. No prosecutions were undertaken until after the Supreme Court of Oregon upheld the law. It was felt it would be unwise to start prosecutions until that had been done. In reference to—what was the question you asked me?

Commissioner COMMONS. Is it the prosecuting attorney or the district attorney that prosecutes, or can the commissioner employ his own counsel and prosecute?

Rev. O'HARA. The State labor commissioner—the commission has to employ the district attorney or attorney general's office, and the State labor commissioner has, I presume, to employ—I am not fully familiar with the machinery of his office, but he is able to bring these prosecutions.

Commissioner COMMONS. Does he employ his own counsel if he can not get the district attorney to act?

Rev. O'HARA. There has been no question like that that has arisen. It is the duty of the labor commissioner to enforce the labor laws of the State, and all the cases have been prosecuted by him without any question.

Commissioner COMMONS. Do you know about any difficulty of getting evidence of violations of the law? Has that question come to your attention at all in any way, as to whether women and girls——

Rev. O'HARA. I could not cite any specific case of that, although I have heard—well, I know of cases like this, where complaints would be telephoned in to us by telephone or sent in with annonymous signatures, or no signatures, or where the name would be given, and we would be told we must not use their name, and of course that is quite common. That has happened in a number of cases. That, I think, is what you refer to.

Commissioner COMMONS. In such cases, of course——

Rev. O'HARA. We can't go ahead.

Commissioner COMMONS. You can't get evidence?

Rev. O'HARA. No, sir.

Commissioner COMMONS. You get a number of such letters, do you?

Rev. O'HARA. Yes, sir. I should say there are from week to week, there is a call of that sort—no great amount of them, but still we have them.

Commissioner COMMONS. How about the promptness of prosecution of the cases? Is there prompt action, or is there delay in getting decisions, getting action?

Rev. O'HARA. No, sir; I think the matter has been done very promptly, very satisfactory by the labor commissioner. He has taken and handled the matter very well.

Commissioner COMMONS. That is all.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Along this same line, Father, I would like to ask you one question, whether in determining the wages the conference simply took into consideration the needs of the single individual, or whether they took into consideration—considered the individual as part of the family, or as one supporting others?

Rev. O'HARA. The conference had only one question put to them in reference to wages, and that is, What sum is necessary in Portland in this occupation to maintain a self-supporting woman in decent but frugal livelihood. The state of the business and the question of whether the woman was living at home or adrift don't enter at all into this question. The commission took no cognizance of those questions.

Mr. THOMPSON. Nor whether she is called upon to support others?

Rev. O'HARA. No, sir; not in fixing the minimum, because it is fixing it for a whole occupation.

Mr. THOMPSON. Referring to the question of unemployment, have you given that some thought and consideration?

Rev. O'HARA. Yes, sir; during the past two months. Two months ago I was asked by the American Association for Labor Legislation to organize in Oregon an Oregon section of the American Association on Unemployment, and we have organized such a committee, which has been making an investigation during the past two months. The American Association has sent on an investigator, who has spent the last two months in Oregon, and has written up a report, which is now ready for the press, and the report has shown a number of things in regard to unemployment in Oregon. In the first place, it has shown where a large amount of the unemployment comes from—that it is a question of seasonal unemployment; that there are some 30,000 men employed in Oregon in the summer, against—in all occupations except agriculture—against 23,000 in the winter. There are 7,000 who are left idle in the winter, due to the seasonality of occupations. Of these about one-half are employed in the lumber and timber industry. About 18,000—15,000 at the highest period in September and about 11,000 in the winter. So that leaves about 5,000 men whom the lumber and timber industry employs in the summer and does not employ in the winter.

Our investigation has gone further into the various trades, and has got some information which I haven't at hand just now, but indicates what are the months of highest and lowest employment in the various trades. Now, the purpose of our investigation was, first, to determine that fact—the fact that there is seasonality of employment. It is not a question of overpopulation, but it is a question of having a limited number of industries and the industries are

ploying men, particularly at one season; and the work which the American Association for Labor Legislation has outlined was to make an inquiry into what could be done to remedy that situation; First, by shifting public employment and, second, by stimulating new occupations. And in reference to these matters we have been in communication with all the cities and counties of the State of Oregon and have received varying answers showing that in some places it would be possible to do the road work during the slack season; that the stonework especially could be done. There are certain irrigation projects that could be done. There is obviously a large amount of building which is done every winter—here in the valley especially.

Many of our public schools buildings have been constructed right through the winter, and that, with some thought on the part of the public authorities, it would be possible at least to shift the work so that the public employment would not come on at the time the private employment is at its highest. Whether it could be shifted clear to the period of worst unemployment is a practical question for engineers and others to settle, but there is a large amount of public work that could be done at times when the private employment is not at its highest, and that is the first recommendation of our committee to the public authorities of Oregon—that they look into the matter of shifting their work. Secondly, there is work which could be taken up that is specially suited to the winter season, and that is land clearing. There is a vast amount of logged-off land in Oregon which, if it were cleared, would be suitable for agriculture, but which, owing to many reasons, is not being cleared, with the result we are lacking in agricultural population, and it would be good economy to put people to work at clearing that land. Now, it will cost a good deal of money to clear land, to clear this logged-off land, and land is being held at a very high value—too high for farming purposes in many cases.

But there are two things to be done. One would be to interest the private owner—the owner of those in employing men during the winter and clearing off the land. That, doubtless, will be done; that is being done. There are plenty of private owners who are doing it. But, secondly, that method will probably not work until the experiment has been carried on on a fairly large scale, and there is no obvious reason why the county could not undertake to carry on some of this land-clearing operations during the winter and not lose any money at all; make it a straight business transaction and give employment to men during the winter in clearing land. There are many details of this to work out by both the owners of land and the public officers. But clearly there is opportunity here for giving work—for creating an industry that will really be economic and won't be charity in the least; that it will be socially useful and at the same time pay its way. Now, there are many other things besides land clearing. I mentioned rockwork and drainage. There are large parts of the valley that need drainage—tiling—and this work can be done in the winter. Then, a brief statement of what can be done in that line: Our further investigations have taken us into the field of employment agencies and the question of paying wages by cash instead of paying by check, which can only be cashed in the saloons.

And the question of unemployment insurance, and the question of part-time schools, the idea being to have the schools conduct classes—trade schools especially during the bad winter months, and have the boys under 21 go to school, instead of being competing with their elders at that time. This arrangement, of course, as everyone knows, is the arrangement in Chicago; and, as I learned from the school authorities there, is very successful and takes out of competition at that particular season of the year, when employment is very dull, boys who ought to be going to school and learning something to improve themselves at their trade.

In the matter of paying checks by cash, these are recommendations which our committee is making to public officials especially, to aid which it hopes to have organized this afternoon, or to start to organize this afternoon, later on in the afternoon, an official committee. We are asking the State officials and the county of Multnomah and the city of Portland officials to meet this afternoon and organize an official committee to do these things: First, to see that public work will be shifted as far as possible; second, to see what the State can do in providing public work, economic public work during the winter; and, thirdly, to see what the city can do in regard to getting a much more effective employment agency. Our idea is not that the city employment agency is the ideal, but that until the legislature meets the only practicable thing to do is to develop the efficiency of the Portland Free Employment Agency.

Now, these are a few of the features of the report which will be made by our committee.

Mr. THOMPSON. With reference to the question of the employment agencies, have you looked over the tentative suggestions to be incorporated into a bill, which the commission has?

Rev. O'HARA. I have just looked over them. I am not in a position to express any opinion on them further than to say that the general ideas are undoubtedly the ones on which progress will have to be made.

Mr. THOMPSON. Have you any idea with reference to that problem, as to whether a Federal employment bureau with agencies throughout the United States would be a good thing or not?

Rev. O'HARA. I think it would be undoubtedly a good thing, because sometimes when employment is at its height in one section of the United States it is very low in another, and an efficient Federal bureau would be able to get the information to the workers. I think that is true.

Mr. THOMPSON. Is there any other thing you would like to suggest to the commission in regard to the industrial problem, particularly things constructive that might come within the scope of the commission's work?

Rev. O'HARA. There is one other problem that I haven't much information concerning outside of these two lines of constructive work except as to a third, which is not directly industrial, and that is the housing question. And I believe that that is the source of a great deal of the industrial unrest, it is the fact that the industrial population is not properly housed, and I believe that what is needed for them is good housing legislation that will especially provide for the distribution of the industrial population away from the center and not crowd them and hive them in unsanitary and unsatisfactory dwellings and tenements and unlighted rooms. That is another feature of this matter, but apart from, that is not directly industrial, but it has a very large bearing, in my mind, on the industrial matter.

There is one thing that I would like to call your attention to in regard to the law, the industrial commission law in Oregon, and that is that appeal from the rulings of the commission in matters of fact is denied. There is no appeal to the courts from the rulings of the commission in matters of fact.

Chairman WALSH. That has been upheld in this State?

Rev. O'HARA. That has been upheld by the supreme court.

Commissioner GARRETSON. Only on questions of law.

Rev. O'HARA. Only on questions of law, and that prevents endless litigation keeping these things tied up in the courts.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Has it been alleged, or has there been increase in the prices by laundries, it being alleged that it was made necessary by added costs of operation growing out of the application of this law.

Rev. O'HARA. What I have observed is that this law has not as yet affected the laundries to any notable extent. The laundries would come under that ruling which says that $8.25 a week is the minimum, but $8.25 a week for a 54-hour week, but when they only work them 46 hours or 48 hours, they are only paying them $6 or $7 as a minimum, and consequently there is a very small proportion of the laundry industry that has as yet been affected by the rulings.

Commissioner GARRETSON. But, do you know if they have raised the prices?

Rev. O'HARA. I am not informed on that subject.

Commissioner GARRETSON. It is not always necessary, is it, to have a reason in those things if you have a good excuse?

Rev. O'HARA. No. That has been shown in more cases than one, because many things have been attributed to the law which on investigation are not due to it at all.

Commissioner GARRETSON. One other matter. You touched on employment agencies. Was there not a hearing held here the other day in regard to the granting of a license to an employment agency, or the withholding the license, which brought out certain facts with regard to the methods which were followed? Have you any knowledge of that hearing?

Rev. O'HARA. No; I have not, except through the papers. I saw the fact reported—as reported in the public press. I have knowledge of a hearing of the employment agencies themselves before our committee on unemployment where these charges were very emphatically denied.

Commissioner GARRETSON. You don't know, then, whether those statements were made under oath before the city council, as to offers that were made by employment agencies to employers who would expediate the movement of men?

Rev. O'HARA. I don't know whether they were made under oath. I presume they were, if it was any testimony that was taken.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any other questions? That is all. Call your next.

Mr. THOMPSON. Mr. Wood.

TESTIMONY OF MR. C. E. S. WOOD.

Mr. THOMPSON. Sit down, Mr. Wood. Give us your name, please.

Mr. WOOD. C. E. S. Wood.

Mr. THOMPSON. And your business address?

Mr. WOOD. You want my full name? Those are my initials.

Mr. THOMPSON. Yes—I mean your business address.

Mr. WOOD. 616 Spaulding Building.

Mr. THOMPSON. And your profession, Mr. Wood?

Mr. WOOD. Lawyer.

Mr. THOMPSON. How long have been located in Portland?

Mr. WOOD. Before going any further, Mr. Thompson, I would like to correct an error. I have been summoned here as counsel for the labor unions. Now, so far as I know there is no such attorney in town. They have occasionally come to me individually, individual unions and individual members of the unions, in their legal difficulties. And I have appeared in a number of their cases, but I have no permanent legal relation with the unions as attorney and client.

Mr. THOMPSON. I see.

Mr. WOOD. There are some things that I probably would say here to-day that the unions would not agree to at all.

Mr. THOMPSON. Mr. Wood, how long have you been practicing law in this vicinity?

Mr. WOOD. Thirty years.

Mr. THOMPSON. Thirty years; and you are pretty well acquainted, consequently, with the industrial conditions here?

Mr. WOOD. Well, with the general aspect. I would not say with all the details from time to time.

Mr. THOMPSON. In your opinion, does industrial unrest exist here—by that I mean the unrest because of the relations between the employer and the employee particularly?

Mr. WOOD. Does it exist here particularly?

Mr. THOMPSON. Yes.

Mr. WOOD. No, sir; not in my opinion. There are not enough people need to live here yet; we are not crowded enough to have a really crucial and vital unrest.

Mr. THOMPSON. What would you say of the unrest that exists as to its kind and degree, and what in your opinion are the contributing causes to it?

Mr. WOOD. I think that the unrest is due to ignorance, as I dare say all evil is due to ignorance. I do not think that the employer and the employee understand each other. I think, for example, on the employer's side they are perfectly sincere in their ideas that in battling for the open shop they are battling for the individual liberty of a man to sell his labor as and where he pleases. According to my view they fail to see that all they are battling for is the right for themselves to get the benefit of a relentless competition; that everybody that is born has to live, and everybody that is born becomes a competitor with every other body in the labor market.

And when these gentlemen contend for the God-given right of the individual to sell his labor as he pleases, though they are sincere in it, in my opinion, they are simply providing one more monopolistic privilege that they will get the benefit of the wolfish competition amongst labor and live. Now, that is one thing that the employers don't understand.

The employee, on the other hand, and the labor unions do not seem to me to understand that they themselves are an evil, only justified from the fact that they are battling a greater evil; that they are an evil, in my opinion, because they invade the liberty of the peaceable individual in his peaceful activities. They dictate how many hours he shall labor, what wages he shall get, and what amount of labor he shall perform; how many apprentices shall learn the trade,

and invade the province of the employer, tell him what he must do, all of which invasions of personal liberty are, to my mind, theoretically wrong. But as long as the greater evil of the monopolies of the capitalistic class exist the labor union is a life preserver and may necessarily be self-preservation with all its evils.

Now, turn to the other side. The capitalistic employer again with perfect sincerity says, "Why, we can't submit to having the labor unions become a labor trust, a labor monopoly, and sell labor at their own terms." But they are none of them able to see that labor must form that trust, which I think is theoretically bad, and as long as the capital and the employer has the greater and more vital trust of the control of the land, the source of production, the control of money, the blood of commerce, and the control of the taxing power, which takes by force money out of the pockets of the laborer. These are the greater monopolies, and with all due deference to this commission I do not think this or any other commission is doing anything but palliative work, and closing over the sores until they get down to the root of what makes them, what are the monopolies and privileges that make the conflict between labor and the employer. [Applause.]

Chairman WALSH. With all due respect to the enthusiasm of the audience I must ask you, if you please, not to repeat that. I know it is human nature to do that, when a proposition that is popular is put in a well-phrased manner; but kindly assist us, because it makes for disorder, as we have discovered in other places. I know you will. Proceed.

Mr. THOMPSON. Mr. Wood, looking at the proposition of palliatives which, apparently, is your opinion of what may be done, what constructive or palliatives will you suggest to this commission that it might recommend to Congress, or to the various States, or to the public at large, that would help in the evolution of the industrial problem, that is to say, between the employer and employee.

Mr. WOOD. Well, I am afraid I can not put forward anything, for the reason I am so grounded in the belief that the palliatives simply delay the time of fuller understanding, divert the attention to superficial things, and really prevent an understanding of the real subject.

For example, it is to me like this: That here is a hose filled with water, under pressure from the head at the back, which has been bursting for ever since the history of man in some spot or other, and we run to that particular spot and try to plug it up, but we never try to get back to the source and cut off the head. It seems to me that all these palliatives are but incidental, you can not change the economic force of gravity a bit more than you can change the physical force of gravity.

For example, you start an eight-hour law. Mind you, I have been battling for these eight-hour laws, and I have joined these forces advocating palliatives, because it was an expedient for the moment. But now you are asking me for my views as to what ought to be done. You take the eight-hour law; that is, a law cutting down the hours of labor and preserving the price of the longer day, the 10-hour. And that price was established in this open cutthroat market of labor competition. And it was in competition of trade also between each manufacturer or storekeeper with his neighbor. So that that price was the result of economic gravity. If you make the labor two hours less than inevitable, if the employer was paying all that the competition permitted him to pay and he does not get by two hours as much labor out of it, you have only shifted the economic burden to somebody to pay, and that is the consumer. That is all very well as long as the consumer can pay. But the higher price of consumption will diminish the demand. And so it goes. There is no economic freedom anywhere.

Mind you, I don't believe even in eight hours a day. I am like Steinmetz, of Cornell, when he said that nobody ought to work in drudgery in uncongenial labor more than four hours a day. I do not think that if I labor as an artist for 15 hours a day—I do not call that labor. That is self-expression. So many a mechanic has the same form of self-expression in his art, in his science. But no man ever wanted to go down in a mine for self-expression. I think four hours a day is enough.

Chairman WALSH. We have asked a number of people for constructive suggestions as to the present system of industry. Now, inasmuch as you have stated very forcefully that you do not believe much in palliatives, I wish you would just proceed and state to the commission what you consider the fundamental maladjustment of the economic situation.

Mr. Woon. I would be very glad to, as far as my opinion is worth anything, Chairman Walsh. We would be glad to have your opinion.

Mr. Woon. Take Father O'Hara's statement about clearing the logs off the land. Before you can go in and clear it, by the State or county, you have got to buy it from the man that has already taken God's usufruct off of it, you have got to pay him for his title before you can get the right to go in and clear the logs off the land. It is laying there naked, useless, and unemployed.

Now, he will hold that title, as you know perfectly well, by the same feudal title that land was held years ago under the feudal barons of Europe. He is holding it by a title which would allow him to call the sheriff and put you or me off this stumpy land, this loggy land, put us off as trespassers. He is holding it by title, the logic of which is that if his title should be placed in my hands for the whole earth I could tell all the rest of you to get off the earth. And you would either have to go to the sea and live off salt water and fish or commit suicide.

Now, there is something to begin with. This old antiquated feudal paper title to that land by the monarch or the successor, the Congress of the United States, hands out lands that neither of them ever saw, indifferent as to whether it is ever to be put to a beneficial use.

We have that in the placer mines, the title depending on you. If you did not use your placer and keep it up, you lost title to it. And the strain of that runs through the mining laws to-day here on the Pacific coast. We don't hold water by any such foolish title. No title on earth can theoretically give you use to water, give you right to water on the Pacific coast, except as you apply it to a beneficial use and only so far as you apply it to that use; and when you cease to apply it to that use it is then open and public water and the next man that will come along and put it to a beneficial use. And I think that should be the law for land. That is one thing.

I think that the next thing is that there should be freedom in banking. The panic of 1907 gave us a lesson which has been followed to a certain extent in the present currency bill. But neither of them touch the real theory of what banking should be as laid down by Proudhon in his book, translated originally by Dana, of the New York Sun, or by Creedon, the author of Mutual Banking, which in substance is this: That any body of men may form themselves into a banking establishment and issue their notes upon assets furnished with security, and that the interchange of exchange is to be a mutual understanding and a premium arranged among themselves out of necessity. And that would reduce money, the price of money, to the mere cost of doing the banking business, as it would in the grocery business. It is estimated by Green that 1 per cent per annum would be the use of money. There is another suggestion along the road of one of the most important needs of society and one of the most important ingredients between capital and labor which goes to make up wealth, the use of money.

Then I would suggest, which is already becoming to be a little better understood under the present administration, that no government with the force of its marshals and its sheriffs behind it has a right to take money out of the pockets of the consumer in taxes except for the absolute need of the general public use; not to give it in charity, not to give it in beautifying, not, certainly, to give it in bonuses and in tariffs. That tax should be regarded in the sense of a moral theft from the consumer and should be taken as lightly as possible.

In the early days we did not have property here; 40 years ago because the land was open, and the few people that dribbled in here found an easy place for home. You could not put the thumbscrew on them; you could not put any pressure upon it. But here is Oregon to-day, with its 53,000,000 acres east of the mountains alone—one-fourth of the timber of the United States—and you can not go and get an acre of timber. It has all been forcibly taken, tied up with those paper titles. You can not in all those millions of acres go and locate a friend of yours on a single homestead that is ready and willing to support the family without drainage, irrigation, or the expenditure of capital.

I do not believe that you can find a homestead in Oregon which without further expenditure of capital, drainage, and irrigation—something of that kind—that stands ready and fertile to support the family. Everything that is desirable has been taken up on speculative forestalling. Not an acre of that land. I have got some of that land myself. I am a forestaller speculator. I have got some eastern land out in eastern Oregon. But what would be the use of my stepping down and out and saying that I would not hold it. Instead of being a mere change of name some man will step in, and, instead of Wood holding it, Jones

would hold it. There would be no change in the legal institution by which it is held. So take these vast holdings of our timber, as I said, they are being held speculatively by people who are putting them to no use at the present time.

Take the iron. All the iron in the United States is held by James J. Hill and his associates in the United States Steel Corporation. They are not using them, not using a tithe of them; but they can bar everybody else from using them.

Take the 120 square miles of anthracite coal in the United States, all there is in the world, owned by four railroads. They are not even scratching it, small as it is. But they can keep everybody else off by this paper title. There, I think, is your source of poverty and your unemployed.

Chairman WALSH. What would you suggest as to the change that should be made in the law with reference to land titles?

Mr. WOOD. As an anarchist—I am an anarchist myself. [Applause.]

Chairman WALSH. Kindly do not indulge in applause. If I must explain it further, sometimes very unfair things are said to which some people will applaud, and I am sure you want to help us, in order not to have disorder. This gentleman is expressing his views very well and forcibly, and if you will kindly try and control yourselves you will help us out.

Mr. WOOD. With the commission's permission, I would like to say these gentlemen here sitting are here on a great public duty, strangers amongst us, and I do not think any expression of opinion ought to be given on either side by the audience. I hope that you will not any more.

Chairman WALSH. Thank you. Now, go into it fully.

Mr. WOOD. Why, I would think—allow me, as I have said, that in that regard I would like to say this, and I say it with respect, but I think the most ignorant people I know are the business element, in the sense that I consider it ignorant. They are very able in the success for the acquisition of wealth. But that is their specialty. Beyond that they don't know, and I consider it ignorance when you do not know the struggle of life that is going on around, you do not know the problem of the future that is staring you in the face. I think the most ignorant man of his generation was perhaps Charles I of England; then Louis XVI. They lost their heads.

Now, what I mean by this ignorance is, you will ask the best business men, the biggest of them, and the bankers, what is socialism, and they say that is a cranky notion of dividing up everything every so often and letting the unfit profit by the fit—and, of course, I am not going into what socialism is here; I am telling you that is my judgment of my own friends, as much as they know about it. You ask what is anarchism. It is throwing bombs and killing crowned heads. That is about as much as they know about that.

Now, my view of anarchism is that it is the ideal which we have conceived, toward which we will approach when instead of forcible cooperation of society we will arrive at such a conception of self-interest that we will cooperate peaceably and voluntarily without the force of government at our back. Every board of trade, every club is an anarchistic association. And when the merchants of Chicago got together and watered their streets by combination it was an anarchistic association, and so on.

Now, then, my view would be to make the title to land not the Henry George theory, though I am working with the single taxer, I get into every wagon that is going my way, I think, but when you ask me for my idea, my theory, it is not the single Henry George theory, though he said that he left them the husk and the State took the kernel. My idea would be to have land held exactly as water is held, as I said these placer mines used to be in 1849. Make it determinative on the use, the beneficial use and occupation of the land. Let a man have his ownership in himself, but not an ownership in the land. That if he voluntarily abandons it, no matter what the improvements are, and he voluntarily abandons them, he abandons them to the person that will make the best use of them, and that this use must always, as in the case of water, be divided and created into superior and inferior uses. You can't have water out here—there is only just so much water—you can not have it for irrigation when a city is starving for water and has nothing to drink; you can not have it for mining when they need it for raising crops for food. And so it goes. There is a superior and an inferior use.

So there would be in land, and broadly speaking, I would make title to land depend on just so much as the man or men could beneficially put to use. For example, take those anthracite coal miners. They ought to be allowed within a demarcation that could be given for their reasonable beneficial use for a certain term and beyond that extend it again and extend it again as they used

it, leaving all outside to be taken up by miners themselves that would go in and mine it if it was free.

Commissioner COMMONS. Mr. Woon, have you tried your hand at drafting a bill along those lines?

Mr. WOON. No, sir. It is absolutely useless to try to get a bill through until it is backed up by public sentiment. Neither this State nor the United States would accept my views.

Commissioner COMMONS. I do not see how we could know except we could have a bill which would show us how it would work in practice. If you could draw up a bill that could be——

Mr. WOON. I could draw a bill.

Commissioner COMMONS. Which would be definite, which would define the procedure, work it out, your superior use and your beneficial use, and so on. Define it so we could understand it, and then it might receive some consideration; but in its present form I do not see how it helps.

Mr. WOON. I can dictate a bill right into the record here. Land shall only be held by the person making actual beneficial use of it, only so much as is needed for his purpose; and the superior use shall always control the inferior use. There is your bill.

Commissioner COMMONS. Now, would you have the commission investigate and ascertain these uses and make findings like the welfare commission does, or would you simply leave it to the courts to determine?

Mr. WOON. The courts have already made it.

Commissioner COMMONS. How could they in a particular piece of land unless they go out and investigate?

Mr. WOON. They have not made in regard to land; they have in regard to water.

Chairman WALSH. Make a suggestion, if I may interrupt you——

Commissioner COMMONS. That is what I wanted to know.

Chairman WALSH. As to what would be a definite superior and an inferior use.

Mr. WOON. Well——

Chairman WALSH. That is, define it in law, in an administrative way, so that we could put such a suggestion in force.

Mr. WOON. Well, I would say that city use for homes, for a home is superior, for an aggregation of homes the city was superior to these; for agriculture, raising of food was superior to grazing, if it were capable of both uses, if the land was capable of the two uses. You must remember a great deal of land is not capable of but one use. Grazing land only can be put to that use. Mining land is, as a rule, only capable of that use. It would settle itself. You do not have to strike out this way. You can take the Henry George doctrine, where he says he leaves you all your machinery, leaves your machinery, and he simply——

Chairman WALSH. Prof. Commons is trying to put your idea into form. Suppose a serious attempt was to be made by the Government to do this. Now, you have dictated what you say a law would be. Of course that would go if it was in a fundamental law. Now, then, how would you then get down to the actual operation of the question of superior and inferior use? That is, would those not be questions of fact in many instances, in a multiplicity of instances? How would you do that? Would you allow courts to declare it? Would you have a board declare it, or would you attempt to do it by the use of the lawmaking power?

Mr. WOON. I don't think those details are material; but to answer your question, I think I would do it by a commission to find the facts, as our water commission does here, with an appeal from that commission to the courts to settle the law.

Chairman WALSH. Now, was there something you were going to say when I interrupted you? You started to say that you need not be left to this device.

Mr. WOON. Yes; I was going to say that those familiar with the Henry George doctrine know that one reason he adopted was that he leaves all the machinery exactly as it is now. He simply levies a ground rent in the shape of a tax and abolishes all other taxes. Now, that is simple; that does not make any alteration in the present machinery. It has been up before the people a great many times in specific bills.

Commissioner COMMONS. Wouldn't that be better than your system?

Mr. WOON. Well——

Commissioner COMMONS. And accomplish the same thing?

Mr. Woon. No; I don't think it would, Professor, be better, because I want to abolish it; I want to attenuate atrophy, get down to the leanest lines of this thing we call the State with its power of interference with the individual, and therefore I prefer my own line. You see, the single tax still keeps alive a State to collect and expend these taxes. I would like it to be done by a voluntary association.

But I am not going to quarrel with that. If anybody will start the single tax in the United States, they will have my hearty support.

Chairman WALSH. Let me ask you, in your work as attorney at law here, in the following of your profession, I understand you to say that at times you have represented the unions?

Mr. WOOD. Yes, sir.

Chairman WALSH. Has that been in injunction cases or otherwise?

Mr. WOOD. No.

Chairman WALSH. Briefly, if you will state what your service has been.

Mr. WOOD. My services have been in drafting bills to go before the people by the initiative; regulating the hours of labor by State, county, and municipal employment, in drafting laws regulating the hours, in testing that same law in the supreme court, and in testing the female limitation of labor law. Such as that. I never have appeared in any of the court contests against the injunctions issued against labor. There have been very few of them here.

Chairman WALSH. Have you observed the conduct of the judicial and administrative officers with reference to the application of laws in the performance of their official duties in cases involving labor disputes, so that you could say whether in the main that it has been fair and impartial or otherwise?

Mr. WOOD. Yes; under the old system of the old primary and the old convention and the old boss rule, and the old war-horse politician, such questions as did then arise were adjudicated unfavorably to labor, but they were few. That is going back some years, and, as I say, the pressure has not reached us yet. We have got less than a million people in this State, although I say the lands are bottled up.

But latterly, under this new Oregon system, with the direct primary and the abolishment of the convention and the judges themselves becoming in feel and touch with the people, I think the inclination is to sympathize with and, so far as the law justly permits, to side with labor. I think, other things being equal and the scales hanging even, that labor would be apt to get the best of it.

Chairman WALSH. Are the grand and petit juries summoned democratically; do they represent all classes of the people in their makeup as a rule, in the city of Portland?

Mr. WOOD. Well——

Chairman WALSH. Have you the grand jury system here?

Mr. WOOD. Yes; we have the grand jury system. I think fairly so, although perhaps there is not the usual proportion of the heavier business men. They either are not called or get out of it, and the jury therefore represents more the middle and farmer—the middle and farmer class. The laboring and proletariat class are not so apt to get on there.

Chairman WALSH. Are there any other questions? I think that is all; thank you, Mr. Wood. Call your next.

Mr. THOMPSON. Mr. Smith.

TESTIMONY OF MR. AMADEE M. SMITH.

Mr. THOMPSON. Mr. Smith, will you give us your name, please?

Mr. SMITH. Amadee M. Smith.

Mr. THOMPSON. And your business address?

Mr. SMITH. 1401 Yeon Building.

Mr. THOMPSON. And your business?

Mr. SMITH. I am not active in business. I am interested in several.

Mr. THOMPSON. I don't get you.

Mr. SMITH. I say I am not active in business.

Mr. THOMPSON. You are not active in business?

Mr. SMITH. No.

Mr. THOMPSON. How long have you lived in Portland or in the neighborhood of Portland?

Mr. SMITH. Well, I have lived in Portland about thirty-two or three years. I am a native Oregonian.

Mr. THOMPSON. Are you a member of the industrial welfare commission?

Mr. SMITH. I am; yes.

Mr. THOMPSON. Did you hear the testimony of Father O'Hara?

Mr. SMITH. Yes.

Mr. THOMPSON. Is there anything that you would care to add to that testimony with reference to the commission?

Mr. SMITH. Well, there is—no. There is one or two impressions that I think he gave that I would like to correct, however.

Mr. THOMPSON. You may do that.

Mr. SMITH. I think unintentional, however, on his part.

Mr. THOMPSON. You may do that.

Mr. SMITH. He gave the impression, or rather I got the impression, sitting in the audience and listening to him, that the effort to get information was largely forestalled by the employer. I don't think he meant to give that. That has only been in a few cases where that has occurred. The employer as a rule has not in any way hindered us in our efforts to get information.

Mr. THOMPSON. I think he just stated that as an exception, if I remember correctly.

Mr. SMITH. Yes. It was only in a very few cases that that was done.

Mr. THOMPSON. Is there anything else that you care to add to his testimony?

Mr. SMITH. No; except that I think the employers, as a rule, have been ready to adopt our suggestions; that is, there has been no particular opposition, except in a few cases. As a rule, though, all employers have dropped into line and fulfilled our requests.

Mr. THOMPSON. Do you believe in such commissions as yours?

Mr. SMITH. Well, I am not ready to say that I am. I am not opposed to them, but I am not ready to say that they are going to solve the problem entirely. I don't know yet that they are. I think that they have done some benefit in this State.

Mr. THOMPSON. Are you a believer in a minimum-wage law—in the establishment of a minimum-wage law?

Mr. SMITH. I think it has a tendency to eliminate the unqualified. I don't know what is to be done with them yet. I am not able to determine. I think, though, that that is true, that the unqualified are to a great disadvantage with the minimum-wage law.

Mr. THOMPSON. But you have no suggestions?

Mr. SMITH. I have no remedy yet to suggest.

Mr. THOMPSON. You were given a list of questions here, were you not?

Mr. SMITH. No; I don't think I was.

Mr. THOMPSON. Well, with reference to the industrial unrest, which is said to exist in this part of the country, have you any suggestions constructively to make to the commission?

Mr. SMITH. Well, I don't know that I have. I don't know that it is any worse here than it is in any other section of the country, and the problem is a wide one. I think that a great deal of the unrest is caused by—I think a great deal of it is imaginary, and is probably fomented by the—well, what is called yellow journalism, and by the politician that desire to gain a few votes, and other similar reasons.

I think that there is more work to be had, if the men are candidly and honestly looking for it, than we really want to do. Now, it is my experience, I have not been an employer for a few years, but previous to that I was an employer; and during all the many years that I did employ men, I could always find plenty that were out of work and that were not looking for work. I think that is largely true to-day. Of course, I do know that there are many, very many deserving people, but I do not think it is local in its cause.

Mr. THOMPSON. To treat it as a general proposition, country wide, if you please, Mr. Smith, what would you say of the question of unemployment? Is there a serious problem there, and, if so, what would help it? Do you think that a Federal employment agency would do it, or bureau?

Mr. SMITH. Well, I would not be surprised but that it would help it some. That would enable those that were requiring labor to find it, and those that were hunting work would also be able to find work; yes.

Mr. THOMPSON. Are there any other suggestions that you would like to make to the commission, Mr. Smith?

Mr. SMITH. No; I have none. That is all.

Mr. THOMPSON. That is all.

Chairman WALSH. Prof. Commons would like to ask a question or two about this law.

Commissioner COMMONS. I would like to ask you about the getting of evidence and the prosecutions under this law, especially on the wage question.

Mr. SMITH. Yes, sir.

Commissioner COMMONS. Have you made any investigations of the complaints that have come in?

Mr. SMITH. Yes, sir; I have, as far as I can. A great many complaints come in over the telephone. Now, just the other day, I had a lady call me up over the phone, she said she had two daughters—I will just give you this as an illustration of it—that were her support.

Commissioner COMMONS. Yes.

Mr. SMITH. That they had been employed, but that they were both out of work. She began to complain about the minimum-wage law. She said that her daughters were discharged on account of that law. She said that that was the reason given. I asked her where they were employed, and she would not tell me where they had been employed. I asked her her name, so that I could investigate it and run it down to see whether there was anything to it, and she would not give that. Now, that is the type of complaints we get very largely. Very, very few complaints come in over a really genuine signature, so that we can run them down. Wherever they do, we do run them down to see whether there is anything to it.

Commissioner COMMONS. Do you get what may be considered a considerable number of complaints?

Mr. SMITH. No, no; few, not many.

Commissioner COMMONS. This was a complaint of being discharged because they were not competent to earn the wage?

Mr. SMITH. Yes.

Commissioner COMMONS. Do you get complaints that the minimum wage is not being actually paid or that there are some deductions or something of that kind?

Mr. SMITH. Well, I have no personal knowledge upon that. I believe you have Miss Gleason coming, and she has all those things, and she can tell you exactly.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Smith, what do you believe underlies this refusal to establish the identity or to sign the signature to these complaints or statements?

Mr. SMITH. Well, I have tried to get them. When they have done that I have tried to show them that any information that they gave us would be of a confidential nature and that they need not at any time fear our disclosing of them, even though we should find that they were trying to—but you can't overcome it.

Commissioner GARRETSON. You can't overcome it?

Mr. SMITH. No.

Commissioner GARRETSON. It is the belief that it would injure their future chances of employment, isn't it?

Mr. SMITH. No; I was going to explain as to that. I don't think so, altogether. I think that while they may feel that way, I think that that is largely imaginary with them.

Commissioner GARRETSON. Well, that may be.

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. But I mean the belief is there.

Mr. SMITH. Oh, yes; I presume it is. I presume it is.

Commissioner GARRETSON. You spoke of the fact that you believed the minimum-wage law was an injury to the unqualified?

Mr. SMITH. Yes.

Commissioner GARRETSON. That is, those that don't measure up to the requirements?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. But it is an advantage, is it not, or is it, to the great body of workers who are qualified?

Mr. SMITH. Yes, sir; I believe that is true.

Commissioner GARRETSON. In the absence of a law, then—under the law it is only the unqualified or inefficient who are injured?

Mr. SMITH. Yes, sir; I believe that is correct.

Commissioner GARRETSON. In the absence of law, does not that same unqualification injure the whole body, by lowering the standard of pay?

Mr. SMITH. Well, I don't know as to that. I don't believe that the standard of pay was materially increased in most industries in the city of Portland.

Commissioner GARRETSON. Only of the lower paid?

Mr. SMITH. Yes, sir; that is all.

Commissioner GARRETSON. Those who have developed an extra high degree of efficiency were not helped?

Mr. SMITH. No, sir.

Commissioner GARRETSON. But the average probably were?

Mr. SMITH. Oh, yes; there was unquestionably a per cent who got more money.

Commissioner GARRETSON. Your conclusion would warrant this fact—that while the inefficient are injured by the law, all except the extra efficient were probably injured by the nonexistence of the law?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. Then really it is the lesser of two evils?

Mr. SMITH. Yes, sir; I think that is true.

Commissioner GARRETSON. That exists?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. What is the make-up of the commission?

Mr. SMITH. You mean how many?

Commissioner GARRETSON. I know how many, but I mean any qualification as to representation. What interests are represented?

Mr. SMITH. No, sir. I notice in your announcement of myself being on here that it is stated I represent the employers.

Commissioner GARRETSON. That is what made me ask the question.

Mr. SMITH. I never have employed women at all in any of my work. I never have been an employer of women. Not only that, I was asked by Gov. West to take the place on the commission without his asking me anything about it or telling me what he desired me to represent, so that I am really not a representative of any particular interest.

Commissioner GARRETSON. I didn't know but what the matter required representatives from three classes, as this commission.

Mr. SMITH. The law does say so, but I was not assigned to that.

Commissioner GARRETSON. Then you are the representative of the employing class regardless of the fact that you never employed women and children?

Mr. SMITH. Then there is another factor. I have never taken any direction or consulted the employing class in regard to it, except as we sat around the table in the commission.

Commissioner GARRETSON. Were you identified with the formation and passage of the bill?

Mr. SMITH. No, sir; I was not in this State when it was passed.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all; thank you. Call your next.

Mr. THOMPSON. Mr. Woodward.

TESTIMONY OF MR. W. F. WOODWARD.

Mr. THOMPSON. Give us your name, please.

Mr. WOODWARD. W. F. Woodward.

Mr. THOMPSON. And your business address?

Mr. WOODWARD. Alder, at West Park.

Mr. THOMPSON. And your business?

Mr. WOODWARD. Druggist.

Mr. THOMPSON. What firm are you connected with, or is it a firm?

Mr. WOODWARD. Yes, sir.

Mr. THOMPSON. What firm?

Mr. WOODWARD. Woodward, Clark & Co. and Woodward-Clark Co. One is a retail and the other a jobbing concern.

Mr. THOMPSON. They are both located in Portland?

Mr. WOODWARD. Yes, sir.

Mr. THOMPSON. How long have you been in that business here?

Mr. WOODWARD. Thirty-two years past.

Mr. THOMPSON. In the conduct of your business have you had anything to do with the minimum wage?

Mr. WOODWARD. We have.

Mr. THOMPSON. And the establishment of hours for women and children?

Mr. WOODWARD. Yes, sir.

Mr. THOMPSON. Now, will you tell us, Mr. Woodward, how that affected you in your business and your views in regard to the commission and the standards they have set?

Mr. WOODWARD. These questions were sent to me when Mr. Manly sent his subpoena, and I attached answers thereto. May I read them off?

Mr. THOMPSON. Yes, sir; you may read them off.

Mr. WOODWARD. That simplifies them, perhaps.

Question No. 1. This relates purely to my own concern, my reply.

Mr. THOMPSON. No; we are touching the whole broad industrial field.

Mr. WOODWARD. I replied first as to our own affairs.

Mr. THOMPSON. Well you may read your answers off as you have them.

Mr. WOODWARD. We had only 10 immediately affected by the minimum wage ruling among the women, and the increase was slight, $6.50; the total number of wage earners, 46; the total amount of normal weekly pay roll was $500.25. The number of employees discharged because they were not worth—believed to be worth the standard wage fixed by the minimum-wage law, there were none. And a brief statement of the effects of the minimum-wage law on business and on the relations between employers and employees. This is general, this reply, inasmuch as our manufacturing is perhaps inconsequential, or, at any rate, not large.

In so far as the law has affected our own business, the consequences are negligible, our manufactured products requiring the employment of women being largely of a noncompetitive character. Were we, however, manufacturers in a large way, requiring the use of female help, the hours and wages demanded under the laws of this State would bring us into direct and immediate competition with States where such a law is not in existence and where the wage schedule for women is very much less; and, therefore, on all products where the cost is largely determined by the amount of female labor required would affect us injuriously, even to the extent of making it impossible for us to compete.

Now they ask as to the relations. The relations between employer and employee in our own case have not been materially changed inasmuch as the hours of labor previous to the passage of the law or the making of this ruling had always met with the approval of our employees.

Question No. 7. If legislation affects competition with firms not covered by the Oregon minimum-wage law, please state location of principal competitors.

This is general. Manufacturers and employers, that refers to States where women and children are employed at a nominal wage, particularly principally the New England States, New York, Pennsylvania, New Jersey, and the States to the south.

It should be borne in mind that Oregon being a relatively sparsely settled State and, in a large measure, remote from the trade centers of the country, we labor at the present time under a number of disadvantages which the minimum law as to wages and hours will no doubt for a time accentuate, rendering it increasingly difficult to establish industries on a profitable scale.

In a conference a few days ago with the heads of the larger department stores—

Question No. 1. The number of employees whose wages were increased as a result of the minimum-wage legislation approximated 22 per cent of the total number of female employees. These were taken from their records and are fairly exact.

The amount of such increase in relation to the total pay roll, both men and women, approximated 2 per cent.

Question No. 2. The number of employees discharged because they were not believed worth the standard wage fixed by the minimum-wage law?

As nearly as could be ascertained, none. The process of elimination going on just as it ever had in the past. The increase in wages fixed by the commission might possibly have accentuated or accelerated slightly the movement, but none would admit it or could ascertain that fact.

Question No. 3. The general effect of the minimum-wage law on business?

Negligible, except for the loss of the Saturday night shopping hours.

In addition to that, I might say we have always had, as far back as my experience, open hours on Saturday evening. It is still permissible, but, under the ruling of the commission, women could not be employed in the evening hours, and it automatically closes the larger stores. The question whether it was a benefit to those affected or not raises an opportunity for argument. There seems to be a well-defined sentiment that there is one evening in the week

when a class of the people who need the time, and who get it at no other time, ought to be permitted to transact their business, and that women working during those evening hours, if it did not increase the total number—if they came later in the morning and could serve during Saturday evening—it would be a help. It would not work a hardship. There are some indirect effects. The necessity of closing at 6 o'clock or 5.30 rendered it necessary at places to discharge some of the women and replace them with men, which, as I say, works a hardship.

Chairman WALSH. Do you know how great that was. To what extent it occurred?

Mr. WOODWARD. It arises, and its effect, Mr. Walsh, would be a very difficult matter. There are four large department stores here, and I think they were all open Saturday evenings, practically, until the time that this ruling was made, and they ceased at that time.

The smaller stores where men are employed, for instance, haberdasheries and the like, were not affected, necessarily. They had no women help. But where women entered into or were a large proportion of the amount of help, to stop them practically closed these stores.

In our own business we necessarily have to carry out the evening hours, and that necessitated that we were compelled in some cases to replace women with men. We had to have some one at the place and we could not have a woman. We must, therefore, get a man.

Question No. 4. The effect on the relations between employers and employees. The law has not materially changed the relations heretofore existing. That is an indefinite question. I don't know whether it means friendliness or a disposition to employ or discharge. If that is the point, it has not affected it.

Question No. 5. The effect of the law upon the efficiency of the workers. That was very fully discussed. The increase in wages was hardly large enough to work any radical change in the minds of those receiving it. They all seemed to arrive at the conclusion that it had not materially changed the nature of the individual.

Learners and apprentices. The present law provides for a minimum weekly wage of $8 for these classes, which is a reversal of the usages of previous years, when their teaching or calling was paid for by the learner, or, if not paid for, at any rate the mere matter of learning the business was regarded as some consideration. That has now been changed.

Question No. 2. The law has apparently not affected employees who work but fractional days, part of a day or part of the regular week.

Question No. 3. The effect of the minimum-wage legislation on the general level of wages.

There was none, apparently.

Question No. 4. The extent to which women are displaced by men as a result of the minimum-wage legislation.

None as to the larger establishments.

Question No. 5. The relation of industrial education to minimum-wage legislation.

The answer written here is none. We haven't here vocational institutions, so that the question would hardly enter into our State. We haven't a great number of large factories where the necessity arises for fitting growing boys and girls for that product. The public schools have taken that up, but it is still in its infancy.

Question No. 6. The problem of employees alleged to be too incompetent to be paid the standard wage.

This was discussed very fully. The public has been increasingly educated to demand a higher degree of efficiency and service on the part of those with whom they deal. The minimum-wage law has not materially affected this demand. The weeding out of the incompetent, inefficient, or inept from all those positions where they may be brought in contact with the public will continue in a greater degree without regard to the present law.

There is a notation here that the inhibition of working hours for saleswomen, after 6 o'clock p. m., has lessened the volume of business in the stores affected, and in the interest of fairness the closure should be made general without regard to sex.

Mr. THOMPSON. Have you any general observations you would like to make with reference to this law?

Mr. WOODWARD. Yes, sir. Gentlemen, our State law has been administered evidently with an effort toward fairness, and I do not believe, speaking for the

merchants with whom I have come in contact, that there is any feeling of hostility toward that law. There is a feeling that in some of its phases—not the law, but in some of their phases—the rulings might be modified.

I have spoken of the Saturday evening question, and not in an absolute or fixed sense; but they all regard it as a step in the right direction, and should now be supplemented by such Federal legislation as would place our State on a parity with others. We have taken a step forward, there can be no question but we have done it at the expense of the merchants and the public, and also of the women themselves, and until we are fortified by nation-wide legislation in these matters we are traveling the road alone and unaided.

Mr. THOMPSON. Of course that would refer to such matters in which you come into competition with other States?

Mr. WOODWARD. Yes, but you see we do. There are, indeed, but very few industries in which we are not sooner or later brought into competition. Of course, we haven't constructed them all yet.

Mr. THOMPSON. Has this interstate competition had any effect on industries because of the minimum wage and fixing the hours of labor?

Mr. WOODWARD. I believe I am correct in stating that it has, and that it will grow in a greater degree. I would cite one concern.

One of the officers told me yesterday that his minimum wage scale represented about double that of, for instance, the Rowell Co., of New York, and Year, of Philadelphia, in the manufacture of certain classes of paper goods. They are able to hire help at practically half his wages. They take the ocean rate and deliver the goods here, so that he is practically cut out of the business, and until that is adjusted he must relinquish that particular field of activity. I merely cite that as an illustration, and it would apply to many classes of goods. We would find it in our own small laboratory here, where we put up various toilet articles, preparations, and the like, that we are brought directly in competition. Our wages, $9 a week, when we compete with concerns in New York paying three dollars and a half or four or five dollars. It is obvious we can never make very much progress, that our sales must be based largely upon the individual liking of our patrons.

Mr. THOMPSON. Any other suggestion you care to make?

Mr. WOODWARD. Not except to thank you.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Thank you, Mr. Woodward; that is all. Call your next.

Mr. THOMPSON. Miss Gleason.

TESTIMONY OF MISS CAROLINE J. GLEASON.

Mr. THOMPSON. Will you give us your name, please?

Miss GLEASON. Caroline J. Gleason.

Mr. THOMPSON. And your business address?

Miss GLEASON. 610 Commercial Block.

Mr. THOMPSON. You are secretary of the industrial welfare commission?

Miss GLEASON. Yes, sir.

Mr. THOMPSON. You have been so since its inception?

Miss GLEASON. Since the law went into effect a year ago in June.

Mr. THOMPSON. What work were you engaged in prior to that time?

Miss GLEASON. Prior to that time I had taught for two years, and for three years I had been engaged in social work; that is, so called.

Mr. THOMPSON. Have you made any study or are you acquainted definitely or generally with the conditions of the women workers in Oregon?

Miss GLEASON. Yes, sir; I made a study under the consumers' league prior to the passage of the law, and of course after the law came into effect my whole work has been to look after the condition of the women workers in the State.

Mr. THOMPSON. Generally speaking, what is the condition of the women in industry in this State?

Miss GLEASON. Compared with eastern conditions, it is very good; but taking individual industries in special spots, there are some conditions that were poor, perhaps very bad, I might say, prior to the passage of the law, and all have not been cured to date.

Mr. THOMPSON. What industry would you mention particularly where the conditions are poor, and what are the causes you assign for that?

Miss GLEASON. There are no industries which as a whole are poor. That is, I would not say that the manufacturing industry as a whole was in a poor condition or the department stores. We found individual establishments in different

lines of work which were poor. Just generally speaking, I would say we found one telephone establishment which was in poor condition on sanitary grounds and also on the question of wages. I don't wish to insinuate that the whole telephone situation was. I would be more likely to mention something that wasn't than something that was now.

Mr. THOMPSON. What has been the general complaint or what has been the greater cause of complaint, the question of hours or wages or working conditions?

Miss GLEASON. The question of wages was of much greater complaint than the question of hours. We did have the 10-hour day and the 60-hour week, and that was generally lived up to, but the question of night work, regardless of the fact that the girls did not work more than 10 hours a day, was also a question that was more complained about, I might say, than the question of wages. The wages were bad enough. They were very bad. We found wages ranging from nothing—beginning wages, ranging from nothing to $5 a week, with the emphasis on the $3 class.

Mr. THOMPSON. What are the principal industries which employ women?

Miss GLEASON. The department stores of the city, I should say, average about 3,000. The manufacturing establishments, I should judge, between 2,500 and 3,000. The telephone industry, in round numbers, about 800. The laundry industry in this city between—well, exactly a month ago they had 768. Those are the principal ones, I think. The restaurants, perhaps about 400. Hotels, probably 300.

Mr. THOMPSON. How about the canning industry?

Miss GLEASON. The canning industry I have classified with the manufacturing. The canning industry in the two establishments in this city employ between three and four hundred girls. There are probably—well, there are probably 400—more than that, between five and six hundred women engaged in the State in the canning industry in the busy season. That is for about six weeks in the year.

Mr. THOMPSON. You say you did make a survey of the women in industries in this State for the consumers' league prior to the passage of the act?

Miss GLEASON. Yes, sir.

Mr. THOMPSON. Was that survey used as the basis for urging the legislation?

Miss GLEASON. Yes, sir; it was the chief basis. It was the only thing we had.

Mr. THOMPSON. Was that survey printed?

Miss GLEASON. Yes, sir; I have a copy of it here.

Mr. THOMPSON. Would you be willing to give the commission a copy of that?

Miss GLEASON. Yes, sir.

Mr. THOMPSON. Will you please do so?

(Document entitled "Report of the Social Survey Committee of the Consumers' League of Oregon," dated Portland, Oreg., January, 1913, was submitted in printed form.)

Mr. THOMPSON. In the first place, is there anything particularly you would like to call the attention of the commission to in this survey you made?

Miss GLEASON. Well, no, sir. The general conditions there stated I have stated, as mentioned in that report, as to the matter of wages. We found some establishments taking women in and not paying them anything. Other establishments paying them a dollar and a half per week for what they considered a year's work. That is, two seasons of three months each. That is not a year's work, of course.

We found that the girls were living, as Father O'Hara stated, under anything but livable conditions. I investigated a number of houses personally, and had one or two of my assistants do so. We found them living in attic rooms which were not heated at all, or heated by stoves. The girls had to carry their own fuel up the three flights of stairs, and in addition to the cost of the room they had to furnish their fuel.

In some instances we had girls who were eating only two meals a day because they could not afford more, and in one particular line of work, where the work was very hard, one girl said it was a fortunate thing she did not have the time that she was entitled to—to eat—because if she had not been too tired she would not have had the money to buy the meal, anyway.

We found one girl who was an office employee at $20 a month. She was a girl 19 years old, whose money ran out on Friday, and a friend of mine happened to call on her Saturday to see how she was getting along and found the girl would have nothing to eat until Monday, when she would get her pay check.

Of course these cases I am mentioning are extreme, but they were not the only ones in existence; and the fact that there is even one representing each type was bad enough.

Mr. THOMPSON. In the establishment of the minimum wages in the different industries, did you carry on, as secretary of the commission, investigations?

Miss GLEASON. In the establishing of the wage?

Mr. THOMPSON. Yes.

Miss GLEASON. Yes.

Mr. THOMPSON. By the conferences?

Miss GLEASON. Yes.

Mr. THOMPSON. What generally was the nature of the work you did, and how did you carry it out?

Miss GLEASON. The investigation was finished in January of 1913, and the law went into effect six months afterwards, in June. The commission began the calling of conferences almost immediately, so that the facts which were printed in the report were used as a basis for the—were used partly as a basis. The employers for the most part were not satisfied with the findings of the report and carried on their own investigations, but found that the facts were practically the same as stated in the report, so that not many new investigations were made to establish the wage. The experience of the employees in the conferences, however, was called upon in every case, and new lists of costs of room and board, and clothing, and dental work, and medicine, and so on, were made up.

Mr. THOMPSON. In the establishment of these standards, was a great deal of information gathered that was in a statistical form that was printed and used by this commission?

Miss GLEASON. No; just the minutes of the meetings were kept, which embodied the statistical information that was presented. There wasn't anything like the amount of statistics that is in the report that was presented. The meetings were generally very informal, and a great many of the compilations were destroyed by some of those who offered them, then and there.

Mr. THOMPSON. You have heard what Father O'Hara and Mr. Smith said with the method of arriving at these figures?

Miss GLEASON. Yes.

Mr. THOMPSON. Is there anything you care to add to what was said in that respect?

Miss GLEASON. No; I think they covered the ground completely.

Mr. THOMPSON. Is there anything further you would care to say about the conferences that were carried on, any information that would be of value to the commission, different from what they said?

Miss GLEASON. I think not, except that there was not any doubt at all as to what everyone felt about the passage of the law and the good it would do and the truth of the cost of living that it would bring out. I mean there was very little left unsaid. There was no reticence whatever on the part of either the employers or the employees in arriving at the wage decision. It was not a matter of doubtful reasoning; they are not the result of doubtful information.

Mr. THOMPSON. As secretary of this commission, have you had any complaints, first, from women who have not received the minimum, or who have complaints to make about the way it is administered by the firms?

Miss GLEASON. Who have received the minimum or who have not received the minimum?

Mr. THOMPSON. Who have not.

Miss GLEASON. Yes; I have complaints ever so often, not a great number. I have more, as Father O'Hara and Mr. Smith both said, unsigned complaints than I have signed. I have even had women in the office who have refused to give me their names because of that fear that they would lose their positions. That is probably one of the greatest obstacles that there is to the enforcement of the law.

Mr. THOMPSON. About how many would you say have come into your office and told you things, that didn't want to give their names?

Miss GLEASON. Well, I didn't count.

Mr. THOMPSON. Well, have there been many?

Miss GLEASON. I have made records, of course. I have had as many as six in one delegation from one firm at a time, and three, and sometimes one. I suppose we have had between fifty and a hundred in person, and more over the telephone. A larger number over the telephone.

Mr. THOMPSON. When you get these complaints, do you investigate them?

Miss GLEASON. If I don't do it personally, I refer it to the deputy labor commissioner of this district, who does do it.

Mr. THOMPSON. Generally speaking, what is the method you follow in investigating a complaint about the wages or the hours?

Miss GLEASON. I go into the establishment. Well, it all depends. Of course, there are different ways of doing it. Sometimes we have to do it secretly. Sometimes we send people in there to work and find out what the real truth is. Sometimes we send for the pay rolls. And sometimes I go in person and tell them—first ask general questions about the conduct of the business and the wages that are paid and the experience of the employees, and then tell them that I have had this complaint and give them a chance to deny it or show me that it is not true.

Of course, we have access to the pay rolls, and that is where it is possible—sometimes it is almost impossible to follow up a complaint like that without revealing the name of the employee. I mean that the employee would be so well known by the facts surrounding the complaint, that following it up in the open way would mean her dismissal. At least she thinks it would. And so it is not always an easy thing to do, and it is not a thing that we always do do, because of the employee's unwillingness to have us proceed.

Mr. THOMPSON. What generally has been the attitude of the employer toward these investigations, if you care to state?

Miss GLEASON. Well, that depends a great deal on the personality of the man or woman, I think. Only in two instances have I been refused access—and that was when the law was in the courts—to the books of the firm or to the employees. It enabled me to go there and speak to the employees. They ask men to come to the front door, though, and of course I have never gone to the back door myself. They seem to think that I am perfectly open about it and show my hand, as the saying is, and they will not hesitate to show theirs.

Mr. THOMPSON. Have you had to prosecute any of the employers under this law?

Miss GLEASON. Yes, sir. The labor commissioner has prosecuted. The law permits the collection of back wages. If a woman is employed for less than the ruling calls for, she may collect her back wages at any time. And back wages have been collected in several instances. And then some employers have been prosecuted on the score of overtime, but not very many on the score of not paying the minimum to adult workers.

Mr. THOMPSON. Do you keep a record of the cases that are brought to enforce the law?

Miss GLEASON. I keep a record of everything that comes to my office. Some of the violations go to the deputy labor commissioner first; but anything that comes to me, I have a record of.

Mr. THOMPSON. What has been the general result, if you can state it, of those prosecutions? Have they resulted in convictions or in dismissals of the cases?

Miss GLEASON. As far as I know, they have all resulted in convictions. In just one, in the dismissal, I believe, where the evidence was not sufficient to convict. That was a case of overtime and was not a case of wage.

Mr. THOMPSON. About how many of those cases have been brought, if you know, in round numbers?

Miss GLEASON. I think not more than 12.

Mr. THOMPSON. Not more than 12?

Miss GLEASON. Of course, in one case I might say that I think there were eight women involved in the demand for back wages. That was a case of apprentices, where women were taken on as apprentices and paid $3 a week when they should have been paid $6.

Mr. THOMPSON. There were 12 distinct prosecutions?

Miss GLEASON. Well, that is just in round numbers.

Mr. THOMPSON. Yes. Did they appertain to any particular line of industry, or were they scattered among them all?

Miss GLEASON. They were varied; decidedly varied.

Mr. THOMPSON. That is to say, you didn't find in the mercantile establishments more violations than in the manufacturing?

Miss GLEASON. No.

Mr. THOMPSON. Or anything else?

Miss GLEASON. Of course, we did have a number of complaints while the law was in the courts, but as Father O'Hara said it was not the attitude of the commission then to prosecute because the employers doubted the possibility of the prosecution, or of a conviction being given and preferred to wait.

Mr. THOMPSON. Do you know whether or not the passage of this law and the establishment of minimum wages under it has affected any firm particularly in its business, or do you pay attention to that?

Miss GLEASON. Yes, sir; I pay attention to everything that has any connection with the law. I have heard of none that it has affected. One firm that wished to keep open evenings, one of the mercantile stores, did not dismiss any of the women that I know of, but did put on young men for the evening work, dental students and others.

Mr. THOMPSON. Well, have you studied at all this question that is called interstate competition, as related to the hours of labor for women and the minimum wage?

Miss GLEASON. I knew something about the conditions in the East and from personal visitation there of the establishments and of the wages, and I worked with an organization in Chicago which was in the heart of the large factory district, so that was a study of it there, inasmuch as what I learned, I mean in connection with that, and then, of course, we always hear from the employers that they are suffering here on account of competition with the East.

Mr. THOMPSON. But you have seen no concrete evidence so far?

Miss GLEASON. No; but my experience has been that the prices here are higher for the line of goods than they are for the same lines of goods in the East. It seemed to me that they are balanced up. But I am not authority on the prices and on the costs in the East.

Mr. THOMPSON. So far as you know, has the law been favorably received by the women and by employers generally?

Miss GLEASON. Yes; generally it has. We have received a great deal of cooperation from the employers. We have had some complaints, of course, from women who have not understood it. But it seems to me that more often the complaint is made when there is some selfish interest attached to it. Then we have had complaints from women where we thought they didn't realize what was for their own good. For instance, we had a petition from one factory one time asking that the lunch hour be shortened to one-half hour, as it had been until the commission made a ruling that it should be 45 minutes. This was because they could get out 15 minutes earlier in the afternoon, and they didn't like to stay there that long. But our conference thought it was better for them to have 45 minutes at noon.

Mr. THOMPSON. Is there any additional suggestion that you would like to make to this commission with reference to the law as to any amendments that might be made, or any other statement in that regard?

Miss GLEASON. No. I think we have about the best form of law here that there has been so far. It seems to me that the commission form of regulating wages is the best form, because with the commissioners the subject can be handled closer for each industry than it can by a flat wage. And it is possible, also, under our law, where it is not possible under other laws, to make regulations for localities. There is no doubt but that the smaller towns and rural sections of the State have a lower cost of living than a city does, and our law permits the regulation of wages for such localities. It also permits us to issue permits for the physically defective and the crippled, and we have done that in some instances.

There is a very great deal might be said on the question of learners and apprentices. And I am not in accord with some of the things that were said earlier here to-day. I am sure that the law is going to do a great deal more good. Our commission has said by its ruling that apprentices must be paid $1 per day, and that is going to do more good than harm, if it is going to force the opening of vocational schools. Our experience is, and this was the basis for that ruling, that learners and apprentices, so called, are not taught to-day. They are taken on as learners and apprentices, kept six months or a year, and paid perhaps nothing, or a dollar and a half a week, and at the end of that time they don't know the business as the employers say they will when they take them on. They are kept on the unskilled lines of work. In the dressmaking work they may do the overcasting of seams and the sewing on of hooks and eyes, and different little details like that, and the same thing in the millinery trade. So that the statement that the old system used to be that the learner would pay was true enough when the learner learned something, but nowadays they don't learn the business. They are not much further along at the end of the time.

Then, another thing, as to the fact that the incompetents are going to suffer from this law, it seems to me that a great many of the so-called incompetents

nowadays are misfits, who have been allowed to come into a position and are willing to stay there because it pays them something. Young girls start out without the faintest idea in the world of what they want to do or where they are going, and they may get something that is very easy, and if they are dismissed they are often ignorant as to where to go to find the next position. Our law requires that every beginner shall have a dollar a day, and it comes out that only those beginners are going to be retained who are going to show that they will learn the business. Those who will not will be dismissed. And those who are dismissed will have to think of something else, and eventually find their right place.

Then, too, it is going to start, I am sure, good vocational schools. The employers say that our present trade school and our other classes that are conducted by organizations do not train the girls. But I have seen schools in the East that did train them into very efficient workers. And there is no reason why we can't have them here.

At present they are not protesting very loud, but I think the dressmakers will a month hence, when the season opens, against the $1-a-day ruling for apprentices. And I think that will lead in one way to a solution of the apprenticeship question, and will bring us nearer to the vocational school than we are now.

Mr. THOMPSON. Anything more you wish to say?

Miss GLEASON. Nothing more.

Chairman WALSH. At this point, we will adjourn until to-morrow morning at 10. [Addressing the witness:] Please come back in the morning at 10.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until the following day, Saturday, August 22, 1914, at the hour of 10 o'clock a. m.)

PORTLAND, OREG., *Saturday, August 22, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Garretson, and Commons; also W. O. Thompson, counsel.

Chairman WALSH. The commission will come to order. Miss Gleason, you may take the stand again now.

TESTIMONY OF MISS CAROLINE J. GLEASON—Continued.

Chairman WALSH. Prof. Commons wishes to ask a few questions.

Commissioner COMMONS. You spoke of the apprenticeship provision—apprentices and learners and possibly others.

Miss GLEASON. I did mention some others also.

Commissioner COMMONS. What proportion—how many apprentice or learner permits have you issued?

Miss GLEASON. We have no system of issuing permits. Anyone who has had less than a year's experience may be employed as an apprentice. There is a danger that a woman who wants work badly, who has had more than a year's experience, will say that she is an apprentice and will go on as such and be given the apprentice's wage. That is a matter that the commission is going to take up in the near future, the registration with the firms of those who say they are apprentices, who are taken on as apprentices partly to guard the firms as well as the girls, because the woman who is taken on as an apprentice, if she consents to work for a dollar a day and later it is proven she is experienced, may collect the back wages for an experienced worker; so that unless there is some good system of registration the employers will be imposed upon; but it is a matter we have to handle in the future.

Commissioner COMMONS. Then, you have no record of the number of apprentices or learners?

Miss GLEASON. We have no record; no, sir; other than from—we have no record at all. I know in the laundry at present, because I have just finished an investigation of them, there were last April 768 women employed in the laundries and 75 of those were apprentices.

Commissioner COMMONS. About 10 per cent.

Miss GLEASON. Yes; about 10 per cent.

Commissioner COMMONS. Did you investigate those cases of apprentices to find out whether they are actually inexperienced?

Miss GLEASON. Yes; I investigated a great number of them personally and found out. And I am quite sure that they are in the laundries for the reason

that that is an industry in which the workers shift frequently. And a number of these apprentices were girls under—not a great number, but probably a half were girls under 18 or very near 18.

Commissioner COMMONS. You are planning, then, a system of permits, are you, or registration? How do you propose to avoid evasion of the law?

Miss GLEASON. It is a question that we have never gone into thoroughly. It almost seems to me that the apprentice would have to register with us also at the same time that she registers with the firm.

The trouble in this section of the country is that a number of women will come from the East, and it will be very difficult to find out whether or not they have had experience. If a woman were applying who had worked only in Oregon, it would be easy enough to insist before she be given employment that she furnish evidence from her former employer as to whether or not she had been employed and how long. But it is a more difficult question where we have such numbers coming, as we do have, not only from the far Eastern States but from the States near here. And it is frankly a problem that we have not gone into yet.

Commissioner COMMONS. Well, you could not know, outside of the laundry business, whether the proportion was about the same as you have mentioned—about 10 per cent?

Miss GLEASON. No; I could not say definitely from my own knowledge, from my own—oh, yes; knowledge. Talking with the women and talking with the girls, and from past investigation, I think that it would be about the same. But I haven't any—I can't give you any definite information on that.

Commissioner COMMONS. I take it that there is only one organization or union of women employees here.

Miss GLEASON. There are two; the bookbinders organized as well as the garment makers.

Commissioner COMMONS. Well, now, in case of the garment workers, do they have agreements, trade agreements, with their employers?

Miss GLEASON. Yes; they have. The garment workers organized. The garment workers work almost entirely by piecework, of course. Even the first ones to come on, the girls who have never handled a power machine, are put on at a piece rate. A few are put on at labeling at a dollar a day. They may be kept at that for a year, and if they are, rather than raise them to the minimum the employers will put them on at piecework. It is possible——

Commissioner COMMONS. If they have a trade agreement with the employers, then your minimum-wage law comes along; does that modify the trade agreement? Suppose their trade agreement provides for less than that—less than your minimum of a dollar a day.

Miss GLEASON. Yes; our wage law——

Commissioner COMMONS. Your wage law will interfere with their trade agreements?

Miss GLEASON. Yes. For instance, if they receive a dollar a day—the bookbinders require that for the first six months the apprentice shall receive $6, the second six months $6.50, and at the end of a year $7. Now, under our law at the end of a year she must receive $8.64.

Commissioner COMMONS. Then you do not permit a union to make an agreement for a minimum less than——

Miss GLEASON. No.

Commissioner COMMONS. The State minimum?

Miss GLEASON. No.

Commissioner COMMONS. That is, you are really taking the place of organized labor?

Miss GLEASON. Well, in arranging the wage rates perhaps we are. We could hardly—I think we could hardly—make an exception in a case like that.

Commissioner COMMONS. I am getting at the effect on trade unionism. Is it better, then, for the women to give up their union than to accept the law?

Miss GLEASON. They don't have to give up their union. They are only too glad to get the extra.

Commissioner COMMONS. Then, from the standpoint of the employer who makes the agreement with the union, you come in with the State law and invalidate that agreement. Wouldn't that be the view from his standpoint? He is probably giving them higher wages at one point in consideration of the lower wage at another.

Miss GLEASON. No; he is not in the bookbinders' union, especially, because at the end of the first year they are earning six dollars and fifty cents, when

they must be raised to seven; at the end of the second year they are earning seven; at the end of the third year they must be earning eight. And then it depends upon whether—what they call pamphlet girls—I believe the table girls do less skilled work than the girls who bind the pamphlets. About the highest wage that a girl who does not become a forelady reaches in the bookbinding trade, even though she works from 12 to 15 years, I have heard them tell me that the highest they get is about ten or eleven dollars a week. I have had girls who have had from 11 to 13 years' experience at the trade tell me that they never earn more than ten or eleven dollars. The best of them earn fifteen, but no shop has more than one or two forelaidies.

Commissioner COMMONS. That is in the bookbinding trade?

Miss GLEASON. In the bookbinding trade.

Commissioner COMMONS. How would it be in the garment workers?

Miss GLEASON. In the garment workers, as I said, they work almost entirely by piecework, so that a woman of a number of years' experience will earn $20 to $25 a week.

Commissioner COMMONS. The beginner, the apprentice, at the end of the first year would earn that?

Miss GLEASON. The apprentices on piecework rates start out and perhaps will not earn more than $4 a week for the first two or three months. They say at the end of three months if she is not earning a dollar a day she is not worth keeping and they will discharge her. Our laws up to the present have not applied to pieceworkers. A man who has had girls entirely on piecework is not compelled to pay over $8.64 a week.

Commissioner COMMONS. The beginner?

Miss GLEASON. Not if she is on piecework. The law so far only applies to the time-workers. The standard, of course, of minimum wages has been fixed, but the rulings say specifically they must apply only to time workers. The question of piece rate is one the commission is going to take up this fall in conference.

Commissioner COMMONS. That question has really not come to an issue, then?

Miss GLEASON. No.

Commissioner COMMONS. As to whether the commission is going to take the place of the unions in the matter of apprentices.

Miss GLEASON. Well, some of the union women have discussed it with us, and at first I think they showed some alarm; but they realise that if our law could bring about a higher wage than they get that it would be a good thing. They did not think they would have to do away with their organization, they hadn't any intention of disbanding, but still they seemed to think it would be a good thing if we could get a higher wage than they could. Of course, they realise this, I think, too, that women are very hard to organise. They are hard to make realise what they have a right to ask for and what they should not ask for. But this is—the minimum wage agitation probably is awakening some of them to a sense of what they may legitimately get, where they would never take any interest if it were put to them.

Commissioner COMMONS. Well, then, does the minimum wage have a tendency to induce them to organise and go into the union. Does it have a tendency to strengthen the union?

Miss GLEASON. Well, I don't know about that, we have so few unions here.

Commissioner COMMONS. Well, just take the two unions you know about.

Miss GLEASON. No, sir; I don't think that the wage has any effect on them. I think that the interest—that the union members are more interested in their own union than they are in the wage discussion. What I mean is that they will not leave the union because—the union will not be given up because of the wage legislation, I am sure, because the spirit is too strong.

Commissioner COMMONS. That is where they are already organised?

Miss GLEASON. That is where they are already organised, but I have seen no signs of further organisation because of the wage. I don't believe that the women are going to organise, not in the present year. Maybe a few years, perhaps five or six years from now, when they are accustomed to bargaining more closely, as men are, they may begin to think of it.

Commissioner COMMONS. Do these unions assist you in getting evidence of violations?

Miss GLEASON. Yes, sir; they do. They have come to us when there have been violations in their own plant, their own establishment, they have come to us for us to prosecute.

Commissioner COMMONS. Have they furnished witnesses who will testify?

Miss GLEASON. Yes, sir; they have. They offered to, the one case that I have in mind was last winter some time. Let me see, what was that. I think it was the case of a woman who had—it was the case of a girl who had worked for a year at a dollar a day, and she was put on piecework at the end of the year and could not earn the dollar a day. Some of the other women came to us to know whether or not the man had a right to do that, and what we would do. And they were perfectly willing to furnish witnesses and everything. But, of course, he had a right to do that then under our present arrangement for time and piece workers.

Commissioner COMMONS. Well, are you more able to get witnesses to testify where they are organized than where they are not organized?

Miss GLEASON. Yes; I am sure of that. They have a certain—well, they depend upon each other for moral support where they don't depend upon each other when they are not organized.

Commissioner COMMONS. Well, in the case of unorganized women, have you had any of them that have testified to violations of the law?

Miss GLEASON. No; not any that I can recall since our law has been in effect.

Commissioner COMMONS. Well, in the case of organized women have you had any?

Miss GLEASON. Well, we didn't have that one case, too.

Commissioner COMMONS. You have had no actual prosecution?

Miss GLEASON. No; you see we have really had very few cases in court, because the constitutionality of the law was being tested for so long.

Commissioner COMMONS. Then, how do you base your conclusion that they are much more ready to testify?

Miss GLEASON. Because the members of the unions will come to me and give their names and their addresses and all the information that I want, offhand, without any solicitation, without any urging. And the other women will not do so. As I say, they will come and tell me their tale, but will refuse to give me their names. They will tell me cases of rank injustice, and sit in front of me and refuse to tell me even who they are. I have had other cases of women coming to make complaints, friends of the employee, who would give me their own names, but would not give me the employee's name, and sometimes not even the firm's name. Sometimes they will give me the firm's name, but I could not possibly locate the employee by just simply having the firm's name, where a great number of people are employed. And I have had other cases where I could locate everybody, but I was begged not to proceed, because it meant the loss of the girl's position.

Commissioner COMMONS. I think that is all.

Chairman WALSH. Anything else?

Commissioner GARRETSON. One question, Mr. Chairman.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Miss Gleason, don't you find that the women workers regard the minimum-wage law in regard to unionism as male workers regard, for instance, eight-hour legislation, as supplemental to their trade agreements, and an aid instead of an obstacle?

Miss GLEASON. We did not find that so at first, but I am speaking now with the remembrance of the delegate of the union who was here to arrange the rates with the garment workers particularly. She was very much opposed to the minimum-wage law until we showed her where we thought it would be a good thing and would not harm the unions. And I think that the same thing may be said of the others. I spoke to the bookbinders, I believe, at the time that we were carrying on the investigation, and they were a little touchy until they understood exactly what it was going to do.

Commissioner GARRETSON. But when they learned its practical working out, that was all right?

Miss GLEASON. Yes; they believed it was supplemental, and they were glad to have it.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all; thank you.

Mr. THOMPSON. Mr. Howell.

TESTIMONY OF MR. GEORGE P. HOWELL.

Mr. THOMPSON. Mr. Howell, will you please give us your name?

Mr. HOWELL. George H. Howell.

Mr. THOMPSON. Your address?

Mr. HOWELL. 163 East Fifteenth.

Mr. THOMPSON. And your business?

Mr. HOWELL. Printer.

Mr. THOMPSON. Are you connected with the typographical union here?

Mr. HOWELL. I am.

Mr. THOMPSON. In what capacity?

Mr. HOWELL. Just as a member.

Mr. THOMPSON. As a member?

Mr. HOWELL. Yes, sir. I have been an officer at various times in the local organization, and also an officer in the international.

Mr. THOMPSON. How long have you been located in Portland?

Mr. HOWELL. Well, about 25 years.

Mr. THOMPSON. What have you to say with reference to the condition existing now in the printing trades in this city, particularly relating to the relations of employer and employee?

Mr. HOWELL. Well, in the newspaper branch of the business the conditions are good. They are better than they were under the old hand-set conditions, where men worked all the afternoon and threw in their type and then returned at 7 or 8 in the evening and worked until 2 or 3 in the morning setting their type. The introduction of the machines did away with that afternoon work. Now they work seven hours and a half. But in the commercial end of the trade the conditions have improved, but at the present there is a little difficulty between the commercial printers and one of the crafts represented in the printing industry.

Mr. THOMPSON. What craft is that, Mr. Howell?

Mr. HOWELL. That is the printing pressmen's international organization.

Mr. THOMPSON. Can you tell us the nature of that difficulty? Let me ask you, have you got a copy of the demands that were made by that craft?

Mr. HOWELL. No; I have not. I think it was the month of September, 1912, they sent a very curt communication to the employers saying that on and after such a date the following scale would go into effect. It is the absolute fact that no effort was made to interview the employers at that time. I will state now that I am secretary of the Allied Printing trades Council, and this is an organization composed of delegates from all the crafts in the printing industry. There are nine organizations in this city represented in that body. But, when this strike occurred, no member outside of the pressmen's organization knew anything of this.

Mr. THOMPSON. You haven't got a copy of the demands made by the pressmen on the employers?

Mr. HOWELL. I have not. It called for a very slight increase in wages.

Mr. THOMPSON. What is the present situation in that trouble to-day?

Mr. HOWELL. The employers claim they are working under the open shop in their pressrooms, and to all intents and purposes they are.

Mr. THOMPSON. When did this trouble begin?

Mr. HOWELL. About two years ago this coming September.

Mr. THOMPSON. This council you speak of, is it a regular organization, and has it been in existence for a long time?

Mr. HOWELL. Yes, sir; it has.

Mr. THOMPSON. Has it a constitution and by-laws?

Mr. HOWELL. Yes, sir.

Mr. THOMPSON. Have you got them with you?

Mr. HOWELL. No, sir; I have not.

Mr. THOMPSON. Would you be willing to furnish us a copy of them?

Mr. HOWELL. Yes, sir.

Mr. THOMPSON. Is your body affiliated with any other labor organization?

Mr. HOWELL. No, sir; it is not. Its primary purpose—in fact, its only purpose—is to boost the union label.

Mr. THOMPSON. But it is made up of men who belong to the international union?

Mr. HOWELL. Yes, sir; they have three delegates from the typographical union and three delegates from the web pressmen and three delegates from the printing pressmen and three delegates from the printers' assistants and three delegates from the photo engravers and three delegates from the bookbinders and three delegates from the bindery women and three delegates from the electrotypers.

Mr. THOMPSON. Is there anything further you would care to say about the condition of labor in the printing industry here?

Mr. HOWELL. Well, at the present time there seems to be a disposition on the part of large employers of labor in this city, men like Mr. Banfield, who are determined to crush labor and wipe the labor unions out of existence. They are absolutely merciless in their methods; they think nothing of driving a man out of town, and in this last pressmen's strike it is a fact that one of the pressmen—now, Mr. Banfield is not affiliated with the printing industry, but he is an active member of the employers' association of this city—and it is a fact that one of these pressmen who was financially involved, was about to lose his home, he had to call on Mr. Banfield and intercede with Mr. Banfield to withdraw his objection, that he had an opportunity to go back to work in one of these struck shops.

Mr. THOMPSON. What was the answer?

Mr. HOWELL. I believe he finally gave his permission.

Mr. THOMPSON. Why was it necessary to go to Mr. Banfield? Do you know?

Mr. HOWELL. They are part of the manufacturers' association of this city, who stand for the open shop of the employers' association.

Mr. THOMPSON. Was he the only man this pressman could have gone to? I want to get what you intend the commission to understand by that.

Mr. HOWELL. Well, I don't know whether he was the only man, but he is the man who is a leader.

Commissioner LENNON. He was the man representing the employers in the fight?

Mr. HOWELL. Yes, sir.

Commissioner LENNON. And the employers insisted that anything of that kind had to go through his hands?

Mr. HOWELL. As I understand.

Mr. THOMPSON. Have you given any consideration to the industrial conditions which exist here; that is, as to whether there is unrest or not?

Mr. HOWELL. Well, of course, this is a sparsely settled community, and the conditions that exist here are not as bad as exist in the more thickly settled portions of our country. But the opening of the Panama Canal is fraught with danger to the working classes unless something is done to prevent the people from Europe coming in here and competing with labor.

There is one thing that I would like to say in reference to the testimony of—this may not be in order at this time, but it is in my mind—that Mr. C. E. S. Wood yesterday in testifying spoke of the ignorance displayed by the average business man in reference to these great industrial problems and even the trade-union movement, that they know little of it, and all that they do know is the accounts that they see in the papers from time to time regarding strikes and lockouts, and I would like to read at this time the preamble of our organization, if it is in order.

Mr. THOMPSON. You mean of your international organization?

Mr. HOWELL. Yes, sir.

Mr. THOMPSON. We have that already in evidence.

Mr. HOWELL. No; this is the local.

Chairman WALSH. Read it.

Mr. HOWELL (reading):

"Preamble: To establish and maintain an equitable scale of wages, to protect ourselves from sudden or unreasonable fluctuations in the rate of compensation for our labor, and also to protect just and honorable employers from the unfair competition of unscrupulous and unreliable rivals; to defend our rights and advance our interests as workingmen; to create an authority whose seal shall constitute a certificate of character, intelligence, and skill; to build up an organization where all worthy members of our craft can participate in the discussion of those practical problems upon the solution of which depend their welfare and prosperity as workers; to foster fellowship and brotherhood; to aid the destitute and unfortunate, and provide for the decent burial of deceased members; to develop and stimulate, by association and social converse, those kindly instincts of humanity that most highly adorn true manhood; to encourage the principle and practice of conciliation and arbitration in the settlement of differences between labor and capital; we, printers of the city of Portland, Oreg., do adopt and promulgate this constitution."

Mr. THOMPSON. I want to ask just one more question. In the newspaper field when a piece of work is set up and published in one of the papers and the matrix is taken to another paper, do they reset their type again and redistribute it?

Mr. HOWELL. Yes, sir; unless published in the same establishment and owned by the same firm.

Mr. THOMPSON. That is all.

Commissioner LENNON. Does the typographical union in Portland work under an agreement, either written or verbal, in the commercial part of the trade?

Mr. HOWELL. No, sir; not at present.

Commissioner LENNON. Are the printers employed by these firms union men largely, or entirely so?

Mr. HOWELL. With the exception of the pressroom all departments are union; the electrotypers are absolutely 100 per cent union, and the photo-engravers are union.

Commissioner LENNON. How has the scale been made under which you work? Has it been made by joint committee of the employers and your union, or by the employers entirely or by yourselves entirely; how is it made?

Mr. HOWELL. The last scale—our scale was made by conferences. We had numerous conferences and, of course, the newspaper scale was made——

Commissioner LENNON. I know about that.

Mr. HOWELL. You probably have heard so much about that you are familiar with it.

Commissioner LENNON. I have been dealing with it myself. Then after you have these conferences wasn't a verbal agreement finally reached between the representatives of the union and the representatives of the commercial printers, establishing that scale?

Mr. HOWELL. Well, it was established in that way, but each union acts independent of every other union.

Commissioner LENNON. I mean just for the printers, the members of the typographical union, not any of the other printing trades, but just those.

Mr. HOWELL. That was adopted after a conference that was mutually satisfactory to both sides.

Commissioner LENNON. Does it prevail in nearly all the printing offices of this city?

Mr. HOWELL. It does in 90 per cent—95 per cent. The wages at the present time are $25 a week for eight hours' work.

Commissioner LENNON. That is hand work or machine?

Mr. HOWELL. That is hand work.

Commissioner LENNON. What is the machine scale?

Mr. HOWELL. $31.10 for daywork; $34 for night.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Commons would like to ask a few questions.

Commissioner COMMONS. I thought you said at first that you had no agreements with the Typothetæ.

Mr. HOWELL. We have no agreements with the Typothetæ.

Commissioner COMMONS. Then you say you have agreements with the commercial printers?

Mr. HOWELL. No; not with the commercial printers; the newspaper printers.

Commissioner COMMONS. Take the book and job offices, that is what I understand is the commercial printing.

Mr. HOWELL. Yes.

Commissioner COMMONS. Which comes under the Typothetæ, does it not?

Mr. HOWELL. Yes.

Commissioner COMMONS. How is the scale made with those offices?

Mr. HOWELL. Why, it is first taken up in our organization. There is a committee appointed to draw up a scale of prices, and after we have drawn up what we consider right and proper we submit that to the employers. Before they had their organization it was submitted to the individual firms. For instance, we would send a committee to one printer and the same committee would wait upon another; but since they have an organization, why, we have treated with that organization. That is the way we——

Commissioner COMMONS. You mean a committee of the Typothetæ.

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. When you reach an agreement, is that put in writing?

Mr. HOWELL. Well, no; it was not.

Commissioner COMMONS. Is that true of all the other printing trades? Do they negotiate in the same way with the Typothetæ?

Mr. HOWELL. The commercial end; I think so.

Commissioner COMMONS. And there are no written agreements?

Mr. HOWELL. No; not now. There was at one time.

Commissioner COMMONS. That is, before the Typothetæ organized you had a written contract?

Mr. HOWELL. Yes.

Commissioner COMMONS. Signed by each individual?

Mr. HOWELL. Yes.

Commissioner COMMONS. Now you have no written contract signed by the organization; they are simply verbal understandings, are they?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. How about the question of the employment of union members? Was that taken up in the discussion with the Typothetæ?

Mr. HOWELL. Well, it is understood they are to be union labor.

Commissioner COMMONS. Well, what is meant by that understanding? As I understand it——

Mr. HOWELL. Well, it is an organization of union men and women treating with a firm.

Commissioner COMMONS. But you don't have any agreement; if you don't reach any agreement at all—don't put it down in writing. Does the Typothetæ consider their shops as open shops?

Mr. HOWELL. It considers their pressrooms open.

Commissioner COMMONS. Then I suppose the employee dealt individually with each establishment?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. So far as the Typothetæ is concerned as an organization, you do not bring up the question of closed shop or open shop?

Mr. HOWELL. Not as yet we haven't.

Commissioner COMMONS. But you do settle that individually with each firm?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. That is what you mean by saying it is understood that they should be union men? Has there been any case where the union has brought up the matter to an employer? I am not speaking of newspaper offices.

Mr. HOWELL. Of union labor, employing union labor?

Commissioner COMMONS. Yes, in the commercial end, do you mean have they brought up the question of the employment of union men?

Mr. HOWELL. No; they have not. They do not employ a man unless he is a member of the union. Whenever they want help they telephone to the secretary's office; they send to the office of our secretary, 207 Oregonian Building, for help. He has a list there of unemployed, and from that list he sends them down. They do not make any attempt to put on nonunion men.

Commissioner COMMONS. Does the Allied Printing Trades Council belong to the Central Labor Union?

Mr. HOWELL. No.

Commissioner COMMONS. It is just individual unions?

Mr. HOWELL. Has no affiliation, either delegate——

Commissioner COMMONS. Do you know whether the typothetæ belongs to the employers' association?

Mr. HOWELL. Why, some of the members do.

Commissioner COMMONS. But not as an association?

Mr. HOWELL. I couldn't say. It would be just my opinion.

Commissioner COMMONS. You spoke of the printing trades council as mainly organized to promote the label. Do you declare boycotts on firms that are not fair?

Mr. HOWELL. Well, we have not for a number of years. We appoint a committee, and this committee waits on the firm that is getting the printing done and asks them to use the union label, and we keep at it in that way. We send committee after committee. We have not placed any boycott on anybody.

Commissioner COMMONS. You spoke about 5 per cent that are not covered by these agreements. Do they employ any nonunion men?

Mr. HOWELL. Yes, sir; there are one or two firms employ nonunion men in this city.

Commissioner COMMONS. Have you any boycotts on those firms?

Mr. HOWELL. No more than what is in the Labor Press. We do not patronize——

Commissioner COMMONS. How do you get that authenticated or authorized in the Labor Press? Do you have to bring it up?

Mr. HOWELL. It is brought up to the central labor body that we have been unable to adjust differences between such and such a firm in our organization, and that we request that such a firm be placed on the unfair list, and we don't patronize——

Commissioner COMMONS. How is that handled in the Central Labor Union?

Mr. HOWELL. I believe they have a committee first who see if they can settle it.

Commissioner COMMONS. They endeavor to settle it?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. And then when it is finally placed on the unfair list must it be by the vote of the entire Central Labor Union?

Mr. HOWELL. Yes.

Commissioner COMMONS. So that they can veto your request?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. Now, there are two establishments you say that are on the unfair list?

Mr. HOWELL. Well, there are some—I am positive of one; I do not know as to two. Of course, there are a number of very small establishments that employ no help; they are just simply a part of the trade. A man with a little money can buy a press, but these people are not those who employ help. There is only one that I know of that is not a member of our organization that does not employ our members.

Commissioner COMMONS. Then do you go to the other business men of the town who are having printing done and ask them to patronize the label houses?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. Do you have a committee for that purpose?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. And do they visit most of the business men?

Mr. HOWELL. Well, they are not making any campaign and have not for some time past.

Commissioner COMMONS. Is the city or State or county printing issued with the label?

Mr. HOWELL. Not now. Some of it once in a while is. It was for a long time, had the label; but since they have adopted the commission form of government and appointed a purchasing agent the work is let out to the lowest bidder; it goes to any shop.

Commissioner COMMONS. Does the Allied Printing Trades Council take that up with the city authorities?

Mr. HOWELL. They have not as yet.

Commissioner COMMONS. That is all.

Chairman WALSH. Anything else?

Commissioner GARRETSON. Yes. This pressman that you spoke of that had to get permission to return to work, he had been on strike, had he?

Mr. HOWELL. Yes, sir.

Commissioner GARRETSON. And did he go to Mr. Banfield to get him to withdraw his opposition, or to intercede for him?

Mr. HOWELL. To withdraw his opposition.

Commissioner GARRETSON. The attitude was virtually that if a man on a strike here loses out, he has to get a license from the employers' association before he can work here in any capacity?

Mr. HOWELL. He is practically a blacklisted man.

Commissioner GARRETSON. Would there have been any possibility of a settlement between the striking pressmen and the employing printers if these two agencies had been left to settle their trouble without outside interference?

Mr. HOWELL. Yes; I think it could have been settled.

Commissioner GARRETSON. Does the employers' association, as a rule, from the standpoint of labor men in the town, or from the standpoint of citizens, act as an agency to minimise trouble and effect settlements and understandings between employers and employees, or the opposite direction?

Mr. HOWELL. The opposite direction.

Commissioner GARRETSON. All classes of employers band to support one man who is having labor trouble?

Mr. HOWELL. Don't make any difference what that trouble is or how just the cause may be, they are "agin the Government."

Commissioner GARRETSON. I suppose they do not support the sympathetic strike on the part of labor, do they?

Mr. HOWELL. I suppose they do.

Commissioner GARRETSON. But still they follow what is the exact parallel of a sympathetic strike in their methods. Is the natural outgrowth, in your opinion, as a man conversant with the policy and practice of labor unions—will the natural outgrowth of the attitude of several manufacurers' associations, whether State or National, be that the labor unions will combine to act together if they follow the lines that are followed by the manufacturers' associations?

Mr. HOWELL. Yes. I believe in the crafts organising. I would like to see every industry in the printing business in one organization. I think it is wrong for me as a printer——

Commissioner GARRETSON. As against the craft system?

Mr. HOWELL. Yes. I do not think it is right for me as a printer to enter into an agreement with my employer to tie up my labor for three years by contract, when the next man who comes after me in a year has to go up against that, and by means of my contract I am forced to work, if the man gets in trouble.

Commissioner GARRETSON. In other words, if you profit by the example of the employers' association and the manufacturers' association you are bound to do that in self-defense?

Mr. HOWELL. They are doing that very same thing that way.

Take the case in Stockton, when the employers determined to make that an open shop; when the controversy had been on several weeks they served notice on the newspaper publishers that unless they did away with the union label that they would withdraw their patronage. This was followed by the action of the typographical union, who sent a notice to these publishers of these newspapers that if that stand is taken by the employers of Stockton, we will set up your papers for nothing. And this was followed by a telegram from the international organization that that would be used in payment of wages of all these men. The same thing was done in the street car strike. They waited upon the publishers and forbid them to give a true account of the strikers' conference on the trouble. That thing is creeping more and more into the industrial situation of this country.

Commissioner GARRETSON. Do you know whether or not when a contract is let in this town under union conditions all the members of the employers' association belonging are notified of the man in giving the contract having union regulations entirely?

Mr. HOWELL. I believe that to be a fact.

Commissioner GARRETSON. Have you seen such a communication?

Mr. HOWELL. I have seen a communication in the Labor Press recently when Meier & Frank contemplated the erection of their new building, that they sent out a communication asking the employers to use their influence with the firm of Meier & Frank to prevent that building going up under open-shop conditions.

Commissioner GARRETSON. Under union-shop conditions.

Mr. HOWELL. I mean under union-shop conditions. And just a word about this courthouse in which we are now sitting. The east wing was constructed piecemeal, one contractor getting a certain portion of it and another another, and the work was delayed. But when they came to the erection of the west wing it was thought advisable by the county commissioners to call for bids for the completion of the west wing. And when those bids were opened the successful bidder was one of the most famous builders in this country, the firm of Thompson & Starrett, who erected the Yeon Building in this city and also the Annex—the building called the Annex of Meier & Frank's, under union conditions. Their bid was in the neighborhood of $50,000 lower than the nearest competitor. And notwithstanding that the employers' association, I am informed, got very busy, and by a connivance with the architects, the firm of Widener & Lewis, that bid was thrown out and new bids were called for, and Thompson-Starrett was practically driven from this State.

Commissioner GARRETSON. Then a boycott is in effect on the other side that is as effective as any boycott could be on the part of labor?

Mr. HOWELL. Yes; even more so, because they have all the power of massed capital.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. HOWELL. I would just like to read one little article that I have here on the reason for labor organizations' existence at the present time more than ever. This is an editorial taken from one of the papers of this city at the time of the controversy between John D. Rockefeller and the gentleman who was sent by President Wilson to interview him [reading]:

"When John D. Rockefeller, jr., testified before the congressional committee he maintained that the mine owners were simply contending for the right of

the individual miner to make his own terms and to join a union or not, as he pleased. He still maintained the obsolete theory that freedom of contract is possible between the great corporation, 40 per cent of the stock of which is held by his father, and an individual miner, whose sole capital is his physical strength and his skill. Merely to state the proposition is to prove its absurdity. Freedom of contract can only exist between parties that are equal. As against massed capital, labor can only exercise this freedom by a combination that it may act as a unit."

Chairman WALSH. Do you know of any other instance such as you mentioned about the pressman securing permission from Mr. Banfield to go back before he could go back?

Mr. HOWELL. No; I don't.

Chairman WALSH. That is the only instance you know. Do you know how many pressmen who went out upon the strike returned to the employment?

Mr. HOWELL. Well, nearly all.

Chairman WALSH. But in numbers, how many?

Mr. HOWELL. Well, I could not say.

Chairman WALSH. Could you approximate it?

Mr. HOWELL. Maybe 30 or 40.

Chairman WALSH. Anything else?

Commissioner COMMONS. I would like to ask on what grounds did the Allied Printing Trades Council decline to support the pressmen either in the matter of—I presume the label is still furnished to those firms that have the open shop?

Mr. HOWELL. No.

Commissioner COMMONS. With the pressmen?

Mr. HOWELL. No; they haven't. They haven't the label. We had about 50 shops that had the label. Now we only have about 12 or 14.

Commissioner COMMONS. The label is then only given to those that have union pressmen throughout, is that it?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. On what ground did the council withhold support, or a sympathetic strike, we will say? Why was no sympathetic strike called on behalf of the pressmen?

Mr. HOWELL. Because we had to obtain the sanction of our international officers, and the request for the strike had to come from the president of the International Printing Pressmen and Assistants' Union, Mr. Barry, before it could be considered by the then president of the international union, Mr. James M. Lynch. That request was never made by Mr. Barry.

Commissioner COMMONS. It was simply, then, that was the only reason, was it, because the pressmen hadn't asked for the sympathetic support of the other trades?

Mr. HOWELL. I believe that to be a fact.

Commissioner COMMONS. Would your contracts have tied you up so that you could not have supported them?

Mr. HOWELL. Yes, sir.

Commissioner COMMONS. Was that the reason why the request was not made?

Mr. HOWELL. That was the main reason.

Commissioner COMMONS. The reason why the request was not made?

Mr. HOWELL. Yes, sir.

There is just one other thing I would like to state on this same question of the boycott and how the law looks upon this question as affecting labor and as affecting property interests: At the time of the A. R. U. strike in 1894 the General Managers' Association——

Chairman WALSH. Say, I don't want to limit you, Mr. Howell, but we are trying to cut out pure argument, you understand. If there is any fact connected with the situation here or that has come under your observation elsewhere, why, of course, it is all right. But mere argument we are trying to cut out.

Mr. HOWELL. I am not making an argument; I am just making a statement.

Chairman WALSH. Well, a statement in the nature of an argument we also try to eliminate, if you call it that. You can state——

Mr. HOWELL. Well, here was the condition.

Chairman WALSH. Here is the idea. I don't want to cut you short, if there is anything that you think is significant here that you know about of your own knowledge, or indirectly through hearsay, why you may state it.

Then we will try to make a study of the decision in the A. R. U. case, and draw our own conclusions. You get the point.

Mr. HOWELL. I understand the nature of this commission is to investigate industrial conditions throughout the country and present a report and, perhaps, suggest a remedy.

Chairman WALSH. Yes.

Mr. HOWELL. To do away with some of the evils——

Chairman WALSH. Yes.

Mr. HOWELL (continuing). That we have to contend against.

Chairman WALSH. That is the purpose of the commission.

Mr. HOWELL. And the enforcement of the law is necessary, absolutely necessary; yes, sir.

Chairman WALSH. Well, I have made the statement. I don't want to hamper your statement. Exclude argument, and go ahead.

Mr. HOWELL. Well, I just wanted to state, at the time that that strike was called, or prior to it, the American Railway Union found this condition: That the 24 railroads entering the city of Chicago were controlled by the General Managers' Association. And all questions affecting hours and wages and other conditions were considered by that General Managers' Association. And in order to combat that great mass of capital Mr. Debs conceived the American Railway Union. But the power of the court and the power of Government was used to crush that union. And the late President, Taft, in rendering his decision, used these words: "The great conspiracy that existed." The American Railway Union—the Sherman law had just been passed, in 1890, and the great conspiracy that existed in violation of the Sherman antitrust law was the conspiracy of the General Managers' Association. And had he foreseen that at that time, or had he seen that at that time and invoked the power of that law——

Chairman WALSH. Had who seen it?

Mr. HOWELL. Taft.

Chairman WALSH. Well, do you have any personal knowledge as to whether he did see it or not?

Mr. HOWELL. I read his decision.

Chairman WALSH. Well, go ahead.

Mr. HOWELL. The great evils that exist in this country through massed capital, had the Sherman antitrust law been in force at that time, probably this commission would not now be in existence.

Chairman WALSH. Anything else?

Commissioner GARRETSON. No.

Chairman WALSH. That is all, Mr. Howell.

Mr. THOMPSON. Mr. Tait.

TESTIMONY OF MR. JOHN TAIT.

Mr. THOMPSON. Mr. Tait, you may sit down.

Mr. TAIT. Yes, sir.

Mr. THOMPSON. Please give your name.

Mr. TAIT. John Tait.

Mr. THOMPSON. And your business address?

Mr. TAIT. East Tenth and Pine Streets.

Mr. THOMPSON. Your business?

Mr. TAIT. I am president and manager of the Troy Laundry Co.

Mr. THOMPSON. That is a company engaged in the laundry business?

Mr. TAIT. Yes, sir.

Mr. THOMPSON. Not in the machinery business?

Mr. TAIT. Not in the machinery business.

Mr. THOMPSON. Now, how long has your company been in existence here?

Mr. TAIT. The company was first incorporated in 1894. Previous to that they have been known as the Troy Steam Laundry from 1890.

Mr. THOMPSON. How many people does your laundry now employ?

Mr. TAIT. About 120.

Mr. THOMPSON. About how many of these are women and minors?

Mr. TAIT. About 90.

Mr. THOMPSON. About 90?

Mr. TAIT. Yes, sir.

Chairman WALSH. He said women and minors.

Mr. TAIT. Well, there is no minors.

Mr. THOMPSON. No minors?

Mr. TAIT. No minors.

Mr. THOMPSON. Can you state to this commission what, if any, effect the establishment of a minimum wage in your industry has had on the industry itself and on the workers?

Mr. TAIT. I can give you some figures here.

Mr. THOMPSON. Have you a list of questions there in this regard?

Mr. TAIT. A list of which?

Mr. THOMPSON. Questions furnished to you.

Mr. TAIT. I have.

Mr. THOMPSON. You may answer those in their order.

Mr. TAIT. Yes; I will answer that list of questions; first read the questions and I will answer those.

The first question that is asked is that of the number of employees whose wages were increased as the result of the minimum-wage legislation. The answer is this: There are 687 increased by the shortening of hours; 115 increased in wages. The shortening of hours was this: That some of the plants in the city were working 9½ hours a day. Under the ruling of the minimum-wage scale 54 hours a week, or 9 hours a day, was the rule. The same wages were paid to those employees that were working the 9½ hours a day when they worked 9. There was no reduction in wages made in that. But there was an actual increase through the minimum-wage scale on 115. They received that.

Commissioner COMMONS. One hundred and fifteen employees?

Mr. TAIT. One hundred and fifteen employees increased in wages.

Commissioner COMMONS. One hundred and fifteen different employees had increases?

Mr. TAIT. Had increases, besides 687 who had received a benefit of the shortening of the hours, which of course was a natural increase in their hourly scale of wages.

Commissioner LENNON. That is based on the entire industry or simply on yours?

Mr. TAIT. It is based on the entire industry from the facts which I have received.

Commissioner LENNON. Oh, yes.

Mr. THOMPSON. Go right ahead.

Mr. TAIT. Second, the amount of increase in regular weekly pay roll as a result of the minimum wage scale. The amount was $400 on account of reduction of hours, and $107.50 increase on the weekly, what might be called on those who were benefited by the minimum-wage scale, directly benefited in the increased wages.

Commissioner GARRETSON. How many are engaged in the entire industry; how many persons?

Mr. TAIT. One thousand one hundred and fifty-seven.

Commissioner GARRETSON. Men and women?

Mr. TAIT. Men and women.

Commissioner GARRETSON. How many of those are women?

Commissioner COMMONS. Six hundred and eighty-seven.

Mr. TAIT. Not quite—more than that. Six hundred and eighty-seven were benefited by the changing of the hours, and probably those would be women to a great extent. There would be 687 and 115 probably out of that 1,157—I didn't get that number, I thought I had it in mind, so that I could give you that answer. I think probably the number of women employed would be about 800.

Commissioner GARRETSON. Eight hundred?

Mr. TAIT. About that; I wouldn't want to be positive as to the number, but about that number.

Commissioner GARRETSON. All right, go ahead.

Mr. TAIT. The third question is: Total number of wage earners, which was 1,157.

The fourth question is total amount of normal weekly pay paid wage earners. Thirteen thousand two hundred and twelve dollars and thirty-eight cents per week, or $687,058.56 per year.

Commissioner GARRETSON. Is that men and women?

Mr. TAIT. Men and women.

Commissioner GARRETSON. Have you the women separately?

Mr. TAIT. No, sir. I say the amount per week is $13,212.38, and the total per year $687,058.56.

The fifth question is: Number of employees discharged because believed to be not worth standard wage fixed by minimum wage law.

There has been quite a number discharged during the past year, some through that cause and some through the falling off in business.

It is very hard to find out what the direct cause is of an employee being discharged under the present conditions, because the business has been reduced in volume very materially during the last 12 or 15 months, and it was impossible to get anything of that statement. There was possibly between 30 and 40 who were affected, and out of that number—were affected probably on account of inefficiency.

Question No. 6. Brief statement of effects of minimum-wage law on business and on relations between employers and employees.

The answer to that is on account of increased wages it has been necessary to increase the cost of our products, and in that way the public have in many instances refused to pay the increased price, causing a reduction in our volume of business.

To show the standing of the pay rolls June, 1913, and June, 1914, I have taken off those figures. The pay roll for the laundry business in June, 1913, which was a year ago, was $57,243. In June, 1914, $52,849. Practically a difference of $5,000 a month, or $60,000 a year. This is not chargeable to the minimum wage scale; it would not be just to charge it in that way, but due to the conditions of the business as it exists at the present time in Portland, and possibly all through the country the same conditions exist.

Commissioner GARRETSON. Affected all business?

Mr. TAIT. Affected all business that way.

Mr. THOMPSON. Now, Mr. Tait, you say that on account of the increase in wage cost it will be necessary to increase the charges to your patrons?

Mr. TAIT. Yes, sir.

Mr. THOMPSON. And they have, you believe, on account of that increase, reduced the amount of business they do with you?

Mr. TAIT. Yes, sir.

Mr. THOMPSON. If I remember correctly, you say about 115 of these 1,157 workers had their wages increased by the minimum wage?

Mr. TAIT. That is right.

Mr. THOMPSON. What per cent of the total pay roll, if you can state it, would the increase in wages amount to? You have stated the present pay roll amounts to six hundred and odd thousand dollars a year.

Mr. TAIT. I would have to figure that up to state positively. You must grant there was an increase in the pay roll to the employees when it reduced the number of hours, because this reduced the output, and it increased the cost of production.

Mr. THOMPSON. Has any study been made, if you know, as to whether the decrease of hours half an hour a day has resulted in the lessening of the output?

Mr. TAIT. It has.

Mr. THOMPSON. It has?

Mr. TAIT. It has.

Mr. THOMPSON. Would you mind stating upon what study that is based?

Mr. TAIT. The most careful study can be made in what is known as the mangle room. In the mangle room in keeping track of the number of pieces which go through the different mangles each day, it shows a decline in the volume of work going through that department. I haven't got the figures with me that I could give them to you, but I could get them for you.

Mr. THOMPSON. What other department would it operate in?

Mr. TAIT. It would operate in all departments where they are working on daily wages. It wouldn't affect so materially the piecework departments, because it does not affect the cost of production on that particular article.

Mr. THOMPSON. What proportion of the work and what kind of work is done on the daily wage, and what on the piecework, in the laundry business?

Mr. TAIT. It is not general. In some plants it is one department and some plants another. I can speak for the Troy Laundry Co. only. Our mangle room is on the hourly basis. Our shirt starching is on the piecework. Our shirt ironing is on the piecework. And our collar department is on the hourly basis. Our ironing basis—hand-ironing department—is on a per cent basis. They are paid a certain per cent on each garment handled by the employes, based on what is charged to the patron.

Mr. THOMPSON. Could it be said that the most skilled work is on the piece rate?

Mr. TAIT. It is.

Mr. THOMPSON. On the basis of the piece-rate workers being the most skilled, of course they get the highest wages?

Mr. TAIT. Yes, sir; they do.

Mr. THOMPSON. What proportion of the pay roll, offhand, if you could state, would be paid the skillful workers compared to the unskilled workers?

Mr. TAIT. I could not tell you offhand. Those figures I have, but I wouldn't like to estimate it, because I might be entirely wrong in my estimate of those figures.

Mr. THOMPSON. How do the number of employees compare to the skilled line?

Mr. TAIT. In our plant the greater number of our employees are on piecework.

Commissioner COMMONS. May I ask a question?

Mr. THOMPSON. Yes, sir.

Commissioner COMMONS. I think it is stated that the increased cost on account of changing hours was $400 a week.

Mr. TAIT. No, sir; I wouldn't make that positive statement.

Commissioner COMMONS. What was it?

Mr. TAIT. The increase of wages to the employees was based, you might say, on that. It is figured on the reduction of hours, as showing the increase.

For instance, to explain that: If a girl was getting a dollar and a half a day for nine and a half hours, she would be paid under the ruling—she was paid a dollar and a half for nine hours, showing a half an hour daily loss to the employer, but still she received the same wages. There was no change in the wages on account of the reduction of hours.

Commissioner COMMONS. Then you figure that cost amounts to $400?

Mr. TAIT. The figures there amount to $410.

Commissioner COMMONS. That must have applied only to the time-workers and not to the pieceworkers?

Mr. TAIT. It would.

Commissioner COMMONS. So that the increased cost—assuming that the time-worker's output is reduced the same proportion that their hours are reduced, the figures would be $400 on account of shorter hours?

Mr. TAIT. Yes, sir.

Commissioner COMMONS. Then you figured $157.50 on account of raising wages?

Mr. TAIT. One hundred and fifty-seven dollars and fifty cents.

Commissioner COMMONS. So that the total increased cost, the two totals, is $557.50 per week?

Mr. TAIT. No, sir.

Commissioner COMMONS. The total per month?

Mr. TAIT. Per month.

Commissioner COMMONS. What is the total per week?

Mr. TAIT. One-fourth of that, practically.

Commissioner COMMONS. I figure it makes about 15 per cent per week increase on the pay roll.

Mr. TAIT. I haven't figured it. I could not certify to that figure. I would have to figure it out.

Commissioner COMMONS. That is all.

Mr. THOMPSON. I might ask you this question direct: What increase did you make in the prices to your customers?

Mr. TAIT. A very slight increase.

Mr. THOMPSON. Well, how much?

Mr. TAIT. Those figures I could not give you offhand. I didn't expect to be asked that question. But the items were very small. In some cases I can tell you what was affected practically to a certain extent.

In some cases sheets were raised 1 cent each. Some were doing them for 2 cents, and others were charging 3 cents. And collars were raised from 2½ to 3 cents. Those were the principal raises made on the prices by this advance in wages.

Mr. THOMPSON. Then the principal advance was just 1 cent for sheets and half a cent on collars. Upon that do you base your deduction that the patrons decreased their business with you on account of the increase?

Mr. TAIT. They do. We know that to be a positive fact. We have had people refuse to send on account of that increase.

Mr. THOMPSON. Is there any other statement you care to make in regard to the operation and effect of the minimum-wage law?

Mr. TAFT. I am in favor of a minimum-wage law based on sound business methods. I can not say that this minimum-wage law is going to benefit the employee as it was expected, because it will have a tendency to bring a great many of them to the minimum wage.

It is not based on efficiency; it is based on age. There is an age limit. If a girl becomes 18 years of age, she is practically, under this law, entitled to what is known as the minimum wage. She has to serve an apprenticeship period of one year. Well, that is not always possible to learn a trade in one year. It is practically impossible to do it. It is based on that; it is not based on efficiency. And the reason why we prefer piecework in our plant in preference to the daily or hourly wage is that the efficient employee receives full value for her services and is benefited and does not have to carry the load of the inefficient employee.

Mr. THOMPSON. In so far as you have piecework, of course the law does not apply?

Mr. TAFT. It applies if our piece rate is not higher than the minimum-wage or amounts to the minimum wage.

Mr. THOMPSON. It has not been applied so far in that regard?

Mr. TAFT. No, sir; it has not been necessary, because the rate has been higher.

Mr. THOMPSON. What constructive suggestion would you make with reference to the minimum-wage law that would remedy the condition you speak of?

Mr. TAFT. The suggestion I would make if we want to benefit the working people and benefit the employers is to establish industrial schools, where every child is learned a trade and is self-supporting. The great trouble to-day, as I see it—I may be wrong, gentlemen, but this is my opinion, and I have made some little study of it—the main trouble to-day is that the most of our people have no knowledge, practically, of how to support themselves when they leave school, and I believe if we could train our children so that they have an industrial education—you take it from the years of 16 to 18—if they have to spend a part of the time in our industrial schools learning something it is going to benefit this Nation and make it an industrial Nation.

My reason for that is this, based on the theory that Germany to-day has got one of the greatest armies in the world, from the fact that during the period, as I understand it, from 17 to 21 every young man in the country has got to serve a part of the time in the army. They have got the foundation; they know what to do.

If our children—am a father myself, and I know what it is—if our children would learn some useful employment in our schools instead of spending from three to four years in the high school learning something which, in many cases, is not of practical use to them in their life work, it would be beneficial.

Industrial schools, I believe, will help and assist; and another thing, when they have learned that they can come out as experienced help or having a practical knowledge. They can enter into the different manufacturing businesses and command better wages, because all manufacturers are looking for experienced help and are willing to pay good prices for the same. It is not a question of wages, it is a question of ability.

Mr. THOMPSON. If such were carried out in this State—either industrial, vocational training, or part-time continuation schools for teaching industrial methods—would that be the thing which would make the law ideal, in your opinion, or are there other suggestions?

Mr. TAFT. I believe it would not be necessary to have that law. All these are thoughts of my own. My experience with the employees is this, that the experienced hand has no trouble in getting good wages, but it is the inexperienced hand who has the trouble, and it is the inexperienced hand who is causing to a great extent this unrest at all times.

Mr. THOMPSON. What you mean is you would give this law as a substitute for the minimum-wage law?

Mr. TAFT. Yes, sir. Well, it could be worked in conjunction. I don't think any employer objects, not my knowledge, to paying a minimum wage if it is based on sound business principles. It should be based on the earning capacity of the employee, not on a general rule in which it says all employees of a certain age should be paid this minimum wage.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask a few questions.

Commissioner LENNON. Has there been a change in the number of people in the laundry employed by the piece since the enactment and enforcement of the law? Are there more or less people employed on piecework now than there was before the law went into effect?

Mr. TAIT. There would naturally be less on account of the shrinkage of the business.

Commissioner LENNON. Well, I don't mean that. I mean has there been any general change because of the law?

Mr. TAIT. There is an effort that way. You mean increase the pieceworkers from what it is?

Commissioner LENNON. Yes, sir.

Mr. TAIT. I believe there has been. I can not speak positively on that question, because that is one of the questions I haven't taken up with the laundries of the city; but in our plant, as I say, we are gradually working into the piecework system entirely, because it is much more satisfactory to the employee in every respect. The employees who years ago were getting what was considered the highest wages under the daily or hourly basis are much better satisfied on the piecework, and you could not persuade them to go back to the daily or hourly basis under any conditions.

Commissioner LENNON. That is all.

Commissioner GARRETSON. What proportion of your employees work less than 54 hours a week?

Mr. TAIT. At the present time the whole of them.

Commissioner GARRETSON. All of them?

Mr. TAIT. All of them.

Commissioner GARRETSON. Then, if they work less than that——

Mr. TAIT. They are paid for the time they work.

Commissioner GARRETSON. And are not paid under the minimum wage?

Mr. TAIT. The minimum wage ruling is a pro rata basis. It is on the hourly as well as weekly basis.

Commissioner GARRETSON. It is the 54-hour week?

Mr. TAIT. It is the 54-hour week.

Commissioner GARRETSON. If they work 40 hours, then they are paid forty fifty-fourths of the minimum wage?

Mr. TAIT. They are paid forty fifty-fourths of the minimum wage; yes, sir.

Commissioner GARRETSON. As a weekly proposition it does not apply at all?

Mr. TAIT. As a weekly proposition it does not apply at all practically on that 54-hour basis.

Commissioner GARRETSON. Has that worked any reduction in the earnings?

Mr. TAIT. Not in the earnings.

Commissioner GARRETSON. The fact is that more people have been working a less number of hours?

Mr. TAIT. It is not.

Commissioner GARRETSON. It has no effect?

Mr. TAIT. It has reduced the number of employees instead of increasing the time.

Commissioner GARRETSON. That is all. One minute. In regard to the amount of increase, I think you said that sheets that formerly were 2 cents were increased to 3 cents?

Mr. TAIT. In some cases; not in all.

Commissioner GARRETSON. Does that apply to all flat work?

Mr. TAIT. No, sir; it applies to what might be termed "the family flat work."

Commissioner GARRETSON. How do you do that, by the pound?

Mr. TAIT. No, sir; by the piece.

Commissioner GARRETSON. By the piece altogether?

Mr. TAIT. Yes, sir; by the piece altogether.

Commissioner GARRETSON. Then all family work is virtually increased 50 per cent?

Mr. TAIT. Not all family work; no, sir. Sheets—in some cases there were some laundries which were charging 3 cents for sheets previous to that time. Some were charging 2 cents, and there has been a general raising of prices to 3 cents on sheets. It does not affect it very materially, because the family sheet to-day is going in under the rough dry—to a great extent is going in under the rough dry—which is based on the pound rate, and the pound rate was not affected by this price in any way.

Commissioner GARRETSON. What is your general per cent of increase on prices to the customers?

Mr. TAIT. I could not tell you offhand on that.

Commissioner GARRETSON. Have you made any comparison of the per cent of increase in earnings and the per cent of the increase in prices to the public?

Mr. TAIT. The per cent of increase in earnings is going down, so much so that I have authority to make a statement here of a gentleman—it is not my own case; but I can tell you our own case.

Our per cent of profits has practically fallen away during the last year. In one case the operating cost of one plant was 99.2 per cent.

Commissioner GARRETSON. I am not talking of the per cent of profit; I am talking of the per cent on the market price.

Mr. TAIT. In what manner?

Commissioner GARRETSON. What has your regular per cent of charge to the customer increased?

Mr. TAIT. I could not tell you offhand, because any figures that I would have—I would have to know the number of pieces which we have handled along the line on which we raised the prices.

Commissioner GARRETSON. You would have to know what the total cost of a given number of articles was before you increase the price and the total cost now?

Mr. TAIT. Yes, sir.

Commissioner GARRETSON. The true relation is between the increase you have put onto the price and the increase that has come on your labor alone through this law, to get any fair comparison. Wouldn't that be the way?

Mr. TAIT. Offhand, the increased price has not taken care of the increased cost of labor.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. O'Connell wants to ask a question.

Commissioner O'CONNELL. What are the weekly wages of your pieceworkers—your own firm?

Mr. TAIT. I am just studying. The weekly wages of the pieceworkers run from $10 to $15 per week.

Commissioner O'CONNELL. Well, now, what per cent of them make $15 per week?

Mr. TAIT. In answering these questions, it is very hard to answer them offhand, because in making a statement before this body I want to make a correct statement. I will file a report with you, if you wish me to do that, but I don't like to make a statement that may be contradicted.

Commissioner GARRETSON. Will you submit a copy of your pay roll?

Mr. TAIT. I can and will.

Commissioner GARRETSON. Be glad to have you do it.

Mr. TAIT. Yes, sir.

(See Tait exhibit.)

Commissioner O'CONNELL. How many white laundries in this city—that is, laundries other than those run by orientals?

Mr. TAIT. There are 15. I mean there are 15 steam laundries. There are quite a number of small hand laundries, which I could not tell you exactly.

Commissioner O'CONNELL. How many Chinese laundries in the city?

Mr. TAIT. Of that I can't tell you. I think there are somewhere about 40.

Commissioner O'CONNELL. What per cent of the laundry business in the city is done by the Chinese?

Mr. TAIT. That is a question I could not answer.

Commissioner O'CONNELL. Approximately 10, 20, 30, or 40 per cent?

Mr. TAIT. I could not approximate it. It would be very hard to answer that, not knowing the volume of business.

Commissioner O'CONNELL. Are the Chinese laundries increasing in number?

Mr. TAIT. No, sir; they are not.

Commissioner O'CONNELL. They are not?

Mr. TAIT. No, sir. The danger at the present time is the Japanese laundries. They are increasing, and increasing very rapidly.

Commissioner O'CONNELL. How many Japanese laundries?

Mr. TAIT. I don't know; there are quite a number scattered over the city, small places where they have barber shops and places of that kind.

Commissioner O'CONNELL. Their business is increasing?

Mr. TAIT. Their business is increasing.

Commissioner O'CONNELL. Does it have any perceptible effect on the laundries represented by you people?

Mr. TAIT. They have.

Commissioner O'CONNELL. So that growing increase of business on their part, is that having having some effect of decreasing the business that you speak of?

Mr. TAIT. Yes, sir; but the class of customers who as a general rule patronise steam laundries are not apt to patronise the Japanese or Chinese laundries. The decrease in the laundry business is due to the stringency of the times as much as anything else.

Commissioner O'CONNELL. Are the laundry workers organized?

Mr. TAIT. They are not.

Commissioner O'CONNELL. Have they ever been organized?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. How long ago?

Mr. TAIT. From 1902 to 1903.

Commissioner O'CONNELL. Did they make a contract of any kind at that time with you as to wages and hours?

Mr. TAIT. They made a contract for one year as to wages and hours.

Commissioner O'CONNELL. Then disbanded, or what?

Mr. TAIT. No, sir; we refused to sign the contract the second year.

Commissioner O'CONNELL. Have the laundrymen an association here?

Mr. TAIT. They have a club.

Commissioner O'CONNELL. They have a club?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. The laundrymen hold membership therein?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. In that club you discuss commercial affairs?

Mr. TAIT. We do.

Commissioner O'CONNELL. As to how business shall be conducted?

Mr. TAIT. Our club is educational in how business should be conducted and costs. We discuss the cost of operation and the per cent of cost in the different departments and all those things, and ways and manner in which to handle our work. It is educational.

Commissioner O'CONNELL. Have you ever discussed the question of whether you shall permit or not the employees to organize or recognize an organization they may have?

Mr. TAIT. We have discussed the question when it was forced upon us.

Commissioner O'CONNELL. Well, how are the piecework prices of the employees set? Who sets them?

Mr. TAIT. The manner in which we have set the piecework was based on taking a month's careful count of the number of pieces which the different employees handled and basing it on the wages which they were earning at that time.

Commissioner O'CONNELL. Were the employees consulted in any way and manner?

Mr. TAIT. They were.

Commissioner O'CONNELL. They were called into conference?

Mr. TAIT. They were called into conference.

Commissioner O'CONNELL. As a whole or just individuals?

Mr. TAIT. As a whole in that, and individuals. It was discussed.

Commissioner O'CONNELL. Then you dealt with them in a collective way in settling the piecework prices?

Mr. TAIT. In the different departments.

Commissioner O'CONNELL. Was there a bargaining back and forth whether it should be so much or less?

Mr. TAIT. No, sir; we made an agreement when we put them on as piecework that we would guarantee them the same wages that they were earning at that time.

Commissioner O'CONNELL. Who set the prices?

Mr. TAIT. The prices were based on the actual cost of our operation one month previous to the time it was set—the number of pieces which they handled during that month and the cost for labor in handling that number.

Commissioner O'CONNELL. As I understand you, you went all over that and figured out what you thought would be a fair price, and then set down a rate of piecework prices for each piece?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. And then called in your people and told them that was what you were going to do?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. And if they accepted that you would guarantee they would make at least the minimum wage?

Mr. TAIT. Yes, sir.

Commissioner O'CONNELL. And their part in the conference or in the negotiations so far as the prices are concerned were simply making known to them what you were going to produce in the plant?

Mr. TAIT. Their part—they had a knowledge of this at the beginning; their part was to make the record as best they possibly could.

Commissioner O'CONNELL. What I want to get at is, did your employees go into it in the way of bargaining with you as to whether the price should be this or that, a higher or a lower price, but you set the price?

Mr. TAIT. We set the price. The result—do you wish to know that?

Commissioner O'CONNELL. What was the result?

Mr. TAIT. The result was an increase in their pay roll of from 20 to 30 per cent.

Commissioner O'CONNELL. What was the increase in production?

Mr. TAIT. About the same.

Commissioner O'CONNELL. Twenty to 30 per cent?

Mr. TAIT. In the production.

Commissioner O'CONNELL. That is all.

Commissioner COMMONS. Could you furnish us from your price lists data which would show the actual increase in prices charged to the consumer?

Mr. TAIT. Not from our price list. It would necessarily compel us to know the number of pieces which we are handling in those different lines; we would have to know that. We would have to know the number of sheets we are handling and know the percentage of our rates.

Commissioner COMMONS. You have not done that at all?

Mr. TAIT. No, sir.

Commissioner COMMONS. You state that the increase in production, however, has not been as great as the increase in wages?

Mr. TAIT. No; not from the returns which we are getting from our actual operating expenses. Of course the condition now of the business—it is in a peculiar position because it is—the hard times have affected the laundry business probably more than it has affected any other line of business. The homes are doing—they are doing considerable work which formerly went to the laundry. They are economizing.

Commissioner COMMONS. Does your association or club—has it done anything toward stiffening prices?

Mr. TAIT. In which way?

Commissioner COMMONS. Well, have the prices that your competitors charge been lower or higher; have they all come up?

Mr. TAIT. It is done through an educational—along educational lines, showing the cost per hundred pieces.

Commissioner COMMONS. You make a recommendation?

Mr. TAIT. We make a recommendation.

Commissioner COMMONS. Of the prices that should be charged?

Mr. TAIT. We make a recommendation of the price. We figure out, show the cost of those different things, the cost of production.

Commissioner COMMONS. So that the prices now charged are prices that the club has recommended to its members?

Mr. TAIT. It recommended—it has recommended to those; some prices are higher now; prices are not on a level; some prices are higher.

Commissioner COMMONS. Higher than recommended?

Mr. TAIT. Higher than recommended. We show from our club the cost of production on these different articles, and they can use their own judgment.

Commissioner COMMONS. So that all are not—all are not charging the same prices; some charge higher and some not. For instance——

Mr. TAIT. In regard to bedspreads, for instance, our prices on bedspreads is 10 cents, and a great many of our competitors are doing it for 5 cents.

Commissioner COMMONS. In that case what is the recommended price?

Mr. TAIT. The recommended price would be 10 cents on that, because if it is recommended on the cost you would find the cost of those spreads would be a great deal over the 5 cents charged.

Commissioner COMMONS. So there are some of the laundrymen who charge less than the recommended price?

Mr. TAIT. Oh, yes; there are some.

Commissioner COMMONS. And some charge more?
Mr. TAIT. Some charge more.
Commissioner COMMONS. It is purely a study of costs?
Mr. TAIT. Yes; it is a study of costs. It is based on the cost of labor, cost of material, overhead charges, and all those things are taken into consideration.
Commissioner COMMONS. When did you start this cost study?
Mr. TAIT. About five years ago.
Commissioner COMMONS. About five years ago?
Mr. TAIT. Yes, sir.
Commissioner COMMONS. It has not grown out of the minimum wage legislation?
Mr. TAIT. Oh, no; it has not.
Commissioner COMMONS. That is all.
Chairman WALSH. That is all. Thank you.
Mr. THOMPSON. Mr. Swigert. Is Mr. Swigert in the room?
Chairman WALSH. Call your next witness.
Mr. THOMPSON. Mr. Osborne.

TESTIMONY OF MR. BENJAMIN OSBORNE.

Mr. THOMPSON. Give us your name, please.
Mr. OSBORNE. Ben Osborne.
Mr. THOMPSON. And your business address.
Mr. OSBORNE. 162 Second Street.
Mr. THOMPSON. And your business.
Mr. OSBORNE. I am president of the building trades council; business agent for the structural-iron workers' union.
Mr. THOMPSON. What is the present condition of labor with regard to the structural workers and the unions?
Mr. OSBORNE. The building trades council, you mean; the building contractors and the unions—the building trades council? Why, the relation is fairly good. The majority of the contractors, building contractors, in the city of Portland employ union men.
Mr. THOMPSON. There is no organization, however, of building contractors, is there?
Mr. OSBORNE. No. There is what is called the builders' exchange, but it is composed of small contractors and subcontractors; not the general contractors.
Mr. THOMPSON. Referring for the moment to your own organization and your building trades council, is it similar to the building trades councils in other cities formed by the international organizaton?
Mr. OSBORNE. Yes.
Mr. THOMPSON. Have you a constitution and by-laws here?
Mr. OSBORNE. Yes.
Mr. THOMPSON. Have you them with you?
Mr. OSBORNE. Yes, sir.
Mr. THOMPSON. Would you mind letting the commission have a copy of it?
Mr. OSBORNE. Yes; here it is.
(A pamphlet entitled "Constitution and By-Laws of Building Trades Council of Portland and Vicinity," adopted December, 1913, was submitted in printed form.)
Mr. THOMPSON. What percentage of the men engaged in the building trades, if you know, in this city are organized?
Mr. OSBORNE. You mean as a whole? I should judge that there are 80 per cent organized.
Mr. THOMPSON. Did you hear the statement made here the other day in regard to the situation of the building trades?
Mr. OSBORNE. By whom?
Mr. THOMPSON. By one of your men—Mr. Sleeman.
Mr. OSBORNE. Well, I heard a portion of Mr. Sleeman's testimony; not all.
Mr. THOMPSON. Oh. Was there anything that you care to state now with reference to the condition of labor [illegible] building industry in this city?
Mr. OSBORNE. Well, I would like to state the business of the building trades council in the city of Portland; it is one question you omitted to ask me that I notice you have asked most of the members representing different organizations.
Chairman WALSH. Go ahead and state it.
Mr. THOMPSON. Go ahead and state it.

Mr. OSBORNE. Well, the business of the building trades council is to bring about all the organizations that work in the building industry into one compact organization or federation known as the building trades council, for the protection of the organizations, one and all, and to bring about more harmonious feeling between the labor organizations and the contractors, and also to prevent jurisdictional trouble. The jurisdiction of the building industry is peculiar and has in all quite a number of trades that are closely allied, kindred trades, and we have an enormous lot of employers to deal with.

We have the general contractor, and each particular trade has its subcontractor. And in times past we have had a good many jurisdictional disputes. And the only way that we can eliminate those jurisdictional disputes was federating together.

Mr. THOMPSON. Now, Mr. Osborne, has your organization, the building trades council, or have any of the international unions that form a part of that, agreements, either verbal or written, with either the contractors individually or groups of contractors in the building trades in this city?

Mr. OSBORNE. You mean, has our building trades council agreements with their employers?

Mr. THOMPSON. Yes.

Mr. OSBORNE. Well, with some of them we have, and with some of them it is merely a verbal agreement.

Mr. THOMPSON. I see. What I want to get at is to see if you have any organization, any mediation, or any arbitration board, or any other kind of machinery by which you may adjust with the employers and the contractors jurisdictional strikes, such as they have in Chicago and New York, for instance, or even to settle ordinary labor disputes?

Mr. OSBORNE. No, sir. I will state that in our constitution of the building trades council we refuse to allow any organization to put the jurisdictional fight up to the employers to settle. We settle it ourselves.

Mr. THOMPSON. But in Chicago and in New York, where your unions are in business, they have an agreement with the employers' association by which they have an arbitration. Now, of course, you have nothing like that?

Mr. OSBORNE. No. We have no master builders' association here.

Mr. THOMPSON. Well, do you know of the existence of those agreements in New York and in Chicago in the building trades dealing with jurisdictional matters and other matters as well?

Mr. OSBORNE. Well, I haven't—it is just rumors that I have heard. I haven't heard——

Mr. THOMPSON. Then you could not give us any statement as to whether that would be good for this city or not?

Mr. OSBORNE. Well, not without a master builders' association they would not be any good.

Mr. THOMPSON. Well, Mr. Osborne, will you tell us in your own way the condition of the building trades here, the condition of labor here, and such other information as you care to give to this commission in regard to your own trades?

Mr. OSBORNE. Well, I will state that the building trades council with its employers have got along on most favorable terms in the last few years—last four years. We had scarcely any trouble. The trouble that we have had if we—if there is a misunderstanding comes up occasionally between some trade that is affiliated with the building trades council and the contractor, and we start out to adjust this, and it gets rumored, the fault that we find and the trouble that we have with our contracts at that time in that we always find the employers' association with their business agent—that is what we call him. That is what he is—is a business agent. He is always on hand to inform the contractor to deny the unions the request that they are making in the adjustment of the trouble; that they have their labor exchange and they can furnish all the nonunion men that the contractor wants.

And, of course, some of the contractors who are now with us—that is, who want to operate what we call under open-shop conditions, and have signed agreements with us—they sometimes listen to this, and it is a little harder to adjust the matter.

The older and established contractor who has dealt with organized labor for any length of time pays no attention to it.

And I will state that the only trouble that we have had in the building industry, the only strike that I can call to mind, was that of the electrical workers. I believe in 1911 the electrical workers signed—drew up an agree-

ment, and it was signed by the electrical contractors, or a majority of them, those that operated under union conditions.

The contract read that on May 1, 1911, the electrical workers should receive $4 per day, eight hours, and they should continue for one year at that rate, and on May 1, 1912, wages would be raised to $5 per day. But when May 1, 1912, came the contractors absolutely refused to pay, absolutely broke their contract, and I believe that a compromise was made at four dollars and a half per day. And they are still working at that rate, without any agreement whatever. The electrical workers refused to sign any more agreements because they had been broken by the employers. And I will state also that the employers' association was very busy at that time. And then we have sometimes a strike when some subcontract is let to a nonunion firm who refuses to employ union men. So we have a strike, but it has never lasted any length of time only once or twice that I remember of, and I dont' believe that it lasted over 30 minutes either time. It was fixed up satisfactorily.

Mr. THOMPSON. Mr. Sleeman gave us some figures here as to the wages paid in the various building crafts, as to the hours of work in the building trades here, and as to the growth of the unions in the building trades. He would know of those facts, would he not?

Mr. OSBORNE. Well, I presume unless he had—he might remember them offhanded. I know I can't. I didn't hear his statement in that.

Mr. THOMPSON. Well, have you a statement that you would care to make in regard to the wages paid, the hours of work, and the growth of the organizations?

Mr. OSBORNE. I will state that the carpenters and joiners receive $4 per day, eight hours work; five days and a half per week is the days that they work in a week. The painters and decorators receive the same money, same hours. The plumbers and steam fitters receive $6 per day, and the same hours. Steam fitters' helpers and plumbers' helpers receive $3 per day. Plasterers receive $6 a day, and the same hours, eight hours, and five days and a half per week. Bricklayers receive the same as the plasterers, $6. Tile setters, $6, eight hours, five days and a half per week. Marble setters, $5.50, eight hours, five days and a half per week. Cement finishers receive $5 per day, eight hours, for five days and a half. Hoisting and portable engineers receive the same. Structural-iron workers, $5, eight hours per day, five and a half per week. Lathers receive the same. Elevator constructors the same. Sheet-metal workers receive $4.50 per day; the hours and the week is the same, eight, and five and a half. The electrical workers receive $4.50 for eight hours, five days and a half. The building laborers have a graduated scale. The common laborer, the excavator, the man who cleans up in the building, receives $2.50 per day, and he works six days. The concrete mixer and wheeler and brick wheeler receive $3 per day, and the mortar mixer who tends plasterers receives $4 per day. The asbestos workers receive $3.50 per day. The composition roofers $3.25 per day. That is all based on an eight-hour day.

Mr. THOMPSON. Are those different lines pretty well organized in this city?

Mr. OSBORNE. Yes. Some of them a hundred per cent.

Mr. THOMPSON. Are these wages and hours you name the union scale?

Mr. OSBORNE. That is the union scale.

Mr. THOMPSON. And they are being paid in this city?

Mr. OSBORNE. They are.

Mr. THOMPSON. Referring to the jurisdictional matter, which you have touched on, have you many jurisdictional fights here in Portland?

Mr. OSBORNE. Well, we have had very few jurisdictional fights.

Mr. THOMPSON. How many cases have you had?

Mr. OSBORNE. The only one of any consequence was not with the organizations affiliated with the building trades council. The bricklayers was not in the council, and there was a jurisdictional fight between the stone setters and the bricklayers, and the stone setters was affiliated with the building trades council, and the building trades council supported them, and the work went ahead. The building trades mechanics all remained on the job and supported the organization that is affiliated with them.

Mr. THOMPSON. Have the bricklayers ever been affiliated with your council?

Mr. OSBORNE. Well, not to my knowledge. Not since I have been a resident of Portland. That is four years and a half.

Mr. THOMPSON. In cases of jurisdictional disputes occurring between members of your own council, what does your council do to settle them?

Mr. OSBORNE. Why, we have a—we call a meeting of the board of business agents of the various organizations and we discuss this matter. And sometimes we are sitting down there for two or three days discussing it, when it seems to get serious, without taking it to the job. And, as a rule, there are compromises made between the organizations that are involved.

Mr. THOMPSON. Have there been any cases where there have not been compromises; and then what happened?

Mr. OSBORNE. Well, there was a case between the sheet-metal workers and the carpenters. We could not reach any satisfactory agreement, but the job was not molested.

Mr. THOMPSON. I see.

Mr. OSBORNE. The organization which was on the work remained there and finished up.

Mr. THOMPSON. Have there been any cases where a strike was called when you could not get together?

Mr. OSBORNE. Not to my knowledge in the last four years.

Mr. THOMPSON. Do the members of your crafts or your unions work with nonunion men in this city?

Mr. OSBORNE. Not with nonunion men of its own craft. We at times—we work—all trades work a closed shop to their own trade.

Mr. THOMPSON. How about your own line of work?

Mr. OSBORNE. Well, my own line of work; we work a closed shop within our own trade. But there are times that we work on buildings where there is some other trade that is not organized, but not with our own organization. That is an understanding with the building trades council that we have, as I said before, all of the large contractors work union men. The work—and all subcontracts are let to union firms. There is only one large contractor in the city that operates nonunion; and, of course, there is some smaller contractors that operate nonunion. And we have got that understanding among ourselves that certain of those small contractors, if they let a subcontract to one of the union firms, we allow the members of that organization to go on and work there. That is in order to strengthen, and looking to that time when we can all work on all jobs or refuse to work on them.

Mr. THOMPSON. In regard to your line of work, who has the placing and bending of rods in reinforced concrete?

Mr. OSBORNE. The ironworkers organization, the members of the bridge and structural ironworkers.

Mr. THOMPSON. Is there any other organization here, or union, that claims that work?

Mr. OSBORNE. No, sir.

Mr. THOMPSON. Do you know what the wages and hours are of nonunion workers in this city of your trade?

Mr. OSBORNE. In my trade?

Mr. THOMPSON. I mean in the building trades.

Mr. OSBORNE. In the building trades? Well, it is anything they can get principally. There is no established rate of wages among them. I talked with the superintendent of the large nonunion contracting firm, and he told me that he paid from 35 cents to 50 cents per hour.

Mr. THOMPSON. For what?

Mr. OSBORNE. For carpenters. The union scale is a minimum of 50 cents per hour; but the majority of his men were working for less than 50 cents per hour; just a very few that was competent to receive 50 cents per hour. His building laborers were working for 25 cents per hour, and from that to 27½, and no overtime. They worked straight. Their hours may be six a day, if they get through with their work, and it may be twelve. And their ironworkers and rod workers, they receive from 25 cents per hour to 35 cents per hour. That is what the men who work with them, some two and three years, and who come and join the organization, informed me that that is what they got.

Mr. THOMPSON. Have you got any other knowledge of nonunion wages paid here in this town?

Mr. OSBORNE. Well, nonunion plasterers work for anything they can get, anywhere from $3 to $5 a day. I have never heard of them receiving more than that, except on one job. There was a job here some four years ago that went up by a large nonunion contractor who had come into the city and refused to employ any union men, and we didn't give him any union men at all. He advocated the open shop, and we give him the open shop. And I will state that the plasterers was brought in from outside cities, also the marble

workers; and the man who was superintendent of the job told me that he heard the plasterer foreman say to the journeymen plasterers and the journeymen marble setters, he says, "Take your time, boys, we have got them over a barrel. They can't get the union men here, and we are getting the union scale, and let's make it last." And it was the last job the contractor ever done in the city of Portland.

Mr. THOMPSON. Any further statement you care to make, Mr. Osborne?

Mr. OSBORNE. Well, I would like to state that there are some questions in here. There is one here that is in regard to crafts or industrial—I am a trade-unionist and believe in it, and I believe in the building industry at the present time that we could eliminate certain trades. I believe that, and I understand that some of the international officers are in favor of this at the present time. I certainly am, because I know how hard it is at times to prevent jurisdictional fights between kindred trades of the metal workers, such as the ironworkers, sheet-metal workers, and metal lathers, should be in the same organization, and all the woodworking organizations, and all the mortar trades, and the finishing trades, and the pipe trades. And I believe that it will ultimately come to that shortly.

I want to say that I advocate it very strongly. Still it is trade-union, it is industrially, too; it is closer to industrial unionism, and I believe that the time will come, and it is not far, when we will be one organization in the building industry. I believe in that, but I don't believe that our members of the rank and file of organized labor are prepared for it yet.

There is another down here, of the limitation and standardization of output. That is something that the building trades know nothing of. They get the work for the members and tell them to perform it. There is no limit to what they can do or will do.

I heard the assertion here yesterday that when times were slack the building-trades mechanics worked harder, and when they were—when work was plentiful that they made more demands, and when work was slack they did not live up to the standard scale of wages. I want to say that the statement is not correct in any way that I have ever found out, and I have had a pretty good way of finding out these things. The building-trades organization demands the same wages when there is a cry for men and when there is no work to speak of at all. We have set a scale of wages, and there is no organization can raise its wages without bringing it to the building-trades council and getting the consent of all the trades and the organizations affiliated there before they can go out and demand a raise in wages. And when they make the demand and the building-trades council finds that the demand is just they support that organization and notify the contractor to that effect. And when the contractor agrees that he will pay those wages, why those are the wages paid, whether there are all the men in the city at work or whether there is just one job going.

Commissioner COMMONS. Mr. Thompson, I just had a question.

Mr. THOMPSON. That is all I had.

Commissioner COMMONS. I think you are probably referring to the testimony of Mr. Kroner yesterday.

Mr. OSBORNE. Yes.

Commissioner COMMONS. Well, I didn't understand him to make an assertion regarding wages.

Mr. OSBORNE. Yes; I heard him make it.

Commissioner COMMONS. Well, my understanding was this, that in the slack times the unions did not enforce their rules restricting the amount of work, or requiring extra work, or requiring more men, or limiting the amount of work that men should do. That, in other words, they worked faster and did not pay attention to their rules regulating output. But that in busy times they insisted on those rules, and did not work or did not speed up so much as they did in slack times. That was my understanding. Anyhow, what is your notion of that condition?

Mr. OSBORNE. Well, it is not true. The mechanics of the building-trades council usually go out to do a day's work. They know that if they don't do a day's work that they are not going to stay on the job, both when times are good and when times are slack.

Of course, I don't know; I am pretty well familiar with all the architects in the city, but I never heard of the gentleman until I saw him get on the stand here.

And I want to state that in regards the apprentice, or apprenticeship, there is no organization affiliated with the building-trades council, to my knowledge, except it be the building laborers, and they have a certain apprenticeship, too, in the common, what is known as the common laborer, that is the common work, wheeling and mixing cement and mortar is, to a certain extent, skilled. But all the organizations have an apprenticeship. And the sheet-metal workers' organization, which he made the remark that he was a mechanic of that description, I will state that they use one apprentice to two journeymen in their shops at the present time, and also on the buildings. And the sheet-metal workers at times almost have trouble, because they want to run in more apprentices than that. And I will state that the ironworkers have an apprentice system that covers two or three branches of the trade. In the ornamental ironwork we have one apprentice to every two journeymen. He is required to learn that trade. It takes him three years. And in the structural work we have an apprentice, one to every seven men. There are not very many, there is not very much need of an apprentice in structural work. But in the last three years, to my knowledge, we have turned out something like twenty-three or four men through the apprenticeship. They are only required to serve one year. The carpenters and plasterers, and I think the steam fitters, have one to every three. The plumbers—I am not positive, I wouldn't say that. The tile setters have one to one. Electrical workers have one to every two journeymen. The cement finishers have one to every journeyman, to a certain number, three or four, and then they don't have so many. But the building-trades council don't bar apprentices. We encourage it in our organization.

Commissioner O'Connell. What is the average time in a year that a building-trades workman will be employed in the city? How much time will he get, 7, 8, or 10 months' work a year?

Mr. Osborne. Well, I should judge that if a building-trades mechanic averages seven months a year he is doing extraordinarily well.

Commissioner O'Connell. And if the wages of the building trades were on an average of $5 a day, which, according to your figures, they are not, their earnings for the year would not average much more than $2.50 a day, or $3 a day at the outside?

Mr. Osborne. Not very much. Of course I want to state, like last year, the men averaged more than seven months, but this year they will average less than six.

Here is another thing I want to call your attention to, and that is the closed shop. It is not the closed shop or open shop with us; it is union and nonunion. The only closed shop that I know of is what the employers' associations calls the open shop. The doors are absolutely closed to a man who carries a card, if they know it. Absolutely closed. In my trade I have found there are—I have found contractors would get in a small way on a building, and when I went to the architect and contractor and taken the matter up with them they would say: "Well, I can't employ union men. I am forbidden. I am a member of the employers' association." Consequently they would have to—the contractor and all would have to leave the job at different times. I found even in my own trade three years ago we had some bridges up about 100 miles from the city, and the employers' association down there—had their employment agency down in their headquarters—we used to go down there and hire out, and about every day some of us would, but there was always a request that it was absolutely nonunion; that the union men could not work. Last year—two years ago it was—the ironworkers had a strike in Vancouver, British Columbia. I don't remember now whether it was last year or the year before, but it seems to me it was last year. They have a list of all the nonunion workers on the Pacific coast and who they work for. A strike came on in Vancouver, British Columbia. I sent men to the employers' association, seeking work in Vancouver, British Columbia, because I knew they would be advertising for them; that is, there was not—yes, they did run an advertisement in the paper to apply 223 Commerce Building, I believe it was, chamber of commerce. I sent men down there, and they was not ready to ship, but they were going to ship them up there and pay their fare after they got up there across the line. But the strike was settled in a day or two in Vancouver, British Columbia, satisfactory to the ironworkers. Consequently we didn't get to send any men up there. Those things go on.

They shipped men here from the East in my trade about four years ago, until they had in the Northwest quite a few jobs going with them. At the present

time I will state all those men are members of the bridge and structural iron-workers' organization.

In our boycotts from the building-trades section we work—we send out a committee to investigate, to an owner when he is going to build a building, use our influence to have him let his contract to a union firm, and explain to him our mission and what our organization stands for, and our men are the most efficient men in the building industry, and we explain to him that the nonunion contractor does not uphold the standard of wages; and then, if he insists on employing, giving his contracts to men who operate nonunion, we bring the matter before the building trades council, and before he is placed on the unfair list we send him a communication to appear before our executive board and state what he has got to say. Sometimes they don't come; sometimes they do. Sometimes they are straightened out. Whenever they are not we usually prosecute a boycott against this firm. I also want to state that the employers' association have their boycotts in a way. Here is a letter I have from the employers' association:

Commissioner GARRETSON. Is that the notice of letting of contracts to contractors to employ union men?

Mr. OSBORNE. Yes. I would read this, if the committee desires it.

Chairman WALSH. All documents are to be submitted.

Mr. OSBORNE. I would like to keep this.

Chairman WALSH. Turn it over to the stenographer, and he will copy it before he leaves the city and return it to you, unless the commission would like to hear it.

Commissioner GARRETSON. I should like to hear it.

Chairman WALSH. What is the substance of it?

Commissioner COMMONS. Just give us the substance.

Mr. OSBORNE. It says, "To our members." The employers' association calls attention——

Chairman WALSH. It seems that it is just a page. Go ahead and read it. I guess we will save time.

Mr. OSBORNE (reading):

EMPLOYERS' ASSOCIATION OF OREGON,
Portland, Oreg., July 11, 1918.

To our Members:

At this time the Northwestern Electric Co. is soliciting your patronage for heat, light, and power. We thought you might be desirous of knowing that the Northwestern Electric Co. has leased from the Pittock Block (Inc.) the building which is now being erected on Washington, Tenth, Stark, and West Park Streets.

The contract for this building was awarded to a contractor who has signed up with the unions in spite of the fact that a lower bid was submitted by an open-shop contractor whose responsibility is sufficiently attested by the fact that he was invited to bid on this work.

Several of those interested in this building are also in the management of the Northwestern Bank Buildings, where it was openly stated that only union men would be employed in its construction.

Yours, very truly,

EMPLOYERS' ASSOCIATION OF OREGON.

Commissioner GARRETSON. What is the difference between your placing employers on the unfair list and the employer placing the men on the unfair list, or boycott list, if he deals with union labor?

Mr. OSBORNE. Well, the difference is that we are not afraid to let the public know that we do place them on the boycott. That is a natural right we believe we have—to strike and to boycott a firm who is unfair. We believe we have a natural right to conserve our purchasing power, and we are not afraid to let the world know it.

Commissioner GARRETSON. You recognize the right of the other party to do it in the same way?

Mr. OSBORNE. Absolutely, if he so desires.

Commissioner GARRETSON. But do you recognize the right of a man to do it himself and denounce another for doing it?

Mr. OSBORNE. No; it doesn't seem to me as though it is a square deal.

Chairman WALSH. That is all. Thank you.

Call your next witness.

TESTIMONY OF MR. J. A. MADSEN.

Mr. THOMPSON. I wish you would make your own statement with regard to certain longshore conditions; it has already been stated on the stand here, but I understand you want to make some additional statement.

Mr. MADSEN. Yes. There was a statement made to the effect that the longshoremen's organization was responsible for driving some business away from this port. That is a misstatement, and I am prepared to show to the contrary. It is true that the longshoremen of this port are well organized and are receiving a fair wage, somewhat in excess of what is received on Puget Sound on some commodities; but the cost—the actual cost of loading a ship; the contract price of loading a ship—is greater on Puget Sound than it is in Portland, Oreg. As a matter of fact, everything here—it ranges about 10 per cent higher. Therefore the actual cost of loading a ship is cheaper in the port of Portland than it is on Puget Sound, the only difference being that the men who are actually performing the work receive a little more of that, of the profits, for loading that ship than they would in Puget Sound under the present circumstances. The figures are here. There is a regular schedule issued by the Portland Chamber of Commerce giving the prices, and I have here the Puget Sound scale, which on the face of it would seem to be small, but the conclusion of the rates adds a cost of 27 cents per ton, which aggregated makes the cost on Puget Sound for handling a cargo in general at least 10 per cent greater than on the Columbia River in the port of Portland.

There has been considerable business driven away from the city of Portland, but it has been owing to the fact that the docks were in the hands of a monopoly, and only those that were in position to get dock room would be able to do business of that character in this port. Recently we have added some municipal docks, and I presume that that part of the monopoly will be prevented from operating against the port. There are other causes, which I doubt it would be wise to bring out here just at this particular time, that work against the port. But the docks here and facilities for handling general cargoes are not near as good as they are in other ports. The docks here are what we might term man-killers, except those new docks that are being built by the municipality. The wheat docks are good and the lumber docks are good.

The difference in wages is, of course, caused by the form of organization we have on the Columbia River. The wages originally were as great on Puget Sound as they are here. Some 20 years ago they were higher, but about the same figure as they are to-day. There has been, practically speaking, no increase. The only ones that are continually harping about the cost of longshoremen in this port are the employers' association. They are continually endeavoring to butt in. They seem to be having a grudge against the organization of the longshoremen in this port. It has been able to accomplish a great deal for its members.

We have something like close to 1,000 members in this port, and in the 13 years we have been organized we have made moral and financial improvement, and improved every other standing of our prices and members in every other respect. Probably 50 per cent of them are men of families, own property, and nice in character. I presume our membership alone represents in actual capital and good citizenship a great deal more than the employers' association. [Laughter.]

Chairman WALSH. Excuse me, but we must keep order.

Mr. MADSEN. We are continually being subjected to criticism of this kind. I wish to state for the information of the commission that in 1910 an attempt was made to inaugurate a system similar to this prevailing on Puget Sound, in so far as hiring longshoremen was concerned, and reduction of wages, of course. But the longshoremen and stevedores held a joint meeting, invited the public press, and we compared those figures, and they were published, and it was shown that the cost for loading ships on the Columbia River at the port of Portland was really less than any other port on the coast. And that had the moral effect of quieting the continual outcry against the high price of labor on the water front of Portland.

The general unrest among labor that has been taken up a great deal comes to our notice probably more than any other craft. We are closely allied with the lumber industry, handling a great deal of that product, and we find that all of our unrest can be traced to one agency in this district, in this State, and that one agency is the employers' association.

There is a great deal of sentiment in favor of organization among the workingmen in this State, but the fear of being discharged for allying themselves with an organization is the preventive. That has been advocated, and, of course, enforced by the employers' association wherever they possibly can. They resort to all known and some unknown methods of preventing organization among the workers. Personally I am fully convinced that a Federal grand jury investigation would put them out of business, and thereby would be the peace that is so necessary between the employers and the employees. That is about the actual condition that exists in this district in particular.

Chairman WALSH. Prof. Commons would like to ask you a few questions.

Commissioner COMMONS. You have a central employment office of your own?

Mr. MADSEN. Yes, sir; we have more than one, we have three in this port—four.

Commissioner COMMONS. How do the dock managers get employees, then?

Mr. MADSEN. Simply call up the phone and want us to furnish men; they simply notify us how many men they want and the men are sent.

Commissioner COMMONS. And the men report to your office?

Mr. MADSEN. We use our headquarters as a rendezvous for the men, to keep them out of the saloons and other places, or otherwise they would have to congregate.

Commissioner COMMONS. Do you furnish them a room? What kind of a room is it that they have?

Mr. MADSEN. A large room—headquarters—where the men can sit down and read.

Commissioner COMMONS. Do they have a waiting list?

Mr. MADSEN. Sometimes work—slack time we have a waiting list.

Commissioner COMMONS. Other times how is it?

Mr. MADSEN. We have different branches of the work; sometimes they follow one and others another.

Commissioner COMMONS. Do the men get employment in the order in which they stand on the waiting list, or do they depend on the business agent for their jobs?

Mr. MADSEN. No. The waiting list would guide—would be the guide—not the business agent.

Chairman WALSH. That is all. Call your next.

Mr. THOMPSON. Mr. Spicer.

TESTIMONY OF MR. JOHN L. SPICER.

Mr. THOMPSON. Will you please give us your name?

Mr. SPICER. John L. Spicer.

Mr. THOMPSON. And your address?

Mr. SPICER. 204 Larrabee Street.

Mr. THOMPSON. And your business?

Mr. SPICER. General work.

Mr. THOMPSON. Were you connected with the unemployment committee in this city, or league?

Mr. SPICER. I was.

Mr. THOMPSON. Tell us briefly your connection with that.

Mr. SPICER. The first part of the employment here in the city—Mr. Gilbert can tell more about it than I can.

Chairman WALSH. Let us have Mr. Gilbert. We have only eight minutes left. You say that he knows all that you know and something in addition. Let us have Mr. Gilbert.

Mr. SPICER. I would just like to make one statement, if I could, and that is this: Of the men in the tabernacle about fifteen hundred were fed meals. Practically every man was bitter in the denunciation of the employment agencies, and they stated that a good deal of the unrest was caused on that account—the robbery of the agencies—and they were very bitter on that line.

Chairman WALSH. You think something should be done to relieve that situation by law?

Mr. SPICER. Yes, sir; I think the real cause of unrest, in the first place, is perhaps there. And I think that one of the real causes of unrest is that everybody is trying to get a greater share of wealth in the country and because of the intelligence of the workers. The workers recognize the damnable conditions and are trying to overthrow them. It is not ignorance, but intelligence, which is causing the unrest.

Chairman WALSH. That is all. Mr. Gilbert.

TESTIMONY OF MR. EDWARD GILBERT.

Mr. THOMPSON. Give us your name, address, and business.

Mr. GILBERT. Ed. Gilbert, 294 Larrabee Street.

Mr. THOMPSON. Your business?

Mr. GILBERT. I am a workingman, a laborer.

Mr. THOMPSON. You were on the committee of unemployed last winter?

Mr. GILBERT. I was on the committee. I was here and organized the unemployed—helped organize the unemployed league.

Mr. THOMPSON. Will you state what they did?

Mr. GILBERT. I will make a very brief statement. I will try to make it all inclusive, as near as I can. Last winter, about December 1, there was a number of workingmen connected with no particular organization who realized that there was a large number of unemployed in the city; and not only that, but the greater part of them were absolutely destitute because of the conditions that prevailed in the camps and shops the season previous during the working season. They realized the necessity of doing something, and they called a meeting at the Plaza, which was attended by about eight or nine thousand workingmen then unemployed.

We organized what was called afterwards the unemployed league, and opened headquarters at No. 62 North Second Street, and gave publicity to the fact that there was such an unusually large number of unemployed in the city and took steps to secure work. We sent a committee to visit the governor, and also a committee to visit the various officials of the city and county, and we asked the cooperation of the labor unions in this town, which we did not get, and the various officers of the labor unions that we visited seemed to be more horrified over the fact that there would be a horde of hungry, starving men walking through the streets than they were concerned in that the good people—they were more concerned in what the good people of Portland would think about a horde of hungry men walking through the streets than they were about the hungry men. But we got cooperation from individual members of the various unions. Mr. Hanson spoke at the meeting at the Plaza. I might say in passing that there was no charitable organization, or no church as an organization, in any way rendered assistance to the unemployed. Our main object and purpose for which we organized the league was to secure work at a reasonable living wage for the unemployed. We were unsuccessful, although we received promises from the immigration board and the governor and the various city and State officials, yet there was no work provided, with the exception of a little work that was provided out on the boulevard here. That was work cracking rock. It was relief work, it was designated as such. The men were paid 75 cents for cracking a yard of rock, and they were only allowed to work half a day at a time. That is, one man could only work half a day, in the forenoon, and then another man had to take his place. They only provided this work.

This work out on the boulevard, cracking rock, was designated as relief work, and even that—first they furnished us work for 200 men; later on they reduced that number to 150, and, in the course of a week or 10 days, the work was entirely shut down. There was no work then given to the unemployed by the city. The State, as far as I know, furnished no work at all for the men. They gave no work of any description. The county did nothing in regard to giving the men work, and this one effort by the city establishing the rock pile, was the only effort made to give the men work.

As I stated the main object of the league was not to seek charity; it was not to promulgate any particular doctrine; we didn't want the unemployed league to be a stamping ground for anyone who had a doctrine or philosophy to propagate. It was formed simply on the ground that men were hungry, out of work, destitute, and desired to work. Our one object was not charity, and our banner that we carried—we carried a banner—was: "We want work and not charity." That was the spirit that permeated the ranks of the unemployed at all times; but they were under the necessity, when work was not provided, to accept charity, and I, as a member of the unemployed league and of the unemployed last winter, think that so far as that was concerned it was an absolute failure. There was no work established. There was no provision made for using the men. There was provision made for keeping the men after a manner, and feeding them after a manner, but that is no solution to the unemployed problem. I guess that is about all on that. I would like to say about a word more, if you will extend my time?

Chairman WALSH. Certainly.

Commissioner GARRETSON. Have you any idea what would be a practical means?

Mr. GILMER. What would be a practical means?

Commissioner GARRETSON. Yes, sir.

Mr. GILMER. Of solving the unemployed problem?

Commissioner GARRETSON. Yes, sir.

Mr. GILMER. Give the men work. Create work for the men by using road work; clearing land; anything that would provide work at a reasonable wage—a living wage. The question of unemployment was given—a great deal of stress was laid upon what was so-called seasonal labor. I don't think that that is the cause of unemployment; in fact I know it is not. The seasonal labor or the climatic conditions in certain industries that have been classified as seasonal industries, simply during the time of the year when we are going to have those industries shut down, it does not necessarily mean it is because of climatic conditions. It is the force of the factory. Take the lumber industry, for instance. If we had a climate that it was possible, the same as it is now, favorable to work in the open the year round, we would find the lumber and logging industries would have a period in those industries where there would be slack times and dull times; that the camps would shut down. On the contrary, though, when the market was good and when there was a demand for lumber, we find that even in the winter months, in the worst kind of weather, that the logging camps continued to operate at full capacity. The same is true of the construction work.

I have in mind a north bank railroad that was built in 1904 or 1905 or 1906 or 1907. It was a well-known fact among the workingmen on construction work—railroad construction work—that this railroad took advantage of a situation created by the winter months, when the other contractors shut down, and they done the greater portion of their work in the winter months, because then there was a greater supply of labor on the market and very little demand for it and wages consequently would be lower, and they done their work even in what we call the rainy belt in the wintertime. This shows that even this occupation, which is generally classed as seasonal work and operates under climatic conditions, can be operated in the wintertime. This shows there is no large industry in the Pacific Northwest that I know of that the climatic conditions in this State is the cause of unemployment. The real fact of the matter of the cause of unemployment is the ownership—private ownership—of industries. Any time that there is a private ownership of industries, when we have private owners and employers of labor, we can find and we do find naturally that the industry is operated for profit, and that the thing that will determine the time when the industry will work is the demand for the commodity that the industry produces, and that the system of society, as it is organized at the present day, places it, in my opinion, for the worst for the unemployed in the Northwest and in all the country.

Chairman WALSH. Did you want to ask anything about this organization?

Commissioner COMMONS. I want to ask this one question: You spoke about furnishing work in the winter at a reasonable wage. Did that in your mind mean something less than the wage that you could get at other times of the years?

Mr. GILMER. Well, at a reasonable wage, a living wage. Circumstances have a whole lot to do in dictating or determining just what a reasonable wage was.

Commissioner COMMONS. Suppose——

Mr. GILMER. I can give you an illustration of that. There was a convention called in a hall upstairs, and in that convention delegates from all the representative bodies in the city were present. There was—it was called by the State federation of labor, and the proposition of securing work was taken up and one man made the motion that no work would be considered by the unemployed that didn't take into consideration the union wage scale.

Now, there is a whole lot of work that the unorganized do that there is no scale set for by the various craft organizations. But, then, don't you see, that was meddling on the unorganized—although that motion passed and carried, it was meddling on the unorganized the necessity—of course, I would like to see every man get the union wage, and, in my opinion, the union wage is too small and not sufficient; yet you take the concrete industry, the laborers in the summer time—we find that there are men working for $2.25, and, in some cases, like this summer, $2 for 8 or 9 or 10 hours; and I believe the union wage is much higher than that, and that was meddling upon us the necessity of main-

taining something in a crisis, or particularly unusual situation, that the union could not do or does not do in ordinary times. And I believe that what is a reasonable living wage will be determined more or less by the circumstances.

Now, there was a case here that came from the O. W. R. & N. They had reduced wages from $1.75 to $1.50 a day. A dollar and a half a day, I don't believe, is a reasonable living wage, yet they were living under unusual conditions; they were sleeping on the floor and starving. Even with all of the charity, they were starving in the tabernacle, and $1.50 to them would mean a reasonable living wage.

Commissioner GARRETSON. In comparison with what they had?

Mr. GILMER. In comparison with what they had. The circumstances must determine this.

Commissioner COMMONS. Your theory of a reasonable wage does not mean in hard times you should keep up the union scale of wages?

Mr. GILMER. That isn't my theory at all. In hard times, more than any other, if possible, I would have the working man, if I possibly could, not only keep up wages but increase them.

Commissioner COMMONS. That is your theory?

Mr. GILMER. I believe in meeting circumstances as they exist—facts as they exist. I have no theory about that particular thing. I gave you my theory, but we were under the necessity of doing something last winter—securing work for these men that we possibly could.

Commissioner COMMONS. Suppose you took a contract for clearing land in the winter and the landowners were not willing to pay two dollars or two dollars and a quarter per day for clearing land. Suppose you could get a contract by which you could get a dollar a day in this dull season; would you consider that that would be a reasonable wage under the circumstances?

Mr. GILMER. A dollar a day in the dull season, I don't think it is sufficient for a man to live on a dollar a day and work. You must taken into consideration that a man not working can possibly exist on a dollar a day, but a man who is clearing land—I have cleared some—they will need clothes. Your expenses will be so great you could not possibly exist on a dollar a day and supply yourself with food, clothing, and shelter.

Commissioner COMMONS. Well, if you were up against it and there was not anything else open to you, would you do it at a dollar a day?

Mr. GILMER. Well, if I could not exist on a dollar a day—if I could not keep myself on a dollar a day, I think I would just as soon starve not working as working.

Commissioner COMMONS. Did you attempt to organize and taken any contracts for work at all of clearing land this last winter?

Mr. GILMER. Well, there was a great deal of talk about organizing and taking contracts. We found this: That we could not even get the contract of splitting cord wood, not to mention clearing land. There was one man out here—there was a bunch of 100 men not connected with the unemployed league, although members of the unemployed, that thought they would pay a visit to Salem and hurry the governor up in doing something. After they got out in the suburbs there was a man out there who says, "I have some land and I can employ you, and I think it is my duty to do it, and I will do it, and I will pay you wages; I will furnish tents and cooking utensils and supply you with food, so that you can go ahead and go to work." They readily accepted the proposition, but then there was quite a few people in that vicinity in that town that went to this man and told him that if he employed those men, those vagrants, as they called them, they would run him out of town with the vagrants. That was the only offer we had of any consequence at all—taking a contract of any description.

Commission COMMONS. Did he get to the point of offering any particular rate of pay?

Mr. GILMER. No, sir; he didn't get to the point that he had offered any particular rate of wages. But I think I talked to a man by the name of Carson, who was conducting the negotiations, and Carson said he was pretty sure the wages which he would offer would have been acceptable to the men, and I don't know if he did make any offer of wages, but that was understood, that it would be acceptable.

Commissioner COMMONS. You were willing to organize and take that kind of contract?

Mr. GILMER. I don't know just what success they would have had if the unemployed in general would go into taking contracts to clear logged-off land,

I don't know just how successful that plan would operate, because a great many men are not fitted for that work; have no knowledge of that work; and still are unemployed in the wintertime and are men of various trades. We had tailors, and printers, and quite a few of skilled tradesmen, and men that work mainly at inside work. I know there was several tailors, and I was personally acquainted with several printers. They were not physically fitted, and had no knowledge—they are unfitted for that work, they have never done any of that work; they could not do it to advantage.

But on the other hand, there are men that understand that work, and I do know that a number of them were willing to take contracts splitting cord wood and all that last winter, but the opportunity was not furnished them. There was endeavor made to secure this kind of work last winter and we had no success. I can't say how willing they were or unwilling they were to take that work because the situation was not provided—the proposition was not provided.

Chairman Walsh. That is all, thank you, Mr. Gilbert. The commission will now stand finally adjourned.

Those witnesses who are here and have not been called may apply to the clerk, who will pay their witness fees, of course, the same as though they had been used as witnesses. We are sorry we could not hear all of you.

(Whereupon, at 12.45 o'clock p. m., Saturday, August 22, 1914, the Commission adjourned to meet at San Francisco, Cal., on Tuesday, August 25, 1914, at 10 o'clock a. m.)

STATEMENT OF MR. GEORGE W. GORDON.

PORTLAND, OREG., *August 22, 1914.*

To United States Commission on Industrial Conditions:

GENTLEMEN: I have been a contractor and builder for the past 23 years in Portland, was the secretary of the Portland Master Builders' Association for many years, during which time we have been through three strikes and one lockout. During this period we had several meetings with delegates from the unions, and I have had a good opportunity to measure up some of the causes of the present unrest, which appears to be general.

When I first came to Portland there were no trade-unions. I found there were about 15 contractors here, most of whom seemed to have a thorough knowledge of construction and were posted as to values of different classes of construction and materials required, and the average cost of construction. These men were all successful contractors. The workmen, as a rule, were skilled, and the wages paid at that time ranged from $4 to $4.50 per day, according to the value of the services of the workman. Subcontractors got satisfactory prices for their part of the work, and everyone seemed satisfied with the conditions. The architects were also relieved of considerable responsibility, as they felt they had honest, reliable men to do their work, which lessened the need of their supervision.

The years that have passed since that time have brought many changes in the industrial world. Hundreds who at that time were carrying on a small business that gave employment to several, and at a satisfactory profit to themselves, have been driven out of business by the modern department store, and specialty-producing factories of one kind and another, which to a large extent eliminated the skilled mechanic and at the same time reduced their number according to the producing power of the machine, making it hard for the workman in regard to his earning capacity, the machine had put him in another class, and left many idle, besides. New methods of building were rapidly coming in vogue, which revolutionized the old methods, new buildings were being erected by contractors familiar with this class of work and the new appliances used in constructions, and skilled men were brought out who understood this new construction. This in a way handicapped the old contractor and he was unable to compete with the newcomer. In the meantime organizers were sent out to unionize the coast cities and, in their anxiety to build up the unions, did it by trying to get numbers instead of efficiency workmen and made excessive demands on the contractors, who had to contend with a new element in unionism—the employment of men who had no skill in the business, but who wanted the same wages as the skilled mechanic. Resenting this kind of treatment made the unions try another course, that of taking contracts themselves, which they did at prices below what they were worth, and they were unable to pay the workmen the prices expected from the contractor and have a profit

themselves. This method of procedure widened the breach between the contractors and the workmen.

During the interim food prices—controlled by a trust—were advancing in prices. By this time the real-estate promoter was in evidence. By honeyed words and plausible-sounding stories of large gains made by advanced prices, it seemed easy to secure purchases at figures all out of proportion to the value of ground, but easy means of payments and future values landed the clerks and mechanics. The inducements that were put up to the purchaser were so alluring they did not hesitate to purchase. Following closely in the wake of the real-estate promoter came the good-roads promoters, who are aided by the newspapers in their schemes. Remunerative advertising was what they were after. Misleading articles were put in the papers lauding the virtues of their pavements, which have no real value over other pavements, but were covered by a trade-mark. These paving companies pay large salaries to promoters of their pavements, including all expenses added, and they also have men working on commission. Their methods are to persuade if possible, coerce if they can, and when neither of these methods work they promise a rebate to signers of a petition which is presented to the council and which is accepted by them if signed by only 15 per cent of property owners, and it did not until recently take 80 per cent of the property holders' signatures to prevent them from forcing improvements against the wishes of the property owners.

These paving monopolists have fastened themselves as securely on the city that with the aid of the officials it seems almost impossible to shake them off. Royalties of 50 cents to $1.25 per surface yard for the privilege of laying their trade-marked products are exacted by these paving concerns. This effectually eliminates all competition and they then gouge the public unmercifully. The methods used by these people of enforcing improvements in outlying districts on property whose value was much less than the improvements assessed against them has resulted in thousands of poor people losing the homes they had been struggling for years to gain, but as property can not be bonded for more than the assessed valuation, which is 50 per cent of the actual value, it places the poor man in a position that he must pay cash for the excess of the assessments over the assessed value or he can not bond his property, and as he has not the means to pay this excess value his property is confiscated. These methods, which seem premeditated, have been the cause of more suffering and unnecessary privation than anyone can contemplate. Unless they investigate the system, the hard-earned money invested and the years of toil are gone for nothing. Under conditions of this kind the wonder to me is that the masses stand this abuse of their common rights, and yet for all his misfortune this man is afraid to assert his right by expression for fear the powerful interests who have deprived him of his home may deprive him of his job. But while there seems to be a calm on the surface, there has been engendered a deep hatred for the parties to his condition. Mr. Smith had better mingled among these people or got his information from some reliable source before he made the remarks that the unrest is imaginary. When a person has been deprived of his property by unscrupulous methods, you can not blame him for any action for reprisal at any time. Changes have been brought about so rapidly in the last few years that it seems impossible to combat them. The concentrated capitalists feel that their word is law, and they seemed to have no desire beyond accumulating more at the expense of the poor, half-starved workmen.

I never have had any sympathy with those who expect something for nothing, or agitators who, many of them, are unfair and sell out the men they are expected to protect, but my experience is that a large majority of the workers, skilled and unskilled, are peaceable, law-abiding citizens who are happiest when working at wages that will insure them a living even with little margin for sickness and lack of employment. There is a multiplicity of causes for the unrest prevalent, but all have their source in the manipulation of the public utilities by a few people who, once they get control, only try the harder to obtain more public property without a proper recompense therefor.

There should be a law enacted making it impossible for any person to force any kind of improvements against property in excess of 50 per cent of the value of the property. This would give the little fellow a chance to get a home, and I believe this system of forcing unnecessary improvements, which confiscate properties under the pretext of adding value to the same, is one of the principal causes for much of the present unrest.

Very truly, yours,

Geo. W. Gesner, *168 Eleventh Street, City.*

STATEMENT OF MR. W. C. FRANCIS.

The following statement was submitted in writing by Mr. W. C. Francis, manager of the Employers' Association of Portland (see p. 4579):

1. I submit herewith declaration of principles and by-laws which will give more succinctly the purposes of our organization and its methods than I can by a verbal explanation. As to membership, we have between four and five hundred active factory members on our rolls, which means those who are engaged in industry.

2. To act as a clearing house for information pertaining to our members, such as activities of unions in different parts of the State and country. To give publicity to all of this and to conduct a labor bureau and list and furnish help as may be called for by anyone. We furnish to the laboring man assistance of this kind free of cost, and draw no line at his previous condition of servitude, his religion, or his nationality. We ask for references, however, merely to protect our bureau against men of vicious habits and ne'er-do-wells and those unfit, mechanically or otherwise, to perform the work.

(a) This association believes that laboring men or others have a right to organize. This goes without question, but it stands preeminently for the open shop.

(b) *Workmen's compensation.*—We have not indorsed this as an association, for our members are divided on the question. Personally I believe in some form of compensation for injured workmen, so as to protect society from the ambulance-chasing lawyers and the great amount of litigation that has been in our courts on account of damage cases.

(c) *Accident insurance.*—At some future time, when we evolve a better manner of selecting men to public office, selecting them for their honesty and efficiency, we perhaps can attach the State insurance feature to our compensation laws which will insure all workers, whether employee or not, against sickness, accidents, and death, in which, however, the workmen should pay the major portion of such protection, the same as he would to an insurance company, the State paying the cost of operation.

(d) *Promotion of industrial safety regulations and sanitation.*—We have not taken a stand as an association, so much as the metal trades association has on this matter, but many of our members are actively engaged in doing everything they can and in arranging safety regulation and sanitary methods, and some of our largest plants are models, so far as sanitary and safety regulations go, and do everything possible for their employees' welfare in this respect.

(e) There is a law now on the statute books of Oregon which provides for the regulation of time of service of female workers, and also prescribes a minimum wage for these.

(f) There is also a law on the statute books of Oregon which prescribes for child-labor regulation.

(g) Our association has taken no part in this as a body, but many of our most influential members believe in manual training as a vocational guidance, and have done much to further the aims and objects thereof in our public schools.

(h) Conciliation and arbitration may be one means of settling disputes, either labor or otherwise, but, measured by expressions, men are not much moved by the awards of such boards when a decision goes against them. In other words, men are not fair, and that is the reason we have warfare. This applies to all classes of men. I therefore believe this is not a panacea.

(i) The unemployment problem is a very important one, and the number of men without work in our country to-day is one of the leading causes of unrest. To relieve the situation there must be much constructive work entered into, much thought given to the subject after plans have been formulated. My personal views are that in times of stress to the common people, the Government might enter into projects of providing great reservoirs whereby flood waters could be stored, using the same for irrigation and at the same time preventing the rapid erosion of river banks by swiftly moving waters caused by floods. In this connection, the Government might undertake at the same time the deepening of the channels of rivers that could be used for navigable purposes so that the uses of inland waters by steamboats, barges, and smaller ocean-going vessels could be utilized and thus the people, particularly in the largely populated centers tributary to such rivers as the Ohio, Mississippi, and Missouri, would have competition of such nature as would bring about a reduction in rail rates at times when congestion of transportation lines took place by reason of

crops or other commodities that have to be moved during seasonal rushes. The Government might, with profit to the people, undertake the construction of great arteries of travel from one end of the country to another, building several roads in the same direction at wide distances apart, if necessary, and then transversing these by others running north and south. These roads should be of hard-surfaced material, built for permanency, and to stand heavy wear and travel, and should be constructed so as to take heavy loads that might be placed upon them by reason of the people engaging in transportation with motor vehicles and trailers.

There is nothing, to my mind, that would assist the agriculturist and the man living in the country quite so much as good, hard-surfaced roads and one by which he could travel long distances with his horse-drawn or motor-propelled vehicles to market. The saving and the wear and tear to his equipment, the greater load he could carry and the longer distance it was taken to market would compensate the Government in building such a road, granting that a small levy for cost and operation of the road could be made. Then, there are our power systems to be developed of such magnitude that private enterprises could not well engage in. I have in mind particularly the harnessing of the Columbia River, both at the Celilo Rapids and at Cascades Locks, where hundreds of thousands of horsepower runs idle and to waste. I do not generally favor the Government going into the transportation business or the power business, as I believe that these are functions for private development. Something must be left to the citizen to engage in and to give incentive to impetus to create industry, and thereby competition, which is, when regulated, conducive to healthy business. Then, there is the question of large and unoccupied areas of land, both desert and partially timbered or logged off. This is the field for governmental endeavor, and during hard-times periods logged-off lands, particularly, could be profitably brought into a condition to be used for agricultural purposes with smaller cost when labor might be had for reasonable wages. The land problem is really one of the largest and most important that might be considered, and careful thought should be given to all of the suggestions herewith incorporated, for if followed in a practical manner, well planned and carried out with honesty and capability, as, for example, the building of the Panama Canal by and through Army officers, there can be no good reason why the country should not be much benefited and much of the unrest among the common people subdued through the employment of those now out of work.

(*j*) Welfare work is indulged in by individual employers, as, for instance, in the lumber industry, some of the laundries, and also some of the machine shops. The nature of this welfare work consists in the placing of reading and rest rooms for the interest of employees, and has, I believe, done some good. However, those who come in contact with this feature can tell more about it.

(*k*) Labor legislation is somewhat too recent to judge harshly or approvingly, and the principal defects that now seem on the horizon are the inclination on the part of the officeholders to be somewhat too zealous in enforcing laws that are but recent and new and have not yet become familiar to those whom it is intended for, and I should withhold any criticism at this time, and will cover under another head the incompetence of officeholders.

(*l*) Minimum-wage legislation in this State has been passed affecting female and minor workers, and while in the abstract it is right that laws should be passed safeguarding the health of our future mothers as well as the child whom we want to become a sturdy citizen, the operation of the law has been so far somewhat cruel to the incompetents and infirm; in other words, those who can not come up to a certain standard.

The law of supply and demand as well as survival of the fittest is somewhat inexorable and seems to work regardless of restrictions placed by man-made laws, and in quite a few instances the writer has had opinions that a weeding process has been going on since the passage of the law of those unable to earn the minimum wage, and by reason of this many girls and women were now seeking something to do and willing to do it at almost any wage, but were deprived of engaging in the work that they were most familiar with because of their incompetence to come up to the standard. In other cases we find that there has been no appreciable change, and that the passage of the law has affected no increase in the regular weekly pay roll nor in the number of employees, particularly in the case of a large bag factory, the manager of which says he has not been obliged to discharge anyone because of the minimum wage. In other cases, such as in a large printing and bookbinding firm, complaint is made that provisions in the law should be made to care for emergency cases,

for instance, in the binding of telephone directories printed three times a year, in which work many women and girls are employed. As this is a large publication and must be finished within a specified time, and while ample equipment to handle most work is installed, it is almost impossible to complete the work according to contract without running overtime; that during a period of three weeks in which the rush continues privilege should be permitted to work the female employees after the legal hours, which is 6 o'clock, the work to commence at 1 o'clock in the afternoon, extend to 6, an hour for luncheon, and then to 10 in the evening, when quitting. This would permit the fullest capacity of the machinery to be used and would not harm industry nor send work out of the State. I find from the opinions given that the candy factories and paper-box factories are the most seriously affected. But also find that the hotels have rearranged their female help so that none but strong women are now engaged who can do an allotted portion of work in the time—8 hours—required by law.

(m) Competition of the Oregon manufacturer with those in other States is something that several factors enter into besides the factor of labor; for instance, the cost of raw material, the cost of transportation, the cost of fuel, the distance from market. One factor, of course, favorably affects the whole Pacific coast region, and that is climate; but we can not go so to enact more and more stringent laws, affecting the employer, business man, and he who employs labor without most seriously hampering the worker, because of stagnation of enterprise and the lack of incentive on the part of him who would engage his money and talent to produce pay rolls were the laws less drastic. Our industries, aside from lumber, which is a native product in the raw, are as yet in a state of embryo, and anything tending to discourage enterprise through so-called progressive enactments will leave its impress upon the growth of the State in retarding effects that we will be a long time in overcoming, even though the pendulum swings the other way; that is to say, public opinion in favoring the passage of no more new laws.

(n) With the activities of trade-unions, particularly as to their methods, there is much fault to be found. With organization of the worker, no right-thinking person will find fault. With the administration of such organization, the general public has a right to scrutinize and criticize methods affecting not only the worker but those who engage in industry and those who consume the products of the other two. Much can be said against the methods of the trade-unions as officered and controlled under the American Federation of Labor jurisdiction. For instance, the closed shop means that no union man shall permit a man without a card or unaffiliated with his union to work in the same branch of trade on the same job with himself. There are cases where this is waived and the union is weak, but where the union is strong enough, a nonunion worker is deprived of making his living, and naturally friction and unrest ensues. This has got to be such a serious condition in the last few years and has caused so much friction all over the country, bringing into being employers' associations, generally, in all large centers, then later into smaller cities, and then by amalgamation of these into States and districts, that it now seems certain that a gigantic struggle will ensue between those who deem this privilege to act as sponsors for organized labor and the free workmen of the country who are not organized, also such friends as they may have among the employers who are thinking along the right lines and trying to be fair to those whom they employ. I will deal with concrete facts in some of the questions given to me to answer further on.

(o) The field for Federal intervention in industrial affairs seems to me, if carried on in interstate industrial matters, would bring up the question of States rights; and while Federal supervision, particularly of corporations who are doing an interstate business, might reasonably be expected to assist, still it is a question whether or not there would be some other plan, such as publicity and the formation of local adjustment boards, applying particularly to wages, hours, and sanitary conditions of labor, which would solve the problem much more satisfactorily. My own opinion is that when the question of minimum wage and reasonable hours is granted through some form of public activity, the trade and labor organizations of all kinds will have ceased to be a necessity for the workingman. It will then devolve upon some social or political organization to see that a square deal is given to all of those who may be affected, as workers or political factors under our system of carrying on our affairs.

3. This is a subject which opinions will differ upon, and I would subdivide myself into three subheads of "Symptoms," "Causes," and "Remedies." We will deal first with the symptoms. I will divest myself in spite of personal opin-

ion, and will give the commission the benefit of my experience and the expressions that I get from others, workingmen as well as business men, members of the unions as well as those unaffiliated.

Symptoms.—This head might by some be named "protests." Call it what you may. We are being confronted with vast bodies of men, such as the Industrial Workers of the World, the Socialist-anarchist, the anarchists pure and simple, and various other bodies, tapering from mildly partisans to revolutionary propagandists. All are the symptoms and all are voicing the cry of the oppressed. The cry is becoming louder and louder as unemployment becomes more and more prevalent and distress more and more acute. There can be no dismissing the cry with a shrug of the shoulder or a wave of the hand, and the prudent man in the different stations of life must needs give attention to those among us who are suffering and who have a right to life and a certain portion of happiness. Then we have those of the higher type, who own property, the small home owners, and the middle class, who are protesting against the high taxes and the increasing burdens placed upon them. And don't forget that the business man is not immune from the causes that affect the working people, for he also is suffering, as no one can escape, and must share in a general way in a greater or less degree with any one class that does not obtain that to which it is entitled and does not get under natural conditions.

Causes.—I would cite first of all bad administration of the law and lawyers holding public office, many of them unfit by training for such positions; officeholders in general not competent to carry on the work of the public in a businesslike and capable way; some who are unfitted by reason of having no courage to make decisions, but who would favor a class of whatever kind through which they might seek profit. This is not said particularly to cast reflections that officeholders in general are dishonest, but they can be such, however, without taking a bribe or money. For example, if a man caters to a class for the votes he may get from them to the detriment of others who are not so strong numerically, he is dishonest to the whole people, and stultifies his self-respect by seeking emoluments to be delivered, present or in the future, by his attitude of truckling to labor, or church votes, or those of whatever kind. Then, again, we have newspaper and magazine publishers who proclaim wrong ideas at variance with fundamental principles; who magnify and distort acts done by one class and subdue and squelch things done by another class, however wrong it may be. The yellow, muckraking publishers do this for the sole idea of obtaining lucre therefor, and this is one of the evils of our republican civilization to-day.

I have in mind some of these influences which are bad, and would name such writers as Creel, Sinclair, Steffens, who are constantly attacking businessmen and captains of industry and who magnify and distort and manufacture stories that are at variance with facts generally. Then, there is the Socialist press, which pours into its readers tales of happenings and attacks on not only industry but Government. I have in mind a publication like the Washington Socialist and the Appeal to Reason. Then again there is such a publication as the Menace which has for its object the attack on a great and powerful religious body and which it presumes to find fault with because of its political activity. This is setting by the ears of a large portion of our people at the present time and causing them to stop, look, and listen. Then, we have too many laws (the country least governed is the country least governed); we have too many lawyers in Congress and legislature, many only half-baked, and we have many unscrupulous politicians who care nothing for the dear people except to gain votes. We lack honesty among men and women; greed and rapacity, and the desire for wealth is uppermost in most people's minds. They are obsessed with the desire to acquire both riches and power. This is one of the underlying causes that go to make up the sum total of our political and economic ills, and the passing of laws will not cure the condition; the cure must come from within and not from without. The citizen must improve as an individual before the Nation will be better. No man can take that which he does not gain honestly and by fair means from another without harming himself quite as much as he does the other man, for the same reason that he undermines his self-respect, respect as a citizen and man, and therefore becomes less fitted to carry on the duties that go with such, and moreover sets an example which is transmissible to others of like or weaker natures. Another case particularly is the life rich who, by their example of extravagance and profligate spending, easily excite the emulation of those of the lower class, and by their example of vicious living lay influences upon those who desire something they do not

have, to get it by questionable means, to gratify their taste for vain display. Methods of labor unions contribute largely to causes of unrest, and I refer more particularly to the boycott, picketing, closed shop, fines, blacklist against men who have seen fit to drop out of unions and who are hounded and followed wherever they go, and prevented from rejoining the union or from obtaining work. I do not blame the members of labor unions in general, but the vicious leaders, some of whom are ignorant of economic laws, some of whom are misguided, and some who are traitors to their followers and to their country.

The remedy.—If we must have unions, let us have open-shop unions, organizations which stand for efficiency of those who are members; which carry on a propaganda of education for those affiliated therewith and which will carry out a contract the same as is expected of any other body of men in a businesslike way and without deviation. For example, I would refer to the great Order of Railroad Brotherhoods, the Brotherhood of Locomotive Engineers, the Brotherhood of Firemen, the Brotherhood of Trainmen, and the Order of the Railroad Conductors. These are all open-shop unions, notwithstanding anything that leaders of organized labor may say to the contrary. I know, because I have been one, having been affiliated with the Brotherhood of Railroad Trainmen, and master of one of its lodges, and in talking with railroad men, generally, and with officers of railway companies the expression is generally that these are open-shop organizations, and that there is no clause injected into the agreements between the brotherhoods and those by whom they are employed which states that none but members of their respective brotherhoods shall be employed. Moreover, at least, two of the brotherhoods have discussions in their lodge meetings as to the best method of conducting the work which they are engaged in. In this case, however, I refer to the mechanical end of railroad operation, and those who are not yet familiar with the fine points and the finesse of operation are instructed by the older ones and the ones more experienced. In this wise they become more efficient and therefore more valuable to their employers. Another thing that the brotherhoods all do, without exception, is to frown down upon the man who uses intoxicants, particularly to excess. In this way they keep up the standard of strength and ability to stand the strain of long and continued service, and therefore make themselves better and more capable so far as their employer is concerned. Then we have as another example the National Association of Stationary Engineers, who also come within the category of open-shop unions, and moreover do not believe in striking. This body of men also has test examinations in their lodges and meetings so that the employer who hires one of their men knows he is getting full value.

Then, we have in the process of formation in this country craftsmen organizations, the most notable of which is a body of men who have formed themselves into an engineers craftsman organization, and another one just starting which is composed of electricians, and I believe there is another contemplated taking in the carpenters. These are all formed upon similar lines as the National Association of Stationary Engineers, and I am quite reliably informed that the American Federation of Labor, at least the local branch of this body of the stationary engineers' union, has placed a fine upon each individual belonging to the craftsmen organization. A word might be said in this connection in favor of organizations based upon similar lines as the above. I would first of all mention the open shop; second, maintain a certain high standard of efficiency and morality of their members. I would make them responsible as a collective body, so that their agreements entered into between the employers and themselves would be carried out. All of these reasons would make most employers desire to do business with a body of this kind, which would carry out the idea of collective bargaining as being the best means by which a laboring man could sell the product of his brain and hand to the highest bidder. There is no man-made law that will subvert the natural law of efficiency for the desired end to be attained and place mediocrity above excellency as is being maintained through closed-shop unions. As already explained before conciliation boards will just be a temporary makeshift, and there is no reason why organizations of labor of the type of the American Federation of Labor and other closed-shop organizations should exist. No economic excuse can be found which would state that they were serving a useful purpose. They have outlived their usefulness and must of necessity be superseded by something better and more enduring. The same can be said of employers' associations, which are not necessary, but are the corollary only of labor unions which have brought them into existence because of the necessity for the employer to protect himself against

the encroachments of unscrupulous bodies of men, who by their power have usurped many of the prerogatives and rights of the citizen and individual for selfish purposes, as already explained.

If under a new dispensation of a labor organization of some kind, if it must be, we should have as a most important factor a means of publicity, pitiless publicity, if you please, applying to the greedy and rapacious and unscrupulous employer who would grind his workmen and seeks to declare dividends off of savings in wages. The same as publicity, pitiless again, against the leader of labor or religious society or social society of whatever kind that attempts to usurp the rights of man under our republican form of Government, and such publicity under governmental supervision would serve to whip the recalcitrant into line of right doing.

5. This has been already answered under "I" (Measures for relief). It is hard to say where conditions are best, as suffering of the lower and middle class is most general all over this country. There are some localities which are favored perhaps by local conditions, such as bountiful crops, etc. In the main, times are quiet and stagnation of industry is very marked. I will say, however, that in cities operating under open-shop conditions the workers are best satisfied, because of an open and free field. I say this without any hesitancy, because I know the conditions to be true. I have had it told to me in this city a dozen times within the last month by union men themselves, men who are my friends and who believe in my sincerity, who come to me and say that they are debarred from working on open-shop jobs because of their affiliation and because of the rules of the unions. This is not a healthy condition, nor is it even a wise policy on the part of the leaders in present stress to hold their membership in line. I give one concrete example of a job on one of our theater buildings in course of construction, where carpenters, plasterers, and other craftsmen were debarred from working because that was an open-shop job and put up by an open-shop contractor with whom the labor unions had quarreled, and the men have chafed under these conditions. This, I think, answers your question fully under head 6.

Referring to attitude of courts and legal authorities in labor cases, I can say without fear of contradiction by anyone who is unbiased, that the laboring man generally, particularly that one affiliated with organization, has had most fair, and in some cases, most partial consideration from the courts and legal authorities who have looked upon the members of labor organizations as a valuable asset and ally in their political campaigns, present or prospective, and as the employer has not been in politics to any great extent, he is rapidly learning and will soon have to be reckoned with on this score, and woe betide the dreamer or sycophant who would prostitute himself for the sake of votes.

EXHIBIT A.

CONSTITUTION.

I wish to call your attention to some of the rules laid down in the Constitution and By-Laws of the District Council of Carpenters of Portland and Vicinity.

Under constitution, section 23, page 11, we find a ruling governing initiation. The initiation fee is set at $15. If a member drops out for any reason, like nonpayment of dues, which he may be unable to pay by reason of sickness, lack of work, or other causes, he is dropped from membership in the union, and to be reinstated he must pay an entrance fee of $25, or $10 more than he originally paid for initiation when he first presented himself.

Section 35. System of fines. This is an arbitrary usurpation of power which unions generally use to whip their members into line, through fear of punishment and in some cases ostracism. Fines have been known to be very high and so exorbitant that the victim who came under the displeasure of an officer of the union or the members thereof could not pay and had to be dropped. The writer believes that this is an entirely un-American proceeding and believes that it should be stopped by and through the operation of law, as no one should have a right to usurp judicial functions.

By-laws and trade rules, section 4, page 15. "Union men shall in no case be allowed to work with nonunion men longer than one day who will not join the union, and shall report the names of any such cases to the business agent."

Section 11, page 817. "Any member making a false statement as to the

wages he receives or as to the hours he works or to any part, or the trade rules, or who refuses to show his wages or working card to the business agent or job steward shall, upon conviction thereof, be fined as per section 41."

Section 13. "Members shall not be allowed to file saws or sharpen tools on their own time while employed, and members doing so shall be fined."

Section 14. "Any foreman discharging a member without sufficient reasons shall be cited to appear before this council to show cause why he should not be fined, etc."

Section 17. This is one of the most urgent reasons given by employers generally why unions are not a success in different plants. This rule is followed by many other crafts. "Any carpenter can prefer charges against pacemakers, and any member found guilty of pace setting or rushing members with the view of holding his job and bringing up the other members employed to an excess standard of speed shall be fined."

Section 20. "Any member bringing his own stepladder, iron miter box, straightedge, sawhorse, or anything other than tools on the job shall be fined as per section 41." In this connection I desire to call your attention to a concrete instance of a case that came up in this city a few months ago on the Northwestern Bank Building, where three members of the carpenters' union were fined $25 each for violating this rule because they had brought iron miter boxes with them. They were skilled mechanics and naturally wanted to be efficient, and had provided themselves with the latest up-to-date appliances, but for some reason or other their union tabooed such a proceeding and it wanted them to use wooden mitre boxes or else the iron miter boxes furnished by the contractor on the building.

Section 41. "All fines not otherwise provided for in these by-laws and trade rules shall not be less than $1 nor more than $50." I desire in this connection to say that men are fined for working on open-shop jobs, even when it is impossible to obtain work elsewhere. Several carpenters were recently fined $25 on the Broadway Theater, which an open-shop contracting firm is erecting, while others have been fined from $10 to $25 for a similar offense.

A banner carrier exhibiting a boycott levied by one of the unions in this city was discharged recently for getting shaved in an open-shop house, when it is well known that many members of unions are doing the same thing.

Men are unable to get work who do not stand in with certain business agents, or the ring which these business agents control, while others of the ring are kept at work the year around, in spite of the fact that 75 per cent of the men are out of work and ready and willing to do anything, but are deprived from doing so by reason of the arbitrary and exacting rules of the union.

Banner carrying is considered by the members of organized labor a disgrace, but is only tolerated by the increasing force of the foreign element in the unions and ring leaders who resort to violence and other un-American methods to gain their end.

The closed-shop methods are the cause of fines and trials, as men who have families must get work somewhere in order to keep the wolf from the door. Calls coming into the headquarters of the union from the contractors for men are supplied by the secretary, and as a rule only his friends or those of the business agent, by whom he is controlled, are furnished with work, thus building up a political machine that keeps the ring leaders in office. This is particularly the case now when jobs are scarce, and it seems a pity and a shame that many of our deserving workingmen are hampered and harassed by a policy of this kind.

Total number of wage earners in Oregon approximately, 200,000.
Number of millmen, labor commissioner's report 1913, 16,518.
Carmen, 150.
Order of Railway Conductors, 300.
Brotherhood of Locomotive Engineers, 217.
Brotherhood of Railway Trainmen, 330.
Brotherhood of Locomotive Firemen, 247.
Switchmen's Union, 95.
Order of Railway Trainmen, 160.
Railway machinists, 140.
Brotherhood of Railway Electricians, 1,100.

EXHIBIT B.

I wish to call your attention to some facts and figures relating to the lumber and logging camps of this section of the country, commonly known as the Columbia River section. It gives the wages and hours and other conditions in the mills and yards, and also the rate of wages and hours in the logging camps, as well as the average treatment of the lumberjack as to sanitary and housing conditions, as well as the food that is furnished him. Welfare work is not generally indulged in, but one or two camps have reading rooms and a sort of embryo Y. M. C. A. course:

Average wages paid in lumber mills.

Sawyers	$7.50
Pony sawyer	4.75
Engineer	3.50
Millwrights	3.75
Edger men	3.25
Resaw men	3.25
Trimmer men	3.00
Setters, $2.50 and	2.75
Other mill jobs ranging from $1.75 to	2.25
Yard work	1.75
Car loaders	2.00
Teamsters	3.00
Planer feeders, $2.25 and	2.50
Graders	2.00

Board, $5.25 per week.

Hospital, 50 cents to $1 per month. Some mills do not charge hospital fee.

EXHIBIT C.

I wish to give to this consideration some facts which are a matter of record connected with the railroad strike of 1911, the strike commonly known as the railroad shopmen's union, which attacked the Harriman system of railways.

SOUTHERN PACIFIC CO.,
Brooklyn, Oreg., August 28, 1914.

Mr. W. C. FRANCIS,
Manager Employers' Association of Oregon, Portland, Oreg.

DEAR SIR: In compliance with your request for statement concerning conditions during the strike at Brooklyn shop and division shops on Portland division, I beg to submit the following facts: Previous to the strike, which took place September 20, 1911, we experienced no amount of trouble with our shop forces, especially machinists and boiler makers, in obtaining satisfactory service from all concerned. As to the dominating spirit of the men at that time, which was in evidence on all sides, it was extremely difficult to take decided action, due to the fact that no satisfactory results could have been obtained at that time. The spirit of the mechanics previous to the strike was unsatisfactory and the desired interest in doing their work was lacking very much in a general way.

When the strike took place no distinction was made by the unions between our older employees who had been in the service for 20 years and over and the apprentices, nor was any consideration shown to men that were physically disabled and taken care of by the company, with the result that out of 12 apprentices 9 of them remained with the company, and out of the older employees only a small number remained at work. These conditions show conclusively the aggressiveness of the unions to all classes and conditions.

The first few weeks of the strike we did not experience any serious trouble. However, shortly after this an element was brought in here that had no respect for law and order. Men were followed to their homes, beaten up, and molested in every way possible, and I am attaching statements from some of the employees that received rough treatment from the strikers. Every possible effort was made to obtain redress from the courts and authorities in charge of the situation, but very little, if any, better results were obtained thereby.

At outside points, such as Roseburg and Grants Pass, while the situation was not as serious, it was quite bad, as the striking element carried the movement

to such an extent that when our employees commenced work at these points they were not able to obtain food until the matter was personally taken up with the merchants at both Roseburg and Grants Pass and better results obtained.

A number of cases came to my personal observation, but, due to the shortage of time permitted for particulars, I am not able to give specific data, although our records will bear out the fact that the tampering with power was carried on to a dangerous point, and while no lives were lost, considerable damage to equipment was done on many of the frame-up jobs. Every effort was made by shop forces to inspect engines very closely on arrival and departure from terminals to see that they were not tampered with, which might cause serious accidents. On numerous occasions we found engines were tampered with by some unknown persons and defect remedied before departure of engine. However, in some instances where engines were tampered with, engine failures occurred on the road, causing delay to trains.

During the entire trouble we were fortunate at all times to secure skilled mechanics, and the improvement in shop conditions shortly after the strike were quite noticeable, and to-day are not to be compared with former conditions, or previous to the strike, as we have no agitators or disturbing element raising discontent among our employees. Better feeling prevails among all shopmen, conducive to better results and better work. We received shortly after the strike applications from former employees. However, they were prevented from entering our service through the influence of the unions.

I am unable to fully state the causes leading up to the strike, but will state that from personal observation and from instructions received from our officials that the unreasonable demands made at the time and the disregard shown for contracts entered into with the different unions was one of the chief factors leading up to the trouble, notwithstanding that the company was willing at all times to treat the men in a fair spirit and repeatedly had advanced their wages from time to time. The conditions demanded by the unions at that time were such that it was impossible to consider them under any conditions. These facts you no doubt well know and do not require further discussion.

Our instructions from our officials, both before and after the strike, have always been to the effect that considerate and fair treatment be accorded all employees, irrespective of their affiliations, and these instructions are carried out to the fullest extent and no distinction whatever made if fair services are obtained from the men we employ; and due to this fact I would say that our present conditions to-day are more agreeable, more efficient, and more satisfactory in every respect.

BANNERING AND PICKETING.

A great deal has been said by union leaders and some union men in defending the position of the unions in their policy of bannering and picketing those with whom they come in conflict. I would like to state a concrete case of facts now existing in this city and show to the commission a boycott placed by the stationary engineers' union against the La Grande Creamery Co., of this city, and that in this boycott an entirely innocent party is being punished for something he had no connection with, but can get no redress either through the law or from the union, because the law provides no statute which makes bannering and picketing an offense.

About two years ago delegates from the stationary engineers' union called on the Liberty Ice & Coal Co. and asked them to sign up with the union and agree to hire none but union engineers and work them but eight hours per day. They told the Liberty Ice & Coal Co. if they would do this, the union would always supply them with competent engineers; all they had to do was to telephone union headquarters and competent men would be sent down.

At the time this took place the company had in their employ a head engineer who had been working for them for five or six years, but he did not belong to the union. They had also a night engineer who was a member of the union. The union officials asked that this head engineer be discharged and the night man be given his job and two other union men be hired to fill the vacancies. The company refused to do this and told them they would continue hiring men as in the past and would engage such men as met their requirements, regardless of whether they belonged to the union or not. The union officials then asked the company when hiring extra engineers to hire union men, which they agreed to do. There was nothing further said at this time.

When the busy season arrived the company decided to put on an extra engineer and telephoned to union headquarters for a man. The man the union sent was engaged and the first night on the job he became intoxicated and when the dayman arrived to relieve him he found this engineer asleep in a corner of the room while the engines were running wild. This man was discharged and the union did not say anything and neither did they come around to investigate. Nothing further was heard from them until two days before Thanksgiving, 1913, when several union officials walked into the La Grande Creamery Co.'s store and told Mr. Daniels if the Liberty Ice & Coal Co. did not sign up with the union his store would be boycotted and a banner placed in front of the same. Mr. Daniels claims he explained to them that he was not interested in the Liberty Ice & Coal Co., but his brother was, and he had an interest in the La Grande Creamery Co., and by boycotting his place of business they would be doing him an injustice. To this McGuire, one of the delegates, replied: "The innocent must suffer with the guilty at times."

Two days after this interview the banner was placed in front of the store and has been there ever since. The union officials have been in to see Mr. Daniels several times and on each occasion told him the matter could be settled by having Liberty Ice & Coal Co. sign up and discharge nonunion men.

When the banner was placed in front of the store Daniels told them if they did not remove same the union man at the plant would be discharged. As banner was not removed this union man was discharged after receiving a week's notice.

There have been other cases in this city of bannering and picketing of business houses, and there is now a case where a banner man may be seen daily parading up and down in front of a large department store. The department-store managers do not know the reason for the boycott being placed against their firm, but the sign reads that the central labor council has declared the place unfair. Upon investigation and consultation with some of the labor leaders, the manager of the department store could not get any reason why his place was so boycotted and bannered, but assumed that perhaps there might be some business rival who was paying for it, and through the connivance of unscrupulous labor leaders could have this done.

The point I wish to make and bring to the commission's attention is that a union permitting bannering and picketing lays itself liable to a charge of graft; and this can easily be understood because numerous cases have come to light where dishonest business agents have levied blackmail against business concerns by threatening a banner and boycott, using as a pretext any fantastic reason, that the place was unfair or not following union rules.

It is usually pretty hard to prove these cases for the business men are intimidated, both with the fear of personal violence and business injury.

We have but to cite as a matter of evidence the publicity the case of Chicago, and at the present time the Federal grand jury of that district is making an investigation into the affairs of some of the unions, and has found where union business agents and walking delegates have levied heavy cash assessments against different business concerns to such an extent that several of them have become immensely wealthy by reason of such piracy, and the culmination of the whole rotten condition came when a harrassed and distracted business man, who had been hounded for months by one of the business agents with a demand to kick in and come through with the cash, finally shot and killed the business agent, and that, of course, started the investigation.

These are all matters of record and can be proven by the records; names and amounts and dates can be given.

In conclusion I desire to call your attention to a different form of labor association from the A. F. of L., the National Association of Stationary Engineers, and offer as Exhibit D a copy of the constitution and by-laws of that organization.[1]

I wish to call to your attention particularly the preamble on page 1, which reads:

"This association shall at no time be used for the furtherance of strikes, or for the purpose of interfering in any way between its members and its employers in regard to wages; recognizing the identity of interest between employer and employee and not countenancing any project or enterprise that will interfere with perfect harmony between them.

[1] Submitted in printed form.

"Neither shall it be used for political or religious purposes. Its meetings shall be devoted to the business of the association, and at all times shall be given to the education of engineers," etc.

In this connection I hand you a copy, which we will mark "Exhibit E," of a rule of the International Union of Stationary Engineers, signed as approved by Matt Comaford, general president.

From a perusal of this rule you will see that the A. F. of L. places a fine of $100 upon anyone connected with the National Association of Stationary Engineers, also belonging to the stationary engineers under the jurisdiction of the A. F. of L.

There are other cases where a fine of this kind has been levied against members who have a desire to join a craftsmen's union, and I can cite the case of the engineers craftsmen's association as well as the electrical craftsmen's association, both of which have locals in this city.

EXHIBIT E.

Article 1, section 44.—No person is eligible to membership in this local that holds membership in any labor organization whose constitution conflicts with the constitution of the American Federation of Labor. Any member joining a labor organization whose constitution conflicts with the A. F. of L. upon conviction thereof shall be fined in the sum of not less than $100 or expelled from the union.

Approved.

MATT COMAFORD,
General President I. U. S. E.

STATE OF OREGON,
County of Multnomah, ss:

I, W. C. Francis, being duly sworn, upon my oath depose and say: That I have read the above and foregoing statement of facts as to the labor conditions in this community, that I prepared the same, and I believe that the statements therein contained are true and show the present labor conditions in this community.

W. C. FRANCIS.

Subscribed and sworn to before me this 19th day of August, 1914.

[SEAL.]

S. C. SPENCER,
Notary Public for State of Oregon.

EXHIBITS.

AVERILL EXHIBIT.

STATISTICS.

There are, according to the State labor commissioner, 729 lumber, shingle, and box manufacturing plants in Oregon in the period from October 1, 1910, to September 30, 1912. These were divided into the following classifications:

Box factories	13
Saw and lath mills	6
Planing mills	81
Shingle mills	28
Planers and box factories, combined	20
Sawmills	423
Sawmills and planing mills, combined	84
Sash and door factories	25
Saw and shingle mills, combined	10
	690

In these the labor commissioner reported there were employed 22,186 persons, about 562 being salaried individuals and the remainder wage earners. The wage earners, it is stated, received that year $12,673,853 and the salaried people $610,264, a total of $13,284,442. At the present time the number of plants is greater, and when they are running normally the pay roll is much above these figures.

The average wages and salaries paid in all the plants is given by the labor commissioner as follows: Female clerks, $2.37 per day; male clerks, $3.32 per day; men in the woods, $2.83 per day; skilled men, $3.32 per day; unskilled men, $2.26 per day; women, $1.79 per day.

Wheat exports from Portland and Puget Sound last year, or the equivalent of wheat in flour, were 524,180 tons from Portland and 586,405 from Puget Sound.

The live stock receipts at the Portland Union Stockyards for the preceding year were as follows: 90 cattle, 4,036 calves, 188,286 hogs, 296,730 sheep.

BANKS—(STATE).

Deposits year ending November:	
1905	$82,234,180.00
1909	90,048,749.00
1911 (Dec. 10)	107,946,898.90
1912 (Nov. 26)	125,677,598.62
1913	132,702,152.87
Resources year ending November:	
1909	106,894,974.90
1910	147,518,528.07
1913	165,000,000.00

BANK CLEARINGS—(PORTLAND).

These figures are given by the Portland Clearing House Association, wherein but 10 banks are included out of a total of 23 institutions.

1890	$9,429,224.51
1900	106,918,027.45
1905	228,402,712.00
1910	517,171,867.97
1911	597,983,786.99
1912	597,087,868.12
1913	627,618,944.30

1914: By months—	
January	$40,271,242.48
February	42,297,377.00
March	55,855,019.44
April	57,520,527.33
May	47,638,567.00
June	44,721,984.00

BUILDING PERMITS ISSUED—(PORTLAND).

	Number.	Valuation.
1900	392	$944,985
1905	2,319	4,183,369
1910	6,523	20,886,202
1911	7,686	9,152,370
1912	10,901	14,890,922
1913	6,694	18,645,015
1914: By months—		
January	503	444,900
February	573	605,530
March	706	882,885
April	605	709,500
May	542	643,980
June	536	847,585

CEREAL PRODUCTION—(STATE).

	Bushels.	Value.
1910:		
Wheat	17,000,000	$13,750,000
Oats	11,000,000	6,000,000
Barley	2,500,000	1,250,000
Rye	200,000	100,000
1911:		
Wheat	15,000,000	11,250,000
Barley	3,000,000	2,000,000
Oats	12,000,000	5,000,000
Rye	300,000	175,000
1912:		
Wheat	21,092,274	15,819,205
Oats	14,744,046	5,902,737
Barley	4,439,374	2,663,624
Rye (estimated)	327,000	305,000
1913:		
Wheat	19,159,000	15,325,000
Oats	12,500,000	4,900,000
Barley	4,000,000	3,280,000
Corn	350,000	525,000
Rye	350,000	310,000
Total		24,440,000

FRUIT—(STATE).

	Value.
1910	$8,062,500
1912	6,750,000
1913	8,550,000

Oregon as a fruit State is rapidly forging to the front. The State's fruit-bearing area was about 40,000 acres; 125,000 acres were planted during the past five years. An ideal climate, soil of great fertility and variety serve to make the production in Oregon of high-grade fruits. Hood River took the sweepstakes at the National Apple Show, Chicago, for best apples, in 1910.

POTATOES—(STATE).

	Bushels.	Value.
1906	4,452,690	$2,500,000
1910	6,000,000	3,000,000
1912	8,751,695	3,500,678
1913	8,750,000	5,250,000

Potatoes yield from 100 to 200 sacks to the acre. They can be grown and marketed at a cost of 40 cents per sack of two bushels; the selling price ranging from 60 cents to $3 per sack. Potato crops net at least $60 per acre.

PAPER MILLS—(STATE).

At Oregon City there are three paper mills—one the third largest in the world—employing 1,000 men. They have an annual pay roll of $750,000, and produce yearly 72,850 tons of paper, and consume 75,000,000 feet of logs per annum. Total amount of raw material and finished products handled by these mills equals 400,000 tons per year.

POPULATION—(STATE).

1850	13,294
1860	52,465
1870	90,923
1880	174,768
1890	313,767
1900	413,536
1910	672,765
1911[1]	718,000
1912[1]	790,000
1913[1]	825,000

PROBABLE LIST OF QUESTIONS THAT MAY BE ASKED OR INVITED.

1. What is the state of unrest in this region in respect to labor or capital?
2. What is the main cause of this unrest, with reference to the relations of labor and capital?
3. Would, in your mind, a State or Federal commission be best suited to the adjustment of differences arising from industrial unrest?
4. What is the trend of State legislation, what is the effect upon investment of the legislation being enacted, what have industrial enterprises seeking a location here said with reference to the laws and political conditions of the State, and is there any change toward a more conservative type of legislation in Oregon?
5. What is the effect upon labor of the State of seasonal employment, such as logging, fruit picking and packing, etc.?
6. Are industrial conditions of the State improving rapidly, have you many factories with large pay rolls, and are enterprises of this character growing or showing a tendency to remain stationary or decrease?
7. How are transportation conditions, are they affected by higher wages than are paid by competitors, and to what extent do these conditions influence the development of the community?
8. What are the conditions on the water front with reference to wages and costs of handling goods in trade, and are these conditions more repressive to business than are found in your rival cities, and if so what element is the cause?
9. Export and coastwise water-borne trade.
10. Atlantic seaboard trade competition, with reference to particular articles of commerce and industry.
11. European commerce, with reference to shipment by water direct, or by railway to the Atlantic and thence across the ocean.
12. Something on the conditions attending the handling of lumber, wool, fruit, etc., in the Atlantic and European trade.
13. Number of persons employed in the fruit producing and packing industry of the State.
14. Number of persons in general industries of the State.
15. Pay roll of the State.
16. Clearings of banks, with reference to increases or decreases for a considerable period.
17. Population growth for many years, as evidence of industrial conditions.

ANSWERS.

1, 2, and 3. No answer.

4. According to statements made by investment representatives coming to the chamber of commerce for data or assistance, there is a feeling that Oregon has experimented too far in legislation. These men, as a rule, insist that we have not been sufficiently conservative, that we are doing too much pioneer work, that

[1] Estimated.

we are a sort of political experimental laboratory, and that while some of the things we try and proclaim may have ultimate merit, we lose through undertaking to devote too much of our energies to the pure experiment. These investors have urged that capital does not like so much uncertainty in the legislative field, and wants a more stable atmosphere. We have secured many industries within recent years, but if the statements made to the staff of the chamber are correct, we have lost some through apprehension of our eagerness to adopt novel legislation. It is my personal belief that our experimental legislative work is growing less and that a more conservative tone is gaining among the voters, and that within the immediate coming years this tendency will become far more pronounced. It seems to me that a majority are coming to realize that business must have some fairly certain beacons, else it will not risk the channel of investment, and after business is established, it also appears to be a growing sentiment that it must have definite limitations within which it can operate for considerable periods without being compelled to spend most of its time and energies upon the task of determining whether it is legitimate. I might mention under the head of legislative influence upon business the effects that have come from what we know as our employers' liability law. This was championed by the leaders of union labor in the State. Their purpose was to remove some of the legal impediments that older statutes and the common law imposed when labor sought to establish financial liabilities of employers for injuries sustained by workmen. The measure became a law through the workings of our initiative amendment to the constitution. On the water front of this city, where the chamber's attention is most directed, because we are supposed to be a body of shipping or commercial men, we find that the suits instituted for injury and the judgments obtained have made a marked increase in our casualty insurance rates. Among longshoremen, where the rates were reported 3 per cent within recent times, my staff of the chamber now report that rates up to 6.5 per cent have been charged, and there was a grave fear that they would go much higher. In addition to this, I was informed that most of the casualty companies did not care to take these risks. This rate is on the pay roll of the stevedoring companies, and is not a large item in the total costs of shipping from a port, but when joined to many others, does make an important drawback to the business and progress of the community. These rates jumped, I have been informed, because of the large verdicts being secured under the employers' liability law, and I was also told that relatively little of the money so being secured in judgments went to the injured man or his family. We have secured adoption of the workmen's compensation law at last, after a most determined fight by the employers, business and some laboring men of the State, which we hope will ameliorate the severe conditions resulting from the other measure that came through the initiative. The workmen's compensation law was adopted by the legislature. There are many other details wherein legislative enactments of what are called an advanced or experimental nature have worked against what appears to me to be the sound, healthful progress of the community, but I will not undertake to enumerate all.

5. Our State is unfortunate in having so much seasonal work. Our heavy fruit production, which is gaining rapidly, requires employees for a relatively limited part of the year. The cultivation period and winter months need few persons compared to the short period when fruit is being picked and packed. This means that much of the help absolutely required in the fruit season must seek other work or is thrown into idleness during the remainder of the year. Logging operations also have periods, the exceedingly dry weather or worse months of winter usually seeing the camps closed down. Of the 45,502 farms of Oregon in 1910 it may be said that there is a heavy seasonal demand for labor, the peak load of course being reached in harvest days of late summer and fall. If we accredit about 7,000 men as working in the logging camps of the woods in this State; estimate 40,000 working days as the labor required for picking apples; that much or a little more for packing apples, and, say, 50,000 or 60,000 working days for the picking and packing of other fruits, and estimate that the 45,500 farms will require from one to two hired men on an average for some portion of the harvest period, it will be seen that with a State having in 1910 but 672,765 people the proportion engaged in seasonal work is very large. We have not, on the other hand, a very large percentage of industries requiring employees the year through, as is found in the large eastern industrial centers.

6. Our industrial conditions are not developing satisfactorily. We do not manufacture enough. The price of certain needed raw materials, the sparse population adjacent to any manufacturing center, the higher price paid labor here than in the East, the long distances and high rates that must be paid in reaching large consuming centers have prevented rapid development here in manufacturing lines. We have found that the transportation rates favor movement of the finished product toward the West rather than the raw material to help our young industries, where we had to draw the raw material from the East. Most all inquirers who come to the chamber tell us that the wage scale of this territory is considerably above that of the large eastern centers, and that we must have considerable advantages in other lines to warrant location in the Northwest. In the case of lumber, of course the raw material makes the business possible. We have figures on glass industries, the manufacture of nitrates from the air, hat factories, pipe-casting plants, machine factories for the woodworking constructions, etc., and have lost most of them, if not nearly all. So long as New York, Pennsylvania, Massachusetts, Connecticut, Ohio, and Illinois get low-priced labor for their mining operations and factory help and we have to abide by a much higher scale here, we will be unable to compete until rather unusual opportunities are developed in connection with a limited number of industries. As our agricultural population increases, giving to the local factory more consumers near home, we will slowly work out of this condition. If immigration through the Panama Canal has a tendency to equalize conditions on the Pacific with those on the Atlantic seaboard we may make more rapid industrial progress. Laboring men and leaders of organized labor are eager to prevent any great inrush here that would have the effect of reducing materially the wage scale now prevalent, and have often advised people throughout the country not to come here in the expectation of securing labor jobs.

7. Our transportation charges in the West are higher than in the East, due, so the railway companies tell us, to the fact that there is less density of traffic here, we have more mountain sections, fuel as a rule costs more, and wage scales in the railway lines are higher. On the water we are again confronted with somewhat higher charges, at least so far as handling goes. The water-front charges along the Pacific are reported to me by the steamship companies to be higher than on the Atlantic, the efficiency of work less, and the time for handling cargo greater. The exact percentage of difference is not stated, varying somewhat, of course, in different ports. The effect of this will be felt most in the lumber trade. Western Douglas fir will soon be sharply competitive with southern yellow pine in North Atlantic seaboard and European markets. Our ability to manufacture cheaply and get the product to the consumer at the lowest possible transportation charge will be the controlling factors in our progress. We could easily produce for the export trade 2,000,000,000 to 4,000,000,000 feet more of the fir lumber, if we could reach the market at a living figure. The higher charges our longshoremen have been compelling our Portland mills to pay, we feel, will be barriers to our progress, unless we are able to equalize these and other conditions that weigh against us. We have had in this port for many years no organized body along the water front among the employers to meet the organized bodies of the laborers, with the result that shipping men constantly complain that we are the highest-priced port of the Pacific. We have not kept pace with our rival ports in development of our shipping, and the steamship company managements declare that this is one of the serious drawbacks with which we have been burdened. In reaching out for a much greater market, through the Panama Canal, where the margin will be very close, all these elements are being placed against us, and we feel that we will have to get down nearer a common standard or lose in the contest.

8. Our water front, as compared with rivals of the Pacific coast, has been for years paying the highest wages. When a scale for Puget Sound was fixed in 1913, general cargo there was put at 45 cents an hour regular time and 65 cents overtime. At the same time Portland was paying 65 cents an hour regular time and $1 overtime for all offshore business, in handling general cargo. When we bid to have steamship lines enter this port, and were in rivalry with Puget Sound, these rates were always held against us. Although the stevedoring companies undertook to equalize conditions in the two ports by making contracts for something near the same figure per ton, shipping agencies insisted that in overtime and in the more drastic regulations here they uniformly had to pay more in Portland than in our rival port. Frequent complaint is made to the chamber of a disposition among the longshoremen to drag the work out so as to

get overtime, to retard operations by having a tired crew that has done a full shift regular time take an overtime shift, and to attempt to regulate the size of the sling loads so as to make operations intolerably slow. Our shipping men have been informed that a coast-wide organization of longshoremen has been effected, and but recently voted upon an extensive ballot, several items of which would prove a profound detriment to Pacific coast shipping if they were put into practice. These and many other facts experienced along the water front of Portland have convinced the shipping men that they must have an effective shipping association that is as strong as the organization of laborers, and which will be charged with the constant duty of preventing the labor bodies from advancing their cause here so fast that we will be largely put out of competition with our rivals where the employers have been more aggressive on the water front. Most of the shipping men of the community feel that they and the whole port have suffered from permitting unrestrained adoption of water-front wage scales and regulations.

9. Portland's water-borne trade for the year 1913 was as follows:

	Tons.	Value.
Domestic:		
Export	741,317	$18,109,976
Import	1,128,493	22,686,212
Foreign:		
Import	55,123	1,506,694
Export	658,004	14,470,174

Against this showing our chief competitor on the north, Seattle, is credited with the following water-borne trade:

Domestic:	
Imports	$38,362,283
Exports	39,962,788
Foreign:	
Imports	25,898,460
Exports	19,917,317

Tacoma, the second Puget Sound port that is a Portland rival, has about the same foreign imports and exports as Seattle. Both these ports have been working for years under more favorable water-front conditions than Portland. While we recognize that labor conditions alone have not controlled the results stated, they have been a contributing factor, and one of the several factors which we believe a patriotic community ought to insist should be righted.

10 and 11. Our commercial future growth depends upon our ability to get down to close margins, in competition with those persons supplying raw materials and agricultural and horticultural products to the Atlantic seaboard and European markets. I have mentioned lumber. We have tremendous possibilities in this development. We have been prone to view the Panama Canal as at last opening a transportation avenue that would enable us to make big expansion of the lumber manufacturing industry and commerce. We face, first, the competition of our neighbor, British Columbia, which is credited with having about one-third as much soft woods in her forests as Oregon, Washington, and Idaho, or 330,000,000,000 feet, against our approximately 1,000,000,000,000 feet. Steamship experts tell us that, through British Columbia having the privilege of shipping to Europe and the Atlantic seaboard on British bottoms, she will have an advantage in about one-third of the transportation costs in reaching our own Eastern States. Then we next meet the southern pine manufacturer, who has low wage scales, and rates that range from 12 cents to 35 cents per hundred in reaching most of the North Atlantic markets. If our coastwise shipping has high wage or labor requirements, if it labors under inequalities in measurement and other requirements, and then on top of this, if our longshoremen charge us materially higher rates for handling, and the local mill man must pay higher wages in his manufacturing plant, we will have multiplying difficulties in attaining a fair development of the great lumber industry. We occupy the same general position in respect to fruit. We have planted enormous numbers of apple, pear, peach, and apricot trees and berry bushes. Whereas in the Northwest we will have this year about 15,000 carloads of apples, if only a limited portion of the actual nonbearing plantings reach maturity in the next decade we could produce 50,000 to 80,000 carloads, each carload containing 600 boxes. We can not get a living market for this fruit, unless it may be handled

very cheaply. It will have to get low transportation charges, also. Our struggle is to see that these charges are kept within living limits, to save the prospective industry from collapse. Our woolgrower is also deeply interested in getting his fleece to the Atlantic seaboard at a low cost. Australia has been able to reach the same points at a less transportation charge than the average northwestern producer. If we can get this wool to the Pacific seaboard at low cost, have it handled here at the minimum, and then have the steamships take it through the Panama Canal at a very low charge, we may be able to compete with Australia and live. All of our other industries hang on the same thread, where the export trade or distant market are their lifeblood. For this reason the wage scale, the transportation rate, and all the intermediate charges are of the utmost interest. Unless we can get low handling charges by water, we will profit little by the canal, and may have to ship the few commodities sent to Europe across the continent by railway and thence across the Atlantic, where more inviting rates are found on water and in handling.

SCALE OF LONGSHOREMEN'S WAGES (CENTS PER HOUR), JUNE 10, 1913.

	Straight time.	Overtime.
PUGET SOUND.		
General cargo	45	68
Wheat, barley, oats, and third and first flour	50	75
Lumber	50	75
Creosote lumber	60	90
Fertilizer, lime, sulphur, explosives, and cements	50	75
PORTLAND.		
General cargo	55	100
Grain	55	100
Flour, small sacks	50	100
Lumber	50	75
All other cargo loaded and all classes of cargo discharged	55	100
Hatch foremen	65	110
DOWN RIVER, BELOW ST. JOHNS.		
Lumber	50	75
Hatch tenders, engineers, and raft men	60	90
Foremen	65	100
ASTORIA.		
Lumber	50	75
Hatch tenders, engineers, and raft men	60	90
Foremen	65	97½

SWATT EXHIBIT.

BY-LAWS OREGON CIVIC LEAGUE.

ARTICLE I.

MEMBERSHIP AND DUES.

Any qualified elector of the State of Oregon shall be eligible to membership upon declaration of intention by enrollment and payment of the dues of $2 per year.

ARTICLE II.

OFFICERS AND EXECUTIVE BOARD.

The president shall be elected by the league and shall be one of the directors. Six other directors shall be elected. The president and the directors shall constitute the executive board. The president shall apportion the work among the directors and among any standing committees created by the board. The directors shall have all the powers of this organization not expressly reserved by these by-laws or by the articles of incorporation. The chairmen of standing committees, heads of departments, and the treasurer shall be entitled to meet with the board and to have a vote in matters affecting the general work of the league.

The executive board shall choose the treasurer and the executive secretary.

ARTICLE III.

DUTIES OF THE OFFICERS.

1. It shall be the duty of the president to preside at all meetings of the league and of the executive board, to have general supervision of all business of the league, and to sign all orders upon the treasury, and to appoint all committees of the league unless otherwise ordered. He shall be ex officio a member of all standing committees and shall make an annual report to the league.

2. The executive board shall choose from their number a chairman who shall preside in the absence of the president.

3. The executive secretary shall be the executive officer of the league, acting under the direction of the executive board. The secretary shall attend all meetings of the league, of the executive board, and of the committees; and he shall keep a record of the proceedings of these bodies. He shall conduct the correspondence of the league and do such other things pertaining to the work of the league as shall be designated by the executive board.

4. The treasurer shall be the custodian of the funds of the league, and shall disburse the same only upon orders approved by the president or the chairman of the executive board and countersigned by the secretary. The treasurer shall give bonds in such sum as the executive board may direct. The treasurer shall make monthly reports to the executive board, and shall make at the annual meeting a full report for the year.

ARTICLE IV.

ELECTIONS.

1. The executive board shall appoint, 30 days before the annual meeting, a nominating committee of five members, none of whom shall be members of the executive board, for the nomination of members of the executive board, and this committee shall make known its nominations to the members of the league at least 15 days before the date of the annual meeting.

2. Any member of the league may be nominated for membership on the executive board upon the written petition of 10 members of the league, sent to the secretary at least three days before the date of the annual meeting. If there are such nominations in addition to the report of the nominating committee, then the secretary shall print a ballot containing all nominations, which shall be voted upon at the annual meeting.

3. Nominations may be made from the floor at the annual meeting.

4. The first annual election, after the adoption of these by-laws, for president and directors of the executive board, shall be held in December, 1914.

ARTICLE V.

STANDING COMMITTEES AND DEPARTMENTS.

1. The president shall annually appoint the following standing committees:
   (a) Membership.
   (b) Finance.
   (c) Education.
   (d) Publicity.
   (e) Legislation.
   (f) Cooperation.

2. The league shall be divided into six departments as follows:
1. State government.
2. Municipal government.
3. Social service.
4. Suffrage and women's welfare.
5. Schools and child welfare.
6. Public welfare.

3. The president shall, with the consent of the executive board, appoint such other committees as may be found necessary to carry on the work of the league.

4. On petition of 10 members a new department may be organized.

ARTICLE VI.

MEETINGS.

Besides the annual meeting in December, the league shall hold at least one meeting per quarter. Other meetings may be held at the order of the executive board. A meeting shall be called by the president upon a petition signed by 8 per cent of the members of the league, provided that not to exceed 20 in any case shall be required. A quorum shall consist of 30 per cent of the membership, or not to exceed 30 members.

ARTICLE VII.

RULES OF ORDER.

Roberts's Rules of Order shall govern the proceedings of all meetings of the league, of the executive board, of the committees, or of the departments in so far as they do not conflict or are not inconsistent with the provisions of these by-laws.

ARTICLE VIII.

AMENDMENTS.

These by-laws may be amended at any annual or called meeting of the league by a majority vote of those present, the proposed amendments having been first submitted a week in advance to the members of the league. The articles of incorporation may be amended at an annual or a called meeting by a two-thirds vote of the league, the proposed amendments having been first submitted a week in advance to the members.

ARTICLE IX.

RECOMMENDATIONS.

The executive board may recommend measures to the league for action. No position shall be officially taken on legislative matters except upon a vote of the league (at a meeting called for the purpose or at a regular meeting).

A. E. WOOD EXHIBIT.

A STUDY OF THE UNEMPLOYED IN PORTLAND, OREG., JANUARY–FEBRUARY, 1914.

During the winter of 1913–14, Portland, Oreg., like other large cities all over the country, was the center of a large group of unemployed men. Overcrowding the lodging houses and relief stations, such as the Men's Resort, Salvation Army, Portland Commons, the men finally organized themselves into an unemployed league, and petitioned the city officials to open for their use a large building formerly used for revival meetings, and known as the Gypsy Smith Tabernacle. After much difficulty and parleying, in which public-spirited citizens used their influence on behalf of the men, permission to use the tabernacle was finally granted, and in addition the city council appropriated $500 for the purchase of blankets and a small number of meal tickets. After these tickets were gone the men were sustained through contributions of

food and money, solicited by the men, with the help of the Oregon Civic League, and given by well-disposed citizens. While the hall was open the men themselves were responsible for the management and discipline, and it is to be said to their great credit that, under peculiarly trying circumstances, things proceeded with exemplary order, and the general morale of the city was so favorably affected that the crime rate was lower than it had been for years.[1]

The tabernacle was open from January 1 to April 1, excepting for a few days when it was closed and fumigated on account of a smallpox scare. During this time an average of 300 men were housed each night, and from 1,200 to 1,500 men were fed two meals a day. Reports were rendered each day to the secretary of the Oregon Civic League concerning the number of men who had been housed and fed and those who were sick; also, reports included lists of donations. The following is a specimen report:

Specimen report for January 18, 1914.[2]

SICK LIST.

	Temperature.
John Brandon	98.6
John H. Murphy	103.2
Charles O'Leary	98.6
Thomas Clark	103.2
Harry Anderson	100.2

BED REPORT.

	Number
Men furnished with beds	394
Men furnished with blankets	150
Men furnished with their own blankets	72
Men sleeping on floor without blankets	330
Total number of men sleeping in the tabernacle	946
Men fed for breakfast	1,384
Men fed for supper	1,530

The presence of these men out of work and sheltered in the center of the city gave rise to much discussion. Were they genuine workingmen or tramps and hoboes? Could they not find work if they had wanted to? Were they improvident with the money they had earned? Were they "agitators"? Was not the tabernacle drawing men to Portland who otherwise would not come here? Why are they out of work? These and many other questions were asked by the community, which at last in a somewhat spectacular way was compelled to consider the problem of the unemployed.

The following study is an attempt to answer some of these questions, not from the standpoint of any theory, but by the testimony of the men themselves. The occasion of the survey was the National Conference on Unemployment that had been called under the auspices of the American Association for Labor Legislation, to meet in New York City February 22, 1914. With the help of members of the executive committee of the Unemployed League, a questionnaire was drawn up for submission to the men. A specimen questionnaire is to be found below. The questionnaires were given to the men and filled out either by the men themselves or by men who were selected as clerks. There was no compulsion about the matter. The men were told that information was wanted for use at the conference in New York, the object of which was to secure legislation in regard to employment agencies and other matters affecting the problem of unemployment. The writer, together with Reed College students, mingled with the men as the questionnaires were being filled out and is satisfied that the 449 men from whom answers were secured were chosen generally from the total number of men frequenting the tabernacle, and that there is no reason for doubting the truth of their statements.

[1] A fuller account of the tabernacle and its opening is to be found in the April number of Welfare (Seattle).

[2] After the tabernacle had been open for a few days, the city health department sent a physician there each day.

Questionnaire as filled out by J. Reynolds.

Name: J. Reynolds. Age: 60. Birthplace: Springfield, Mass.
Married or single: Single. Residence: Tabernacle.
Trade or occupation: Laborer. Why did you come to Portland? For work.
Where did you come from and when? White Salmon; November 20, 1913.

QUESTIONS FOR MECHANIC.

Do you work at your trade exclusively? What is the average length of time each year your trade furnishes employment?
What work, if any, besides your trade do you do? Has there been as much work in your trade this year (1913) as last?
As in previous years?
Number of days employed January 1 to April 1, 1912: 90. Average wage per day: $2.50.
Number of days employed April 1 to December 31, 1912: 150. Average wage per day: $2.50.
Number of days employed January 1 to April 1, 1913: None. Average wage per day: None.
Number of days employed April 1 to December 31, 1913: 90. Average wage per day: $2.50.
What were your living expenses while working? $1.10. What were your living expenses while not at work? How much money did you have when you last quit work? $105. How was it spent? Food, shelter, clothing.
Why have you not money to keep you through the winter? Not enough work.
How long out of work? 90 days.
Give the last three places you were employed and why you quit.
(a) Kennedy Construction. (a) Job finished.
(b) North Western Electric Co. (b) Job finished.
(c) North Eastern Railroad. (c) Bad weather.
What are your views on employment agencies? No earthly use for them; ought to be closed up.
Remarks: Portland sends out a lot of pamphlets about the opportunities, but I have never been able to get work in the city.

I. Why are the men out of work?

The answer to this main question is discovered through replies to the following inquiries:

A. Why did the men leave their last jobs?

As can be seen on the questionnaire, the men were asked to name their last three places of employment and the reason for leaving each place. Altogether there were 1,284 reasons given for quitting work. They were as follows:

1. "Laid off" (includes "work shut down," "job finished," "bad weather," "no more work"	810
2. "Bad conditions" (includes "low wages," "poor food," "long hours"	188
3. "Quit" (no further reason given)	100
4. "Sick or injured"	83
5. "Discharged"	109
6. "Strike"	10
7. "Business failed"	1
8. "Placer exhausted"	1
9. "Mexican revolution"	1
10. "Served time"	1
11. "Deported from Florence, Oreg."	1
Total	1,284

Altogether, among the 1,284 men, 810, or 63 per cent, left their jobs because they were laid off; 296, or 23.2 per cent, just "quit," or left because of bad conditions; 109, or 8.4 per cent, left because they were discharged; 52, or 4 per cent, left because of sickness; and 10, or under 1 per cent, left because of strike. From this is can be seen that among these men involuntary unemployment is far more prevalent than voluntary unemployment.

B. What is the relation between the reasons men gave for being out of work and the length of time they are out of work?

The following correlation is made with a view of determining whether the men who leave their jobs because of alleged bad conditions of labor are out of work for a longer period than those who are just "laid off":

Correlation of the reasons why quit last place of work and the length of time out of employment.

Time unemployed.	Laid off.	Bad conditions.	Quit.	Strike.	Sick or injured.	Discharged.	Mexican revolution.	Failed.	Total.
Under 1 month	16	10	3	1		1			31
1-2 months	32	15	7		2	2	1		79
2-3 months	72	11	9		2	4		1	103
3-4 months	79	10	9		6	3			116
4-5 months	40	6	5	2	4	1			58
5-6 months	12	3	1						15
6-7 months	5	1	3		1				9
7-8 months	1				1				2
8-9 months	2								2
9-10 months			1						1
10-11 months	1				1				2
11-12 months									
Over 12 months	1			1					2
Total	262	66	38	4	19	11	1	1	413

From the foregoing table it does not appear that those who leave work because of "bad conditions," or who quit for no assigned reason, are out of work for longer periods than those who are laid off. Considering the groups according to months unemployed, the largest single group are those who are out of work from three to four months, numbering 116. Of these, 79 were laid off, whereas only 80 quit because of bad conditions or for no given reason.

C. What does the United States census tell us about unemployment in Oregon?

According to the 1910 census there is an average number of wage earners employed in Oregon manufactures of 28,750. In January (1909), the month of minimum employment, this average falls to a minimum number employed of 23,354, while in September this number rises to 30,978, because September is the month of maximum employment in Oregon manufactures. There is, then, a difference of 7,624 in the number of wage earners employed in the months of maximum and minimum employment. If these men found no new jobs they then remained unemployed during the slack months. Moreover, these 7,624 men do not include those who are employed in nonmanufacturing industries—e. g., construction work—who are periodically unemployed because of the seasonal and fluctuating character of their employment.

The following table, taken from the 1910 census, shows the seasonal differences in employment in Oregon industries:

Statistics in regard to wage earners in Oregon manufactures.

[Abstract of 1910 census.]

Industry.	Average number.	Maximum.		Minimum.		Number Dec. 15—			
		Month.	Number.	Month.	Number.	Over 16.		Under 16.	
						Male.	Female.	Male.	Female.
Artificial stone	28,750	Sept.	61	Feb.	34	66			
Baking powder, yeast	6	Nov.	6	May	3	5	1	1	
Boots, shoes	70	July	79	Jan.	61	54	4		
Brass, bronze	42	Jan.	42	Aug.	39	42			
Bread	619	Oct.	666	Jan.	575	477	101	3	
Brick, tile	825	July	747	Jan.	73	729	1	5	
Butter, cheese, condensed milk	430	June	515	Jan.	344	305	30	1	
Canning, preserving	681	Sept.	1,566	Feb.	113	969	533	45	36
Carpets, rugs	11	July	12	Jan.	9	9			
Carriages, wagons	62	July	65	Feb.	57	62			
Car-shop construction	777	Dec.	809	Feb.	694	694			
Men's clothing	546	May	660	Sept.	457	16	528		
Confectionery	363	Dec.	438	Jan.	317	138	289		
Cooperage, wooden goods	23	May	29	Oct.	13	20			
Copper, tin, iron	431	Aug.	520	Jan.	320	411	24		
Cutlery, tools	26	May	35	Jan.	20	26			
Dairymen, etc., supplies	7	May	12	June	1	11			
Flour, grist mills	264	Sept.	469	Mar.	240	270	1		
Foundry, machine-shop products	1,035	Apr.	1,190	Jan.	869	1,072			
Fur goods	51	Sept.	61	June	26	26	47		
Furniture, etc.	443	Oct.	492	Jan.	474	573	7		
Gas, electric light	39	Nov.	71	Apr.	26	39	6		
Hand stamps, checks	16	Feb.	17	Jan.	15	14	5		
Ice manufacturing	60	Aug.	111	Jan.	42	70			
Jewelry	31	Nov.	36	Jan.	29	34			
Leather goods	353	Dec.	367	Feb.	283	339	15		
Leather, tanned, finished	46	June	52	Jan.	45	49			
Malt liquors	204	July	229	Jan.	201	191			
Lumber, timber	15,000	June	16,000	Jan.	11,041	17,501	59	12	
Marble, stone	76	May	99	Jan.	63	74			
Mattresses, springs	25	Dec.	102	Jan.	21	82	13		
Metals, patterns	12	Mar.	12	July	9	11			
Patent medicines	20	Jan.	20	June	9	23	5		
Printing, publishing	1,450	Dec.	1,600	July	1,021	1,279	210	25	5
Rubber, tires	213	July	271	Sept.	153	188			
Sash, packing	350	Dec.	413	Mar.	246	434	3		
Steam packing	23	Oct.	34	Jan.	23	32	1		
Stoves, furnaces	96	Oct.	136	Mar.	61	113		1	
Surgical supplies	2	Nov.	7	Jan.	2	4	2	1	
Tobacco	167	Nov.	208	July	170	165	32	3	
Umbrellas, canes	4	Jan.	6	Apr.	2	2	4		
Woolen, worsted, felt	468	Dec.	573	May	420	330	214	10	4
All other industries	2,600								
All industries	30,700		30,978		23,304				

D. What is the testimony from employers themselves regarding unemployment in Oregon?

In a questionnaire sent out to employers by Prof. William F. Ogburn, of Reed College, concerning the laying off of men, 14 timber and construction companies replied that each year, as a usual thing, they laid off a total of 2,733 men for an average of three and one-half months. These companies that replied constitute only a small proportion of the total number of construction companies in the State.

E. What is the length of time that the occupations of the men in the tabernacle furnish employment during each year?

Three hundred and twenty-five men answered this question. The following table shows the distribution of the men with reference to the time their trade usually furnishes employment:

Time occupation employs.	Number of men.	Per cent of men.	Time occupation employs.	Number of men.	Per cent of men.
2 months or under	2	1	10 to 12 months	119	36.6
2 to 4 months	33	10.1	Uncertain or no work in trade here	9	2.7
4 to 6 months	88	27			
6 to 8 months	53	16.3	Total	325	100
8 to 10 months	21	6.4			

It is to be noted that 37 per cent of the men find regular employment at their trades or occupations for only six months or less, and that 53 per cent of the men find such employment for eight months or less each year.

F. How did the amount of employment in 1913 compare with the amount in 1912?

It was the almost unanimous testimony of the men that there was less employment in 1913 than in 1912. In answer to this question as to the relative amounts of employment, the replies gave the amount of employment in four divisions as follows:

The number of days employed from January to April, 1912, and the corresponding number for 1913; then the number employed from April to December, 1912, and the corresponding number for 1913. The tabulated results may be seen as follows:

Number of days employed in 1913, compared with number in 1912.

Days.	1913—Jan.–Apr.	1912—Jan.–Apr.	Days.	1913—Apr.–Dec.	1912—Apr.–Dec.
90–80	120	83	270–260	10	26
80–70	15	19	260–250	10	23
70–60	9	3	250–190	23	23
60–50	57	57	190–180	61	9
Number of men over 50 days	205	164	Number of men over 180 days	104	107
50–40	21	33	180–170	20	21
40–30	26	32	170–160	14	21
30–20	74	102	160–150	20	42
20–10	13	18	150–140	21	42
10 or under	0	0	140 or under	0	0
Total replying	381	329	Total replying	305	447

From this table it may be seen that taking the short period—January to April—with a maximum of 90 days, a greater number of men were employed for more days in 1912 than in 1913; that is, a majority of the men were employed for over 50 days during this period in 1912, and a majority for under 50 days in 1913.

Again considering the long period—April to December—with a maximum of 270 days—a majority of the men were employed for over 180 days in 1912, and for under 180 days in 1913.

The divisions of the year into industrial periods, January to April, and April to December, was made upon the recommendation of the men themselves.

G. What does the Fifth Biennial Report of the Bureau of Labor Statistics of the State of Oregon have to say about unemployment in Oregon?

The 1913 report of the Oregon Bureau of Labor Statistics has little directly to say about unemployment. However, hidden away in the tabulation of industries is to be found data showing the number of male wage earners each industry employs, and the days per year during which many of the industries operate. From this data it can be seen that in 16 industries, employing 26,116 men there is an average unemployment per man of 124.7 days per year, unless

the men in these industries found other jobs. The worst industries with respect to seasonal character, and resulting unemployment of their wage earners, are the fruit packing industries, operating only 78 days and employing 340 male wage earners; the salmon canneries, operating only 127 days and employing 850 white employees, and 185 Japs and Chinese; the lumber industry, operating only on the average of 182 days per year, and affecting 21,613 men; brick and tile manufacturing, operating only 175 days per year, and affecting 722 men. The list of 16 industries, and their slack periods are to be seen in the following table:

Male wage earners and days operating among 16 Oregon industries.

[From the Fifth Biennial Report of the Oregon Bureau of Labor Statistics.]

Industry.	Male wage earners.	Days operating.	Days not operating.[1]
Artificial stone	41	200	113
Barrels and kegs	34	240	73
Brick and tile	722	175	137
Carpenters (not including independent workers)	1,425	240	73
Cider and vinegar	90	200	113
Dyeing	86	306	6
Grain elevators	31	300	13
Fruit packing (omitting pieceworkers)	340	78	234
Mantel manufactures	17	294	19
Ice	200	275	97
Coal mining	165	252	61
Paper boxes	39	300	13
Salmon canneries (omitting pieceworkers):			
Whites	850		
Japs and Chinese	185	127	186
Sewer pipe	115	200	113
Soap	51	300	13
Lumber	21,613	182	130
Total	26,116		

[1] Based on a total number of working days of 313 per year.

Average number of days of unemployment for each man, 134.7.

There is a discrepancy of over 5,000 men between the average number of men in the lumber industry according to the Federal census (15,086) and the number according to the Oregon labor commissioner (21,613). This discrepancy is probably accounted for by the fact that the Federal census does not include 5,000 men in the woods (as it is a report on manufactures solely), whom the labor commissioner's report does include.

In regard to agricultural labor, the following meager but important data is included in the report of the bureau of labor statistics:

Cabbage industry, 423 wage earners employed for 60 days of the year.

Pruning and spraying trees, 695 wage earners employed for 252 days.

Rhubarb industry, 39 wage earners employed for 8 months.

Strawberry industry, 9,560 wage earners employed for 3 weeks.

The foregoing facts bearing upon the seasonal character of Oregon industries, including statements from the unemployed men, from employers, from the Federal census, and from the report of the Oregon Bureau of Labor Statistics, answer in part the question, Why men are out of work? But besides seasonal work another cause of unemployment is casual work. To show to what extent this was a factor in the problem of unemployment among the men in the tabernacle, it was ascertained what proportion of the men had trades and what proportion were common laborers. The presumption is that casual work would be more prevalent among common laborers than among men who claimed to have some trade. By a casual worker we mean not so much one who is unemployed as one who is underemployed, and whose usual reliance is upon work of an unskilled character that can be found here and there.

H. What proportion of the men were laborers?

Of the 445 men replying as to their occupation, 145 designated their occupation as "laborer," and 73 designated some form of unskilled labor; 227 men claimed some form of skilled labor, and among these 36 trades were represented. The list of occupations, skilled and unskilled, are the following:

Occupations of 445 men in the tabernacle.

SKILLED WORKERS.	
Machinists	11
Later	1
Silversmith	1
Miners	11
Cooks	25
Engineers	14
Stonecutter	1
Bookkeepers	2
Bolt maker	1
Linemen	2
Trainmen	8
Blacksmiths	4
Nurse	1
Painters	9
Molders	6
Roofers	2
Chauffeur	1
Barbers	4
Steamfitters	4
Plumbers	4
Cement workers	4
Bricklayers	2
Telegraph operators	2
Box maker	1
Boiler makers	5
Millwright	1
Shipwright	1
Oil worker	1
Brakemen	2
Musician	1
Ironworkers	3
Butchers	3
Timekeeper	1
Cigar makers	2
Switchmen	4
Printers	2
Linoleum printer	1
Firemen	11
Waiters	4
Mill hand	1
Carpenters	6
Cranemen	2
Skinners	3
Electricians	3
Tallyman	1
Metal workers	3
Car repairer	1
Shoemaker	1
Druggist	1
Auto mechanics	2
Carriage painter	1
Bridgemen	2

SKILLED WORKERS—continued.	
Motorman	1
Clerks	3
Packer	1
Varnish mixer	1
Paper-mill worker	1
Papier-mâché worker	1
Glass worker	1
Bakers	4
Sign painter	1
Ship rigger	1
Pressman	1
Jeweler	1
Drill runner	1
Watchmaker	1
Sack sewer	1
Toolmaker	1
Architect	1
Candy maker	1
Cleaner and presser	1
Tailor	1
Film operator	1
Furniture finisher	1
Nickle plater	1
Solicitor	1
Marble worker	1
Hotel workers	2
Draftsman	1
Upholsterer	1
Gas fitters	2
Salesman	1
Stage carpenter	1
Edge man	1
Paper hanger	1
Plasterer	1
Total	227

UNSKILLED WORKERS.	
Hod carriers	2
Gardeners	2
Ranchmen	4
Sailors	6
Loggers	22
Railroad construction men	10
Teamsters	22
Flunky	1
Stablemen	1
Hotel workers	2
Kitchen workers	2
Laborers	145
Total	218

Two hundred and twenty-seven men in 85 trades and 218 unskilled workmen and "laborers."

I. What proportion of the men follow one occupation exclusively?

Three hundred and thirty-five men answered this question; 128 stated that they followed one occupation exclusively and 207 stated that they did not. The presumption would be that those who worked at one occupation exclusively would be unemployed when they did not find their regular work.

J. How many men have alternative occupations?

Eighty-four men gave alternative occupations; the 303 remaining in the whole group either gave no alternative or stated that it was common labor.

This fact, combined with the fact that 53 per cent of the men find work at their regular occupations for only eight months of the year or less, would indicate that there are always at certain times of the year in Portland a large number of laborers who, whether or not they have trades, are forced to take what they can get. In dull seasons the usual army of casual workers is increased by skilled tradesmen who find no work in their regular employments and who must therefore take to common labor.

That this is so is confirmed by the number of men who apply for work at the municipal free-employment bureau, 50 per cent of whom, according to the manager of the bureau, would be classed as casual workers. The bureau keeps no record of applications for jobs. Its record of jobs filled for the first eight months of 1914 is as follows:

Male help for whom jobs were secured, January–August, 1914.

	Total number of men given jobs.	Number of jobs inside the city.	Number of jobs outside the city.	Number employed by the city.
January	1,128	1,078	37	63
February	948	898	37	213
March	747	720	20	304
April	670	658	12	.....
May	688	676	12	.....
June	699	690	9	.....
July	630	611	19	.....
August	502	464	38	.....

K. What was the evidence from the public press and from the unemployed themselves concerning unemployment?

Additional evidence as to the presence of large numbers of common laborers in the city last winter is contained in a statement in the Oregonian for December 16, and is of value because of the general conservative tone of this newspaper. The statement is as follows:

STATEMENT FROM THE OREGONIAN FOR DECEMBER 16, 1914, AS TO UNEMPLOYMENT IN PORTLAND.

"Demand for labor was never so scarce in Portland as it is at present. On account of the wonted unactivity in lumber and logging camps, railroad construction, and public-improvement work thousands of men in various parts of the territory tributary to Portland have been laid off. Many of these men are now walking the streets of Portland looking for work. Other large numbers have left the city, but labor agencies say that for every man who has left another has come.

"In addition to the thousands of idle workingmen, there are in the city the usual quota of loafers, men who never work, who take advantage of the existing inactivity to enlist in the 'army of the unemployed.'

"Employment agents, who usually have more orders for help than they can fill, now are unable to provide work for a single individual. One of the biggest agencies in town, one that had places for 2,000 men six months ago, yesterday was without a single order. Its big blackboard, on which the jobs in more active times are listed, was clean.

"In one or two instances men were wanted for such places as dishwashers or porters, and these were quickly filled. One agency needed 20 men to work in a lumber camp on Coos Bay, but the steamer fare is more than $7, and no man who applied had that much money.

"And no relief is in sight. Not until weather conditions permit will activity in construction camps and logging districts be resumed. Most labor men look for little or no demand for men until April."

STATEMENT CONCERNING LABOR CONDITIONS IN PORTLAND JANUARY–FEBRUARY, 1914.

[From Dan Emmett, a member of the executive committee of the Unemployed League.]

"I began to get data on the labor conditions in this part of the State about the middle of January. The Terwilliger Boulevard rock pile and the city work in

the streets and in the parks was about all the work there was. There was a little building going on at that time, but mostly tradesmen were hired. Mr. Brewster gave us 200 tickets good for a job each day on the rock pile, where a man could make 75 cents by breaking one-half yard of rock. He was only allowed 75 cents each day. All the other city work was for married men. I interviewed a great many sawmill and logging companies during the month of January and the first part of February, and was told by most of them that it would be 30 or 60 days before there would be much work to do. They all had more applicants for work than they could use, but most of them told me that they would be glad to help us in any way that they could. I kept in communication with the city and county commissioners who told me that they would recognise the Unemployed League when work was started. Mr. Daly, of the city commissioners, said that he would rush the municipal wood yard as soon as possible and give some of us work, but nothing has been done as yet. So a great many people continue to call us bums and tramps and say that we will not work. Mr. Yeon, who is interested in the Sandy River work which will be done by the county, told me it would be only a short time till they would start up a camp of 100 men from the tabernacle. A few jobs have come in lately, but they were only short ones. There have been a number of parties interested in annoying us. We have been notified that men were wanted at a certain place. We have sent them out where there was no job to be had. We sent 15 men out to Taggart to cut cordwood. There was a man there who had been hiring men, but needed none just then. A man who had a grudge against him had told us about the work. I have interviewed numerous contractors, who tell me they would be glad to remember us when they start work. Some of the logging companies told me they let the foreman do all the hiring. Anyone going out in the country would have to take his chances with another man who might have money to keep him in case he found no work. A great many prefer to hire from the paid employment agencies, where they have a standing order for men. One of the tabernacle men would have to walk or beat his way, for none of them have any money. That is the reason I wanted some of the companies to give some of our men a letter or something which would insure them a job when they arrived. With the exception of Larkin and Green, the Silver Falls, Hammond, and a few more companies, they seemed to think business would be very dull until they got a better price for their logs."

L. Would the men in the tabernacle have worked if they had had the opportunity?

All the evidence went to show that most of the men in the tabernacle would have worked if they had had the chance. Before the opening of the tabernacle the city council had begun to employ idle men in parks, and rounding street curbs, at $3 per day, working each man two days per week, and giving first preference to married men and to men who were on the civil-service list. According to the Oregonian of December 19 there were 5,000 applications for such positions. After the tabernacle was opened the city council then put men to work at the rock quarry on the Terwilliger Boulevard, paying 75 cents for breaking one-half cubic yard of rock. The experience with the men there was that there were not tools enough for all who wanted to work, and in less than a month, after 4,500 cubic yards of rock had been broken, the city officials felt obliged to close down the quarry. Altogether on relief work up to January 20, 1914, the city paid out in wages over $23,000.

On one occasion 80 men were sent out from the tabernacle to Cascade Locks to work for the Oregon-Washington Railroad & Navigation Co. Upon arriving at their job these men discovered that they had been sent out as strike breakers, and refused to work. The road had reduced the daily wages of 115 Italians and Greeks from $1.75 to $1.50, and the men struck to maintain the higher wage. Whether or not the men from the tabernacle were justified in refusing to replace the strikers each one must decide for himself. The facts of the case were printed in the Oregon Journal for March 15, and were ascertained by the secretary of the Oregon Civic League.

M. Were there then no "hobos" among the men in the tabernacle?

During its occupancy by the unemployed men the tabernacle was referred to as the "tramps" or "hobos" hotel. To large numbers in the community it is still inconceivable that worthy men should be out of work. The data heretofore presented should convince any open-minded person unemployment is a factor to be reckoned with by thousands of Oregon wage earners. The question remains, however, as to whether there were not among the legitimate workingmen some men who were not looking for work. If there were any

such the community is prone to cover its own responsibility in judging the whole group by the few who possibly could be held personally responsible for their unemployment.

But let us examine this question of personal responsibility. Students of the question are aware that in any group of unemployed men there are various classes, each of which is a product of social and individual circumstances differing from those affecting other classes. For example, besides the unemployed there are the unemployable. And who are the unemployable? Some are so because of no fault of their own, but because of sickness, old age, injury, or mental deficiency. Again, some may be held to a degree personally accountable because of intemperance, indisposition to work, or of viciousness. No possible classification can be made of these various groups until a study of them has been made and a work test submitted. Above all, the test should be a fair one. It is not fair to offer broken-down, underfed men work at crushing rock, and then to condemn them if they do not stick to the job. As one observed the slow file of men coming to and from the tabernacle one could see that the first need of many of them was medical care.

Eliminate the able-bodied willing workers, who constituted the great majority of the men; the sick, the infirm, and the mentally deficient, all of whom were entitled to relief and care; and the alcoholics, who were excluded from the tabernacle by the men themselves, and whom do we have left to hold personally accountable? A very small number of men—5 per cent perhaps—who have become indisposed toward work and who are not discomfited at having to live upon the community. Even in the case of these men society can not disclaim responsibility for their existence. The man who can find no work or who finds it only occasionally easily drifts into the class of those who are not anxious to work. Several men in the tabernacle declared that in coming West looking for work their funds had become exhausted and for the first time in their lives they had been compelled to take to the freight cars. It is easier to take the second ride than the first and the third than the second; so gradually the man who wants to work becomes the man who cares not whether he finds it or not. Probably there were a few such men in the tabernacle, but they constitute a grave problem for society to solve; no less than the able-bodied men who are looking for work.

N. Were there any "agitators" in the tabernacle?

Waiving the consideration that there is something wrong with an able-bodied man who wants work and can not find it, if he does not become an "agitator," a census was taken of 326 men as to whether they were union men or members of the I. W. W. Their replies are contained in the following table:

Not members of union	126
Members of union	102
Formerly members of union	12
Have union belief	21
Want one big union	5
I. W. W	14
No reply to question	46
Total	326

As a matter of history it was interesting to note that the executive committee of the Unemployed League had not long been organized when it became apparent that there was a struggle between radical and conservative members. The outcome of this struggle was that the I. W. W. element was either put out of the tabernacle or made to cease creating disturbance.

II. Why did the unemployed men come to Portland, and what was the effect of the tabernacle?

A. Testimony of the men as to why they came to Portland.

The men gave two chief reasons for coming to Portland:

(1) Three hundred and seven of the four hundred and forty-two men who replied to the question stated that they came to Portland in search of work. The "inland empire," which is tributary to Portland, creates a labor supply tributary to Portland. In this city are 18 male employment bureaus operated for private gain. If a man is in southern Oregon in search of work, he must come to a labor agency in Portland, even though the agency collects fees and sends the man back to a job in the district from which he came. In the Northwest, where the distances between industrial centers are so great, a man with-

out work frequently has the alternative of consuming a large part of his income in traveling to the nearest industrial center or of resorting to the illegal practice of riding the freight cars. One course leads to destitution and the other to vagrancy.

(2) Eighty-four of the four hundred and forty-two men stated that they came to Portland to "better their condition" or that they were attracted by the advertisements of the advantages of living in this State. Commercial clubs, the State immigration commission, and railroad companies send broadcast pamphlets about the opportunities in Oregon. Doubtless the purpose of this advertising is to attract persons who have sufficient capital to make an economic success; nevertheless it is an incontestable fact that these publications reach hundreds of workingmen who have nothing to offer but their labor and who are misled by the inexplicit and vague phrases of the advertisers. Once here they may come to realize, though only too late, that as wage earners they meet with the same fluctuating conditions of employment in Oregon as elsewhere.

Much wiser is the statement to be found on page 6 of the Fifth Annual Report of the Bureau of Labor Statistics, "By the automatic action of the law of industrial supply and demand, however, Oregon, as well as other States, rarely holds out any exceptional inducements to wageworkers, and all such who are comfortably situated elsewhere should be very sure of their ground before deciding to leave position and friends for uncertainties in a strange land."

The 51 men remaining gave various reasons for coming to Portland, of which many have to do with economic circumstances. For example, men come "to get paid off," "to get a ship," "to work for the Standard Oil Co.," "to work for the Oregon-Washington Railroad & Navigation Co.," "to settle in Oregon," "to get work in a sawmill."

The sum of the evidence as to why men come to Portland bears witness to the fact that Portland as the center of an extensive territory, reaching into Oregon, California, Washington, and Idaho, is of necessity a center for an army of migratory workers who depend upon hearsay and upon unscientifically managed labor agencies for their information concerning opportunities for work. If no work is found, men must remain in the city until work turns up, and if their stakes are spent they become entirely dependent upon the community for the necessities of existence.

B. Did the opening of the tabernacle attract men to Portland? After what has been said concerning the fundamental reasons for men coming to Portland, the question stated above assumes less importance. However, inasmuch as it was alleged that in giving shelter to the shelterless the community would be in danger of caring for more than its share, it is pertinent to inquire as to the effect of the tabernacle in drawing men to the city.

Three hundred and seventy-six men replied to the question as to how long they had been in Portland. Remembering that the tabernacle was opened January 1, and that the survey was made between February 10 and February 21, the following table shows how long the men had been in Portland:

	Over 6 months.	5-6 months.	4-5 months.	3-4 months.	2-3 months.	1-2 months.	Under 1 month.	Total.
Number of men	84	29	25	27	66	80	76	376
Per cent	22.3	7.7	6.7	7.1	14.4	21.2	20.2	100

From this it will be seen that 58.2 per cent, or 220 of the men, had been in Portland over two months; 80 men, or 21.2 per cent of the men, had been here from one to two months. As it would have taken a few days for notice of the opening of the tabernacle to reach men outside of Portland, some of these 80 men, say 50 per cent of them, would, in any case, have been in town. This approximates 70 per cent of the men who would have come to Portland whether or not the tabernacle was open.[1] As for the remaining 30 per cent who came to Portland after the opening of the tabernacle, it is difficult to prove that the tabernacle brought them here. The presupposition is in favor of their being here in any case, and of their being dependent upon the various overworked

[1] By actual count of 411 replying to question as to when they came to Portland, 134, or 32 per cent, said they had come since the 1st of January.

philanthropic agencies,[1] or living in the insanitary lodging houses, where in case of plague the community would have been far less protected than if the men had been under public supervision in a place like the tabernacle.

As additional evidence concerning the alleged effect of the tabernacle in drawing men to Portland, it will be well to note what places men came from.

Of the men who came to Portland from large cities on the coast between January 1 and February 10, 21 came from Seattle, 7 from Tacoma, 9 from Spokane, 2 from San Francisco, 2 from Los Angeles, and 3 from Vancouver, British Columbia.

Concerning the 21 who came from Seattle, it can be said that there was no need of their coming to Portland on account of the shelter that was offered here, inasmuch as Seattle had a shelter like the one in Portland, which was largely supported by the merchants in the community. (See Welfare for April, 1914.)

The outstanding fact concerning the question as to where the men came from is that 20 States and 100 towns and cities outside of Oregon were represented by the men in the tabernacle. It is hardly likely that the accommodations in the tabernacle were so comfortable as to attract men from New York, Salt Lake City, Denver, and Winnipeg.

Finally, if the tabernacle had been a leading cause of drawing men to Portland, one would have expected to find an increasing number of men frequenting the place. The fact is, however, that after the tabernacle was opened about the same number came there each day during January and February, and toward the end of March the numbers began somewhat to decrease. The following table, taken from the daily reports of the Unemployed League, makes this clear:

Number of men on the roster of the Unemployed League, December 29, 3,500.

Number of men eating and sleeping in the tabernacle.

Date.	Eating.		Sleeping.	Date.	Eating.		Sleeping.
	Morn.	Night.			Morn.	Night.	
Jan. 15[2]	1,240	1,269	297	Feb. 4	1,149	1,206	778
Jan. 19	1,425	1,340	803	Feb. 5	1,140	1,287	833
Jan. 23[3]			310	Feb. 12	1,200	1,200	888
Jan. 24	650	900	859	Feb. 19	1,205	1,400	885
Jan. 26	900	1,160	300	Mar. 12	1,120	1,100	910

III. Were the men improvident?

A. How much money did they have when they last quit work?

Among 430 men, who also stated the length of time they were out of work, the amounts they had when they last quit work were as follows:

Amounts.	Number of men.	Cumulative per cent.	Amounts.	Number of men	Cumulative per cent.
Nothing	6	1.5	Under $200	391	90.9
Under $25	120	31	$200-$224	11	93.4
$25-$49	76	49.3	$225-$249	3	94.1
$50-$74	66	64.6	$250-$299	8	96
$75-$99	37	73.2	$300-$399	6	97.4
$100-$124	34	81.1	$400 or over	11	100
$125-$149	15	83			
$150-$174	19	89.7	Total	430	
$175-$199	6				

Average amount each man had among whole group of 430 ..... $60.10
Average amount each man had among the 391 who had less than $200 ..... 34.22

[1] According to statements by W. G. MacLaren, of the Portland Commons, and Capt. Andrews, of the Salvation Army, these organizations did three times the amount of relief work during the winter of 1914 than they had ever done in any previous winter of their history.

[2] When reports first began to be filed with Oregon Civic League secretary.

[3] The small number using the place on this day is accounted for by the fact that the others from the fumigation after the case of smallpox were still strong.

It is to be noted that the 391 men who had less than $200 constitute 90.9 per cent of the whole group.

B. What did they spend their money for?

Altogether 440 men replied as follows in regard to what the money was spent for:

1. Living expenses (including board, lodging, traveling expenses, fees to employment agencies)	348
2. Sickness	52
3. Support of others	17
4. Drink	17
5. Recreation	2
6. Robbed	2
7. Miscellaneous	2
Total number of men replying	440

It is to be observed that 348 of the 440 men, or 79 per cent spent their savings while out of work for living expenses. No detailed statement was obtained as to amounts spent for each item under "living expenses." "Traveling," as an expense, however, was mentioned ——— times. In the West especially, the long distances between industrial centers force upon migratory workers the undesirable alternatives of spending all their funds for traveling expenses, or of resorting to the freight cars. While spending the summer at a point between Portland and Spokane the writer has had opportunity to see the freight trains pass, and passenger trains, too, for that matter, with men stealing rides in every conceivable place in and on the cars. In talking with these men, as they would sometimes be put off by the trainmen, they all told the same story of their attempt to reach the harvest fields, where they hoped to find work. Apparently, "our bumper crops" are gathered, in part at least, by wandering, homeless men who are forced to beg by the roadside bread that comes from the grain which they are eager to harvest.

Another fact to be observed is the number of men who spend their savings for sickness. "Sickness" was mentioned by 52 men as an expense. It is well known to all students of social conditions that among wage earners and their families sickness is one of the leading causes of destitution, to say nothing of the waste of human resources. The economic waste through sickness could be largely prevented if wage earners could take easy advantage of the means which science has discovered for the prevention and cure of disease.

It is further to be noted that 17 of the 440 men stated that they had spent their money for "drink." Drunken men and saloon loafers were not admitted into the tabernacle, and judging from the looks of the men and the general businesslike conduct of affairs in the tabernacle, the probability is that there was not a larger number of excessive drinkers among them.

C. How long were the men out of work?

This question is answered in two divisions:

(1) The length of time the group as a whole were out of work, and the correlation of this time with the average stake of the group as a whole.

(2) The length of time out of work of the 391 men whose stakes were less than $200, and the correlation of this time with the average stakes of this group.

Time unemployed of the group as a whole.

	Time unemployed.									Total.
	Under 1 month.	1-2 mos.	2-3 mos.	3-4 mos.	4-5 mos.	5-6 mos.	6 mos.	6-12 mos.	Over 12 mos.	
Number of men	29	62	103	115	66	10	5	9	1	400
Per cent of men	6.7	15.5	25.8	28.7	14.6	2.7	1.3	2.6	.1	100
Cumulative per cent.	6.7	22.2	48.1	76.8	91.4	94.1	95.4	98.0	100	.....

It is to be noted that the largest single group—115—were out of work from three to four months.

The average unemployment for each man since his last job in the group was 2 months and 22 days. This average is probably a little low, for the reason

that in the few instances where fractions of months were designated (as when a man said that he was out of work for 5 weeks or for 2½ months) these fractions were disregarded and the average ascertained only on the basis of whole months.

(*c*) How fast did they spend their money?

Remembering that the average amount of money possessed by each of the 490 men when he quit his last job was $80.10, each man would have spent his money up to the time when he came to the tabernacle at the rate of about $22 per month.

Time unemployed of the 391 men whose stakes were less than $200.

	Time unemployed.									Total.
	Under 1 month.	1-2 mos.	2-3 mos.	3-4 mos.	4-5 mos.	5-6 mos.	6 mos.	6-12 mos.	Over 12 mos.	
Number of men.....	29	80	94	106	55	15	7	3	.....	391
Per cent of men.....	7.4	20.5	24	27.6	14	3.8	1.7	.1	.....	100

We should remember that these 391 constituted 80 per cent of the whole group of 490.

(*c*) How fast did the 391 men spend their money?

The average unemployment among these 391 men was 2 months and 14 days. Remembering that the average amount that each of these 391 men had when he last quit work was $54.21, the rate of expenditure of their savings for these men, from the time they quit their jobs until they went to the tabernacle, was $21.85 per month. This would amount to about $5.46 per week. Considering that $8.04 is the minimum amount that, according to the Oregon Minimum Wage Commission, a factory girl can live upon in decency and comfort, it does not appear that these men were improvident in the use of their savings during the period of their unemployment.

D. But were the 39 men who had over $200 improvident in the use of their money?

The following table shows facts concerning the 39 men who had $200 or more when they last quit work, including data concerning where they came from and when, trades, the age of each man (except in a few instances where the age was not given), the amount of each man's stake, and the time he was unemployed:

Table showing age, where from and when, trade, amount of money when last quit work, how the money was spent, marital state, and time unemployed in case of 50 men whose stakes amounted to $200 or over.

	Age.	Where from.	When.	Trade.	Stake.	How spent.	Time unemployed.	Married or single.
1	.....	Canture, Oreg	March, 1913	Cook	$200	Clothes, food, shelter, traveling, sickness	2 months	
2	32	California	October, 1913	Trainman	200	Support mother, traveling	do	
3	.....	San Francisco	August, 1913	Molder	200	Railway fare, clothes, hotel expenses	.....	
4	36	Nome, Alaska	December, 1913	Rooter	200	Lent it; prospecting	.....	
5	.....	Montana	November, 1913	Lineman	200	Food, shelter, clothing, railway fare, sickness	3 months	
6	30	Hoquiam, Wash	February, 1913	Stationary engineer	200	Clothes, food	68 days	
7	43	Nevada	December, 1913	Miner	200	Living expenses, traveling, sickness	4 months	
8	23	San Francisco	January, 1913	Paper mill	200	Hospital doctor's bills	3 months	
9	40	do	August, 1913	Cook	200	Hospital	5 months	
10	22	Montana	November, 1913	Rooter	200	Clothes, food, shelter, whisky, women	14 months	
11	30	Milwaukee	1912	Molder	200	Living expenses	3½ months	
12	35	Salt Lake	January, 1914	Timekeeper	200	Living expenses and support of others	6 months	Married.
13	28	Seattle	December, 1913	Miner	200	Railway fare and living	4 months	
14	35	Chicago	May, 1911	Engineer	200	Doctor's fees	3 months	
15	.....	Spokane	December, 1912	Fireman	200	Clothes and other necessities	6 months	
16	39	Wenatchee, Wash	November, 1913	Waiter	200	Support of mother, clothing, shelter, food, railway fare	7 months	
17	47	Utah	December, 1913	Railroad work	200	Looking for work	3 months	
18	46	Seattle	February, 1913	Boiler maker	200	Fare to Canada to look at land	2 months	
19	39	Ottawa	1912	Cook	200	Doctor's bills	1 month	
20	34	New York City	April, 1913	Mechanic	200	Hillsboro land deal; auto repair shop	9 months	Do.
21	42	McCloud, Cal	.....	Engineer	200	Traveling, board, helping sick friend	2 months	
22	39	Seattle	October, 1913	Miner	200	Hospital fee; board	do	
23	35	Idaho	November, 1913	Logger	200	Traveling, drinking	do	
24	36	San Francisco	July, 1913	Sign painter	200	Sent to family	13 months	Do.
25	30	Umatilla	February, 1914	Baker	200	Traveling and living	2 months	
26	33	Denver	do	Laborer	200	Railway fare, living	1½ months	
27	34	Seattle	December, 1913	Candy maker	200	Traveling, living, sickness	4 months	
28	49	Wisconsin	1898	Butcher	200	Clothes, living expenses	do	
29	32	Chicago	1907	Machinist	200	Living (been on 2 years' strike)	2 years	
30	32	Tacoma	December, 1913	Fireman	200	Living	4 months	
31	36	Seattle	October, 1913	Marine fireman	200	Clothes	6 weeks	
32	41	Imperial, Oreg	December, 1913	Rooter	200	Traveling, sickness	4 months	
33	28	Pittsburgh	do	Machinist	200	Traveling	1 month	
34	45	Lewiston, Mont	February, 1913	Laborer	200	Room and clothing	12 months	
35	38	Montreal, Canada	February 1, 1914	Cook	200	Hospital	10 months	
36	31	Tacoma, Wash	January 15, 1914	Laborer	200	Clothes	18 months	
37	29	San Francisco	.....	Salesman	200	Traveling, clothes	3 months	
38	31	Port Richmond	February 1, 1914	Stage carpenter	200	Clothes, money stolen	4 months	
39	37	Salt Lake City	October 1, 1913	Cook	200	"Blowed it in"	do	

The following facts are to be noted:

1. Of the 35 men who stated their age 26 are under 40 years of age.

2. Excluding as abnormal the man who said he had been out of work for three years, the average unemployment of 37 other men who answered to the question was 4 months and 21 days.

3. The average stakes of 39 men was $330.

4. The average rate of expenditure would then be $70.23 per month.

5. Sickness was mentioned as an expense 12 times; support of others, 3 times; dissipation, 4 times; traveling, 16 times.

6. Thirty-six of the 39 men came to Portland from States outside of Oregon, Canada, the Atlantic coast, and the Middle West being mentioned as starting points.

7. Twenty-seven of the 37 who stated when they came to Portland said that they had been here over two months; 5 had been here over a year.

Judging solely from the statements of the men, without more detailed inquiry, and allowing for amounts expended for sickness, necessary traveling, and support of others, there do appear to be indications of improvidence among this group with comparatively large savings. Of course the men who admitted having squandered their "stakes" were improvident. But even among some of the others it does not appear why No. 37, for example, who has been out of work three months and who had $400 to spend on clothes and traveling, could not have kept himself from destitution within that time. Or again, No. 6, who had $200 and was out of work for four months, could, unless there were expenses which he did not mention, have lived upon his "stake." Only four of the group were married, viz, Nos. 11, 20, 24, and 39. Over against the instances of improvidence, however, should be set the case of the sign painter, No. 24, who was married and had sent his savings to his family, and who for some reason or other had been out of work for over a year. Among every group of 39 men there will be some who are improvident. Whether an especially larger proportion of those under discussion are so could be determined only by a more thorough investigation than is involved in this survey.

E. What were the earnings of the men during 1912 and 1913? Improvidence could be determined only on the basis of the earnings of the men. These it was possible to compute because the men gave the number of days employed and the wage per day from January to April and April to December, 1912, and the same for 1913. The results of this portion of the question are shown in the following table:

Earnings of 421 and 425 men in 1912 and 1913, respectively.

	1912	Cumulative per cent.	1913	Cumulative per cent.
Under $50	1	0.2	5	1.1
$50–$99	4	1.1	6	2.5
$100–$149	9	3.2	17	6.5
$150–$199	25	8.4	30	13.6
$200–$249	39	18.3	35	22.7
$250–$299	51	21.3	37	31.4
$300–$349	34	29.4	41	40.5
$350–$399	37	38.7	44	50.9
$400–$449	31	46.1	39	59.9
$450–$499	40	55.6	39	68.7
$500–$549	39	64.9	44	78.1
$550–$599	41	74.6	37	86.4
$600–$649	32	82.2	19	90.7
$650–$699	23	87.4	7	92.4
$700–$749	19	91.9	9	94.5
$750–$799	10	94.3	6	95.9
$800–$849	10	96.6	5	97.1
$850–$899	5	97.8	3	97.8
$900 and over	7	100.0		
Total number of men	421		425	

Average earnings, 421 men in 1912 ..... $501.68
Average earnings, 425 men in 1913 ..... 439.81

That over 400 men in the Northwest should earn only $501 on the average during 1912, and $439 on the average during 1913, compares with the statement of Scott Nearing, in Wages in the United States, that the average annual wage

of adult male workers in that section of the country north of Mason and Dixon's line and east of the Rockies is $650; that sometimes this average goes to $750 and sometimes as low as $550.

The earnings of the men in the tabernacle for 1912 and 1913, if distributed evenly over those years, would have meant $11.83 per week in 1912 and $8.79 in 1913. They do not seem to permit of any considerable degree of improvidence.

APPENDIX.

A. What were the ages of the men?

Four hundred and sixteen men replied to the question as to age, and their replies are as follows:

Age.	Number of men.	Per cent of men.	Age.	Number of men.	Per cent of men.
16–20 years	16	3.8	41–45 years	26	6.3
21–25 years	89	20.6	46–50 years	26	6.3
26–30 years	82	19.7	Over 50 years	36	8.6
31–35 years	80	19.2			
36–40 years	54	14.1	Total	416	100.0

From the above it can be seen that 44 per cent of the men are under 30 years of age and 63 per cent are under 35 years of age; that is, the majority are young men who ought to be adding to the productive resources of the Nation as well as to their own success and happiness.

What per cent of the men were foreign born?

Of 457 who replied to the question as to country of birth, 153, or 33.3 per cent, were foreign born. Portland has a present foreign-born population of about 21 per cent; that is, there were more foreigners among this group than among the population of the city as a whole. It is certain that when the Panama Canal will have been open 10 years the per cent of foreign born among wage earners coming to Portland will be much larger.

B. What proportion of the men were married?

Forty men said they were married; this is about 9 per cent. Married men who were residents of the city were the first who were given relief work in the various city departments. The associated charities were also active in helping the families of married men living in Portland. Generally speaking, the tabernacle was the resort of migratory workers who were not married, and whose only Portland address was the tabernacle.

C. What can be learned from personal histories of the men?

The following personal stories were secured through conversations with the men. All but one of them were obtained by a Reed College student who spent several nights sleeping at the tabernacle:

No. 1. This man was a fine-looking Swede, 32 years old, and weighing about 180 pounds. He had been employed at Wilsonville, Oreg., logging and wood cutting. He had come to Portland and spent all his money on a good time, and wanted to earn enough to pay his way back. He had been obliged to go to the place in the first place on a freight car.

No. 2. This man had come from California in November. He said that during the summer he had waited, with about 400 "white" laborers, near one of the California hop yards, expecting work, when the company brought in two carloads of Japs and sent the "white" laborers away. This man seemed to be fairly well educated. Recently he had worked several days at casual jobs, and one day on the city rock quarry. He "beat" his way out of town to take a job cutting wood, but when he got there he found that the man was paying only board and no wages. This made the unemployed man indignant, and he cursed him. He seemed very rebellious, and said that if he had a family he would shoot a man before he would let his wife and children starve. Coming from California he had stolen a ride for over 200 miles on the "Shasta Limited," riding the "blinds." He said that conditions were worse in California than in Oregon, because many men stay the winter in California on account of the climate. He said that in California the roads and creeks were lined with men who were living on walnuts and "spuds." He said that six years

ago he had come West from Florida, attracted by advertisements of the country. Once he had made $300 in the woods in six months, but had spent it all in a short time. This had occurred a long time ago, and he was still brooding over his folly. He was in wrath over the employment agencies that are in collusion with the foremen in order to get fees from the men, discharge them, and then divide the "stakes."

No. 3. This was a lad still in his teens. On account of his health he had come to Oregon from the Middle West where the doctors told him that he must get into a milder climate. He had been employed at agricultural work until the man whom he was working for gave the job to a relative. The boy then drifted to Portland, and being unable to find work drifted into the tabernacle. He spent one evening at a reading room in the North End that has been established by the Episcopal diocese. There a clergyman of the diocese talked with him and found that the boy wanted to take a job with the telegraph company, but had no money with which to buy a bicycle. The clergyman loaned him the money, and the boy got the job. A place was then got for the lad in one of the banks of the city, and he then also worked nights with the telegraph company. The boy has the job at the bank at the present time, and has repaid all the money that was loaned him. His wages at the bank have been raised thrice. He has since declared that during the winter when he was out of work he would have killed himself if he had not been afraid to do so.

No. 4. An Italian barber who had come to Oregon from Pittsburgh. In different cities all the way to the West he had tried to get work in his line, but was unsuccessful, possibly because he was not a union man. His clothes now were so worn that he could not make a good appearance. Said that he could not work on the rock pile, as the tools were poor and the work was too heavy for him. He said that the last three months he had been able to get only 10 or 15 days of work. He had been begging at the doors for dry bread until the opening of the tabernacle.

No. 5. Man of Irish and German descent about 43 years of age. Lost his wife and three children in the San Francisco earthquake. Lost his paper hanging and painting business. He tried to get his insurance from the insurance company, but did not succeed. This man looked sober and worried. He said that at one time he had made some money on an onion crop in California, but had paid it all out for sickness. Again he had had work in a lumberyard, when his leg was broken by a falling log, and the money he had saved was all gone before he got out of the hospital. He had attempted to start a paper-hanging business in Marshfield, Oreg., but came away from there and wanted to go to Australia. He brooded over his ill luck continually.

No. 6. A young Jew, aged 21, who had worked in a gold mine in Oaxaca, Mexico, until he got notice from the American consul to get out of the country. He had "beaten" his way up the Pacific coast, and wanted to go to his home in Chicago. He seemed not to be disturbed at the prospect of having to find a job and make his way without any money.

No. 7. An Englishman, 27 years old, whose home was in Liverpool. He was a photographer by trade, and had his camera materials in a trunk somewhere. He came to this country with money made in a camera exhibit. Came first to the United States and then went to Canada, where he went broke. Came back into the "States" in the "crow's nest" (cowcatcher). Has no hopes for the future. Used to worry about it, but now takes things as they come. Had worked in the harvest fields in Canada, but had acquired the wandering spirit, and wanted always to move on. At this time he was getting most of his meals by cutting wood and general work. At the rock pile he could not finish his one-half cubic yard in four hours; so he went back the next day. He said that he would go back to Liverpool again if he had the money.

LORENTSEN EXHIBIT.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: At the hearing in Portland, Oreg., on the 21st instant I was requested to submit in writing a brief statement on the four questions mailed to me, especially to give the figures I quoted:

1. *General labor conditions in fishing.*—To enable you to get at the facts, I must take you back as far as to 1866, when canning commenced on the Columbia

River, and quote some figures taken from the report of United States Commission on Fish and Fisheries:

Year.	Price paid per salmon.	Charged per case.	Year.	Price paid per salmon.	Charged per case.
1868	$0.15	$14.40	1873-1879	$0.25	$5.50-$7.00
1869	.20	13.00	1880	.50	4.50- 5.00
1870	.20	12.00	1881	.60	5.00
1871	.20	10.00	1882-83	.75	5.00
1872	.20	9.00	1884	.50	4.70
1873	.25	.00	1885	.75	4.00
1874	.22½	8.00			

Which proves that there was no relation between the price paid for salmon to the fishermen and the price charged the public for canned salmon. They paid as little as possible and charged all they could get.

In 1886 the packers offered 45 and 55 cents per salmon, the former for salmon caught by cannery gear and the latter for salmon caught by private gear. This offer was quietly but firmly refused, and on April 11 that year the Columbia River Fishermen's Union was organized and the price asked was 55 and 65 cents, resulting in a strike until May 15, when the union price was agreed to by the packers.

In 1887 the price was set to 80 and 90 cents and obtained without any trouble, and the following year the price was $1 and $1.25.

In 1889 $1 and $1.25 was the price set and obtained. The union thought it a fair price and would not ask for an increase that year, but the packers must have felt very generous, because they gave the fishermen free boats, and those who had their own boats received $40 in cash.

Thus with the union's assistance the fishermen in four years had received over $1,500,000 in clear cash over and above what they would have received had they remained unorganized. But this was not all. The fishermen had before been traveling from place to place; many of them settled down in Astoria, and on the banks of the Columbia. Feeling secured in their endeavor to earn an honest living and could see their way clear to support a family, many of them married, as men of common sense usually do.

As stated before, the fishermen through their union had reached as high a price as they thought was reasonable, and although the packers the previous year had given $40 to each boat, above the price set, they did not want to ask any increase for the season of 1890, and set the price at $1 and $1.25. However, the packers refused to pay the price set and a strike was the result.

The union was not as powerful as in former years on account of so many men getting on the river, of which the greatest part did not see fit to join the union, and probably was paid by the packers to stay out and assist the packers to break up the union. A compromise was agreed on and the men received $1 per salmon, and later on 75 cents was the ruling price; then to cap the climax the packers would not pay full price for a salmon unless it was at least 15 pounds.

In 1891-92 90 cents and $1 was the price; 1893 the price was 5 cents per pound, which we had for seasons 1894-95, the same price was also asked in 1896, but not obtained. A certain Mr. Norris, from the A. Booth & Co., Chicago, came to Astoria that spring and managed to organize the packers, presumably with the object in view to disrupt the union. It was said that said Norris got each packer to put up $10,000 in cash as a bond to not pay 5 cents per pound, and there must have been some such action taken according to statement made by one of the packers to myself sometime after the commencement of the strike, to wit: "I can promise and guarantee you 4½ cents, yes, 4¾ cents per pound and a little more, but you will never see 5 cents this season."

The strike was lost, compromised on 4 cents, and later that was cut to 2 cents per pound, and the leaders in the strike should not be able to deliver fish to any cannery on the river the following year.

2. *Operation of cooperative canneries.*—Cooperative cannery built: The leaders in the strike in 1896 and others, many of them with families and little homes of their own in Astoria and along the banks of the Columbia River, were not to be driven away by the packers, but they set to work and organized the "Union Fishermen's Co-op Packing Co." with a capital of $20,000, built a $33,000 plant, and put up 44,000 cases of salmon during season 1897.

The other packers certainly did the best they knew how to burst that company, every conceivable scheme from blocking the market to keeping supplies from that company, but thanks to a certain banker in town the packers did not succeed.

The cooperative company is the greatest blessing that ever came to the Columbia River. There never has been a strike on the river since it was organized in 1896-97, and the price has through the effort of the union and that cannery advanced from 4 cents per pound in 1896 to 6 cents per pound for salmon less that 25 pounds and 7½ cents per pound for salmon 25 pounds and over.

The following table will show the price paid for salmon on the river and the price obtained for the canned goods since that cannery was built:

Year.	Tall.	Flats.	Halves.	Ovals.	Half ovals.	Per pound.	Dividend (per ton).
1897	$4.50	$2.25				4 cents	
1898	5.20	5.00				4 cents	
1899	5.00	5.00				5 cents	
1900	6.40	6.00				do	$5.00
1901	6.20	6.00				5 and 6 cents	
1902	5.40	5.80				do	2.50
1903	5.40	5.80				do	2.50
1904	7.80	6.20	$3.60	$2.80	$1.20	do	10.00
1905	5.80	6.20	3.60	2.80	1.20	do	10.00
1906	6.00	6.40	4.00	3.20	1.60	do	12.50
1907	6.60	7.00	4.20	3.20	1.60	do	12.50
1908	6.00	7.00	4.20	3.20	1.60	5 and 7 cents	10.00
1909	6.00	7.00	4.20	3.20	1.60	do	12.50
1910	6.00	7.00	4.20	3.20	1.60	do	15.00
1911	7.00	7.00	4.40	3.40	1.70	5, 6 and 7, 8 cents	20.00
1912	7.00	8.00	4.80	10.20	2.00	do	30.00
1913	7.00	8.00	5.00	10.20	2.00	do	30.00
1914	7.00	7.00	4.20	10.20	2.00	do	15.00
	7.20	8.40	5.00	10.60	2.50	do	5.00

And this is not all; the other packers to keep their fishermen had to pay a certain bonus to them above the union prices on the river.

There is only one such company on the Columbia River and it has made good, its property could not at this date be duplicated for less than $250,000. Every fisherman fishing for this cannery receives the same for his fish, whether he be a shareholder or not. A shareholder gets 6 per cent interest for cash invested in stock, and there is no water in that stock.

3. *Labor conditions in cooperative canneries as compared with other canneries.*—The question of wages to the cannery workers received serious consideration and study during the first two years, and the conclusion reached was to pay as other canneries paid, sometimes a little more and also aimed to reduce the hours.

Up to the time of the introduction of the sanitary can, Asiatic labor was chiefly employed. This labor is still employed in other canneries and under a contract system; the contractor agrees to pack complete the entire production of canned goods for a fixed amount, say about 44 or 45 cents per case of 48 cans. The cannery guarantee the contracting firm a certain amount of cases and must pay for the stipulated number whether packed or not, the contracting firm in turn guarantee the packing company that he will furnish sufficient help to put up a certain number of cases per day. To put up 1,000 cases per day would require about 40 people, outside of labeling.

The cooperative company hire white help only; they are classified as follows: General labor, consisting of all office help, cannery superintendents, and foremen, fish receivers at cannery and all stations, and all launch crews. Canning labor, consisting of butchers, slimers, fish graders, gang-knife men, fillers, salters, cleaners, machine operators, workers about coolers and retorts, firemen, and salmon cooks.

Cold-storage labor: Butchers, splitters, slimers, salters, and general labor.

Can-making department labor: Superintendent, machinists, and general help required in the line of can making, which is all machine work.

The average pay for the spring season of four months in 1913 was as follows:

	Employes.	Per month, each.
General labor	30	$75.00
Cannery labor	57	58.50
Cold storage labor	19	57.27
Can-making labor	21	52.65

In addition to this there is labeling, box making, and barrel making, all of which are piecework. The fastest labeler may earn from $3 to $3.75 in nine hours and the slowest 50 cents, box makers from $5 to $7, and barrel makers about the same amount per day. The general average wages paid for the period mentioned covering all employees was $2.25, the highest $3.75, and the lowest $1.25 per day, the hours of labor being for the greatest portion nine, which is a reduction of one hour less than other establishments of same nature.

The sanitary and working conditions in the cooperative plant are incomparable with conditions where Asiatics are employed. This plant is the only one on the Columbia River in which you will find electric fans installed—this to keep the flies away from the fish. There are two large overhead and two smaller fans, one on each end of the filling table.

There is no aim at speeding up in this plant; the cost of production per case is equal to and at times more than it would cost to turn the packing over to a contractor.

4. *Obstacles to extension of cooperative movement.*—Chiefly lack of funds. A couple more cooperative plants on the river would solve the problem.

The Columbia River Fishermen's Protective Union very early realized that to perpetuate the salmon supply and through it the salmon industry proper protective measures, such as has been adopted for other salmon streams and proved of greatest benefit, must be adopted for the Columbia River, and to that end has spent a great deal of money and energy, but so far those who have become rich on the ruination of the industry have always managed by means best known to themselves to continue their destructive work.

During the 1901 legislative session a measure was passed in both houses prohibiting stationary fishing appliances in every river in Oregon and no commercial fishing permitted above tidewater—true salmon protection. But overnight it was juggled and Columbia River was out. The result of that law saved the salmon in every river in Oregon, except Columbia.

The salmon catch in the coast river had dwindled down to almost nothing. In 1901 the total catch of Chinook salmon in the coast streams of Oregon was less than 700,000 pounds and the silver salmon catch less than 3,000,000 pounds. However, through the law passed the Chinook catch in the same streams in 1906 had increased to 3,019,000 pounds and the silver catch to about 5,000,000 pounds, and this can not be laid to hatcheries, as it was too early to have any result from hatchery work; it was common-sense regulation; that is all. And since that cannery after cannery and cold storage has been built and they are all doing well.

In December, 1906, when in Washington, D. C., together with another gentleman, we called on United States Commissioner of Fish and Fisheries Mr. Bower, endeavoring to get his assistance in our effort to save the Columbia River Chinook salmon from the greedy wheelmen. It, however, did not take long to find out that he was on the other side of the fence; his action proved that he was more interested in saving the wheelmen than the salmon.

In 1908 a salmon protective measure was submitted to the voters of Oregon by initiative. It provided for the prohibition of all commercial salmon fishing in the Sandy River and in the Columbia River east of its confluence with the Sandy River. This measure carried by a majority of almost 20,000, and would have been the law had it not been for a conspiracy between the wheelmen and the State officials. Why, it seemed as if the whole State machinery from the governor down was set in motion to defeat the people. The attorney general applied to the Federal court for an injunction against a measure carried by the people, to enable them to tie up the whole salmon legislation enacted by the people until the legislature met—to have it all annulled there.

During the 1909 legislative session the destroyers of the salmon, with the governor and all his influence and all the influence that could be gathered together, managed through the manipulation in the legislature to pass a new

salmon law. Its heading was, "For the protection of the Columbia River salmon industry." It should have been headed as follows, "For the benefit of the stationary fishing-appliance owners, especially the wheelmen, and for the sure destruction of the salmon industry on the Columbia River," because in that measure it provided first to legalize "purse seines," a class of gear which is prohibited in every river in the civilized world, and in some countries not allowed within 7 miles of shore. Purse seines were prohibited in Oregon during the 1907 session. Traps and seines, with their small meshes and wheels, were allowed, just the opposite to what are allowed where salmon protection is in force. Yes, for the protection of the salmon such gear as have been condemned in every salmon river is legalized. Not satisfied with that they had to provide for more salmon for the wheelmen, as they are the ones who put up the great dinners for legislators, you see, as well as for others high up—something the fishermen could not do and would not do if they could. So to get more fish to the wheelmen the closed season had to be extended "for the protection of the salmon." So they agreed to close all fishing from March 1 to May 1; that is, no salmon can be taken during those two months, and the salmon goes up toward the spawning grounds. But they never get that far, unless there should be a freshet in the river, which, as a rule, there is not that time of the year, and the result is that Mr. Wheelman or his seines under Cililo Falls get the full benefit of the protection provided for for the salmon. But this is not all. A weekly closed season, from Saturday 6 p. m. to Sunday 6 p. m., during the spring season, when the bulk of the salmon is supposed to be caught by gill nets, was needed, but during the fall season, when the bulk of the salmon is caught by traps, seines, and wheels, there is no closed season during the week.

The United States War Department is also doing its share through the engineer's office in Portland, Oreg., toward unrest on the Columbia River. It is against the common law, according to court decisions, to place any stationary fishing appliances where they will interfere with the common right to fish. Copy of such decisions have been filed with the engineers, and they have been asked to not issue permits for trap locations on the common drifting grounds, and to submit to this union any requests for trap locations, so it could be ascertained first whether such trap would interfere or not. But to no avail. The gill-net men have, through the traps permitted by the United States Engineers on the Columbia River, been forced from some of their best fishing grounds and now have to fish in the channels and at the mouth of the river, but that is not all; an attempt was made some years ago to drive the gill-net men from the river; charges were filed with the War Department that the gill-net men obstructed navigation. A man was sent out from Washington, D. C., to investigate, with the result that the charges fell flat, and that the complainants were found to be a party interested in traps and fish wheels and a captain in the Army who has always been found to favor the trap men, and that the vessel delayed by nets was a Government boat out with a dancing party. That was in 1907.

During season of 1911 $75,000 will not cover the loss of the gill-net men caused by the War Department planting mines outside of Fort Columbia on the gill-netters' drifting ground. This was, however, stopped, and it was agreed that there should be no more mine practice during the fishing season, and there was none last year, but this spring mines were planted on the, or rather near the, Peacock Spit, at the mouth of the river, on one of the best fishing grounds on the river as well as the most dangerous.

The commander at Fort Stevens was asked to have said mines removed before the fishing commenced, May 1, because they constituted a menace to the lives and property of the gill-net men. That was early in April, but no answer. The mines remained, the fishing season opened, and with that the ripping and tearing commenced. Complaints were filed, and when they were to remove those mines it was found out that Uncle Sam did not have the wherewith to do it; two mines were removed, but the third remained to the end of the season, and $50,000 does not cover the loss to the men on their gear alone; then, add to that the time and fish lost.

This season an order was received from the Secretary of War prohibiting fishing on a certain area of the river, because a captain of a steamboat did not have common sense enough to keep a course along the river staked out with buoys, but had to run his vessel where the nets were the thickest.

An order was promulgated by the custom department applying a certain paragraph of the pilot rules to the gill-net boats, notwithstanding the fact that

such boats are not mentioned in the paragraph, but only "vessels when trawling, dredging, or fishing with any kind of drag nets or lines." This paragraph when lived up to by those who operate such gear as are mentioned in it will receive protection, but it has the opposite effect on the gill nets. And I can not understand how men with common sense could make such a rule as referred to, unless it was made to assist lantern merchants to make some money; it has surely not proven to be of any protection to the gill nets, and it has not prevented careless navigators from running down a fishing boat and sinking it, the man saving his life by getting hold of a rope's end hanging over the bow of one of the barges in tow by the steamer.

In other countries you will always find that the Governments are doing their very best to assist the fisheries and the fishermen, but not so here; here, apparently, the Government, State and Federal, is doing its best to assist special privileged parties, such as trapmen and wheelmen, although it is well known that such gear as traps and wheels will in time destroy the fisheries in any river if permitted to operate long enough, while it seems to hound the gill-net fishermen, notwithstanding the fact that gill nets are the only gear recommended by men who have made a study of the fish question.

Congressman Minor, a member of the Congressional Merchant Marine Commission, said in Seattle, Wash., on July 28, 1904: "The traps will do for you here to your salmon what they did on the Great Lakes to our white fish—practically exterminate them."

Very respectfully, yours,

H. M. LARNTSEN,
Secretary Columbia River Fishermen's Protective Union.

C. E. S. WOOD EXHIBIT.

PORTLAND, OREG., *August 22, 1914.*

To the COMMISSION ON INDUSTRIAL RELATIONS:

At the suggestion of Mr. Thompson I supplement my testimony with the following:

I have had so many appeals to me from laborers from the various railroad, lumber, construction, and other camps that I am convinced an arrangement was understood between the private employment agencies and the foremen of the camps to the effect that the private agency would receive its fee from the man who would be sent to the camp and employed for a day or two and then discharged upon some pretext, making room for another to go through the same process.

In expressing my anarchistic view that the possession of land ought to depend on its beneficial use, perhaps I did not make it clear that I quite understand that the more natural evolution and the easier to accomplish is the single tax or Henry George theory of the State taking the ground rent, or so much as it needs. I want to make it plain that I appreciate that these social changes proceed in the line of least resistance, and, in my opinion, the single tax is the line of least resistance, though I think finally the time must come when human society will depend on a voluntary cooperation impelled by an intelligent self-interest. It also occurs to me to suggest, as perhaps having some practical value for the commission, that the United States could make future grants of land permanently depend upon beneficial use and possession, with no possibility of acquiring a title permitting speculation in idle land.

A friend regretted that I did not express my views on strikes and boycotts. I will therefore say here briefly that the very fundamental principle of anarchism is the absence of force by any person or power toward any peaceable person, and the securing of the utmost personal liberty by peaceable people; therefore, I believe strikes, when peaceably conducted, are only the exercise of the absolute right of free men, and the same as to boycotts. If I have a right, for any reason that pleases me, not to patronize any dealer or industry, I have the right to persuade others to do likewise, and to my mind it is utterly impossible in true theory to make wrong a thing peaceably done by a number conspiring together if that thing was right when done by an individual, and if wrong when done by single individuals, the fact that a number do it does not make it right, not even murder. In short, numbers and so-called conspiracy have nothing whatever to do with the inherent right or wrong of a thing.

Yours, very truly,

C. E. S. WOOD.

The commission also will be doing good work if it can produce a popular understanding that "free speech" means the right to freely express an opinion on any subject whatever, the speaker being held personally responsible for his utterances—slanderous or riotous—but that no subject is sacred from discussion. The Government, the flag, God—where sacredness begins and the right to speak is qualified or permission must be asked free speech is at an end.

I have had an interminable and most disagreeable practice in legally fighting in the police courts for men arrested under all manner of pretexts—usually "obstructing the streets," false in fact; or "violence to an officer," false. The real crime being they were "preaching unrest."

C. R. S. W.

TAIT EXHIBIT.

Troy Laundry Co. report of employees week ended May 9, 1914.

Name.	Sex.	How paid.	Hours worked.	Wages.	Duties.
M. E. Howatson	Female	Weekly	54	$20.00	Office.
F. Elling	do	do	54	12.50	Do.
M. Howerton	do	do	54	10.00	Do.
C. V. Bampsen	do	do	54	15.00	Do.
M. H. Becher	do	do	54	17.50	Do.
Ella Bowe	do	do	54	12.00	Do.
E. Peterson	do	do	54	13.50	Do.
H. Feage	do	do	54	15.00	Do.
G. Howerton	Male	do	52	30.00	Do.
Arthur Ball	do	do	52	20.00	Foreman, distributing room.
J. Martin	do	do	52	17.00	Marking and distributing.
J. Clary	do	do	52	16.00	Do.
Mrs. Patterson	Female	do	52	12.00	Do.
M. Fenna	do	do	52	12.00	Do.
W. Wint	Male	do	52	20.00	Do.
Mrs. Applegate	Female	do	52	13.00	Do.
C. Hasbery	Male	do	52	16.50	Do.
R. Brower	do	do	52	20.00	Do.
A. Andrich	Female	do	52	15.00	Do.
B. Aldrich	do	do	52	10.00	Do.
Nora Casey	do	do	48	12.00	Rough-dry marking and distributing.
F. Fessler	do	do	42½	10.70	Do.
K. Maher	do	do	40	9.00	Do.
M. Miller	do	do	45	10.00	Do.
P. Metzger	Male	do	52½	33.00	Foreman, lower floor.
A. Hiersche	do	do	51	14.50	Rough-dry washer.
G. S. Casey	do	do	39½	10.00	Washer.
F. Hiersche	do	do	52	12.00	Do.
C. Chase	do	do	49½	15.00	Sorter.
D. Steigler	do	do	52½	10.00	Elevator boy.
O. Natemier	do	do	52	15.00	Wringer man.
N. W. Olson	do	do	51½	10.50	Washer.
O. McBee	do	do	50	12.50	Wringer man.
R. Franklin	do	do	49½	13.10	Hand washer.
Mrs. Kavanaugh	Female	16½ cents; by hour	45½	7.50	Do.
R. Sanders	Male	Weekly	52	15.00	Mangle checker.
H. Burns	do	do	52	14.00	Mangle counter.
J. Slowick	do	do	51½	12.00	Mangle department.
A. Gerolo	Female	14 cents; by hour	30	4.95	Mangle shaker.
R. Smith	do	16½ cents; by hour	30½	5.40	Mangle stacker.
M. Jacoby	do	14 cents; by hour	30	4.95	Mangle shaker.
A. Knox	do	15½ cents; by hour	47½	7.30	Mangle stacker.
E. Lenhardt	do	14 cents; by hour	30	4.95	Mangle side feeder.
R. Donovan	do	15½ cents; by hour	50½	7.75	Mangle shaker.
L. Stark	do	16½ cents; by hour	30½	5.40	Mangle folder.
L. Archer	do	15½ cents; by hour	47½	7.30	Do.
L. Dyer	do	do	47½	7.30	Mangle stacker.
M. Feigler	do	do	50½	7.75	Mangle folder.
S. Donovan	do	16½ cents; by hour	30½	5.40	Mangle feeder.
L. Webber	do	14 cents; by hour	47½	6.60	Mangle shaker.
L. Halgen	do	16½ cents; by hour	47½	7.90	Mangle feeder.
J. Meyer	do	14 cents; by hour	27	3.75	Do.
E. Schumacek	do	16½ cents; by hour	47½	7.90	Mangle folder.
Ellen Buchman	do	15½ cents; by hour	47½	8.70	Mangle feeder.
Elin Buchman	do	15½ cents; by hour	47½	7.30	Mangle folder.
D. Klatt	do	do	50½	7.75	Mangle shaker.
L. Webber	do	14 cents; by hour	27	3.75	Do.
L. Wiger	do	16½ cents; by hour	47½	7.90	Mangle feeder.
M. Marquardt	do	15½ cents; by hour	47½	7.30	Mangle folder.

Troy Laundry Co. report of employees week ended May 9, 1914—Continued.

Name.	Sex.	How paid.	Hours worked.	Wages.	Duties.
P. E. Golden	Male	Weekly	54	$33.00	Foreman, upper floor.
Geo. Hodel	do	do	53	30.00	Foreman, shirt department.
F. Atwood	Female	do	55½	6.00	Starch ladies' clothes.
E. Parenti	do	Piecework	47½	10.20	Starch shirtbands and cuffs.
T. Davis	do	do	47	8.70	Starch shirt bosoms.
B. Hansen	do	Weekly	51	12.00	Rough-dry starch ladies' clothes.
Mrs. Berthaler	do	10½ cents; by hour	48½	8.10	Starch collars.
A. Singer	do	13½ cents; by hour	52	7.05	Rough-dry starch room.
Mrs. Demmenin	do	16 cents; by hour	52	8.10	Starch collars.
L. Krause	do	20 cents; by hour	48½	9.70	Collar finishing.
A. Bosch	do	16½ cents; by hour	52	8.65	Do.
Mrs. Fruka	do	15½ cents; by hour	46½	6.45	Do.
Mrs. Melvin	do	Piecework	47½	7.05	Shirt finisher.
J. Mapes	do	do	48	12.85	Do.
T. Peterson	do	do	48	10.85	Shirt sleeves.
M. Facino	do	do	48	11.00	Shirt press.
F. Facino	do	do	48	10.30	Shirt sleeves.
Mrs. Yost	do	do	47½	11.15	Neckband and yokes.
C. Hansen	do	do	48	9.35	Neckband press.
J. Boyer	do	do	48	9.80	Neckband folder.
A. De Witt	do	do	48	11.50	Bodies and sleeves.
B. Gagan	do	do	44	7.75	Do.
M. Gardner	do	14 cents; by hour	45	6.25	Shirt dampener.
Mrs. Bolton	do	Weekly	51	9.00	Seamstress.
M. Zanella	do	15½ cents; by hour	53	7.95	Body ironer finisher.
Mrs. Prior	do	16½ cents; by hour	52	8.65	Do.
M. Reese	do	do	51	8.50	Underwear and socks department.
E. Von	do	15½ cents; by hour	47	7.20	Do.
L. Facino	do	18½ cents; by hour	51	9.45	Handkerchief mangle.
M. Rutte	do	16½ cents; by hour	50½	8.40	Do.
M. McBeath	do	Weekly	52	12.50	Fancywork, ladies' clothes.
Mrs. Grecham	do	15½ cents; by hour	46½	7.75	Seamstress, ladies' clothes.
Mrs. Albrecht	do	15½ cents; by hour	47	7.45	Hand ironing.
C. Bosch	do	16½ cents; by hour	49½	8.10	Lace curtains.
L. Tuchelke	do	Piecework	48	11.85	Ladies' clothes ironing.
A. Tuchelke	do	do	48	12.10	Do.
Miss Ross	do	do	45	7.85	Do.
B. Sells	do	do	45	10.65	Ironer.
Mrs. Scott	do	do	13½	1.53	Do.
Mrs. Peters	do	do	10	2.45	Do.
A. Harju	do	16½ cents; by hour	51½	8.60	Body ironer.
B. Erickson	do	15½ cents; by hour	50½	7.75	Do.
E. E. Hemmett	Male	Weekly	54	22.50	Engineer.
C. E. Gargeon	do	do	54	21.00	Do.
A. P. Cawley	do	do	60	18.00	Watchman.
E. D. Heverstine	do	do	60	15.00	Do.
H. Johnson	do	do		15.00	Hostler.
F. S. Dimmitt	do	do		15.00	Do.
E. R. Hall	do			[1] 12.00	Driver.
F. P. Brown	do			[1] 12.00	Do.
C. P. Williamson	do			[1] 12.00	Do.
G. W. Fultz	do			[1] 12.00	Do.
George Callahan	do			[1] 12.00	Do.
J. C. Fox	do			[1] 12.00	Do.
A. Rosenthal	do			[1] 12.00	Do.
E. D. Watson	do			[1] 13.00	Do.
W. J. Losber	do	do		15.00	Do.
H. Haise	do	do		[1] 12.00	Do.
C. B. Lance	do			[1] 12.00	Do.
T. V. Harnden	do			[1] 12.00	Do.
C. W. Lyons	do			[1] 12.00	Do.
C. T. Hale	do	do		23.10	Do.
E. Touhey	do			[1] 12.00	Do.
J. Hohman	do			[1] 12.00	Do.
C. Westervelt	do			[1] 12.00	Do.
N. T. Powell	do			[1] 12.00	Do.
W. Gardiner	do			[1] 12.00	Do.
E. Hopkins	do			[1] 12.00	Do.

[1] And 5 per cent.

OPEN AND CLOSED SHOP CONTROVERSY IN STOCKTON, CAL.

(For exhibits under this subject, see pages 4904 to 4909.)

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Tuesday, August 25, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Garretson, O'Connell, and Weinstock; also W. O. Thompson, counsel.

Chairman WALSH. You may proceed now. The witnesses are here.

Mr. THOMPSON. Mr. Irish.

Commissioner WEINSTOCK. Mr. Irish is here. He was in here a moment ago. He must be outside somewhere now.

TESTIMONY OF MR. JOHN P. IRISH, JR.

Mr. THOMPSON. Please give us your name.

Mr. IRISH. John P. Irish, jr.

Mr. THOMPSON. And your address?

Mr. IRISH. Stockton Chamber of Commerce.

Mr. THOMPSON. And your occupation?

Mr. IRISH. I am secretary of the Stockton Chamber of Commerce.

Mr. THOMPSON. How long have you been secretary of the Stockton Chamber of Commerce?

Mr. IRISH. With your permission—it was my understanding—I do not know how many of these formal questions are necessary; but it was my understanding I was to be permitted to make an uninterrupted statement.

Chairman WALSH. Just answer the questions, please, until we get to that, Mr Irish.

Mr. IRISH. Yes; surely. I beg pardon.

Mr. THOMPSON. Just laying the foundation to establish who you are.

Chairman WALSH. Go ahead and ask him the questions.

Mr. IRISH. What was the last question?

Mr. THOMPSON. How long have you been secretary of the Stockton Chamber of Commerce?

Mr. IRISH. A year and three months.

Mr. THOMPSON. Prior to that, were you engaged in business in Stockton or on the coast?

Mr. IRISH. Prior to that time I was connected with the United States Department of Agriculture, and had my residence in Stockton in connection with that work.

Mr. THOMPSON. For how long a time?

Mr. IRISH. A period of two years.

Mr. THOMPSON. Two years?

Mr. IRISH. Three years.

Mr. THOMPSON. How long have you been a resident on the coast here?

Mr. IRISH. All my life.

Mr. THOMPSON. All your life?

Mr. IRISH. Yes, sir.

Mr. THOMPSON. Now, Mr. Irish, you may go ahead and tell the story of conditions industrially at Stockton as you understand them.

Chairman WALSH. Say, first, I think the commission would like to hear about the organization, the aims and objects, and the length of time it has been in existence, etc.

Mr. IRISH. With your permission, I will reach that in the regular course of the——

Chairman WALSH. Well, would it disturb you too much just to state it now? We are trying to get this logically, as we have at other hearings.

Mr. IRISH. The length of time that the organization has been in effect?

Chairman WALSH. The aims, objects, and the length of time of its being.

Mr. IRISH. The organization has been in being for a period of a year. Its aims and objects I would prefer to file with you rather than to attempt to state myself. They have been very concisely drawn up.

Chairman WALSH. Have you them with you?

Mr. IRISH. Col. Weinstock has them. No; I don't think I have. With your permission I will read them. I don't want to let my memory transgress the written record; that is all. [Reading:]

"This association is formed to protect the industrial interests of Stockton and general territory; to establish equitable industrial conditions for employers, employees, and the general public; to prevent and avert industrial disturbances; to harmonize differences between employers and employees with justice to all concerned, and to assist in the enforcement of the laws of the land; to oppose restriction of output, sympathetic strikes, lockouts, boycotts, and illegal persecutions of individuals, all of which are a menace to the industrial progress of our community and our country, and tend to the undermining of constitutional rights; to secure for employers and employees the freedom of individual contract in the matter of employment, and to insure everyone in his right to earn a living, regardless of his membership or nonmembership in any organization; to prevent any interference with persons seeking through honest effort and work to earn a living; to protect everyone in his lawful right to conduct his business or affairs as he deems proper so long as he does not encroach on the rights of others."

We have pledged ourselves to stand firmly for the open shop and to lend our united and individual support without reservation to the maintenance of the same. We understand the open shop to mean the exclusion of the use of the union label, the union stamp, and union display card from our places of business and our products, and the elimination of the signing of other agreements between our members and labor organizations. We have guaranteed our hearty support in all honorable ways to the members of the association and officers and committee in the handling of all labor controversies. We are unalterably opposed to low wages, long hours, and insanitary conditions.

Chairman WALSH. You may proceed with your statement.

Mr. IRISH. That covers it at this point fully, as I understand it.

Chairman WALSH. Proceed with your statement, then.

Mr. IRISH. As I understand it, the matter the commission is interested in is the causes which led up to the present situation in the city of Stockton. Those causes are of somewhat long duration. I don't propose to multiply instances, but with your permission, to file the matter under the three most prominent heads and to cite at least one instance in each case to prove my point.

Now, the matter seems to put itself in this way: First, as to the attitude of organized labor in the city of Stockton toward the business interests of the employers, and as to that I will cite you one single instance in the case of the five-and-a-half-day week with six days' pay. This is a stipulation which has been enforced against the planing mills in the city of Stockton as well as against the carpenters and others engaged in building-trade lines. At the time that this was put into effect in Stockton there was no objection on the part of the contractors particularly—any of the building contractors. The objection came from the planing mills because they were shipping goods into competitive territory with San Francisco and that zone lying between San Francisco and Oakland, and Stockton. Their protest was voiced in this way. They said they had no objection to the installation of this rule if it was enforced equally against competitors who were operating under closed-shop conditions. In other words, they wished, if this thing was to be enforced, that it be enforced against all men selling goods in the competitive territory in order that they might not be put to a disadvantage in the competition.

The answer they received was that it didn't make any difference whether it was enforced in San Francisco or Oakland or not; it was going to be enforced in Stockton. The fact was that for a considerable part of the time after the Stockton Planing Mills—under the closed shop Stockton Planing Mills have been operating to disadvantage with competitors in the same territory and under the same labor jurisdiction. The effect of that has been to hamper, cripple, and increase materially the cost of output and put them materially to disadvantage with competitors. I might cite instance after instance of that sort. If the commission desires, we are perfectly willing to file other instances, but I am not going to cite them at this time.

Chairman WALSH. Perhaps you might suggest two or three more.

Mr. IRISH. I prefer not to do that, because if I do there are so many instances that we will have to multiply, and we might file them with the commission, if you so desire.

Chairman WALSH. Probably you better give two or three more.

Mr. IRISH. Let me cite another instance along the same line. The electrical workers' union of the city of Stockton is composed approximately of 47 members, if I am not mistaken, nearly half of whom are in the employ of one electrical contractor.

Some time ago—some three years ago, I believe; but I am not quite sure as to dates; it can be made a matter of record if you will—there was a question as to hours and wages raised between the carpenter contractors and their employees and the electrical contractors and their employees. The demand of the men was for an increase in the scale of the carpenters from $4 to $4.80; for an increase in the scale on the part of the electrical workers from $4 to four dollars and a half. These demands, after some little trouble, were granted.

Immediately subsequent to the granting one of the electrical contractors in town bid on a $27,000 job in the city of Stockton, and he bid on the basis of the new scale. The day after his bid was accepted and his bond was posted he was informed that the electrical workers' union had made another increase in the scale from four dollars and a half to $5 a day, which he would have to pay. He told the business agent that he had made his bid and filed his bond on the assumption that the scale was still in effect; that he had had no notice. But they said, "It does not make any difference; you will have to pay the scale." He said, "Can't you show me some way out of this?" They said, "No; the scale is on; it will have to be paid." The net result was that, by his own statement, on a $27,000 job, his increase amounted to $2,700—$2,900—a little over 10 per cent. Ordinarily you figure—I don't know just how some contractors figure their profit; but I take it 10 per cent is a fair profit. In this case, then, if the profit be 10 per cent, he forfeited his profit and paid $200 for the privilege and pleasure of affording his men an opportunity to work. Now, that is a citation along the same general lines. So much for that phase of it. As to the relationship or attitude of the union——

Chairman WALSH. Will that give us a fairly good view of those things which seem to make it impossible to exist under those conditions? Does that give a pretty fair idea?

Mr. IRISH. That gives a pretty fair view.

Chairman WALSH. Will you cite any other instances?

Mr. IRISH. I do not think it is necessary, because that concerns both the attitude of the union toward the interest of the employer on the job and toward the interest of the employer in the distribution of his fabricated product over the territory in which he deals, if you please, which I think covers.

Chairman WALSH. That satisfies you?

Mr. IRISH. That satisfies me as a broad enough statement to cover that phase of the condition, if you please. Now, as to the attitude of organized labor toward the relationship between the employer and the men with whom he does business. Again I might multiply instances, but I will cite one in point, which, I think, fairly covers that phase of the situation. Again with the electrical workers' union. I am not citing or singling them out particularly, because they are no better or no worse than the rest of them, but simply because the incident occurs to my mind. In the electrical workers' union, an employing electrical contractor needed two more men on a certain job. In order to secure these men, as he was under the closed shop, he went to the business agent and said: "I want two more men." He said that he could get two men, and gave him their names. He said, "I don't want those two men; I won't employ them, because I have twice discharged one of them for failing to give me a day's work for a day's pay—for malingering on the job; and the other man I hired to do some inside wiring in a house that was already in occupancy—some repair work—and when he went down to work the lady of the house was alone, and he asked for a drink of water. She told him that he could find all the water he wanted in the refrigerator, where it was cool, on ice. He went to the refrigerator, and the man who kept the house was of a convivial habit, and he found a bottle of whisky also in the refrigerator, and he yielded to the temptation lots of us have yielded to, and he proceeded to consume that bottle of whisky, with the result that he got disgustingly drunk on the job, frightened the lady of the house nearly to death, messed the wiring all up, and generally made hash of things.

With the net result that the next morning the man who had employed his employer to do that job came down to the office and made things mighty unpleasant, with the net result that the man was discharged, as I think he should have been. Now, very naturally that contractor doing the work in the houses of various people about town did not desire to have a man of that type in his employ and he told them so. And they said, "Well, they are all the men that we have got available at this time." So the man said, "Well, I will send out of town." And they said, "You can try it if you wish." He sent out of town and brought two electrical workers up there, both union men, both with union cards; got them from San Francisco or Oakland, I am not sure which at this time. And they were met by the business agent and told that two brother electricians in town were out of work and that no outside workers naturally could be allowed to come in until those two members in good standing had work. The result was he was forced to drag along that job and make excuses and that sort of thing, because he could not get the men to do the work.

Now, one step further, the attitude of the labor organizations in Stockton as it has exemplified itself toward the relation existing between employer and employee, and this, gentlemen, really is the most important phase of the situation as it affects us in some ways: The Sperry Flour Co., operating on the same basis that every flour company on the coast is operating, were approached by the unions and told that their five engineers must join the union. The Sperry Flour Co. told them that they had no objection to the men joining the union, if they so desired, and they were perfectly willing to call them in the office and tell them so, and they meant it. The union said that they had been endeavoring for a considerable length of time to get these men to join the union and they had refused to do so, and that they must join the union or the Sperry Flour Co. would be boycotted. The Sperry Flour Co. said, "We have nothing to do with the affiliations of these men. If they choose to join a labor organization they are perfectly free to do so. We put no stone in their path if they do join, nor will we compel them to join." The labor organizations met and declared a boycott on the Sperry Flour Co., placed a picket in front of their place, and put a State-wide boycott in effect against the Sperry Flour Co.

Now, it was apparently a matter of indifference to organized labor that these men were working the hours, were receiving the scale, and in some instances better than the scale, were working under better conditions than were demanded as a fundamental by the unions, and were perfectly satisfied with their work. It was a matter of indifference to the unions that those men were perfectly satisfactory to their employers. They demanded the signature of an agreement under which the Sperry Flour Co. would not employ anyone but union men, and the Sperry Flour Co. refused to discharge those men for refusing to join the union, and therefore were boycotted. Now, all this leads up—and pardon me for trespassing on your time, all this leads up to the underlying conditions which led to the formation of our organization. It came to this—these conditions came to a crux with the boycott on the Sperry Flour Co. Now, not in a professional way at all, but merely for your information, let me say this, that the principal industries in the city of Stockton are its flour mills, its machine shops, its warehouses, and its various distributing and jobbing plants. The two largest pay rolls in the city of Stockton are paid by the Holt Manufacturing Co. and the Sperry Flour Co. Conditions at the time this boycott was levied by the unions against the Sperry Flour Co. had become such that the larger employers of labor were reaching that point where they refused further to be put under the unfair domination that they had been under, and where the Holt Manufacturing Co., which was not operating a union shop, was practically in a mood to decide that they would go elsewhere, where they were not subject to the continuous attack that they were subjected to in the city of Stockton. In other words, the continuance of this method and policy which I have attempted very briefly to outline to you, meant the withdrawal ultimately, and perhaps immediately, from the city of Stockton of two of its most important industries, upon which an enormous number of subsidiary companies depended.

For instance, with the Holt Manufacturing Co., a great deal of their casting was done by small, independent foundrymen of the city of Stockton, who depended very largely on them for a livelihood. The same matter to a degree applied to the other small manufacturing plants in town. The building contractors and erectors depended indirectly on the continuance of the Sperry pay roll and the expenditure of that money by the men. Their removal from town meant a very heavy drop in the building contracting business. The building

contractors themselves were not altogether satisfied with conditions—none of us were—but the underlying and contributing cause to the formation of the organization was not only our exemption from unfair exactions, not only the restoration to us of the power to have some liberty and latitude in the type of men that we hired, but our relationship to them; and fundamentally, and under all that, it was the perpetuity and growth of the city in which we live. Now, I will go just one step further and then I will come at the formation of the organization which you asked for. One of our principal objections, which I have not touched on, to the continuance of this condition in the city of Stockton, lay in the fact that whenever any question arose between employer and employee and was carried to the local union, and there was a question of some little difficulty of coming to an agreement, we were immediately met with the condition of outside men, who had no interest in the city and no stake in the city—not property owners, not taxpayers—to whom the growth and prosperity of the city meant nothing; they were brought in to settle the dispute and the matter taken out of the jurisdiction of the local union, which left us in the position of being under alien judges and under their thumb. It was a condition which rapidly became insupportable. So, following the Sperry trouble, came a dispute with the bartenders over at the Hotel Stockton—not with the bartenders, but with the bartenders' union. They had always operated as an open-shop plant. The bartenders, of their own volition—they were all good men in their trade and could have gone elsewhere and gotten positions; some of them were recruited from first-class hotels in other places and would have had no difficulty in going elsewhere and getting a position. They were working seven days a week and under conditions which gave them time off when they wanted it, and they were satisfied to remain under that condition.

One of the bartenders was discharged for cause, after a dispute with other bartenders at the bar, and as a result—not, I think, to spite Mr. Wagner, the proprietor, but for the purpose of venting his ire against the other bartenders with whom he had quarreled—of course this is all surmise on my part, but I think the circumstances bear me out—this bartender went and complained to the union that these men were working more than the union hours per week. The demand was made of Wagner that he force them to work union hours or discharge them, which he refused to do. The natural result was that the Hotel Stockton, which had been built by popular subscription in order to get a first-class hotel in the city of Stockton—a hotel in which we not only had a pride but in which a great many of the citizens had an interest, large or small—was boycotted, and that took this phase: They had a black banner with a yellow rat on it, and they had one man constantly parading up and down the curbstone in front of the main entrance to the hotel. Whenever a bus arrived from the train—at that time all the tourists came to the Stockton Hotel, because it was the first-class hotel in town—they were confronted with the banner; they always had two men there then, who walked back and forth in front of the bus in order to disturb the passengers to the hotel.

Not from the standpoint of Mr. Wagner or the standpoint of the hotel that we felt this thing was an outrage, but it put our city in a very unfavorable light to incoming men who might or might not be prospective investors or settlers. They picketed the bus at the depot; they applied at times vile epithets to the men and women for getting into the bus and going up to what they called "a scab hotel." This wasn't pleasant. It wasn't conducive to our pride in our city or conducive to a favorable attitude on the part of the stranger coming in, the use of those two banners. The Sperry boycott and the trouble at the Stockton—from these came the inception and formation of the organization which has been formed since, the merchants, manufacturers, and employers' association. It was not formed by an imported outside agitator. I say that for your information and I know, because I was present at every meeting that led to its formation. It was formed by citizens and employers of the city of Stockton. Its constitution and by-laws were adopted and platform and principles were outlined before we even had a paid man to take general directory charge of the detail work in the organization, and ultimately when the organization came along we brought in Mr. Calkins, of Sacramento, an old newspaper man, and a man of reputation, who had a standing as being able to talk intelligently and present matters in an intelligent way. We brought him to assist us in the detail work of the organization. As to our platform, as to our principles and by-laws and organization, they were formed and have been carried on without exception by the citizens, property owners, taxpayers, and employers of the city of Stockton. Now, so much for our organization. Do you want me to talk on further? And with your permission I am not going beyond the 8th of July.

Commissioner Commons. May I ask a question?

Mr. Irish. Surely.

Commissioner Commons. Is there a chamber of commerce and also an employers' association?

Mr. Irish. There are both. The merchants, manufacturers, and employers' association—let me explain just a minute. The chamber of commerce was organized some seven or eight years ago, coming out of the old county board of trade. The merchants, manufacturers, and employers' association is an entirely separate organization, formed for a separate purpose, and with, to a degree, a separate object in view. It is a protective association of employers. It has no direct or indirect connection with the chamber of commerce. It happens as a matter of coincidence that I am both secretary of the chamber of commerce and a director of the merchants, manufacturers, and employers' association, but that is merely a tribute to the bad judgment of a lot of people and has no significance beyond that fact.

Things went along very peacefully, fairly peacefully, until this spring when the new contract—the new agreement—came up to be signed between the retail clothiers' association and shoe men and the clerks' union. Conditions had not been altogether satisfactory, although in that case as in all the others, no question of hours and wages were involved, and no sanitary conditions. It was merely restricted shop rules and that sort of thing. The same general condition I have outlined to you, more the attitude of mind than anything else. The clerks' union was orginially formed through coercion and duress on the part of the employers upon the employees at the instance of organised labor. That may sound complicated, but I can't simplify it. That this is true is shown by the fact that in most instances it was absolutely necessary that the employer collect the dues and turn them over to the union, because if they didn't do that, the clerks got behind in their dues and were fined. The most of the men and women had no heart in the organization.

The new agreement came up to be signed, and the retail clothiers and shoe men got together themselves, as is our method, and decided that they didn't want to sign a new agreement with the union, following out the line of this agreement and this declaration of principles. They came to us and we told them they were entirely justified in this stand, if the chose to take it, and we would protect them in it so far as our organization could. So they refused to sign the agreement. Well, nothing much was done at that time and for a day or two; then the business agent came around and removed the union display card. I don't know that I need to amplify all that, you all know what it is. It is a card which is displayed in the winde which says, "This is a union shop." Mind you, they were still operating under closed-shop conditions and with nothing but union men; no difference as to hours or wages; no difference in the scale of working conditions, but they had refused to sign an agreement. So that the cards were removed and they assented to that removal. A good many of them had not had them out on display for some time and said they didn't care whether they were removed or not; they were perfectly willing that they should be removed.

About two weeks after that they came back and demanded the cards be replaced. Again the clothiers decided they did not want to replace, and came to us and said they did not want to put the cards back, and asked if we would protect them if they were not replaced. We said we would. So then they told the clerks' union that as they had taken the cards away of their own volition they could keep them. Then we received—that is, the shoe men and dry goods men in town, clothiers, received a communication from various unions to the effect that unless—that a fine had been levied against their members for patronizing these stores and that that fine would stand until the stores took back the union cards and signed the agreement, and became fair, I believe, was the term that they used.

We were confronted, then, with this condition: Here are a lot of men who are receiving salaries as clerks in the stores, who through the conduct, their union had demanded, or the other unions demanded that they don't sell their employers' goods to them. And we even had one case where a man came in a store and a clerk who was there, who was not looking out for his employer, said, "What are you doing here? You can't patronize this store. It is unfair." The man said he had forgotten it, and turned around and walked out. You can yourself see it is rather an anomalous condition for an employer to be in, and one that can't continue long.

Commissioner O'CONNELL. Have you got the name of that party?
Mr. IRISH. I can get it for you; yes.
Commissioner O'CONNELL. And furnish it to us this afternoon?
Mr. IRISH. I am afraid I can not do it as soon as that; no.
Commissioner O'CONNELL. To-morrow morning?
Mr. IRISH. I might possibly be able to do it by then. I can not give you any definite time. I can give you the name. Then, while this condition was still going on, while these boycotts were still being levied, while the pickets were being placed in front of the stores—and, by the way, that is an amusing thing; men were placed in front of these various stores with red tags on and they walked up and down in front of the stores trying to get people not to go into them, and there were some stores still operating under a signed agreement. They told the members of our organization—some of them were not members of our organization, two of them were, three, I think, I have forgotten exactly; one shoe store, I believe, at that time—they handed these cards, "Don't patronize" or "Do patronize" on them. Well, the men walked up and down the side walk and gave them away and very often would tell a man not to go in that store, that place was unfair. I know that is true because it was done to me once by a man who did not happen to know me. As a rule, they knew me and did not bother me.

While all this was going on there began the same trouble with the cooks and waiters' union, who demanded the signing of two new agreements on the part of the restaurant keepers' association in Stockton. And that new agreement provided among other things—in this sense it is significant—it provided among other things that in all cases, with every place that sold cooked food, and therefore was eligible to have men there unionized, that a janitor should be employed for the purpose of cleaning up the tables, replacing the sugar in the sugar bowls, and all that sort of thing. And you gentlemen know, and anybody knows, that in a first-class hotel where the time of the waiter is completely occupied that is all right; but the spectacle in a lunch room of a separate man taking the goods away from the table, the dirty plates away from the table, and the glasses of water, and all that sort of thing which goes a good ways toward cutting down the profits of the merchant, was perfectly absurd and inane.

Well, the restaurant keepers' association declined to sign the agreement. They came to us and told us they were going to decline to sign the agreement, and we said we would back them. We backed them. And they were boycotted, their cards were withdrawn, and the pickets walked up and down in front of their places. And the same condition obtained there that obtained in the retail clerks, except that the men walked out immediately.

The net result in the clerks' union was that most of the men sent in their union cards, resigned from the union, and the employer took the stand he could not employ men who were working against his interests, and he told them in advance. So they sent their cards back and very few of the clerks, so far as I know, left the employ.

The cooks and waiters walked out in a body just about 12 o'clock in order that they would place the greatest possible burden on the employer in replacing them. We were able to replace the men and go on with the work. So here were two sets of members of our association who were being boycotted by all of the unions in town. We made every honorable effort to avoid drawing anybody else into this controversy. We did not want trouble. Our motto was defense and not defiance. We were not in the attitude of precipitating trouble all down the line, but we proposed to meet conditions as they came; not to force them. We had a committee at one of the meetings with the building-trades council—that is, they had a consultation with one of the members of the building-trades council—and he suggested to this committee, which was composed of millmen and lumbermen and contractors that we talk with the employees, and the building trades said, "We don't want to be drawn into this." Our committee said, "We don't see any necessity that you should be drawn into this, but your people are boycotting these stores, and we would not mind if you put a boycott if you advise your men not to trade, but when you put a fine on them you are exercising unfair coercion over those men in keeping them away from the stores. If you will simply say that they are unfair and let them patronize or not as they like, you can keep the boycott and let it stop right there, but don't levy a fine."

Now, we wanted to talk to the building-trades people. Well, they arranged for the thing, and when we came both members of the building-trades council and members of the Central Labor Council came, which, of course, made it impossible to discuss the matter between the two, employers and employees, and nothing came of it. One of the men I believe said he would sooner see his men lying dead in the open street than operating under open-shop conditions. Of course that was a statement that came out in heat. I do not quote it as being the calm judgment of that man perhaps, but it simply shows the attitude in which they went into the conference.

Mr. McLaughlin and Mr. Tracy came up—Tracy was president of the typographical union at San Francisco, I believe, and McLaughlin State labor commissioner and formerly connected with the teamsters' organization here. They came and they wanted to know if there was any way in which trouble could be avoided. I was present at that conference, and we told them at that time that we were not seeking trouble; that it was our last desire to start any turmoil; on the other hand, we would not abandon our principle or discuss the objects which by that abandonment would be done, and we suggested this to them—at that time we were very conciliatory—we said there was just one fundamental thing we stood on here, and that was the situation in which—this, gentleman, is really the fundamental—the situation in which a lot of employers were being coerced into forcing men into organizations against their will, and that that was one thing we would not assent to.

We would not permit—in that sense we would give any man all of our assistance to prevent that condition coming about if he chose to fight it. That was one question that there was no question of arbitration and mediation on at all. Mr. Tracy—and we drew that up in the form of a letter, and we asked them to write us a letter. We said, "If you can get the building trades to get out of this and get this thing cleaned up on that basis, why there won't be any trouble." And they said they thought it could be arranged and that they would call a meeting the following Sunday. Well, they told us at that time that all of their men were—pardon me, they told me that all of their men were within convenient reach except the men down at Los Angeles and that they could get them by telephoning and get the men together on Sunday. I believe this was on Thursday, if I am not mistaken. So we agreed that before taking any further steps, as we wanted to avoid trouble, we would wait. We waited until Sunday, and we heard nothing. We waited until Monday, and we heard nothing. And finally we got word from them that it had been impossible owing to the distance over which their men were scattered to get together. Well, we had been confronted with that thing right straight along for months, and we were satisfied it was not so. And to be perfectly frank, we felt it was merely a play for time. So we called our people together and we made a declaration for open shop in consonance with the principles that were outlined and which I have read you. And the next morning, which was the 8th of July, that was read in every shop. Notice was served on the men that hereafter that plant would be operated under the open-shop conditions.

Now, that brings it down to July 8, gentlemen, and with your permission, gentlemen, we will leave it right there. Now, if there is any question that will tend to enlighten you further that I can answer, I would be very glad to.

Chairman WALSH (addressing Mr. Thompson). You are not through yet?

Mr. THOMPSON. I am not quite through yet.

In that part of your aims and objects where you say that you are against the signing of any agreement with any organization or union, would you state to us the reasoning or basis upon which you came to that conclusion? Is that a temporary or is it a permanent view?

Mr. IRISH. That is just as permanent as anything else in that statement, and it has its basis in the matters which I have already outlined to you in my preliminary statement. Those are the reasons. There is no use going over them again.

Mr. THOMPSON. That is all you have to say on the subject of collective bargaining, I take it?

Mr. IRISH. I have this to say, that—that, as I said before, that we did not propose to sign an agreement with people which places us in a position that when a matter comes up for discussion it is not discussed between ourselves and our employees, it is not even discussed between ourselves and the local members of the organization to which our employees belong, but in the ulti-

mate it falls in the hands of irresponsible outsiders who have no interest in the perpetuity and growth of our city. Now, that is the reason, flatly.

Mr. THOMPSON. Now, I would like you to state, so we can have it definitely—in the category of irresponsible outsiders, whom do you include?

Mr. IRISH. I include those people not residents of Stockton, not citizens of Stockton, not taxpayers in Stockton; men who have no interest in the city, who come there to settle these disputes. I think that is full enough.

Mr. THOMPSON. Well, that is to say, perhaps I can put it a little bit more definitely.

Mr. IRISH. If you please, I would prefer to make my own statements.

Mr. THOMPSON. Well, I will put the question to you.

Mr. IRISH. Very well.

Mr. THOMPSON. And you can do as you please about it. Do the representatives of organized labor or of unions, State officials, for instance, or the officials of the international unions, which spread across the country, come within the class of objectionable people?

Mr. IRISH. Did I say objectionable people? Now, just kindly amplify that statement, because if I am going on record I want to go on record correctly, if you please.

Mr. THOMPSON. Well, so we won't have any quarrel about words, taking such a phrase and such language as you used, would the State representatives of unions and the representatives of the international unions come within the designation which you gave?

Mr. IRISH. They would come within that designation. And with your permission I will amplify that just a little bit. They would come within that designation in the sense that they were irresponsible as to our Stockton conditions. They are not local men and they have no local interest there, and in that sense they are irresponsible. Now, just one more thing as to the signing of agreements: Remember this, that the demand is always made in any agreement that is signed that none but union men shall be employed, and that if nonunion men are employed they shall at their earliest opportunity join the union. That is another reason why we won't sign an agreement, but that is only one of them.

Mr. THOMPSON. Well, I would simply ask you for the time being, at least, to answer the definite questions that I put to you. I am perfectly willing you should make any explanation after that, if you please.

Mr. IRISH. I have answered that, I think. I think the record will show that I have.

Mr. THOMPSON. Now, is your organization affiliated or does it have any understanding of any kind or character with any other body of employers in this State?

Mr. IRISH. With your permission, I have stated the method of our organization. I have stated how our organization came about and what it stands for, and I will answer no further questions along that line. That is a matter which does not concern you, sir.

Mr. THOMPSON. Well, then, for the purpose, Mr. Irish, of making a record here in regard to questions or facts which, perhaps, the commission would care to hear about, I will ask you some further questions, and you can let your present answer stand, if you please, as to them. Is there a State employers' association in this State?

Mr. IRISH. That is a matter about which you can secure information if you will. You won't secure it from me. I will say this much now: I can see where your questions are pointing, and they are pointing in an unfair direction.

Chairman WALSH. Say, we are going to try to carry on the hearings without characterizing motives or anything of that sort.

Mr. IRISH. Well, they simply impress me as being carried on in an unfair direction. Let me say this——

Chairman WALSH (interposing). Say, one moment, please. Try to refrain from characterizing, if you think that way. You understand.

Mr. IRISH. I will do my best, sir; but will not give any guarantee.

Chairman WALSH. I didn't catch the last. You won't do what?

Mr. IRISH. I will try my best. I will not give a guarantee.

Chairman WALSH. I think you are a very intelligent person. I think you could do that.

Mr. IRISH. Thank you for the tribute. Now, if the tendency of your questions is to put our organization in the position of demanding for themselves, through the affiliation with outside interests, assistance to come in and settle

questions, without our consent, while we deny that right to organized labor as it affects us in Stockton, I will say that that is not so; that our operations are conducted by ourselves; that any settlements that are made are made by our organization without any outside dictation from anybody or anywhere. Does that cover it?

Mr. THOMPSON. Well, I will put my questions, Mr. Irish, and you can make your answer as you please. If such an organization exists, does your organization have any understanding with it, definite or indefinite, written or unwritten?

Mr. IRISH. That is a matter, sir, which does not concern you, and which I must decline to answer.

Mr. THOMPSON. Is there an employers' association in the city of San Francisco?

Mr. IRISH. That is another question which does not concern this inquiry, and which I decline to answer. You can question those people. You have the power of subpœna.

Mr. THOMPSON. If there is such an organization, has your organization either generally or specially got any kind of an agreement or understanding, verbal or written, with it?

Mr. IRISH. That is also a question which I decline to answer. I have stated—I have said this, and it stands for any organization that you choose to name—that as far as the conduct of our industrial affairs in the city of Stockton are concerned they are guided, directed, limited in no way by any man, by any organization, or by anybody outside of our own organization in the city of Stockton, composed of employers, merchants, manufacturers, and professional men in that city.

Mr. THOMPSON. Just to make one more question of that character in the record, I will combine several associations. Has your organization any kind of an understanding or an agreement with the National Erectors' Association, with the National Founders' Association, with the National Association of Manufacturers of this country?

Mr. IRISH. Will you kindly state just what the type of agreement you have in mind—or do you care to state that?

Mr. THOMPSON. Any kind of an agreement. I asked you if you had any. You can answer it yes or no—any verbal or written understanding or agreement of any character with any of those organizations or the officers of those organizations?

Mr. IRISH. May I ask—not that I want to answer a question with a question——

Mr. THOMPSON (interposing). Well, I prefer to have you say yes or no to that if you will.

Mr. IRISH. Well, as I understand it, this is an unfair attack; these questions have no bearing upon the inquiry into industrial conditions in Stockton. And I have made this statement, that we are directed, controlled, limited in no way by anyone outside of Stockton. Now, if you desire—if you desire by your questionings to attempt to establish the fact that there is any sort of an agreement, or working agreement of any sort or any arrangement, such as exists in the labor unions through which power is delegated up and up and up and up to other sources, I would say to you frankly that there is no agreement of that kind in the city of Stockton, never has been, and never will be.

Mr. THOMPSON. Mr. Irish, I didn't ask you that question, and you know it.

Mr. IRISH. I know you haven't.

Mr. THOMPSON. I would like the reporter to read the question, and I would like you to answer yes or no. And if you don't care to, say you don't care to answer. That will be perfectly satisfactory to me, and I will drop the subject.

(Record read as follows:)

"Mr. THOMPSON. Just to make one more question of that character in the record, I will combine several associations. Has your organization any kind of an understanding or an agreement with the National Erectors' Association, with the National Founders' Association, with the National Association of Manufacturers of this country?

* * * * * * * *

"Any kind of agreement. I asked you if you had any. You can answer it yes or no—any verbal or written understanding or agreement of any character with any of those organizations or the officers of those organizations?"

Mr. IRISH. You really want that question answered yes or no?

Chairman WALSH. Say, one minute, Mr. Witness. Now, I wish to say that we want to have an understanding. Of course, this inquiry has gone over a wide range and the commission has determined in advance what is pertinent to the inquiry.

Mr. IRISH. Yes.

Chairman WALSH. And Mr. Thompson here voices our questions, of course, and he will not ask any question that is not pertinent.

Mr. IRISH. Exactly.

Chairman WALSH. And please assume that they are all pertinent, and if there are any that for any reason you refuse to answer we will not insist upon an answer if it can be obtained elsewhere. We would like you to assist us by giving the answers frankly and fully as far as you know. It will expedite our hearing.

Mr. IRISH. Yes——

Chairman WALSH. If we can get them at different places and you decline to answer, why that will be perfectly all right with us. And then if we can't get them, we may recall you.

Mr. IRISH. Let me say this, if you will pardon me just a minute, in response to what you have said.

Chairman WALSH. Yes.

Mr. IRISH. There is no particular weighty reason why these questions should not be answered. The only thing is this, that those are questions which would concern very intimately the status of affairs since—that is, which might concern us in the minds of some people, in Stockton, since July 8.

Chairman WALSH. You may decline to answer those, and we will take our own means of ascertaining conditions since that time.

Mr. IRISH. That is perfectly satisfactory to me, and that is the reason for my refusal.

Mr. THOMPSON. Just one more question, Mr. Irish. This is from Mr. Drew: As counsel of the organization you name, I ask Mr. Irish, as a matter of courtesy, to answer that question.

Mr. IRISH. I am perfectly willing to do that.

Chairman WALSH. One minute. What is this?

Mr. DREW. I have asked Mr. Irish to answer the question.

Chairman WALSH. There is a request for what, Mr. Drew?

Mr. DREW. On behalf of these organizations, the erectors and manufacturers and founders, that he answer the question.

Chairman WALSH. Very good, on the request from Mr. Drew.

Mr. IRISH. On that I am perfectly willing to say that there is no agreement, either verbal or written, with any of these organizations or in any other way.

Mr. THOMPSON. Now, Mr. Irish, do you know Mr. Zeehandelaar, secretary of the Merchants' & Manufacturers' Association of Los Angeles?

Mr. IRISH. I don't. I have never had the pleasure of his acquaintance. I would like to know him.

Mr. THOMPSON. Have you heard of a man by that name?

Mr. IRISH. Oh, yes.

Mr. THOMPSON. Have you or your association any connection with him?

Mr. IRISH. Not to my knowledge.

Mr. THOMPSON. So far as you know. You are secretary of this organization and handle its correspondence?

Mr. IRISH. I don't. I have nothing to do with its correspondence.

Mr. THOMPSON. Do you know whether he as secretary of that association was asked to take part in that Stockton matter?

Mr. IRISH. I don't.

Mr. THOMPSON. Or dispute with organized labor?

Mr. IRISH. I don't.

Mr. THOMPSON. Would you say now that he was not asked?

Mr. IRISH. So far as my knowledge goes, he was not.

Mr. THOMPSON. And would you say that the association of Los Angeles was not asked to take part in that?

Mr. IRISH. So far as my knowledge goes, it was not.

Mr. THOMPSON. I think that is all.

Chairman WALSH. Do you wish to ask any questions?

Commissioner COMMONS. I would like to ask a question.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. I would like to ask if prior to this time, when you formulated this final determination not to make agreements while these negotiations were on with reference to the Sperry Co. and the Hotel Stockton, and the clerks and restaurant workers, was any attempt made to create any board of mediation and conciliation at Stockton, or anything of the kind which could be appealed to for final decision or in any way, to settle this class of questions?

Mr. IRISH. In so far as the Sperry and Hotel Stockton troubles were concerned, they were long prior to the formation of this organization, a long time.

Commissioner COMMONS. That is, the Sperry and the Stockton?

Mr. IRISH. Yes; and no attempt has been made since that time to form any board of mediation or conciliation.

Commissioner COMMONS. That is, with reference to the clerks and restaurant trouble?

Mr. IRISH. No. Let me—if I may be permitted to just add a word to that question. Understand, that in none of these cases was any matter of hours, wages, or working conditions involved. It was a matter of the recognition of the union and the recognition of the principle that none but nonunion men—recognition on their part of the principle that union and nonunion could not work together, and from there the rest of the trouble started. It is merely in the signing of an agreement, that the only question to arbitrate was as to whether that agreement should be signed or not. There was no question of hours, wages, or working conditions involved, and never has been. Does that make it clear? I didn't mean to cut across.

Commissioner COMMONS. I was trying to get at the nature of the issue that arose there, the question would be—first, I would like to know whether either side or its representatives that came from outside made any proposition to create—to arbitrate, to leave it to a disinterested third party.

Mr. IRISH. Not so far as I know. No. And understand, all the time—you say you are not quite clear as to the issues involved. The only issue that has been involved from start to finish is the matter of the signing of an agreement, and the matter of union and nonunion men working together in the same shop.

Commissioner COMMONS. Then I take it that the signing of the agreement always in your case, in the Stockton case—in those two cases—involved the signing of a closed-shop agreement; that that is the way in which it always came to you.

Mr. IRISH. Nothing but a closed-shop agreement has ever been presented there for signature, as far as I know.

Commissioner COMMONS. And they simply decline to sign it?

Mr. IRISH. They decline to sign it.

Commissioner COMMONS. Now, in your opinion, that would also prevent the establishment of any board, local board of arbitration, between the employers' association and the unions of Stockton?

Mr. IRISH. Well, now this situation exists—I may seem awfully tedious in answering these questions, but it is awfully hard, because some of them require explanation. At the time that the open-shop statement was definitely sent out and the announcement was read in the various shops, in order to divorce from the minds of the men any question as to what that involved, we passed a statement which every man in our organization has signed, to the effect that no man would alter the scale, in order that there might be no question that the scale was involved. And we further said that if any man attempted to lower wages or increase hours, except by application to a committee of our organization, he would be forthwith expelled from the organization.

Now, there was the basis for a working out of any question of hours or wages. It has only gone that far because the question has not been involved so far.

Commissioner COMMONS. But take this case of the electrical contractor; that didn't come up until later.

Mr. IRISH. Oh, that came away before, away before there was any organization at all.

Commissioner COMMONS. The question whether a man was being discriminated against, might not that have been considered as an arbitrable subject?

Mr. IRISH. Discriminated against just how, please?

Commissioner COMMONS. That he was being discharged because he was a union man, or being discharged because of inefficiency.

Mr. IRISH. As to that, the attitude of our association is that the individual man runs his individual business. We no more attempt to dictate to him as to

his policies than we permit anyone else to. The only thing is this, that we are a protective organization. If a man gets into trouble and comes to us for protection, he must show a good cause, don't you see? Now, this is true. I know men in the city of Stockton, members of our organization, who have come into the organization before this trouble started, who were operating closed shops before this trouble came—one of them right over here, a gentleman who was visited by 125 gentle workers and knocked down and kicked and had his cheek bone broken and his eye cut. Now, I don't believe that he probably would care to employ any union men after this trouble is over. Now, this is the thing, if he comes to us for protection from trouble which comes from discrimination between union and nonunion men, we simply say to him: "That is your own business." At least that is my understanding of the association. Do you see?

Commissioner Commons. Well, I was thinking before the final ultimatum was reached, whether any provision for taking care not only of wages and hours, but of all questions of dispute, had been considered at all.

Mr. Irish. We recognize the right of free contract.

Commissioner Commons. That is, your organization started out with the idea of individual bargaining from the start, that was in the foundation?

Mr. Irish. Exactly. I was just looking for that. May I replevin this a moment [indicating written statement heretofore read by the witness]?

Commissioner Commons. Well, I take it that that statement you read to us was one that was formulated in 1906.

Mr. Irish. No. This document was formulated last August, a year ago, and has stood ever since. This was formulated prior to any trouble at all. This was the foundation statement out of which our organization grew.

Commissioner Commons. When you organized at the start you put yourself into a position where you could not enter into any agreements which would take into account all questions of dispute between the unions and the others?

Mr. Irish. Exactly. We simply took this stand, that any man was free to join any organization, the Masons or the Catholics or any organization.

Commissioner Commons. From the very start, then, it was the issue of the open shop?

Mr. Irish. Absolutely.

Commissioner Commons. And nothing was left open in order to build up if possible any different system by which even that question could be arbitrated?

Mr. Irish. Not as between our association and the labor unions; no.

Commissioner Commons. No.

Chairman Walsh. Mr. Commissioner Lennon would like to ask you a question or two.

Commissioner Lennon. Mr. Irish, did I understand you correctly that all the agreements entered into at Stockton contained a provision that none but union men should be employed?

Mr. Irish. Not quite that.

Commissioner Lennon. Or union women?

Mr. Irish. So far as I know every agreement that I have ever seen carried the provision that none but union men should be in permanent employment; that if a man joined—that if a man were employed who was a nonunion man, he should join the union at the first opportunity or cease employment.

Commissioner Lennon. Did that agreement ever contain the provision that none but union people should be employed?

Mr. Irish. Yes; all that I have seen.

Commissioner Lennon. How many unions are involved in the controversy as it now stands at Stockton?

Mr. Irish. I know of none that are not. Not all of them are out on strike.

Commissioner Lennon. Will you furnish this commission with a copy of the agreements as they existed prior to the controversy?

Mr. Irish. I will endeavor to have our secretary do that. I haven't them in my possession. I imagine he could secure those copies and would be glad to furnish them.

Commissioner Lennon. I asked this because there are some unions in Stockton that never put that provision that I know of in any of their agreements. I want to see the agreements. Is the Holt Manufacturing Co. a corporation or individual?

Mr. Irish. As to that you would have to ask the Holt Manufacturing Co.; I don't know.

Commissioner LENNON. Is the Sperry Flour Co.—I may not have the name exact——

Mr. IRISH. Sperry.

Commissioner LENNON. Is that a corporation or a firm?

Mr. IRISH. You will have to ask them as to that; I don't know.

Commissioner LENNON. Did I understand you at one point to say that the bartenders were employed seven days a week?

Mr. IRISH. Yes, sir.

Commissioner LENNON. At one time?

Mr. IRISH. No, sir; not generally in town. This applied to the one local condition in one particular bar where they were working seven days of their own volition.

Commissioner LENNON. Do you know whether or not the wages and conditions of labor in Stockton have been brought about by the organization of labor or by some other process?

Mr. IRISH. Well, that is a matter which I am not competent to go into at this time, with your permission. There are others here who possibly can, who will be on the stand.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Among the causes which I have heard, Mr. Irish, given for the present situation in Stockton is what is known as the Totten case. I think you related that case to me when I was in Stockton the other day.

Mr. IRISH. Do you want me to go into that?

Commissioner WEINSTOCK. I think the commission would be interested in hearing that particular case.

Mr. IRISH. That was merely one of the samples I didn't cite, because I am trying to relieve you of me as soon as I can. The situation was this: It was not one of the fundamental causes of this trouble at all; by comparison it was a mosquito bite as against the goring of a bull, but it illustrates the attitude and as such may be of interest. As you know, in the closed-shop planing mill the union stamping is in charge of the shop steward, and the proprietor has no art, part, or interest in it except as he pays the salary of the man who puts the stamp on the closed-shop goods. He has no control over the placing of this stamp; the union retains that to themselves, because they don't want that man to be under anybody except their own control. Mr. Totten had a job of cabinetwork to deliver on the third story of a building. This cabinetwork was of all kinds and sizes and was hard to handle, and the stuff went out of the mill and was delivered on the third story of this job. The business agent of the carpenter's union rang up—the business agent of the building trades, I guess it was—rang up and said there was some unstamped stuff went up to the job. Mr. Totten says, "I am sorry, but that is the fault of the man that does the stamping, and I haven't anything to do with that. You know I am working union hours and paying the scale, and I run a closed shop and am fair," but he said, "I am perfectly willing to do what is right, and I will send the steward for his time and pay him to go up there and stamp it. And they said, "No, you dont; nothing is stamped after it leaves the mill. You will send your team down, go up on the third floor, and haul the stuff down and put it on the wagon and take it back to the mill and let the steward stamp it, and then haul it back to the building and deliver it on the third floor again." "Well," Mr. Totten said, "it is rather unfair to put me in that position. I am not responsible for it being unstamped. You haven't got any conditions in the mill to complain of, and to compel me to go to all this expense and trouble——" "It has got to be done; don't make any difference." Mr. Totten had to do it, and did it; he hauled it clear back to the mill; the stamp was put on without any question. Then he had to haul it back and put it on the third floor. Mr. Totten will be on the stand, and you can interrogate him more fully about it if you care to. It simply has been cited, just as other cases have been, as an evidence of the unreasonable attitude of those people; that is all.

Commissioner WEINSTOCK. One point here that I think the other commissioners, in common with myself, would like to have made clear. This statement here, among other things, says this: "We pledge ourselves to stand firm to the open shop and the elimination of signed or other agreements between our members and labor organizations." Does that mean that the organization is opposed to the signing of any agreements, or certain kinds of agreements?

Mr. IRISH. Any agreements.

Commissioner WEINSTOCK. Any agreements?

Mr. IRISH. Yes, sir.

Commissioner WEINSTOCK. Regardless of the fact whether those agreements stood for the closed shop or whether those agreements permitted the employer to engage anybody he pleases?

Mr. IRISH. Irrespective?

Commissioner WEINSTOCK. Irrespective.

Mr. IRISH. Yes, sir.

Commissioner WEINSTOCK. That is, it is a sweeping blanket statement?

Mr. IRISH. Yes.

Commissioner WEINSTOCK. Substantially, it means, I take it, that the association is opposed to recognizing or dealing with unions?

Mr. IRISH. It is opposed to dealing with unions; yes.

Commissioner WEINSTOCK. Or recognizing them as unions?

Mr. IRISH. In the making up of agreements between individual employer and the unions; yes.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. I want to ask your opinion as to a certain attitude, as between the association and the union. Bear in mind it is on a point that as a union man I have no interest in; I am speaking, as the union, I believe, represents, because neither the sympathetic strike nor the insertion of a clause in an agreement that only union men will be employed has never in any single instance been charged against my union. But I want to know what your opinion is as to the consistency of a position—what is the difference between the attitude of your organization, as outlined there, in all upholding any one of its members whom they decide to protect, and the sympathetic strike which you condemn on the part of the union? What is the difference ethically, practically, between your attitude, of 40 different employers—I am just using that number—of 40 different employers combining, all in different pursuits, to fight any one union, and 40 unions combining to fight any one employer?

Mr. IRISH. You refer to a sympathetic strike?

Commissioner GARRETSON. Yes; either a sympathetic boycott or sympathetic war on the other hand?

Mr. IRISH. Yes. Well, our attitude might be on all fours if whenever one of our employers was being attacked by a union for refusing to sign an agreement we discharged all of our men and refused to give them any further work; we would be on all fours. Our protection in that manner means simply this, that if a man gets in trouble——

Chairman WALSH. A little louder, please.

Mr. IRISH. Pardon. If a man gets in trouble with a union—that is, to fight a union organization through refusal to sign an agreement—that is, our organization will protect him by legal advice and counsel, by any fair and legitimate means in our power. It does not mean——

Commissioner GARRETSON. Money and moral support?

Mr. IRISH. Money and moral support, exactly.

Commissioner GARRETSON. That is it.

Mr. IRISH. If those matters can confine themselves to money and moral support in all cases, I do not think there could be the objection that there is to-day; on the other side, I simply submit that as my——

Commissioner GARRETSON. On the other hand, you give him the best weapon you have?

Mr. IRISH. Oh, no.

Commissioner GARRETSON. Oh. What is the best?

Mr. IRISH. We could use coercion of various sorts.

Commissioner GARRETSON. Isn't that, the contributing of money, as strong a form of coercion as the union man contributing his time, which is his money?

Mr. IRISH. Well, now, no. Let me put it this way. Let us get down to brass tacks, of you will pardon the term.

Suppose, for instance, that here is a subcontractor and he has got a subcontract on a building. Now, that contract when it was signed did not stipulate that he should employ union or nonunion help, or anything of the kind. He got the contract on a bid. Very well. The building trades come in and say that that man is unfair, will unfair the whole job unless the chief contractor who he subcontracts under forces him to cancel the contract. All right. What would we do? In the first place we would make sure that the man had a legal contract; and in the second place we would protect him legally in taking his stand, because he is entitled to that; in the third place we tell

him that if he insisted, as he had a legal right to do, on finishing that job and the matter gets in the courts and he lost, that we would protect him in his loss. In other words, we put him in a position, just as near as we can—I want to show you how I see it, I may be all wrong, I am not infallible; but we put him in a position where he is equally as strong as the people that are opposing him; no more. We do not go out on sympathetic strikes, but we say, "If you have a legal right"—a legal right, mind you.

Commissioner GARRETSON. Yes.

Mr. IRISH. If you have a legal right to finish this job, we will see, as an organization, that you are protected in your legal right; that much, and no more.

Commissioner GARRETSON. "And if you lose, reimburse you for your loss?"

Mr. IRISH. Exactly. Because we would not take those things unless a man has a legal right, because we have got to give him that protection.

Commissioner GARRETSON. Is there, in your opinion, any difference between that protection and the protection which the men will give to those who are serving that contractor? They will give him the industrial protection that they can give him, because they can not furnish those things that you have agreed to; in other words, you contribute your influence sympathetically and practically to the employer; they contribute their time by ceasing work in the behalf of those who are striving against him and his employes. Is it not a fact that ethically the two questions are on exactly the same plane?

Mr. IRISH. I am afraid our poles are too far apart to answer that. I can't see the argument, but you will pardon me—I have to say that.

Commissioner GARRETSON. Now, you do not discriminate against the employment of union men?

Mr. IRISH. No.

Commissioner GARRETSON. You have seen a good many employers who did?

Mr. IRISH. Yes; some of them are members——

Commissioner GARRETSON. What, in your opinion, is the difference between a boycott by the union of the products of an institution with which they are at strife and the boycott of a man bearing the union brand by an employer?

Mr. IRISH. Just this difference: If any boycott—any boycott, I don't care what it is or where it is——

Commissioner GARRETSON. Whether of men or products?

Mr. IRISH. Men or products; any boycott that is a boycott based on a moral basis, not the penalty of a fine, that is one thing—that is your free right as a purchasing agent—but any boycott which is forced on a man when he is afraid of using that stuff because he is going to be fined for it, is not a moral boycott; that is the exercise of coercion against the free right of that man. There is a difference, as I see it. Am I plain?

Commissioner GARRETSON. I see your point. You never belonged to a union?

Mr. IRISH. No.

Chairman WALSH. We must preserve perfect order, ladies and gentlemen.

Mr. IRISH. As I take it from the colloquy, continuing the colloquy—I have never belonged to a union, but I have earned my living in the biblical term, "By the sweat."

Commissioner GARRETSON. By the sweat of your brow?

Mr. IRISH. Yes.

Commissioner GARRETSON. Let me ask your opinion, predicated on this: You get exactly the same result in an association like that of which you are a member now—which would you regard the most heavily——

Mr. IRISH. I didn't get that.

Commissioner GARRETSON. Which would you regard the most heavily, taking the rule of the association of which you are a member, or the greater condemnation that would come on you from your associates in that association?

Mr. IRISH. Well, that would depend entirely on whether I thought I was right or not. I never——

Commissioner GARRETSON. If you felt you were right?

Mr. IRISH. This is a personal question?

Commissioner GARRETSON. Yes.

Mr. IRISH. If I felt I was right I wouldn't care a rap for the moral condemnation. On the other hand, if I felt the employer was punishing me in that regard—I take it the man cares more for the support of his family than he does for the moral condemnation. I will cite an instance on this matter: Here is a painter that comes to Stockton and he goes to work under open shop, and the question was asked him, and he said he had been a member of the painters' union in San Francisco. I have only his hearsay testimony, but it

has been—I have known of other cases of the same kind. Now he was a union painter in the city of San Francisco and there were two nonunion men on that job, and he didn't go around looking at the other men, he was slapping paint on the wall, that is what he was paid for, and he is a good workman. The two nonunion painters are on the job, and the other fellow is working for the wages, and whatever it was worth to him. Now, that man comes to Stockton and works under the open-shop conditions and some amiable gentleman up there that disagreed with his views got after him as he was out of the union, because he told me that he had been so penalized—he had been fined $25 two or three times for working with those nonunion men—and he couldn't continue under these conditions. That is an instance.

Commissioner GARRETSON. Would you call that a moral or an immoral obligation that had been placed on him?

Mr. IRISH. I prefer not to commit myself.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. O'Connell wishes to ask you some questions.

Commissioner O'CONNELL. I understand you to say you are not an employer?

Mr. IRISH. No, sir; you are wrong in that assumption. I have been.

Commissioner O'CONNELL. When?

Mr. IRISH. Well, for about 10 years.

Commissioner O'CONNELL. Where?

Mr. IRISH. Well, most all over the State of California; employing both skilled and unskilled labor.

Commissioner O'CONNELL. What particular business were you engaged in?

Mr. IRISH. In agriculture and reclamation work; in irrigation development both by pump and otherwise, in the course of which——

Commissioner O'CONNELL. Contractor?

Mr. IRISH. No, sir; operating for myself, or operating as superintendent and general manager for other people. During that time I employed both skilled and unskilled labor; that is, varying all the way from highly skilled mechanics down to common laborers.

Commissioner O'CONNELL. How large a force can you now recall you were ever in charge of?

Mr. IRISH. Oh, I think the biggest force was about 400 men; in that neighborhood; the large portion of them being unskilled labor, with a considerable portion skilled labor.

Commissioner O'CONNELL. Have you a knowledge of conditions existing in your city as to wages, hours, etc., prior to the time of the so-called closed shop?

Mr. IRISH. That is a matter you can go into very definitely with some of the people who will appear later and have more intimate knowledge of that condition than I.

Commissioner O'CONNELL. Who, for instance?

Mr. IRISH. I imagine Mr. Holt, probably.

Commissioner O'CONNELL. Mr. Holt?

Mr. IRISH. Mr. Holt; yes, sir.

Commissioner O'CONNELL. What are the number of the members in your association?

Mr. IRISH. Four hundred and three, I think. I counted them the other day. I am not quite positive as to that part—400, I think.

Commissioner O'CONNELL. What is the cost of membership?

Mr. IRISH. It is on a sliding scale. That is a matter I prefer not to go into at this time.

Commissioner O'CONNELL. Does your constitution and by-laws cover that requirement?

Mr. IRISH. Will you pardon if I ask; Mr. Bird, does the constitution cover the assessment? I am not quite clear in my mind.

Mr. BIRD. No, sir.

Mr. IRISH. You can secure that information from later witnesses. It is a matter I have not concerned myself with particularly, and don't feel competent to go into that.

Commissioner O'CONNELL. Don't you know the cost of membership in the association, as its secretary?

Mr. IRISH. I am not secretary of the association; I have said that three times. I beg pardon for sounding a little bit irritated, but I have answered that question several times.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, unless you have some other statement to make, or something you haven't fully covered that you desire to make a voluntary statement in regard to. If so, we should be glad to hear it.

Mr. IRISH. Nothing more that I think of.

Chairman WALSH. That is all.

Mr. THOMPSON. Just one more question.

Chairman WALSH. Go ahead.

Mr. THOMPSON. Do the answers you have previously given with reference to the affiliation or understanding of your organization apply to the Federation of Employers' Associations of the Pacific Coast?

Mr. IRISH. I decline to answer that question entirely, referring to my original statement.

Mr. THOMPSON. Did you mention a man named Calkins or any man of that name belonging to your organization or employed by it?

Mr. IRISH. Mr. Calkins is manager of our organization.

Mr. THOMPSON. That is all. Thank you.

Chairman WALSH. That is all. Call your next.

Mr. THOMPSON. Anton Johannsen.

TESTIMONY OF MR. ANTON JOHANNSEN.

Mr. THOMPSON. Give us your name, please.

Mr. JOHANNSEN. A. Johannsen.

Mr. THOMPSON. And your business address.

Mr. JOHANNSEN. Stockton, Cal.

Mr. THOMPSON. And your business.

Mr. JOHANNSEN. General organizer of the United Brotherhood of Carpenters and Joiners of America.

Mr. THOMPSON. How long have you been in that work?

Mr. JOHANNSEN. About six months.

Mr. THOMPSON. What business were you doing before that?

Mr. JOHANNSEN. I was State organizer for the Building Trades of California.

Mr. THOMPSON. How long were you doing that work?

Mr. JOHANNSEN. Four years and six months.

Mr. THOMPSON. How long have you been on the Pacific coast, Mr. Johannsen?

Mr. JOHANNSEN. A little over six years; not quite seven.

Mr. THOMPSON. And have you been connected with labor matters during that time?

Mr. JOHANNSEN. Yes, sir.

Mr. THOMPSON. Are you familiar with the situation at Stockton to-day?

Mr. JOHANNSEN. I am.

Mr. THOMPSON. Will you tell us briefly the facts as you view them?

Mr. JOHANNSEN. The city of Stockton has had no labor trouble for the past 12 years with the exception of a strike that took place 4 years ago which involved an increase of wages for the carpenters of 50 cents a day. That strike lasted several weeks and was compromised. An adjustment was finally brought about satisfactory to both employers and employees. In place of the carpenters getting $4.00, they agreed upon a $4.40 scale, which is now the prevailing wage. A year ago, or a little over a year ago, the Saturday half holiday was demanded by the millmen at Stockton, and granted. It is true that the millmen get the same wage for five and a half days now that they formerly received for six days. The wages of the millmen in Stockton is approximately 50 cents a day less than the wages of the millmen in San Francisco. The mills in Stockton are of considerably smaller character and nearly all of their work is confined to Stockton and its surroundings—immediate surroundings.

The Building Trades Council of Stockton has jurisdiction over the organization I represent, the carpenters, and all other organizations in the building industry, including the electricians. The building trades council at no time to my knowledge has acted in a manner that would be contrary to its laws. One of the laws is that any organization who desires a change of working conditions which will affect the cost of a building, in the way of increase in wages or reduction of hours, it is necessary that such a demand shall first be made by the craft union to the building trades council, and then the contractor or employer shall receive 90 days' notice. That is the law—90 days' notice—and only after this 90 days' notice expiring will the increase in wages be demanded, and not then if the contractor is tied up on any job that he contracted for prior to the increase in wages.

In other words, if the job he contracted for was before the demand was made it will be completed at the old scale. That is the rule in every building trades council in this State, including Stockton. The electrical workers' union in Stockton has not any business agent; its business is done through the business agent of the building trades council. The building trades became involved in this Stockton situation by no fault of their own, and by deliberate coercion on the part of the M., M. and E. A conference was held at its direction. The president of the council was requested to appoint a committee to meet with a like committee from the M., M. and E., which was done. The building trades council was informed that unless they would cease their attitude of opposition to the stores controlled by the M., M. and E. that they would be locked out, and they were informed in the event that the building trades unions did agree to keep their hands off from the fight so far as the clerks were concerned and the cooks and waiters, that the building trades as such would not be molested. This the council promptly refused to do. As far as the building trade is concerned in Stockton, we haven't seen much of a fight yet. The firm of Sherhart & Neisted, who have sued for an injunction against our organization and individuals—Mr. Neisted informed me personally on his building on the Lincoln High School, a week ago last Saturday, if we would agree to turn down the millmen he would fire all scabs off the job and unionize his entire work in the building industry. That the only thing he was afraid of was the mill end of it. That is one of the firms.

Mr. Sherhart has informed, not me personally, but others, that the merchants, manufacturers, and employers' association have sued for this injunction without either his consent or knowledge of same being applied for. The Merchants, Manufacturers and Employers' Association of Stockton have boycotted the hotel in which all general organizers are located, the Clark Hotel, and have advised the different merchants in the city that when a drummer comes to sell goods they ask him what hotel he is stopping at, and if he says the Clark Hotel, they will tell him to peddle his paper, to be on his business, that they can't do any business with him. The declaration for the open shop was made July 3. Not one international organizer was sent to Stockton upon either the volition of the organization, the international organization, or of the organizer. No one was sent there until they were requested by the local men in Stockton. If the local membership in Stockton was permitted to outline the course of action, every union man and every union woman in every store, in every factory, and on every building would now be on strike. In other words, the local sentiment was for a general declaration to tie the whole town up the same as the I. W. W. program of the merchants, manufacturers, and employers' association. The international organizers have prevented the consummation of that kind of situation.

We find that the firm of Totten & Brant, mill owners, had entered into a contract with some of the general contractors who are now and always have been fair, and who are at present fair. For instance, there is a building under construction there called the East Side School. The general contractor's name is Acerman; his home is in Oakland. There is an annex being built to the insane asylum, and the general contractor is Bergen & Son, San Francisco. These two general contractors contracted for the millwork with Totten & Brant prior to the declaration of the open shop. Mr. Totten is a member of the strike committee of the M., M. and E. These firms were permitted by the building trades' council to accept this unfair millwork with the proviso that on all future work they would employ only union millwork, because of the lack of a desire upon our part to jam any man into a situation over which he had no control.

The M., M. and E. have made every effort to provoke us into declaring those union jobs that are now union jobs unfair. For instance, there is a large bank building, the largest building in Stockton now under construction, and the contractor—I can't think of his name—Walker Bros., they are the general contractors. That is a 10-story building. Everything is fair on the building—that is, what we call fair—everything union.

Mr. Walker had occasion to have some lumber delivered on that job. He notified the team owner, who was a union team owner, and in the interval some member of the M., M. and E. influenced the team owner to send a nonunion team on the job in order to get us to declare a strike on the building. Of course, we didn't fall for the dope, and didn't strike the building.

The condition as to the attitude of the clerks which brought about this trouble: The clerks' union on the expiration of their agreement sent a statement to the retail clothiers' association requesting a conference for the pur-

pose of considering the new agreement or the extension of the old agreement. There was no demand made by the clerks of any description, and when the clerks' representative, together with the representative of the labor council, went to the clothiers' association, they were informed that the retail clothiers' association had no power to act; that they must go to Mr. Calkins, the secretary of the merchants, manufacturers, and employers' association.

The union cards in the restaurants were not taken down by the business agent, but were taken down—were ordered down by the agent of the M., M. and E. The merchants, manufacturers, and employers' association, has had a standing advertisement in the daily press inviting police officers to arrest men and offering a reward regardless of whether such arrests bring about convictions or otherwise.

The building trades council and its affiliated organizations, including the millmen, are prepared to enter into an adjustment or arbitration or otherwise of any controversy that is complained of by the merchants, manufacturers, and employers' association except the elimination of our organization. The attitude of labor toward the employer is perhaps best manifested in the fact that the Totten & Brant mill, one of the concerns which is of some moment in the fight up there, the employees of that mill just a very short while previous to this declaration of general lockout donated a week's pay or week's labor to Mr. Totten to help him out in building his new mill which had been burned down.

The merchants, manufacturers, and employers' association have advertised in this city and in Los Angeles, contrary to the law, for nonunion men. That is to say, without informing them as to the war up here. Mr. Clark, the owner and proprietor of the Roberts & Clark planing mill, was in Los Angeles engaging men, employing nonunion men to come to Stockton. Those men were not informed as to the conditions, and were deliberately misled. Some of them went to work, others have ceased to work and refused to go to work. Two of them never went to work at all, and gave us their affidavit, and the matter is now pending before the labor commissioner.

Two nonunion hod carriers came to work with shotguns. They were arrested, charged with carrying concealed weapons, plead guilty, and the attorney for the M., M. and E. paid their fines.

The M., M. and E. have imported into Stockton 20 gunmen, many of whom are ex-convicts. They fall for the bait, of course, the same as they always do, and we had 20 women pickets on one of the schoolhouses, called the West Side School. Thirty men were around that building. There were eight nonunion bricklayers and six hod carriers and two plumbers working on the building. Within five minutes after the women had arrived on that building or in the street, the patrol wagon came with two officers in it, rode by our crowd about 100 feet, and then came a seven-passenger automobile, "A310 California," in which were five gunmen and the chauffeur. They stopped in the middle of our crowd, but the men did not say a word to them, and they could not stand the tongues of the women, and they kept running around the block like a lot of monkeys. When the scabs stopped work our people were speaking to them in the hope of influencing them to quit work, and the uniformed policemen on the job was afraid there might be some trouble, and requested me to disperse the crowd, which I did. We then demanded the arrest of these gun men, and searched them. They were promptly arrested, and in the automobile was found 14 brand new pick handles, 12 blackjacks, and each one had a 38 Colt's revolver. They were placed under arrest and put under bond of $100, and the attorney for the M., M. and E. immediately responded, within less than 10 minutes, which, in our judgment, is conclusive evidence that the whole thing was programmed by the M., M. and E. previous to these men being arrested. At any rate the attorney for the merchant, manufacturers, and employers' association came to the jail and put up cash bonds, and the men were released on bail, and are still in Stockton.

The union pickets have been instructed by our organization like this: First, there must be absolute sobriety; second, there must be no violence indulged in, or tolerated; third, there must be no strong language tending to provoke violence; fourth, any uniformed officer on the beat anywhere who makes any request or offers any suggestion, such request and such advice must be heeded by the picket; fifth, the pickets are to interview nonunion men peaceably and in an orderly manner in the hope of winning them over to our side and away from the M., M. and E.; last, no union man is permitted to carry concealed weapons.

Any picket failing to comply with these instructions will receive no protection from the organization.

There is not one single building contractor in the city of Stockton, whom I have come in contact with, that has offered any objection to any of the rules of the building trades organization, but all of them seem to be cowed by the display of financial support by the M., M. and E.

As to the employment of outside men, I had occasion to adjust a job for a man named Whinn, who is a plumbing contractor of San Francisco. He has the steamfitting and plumbing of the insane asylum. He employed a steamfitter from San Francisco, and the union in Stockton exacted $1 a day from this man for three and a half days, and then wanted him to cease work yesterday morning. The contractor got in touch with me yesterday, and I took him in a machine and went out and investigated the job, and found that the only steamfitter that was available in Stockton, who could do that work and was a union man, did not want to go on the job. I immediately informed the contractor he could go ahead with any union man from any city anywhere, so that that was adjusted the same as we have always adjusted them.

We had one contractor by the name of Hirshman, a painting contractor. He had a contract for what is known as the high school in Stockton, and several other jobs I can't remember just now, but anyhow the high school. He came before our executive board and requested the privilege of completing all of his painting work on all the jobs that were declared unfair. He didn't ask for the employment of nonunion painters. I told Mr. Hirshman he could employ his union painters, he could employ his old crew of union painters, and could go on and do all those jobs where scabs were and could finish his work provided on all future work he would only accept contracts where all work was union. When he proceeded with his union painters on the high school the agent of the merchants, manufacturers, and employers' association, according to his own statement from his own lips to me, insisted that he employ at least one or two nonunion men, so that we would be provoked to take the balance of the union men away from him. In other words, by the acts of the M., M. and E they have been and now deliberately making efforts to tie up the entire industry in that city.

The secretary of the merchants and manufacturers' association, Mr. Calkins, with the assistance of another man engaged a man by the name of Graham to act as a personal bodyguard. This man Graham was taken over to the police department for the purpose of swearing him in as a deputy. The police department refused to swear him in as a deputy. He was then sworn in as a deputy by the merchants, manufacturers, and employers' association, and this man was led to believe that his star and his blackjack that they gave him—they gave him a piece of hose 18 inches long and put buckshot in it and told him he could protect Mr. Calkins even at the cost of human life. This man was an ex-convict, he had been in San Quentin Penitentiary three years. He was a young man of no great intelligence, and walking down the street one night he was arrested, and he told the police officer he was an officer and had the right to carry concealed weapons. He was arrested and plead guilty and made an open statement of the whole business. He was fined $100, and since that time Mr. Calkins has disappeared and nobody knows where he is.

The M., M., and E. don't believe in violence, but they evidently believe in murder from the way they imported the gunmen in there——

Chairman WALSH. Just please state the facts.

Mr. JOHANNSEN. Those are the facts.

Chairman WALSH. Without any characterization, you understand.

Mr. JOHANNSEN. All right. There is not one member of the merchants, manufacturers, and employers' association to my knowledge within the past four weeks who has given any utterance to any man or any woman in that city, or those who have come into the city, which would indicate that they have any purpose except the annihilation and the destruction of organized labor or labor organizations.

The statement about Mr. Totten and the control of the stamp: The United Brotherhood of Carpenters, of which I am general organizer, issues a stamp to be furnished to the employer for his protection; that is, protection against unfair competition. And the building mechanics refuse to handle material manufactured or dressed or planed or sized unless it bears that stamp. The stamp is in the control of the shop steward. The shop steward, of course, is in the employ of the employer. The statement made about material going to the

third story of a building without being stamped and being compelled to take the material down again is a good story, but it does not happen to be true.

The further statement made that the building trades council declares an entire job unfair because some subcontractor violates the rules or in some way exacts an infraction, that is not true. The truth is that the law of the building trades council both in Stockton and elsewhere in this State provides this: If I as a subcontractor engaged in the plumbing business, or plastering, or brickwork, or painting, or electrical work, or any branch of the building industry, take a job from a general contractor, and the entire job is fair and for some reason I am declared unfair by the plumbers' union, if I happen to be a plumbing contractor and I refuse to comply with the rules, the general contractor's job is not stopped, but the contract is allowed to be completed with the understanding that he does not in the future employ that kind of men. There has never been a strike in the building trades' organization in Stockton over the question of jurisdiction of one union with another union. Those matters are always adjusted and dealt with by the building trades and the international representatives.

Mr. THOMPSON. Mr. Johannsen, you say that the——

Mr. JOHANNSEN. I want to say something more about the hours and wages, if you please.

Mr. THOMPSON. All right.

Mr. JOHANNSEN. The merchants, manufacturers, and employers' association have a sign in all the stores in Stockton over which they have control. The sign is very neatly gotten up, looks like an artist must have done it. It has a big heading on it, "Hours and wages," and a resolution passed by the merchants, manufacturers, and employers' association:

"*Resolved*, That we are unalterably opposed to any decrease in wages or increase in hours unless the committee of the merchants, manufacturers, and employers' association agrees to it."

The building trades council and its affiliated organizations at no time in the history of this strike have exacted any fine of any of its members for failure to comply with its advice as to the nonpatronizing of nonunion stores; that is to say, no fines have been placed against any member of any building trades' organization in the city of Stockton to my knowledge.

Mr. Tyson, of the Nelson Lumber Co., and Sunset Lumber Co., of the city of San Francisco and Oakland and other places, was a prominent guest of the merchants, manufacturers, and employers' association, and made a great speech at their banquet showing the indorsement and support of the merchants, manufacturers, and employers' association, and particularly the lumber handlers and dealers of San Francisco and other localities. The merchants, manufacturers, and employers' association have threatened to recall the mayor of Stockton because he refuses to issue an order clubbing our pickets with or without reason.

I don't know of anything else, unless you want to ask some questions.

Mr. THOMPSON. I do, Mr. Johannsen. You stated in the early part of your statement that the employers' association asked for a meeting with the building trades council in Stockton?

Mr. JOHANNSEN. That is correct.

Mr. THOMPSON. At that meeting did the employers' association bring up the question of the boycott by the building trades on the retail stores or any other proposition?

Mr. JOHANNSEN. Yes, sir.

Mr. THOMPSON. What did they say about that boycott and what was said on your part?

Mr. JOHANNSEN. They requested the building trades council and its affiliated unions to remain neutral and permit the M., M. and E. to lick the little union first.

Mr. THOMPSON. What kind of boycott was being carried on which they wished you to desist from?

Mr. JOHANNSEN. We had resolved—passed a resolution pledging our moral support to the union affected.

Mr. THOMPSON. And asked your members not to trade with the unfair stores?

Mr. JOHANNSEN. Something to that effect.

Mr. THOMPSON. You say that no member of your organization or the building trades has been fined for trading with unfair stores?

Mr. JOHANNSEN. No, sir; they didn't need to be, because they wouldn't trade with them.

Mr. THOMPSON. Was there any statement made to you or the building trades council at the time, or the committee of it, that the employers' association considered the boycott an unfair thing?

Mr. JOHANNSEN. No, sir.

Mr. THOMPSON. In regard to the organization of the building trades, have you a board before which the employees—I mean members of the union are summoned to appear to show cause why they should not be fined or penalized?

Mr. JOHANNSEN. They have.

Mr. THOMPSON. For failing to carry on a boycott?

Mr. JOHANNSEN. For the individual members?

Mr. THOMPSON. Yes, sir.

Mr. JOHANNSEN. No, sir.

Mr. THOMPSON. Well, do you have a board before which you subpœna or summon contractors?

Mr. JOHANNSEN. Yes, sir.

Mr. THOMPSON. To show cause why they could not be fined or penalized?

Mr. JOHANNSEN. Declared unfair.

Mr. THOMPSON. And now you might tell us in your own language what the method of that is and its purpose.

Mr. JOHANNSEN. That is the executive board of the building trades council. The executive board comprises one member of each affiliated local union. Such members are selected by the local union to act as an executive board. When a craft—for instance, the plumbers or plasterers or bricklmen or carpenters or any particular craft—enters a complaint against any contractor, either general or subcontractor, such complaint is not acted upon, but is referred to the executive board. The executive board directs its agent to summon such contractor to appear before that board and show cause or give reasons why a declaration of unfairness should not be made against him. In other words, it acts as a board of inquiry as to the facts and circumstances, and then makes its findings to the regular meeting of the council.

Mr. THOMPSON. Sort of a board of adjustment?

Mr. JOHANNSEN. Exactly.

Mr. THOMPSON. Of complaints?

Mr. JOHANNSEN. That is correct.

Mr. THOMPSON. Does such a board or has such board ever assessed fines against employers and, if so, in what cases and what was the reason for it?

Mr. JOHANNSEN. Not lately. We formerly used the policy some years ago. If a man got tied up and was unfair and done something that he should not have done, and ought to have known he should not have done, and that he did know he should not have done, and the job was practically completed, we would exact a fine of $200 or $300 or $500 as the case might be against him, that he had to give to some charitable association.

Mr. THOMPSON. How long since that form——

Mr. JOHANNSEN. That has been discontinued for the past four years.

Mr. THOMPSON. Since that time have such fines been collected, if you know?

Mr. JOHANNSEN. He was declared unfair until the charitable institution showed us the receipt, or showed us he had paid the fine.

Mr. THOMPSON. By unfair, you mean the union men were called off the work?

Mr. JOHANNSEN. They refused to work for him.

Mr. THOMPSON. You made some statement of how you came to go to Stockton, or how the international union got involved in it. Will you tell us how you came to go there, and whether or not you are now living there?

Mr. JOHANNSEN. The members and officers of the carpenters' union in Stockton petitioned the general officers, the United Brotherhood of Indianapolis, and requested specifically that I be sent to Stockton to help conduct their end of the fight.

Mr. THOMPSON. And since that time you have been living there?

Mr. JOHANNSEN. Sure; I am up there.

Mr. THOMPSON. I might ask another question along that line. Something has been said here to-day about home protection and people of a town taking care of their interests. State to the commission, if you will, how you view the participation by the officers of the international union in the industry or union affairs in Stockton.

Mr. JOHANNSEN. There is no interference of any description whatsoever by either the State officers or officers of the international union in the conduct of the affairs of the local union or a local building trades council until

they make a request for some assistance either financially or advisory or otherwise.

Mr. THOMPSON. And that request had been made in the Stockton case?

Mr. JOHANNSEN. Yes, sir.

Mr. THOMPSON. And you came as a result of that request?

Mr. JOHANNSEN. I did.

Mr. THOMPSON. How many jobs or establishments are being picketed in Stockton now, if you know?

Mr. JOHANNSEN. All the building jobs that are unfair, and the planing mills and the Stockton Iron Works.

Mr. THOMPSON. Could you be more specific and tell us the jobs? That information is desired.

Mr. JOHANNSEN. The Stockton Iron Works, the Totten-Brant Planing Mill, the Roberts & Clark Mill, Union Planing Mill, Lincoln School, Jackson School, the job at Center and Market—I don't know the name of the job.

Mr. THOMPSON. Would you mind telling what was the purpose of the picketing that has occurred?

Mr. JOHANNSEN. To appeal to a sense of shame of the scabs, if they have any.

Mr. THOMPSON. Who has general charge of the picketing?

Mr. JOHANNSEN. I have.

Mr. THOMPSON. What are the pickets paid and by whom are they paid?

Mr. JOHANNSEN. They are not paid anything. They receive the same as all other men, $6 a week strike benefits, from their international organization.

Mr. THOMPSON. I believe you said something, Mr. Johannsen, about ex-convicts or others being employed as gunmen, etc. Are there any ex-convicts in official positions in labor unions, to your knowledge?

Mr. JOHANNSEN. I don't know.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock wants to ask you some questions.

Commissioner WEINSTOCK. You were telling the commission, Mr. Johannsen, of a practical boycott that had been started by the M., M. and E. against certain unions. Which side was the first to initiate the boycott in Stockton in this controversy?

Mr. JOHANNSEN. The M. and M.

Commissioner WEINSTOCK. Will you explain how and when?

Mr. JOHANNSEN. They interfered with the clerks' union; they prohibited them from doing business with the retail clothiers' association. Without their interference there would have been an adjustment and no trouble at all.

Commissioner WEINSTOCK. Just state, if you will, a little more specifically the attitude of the M., M. and E. in that particular case. Just what they did and how they did it.

Mr. JOHANNSEN. It is in their declaration, namely, that no association, the employers of labor of any description, shall deal with any labor union.

Commissioner WEINSTOCK. Prior to that, in the present controversy organized labor had not levied any boycott on the employers?

Mr. JOHANNSEN. Not to my knowledge.

Commissioner WEINSTOCK. Was that period before or after the Sperry flour boycott?

Mr. JOHANNSEN. You understand that when the agent for the clerks and the agent for the labor council was advised by the employers' association that they could not deal with them because they dealt with the storekeepers individually, they went to each individual to ascertain as to whether or not the conditions were satisfactory, and so on and so on; and all those merchants who agreed, of course, retained their union store card, and all those who did not agree they removed the union store card. They did not take the union out; they took the union store card out.

Commissioner WEINSTOCK. When did this circumstance happen that you speak of, where the storekeepers refused to deal with the union?

Mr. JOHANNSEN. I think that was along in the latter part of May.

Commissioner WEINSTOCK. This present year?

Mr. JOHANNSEN. Yes.

Commissioner WEINSTOCK. 1914?

Mr. JOHANNSEN. Yes. The Sperry boycott levied against labor; I believe it was not levied until recently, until the declaration of the unfairness.

Commissioner WEINSTOCK. But there was some statement made here by Mr. Irish, I think, this morning, that there had been a boycott levied on the

Sperry flour mills due to the flour mills refusing to unionize their engineers. Now, when did that take place?

Mr. JOHANNSEN. Mr. Irish can afford to be more careless with his statements than I can. I don't know anything about it.

Commissioner WEINSTOCK. That is, you don't know when the——

Mr. JOHANNSEN. All I know——

Commissioner WEINSTOCK. You don't know when the boycott was levied? Do you know whether there was a boycott levied against the Sperry flour mills because they declined to unionize their engineers?

Mr. JOHANNSEN. Well, so far as I know, the Sperry Flour Mill Co., in the first place, is not union; only recently the State federation and building trades issued a boycott against them throughout the State.

Commissioner WEINSTOCK. How recently?

Mr. JOHANNSEN. In the last two or three weeks, so far as I know.

Commissioner WEINSTOCK. Has there been no boycott on the Sperry Flouring Mill?

Mr. JOHANNSEN. I suppose; there may have been; I don't know; I presume that was local in Stockton.

Commissioner WEINSTOCK. Well, if there had been a boycott levied against the Sperry Flouring Mills before this last May, then I suppose you would want to correct your statement that the first boycott was initiated by the M., M. and E.?

Mr. JOHANNSEN. Oh, not necessarily.

Commissioner WEINSTOCK. That is, your statement would still stand that they were the first to initiate the boycott?

Mr. JOHANNSEN. I am assuming now, of course, that the Sperry Flour Co. is a minor consideration in this, as far as the open shop—that is, the present status of the company in Stockton.

Commissioner WEINSTOCK. That is not the point. The point I want to get at is, by which side was the boycott initiated? Was it initiated by labor or initiated by the M., M. and E.?

Mr. JOHANNSEN. Well, I am afraid we will have to go back too many years; I don't know. I really don't know. I can't answer that. I don't know.

Commissioner WEINSTOCK. Your answer is you don't know?

Mr. JOHANNSEN. I am not familiar enough with the Sperry flouring business.

Commissioner WEINSTOCK. In the instructions given to the pickets, Mr. Johannsen, over your name—I have a copy of the card that was handed to me the other day—among other things I notice this: "Strong language tending to provoke violence must be abstained from." This, of course, makes it clear that so far as the instructions are concerned, you, as the captain in chief of all the pickets, are opposed to violence in this trouble—labor trouble?

Mr. JOHANNSEN. Yes.

Commissioner WEINSTOCK. Has there been any violence in Stockton?

Mr. JOHANNSEN. Oh, there has been a couple of little scraps, you know. That is all.

Commissioner WEINSTOCK. Will you tell any more of the violations that have taken place, that have come to your knowledge?

Mr. JOHANNSEN. I haven't seen it.

Commissioner WEINSTOCK. Do you know whether there has been violence?

Mr. JOHANNSEN. Oh, I understand there was a little scrap at Totten & Brant's mill.

Commissioner WEINSTOCK. You were not present?

Mr. JOHANNSEN. I was not present.

Commissioner WEINSTOCK. So, that whatever knowledge you have of that case would be entirely hearsay?

Mr. JOHANNSEN. Yes; entirely hearsay.

Commissioner WEINSTOCK. Has there been any violence that you know of?

Mr. JOHANNSEN. No. If there had been, I wouldn't testify to that; so what is the use of asking that question?

Commissioner WEINSTOCK. Why wouldn't you testify?

Mr. JOHANNSEN. Because I wouldn't tell everything; I wouldn't tell if I did know; you might as well have the facts about it.

Commissioner WEINSTOCK. That is, if there had been violence and you knew of it, you wouldn't tell the commission?

Mr. JOHANNSEN. No; but there hasn't been any, so far as I know.

Commissioner WEINSTOCK. You gave the commission explanations, Mr. Johannsen, of the various cases that Mr. Irish had cited as to what he believed to be the underlying causes for the present trouble. Among them he cited what I presume has become known as the Totten case, where a certain amount of lumber had been delivered to a certain building without the union rubber stamp placed thereon; and, at the insistence of the union, despite the fact, as he states, that the oversight was due to a union employee at the planing mill, the lumber had to be carted back to the mill and stamped and then recarted to the building. Your explanation for that was that that statement was not a true statement on the part of Mr. Irish.

Mr. JOHANNSEN. My statement was I don't believe it.

Commissioner WEINSTOCK. Do you know anything of the case at all?

Mr. JOHANNSEN. Not of that particular case, but I know of our rules in general.

Commissioner WEINSTOCK. I see. Then you could not give a counter statement to the commission of that particular case?

Mr. JOHANNSEN. No; not right now. I might perhaps to-morrow. He was very careful not to mention the name of the building, the location, and so it is difficult to trace it.

Commissioner WEINSTOCK. Were the contractors, the building contractors in Stockton, organized before this trouble arose?

Mr. JOHANNSEN. That I couldn't say. I do not know. I do not think they were as a building contractors' association.

Commissioner WEINSTOCK. I see. Do you think it would have made any difference in the situation to-day if the contractors had been organized, so that any grievances arising, such as Mr. Irish told about, could have been adjusted right there and then?

Mr. JOHANNSEN. That would depend, of course. If the contractors had been organized, and at the same time would have sufficient independence financially of the banks, the chances are they would have told the M. and M. to go to hell.

Commissioner WEINSTOCK. I am not speaking about the present situation. Suppose the contractors had been organized a year ago, or two years ago, or three years ago, so that these cases that then have been cited as causes of irritation could have been taken up right there and settled and adjudicated, had had a conference?

Mr. JOHANNSEN. Yes; there would be less, you mean—I think I see what you are driving at. If the power, the relative power compared?

Commissioner WEINSTOCK. Yes.

Mr. JOHANNSEN. Of course that is true.

Commissioner WEINSTOCK. Then, on account of the split in the situation at Stockton, at least so far as the building trades are concerned, is the fact only one side was organized?

Mr. JOHANNSEN. Well, that is a matter of speculation. Of course I don't know.

Commissioner WEINSTOCK. You can express your opinion about it. You are familiar with the organizations and the conditions in other cities where there is a mutual organization of both sides and you know how that works out?

Mr. JOHANNSEN. I might give my opinion. If everything was efficient through the whole country—things are varied, so that I could give a very varied opinion on those things, and I don't care to give an opinion on those things. I do not know, it might have turned out different.

Commissioner WEINSTOCK. Is it customary where both sides are organized in the building trades to have a grievance committee?

Mr. JOHANNSEN. Yes; they generally have committees.

Commissioner WEINSTOCK. Then, when an issue arises, is it customary to submit that issue to your grievance committee, to representatives on both sides?

Mr. JOHANNSEN. It all depends upon the nature of it. For instance, there are certain rules mandatory. For instance, there are certain conditions which the plumbers work under and the other trades agree to. Then the building trades' only function is as an agent to enforce those rules for both sides. If the employer contends that the union is arbitrary, or otherwise, the building trades does not allow it, that particular local union, to adjust its difficulty, because it would be biased through its selfishness.

Commissioner WEINSTOCK. Is it true, Mr. Johannsen—the point I had in mind was this: I happen to know in the Metal Trades' Association they have what I think is called a grievance committee, where when either side has a grievance

it is submitted to this grievance committee, and they investigate and determine it.

Mr. JOHANNSEN. I see what you are driving at. There is, of course, an equality of power there. There is not that in the building trades.

Commissioner WEINSTOCK. There is not?

Mr. JOHANNSEN. No.

Commissioner WEINSTOCK. But isn't there an equality of power where both sides are organized?

Mr. JOHANNSEN. If you have a stick of dynamite in your hand, and I have a stick of dynamite in my hand, it would be foolish for us to throw at each other, because we have both got the same kind of power and we both want to live. Is that what you are driving at?

Commissioner WEINSTOCK. Yes.

Mr. JOHANNSEN. Certainly, I agree with that.

Commissioner WEINSTOCK. In other words, what I want to find out is this, whether, if the building trades in Stockton had been organized, strongly organized, so they could have dealt collectively with the union in place of the union dealing with each employer separately, whether it might not have brought about a better condition and obviated the present situation?

Mr. JOHANNSEN. That is quite possible; yes.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Did you want to ask any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes. You made a statement this morning that the declarations for the open shop carried with it that there was to be no discrimination of any kind between the union and nonunion employees; in other words, to be the right of an employee to judge for himself whether he should belong to the union or not. Do you know of any discriminations that have taken place in Stockton in the way of employers calling employees into their offices and asking them to surrender their cards of membership in their unions, or foremen or superintendents of any firms taking like action?

Mr. JOHANNSEN. That happened. That is the way they did with the clerks.

Commissioner O'CONNELL. Have you any particular cases in mind of any firm calling in its employees?

Mr. JOHANNSEN. I have not, but I could get them.

Commissioner O'CONNELL. Will you furnish the commission——

Mr. JOHANNSEN. I will try to.

Commissioner O'CONNELL. With specific information?

Mr. JOHANNSEN. I will try to get it for you this afternoon; yes.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Commons would like to ask you some questions.

Commissioner COMMONS. You spoke about certain things that you would not arbitrate; that is, certain things such as eliminating the union out of existence, and that there are certain rules that are mandatory—that are not arbitrable. What are they?

Mr. JOHANNSEN. There are no rules mandatory that I know of. What I meant by that is if the employers should decide my union has got to be strangled, I would rather fight than get strangled.

Commissioner COMMONS. But they would not do that, as an abstract proposition. They would do that by dealing with each situation as it arises. What is this situation that could arise that you consider essential?

Mr. JOHANNSEN. I do not know. We feel in the absence of power all of our declarations for justice is so much wind.

Commissioner COMMONS. Would you arbitrate the question of discrimination?

Mr. JOHANNSEN. What do you mean?

Commissioner COMMONS. As to whether a man is rightfully discharged or not, or whether it is on account of——

Mr. JOHANNSEN. No; we never question as to—unless we have positive proof that he is discriminated against because of the fact of his union affiliation, and we could prove that, and that is a difficult thing to prove—whether or not the employee has a right, if he desires; it is up to him.

Commissioner COMMONS. In other words, the charge is made here that the unions in Stockton refused to allow an employer——

Mr. JOHANNSEN. That is, an employer; the laboring man hasn't made that condition; that is the unfortunate part of it. So far it has come to our attention——

Commissioner COMMONS. What I want to know is whether you would submit a case like that to a joint committee?

Mr. JOHANNSEN. Why, certainly.

Commissioner COMMONS. Have the unions of Stockton offered to do so?

Mr. JOHANNSEN. That is our open declaration, certainly.

Commissioner COMMONS. Then what are the questions that you refuse to arbitrate?

Mr. JOHANNSEN. The question as to whether our union shall live or not. The issue in Stockton is either the M. and M. dies or we die.

Commissioner COMMONS. The issue, as I understood it to be stated a while ago, was in regard to this ultimatum in the last year; if you will notice it, they insisted that the agreements should be closed-shop agreements. Is that true of all the agreements that have been proposed by the unions—that they should only be union men who were employed?

Mr. JOHANNSEN. Why, certainly. I can't speak for all the unions, but so far as the building trades are concerned we refuse to work with nonunion men. But he can hire all the nonunion men he wants; but if he wants our services he will have to employ union men.

Commissioner COMMONS. Consequently he is acting on the same principle when he refuses to employ union men?

Mr. JOHANNSEN. That is up to him. We have no objection, if he wants to fight it out on those issues.

Commissioner COMMONS. He can generally fight on the other?

Mr. JOHANNSEN. We haven't any objection to the M., M. and H.; we are not worried about them. They can organize all they want.

Commissioner COMMONS. Can you speak for the union people; you wouldn't consider that that ever could be settled by a board of arbitration?

Mr. JOHANNSEN. Well, as to whether or not the union shall operate on what they call the closed shop—what we call the union shop.

Commissioner COMMONS. Suppose they didn't mention that question at all about having a provision in the agreement that there should be no discrimination against union men, which would be an arbitrable question; would the union stand for that?

Mr. JOHANNSEN. Well, I would prefer that that should be put up to them first; I don't know.

Commissioner COMMONS. Would you, as representing the union, say that they should not accept that?

Mr. JOHANNSEN. I don't quite understand what you mean at all. I am confused. I can't get what you are driving at.

Commissioner COMMONS. Commissioner Lennon asked a question a moment ago on that point. He stated that there are certain agreements which do not mention the question of the open and closed shop, but they had in them a provision there should be no discrimination against the union.

Mr. JOHANNSEN. Well, that means the same thing, you know; in the end it means the same thing.

Commissioner COMMONS. Is that an arbitrable question?

Mr. JOHANNSEN. They have no agreements at all—the building trades; the building contractors don't make any agreements at all.

Commissioner COMMONS. Is that a question that could be submitted to a third party for decision in case there was an alleged discrimination?

Mr. JOHANNSEN. I don't know.

Commissioner COMMONS. The proposition I am getting at is this: If you stand for the closed shop, then the employers stand for the closed shop, too?

Mr. JOHANNSEN. I am perfectly willing they shall stand for the open shop.

Commissioner COMMONS. There is no middle ground?

Mr. JOHANNSEN. I am perfectly agreeable to that, too. That is up to them.

Commissioner COMMONS. That is the situation that the unions have brought on at Stockton through a period of several years, and the employers now are simply taking the stand the same as you have been taking for a number of years; is that not the situation?

Mr. JOHANNSEN. That is correct in some cases.

Commissioner O'CONNELL. Did I understand there are no signed contracts at all between the building trades, the building trades employers, and the building trades workmen?

Mr. JOHANNSEN. None; never have been.

Commissioner O'CONNELL. Covering hours, wages, union, and nonunion?

Mr. JOHANNSEN. There is an understanding, of course; for instance, what the wages shall be for plumbers. There is an understanding between the plumbers and the trades, they understand what it is before——

Commissioner O'CONNELL. But no agreements in writing?

Mr. JOHANNSEN. No agreements at all. If, for instance, any department had a question of wages, that organisation comes to the building trades for their proposition, and if it is covered by the building trades it is brought up to the attention of the employers and reasoned out with them, and if that is agreed upon that is all there is to it, just verbally. No agreement at all except that kind of an agreement—a verbal agreement; an understanding.

Commissioner COMMONS. There is an understanding?

Mr. JOHANNSEN. An understanding.

Commissioner COMMONS. And that is always understood?

Mr. JOHANNSEN. Certainly.

Commissioner COMMONS. So that whether or not it is put down in writing, from your standpoint that does not make any difference?

Mr. JOHANNSEN. Oh, no.

Commissioner COMMONS. And if that is not understood, you make it understood?

Mr. JOHANNSEN. Yes, certainly.

Commissioner COMMONS. That is the fact?

Mr. JOHANNSEN. Yes.

Commissioner O'CONNELL. But there is not any signed contract to that effect?

Mr. JOHANNSEN. No.

Commissioner O'CONNELL. No document of any kind signed?

Mr. JOHANNSEN. No, none whatever.

Commissioner O'CONNELL. Simply a question of whether he wants all union men or all nonunion men?

Mr. JOHANNSEN. Yes.

Commissioner O'CONNELL. And he decides it for himself?

Mr. JOHANNSEN. He decides that for himself, exactly; that is his choice.

Commissioner LENNON. Just a question, Mr. Johannsen. Take, for instance, the building trades; take your own trade. If there is any scarcity of men in the town doing carpenter work, can the employer hire nonunion carpenters?

Mr. JOHANNSEN. Certainly.

Commissioner LENNON. To help out?

Mr. JOHANNSEN. If we can not furnish the men, certainly.

Commissioner LENNON. Now, I want you to make clear; perhaps you did, but I want you to make clear as to the right of the employer to discharge men for poor work, for drunkenness, or incompetency, or inefficiency, or for no reason, for that matter.

Mr. JOHANNSEN. I think that perhaps the best evidence of that is I have never known of a case in my experience in the movement in this State where any union has ever demanded reinstatement of a man who had been discharged.

Commissioner LENNON. Unless he had served upon a committee and it was almost clear that his discharge——

Chairman WALSH. He says he don't know.

Mr. JOHANNSEN. I haven't any knowledge of that.

Commissioner LENNON. You haven't that knowledge, then?

Mr. JOHANNSEN. Most of that charge by the employers is all bunk.

Commissioner LENNON. That is all, Mr. Chairman.

Commissioner COMMONS. I would like to ask a few questions.

Chairman WALSH. That is all, thank you; unless you have some statements you desire to make.

Mr. JOHANNSEN. No, I have not anything more.

Chairman WALSH. We will take a recess until 2 o'clock. Mr. Johannsen, please return at that time. Prof. Commons would like to ask you some questions.

(Whereupon, at 12.30 o'clock p. m. on Tuesday, August 25, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Commissioner WEINSTOCK. In the absence of Chairman Walsh, he has asked me to preside until his return. Call your next witness, Mr. Thompson.

Mr. THOMPSON. Mr. Johannsen had not finished, Mr. Chairman.

Mr. Johannsen, will you please take the stand?

TESTIMONY OF MR. ANTON JOHANNSEN—Continued.

Mr. THOMPSON. You were not quite through with your questioning, Mr. Commons.

Commissioner COMMONS. I had a question, Mr. Chairman. The statement was made here this morning, I think it was about the electrical workers, in which certain members of the union were brought in by the employer from San Francisco, and they were not allowed to work. What are the rules between unions, we may say, of the same trade in different cities in this State? Can a union man come from San Francisco to Stockton and get employment, if he carries a card, without having previously joined the Stockton union or gotten a permit or something?

Mr. JOHANNSEN. He can, providing that there are no union men in Stockton out of employment.

Commissioner COMMONS. Well, if you will notice what was stated this morning—it was charged that there were only two union men that were out of employment, and they were men that had been discharged by this employer, and were not satisfactory, for reasons, which, if true, were good. Now, what would be the situation in such a case? Would the union there insist that those two men should be employed in preference to an outsider?

Mr. JOHANNSEN. That would depend, of course, upon the nature of the contention of the employer for discharging those men. I say unless the union is in a position to prove that those men are discharged and discriminated against because of their activity in the union as such, then the union would not permit their discharge.

Commissioner COMMONS. In such a case as was stated this morning, assuming that that was the grounds of discharge, and that they were ascertained?

Mr. JOHANNSEN. Of course, that statement comes from such an unreliable source. If you get that statement from the contractor who really employed those men who did the discharging, who really had the complaint, it might then be investigated. I could then ascertain the nature of the thing, whether the union was justified in that or not. But it comes from such an unresponsible source, the chamber of commerce——

Commissioner COMMONS. Let it go. If he comes from San Francisco to Stockton, can he go to work on the day he arrives?

Mr. JOHANNSEN. He can.

Commissioner COMMONS. Could he go right on the job?

Mr. JOHANNSEN. There isn't anything required of him except to show that he is in good standing in some union in the jurisdiction of his international union, whether he comes from 'Frisco or any other place.

Commissioner COMMONS. That is true of any man that comes from any part of the country?

Mr. JOHANNSEN. That is the rule; yes, sir.

Commissioner COMMONS. Is there any local rule that interferes with that at all?

Mr. JOHANNSEN. There is no local rules except that we give the local men preference over outside men.

Commissioner COMMONS. They have the decision on that point, the local, have they?

Mr. JOHANNSEN. They do until it is called to the attention of the building trades; that is to say, if an electrical contractor desires to employ a given number of men who come from a different locality than Stockton, or any other city, and the electrical workers' union refuses to allow those men to work, or succeeds in having them stop work, then that contractor can get redress by making application to the building trades, and the building trades lets those men work pending investigation. Those men remain to work, providing that it is shown that the employer could not get competent help. In other words, there is no excuse except that of being unable to supply the competent help. If a given union can not guarantee competent help, the employer is at liberty to hire men wherever he can get them.

Commissioner COMMONS. The building trades is final, then—this executive committee you described, I think it was?

Mr. JOHANNSEN. Yes, sir.

Commissioner COMMONS. Of the building trades is final?

Mr. JOHANNSEN. Yes, sir.

Commissioner COMMONS. No appeal to the union of the craft involved?

Mr. JOHANNSEN. There is an appeal, but not to the local union.

Commissioner COMMONS. To the international?

Mr. JOHANNSEN. There is an appeal to the international, but in the meantime the contention of the employer is agreed to at that time. That is, they are allowed to work pending the appeal.

Commissioner COMMONS. Is there an appeal of the building trades council to the international?

Mr. JOHANNSEN. To the building trades council, and from that to the federation of labor.

Commissioner COMMONS. And in the meantime the men are allowed to work?

Mr. JOHANNSEN. The men are allowed to work and the job is completed. That is very seldom resorted to.

Commissioner COMMONS. In the meantime the men has the men and continues the work?

Mr. JOHANNSEN. I don't know of any case, and there was no contention made this morning that the building trades as such ever had their attention called to a situation of that kind. If they did, they would have adjusted it just like I described.

Commissioner COMMONS. I don't know whether you were informed about the Sperry boycott. Has that boycott been extended beyond the limit of Stockton?

Mr. JOHANNSEN. Sure; throughout the State.

Commissioner COMMONS. Do you know what date that was?

Mr. JOHANNSEN. I could not state what date, but it is recently, at any rate.

Commissioner COMMONS. Since July 8?

Mr. JOHANNSEN. Since July 8; yes, sir.

Commissioner COMMONS. What authority extends the boycott beyond the limits of a place like that? State federation?

Mr. JOHANNSEN. The State federation of the State building trades. The State federation.

Commissioner COMMONS. How often does that meet, or can it be done by the executive council?

Mr. JOHANNSEN. It can be done by the executive council by referendum vote by mail.

Commissioner COMMONS. Is the action of the State federation binding on the building trades?

Mr. JOHANNSEN. In cases of that kind; yes, sir. It is not exactly binding, but there is a moral understanding it will be complied with.

Commissioner COMMONS. Are the building trades members of the State federation?

Mr. JOHANNSEN. Yes, sir.

Commissioner COMMONS. Can the building trades also independently declare a boycott for the State?

Mr. JOHANNSEN. They can't declare it independently. If they do, the State federation is under no obligation to support them. In other words, the building trades, if they want a State boycott, must make request to the State federation.

Commissioner COMMONS. There is a State federation of the building trades?

Mr. JOHANNSEN. Yes, sir; State building trades.

Commissioner COMMONS. Which includes all building trades councils?

Mr. JOHANNSEN. All building trades councils and all building trades unions.

Commissioner COMMONS. How is that State building trades constituted?

Mr. JOHANNSEN. Each county has what they call a county building trades council. That council is comprised of all the crafts which are engaged in the building industry—bricklayers, carpenters, plumbers, steamfitters, hod carriers, plasterers, and so on. It includes, in other words, all mechanics and laborers engaged in the building industry; they have their respective unions, and they form a council, and each local union has representation, according to membership, in that council, and that council acts as agent to enforce the rules of each local union.

Commissioner COMMONS. Then there is representation in the State federation——

Mr. JOHANNSEN. Each local council, you understand, in the different counties has representation in the State building trades. They have a conference once a year and each local union in each city or county is entitled to one delegate, and that convention assembles once a year, and that convention deals with matters that may come up from time to time, and during the interval of the convention the executive council transacts the business.

Commissioner COMMONS. Now, this executive council of the State building trades would be able to pass upon, has authority to pass upon——

Mr. JOHANNSEN (interposing). Certainly.

Commissioner COMMONS. A boycott or a strike on an unfair employer?

Mr. JOHANNSEN. Not upon a strike.

Commissioner COMMONS. Yes; that is what I was trying to get.

Mr. JOHANNSEN. Not upon a strike.

Commissioner COMMONS. What is its authority?

Mr. JOHANNSEN. There is no authority vested in the State building trades' officers to call a strike in any given locality.

Commissioner COMMONS. Well, then, they can not call a strike, but what can it do—can it do anything toward the settlement of a strike?

Mr. JOHANNSEN. It can prevent a strike, and it can adjust a strike after it is started.

Commissioner COMMONS. Has it any power to order them to return to work?

Mr. JOHANNSEN. Certainly, it has the power to order them to return to work, providing, upon investigation, they find that the rules, the ordinary rules, have not been complied with—the laws have not been complied with.

Commissioner COMMONS. In that way it has jurisdiction over any local?

Mr. JOHANNSEN. For instance, I will give you an illustration.

Commissioner COMMONS. Yes.

Mr. JOHANNSEN. About four years ago the lumber handlers' union in Oakland called a strike in one of the lumberyards there—called their men all off because there was a nonunion man working there. That would mean, of course, to involve all the planing mills, and the planing mills, naturally, of course, would involve all the building trades. In other words, all the trades would become involved by reason of the strike. And the building trades have a working arrangement that if an individual or an individual union has the means of involving all the other trades into a strike, then that union should agree to consult, to advise with, and to accept the judgment of those unions so affected. In other words, no strike can be called unless it is called by the consent of all of the trades. This union called a strike. I was over in Oakland at that time. I went to the business agent of the union and demanded——

Commissioner COMMONS. Is that union a member of the building trades?

Mr. JOHANNSEN. A member of the building trades.

Commissioner COMMONS. It is the lumber handlers you say?

Mr. JOHANNSEN. The lumber handlers.

Commissioner COMMONS. Yes.

Mr. JOHANNSEN. I demanded that he immediately order his men back to work pending an investigation by the officers of the building trades.

Commissioner COMMONS. And you represented the State?

Mr. JOHANNSEN. I represented the State building trades at that time.

Commissioner COMMONS. I see.

Mr. JOHANNSEN. And the men were ordered back to work.

Commissioner COMMONS. Well, then, the local strike becomes the property of the State building trades?

Mr. JOHANNSEN. Oh, no; you don't seem to catch it.

Commissioner COMMONS. No; I don't.

Mr. JOHANNSEN. There are certain laws, rules, and regulations which govern the local building trades council, and whenever they act independently of the State building trades and conform with those rules—those regular regulations—why, then, the State building trades does not interfere. But if they do anything contrary to the ordinary rules and regulations; for instance, supposing that a local union would ask for an increase in wages from their employers, and supposing they did not give the 90 days' notice, which is required by law, and supposing the local building trades was influenced extraordinarily by that local union to consent to it, then the matter becomes the function of the State building trades to tell that local council, "You are in the wrong here, you have violated the law. The men have got to go back to work pending such a notice." Like they did in Bakersfield. There had been a lockout in Bakersfield, and I was ordered to Bakersfield to enforce the law. To enforce the law meant that the men had to go back to work and to give the regular 90 days' notice. That, in that case, was the plumbers.

Commissioner COMMONS. In this Stockton case, are you in that case representing the State building trades?

Mr. JOHANNSEN. I am representing the carpenters.

Commissioner COMMONS. What authority have you got over the other unions?

Mr. JOHANNSEN. I have got none except what authority was granted me by the Stockton unions.

Commissioner COMMONS. Oh, the Stockton Building Trades Council invited you?

Mr. JOHANNSEN. Well, the Stockton unions—why all of them have selected me to have charge of all the picketing. That is all the authority I have got.

Commissioner COMMONS. You are the agent for them?

Mr. JOHANNSEN. Yes.

Commissioner COMMONS. Now, in the case of boycotts, that is the point I was asking you about, about the practice there of the State building trades council in declaring a firm unfair. That means declaring a boycott on its products, as I understand it?

Mr. JOHANNSEN. Yes.

Commissioner COMMONS. Does it go through the same——

Mr. JOHANNSEN. It goes through the same channel. First, it comes from a local union that is affected, and they bring it to what we call the building trades, or the labor council, and it is indorsed there. Then it comes to the State office, and in some cases goes to the A. F. of L. for their cooperation.

Commissioner COMMONS. How can the boycott extend beyond the State of California? How can it be made—what is the system of attack there?

Mr. JOHANNSEN. Well, if you are running a business, if you are running a business, for instance, that sells its product all over the country, why, of course, we would fight you all over the country if we could, that is all.

Commissioner COMMONS. I mean how would you bring it about, according to your laws; how would you authorize a boycott, say, all over the Pacific coast?

Mr. JOHANNSEN. Well, you can't authorize a boycott all over the Pacific coast. We can't authorize no boycott all over the Pacific coast.

Commissioner COMMONS. There is no federation that takes in the Pacific coast?

Mr. JOHANNSEN. Why, of course not.

Commissioner COMMONS. Well, how about over the country, then?

Mr. JOHANNSEN. If we do that we make application to the A. F. of L.

Commissioner COMMONS. So that your jurisdiction is how far?

Mr. JOHANNSEN. The State of California.

Commissioner COMMONS. There has been no attempt to federate the unions of the Pacific coast into a separate central council?

Mr. JOHANNSEN. Oh, no; that has not been necessary yet.

Commissioner COMMONS. In this central labor council in Stockton, are the common laborers organized also?

Mr. JOHANNSEN. The labor council?

Commissioner COMMONS. Yes.

Mr. JOHANNSEN. Neither the labor council nor the building trades and callings except the building trades; everything else, for instance, machinists, boiler makers—there are several mechanical trades in this, the printers, everything except those who are engaged in the building industry.

Commissioner COMMONS. I am trying to get at the extent to which common labor and unskilled labor are organized and recognized as organizations in Stockton.

Mr. JOHANNSEN. Well, there is a building laborers' union, which is confined to the building line. They generally have better conditions than other labor, ordinary labor, does; that is, less hours and better wages, as a rule. There are in the building trades council what is known as a building helpers' union, with headquarters like in Stockton, that includes hod carriers, in the building trades, and common labor.

Commissioner COMMONS. Is that a closed-shop union?

Mr. JOHANNSEN. Closed-shop union; certainly.

Commissioner COMMONS. Same as the others?

Mr. JOHANNSEN. Yes.

Commissioner COMMONS. What is their scale?

Mr. JOHANNSEN. Their scale is four and four and a half.

Commissioner COMMONS. That is all laborers?

Mr. JOHANNSEN. Yes.

Commissioner COMMONS. Hod carriers?

Mr. JOHANNSEN. Hod carriers.

Commissioner COMMONS. What is the scale for common labor?

Mr. JOHANNSEN. Two and a half for eight hours.

Commissioner COMMONS. Unorganized?

Mr. JOHANNSEN. No; organized; they are not unorganized.

Commissioner COMMONS. Well, take unorganized labor in Stockton, what would be the pay of unorganized common labor?

Mr. JOHANNSEN. Two fifty for eight hours.

Commissioner COMMONS. You mean to say that all common labor in Stockton is organized?

Mr. JOHANNSEN. Certainly.

Commissioner COMMONS. There is no nonunion common labor in the town?

Mr. JOHANNSEN. Oh, there may be some here and there, but not to speak of.

Chairman WEINSTOCK. Only in the building trades.

Commissioner COMMONS. I am speaking outside of the building trades, such as in the factories and in shops.

Mr. JOHANNSEN. Oh, there are some there; yes. There are some sweepers and such stuff as that.

Commissioner COMMONS. Yard laborers, loaders, and things of that kind?

Mr. JOHANNSEN. They are all organized.

Commissioner COMMONS. They would be represented in the labor council, wouldn't they?

Mr. JOHANNSEN. Not in the lumber yards. They are all in the building trades.

Commissioner COMMONS. Oh, I see.

Mr. JOHANNSEN. Because the lumber is supplied to the building.

Commissioner COMMONS. Take these machinery trades, then.

Mr. JOHANNSEN. The machinery trades? There are not many there, except in the metal trades.

Commissioner COMMONS. Do you know whether they are organized?

Mr. JOHANNSEN. No; there is not enough there for them to form an organization.

Commissioner COMMONS. How about city labor?

Mr. JOHANNSEN. I don't know anything about the city labor.

Commissioner COMMONS. If common labor comes into Stockton from any other place, what is his method of getting work?

Mr. JOHANNSEN. He is up against it no matter where he goes or where he comes from—common labor.

Commissioner COMMONS. Well, up against what?

Mr. JOHANNSEN. Because people don't recognize anything except power; they don't recognize justice and right. He hasn't got much power if he hasn't got a trade and hasn't got influence and hasn't got money and friends. That depends upon who he is, where he is going to, where he comes from.

Commissioner COMMONS. Suppose he wants to get work in the building trades, common labor in the building trades, what would he have to do there?

Mr. JOHANNSEN. The requirements made of him?

Commissioner COMMONS. Yes.

Mr. JOHANNSEN. He has to join the union.

Commissioner COMMONS. What would be the initiation?

Mr. JOHANNSEN. Ten dollars.

Commissioner COMMONS. And dues?

Mr. JOHANNSEN. Seventy-five cents, and a dollar a month, depending upon what he does. If he goes to work and is classed at $3 a day, he pays 75 cents; if $4 a day, a dollar; and if he earns more than $4, he pays a dollar and a quarter.

Commissioner COMMONS. What classes of labor get these different scales; what class gets $3?

Mr. JOHANNSEN. The commonest labor—wheeling brick and just ordinary work.

Commissioner COMMONS. And $4?

Mr. JOHANNSEN. The men that prepare mortar for the bricklayers and hod carriers; the men that prepare mortar for plasterers, four dollars and a half.

Commissioner COMMONS. And helpers in the latter two cases, are they?

Mr. JOHANNSEN. There are not any helpers.

Commissioner COMMONS. Suppose he wants to get to work outside of the building trades, in the planing mill—what should he have?

Mr. JOHANNSEN. There is not anything required of him.

Commissioner COMMONS. Does he have to join any union?

Mr. JOHANNSEN. No; there is no organization.

Commissioner COMMONS. Common laborers?

Mr. JOHANNSEN. No.

Commissioner COMMONS. In the planing mills? The planing mills, then, includes what kind of labor?

Mr. JOHANNSEN. Well, that is, I don't know what you would call it. We do not take in anybody except mechanics in planing mills and apprentices.

Commissioner COMMONS. What proportion of the planing-mill force is eligible to your organization?

Mr. JOHANNSEN. Well, perhaps, 7 or 8 or 10 per cent.

Commissioner COMMONS. Then there would be from 90 to 93 per cent that are not eligible?

Mr. JOHANNSEN. No; that are eligible to join the union, I mean. What I meant to say was 10 and not over 12 per cent of the employees in and around the mills are what you would call common labor and not eligible to join the union.

Commissioner COMMONS. All the rest are classed as mechanics and eligible?

Mr. JOHANNSEN. Yes; they are.

Commissioner COMMONS. That is all.

Acting Chairman WEINSTOCK. What is the initiation fee, Mr. Johannsen, for the carpenters' union?

Mr. JOHANNSEN. In Stockton?

Acting Chairman WEINSTOCK. Yes.

Mr. JOHANNSEN. Twenty dollars—no; $30.

Acting Chairman WEINSTOCK. Do they have one uniform fee throughout the State, or does each local establish——

Mr. JOHANNSEN. Each local establishes its own scale, its own initiation fee—each locality.

Acting Chairman WEINSTOCK. What initiation fee is there in San Francisco?

Mr. JOHANNSEN. Thirty dollars.

Acting Chairman WEINSTOCK. The same rate?

Mr. JOHANNSEN. Yes.

Acting Chairman WEINSTOCK. Are you familiar with the initiation fee in the other crafts, like the bricklayers, the plumbers, and the plasterers?

Mr. JOHANNSEN. I couldn't say exactly, but it is about the same as in 'Frisco.

Acting Chairman WEINSTOCK. Could you furnish this commission with a list?

Mr. JOHANNSEN. Sure; I could do that.

Acting Chairman WEINSTOCK. Of the initiation fees in the various building-crafts trades?

Mr. JOHANNSEN. Oh, yes; I could do that.

Acting Chairman WEINSTOCK. Will you do that?

Mr. JOHANNSEN. I will do that; yes.

Acting Chairman WEINSTOCK. What are the monthly dues in the carpenters' union?

Mr. JOHANNSEN. They are paying a dollar up there.

Acting Chairman WEINSTOCK. And the maximum is how much?

Mr. JOHANNSEN. There is not a maximum; they can pay as high as they decide amongst themselves.

Acting Chairman WEINSTOCK. How are these initiation fees payable, payable in one lump sum?

Mr. JOHANNSEN. No. They are payable in four weekly——

Acting Chairman WEINSTOCK. Four weekly installments?

Mr. JOHANNSEN. Four weekly installments.

Acting Chairman WEINSTOCK. What happens if a worker is unable to meet an installment, if he has personal claims from other sources, is there any grace allowed him?

Mr. JOHANNSEN. Well, that depends on a good many things. Suppose——

Acting Chairman WEINSTOCK. In case of sickness in the family, or if he meets with misfortune.

Mr. JOHANNSEN. We don't judge a man's misfortune, a man's sickness, a man's "up against it" with other men. For instance, we have got 200 men in the union, and one man comes along and says he is up against it. We might have 100 men in that union up against it also, and we act accordingly. That depends upon the circumstances. But those things, if they are facts, if it is true that that man is up against it, he generally gets considerable allowance made.

Acting Chairman WEINSTOCK. That is, the rule is not ironclad?

Mr. JOHANNSEN. No; it is not.

Acting Chairman WEINSTOCK. It is not absolutely enforced?

Mr. JOHANNSEN. No.

Acting Chairman WEINSTOCK. It is elastic?

Mr. JOHANNSEN. Yes; it is elastic.

Commissioner COMMONS. Did you hear the statement made this morning by Mr. Irish to the effect that a number of men beat up an employer at Stockton? A hundred men or a hundred and twenty-five, I think he said. I don't know if he went any further into it.

Mr. JOHANNSEN. Well, of course——

Commissioner COMMONS. What was that incident he referred to?

Mr. JOHANNSEN. Well, of course, men have different interpretations of the truth.

Commissioner COMMONS. What was that incident?

Mr. JOHANNSEN. There was a little fight down at Totten & Brant's mill. It was all hearsay as far as I know. There was about 20 men engaged in it; I think they were about equally divided. Mr. Totten raised a chair and hit one of our pickets over the head with a chair, and they got into a fight, the whole bunch of them. It didn't amount to anything. It was what you could see anywhere.

Commissioner COMMONS. It was testified here he had his jaw broken.

Mr. JOHANNSEN. Who had?

Commissioner COMMONS. The employer.

Mr. JOHANNSEN. No, sir; he didn't. He had a little black eye. Kind of humiliated him, was all.

Commissioner COMMONS. Was this fight with the pickets?

Mr. JOHANNSEN. Yes, sir.

Commissioner COMMONS. Were these pickets under your direction?

Mr. JOHANNSEN. In doing that they wasn't. Unfortunately, I happened to be in the city.

Commissioner COMMONS. Were they acting under your direction when they did that?

Mr. JOHANNSEN. They were not acting under my direction when they did that. I wouldn't direct men to do that in daylight.

Commissioner COMMONS. You mean to say you do direct men to do it in the nighttime?

Mr. JOHANNSEN. No, sir; I don't mean that at all. But if I was going to direct them to do that, I would certainly direct it under cover of darkness, if I was going to direct it. I would do like the business men do, and try and evade the law, if I could, if I thought it was necessary.

Commissioner COMMONS. This happened in the daytime?

Mr. JOHANNSEN. It happened in broad daylight; policemen there and everything else.

Commissioner COMMONS. Have any since happened in the nighttime?

Mr. JOHANNSEN. No, sir; nothing happened in the nighttime.

Commissioner COMMONS. Your idea is that it is practicable and necessary to meet force with force; if the employer is organized, you should organize in the same way?

Mr. JOHANNSEN. Well, men do those things whether we like it or not, in the fight.

Commissioner COMMONS. What is your discipline of pickets if they decline to—if they disobey?

Mr. JOHANNSEN. The discipline, if a man does anything contrary to the instructions, he has no guaranty of organized protection. On the contrary, he is informed the organization will not protect him.

Commissioner COMMONS. Have you disciplined any pickets?

Mr. JOHANNSEN. No, sir; there has been no occasion for it. Just those few little outbursts is all. There has been no occasion for it, so far.

Commissioner COMMONS. No claim has been made to you by anybody?

Mr. JOHANNSEN. These things were perfectly human outbursts. Human indignation, which you can't help in men who are undisciplined. The average workingman has not been accustomed to discipline, except the discipline of the boss who made him do what he pleases. It is not so easy to discipline them in our direction. It takes a little time.

Acting Chairman WEINSTOCK. Call your next.

Mr. THOMPSON. One more question, Mr. Chairman.

In regard to the boycott, some statements have been made here with reference to the enforcement of it by means of fines. Were any fines threatened or levied by the local union against its members to enforce the boycott order?

Mr. JOHANNSEN. Not that I know of.

Mr. THOMPSON. Would you be apt to know if there were such?

Mr. JOHANNSEN. I think I would. There might have been before I came here, that I don't know anything about.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. That is all, Mr. Johannsen. Thank you very much. Will you call your next witness?

Mr. THOMPSON. Mr. Bird.

TESTIMONY OF MR. C. G. BIRD.

Mr. THOMPSON. Will you please give us your name?

Mr. BIRD. C. G. Bird.

Mr. THOMPSON. And your business address?

Mr. BIRD. Stockton.

Mr. THOMPSON. And your business?

Mr. BIRD. Lumber.

Mr. THOMPSON. What company are you connected with?

Mr. BIRD. Simpson-Gray Lumber Co., at Stockton.

Mr. THOMPSON. How long have you been connected with it and where does it do business?

Mr. BIRD. At Stockton, 124 West Weber Avenue. I have been connected with the company about two years.

Mr. THOMPSON. How long have you been located in Stockton?

Mr. BIRD. About the same length of time.

Mr. THOMPSON. Are you acquainted with the industrial situation there?

Mr. BIRD. Somewhat.

Mr. THOMPSON. With what has been testified to to-day here by the witnesses on both sides. You have heard what has been testified to?

Mr. BIRD. I have.

Mr. THOMPSON. What have you got to say to the commission with reference to those matters?

Mr. BIRD. Well, in the first place, I would like to know if I fully understand why I am here. It was given to me by the gentleman who subpoenaed me—I was told I was desired to appear before a board of men appointed by President Wilson to investigate into the cause of labor disturbances throughout the country, to the end that they might legislate in order to prevent these troubles. He stated that this board consisted of nine members, representing three from the laboring classes, three supposed to represent the employers, and three from the general public, and that this investigation was going to take in simply the causes and events that led up to this trouble in Stockton. Is that correct?

Mr. THOMPSON. Well, I don't know, of course, what was told you.

Mr. BIRD. Is that what I am supposed to testify to?

Mr. THOMPSON. I would prefer that the chairman should answer your question in regard to that matter.

Acting Chairman WEINSTOCK. You are substantially correct.

Mr. BIRD. Well, in the first place, I would like to state that I don't care to enter into any debate with any member of the board on any question that may come up here at all, and I also am not going to enter into a detailed denial of the statements made by the preceding witness—statements which in regard to the conditions and events at Stockton, most of them are absolutely false; he knows them to be false, the business men of Stockton know them to be false, and any thinking man who has gone into the conditions there at all knows those statements to be false. And I hesitated after hearing his statement, about coming on the stand here at all, or giving any testimony unless I was assured that the board would take into due consideration the character of the witnesses here, their past records, and in some instances their national reputations.

Mr. Irish has gone very carefully over the conditions in Stockton. I know of nothing that he said that I could not indorse. I think he has gone over them very carefully, indeed, and very fully, and probably the only thing I can do is to give you my personal views, what I have seen personally, as to the conditions there that led up to my taking any part in this matter. To do so I may have to go back somewhat prior to the time that I went to Stockton.

Prior to 1908, April 11, and some time thereafter, I was secretary-treasurer of the Pacific Coast Lumber & Mill Co., of Oakland. Prior to April 11 we were running what is known as a closed shop, and I think I know pretty well what closed-shop conditions are; their restrictions of output, their unreasonable demands, their refusal of allowing men who do not belong to their union to earn their bread and butter, their fines for the breaking of their rules—not only fines against their members, but against any merchant who is under their control—their unreasonable agreements, and in some instances what I think ought to be, if they are not, unlawful agreements that they compel employers of labor to sign and follow out.

On April 11, 1908, after enduring these abuses and unreasonable demands for years and years, events occurred which had nothing whatever to do with the question of hours and labor that made it necessary for us to refuse absolutely to treat longer with them, and from that date we declared for the open shop. We knew what their methods were prior to that date, their means of obtaining their ends through coercion and threatening, but we had no idea of what those things really meant until after April 11.

They then commenced their picketing and boycotting and the destruction of property—our property; property we sold to other people and shipped out on jobs we had on hand; their threatening our lives and the lives of our workmen and the attempt at carrying out those threats by beating them up and following them from place to place; their injury to our stock and our teams; their threatening to burn, and attempting three times to burn, our plant; their threatening to dynamite, and finally dynamiting, our plant and blowing it up. We knew what those things meant. We found out, but with all of that we stood pat in our determination to not be guided by such leaders as they had at that time fighting us.

In October, 1912, I, with some others, bought out the old firm of Simpson & Gray, of Stockton. I was told by my friends that I could not endure the conditions I would have to be working under at Stockton. I asked them why and they said owing to the strict union rules in vogue at Stockton, that it was an absolutely closed-shop town. I told them I thought if other business men could stand it I could, and that when it became unbearable there was always a remedy, and that if it did become unbearable I was sure the people of Stockton wouldn't stand for it. But it was not long after I went to Stockton that I commenced to feel the influence of the closed-shop conditions. In the first place, I was not allowed to bring in any lumber that was sized or planed on four sides or worked in any manner, such as rustic and tongue and groove, that could be worked in the mills of Stockton, with few exceptions of stock patterns. Large timbers that could not be worked in Stockton they allowed to be brought in worked. Surfaced four sides or however it happened to be.

They refused to allow my foreman to touch a piece of lumber; they refused to permit me—at least, they tried to prevent me—from bringing in any workmen from the outside after I had tried tallymen or yard clerks, as they are called—tried them at Stockton and found them inefficient. When I attempted to bring men into Stockton that were willing to join their union, they stated in their meeting that they would not accept the man or men I would bring in; that there were plenty in Stockton that I could hire. I did hire all those that I could find available, and discharged most of them owing to drunkenness and inefficiency. Not only that, but there are hundreds of instances I could name if I had time. Another one is that they demanded instead of paying my men on Monday night, as was my custom, that I pay them on Saturday night. I asked the walking delegate the reason for it, and he said because it was inconvenient for him to come around and collect their dues on Monday night.

They would come to my men when they were working on the yard and take them from their work and bring them up to the office and demand that I pay them money or that the bookkeeper pay them money with which to pay their initiation fees and their dues.

In the instance where they demanded that I—or stated that I could not employ outside men, I took up with the other lumber yards, and after convincing them that if they put the screws to me in that manner that it would only be a short time until they put the screws to them, the other yards notified their stewards, and notified mine, that that man was going to work whether they accepted him in the union or not.

After I had been there a short time, and before coming, I looked over the field at Stockton. It looked good to me. It looked like a good town and well

located. I commenced to inquire from the different merchants and business men of the town why it was that there were not more new factories and industries entering Stockton, why it was that Stockton with all its facilities was not able to bring in outside capital to invest there, eastern capital for factories and such.

I was informed by the chamber of commerce and others that there had been numerous inquiries as to conditions in Stockton, all of which were answered satisfactorily, with the one exception of the labor conditions, that they could not guarantee to outside capital freedom from strife and trouble in Stockton owing to its reputation as being the strongest union town west of the Rockies.

It was about a year ago that the trouble which has been detailed to you by Mr. Irish, and will be further detailed I presume by other witnesses, came about at the Sperry mills. They also had a boycott on the Hotel Stockton, as has been detailed to you, which is not necessary to go any further into.

And shortly after that, or during that trouble, the merchants' and manufacturers' association was formed, principally by some of the warehousemen on the water front. That was the nucleus. It was formed not for the purpose of running out unionism, not for the purpose of destroying unions or of lowering wages or of lengthening hours. It was formed with the sole purpose of combating such disturbances and such acts of the labor unions as were illustrated in the Sperry mills trouble and also the Stockton Hotel.

It was not long after the association was formed, and I believe it was due to the formation of the association, that they took the boycott off of the Sperry flour and removed the obnoxious picket from in front of the Stockton Hotel.

It was our determination from the start that we would simply, when these things came up, meet them and try to overcome them. We did not intend in starting to make Stockton absolutely open shop. But we did intend to have something to say in regard to the conduct of our business and the manufacturing interests of the city and put Stockton in a condition where it could invite outside capital to come and invest without fear of molestation.

Shortly after the boycott and picketing were taken off of those two establishments they went to the city commissioners and made a demand upon them that all of the employees of the city of Stockton be compelled to join the unions. We went before the commissioners, stated who we were, who we represented, and demanded that in justice to the free workmen of Stockton and the business interests of Stockton, that such a rule be not made. And it was not.

Further investigation revealed to me this fact, that if the boycott had continued on the Sperry flour, that if the continuous warfare on the Holt Manufacturing Co. continued, and if other warfares were started in other lines of business, that it would mean absolutely the Sperry flour and the Holt Manufacturing Co. were going to shut up their plants in Stockton and leave.

We felt that the leaders in charge of the fight, who are now in charge of the fight, had absolutely no interest—that they had no interest in the business welfare or the conditions of Stockton. They cared not a whiff whether these concerns closed their doors or not. But we, as business men, did. And we were determined that, come what would, we would see that those establishments stayed in the town and that Stockton was put in a condition where she could invite others to come there and be protected.

As I have stated, the question of hours or wages has never entered into this argument whatever, has never entered into the fight except as it has been thrust into the fight by the other side in order to influence public opinion.

Now, in summing up, if, as the preceding witness states, this is to be a fight to the finish, if it is to be as he has stated—as he has been reported to have stated in the press—if it is to be a fight until every hospital in Stockton is filled, if he is going to continue, if they are going to continue the beating up as it has been going on there almost daily for the last two weeks, ever since that witness has entered the town and taken charge of the fight, if those things are to continue, if their threats are to be carried out of maiming workmen, of running them out of town, as they have done, if it is to be a war to the finish until the M., M. and R. or the union labor element is driven out of Stockton, then I wish to assure that gentleman that it will not be the M., M. and R. that is driven from the field.

We are not there to drive the labor unions from Stockton or from any other place. We admit their right to organize and have their unions, but we also claim the right to have our organization and to run our separate businesses as we think best, providing we keep within the law.

Mr. THOMPSON. Mr. Bird, is your association receiving any financial support from associations in San Francisco or any other cities, directly or indirectly?

Mr. BIRD. It is not.

Mr. THOMPSON. Has any agent of the San Francisco manufacturers and merchants interested himself in the Stockton controversy?

Mr. BIRD. Not to my knowledge.

Mr. THOMPSON. Would you know, or be apt to know?

Mr. BIRD. I certainly would.

Mr. THOMPSON. Has your association used any pressure direct or indirect to get Stockton manufacturers to enter the M., M. and E.?

Mr. BIRD. Have we used what?

Mr. THOMPSON. Any pressure, direct or indirect.

Mr. BIRD. Absolutely none, to my knowledge.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions, Mr. Garretson?

Commissioner GARRETSON. No; I don't believe I have.

Chairman WALSH. Mr. O'Connell, do you care to ask any?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Commissioner O'Connell would like to ask you a question or two.

Commissioner O'CONNELL. I understand you are president of this association known as the M., M. and E., is it?

Mr. BIRD. Yes, sir.

Commissioner O'CONNELL. What is the membership of that association composed of, of manufacturers, of business men in the city?

Mr. BIRD. Manufacturers, business men, professional men.

Commissioner O'CONNELL. What percentage of those that are eligible hold membership in the city?

Mr. BIRD. Sir?

Commissioner O'CONNELL. What percentage of the entire number of eligible business men, manufacturers, etc., in your city, hold membership in the association?

Mr. BIRD. That I am not prepared to say.

Commissioner O'CONNELL. Approximately?

Mr. BIRD. No; but I can state that they represent—the employers in the association represent 95 per cent of the employed in the city of Stockton.

Commissioner O'CONNELL. Ninety-five per cent of the employed?

Mr. BIRD. Yes, sir.

Commissioner O'CONNELL. What are the requirements of membership in the association?

Mr. BIRD. What are the requirements?

Commissioner O'CONNELL. Yes.

Mr. BIRD. No special requirements other than what is stated on our pamphlet.

Commissioner O'CONNELL. A man must be in business and must be employing somebody?

Mr. BIRD. Not necessarily.

Commissioner O'CONNELL. Any reputable citizen without a calling may become a member?

Mr. BIRD. Yes, sir.

Commissioner O'CONNELL. What are the initiation fees?

Mr. BIRD. There are none.

Commissioner O'CONNELL. What are the dues?

Mr. BIRD. It is a sliding scale, 25 cents a head for each employee. That is, if I have 10 employees my monthly dues would be $2.50. If I have one employee, there is a minimum of $1 a month.

Commissioner O'CONNELL. Do you provide for the levy of assessments, or special collection of funds in a special way?

Mr. BIRD. No provision that I know of.

Commissioner O'CONNELL. As necessity requires it?

Mr. BIRD. No provision that I know of.

Commissioner O'CONNELL. Does the law provide for compensation to an employer for loss occasioned by a strike?

Mr. BIRD. How is that?

Commissioner O'CONNELL. Does your law provide for a compensation in any way of an employer when he suffers loss by a strike—loss of business?

Mr. BIRD. I don't know that it does.

Commissioner O'CONNELL. You don't know that it does?

Mr. BIRD. I don't know that it does. I know we would compensate them, I am pretty sure of that.

Commissioner O'CONNELL. Has there been any compensation so far in these recent troubles you are having there?

Mr. BIRD. There may and there may not be. I am not positive as to that.

Commissioner O'CONNELL. If there were moneys paid out by your association, as the president of that association, would you have to indorse the payments, sign the check, voucher, or whatever it might be?

Mr. BIRD. I don't think that is pertinent to this investigation. [Laughter.]

Chairman WALSH. Be in perfect order, please, ladies and gentlemen.

It is pertinent. If you have any other reason for declining you may give it; but it is pertinent.

Commissioner O'CONNELL. The commission will decide.

Mr. BIRD. Well, I am free to say that it is not necessary for me to sign the checks of the association.

Commissioner O'CONNELL. Then, who is the authorized party to sign the checks for payments to the members of your association?

Mr. BIRD. The secretary and treasurer.

Commissioner O'CONNELL. And the president of the association would not know anything about it?

Mr. BIRD. Not necessarily.

Commissioner O'CONNELL. You are the executive of the association?

Mr. BIRD. Sir?

Commissioner O'CONNELL. You are the executive of the association, the president of the association?

Mr. BIRD. I am president of the association.

Commissioner O'CONNELL. Does your association pay for the bringing in of men to take the places of those on strike, or locked out, as the case may be—importing men?

Mr. BIRD. How is that?

Commissioner O'CONNELL. Does your association pay the expenses of importing men to come to your city for the purpose of taking the place of those on strike, or locked out, as the case may be?

Mr. BIRD. There were no lockouts.

Commissioner O'CONNELL. Well, for the sake of the argument, a strike?

Mr. BIRD. They may and they may not. It depends upon the conditions.

Commissioner O'CONNELL. They provide, however, that they can do so, I suppose?

Mr. BIRD. What provides?

Commissioner O'CONNELL. Well, your rules and regulations.

Mr. BIRD. No such rules or regulations having that provision at all, nor providing for that.

Commissioner O'CONNELL. Does your association arrange to bring men to Stockton for the purpose of taking the places of men on strike?

Mr. BIRD. It can if it sees fit.

Commissioner O'CONNELL. Have you done so in these recent affairs?

Mr. BIRD. I don't know that it has.

Commissioner O'CONNELL. Is there any person that you know of connected with your association that does know these things?

Mr. BIRD. Possibly; yes. The secretary may know.

Commissioner O'CONNELL. Well, I made inquiry—oh, it wasn't the secretary. You say that you declared for the open shop and the freedom of employment. As a practical man, I take it you are a man of business having to deal with labor, can you tell this commission, or give it your idea, at least, as to what men might do, how they might associate, or how they might cooperate together for the purpose of improving conditions of employment, perfectly legally and within the law, within their rights; what method they are to proceed upon to bring about that result? Is it your idea that they can do that best individually as dealing with the employer as such?

Mr. BIRD. To bring out their better conditions for them?

Commissioner O'CONNELL. Yes; reduce the hours of labor, for instance. Supposing they were working 10 hours and they wanted 8, how would an individual proceed to bring that about in your factory, say you employ a hundred people?

Mr. BIRD. I don't know, I am sure, how he would bring it about.

Commissioner O'CONNELL. Do you think it would be possible for the individual to do it?

Mr. BIRD. I should—under some conditions; yes.

Commissioner O'CONNELL. And what conditions would it be possible under which he could do it?

Mr. BIRD. As I stated to you before, I don't care to enter into any debate or category with regard to this.

Commissioner O'CONNELL. I don't desire to enter into any debate.

Mr. BIRD. The conditions that brought up the trouble in Stockton—that is the matter for which I was brought here.

Commissioner O'CONNELL. Forget Stockton for a minute.

Mr. BIRD. All right.

Commissioner O'CONNELL. As a man employing labor, I don't care where you are, and you stand for what you say your association now stands for at Stockton, the open shop, what is called the open shop—we are now in San Francisco—in which you say you prefer to deal, and do deal, with only the individual, you will not deal collectively, could not deal with organized employees, associations of them, hence they must deal with you as individuals. Now, we are located in San Francisco—all of us. How can the individual also in San Francisco, as an individual, bring about, for instance, reduction of the hours of labor in the factory? How is he to improve his condition, so far as that is concerned?

Mr. BIRD. As I stated, it depends upon conditions.

Commissioner O'CONNELL. Can you cite us an instance?

Mr. BIRD. I am not here for debate.

Commissioner O'CONNELL. Mr. Chairman, unless there is some other arrangement about witnesses, unless the witnesses who appear before this commission——

(Chairman Walsh and Commissioner O'Connell conversed a few minutes off the record.)

Chairman WALSH. Mr. Lennon would like to ask you a few questions.

Commissioner LENNON. Mr. Bird, do you know whether or not any workmen in Stockton are employed under union conditions, under union agreements?

Mr. BIRD. I think there are; yes.

Commissioner LENNON. About how many?

Mr. BIRD. I am not prepared to state.

Commissioner LENNON. Are there as many as there are involved in the lockout or strike?

Mr. BIRD. Repeat that question—are there as many?

Commissioner LENNON. Are there as many working under union conditions in Stockton, union regulations, as there are involved in the lockout or strike who are not employed?

Mr. BIRD. I think not. I don't think there are as many employed under union conditions as are locked out at the present time. I may be wrong.

Commissioner LENNON. Do you know whether there is——

Mr. BIRD. I want to correct that—as are striking at the present time.

Commissioner LENNON. Well, involved in the difficulty. We are not particular as to the words in this case. Are the printers employed by the newspapers in Stockton involved in this controversy?

Mr. BIRD. Not that I know of.

Commissioner LENNON. And the other trades in the printing offices?

Mr. BIRD. I don't know.

Commissioner LENNON. Are proprietors of newspaper offices eligible for membership in your organization?

Mr. BIRD. They are.

Commissioner LENNON. Are any of them members?

Mr. BIRD. They are not.

Commissioner LENNON. Are there any cigar makers in Stockton—do you know whether there are?

Mr. BIRD. Cigar makers?

Commissioner LENNON. Yes.

Mr. BIRD. I don't know whether there are or not.

Commissioner LENNON. Do you know of their being involved in this controversy?

Mr. BIRD. Not that I know of.

Commissioner LENNON. Do you know whether the principal buildings that are being constructed in Stockton are being constructed by union men or non-union men?

Mr. BIRD. Well, according to what you class as principal buildings. The school buildings are being constructed principally by nonunion men. There is one building that is being constructed by an outside contractor, who is running his work as a closed shop. There is also a bank building which is being constructed at the present time, closed shop.

Commissioner LENNON. I might ask one question as to your opinion. Of course, I realize, as the chairman says, you have a right to refuse to answer if you want. Do you believe that workmen have the same right of organization that employers have?

Mr. BIRD. Certainly.

Commissioner LENNON. Are they permitted to exercise that right at the present time in Stockton?

Mr. BIRD. Yes; as far as I know; as far as I have any knowledge of it, they are.

Commissioner LENNON. This contest that is on there is not then fundamentally for the purpose of eliminating organization?

Mr. BIRD. Absolutely not.

Commissioner LENNON. That is all I care to ask.

Chairman WALSH. Did you want to ask some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. This commission, Mr. Bird, is very much interested in getting the fullest possible information concerning violations in labor troubles. Now, in the course of your statement, you mentioned the fact, as you claimed it to be, that there had been many acts of violence in recent weeks in Stockton, in connection with the present labor disturbance. Will you tell this commission when the last act of violence happened, so far as you know?

Mr. BIRD. So far as I know positively, probably last Wednesday, I think it was; but from what I know from hearsay, which you have to discount quite a bit, it was Saturday.

Commissioner WEINSTOCK. There was an act of violence committed Saturday in connection with the labor trouble?

Mr. BIRD. I was told there was; yes.

Commissioner WEINSTOCK. Can you give us some idea of the character of that act of violence?

Mr. BIRD. It was on Market Street; a man was beaten up in front of one of the saloons there. The matter was reported to our committee, I think, on yesterday noon—Monday noon.

Commissioner WEINSTOCK. Was the injured party a nonunion worker?

Mr. BIRD. He was.

Commissioner WEINSTOCK. Was it known by whom he was assaulted?

Mr. BIRD. Not when I left; it had not been found out.

Commissioner WEINSTOCK. The assaulting parties are unknown?

Mr. BIRD. At the time I left Stockton they were unknown.

Commissioner WEINSTOCK. Well, how long has this disturbance been going on—these disputes?

Mr. BIRD. Violence?

Commissioner WEINSTOCK. No; this whole trouble.

Mr. BIRD. Since the declaration, I presume, of the open shop. The violence did not commence to any extent until Johannsen came to town and made the declaration, the fight had been a kid-glove matter, but he would show Stockton what a real labor war was.

Commissioner WEINSTOCK. You refer to Mr. Johannsen?

Mr. BIRD. I do.

Commissioner WEINSTOCK. When did Mr. Johannsen come to Stockton?

Mr. BIRD. I think it was a week or two weeks ago to-day.

Commissioner WEINSTOCK. Then the acts of violence that have been committed have been committed within the past two weeks?

Mr. BIRD. Almost altogether.

Commissioner WEINSTOCK. Are you familiar with this card of instructions that has been issued by Mr. Johannsen?

Mr. BIRD. I have seen it.

Commissioner WEINSTOCK. Have you seen it?

Mr. BIRD. Yes.

Commissioner WEINSTOCK. Have the instructions on that card, so far as you know, been observed by the union men?

Mr. Bass. Absolutely so.

Commissioner Weinstock. They have not? Does your association keep a record of all the instances where violence has been committed?

Mr. Bass. We have, I think, a fairly complete record of it.

Commissioner Weinstock. How many cases have happened according to your records?

Mr. Bass. That I could not say.

Commissioner Weinstock. Well, approximately.

Mr. Bass. Well, at least 15 or 20.

Commissioner Weinstock. Have any steps been taken on either side to bring the wrongdoers to justice?

Mr. Bass. Wherever we could get evidence; yes.

Commissioner Weinstock. Now, who have been the injured parties in these cases? Have they been union or nonunion men?

Mr. Bass. I do not know of one case where a union man was assaulted.

Commissioner Weinstock. I take it, then, that your statement is that all the assaulted parties were nonunion men?

Mr. Bass. Were nonunion men who came in there to work—not all of them—the case of Totten and Brandt; it was three of five—two of the owners of the mill and some of the office employees assaulted.

Commissioner Weinstock. And I take it further that your association undertakes to give its protection, whatever protection can be given to the nonunion men who are asked to go to work?

Mr. Bass. Surely.

Commissioner Weinstock. What steps has your association taken to protect those men and to bring the wrongdoers to justice?

Mr. Bass. Done everything we could with the city administration and the police force.

Commissioner Weinstock. In what way, tell us?

Mr. Bass. Asking them to give us protection.

Commissioner Weinstock. Has the protection been given?

Mr. Bass. They claim it has.

Commissioner Weinstock. Well, that is hardly an answer to my question.

Mr. Bass. Well, I am answering the question that way because after they claimed they were giving the protective—all the protection they could—the acts of violence continued.

Commissioner Weinstock. Then I judge that your opinion is that the authorities have not given the necessary protection?

Mr. Bass. That is my opinion, most decidedly.

Commissioner Weinstock. What means do the employers of nonunion workers take to protect them—to protect nonunion workers?

Mr. Bass. That is going into events after the eighth of June?

Commissioner Lennon. After the eighth of June, or July?

Mr. Bass. July.

Commissioner Weinstock. You do not care to answer that question?

Mr. Bass. I do not care to go into that phase of it at all.

Commissioner Weinstock. This card issued by Mr. Johannsen reads: "All pickets are prohibited from carrying concealed weapons." Have there been any instances that have come under your notice, within your hearing, where strikers or nonunion workers have carried and used concealed weapons?

Mr. Bass. That also is subsequent to July 8, but I am willing to state that not under my personal observation, but under the observation of those who have given me signed statements, they have carried and exhibited what I would call concealed weapons. There is one matter I would like to give you my opinion on and that is, those instructions there are a farce.

Commissioner Weinstock. Now, let us see how far they have observed, so far as you know? The first instruction is that absolute sobriety must prevail. What has been your observation on that point?

Mr. Bass. I have not been out observing them. It is, I think, a good rule to give if they didn't want to get into trouble.

Commissioner Weinstock. "That strong language tending to provoke violence must be abstained from." Have any cases under your notice been where strong language has been used?

Mr. Bass. Too numerous to mention.

Commissioner Weinstock. "That pickets shall not congregate in large crowds." Has that instruction been observed, so far as you know?

Mr. Bass. It has not to my own observation.

Commissioner WEINSTOCK. That "any advice or request from a uniformed officer must be heeded and complied with"?

Mr. BIRD. I guess they would be perfectly willing to comply with the instructions they received from the uniformed officers and also from the special officers, some of whom have been selected from the strikers' ranks.

Commissioner WEINSTOCK. That "pickets are to abstain if possible from speaking or interfering with men and persuading them in an orderly manner from misleading compromises of the M., M. and E. and offering hope of the future which organized labor stands for." So far as you know, has that order been carried out—that is, persuasion has been done in an orderly manner?

Mr. BIRD. Absolutely not.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask a few questions.

Commissioner GARRETSON. Mr. Bird, in answer to a question from Mr. Weinstock, you waived the date of July 8 to state that in your opinion what you considered concealed weapons had been used by some of these men?

Mr. BIRD. Yes.

Commissioner GARRETSON. Did you hear the statement of Mr. Johannsen in regard to this automobile, that the men were convicted in the courts——

Mr. BIRD. No; I didn't hear that he said that they had been convicted in the courts.

Commissioner GARRETSON. Beg pardon—arraigned in the courts and let out on bail; did you hear that statement?

Mr. BIRD. Well, there have been other cases where they have been arraigned in court and let out on bail also.

Commissioner GARRETSON. Was the story as he told there substantially correct?

Mr. BIRD. I think it was not correct.

Commissioner GARRETSON. In what respect?

Mr. BIRD. I don't care to discuss it.

Commissioner GARRETSON. Do you know whether those men who had the talk with those representatives were discharged?

Mr. BIRD. I don't know.

Commissioner GARRETSON. Is it true that bail was furnished for them by the attorneys of the association?

Mr. BIRD. I don't know.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Anything else? Mr. Commons would like to ask you a few questions.

Commissioner COMMONS. You state that special policemen were appointed from the ranks of the strikers.

Mr. BIRD. I stated so.

Commissioner COMMONS. Do you know how many?

Mr. BIRD. I have been told three or four. I know of one who was a striker from Tetton & Brandt's mill. Prior to the day of his appointment he passed down by our place of business, accosted our foreman with these words: "How do you like to be a rat tail? We will get you yet." The following day he was appointed a special officer on the Stockton police force. The police commissioner was notified of that. Yesterday he was still on the force. That occurred about two—about a week ago.

Commissioner COMMONS. Do you know how many special policemen have been appointed, how many altogether specially?

Mr. BIRD. I do not know. I know of 8 or 10.

Commissioner COMMONS. Can you give the name of this particular man you refer to?

Mr. BIRD. Yes; I think I can. [Referring to memorandum book.] Fred A. Rogers.

Commissioner COMMONS. Have you other names?

Mr. BIRD. I have the names of some of the special officers here, yes; memoranda of them.

Commissioner COMMONS. All those outside?

Mr. BIRD. I can't say.

Commissioner COMMONS. You can't say whether any other?

Mr. BIRD. I have an opinion that several of them here were very rabid union sympathizers.

Commissioner COMMONS. But you don't know whether they were strikers or were locked out in any respect?

Mr. Bush. No; I don't know whether they were strikers or were locked out. I know they weren't locked out. I don't know whether strikers or not, but they have been workers in the union-labor movement.

Commissioner Commons. That is, you do know that others besides this one that you have mentioned?

Mr. Bush. Yes; by information. This man I know actually, because I came in personal contact with him, that is, in personal sight of him every day—the man who made this remark to our foreman.

Commissioner Commons. Did your association or the employers ask for special policemen to be employed?

Mr. Bush. Have special police to be appointed?

Commissioner Commons. By the city authorities.

Mr. Bush. Well, ask for it? They offered to, that is, the mayor offered to, to me.

Commissioner Commons. He offered to appoint special policemen?

Mr. Bush. Yes, of our naming; but he never did so, to my knowledge.

Commissioner Commons. Did he ask you to name special nominees for special police?

Mr. Bush. No; I don't know. He never asked me, but after the Tatten & Brandt record there I asked the mayor what he was going to do about it, and he said they were going to appoint special police. He says: "You name men you want appointed." He did at that time say to name the men, name the men we wanted appointed. I did name some men—I didn't name them myself, but one of our committee, I believe, named men; but I don't know whether or not any of them were appointed. None of them that I know of appear on the list that was published in the papers as having been appointed.

Commissioner Commons. In the cases in court, arrests that have been made, what has been the disposal of the cases, so far as arrests have been made?

Mr. Bush. Arrests in cases of violence?

Commissioner Commons. Yes.

Mr. Bush. I do not know that any disposition has been made of them. They have been put over until after election.

Commissioner Commons. Are they all out on bail?

Mr. Bush. I think they are; I am not positive as to that.

Commissioner Commons. They were put over until after election?

Mr. Bush. You can take that for what it means—for what you think it means.

Commissioner Commons. Have you any idea at whose request they were put over?

Mr. Bush. No.

Commissioner Commons. You have no information about that?

Mr. Bush. No.

Commissioner Commons. Has there been any use of the injunction so far in this case?

Mr. Bush. Yes.

Commissioner Commons. What is the situation about that injunction? What court issued it?

Mr. Bush. How far do you want to go into that? This is still continuing on matters subsequent to the 8th of July. There have been injunction suits and injunctions granted, temporary and permanent.

Commissioner Commons. That is one of the most fundamental things we have to go into—the attitude of the courts and the governing authorities toward this question. And it seems to me that personally I should like to have such information as will help us in that matter.

Mr. Bush. I say there have been injunctions granted, temporary and permanent, in several cases. It is difficult, you understand, to get evidence where union labor representatives claim that pickets are not pickets and boycotts are not boycotts. When pickets are advertising agents you have got to get considerable evidence to prove that they are not what they are called.

Commissioner Commons. Are those injunctions outstanding now?

Mr. Bush. There are some of them outstanding that have not been decided yet.

Commissioner Commons. There are temporary injunctions now pending here? What is the status?

Mr. Bush. In this case?

Commissioner Commons. Yes. There have not been any trials for contempt yet, have there?

Mr. Bush. No.

Commissioner Commons. What court is it that has issued these injunctions?

Mr. BIRD. The superior court; I suppose that is where it was brought.
Chairman WALSH. I did not catch that.
Mr. BIRD. The superior court. You mean whose court?
Commissioner COMMONS. Yes. It would be the superior court, the local judge—the judge of the county?
Mr. BIRD. Oh, yes.
Commissioner COMMONS. State courts?
Mr. BIRD. No; county courts.
Commissioner COMMONS. County courts?
Mr. BIRD. Yes.
Commissioner COMMONS. That is all.
Commissioner GARRETSON. Are those injunctions that have been issued, both the permanent and temporary, issued by one court?
Mr. BIRD. That I can't say.
Commissioner GARRETSON. Well, that would simplify getting the records.
Mr. BIRD. I don't know.
Commissioner GARRETSON. In that case we might have to go over several.
Mr. BIRD. I do not know if one court or not.
Chairman WALSH. That is all. Call your next witness.
Mr. THOMPSON. Mr. Woods.

TESTIMONY OF MR. J. T. WOODS.

Mr. THOMPSON. What is your name?
Mr. WOODS. J. T. Woods.
Mr. THOMPSON. And your occupation?
Mr. WOODS. Electrical worker.
Mr. THOMPSON. And your address?
Mr. WOODS. 1138 East Miner, Stockton.
Mr. THOMPSON. You are located there?
Mr. WOODS. Yes, sir.
Mr. THOMPSON. What other position have you?
Mr. WOODS. In Stockton?
Mr. THOMPSON. In connection with labor.
Mr. WOODS. As president of the Stockton Building Trades Council.
Mr. THOMPSON. How long have you held such position?
Mr. WOODS. Two years.
Mr. THOMPSON. You are acquainted, naturally, with the conditions in Stockton?
Mr. WOODS. Yes, sir.
Mr. THOMPSON. What have you to add to what has already been said by the witnesses here to-day with regard to that situation?
Mr. WOODS. The situation at Stockton?
Mr. THOMPSON. Yes.
Mr. WOODS. Well, the situation at Stockton for the last two years—I have been president of the building-trades council—I have been in the Stockton Building-Trades Council for nearly 12 years. The building trades, with the exception of four years ago, where there was a strike of three months, in which the carpenters were involved, an adjustment was made; they struck for four-eighty, and it was compromised for four-forty—since that time the building trades and their employers have been working in harmony and with but very little friction.

We have had two very small—very little trouble to settle, and practically all the trouble that has come up locally from the local organization with their employers has been settled amiably and peaceably by the building-trades council, and everything has been satisfactory. The contractors, the builders I am speaking of, were satisfied, so far as they were concerned, with our business dealings. And everything was working nicely. We had no trouble nor anticipated any trouble until about a year ago nearly; the merchants, manufacturers, and employers' association formed an organization in the city of Stockton, claiming that it was formed for the betterment and to counteract the abuses of the business in the city.

Immediately they were formed, any little controversy that came up in the building trades, why, we were referred to the secretary of that association, Mr. Calkins, and he refused to have any dealings with us with regard to that or with regard to any trouble or to notify the contractors at any time any trouble came up, and they asked him, and he said, "Pay no attention to the

building trades"; go ahead with your business, union or nonunion. Well, we usually reached those contractors and settled with them. Now, up until the time that that association was formed everything went along peaceably, and for some time afterwards, so far as that is concerned, because the contractors, the majority of the building contractors, did not want to join the association, and did not join it until such time as pressure was brought to bear, and they informed me that they had—and then even after they had joined the association they were fair to labor, every one of them. But it did not suit Mr. Calkins. Mr. Calkins had made the statement to the people, to our people in particular, that he came there to make Stockton an open-shop town from the day he organized. And the contractors whom I interviewed who had joined the association, each and every one told me the same, made the said statement to me—that the reason that they were in that association was because they had to be there. An automobile had come around with three of the committee from the employers' association. Those of them who held out were told that they must either get into the association or they would take steps to force them into the association, and they were forced in in that way. Then the contractors who did not believe in the association, did not want to go into the association, and who still continued to accept and employ our people, when the trouble started with the clerks' organization; the clerks were locked out, their cards were demanded, and our boys, members of the building trades, naturally after they were—after the clerks were locked out—I suppose that the majority of them traded at stores who employed union men, the same as men who were employing us, a natural right—they did.

Well, it went along for some little time and the issue was forced on the contractors. They came and told me they were—the proposition was put up to them that they must put nonunion men on the job; that they would have to come out for the open shop. That went on for some little time, and they didn't do it.

The next trouble that came up was with the cooks and waiters. The cooks and waiters had made no demands. The agreement, I believe, had expired, but they didn't ask for a renewal of the agreement. They were just simply working along under the old agreement without any renewal. Mr. Calkins called a meeting of the restaurant keepers and hotel keepers and demanded that they take the cards out of their restaurants, and some of them took them out and then put them back again, as it didn't suit them. Mr. Calkins has consituted himself as a chairman and appointed a committee of restaurant keepers to go around and wait on the different restaurants to take their cards out, which they did, and had them in their offices. That brought on trouble with the cooks and waiters. When some of those restaurant keepers were forced to take this action or were told their supplies would be cut off they had to leave the cards out, and the cooks and waiters were forced through this attitude into the street. They were told they had to either give up their cards or quit; that from that day on it was an absolutely nonunion shop.

Well, the cooks and waiters came out and the clerks were out prior to that. The building trades had not been in this fight. The building trades had no trouble with any of its employers, but the building-trades mechanics, while they did not declare any boycott on any person or firm in the city of Stockton, our people were evidently trading with their own friends, because Mr. Calkins had absolutely refused to meet any of the miscellaneous crafts. Refused to talk with them or have anything to do with them, and they could not get a meeting. They asked for meetings, but they could not get them.

Well, some time after the cooks and waiters were out, I believe it was about a week or such matter, or 10 days, there was a committee came to me out to the Jackson School Building where I was working, and they came out there and came in the building and asked if I would come out and have a talk with the committee. I told them I would, so I went out.

They asked me for a meeting of the building-trades mechanics—a committee of three to meet their committee that evening at 7 o'clock, to see if we could come to some agreement or adjustment on the matter. And in that conversation I was told by the gentlemen of the committee that we would have to take some action. They made a demand on me that we force the members of the building trades, who were not trading with the stores who had locked their union clerks out, claimed there had been letters written fining some of our members if they traded with any of these unfair stores. That if we didn't force this organization to rescind the letter and if we didn't immediately take steps to force members of the building trades to trade with the members

of their association, that they would have to take action against us, and that was the sum and substance of the matter.

I told them, "Gentlemen, if that is your attitude and your demand there is no use of us having a meeting, because we can not consider that part, and we will not, but we will meet you this evening with a committee of three from each organization," which was agreed upon.

The committee met at 7 o'clock, and as in all other meetings there was a great deal of preliminary and useless argument brought up, pro and con, before we came to any sort of understanding at all.

The first proposition that was put up to us by Mr. Totten was the same thing that he had repeated to me out at the school house—made the demand on us that we immediately notify the members of the building trade unions that they must trade at the stores that were in their association, whom they had not been trading with since the trouble; and we could not get anywhere, and it was practically a dead end; and finally I made the suggestion that we meet the people who were directly involved in the trouble, and that we get the members of the clothiers' association and members of the hotel and restaurant keepers, and members from the building trades, and a the committee from the miscellaneous crafts, and have another meeting to see if we could not come to some adjustment of the trouble in some manner.

That was finally agreed on, and the next night we had the meeting of all these committees. Now, at that meeting they were all represented, and every phase of the question was gone into, and the building trades made the statement again that they had no trouble with their employers; that their employers had no grievance against us, and it was admitted by members of the committee—Mr. Totten admitted it himself on that committee that evening, that he did not have any trouble with his employees, and he didn't want any trouble. Mr. Inglis, another one, said the same thing, and Mr. Vlahrock, who was on the committee also, admitted he did not have any trouble with his employees and didn't want to have any trouble, and believed we could adjust the matter, which we were willing to do.

The proposition was brought up again. The building trades had no official boycott on any person or firm in Stockton. They claimed we were boycotting them; that we were not trading with their people, and they demanded again that we force our members to trade with the stores who were not employing union men, and force the rescinding of any letters which had been written; that they must make a public statement to the effect that they would trade at these stores—rescind the letter in effect publicly. And when that came up, the question was asked Mr. Totten, "Do you make a demand of the building trades that they force the members of the building trades to trade with the stores who are employing nonunion clerks and that they force the members of the building trades to rescind their letters publicly that there is a fine on their men trading with any of these stores; that if they don't comply with these demands, would they put the building trade members into the street?"

Mr. Totten's answer was "Yes." The building trades wouldn't comply with that demand under these circumstances.

Now, in regard to the assertion that was made on the stand this morning of whether we would not allow employees to work on certain electrical work. That two electrical workers were forced into a shop at Stockton. That one of these electrical workers who was working in that shop went out to a building, a private house where there was some repair work being done—and this man went out there and got drunk and frightened the lady of the house—and she called her husband to that effect—that this man was out there drunk.

Now, there is a firm, the Stockton Electrical Machine Equipment Co., who had a man in their employ who did go out to a house to do some work and who found some liquor in the basement and did get drunk; and they telephoned in and Mr. Rudall went out and brought him in and fired him. It came to our knowledge, and came up at the electrical workers' union, and he was put on the carpet and asked if that was true, and he admitted it was. He was given a talking to. He was reprimanded by the chair and by the executive board of the electrical workers' union, and told that only for his wife and two children his card would be taken away from him, and that he would be suspended for 60 days.

For some little time he wasn't able to get employment in Stockton, and we finally had to take and assist his wife and children from our treasury to keep them going until such time as we could get this man work. Then he started in to drink, and I went to him and told him I would use the law of the State of

California if he kept on drinking and have him put in the asylum for inebriates, and scared him so badly that he went to work, and has been working ever since.

In regard to the other case, the case of the other man that they claimed was forced on this employer: The electrical workers have no business agent, and have no authority to force anybody on anybody, and it was not done. The employers of the building trades have the right to hire whom they please, if they have a card. Any man who is not efficient, if he is slow, or his work is not good, if he is not a mechanic, it is up to the employer to discharge that man and let him go, and he has no protection. A man in our business, in the electrical business, must be a mechanic, and if he can't fill the bill, he is discharged and no questions asked.

Now, the business men were not satisfied, a great many that joined the association. A great many of the business men were satisfied with the conditions that prevailed in Stockton under union conditions. Those men have told me that they were perfectly satisfied; that their business had been better under union conditions for the last eight or nine years than it had ever been before in the history of the city of Stockton, when wages ran anywhere from a dollar and a quarter to two dollars and a half a day; that their business had built up, and that Stockton was a better town financially and otherwise than it had ever been before, under absolutely union conditions.

Now, the building contractors: The majority of those men, I had personal interviews with each and all of them. This association was forced upon them and they were forced to abide by the rules of the merchants and manufacturers' association. Those men did not want to go into an open-shop controversy. Those men all admitted all their money had been made, and all their success as contractors had been made under union conditions; prior to the time that the building trades council was formed and union conditions prevailed that there was absolutely no money in the building business in Stockton. And it was the same with the business men. They made the same statement to me, that before organized labor had made a better condition of wages that the business was not good.

Now, we have men who came to me for permission to work since the trouble came on, members of the association, their names are on the roll, and they tell me that they can't take it off for the very fact they are afraid it will jeopardize their credit.

One man came to me the other day and he wanted to complete some work—well, it was not to complete, it was to put in some new work in a building. The lumber bill would amount to about $850, and he wanted to know if we would allow him to buy his lumber in any of the yards in Stockton, if everything else would go through with organized labor; and he stated to me as the reason why, that he owed a note of $1,700 to a party, and if he bought the lumber out of Stockton the man would immediately foreclose on the note and he would be put out of business. We didn't want to put anybody—jam anybody up into a hard position. We want to treat our friends all right, and want to be just with everybody, and he was granted that permission.

Mr. THOMPSON. Are you through with your statement now?

Mr. WOODS. No, sir; I am not just yet.

I would like to state that in the committee meeting, the second meeting of the committee, Mr. Totten, who was chairman of that committee, made the statement that he didn't want any trouble and that he would like to keep out of trouble if he could, but he could not do it by the very fact he wasn't running his own business. In other words, that the people who were back of him demanded the open shop.

I would like to state also that the majority of the people who are responsible for the formation of the merchants and manufacturers' association have been really, from the best knowledge we have—were not citizens of Stockton, and did not represent their own business. Mr. Calkins and Mr. Irish do not represent the citizenship of Stockton nor the business of Stockton. They were from the outside. The people who came there in the formation of that association were practically all from the outside, so far as we can find out, from Los Angeles, from Portland, from Seattle, and San Francisco. And quite a number of the men on the executive committee that are there now don't represent their own money. They represent other interests, a great many of them, out-of-town interests, such as lumber interests, out of the city of Stockton, and other interests that are outside of the city.

I guess that is about all of the statement that I have.

Mr. THOMPSON. Mr. Woods, could you be a little bit more definite with reference to the names of those you say are on the board of directors of this manufacturers, merchants and employers' Association who are not residents of Stockton, or, at least, who were not originally residents when this association was formed?

Mr. WOODS. Well, the men who were not directly interested in Stockton in the formation of this association were Mr. Irish and Mr. Calkins and Mr. Irish, sr., of San Francisco, was one of the principal organizers of the association in Stockton.

Mr. THOMPSON. Where did they come from, if you know?

Mr. WOODS. Well, I don't know where Calkins comes from, from everywhere, I guess.

Mr. THOMPSON. Did the members of the unions look upon Mr. Calkins as an objectionable person in the industrial affairs of Stockton?

Mr. WOODS. They look upon Mr. Calkins as an objectionable person in this respect, that Mr. Calkins went there and misrepresented to the people of Stockton the real motive of the organization. He told them it was for the boosting of Stockton and it was not against labor. And he misrepresented absolutely all the way through, because we had information and the copies of letters from the very start, that he was working absolutely against the organizations of labor in that town.

Mr. THOMPSON. Is the feeling against him pretty strong?

Mr. WOODS. Well, the feeling was pretty strong; yes.

Mr. THOMPSON. Mr. Johannsen testified this morning that a union man with a union card and dues paid up could not get a place in Stockton, providing outher union men of the same craft in good standing were out of work. What have you to say, if anything, Mr. Woods, in that connection?

Mr. WOODS. Well, that would depend entirely on conditions. In the few years' experience that I have had as president of the building trades council, there has not been any man turned down for a job in Stockton who had a good, paid-up card.

Mr. THOMPSON. Well, is there any such rule of the union, do you know, of the kind named?

Mr. WOODS. There is not any such rule; no; because we have had men in my own particular line—we have had some of our boys walking the street when men from Sacramento and San Francisco were busy working in the town on big jobs.

Mr. THOMPSON. Without objection from the union?

Mr. WOODS. Without objection. There was no kick made.

Mr .THOMPSON. In regard to the contractors being forced into the M., M. and E., yo uany statements were made by them that steps would be taken to force them in. Is there any definite kind of steps that it was alleged would be taken?

Mr. WOODS. The steps that were alleged would be taken were that they would be shut off on their material, and they would have to pay their bills.

Mr. THOMPSON. In what lines of industry, or in the building trades—in what lines was that statement made?

Mr. WOODS. That is the general builder, the general contractor.

Mr. THOMPSON. Would you care to name here any individual who made that statement to you?

Mr. WOODS. I would not like to for fear that it might injure him.

Mr. THOMPSON. Is there anybody that you know of who would be able to give us, perhaps, more testimony in that regard?

Mr. WOODS. I think so. I think I can get the name. I would not want to mention the names without their consent.

Mr. THOMPSON. I see. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. You are familiar, Mr. Woods, with the contents of this card issued by Mr. Johannsen to all the pickets in Stockton, which makes for law and order?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. In how far, to the best of your knowledge and belief, have those instructions been observed by the pickets?

Mr. WOODS. Well, to the best of my belief, the union pickets and the union men of Stockton have adhered to that as closely as possible. If there has been any trouble with union men I don't know it.

Commissioner WEINSTOCK. You heard the statement made on the witness stand by Mr. Bird, the president of the manufacturers'—the M., M. and E.?

Mr. Woods. Yes.

Commissioner Weinstock. Wherein he gave it as his opinion that these instructions were a mere farce and were not observed, and that there had been numerous cases of violence against union workers, or rather nonunion workers, since this card had been issued. What are the facts as you know them?

Mr. Woods. Well, all I know is the reports that I have heard. I have no knowledge that there has been any violence of our people.

Commissioner Weinstock. Have any union workers been placed under arrest since this card has been published?

Mr. Woods. Not to my knowledge; there has not.

Commissioner Weinstock. None have been arrested?

Mr. Woods. Not to my knowledge; I don't remember of any.

Commissioner Weinstock. Are there any union men who are to-day under arrest in Stockton for acts of violence in these labor troubles?

Mr. Woods. There are men who have been suspicioned, been arrested on suspicion of violence.

Commissioner Weinstock. Are they out on bail?

Mr. Woods. Yes, sir.

Commissioner Weinstock. May we ask who furnished the bail?

Mr. Woods. Well, the bail was furnished by—in a good many instances by their friends.

Commissioner Weinstock. Has there been any bail furnished by the unions or representatives of the unions?

Mr. Woods. That I—in one or two instances I think there has.

Commissioner Weinstock. Can you name the instances?

Mr. Woods. No; I can't.

Commissioner Weinstock. But, so far as you know, there have been one or two instances where bail has been furnished by unions or representatives of unions?

Mr. Woods. Yes, sir.

Commissioner Weinstock. I understood you to testify, Mr. Woods, that there are employers who are members of the M., M. and E., as it is called, and who are members unwillingly?

Mr. Woods. Yes, sir.

Commissioner Weinstock. Do you know of any reason why they can not withdraw if they are not in harmony with the purposes of the M., M. and E.?

Mr. Woods. Why, the reason that they can not withdraw, as they have told me themselves, because that they won't be able to buy material; in other words, that their credit will be hurt in such a way that they can't go along with the business.

Commissioner Weinstock. Well, now, do you know whether that statement was made on their part simply as a pretext for continuing in the organization, or whether it is a bona fide statement?

Mr. Woods. I have every reason to believe it is a bona fide statement.

Commissioner Weinstock. May we ask how you have reached that belief? What makes you believe that?

Mr. Woods. From my personal knowledge of the men and for the reasons that I practically know that they are in there. In fact, there are four—four or five contractors who I am absolutely positive that is the only reason they are there, because they have to be there.

Commissioner Weinstock. You mean that they are not financially independent?

Mr. Woods. They are not running their own business.

Commissioner Weinstock. That is all, Mr. Chairman.

Chairman Walsh. Mr. Garretson, any questions?

Commissioner Garretson. No.

Chairman Walsh. Any questions, Prof. Commons?

Commissioner Commons. No.

Chairman Walsh. That is all; thank you. Call your next.

Mr. Thompson. Mr. Stewart.

Chairman Walsh. He is not on this program?

Mr. Thompson. He has been subpœnaed, but I understand he can't be here to-morrow, and having subpœnaed him we thought we would put him on to-day.

TESTIMONY OF MR. CLAUDIUS EDWARD STEWART.

Mr. Thompson. Mr. Stewart, will you give us your name, please?

Mr. Stewart. Claudius Edward Stewart.

Mr. THOMPSON. You may sit down, Mr. Stewart.
Mr. STEWART. Yes, sir.
Mr. THOMPSON. And your business address, please?
Mr. STEWART. 627 East Seventh Street, Stockton.
Mr. THOMPSON. And your business?
Mr. STEWART. House painting, decorating, and so forth.
Mr. THOMPSON. House painting?
Mr. STEWART. Yes.
Mr. THOMPSON. You are a master house painter?
Mr. STEWART. Yes, sir.
Mr. THOMPSON. Have you heard the testimony that has been given here today with reference to the situation in Stockton?
Mr. STEWART. Well, not all of it. I was told to stay there in the hall of the hotel, and I stayed there from 10 o'clock until half past eleven before I knew it.
Mr. THOMPSON. Will you give us your view of the facts as they are in Stockton with reference to the labor problem?
Mr. STEWART. Well, this man, Calkins, wrote me a letter, and I went up to his place and seen him, up in the Elks Building, and he wanted me to join this M., M. & E. He said I could get work right away, and give me a big talk that way, that I could get work and all the work I wanted. And I waited for—let's see, that was one, two—and the third month he sent me a bill for dues. Well, I went up there and told him I hadn't done no work; I couldn't pay him any dues. "Well," he says, "we will leave it go on, leave it go on." Well, August 5 or 4 I got a job around the corner there from the Elks Building, and I went to pay him up the $4 I owed him. And when I got up there, why it seems they make out a small receipt for each month. He made out four of them, and I told him before I would pay him that I wanted my name off of the big book, as they call it, or he would not get the $4. We went on talking, and he said I must be a coward or something to that effect. I says, "I ain't afraid nobody." He said he wasn't. "Well," he says, "them people down there are nothing but a lot of cowards." He pointed down the street. It got like that a——
Mr. THOMPSON. Who do you think he meant when he pointed down the street?
Mr. STEWART. Why, that is the labor-union people. So being called a coward and saying he was afraid of nobody, and he said a dirty remark to me besides, I don't care about repeating it right here, and I didn't like the sound of it. I told him I had this job next door and it was a union job, and I had to have union men on it. But they would not work unless I was client in Elks M., M. and M. business. "Well," he says, "I will give you a temporary card, but your name will remain on the big book." "Well," I says, "I don't want it on the big book. I want to pay up and get out of the big book." I had my money to pay it. He says, "Well, I think you are a coward like the rest of them," as I turned to go out the door.
So, I went down near the job, and I sat there about 10 minutes, thinking it over about being called a coward. That didn't sound good to me. So I made up my mind I would go down to the union and tell them how it stood; that they would furnish me four or five men; if he didn't give me a receipt I would make him give me a receipt. They all sat in a place like this, so I went down, and there was four or five volunteered to come up there. He had bragged as he was afraid of nobody, I though probably he had a gun in the corner, because he made for the corner when I got there. But anyhow these men come up with me. I says, "I don't want none of your help; I will talk to him myself unless in case somebody else jumps onto me." They said they would. They wanted to know if they should take any guns along. I said, "No; don't take any gun. I don't want any gun myself." So we marched up there and we came in the door here [indicating], and he has a desk like that [indicating], and he jumps up there and comes around here [indicating], and there was a corner over here [indicating]. I went in first and I got the other side of him, so by him coming I come over there for that corner, and I suppose he had a gun or something, he wasn't afraid of nobody, he said. So when he got along over there I grabbed him by the neck and hit him a smack with my fist, put him in the corner, and I give him what I thought was satisfactory, and got up to go out. And I stubbed my shoe on the runner in the halls they have, and I fell down. And I see one man coming, and all my men gone with the exception of one. And this fellow was coming. I was trying to get up as quick as I could, and here this fellow

that had stayed—the last one—went over and fixed him. I don't know what he done to him, hit him a lick in the jaw or something. I didn't stop to see. I was trying to get out of there. And that is all I know about it. So I ran down the stairs and down around into the place where I was working.

Mr. THOMPSON. Do you care to make any further statement about the condition of affairs in Stockton?

Mr. STEWART. No; that is all I know of. I never done no work waiting for him.

Mr. THOMPSON. What representations were made to you when you joined the M., M. and E.?

Mr. STEWART. Well, he gave me to understand I would get work right away. I kept waiting and waiting and waiting until the three months was up, and he sent me a notice for my $3 bill; and I went up there and told him I hadn't done no work to get it. "Well," he says, "we will let it go on," until it run up to the 5th of August, that was the day we had trouble; that was five months, all told.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions, Mr. Weinstock?

Mr. WEINSTOCK. You are a master painter, Mr. Stewart?

Mr. STEWART. Yes, sir.

Commissioner WEINSTOCK. Do the master painters of Stockton have an organization?

Mr. STEWART. Well, they have had one; but I got out of there. There was some trouble that they had in there, and they told—I don't know, they got some word around that they would let me do all the old work if they could do the new work.

Commissioner WEINSTOCK. Now, when was this master painters' association organized?

Mr. STEWART. Oh; that must be four or five years ago.

Commissioner WEINSTOCK. Is it still in existence?

Mr. STEWART. Well, I could not tell you that.

Commissioner WEINSTOCK. When did you drop out?

Mr. STEWART. Oh, I dropped out—well, it was quite—yes; it has been quite a while now. They took in——

Commissioner WEINSTOCK (interposing). About how long ago, approximately?

Mr. STEWART. Let's see, it must be—see, I went away for a little while, and then I came back. It must be four or five years.

Commissioner WEINSTOCK. Since you dropped out?

Mr. STEWART. Yes, sir; they collected a lot of money, and then they would go down to Madden's and have a big feed. I thought I could have a better feed at home with my wife and children. So I told them I didn't propose to pay money in there to do that way.

Commissioner WEINSTOCK. You have been out of the employers' association?

Mr. STEWART. I have been out of there.

Commissioner WEINSTOCK. Four or five years?

Mr. STEWART. Yes, sir.

Commissioner WEINSTOCK. Do you remember how long you were a member?

Mr. STEWART. Well, let us see, it will be—it has been about a year, I guess. Somewhere around there, probably a little over.

Commissioner WEINSTOCK. You joined about four or five years ago and dropped out about a year ago?

Mr. STEWART. Somewhere.

Commissioner WEINSTOCK. You were a member about three years?

Mr. STEWART. I was in there——

Commissioner WEINSTOCK (interposing). Yes.

Mr. STEWART. About three years ago I went away for eight weeks and come back.

Commissioner WEINSTOCK. When disputes would arise between the journeymen on the one hand and the master painters on the other hand, how were those disputes settled? Did they have a grievance committee that they submitted them to?

Mr. STEWART. Well, I don't know; they didn't seem to. They took in men there that were supposed to be—say like you and me was a partner, you would be in the union and I would be in the bosses—that sort of stuck them the worst, because I knew that. They swore it was a falsehood on that part of it, because I sold out all of my tools to two parties.

Commissioner WEINSTOCK. What I wanted to know, Mr. Stewart, was this, whether the master painters, who you say were organized——

Mr. STEWART (interposing). Yes, sir.

Commissioner WEINSTOCK. Whether there was a grievance committee, as there is in many instances?

Mr. STEWART. No.

Commissioner WEINSTOCK. Representing both sides to settle any disputes that might come up?

Mr. STEWART. No.

Commissioner WEINSTOCK. They had no such committee?

Mr. STEWART. No.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Any other questions? That is all; thank you, Mr. Stewart. Call your next.

Mr. THOMPSON. Mr. Luke.

TESTIMONY OF MR. E. J. LUKE.

Mr. THOMPSON. Mr. Luke, will you give us your name?

Mr. LUKE. E. J. Luke.

Mr. THOMPSON. Your business address?

Mr. LUKE. Stockton.

Mr. THOMPSON. Your business?

Mr. LUKE. Flour miller.

Mr. THOMPSON. I didn't get that.

Mr. LUKE. Flour milling.

Mr. THOMPSON. Are you connected with the Sperry Flour Co.?

Mr. LUKE. Manager of it.

Mr. THOMPSON. How long have you been manager of that company?

Mr. LUKE. Very near five years.

Mr. THOMPSON. Five years. You are acquainted with the conditions that exist to-day in Stockton?

Mr. LUKE. I am.

Mr. THOMPSON. You have heard the testimony of the witnesses here also to-day?

Mr. LUKE. Yes.

Mr. THOMPSON. Will you tell us the facts as you view them; if you view them different from what the other witnesses have stated?

Mr. LUKE. About May, 1913, I was approached by a representative of labor in Stockton, who informed me that there had been a union formed of the warehousemen and packers and a demand made for the closed shop and shorter hours than they were then having. The same demand was made upon the other mill and all the warehousemen in Stockton. There was a warehousemen's association in Stockton several years ago, and this was re-formed to take up this question. We had several meetings, went over all the phases of the situation, and decided to not accede to the demands that were made upon us. It went along, then, for a short while, and while those things were under discussion they made another demand upon us from the engineers, wanting our engineers to join the union; in other words, the closed shop. The wages and hours which we were paying the engineers in some instances were better, and in all instances were just as good, as the union demanded. Our engineers refused to join the union. They then demanded that we make them join the union. I took the stand that we always had maintained there, that we didn't care whether a man belonged to the union or not. We had union men working for us in very near all lines, and we had nonunion men working for us in all lines. They then declared the boycott upon—the engineers then declared the boycott upon the Sperry Flour Co., and it was about—I guess it was about the last of August. That went along for about four months when it was withdrawn. We had several conferences with quite a few of the leaders, but nothing came of it. We still stuck to the proposition that we were running an open shop and had union men and nonunion men working for us, and we didn't care whether they were union or nonunion.

That went along all right during the—the warehousemen and packers union would only have taken 10 to 15 per cent of our men anyhow. When the engineers placed the boycott upon us, the warehousemen's union that had made the demands upon us still continued to work. We then informed the officers of the warehousemen's and packers' union who were working for us; that that boycott would have to be withdrawn or they would have to sever their connection with the Sperry Flour Co. They didn't do that. The boycott was not

withdrawn. And we shut down until we got another crew and started up again and have been running continually ever since. Most of these men are back working for us. The engineers that they wanted to force into the union had been, as I understand it in an indirect way—I never asked them—members of the union at one time. Two of them had been with us over 20 years, and I think one of them has been with us 12 years, and the others have been with us 2 or 3 years. Things went along all right until a short time ago, when this trouble occurred up town with the clerks. And we were then requested by some of the labor representatives in San Francisco to withdraw from the M., M. and E. We refused to do so, and a boycott was placed upon us. The same men are working for us to-day as have been working for us right straight along. No demands have been made upon us as regards hours or wages or conditions. That is the situation to-day. We were boycotted for, I should say, about three weeks, three weeks or a month, the first time the boycott was placed upon us.

Mr. THOMPSON. Do you subscribe to the by-laws and the objects and aims of the M., M. and E.?

Mr. LUKE. Yes, sir.

Mr. THOMPSON. That states your view of the manner of dealing with labor?

Mr. LUKE. Very nearly so.

Mr. THOMPSON. What I meant more specifically is this, you are not a believer in collective bargaining?

Mr. LUKE. No.

Mr. THOMPSON. Would you care to give to the commission more extendedly your reasons for not believing that?

Mr. LUKE. I would rather answer——

Mr. THOMPSON. Or have you stated it already?

Mr. LUKE. I would rather answer questions that were asked me than to make any extended remarks. I think that has been gone over very thoroughly here to-day.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Mr. Weinstock.

Commissioner WEINSTOCK. You were present, Mr. Luke, this morning when Mr. Johannsen gave his testimony?

Mr. LUKE. Yes, sir.

Commissioner WEINSTOCK. You heard the question put to him as to which side of this controversy in Stockton had taken the initiative in the matter of boycotting, and you heard his answer that it was the M., M. and E. who had initiated the boycotting?

Mr. LUKE. Yes, sir.

Commissioner WEINSTOCK. Is that statement correct?

Mr. LUKE. That statement can not be correct, because the Sperry Flour Co. was boycotted before the M., M. and E. was formed.

Commissioner WEINSTOCK. So that your testimony is that organized labor took the initiative in the matter of boycotting in the city of Stockton?

Mr. LUKE. Well, I won't say the city of Stockton. I will say the Sperry Flour Co. We were singled out, amongst all that the demands were made upon, to be placed upon the boycott list.

Commissioner WEINSTOCK. Your mill is located in Stockton, is it not?

Mr. LUKE. Yes, sir.

Commissioner WEINSTOCK. Well, have there been any other boycotts levied by organized labor during this trouble?

Mr. LUKE. The first trouble, or this trouble that is going on now?

Commissioner WEINSTOCK. This present trouble, yes.

Mr. LUKE. I believe some of the stores uptown are being boycotted.

Commissioner WEINSTOCK. Can you recall when the first boycott was established in this present trouble?

Mr. LUKE. No, sir.

Commissioner WEINSTOCK. What boycotts, if any, have the members of the M., M. and E. placed against the workers?

Mr. LUKE. I don't know.

Commissioner WEINSTOCK. The union workers?

Mr. LUKE. I haven't been active in the M., M. and E.

Commissioner WEINSTOCK. You are not informed?

Mr. LUKE. No, sir.

Commissioner WEINSTOCK. Are there union men now in your employ, Mr. Luke?

Mr. LUKE. Mr. Weinstock, in answer to that I will say this, that I have never asked any man in our employ whether he has been a union man or nonunion man.

Commissioner WEINSTOCK. So you really don't know?

Mr. LUKE. No; I know all this time I have been informed by outsiders that there have been. We have had the teamsters working for us, and we have had longshoremen and lumber handlers, which I have been told were union men, but I have never asked one, either in a direct or indirect way, about it.

Commissioner WEINSTOCK. So that you really don't know to-day whether your people are union people or nonunion people?

Mr. LUKE. No, sir.

Commissioner WEINSTOCK. Is that question put to any applicant for employment?

Mr. LUKE. No, sir.

Commissioner WEINSTOCK. That is, you are indifferent as to whether the applicant is a union or nonunion man?

Mr. LUKE. Yes, sir.

Commissioner WEINSTOCK. You have never discharged any man because he was a member of the union?

Mr. LUKE. No, sir.

Commissioner WEINSTOCK. You have never asked any union man to give up his card to enter your employ?

Mr. LUKE. No, sir.

Commissioner GARRETSON. Your attitude has been the same before the trouble and since the trouble in that respect?

Mr. LUKE. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner LENNON. What hours do you work in your mill, Mr. Luke?

Mr. LUKE. Ten hours.

Commissioner LENNON. Ten hours.

Mr. LUKE. In the flour mill we work 12 hours, but the men only work 10 hours, change shifts. Some go on early and go home early, and others come on late and go home late.

Commissioner LENNON. Well, do they have to be ready for service 12 hours?

Mr. LUKE. No.

Commissioner LENNON. Ten hours?

Mr. LUKE. Yes, sir.

Commissioner LENNON. What is the general rule for a day's work in your city?

Mr. LUKE. Wages?

Commissioner LENNON. No; what is the rule, usual rule in Stockton as to the hours of labor for a day's work?

Mr. LUKE. Oh, some of them are working 9 and some 10. Ten hours is the rule generally in the milling business.

Commissioner LENNON. Ten hours is the general rule. You know there are mills, at least one mill in the United States where they have the eight-hour day?

Mr. LUKE. I don't.

Commissioner LENNON. There is.

Mr. LUKE. I know they tried it in Minneapolis.

Commissioner LENNON. There is such a mill, and a highly successful one. That is all.

Commissioner WEINSTOCK. Just one more question, Mr. Chairman, if it is permissible.

Chairman WALSH. Go right ahead, Mr. Weinstock.

Commissioner WEINSTOCK. Have any of the men who were in your employ, Mr. Luke, when this trouble first began, have any of them dropped out since then on account of this trouble?

Mr. LUKE. This last trouble?

Commissioner WEINSTOCK. Yes.

Mr. LUKE. No.

Commissioner WEINSTOCK. Not any?

Mr. LUKE. No.

Commissioner WEINSTOCK. So far as you know, have you acts of violence been committed against any of your men?

Mr. LUKE. Not against our men.

Commissioner WEINSTOCK. Not against your men. That is all, Mr. Chairman.

Chairman WALSH. Prof. Commons?

Commissioner COMMONS. Can you tell if this boycott first extended outside of the limits of Stockton; that is, when the State organization first took it up?

Mr. LUKE. When they first took it up?

Commissioner COMMONS. Yes.

Mr. LUKE. The State organization, I believe, indorsed it at their meeting in Fresno just about a year ago; I think it will be a year in September or October.

Commissioner COMMONS. What was that, the building trades or the State federation?

Mr. LUKE. No. The labor council.

Commissioner COMMONS. State labor council?

Mr. LUKE. The federated—the building trades council I don't believe ever did indorse it.

Commissioner COMMONS. It is called the State federation of labor, I take it.

Mr. LUKE. That is it.

Commissioner COMMONS. Did you first feel the effect outside of Stockton at that time?

Mr. LUKE. Well, we felt it; yes; in the large cities.

Commissioner COMMONS. In the large cities?

Mr. LUKE. Yes, sir.

Commissioner COMMONS. You have been feeling it, then, in the large cities for a year?

Mr. LUKE. Yes, sir.

Commissioner COMMONS. Has it extended outside of the State of California?

Mr. LUKE. I don't think it has. I believe they tried to up at Washington, but I don't think it extended that far.

Commissioner COMMONS. Have the employers throughout the State come to your support in turning purchases in your direction?

Mr. LUKE. Not in my territory they haven't.

Commissioner COMMONS. How have you met that boycott? In other words, the boycott of the labor unions would tend to shut off their sympathizers from purchasing of you. What I am getting at is, have the sympathizers with the employers turned purchases toward you to offset that?

Mr. LUKE. I don't—I am glad you asked that question because I would like to make a little addition to that statement. I don't think the first boycott that was placed upon us was very heavily indorsed by the outside labor councils because I had meetings with labor leaders from Sacramento and from Oakland and from San Francisco.

My argument all through that controversy was this, that we were paying more money in wages, giving them better conditions in such as your compensation act partly covers now; in other words, we were paying the men from the minute they got hurt, doctor and medicines, and full wages, until they were well enough to go back to work, and if they weren't in condition to come back and do the same work they were doing why we kept them around the mill doing very light work. We were paying $3 a day to our men. We are to-day. Sacramento, on one side of us, 50 miles away, is paying two and a half to most of their men; some $3. We are paying $3 to all our men, warehousemen and packers. San Francisco, on the other side, was paying two and a half to most of their men. And I argued then that it wasn't fair to ask us to pay more than we were paying until they had succeeded in getting the two competitive points up to where we were.

Commissioner COMMONS. Well, then, am I to understand that this boycott of a year ago at Fresno was not a real boycott, then?

Mr. LUKE. Oh, yes. After they tried to make it effective.

Commissioner COMMONS. Well, how long ago did they try to make it effective?

Mr. LUKE. Well, right after that meeting at Fresno.

Commissioner COMMONS. Oh, I see. Then when did the employers first begin to support you to offset the union boycott?

Mr. LUKE. Personally, I don't know of any case where they have supported us.

Commissioner COMMONS. Have they made purchases of you?

Mr. LUKE. Not any others than always did purchase of us.

Commissioner COMMONS. You haven't gained any new purchasers since the boycott?

Mr. LUKE. Not that I personally know of.

Commissioner COMMONS. Have you?

Mr. LUKE. The company might in the different sections that they are in, but I would not have any knowledge of that because I am only situated there in Stockton in the San Joaquin Valley.

Commissioner COMMONS. You did not have charge of the sales?

Mr. LUKE. No, sir; only in my territory. That is my own territory up there.

Commissioner COMMONS. Just around there. Where is your sales headquarters?

Mr. LUKE. San Francisco.

Commissioner COMMONS. You work seven days a week?

Mr. LUKE. No, sir. We are now; yes, sir.

Commissioner COMMONS. When did you start working seven days?

Mr. LUKE. About two weeks ago.

Commissioner COMMONS. You had been working previously six days?

Mr. LUKE. Yes, sir; we are working 17 hours now.

Commissioner COMMONS. How is that?

Mr. LUKE. Working 17 hours now—overtime.

Commissioner COMMONS. That is in the week?

Mr. LUKE. No, sir; a day.

Commissioner COMMONS. I don't quite get how you get 17 hours overtime.

Mr. LUKE. Not overtime. We are working now 17 hours during the last week or so.

Commissioner COMMONS. You shut down the other seven hours in the day?

Mr. LUKE. At night, from 11 to 6.

Commissioner COMMONS. You are running two shifts?

Mr. LUKE. No, sir; we are changing the shifts around.

Commissioner COMMONS. How do you get in 17 hours. Explain that shift system.

Mr. LUKE. We start at 6 o'clock in the morning, some of the men, and some start at 7 o'clock.

Commissioner COMMONS. And each works 10 hours?

Mr. LUKE. No, sir; they are working overtime.

Commissioner O'CONNELL. Are they working 17 hours?

Mr. LUKE. No, sir; they are not working no more than 16 hours.

Commissioner O'CONNELL. There are some of them working 16 hours?

Mr. LUKE. Yes, sir; but getting overtime for every hour over 10.

Commissioner COMMONS. What is the rate for overtime?

Mr. LUKE. Forty cents an hour.

Commissioner COMMONS. What is straight time?

Mr. LUKE. Thirty cents.

Commissioner COMMONS. Prior to two weeks ago you were working 10 hours, without any overtime at all?

Mr. LUKE. In one mill, and the other mill was working 24 hours.

Commissioner COMMONS. Two shifts of 10 hours each?

Mr. LUKE. The millers change around. The two millers work 10 hours, but the others are 12. Some come on early and go home early and others come late and go home late.

Commissioner COMMONS. Is there any force working 12 hours?

Mr. LUKE. No, sir.

Commissioner COMMONS. But the mill is working continuously 24 hours. The four hours' difference is made up by overlapping. You stock up your bins for packing?

Mr. LUKE. Yes, sir.

Commissioner GARRETSON. You use men to break the shifts by early calls for certain men?

Mr. LUKE. Yes, sir; that is right.

Commissioner COMMONS. Are there union mills in this country—in this State?

Mr. LUKE. Not that I know of.

Commissioner COMMONS. All these competitors, of course, are nonunion; they are not organized?

Mr. LUKE. Yes, sir.

Commissioner COMMONS. What are their hours?

Mr. LUKE. Ten hours. If they work full time—24 hours—they shift just about the way I explained a moment ago. Ten hours is generally the work of a packer.

Commissioner COMMONS. They have been paying——

Mr. LUKE. Two dollars and a half and three dollars a day.

Commissioner COMMONS. Two dollars and a half to three dollars for 10 hours. That is 25 to 30 cents an hour. You have been paying 30 cents and are now paying 30 cents, and 40 cents for overtime?

Mr. LUKE. Yes, sir.

Commissioner COMMONS. How many men have you?

Mr. LUKE. Pretty nearly 200.

Commissioner COMMONS. How many men are engineers?

Mr. LUKE. Five. The number on this double time is seven.

Commissioner COMMONS. In the case of these warehousemen and packers, is that a new organization?

Mr. LUKE. Yes, sir.

Commissioner COMMONS. That has not been in existence in this State before?

Mr. LUKE. Yes, sir; it had been in existence in this State seven or eight years ago.

Commissioner COMMONS. Was it created anew?

Mr. LUKE. Yes, sir; in Stockton. Yes, sir; that is my understanding.

Commissioner COMMONS. And what is the highest wages paid?

Mr. LUKE. In the mill?

Commissioner COMMONS. Yes, sir.

Mr. LUKE. Any man?

Commissioner COMMONS. Yes, sir.

Mr. LUKE. Two hundred dollars.

Commissioner COMMONS. He is the head miller?

Mr. LUKE. One of them.

Commissioner COMMONS. What is the lowest?

Mr. LUKE. Oh, we employ boys for a dollar and a quarter to a dollars and a half a day.

Commissioner COMMONS. The lowest adult, what do you pay?

Mr. LUKE. The lowest adult would be two and a half.

Commissioner COMMONS. How many boys would you have?

Mr. LUKE. Oh, I guess we have about six or seven; somewhere there.

Commissioner COMMONS. That is all.

Commissioner GARRETSON. Did you ever consider leaving Stockton on account of labor conditions you were confronted with there?

Mr. LUKE. We did.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all.

Commissioner O'CONNELL. I would like to ask a few questions.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. What has been the cause of your increasing the hours from 12 to 17?

Mr. LUKE. Trying to fill orders.

Commissioner O'CONNELL. Then the boycott is not affecting you now?

Mr. LUKE. Well, there has been a rush of orders of late, because every grocerymen expects an advance in the price of flour. We haven't advanced the price of flour, notwithstanding the advance of wheat.

Commissioner O'CONNELL. What is your production per day in barrels?

Mr. LUKE. A thousand barrels for 12 hours.

Commissioner O'CONNELL. What is the highest you ever had?

Mr. LUKE. You mean in barrels?

Commissioner O'CONNELL. Yes.

Mr. LUKE. I think one month we ran 32,000 barrels.

Commissioner O'CONNELL. What is the difference just prior to this war scare we have on now—your production then and your production prior to the boycott being issued?

Mr. LUKE. Well, that could be answered better by saying we were working overtime five hours.

Commissioner O'CONNELL. Then the boycott has not affected you during that time?

Mr. LUKE. I can't tell that, because we don't know how many of these orders are just stocking up

Commissioner O'CONNELL. What I catch is your production is as large, if not larger, than it has been at any time during the trouble?

Mr. LUKE. Yes, sir; but I am trying to get you to understand we can't tell how much of that is added business, if any of it is added business, because

every merchant expects a raise in flour and he is putting in all he can take care of and pay for.

Commissioner O'Connell. As I understand, the so-called boycott has been levied some time ago?

Mr. Luke. This last one only about four weeks ago.

Commissioner O'Connell. This last one about four weeks ago. The first one was not effective at all, as I understand?

Mr. Luke. Oh, slightly.

Commissioner O'Connell. Then it takes some time before you would be in position to ascertain whether the recent one is really effective or not?

Mr. Luke. Yes, sir.

Commissioner O'Connell. You say your mills are running 17 hours, but some of the men, or none of them, are working over 16 hours?

Mr. Luke. Yes, sir.

Commissioner O'Connell. That comes because of starting them earlier and later?

Mr. Luke. Yes, sir.

Commissioner O'Connell. Making the shifts, that hour that the mill is running and that the men are not, operating 17 hours. How long have they now been working 16 hours?

Mr. Luke. I started two weeks ago to work every other night. Last week we commenced and worked every night and worked Sunday.

Commissioner O'Connell. Including Sunday? Sixteen hours a day for seven days, and that has been going on two weeks?

Mr. Luke. Yes, sir.

Commissioner O'Connell. And the possibility of continuing that. There is no way that the number of employees might be increased in order that the excess number of hours might not be necessary?

Mr. Luke. If we could get skilled packers—yes, sir—or millers.

Commissioner O'Connell. That is all.

Mr. Thompson. Just one question, Mr. Chairman. Do you know, Mr. Luke, whether or not any pressure, directly or indirectly, has been used to induce merchants and manufacturers to join your association at Stockton?

Mr. Luke. I don't. I haven't been active in that.

Mr. Thompson. That is all.

Chairman Walsh. That is all.

Mr. Irish, will you please take the stand a moment? Mr. Weinstock wants to ask Mr. Irish a question.

TESTIMONY OF MR. J. P. IRISH, JR.—Recalled.

Commissioner Weinstock. You are secretary of the Stockton Chamber of Commerce?

Mr. Irish. Yes, sir.

Commissioner Weinstock. And I take it that the Stockton Chamber of Commerce, in common with other chambers of commerce, has what might be called a promotion department?

Mr. Irish. Yes, sir.

Commissioner Weinstock. Reaching out and trying to get——

Mr. Irish. In common with most all of them, it is mostly all promotion department.

Commissioner Weinstock. You have no object in view; that is, to bring new industries to Stockton?

Mr. Irish. Yes, sir.

Commissioner Weinstock. Do you keep a record of those prospects?

Mr. Irish. Yes, sir.

Commissioner Weinstock. Could you tell this commission how many such prospects you have had, say, within the past year?

Mr. Irish. It is a matter of some difficulty to analyze just how many of them are prospects and just how many are impelled by mere idle curiosity in looking from place to place with an ultimate view of locating. I can say this, however, and I am glad to have an opportunity, if you will permit me, to read it into the record. When I first assumed my connection with the chamber of commerce I made it my business to get in touch with the various manufacturing plants that were either contemplating a move, or, more often, were expecting to open a branch plant on the Pacific coast; and I made it my business with any such that I could find to get into correspondence with them through

a rather orderly system of follow up, and told them I could furnish them with information that would be of interest to them, and tried to interest them if they were going to locate, to come to Stockton. Our actual prospects in 10 months, when they were boiled, cleared down by a follow up, were zero. We had none. The usual course that they took was that we got to the point finally where they began—taking an individual business, after they asked about transportation and other general matters, and finally got boiled down to a place where they would inquire as to the amount of thermal units in the oil, and the prices at which oil could be bought, insurance rates and cost of building and cost of the raw material, and those fundamentals that a manufacturer gets down to when seriously considering a location—invariably with the location of some plants, I don't know anything about all, but invariably the question boiled down to the question as to labor conditions in Stockton, and that almost invariably boiled down to whether the manufacturer or employer of labor was in a position to receive any protection through organization against unfair demands on the part of labor unions, and in many cases, coming from open-shop towns, whether the right of free employment could be had in the city of Stockton.

The answer was always this, that two of our largest manufacturing concerns were operating on the open-shop basis. But immediately, apparently, those people would put their independent investigators on, and the natural result was, I was never able to get any further. It took that course in case after case, covering a great line of industries.

Since the recent developments and for once I am perfectly willing to go later than the 8th of July. Since this development I have had five manufacturing firms who are actually and legitimately prospects, looking for a location, and, in some cases, seeking options on sites, and they have come into the town for the purpose of locating. Mind you, they are not located yet, but they have gone further than they ever did before. And without exception they have told the same story, that they came because they would be able to work under open-shop conditions, and in every case we told them that they must understand that the schedule of hours and labor was not altered by this condition. They said that was a matter of indifference to them. It was protection against unfair demands that they were looking for and they thought they would get it there. I guess that covers it. I didn't aim to take up so much time.

Commissioner WEINSTOCK. Let me put it in this form. It would be of interest and, in fact, pertinent to the investigation that the commission is making, to know of specific instances where prospective manufacturers decided against Stockton on account of labor conditions. Could you give the commission any such specific instances?

Mr. IRISH. Unfortunately, the type of the matter I got did not specify their reason for lack of interest. The query came simply as to labor conditions in the city of Stockton, and thereafter I was unable to extract any further correspondence from them. It ceased right there.

Commissioner WEINSTOCK. There was testimony to-day, I don't know whether by you or some other gentleman from Stockton, to the effect that prospective manufacturers had been frightened away from Stockton because of labor conditions, and if that could be demonstrated, it would be an important point.

Now, if it is possible for you—if not at this moment, then at your earliest convenience—to furnish this commission with testimony, authenticated testimony, showing instances where prospective manufacturers have been kept away from Stockton because of labor conditions, that would be an important matter for the record.

Mr. IRISH. May I put my answer to that in this way: I will be very glad to go back through my files, and be very glad to take the matter up with the individual concerns that I have correspondence with in my files and ask them if they are willing that that correspondence be placed in the record here. In our relations with the prospective manufacturer or investor we are naturally in a position where their confidence must be held as sacred by us, not only for this reason but because they don't want to know they are coming to a place because, as a rule, real estate values go up on that knowledge, and all our correspondence is confidential.

If I am able to furnish that, I will be glad to do it. I can only say this definitely, we have never had a prospect of an industry locating, what I would call a prospect, until after the open-shop declaration, and since then we have had five that have been on the ground.

Commissioner WEINSTOCK. At this time you could not give the commission any definite case that the prospect was kept away because of labor conditions?

Mr. IRISH. I could not do that without taking the matter up with them.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. Let me ask one question. Bear in mind we have heard that in every town on the Pacific coast.

Mr. IRISH. I have no doubt.

Commissioner GARRETSON. Isn't it a fact that every applicant you had probably also was an applicant to a score or less of other towns, asking what they had to offer. Isn't that the universal practice, virtually?

Mr. IRISH. Not universally.

Commissioner GARRETSON. Generally, then?

Mr. IRISH. In many cases, but in certain specific cases, three at least to my knowledge, that was not true.

Commissioner GARRETSON. There are not other chambers of commerce with like mission, doing just the same style of investigation as yourself, and working their prospects and presenting the advantages of their paradise, just as you were of yours?

Mr. IRISH. Did you ever run a chamber of commerce?

Commissioner GARRETSON. I have been particeps criminis.

Mr. IRISH. I see. I thought so. I can only say this, that of course that is true in a great majority of cases. Of course there are specific cases where you find a man who is looking for a specific type of location, and you are lucky enough to get to him first and finish before the other man butts in. Three of those cases I know of.

Commissioner GARRETSON. All of the propositions from the town as a whole usually go into one jack pot for the determination of the case?

Mr. IRISH. Yes, sir. As a fellow criminal, you have me at some disadvantage.

Chairman WALSH. The hearing will now adjourn until to-morrow morning at 10 o'clock.

(Whereupon, at 4.40 o'clock p. m. on Tuesday, the 25th day of August, 1914, an adjournment was taken until the following day, Wednesday, August 26, at 10 o'clock a. m.)

SAN FRANCISCO, CAL., *Wednesday, August 26, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, O'Connell, Lennon, and Commons. William O. Thompson, counsel.

Chairman WALSH. You may go ahead, Mr. Thompson, please.

Mr. THOMPSON. Mr. Dale.

TESTIMONY OF MR. J. B. DALE.

Mr. THOMPSON. Mr. Dale, will you give us your name?

Mr. DALE. J. B. Dale.

Mr. THOMPSON. Your business address?

Mr. DALE. General delivery, Stockton, Cal.

Mr. THOMPSON. And your business?

Mr. DALE. I am an organizer for the American Federation of Labor and the California State Federation of Labor.

Mr. THOMPSON. How long have you been the organizer for those two bodies?

Mr. DALE. Four years and a half.

Mr. THOMPSON. Four years and a half on the western coast here?

Mr. DALE. Yes, sir.

Mr. THOMPSON. Are you familiar with the conditions in Stockton?

Mr. DALE. Yes, sir; somewhat.

Mr. THOMPSON. Will you tell us in your own way, briefly, if you will, what you have to add to that which the witnesses have already testified to?

Mr. DALE. Well, about the middle of April this year, 1914, I was instructed by Secretary Scharrenberg, of the California State Federation of Labor, to proceed to Stockton and assist Stockton Labor Council in an open-shop war that had been inaugurated by the M., M. and B., known as the merchants, manufacturers, and employers' association, at the city of Stockton.

Now, leading up to the trouble——

Mr. THOMPSON. I will ask you one question there. Do you know why that word was sent to you?

Mr. DALE. Yes, sir. By the solicitation of the Stockton Central Labor Council; their representative, a man by the name of Vitaich, T. J. Vitaich, business agent for the Stockton Central Labor Council and executive board member of the California State Federation of Labor, made that demand upon the executive board of the California State Federation of Labor; hence my visit to Stockton.

Mr. THOMPSON. You may go ahead, Mr. Dale.

Mr. DALE. The clerks' agreement expired, as near as my memory serves me, along in the month of March, 1914. At the time for the re-signing of the agreement the representative of the clerks, which was the business agent of the central labor council, called on the various merchants, and he found this condition of affairs: That the clothiers' association had been voted bodily into the M., M. and E., and when the business agent approached the merchants asking for their signatures to another agreement he was referred to Mr. Calkins, secretary of the M., M. and E., with offices in the Elks' Building, Stockton. And Mr. Calkins told him this: "We have concluded to not sign any agreement with any organization of labor."

The representative of the clerks made this request: "Will you give me that statement in writing?" Mr. Calkins said: "It is not necessary. That is the conclusion of our association, and we will not give you any written statement why we have entered into this agreement."

Then the representative of the clerks, the business agent of the central labor council, started in on a campaign with the various merchants. Many of the cards he had to remove from the stores, the proprietors of which had always been at peace with the clerks. Now, there is one point that I want to emphasize. The clerks were asking for nothing. They had, about four months prior to this—one of the large stores in the city had suggested—the manager of said store had suggested to his help that they use their influence in the clerks' union to bring about a 6 o'clock closing movement. That was to our mind, after developments had convinced us that that was simply an attempt on the part of the merchants, some of them at least, to start a campaign of discontent or disorganization, if I may use that word, in the clerks' organization, and when that was discovered that request was eliminated from the clerks' agreement, and there was nothing more said about it. Hence, the clerks were asking for nothing, no increase in pay, no decrease in hours, nothing at all; simply wanted their agreement re-signed, which they refused to do.

When I reached Stockton we looked over the situation, and we concluded to inaugurate a campaign of this nature—to go from union to union, night after night, urging the members of organized labor and their friends to use their purchasing power, patronizing the stores that displayed the card, patronize the restaurants that displayed the card, spend their money with their friends and let their enemies alone.

The statement has been made here that we issued an edict of boycott. I wish to tell this committee that that is absolutely false. You can go to Stockton and get every minute book of every organization in Stockton, and if you can find one sentence that looks like the authorization of a boycott I will surrender my commission and quit work for the State federation of labor.

There was no boycott declared. A man that smokes a Natividad cigar boycotts the St. Elmo, if that is a boycott. Do you "git" me? That is what we mean, and that is what we—that was our policy.

Now, then, the first blow that was struck in the industrial war in Stockton was struck by a member of the M., M. and E. There was a card passer in front of a shoe store—Mr. Dunn's. Mr. Dunn deliberately walked out after the—the man hadn't been there 10 minutes, and struck him a blow in the face. He carried a black eye for eight days from the effect of it. And there is a little incident to that that I want to tell the commission. It is this: Mr. Dunn was arrested for battery. He demanded a jury trial. Mr. Dunn swore under oath that he struck the blow. Mr. Dunn's son swore that he seen him strike the blow. Mr. Lynch, their hired man, swore likewise. Two disinterested men standing within 5 feet of the occurrence swore they saw the blow struck. And the jury brought in a verdict of not guilty. That is the court record. That is the truth. I simply relate this to let you know the conditions that obtain in Stockton. When men come before this commission and tell you that their objects are square and above board with labor it is necessary to analyze their actions, for actions speak louder than words.

Now, there was at that time, I believe, 16 stores displaying cards—retail clerks' store cards. You know what they are. And I think there was about 18 or 20 stores that had no cards.

Now, the M., M. and E. advertised in the three daily papers the stores that did not display the cards, and they made this appeal to the public: "These are the stores that stand for industrial freedom. If you believe in industrial freedom, patronize these stores." And the list of the stores was in the papers. We did likewise. It had settled down to a fight, a rough and tumble fight, if I may use that term. We were appealing to our people to patronize the merchants and the restaurant people that displayed the cards. They were appealing to their people, using their influence, to patronize the stores that did not display the cards.

And I contend, and I want this commission to get the point, and I believe you will without my mentioning it to you, but I want to make it plain, that they were boycotting the stores that had the cards, and we were boycotting the stores that had no cards.

Now, if anyone is guilty, we are all equally guilty. I have nothing to shun. I have nothing to side-step, nothing to keep under cover from this commission. I want you to know the full and complete facts.

About the 17th or some time in the latter part of April or May the Holt Manufacturing Co. gave a big demonstration. Every man in their employ was given a day's pay to march in a parade—the first time in the history of that organization that anything of that kind had ever occurred. I took occasion to make the remark that in my opinion the parade had been pulled off for effect—to get public opinion on their side. Some reporter overheard what I said, and I believe it appeared in the Sacramento Bee. I am still of that opinion. I am not taking back anything that I said then. I still believe that to be true.

Later the card passers were enjoined. Now, these people—and I want this commission to get this point—that we contend that those people we had at that time were not pickets; they were card passers; they were advertising stores and restaurants and people that were fair to labor. We were not able to buy space in the newspapers as the M., M. and E. They advertised theirs in the newspapers. Our medium of advertising was by handing out cards. They enjoined the card passers. The injunction was made permanent.

Later there was a couple of innocent-looking little donkeys placed on the streets, with a blanket over them telling the story that certain restaurants were unfair; and the judge enjoined the donkeys, mark you, and he made that permanent. The donkey can't coerce, he can't threaten, he can not malign any one. The only thing that he can do is to kick, and any man that has got any sense knows which end he kicks from and to keep away from that end of it. That is all. The donkey was enjoined, the two of them; took off the streets, and I don't know where they are at.

Now, that shows again the disposition of some of the citizenship of Stockton relative to organized labor. The bankers, every one of them, belong to the M., M. and E. Now, I don't know whether they have used their financial influence to coerce anyone or not. There will be other men, other people here to tell that story. But in my opinion they have. Rumor is current on the streets of Stockton that those men have gone the limit to seal the lips and tie the hands of the men of labor and merchants and contractors that want to be friendly to labor.

Now, I make that statement to your unqualifiedly. I am telling this commission that that rumor is current, and I believe that there will be men who will follow me and will emphasize that more fully and be more clear on the proposition.

They even went so far in their efforts as to try to muzzle the newspapers, and tried to frighten the pulpit from speaking their minds, and still they have the immaculate nerve to come before the commission and tell you their action was in keeping with right and fair play. If that is fair play, I don't have the right understanding. I don't understand the meaning of the word.

There was a statement made yesterday, I believe, by Mr. Irish relative to a Mr. George Tracy.

Chairman WALSH. Mr. Dale, will you please pitch your voice a little higher. It is very hard to hear in this room. After the adjournment yesterday some of the audience spoke to me and said they were unable to hear the witnesses, and as they are very much interested in the proceedings here I wish you would try and speak a little louder, so that we all can hear.

Mr. DALE. There was a statement made yesterday by Mr. Irish, I believe—if I am wrong in the witness I will beg his pardon—to the effect that Mr. Tracy, president of the San Francisco Typographical Union, and Mr. McLaughlin, State labor commissioner, visited Stockton and endeavored to use their in-

fluence in bringing the warring factions of the industrial war in Stockton together. They asked time until the executive board of the California State Federation of Labor met in executive session, which was in April; no, May 12 or June 12—June 12.

Mr. Irish left the impression and, I think, intentionally so, with this commission that that was a bluff on the part of labor; that they didn't mean it. That it was our intention to simply play and spar for time. I want to tell this commission that that was a bona fide proposition on the part of labor. We meant it. We wanted them to wait. We begged them to wait until June 12, when the executive board of the California State Federation of Labor met in executive session, when they could take up the matter of the Stockton situation.

Now, prior to this there had been a committee that had called on the mayor and the board of commissioners in the city of Stockton, and the committee had this to say to the mayor:

"If you will use your influence as the executive officer of the city of Stockton; if you will make a statement in the papers of Stockton to the effect that in behalf of the third party, the public, you demand that the two warring factions in the city of Stockton come together, if you will do that, Mr. Mayor, I believe you will be instrumental in preventing an industrial war in the city of Stockton."

He was told in the event of the trouble continuing that the streets of Stockton would be filled with blacklegs, yeggmen, gunmen, and ex-covicts, and that prediction was verified and there are now in the city of Stockton such men.

In Stockton this morning they are there with their blackjacks and guns and billies. As Johannsen told you yesterday, five of those fellows were arrested. They had the automobile, the whole bottom of it, covered with pick handles, blackjacks, and guns, and I was present when the city attorney, Carlton Case, from the M., M., and E., put up a check for $500 for those men, and when they signed the roll in the police court, they signed it Mr. Miller, and Jones, and Smith, strike breakers. That is the way they signed themselves at the police court. The signatures are there and you can send and get the books. They made no bones of it. Strike breakers, that was their occupation, that was their business; that was what they were brought to Stockton for, to break the strike and break men's heads, and that is what they came there for. And labor has from the beginning of this asked and begged that the matter be arbitrated, and we are ready now—I want to say to this commission as a representative of the American Federation of Labor, that organized labor stands ready now to arbitrate this matter. The mayor was told by this committee I have just mentioned to you that organized labor would pay half of the expenses of bringing men to Stockton who have no interest in the affair and know nothing about the facts, and whatever the finding of the arbitration board might be, organized labor would bow and take its medicine.

I was with the committee that met with a committee from the M., M., and E., and conditions were thrashed over for probably three hours, and Mr. Totten, who will follow me probably, made this statement: "You fellows have got to call your dogs off of our people." That isn't the language he used, but that was the meaning.

"You have got to cease boycotting the members of our institution or we will discharge your people." Now, this is a very important point—"or we will discharge your people and we will put men in their places that will take orders from us and not from you."

That was Totten's statement. If he denies it here, why, it is up to him. There were 20 men listening to him at that time, and that is what he said.

A plain declaration of "You do what I tell you to do, spend your money with the people that I tell you to spend it with, or we will put your people on the streets; we will fill the town with strangers, we will put the taxpayers, the fathers and the mothers, and the children out of the schools." That is what the declaration meant, and that is just what they are doing.

I want to emphasize to this commission once more that from the beginning of the trouble, since my advent into Stockton, that it has been my endeavor all the time, every hour in the day and every day in the week, to get the factions together and bring about a settlement. We want to do that now, but we can't. As Johannsen told you, we can not, and we will not arbitrate the right to live as an organization. That is sacred. The law of the land says we have a right to organize. That we will do. Any proposition as to hours, any question of hours or wages, those questions we are willing to submit to a board of arbi-

tration. We will tell our story and they can tell theirs, and let fair men reach a conclusion, and we will abide by the decision.

Now, that is about all I have got to say on the question.

Mr. THOMPSON. Mr. Dale, in regard to the matter of a boycott. When this trouble arose in Stockton you asked people, of course—your organization did—to deal with the stores that showed the signs?

Mr. DALE. Absolutely; yes, sir.

Mr. THOMPSON. And you asked the friends of organized labor to deal with those stores, too?

Mr. DALE. Yes, sir.

Mr. THOMPSON. And the public generally to do the same thing?

Mr. DALE. Yes, sir.

Mr. THOMPSON. And on the other hand the M., M., and E. asked the same thing?

Mr. DALE. Yes, sir.

Mr. THOMPSON. And the people who were friendly to them?

Mr. DALE. They published it in the papers.

Mr. THOMPSON. And the public in general?

Mr. DALE. Published in the daily papers, the three daily papers.

Mr. THOMPSON. So far, then, the attitude and acts of both were similar?

Mr. DALE. Yes, sir.

Mr. THOMPSON. Now, will you tell the commission at what point the acts of the M., M. and E. were different in principle from the acts and methods that your organization pursued in its development of the struggle there?

Chairman WALSH. Say, excuse me. The commission, I think, will draw the conclusion. Let the commission draw that conclusion. We want to hurry through. He has stated now what was done by both sides, and they have stated largely, and I think maybe the commission will be prepared to draw their own conclusion, and thus keep out of the realm of argument.

Is there anyone who wants to ask Mr. Dale any question?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Mr. Weinstock wants to ask you some questions.

Commissioner WEINSTOCK. Will you be good enough to explain to the commission, Mr. Dale, what your interpretation of a boycott is—what constitutes a boycott?

Mr. DALE. Well, I believe it was Dean Swift, a good many years ago, who was having a fight in Ireland with England, and he told them to burn everything that came from England except the coal. "Don't burn the coal, but burn everything else, not the coal."

Now, my explanation of a boycott is simply that to let the other fellow's goods alone——

Chairman WALSH. A little louder, please. Your conception is what?

Mr. DALE. It is simply to let the other fellow's product alone. I make this contention, that the greatest employer of labor is labor; it is not the merchant that employs the clerks, it is the people that patronize the store of the merchant that employs the clerks. Now, that is my position—the greatest employer of labor is labor, and when labor learns to demand the goods that bear the label; when labor learns to patronize the man and the woman that displays the card; when labor learns to attend strictly to its own business, the fight is settled. There will be no job for you fellows, and there will be no job for me. There you are.

Commissioner WEINSTOCK. Does that men, Mr. ——

Chairman WALSH. Please preserve complete order. Please do not give expression to anything like that.

Mr. DALE. If I ask my friends to withhold their patronage from you, that would be a boycott; that is the interpretation of a good many men relative to a boycott; yes.

Commissioner WEINSTOCK. I see. I can not quite reconcile that definition of a boycott with a statement you made in the beginning of your testimony to the effect that you deny any boycott was declared by the Stockton——

Mr. DALE. Officially. Officially. I think I said, Mr. Weinstock, officially, that you could bring the minute book of every organization in the city of Stockton.

Commissioner GARRETSON. You draw the line between a natural and an official boycott?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. Well, what is the difference, after all, in effect, Mr. Dale, between passing a resolution at a meeting of the unions, or appealing

to the unions at their meetings to withhold their patronage from certain people? Isn't the effect precisely the same?

Mr. DALE. Yes, sir; yes, sir.

Commissioner WEINSTOCK. So that while technically there was no boycott levied, practically there was a boycott levied?

Mr. DALE. From both sides; yes. I want that understood, from both sides. We were going after each other—we had an earning capacity, labor contended at that time they had an earning capacity of in the neighborhood of $14,000 a day, of men and women who we could largely control in the spending of their money. The M., M. and E. had less than $4,000 a day of earning capacity of the working people, whom they could control, who would take orders from them. Now, then, the rank and file of the uninterested public sympathy is usually with the under dog in the fight. And labor was the under dog in the fight. And we got much the best of that fight. They will admit that. They may try to hide it here in their statements before the commission, but it is nevertheless the truth. We simply backed them off the boards, in the language of the street.

Commissioner WEINSTOCK. You also made use, Mr. Dale, of the expression "card passers." That is not quite clear to me. What is the distinction between a picket and a card passer? Where does the picket end and the card passer begin, or vice versa?

Mr. DALE. Well, one is called a picket and the other is called a card passer. One is an advertiser, handing out the cards, the same as you, Mr. Weinstock, if you were advertising your store. You have so many handbills struck off. You get a boy or you get a man to strike out over the city of Sacramento or over the State of California and distribute those handbills—Mr. Weinstock has got a sale of goods on such and such a day at such and such a place. Now these cards simply stated the fact, here are the stores that display the union-label card; there are the restaurants that display the house card of the restaurants, etc.

Commissioner WEINSTOCK. Now, did these card passers, as you call them, walk up and down the streets generally, or did they stand in front of some particular shop?

Mr. DALE. Well, in a few instances they probably walked up and down in front of two restaurants—or three, and a few stores. And they did walk all around town.

Commissioner WEINSTOCK. But primarily they stopped in front of certain shops and stores?

Mr. DALE. Well, I don't know whether I am clear in making that admission or not. The men simply came of their own volition to headquarters and would pick up the cards that was there.

Commissioner WEINSTOCK. What would those cards say?

Mr. DALE. Well, they would say—they had a facsimile of the store card of the clerks, and they had the name of the store—the Arcade, the Chamberlain, and so on down the line, stores that were fair to labor. And that told the story to a trade-unionist, or it told the story to anyone that was in sympathy with us, where to go to patronize the stores that were fair to labor, and keep away from stores that were unfair to labor.

Commissioner WEINSTOCK. Let me see whether I understand that clearly. These cards did not say, "Don't patronize A or B"?

Mr. DALE. No, sir.

Commissioner WEINSTOCK. But they simply said, "Do patronize C, D, and E"?

Mr. DALE. No; it didn't say that. It simply told the stores that were fair. That is all it told.

Commissioner WEINSTOCK. Gave a list of the so-called fair stores?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. Didn't mention the unfair houses?

Mr. DALE. No, sir. Absolutely no.

Commissioner WEINSTOCK. You cited the case, Mr. Dale, where one of those card passers was assaulted by the proprietor of one of the stores?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. And the case was brought into court?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. And that the defendant admitted that he had struck the card passer?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. And there was corroborating testimony to that effect?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. And that despite that fact he was discharged, or that is, a verdict was brought in by the jury of not guilty?

Mr. DALE. Of not guilty; yes, sir.

Commissioner WEINSTOCK. Well, now, are we to understand—we must infer one of two things from that—either that the jury was a packed jury or that the sentiment of the community was not in sympathy with the strikers. Now, what was your opinion on that?

Mr. DALE. Well, Mr. Weinstock, I am loath in a measure to give an opinion. Of course, I have got a very strong opinion upon that proposition, but I don't know that it would advance the conclusions that this commissin wishes to arrive at for me to express that opinion.

Commissioner WEINSTOCK. You brought that out as a point, Mr. Dale?

Mr. DALE. Yes, sir, I did.

Commissioner WEINSTOCK. And I want to see along what lines you want that to be considered?

Mr. DALE. Well, I believe you have got the idea pretty clearly. I think you have got just which I mean.

Commissioner WEINSTOCK. I don't know which is the case.

Mr. DALE. Both of them. I don't think there is any way of getting away from the inference.

Commissioner WEINSTOCK. Well, there is a big difference between a packed jury and public sentiment.

Mr. DALE. Well, in order to pack a jury, public sentiment must be pretty well crystallised before a man will undertake to pack it.

Commissioner WEINSTOCK. Not necessarily.

Mr. DALE. Well, probably not. But in this case I believe it was. Of course, I am not in a position to prove that. It is only an inference on my part.

Commissioner WEINSTOCK. You were here yesterday, were you not, Mr. Dale?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. You heard all of the testimony that was presented?

Mr. DALE. Most of it; most of it.

Commissioner WEINSTOCK. Have you heard the statements made about violence having taken place in Stockton during these recent troubles?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. Will you give us your statement on the question of violence, what your observations have been, and what you know of the facts?

Mr. DALE. Well, I have seen no violence.

Commissioner WEINSTOCK. Well, have you heard of violence taking place?

Mr. DALE. I have heard it discussed; yes, sir.

Commissioner WEINSTOCK. How many instances of violence have you heard of taking place, either through the public press or through word of mouth?

Mr. DALE. Well, I have heard of nonunion men striking union men, and I have heard of union men striking nonunion men, and I have seen men with black eyes. I heard a story, I think it was three or four weeks ago—yes, yesterday was—to-day is Tuesday, isn't it? No, yesterday was Tuesday—three weeks ago, I think, yesterday afternoon there was some men visited a planing mill, Totten & Brandt's, and the story has it, the street rumor, that Mr. Brandt, I believe it was, received his visitors with a chair, and a free fight followed.

Commissioner LENNON. A chair to sit on, or——

Mr. DALE. No; a chair, I think he meant to make him a present over the head with it. And the chair was broken to pieces in the fracas, and he used the handles of it to very good advantage over the heads of some of the men. That was one of the proprietors of the mill. Now, that is the story that is told. I am not here to verify that at all.

Commissioner WEINSTOCK. Do you know of any instances, Mr. Dale, where union men were assaulted by nonunion men, or by the emissaries of nonunion men?

Mr. DALE. I have heard of that; yes, sir, but I don't know of it.

Commissioner WEINSTOCK. How many such instances do you know about?

Mr. DALE. Well, I don't know that I could enumerate the number. I have heard it, you know. I presume you understand pretty thoroughly when you get men in town not carrying the cards, and the citizens of the town walking the streets, you know usually what follows—usually trouble.

Commissioner WEINSTOCK. Have there been any cases reported at the union headquarters where the union men were assaulted by nonunion men?

Mr. DALE. I think I remember of one instance where a man climbed on a dray to talk to the driver, and the driver hit him over the head with a hay hook, and knocked him down, and the dray ran over him. I believe that is the only one that I can call to mind.

Commissioner WEINSTOCK. Now, do you know of any instances where nonunion men were assaulted by unionists?

Mr. DALE. I don't know of it; no, sir. I have heard of it.

Commissioner WEINSTOCK. Have there been any arrests made in the city of Stockton?

Mr. DALE. There was.

Commissioner WEINSTOCK. There was? About how many?

Mr. DALE. Well, probably ten or a dozen.

Commissioner WEINSTOCK. Who were the parties arrested, unionists or nonunionists?

Mr. DALE. Both.

Commissioner WEINSTOCK. Unionists and nonunionists?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. The cases haven't yet been brought to trial?

Mr. DALE. Well, I think a couple of hod carriers pleaded guilty, who were caught with the goods on them, carrying concealed weapons, and their fine was paid by the attorney of the M., M. and E., and they were turned loose.

Commissioner WEINSTOCK. Those were nonunionists?

Mr. DALE. They were nonunionists.

Commissioner WEINSTOCK. Convicted of carrying——

Mr. DALE. Carrying concealed weapons.

Commissioner WEINSTOCK. Concealed weapons?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. Now, how many unionists have been arrested?

Mr. DALE. Well, that I could not say, Mr. Weinstock.

Commissioner WEINSTOCK. Approximately.

Mr. DALE. In the neighborhood of ten or a dozen.

Commissioner WEINSTOCK. Are they out on bail?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. May we ask who furnished the bail?

Mr. DALE. I did.

Commissioner WEINSTOCK. That is, you did personally or representing the unions?

Mr. DALE. Representing the unions, probably. I am the representative of the unions. It is hard to separate me from that. I am at work for them.

Commissioner WEINSTOCK. In your testimony, Mr. Dale, you pointed out that organized labor stands ready now, and has been ready at all times since this difficulty has arisen, to arbitrate.

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. The issues.

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. But the other side has declined to?

Mr. DALE. Absolutely.

Commissioner WEINSTOCK. Arbitrate the matter. Now, you stated that there was one thing that labor would not arbitrate, and that was its existence?

Mr. DALE. Yes, sir; the right to organize.

Commissioner WEINSTOCK. Well, now, I want this made clear to myself; it doubtless is to the other members of the commission, who may not be as murky on the situation at this moment as I am; and that is this, is it the contention of organized labor that it can not exist without the closed shop, or is it possible for organized labor to exist and to be recognized and to be dealt with without the use of the closed shop?

Mr. DALE. We care nothing about whether you call it a closed shop or pawnshop or what kind of a shop you call it, but when you discharge our people because they have a card, then we have to get busy.

Commissioner WEINSTOCK. You know, of course, Mr. Dale, there are two kinds of labor agreements, some of them probably right in this very city. One kind of

agreement that stipulates that only union men shall be employed; another sort of agreement where that issue is omitted entirely, and where the employer is at liberty to employ whomsoever he pleases, union or nonunion. I think that is the situation, unless I am incorrectly informed, of the metal trades in San Francisco. They have had their written agreements and oral agreements which stipulate the hours and wages and conditions of labor, but nothing is said about the employer confining himself exclusively to union men. That would be an instance where organized labor is recognized and dealt with and yet the employer is not compelled to confine himself strictly to union labor. Now, in the Stockton situation is it the attitude of organized labor that it will not permit the question as to whether the employer is or is not to employ union labor to be arbitrated, or is organized labor taking the position that it will arbitrate that question as long as organized labor is recognized and dealt with?

Mr. DALE. I think you are right. I want to say this, that if they will permit the business agent, the representative of the various unions, to enter the planing mills, go on the buildings, visit the stores, restaurants, machine shops, or factories, and interview the men who are not union men, and use their influence to get them to join the organization, I think that would satisfy labor. But the position of the open shop in Stockton is that the stamp must go, the union label must go, the business agent must be run out of town; they will have absolutely nothing to do with labor that bears the color of organization. That is their declaration.

Commissioner WEINSTOCK. Let us see if I understand that correctly, Mr. Dale. Your statement is, and I take it that you speak authoritatively, that organized labor does not insist that the employer shall confine himself to union men?

Mr. DALE. Well, organized——

Commissioner WEINSTOCK. That is, he is at liberty to employ anybody that he pleases, but he must give the union an opportunity to invite the nonunionist to become a member of the union? Have I understood it correctly?

Mr. DALE. Well, I do not know whether I care to go on record as saying that organized labor does not insist on the union shop. We do insist on the union shop. Of course, we do. Of course, we do that. But, of course, that is a matter that I would want to submit to an arbitration board rather than pass loosely on it here before this commission. But that is one of the things that we would be willing to talk about.

Commissioner WEINSTOCK. You would assume that to be a debatable question?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. That is, your attitude is not ironclad?

Mr. DALE. No, sir.

Commissioner WEINSTOCK. That is, under no circumstances will you consider that phase of the question, you are willing to debate it?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. And you are willing to abide by the judgment of a fair arbitration board in the matter?

Mr. DALE. Yes, sir.

Commissioner WEINSTOCK. Suppose that the board of arbitration should say, "In our judgment the employer ought to be permitted to employ anybody he pleases, union or nonunion; that the unionist ought to be permitted in the case of nonunion men to persuade them by peaceful methods and in any way that would not interfere with their work or their business to join the union." Would an arbitration of that kind be accepted by the unionist?

Mr. DALE. Well, now, it is owing to what construction you would put on "interfering with their work." Now, the business agent usually wants to visit the buildings when the men are present in the buildings.

Commissioner WEINSTOCK. You can easily understand, Mr. Dale, that you would not want men to come, if you were an employer and working under pressure, you would not want men to come in and disturb your men while they were at work?

Mr. DALE. No.

Commissioner WEINSTOCK. Perhaps that would lead to a row or friction.

Mr. DALE. The average business agent wouldn't do that. The average business agent is a tolerably diplomatic fellow, with all the statements to the contrary; he has been an absolutely fair fellow and has pretty fair sense, and he is working for a bunch of men that are pretty hard to please, and he has got

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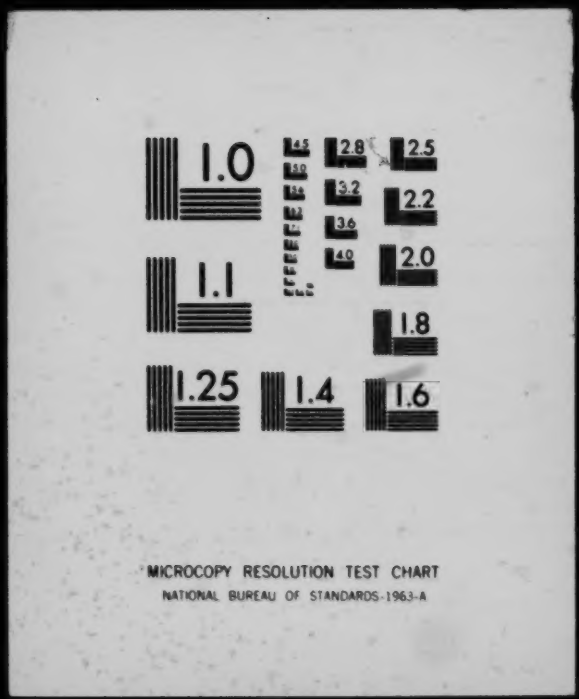

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to use good horse sense in getting by. I know you read of lots of things the business agent is accused of that are not true.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask you some questions.

Commissioner LENNON. Can you inform us as to how juries are drawn in the State of California?

Mr. DALE. Well, I think there are so many—the bailiff or the constable goes to the register, I presume, and takes the names, and subpœnas the men, and their names are read off by the judge, or the names are put in a box and he draws out the names.

Commissioner LENNON. You mean to say that the bailiff of an inferior court would have the power to select the names that are to go on petit juries, or the juries?

Mr. DALE. Counsels usually examine the jurymen.

Commissioner LENNON. Do they not——

Mr. DALE. Of course, they can reject a certain number of jurymen.

Commissioner LENNON. Have they not in this State a system of placing in a box the names of all the qualified voters, and then from the box a regular drawing is had to secure jurors to get the panel?

Mr. DALE. Why, as I understand it, the names are selected by the bailiff or by the constable, so many names, say, 40 names, and those 40 names are put in a box, and the judge draws the names as he puts his hand in, as he gets hold of a piece of paper, and he draws it out, hearing the name of John Smith, or George Smith, or whoever it may be, and he is placed in the box, and he is interrogated by the attorneys.

Commissioner LENNON. Then, as you understand it, the bailiff has the power to select from the citizenship a limited list of those who are to be drawn as jurors?

Mr. DALE. Yes, sir.

Chairman WALSH. I want to inquire about this: Take the case of the jury which you say acquitted Mr. Dunn. Was it a jury that you would call democratic in its composition? Did it represent all classes. Was there a number of working people upon it commensurate with the population of the city of Stockton?

Mr. DALE. I hardly think so.

Chairman WALSH. What court was Mr. Dunn tried in, please?

Mr. DALE. Judge Parker's court.

Chairman WALSH. Is that a superior court?

Mr. DALE. No; police court.

Chairman WALSH. A magistrate's court, as it were.

Mr. DALE. Police court.

Chairman WALSH. How many jurors?

Mr. DALE. Twelve.

Chairman WALSH. Twelve jurymen?

Mr. DALE. Yes.

Chairman WALSH. Did you notice the composition of them, whether they were partially workers, or employers, or farmers, or what?

Mr. DALE. I think there was some farmers among them. I do not think there was a workingman on the jury.

Chairman WALSH. How did that happen? Is it on account of the way jurors are selected? How many workers, would you say?

Mr. DALE. I do not know anything else to attribute it to.

Chairman WALSH. How many workers would you say there are in Stockton—adult workers, eligible for jury service, respectable men?

Mr. DALE. Why, there is between three and four thousand people in Stockton belong to organized labor, and there is probably that number or more than that outside of the organization.

Chairman WALSH. And were none of those gentlemen drawn on the jury to try this gentleman?

Mr. DALE. No, sir; not in my opinion. I was present. I was not personally acquainted with the men, not living in Stockton.

Chairman WALSH. Were the labor organizations represented by counsel?

Mr. DALE. Yes, sir.

Chairman WALSH. Upon what date were these men arrested in the automobile that you claim had been carrying concealed weapons on their person?

Mr. DALE. I don't know that I can give you the date. I think it was two weeks ago Monday.

Chairman WALSH. Ordinarily how soon is a case of that sort tried in a police court in Stockton?

Mr. DALE. Men carrying concealed weapons?

Chairman WALSH. Yes; when no labor dispute is on.

Mr. DALE. I could not answer that question. Those men, of course, were caught with the goods on them, and there was no trial to it.

Chairman WALSH. Don't they try police court cases in Stockton on the morning after the men are arrested, usually, when there is no labor dispute?

Mr. DALE. In many cases, I think so—cases of vagrancy and probably battery. But the case of Mr. Dunn, I think, was postponed in the neighborhood of a month; not quite that long.

Chairman WALSH. Leaving Mr. Dunn out, was protest made by your counsel over the delay in the trial of these men arrested in the automobile?

Mr. DALE. We had no counsel. The men that were arrested in the automobile, they simply plead guilty.

Chairman WALSH. They plead guilty?

Mr. DALE. Yes, sir; they had the goods on them.

Chairman WALSH. They have been fined?

Mr. DALE. They put up the fine, and I don't know whether the thing came on to trial yet or not. I have been out of Stockton last week; I was sent to Fresno.

Chairman WALSH. You say they plead guilty, and the trial is over?

Mr. DALE. Sure; and the fine paid.

Chairman WALSH. Your information is very meager.

Mr. DALE. I can speak for the two bed carriers.

Chairman WALSH. I am speaking about these you say were arrested, and bail given by the attorney of the M. M. and E., and found to have, as somebody testified, pick handles and revolvers and blackjacks in the automobiles. Did those men plead guilty, or do you know?

Mr. DALE. Why, they plead guilty; yes, sir.

Chairman WALSH. What was their punishment?

Mr. DALE. A fine, I think, of $100, or a hundred days in jail.

Chairman WALSH. And was the fine paid, or are they serving their term?

Mr. DALE. Those men were arrested and brought into Judge Von Ditten's court, and they were sentenced to—a bail of a hundred dollars, then the attorney——

Chairman WALSH. Were you present?

Mr. DALE. I was. And the attorney of the M. M. and E., Mr. Carlton Case, put up a check for $500 for their appearance in court.

Chairman WALSH. In a superior court of some sort?

Mr. DALE. No, sir; I think it was in that same court, Von Ditten's court, and I was ordered then to Fresno. I was in Fresno probably 10 days. What disposition has been made of that case I am not in position to tell you, but the court record would tell you.

Chairman WALSH. That is all. Any other questions? That is all.

Mr. THOMPSON. One question: Did the M. M. and E. issue any order or request to the members or others to boycott any firm, if you know?

Mr. DALE. I am not in position to say that other than they advertised in the papers——

Chairman WALSH. He has explained that.

Mr. THOMPSON. Did they threaten to impose any fine for patronizing any store?

Mr. DALE. Not to my knowledge.

Chairman WALSH. His answer to that was no, and his whole statement shows it. Anything else?

Mr. THOMPSON. That is all.

Chairman WALSH. That is all, Mr. Dale.

Call you next.

Mr. THOMPSON. Mr. Totten.

TESTIMONY OF MR. CHRIS. TOTTEN.

Mr. THOMPSON. Mr. Totten, will you give us your name, business address, and your business?

Mr. TOTTEN. Chris. Totten; Stockton, Cal.

Mr. THOMPSON. And your business, please?

Mr. TOTTEN. Planing mill.

Mr. THOMPSON. How long have you been engaged in that business there?

Mr. TOTTEN. About three of four years—four years.

Mr. THOMPSON. Are you acquainted with the industrial trouble in Stockton?

Mr. TOTTEN. Yes, sir.

Mr. THOMPSON. Will you give us your views of it, if you have any, if you have anything to say in addition to what has already been stated.

Mr. TOTTEN. Well, I think the ground has been fairly well covered by Mr. Irish and Mr. Bird. However, I might add that there is a merchants, manufacturers, and employers' association in Stockton. They have told you why it was necessary for us to have that kind of an organization there. We belong to that organization. We employed up until about a month or five or six weeks ago, I have forgotten now what date, I think it was July 8, somewhere along there, we employed all union men except the helpers in the mill.

We found that the unions, from time to time, exacted—made unreasonable demands and unreasonable exactions, and I might state that in regard to that stamp business that Mr. Johannsen says we gave no names, that material was delivered to Littlefield-Corbett furniture store. It was not a new building. It was delivered on the third floor, and they compelled us to return that material to the mill. They threatened unless we did do that they would cause us trouble. Take about four months ago, we had five or six cars of lumber come in at one time. We asked the lumber handlers' union to send us down lumber handlers. They sent us all they had—I don't know just exactly how many they did send—they sent us all they had. There were barges in at that time, and they did not have enough. We were about to get stuck on the last car for demurrage. The man in the mill that has charge of the stickers—a young man who takes a general interest in things, he was, you might say, assistant to the foreman—he saw that we were going to get stuck for the demurrage, and he got in the car and began to help unload. The business agent told him unless he got out of the car he would see that a fine was placed on him. That man got $30 a week. His wages, I think, was $4.50 a day, but he got $30 a week straight time because he was a good man and took an interest in the business. However, the business agent told him to get out of there.

It was brought out that—Mr. Johannsen says that the wages in Stockton were 50 cents a day less than San Francisco. I am not sure—I haven't a copy of the wage scale in San Francisco, but I understand the minimum wage scale in Santa Clara is $3.25. Our minimum scale is $3.50. Mind you, $3.25 for six days, eight hours each. Our minimum wage scale is $3.50 for five and a half days. That is, we pay for six days; that is, pay $3.50 a day, and divide it, $21—$3.50 is $21 a week for five and a half days. The maximum, I think, in Santa Clara is $5 a day, or $30 a week. Our maximum is $4.50 a day for five and a half days, which is $27 a week.

I might say that it was necessary for Mr. Neisted to sign that bill of complaint before he could have instituted any suit whatever, so that he must have known it.

One thing I was very glad that they brought out, Mr. Johannsen especially: About a year ago we had a fire. Our firm, as I said, we have only been in business about four years. About a year ago we had a fire, and our plant was totally destroyed. The fire was at the time of the Pacific Gas & Electric Co.'s strike, or right at the heat of that strike. They had some large power lines that ran right by our place that belonged to the Pacific Gas & Electric Co.

Chairman WALSH. I can't hear you.

Mr. TOTTEN. The Pacific Gas & Electric Co. has some large power lines that ran right by our place. Our fire was at the time of the strike of the Pacific Gas & Electric Co. However, we were not affected by the strike; but, as I say, we had some large power lines; that is, the Pacific Gas & Electric Co.'s large power lines ran right by our place, and our plant was destroyed. About a week after that we had another place—three or four days, probably, after that we had another mill burn. Both mills were not in operation, however. The Pacific Gas & Electric Co. had power lines in both places. Our employees met a few days after that fire—of course, we were hit hard; it was almost a solar plexus—they met a few days after the fire and got together, I think, at union headquarters and agreed to give us one week's wages gratis. They came out in a signed statement in the paper, a published statement, that they would do that. The public gave them credit for it. Our pay roll at the time before the fire, the week before the fire, was approximately $2,000 a week. I think it was August 16—our fire was on July 13—August 16 we got our new mill practically started. We did not have to build a mill; we found one already built.

We got it started, and I wrote a letter—I have a copy of that letter; I telephoned up for it this morning, but the girl could not find it; but I know where it is myself, and I would like to file it with the commission.

Chairman WALSH. We would be very glad to have it.

(The letter referred to is printed as "Totten Exhibit No. 1," at the end of this subject.)

Mr. TOTTEN. I wrote a letter to our employees and told them that I thanked them for doing that, and that it showed a good spirit and came at a time when help was needed, and told them that I appreciated the fact also that they had been out of work for 30 days, and probably some of them were not in position to make that sacrifice immediately, and I would leave it strictly up to them; I would not set apart any certain week or time that they could make this payment. They could pay it any time they pleased. When this trouble came up I went and got the letter out of the mill, because I presumed that that would be sprung on me some day. The old flyspecks and the four corners are torn off of the letter that shows where it was packed in the mill. I said, "Below is a list of all the employees who signed the agreement, and as you comply with your part of the agreement we will scratch your name out or cross it out," something to that effect. I asked the bookkeeper to tell me exactly how much was paid. There was $310 paid.

The office force does not belong to the union. They, all of them, paid. There are a great many, as I said at the outset, helpers in the mill that do not belong to the union. All of them paid. If the commission or Mr. Johannsen desires, I can furnish him the names of those who paid. Notwithstanding the fact the public has given them credit of paying a week's wages, they paid $386, I think.

Commissioner WEINSTOCK. Three hundred and eighty-six dollars out of how much?

Mr. TOTTEN. Out of a pay roll of $2,000; and I would judge—take the office and nonunion help out of it, and the unions would have paid me about in the neighborhood of about $225.

Commissioner WEINSTOCK. Two hundred and twenty-five dollars. What wages did the unions get?

Mr. TOTTEN. What wages?

Commissioner WEINSTOCK. Did the union men get collectively for the week? You say you have a $6,000 weekly pay roll?

Mr. TOTTEN. No, sir; I said $2,000.

Commissioner WEINSTOCK. Well, out of $2,000 what proportion of it is paid to your union labor or was paid to your union labor?

Mr. TOTTEN. Well, I said out of what was paid to us there was probably $225 paid to us by the unions, and the proportion of our pay roll that goes to the unions I would judge was, say, $1,600 out of $2,000.

Commissioner WEINSTOCK. Sixteen hundred dollars?

Mr. TOTTEN. Yes, sir; something like that.

Commissioner WEINSTOCK. That would be about 14 per cent; that is, the contributions of your union employees was about 14 per cent of the week's pay?

Mr. TOTTEN. Yes, sir; something like that. The Sperry Flour Co., that boycott was started along in May or June. There was no merchants and manufacturers' association then—1913. Mr. Johannsen spoke of a little scrap at our mill. Also said he was out of town. I don't know whether he was or not, but it was no little scrap, because I was there. It was a big scrap. There was about 125 men came down there, somewhere in the neighborhood of 125. A lot of those men were strangers, I never saw them before; a lot of them were our old men. He stated I got mad and hit somebody with a chair. I hope the commission will give me the credit of having more sense than do jump on a crowd of 125 men with a chair, especially if they could have seen some of them. They knocked one of our men down, I forget his name, he is a middle-aged man, probably 45 or 50. They knocked him down and fractured his cheek bone. I didn't know that they fractured the bone until about a week afterwards. They closed that eye up. He got hurt in the mill and closed the other eye up. He was in bad shape, and I sent him to the hospital and had him examined, and they told me that this bone was fractured. When they knocked this man down, then is when the chair came in. Mr. Brandt picked up a chair and started toward the man who knocked him down, but he never got there. About six of them jumped on Mr. Brandt and beat him and cuffed him, and I

started to help Mr. Brandt, and I had probably five or six on me. My two brothers came to my rescue, and they were kept equally busy.

We were told that they were coming down there that afternoon to raise trouble. He says—I think he said—that the police were on the ground. The police were not there. They were telephoned to and asked to be there, but they were not there. They did not come until the fight was entirely over.

We swore to—I did—and I swore to warrants for those who I knew—absolutely knew—and could prove that did take a part in the fight and struck me. They were arrested, and, as Mr. Dale says, he put up the bail.

I remember very well another man that was arrested on suspicion. They telephoned to me to come down to the police office to see if I could identify him. Mr. Dale was there to put up the bail.

Mr. Dale said that I told him that we were going to run our own business. That is a fact. We are going to try to. I think we will succeed.

Mr. THOMPSON. Mr. Totten, I would like to ask you a question or two.

Mr. TOTTEN. Go right ahead.

Mr. THOMPSON. Something has been said here about some men in an automobile being arrested, with pick handles and blackjacks and other instruments of personal warfare were found in the automobiles. Have you heard of that incident?

Mr. TOTTEN. Yes; yes, sir.

Mr. THOMPSON. And it has also been said that the attorney for the M. M. and E. bailed those men out?

Mr. TOTTEN. That is a fact, absolutely.

Mr. THOMPSON. Do you know who those men were employed by—for whom employed?

Mr. TOTTEN. The men were employed by the merchants and manufacturers of Stockton. They are our men. However, Mr. Dale, I think, told you that they were fined. They have had no trial. They were not found guilty. The arms that they had were not on them, either. The police chief and the records will tell you that they were not. I would not blame them—if you could have seen the men that came to my place looking for trouble, you would not go in an automobile without you had something along, because they won't fight fair; there never one jumps on a man—there are six or eight; and those men did have clubs and they might have had revolvers. I did not see them. I think they used good judgment if they did take them along with them. I do not think they had 15 blackjacks or 15 pick handles. I don't think so, because there would have been no occasion for five men to have that many.

Mr. THOMPSON. What was the object of the men? What was their duties.

Mr. TOTTEN. Well, I will tell you. There were so many of those crimes committed by Mr. Johannsen's organized gangs, and the police showed very clearly that they could not cope with it. The fact of the matter is, they did not seem to want to. So it was absolutely necessary for us to bring in somebody that would protect our men, and it has had a fairly good influence.

Mr. THOMPSON. Where were they procured, if you know?

Mr. TOTTEN. I think they were gotten in San Francisco. I do not think there was any of them that were ex-convicts. If I did, I would see that they were discharged. I do think that the unions slipped us a man named Graham that is an ex-convict. But we also slipped him back to them when he got arrested; we let them pay his fine, because we were not knowingly keeping any crooks in our employ. Neither have we any ex-convicts that we know of that are in our employ or are officers of our organization.

Mr. THOMPSON. Do you know where they were gotten?

Mr. TOTTEN. No; I do not. I do not think, though, that any of them are ex-convicts. They are all—they look like they could put up a fairly good scrap.

Mr. THOMPSON. What was their purpose?

Mr. TOTTEN. What was their purpose?

Mr. THOMPSON. What was the purpose of the men in Stockton? What did you intend to use them for?

Mr. TOTTEN. In case of another riot—in case another riot should come to my place. For instance, if I should go back home to-night, and I should have reasonable information—that is, if the information came to me that I was going to have a riot, and I believed it—I think I would have a few of those men planted in there to help my men. I think I would, in fact, I know I would, because the police, as I said, don't amount to much.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any of you gentlemen desire to ask any questions?

Commissioner O'CONNELL. Yes.

Mr. TOTTEN. Go right ahead.

Commissioner O'CONNELL. Mr. Totten, I understand you are chairman of the employers' strike committee?

Mr. TOTTEN. Yes, sir; that is correct.

Commissioner O'CONNELL. Will you please explain to the commission the purpose of that committee?

Mr. TOTTEN. Well, that committee is just simply formed to carry on the business of the Merchants and Manufacturers' Association.

Commissioner O'CONNELL. What is that business? What is the committee supposed to do? How is it made up? How is it selected?

Mr. TOTTEN. The committee, I think, the night that the declaration was made for the open shop, there was a motion made that a committee of five be appointed.

Commissioner O'CONNELL. By the president?

Mr. TOTTEN. By the president. That is how it was to be appointed.

Commissioner O'CONNELL. The president selected five men to act as the strike committee?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. To have full charge of handling the strike?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. On behalf of your association?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. Who were the others that were selected by the association?

Mr. TOTTEN. Well, I really do not know whether the other gentlemen on that committee would like for their names to be given out. You see the unions know me, and you know what happened to me. And I would rather have the permission of the other four, because I would not care to put them up as a target.

Commissioner O'CONNELL. Then it is not publicly known of whom your strike committee is composed?

Mr. TOTTEN. I don't know whether it is or not. Our whole association knows who it is, and it is not hard to find out. I, personally, would not conceal it. We have nothing to conceal that I know of.

Commissioner O'CONNELL. This committee has full power to carry on the strike in behalf of your association in Stockton?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. Whatever action is taken by your committee for what you might consider the best interests of your association is approved by the association?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. You employ—as I understood you to speak about the men you were bringing to your plant—your committee employed the men to look after the other plants in the same way?

Mr. TOTTEN. Anybody that needs help, we will send them men.

Commissioner O'CONNELL. The purpose of your committee is to select men whom you think are capable physically to protect the men in the plants?

Mr. TOTTEN. Yes.

Commissioner O'CONNELL. To the extent of licking or shooting to protect?

Mr. TOTTEN. No; I would not advise any man to shoot. It would have been perfectly justifiable, though, in my own case at my place, if I had done some shooting. I would have been absolutely justifiable in it. As a matter of fact, I want to tell you I had a talk with one of the men that you might say is a kind of captain over those that were in that machine, and I told him that I would not, if I were they, I would not carry a gun, even in the machine. But I will say, though, that they showed good judgment, knowing what they had to go up against.

Commissioner O'CONNELL. Is your committee authorized to expend funds for the employment and payment of these men?

Mr. TOTTEN. Yes. Yes, sir; we pay them.

Commissioner O'CONNELL. Who furnishes and provides the arms and weapons for these men?

Mr. TOTTEN. I could not tell you. We do not purchase.

Commissioner O'CONNELL. Are they supposed to bring them themselves?

Mr. TOTTEN. Well, we never asked them. In fact, we didn't know that they had guns. I didn't know that they had any guns on them until they were arrested. They didn't have the guns on. They were in the machine.

Commissioner O'CONNELL. Do you provide weapons of any kind for your employees?

Mr. TOTTEN. No, sir.

Commissioner O'CONNELL. For the employees of the association?

Mr. TOTTEN. No. Except in this case where Graham, as I told you, this man that I say I think we had slipped to us, an ex-convict—I understand that the association or some one at the association gave him an order on a hardware store for a gun. I never saw that order, don't know whether he did or not; but I understand it indirectly.

Commissioner O'CONNELL. Where did these men get these guns and pick handles and weapons of destruction that they had with them?

Mr. TOTTEN. Well, I could not tell you.

Commissioner O'CONNELL. How many men has your committee employed?

Mr. TOTTEN. Well not—I think we have got in the neighborhood of 20.

Commissioner O'CONNELL. Are these men employed, brought into the city from the outside?

Mr. TOTTEN. Yes, sir.

Commissioner O'CONNELL. How were they employed?

Mr. TOTTEN. We sent a man to the city to get what we would term guards.

Commissioner O'CONNELL. You mean to San Francisco?

Mr. TOTTEN. Yes, sir; to San Francisco.

Commissioner O'CONNELL. Where did he go to get them in San Francisco?

Mr. TOTTEN. I could not tell you. I never asked him.

Commissioner O'CONNELL. Employment agencies?

Mr. TOTTEN. I could not tell you that.

Chairman WALSH. He says he don't know.

Commissioner O'CONNELL. Or detective agencies?

Mr. TOTTEN. If I had know that, I would have answered you in the first place.

Commissioner O'CONNELL. Is your committee dealing directly or indirectly with detective agencies in Stockton or in San Francisco or elsewhere?

Mr. TOTTEN. Well, I don't feel that I should answer that question. I will say this——

Chairman WALSH. Now, one minute, Congress has required and directed us to specifically find that out. Now, why don't you wish to answer it?

Mr. TOTTEN. I don't know that it would be any particular harm; yes.

Chairman WALSH. I wish you would.

Mr. TOTTEN. We have ways of getting information, and we get them through the usual channels, we get it through the usual channels.

Chairman WALSH. That is not quite an answer to the question.

Mr. TOTTEN. All right. Ask it again.

Chairman WALSH. You employ detectives for that purpose and do business with detective agencies?

Mr. TOTTEN. Yes.

Commissioner O'CONNELL. Have you detectives now in your employ at Stockton?

Mr. TOTTEN. Well, I don't know. I don't hardly think we have any just at this particular moment.

Commissioner O'CONNELL. What sums of money have your committee expended in carrying on the strike in Stockton?

Mr. TOTTEN. I could not tell you.

Commissioner O'CONNELL. Doesn't the money pass through your committee, you say?

Mr. TOTTEN. Yes, sir. Well, no; it doesn't pass through our committee.

Commissioner O'CONNELL. Whose hands does it pass through?

Mr. TOTTEN. It passes through the treasurer's and the secretary's hands.

Commissioner O'CONNELL. Does the president have anything to do with it?

Mr. TOTTEN. I don't know whether the president signs the checks or not.

Commissioner GARRETSON. Who O. K's the bills?

Mr. TOTTEN. Whoever orders the goods.

Commissioner GARRETSON. If your committee ordered the expenditures, you would O. K.?

Mr. TOTTEN. If our committee ordered anything, I would O. K. it; yes.

Commissioner O'CONNELL. Are you advised, or in seeking advisement, do you confer in any way with the officers or the legal advisers of the National Manufacturers' Association?

Mr. TOTTEN. No, sir.

Commissioner O'CONNELL. Or the National Metal Trades' Association?

Mr. TOTTEN. No, sir; no, sir.

Commissioner O'CONNELL. Or the founders' association?

Mr. TOTTEN. No, sir; the National——

Commissioner O'CONNELL. Any other association outside of Stockton?

Mr. TOTTEN. The National Manufacturers' had a representative in Stockton not long ago and asked me—my firm to become a member, but I did not. That is all I know about the National Manufacturers.

Commissioner O'CONNELL. You said a moment ago that the statement made by Mr. Irish regarding some particular material being taken into a building without the label on and then being ordered back to the factory and rehandled was not true.

Mr. TOTTEN. Did I?

Commissioner O'CONNELL. You said that it was some other——

Chairman WALSH. I think he just gave the specific name of the place which Mr. Irish didn't give. Is that correct?

Commissioner O'CONNELL. You say it was furniture material?

Mr. TOTTEN. No.

Commissioner O'CONNELL. Will you please make a statement?

Mr. TOTTEN. Let me say it just exactly as it was. Mr. Irish told the truth. However, it was a furniture store that was not—it was not a new building. It was a furniture store. This furniture store ordered a lot of shelving cut up in small pieces, the Littlefield-Corbett furniture store. They are there now.

We delivered the material to that building, and put it on the third floor. After we got the material there and got it on the third floor, the business agent—I don't know how he found it out, but he called us up and told us there was no stamp on the material. And we were compelled to go and get the material and bring it back to the mill and put it into the mill and put the stamp on it and take it back to the store and put it on the third floor.

Commissioner WEINSTOCK. A statement was made by somebody, Mr. Totten, I can't recall just who, that you had at times ordered the steward, as I think he is called, not to use the stamp on lumber.

Mr. TOTTEN. No; I will tell you. When we declared for the open shop I went out in the mill and called all the men together.

I said: "Boys, on and after this date we will not use any stamp on any goods in this mill. Neither will we recognise you as shop steward, only recognise you as a workman."

Commissioner WEINSTOCK. I am speaking, Mr. Totten, of the period before that.

Mr. TOTTEN. No; that is not true. We never told a man not to.

Commissioner WEINSTOCK. You never instructed the steward not to use the stamp?

Mr. TOTTEN. No.

Commissioner WEINSTOCK. On this particular occasion that you have just been telling about where shelves were taken to a furniture store, had you told the steward not to use the stamp?

Mr. TOTTEN. No, certainly not; certainly not.

Commissioner WEINSTOCK. The testimony has brought out two facts: One, that there has been violence in Stockton during these recent labor troubles; and secondly, that the M. M. and E. have employed guards.

Mr. TOTTEN. Yes.

Commissioner WEINSTOCK. Now, what the commission would be interested in to know is which was the cause and which was the effect. Did the riots lead to the M. M. and E. employing guards?

Mr. TOTTEN. Absolutely.

Commissioner WEINSTOCK. Or did the employment of the guards lead to the riots?

Mr. TOTTEN. No; because the guards have not to this date struck a man.

Commissioner WEINSTOCK. When did the violence begin, as near as you can recall?

Mr. TOTTEN. The first blood, as Mr. Dale so aptly puts it, is when Mr. Dunn—Mr. Dunn is an old Irish citizen, a mighty nice man. There was a picket in front of his store. The picket did something to justify Mr. Dunn—that is, he

felt justified. I think the picket come in the store quite aways and pulled a customer out, or something like that, I am not sure. Mr. Dunn struck that man—gave him a black eye. Twelve men let him go. He was tried—the unions have an attorney there. He was tried, and I am inclined to think that he was given a fair and impartial trial, because San Joaquin County—Stockton is a small place.

Commissioner WEINSTOCK. Was that the first case of violence?

Mr. TOTTEN. That was the first case that I know of.

Commissioner WEINSTOCK. Now, can you recall the second case that happened?

Mr. TOTTEN. The second case is—there was a contractor by the name of Smith & Buck, who were building in the northern part of the city. The fact of the matter is, I think, it, at that time, was outside of the city limits. There was a gang went out there; I don't know how many. Mr. Smith estimated it at 40 to 60. They went out and went right onto the premises. The foundation had just started, and I believe that they were mixing concrete. And they took shovels and beat Mr. Smith and Buck up fairly well. They were union men.

Commissioner WEINSTOCK. That was on or about what date?

Mr. TOTTEN. Well, that, I believe, was on the morning of the Tuesday that they came over to our place and done such an admirable job.

Commissioner WEINSTOCK. Well, that was on or about what date?

Mr. TOTTEN. Well, that was three weeks ago—I believe it is three weeks ago from yesterday. Yesterday was Tuesday, wasn't it?

Commissioner WEINSTOCK. Yes; that would be three weeks ago yesterday; that would be about the 3d of August.

Mr. TOTTEN. I think—I am not dead sure of that date.

Commissioner WEINSTOCK. It was on or about that date?

Mr. TOTTEN. Oh, it was about—along about that time.

Commissioner WEINSTOCK. And about what date did the trouble happen at your place?

Mr. TOTTEN. The same date that Mr. Smith was——

Commissioner WEINSTOCK. Now, when were these guards employed?

Mr. TOTTEN. Well, probably a week after that date.

Commissioner WEINSTOCK. A week after that?

Mr. TOTTEN. Yes.

Commissioner WEINSTOCK. Your point then is that the assaults and the violence was the cause?

Mr. TOTTEN. Absolutely.

Commissioner WEINSTOCK. And the employment of the guards was the effect?

Mr. TOTTEN. Yes; that is absolutely it. And if I went through this trouble again, I think I would have the guards in the first place. I would get them first.

Commissioner WEINSTOCK. You mean you would anticipate the trouble?

Mr. TOTTEN. Yes; I would anticipate and get them on the ground first.

Commissioner WEINSTOCK. But in this case you did not anticipate?

Mr. TOTTEN. No; we didn't.

Commissioner WEINSTOCK. And they were brought in after trouble had been created?

Mr. TOTTEN. Yes, sir.

Commissioner WEINSTOCK. And to protect you against further possible trouble?

Mr. TOTTEN. Yes, sir.

Commissioner WEINSTOCK. Have you heard the statement of Mr. Dale this morning, Mr. Totten, in the matter of arbitration?

Mr. TOTTEN. Yes.

Commissioner WEINSTOCK. To the effect that so far as insisting upon employers confining themselves altogether to union men—I take it that he spoke for the unions—that they would be willing to treat that as a debatable question, have it discussed, and to have it passed upon by some disinterested body. What is the attitude of the M. M. and E. on that score? Would they be willing to consider that a debatable question?

Mr. TOTTEN. The M. M. and E. would refuse to be put in a position where they are compelled to use coercion to get any of their employees to join any kind of an organization.

Commissioner WEINSTOCK. Yes; that is, the M. M. and E. would not consider any proposition which would make it imperative on the part of the employers to force their employees to join the union?

Mr. TOTTEN. That is correct. And I will say this, that even now in my employ—I hope the men won't be singled out and hurt—but now in my employ there are a couple of union men, cabinet makers. I knew that they were union men when they came there. They have only been there a short while. They came and they asked for work, and I knew that they were union men. They are there now, unless they have been frightened away since I have been gone.

Commissioner WEINSTOCK. Well, coming back to the question that I raised, Mr. Totten, if the attitude of the unions should be that they are willing to debate the question as to whether the employer shall be compelled to force his men into a union or to employ only union men, and that if it should be decided by a disinterested body that the employer should not be compelled to employ only union men, and he should not even be compelled to oblige his nonunion men after they were in his employ to join the union, would the M. M. and E. be prepared to discuss that question with organized labor?

Mr. TOTTEN. Oh, certainly. The M. M. and E. has never refused to discuss any question whatever and to meet them at any time. And they would of course be—in my opinion, they would discuss that with them.

Commissioner WEINSTOCK. Well, would the M. M. and E. then be willing to recognize representatives of organized labor as organized labor?

Mr. TOTTEN. No; we would not deal with them collectively as a union.

Commissioner WEINSTOCK. That is, the attitude of your association is that you will not recognize or deal with organized labor?

Mr. TOTTEN. No; we will not.

Commissioner WEINSTOCK. Well, then, if the association will not recognize and will not deal with organized labor, how could you get together to even discuss this debatable question?

Mr. TOTTEN. Well, I don't know. But it is a fact; we would not. If the unions wanted to go to work to-morrow, if their men wanted to go to work to-morrow and work along with the men we have, we would raise no objection to it.

Commissioner WEINSTOCK. That is, you would deal with them individually?

Mr. TOTTEN. Oh, certainly, certainly.

Commissioner WEINSTOCK. But not collectively?

Mr. TOTTEN. No, sir.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Then on the basis of that answer, you assert the right of the employers to organize and have a spokesman, and deal collectively in all these matters with the individual laborer, but you refuse the right to the laborers to follow the same method that you do?

Mr. TOTTEN. No; we don't refuse him the right. He can organize all he pleases. We don't care how much he organizes. We don't care if every man—if he organizes a hundred per cent, that doesn't make any difference.

Commissioner GARRETSON. The statement has been made here and not denied, that in the instance of the clerks' union, when they went to their employers they were told by their employers that they would have to settle with Mr. Calking.

Mr. TOTTEN. Well——

Commissioner GARRETSON. Is that correct or incorrect?

Mr. TOTTEN. I could not tell you whether that is correct or not; but I will say this, that the organization was not very old at that time, and that might have been the case.

Commissioner GARRETSON. Is that a consistent position from your standpoint——

Mr. TOTTEN. I could not say.

Commissioner GARRETSON (continuing). To arrogate a right to yourself that you deny to your employees?

Mr. TOTTEN. No; that would not be consistent.

Commissioner GARRETSON. You used the phrase a few moments ago that you thought these men in the automobile, if they had guns, that they used good judgment. Do you mean to convey the idea that when one's idea of what is good judgment comes into contact or conflict with a little matter like the law of the land that the good judgment should take precedence of the law?

Mr. TOTTEN. Were you ever in a mob?

Commissioner GARRETSON. Yes.

Mr. TOTTEN. Did you ever get your face all pounded up about six times?

Commissioner GARRETSON. No; I was too smooth.

Mr. TOTTEN. Well, unfortunately I am not as smooth as you are.

Commissioner GARRETSON. Thank you.

Mr. TOTTEN. I am sorry that I am not. I wish I was smoother. I would do my best to put it over on you. But if you ever do get into a place where there is five or six jumping on you at once and hammering on you, you will then see the necessity of having somebody there with a Gatling gun.

Commissioner GARRETSON. Don't you stand in a different relation to that, to what your hired man does? Do you or do you not, when you are talking about personal self-defense and hiring a man to go through the forms of self-defense—is there a difference?

Mr. TOTTEN. I explained to you in the outset that after the police had refused or——

Commissioner GARRETSON. Had failed?

Mr. TOTTEN. Had failed.

Commissioner GARRETSON. As you thought.

Mr. TOTTEN. We brought in people as guards to protect us.

Commissioner GARRETSON. Do you believe in the right of either a private individual or a corporation or a partnership to maintain armed forces?

Mr. TOTTEN. Well, I told you a while ago that I had told—if it is necessary, certainly. But I told you a while ago——

Commissioner GARRETSON. Who decides when it is necessary, Mr. Totten?

Mr. TOTTEN. I would.

Commissioner GARRETSON. Oh, you are above the tribunals of the land in that respect?

Mr. TOTTEN. No, sir; no, sir; absolutely not.

Commissioner GARRETSON. That is all, Mr. Chairman. By the way, who owned the auto?

Mr. TOTTEN. Who owned it?

Commissioner GARRETSON. Yes.

Mr. TOTTEN. I could not tell you. We own one.

Commissioner GARRETSON. You own one?

Mr. TOTTEN. Yes, sir.

Commissioner GARRETSON. Do you know whether it was your car or somebody else's?

Mr. TOTTEN. No; I don't know.

Chairman WALSH. Mr. Lennon.

Commissioner LENNON. Mr. Totten, were these guards deputized by the sheriff as officers of the law?

Mr. TOTTEN. No.

Commissioner LENNON. Were they deputized by the chief of police as special officers?

Mr. TOTTEN. No.

Commissioner LENNON. Are you aware as to whether they are citizens of the State of California or not?

Mr. TOTTEN. No; I don't know whether they are or not.

Commissioner LENNON. That is all.

Commissioner COMMONS. I would like to ask a question.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. I would like to ask about the guards or the pickets which the unions have. Do you know how many they have?

Mr. TOTTEN. Well, I should judge two or three hundred.

Commissioner COMMONS. Do you know about their organization, how they were organized and marshaled?

Mr. TOTTEN. No; I don't. I don't know how they are organized at all. I know that they can—they have ways of summoning and getting help awful quick; that is, collecting a crowd.

Commissioner COMMONS. Do they have a number stationed in front of your place and other places?

Mr. TOTTEN. Yes, sir. Not at all times, but——

Commissioner COMMONS. Do these pickets carry any emblems, or anything?

Mr. TOTTEN. No.

Commissioner COMMONS. What do they do?

Mr. TOTTEN. Well, they walk up and down in front of the place, maybe; I have seen as high as a hundred walking up and down. They will get in front of a job and they will holler "scab." And I have even seen them go so far as to even where a man was mixing concrete in the street to punch him in the side as they walked by hollering "scab"; and then they call them very violent names.

Commissioner COMMONS. Do they pass out cards?

Mr. TOTTEN. Well, not the pickets on the jobs in the building trades, that is, what you would call the building trades' council does not pass out any cards.

Commissioner COMMONS. There is another class of pickets, men that are picketing stores, is there?

Mr. TOTTEN. Well, yes. I don't really think—I haven't noticed any pickets in front of the stores recently.

Commissioner COMMONS. Well, who are those that pass out cards?

Mr. TOTTEN. Well, that was in the outset, in the start of the trouble, the Central Labor Council, I think. It was proven in an injunction case there, that the Central Labor Council appointed these pickets, and, I believe, paid them 75 cents a day to pass out cards in front of a man's store or restaurant, as the case may be.

Commissioner COMMONS. Do you know whether these two or three hundred pickets that you speak of now are paid?

Mr. TOTTEN. No; I don't know whether they are paid or not. I have understood that they were, but I don't know whether they are or not.

Commissioner COMMONS. Do you know where they come from, from Stockton or from the outside?

Mr. TOTTEN. Well, some of them are Stockton people; yes. Some of them are strangers, but I don't know whether they live in Stockton or not; I don't know everybody in Stockton.

Commissioner COMMONS. You don't know all of the pickets, and you don't keep any record of the pickets that they have?

Mr. TOTTEN. No, sir.

Commissioner COMMONS. Or have any further knowledge?

Mr. TOTTEN. No, sir. I am reasonably sure, though, that there are at least 75 or 100 strangers in town and have been there for some time, that have mighty tough looking faces. I don't know how they came there.

Commissioner COMMONS. Well, are they acting as pickets?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. Your theory is that——

Mr. TOTTEN. I think they are the ones that does the most of the fighting.

Commissioner COMMONS. You think they are brought from out of town?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. You think they brought in there 75 out-of-town people to do this picketing?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. And this rough work that you have in mind?

Mr. TOTTEN. I think it.

Commissioner COMMONS. You have no knowledge of it, though?

Mr. TOTTEN. No; no direct proof right at this minute.

Commissioner COMMONS. Well, have any of your detectives furnished you any proof?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. To what extent have they?

Mr. TOTTEN. Well, they have told us at different times when these men came in, squads of them at different times; they have told us when squads of them came in.

Commissioner COMMONS. Told where they got them?

Mr. TOTTEN. No; we have never found where they got them.

Commissioner COMMONS. Just located them when they were brought in?

Mr. TOTTEN. Well, may be they would come up on the train with them, that is, they would find them on the train or boat, as the case may be.

Commissioner COMMONS. Did you slip over anybody on them in those pickets?

Mr. TOTTEN. No, sir.

Commissioner COMMONS. Didn't go along the same line?

Mr. TOTTEN. No.

Commissioner COMMONS. And it is upon the basis of what the detectives report to you, that you think that they had about 75 brought in?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. That is all.

Chairman WALSH. Have you some letters written; sent out to the merchants?

Mr. TOTTEN. I have.

Chairman WALSH. Respecting this boycott?

Mr. TOTTEN. Yes.

Chairman WALSH. Will you kindly file them with the commission?

Mr. TOTTEN. These are the letters that Mr. Dale told you that there was no boycott, these are the letters.

Commissioner WEINSTOCK. Read one or two.

Mr. TOTTEN. To Rosenbaum——

Chairman WALSH. Kindly submit them. We were compelled to make a rule before we arrived here on account of the voluminous character of the documents, all documents must be submitted. We will read them. You may hand them to Commissioner Weinstock.

Mr. TOTTEN. Letter directed to Rosenbaum where he says that any member of this union found patronizing such stores that do not display union store cards will be fined $5.

(The letters so presented were marked "Totten Exhibit No. 2" and are printed at the end of this subject.)

Chairman WALSH. Now, have you studied the relative efficiency as between the open shop and the union shop?

Mr. TOTTEN. Well, not a great deal.

Chairman WALSH. Then I will not ask you the question. We will ask some one else. I do want to ask you a question or two: Have you given the experience which you had in your own business, which led you to the attitude which you take to-day with reference to the unions?

Mr. TOTTEN. Put that again, please.

Chairman WALSH. Have you fully stated the experience which you had in your own business which led you to the attitude which you take to-day?

Mr. TOTTEN. I have not stated all of it.

Chairman WALSH. Well, now, is there anything else you would like to state voluntarily in that respect?

Mr. TOTTEN. There seems to be a disposition on the part of the union to curtail output. For instance, I had a man that was what you would call a straw boss. His name was George Shepherd. He was a Scotchman, and he was a very nice man—nice boy. And there were two Germans that worked right close to the office. The office is glass, and I can see out there very plainly. Work got slack. This was something like probably seven or eight months ago. I asked one of these German boys, I said, "I think I will have to let you off at the end of this week, or probably your partner." He spoke up and he said, "I am sorry you are going to let me off." He spoke of some expense he had gone to recently, how he would like to hold his job. He said, "Why do you single me out" I told him because he was rather slow. "Well," he said, "the reason of that was that the straw boss had told him to slow up, not to work so fast." "Well," I said, "did he tell anybody else that?" He said, "He told my partner." I called he and his partner in the office, and they both told the same story. I sent for the straw boss and asked him if he had told these boys to slow up. He said—he acknowledged that he had, and said since work had gotten slack he told the boys not to turn out so much work.

Chairman WALSH. Anything else, Mr. Totten?

Mr. TOTTEN. No.

Commissioner COMMONS. I would like to get the explanation of this stamp that you have spoken of, what that implies, what class of work must have the union stamp in your establishment.

Mr. TOTTEN. Everything that goes out must have a stamp on it.

Commissioner COMMONS. How much work does that entail?

Mr. TOTTEN. Well——

Commissioner COMMONS. What operations?

Mr. TOTTEN. Take a mill our size, it would require, say, a man probably one-half of his time a day to put that stamp on.

Commissioner COMMONS. I am speaking not of the time taken to put the stamp on, but what kind of work has to be done? Of course, this lumber comes in rought to you, does it not?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. Well, then, what is it that——

Mr. TOTTEN. After the lumber is surfaced, after a piece of cabinetwork is made, after a frame is made or a window or a door, that stamp is applied to that piece of work.

Commissioner COMMONS. Could you put that in matters of cost or expense, how much added work is done in your mill above what would be done by an outside mill if they sent their lumber direct to the building?

Mr. TOTTEN. Oh, that wouldn't amount to anything, that additional cost of putting the stamp on the material.

Commissioner COMMONS. I am not talking about the stamp. I am speaking of the lumber after it comes in.

Mr. TOTTEN. No; I could not, because I have not—I could not answer that intelligently now.

Commissioner COMMONS. My point is this, this wood might be made in mills away from Stockton and sent directly to contractors to put in the building, could it not?

Mr. TOTTEN. Yes.

Commissioner COMMONS. And it would be done except for this stamp?

Mr. TOTTEN. Yes.

Commissioner COMMONS. So that the stamp in one way was a protection in your mill against competitors outside?

Mr. TOTTEN. Yes; to a certain extent it was a protection against competitors; at the same time you have outside competition just the same like—you take San Francisco mills and the Santa Clara mills, they ship some stuff in there just the same.

Commissioner COMMONS. Will the building trade in Stockton put up material that comes from outside that does not have the stamp?

Mr. TOTTEN. Well, no; not generally; in some cases I have known where they have; not generally.

Commissioner COMMONS. Well, generally, then, your mill would have the field as long as the unions enforced that rule, the building trade unions, of not putting up unstamped timber or lumber?

Mr. TOTTEN. Well, now, as I said before, we have competition just the same; that is, San Francisco and Oakland and even Sacramento ships in there.

Commissioner COMMONS. Those are stamped?

Mr. TOTTEN. Stamped.

Commissioner COMMONS. Under your rule unstamped lumber can go into any building?

Mr. TOTTEN. Yes.

Commissioner COMMONS. Now, does that make any difference in cost to you? Will your competitors, must they reduce, or must you reduce your price to meet outside competition of unstamped material?

Mr. TOTTEN. Well, I may have to reduce prices some; yes; I might have to do that.

Commissioner COMMONS. You figure that the difference in cost between the cost of producing the stamped material under union conditions and unstamped material under nonunion conditions is a matter of sufficient importance to make it a point in the competition in the building trades?

Mr. TOTTEN. Yes; I figure that we will—by not having this stamp we could manufacture, run our business at a good deal better advantage by not having to deal with the unions, or to have any stamp.

Commissioner COMMONS. Have you figured out how much you could cut prices?

Mr. TOTTEN. No, sir.

Commissioner COMMONS. Can you cut them 10 per cent?

Mr. TOTTEN. I could not tell you now.

Commissioner COMMONS. You must have figured out what competitors will be able to send in unstamped lumber to compete with you from the outside. How much would they have to cut prices below what you have been in order to get into the buildings?

Mr. TOTTEN. Well, I can't tell you that.

Commissioner COMMONS. That has not been figured out to your knowledge?

Mr. TOTTEN. No, sir.

Commissioner COMMONS. Could it be figured out?

Mr. TOTTEN. I think so; yes, sir.

Commissioner COMMONS. Could you figure it out?

Mr. TOTTEN. Well, I couldn't figure it out now. I could at some future time.

Commissioner COMMONS. Would you be willing to figure?

Mr. TOTTEN. Yes, sir.

Commissioner COMMONS. You see what I am after.

Mr. TOTTEN. Yes; I would be willing to give you that.

Chairman WALSH. That is all, Mr. Totten. Thank you.

Call your next witness.

Mr. THOMPSON. Mr. Duffy.

TESTIMONY OF MR. JOSEPH P. DUFFY.

Mr. THOMPSON. Will you give us your name?

Mr. DUFFY. Joseph P. Duffy.

Mr. THOMPSON. And your business address?

Mr. DUFFY. San Francisco.

Mr. THOMPSON. Your business?

Mr. DUFFY. Third vice president of the Bricklayers and Masons and Plasterers' Union of America.

Mr. THOMPSON. How long have you been interested in the labor problems on the coast here?

Mr. DUFFY. About eight years.

Mr. THOMPSON. As an officer of the union?

Mr. DUFFY. Yes, sir.

Mr. THOMPSON. Are you acquainted with the Stockton situation?

Mr. DUFFY. To a certain extent.

Mr. THOMPSON. You have been here and heard the witnesses yesterday and to-day?

Mr. DUFFY. I wasn't here yesterday; no, sir.

Mr. THOMPSON. Tell us your views of the Stockton situation.

Chairman WALSH. As applied to his own craft and developed along the part of your work, please.

Mr. DUFFY. The situation pertaining to my organization developed about four weeks ago. I received a communication from the building trades council asking me to get our organization to support the rest of the trades in so far as there was a declaration for open shop in the city of Stockton by the M. M. and B. I took the matter up with the executive board of my organization, whose headquarters are at Indianapolis, and gave them the particulars pertaining to the situation with regard to the open-shop methods practiced by the M. M. and t. in the city of Stockton, and they forthwith issued an order for me to proceed to Stockton at once and to call out the members of our organization to support the rest of the trades in the building industry. Having received those orders I forthwith carried them out. After arriving at Stockton I investigated the situation very thoroughly, and, as the principles of organized labor were involved, it was up to me to call my men out in support of the rest of the trades. At that time we were not affiliated with the building trades council of the city of Stockton.

The committee of the brick contractors who belonged to the M. M and B. waited on a committee of our organization and offered to sign an agreement with them for a certain period—two or three years; that if they would not participate in this trouble in the city of Stockton they would agree to sign an agreement with them and give them any condition they might ask for, if they would stay on the job and work with nonunion men. In other words, they wanted to use the bricklayers' organization in order to try to crush the rest of the trades in this fight. They had before offered inducements in other places where we had open-shop fights in this State, but we absolutely turned them down. They even went so far as to offer us $1 a day extra in order to induce us not to support the rest of the trades and assist them to crush the weaker unions.

We are a pretty strong organization, at least we are conceded to be, and we are nearly 100 per cent organized all through the State. In fact, the whole Pacific coast is well organized and at every opportunity, when there are labor troubles, they try to use the bricklayers if they can, in order to try and crush the smaller unions; and I want to state further that after our men came out in the city of Stockton the merchants and manufacturers' association proceeded to bring nonunion men from the city of Los Angeles into that city to take the places of our members. They employed, I believe, something like 10 or 12 men that they brought in from outside districts, presumably from Los Angeles. I know myself most of them did come from Los Angeles. We interceded with those men and tried to get them to come off of the work, and we were successful in five or six instances whereby we got the men to come off of the work without any trouble whatsoever, by a little persuasive talk. We talked kindly to the men; we didn't use any abusive language of the sort that has been told you by different members of the M. M. and B. There was no violence used whatsoever at any time to my knowledge.

Since I have been in Stockton the last four or five weeks I have never seen at any time any violence used on any job. I have heard of instances

where it has been done, but I believe it was caused mostly by the attitude and actions of the members of the M., M. and E. Mr. Totten, I believe, was the first man that started violence. I believe he runs a planing mill in the city of Stockton, and his men, of course, were all out in his mill. He had something like 25 or 30 men employed there that they brought in from outside districts, and the pickets that were down there near his planing mill were trying to talk to these men to get them to come off the work; that is, to quit the job and come back in the union. Some of them, I believe, were formerly union men, but there were no desertions from the ranks locally.

Chairman WALSH. Were you there at the time?

Mr. DUFFY. Yes, sir; I was there.

Chairman WALSH. We are trying to limit this now to the part you might have that is reasonably pertinent to the investigation. We have heard both sides, and considerble concessions have been made by both sides. If you will, kindly confine yourself to things you think are pertinent in your own judgment.

Mr. DUFFY. Then I would only be repeating what other witnesses have stated.

Chairman WALSH. Then eliminate that.

Mr. DUFFY. I get your point.

Chairman WALSH. Here is the whole story about the automobile. It has been conceded on both sides so that we can now draw our own conclusions. Statements have been made that a certain thing was a boycott and a certain thing was not, and correspondence has been submitted, so that we can get at that. If there is anything else in dispute or anything new——

Mr. DUFFY. There is nothing new that I could speak of except that which I was going to state about Mr. Totten.

Chairman WALSH. Go ahead.

Mr. DUFFY. That he was the one that started the trouble in the city of Stockton as far as I know from my own personal knowledge, when these men were down at his mill trying to pursuade these other men to come off of the work, he got so wrought up over the idea and as they succeeded in enticing several men to come out of his mill, he came out of his office with a chair and went over and struck one of the pickets over the head with it, and, of course, the picket reciprocated and handed him a bunch of fives, as you would term it, and that started the riot. They all got mixed into it. That is about as far as I know in regard to that matter.

As I stated before, I would only be repeating what some other witness has stated in any further testimony I may give.

Chairman WALSH. Anything else?

Mr. THOMPSON. One question. Did your organization have a contract with the mason contractors at that time?

Mr. DUFFY. No, sir.

Mr. THOMPSON. No agreement of any kind?

Mr. DUFFY. No agreement whatsoever.

Chairman WALSH. Any questions? Mr. Garretson would like to ask a question.

Commissioner GARRETSON. Can you name this committee of the M., M. and E. that came to you with the proposition?

Mr. DUFFY. No, sir; the committee came to me through some members of my organization. It emanated from the brick bosses who belonged to the M., M. and E. Mr. Cowell is one of them. He said, "Why didn't you come to me and we could have sat down and done business; you did not need to put your organization to this trouble here." He says, "We have always got along fine with the bricklayers' union, and they have got no grievance whatever." I told him, "Do you suppose the bricklayers' union are going to allow themselves to be disgraced with the rest of the trade-union movement and stand idly by and see a lot of nonunion men come in on these buildings and work alongside our union men?"

Commissioner GARRETSON. Then the attitude of the brick contractors who were members of the M., M. and E. was the direct opposition in this instance to the attitude of the clerks employers' association who referred their employees to Mr. Calkins?

Mr. DUFFY. Absolutely.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you, Mr. Duffy.

Call your next.

Mr. THOMPSON. Mr. Holt.

TESTIMONY OF MR. PLINY E. HOLT.

Mr. THOMPSON. Give us your name and business address and business, Mr. Holt.

Mr. HOLT. Pliny E. Holt; I am vice president and general manager of the Holt Manufacturing Co. I will have to ask your pardon a little bit, as I suffered a severe nervous breakdown about two years ago and my voice is very low.

Chairman WALSH. That is all right. Do the best you can.

Mr. THOMPSON. You have been here the last two days?

Mr. HOLT. Yes, sir.

Mr. THOMPSON. You have heard the testimony given in regard to the Stockton situation?

Mr. HOLT. Yes, sir; I have heard quite a bit of it.

Mr. THOMPSON. What can you give us in addition to what has been stated?

Mr. HOLT. My attitude is more of an interested outside spectator. My company has not been mixed up in this fight in any way. You understand, we run a nonunion institution, and of course our men have not been affected by this trouble, and we are interested and are members of the association, but not active.

Mr. THOMPSON. Are there any facts you could add to those already stated by the other witnesses?

Mr. HOLT. Why, of course there are lots of facts leading up to this trouble. It is a long story.

Chairman WALSH. If they have not been gone over and you consider them significant to the inquiry, please state them as concisely as you can.

Mr. HOLT. I hardly know how to do that without dragging into this a great deal of our own personal history in connection with the labor situation on the coast, which is not really pertinent to this—just this particular inquiry—just now.

Chairman WALSH. I am letting you judge it. If you think it is not pertinent to the Stockton inquiry, please omit it and give us something else.

Mr. HOLT. It has been brought about, of course, by a long series of troubles. I have heard it hashed over a good many times. Men have come and expressed themselves to me personally about the trouble they were having and the continued unfair demands, as they considered it, being presented to them. Their output was restricted——

Chairman WALSH. Have you any personal knowledge of restriction of output on the part of employees?

Mr. HOLT. I have a great deal of that.

Chairman WALSH. Briefly state it.

Mr. HOLT. For instance, in connection with our business we have a great deal of work done in the shops in the city of Stockton—the foundries, for instance. Our foundry is not adequate to supply the material that we use. We have some of it come from our factory in Peoria, but even then we buy a good deal outside at a much greater price than we could produce it ourselves, but in order to get it we buy from the local company.

We have one instance particularly that was the source of a great deal of dissatisfaction this year. One of the owners of the foundry we are getting these engine cylinders from is the Monarch Foundry Co., and they did quite a good deal of our gas-engine castings per year, and their output of cylinders was eight cylinders per day per man. Our work got a little slack and we started making these cylinders in our own factory, and our regular men, working along at the regular gait—not forcing them—made 16 cylinders a day. To offset that we worked nine hours against their eight hours, for which you would have to deduct, say, 15 per cent of what it was. When it was called to my attention I went out to see if our foreman was forcing the men. He said no, absolutely; that the men could have turned out 25 if he had worked hard; it was just the regular routine work. That is one particular instance. It was called to the attention of the man that was making the castings, and I asked him if that was why he charged us so much, and he said it was, because he could not make them any lower. We paid him 5 cents a pound, and we make the same castings in our plant for 3½ cents, and make the same castings at Peoria for 2½ cents. Simply the difference in the labor conditions and material conditions at the different places.

Chairman WALSH. Have you any other instances of that character?

Mr. HOLT. Not that I can give such concrete cases except in our own instance, where when we had trouble with the union and when we were forced to eliminate the union from our plant, that was about 10 or 12 years ago, and our plant has been run on that basis since that—there has been no change in our attitude at all.

Chairman WALSH. You may state those even if not so specific as this. Anything you could say was restriction of output. Of course you are not confined to personal knowledge.

Mr. HOLT. This case was personal knowledge from our superintendent of the plant at that time.

Chairman WALSH. I see that was, but any others you have.

Mr. HOLT. This other case I want to state here—our attitude to the union at that time was very friendly; in fact, we helped organize one union so as to take in some of the men who were not placed. We have a variety of work, and we operated for two or three years under union conditions, and the last year we operated we found we could not exist under those conditions; that the reduction in output was such that we were operating at very close to a loss, and if it continued, we knew we could not continue. That was our reason for eliminating it. The particular case is we have what we call a wheel gang welding tires for large wheels for harvesters. These men in running their regular day's work would weld from 60 to 65 tires a day. After the shop committee got real busy they cut that down to 25 tires a day. We had numerous cases of the same thing. That, of course, led to our eliminating the union—that was 10 years ago and we haven't had any experience with unions since that time because we wouldn't allow them to dictate our affairs.

Chairman WALSH. Is there anything else, as I stated when you began, that you think is significant, or that you think is pertinent to the inquiry, that has not been gone into?

Mr. HOLT. Mr. Dale made a remark this morning saying we had a picnic here some months ago, about two months ago, and said it was pulled off to influence this situation at that time. That is absolutely false. Our picnic was decided on six months before it was given, and the parade was planned by the men. It was handled by the committee of shop men of their own, and we had nothing whatever to do with it. We donated them the day's wages, furnished them all the supplies, and gave them money to spend and told them to spend it any way they pleased. It was in lieu of the annual dinner we had always had previous to that time for heads of departments, but we have decided now to make it annual and take in every man in our employ, and it had nothing to do with the local situation. That is all, unless you want to go into other matters.

Chairman WALSH. That is all, unless there are some questions. Mr. O'Connell wants to ask a question.

Commissioner O'CONNELL. I understand you to say you are not in any way connected with the present situation——

Mr. HOLT. Except as a member of the association, but not active.

Commissioner O'CONNELL. The policy therefore—the policy as advocated by the association—must meet with your approval in conducting the affairs of your plant?

Mr. HOLT. Oh, certainly—no; it is in this way, our attitude is this, we will help them all we can morally and by our regular dues, as long as they live up to the principles we have set down and lived under some 10 or 12 years. If for any reason they would compromise with the unions or compromise in any way that would affect our policy, that minute we draw out of the merchants, manufacturers, and employers' association, or draw out of any other organization we are connected with. Our attitude is absolutely independent.

Commissioner O'CONNELL. Your policy is operation of the open shop?

Mr. HOLT. No, sir; nonunion.

Commissioner O'CONNELL. Nonunion?

Mr. HOLT. Yes, sir.

Commissioner O'CONNELL. Nonunion shop absolutely?

Mr. HOLT. Yes, sir.

Commissioner O'CONNELL. That is not the policy of the association.

Mr. HOLT. No, sir; their policy is the open shop.

Commissioner O'CONNELL. And you won't employ union men at all?

Mr. HOLT. No, sir. We have at times; yes, sir; I will take that back; we have at times, but we don't make a policy of it. We find they are not as reliable men and don't give us anywhere near the satisfaction. They don't be-

come the steady, reliable men. Our men have been in our employ some of them 33 years, and some of them anywhere from 10 to 20 years. We pay them good wages and try to build up a strong organization—independent workers.

Commissioner O'CONNELL. Then, if it is discovered a union man has secured employment in your plant by some means or other, what becomes of him after that?

Mr. HOLT. He is dropped.

Commissioner O'CONNELL. Dropped?

Mr. HOLT. No, sir; he is given the opportunity of withdrawing from the union. I tell him that it is against our policy, and that if he wants to stay with us he can withdraw and stay with us. Otherwise we drop him and replace him with another man.

Commissioner O'CONNELL. Then you boycott him because he is a member of the union, as far as employment with your firm is concerned?

Mr. HOLT. Yes, sir.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Any other questions?

Mr. THOMPSON. Just one other question. What wages do you pay, and what hours do you have?

Mr. HOLT. We have nine hours, and our wages run from $2 to $5, depending upon the man. We have no scale of wages.

Chairman WALSH. Will you kindly submit to us your pay roll?

Mr. HOLT. I would be very glad to.

Chairman WALSH. We will have an investigator pick out the dates, and the commission would like to go over it.

Mr. HOLT. Very gladly. We give you a very cordial invitation to visit us if you want to come to Stockton.

(The information requested was later supplied and is printed as "Holt Exhibit.")

Chairman WALSH. That is all, Mr. Holt. Thank you.

Call your next.

Mr. THOMPSON. Mr. Kennedy.

TESTIMONY OF MR. FRANKLIN H. KENNEDY.

Mr. THOMPSON. Will you give us your name, your business address, and your business?

Mr. KENNEDY. Franklin H. Kennedy; manager of the California Moline Plow Co., Stockton, Cal.; jobbers of agricultural implements.

Mr. THOMPSON. How long have you been located at Stockton?

Mr. KENNEDY. About 19 years.

Mr. THOMPSON. You are acquainted with the situation there?

Mr. KENNEDY. Somewhat. More largely by hearsay, however; I have not been there all of the time.

Mr. THOMPSON. Have you been here yesterday and to-day?

Mr. KENNEDY. No, sir; I just heard the last three witnesses and part of the fourth.

Mr. THOMPSON. Well, you may tell the situation in Stockton as far as you know it, and that does not cover the ground that you have already heard the witnesses testify about to-day.

Mr. KENNEDY. Well, as I said, I only know it through hearsay. I haven't taken any active interest in it. I haven't attended any meetings of the merchants, manufacturers, and employers' association, and our company is not a member of it, although our name appears there, but it is contrary to my instructions.

Chairman WALSH. Their name appears where?

Mr. KENNEDY. In the list they have published of their membership.

Chairman WALSH. It is contrary to what instructions?

Mr. KENNEDY. To my instructions. We are not allowed—as manager of our institution we are not supposed to go into labor disputes.

Chairman WALSH. Have you gone into this and joined this organization?

Mr. KENNEDY. No, sir.

Chairman WALSH. And you do not wish, then, as I take it, to discuss their reasons for forming it or their trouble with the opposing organizations?

Mr. KENNEDY. Absolutely not, because I have no knowledge of it.

Chairman WALSH. Then, I move that we just excuse this witness as not being enlightening, if there is no objection by the commission. He says his name was put on there without authority.

Mr. KENNEDY. I mean the name of the California Moline Plow Co.

Chairman WALSH. That is, he has no personal knowledge of anything. Do you want to ask him any questions?

Commissioner WEINSTOCK. Yes, sir; I think Mr. Kennedy can give us some information that will be of value.

Chairman WALSH. Very good. Go ahead.

Commissioner WEINSTOCK. You have been employed a great many years?

Mr. KENNEDY. Yes, sir.

Commissioner WEINSTOCK. You are connected with some large enterprise in the East?

Mr. KENNEDY. Yes, sir; our house is a branch, and distributes.

Commissioner WEINSTOCK. You have had experience with labor?

Mr. KENNEDY. Somewhat.

Commissioner WEINSTOCK. Under various conditions?

Mr. KENNEDY. More indirectly than directly.

Commissioner WEINSTOCK. You have handled union labor and nonunion labor?

Mr. KENNEDY. Not directly. Our employees as far as they can be classed as laborers are not members of any union. I don't know that there is any union provided for them. We make no distinction and ask no questions, but as far as I know we have no labor-union men in our employ at Stockton.

Commissioner WEINSTOCK. You have no union men in your employ; is that what you mean?

Mr. KENNEDY. Yes, sir.

Commissioner WEINSTOCK. Are you familiar with the law under which this commission is working?

Mr. KENNEDY. No; except in a general way, as it is given in the newspapers; I have that.

Commissioner WEINSTOCK. One of the things Congress has given this commission to do is this: "To inquire into the methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor," and so on. Well, now, from your broad knowledge as an employer and a business man, what suggestions can you make to this commission as to the best way to establish and maintain mutually satisfactory relations between employers and employees?

Mr. KENNEDY. Well, to answer that question, I doubt my ability to make suggestions. I can offer an opinion.

Commissioner WEINSTOCK. We would be very glad to have it.

Mr. KENNEDY. I think that unquestionably labor unions are a necessity, not only for a protection to the employee, but also as a protection to the employer against himself. I do think that either party when they get control is dangerous. And I might add, incidentally, that, I think, is originally the cause of the trouble at Stockton. Now, I am saying that purely from an outsider's view, because I do not come directly in contact with the labor condition there, but I am acquainted with it, though, in talking with labor-union men on it, and also outsiders—that the labor unions were too powerful in Stockton, that they had too great an influence there. And the same thing would apply anywhere else. The same thing will apply with employers who get too great power. Therefore, I think they are both necessary, but I do not think——

Commissioner WEINSTOCK. Pardon me. When you say "both necessary," are we to understand that in your judgment both sides ought to be organized?

Mr. KENNEDY. I think both sides have the right to organize, and I think perhaps that it would be necessary for both sides to organize; but it would seem to me if labor unions or organizations for the protection of laboring people would not dictate to the employer that he should not hire anybody but their people; and, on the other hand, the people that had the interests of the labor to take care of would look after the hours and pay—that that would be a reasonable division of two great contentions between labor and employer.

Commissioner WEINSTOCK. You mean that you think that it is unwise for organized labor to insist upon the employer employing only union men, on the one hand, and, on the other hand, you believe that the worker ought to have a voice in determining the wage and the hours?

Mr. KENNEDY. Yes, sir.

Commissioner WEINSTOCK. And the working conditions?

Mr. KENNEDY. Yes.

Commissioner WEINSTOCK. You believe that wherever those conditions prevail there is greater likelihood of industrial peace than where either one side or the other is alone strongly organized?

Mr. KENNEDY. Unquestionably. And we have proof of that in cases where such condition exists.

Commissioner WEINSTOCK. That is, whichever side happens to be organized effectively will take advantage of the disorganized conditions of the other side?

Mr. KENNEDY. It is a natural conclusion because selfishness is not eliminated.

Commissioner WEINSTOCK. So that really, summing up, I would take it to be this, that for the highest—if the highest degree of industrial peace could be established and maintained, it would be, in your opinion, by mutual organization, mutual recognition by the employer, both the employer and the employee in all matters, by giving the workers a voice in fixing hours, wages, and working conditions?

Mr. KENNEDY. Yes, sir.

Commissioner WEINSTOCK. That is to accord industrial democracy? That would make it largely a question of industrial democracy?

Mr. KENNEDY. Well, I do not take it exactly to that point. I do, though, as a business proposition, go just that far. I am not a philanthropist in this matter at all. It is a question purely of business, of costs, and for that reason it had better be in the position that neither party has absolute control of the other. Everything in nature has a controlling or compensating force. Why should industrial affairs not be so provided?

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. That is all.

Call your next witness.

Mr. THOMPSON. Mr. E. C. Dickinson.

TESTIMONY OF MR. E. C. DICKINSON.

Mr. THOMPSON. Mr. Dickinson, give your name, business address, and business.

Mr. DICKINSON. E. C. Dickinson. My business address is 1214 West Weber Avenue, Stockton, Cal.

Mr. THOMPSON. Have you been here yesterday and to-day?

Mr. DICKINSON. Yes, sir.

Mr. THOMPSON. Have you heard the testimony given?

Mr. DICKINSON. Yes, sir.

Mr. THOMPSON. What can you add to that which has already been testified?

Mr. DICKINSON. I think the subject has been pretty thoroughly gone over. I do not know anything I can add that will assist this commission in their work, except I am acquainted and quite familiar with the early organization of the merchants, manufacturers, and employers' association in Stockton.

Mr. THOMPSON. Would your testimony be different from Mr. Irish's in that respect?

Mr. DICKINSON. Except the early part; he did not go into the early part of the organization. I will say that it was absolutely a local organization. I was quite familiar with that. The objects were as he stated. Outside of that everything that he stated is, I think, correct with regard to the organization.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Is there anything that you would like to say, Mr. Dickinson, from the standpoint of the general public? You are a grain dealer, as I understand it.

Mr. DICKINSON. Yes, sir.

Chairman WALSH. Are you a large employer of labor in your business?

Mr. DICKINSON. No, sir; not a large employer. We are not in this controversy at all.

Chairman WALSH. Have you an elevator?

Mr. DICKINSON. No, sir; we have not. We handle our grain here in sacks.

Chairman WALSH. You think the subject has been quite well covered?

Mr. DICKINSON. I think it has been very well covered; yes, sir.

Chairman WALSH. That is all.

Mr. THOMPSON. Just one question, Mr. Chairman. Has your policy—I presume it is the policy of your association—at any time been influenced or controlled by outside persons or associations?

Mr. DICKINSON. No; it is purely a local organization, originated in Stockton. The purposes have been thoroughly stated here by Mr. Irish and Mr. Bird.

Commissioner WEINSTOCK. I would like to ask a question, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask you a question.

Commissioner WEINSTOCK. You have been an employer, Mr. Dickinson, for many years, have you not?

Mr. DICKINSON. Yes, sir.

Commissioner WEINSTOCK. And your opinion, therefore, ought to be of value to this commission in helping it to reach its conclusions. May I ask you how far, as a result of your experience and your knowledge of things and judgment, you have given accord to the sentiments expressed by the preceding witness, Mr. Kennedy, when he said that, in his judgment, the best possible industrial peace would be where both sides are organized, where the employer recognizes and controls the labor organization and gives labor a voice in fixing hours, wages, and working conditions, but reserving the right to employ union or nonunion men as he chooses?

Mr. DICKINSON. That coincides with my views pretty closely.

Commissioner WEINSTOCK. You would be in harmony with his point of view?

Mr. DICKINSON. Yes; I would be in harmony with his point of view.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all. Call your next witness.

Mr. THOMPSON. Mr. Martin.

TESTIMONY OF MR. IRVING MARTIN.

Mr. THOMPSON. Give us your name, your business address, and your business, please.

Mr. MARTIN. Irving Martin; Stockton, Cal.; newspaper publisher.

Mr. THOMPSON. What paper do you publish?

Mr. MARTIN. The Record.

Mr. THOMPSON. How long have you published that?

Mr. MARTIN. For 18 or 19 years.

Mr. THOMPSON. Are you a member of the M., M. and E.?

Mr. MARTIN. I am not.

Mr. THOMPSON. You are not?

Mr. MARTIN. No, sir.

Mr. THOMPSON. Are you acquainted with the situation in Stockton?

Mr. MARTIN. In such a general way as a newspaper man might become without being a member of the organization. Be a matter of hearsay, of course.

Mr. THOMPSON. Well, have you been here yesterday and to-day?

Mr. MARTIN. I heard the testimony of nearly all the witnesses; yes, sir.

Mr. THOMPSON. Will you kindly give us such views of the witnesses which you have heard which adds to what has been testified?

Chairman WALSH. Let me get a fact or two right at this point. Now, so far as these troubles are concerned, have you had any public expression—you have, naturally, in your newspaper, have you, published it?

Mr. MARTIN. Pretty fully; yes, sir.

Chairman WALSH. And you have taken the means that newspaper men ordinarily take to ascertain the facts and give publicity to them?

Mr. MARTIN. Yes, sir.

Chairman WALSH. And have you endeavored to get the facts from both sides whether they reflected upon one side or the other?

Mr. MARTIN. We have; yes, sir.

Chairman WALSH. And you endeavored to publish the news with reference to the matters that grew out of this industrial dispute in Stockton?

Mr. MARTIN. So far as I am conscious we have obtained those things that affect the public mind so deeply.

Chairman WALSH. Now, are you proprietor of the paper?

Mr. MARTIN. I am the principal stockholder.

Chairman WALSH. The principal stockholder. It is run, then, by a corporation, I take it?

Mr. MARTIN. Yes.

Chairman WALSH. And are you an editorial writer? Do you write some of the editorials?

Mr. MARTIN. I write some, not all of them.

Chairman WALSH. Are you the one in charge of it—to supervise the writing of all the editorials?

Mr. MARTIN. Yes, sir.

Chairman WALSH. Who is the business manager of your paper?

Mr. MARTIN. Mr. A. A. Seaver.

Chairman WALSH. Are you in touch with the business management?

Mr. MARTIN. Pretty closely; yes, sir.

Chairman WALSH. In addition to being the principal stockholder, are you an officer in the corporation that runs the paper?

Mr. MARTIN. I am president of the company.

Chairman WALSH. The name of the paper is the Stockton Record?

Mr. MARTIN. The name of the paper is the Stockton Daily Evening Record.

Chairman WALSH. Now, you may go on and tell the facts—particularly with reference to any new facts that you care to give. It might be well for Mr. Martin to give a general sketch, beginning at the very beginning of the whole trouble, from the standpoint of the citizenship of the community and all those that are not directly involved, one of whom I take you to be.

Mr. MARTIN. Gentlemen of the commission, I have been very much interested in the hearings, and to a certain extent you seem to have gotten the attitude of the witnesses. I wish to state that from my standpoint some of the objects of the M. and M. in Stockton, I think, you have pretty well cleared up by the investigation. There has been a great deal of misunderstanding in regard to the objects of the organization. If you will just permit me, I would just like to read a line or two of Mr. Irish's testimony. I refer to a question by Commissioner Commons:

"Commissioner COMMONS. When you organized at the start, you put yourself into a position where you could not enter into any agreements which would take into account all questions of dispute between the unions and the others?

"Mr. IRISH. Exactly. We simply took this stand, that any man was free to join any organization, the Masons or the Catholics or any organization.

"Comissioner COMMONS. From the very start, then, it was the issue of the open shop?

"Mr. IRISH. Absolutely."

That expresses my idea of the situation, and the testimony of the other witnesses to the effect that the association declined to recognize the unions is also borne out by my observations and experience as far as it extends, that the association was formed for the specific purpose of making the open-shop fight and to not recognize the unions.

Chairman WALSH. One minute, please. At this point the commission will stand adjourned until 2 o'clock.

I have been requested to make this statement: That this table here is reserved for working newspaper men, and the fact that the chairs are not always occupied does not indicate that they are not needed, because they come and go. So I have been asked to make the request that no person occupy the chairs at the table except working newspaper men here on that business.

We will adjourn until 2 o'clock.

(Whereupon, at 12.50 o'clock p. m. on this Wednesday, August 26, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. Well, we will proceed now, Mr. Thompson.

Mr. THOMPSON. Mr. Martin, will you please take the stand again? Is Mr. Martin here?

Chairman WALSH. I noticed him out in the anteroom. Call Mr. Martin, Mr. Sergeant at Arms. Where is the sergeant at arms and the assistants? We are ready to start now.

TESTIMONY OF MR. IRVING MARTIN—Continued.

Mr. THOMPSON. You were in the midst of a statement, Mr. Martin. Will you just take up your thread where you left off and go ahead?

Mr. MARTIN. Well, I guess the easiest way is to begin all over again.

Chairman WALSH. Mr. Martin, it has been suggested that there is another gentleman here whose testimony they think would be more logical before yours. And if it is convenient to you you may retire until we hear that.

Mr. MARTIN. That would be all right. I haven't really started yet, anyway.
Chairman WALSH. Very good. Then just retire, please, until we get through with this other witness.
Mr. THOMPSON. Mr. Kincaid.

TESTIMONY OF MR. FRED L. KINCAID.

Mr. THOMPSON. Will you give us your name, your business address, and your business, please?
Mr. KINCAID. Fred L. Kincaid; my present business address is 930 North San Joaquin Street, Stockton; my business at the present time is that of speculator; sometimes I loan money and things of that sort.
Mr. THOMPSON. Well, what subject, what material do you speculate in?
Mr. KINCAID. Buy lands and sell them. Now, own some farm lands in San Joaquin County, and am interested and have been for a great many years in the welfare and progress in the city of Stockton and its people.
Mr. THOMPSON. How long have you lived there?
Mr. KINCAID. Twenty-one years.
Mr. THOMPSON. Are you acquainted with the present situation in Stockton in industrial matters?
Mr. KINCAID. Yes, sir; and the causes leading up to it, do you mean?
Mr. THOMPSON. Yes, sir.
Mr. KINCAID. Yes, sir.
Mr. THOMPSON. Have you heard the testimony given here yesterday and to-day?
Mr. KINCAID. Yes, sir.
Mr. THOMPSON. Will you tell us briefly and in your own way such facts as have not been given to the commission?
Mr. KINCAID. My views necessarily will be along different lines than perhaps those of any other of the witnesses that have been here, because as I have heard the testimony, it has represented the personal views of those interested in one side or the other; while mine will probably largely be from a humanitarian standpoint rather than that of the employer or employee.
As I have said, I came to Stockton 21 years ago, leaving San Francisco somewhat prejudiced against unions, because I had been in business in San Francisco for eight years previous to that and left there largely because I felt I was somewhat hampered by unions.
I went to Stockton and I found there what at that time seemed to me ideal conditions, because there were practically no unions there. I went into business at Stockton, in the manufacture of combined harvesters, in the fall of 1892, or in the winter of 1892-93. Conditions at that time were, as I have said, to me, apparently ideal.
I remember along in the early years that one man in particular or in fact several, but one in particular, a Mr. McCall, was about to retire from business and invest his money in buildings, and he was able to hire carpenters, finished mechanics, for the nominal sum of $2 and $2.50 per day, and he commented upon it quite a great deal; in fact, I have heard him say a dollar and a quarter a day was enough for mechanics. And then I commenced perhaps to change my views as to what were ideal conditions. Perhaps I was getting along to a ripe time of life and I did change them materially.
I have since that time seen those same mechanics that were getting from $2 to $2.50 a day, owing to their organization get themselves onto a living basis.
Carpenters are getting, as you have heard testified, $4.40 per day, and, it is quite apparent, are more able to take care of their families and give them the education that is due them.
I have seen other matters change in Stockton that have been benefited by those same conditions. But for the first 10 years of my life in Stockton it was practically at a standstill. Since then it has always been on the increase, and it has grown almost to a boom until the conditions caused by the late trouble came up.
Everybody was prosperous in Stockton up to about a year ago or such a matter. I say everybody; I am speaking generally.
In all the years I have lived there I have never found labor unions taking any very drastic measures. They have at times had some strikes. I have been in a way involved in some myself. I have even sometimes allowed myself to be a little annoyed by some of the measures they have taken. I remember at one time that I had a number of machines that were necessary—a number of

harvesters—that belonged to myself, and it was necessary that they be repaired and put on the market before the harvest season, and in order to do so I was enabled to hire union labor; but I had to buy material from the Holt Manufacturing Co., castings, particularly, because they could not be gotten anywhere else, and my union men refused to handle them. At that time, as I say, I allowed myself to become a little annoyed. I say this only to show I am in the middle of the road; I do not represent either side, I want you to understand. That I have been myself—do not feel now that the unions have always done things right in the community; they have made mistakes like everybody else, but they have never, in my judgment and knowledge, created a situation that was so absolutely untenable as the present situation in Stockton.

My first connection with the present situation was perhaps in May or June of this year. Up to the 1st of July, I will state, and for six years previous thereto I had been the manager of the California Anchor Fence Co., an employer of labor in Stockton; and about that time, when a Mr. Calkins—he said his name was Calkins, at least—came into my office to talk to me about the prospects of the organization known as the merchants, manufacturers and employers' association. He outlined the objects of it about as here testified to, and I told him that—oh, he supplemented that by saying that they proposed to shake off the yoke of union labor in Stockton forever. Well, I said, "If that is your object I am not in accord with it, and I do not believe in it." I told him that under the present situation of society that unions are absolutely necessary, "and therefore I will not go into your organization." He became angry and said he did not care, as it seemed as though I was not in the right frame of mind to go into their organization and they didn't want me. I told him I was very glad of that, and consequently I did not go in. I have been a member of the chamber of commerce, however, for many years, and am yet.

My next connection, that will be of interest to this commission, with the present situation of affairs was along the latter part of July, after the lockouts had been declared, after the merchants had practically notified their unions that they must take their cards out and cease their boycotting, etc., when I was asked to go down to one of the banks in Stockton, the one where I have done business for some years. I didn't know the object of it, and I didn't respond, in fact, to the first notice or first request; and then I got the second one, through my wife, who was met by the president of the bank, and she was requested to have me come down and see them.

I went down absolutely in ignorance as to what was required of me or what was wanted of me, but it soon developed. I was informed that in the judgment of the banker I was closely in touch with Mr. Martin, of the Stockton Record. I think I was accused, in fact, or asked if I did not have some interest in the Record. I told them that I had none; that I was very friendly to Mr. Martin, so far as that was concerned.

I was informed that the policy of the Stockton Record was distasteful to the merchants and manufacturers' association. I had read he Record pretty regularly—in fact, absolutely all the local news that was in it every night—and it was quite astonishing to me. I could not see that there was any reason for its being distasteful to any side. The news was published; that is all I could see. But the outcome of it was that they required, or desired, that I see Mr. Martin and request him to change his policy.

And I said to them, "Well, Mr. Martin's policy is one of absolutely neutrality. How would you want him to change it?" Well, they wanted him to be neutral; they didn't want him to publish those items about strike breakers coming to town. That was one thing; and they said he had refused, or did not publish, rather, news favorable to the M., M. and E., and that if he didn't change his policy that we proposed—meaning the merchants and manufacturers who the banker was at that time representing—to withdraw our support from the Stockton Record; that we were furnishing the lifeblood for that paper, and that without it the paper could not exist, and that every merchant in town would withdraw that support in the form of advertising; and furthermore that he better look out for his interests financially.

And I was asked to see Mr. Martin and tell him this. At first thought I refused. I told them that I would not assume on account of friendship to Mr. Martin to carry any such a message to him; that Mr. Martin was capable of running his own business, and I didn't see it that way.

The statement was made there that although that bank to my personal knowledge had no hold on the Stockton Record or on Mr. Martin, the statement was

made there that if that banker had the power, he would put the screws to Mr. Martin, as it was expressed, and his Stockton Record, which was to me an intimation that any other bank that might have the power would do so.

Personally I happened to know that there was more or less business as between the Stockton Record and one of the other banks, and so after some consideration I concluded that I would see Mr. Martin about it, and I did so.

During that, by the way, though I have heard it testified to here that there would be no coercion of any kind permitted by the M., M., and E., and therefore it seems that it would be pertinent to speak of another matter that came up during the time that I was in that particular bank.

The banker said to me, "There was a man in here this morning to see me. I asked him if he would join the M., M., and E. association, and he said he could not. And I asked him why, and he said 'Well, I am just the manager of a little small corporation here. The president of our corporation is interested in business in San Francisco that depends very largely on union patronage, on the patronage of union people, and it would be ruinous to the president of my company if we allowed our little laundry association to be drawn into this affair, and therefore I can't do it.'" And Mr. ——, the banker, said, "I informed him that his president could come in here and pay the overdraft, or the money that they owe this bank immediately." And I said, "Did you do that?" And he said, "Yes; I did." And I said, "I am very sorry to hear that."

However, I didn't know anything about the outcome of that until a day or two later. It so happened that this very man, the president of this little corporation, owed me a few notes. And he came to me the next day and he said, "I am going to have trouble," and he said, "I may not be able to pay you those notes when they are due." And he said "Will it be all right?" And I said, "Yes; I know of your trouble. I heard of it." And he said, "Who told you?" and I told him the banker. And I said, "How are you coming out of that?" "Well," he said, "I don't know." He said, "The corporation isn't very well fixed. We owe some money, but I don't know. I think we will be able to meet the small amount that we owe the bank if they don't bother us any further." A day or so later he did inform me that they had paid the amount in the bank. And a day or so after that he again informed me that his corporation had been called upon, he presumed through the efforts of the merchants and manufacturers' association, for a larger indebtedness that he did not believe his company could meet, an amount of $1,000, which they owed a laundry-machinery company, and which they were presumed to be paying on installments.

But he said he was in touch with their president in San Francisco, but he had not yet decided whether they could or not. I saw him several times in the next few days, and he was in great distress. He asked me if I could not let his company have this $1,000. I told him I wasn't in a position to do that just then, but that there was a banker in town who had frequently asked me to get accounts for him—help him get accounts—and I would go with him to this bank and see at least how far-reaching their agreements were. I did not hold out any inducement that anything could be done. We did go to the second bank, a smaller bank than the first one I referred to, and I asked the president of that bank, after making the statement to him that he had frequently asked me to help him get accounts, and I was then prepared perhaps to help him to get one I considered was all right and told him of this case and of the requirements of it, and as to why my man desired to change his account from one bank to the other.

By the way, I was personally interested in both banks to the extent of carrying deposits in both, so that it was not a matter of personal feeling on my part of getting him to change. It was one merely of a desire to have him do what was for the best interests of himself.

The second banker promptly informed me that owing to the agreement among the bankers he could not put on any accounts of that kind. In fact, he also told me that their agreement was rather more drastic than I had heard. He told me that the unions as unions had withdrawn their accounts from the banks—by the way, I speak of these incidents not in any way but grief; I am sorry it is so; I wouldn't speak of it in anger or feeling of any kind, but it has been declared often in Stockton that this condition prevailed and just as often been denied, and I merely speak of this as perhaps proof of the fact, and that is all. You can take it for what it is worth.

The second banker told me that union after union as unions had withdrawn their accounts from the bank, and now the union men as individuals were with-

drawing their accounts, and that it had been agreed among the banks that if that continued they proposed to call every loan in Stockton that had to do in any way, directly or indirectly, with any union man, be it mortgage or a loan, and they would do it without notice.

I afterwards, in speaking with a man who was a director of another bank, mentioned that fact, and he said, "Well, I don't believe it, because"—I say this in fairness, too—"because I am a director of one bank, and if there had been any such agreement as that I know I would have known it." But you can take that for what it is worth. Those were mere statements. The outcome of the matter that I spoke of, a small laundry corporation subsequently developed. That may be of interest to you, and I might as well mention names as I go along. The corporation I speak of was the New Method Laundry, the manager of which was Mr. Eaves.

Chairman WALSH. Who was the first banker?

Mr. KINCAID. I am very sorry to say it was Mr. Hough, of the First National Bank.

Chairman WALSH. What are his initials?

Mr. KINCAID. J. H., I believe.

Chairman WALSH. H-o-u-g-h?

Mr. KINCAID. Yes, sir.

Chairman WALSH. J. H. Hough, of the First National Bank. Proceed.

Mr. KINCAID. I don't want it understood that I have anything but the highest regard for Mr. Hough.

Chairman WALSH. We want to get at the facts, and we will appreciate it if you will give us the facts.

Mr. KINCAID. I don't want to speak condemnatory of Mr. Hough.

Mr. Eaves, not being successful in any way in getting his loan to meet this $1,900 indebtedness, and I not being able to help him, was eventually forced into joining the M., M. and E. to get it. I know this fact from two instances. Mr. Hough himself told me in the first place that this Mr. Eaves had come back to him and asked him if he would join the M., M. and E. if he would let him have the $1,900 to stave off his disaster. He told him promptly he wasn't buying new accounts, but he didn't say he didn't let him have any money.

Mr. Eaves the next day I met him, and I said, "How are you getting along, Eaves?" "Well, I had to do it." "Do what?" I said. "I had to join the M., M. and E." I said, "Why?" "I went to Hough and asked him if he would let me have that money if I would join the association, and he let me have it." So that is one case, of course, that I can absolutely speak of.

In the case of the Stockton Record, Mr. Martin, I took particular pains because he is a personal friend. I told him I wasn't bringing this as a matter of news to him—just as a matter of protection if it was necessary. He said it wasn't necessary; that he should pursue the policy that he had pursued at all times, and he has done so. If that is of any benefit to you.

Chairman WALSH. Is that all?

Mr. KINCAID. That is all the statement I have to make.

Chairman WALSH. Did you wish to ask the witness some questions, Mr. Weinstock?

Mr. WEINSTOCK. Only this; I should judge from the statement you make, Mr. Kincaid, that it is a case of war on both sides.

Mr. KINCAID. It looks very much like it.

Commissioner WEINSTOCK. That the members of the M., M. and E. have followed the tactics of organized labor in boycotting their enemies and helping their friends.

Mr. KINCAID. They certainly have, to the most bitter extent. There never has been such a bitter condition in Stockton or anywhere else that I know of as exists there to-day, brought about, apparently, from no earthly reason—for the unions were not aggressive. They did, I think, do some foolish things. We all do. I don't think any of us are perfect. I think, perhaps, they have annoyed all employers at times; as I said, or started to say, they have annoyed me at times, and some persons have said to me, "I don't understand you; you have been connected with business in conflict with the unions, and they have bothered you in the past." I am ready to define my position as feeling that one's own personal interest should be rather squelched at times in the interest of broad humanity; while I don't pose as an angel, I do hope that I will be understood as having a greater interest in humanity than I have in making a few dollars.

Commissioner WEINSTOCK. The situation, then, I take it, is largely regarded as a matter of war, and that mutual reprisals seem to be in order?

Mr. KINCAID. Yes. If I was situated as Mr. Totten is—I have a high regard for him as a man—probably if I were in his position, a large employer of labor, just looking at it from my own selfish or interested standpoint, I should feel I should be better off if I could eliminate the unions. I haven't any doubt that the manufacturers of Stockton do feel that way, but nevertheless the fact remains that it has been possible in Stockton for the large manufacturers, if they so desired, to run open shops, nonunion shops, or do about as they pleased. It has been said that Stockton was a strongly organised union town. I deny the fact, for in the 21 years I have been there what strikes they have had have been conducted along gentlemanly lines. There has been no violence, unless it has been within the last three weeks, in which time I have been away from there. It has been possible at all times, as I have said, to conduct any sort of business anybody wanted. And the statement that manufacturers have been kept away from Stockton because of labor conditions I believe is absolutely unfounded, because I don't think there is a place, I know there is not a place on the Pacific coast, where conditions could have been any better than they have been in Stockton during the 21 years I have lived there for a manufacturer to conduct his business in his own way.

I don't refute, don't care to refute, the statements of those men who have come on the stand and have said they had been annoyed by labor conditions. Individuals have. I speak of it from a broad standpoint. Personally, as I have said, for six years I have managed the California Anchor Fence Co., and at times we have as high as 200 men, and from that down to 1. I have never had but very little trouble with unions. Sometimes our men—we, by the way, have conducted, perhaps not from choice but from necessity, a nonunion shop, because our men largely working in the field where there were no unions.

Commissioner WEINSTOCK. Do you employ any men now?

Mr. KINCAID. No; I resigned my position on the 1st of July of this year.

Commissioner WEINSTOCK. I take it, then, that you have been an observer of economic conditions and a student?

Mr. KINCAID. I have been an observer and a lover of it; yes, sir.

Commissioner WEINSTOCK. What is the remedy for these industrial troubles, as you see them? Do you believe that unionism is essential to the welfare of the workers?

Mr. KINCAID. Under the present conditions, yes; as deplorable as it may seem, without unions labor conditions would be more deplorable; the selfishness of the human family will not permit working people to retain a living wage unless they do have unions, because of that same statement I made awhile ago about Mr. McCall—he is not a bad man—just a man who had the opinion that a dollar and a quarter a day was enough for a laborer; and that is, unfortunately, the sentiment held by many individuals.

Commissioner WEINSTOCK. In view of your opinion, Mr. Kincaid, that unions are essential for the welfare of the worker, what remedy would you suggest for these industrial troubles? How would you minimize them? How would you meet them? How would you prevent them?

Mr. KINCAID. It looks to me very much as though Government control—I am not a Socialist by any means—but that Government control would be the only remedy unless it were that of broader education for both the employer and the employee.

Commissioner WEINSTOCK. You mean Government control for private enterprise?

Mr. KINCAID. Yes, sir; it looks to me as though——

Commissioner WEINSTOCK. Isn't that socialism pure and simple?

Mr. KINCAID. It is as to that part of it, and to that extent possibly I may believe in socialism.

Commissioner WEINSTOCK. You mean you would have Government owned and operated enterprises in the country?

Mr. KINCAID. At least control these industrial conditions to such an extent that we should not have the necessity for these perpetual wars; and a commission that would do that would really be a part of those relationships of the human family which would be essential for our welfare and prosperity.

Commissioner WEINSTOCK. Well, experience shows, though, that even Government control does not prevent strikes and lockouts, that they occur in Europe where they operate the railroads and the post office and the telegraph and telephone and all that sort of thing, and in Australasia they operate the street

cars, and yet there have been strikes and lockouts among those very people—not lockouts, but strikes.

Mr. KINCAID. I still believe stringent measures preventing injustice on either side is possible by Government commission.

Commissioner WEINSTOCK. By Government commission?

Mr. KINCAID. Yes. Well, that is what I mean by Government control, by a commission.

Commissioner GARRETSON. Supervision.

Mr. KINCAID. Yes; supervision and control is still possible, and I believe it is possibly the only solution, because if you leave these matters to individual control we are too selfish yet. We may develop into it some time—I hope we will; but there should be a universal, brotherly love that should extend from the lowest laborer in the field to the highest capitalist, and it does not exist at the present time.

Commissioner WEINSTOCK. You have lived in Stockton 20 years?

Mr. KINCAID. Twenty-one years.

Commissioner WEINSTOCK. I presume you are fairly familiar with conditions there in the building trades and other industries?

Mr. KINCAID. Yes.

Commissioner WEINSTOCK. And you have doubtless heard the testimony here the building trades were thoroughly organized on the one side and the building contractors were not organized?

Mr. KINCAID. Yes.

Commissioner WEINSTOCK. And you may have heard the recital of all the different incidents which have occurred which, from the employer's point of view, were aggravated, were accumulative, until, according to their statement, it had reached the point where it had become unbearable, and they determined to throw off the yoke. Now, had there been a contractors' association that would recognize and deal with the unions so that these grievances could have been taken up one at a time and adjudicated so far as the present situation is concerned, do you think the present situation would have been brought about? In other words, if these grievances could have been settled when they happened, in place of being permitted to accumulate, would it have had——

Mr. KINCAID. There are so many conditions enter into that. Personally, I was in the planing-mill business for eight years in San Francisco. I had to do with contractors and building contractors' associations. I belonged to the millmen's association at that time, in San Francisco, and we were all new. We all had crude ideas. We proposed to regulate all kinds of matters, particularly the aggressive union matters. But we did not, for various reasons, principally in that case, perhaps, because of the fact that contractors are persons generally who have no financial interest at stake, like large manufacturers who have thousands and hundreds of thousands sometimes invested in their plant, and therefore the incentive to protect that investment was not present so strongly with these contractors. In other words, they were merely standing as between the consumer and the producer, the laborer to the house owner, and as to whether the unions demanded a greater or less amount did not enter into their calculations, unless they were interested in the human family to some extent. In other words, it didn't make any difference to them whether they paid $5 a day or $4 a day, because the consumer——

Commissioner WEINSTOCK. It was passed on.

Mr. KINCAID. Simply passed on. The consumer ultimately paid it. Therefore, there was no very strong fight made in our organization here as against the unions. I have never known a strong fight to be put up by contractors as against unions, and for that reason labor unions have been able, in my judgment, to make a great deal more progress in building-trade lines than along any other line where large amounts were involved in the matter of manufacturers' plants.

So far as your question now is concerned as to the possibility of these things being settled, there is almost as much selfishness on the one side as on the other, and whichever side gains the victory it would only be temporary. A victory means more aggressiveness, more demands on either side, I think—if that answers your question. This is simply my opinion, however.

Commissioner WEINSTOCK. It does not exactly answer my question.

Mr. KINCAID. If you will repeat it.

Commissioner WEINSTOCK. The thought I had in mind was this, Mr. Kincaid, whether in place of there being organization only on one side of the building trades there had been organization on both sides, so that these alleged griev-

ances could have been taken up one at a time and adjudicated—whether it would have—whether the present situation would have been likely to have happened as it has? Would it not have prevented that?

Mr. KINCAID. If the result is to depend upon the strength of organization on both sides and it has got to be a case of the survival of the fittest as to which is the strongest. If this organization of the present business men of Stockton, that they call the M., M. and E., is strong enough to browbeat and frighten the unions, why probably the unions will accede to any demand that they may make. But, on the other hand, if the unions' organization is the strongest why they will make the other fellow lay down, as it were.

Commissioner WEINSTOCK. You heard the story or the illustration given here yesterday by Mr. Johannsen. I think the corresponding question was put to him. And in his own peculiar way he pointed out that when two fellows each had a stick of dynamite, that neither one would throw it; which I interpreted to mean that where both sides are organized they respect and deal with each other.

Mr. KINCAID. I think that is very apt, probably a very apt illustration, a deplorable one though it may be. Quite likely it would result in good. There is this much to it, however, I think that the citizenship of any community should expect more from its merchants and manufacturers than it should from the labor unions. In other words, I don't think that any community of business men or any set of business men have the moral right to organize, even though they have the financial power to do so, in a way that would browbeat the laborers. They have every advantage, that of environment and education, and every other advantage. They should be more generous, in my opinion, if opinion is of any use.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Do you want to ask any questions? Mr. Garretson would like to ask a question or two.

Commissioner GARRETSON. Mr. Kincaid, in answer to a question a moment ago, as to whether or not the employers hadn't taken a card from the employees' book in the methods that they had used, that you have described, what, in your opinion, would be the comparative power that the M., M. and E. association was able to exert in that direction as compared with the power that the union men could exert in the city of Stockton?

Mr. KINCAID. The power that they might exert is unlimited and deplorable.

Commissioner GARRETSON. You mean which?

Mr. KINCAID. That the power of the M., M. and E. with the financial backing of the banks, is unlimited and deplorable. There are few men in the city of Stockton, and I presume any other city, that would be situated just exactly as I am. I can come to you freely and express my opinion without fear or favor, for I have none to ask of any man.

Commissioner GARRETSON. You are absolutely independent of any kind of pressure?

Mr. KINCAID. Absolutely; of any kind of pressure from either side, and I will state I presume I occupy almost a unique position. I believe if this Mr. Raven I spoke of was asked to come before you to-day to corroborate my statement, he would be afraid to do it.

Commissioner GARRETSON. On account of after results?

Mr. KINCAID. I believe he would. I don't know; he has not said so to me. I wish he would try it.

Commissioner GARRETSON. Then the real caliber of the two weapons is a 9-inch gun to a popgun?

Mr. KINCAID. Yes, sir.

Commissioner GARRETSON. Do you believe that that system is a fine illustration of what has been described by another as the invisible government?

Mr. KINCAID. I could not say. It seems to me to be the system prevailing in Stockton. I hope it does not prevail anywhere else, and never there again.

Commissioner GARRETSON. Do labor men conduct their campaign openly and without secrecy?

Mr. KINCAID. Up to five weeks ago I had not seen anything obnoxious other than those small and petty things that have annoyed individuals, and have at some times annoyed me.

Commissioner GARRETSON. Their campaign must, of necessity, where they use weapons of the boycott or anything of that kind, be open?

Mr. KINCAID. It is their only weapon; we recognize that fact.

Commissioner GARRETSON. And it is open and aboveboard?

Mr. KINCAID. It has been.

Commissioner GARRETSON. That is all.

Commissioner LENNON. Has the prosperity of the city of Stockton improved and increased as the unions have developed and have raised wages?

Mr. KINCAID. The city has; yes, sir. Now, I don't care to stand on record as saying that that was the sole cause of it, but as an illustration as to the prosperity——

Commissioner LENNON. As a matter of fact?

Mr. KINCAID. As a matter of fact, it has, whatever the cause may be.

Chairman WALSH. What was your illustration?

Mr. KINCAID. Eleven years ago a building in the city of Stockton was offered for sale. It had been occupied by the grangers' union, that had become defunct. A friend of mine in the real-estate business came to me and suggested that we go in together and buy that building, which was offered for $34,000, and in looking into it with him I found it had not paid interest hardly on $3,400 since the grangers' union had gone out of it. It was occupied in the upper story—it was a brick building, by the way, that cost nearly $60,000, and with its lot should have been reasonably worth close to $100,000. It was offered for $34,000 because of the conditions prevailing in Stockton at that time. There was no business for it. The only occupants in the building at that time were some artists and householders living in the upper story, which was not finished off, by the way. They had strung tents, or at least burlap, to partition off part of that, and were living up there and paying nominal rent. There was a little storage in the basement and that is all that was rented, and for that reason I refused to go into it.

That building has increased in value and still stands, and I venture to say that to-day $150,000 would not buy it. If I had it, it wouldn't. I didn't buy it.

Commissioner LENNON. Is it your experience that where the working class receives a high wage that the business men of the city are more or less prosperous than where they receive a less wage?

Mr. KINCAID. The business men of the city of Stockton have certainly been very much more prosperous during these last 10 years when men were getting fair wages than they ever were before. Men were able to buy and pay for shoes for their babies that could not have done so on the $2.50 that they formerly got.

Commissioner LENNON. I was going to ask you as a matter of opinion; I don't know that you will want to answer: Do you believe that if this contest goes on and should terminate disastrously to the unions, that the wages are liable to go down again?

Mr. KINCAID. If it were not purely a local matter, they would. Being local, however, the union men could leave, fortunately, and go somewhere else where conditions of that sort did not prevail.

Commissioner LENNON. Yes; but some one would take their places. What do you think the effect would be on their wages?

Mr. KINCAID. Undoubtedly they would be forced down. It is human nature to get the most you can apparently for the least money, and our business men of Stockton are not above that.

Commissioner LENNON. That is all.

Chairman WALSH. That is all, thank you.

Mr. THOMPSON. One more question, Mr. Chairman.

Chairman WALSH. Oh.

Mr. THOMPSON. Do you know if any bank in Stockton showed a disposition to call Mr. Martin's loans, if he had any?

Mr. KINCAID. I do not, except as was said by one banker there, that if he had the loan, as I have said, and had the power, he would put the screws to him.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all, thank you, Mr. Kincaid. Call your next.

Mr. THOMPSON. Mr. Martin.

Mr. KINCAID. May I be excused now?

Chairman WALSH. You may be excused finally.

TESTIMONY OF MR. IRVING MARTIN—Recalled.

Mr. THOMPSON. Mr. Martin, you may resume your statement.

Mr. MARTIN. Gentlemen, I think it has been abundantly demonstrated that a state of organized warfare exists in the city of Stockton. I think the causes leading up to the situation have been pretty thoroughly gone into. I might

add that, in my judgment, the reorganization of the directorate of the chamber of commerce which took place about a year ago, at the time that Mr. John P. Irish was elected as secretary—that the organizing for the fight which afterwards developed entered quite a little into the reorganization of that directorate. Up to the time that Mr. Irish became secretary of the chamber of commerce organized labor in the city of Stockton had had representation on the directorate of the chamber, the idea being that the chamber of commerce represented not merely the business life of the community but the collective life of the community, and that organized labor was entitled to representation on that body. And from that standpoint unionmen had been on the directorate for some years.

Mr. Irish personally told me that one of the considerations of his election as secretary was that no labor men were to be on the directorate. It is probably very apparent that before this situation developed into warfare, that a great many moves had been made in preparation for it. The formation of the association in August last and their declaration of principles which have been offered in evidence shows that that as one step leading up to the events which afterwards developed.

The boycott on the Sperry Flour Co.—and bear in mind that there have been two boycotts, one declared last year, and that trouble was settled before the present industrial warfare in Stockton commenced; and there is no connection, I don't believe, between the two boycotts. The recent boycott on the Sperry Co. dates back three or four weeks and is a separate matter from the boycott last year. But at the time of that boycott the Sperry Flour Co. made a very active fight and influenced to a great extent public sentiment, claiming that they were a large employer of labor, an institution of the city of Stockton, deserving of consideration; that they had been located there for a great many years and were a very prominent manufacturing enterprise. And they went pretty thoroughly into the matter, and a great deal of sentiment, I think, was developed along that line at that time against the use of the boycott.

Later on the trouble at the Hotel Stockton, which has already been developed in the testimony, where picketing was done and where the union pickets carried a banner depicting thereon a long-tailed rat, inflamed public sentiment again and was another cause which led up to the conflagration.

In other words, there were a great many moves made which entered into the trouble which finally commenced after the organization of the merchants and manufacturers' association had been fully perfected, after a great many months of work on the part of the organizer, Mr. L. S. Calkins.

Mr. Calkins was brought to Stockton and remained—had been there quite a few weeks before even the newspapers were aware of his presence. The organization was very carefully formed, and finally succeeded into gathering into its membership—I think their statement claims 90 per cent of the business and employers of Stockton. And there is no question but what they have that comprised in their membership.

The particular line of business that I am engaged in—I don't think any of the newspaper men were asked to join. Certainly I was not. And I don't think it would have been possible for any of the newspapers of Stockton to have joined and upheld the principles of the organization. In other words, I don't think it would be practically possible to run an open-shop newspaper in the city of Stockton at the present time.

After the formation of this organization, and just for the purpose of illustrating the great care and thoroughness with which the organization was formed and the success that they had in getting individuals and institutions in it, I desire to state that I am a director of a building and loan association—one of nine directors. They desired our association to join. Some of the directors did not desire the association—the building and loan association—to join the other association. And a very warm fight developed among the directorate, the members of which had been warm personal friends and business associates for years.

The building and loan finally affiliated with the M., M. and E. by vote of its directorate of 5 to 4, after a protracted and very acrimonious session. Speaking for myself personally, I very strongly opposed the going of our association into the merchants, manufacturers and employers' association, claiming that it was neither a manufacturer, a dealer in mercantile goods, nor an employer; that we largely dealt with the poorer class of people, the aim and object of our association being to loan money in small amounts to actual

home builders, and that we had something like, I think, in the neighborhood of 50 loans at that time, the bulk of them being to small home owners.

However, the association entered the main association. One of the arguments made was that this was a broader matter than any individual or any association, and we all ought to be patriotic enough to join a movement which was for the benefit and interest of the city of Stockton.

Just there I wish to digress long enough to say that I feel that the majority of the members of the merchants, manufacturers and employers' association are sincere in their proposition that the association is for the benefit of the city. I think that they are entirely wrong in that viewpoint, but I think that they are sincere. I could wish that they would be as charitable in connection with myself.

A great many of the members of the association I think did not—I am satisfied did not—understand the objects of the association. I have had repeated discussions with members of the association who told me that the association was not for the open shop, and that it was not against the recognition of the union. And I am satisfied that when those members made those statements to me that they absolutely believed them—statements which it has subsequently developed, according to the testimony taken here, were at least erroneous.

My first connection—if that is the proper word to use—with the operations of the merchants and manufacturers' association came some time in last May. I was attending a picnic at Lockford in the northern part of San Joaquin County, and a gentleman friend of mine who is an active member of the M., M. and E.—and, by the way, I wish to state that in these matters I do not desire to embarrass anyone—a great many of the things that I get must necessarily come from friends who are allied with the other side and who tell me things in confidence, and whose confidence I could not betray.

Chairman WALSH. We will leave that to you whether to mention any of the names or not. Just go ahead.

Mr. MARTIN. Yes. This gentleman told me that he came—he took me aside from the picnic gathering. The picnic was held in a large grove of oak trees. He took me aside from the picnic gathering in his automobile and had a talk with me of about an hour's duration. He said he wanted to give me a tip; he didn't think that I knew what was going on, and that he wanted to warn me. He said: "A great deal of talking has been done by the members of the association in reference to the attitude of the newspapers." He said, "In this matter we propose to win. We are going to win. We are going to stop short at nothing." He said, "We don't see why, as merchants and as advertisers, we should give our support to those who are not with us in this fight." He also said that the association was so thoroughly organized that any one who owed obligations was on dangerous ground. To make a long story short, he emphasized in his talk with me the two things, advertising patronage and financial obligations, both of which apply very forcibly to my business enterprise. One of them is necessary for its continuance, and the other, owing to the organization of the business and the fact that about three years ago I put up a large building and put a very expensive plant in it, and still owe quite a little in the way of obligations, meant that the thing applied pretty emphatically to me.

I received other intimations from other friends to the same effect at various times. I was also told by this gentleman that the matter had been taken up and that a committee was going to call upon me to take the matter up with me. I asked him if I was the only newspaper concerned in the matter, and he said no, that all of them were going to be called upon the carpet.

In due course of time a committee of seven business men, all of whom are in the mercantile business, called upon me at my office, and, in the presence of my business manager and my advertising manager, had an extended conference with me.

One of their members had been selected as spokesman, and, at considerable length, but in a very rambling, indefinite way, talked along the line of patronage and what kept the newspapers going, and things of that kind, but made no specific statement and no specific threat. Other members of the committee then joined in the conversation, but none of them made any specific statement.

After listening to them and getting from them whatever they had to offer, I made my reply and told them that I had heard a great deal of certain things that were going to be done, by individuals telling me so; but that their committee had not specifically touched upon them, but that I presumed they knew at that time that those things had come to my knowledge, and that in my

reply I would make the reply the same as if they had come through with their statements.

The only specific thing that they had touched upon in their statements was that they desired me to attend a meeting to be held at the Hotel Stockton on a Wednesday evening. The date of this conference with me was on a Monday morning. I joshed with them and told them I was very pleased to meet them as individuals, but I could not understand why seven men, who were presumably all busy, should leave their places of business and come to my office for the purpose of inviting me to attend a meeting, when one of them might have done it over the phone.

I then told them I was glad to meet them and to meet them in conference. I was glad to get their ideas and suggestions, but that I was going to be a little bit more frank with them than I thought they had been with me. I told them that if I went into their places of business and undertook to tell them the conduct and policy of their stores had been wrong—they had intimated that to me about the policy of the paper, but not making any definite proposition—and if I undertook to tell them that they were conducting their stores wrong they would know I didn't know anything about the mercantile business, and, furthermore, that I would not have any right to come to them and interfere with their business and they would probably politely tell me so and invite me to leave the store.

I told them that when they came to me in a line of business that is a very peculiar one, and which, I think, isn't very generally well understood by men in the mercantile business, that they were then speaking to me about a business which I knew that they knew nothing about, and that I must reserve the right to conduct the business according to my best judgment, presumably the same way they were conducting their stores; and, in order to forestall any future trouble, which I at that time instinctively felt was approaching, I told them that, come what might, I must continue to run my business according to the best of my judgment.

I want to say that from my own standpoint—and not from theirs, possibly—that I had been endeavoring to steer a clear course in the industrial warfare which was then developing in the city of Stockton. My interests are all there; my home has been there and will continue to be there; my friends and associates have been to a large extent naturally among the same people that were in this organization. I have been intimately associated with them in fraternal, social, and political matters and all matters that enter into a community life. There is not anything that I wouldn't do if I could do it from my standpoint—and I must be the judge of that—to remain in touch with those men.

But that in this matter, which I thought I saw was going in certain directions, I thought I saw what would be the ultimate outcome of it, and, seeing, as I thought I did, far beyond what they saw; knowing I would have to align myself; knowing where my sympathy would be and where it must be in the final show-down in any matter of that character, I wanted once and for all to place myself where they would have no occasion in the future to misunderstand me. I thought I did succeed in doing so.

In the course of this conference a great many matters were gone into and the conference ended very satisfactorily to us. Some things were brought out and discussed, which they said they were glad had been brought out; and all left the office feeling better and said they thought we would be able to get along all right.

That same committee, I afterwards ascertained, called upon the other newspapers of Stockton and presumably had talks with them.

The situation continued for a while with all of the newspapers attempting to do all they could in the papers at that time not to incur the ill will or displeasure of either side. That I know was my endeavor, and from a newspaper standpoint, I could see very plainly that it was the endeavor of the other newspaper publishers.

But it appeared that that course was not satisfactory, and I don't know just how long, but probably two or three weeks after this initial conference all the newspapers of Stockton were summoned to appear before a meeting held in one of the rooms of the Hotel Stockton at which there were about twenty of the business men present, members of the M. M. and B., with one member presiding as chairman; and at that meeting, from a newspaper standpoint, there were present J. L. Phelps, C. L. Runckle of the Independent; Orril Nunan of the Mail and M. G. Woodward of the Mail; Dave S. Matthews and myself from

the Record. There are three daily newspapers in Stockton, and this conference comprised the editors and publishers of the three newspapers.

The conference was quite an extended one. The burden of complaint that they advanced to us was that we hadn't given them, to use the current slang expression, "fifty-fifty"; that they felt they were not getting a fair shake in the news columns of the newspapers. At this time no Stockton paper had contained a line of editorial on the situation. None of the Stockton papers, with the exception of the Record, have yet contained editorial views on the situation. They complained specifically of the publicity that was being given to the union side of the matter and instanced particularly a meeting held under union auspices where a women's label league was formed. This meeting was reported in all the newspapers to the extent, I think, of something like a column and a half. It detailed the speeches that were made and the complete formation of that organization.

This organization, by the way, was formed for the purpose—I guess boycott would be the right word to use for it—for the purpose of boycotting the stores that did not display the union card. They said—the employers said at this conference, "you should not give publicity to the union, it is having a bad effect. We are your advertising patrons; these people are not patronizing us, and therefore you should not lend encouragement to them." Up to that time the association had not desired very much in the way of publicity. The city editor of our paper, and I presume that was true of the others, found great difficulty in getting anything at all from the authorized members of the association, and, by the way, I wish to state here that I have never in my experience known of any association or organization that has been enabled to so effectively guard secrecy as this M., M. and E. association. It is certainly an eye opener to the newspaper men of Stockton, the way they have been able to keep their affairs pretty close.

But we tried. The city editor would repeatedly come to me and say, "I can't get anything from them," and was very much put out at it. I instructed him very emphatically to telephone to headquarters every day, never to let a day slip by, and to state he had telephoned, and if they had nothing to give to make that statement in the paper that they had nothing to give. I was doing that in an endeavor to try, as I said before, to steer a middle course.

On the other hand, the union representatives went out of their way to come to the newspaper offices and give statements of their doings. They made it a point to cultivate the city editors and reporters and give them their statements.

Mr. Calkins, in his treatment of the reporters of the Record, was very arbitrary, and as they told me, insulting; and I am satisfied that later on, in the development of the situation, that some of those human interest incidents entered into matters in such a way that, possibly unknowingly to themselves, the reporters, to a certain extent, might have been a little bit prejudiced or biased in favor of the unions; because their representatives, as I said before, made every effort to give them news and to keep in touch with them. I endeavored to get the reporters to be careful in verifying statements, but I fear that the person who comes and gets in touch with the reporters and treats them halfway decently, if there is such a thing as getting the best of the shake, is likely to get it.

Now, to go back to this conference again: After considerable discussion I put this thing specifically to the chairman of the meeting. I said, "Isn't it a fact that up to the present time this association has not desired publicity, and not desiring publicity yourselves, you do not desire the other side to have it?" I repeated the statement, and said, "If that statement isn't true, isn't right, I want it challenged." I wanted to get somewhere in the conference, and I wanted to get a basis. "If that isn't true, let us have an understanding."

The statement was not challenged, and by the smiles and nods of their heads the conclusion, I think, was warranted that they admitted the corn. In other words, that their complaint had been against the newspapers, that the newspapers were giving publicity to the union side and that they thought the newspapers should not give the publicity to that side.

The matter of advertising was gone into, and they specifically stated that the typographical union had passed a resolution assessing a fine of $25 on any member of the union who traded at any store not displaying a union card. Up to that time I had not heard of that action. The action was taken at the meeting of the union, and we promised this conference of business men we would take the matter up with our employees and see if we could not get that resolution rescinded.

The endeavor was made to get it rescinded, and Mr. George A. Tracy, president of the San Francisco Typographical Union, made a visit to Stockton and the matter was taken up with him and reported back to us to this effect: "We don't thing that the matter cuts much figure. We could rescind the resolution imposing the fine of $25," he said, "but we could not get our members to trade at those stores."

That conference broke up about the same as the other conference had, with the business men stating they were glad the conference had been held and they thought they had accomplished something.

A week or so after that conference a gentleman came to my office one afternoon and inquired for the managing editor, and some of my staff were talking with me, and they waved their hands at me, and he wanted to know if I was editor of the paper, and I told him I was. He said, "My name is Bailey." I said, "Pleased to meet you, Mr. Bailey." He said, "I want to summon you to attend a meeting to-night," at what I thought he said was the executive committee of the M., M and E. It later on developed in the conversation that it was the strike committee, and that interested me mightily. And I said, "By the way, Mr. Bailey, I haven't had the pleasure of meeting you before; how long have you been here?" He said, "Two or three weeks." And I said, "Well, just what is your connection with the association?" And he said "Well, I am adviser and counselor." I said, "Well, what do you do?" "Well," he said, "I am adviser and counselor, and that is what I do." I said, "Where do you come from, Mr. Bailey?" He said, "From Portland." And I was greatly puzzled about the matter, and I said, "Did you ever have anything to do with the printing business?" He says, "Oh, yes; that is my business, I have had something to do with it."

We had a general discussion about the printing business. And in the course of the conversation he spoke about having on tap five or six nonunion linotype operators that he was in touch with, and so forth. I said, "You don't have any idea that anything of that kind could be done in the city of Stockton." I had heard the intimation—had been told by friends that discussions were being had about the starting of another paper in the city, and so forth, or the buying of one of the papers then issued. I said, "You don't have any idea that would have any bearing on the Stockton association, that you could do anything like that in Stockton, do you?" He said, "I do. We could put all these papers on a nonunion basis within two weeks." I said, "I beg to differ with you there. I don't think that could be done. But," I said, "I don't see that that has anything to do with this other matter." I said, "I had intended to-night to attend a political meeting at which Mr. Keesling, candidate for governor, speaks in Stockton." He said, "That is unfortunate," and, he said, "This matter to-night is a very important one, and you better attend." I said, "What is the object of the meeting to-night?" He said, "I am not at liberty to divulge it." I said, "Well, I think I have met all of these gentlemen before on two occasions and gone over matters with them, so I do not see that any good purpose could be served by going over it again." He said, "No; you have not met this committee before." I said, "Well, all right, who are they?" He said, "Well, I am not at liberty to state." He then said, "You will be present at the conference, will you?" I said, "I don't think I shall, Mr. Bailey. I won't say positively. I will think it over this afternoon. If I thought that was a conference of citizens of Stockton, considering some matter of general interest to the city, and they desired my cooperation or counsel, I would be pleased to go. I would be pleased to attend any meeting of that kind. But if it is a matter of my meeting some gentlemen who propose to tell me how they think I ought to conduct my business, and intimating to me what is liable to happen to me if I don't conduct it as they think I ought to, why I don't think that it would be a good thing, either for me or them, for me to attend that conference." He said, "Well, if you are not there to-night, I will report that you are attending a political meeting." I said, "You will report nothing of the kind. If I am not there, it will be because I don't care to go."

After he left the office I got to thinking the matter over, and, after waiting a little while, I telephoned to the offices of the other two Stockton papers, the Mail and the Independent—oh, by the way, I had asked him if I was the only one of the newspaper publishers that were summoned to this conference. He said no; they were all going to be included. I telephoned to the other newspaper offices and found that he had been to each of their places making the

same request that he had to me. Three of them—that is, the two Nunan brothers, of the Mail; Mr. Ruggles, of the Independent; and myself—met at Mr. Ruggles's office pursuant to our telephonic conversation. And we compared notes and told each other what he had said to each of us, and he had said some things to the others which he hadn't said to me, and we were all quite a little stirred up over the matter; we had all been, from our standpoint, taking extraordinary pains both to give the news and keep clear of trouble. We got stirred up and decided that the time had about arrived for us to refuse to accept service of summons, and we decided not to go, and none of us did.

The next morning about 10 o'clock I was telephoned to by a merchant, a friend of mine, and he said: "You weren't at that meeting last night." I said, "What meeting is that?" "Oh," he said, "you know what meeting I mean." He said, "You ought to have been there." He said, "You don't know what is going to be the result." He said, "I think if you understood that you would have been there." I said, "I don't get the point." He said, "Quit that. You know what I mean." "Now," he said, "we are going to admit that possibly we got off wrong; that we got at that in the wrong way." And he says, "Therefore, forget that, and we will start in over." He said, "Will you take lunch with us to-day?" I said, "Am I to be the sole guest of honor?" He said, "No; all the others." I said, "Yes; if the other newspaper men will be there, I will come." He told where the meeting was to be held; where the luncheon was to take place, Mr. Ruggles, Mr. Cyril Nunan, and myself took lunch with the strike committee of the M., M and E. We spent about two hours in conference with them, after the luncheon had been disposed of, Mr. Ruggles having departed by that time and Mr. Nunan and myself remaining. Mr. Totten, who testified on the stand that he was chairman of the strike committee, presided. I do not feel free to go into the membership of the committee any farther, but since Mr. Totten has admitted that he was chairman of the committee, I see no particular harm in mentioning that fact.

The discussion hinged upon the same proposition. In other words, the news reports in the papers, that the news reports were not fair to the M., M. and E., that they were being colored and biased and in favor of the union. We went over the thing quite extensively, and, finally, a suggestion was made that a publicity committee be appointed to give the newspapers each day whatever there was of news from the association standpoint to be given out. They stated that they would appoint that committee, and subsequently we were informed that Mr. Totten was a member of that committee.

I wish to state right here that from a newspaper standpoint in the conduct of the news of this situation, that at the outset I gave the city editor these instructions: That the proposition was a ticklish one, and he would have to be very careful; that almost any statement or occurrence that he reported would be the subject of misconstruction and misinterpretation, and would be pulled to pieces by either side. I warned him that he must get specific statements signed, or use quotation marks if we quoted anybody. That that policy would have to be absolutely adhered to. That he could not say that "it was said," "it was a report," or "it is reported," etc.; that he must pin things upon pegs; that somebody would have to stand for the statements. That policy was adhered to for awhile. And it led to this result—and, by the way, that policy was followed in the main by the other papers—it led to this result:

That Mr. Totten, or Mr. Calkins for the association, whoever it might be, would put forth statements, long, signed statements; then Mr. Dale, or some of the other union side, or Mr. Woods, Mr. True Woods—and it early developed into a proposition of each side jockeying back and forth for position, and both sides coming through with statements, placing their own interpretation on things, and endeavoring to place the other side in wrong. It got to be a farce from that standpoint.

Finally it got to be intolerable from the newspaper standpoint, and one day when trouble developed at the Commercial Bank, which is the largest building being erected in Stockton at the present time—a 10-story building—they had some trouble there over some lumber that was delivered—Mr. Totten came through with a statement from the employers' side, and Mr. True Woods from the union side; and Mr. Reynolds, city editor of the Record, brought the statements in and handed them to me. The statements, it appeared to me, were an attempt to jockey, each side endeavoring to place the other in wrong.

I told Mr. Reynolds, I said, "You go down to the job, you find the foreman, the superintendent, or somebody, and ask him what actually happened."

He went down there and came back, and he said, "Well, I didn't get much." He said, "I found there a man named Murphy that was a foreman, and Murphy says, 'Now, here, we didn't have any trouble here.' He said, 'There was a little misunderstanding, but it was all straightened out, and work is going on on the job.'"

I said to Mr. Reynolds, "You publish just that." I took the two statements that had been lying on my desk, tore them up, and threw them in the waste-basket. I said, "Hereafter, in handling this situation, you get your own size-up of what took place, get it as correctly as you can, and publish it just that way. But in the future disregard any signed statements from anyone that seem to be in their nature designed to provoke more trouble and more bitterness and to jockey for position; absolutely disregard them, but try to get the facts as near straight as you can." And that has been adhered to since.

I want to refer again to the fact, and I want to make that plain and emphatic, that I do not claim that it has been humanly possible for a newspaper to handle this situation and be entirely fair. I am willing to admit, as I stated before, that possibly the human equation coming in, with the union men trying to give their situation to the reporter, that they may have got a little bit the best of it. But I don't think that referred to the acts of violence which developed later on, because in that matter I think that they have been as fairly set forth and with as little desire to provoke trouble as would be possible to observe and still give the news. At least that has been our design.

Now, to go back again to this conference with the strike committee, at the time that they were going to appoint a publicity committee.

After the luncheon was over, and sitting around the table we had quite a free and easy talk. In that conference the whole burden of the talk seemed to be little troubles, little petty annoyances that different members of the committee had been subjected to in the conduct of their businesses. One man would tell his trouble; another man would tell his; another man would tell his. That was the whole burden of the talk. It was not a proposition of endeavoring to straighten them out, to get at and settle them, but first one man and then another—it was not an endeavor to get at these as between man and man, but it was to bring up those things and magnify them, and have a sort of mutual sympathising association. I rather chafed under that, because it is rather—it makes me rather impatient to—for instance, for men in mercantile lines of business to talk to me about union troubles. They don't know anything about this from my standpoint. I have got four of them in my line of business; the typographical, the pressmen, the stereotypers, and the bookbinders. Two of them are not local unions; Sacramento claims jurisdiction over the bookbinders and stereotypers. I have had some union troubles in the conduct of my own business. I know what the annoyances are, etc. And to have merchants tell me about union troubles where they just employ a few clerks—oh, well, it was something that made me, as I said, rather impatient.

But, however, after getting through that they then put me on the grill and told me I didn't understand the situation—men that I had known for years, chummed with, been raised with, and so forth. They said, "Now, here, you don't understand this situation. If you did understand it you would look at it just the same as we do." I told them it was probably true I didn't understand the situation; that I had a few business details to handle and did not have all my time for study, and thought, and reading, but I thought I understood something about general industrial conditions; I was willing to admit I didn't understand all that might be known about it. They kept repeating that until it kind of got of my nerves—"that I didn't understand, and if I did understand I would look at it just the same as they did." Finally a member of the committee whom, as I said before, I have known from boyhood, sitting right by me said, "Now, here, you have got a mistaken idea about this. You think we intend to lower wages." I said, "I never thought anything of the kind; I have never said anything of the kind, either personally or through the paper." "Well," he said, "but you think so." I said, "I don't see what right you have to say I think so." "Well," he said, "you do." He said, "You don't understand it." I said, "Well, I don't care to discuss the matter with you. I have got my own ideas of what brought up wages; I have also got my ideas of what might happen under certain conditions; but I don't see that that is relevant to the matter, and I don't care to go into it." He said, "Well, all right." He said, "When I drew up that resolution"—the resolution they drew up setting forth their platform, their declaration about not lowering wages—

he said, "That resolution, I drew that, and I drew it carefully and I drew it right." He said, "It was a hard resolution to draw." He said, "We could not in that resolution put anything which could be construed as a recognition of unionism."

That got a rise out of me. Up to that time they had been endeavoring to tell me that they were not against unionism; that they were not for the open shop except only in so far as they had been compelled to declare for it; and I tried to tell—I had tried to tell them that their original declaration of principles meant the open shop, freedom of contract, and so forth, and it has since been admitted here on the stand that it did mean just that; but individually they had been telling me that it did not mean that, claiming they were friendly to unions and just simply wanted to straighten out some of the exactions. By the way, if they have endeavored to straighten out any of the arbitrary features of unionism they have done so without my knowledge. It has not been made public. But that made me hot, and I broke out and gave them some of my own ideas on the situation. I told them it was perfectly plain to me why they could not understand me, and that I didn't think I would be able to make them understand me; that being an employer, such as they were, not taking just the same view of it that they did, that they undoubtedly considered me a traitor to my class. They have acted as though they did consider me that. I said, "The reason for it is that you do not seem to be able to comprehend that a man who is a newspaper men has got two sides—that he is an employer, a business man, the same as yourselves, and, in addition to that, he has a newspaper capacity—and very often, as a newspaper man, he may do the very things that may be in direct conflict with his selfish personal business interests. As a newspaper man he is a sort of receptacle for all the things that go on in the community; the crimes, the hopes, the aspirations, the struggles, and everything that enters into the make-up of the community life pour in every day into the newspaper office, and if a man is a newspaper man at all those things enter into his very life; they enter into and unconsciously color his conduct of the newspaper, and when a newspaper is put forth it is no longer—it has not the ideas simply of the man running it, but it is a reflex of whatever enters into and affects the life of the community; and if it is not that, then it is not what the public have a right to expect from a newspaper."

I told them that and some other things along that line. And when I got through they waited awhile and then said, "Well, we didn't know before that you were a Socialist." I said, "Well, I am not." They said, "Well, that looks like as if you were." That conference—because I went a whole lot further than that, I don't care to go further into that in detail, but I went pretty far—that conference then was the last conference that they ever held with me. After stewing about that for a day or two, I told Mr. Banks, my editorial writer, that I guessed it was no longer possible to keep quiet on the situation; that the time had arrived from a newspaper standpoint when it would be absolutely cowardly to longer remain silent, and that we must have something editorially to say on the subject. An editorial was framed up which made a plea for a settlement through arbitration; a plea that both sides to the controversy get together, put aside their paid agents and talk to each other as man to man and try to bring about an adjustment of the intolerable conditions. The publication of that editorial, of course, so far as the record was concerned, placed it, from the employers' standpoint, beyond the pale. That evening at my home I received a telephone message from one of the prominent members of the strike committee who said he wanted to know if I could see him if he came out to the house, and I told him yes. He came out to the house and we had a talk about the editorial, because that is what he wanted to see me on. He said, "That editorial has done a great deal of harm." I said, "Well, I am sorry if it has. I don't think it has. I don't think that it could be possible to do any more harm than has already been done." He said, "Well, you will find that it will result in a great deal of harm." "However," he said, "I wanted to see you on that. I gathered from that editorial that it was inspired." I said, "What do you mean by inspired?" He said, "Well, you have been in conference with the labor men."

I want to digress here again just a moment and state that friends of mine, members of the M., M. and M., have told me that it has been reported among the members that I have been in constant touch with Mr. Johannsen, and that I have daily secret conferences with the labor forces, and that they have affidavits to that effect.

I desire to state that I have had no conference with Mr. Johannsen. I scarcely know the man. He comes to the office and talks with the city editor. Probably before I saw him on the witness stand here and studied his face I would not have known him on the street. I have held no conference whatever with any labor representatives, unless by conference would be construed a visit to my office My Mr. Dale or Mr. Griffin, or somebody like that. Mr. Dale was there frequently in the early stages of this trouble and talked with the city editor, and would come into my room.

The door of my room stands open. I am pretty accessible to the public. Anyone can come there and talk with me at any time. Whatever talking I have had with them has been right there. I have never in my own home, in any place outside of my office, or anywhere, held any conference with any labor leaders.

Therefore, when this gentleman told me that the editorial was inspired, that he understood that I was in conference with the labor leaders, I simply told him that I didn't understand what he meant by being inspired. He said, "Well, I think that that was put forth by the labor men as a feeler for a settlement." I said, "Get that idea out of your mind. No labor man or anybody else knew anything about it." The copy for the editorial was turned over to the foreman with instructions to give it to one of the linotype operators and keep the copy so that nobody would see it; that as soon as the editorial was in type, to bring the copy and the proof of it immediately into my room and take the linotype matter itself and put it away so that nobody could see it; that I wanted nobody to know anything about the editorial until it appeared in the paper.

The gentleman told me that the editorial would do a great deal of harm. And he said, "I think that you will find that the more it is studied into and thought over by either side, the more you will find that neither side is pleased by it." And I shot back at him that if that was true, it would be the best proof possible to my mind that the editorial was about right.

He then went into things rather elaborately and told me about different conferences that had been held between members of his association and members of the unions. He is a man that I have known for years and years. His word is absolutely truthful. He was not on this stand in this investigation. He would say to me, "Now, you believe me when I tell you a thing, don't you?" I would say, "Absolutely, no question about it at all." So he put up to me things from his standpoint, what he had said and done, and what had been said and done, and then wanted to know if I didn't believe him. And I replied every time that I did believe him. Then when he got through with this statement, after having put the things up to me and my having affirmed that I believe what he said, he said, "Now, don't you see it?" I said, "I don't see it. Do you want me to tell you something on the other side?" He said, "I don't care to hear it." I said, "All right, nothing more to be said."

The conference ended in that way. In other words, in that conversation came out the point that because I could not see things just as he saw them, because he is truthful and honest in his attitude, etc., why, then, if I could not agree with him, why there must be something wrong.

After that editorial we continued along the line of the news situation——

Chairman WALSH. You are not talking quite loud enough.

Mr. MARTIN. How is that?

Chairman WALSH. You are not talking quite loud enough.

Mr. MARTIN. We continued along the lines of the news situation, and when the acts of violence developed, again a very serious problem from a newspaper standpoint was presented.

I wanted to give the news, but I didn't want to do anything that would create more trouble. I didn't want to send out to the outside world the real seriousness of the conditions in Stockton. So when the first outbreak of trouble came at the Totten & Brandt planing mill, it came in the afternoon or evening at quitting time. Our paper is an evening paper. The occurrence was reported the next morning in the morning paper, the Independent, and in great big headlines they used the words "riot," "bloodshed," and it jarred me. And I told Mr. Reynolds, our city editor, I said, "Be very careful in your statement, and especially in your headings. Don't use the word 'riot.'" He said, "Well, what shall I use?" I said, "Well, use something else; use 'trouble'; use 'encounter'; use any word that you want to; but don't use 'riot.'" I said, "Stockton is getting hit badly enough at the present time, and we don't want to

do anything to aggravate the situation, and especially we don't want to have it go abroad what condition of affairs the city is in at the present time."

Now, in the matter of the violence, taking the different things that have happened, and not handling them personally from a newspaper standpoint, and with my main attention being given to other matters, I am prepared to say that I am not competent to give just the best opinion in the world in regard to the extent of the violence. But so far as my opinion does go, I want to record it to this extent, that I don't think that the features of violence are as bad as has been represented on the stand here, or as they are generally understood to be.

The encounters have not got beyond the stage of fistic encounters to a general extent—I don't mean the grabbing up of a chair or something in that way. And in the present disturbed conditions in the city of Stockton, with 900 men either on strike or locked out, with other people from the outside taking their jobs, I think the situation is not as bad along that line as it might be.

Inevitably, idleness and bitterness and whisky are going to cause more or less trouble. And that has been the groundwork of the trouble there. If you have got 900 idle men whose hearts are filled with bitterness, and if you have got people on the other side whose hearts are filled with bitterness, and if you have got other people coming in and taking their positions, etc., why, it is inevitable that there will be more or less trouble. And I don't think you could get peace officers enough on the job to prevent more or less trouble.

And, by the way, the trouble possibly is not much worse than some troubles that we have nearly every night. There are men beaten up in the saloons there, and so forth, through liquor every night, and not much attention is paid to it. But where you have that combination, as I said before, of idle men whose hearts are filled with bitterness, and with open saloons on every hand, you are going to have trouble.

I want to say further, in my opinion, and I think I can say this with fairly good grace, because I fought very strenuously personally and from a newspaper standpoint, against the present administration in the city of Stockton—tried very hard to get the chief of police out of his job—still trying. I think, from that standpoint at least, that I would be unprejudiced.

But I want to state that I think they have handled the situation pretty fairly well. It has been published in the newspapers that a policeman has been caught in the crime of playing cards and eating watermelon with pickets. Now, if that condition made for peace rather than for trouble, and I think it did, I don't see any particular harm in it. But it was thought to be an awful condition of affairs by some excellent gentlemen in our city.

Now, all the time that these things were going on there have been individual friends coming to me and telling me about the things that were being said privately in reference to the boycott on the Record, and what was going to be done to it. And as an illustration, just to show you how prevalent these things were in the community, one Sunday evening—I had been at home during the day and I hadn't been feeling very well—I was telephoned to by one of our linotype operators. He said, "We want you to come down town. We want to meet you to-night, you and the other newspaper men, on a very important matter." He said, "We want you to meet the executive committee of the typographical union." I said, "Well, can't you wait until the morning? I am not feeling very well and I would rather take it up then." He said, "No; it is too important a matter. We have got to see you to-night." I said, "Well, if it is that important I will come down." I put my clothes on and went down to the Record office, and meanwhile he had arranged a meeting with the other newspaper men, Mr. Ruggles of the Independent, Mr. Numan of the Mail, Mr. Seaver, my business manager, and myself. We met the executive committee of the typographical union. The chairman of the committee stated to us that they had met that day and that they had knowledge and information that our advertisers were going in a body to discontinue their advertising. The union men had got considerably worked up over it, and said if that thing took place that they would be willing to work as long as necessary for nothing, even if they had to draw strike benefits from their international union.

We thanked the men for that offer, but told them we could not believe that things were that serious, and we questioned the correctness of their view, of their size-up of the situation. They maintained that they had got it and got it straight, and that that thing was going to be done. And I still maintained that I thought they were wrong; that while some advertisers might withdraw, and while they had a right to do it as individuals, and the right could not be ques-

tioned—and can't be questioned—that I didn't think the thing was as serious as they stated, and I didn't think the business men would do that.

But all the time I heard these reports of threats; and friends of mine came to me and told me that there was a very serious condition, that I ought to change the policy of the paper. Meanwhile after this violence, the first outbreak at Totten & Brandt's, we took another editorial stand on the matter. The first editorial stand was for peace and arbitration—settlement. We then took a strong editorial stand for the maintenance of order, for peace first and arbitration afterwards, making the editorial just as strong as I think it could be written.

Later on we took another editorial stand, that was for the free expression of opinion on the part of the paper, setting forth that we thought that later on, when the trouble was over, that some of the business men themselves would be fair-minded enough to admit that what they had attempted to do in controlling the publicity of the paper in its tendency, would be more harmful in its effect—if they could succeed in coloring the news or of controlling the publicity—it would be a very bad condition of affairs in the community. We also set forth that the two mediums of public expression, the newspapers and the pulpit—that no attempts should be made to restrain them.

Those are the only three things that we have advanced editorially, arbitration, the maintenance of order, the free expression of opinion. There has never been any article, either editorial or local, in the paper, that I think anyone could have a reasonable right to object to. We have not criticised, we have not abused the members of the association. We have not gone further into the matter than the three things that I have told you.

I also do not object to stating the reason why we have not gone further. And the reason is this: In the present inflamed condition of the public mind there, realising that possibly there might be more trouble, more violence, not desiring the union men to be able to take anything that we have written or published, as an encouragement or as an incitement, we have carefully refrained from giving them any chance or any hope or encouragement by thinking that we were absolutely with them in this matter.

What we have done has been from the desire to be fair, to recognize that they have rights, and that the employers have rights, and that any settlement that is brought about must be a settlement with honor on both sides. If it is not a settlement of that kind that it will not be a settlement. That if either side is absolutely to be licked to a standstill by the other, that then the "industrial equilibrium" which these gentlemen having been pleading so strongly for, or have been endeavoring to bring about, will not be brought about. Because my idea of unionism is that the union man views his union as something very vital and very essential—that they would sacrifice anything for it, almost their lives; that their women folks feel just the same about it—in fact, I think, more intensely.

I get that from all directions. It pours into me personally in talks, letters, telephonic communications, and so forth, from men and women of the city, many of whom I know. I have listened to their conversations and talk among themselves as I ride on the street cars or as I get around in public places, and I am satisfied that they believe that unionism is very vital to them.

And as they believe that, I believe that they have the same right to do everything that they can to protect that right, and that it is just as much their province and their duty and their right to protect it as it is the part of the business man to protect his business; that the job of a workman is just as important as the $100,000 business of a business man; that it is entitled to just as much consideration from the Government and from the community.

And it is pursuant to these ideas and these thoughts that I have been endeavoring to conduct the paper. The incident that Mr. Kincaid has related here this afternoon in reference to the banker, he came and told me that. And while I have heard other things, and so forth, I don't believe anyone will go to the extent of doing the things that were threatened or intimated there. Certainly, up to the present time, nobody has attempted to disturb me along financial lines. Quite a little advertising has been withdrawn from the paper, but I concede it to be the right of the merchant and business man to withdraw it. It has not been done as a concerted action; it has been done individually. Just along the line of the financial part of it, but just a little by way of explanation, I desire to state that in the operation of my business and the building of it up and the putting up of a building and installing the plant and so forth, I became rather heavily involved. I have been in the process of paying

for those obligations, but still owe some, and I will admit it is a very tender, vital matter with me.

I have endeavored to keep absolute faith with the people I borrowed money from, and I borrowed it in considerable quantities; and I think up to the present time, and irrespective of this present trouble—I feel that that condition will be true when the present trouble is settled as it must be—that I may still be in the confidence and good graces of those people who in times past had confidence enough in me to loan me money in large quantities. I have certainly tried in every way to repay that confidence. I would have done anything I could have done at the present time to remain in touch with them, but I have and must continue to do the thing I think ought to be done from a newspaper standpoint.

Now, I have gone over those things, and I appreciate the work you gentlemen have on hand, the importance of it, and the burden it is to you to give up your time to these matters; and if there is anything, any questions I can answer, or anything to further enlighten the situation, I would be very pleased indeed to do it. I haven't mentioned names because, as I said before, I don't wish to embarrass anyone. Whatever trouble I have now or may have in the future, I will try and meet it as best I can.

Chairman WALSH. That is a very full and complete statement, and I thank you for it. There are no questions?

Mr. THOMPSON. There are some questions I want to ask.

Commissioner WEINSTOCK. One question.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. As a student of economic problems, what is your remedy? What suggestion have you to make to this commission as to how to deal with the situation such as you are laboring under at Stockton? How could that be prevented and minimized?

Mr. MARTIN. I don't feel that I am able to advise you, Mr. Weinstock. I feel you and the other gentlemen of the commission are better posted than I am about such matters, and I have simply given you my ideas of the situation there.

Commissioner WEINSTOCK. The only way we can hope to be able to handle the problem is by getting the advice and suggestions and opinions of men whose opinions are worth having. We value your opinion and would be very glad to have it.

Mr. MARTIN. I will tell you what I think has got to be done as a basis. I can't tell you how to do it, but before anything can be accomplished at all, you have got to do away with the bitterness and get a better feeling into the hearts and minds of men than exists at this time. I can't tell you how to do it, but it has to be done before anything can be accomplished. Our local situation is a very deplorable one; it arrays brother against brother and father against son. One brother is in business and the other brother belongs to the union. It is certainly a very bad condition and can only be remedied by doing away with the feeling of bitterness which exists at the present time.

Commissioner WEINSTOCK. Among the suggestions which have come to the commission from various sources is one for the creation and maintenance of a Federal industrial commission, a permanent Federal industrial commission very much along the line of the present mediation board that deals with railroad labor troubles. Do you think any such permanent commission would be an advantage or would be a possible remedy?

Mr. MARTIN. I think so, Mr. Weinstock. I believe so and hope so; certainly something has got to be done, and certainly that ought to be tried.

Commissioner WEINSTOCK. If there was such a Federal commission in existence at this time, how could it have been of service in the Stockton situation?

Mr. MARTIN. I think it could have been of service in the Stockton situation, Mr. Weinstock, by the creation of public opinion.

For instance, in the Stockton situation, according to the statement of the M., M., and B., they claim a membership, I think somebody testified yesterday, of 400. I don't know the strength of the unions in Stockton, but probably two or three thousand or thereabouts.

Now, the population of the city of Stockton, including the city proper and the suburbs which are a part of the city, is probably in the neighborhood of 40,000. In other words, there is a great third party involved in this matter whose interest is absolutely being lost sight of by the combatants, but whose interest is very vital and whose interest ought to be considered; and that great third party, if it had proper organization and a rallying force and directing

force such as this commission could be, to shape up public sentiment, would probably have a very wholesome influence on the members of the union, so far as their arbitrary actions and restrictions are concerned, and also on the employers. I think it would have a very wholesome effect in creating public opinion, which, by the way, after all, must be the force which is going to settle this thing; it can't be settled by either party to the trouble.

Commissioner WEINSTOCK. You think, then, such a proposed Federal commission would be an advantage?

Mr. MARTIN. I think so, Mr. Weinstock, and something must be done or tried, and it seems to me that that is a good thing to try. If it is tried and not found successful, then search must be made further for a remedy.

Commissioner WEINSTOCK. You were present this morning when Mr. Kennedy, I think the name was——

Chairman WALSH. Yes.

Commissioner WEINSTOCK (continuing). When Mr. Kennedy testified?

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. You heard his suggestion?

Mr. MARTIN. I heard it partially; I was sitting back a little ways.

Commissioner WEINSTOCK. In his opinion the best possible industrial conditions are likely to prevail where both sides to begin with are organized. Second, where the employers recognize and deal with labor unions and give them a voice in fixing hours and wages and working conditions, but reserving the right to employ union or nonunion men. Are you in accord with the opinion of Mr. Kennedy? Do you think those conditions would tend to a higher degree of industrial peace?

Mr. MARTIN. I used to think that, and it seemed wrong for any man or set of men to insist—if that is the correct word to use—that they would only work with men that belonged to their union. I used to think it ought to be right for a man to work with another whether he belonged to a union or not. But in the present industrial phase of things, with the way the welfare is developing, etc., and the way the unions seem to hold so firmly to the closed-shop proposition—and knowing that they themselves have studied more deeply over this matter and have gone into it more practically than I, and as they seem to consider the closed shop so vital to the permanence of the union, I am free to say I am rather changing my opinion upon that matter; that the closed-shop conditions may seem to be the only way of maintaining their unions; and if the maintenance of their unions depends upon the closed shop, rather than see the unions absolutely destroyed I would see the closed shop maintained. I think if the unions were destroyed, that we would have a far worse condition—I am afraid we would have a far worse condition than that which we now have.

Commissioner WEINSTOCK. Does the closed shop prevail in the publishing business?

Mr. MARTIN. In Stockton?

Commissioner WEINSTOCK. Yes, sir.

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. That is, you employ only union men?

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. You do not employ a nonunion man, even though he is qualified to do the work?

Mr. MARTIN. We could not, Mr. Weinstock. Even if we desired to, we could not.

Commissioner WEINSTOCK. Then, as an employer who is working under closed-shop conditions, will you tell this commission what you find to be the advantages and the disadvantages from the employer's point of view?

Mr. MARTIN. I find the disadvantage to be that I have practically no control over employment. A man can not come to me and apply for employment, he must apply to the foreman of whatever department in which he desires employment. Should he apply to me, a fine of $25, I believe, would be assessed against him by the union.

I have the right to discharge only for absolute incompetency or drunkenness or something of that kind. But practically I have not the right of employment or of discharge. Now, I am not prepared to say that I ought to have that right, I am simply saying I haven't it. I used to think that was unjust and that it was wrong; but we get along pretty fairly well with the foreman handling those things for us. The foreman, by the way, must be and is a member of the union. That is in the past what I have considered our disadvan-

tage. Another disadvantage, I think, is the restriction of apprentices. Competent men don't seem to be developed in the printing business rapidly enough to keep pace with the growth of the business; that the output or source of supply of competent printers is very limited. We have had within the past couple of months great difficulty in getting linotype operators. Now, that may not be owing to the restriction of apprentices, but I have thought possibly it was. There are various working regulations that I have thought operated rather detrimentally, but I am beginning to find, Mr. Weinstock, that if I take those matters up with the boys and talk the matter over with them, that as a general thing I have been able to get them adjusted.

For instance, if I would say, Now, here is something in which you are handicapping me; you don't understand this, and I am running the business, and I am better prepared to know where I am handicapped than you are, and you are handicapping me in this direction, and I don't think it is just right. I have found them in the past year or so quite amenable to reason along that line. I can't tell you just how it is coming about. I can't tell you whether it is going to be permanent, but in my individual experience as an employer I have found my men considerably more amenable in getting together with me than they formerly were, and I think that is a general condition; I hope it is.

Commissioner WEINSTOCK. What other disadvantages do you find?

Mr. MARTIN. I think those are the principal ones.

Commissioner WEINSTOCK. How about the advantages?

Mr. MARTIN. The advantages—the principal advantage I find Mr. Weinstock, and I consider it a very material advantage, is the fact I am absolutely certain that everybody else in my line of business is complying and must comply with exactly the same regulations I have to comply with.

The reason I am emphasizing that is that several years ago, when I first got into the business, they had wage scales and so forth in those days, but they were not being complied with; and it was generally understood that they were not being complied with, and the result was that the employer who had a disposition to drive a hard bargain could drive a hard bargain, and I felt, under those circumstances, that competition would come down to the question of a man who could drive the best bargain with his help, getting the best of it, and, under those conditions, I have felt I would be handicapped. I have always thought it was somewhat of a protection to know that other men in the same field had to comply with the same conditions I had to comply with; knowing what those conditions were, it was up to me to so handle my business that I could handle it successfully and profitably, and also knowing those conditions had to be complied with by everybody else in my line of business.

Commissioner WEINSTOCK. In other words, you feel when it comes to the labor cost you are protected against what might be called the unfair employer?

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. And in the labor cost you start out on an absolutely even footing with your competitor?

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. In the fixing of wages and hours and working conditions are those things fixed arbitrarily by the union or have you an even voice?

Mr. MARTIN. Have no voice at all and have had no voice, absolutely none.

Commissioner WEINSTOCK. These things are determined absolutely by the union?

Mr. MARTIN. Yes, sir.

Commissioner WEINSTOCK. And you must submit to any wage they name and any hours they fix and any condition they may determine upon?

Mr. MARTIN. We have always done so and felt we had to do so.

Commissioner WEINSTOCK. Well, is that a desirable situation, to rob the employer absolutely of his voice in the matter?

Mr. MARTIN. Possibly not, Mr. Weinstock.

Commissioner WEINSTOCK. I could understand how labor has a grievance where it has no voice in determining the wages and hours and conditions under which they shall work, but that is simply shifting the grievance from one side to the other. The grievance remains just the same, except it is a grievance on the part of the employer instead of being a grievance on the part of the worker. Are the publishers organized, for example?

Mr. MARTIN. We have at the present time a printers' association, which was organized for the specific purpose of determining cost of production, but it has not gone into other matters. It was not organized for the purpose of

handling labor matters, and we specifically declared we did not intend to go into labor matters.

Commissioner LENNON. Don't you belong to the newspaper proprietors' association?

Mr. MARTIN. We affiliate with that. We just commenced affiliating with that a few months ago. We sent in whatever the fee was. I haven't had any active connection with it and haven't been a member long enough to really know. We get certain information about bad pay among eastern advertisers that I consider worth whatever it was; I don't remember now.

Commissioner LENNON. Are you not aware of the fact that there is bargaining between the newspaper proprietors and the International Typographical Union as to the wages and hours that shall be worked and the conditions under which employment shall be had, and that their committees meet and make agreements covering the country?

Mr. MARTIN. I am aware they have joint conferences and so forth, but they have had absolutely nothing whatever to do with our Stockton situation. The Stockton situation has been handled by Stockton Typographical Union, No. 56, no question about that at all; and whenever the time came for a readjustment of wages or of hours, we were not invited into conference; we were simply served with official notice that at a certain day the hours will be so-and-so and the wages so-and-so.

Commissioner WEINSTOCK. You have no choice but to submit?

Mr. MARTIN. We never have done otherwise than submit, Mr. Weinstock. I don't think we could have done otherwise.

Commissioner WEINSTOCK. Is that situation a local situation, or a common situation in the publishing business?

Mr. MARTIN. I am referring to the local situation.

Commissioner WEINSTOCK. Do you know what situation is general in San Francisco and eastern points?

Mr. MARTIN. I do not, except in a general way.

Commissioner WEINSTOCK. To the best of your knowledge and belief, what is the common condition?

Mr. MARTIN. Well, the last time our wage scale was raised I objected very strongly, not to the raise in the scale, but to the way in which it was done, and took it up with my men. I told them I wouldn't feel so badly about it if they had come around and talked the matter over with me and given me a chance to be heard. But they served notice on me that they were going to do a certain thing and they did it, and I didn't like it. I said, "You boys all know me, and if you want to do a certain thing why don't you come in and talk it over with me? You know where I am, and I am very approachable." They said, "Because we thought it would lead to trouble." I says, "What do you mean by that?" And it narrowed down to the proposition that they had decided what the proposition was going to be, and there was no back talk on the matter.

Commissioner WEINSTOCK. I suppose you feel as the worker would feel, or might feel, if you arbitrarily cut the wages without consulting them.

Mr. MARTIN. I want to state that in this matter now affecting the city of Stockton that I don't assume that my individual proposition cuts much figure, only in so far as it relates to the general situation. I am not conceited enough to think I cut an important figure in the proposition, but I have taken the general broad view of it. I had thought in times past I probably had suffered a little bit by unionism myself. I am inclined to think I did. But when the situation develops as it has developed now, and when I could see it developing and when I knew at the start what it meant, and when I know some other things that I don't care to go into here, and I don't think ought to be spoken of at all along industrial lines, then it seems to me that the little individual matters of restrictions or annoyances were so small or so petty in connection with the big question that they ought to be absolutely disregarded, and that is the only way I view it. In other words, to put it in a more definite way, Mr. Weinstock, I feel this way: I would not be justified, irrespective of how much I had suffered—if I had suffered in my individual business—that I would not be justified in precipitating upon a community like Stockton the condition of affairs that exists at this time; that I would not have any right to do it, no difference how much I had suffered individually. Even if I had been ruined in my business, that I still would not be justified in bringing the community to the condition that exists in Stockton at the present time—the bitterness and heartburnings and ill will and feeling. That may not be the correct way to look at

it, but I am trying to tell you how I have arrived at the point where I am. In other words, when the big fight come on, just the same as the war in Europe, the little questions that led to it are disregarded.

Commissioner WEINSTOCK. Was that a little question, that the employers shall be robbed of a right of a voice in fixing hours and wages and labor conditions? Is that any smaller thing, that the employer shall be robbed, than that the employee shall be robbed of a voice in fixing hours and wages and working conditions? Isn't that a big question?

Mr. MARTIN. Yes, sir; it is, and I have talked to my men along that line. I told them I am satisfied that some day they themselves would see it or public opinion would so operate to show them that that way of getting at it wasn't right. I haven't made any bones about it; I have talked that over with them repeatedly.

Commissioner WEINSTOCK. Does the condition that exists in your community establish not a true industrial democracy, but an industrial autocracy, a one-sided arrangement?

Mr. MARTIN. That may be so.

Commissioner WEINSTOCK. Would you consider that the ideal condition?

Mr. MARTIN. Well, my experience has been, we don't have those ideal conditions. I haven't found them. In other words, it is a condition and not a theory that is confronting us. In matters of this kind, as I said before, I felt those things were so small I haven't allowed them to enter into the matter as far as I was concerned in the conduct of this paper at all. I irked under them at the time, and felt under restrictions and grumbled and growled at my boys, and never lost an opportunity to poke it into them and tell them how I felt about it, and I furthermore told them that some day they would see it, and that it would be changed some day. In fact, I think the entire relations between employer and employee will be changed some day.

Commissioner WEINSTOCK. In other words, in the interest of peace you are willing to give up your rights?

Mr. MARTIN. By the way, Mr. Weinstock, this situation in Stockton, in my judgment, isn't a union and nonunion situation; it is far deeper and broader than that. It is absolutely a class situation. It is absolutely the employers and financiers on one side and those who work on the other. The class lines are just as absolutely drawn as anything can be. It is far beyond union and nonunion. Just to illustrate. There is a little storekeeper who took the union side of this matter after considerable perturbation and being "up in the air" quite a while. I had a talk with him and asked how he had been getting along. He said he had the best month's business in his history. He says, "I am surprised, I can't understand it." He says, "I thought I would get considerable union trade but" he says, "I find I am getting a lot of trade from the nonunion men, from some of the people who work at Holt's," which is a nonunion shop. In other words, that illustrates that it is an absolute class proposition.

And, by the way, the M., M. and E., while its objects are for industrial equilibrium and things of that kind, it is an organization exclusively of class. The employees of Mr. Holt, nonunion men, are not asked to join the association. I don't assume they would be permitted to join. In other words, it is absolutely a class association. That is a fight of class against class.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask a question or two.

Commissioner O'CONNELL. Is not one of the most valuable assets in connection with the publication of a newspaper the assurance it is going to be issued each day on time?

Mr. MARTIN. It unquestionably is; yes, sir.

Commissioner O'CONNELL. What is your opinion or experience as to that assurance under union and nonunion conditions?

Mr. MARTIN. I understand that the typographical union does not call a strike without giving, I think, 90 days' notice, and it must come from the international union. That is my general impression of it. In other words, they do not walk out on you. Before trouble comes you would have 90 days' notice of the trouble, and from that standpoint it is quite a protection.

Commissioner O'CONNELL. I understood you to say you had just recently joined the National Newspaper Association.

Mr. MARTIN. We simply sent in the fee, whatever it is. It was handled through the business office, and I not well informed enough on it to talk intelligently on it.

Commissioner O'CONNELL. In order that Mr. Weinstock may catch this, it may interest him. The arrangement between the National Newspaper Publishers' Association and the International Typographical Union is that no increase can be demanded of the employer and put in force if the employer objects to it until it has been submitted to a board composed of an equal number of both national organizations, and they shall decide on the justice of it.

Mr. MARTIN. Yes, sir.

Commissioner O'CONNELL. So that there is no such thing, if you are now in the national association, as a compulsory wage being forced upon you without you having a say through your association?

Mr. MARTIN. I understand that is right upon that line. And right on that line I might state this, that I feel that a great many of these restrictions and things that have annoyed and bothered us in times past, if, instead of grumbling and feeling put out at them, we would join in and cooperate with others in the same line of business as ourselves and take them up with the international union and undertake to have them adjusted through the international body, we could have done so. But we haven't done so. We have scrapped among ourselves and allowed our petty jealousies to interfere, and we have simply sat down and taken what was handed to us.

Commissioner O'CONNELL. In addition to the assurance of the daily issue of your paper, as these two associations agree to do, if by any means your publication is inconvenienced, they will see to it that it is gotten out by members of this organization, and a sure guaranty that you publication will not be stopped, which is the greatest asset you must have in the publication?

Mr. MARTIN. Yes; undoubtedly.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Have you any agreement with the union in the printing trade, written agreement?

Mr. MARTIN. No, sir; not in Stockton. We never have had a written agreement with them to my knowledge.

Chairman WALSH. Approximately how many editorials has your paper written on this strike subject now?

Mr. MARTIN. There have only been the three main editorial points advanced, and we have written, incidentally, maybe kind of along those lines, but the three main propositions advanced were "Peace," "Settlement," and "Arbitration," and by the way, along the line of arbitration, "obnoxious" is the word they have used. They consider I have made myself obnoxious by editorials in favor of arbitration when they say "there is nothing to arbitrate." I have only made those three main editorial points, "Peace," "Settlement," and "Arbitration," through the paper.

Chairman WALSH. Will you please file the three copies of those editorials with the commission, if you have extra copies?

Mr. MARTIN. I would be pleased to do that, and beyond that, if it would not be piling you up too much, I would like to submit a complete copy of the files of the paper since this trouble has started, with the commission. File them with you.

Chairman WALSH. I wish you would do that, and we will have some of our staff select whatever is in there for our record.

Mr. MARTIN. I would be pleased to do that.

(The editorials referred to, entitled "Peace first, then arbitration," "Free expression of opinion," and "Let us have peace," from the Stockton Daily Record, dated, respectively, August 6, 11, and 21, 1914, were later submitted in printed form.)

Chairman WALSH. Those are all the questions we care to ask you, and you may be excused.

The commission stands adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.45 o'clock p. m., an adjournment was taken until 10 o'clock a. m. of the following day, Thursday, August 27, 1914.)

SAN FRANCISCO, CAL., *Thursday, August 27, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Garretson, O'Connell, Lennon, and Weinstock; also William O. Thompson, counsel.

Chairman WALSH. The commission will please come to order.

Mr. THOMPSON. Mr. Hough. Is Mr. Hough, from Stockton, in the room? Mr. Byrd.

TESTIMONY OF REV. J. W. BYRD.

Mr. THOMPSON. Give us your name, your address, and your profession, please.

Rev. BYRD. J. W. Byrd, B-y-r-d; my address is No. 132 North Stanislaus Street, Stockton; I am pastor of the Grace Methodist Church South of that place.

Mr. THOMPSON. How long have you been there, Mr. Byrd?

Rev. BYRD. Slightly over two years.

Mr. THOMPSON. Are you familiar with the situation in Stockton—the industrial affairs?

Rev. BYRD. To some extent.

Mr. THOMPSON. Will you tell us in your own way the facts as you view them?

Rev. BYRD. I do not wish to go over any of the testimony to any great extent that has been thus far given before this commission. However, I do wish to recite something of my own personal relation with the Stockton industrial situation. As I have just stated, I have been in Stockton slightly more than two years. During particularly the past year I have been to a considerable extent associated with the business element of the city, friendly and otherwise, and naturally the things that I have heard, when discussions were brought up in our conversations with regard to the labor situation in Stockton, have been such as to prejudice my mind against labor unions. I must confess that when I heard of the movement among the merchants, manufacturers, and employers' association I was somewhat in favor of it, because I really did think there were certain abuses on the part of labor unions that should be corrected, and if this movement was simply for that purpose I thought it was certainly worthy.

Being of that state of mind with regard to this movement, I did not exercise any effort in order to find out just what were the features of the organization because I did not feel very much concerned in it. Later on, however, it was brought to my attention, as the situation become more acute, and I took it upon myself to inquire as to whether or not a settlement might be brought about. So I went to a friend of mine, a man who is in business in Stockton, who as I thought at that time occupied an influential position in the merchants, manufacturers, and employers' association, and asked him if he was willing to talk to me about it. He was very cordial and said he was perfectly willing. And he told me of the genesis of the organization, and the relations existing between the clerks and the clothiers—the clerks of the shoe and clothiers' stores. And I asked him at that time if it were not possible to bring these things to a settlement by arbitration or otherwise. He answered me very immediately that he did not think so, that he thought the movement would issue in an open town—open-shop town. I did not consider it worth while to talk with him further, as that seemed to be his attitude of mind, and I wish here to emphasize that this seems to me to have been the purpose of the organization so far as I have been able to find out. That it was simply for the destruction of unionism in the city.

He at the time showed me certain letters that had come to him and to his firm from certain labor unions suggesting the boycott, in fact, threatening the boycott; and he also told me that at that time, by reason of the fact that the boycott had also been carried so far that clerks in one establishment were soliciting the nonpatronage of people who would come in to trade with those stores, because they were unfair. The result of that situation was that, on a certain day, the employers in the shoe stores and in the clothing and dry goods stores called their clerks together and told them that they must either withdraw from the union or get out of their employment. The result, as he said to me, was, that they practically all withdrew from the union.

The agreements that were shown to me more than one time and by more than one person, the agreements that were asked to be signed—that the merchants were asked to sign by the clerks, did not seem to me to contain any very grave demands. In fact, I did not see anything in them myself to warrant any such uprising on the part of the merchants. However, at the time I did not say anything to them about it, just forming my own opinion privately.

I recite this simply for this point, that I think, as I have just stated, that the organization must have been formed to destroy unionism, and they were simply trying to use these agreements as a point of justification for their organization.

Then, later on, I decided I would take up the question in my pulpit and discuss it, and I had various reasons for so doing. One of them was that my con-

clusion that they had determined to make Stockton an open-shop town. Not only an open-shop town, but that it was for the destruction of the unions.

I took this stand from my pulpit, not because of any desire to get into the good graces of the union men of Stockton, but because I thought I would be aiding unionism not simply in Stockton, but elsewhere.

I think this is a point that should be emphasized, that the movement is not local. The organization as such in Stockton may not have any direct connection with any other like organization in any other city, but I am very firmly convinced that its purpose is probably a nation-wide movement, and that if unionism fails in Stockton or if the M., M. and E. succeeds there, it will simply strengthen the purpose of the organization in other places. In fact, I have the direct statement from the president of the association in Stockton, that if it were not for the fact of the oncoming exposition here in the city of San Francisco, this city would be in the same battle now, and he also made the same statement that it would be carried throughout the State. He made this in connection with the declaration that they were opposed to the reduction of wages and the increase of hours. As you have doubtless had called to your attention, there was a resolution passed by the association that they would stand—that they were unalterably opposed to any reduction in wages or any increase in hours unless such a case were brought before a committee which would investigate and report upon it.

At the time I was planning my sermon the president of the association came to me, asking me not to preach—spent an hour and a half in my study talking with me on the question, and I confronted him with that point in the resolution that it was possible for them to reduce the hours—to reduce the wages and increase the hours. And in explaining that point he made what I considered a very damaging admission, and that was that it was not a local movement simply, and that if the movement succeeded throughout the State and throughout the country somebody somewhere would naturally lower wages and increase the hours, and they would have to compete with those who did such, and that they wanted a possibility of doing the same themselves. That was the admission of the president. I have never so far divulged it, did not divulge it in my sermon, because he claimed afterwards that it was a personal confidence. But I feel that this commission ought to know that, and therefore I have been willing to state it.

Another point that should be emphasized in this is that the question of hours and wages as such in Stockton probably may not enter into the controversy. It would not make much difference if the employers of Stockton did not reduce wages or increase hours.

Probably they do not intend to; probably they are sincere in that, but the point is the detriment to unionism; if unionism fails there it must fail in other places, because it is weakening all along the line. And that was one of my strong reasons for taking my stand with regard to unions. Not that I agreed with a great many things that were demanded by unions, but because fundamentally I considered that the unions needed assistance, that assistance, and should have the support of the better element of the community.

I was further led to my conclusion by reason of the methods that were employed by the merchants, manufacturers, and employers' associations in securing members. This point has been brought to your notice, and I simply wish to emphasize that. There have also been questions directed in certain witnesses here with regard to the difference between the forcing of merchants to join an association by reason of the closing in of indebtedness or the refusing of credit and the forcing of union men to join.

I wish to give you what I esteem as important in that difference, and that is that the unions, the way they force the individual is simply a matter of individual concern; it does not have very great immediate social consequences. But by reason of the great part that credit plays in industrial and commercial relations in the country to-day any unwarranted tampering with it is certainly detrimental to human society to a very far greater extent than anything that can be exercised by the union, man to man. I think that is an important point. And here also is a point I would like to call to the attention of the commission; that is it seems to me that if there is no law covering this point there certainly ought to be a law forbidding any bank, an institution as public as a bank, entering into any such controversy as this situation in Stockton to such an extent, to the extent that the banks have been persistently rumored to have entered into this situation in Stockton.

I wish to corroborate the statement of Mr. Kincaid with regard to one person who was certainly forced into the association through this method. He recited the instance of the New Method Laundry, of which Mr. Eaves is manager. I had heard that the association had been forcing in merchants by this method, and I desired not to take second-hand information, but to find out for myself. So I went directly to Mr. Eaves and asked him the direct question. That was before he was forced in. I heard that they were bringing great pressure to bear upon him. And he told me the situation—that he was being pressed. He said they had gone so far as to come to San Francisco, find out his bills and his indebtedness, get them, and threaten to close in on him at once if he did not make satisfaction for them. He was hoping then he would be able to make some arrangements by which he could keep out. But in a few days I heard that he had joined the association. I did not go back to him, feeling sure that he was forced in by the methods that he had recited to me. And I feel sure that that is the way.

I was rather led to the conclusion because I realized the temporary necessity, temporary at least, of the union labor. I feel that it is certainly necessary that labor should organize in order to protect itself from the oppression and the aggression of capital. This has been, of course, a matter of history—the relation existing between the two; and certainly they have no assurance to-day that they will be any better protected than they were in past years, or past ages, for that matter.

I was further led to my decision on this point by reason of the fact that I did not feel that any adequate effort had been made to settle those differences. Here is an important point. The complaints of the members of the M., M. and E. are not against unionism as such. They say so. They are against certain abuses, and they are ready to recite for hours and hours certain abuses that have been—to which they have been subjected by labor unions. But they are fighting labor unionism. They are trying to destroy labor unionism.

After I had met the president of the association and had my long discussion with him, the next day he called me up, asking me to meet their committee, their strike committee, about which you heard yesterday. So I went and met them. We discussed the proposition for something like three hours, and they seemed to assume that I would not tell the truth, or the truth would hurt them. Their attitude was that I should not preach upon the proposition at all, that is was not my province, that it wasn't any of my business, in fact, and that I didn't know anything about it; and that I should not, assuming that I would not tell the truth, or that the truth would hurt them.

And I made this proposition to them, that I would consent not to preach if they would consent to write out their grievances, stating them clearly as it was possible, and as strongly as it was possible for them to do so, and submit them to a board of arbitration to adjust the matter between themselves and the union, leaving out of discussion the proposition of the open shop.

They answered me that they would not be forced. I don't know how they thought I was trying to force them, but that was their answer that they would not be forced, and they would not do it. The outcome of it was that I did preach a sermon that aroused some interest in the city, treating, not exhaustively, of course, but typically, as I judged, certain of the arguments of the M., M. and E., and stating certain of my reasons why I took the stand that I did.

Those are briefly my relations with the present situation in Stockton.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Mr. Byrd, their attitude that they would not be forced, was that in consonance with their position that they wanted to force you not to do a certain thing?

Rev. BYRD. Well, I don't know as they wanted to force me not to do it. They didn't have any way to force me.

Commissioner GARRETSON. But as to intention?

Rev. BYRD. Well, I don't know that their intention was to force me. They wanted to persuade me not to.

Commissioner GARRETSON. Oh, it was moral suasion?

Rev. BYRD. I don't know what. You can call it——

Commissioner GARRETSON. Or immoral suasion, as one looks at it?

Rev. BYRD. Call it what you like.

Commissioner GARRETSON. Have you heard all of the testimony that has been given during this hearing?

Rev. BYRD. The major portion of it.

Commissioner GARRETSON. Did you hear the statement made yesterday morning, where it was pressed upon the attention of this commission, that in weighing the testimony—not evidence, but testimony that might be given, that the commission should take into consideration the man that gave it?

Rev. BYRD. I heard that statement; yes, sir.

Commissioner GARRETSON. From your experience of the situation in Stockton, do you believe that the man who has a thousand dollars is entitled to more credence in testimony that he gives than the man that has $1 or that has none?

Rev. BYRD. I don't think the question of money enters into it.

Commissioner GARRETSON. You don't?

Rev. BYRD. No, sir.

Commissioner GARRETSON. It is man for man from your standpoint?

Rev. BYRD. Yes, sir.

Commissioner GARRETSON. The man is worth more than the dollar?

Rev. BYRD. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. You stated that your suggestion was to them that they arbitrate everything except the open-shop question?

Rev. BYRD. Yes, sir.

Commissioner COMMONS. Why did you make an exception of the open shop?

Rev. BYRD. I made the exception of the open shop, I made the statement in my sermon, using this illustration—rather rough—that you might just as well speak of growing a good crop of potatoes without soil, as of a strong union without the closed shop; that is, that the union would not be in a position to make any demands, possibly, even reasonable demands, unless it had a closed shop. That is my position. I am further led to that conclusion from this standpoint. I don't believe that any man ought to stay out of the union. It is somewhat like eating bread in the sweat of another's brow. I am almost led to the decision that it is a just proposition where men are forced into the union, because I don't believe any man should claim the privileges and the good conditions and the good wages that have been brought about by union effort and the sacrifices of union men, without also giving a corresponding service in return; that is, in money and his own sacrifice in that particular. Of course, here should be stated that the union should always be open. It should not exclude any man who wanted to come into the union.

Commissioner COMMONS. Did you put this argument up to this committee?

Rev. BYRD. I didn't state that argument, no, to the committee. I put the argument as to the closed shop to them; yes.

Commissioner COMMONS. Well, did you put up the argument to them, the proposition of their forcing employers to come into their organization?

Rev. BYRD. Yes, sir.

Commissioner COMMONS. How did they justify that?

Rev. BYRD. They denied it.

Commissioner COMMONS. Denied it?

Rev. BYRD. Denied that they were doing it.

Commissioner COMMONS. Did you take the ground with them that is was improper for them to force employers to come into their organization?

Rev. BYRD. Yes, sir.

Commissioner COMMONS. Did they justify that as compared with your justification of the unions enforcing men to come in?

Rev. BYRD. On that point I did not argue with them, because they simply denied that they were doing any such thing, when I had the names of men and the testimony of men upon whom pressure was brought to bear. They seemed to get around it in this way: They were not doing it as an organization. I don't know how they were doing it; it was being done. I told them I could give them the names of the men.

Commissioner COMMONS. You are rather attempting to analyze the whole situation there. Does it appear to you that on each side, each side is fighting for a closed-shop proposition. The employers are forcing all of the employees into their organization, and the unions are forcing all the employees into their organization. Is that the way the issue has finally worked itself out?

Rev. Byrn. Well, I don't think that is exactly the situation in Stockton. It is my understanding that it is the effort of union men at all times to secure all workers as members of their union. I am not quite sure there is the effort——

Commissioner Commons. Then, this is the first effort of the employers to force all employers into their association?

Rev. Byrn. This is the first I have ever known of such organization in Stockton.

Commissioner Commons. Now, you proposed a remedy. This remedy that you propose is not to prohibit the employers from forcing all employers into their organization, but it is to force the banks to keep out of the situation, is that the idea?

Rev. Byrn. Well, I would suggest that, too; yes, sir.

Commissioner Commons. That is, you would consider it would be proper if legislation were adopted to allow employers perfect freedom to force all employers into their association, but you would have legislation that would keep the banks from backing them up?

Rev. Byrn. Yes, sir; I would; so that they might not use the credit at the bank as a club over their heads. I think that would be an unwarranted interference in the credit system.

Commissioner Commons. But as far as the employers' association is concerned, that it would be perfectly proper for them?

Rev. Byrn. I think it is perfectly proper for them to use all just means to secure members of their association.

Commissioner Commons. Well, could they use the boycott means?

Rev. Byrn. I think the boycott is perfectly justifiable.

Commissioner Commons. Both sides could use the boycott?

Rev. Byrn. I do. I took that position in my sermon, that the boycott is justifiable. I don't think there is anything there to be ashamed of.

Commissioner Commons. Then if they want to get other manufacturers who are furnishing raw material to certain manufacturers or contractors—if they wanted them to refuse to furnish raw material to those manufacturers, that would be proper? That would be a boycott?

Rev. Byrn. Yes. I realise that the merchants have a means much more extended, or a more extensive weapon, to fight with along that line than the unions can ever hope to have—more complicated.

Commissioner Commons. That is, you recognize that they can boycott more effectively than the unions?

Rev. Byrn. Yes, sir.

Commissioner Commons. And yet you think both sides have the legal right to boycott?

Rev. Byrn. When I was thinking of boycotts I was thinking merely in the matter of trade, purchasing; that is, purchasing as it is ordinarily carried on in the stores.

Commissioner Commons. That would be the way the unions would boycott?

Rev. Byrn. That is about the only way they could.

Commissioner Commons. But the employers would boycott at the source?

Rev. Byrn. Yes, sir.

Commissioner Commons. They would bring pressure to bear on the materialmen?

Rev. Byrn. Yes, sir.

Commissioner Commons. Also wouldn't they bring pressure to bear on the banks?

Rev. Byrn. Well, they might bring pressure to bear on the banks; yes, sir.

Commissioner Commons. If the unions withdrew their deposits, and all the union men withdrew their deposits from the banks, that would be a boycott on the banks by the unions, wouldn't it?

Rev. Byrn. That would be to some extent. I do not believe they care very much about that. A banker said to me in Stockton several days—well, several months ago, in fact, that a certain union man approached him in the bank and asked him if he had taken his stand with the M., M. and E. That was along toward the beginning of the growth of the organization. And he said, "No; not yet." They said to him, "We just want to tell you if you do, we, the union men, are going to withdraw our deposits." And he said to them, "Well, we have not taken any stand yet, but you may be sure when we take any stand it will be with the M., M. and E. That is where we loan our money. That is where we look for our profits."

Commissioner COMMONS. If both the M., M. and E. and the unions would boycott any bank and they could force the bank to close, to quit, couldn't they? I am simply analyzing your remedy—you proposed a remedy—and I wanted to see how far.

Rev. BYRD. I didn't propose that as a remedy. I do feel that the bank should not take that stand.

Commissioner COMMONS. But still it is perfectly legitimate for both sides to boycott the banks?

Rev. BYRD. Well, I say this: A man has a right to put his money where he chooses, to do business with the man he likes. In our church, for instance, that is, give preference over others. That is the case in every club, lodge, there is this in the rules of our church, this statement that we shall trade with those who are of our denomination where it is a reasonable condition; or anything else, that you trade with those who are of your way of thinking, who are sympathizing with you.

Commissioner GARRETSON. Can't you go further with that doctrine and say that every system of religion has been founded on a boycott, and that if you do not believe in that system you would be damned?

Rev. BYRD. I wouldn't exactly state it as strongly as that.

Commissioner GARRETSON. But the result would be the same. It isn't fashionable to say a man would be damned now; it is better to say he is lost.

Rev. BYRD. You are modern.

Chairman WALSH. Prof. Commons has not finished.

Commissioner COMMONS. What I was getting at was this:

In carrying out the idea of a boycott you would not say that the kind of preference that you have mentioned will be a boycott in the case of the churches?

Rev. BYRD. It is the same principle.

Commissioner COMMONS. Suppose you should excommunicate a member who traded with a nonmember?

Rev. BYRD. I wouldn't do that; allow liberty there, of course.

Commissioner COMMONS. That would be a boycott, would it not?

Rev. BYRD. It would be carrying it——

Commissioner COMMONS. The church has excommunicated people?

Rev. BYRD. That would be carrying it to a great extreme.

Commissioner COMMONS. I do not want to bring up the religious question at all, of church organization, but——

Rev. BYRD. That is all right. Your question is perfectly legitimate.

Commissioner COMMONS. My point, as I see it, is this, that in Stockton, and possibly other places, the community, or the interests on both sides, have recognized the legitimacy of a complete boycott.

Rev. BYRD. They seem to have done so; yes.

Commissioner COMMONS. And when that is recognised, both sides are entitled to carry it just as far as they choose?

Rev. BYRD. Well, I do not think you are entitled to carry anything so far as you choose, when it is merely personal or selfish ambition that is entering into it.

Commissioner COMMONS. Well, that is the actual situation.

Rev. BYRD. It seems to be; yes.

Commissioner COMMONS. I do not care to argue the question. I just want to get at the actual situation. Both sides have fallen back practically on the boycott—on the coercive boycott—not simply the voluntary talking amongst the friends as to what they must do, but they are bringing pressure to bear on outsiders to force them into line.

Rev. BYRD. It seems to be.

Commissioner COMMONS. That is the situation, is it?

Rev. BYRD. That seems to be the situation, to a large extent, at least.

Commissioner COMMONS. And both sides are using that method, and the question then arises whether that is from the standpoint—the general standpoint—that each side should be permitted to use that method, or whether it should be limited by law. That is your——

Rev. BYRD. Yes. The question of the bank——

Commissioner WEINSTOCK. I take it, Mr. Byrd, that from what you have said that your attitude is that the closed shop is vital to unionism?

Rev. BYRD. That is the way I feel; yes, sir.

Commissioner WEINSTOCK. That is, without the closed shop unionism can not stand?

Rev. Byrd. Well, it is possible for unionism to stand to a certain extent, I think, without the closed shop; but as far as being in a position to make any demand, even just demand, I do not see how it can.

Commissioner Weinstock. Without the closed shop?

Rev. Byrd. Yes.

Commissioner Weinstock. Well, are you aware of the fact, Mr. Byrd, that the railway unions of this country are among the strongest unions in the world; that they have a membership of 150,000; and that they have the open shop?

Rev. Byrd. That has been called to my attention; yes, sir.

Commissioner Weinstock. And are you also aware of the fact that in the city of San Francisco the iron trades council, representing between four and five thousand workers, have the open shop?

Rev. Byrd. No; I am not.

Commissioner Weinstock. And the employers are at liberty to employ anybody they choose?

Rev. Byrd. I am not acquainted with that condition; no, sir.

Commissioner Weinstock. Well, I think if you will make some further inquiry, then, you will find that the Iron Trades Council of San Francisco is a very powerful organization.

Rev. Byrd. But is it recognized as a union; the point is, is it recognized as a union?

Commissioner Weinstock. Yes; it is recognized as a union, and the employers—that is, the metal trades association, who represent the employers, recognise the iron trades council, deal with it, enter into agreements with it; but they have the open shop.

Rev. Byrd. As a matter of fact, the open shop is not very extensive, though. That is, there are not many employees who do not belong to the union.

Commissioner Weinstock. Well, that may or may not be, but the fact remains that the employer is at liberty to employ anybody he pleases, whereas, under the closed shop management, as you have it in mind, the employer would be obliged to employ only union men.

Rev. Byrd. Well, I still maintain my position that even in that condition if the employer is strong enough to do it he can absolutely drive out those unions and employ nonunion men. They have absolutely no recourse.

Commissioner Weinstock. But the fact will also have to be admitted then, Mr. Byrd, that it is entirely possible for unions to exist and to be powerful, to be recognised, to have a voice in fixing wages and hours of labor, and conditions, and still have the open shop; and if that is so then the closed shop is seemingly not vital to unionism. It is an advantage to be, but not vital.

Rev. Byrd. Well, that is a point, of course, that remains to be established, whether or not that is true.

Commissioner Lennon. Mr. Byrd.

Commissioner Weinstock. Just one more question.

From your investigation and study of the problem, Mr. Byrd, if you had the power how would you prevent a repetition of the conditions prevailing in Stockton, and from being repeated elsewhere, for example?

Rev. Byrd. Well, I do not know just how I would prevent it. I wish to be understood that I am not opposed to the organization of the merchants, manufacturers and employers association. I think they ought to retain their organization. It seems to me that that is necessary.

Commissioner Weinstock. That is, for the employers to retain their organization?

Rev. Byrd. Yes; so that they as an organization may deal with the unions as an organization through proper committees, and that any disputes that arise ought to be referred to the proper committees, the proper powers to act.

Commissioner Weinstock. Were you here yesterday when Mr. Kennedy testified?

Rev. Byrd. Yes.

Commissioner Weinstock. Do you recall the suggestions that he made to the commission?

Rev. Byrd. I do not recall them definitely; in a general way.

Commissioner Weinstock. Briefly they were these: That in his judgment the best possible industrial conditions are where both sides are organized, where the employer recognises and deals with organized labor, and gives it a voice in fixing hours, wages, and working conditions, but reserving the right to employ union or nonunion men as he chooses.

Now, how far could you agree with Mr. Kennedy in his suggestions?

Rev. BYRD. I disagree with him in the matter of the employment of nonunion men.

Commissioner WEINSTOCK. That is, you would rob the employer of the right to employ nonunion men?

Rev. BYRD. Yes, sir.

Commissioner WEINSTOCK. In all things else you would agree with him?

Rev. BYRD. I think so; yes. As to the employment of nonunion men, as I said awhile ago, if I were a laboring man I should feel myself morally bound to unite with a labor union. That would be a sufficient reason. There are other considerations, but that would be a sufficient reason with me.

Chairman WALSH. Is that all?

Commissioner WEINSTOCK. Yes.

Commissioner O'CONNELL. I want to ask you if you understand the difference between the open shop that Mr. Commissioner Weinstock has been asking you about, and the open shop that is proposed at Stockton?

Rev. BYRD. Yes; I think I understand.

Commissioner O'CONNELL. You understand the open shop that Mr. Weinstock speaks about, the railroad organization, is an open shop in which the company makes a contract with the union men covering the employment of all people on the railway system over which they have jurisdiction?

Rev. BYRD. Yes.

Commissioner O'CONNELL. The company does not deal with individuals, with nonunion men.

Rev. BYRD. Yes.

Commissioner O'CONNELL. In making their hours and wages and conditions. That is the open shop in the railway system. That is not the kind of open shop that is proposed in Stockton.

Rev. BYRD. No; it is not.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Lennon would like to ask you some questions.

Commissioner LENNON. Mr. Byrd, I understood you to say that you saw the agreement that had been presented by the clerks to the merchants. Did that contain a demand that no clerk could be employed permanently unless they were members of the union?

Rev. BYRD. I can not tell you what were the provisions of the agreement. In fact I did not pay so much attention to it so far as the details are concerned. I simply read it. I did not see anything in it to my mind that was objectionable. That is all I can say to that, because I do not know, did not read carefully the stipulations, do not know what the stipulations were now.

Commissioner LENNON. What do you believe is the tendency of individual contracts for labor in industry? Is it toward higher wages, less hours, and better conditions, or is it taken advantage of to create a tendency in the other direction?

Rev. BYRD. Well, I should certainly have to have a stronger faith in human beings if I thought it was tending to better conditions for the worker.

Commissioner LENNON. Have you a personal acquaintance with more or less of the union men of Stockton prior to this trouble?

Rev. BYRD. How is that question?

Commissioner LENNON. Did you have a personal acquaintance with some of the union men of Stockton prior to this contest?

Rev. BYRD. My acquaintance with the union men of Stockton was very, very limited; it is to-day.

Commissioner LENNON. You didn't know many of them individually?

Rev. BYRD. No, sir; I have two or three members of the union, members of my church.

Commissioner LENNON. Do you know whether in the community they were recognized as being respectable, decent citizens?

Rev. BYRD. I think they were; yes, sir.

Commissioner LENNON. Have you an idea as to whether Stockton stands on a par with other cities as to general morality and general conduct of the citizenship?

Rev. BYRD. I don't know. I am not acquainted in other cities as to the general morality, as I could not be unless I lived in these other cities. I think as far as the citizenship of Stockton is concerned we have as substantial a citizenship as anywhere.

Commissioner LENNON. Did you hear the testimony that Stockton was the most strongly organized city, as far as unionism was concerned, on the coast?

Rev. BYRD. I have heard that statement; yes, sir.

Commissioner LENNON. Then that organization didn't seem to have destroyed the character of the citizenship of that city, as far as you could observe?

Rev. BYRD. No, sir; I don't think it did.

Commissioner LENNON. What would be the consequence as to the homes of the workingmen of the city of Stockton if their organization is destroyed?

Rev. BYRD. Well, the organization of course has some tendency—a great tendency—to affect the homes, in that the mere fact of the laboring men organizing and getting together, discussing the subjects that are vital to them, certainly heightens the manhood and general social conception of the individual members of the union, which would naturally react upon the home.

The wage has, of course, another very vital relation to the condition of the home.

Commissioner LENNON. You believe that where men and women take a wide, strong interest in the welfare of their fellows that they, by so doing, raise their own standards?

Rev. BYRD. I did not catch the first part of the question.

Commissioner LENNON. Where a man tries to be useful in the world, where he tries to render service in the world, where he takes an interest in the welfare of his fellows, that it reacts for his own betterment?

Rev. BYRD. I think that is the fundamental condition in one's own betterment.

Commissioner LENNON. Would the destruction of the unions in Stockton have any probable effect as to breaking up the school life of the families, if the father had to leave the city?

Rev. BYRD. I think it would.

Commissioner LENNON. I think that is all, Mr. Chairman.

Commissioner WEINSTOCK. Just another question, Mr. Chairman—another question.

Chairman WALSH. Very good. Mr. Weinstock wants to ask you some questions.

Commissioner WEINSTOCK. If, with your present opinions, Mr. Byrd, you were a wage earner and a unionist and a believer in the closed-shop principle being vital to unionism, how far would you go along the lines of establishing the closed shop? How far would you go with other wage earners who did not agree with you in the importance and the necessity of becoming a unionist?

Rev. BYRD. I would go about as far as I go in my present position when I meet men who do not agree with me.

Commissioner WEINSTOCK. That is, you would stop at persuasion?

Rev. BYRD. Yes, sir; I would do that, stop at persuasion.

Commissioner WEINSTOCK. Would you think that coercion and intimidation, and, if need be, force, were justifiable on the part of unionists in endeavoring to get their fellow workers to become unionists?

Rev. BYRD. I do not think that is ever justifiable.

Commissioner WEINSTOCK. Then you would draw the line at coercion and intimidation and force?

Rev. BYRD. Yes, sir.

Commissioner WEINSTOCK. You would establish the closed shop by persuasion?

Rev. BYRD. Yes, sir.

Commissioner WEINSTOCK. Pure and simple?

Rev. BYRD. Yes, sir.

Commissioner WEINSTOCK. You would establish the closed shop by persuasion, if your fellow workers could not be persuaded, then what?

Rev. BYRD. Well, I should have to subject myself to the conditions that were entailed by that situation.

Commissioner WEINSTOCK. I see. Then you are in favor of the closed shop only when the closed shop can be established by moral suasion?

Rev. BYRD. Sure.

Commissioner WEINSTOCK. And not by any other means?

Rev. BYRD. Not by any other means; no, sir. I can understand the spirit by which force is used. I have a very keen understanding of that spirit, I think, and am somewhat in sympathy with it in my personal views, though I can not of course justify it.

Commissioner WEINSTOCK. You have kept yourself informed, I take it, Mr. Byrd, of the conditions prevailing in Stockton since this trouble has arisen?

Rev. BYRD. So far as I could; yes, sir.

Commissioner WEINSTOCK. Well, from your knowledge of the conditions, has there been violence since these industrial troubles have arisen?

Rev. BYRN. Yes, sir; there has been some violence.

Commissioner WEINSTOCK. Have you investigated the matter of violence there?

Rev. BYRN. No; I have not.

Commissioner WEINSTOCK. Well, to the best of your knowledge, who is responsible for this violence?

Rev. BYRN. I am not able to say who is. I have my opinion. That is probably not based on actual facts.

Commissioner WEINSTOCK. You have no personal information?

Rev. BYRN. Just general information would be all that I could say.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. I have a few more.

Chairman WALSH. Go ahead.

Commissioner GARRETSON. Doctor, on this question of banks a little further. Some questions were asked you a few moments ago, and I want to ask you one or two on the other side of that. I understood that you merely threw out the suggestion of legislation controlling the action of banks as one of the incidents of this campaign, and not as a general corrective, that it should be prohibited as a general proposition.

Rev. BYRN. I feel this, that the bank should be, if possible, hedged about by law, and with regard to it there should be created on the part of the people, or in the minds of the people, such an attitude that they will not expect the bank to take one side or the other, and therefore it would not be subject to the boycott.

Commissioner GARRETSON. The fact is the bank is a quasi-public institution in its nature, like the railroads?

Rev. BYRN. Yes, sir.

Commissioner GARRETSON. And isn't the exact parallel, the precedent for that found in existing legislation that prohibited railways from issuing rebates which were a discrimination in the industrial war between firms?

Rev. BYRN. Yes, sir; it is pretty near a parallel. I am not able, because I don't know, to say that it is an exact parallel.

Commissioner GARRETSON. Taking it then as a public institution or a quasi-public institution to render public service to anyone, it would be a perfectly legitimate piece of legislation?

Rev. BYRN. Yes, sir.

Commissioner GARRETSON. Are you of the opinion that the employer as well as the employee owes a duty to society in general?

Rev. BYRN. Yes, sir.

Commissioner GARRETSON. You don't lean to the idea that the man who holds property and who employs men is society?

Rev. BYRN. No, sir. In my sermon, if you will allow me to make the statement, I took the position that the laborer was a part of the business just as much as—at least in quality, as much as the employer is.

Commissioner GARRETSON. In result, could all the capital on earth produce anything without the labor?

Rev. BYRN. No, sir; it could not.

Commissioner GARRETSON. And, then, would it be a calamity to society in general to place labor back where it was, we will say, only 40 years ago, prior to the influence of unionism?

Rev. BYRN. I think so. That is my unquestioned opinion.

Commissioner GARRETSON. You proceed on the basis, I believe, that if associations like the M., M. and E. were successful, that it would leave laboring men as thoroughly at the mercy of the employer as they were before the rise of unionism?

Rev. BYRN. Yes, sir; I think so.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Prof. Commons has one more question.

Commissioner COMMONS. I wanted to ask you about that—in Stockton are the methods which you call voluntary in requiring men to join the union—now, you would stop at the point where persuasion ends?

Rev. BYRN. Yes, sir.

Commissioner COMMONS. That is the proposition. Now, in Stockton, is that the point where the union stops?

Rev. BYRD. I am not acquainted enough to know to state.

Commissioner COMMONS. You don't know what methods they use?

Rev. BYRD. No; I don't.

Commissioner COMMONS. To bring men into the organization?

Rev. BYRD. No, I don't.

Commissioner COMMONS. Do you know whether they refuse to work with nonunion men?

Rev. BYRD. I think they do.

Commissioner COMMONS. Would they strike if there was a nonunion man on the job?

Rev. BYRD. That seems to be their position. I don't know.

Commissioner COMMONS. And would you include that under the idea of persuasion?

Rev. BYRD. Sure.

Commissioner COMMONS. That is one kind of persuasion you have in mind?

Rev. BYRD. One kind of persuasion, I think it is; yes, sir.

Commissioner COMMONS. And so if the employers——

Rev. BYRD. I think it is perfectly legitimate.

Commissioner COMMONS. If the employers say that they will not deal with an employer who deals with unions, they withdraw their patronage from him—now, leave out of account this question of the banks, leave the bank question out—that would also be voluntary on their part?

Rev. BYRD. Yes, sir.

Commissioner COMMONS. Voluntary persuasion?

Rev. BYRD. Yes, sir; they might do that.

Commissioner COMMONS. And that is the situation in Stockton, that both sides are using voluntary persuasion up to the point of withdrawing their patronage as a body in order to induce those who are not members of either organization to come in?

Rev. BYRD. I don't know that that is the point now. The things that are being done now are simply to win the fight.

Commissioner COMMONS. Does not it inevitably lead to that issue? It is now a question of whether the union will have all people in the union, or the employers have all people out of the union?

Rev. BYRD. That may be the issue.

Commissioner COMMONS. That is the reason there is a fight, because both sides have adopted that method of persuasion. That is an argument or inference, the chairman tells me, so that I will not press it any further.

Chairman WALSH. I just have a question to ask you: Are there any specific facts in your knowledge that you could give the commission tending to amplify or support your statement that it is the intention of the M., M. and E. to extend their organization outside of the city of Stockton?

Rev. BYRD. If I made that statement I wish to correct it, that it was their intention.

Chairman WALSH. Probably I didn't state it correctly—fairly—but I understood you to say that it was your opinion, or that you had gathered facts that led you to believe it was a broader movement than a movement in the mere city of Stockton; that it was a fight on unionism every place. Now, outside of that being your opinion from what you saw in Stockton, have you any other facts? Were any statements made to you with reference to what might be done in San Francisco or Los Angeles, or any other place?

Rev. BYRD. Yes, sir; I recited the statement of the president of the M., M. and E. that if it were not for the fact the exposition was upon San Francisco that this city would be in the fight.

Commissioner COMMONS. Did he say upon what he based that?

Rev. BYRD. He did not say. We were discussing the clause in regard to the hours and wages, that they would not be changed without being referred to a committee, and he was explaining why that clause was in there.

Chairman WALSH. He said while there was one condition in Stockton in relation to hours and wages that that might come about in a general way, and that Stockton desired to be in a position where they could meet such competition?

Rev. BYRD. Yes, sir.

Chairman WALSH. That is all.

Mr. THOMPSON. Just a minute.

Chairman WALSH. All right. You may proceed.

Mr. THOMPSON. I believe you testified while you were making your first statement that while you believed all men should join the union, you also believed the union should be open. Will you tell us just what you meant by that?

Chairman WALSH. He stated what he meant by that, that no man should be excluded from the union. Let's let it go at that.

Mr. THOMPSON. I would like to ask another form.

Chairman WALSH. Not on that subject, please, Mr. Thompson.

Commissioner WEINSTOCK. Just one moment.

Chairman WALSH. One moment. Mr. Thompson hasn't finished yet.

Commissioner WEINSTOCK. Pardon me, I though he had finished.

Mr. THOMPSON. Another question Mr. Drew has handed up: What union did you refer to when you spoke of union abuses?

Rev. BYRD. I didn't refer to any union—any particular union.

Mr. THOMPSON. What kind of abuses?

Rev. BYRD. Well, those abuses that have been recited here on this stand by previous witnesses. I believe there was one particular case that has been referred to more than once—the instance of Mr. Totten's case, where lumber was required to be taken down from the third floor and hauled back to the shop and restamped. I think there are other ways to remedy that which are just as effective and more reasonable.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Thank you.

Commissioner WEINSTOCK. Just one moment. I want to make sure we understand the witness thoroughly.

Chairman WALSH. Oh, yes; I forgot.

Commissioner WEINSTOCK. Do I take it that summing up your ideal condition or ideal of the labor condition, so far as labor is concerned, would be the closed shop and the open union?

Rev. BYRD. Yes, sir. With every effort possible to induce every laboring man to join the union, then, of course, on my part, that includes the idea that it shall—that there shall be every effort on the part of the union to secure instructions for themselves and all of their members with regard to their duties and responsibilities in an industrial society, and that like instructions shall be given to the organization on the other side, because they are just as needy in that particular as are the union men or laboring men.

Chairman WALSH. Is that all, Mr. Weinstock?

Commissioner WEINSTOCK. Yes, sir.

Chairman WALSH. That is all. Thank you, Doctor. Call your next.

Mr. THOMPSON. Mr. Bentley.

Chairman WALSH. Is Mr. Hough here now?

Mr. THOMPSON. Mr. Hough.

Chairman WALSH. Just have the sergeant at arms ascertain where Mr. Hough is, and then go ahead with the other witness. Mr. Sergeant at Arms, find out where the other witness is who is not present. Proceed.

Mr. THOMPSON. Mr. Bentley.

EXHIBITS.

TOTTEN EXHIBIT NO. 1.

TOTTEN & BRANDT PLANING MILL CO.,
Stockton, Cal., August 27, 1914.

Col. HARRIS WEINSTOCK,
San Francisco, Cal.

DEAR MR. WEINSTOCK: I am inclosing you herewith copy of a letter that I referred to in my testimony yesterday. As I said, our pay roll at that time was $2,000 per week. The total amount received from the entire crew was $368.15; $146 of this amount was paid by nonunion and office employees, making a total amount paid by the union employees $212, or approximately 14 per cent of the union men who signed this agreement made good their promises.

I am not sending you the original document, for the reason that I might have occasion to use this later on. However, if it is necessary, I can go before notary public and have a true copy of this attested and mail same to you.

Yours, truly,

TOTTEN & BRANDT,
By C. TOTTEN.

TOTTEN & BRANDT PLANING MILL CO.,
Stockton, Cal., August 16, 1913.

To our employees:

We wish to take this occasion of expressing our gratitude and good will to our employees who have so kindly offered one week's service gratis. We hope to be able to show to our employees at some future date that we thoroughly appreciate and are thankful for this act of kindness. Wish to say furthermore that it came at a time when help was needed. While this in no way covers our loss, at the same time it does show to the public that there was a kind feeling existing between our employees and ourselves.

After thoroughly considering the matter we have decided that each of you would be the best judge when you could afford to fulfill your part of the agreement, and under these circumstances we are not going to set aside any special week or we are not going to demand any time of payment; we will leave it strictly up to you. You will receive your checks regular as before, and when you feel as though you can best afford to fulfill your part you will be at liberty to do so.

Below are the names of all employees, and those having the line drawn through the name have paid in full, and as fast as the payments are made the lines will be drawn through the names.

Yours, truly,

TOTTEN & BRANDT.

TOTTEN EXHIBIT NO. 2.

BARTENDERS' INTERNATIONAL LEAGUE OF AMERICA,
LOCAL NO. 403,
Stockton, Cal., May 16, 1914.

SIR: I was instructed at our last regular meeting, held on the 13th instant, to inform you that our members will be warned to withdraw their patronage from your place of business and also their families till you can see your way clear to display the union card.

We regret this very much, as we have always felt that your firm was friendly to organized labor.

I am, sincerely, yours,

E. H. MURPHY, *Secretary.*

[United Association Journeymen Plumbers, Gas Fitters, Steam Fitters, Steam Fitters' Helpers of the United States and Canada.]

STOCKTON, CAL., *May 28, 1914.*

DEAR SIR: It was brought to the attention of this local union at its last meeting that there were certain retail merchants in this city who had refused to recognize the retail clerks' union, and were consequently not displaying the union store card.

As we believe that what affects organized labor as a unit affects the whole cause, this local union went on record as discouraging, as far as possible, the patronizing by members and their families of any store which does not display the retail clerks' store card, and is consequently not wholly fair to organized labor.

Respectfully, yours,

PLUMBERS' LOCAL UNION No. 492.

BARTENDERS' INTERNATIONAL LEAGUE OF AMERICA,
LOCAL No. 408,
Stockton, Cal., May 16, 1914.

HUDSON & KING.

GENTLEMEN: I was instructed at our last regular meeting, held on the 13th instant, to inform you that our members and their families will be warned to withdraw their patronage from your place of business till you can see your way clear to sign the agreement of the clerks' union and display the union store card.

We regret this very much, as we have always felt that your firm was friendly to organized labor. I beg to remain,

[SEAL.]

E. H. MURPHY, *Secretary.*

STOCKTON, CAL., *May 18, 1914.*

ROSENBAUMS & SONS.

GENTLEMEN: We are compelled to call your attention that after repeated attempts to get the retail merchants of Stockton to reconsider their former action and sign up with the Retail Clerks' Local 197, of Stockton, Cal., that I have been instructed by this Local 22, International Brotherhood of Teamsters, of Stockton, to inform you that we have found it necessary to notify you that until such time as you see fit to sign up with the retail clerks and display the union store card in your windows you can not expect to receive any of the patronage from members or their families of this local.

Any member of this union found patronizing such stores that do not display union store cards will be fined $5.

Hoping you see fit to sign the agreement and get a union store card, we remain,

Yours, respectfully,

[SEAL.]

TEAMSTERS' UNION 22,
C. S. NUNLEY, *Recording Secretary.*

BARTENDERS' INTERNATIONAL LEAGUE OF AMERICA,
LOCAL No. 408,
Stockton, Cal., May 16, 1914.

SIR: I was instructed at our last regular meeting to inform you that our members and their families will be warned to withdraw their patronage from your place of business till you can see your way clear to display the union store card.

We regret this very much, as we have always felt that your firm was friendly to organized labor. I beg to remain,

Sincerely, yours,

E. H. MURPHY, *Secretary.*

HOLT EXHIBIT.

HOLT MANUFACTURING CO. (INC.) OF CALIFORNIA,
Stockton, Cal., December 9, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Referring further to my letter of December 4, I presume you will understand that the rate of wages scheduled in my recent report to you for the Holt Manufacturing Co., in amounts less than $2 per day, must necessarily apply to apprentices, but to be sure that such classification of wages will not be misunderstood I now call such fact specifically to your attention.

Yours, very truly,

HOLT MANUFACTURING CO.
P. E. HOLT, *General Manager.*

The Holt Manufacturing Co., pay roll for the week ending November 14, 1914.

FOUNDRY.

Shop No.	Wage rate.	Shop No.	Wage rate.	Shop No.	Wage rate.
C2	$5.38	C27	$4.00	C53	$2.60
C3	3.50	C28	4.00	C53	2.80
C4	3.50	C29	3.50	C54	3.25
C5	3.00	C30	3.38	C55	2.00
C7	2.00	C31	4.00	C56	2.25
C8	4.50	C33	3.25	C57	2.50
C9	2.88	C33	3.75	C58	4.00
C10	3.00	C34	3.00	C59	2.25
C13	3.50	C35	4.00	C60	2.25
C23	4.00	C37	3.00	C61	4.00
C14	2.25	C38	3.50	C62	2.50
C15	2.25	C39	4.00	C64	4.00
C16	4.00	C40	3.25	C65	4.00
C17	3.50	C41	2.25	C66	4.00
C18	1.75	C42	2.25	C67	3.00
C19	2.26	C43	4.00	C68	4.00
C20	2.25	C44	2.25	C69	2.25
C21	2.25	C45	2.26	C70	2.25
C22	3.50	C46	2.25	C71	2.25
C26	4.00	C47	2.25	C72	2.50
C24	4.00	C48	2.25	C73	2.50
C25	3.00	C49	2.00	C74	1.50
C26	2.50	C50	4.00		

TRACTION ENGINE SHOP.

E4	$3.25	E18	$2.75	E31	$2.25
E5	2.00	E19	2.75	E32	2.25
E6	2.00	E20	2.00	E33	2.25
E7	2.00	E21	2.50	E34	2.25
E8	2.75	E22	2.75	E35	2.75
E9	2.50	E23	2.25	E37	2.25
E10	2.25	E24	2.00	E38	2.25
E11	2.25	E25	2.25	E39	2.25
E12	2.25	E26	2.00	E42	2.50
E14	2.25	E27	2.25	E43	2.50
E15	2.00	E28	2.75	E44	2.00
E16	2.75	E29	2.00		
E17	2.25	E30	2.00		

The Holt Manufacturing Co., pay roll for the week ending November 14, 1914—Continued.

BLACKSMITH SHOP.

Shop No.	Wage rate.	Shop No.	Wage rate.	Shop No.	Wage rate.
H2	$4.00	H30	$3.75	H58	$3.00
H3	4.00	H31	3.50	H59	3.15
H4	3.50	H32	3.75	H60	3.00
H5	2.25	H33	3.25	H61	3.25
H6	2.25	H34	3.50	H62	3.00
H7	3.00	H35	3.50	H63	3.00
H8	2.00	H36	3.75	H64	3.00
H9	3.00	H37	3.25	H65	3.00
H10	2.75	H38	3.25	H66	3.25
H11	2.25	H39	3.00	H67	3.00
H12	3.25	H40	3.75	H68	3.00
H13	3.50	H41	3.50	H69	3.00
H14	3.50	H42	3.25	H70	3.25
H15	3.00	H43	3.00	H71	3.25
H16	3.50	H44	3.50	H72	3.25
H17	1.75	H45	3.50	H73	3.25
H18	3.00	H46	3.25	H74	3.25
H19	3.25	H47	3.50	H75	3.25
H20	3.00	H48	4.00	H76	3.25
H21	3.25	H49	4.00	H77	3.25
H22	3.50	H50	3.75	H78	3.50
H23	3.00	H51	3.25	F3	3.25
H24	3.50	H52	3.00	F4	3.00
H25	3.50	H53	3.25	F5	3.25
H26	3.50	H54	3.25	F6	3.25
H27	3.00	H55	3.25	F7	3.25
H28	3.50	H56	2.75		
H29	3.25	H57	3.50		

MILL.

I2	$3.75	I8	$3.50	I11	$3.00
I3	3.00	I9	3.50	I12	3.25
I4	3.75	I10	3.25		
I5	3.75		3.50		

HARVESTER CONSTRUCTION.

J3	$3.00	J13	$3.75	J23	$3.00
J4	3.50	J14	3.75	J24	3.50
J5	4.00	J15	3.00	J25	3.00
J6	3.25	J16	3.00	J26	3.50
J7	3.00	J17	3.00	J27	3.00
J8	3.00	J18	3.50	J28	3.00
J9	4.00	J19	3.50	J29	3.00
J10	3.75	J20	1.50	J30	4.00
J11	3.50	J21	3.00	J31	3.00
J12	3.00	J22	3.50	J34	3.50

PLOW ASSEMBLING.

K2	$3.50	K5	$3.75	K9	$3.50
K3	3.25	K6	3.25	K10	3.25
K4	3.50	K8	3.00	K11	3.25

PAINT SHOP.

L2	$3.00	L7	$3.50	L12	$3.00
L3	3.00	L8	3.00	L13	3.00
L4	3.50	L9	3.00	L14	3.25
L5	3.00	L10	3.00	L15	3.00
L6	3.75	L11	3.00		

The Holt Manufacturing Co., pay roll for the week ending November 14, 1914—Continued.

SHEET METAL.

Shop No.	Wage rate.	Shop No.	Wage rate.	Shop No.	Wage rate.
M2	$3.25	M6	$3.25	M9	$3.25
M3	3.00	M7	3.25	M10	3.00
M4	3.25	M8	3.00	M11	3.25
M5	3.00				

DRAPER ROOM.

M2	$2.00	M4	$2.00	M8	$1.75
M3	2.00				

SCREEN DEPARTMENT.

O1	$3.00				

SICKLE BAR DEPARTMENT.

P1	$3.25	P2	$2.50		

CASE HARDENING DEPARTMENT.

G1	$3.50	G4	$2.75	G6	$2.75
G2	2.25	G5	2.75		

PLUMBERS.

T2	$2.75	T4	$2.75	T5	$2.50
T3	3.00				

MACHINE SHOP.

[illegible]	$4.50	[illegible]	$4.00	[illegible]	$3.75
[illegible]	3.75	[illegible]	3.00	[illegible]	1.50
[illegible]	3.00	[illegible]	3.00	[illegible]	1.50
[illegible]	1.25	[illegible]	2.75	[illegible]	1.00
[illegible]	3.75	[illegible]	2.50	[illegible]	1.00
[illegible]	2.00	[illegible]	2.75	[illegible]	1.25
[illegible]	2.00	[illegible]	1.00	[illegible]	1.50
[illegible]	2.00	[illegible]	2.25	[illegible]	1.25
[illegible]	4.00	[illegible]	2.75	[illegible]	2.50
[illegible]	2.50	[illegible]	3.00	[illegible]	1.25
[illegible]	1.25	[illegible]	2.50	[illegible]	1.50
[illegible]	2.00	[illegible]	2.75	[illegible]	1.50
[illegible]	2.00	[illegible]	2.00	[illegible]	2.75
[illegible]	2.00	[illegible]	1.25	[illegible]	1.25
[illegible]	2.75	[illegible]	2.00	[illegible]	1.25
[illegible]	2.50	[illegible]	4.00	[illegible]	1.50
[illegible]	1.75	[illegible]	2.00	[illegible]	4.00
[illegible]	4.50	[illegible]	2.75	[illegible]	2.50
[illegible]	2.50	[illegible]	2.75	[illegible]	1.00
[illegible]	2.50	[illegible]	2.50	[illegible]	2.75
[illegible]	2.25	[illegible]	2.00	[illegible]	2.00
[illegible]	3.00	[illegible]	2.00	[illegible]	2.00
[illegible]	3.00	[illegible]	2.75	[illegible]	1.25
[illegible]	2.00	[illegible]	2.50	[illegible]	1.00
[illegible]	2.25	[illegible]	2.75	[illegible]	2.50
[illegible]	2.50	[illegible]	2.00	[illegible]	1.50
[illegible]	2.00	[illegible]	2.75	[illegible]	1.00
[illegible]	2.00	[illegible]	2.50	[illegible]	1.25
[illegible]	3.00	[illegible]	1.00	[illegible]	2.25
[illegible]	3.00	[illegible]	2.25	[illegible]	2.50
[illegible]	2.25	[illegible]	1.75	[illegible]	2.25

The Holt Manufacturing Co., pay roll for the week ending November 14, 1914—Continued.

MACHINE SHOP—Continued.

Shop No.	Wage rate.	Shop No.	Wage rate.	Shop No.	Wage rate.
S100	$2.25	S118	$3.50	S134	$3.50
S101	3.00	S119	2.50	S135	2.50
S102	$2.00	S120	2.25	S136	2.80
S103	3.50	S121	2.25	S137	2.25
S104	3.75	S122	3.50	S138	2.50
S105	3.50	S123	1.00	S139	2.50
S107	1.00	S124	1.00	S140	3.00
S108	2.50	S125	3.75	S141	3.00
S109	2.50	S126	3.00	S142	2.50
S110	2.75	S127	1.00	S143	2.50
S111	2.25	S128	2.00	S144	2.25
S112	2.75	S129	2.50	S145	3.00
S113	2.00	S130	2.25	S147	3.25
S114	3.75	S131	2.50	S148	1.00
S115	1.00	S132	2.50	S149	2.25
S116	2.50	S133	3.50	S150	2.00
S117	3.50				

TOOL ROOM.

X1	$4.50	X5	$3.75	X10	$1.00
X2	3.75	X6	3.50	X11	1.00
X3	1.00	X7	1.00	X12	1.00
X4	4.00	X9	3.50		

GAS ENGINE ASSEMBLING.

Y2	$2.75	Y9	$2.50	Y17	$3.00
Y3	2.75	Y10	2.25	Y18	2.50
Y4	3.00	Y11	2.75	Y19	2.75
Y5	2.50	Y12	2.75	Y20	2.75
Y6	2.50	Y13	2.75	Y22	2.75
Y7	2.00	Y14	3.00		
Y8	3.00	Y15	3.00		

THE SEASONAL LABOR PROBLEM IN AGRICULTURE

(For exhibits under this subject, see page 5027.)

THE SEASONAL LABOR PROBLEM IN AGRICULTURE

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, *Thursday, August 27, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Garretson, Commons, and Weinstock; also W. O. Thompson, counsel.

TESTIMONY OF MR. R. I. BENTLEY.

Mr. THOMPSON. Will you give us your name, business address, and business, please?

Mr. BENTLEY. R. I. Bentley; business address, 120 Market Street. Is there another question?

Mr. THOMPSON. And your business?

Mr. BENTLEY. I am general manager of the California Fruit Canners' Association.

Mr. THOMPSON. Will you tell us briefly the nature of that organization?

Mr. BENTLEY. The organization is a corporation which owns and operates plants all over the State for the canning of fruits and vegetables. We also handle more or less dried fruit; that is, packing it after it is dried.

Mr. THOMPSON. To get more clearly what I want, is this an association of canneries and firms or is it a corporation itself?

Mr. BENTLEY. It is a regular corporation.

Mr. THOMPSON. It is?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. But with the name of association?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. In addition to packing and canning your own goods, do you do work for other fruit raisers or shippers?

Mr. BENTLEY. We grow some of our own products which we can, but the bulk of the products that we can are contracted with growers.

Mr. THOMPSON. What other products—but what you do produce you produce for your own company?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. I mean what you can?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. Where are your canneries located, Mr. Bentley?

Mr. BENTLEY. Those we are operating in California are: Two in San Francisco, one in Oakland, one in San Jose, one in Stockton, one in Sacramento, one at Marysville, one at Hanford, one at Visalia, one at Los Angeles, one at Santa Rosa, one each at Leandro, Milpitas, Yorden, and Pittsburg.

Mr. THOMPSON. Now, could you tell us briefly the kind of fruits you put up or other stuff you can—vegetables and fruits?

Mr. BENTLEY. We can nearly all varieties of fruits and vegetables grown in the State of California.

Mr. THOMPSON. What volume of business does your company have during the year?

Mr. BENTLEY. In dollars?

Mr. THOMPSON. In dollars.

Mr. BENTLEY. About $12,000,000.

Mr. THOMPSON. What amount of labor do they employ in that work, if you know?

Mr. BENTLEY. In the height of the season I think we have in the neighborhood of 7,500 people.

Mr. THOMPSON. What is the character of the demand for labor in your industry? What kind of labor is needed?

Mr. BENTLEY. The character of the demand?

Mr. THOMPSON. What sort of labor?

Mr. BENTLEY. You mean is it stable?

Mr. THOMPSON. No. What kind of labor, skilled or unskilled? Ordinary labor—or what is your classification?

Mr. BENTLEY. I should say 10 per cent of our labor is skilled, and 90 per cent unskilled. Of the 10 per cent they are all males, of the skilled labor. Of the unskilled, I should say that there are 10 or 15 per cent males, and the balance females.

Mr. THOMPSON. What kind of work is the labor used for—that is, take the unskilled labor, what kind of work does it do?

Mr. BENTLEY. The preparation and packing of fruit and vegetables.

Mr. THOMPSON. How would you classify that—separately, or do you classify it?

Chairman WALSH. How many packers and how many canners, and so on?

Mr. BENTLEY. Well, of course, that varies with the product we are handling. Some varieties will take more canning than preparing and other varieties take more preparing than canning.

Mr. THOMPSON. If you can do it readily and briefly, take the different kinds of products you put up and give us that statement.

Mr. BENTLEY. Well, take the first product which we handle, which is asparagus. The proportion which can would be greater than those preparing. Take the next product we handle, peas, which is almost all mechanical; that is, the hulling of the peas and sorting, with the exception of a little grading which is done by hand—rather, not grading, but a little sorting after they are graded by machinery is done by hand—and the balance of it practically all machinery. The next product we handle is strawberries. The proportion of those preparing would be in excess of those canning. The cherry, the proportion of those preparing would be in excess of those canning. The apricot, the proportion of those canning would about equal those preparing. Peaches and pears, the proportion of those preparing would exceed those canning. The same would apply to other vegetables which come in order, like string beans and tomatoes. The proportion of those preparing would exceed those canning. I think that practically covers the whole field.

Mr. THOMPSON. Are there any branches of this canning work or any of these particular fruits or vegetables you have named that give continuous work throughout the year, or is it seasonal and comes in every case for the season?

Mr. BENTLEY. It is seasonal. No one variety are we able to can the year around. Our season begins in April on asparagus, and that season lasts until about the 1st of July. The strawberry is probably a variety that runs a longer period of time than any other one. It begins usually in May and sometimes lasts until the 1st of November. Peas is a very short season, not lasting over a month. Apricots and all the other varieties of deciduous fruits, excepting peaches, the season is about three weeks. The peach season begins July 15 and winds up about October 1. It is the variety we have the largest demand for, and more of an effort has been made to extend the season in that variety than any other, which accounts for the length of the season. I made one statement there that all other varieties would be about three weeks. I want to qualify that—any one variety in any one district. We have early districts in the State where apricots will come in the latter part of June and wind up shortly after the 4th of July, and by the 15th, anyway, and we have another section that don't begin until the 10th or 15th of July, and in that way the season is extended on the variety beyond the time I mentioned of about three weeks. Three weeks is the period that will exhaust any one kind of a variety in any one district.

Some districts, however, grow more than one kind of a variety that mature at different times. In such districts the season will be longer than three weeks. Six weeks would probably be the maximum for every variety of deciduous fruits, excepting peaches.

Mr. THOMPSON. Take these varieties. You have in some of the canning and packing places, places that you put up many varieties of stuff?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. To what extent will the force you use in such a place be kept from one fruit or vegetable to the other, or about what proportion? What I am trying to have you tell is how long will they have work in the place where they work the longest in an industry.

Mr. BENTLEY. Well, the largest plant we have is located here in San Francisco, and we begin here about the 1st of April and wind up about the 1st of December; sometimes run into December to some extent.

Mr. THOMPSON. Then the plant is shut down?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. Are those employees there taken elsewhere, or just simply the relation terminated and that ends it?

Mr. BENTLEY. Yes, sir. That ends it so far as we are concerned. In many sections where we operate, however, large acreages of deciduous fruits and olives are grown. The season on both citrus fruits and olives begins about the time that we close down, so that a large proportion of the labor we use is used in the harvesting and marketing of those products.

Mr. THOMPSON. Take the place where you have the shortest work in the year.

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. How long do they work, and where does that labor come from?

Mr. BENTLEY. The shortest period, I presume is our pea-packing plant. That only lasts three weeks. This is in a district in the Santa Clara Valley, where we have other plants and where the labor is used in other plants. In fact, we usually send our skilled labor from one of the big plants to the smaller plants to operate it. The same is true of some of our other smaller plants, like asparagus plants, that work exclusively on asparagus. We send skilled labor there to operate those plants, and bring them back after we have closed up.

Mr. THOMPSON. Take the places of peas and asparagus, where does the 90 per cent of labor come from—from the neighborhood?

Mr. BENTLEY. Yes, sir; for the most part.

Mr. THOMPSON. Do you divide your labor as to whether foreign born or native born?

Mr. BENTLEY. That varies in localities. I presume in San Francisco the proportion of foreign born is quite large. It is quite hard for us to distinguish—that is to say, what proportion are native born—because in our plants in San Francisco the bulk of the employees are Italians or of Italian descent. Just what proportion are native born it would be difficult for me to say, but I should say at least 75 per cent, counting the descendants who are born here as native born, were foreign born. We have other plants where they are practically all native born. It depends a good deal on the locality.

Mr. THOMPSON. You got a list of questions, didn't you?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. Have you got them with you?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. Could you take those questions and run them right down and answer them one after the other?

Mr. BENTLEY. Yes, sir.

Mr. THOMPSON. You might do that, then, please.

Chairman WALSH. Begin at question 2, I would think. You have already given us the proportion of skilled and unskilled. Now, begin with the second question. If foreign born, adults and minors, natives, and answer them right down as concisely and exhaustively, of course, as the question calls for.

Mr. BENTLEY. Question 2: What is the character of the supply of labor in your industry? Is that it?

Mr. THOMPSON. I think it would be question 3.

Chairman WALSH. It is the subdivision of that question 2, under the same head. Give the number as to how many males and how many females.

Mr. BENTLEY. Twenty per cent males, including skilled labor, 80 per cent females.

Chairman WALSH. Adults and minors?

Mr. BENTLEY. About the same proportion, 80 per cent adults and 20 per cent minors. Native or foreign. As I have stated, it varies in the locality.

Chairman WALSH. You have stated that, but can you give us anything more definite on that now? That varies in localities. If you can, give localities, give us what the proportion is, if you can?

Mr. BENTLEY. I have given you San Francisco. I should say at San Jose, which is our next largest plant, the proportion of foreign born would be 25 per cent.

Chairman WALSH. What nationalities?

Mr. BENTLEY. Of all kinds, I should say.

Chairman WALSH. Asiatics?

Mr. BENTLEY. With the Italian predominating.

Chairman WALSH. Asiatics?

Mr. BENTLEY. No Asiatics, sir. Take our San Joaquin Valley plant and Sacramento Valley plant, I should say that the proportion there was about 75 per cent native born and 25 per cent foreign born.

Chairman WALSH. When is this demand for labor lightest? Has that been covered?

Mr. BENTLEY. It is lightest in the months we don't operate, and those are December, January, February, and March.

Chairman WALSH. Heaviest in the other times?

Mr. BENTLEY. Heaviest during the other period, during July, August, and September; that is what we call our rush season.

Chairman WALSH. What methods are used in your industry in getting the job connected up with the man or woman?

Mr. BENTLEY. We use advertising, soliciting, and, in a limited way, the employment agency.

Chairman WALSH. What method have you found most satisfactory?

Mr. BENTLEY. The method we used to the greatest extent is just simply that of an informatory character; to let the people know we are operating is advertising.

Chairman WALSH. Where do you advertise?

Mr. BENTLEY. In the local papers.

Chairman WALSH. Any outside of California?

Mr. BENTLEY. No, sir.

Chairman WALSH. What can you say, if you have anything to say, of the practical working of the private employment agency as at present used in your work?

Mr. BENTLEY. We found that the employment agencies in most cases are sadly deficient, for the reason that if we want the man to do a certain work, even take farm work, if we want a teamster, for instance, he don't always ascertain whether that man has ever handled a horse, so sometimes instead of getting a man who can handle a horse, we get somebody who is of no earthly account and have to return him. In other instances, where people in the employing agency either see the necessity of taking better care of their clients, or for some reason they pay more attention to our requirements, and in such cases it is a great help to us.

Chairman WALSH. Who pays the employment agency for this securing of labor?

Mr. BENTLEY. The laborer, as a rule, although sometimes we have offered the employment agency, where it was an urgent case, something to pay particular attention.

Chairman WALSH. So, mainly, you have no information of what the agricultural labor pay to get employment?

Mr. BENTLEY. No, sir.

Chairman WALSH. Have you been advised of any abuses in private employment systems—that is, of sending persons to employment purposes made temporary—so as to collect additional fees?

Mr. BENTLEY. I do not know of my own knowledge of anything of that kind. I have heard of such things.

Chairman WALSH. Can you tell us where you have heard of it, so that we may pursue the investigation?

Mr. BENTLEY. No, sir; I could not.

Chairman WALSH. Have you considered the possibility of spreading a demand for agricultural labor more evenly throughout the year, such as by diversifying crops, or some other method, or some other invention?

Mr. BENTLEY. Yes, sir; we naturally, from an economic standpoint, want to operate our plants as long as we can, and we do everything that we can to extend the seasons in all of our plants, and are working along those lines all the time.

Chairman WALSH. Could you state briefly what your present plans are for doing that, for making the occupations less seasonal?

Mr. BENTLEY. Well, one illustration of that is in the matter of the variety of peaches, which I have just mentioned. That variety has been extended now over the season from the latter part of June until the 1st of October. It shows what can be done with that variety, and while with other varieties we may not be able to extend the season to the same extent, we can undoubtedly lengthen them.

Chairman WALSH. Have you any organization on that particular subject?

Mr. BENTLEY. No, sir.

Chairman WALSH. Or is it desultory, just as you think of it yourself?

Mr. BENTLEY. There is no organization outside of our own business or inside either that deals exclusively with this problem, yet all canners and growers are giving a great deal of thought to the subject and steadily accomplishing something.

Chairman WALSH. There is no organized effort being made to make occupations less seasonal in your industry?

Mr. BENTLEY. No, sir.

Chairman WALSH. What is your attitude toward agricultural and migratory labor unions?

Mr. BENTLEY. I don't think they are seasonal.

Chairman WALSH. For what reason, briefly?

Mr. BENTLEY. Well, efforts have been made to organize the cannery labor, and they have not succeeded. That is one reason. Another reason is this, in the handling of perishable products; as far as I am concerned, I certainly would want to get out of the business if we were in such a position in the handling of perishable products that we would have to yield to demands or go out of business. That is, it is entirely different from most manufacturing businesses, in that the product does waste if you do not handle it immediately; that is, you are bound to be damaged. In our product, of course, any delay, anything that is not canned the day it comes in, it is deteriorating immediately.

It is my opinion that all employers of labor, including those that handle perishable products, would welcome unionizing, provided the abuses which union-labor organizations practice could be corrected. The first thing to do would be to make all such organizations responsible, both legally and financially, so that if they entered into a contract they would be legally bound to carry the same out. If the same attention was paid to correcting the abuses of unions and hedging them in with regulations that is now being paid to business by our State and Federal legislatures, I am satisfied that it would be to the material benefit of all concerned.

Chairman WALSH. Has there been any organization among the employees in your industry of the I. W. W.?

Mr. BENTLEY. There have been attempts at it.

Chairman WALSH. Is it spreading or not?

Mr. BENTLEY. I do not think it is.

Chairman WALSH. Are there any signs of activity at the present time among them?

Mr. BENTLEY. Well, there was an attempt made to organize at several different points this summer.

Chairman WALSH. And was any organization effected?

Mr. BENTLEY. No.

Chairman WALSH. Any disturbances growing out of it?

Mr. BENTLEY. Yes.

Chairman WALSH. Prosecutions?

Mr. BENTLEY. No; no prosecutions. We had a strike at San Jose, which lasted one day.

Chairman WALSH. How many persons were engaged in it?

Mr. BENTLEY. Oh, I think—I couldn't tell you exactly. There were enough engaged in it so that we shut up the plant for one day.

Chairman WALSH. How was it ended?

Mr. BENTLEY. We opened the plant the second day, and the bulk of them came back to work.

Chairman WALSH. I would like you to give a description of the general living conditions in your industry in your plants.

Mr. BENTLEY. In the plants themselves?

Chairman WALSH. Just describe as briefly as you can how the employees live. This is question 6, and you have probably considered that.

Mr. BENTLEY. As to their living conditions, of course, the bulk of the employees in the canneries are local people, and the bulk of them are not dependent upon what they earn in the canneries for their livelihood. Most of them are wives and daughters of men who are working. The result of it, I think, is the conditions are very good. Outside of that it is difficult for me——

Chairman WALSH. Do you have company stores any place?

Mr. BENTLEY. No, sir.

Chairman WALSH. And is there any place in which you have boarding houses or places where you board your employees?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. And how are they conducted? First, what is the charge made for board?

Mr. BENTLEY. Where we have boarding houses, there is no charge made; that is, some of our—we are conducting some ranches, and in those places we pay them all so much a month and board them.

Chairman WALSH. Well, in the boarding houses you say there is no charge made, do you not take into consideration that in the rate of wage paid the worker?

Mr. BENTLEY. Well, it is, of course, taken into consideration as an expense, but it is not customary here.

We simply pay them whatever the going rate is per month, and the board is that additional expense.

Chairman WALSH. What is the adult male worker given, common laborer, in your industry?

Mr. BENTLEY. On our orchards, and so on, I think it is about a dollar and a half a day and board. Of course, sometimes during the harvesting season the demand for labor is such that we have to pay more than that.

Chairman WALSH. And a dollar and a half is the lowest—a dollar and a half and board?

Mr. BENTLEY. I think so, excepting in some cases where we have employed orientals. Then the rate is a little lower than that.

Chairman WALSH. And for a woman?

Mr. BENTLEY. The bulk of the women are on the piecework basis.

Chairman WALSH. And what do they make?

Mr. BENTLEY. I should say they average, when they are working steadily, about $10 per week.

Chairman WALSH. How many hours per day?

Mr. BENTLEY. Well, during the height of the season they average about 10 hours a day

Chairman WALSH. And the men?

Mr. BENTLEY. About the same.

Chairman WALSH. And when it is not in the height of the season, are there less hours or more?

Mr. BENTLEY. Yes, sir; less.

Chairman WALSH. How low do they run?

Mr. BENTLEY. I should say during the—about an average of eight.

Chairman WALSH. Do the men work on piecework also?

Mr. BENTLEY. No, sir.

Chairman WALSH. That is all day work?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. Is the board included in the women's wage?

Mr. BENTLEY. No, sir.

Chairman WALSH. In any instance at all?

Mr. BENTLEY. No, sir.

Chairman WALSH. In any of those boarding places do women board, or girls?

Mr. BENTLEY. I beg your pardon.

Chairman WALSH. In any of your boarding places, do you have women or girls?

Mr. BENTLEY. No, sir.

Chairman WALSH. Are all of the women and girls in your industry living in their own homes?

Mr. BENTLEY. No, sir.

Chairman WALSH. Well, where?

Mr. BENTLEY. In some of our plants we have little cottages where they live.

Chairman WALSH. Women and children?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. What pay do you give children?

Mr. BENTLEY. The same as the women. It is all on piecework basis.

Chairman WALSH. Are the children all on piecework?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. And what is the eldest and what is the youngest?

Mr. BENTLEY. Well, we are working under a State law. I have forgotten just what; I think the limit is 14, with school certificates during the vacation time. Then, after that, my recollection is that either 16 or 18 is the limit.

Chairman WALSH. Is that law strictly observed in your industry?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. And is there any inspection on the part of the State officers over your industries as to the ages of these children?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. How is it carried out, please?

Mr. BENTLEY. There are deputies going over the State. I don't know how often. I don't know as they have any regular periods, but they are constantly going around.

Chairman WALSH. What ranch do you have more particularly under your personal observation?

Mr. BENTLEY. Well, we have quite a large fruit ranch in the San Joaquin Valley and another one skirting the bay.

Chairman WALSH. Do children work there?

Mr. BENTLEY. No, sir.

Chairman WALSH. Or minors?

Mr. BENTLEY. No, sir.

Chairman WALSH. What is the closest plant that you have, or cannery, that is closest to your observation?

Mr. BENTLEY. We have two here in San Francisco.

Chairman WALSH. And those are inspected in the way that you have stated?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. When was the inspection made the last time?

Mr. BENTLEY. I could not tell you.

Chairman WALSH. How frequently is it made in the plant in San Francisco?

Mr. BENTLEY. Oh, I should say three times during the season.

Chairman WALSH. You have that of your own knowledge, do you?

Mr. BENTLEY. That is, that we know of. It may be oftener.

Chairman WALSH. Are there times when the supply of labor exceeds the demand?

Mr. BENTLEY. Yes, sir.

Chairman WALSH. To what extent?

Mr. BENTLEY. Well, of course, as I have stated, during the four months in the year when we are not operating there is a large supply of labor, but the bulk of that goes back—being women, they go to their homes. The men have to find other employment.

Chairman WALSH. Have you observed so that you could make any comparison between the efficiency or lack of efficiency in the various types of agricultural labor; that is, as to nationalities, as to places they are recruited from, whether through advertisements or employment agencies; any observations you could make on that we would be glad to have.

Mr. BENTLEY. Well, as to the efficiency, I don't think that nationality has very much to do with it. And as to recruiting them, I don't quite fully understand what you wanted there.

Chairman WALSH. Well, for instance, do you find that the people you get from private employment agencies are efficient people, or do they lack in efficiency; are they permanent in their work, stay with you, or do they just come for a day or two? I don't know whether that makes it clear.

Mr. BENTLEY. Well, as I stated before, with employment agencies sometimes we have a great deal of trouble; but we have got down now so that there are certain ones that we go to that know that we don't deal with them unless they do pay some attention to our requirements and our affairs. And so far as during the three months in the year when we are crowded with work, of course we take anything, efficient and inefficient. We don't get enough to do all the work, to handle all the fruit that we could handle during that period of time. There is hardly a year but what we have to resort, for instance, to cold storage in order to save the fruit.

Chairman WALSH. Have you some questions, Mr. Weinstock?

Commissioner WEINSTOCK. No.

Chairman WALSH. Any other questions?

Commissioner COMMONS. I would like to ask: You spoke of operating ranches as well as canning. What is the nature of that; do you control growers or do you have your own ranches that produce all the product?

Mr. BENTLEY. We have two ranches; one in the San Joaquin Valley and one in Contra Costa County. One is a fruit ranch and the other is an asparagus ranch that we own outright. We, of course, control those, but beyond that we control nothing except by contract.

Commissioner COMMONS. You make contracts at the beginning of the season?

Mr. BENTLEY. Sometimes. Sometimes we make term contracts covering a period of years.

Commissioner COMMONS. Well, in those contracts do you control the seasonal; that is, through those contracts do you make an attempt to extend the season, say, to get the growers to distribute their crop in such a way that you could lengthen out your season?

Mr. BENTLEY. Of course in deciduous fruits you could not make the growers extend the season, because it would have to be harvested when it gets ripe. We aim to have annuals, vegetables that we handle, to have them planted so as to extend the season as much as possible.

Commissioner COMMONS. Well, on your ranches—I suppose they are typical of ranches in the State, are they not?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. How large, take one of the ranches, the largest one?

Mr. BENTLEY. Well, the largest fruit ranch is about a thousand acres.

Commissioner COMMONS. What do you grow on that?

Mr. BENTLEY. Principally peaches.

Commissioner COMMONS. How many employees do you have on the ranch?

Mr. BENTLEY. Why, the year around, I should say probably 40 men; during the harvesting period probably three times that many.

Commissioner COMMONS. Those 40 men are the men that are paid this dollar and a half per day and board?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Those are steady men?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Do they have homes there and families?

Mr. BENTLEY. Well, some of them. We have cottages there for those who do have families, and the unmarried men have a house where they——

Commissioner COMMONS. What proportion of them are married and have families?

Mr. BENTLEY. Oh, a small proportion.

Commissioner COMMONS. Are they mostly changeable, migratory?

Mr. BENTLEY. No; that class of help that we run the year around are fairly steady.

Commissioner COMMONS. How many men would you have to hire in the year to keep up that force of 45?

Mr. BENTLEY. We have no statistics on that point at all, and I don't think that I could answer that intelligently, but I don't think that it is large. I don't think that we would—I should say of the 45 men, probably 80 per cent that started out at the beginning of the year would be there at the end of the year. The other 20 per cent would go and come, but how often they would go and come it would be difficult for me to say. In fact, I am guessing at it anyway. It is a point that hadn't occurred to us, and we have no facts to deal with that. I probably can get something on that.

Commissioner COMMONS. Well, then, the other hundred that you have to employ in the picking, they are also men?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. And what do you pay them the season?

Mr. BENTLEY. The same. During the harvesting period sometimes we pay more. It depends upon what the going rate is.

Commissioner COMMONS. When do you increase the force above 45, at what date?

Mr. BENTLEY. Well, the harvesting period in this particular place begins in June and winds up about the middle of September. We have that force during that period.

Commissioner COMMONS. They are engaged in picking and shipping?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Now, would that be typical then of the peach——

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS (continuing). Growing all over the State?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. That about one-third are steadily employed during the year?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. And two-thirds there is an extra demand for—I think it is about four months you figured it out?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. What do you grow on the other ranch?

Mr. BENTLEY. Principally asparagus.

Commissioner COMMONS. Well, now, how does that work out? How large is that ranch?

Mr. BENTLEY. The acreage in asparagus is about 750. The balance of the land is not particularly good. We begin there, depending upon climatic conditions, sometimes in March, sometimes early in March, and sometimes the middle of March, and we wind up about the 1st of July, the cutting.

Commissioner COMMONS. How many steady people the year around?

Mr. BENTLEY. Well, about the same proportion.

Commissioner COMMONS. The same proportion?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. They get, then, about three or four weeks, I think you figured?

Mr. BENTLEY. Well, say, from the middle of March to the 1st of July, that is longer than that—nearly four months; three months and a half, say.

Commissioner COMMONS. The wages and other terms are all the same, are they?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. In those cases. And that would be in general the way the asparagus business is conducted over the State?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Does your company own these canneries, or is it an association of owners?

Mr. BENTLEY. We own them. The name "association" is a misnomer, in a way; we are a regularly incorporated company, and own them.

Commissioner COMMONS. You are incorporated?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Under the California laws?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Do you have figures that would give us an idea of the extent of the business in the State of others outside of your company?

Mr. BENTLEY. Oh, yes; yes.

Commissioner COMMONS. Could you state those?

Mr. BENTLEY. You mean what the——

Commissioner COMMONS. How many others; you have given us a list, quite a large list.

Mr. BENTLEY. I gave a list of the plants that we had.

Commissioner COMMONS. Do you know what the extent of the industry is in the State for all others outside of yours?

Mr. BENTLEY. Well, we probably represent 40 per cent of the canning business in the State. That is, we pack probably 40 per cent. Is that what you mean?

Commissioner COMMONS. Yes. Yes, that is what I wanted to get at.

Mr. BENTLEY. Yes.

Commissioner COMMONS. Forty per cent?

Mr. BENTLEY. Forty per cent of the output.

Commissioner COMMONS. What is the capitalization of your company?

Mr. BENTLEY. Three million dollars.

Commissioner COMMONS. And the turnover is twelve million?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. Now, the other 60 per cent; are they organized in a similar way with yours, in combinations?

Mr. BENTLEY. We are the largest company in the business. There are others varying in size that have plants scattered around in different localities the same as we have, but they are none of them as large as we are.

Commissioner COMMONS. Is there any association of all canners?

Mr. BENTLEY. No. There is an association to the extent that we meet once a year, more in a social way than any other. There is no organization other than that. It is social.

Commissioner COMMONS. Well, what do they take up; the type of questions that they take up?

Mr. BENTLEY. Oh, occasionally there is an executive committee that takes up a question of general interest. For instance, in the present situation, those interested in the export business—looking after freight and war risks and so on, which is of general interest.

Commissioner COMMONS. Do you have a general selling agency at all?

Mr. BENTLEY. No, sir.

Commissioner COMMONS. Each company sells its own?

Mr. BENTLEY. Each company sells its own product.

Commissioner COMMONS. Do you take up—is your association represented in any way before the State boards or commissions that fix hours and wages? Do you appear before them?

Mr. BENTLEY. Well, if there is any legislation that we think is detrimental to our interests, we of course have somebody on the ground.

Commissioner COMMONS. That is in the legislature?

Mr. BENTLEY. Yes, sir.

Commissioner COMMONS. But in the welfare commission or commissions of that kind that fix hours?

Mr. BENTLEY. When we are interested we appear before it, of course—any commission.

Commissioner COMMONS. Have they fixed any hours?

Mr. BENTLEY. No, sir.

Commissioner COMMONS. Or wages or anything in your industry?

Mr. BENTLEY. Not as yet. The welfare commission have required us to fill out blanks this season, which will give them some data to work on, but other than that they have made no move as yet.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. You build your plants or acquire them?

Mr. BENTLEY. Our organization absorbed a good many subsidiary companies in its start. Of course since that time we have built some plants.

Commissioner GARRETSON. And under the present name it dates from that absorption, or was it the old name?

Mr. BENTLEY. It dates from the time of the absorption; yes, sir.

Commissioner GARRETSON. This association that you refer to, does its executive committee ever confer in regard to the price to be paid for material to those you buy from?

Mr. BENTLEY. No, sir.

Commissioner GARRETSON. Nor the output?

Mr. BENTLEY. No, sir.

Commissioner GARRETSON. Nor the labor?

Mr. BENTLEY. No, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all; thank you.

Chairman WALSH. Call Mr. Horst. Is he the next one?

Dr. PARKER. Mr. Horst.

TESTIMONY OF MR. E. CLEMENS HORST.

Chairman WALSH. Take that chair, please, Mr. Horst. You have been served, Mr. Horst, with a copy of the questions under which the commission would like you to direct your answers?

Mr. HORST. Yes; I got a copy yesterday; but I don't know what I did with it.

Chairman WALSH. Did you look it over before you lost it?

Mr. HORST. Yes; I looked it over.

(The list of questions was handed to Mr. Horst.)

Chairman WALSH. I wish you would please follow that, Mr. Horst, and answer those questions as exhaustively and as concisely as you can.

Mr. HORST. The first question: "What is the character of the demand for labor in your industry, and what sorts of labor are needed?" Well, all adult labor; and all sorts—that is, all nationalities.

Chairman WALSH. Skilled and unskilled?

Mr. HORST. Outside of the head men; that is, all unskilled. Probably 5 per cent skilled and 95 per cent unskilled.

Chairman WALSH. What do you call the head men, please, Mr. Horst?

Mr. HORST. Well, the superintendents.

Chairman WALSH. Foremen?

Mr. HORST. And the foremen.

Chairman WALSH. Now, as to sex.

Mr. HORST. The sex, all men up to harvest time. And then during harvest time in our particular business, in our company's business, in California, there would be 90 per cent men and 10 per cent women.

Chairman WALSH. Adults or minors?
Mr. HORST. Well, all adults in our business.
Chairman WALSH. Have you any preference for any particular nationality?
Mr. HORST. No, sir.
Chairman WALSH. I will get you to state, Mr. Horst, the name of your company.
Mr. HORST. The H. Clemens Horst Co.
Chairman WALSH. And it is a corporation, is it?
Mr. HORST. It is a corporation; yes, sir.
Chairman WALSH. Of what State—incorporated in what State?
Mr. HORST. New Jersey.
Chairman WALSH. And the capital stock?
Mr. HORST. One million one hundred thousand dollars.
Chairman WALSH. And its lines—the lines of its product?
Mr. HORST. Hops—hop growing.
Chairman WALSH. Altogether?
Mr. HORST. Yes, sir.
Chairman WALSH. And how long has it been in existence?
Mr. HORST. Well, that particular company 11 years; but it is a continuation of another company that has been in business for about 25 years.
Chairman WALSH. What proportion of the business of the industry does your company do, what percentage would you say, in the State?
Mr. HORST. About 10 per cent of the business of the coast.
Chairman WALSH. That includes what States?
Mr. HORST. California, Oregon, and British Columbia. About 20 per cent of the business of California.
Chairman WALSH. How much of Oregon?
Mr. HORST. About 4 per cent.
Chairman WALSH. And British Columbia?
Mr. HORST. A hundred per cent—90 per cent; about 95 per cent.
Chairman WALSH. And what is the extent of your business in British Columbia per year in money?
Mr. HORST. About $200,000.
Chairman WALSH. And in Oregon
Mr. HORST. About a hundred and fifty thousand.
Chairman WALSH. And in California?
Mr. HORST. About five hundred to six hundred thousand dollars.
Chairman WALSH. Now, then, take question B to begin with: "What is the extent of the demand for labor in your industry—its seasonal character? Describe the season of fluctuations in the demand during an average year."
Mr. HORST. Well, there are very few people engaged in the wintertime, and our regular season is from about February to harvest time, and then during the harvest time we have our big season.
Chairman WALSH. And what is that time of the year?
Mr. HORST. From the middle of August to the 1st of October. In California from the middle of August to the middle of September.
Chairman WALSH. What is the character of the supply of labor in your industry? What sorts of labor are available?
Mr. HORST. Well, all sorts of unskilled labor.
Chairman WALSH. Does the supply sometimes exceed the demand, or vice versa?
Mr. HORST. Well, for the last two years the supply has greatly exceeded the demand.
Chairman WALSH. What nationalities do you have from which to pick your help?
Mr. HORST. All nationalities.
Chairman WALSH. Well, are there many native born? What proportion do the other nationalities bear to the native born?
Mr. HORST. Well, it is continually varying. Sometimes we have a lot of Americans and sometimes we do not. It is varying all the time. It would not be the same one week after the other or one year after the other.
Chairman WALSH. What nationalities are employed; is there any particular one predominates?
Mr. HORST. Well, what we call the itinerant laborers, they would predominate.
Chairman WALSH. Yes; but what nationalities—Italians?
Mr. HORST. No.
Chairman WALSH. Germans or——

Mr. HOSEY. They are what we call the "hobo" element.

Chairman WALSH. Yes; but what nationalities?

Mr. HOSEY. Well, I guess they are mostly Americans.

Chairman WALSH. Mostly Americans. What methods are used in getting the job connected with the man in your industry?

Mr. HOSEY. Most of them come along with their blankets and apply for the job.

Chairman WALSH. Do you advertise?

Mr. HOSEY. No more now. We used to advertise, say, a few years ago.

Chairman WALSH. Do you use employment agencies, private or public?

Mr. HOSEY. We use them to some extent; yes.

Chairman WALSH. Now, just describe how it is done and what.

Mr. HOSEY. We telephone to the employment agent to send a certain number of men for a certain class of work, and they send the men out.

Chairman WALSH. Who pays them?

Mr. HOSEY. The man employed.

Chairman WALSH. Could you suggest any way or any method of getting employees in your industry?

Mr. HOSEY. Well, it might, it seems to me, make better working conditions for the men.

Chairman WALSH. Well, are you doing that?

Mr. HOSEY. Yes; we are making—yes, we are improving the conditions. But there is an oversupply of men, anyhow.

Chairman WALSH. What are the possibilities of spreading the demand for agricultural labor of your character more evenly throughout the year? Is there any possibility of a thing of that sort?

Mr. HOSEY. In the hop, particularly; the hop industry?

Chairman WALSH. In your industry, yes; in the hop industry.

Mr. HOSEY. No; you can't make any improvement in the demand for labor in that particular industry.

Chairman WALSH. It can not be made more elastic? There is no other use the land can be put to or anything of that sort?

Mr. HOSEY. Oh, yes; but that would not be in the hop industry, then.

Chairman WALSH. I know; but, as a person chiefly in the hop industry, couldn't you do anything else at all to take up more labor during the year?

Mr. HOSEY. We could grow other crops at other times.

Chairman WALSH. Has any attention been given to that? Is it being done?

Mr. HOSEY. To some small extent.

Chairman WALSH. Well, would it be economically advantageous to you to do that?

Mr. HOSEY. I don't think so.

Chairman WALSH. And therefore it has not been done?

Mr. HOSEY. It is not done.

Chairman WALSH. What is your attitude concerning agricultural and migratory labor unions?

Mr. HOSEY. In what way?

Chairman WALSH. Your entire attitude toward them? Can the men working in your industry be organized as a matter of advantage to either the workers or yourself?

Mr. HOSEY. I think it is possible that the men can be organized, but not probable; that is, not as far as white men are concerned. The organization is carried on pretty effectively as far as the Asiatics are concerned. The Asiatics have organizations, and they work satisfactorily.

Chairman WALSH. Just describe their organization.

Mr. HOSEY. Well, they don't have any organization by name. They have societies and—for instance, you take the Hindus; they run in bands. They run in lots of 15 to 30.

Chairman WALSH. Do you deal with them collectively?

Mr. HOSEY. You deal with one Hindu, who will furnish you the whole crew. You go to the Japanese and they will furnish you with a hundred or two hundred, and you go to one man and he will furnish the number of men. You go to a Chinaman and he will do the same thing, furnish any number you want.

Chairman WALSH. Is your rate of wages stable? Do you pay the same rate to all nationalities?

Mr. HOSEY. No. I have my rates of wages here for California, Oregon, and British Columbia.

Chairman WALSH. Very good. Give them to us.

Mr. HOSER. In California in fall and winter, nine and a half hours' work, $1.85 pay, no board; in the summertime, 10½ hours, $1.85 pay, no board; in the harvest time, 11 hours, $2.60, without board. Now, I have got the figures here for Oregon and British Columbia, if you would like to have them.

Chairman WALSH. Go ahead and give them.

Mr. HOSER. In Oregon, nine and one-half hours, $2 a day—that is, in the winter; in the summer, 10 hours, $2 to $2.25; in the harvest time, $2.75; in British Columbia, nine hours, 22½ cents an hour in the wintertime; 10 hours, 22½ cents per hour, in the summertime; harvest time, 22½ cents per hour. Now, the white women in Oregon during harvest time, 25 cents per day cheaper than men, or $2.50 per day. White women during other times about 25 cents per day cheaper than men. White women during harvest time, $2 to $2.25 per day, against men at $2.60 per day.

I have here the rate of wages for the Hindus and Japs. Do you want that?

Chairman WALSH. Yes.

Mr. HOSER. Hindus, California, winter and spring, $1.50 to $1.75; Japs, $1.60 to $1.85; Japs, summer time, $1.75 to $2.25; Japs, harvest, $2.25 to $2.50; Hindus, in summer, $1.85 to $2; Hindus, in harvest, $2 to $2.25; Mexican rates same as Hindus; Greeks same as Hindus, but at times as high as Japs; Chinese rates same as Hindus. In Oregon—Japs, the same rates as white men at practically all times; very few Greeks and Mexicans in Oregon on ranch work. In British Columbia Hindus get 15 cents to 17½ cents an hour in winter and 17½ cents per hour in spring and summer; Hindus get 17½ cents to 20 cents per hour in harvest time; Chinese rates same as Hindus; no Japs on ranch work in British Columbia.

Chairman WALSH. What proportion of white men do you have to these ranches?

Mr. HOSER. Well, we get as many white as we can, and fill up with orientals.

Chairman WALSH. Then, you can not get enough white labor—you say that is the reason?

Mr. HOSER. You can get enough white labor, but it changes too frequently; you can't get steady. You get as many white people as you can safely get and count upon to work, but you can't count upon the white men—the white element—that works in the hop fields during the harvest season.

Chairman WALSH. Could you take the average year and approximate the relative numbers of the orientals and white men?

Mr. HOSER. Well, in the wintertime there are no orientals employed. I am talking of the hop industry as an entirety.

Chairman WALSH. Yes.

Mr. HOSER. In the wintertime there are no orientals. In the spring work—that is, the training work—taking the State as an entirety, I presume the orientals would figure about 25 per cent.

Chairman WALSH. Describe how you board your people.

Mr. HOSER. The orientals board themselves. The whites we board up to harvest time, and where we have hop-picking machines we board them during harvest time, and where the people pick hops by hand they board themselves.

Chairman WALSH. And there is no charge for board in any instance?

Mr. HOSER. No; these prices I gave you are without the board.

Chairman WALSH. Without the board?

Mr. HOSER. The board deducted.

Chairman WALSH. Just describe how your boarding houses are operated?

Mr. HOSER. Well, the men can board there; they can either get the board or get the 60 cents. The boarding houses are run on a basis a man can take his pick—board himself or not board himself.

Chairman WALSH. What do they do generally?

Mr. HOSER. They generally don't board themselves.

Chairman WALSH. They don't board themselves; they generally board in your boarding houses?

Mr. HOSER. Yes, sir.

Chairman WALSH. How is your commissary recruited—how do you get your provisions?

Mr. HOSER. We buy them in the——

Chairman WALSH. Do you have a commissary department?

Mr. HOSER. Each ranch buys its own food supplies.

Chairman WALSH. How many ranches has your company?

Mr. HOSER. Oh, about a dozen.

Chairman WALSH. Just describe where they are, please, and the number of men employed—the number of persons employed on each.

Mr. HORST. I can tell you the ranches, but I can't tell you offhand the number employed on each place.

Chairman WALSH. Give it as close as you can, approximately, or else say you can not.

Mr. HORST. I can get the figures after lunch, if you wish.

Chairman WALSH. I wish you would supply them after lunch. Just describe at the present time where they are located.

(See Horst exhibit.)

Mr. HORST. Ranches at Agassiz, British Columbia; Sardis, British Columbia; Salem, Oreg.; Independence, Oreg.; Los Molinas, Cal.; Wheatland, Cal.; Ben Ali, Cal.; Perkins; two ranches on the Consumne River in Sacramento County, and one in Mendocino County, Cal.

Chairman WALSH. Is there any organization among your employees at the present time?

Mr. HORST. No, sir.

Chairman WALSH. Have any complaints ever been made as to wages and conditions of labor upon your ranches?

Mr. HORST. No.

Chairman WALSH. None that have been brought to your attention at all during the past year or two?

Mr. HORST. No, sir.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Yes. Among the Hindus, Japs, and Chinks, the same result works out as if they had a labor union—you deal with the head man?

Mr. HORST. Yes.

Commissioner GARRETSON. The padrone or boss or whatever you call him?

Mr. HORST. Yes.

Commissioner GARRETSON. And he adjusts any questions or complaints that arise, he adjusts them himself?

Mr. HORST. Yes.

Commissioner GARRETSON. And if satisfactory conclusions are not reached, if they leave, they leave in a body?

Mr. HORST. Yes, sir.

Commissioner GARRETSON. And the result is exactly the same, as far as they are concerned, as if organization by name, which I suppose they never hear of, did exist among them?

Mr. HORST. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner COMMONS. In this State, what is the largest number of men you employ at the height of the season?

Mr. HORST. Our company, or the hop growers in general?

Commissioner COMMONS. Your company.

Mr. HORST. Oh, about, in the height of the season, I guess about 1,500.

Commissioner COMMONS. That is for one month?

Mr. HORST. Yes, sir.

Commissioner COMMONS. And how many men steadily through the year?

Mr. HORST. Beg pardon?

Commissioner COMMONS. At the other times of the year, what is the number that is employed?

Mr. HORST. Well, I guess in the wintertime probably about 150 in California, and in the springtime probably 300 or 400; then in harvest time about 1,500, and that is—we have very few people engaged in the harvest season on account of having machines with which to pick the hops; by hand picking it would take proportionately during the harvest season very, very many more.

Commissioner COMMONS. Is the hand picking the prevailing manner in the State?

Mr. HORST. Yes, sir.

Commissioner COMMONS. How would that compare with the 1,500—you have 1,500 doing your picking?

Mr. HORST. It takes about five times as many hand pickers as machine pickers, in round numbers.

Commissioner COMMONS. How long has this machine been practicable?

Mr. HORST. The last few years.

Commissioner COMMONS. What year did you first use it?

Mr. Honer. We used the first machine in 1908, but it has been developed since that time.

Commissioner Commons. Is all of your picking machine picking now?

Mr. Honer. In California; yes.

Commissioner Commons. When did you first get on the basis, that basis of all your picking—machine picking?

Mr. Honer. About 1910.

Commissioner Commons. You are the pioneers, then, in the use of the machine?

Mr. Honer. Yes.

Commissioner Commons. The rest of the business is mostly hand picking?

Mr. Honer. It is all hand picking, practically all.

Commissioner Commons. Are these machines operated by men?

Mr. Honer. Beg pardon?

Commissioner Commons. Are these machines operated by men?

Mr. Honer. Yes, sir.

Commissioner Commons. Do you have any women at all?

Mr. Honer. Well, just a sprinkling.

Commissioner Commons. What do they do?

Mr. Honer. Beg pardon?

Commissioner Commons. What work do the women do?

Mr. Honer. They work on conveyor belts, pick out stems, and all such things, from conveyor belts.

Commissioner Commons. Just sort?

Mr. Honer. Yes.

Commissioner Commons. How is your packing done?

Mr. Honer. That is all done by men; everything else done by men.

Commissioner Commons. Now, take the men that work during the year, are they steady employees?

Mr. Honer. No, sir.

Commissioner Commons. Do they change?

Mr. Honer. They are changing; there are a few on each place that stay the year around, but the labor floats a good deal.

Commissioner Commons. You said about a hundred and fifty in the winter?

Mr. Honer. Yes.

Commissioner Commons. Are those that stay in summer there on steady jobs?

Mr. Honer. Yes.

Commissioner Commons. Is that a floating element? Do they have their families and stay there?

Mr. Honer. No.

Commissioner Commons. With their families?

Mr. Honer. No; very few men in our line of business have families.

Commissioner Commons. Not even this hundred and fifty that have permanent jobs?

Mr. Honer. No even they.

Commissioner Commons. There is no such thing as a permanent job?

Mr. Honer. They have a permanent job, but they don't have the family.

Commissioner Commons. Take that hundred and fifty; you have a hundred and fifty permanent jobs, how steady are the men who work on those jobs?

Mr. Honer. Well, I guess around the year perhaps 75 per cent of that lot of men probably does not change, 50 to 75 per cent of them does not. But those that we have during the harvest season, they come and go, a continual procession coming in and going to work a day or two or three, and going out.

Commissioner Commons. Take the planting and what do you call it, the training?

Mr. Honer. Yes.

Commissioner Commons. Where you have three or four hundred—is that also a changeable number of people?

Mr. Honer. Well, they don't change around very much. Their season is so very short, the training season is not very long.

Commissioner Commons. It is not?

Mr. Honer. Yes; it is in a way, it runs a couple of months, or runs three months.

Commissioner Commons. Runs up to the harvest?

Mr. Honer. But at that time of the year the people don't change around as much as they do during harvest time. The demand for labor during harvest

time is so much greater than at other times of the year that the people move around much more. It is so easy for a man to get a job during harvest time that there is not the same——

Commissioner COMMONS. All of these people that come, both for the training season and the harvest season, they come with their own bedding and blankets?

Mr. HOSSY. Practically all of the people that work on the ranch come with their blankets; all of the white people, practically all of them, come with their blankets.

Commissioner COMMONS. And I suppose the orientals come in gangs as well as the others?

Mr. HOSSY. Yes.

Commissioner COMMONS. What are your housing accommodations?

Mr. HOSSY. They have bunk houses, regular bunk houses, and during the picking season we have tents in addition to the bunk houses. Then all of the ranches are taking up and fixing according to the terms of the State Board of Immigration and Housing; we followed out their directions with regard to housing the men, baths and so on.

Commissioner COMMONS. What are these standards? Are they different from what have been heretofore?

Mr. HOSSY. They made a change. They never made a standard until last year. There was no standard at all. Now they have made a standard for sanitary arrangements and for housing, and for baths for the employees.

Commissioner COMMONS. Shower baths, are they?

Mr. HOSSY. Yes, sir.

Commissioner COMMONS. Are they used by the men?

Mr. HOSSY. They are not used as much as they ought to be.

Commissioner COMMONS. Are there enough of them to go around?

Mr. HOSSY. Yes; more baths than people use. The requirements for baths are in excess of the demand for their use. Probably in another year people will get used to bathing.

Commissioner COMMONS. Well, I suppose it is too early to say whether these improved housing arrangements make your work more steady, or rather the number of men more steady, the employment more steady?

Mr. HOSSY. Well, I couldn't tell you that.

Commissioner COMMONS. Do you keep any figures that would show the number of different individuals that you hire in the course of the harvest season? You say you have 1,500.

Mr. HOSSY. We keep the list of the men that come and go; yes.

Commissioner COMMONS. How many? Fifteen hundred in four weeks?

Mr. HOSSY. Of the people that come during the harvest season, you can figure roughly that 50 per cent of them will stay during the harvest season; 50 per cent that start at the beginning stay during the season.

Commissioner COMMONS. That is 750 out of the 1,500, we will say, that start in, stay through?

Mr. HOSSY. Stay during the season. The other 50 per cent will be the floating element. They come and stay a couple of days and move along, work in the next place. Maybe some man will leave a job on one of our ranches and go to another of our ranches; they just keep going from ranch to ranch on maybe our own property. It is a sort of gypsy spirit within them.

Commissioner COMMONS. Do these oriental contract gangs do that?

Mr. HOSSY. They don't move around.

Commissioner COMMONS. They start in and stay?

Mr. HOSSY. They start in and stay.

Commissioner COMMONS. Of these hundred and fifty, what proportion would come under these oriental gangs that work together, how many of those would be in this——

Mr. HOSSY. I don't know which hundred and fifty you refer to.

Commissioner COMMONS. Out of the 1,500 that are there in the harvest season, how many of them will belong to these oriental gangs?

Mr. HOSSY. Oh, perhaps a third of them.

Commissioner COMMONS. Five hundred?

Mr. HOSSY. Yes.

Commissioner COMMONS. Now, the rest are what you call hoboes, all nationalities?

Mr. HOSSY. Yes, sir.

Commissioner COMMONS. They are what you call the whites?

Mr. HOSSY. They are whites, they are all whites.

Commissioner COMMONS. They come as individuals with their blankets?

Mr. HOSER. They come as individuals.

Commissioner COMMONS. Now, of that half that come that are not orientals, how many of them stay through the season?

Mr. HOSER. Well, I say of them, those that come in at the beginning, perhaps 50 per cent of them don't move; they will stay through the season, and the other 50 per cent come and go.

Commissioner COMMONS. The orientals stay all through the season; 50 per cent of the others stay through the season?

Mr. HOSER. Yes, sir; but you don't know which lot of the whites are going to stay. If there could be some method devised so they could be made to stay and you wouldn't have to change around all the time, the employers' position would be very much better; but how to accomplish that I don't know.

Commissioner COMMONS. Suppose they would organize the way the orientals do, have an agency?

Mr. HOSER. It would be a good thing for the employer, I believe.

Commissioner COMMONS. If they had an agency and organized, and you would hire them the same as you do orientals, and they would agree to furnish help during the season?

Mr. HOSER. I think it would be a great improvement for the employer, if the leaders were responsible men; that is, reliable men; if they were workers rather than agitators.

Commissioner COMMONS. When you come to contract with these oriental gangs, is that made by the day for so much work, or for each man that is employed, and do you keep the time of his employment?

Mr. HOSER. Pay them so much per day per man; pay so much per day per man to the Chinaman or the Japanese, or the Hindu, who keeps his time—and we keep the time at the same time, and compare notes every noon and evening.

Commissioner COMMONS. Do they make use of your boarding house?

Mr. HOSER. No; they always board themselves.

Commissioner COMMONS. How do they arrange that? Do they have tents or what?

Mr. HOSER. Well, they have tents and they have cooks, and they take care of their own commissary.

Commissioner COMMONS. Now, the whites, how about them? Do they board themselves?

Mr. HOSER. No. On our place we board all the whites; on all the other places the whites, one class of them is boarded by the employers and the other class boards itself.

Commissioner COMMONS. What is it that determines that?

Mr. HOSER. Well, those people that work on piecework, they board themselves. Those people that don't work piecework are generally boarded by the employer. For instance, hand picking, they get so much per 100 pounds, and those people will board themselves. But teamsters and gleaners and all the other classes of people that work on a ranch where hand picking is done, those people are boarded by the employers. But those men generally have the option of either boarding themselves or being boarded. If they board themselves, they get the board allowance.

Commissioner COMMONS. Your ranch is being picked by machine picking, then?

Mr. HOSER. They are conducted differently.

Commissioner COMMONS. There is not any piecework in it?

Mr. HOSER. We have got no piecework; no, sir.

Commissioner COMMONS. So they all board with the companies?

Mr. HOSER. Yes.

Commissioner COMMONS. In the companies?

Mr. HOSER. Yes, practically all; those that want to board themselves can do it, and get their allowance, and some take advantage of it; but not many.

Commissioner COMMONS. That is all.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. The institution of these standards by the State turns you into a mission of cleanliness, virtually, because people have not caught up with the institution yet; is that it? They have not commenced bathing yet—do not avail themselves of that?

Mr. HOSER. They do to some extent.

Commissioner GARRETSON. I say not generally yet?

Mr. HOSEY. We had bathing—bath houses—on our ranches 10 years ago, but nobody ever used them.

Commissioner GARRETSON. Did you have to go out and put any additional expense to get these standards?

Mr. HOSEY. Yes.

Commissioner GARRETSON. How much change did it make on your ranches, the establishment of these standards?

Mr. HOSEY. How much difference in what respect?

Commissioner GARRETSON. In the institution of the plant that was required?

Mr. HOSEY. Oh, I don't know; certain standards; a certain number of toilets for a hundred people engaged; I don't know the number; a certain number of bathing places per hundred.

Commissioner GARRETSON. Did it make any great difference in your housing facilities, the establishment of the standards, over what you had before?

Mr. HOSEY. A comparatively small expense.

Commissioner GARRETSON. These machines that you have, is it necessary to glean behind them?

Mr. HOSEY. Yes, sir; to some extent.

Commissioner GARRETSON. And this service that is performed by women on the transmitting belt, is that an outgrowth of the use of the machine, or did it occur also, and was it necessary in hand picking?

Mr. HOSEY. It is not necessary in hand picking; no, sir.

Commissioner GARRETSON. Both of those are the outgrowth of the use of the machine?

Mr. HOSEY. Yes.

Commissioner GARRETSON. This gypsy spirit that you referred to as existing among a large number of these workers—the wanderlust?

Mr. HOSEY. Yes.

Commissioner GARRETSON. Do you believe that that has been developed in any degree by the prevalence of seasonal employment?

Mr. HOSEY. Well, I tell you, the trouble is, people don't—there is not enough work to go around, and the people get in the habit of moving, and they keep moving.

Commissioner GARRETSON. That has been developed largely by the fact that they were never able to secure steady employment?

Mr. HOSEY. I believe so. I believe if there was more steady employment we would have less of that wandering sort.

Commissioner GARRETSON. In other words, if the boy, when he comes from school, entered on the service that was regular he would develop regular habits, probably, instead of having the wandering spirit developed by his being employed a little while and then having to hunt work?

Mr. HOSEY. That is it. There is an overabundance of labor in California today. There is no getting over that fact to-day.

Commissioner GARRETSON. You are laboring, then, under exactly the same difficulty that confronts the north coast, as it is stated there, a superabundance of men as against the opportunities for labor that exist.

Mr. HOSEY. Yes, sir.

Commissioner GARRETSON. Do you believe that has been contributed to in this country in any appreciable degree by the continent-wide blazing of the opportunities for employment and of the climatic advantages?

Mr. HOSEY. Well, I feel this, that the situation has been very materially changed by the new tariff bill, and, of course, I don't want to go into any political question; but I can not help but feel that we are making a mistake in increasing our imports. As it decreases the amount of labor available it decreases the amount of work available, and we ought to do everything we can to import the least amount of stuff, because our population is so rapidly increasing we have to look out for them and take care of the gradually increasing population of this country.

Commissioner GARRETSON. Now, have you been able to note any appreciable increase in unemployment since that tariff went into effect?

Mr. HOSEY. I think it has been very noticeable.

Commissioner GARRETSON. You didn't suffer in the same degree from a surplus of men prior——

Mr. HOSEY. We don't suffer from a surplus of men; the men suffer.

Commissioner GARRETSON. I am speaking of the body as a whole. The employer I don't think, ever suffers directly from a surplus of men. Indirectly,

I think that he might; but have you noticed that prior to the passage of this tariff the laboring people did not have that trouble?

Mr. HORST. The laboring man did not have the trouble—well, just before the tariff passed; the unsettled conditions took place just before the passage of the tariff—perhaps a year before—but since that time there has been the general fear of the tariff, and then the actual fact of increased importations, coupled with increased population in this country, has made the thing bad, and we have a surplus of workers; and that condition, to my mind, needs remedying more than these outcroppings you appear to be touching between organized labor and employers.

Commissioner GARRETSON. Bear in mind I am not sensitive on the tariff, because what little politics I have is Republican; but I am not working very hard at it. That is all, Mr. Chairman.

Chairman WALSH. What is your acreage this year of hops?

Mr. HORST. We have about 5,000 acres in hops.

Chairman WALSH. How are crop conditions generally; are you getting a full year?

Mr. HORST. Well, it is about—it is a fair year; not a full year.

Chairman WALSH. How does it compare with last year?

Mr. HORST. About the same—a little short of last year.

Chairman WALSH. A little short of last year?

Mr. HORST. Yes, sir.

Chairman WALSH. What was your acreage last year?

Mr. HORST. The same acreage.

Chairman WALSH. Approximately the same?

Mr. HORST. We had approximately the same.

Chairman WALSH. This rate of wages you submit here was the prevailing rate last year as well as this year?

Mr. HORST. The wages haven't been reduced; only the labor has been more plentiful.

Chairman WALSH. The wages have not been reduced and the acreage has not been reduced any?

Mr. HORST. In Oregon the wages have been increased in the last few years. Up until about three years ago the Oregon wages were below the California wages.

Chairman WALSH. You observed——

Mr. HORST. Now, it is the other way.

Chairman WALSH. Now your observations relative to the tariff apply to other commodities than hops?

Mr. HORST. If there is a surplus of labor in one line, it reflects on other lines.

Chairman WALSH. So that it is in this indirect way you think you observe the operation of the tariff in causing a surplus of labor. It has not occurred in your industry; you have raised just as much and wages are better.

Mr. HORST. It hasn't occurred in our particular line, only we have felt the surplus of labor as the result of other lines.

Chairman WALSH. You have had just as much crop gathered?

Mr. HORST. Yes, sir.

Chairman WALSH. That is all.

Commissioner COMMONS. How about the prices of what you sold during the last year?

Mr. HORST. Well, our prices are governed by foreign crops. If the foreign crops are large, we have low prices; if the foreign crops are short, we have high prices.

Commissioner COMMONS. Any tariff on your product?

Mr. HORST. Yes, sir; there is a tariff on the product.

Commissioner COMMONS. Has that been changed?

Mr. HORST. It was advanced. It was advanced in the Payne-Aldrich bill, and left the same in the Wilson bill—left the same in the last bill.

Commissioner COMMONS. But the bulk of the product is shipped abroad?

Mr. HORST. No, sir.

Commissioner COMMONS. Then the tariff does not benefit you?

Mr. HORST. The tariff—it does benefit us. If it was not for the tariff we would all quit.

Commissioner COMMONS. How is the price fixed by the foreign market, then?

Mr. HORST. Because they ship their hops in here. We have got a funny situation. We import and we export. While we export more than we import, still the size of the foreign crop fixes the price in America.

Commissioner COMMONS. Notwithstanding the tariff?

Mr. HORST. It fixes the price in America; yes, sir.

Commissioner COMMONS. Notwithstanding the tariff? If you have a satisfactory tariff?

Mr. HORST. We have a satisfactory tariff; but notwithstanding the tariff the size of the foreign crop fixes the price in America.

Commissioner COMMONS. Are the prices of hops low this season compared with what they were last year?

Mr. HORST. The prices this season are about the same as they were last season in the middle of the season. They were higher at an early date last year than they are this year; very much higher.

Commissioner COMMONS. What has been the tendency the last three or four years?

Mr. HORST. We have high prices and low prices; it is a widely fluctuating article.

Commissioner COMMONS. Depends largely on the crop?

Mr. HORST. The price depends largely on the foreign crop; yes, sir.

Chairman WALSH. Could you conduct your industry with an eight-hour day?

Mr. HORST. Yes, sir.

Chairman WALSH. That is all; thank you.

Commissioner WEINSTOCK. Just one question. Have you made any forecast as to what effect on the labor conditions the European war would have if it is prolonged?

Mr. HORST. I believe as soon as the war is over we will have an enormous immigration, and labor conditions here will be made a lot worse.

Commissioner WEINSTOCK. If the war should be prolonged for several months or a year, what effect would that have upon the labor conditions?

Mr. HORST. I believe as long as the war lasts it is going to be a good thing for America, and as soon as the war is over we will have an enormous amount of immigration, and it will be a bad thing.

Commissioner WEINSTOCK. We will have a surplus of labor?

Mr. HORST. We have an oversurplus now.

Commissioner WEINSTOCK. It will be intensified?

Mr. HORST. Yes, sir.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon, at 12.30 o'clock p. m. on this, Thursday, the 27th day of August, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. All right. Proceed.

TESTIMONY OF DR. CARLETON H. PARKER.

Mr. THOMPSON. Mr. Parker, will you give us your name?

Dr. PARKER. Carleton H. Parker.

Mr. THOMPSON. Your address?

Dr. PARKER. San Francisco.

Mr. THOMPSON. And your profession?

Dr. PARKER. Executive secretary of the State commission of immigration and housing.

Mr. THOMPSON. How long have you held that position?

Dr. PARKER. About a year.

Mr. THOMPSON. How long have you been on the coast here?

Dr. PARKER. All my life.

Mr. THOMPSON. All your life. What position did you hold before that?

Dr. PARKER. I was a student in Germany.

Mr. THOMPSON. Student in Germany. Have you made a study of the industrial problems on the coast, particularly with reference to seasonal labor?

Dr. PARKER. I have.

Mr. THOMPSON. Will you state the condition as you view it?

Dr. PARKER. The problem of seasonal labor, so called, in the State is at the same time a large percentage of California's problem of unemployment, and at the same time it has given birth to the newest labor difficulty that we have in California. California perhaps is becoming more seasonal in its demand for

labor because of the growing importance of agriculture labor relatively in the State, and also the purely American type of agricultural worker is being replaced by the immigrant. You can't analyze the Wheatland affair and the riot that took place; you can not analyze the strike that has been in process for the last two months in the hop fields, nor can you touch the problem of the unemployed in San Francisco last winter without bringing into the analysis the seasonal character of California's demand for its labor. And I consider that that is one of the most important subjects to establish definitely. A number of the witnesses, I am sure, have been chosen to show in their testimony the maximum of their demand and the minimum, showing the seasonal character of the employment here. A study has been made recently in which I was very much interested, and 100 of the typical life stories contained in that history were taken out and segregated; and the following facts came out in the analysis, and I think probably illuminate the problems as well as anything else. Of these 100 cases that were studied—these were the migratory workers in California—of these statistics taken within the last month and a half, 42 per cent were found to be of foreign birth, 56 per cent were from outside of California. Of the foreign born, 21 per cent naturalized citizens and 31 per cent of the total number reviewed were aliens; 51 per cent had been in California less than six years.

Commissioner GARRETSON. That is, 21 per cent of all the total?

Dr. PARKER. That 21 per cent is of the total. As to their schooling, 55 per cent had left school before the age of 15, and of 26 per cent we were unable to get figures. It seems probable they had never been at school. Seventy-nine per cent of the total were below the age of 40 years; 54 per cent had been migratory and seasonal laborers for less than 10 years, and we were unable to get data for 16 per cent; 20 per cent had worked on an average less than 7 months in the year; 62 per cent worked less than 10 months. The best daily earnings of 56 per cent had never exceeded $3 a day. As to their occupations: 76 per cent had never been anything except common laborers, even the 24 per cent who were classed as skilled, these had in most parts fallen or been forced out of the trades they professed; 85 per cent were or had been members of labor unions, while 65 per cent were absolutely unorganized, knew nothing of any labor organization; 51 per cent sought what work they wanted or could get through the present system that we have, the haphazard private employment agency system.

The extent of the social unrest which has been typical of the California agricultural laborer for the past two years was shown by the fact that 42 per cent of these accidental individuals investigated expressed extremely radical political and economic opinions; 30 per cent professed to be seeking steady work and planning to steady down. Practically the remaining 70 per cent gave their occupation as floating laborers; had no ambition, apparently, or, at least, had no prospect of getting a steady job. Of nationalities—American born, 58 per cent; foreign born, 42 per cent; of the foreign born 6 per cent were Swedes, 5 per cent Italians, 5 per cent English, 1 per cent Austrian, 5 per cent French, 3 per cent Russian, 7 per cent Irish, 4 per cent German, and 1 per cent Finnish, Danish, Mexican, Bohemian, and Portuguese.

The political status of these men: 65 per cent were American citizens—United States citizens, 33 per cent aliens, and 2 per cent we could get no data on.

The ages range in this wise: 4 per cent were from 16 to 20 years, 19 per cent from 21 to 25, 22 per cent from 26 to 30, 12 per cent from 31 to 35, and 22 per cent from 36 to 40.

Then the per cent for the other age groups running up to 65—from 41 to 45, 46 to 50, 56 to 60 and 61 to 65, was 7 per cent, 4 per cent, 3 per cent, 1 per cent, and 3 per cent. The men were massed between the ages of 21 and 40.

The years in the United States of those that were foreign born: 11 per cent were here under 6 years, 15 per cent between 6 and 10, and 5 per cent between 11 and 15, and it runs on up. It shows that these migratory laborers taken from these statistics were more Americanized than the normal industrial workers in the city; that is, they had—they almost all spoke English; we found very few who still spoke their mother tongue, and they were all the so-called American hobo type. And even Coxey's army had its little regiment—little company of Germans and a company of Italians; but I noticed that both those companies spoke English. They are either Americans purely or else they are aliens who have been in America long enough to assume all the characteristics of the American laborer. The years in California, if born out of the State: 31 per

cent had been in California under 6 years; 22 per cent had been in California from 6 to 10 years.

These statistics are compromised by the fact that a good deal of the Californian population of this character has been a short time in the State. A number have been in California a long time; 11 to 15 years, 8 per cent; 32 per cent had been members of trade unions; 3 per cent members of the I. W. W.; 65 per cent were nonmembers, had no membership whatsoever.

Of the political and economic opinions: 42 per cent were radical, 16 per cent were conservative, 25 per cent indifferent, and 17 per cent would furnish no data whatsoever.

It is hoped that within a few months we shall have careful statistics covering 600 to 700 altogether. And when those statistics are completed they will be laid before your commission.

This, in a rough way, illustrates the—or gives really the cross-section of the problem of agricultural labor in this State. The fact that San Francisco is said to have in winter thirty-five to forty thousand men lying up until the earlier season, the first agricultural demand for labor occurs, is explained by the fact that along in November and December, especially in November, agricultural work practically ceases. The State being fundamentally an agricultural State, the industrial life of the State not being of tremendous importance, and the fact that the State is geographically isolated, means that we have to nurse our own casual labor class through the winter. Then there is a certain percentage, a certain number who drift over the boundaries of the State because the climate is mild. They come in from Nevada and come in from Oregon with the closing down of the lumber mills, especially in the southern part of the State; it receives a number of migratory workers, both tramps, who will not work, and casuals, who are thrown out of work by the seasonal employment of the Middle West.

We have no statistics for 1910 of the employment in the seasonal industries of laborers of this class. If we had the statistics, I am certain that we could show that California's agricultural life, as well as the canning of fruits and the drying of fruits and the packing of dried fruit almost closes off its demand for labor. I think we will find that a great deal of this labor stays on in the State and does not migrate; in fact, it has no place to go where there is winter employment. Any increase in unemployment due to weakening of the demand by Californian industries for labor simply adds its quota of unemployment to those who are normally in the city of San Francisco and the city of Los Angeles.

It was said that last winter there were thirty-five to forty thousand men not working in San Francisco, of whom five to six thousand were fairly destitute; there were from ten to fifteen thousand not employed lying up in the city of Los Angeles, and of these three to four thousand were destitute.

The city of Sacramento—in that city it was estimated there were from three to four thousand, although it is a small place, three to four thousand men without work, of whom probably from a thousand to fifteen hundred were destitute—that is, they were men who would drift into the unemployed armies. They would drift any place that would seem to give them a chance to have a place to sleep and something to eat.

The seasonal character of California's industrial demand also brings this danger, that where the fruit season falls in part we find a great many men on the road in the valley who have not obtained work, and that has been the experience this summer.

There has been a great deal of summer unemployment in California, and serious summer unemployment. These men who formerly reached the city of San Francisco with forty, fifty, or a hundred dollars saved up to winter through will reach San Francisco without that, and the employment-agency men, men who have had experience in the city for years, have made the forecast that San Francisco will experience a greater problem of winter unemployment this winter than she did last winter. I have found no contrary opinion to that. If we had an unemployed army last winter that was normal, an army that was to be expected considering the conditions, we will have a larger army this coming winter. And the statement is made by men who have no pronounced philosophy with regard to the temperament of the people that the men who will land in San Francisco this coming winter will be more agitated and will be temperamentally more threatening; so far as you can call unorganized unemployment an army, that it will be a greater problem in San Francisco this coming winter than it was last.

The Wheatland experience ties itself into this general problem, because it exposed the fact that California's traditional method of treating, housing, and feeding migratory workers was disastrously bad. That the accepted traditions in ranch life, the traditions that rule among contractors for the care of their men, are traditions that have very, very low standards.

The commission with which I am connected has investigated now 641 labor camps in the State of California, which contain 41,058 workers. Of these 641 labor camps—lumber camps, construction camps, hop camps, berry camps, and highway camps—188 camps were bad. By bad I mean that there was little or no toilet facilities. If there were women there, there were probably no toilets especially for women. There was no chance for the workers to bathe. Each one of these camps, these 188, violated the State law with regard to the sleeping accommodations—the cubic-air law, that there should be 500 cubic feet of air for every sleeper. The kitchens were not screened; the dining rooms were not screened. In a great many of the bunk houses there was no wooden platform or wooden flooring. We found some camps with 100, almost 100, women and children with no toilets at all. Some of the camps were especially—some of the contractors' camps were filthy, evil, and dangerous beyond any description. Of the 641 camps, 298 camps were fair. These camps had some accommodations. Of the 641 camps, 155 were good.

The investigators who went through the labor camps in the State at the same time investigated as nearly as they could the attitude of the men, the temperament, the presence of any spirit with regard to labor camp conditions. And they found—the estimate was made by the investigators—that a good deal of the unrest, which has, in a way, convulsed California's agricultural workers this year, was due to the careless, indifferent housing of migratory, casual labor. And so the commission made a determined effort to establish a minimum of camp sanitation, which has been the principal work of the commission for the last year; and of the 641 camps, but two camps were found who refused to raise their sanitation up to the modest minimum that has been established by the commission.

There was no attempt made to make this minimum a part of the law, although there is a law (law 182 of the laws of 1913), which designated the State board of health as the body which shall enforce the minimum camp sanitation. I appeared in this investigation as a deputy of the State board of health, but no attempt was made to make this minimum a part of the law.

The problem of the agricultural worker, the problem of the migratory seasonal worker in this State, is a dual problem according to my analysis. In the first place it includes the consideration of seasonal irregularity or seasonal irregular demand for labor that is fundamental in California hiring, and holds danger from a definite economic standpoint.

The second phase of the problem is the general indifference and carelessness in the treatment of these workers. That is due in part to the fact that they are utterly disorganized or their organizations are militant organizations gathered together for some definite strike object, and not for a long campaign for better conditions, and secondly, because we have a careless California tradition of laissez faire—let things rest.

I suppose, as a class, the California rancher is really as kind and benevolent and generous a person as you will have as an employer, but it is hard to harmonize that character with the universal tradition of careless housing and careless feeding of the men who work in the fruits; of the housing of women and children in the seasonal occupations such as berry picking and canning; and the only way in which that can be remedied is probably by being shocked into a realization of what it means by such episodes as the Wheatland affair, or a long-sustained publicity program. That part can be taken care of, and, perhaps, will be.

The greatest danger to-day that the State of California faces is the fundamental and almost necessarily irregular quality of the demand for labor in the agricultural districts of the State, more so than any other State in the Union, I believe; and the witnesses, who will appear, seem to be all able to contribute their isolated evidence upon the irregularity of the demand and its seasonal quality—the fact that it disappears when winter comes on.

Now, if there are any detailed questions that you would like to ask I would be glad to answer them.

Chairman WALSH. I don't think so at the present time. We want, as I understand, just to get the general condition so that we can omit those questions

specifically to the other witnesses. So, that unless there is some question some commissioner wishes to ask, or Mr. Thompson, you will be excused now. Call your next.

Mr. THOMPSON. Mr. Speed.

TESTIMONY OF MR. GEORGE H. SPEED.

Mr. THOMPSON. Give us your name.

Mr. SPEED. George H. Speed.

Mr. THOMPSON. Your address?

Mr. SPEED. No. 5BA Thirteenth Street.

Mr. THOMPSON. In San Francisco?

Mr. SPEED. In San Francisco.

Mr. THOMPSON. Your occupation?

Mr. SPEED. Well, I work at any old thing at the present time; my trade is a hatter.

Mr. THOMPSON. Are you connected with the Industrial Workers of the World?

Mr. SPEED. Yes, sir.

Mr. THOMPSON. What position do you hold with them?

Mr. SPEED. Not any at present.

Mr. THOMPSON. What position did you hold with them?

Mr. SPEED. Well, I have been on the executive board, and also general organizer.

Mr. THOMPSON. How long were you general organizer?

Mr. SPEED. One year.

Mr. THOMPSON. In this part of the country?

Mr. SPEED. Well, I have been all over the country.

Mr. THOMPSON. How long have you been located in San Francisco and California?

Mr. SPEED. Well, I came to California in 1878.

Chairman WALSH. In what States has he acted as organizer for the I. W. W.?

Mr. THOMPSON. In what States have you acted as organizer for the I. W. W.?

Mr. SPEED. Well, in this State and throughout the United States.

Mr. THOMPSON. Throughout the United States, where, particularly——

Chairman WALSH. Every State?

Mr. THOMPSON. Every State?

Mr. SPEED. Yes; south and all over.

Mr. THOMPSON. Well, where was the main portion of your time, or, at least, how much time did you spend in this State in that work?

Mr. SPEED. Well, I have been ever since the organization has been started, I have been working for it for all I know how.

Mr. THOMPSON. Either officially or——

Mr. SPEED. Voluntarily and officially.

Mr. THOMPSON. During that work, have you come in contact with the agricultural problems of the State? Of course you have?

Mr. SPEED. Oh, yes.

Mr. THOMPSON. What is your opinion as to the kinds of labor needed in the agricultural fields here, you might say with reference to whether it should be skilled or unskilled, and the proportion of skilled and unskilled workers that are required?

Mr. SPEED. Well, the skill is being eliminated not only in that line of work but in all other lines, evidently, by the application of new devices.

Mr. THOMPSON. Did you hear the testimony this morning that 90 per cent were unskilled and 10 per cent skilled?

Mr. SPEED. I believe that is about correct, probably fewer skilled, as far as that is concerned, in agriculture.

Mr. THOMPSON. Did you hear what was said about the proportion of women and men in industry, too?

Mr. SPEED. Yes, sir; I heard about it.

Mr. THOMPSON. Well, were those statements made by Mr. Horst—Bentley and Horst—with reference to those figures about correct?

Mr. SPEED. Well, I don't know about the wage part of it. I think the wage part of it is incorrect.

Mr. THOMPSON. Well, what have you to say about the wage that is paid to unskilled labor in agriculture?

Mr. SPEED. I want to say wages are less to-day than they were 25 or 30 years ago.

Mr. THOMPSON. Well, compare to-day with two years ago.

Mr. SPEED. And the output is greater and the wages less; that is, not in all industries, but especially in the logging industry. I know more about logging than I do about farming.

Mr. THOMPSON. Well, what is the wage paid for logging, for common labor in the logging industry?

Mr. SPEED. Well, it is about 50 to 60 per cent less now than it was 25 or 30 years ago.

Mr. THOMPSON. What is it now?

Mr. SPEED. About $26 to $30 and board a month—to $35.

Mr. THOMPSON. And board?

Mr. SPEED. Yes; the board is miserable board. Thirty years ago their board was 50 to 100 per cent better than it is to-day, and their wages 50 to 60 per cent higher. The conditions are worse now than they ever were.

Commissioner WEINSTOCK. Just one moment, please. May I ask whether those figures you are quoting now are estimates on your part?

Mr. SPEED. No; I have worked.

Commissioner WEINSTOCK. Or are the result of exact calculations?

Mr. SPEED. It is my experience.

Commissioner WEINSTOCK. Are we to take your figures as accurate figures or as estimates?

Mr. SPEED. Well, you are to take them this way: The wages 25 to 30 years ago in the logging camps were $50 a month and board, from that up to $120. To-day they are down to $26 and $30, up to $70. At work that I got $110 a month for and board, to-day they work it for $50 and board.

Commissioner GARRETSON. It is actual experience that you have gone through yourself?

Mr. SPEED. That I have gone through myself.

Commissioner GARRETSON. Yes.

Mr. SPEED. And the price of the commodity has increased from 30 to 50 per cent higher to-day than it was then in the market—lumber.

Mr. THOMPSON. Talking of the conditions of the workers, Mr. Speed, take the housing. You say conditions are bad. Describe those conditions as you see them.

Mr. SPEED. Well, I have been in camps where there has been four to five hundred men packed together in a camp in tiers, four tiers high, with only an alleyway of about 2 feet between them, and then boards put on the rafters for the men to sleep on there.

Mr. THOMPSON. What camps were those?

Mr. SPEED. Camps on the Sacramento River.

Mr. THOMPSON. Well, what companies?

Mr. SPEED. Where they were building wing dams to protect the island.

Mr. THOMPSON. Do you know the names of the contractors?

Mr. SPEED. Well, the man who owned the island was Gen. Williams, Grand Island on the Sacramento.

Mr. THOMPSON. That work was being done for him?

Mr. SPEED. That work was being done for him.

Mr. THOMPSON. How long ago was that?

Mr. SPEED. Oh, that is quite a few years ago.

Mr. THOMPSON. Well, now, coming down to the present time, I mean substantially the last two or three years, what can you say with reference to the housing of the men in camps?

Mr. SPEED. Well, in camps——

Mr. THOMPSON. In your industry.

Mr. SPEED. In camps that is movable the housing is miserable; in many of those you have no place to sleep at all unless out in the open altogether, and there is no provision made to keep out flies or any thing like that. I have been in camps where we would have a big clean up in the morning and we could fill two or three dipsens with flies every morning that would fall off the roof of the tent.

Mr. THOMPSON. You are speaking of lumber camps?

Mr. SPEED. No; construction camps.

Mr. THOMPSON. Well, railroad camps?

Mr. SPEED. Railroads and bridges, like that.

Mr. THOMPSON. Are any of these camps in existence now?

Mr. SPEED. Yes. Well, I haven't been out lately. Reports I get here from the boys say the camps is just as rotten now as ever.

Mr. THOMPSON. Take it within the last two or three years, can you name some camps specifically, the name of the road or the name of the contractor?

Mr. STEEN. No.

Mr. THOMPSON. Or the name of the lumber firm?

Mr. STEEN. No.

Mr. THOMPSON. You can't?

Mr. STEEN. No; nor for the last two or three years, because I have been engaged in other work.

Mr. THOMPSON. What work have you been engaged in?

Mr. STEEN. Well, I have been traveling around.

Mr. THOMPSON. Traveling around?

Mr. STEEN. Been up north; Washington and through there.

Mr. THOMPSON. Who would know about the temporary conditions?

Mr. STEEN. Really the best way to get a really definite knowledge concerning the camp life is to get a lot of men that is working in the camps to-day.

Mr. THOMPSON. You can't give the information?

Mr. STEEN. No; because I am not working in the camps. If I was working in the camps I could give you it more in detail. I only can give you that which I get from them, because I am not working in the camps myself. But it would be possible to get men that is actually working in the camps, however.

Mr. THOMPSON. Now, you have heard the testimony of Prof. Parker?

Mr. STEEN. Yes.

Mr. THOMPSON. With reference to the proportion of men in a hundred that were foreign born and native born, and the different other matters in connection with the men?

Mr. STEEN. Yes.

Mr. THOMPSON. Have you anything to add to that statement, or is that about a fair estimate of the situation in this State as you know it?

Mr. STEEN. Well, yes; I think it is possibly a fair estimate of the conditions in this State as far as that is concerned. But I want to say this. Here is the way the conditions have been. There was a time in this State when the bulk of the workers and the wages was decent or good, or the board was good. They were pretty much all natives. The employers sent their agents out and got in other peoples who did not understand English or the conditions here, and got them in at a lower wage and through them cut down the wages one-half from what they were formerly. When these people became acquainted with the conditions prevailing in the country and they make for better demands, then they turn them down and ask the natives to come back and take their place, and they use one against the other. And this is the means that they have employed to cut down the wages, and the wages have been cut down throughout the whole State, especially in agriculture and logging.

Mr. THOMPSON. You spoke of the wages 25 years ago. Are the wages continually being cut down now through this competition?

Mr. STEEN. Yes.

Mr. THOMPSON. Are they less this year than last year, and less last year than the year before?

Mr. STEEN. No, I could not say that, but I know that they are cut down considerably. For instance, when a man got for sawing $65 a month each man done his own filing. To-day one man does the filing for 12 or 14 men, and these 12 or 14 men that does the sawing, they get $26 to $30 a month, and one man gets $45 to $50 for doing the filing.

Mr. THOMPSON. You say they work the foreign-born or the newcomers against the old comers or the people that have been here a long time. You say they do that, and that reduces the wages all the time by that method?

Mr. STEEN. They induce them to go to their particular camps.

Mr. THOMPSON. I see.

Mr. STEEN. And then they induce them to buy a lot and build a little house on it. They want your family there now in fact. If a man goes into a camp single, as I have, and asks for work the first question they would ask me was, have you got a wife, and how many children. If I didn't have a wife I couldn't get a job; but if I had a wife and family I would have got a job, but would have never got out of the place unless I walked out. They would take everything back from me in the prices of food, rent, and so forth.

Mr. THOMPSON. That is, on the man who has a family?

Mr. STEEN. Yes.

Mr. THOMPSON. How do they carry out this other proposition?

Mr. SPERR. When they get him in that position he has to submit to the conditions imposed on him; he has no way out.

Mr. THOMPSON. How do these men who go from place to place get employment? Do they go to a town and ask for it, or are they sent by employment agencies?

Mr. SPERR. These migratory laborers—he is chasing all over the country looking for a job; he asks for his jobs.

Mr. THOMPSON. Some of those Prof. Parker was talking about?

Mr. SPERR. Yes.

Mr. THOMPSON. Are the same methods used to get the new settler that are used to get the old settler, or do they go around to the employment agency?

Mr. SPERR. I presume that the employment agency is sending some men; but there is a large body f men who won't go near an employment agency to get work; they won't go near it.

Mr. THOMPSON. Take those who get positions through the employment agencies; how do the employers, or the agencies, play off one of those groups against the other with reference to wages?

Mr. SPERR. The employment agents don't play off one. It is the employing fellows who play. If they can get a foreigner in who don't know the wages here, don't know the conditions, he necessarily works cheaper than the individual, the native; and they are induced to come into the place and they give them a lower wage.

Mr. THOMPSON. In other words, those that live at a given city where work is to do in the agricultural or other districts, compete with the people already there?

Mr. SPERR. They compete with the people already there.

Mr. THOMPSON. By reason of these inducements, the larger surplus of labor, that beats down the price?

Mr. SPERR. Yes. And the American hobo, as he is called, he is driven out and he becomes a hobo, and he is run out of the jobs over the country by the cheaper labor.

Mr. THOMPSON. When the hoboes leave one place and go to another place they are used, then, in the same operation of the man who is there, to run him out; is that the way it works?

Mr. SPERR. He is used for a particular purpose; of course they always hire the cheapest labor they can get.

Mr. THOMPSON. Then the man who comes there bids for the job against the man who is there?

Mr. SPERR. He asks for the job; he simply asks for it. If the wages suit he takes it, and if they don't, he won't.

Mr. THOMPSON. Well, what are the general methods used here in this State of connecting the man with the job?

Mr. SPERR. A great many of these construction camps get their labor through these employment agencies, these agents—that is the way they get a large number of their laborers. Some won't hire anybody unless he does come from an agency.

Mr. THOMPSON. That is, with reference to the construction camps, the way they get theirs?

Mr. SPERR. Yes. The chances are there is a rebate. For instance, in this city there was a job right on Howard Street where the boss would go to the employment agent and hire his men, and these men had to pay $2 or $3 for their jobs. They may last a day and then get discharged, and another hired the next day, and keep on. It stands to reason there was some deal between the company and the agent to have men come and go right alongside of them when men was going up and asking for a job and could not get it. That is so right in this city.

Mr. THOMPSON. Is that belief pretty prevalent among the workers here?

Mr. SPERR. A great many of them understand it that way.

Mr. THOMPSON. What effect does it have on their attitude toward employment agents?

Mr. SPERR. They got no use for them.

Mr. THOMPSON. Does it create unrest on their part?

Mr. SPERR. Yes; it has a tendency to do that.

Mr. THOMPSON. You said a great many of these workers, however, would not deal with employment agents. How do they get their work?

Mr. SPERR. They get it by simply going around and striking for it here and there and all over.

Mr. THOMPSON. From district to district in the State?

Mr. SPEED. Yes, sir.

Mr. THOMPSON. And taking the chance?

Mr. SPEED. Yes.

Mr. THOMPSON. What would you suggest as being a good way to handle that proposition so that these men would not compete with each other for a job?

Mr. SPEED. The only way it can be handled so that they won't compete with each other is, when they get sense enough, intelligence enough to organize and solidify their forces and compel those who need their help to go right to their organization and get them. That is the only solution to it, as I can see.

Mr. THOMPSON. You think that if the State or National Government would establish an employment agency that would keep track of the men demanded, the desire for work in different localities, the kind of work that was expected of them, that they could help in the situation?

Mr. SPEED. Well, it might help to the extent of informing them where work was, but as a solution I don't believe legislation can solve that at all.

Mr. THOMPSON. I don't mean a solution, but I mean a remedy to apply as a help in this distribution of labor.

Mr. SPEED. It may do that, because it may be able to inform men where there is a certain line of work going on. That is about the only thing it can do.

Commissioner GARRETSON. From your standpoint it would be a measure that might be desirable, until the time came when, from your standpoint, that solidarity would take place?

Mr. SPEED. Well——

Commissioner GARRETSON. Would that be true before you were able to carry out your belief that all should be in one organization and compel the employer to come to them?

Mr. SPEED. Yes; I believe in making the employer——

Commissioner GARRETSON. Until that time would this plan help out?

Mr. SPEED. It would help to the extent of informing the men where jobs were.

Commissioner GARRETSON. That is it.

Mr. SPEED. And if they do that, that is all it possibly could do.

Mr. THOMPSON. A good deal of testimony has been given here, it seemed to me unanimous, that the work in this State, particularly the agricultural work, is seasonal.

Mr. SPEED. Yes, sir.

Mr. THOMPSON. Running from three weeks to five months. Have you given that phase of the labor situation any consideration?

Mr. SPEED. Not any more than to know that the average worker, the bulk of them, will work if conditions are favorable. They follow up the orange season in the South in the winter and follow up the line of work clear up into British Columbia. Here the agricultural work and then on construction work, and so on, whichever line of work happens to come along at that time. It may be in the agricultural field, or it may be a construction camp putting in a power plant, etc. They follow it up wherever they strike it. They don't know where they are going, and they are traveling, looking for a job.

Mr. THOMPSON. What do you suggest might help the men get steady employment, or make the work less seasonal?

Mr. SPEED. I don't know as you could make it less seasonal, because as these materials ripen they come in their natural season; you can't change the season. We have to meet those as the season develops, and follow them up. They follow the various seasons up. The harvest for wheat, say, is here this month, and on the coast a month later, and after they get that through they follow it up at other places. The workers, as a rule, know when these seasons come about. They know just when to hit the various places, and they follow it up. They understand that part of it well themselves.

Mr. THOMPSON. They don't know exactly whether they are going to get a job or not?

Mr. SPEED. No, sir; they don't know.

Mr. THOMPSON. What could be done to help them?

Mr. SPEED. The only thing that could be done to my notion is this: It depends on the workers, what must be done; the workers must do it; nobody can do it for them. That is my contention. They have to learn to do it themselves, and they are going to suffer until they do learn. The workers should learn to organize in respective districts, say Bakersville, San Francisco, Sacramento, Marysville, etc. These various localities should have a central organization, a bureau of information, where the men could go and be informed what various

work is going on at the various localities, and keep in touch with every other locality so as to keep the men in touch with work through their organization. This devolves upon the workers themselves to carry out.

Mr. THOMPSON. If this can be done by another organization, there would be no objection to it?

Mr. SMAN. I think it can be done more effectively by the workers themselves.

Mr. THOMPSON. What is your opinion about the possibility of being able to organize the agricultural and migratory laborers into unions?

Mr. SMAN. Well, I think this: In the last two or three years while the average migratory worker has had no sense of organization whatever—the Japs and Chinese have a far better sense of organization than has the native American, and the result is when he eliminates the native out of a given locality he gets better conditions and wages than the native worker does. The native worker through the agitation that has been going on in the State during the last several years is commencing to wake up and realize the necessity of some form of organization in order to keep in touch and develop. He is commencing to realize that now.

Mr. THOMPSON. As he operated over the State the general organization would have to keep in touch with the work?

Mr. SMAN. Yes, sir.

Mr. THOMPSON. Suppose a national employment bureau should gather all that data and keep the men informed through the post office in each town, or through an office of its own, to that extent at least, they would furnish the same relief, wouldn't they?

Mr. SMAN. That would furnish relief, but you see the men would be dependent on some one else. What you want to do is for the workers to depend on themselves and not any one else, and that is a thing they want to be developing.

Mr. THOMPSON. Is the I. W. W. pretty well organized now, or how well is it organized among the agricultural and seasonal workers in this State?

Mr. SMAN. No, sir; the I. W. W.—while the sentiment of the great bulk and great number of the migratory workers is strongly with the I. W. W., it is a difficult proposition to organize that class of laborers because of the shifting tendency; but the sentiment among them is strongly in favor of the I. W. W. throughout the State.

Mr. THOMPSON. How can this I. W. W. sentiment and attitude of the workers be crystallized into action?

Mr. SMAN. That depends on development, and it is crystallizing slowly, slowly. I don't know how you can add to it. It depends on the men themselves how quickly they will come to a realization of it. Many of them see it but the continual shifting around breaks it up. Say, for instance, they have an organization and have committees to do certain lines of work, but before a week or two is over they have drifted some place else and undone the work, because of the continual shifting. They have the idea and sentiment for organization, and improvement of their condition, and that is developing through the migratory workers. I believe it will develop an organization probably in the near future, but it is a proposition that is pretty hard to handle.

Mr. THOMPSON. The winter season is a season when there is very little work in the various lines.

Mr. SMAN. Yes, sir; very little work.

Mr. THOMPSON. How would you handle that situation?

Mr. SMAN. You mean relative to the unemployment?

Mr. THOMPSON. Yes.

Mr. SMAN. I believe under present conditions the unemployment problem is an unsolvable problem. It can't be solved under present economic conditions. I believe the only thing the unemployed worker can do, as they have nothing to lose but misery and they are up against it and everybody's hand is turned against them, I believe in them committing some petty offense and making the State look after them, because it seems only drastic action will compel action on the part of the State.

Mr. THOMPSON. Suppose that the State, instead of looking after them and putting them in jail for some petty offense, should establish some employment agencies all over the country, and should say to the man out of work here in the wintertime, "There are other localities where you can get employment"; would that be a help, too?

Mr. SMAN. You may have employment agencies, but if the employers won't employ men, what good is the employment agency, it simply won't employ the men?

Mr. THOMPSON. I mean an institution run by the Government, where they can accurately and truthfully tell the workers there is a demand for labor in other localities—in other States, for instance.

Mr. SPEED. The amount of labor and the amount of work for laborers—the surplus over and above the amount of work is enormous, and it would only furnish a certain number work; the balance would still be out of work. You have to find means to give every man an opportunity to work, and will the State do that?

Mr. THOMPSON. Have you made any study of the relative efficiency or lack of efficiency of agricultural laborers?

Mr. SPEED. No, sir; they are too darned efficient now, I think.

Mr. THOMPSON. Is there any statement you would like to make, Mr. Speed, to the commission?

Mr. SPEED. My idea is this, take it as a whole, this commission or any other commission can not solve the problem that is confronting the world; that is, the issue that is involved between labor and capital. That there is two economic classes whose interests are diametrically opposed to one another, absolutely so, and between these two classes a struggle must and will go on; and in that struggle there is no compromise nor arbitration or nothing that can solve or settle it; either labor has to come into its own or go down—one or the other. That is my impression.

That political power is a reflex of economic power, and those who control the economic power of the State control the political power of the State—and we have evidence of this in Rockefeller telling President Wilson he may as well go to the devil as far as Colorado is concerned, showing he had more power than the Government itself.

This working class, this migratory laborer, has no political power or influence. The only political power it could possess is by a thorough compact organization and forcing its measures upon that part of the people who control its lives through controlling its industries; and the solution of that is that the working classes has to go and organize itself for the purpose of fighting its way through, so that it can control its own life by controlling the industries in which it is engaged instead of being the slaves of the other man. There is no equality before the law; there is no justice before our courts. I have been in different sections of the country, and this commission interviewed a man in Seattle by the name of Mack, and this man Mack had in front of his mill a little fort called Fort Mack with 8 or 10 men with sawed-off shotguns in front of it.

I saw a lady when a man was getting beat up by the thugs which he had employed—a lady came out of a barber shop and protested against the beating up of men, and she was arrested and put under a $1,000 bond for inciting to riot because she protested against the beating up of men. That was Mack up in Aberdeen.

I have seen 64 men put in jail and held 36 hours without charge. Discharged them and held two. They tried to frame up a charge against them, and failing to do that they kidnapped them and run them out of town, and the chief of police of the town was right in the room where the men were that they kidnapped, backing up the thugs that did the kidnapping. And when we tried to get Anderson, of the Anderson Middleton mill, arrested, when he shot a boy in the back—many of us tried to get a warrant for his arrest, but we could not. Why? Because the man who was holding the office was in this position: He knew the workers around the camp that were on strike had no political power; he knew that they didn't control the convention or the county committee; he knew that the mill owners and banking interests controlled all this, and he says, "If I want to get my job again as county attorney I have to stand in with the push that can get me the job. These working men have no votes and no power, and if I go and prosecute this man I might as well leave camp and hunt for another job." Consequently, he refused to issue a warrant, and the worker had no power in this case.

This is from actual experience, and I have seen it repeated half a dozen times. So that the worker has no show at all. What does he do? The only thing he can do is to organize and get sufficient economic power and go to it.

Mr. THOMPSON. That is all.

Chairman WALSH. Do you want to ask any questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes, sir.

Chairman WALSH. Mr. Weinstock wishes to ask you some questions.

Commissioner WEINSTOCK. I take it you have been a student of all these economic problems, judging from the way you speak, and perhaps you can talk

with some authority on the subject. Can you tell us, for example, how many wage earners there are in this country?

Mr. SPEED. I should judge there were somewhere in the neighborhood, say, of twenty-five or thirty million.

Commissioner WEINSTOCK. Twenty-five or thirty million. Evidently you put a different estimate on the number than my friend to whom I just put this question and his opinion——

Chairman WALSH. I wouldn't make comparisons.

Commissioner WEINSTOCK. Now, out of those twenty-five or thirty million, how many belong to the migratory classes of labor as far as you can estimate them?

Mr. SPEED. I am not able to tell that.

Commissioner WEINSTOCK. You don't know?

Mr. SPEED. No, sir; but I am satisfied of this, that the migratory laborer is ever on the increase. Many tradesmen are to-day boomers; they are thrown out of their trades and they are hitting it all over the country, many of them.

Commissioner WEINSTOCK. You mean skilled laborers?

Mr. SPEED. Skilled laborers?

Commissioner WEINSTOCK. Are being thrown into the ranks of unskilled labor?

Mr. SPEED. Yes, sir; thousands of them.

Commissioner WEINSTOCK. You think that the number of unemployed is increasing?

Mr. SPEED. Yes, sir.

Commissioner WEINSTOCK. Do you think that they would increase in normal times, appreciating the fact that the last year or so has been abnormal? Do you think if we had normal times they would be on the increase just the same?

Mr. SPEED. Yes, sir; it seems to me I read a report of the labor commissioners in New York, Pennsylvania, and Massachusetts showing, under the best possible conditions, this country had in it upward of 500,000 men continuously unemployed in those three States. Under the most prosperous conditions the country had that. Now, with the efficiency system springing up and the continuous application of new devices eliminating labor, the same as this machine in the hop fields, it is increasing that number.

Commissioner WEINSTOCK. Do you also give it as your opinion that wages have actually gone down in dollars and cents, in money?

Mr. SPEED. Yes, sir; I know they have in this industry in which I have worked.

Commissioner WEINSTOCK. That is the logging industry?

Mr. SPEED. Yes, sir. I believe it is true of other industries.

Commissioner WEINSTOCK. Would you say that is so of the agricultural and horticultural industries in this State?

Mr. SPEED. I think as far as agriculture is concerned the wages remain pretty nearly stationary.

Commissioner WEINSTOCK. In agriculture the wages remain pretty nearly stationary?

Mr. SPEED. Yes, sir; there is not much rise or fall.

Commissioner WEINSTOCK. Well, I happen to know in my own personal experience, and I give you this for your information, that 25 years ago as a fruit grower the standard wage paid by myself in common with other people was $1 a day and board.

Mr. SPEED. Lots of them get that now.

Commissioner WEINSTOCK. Which was regarded as equal to a dollar and a half, and the wages paid to Asiatics was one dollar, out of which they fed themselves. To-day, as far as I know, the wages paid to white men is equivalent to two dollars a day; therefore there must have been in California horticulture an increase of 25 per cent in those years.

Mr. SPEED. You might have got that, but that don't stand good over the State. I was up in Sacramento a year or two ago just where one of the witnesses was speaking about canneries, and men were working there for a dollar and a half a day and boarding themselves. Lots of men on that island in that miserable kind of work, hoeing and digging potatoes, and so forth. The Japs were getting better wages than the whites were. Right on the Sacramento River.

Commissioner WEINSTOCK. That is, the wages paid to Asiatics were better than the wages paid to the whites?

Mr. SPEED. Yes, sir; right in that spud district—potato district.

Commissioner WEINSTOCK. You have expressed an opinion also, Mr. Speed, that legislation can not solve the labor problem.

Mr. SPEED. Yes, sir.

Commissioner WEINSTOCK. And do you feel legislation can not even mitigate the problem?

Mr. SPEED. Well, it may stave off a little while, but in the solution of the problem why legislation can't solve it because those who control the industries of a nation necessarily control the political policies of a nation. That is a moral certainty.

Commissioner WEINSTOCK. You believe that the employing classes control, for example, the legislation of the State of California?

Mr. SPEED. Undoubtedly.

Commissioner WEINSTOCK. If they do, how do you explain the fact that in recent years we have had the eight-hour day passed for women and children, and the minimum-wage law established, and the child-labor law established, which, on the face of it, would be against the interests of the employers? If the employing classes were in the saddle, how do you explain the passage of that kind of legislation.

Mr. SPEED. When they make that legislation they don't make it against their interests. They certainly wouldn't act only in accord with their own interests. When they do that they realize that it is to their own interests. How do they arrive at that? They figure out what is the cost of keeping the army of unemployed; what is the cost of educating the boys and girls; which is the cheapest to us? Which is the cheapest—to see that the children become educated and efficient and give the most to the employer, or let it go on as it is. Whichever is the cheapest, if they find by making certain legislation, that legislation will be passed. And they never do anything unless it accords with their economic interest. It would be foolish to do so.

Commissioner WEINSTOCK. Assuming that to be true, I take it you will admit it is also true that labor generally is in favor of the eight-hour day for women and children; that labor generally is in favor of the minimum-wage law; that labor generally is in favor of the child-labor law; that labor generally is in favor of the factory-inspection law and of other laws that have been in effect in California in recent years. Then, if that is so, the conclusion is forced upon us that upon those issues capital and labor are united.

Mr. SPEED. No, sir.

Commissioner WEINSTOCK. That they both agree.

Mr. SPEED. I hold this, that these laws are rarely enforced and most difficult of enforcement, and where there is no powerful economic class back of them, then the laws are violated with impunity.

Commissioner WEINSTOCK. Well, are we to understand, then, Mr. Speed, that the eight-hour law for women and children in the State of California is not being enforced?

Mr. SPEED. Not being enforced all over the State.

Commissioner WEINSTOCK. Not being enforced?

Mr. SPEED. No. Some of the women in this city in the hotels like we have here, we hear them squealing about the conditions under which they work now with the eight-hour law, how they are imposed upon.

Commissioner WEINSTOCK. Well, who would you hold responsible for that law, for example, not being enforced?

Mr. SPEED. I hold this—of course, to place the responsibility—I hold this, that the best law that was made is the law made by labor itself. The building trades like we have in this city has an eight-hour law, half holiday Saturday; they don't have to go before any court to inquire whether it is constitutional or unconstitutional. Labor established it. That is the best law there is. I hold this, that legislatures are the institutions where the members of the prosperity class can get together and adjust their prosperity group interest. I hold it is to the interest of the working class to organize, and in their union make their laws and enforce them on the job. That is the worker's parliament, in the union hall. There he should make his law, and enforce it on the job, just as the business men make their laws at Sacramento. There are two warring classes, and each of them should have a parliament of their own, and both should make their own laws and enforce them to the best of their power, and power in the last analysis determines everything.

Commissioner WEINSTOCK. You expressed the opinion, Mr. Speed, that the remedy for the condition of the migratory laborer, the agricultural laborer, lay

in the direction of organization; that if the migratory and agricultural workers would organize, have a strong union, that then he would be in a condition to demand and secure better conditions and better wages.

Mr. SPEED. Yes.

Commissioner WEINSTOCK. You also pointed out that because of the worker being migratory in his character, that thus far it had not been possible to organize?

Mr. SPEED. Yes, been difficult to do so.

Commissioner WEINSTOCK. That because he is here to-day and there to-morrow, it is impossible to have him meet collectively?

Mr. SPEED. Yes.

Commissioner WEINSTOCK. Well, now, if that is an indisputable fact, how are you going to be any more successful in the future than you have been in the past, because those conditions will continue?

Mr. SPEED. Well, take, for instance, there is a local in Sacramento and locals in other places; those groups are developing and the members are traveling about, and you establish a nucleus here and a nucleus there, and they get in touch with other men, they get imbued with the ideas, and it takes time; but it has developed more in the last several years than any time prior to that. That is the reason I say the workers now, the migratory labor, is commencing to realize the necessity of organization, something he had no sense of in the past, evidently.

Commissioner WEINSTOCK. When was the effort first made to organize the migratory laborer? How old is that effort in California?

Mr. SPEED. Six, seven, or eight years now.

Commissioner WEINSTOCK. There has been a persistent effort during that period to organize?

Mr. SPEED. Yes; probably 10 or 12 or more thousand, but they necessarily drift here and there.

Commissioner WEINSTOCK. What is to show for this six, seven or eight years' effort to-day?

Mr. SPEED. Nothing more than the sentiment and feeling that is manifest among that class of labor when we go among them.

Commissioner WEINSTOCK. You mean a desire has been aroused?

Mr. SPEED. Yes; a desire has been aroused. But it has not crystallized into organization yet, only in a small nucleus here and there.

Commissioner WEINSTOCK. Has that been brought about by the I. W. W. or the American Federation of Labor?

Mr. SPEED. It has been made by the I. W. W. The American Federation of Labor is not able, in my judgment, in any way, shape, or form, to organize that class of labor, or can not touch it. They don't understand it.

Commissioner WEINSTOCK. And what advantage has the I. W. W. over the American Federation of Labor in that connection?

Mr. SPEED. The American Federation of Labor is controlled from above, makes agreements and time contracts with employers and all that sort of thing; whereas, in the other form of organization, initiative, self-reliance is all within the membership itself. Each branch local can act without fear of being called down or shut down upon. Consequently they have brought the question, treated that question in this way because the worker learns to get all he can, and consequently whenever you have organized all the workers together in one organization, they realize it is of more value to them than being divided into separate groups. They are not compelled to fight against each other to stay on a job in a strike, as the pressmen's strike here in Frisco, out 53 weeks, and the rest of the unions working in the same industry. They were just as responsible for defeating those men as the strike breakers who were on the job. I believe in the closed shop and the open union; every man, woman, and child ought to be eligible to the organization, and should be all organized.

Commissioner WEINSTOCK. Are they not under the American Federation of Labor?

Mr. SPEED. No.

Commissioner WEINSTOCK. Why not?

Mr. SPEED. Because they are organized in crafts. Those outside have been ignored as without skill.

I used to belong to the A. F. of L. I took part in the struggles of labor for 42 years.

Commissioner WEINSTOCK. Are we to understand, Mr. Speed, that the I. W. W. is not a federated body, that each local is supreme within itself?

Mr. SZZZ. No. They are organized in just this way. The I. W. W. is organized industrially; all the men working in any given industry should belong to an organization of that respective industry. It is a unit of organization community should be the shop. The union ironworkers, the boiler makers, the pattern makers, the molders, etc., they are organized into crafts. All of these crafts have their contracts expire at different periods of time with the owners of that plant, so that when the contract expires with one union, they go out at the end of the time and ask for an agreement and the boss refuses, and they strike. The other unions all sympathize with them, they are workingmen and sympathize with all the others; but they have made a contract, they have made agreements, and they are compelled to stay on the job and work with a scab that comes in and takes the other's place, but they don't want to do it. They are compelled because of the agreement they have made. We are opposed to that.

Our plan is that the unit of organization shall be the shop, and that any particular branch of that unit of organization that has a grievance with the boss, submits it before the unit of organization for the indorsement of the unit. If the boss refuses to settle, instead of the boss issuing his ultimatum, and saying "Go to work Monday morning or we will put other men in your places," we will issue an ultimatum to him: "We will shut down your plant and every plant you have got, if necessary."

Commissioner WEINSTOCK. That is, you would not enter into agreements with employers?

Mr. SZZZ. Not time agreements, no. That shackles you and compels you to help the boss of the shop when another one is fighting.

Commissioner WEINSTOCK. Is it or is it not to the interest of labor that there shall be industrial enterprises?

Mr. SZZZ. Well, labor is capable of running the enterprises. Give it a show.

Commissioner WEINSTOCK. Well, do you think that labor and labor alone, without capital, could start and run an enterprise?

Mr. SZZZ. What is capital but unpaid wages? [Laughter.]

Commissioner WEINSTOCK. That may be, but it is capital just the same.

Chairman WALSH. There must be no applause, or expression of approval or disapproval. Please bear that in mind.

Commissioner WEINSTOCK. Could you start an industry without capital?

Mr. SZZZ. No; we have got the industries. All we want to do is take hold of them and run them.

Commissioner WEINSTOCK. How?

Mr. SZZZ. By power. The boss runs everything to-day because he has got the power to do it.

Commissioner WEINSTOCK. Are we to understand from that that your philosophy is to go out and take possession of industry?

Mr. SZZZ. When we get the power; certainly.

Commissioner WEINSTOCK. Without compensation?

Mr. SZZZ. Why, they have been getting enough off of us all our lives. They didn't give us anything for it, either.

Commissioner WEINSTOCK. If you had the power to-morrow would you take possession of the Union Iron Works, without paying for them?

Mr. SZZZ. Certainly. Undoubtedly labor built the Union Iron Works, produced all that there is in it, and fed and clothed the fellows that owns it, and educated them.

Commissioner WEINSTOCK. And therefore, in your opinion, the Union Iron Works belongs——

Mr. SZZZ. To the labor that created it.

Commissioner WEINSTOCK. And you have a right, to-morrow, to take possession without compensating the employer?

Mr. SZZZ. Undoubtedly, if we have got the power. Power is the thing that determines everything. Capital has got the power to-day, and it works men, women, and children in the factories, doesn't it? And exploits them, gives them a dollar a day, and they exact from them $3 and $4 a day in profits. They have got the power.

Commissioner WEINSTOCK. In other words, if anybody has the power, you would have him exercise it?

Mr. SZZZ. Exercise it, yes. I hold this, in other words, everything that will advance the interests of labor is moral, is right. Everything that will advance labor is moral, I hold.

Commissioner WEINSTOCK. No matter whether it is against the law of the land?

Mr. SPEED. The fellow that owns the property makes the law, and consequently he makes the law in his own interest. And that is against me. If I obey his law, I cut my own throat. In other words, any act upon the part of the working class that will in any way conflict with or destroy the material welfare of the property-owning class, that is of necessity an illegal act in the eyes of the property-owning class. And when we see strikes and we see men out on strike, what do we find? We find them jailed the same as they were jailed up in Aberdeen. We find they hire 200 field detectives to beat men up, arrest a woman because she protested against one getting a clubbing, and put her under a thousand-dollar fine. They have kidnaped men, and the chief of police stands looking on to see the job done. That was moral and right in their eyes. We could not get them arrested. Now, there is the law from their viewpoint. They have the power to make the law, likewise they must have the power to break the law when it is convenient to their economic interest.

Commissioner WEINSTOCK. Well, then, summing up your philosophy, Mr. Speed, it really amounts to this, if I understand it rightly, that in your opinion might makes right?

Mr. SPEED. It certainly does make right. Sentiment, feeling, emotion—all those things is very fine, but it stands to reason the fellow that has got the big club swings it over the balance. That is life as it exists to-day.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Mr. SPEED. Whether they like it or not, that is the fact.

Chairman WALSH. Any other questions?

Commissioner COMMONS. I would like to ask some questions.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. You spoke about the superior organization of the Asiatics, didn't you?

Mr. SPEED. I spoke that they had, to my mind, a better sense of organization than the native had up to the present time.

Commissioner COMMONS. Have you come in contact with their organizations, do you know——

Mr. SPEED. Well, I don't know the form of their organization, but I have met with them and seen them and talked to members of it. And I know this, that while a good many people in the State object to the Jap and the Chinee, I want to say, as far as I am concerned, one man is as good as another to me; I don't care whether he is black, blue, green, or yellow, as long as he acts the man and acts true to his economic interests as a worker. Now, the Jap does act true; has acted largely true. I have seen strikes on this coast when the Japs refused to take other men's places, while the white man would take them. And the wheatland situation is developing that very thing. Even the Hindus would not go to work, but the American went to work.

Commissioner COMMONS. Well, you don't know how they organize at all, do you?

Mr. SPEED. No; not into their form of organization, no.

Commissioner COMMONS. Do you know about their business agents or anything?

Mr. SPEED. Oh, no.

Commissioner COMMONS. Or strikes?

Mr. SPEED. No.

Commissioner COMMONS. Or anything?

Mr. SPEED. No; I don't know about that. They are necessarily timid because of antagonism that is aroused against them. They are timid and secretive in that respect, and won't give you any inside information. But they certainly have organization, and they have solidarity. They act more solid together than do the natives.

Commissioner COMMONS. Do you know of any, have you come across any instances where the white workers take cooperative contracts the way the Asiatics do?

Mr. SPEED. No, no.

Commissioner COMMONS. Do you think that is a——

Mr. SPEED. No; the white is too individualistic as yet.

Commissioner COMMONS. Well, does your organization favor that kind of taking contracts under gangs?

Mr. SPEED. No, no; it has not done so, and I don't think it—possibly it would not develop that way either. I think the organization would organize the workers to enforce whatever they think was their just demands, make them and present them, and then use every effort possible to achieve them. I don't think that they would go into that kind of business.

Commissioner COMMONS. You don't think that is practicable for whites?

Mr. SPEED. Well, not as yet, anyway. I don't know what might develop.

Commissioner COMMONS. All right.

Chairman WALSH. Anything else?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Has your connection or discussion with the Hindu or the Chink led you to find any trace of the fact that those men have twenty centuries of communal life behind them that make them peculiarly combined in their interests?

Mr. SPEED. That may be true. That may be true. Probably you are correct on that.

Commissioner GARRETSON. And all that is necessary to graft on it is the trade-union idea?

Mr. SPEED. Yes, sir.

Commissioner GARRETSON. To make it binding, because they have already got concert or action?

Mr. SPEED. They have got concerted action.

Commissioner GARRETSON. They have from that source, possibly?

Mr. SPEED. Yes, sir.

Commissioner GARRETSON. Your idea, I gather, is, that from the experiences that you have had, and possibly from a good many of the men whom you have talked with that have gone through it, that it is a feeling of contempt because of the fact that they can't get justice under it?

Mr. SPEED. No; personal experience with it.

Commissioner GARRETSON. Well, I say, that is part of the contempt for it?

Mr. SPEED. Well, it would be one of the factors.

Commissioner GARRETSON. Because you believe it is poorly applied?

Mr. SPEED. No; not only because of that, but because of the fact that it stands to reason that the class which has economic power in a given state or nation, necessarily that class determines the political policy of the nation. How can a man without anything, make law?

Commissioner GARRETSON. Leave the causes that lead up to it out. What has your experience been, that the law was applied to you fairly?

Mr. SPEED. No; they ain't no such thing as law to the workman; he has to get it when he is brought up before it, especially in labor disputes.

Commissioner GARRETSON. You mean that the law is made to control the laboring man, instead of for his benefit?

Mr. SPEED. Probably, not necessarily.

Commissioner GARRETSON. For the purpose of controlling him, laws are made in the interests of property?

Mr. SPEED. That is what laws are made for, and the working class are a propertyless class, as a rule. Necessarily, then, laws are against the worker because he wants to get property. He wants to get more of the product of his labor. Now, then, he runs up against that law that the property-owning class makes.

Commissioner GARRETSON. Have you ever had the idea that some of those laws might regard him as property?

Mr. SPEED. Well, yes; that is all we are now. We are commodities, and we are bought and sold just like a sack of spuds is to-day upon the market.

Commissioner GARRETSON. You hold that under the ordinary trade-union idea, that organizations, like the ordinary trade-union, really that their responsibilities, which they recognize and assume in the making of contracts or in the enactment of laws to which all are required to conform, really act as a fetter?

Mr. SPEED. Yes; I hold this, that a contract made between an employer and a worker is not binding, it is null and void, it won't hold good in law, it can be violated by either party with impunity, and it oftentimes is violated whenever the economic condition is such that the boss sees it is to his interest to do certain things, he can violate it if he wants to.

Commissioner GARRETSON. You hold that there is no obligation resting upon the employee to carry out any agreement?

Mr. SPEED. Of course, it is a moral obligation. If conditions change, it is often violated. It has been violated. And if you have got the power, you don't need the contract. If you haven't got the power, you can't enforce the contract.

Commissioner GARRETSON. That carries the question of legislation. If legislation is enacted that, on its face at least, is beneficial, as the eight-hour enactment and so on, do you believe that they can be maintained or applied without a strong organization of men behind them?

Mr. SPEED. I believe they have got to have a strong organization behind them to see that they are enforced.

Commissioner GARRETSON. That the individual would be powerless for their enforcement?

Mr. SPEED. Yes, sir; and oftentimes he would not dare to try to question it because of losing his job, he submits to indignities, and his time is stretched upon him because of his desire to hold the job. As an individual he is helpless.

Commissioner GARRETSON. You spoke of the fact that we ought to get men here that are employed in these camps to testify as to conditions. In your opinion, would there be any hesitancy upon the part of any man that might be summoned from there to testify, for fear of losing his position?

Mr. SPEED. No; because they are worth so little to them; I guess he would not in them lines.

Commissioner GARRETSON. You think that would exercise no influence?

Mr. SPEED. Very little on construction work.

Commissioner GARRETSON. Have you been here during the entire hearing, Mr. Speed?

Mr. SPEED. No; I have been here just to hear about four or five, I believe.

Commissioner GARRETSON. Are you familiar with the form of these employers' associations that exist up and down the coast?

Mr. SPEED. Well, I hold that the employers' association is formed correctly.

Commissioner GARRETSON. I see. You are familiar with their method of organization?

Mr. SPEED. Yes.

Commissioner GARRETSON. It is exactly the same as your own, isn't it?

Mr. SPEED. Yes.

Commissioner GARRETSON. Only applied to the employer instead of the employee?

Mr. SPEED. You see the employer, as an employer, organizes all the men in manufacturing, both in the manufacturing and in the distribution of goods into one organization. Consequently, they act jointly together; whereas labor, working in the same industry, is organized into 10, 12, or 14 different unions, and the result is that they make contracts expiring at different periods of time, which causes them to compete one against the other. Now, we want to see them act together and in unison.

Commissioner GARRETSON. Have you any sense of friendship with the average employers' association on account of similarity of methods?

Mr. SPEED. Oh, no; not because of that. I believe in being up to date in organization, not fossilized.

Commissioner GARRETSON. Has your experience led you to make any suggestion as to any class of industries that might be combined together for the purpose of bridging this recess between seasons of employment as they now exist? Have you any knowledge of local industry that would lead you to believe that the men pursuing one pursuit for four or five months of the year might be utilized in a certain other pursuit that would fit into the interval between?

Mr. SPEED. Well, they may; but there is so many of the unemployed. There is always plenty, so they run up against a snag.

Commissioner GARRETSON. Would that dispose of a certain amount of it?

Mr. SPEED. No; I don't think so.

Commissioner GARRETSON. You think not?

Mr. SPEED. No.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. SPEED. There is always a certain amount of unemployed and a certain amount of work.

Chairman WALSH. That is all; thank you, Mr. Speed.

Call your next.

Mr. THOMPSON. Mr. Horst is here.

TESTIMONY OF MR. E. CLEMENS HORST.

Chairman WALSH. Mr. Horst, there are just two questions that Mr. Commissioner O'Connell wants to ask you.

Commissioner O'CONNELL. I want to know, Mr. Horst, about this method of employment through this leader, of these various nationalities, whatever term he may have—the man whom you deal with for them. Do you pay the men directly—your employees?

Mr. HORST. Well, with the Chinamen, you pay the Chinese head man.

Commissioner O'CONNELL. Yes; well, now——

Mr. HORST. And so with the——

Commissioner O'CONNELL. Do you know what the Chinese laborer gets from the head man?

Mr. HORST. The head man of the Chinamen makes his commission out of his men by supplying them their rice and other food. He makes a commission out of them that way, and in many cases we pay him a commission for getting the men.

Commissioner O'CONNELL. Well, now, first——

Chairman WALSH. Is your answer, then, that they pay the entire compensation per man to the man that earns it or not? Do you know?

Mr. HORST. No; we pay our wages to the man that furnishes the Chinamen.

Chairman WALSH. Well, how do you know that the one Chinaman gives the pay to each Chinaman in accordance with his deserts and what he has earned for each day? Do you know?

Mr. HORST. Well, I can't give you any evidence of it. We know that the Chinamen don't cheat one another. If you are doing business with the head man, he pays his rate of wages. You pay the rate of wages to the head Chinaman, and he pays the men, and he charges to the employer from 50 cents to a dollar a head on the men that he secures, and then he makes another profit out of the men by furnishing them their food.

Commissioner O'CONNELL. Let me see, now, if we can't get at it.

Commissioner GARRETSON. This is a lump sum for each employment—that 50 cents—is it?

Mr. HORST. Yes, sir.

Commissioner O'CONNELL. If you pay, we will say, a dollar and a half a day, to cite a case, it may be more—two and a half a day, it don't make any difference—you pay this Chinaman a dollar and a half for each of the men that he hires out to you. You pay that in bulk to him. Now, you have no knowledge as to whether he pays them, the individual Chinamen, a dollar and a half or not, or whether he gives them a dollar and a quarter?

Mr. HORST. Oh, we know the Chinaman pays to his men the rate of wages that is agreed upon, because that is always common knowledge around the employees—around the place—the rate of wages that is being paid. That is all common knowledge. Every Chinaman knows the rate of wages we pay. Each man knows it.

Commissioner O'CONNELL. Then what does each Chinaman pay to him for getting him the job and keeping the job for him?

Mr. HORST. Well, the Chinamen don't pay the Chinaman anything for getting the job. We pay that to the head Chinaman.

Commissioner O'CONNELL. How much do you pay?

Mr. HORST. It runs according to the scarcity of the men. Sometimes 50 cents and sometimes a dollar.

Commissioner O'CONNELL. What, a week or a month?

Mr. HORST. No; for the job.

Commissioner O'CONNELL. For the job?

Mr. HORST. For the job.

Commissioner O'CONNELL. Now, this is on contract and these men that are coming and going all the time?

Mr. HORST. Well, the bulk of them stay. For instance, he will agree to furnish 50 hands, and if five drop out he will furnish another five to replace them.

Commissioner O'CONNELL. If five men drop out to-day and their names are taken off the rolls, and they came back next week again, he would get that same amount for the reemployment of them?

Mr. HORST. No; he gets the money once. If he furnishes 50 men, he gets $50. Now, if five men drop out he gets another five men; he don't get any more.

Commissioner O'CONNELL. Suppose he sends the same Chinamen back?

Mr. HORST. The Chinamen all look alike. You don't pay any attention to their names, you count them.

Commissioner O'CONNELL. How about the Hindus?

Mr. HORST. Well, with the Hindus, with a number of them, it is the same way. With some of them you pay the individual man.

Commissioner O'CONNELL. Do you find the same honesty obtains among those?

Mr. HORST. No; the Hindus do not compare with the Chinamen.

Commissioner O'CONNELL. Then the Hindu is not liable to get so much for his day's work?

Mr. HORST. The Hindu efficiency is not as great as that of the average Chinaman. If you care to have the figures on the efficiency, so far as hop picking is concerned, I will be glad to furnish them to you.

Commissioner O'CONNELL. In the use of the hop picking machine, does your company own the patent rights of that machine?

Mr. HORST. We invented the machine and we own the machine.

Commissioner O'CONNELL. You have the patent rights of that?

Mr. HORST. Yes, sir.

Commissioner O'CONNELL. You don't build it for sale?

Mr. HORST. We let other people use it; yes.

Commissioner O'CONNELL. Do you build them for sale, have somebody build them for sale?

Mr. HORST. Yes, sir; yes, sir.

Commissioner O'CONNELL. That is all.

Commissioner COMMONS. Have you considered what might be done in the way of furnishing winter work for these migratory laborers?

Mr. HORST. Yes; I have considered that very fully.

Commissioner COMMONS. What ideas have you on that?

Mr. HORST. There is to-day not enough work for the people, for the laboring people. There is no way near enough, because we have got this season and last season up to the point of harvest and through the harvest with a surplus of labor, and without any increase in the rate of wages during harvest season. Now, that situation is wrong. There ought to be enough work in California to take care of all the labor during the entire time of the year up to the harvest season. Then during the harvest season that class of labor, surplus labor that is necessary, should be drawn from a class of people that does not work the whole year around, as, for instance, people from the cities, families that go out for an outing, and so on, or people that need to work only a month or two months in the year. That is the class of people that should furnish the excess load for the harvest time. Now, in order to get that class of people it would become necessary to pay high wages and give better housing conditions in the country. Housing conditions, though they have considerably improved, I do not think are good enough for the people—I don't think the housing conditions are good enough, but they answer the purpose because of the overplus of labor.

Commissioner GARRETSON. The labor is not as critical as it would be?

Chairman WALSH. One moment. Prof. Commons has another question to ask.

Commissioner COMMONS. Well, have you any idea what class of winter work could be established; have you figured it out on that basis?

Mr. HORST. Well, we have got to improve the whole general condition. We have got to do more farming. For instance, if a man wants to start out and plant peaches or prunes, or anything else, or raisins, why he is afraid to do it to-day; he don't know what the tariff is going to be, for instance, two years from now.

Commissioner COMMONS. In doing that, he is simply adding to the seasonal labor. What I am getting at is, how he is going to add to the winter labor.

Mr. HORST. No; I don't agree with you on that, if you please. There remains this additional work supply to take care of the people now engaged in agriculture. There is the big surplus now. There must be more work supplied for the winter and spring. There must be more work. Now, when the harvest season comes around, you must get out a different class of people to come in for your harvest work. Now, that is done in a great many places. It is done on that line in a great many places where people will go out simply for the harvest. The way you have got it now, the harvest hands are the same people that do the work when it is not the harvest season. You haven't got a different class of people for the harvest season. That is, you get your surplus supply out of this class of people that you are using the rest of the year.

Commissioner COMMONS. That is all.
Chairman WALSH. Thank you; that is all.
Call your next.
Mr. THOMPSON. Mr. Hecke.

TESTIMONY OF MR. GEORGE HENRY HECKE.

Mr. THOMPSON. Mr. Hecke, will you give us your name and your address?
Mr. HECKE. George Henry Hecke.
Mr. THOMPSON. And your address?
Mr. HECKE. Woodland, Cal.
Mr. THOMPSON. Occupation?
Mr. HECKE. Fruit grower.
Mr. THOMPSON. Are you a fruit grower and adviser for the University of California?
Mr. HECKE. I am a fruit grower on my own account, and my position as farm adviser is a complimentary position given to me by the University of California, probably because I have been of some slight assistance to them in investigating and work in agricultural industry.
Mr. THOMPSON. How long have you been engaged in fruit raising in this State?
Mr. HECKE. About 22 years.
Mr. THOMPSON. Were you here this morning?
Mr. HECKE. I was here part of the time.
Mr. THOMPSON. Did you hear the testimony of Mr. Bentley and Mr. Horst, and this afternoon of Prof. Parker?
Mr. HECKE. I have heard part of it.
Mr. THOMPSON. With reference to the character of labor and the percentage of skilled and unskilled?
Mr. HECKE. Yes, sir.
Mr. THOMPSON. Of the sexes; of the nationalities?
Mr. HECKE. Yes, sir.
Mr. THOMPSON. Is there anything you would care to add to that, or was that statement about correct?
Mr. HECKE. No; not in particular. As a whole, those figures are correct.
Mr. THOMPSON. Is there anything that you would care to add to what they have said with reference to the method of getting the man connected with the job?
Mr. HECKE. Yes; I have. Before I received the synopsis of the questions likely to be asked, I had written out my ideas of what I would suggest in bringing the employer closer to the employee.
Mr. THOMPSON. Will you state it to us?
Mr. HECKE. With your permission, Mr. Chairman.
Chairman WALSH. Very good.
Mr. HECKE. One of the greatest difficulties encountered each harvest by workers and agriculturists alike is the inability of the man and the job to connect. Workers at the beginning of the season often are many miles away from the place of possible employment. And farmers are distant from the labor market, so-called. There is no properly regulated agency through which they can be brought together. If the worker applies to an employment agency he must pay a fee to get the job, and very often conditions are improperly, at times even untruthfully, presented to him, so, when he arrives at his destination, after paying his fee, he finds the situation other than expected. At the very commencement of his employment he may become dissatisfied, and at the first opportunity will quit and seek another place, facing the same disadvantages as in the beginning of his nomadic search. The farmer also suffers from the loss of time entailed in finding another man for the vacant job.
To ameliorate this condition, I would suggest the establishment by the State of employment bureaus at various centers of California. These bureaus would be the medium of bringing together the men and the job. Proper and adequate systems of regulation should be maintained, and accurate data would indicate where and in what numbers men were wanted. At times we find a surplus of labor in one section and a scarcity in another, and such central bureaus properly conducted would have a tendency to correct that condition. This system certainly would prevent the mulcting of workers who are dependent upon private labor agents to obtain work. Seasonal workers could be moved about the State from the beginning of the fruit harvest in the north until the picking

and packing of the citrus fruit crop in the south, thereby affording almost steady and certainly remunerative employment. Properly registered workers could travel from one job to another, the State possibly arranging for a reduced railroad fare upon presentation of a certificate from such labor bureau. Such a system would be a great aid to the migratory worker and undoubtedly would result in men of that class realizing more fully their duty to themselves and to the State. Eventually, the man who is ablebodied, but who will not work, will be brought under the direct control of the State, and the deserving citizen out of a job would be given necessary assistance at a time when it would prove most helpful. Farmers would welcome such bureaus, because they would be able to save considerable time now spent in searching for help, and by cooperating with the State the competent worker would be helped to obtain virtually continuous employment. I have given this idea just in general, leaving the details for future consideration, but on the whole I believe both the worker and the agriculturist would be helped materially by the establishment of such bureaus.

This is only a somewhat preliminary statement. But I have been thinking that $18,000,000 are now being spent by the State of California on State highways, and about the same number of millions have been appropriated by California counties in building bridges for these highways, and it will only be a year or two when it will be necessary to have laterals built, and have repair gangs at work on the said highways; and I have been thinking that perhaps there might be a solution of giving work to the unemployed during the time that they can not work in the harvest, particularly during the winter time. It is State work, and some method could be found, I am sure, by which such employment could be given in certain parts of the State. In the mountainous regions it might not be possible on account of the rain and on account of the snow. In southern and central California it will surely be feasible to put the unemployed to work.

Commissioner COMMONS. The road work now is mostly done in the summer season—in the busy season?

Mr. HECKE. We have not so far had any highways, State highways. They are building at the present time throughout the year; started in about three years ago, I believe.

Commissioner COMMONS. It has been done in summer?

Mr. HECKE. It is done throughout the year, the building of new highways.

Commissioner COMMONS. Your idea would be to stop the work during the summer—during the harvest season?

Mr. HECKE. No; to continue the way we are doing now for the building of it; but I am sure that in due course of time considerable extra work will have to be done on those highways, and during that time and while building laterals and making repairs on the old highways—this might give us a solution for the employment of the migratory worker in winter.

Commissioner COMMONS. Have you knowledge that this matter is being taken up by any State?

Mr. HECKE. Not at the present time.

Chairman WALSH. Mr. Hecke, there are experts, gentlemen who have been brought before this commission, who are making a very earnest endeavor to invent means of bridging over the seasonal character of labor in different localities. Would it be asking too much of you to ask you to confine yourself to that one topic and to write out these suggestions and send them to our secretary?

Mr. HECKE. I should be very glad to do so.

Chairman WALSH. Thank you.

Commissioner WEINSTOCK. You offered one suggestion to tide over the mid-season and keep the highways repaired during the winter months?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. But in California that is our rainy season, and is not practical, is it?

Mr. HECKE. I mentioned in certain mountainous counties it might not be practical, but the work could be done in such parts of the State where the winter work could be done to advantage.

Commissioner WEINSTOCK. Well, the work done, then, during the winter months?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. Let the work accumulate and be done during the winter months?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. In place of having it done during the summer?

Mr. HECKE. Yes; I think that in all your inquiries you are endeavoring to find some suggestions to give the seasonal unemployed an opportunity to work. It has occurred to me that this might be one of them.

Commissioner WEINSTOCK. In preparing the paper for this commission suggested by Chairman Walsh, would you be good enough to make calculations showing how many would be likely to be thus employed on the highways throughout the State?

Mr. HECKE. Mr. Weinstock, the highway commissioners would be better able to give figures on this more correctly than I possibly could. My work lies mostly in the agricultural lines. Nevertheless, I have given considerable study to labor conditions as an employer as well as a county and Federal official.

Chairman WALSH. Connect it with your own industry—with that with which you are familiar—but make it as exhaustive and technical as you can, because we want to group them along with some other suggestions that are being made, especially by men who are studying this subject. Cover your own subject, and then go as far as you feel you generously can in making a study of it, and give us your views.

Mr. HECKE. I shall be very glad to.

Commissioner WEINSTOCK. You have been a fruit grower for a number of years?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. And you heard the statement made by the preceding witness, Mr. Speed?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. He gave it as his opinion that wages have had a downward tendency.

Mr. HECKE. Yes.

Commissioner WEINSTOCK. What are the facts, from your experience with agriculture and horticulture in California?

Mr. HECKE. At the time I came to California the wages for winter work, as well as for harvest work, were $1 a day.

Commissioner WEINSTOCK. And board?

Mr. HECKE. And board; yes.

Commissioner WEINSTOCK. What are the wages to-day?

Mr. HECKE. At the present time the lowest wages paid for winter work is a dollar fifteen, but most generally a dollar and a quarter per day.

Commissioner WEINSTOCK. And board?

Mr. HECKE. And board. From the beginning of the plowing season to the end of the harvest the average wage would be nearer a dollar and a half.

Commissioner WEINSTOCK. And board?

Mr. HECKE. And board.

Commissioner WEINSTOCK. Mr. Speed was mistaken on that?

Mr. HECKE. Absolutely mistaken.

Commissioner COMMONS. What was the wage, and how long ago was that, you say?

Mr. HECKE. That was about 22 years ago. I came here as a laboring man.

Commissioner COMMONS. And during the plowing season, what was the wage then?

Mr. HECKE. One dollar a day. The wages throughout the year at that time were the same——

Commissioner COMMONS. Now, a dollar fifteen in winter and a dollar fifty——

Mr. HECKE. During the summer time, and board.

Commissioner COMMONS. During the rest of the year?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. What are the wages paid to orientals and Asiatics?

Mr. HECKE. They have increased almost twofold, almost 100 per cent.

Commissioner WEINSTOCK. What were the wages then compared with what they are now?

Mr. HECKE. At one time, when I first came to California, we had Japanese as low as 80 cents a day.

Commissioner WEINSTOCK. They fed themselves?

Mr. HECKE. They fed themselves.

Commissioner WEINSTOCK. What are they getting now?

Mr. HECKE. From $1.60 to $2.

Commissioner WEINSTOCK. From $1.60 to $2?

Mr. HECKE. Yes; but they board themselves.

Commissioner WEINSTOCK. They board themselves. And while really when they are getting $2 a day they are getting substantially the same wage that the white worker receives who gets a dollar and a half plus board?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. Now, all other things equal, taking the average fruit grower, the average farmer, to whom does he give the preference at the same price, to the Jap at $2, or white at $2?

Mr. HECKE. Why, to the white.

Commissioner WEINSTOCK. He gives the white man the preference?

Mr. HECKE. Yes.

Commissioner WEINSTOCK. For what reason? Is it sentiment?

Mr. HECKE. It is sentiment which has crystallized during the last few years. We have had an influx of Japanese, we have had an influx of Hindus, in California. We notice that the Japanese is acquiring our land; that they are increasing in numbers; they import women over here and are raising families; now, most of the thinking farmers of California have come to the conclusion that it must be absolutely necessary to keep California for the white men. It is this sentiment, that is prevalent, that induces the California farmer to give the preference to the white man.

Commissioner WEINSTOCK. How will the two races compare in efficiency?

Mr. HECKE. There are two classes of white men. There is one which has been spoken about here this morning as the genus hobo; the other one is the respectable white man who will come to work on the farm with the intention of becoming an employer himself, or have a steady position. Then there is another type of man, which works on farms temporarily because thrown out of a job in the city on account of bad industrial conditions. For instance, labor was rather scarce in the agricultural district up to 1912; during 1913 and 1914 conditions have changed, hence we find that a good many white men who used to be employed in the cities have naturally drifted to the country and are hunting work; but as soon as the conditions begin to better in the cities—as business is picking up—those migratory workers will go back to their old employment. They are only temporary. Then we have got some men who don't care to work——

Commissioner WEINSTOCK. Take it through the harvest season, are there many women and children employed in horticulture?

Mr. HECKE. In particular work, light work.

Commissioner WEINSTOCK. In picking and packing?

Mr. HECKE. Not so much in picking. The picking is all done by adult males, but in packing, in cutting, in canning, a number of women and children are used.

Commissioner WEINSTOCK. The statement was made here a few years ago that during the harvest season there was a great scarcity of harvest labor in the orchards and vineyards.

Mr. HECKE. Yes.

Commissioner WEINSTOCK. Does that situation still prevail?

Mr. HECKE. No; not now. It was true at the time.

Commissioner WEINSTOCK. But at this time there is an abundance of labor?

Mr. HECKE. At this time there is an abundance of labor.

Commissioner WEINSTOCK. And between the men and women and Asiatics there is an abundance of labor?

Mr. HECKE. Yes; there is enough labor to carry through this crop very nicely.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all.

Call your next witness.

Mr. THOMPSON. Mr. Mills.

TESTIMONY OF MR. JAMES MILLS.

Mr. THOMPSON. Give us your name, business address, and business, please.

Mr. MILLS. James Mills, Willows; my business is developer, and orange and lemon grower, and prospective planter of deciduous orchards and nuts. I have holdings at Riverside, where I formerly lived. I am in the north for developing.

Mr. THOMPSON. How long have you been engaged in this line of work?

Mr. MILLS. Twenty-five years.

Mr. THOMPSON. Were you here this morning?

Mr. MILLS. Yes; I was.

Mr. THOMPSON. Did you hear the testimony of Mr. Bentley, Mr. Horst, and Prof. Parker this afternoon with reference to labor conditions?

Mr. MILLS. I did.

Mr. THOMPSON. And the division of the skilled and unskilled and other divisions?

Mr. MILLS. Yes.

Mr. THOMPSON. Are those statements about correct, or have you anything to add to what they said in that respect?

Mr. MILLS. Substantially correct, except I believe it would be varied in the citrous industry.

Mr. THOMPSON. Give us the condition in the citrous industry, then, please; that is, the amount of skilled and unskilled and foreign people.

Mr. MILLS. The citrous industry was for many years laboring under a very great disadvantage, because of the fact that a large proportion of our fruit was spoiled in transit to market, thus bringing us very often a serious loss. The Federal Government undertook to determine just what the factors were that brought us this loss, this decay in transit. And it was ascertained that the conditions under which our fruit was picked, hauled, packed, and shipped brought about the decay and the consequent loss financially to the growers. We found that our labor was indifferent, and that the growers were largely indifferent, too, because they knew not where the difficulty was. Some did, and some, in every way possible, endeavored to educate their men.

Now, I cite this for this reason: We learned that we needed more expert labor even on the soil, in the orchard, in the picking, in the hauling, in the loading, in the assorting, brushing, packing, and loading into the cars. And it has called for a higher efficiency, and there has been considerable trouble in getting that higher efficiency in the orchards; as yet we have not succeeded, for the reason that there is not that conscientious conviction of duty amongst the men of to-day of all classes and in all nationalities, I believe, that would cause them, for the money paid, however much or however little, to give absolutely their best to their employers. It has been impossible for us to get the efficiency that we need—I think, plainly speaking, largely because we have not the morals the we had in our fathers' time. Times have changed, my children tell me. They have in this regard. In our packing houses we do get higher efficiency because there we use the best American labor. The women are the most efficient workers we have in the fruit industry, the most likely to give the highest efficiency. We used to use Chinamen. Necessarily we had to. Never until recent years have we used the Japs or the Mexicans in our packing houses. But now we largely use women in our packing operations, that is, in handling the fruit, wrapping it in the paper, placing it in the box carefully. And these women have been largely developed, and the farmer did not call for skilled help there. We now do call for skilled help and we have it in that particular field largely to our desires.

In the field, too, we find from investigation that the men in picking would cut the lemons or the oranges with their finger nails. We had to get them to prune their finger nails and wear gloves, because when the fruit was punctured, the spore in countless millions being around, immediately lodged in the moist portion of the rind and began to develop. And thus it went through the brusher increasing and on through the sweating house increasing, and necessarily 25 per cent of our fruit was ruined before it got to market.

Here again we developed a higher class of labor even amongst the Japs and the Mexicans who would listen. I should say that in the citrous industry that we have 50 per cent that might be called technical; not technical in the way that a manufacturer would call technical, but technical so far as agriculture and horticulture is concerned.

In irrigation, too—there we need specially the men. Personally, I have not found any other race than the Japanese who would give that attention to detail in irrigation that was required and properly use the water and properly irrigate the tree. And for that reason I have used no other labor in this particular branch of our work for 10 or 12 years, giving better wages for that than for most all the other work. That is technical work, and it needs very diligent attention every hour of the day and of the night, if we irrigate in the night, as sometimes we do.

In the other development, in the development I am doing now in the north, to get the best work we do need a high type of man. In the north I have found that it was impossible for us to get that type of laborer through whose

efforts, for the wages paid, we get the best results. I should say that in the Sacramento Valley that the laborer, farm laborer, is about the poorest in this or any other land; that is, the old agricultural laborer.

We needed about 200 men when we began, and I venture the assertion that I had on the ranch, on the road, and going to and fro, three men for every man that I used. The average was five days' labor. Five days is the average that we got out of the type of laborer that we were using for development work during the last two years. Types of laborers, I am sorry to say, compel me to absolutely indorse all that Mr. Parker said about the conditions that surround labor in many of the camps—in the great majority of the camps everywhere where labor is used in California and perhaps in other States.

Labor I find here has been degraded largely because of the conditions that surround it.

I was in conversation with a lady who had a large property. We were talking about the labor conditions. Perhaps I digress. She condemned her labor. That they went to the saloons on Saturday night, and if they came back at all, they came back unfit to work Monday and Tuesday. I said to her, "Madam, you are the culprit, not your man. Go down, if you will, and look at the conditions that surround your labor, and you will get the seat of your trouble. If the man was a man he would necessarily become much of a brute if he remained in your place surrounded by the conditions that now surround him. His conditions are not equal to the conditions of your brute animals. Change the conditions. Put him in a good house, give him a place to bathe, give him a good bed, give him literature and music, let him know you are interested in him, and you will find you have got a new man; that he will do for you whereas now he does you."

A year afterwards I went to the ranch, and the manager, a brother, caught me by the arm and he said, "Mills, don't look at the ranch; look at what we did for our men." I said, "My brother, has it paid?" "Mills, we have never realised what fools we were. The same men are new men. For higher wages we are doing cheaper work."

I merely recite this that you may know that I believe that the employers are to blame for the conditions which we find among our laborers, as are those who lead labor. I am persuaded that the labor element, too, are largely ill advised by their so-called leaders, that they are brought into the frame of mind that causes them to believe that they need not put forth effort, that they need not make sacrifices, that they need not practice thrift; that they need not practice self-denial in order to accomplish the things that should be accomplished in life in order to be somebody and do something for themselves and for their fellow men.

I verily believe and want to go on record in saying that I am confident that the labor men are largely ill advised by many of the so-called labor leaders, and that they are morally injured by listening to them, as well as injured by treatment on the ranches.

I have found during the 25 years, and particularly within the last 15 years, very many men among the white race who would not go to the ranch and work; and that is true much of the time even in California, and because they will not work we are compelled, absolutely compelled, to hire Asiatics, Mexicans, or Hindus and the Chinese where they can be gotten. I have never used any Chinese nor Hindus. I have used many Japs, necessarily so.

In the fruit interests of the south all these years we have never had an abundance of labor. I assure you, if you go among the ranches in the south when the peak of the load is on, that you will find the question of the surplus of labor is not in the great fruit region of the State. For 10 years I personally never had enough men to do my work. We needed 700 or 800 men at times. We always needed from 200 to 300 men, even at the quiet times, just with the irrigation and cultivation and pruning and spraying and fumigation and the other processes of horticulture needed to be done, and yet we never could get all the men we needed. In one year we threw away 50 carloads of good lemons because I could not get men to pick them when they should have been picked. Others, I am sure, you will find among the ranches of the south who have had the same experience. I do not know and I can not speak with authority as yet as to the north; I can only give hearsay evidence as to that; but as to the south there has not been a surplus of labor for many years. We have had to employ the foreigner, the Asiatic, because we could not get the white labor. We had to use the women and girls because we could not get men to do the packing house work; we needed them outside. We were glad we had to use

the women, because we found they were superior in every way to any class of labor as packers of fruit. These women were paid by the piece, many of them earning from three to four dollars a day for several months in the packing season and taking a pleasant holiday when the peak of the load was over.

I do not know, Mr. Chairman, if I am directing my attention to the things you are anxious to get.

Chairman WALSH. You are doing it very well, I think, Mr. Mills.

Mr. MILLS. I would like to say here again, and I would like to impress it upon the commission, and through the commission upon the public, that it pays for the employer to be good to his workmen, and it pays to build even expensive mess houses, to give them good beds, to keep them clean, to give them even sheets and pillow cases, to give them the best of board, even though they lose money on their board.

I charge 75 cents a day for my board. I lose some $3,000 to $5,000 a year on my boarding house. And when my interested parties, stockholders and others, ask me why, I say I get it at the other end twofold.

A gentleman who was much exercised by my criticism of his methods came to my home several years ago to finally discuss the matter and look into my methods, and when I was through he says, "I will go you one better."

He went home and built a $10,000 bunk house and boarding house, library and reading room and put in it literature, daily papers, weekly journals, monthly journals and books.

I was talking to his foreman shortly afterwards after the completion of it, and there had been time for the men to realize what had been done, and he says, "You do not know what you have done for us. Our men go up town—I was up town recently, and the merchants of the town said 'What have you done?' 'What do you mean?' 'What have you done to your men?' 'Why, what is the matter with the men?' 'Why, formerly they cursed you, and now they bless you,'" and he told the story.

I always paid higher wages than my competitors. My people said once, "You must cut wages." I says, "I will do it if I am not doing my work cheaper than my competitors. Get in my machine and let us go to some big packing plant or orchard company and see what it does cost them to do these different kinds of labor, irrigation, fertilization, pruning, spraying, picking, hauling—all the details."

We went. We got the costs. We did not reduce wages. Our men were doing work for higher wages and less expense to us.

I think that the employers make a great mistake—perhaps, I am moralizing, but I would like to get this to employers—in that they do not observe the merits of the different men who work for them, be they what they may—what nationality they may be. That every man shall be treated according to his deserts. That if he succeeds in doing good work; that if he succeeds in serving his master—his employer—well and truly, that his wages shall be increased correspondingly. All these years have I maintained this. I have made no difference between the Jap and the Mexican, Englishman, Scotch, Irish, Scandinavian, German, or French. The man who succeeded, went up to the top. I hired no experts; I trained them, those who could be trained, those who would study, and in that way I have developed a spirit among my men of striving to excel.

One man that I had 12 years ago, at $65 a month, draws $4,000 to-day on the salary roll. He earns it; he earns more; he will get it. Men that come to me from Tennessee as teamsters at $1.75 a day, when I left them, were getting $150 a month, a house, a horse and buggy for himself, and a horse and buggy for his wife. They earn it and earn it well. I follow the same here. When I came into the Northland, I said to my stockholders, "There is one thing I shall not hear any dictation upon. I want to build the most comfortable quarters; I want music; I want literature; I want books." I have 1,000 volumes of books, and am adding to it in every library.

For my Mexican help, which I had to bring, I built quarters costing $7,000, with shower baths, with toilets, with sewer systems, with washing tubs for the women, with every convenience. I keep it clean. It is all cement. I wash it out, and they, wonderful to behold them, are as clean—cleaner than my white help, and they have the altars of their gods in every home on the ranch.

I merely say this because I would that employers took the attitude toward labor that would inspire labor to do better; that would inspire labor to seek a spirit to reach the top.

A man spoke to you this afternoon, but recently—I hope he is gone—he went to work on a ranch in the Sacramento Valley 20 years ago for $1 a day and his board. He had inspiration, aspiration, ambition, he served, he wrought worthily, he saved, he became the foreman, he became the superintendent, he became the tenant, he became the owner; and this any man can do—any man of any race in California.

When I came to California and went to Riverside I was offered $1.25 a day and board myself, or eat myself, as the Irishman would say. I got $1.50; I picked grapes for $1.50; I packed oranges by the box; I picked oranges for $1.50. I have never wanted a day's labor. I am persuaded, persuaded beyond a doubt, that every brother of mine, the white brother from any nationality, can find work in California if he truly wants it, if he don't just merely claim he wants it. Every farmer in California would gladly prefer the white man to the Asiatic; gladly, if he could get the same service from him as he gets from the Asiatic. I am sorry to say that some of the highest forms of labor that I have to perform in my duty as a developer, as a superintendent, and as a manager, I give to the Jap. I pay them the wage for it, higher wages than white men, because they will perform the work given them with splendid energy and splendid success. Pruning my trees. I tried all classes of labor and I finally came to the Jap. I gave him $2.50 and $2.75. I have Japs working at less than $2, $2.10, $2.25, and $2.50. I give them a place to live; I build them bathing places; I furnish them light.

I give my Mexicans $2, $2.10, $2.20, and on up, according to the time that they stay with me; always increasing as the years go, in order to entice the men to stay with me. Some of the men have been with me for 15 years. I give the Mexicans in addition to the $2, $2.10, $2.20, a comfortable house—a very comfortable house, more comfortable than he has ever before lived in. I furnish them, as I told you, with a shower bath and a toilet, all cement, all flushed out every day. I furnish the men and the women separately, and give the women washtubs—every woman having washtubs for her washing.

I give them electric light. I give them garden room and irrigation water, in addition to the $2, $2.10, $2.20. My white men I give $2.25, $2.50, $2.75 $3, and on up, according to the work they are doing and the time they are with me. My white men, who have remained with me for a year, I give, in addition, two weeks holiday on time. If unhappily any shall take sick or be injured in my employ, for the last 10 years I have paid all their hospital expenses; paid all their wages, full wages, and paid the doctor. This in addition to their wages. This because it paid me to do do it; this because I realized I got a greater devotion from my men; this because I found that my men endeavored to come back and give me as good as I gave, and they have.

True, there are times when we have heartburnings and when we get together and discuss things sometimes with a little heat; but we generally get away into a corner where no one will hear us and fight it out, and whoever is wrong admits it and gets back to the job.

Again, let me say in the southland beyond the Tehachapi, never have I known a time when the fruit men had more laborers than they needed. Again, let me say at no time in the south in the last 15 years have I seen during the winter months, and for eight months, have I seen a time when the white man seeking labor, wanting it, and gladly performing it, could not get the work and get it in preference to any of the Asiatic men, so many of whom we have to use.

Men honestly out of work. There are men and we generally find work for them, but there are a great many men in California who are not honestly out of work. I speak from authority; I speak knowing what I speak about. I have been in close touch with them as an officer of the law—and the law was pretty severely handled here a while ago—as a judge of the court—I am glad I am a farmer—I handled many of these men; handled them year after year; went into their circumstances and their history, and I found that they went from Riverside to Yuma, from Yuma to Texas, and from Texas to Kansas, from Kansas to Dakota, from Dakota to Montana, from Montana on around through Washington and Oregon to California again, around the circle. Some men go around the house to get the sun, if sun is needed; to escape it, if it is too hot. Thousands of these men every year go around the circle on the brake beam.

I have repeatedly gotten work for hundreds; I have bought them shears; I have bought them picking sacks and picking tools; I have got them the job,

and have had them arrested and brought before me from the box car the next morning, having sold their boots and their picking sack and their picking sheers, and laughed at me for my trouble.

This is true. It is a condition in the country that is lamentable. How it can be remedied, I don't know. I have dwelt on it long and seriously, but I really don't know how these men can be saved to society and to themselves.

I prefer—the question is asked what labor I prefer. I prefer the white man.

Chairman WALSH. I think, Mr. Mills, not to hurry you, that that was involved in another question given you, and you have given us that fact.

Mr. MILLS. All right. Perhaps if I am too verbose, you will put questions to me.

Chairman WALSH. That is all right. We repeat sometimes in our outlines. It is our fault, and not yours.

Mr. MILLS. I don't know how to deal with the unemployed. When I was in the justice of the peace chair for many years and dealing with them, I gave it considerable thought and suggestion along the line Mr. Hecke dealt with; but not particularly that, because we had no highways at that time.

I do believe society owes it to labor to have some work somewhere at public expense. I do believe it will be cheaper for society to set aside the money that is taking care of our unfortunates in our prisons and in our asylums and use that for some great public development.

I do believe that our pork barrel could be very well used to that end in some wise way. I do believe we have the men to-day in the Nation, being big and broad and sympathetic and noble of sentiment and soul, who would solve this question for us if our Government would give them the opportunity and the means afterwards to take care of labor.

I do believe there should be a fund in the States so set apart that the different counties may send their temporarily idle to those particular spots where public work is being done in several places in the State. There is much of public work, I am sure, that must be done at different times of the year. The railroad should be enticed to help in sending them from place to place cheaply, and those men who would not work for pay should be compelled to work without pay.

I think it is demoralizing in our prisons that men are allowed to be idle, because idleness is one of the great means of moral degradation among the people of this Nation or any nation.

The Turks have well said that the devil—whoever he is—finds work for idle hands to do, and idle minds, and I do believe—let me repeat it—that it behooves the State and State authorities wisely to determine this thing. They are those who should determine it. Wisely set aside money that will be wisely used by wise men to in a large measure settle this crying evil in our land.

Chairman WALSH. We will now adjourn until to-morrow morning at 10 o'clock.

Kindly resume the stand at 10 o'clock to-morrow morning, Mr. Mills.

(Whereupon, at 4.30 o'clock p. m., on this Thursday, the 27th day of August, 1914, an adjournment was taken to the following day, Friday, August 28, 1914, at 10 o'clock a. m.)

SAN FRANCISCO, CAL., *Friday, August 28, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Commons, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. The commission will please come to order.

Mr. THOMPSON. Mr. Mills.

Chairman WALSH. Call your next witness. Mr. Mills is not here.

Mr. THOMPSON. Mr. Hyde.

TESTIMONY OF MR. GEORGE E. HYDE.

Mr. THOMPSON. Mr. Hyde, will you give us your name?

Mr. HYDE. George E. Hyde.

Mr. THOMPSON. And your business address and business, please?

Mr. HYDE. My business address is Campbell, Cal.

Mr. THOMPSON. And your business?

Mr. HYDE. I am a fruit packer and also a fruit raiser. I have a fruit ranch.

Mr. THOMPSON. How long have you been engaged in that industry in this State?

Mr. HYDE. I have been fruit raising 32 years in Santa Clara County.

Mr. THOMPSON. Were you here yesterday?

Mr. HYDE. Yes, sir.

Mr. THOMPSON. And you heard the testimony of the witnesses on the stand with reference to the division of the labor in the agricultural district, skilled and unskilled portions?

Mr. HYDE. Yes, sir.

Mr. THOMPSON. And also with reference to their sex, nationality, and the like?

Mr. HYDE. Yes, sir; I did.

Mr. THOMPSON. Have you anything to add in that respect to the testimony already given?

Mr. HYDE. Not particularly. I think that the percentages of averages were about correct, or nearly so.

Mr. THOMPSON. Did you hear also what was said with reference to the way in which help is procured?

Mr. HYDE. Yes, sir.

Mr. THOMPSON. And in the agricultural districts?

Mr. HYDE. I did.

Mr. THOMPSON. When needed?

Mr. HYDE. Yes, sir.

Mr. THOMPSON. Have you anything to add to that phase of the subject?

Mr. HYDE. No more than from my own experience as an employer of help in the packing of fruits, namely dried fruits—I also handle fresh fruits—would be that in our vicinity the help is procured by application on their own part, as a rule; knowledge generally disseminated with regard to the requirements of labor in certain places and with certain firms. Application is made for labor. The labor, of course, is only local help.

Mr. THOMPSON. It comes from the locality?

Mr. HYDE. Yes, sir; much of it.

Mr. THOMPSON. What kind of help do you generally need for that work?

Mr. HYDE. Well, there is a proportion of skilled, but mainly unskilled labor.

Mr. THOMPSON. Do you have any difficulty in getting your help?

Mr. HYDE. No, I haven't had any difficulty for four years there.

Mr. THOMPSON. What scale of wages do you pay those workers?

Mr. HYDE. The wages of unskilled men would be about $2. There have been a few hired as low as $1.75, but they were mainly old men who were not capable of doing heavy manual labor—some easy work. Very few of those at that price. Most of our help get two dollars and a quarter. They represent help that have worked in fruit before and have had some experience.

Mr. THOMPSON. How long does your season last there?

Mr. HYDE. Well, it began this last season on the 16th day of June with apricots—the drying of apricots—which is one of Santa Clara's greatest crops of fruit, and it is still in full force, and will last probably to the 1st of December. At the present time there is no fresh fruit on hand to be handled, excepting cling peaches.

Mr. THOMPSON. During this time about how many men will you employ—the total help, men and women?

Mr. HYDE. Well, it varies greatly in the number, on account of the demand of the work. My largest pay roll—I had 350 enrolled. That was during the month of July. The proportion of males and females during that time was about equal, about 50 per cent of each.

Mr. THOMPSON. What respective work do the two sections do, and what wages are the women paid?

Mr. HYDE. The women, very few of them work by the day. I have two foreladies who work by the day, and they received for 10 hours $2.50 in the fresh fruits. In the dried fruits we are operating under the old law—the present State law, and they are employed only 8 hours. They receive the same wages for 8 hours that they did for 10, $2.50. The women mostly work piecework—the cutting of apricots and peaches, and the paring of apples and pears and coring them and all that kind of thing is piecework.

Mr. THOMPSON. What would be the earnings of a woman working a full week about, what would it vary?

Mr. HYDE. The inexperienced help that is working there for the first time while learning probably would not receive an average exceeding $7 a week; but our average pay roll on those who are experienced, even with the experience of a week or so, will run up to very nearly $12 a week. Many of the experienced helpers in the fruit earn from $21 to $25 a week—$3 a day or better.

Mr. THOMPSON. Of the people you employ, how many are employed throughout the year?

Mr. HYDE. Throughout the year—I only keep a clerical force in the wintertime. The foreman and manager and clerical force in the office are on the pay roll the year around.

Mr. THOMPSON. Do you know what work the people you engage do when they are not working for you? You say they come from the neighborhood.

Mr. HYDE. Campbell is a small hamlet of about 800 people, and most of the people that work for me have their own little places in town, their houses, and during the winter months the males work in the orchard—we are right in the midst of a big orchard country—pruning trees and hoeing and plowing and all the work required in agriculture. They begin the fruit work with cherries in the month of May, picking cherries. Those are picked for the market fresh, or for the canneries. Then they come to work for the packing houses. There are two or three canneries at Campbell, and one dried-fruit house.

Mr. THOMPSON. How much money will an able-bodied man make in the season, fairly skilled, say, during the entire season from June to December?

Mr. HYDE. You mean from June to December?

Mr. THOMPSON. Yes, sir.

Mr. HYDE. Well, take all the laboring men, I think they would average $2.25 a day. There are quite a few of our men get $2.50 a day; men who have charge of small divisions of the work get $2.50 a day.

Mr. THOMPSON. That would be true, of course, of men who work all the time. What would be the average work a man would have who is ready to work there? Would he have continuous work during those months?

Mr. HYDE. Oh, yes; practically continuous. Of course, we have a transient help that we have to depend on. It is a floating help that comes in there and lives around in the town looking for work, and they come around, we notice, practically every year, a great many of them.

Mr. THOMPSON. What proportion of those you employ are of this floating character?

Mr. HYDE. Probably in men, among the men—of course, there are not many women—but among the men there probably would not be more than—in the height of the season—half of them, probably.

Mr. THOMPSON. Do you know where these men go and what becomes of them after they get through with your work?

Mr. HYDE. I have had several conversations with the men because I took an interest in what they were doing, and I know they have a circuit that they follow practically every year. For instance, men that we discharged last week for being through with their work, told me they were going to Watsonville, that is in the lower part of the county, to pick apples, the apple crop being about ready to harvest; and after that they went to the southern part of the State in the citrus fruit in the wintertime.

Mr. THOMPSON. This floating help, which you say is about 50 per cent at the height of the season, do they come to town unbidden, or are they sent for?

Mr. HYDE. They come unbidden.

Mr. THOMPSON. They don't come through any employment agency?

Mr. HYDE. No, sir; I have never employed anyone through an employment agency in all my experience.

Mr. THOMPSON. Have you any knowledge or information with reference to the number of people out of work in this State during the wintertime?

Mr. HYDE. No, sir; I have not.

Mr. THOMPSON. Have you any views with reference to the organization of the workers?

Mr. HYDE. I have some views of my own that might, I think, possibly be carried out with good effect. I am not in a position to know what the feelings of the men are—the floating class, I mean—only as I talk with them. They seem to be, to my mind, a large part of them, more than desirous of traveling around from place to place. They are an unsteady class of people, and many of them don't even work out the time I would like to have them work; they will work a week or so, and when they have got a little money they will move on—ask for their money and move on to other places.

Mr. THOMPSON. How many people would you employ in order to keep a steady force during the height of the season? You say about half of your force is of a floating character. During the season how many men would you have to employ in order to keep that force up?

Mr. HYDE. I think the force that we have there now is fairly an average for the season, from the beginning of the apricots in June until the packing is over, the dried fruits.

We have at the present time a force of 50 men. Of that 50 men fully 40 of them are help that we depend upon every year, that live in town and that stay with us until the last piece of work is done. The other 10 men are men that we have generally been gradually weeding out from the floating class of help to get the best of them, those who seemed desirous of staying until the end of the work—the steady men. I think that class of men that I refer to now are honestly out of employment, through some cause or other, I do not know what. I have known in some instances, where they have told me. But they are out of employment, and they are desirous of working as long as we wish them to. They are men who under other circumstances, if placed right, would be steady men.

Mr. THOMPSON. Well, take the number of people you say you employ during the height of the season of a floating character; you say about half of your men—that would be about 175. Would that be right or would the 350 include all?

Mr. HYDE. Well, the 350 include all the help—men, women, and children.

Mr. THOMPSON. Then, it would be about 80 to 90 floating men that you would employ part of that time?

Mr. HYDE. From first to last, yes.

Mr. THOMPSON. Well, in order to keep that force of 80 to 90, how many men would you employ during the season?

Mr. HYDE. Well, there would be probably at the height of the season at least one-half of the 300 I spoke of; there would be 150 men—that is the height of the season. Then they gradually would dwindle down until we get at the present time a force of about 50 men.

Mr. THOMPSON. I mean those that are left at the end of the week's work; how many men would you have to employ in order to keep your force up?

Mr. HYDE. I didn't catch your question before. I didn't take any figures off the pay roll that I could supply that. I could not say how many men. I know that toward the last—well, say two weeks ago my foreman of the yard where most of the men that are employed, the floating class—and I mean by the yard the drying yard. We have got a drying yard there of 16 acres, and we handle all the way from two to three thousand tons of fruit a season in that yard. This year we have handled 1,200 tons of apricots alone in that one yard, which is a record for that yard. Those men, many of them, do not stay long enough to hold the job only a day or two. My foreman has been weeding them out and taking the best of them all the time, for there are plenty of others. In fact, we had as high as 20 applications a day for work from this floating class of men sitting there waiting for a job.

Mr. THOMPSON. What, in your opinion, could be done either by the growers or by the community to help out the seasonal character of the work and to extend the seasons longer or to make additional work?

Mr. HYDE. Well——

Mr. THOMPSON. To fit in.

Mr. HYDE. The industries of California are such that practically within the limits of California as a State there is work, it seems to me, for deserving men, men who are willing to work, practically the year around. The fruit work in our neighborhood, as I said, will last from—in cherries—I do not deal in cherries, but we have that fruit there to be picked—would last from the latter part of May until in the green-fruit picking, the 1st of October. During that time we have, as a rule, demands for labor oftentimes beyond the supply. This year the supply has been good, better than common for some reason, I don't know why. Frequently the packers and canners of the country are obliged to resort to advertising in the papers. I advertised in three papers early in the season, thinking I might have the usual demand for labor—rather the poor supply, I should say, of labor. But I found it was unnecessary. I took out the advertisements after a few days, because I had plenty of help applying all that time at the office.

Then, after they get through the fruit work there, as I stated before, they would many of them move on to Watsonville or other centers where they have apples, and then from there to the citrus parts of the State. Early in the season we have berries in Santa Clara County. That is a great berry country. The berries are sold around the cities of the bay. And the only time really that seems to be a very poor demand for agricultural labor outside of our

own resident labor would be during the winter months, in the pruning and the care of the lands and orchards. We have labor, sufficient local labor, for that purpose, I think.

Mr. THOMPSON. What could be done, then, with the floating labor during these winter months to correct these things as testified to by Prof. Parker?

Mr. HYDE. Well, my idea would be to have established in different industrial centers of the State, under the auspices of the State—I was going to say—labor bureaus or bureaus of information, and for labor employment, the main object of which would be to gather knowledge of the requirements of the different sections of the State, not only in agricultural pursuits, but in mining lumbering and all pursuits for labor. And they would know, by having the laborers, the men who were floating, enrolled at these various agencies or bureaus, where they could be placed by definite information when they are needed. That would avoid an oversupply or glut of labor at any one particular point, and also it would work out for the benefit of the employer and for the employee. The employer would feel reasonably sure of his labor when he wanted it, and the employee would not be called upon to move from one part of the State to another, and probably find when he got to the new place that there were others ahead of him who had secured the places, causing him to move on to another place.

I think these laborers, as they apply to the different bureaus for work, should be enrolled; and if they are sent to other places, and fail to show up, I think it would be wise to strike them from the rolls as not being really honest in their intentions. Of course, there could be something that might arise to prevent them from getting there, but I mean to say ordinarily. I think that method would find work for practically all the floating class of help, except, possibly, in the wet winter months when the men are not working in the lumber camps and can't do anything, and when there is no fruit to be handled.

Mr. THOMPSON. Do you think that a Federal bureau or employment office, working along the same lines that you mention, would help in the situation, too?

Mr. HYDE. I should think it would work just as well as a State bureau, and probably better.

Mr. THOMPSON. With reference to the housing conditions of your people, how do you house your additional workers while they are there?

Mr. HYDE. Well, the additional workers are housed in town, in the little village where there are a great many furnished rooms belonging to people who have houses there, and several boarding houses, conducted by private individuals, not by corporations—any of them.

Mr. THOMPSON. Then, you don't have camps?

Mr. HYDE. No, sir; a good many come in tents, and whole families will come there from other sections in tents, and live in the tents during the harvest.

Mr. THOMPSON. Have you tent cities around your ranches, then?

Mr. HYDE. I am referring now to the village of Campbell, where the tent cities are close to the canneries.

Mr. THOMPSON. What provision is made for the keeping of those people, the sanitary needs, and so forth, in the tent colonies, if you know?

Mr. HYDE. Well, of course, in the houses they have sanitary conditions which are looked over very often by the health officer of the county, and, apparently, must be satisfactory to him. Of course, as far as the tents are concerned you can imagine what the sanitary condition is in a tent as well as I can. It is a natural condition mostly.

Mr. THOMPSON. There is not any general or specific provision made to take care of these tent colonies which come there?

Mr. HYDE. No, sir.

Mr. THOMPSON. With reference to sanitary matters?

Mr. HYDE. The ground is rented to them by the owners of the ground, generally some large lot where trees are, and the tents are put up; and they are furnished with water. The ground rent is usually $1 to $1.50 a month for tent space and the use of the water.

Mr. THOMPSON. How do you view the possible spread of the Industrial Workers of the World among the agricultural laborers?

Mr. HYDE. Well, there have been Industrial Workers of the World there, I know, because they have made their presence known by signs that they have written on fences and various places, mainly in chalk. I never have met any

of them personally. I do not know any of them. I do not think they have ever attempted to propagate their doctrines among the help there; at least I have never known of it being done. The most of our workers there in town belong to the socialistic class; they are Socialist voters, as shown by the vote of Campbell. And the best workers we have got are these same Socialists.

Mr. THOMPSON. With reference to the floating help, particularly now, how do you view their efficiency or lack of it, and what causes would you assign either for one or the other?

Mr. HYDE. Well, at the time that we were cutting apricots, in the month of July, when the crop is at the height of the season, we didn't refuse work to anyone. If we did not have a place for a man in the drying ground doing a man's work—our drying ground of course was full all the time—we would state to him that he could take a knife and cut apricots by the piece the same as girls and women do. And many of them did that, and we had six or eight of them that went through the whole season doing it. But many of them said they would not do it, it was a woman's work, and they would not do it. I naturally came to the conclusion that they did not want work very badly. I looked upon these men as being unreliable in their statements to me regarding their desire for work.

Mr. THOMPSON. With reference to the kind of work, that is, the work required, the degree of efficiency in the cutting, is that a thing which requires a degree of efficiency, or can anybody do it?

Mr. HYDE. I had a man in particular there that earned more than $3 a day every day he worked. Some earned as much as if they had been in the field and had worked out there at the same time. They, most of them, with the exception of two of them, never had done that work before. But they soon learned it and applied themselves to the work and became efficient enough to earn their $2. One man in particular came from Santa Paula and said he had cut apricots before. I never saw any faster work done in my life than he did. He was almost a machine. He made $3 a day every day he worked.

Mr. THOMPSON. I was speaking more particularly about the skill required in order to preserve the goods and do the right kind of work—it is not a skillful operation, is it?

Mr. HYDE. No; it is not skillful, because there are children doing the work.

Mr. THOMPSON. What proportion of your work in the products cover the skillful work?

Mr. HYDE. The only skilled labor we require is foremen of the various departments. We have a forelady there, and then there are some experienced workers that we call skilled workers that work in and around the fruit, dipping the fruit, processing it, and all that kind of thing, that they have to have some skill. But they are experienced help we have had every year.

Mr. THOMPSON. You spoke of a larger number of floaters this year. What is the cause of that, if you know?

Mr. HYDE. I don't know the reason. I didn't hear the men state any reason, either.

Mr. THOMPSON. That is all.

Commissioner COMMONS. I would like to ask if it is possible in your business to enlarge the winter season by taking on new kinds of work?

Mr. HYDE. Well, I think that it could be done, and it is being done by some of the canneries. Some of the canneries that make catsup, for instance——

Commissioner COMMONS. Make what?

Mr. HYDE. Catsup. Instead of making it during the season of fresh tomatoes they take the tomatoes and work them up into a pulp and put them in gallon cans, and then open them in the winter and work it up when the fruit is not ripe.

Commissioner COMMONS. Does that prove profitable?

Mr. HYDE. Yes, sir; it has a commercial value. It is a commercial article. Of course the demand for labor in our county has always been great during the season of harvest on account of the perishable condition and nature of the fruit and vegetables that must be handled when ready. Nature does not stop in her work either for laws or for men's demands. If the fruit is ready it must be handled, otherwise it will be lost. For that reason we have to work our help in the cutting of fruit, fresh fruit, not only ten hours a day, but oftentimes two or three hours in the evening to keep up with the work; and we hire not only women, but children—that is, as the law allows them, between the ages of 12 and 16, on vacation permits issued by the school-teacher or school trustee where the child goes to school. Those vacation permits we file away

very carefully and keep them all. We won't allow a child to go to work until we have it so that we can show it at any time to any authority that has the power to ask for it.

Commissioner COMMONS. That is all.

Chairman WALSH. Is that all?

Commissioner WEINSTOCK. One question: Have you found, Mr. Hyde, in the last year or two, a surplus of desirable white laborers during the season?

Mr. HYDE. Well, there is a surplus of white labor. Most of the floating class seems to be the white, and even Americans; and some of them are desirable, and some are not desirable.

Commissioner WEINSTOCK. Well, from your experience, about what proportion would you call desirable workers, and what proportion undesirable workers among the whites?

Mr. HYDE. Well, referring to the floating classes of help, I should say that from my experience in putting men to work and having them stay with the work, showing a desire on their part to work, I should say there would be about one-half. There are a great many among the floating class that don't really ever apply for the work. They simply stay there awhile and move on. I don't know why.

Commissioner WEINSTOCK. What seems to be the weak spot in these undesirable white workers? What are their weaknesses and failures?

Mr. HYDE. I think it is their desire for liquor, judging by the use they make of the money they get. They will work two or three days and take the money, and I have seen them drunk afterwards in the town or village. In some instances these were men whom I was quite surprised to see; they had appeared to be straightforward men and good workers.

Commissioner WEINSTOCK. Is your community, for example, a dry community?

Mr. HYDE. Yes, sir; the fourth district of Santa Clara County has been dry for two years by vote.

Commissioner WEINSTOCK. What opportunity would they have for drinking?

Mr. HYDE. The nearest point is San Jose where they can get it; that is, where it is openly sold.

Commissioner WEINSTOCK. At the beginning of your testimony you made the statement that you believed that California with its remarkable resources can afford work for the willing and deserving men the year round. But a little later in your testimony you pointed out that during the winter months there were many avenues of employment that were practically closed on account of climatic conditions—so that I take it you want to modify your statement to that effect.

Mr. HYDE. I would modify it this way, that in the winter months—the time there would be no agricultural work to do—that is, fruit—and when the logging camps or mines might be closed by rain or snow—I think in the cities there would be work to be carried on, or on the roads. I would say, too, that the bureau I mentioned I think ought to have the power—there should be some act at least passed so that this floating help could be employed on the roads some way. Keep up the highways. We have a fine system of highways being inaugurated, and unless there is work done on them all the time the little holes soon become bigger and the road is ruined. That is part of the work that could be done in the winter as well as any other time, perhaps better. When the ground is wet it works up better and makes a better road.

Commissioner WEINSTOCK. Were you present when Prof. Parker testified?

Mr. HYDE. Yes, sir; I was.

Commissioner WEINSTOCK. You probably recall that he made a forecast that, in his judgment, owing to the diminished agricultural labor employed during the present summer, that there was a strong likelihood of the number of unemployed in the cities in the coming winter being greater than ever.

Do you share that opinion of Dr. Parker?

Mr. HYDE. I think he would be right for this reason: I don't know whether it is on account of the approaching fair—it worked the same way just before the St. Louis fair in 1904—but the working people, the skilled people and unskilled men came in looking for work and thought there was going to be plenty of work. That would make a large class that would form your unemployed army in the State.

Commissioner WEINSTOCK. From what you know of the agricultural conditions of the State this year, have there been as many men and women employed

in agriculture as last year, and have they been able to earn as much money as last year?

Mr. HYDE. The crops of the State—that would be governed by the size of the crops. The crops of the State have been mainly good.

Commissioner WEINSTOCK. This year?

Mr. HYDE. The prune crop is not as heavy as last year. It will probably be a hundred million pounds as against a hundred and fifty to a houndred and seventy-five million pounds last year. This is a shorter crop. The crop in our country this season, according to the best estimates, is, I would say, 60,000,000 pounds of dried prunes. Last year it was over a hundred million pounds.

Commissioner WEINSTOCK. So that there has been 40 per cent less employment?

Mr. HYDE. Yes, sir. On the other hand the peaches in San Joaquin and Santa Clara districts is a greater crop than last year. The orange crop this coming winter will probably be as good as it was last winter, which was a real good crop. There seems to be no climatic disturbance to hit it in any way, and it shows up well now.

Commissioner WEINSTOCK. You think taking the State as a unit and taking all agricultural workers as a unit, they will have earned as much money and as many been employed as last year?

Mr. HYDE. I think there would be.

Commissioner WEINSTOCK. You think this probably has been a normal year?

Mr. HYDE. I think the wages have been better than they were last year.

Commissioner WEINSTOCK. Why?

Mr. HYDE. I don't know why, but I know the Japs, for instance, in our county to-day form a considerable portion of the labor, on the farms, I mean, not in the packing houses, for I don't know a single packing house in the county or cannery that hires Japs.

Commissioner WEINSTOCK. The Japs are used for outside work?

Mr. HYDE. Yes; used in the fields. They are making good pay, better than they had been getting, and they are getting the same pay, as far as my observation goes, that the white men get for the same work in the fields.

Commissioner WEINSTOCK. What effect, in your opinion, will the opening of the canal, and the present European war, after it has been ended, have on the conditions of the California agricultural worker—the future condition of the agricultural worker of the State? Do you think it is going to help it or hurt it?

Mr. HYDE. I think there will be more labor here. I think all those people in Europe that wish to escape such conditions as have been existing in Europe several years, to avoid conscription in the army and all that thing, as soon as they get money enough will come to the United States. There are many steamship companies that have been booking immigrants, even some months past, that will bring them right directly to this coast. It seems to me that we would have an overabundance of agricultural labor in the State.

Commissioner WEINSTOCK. You think that the surplus will be greater than the demand?

Mr. HYDE. I should think it would be. That is all conjecture, of course.

Commissioner WEINSTOCK. So that from that line of reasoning the outlook for the agricultural laborer in California is not as encouraging as it might be?

Mr. HYDE. He will have more competition.

Commissioner WEINSTOCK. That, of course, is likely to increase the ranks of the unemployed during the winter months, is it not?

Mr. HYDE. It would for a while, but from my observation of the European agricultural laborer, they are a people that quickly establish themselves on ranches of their own, or on leased places.

Commissioner WEINSTOCK. Become renters or owners?

Mr. HYDE. Yes, sir.

Commissioner WEINSTOCK. What opportunities are there in California, Mr. Hyde, from your knowledge and experience, for thrifty, industrious, sober white agricultural workers to establish themselves as renters or owners?

Mr. HYDE. I am glad you asked me that question, because I think there is every opportunity in the world for a man who is thrifty, determined to do what is required of the laborer, while he is laboring for wages, and also with a fixed determination to improve his own condition. There is every opportunity in the world for such a man to succeed.

Commissioner WEINSTOCK. What is the smallest amount of actual capital that that kind of worker, thrifty, industrious, sober worker must have before he can hope to become a renter in the fruit crop?

Mr. HYDE. It is not so much the capital in money; it is the capital that every man must have to succeed, in being able to show those about him, that are acquainted with him, that he is a reliable, thrifty man. I will relate one instance of a man that came to work for me in 1885. He was an Italian boy who could not speak a word of English. He came from one of the southern Provinces of Italy, and his possessions consisted of a couple of letters from his mother, and a cheap silver watch, and a few dollars in money wrapped up in a red handkerchief.

He made the motions to me that he wanted—it was in the wintertime—that he wanted to work in the vineyard. He was accustomed to that, he had lived on a small farm in Italy and probably knew more about that than anything else. He made a motion he wanted to hoe around the trees and vines. I put him to work. At that time the wages ran from $20 to $25 a month and board for agricultural laborers. The Chinese at that time were getting $1.15 to $1.25 a day and board themselves. I am only giving you this to show you the conditions. He went to work for me and worked five years, and at the end of the first year he spent $1.50 a week getting an education from a little boy that showed him how to read and write. He quickly learned, and to-day that man has two farms, and has a house costing $3,000. He always pays for what he gets so I know that it is paid for.

Commissioner WEINSTOCK. Are the opportunities to-day better or worse than they were at the time that this Italian came to work for you?

Mr. HYDE. I think they are better.

Commissioner WEINSTOCK. Could the same man do the same thing over to-day?

Mr. HYDE. He could with the same determination that that man had to succeed. He would not require any money to lease a ranch. He saved his money and he had several hundred dollars in money and married, in the meantime, a woman of Italian descent, born in this country, and got a small farm and worked hard and gradually on up until he has two farms of his own. I have seen the same thing done by the Norwegian and Swedish people. They are very thrifty, too, and soon get a good start. It is the same with the Danish people of our agricultural district.

Commissioner WEINSTOCK. How long have you been a fruit grower, Mr. Hyde?

Mr. HYDE. Since 1882. I went into that county with my blankets myself.

Commissioner WEINSTOCK. What were the prevailing agricultural wages at that time, for white workers?

Mr. HYDE. I was hired for $40 a month and board myself, at first.

Commissioner WEINSTOCK. About a dollar and a half a day, out of which you boarded yourself?

Mr. HYDE. I boarded myself.

Commissioner WEINSTOCK. That was the prevailing wage?

Mr. HYDE. It was not, it was better; but I was sick; I wasn't able to do a man's work, and I started to work keeping time and getting supplies for a big ranch.

Commissioner WEINSTOCK. What did the farm worker receive at that time?

Mr. HYDE. Dollar and a half a day and board himself.

Commissioner WEINSTOCK. Dollar and a half a day and board himself?

Mr. HYDE. Yes, sir; the agricultural white worker.

Commissioner WEINSTOCK. Did he get a dollar a day and board?

Mr. HYDE. A dollar a day and board.

Commissioner WEINSTOCK. What is the agricultural wage now?

Mr. HYDE. Two dollars to two and a quarter. Two and a quarter during harvest time, two dollars other times, and board themselves.

Commissioner WEINSTOCK. Out of which they board themselves?

Mr. HYDE. Yes.

Commissioner WEINSTOCK. That would be an increase of about 33⅓ per cent?

Mr. HYDE. Yes.

Commissioner WEINSTOCK. From a dollar and a half to two dollars?

Mr. HYDE. Yes.

Commissioner WEINSTOCK. You heard the testimony yesterday given by Mr. Speed?

Mr. HYDE. Yes, sir; not all of it.

Commissioner WEINSTOCK. In which he stated the agricultural wages were lower to-day than they were 20 years ago, and cited some instances on the

Sacramento River where they were paying less than they had in the past. Has your observation led you to agree with Mr. Speed on that?

Mr. HYDE. No, sir; I do not agree with him.

Commissioner WEINSTOCK. You think he is mistaken?

Mr. HYDE. I think he is mistaken as far as Santa Clara County is concerned, where I have more particular knowledge.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all; thank you.

Call your next.

Mr. THOMPSON. Mr. Mills.

TESTIMONY OF MR. JAMES MILLS—Recalled.

Chairman WALSH. Was there something else you had to say in conclusion?

Mr. MILLS. There was a great deal I will say, if the commission cares to hear it.

Chairman WALSH. Well, now, the commission cares to hear it, but we don't want you to cover any subject that has already been covered.

Mr. MILLS. It is all—I am not at all anxious to stay over, Mr. President; I am perfectly willing to go. I am interested in this thing——

Chairman WALSH. With the suggestion I have made, just proceed, please.

Mr. MILLS. I am perfectly—I am afraid, Mr. President, I may have too much to say for your time.

Chairman WALSH. That might be possible.

Mr. MILLS. It would probably be better for you to put specific questions to me.

Chairman WALSH. Well, I had thought personally probably you had finished, Mr. Mills; that is, you had covered the subjects and gone into them in great detail. As you understand, we have a large number of witnesses. Now you have gone over conditions very well and, as I recall, you have compared them, have you not, with former times? If there is anything that you think that is significant to the inquiry, of course we would be glad to have you state it as concisely as possible. I do not think of any questions I care to ask you, any specific questions.

Mr. MILLS. Then I am through, Mr. Chairman.

Chairman WALSH. Are you? Well, thank you, very much, Mr. Mills.

Call your next.

Mr. THOMPSON. Mr. Griffen.

TESTIMONY OF MR. WYLIE GIFFEN.

Mr. THOMPSON. Your name?

Mr. GIFFEN. Wylie Giffen.

Mr. THOMPSON. Will you also give us your address and your business, Mr. Giffen?

Mr. GIFFEN. Fresno. I am engaged in the vineyard and orchard business.

Mr. THOMPSON. How long have you been engaged in that business?

Mr. GIFFEN. For myself about 12 years. I have been working in vineyards and orchards for about 28 years.

Mr. THOMPSON. You were here yesterday?

Mr. GIFFEN. Yes, sir.

Mr. THOMPSON. You heard the testimony that was given in reference to the conditions in agricultural lines?

Mr. GIFFEN. Yes, sir.

Mr. THOMPSON. What have you to add with reference to what has already been testified to? I just ask you that one general question, and you may state what you have to tell.

Mr. GIFFEN. Well, I think the ground was fairly well covered, and in the main it was in accordance with my own experience.

I think the solution of the seasonal labor problem in this State is the diversity of farming. What has made it in this State is because of the fact that in California we like to do the biggest things in the world. We like to have the biggest vineyards in the world. We like to have the biggest orchards in the world. We like to have the biggest wheat ranches in the world. And if we can't have the biggest, we like to have the next biggest. And that spirit has gone through all the people.

So, in planting a quarter section of land, instead of planting it to five or six crops, we plant it to one crop. And the result has been that we need a very large amount of labor for a short time in the year and only a few men the rest of the year, whereas if we would take the quarter section of land and, as we can do in most parts of California, raise six or eight different crops on it, we could keep—well, in my own case, instead of having 200 men, as I have now, I could have 40 men the year around and provide places for them to live with their families. I would get a very much higher grade of men, very much better efficiency. I could raise fruit cheaper than I can to-day, with a good deal more satisfaction to myself and a good deal more usefulness to the State, I think.

Mr. THOMPSON. Is there anything being done to spread this idea among the growers of the State?

Mr. GIFFEN. Not because of the labor problem or anything of that kind, but the very necessity of the thing will force us eventually to do that. As the competition becomes keener we will be forced to diversify. And, incidentally, we will make more money than we are making now. We may not make as much in some years, but in the average of the years we will make more money. While that process is going on there necessarily will be some suffering, I think, among the men who are performing the labor of the State.

Mr. THOMPSON. Well, how would you take care of it in the interim?

Mr. GIFFEN. I think the suggestion of a State labor bureau is a help, but not a very great help. It would be some help in connecting the man up with the job, but it would not be a solution of the problem by any means. I don't know; I don't think there is any solution—any real solution. There might be some help, but there is no real solution until we are raising a greater diversity of crops in each community.

Mr. THOMPSON. Anything further you would like to say, Mr. Giffen?

Mr. GIFFEN. No; I think I have nothing further to say in this.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Thank you very much, Mr. Giffen.

Mr. GIFFIN. I might say this: I think that the question of the advance in wages that Mr. Weinstock has raised—26 years ago I began work at $30 a month and furnished my own bed, and never worked for any less than that. But there was a few years after that, during the hard times, that wages were some less. And they are a little higher now, perhaps $5 a month higher. I don't think, though, that when you consider the purchasing power of a dollar—I don't have any figures—I don't know how much higher the things that the laboring man has to buy are than they were. I don't think the increase in wages has been near equal to the increase in the price of the things that he has to buy. In other words, the laboring man is not as well off, I think, as he was 25 years ago in this State.

Commissioner GARRETSON. If he had to buy the same amount of the same commodities with the money that he now has, he would have a less balance left with the money that he now earns, in your opinion, than he would have had from the former $30?

Mr. GIFFEN. I think a great deal less. I think that Mr. Speed is right in one thing. I would not agree with him at all in his ultimate conclusions. But personally I have come to the belief that it would be a good thing if farm labor could be organised. In fact, I think it is the only way that they will ever get what they are entitled to, and that the solution should come through organizations of their own rather than through legislation.

I have been forced to that belief against my own prejudices, because of the fact that the laborers, as I see them, that are organised, are the only people that have been able to raise their wages as the price of living has gone up. And the rest are suffering. It seems to me the only solution. And as an employer of labor, I would welcome the unionization of the common laborer, if it can be done. I don't know that it can be done.

Chairman WALSH. Prof. Commons.

Commissioner COMMONS. You spoke about the increased cost of living. If a man saves money now, will it require more for him to get a piece of property, or to get a lease, or to get into independent farming or growing?

Mr. GIFFEN. Yes.

Commissioner COMMONS. Than it did 20 or 30 years ago?

Mr. GIFFEN. Yes; it would require a good deal more money. Land has advanced in the last 10 or 15 years over most of California a great deal, and it would take a good deal more money.

Commissioner COMMONS. Well, you started in without anything yourself. How much more would you have to have now to start in with, to reach the position that you have now reached, than you did when you started in 20 or 30 years ago?

Mr. GIFFEN. I don't know. I would have to have something more; but it will always remain a fact that some few men in every community, under any conditions, and with any price of land, will get ahead. But the fallacy of that is—the old saying that there is always room at the top that was quoted here yesterday, I don't think is correct, as far as it affects the labor problem of this State or any other State; because, while there is one round at the top, there is only a very, very few men can get to the top. And, in the very nature of things most of the unemployed labor must remain at the bottom to do the world's drudgery, and you can't get away from that fact, it seems to me.

Commissioner COMMONS If they all got to the top wouldn't the condition be just the same as it is now at the top as it is at the bottom?

Mr. GIFFEN. Just exactly the same, because the drudgery must be done. And it is not the man that can get to the top—it is not that you can find in every community those who are able to forge their own way up—it is not those that you are interested in, or that this commission is interested in. It is the people that must always be the carriers of water and the hewers of wood who do the world's work.

Commissioner COMMONS. Well, according to your statement, he probably could not save as much now as he could then on account of the cost of living going up faster than wages. It would seem to me he would be required to save a great deal more in order to become an independent farmer than he would at that time, is that it?

Mr. GIFFEN. I think the conditions are continually making it more difficult for men to get something of their own in this State.

Commissioner COMMONS. Well, you think, therefore, that the increasing number of wage earners will go on, that the larger proportion of the population will be wage earners in the agricultural pursuits?

Mr. GIFFEN. I don't know whether I quite get that point. Just ask me that again.

Commissioner COMMONS. Well, that is too much of a prophesy, I suppose. It it not necessary to follow that out.

Chairman WALSH. Any other questions?

Commissioner WEINSTOCK. Yes. You made the statement a few moments ago, Mr. Giffen, that you welcomed the unionization of the agricultural worker. From the standpoint of the employer, what advantage would there be to you if agricultural labor was organized?

Mr. GIFFEN. Only this advantage, as I see it. I believe that labor will be better off. And in the end, what makes labor better off must redound to the betterment of all of us, I think.

Commissioner WEINSTOCK. You think, then, I take it, that it is the interest of the worker, from your point of view, that he shall organize?

Mr. GIFFEN. I think it is.

Commissioner WEINSTOCK. You think that by organizing he would better his conditions?

Mr. GIFFEN. I think that has been truly proven in the other industries. We do not do things, most of us—Mr. Mills, who was on the stand yesterday, has done some things that he didn't have to do. Most of us men that are employing labor, no difference what our hearts may dictate in these things, we are in competition with other people, and we don't do those things until we have to do it. Individually, the common laborer is not in position to force us to do it.

Commissioner WEINSTOCK. Of course the unionization of agricultural labor would lead to what is known as collective bargaining in place of the method that at present prevails, or individual bargaining. As an employer, if agricultural labor was organized, you would have to be prepared to deal with them collectively in place of dealing with them individually. Now, every man that comes to you, you make an individual bargain with him. Under union conditions, of course, you would bargain with one or two men for a large group of men, for all your men perhaps. Would that be a preferred condition from your point of view?

Mr. GIFFEN. I think there would be some disadvantages in it; but I am inclined to think the advantages would more than offset the disadvantages.

Commissioner WEINSTOCK. Tell me specifically what you would regard as the advantages and disadvantages from the employer's standpoint.

Mr. GIFFEN. The disadvantages, as I see them, are that it probably lowers the efficiency of some particular men. It seems to me that union labor works that way anyhow. I haven't been drawn very closely in touch with it, but it seems to me that it is a leveler of men more than the system that prevails to-day; that there is not the opportunity for the individual man to get ahead.

Commissioner WEINSTOCK. You mean it tends to the dead level, to make the dead level?

Mr. GIFFEN. It brings the lowest up, and the highest down, to a dead level, I think.

Commissioner WEINSTOCK. Yes; that is the disadvantage.

Mr. GIFFEN. I think so.

Commissioner WEINSTOCK. And that is a disadvantage to the worker rather than to the employer, is it not?

Mr. GIFFEN. Yes, sir.

Commissioner WEINSTOCK. Now what is the advantage?

Mr. GIFFEN. In a degree it would be some disadvantage to the employer, too.

Commissioner WEINSTOCK. What advantage would there be in it to the employer?

Mr. GIFFEN. In a large amount of our work collective bargaining would be a very great advantage, and is carried out now to a certain extent, not, I think, because there is any union that amounts to anything. We employ large number of Japanese and Chinese and Hindus, and that is all collective bargaining in our picking. I have perhaps a hundred pickers, and I only see one man in that transaction; and it is very much easier for me than it would be to see a hundred men.

Commissioner WEINSTOCK. So that in your Asiatic labor you are under collective bargaining now?

Mr. GIFFEN. Yes, sir.

Commissioner WEINSTOCK. You find it advantageous?

Mr. GIFFEN. I think so; yes.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all. Thank you.

Mr. THOMPSON. Mr. Dale.

TESTIMONY OF MR. J. B. DALE.

Mr. THOMPSON. You have heard the testimony of the last day and to-day on the seasonal labor?

Mr. DALE. Yes, sir.

Mr. THOMPSON. In agriculture?

Mr. DALE. Yes, sir.

Mr. THOMPSON. What have you to add to what has already been testified to?

Mr. DALE. Well, as an organizer of labor, I want to say to you and to the commission that I believe, I am positive, that the agriculture labor farm hand, the nomad, can be organized through and by the American Federation of Labor. There are organizations now known as the United Laborers of America, in San Francisco, in Oakland, in Richmond, in Fresno, in Bakersfield, in Sacramento, in San Jose, and one established last evening in San Rafael, affiliated with the central labor councils of those cities, and chartered directly by the American Federation of Labor. The cards they give those men—say a man is in Fresno and he migrates to Sacramento or San Rafael—the card that is given him in Fresno admits him to work in San Rafael without any additional pay.

Now, as to the farm hand, I will have to ask you to excuse a personal allusion. A good many years ago I carried my blankets and I worked on ranches in California. And I belonged to the Knights of Labor in California. In Solano County, in the little town of Dixon, some 70 miles from here, I had to crawl up, sneak up the back stairs of the K. P. hall to attend the sessions of the Knights of Labor—before I was grown—I was a young man.

Now, through that section of the Knights of Labor in Dixon the conditions of the farm hands were bettered to this extent: A man that fed his men on poor food, had a poor team, poor harness, poor plow—he had an awfully hard time to secure help. A good many men in the community knew nothing about it, but the farm hands that made up that section of the Knights of Labor knew all about it. The gentlemen that just left the stand said that he believed that he was willing to cooperate in the organization of the farm hands.

Now, gentlemen of this commission, that is the only thing that is necessary—get that in your minds now—there is not another thing needed to organize that

fellow and better his condition but to intelligently—but intelligent, consistent cooperation of the farmer himself. That will solve the problem, and those are the only two elements; those are the only two factions in society that can solve it.

Chairman WALSH. One minute, Mr. Dale. Would you say the view of this gentleman was typical of the fruit growers of California?

Mr. DALE. No; I do not believe that it is. I believe that he is an exception. I am very glad to listen to the exception. Now, there is no one thing that will solve the problem of labor but the men of labor. They are the only ones that can solve the labor question. The labor question is a practical proposition. A man can stand on the sidewalk, and he can sympathize with the fellow that is carrying the hod up the ladder. Sympathize? The only way that he can understand the condition of the hod carrier is to get a hod of brick on his shoulder, start up the ladder; his knees will begin to knock together, his eyes begin to stick out, the skin will begin to come off the shoulder, and then he realizes what it is to carry a hod of brick up the ladder. Now, I simply use that to convey the idea to this commission that it is practically impossible for men who have never labored, for men that do not know what it is for the sweat to run down in their eyes——

Chairman WALSH. Excuse me. May I interpolate some questions? You say that you are an organizer of the American Federation of Labor in this particular field?

Mr. DALE. Yes, sir.

Chairman WALSH. Farm labor. When did you begin your work?

Mr. DALE. Four years ago—a little over.

Chairman WALSH. Had the American Federation of Labor attempted any means to organize this casual laborer in California prior to that time?

Mr. DALE. Well, they had to this extent and in this way: They organized what is known as Federal unions. That takes in—say if there is a Federal union organized in San Rafael, and there are not enough plumbers in San Rafael to secure a charter from the international plumbers' organization—they are eligible to the Federal union until such time as there are seven members of the plumbers to secure a charter from this international. Then, according to the law of the American Federation of Labor, they must withdraw from the Federal union and secure a charter from their international.

Chairman WALSH. How many agricultural laborers were in unions of that kind four years ago, when you began to organize them?

Mr. DALE. Well, I don't know that there was but very few.

Chairman WALSH. Well, could you approximate the number?

Mr. DALE. No; I could not.

Chairman WALSH. Well, now, then, have you had any assistance in your efforts to organize this labor during the last four years?

Mr. DALE. I have had the cooperation of organized labor; yes, sir.

Chairman WALSH. But have you had any specific organizers who called upon men, setting forth the alleged advantages of organization and gave them the form?

Mr. DALE. Well, no; none outside of myself that——

Chairman WALSH. Please state now as briefly as you can how you go to do that work; what you do, we will say, day by day toward organizing these men?

Mr. DALE. The first work of an organizer when he gets into a city or town——

Chairman WALSH. I want to get what your work is in this particular field, not generally.

Mr. DALE. Is to secure applicants, of course.

Chairman WALSH. Where did you go, for instance, when you started four years ago to secure these applicants? What is your field of work?

Mr. DALE. My first work was in the city of Oakland.

Chairman WALSH. Is the city of Oakland a place where large numbers of this class of labor congregate?

Mr. DALE. Migratory men, yes, sir; quite a lot of them.

Chairman WALSH. Briefly now typify that as you can.

Mr. DALE. It took us a solid month, to begin with, to get seven men and $10 to secure a charter from the American Federation of Labor. This was in the month of June, I believe—yes, in the month of June, 1910.

On the following Labor Day, the first Monday in September—I am told, I do not know of this as I was not in Oakland—but there were between two and three hundred men of this organization in line marching with other organized labor.

Chairman WALSH. That was in Oakland?

Mr. DALE. That was in the city of Oakland.

Chairman WALSH. Was the organization confined to Oakland? Was the meeting place of that organization Oakland?

Mr. DALE. Yes, sir.

Chairman WALSH. Now, how many are in that now?

Mr. DALE. I think in the neighborhood of six or seven hundred men.

Chairman WALSH. In the neighborhood of six or seven hundred men?

Mr. DALE. Yes, sir; probably more than that, probably less.

Chairman WALSH. Now, where else has there been an organization of that kind perfected?

Mr. DALE. One in Fresno, one in Stockton, one in Bakersfield——

Chairman WALSH. How many in Fresno?

Mr. DALE. I left Fresno a week ago Friday—Friday a week ago—and I think they have about 150 men in their organization.

Chairman WALSH. How many have you organized in the four years of the efforts you have made?

Mr. DALE. In the neighborhood of 5,000 men.

Chairman WALSH. In the neighborhood of 5,000 men?

Mr. DALE. Yes, sir.

Chairman WALSH. Are you engaged in organizing——

Mr. DALE. Now, just a moment. I do not want to claim credit for organizing all those 5,000.

Chairman WALSH. Since you started organizing?

Mr. DALE. There is in the city of San Francisco now in the neighborhood of 2,000 men in the united laborers alone. Those men were in existence when I began the work, but they were chartered—they had a local charter, I believe—they are now chartered from the American Federation of Labor since this organization.

Chairman WALSH. That includes the 5,000?

Mr. DALE. Yes, sir.

Chairman WALSH. What means of collective bargaining is there for these 5,000 men?

Mr. DALE. The Fresno local have a business agent the same as the Japanese have—just one point I want to dwell on, if you will permit me here, and it is that the employer—why is it that the employer of labor will object to dealing with the business agent from the white, the Caucasian, race and yet are ready and willing to deal with the fellow from the others? Can you answer?

Chairman WALSH. I am trying to confine it to your organization.

Mr. DALE. All right.

Chairman WALSH. Now, what method of collective bargaining have you for these 5,000 that are now in the organization?

Mr. DALE. Simply as I tell you, Mr. Chairman, through their representative—their business agent—or the business agent of the building trades council, or the business agent of the Central Labor Council.

Chairman WALSH. Well, the fruit laborer, the laborer on the fruit farm—how many collective bargainings have you with employers?

Mr. DALE. Now, I want to say this, that there is not many agricultural—that is, men that work on the ranches, that belong to these organizations so far.

Chairman WALSH. How many do you think that belong to that organization, of the 5,000, are there that work on fruit farms?

Mr. DALE. Well, they work on fruit farms, quite a number of them; but they don't deal with their business agents—they don't deal through their organization, they work as individuals on the fruit farm.

Chairman WALSH. They have no advantage of collective bargaining?

Mr. DALE. No; not as an organization, it has not reached that point.

Chairman WALSH. You really say that so far as the fruit laborer himself is concerned, that there is no organization that deals directly, through collective bargaining, with employers in the State of California?

Mr. DALE. That is it.

Chairman WALSH. Do you think they need organization?

Mr. DALE. I certainly think they do; yes, sir.

Chairman WALSH. Please state any plans that the American Federation of Labor has for organizing these men as such—as laborers upon fruit farms?

Mr. DALE. It is simply the plan, Mr. Chairman, that I have outlined, charter them by the American Federation of Labor—give them a charter.

Chairman WALSH. But if you have not gotten collective bargaining in four years, would you, or would you not, say that your efforts to organize were successful?

Mr. DALE. The efforts for organizing those men have been directed to the cities where they deal with the building contractors, with the sewer contractors——

Chairman WALSH (interposing). Yes; but we are taking up the subject of agricultural labor. You have heard all the testimony, that there are great numbers of men that do that alone. That they began 20 years ago; some say conditions were better 20 years ago than they are now, that there were outlets to other fields, but that now these men are placed under disadvantages in various ways; that is, that the work is seasonal; that while the land might give itself to more intensive cultivation, diversified crops, that the employers are not giving it that attention, and that these men go from place to place; on the one hand they are said to be rendered migratory on account of their conditions; on the other hand the employers say that on account of their habits of life, and so forth, they are nomads. But the fact remains that there are great numbers of those men. You heard Mr. Speed here say that there is a persistent need—a demand for organization among those men. Then, you have heard this employer say that they could not establish approximate justice for themselves unless they were organized. Now, how would you go to organize them to-morrow?

Mr. DALE. If the farmers in Fresno County will cooperate with me——

Chairman WALSH (interposing). Let us assume that for the moment Mr. Speed is correct, and that they are economically at sword's points, that they are adversaries; let us assume that your estimate of the condition is true; that this last gentleman was not typical; that the employing friut growers desired them to be disorganized and compelled to bargain individually. What do you say, assuming that we can not get cooperation now with the employers; what would you do?

Mr. DALE. I still stick to the ship, Organization—organize.

Chairman WALSH. Suppose, now, at the end of eight years, four years more, you still have not one organized as such, what would you do then?

Mr. DALE. Continue to organize; never quit. There is no other remedy. I want to leave this thought with you: There is no remedy between paradise and perdition for the men under heaven that do the world's work to get approximate justice, except through the medium of organization—collective bargaining.

Chairman WALSH. You have heard testimony here to the effect that these workers should be organized into labor organizations outside of the American Federation of Labor. What has been your experience in regard to the effort that has been made to do that? As briefly as you can, state the possible outcome of it.

Mr. DALE. Well, I believe that that so far has proved to be a failure. I do not think it can ever be successful.

Chairman WALSH. Then, what would your opinion be; would it be that it is impossible to organize this class of labor through the American Federation of Labor? At least you can not get an organization in four years. Do you think it is impossible to organize it the way these men suggest? Such effort at organizing having been futile, is it your opinion that it is bound to be? What would you say?

Mr. DALE. I should say, as I told you, Mr. Chairman, I would continue to persuade those men to organize, to point out the benefits that have accrued to the men and women that have organized; tell them that it costs him just as much to buy a beefsteak or to get bacon and eggs for his breakfast as it does the organized man that get $5 a day—just as much for the unorganized man that works for $2. As soon as you can get that idea in his cranium, then you have got him. There is an organized opposition to the organizing.

Chairman WALSH. From whom?

Mr. DALE. From the employer and from certain elements of labor.

Chairman WALSH. Have you found any organized opposition generally to organizing the employees in other crafts?

Mr. DALE. Well, I have found opposition to the organizing of the migratory man, from the organized point; yes, sir.

Chairman WALSH. Is he or is he not more protected or less protected on account of the seasonal nature of his occupation than these men in these other crafts in which you have been more successful?

Mr. DALE. That is probably true in a large measure.

Chairman WALSH. Have you thought of any means by which you could improve, from your standpoint, on the efforts of organization?

Mr. DALE. I do not quite get you.

Chairman WALSH. Have you ever endeavored to organize these men right in the places where they were working?

Mr. DALE. On the ranches?

Chairman WALSH. Right on the ranches.

Mr. DALE. I have not.

Chairman WALSH. What would you think as to that method of organizing them?

Mr. DALE. I do not believe that would be successful.

Chairman WALSH. How do you present to these men those arguments that you say, Mr. Dale, in your opinion are the only things that can be presented to them?

Mr. DALE. Now, for illustration, if I may illustrate. A man joins the Odd Fellows, and the Odd Fellows haven't got any lodge in the country. It is usually in town. Those men, they are in the town or village, the agricultural worker that works, say, within a radius of 5 or 10 miles of the city of Fresno or the town of Dixon or the city of Sacramento—he lives in Sacramento or Fresno or Dixon. That is his home. Now, then, if I can persuade that fellow to join an organization organized in one of those towns and officered by citizens of the town that live in the town that work at common day labor for their livelihood, they have got a stable set of officers, men that live in that community, and an organization that a man can join. When a man wants to leave Dixon or leave Fresno or Sacramento, he takes his card and goes his way to another lodge, and he deposits the card, and he goes out in the country and finds work, and when he gets ready he comes back and gets his card just the same as the Odd Fellows do. That is my idea of organizing these men.

Chairman WALSH. Approximately, how many of these incidental laborers are there that are migratory? How many laborers first, I will ask you, are there in the fruit-growing industry, vegetable growing and canning?

Mr. DALE. I could not say that; it would simply be a surmise.

Chairman WALSH. Could you approximate it?

Mr. DALE. No, sir.

Chairman WALSH. Has there been any study made of it by your organization?

Mr. DALE. Yes, sir.

Chairman WALSH. You know whether there is a thousand or a hundred thousand?

Mr. DALE. You mean in the State of California?

Chairman WALSH. Yes, sir.

Mr. DALE. I presume probably a hundred thousand.

Chairman WALSH. How many of these hundred thousand that work on these farms would you say have post-office addresses or have voting places or homes?

Mr. DALE. Well, I would say a good many of them have no voting place.

Chairman WALSH. As a class they don't vote?

Mr. DALE. No, sir.

Chairman WALSH. And as a class they have no home or family?

Mr. DALE. That is true.

Chairman WALSH. How many of the hundred thousand are so situated?

Mr. DALE. Well, probably one-third of them.

Chairman WALSH. Do you believe an effective organization of those men can be made in the way you have indicated?

Mr. DALE. I think so.

Chairman WALSH. Well, has there anything occurred in the history of California to demonstrate that that might be so?

Mr. DALE. I related to you at the beginning of my statement that I belonged as a ranch hand to a section of the Knights of Labor. Of course, no one knew anything about it. The preacher in the little town denounced the Knights of Labor to this extent: That if there were more days of labor than Knights of Labor, the town would be better off. He was denouncing at the time the Knights of Labor. He didn't know who belonged to it.

Chairman WALSH. Have you any other suggestion to make along this line, that you have not already made here, and not already testified to; along the line of organising this class of laborers?

Mr. DALE. Well, nothing, only keep at the work, that is all.

Chairman WALSH. Keep at the work?

Mr. DALE. Stay with it.

Chairman WALSH. Have you stated it as well as you can and as well as you care to state, all the efforts you have made or that have been made by your organization up to date?

Mr. DALE. I think the ground has been pretty fully covered.

Chairman WALSH. Anything anyone wants to ask him?

Commissioner WEINSTOCK. Yes; I want to ask him some questions.

Chairman WALSH. All right.

Commissioner WEINSTOCK. Has it not been the history of labor organizations that where the grievance—where there are grievances there is a stronger possibility of organization than where there are no grievances? In other words, if you go into a community where the workers are all contented and getting what they believe to be satisfactory wages with satisfactory working hours and satisfactory conditions, it is much more difficult to organize them than when you go into a community and find the workers discontented and believe they are underpaid and overworked; is that not so?

Mr. DALE. That is a fact.

Commissioner WEINSTOCK. Therefore the best evidence of organization; that is, the best evidence that there are grievances is where you find men ready and willing to organize?

Mr. DALE. Well, that holds true in a measure, Mr. Weinstock. Now, in some places in China, you know the conditions are indescribable almost. They never think of organizing; that is, they never think of making any particular protest. It is a good deal in the mind; it is a good deal in the intelligence of the individual.

Commissioner WEINSTOCK. Yet we know that the workers in China are the best organized workers in the world. I know, because I have been there and made an investigation. There are no strike breakers in China; there are no scabs, as they are called in this country, in China. Every member of the craft belongs to the guild, and it is an absolute union.

Mr. DALE. Yes, sir; they belong to the guild.

Commissioner WEINSTOCK. If you have been unable—I take it you are a good deal above the average as an organizer?

Mr. DALE. Thank you, sir.

Commissioner WEINSTOCK. Because you have the intelligence and the ability, and you understand the conditions. If with all your ability and with the American Federation of Labor behind you, you have been unable to organize the agricultural workers of California, even in a limited degree, that would indicate that if these conditions that you and I regard as grievances, are grievances, they seemingly are not so regarded by the workers themselves.

Mr. DALE. Well, the average man on the ranch does not stay long enough, you know. He comes and goes. He is so disgusted with himself and so disgusted with his life; he is so hedged in with it, he does not stay long enough only to get a few dollars, and he goes. That is the trouble, Mr. Weinstock; if this fellow was reached right—if the men who hire these men would only cooperate with organized labor, those fellows could be organized. We would have a million of those men organized within the next five years if the farmers would only help. The men that are not—the men that are crying they can't get help could get it, and it would be the medium of bringing them reliable help.

Commissioner WEINSTOCK. If that is the situation, then your missionary work should be done among the farmers rather than among the farm workers?

Mr. DALE. The farmers have got a union, and I believe they have a fraternal delegate to the American Federation, do they not, Brother Lennon?

Commissioner LENNON. Yes, sir.

Commissioner GARRETSON. So does the manufacturers' union.

Mr. DALE. But they don't send fraternal delegates.

Commissioner GARRETSON. Or they are not helping organize their employees?

Mr. DALE. No, sir; they are not.

Chairman WALSH. Anything else? Let us hurry through. Prof. Commons has some questions.

Commissioner COMMONS. What is your idea of this proposition others have been speaking about, about the organization of State employment offices?

Mr. DALE. I am not in accord with it at all. I believe the work should be done through the organization. I believe the man seeking help should deal with the white man, the same as he deals with the Jap, the Chinaman, or the Hindu—go to the representative of those men. I am thoroughly in accord with the statement made yesterday by Mr. Speed, that the best and only lasting legislation that the workingman or working woman will ever get is through their organizations, because the courts are not with us; they are against us.

Commissioner COMMONS. Seeing they are migratory and traveling about, wouldn't you have to have some stationary organization to send them to the various places?

Mr. DALE. Yes, sir.

Commissioner COMMONS. How would you operate that?

Mr. DALE. The labor employers of Fresno when they needed help, let them ring up the business agent, a Mr. Bush, of Fresno, at the present time. His telephone number is 1198. Let the employer ring him up and say, "Mr. Bush, I want so many white men. Can you furnish them?" Let him get in communication with that fellow instead of getting in touch with the Chinaman.

Commissioner COMMONS. Suppose you wanted the employers to deal with you in collective bargaining—the farmers, I mean. Why shouldn't you have the association of farmers join with you and establish a joint employment office? Why should you ask them simply to call on your business agent; why should you not have somebody acceptable to them also to call on?

Mr. DALE. The farmers have a farm union, I believe, now in the county of Fresno. I believe they meet occasionally, and we would be only too glad to cooperate with them. We will meet them just the same as we agreed to meet the business men of Stockton around the table.

Commissioner COMMONS. Would you establish with them a joint employment office?

Mr. DALE. That might be feasible; yes, sir. Probably would be.

Commissioner COMMONS. In which they would have just as much voice in controlling it as you would?

Mr. DALE. I don't know whether that would be practical or not. Of course, that matter is worthy of consideration; I will say that.

Commissioner COMMONS. If the State should pay the expenses of such office and let the union and the farmers——

Mr. DALE. You could not keep it out of politics.

Commissioner COMMONS. How?

Mr. DALE. You could not keep it out of politics, and the average trade-union, in my opinion, should shun the political arena as they would the bubonic plague.

Commissioner COMMONS. Suppose the farmers' union and this union of employees should select the staff that operated it. Wouldn't that keep it out of politics?

Mr. DALE. That would; yes, sir; if that could be done.

Commissioner COMMONS. And the State might subsidize it or pay the expenses.

Mr. DALE. Why put it under the ban of the State at all? Why not let organized labor control it?

Commissioner COMMONS. Let the two together pay the expenses?

Mr. DALE. Yes, sir.

Commissioner COMMONS. Let the employer pay the expenses.

Mr. DALE. Yes, sir; let it be their *own* institution individually, and let them be responsible to themselves and their members for the conduct and success or failure of the institution.

Commissioner COMMONS. That is all.

Commissioner LENNON. Mr. Dale, is the evidence of the sympathy of the workers with organization made manifest by membership in organizations?

Mr. DALE. I think so.

Commissioner LENNON. You do?

Mr. DALE. In a large measure; yes, sir—not wholly.

Commissioner LENNON. Are the employers of this State thoroughly organized?

Mr. DALE. As far as I know they are, Mr. Lennon. You mean the farmers and business men—the men who employ labor?

Commissioner LENNON. Yes, sir; that is what I mean.

Mr. DALE. I think they are. I think the men that buy labor are pretty thoroughly organized, and the fellows that sell it are not so thoroughly organized.

Commissioner LENNON. Do you undertake to organize the farm labor without going to where they are employed?

Mr. DALE. I aim to meet them in town, where they are on Sunday.

Commissioner LENNON. That is all.

Chairman WALSH. Just one other question: In talking about the organization of orientals it was stated here that the way the Chinese were operated there was one man who made the contract, and he received from the employer 50 cents to $1 a head, depending upon the demand for laborers, the scarcity or oversupply at the time, and that he made a profit by selling them provender. Did you or did you not mean you would be in favor of establishing that sort of system?

Mr. DALE. Certainly not; no, sir.

Chairman WALSH. That is all; thank you.

Call your next.

Mr. THOMPSON. Dr. Parker.

Chairman WALSH. Let us call another witness besides Dr. Parker, because he covered part of it yesterday.

Mr. THOMPSON. Mr. Bell.

TESTIMONY OF MR. GEORGE L. BELL.

Mr. THOMPSON. Give us your name.

Mr. BELL. George L. Bell.

Mr. THOMPSON. Your business address?

Mr. BELL. 215 Underwood Building.

Mr. THOMPSON. And your profession?

Mr. BELL. Attorney.

Mr. THOMPSON. Are you connected with the Commission of Immigration and Housing of California?

Mr. BELL. Yes, sir; I am attorney for the commission.

Mr. THOMPSON. How long have you been in that position?

Mr. BELL. About seven months now.

Mr. THOMPSON. In that position did you represent the commission at the Wheatland trials—the so-called Wheatland trials?

Mr. BELL. Yes, sir.

Mr. THOMPSON. While you were there representing the commission did you have a chance to study the treatment of labor suspects by the authorities and others?

Mr. BELL. Yes, sir; I attempted to follow that during the course of the trial by interviewing all of the men.

Mr. THOMPSON. Will you tell us briefly the treatment as you viewed it?

Mr. BELL. In regard to the treatment of the migratory laborer and suspects held in that case, I think the best way to bring out my view is by citing two cases, if I may refer to some documents to refresh my memory on that. They are affidavits made to the commission at the time.

The case of a man by the name of Brady, for instance, who was a migratory worker, and came to Sacramento, Cal., about the 1st of September, which was the month after the riot at Wheatland, and, was arrested by a policeman, charged with having assaulted a Hindu. He was put in jail, booked on what is known as the secret blotter. The next day he was interviewed by some men, but the case of assaulting the Hindu was not referred to, and he was immediately questioned and cross-examined in regard to whether or not he had been in the riot at Wheatland August 3. He stated at the time he had not been, but that he was in jail on August 3 in a town in Wyoming, and offered to prove that fact, and suggested that the authorities wire to the authorities in Wyoming and ascertain the facts. They did not do so, and he was subsequently taken up to Marysville, where he was held in jail, and then transferred from one jail to another among the different counties, and never was examined before a court.

Finally, he succeeded in getting a letter out to the sheriff in this town in Wyoming. The sheriff wrote back proof of the fact that he had been in jail in Wyoming on August 3 and had escaped. The authorities then said that they could not identify him as that same man. This man then offered to have his picture taken, and offered to give them two or three other ways in which they could identify him back in Wyoming. The authorities did nothing for several weeks after that, until finally he was dismissed after having been held 75 days.

Now, the affidavit of the man states that at no time during that period was he ever taken before a court or before any judge, and never had an examination.

Chairman WALSH. What is the provision of the California constitution relative to speedy and public trials?

Mr. BELL. He was held as a suspect in that case. The provision is that a man must, as soon as arrested, be taken before the police magistrate at the earliest possible moment thereafter.

Chairman WALSH. Is there any statute that would authorize holding a man 75 days without lodging a charge against him?

Mr. BELL. No statute that I know of.

Chairman WALSH. Upon what authority is it done?

Mr. BELL. Simply done because the man had no way of getting out of the situation.

Chairman WALSH. The man had no lawyer?

Mr. BELL. The man had no lawyer. He said he knew no lawyer. He had no acquaintances in California. He was finally dismissed on the motion of the district attorney, evidently, without being taken before the court.

The instance of another man at the same trial, a man by the name of Nelson, who was arrested in September, and finally released in January. His affidavit states that during that period he was never taken before any magistrate.

Those two instances are the only express instances of that sort of violation that I found at that trial.

Chairman WALSH. Is it or is it not a typical condition in industrial disputes?

Mr. BELL. I was going to say, I continued and talked with several other people who were present at the trial who were migratory laborers—wanderers. Many of them were members of the organization known as the I. W. W., and they related similar experiences in different States throughout the Union. They stated; and seemed to have facts to back up their statements, that it is a general custom whenever a crime is committed to go out and bag men. To throw out the dragnet. And they claim that very often they are dragged in, in this net, and held as suspects, and the officials try to force them to appear as witnesses, by a series of examinations in which they say, "as a matter of fact, were you not present at so and so," and keep that up for hours, trying to force them finally to say they had been at a certain place and had seen a man commit the crime or themselves had been involved in it.

The generalizations I make from those instances are twofold. One in regard to vagrancy in general. It seems a general custom to throw out the dragnet among the vagrants—migratory laborers. If a man is wandering around without visible means of employment, he is arrested as a suspect, and in this condition, being without friends and without means and usually without organization, he has no means of getting counsel. In the first place, I think it shows the lack in our present judicial system of a public defender. Very few places have a public defender. As I understand the growth of the law, the district attorney was supposed originally to be a public prosecutor and public defender as well, but district attorneys as a rule now are more prosecutors than defenders. If there was some one who could appear for these men as public defender, whether they had a private attorney or not, I think it would relieve the situation a great deal.

Mr. THOMPSON. In those two cases was any protest made by any organization, by your commission or organized labor, against holding these men?

Mr. BELL. No protest was made by our commission, and, as far as I know, no express protest made by any organization of labor in these two particular cases.

Mr. THOMPSON. Do you know whether any notice was given to any officer or voluntary body of men of the fact that two men were held under such circumstances?

Mr. BELL. Mr. Nelson states that the Swedish consul was notified, and finally they sent an attorney to represent him, but the attorney was not successful in getting a hearing until—well, not at all, in fact. Why I don't know.

Mr. THOMPSON. Did you take the matter up with the state's attorney, or other officer who prosecutes in that county?

Mr. BELL. I discussed the matter with the district attorney and judge and other officers in Yuma County. They explained the situation by simply stating it was the usual practice in such cases; that here was a hard case in which it was impossible to find the men who were connected with the crime; that they had to throw out the dragnet; that they thought they had some evidence against this man; that some one else had said he was in Wheatland and connected with the murder.

Mr. THOMPSON. Did they seek to justify their action on legal grounds at all?

Mr. BELL. None that I heard them state. They simply said it was the only way they could hold him.

Mr. THOMPSON. Did you ask them upon what legal ground they could hold him 75 days?

Mr. BELL. I did.

Mr. THOMPSON. What did they say?

Mr. BELL. They said if they took him before a court they did not have legal evidence sufficient to hold him, yet they suspected the man and thought they were carrying out justice in holding him, because they had enough knowledge in their private information to justify them in holding him. They thought they were performing their duties to the community in holding him.

Mr. THOMPSON. But put it on no legal grounds?

Mr. BELL. No, sir.

Mr. THOMPSON. Just simply because they wanted to do so?

Mr. BELL. No explanation was made to me of any statute or law that would back up their position.

Mr. THOMPSON. Did you or anybody else draw attention to the fact that that amounted to imprisonment without trial or recourse to law?

Mr. BELL. Yes, sir.

Mr. THOMPSON. What did they say to that?

Mr. BELL. The answer was that the man could get out a writ of habeas corpus.

Mr. THOMPSON. Did they say how he could get that out without having an attorney?

Mr. BELL. They admitted that he would have to have an attorney.

Mr. THOMPSON. Did they state they would supply an attorney?

Mr. BELL. The district attorney stated to me in the case of Mr. Brady that he told him if he wanted an attorney he could get one.

Mr. THOMPSON. Did they offer to furnish an attorney?

Mr. BELL. Not as far as I know.

Mr. THOMPSON. Did they offer to place him in communication with any organization or individual who might furnish an attorney?

Mr. BELL. No, sir; not as far as I know.

Mr. THOMPSON. As a lawyer of this State, what was the situation with regard to the possibility of getting such a writ?

Mr. BELL. Well, the man was really helpless.

Mr. THOMPSON. What would you suggest might be done, seeing that is, as was stated by the county attorney, a customary matter? What could be done to amend it as a law so that the citizen or individual might have the benefit of the law?

Mr. BELL. I think the law is satisfactory as written on the books, which says a man shall be taken before a magistrate as soon as possible after arrest. The only trouble is that this law is not respected. As the district attorney suggested, the district attorney no longer acts as district attorney and defender also. I think it is necessary to have the office of public defender, as they have in Los Angeles County.

Mr. THOMPSON. Then you think that a public defender's office is necessary, so that in cases of this kind the men can be defended, because the officers do not carry out what the law commands the officers to do?

Mr. BELL. Yes, sir; and so that the man can get representation. It is the only way that he can get legal representation from the officers.

Mr. THOMPSON. You may go on with your statement now about the conditions as you found them there.

Mr. BELL. Well, that is all in a general way, my generalizations from those two specific cases. It seems to me that one trouble—I would enlarge a little on the vagrancy problem generally. The men with whom I talked blame this condition of affairs upon the general practice of putting men in jail as vagrants. A man goes into a town without any visible means of support, and nine times out of ten is "vagged," as the expression goes; he is arrested and put in prison as a vagrant for a period of from 15 to 30 days. They get into the county jail.

Mr. THOMPSON. That is without trial in these cases?

Mr. BELL. No, no. That is with trial. I am speaking generally with regard to the vagrancy laws. They are put into jail for a period of from 15 to 30 days. The jail is an insanitary place. Many of the county jails are in insanitary buildings. They are given no employment but simply lay and sleep in a little dark

cell and have no physical exercise to speak of. The food they complain of generally. They claim that they come out covered with vermin and that their self-respect is lost. They all state that after a man has been put in prison as a vagrant several times he then becomes a professional vagrant. That is, the punishment encourages them to be vagrants.

Mr. THOMPSON. What evidence is generally sufficient to put a man in prison for vagrancy?

Mr. BELL. Well, generally if a man has no employment, and if he has no money on his person when arrested, that usually is sufficient evidence.

Mr. THOMPSON. On that same ground, probably all the migratory labor in the State would be affected, wouldn't it?

Mr. BELL. Well, except for the migratory laborer who has a few dollars in his pocket. But when the migratory laborer finally runs out of money, then he is a vagrant.

Mr. THOMPSON. And can be sent to jail?

Mr. BELL. And can be sent to jail.

Mr. THOMPSON. Now, that labor forms the great part of the labor in this State, doesn't it?

Mr. BELL. Yes; in the summer time it certainly does.

Mr. THOMPSON. What suggestion would you make for the changes in the law in that respect?

Mr. BELL. Perhaps not exactly a change in the law, but in the method of the confinement of the vagrant after he is convicted of vagrancy. I think that it is not a helpful thing to put a man in prison and simply keep him in confinement for 30 days. He creates nothing for the State, nor is he improving his own condition. It seems to me that the solution is to put the vagrant in some creative form of employment, for instance, the State farms, such as they have in Prussia and some districts of Germany, as I understand.

Chairman WALSH. What is a vagrant under the law of California, or is it defined by city ordinances in various places?

Mr. BELL. It is defined by the State code.

Chairman WALSH. What is it?

Mr. BELL. Any man who has no means of support and no visible means of employement. There are several other definitions included.

Chairman WALSH. And that alone constitutes a man a vagrant in California?

Mr. BELL. That constitutes a vagrant in California.

Chairman WALSH. Without having bad associates or anything else?

Mr. BELL. Without having any bad associates or being connected with any crime.

Chairman WALSH. Or an evil reputation?

Mr. BELL. No; as I understand the law.

Mr. THOMPSON. What good do you think that law is to the people of the State of California?

Mr. BELL. I think it is really of very little good now, as I generalize. Perhaps it is a good thing to get men off the streets that would finally, perhaps, get destitute if they wander without funds or employment for any length of time. It may protect the community to a certain extent in putting them in jail where they will not reach that destitute state. But on the other hand, as far as the creative work affected by such a law goes, I think it amounts to practically nothing.

Mr. THOMPSON. Then, in the cases you have named, it has been used really as an unfair weapon against the men?

Mr. BELL. It strikes me it has.

Mr. THOMPSON. Anything further you would like to say, Mr. Bell?

Mr. BELL. No.

Mr. THOMPSON. That is all.

Chairman WALSH. Anything else? That is all. Thank you, Mr. Bell. Call your next.

Mr. THOMPSON. Mr. Carlin.

TESTIMONY OF MR. W. H. CARLIN.

Mr. THOMPSON. Mr. Carlin, will you please give us your name?

Mr. CARLIN. W. H. Carlin.

Mr. THOMPSON. Your business address?

Mr. CARLIN. Marysville, Cal.

Mr. THOMPSON. Your profession?

Mr. CARLIN. Attorney at law.

Mr. THOMPSON. How long have you been practicing law there?

Mr. CARLIN. Since August 1, 1890.

Mr. THOMPSON. Were you the special prosecutor in the Ford and Suhr cases?

Mr. CARLIN. Yes.

Mr. THOMPSON. What have you to say with reference to those cases, and particularly with reference to the statement of unfair treatment to labor suspects by detectives and other officers of the law?

Mr. CARLIN. Well, I will give you my statement. Then I would like to have you—Dr. Parker is by your side there, and he is quite conversant with a good deal of it up there—and I would like then to be asked such questions as you think might enlighten the subject somewhat here.

I will say that this trouble occurred on the 3d of August, 1913. Marysville is not a very large city. I have a good deal to do, and although spoken to by the district attorney about possibly coming in to help him, nothing definite was determined upon until some time along in, probably—I would not be certain, October, probably, or maybe November. After some persuasion, realizing the work was not going to be very easy or very pleasant, I, at the request of the attorney general, agreed to go into the case, and I did. Up to about that time I did not pay so very much attention to what was going on, except what I learned through the newspapers. I had heard about detectives, and men being arrested. But from the time that I agreed to go into the cases, I realized that I would have to do something, and made myself more or less conversant with the whole situation.

I found this situation. The trouble occurred there on August 3, among a large number of people. The thing happened in a very, very short space of time, probably five minutes, maybe less, and the actors in the tragedy, if you wish to call it such, scattered or disappeared, went where they thought best to go; that the officers evidently—the arm of the State—found it a very difficult thing to ascertain who were guilty of the shooting on the ground. They, I am told, sought the assistance of certain private detective agencies to locate those who were there at the time, and through their assistance did locate some.

I may as well say in passing, if it is proper, and I guess that is one of the things you desire to know, that I deprecate—let me say first that I have never made a specialty of criminal law. The first 8 or 10 years of my practice I tried a good many cases as a young fellow starting in the country. We find it a means of getting acquainted, hoping that we will get out of it and drop out as quickly as possible and get at something that is more pleasant and more lucrative. And in that time I did try throughout the northern counties of the State—I mean by that Yuba, Sutter, Nevada, Placer, and Siskiyou, and a couple of others—several criminal cases, among them about 24 or 25 capital cases.

Now, I will say that I deprecate the use or the employment of private detective agencies in any criminal case. In fact, and I may say in these cases I tried, they were all on the part of the defense except two, and one is the one now under discussion. In fact, the ordinarily regularly appointed or elected State official—State or county—who is under bonds and under the sanctity of his oath, and so forth, is very likely in gathering evidence in a criminal case to become zealous, to form a theory or opinion, and, having formed it, to go to improper lengths in order to sustain it; in other words, to become a prosecutor with all the zeal, all the energy and enthusiasm which properly belongs to the man on the defense. And I say that is the case with the ordinary police officer, and I am speaking of the country as distinguished from the city, where I will always claim we have a better administration of justice than you can have in a large city. The atmosphere is clearer, I will say, and I think, from a local standpoint, cleaner, without any disrespect to any city, of course, even San Francisco. But now when you take a case, however, and put the gathering of evidence in the hands of a private detective agency or individual you multiply the dangers to the defendant immeasurably by doing so. He has not surrounding him any of the influences which tend to keep the regular officer within proper bounds. I desire to state this with all due respect to all detectives and private agencies, but I am speaking in a general way.

Now, coming to the point at issue: I inquired as to why private detectives were called into this so-called Wheatland riot case, and I was told from its very nature it was impossible for the regular officers of the county to hunt out and find the ringleaders at the time of the riot. They had scattered, and they had

to be searched out; as the saying is, run down. And that was the cause of it. Well, when I went into the case, there was a large amount of evidence which had been gathered by the district attorney, a very careful and extremely conscientious gentleman. He had not had a very large amount of experience in criminal law, but endeavored to do the right thing at all times. I found this evidence and went through it. In so far as that which was gathered by the detective agencies was concerned, I considered it worthless, and their work worthless, except in so far as it tended to locate the individuals whom I believe were afterwards legally and completely and fairly proven guilty of the charge laid against them. That was, the finding of them was a benefit. The evidence they gathered was of little value. To illustrate: A man named Suhr, one of the men afterwards convicted, was said to have made a confession to certain detectives; and certain of the detectives, I believe, called at my office and told me what he was purported to have said. He was in jail at Yuba City, Sutter County, which is across the river from Marysville. I asked to be taken over there so that I could talk to him, telling these detectives at the time that I didn't place any reliance upon anything they might have gathered, and that in so far as I might be concerned in the handling of the cases I would not use any evidence which he or any other private detective obtained, unless, after an examination of the witness or the person in question, independent of anything that they had gathered, I found it was voluntary and entirely free from duress or improper influence. I went over with the agent and, I believe, the district attorney—yes; I know it—and interviewed Mr. Suhr in the court room, in the presence of the sheriff and several others, the detective being present—his name I did not get; I could not mention it now. I asked this man to give me a statement of what had happened to him, what he had done, and how far he had been mistreated, if at all. He talked to me for probably an hour. I let him talk on. Only once did the detective interrupt, and I then told him—the detective—that he must either sit back in the rear part of the room, remain silent, or leave the room. I heard no more from him during that examination. The witness went over the scenes at the hop field, told me that he had been present there. This is in the record, of course, and it is proper for me to state it now. And that he had fired certain shots at officers, and he saw officers fall.

He traced his own connection with Mr. Ford from the time of the shooting, or rather from a place in Stockton before going to the hop field, and showed to me that he came there for the purpose of an agitation, and that Mr. Ford came with him for the same purpose, undoubtedly. He stated nothing at all which would implicate Mr. Ford, other than that they came there together. The testimony which I took down was written out in longhand, but I never used it. I went into the trial of the case without using his statements to me. While they were voluntary, yet he was not represented by counsel for himself. At the time I told him, of course, of all his rights. But I didn't think it exactly the thing to do, and I kept that testimony in my office, and it never got before the jury. So when the cases came on for trial we eliminated all of the statements, confessions, or admissions, as you may term them, obtained by the detectives, and introduced the evidence taken from the witnesses on the ground, plus that of certain statements made by Mr. Suhr to the officers—that is, the local men—both in Marysville and in Yuba City. And those admissions were to the effect of doing certain shooting and being on the ground, but not nearly as complete or full as that which he gave to me.

Passing over, now, the details, there was a good deal said during the time of the trial about unfairness up there. The gentlemen who defended those men are present in this room. Under our law they were entitled to 20 peremptory challenges. I am not certain as to the number; Mr. Royce is over here [indicating], and Mr. Lewis is at the other side. But it is my impression they used 17, and they may have used 18. They didn't use all; I know that. They had peremptory challenges left after the jury was impaneled.

At the conclusion of the testimony and answering statements made by Mr. Bell as to a public defender, and purposely refraining from asking any commendation for myself, when the testimony was closed I was satisfied that two of the men were guilty beyond peradventure of a doubt—Ford and Suhr. I believed a third man was guilty, a man named Beck. A man named Bagan, there was just a little testimony to connect him with the crime, but it was so vague that it would have been a crime to have asked the jury to convict him.

In closing the argument, after it had been ably presented by Mr. Lewis for the defense, and after Mr. Royce, a very keen, careful lawyer, for the defense, had brought out all the testimony within his power, and in which trial the rulings of

the court were absolutely fair, in closing the argument I practically requested the jury—I did request them—to acquit Bagan and intimated to them strongly that they should acquit Beck, because, while I believed him guilty, yet under our law I may state there was in my mind a reasonable doubt as to this man's guilt, and, that being there, I intimated to the jury that they should acquit him.

I believed the other two men guilty of murder in the first degree, without any mitigating circumstances, in my own mind. I believed they went there for the full purpose of working up an agitation—not to work, but to work up an agitation, and to do so entirely heedless and reckless of the consequences. But I don't believe that either man thoroughly appreciated just what those consequences might be, and that while under the law they are presumed to know the ordinary consequences of their own voluntary acts, yet there was that question in my mind about the excitement and the cause which they thought they were leading which mitigated it. And I begged the jury in my closing remarks not to take their lives.

The jury took me at my word and did not—gave them second degree—acquitted the other two men—acquitted Mr. Beck, I was told afterwards, after quite a long discussion and disagreement there.

Now, the cases are, of course, on appeal. That is a brief résumé of the situation there.

I might say this: The conditions—I will touch on this briefly—prevailing in the fields we did not go into deeply. It did appear, however, that those men were agitators; that there were probably 10 to 15 brought there for that purpose. The conditions were not excellent. Dr. Parker investigated them thoroughly. I only got it from the testimony. The Durst Bros. had sent out, as was necessary in those cases, circulars asking for pickers to come, and they probably came there, more than they expected. They were not prepared for all that did come. But when the conditions were made known to Durst Bros. he did proceed—that is, Saturday, the 2d day of August—this was a matter that was not mentioned in Dr. Parker's report, and I think by inadvertence he omitted it. But attention was called to Durst by a committee sent up by the pickers. Mr. Durst stated then and there that he would at once remove those unsatisfactory conditions, all excepting a raise in wage from a dollar to a dollar and a quarter.

That was a fact which was proven by the testimony in the case, and the record is here. I brought it down with me. And that is the unquestioned testimony of the defense to show that Mr. Durst, as soon as they called it to his attention, stated, "I will remove those at once." The wage—and there was another claim of what they called the high-pole men which was not necessary—that is, the men to take down the vines from the higher wires—now, I am passing along here rapidly for you.

As to the men who were kept in jail up there, Mr. Bell is in error. Alfred Nelson was arrested, a complaint sworn to against him, given a preliminary hearing, held for a trial on a charge of murder. The other man, I don't know much about him. But let me say this to you: Before my coming into the case there had been several arrests made—well, maybe 5 or 6 to 10—6 or 10—along there. The law of our State entitles anyone arrested to be taken before a magistrate and have an examination. But it is upon his demand—his request. Of course, no officer should confine a man too long until he is given a hearing. But these men were arrested, and, as I am informed, I think correctly, no request made by any of them for an examination until Messrs. Royce and Lewis came into the case, primarily as the attorneys of one or two of the defendants, now, I can't say which. They can tell you.

Now, as I gather it, after their coming into the case, they got into communication with these other suspects. It was a single fight, of course. And they did the right thing. They, I think, unsolicited in many cases, got in connection with these other men, and that brought about hearings that had not before been asked for.

Now, none of these men were arrested as vagrants. I don't know that Mr. Bell intended to imply that the vagrancy charge was used here. Of course, I am passing upon it rapidly, and I know that the time is short. I desire to say that I can't give you the full definition of the term "vagrant" under our law. It is a long one. It is in the penal code, and it is easily obtained. Mr. Bell's statement to you would be misleading—of course, inadvertently made—without reading the section. Idleness and lack of visible means of support is only a portion of the definition. In each case that is qualified by other terms. Like an idle and dissolute person; a person without any fixed abode; and usually a person who lives about houses of ill fame, and places

of that kind, in a general way. I won't try to give it to you. The penal code is there, and I never try to keep in mind all the sections of the code. But you can easily get it.

Now, leaving the cities, I will say to you that in the country communities of the State, that vagrant law is not used to oppress anybody. No idle person, no person out of employment, no person simply because he was not working, in my time—I left New York State in 1881 and have been here since that time—has been arrested in the section of the State in which I have lived, to my knowledge, unless he becomes vicious and dissolute. The usual person that this law is applied to is the man that comes into those towns or cities like Sacramento, Marysville, Red Bluff, Redding, Nevada City, and so forth, and who, without work—either without work or whatever the reason is—acquires vicious habits, associates with known criminals, is found in houses of questionable repute, lies around, and finally gets to the place where he lives off of the earnings of fallen women. That is the man upon whom principally is visited the vagrant law. And I think I am safe in saying that 90 out of 100, well, that is pretty strong. 80 out of 100, yes; it is more than that, it is 90 out of 100, if not more, of the vagrancy cases in the interior counties of this State—I am not talking of the large cities, I don't know anything about them—are men and women who have inhabited the tenderloin, as the saying is, until they become obnoxious, and men who have, by associating with them and living off of their earnings, become an eyesore to the community. These are the kind of people that are affected by the vagrant law.

Now, I don't know that there is anything further that I might add to it.

Mr. THOMPSON. Mr. Carlin, you stated that you saw Mr. Suhr in jail?

Mr. CARLIN. Yes, sir.

Mr. THOMPSON. Across the river from Marysville?

Mr. CARLIN. Yes, sir.

Mr. THOMPSON. How long had he been arrested before that, if you remember?

Mr. CARLIN. Suhr had been in jail, of course, I can not give you the exact time, but I should say in Yuba City probably 8 or 10 days.

Mr. THOMPSON. During that time did you keep track of him in jail?

Mr. CARLIN. No.

Mr. THOMPSON. What he did or who saw him?

Mr. CARLIN. No; I wasn't connected with the prosecution directly at that time. I was just about to notify Attorney General Webb that I would take up the cases—except that I heard that he was in jail, and I believe that he was being visited by private detectives.

Mr. THOMPSON. Do you know to what process of sweating or other treatment that usually goes by that name, he had been subjected before you saw him?

Mr. CARLIN. I have no knowledge, excepting what I gathered from the man's own statement to me, and what I had heard. Of course, my source of information would necessarily be biased, but they said none. In my talking to him he gave no evidence of being sweated.

He impressed me at that time and at all times that I saw him afterwards, as a man who realized that he had got into a bad scrape. He is a man of not very high mentality, rather the reverse—got into a bad scrape and felt a keen sense of remorse, one who was willing to take the blame himself. Almost every other word, if he got a chance, he would say something in behalf of his associate Ford, and intimate that, so far as he was concerned, why he didn't have much show.

Mr. THOMPSON. Referring to the case of the two men who were held in jail, Mr. Carlin, for some time as suspects, one of whom you say had been arraigned and held for further trial——

Mr. CARLIN (interposing). Yes.

Mr. THOMPSON. Mr. Bell stated that those were simply two examples that were given of concrete cases, but that other cases existed, I would understand him. What would you say of the law, as it exists to-day, that leaves to those men simply this theoretical charge that they must know the law, and that does not provide an officer to tell them that they have a right to demand a hearing, or to have advice, or of their other rights of habeas corpus, and so on—writ of habeas corpus?

Mr. CARLIN. In an abstract way I think that is a very—it might work out all right. Men in jail ought to have some one whose duty it would be—the fact—now, I want to put this exactly without any criticism, these cases which I am discussing, I am a biased witness on behalf of the defense. I want that understood here.

In these Wheatland cases the district attorney was coping with an unusual situation. Now, having said that—I believe it is the duty of the district attorney as he is now constituted, the moment a man is arrested, to go to him and say: "Here, now, it is your right to send for an attorney, demand a hearing, or send for him." Under our present law there is no provision for appointing an attorney for a defendant until he is arraigned in the superior court. There ought to be some provision made for giving him one immediately after he goes into jail. Yes, sir.

Mr. THOMPSON. You think that change should be made?

Mr. CARLIN. Unquestionably it should. But as to the reason, I might—of course, I don't need to say that—you all grasp it—but, of course, the officer of the law, as we must concede, must be given some latitude in arresting a suspect and in holding him; otherwise you will go too far on the other side and, as the saying is, paralyze the hands of the law.

The officer can not always be sure he is putting his hand upon the right man's shoulder, and therefore he must have the right to arrest him, detain him a reasonably long time, give a reasonable time for investigation. Of course, the supreme court will do that anyway upon a proper showing as it is now.

Mr. THOMPSON. Take this case here. Apparently there was a very serious riot growing out of certain industrial conditions which made many hundreds of men and women feel they were not being treated right. This riot, in the course of the riot, some people were shot and killed, and then according to the advice perhaps of private detectives, as this case would show, men are thrown into jail and not informed of their legal rights to demand an immediate hearing, and are kept there until 75 or 90 days go by, as happened in several cases; what, in your opinion, would be the natural effect on workers who have had a struggle of that kind, to find their leaders and others interested in their cause held in such manner.

Mr. CARLIN. I am glad I was reminded of that. That is one of the worst features of this case up there. Things of that kind which, as I say, the district attorney was powerless to prevent, has enabled good-thinking, well-meaning people, some of them who attended the trial and some of them who are here now to get a warped view of that whole case up there. They got the impression, and it was published throughout the press that men were thus thrown into prison and not granted a speedy hearing or trial, that they had been questioned by private detectives, sweated, and given the third degree, as the saying is, and all that sort of thing, and that got abroad. It got abroad throughout the State of California, and to quite an extent, so much so that letters have been coming into the governor's office and keep pouring in until quite a propaganda has been established throughout the State of California based on that. While the actual facts are that the men from the time that they were brought before the superior court got a very, very impartial trial; I will say, absolutely fair and impartial trial. Yet, because of this happening you will understand that thereby the work of the—that every bit of the work of the private detectives from that time we got started was thrown aside, none of it used except the bare fact of the arrest; that the men were from the time the trial started and before that, from the time we took charge of it, given full access to their attorneys. I might say one of the first things they did, of course, was to have Mr. Royce come to my office and give a free access to the county jail. I may say to you that Mr. Royce was in my office, visited, me, I might say, talked with me as prosecutor and defender should in a proper way during the whole trial of the case. Our relations were the most friendly throughout the trial and are to-day. I am glad to be able to say that is true.

Mr. THOMPSON. Do you know whether Suhr had been talked to by an attorney, his own attorney, before you spoke to him?

Mr. CARLIN. I don't think Suhr had any attorney. I asked him at the time if he wanted an attorney, and he intimated to me a desire to plead guilty. And I had such—I felt such a feeling of sorrow, heart-sickness, for Suhr. He seemed to act so—well, so thoroughly guilty, it seemed to me, that I told him he might have an attorney, and to get one, and fully advise him in the premises. And, as I say, for that reason, that was one; the other was the fact I never in any way used what he said to me during the hearing at all, and nobody ever got it.

Mr. THOMPSON. But at that time he did not seek an attorney?

Mr. CARLIN. No, sir; but he was then informed of his legal rights.

Mr. THOMPSON. Now, with reference to the other suspects, those that were not apparently tried, at least they were held in jail, as it has been stated.

Mr. CARLIN. Well, now, I can't give the names of all of them. There were several held in jail. There was a Mr.—I don't know his name—they were represented by attorneys—yes; they were held in jail—I think there were three or four who had not been tried at the conclusion of the Ford-Suhr trials.

The cases against these men were alike. They were probably about as strong as that against the man Beck, to whom I referred, but stronger than against Bagan, but they were the cases. I had no doubt in my mind that the men were there. For example, I might say to you rapidly, the testimony was he was seen going away from the scene of the shooting immediately after, with a pistol in his hand. And there was a little more testimony of that kind. I have no doubt but that the men were there, but with five or six hundred or maybe a thousand people in that excited crowd, why it is pretty hard to get the evidence, but it was a question, if they were guilty, why let them be settled with in some other place.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. I want to ask about this statement of Mr. Bell regarding the conditions of the jails through those counties, particularly the jail in which these men were locked, which he says were infested by vermin, and so forth.

Mr. CARLIN. Well, now, Mr. Commissioner, perhaps first—as I intimated—the first four or five years of my practice I was there in jail a great deal of the time—went up there, would go into the jail to see——

Commissioner O'CONNELL. I suppose you mean you went there of your own accord?

Mr. CARLIN. Yes; I got out when I rapped on the door for the sheriff. Yes; keep the record right, Mr. Reporter, I was not confined.

I since then have been in and out. I may say the places that I have been called into were Oroville, Nevada City occasionally, Auburn, Marysville a few times, Red Bluff, Downieville, Susanville, Quincy, Yuba City. Now, the jails in those places at the time I have been in them were in good condition. There are not very many prisoners, and the sheriffs are self-respecting, respected men; stand high in their communities, and have to do so to be elected, because the people in the country will not stand for anything that is not straight and clean. They are well fed. The prisoners are kept in good shape, the prisoners are clean, and in fact I have never heard a prisoner complain about the feed, that he was not fed properly, was not housed properly, or that there was any vermin or anything of that kind in the jails.

Commissioner O'CONNELL. Were you in the cell in which these men were located?

Mr. CARLIN. Yes; the whole jail.

Commissioner O'CONNELL. In the particular jail when you were talking with the prisoner, were you in the cell?

Mr. CARLIN. Yes; sometimes the sheriff takes them out to his office for me, and sometimes I would go in and sit down on a stool in the cell and talk with him right there.

Commissioner O'CONNELL. The cell in which, as was stated by Mr. Bell, was the vermin?

Mr. CARLIN. I didn't hear Bell's statement as to what place was infested by vermin.

Commissioner O'CONNELL. I understood him to say that it was where these men were located, in the jail, and incidentally others.

Mr. CARLIN. I am applying my testimony rather to the Wheatland situation, because I wasn't in any of the cells where those men were confined at all. All the work I did on that was done with—of course the attorney for the prosecution does not go in there; it is improper for him to do so.

Commissioner O'CONNELL. I understood your conviction of these two men was based upon largely the fact that they were discovered in this crowd, with firearms in their hands.

Mr. CARLIN. No, sir; I don't. I do not believe much in circumstancial evidence. There was this, Mr. Commissioner; they were shown to be here. The testimony conclusively showed that the ringleader, Mr. Ford, had at divers times been in haranguing the crowd, announced that—knowing that the officers were coming down there to——

Chairman WALSH. If it is all right, we will get a detailed statement of that, because the other side is not present, and I understand we have the record of the evidence.

Mr. CARLIN. I was going to say this, I do not believe in circumstantial evidence. That ought to answer you. I rather thought you didn't want——

Commissioner GARRETSON. What is the secret blotter?

Mr. CARLIN. The secret blotter? You will have to ask an officer. I imagine it is; probably I may be wrong—probably some book in the police station where the man may be taken in and his name either not written down at all, or that there is a book that is not disclosed. But I must say to you that if any such practice as that exists in California I have never seen it.

Commissioner GARRETSON. The statement was specifically made here, that the name was entered in the secret blotter.

Mr. CARLIN. I never heard of the term "secret blotter" before, except possibly once. And I know, sir, that no such thing as a secret blotter has happened in my experience in California.

Commissioner GARRETSON. Where they do exist, is not the charge always indefinite or minor in its character?

Mr. CARLIN. It certainly—certainly no humane officer that was allowed to have charge of a prisoner in California would enter a man's name on a serious charge upon a secret blotter.

Commissioner GARRETSON. Could a secret blotter exist legally anywhere?

Mr. CARLIN. No, sir; I don't think so. If there is such a law, I never heard of it.

Commissioner GARRETSON. You expressed a peculiar view on vagrancy laws. Has your experience been or your study in regard to the application of vagrancy laws on this continent—on the subject——

Mr. CARLIN. Well, sir, it is confined to California, and necessarily very limited, because in my practice vagrancy trials did not come up and I only know of it as it is applied in these interior counties.

Commissioner GARRETSON. Have you ever noticed over any wide range of territory the ordinary report that appears in regard to municipal courts and the man that vags, that they generally do it in country villages and municipal courts of that class?

Mr. CARLIN. I may say to you, I was called upon to defend some cases up in Butte County a short time ago where there was a claim made against the county for some eight or ten thousand dollars by an officer for arresting vagrants. They presented the question to the board of supervisors and suit was brought upon them and the board contested, and I was called in to assist in the defense. We defeated the claims, but if I may say so, the evidence showed this, with all respect to all concerned, that those vagrants were treated with much consideration. They were taken before a justice of the peace and a charge laid against them, and they plead guilty. They were discharged, fees entered up. They went back to a nice shady place they had along the creek where the water flowed coolly, smoothly, and pleasantly, a shady place, and slept there and probably were arrested next morning and taken back again.

Commissioner GARRETSON. Isn't the ordinary man that is vagged the man who calls at the back door and asks for meals?

Mr. CARLIN. Yes; nine chances to one he is not vagged, he is fed.

Commissioner GARRETSON. Oh, he is fed and then vagged?

Mr. CARLIN. No; not vagged at all.

Commissioner GARRETSON. I believe that is true, but isn't that what makes up the bulk of vag reports in village municipal courts?

Mr. CARLIN. In a village, I think, using the term advisedly.

Commissioner GARRETSON. I am using that as against the city.

Mr. CARLIN. I understand, and that is my recollection from my eastern village of Malone, N. Y. It was a village. But that was done often in eastern cities. In California, speaking of the interior, you will find that the ordinary man will go up to a back door, as you say, and the housewife or the servant, sometimes a Chinaman, or whoever it is, will ordinarily feed him, give him a meal, hand-out, as the saying is, or something, and he will go away. Very few, indeed, I can say, in my neighborhood around where I live, in my house, men come up and ask for something to eat.

Commissioner GARRETSON. And if there is, oh, we will say 10,000 municipal courts in existence in the States—that is a low estimate.

Mr. CARLIN. Yes.

Commissioner GARRETSON. If each one of those vag a man a week, in the time that we have described, does not the total—well, isn't it staggering?

Mr. CARLIN. Yes; and if they are vagged for the cause you have mentioned it ought to be prevented if there is any way to do so.

Commissioner GARRETSON. It ought to be what?

Mr. CARLIN. It ought to be prevented, if there is any way to do so.

Commissioner GARRETSON. Now, in regard to the other class that you refer to ordinarily being vagged under your practice, isn't it a fact that when the cadet who lives on the earnings of women reaches the stage where he can square himself that he is never vagged? Now, I am not speaking of the——

Mr. CARLIN. I am not speaking of the large cities.

Commissioner GARRETSON. Now, I am going to the large city, for that is where he flourishes.

Mr. CARLIN. I have heard that is the case, that if he is, as you say, promoted from a cadet, well, even——

Chairman WALSH. We are going to try to get a man from the large cities. I have only one question I wish to ask, and I think I can finish it with that. You say these men went to this place not to work?

Mr. CARLIN. That is the evidence we derived.

Chairman WALSH. Is there any prejudice in that community against a person going to a place of that kind to agitate any lawful thing?

Mr. CARLIN. No; not if you become once convinced that they agitate for the sake of improvement—of bettering conditions—not for agitation's sake.

Chairman WALSH. Who is to determine that?

Mr. CARLIN. It is best determined in this way: In this concrete case the testimony from the defense showed that the proprietor was—acquiesced, rather, in the demands except practically, or except that of higher wage.

Chairman WALSH. Prior to the advent of these men that you say wanted to agitate?

Mr. CARLIN. No. Immediately upon the demand being made, in my opinion, at the instance of those agitators.

Chairman WALSH. Is that what they were agitating for, better conditions, decent conditions?

Mr. CARLIN. Undoubtedly that is one claim they had.

Chairman WALSH. Was it a cause of prejudice against them?

Mr. CARLIN. In the arrests the large number of arrests and the employment of special counsel and the employment of detectives leading up to the trial——

Chairman WALSH. Was that a factor?

Mr. CARLIN. No; there was no prejudice at all because they agitated, but as to the subject matter of the agitation it was quite generally conceded——

Chairman WALSH. Mr. Carlin, I am trying to get your viewpoint. When you said that they were agitators pure and simple, that they didn't go there to work, did you mean by that that there was something reprehensible about it?

Mr. CARLIN. No, sir; except this far: That if those people, with whom I have no quarrel, would establish some standard, if they had one that is establishable and then agitate toward that standard, some point in view, grant it all, but I do not see that—I do believe that it is a dangerous proposition to contemplate the idea of a set of agitators going into a community to agitate, and we will say that they have their demands agreed to, conditions are improved as they ask, and then still keep on agitating—there, I say, is real danger, where the real danger comes in.

Chairman WALSH. Do you believe, then, there should be some body or some authority that should say to what extent the agitation should go, the time at which the agitators should withdraw as being satisfied that those conditions had been improved?

Mr. CARLIN. Mr. Honorable Commissioner, I don't think so.

Chairman WALSH. The fact connected with this particular agitation, then, leaving out, of course, any question of what this agitation was, that certain men went to a certain place, I know nothing about it except what I see in the reports, to protest by word of mouth against conditions that they conceived to be inimical to the welfare of society and especially of their class; and following that agitation the conditions were removed, very shortly following their agitation. Is that correct?

Mr. CARLIN. That is—yes. That is stated rather fairly. But the fact—better state it this way: That certain men went there to that place and agitated, and to find, in my opinion——

Chairman WALSH. Yes.

Mr. CARLIN. Subject matter for agitation.

Chairman WALSH. Well, they found it, then, when they got there?

Mr. CARLIN. They found certain matters; yes.

Chairman WALSH. Wouldn't it be fair to assume, then, as a lawyer, that they had definite and positive information that such things existed?

Mr. CARLIN. Well, all I know is this: The past 10 or 12 years conditions there at that place had not been—no fault found. Of course that doesn't say they did not exist. I admit that. But they—here is the situation—in these hop fields it would be impossible, and I say impossible—not impossible, but impracticable—even now conditions could not be established by the commission of which Mr. Parker is secretary, but what it would be the subject matter of agitation and improvement. I do not think you can establish a hop-picking field or a fruit-curing plant.

Chairman WALSH. Then you are in favor, of course, of constant agitation?

Mr. CARLIN. Certainly; even in the right way.

Chairman WALSH. You would not want to, or would you claim the right to tell another individual what was the right agitation, if the conditions were bad—now assuming the conditions were capable of improvement.

Mr. CARLIN. I certainly would not. We are discussing now, Mr. Commissioner, a question of polemics.

Chairman WALSH. Yes; that is going too far.

Mr. CARLIN. I am glad to do it, but there is absolutely no standard; and in the nature of things there would have to be a standard. We have to progress to that standard if one would be established. It would have to be changed. A standard for to-day would not be satisfactory for next year, probably.

Chairman WALSH. We consider it very proper in our profession, do we not, Mr. Carlin, to constantly agitate for improved conditions?

Mr. CARLIN. All the time.

Chairman WALSH. We deny the right, do we not, to any other person to say to us how far we shall go with our agitation, or what we shall condemn in proper respectful language as subject matters, do we not?

Mr. CARLIN. We do, sir.

Chairman WALSH. That is all.

Commissioner WEINSTOCK. Were these men prosecuted, Mr. Carlin, for having agitated, or were they prosecuted for having used violence?

Mr. CARLIN. They were—the question of their agitation; it was stated upon the trial, if not expressed tacitly, that their agitation was proper. It was not denied at the time. No attempt was made to go into the conditions there. It was not denied that conditions needed improvement. They were prosecuted solely because they advised violence which resulted in the taking of human life.

I would like to say one thing, with the permission of the commission. I do not think it is necessary, and in view of the fact that the Durst people have been interested—for they are admirable gentlemen—I was called in by the attorney general of the State to assist him at that time—that I had never done any work for the Durst interests up to prior to my going in to prosecute these cases, not until afterwards. Since Mr. Manwell, the man who was killed, at the time I had been acting as attorney for the Durst interests, and therefore I had——

Commissioner WEINSTOCK. Was Mr. E. Clemens Horst up there?

Mr. CARLIN. There was a lawsuit arose between the two interests regarding the water right, which made it necessary for them to appoint Mr. Manwell to represent the Dursts, and myself the Horst interests, trying to establish our rights to certain water against the Pacific Gas & Electric Co. of San Francisco, and after Mr. Manwell's death I completed carrying on these cases. I desire to say that, in view of the fact that I was called in there by the attorney general, I was not called in because I had any connection with Durst.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. I simply wanted to see if I understood this; I did not understand this case as well as I might, but I have read the entire record, and the purpose of my inquiry was from the fact that you stated at the opening of your examination that these men were there to agitate, not to work, and for no other reason.

Mr. CARLIN. Oh, no; none at all.

Chairman WALSH. We will now stand adjourned until 2 o'clock. Mr. Carlin, you will please return at that time.

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Friday, August 28, 1914.)

AFTERNOON SESSION—2 P. M.

Met pursuant to adjournment.

Present as before.

Thereupon, the following proceedings were had:

Chairman WALSH. You may call the next, Mr. Thompson. Mr. Carlin may be excused now. Mr. Garretson said that he would forego his questions.

Mr. THOMPSON. You are excused, Mr. Carlin.

Chairman WALSH. I am much obliged to you, Mr. Carlin. Mr. Garretson says he will forego his questions.

Call your next.

Mr. CARLIN. I may say to the commission, by the way, that Mr. Bell has here a copy of the penal code of this State, in which is contained the definition of vagrancy, and he says that he would like to present it.

Chairman WALSH. Very good. We will take that from Mr. Bell. Thank you.

Mr. THOMPSON. Mr. Bell now, Mr. Chairman.

Chairman WALSH. Yes; if you wish to, put Mr. Bell on.

TESTIMONY OF MR. GEORGE I. BELL—Recalled.

Mr. BELL. It is suggested that this is the easiest way of bringing this to an issue as to what the law is, if we can read this into the record.

The crime of vagrancy is described in the penal code, section 647. It reads as follows [reading]:

"1. Every person (except a California Indian) without visible means of living, who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or

"2. Every healthy beggar who solicits alms as a business; or

"3. Every person who roams about from place to place without any lawful business; or

"4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, auction room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly; or

"5. Every idle, or lewd, or dissolute person, or associate of known thieves; or

"6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or

"7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or

"8. Every person who lives in and about houses of ill fame; or

"9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or

"10. Every common prostitute; or

"11. Every common drunkard,

"is a vagrant, and is punishable by a fine not exceeding $500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment."

You notice that each one of these things are separate. Either or or. My contention was that it says under the first clause every person without visible means of living, except a California Indian, who has the physical ability to work and who does not seek employment, nor labor when employment is offered him; or

Second. Every healthy beggar who solicits alms as a business; or

Third. Every person who roams about from place to place without any lawful business.

Under those sections a man can be convicted if he is simply found in those positions.

Mr. THOMPSON. In the case you refer to, did they prefer those prosecutions under those clauses?

Mr. BELL. What is that?

Mr. THOMPSON. You referred to several prosecutions for vagrancy.

Mr. BELL. Yes, sir.

Mr. THOMPSON. Were they under those first three clauses?

Mr. BELL. The cases I called attention to were. In each of those cases they claimed that they were cases of men arrested for vagrancy. However, I do not make that claim to the two cases cited this morning. Those were not cases of arrests for vagrancy. Mr. Carlin misunderstood me. They were arrested as suspects, but it was brought out in conversation with others at the trial that they had been arrested for vagrancy.

Mr. THOMPSON. You also testified that a great number of vagrants were arrested.

Mr. BELL. Yes, sir.

Mr. THOMPSON. And held in jail under the first three clauses?

Mr. BELL. Under these clauses.

Mr. THOMPSON. That is all.

Mr. BELL. The other statute over which there was some dispute between myself and Mr. Carlin to be cleared up—in regard to how the law stands with reference to the right of an officer to bring a man before a magistrate—is defined by section 825:

"Defendant must be taken before magistrate without delay."

It then goes on: "The defendant must in all cases be taken before the magistrate without unnecessary delay, and after such arrest, any attorney at law entitled to practice in the courts of record of California may, at the request of the prisoner or any relative of such prisoner, visit the person so arrested. Any officer having charge of the prisoner so arrested who willfully refuses or neglects to allow such attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow an attorney to visit the prisoner when proper application is made therefor"—

There are two different parties. The arresting officer is under a duty to bring him before the magistrate, and secondly, the man, if he knows the law, has the right to request the officer to bring him an attorney. Those two points will clear up the discussion of the statute.

I would like also to say with reference to two other points——

Mr. CARLIN. Didn't I understand you to say that any of the Woodland people were held under those two sections?

Mr. BELL. No, sir. There was another statement in regard to the secret blotter. Mr. Carlin is correct in stating there is no such thing in legal understanding. There is no such thing as a secret blotter legally, but anyone who has had experience around police courts knows the phrase "the secret blotter," and also the phrase "small book." It is an illegal practice, but it does exist. They file the name on the secret blotter and subsequently destroy it if they don't hold the man.

Mr. THOMPSON. You mean to say that that illegal practice exists among people who are sworn to enforce the law?

Mr. BELL. That is what it seems. The other point was the question of insanitary jails. My report was made mainly—my statement was made mainly on the report of the State board of health with reference to the condition of the Woodland jail, and that report is now on file. In that report it was reported as being very dirty and also vermin infested, and they said that it should be destroyed. I don't know what action was taken. I also base my statement on an investigation of the Orville, Chico, and Marysville jails. I can say from my personal observation that those jails were very dirty. And the three jailers, at Chico, Orville, and Marysville, stated that they usually had vermin in the jails. Their explanation was that so many men came in covered with vermin that they could not keep the jails clean. I also found one man in the Orville jail who was infected with a venereal disease, but was not isolated, and was using all the washing facilities of the other prisoners. Those are the facts upon which I base that opinion.

Chairman WALSH. That is all.

Commissioner GARRETSON. I would like to ask a question.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. I want to ask you a question I didn't ask before: The secret blotter, does that exist in every police headquarters, so far as you know them?

Mr. BELL. I would not say every police headquarters.

Commissioner GARRETSON. Of any size?

Mr. BELL. Every police headquarters of any size. I may say, in my opinion, it does.

Commissioner GARRETSON. And is it used in the abuse of the detention law more than any other one agency?

Mr. BELL. Well, I would not say that. My opinion is that the greatest abuse would be of holding the men without bringing them before the magistrate. They may be legally entered in the proper blotter, but, perhaps, next to that, that is so.

Commissioner GARRETSON. Entries in the secret blotter are not, as a general rule, allowed to go any further?

Mr. BELL. Very seldom.

Commissioner GARRETSON. I wasn't asking altogether on account of want of information of how it is handled, I wanted to learn how is was handled here. The other question is under the vagrancy law: Isn't it a fact under the vagrancy law as it exists to-day that any wandering workingman without money can be convicted thereunder, and is often convicted?

Mr. BELL. Yes, sir. Cases have come to my attention under those sections which I read, of men wandering about from place to place without any apparent business or means of support.

Commissioner GARRETSON. Without either money or means of identification?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. From your investigation do you believe the men who are unjustly convicted under that act form continuous additions to the army of men who question the justness of law in general from those very facts?

Mr. BELL. It is my belief they do. They usually come out very bitter against the system under which they were convicted, especially men put in jail with long sentences, 90 days, when the only crime must have been having no means of employment or means of support.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you.

Call your next.

Mr. THOMPSON. Mr. McKenzie.

TESTIMONY OF MR. A. B. McKENZIE.

Mr. THOMPSON. Will you give us your name?

Mr. McKENZIE. A. B. McKenzie.

Mr. THOMPSON. Your address?

Mr. McKENZIE. Martinez.

Mr. THOMPSON. You are a lawyer by profession?

Mr. McKENZIE. District attorney of Contra Costa County.

Mr. THOMPSON. How long have you been district attorney there?

Mr. McKENZIE. Four years.

Mr. THOMPSON. You were prosecutor in the so-called Wheatland riot cases?

Mr. McKENZIE. No, sir.

Chairman WALSH. He prosecuted one of these detectives, I believe, in another county.

Mr. THOMPSON. What connection did you have with the treatment of labor suspects, or what knowledge have you of it in your county?

Mr. McKENZIE. As a preface, I might say that our county, Contra Costa County, is peculiar in that the portion of it fronting on San Francisco Bay is dominated by what is called a labor-union sentiment. The other half of the county is agricultural and commercial and is nonunion. Persons residing in Contra Costa County look at questions of this kind from both angles.

As regards the Wheatland riot case, I want to say that considerable discussion has been indulged in by the laboring and poorer classes. It is hard to get acquainted with the average labor-union man. It is hard to see into the innermost recesses of his heart until you get well acquainted with him and until you gain his confidence. This is merely preliminary to getting to the Wheatland case. They are beginning to believe—and that is probably on account of the advantage of education—the poorer classes are beginning to believe—that every man who is brought into this world and makes a reasonable effort to do what is right and earn a living is entitled to a wife, a home, and children, and that he is entitled to a reasonable compensation to maintain that home and support that wife and educate those children.

Now, as far as this Wheatland case is concerned, before I discuss my connection with it, the criticism that has been made since the trial is this: They asked this question, that if the man who was killed, District Attorney Manwell, or Mr. Durst, had shot Blackie Ford under the same circumstances as they claim Suhr

and Ford were implicated, would they have received the same treatment as these men have received?

Now, that is the thought that is permeating the minds of the laboring classes and poorer people. That is the real point at issue.

Now, I can appreciate that from the fact that I had special prosecutors in two cases in my county, and in two cases alone. Personally, I do not believe in special prosecutors. But the first case was one where a scab—what is commonly known as a scab—killed a union man arising from trouble over a strike in this county. I realised then—at least I suspected—what I know now, that in a county like ours, where those different interests are and different viewpoints at which they look at things, that unless you had a very clear case it would be impossible for any prosecuting officer to convict either a union man or a scab, for the reason that the jury would be composed of both elements, and unless it was a case that a jury could find nothing to ease their consciences it would be impossible to secure a conviction, and I realised when I prosecuted the first case against the scab the conditions that existed, and when they asked for a special prosecutor I said no at first. I told them that they were only wasting their money, and I didn't need it; but they were somewhat insistent, and I allowed them to employ a special prosecutor.

Subsequently I prosecuted a union man, and a corporation requested that their attorneys might assist in the prosecution of the union man; and, having in mind the fact that I had granted special prosecution when prosecuting the scab, why, I felt I would have to grant it in the other case.

So that is my connection with cases of special prosecution. But I would say that I don't believe in them at all; that if a district attorney is unable to prosecute the case, that he should call in a prosecuting officer from some of the other counties, or get assistance direct from the attorney general's office.

I think it was some time in September that I was going home late Saturday night, and I stopped to chat with a young man with whom I am acquainted, and he told me that the night previous that some Burns detectives had beaten up a man. He didn't just commence it in that way, but from what he said I asked him some questions and found out that that is what his story was. It was too late to do anything about it that night, but Sunday morning I went to my office at the courthouse, and the stenographer in my office happened to be there. She was busy with some other work, and I called up the sheriff's office and inquired about it, and told them to bring the man to my office. They brought this man up, Alfred Nelson, who has been mentioned here by previous witnesses. This was Sunday morning about probably 10 o'clock. When he came into my office he had a cut on the left side of his head probably 2 or 3 inches long. His eye was black; he had two bruises on his left cheek; and his lip was swollen and somewhat bruised. I afterwards learned from the physician who examined him that he was black and blue all over the shoulders and the leg, and I think some place else.

The man had a wild or haunted look in his eye, and seemed to be very much afraid. But I told him who I was and told him if he had been ill treated that it was my duty to punish anyone who had ill treated him, no matter who the person might be. And I asked him to tell me his story. He said he had been camping or sitting or staying on the country road near Gurneyville, and that this man Cradlebaugh, who was a Burns detective, and some other man came along and picked him up and stated he was under arrest for being implicated in the Wheatland riot. They took him to Gurneyville and put him in the lockup, which is a small wooden jail, I presume, of these little towns, and kept him there a few hours and took him from there to Santa Rosa and kept him over night there and took him from there to Sacramento. They kept him there a couple of nights; then they took him from there to San Francisco, and kept him there one night. Then they brought him to Martinez.

There was just the week had intervened from the time the man was arrested until he was assaulted at Martinez. He was brought to Martinez on Friday morning and taken to the sheriff's office, and his name was entered in the transient book or detinue book, or something of that kind, which is a book used for booking prisoners that are en route, by other officers. For instance, if a man was being conveyed from Los Angeles to San Francisco, and the officer in charge wished to rest at Stockton or Bakersfield, he would take his prisoner to the county jail and give him in charge of the sheriff over night, no charge being against him because there was no charge pending in that county, and they entered his name in this transient or detinue book, of which I believe all sheriffs' offices have one.

Commissioner GARRETSON. Record of transients?

Mr. MCKENZIE. Transients; yes, sir. About half past 9 o'clock at night the man was put in jail, and those in charge of him told the jailer to feed him nothing but bread and water. However, the jailer did not follow his instructions in that particular or in any other that I know of. About half past 9 or 10 o'clock at night, this man Cradlebaugh came and asked the jailer for this Alfred Nelson that he wanted. And the jailer turned the prisoner over to him. The jailer considered that he had no authority or charge over the prisoner; justice must be done to him in that particular, that he did not consider him as being a prisoner of his; that he was simply put in jail for the accommodation of the officer who had him in charge, and that he could have him or do with him what he pleased; that the jailer was not responsible for his going in or his going out.

He took him to a saloon, and was joined by another by the name of O'Donnell, I think his name was. And the two of them asked this man—took this man to the Martinez Hotel. And they demanded that he come through, and asked him: "Did you not see Blackie Ford shoot Mundell?"

Now, it seems that they started off early in the proceedings with the conviction that these men did, these certain men had committed this crime, that they were the men who had done the shooting, or committed the crime, and that they were hunting up evidence to substantiate that theory. This man said he knew nothing about it; that he told them the truth; that he had been there, but that he was some distance away when the shooting took place. And they swore at him and said: "If you don't come through we will shoot you," or something of this kind, and shoved a revolver in his face, and they proceeded to beat him up.

Now, I believe that that was not—that it was planned—of course, it was planned to take him out of jail and treat him that way. Not only that, it was proved conclusively at the trial that they had a piece of heavy rubber hose, which one of them took from a suit case, which was conclusive to me that they carried the implement along with them for the purpose of using it on these men.

When this man told his story Sunday morning, I telegraphed to the district attorney at Yuba County, at least telephoned, called up his office and got into communication with his deputy and told him what had happened. Mr. Stanwood—I believe is the district attorney's name, I believe it is Stanwood—was not available, and I talked with his deputy and told him what had happened, and requested either at that time or subsequently, either the sheriff of Yuba County or the district attorney's office to send the sheriff himself to get this man. The detectives wished to take him from Artesma, take away from there this Alfred Nelson—he was afraid, he told me he was, and his appearance supported that statement. And I did not wish these detectives, these men who had abused him, to take him away from our county. However, they did not send a regular officer for this man, and Mr. Mundell, who was the manager of the Burns agency on this coast at that time, came and got that man and took him away against my protest and against my wishes. However, the man was treated all right on the way up there, so he told me subsequently, so there was nothing wrong about that.

Now, Mr. Mundell or no one connected with the Burns agency, when this was called to their attention, ever said to me that this man had exceeded his authority at all. They proceed to justify and defend his actions, and to decry and impute all sorts of things to me.

I would say that in my opinion a great many public officials are overawed by a private detective agency. They lose their moral courage. Most men have some things about their private lives, or some things that they have been doing on the sly, that they don't care for the public to know. And for that reason I think that there are very few of them who care to run up against a powerful private detective agency. And for that reason they have had rather the whip hand. And they have been accustomed to calling down and going roughshod over public officials. That has been the policy of those people in this State. And in fact with this particular agency before this thing happened, I had a similar experience. They claimed that I was crooked, because I had dismissed a case; and that they were going to show me, and told me that they represented the American Bankers' Association, and all these things, and they would stand me on my head, and I don't know what they were not going to do, and talked to me in that manner—of course, it was over the telephone. And I talked back pretty vigorously myself.

Now, this man was—this Cradlebaugh was tried and he was convicted by a jury. He was sentenced to one year in the county jail and he was fined a thousand dollars, of which we got the thousand dollars—although he didn't have it—got it out of the bail money. They forgot to take it down in time.

Now, when Cradlebaugh had served half his sentence, I, in conjunction with the sheriff of Contra Costa County, admitted him to parole, as county parole commissioners. We treated him just the same as we would treat anyone else, no better or no worse. There was some criticism on the part of some people that we should not have paroled him. But we did. We treated him the same as anyone else. He behaved himself when he was in the county jail, and his conduct was such that he was entitled to parole. Now, that is about all there is to that case.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Mr. McKenzie, you stated in the commencement of your testimony very succinctly, the question that was universally asked by the laboring man as to whether or not if the proprietor had done the shooting instead of an agitator having done it, would he have received the same treatment. What is your answer to that question?

Mr. MCKENZIE. Well, personally I don't know whether I would have the moral courage to stand up against public opinion.

We are all comparatively weak; and men are in office, and they go out and ask people for votes, and they have their ear to the ground a good deal of the time, and are influenced by public opinion.

Commissioner GARRETSON. Do you really believe from your experience, not only as prosecutor, but as a lawyer and as a citizen, that there is any equality before the law of a man with a million and a man with a penny?

Mr. MCKENZIE. With some people there is; yes.

Commissioner GARRETSON. As a general proposition, in the treatment he receives?

Mr. MCKENZIE (after a pause). Well, the law is all right.

Commissioner GARRETSON. Oh! I won't question that. It is the application that I am talking about, that I want the opinion regarding.

Mr. MCKENZIE. No.

Commissioner GARRETSON. There is not?

Mr. MCKENZIE. No; I think there is not.

Commissioner GARRETSON. Well, now, predicated upon that, I assume that you have had a good deal of personal contact with men of all classes.

Mr. MCKENZIE. Yes, sir; I have.

Commissioner GARRETSON. And especially with the substratum?

Mr. MCKENZIE. Yes; with all kinds.

Commissioner GARRETSON. And you have found the same belief that you have expressed here, almost universal among those men?

Mr. MCKENZIE. Yes. They don't express it exactly in the way I do.

Commissioner GARRETSON. No; but their belief is virtually what you have expressed, no matter how crudely they may express it?

Mr. MCKENZIE. Well, yes. Now, here is another thing. They regard what we call these soap-box orators——

Commissioner GARRETSON. Yes.

Mr. MCKENZIE (continuing). Just the same as this audience or the general public, or the educated public would regard this commission.

Commissioner GARRETSON. Yes.

Mr. MCKENZIE. The general public believes that this commission is honestly endeavoring to do something to make the world a little better, or to improve conditions. Well, now, these other fellows, they have faith in these soap-box orators.

Commissioner GARRETSON. Yes.

Mr. MCKENZIE. And they believe that they are trying to do something for them, and consequently when you interfere with them, why, they resent it.

Commissioner GARRETSON. They regard it as an invasion of their rights?

Mr. MCKENZIE. Of their rights; that is it, exactly.

Now, I would wish to say this, that I belong to no labor organizations, or no Socialist Party, that I was brought up very conservatively and am somewhat conservative, but that my association and business training and so on has brought me into contact with all classes of people, and probably the fact that I have a large family of my own that I know full well—I am not a dreamer—will have to go out into the world to make their own living, that

they can get nothing from me, makes me have more sympathy for the working class than the average man. Now, that is——

Commissioner GARRETSON. Now, one other question, Mr. McKenzie: You take the very man that you have described, who feels that his rights have been invaded, been circumscribed of either the right of free speech or of free existence in the person of even the soap-box orator. Now, is or isn't in your opinion that man a recruit to the army of unrest?

Mr. MCKENZIE. I am satisfied of that. I am satisfied that every man that was treated ill by—that there was no use talking to him and asking him to respect the law. That would be foolish and idle, and no man with any sense would attempt to do it.

Commissioner GARRETSON. In other words, a man who suffers from the law becomes a hater of the law?

Mr. MCKENZIE. Becomes a hater of the law, that is absolutely true.

Commissioner GARRETSON. That is all.

Commissioner WEINSTOCK. I take it, Mr. McKenzie, that your criticisms are not against the law, but against the administration of the law?

Mr. MCKENZIE. Well, there are so many things against the administration of the law, among the agricultural classes, among the farmers, that the laboring union men are intolerant, they so speak of them and think of them. While, on the other hand, the man that has inherited a little property from his father is the most intolerant man in the world as a general thing.

Now, there is intolerance on both hands. I believe if these people would get together and discuss these matters, become better acquainted, respect the opinions of each other, they would get along very much better. That is the difficulty, they don't understand each other.

A man will be summoned on the jury. He will say yes; he is in favor of labor unions, he has no objection to them, but what he has in mind is that they must conduct themselves the way he says they should conduct themselves. That is his idea of being fair to them.

On the other hand, the labor union man says he has no antagonism against agriculturists and the farmers, or the employer, but that they must conduct themselves the way he says that they say he shall conduct himself. That is the condition that exists.

Commissioner WEINSTOCK. Your remedy then, Mr. McKenzie, I understand is this: Greater mutual contact and a higher degree of mutual tolerance, is that it?

Mr. MCKENZIE. Well, now, that is one thing.

Now, Mr. Commissioner, there is a problem confronting us. The question is this, whether we are to follow the Darwinian theory of the survival of the fittest, or whether we are to become our brother's keeper. Now, it is either one or the other.

Now, in labor unions they fix a standard wage, as I understand it, and that was something that—that a man who can't do as much as another man can, receives the same compensation. Now, that is the principle that each man is his brother's keeper. And there is a principle that is there that it seems to me must be followed by society in general, and that is the difficulty with us, that if we come into this world endowed mentally and physically and we go out into the world and surpass our brother, we are all swelled up over it, so that there is room for a man who is industrious and sober and capable. We are brought into the world with certain defects, and we can't help that. But this man who is somewhat defective—that is, not mentally—may be making a greater fight than the other fellow to get along, and consequently he is entitled to a place in the world; or else you can take the other theory of the survival of the fittest and you crowd him to the wall. Now, it is either one or the other.

Mr. THOMPSON. Do they periodically vag at Martinez and other towns in your county, do you know?

Mr. MCKENZIE. Not since the doing away with the fee system. When we had the fee system they would pay men to come into the county to be vagged; at least they said they did.

Mr. THOMPSON. That is, arrest men for vagging?

Mr. MCKENZIE. Arrest men. Now, since they have done away with the fee system and the constables and the justices of the peace are paid a fixed salary we never have any vagging, because they get nothing for it. There are no vags arrested in our county.

Chairman WALSH. That is all, thank you.

Call your next.

Mr. McKENZIE. I may say this, that this Alfred Nelson was not arrested on a charge of vagrancy. Furtherfore, the warrant was a John Doe warrant, which of course would keep the matter secret to a certain extent. And the charge was inciting a riot, which is a misdemeanor in this State.

Furthermore, the action in that case indicates that they were trying to keep the matter secret. In fact, I know that to be a fact that these men were taken around from place to place, and they didn't want the I. W. W.'s to know where they were, so that they could not get them out.

Now, that is the fact in this case.

I believe that these officers were acting conscientiously. I believe that the district attorney of Yuba County acted as he thought right and proper.

Commissioner GARRETSON. One question. We have had a statement of two members of the bar on these facts, and I shall be glad to have an expression from you, if you feel free to make it. Under the California Code must a man be brought to a speedy trial?

Mr. McKENZIE. Yes; he must. Now, if I had nothing else to prosecute these fellows on, I would have prosecuted him for that. And I do not know but what he could have been prosecuted for kidnapping. There are plenty of ways to prosecute these men, if the prosecutor wishes to prosecute.

Mr. THOMPSON. Mr. Lewis.

TESTIMONY OF MR. AUSTIN LEWIS.

Mr. THOMPSON. Give us your name, address, and your occupation.

Mr. LEWIS. Austin Lewis, Oakland, attorney.

Mr. THOMPSON. You are the attorney for the defense in the Ford-Suhr cases?

Mr. LEWIS. One of the attorneys.

Mr. THOMPSON. One of the attorneys?

Mr. LEWIS. Yes, sir.

Mr. THOMPSON. Will you state that case and the surrounding circumstances as you view them?

Mr. LEWIS. Now, that would be a little long. I would like to know how to divide that. Supposing I take and testify first with regards to the circumstances attending the riot, the preliminary conditions.

Mr. THOMPSON. That is all right.

Mr. LEWIS. This case at Wheatland was peculiarly an interesting case from a sociological standpoint in that it is one of the few cases on record in which agricultural laborers have spontaneously combined to improve their conditions.

The Wheatland case stands on a par in agricultural development with the Lawrence case in Massachusetts, and the Little Falls and all those factory cases which have developed a mass action, which mass action is typical of the new activities of labor organization in this country, and not only in this country, but elsewhere. So the Wheatland case may be regarded, sociologically speaking, as a typical case. With the permission of the commission, I will enlarge a little upon that.

Here we got a hop ranch 150 miles away from San Francisco. Advertisements were sent out, painting the conditions of labor on that hop ranch as being attractive. And in response to those advertisements a large number of people, some 2,400 or 2,700 people came to get work upon that hop ranch. Now, Mr. Carlin stated in his testimony that more people came to the hop ranch than Mr. Durst had anticipated. I beg to differ from Mr. Carlin in that respect. Mr. Durst wanted more people there than he could find work for, because Mr. Durst worked under a bonus system, the rationale of which was as follows: A man went to work for and he got a dollar per hundred pounds of hops picked, with a 10-cent bonus; but that 10-cent bonus was only paid if the man remained at work the whole of the time that the hops were picking. For example, if a man went to work on Monday, if he picked 100 pounds of hops he had a dollar coming, and 10 cents bonus—Tuesday, Wednesday, Thursday, Friday, Saturday. At the end of the week he would have $6 coming for his 600 pounds, and he would have 60 cents at 10 cents a day bonus.

Now, supposing he was hired on Saturday, and did not like the job, did not like the conditions, he could go to Mr. Durst and draw down his pay; but he wouldn't draw $6.60. He would only draw $6. The 60 cents was forfeited, because he did not work the entire time of the hop picking. Now, when you consider that some 1,800 to 2,000 people were engaged in hop picking, and

that even if there was only a bonus of 10 cents a day on each one of those people, it would amount to a very considerable sum that was actually stolen from them in the course of the hop-picking season. Well, these people came together. When they got to the Durst ranch they found the conditions, which I need not go into, I think you gentlemen are familiar with them. Mr. Parker made his report to you with regard to it——

Chairman Walsh. Does that report fairly cover it?

Mr. Lewis. That report is an excellent report of the conditions on the Durst ranch.

Now, on Saturday—conditions grew worse and worse, and the children were covered with filth, and everything was in an intolerably insanitary condition; the camp was infested with flies, the people had not sufficient water to drink. As a result of that, what could only be described as a spontaneous action on the part of these people occurred. They held a mass meeting. In that mass meeting they drew up their list of grievances, and at that mass meeting there spoke Ford, who was a speaker. Suhr never spoke. An Assyrian speaker, a Spanish speaker, a Greek speaker, and various other nationalities, some seven nationalities. The action of the Japanese on that occasion was very remarkable. The Japanese came to Ford and Suhr, who were practically the leaders of that movement, and the practical leaders; that is, they were the intelligent American brains that conducted that movement. That is why they are in jail.

The Japanese came and said: "Now, if we side with you boys, and associate with you, we shall probably get you into trouble with union labor in the State of California, because union labor in the State of California does not like us Japanese. But we do not like these conditions on this ranch and we are not going to stand them, and we are going to move." And they did. They moved in a body. And ever since then, for the last three months they have published an advertisement in their Japanese paper calling upon all Japanese to abstain from taking a part in the hop industry until the grievances of which the hop pickers complain are ended, and until these two men that are in jail are released.

Now, on that Saturday the meeting was held when those grievances were formulated. Mr. Durst himself was present at that meeting. He said: "I can't talk to all of you men at once. You will appoint a committee to come to see me." And they appointed the committee, and they met Mr. Durst next morning. Now, Mr. Durst, as Mr. Carlin says, did make certain concessions, but by no means the concessions which have been mentioned. For example, Mr. Durst said that he would provide proper toilet accommodations. Well, the health inspector, besides Mr. Parker's commission, investigated afterwards, after this was all over, and found that the toilet accommodations had not been provided. Water was not provided in the field, and various other grievances were not remedied. But the question immediately came up on the matter of wages. And Ford said: "If you boys want to work for a dollar a day, you can work for a dollar. I won't. We want a dollar and a quarter per hundred pounds." Thereupon, the camp was picketed. The public meeting was held on the public place, which was hired by the hop pickers for their own use. The meeting, as the sheriff testified, was entirely peaceable. The meeting was invaded by a band of armed men, some of whom were not too sober, and shooting occurred which has given this affair all the publicity.

My opinion, as an investigator of social phenomena for about 25 years, is that the movement on the Durst ranch was a spontaneous movement; that it was not a movement due to agitation in any shape or form, because there could not have been any agitation. One very reputable witness has testified that there were 27 languages spoken on the ranch. The people did not begin to come in on the ranch until Thursday, and the public meeting was held on Saturday. So there was no room for agitation. It was a purely spontaneous uprising, and it was an uprising—a psychological protest against factory conditions of hop picking; that is, I regard the hop field as an open-air factory and not as, typically, an agricultural pursuit. And consequently you have got the factory psychology instead of the agricultural psychology, and that is the natural result; and the emotional result is the result of the nervous impact of the exceedingly irritating and intolerable conditions under which those people worked at that time.

Now, following that, after the trouble, the drag net, so to speak, was put out. Men were arrested incontinently, without reason in a great many cases; they were not only arrested in that way, but they were shut up and put away, so as not to be discovered. Men were in prison in Sacramento, in Oroville, in Yuba

City, in Marysville, in Chico, and a man we found in Martinez in connection with this affair which occurred at Marysville.

Commissioner GARRETSON. Were those men held incommunicado?

Mr. LEWIS. They were held incommunicado. It was almost impossible to discover the whereabouts of these prisoners. Had it not been for the fact that a small group of men in Sacramento discovered the whereabouts of Ford, I doubt very much whether those men would ever have had a chance of a fair defense in any way.

When I took charge of the case in September, or the last of August, we found that condition of affairs. Men were held detinue in many cases without complaint being lodged against them; in some cases the complaints were lodged against them; and in one case brought before the magistrate, when we would out a writ of habeas corpus, we were threatened by the district attorney. He was discharged and then they placed a charge of murder against him. In some cases the district attorney did place charges of murder against them, and did swear to charges of murder against them, although he himself was not present at Wheatland, and not personally cognizant of the occurrences at Wheatland. Men were brought up on preliminary examination. Some were discharged on preliminary examination. Two men, Beck and Hagan, of whom Mr. Carlin spoke to you of this morning, the grand jury refused to indict. But the district attorney himself swore a charge of murder against them and placed them on trial for their lives, although, as I say, the district attorney was not present at Wheatland at that time. In fact, speaking broadly, we found the whole course of justice thoroughly obstructed. We found every impediment placed in our way to the discovery of the whereabouts of prisoners and to giving them a fair, full, impartial hearing at an early date.

We found the law of the State of California with regard to having the prisoners given a speedy hearing violated repeatedly. And, as far as the administrative end the Wheatland case is concerned, if you want my opinion on it, I consider it a scandal.

Now, to come down to another aspect: We found that not only while this was being done were men not protected by the district attorney—helpless men a hundred and fifty miles away from anywhere that had no friends—not only did they get no counsel or friendly advice, but innocent men who were away from the scene of action were taken into jail, and, as Mr. McKenzie said, were maltreated by detectives, so that one man, Johnson—Allen Johnson—went to the lunatic asylum. Another man, Nels Nielson, whose arm was blown off, hanged himself. All down the line we found a tale of treachery and brutality to innocent men, whose misfortune it was to be migratory laborers. The general question came up in the course of the examination as to the treatment of migratory laborers. And if you will pardon me injecting my personal opinion there, and I am saying so after considerable experience in investigation, I think that migratory laborers in the State of California are treated with a calloused indifference both to the law and to ordinary elemental justice. They are incontinently arrested, thrown into filthy, fetid jails without any power of recourse, and ill treated while in jail, and kicked out of jail. And any man who has made a study of this question and followed it will corroborate what I have said.

I am sure I could call scores, literally scores, of men in to substantiate my statement in that regard. Yet I don't think that the Durst ranch was exceptional; I don't think the Durst ranch was exceptionally bad. I don't think that obloquy should rest on the shoulders of Mr. Durst in this matter. As I think the Durst ranch was not exceptionally bad, so do I also think the administration of justice in Marysville was not exceptionally bad. I think that it was typical of the attitude of district attorneys to migratory labor throughout the State of California, and is productive of the intense feeling of hatred which exists in the minds of the migratory laborers to the administration of law in the State of California.

Now, while this was going on, another thing more dangerous, in my opinion, occurred. That was the use of private detectives in jail. The sheriffs allow—and this seems to be a general rule—the sheriffs allow the private detectives to come into the jail and to interview the prisoners, and indeed, in some instances, to maltreat prisoners in their own jails.

Now, let us take the case of Fresno, the case of Suhr in Fresno. I can speak of that in detail, because I went to see the sheriff of Fresno only a week or two ago, and went over the whole situation with the sheriff. So I know both sides of it, and can be fair to it. The sheriff said, "Suhr was not ill-treated in my

jail." I said, "If that is the case, Sheriff, I want it to be known, because I don't want you to be falsely accused." I said, "Just what did happen in your jail?" He said, "This is what happened." He said, "They brought Suhr off the train to my jail at Fresno. They said 'We want to put this man over for the night; he is tired of traveling, and we want to put him over for the night.'" So he said, "Take him in." Then he said, "I wish you would take me up to the room." They took him into a room, and into the wall of that room they inserted a dictograph. Then they took another man and put him in the same room with Suhr. And that man lay with Suhr that night and disturbed him and kept him awake and proceeded to talk, all the time the dictograph recording for the district attorney of Yuba County and the detective agency, the conversations which Suhr had with that man in that jail at that time. Now, I am only giving you that example. Mr. Royce knows more details, more close personal details, of the matter than I do. And that is typical. It is not exceptional. It is typical of the treatment to which those people are subjected at the hands of the authorities in the State of California. Of course with regard to the case itself, that is a matter of record, and it would not be professional for me to go into it, and I would not care to do that.

Mr. THOMPSON. Mr. Lewis, do you share the opinion of Mr. McKenzie that the hiding of these men in various parts of the State was a justifiable hiding?

Mr. LEWIS. No, sir.

Mr. THOMPSON. To keep them from the I. W. W.?

Mr. LEWIS. No, sir; I do not justify it on any grounds.

Mr. THOMPSON. Is there any law of this State which warrants the officials in doing that?

Mr. LEWIS. No, sir; it is purely extra legal.

Mr. THOMPSON. What is the name of the county where the men were put in prison under an affidavit by the State's attorney?

Mr. LEWIS. Why, Yuba County—two men were put on trial for their lives on the sworn complaint of the district attorney.

Mr. THOMPSON. That they had committed murder?

Mr. LEWIS. Yes, sir.

Mr. THOMPSON. And he was not a witness of the fact?

Mr. LEWIS. Yes, sir; he was not a witness.

Mr. THOMPSON. Does the law of California permit that to be done?

Mr. LEWIS. In my judgment the law of California does not permit it to be done.

Mr. THOMPSON. In your view that was an illegal action by the State's attorney?

Mr. LEWIS. In my view it was an action which strained the law to its very limits.

Mr. THOMPSON. In this whole proceeding, which seemed to have arisen very quickly and seems to have been met by an equally quick action on the part of the various authorities, and particularly by the work apparently of private detective agencies, who do you hold responsible for this action of arresting these men and separating them in the different counties of the State and holding men illegally?

Mr. LEWIS. Why the person I hold immediately responsible is Mr. Stanwood, district attorney of Yuba County. The people that I hold secondarily responsible is the public opinion of Yuba County, in support of which—in accordance with which Mr. Stanwood undoubtedly acted.

Mr. THOMPSON. Well, do you know whether he was the one who employed this agency or not?

Mr. LEWIS. I think he will admit that he was.

Mr. THOMPSON. What opinion do you hold with reference to the employment of private detective agencies in cases of this kind, and also in general cases of industrial trouble?

Mr. LEWIS. I think they ought to be abolished; they are a menace.

Mr. THOMPSON. Do you know whether such things are done in other countries or not?

Mr. LEWIS. I have never heard of it being done, and I could pretty positively testify it is done nowhere else in the world.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mr. Weinstock?

Mr. WEINSTOCK. Yes.

Chairman WALSH. Mr. Weinstock.

Commissioner WEINSTOCK. I find, Mr. Lewis, that there are some who are under the impression that these two men were prosecuted for being agitators. There are some who are under the impression that they were prosecuted for conspiracy. And there are some who are under the impression that they were prosecuted for resorting to violence. Now, what are the facts?

Mr. LEWIS. The facts are that the State bases its charge against them on the ground of conspiracy, that Mr. Carlin's basis of his charge against them is that of agitation, and that public opinion is left to guess with regard to the rest.

Commissioner WEINSTOCK. Well, what crime are they charged with?

Mr. LEWIS. They are charged with the crime of murder.

Commissioner WEINSTOCK. Then, they were prosecuted for murder?

Mr. LEWIS. They were prosecuted for murder, but the theory is that they used language which contributed to murder. There is no contention on the part of the prosecution that either of these men killed Mr. Manwell. In fact, there is no contention on the part of the prosecution that Ford ever had a gun. And they only base their contention with regard to Suhr having a gun on certain alleged declarations.

Commissioner WEINSTOCK. Well, under the law, Mr. Lewis, if I incite you to commit murder am I guilty of a crime?

Mr. LEWIS. Oh, yes; if you did incite me; yes.

Commissioner WEINSTOCK. What would be my crime?

Mr. LEWIS. Well, it might be conspiracy to murder, possibly it might be incitement to murder. If you took active part in it you would be a principal.

Commissioner WEINSTOCK. They were charged, then, with the crime of murder, because it was alleged that they had incited others to commit murder?

Mr. LEWIS. No; that wasn't categorically put. They couldn't put it that way. The theory of the prosecution was that their language was such as led ultimately to the murder of Mr. Manwell. They don't claim that they told anybody to kill Mr. Manwell. They don't claim that they told anybody to kill an officer.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything else? Commissioner Garretson?

Commissioner GARRETSON. No.

Chairman WALSH. Mr. Lennon.

Commissioner LENNON. I just want to ask one question: Does the law provide that criminal trials may be had either upon indictment by the grand jury or upon information?

Mr. LEWIS. Yes, sir.

Commissioner LENNON. That is so in some States.

Mr. LEWIS. That is it.

Commissioner LENNON. Yes.

Chairman WALSH. One minute, please. I want to ask you a question. You say that you have studied these conditions generally prior to this time?

Mr. LEWIS. Yes, sir; for a good many years.

Chairman WALSH. Have you observed the efforts or anything of these occasional workers to organize for the purpose of bettering their conditions?

Mr. LEWIS. Very closely.

Chairman WALSH. I would like you to briefly give a description of that development as you have observed it in the State of California, bringing it down to this attempt, if it be such, to organize by the I. W. W.

Mr. LEWIS. The development in the State of California of the migratory worker is a very interesting history, about seven years old. We first of all got movements, small movements of the migratory workers to better the conditions. These took the form ultimately of the organization of locals, largely of the Industrial Workers. At the same time the American Federation of Labor, as Mr. Dale has already described, was endeavoring to organize the migratory laborer in the American Federation of Labor. And largely owing to the agitation of the American Federation of Labor in that respect, and the able articles and papers written, and the necessity of organizing the unskilled, together with the agitation of I. W. W. agitators and Socialists, a definite movement was launched tending to the organization of migratory unskilled labor in the State of California. That took up certain strategic positions. It did not prosper in the towns where the American Federation of Labor was strongly organized. But it cropped up first noticeably at Fresno, where there was a long and bitterly fought free-speech fight. Now, that

free-speech fight was for the right of promulgating the doctrines of the new Industrialists in the streets of Fresno, which is a strategetic point for industrial labor, as it is at the foot of the San Joaquin Valley, and there are large ranches around and large construction works and those things, and there is a continual stream of migratory labor coming in and going out of Fresno. That was an exceedingly bitter fight, with a great deal of trouble and imprisonment and torture and that sort of thing. Then came succeeding that a fight at San Diego, which is historic, where there was a great deal also of torture and suffering. The result of these fights was that the tenets of the industrial union, or the Industrial Workers, became more popularized and their songs became known, which was the reason that such a large portion of the audience on the Durst ranch were able to sing the song called "Mr. Block," which they were all singing at the time that the sheriff's posse came in.

The I. W. W. locals were formed, as you may say, down the backbone of the State—Reading, Sacramento, Fresno, Bakersfield, Los Angeles, San Diego, San Francisco, Oakland, so on. From these locals there went out a continual stream of literature, and some of these locals employ what are called camp delegates. Now, a camp delegate is a man who goes from the local onto the job. That is the essence of their form of organization, and that must be comprehended to really understand what occurred at Wheatland. These organizers do not organize like an A. F. of L. organizer who has headquarters in a town, as Mr. Dale described this morning. But they send their camp delegates on the job and these camp delegates go onto the job and get their members on the job, and forward contributions from the members to the headquarters in towns like Fresno and Sacramento; and that town is a central local from which radiate emissaries on the job, the camp delegates, who are continually organizing on the job. Now, as a result of that, of course, there was a very widespread propaganda of what you might call Industrial unionism. For instance, one of the professors at Stanford University, of the economics department, informed me that it was very noticeable to him that the tramps who camped for the night under the bridges in San Mateo and Santa Clara Counties would sing I. W. W. songs in the evening while they were camping there. Then they carried out masses of literature continually from their local headquarters. The result was that there was a permeation of the mass to a certain extent by this I. W. W. doctrine, at least a sufficiency of a permeation to enable them to take the leadership in a matter like that of the Durst ranch.

Chairman WALSH. Is there anything going on at the present time in the way of organization, or attempted organization, of these incidental workers?

Mr. LEWIS. Continually going on.

Chairman WALSH. In what way is the propaganda being spread at the present time?

Mr. LEWIS. Why, the propaganda of course is conducted through the two channels which I have mentioned, and is conducted in the regular way, although the educational, the purely what you might call doctrinaire side of the question, is being pushed more and more into the background, and the camp delegates are being used more and more freely and actual organization on the job proceeds more steadily.

Chairman WALSH. You heard the testimony of Mr. McKenzie?

Mr. LEWIS. Yes.

Chairman WALSH. I noticed you were sitting there.

Mr. LEWIS. Yes, sir.

Chairman WALSH. And the answers to the questions of Commissioner Garretson to the effect that he didn't believe that there was equality before the law, as I gathered it, but that public opinion was so strong in certain places that officials wavered in their duty?

Mr. LEWIS. Yes.

Chairman WALSH. Have you noticed in the trial of the cases, vagrancy cases and the like, this expression of class prejudice? For instance, if a jury was composed entirely of farmers, would a man of the class you have mentioned be insured a fair trial before that jury?

Mr. LEWIS. No, sir. Why, the matter of class prejudice is taken for granted. There is not a lawyer that is engaged in this call of cases but knows it and appeals to the class prejudice on one side or the other.

Chairman WALSH. Is there more or less solidarity of class feeling between workers in the State of California whether unorganized or such men as organized in the A. F. of L. and other organizations?

Mr. LEWIS. Yes, sir; and very fast growing. As an example of this we may say that the support which the Industrial Workers have received in this fight has come from the American Federation of Labor, which theoretically is opposed to the Industrial Workers.

Chairman WALSH. In the qualification and selection of the jurors, is there a fair proposition of the workers who reside in the locality—does a fair proportion of the workers who reside in the locality appear upon the jury?

Mr. LEWIS. No, sir; it can't, because there is a property qualification for jurors in the State of California.

Chairman WALSH. How many people are there in this county in which these defendants were tried, Ford and Suhr?

Mr. LEWIS. Oh, I could not say how large the county is.

Chairman WALSH. Approximately?

Mr. LEWIS. I don't know, 20,000—10,000 in the county.

Mr. CARLIN. Forty-eight hundred voters.

Mr. LEWIS. Forty-eight hundred voters. Thank you.

Chairman WALSH. Forty-eight hundred voters in the county?

Mr. LEWIS. Yes, sir.

Chairman WALSH. How many were competent for jury service in the 4,800?

Commissioner GARRETSON. On the property qualification.

Mr. LEWIS. I could not tell you; I wouldn't know that.

Mr. CARLIN. About 2,000.

Mr. LEWIS. About 2,000 Mr. Carlin says, and he knows.

Chairman WALSH. I believe that is all. Thank you.

Commissioner WEINSTOCK. One minute.

Chairman WALSH. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. You made a statement a few moments ago that the American Federation of Labor is opposed to the I. W. W. Can you tell this commission if you know why the American Federation of Labor is opposed to the I. W. W.?

Mr. LEWIS. Why, yes, sir; it is easy enough. The American Federation of Labor is opposed to the I. W. W. on two main lines. First of all, the American Federation of Labor admits that labor is a commodity, and consequently the American Federation of Labor is organized for getting the best price for the commodity, labor power, in the market at this time.

The I. W. W. is a revolutionary organization which denies the commodity side of labor and regards labor as a factor in production and is opposed to the present state of society and consequently the political organization constructed on it.

Commissioner WEINSTOCK. You mean, then, the American Federation of Labor is not revolutionary, and the I. W. W. is revolutionary?

Mr. LEWIS. I am sorry to say that is so.

Commissioner WEINSTOCK. That is the distinction between them?

Mr. LEWIS. I think so.

Commissioner WEINSTOCK. The American Federation of Labor wants to better existing conditions in accordance with existing laws, and the I. W. W. wants to revolutionize the whole social condition?

Mr. LEWIS. That is not quite a fair way of putting it.

Commissioner WEINSTOCK. Put it your own way.

Mr. LEWIS. The American Federation of Labor organizes men in their special crafts for the purpose of selling that craft labor for the best price possible in the market. The I. W. W. want to organize the mass of labor in antagonism to the existing capitalistic classes with the ultimate object of abolishing the existing capitalistic classes.

Commissioner WEINSTOCK. Were you here yesterday, Mr. Lewis, when Mr. Speed testified?

Mr. LEWIS. No, sir; I was not.

Commissioner WEINSTOCK. And his final statement substantially was this—and I want to make sure he represents I. W. W. sentiment more than his own opinion, and I take it you are thoroughly familiar with I. W. W. sentiment—his final statement was to the effect that the I. W. W. attitude is that might is right; that anything that is good for labor is right, and anything that is bad for labor is wrong. Does that express the I. W. W. sentiment as you understand the I. W. W. sentiment?

Mr. LEWIS. I think that is rather crude, but quite fair.

Commissioner WEINSTOCK. I gather further from Mr. Speed's statement that the I. W. W. is opposed to entering into agreements with employers, and if that

agreement exists to break it if it suits the convenience of the workers to break it, regardless of their obligations. That is, that they don't respect their agreements.

Mr. LEWIS. In other words, they consider such agreement an armed truce.

Commissioner WEINSTOCK. Therefore they feel themselves at liberty to break it whenever it suits their convenience?

Mr. LEWIS. Yes sir; they regard it as an incident in warfare and not as a contract.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. One means of fighting the devil with fire?

Mr. LEWIS. Yes, sir.

Commissioner GARRETSON. My friend on the right has interpreted your opinion, and I want to see if I can correctly interpret another. Do you believe any form of organization among the class of labor that is engaged in agriculture can be successfully perfected unless you carry it to him?

Mr. LEWIS. No, sir; you can not.

Commissioner GARRETSON. The machinery, that is.

Mr. LEWIS. You have got to go on the job.

Commissioner GARRETSON. Next, do I gather correctly your belief is this: It matters comparatively little by what name a movement may be called as long as it furnishes a mass form of expression.

Mr. LEWIS. That is the thought. I don't care what name you call it as long as you have the mass form of expression.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Lennon would like to interrogate you, he says.

Commissioner LENNON. Where has the American Federation of Labor declared that they look upon labor as a commodity itself and should be so treated?

Mr. LEWIS. In every statement of the American Federation of Labor you find a demand for a fair day's wages for a fair day's work. They carry that on their banners in all parades. That is nothing but asking for a fair price for their commodity, to wit, the labor power.

Commissioner LENNON. What has been the field of activity of the American Federation of Labor in the trade-union movement—the general trade movement of the world?

Mr. LEWIS. What do you mean by field of activity?

Commissioner LENNON. As to the matter of protection of the right of labor because they are human beings and not being treated as commodities.

Mr. LEWIS. All right. Now, you have opened up a big question there. The American Federation of Labor and the English labor movement and the German labor movement and the French labor movement have all taken precisely the same lines, with slight variations but the same general line. They all organize the crafts for the specific interests of those crafts, and where they have taken the side of human rights in the broad sense they have taken them as liberals, using the term in the broad sense, and not as labor unions.

Commissioner LENNON. Well, they have taken—that is your answer?

Mr. LEWIS. Yes, sir. In other words, to put the thing sociologically and technically, the aspect of organized labor is petit bourgeois.

Commissioner LENNON. Upon what hypothesis do you make the claim that the American Federation is practically a craft organization?

Mr. LEWIS. On the construction of the American Federation itself; on the component crafts which go to make it up.

Commissioner LENNON. Are you aware of the fact that nearly one-third of the Federation is on industrial lines?

Mr. LEWIS. What do you mean by on industrial lines?

Commissioner LENNON. I mean where the industry is being combined in one organization; that the work is going on from time to time of consolidating unions in industries.

Mr. LEWIS. That makes no difference. That makes no difference. As a matter of fact, if you break down your compartments and make it a little larger it only covers the same lines. It is still craft lines. I am not using the word craft in contradistinction to industry or craft organization in contradistinction to industrial organization; I am using the word craft as skilled labor in contradistinction to unskilled or common labor.

Commissioner LENNON. Would you then indicate that it is your belief that the trade-union movement does not try to organize unskilled labor?

Mr. LEWIS. In my belief, the trade-union has not tried until recent years, and very recent years.

Commissioner LENNON. That is true. We admit it.

Mr. LEWIS. And is now trying in vain.

Commissioner LENNON. That is all.

Commissioner WEINSTOCK. Just one more explanation. You pointed out that the American Federation of Labor seemingly regarded labor as a commodity by virtue of its public statement that it stands for a fair day's wage for a fair day's work?

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. And that the I. W. W.'s are not in harmony with that sentiment?

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. Well, may we infer from that, then, that the I. W. W. stands for a fair day's wage for an unfair days' work?

Mr. LEWIS. It stands for as much wages as we can get for as little work as possible.

Commissioner WEINSTOCK. We are to understand, then, Mr. Lewis, that the purpose of the worker in the I. W. W. is to be as absolutely unfair to the employer as possible?

Mr. LEWIS. The purpose of the worker in the I. W. W. is the abolition of the wage system, no matter who gets squeezed.

Commissioner WEINSTOCK. By what means?

Mr. LEWIS. By such means as may suggest themselves.

Commissioner WEINSTOCK. By the use of force, if necessary?

Mr. LEWIS. That depends on what you mean by force. Force is of various kinds. There is the force of the militia and the force of starvation, which is the other side. To starve a man to death is using force against him as much as bayoneting him.

Commissioner WEINSTOCK. Did Mr. Speed in his statement yesterday express the I. W. W. sentiment as you understand it when he said that if the I. W. W. had the force and numbers they would take possession of the Union Iron Works and turn out the owners without compensation?

Mr. LEWIS. Why, sure. To the victor belongs the spoils.

Commissioner WEINSTOCK. In other words, you would justify force if you have the force?

Mr. LEWIS. Why, of course; in a state of war force is justified.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner O'Connell has a few questions to ask you.

Commissioner O'CONNELL. Are you a member of the I. W. W.?

Mr. LEWIS. No, sir; I am ineligible.

Commissioner O'CONNELL. You are not eligible?

Mr. LEWIS. No, sir.

Commissioner O'CONNELL. What is the eligibility?

Mr. LEWIS. Handwork or wagework. I am a practicing attorney.

Commissioner O'CONNELL. That is not hand work or wage work?

Mr. LEWIS. No, sir; it is not wage work.

Commissioner O'CONNELL. Mr. Commissioner Weinstock asked you a minute ago what the A. F. of L. position was against the I. W. W.?

Mr. LEWIS. Yes, sir.

Commissioner O'CONNELL. I don't suppose you are authorized to speak for the American Federation of Labor as to its position?

Mr. LEWIS. I am not authorized by the American Federation of Labor to do that, and I wouldn't attempt to do such a thing.

Commissioner O'CONNELL. In other words, you are not authorized to give the reasons of the A. F. of L.?

Mr. LEWIS. No, sir; not authorized. I said I was merely a student.

Commissioner O'CONNELL. Do you believe the organization's position on sabotage is right?

Mr. LEWIS. I have argued publicly against sabotage, not because I don't think it is right, but because I don't think it is effective.

Commissioner O'CONNELL. The organization, however, does?

Mr. LEWIS. That is rather broad. Possibly at the present time the dominant feeling of the organization might be in favor of sabotage as it might be in the confederation générale; but it is a changing sentiment, you can't tell.

Commissioner O'CONNELL. When the national officers appeared before this commission in hearings we have held heretofore they expressed themselves very much in favor of sabotage.

Mr. LEWIS. The national officers generally typify the organization, but they don't typify changes in the organization.

Commissioner O'CONNELL. That is all.

Chairman WALSH. I notice you are on the program to-morrow on the question of unemployment, and if it is satisfactory to you and convenient, I will ask those questions now.

Mr. LEWIS. On unemployment?

Chairman WALSH. Yes, sir.

Mr. LEWIS. Yes, sir.

Chairman WALSH. Is there a problem of unemployment peculiar to the State of California?

Mr. LEWIS. Well, of course, that would be a rather hard question for me to answer, because I am not accustomed to industrial centers, having spent so many years in the State of California.

Chairman WALSH. Can you state precisely the problem as it appears in California, the problem of the unemployed?

Mr. LEWIS. There are two aspects of that problem, speaking offhand. I would rather have looked up some notes so as to speak more accurately, but speaking offhand, there are two aspects to that problem. One is the problem of the unemployment of the ordinary skilled laborer or the ordinary workman in town; the other is the unemployment caused by seasonal occupations.

Chairman WALSH. Have you any suggestions you could make to this commission—would you care to make some suggestions by which some better method might be devised for handling this migratory labor.

Mr. LEWIS. Well, I think the best way to handle the migratory labor problem would be to turn it over to the trade-unions. I think that the State makes a very fundamental mistake—special legislation, I don't know, might possibly—in overlooking the fact of the tremendous organization of union men which is such a valuable asset. Now, we have over 100,000 of our best picked people, members of trade-unions in the State of California with a tremendous amount of ability and actual experience in contact with the field; and I would much rather trust the organization with the handling of the unemployment question than I would any State department that I can conceive of.

Chairman WALSH. What, if anything, are those organizations doing in the State of California toward taking care of the situation of unemployment?

Mr. LEWIS. Those organizations have done a tremendous lot, although what they do is of such a nature it can't very well be made public; but, speaking as an outsider, last winter was a hard winter, and the organization of the American Federation of Labor in this State looked after their members wonderfully well, and, although many men of my own acquaintance got no work from October until March—many men that I know were out of work from October until December—yet, owing to the self-denying effort of the members of their organization, they were able to put up a fairly respectable appearance and keep off the streets.

Chairman WALSH. What, if any, suggestion could you make, then, in the line of Government encouragement of that sort of activity?

Mr. LEWIS. I was reading the suggestions as sent to me through the mail, and instead of making a political affair out of it, what I should suggest would be that the Government frankly recognize the existence of trade-unions and that they utilize those trade-unions for social benefit; that is, they allow the trade-unions to start labor exchanges and that they make such allowances for the formation of those exchanges as may seem necessary under the circumstances.

Chairman WALSH. Such funds, you mean?

Mr. LEWIS. Such funds; yes, sir. Leaving the work of the system to the discretion of the trade-unions and their responsibility to the public. I think one of the greatest mistakes at the present time is the nonresponsibility of labor to the public. Here we have a tremendous organization of a hundred thousand in this State, and that is speaking conservatively. They have all our destinies in their hands. We could not live if those men chose not to let us live, and yet those men have no public responsibility, in spite of the immense power which they exercise. Now, I think that power ought to be recognized and turned to public advantage.

Chairman WALSH. That is all. Prof. Commons would like to ask some questions.

Commissioner COMMONS. Would you permit the employers' association to have any voice in that?

Mr. LEWIS. The unemployment question?

Commissioner COMMONS. In running this question you speak of, the unemployed.

Mr. LEWIS. No, sir.

Commissioner COMMONS. Why would you exclude the employers' association?

Mr. LEWIS. Because I consider the monopolization of the labor market by organized labor as the prime essential to any social advance.

Commissioner COMMONS. Your scheme, then, must necessarily mean an entire and complete organization of all labor in the State?

Mr. LEWIS. Yes, sir.

Commissioner COMMONS. There is about how many besides a hundred thousand?

Mr. LEWIS. Well, I suppose that, take it altogether, we have probably 500,000 men that work in the State. We have two-odd million population, and I think it would be fair to say we have about 500,000 workingmen.

Commissioner COMMONS. I presume in that event you would not install your plan, or could not, until all the 500,000——

Mr. LEWIS. Oh, yes, you can; you can install it partially and so help the organization of labor tremendously. If you had a labor exchange in San Francisco and Fresno and Sacramento, union labor having control of those exchanges, then you could do much to increase the importance of the labor union, and consequently bring in more men.

Commissioner COMMONS. Do you think the American Federation of Labor could be intrusted to take care of these migratory laborers?

Mr. LEWIS. It would be metamorphosed; it is not a static concern.

Commissioner COMMONS. Suppose the employers of the State would refuse to hire people sent to them from exchanges controlled by the union?

Mr. LEWIS. Well, then, it is a case of pull-devil-pull-baker. It is a tug of war. They can't refuse to hire all the labor in the State.

Commissioner COMMONS. I suppose you know how these offices are conducted in Germany—by the joint officers of the employers and employees.

Mr. LEWIS. Yes, sir.

Commissioner COMMONS. What is your reason for objecting to a system like that?

Mr. LEWIS. Because I object to the employer having anything whatever to say with reference to the organization and handling of labor. The employer is in control of the material instruments of production, absolutely. Labor has nothing to say with regard to that. The labor department—organized labor—should be absolutely in control of its factor of production, to wit, labor power.

Commissioner COMMONS. According to that, as I understand it, you mean the employer should have no choice in the people he employs?

Mr. LEWIS. Certainly he should not.

Commissioner COMMONS. Naturally, it would follow, then, he should have no voice in the control of the employment office?

Mr. LEWIS. Yes, sir.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Weinstock.

Commissioner WEINSTOCK. As I understand it, Mr. Lewis, your constructive program on the question of unemployment would be to establish labor exchanges?

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. And to have those labor exchanges managed and controlled by organized labor?

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. What chance would that scheme have of succeeding in a community such as we find Stockton to be to-day, where the employers, practically as a unit, are at war with organized labor? What chance would there be for those employers going to that labor exchange, managed and controlled by organized labor, to secure their labor?

Mr. LEWIS. Why, there wouldn't be any, as things are now in Stockton.

Commissioner WEINSTOCK. Then it would be a failure in Stockton?

Mr. LEWIS. Everything is a failure in Stockton at present.

Commissioner WEINSTOCK. Then, you would duplicate substantially the same conditions that prevail in Stockton in every industrial or agricultural community where the employers are anti-union, would you not?

Mr. LEWIS. Sure. I would put them up against it.

Commissioner WEINSTOCK. Very well. Then, is not your plan and scheme sure to fail at a great many points?

Mr. LEWIS. Yes, sir; it would. All attacking armies do.

Commissioner WEINSTOCK. Then, what is the use of adopting a plan when you know the plan will not succeed?

Mr. LEWIS. Because the general plan marks such a complete advance that incidental failures are nothing compared to the recognition of the principle.

Commissioner WEINSTOCK. Well, don't you think that the chances for success would be far greater if California adopted the plan in connection with the proposed public-labor exchange that is followed in the State of Wisconsin, with which you may or may not be familiar? Are you familiar with the system that is operated there?

Mr. LEWIS. No, sir; I could not place it in my mind now. That is what I wanted to look up my notes for.

Commissioner WEINSTOCK. We have the author of the system right here. I will try to explain it briefly, and if I am in error you can correct me, Professor. The State established the public exchange.

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. And organized a board.

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. This board has upon it an equal number of employers, I think, chosen by a group of employers, and an equal number of unionists, chosen by organized labor.

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. And this board jointly operates the public exchange or public labor exchange. Under those circumstances the conditions are kept neutral.

Mr. LEWIS. Yes, sir.

Commissioner WEINSTOCK. The employers, as I understand it, do not hesitate to send to these labor exchanges for their help, and, by virtue of this system, the private employement offices, many of them that have been very improperly and very unrighteously conducted, have been practically wiped out, and only last evening Prof. Commons informed me that the problem of unemployment, largely through the medium of these agencies, is no longer a problem in the State of Wisconsin. Is that correct, Professor?

Commissioner COMMONS. Substantially.

Commissioner WEINSTOCK. Isn't that a better plan than the one you propose?

Mr. LEWIS. I don't think so, because I am exceedingly jealous of any interference on the part of the State with the individual laborers. That is one reason why I object very strongly to what we call the Lloyd George system of legislation. I object to any control by the State over individual labor. I think he should be master of his own labor, subject to the organization, and that his organization is paramount and takes precedence over everything else. Only in that way can you teach him good work, loyalty, and that class consciousness which is necessary to his behavior as a man.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all; thank you, Mr. Lewis.

Is Mr. Mundell here?

Mr. THOMPSON. He is not here now.

Chairman WALSH. Let Mr. Royce take the stand.

Mr. THOMPSON. Mr. Royce.

TESTIMONY OF MR. ROBERT M. ROYCE.

Mr. THOMPSON. Give us your name, address, and profession.

Mr. ROYCE. Robert M. Royce. My address is Fourteenth and Clay, Oakland, and my profession attorney at law.

Mr. THOMPSON. You are one of the attorneys for the defense in the Ford and Suhr cases?

Mr. ROYCE. Yes, sir; Mr. Lewis and I represented the defendants.

Mr. THOMPSON. In the defense of those cases did you come in contact with the holding of suspects by the authorities?

Mr. ROYCE. Yes, sir. I came in contact with it in every conceivable way.

Mr. THOMPSON. Will you tell us the facts in connection with the holding of suspects in that case?

Mr. ROYCE. It is a little difficult to get at this thing, but the system adopted by the district attorney of Yuba County was this: He would go to a justice of the peace and file a great number of John Doe complaints, charging people with various crimes, sometimes inciting riot, and sometimes murder. On these complaints John Doe warrants would be issued.

These John Doe warrants would be distributed or were distributed to various so-called deputy sheriffs or Burns detectives. Some of the latter were formerly made deputy sheriffs for the purpose of serving those warrants. They would take those warrants out over the State of California; arrest anybody they saw fit. They would confine those arrested in jails all over the State, as Chico—Chico was one—Orville, and Santa Rosa, and Martinez, and in many other places. Cloverdale in one case.

When I first went to Marysville I found some 10 or 15 men in jail. Some of these men I was allowed to see and some I was not allowed to see. There was a certain group in the Marysville jail, and I went to Mr. Stanwood and asked him why he did not have a preliminary hearing. Well, he said he did not choose to have it.

Chairman WALSH. May I interrupt you? You have just barely started and Mr. Mundell is here, and we want to put him on a little out of order. If you will kindly retire, we want to develop some things in view of Mr. Lewis's testimony before we put you on.

Mr. Mundell, if you will, please take the stand.

TESTIMONY OF MR. WILLIAM A. MUNDELL.

Mr. THOMPSON. Will you please give us your name, business address, and business?

Mr. MUNDELL. William A. Mundell; Merchants National Bank Building; owner of Mundell International Detective Agency.

Mr. THOMPSON. How long have you been engaged in that business in this city?

Mr. MUNDELL. About four years?

Mr. THOMPSON. Was your agency employed in the case ordinarily called the Wheatland hop case?

Mr. MUNDELL. Yes, sir; eventually. Primarily I was employed as manager of the Burns Detecvtive Agency. I was manager of the Burns Detective Agency when first employed.

Mr. THOMPSON. In those cases?

Mr. MUNDELL. Yes, sir. After I left there and opened up my own agency I continued the case.

Mr. THOMPSON. You continued the work you were doing for the Burns Agency?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. Who first called you or the Burns Agency into this case, if you know?

Mr. MUNDELL. It was District Attorney Stanwood, of Yuba County.

Mr. THOMPSON. When you handled the case personally, did you continue working under him?

Mr. MUNDELL. Why, I was given the task of running down and arresting the men implicated in the murder of public officials at Woodland on August 8, 1913. I didn't work entirely under his direction.

Mr. THOMPSON. Did you work under his employment?

Mr. MUNDELL. I assumed charge of the case myself.

Mr. THOMPSON. Did you work under his employment?

Mr. MUNDELL. I did, if you consider the employment of the county of Yuba his employment. He was district attorney of the county.

Mr. THOMPSON. Did you work under the employment of anybody else?

Mr. MUNDELL. I did not.

Mr. THOMPSON. All the time you handled these cases you worked for the county of Yuba?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. From the beginning to the end?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. During that time how many detectives did you have assisting you in that work?

Mr. MUNDELL. Well, it varied from 12 to 15.

Mr. THOMPSON. Were they all working in the State of California, or go elsewhere?

Mr. MUNDELL. In other States, also.

Mr. THOMPSON. During that time did your men make arrests of people that they called suspects?

Mr. MUNDELL. Fourteen.

Mr. THOMPSON. What were the names of those 14, if you know now?

Mr. MUNDELL. I could not give you the names of the 14; I can give you the names of 3 or 4.

Mr. THOMPSON. Give us those you remember.

Mr. MUNDELL. Suhr, Cokely, Nelson, Johnson, Gleaser, and others whose names I don't recall.

Mr. THOMPSON. Were any of these suspects imprisoned in various counties?

Mr. MUNDELL. Yes, sir; all of them.

Mr. THOMPSON. Were any of them taken from one county to another?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. Were they taken by you and your men?

Mr. MUNDELL. Sometimes; not always.

Mr. THOMPSON. In what cases were they taken by your men from one county to another and placed in the county prison?

Mr. MUNDELL. Why, I think when the men were first arrested they were put in the nearest jail as a safety precaution and afterwards transferred to Yuba County or Sutter County, which is across the river. It was not always possible to remove a man immediately to Yuba County upon his arrest, because the trains don't run regularly from all parts of the State.

Mr. THOMPSON. Did you take people from Yuba County to other counties?

Mr. MUNDELL. No, sir; except to Sutter County. We did not do that ourselves. Men were transferred, on account of the condition of the Marysville jail, to the Sutter County Jail and Yuba City.

Mr. THOMPSON. How long were people held in the other jails outside of Yuba County?

Mr. MUNDELL. I don't know—how long?

Mr. THOMPSON. Yes, sir; after their arrests as suspects.

Mr. MUNDELL. They were held until taken to Yuba County. The Yuba jail wouldn't accommodate all the people arrested, in addition to the people arrested for other crimes. Yuba County is a small county and has a small jail. The authorities in the various counties throughout the State were cooperating with the authorities in Yuba County in imprisoning these men.

Mr. THOMPSON. How long were men held in other counties before being brought to Yuba County?

Mr. MUNDELL. How long?

Mr. THOMPSON. Yes, sir.

Mr. MUNDELL. I can't say exactly. Some men were taken to other jails to be held until their hearing came up—until their trial came up—because there was no room for them in the Yuba jail.

Mr. THOMPSON. On what warrants were these men arrested?

Mr. MUNDELL. John Doe warrants for murder and inciting riot.

Mr. THOMPSON. When they were arrested and placed in the jail in other counties were they given a hearing immediately?

Mr. MUNDELL. That I don't know. I didn't follow the cases after the arrests. We had nothing to do with the administration of the law.

Mr. THOMPSON. Is that true of all the cases?

Mr. MUNDELL. True of all of what cases?

Mr. THOMPSON. Of the arrests of suspects, that you didn't follow them after you arrested them?

Mr. MUNDELL. I presume——

Mr. THOMPSON. Or your men?

Mr. MUNDELL (continuing). They got hearings as soon as the regular work of Yuba County would permit them to give them hearings. I know nothing of that; had nothing to do after the delivery of the men in Yuba County.

Mr. THOMPSON. No; but I didn't ask you that Mr. Mundell; I am asking you the question if your men dropped the cases immediately after the arrests. You say they did?

Mr. MUNDELL. That was the end of our work.

Mr. THOMPSON. Is that true of the case of Suhr?

Mr. MUNDELL. The case of Suhr?

Mr. THOMPSON. Yes.

Mr. MUNDELL. We went with Suhr until he was placed in the county jail of Sutter County.

Mr. THOMPSON. Then, in his case you did stay with him longer than being placed in jail?

Mr. MUNDELL. While he was en route only.

Mr. THOMPSON. While he was en route?

Mr. MUNDELL. Yes.
Mr. THOMPSON. Were your men with him while he was in the jail at Fresno?
Mr. MUNDELL. Some of the time.
Mr. THOMPSON. Did you place what is ordinarily called a stool pigeon in the cell with him while he was in the jail there?
Mr. MUNDELL. I did not.
Mr. THOMPSON. Did any of your men do it?
Mr. MUNDELL. I placed a man in the jail with him, in the cell. I don't recognize any man who gives evidence to support the laws of the country as a stool pigeon.
Mr. THOMPSON. Well, call him by any name which pleases you.
Mr. MUNDELL. Yes; if you will call him by his proper name, I will answer that question.
Mr. THOMPSON. Well, call him by any name which pleases you.
Mr. MUNDELL. One of my men was placed in the cell with Mr. Suhr; yes, sir.
Mr. THOMPSON. Did you also put in that jail a dictagraph?
Mr. MUNDELL. Two of them.
Mr. THOMPSON. Two of them?
Mr. MUNDELL. Yes, sir.
Mr. THOMPSON. And did your man keep Mr. Suhr awake most of the night, disturb him in his sleep, and endeavored to get from him a statement of his connection with this——
Mr. MUNDELL. No, sir.
Mr. THOMPSON. Will you say——
Mr. MUNDELL. Mr. Suhr went to sleep about 11 o'clock. Our work then ceased for the night.
Mr. THOMPSON. Will you state that that was not done?
Mr. MUNDELL. I will say that that was not done; yes sir.
Mr. THOMPSON. Were you there?
Mr. MUNDELL. I was there.
Mr. THOMPSON. Were you the man?
Mr. MUNDELL. I was not. I was in the bathroom of the jail next to his room.
Mr. THOMPSON. Next to the cell?
Mr. MUNDELL. Yes, sir; superintending the operation of the dictagraph.
Mr. THOMPSON. Could Suhr see where you were from the cell?
Mr. MUNDELL. He could not.
Mr. THOMPSON. Could he tell what you were doing?
Mr. MUNDELL. No.
Mr. THOMPSON. Could you see him?
Mr. MUNDELL. No, sir.
Mr. THOMPSON. Could you tell what he was doing?
Mr. MUNDELL. No, sir.
Mr. THOMPSON. Then, how do you know that he was not awakened?
Mr. MUNDELL. Because the man reported to me that he went to sleep at 11 o'clock. At 11 o'clock all talk ceased in the room.
Mr. THOMPSON. And that is your basis——
Mr. MUNDELL. I assume that if he were awake my man would have been talking to him.
Mr. THOMPSON. And that is your basis for making the statement?
Mr. MUNDELL. Yes; I think a very good basis.
Mr. THOMPSON. Did your people take Suhr to the Sutter Hotel in San Francisco?
Mr. MUNDELL. They did.
Mr. THOMPSON. Did you keep him there all night?
Mr. MUNDELL. All night.
Mr. THOMPSON. What was the reason for taking him to a private hotel instead of to the public jail in this city?
Mr. MUNDELL. We did'n care to have his whereabouts known at that time.
Mr. THOMPSON. To whom?
Mr. MUNDELL. To anybody.
Mr. THOMPSON. How long had he then been under arrest?
Mr. MUNDELL. Oh, he was arrested in Nelson Ariz., just as long as it took us to come up from there. I think the deputy sheriff who brought him up stopped at Los Angeles for a night, and stopped at Stockton, or rather at Fresno, for a night, and the next stop was in San Francisco. The stop was made here at the hotel pending the selection of the jail to place him in.

Mr. THOMPSON. You could have taken him to the public jail here?

Mr. MUNDELL. We could have, but we did not desire to.

Mr. THOMPSON. Did not desire to. Did you or your men inform him up to that time about his rights to employ counsel?

Mr. MUNDELL. I didn't talk to the gentleman at all.

Mr. THOMPSON. Did any of your men talk to him about that?

Mr. MUNDELL. I presume that they did.

Mr. THOMPSON. You think that they advised him about that?

Mr. MUNDELL. I don't know.

Mr. THOMPSON. When was he taken to the county jail at Alameda County?

Mr. MUNDELL. The following morning.

Mr. THOMPSON. How long was he kept there?

Mr. MUNDELL. I think one or two days.

Mr. THOMPSON. Were any of his friends notified of his presence there?

Mr. MUNDELL. Not that I know of.

Mr. THOMPSON. Did your men in charge of him keep him awake at night, walk him around, and insist upon his talking?

Mr. MUNDELL. I don't believe so. My men could not have been walking him around, because he was locked in the cell and they were outside.

Mr. THOMPSON. Are you sure that your men were not with him during the nights at the time he was at the Alameda jail?

Mr. MUNDELL. They were with him, but not in his cell. His cell was locked. They were outside.

Mr. THOMPSON. Well, in that case you didn't have a man with him in the cell?

Mr. MUNDELL. No, sir; at no time.

Mr. THOMPSON. Were your detectives continually with him in the Yuba City jail?

Mr. MUNDELL. Yes; practically so. He had attempted to take his life in the Alameda County Jail. We were guarding against him committing suicide.

Mr. THOMPSON. And that was the sole reason that you kept company with him?

Mr. MUNDELL. Absolutely.

Mr. THOMPSON. No other purpose?

Mr. MUNDELL. No other purpose; and that upon the direction of the district attorney of Yuba County, who was told that he had made an attempt to take his life in Oakland, in the Alameda County Jail.

Mr. THOMPSON. What became of Nelson, who was arrested?

Mr. MUNDELL. When? After he was arrested?

Mr. THOMPSON. Yes.

Mr. MUNDELL. Or eventually?

Mr. THOMPSON. Eventually.

Mr. MUNDELL. After he was arrested?

Mr. THOMPSON. Eventually.

Mr. MUNDELL. Eventually?

Mr. THOMPSON. Yes.

Mr. MUNDELL. The charges against him were dismissed because the county felt it had gone far enough in prosecuting Ford and Suhr. There were many men arrested that could not have been convicted.

Mr. THOMPSON. Was there another Nelson that was arrested?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. What became of him?

Mr. MUNDELL. He committed suicide. However, he wasn't arrested by us. One of the men we didn't drive to suicide.

Mr. THOMPSON. Where did he commit suicide?

Mr. MUNDELL. I believe in the detention hospital of Yuba County. I would not be sure.

Mr. THOMPSON. Do you know whether he was removed from the hospital to the jail and placed in solitary confinement?

Mr. MUNDELL. I don't know.

Mr. THOMPSON. After his injury?

Mr. MUNDELL. We never had anything to do with that particular Nelson.

Mr. THOMPSON. Did you have a man working for you by the name of Cradlebaugh?

Mr. MUNDELL. At one time.

Mr. THOMPSON. In this work?

Mr. MUNDELL. Yes, sir.

Mr. THOMPSON. Did he have anything to do with a man by the name of Johnson and also with Nelson, who was arrested at Martinez?

Mr. MUNDELL. He took part in the arrest of both of them.

Mr. THOMPSON. Do you know whether he had anything to do with assaulting either one of them?

Mr. MUNDELL. I do.

Mr. THOMPSON. Did he?

Mr. MUNDELL. Yes, sir; he assaulted Nelson. I presume you would like to know why.

Mr. THOMPSON. I will ask you that——

Mr. MUNDELL. You haven't asked me that. He assaulted Mr. Nelson because Mr.——

Chairman WALSH. Just one moment. He will ask you another question.

Mr. MUNDELL. Oh, I see. All right. I want to make everything perfectly clear.

Chairman WALSH. Certainly.

Mr. MUNDELL. That is all.

Mr. THOMPSON. Well, you may state.

Mr. MUNDELL. He was assaulted because he tried to escape from a room in the Martinez Hotel, in Martinez, Cal.

Mr. THOMPSON. What was the nature of the assault?

Mr. MUNDELL. He was struck over the head.

Mr. THOMPSON. With what?

Mr. MUNDELL. I don't know what with.

Mr. THOMPSON. With a weapon of some kind?

Mr. MUNDELL. I could not say. It wasn't brought out in testimony in the case in Martinez what he was struck with. He was supposed to have been struck with the open hand of the deputy, and to have fallen and struck his head.

Mr. THOMPSON. Did you hear the testimony to-day of Mr. McKenzie with reference to his condition?

Mr. MUNDELL. Yes.

(The transcript of certain proceedings occurring at this point were, by direction of the chairman, stricken from the record.)

Chairman WALSH. Say, one moment. We are conducting this under these rules——

Mr. MUNDELL. I understand.

Chairman WALSH. That no witness is allowed to characterize another witness or his motives.

Mr. MUNDELL. All right.

Chairman WALSH. Please bear that in mind in the future.

Mr. MUNDELL. I have heard Mr. McKenzie's testimony.

Chairman WALSH. One moment. That reference to Mr. McKenzie's testimony will be stricken from the record and not written.

Mr. MUNDELL. I have heard some statement by Mr. McKenzie.

Chairman WALSH. And if you have any facts to controvert Mr. McKenzie——

Mr. MUNDELL. I have facts, which is something Mr. McKenzie did not present.

Chairman WALSH. Now, then, we have told you to desist from that.

Mr. MUNDELL. Yes.

Chairman WALSH. If you have any facts to controvert anything Mr. McKenzie said, certainly state them. But don't characterize Mr. McKenzie or any other witness.

Mr. MUNDELL. Yes.

Chairman WALSH. What was your question, how far had we proceeded?

Mr. THOMPSON. Well, I will just ask him about the injuries. Did you see Nelson?

Mr. MUNDELL. Which Nelson?

Mr. THOMPSON. Nelson, the one that was hit by Cradlebaugh?

Mr. MUNDELL. At Martinez, I saw him.

Mr. THOMPSON. Did you see him after he was hit by Cradlebaugh?

Mr. MUNDELL. Yes; I took him, after he was hit by Cradlebaugh, from Martinez to Marysville.

Mr. THOMPSON. What were the nature of his injuries as you saw them?

Mr. MUNDELL. He had a scalp wound about an inch and a half long and a slight discoloration, I think, on the cheek bone or somewhere around there.

Mr. THOMPSON. What do you mean by "a slight discoloration on the cheek bone"?

Mr. MUNDELL. Well, slight, barely perceptible.

Mr. THOMPSON. Barely perceptible?

Mr. MUNDELL. Yes; barely perceptible.

Mr. THOMPSON. No other marks on his face or head?

Mr. MUNDELL. No; the man was examined by the county physician of Yuba County after he reached Marysville, which was the day following this assault.

Mr. THOMPSON. Who had him examined?

Mr. MUNDELL. The district attorney, Mr. Stanwood.

Mr. THOMPSON. What was the reason for his examination by a physician?

Mr. MUNDELL. I don't know. Perhaps Mr. Stanwood could tell that.

Mr. THOMPSON. Do you think that if his injuries had been very slight, as you have described them, that the district attorney would have had him examined by the physician?

Mr. MUNDELL. Yes; I think so, in the light of the fight that was being made against us at that time.

Chairman WALSH. I would not ask him any more on that.

Mr. THOMPSON. Did you arrest a man by the name of Gleaser?

Mr. MUNDELL. Gleaser?

Mr. THOMPSON. Gleaser.

Mr. MUNDELL. Yes; we arrested Gleaser.

Chairman WALSH. I would like to ask two or three questions here. Where was Mr. Nelson arrested, Mr. Mundell?

Mr. MUNDELL. Nelson was arrested on a ranch near Healdsburg, Cal.

Chairman WALSH. By whom arrested?

Mr. MUNDELL. By two of my men who were also deputies.

Chairman WALSH. How long was it after the occurrence on the Durst ranch that he was arrested?

Mr. MUNDELL. Well, I should say between three and four weeks. You see we were not called in on the case until about two weeks after this affair in Wheatland.

Chairman WALSH. Now, I want to avoid the details of the trial, if possible, and yet ask some questions surrounding it. Was he in the employ of the Burns Detective Agency at the time this occurred?

Mr. MUNDELL. Who, Cradlebaugh?

Chairman WALSH. Yes.

Mr. MUNDELL. Yes; he was.

Chairman WALSH. Now, who employed the Burns Detective Agency?

Mr. MUNDELL. The county of Yuba.

Chairman WALSH. What individual?

Mr. MUNDELL. The district attorney.

Chairman WALSH. Were the terms of the employment in writing?

Mr. MUNDELL. No.

Chairman WALSH. Was the contract consummated; have you performed all the duties; has the Burns Detective Agency performed all the duties it was hired to perform?

Mr. MUNDELL. Yes.

Chairman WALSH. And paid for?

Mr. MUNDELL. It has not been paid for.

Chairman WALSH. How is that?

Mr. MUNDELL. It has not been paid for the services as yet.

Chairman WALSH. Have any of the services been paid for?

Mr. MUNDELL. Not a dollar.

Chairman WALSH. Not a dollar?

Mr. MUNDELL. Not a dollar.

Chairman WALSH. Has the bill been rendered by the Burns Detective Agency?

Mr. MUNDELL. Yes; the demands were filed, I think, in January, February, and April of this year.

Chairman WALSH. Was the contract made through you, Mr. Mundell?

Mr. MUNDELL. The contract was made through me.

Chairman WALSH. Individually?

Mr. MUNDELL. Yes, sir; after I had procured an opinion from the attorney general's office to the effect that the district attorney had the legal right to employ such outside help.

Chairman WALSH. Where was your office at that time?

Mr. MUNDELL. In the First National Bank Building, San Francisco.

Chairman WALSH. And where did you have your interview with the prosecuting attorney or district attorney?

Mr. MUNDELL. In that office.

Chairman WALSH. In San Francisco?

Mr. MUNDELL. He came to see you?

Mr. MUNDELL. He came to see me after he had paid a visit to the office of the attorney general of the State of California.

Chairman WALSH. Was there any limitation placed upon the number of detectives that you were to hire?

Mr. MUNDELL. None whatever.

Chairman WALSH. Were there any instructions given to you by the district attorney as to the way you were to conduct the work in detail?

Mr. MUNDELL. No. The district attorney told me that effort had been made to get these men; that the peace officers had not been able to get them, they hadn't an organization which would reach beyond the confines of their county; they needed some agency with an organization which would reach throughout the country, and therefore he wanted us to arrest these men. He gave us two or three meager descriptions, and one or two names. That is all we had to work on.

Chairman WALSH. And does that substantially cover the details of the instructions given you by the district attorney?

Mr. MUNDELL. Yes; practically so; yes. At the time he came to me he didn't believe, and I doubted very much whether we could get these people, and I was told to go ahead for a few days, or a few weeks, and see whether any progress could be made. If so, then we would continue the work.

Chairman WALSH. What instructions, if any, were given to the men that went out to capture these men, or to attempt their capture?

Mr. MUNDELL. Why, the instructions given them were these, they were told the story of the riot up there, they were given descriptions of the men, they were told the type of men they were, and where they were most apt to be found. And the instructions were given them to "rope in" with them, gain their confidence, secure their stories of this affair, and to hunt particularly for these persons who were most wanted, Suhr and Ford, and others whose names were not known, but whose descriptions were given. And their instruction were, of course, upon arrests—upon locating a man who had any information at all in connection with these matters up there, to communicate with me.

Chairman WALSH. Now, did they do that, did they communicate with you——

Mr. MUNDELL. They did.

Chairman WALSH (continuing). Mr. Mundell, when a man was arrested?

Mr. MUNDELL. Oh, they communicated with me before his arrest. I ordered his arrest after they communicated with me, and after I had communicated in detail with the district attorney of Yuba County.

Chairman WALSH. Did they or did they not arrest every man that they found who had been on this ranch at the time of this occurrence?

Mr. MUNDELL. No; they did not. We found a great many romances in our travels. We found members of the I. W. W. who told stories about having taken part in this riot and having shot at people, or slugged people, whose stories we disproved. There were many of those we did not arrest.

Chairman WALSH. Did you arrest——

Mr. MUNDELL. We had to sift down their evidence and verify it so far as we could before an arrest was made.

Chairman WALSH. Did you arrest all of these people who you ascertained had been on the Durst ranch at the time of the occurrence?

Mr. MUNDELL. No, sir.

Chairman WALSH. Now——

Mr. MUNDELL. Not unless they were in a position to be defendants or act as witnesses.

Chairman WALSH. Now the matter of the treatment of Mr. Nelson culminated in this trial that was testified to here already?

Mr. MUNDELL. Yes, sir.

Chairman WALSH. Who, if any person, paid for this man's defense? Did the organization pay for it?

Mr. MUNDELL. Why, I paid for it myself mostly, personally—put up bail myself.

Chairman WALSH. How many regularly employed detectives did the Burns Detective Agency have at this time?

Mr. MUNDELL. Well, that varied, depended upon the amount of work that we were doing, anywhere from 25 to 75.

Chairman WALSH. Did you try——

Mr. MUNDELL. In this particular office.

Chairman WALSH. And you drew them also from other places?

Mr. MUNDELL. Yes, sir. Yes; I brought a man from New York to work on this case.

Chairman WALSH. Now, there was something that I think you were going to say in answer to a question, and I interrupted you, thinking that Mr. Thompson was about to read another question.

Mr. MUNDELL. I don't recall what that question was now.

Chairman WALSH. Well, if you recall it, you may make your statement. I don't want to shut you off. Go ahead.

Mr. THOMPSON. When was Gleaser first arrested?

Mr. MUNDELL. Gleaser was arrested in company with Alfred Nelson.

Mr. THOMPSON. Where and when?

Mr. MUNDELL. He was arrested as I have just described.

Mr. THOMPSON. Where?

Mr. MUNDELL. On a ranch near Healdsburg.

Mr. THOMPSON. In Yuba County?

Mr. MUNDELL. No; that is Sonoma County.

Mr. THOMPSON. Was he taken to Yuba County?

Mr. MUNDELL. Eventually.

Mr. THOMPSON. How old a man was Gleaser?

Mr. MUNDELL. Gleaser was 18 years old, so he said.

Mr. THOMPSON. Did he have his home in this State?

Mr. MUNDELL. The boy did not live with his parents, as I understand it. One of his parents was dead, and he didn't live with the other, and had been living with his uncle, who was a business agent of the molders' union in San Francisco, I believe, a man named Burton.

Mr. THOMPSON. While this young man was under arrest, were his folks, either his uncle or one of his parents, looking for him at that time?

Mr. MUNDELL. I believe so; yes.

Mr. THOMPSON. Then did you keep his whereabouts away from his people?

Mr. MUNDELL. I simply placed him in the jail. I had nothing to do with him after that.

Mr. THOMPSON. What jail did you place him in?

Mr. MUNDELL. Yuba City.

Mr. THOMPSON. Then when his people started looking for him, did you take him to the jail in San Francisco, in order that they should not find out where he was?

Mr. MUNDELL. No, sir.

Mr. THOMPSON. And then afterwards when you thought you had got them off the track, did you take him back to Yuba County Jail?

Mr. MUNDELL. You are assuming I answered the previous question in the affirmative. I did not.

Mr. THOMPSON. You may answer the question as you please.

Mr. MUNDELL. Yes; but your question is rather peculiar, too.

Mr. THOMPSON. I am not assuming anything. You may answer it as you please.

Mr. MUNDELL. Yes; it gave me that inference anyway. You said then I took him back. I didn't take him anywhere from Yuba County in the first place.

Mr. THOMPSON. And when you took him those places, if you did, did you tell him over his protest, that he either had the privilege of going with you or being held as a prisoner on a murder charge?

Mr. MUNDELL. At what time and what place?

Mr. THOMPSON. At any time.

Mr. MUNDELL. No, sir.

Mr. THOMPSON. At any place?

Mr. MUNDELL. Never at any time.

Mr. THOMPSON. Or any place?

Mr. MUNDELL. If you would name the place, I think I could probably enlighten you. I know, in a way, what you are trying to get at, but I don't know just what particular time and place you refer to.

Mr. THOMPSON. If at any time and place you made those statements to him——

Mr. MUNDELL. No, sir; never did.

Mr. THOMPSON (continuing). I would like to have you tell us.

Mr. MUNDELL. No; I never made any such statement.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. MUNDELL. Gleaser always went willingly with us.

Chairman WALSH. That is all; thank you.

Call Mr. Royce.

TESTIMONY OF MR. R. M. ROYCE—Recalled.

Mr. ROYCE. Now, to take up this matter where I left off and going into the system under which these arrests were conducted, you see here are John Doe warrants. Here are complaints filed, charging John Doe with murder, or John Doe with disturbing the peace. And a John Doe warrant is issued, placed in the hands of a Burns detective, or some other officer, and under that anybody can be arrested. Now, people under such warrants were arrested all over the State and confined. When Mr. Lewis and I took up these cases and went up to Marysville, our first business, our first effort was to find out who our clients were. It was impossible to find out who was under arrest. The statute requires as soon as a person is arrested that he be forthwith brought before the nearest magistrate, and, if in the county, before the magistrate by whom the warrant is issued and bail fixed.

W would go to the justice of the peace in Marysville, and find there a great many John Doe complaints, which gave us no information. When we demanded of the justice of the peace that he fix the preliminary hearings on these John Doe complaints, he would say that there had been no warrants returned, and therefore he could not be certain that any warrants had been served.

When we went to the district attorney he would say he knew nothing about—he would refuse to tell me who John Doe was, any particular John Doe was, upon the ground that I was not John Doe's attorney. And if I should discover that a certain person was in jail, we will say in the county jail—in the city jail in Yuba, I would go to the jail and ask the chief of police to let me see that particular man, and he would say: "No; you are not his attorney, and I will not let you see him unless District Attorney Stanwood says so." I would then go to District Attorney Stanwood, and Stanwood would say: "You are not his attorney." Then I would say: "I wish to be his attorney, to see if he wishes an attorney." "No;" Stanwood would say, "you can't see him in jail unless he says he wants you to be his attorney." So the fellow in jail could not possibly get an attorney, any attorney, unless he would ask for some specific man, and then there was no method by which he could communicate with him even in that event. Now, the only way to get around that was to find out the name of the person in the jail and file a writ of habeas corpus and have the man brought into the superior court on a writ of habeas corpus; which, by the way, instead of being made returnable in 24 hours, or the next day, as is customary, would be returnable in a week, or in some cases longer; we could to get him into court on the writ of habeas corpus, and in that way see him. And in the case of two persons, Leonard and Copely, who had been in jail for months, three or four months, they were brought into the court room and kept on the opposite side of the room. And I had to shout across the room in the presence of the superior judge and ask if they wished an attorney to act for them, to which they said that they did; upon which it was generally admitted that I had a right to appear for them.

Now, we will take up certain individual instances. Take this man Johnson, that is a minor case. Now, Johnson was arrested in Martinez. He was not at Wheatland. He had never been in Wheatland. He was struck in the face, so he tells me, by the detectives, told to say that he was present at the time of the Wheatland shooting and that Ford shot Manwell. That is what he told me. He was brought up from Martinez, and he was brought up to Marysville, and he was put in the county jail, and he was in the county jail for a long time. And then as I was about to get out a writ of habeas corpus for him, I heard that he had been discharged. I then heard indirectly that he was up in the city and county hospital, or rather the county hospital. And I went up to the county hospital, and he was there and I got a statement from him.

At the same time this Nielson, the man who afterwards hanged himself, was in the city and county hospital, but I didn't know he was there, so I did not try to see him. I went down to San Francisco, I came back to Oakland, and I hadn't more than got here than I heard that Johnson was in the insane asylum. Just as soon as I left, Nielsen, who was being kept in the hospital and his arm treated, was taken out of the hospital and taken back to the jail, and I am informed by other persons, was put in solitary confinement, and he hanged himself—his arm was shot off here [indicating].

Johnson was brought up before the superior judge of Yuba County charged with insanity and sent to Stockton. I wrote to Stockton, and I got a letter from the asylum, unsigned by anybody, saying he was there and they thought that he would soon be discharged.

When the Suhr trial commenced and the articles appeared in the Bee, in regard to the treatment of Suhr, the day after those articles appeared, Johnson was incontinently turned out of the sanitarium in Stockton by the superintendent of it, climbed on the train and came down to our office, and we took him back to Yuba County again to produce him there as an instance of what was supposed to be an insane man.

Johnson was a migratory worker, and I asked him what he thought about it, and he said, "My nerves are rather shaken on account of the long imprisonment; my teeth needed fixing and," he said, "I think that going to the Stockton Insane Asylum, they had a good dentist there, my teeth were fixed up and I do not think I suffered very much on that account."

I thought that was an ingenious way of a migratory worker having his dental bill attended to.

We will take the case of Cokely; Cokely was in jail in Marysville for a long time. And I asked Mr. Stanwood's permission to see him. He refused, and I sued out a writ of habeas corpus and I dragged him before the superior court, and he is the man I had to ask if he wanted an attorney, cared to have me, clear across the court room. I found out his name from other people who were in the county jail being discharged.

Leonard was an old man. He was also arrested in this same way. And Leonard was, I think, my impression is that Leonard was with Cokely. There were some 30 or 40 of these names, and I get them a little confused.

After Cokely was brought up before the court, and I had become his attorney, he informed me that he was—that District Attorney Stanwood said—although he was arrested and charged with inciting a riot—that if he employed me as his attorney, he would be charged with murder.

The prophecy came true. As soon as I became his attorney he was charged with murder; Mr. Stanwood swore to a complaint charging him with murder, and thereby rendering it impossible to get bail.

Take the next case. We took the case of Gleaser. I first heard of Gleaser, that he was in jail in Yuba City, opposite Marysville, and I heard all sorts of conflicting stories as to Gleaser—what he was charged with and what he was going to testify to. And, of course, I could find no—I could get no clear line on him because he was charged under one of these John Doe anonymous warrants, and so I could not tell. I could not identify him.

However, I found he was in jail with Suhr in the Yuba City Jail. I went there and asked to see him. I was refused. I was allowed to see Suhr, but was not allowed to see Gleaser. I was allowed to see Suhr afterwards.

I then sent for Gleaser's uncle. He lives here with his family, his wife and children. I believe he is business agent of one of the unions—the A. F. of L. unions. The boy lives with him, lived as one of his family. And I sued out a writ of habeas corpus. When I first sued out that writ of habeas corpus, I swore to the petition, took it up to Judge Mahon, of Sutter County. When I showed him the petition Judge Mahon said he didn't propose to issue it; there was something wrong with the form, something of that sort, and that he would not issue it. I told him that if he didn't issue it I would go down to the district court of appeals and get it; that I had already gone to the district court of appeals to force a hearing on the Suhr case, and that I would go down and get another writ of habeas corpus from the same court and get a hearing in the Gleaser case. Therefore he told he that I was guilty of contempt of court for talking to him in any such way as that, that the sheriff's office was his court room when he was in it, it was his chambers, and that he didn't care for the district court of appeals, and that I might as well understand that the grangers were handling those cases up there. That is what the superior judge told me.

He finally issued the writ, and he set it a week, I think it was, either a week or—I wouldn't like to be positive as to the number of days, but approximately it was a week after, for the hearing, which is a very unreasonable time to set a return on a writ of habeas corpus with the man only a few—in the same building as the judge.

I took the writ, took it over to the county clerk's office, had the county clerk put his seal on it. The judge had signed it in the presence of the sheriff; they were sitting on each side of the stove in the sheriff's office, the judge on this side and the sheriff on the other side, and I went into the office to turn the writ over to the county clerk, and I handed the writ, after he put his seal on, to the sheriff, in the presence of the judge. The writ was issued Monday, and the hearing came on Saturday, I think. When the hearing came on there wasn't any Gleaser. And the sheriff said—came into court and said—that the day after that writ had been issued, after it had been given to him, the dis-

trial attorney, Stanwood, had sent over there to Yuba City, and had taken Gleaser away, and he didn't know what had become of him or where he had gone.

When I made the point that the writ of habeas corpus was issued to bring him into court, Judge Mahon said that the code provided that a writ of habeas corpus had to be served on the sheriff by the county clerk, and the fact that it was signed by the judge in the presence of the sheriff, the seal of the court put on it, and handed to the sheriff in the presence of the judge didn't make any difference. The service of the writ was void, and the sheriff was under no obligation to bring the man into court at all, and he didn't propose even to go into the question of what had become of him.

Upon the strength of that I went to the supreme court of the State for a writ of habeas corpus for this Gleaser. I directed the writ of habeas corpus to Mr. Stanwood, for the principal reason I couldn't find head or trace of Gleaser in any way. He wasn't in Yuba County, and he wasn't in Sutter County, and Mr. Stanwood said he didn't propose to tell me where he had gone. So I got the writ of habeas corpus out of the supreme court directed to Mr. Stanwood.

Mr. Stanwood came down before the court and testified that Gleaser had gone out of the office followed by Burns detectives, but he didn't know where he was.

Thereupon, I told the supreme court that the writ was directed to Mr. Stanwood, his agents and servants, and the Burns detectives were his agents and servants, and that, therefore, I asked the court to require the Burns detectives to bring him into court under that writ.

The court said, in substance—the record is printed—that Mr. Stanwood could not authorize the Burns detectives to do an unlawful act, and, therefore, if they had Gleaser they did not have him as Mr. Stanwood's agents and servants, and, therefore, they would not make the order requiring him to be brought before the court, and then discharged the writ, with permission to renew it if I could prove who had Gleaser in custody.

I proceeded to hunt around for Gleaser. We found that he was down at Gilroy Hot Springs, in charge of two Burns detectives. And so we sent his uncle down there, and he went to San Jose. He went to San Jose. He went there and sued out a warrant against the people who had Gleaser in charge for kidnapping.

They went out there. They arrested the man who had him, Gleaser, in custody. Gleaser ran away when the officers, as the officers came on the scene; he ran away up in the hills, and after the officer, the constable, had departed with the Burns detective, he came back, saw his uncle, and he told his uncle that he ran away because he was told by the Burns detective that the I. W. W.'s wanted to kill him. And he also told his uncle that he wished his uncle then would leave him alone, because the Burns detectives had given him clothes and were letting him fish and ride horseback, and that he was having a very good time. They promised him a suit of clothes and a job after the case was over if he would only stay with them and do as they told him.

Well, his uncle started back with his boy, and he got in as far as Fourth and Townsend Streets, San Francisco, when a detective from the chief of police's office in Oakland—I mean in San Francisco—came up to him and told him that Gleaser would have to go with him to headquarters—the police station.

So they took Gleaser to the police station and his uncle telephoned over to Mr. Lewis and myself, and I came over on the next boat. By the time I arrived at the police station Gleaser had gone again. Gleaser had gone again with the detective. The chief of detectives said Standwood had come down there, and that he told them not to bother with the charge of murder, but to let Gleaser go. So they let Gleaser go, and he had gone away with Stanwood.

Well, he went away, and we did not see any trace of him until after the trial was over, when he turned up and came home.

Now, we had trouble getting the testimony that Gleaser gave before the grand jury, because Mr. Stanwood had the idea that if all the testimony—that the investigation was not an investigation into the murder, the matter of killing of Manwell or the matter of killing Reardon, to say nothing of the killing of the two hop pickers, shooting off the arm of the third, which the grand jury never took any notice of, one way or the other, at all; their interest was entirely to the Reardon and Manwell matter.

And Mr. Stanwood took the position that they were concerned in the matter of whether Leonard killed Manwell, or whether Ford killed Manwell, or whether Nielsen killed Manwell. That, therefore, the testimony—we were not

entitled to the testimony of the grand jury in regard to the matter of Manwell, but only the testimony that referred to our particular client suspected thereof. At least that is the plea that he put forward in court and later.

Moreover, we had a dispute as to when we were entitled to the testimony. The statute provides that the defendant is entitled to the testimony taken before the grand jury at least five days prior to the hearing. Well, it is customary as soon as testimony is taken before a grand jury to write it up and let the defendant have it. So if a witness testifies before the grand jury in favor of the defendant, the defendant can go out and subpoena him. But if he has only got five days before the trial, particularly in a complicated case, such as this, practically he has to come into court and ask for a continuance. Five days is not sufficient time to use the testimony before the grand jury which is written up, for the benefit of all concerned, for the benefit of having all the knowledge that is possible in regard to an investigation into the matter.

Now, I have here the testimony of this fellow Gleaser before the grand jury. And he testifies here that Nelson said to him that he, Nelson, had told the Porto Rican to pick up the deputy sheriff's gun and to shoot, and that the Porto Rican did so.

I have the testimony here. It is official.

That was very important testimony for the defense to get, because as it turned out at the trial one of the witnesses for the prosecution and two of the witnesses for the defendant—and there wasn't anything to the contrary—testified that what occurred on that ranch was this, at the time of the shooting, and as there is no particular dispute as to this I may as well tell it.

One of the officers of the armed posse that went into that crowd got up close to Ford and drew his gun, and one of the posse fired a gun, revolver, into the air; this was Mr. Durst's testimony and the testimony of others. When he drew this gun, and some say fired the gun, one of the hop pickers, believed to be the Porto Rican, struck him over the wrist. He struck him over the wrist, and the gun dropped out of the officer's hand down onto the ground, and the testimoney of several others there was that the Porto Rican reached over when the officer fell. There was absolutely no necessity for drawing the gun under our theory, because, as the sheriff and everybody else admits, the crowd was perfectly quiet.

Then Daken—a deputy sheriff—blazed over the crowd with his shotgun, and the Porto Rican picked up the revolver off the ground and shot Manwell.

Several witnesses for the prosecution testified that Manwell and the Porto Rican were face to face, about 2 feet apart, when Maxwell fell.

The uncontradicted testimony being that Ford ran away, as this fellow Gleaser also testified before the grand jury. Therefore, you see, Gleaser would have been a very useful witness for the defense. He was brought down to Marysville before trial, and the attorneys for the prosecution decided that his testimony was of no advantage to the prosecution, and we had no opportunity to subpoena him or to confer with him or to use his testimony before the defense. Now, that, in the main, is the story of Gleaser.

Commissioner WEINSTOCK. What became of the Porto Rican?

Mr. ROYCE. The Porto Rican was shot. He was shot. There is a dispute by whom, but he was shot and killed. He was dead.

Chairman WALSH. We will now adjourn until to-morrow morning at 10 o'clock. Kindly resume the stand at 10 o'clock.

(Whereupon, at 4.40 o'clock p. m., on this Friday, the 28th day of August, 1914, an adjournment was taken to the following day, Saturday, August 29, 1914, at 10 o'clock a. m.)

SAN FRANCISCO, CAL., *Saturday, August 29, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Lennon, O'Connell, Garretson, and Weinstock; William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Mr. Royce, will you resume the stand?

TESTIMONY OF MR. S. M. ROYCE—Continued.

Mr. THOMPSON. You may proceed with your statement, Mr. Royce.

Mr. ROYCE. At the last session I intended to state generally the general system pursued by the prosecution in Marysville in the conduct of these cases. To

pick up one matter before leaving the Gleaser incident: I was informed, and there are affidavits on file in the habeas corpus and other cases which state that Gleaser was 16 years of age at that time. Mr. Mundell said that Gleaser stated to him that he was 18. But my information is that he is 16. It's a minor matter.

Now, taking up and going on with the procedure in Marysville, and I do not want to repeat anything that I have gone over before, it is sufficient to state that generally I was not allowed to see prisoners or suspects confined in the various jails, in the two jails in Marysville.

When I would go to the sheriff and ask permission I would be referred to the district attorney; and when I went to the district attorney I got no satisfaction. And on applying to the superior court, the Superior Court of Yuba County would state that it had no power to instruct the district attorney to allow me to interview witnesses and people confined in the jail, because the jail was in the control of the sheriff; and he had no power to command the sheriff to allow me to inspect the jail, because the prisoners confined in the jail, other than my own clients, were in the control of the sheriff, and he had a wide discretion as to how they should be treated, on the theory that they might be safely kept in prison.

Now, all those matters were embodied in an affidavit filed in the supreme court of the State. It is on record in the supreme court of the State. It was filed—I think it was in December of last year—asking for a writ of mandate against Mr. Stanwood, to allow me to interview these prisoners. The supreme court took that under advisement and held it under advisement until the conclusion of the Marysville trials. And after those trials had been concluded they then denied it nunc pro tunc, as of the time it was filed, and have expressed no opinion otherwise on the merits of the proceeding whatsoever.

I could go into a good deal of detail in regard to the various batches of prisoners, or various batches of suspects and witnesses that were imprisoned in Marysville, and applications for writs of habeas corpus and their discharge on same.

Chairman WALSH. Well, if you will just give it generally, for instance, Mr. Royce, that some were arrested against whom there was no evidence, some were arrested simply because they were there—if such were the facts, and, in that way, because we can't carry the details.

Mr. ROYCE. I understand; but I don't intend to go into the details any further; they can be assumed.

Chairman WALSH. Yes.

Mr. ROYCE. Now, the only other matter which—the only other two matters which I think are worthy of taking up as being of special interest is one matter that occurred during the trial, or just before the trial commenced, and the other is the Suhr matter.

The papers in Marysville and Wheatland were very unfavorable to the defendants. In fact there was a constant statement and assumption that a murder was committed, and the International Defense League, the committee interested in the defense of these folks—Ford, Suhr, and others—got up a pamphlet and sent it to Yuba County and had it distributed throughout the county for the purpose of overcoming, if possible, the statements contained in the local press, or neutralizing them.

The judge of the superior court called Mr. Lewis and myself before him in court, not in the presence of the jury, however, or of the panel, and said we were guilty of contempt of court in circulating any such document throughout Yuba County.

That night or the next morning the reporters, who had been denied by Mr. Stanwood access to the prisoners, published articles in certain papers, namely, and among others the Sacramento Bee; and among other statements published, was the statement of Mr. Dayton to the effect that Suhr had been badly treated, and commenting on the methods employed by District Attorney Stanwood.

The judge then brought us before him again—before the court sitting formally as a court—and stated that he had decided to take no action whatever in regard to the publication in the press, but that that certainly ought to stop while the trial was in progress—which opinion was certainly the correct one.

Now, to take up the Suhr matter: I first found Suhr in the jail at Yuba City, and he was very white and very nervous, and had a gash on his arm,

and slight gashes on his neck where he had attempted to commit suicide, and I had great difficulty in seeing him. I finally succeeded in getting in communication with him. Now, the story he tells me is this:

He told me he was arrested in Arizona; taken to some station in Arizona and put in a box car, which was used as a place of detention. He was then taken, if I recollect correctly, to Los Angeles, detained there about a day, and then he was taken to Fresno and placed in the Fresno Jail, and Mr. Lewis told the commission about what occurred at the Fresno Jail; and from there he was taken to San Francisco and taken to a hotel, and at that hotel a detective sat at his feet during the night with a loaded revolver in his hand, and every time he would try to sleep he would talk to him and keep him awake.

From there he was taken to the Alameda County Jail and placed in a cell, which, from his description, seems to have been one of these graded cages. He was kept there, as I understand from him, two or three days; I think three days only. And they told him that he must talk.

He said that when he laid down on the bed they pulled the bedclothes off, and he said that when he laid down on the floor they poked him with long pieces of squills of paper rolled up, and he said when he leaned up against the side of the wall of his cell they would bang on the outside of the cell and make a noise.

Finally they took him out of the cell, and they walked him around and around until finally he said he would talk.

Then he said he dictated to them a statement. I asked him what that statement was, and he said he could not recall what it was, because he was in such a condition that he did not know what it was, but he said something about shooting.

I went to Sheriff Barnett, of Oakland, and the sheriff told me that Suhr had not been mistreated in his jail, but that, to tell the truth, he thought he had been mistreated somewhere else. When I saw Suhr in the jail in Yuba City the sheriff there said, "He is technically in my jail, but really I consider him in the control of the Burns detectives." And when I went in to speak to Suhr there was a detective rolled up on a cot with his fact toward the wall, a few feet off, evidently—Suhr said to me, "That man is there to listen." I had not even noticed him. Finally I got Suhr out in the outer office—the sheriff's outer office—and the sheriff went out of the room and shut the door. I tried to talk to Suhr, but the door into the inner part of the inner room where the Burns men, theoretically his guards, were, was opened about 2 inches. I walked over to see, and then it was drawn shut from the inside.

I complained to the sheriff about it and said it was a case of eavesdropping, and he said no such thing had occurred at all. Anything more that I say will be merely a repetition of what I have gone over already, and the time of the commission is limited, and I have nothing further to say in this matter.

Chairman WALSH. Thank you very much, Mr. Boyce.

Commissioner GARRETSON. I would like to ask a question.

Chairman WALSH. Mr. Garretson has a question he would like to ask.

Commissioner GARRETSON. What is the qualification of jurors?

Mr. BOYCE. Why, the qualification of jurors in this State is that they shall be on the assessment roll.

Commissioner GARRETSON. They must pay taxes?

Mr. BOYCE. They must pay taxes; they must be on the assessment roll.

Commissioner GARRETSON. Then there is nothing—no man is eligible to jury service except a property holder?

Mr. BOYCE. That is my understanding.

Commissioner GARRETSON. In sufficient amount to pay taxes thereon, a man that is subject—all his property is subject to exemption would not be competent for jury duty?

Mr. BOYCE. I think there is no property of any consequence in this State that is——

Commissioner GARRETSON. Subject to exemption.

Mr. BOYCE. No.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Go ahead.

Mr. TREMAYNE. Is Mr. Stanwood here? [No response.] He is the prosecuting attorney and asked the privilege to be heard.

Chairman WALSH. All right. Call your next.

STATEMENT OF MR. EDWARD B. STANWOOD.

COURTHOUSE, MARYSVILLE, CAL.,
September 1, 1914.

WILLIAM O. THOMPSON, Esq.,
Counsel for United States Commission on Industrial Relations,
San Francisco, Cal.

DEAR SIR: During the session of the commission on last Friday, August 28, I spoke to Col. Weinstock about certain misstatements in the testimony of Mr. George L. Bell on which I desired to be heard. He referred me to you and you informed me that I should have an opportunity to make a statement at the conclusion of the announced program of that day. However, adjournment was taken for the day before such opportunity was afforded me, and I have been unable to attend your subsequent sessions. I, accordingly, ask that this letter be filed and considered as my testimony in the matter. As no oath is administered to witnesses, I suppose there will be no technical objection to this course. Mr. W. H. Carlin was called, apparently, as the prosecution's representative at the hearing, but as he stated on the stand he had little knowledge regarding matters previous to the actual trial of the Ford-Suhr case. These earlier matters are particularly within my own knowledge.

Mr. Bell stated in his testimony Friday that one Alfred Nelson was arrested and imprisoned by the Yuba County authorities with no charge against him, and finally released without having had a hearing. This is incorrect. Alfred Nelson was arrested upon a warrant, a complaint having previously been filed against him. He was given a preliminary examination by a magistrate and was held to answer for murder before the superior court. An information was filed against him for murder, this being an alternative proceeding to the finding of an indictment under California law. After the conviction of Ford and Suhr the case against Nelson was dismissed, on my motion, as it was regarded as comparatively a weak one, though I was then and still am of opinion that he was guilty. Mr. Bell also stated that one Brady was arrested and imprisoned by the Yuba County authorities with no charge against him, and that Brady, when arrested, told me that he was in jail in Idaho at the time of the Wheatland murders, and offered to produce proof of this fact; that finally Brady "managed to get a letter out to the Idaho authorities," and that upon word coming from them, his release followed. This is incorrect. Brady did have a definite charge lodged against him, and he did not say a word to me when arrested, or until shortly before being released, about the jail episode in Idaho. On the contrary, he carefully concealed it, and tried to account for the time so spent in jail (as afterwards claimed) by saying that he used this time—about two weeks—in traveling by rail from a certain point in Idaho to another in Utah—a journey which can not possibly take more than two days. Brady was at all times free to send out letters, and did not have to "manage" in order to do so. When finally he did tell me of his jail experience in Idaho, investigation was made, and he was released.

It was a little difficult to ascertain from Mr. Bell's testimony just when he was referring to the Wheatland murder cases and when to conditions in general. He spoke of vagrancy charges being preferred. I will state that no vagrancy charges were preferred against anyone held in connection with the Wheatland cases. Mr. Bell also spoke of a "dragnet" being cast for all suspicious characters. There was no dragnet in the Wheatland cases. Everyone who was arrested was arrested on a definite charge based on evidence against him.

In all cases I have given careful personal investigation as much from the point of the defendant as of the people. This, I know to be the custom of the district attorneys I am acquainted with, and I believe it to be the general custom of district attorneys throughout California. The institution of a public defender is still in an experimental stage, but in my opinion there are two functions such an officer might fill—first, that of providing a defendant with counsel in the lower court, and second, that of relieving members of the bar from unpaid services in behalf of defendant. But there is no need of a public defender to protect the defendant from the district attorneys of this State. Give the district attorneys an elastic provision for extra assistance when needed and there will be no lack in efficiency either in favor of or against the defendant.

In Mr. Austin Lewis's testimony before the commission, on Friday, there was a statement especially calling for comment. He said that the officers who were assaulted at Wheatland "were none too sober." There is absolutely no truth to this whatever and no shred of evidence to support it. The exact contrary is the truth—namely, that the officers were absolutely sober, and moderate and conciliatory in their actions.

I heard only a part of Mr. R. M. Royce's testimony, and do not know whether it contained anything of sufficient importance to call for notice from me. In general, Mr. Lewis and Mr. Royce appeared in their testimony to be going over familiar ground. The judges of the superior courts of Yuba and Sutter Counties and the district attorney of Yuba County were accused, as they have been before by the same gentlemen, of various kinds of arbitrary action, including in the case of the judges unfairness in habeas corpus proceedings and the "railroading" of an alleged sane person—Allan Johnson—to a State hospital for the insane. It is unfortunate that the judges in question had no opportunity to be heard by your commission on these matters. So far as I know, however, no weight has ever been attached by anyone to these accusations when previously made, and it is unlikely that they will make any different impression at this time.

Very respectfully,

EDWARD B. STANWOOD,
District Attorney of Yuba County, Cal.

EXHIBITS.

HORST EXHIBIT.

E. CLEMENS HORST CO.,
San Francisco, December 15, 1914.

Mr. LOUIS K. BROWN,
Secretary Commission on Industrial Relations.

DEAR SIR: Answering your favor of December 7:

The maximum number of employees that we have on our hop ranches during any time of the year is during the harvest season, during which time the number of employees are as follows:

Wheatland, Cal	400
Manlove, Cal	50
Perkins, Cal	175
Hopfin, Cal	175
Cosumne, Cal	350
Tehama, Cal	170
Ukiah, Cal	360
Eola, Oreg	1,050
Salem, Oreg	150
Agassiz, British Columbia	1,200
Chilliwack, British Columbia	1,400
Total	5,480

Should you wish any further information we will be pleased to furnish you with it.

Very truly, yours,

E. C. HORST.

5027

UNEMPLOYMENT IN CALIFORNIA

(For exhibits under this subject, see pages 5079 to 5085.)

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Saturday, August 29, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, Lennon, O'Connell, and Commons. William O. Thompson, counsel.

Mr. THOMPSON. Mr. Lilienthal.

TESTIMONY OF MR. JESSE W. LILIENTHAL.

Mr. THOMPSON. Will you give us your name and your address and your profession, Mr. Lilienthal.

Mr. LILIENTHAL. My name is Jesse W. Lilienthal. I am an attorney at law, and president of the United Railroads.

Mr. THOMPSON. How long have you been located in San Francisco?

Mr. LILIENTHAL. Something over 20 years.

Mr. THOMPSON. And practicing law for many years here?

Mr. LILIENTHAL. During all of that time.

Mr. THOMPSON. How long have you been chairman or president of the United Railroads?

Mr. LILIENTHAL. Just one year to-day.

Mr. THOMPSON. You might state generally where that road operates, or those roads.

Mr. LILIENTHAL. Well, it operates principally in the city and county of San Francisco. It also has an interurban line running over into the county of San Mateo, altogether operating about 275 miles of road.

Mr. THOMPSON. How long have you been connected with the road other than as president?

Mr. LILIENTHAL. I never had any connection with it at all until I became president.

Mr. THOMPSON. Now, Mr. Lilienthal, you are also chairman of the Municipal Relief Committee of San Francisco, are you?

Mr. LILIENTHAL. I was during much of last winter when we were working on that matter.

Mr. THOMPSON. During that time, of course, and before, you had come in contact with the question of the unemployed here?

Mr. LILIENTHAL. Yes; more or less.

Mr. THOMPSON. Particularly in the wintertime?

Mr. LILIENTHAL. For many years.

Mr. THOMPSON. For many years?

Mr. LILIENTHAL. Yes.

Mr. THOMPSON. Will you kindly give us your opinion as to the causes of the periodical acuteness of the problems of unemployment in this State?

Mr. LILIENTHAL. Well, I think the conditions that obtained last winter were not particularly unusual, and are likely to recur each winter, principally, I think, from the periodical cessation of work in the logging camps and in the fisheries up north, resulting in men that have been accumulating a little money perhaps from the work they have been doing, seeking some place where it is pleasant to live, as it is in San Francisco in the winter, and where opportunities are afforded for enjoying one's self, and after a time getting rid of the savings, and then walking the streets, and most of them seek employment, of course, in something that is outside of their usual line. Is that the question? I do not mean to volunteer anything. Conditions, I think, are going to be very much aggravated in the immediate future.

Mr. THOMPSON. What do you consider the main contributing causes to this army of unemployment?

Mr. LILIENTHAL. Well, I can think of nothing else than what I have stated, so far as our past experience is concerned. Men are unable to work at certain

occupations except for a certain number of months of the year, and then at the expiration of that time there being no use for them in that particular employment, they gravitate to other places and seek work of a different character, perhaps, from what they have been accustomed to, and find it or do not find it.

Mr. THOMPSON. Do you consider that the supply of labor in California to-day, leaving out for a moment the question of seasonal work, is too large.

Mr. LILIENTHAL. Under normal conditions I should not say so. I don't think we are at the present time under quite normal conditions, and there is evidence at the present time of an excess of labor, I think.

Mr. THOMPSON. Then the fact under normal conditions—the main contributing cause would be the seasonal character of the work?

Mr. LILIENTHAL. That is true in California, particularly in San Francisco.

Mr. THOMPSON. To what extent, if any, would the maladjustment of economic conditions—that is to say, in other respects—contribute to the army of the unemployed?

Mr. LILIENTHAL. Well, I think in the experience we had last winter the maladjustment is due purely to the circumstances I related—that a man, being deprived of his usual occupation, say, through no fault of his own, and having accumulated a little money, would naturally go to the place where it is pleasant to live, and perhaps where, because of the size of the community, there is unusual chance for finding other employment; I don't know any other case of maladjustment in this community.

Chairman WALSH. Has any study been made by you, or anyone connected with you, as to a means of bridging over these conditions here in California; that is, making the work less seasonal, or easier for the men to get at, or anything of that sort?

Mr. LILIENTHAL. Well, I think—I have not had the pleasure of attending the hearings, and I do not know whether the commission has been already informed—but I think perhaps a recital of the exact experience we had last winter would be interesting.

Chairman WALSH. I wish you would give it to us.

Mr. LILIENTHAL. If it has not been mentioned before.

Chairman WALSH. It has not been. You are the first witness on the subject.

Mr. LILIENTHAL. The city officials, early in the winter, were informed of the fact that a large number of people in San Francisco were unemployed and seeking employment. They had a certain fund—I think it was approximately $30,000 and no more—that, with the approval of the supervisors, could be applied to some such purpose as taking care of those who needed assistance, because of the unemployment. In the expenditure of the money they were absolutely governed by the conditions of the city charter, which provided that no city employee should be paid less than $3 a day or work more than eight hours a day.

And considering the limited size of the fund and the large number of people seeking employment and the attraction that these conditions afforded to others outside of the city, the city authorities very soon became convinced that they were not able to deal with the situation; and thereupon concluded to assemble a number of citizens who should occupy themselves with the matter as one of private philanthropy. And with that in view, a committee of 100 was selected by the appropriation committee of the board of supervisors, and that committee met at the city hall to organize and determine how they should deal with the situation. Very early in that session some one whose philanthropy was not under question at all, because of his record in the community, said that times were pretty hard; that we had a large number of people here to deal with—it was estimated to be about 7,500, and, of course, numbers of others dependent on those 7,500—and it was not likely that we could raise a very large sum; it behooved us, therefore, to husband our resources, cut our coat according to our cloth, and begin by giving a dollar a day to such as we could furnish employment to. That committee of 100 represented all classes—capitalists, employers, employees, heads of labor unions—all shades of opinion were represented.

And immediately upon the making of that suggestion I remember a very bitter opposition developed upon the ground that this was an insidious attempt to establish a wage which was not a living wage. And while protests were made that nothing of the kind was intended, it looked for a little while as if the entire movement would collapse, and it was only by the adoption of a resolution referring the entire question to an executive committee to determine the conditions under which such money as might be raised would be expended that, I

think, the situation was saved. That executive committee recommended that the city should designate places where work might be done, and that the work should be done at such places; that men should be paid 20 cents an hour and not necessarily be employed the full day, but for such time as they did work that they should receive 20 cents an hour. And that method was adopted, and I think that saved the situation.

I refer to the matter as indicating, in the first instance, the unavoidable antagonism that develops when the matter is dealt with as a private charity, and, secondly, because when we made appeals to people of means to help us out in the situation, to furnish money that we needed to take care of the situation, over and over again we found a disposition of resentment because of the opposition shown at the outset on the plea that men should not be paid so small a wage as this 20 cents an hour.

As a matter of fact, however, we succeeded in raising some $40,000, and that, with the money the city had available, the $30,000, pretty well carried us through the worst of it. We would employ a man perhaps four hours and give him 80 cents, or 5 hours and give him $1. If he was a married man we would do better than that. But little by little, I think, we bridged over the worst. I mention these incidents because I think they are inevitable in any community, certainly in this community, when the matter is undertaken to be handled by private charity. I believe that answers the question.

Chairman WALSH. Have you given any thought to the probable methods of dealing with this question of unemployment generally, Mr. Lilienthal, such as the establishment of some public agency by the Government of the United States or the State government?

Mr. LILIENTHAL. I have, Mr. Chairman.

Chairman WALSH. Kindly give us your views.

Mr. LILIENTHAL. I am not certain that I haven't some very radical notions about it. I start out with the idea that the man who is willing to work is entitled to have work from the point of view that under those conditions he and his family should not be permitted to starve. I purposely referred to those incidents of last winter, because I presumed it would be followed up by questions leading up to just this subject.

Private charity can't deal with the situation. In other words, I conceive it to be the duty of the State to take care of just such situations as developed here last winter. The State, as at present constituted, isn't in position to take care of the situation, so that calls for some remedial legislation. Primarily, I don't know why we should not provide a fund by the State, raised by taxation in the ordinary way, to take care of the unemployed—that is, those who are honestly seeking employment and can't find it because of special conditions—just exactly the same as the State takes care of the insane and sick, and so on. And I think, maybe, Mr. Chairman, it might be well to go one step further than that. It may be well to protect the employee—some of them need this protection—against the lack of thrift on their own part. I am not certain now that I am not going to suggest something that has not been suggested before, and perhaps I haven't thought it out thoroughly, but it is a hereabouts opinion and I give it for what it is worth.

In other words, it occurs to me that it might be well worth considering to require every employer of labor to set apart from the wages due his employee a certain per cent—what that should be I don't know—and having set it apart, to turn that per cent over to the State, constituting the State, in a sense, a savings bank for the employee, to the extent of the money that has been set apart, with the right on the part of some commission—just as we have railroad commissions and industrial accident boards and what not—to determine upon a proper presentation of a case by the employee to whom that money belongs and for whom it is reserved, and upon which he is entitled to get at least a moderate rate of savings bank interest—to determine, upon the application of the employee under the circumstances he presents, whether the whole or any part of that sum should be paid out to him.

Then for one thing we have saved up a little money for him, which under proper application to some State body constituted in the proper way, he may receive in times of need. I am not familiar in a general way with the unemployment insurance. It may be that the employer should be compelled in addition to that to contribute some per cent of his own and the State some certain per cent, as has been tried abroad; but I should say that that would depend on the best place to raise the money—that is, raising it where it will constitute the smallest burden—and it may be it should not be from the employer, but simply an additional tax to be collected.

Chairman WALSH. Have you to any degree studied the cause or observed the effect of private employment agencies as at present run, on the seasonable labor and on the whole question of unemployment?

Mr. LILIENTHAL. I don't believe I am competent to express an opinion on that point. I know we have all kinds of employment agencies.

Chairman WALSH. You haven't studied them closely?

Mr. LILIENTHAL. Not closely.

Chairman WALSH. Have you thought anything——

Mr. LILIENTHAL. I welcome any kind of cooperation even from them; that would be my opinion, until we have some State body, such as is contemplated by the methods suggested before the commission.

Chairman WALSH. Have you heard the tentative proposal before the commission as to a system of free employment agencies?

Mr. LILIENTHAL. I think it is exactly right and should displace everything else. I don't want to discourage the Young Women's Christian Association, or the Young Men's Christian Association, or other proper charitable organizations from helping along as they do in emergencies to find employment; but whether or not they would be interfering with such agencies as this commission has in mind I don't know.

Chairman WALSH. Generally speaking, the plan looks feasible.

Mr. LILIENTHAL. Yes, sir; absolutely all right.

Chairman WALSH. That is all. Just a moment. Mr. Garretson would like to ask a question.

Commissioner GARRETSON. Your idea as presented, and if I gather it correctly, is that the State—I am not giving its political term here, but the body at large, the Nation—owes as much to the citizen as the citizen owes to the State?

Mr. LILIENTHAL. Yes, sir.

Commissioner GARRETSON. In the employment agency idea, I gather your idea is that employment agencies should be tolerated; that is, in the final adjustment of the scheme, that levies tribute upon the man seeking work?

Mr. LILIENTHAL. That is provided an adequate substitute——

Commissioner GARRETSON. I say, if your scheme was put into effect.

Mr. LILIENTHAL. Yes, sir; along the lines suggested.

Commissioner GARRETSON. On the line of private employment agencies, no scheme should be employed which makes the laborer pay tribute?

Mr. LILIENTHAL. I agree to that absolutely.

Commissioner GARRETSON. That is all.

Commissioner WEINSTOCK. Just one question: Are you at all familiar with the European system of unemployment insurance?

Mr. LILIENTHAL. Just generally. I don't believe I could enter into any discussion. I have read pamphlets about it.

Commissioner WEINSTOCK. From what you know about it, do you think it would apply to American conditions—that we could follow the example of Europe along those lines?

Mr. LILIENTHAL. I believe we could with proper enlightenment of the public once we made them understand it; but I would develop it along the lines I have suggested, which I think involves some difference, perhaps, from the way the scheme is worked out abroad. That is to say, I would make it a compulsory savings bank for the employee, not something that is kept away from him, but kept away from him for a time until he comes along and says to the proper State authorities, "I have been sick," or "I am out of work, and I need this money," and have a commission whose business it is to deal with just such questions say he should or should not have all or have part and not all.

Commissioner WEINSTOCK. You would require that the employee shall be called upon to contribute to a fund out of his wage?

Mr. LILIENTHAL. Yes, sir; and the employer should be required to contribute a certain per cent.

Commissioner WEINSTOCK. From the work.

Mr. LILIENTHAL. And turn it over to the State treasurer for disbursement by him for the benefit of the employee when the occasion requires.

Commissioner WEINSTOCK. Would you have the employer also contribute to that fund?

Mr. LILIENTHAL. There must, of course, be some supplemental contribution, and I meant to say before, that whether it should be done by the employer himself or through money raised by some other method of taxation that might be less burdensome I don't know—but the money should be raised. In other words, a stated fund should be there. I realize, I think, the spirit under which

the workmen's compensation act was adopted here, the notion being that the employer should be compelled to do something and that he could recompense himself by higher prices on the things disposed of. I am not certain that in practice that always works out equitably to the particular employer. That is to say, it does with some and does not with others. It may be that would be the very best way.

Chairman WALSH. Have you given any thought to the suggestion that has been made by different publicists in different places of the State operating what is commonly known as State farms in which to bridge over the gap between the employing seasons?

Mr. LILIENTHAL. Well, I have got very strong opinions on that point, gentlemen. I don't see, particularly in a State like California, where we have vast tracts of land undeveloped and vast tracts of land held in private ownership unsubdivided, that the Government in the one instance should not prepare the land, make it fit for cultivation, and in the other instance, if necessary, by condemnation proceedings, make an enforced subdivision of these large tracts, and then do a little something perhaps along the lines of the land purchase act in England; select appropriate persons and put them on the land as tenants, like under a contract of purchase, with the right to acquire the land, under proper supervision, which will be perfectly practical considering the school of agriculture we have in this State of California; under proper superintendence, telling them that this land is most available for a certain purpose; the seed should be sown at a certain time and cultivation should be made at a certain time; but the man himself all the time getting the benefit of the work that he is doing and ultimately acquiring title to the land. I don't know why that is not entirely practical in California, but, of course, it is an ideal condition.

Now, some men don't want to become farmers. I don't mean to say that they should be driven upon the farm at the end of a bayonet. But all kinds of people would be glad to go if they only saw a way to finance themselves. And that is particularly important when we are all talking about the development of this State through the opening of the Panama Canal and talking of bringing in all kinds of agricultural immigrants who should be put upon the land.

Commissioner WEINSTOCK. Are you at all familiar with the Australasian system of dealing with that problem?

Mr. LILIENTHAL. Only very generally, Mr. Weinstock.

Commissioner WEINSTOCK. Well, briefly, it is this, and I would invite your opinion as to whether you think it could be made to apply to California or to other American States:

The Australasian Governments, Australia as well as New Zealand, does very much what you have outlined here, in buying up bodies of land that have been experted, the quality of which has been assured, issuing Government bonds to cover the purchase price, then cutting up these bodies of land into small parcels after they have been properly drained and improved under scientific management, selling those small parcels to selected colonists, men who in the judgment of the Government are fit mentally and physically to handle the proposition, calling upon them to pay an installment, I think, possibly as low as 10 per cent of the purchase price and not to exceed 20 per cent of the purchase price; making the balance payable on the amortization scheme—that is, in installments covering a period of from 30 to 50 years, so that the colonist is called upon to pay only as little as a half of 1 per cent a year on the principal, and not to exceed 1 per cent on the principal charged him, and on the interest on the deferred payments, charging exactly what the Government itself pays, which is the lowest world rate, plus, say, a half per cent for cost of administration; in addition to that, furnishing a trained instructor, an agricultural instructor who has had a college education, to live among the group of colonists and educate them agriculturally, to guide and direct them and be their friend and adviser and counselor; in addition to that, advancing a further amount, large enough to build a modern cottage constructed on scientific principles at the least possible cost, and making that likewise payable on the amortization scheme, covering a long period of years. Do you know of any reason why that same idea could not be transplanted on American soil successfully?

Mr. LILIENTHAL. I do not know why not; and that accords with my own idea, with one exception; I would not even, as we are dealing with the matter of unemployment here, I would not even exact the initial payment.

Commissioner WEINSTOCK. You would not?

Mr. LILIENTHAL. No; let the man have it, because he can not acquire the title until he has paid for it. Give him a chance to get started, and if he is an industrious man give him a chance to get started on the land.

Commissioner WEINSTOCK. In other words, you would go as far as England, and you would follow the Irish peasant?

Mr. LILIENTHAL. I would.

Commissioner WEINSTOCK. Advancing the purchase price?

Mr. LILIENTHAL. Yes.

Commissioner GARRETSON. Does not the difference in the plan named and the one you have in mind consist largely in this fact, one is devised to attract colonists and the other to meet an existing condition that we have? We have people here, and we desire to take care of them; that is your idea?

Mr. LILIENTHAL. Yes. I think that is one way of taking care of them. They would not all want to become farmers, but a great many would under those conditions. I am satisfied of that from personal experience and talking with people out of work.

Commissioner GARRETSON. Is it not your idea, Mr. Lilienthal, that if that class of the floating population, the unattached population that we have who desire to go upon the land, went there, that would relieve the overplus that exists in other pursuits?

Mr. LILIENTHAL. No doubt.

Commissioner GARRETSON. And in other industries, as a rule?

Mr. LILIENTHAL. I have no doubt in the world of it.

Commissioner WEINSTOCK. Acting as a safety valve?

Mr. LILIENTHAL. As a safety valve.

Commissioner COMMONS. I would like to ask about this rate of pay; what was the actual effect or result, the city's limitation that it should pay not less than——

Mr. LILIENTHAL. $3 a day.

Commissioner COMMONS. That would be 37½ cents an hour. You actually used city money to pay 20 cents an hour?

Mr. LILIENTHAL. Oh, no. By that time we had exhausted the fund. But some of it was used in the providing of food. We had a soup kitchen here which was maintained by the city. But so far as the city paid any wages at all, they paid them conformably to the charter conditions. There was no violation of law.

Commissioner COMMONS. They kept up some of the soup kitchens out of that money?

Mr. LILIENTHAL. Yes; they did that; and that is where most of the money went. Then, we raised——

Commissioner COMMONS. I suppose the objection to paying less than that minimum wage came from the unions——

Mr. LILIENTHAL. Yes.

Commissioner COMMONS. The labor people?

Mr. LILIENTHAL. Yes.

Commissioner COMMONS. And their idea was that it would break down the minimum wage?

Mr. LILIENTHAL. Yes; that was the argument. And the answer was——

Commissioner COMMONS. Did you have any—what was the answer?

Mr. LILIENTHAL. I was going to say that the answer was that nothing of the kind is intended. The very object—the question was as to conserving the resources in hand. We succeeded ultimately in raising altogether about $40,000. We had approximately 7,500 people to take care of. That many were registered. Finally some dropped out when they were up against the actual conditions that we prescribed. We could not afford to do any better. And the idea was to bridge these people over the interval of time where they had no employment, so that we could at least keep them from starving. We were only trying to protect them so far as we could with the amount of money that we were able to get; there was no pretense that these men were amply compensated according to any fair standard, but it was a question of conservation. We did the best we could. We wanted to take care of all worthy persons who applied for assistance. We had only so much money. As I said before, we cut our coat according to our cloth.

Finally, I think, the view was acquiesced in by all persons, with one exception. I don't want to be wandering away from the subject, but perhaps that would be of some interest; that is, the so-called army of unemployment—

we had one branch of that army in San Francisco. I remember when we had gotten pretty well to the end of our fund—shall I speak of this, gentlemen?

Chairman WALSH. Certainly; you may proceed.

Mr. LILIENTHAL. We were waited upon at the city hall—the executive committee of the citizens and the appropriation committee of the board of supervisors always cooperated—we were waited on by Mr. Kelley, I think it was, who was the head of the branch of the army of the unemployed in San Francisco. He came to us and asked for money enough to send them across the bay to Oakland, the statement being that they were moving from place to place and did not have the means to get out of San Francisco. I did not attempt to speak for anybody but myself—I do not know that I ever have spoken for anybody but myself about that particular thing—but I said that I would not allow one single penny to be contributed for any such purpose, they were living in San Francisco, it was San Francisco's problem, and we must solve it here the best way we could.

Now, I said, if you men will go to work on the same conditions that the others went to work, the others of the unemployed who have been taken care of, we will make another effort, an additional appeal to the people for more funds, so that we can take care of you, as we have taken care of the others, and on the same basis. And his answer, with his fist pretty closely protruded into my face, was, "I dare you to go down south of Market Street to that army and make the same statement there that you have made to me." Well, I didn't go down, maybe, because of lack of courage on my part. Nothing came of that. But somehow this army managed to get across the bay to Oakland, and then they went from place to place, and it has been insinuated, I think, that the citizens' committee was instrumental in sending them out of San Francisco. That has done this committee a great injustice, and I am glad of the opportunity of stating that that is not the fact. We recognized that they were here; it was our problem, and we must deal with it the best way we could.

Commissioner COMMONS. Am I correct in this understanding, that all those who objected to this 20-cent rate, the lower rate than the standard, finally yielded except Kelley and the army?

Mr. LILIENTHAL. Oh, yes. We talked it over. We went to see the mayor after we developed our plans, and then we spoke to one or two gentlemen who were prominent among the unions, and we told them the purpose, that we did not know what else we could do, and it was simply giving them something to do to tide them over, and that we were making no claim that 20 cents was an adequate wage for labor. There was no pretense that that was an adequate wage; it was simply a case of so many people to take care of, and so much money to take care of them with, and we must do the best we could to alleviate the misery.

Commissioner COMMONS. Under your scheme of unemployment insurance have you an idea that it would obviate any such menace to the wage scale; that is, men would not be required to work at all; if they are unemployed they would be paid out of this employment fund, and could still remain idle, be furnished free living expenses over the period of unemployment? Is that your idea?

Mr. LILIENTHAL. No; that is not my idea at all.

Commissioner COMMONS. Is that your idea of the way out of this argument?

Mr. LILIENTHAL. No. My idea would be that the commission that might be appointed to handle the situation and distribute such funds as might be provided by the State should deal with the situation precisely as this committee did.

We started off with a registration of approximately seventy-five hundred. I happen to notice one or two gentlemen present who can give you more accurate figures that I can. I am only approximating it. We made the registration; we asked them, "Where do you live? What is your family? What have you done in the past? What are you seeking to do? We will put you to work at such and such a place, under such and such conditions, at 20 cents an hour. We won't give you anything but work," and we did not give anything but work. And I think that within a very few days the registration of seventy-five hundred, approximately that amount, dwindled down to twenty-five hundred; that is, just a third of the registration of men honestly seeking employment and willing to accept work under any condition, living or otherwise, just to get something to eat and to have a few cents to take home to the family to provide support.

Now, I would expect such a commission as I have had in mind to deal with the situation in the same way, and provide employment, and where employment did not exist to at least provide bread and butter, on the notion that a man should not be allowed to starve who has the right attitude and is willing to work.

Commissioner COMMONS. What kind of work was that that was provided?

Mr. LILIENTHAL. Street work, the roughest sort of street work. We got permission from the Federal authorities to build a road out at the Presidio. They built a road out there. And we got permission from the city authorities to build some. We were very anxious that these men should be employed. There was no attempt under any circumstances to change the ruling scale of wages. But when the work was done for the city, wholly for the benefit of the city or for the benefit of the Nation, there was no room for that implication; it was just that we had to have this kind of work somewhere. We did not want to dole out money.

Commissioner COMMONS. Of that seventy-five hundred at least five thousand were not willing to work?

Mr. LILIENTHAL. Under those conditions. They managed somehow to get along. I would expect any governing body dealing with the problem to do so with some discretion. We did not want to pauperize the people. I realized this; we did not want to do anything of that kind. We wanted to help the man to be thrifty, and to help him to do something to keep his family from starving.

Commissioner COMMONS. Do you think in this form of unemployment insurance there should be a provision for those who can work, that they should be required to work at less than the scale of wages in times of unemployment?

Mr. LILIENTHAL. Should not be required, I wouldn't say should be required, no, sir; but I would refuse assistance if they asked for it, unless they accepted the conditions imposed.

Commissioner COMMONS. Refuse their participation in the unemployment insurance if they did not work? That is the only provision you would take into account? Not merely their willingness, but their ability to work? There might be tradesmen, tailors, for instance, that could not work at that sort of work. That man would have to then be offered work in the trades that he was competent to work in.

Mr. LILIENTHAL. I am not sure that I would say that; I mean work that he was physically able to do. I can understand a man, for instance, with weak lungs, if you like, having some light occupation somewhere that he can survive under. If he is told to take a pick and shovel and break up the rock, he would succumb, but give him something that he was physically able to do, that he is qualified to do. I say yes. I answer the question yes.

Commissioner COMMONS. Has this matter of unemployment insurance been taken up by anyone else in an organized way?

Mr. LILIENTHAL. No.

Commissioner COMMONS. In California?

Mr. LILIENTHAL. No.

Commissioner COMMONS. Just a matter that you propose on your own initiative and without any organization that is attempting to bring about such a thing?

Mr. LILIENTHAL. Personally I really would like, at least, while I have the opportunity of sitting in this chair, of suggesting some things that I personally have done; that is to say, that I have had occasion to observe and try out, because, anyway, this is missionary work, and if it is good gospel we had better spread it. For instance, in the United Railroads, I persuaded—I succeeded in persuading the insurance companies, quite a number, to fall in line and take all of my employees in a group and to insure their lives without any physical examination, and, of course, without any expense on the part of the employee.

That scheme went into effect the 1st of January of this year. Presently a man who undoubtedly could not have passed a medical examination on the part of these insurance companies, if he had applied in the usual way for a life insurance policy, drops down dead, weak heart, or a case of tuberculosis, or what not. And immediately there is $1,000 paid to his family. Now, I know what that has meant to that family that is concerned—no money saved, or very little, extra expenses to pay in view of the funeral—$1,000 there looks as big as a mountain to them.

And then in addition to that, and this is something that I am occupying myself with just to-day really—we have here a very excellent institution, philan-

thropic of course, similar in character to other institutions throughout the country—you gentlemen are no doubt familiar with the character of it—which we call the Remedial Loan Association, the purpose of which is to loan money in moderate amounts to people who need it for the moment and who have something to put up by way of collateral; that is, a piano, or a chair, or a bracelet, or what not. But that has not yet come to a point—and it is a very young association with no opportunity to accumulate much of a surplus yet to extend its work to a credit business. That is to say, a man comes to them and says, "I need $20." "All right, you can have it. What have you got to put up?" "Well, I haven't got anything to put up." And as we are conducting that association to-day he is refused the money.

We have discussed the matter of character credit, and we have concluded that we must wait a bit until we have a little more capital or surplus so as to care for the losses incidental to that kind of business.

If I can get the approval of my board of directors in the United Railroads—and of course that would apply only to our own employees—I propose to have a fund set apart for the benefit of our employees to be used in just that way by people who have not got anything to put up, but do need a little money to turn the corner. And I mention this matter this morning because I think that it might be a very interesting project for all employers of labor to be considering. I am not certain that it is germane to the subject, but in a general way it affects the condition of the employee and his welfare.

Commissioner GARRETSON. Did you get the thread of that idea from the German mutuals?

Mr. LILIENTHAL. No. Frankly, so far as I am personally concerned, I have taken the credit for it myself.

Commissioner GARRETSON. That is purely a personal matter in a group, each man standing as a guarantor for his associates.

Mr. LILIENTHAL. That is just the question, as to whether it would be practicable. Take an organization such as ours—you might do it in a small way, you might get a little group together who would be willing to work together. But at all events I think the principle of it is right, and I hope we can somehow work out a plan that we will be able to put into operation in the United Railroads.

Commissioner GARRETSON. In evolving these ideas of social legislation, or whatever we might term them, in the course of formulating the idea, have you noted how many of the functions that you suggest are already performed by many labor unions on behalf of their own membership?

Mr. LILIENTHAL. Oh, I know there is a great deal of that done. Any work that I would be doing I would feel would be cumulative.

Commissioner GARRETSON. Both in life insurance and in pensions, too? That is, I am using pension in the term not applied to anything but disablement.

Mr. LILIENTHAL. I am very much interested to ask the commissioner if in cases of that kind the physical examination is dispensed with?

Commissioner GARRETSON. In the insurance; no.

Mr. LILIENTHAL. I know it is not in the regular life insurance.

Commissioner GARRETSON. But I mean in these fraternal insurances; in some it is and in some it is not. But in the pensions it is only used to establish absolute physical disability to earn, except in case of age. Where age brings inability then there is no physical examination necessary.

Mr. LILIENTHAL. I felt I had accomplished a great, good work when I got this insurance for the men without physical examination, because so many of them could not have stood examinations.

Commissioner GARRETSON. That is true. One thing I just wanted to call attention to: In the most of the unions that carry that form of benefits they make the man do it, which brings out your idea that the should be guarded against himself. They compel their members to conform to those.

Mr. LILIENTHAL. Protect them against lack of thrift on their own part.

Commissioner WEINSTOCK. Just one more question, Mr. Lilienthal: You express the opinion that, owing to the existing conditions, the situation of the unemployed is likely to be aggravated in the near future. I take it that that would not be local in its character; that that is likely to be the common condition all over the country.

Mr. LILIENTHAL. Yes.

Commissioner WEINSTOCK. Well, now, with the experience of the past as a guide, how would you meet the problems pending those ideal conditions

that you and I and the rest of us hope for? With the experience of last winter behind you, if you have the same situation in an aggravated form to deal with, say, in this city, the coming winter, how would you handle it?

Mr. LILIENTHAL. It may be necessary to appeal to Gov. Johnson to call a special session of the legislature to deal with it. The public is less able to respond to-day; that is, these so-called people of means, because they are not in a very comfortable condition themselves. Times are very hard for everybody. I would not expect to be any more successful this winter in making an appeal than I was last winter. Conditions are apt to be worse. I am very confident they are going to be worse for a little while. And as I say, we must not let people starve. That is the problem, and it might be a question of starvation. As I say, in the case of men honestly seeking employment and willing to work under any old conditions just to make some food for their families——

Commissioner WEINSTOCK. Well, now, what could the State do even if the situation should become as acute as it may become—sufficiently acute to justify the governor in calling a special session of the legislature?

Mr. LILIENTHAL. Of course——

Commissioner WEINSTOCK. As I understand the law, all the State could do would be to proceed to make certain public improvements; but that would have to be submitted to the people, and the bonds would have to be voted upon.

Mr. LILIENTHAL. Well, we had one concrete instance last winter where we got very cordial cooperation from the governor. You may remember that there was an appropriation made of $70,000 looking to the building of a highway, conditioned upon obtaining a grant of right of way from the people through whose lands the highway was to be built. And in our distress here, looking for assistance where we could get it, we appealed to the governor, and he said, "Why, yes; if you can just straighten out this right of way business I will put your men to work immediately." And we were met in a very broad spirit. I know I made the suggestion, perhaps that is one of some interest to the commission, that the rest of the State might resent the expenditure of this $70,000 in San Francisco; that is to say by the employment of people who were temporarily in San Francisco; because, whenever an appropriation is made for expense, every one in the State feels that he is entitled to some benefit from it.

The governor made no trouble on that score at all, although the question was put up to him directly. He said, "Straighten out this right of way and I will see you get your $70,000." Well, we were slow in getting that straightened out; people were reasonable enough about it, but a certain amount of timber was destroyed, and when we said, "Give us some money for the right of way," it was slow. By the time it was accomplished and the men were put to work the question was pretty well solved; that is, the period had been tided over, the men were leaving the city and going elsewhere, for instance, for the canning season.

But I can't think of any other way, Mr. Commissioner, except to find something to do to put the men to work on. Sometimes we must not allow a little thing like the constitution to stand in the way, you know. We have been told that before.

Commissioner GARRETSON. Not between friends.

Mr. LILIENTHAL. Not between friends.

Chairman WALSH. Is that all?

Commissioner GARRETSON. Yes.

Chairman WALSH. Thank you, Mr. Lilienthal.

Chairman WALSH. Mr. Scharrenberg.

TESTIMONY OF MR. PAUL SCHARRENBERG.

Chairman WALSH. Your name, please.

Mr. SCHARRENBERG. Paul Scharrenberg.

Chairman WALSH. Your business?

Mr. SCHARRENBERG. I am editor of the Coast Seamen's Journal, and secretary-treasurer of the California State Federation of Labor.

Chairman WALSH. Secretary-treasurer of the State federation of labor?

Mr. SCHARRENBERG. Yes.

Chairman WALSH. How long have you lived in San Francisco?

Mr. SCHARRENBERG. Well, I used to go to sea for many years, but I have been located here since 1896.

Chairman WALSH. You have been located here permanently since 1898?

Mr. SCHARRENBERG. Since 1898; yes.

Chairman WALSH. Away from the sea?

Mr. SCHARRENBERG. No. I used to go to sea up to 1901.

Chairman WALSH. In what capacity?

Mr. SCHARRENBERG. As a sailor.

Chairman WALSH. Have you observed so that you can give us an opinion, as to the cause of this periodical acuteness in the problem of unemployment, Mr. Scharrenberg?

Mr. SCHARRENBERG. Yes, sir; I have, to some extent.

Chairman WALSH. Were these questions submitted to you?

Mr. SCHARRENBERG. Yes, sir.

Chairman WALSH. While we are hurrying through, we would like to get what you have to say on the subject concisely, and if you can do it with the questions I would prefer you would. The questions are short, and you can just give the questions and answers to them as you have them, if you would kindly do so.

Mr. SCHARRENBERG. I note all these first questions are practically repeated later on.

Chairman WALSH. Wherever they are repeated just omit them, because repetition seems to have been necessary, and where you can answer them, that will settle it, of course.

Mr. SCHARRENBERG. The first question is: "Is the responsibility of unemployment individual or social?" Of course the answer to that is obvious; it is social.

Chairman WALSH. Would you like to give your opinion as to what figure those various factors cut in the problem: Maladjustment; total supply of labor over demand, if any; excess of the class which will not work; excess of the class which can not work; periodical and seasonal demand for labor.

Mr. SCHARRENBERG. You see that subject comes again in question No. 4.

Chairman WALSH. You are going to answer that later.

Mr. SCHARRENBERG. Yes; they are repeated there almost verbatim. This question No. 2 is answered, isn't it?

Chairman WALSH. Yes, sir; it is answered, that it is obvious it is social.

Mr. SCHARRENBERG. "Question No. 3. Is the extent of unemployment increasing?" The answer to that it, it surely is.

Chairman WALSH. Now, give your answer to the other question, question No. 4.

Mr. SCHARRENBERG (reading): Give your opinion as to the character of the men in the army of the unemployed. To what extent are the following classes represented: A. Men honestly out of work; B. Men who won't work; C. Agitators; D. Unemployable."

Now in Class A, the number of men honestly out of work I should think would be about 90 per cent, and the other 10 per cent are more or less unevenly divided in groups B, C, and D.

In California we have a situation somewhat different, perhaps, from other States. Every spring some three thousand or more of men, able-bodied men, leave this State to go to the Alaska fisheries. They return in the fall of the year, and many of them save their money, and many of them again do not; hence a great number of these immediately begin to look for employment, and they are thus added to the already unemployed within our midst. Then we have, of course, the problem of the agricultural workers, which has been dwelt upon in detail here. They work during the summer, and during the winter the farmers don't want them and don't care about them any more than I care about the European war. They all drift to the big cities, and the cities of San Francisco, Los Angeles, Sacramento, and Stockton have their problems of unemployment every winter. The construction worker may be added to that class because very little if any construction work is going on in the State during the winter season. So that element also becomes a problem of our cities.

With reference to the man who won't work, there may be such men, but my experience has been that this class is very small; there are so few of them that it becomes negligible.

Regarding agitators, of course, I am an agitator. Any man who is paid by a labor organization is an agitator. The gentlemen who are paid by the other side are respectable citizens.

The unemployable: Unfortunately, there is a group of men who for one reason or another are physically or mentally disqualified, and are unable to secure employment; but that group is very small. There are very few men

who are not able to do some kind of sustaining labor in this State if they are given the opportunity.

Is that sufficient on that subject?

Chairman WALSH. I think it is. You have covered it very clearly and well.

Mr. SCHARRENBERG (reading). "Question 5. Give your opinion as to the effect of the unemployed period of the individual. Are these periods factors of physical and moral degeneration?" The answer to that is also very obvious. Now, I have been unemployed for short periods, and I know many men who have been unemployed for long periods, and I know men who have been through long strikes, and have been forced to be unemployed, and I know the results which these enforced periods of unemployment have on men and women.

It is a bad thing to be unemployed; everyone admits that. The workingmen know that as well as the gentleman who appeared here and stated that labor should not be permitted to remain unemployed. It is a very bad thing, and if we could arrange conditions so that all men could secure employment I think we would move about 90 per cent toward the millenium.

"Question 6. Give your opinion as to the social loss through unemployment." It seems to me that the greatest social loss is that men refuse to become burdened with families. I have particular knowledge upon that subject because of my affiliation and association with men who go to sea. Generally speaking, men who go to sea do not earn sufficient to support a family with any degree of ease and comfort, and as a consequence they no longer become married. There are on this coast 5,000 sailors, men before the mast. I don't think 5 per cent of those men are married. They would all like to get married. I got married as soon as I became a union officer and earned sufficient money to support a family. If I had continued going to sea I am sure I would never have dreamed of assuming that burden. That is just an incident of similar conditions throughout all strata of society. Men will not assume the burden of family life when they do not see their way clear to support a family. There are many other minor factors, but that seems to me to be the most important and serious one.

The next question is: "To what extent are discontent and social unrest traceable to unemployment?" Well, I should say to a very large degree. I know, for example, that men who are classed as very radical agitators, or I. W. W.'s, never work for any length of time. A man who has a steady job, a permanent position, is very seldom classed as an agitator or as an "undesirable" or, as one who is termed here "discontented." He is usually satisfied. Men who work all the year through, and who are assured of permanent revenue, they are usually willing to put up with a great deal. But the man who only works occasionally, he finally gets into the frame of mind that it is immaterial whether he works or not. He reasons himself into that state of mind, and, as a natural result, becomes dissatisfied with conditions generally. He does not care, so to say. He don't care what happens. He has learned to make a living by working once in awhile, and as far as he is concerned things can go on. He will join in a strike or a revolt, but has not enough energy to bother about the constructive work of unionism.

All these things that are going on up here at these hearings, for example, are looked upon as "high-brow" arrangements, and a gathering of freaks, and so forth. That is the way the men who only work occasionally feel about these public hearings. I happened to overhear some of those remarks, and I made it my business to delve into it a little further.

The next question: "Give your opinion of the following methods of eliminating and doing away with unemployment: A. Forcible breaking up of the army of unemployed." I want to pay my respects to the man who compiled this question. To do away with unemployment by breaking up the army of unemployed. That, of course, is silly. It will not lessen unemployment or do away with it if you break up every army of unemployed and every other army.

"B. Organized charity." Organized charity, as I know it, usually has its hands full at all times of the year to take care of the ordinary human misery that confronts us; and when we have periods of real distress, such as Mr. Lilienthal described, organized charity is simply up against it, to use the language of the street. I think organized charity is totally inadequate to deal with that subject.

"C. Farm colonies." Farm colonies would be all right provided you could do all your farming in the winter. It so happens, however, that farm colonies would have to do almost all of their work during the summer, when there is no serious problem of unemployment. Farm colonies won't do, because the

men who are unemployed are looking for employment during the winter when the farm colonies are closed up.

"D. Unemployment insurance." Unemployment insurance is all right. The trade-unions are doing some work along those lines, and I am inclined to think that the State ought to do something along the English system or along the system that is in vogue in Denmark, where the State annually contributes large sums to the trade-union treasuries.

Regarding State subsidies, however, I am fully conscious of the fact that Denmark is about four centuries ahead of California, because we will never be able to get any subsidy for the trade-union treasuries as long as we have any number of such gentlemen as appeared here from Stockton, denying us practically the right to organize. I might say in that connection that at the last session of our legislature, the trade-union movement of this State introduced a bill providing for a commission to investigate unemployment. We had in mind these various things. Three years ago we had a very severe winter here, and knew there were others coming. But that particular bill provided for an appropriation of $10,000, and it never got out of the finance committee of the senate; it stayed right there, notwithstanding our most eloquent and urgent appeals. There were too many commissions already, and the crusher had to be put on some commissions, and since unemployment was not a problem that particular winter, this particular bill was put on the shelf.

"E. Labor exchanges." Labor exchanges are all right. We need labor exchanges to distribute the workers. May I express the opinion that the workers can do that themselves very nicely if they are given the opportunity. I might again cite the seamen of this coast as an example of what others can do. About 30 years ago the seamen on the Pacific coast were unorganized. They were working then for approximately $17.50 to $20 a month, including board and lodging. They were the prey of every boarding-house keeper, clothing dealer, and others, and they were generally regarded as a hopeless class, a class that was ordained by God Almighty to be preyed upon by every one who wanted to. About that time, 20 years ago, they came to the conclusion—that is, some of the actual workers who went to sea at that time—that it was time to do something for themselves. There were then in existence numerous seamen's friend societies, ladies' seamen's friend societies, and others. The seamen's friend societies would receive their support from the boarding-house keepers and clothing dealers, who would prey upon the seamen while the societies in turn prayed for the seamen. That went on happily year after year. When the seamen finally decided to do something for themselves, the boarding-house men and that variety of vultures who lived upon them simply laughed, because through all the history it had been demonstrated that seamen could never do anything for themselves; that they were exactly in the position in which you find the migratory workers of to-day; they were hopeless and helpless.

However, history has shown that as soon as they determined to do something for themselves they succeeded. They built up their organization; they increased their wages and shortened their hours; they went on to Congress, educated public opinion, changed the maritime laws of this country, and only yesterday we received a telegram from Washington that the seamen's bill, which will make the seamen free men on all American ships all over the world, was passed unanimously by the House of Representatives.

All that has been done by the seamen's organization, by the economic organization of the men who go to sea. It is immaterial what name you call it. It may be labeled I. W. W.-ism, but it happens to be an American Federation of Labor organization.

As a matter of fact there is more of the I. W. W. system—more of the I. W. W. method—in the seamen's organization than of the other variety. We have a real "one big union," so called. It covers the entire Pacific coast. There are no locals. A man who is a member of that union can sail anywhere between here and the coast of Africa. That is the jurisdiction of the seamen's union of the Pacific coast, and, as I have tried to outline briefly, they have simply done wonders for themselves.

To-day they are occupying their own home down on Clay Street, 59 Clay Street. We moved in two weeks ago. This home was erected at a cost of $120,000, and if you gentlemen of the commission would like to see what migratory workers can do for themselves, I would like to take you down and show you the building and offices and everything connected with it.

I have for some years been of the opinion that what was done by these coast sailors—these so-called ignorant foreigners who make their living by going to

sea—can surely be done by the men who are classed as migratory or unskilled or common laborers. There is no reason in the world why it should not be done.

I have dwelt at some detail on that, Mr. Chairman. There are some questions here about labor exchanges that I would have to go into.

Chairman WALSH. I guess that was directed to have you give your opinion on the tentative proposition for a bill, which was submitted to you.

Mr. SCHARRENBERG. Yes, sir; they are itemized here. "To what extent is the present employment agency responsible for unemployment, and is stricter regulation required?" Now, with reference to that, my theory is that employment bureaus should be treated just as they have been treated by Congress with reference to the men that go to sea. We found when organizing the seamen's union—I wasn't old enough then and I didn't find it, but someone else did—that one of the principal objects which caused this preying upon the seamen was to secure the fee for getting him employment. The crimp is the man who furnishes employment to the seamen and gets the advance, and so forth.

We made representations to Congress, and Congress agreed with us, after years of trial, there was only one way to solve that problem, and that was to make it a crime to charge a seaman for securing him employment; and since that law has been on the statute books everything has gone along charmingly. The shipowners everywhere have been able to secure workers—competent and qualified men—and no one has made a living as a seamen's employment agent for many, many years; and I can see no reason in the world why similar laws should not be adopted in every State and thus legislate the employment agent out of business. We tried it in California some years ago. We tried to place a limit upon the fee the employment agent may exact from the worker. But that law was contested and brought up to the supreme court, and the learned justices held that an employment agent was a useful functionary in society; that he was like an agent who sells butter and eggs. We could not limit the price upon butter and eggs, and consequently we could not limit the price upon the fee which some other agent charged for securing work for laborers. So it seems that we will have to do something with our constitution or our supreme judges before we can limit the fee, leave alone abolishing the employment agent altogether.

Now, the last question is: "Suggest methods of dealing with the problem of unemployment." I have noted here five different methods of dealing with that problem, and I want to say that they are not my suggestions. I am trying to represent the point of view of organized labor of this State on that subject. First in importance I would place a more thorough organization of all workers; and I might say in that connection I tried to outline such a plan in a minority report which I wrote on the Wheatland hop-fields situation.

Dr. Parker, of the California Commission of Immigration and Housing, supplied this commission with the majority report, and I wrote the minority report; and if there is no objection, I would like to give a copy to the stenographer.

Chairman WALSH. We would be glad to have you do so.

Mr. SCHARRENBERG. The outline of the plan is to have the system, by which the seamen have fairly well solved the problem, apply to the migratory and unskilled workers. Thorough organization of migratory workers would, I believe, aid in many things. It would have a tendency to make those men respect themselves and have some respect for the rights of others. It would make less of the kind of talk you have heard from one of the witnesses here who talked about organizing and solidarity, but who has never identified himself with anything that is really useful. I refer, of course, to the representative of the I. W. W. They are great on talking solidarity, but they absolutely object to working in cooperation or conjunction with anyone except those who belong to their little insignificant group. When men are organized all I. W. W. theory fades away; it evaporates. No sanely organized man can ever continue under the banner of the I. W. W. I do not say this offhand, but I say it because all our history, all our experience, has proven that conclusively and absolutely.

The second point in importance in solving the problem of unemployment is the single tax. In California we call it "home rule in taxation." There is now pending before the voters of our State a constitutional amendment—assembly constitutional amendment No. 7—which will give each county or subdivision in the State the right to determine its own method of taxation. In other words, it is a modified system of the single tax. That will enable the State—the

citizens of the State—to go after the large landowner; break up the land monopolies and do the things that were outlined here in the discussion between Mr. Weinstock and Mr. Lilienthal.

The third method of solving the problem of the unemployed is to shorten the working day. We have also pending before the voters a proposition for a universal eight-hour day, and I was very pleased to hear that one of the hop growers who testified here thought that it was quite feasible, as far as his business was concerned. Of course, the workingmen of this State do not regard the employers' opposition to this measure as serious. They have learned that the employer will oppose nearly everything. When we proposed the eight-hour law for underground miners, they told us if we put that law on the statute books we would drive away California's basic industry, the pride of our State, the mining industry. And they kept on repeating that over and over again until quite a few of our statesmen at Sacramento believed them, but when the law was finally enacted—and it has been on our statute books some years—mining continued to go on, and they are to-day taking more gold out of the ground than ever before, and they are doing it under the eight-hour law.

Two years ago we went to Sacramento to try to establish the eight-hour day for women and children, and we were told the same thing. The managers of the large department stores in San Francisco charged up there in an army and assured everyone that they would have to close their doors, and from every section of our State we heard similar tales. That law has been in effect some two years, and the very men who were there predicting dire disaster are now entirely satisfied.

For that reason we think that the opposition to the universal eight-hour day will meet with a similar fate. The universal eight-hour day, as far as the farmer is concerned, will work out this way, in my opinion: He will be compelled to induce workers to settle on small tracts of land adjacent to his. Thus he will build up a population of white workers on the farms, who have a little piece of ground, say an acre or two of their own, and who can give a great deal of their time in tilling the soil of the large landowner. Of course, the large farm employer tells us that the eight-hour law will drive the white men out of the State and establish the Jap and Hindu, but they haven't anything to back up their theory in that regard. We feel that the universal eight-hour day is absolutely feasible and that it is practicable, and it will do away with a large share of the present problem of unemployment.

The fourth remedy for unemployment is restriction of immigration. We stand for the policy of the American Federation of Labor that there should be a literacy test; that all Asiatic immigration should be shut out, and so forth. You are all familiar with the policy of the American Federation of Labor on that subject, and you know that we have for years endeavored to keep out the horde of immigrants on the eastern borders and have failed. For the workers of California I want to say we absolutely indorse every effort made by the American Federation of Labor in restricting immigration, and we do this, not from a selfish point of view, but we feel, by keeping some of the workers in Europe—some of the independent roving spirits who come over here—they might be able to do something at home and revolutionize things over there and bring the workers of other countries up to our standard.

The final remedy I would suggest is to have all kinds of public work performed during the acute period of unemployment. That is very simple in our State. The acute periods of unemployment are always during the winter. We could have road work and construction work and all kinds of work done during the winter. All that is required for that is a sufficient amount of money.

I think that covers it.

Chairman WALSH. Well, Mr. Scharrenberg, the commission would like you to epitomize—you have given it here in writing—epitomize your migratory worker problem. You probably have it well in mind, and we are going to put this in the files. But they said they would like to hear it. I would, too. It is a very important point, and it will make your testimony here more complete, so far as that is concerned.

Mr. SCHARRENBERG. Well, Mr. Dale, who is the organizer for the State federation of labor, has testified here and told you what we have tried to do in organizing the migratory workers in California. I wasn't here, and I don't know just how far he went into that. Our plan is simply this: We want to organize all unskilled and unorganized workers, and we have started in by forming a nucleus of an organization in each one of the cities in California.

We have one in practically every city now. Then, our plan is to establish information bureaus at the headquarters of these respective little units, where the workers may go and secure the information regarding employment in a distant territory, or in the north or south of the State as the case may be. As these little units grow, of course, we are going to amalgamate them, get them closer together, and have what our friends, the I. W. W's, describe as one big union, with this one distinction: They want to absorb and take over the industry.

Now, we may have that notion in our heads also, but we are not foolish enough to talk about it morning, noon, and night. What we want just now is to get a little more, a little more to eat, and a little better conditions, and shorter working hours. And when we have that, then we want to ask for more again, and so on until we arrive at that happy picture that is painted by the soap-box orator. That is the only distinction between our plan of organizing the migratory workers and theirs. We have succeeded, notwithstanding what has been said here to the contrary—we have had some splendid success. And we have had this success, notwithstanding the position of hostility of all employers, whom we are trying to benefit, and notwithstanding the hostile attitude of the I. W. W's. From both of these elements we have had constant opposition in trying to build up and in furthering a legitimate organization among migratory workers.

Now, if this migratory workers' organization in California should become permanently established and have some power, it would work out just about the way that the seamen's organization has worked out. The various branches from one end of the State to the other would supply each other with information regarding work and working conditions. Men would know where to go, where there is work, and where there is desirable work. As a natural result, conditions would be improved here and there. If there should be a ranch in some section of the State where conditions were intolerable, the workers would soon know about it and they would stay away from that ranch if there was any other place to go, and that would gradually remedy and improve things, just as it has revolutionized things for the so-called skilled workers.

Now that, in brief, is the plan that we evolved some years ago, and at which we are still working. The only thing that stops us is the lack of money and the lack of cooperation.

A great deal has been said about what is the American Federation of Labor going to do for the unskilled migratory worker. Now, the answer to that question is, What is the migratory worker going to do for himself? We can spend Rockfeller's fortune in an attempt to organize these men, but unless they want to be organized, unless they cooperate and realize that a man must do something for himself if he wants to succeed, we can never succeed in making anything out of them. That is the greatest problem that confronts us. We can organize men, we can get them together in a hall and tell them all these things, but they must work it out themselves. We can't do it for them. It is the old story of leading the horse to the trough, but you can't make him drink. Does that cover the point?

Chairman WALSH. I think it covers the point very well. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. You heard what Mr. Lilienthal said about the use of the minimum wage in the matter last winter here?

Mr. SCHARRENBERG. Yes.

Commissioner COMMONS. What is the trade-union point of view of that proposition?

Mr. SCHARRENBERG. The use of the minimum wage?

Commissioner COMMONS. You remember the matter as he expressed it?

Chairman WALSH. Was it protested against?

Commissioner COMMONS. The proposition of the 20 cents an hour for public work, and the city scale was $3.

Mr. SCHARRENBERG. Yes. I was a member of that committee of 100, and the 20 cents an hour plan worked on this way: There is a lot of work to be done in San Francisco. For example, there is a lot of street work to be done, and the going wages here are $2.50 a day for that kind of work. Now, if our employers could secure labor for 20 cents an hour, some of them would find it to their advantage to immediately have all this work done that particular winter. Do you see the point, Professor?

Commissioner COMMONS. I see that.

Mr. SCHARRENBERG. No?

Commissioner COMMONS. I do see that. I want to ask why did you finally yield to the argument and take the 20 cents?

Mr. SCHABENBERG. We did not yield.

Commissioner COMMONS. I understood Mr. Lilienthal to say that all accepted except Mr. Kelley, of the army of the unemployed.

Mr. SCHABENBERG. No; he was speaking about an interview that took place between an executive committee and a committee of the board of supervisors and a committee from the army of unemployed. He was not speaking about the trade-union movement in that connection.

Commissioner COMMONS. Actually, the thing did work out that men were paid 20 cents an hour for doing public work?

Mr. SCHABENBERG. Yes.

Commissioner COMMONS. Was that still unsatisfactory—that practice? Did that still remain unsatisfactory to you and to the trade-unions?

Mr. SCHABENBERG. We did not oppose it, because we did not want to be placed in a position as being on record against furnishing work to men who were starving. But we certainly did not encourage it. We did not wish to supply some of our benevolent employers with cheap labor and boost their plan along.

Commissioner COMMONS. I think he said they restricted it to public employment—to work that was not done for private employers.

Mr. SCHABENBERG. Well, it does not work out that way.

Commissioner COMMONS. How do you mean?

Mr. SCHABENBERG. There is no public work that does not have to be done. All our roads in San Francisco and vicinity have got to be improved, and they are going to be improved very rapidly, because this State, and particularly this city, is growing. The city of San Francisco pays $3 a day for eight hours for that kind of work, and here it was proposed to have all this done at the rate of 20 cents an hour. Now, in the very nature of things you could not expect any enthusiastic support from us for that kind of a plan.

Commissioner COMMONS. What is your plan? You say your plan is to have the public work transferred to the winter and not done in the summer?

Mr. SCHABENBERG. At going wages; yes.

Commissioner COMMONS. During the busy season?

Mr. SCHABENBERG. Yes.

Commissioner COMMONS. But to have it done at the regular——

Mr. SCHABENBERG. At the regular going wages.

Commissioner COMMONS. What do you call "going wages" for such work.

Mr. SCHABENBERG. Why, it differs in various parts of the State. We tried to establish a minimum wage for employees of the State. We failed in that. The present wage that is paid for common labor in California for public work, I think, varies from $2.25 to $3 a day, depending upon the section of the State.

Commissioner COMMONS. That is determined by what authority—the city, county, or——

Mr. SCHABENBERG. Oh, it is usually determined by the contractor who hires the men.

Commissioner COMMONS. I mean, where there are fixed wages, statutory wages?

Mr. SCHABENBERG. Some of the subdivisions of the State, like San Francisco, have fixed a minimum wage; but the State has not. The work that I refer to, public work, would ordinarily have to be done by the State. No single city could solve that problem or undertake to solve that problem. It would not be fair for San Francisco to do the public work with Los Angeles lying idle. The unemployed would all come up here, as they did last winter.

Commissioner COMMONS. The matter of what the rate should be would be a matter of negotiation, I presume; is that it?

Mr. SCHABENBERG. Yes; it might be.

Commissioner COMMONS. It might be $2.50, $2, or $3?

Mr. SCHABENBERG. Depending some on the organized workers; yes.

Commissioner COMMONS. Then the only difference between your plan and his is on that minimum rate of pay that it shall be made in this dull season.

Mr. SCHABENBERG. Mr. Lilienthal was only speaking about an emergency that confronted San Francisco. I was not speaking about San Francisco. I was speaking about the State, about an attempt to deal with the subject on a broad, comprehensive plan, having State work undertaken by authority of the legislature and the people. To make it perfectly fair, that certain public work, improvements of roads, and other things—the upkeep of roads—must be done every winter and left severely alone through the summer. That would give

thousands of men who are thrown into the city during the winter an opportunity to continue at work when there is no other work to be had.

Commissioner COMMONS. Then, if I get the difference, it simply is, his was a proposition for temporary emergency relief?

Mr. SCHARRENBERG. Yes.

Commissioner COMMONS. And your plan is for a permanent method?

Mr. SCHARRENBERG. Yes; that is it.

Commissioner COMMONS. And if you want to have a permanent method, you want to maintain the minimum standards of wages?

Mr. SCHARRENBERG. At all times; yes.

Chairman WALSH. Commissioner Lennon would like to ask you some questions.

Commissioner LENNON. Mr. Scharrenberg, I am a little doubtful as to whether the record shows the expenditure of the money raised here last winter just as it ought to show, or as I imagine it ought to show it, the money expended for the employment of the people who were here without work last winter; in so far as the $30,000 of the city fund was concerned, that was paid for at the rate of $3 a day; was it not?

Mr. SCHARRENBERG. We started in to do that, but soon quit.

Commissioner LENNON. Did they quit before they had expended the $30,000.

Mr. SCHARRENBERG. I think so. You see that $3 a day plan was proposed in one city only. It worked out something like this: The workers from not only in California but from Oregon, Washington, Nevada, and other States began to flow in here; they had heard about the milk and honey that was flowing in San Francisco. Three dollars a day and eight hours—those are ideal conditions among workers.

Commissioner LENNON. Then the payment of the 20 cents per hour began before the exhaustion of the $30,000 and before they began to use the $40,000 that had been contributed by the citizenship?

Mr. SCHARRENBERG. Yes; the committee, which worked under the auspices of the city, was carrying on some other relief work, soup kitchens, etc., and that used up the money without a technical violation of the charter.

Commissioner LENNON. You are secretary of the State federation, are you not?

Mr. SCHARRENBERG. Yes; that is a position that does not require all of a man's time, and brings in a nominal revenue.

Commissioner LENNON. How many members of trades-unions are there in the State of California?

Mr. SCHARRENBERG. Under the American Federation of Labor?

Commissioner LENNON. Yes.

Mr. SCHARRENBERG. Between 80,000 and 90,000.

Commissioner LENNON. Have you any idea as to the membership of the I. W. W. in the State of California?

Mr. SCHARRENBERG. No; I have not, and no one else has.

Commissioner LENNON. Is there as great effort made on the part of organized trades-unions in this State to organize the seasonal workers as there is to organize any other class of workers in the State?

Mr. SCHARRENBERG. Well, you see the workers in the State who are already organized, take the carpenters, for instance, they send out an organizer, and if they find a town in our State where the carpenters are unorganized, that man will go there and organize the carpenters; and the tailors, the sailors, and others, do that likewise.

Now, the migratory workers, seasonal workers, they have no one to do that, because they have no organization. The only legitimate effort that is made to do that was made by the State federation of labor, working in conjunction with the American Federation of Labor. The American Federation of Labor pays Mr. Dale, who was there, a salary of $20 a week, and the State federation of labor pays him the balance in traveling expenses. We have a fund set aside for that purpose known as the migratory labor fund, we do everything within our power, and to the limit of our financial resources.

I will dwell in brief upon the statement that was made here that the I. W. W. were quite numerous in the States that their doctrine had permeated the migratory workers. I have found, as I tried to explain a moment ago, that the only really good I. W. W. is the one who is out of work. You take the most rabid, radical I. W. W. and give him a nice, steady job, and he becomes a tame conservative. Of course, there are some exceptions. There are lawyers, college professors, doctors, and students who are I. W. W.'s because it is

romantic, and it sounds nice to some to be called "radical." In fact, I am inclined to think, and have been for some time, that there are more I. W. W.'s among college professors, lawyers, and students than there are among workers as far as California is concerned. And I claim to know as much about I. W. W.'s as any man in this hall, because I associate with them all of the time.

Men who go to sea, the 5,000 members of the organization to which I belong, have a habit of going into the country frequently. They do all kinds of work during the winter, and they always drift back to our headquarters here where I get their stories in detail.

Commissioner LENNON. You indicated to us in your talk the changed conditions as to wages that had taken place since the seamen's union had been organized. Can you indicate to us whether or not there is any difference between the wages now of the union seamen on the coast and any crews of nonunion seamen that go in and out of these ports on the coast, or are you so solidly organized that there are no nonunion crews?

Mr. SCHARRENBERG. Oh, no; there are some. There is the Pacific Mail Steamship Co., they employ Chinese, who receive $7 a month and board and lodging. The going offshore wages are $35 a month, and in the coastwise trade the going wages are now $55 a month. The overtime brings it up somewhat higher, but the regular wages are $55 a month under union conditions. Under nonunion conditions they are always $45 and less, and by comparison with the Atlantic coast, where the open shop prevails, the point comes out more strongly. Back there the wages are—well, they run between $25 and $35.

Commissioner LENNON. And here $45 and up?

Mr. SCHARRENBERG. Forty-five to fifty-five.

Commissioner LENNON. Are you sufficiently familiar with any other lines of business in this section of the country to be able to indicate as to whether there is or is not a material difference between the wages of union and nonunion people in the industry or trade?

Mr. SCHARRENBERG. Well, I can give you an example. Take San Francisco and Los Angeles. The laundry workers of this city are organized. The laundry workers of Los Angeles are not organized. They have made several efforts, but they are practically unorganized. The maximum scale of the Los Angeles laundry workers is somewhat below the minimum scale of our laundry workers. And take the metal trades. The metal trades in San Francisco or in this section of the State work for eight hours, and they have a certain minimum wage. The men in the south, in Los Angeles, work nine hours and more, and very few of them receive the minimum that is received here by the metal workers. And there is no reason in the world why that should be so except for the fact that there is the closed-shop organization up here and the open shop and employers' domination down there.

Commissioner LENNON. Could you indicate to us as to the make-up of juries in trials in this State? This question was taken up by several witnesses. What show is there for wageworkers being called on juries; what is your experience; does it corroborate what has been stated?

Mr. SCHARRENBERG. Yes; there is not any at all. Now, I will give you an example. San Francisco has the reputation among our enemies as being a union-ridden city. Now, we have a grand jury in this community that is selected by the superior judges. Each judge selects, I think, 12 names, and the entire number of names is thrown into the box, and the grand jury is then selected. Now, for a number of years I have made it my business to look over that list of names and there has never been an instance when there were more than one or two—one year there were three wage earners—on that entire list of grand jury men that were thrown into the box to begin with. The jury system of California is a disgrace to our State. This is a progressive State. We are far ahead in social legislation and many other things, but as far as the jury system is concerned, it is shameful. We have the property qualifications, and it was practically admitted in the assembly at the last session of our legislature that the employers and the business men of California were not going to stand for any change, because they did not propose to put themselves at the mercy of workingmen serving on the jury. That was the statement made in the assembly of our State.

Commissioner LENNON. You are not considered competent, even in California?

Mr. SCHARRENBERG. No.

Commissioner LENNON. To serve on juries?

Mr. SCHARRENBERG. No.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Mr. Scharrenberg, you are secretary of the State organization of the American Federation of Labor?

Mr. SCHARRENBERG. Yes, sir.

Commissioner O'CONNELL. And as such you are familiar with the policies of the American Federation of Labor?

Mr. SCHARRENBERG. I think I am; yes.

Commissioner O'CONNELL. You are also editor of the Seamen's Journal?

Mr. SCHARRENBERG. Yes, sir.

Commissioner O'CONNELL. And as such come in touch with the editorial policy and literary policy of the A. F. of L.?

Mr. SCHARRENBERG. Yes, sir.

Commissioner O'CONNELL. In yesterday's testimony of Mr. Lewis he was asked by Commissioner Weinstock, I think it was, if the A. F. of L. did not consider labor a commodity.

What is the policy and position of the American Federation of Labor, as you understand it, and the policy of your federation in the State of California, as to whether labor is a commodity?

Mr. SCHARRENBERG. Yes; I was very sorry to have Mr. Lewis make that statement, because it will discredit whatever else he has said. Anybody who knows anything, surely knows that labor, organized labor, has made a struggle for years and years and years to establish the fact that labor is not a commodity. All our anti-injunction bills pending in the various States, and pending in Congress, and our efforts to amend the Sherman antitrust law, have been based upon our efforts to make it absolutely clear that labor is life; that labor is not a commodity, that labor power can not be sold the same as goods, that it can not be divorced from the body. And I was very sorry to have Mr. Lewis, who is an I. W. W. sympathizer of remarkable broadness and openmindedness, make that remark.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Yes. You were reciting, Mr. Scharrenberg, how seamen, by collective action, have been able materially to better their conditions in more recent times. And among other things, you pointed out that 29 years ago before they had become organized, their wages were from $17.50 to $20 a month and board.

Mr. SCHARRENBERG. Yes, sir.

Commissioner WEINSTOCK. May we ask what are the current wages now?

Mr. SCHARRENBERG. They are between $45 and $55 a month.

Commissioner WEINSTOCK. That is, the minimum is $45 and the maximum $55?

Mr. SCHARRENBERG. Yes, sir.

Commissioner WEINSTOCK. Plus possible extra time, I suppose?

Mr. SCHARRENBERG. Yes; that is a very material difference. In those days, before organization, men worked 12 hours a day and received no overtime. Now, men receive an average overtime of at least $10 per month, and they work only 9 hours instead of 12.

Commissioner WEINSTOCK. So that really their average earnings, including overtime, would be about $60?

Mr. SCHARRENBERG. Yes.

Commissioner WEINSTOCK. As against the maximum under the old conditions of $20?

Mr. SCHARRENBERG. Yes, sir; that is a very conservative figure regarding the overtime.

Commissioner WEINSTOCK. It really increased their earning power about 300 per cent?

Mr. SCHARRENBERG. Yes; fully that.

Commissioner WEINSTOCK. As the result of their collective action?

Mr. SCHARRENBERG. Yes.

Commissioner WEINSTOCK. Well, now, I can't quite reconcile those facts with the other statement you made, Mr. Scharrenberg. Doubtless you can explain it. You pointed out that under existing—that where formerly seafaring men could afford to marry and to have families, now they can't, and that family life, therefore, was diminishing among the seafaring men. Now, if they could afford

to marry and have families on $20 a month, why can they not afford to do it when their earnings have increased 300 per cent?

Mr. SCHARRENBERG. I certainly did not make any such statement, Commissioner Weinstock, that the seamen could afford to marry, certainly not on this coast. If I made that statement, it was made in reference to conditions that prevailed say a hundred years ago when seamanship was looked upon as an honored profession, when a seamen was held in higher regard than a tailor or a carpenter or any other craftsman. I certainly had no reference to modern conditions.

Commissioner WEINSTOCK. I see. Well then, I misunderstood it.

Chairman WALSH. That is all, thank you, Mr. Scharrenberg.

Commissioner WEINSTOCK. Just one minute.

Chairman WALSH. Oh, excuse me, you have another question?

Commissioner WEINSTOCK. Just another question, Mr. Chairman.

Mr. SCHARRENBERG. All right.

Commissioner WEINSTOCK. I gathered from what you said that while as a representative of organized labor you did not see your way clear to oppose the policy adopted during the emergency of last winter in fixing a 20-cent-an-hour wage, you did not approve it for fear that it might lower the minimum?

Mr. SCHARRENBERG. No; for fear that some employers who are always looking for cheap labor would use this period of depression to have their work done at low wages.

Commissioner WEINSTOCK. I see. Well, now, having in mind the policy of the American Federation of Labor, and assuming that the committee of one hundred had given you sole power to act, and had placed the entire fund at your command, what would have been your way of handling the situation?

Mr. SCHARRENBERG. Well, Commissioner Weinstock, you are asking me a hypothetical question. I don't think that is quite fair. I am perfectly willing to map out a plan, and I have submitted a tentative program. But it takes time to work that out.

Commissioner WEINSTOCK. I was speaking purely, Mr. Scharrenberg, of emergency conditions.

Mr. SCHARRENBERG. Well, organized labor in this State is looking forward to those emergency conditions. We have gone to Sacramento year after year with our bills and measures approved by our organization for emergency relief, etc., and have been ruled out of order time after time. Then when these acute periods come on they are not of our making. We are always trying to do our best to help along our people, those who are within our own ranks. And, I might say, that of all the unemployed who were here in the city last winter there were very few trade-unionists. They were taken care of somehow and somewhere by their own people.

Commissioner WEINSTOCK. Well, you heard the statements made by Mr. Lilienthal, and I take it that it is based on careful thought, that in his judgment that same emergency is likely to be repeated this coming winter in a more acute form. Of course we can't hope that between this period and then that we can get legislation, so the same problem will face us and will have to be dealt with. Now, profiting by last year's experience, Mr. Scharrenberg, that, doubtless, will be duplicated all over the country, how would you handle it, given the same fund and the same conditions, except in a more acute form?

Mr. SCHARRENBERG. I haven't anything to suggest for any emergency that may arise within the next few years. It takes time, it takes laborious effort, thought, and study to dispose of those problems, because the average problem that the citizenship has to deal with fades into insignificance compared with this problem.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Yes; just one other question. You expressed it as your opinion also, Mr. Scharrenberg, that you did not think the I. W. W. movement would prevail because the people are not in harmony with their ideas. Now, what do you regard as the weak spots in the I. W. W. doctrine; where will be their point of failure?

Mr. SCHARRENBERG. Where? There are so many.

Commissioner WEINSTOCK. Name the salient ones as they come to you.

Mr. SCHARRENBERG. Well, first of all, their system of organization is impossible, of course. They are only good for the purpose of stimulating unrest. That is very desirable. They are teaching our California employers, for example, that it might be to their advantage to do business with legitimate labor organizations. Some of them have already arrived at that conclusion. You may have

noted the testimony of hop growers' that they have no more serious objection to legitimate labor organizations. And when the I. W. W. has prodded them into that frame of mind, why they have performed a very useful function, and then they die a natural death. Throughout history, you can take their case wherever you go, and you can't cite one single instance where they have ever accomplished anything permanent or lasting. They are just a flash in the pan, that is what they are.

Commissioner WEINSTOCK. Sort of an irritant?

Mr. SCHARRENBERG. Yes; a flare-up. And they do some little good things once in awhile, like Lawrence; and they did some other things up at Wheatland. I don't approve of the shooting, but the rest of the revolt up there was all right. But they never accomplish anything permanent. The camp inspection that you have heard of here—the law that provides for sanitation of labor camps—was not evolved or proposed by any I. W. W. That came from sanely organized labor. I myself gave that bill to Senator Flint up in the senate, and it was put through with the assistance and aid of organized labor. There was no I. W. W. or doctor or lawyer or college profess[illegible] up there helping us along in getting those laws through. There never is.

Commissioner WEINSTOCK. You probably were present the other day when we had a representative of the I. W. W. testifying, and, if I remember correctly, he expressed it as his opinion that the worker need look for no betterment of conditions through legislation.

Do you think he was correct in that opinion?

Mr. SCHARRENBERG. Well, he is correct to this extent, that the workers who depend upon legislation alone to solve their problem, they are going to get left. But if they have a powerful organization behind to see that laws are enforced, then legislation is all right. In this State we have a very fine example of how that works out. At present we have a labor commissioner who is doing some real work. That office was created for the purpose of protecting labor, but until the present man got there it was a sinecure for political hacks, etc. They simply held down the job as a reward for services rendered, and the office of labor commissioner became a stench in the nostrils of workmen. At present everybody knows we have a labor commissioner in that office, and that man is doing really good work. He is a trade-unionist and he has the labor organizations of this State behind him, backing him. Generally speaking, in a community where labor is organized and able to take care of itself the laws are enforced. On the other hand, in a community without a labor organization the law usually looks very good on the statute books, but there is no one to enforce it. The district attorney knows all about it, but unless somebody comes to him and prods him up he leaves it alone. To have a labor law and to enforce it are two entirely different things.

Commissioner WEINSTOCK. You believe, then, that while legislation may be efficient, it is not sufficient unless there is public sentiment behind it to enforce it?

Mr. SCHARRENBERG. Unless there is organization behind it.

Commissioner WEINSTOCK. That is all.

Commissioner LENNON. That is all. Much obliged to you; that is all.

Call the next.

Mr. THOMPSON. Mr. McLaughlin.

TESTIMONY OF MR. JOHN P. McLAUGHLIN.

Mr. THOMPSON. Mr. McLaughlin, will you give us your name?

Mr. McLAUGHLIN. John P. McLaughlin.

Mr. THOMPSON. Your business address?

Mr. McLAUGHLIN. 948 Market Street.

Mr. THOMPSON. Your business?

Mr. McLAUGHLIN. Labor commissioner.

Mr. THOMPSON. Of this State?

Mr. McLAUGHLIN. Yes, sir.

Mr. THOMPSON. How long have you been labor commissioner of the State?

Mr. McLAUGHLIN. Four years in March coming.

Mr. THOMPSON. What work do you cover as labor commissioner, briefly?

Mr. McLAUGHLIN. Enforcement of labor laws of the State of California, inspections, and the like of that.

Mr. THOMPSON. In your work as labor commissioner, do you come in contact with the unemployment problem?

Mr. McLAUGHLIN. On two different occasions.

Mr. THOMPSON. Now, will you tell us what is your opinion of the main causes which contribute to unemployment, and what remedies would you suggest to relieve it?

Mr. McLAUGHLIN. Well, I have a list of those questions, the same as Brother Scharrenberg had, I suppose.

Mr. THOMPSON. Will you take those questions and answers, such of them as you think you can say something on to the commission?

Mr. McLAUGHLIN. On two different occasions I have been requested by the governor of the State to make an investigation of the unemployment situation in San Francisco, and on one occasion throughout the State of California. In 1911 the situation here was very acute. There has been no organization, however, of the unemployed, until along in the month of March, latter part of February, or the 1st of March, and several claims were made as to the number of unemployed. It was contended by many that there was between forty and fifty thousand in San Francisco. And the governor, to ascertain the facts, instructed the bureau to make an investigation.

We went carefully into that matter, as hurriedly as possible, and our figures placed it at that time, somewhere in the neighborhood of 25,000.

The situation had begun to relax, spring was at hand, construction work was opening up, and conditions were improving, so that shortly after the issuing or the publication of our report, why the situation had entirely cleared up. There are several elements that enter in. California is in a peculiar position in that respect by reason of the fact that her climate is an inducement to the unemployed to come here. Thousands of them come from all over the western coast; in fact, as far as the Middle West and East, to California, in winter. And the problem to my mind is one that will have to be taken care of by the National Government. It is not fair to burden the State of California with the problem as it exists. Take California as a whole, possibly if the men were separated all over the entire area they might be taken care of, but when they get together and congregate in any given community, the burden becomes too much. Several of these questions here can be answered, and possibly will assist in finding a satisfactory solution.

Maladjustment, to my mind, is not altogether responsible. The elements are what we have to contend with in that respect, and to do work—public work or any other kind of work in winter months is not very profitable if it is going to be considered from a standpoint of dollars and cents. On road building or anything else, if you have a week's rain, you could not put the men onto the ground again for a week after it ceased raining; and as a matter of fact, they would have eaten up all they had earned in the time that they had been idle, so that there would not be much satisfaction to them, nor much good accomplished. In normal years we will take care of ourselves, but in abnormal years we will need possibly some assistance.

The existence of a class which will not work: There is such a class, but the percentage of it, I believe, is very, very small. I believe possibly at the outside that you would not get 2 per cent. That would fully cover it. It has come to my knowledge that there are a number of men that make it their business to hang around, for instance, where the employment agencies are situated; that make it a business of finding out how long a man has been on a job, and when he returned; the first thing you know, why he is off having a drink with him. The next day the worker is around with a black eye, drunk and broke, and what becomes of his money—why the other fellow has disappeared. There are men, I believe, who eke out an existence by taking advantage of the poor fellow that has gone out and made his stake in the country and has come back in the city to spend it.

The existence of a class that can not work: That is very true; there are some that are old and crippled that are not able to do the day's work that is demanded of men nowadays. The percentage of them is considerably larger than of those that will not work.

Periodical and seasonal work: The relation of the demand for labor between employment of a seasonal character, etc.

Our work here in California, as far as it affects our agricultural resources, is practically unlimited, and in summer months here the demand for labor is heavy. In our winter months, from November up until April, why there is practically no demand at all, so that all of that help naturally comes into our city. The same thing can be said of the mills and of the woods. There is very little logging done in the country in winter months, so that the result is

that from the middle of November up until along about the 1st of April there is a dull spell. They don't do any more than they absolutely have to do. And the result is that there is a great deal more men unemployed at that time than any other season of the year.

Along with that, in San Francisco there is an element that is thrown on our community every winter that works in Alaska. Brother Scharrenberg figures it at 3,000. As a matter of fact, from actual tabulation, there is very near 7,000. There is very near 3,000 fishermen alone and there is over 4,000 what they call cannery hands. These men are thrown on this market every winter about the latter part of September and during the month of October. To my mind they make up the big bulk of the army of the unemployed. I have watched their parade through this city, and I recognized many among the number of those that were marching as men that were working in the canneries during the summer months.

The bureau that I am representing has been responsible for the passage of an act in the legislature that provided for our department supervising the paying off of these cannery hands. In the past it had been customary that these men were allowed to drink and gamble, and they were charged all kinds of exorbitant fees for positions, and a charge of $5 for a man to watch them while they were waiting to go aboard ship, and things of that kind, so that, as a result, when pay day came around for their season's work there were many of them didn't have anything coming, and there were few of them had much over $40 for their season's work.

We went to the legislature and had this bill passed, and took the matter up with the large canning concerns and asked for their cooperation, with the result that last winter, under the supervision of our department, the men who went to Alaska and did their season's work had over a hundred dollars apiece. The canneries would not permit of their spending over $20 the entire season for extras, cut out entirely their gambling and whisky debts, and this year we hope to increase that from $20 to $40, so that their earnings should be increased this year even larger than last year.

I believe that while the State of California is trying to handle this matter, it is a duty that probably belongs to the Federal Government, and this commission, if they did nothing else than to recommend that these men be signed on under the United States shipping commissioner, would prevent much of the injustice that is worked on them, and their efforts, so far as the visit to this coast, would not be in vain. It is a duty that belongs to the n. The men are working in Alaska and are employed in California. While the question has not been raised as to the constitutionality of this act, the employers realized that something had to be done, and they were willing to do anything that was within reason to try to help improve conditions. I would like your commission to consider this phase of the situation. If you do, you will do considerable toward relieving the situation in California. These men, I might add, are not long ashore before they are broke. What they do with their money, I don't know. But the great majority of them live over on the north side of town, and they have quite a lively time there after a vessel arrives. And it lasts for a period of two or three weeks; then many of them seek employment as porters in hotels, and one thing and another of that kind, until the next season opens up. They are not thrifty. They are largely Mexicans, Filipinos, Porto Ricans, Japanese, and Chinamen.

For your information, I might explain how the work is done. The packing companies employ the fishermen themselves, who get so much for the run and so much per fish. These men are organized, and are well protected. The real packing of the salmon is let to a Chinese contractor, who get so much per case for the pack. He, in turn, contracts with a Filipino boss for the men. He guarantees to furnish him so many men, and he is penalized if his men don't show, under a contract that was drawn up, and is generally signed by both parties. And for weeks in advance of a ship sailing, these men are gathered together from different points and housed in some boarding house. And it had been the custom, until such time as we stopped it, that these men were turned over to the Chinaman at so much per head. We have also stopped them from making a charge of $5 apiece to each man while they were down on the dock waiting to go aboard the ship, and several other charges which were not justified. That situation can be remedied considerably by your commission, by having those men signed on before the United States shipping commissioner. Last year there was one vessel that fought the efforts of our bureau. They went up to the justice court and secured somewhere in the neighborhood of a

hundred and fifty or two hundred attachments on every one of the men's money. The poor fellow that had gone to Alaska, he could not wait long enough to have that case tried in court, and as a result, to keep them from starving, we had to permit them to accept what was offered. But I have taken the matter up with several judges, and I feel this year they will have a little more trouble in getting those attachments. If they were signed under the United States Shipping Commission, that would not be permitted.

Is the responsibility for unemployment individual or social? To my mind, there is no doubt where the responsibility is. It is social. In a few individual cases it might be individual, as the result of drinking, and so on, but it is very small.

Is the extent of unemployment increasing? I am inclined to think so. The year 1911 was bad; 1912 we had no trouble; 1913 was bad; and I believe 1914 is not going to be good.

Of 1913, however, I want to say this in passing: I was a member of the committee of one hundred, with Brother Scharrenberg and Mr. Lilienthal. And to my mind, the number of unemployed in San Francisco was greatly increased as the result of a lot of publicity that the unemployed received.

It was published to the world that there was an effort to be made to give them three dollars a day and eight hours. And they came from all over the coast to accept of those conditions, with the result that San Francisco's number of unemployed, on one day that a tabulation was kept of the number of applications, increased something like to twelve ann fifteen hundred. Every other county was kindly urging them along to get to San Francisco to get $3 and eight hours, and when they got here, why they anchored here. It took quite a while to finally move them, but they eventually moved. That was the inducement that brought them in, and the condition in 1913 would not have been near as acute if it hadn't been published to the world that they were to get $3 and eight hours in San Francisco.

Commissioner LENNON. Mr. McLaughlin, the time for adjournment having arrived, the commission will adjourn until 2 o'clock.

Mr. THOMPSON. We have only got one more witness.

Commissioner LENNON. Only one more?

Commissioner WEINSTOCK. No; there is another one coming back this afternoon.

Commissioner LENNON. The commission will adjourn until 2 p. m.

Commissioner COMMONS. Two p. m. to-day?

Commissioner LENNON. Yes.

(Whereupon, at 12.30 o'clock p. m., on this Saturday, the 29th day of August, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. The commission will please be in order.

Call the first witness now, please, Mr. Thompson.

Mr. THOMPSON. Mr. McLaughlin.

TESTIMONY OF MR. JOHN P. McLAUGHLIN—Continued.

Mr. THOMPSON. You may proceed with your statement, Mr. McLaughlin.

Mr. MCLAUGHLIN. I was taking these questions as I went along and just making a statement that I thought would be of interest.

The fourth question, "Give your opinion as to the character of men in the army of the unemployed; as to the number of men honestly out of work."

In my judgment, 90 per cent of those men were honestly out of work; no question about it. Of the men who would not work, a very small majority of them—possibly 2 per cent.

Agitators: I would say possibly 1 per cent; of the unemployables, possibly 5 or 6 per cent, or thereabouts. So that most of the men would honestly claim—could honestly claim, anyway—that they were honestly out of work, when we are not in a position to offer them work. There is no doubt in my mind that every one of them was willing to work by reason of the fact that when work was offered to them they stood in line, and in the rain for hours at a time, to get a ticket that entitled them to the privilege of working four days a week at the almshouse or some place else.

On one occasion 500 men were assigned to the almshouse for work, and it rained, and rained hard; those men insisted on working in the rain for the purpose of securing 20 cents an hour for six hours. At that time they were deprived of admission to the free boarding house that was conducted at Fifth and Folsom Streets during the period of that employment. So that the men proved that they were honestly willing to work if work was offered.

As to the next question, it is not necessary to say anything on that. All of us know that if a man is idle or unemployed, it is not either good for him or society generally.

The next question is, "Your opinion as to the social loss through unemployment."

Brother Scharrenberg, I think, fully covered that. The social loss is enormous, for the reason that men can't and conditions won't permit of their marrying and taking on the burden of keeping a family. In fact, very few of this class of men attempt to take on that burden.

The next question is, "To what extent is the discontent and social unrest traceable to unemployment?"

I believe it is directly traceable to it. However, there is a good deal to be said upon that subject. Personally I believe that if most of these men were thrifty that they earn enough during the summer season to carry them all through the winter; but, unfortunately, many of them when they visit the city squander their money—some in drink, others gambling, and in other ways—and they become public charges.

"Give your opinion of the following methods of alleviating and doing away with unemployment":

First, forcibly breaking up the army of the unemployed: The best way to break it up is to give them something to do. That will break it up.

Second, organized charity: It has enough to do to take care of the regular residents of the city who are situated with us continuously and are men of families. It is too much to ask them to render assistance to the migratory group who assemble in this city every winter.

Farm colonies: Farm colonies to my mind are not practicable by reason of the fact that you can't do much on the farm in the winter months, this being the time we have the surplus of labor. It would be simply another form of charity, the same as a poor farm that you would send them to, where they would have nothing to do but remain at the State's expense. There is very little work, if any, that they could do during that particular period.

Unemployment insurance: That is a subject I haven't given a great deal of consideration to. I do believe where they are well organized in a city like this, for instance, it might possibly work out satisfactorily. A good deal of that kind of work is being done by some of the trade-unions independently. There is this to be said, however, in connection with that. If something could be done that would compel men to save part of their earnings during the summer months that they could draw upon and have for use during the dull period, to my mind it would go a long way to solving this question.

I know this, if all the money that is taken from these men on construction work and others in the form of taxation, was put into a common fund, that it would more than meet this situation.

The average one of these poor fellows that goes on to that work takes it at certain seasons of the year anyway, has to pay a poll tax, a road tax, a county hospital tax, and a company hospital tax. I have had a case of a man working 14 days; during that period he was taxed $8, leaving him to walk home after putting in 14 days labor.

But there are many other cases of that kind. I have taken up many cases with the auditors of the counties, they having collected a poll tax twice from the same individual. And that is permitted by the law at the present time. To my mind, if it was abolished, and the amount of money that was taken from these men who bear the bulk of that burden was put into a common fund, it would more than carry them over the dull period of the year. They, unfortunately, are carrying most of the burden in this respect because collectors have nothing to do but advise the contractor, "You have got so many men," and the amount is withheld from everybody's pay. Workers have no redress. The law permits of it. And particularly with reference to the road tax—he will have to pay a road tax in this county, and if he gets another job next week in another county he will have to pay a road tax again in the next county.

Several counties charge a hospital tax, and all of the companies charge a hospital tax, so that a man is doubly taxed for the same purpose.

I had a bill introduced at the last session of the legislature—though for some reason or another it was overlooked in the rush of the adjournment—which provided that no contractor would be permitted to charge any employee a hospital tax unless he actually maintained a hospital with doctors and nurses in attendance. The reason for framing it in that way was that there were a good many objections from the men that were employed by the Southern Pacific Co. who were charged 50 cents per month. If the contractor kept a box of pills they would be lucky in most of these construction camps. But nevertheless the man is charged a dollar a month. If he only works one day, he has to pay the dollar just the same. If he worked the day of the 31st, and the 1st or the 2d, he would be charged $2. It is the grossest injustice that has ever been permitted, and there is absolutely no means of relief at the present time.

This bill did get out of the committee, but died on the third reading file. If it had passed, I am satisfied we would have at least curbed some of the injustices that are being worked on these men in that direction.

Labor exchanges: To my mind labor exchanges will be beneficial, particularly so with interstate shipments. But as far as solving the problem, it is not going to do that. The establishment of free employment bureaus is not going to furnish the men with positions if there is no work to do.

All of these suggestions that are contained in the pamphlet that you gentlemen have published with reference to private employment agencies are practically being complied with in California to-day. All of the employment agencies of the State of California are licensed in the bureau of labor statistics, and when any complaint is made to that department both sides are given a hearing, and the employment agent invariably complies with the instructions from the commission.

I have only had one case where there was any question raised as to our right to tell them what to do, and thousands upon thousands of dollars have been returned in fees, together with railroad fares and expenses too numerous to mention, and hundreds of other positions furnished to those making complaints.

There is no harm or wrong particularly in labor exchanges. To my mind they will do good in that they will check up on many injustices that are affecting people at the present time, particularly the theatrical profession.

Your commission, I believe, has not had much time to look into that; but it has been my experience in the city that those following that profession are the most helpless of any that I have come in contact with. They are timid, they are afraid of blacklisting, and are absolutely at the mercy of the theatrical managers and booking agents; and some of the stories that I have heard in connection with that would not be well to repeat here.

To what extent is the present employment agency system responsible for unemployment? I do not believe the present system is responsible for unemployment in any manner. It has been intimated many, many times, but so far I have not been able to get any documentary evidence where men will claim, or surmise, at least, that a certain foreman is standing in with the employment agent; but as yet I have been unable to get any evidence of that fact.

We amended our employment agency act at the last session of the legislature, compelling the return of the fee if a man works less than seven days on a job. It had been charged he would work a day or two and get discharged. So the limit of seven days' employment was put on.

I do not feel it would be fair for me to say the employment agent is in any degree responsible for unemployment.

Stricter regulations required: I think, so far as that is concerned, the regulations are ample at the present time. They have to turn in a regular monthly report of the amount of the business that is done, are under our control, and, to my mind, are doing as they are told with regard to all kinds of complaints that are called to our attention.

In that connection I may say our courts sometimes take a rather peculiar view of things. There was a certain agency in this State which, from information I received, was paying for the business he was receiving by compensating an employee of a large corporation here. And it was testified to by a sworn statement that he had not only accepted money but a diamond ring and other presents. I dunked him a thousand, and I was brought before the court on a mandamus order, and the court frankly said that there was no harm; he did not see anything wrong in a representative of a corporation accepting presents from an employment office. I do not know how he might view it, but I am satisfied that he don't know all of the conditions or he would never

have made such a ruling. To my mind it was wrong—grossly unjust—because the men had been traveling back and forth for that particular corporation for several months as a result of the compensation he was getting from the employment office. However, I was compelled under order of the court to issue a license.

Suggestions and methods for dealing with the problem of unemployment: That is a big question. To my mind the problem of the unemployment is entirely a national question. It is not for the State to assume, nor is it for the community or the municipality to assume.

Aside from the compulsory saving proposition, that you gentlemen might give some consideration to, you might also consider the proposition of the building of national highways by the Government, under bond issue or otherwise; this work to be prosecuted whenever there is the great surplus of labor in any section of the country; and I am frank in saying that I would not put it at a wage that would be an incentive for men to leave private employment to go there. But it would be a refuge where, in times such as we have to meet in the winter months here, men could find employment enough to keep the wolf from the door, surrounded by proper sanitary conditions and regulations, and the United States Government to finance it.

That, to my mind, is the best solution and the one that will give us the best results.

Of course, they would have to provide possibly some means of transportation to and from that work. Our labor exchanges, if they were put into effect, might advise men in California that there are a thousand men wanted in Utah, but they would not provide any means of transportation. And if they did provide the means of transportation they also would have to provide a means of transportation after the job was done, so they could get away from there; otherwise they would be stranded in Utah. So there is a matter to consider in connection with employment.

The national highway proposition, to my mind, is the one that is worthy of a great deal of thought and consideration, together with the problem or proposition of compulsory saving.

The question of immigration: The American Federation of Labor, as Mr. Scharrenberg has said, is on record, and I am thoroughly in accord with some restriction or regulation, whether by education or otherwise; because as long as this country has practically open doors the migratory laborers, the men that do the rough labor work in this country, are never going to be able to better their condition very much by reason of the fact that the men that are coming in are always ready and willing to take their places. Employers have no trouble finding men when they need them.

That, I believe, is about all I have to suggest in the matter.

Unemployment insurance, as I said, I have not given much thought and time to that. It may work out in places where men are well organized.

I might say further, if you will permit me, that prior to 1913 there was not any act on our statute books in California that gave anybody the right to insist upon camps being kept in a sanitary condition. That bill was introduced as a result of a visit that I made over to Blue Canyon investigating a complaint against an employment agent. And while on the job I saw several men go off with their blankets, and I interviewed them, and they told me that they were quitting; they had come up with the same shipment which I was investigating, and the reason that they quit was on account of the accommodations. They said they were willing to work, but the conditions that they had to put up with there, while they were nothing out of the ordinary, were more than they could stand. I inquired where they had been sleeping. They pointed to a tent upon a side hill, which I investigated, and I found these conditions: There was about a foot of snow on the ground at the time. The water had been seeping in through under the tents. There was an old tin stove in the center of the tent, a hole in the roof, and wooden bunks built around of rough old lumber, double-deckers. There was not enough straw in those bunks to fill a man's hat. I asked the superintendent, "In the name of God, do you expect men to work 10 hours a day and sleep there at night?" He says, "Why, yes; I have been 18 years at the business, and it is as good as I have ever seen." I said, "God help the rest of them." That was the first time I had had any experience of this kind. I immediately considered and had drawn up the bill that is at the present time on the statute books which regulates the conditions of camps.

That same gentleman, superintendent on the job, after talking the matter over with me, showed me a pamphlet, that he had in his possession, of steel

bunks, called a tiger bunk. I communicated with the company at Chicago and learned that they had an office or representative here on Fremont Street. They provide or furnish these steel bunks with a wire-woven mattress that will give reasonable comfort. And I have been told, and I have a letter in my possession from a contractor who insisted on putting them in, that it is the best money that he ever spent; that it not only increased the efficiency of his men, but it was cheaper in the long run by considerable.

That act, while it was introduced and originally read that it should be the duty of the labor commissioner to enforce it, for some reason or other it was switched to the board of health, about on the third reading file, and passed in that form. I called the governor's attention to it at that time, but it was too late to have it changed, and it was signed.

I took the matter up with the board of health and received their consent to put a deputy in the field to enforce the provisions of this act, with the result that we have in our northern section of the State—had succeeded up to the time the immigration and housing commission asked to do this work—installed six or seven thousand of these steel bunks in permanent lumber camps. We met with hearty cooperation from most of the lumber companies. Few of them offered resistance, and many of them expressed satisfaction that they have made the change.

The men themselves, I know, are considerably pleased at the result. At the present time this work is being done by the immigration and housing commission.

This bill originated in the bureau of labor, and was presented through Brother Scharrenberg, and indorsed by the State federation, and presented by him to some representative in the legislature.

We have taken on, or I have taken on since being appointed labor commissioner, the enforcement of the labor laws of California, irrespective of the fact as to whether or not it was specifically my duty. I found this, that the laws on the statute books that were left to the district attorney to enforce were seldom enforced. As the result I decided from the outset that every law that was on the statute book that affected labor in any manner, shape, or form, upon my receiving complaint, it would be my duty to enforce them. That I have done. We have, I guess, at the present time, some eight or nine different acts that specifically mention the duty of the labor commissioner, and aside from these others become the duty of the district attorney, but we have enforced them.

I believe at the present time in California that the labor laws, and I am speaking advisedly, are as well enforced, if not better enforced, than they are in any other State in the Union.

Our eight-hour law for women, when it was originally passed the first year—we had it amended at the 1913 session—it was the duty of the district attorney to see that it was enforced. The governor, at the time of signing the bill, called me into his office and advised me: "This bill don't specifically mention what department is to enforce it. I don't know anybody better able or more willing to enforce it than yourself, and I expect you to see it don't become a dead letter."

I believe it is a measure that will result in much good to the women of this State, and for that reason should be enforced. We had many, many prosecutions, with the result that at the present time, I believe, that and all other laws are fairly well observed in California. I believe, gentlemen, I have made a general statement.

Another thing I might mention. Possibly some one may bring it out. A duty I have taken on is the collection of wages. That, while it don't appear to be a big work, the fact is it takes up about 75 per cent of the work of our department. We have collected in a little over two years and a half about $125,000 in disputed wage claims. This act, however, unfortunately has been declared unconstitutional by Judge Ogden, of Oakland, and also a judge in Los Angeles County. These decisions have interfered with us at those two points and in several other places throughout the State where they have learned of the decisions.

Prior to that decision we are able, on the refusal to pay wages when earned and due, to bring the party before the district attorney and, if necessary, secure a warrant for his arrest, with the result we have settled thousands and thousands of claims. Altogether, we have received up to June 1, 1914, over 8,000 wage complaints, about 65 or 70 per cent of which were settled without our having resorted to civil action. So that that work in itself is a big work.

and I don't know of many other States that have undertaken it. I don't know how long I will be able to continue it, because with these decisions that are being rendered it makes it almost an impossible task to do much with the fellow who is studiously trying to beat his employees.

The average employer you meet with is willing and more than willing to go more than halfway. These disputes arise over misunderstandings of one kind and another, and the employee is invariably told he can go and sue for it. A lawsuit we have found is not much of a boon to a man with an empty stomach, and in most of these cases where they come in with these complaints they are dependent upon what they have earned for their lodging and livelihood. So that it is a situation that requires immediate attention. We have done the best we can. It is impossible for me to satisfy all of them, and sometimes you might hear of some criticisms. I believe, gentlemen, I have made about as thorough a statement as is possible.

Chairman WALSH. Anybody wish to ask any questions?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Mr. O'Connell has some questions to ask.

Commissioner O'CONNELL. Can you give us an explanation of the methods explained to us the other day of the contractor employing men in the vineyards and fruit ranches—as to the method by which they are paid and pay to those they contract for and with; orientals, largely, I mean?

Mr. MCLAUGHLIN. Well, in the case of Japanese, there is generally a contract boss who goes around and secures the work; he will go on in advance and take contracts on this, that, and the other, and follow the crops possibly all over the State with all of his people. Sometimes they will work for day's pay, other times work so much per box, or so much per ton, so that they make different arrangements of that kind. It is a kind of peon system by which the man gets a certain per cent of the actual earnings of the group for conducting the business and looking after their welfare generally. He is the commissary man, attends to the correspondence, and does everything else for them. He is the boss of the whole group. That is the way that thing is handled with the Japanese.

Commissioner O'CONNELL. You are a member of organized labor?

Mr. MCLAUGHLIN. Yes, sir.

Commissioner O'CONNELL. What organization?

Mr. MCLAUGHLIN. Teamsters.

Commissioner O'CONNELL. Some of the gentlemen who were on the stand the other day, the ranch owners, told us that they paid their laborers, I don't know just the exact amount, $1.60 or $2 or $2.20, something like that, and they employed these contractors to furnish the labor, and they paid the contractor that amount per day for these men, and the contractor paid his men. Now, have you any knowledge as to what the contractor pays his men? Does he pay them the amount that the ranch owner pays him per man?

Mr. MCLAUGHLIN. Less the amount agreed upon between them all, which, possibly, is 5 per cent or some amount of that kind for securing the business, the general conduct of their housing accommodations, and everything of that character. He attends to all of the business and gets a per cent of what they earn.

Commissioner O'CONNELL. Have you got any information as to what the profits of that man are—the contractor?

Mr. MCLAUGHLIN. Not particularly.

Commissioner O'CONNELL. They told us that they paid him for each man he employed, and then he charged each man for his job, in addition to which he ran the commissary. You say in addition to that he gets a pro rata of the earnings?

Mr. MCLAUGHLIN. That is the way that it has been explained to me.

Commissioner O'CONNELL. Nobody knows anything about what his combined income is?

Mr. MCLAUGHLIN. No, sir; the Japs have a faculty of settling their own disputes. I want to say there is not a nationality on the face of the earth that we have less complaints from than the Japanese themselves. They settle their own complaints in some way that is agreeable to them. We have never had complaints one against another. We have had complaints by them against white persons, but none against Japanese.

Commissioner O'CONNELL. Do you suppose that is with any fear that they won't get proper treatment from the office?

Mr. McLAUGHLIN. No, sir; absolutely none. We have several of them in the employment agency business, and I have yet to receive a complaint against any of them. They have a credit system of their own. The man never pays for his job in advance, but always pays after he receives the work.

Commissioner O'CONNELL. Your department licenses the employment agencies?

Mr. McLAUGHLIN. Yes, sir.

Commissioner O'CONNELL. Have you had any experience with the employment agencies entering into the white-slavery business in any way?

Mr. McLAUGHLIN. We have at times had women come in and say that they were sent to a place that they didn't think was respectable. We have investigated a few of them, but didn't find there was any merit to them, but we have notified the employment offices to be very careful where they send their women help. We have at other times reported to the department of justice a certain office we thought possibly was sending women to a place that was not entirely respectable, outside of the State of California.

Commissioner O'CONNELL. Does the employment agent itemize each position he secures, where he sends the applicant, when he reports to you?

Mr. McLAUGHLIN. He did formerly, but we have recently changed that by reason of the fact there was not really anything accomplished by it. We have a form of receipt which gives all of the information that the office will require, and that has to be kept in duplicate, so that his book is a record of everything.

Commissioner O'CONNELL. Do the employment agencies furnish men during times of strike?

Mr. McLAUGHLIN. Not if they know it. There has been two arrests made in San Francisco for having done that, and they are very careful about furnishing men in time of strike. They nearly all have a little rubber stamp that they stamp on the back of the receipt, to which the gentleman has to affix his signature, that the situation has been thoroughly explained to him, and he knows there is a strike on the job and he is going of his own free will or something to that effect.

Commissioner O'CONNELL. Are those stamps usually legible?

Mr. McLAUGHLIN. Indeed they are.

Commissioner O'CONNELL. Sometimes stamps can be used that require a microscope to ascertain what they meant.

Mr. McLAUGHLIN. The best proof of their carefulness in this city is that I have had occasion, I guess, in the last year to have possibly half a dozen or a dozen men that come in who said they didn't know anything about the trouble. I sent for the employment agent, brought him up to the office, and he absolutely produced his receipt with the man's own signature that the matter had been thoroughly explained to him.

The employment agents of the State know my position relative to labor; they know I am not in sympathy with their going out of their road to furnish nonunion men to strike jobs. Two of them have been arrested and have been prosecuted, and they are not taking any chances.

Commissioner O'CONNELL. Do all forms of agencies employing people come under your observation. For instance, is there any detective association in the city of San Francisco or in the State that furnishes men in time of strike?

Mr. McLAUGHLIN. They are not licensed by us if they do. They are not furnishing help and charging any fee. The only man I can compel to take a license is a man who is charging a fee for the position. If a detective agency is furnishing labor gratuitously, why, that wouldn't come under my department. I could, however, take him up if he misrepresents conditions. The moving of persons from one part of the State to another under misrepresentation is punishable with very heavy penalty up to the extent of a $2,000 fine.

Commissioner O'CONNELL. Did you make any observations of that kind?

Mr. McLAUGHLIN. Whenever any complaints are made to the department.

Commissioner O'CONNELL. But complaints usually must be filed first before you would give the matter attention?

Mr. McLAUGHLIN. Oh, yes.

Commissioner O'CONNELL. Does it come under your personal observation or have you at all made any official investigations where there are agencies employing men in this city for the purpose of sending out, or even in the city, men to take the place of strikers?

Mr. McLAUGHLIN. They won't operate very long until somebody will report it. Even their employing them in private employment offices and not charging any

fee, we have investigated and instructed them that they would have to tell these men the exact conditions under which they were being employed, and there isn't much of that. There has not been much occasion for it, to be candid with you.

The Stockton situation on now—there is one office in San Francisco which had an order, and he was instructed—reminded at least, and his receipts were shown that he had complied with the law.

They would, however, do this: Men were sent down to the Russ building, where they were employed for the M., M. & E., of Stockton, and our deputy called there and notified them they would have to notify those men they were going to a struck job, and he was satisfied that this was being done and the men thoroughly understood the conditions under which they were being employed.

Commissioner O'Connell. Suppose there appears in your morning or evening paper an advertisement for a number of men, mechanics of various kind and workmen, to apply at a certain room in a certain hotel or a certain room in a certain building here, would your office take any notice of that?

Mr. McLaughlin. If we noticed it, we sure would. If it happened to be called to our attention or if we seen it, we certainly would.

Commissioner O'Connell. What would you do in that case?

Mr. McLaughlin. We would go down and offer the man some money for a job in the first place, and, if he accepted, he was immediately locked up. If he didn't accept it, and had some other motive in view—that is, one of trying to induce men to become partners in business or some get-rich-quick scheme or other—we would cite him to appear before the district attorney and explain his position. We have done that many, many times. We have had attorneys that went into the employment agency business, and accepted a fee from a deputy in our office, and he was locked up in 10 minutes afterwards. We have all the authority of the sheriff in cases of that kind.

Commissioner O'Connell. That is all.

Chairman Walsh. Mr. Commons has a question.

Commissioner Commons. Do you have your own prosecuting attorney for prosecuting cases?

Mr. McLaughlin. We have an attorney in the department in this city.

Commissioner Commons. Does he conduct all cases of all kinds?

Mr. McLaughlin. Prosecutions?

Commissioner Commons. Yes, sir.

Mr. McLaughlin. Largely.

Commissioner Commons. You don't depend, then, on the district attorney or county prosecuting attorney?

Mr. McLaughlin. Not in San Francisco.

Commissioner Commons. Well, over the State at large?

Mr. McLaughlin. In the balance of the State we have to depend upon the county prosecutor.

Commissioner Commons. You have to depend upon the district or county prosecutor in the balance of the State?

Mr. McLaughlin. Yes, sir.

Commissioner Commons. You say in the city of San Francisco one of your deputies is prosecuting attorney?

Mr. McLaughlin. Oh, no; we have an attorney. There was an act passed at the last legislature that provided for the employment of an attorney for the department here.

Commissioner Commons. That takes the place of the district attorney or prosecuting attorney of the county?

Mr. McLaughlin. He represents the bureau in these prosecutions. Of course, his duty is not all confined to the city. A short time back we amended the eight-hour law for underground mines and tunnels to include railroad tunnels. The court held that the act didn't apply to them, and we amended at the last session of the legislature, with the result that after the law became effective, most of the construction companies immediately put the law into effect. Then they suddenly got the notion, I believe on account of some decision rendered in Utah or some place, that it was not constitutional, and they went back to the 10-hour day. We immediately notified them if they didn't desist we would arrest them, which we did, and one of the contractors was arrested in the vicinity of Colfax; he went up on a writ of habeas corpus, I having an understanding with the attorney for the construction company that if the superior court upheld the law he would go back to the the 8-hour day, and if it didn't, he reserved the right

to work the 10-hour day until finally decided by the supreme court. The superior court upheld the law. Our attorney had to go up there and prosecute that case. There is nothing to stop me from sending him to any part of the State I feel there is need for him.

Commissioner COMMONS. But you do depend upon the district attorney?

Mr. MCLAUGHLIN. To a large extent.

Commissioner COMMONS. How do you find their cooperation?

Mr. MCLAUGHLIN. Most of the attorneys do fairly well. Of course, you have this to contend with, and it is quite an obstacle in the enforcement of any law, you have the local political influence to contend with, and that makes it extremely hard to get them to be very active in the interests of the State if the man that is being prosecuted happens to be friendly with the party in power. In that case the best we can get possibly is a compromise with a plea of guilty with the fine remitted or an agreement from him that he will comply with the law in the future. If we get the result, we are not overanxious to send anybody to jail.

Commissioner COMMONS. Do you find in general that they take up the case in such way as you would do through your own attorney?

Mr. MCLAUGHLIN. Yes, sir; they generally go in with considerable vim and vigor, but generally relax a little bit before the case comes to trial.

Commissioner COMMONS. Is that quite general?

Mr. MCLAUGHLIN. Oh, I could say yes; very nearly general.

Commissioner COMMONS. What you mean to say is that at some stage of the game there is a compromise made in those cases?

Mr. MCLAUGHLIN. Very often we are compelled to, and I don't know when you get the result that it can be considered really harmful. If a man has been brought to trial and put to considerable trouble, possibly the employment of an attorney and the like, he is going to be careful about what he is doing in the future.

Commissioner COMMONS. So that you are satisfied with the system as it is?

Mr. MCLAUGHLIN. Well, it possibly could be improved, but I haven't got much complaint to offer in that respect. Of course, all our wage complaints—in the payment of wages we have been handicapped considerably as a result of the decision I spoke of a moment ago.

Take Alameda County; Judge Ogden rendered that decision, and immediately we were notified by the district attorney that we could not use his office any more for the collection of wage claims, so that makes it extremely hard to do anything over there. The same thing applies in Los Angeles County. There the district attorney, on account of a similar decision, won't do anything for us either. They have, however, down there, a public defender that we refer all these cases to, that we are unable to assist, and let him commence a civil action in their behalf. San Diego does fairly well. Sacramento does very good.

Commissioner COMMONS. What kind of work do you find that the claims come up, in farming or construction camps, or what?

Mr. MCLAUGHLIN. Very few farming complaints. Some, but very few. We have some complaints with construction camps, but as a rule when a man quits on that job they give him his time and he goes about his business and we don't have so much trouble with them. We will have more particularly complaints of hotels and restaurants and dishwashers and waiters and work of that kind. The bulk of those complaints I have mentioned is in this city and Alameda County, the bulk of them.

Commissioner COMMONS. The complaints then are not on account of large corporations?

Mr. MCLAUGHLIN. We don't have very many complaints that after investigation we find there is much merit to against the big corporations. It is more the smaller employer.

Commissioner COMMONS. That is all.

Commissioner WEINSTOCK. You expressed the opinion in the early part of your testimony, in touching on the I. W. W. movement, that it consisted chiefly of so-called "highbrows," who wanted to shock their friends with their radicalism and a handful of straggling workers.

Mr. MCLAUGHLIN. I think you have my testimony mixed with somebody else.

Commissioner O'CONNELL. That was Mr. Scharrenberg.

Commissioner WEINSTOCK. Was it Mr. Scharrenberg that made that statement. I thought it was you. How strong is the I. W. W. movement in California, from your observation?

Mr. McLAUGHLIN. Well, if you judge from the amount of noise they make, you would think there was an awful lot of them, but I fail to see where there is many of them. There is no record that anybody can get. There is this about that: The percentage of agitators I have found during the unemployed situation, I guess, is about 1 per cent, and they are largely Germans, and the balance of them follow along in the gang. They have nothing else to do; they are unemployed; they are around to see the fun. That is the way the thing works out here. As far as getting an idea of the membership of the I. W. W., I think it is impossible almost to give you any accurate figure on that. I think their strength is greatly exaggerated.

Commissioner WEINSTOCK. Do you think they are growing in the State of California in numbers? Is it an increasing or decreasing quantity?

Mr. McLAUGHLIN. I am inclined to think it is increasing a little bit. I think it is increasing as a result of the unrest in the minds of a great many. You know you can't blame them much. I believe the I. W. W. is possibly serving a pretty good purpose. Brother Scharrenberg outlined that awhile ago. They are giving the other fellow something to think about. The one organization that is standing between the employer and the destruction of property and everything else, is the American Federation of Labor, and he is trying to knock that down. It will give him some food for thought that he had better get down on the ground possibly and do business with those he can do business with.

Commissioner WEINSTOCK. You mean it is educating the employer to deal rather with the American Federation of Labor than the I. W. W.?

Mr. McLAUGHLIN. Yes, sir.

Commissioner WEINSTOCK. You offered two constructive suggestions to the commission to help solve this unrest problem. One was the construction of national highways at unattractive pay, so as not to take men away from legitimate avenues of industry, and the other one was that of compulsory savings. Now, if your idea should be carried out and if it should be possible to initiate a movement for the construction of national highways at unattractive pay, what is liable to be the attitude of organized labor on the question of unattractive pay? Is not organized labor likely to take the stand that the Government is establishing a low wage standard that is likely to be harmful to labor generally?

Mr. McLAUGHLIN. Well, it is a question of what you might consider a low wage. There are a good many of us differ on that subject. I believe a wage of $2 a day, possibly, the minimum wage established by the State of California, is a low wage. Some other man might say $2 a day is a high wage.

Commissioner WEINSTOCK. Take it with the unskilled labor generally, that is, the labor we find in the camps and on the farm and highways, would $2 be regarded as unattractive pay by them?

Mr. McLAUGHLIN. It would be to keep himself on $2 a day, because he gets $2.25 or $2.50 on other jobs.

Commissioner WEINSTOCK. The testimony that has been submitted by farmers is that the standard pay now in summer is a dollar and a half a day and board, and in winter, I think, something less than that. Now, take the maximum; of course, there are exceptional cases where they pay above that, but that is the average or standard. If that is the standard in summer, wouldn't $2 a day be, in fact, an attractive pay in winter in place of being an unattractive pay?

Mr. McLAUGHLIN. I don't think so, not with the cost of living as it is. It has always been the rule in construction camps that the meals should be 25 cents. In times gone by it was a little less, and now they are getting it up to 30 and 35 cents, and they will tell you that they can't make any money at that. If a man pays 30 or 35 cents a meal he is not going to have a great deal left to clothe and keep himself on $2 a day.

Commissioner WEINSTOCK. You pointed out, as I thought very effectively, that the situation of building highways during the winter months in order to absorb the surplus labor was not practicable, because highways could not be built in the winter except at almost prohibitive cost, on account of climatic conditions. Wouldn't that apply to the building of national highways just as well?

Mr. McLAUGHLIN. Yes; but the National Government can better afford to meet the expense than can the local community or State.

Commissioner WEINSTOCK. It would be in the nature of a subsidy?

Mr. McLAUGHLIN. Exactly.

Commissioner WEINSTOCK. Your idea is that the National Government could subsidize better than any one State?

Mr. McLAUGHLIN. And it is their duty to do it, in my opinion.

Commissioner WEINSTOCK. I presume a further reason is that if any one State attempted to do that the unemployed of all the other States would flock there and submerge them?

Mr. McLAUGHLIN. Yes, sir; particularly in California, where they have a pleasant climate.

Commissioner WEINSTOCK. And if the Nation does it, it is spread over the country?

Mr. McLAUGHLIN. If the Nation does it, it is spread over the country, and the work could be started all over the country.

Commissioner WEINSTOCK. On the question of compulsory savings, your other constructive suggestion, have you thought of any effective way of carrying that out? Have you thought of the machinery?

Mr. McLAUGHLIN. I haven't, possibly, given it a great deal of thought; it is hazy with me. Possibly it might be worked out in this fashion, and I think it should be done, if done at all, by the Federal authorities: That the employer should possibly pay 4 or 5 cents on the dollar, and the individual, say, pay 2 cents on the dollar or 4 cents on the dollar, whichever the amount may be that he would have to turn in, this amount to be deducted from the individual, and the other amount contributed by the employer, and these amounts would be turned in to some department that would hold them in reserve, subject to the call of the individual. That he would have some kind of identification. Or even a greater amount possibly than that. That he would have some system of identification whereby he could present it and get that money in any part of the country he might happen to be in.

Commissioner WEINSTOCK. Something like the postal-savings idea?

Mr. McLAUGHLIN. Something of that kind.

Commissioner WEINSTOCK. You wouldn't make that voluntary, but compulsory?

Mr. McLAUGHLIN. Well, that is, of course, a big question. I am satisfied there would be a lot of opposition to it, but I think it is a question of helping them protect themselves, that is all. Because I know this, that an awful lot of them will work long enough on the job to get a stake and then go to the nearest base of supply, the first town that has a saloon, and lay there a short while, get broke, and move on to the next place. That is what is occurring day in and day out with a lot of them. I want to say that that don't apply to some of our foreigners. Take our Italians and Greeks and Austrians; those men save money enough in the summer season to carry them over the winter. They are not a burden during this particular period we are discussing.

Commissioner WEINSTOCK. Who are—what nationalities?

Mr. McLAUGHLIN. Oh, they are largely of our own people; many Germans, many of them from our island possessions, principally Americans and Germans, I would say.

Commissioner GARRETSON. What is the temperamental difference between the Germans and Austrians?

Mr. McLAUGHLIN. I can't account for it. Nevertheless, they do save their money, and I had little trouble with them.

Commissioner WEINSTOCK. You think despite the fact that a system of compulsory savings would meet with opposition, that nevertheless it ought to prevail?

Mr. McLAUGHLIN. Yes, sir; I am inclined to say it should prevail. Something should be done to compel these men to keep enough of the money that they earn in the summer season to keep them in the winter season.

Commissioner WEINSTOCK. What machinery would you furnish to make these collections? If it was compulsory, you would have to have some machinery to do it.

Mr. McLAUGHLIN. That is a matter that would be worked out in detail by the department having supervision, whether our Postal Service or by compelling the employers to make a report as this commission now compels them. Your commission exacts that now, don't they?

Commissioner WEINSTOCK. The industrial commission?

Mr. McLAUGHLIN. Yes, sir.

Commissioner WEINSTOCK. Why, no.

Mr. McLAUGHLIN. Don't the commission insist on their paying a certain per cent on industrial insurance?

Commissioner WEINSTOCK. Oh, on industrial insurance. That is voluntary.

Mr. McLAUGHLIN. I know that, but they report that information to you.

Commissioner WEINSTOCK. For your information, it might be well to explain that in discussing this question of compulsory payment—that is done in Germany, where the Government collects from the employer and the employee and gives the cost of administration—in discussing that question with John Burns, labor cabinet minister of Great Britain, his statement was that the Parliament had seriously considered the question of duplicating that system in England, but on investigation they found that the cost of collection would be so heavy and the enforcement of the law would be so difficult that they abandoned the system, and, I take it, if it is difficult to enforce it in England——

Mr. MCLAUGHLIN. It would be extremely difficult in a territory like this.

Commissioner WEINSTOCK. Where there is a great deal less respect for the law than in England, it would be almost impossible to do it in this country.

Mr. MCLAUGHLIN. It would cost possibly a good deal more here.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. Let me ask one question of Mr. McLaughlin.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Do I gather from your attitude that you hold that if the State assumes a responsibility on behalf of a man that it also consistently can assume the right of compelling him to become a party to it?

Mr. MCLAUGHLIN. Well, I don't want you to take me too far on that. I object to being compelled to do anything.

Commissioner GARRETSON. Compulsory; does that convey any other meaning?

Mr. MCLAUGHLIN. I think possibly you could do that with a little education for a period. Try and educate these men up to what is for their own best interests; but when you tell a person he has to do something, after he has belonged to the trades-union movement, he objects.

Commissioner GARRETSON. Don't the trades-union movement say that very thing?

Mr. MCLAUGHLIN. He gives you that right when he takes his obligation.

Commissioner GARRETSON. What I want to get is, if your idea of this same allegiance to the State carries that with it?

Mr. MCLAUGHLIN. No, sir; I don't believe he would forfeit it as willingly to the State. The trade-union is doing more for him than the State at the present time.

Commissioner GARRETSON. It would be difficult, would it not, to make a compulsory plan of this kind effective, unless the power of the State is recognized to make him do it?

Mr. MCLAUGHLIN. I will admit anything you attempt to do will be difficult to enforce. I was only trying to give you my views on the subject.

Commissioner GARRETSON. That is what we are trying to get.

Mr. MCLAUGHLIN. I have given you the best that I have.

Mr. THOMPSON. Mr. Bogart.

TESTIMONY OF MR. HARRY R. BOGART.

Mr. THOMPSON. Kindly give us your name and your business address.

Mr. BOGART. Harry R. Bogart; 116 Lick Building, San Francisco.

Mr. THOMPSON. You are financial secretary of the Associated Charities of San Francisco?

Mr. BOGART. I am.

Mr. THOMPSON. How long have you held that position?

Mr. BOGART. I have been connected with the associated charities since the earthquake and fire.

Mr. THOMPSON. How many years is that, four or five years, now?

Mr. BOGART. Seven years.

Mr. THOMPSON. Seven years. In the work you have had to do as such secretary, of course you have come in contact with the unemployment problem of this part of the country?

Mr. BOGART. More or less.

Mr. THOMPSON. More or less. From that, have you any views as to its cause and as to what might possibly be done to relieve the unemployment?

Mr. BOGART. Well, I have thought a good deal of it; probably have some suggestions that, if worked out with some other suggestions, might be of value.

Mr. THOMPSON. You may either tell those generally, or you may answer the specific questions which were sent to you.

Chairman WALSH. If you can state it generally, we would be glad to have you do it, and as concisely as possible, Mr. Bogart.

Mr. BOGART. Well, Mr. Chairman, I would rather answer the questions as they were put down here.

Chairman WALSH. Very good. If you have thought them out or written them out, why, please do that.

Mr. BOGART. Give your opinion as to the cause of the periodical acuteness of the problem of unemployment. Of what importance are the following factors:

Maladjustment: Well, that is a problem that in a climate like California is pretty hard to adjust, for the reason that our unemployed, as a rule, in California during the winter months are not all people that belong to California. We get a great many from Oregon; we get a great many from Utah. And in that way it is a pretty hard thing to adjust.

The excess of the total supply of labor over demand: That was answered by the other one, because during the winter months in San Francisco we have a great many men that don't belong there. We have men that go to the fisheries—about 6,000 of them that go to the fisheries in April and come back here in October. We have men that work in the construction camps in Oregon that come here. We have them in Utah that come here because the climatic conditions in San Francisco are better than they are in the other States that they are leaving.

The existence of a class which will not work: That is a very small class. There is a class of men that won't work because they can't. They are disqualified, in fact, for the labor market.

In my connection as secretary of the Cooperative Employment Bureau, half of the men that apply to us there for meals and lodging are men that will work if they could get light work—work that they can possibly do; but about half of the men that come down there, to send them out to labor work would be absolutely foolish, because almost 50 per cent of the men can't do it. I should say they are in that condition either from lack of nourishment or from disease of some sort.

Existence of class which can not work: That has been increasing in San Francisco, as far as I have been able to find out. For instance, this is the first year in the existence of the city and county of San Francisco that our relief home and our city and county hospitals have been filled at this time of the year. There has always been room for 100 to 150 men in our relief home in San Francisco at this time of the year, and there has not been a vacancy during the whole of this summer.

Periodical and seasonal variations in demand for labor: There is a greater demand for labor in San Francisco during the summer than there is in winter. I do not know of any way, unless as Mr. McLaughlin said, work could be done on State highways. During the winter months that work on the State highways should be held off until the unemployment in the country, on the fruit ranches, farms, construction camps, etc., slows down, and then put these men onto that sort of work.

But there is another thing outside of that, conditions in California not allowing that(particularly in regard to the State law and the county law. They do not provide for a man to work that does not belong to the city or to the county or State.

For instance, in San Francisco, a man to work even in the sewer work, digging sewers under contract, is supposed to be a citizen of San Francisco and a voter. The same way with California. You can not work men on the highways of California unless he is a citizen of California; and 50 per cent of the men that we found last year in our unemployment work here were not men that belonged in California, but were residents of other States.

Is the responsibility for unemployment social or individual? Well, 2 per cent is very conservative. The social conditions are easily the cause of unemployment.

Is the extent of unemployment increasing? Well, it is increasing in the last two years. There is an increase in our work, both to the associated charities and the Cooperative Employment Bureau. In the last two years the associated charities, through its own activities and the activities of the Cooperative Employment Bureau, have spent over $45,000, something that it could have ill afforded to do on account of its financial condition, because last year there were about twenty-three or four thousand dollars of its own money, besides money that was used by the city, by the citizens' relief committee, used on the unemployed; but their money was used for the unemployed married man only, with a family.

Give your opinion as to the character of men in the army of the unemployed: To what extent are the following classes represented—men honestly out of work? Well, last winter our registration showed a little over 7,000, about 7,078 men, and of that number probably about 3,500 of them worked. The other 3,500 were always asking for free meals and free lodging. And that would have been carried on probably all during the winter if we had not made a restriction that the man that did not work did not eat. We so arranged the registration card and the card of identification that we gave him that he could not get into the kitchen or into the dining room for a meal unless his registration card showed that he had either applied for work or had been given four days' work.

We found very soon after that our meals dropped just one-half. Those men that dropped out were the men that formed Kelly's army. Those were the men that were quartered at Fifth and Howard Streets and did not work at any time for the 20 cents an hour—just one-half of them.

Men who won't work: Well, there is a class of men who won't work. For instance, San Francisco County, the city of San Francisco, contributes about $125,000 a year to the man that begs on the street. That is an estimate of the police department, that there is that much money collected by that class of men. They may call it work.

Commissioner WEINSTOCK. You mean men that receive alms that are handed out on the street?

Mr. BOGART. That are handed out on the street.

Commissioner WEINSTOCK. One hundred and twenty-five thousand dollars a year?

Mr. BOGART. One hundred and twenty-five thousand dollars a year.

Commissioner WEINSTOCK. Distributed among how many men, approximately?

Mr. BOGART. Well, I should say every day in San Francisco that there is in the neighborhood of from 100 to 125 begging on the streets.

Commissioner WEINSTOCK. That would be a thousand dollars a year a man.

Mr. BOGART. At this time of the year. At this time of the year there is that amount of men. I do not know in the wintertime how many men there are, or how many men that the police think get some of that money, who go around from home to home, but that was the estimate given by the police.

Commissioner O'CONNELL. What method have the police department of gathering those statistics?

Mr. BOGART. I don't know.

Commissioner O'CONNELL. Have they a cash register somewhere on the street corner?

Mr. BOGART. I do not know. It was simply a question that we asked the police department, if they had any idea of the amount of money that was collected in the city of—county of—San Francisco, and they said about $125,000 a year.

Commissioner O'CONNELL. That was just a guess. No method of scientifically getting at that, is there; is it possible?

Mr. BOGART. I do not know that there would be any scientific method of getting at that.

Commissioner O'CONNELL. Does that include men and women?

Mr. BOGART. We particularly asked for men. Our question to them was, "What is the amount of money contributed annually to the man that begs on the street?" and the answer was, "Approximately $125,000 a year." There are men in San Francisco that have been in San Francisco for years making $2, $3, and $4 a day.

Commissioner O'CONNELL. Are they professionals?

Mr. BOGART. Yes.

Commissioner O'CONNELL. Do they get themselves up particularly in shape for that sort of thing; butter up their faces, apparently, tie up their arm, or fix up their knee, or something like that—walk on their knee?

Mr. BOGART. Well, no; they are really cripples. Take the hunchback, the man on crutches, the man with one arm off, an arm paralyzed, or some condition of that sort.

Commissioner O'CONNELL. Is it systematized; is there an organized society of professional beggars, man who hire men—make a specialty of that sort of thing?

Mr. BOGART. Well, there is in town here institutions that go around from house to house, from store to store, and ask for donations and subscriptions.

Commissioner O'CONNELL. I don't mean societies.

Mr. BOGART. I do not know what you call them; I don't know whether you call that begging.

Commissioner O'CONNELL. We have heard in the larger cities where there are men who make a profession of preparing men to become professional beggars.

Mr. BOGART. Nothing of that sort in San Francisco that I know of.

Agitators: We had two or three agitators here last year that probably kept the 50 per cent that did not work last year for the dollar and twenty; kept them from working.

Commissioner O'CONNELL. Who were they?

Mr. BOGART. Mr. Kelly, Mr. Thorn, and Mr. Buck, and probably two or three others. I know there were two or three others, I can't remember their names, that advised the men not to work for the dollar and twenty a day which was offered them, not as a wage, but as a relief measure. It was not offered; we told them when we started work that it was not offered to them as a wage. We offered it as a relief measure. We were not trying to make that man work for that wage, just simply enough to keep him together, by giving the man four days' work altogether a week at $1.20 a day, so that it would tide them over until they could get work. Not that we wanted to do any work, for the fact of the matter is, the work that was done with these men at $1.20 could have been done cheaper at $3 a day according to the report of the board of public works, because they did that by hand; they had no cars or dump wagons or anything of that sort, and the work was done with men.

Commissioner O'CONNELL. It wasn't a matter of economy to employ them for a $1.50 to $2 a day?

Mr. BOGART. According to the statement of the board of public works it was not; they could have done it cheaper for $2 a day. They could have had it done cheaper by contract.

Commissioner WEINSTOCK. You mean the cost per cubic yard would be less?

Mr. BOGART. That is the report made by the board of public works; yes.

Chairman WALSH. Proceed.

Mr. BOGART. As I said before, there is a large class of men that are unemployable from the standpoint of labor. We have had men that come down to us in the last three and a half years—we have handled down at our Cooperative Employment Bureau 8,181 different men—supplying them with their meals and lodgings and, whenever it was possible, placing them out in permanent employment. Of these 8,181 men 50 per cent of them were not fit for laboring work; neither were they fit for clerical work. A good deal of it was disease and a good deal of it was lack of nourishment—the sleeping underneath sidewalks and the sleeping along the railroad tracks, where they got all doubled up with rheumatism or crippled in some way—absolutely impossible for them to use the pick and shovel or any hard work of that sort.

But the State could put about 75 per cent of those men back on their feet so that they would make good laborers, if they had such a thing as a State farm or a State—well, yes, a State farm where these men could be taught to do some sort of work that they could get after they go out of there.

For instance, the man that is picked up in the streets of San Francisco for vagrancy is given 30 or 60 days at the county jail. The time he is out there at the jail he does not work at all; he just lays around and smokes cigarettes and has a good time at the jail, and comes out in exactly the same position.

If he was put on a State farm instead of in the jail and taught to use the pick and shovel, the pruning of trees, or some sort of agricultural work, and kept in there long enough—until the superintendent or the instructor out there said that that man was able to go out and do agricultural work or pick-and-shovel work—about 75 per cent of them could be made respectable citizens and an addition to society.

"Give your opinion as to the effect of the unemployed periods on individuals. Are these periods factors in the physical and moral degeneration?" Yes. Naturally a man being out of employment for any length of time, it is going to reduce his moral and physical welfare. If he hangs around, if he gets into a cheap lodging house or a cheap charitable place, where he gets no care or proper food, he gets in with a crowd of men that he is not in the habit of getting into; he is going to go down the same as the 50 per cent of those other men that we handle down at the wood yard.

"To what extent are discontent and social unrest traceable to unemployment?" That is answered in almost the one above. The man that is unemployed for any length of time of course is discontented. I would be, or anyone else would be that was out of a position for any length of time. He would get discontented with his condition. It is natural.

"Give your opinion of the following methods of alleviating or doing away with unemployment:"

Forcible breaking up of the army of the unemployed: Well, I don't believe that that would do any good. If they were doing nothing against the law, I don't believe that they should be broken up. I do think this, and I thought it last winter while this unemployed army was walking up and down Market Street saying things that should not have been said; I think that they should have been—the ones that said those things—taken out of the ranks and told to get away from there, not only by the city officials but by the men that were trying to do a certain good by their marching up and down the streets. There were things said last winter that possibly should not have been said.

Organized charity: Organized charity is not in a position to handle the unemployed problem—never has been, only in a temporary way. It does a good deal of work. It does about $16,000 or $13,000 of work—that is, the associated charities does—every winter in taking care of them.

Commissioner O'CONNELL. Can you tell us there, is that your total amount of work, $16,000 or $18,000?

Mr. BOGART. Amongst the unemployed, able-bodied men that would be able to work if they had work.

Commissioner O'CONNELL. What does it cost you to distribute that; what per cent?

Mr. BOGART. Well, our auditor's report for 1912 showed that a little over 9 per cent of the receipts of the associated charities were used for administration and clerical service—everything that went into administration. The balance of it, 91 per cent—almost 91 per cent—was used for relief.

Commissioner O'CONNELL. That is, of your entire income?

Mr. BOGART. Yes. There is no more—it doesn't cost any more to administer the unemployed that we have here than it does the rest of our work.

Commissioner O'CONNELL. It costs you about 9 per cent to distribute your income?

Mr. BOGART. Yes.

Commissioner GARRETSON. Out of every dollar that you get in, 91 cents goes back?

Mr. BOGART. Goes into relief.

Commissioner GARRETSON. For the people to be benefited?

Mr. BOGART. Yes, sir. Our auditor's report shows that last year, and probably will show less this year.

Commissioner GARRETSON. Doesn't it really cost less to reach the unemployed than your other forms of work?

Mr. BOGART. Yes.

Commissioner GARRETSON. It comes largely to you?

Mr. BOGART. Yes. Our work amongst our sick class costs a great deal more, because the unemployed family will come to us and they will be given there their relief right direct without a lot of investigation, which is necessary with the sick and the planning for the sick.

Farm colonies: Well, there are two kinds of farm colonies that do good—that is, the one that I have spoken about to train the men to work. And then there is the other one. There are a great many families in San Francisco and all over California—in fact in the United States—who would probably go out onto the land if they had the opportunity.

I have four or five cases in mind now where we have taken Spanish families that were from in the Hawaiian Islands; that came over here from the Hawaiian Islands on account of the long hours of work over there, and got into San Francisco. They were agricultural people in their own country. These families were taken down, their transportation paid, and enough money given them for their first two weeks' provisions in Huntington, which is just outside of Los Angeles. These families—there were 21 of them taken down there, and there are 18 of them still there. That is two years ago. They are still there, and those farmers for whom they are working—it is in the beet-sugar industry—say that they haven't had a better class of workmen than these men with their families. They would not go away from there for anything. Some of them are getting two and a half and three dollars a day, with the free rent of their cottages, and enough ground to plant their own vegetables and truck gardens.

That shows that if they would go down there and do that on rented ground, or, rather, on ground for their wages, that if they had the opportunity to go out on a 10 or 15 or 20 acre tract of land, they would more than likely go. And every one of those you get out on a place of that sort you lessen the number of unemployed in your city.

Commissioner GARRETSON. Did you hear the testimony of Mr. Lilienthal this morning?

Mr. BOGART. I did; yes, sir.

Commissioner GARRETSON. Do you believe that the plan or idea that he advances is a tangible, practical one?

Mr. BOGART. The one——

Commissioner GARRETSON. Land tenure.

Mr. BOGART. Yes, I do. I think it ought to be done. For instance, we have now a committee composed of five or six different organizations working on a scheme for the temporarily unemployed this winter. That is a temporary plan of relief. We have another one working with the idea in mind of establishing or getting the State to establish State employment bureaus. This committee has been working for two months, every Thursday night, putting in a good deal of time on it. And we have discussed there at great length, and had somebody down from Sacramento to talk this farm colony over with us, and he has brought down a map showing the amount of available land in California and where it is located, etc. And it is very possible that within the next couple of months some sort of report will be ready to show what can be done on that land and the number of families that it will accommodate.

Commissioner GARRETSON. Will you furnish a copy, when it is made, to the commission?

Mr. BOGART. I can; yes.

Commissioner GARRETSON. Very glad to have it.

Mr. BOGART. Unemployment insurance: That is a problem that the secretary of the associated charities and myself have discussed a good deal. And we see a danger in it. We see a danger of the man that might and will probably take advantage of the fact that he will get a certain wage or a certain sum of money if he does not work. Yet it might be a good one with the family man if he was supposed to have paid into this unemployment fund a certain amount of money. For instance, if he was to pay in 7 cents on every dollar that he got, or 5 cents on every dollar that he got, and the employer that he was working for at that time put in half of that amount, or 4 cents when he puts in 7—that might possibly give the man the opportunity to tide himself over during the winter months. Of course that is something I am not able to answer very thoroughly now because we haven't gone into it far enough.

Labor exchanges: As I said before, a committee of five or six different organizations are trying to work out a plan similar to the one in operation in Wisconsin, a plan to handle the unemployed through a chain of employment bureaus throughout the State, conducted by the State. Because we think, and it was one reason why we established our cooperative employment bureau, we don't think a man that wants work should have to pay for his job. A man is entitled to work without having to pay $2 or $2.50 for his job, if the job is there for him to have. And that is one reason why we have been thinking and talking over these labor exchanges for the last two or three months.

Commissioner GARRETSON. The wider its field the more effective it would be?

Mr. BOGART. Sure. If you can get the bureaus all over the State, San Francisco at times may need a lot of men that Stockton might have, and Fresno might have, and vice versa.

Commissioner GARRETSON. Or all over the Union?

Mr. BOGART. Yes, sir.

"To what extent is the present employment-agency system responsible for unemployment?" Well, I can't say that it is responsible for very much unemployment, yet at the same time it is, for this reason: We have men come to us—if we were to pay the fees of men that could get jobs at the employment bureaus in San Francisco, it would require us to have a fund of about $45,000 or $50,000 a year. Men come to us by the dozens saying: "I see a job at Brady's I can get for $1.50 or $2, and the transportation is free. It is a job that I can do. It is milking cows, or something of that sort. Can you give me the $1.50 or $2 fee?" We did that, but we had to quit after awhile because we found that we had a chain of men there that would bankrupt us. So I think if a free labor bureau was established, that that part of the unemployment would be stopped.

Stricter regulation required: I think that the labor bureaus in San Francisco should be restricted a little more than they are. For instance, men are shipped all over the country. They ship men from here to Nevada during the summer months. They ship men from Nevada to San Francisco or the vicinity of

San Francisco, on contract work. There must be some reason in doing that, whether it is on account of the fee they get, or whether it is to keep these men going to and fro on account of getting their fees, is another thing. But I think that the enforcement of laws stricter than that what they are on the employment offices, and looking into their dealings more thoroughly would be advisable.

Are State or Federal labor exchanges advisable? Well, I have answered that in my one above.

Suggest methods of dealing with the unemployed: There is not any method that I can suggest outside of the one that I have of the labor exchanges and the State farms, and the State training schools, you might call them; outside of the one that has got to be handled this winter. There is a problem that we are coming to face this winter, and that was another reason that this committee has been working on the thing. We see it coming, and it is going to be almost the same question this winter as it was last winter, of getting these men to work for what we call a relief measure and not a wage.

It will be impossible in San Francisco at this time to raise a sufficient sum of money to put the men to work at more than 20 cents an hour. And I doubt whether we are going to be able to raise money in San Francisco to put the men to work for that money, unless we get something through our city treasury. Last winter a man worked four days at 20 cents an hour, six hours per day. He wasn't allowed to work the six days unless for some very good reason. If a captain of a police station or somebody we knew and could rely on came in and said, "You have got so-and-so working on this job; he has got a wife and seven children," well, in that case we would give the man more hours' work, and the full six days in the week.

Commissioner GARRETSON. In other words, you based it on subsistence instead of remuneration?

Mr. BOGART. Yes; exactly. That is about all, Mr. Chairman.

Chairman WALSH. That is all, thank you.

Mr. THOMPSON. Mr. Bonheim.

TESTIMONY OF MR. A. BONHEIM.

Mr. THOMPSON. Mr. Bonheim, Mr. Weinstock wishes to ask you some questions on the subject of unemployment.

Mr. BONHEIM. All right.

Commissioner GARRETSON. Better get his name into the record.

Chairman WALSH. Give the name.

Mr. THOMPSON. You might give your name and address.

Mr. BONHEIM. A. Bonheim; Sacramento.

Mr. THOMPSON. Your business?

Mr. BONHEIM. Merchant and banker.

Mr. THOMPSON. How long have you been located there?

Mr. BONHEIM. Thirty-eight years.

Mr. THOMPSON. Thirty-eight years. All right, Mr. Weinstock.

Commissioner WEINSTOCK. Have you any suggestions, Mr. Bonheim, that you can give this commission in the matter of dealing with the unemployed?

Mr. BONHEIM. Yes; but I can only go over the matter from the standpoint of Sacramento, not from that of San Francisco.

We had the experience of about 1,500 unemployed last year in January. The men that came at that time were men who wanted to work, and finally after they were given work on the levees of Sacramento they accepted it and worked faithfully.

In March, I think it was in March, about 2,500 people came from San Francisco. San Francisco, of course, claimed that they did not send the 2,500 men to Sacramento, but they admitted that they sent the 2,500 men and paid their passage from San Francisco to Oakland. Oakland in turn sent them to Benicia. Benicia sent them to Sacramento. Sacramento——

Chairman WALSH. Mr. Bonheim, would you please try to pitch your voice a little higher?

Mr. BONHEIM. Yes.

Chairman WALSH. I can barely hear you, and I know the audience out here would like to hear you.

Mr. BONHEIM. Sacramento in turn sent them to a small town of Roseville, which is in Placer County right adjoining Sacramento; also to Woodland, Yolo County. And as a result the committee in Sacramento arrived at the conclusion that this was not a problem for a municipality to solve, but a problem for the State and Nation in conjunction with each other cooperating.

Now, the solution that I would offer would be to go to the National Government and ask the National Government to pass a new law giving to the State the privilege of clearing and farming, say, 50,000 acres of land which at present belong to the forest reserve. The forest reserve, as I understand it, has in the neighborhood of 19,000,000 acres of land that is not being occupied and it is not for sale. The State or National Government also has in the neighborhood of 250,000 acres or more of land, of United States lands, which are held for purposes of settlement, which can be taken if people will live on them for three years and homestead them. But that land is not quite as good as the forest reserve land, which is about one-fifth of the State of California, and the State of California has in the neighborhood of 158,000 square miles. One-fifth of that is forest reserve, and that would be in the neighborhood of 19,000,000 acres.

Now, all that California would require would be in the neighborhood of 50,000 acres. That will require a law to give this land to the State of California, or to the committee formed here for that purpose, under the supervision of the railroad commission, say, or some Government commission to be appointed for that purpose. The problem must be divided into two propositions. First, to take care of the unemployed who move from town to town during the summer, who find ample employment in summer but none in winter. Now, clearing of lands is not farming. Clearing of lands can be done in November, December, January, February, and March, during the period that is wet and rainy, and when the climate for outdoor work is not quite as desirable as in summer. Clearing this land would mean to make it more valuable to the State, not wasting any money, not throwing away, as charity does, so and so much money, or wasting 9 or 10 or 20 per cent in distributing, but every penny spent would mean increasing the value of the land through the clearing.

Of course, this could be tried with one or two or three thousand acres. After clearing a thousand acres the unemployed, during those months, might also be employed for fencing it. Some of the mountain land might be terraced. It is excellent land for growing peaches, apricots, and apples, but particularly olives. The olive industry is a very profitable one.

So that the question of employing the army of unemployed would be solved by labor of that kind, which any man could do. Besides the lumber could be prepared. There is another industry. The wood could be cut and sold. After the land is cleared and fenced, select good men wanting to farm but without means to cultivate it. These could be assigned, say, to 20 acres of land. They could farm this tract and, for the time being, say for a period of five years, they would not be required to make any payments whatsoever. After five years the cost plus the interest of the land would be charged to the farmer, and he would pay, say, at the rate of 5 per cent a year for 20 years, the cost of the land, including interest, plus everything that was put on the land.

If the State takes hold of the proposition, there is no need of issuing bonds. But if the State does not wish to take care of the problem, it will be necessary to issue, say, $250,000 in bonds and sell them to the merchants and bankers of the State.

Following reasons would induce the capitalist to buy the bonds: First, it would be a matter of self-protection against a menace that will grow and grow and grow from year to year. In place of asking the merchants to pay for the bonds in coin, we should ask them to furnish the material which these men will require. For instance, a lumber firm would furnish a certain amount of lumber to build houses. A hardware firm would furnish the locks, the nails, and whatever hardware would be required. The seed man to furnish seeds; the nursery man to furnish the plants and the trees. In that way the system could be carried out with little cost and in a practical manner. In dividing the land, in place of selling it in rotation, sell every alternate 20-acre tract. Leave the adjoining tract to the one sold vacant, enabling you to give the farmer employment on the second tract, adding the expenditure to the cost of the second tract, which is being improved.

Secondly, if the farmer was successful and wanted to increase his acreage, say, in 10 years, he would be able to get 20 acres adjoining 10 years later, making it possible for him to own 40 acres, which would be quite an advantage and inducement to exert himself.

This is the plan quickly outlined, and I think it is practical for the solution of the problem to a certain extent. The problem of the unemployed is, of course, a serious question, and it requires considerable effort to meet it. I believe it can be met by giving the workingmen who move from work to work in

different locations simple work they can do—work which requires very little experience and can be taught by a superintendent in one or two hours. In addition establish State employment offices. When these men arrive register them, stating their trade, their vocation, age, and capacity. As soon as the State employment offices can obtain a job for a blacksmith, send him immediately to the place where he is needed, and in that way reduce the number of unemployed from day to day.

Commissioner WEINSTOCK. Has it been ascertained definitely how many acres of land the Federal Government has in reserve, for example, in the State of California?

Mr. BONHEIM. Nineteen million acres.

Commissioner WEINSTOCK. Nineteen million acres?

Mr. BONHEIM. Yes, sir.

Commissioner WEINSTOCK. How much of that land, so far as you know, is arable?

Mr. BONHEIM. I am told three-fourths of it. I wouldn't want to state that positively. It would be necessary, perhaps, for the University of California to send two or three men from either Davisville or the agricultural station to examine it and report on it.

Commissioner WEINSTOCK. How far is that land located from transportation?

Mr. BONHEIM. A good part of it is within easy reach.

Commissioner WEINSTOCK. Is it within easy reach of railroad facilities?

Mr. BONHEIM. The railroad facilities are within 10 to 20 miles.

Commissioner WEINSTOCK. The idea, as I understand it, would be to have Congress set aside a certain portion of that land?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. And throw it open to settlement under the direction of the State of California?

Mr. BONHEIM. Fifty thousand acres.

Commissioner WEINSTOCK. Fifty thousand acres?

Mr. BONHEIM. Out of 19,000,000.

Commissioner WEINSTOCK. That is, it is to practically present the State of California with 50,000 acres?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. Without compensation?

Mr. BONHEIM. They don't ask any compensation now. Anyone can get this land by living on it for three years.

Commissioner WEINSTOCK. Then the State of California in turn is to issue bonds aggregating $250,000?

Mr. BONHEIM. Yes; they can; or a private corporation can issue bonds.

Commissioner WEINSTOCK. Issue bonds, say, of $250,000?

Mr. BONHEIM. Yes; by the State or a private corporation.

Commissioner WEINSTOCK. And this $250,000 is to be used in what way?

Mr. BONHEIM. Partially as an inducement to settlers to build homes, but mainly to furnish them the material they require to build them, and add that to the value of their land.

Commissioner WEINSTOCK. This land is to be sold in small parcels to prospective colonists?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. At what valuation?

Mr. BONHEIM. At whatever it costs the committee or the State to clear and prepare it.

Commissioner WEINSTOCK. At actual cost?

Mr. BONHEIM. At actual cost plus 6 per cent interest.

Commissioner WEINSTOCK. To be paid back in small annual installments?

Mr. BONHEIM. In 20 annual installments.

Commissioner WEINSTOCK. Over a period of 20 years?

Mr. BONHEIM. Twenty-five; the first five years no payments at all.

Commissioner WEINSTOCK. How are these colonists to be selected, by whom?

Mr. BONHEIM. They would have to be selected by a committee appointed for the purpose or by a commission.

Commissioner WEINSTOCK. That is, you pick out only the fit?

Mr. BONHEIM. Only those that bear a good reputation and are sturdy and strong and are willing to work. The motto must be: "Nothing without labor."

Commissioner WEINSTOCK. Now, how are these moneys to be paid back by the colonists in their annual installments?

Mr. BONHEIM. Either to the private corporation which issues the bonds or to the State, returning it to the State treasurer, if the State treasury advanced the money.

Commissioner WEINSTOCK. What would prevent these colonists from selling out their holdings to some land grabber?

Mr. BONHEIM. There would be a clause in the original agreement that would prevent it.

Commissioner WEINSTOCK. Well, if they wanted to drop out, what would they have to do with their holdings?

Mr. BONHEIM. Sell it to some one else—to the next comer.

Commissioner WEINSTOCK. And they would not be permitted to buy the adjoining property?

Mr. BONHEIM. No, not until after 10 years. They have to prove they are worthy of it. That gives the man an inducement to do good work and holds out some sort of a hope to increase his acreage right close by.

Commissioner WEINSTOCK. Now, the first step, according to your idea, as I gather it, is to employ the unemployed in the clearing of this land?

Mr. BONHEIM. Yes, sir.

Commissioner WEINSTOCK. Most of this land, I take it, is wooded?

Mr. BONHEIM. Yes, sir.

Commissioner WEINSTOCK. And how would you support these workers, by the clearing of the land?

Mr. BONHEIM. Sale of the wood.

Commissioner WEINSTOCK. Supposing that would be insufficient?

Mr. BONHEIM. Perhaps it would be necessary to furnish the farmers with lumber to build their homes, and if that was not sufficient income, take it from the bonds that are issued for the time being.

Commissioner WEINSTOCK. You mean subsidize the men?

Mr. BONHEIM. What would you call subsidizing?

Commissioner WEINSTOCK. Well, suppose the sale of the wood was not enough to pay for clearing the land, would you take the balance necessary from the sale of bonds?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. Would yield a wage not to exceed a dollar a day?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. And suppose it costs a man, if he had a family, $2 to $2.50 a day to live, how would you make up the difference between the dollar and the actual sum?

Mr. BONHEIM. From the sale of the bonds.

Commissioner WEINSTOCK. You are really subsidizing in this case.

Mr. BONHEIM. I would only pay them a sufficient amount to live on, as has been said here a number of times to-day. The idea is to find something to do for the unemployed to bridge over a certain time during the year, and that wage should not be so attractive as to make them wish to retain the work.

Commissioner WEINSTOCK. Well, but as I understand the plan as outlined, it is not merely to bridge him over a period, but the idea is to make these men permanent settlers there.

Mr. BONHEIM. That is the second class. That is, the members of the army of the unemployed, as it is named, are not men that would be likely to become farmers and remain permanent on the land.

Commissioner WEINSTOCK. Oh, I see. Then you differentiate and divide the unemployed into two classes?

Mr. BONHEIM. Two classes.

Commissioner WEINSTOCK. A, those who are temporary workers, and who would be utilized to clear the land.

Mr. BONHEIM. Virtually blanket men—carry their own blankets and go from farm to farm and from town to town.

Commissioner WEINSTOCK. And B, the class that would be chosen from the unemployed to become permanent settlers.

Mr. BONHEIM. You asked the question how they were to be selected. You could not select from the blanket men. You have to select from the sturdy, strong, and willing to work; men who have a good reputation and want to farm.

Commissioner WEINSTOCK. Is this the scheme that the witness who preceded you had in mind?

Mr. BONHEIM. Yes; I think so.

Commissioner WEINSTOCK. When he said it was under contemplation now?

Mr. BONHEIM. I don't think you can say it is under contemplation. It is simply submitted to the Commonwealth Club, who have taken it up and considered it, and have a meeting every Thursday night to discuss it.

Commissioner WEINSTOCK. And, I presume, have worked out a plan on paper?

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. And your first step, I take it, would be to get congressional action?

Mr. BONHEIM. No.

Commissioner WEINSTOCK. To set aside this land?

Mr. BONHEIM. No. The first step would be to ask the University of California to send several men out without expense to select land suitable for farming.

Commissioner WEINSTOCK. Exactly.

Mr. BONHEIM. Yes.

Commissioner WEINSTOCK. Assuming they have done that, what would be the next step?

Mr. BONHEIM. The next would be to interest our Congressmen, our Senators, Secretary of the Interior, and the President himself, who is very much interested in the matter, to overcome the question by adopting proper legislation.

Commissioner WEINSTOCK. To get Federal action?

Mr. BONHEIM. To get Federal action; yes.

Commissioner WEINSTOCK. Congress having passed the proposed act, sets aside how many—500,000 acres?

Mr. BONHEIM. No; 50,000 acres.

Commissioner WEINSTOCK. Fifty thousand acres? Then what would be the next step after that?

Mr. BONHEIM. The next step after that would be a decision by the State whether the State would undertake to take care of the financing of the plan.

Commissioner WEINSTOCK. To finance it?

Mr. BONHEIM. To finance it. Or whether it would be necessary to get a private corporation to do so. But either way it can be done without great difficulty.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. I want to ask one question on that last phase—private-corporation financing.

Mr. BONHEIM. Excuse me. Under the supervision of the railroad commission or some Government commission appointed——

Commissioner GARRETSON. Under whatever term——

Commissioner WEINSTOCK. State supervision?

Mr. BONHEIM. Yes.

Commissioner GARRETSON. Yes. Under State supervision, and men are chosen to go on there; failure results, because it has, as far as my knowledge goes—that is an untried experiment. It is reasonable to assume, is it not, that there will be a large percentage of failures on the part of those individuals chosen?

Mr. BONHEIM. You ask that?

Commissioner GARRETSON. Yes; I was asking.

Mr. BONHEIM. I hardly think so, because it is, you see, so extremely easy for them to meet their obligations that it is hardly possible to ever fail; but if one man makes a failure there will be some one else to step in his shoes.

Commissioner GARRETSON. Assume, though, that it might fail. I understood from your earlier testimony that there is not to be an open market for this man to dispose of any equity or vested right that may have grown up in him.

Mr. BONHEIM. No. Well, it would be necessary to make an agreement with each farmer, and that agreement could be made in any way that the commission would see fit——

Commissioner GARRETSON. Yes.

Mr. BONHEIM. I would not want to determine that to-day definitely.

Commissioner GARRETSON. You spoke of preventing the land-grabber?

Mr. BONHEIM. Yes.

Commissioner GARRETSON. From getting into the camp.

Mr. BONHEIM. Yes.

Commissioner GARRETSON. If there were a sufficient number of failures, would not that land fall into this corporation at charity prices?

Mr. BONHEIM. Well, I can't imagine, I can't agree with you, that there would be many failures. It seems to me almost impossible that there could be failure. A man can get 20 acres of land, say, for $1,200, that would include all interest

and expenses, and only need to pay $60 a year. For first five years free, the first five years he makes no payments at all; after the first five years he begins to make his payments. That is for the purpose of giving the farmer an opportunity to get started. At the end of five years he ought to be on his feet.

Commissioner WEINSTOCK. Nothing for interest for the first five years?

Mr. BONHEIM. No.

Commissioner WEINSTOCK. The man would have to make no payment at the start?

Mr. BONHEIM. None whatsoever.

Commissioner WEINSTOCK. None whatever?

Mr. BONHEIM. No, sir.

Commissioner GARRETSON. It is fair to assume that a considerable percentage of the failures would not develop, might not develop until after the first five years was up. But even then, if any reasonable amount of lapses did occur, there would be quite a lot involved in it, wouldn't there?

Mr. BONHEIM. No; I think not. The supervision must be so strict that there can be absolutely no profit to any organization which undertakes it, or any commission that is appointed; there must be not a penny wasted, not a thing that would make it possible to be earned by private corporations, by a member of the corporation or by a member of the commission.

Commissioner GARRETSON. Or by the corporation itself?

Mr. BONHEIM. Or by the corporation itself.

Commissioner GARRETSON. No residuary interest?

Mr. BONHEIM. Absolutely none.

Commissioner GARRETSON. That is all.

Chairman WALSH. Thank you.

Mr. BONHEIM. You are quite welcome.

Chairman WALSH. The commission will now stand adjourned until Monday morning at 10 o'clock.

(Whereupon, at 3.50 o'clock p. m., on this Saturday, the 29th day of August, 1914, an adjournment was taken until Monday, August 31, 1914, at the hour of 10 o'clock a. m.)

STATEMENT OF MR. F. H. AINSWORTH.

FEDERATION OF FEDERAL CIVIL SERVICE EMPLOYEES,
San Francisco, Cal., August 31, 1914.

THE COMMISSION ON INDUSTRIAL RELATIONS,
San Francisco, Cal.

SIRS: I am constrained to address your honorable body in behalf of a class of workers from whom, I judge, you have had little if any testimony. I refer to the employees of the United States Government under the civil service. There is in this city an organization among such employees known as the Federation of Federal Civil Service Employees, and the purposes of the organization are to improve the condition of the civil service and to improve the condition of the workers. I will state at the onset that I believe there can be no substantial denial that these workers are part of the industrial population of the United States, and are entitled to all consideration accorded workers employed by private enterprise. To illustrate what I mean, I will say that, although the machinery of employment for this three hundred thousand or more group of workers is under what is known as the civil service, in practical operation their performance of duty and the standards by which they are judged are little different from those of private enterprise, noticeably those of large corporations.

This body of workers, from an industrial standpoint, has a different relationship to its employer than that of the private employee and employer, for the reason that said employer, the Government of the United States, does not wish to profit at the expense of the workers, and fundamentally may be termed a beneficent and benevolent employer. The reason that these workers complain is that inconsistencies, inequalities, and irregularities operate to their detriment in many cases through no intentional fault of their employer, the United States Government, but owing to lack of knowledge and indifference. It is true, this body of workers does not have to protect itself against the inclination of an employer who seeks to get as much profit as possible from the worker, but there is an element along that line that works hardship; that is where a subordinate chief, seeking to make a record for himself as an efficient and economi-

cal administrator, almost invariably does so at the expense of the lowest-paid and poorest equipped employee of the Government. When any plan for economy is discussed, almost invariably the lowest-paid man has to face a reduction of wages or a lengthening of his hours of labor, and he has no appeal.

I will not dwell at greater length upon this general situation, but I shall take the liberty of citing one condition, which is a complete illustration in itself and which may be duplicated in other branches of the service, I am convinced, a great many times.

I am inclosing herewith a number of letters constituting correspondence that I have had concerning a class of Government employees under the civil service known as customs guards. Some of these men are members of this organization and have sought, so far in vain, to receive some benefit by the act of March 15, 1898 (30 U. S. Stat. 316), which provides that Sundays and holidays are excepted from days of labor. As you will see by the correspondence, the Treasury Department apparently is not familiar with the law, because in the letter of May 2 the Assistant Secretary of the Treasury states that the customs guards are required to work every day in the year excepting 14 days' annual leave. Perhaps the most important part of this correspondence will be found in the letter from the Civil Service Commission under date of July 23, 1914, in which it disclaims any responsibility for the enforcement of the laws and regulations which it publishes under its own name and also any ability to assure those who enter the Government service that the conditions set forth in this publication shall be fulfilled. The Civil Service Commission disclaims any contractual relation, and if the position of the Treasury Department is correct there seems to be no obligation on the part of the Government either to fulfill its contractual obligations, if, indeed, such exist, or to live up to the law as far as its relationship to the civil-service employees is concerned. This is regarded as a remarkable situation, and I am not sure that I interpret the commission's letter correctly, because I believe that Congress would resent the intimation that its laws were not to be enforced.

This brings to my mind, and I submit it to the commission for such attention as you think it merits, a plan which I have long deemed feasible and which is taking hold of the minds of the people, especially in this city. In the city of Los Angeles there is what is known as a public defender. No doubt the commission is entirely familiar with the reasoning supporting the creation of such an office. There is a movement on foot to have one in this city, and from the results thus far obtained there is no question in my mind that the project will be of substantial service. I refer to that because my plan would be to create either a commission or a bureau, or possibly to extend the authority of the present Civil Service Commission, so that it would be the duty of the proper authority to report the nonobservance of a law in a case such as the one I have cited above. There has been in my experience numerous instances where those employees of the Government who had neither ability nor influence have been unjustly dealt with, principally to justify the claim of some individual regarding his particular administrative ability. So that if it would be possible to create a bureau or commission, either as an independent body or as a part of the Civil Service Commission, I believe a substantial reform could be accomplished, which by permitting the civil-service employees to know that they might submit questions of this sort to it would stimulate them to a more effective performance of their duties.

Any information that this organization or its officers and members have will be at the service of the commission should it desire to go into the subject.

Respectfully,

F. H. AINSWORTH, *President.*

EXHIBITS.

AINSWORTH EXHIBIT.

APRIL 16, 1914.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: During some reorganization of the customs department at this port certain conditions have arisen which members of this organization are interested in and which I therefore present for your consideration. Recently some changes have been made and some few positions abolished, owing, I am told, in part to the new tariff law, which does not require as many duties to be collected and therefore not as many employees as the old one; further, that an effort was being made along all proper lines to economize in every legitimate manner. As one result of this policy a number of positions have been abolished, and among them some known as "customs guards," and, in addition, those guards who have been retained are required to work in some instances 14 days without having a day off.

The purpose of this inquiry is to ask whether the necessities of an economical administration require a man to work eight hours a day for more than six days, when one day of rest should be given? It is my understanding that in all the branches of the Government service it is recognized that a man or woman should have one day off in seven, and I have no doubt that the particular situation that I refer to has escaped the notice of those who have charge of the matter, because it is relatively of small importance, and I take this method of making the inquiry and ask for such action as you deem proper.

Respectfully,

F. H. AINSWORTH, *President.*

TREASURY DEPARTMENT,
Washington, May 2, 1914.

Capt. F. H. AINSWORTH,
San Francisco, Cal.

SIR: The department is in receipt of your letter of the 16th ultimo, relative to the hours of service of the customs guards at San Francisco.

Customs guards at present are required at all ports to be on duty for eight hours daily, seven days each week, except that they are allowed 14 days' leave of absence each year. This has been the rule for a number of years. While the department has under consideration the readjustment of the force in such a manner as to give each guard one day off each week, at the present time the appropriation available is not sufficient to permit such action to be taken.

Respectfully,

WM. J. MALBURN,
Assistant Secretary.

MAY 12, 1914.

Hon. WILLIAM J. MALBURN,
Assistant Secretary of the Treasury,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of May 2, 1914, No. 100000/128, and I thank you for the information contained therein. The statement that customs guards are required to work eight hours daily seven days in the week throughout the year with the exception of 14 days' leave is new to me, and I am surprised that such a condition exists. I appreciate that the duty which the department feels necessary to impose is imperative and that the force is regulated by the appropriation. Therefore I

shall lay the matter before this association in order to ascertain whether it will take any steps to ask for an increase in appropriation, in order that sufficient employees may be hired to allow one day off in seven. In this connection, may I ask you whether I may refer to your letter as authority for the statement quoted regarding the duty expected?

Respectfully,

F. H. AINSWORTH, *President.*

TREASURY DEPARTMENT,
Washington, May 23, 1914.

Capt. F. H. AINSWORTH,
San Francisco, Cal.

SIR: The department is in receipt of your letter of the 12th instant, relative to the hours of service of the customs guards at San Francisco.

You are authorized to quote my letter of May 2, 1914, as authority for the statement regarding the duties of these employees.

Respectfully,

S. HAMLIN, *Assistant Secretary.*

JUNE 15, 1914.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

SIRS: May I seek information for the benefit of the members of this organization and in an entirely helpful and instructive manner with reference to a situation which has come to my notice?

Owing to the fact that certain employees of the Government known as customs guards do not receive one day off in seven I addressed a letter to the Secretary of the Treasury asking why they should be required to work longer time than some other Government employees. In reply I received a letter stating that the customs guards are required to work at all ports 8 hours a day, 7 days a week, excepting that they have 14 days' leave of absence each year. I again wrote him on May 12, asking for authority to use his letter, such permission being received under date of May 23. Copies of all correspondence are attached herewith. My purpose in addressing the commission is to inquire as to what regulation has been authorized to modify the act of March 15, 1898 (30 U. S. Stat., 316), especially that portion which reads:

"Hereafter it shall be the duty of the heads of the several executive departments in the interest of the public service to require all clerks and other employees of whatever grade or class in their respective departments not less than seven hours of labor each day, *except Sundays and days provided public holidays by law or Executive orders.*"

I find the foregoing on page 15 of the Civil Service Act, Rules, and Executive Orders amended to June 2, 1913.

I also have the honor to inquire why "customs guards" are designated as such in the appropriation bill, but I do not find any reference to them in the manual of civil-service examinations.

Respectfully,

F. H. AINSWORTH, *President.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 25, 1914.

Capt. F. H. AINSWORTH,
Federation of Federal Civil Service Employees, San Francisco, Cal.

SIR: In response to your letter of June 15, 1914, you are advised that the civil-service act and rules, which in general define the province of this commission, do not touch upon such matters as the hours of labor to be required of civil-service employees, and the commission therefore does not take action in regard to those matters, nor attempt to interpret the duty of the different departments with regard to them, its responsibility being limited to the interpreting of the statutes bearing upon the question in relation to its own employees. It may be stated, however, that the proviso following the portion of the statute which you quote from page 15 of the commission's pamphlet containing the civil-service act and rules appears to empower the heads of departments to further extend the hours of labor to be required.

In regard to your other question, you are advised that "customs guard" is a recent designation given to the position formerly known as customs watchman, and is filled by appointment from the third grade, subclerical examinations for the customs service.

By direction of the commission.

Very respectfully,

JOHN A. McILHENNY, *President.*

FEDERATION OF FEDERAL CIVIL SERVICE EMPLOYEES,
Port of San Francisco, July 11, 1914.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

GENTLEMEN: I beg to acknowledge receipt of your letter of June 25, 1914, advising in answer to my inquiry concerning section 7 of the act of March 15, 1898, that the commission has no authority to investigate or make inquiry concerning the manner in which this section of the law is administered. I therefore inquire what steps the commission would deem proper where any employee of the United States found that this act was not conformed to and who, as a consequence, was called upon to perform service different in character and for longer periods of time than his fellow, and to whom he should apply for redress.

Perhaps it may be illuminating if I state in some detail the point of view from which this inquiry is made and my letter of June 15, 1914, was written.

The Civil Service Commission, operating as an agent of the Federal Government, has from time to time announced that certain vacancies existed and that they would be filled by examinations held under the auspices of the commission, and that those appointed would receive certain compensation and be employed under certain conditions; in other words, the commission issued a proposal for labor to be performed under certain conditions. The commission also issues from time to time reports and pamphlets defining and outlining the conditions of the civil service of the United States; thus when any person seeks employment and, conforming to the requirements of the commission, passes the necessary examination and accepts employment he also is a party to the contract—the second party. If the United States through the Civil Service Commission, the party of the first part to the contract, makes certain stipulations and undertakes in accordance with such stipulations to pay a certain remuneration to those who fill them, the employee, the party to the second part, fulfills his part of the contract by meeting the requirements. These publications of the Civil Service Commission define in part the stipulations of the party of the first part, indicate how examinations shall be held, how appointments shall be made, how promotions and demotions shall be made, how removals shall be made, how reinstatements and transfers shall be made, and in considerable detail are substantially the stipulations and requirements of the party of the first part.

One of these stipulations above referred to will be found on page 15 of a publication entitled "Civil Service Act, Rules, and Executive Orders, etc., Amended June 2, 1913." This document quotes a number of sections of the law, notably the civil-service act of 1883 and amendments thereto, all of which may reasonably be regarded as the contractual requirements of the party of the first part. There are also definitions and limitations which the party of the second part—the employee—may properly expect to be observed when in his favor as rigidly and as carefully as when in the Government's favor. This detail is headed "Statutes affecting leaves of absence and hours of labor," and states as follows:

"SEC. 7. * * * Hereafter it shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days provided public holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any department may grant thirty days' annual leave with pay in any one year to such clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk

or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.

"This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave (30 Stat., 316, Mar. 15, 1898)."

The first element of the statute is that all clerks and other employees of whatever grade or class shall work not less than seven hours each day, a positive and mandatory condition which is imposed on the part of the Government and, as far as the writer knows, rigorously lived up to. This is clearly a requirement of the party of the first part imposing a duty upon the party of the second part, but there is a substantial limitation to this part of the section, and that limitation is that Sundays and days provided as public holidays by law or Executive order are excepted. That is a provision in favor and for the protection of the party of the second part. Why is not the party of the second part entitled to the same protection in the inforcement of the stipulation in his favor that the party of the first part has? There is a proviso attached to the whole paragraph, and that is that the heads of the departments by special order, this indicating by the well-known rule of construction that in the absence of special order the proviso shall not prevail, may extend the hours of work of any clerk. There is, however, no provision authorizing the heads of departments to direct those concerned to be employed on Sundays or holidays. Now, it seems to be clear from this act that Congress had in mind a fixed hourly value of labor, and by the term labor clerical as well as manual is meant, and also the intent not to demand labor on Sundays or holidays. There is no complicated wording involved; the statute is plain—"six days a week, not less than seven hours a day," but no work on Sundays or holidays. It is a well-known rule of construction that when the title of a statute and the text set forth in plain terms the purpose of the act, no limitation amounting to a nullification can be sustained in a construction. So that, again referring to the contractual aspect of the case in this particular respect, the party of the first part has said through Congress that it demands not less than seven hours' labor per diem of its employees for six days in the week, and, furthermore, that on special occasions or in emergencies heads of departments may by special order extend the hours of work, not, mark you, authorizing work on Sundays or holidays, but to extend the hours each day when labor is permitted, because it is obvious that Sundays and holidays being excepted the hours of labor could not be applied to those days.

Let us contemplate for a moment the statement of the Secretary of the Treasury regarding the customs guards. He says that they must work eight hours a day seven days a week all the year around. Is this not a clear violation of contract? Can there be any room for difference of opinion on that proposition? Has the Secretary of the Treasury or any authorized subordinate issued a special order extending the hours of work in this case from seven to eight a day? If so, where can such order be found? These are all proper questions by the party of the second part, by which he may ask for the same regard for his part of the contract as that which is paid to the party of the first part's part of the contract.

This act goes on to provide that the head of the department may grant 30 days' annual leave. In the case of the customs guards the head of the department apparently deems that the public service can spare only 15 days' leave for this particular group of employees. This act also provides for certain absence with pay on account of sickness, putting a limitation upon the total leave of about 60 days; and it is the opinion of the writer that all the provisions of this act hereinabove mentioned are fairly and reasonably kept by both parties to the contract, at least by the customs guards, who must work on Sundays and holidays, contrary, it would seem, to the specific mandate of this act.

The foregoing is argumentative in character and seeks to set forth the point of view from which this communication is addressed, and, having thus far discussed the matter, I ask in a helpful manner that your honorable commission would indicate how the customs guard, for instance, or any other employee who feels that he is not having his part of the contract as carefully observed as to the other party, may proceed in an orderly and respectful manner to seek redress. I also further ask if your honorable body can not be of some assistance

to such a person, so that he would not be in the position, if seeking redress, of being charged with insubordination or of seeking to disrupt discipline. The case to point is probably one of the best illustrations that has come within the writer's knowledge of the helplessness of the employee to present the facts in which it appears he is not receiving what he might expect to receive, as limited by the publications of the Civil Service Commission when inviting men and women to take employment. To return to section 7 of the act of March 15, 1898, is it not a fact that if the head of the department can ignore the expression "except Sundays and days provided public holidays by law or Executive order," he can also ignore any other portion of this section? These particular words have no substantial or limited significance, and if an executive officer can leave those words out of the law when he administers it, can he not with equal justice leave out any other words of any other law? And if he does this where shall the employee who is concerned seek redress?

It will be seen in this controversy that the Secretary of the Treasury himself practically ignores this law. How, then, shall these customs guards have their part of the contract enforced? I have asked this question in several forms to lead up to this proposition: Would it not be a reasonable function of the Civil Service Commission, and I do not know that such is authorized, to come to the assistance of this particular group of civil-service employees and say to the honorable Secretary of the Treasury that his letter and the service required of these men are not in accord with the law? There now themselves have one of several methods by which to approach the subject. They can associate themselves together and petition the Secretary of the Treasury; they can associate themselves together and petition Congress; or they can do this individually; but it will not be necessary for me to state that for them to associate themselves together is a thing improbable of accomplishment, because they are scattered over the United States and they have no means of getting together. If they prepare individual remonstrances, are they not likely to be visited with some discipline for presuming to say that their chief, the head of the department, does not obey the law? The same line of argument applies to the petition to Congress. It is true, without doubt, that if all the people in the United States affected by this particular legislation could be assembled in one place they would very shortly prepare a remonstrance and back it up with substantial representation, but they are helpless in that respect because scattered. They can not systematically and intelligently either present to the Treasury Department or to Congress, and furthermore they are likely to be met with this statement: "If you do not like the place why do you not resign?" But that is not a fair statement nor a tenable position for the Government to take. As I stated above, the Government has entered into a fair contract with these men, and it is as much incumbent upon the Government to fulfill its part of the contract without pressure or petition by the party of the second part as it is for the party of the second part to fulfill its duty conscientiously and faithfully when not under the scrutiny of supervisory eyes; in other words, one of these customs guards, watching a vessel at night in stormy, cold weather when no one was near to detect him, and he should abandon his post and seek warmth and shelter from the storm when he was expected to be on duty, he would be justifiably censurable, although no one knew it, and I wish to say that so far as my observation goes no more faithful body of men serve the United States to-day than this particular group, whom I have had occasion to see in many parts of the United States. That being the case, why should the United States, and the Treasury Department, not fulfill its contract and allow them their Sundays and public holidays?

I am not overlooking the argument about the limitation of appropriations, but I hold that to be no argument. If that argument is valid, and that section does not apply, the Secretary of the Treasury would be justified in keeping these men—and, in fact, all the men he has employed seven days a week, 10 hours a day, because there is work for them to perform. I take the position, however, that the right of the humblest employee of the Government to his pay and to his hours of duty is just as sacred and binding as the power and limitation of the appropriation for the enforcement of the law; in other words, if an employee enters the service with the understanding that he shall work not less than seven hours a day six days a week and have no Sundays or holidays, he has just as much right to have that provision rigidly granted as the Government has to require that he perform 7, 8, 9 or 10 hours' duty each day faithfully; and, on the other hand, I believe that the Government has no more right to make him work an extra day, when there is no legal authority for it, than it

[illegible] to make [illegible] per cent of the Treasury. I am not criticising [illegible] the tendency that is growing up in the Government service of establishing offices, with accounting and considerations in their efforts to make it appear a record in efficiency and economy by demanding longer hours and an ever-increasing amount of work from those in the service who are ill prepared to protect themselves; and I believe your honorable body will agree with me that the contractual right of the employee should be just as fairly enforced by this Government through its administrative officers as the contractual right of any party of the first part. I know there are many emergencies and unusual situations which frequently require unusual hours and extra service, and I would cheerfully be understood as not discussing those conditions; but I refer to the final conditions which this shutdown-guard situation illustrates, which, I believe, is one that should be changed, and I earnestly ask the commission to take up the matter or suggest how it believes the matter can be taken up, so as not to react upon those men themselves, so that they may have what is coming to them as they are entitled to under the law.

There is one last illustration—credit. It is true, but apparent to the public, that I wish to make in this connection: When the Government or any other organization makes transportation on a railroad train it expects to pay the railroad company for the service rendered to destination; and indeed if a man buying a ticket in Washington to, say, Gettysburg, Ohio, over the Pennsylvania Railway, should be issued 100 miles beyond Gettysburg the Pennsylvania Railway would not carry him because he was an agent of the Government unless he paid for it. When the Government buys shoes for the Army it pays for every pair; when it buys horses for the Army it pays for every horse; when it buys motor plows for the Navy it pays for every pound. Why should it not pay for the work of labor that it purchases from its employees? If the Government contracts with a man to work seven hours a day and pays him for seven hours a day, why should he not be paid for work as if the Government buys 50 miles of railroad transportation from the Pennsylvania Railway and then pays for 25 miles with which it has nothing to do with it?

Many civil-service employees, to my knowledge, have looked to the Civil Service Commission as a sort of protection, on the theory that being the arm of the Government through which they are employed and that which is many times responsible for their working conditions, it might with some degree of justice act in their protection. If such is not the case, I have, when they have been dissatisfied, counseled. A great many times during my 30 years in the civil service here I heard the expression used, "Why does not the Civil Service Commission make some effort to see that this or that law or regulation governing our service is enforced?" If the commission feels that it is powerless in this matter, would I be presumptuous in asking whether it would favor an amendment to the civil-service law clothing the commission with authority to investigate cases of alleged lack of enforcement and some authority to require the enforcement?

I will at this time, in behalf of the commission, say gentlemen or suggest that I may be able to give or that this organization may give, and to give assurance that these problems are the problems of men and women and their daily existence, and any such assistance or advice as the commission may call it can properly give, both on the general subject discussed and on the particular matter in hand.

Respectfully,

Percy H. Stevenson, President.

United States Civil Service Commission,
Washington, D. C., July 22, 1919.

Chas. F. H. Stevenson,

President Federation of Civil Service Employees, San Francisco, Cal.

Sir: In response to your letter of July 11, 1919, containing certain suggestions, you are advised that the mere fact that a statute, such as that affecting the hours of labor of Government employees, is carried in one of the public acts does not make the commission responsible for its interpretation and enforcement. The pamphlet containing the civil-service act and rules, to which you refer, contains much matter entirely apart from the statutes and opinions of the Attorney General merely for the information of persons who may wish to refer

to them in connection with certain civil-service matters. In its announcements of examinations also the commission merely states the entrance salaries which the particular department or departments expect to pay along with any other matter furnished by the appointing officers for the information of applicants. It is in no way responsible as a party to the contract, as you suggest, that the expectations aroused by these statements shall be realized by those appointed. As stated in a previous letter, the commission can not offer advice as to the proper office or officials to whom to appeal to compel a department to comply with the hours-of-labor provisions of the statutes when it is believed they are being violated in a certain case. As previously explained, its province is in general defined and limited by the civil-service act and rules and the duties laid upon it by the President and Congress, and it can not undertake to rectify alleged abuses in departmental administration which are believed to be in contravention of other provisions of law.

By direction of the commission.

Very respectfully,

J. H. McELHINNEY, President.

64TH CONGRESS, 1st Session | SENATE | DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. VI

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

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COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Monday, August 31, 1914*—*10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Lennon, Weinstock, and Commons. William O. Thompson, counsel.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Mr. Hough.

TESTIMONY OF MR. JAMES H. HOUGH.

Mr. THOMPSON. Will you give us your name, your business address, and your business, please?

Mr. HOUGH. James H. Hough; Stockton; First National Bank, Stockton.

Mr. THOMPSON. Are you president of that bank?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. How long have been president?

Mr. HOUGH. Oh, about five years, I think.

Mr. THOMPSON. Twenty-five years?

Mr. HOUGH. Five years.

Mr. THOMPSON. Speak just a little louder, please.

Mr. HOUGH. I have a pretty bad cold, and it is hard to.

Mr. THOMPSON. How large a bank have you there?

Mr. HOUGH. Two hundred thousand dollars capital.

Mr. THOMPSON. How large are your deposits, about?

Mr. HOUGH. Something like six or seven hundred thousand dollars.

Mr. THOMPSON. Do they come from all classes in the community?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. You say the First National Bank. You mean, of course, that it holds a charter from the National Government?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. And has all the powers and all the supervision of a national bank, of course?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. In regard to the banking business, of course it is a semipublic business charged with certain semipublic duties?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. And in that it differs, of course, from a private institution?

Mr. HOUGH. Yes.

Mr. THOMPSON. Have you heard of the Merchants, Manufacturers & Employers' Association of Stockton?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. Is your bank a member of that institution?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. Are you acquainted with a man by the name of——

Chairman WALSH. Excuse me one minute. What formal steps are taken for a national bank to become a member of that association?

Mr. THOMPSON. You may state, the chairman asks, what steps were taken by your bank to become a member of the association, what was required of it?

Chairman WALSH. Was there a vote of the board of directors?

Mr. HOUGH. No, sir.

Chairman WALSH. Well, who joins for the bank, the president?

Mr. HOUGH. I joined.

Chairman WALSH. You just joined?

Mr. HOUGH. Just myself, that is.

Chairman WALSH. Now, the dues, and so forth, please.

Mr. THOMPSON. You might state the dues you pay.

Mr. HOUGH. Why, I think it is 25 cents an employee per month.
Mr. THOMPSON. Per month?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. Are you acquainted with the objects and names of that association?
Mr. HOUGH. Well, I think so.
Mr. THOMPSON. I mean, have you read the purposes of the organization?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. You know what it is?
Mr. HOUGH. Yes, sir.
Chairman WALSH. Let him state briefly, then, what are the means and objects.
Mr. THOMPSON. You might state these purposes.
Mr. HOUGH. Well, it is to harmonize matters in the employment of labor.
Mr. THOMPSON. I really can't hear you.
Mr. HOUGH. I really can't repeat the entire——
Mr. THOMPSON. You don't need to repeat. Just in your own language.
Chairman WALSH. Just the substance.
Mr. HOUGH. I hardly know how to state it.
Chairman WALSH. Just do the best you can. Just give us your best conception.
Commissioner WEINSTOCK. Is this a copy of the purposes here?
Chairman WALSH. Can you state it without reading it now, what the purposes are?
Mr. HOUGH. No, sir; I can not.
Chairman WALSH. All right. Go to something else.
Mr. THOMPSON. Do you know that that is an organization that is taking a very positive stand against any organization of workingmen?
Mr. HOUGH. Well, I don't know that it is especially against the workingmen.
Mr. THOMPSON. I did not say workingmen; I said organization of workingmen. Don't you know that?
Mr. HOUGH. No, sir; I do not.
Mr. THOMPSON. If that is in the purposes and aims and objects of the M., M. and E., you are not acquainted with it, and therefore you don't, as far as your membership is concerned, indorse that proposition; is that true?
Mr. HOUGH. No, sir; that is not exactly true, either.
Mr. THOMPSON. Well, let me state it this way: If the purpose of the M., M. and E. as an organization is to combat any organization of the workingmen and refuses to deal with them in any kind of agreement, either verbal or written, do you indorse that idea?
Mr. HOUGH. No, sir; I don't think so.
Mr. THOMPSON. Then, if that is expressed in the objects and aims of this association, you don't agree with it?
Chairman WALSH. He says he don't indorse it.
Mr. THOMPSON. I am speaking about the agreement itself. Are you acquainted with a man by the name of F. L. Kincaid?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. He is a resident of Stockton?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. Did you ever see him and talk with him about the M., M. and E.?
Mr. HOUGH. I did on one occasion; yes, sir.
Mr. THOMPSON. Do you know a man by the name of Eaves, manager of the New Method Laundry in Stockton?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. Was he ever indebted or his company indebted to your bank?
Mr. HOUGH. Yes, sir.
Mr. THOMPSON. In the sum of nineteen hundred dollars?
Mr. HOUGH. They were originally. I think they had one note of fifteen hundred dollars which had been——
Mr. THOMPSON. Did you ever make demand on them for the payment of that money since the formation of the M., M. and E.?
Mr. HOUGH. Yes, sir; before and since; for the balance, which was $800.
Mr. THOMPSON. What was the cause of your making the demand on Mr. Eaves for the nineteen hundred dollars?
Mr. HOUGH. It was not nineteen hundred dollars.
Mr. THOMPSON. Whatever sum it was.

Mr. HOUGH. Five hundred dollars balance that they owed us some four or five years. I understood there was a claim presented to a collection agency against them for nineteen hundred dollars, or something like that, and I don't know what condition things were going to be in, and I suggested to Mr. Eaves it would be well for them to pay our $500, which he promised to do, but has not done. It is an old claim of five years' standing.

Mr. THOMPSON. At any time when Mr. Eaves came to your bank, did you say to him: "Are you a member of the M., M. and E. Association?"

Mr. HOUGH. No, sir.

Mr. THOMPSON. Never?

Mr. HOUGH. No, sir.

Mr. THOMPSON. And that when he said he was not and you asked him why, he said, "Well, I am just the manager of a small corporation."

Mr. HOUGH. He stated to me on one occasion he would like to become a member; except for certain reasons, I think he said.

Chairman WALSH. Let him state those reasons.

Mr. HOUGH. That the president of the association was a resident of San Francisco was the reason that he did not join.

Mr. THOMPSON. Didn't you ask him to join the M., M. and E.?

Mr. HOUGH. I did not.

Mr. THOMPSON. And didn't he tell you then he could not join it?

Mr. HOUGH. No, sir.

Mr. THOMPSON. And when he told you he could not join, he said because the main corporation was in San Francisco and dealt with the union; that then the president of the union, who lived in—I mean of the organization—who lived in San Francisco, could come up and pay the overdraft of nineteen hundred dollars——

Mr. HOUGH. It wasn't nineteen hundred dollars—beg pardon—it was five hundred.

Mr. THOMPSON. Or any other sum?

Mr. HOUGH. No.

Mr. THOMPSON. You made no such statement as that at all?

Mr. HOUGH. No, sir.

Mr. THOMPSON. Did you say to Mr. Kincaid, when he was in your bank, that Mr. Eaves had come into your bank; that you had asked him if he was a member of the M., M. and E.——

Mr. HOUGH. I didn't ask him, because I knew he was not.

Mr. THOMPSON. How did you know he was not when he came in?

Mr. HOUGH. He stated to me on one occasion that he was not a member.

Chairman WALSH. Prior to this time that you asked him to come into the bank about his indebtedness——

Mr. HOUGH. He was in. I didn't ask him to come. He was there making a deposit.

Chairman WALSH. When he was there making a deposit you inquired and endeavored to collect your indebtedness?

Mr. HOUGH. I told him we would like to have the balance of the obligation paid. He paid a small portion at a time—a hundred dollars occasionally—been paying it for some time in that way.

Chairman WALSH. How long prior to that was it that you had this conversation with him with reference to his not joining the M., M. and E.?

Mr. HOUGH. Oh, only a few days. He was there every day, I think. I don't remember the time.

Mr. THOMPSON. Did this sort of a conversation, in substance, occur between you and Mr. Kincaid when Mr. Kincaid came to your bank the day you say speaking of? You are speaking now: "There was a man in here this morning to see me. I asked him if he would join the M., M. and E., and he said he could not, and I asked him why, and he said, 'Well, I am just manager of a little corporation here, and the president of our corporation is interested in a business in San Francisco that depends very largely on union patronage—on the patronage of union people—and it would be ruinous for the president of my company if we allowed our little laundry association to be drawn into this affair, and therefore I can't do it.'"

And then did you further say there, in this language, or in substance: "I informed him that his president could come in here and pay the overdraft or the money that they owe this bank immediately."

And then Mr. Kincaid said to you: "Did you do that?" and you said, "Yes, I did?"

Mr. HOUGH. No; he is mistaken. I didn't make any such an assertion.

Chairman WALSH. Did you have any conversation with Mr. Kincaid about Mr. Eaves at any time?

Mr. HOUGH. Well, I spoke to him; I told him that Mr. Eaves would be looking for money, because I understood there was a claim against him. I didn't know how he was going to meet it.

Chairman WALSH. Did you say anything with reference to the M., M. and E. in that conversation?

Mr. HOUGH. I don't remember mentioning it at all.

Chairman WALSH. Would you say that you did or you did not, or that your memory at the present time on it is blank?

Mr. HOUGH. It is blank on it.

Chairman WALSH. It is blank. Would you say that you had a conversation at any time with Mr. Kincaid, the substance of which you can now recall, in which the name of the M., M. and E. was mentioned?

Mr. HOUGH. Well, probably I have.

Chairman WALSH. You have a recollection?

Mr. HOUGH. Yes.

Chairman WALSH. That you had such a conversation?

Mr. HOUGH. Yes, sir.

Chairman WALSH. When was it, with reference to this time, you told him that a collection agency had against Mr. Eaves, and that you didn't know how he was going to get by it?

Mr. HOUGH. I might have told him at that time there was a collection agency had the claim, because I knew Mr. Kincaid was interested.

Chairman WALSH. You might have told him in that same conversation, then, that you told him about the collection agency that Mr. Eaves wasn't a member of the M., M. and E.?

Mr. HOUGH. I might have; yes, sir;

Chairman WALSH. Now, you say that Mr. Kincaid was interested with Mr. Eaves. Was he interested in anything except a friendly way?

Mr. HOUGH. I think from what I learned some time ago that Mr. Eaves or the laundry owed Mr. Kincaid some money. I didn't know what amount.

Chairman WALSH. Did Mr. Kincaid tell you that?

Mr. HOUGH. No.

Chairman WALSH. Did Mr. Eaves tell you that?

Mr. HOUGH. No.

Chairman WALSH. Was there any financial connection of any kind, so far as you know, between Mr. Kincaid and Mr. Eaves?

Mr. HOUGH. I don't know how I gained the information, but I was under the impression that he—I knew that there was some connection in that; I didn't know what.

Chairman WALSH. You were under the impression there was some connection?

Mr. HOUGH. No.

Chairman WALSH. You didn't know it from Mr. Kincaid or Mr. Eaves?

Mr. HOUGH. No.

Chairman WALSH. And did you tell Mr. Kincaid in that same conversation that Mr. Eaves owed you money?

Mr. HOUGH. Oh, he knew it for some time, I think, prior to that.

Chairman WALSH. Did you mention it at that time?

Mr. HOUGH. I don't think so.

Chairman WALSH. Well, had Mr. Kincaid any knowledge of the claim in the hands of the collection agency, so far as you know, at the time that you mentioned it to him?

Mr. HOUGH. I don't know that he had any other information at that time.

Chairman WALSH. And you say that you may have mentioned the alleged fact that Mr. Eaves was not a member of the M., M. and E. in this same conversation?

Mr. HOUGH. It might have been mentioned in that same conversation.

Chairman WALSH. Sir?

Mr. HOUGH. It might have been mentioned in that same conversation.

Chairman WALSH. But Mr. Kincaid either knew from what you had told him or from information acquired elsewhere that Mr. Eaves owed you money; is that correct?

Mr. HOUGH. I think he knew it prior to this time.

Chairman WALSH. Now, let me look at that, Mr. Weinstock, if you will please pass back to me the aims and objects of the M. M. and H.

Commissioner WEINSTOCK (addressing the witness). Just let me have that. Here it is [handing paper to Chairman Walsh].

Chairman WALSH. How many employees have you in your bank?

Mr. HOUGH. Eight, I think, sir.

Chairman WALSH. Sir?

Mr. HOUGH. Eight.

Chairman WALSH. Does that include the cashier and the officers?

Mr. HOUGH. Eight or nine.

Chairman WALSH. You have a janitor, have you?

Mr. HOUGH. Yes, sir.

Chairman WALSH. Have you anyone doing manual labor except the janitor?

Mr. HOUGH. Nobody except the janitor and the watchman.

Chairman WALSH. Just the janitor and the watchman?

Mr. HOUGH. Yes, sir.

Chairman WALSH. And are they members of any labor organization?

Mr. HOUGH. I don't know, sir.

Chairman WALSH. You never inquired into that?

Mr. HOUGH. Never inquired into that at all.

Chairman WALSH. They were apparently satisfied with the conditions, their wages, and hours of labor?

Mr. HOUGH. Yes, sir.

Chairman WALSH. You had never had any signed agreements or contracts with any members of any labor organization?

Mr. HOUGH. No, sir.

Chairman WALSH. You had never had any industrial trouble of any kind?

Mr. HOUGH. No, sir.

Chairman WALSH. Did you have knowledge of those men that deposited in your bank that were workers, as to whether or not they belonged to a labor organization or not?

Mr. HOUGH. Never asked the question.

Chairman WALSH. You never had any interest personally so far as your bank was concerned in the industrial situation in Stockton, did you?

Mr. HOUGH. No, sir; no, sir.

Chairman WALSH. Now, did you go to some hall to join this organization?

Mr. HOUGH. Go to what?

Chairman WALSH. Go to some hall, or resort to some place where they had their headquarters, to join it?

Mr. HOUGH. Why, no; I think we joined through the secretary.

Chairman WALSH. Were you solicited to join it?

Mr. HOUGH. Yes, sir.

Chairman WALSH. Who solicited you to join it?

Mr. HOUGH. The secretary of the association.

Chairman WALSH. Mr. Irish?

Mr. HOUGH. No; Mr. Calkins.

Chairman WALSH. Mr. Calkins; he called on you at your place of business?

Mr. HOUGH. Yes, sir.

Chairman WALSH. Were you acquainted with Mr. Calkins?

Mr. HOUGH. No, sir.

Chairman WALSH. Was he a depositor in your bank?

Mr. HOUGH. No.

Chairman WALSH. So far as you know, was he a resident of Stockton?

Mr. HOUGH. Well, he had been for some little time; I don't know how long.

Chairman WALSH. Did you discuss the merits or demerits of industries having signed or verbal agreements with their workers through organizations?

Mr. HOUGH. No, sir.

Chairman WALSH. Had you given the subject any thought?

Mr. HOUGH. No, sir.

Chairman WALSH. None at all, and you were having no trouble in your bank?

Mr. HOUGH. None at all.

Chairman WALSH. No organization of clerks?

Mr. HOUGH. No.

Chairman WALSH. The janitor and the watchman were evidently not——

Mr. HOUGH. No organization at all.

Chairman WALSH. No dissatisfaction among your employees?

Mr. HOUGH. None at all.

Chairman WALSH. And you joined at the solicitation of the secretary of this association?

Mr. HOUGH. Yes, sir.

Chairman WALSH. Had you ever met him before he called?

Mr. HOUGH. Oh, I had known him some little time after he came to Stockton.

Chairman WALSH. Had you ever met him before he came to Stockton?

Mr. HOUGH. No, sir.

Chairman WALSH. I think that is all.

Mr. THOMPSON. I have two or three more questions I would like to ask. Of course you have a good many borrowers at your bank, have you?

Mr. HOUGH. Yes, sir.

Mr. THOMPSON. Did you ever say to one, speak to any of those borrowers about the M., M. and M.?

Mr. HOUGH. No, sir.

Mr. THOMPSON. Never at any time?

Mr. HOUGH. No; that did not enter into the business at all.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon would like to ask a few questions.

Commissioner LENNON. Have you a savings department in your bank?

Mr. HOUGH. No, sir. We issue a certificate, an interest-bearing certificate; but it is a smaller interest than the savings bank, and consequently there is not much business done with that branch.

Commissioner LENNON. Are there other banks in Stockton?

Mr. HOUGH. Yes; six others.

Commissioner LENNON. Are they members of this merchants, manufacturers and employers' association?

Mr. HOUGH. Yes, sir.

Commissioner LENNON. As banks or as individuals?

Mr. HOUGH. As banks.

Commissioner LENNON. As banks?

Mr. HOUGH. Yes, sir.

Commissioner LENNON. Are they national banks?

Mr. HOUGH. No, sir.

Commissioner LENNON. None of them?

Mr. HOUGH. None of them.

Commissioner LENNON. They are all private banks?

Mr. HOUGH. State banks.

Commissioner LENNON. Is there any law having to do with the operation of national banks that permits one officer, the presiding officer, without approval of the board of directors, to affiliate the bank with an enterprise of that kind?

Mr. HOUGH. I do not know of any, sir. The board of directors, of course, are aware of the membership. There were no resolutions passed regarding it.

Commissioner LENNON. No vote taken?

Mr. HOUGH. No, sir.

Commissioner LENNON. Then your bank is pledged to one side of this controversy without the consent of the board of directors?

Mr. HOUGH. Yes, sir.

Commissioner LENNON. That is all.

Commissioner O'CONNELL. Have you any idea, Mr. Hough, of the number of laboring men who are depositors in your bank?

Mr. HOUGH. No, sir; I have not.

Commissioner O'CONNELL. Could you approximately give us any idea?

Mr. HOUGH. No, sir.

Commissioner O'CONNELL. Has there been any large number of depositors withdrawn their accounts?

Mr. HOUGH. No, sir; I haven't known of any.

Commissioner O'CONNELL. Do you know whether circumstances of that kind have occurred in any of the banks?

Mr. HOUGH. I don't know from personal knowledge at all.

Commissioner O'CONNELL. Has it been rumored there has?

Mr. HOUGH. There has been some rumors to that effect, but I don't know. It is mere rumor.

Commissioner O'CONNELL. Have you any idea as to whether the laboring men of Stockton are depositors largely in the banks?

Mr. HOUGH. I could not tell you.

Commissioner O'Connell. Have you any idea whether the laboring men of Stockton save money in the banks at all?

Mr. Hocum. I could not tell you. I have no way of knowing that.

Commissioner O'Connell. Is it not known in some way, whether the laboring men of the city are saving funds in your bank or other banks?

Mr. Hocum. No, sir; it is only presumption on my part; I presume that they do.

Commissioner O'Connell. Are you fairly in good touch with the banks in the city and the officers of them?

Mr. Hocum. Yes, sir.

Commissioner O'Connell. You discuss the affairs of the banks?

Mr. Hocum. No, sir; not as to deposits.

Commissioner O'Connell. Do you have a bankers' organization in the city?

Mr. Hocum. We have a clearing-house organization, yes, sir.

Commissioner O'Connell. And are the financial affairs of the banks discussed in any way in that?

Mr. Hocum. Monthly. We generally meet once a month.

Commissioner O'Connell. Deposits in the city, have they showed any increase or decrease recently?

Mr. Hocum. I don't know as to that. Ours have not changed much, I think. Very slightly; no noticeable change.

Commissioner O'Connell. If the effect of joining an organization such as the M., M. and E. would result in any perceptible withdrawal of funds from your bank, wouldn't that rather place the officers of the bank in a peculiar position, because they had not taken the matter up, getting the regular authority for joining?

Mr. Hocum. Well, I don't think ours has changed a bit in that time. Of course, not having a savings department, we would not have any great number of depositors of that kind. Principally commercial deposits.

Commissioner O'Connell. That is all.

Chairman Walsh. Anything else? That is all. Thank you.

TESTIMONY OF MR. WILLIAM S. WOLLNER.

Dr. Parker. Mr. Wollner, will you please give us your name?

Mr. Wollner. William S. Wollner.

Dr. Parker. Your address?

Mr. Wollner. 909 Phelan Building, San Francisco.

Dr. Parker. Your business?

Mr. Wollner. I am in charge of the office of the chief engineer of construction and chief engineer of maintenance of the Northwestern Pacific Railroad Co.

Dr. Parker. You have read these questions?

Mr. Wollner. I have.

Dr. Parker. Have you prepared answers for them?

Mr. Wollner. I have.

Dr. Parker. And you are ready to give them answers?

Mr. Wollner. Yes, sir.

Dr. Parker. Proceed.

Mr. Wollner. In preparing my statement for presentation to this commission, I have endeavored to follow as closely as possible the suggested outline furnished me by its officers, and have, wherever I have considered it advisable, supplemented my knowledge of conditions with such information as could be gathered from consultation with men who have had long and varied experience in the actual employment and supervision of construction labor.

My personal knowledge is the result of 14 years' experience in handling and employing labor. The first part of this period was spent in railroad construction camps, where both small and large gangs of laborers of various nationalities were worked. The last seven years have been spent in the administrative work of employing labor for construction work, and in the devising and executing of plans for the employment, transportation, lodging, and feeding of construction labor. During this latter period I have also been called upon to devise systems for the establishment of company-operated employment offices and labor departments to be used in an endeavor to increase the efficiency of available labor. A considerable and varied experience as a social worker, coincident with the occupations just mentioned, has enlarged my opportunity for study of labor conditions, and I am very glad to be able to present my knowledge of the subject to you.

1. Your first suggestive question asks the demand for labor and nationalities required. As to the demand, that is governed by the amount of construction under way, and this in turn is governed by the need for the creation of new or the extension of old utilities and the condition of the money market. It is impossible to devise a scheme whereby variations in the quantity of construction work underway may be minimized, as the work will not be undertaken until the need for it actually exists and the money to pay for it is available, and the fact that labor is plentiful or scarce has very little influence upon its acceleration or retardation.

As to the kind of labor and nationalities desired, it is not a question of what is desired, but what is available. The native American as a laborer is a very small factor in construction work on the Pacific coast. Nearly all of our unskilled labor comes from southern Europe, while our skilled labor, such as steam-shovel men, work trainmen, foremen, etc., is principally American.

2. Answering your second question: Construction work is necessarily seasonable. Grading operations can not be carried on profitably during wet weather. In the first place, it is impossible to get men who will do this class of work while it is raining or while the ground is wet. Moisture makes the ground heavy and hard to work. Earth weighs 72 to 80 pounds per cubic foot when dry, and 110 to 120 pounds when saturated, so that a man has to exert just 50 per cent greater effort to move the same amount of material in wet weather than in dry. Thus, if work is carried on during the rainy season some one must lose either profit or energy. If the contractor or owner maintains the same wage scale during the winter months as during the spring and summer his work will be costly. If the laborer accepts 33⅓ per cent reduction in his pay to compensate for the smaller amount of material he will be able to move he will be the loser, or he must exert the same amount of energy to earn a smaller amount of pay as he would use to earn his normal wage during favorable weather. The loss of interest on investments due to delays caused by weather conditions and damage done by the elements to work in course of construction must also be taken into consideration. In California the construction period usually runs from about April or May to about November or December. The commencement and stoppage of work is governed by the condition of the weather, and, other thing being equal, will start when the rains cease and stop when they commence. What has been said with regard to grading operations applies as well to all heavy construction work in about the same degree. The season for bridge erection and concrete work will vary from that for grading, as these classes of work are largely dependent upon the rise and fall of the rivers and streams which they span, and for that reason the working season usually starts later and closes later.

3. Your third question asks the kinds of labor available, the proportion of skilled to unskilled, nationalities available, frequency and prevalence of floaters. I have already said that native American labor is available in small quantities and foreign labor in reasonably large quantities, and that the foreign labor is made up mostly of southern Europeans. To this may be added some Hindus and natives of other Asiatic countries. The proportion of skilled to unskilled labor, I should say, is about 1 to 25, or possibly more. I have no figures available as to the proportion of native to foreign labor, but it is probably the same as the proportion of skilled to unskilled men. In other words, skilled labor is mostly American, and unskilled labor mostly foreign.

As to frequency, it is a common saying that there are always three gangs on construction work—one coming, one going, and one working. This would mean that 300 men are required at all times to maintain a gang of 100 men. This is not true. It may be approximately true with regard to camps where the living conditions are poor, the food bad, and the work hard, but, as far as I have been able to determine, the average stay of laborers in contractors' camps is 9 to 10 days, and in camps operated by railroads and other utility companies the average stay is from 1 to 3 months.

If, as I understand the term, you refer to floaters as men who have no intention or desire to remain upon a given job until its completion, or at least for some considerable length of time, I should say that the percentage of floaters among unskilled laborers is considerably over 90 per cent.

4. Your officers have informed me that you desire to hear from me particularly with regard to the questions listed under section 4. These questions relate to methods of employment of labor for railroad maintenance and construction work and suggestions for improving the present methods of bringing the prospective employer and employee together. As one who has had considerable expe-

rience in employing labor through employment offices, and as the author of the plan for the establishment of labor bureaus and employment offices, operated as a department of the employing corporation which has proven successful in practice, I feel well able to speak on this subject, and by telling you my experiences in dealing with this question believe that I can place it before you in a lucid manner. As mentioned before, my first experience with construction labor was on railroad grading and track work. While engaged on this work it often occurred to me that there must be some better way of selecting labor than by giving an order to a disinterested third party for a quantity of men and taking whatever he chose to send. It was not unusual to find in these shipments men who, by reason of their age or infirmity, were totally unfit to do the work expected of them. The foremen always exercised their prerogative of discharging the men when their unfitness was proven, but this only resulted in their returning to the employment center and shipping out on another job; for, as long as they had the amount of the office fee, they were sure of being shipped out on a job, and as it was entirely impossible for them to get work in any other way they had to count for their support on what was earned during the few days' stay on each job.

These men in other countries would be classified as unemployable; but in this country, as long as a man is able to pay the fee charged by an employment office, he can not be so classified, for he is sure to get a job, although the duration of employment will probably be short. During 1907 I was placed in a position where the responsibility for the employment of labor fell upon my shoulders. My first impulse was to try out some of the theories that had been forming in my mind during my connection with construction work in the field, but I found that the prevailing practices were too deeply rooted to be overturned at once. In analyzing the situation, I determined that the employment office evil might be divided into the following elements: First, abuse of the use of transportation furnished employment agents for use in shipping men; second, inefficient labor shipped by employment offices in order to earn their fees, the employer's interest not being taken into consideration; third, collution between foremen and employment agents to the end that working forces were kept constantly changing, so as to artificially stimulate the shipment of men by employment offices, the profits derived therefrom being shared by the agents and the foremen. Although I was unable to put any plan into effect at that time, I kept closely in touch with all phases of the employment question, and whenever the opportunity presented, investigated the problems involved. During the summer of 1909, labor was scarce, and I found that while the employment offices were very willing to furnish all the men needed when labor was plentiful, they were entirely unable or unwilling to keep up the supply during the period of scarcity.

After vainly endeavoring to keep up the working force trough this channel, I determined to try my own hand at the employment business. The employment offices were located at that time in the vicinity of Eleventh and Market Streets, in San Francisco, and it was customary for men out of work to congregate in this district. Very few men could be found in the immediate neighborhood of the employment offices during this period, but Marshall Square, a few blocks away, was very well patronized by men out of work. I canvassed these men and found that many of them were willing to go to work but were unable to pay the fee asked by the agents, and that, in addition to this, most of them did not possess the roll of blankets which must be produced before the employment office would ship them. Most of them were entirely without funds, were sleeping in the public parks, and getting their meals as best they could. Nearly all of them were willing to accept work upon the conditions that no employment fee was to be charged and that they could purchase blankets upon the work. The first day I shipped 15 men from Marshall Square. Later I extended my operations to include Portsmouth Square, and experienced no trouble in keeping the working force up to requirements.

During this same period, I looked into the matter of the abuse of transportation issued to employment offices and found that its sale and purchase was a common occurrance.

The system then in vogue was for a contractor or railroad to give an employment agent an order for a certain number of men, to be shipped at the rate of so many a day. The employment agent would notify the company each day how many men he expected to ship, and a ticket for this number would be furnished him. The agent always estimated his ability to get the men, at the maximum, so as to be certain of having sufficient transportation, and, as a result, seldom had the number of men to ship that the ticket called for. The

possession of a ticket allowing the transportation of more men than there were to travel on it, often proved too great a temptation for the possessor to withstand; and it was, needless to say, an easy matter to find some one who was willing to travel on it at a small proportion of the usual price for the trip.

The most common abuse of transportation, however, was for men who had no intention of going to work, and who the employment agent usually knew did not intend to go to work, to pay the regular employment fee, and save the difference between it and the price fixed by the railroad company for the trip. I have had men tell me that they have traveled from Chicago to San Francisco in this manner, the trip costing them $10 or $12. This was done by hiring out in employment offices in Chicago, Omaha, Denver, Salt Lake, and Reno.

During this year I put into effect my first plan for the prevention of abuse of transportation issued to employment agents. It was a simple one: The employment agents did not handle the transportation at all, and tickets were not issued reading in excess of the number of men who were to legitimately travel upon them. Each day the agent notified me, either in person or by telephone, of the number of men he expected to ship, and was instructed to have them at the depot in time to leave on a certain train. An employee of the company then met the men at the depot and issued a ticket to one of them good for passage of the exact number of men present. Later this plan was enlarged upon, so as to include a superficial inspection of the men hired by the agents for the company to see that they were fitted for the work for which they had been engaged. It is a fact that the knowledge that this inspection was made, spurred the employment agents into supplying a better class of men and to exclude from shipment men who obviously did not intend to go to work for the company upon arrival at destination.

The successful operation of this plan was observed by an official of a large railroad system, and I was asked to explain it to him. In the course of our conversation, I mentioned that if it were possible to effect an increase in efficiency equal to 5 cents per day in the work of each of the 10,000 laborers employed on the system with which he was connected, it would mean an annual saving in operating expenses of $150,000. He asked if I would prepare a plan for the establishment of a company operated labor department and employ bureaus, and this I did in October, 1910.

The railroad system that was used as an example of how this problem might be worked out, was one operating about 6,000 miles of line in the territory west of Chicago and extending to the Pacific coast. The plan submitted was substantially as follows: The system was to be made effective by the formation of a central headquarters in charge of a labor commissioner, assisted by a staff of inspectors, special agents, etc. This commissioner was to be placed in responsible charge of the employment of all track and construction labor and its distribution over the system. He was also to be responsible for the efficiency of all labor already employed and to be employed. The first work of this central headquarters was to be a study of the relative efficiency of labor of different nationalities, with special relation to the class of work each was best fitted to do. This had in mind that while labor of a certain nationality might not be adapted to, say, heavy construction work, it might have a particular value upon another class of work, as, for instance, section work or around the shops.

The second problem to be worked out by this bureau was a scheme of distribution so that gangs once organized and trained could be moved over the system from point to point, their employment being nearly continuous; it being an established fact that it is a common occurrence for men to be laid off on one division of a road, owing to the completion of the work upon which they have been engaged, while a vain endeavor is being made on another division to recruit an adequate force to start a similar piece of work. Different foremen often have different methods of doing work, and the laborer has to learn his lesson over again with each change of boss.

In the problem of distribution was therefore included the study of different methods of work, so that the most efficient might be adopted and foremen and laborers trained to do it that way. The fact that this railroad system covered a large territory made it a comparatively easy problem to work out on an all-year-around system of distribution, for while certain classes of work can not be undertaken in one part of the country during a given season, other kinds of work have to be done on other parts of the system during this period, thus making it possible to move entire gangs from north to south and from east to

west, as they are needed, assuring a constant supply of trained employees when and where needed.

After these problems had been worked out the bureau's next work was to have been the organization and supervision of the company employment offices that were to have been established along the line of the road. It was determined that four employment offices, properly placed in established labor centers, could supply all the men needed, and these offices were to engage all the men employed for the road, but no others. In other words, these offices were to be operated by the company for the company. No office fees were to be charged; one reason being that as the company would ultimately profit through the increased efficiency of the labor employed, it should bear the cost of the office maintenance. Another reason was that good men might be kept away from the offices through their inability to pay the fee asked. The third and final reason was that some States prohibit by law the collection of a fee for employment by an employer.

It was planned to place in charge of these employment offices superannuated roadmasters, or similar employees, who were entirely familiar with the desirability of various classes of labor, and who have the knowledge of how best to handle the men who would present themselves for employment. The inspectors attached to the staff of the labor commissioners and whose duties would take them to all parts of the system, were to be of different nationalities, so that the knowledge of the habits and characteristics of their countrymen would be available to the commissioner. Needless to say, they would be assigned to the investigation of complaints made by their compatriots, and the fact that they were dealing with a countryman would undoubtedly lend greater confidence to the laborers than would otherwise be the case. The entire expense of running this department, consisting of a central headquarters and four employment offices, was fixed at $83,400 per annum, which included all salaries, rents, incidental, and traveling expenses. As before stated, the possible saving, through increasing the efficiency of labor employed, 5 cents per man per day amounted to $180,000, so that the possible net saving to the company through the operation of this plan was $146,600 per annum. For reasons that do not need to be stated here, the road for which this system was planned, did not adopt it.

During March, 1912, it was published at length and received considerable comment, both favorable and unfavorable. August 1 of the same year the Baltimore & Ohio Railroad organized its labor department, following the lines of this plan. A central labor headquarters was established at Baltimore, with Mr. H. R. Bricker in charge; employment offices were opened in Philadelphia, Washington, Cincinnati, Cleveland, and Chicago, and to this chain there was added shortly after, so as to cover all the labor centers on the road, offices in Louisville and Richmond. During the first three months of their existence these offices employed 10,421 men, despite the great scarcity of labor which existed in the territory at the time. The greatest volume of business done during this period was at Philadelphia, where 2,970 men were shipped. These men were not all employed for the Baltimore & Ohio, however; about 500 of them were for contractors engaged on the B. & O.'s construction work, who were not able to keep their gangs full through the regular channels.

The entire scheme worked out so well that December 1, 1912, it was enlarged to include all departments of the railroad, and Mr. John G. Walber was placed in charge. Mr. Walber up to this time was assistant general manager of the Baltimore & Ohio, but on taking charge of the bureau he was transferred to the executive department, with the title of assistant to the president. The scope of the bureau's work was broadened under the plan of reorganization so as to include the employment of skilled as well as unskilled labor, and now all employees of the company are engaged through this means. The maintaining of employees' records and the administration of discipline, which were formerly in the hands of the division officers, were also centralized here.

This bureau has recently been again enlarged so as to fill the same function as is filled by a civil service commission for municipal or other governments. Any employee hired by a division officer is considered temporary until he has been examined by the labor bureau, or some one has been certified to the position which he fills, by the labor bureau, and he is then dismissed.

The work that this department has accomplished in improving the personnel and increasing the efficiency of the employees of the Baltimore & Ohio during the two years of its existence has more than justified the expense of its main-

tenance, and has proven beyond a doubt that company-operated labor departments and employment bureaus are an established success.

It seems but fair to say that the method of operating public employment offices has changed considerably during the past five or six years. All employment offices in the State of California are bonded and licensed, and, in addition, are under the close supervision of the bureau of labor statistics. While every once in a while stories of the misuse of labor by employment agents and their confederates are heard, these are usually circulated by agitators who hope thereby to win support to their cause. It is a fact that the publication of articles and stories dealing with the abuse of the laborer by employment agents and employers also has its effect upon the men.

A few months ago a series of articles on unemployment was published in a widely circulated weekly magazine. The author laid all or nearly all the blame for unemployment and the hardships the migratory laborer must stand upon the labor agent. Soon after these articles appeared I was called upon to investigate several cases where the men claimed they had been discharged by the foremen for no other cause than to make room in the gangs for men shipped from employment offices who split the fees with them. These charges proved groundless, although I do not doubt that this practice very often occurs. I found, however, that the men making them had read the articles referred to, and do not doubt that it was the sole cause for their giving this reason for their discharge.

I do not wish to be understood as saying that employment offices, as at present conducted, are perfect or even desirable. I do believe, however, that until State or national employment offices are established, they fill a need in the community. There are many industries and small concerns that have no other way of getting their labor, and until some means is supplied the public employment office must be used.

5. The fifth question in the list furnished me asks the relative efficiency of construction labor of various nationalities, and the relative efficiency of labor under the "station-contract" and "day-wage" plans.

As before stated, the greater part of our construction labor comes from Southern Europe and parts of Asia. The efficiency of this labor varies directly with the distance its native country lies north of the Equator. Thus the Hindu, who ranks lowest in the scale of efficiency, comes from British India lying between the fifteenth and twenty-fifth parallels of latitude, while the Greeks, who are somewhat higher in the ranks of efficiency, come from a country that lies south of the fortieth parallel; and the Albanians, who are just slightly more efficient as laborers, come from just north of this parallel. The Italians from southern Italy, which lies between the forty-second and forty-fifth parallels, rank next in efficiency, and the northern Italians, who come from the territory north of the forty-fifth parallel, outrank their southern brothers. The Austrian, who ranks highest among the southern Europeans in the scale of efficiency, lives in a country close to the fiftieth parallel, north latitude, and the Swede, who is now coming into our county in larger numbers than formerly, and who outranks them all, comes from north of the fifty-fifth parallel.

As to the relative efficiency of "station-contract" and "day-wage" labor, there can be no doubt that the men earn more money under the "station-contract" system than when working for wages. This form of contracting allows the men to unite into small cooperative groups, and take contracts on their own account, but unfortunately, they are seldom able to estimate their true ability to do the work, and when they find that they have earned less than they expected to they immediately raise the cry that they have been robbed. Their inability to speak or understand our language complicates matters, and the men often become unruly and at times dangerous before matters can be satisfactorily settled.

If station gangs find while the work is still uncompleted that they are not going to make as much money as they expected to, they very often throw up the job and leave the country. This means a loss to the employer, for the men always do the easiest work first, and he must finish the most difficult part of the work at added expense. I believe, despite what I have just said, that the "station-contract" system of doing work is fairest to both the men and the company, provided the job is one that can be properly subdivided and there is a fair chance for the men to earn more than day wages by diligent effort, and that it is only a matter of time before all work that can be handled in this way will be so done.

6. Question 6 deals with construction-camp conditions. While it is a comparatively new practice for State governments to endeavor to get contractors and

others to improve camp conditions, the question of camp sanitation is an old one and one that has been a constant worry to the men responsible for the maintenance of proper conditions. The better class of contractors and all public-service corporations that I have ever known of feed their men well and lodge them in the style to which they are accustomed. Contractors and others maintaining camps for construction labor have experimented again and again, spending thousands and thousands of dollars in some cases, to learn if it is practicable to improve living conditions in camps; but most of the experiments have proven useless.

The California Commission of Immigration and Housing is working very hard to improve camp conditions, but as far as railroad construction camps are concerned, they have started at the wrong end. They should have started with the education of the laborer instead of the employer. We can put showers in our camps, but we can not make the men use them. Long before the immigration commission was active in this field we tried to clean up our camps, but found it a hopeless task, and in some cases abandoned the effort. What is the use of providing expensive toilet facilities for men who never have and never will use them? If they did use them, the transmission of disease would probably be so great that our hospitals would be full and the health officers would be quarantining our camps. I am not referring to the intestinal diseases against which the commission very rightly tells us we must guard, but to the venereal diseases that more than 60 per cent of the laborers are afflicted with. It must be remembered that these men come from the lowest classes of the least civilized countries; that they do not bring their women folks with them, and that there is very little incentive for them to keep up a semblance of respectability. When I speak of the inability of the employer to make the employee use the facilities provided, I am merely stating the solution of a problem that all of us have tried to solve time and time again with a negative result. This does not, of course, apply to all camp labor; but the men who try to keep themselves clean and observe the decencies in camp are outnumbered ten to one. You will always find men in camp who will change their underwear once a week and insist upon sufficient time to keep themselves clean; but the majority do not care to do so, and would consider that their personal liberties were being violated if they were made to do so.

Our California Commission on Immigration insists that each man in a construction camp be given at least 500 feet of air space in his sleeping quarters. This is impractical and unnecessary. The ordinary box car that is converted into an outfit car contains 2,025 cubic feet, and is therefore available for the use of four men. Each car is 40 feet long, so that it takes 10 feet of track room for each man, or an outfit for 250 men would be a half mile long. As a matter of fact, the men don't want air in their sleeping quarters. They nail up every window and door (except the one used as an entrance) and stuff up every crack. We have discharged man after man, but they still persist in doing it. As a matter of fact, they get all the air they need during the day when at work on the open grade, and it is not right to put them in the same class with indoor workers.

7. Question 7 asks the feasibility of "bunching" construction work so that the bulk of it will come in periods when the demand for labor in general is low. As I have already said, construction work of any size can only be done during the dry seasons of the year. Unfortunately these are the seasons when labor is needed upon the farms; but it is just as unfeasible to move the construction period as to move the crop period. Another feature of this question is that construction work is usually done during periods of general prosperity, for then money is available and cheap, though labor is scarce.

8. The general condition of labor-union membership on construction is asked in question 8. As far as I know, labor on construction work is entirely unorganized. We very often hear that a great many of the men are members of the Industrial Workers of the World, but, if this is a fact, the men themselves will not admit it. An I. W. W. agitator will sometimes appear upon the work in an endeavor to win the men to his cause, but he usually does not stay in camp long, and it is doubtful if the laborers take much stock in organization of any kind.

There are two unions of steam-shovel workers. The International Brotherhood of Steam Shovel and Dredgemen, and the Associated Union of Steam Shovel Men. One of these, I do not know which, is a branch of the American Federation of Labor. I have never been able to learn why the two unions exist. Some of the best shovel men I have ever known have told me that they

would not join either, but that if they would settle their differences and consolidate they would be glad to join the federated union. These unions publish a schedule of hours and wages for their members, but no attempt has ever been made on the Pacific coast to get the employers to live up to it. None of the railroads, as far as I know, pay the union scale or work union hours. The fact that there are two unions induces them to bid for work, and it is, therefore, easy for the employer to make his own terms.

There is a bridge and structural workers union, but its members do not often figure as such on bridge work which is a part of a larger construction project. I do not know what the proportion of union to nonunion men is in this craft, but we are able to get all the men we want without going to the union for them or paying union wages. The great trouble in working union bridge men is that if one of the men is incompetent and is discharged the rest of the gang strike. Apparently competency plays no part in unionism, for, regardless of how incompetent a man is, he must be kept on the job and paid the full union wage or the work will be tied up. The union men state that while their men demand higher wages than nonunion men, they turn out more work and, therefore, are worth what they ask. This is not proven on the work, however, and think that it is generally believed by bridge contractors and foremen that they can get as much work out of the nonunion men as out of the union men.

9. You have heard a great deal during this hearing about unemployment, and you will probably hear a great deal more, so I will not take up your time with this subject, although it is covered by question 9. During the unemployment period last winter, the committee handling the affairs announced that they thought the railroads should help them out by employing some of the men dependent upon their charity. I immediately responded by taking 55 laborers and from that time on a few now and then. These men were paid $2 per day and charged 75 cents for board, leaving them a net profit of $1.25 for their day's work. Most of the men did not stay longer than it took to clear $7 or $8, or, in other words, the average time was from five to seven days.

I do not know of any other remedy for unemployment than a more even distribution of labor over the country. This, of course, will not take care of years like last year, when there was no work to be done anywhere.

Chairman WALSH. Any questions? That is all.

Commissioner COMMONS. Just a question.

Chairman WALSH. Commissioner Commons would like to ask two or three questions.

Commissioner COMMONS. Your general conclusion is that as far as railroad work is concerned private-employment offices are unnecessary?

Mr. WOLLNER. Yes, sir; exactly.

Commissioner COMMONS. And, therefore, a law prohibiting the collection of a fee by a private employment office would not interfere with the railroad companies in their work?

Mr. WOLLNER. It would interfere to a limited extent. It would make necessary the establishment of some plan for gathering men. In cases like that of the Baltimore & Ohio, where they have already established offices, the abolition of private offices would not affect them at all; but the conditions in San Francisco would be entirely different.

Commissioner COMMONS. I am speaking only of railroad companies.

Mr. WOLLNER. I meant to say the condition in San Francisco, with relation to the employment of railroad labor, would be entirely different. We must have some way of gathering our men, and if we do not have the privately operated employment office we would have to have agents of our own and establish centers for the gathering of the men.

Commissioner COMMONS. Which means simply you all would be forced to come to the Baltimore & Ohio system?

Mr. WOLLNER. Yes, sir.

Commissioner COMMONS. Which would not be objectionable?

Mr. WOLLNER. Not from my point of view. It would be very desirable from my point of view.

Commissioner COMMONS. And you have had enough experience—you have had four or five years' experience in working it out, apparently?

Mr. WOLLNER. My connection has not been with the Baltimore & Ohio; it has been with the formulation of the plan used by them.

Commissioner COMMONS. Have you actually operated the plan under any other system?

Mr. WOLLNER. No, sir.

Commissioner COMMONS. The Baltimore & Ohio is the only road in the country, then, that has this system?

Mr. WOLLNER. As far as I know it is.

Commissioner COMMONS. So that you can't speak for any other railroad; but you think it would be advisable, as far as other roads are concerned?

Mr. WOLLNER. I think it would be advisable.

Commissioner COMMONS. And outside of railroad companies, what other class of corporations have you ever considered that might adopt similar systems?

Mr. WOLLNER. Well, any corporation maintaining a large working force could adopt such a system. Such as, for instance, a light and power corporation extending over a large territory, or a water company, or, as I said before, any corporation maintaining a large working force. The system of company operated employment bureaus has, of course, been used in department stores and for clerical help in large corporations, and I think is generally conceded to be a success; it would merely mean the extension of the plan to include common labor.

Commissioner COMMONS. Well, have you considered whether your plan would also be feasible for associations of small employers of a certain class in order to handle their labor force? Lumber companies, for instance.

Mr. WOLLNER. It would not pay; the expense would be too great.

Commissioner COMMONS. I don't mean for each company to have its own office, but for the association to be formed.

Mr. WOLLNER. I think that would be feasible and advisable. I might say that one of the national engineering societies has just taken up the matter of employment for their members. There have been several so-called clearing houses for technical men, and these have been operated on the same plan that is being used by our general employment offices, and the national engineering societies have come to realize that this method of employment does not give the competent man the best chance to get the best job, and that the profession suffers through the furnishing of incompetent men by third parties who have no interest in the matter.

Commissioner COMMONS. Are you now speaking of technical engineers?

Mr. WOLLNER. Of civil engineers.

Commissioner COMMONS. Then if the fee generally were abolished for private employment offices it might force the organization of associations like that that I have suggested in the lumber industry and that would probably be a good thing, according to your idea.

Mr. WOLLNER. Yes, sir. There is a possibility, of course, that if no fee were charged men would change their positions often—that the fact that a fee is charged might deter a man from leaving his position without cause.

Commissioner COMMONS. But that would be offset by the other considerations that you have mentioned, that private offices do lead to frequent changes?

Mr. WOLLNER. Yes, sir.

Commissioner COMMONS. You would not say which would be likely to do more, either that way or the other?

Mr. WOLLNER. No, sir. I believe that the establishment of a national labor clearing house and of employment offices by the Government in accordance with the outline of the commission would mean practically a revolution in employment methods, and it would wipe out practically all the abuses now existing in the employment of labor through private agencies.

Commissioner COMMONS. Did you notice in there the provision for an advisory committee of employers and employees to assist?

Mr. WOLLNER. Yes, sir; I did.

Commissioner COMMONS. What did you think of that feature?

Mr. WOLLNER. I think it would prove a great benefit in removing the feeling that now exists between employer and employee in the organized trades. That is, it would have no effect upon the construction laborer, because he is unorganized; but I think that it would create a much better feeling between the crafts that are organized and their employers through the fact that the commission would be undoubtedly made up of their representatives as well as the representatives of the employer.

Commissioner COMMONS. Then, if the employers are also represented in the administration of these offices, wouldn't that give them greater confidence in

using those public offices instead of depending on private offices or even their own office?

Mr. WOLLNER. That is what I meant to infer by my last answer. It would create a better feeling on both sides.

Commissioner COMMONS. Then you consider that an important feature of such a bill, to have that suggestion?

Mr. WOLLNER. I consider it one of the most important features of such a bill.

Commissioner COMMONS. That is all.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Just one more question. How serious is the habit of drink among construction laborers?

Mr. WOLLNER. The habit of drink is undoubtedly the cause of all native Americans becoming railroad laborers, and it is the cause of the very small amount of effective efficiency that they produce. The men we get in our railroad construction camps are all drinkers—all heavy drinkers. I suppose I should qualify that so as to say there is, of course, always a small per cent, possibly, who do not drink; but considered in the whole they are heavy drinkers.

Commissioner WEINSTOCK. When you say the men you get in the construction camp, does that apply to all men, or just to Americans?

Mr. WOLLNER. No, sir; that applies to all of them; foreigners as well as native Americans.

Commissioner WEINSTOCK. So that the drink habit is a common condition among construction workers?

Mr. WOLLNER. It is.

Commissioner WEINSTOCK. Foreign and native?

Mr. WOLLNER. It is. If it were not for the drink habit these men would soon grow out of the class of construction laborers. While the minimum wage of the railroad construction work as far as I know is $2 per day, and the maximum board charge is 75 cents per day, which would leave the laborer $1.25 clear, from which, if he did not use liquor, he would merely have to buy his clothes and tobacco—well, clothes are a very small feature in his expense, and I should say that the average expenditure of the construction laborer living in a city during the period of unemployment does not exceed 35 or 40 cents per day, which would include board and lodging. So that for each day he was employed he would be able to support himself three or four days of unemployment. As a matter of fact, the first thing a man does when he gets off the job is to get drunk. And he stays drunk, as a general thing, until he has spent all of his money, with the possible exception of the fee required to get back on the work. As an illustration of this we have an employment office in San Francisco that operates in connection with a saloon; that is, the employment agent runs a saloon on the ground floor and an employment office in the basement. While he charges fees from the casual applicant for work, it is generally understood that if a man spends a large proportion of his earnings in his saloon he can get a job free when he is broke.

Commissioner WEINSTOCK. Well, now, you say that this drinking applies to the foreign workers as well as to the native workers. But take the Italians, for example, in Italy, as you have no doubt noticed, if you have been there; nearly every Italian in Italy drinks, but there are very few that get drunk. Now, do they change their characteristics when they come over here, away from their home restraints and home influences?

Mr. WOLLNER. Yes; our foreign laborers, the Italians and the Greeks and the Austrians, always have liquor in the camps, which they use about as they use it at home; that is, they take it with their meals, but they don't get intoxicated. But, as a general thing, when they have finished their work—take, for instance, a station gang, to which I referred in my statement—when a station gang has cleaned up its work and has drawn its money, why, it is the general thing for them to get drunk. And I think that the foreigners change their habits upon coming to this country, but they don't take on our better habits.

Commissioner WEINSTOCK. They take up our vices?

Mr. WOLLNER. They pick up our vices.

Commissioner WEINSTOCK. And lose their virtues?

Mr. WOLLNER. Well, practically so; and I believe the reason for that is that they leave their home ties and don't bring their women with them. I am told, although I never have been there, that this is found to a large extent in lumber camps and in coal-mining districts in the—or, rather, in the lumber camps in the northeastern United States and in coal-mining districts, where there are

practically no women in camp. And, although the companies furnish them with toilet facilities, they absolutely refuse to use them. The living conditions, as far as housing is concerned, approximate or improve upon their conditions in their own countries. So it must be the leaving behind them of their womenfolk and other home ties that makes them careless in their habits.

Commissioner WEINSTOCK. You made the statement that the construction worker can live in cities during his period of unemployment at from 30 to 40 cents a day. Well, now, take the maximum that you named of 40 cents, that would be equivalent to about $12 a month. Will you explain how it is possible for men to live in the city for $12 a month, to cover their food and lodging?

Mr. WOLLNER. Well, to carry it back to the day basis, a man can obtain lodging in San Francisco for 10 cents a night. The best of them pay 15 to 20 cents. But he can obtain lodging at 10 cents per night. And I would like to say here, that one of my grievances against the orders of the immigration commission is that they are making us, or trying to make us, furnish better living quarters to the men in our construction camps than they will use of their own volition when they come to the city. An investigation of the cheap rooming houses will show that the men get a very small proportion of the 500 cubic feet of air space in their quarters. And as for eating, I had in mind that during the time the men are in town they spend most of their money for liquor and very little for food, and they rarely eat more than two meals a day. And a meal for a laborer usually consists of, say, a cup of coffee and a heavy meat and possibly pie or something of that kind. And there are any number of restaurants in our employment office district, if we can term it such, which cater to such business for 10 to 15 cents a meal. So allowing 10 cents, if they did eat three meals a day, and 10 cents for lodging, it would be 40 cents. And, as a matter of fact, I seriously doubt if many laborers do spend 40 cents a day for board and lodging, omitting the liquor.

Commissioner WEINSTOCK. That is all.

Commissioner LENNON. Have you ever experimented in trying to live in San Francisco at 40 cents a day?

Mr. WOLLNER. I never have. I might say in explanation of this that while I have been here I have always lived with my family and have fortunately been sufficiently prosperous to not have to try the experiment.

Commissioner LENNON. Do you believe the organized society is under any obligations to conduct themselves in a way that will elevate the aspirations and ideals of those men that now live that way?

Mr. WOLLNER. I do.

Commissioner LENNON. Do you believe that obligation extends to corporations as well as individuals?

Mr. WOLLNER. I do.

Commissioner LENNON. Do the construction companies that have these large bodies of men hired, do they sell liquor to them?

Mr. WOLLNER. No; never within my experience. I will say, however, that I have heard stories of cases long before my time—that is, prior to 14 years—I have heard stories of prior to 14 years ago that such was the case. But in my 14 years' experience with construction work I never have known of or heard of a contractor selling liquor to his men.

Commissioner LENNON. Nor the commissary department, either?

Mr. WOLLNER. Nor the commissary department.

Commissioner LENNON. That is all.

Mr. WOLLNER. I might say this, however, that very often the station outfits, the station gangs, will dispose of liquor in camp.

And as to the responsibility of the employer for improving the social condition of the migratory laborers—as I tried to bring out in my statement, that has been tried again and again. I have during the past several weeks supplemented my own knowledge of that particular phase of it through interviews and conversations with men who have had even greater experience than I, and I have heard numberless stories which I have checked up to learn the truth of, that it is impossible to help the men.

One case was told me was of a camp that was established in the vicinity of Pinole, which is in our northern bay district, where the contractor built or put in iron beds, furnished with mattresses and sheets and blankets and pillows and pillow slips. As each man came into camp he required—or gave the man his bed outfit—assigned him to his bed and gave him his outfit of bedding, assigned him—made no charge for it, no cash charge, but charged the man on the books $1, which was to be deducted from his pay if he didn't return them

in good condition. The linen could only be used once, and must be destroyed. It could not be laundered. The men insisted upon going to bed with their boots on, which is a common practice in construction camps, and tore the sheets to pieces and dirtied them. And the whole condition of the man made it impossible to use the bedding over again.

I know of another case where a contractor put in showers and tried to get the men to use them, and in the several months that his camp was in existence—the shower was furnished with warm water from the kitchen range so that there could be no objection to the temperature of the water—and during the entire existence of that camp the timekeeper was the only man who used the shower. And I have heard numberless stories to the same effect. And, as I said before, we must take into consideration the home characteristics and the social plane from which we draw our men. It certainly is our duty to try to raise them socially, but it seems like a hopeless task.

Commissioner LENNON. Well, thank God, it is not. That is all.

Chairman WALSH. That is all. Thank you.

Call your next witness.

Mr. THOMPSON. There are some questions here, Mr. Chairman.

Chairman WALSH. One minute, Mr. Wollner, please. Mr. Thompson has a question.

Mr. THOMPSON. Never mind, Mr. Chairman. That is all.

Chairman WALSH. That is all.

Call your next.

Mr. THOMPSON. Mr. Tyler.

TESTIMONY OF MR. JOHN G. TYLER.

Mr. THOMPSON. Will you give us your name and your business address and your business?

Mr. TYLER. John G. Tyler. I am employed by the Utah Construction Co., and have charge of their office here in San Francisco.

Mr. THOMPSON. I can't hear you, Mr. Tyler.

Mr. TYLER. I say I am employed by the Utah Construction Co., and have charge of their office here in San Francisco.

Mr. THOMPSON. In what position are you employed, general manager?

Mr. TYLER. No, sir.

Mr. THOMPSON. What position have you with the company?

Mr. TYLER. Well, I don't hold any office. I simply have charge of their office here.

Mr. THOMPSON. I see.

Mr. TYLER. Handle this office.

Mr. THOMPSON. Well, you have charge of the employment of the men that they use in their work?

Mr. TYLER. Well, to some extent, where we have orders here in the city, I give them out or employ the men.

Mr. THOMPSON. Well, have you ever paid any attention to the character and amount of labor that they employ?

Mr. TYLER. Well, to some extent.

Mr. THOMPSON. Well, did you receive some questions in regard to your appearance here as a witness?

Mr. TYLER. Yes, sir.

Mr THOMPSON Well, are there any of those questions that you would like to make any statement on?

Mr. TYLER. Well, I have made a few notes on some of them. There are many of them that I am not familiar with.

Mr. THOMPSON. Well, pass by the questions you are not familiar with and address yourself to those that you have something to say to the commission on.

Mr. TYLER. I have made some notes here on some of them. Now, as to the seasonal labor, so far as the work we handle, which is largely grading work for railroads, it does not exist except as it is governed by the agricultural seasonal labor. Of course, at times, when the agricultural work is going on, why, it makes quite a difference in the supply of labor, particularly when it is scarce. Railroad companies, as a rule, pay no attention to seasons in doing their work. When they have it to do, why, they get at it, or have the contractor.

The labor employed largely consists of what we term foreigners, such as Italians, Austrians, and Greeks, principally. And then we have what is known as the Swede labor, many of whom are station men—in fact, are contractors—

and then what is known as the white labor, which takes in the American labor or labor of that kind. The foreign labor, the Italians, Austrians, and Greeks—I don't know that there is very much difference in the class or the efficiency, although I think the Italians and Austrians are—you get better results from them in our class of work. They stay longer and probably do better work. What we term the white labor, as a rule, does not remain in the camp very long, or does not continue on the job. They may work a week or two and go off a week or two, and back again. I have had taken from our pay rolls—a few of them—some data showing the length of time that men have continued on the work, or the average for months. I have one here at a camp situated about 40 miles north of the end of the track on the Northwestern Pacific, or was at the time this was done. All of these, however, were for 1913, when labor was, well, just average—fairly plenty, but not very scarce. In January—this was at the tunnel camp, where a man could have worked just as long as he wanted to—the work went on for 500 days, I guess—in January, 1913, we had 133 men there who worked 2,160 days, the average being 16.3 for each man; that is, for one working there that whole month. In February it was 14.5; in March it was 10.6; for April, 12.8; in May, 17.5. Then a grading camp just adjoining there, outside work, the average in June was 12.1; in July, 9.8; August, 12.3; September, 15.9; October, 9.3. At that time the weather was getting bad. November, 9.7; December, 7.6.

In another camp in that immediate neighborhood, the camp of a subcontractor, the average in October, 13.8; November, 11.5; December, 12.2.

Here is another camp, on the main line of the Southern Pacific up near Truckee. This is only for three months; the camp wasn't in there very long. They began in March and ended in July, but those were broken up north; they were forming the camp in March and winding up in July, and I didn't use that average: In April, 9.3; May, 8; June, 8.7. That camp, of course, as I say, was on the main line of the Southern Pacific, where transportation facilities were good, and there were a number of camps along there and probably these same men may have worked twice by going to another camp.

This year the number of men employed will be very much less. In the first part of this year I would imagine it would not exceed 50 per cent of last year with us. We paid out two million and a half to labor in 1913. Probably the fore part of this year won't exceed 50 per cent of that, and the balance of the year from now on I would guess not to exceed 20 to 25 per cent. There is no work going on, and no prospect.

As to the per cent of unemployed who will work when work is plenty the per cent of unemployed who will work is not very great. Take it in our own experience when work is scarce, the per cent of unemployed who will work, of course, is very much smaller; but when work is plenty the men who won't work form a big percentage of the unemployed, naturally, because they wouldn't work anyway whether they could get it or not.

I think conditions in construction camps have improved a great deal in the last three or four years, and probably of late years—and through the last year, here in California, probably through the efforts of the housing committee and sanitary commission. No doubt they have done a great deal of good in many camps. It has always been our aim to conduct our camps as well as could be done considering conditions. And the food that we furnish the men is the best that we can buy. In fact, I think we furnish better supplies than many others, and better than two-thirds of the $2.50 and $3 a day hotels do. We buy the best canned goods and the best meats and butter and everything of that sort; the best flour we can purchase. We always give them the best supplies. If they don't get the best stuff it is the fault of the cooks, and we try to remedy that.

The percentage of skilled labor in our work is very small, probably would not exceed from 3 to 7 per cent, depending on the job. We don't handle any ironwork or anything of that character, purely grading and construction of concrete piers and abutments, or anything that comes under that line; for that reason our skilled labor is small, mostly steam-shovel men and men of that kind—engineers. As to station men, I imagine and think that probably when working as station men they are anywhere from 20 to 25 per cent more efficient than where they are working by the day. It is a method of doing work in the construction line that has been carried on for a great many years—formerly started with what we know as Swede labor. They are practically all men who want to take a contract and who won't work by the day. Latterly there have been very many Italians handling work in the same way, probably more of them

than others, and a good many Austrians, and a good many Greeks. They don't all make money. Some of them do and some of them don't, the same as any other contractor. Many of them make very large wages.

The efficiency of men I think also depends very much on the foreman in charge of them. Many foremen will get along well with men. Others do not. That is true, of course, in any line of work so far as I have ever seen.

We have had of late years no trouble—for the last two or three years—no trouble with employment offices. We ship out a great many men ourselves if they come to the office, any of our old men; we ship them out direct without any charge; and others—we get a large number of our force, however, through employment offices in this section of the country. Back East, I understand, our people handle a large number of their men direct through their own agent.

There have been times, I think, when contractors have divided fees with employment men. That never existed with us, and the man in our company or connected with it who would take anything of that kind would be discharged if we knew it. We would not permit it.

Dr. PARKER. Mr. Tyler, could I ask you a question?

Mr. TYLER. Yes.

Dr. PARKER. Mr. Wollner brought up the point that the greatest difficulty about improving camp sanitation was the fact that the men themselves didn't know how to use their shower baths or improved toilets. Would you say it is a good argument to refrain from improving a camp's sanitation because the men themselves don't understand how to use those facilities?

Mr. TYLER. I would not; no, sir.

Dr. PARKER. Can you imagine that they would learn to use those facilities without the facilities being present?

Mr. TYLER. Well, I think many of them would. I think that there are many of them that would not. The regulations of the sanitation commission, I think, could not be carried out in grading camps in many cases. There are lots of places where you have to place camps in grading work in our class of work, where it would be absolutely impossible to get the breathing room which is called for by their regulations. It would be an utter impossibility. Many places we have to shoot out ground to put up tents enough to take care of the men who are working. Of course, there are other places where it could be done.

Dr. PARKER. Have you ever considered giving medical service to the men?

Mr. TYLER. We always have it.

Dr. PARKER. You always have it?

Mr. TYLER. Yes; always.

Dr. PARKER. Do you furnish hospital tents for them?

Mr. TYLER. Yes, sir; we have a hospital on every piece of work; and sometimes two or three.

Dr. PARKER. Do you consider that properly ventilated sleeping tents or box cars increase the efficiency of the men, or have no effect upon them?

Mr. TYLER. I think any regulation that gives a man a good bed and a good place to sleep and good food increases his efficiency.

Dr. PARKER. If the charge was brought that a good deal of the inefficiency of contract labor was due to the fact that the men are undernourished; if that charge was brought would you consider it a good charge?

Mr. TYLER. Well, let me understand.

Dr. PARKER. That the undernourished and poorly rested condition of the men in construction work is in part responsible for the low efficiency of that labor?

Mr. TYLER. It might be. It would be if it were true. I think that if you don't give a man good food and plenty of it and a good place to sleep he can't certainly be efficient either in that class of labor or any other class of labor.

Dr. PARKER. Do you think the contractors in the State here have less efficiency by their treatment—that is, in a general way—less efficiency by their treatment of construction workers and migratory workers?

Mr. TYLER. I think it is probable that that has been the case. I think that now, however, they are getting things in better shape. I don't think there are many contractors but what figure in that way, that it is better to give their men good service of that kind, and that they will get more efficiency out of them.

Dr. PARKER. Has your experience been that the men are rather heavy drinkers?

Mr. TYLER. Oh, yes; yes, sir.

Dr. PARKER. Could you explain the fact that they drink heavily by the fact that they are very often cold at night, are poorly housed, that quite a percentage of the men in construction work haven't blankets?

Mr. TYLER. No; I do not think that has anything to do with it, because on construction work they could not get it to drink at that time. The drinking is largely done in towns when they are out of work.

Dr. PARKER. Do you think that their hopeless view of life and outlook and their general neglect has anything to do with the fact that they drift into drinking and drift into rather rough habits with regard to their sleeping?

Mr. TYLER. Well, that might be the case. I don't know what starts a man off. I can readily see when they get down a ways that that would be true.

Dr. PARKER. Your company is the biggest employer of construction workers in the West, is it not?

Mr. TYLER. Well, I think it is, probably, with ourselves and our subcontractors.

Dr. PARKER. Yes. Would you think that it would be possible to increase the general efficiency of your employees if a system of—well, not welfare work but a system of camp sanitation and the care of the men in camps was inaugurated—do you think you could raise the efficiency of the labor?

Mr. TYLER. Well, we have always tried to do that, to have camps in good shape, and we do still.

Dr. PARKER. But you spoke of how impossible it is to give the men proper sleeping accommodations.

Mr. TYLER. That is true; and while it is in cases, I said there are cases where it would be impossible to carry out strictly the rules.

Dr. PARKER. Do you think that the efficiency of construction labor could be raised by a better general organization of their sleeping and living and eating?

Mr. TYLER. Well, it might be a little, but it would depend. We are giving them very good accommodations now. I don't know how much further it could go.

Commissioner LENNON. Prof. Commons, do you desire to ask any questions?

Commissioner COMMONS. No.

Commissioner WEINSTOCK. I want to ask a question.

Commissioner LENNON. Mr. Weinstock.

Commissioner WEINSTOCK. You were present, were you, Mr. Tyler, when Mr. Wollner testified?

Mr. TYLER. Yes, sir.

Commissioner WEINSTOCK. You heard him state his experiences with construction men that about 60 per cent were victims of venereal diseases; that, as a rule, they were addicted to drink; that they could not be persuaded to bathe; and that their habits generally, as a rule, were below the standards. In how far does your experience corroborate those statements?

Mr. TYLER. I could not hear what Mr. Wollner said. I was sitting back behind. But I would not think that there was any percentage of that kind, in the diseased part of it. The drinking part of it, of course, is very bad with many, particularly with what is termed the white labor.

Commissioner WEINSTOCK. When you say white labor, what labor have you in mind?

Mr. TYLER. Well——

Commissioner WEINSTOCK. You mean the native workers?

Mr. TYLER. Yes.

Commissioner WEINSTOCK. American workers?

Mr. TYLER. Yes, sir; largely that.

Commissioner WEINSTOCK. Is the drinking habit stronger with them than with the Europeans?

Mr. TYLER. Yes, sir.

Commissioner WEINSTOCK. It is stronger?

Mr. TYLER. Yes, sir.

Commissioner WEINSTOCK. Is it due to the fact that the native worker takes strong drink and the European worker is addicted to wines, the native worker to whisky?

Mr. TYLER. Well, I would not say as to that. There probably is something to that. But the foreign worker saves his money more than the native worker does. He goes out and works, and he will work two or three months at a time, and he will come in with money. The foreign laborer, my experience is, nearly always has money. If he is out of work for a month or two months, he has still got money, and takes care of it. And the other men who follow that line of

work, what we call the white workers who follow that line of work, go out, and probably 75 per cent of them go out and work for 10 days, maybe a week, depending on how big a stake the man wants. Then he comes into town and blows it in and spends whatever he has made. Then he will go out again, he may work twice in a month, a week at a time. I have heard many of them say that they could get just as drunk on a $5 stake as they could on a hundred, because they would get "rolled," if they had the hundred; so that that is about the proposition.

Commissioner WEINSTOCK. What effect does that drinking habit have upon their efficiency?

Mr. TYLER. Well, they haven't any efficiency when they first come out onto a job, if they have been in town for a drunk. After they have been there 24 or 48 hours, they straighten up and their efficiency is all right.

Commissioner WEINSTOCK. Do you employ Asiatics in your work?

Mr. TYLER. No, sir.

Commissioner WEINSTOCK. No Asiatics?

Mr. TYLER. None whatever.

Commissioner WEINSTOCK. Well, now, have you any constructive suggestions to make along the line of raising the standard?

Mr. TYLER. No, sir; I think not.

Commissioner WEINSTOCK. Or uplifting the element that you have in mind?

Mr. TYLER. No; I think not. It is a question I have never gone into.

Commissioner WEINSTOCK. That is all.

Commissioner O'CONNELL. Mr. Tyler, how many workmen, approximately, in an average year do you employ?

Mr. TYLER. You mean at one time?

Commissioner O'CONNELL. Yes; how many do you work at one time; yes.

Mr. TYLER. Well, it is pretty hard to tell. We have employed—we had in California last year something, I think the general average—I could have got the figures, but I don't recall—I think about 3,000 men a month last year. That is, ourselves and subcontractors; we do a large amount of work through subcontractors.

Commissioner O'CONNELL. I will get to the subcontractor a little bit later. You had employed here at one time about 3,000 men?

Mr. TYLER. I think we averaged nearly that last year.

Commissioner O'CONNELL. How many men would you employ per month to keep up that number at work?

Mr. TYLER. Well, I would say, roughly, about probably 8,000.

Commissioner O'CONNELL. Eight thousand?

Mr. TYLER. Yes, sir; roughly.

Commissioner O'CONNELL. About 3 to 1, approximately?

Mr. TYLER. Pretty close.

Commissioner O'CONNELL. Then, in order to keep your work going of 3,000 people, you would have to have eight or nine thousand people coming and going and working all the time?

Mr. TYLER. I would say that.

Commissioner O'CONNELL. What, approximately, is the average wage? What do you pay?

Mr. TYLER. Our common laborers we are paying two dollars and a quarter a day now; sometimes two dollars and a half.

Commissioner O'CONNELL. Out in the camps?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Do you board them?

Mr. TYLER. Yes, sir; they board at the camps.

Commissioner O'CONNELL. What do you charge them for board?

Mr. TYLER. Seventy-five cents a day.

Commissioner O'CONNELL. Seventy-five cents a day. Just roughly, now, what do you feed them?

Mr. TYLER. What is that?

Commissioner O'CONNELL. What do you feed them? What kind of food do they get?

Mr. TYLER. Well, we feed them beef and ham and bacon——

Commissioner O'CONNELL. What kind of beef?

Mr. TYLER. Why, we buy the whole carcass. The whole carcass goes in.

Commissioner O'CONNELL. It all goes into the camp?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Do you run a commissary in connection with the camp?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. They buy their supplies from you?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. You furnish them everything—clothing——

Mr. TYLER. We don't handle any clothing. We have overalls and socks and towels——

Commissioner O'CONNELL. Blankets?

Mr. TYLER. Blankets, comforts—just stuff that they need right on the work. We never handle clothing or anything of that kind.

Commissioner O'CONNELL. They buy all their bedding supplies from you, do they?

Mr. TYLER. If they want to, they do; and if they don't want to, they can buy them any place they please.

Commissioner O'CONNELL. If they are out in the camp where there is no place to buy it, they certainly would buy them from you?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Does every man who comes into your employ buy a new outfit from you?

Mr. TYLER. He can buy it if he wants to. He don't have to buy anything from us.

Commissioner O'CONNELL. Some of them have their outfits when they come in?

Mr. TYLER. Oh, yes; many of them.

Commissioner O'CONNELL. What does an outfit cost for a man who comes into camp if he did not have anything with him?

Mr. TYLER. I don't know what you consider an outfit.

Commissioner O'CONNELL. His blanket and bedding.

Mr. TYLER. If he bought the comforter, it would cost him a dollar and a half; that is the usual price.

Commissioner O'CONNELL. Do you furnish mattresses for them?

Mr. TYLER. We furnish mattresses in the camps up in the country here.

Commissioner O'CONNELL. Do they all have mattresses?

Mr. TYLER. No, sir; not all of them.

Commissioner O'CONNELL. Just ordinary straw or hay thrown into a bunk?

Mr. TYLER. We furnish mattresses with all the iron beds and bunks we have. But I don't know that we are going to continue it, from the way they are kept.

Commissioner O'CONNELL. What do you charge them for a mattress?

Mr. TYLER. We don't charge them anything.

Commissioner O'CONNELL. You give them a mattress?

Mr. TYLER. That is what we have been doing. We have never kept any mattresses to sell or anything of that sort.

Commissioner O'CONNELL. Do you have a system of inspection of the camps?

Mr. TYLER. We have a man who looks after the camp—sweeps out and takes care of the rubbish.

Commissioner O'CONNELL. He is sort of janitor?

Mr. TYLER. Yes, sir; "crumb boss" they call him.

Commissioner O'CONNELL. Does he report every day or per week the condition of the camp?

Mr. TYLER. I could not tell you. He is there under charge of the foreman of the camp—the "walker."

Commissioner O'CONNELL. Have you made any inspection personally yourself of the camps at any time?

Mr. TYLER. No, sir; I have not been in camp in five years.

Commissioner O'CONNELL. You don't know yourself, then, the conditions existing in the camps at all?

Mr. TYLER. No, sir; not from personal knowledge.

Commissioner O'CONNELL. Is there any investigation made by the cities or States in the localities where your camps are made?

Mr. TYLER. Well, here in California the sanitation and housing commission have made investigations of the different camps, I think; all of them, probably.

Commissioner O'CONNELL. You subcontract a lot of your business?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. What arrangement have you with the subcontractors? How do they handle the affair?

Mr. TYLER. They handle their own business.

Commissioner O'CONNELL. You subcontract a portion of the work for them to do?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. And that carries with it all the privileges you enjoy, such as running the commissary?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. You do not retain that?

Mr. TYLER. No, sir.

Commissioner O'CONNELL. All that goes to the subcontractor?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Now, what examination do you make as to the conditions under which the subcontractor employs the people?

Mr. TYLER. Well, we have our superintendent over the work, who looks after all the work on the line, and, in a general way——

Commissioner O'CONNELL. I suppose his business is to see that the work is properly done?

Mr. TYLER. Yes, sir; or to see that things are properly taken care of in every way. Any orders we send to our superintendent about our own camp, or any orders he gets, applies to the subcontractor's camp.

Commissioner O'CONNELL. Do you see to it or your superintendent see to it that the subcontractor keeps up the standard of living and efficiency as you would?

Mr. TYLER. Well, he should see to it; that is his orders.

Commissioner O'CONNELL. Well, you haven't any complaint that he does not, I suppose?

Mr. TYLER. No, sir; we have very few complaints.

Commissioner O'CONNELL. Does the subcontractor pay the same wage that you would pay if you were doing the work yourself?

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Is that a provision of the subcontract?

Mr. TYLER. We have the right of regulating wages.

Commissioner O'CONNELL. Do you put that in the contract?

Mr. TYLER. We don't have any list. Sometimes he might pay more for some particular thing.

Commissioner O'CONNELL. What I want to get at is whether under the circumstances and contract with the subcontractor he should pay a certain rate of wage.

Mr. TYLER. Oh, we wouldn't allow him to pay any less than we would pay.

Commissioner O'CONNELL. Is that in the contract?

Mr. TYLER. The contract provides we have a right to regulate all wages. There is not anything that says he shall pay certain wages.

Commissioner O'CONNELL. Have you made any inspection of any kind to ascertain whether the subcontractor is paying a rate of wages you would pay ordinarily?

Mr. TYLER. Yes, sir; we get all the pay rolls.

Commissioner O'CONNELL. You say there is a stream of men coming all the time. It takes three men to keep one man at work practically.

Mr. TYLER. I did not say three men.

Commissioner O'CONNELL. That is the general opinion we have, that there is one crew coming and a crew going and a crew working.

Mr. TYLER. Yes, sir.

Commissioner O'CONNELL. Is it not possible that the low standard of living, the low standard of opportunity that exists, and the isolation of the men from all kinds of pleasures of life, all culture of life, is not the cause of this lack of steady employment on their part—the lack of a desire to work steadily on their part?

Mr. TYLER. Oh, I could not say as to that. I don't know what may cause the men not to want to work either in the city or out in the country.

Commissioner O'CONNELL. Don't you think it would be well for a business that is of such magnitude as to require that two men must be out of work while one man is working in order that the business may go on—that the business would require the closest scrutiny on the part of the employer to see if there could not be some improvement made in that condition? It seems possible if the condition exists where it requires three men to keep one man at work—in other words, if the pay is $2, and there are two men out of work, and therefore the average earning is $2 between three men, which would bring the wages to around 75 cents a day, an apparent actual existence, not a living for

three men in one job—it seems that that condition would warrant the employer in making the most careful scrutiny of the affair?

Mr. TYLER. I think it is to the interest of the employer to see that his men have good care at their camps and good food.

Commissioner O'CONNELL. That is all.

Commissioner WEINSTOCK. Just one more question. In what States does your company operate?

Mr. TYLER. All of Utah, Colorado, Idaho, Oregon, Nevada, and California; that is, when we get the opportunity.

Commissioner WEINSTOCK. Are any of those States what are known as dry States?

Mr. TYLER. No, sir; I think not, as States. There are dry counties in Oregon.

Commissioner WEINSTOCK. Are you in a position where you could make observations to the difference of the supply of men when they are working in what is known as wet localities and dry localities?

Mr. TYLER. Well, I have never been in any of those dry localities. There are some up in Oregon, but I used to hear some of the men say there was a great deal of bootlegging going on there, and that they got the whisky anyway.

Commissioner WEINSTOCK. What do you mean by bootlegging?

Mr. TYLER. They got the whisky anyway from a fellow that was selling it without any right, in little places.

Commissioner WEINSTOCK. They smuggled it in?

Mr. TYLER. Yes, sir; they smuggled it in.

Commissioner COMMONS. Do I understand you to say you employ about 8,000 men—hired about 8,000 men?

Mr. TYLER. No, sir; I did not. I said in the course of the last year, during 1913, we averaged about 3,000 men.

Commissioner COMMONS. And during that time you had to hire 8,000?

Mr. TYLER. Yes, sir; I would say roughly that there were that many men on the work.

Commissioner COMMONS. That includes subcontractors?

Mr. TYLER. Yes, sir.

Commissioner COMMONS. What proportion of these are hired through private offices and in your own office?

Mr. TYLER. I could not say, but a very large proportion.

Commissioner COMMONS. The bulk of them?

Mr. TYLER. Yes, sir.

Commissioner COMMONS. You hire some through your own agency, do you?

Mr. TYLER. Oh, yes; we send out a good many men that come in to us—come to the office—some of our old men; but the large bulk of the men are employed through those offices.

Commissioner COMMONS. What would be the effect on your business, or could you establish—you would naturally be compelled to establish an office of your own if private offices were prohibited by law—private employment offices—from charging a fee?

Mr. TYLER. We undoubtedly would be compelled to.

Commissioner COMMONS. How would that affect your labor? Do you think that would be a disadvantage to you in getting help?

Mr. TYLER. I don't know that it would be any disadvantage after it was organized. It would be pretty expensive. We would have to organize offices at different points where men congregated.

Commissioner COMMONS. Wouldn't you be able to get a better selection of men?

Mr. TYLER. I don't think so.

Commissioner COMMONS. Do you think you get a satisfactory collection from these offices?

Mr. TYLER. I think we get the same grade of men.

Commissioner COMMONS. You don't have any supervision over the men sent to you?

Mr. TYLER. No, sir.

Commissioner COMMONS. Not until they reach the camp?

Mr. TYLER. Not until they get there. If we find employment offices are not sending proper men we don't get any more from them; we cut them out.

Commissioner COMMONS. Don't that cause a lot of men to be sent to you that you can't use?

Mr. TYLER. That used to be the case a good deal a few years ago. I think lately it is not so much the case. I think employment men, as a rule, are trying to handle the business perhaps a little bit different from what they used to.

Commissioner COMMONS. Wouldn't it be possible, if you had your own office, to make a better selection and also get steadier men—men who would work and stay on the job longer—and not make this continual change all the time, if you had your own central office?

Mr. TYLER. I don't think there would be much difference. You can't tell by the looks of a man how long he is going to stay or even if he is going to work at all. He simply just looks like a laborer, or a man who would go, and you ship him out or send him out. There is no means of knowing whether he will ever go to the work or not, or what kind of work, or what kind of man he will be when he gets there.

Commissioner COMMONS. How much do these men pay to the employment office?

Mr. TYLER. I think their usual charge is a dollar, but they ship a great many men without any fee when men are scarce.

Commissioner COMMONS. Then it costs the employees on that account—the employees pay about $8,000 a year for the service?

Mr. TYLER. Well, I would not say that, because many of them come into camp themselves—don't go near an employment office. Those men come right out, and they know they can get work, and they go on out and get it.

Commissioner COMMONS. Could you conduct your own office for $8,000 a year—your own employment office?

Mr. TYLER. Well, possibly. It would depend entirely on the number of places you had to put the office—how much your work was scattered.

Commissioner COMMONS. Do you run company stores?

Mr. TYLER. Only the commissary for little necessities at the camp.

Commissioner COMMONS. Do you furnish board at cost?

Mr. TYLER. We charge 75 cents a day.

Commissioner COMMONS. Does that make a profit?

Mr. TYLER. No, sir; not nowadays; generally a loss in nearly every camp. It used to make a profit on board a little, but not for the last few years. There is hardly a camp that does not show a loss on boarding.

Commissioner COMMONS. That is all.

Chairman WALSH. That is all, Mr. Tyler, thank you.

Call your next witness.

Dr. PARKER. F. M. Andreani.

TESTIMONY OF MR. F. M. ANDREANI.

Mr. THOMPSON. Mr. Andreani, will you give us your name, your business address, and your occupation or profession?

Mr. ANDREANI. F. M. Andreani; the address is 550 Montgomery Street, the Bank of Italy Building, the seventh floor we occupy. They have an immigration office and legal bureau for Italian immigrants, and I have charge of the two offices.

Mr. THOMPSON. How long have you been in that work here?

Mr. ANDREANI. About three years.

Mr. THOMPSON. You have had some questions sent to you in regard to the labor proposition?

Mr. ANDREANI. Yes, sir.

Mr. THOMPSON. Have you prepared some statement in regard to those questions?

Mr. ANDREANI. No, sir; I thought I would not. I am really in the employ of the Italian department of immigration, and I thought suggestions would rather not be forthcoming from myself, so I gathered a few cases, salient cases, and I would rather give the facts in those cases and let the commission draw its own conclusions.

Mr. THOMPSON. Well, will you do that?

Mr. ANDREANI. I might speak on one argument that is raised here, whether the men—of course I speak more generally of Italians—the men in the construction camps are at fault for the sanitary conditions. I do not agree with the last two gentlemen that spoke for two reasons: First, that the man, given a chance, will improve his condition; and, second, that the majority of the immigrants coming to this country, especially from central Europe and European

countries, have seen some military service before coming here. The average Italian immigrant will leave Italy immediately after military service. He has had 26 to 33 months of military training, where sanitation is taught him. I think this will be proven by Italian operations in Africa, where the conditions of heat and lack of water and everything of that kind existed, and during the two years' operations there the army saw no epidemic, no fever, no contagion; nothing of that kind at all. So that the immigrant, no matter how low he is supposed to be, and no matter what work he undertakes here, or in what camp, he is fully equipped in that matter. He knows what sanitation is. I can point to one place that I visited less than a month ago. It was at Treadwell, Alaska. There the company has provided—they have organized sort of a club. The men pay a dollar to belong to the club. The company has provided quarters for the club; they have a pool room; they have a library, books and periodicals and papers in the different languages, and bulletins where the latest news is given. No liquor anywhere in the company's premises. And a swimming pool very well kept, very well maintained. The men gather there. They dress well after their work, they play pool, and have games, and play cards and read, and no matter what nationality they belong to, they seem to fraternize, and everything is as well as can be expected in that particular quarter.

Now, as far as the plane of the men, it is just about the same as would be the plane of the men that go into the construction camps. They are miners. The same holds true in all other places where quarters are provided, where men are more apt to be found that have been in the employ of the company 8 or 10 years or more, and are little different from construction camps, where they stay just about long enough to get their pay check and get out. The question of liquor presents different phases. I might cite where in the East in a dry State I have seen construction camps where the labor was probably 95 per cent Italian. The laborers would not stay on the work; they would not stay on the employment unless they had the privilege of having liquor. About all that they drank was beer, light beer. There were no saloons. The commissary department distributed the beer. The men had their own bottles. They would get small kegs and fill the bottles from the kegs themselves, and thereby have a supply of beer, say 120 or 130 bottles, at a cost of a trifle over 5 cents a bottle.

There was hardly any drunkenness; no conflicts; I do not know of any rows; I do not know of any homicides. There was something like 4,000 men employed in the construction of that road, extending over a period of about two years, and it was about as orderly a camp as I have seen.

On the other hand, here the worst things are brought on by the saloon. We have on the construction of the Western Pacific and some of the other roads in California men employed who when their pay for Saturday nights or holidays would come would go down to where there was a saloon and get drunk, and there would be trouble. Perhaps some of you will remember when some Austrians and Italians had what you might call a pitched battle—two or three were killed in the affray—in the construction of the Western Pacific. The saloons are what caused the harm. In the mining camps it is the same. Men are induced to drink when they come down with any money. The saloon keepers have every scheme to make the men drink in the saloons there. Everybody that is there is invited to drink, so that a man is apt to spend—well, I wouldn't say how much; there is no limit to the amount the men will spend while they are caught in that kind of a trap.

If men are provided drink so that they can have it when they want to have it with their meals, that evil seems to be more or less eliminated.

In some of the mines in California they are discussing the question of eliminating the wine, because some men will take wine that is rather strong down into the mine with them and perhaps drink too much at noon, and—well, considering all the conditions that are to be confronted and the extrahazardous condition there of the occupation and everything it makes that lead to some serious accidents. Outside of that I do not know whether wine amongst the men is pernicious at all.

The question of hospital treatment in some of the construction camps: The hospital treatment, although the men have been paying for it, have been contributing a dollar a month, is absolutely inadequate in a majority of the construction camps; and in some places, even where quite a number of men were employed, there was absolutely no protection, no means provided.

I have in mind one man by the name of Vernier. Vernier was injured in 1911. He suffered a fracture of the right forearm. It was very much lacerated.

The left arm was torn off at the shoulder. He had to be carried 44 miles to reach a doctor. He lived through it—a wonder. On one of the railroad construction camps we have had some serious accidents. A young man 19 years old was injured in one of the tunnels August 21. His spine was fractured. He had to be carried in a common wagon 34 miles to get to a construction train. From there he was carried several miles to reach the railroad train—the passenger train—and he traveled quite a distance before reaching San Francisco. He was placed in a hospital at the expense of the company. Some months after the company wanted the young man removed from the hospital. They wanted to cease payment for the treatment. We took the matter up with the authorities here, and the company was prevailed upon to continue the treatment of the injured boy at the hospital until he died, a few months after. A man named Antony Menti was injured on May 1 this year. Notwithstanding the fact that the compensation law provides that employers shall provide medical treatment for three months, the man was paying, as well as others, a dollar a month for hospital treatment. He was in a tent. The men have no cots, no mattresses, no bunks. If they are there long enough to make a bunk, they start a bunk and put in a sort of bedding for themselves. He had been working two days, and he had not yet made his bunk, so that, I am informed, he was sleeping on the floor of the tent. He had a fracture, just above the ankle, of the fibula, and there was not quite a complete fracture of the tibia. He was left nine days on the floor of that tent before being taken in a common wagon to the field hospital. He was 22 days in the field hospital. The union was not quite complete at the hospital. The hospital had done nothing—they hadn't even put on a plaster cast—outside of a little exterior treatment, liniments and such things as that.

Then he was given a letter to the company doctor in San Francisco. He had to walk 2 miles from where he was to meet the construction train to come down to meet the passenger train, and then on to San Francisco. The result is that a radiograph plate shows the union of the bone was not complete. The bones overlap, and the man will probably be a cripple for life. Absolutely inadequate condition of the field hospital.

Two or three months ago I stopped over night in one of the camps. An American-speaking man and a foreigner were injured in an accident late in the afternoon. It was about 5 o'clock. The American-speaking man had a very bad laceration of the limb, dirt falling, rock falling, and made a very serious injury, although the bones were not broken. It was 12 o'clock that night before the doctor arrived there. In the morning the foreigner, who had two lacerations on the head and other minor injuries, was sent up on a load, and it was about 15 miles to the field hospital. The other man was removed after a few days. That would tend to show the field hospitals were not quite frequent enough, they were not near enough to the points; that there were many men employed in dangerous occupations outside of a reasonable limit from the hospital. At this particular point where these men were injured they were just completing a tunnel; they were cutting down some banks; they were using a good deal of explosives, and the work appeared to be more than reasonably dangerous, and hospital arrangements should have been furnished nearer there.

I have no doubt but that some of the companies reap quite a profit from the hospital arrangements. I have had it admitted to me by one who is a bookkeeper for one of the lumber companies, that the hospital arrangements—that is, the fee of a dollar or a dollar and a quarter from the men—netted the company about $2,000 a year. I wouldn't say what it has netted the company, if it netted anything, in this railroad construction; but I think if the proportion of men usually employed to the proportion that remain at work, as given by the last witness, showed, and every man that came there, whether he worked one day or two, is charged a hospital fee, the company must have certainly taken in considerable money during the year for this hospital treatement.

Commissioner O'Connell. As I understood from the last witness, the construction companies carry on hospital arrangements whereby they charge them a fee if they are employed a day a month?

Mr. Andreani. They won't do it now. They did it this year until about May. According to the compensation law in California the employer is supposed to furnish medical treatment for 90 days.

Commissioner Weinstock. Let me remind you, Mr. Andreani, that the compensation law does not forbid the construction company or the employer from continuing his hospital service and charging the worker a certain monthly amount for the service; but that service must be confined to sickness—not to

accidents; that under the rulings there are many construction companies and large employers who can still continue their hospital service, charge a fee for it from their workers, and care for them when they are sick for causes other than accidental causes.

Mr. ANDREANI. Yes; but this particular company charged the hospital fee.

Commissioner O'CONNELL. They charged the hospital fee?

Mr. ANDREANI. Yes.

Commissioner O'CONNELL. Now, can you give some other instances as to some other companies outside of California that are carrying it on?

Mr. ANDREANI. There are some others in the State that have reduced the hospital fee; that is, they charge a reasonable amount for treatment in case the men are sick.

Commissioner O'CONNELL. What reduction has taken place?

Mr. ANDREANI. I think some companies have reduced the fees more than one-half. I think some companies are charging 60 cents a month, and some as low as 40, where they were charging $1 before.

Commissioner O'CONNELL. Does the company retain that itself; does it go to some hospital, or under some arrangement whereby the doctors secure it?

Mr. ANDREANI. That depends. There are some arrangements made with the doctor so that all of the fund goes to the doctor, and the doctor assumes the responsibility of taking care of the men.

Commissioner WEINSTOCK. Do you know whether they charge the full fee to casual workers; that is, assuming the rate is $1 a month per man, and the man works a week and quits, is he obliged to pay the full dollar or a portion of the dollar?

Mr. ANDREANI. Yes. I have a letter from a man who worked from the 14th to the 30th in one month, and worked three days in the next month, and he paid $13 board and $1 hospital—$14—and he worked the next month, the second month, up to the 3d; board $0.25, that means nine days' board. They charged him for the board the time he was there while he was unable to work, but he was charged the hospital just the same for the three days.

Commissioner WEINSTOCK. Although he was paying the full amount for the protection like the other employees?

Mr. ANDREANI. He paid that right along.

Commissioner O'CONNELL. Suppose he would come back in the same month and secure a position.

Mr. ANDREANI. That would be——

Commissioner O'CONNELL. Would they again charge him the fee?

Mr. ANDREANI. I don't think so. I think the receipt is good for one month, even though he is reemployed.

Commissioner O'CONNELL. If he sought employment of another company and another company—a half a dozen companies in a month—would he have to pay the dollar every time he got a job?

Mr. ANDREANI. He would not pay. If he was working for different companies, perhaps he would.

Commissioner O'CONNELL. But if he worked for the same company, the one contractor?

Mr. ANDREANI. No; the receipt is good for one month under the same contractor.

Commissioner O'CONNELL. Under a new contractor?

Mr. ANDREANI. Yes; he lost his dollar.

Commissioner O'CONNELL. He would have to pay for his hospital fee as many times as he got jobs in a month?

Mr. ANDREANI. Yes; and not only that, but before he could get his time check changed into a negotiable check, he has to stay in camp quite a few days until he can get that and pay his board bill.

Commissioner O'CONNELL. Do they pay in check or cash?

Mr. ANDREANI. They pay in time checks.

Commissioner O'CONNELL. Are the time checks payable at the camp?

Mr. ANDREANI. No; they have to exchange the time check for a negotiable check.

Commissioner O'CONNELL. Who is supposed to be the party to do that, the foreman or the superintendent?

Mr. ANDREANI. The subcontractor gives them a time check and the principal contractor gives them a negotiable check.

Commissioner O'CONNELL. Then between that time and the time it takes him to get these checks, the man uses up about all he has coming?

Mr. ANDREANI. Sometimes.

Commissioner O'CONNELL. And then I suppose the man has got to go to work again?

Mr. ANDREANI. Sometimes he has to.

Commissioner O'CONNELL. Or he would have to walk out?

Mr. ANDREANI. Or walk out.

Commissioner O'CONNELL. Is there any provision about putting up transportation back and forth from the camp? What is the usual practice?

Mr. ANDREANI. I do not think they refuse them accommodation where the construction trains go to; but sometimes the construction camp is quite a few miles from the end of the line constructed, and the men usually walk there going to work, and they walk back when they quit.

Commissioner O'CONNELL. Suppose there is a camp without transportation, some other camp, not a railroad, how do they get them to and fro?

Mr. ANDREANI. Usually they are brought to the work; usually they are furnished transportation to the work. They are very seldom furnished transportation out.

Commissioner O'CONNELL. You have given considerable thought to the subject, I take it?

Mr. ANDREANI. Yes.

Commissioner O'CONNELL. From having charge of the immigration?

Mr. ANDREANI. Yes.

Commissioner O'CONNELL. What is your experience, as to really the actual amount of gold that the employee gets out of these jobs during a season?

Mr. ANDREANI. Well, some are thrifty, and they save. I think the majority of the Italians figure on the months that they will be unemployed, and they are prepared. They save a good deal of that, so that they can winter over. In the East, where communication with Europe is easier and less costly, and they will not be able to continue during the winter in construction work, numbers of them will go back and return in the spring. They can travel to and fro for about $35 each way, and that is about the sum total of the expense, and they can live the three months over there for a very reasonable amount of money. Here they have to winter over in the different hotels in San Francisco.

Commissioner O'CONNELL. What is your idea as to the manner in which these camps are kept up, as to their sanitary condition, and the efforts being made to house these people in apparent sanitary condition?

Mr. ANDREANI. Well, there is no——

Commissioner O'CONNELL. And their living and all that, their treatment in the commissary store, or the company store.

Mr. ANDREANI. Well, it doesn't favor the men.

Commissioner O'CONNELL. Men pay above the normal price for things they get in the commissary——

Mr. ANDREANI. Well——

Commissioner O'CONNELL. Or are they sold inferior things?

Mr. ANDREANI. No; they may pay a trifle more; the excuse is that transportation makes it cost more, and they pay a trifle more—that is, they might come down to the city, where there is competition, and buy at a little better price. But on the whole, I do not think that they are bothered much in that way. They might pay a trifle more. The food is fairly good. I have eaten in almost all kinds of camps, and the food is probably as good as they would provide themselves.

Commissioner O'CONNELL. Have you noticed any particular inspection on the part of any person that works in the camp; would you think it would be a sanitary state of affairs? One of the witnesses told us this morning that men went to bed with their boots on, and they were dirty, and naturally there would not be a good sanitary condition existing in a place of that kind.

Mr. ANDREANI. Well, of course, there are some men that would do that. I have seen it done where men sleep in train bunks built up in a railroad coach, and in a small space there would be 40 men. Maybe some man would come back tired and lay down and go to sleep that way.

Commissioner O'CONNELL. I suppose in a case of that kind there wouldn't be space enough, if they took their boots off, to put them?

Mr. ANDREANI. The place is limited.

Commissioner O'CONNELL. And you heard the gentleman that preceded you tell us about the possibility of men living on 40 cents a day?

Mr. ANDREANI. No; it costs an Italian, on the average, where they are stopping in these place—and they are economical; naturally would have to be in

these different lodging houses and hotels—the Italians pay a little over $4 a week. We have made some arrangements to give some that were paying as low as $4 a week, reasonably acceptable lodging and board.

Commissioner O'CONNELL. Have you been in any of those houses, lodging houses of the kind that you speak of, where they lodge for 10 cents a night?

Mr. ANDREANI. Well, I have in the East, slept myself in some; in the Salvation Army headquarters one night, and have visited some others.

Commissioner O'CONNELL. The witness who just preceded you said in San Francisco there were lodging houses where they could get a bed for 10 cents a night.

Mr. ANDREANI. I have seen some.

Commissioner O'CONNELL. What are they like? Describe one of those places.

Mr. ANDREANI. They naturally would save off the cheapest room—inside rooms, absolutely no ventilation; bedding, of course, of the poorest quality; probably fit up a place like that with secondhand furniture, and virtually give a man a cot and a little bedding, you might call it a closet, a small room, and that is about all he would get.

Commissioner O'CONNELL. Is there any system of inspection of those places in the city—any official inspection?

Mr. ANDREANI. Not that I know of.

Commissioner O'CONNELL. Did you notice—you say you have been in some of those?

Mr. ANDREANI. I have been in some, and, unless some friend comes and would notify us, it has been hard to get some sick—some are sick and die—hard to get them out of those places. We have men that would take sick in a place like that and be absolutely near death; no one to care for them, unless some one, some of their friends, would take enough interest in them to come and tell us, or they would just lie there and die. We have had that happen several times.

Commissioner O'CONNELL. Through disease contracted there?

Mr. ANDREANI. No; some would go there with the disease. The last case I know of that I have in mind was a man that was tubercular. He went there, came back from the work which he was unable to do, and went into one of those places.

Commissioner O'CONNELL. Are these places infested with vermin of various kinds and character?

Mr. ANDREANI. More or less?

Commissioner O'CONNELL. Comrades there of all kinds, I suppose, for the war?

Chairman WALSH. Mr. Commons would like to ask you some questions.

Commissioner COMMONS. You spoke of $4 a week. Did you mean just board alone?

Mr. ANDREANI. Board and lodging.

Commissioner COMMONS. Board and lodging, $4?

Mr. ANDREANI. Yes.

Commissioner COMMONS. That, you say, is the minimum that the Italian can——

Mr. ANDREANI. Yes; they will not—a man who works, a man who is trying to keep himself at all, it is about as low a place as he will go to stop; that is about the minimum that he will pay.

Commissioner COMMONS. Well, what kind of lodging comes with that $4?

Mr. ANDREANI. Well, of course, it is not the best.

Commissioner COMMONS. It is better than 10-cent lodging?

Mr. ANDREANI. Oh, yes. Well, they generally have sometimes four in a room; they are rather crowded, and they will have two beds in one room, at least two in one bed in one room.

Commissioner COMMONS. Have you figured out the cubic space, sleeping room?

Mr. ANDREANI. Some of them are pretty small, some of them are tumbledown shacks, and some of them are fire, regular fire traps.

Commissioner COMMONS. But I meant according to the standard of the housing conditions, of the housing commission, they get apparently 500 cubic feet; what do they get in these cases?

Mr. ANDREANI. Oh, they get less than that.

Commissioner COMMONS. Five hundred cubic feet would be a room about 8 by 8?

Mr. ANDREANI. That is, for each one. But you take four men in one room.

Commissioner COMMONS. What would four men get in a room 8 by 8?

Mr. ANDREANI. Four men in a room—he wouldn't get—the room wouldn't be four times the size of that required.

Commissioner COMMONS. So they actually do have less than that?

Mr. ANDREANI. That is, for the $4. Frequently where they pay $5—$4.50 to $5—for board and lodging, some of them get quite respectable places.

Commissioner COMMONS. So, when they get to paying $4.50, they can get this amount of cubic feet of sleeping space?

Mr. ANDREANI. Yes; they get outside rooms in some places.

Commissioner COMMONS. Have you followed out the history of any, or can you give any information about the steadiness of the Italians' employment in going out on different construction work, how long they stay on a job? We have had figures on that, perhaps you have heard them, that about the average length of time a man stays is 8 to 12 days on a job; is that true of the Italians?

Mr. ANDREANI. That is true where conditions are such that the men get disgusted and will not stay. There are some construction camps where the Italians would keep continuing to come back with complaints, and they would all say they absolutely could not stay there, could not stand the conditions, and would not stay; and in some logging camps, in some mining camps, and in construction companies they would stay there as long as the work lasted.

Commissioner COMMONS. Then you think that the short period they stay is largely owing to the kind of camp that they find?

Mr. ANDREANI. A good deal of it.

Commissioner COMMONS. Have you looked into any of the abuses of employment offices in relation to complaints that have come to you of men being exploited by employment offices?

Mr. ANDREANI. We have a good many of these complaints, but a good many of them, I will have to say in defense of the employment office, a good many are due to misunderstandings. If there is anything underhanded, it is hard to get at. For instance, if there is any arrangement between the employment office to split the fees, and the employer, those things are hard to ascertain, and if a man was taking the fee it would be next to impossible, I might say impossible, to get that proved.

Commissioner COMMONS. What is the fee that these offices charge, if you know?

Mr. ANDREANI. Well, in construction work on this—I think most of the men went up there paid $2.

Commissioner COMMONS. Instead of $1?

Mr. ANDREANI. Two dollars, the usual fee. The average man, the average workman who is reliable, who is steady, is willing to pay the $2. The employment agency is a sort of clearing house, and he is willing to pay to be reasonably informed where he can go and get work. They do not complain.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

Commissioner WEINSTOCK. Will Mr. Andreani come back?

Chairman WALSH. Will you kindly come back at 2 o'clock and resume the stand?

Mr. ANDREANI. Yes, sir.

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Commissioner LENNON. All right, Mr. Thompson.

TESTIMONY OF MR. F. M. ANDREANI—Continued.

Mr. THOMPSON. Mr. Andreani, will you kindly proceed with your statement, please?

Mr. ANDREANI. In speaking of that case where a man was severely injured, in fact fatally injured, and he was sent down here to a hospital, and then the company tried to eject him from the hospital, I would not wish to create the impression that the managers, or the men in charge of those companies, would do anything of that kind intentionally. That is, I place the blame on the system, rather on this subcontract system and on the station system—station-work system. And I illustrate that by saying, take, for instance, one of the large employing companies here, where the men in charge, the owners, would

be more in personal contact with the men, and one of his employees was seriously injured, and the physician or surgeon that the company regularly employed had him in charge, to my mind, to begin with, they would be more apt to take care of him through to the end.

But, because of this chain of employers and subemployers, or contractors and subcontractors, where there is no personal contact with the employee, where he is brought somewhere else and placed in charge of a different surgeon from what he had at first, there would be this loss of personal regard and consideration, and that would lead up to things of that kind. So that I would blame more the system than the individual employers. The subcontract system has worked out, from the workmen's point of view, rather unsatisfactorily. From the employers' point of view, until this compensation law went into effect, it made it almost impossible for an injured employee to recover damages. It was next to impossible to saddle the legal responsibility on the employer. Now, I have here two or three samples of these subcontracts, the station work, and I can give some of the results, so that the commission can form an idea of how satisfactorily the scheme works out for the men who do the work. Here is one where 23 men worked during the months of December, January, February, March, April, and May, the 23 men themselves performing 2,402.9 days of labor. When they finished the work, the company offered them $954, and while they were waiting at the camp for the adjustment of the claim they absorbed the $954 in board bills. According to their own estimate the men who performed the work claimed they had something like $12,000 worth of work done, and the balance due them was around $7,000. The company's offer was $954.

Commissioner O'Connell. What was the finality of that?

Mr. Andreani. Oh, they went to court and the 23 could not furnish it—could not go through with it—so that they finally settled for something like a thousand dollars—compromised it after trial.

Mr. Thompson. You mean that they could not stay with the litigation to the end?

Mr. Andreani. Yes, sir. I have here the complaints, the sheets and, in fact, some of the company's ledger sheets that would show all the things in detail, but I presume you wouldn't care for that.

Commissioner O'Connell. Could you file those with us?

Mr. Andreani. No, sir; I could not. It is part of the record.

I have another case, something similar to this, where seven men worked all summer in the same construction but a little later. Those seven men worked, besides their employees that they had hired to work, all during the summer, and when they got through the balance showed that they owed the company about a hundred dollars apiece.

Commissioner O'Connell. Can you just elaborate on that a little?

Commissioner Lennon. Can you bring out how they were found to be in debt?

Mr. Andreani. It showed wages paid their employees, hire for mules and horses, hire for implements, powder, fuses, caps, and material and board and money and things advanced them. The hospital fees and insurance and so on and so forth.

Mr. Thompson. During that time did they receive any cash at all?

Mr. Andreani. Some received cash. Here are 12 men that worked from March 11 to July 5. The work was in Oregon, this particular work. And the 12 men received in cash for wages due their employees, what they received in wages and what they were allowed in food in all, the debit they had was $1,720. They abandoned the contract, they could not possibly carry it through, so the company balanced up and said they owed them $73.00.

Mr. Thompson. Apiece?

Mr. Andreani. No.

Mr. Thompson. Total?

Mr. Andreani. For the 12 men.

Mr. Thompson. Yes.

Mr. Andreani. Now, that would make $36 that each was allowed during the months from March to July, when they left the work, and this $6.14 that the company was willing to pay them apiece when they left the work. Now, one of the excuses that the company set up was that these men abandoned the contract, so that there was a penalty which amounted to $205 on account of leaving the work before it was completed. But, had the company paid them the $535, and had they completed the work up to the time, it would have left

something like $70.14 that each man would have got for working from March 11 to July 14.

Mr. THOMPSON. Would that include all that he had received?

Mr. ANDREANI. That would include the $1,370 they had received in advances and $73.60 which the company said they owed them and the $225 which the company said they were entitled to, but retained because they did not complete the work; that is, the total credit for all the work they had done during that time, for the 12 men, was $70.14 apiece.

Mr. THOMPSON. For four months' work?

Mr. ANDREANI. About four months' work.

Mr. THOMPSON. Apiece.

Mr. ANDREANI. Now, I have here——

Commissioner O'CONNELL. Or, in round numbers, now, what would be the total amount that would be due and the total amount they received?

Mr. ANDREANI. Well, of course, they claimed several hundred dollars as due them. They claimed that they had excavated so many yards, they had cleared so much wood, they had built so much track; that they had due several thousand dollars; that they had been working for months, from March 11 to July 5, enough to figure up what that would amount to.

Commissioner COMMONS. Was this one of those station contracts?

Mr. ANDREANI. Yes.

Commissioner COMMONS. How are those station contracts?

Mr. ANDREANI. Well, I can read parts of the station contracts, if you like.

Commissioner COMMONS. What is that station contract?

Mr. ANDREANI. This is an idea of the station contract.

Mr. THOMPSON. Have you an extra copy of that that we can have?

Mr. ANDREANI. Well, yes. You could have that one. I have got two or three different ones. They are about the same thing.

Commissioner O'CONNELL. Well, just pick out two or three salient points in it.

Mr. ANDREANI. Well, here is one:

"The work to be commenced at such points and to be carried on to completion with such rate of progress by the contractor as the company may from time to time direct.

"It is hereby understood and agreed by the company and by the contractor that the company shall have the right to entirely stop the work of the contractor for such periods of time as the company shall direct."

Stop right at any point the company may choose.

Commissioner O'CONNELL. Well, is there something about forfeiture of contract?

Mr. ANDREANI (reading):

"The whole of the work in all of the parts relating thereto, including quantity, quality, and price, shall be subject to revision or adjustment by the chief engineer of the company. Whenever in the opinion of the chief engineer of the company this contract and all things herein agreed to be done by the contractor shall have been completely performed and finished according to the provisions hereof the chief engineer shall, as soon as possible, make return of the final estimate."

All the estimates and, in fact, the final judgment is by the engineer of the company.

Commissioner COMMONS. Are these contracts substantially the same as those that are made by ordinary subcontractors, who in turn hire help?

Mr. ANDREANI. Well, I am not in possession of those. Those are the usual contracts where they take a dozen or more men, and the men sign up this sort of contract.

Commissioner COMMONS. The men sign them up jointly and they divide the proceeds equally?

Mr. ANDREANI. Yes; for instance, 10 men may join and take a station under one of these contracts. They proceed——

Commissioner COMMONS. What is the meaning of the word "station" in this?

Mr. ANDREANI. Station means so many yards on the right of way.

Commissioner COMMONS. Oh.

Commissioner O'CONNELL. It is a section.

Mr. ANDREANI. From one point.

Commissioner COMMONS. It means a job?

Mr. ANDREANI. Yes; means a certain distance on the track to be built.

Commissioner COMMONS. Now, are these drawn up on a form which the company has?

Mr. ANDERSON. These are on a form—this one here.

Commissioner COMMONS. That is a form which they already have?

Mr. ANDERSON. Oh, yes.

Commissioner COMMONS. Standardized form?

Mr. ANDERSON. Yes, sir.

Commissioner O'CONNELL. Now, is there any penalty there for failure to carry out the contract?

Mr. ANDERSON. Yes; I was trying to find it. It is a 25 per cent penalty.

Mr. THOMPSON. In this case where the 12 men worked practically four months—say from March 11 until July 10—how many yards of earth did they excavate in that time—have you those figures?

Mr. ANDERSON. I don't think I have in that case. It was not only excavating, but they cleared the forest. They were to get a hundred dollars an acre for clearing the right of way and things like that. In the other I have the yards excavated. Of course, that is the company engineer's estimate and that of the engineer that they hired to go over the work.

Mr. THOMPSON. Could you file with the commission a pretty complete statement of the work, the amount cleared, and the kind of work they had to clear, and the amount of yardage they removed, and such other work as they did?

Mr. ANDERSON. Yes.

Mr. THOMPSON. And setting forth the amount of pay that they received, the board received, say, the amount for board and the amount for those other things you have mentioned, and the amount in cash?

Mr. ANDERSON. Yes; I have that in detail. Here is the amount retained by the company:

"Approximate estimates of the work done under this contract are to be made at the end of each calendar month by the chief engineer and payments made on or about the 25th day of the next ensuing month, less all previous payments, and 25 per cent of the amount of each and every such monthly estimate, which percentage shall be retained by the company until the complete performance of this contract by the contractor."

Then, you see, they forfeit that 25 per cent.

Now, I have another one, showing how the subcontractor assumes all the responsibility in the case of accidents. This is an extract:

"The party of the second part"—

That would be the subcontractor—

"to have and hold the party of the first part harmless and free of all damages of person or persons or property of any kind in the performance of said contract. The party of the first part has the right to increase the force with men, teams, etc., and charge the same to the party of the second part. And the wage and all forms of labor shall be subject to the approval of the party of the first part. Hospital fee of $1 per month will be charged each man."

Now, under this particular contract a man was injured, suffering a fracture of the spine. This man was taken to the field hospital. He stayed in the field hospital just a few days, and found that the seriousness of his injury was such that he could not possibly dare remain there and stand that treatment, so he had himself taken to a hospital, costing him $40 for the transportation. He paid $130.50 hospital fees in the hospital and $90 for the surgeon's fee there. That made $220.50, besides the $40 for transportation. Then at his own expense he came to San Francisco. We sent him to the Lane Hospital at little while and then sent him to the City and County Hospital.

Mr. THOMPSON. He paid his dollar?

Mr. ANDERSON. He had paid his dollar a month.

Mr. THOMPSON. What kind of service, if any, did he get for that dollar in this case?

Mr. ANDERSON. Well, I don't blame him a bit for going to the hospital and putting in his last cent after having seen the field hospital up there.

Mr. THOMPSON. You saw it yourself?

Mr. ANDERSON. Yes, sir.

Mr. THOMPSON. Will you describe what kind of a field hospital they had?

Mr. ANDERSON. Well, I would have to describe the hospital pretty minutely. You can imagine a small building, four sides and a roof, floor laid without—just boarding on the floor. One large room, probably 40 feet long and 20 feet wide, and at one end a very small room, probably 10 by 12 feet wide; shelves all around; a little gas stove, just two burners. And on the shelves bottles of medicine, the two gas burners used for disinfecting and boiling of

the instruments and the water; a small operating table shoved up in one corner; that room not fully partitioned off; partition only went up about 9 feet high; a male nurse and doctor there in charge. There was a female nurse that came there when the occasion required. Another small room about the same size as this operating room served as a doctor's waiting room and office.

Mr. THOMPSON. You say you don't blame the men for not going there. What was the particular thing that was offensive or objectionable to you?

Mr. ANDREANI. Why, I don't think there was any particular safety that very serious surgical operations could be performed there on account of the place. It could not be very well heated; it could not be very well protected from germs and contagion, and necessarily an operation would have to be performed with just simply one doctor and this nurse. The fact that all the patients, no matter how seriously off, were all in this one room; ventilation necessarily bad.

Mr. THOMPSON. Do you know whether it was expected by the company that surgical operations shall be performed at this place? That is the only arrangement they have anyway, isn't it?

Mr. ANDREANI. It is the only arrangement they have. One would have to be taken to San Francisco to have any other treatment.

Mr. THOMPSON. You may go ahead with your statement.

Mr. ANDREANI. In that particular case on account of this station work and subcontract, the man necessarily is stopped from recovering damages for his injuries because the immediate employer is financially irresponsible.

Mr. THOMPSON. Do the company offer to pay these bills or any part of them that he has incurred?

Mr. ANDREANI. No, sir.

Mr. THOMPSON. Do you know whether any claim was made for reimbursement?

Mr. ANDREANI. Well, I have one case that was submitted to the industrial accident commission. The man had been employed up there and developed a hernia. He claimed it came as a result of the strain on the work. He had worked a few days. He had paid his hospital fee. It was paid during this year when the hospital fee should not have been charged for accident treatment. If it had been charged on the excuse of sickness I should think the company should have taken care of him. The man was not taken care of. He came down here, the head of the hospital was seen and interviewed about it, and he did not feel like taking and treating the man; so we sent the man to a hospital and had an operation performed, took the question up with the Industrial Accident Commission and he was awarded compensation for the few days he was unable to work on account of the operation.

Mr. THOMPSON. But no compensation for the cost to him, was there?

Mr. ANDREANI. There was no cost.

Mr. THOMPSON. There was no cost?

Mr. ANDREANI. No. But he had to walk about 18 miles in his condition to get to the end of the line to get to the work train, board the work train, and thence get to the passenger train.

Mr. THOMPSON. Do you know whether the company was advised of his condition?

Mr. ANDREANI. It certainly was. He was in camp.

Mr. THOMPSON. And took no part; made no effort?

Mr. ANDREANI. No effort to transport him to the hospital or to get him transferred to transportation to the city.

Another thing, one of the worst things that impede an investigation and also the recovery of damages in a case of accident is the fact that in some places they make no effort to hold coroner's inquests.

I have one place in mind where a young Italian fellow was killed in the woods. He was instantly killed, 21 miles from the town, headquarters of the company. No effort was made to investigate the accident. The facts were not reported to the authorities. The body was simply loaded on one of the cars, together with some of the logs, and sent down the 21 miles to the town. In fact, one of the men remarked to me when I went there afterwards—he went on that train—that in two or three places he had to make a particular effort to keep that body on the car. He stated that there was chance of the man rolling off the train and getting killed a second time. The body was taken off at the platform, left there without any coffin or anything else until they finally notified the acting coroner, a justice of the peace, and he took the body to an improvised morgue that they have up there.

The same thing happened in several instances. So I questioned this justice of the peace whether they ever held any inquests up there in the lumber camps. The excuse that he gave was, "When we would get up there we would not find enough citizens to make up a jury or enough people to talk English to get as witnesses, so we don't have any inquests."

In another instance, in another county, a man was killed in a mine, leaving a wife and two children. He was injured at 11 o'clock at night on August 14, 1912. He died at 11 o'clock in the morning of the 15th, the next day. No inquest; no report whatever to the authorities.

I took it up with the coroner, and the coroner wanted to go so far as to have the body exhumed afterwards, and hold an inquest. Well, I thought matters had got to such a pass we might as well let that go. But the doctor that signed the death certificate gave the excuse that the man had lived 12 hours after the injury and so it obviated the necessity of holding a coroner's inquest.

Of course, you understand, I don't hold the county officials in any way responsible. I think the county officials offered to do anything reasonable, more than I would have requested them to do.

Commissioner LENNON. Are these simply sample cases, or all the cases that have come under your observation?

Mr. ANDERSON. Oh, these are just samples.

Mr. THOMPSON. What would you suggest in a constructive way might be done either by the company or by the authorities, State or national, to either remedy or ameliorate that condition?

Mr. ANDERSON. Of course, under the present law, the compensation is taken care of, so that in the majority of cases there is no reason for the company to hide any facts, to hide fatal deaths or accidents, although it is difficult for us, and it is difficult also for the commission and difficult for everybody to get the full report of the nature of accidents, especially the fatal accidents. There should be coroner's inquests, and the inquest should be a little more gone into to establish the blame.

Mr. THOMPSON. Is there any further statement you would like to make with reference to the questions submitted to you?

Mr. ANDERSON. I don't know of any just now.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. WEINSTOCK. I want to ask a few questions.

One of the themes we are investigating is the question of industrial-accident compensation, and while you are on the stand I would like to get some information from you concerning that theme. The compensation law has been in operation in California now—that is, the compulsory compensation law—a little over seven months. You doubtless have been brought in touch with it for workers who have come to you for advice and counsel. Will you point out to this commission what weak spots you have discovered to the law as it exists to-day in California, from the standpoint of the worker?

Mr. ANDERSON. Well, the most salient one is where a fatal accident occurs to a young man who leaves parents; that is, does not leave what is termed in the act "dependents."

Measuring the compensation with the contribution to the family, if it is father or mother or some other partial dependent, and taking as a basis what the victim contributed during the last year or so, does not seem to meet the situation. It stands to reason that parents, a father or mother, that lose a son have lost considerable, and they have certainly lost more than can be shown by the few receipts, or few proofs of contribution on the part of the young man. In the matter of compensation, that seems to be the worst feature for the foreigner.

Commissioner WEINSTOCK. If you had the power, how would you change that law? How would you have it read? How would you amend it?

Mr. ANDERSON. It should be left wholly to the discretion of the board, I should say, instead of being bound by such per cent of contributions or proportion of contributions.

Commissioner WEINSTOCK. You mean under the law as it now reads if a workingman has been sending to his dependents abroad say one-tenth of his earnings, they are entitled to one-tenth of the compensation?

Mr. ANDERSON. That is the way it now is.

Commissioner WEINSTOCK. You would change the law and make it discretionary with the accident commission to allow that dependent either one-tenth, one-fourth, or one-half?

Mr. ANDERSON. Yes, sir.

Commissioner WEINSTOCK. Now, what advantage to the worker do you find this law has brought when compared to the old conditions?

Mr. ANDREANI. Oh, it has brought a good many advantages. He receives immediate compensation; that is, except for the first two weeks. Two weeks is a reasonable time. The conditions of work in California are such that no man incapacitated for two weeks or so is very seriously hampered if he receives nothing for the two weeks, and it has eliminated all the hardship of the old system.

We have had under the old system—we have now, we are now carrying, some injured men along and paying their board besides paying the expense of litigation.

Commissioner WEINSTOCK. When you say we, whom do you mean?

Mr. ANDREANI. The Italian legal office, the consulate.

Commissioner WEINSTOCK. You have a fund for that purpose?

Mr. ANDREANI. Yes, sir.

Commissioner WEINSTOCK. Furnished by the Italian Government?

Mr. ANDREANI. Yes, sir; there are legal bureaus established throughout the United States with the consulates. We have the head of the legal bureau here. Our jurisdiction extends over the coast and the State of Nevada and Alaska. We have legal representatives in different States.

Commissioner WEINSTOCK. I presume there is a compensation law in Italy, is there not?

Mr. ANDREANI. Yes, sir.

Commissioner WEINSTOCK. There is a compensation law in Italy?

Mr. ANDREANI. There is a law on that.

Commissioner WEINSTOCK. Are you at all familiar with it?

Mr. ANDREANI. Why, some.

Commissioner WEINSTOCK. How does the compensation in California as far as you know compare with the compensation in Italy? In California, as you probably are aware, the injured are furnished medical treatment 90 days and get an amount equivalent to 65 per cent of his earnings after the first two weeks. Do you know what the compensation is in Italy?

Mr. ANDREANI. It is about the same, except the medical treatment; it averages about the same.

Commissioner WEINSTOCK. About the same?

Mr. ANDREANI. Except that generally under the Italian law the workmen get more; that is, the dependent gets more in case of fatal accident. That is, instead of three times the annual earnings there it is between four and five times, and sometimes six.

Commissioner WEINSTOCK. I see.

Mr. ANDREANI. But, of course, wages would be less, so that it might in proportion be about the same.

Commissioner WEINSTOCK. Aside from this suggestion that you have made, that the amount of compensation to be awarded the defendent, where they are not solely dependent on the worker, should be left to the discretion of the commission, in case of being fixed by law——

Mr. ANDREANI. Yes, sir; because sometimes they may be solely dependent, and it is hard to prove that fact.

Commissioner WEINSTOCK. If they are solely dependent under the law, they are entitled to full compensation?

Mr. ANDREANI. It is very difficult to prove they are dependents. It makes it hard for dependents abroad to prove it. Sometimes a young man is here and hasn't had opportunity to send money to the folks. We have had several cases—two cases with one company, fatal accidents, both young men less than 22 years old. In one instance the young man came from South America. He had sent some money from South America, but he had not had time to make any remittances from here. In the other case the young man had only been here two or three months, and just barely was paying his debts, before he had an opportunity to send anything. There is no question but what the family lost something in the loss of the young man.

Commissioner WEINSTOCK. That is all.

Commissioner LENNON. What effect will the compensation law have upon improving the facilities of the hospitals and expediting cases to immediate care? Cases of those injured that you have mentioned in some of these instances?

Mr. ANDREANI. It is not going to pay the company to turn out cripples, if they are compelled to compensate. They had better take care of the men.

Commissioner LENNON. You think they won't let him walk 15 or 20 miles?

Mr. ANDREANI. Not if they have to carry him on and pension him.

Commissioner LENNON. That is all.

Commissioner COMMONS. You spoke of the hospital fee being still continued even after the compensation law was enacted; but they have reduced it, you say?

Mr. ANDREANI. Why, some of the companies; yes, sir. To my knowledge some of the companies have reduced the hospital fee; some companies carry it on just the same. For instance, the Southern Pacific Railway Co.—only they contend they are not under the act of California—but they only charge 50 cents. They have an admirable hospital service. They still have that fee, but they take care of all those that contract diseases while in their employ, not only the cases of accident, so that it is really worth it to a man to pay the 50 cents there.

Commissioner COMMONS. But the other is only applicable to sickness in case of the other company; it is simply sickness?

Mr. ANDREANI. Some companies have hospitals; some of the lumber companies that probably have 500 or 600 employees—naturally, they have a hospital. They charged before the law went into effect on an average of a dollar a month; some charged 90 cents, and some as high as $1.40, and some more. Since the law went into effect the men naturally raised the point that they are entitled to hospital treatment, and the company lowered the charges, and at the same time they are caring for them in case they get sick.

Commissioner COMMONS. That is voluntary?

Mr. ANDREANI. Yes, sir; purely voluntary between the men and the company.

Commissioner COMMONS. There is no State regulation of the amount of hospital fees under these circumstances?

Mr. ANDREANI. No, sir; they just reduce them in proportion to what they figure would be reasonable for carrying men in case of sickness, deducting from the previous fee what it reasonably cost to treat injuries due to accidents.

Commissioner COMMONS. I would like to ask if you could furnish copies of those exhibits you are not able to leave with the commission, especially those wage contracts?

Commissioner LENNON. He said he could leave one of them.

Commissioner COMMONS. There was only one case mentioned. I would like all three of those cases.

Mr. ANDREANI. I read part of another contract to illustrate that the responsibility in case of accident was thrown on the last contractor—that is the station contractor.

Commissioner COMMONS. I would like also to have those statistics.

Mr. ANDREANI. I can give these figures to one of your stenographers outside.

Commissioner COMMONS. Will you see those are furnished to them?

Mr. ANDREANI. Yes, sir.

Commissioner COMMONS. That is all.

Chairman WALSH. Anything else? That is all.

Mr. THOMPSON. Mr. Ready.

TESTIMONY OF MR. RUBEN READY.

Mr. THOMPSON. Mr. Ready, will you please give us your name, your business address, and business?

Mr. READY. Ruben Ready; labor agent; 784 Howard Street, San Francisco.

Mr. THOMPSON. You have an employment office there?

Mr. READY. Yes, sir.

Mr. THOMPSON. Where else has your company employment offices?

Mr. READY. Los Angeles and Sacramento.

Mr. THOMPSON. How long have you been in the business?

Mr. READY. Twenty years.

Mr. THOMPSON. Three years?

Mr. READY. Twenty years.

Mr. THOMPSON. In this city?

Mr. READY. Yes, sir.

Mr. THOMPSON. Have you any estimate or knowledge of how many people you place a year in all offices?

Mr. READY. From sixty to eighty thousand.

Mr. THOMPSON. About what kind of help do you furnish and what is the general demand?

Mr. READY. All classes of male help; no female. No Japanese or Chinese.

Mr. THOMPSON. Well, state in the order of the help desired the largest number.

Mr. READY. General construction, about 30 per cent of our business.

Mr. THOMPSON. Take the other branches.

Mr. READY. That covers everything, hotels, farmers, dairies, logging camps, men in factories, mechanics, all branches of labor.

Mr. THOMPSON. You received a copy of our questions, did you not?

Mr. READY. Yes, sir.

Mr. THOMPSON. And you have got answers prepared on them, have you?

Mr. READY. There are a great many of the questions I am not competent to answer; they are not dealing with our business whatever.

Mr. THOMPSON. Such of the questions as relate to your business, have you got an answer? If not, I will put the questions, but if you have, you will save me a lot of questions about subjects that you are not prepared to answer.

Mr. READY. Benefit of private employment agencies. After 20 years of experience in the labor business, and seeing our office grow from a one-man institution to one that now employs 25 clerks——

Mr. THOMPSON. I can't understand you. You are talking too fast and too low.

Chairman WALSH. A little louder, please.

Mr. READY. After 20 years of experience in the labor business, and seeing our office grow from a one-man institution to one that now employs 25 experienced clerks, and has four branches, furnishing work for from sixty to eighty thousand men a year, I believe the private employment agencies are a benefit to both the employer and the employee. It is cheaper for the worker to pay the employment agent for the information to secure a job than it is for him to hunt one himself, he not knowing where to go, and wasting time and money locating himself. On the other hand, it is a great service to the employer, saving him a lot of time, worry, and annoyance. That is what I think on that question.

Mr. THOMPSON. You are referring now to the fourth question?

Mr. READY. What is that, sir?

Mr. THOMPSON. That is an answer to one of our questions, question No. 4?

Mr. READY. Yes.

Mr. THOMPSON. What further questions do you care to answer, or have you an answer for?

Mr. READY. Grievance of the job hunter against the employment agent. Under the regulations under which the employment agent is operating at the present time, and especially in the State of California, I see no reason why the job hunter has any grievance against the employment agent, these regulations being almost identical with the ones proposed in part three of your book of proposed regulations of employment agencies, that the commission issued to us. I have a copy. I must admit that in the past there has been a number of unscrupulous agents who have not treated the worker fairly, or given the employer the service due him. One thing they had in mind was the almighty dollar, and did not think of the future, but of the present time only. These actions have cast their reflections on the agent who has conducted his business in the same legitimate manner as other lines of business are carried on.

Mr. THOMPSON. Go right ahead.

Mr. READY. That is all I have on that.

Mr. THOMPSON. That is the only answer you have to that question?

Mr. READY. Of the grievance of the job hunter against the employment agent. The employment agent against the employer: The agent has no grievance against the employer, on the whole. In some instances positions have been, and are to-day, misrepresented to the agent. The agent selects the applicant for the job on the information furnished him. When the job hunter arrives at destination he finds conditions at variance to those presented to him at the employment office. In these cases the job hunter does not blame the employer, but thinks the employment agent has misrepresented facts to him. At the same time, the agent has acted in good faith and filled his orders to the letter of

instructions; and, incidentally, the law of California holds the agent responsible to the job hunter for this misrepresentation of the employer. These cases are rare and not looked for from any responsible employer.

The employment agent against the job hunter: The only grievance the agent has against the job hunter is misrepresentations as to his ability, experience, and references. Also the accepting of transportation to the job in a distant town, and then failing to go to work on same, thereby entailing great loss upon the employer. In my estimation free transportation has a tendency to cause the worker—that is, the free transportation—to cause the worker to be shiftless.

Are State and Federal labor exchanges advisable? I must ask a question of the commission. Are these to be free or on a paid basis?

Chairman WALSH. They are to be free. Let me ask you, did you get the tentative proposal of the commission?

Mr. READY. Yes, sir.

Chairman WALSH. And that was not clear in that?

Mr. READY. Well, I wasn't quite positive on that point.

Chairman WALSH. I don't think it is clear myself and that is the reason I asked you about it.

Mr. READY. I do not think if they are operated on a free basis, that would be entirely successful for the reason, as follows: They can not increase the demand for labor, or create opportunity for the unemployed to work; they will not increase the efficiency of the labor, and can not render the same service to the employer as the paid agencies. For illustration, if the commission will permit, I will relate my experience in trying to run a free office. Shall I go into it?

Chairman WALSH. Yes; go right ahead.

Mr. READY. During the earthquake, or after the earthquake, our offices, like the rest of the business of San Francisco, was burned out. Our organization was disorganized, and everything was topsy-turvy. Three days afterwards we decided to move our plant to Oakland. After we had rented a store there I met Mr. Stafford, then State labor commissioner, and he said he had received a large number of telegrams, inquiries from different parts of the State, requesting him to send them help; they were short and they had an overabundance in San Francisco, and asked what I would do in the matter. I said, "We can not run a paid office, while you furnish us the information; but we will run a free office for 30 days," if he would turn his orders over to us. In that way we would get our organization together, get our business on a running basis again.

We started in that way, and Mr. Stafford turned his orders over to us. We had our own organization, our patrons, both from the employers and the employees. And with the intention of running 30 days without charging anything to the job hunter, and also standing the expense of running the office, getting information, telephone bills, and so forth. We put our regular experienced force to work, in fact, increased it. And after a few days we began to see our defects, that is, the office did. The first thing we noticed was the men taking the jobs and failing to report on same. In other words, we would receive an order, we would engage the man for the job, he gets his credentials, but does not go. Two or three days after the man is supposed to go to the job we have a telephone message of inquiry from the employer, asking us where the man is. We don't know where he is at, and are in a position that we can not send another man to take his place, because if we send another one to report, the first man may report there in two or three days, and if he does we will have two men on the same job. To overcome that objection we gave a letter of introduction and credentials to the man and compelled him to go to the railroad company and buy his ticket to the destination where he is supposed to go; that worked fairly well. Still we did not hand all the applicants on the positions. They would get the credentials, they would then go to the railroad company and get their money on the ticket refunded. We then found that some of the men we were supplying positions to were selling them for a remuneration on the street. That would not be so bad if they would sell the position, providing they got as competent help to go to take their places as we were sending. Unfortunately, it was altogether different. They would send anyone—and the man who arrived on the job is not competent to fill it, thereby complaints get back to us.

The percentage of the arrival of shipments, where free transportation was supplied, was much smaller when we were giving free than when we charged a commission. The class of labor was certainly inferior. Then we had another

obstacle. A man would come into the office and see a position marked on the bulletin board and he would want it—he was not competent to fill it. An illustration: At one time in Oakland we had a $30-a-month position for a cook in a country hotel. A man I had known for 10 years made application for same. We had been sending him on to fill positions at wages of $90 a month for ranch cooks from three to four men. We, of course, had to refuse him this position. He then came to the conclusion, made the accusation that we were playing favorites, that we had favorites to send on that position. That impression prevailed. We found an existing condition among our clerks; we found there was a temptation on the part of the clerks. A man coming to the office and saying, "I will give you a dollar if you give me the best position, the first position that comes in." We found that we were making enemies by our free office. Then we issued rigid instructions to our clerks that they should receive no tips of any kind, presents or money. We found two of them who did do it, whom we had to discharge. The cost of the month to run the office at that time—that is, the office in Oakland—was between $3,000 and $4,000; that is, advertising and clerk hire and the general expense. The only conclusion that we could arrive at after that month's experience was that we had more complaints and more enemies and less friends, and we had given the employer poorer service.

Mr. THOMPSON. With reference to the proposition of the temptation to accept bribes, take your own office here in San Francisco; how large an office have you got?

Mr. READY. We have a staff of 14 clerks.

Mr. THOMPSON. Yes. In other words, you don't attend to all the business entirely yourself?

Mr. READY. I see 60 per cent of the men that go out of the office.

Mr. THOMPSON. You do?

Mr. READY. Yes, sir.

Mr. THOMPSON. If you were in a public employment office, could you do the same thing there that you do in our own private office?

Mr. READY. In a public office?

Mr. THOMPSON. Yes.

Mr. READY. See these men?

Mr. THOMPSON. Yes.

Mr. READY. Yes, sir.

Mr. THOMPSON. In other words, so far as your own work is concerned, you could do the same work if you were a public official as you do now operating your private office?

Mr. READY. No, sir.

Mr. THOMPSON. In reference to seeing the men?

Mr. READY. I could see the men; that is all.

Mr. THOMPSON. Now, in what respect would you be restricted over your present position?

Mr. READY. In the first place, I could not put in the hours nor the amount of interest in the business.

Mr. THOMPSON. That would be the objection, then, from that one standpoint?

Mr. READY. That is one objection.

Mr. THOMPSON. What other reasons would operate——

Mr. READY. What is that?

Mr. THOMPSON. What other reasons would operate to prevent the same service being given in so far as you are concerned, any other reason?

Mr. READY. No.

Mr. THOMPSON. Then, if in a public office you got a man who did have an interest in that business itself and who was willing to do good work, he could accomplish the same purposes, and the same effects and results that you do?

Mr. READY. I don't think——

Mr. THOMPSON. I mean, if he did?

Mr. READY. What?

Mr. THOMPSON. That is axiomatic, isn't it?

Mr. READY. I don't think that any public official would put the same interest in it. I have watched free employment agencies grow, or run, in Portland; private free offices in San Francisco; the free office in Los Angeles; and I find that they have the same trouble that we had in Oakland and can't overcome it.

Mr. THOMPSON. What is to prevent a man seeking a job in that office from bribing one of your clerks to help him get a better place?

Mr. READY. Well, I am always on the floor, on the floor of the private office from the time we open in the morning until nighttime, watching each clerk. Each man that is engaged in our office passes to two or three different persons and is questioned as to the amount of his fee, his experience, etc.

Mr. THOMPSON. What would prevent a public office from having an applicant pass to two or three persons the way you do in your office?

Mr. READY. The fact that a man is paying a fee helps to prevent what you would find in a free office—a man willing to take any position he could not fill, and having nothing at stake he is willing to take a chance on it.

Mr. THOMPSON. That doesn't answer the question.

Mr. READY. The question again, please.

Mr. THOMPSON. What would prevent a public office from passing a man through two or three hands, the same as you do in your office, to check up on him?

Mr. READY. He could do that, but he still would not have the same protection that I have.

Mr. THOMPSON. Why not?

Mr. READY. The man would have nothing at stake.

Mr. THOMPSON. You mean what man would have nothing at stake?

Mr. READY. The man that is going to the position. He can answer all kinds of questions, but he——

Mr. THOMPSON. But the man that was going to the position would be just as anxious to go to a good position in a public office?

Mr. READY. Yes.

Mr. THOMPSON. And just as anxious to bribe one of your men to get a position as he would be to bribe a public man, wouldn't he?

Mr. READY. Well, he does not.

Mr. THOMPSON. Did you study any means by which the public office could place the man on a job with the same degree of certainty that you do?

Mr. READY. I studied it and tried to remedy the difficulties while we were running the office in Oakland for one month. I have studied all other free offices, and find that they had the same trouble that we had, they have tried to remedy it and haven't been able to.

Mr. THOMPSON. Why do you say you can place a man on a job with greater certainty than a public office?

Mr. READY. Because he has paid us a fee, and the man isn't liable to misrepresent himself so much when he has something at stake, you know, as he is when he has paid nothing for the position.

Mr. THOMPSON. And that, in your opinion, is the strong governing reason?

Mr. READY. One of them.

Mr. THOMPSON. Why, in one case——

Mr. READY. Yes, sir.

Mr. THOMPSON (continuing). You can get better results over the other case?

Mr. READY. Yes, sir.

Mr. THOMPSON. Over the case of the public office?

Mr. READY. Yes, sir.

Mr. THOMPSON. Have you made any studies of your business with reference to ascertaining or finding out what proportion of those sixty or seventy thousand positions you fill are seasonal positions?

Mr. READY. Are seasonal positions?

Mr. THOMPSON. Where the work is of limited duration?

Mr. READY. Probably about 60 per cent.

Mr. THOMPSON. About 60 per cent?

Mr. READY. Yes, sir.

Mr. THOMPSON. Are there any other main conditions of that character of employment that you would care to mention to the commission?

Mr. READY. Not that I know of, unless you wish some information. I will answer your questions to the best of my ability.

Mr. THOMPSON. At what period of your work in the year is the demand for labor the greatest?

Mr. READY. From March 15 to November 15; that is the greatest; that is what we call our busy season. Now, the greatest demand will come in June, July, August, September, and part of October.

Mr. THOMPSON. And for what kind of work is the demand generally in that time?

Mr. READY. In the heaviest time or the eight months?

Mr. THOMPSON. No; during those heavy months.

Mr. READY. Construction, hay and harvest, fruit, lumber industries.

Mr. THOMPSON. That is all seasonal work?

Mr. READY. Yes, sir.

Mr. THOMPSON. Of course it is lighter during the rest of the year?

Mr. READY. The four months; yes.

Mr. THOMPSON. What kind of help is desired during the light months of the year?

Mr. READY. Some construction, some farm, dairy, a little factory, and the general business during the four months. We consider the four months as our general business.

Mr. THOMPSON. Is the character of the work supplied then of a more permanent nature?

Mr. READY. Quite a lot of it.

Mr. THOMPSON. What supply of labor have you got here; what kind is it? Is it native or foreign born?

Mr. READY. We have all kinds.

Mr. THOMPSON. All kinds. What is the principal kind?

Mr. READY. Well, foreign labor. Of course, there are lots of Americans.

Mr. THOMPSON. What proportion of that is skilled and unskilled, if you know?

Mr. READY. The proportion of the foreign labor that we handle would be probably 90 per cent; 90 per cent unskilled and 10 per cent skilled.

Mr. THOMPSON. What nationalities, if any, do you favor generally in your selection of employees or favor generally over the whole year, or for specific kinds of work?

Mr. READY. Well, what class of work?

Mr. THOMPSON. Well, construction; do you favor any particular nationality?

Mr. READY. Construction work, the Italian makes the best laborer. We have a greater demand for them by far than for any other nationality.

Mr. THOMPSON. How about agricultural work?

Mr. READY. The German, Dane, American, Irish, English.

Mr. THOMPSON. Do you find that there is a scarcity of labor at any particular time?

Mr. READY. At any particular time?

Mr. THOMPSON. Yes.

Mr. READY. During those four months that I spoke of.

Mr. THOMPSON. When the demand is the heaviest?

Mr. READY. Yes.

Mr. THOMPSON. Do you have any trouble, then, in supplying positions?

Mr. READY. Do we have trouble?

Mr. THOMPSON. Yes.

Mr. READY. Yes.

Mr. THOMPSON. Of course, at the other times of the year the labor is plentiful?

Mr. READY. Yes; about evenly balanced during the rest of the four months of the eight months that we are busy, and during the four months there is an oversupply.

Mr. THOMPSON. When the supply is short, what methods do you take to get labor to fill the positions?

Mr. READY. On our large construction work we send men out without fees.

Mr. THOMPSON. Without fees?

Mr. READY. Yes; and the same in the logging industry, and the same thing in construction work or any large job of that kind.

Mr. THOMPSON. Do you advertise for help?

Mr. READY. Yes, sir.

Mr. THOMPSON. Just in your locality, or elsewhere?

Mr. READY. In our locality here.

Mr. THOMPSON. You don't advertise outside of the State?

Mr. READY. No.

Mr. THOMPSON. Have you got any information or opinion with reference to the amount of help that is necessary to keep a certain number of men on work, say construction camp work?

Mr. READY. I have no figures—no definite information.

Mr. THOMPSON. If there are a hundred men needed, do you know how many men you have got to keep sending to the place?

Mr. READY. I don't know, for the reason that we always try to receive our orders from the head office in San Francisco, or wherever it is, and ship our men to the headquarters on the work. They distribute them to the different camps from there.

Mr. THOMPSON. And you keep no track of it?

Mr. READY. We have no means of keeping track of it.

Mr. THOMPSON. Have you got any permanent understanding or arrangement with any railroad company or construction company?

Mr. READY. What do you mean?

Mr. THOMPSON. For furnishing help?

Mr. READY. In what way?

Mr. THOMPSON. For construction help?

Mr. READY. Well, in what permanent arrangement do you mean?

Mr. THOMPSON. Well, I mean if you are the exclusive agent.

Mr. READY. Well, we have some of our customers make us exclusive agents; others do not.

Mr. THOMPSON. What kind of customers are they?

Mr. READY. Some railroads.

Mr. THOMPSON. Some railroads?

Mr. READY. Yes. Some lumber companies.

Mr. THOMPSON. What arrangements do you have with the companies? Do you get a fee from the companies for the men supplied?

Mr. READY. No, sir.

Mr. THOMPSON. No compensation from them at all?

Mr. READY. No, sir.

Mr. THOMPSON. Do you have any written agreements with them?

Mr. READY. None whatever.

Mr. THOMPSON. What is the understanding you have with them about your business?

Mr. READY. None whatever. We supply them with labor, the right kind of labor, keep their camps filled to the best of our ability, and obtain for them the best help possible from the labor market.

Mr. THOMPSON. You mean to say you have no definite understanding?

Mr. READY. No, sir.

Mr. THOMPSON. As to conditions at all?

Mr. READY. No.

Mr. THOMPSON. They simply come to you, then, because they have been used to dealing with you?

Mr. READY. Yes, sir.

Mr. THOMPSON. Then you have no arrangement with them?

Mr. READY. No, sir. What kind of arrangements do you refer to now?

Mr. THOMPSON. I mean arrangements by which you are to be given the exclusive business, or any conditions under which you supply them?

Mr. READY. No, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. Prof. Commons would like to ask you a question.

Commissioner COMMONS. What are the fees that you charge?

Mr. READY. Our average fee would range from about 3½ per cent for each first month's wages.

Commissioner COMMONS. Three and a half per cent?

Mr. READY. Yes, sir.

Commissioner COMMONS. It is not a fixed fee, then?

Mr. READY. No.

Commissioner COMMONS. It varies with all classes of labor?

Mr. READY. All classes of labor, all classes of positions.

Commissioner COMMONS. How do you figure that out with a man who is going to work on a construction gang?

Mr. READY. On construction work his fees would average about $1.25.

Commissioner COMMONS. That is, you would take how many days a month?

Mr. READY. Take 26 days a month.

Commissioner COMMONS. And $2 a day for whatever time?

Mr. READY. Whatever the wages are, we make no difference on the scale of wages.

Commissioner COMMONS. Is that regulated by the State law?

Mr. READY. No; there is no State law regulating the fees charged by employment agencies.

Commissioner COMMONS. That is always paid in advance, then, is it?

Mr. READY. Always paid in advance.

Commissioner COMMONS. The total amount?

Mr. READY. Yes, sir.

Commissioner COMMONS. When did this State inspection law go into effect?

Mr. READY. The State inspection law of what; of employment agencies?

Commissioner COMMONS. Yes.

Mr. READY. Well, they have been regulating employment agencies for 25 years. It was at our suggestion and solicitation that, after about 10 years of requests from different labor commissioners, the employment agencies were put under a bond of $2,000. Our firm has practically helped make a good many of the restrictions there is to-day on the law books of California.

Commissioner COMMONS. That is, you favor——

Mr. READY. We do favor it.

Commissioner COMMONS. Favor all these?

Mr. READY. As long as the regulations are fair, there can't be any regulations that are too strict.

Commissioner COMMONS. When did this bonding requirement come about?

Mr. READY. This year.

Commissioner COMMONS. This year?

Mr. READY. Yes. Our firm is on the bond for about $9,000.

Commissioner COMMONS. How much?

Mr. READY. Nine thousand dollars; that is, for the different offices.

Commissioner COMMONS. Each office?

Mr. READY. Each office. We have a branch—the main office in San Francisco and one branch here. We are under a bond of $4,000.

Commissioner COMMONS. Now, what does that bond secure?

Mr. READY. Well, it secures and does away with the mushroom-growth agent that will open up overnight and make a grand coup and then run away.

Commissioner COMMONS. So that it has stopped the multiplication of small offices?

Mr. READY. Yes, sir.

Commissioner COMMONS. Has it caused any small offices to go out of business?

Mr. READY. It does not, because the bond is not a cash bond; a surety bond.

Commissioner COMMONS. Then how would it stop the multiplication of small offices?

Mr. READY. Of little offices? No, it does not. It just stops the agent who will go into business for the sake of cleaning up a few dollars and clearing out again. Nothing at stake whatever.

Commissioner COMMONS. I see.

Mr. READY. It would stop the office that is dealing with irresponsible foremen, and dividing——

Commissioner COMMONS. Then what are the penalties; what is the method of enforcing the regulation?

Mr. READY. The labor commissioner has that power.

Commissioner COMMONS. Can he revoke the license?

Mr. READY. He can.

Commissioner COMMONS. What is the procedure?

Mr. READY. Just simply refuse to give him a license.

Commissioner COMMONS. Must he make a public investigation?

Mr. READY. No. I don't know positively, but I believe it is his own decision.

Commissioner COMMONS. Do you have an appeal to the court?

Mr. READY. What is that, sir?

Commissioner COMMONS. Do you have an appeal to the court in case——

Mr. READY. I have an appeal, do you say?

Commissioner COMMONS. Yes. In case he revokes your license?

Mr. READY. I think so.

Commissioner COMMONS. Well, can he impose penalties, then, for splitting fees or for doing any of the things that are prohibited in the law?

Mr. READY. Revoking the license.

Commissioner COMMONS. That is the only penalty?

Mr. READY. That is the best penalty, I think.

Commissioner COMMONS. Well, aren't there some small misdemeanors which might be——

Mr. READY. I really don't know, I am sure. I haven't studied the law enough for that.

Commissioner COMMONS. You think that is the best way?

Mr. READY. The only way.

Commissioner COMMONS. To revoke the license?

Mr. READY. Yes, sir.

Commissioner COMMONS. And, then, the surety bond is to protect an applicant who has been defrauded, is that it?

Mr. READY. For instance, there have been cases in this State and all other States; a man starts into the labor business and figures that all he has to have is a desk and an office to put it in and go ahead. He will find positions. He goes out and gets the work. He figures all he has to do is to take the fee from the men.

Commissioner COMMONS. A little louder.

Mr. READY. To take the fee from the men.

Commissioner COMMONS. Yes.

Mr. READY. After a few weeks' experience he finds an expense attached to his business and his orders not coming as fast as they should be. He then makes a collection of a lot of different men, puts an order up that is not a genuine order, collects the fees, and skips out during the night, probably, as has been done—collects from a hundred to a hundred and fifty dollars in that way. No one is to look after him. The labor commissioner would do it, of course, but where he is going to find him? While he is finding him how are these poor fellows that are out of their fee going to wait, to prosecute him? Hence, with putting up that bond of $2,000 the bonding company must make good. They further investigate a man's character before they go his bond.

Commissioner COMMONS. Can the labor commissioner levy on that bond, or must he bring suit on it?

Mr. READY. He levies on that bond; that is my understanding.

Commissioner COMMONS. Well, does he have supervision over interstate shipments that you make, too?

Mr. READY. Well, supervision, what do you mean?

Commissioner COMMONS. Outside of California?

Mr. READY. Well, we make a record to the labor commissioner as to the amount of our business, the number of men we send out, the amount of fees we collect, and where those men go to. The books of all agents are open to the labor commissioner or his deputies.

Commissioner COMMONS. Well, in this proposed measure that has been submitted to you, you notice it provides for a Federal bureau for inspection and regulation of employment offices?

Mr. READY. Yes, sir.

Commissioner COMMONS. Doing an interstate business?

Mr. READY. Yes, sir.

Commissioner COMMONS. Do you think that would conflict with State supervision, or have you considered that?

Mr. READY. I don't know whether it would conflict with State supervision; but I think I would welcome a Federal investigation or supervision in preference to the State, because then all agencies of all States would be under one supervision and one regulation.

Commissioner COMMONS. You are in competition with offices located in other States?

Mr. READY. Not particularly so, because we don't do an interstate business outside of railroad construction. Then the railroad companies furnish free transportation.

Commissioner COMMONS. But it would be an advantage to have the same kind of bonding and regulations in all the States?

Mr. READY. I think so. It would improve the business and also put it on a basis where it would carry a better reputation than it has to-day.

Commissioner COMMONS. Where are the free public offices that you have knowledge of?

Mr. READY. In Los Angeles there is one. In Portland there is one. We had one here, used to be run by the Bulletin, an evening newspaper.

Commissioner COMMONS. Is there any other in California besides that?

Mr. READY. One in Sacramento.

Commissioner COMMONS. How many people are employed in those offices?

Mr. READY. In Sacramento I don't know whether there is anyone employed or not. It is open certain hours of the day, that is all. We don't figure that an office at all.

Commissioner COMMONS. How many in Los Angeles?

Mr. READY. In Los Angeles there is the superintendent and the assistant and two others; I believe four.

Commissioner COMMONS. And have you observed the office at Seattle, too?

Mr. READY. Seattle? I have not. I have at Portland.

Commissioner COMMONS. What is your criticism of the management of the free office at Portland?

Mr. READY. In Portland?

Commissioner COMMONS. Yes.

Mr. READY. Well, by talking with the manager there, he has the same difficulties and obstacles we had in Oakland.

Commissioner COMMONS. Well, the fact that it is a public office paid for out of taxes, does that make it weaker—less efficient?

Mr. READY. No; not that I know of. Any free office, it doesn't matter whom it is operated by, would have the same obstacles we ran into.

Commissioner COMMONS. So that if offices were run by the State or by the National Government, your objection would be simply to having them run free?

Mr. READY. I don't object to that at all. I speak of whether they could be run with success.

Commissioner COMMONS. Well, that is what I was trying to get at, what points.

Mr. READY. The same points I have already mentioned.

Commissioner COMMONS. What points do you observe in those offices which make them unsuccessful?

Mr. READY. Just the same points that I have already spoken of at our Oakland office that were unsuccessful because of——

Commissioner COMMONS. Because they are free?

Mr. READY. Because they are free and they can't rely on the man going to the job they send him to. There is one great point. He has nothing at stake. He has nothing to lose. You find the man who pays the fee will be a better class of laborer than the man who goes through the free office. There is no thrifty man who objects to paying the employment agent a fee.

Commissioner COMMONS. Well, supposing that the employers paid the fee instead of the applicant. Would it be possible to run the business on that basis?

Mr. READY. I don't know.

Commissioner COMMONS. There is quite a movement to abolish fees paid by applicants?

Mr. READY. I understand.

Commissioner COMMONS. And that would force the employers to pay the fees, would it not?

Mr. READY. Yes, sir.

Commissioner COMMONS. What would be your objection to a law prohibiting employment offices from charging fees to applicants?

Mr. READY. I haven't given it a study at all.

Commissioner COMMONS. The points that you have made already would be the only ones, that when a man does pay the fee he is more interested.

Mr. READY. Yes, sir.

Commissioner COMMONS. In his complying with his promise?

Mr. READY. Yes, sir.

Commissioner COMMONS. And making good?

Mr. READY. Yes, sir. You find the laborer, the foreign laborer does not object to paying a fee at any time, other laborers also. You will find the laborer who will pay the fee is a more steady man than the man who objects to paying it; every time. I consider that a free office would cause a man to be more shiftless than he is to-day.

Commissioner COMMONS. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask a question.

Commissioner O'CONNELL. Mr. Ready, what investigation do you make as to the positions you are going to send men or women to?

Mr. READY. We don't send women out at all.

Commissioner O'CONNELL. Don't handle women?

Mr. READY. Only men.

Commissioner O'CONNELL. Well, men, then. If an application comes in for 10, 20, or 30 positions, do you make any investigation as to the place they are to be sent?

Mr. READY. From the party who leaves the order.

Commissioner O'CONNELL. What is that?

Mr. READY. From the party who leaves the order we do.

Commissioner O'CONNELL. Now, supposing the party says, "We want so many men to do a certain work, and we will pay them so much money, and the conditions under which we are going to work are first class and all that," is that the only assurance you have?

Mr. READY. And the position was there, do you mean?

Commissioner O'CONNELL. Yes; the positions are there.

Mr. READY. If a man is a stranger, we find out whether he is reliable, and whether he is there in the place he says he is, especially in the country.

Commissioner O'CONNELL. Do you make any investigation as to the sanitary conditions?

Mr. READY. We do not.

Commissioner O'CONNELL. That surround the jobs?

Mr. READY. No; we don't.

Commissioner O'CONNELL. You just sell the job to the man, and "Here it is; take it if you want to?"

Mr. READY. Yes. We would be powerless to alter the sanitary conditions if we made the investigation.

Commissioner O'CONNELL. I didn't catch that. Just speak up.

Mr. READY. We would be powerless to alter the sanitary conditions if we made the investigation, or any conditions in the camp if we made the investigation.

Commissioner O'CONNELL. Yes. But you could tell the applicant what the position is.

Mr. READY. We tell the applicant if he goes to a camp that it is camp conditions, and he must accept them as he finds them. On railroad construction we have him sign an agreement to that effect.

Commissioner O'CONNELL. That he will accept them?

Mr. READY. That he will accept them as he finds them.

Commissioner O'CONNELL. Be they ever so bad?

Mr. READY. Under any conditions; and he signs to that effect, that we don't know the conditions of the camp, and he is willing to accept them as he finds them.

Commissioner O'CONNELL. You say you have placed in the last year between 60,000 and 80,000?

Mr. READY. Not in the last year. In some former years the average would be that.

Commissioner O'CONNELL. Does that mean San Francisco alone?

Mr. READY. That means our four offices.

Commissioner O'CONNELL. San Francisco——

Mr. READY. Los Angeles and Sacramento.

Commissioner O'CONNELL. Do you make a report to the State or to the labor commissioner as to your gross income and expenses of your offices?

Mr. READY. We don't make a gross-income report of expense and income.

Commissioner O'CONNELL. What has been the gross income of your offices?

Mr. READY. I really don't know.

Commissioner O'CONNELL. You don't know?

Mr. READY. No.

Commissioner O'CONNELL. Nor the expense?

Mr. READY. Couldn't tell you.

Commissioner O'CONNELL. How many people do you employ in all your offices?

Mr. READY. Twenty-five.

Commissioner O'CONNELL. A total of 25?

Mr. READY. About 25; sometimes a few less and sometimes a few more.

Commissioner O'CONNELL. You say you charge 5 per cent of the man's wages?

Mr. READY. Yes.

Commissioner O'CONNELL. You collect that in advance?

Mr. READY. Yes.

Commissioner O'CONNELL. If you send a man or a number of men to a job you collect on the basis of a month's wages in advance?

Mr. READY. Basis of a month's wages.

Commissioner O'CONNELL. Whether he works a day or two days in the month?

Mr. READY. That is what it would average, taking all kinds, clerical and construction.

Commissioner O'CONNELL. Do you do any charitable work in connection with furnishing positions free?

Mr. READY. Three years ago we furnished free about 25,000 men.

Commissioner O'CONNELL. That was during the trouble you spoke of, when you moved to Oakland?

Mr. READY. No; since that; every summer. This summer we haven't had to. Every summer we have done what we call charity work, or deadhead work, which would amount to from 5,000 to 20,000 men each summer.

Commissioner O'CONNELL. Would that be included in this 10,000 to 80,000?

Mr. READY. No, sir; it would not.

Commissioner O'CONNELL. This is all paying?

Mr. READY. Yes, sir. Now, there is another thing that we furnish positions that are not included in that and don't figure in the business at all—from 20 to 50 a day short positions that last from one to five days. We don't charge for that.

Commissioner O'CONNELL. Well, based on this number of employees for positions that you do furnish on a cash basis, it is fair to say that your gross business would approximate $100,000 a year?

Mr. READY. Maybe. I haven't the figures.

Commissioner O'CONNELL. And that if you were operating that business with 20 employees——

Mr. READY. Yes, sir.

Commissioner O'CONNELL. (continuing). That there would be a very large profit in that business?

Mr. READY. There is not a large profit in it.

Commissioner O'CONNELL. There is not a large profit in it?

Mr. READY. No, sir.

Commissioner O'CONNELL. Can you give me any idea or give the commission some idea as to the profit that is in the business?

Mr. READY. I don't think I could. I haven't the figures.

Commissioner O'CONNELL. How much capital is invested in the business?

Mr. READY. Very little. Experience and hard work is invested in it.

Commissioner O'CONNELL. Is there a profit——

Mr. READY. If you figure that the invested capital is in advertising, getting the name before the public and general advertising, both to secure work and secure labor and the time that we have been in business, we have spent $250,000.

Commissioner O'CONNELL. How long has that been—20 years, you say?

Mr. READY. Twenty years.

Commissioner O'CONNELL. You have spent $250,000?

Mr. READY. Yes, sir.

Commissioner O'CONNELL. What would be the approximate income in that time?

Mr. READY. I don't know, sir.

Commissioner O'CONNELL. Is there $25,000 a year profit in your business?

Mr. READY. I wish there was. I wouldn't be in the business 20 years. We are rated on the street as millionaries. We would need to be in the business about 200 years to be real millionaries.

Commissioner O'CONNELL. How do Bradstreet and Dun rate you?

Mr. READY. I don't know. We don't apply for any credit, so we would not have any rating at all. Once in a while they ring us up and ask us what we are rated at.

Commissioner O'CONNELL. Have you any record of having the same men apply to you every so often for employment?

Mr. READY. We have done business with the same men—we are doing business with the same men to-day that we did 20 years ago.

Commissioner O'CONNELL. I don't mean the employers. I mean the workers.

Mr. READY. I mean the men. I understand your question.

Commissioner O'CONNELL. You have occasions where those same men come to you two or three or half a dozen times a month for a job?

Mr. READY. No, sir.

Commissioner O'CONNELL. If they came back again during the same month, would you again take them?

Mr. READY. We certainly would.

Commissioner O'CONNELL. You would?

Mr. READY. Yes, sir.

Commissioner O'CONNELL. As often as they came back you would charge them?

Mr. READY. We should, providing they didn't work seven days—the law of California.

Commissioner O'Connell. Then, they could get in four seven days a month?
Mr. Ready. Yes.
Commissioner O'Connell. You would charge them four times?
Mr. Ready. Yes; but we would soon get tired of sending that class of help out. We would not want them.
Commissioner O'Connell. That is all.
Chairman Walsh. Anything else? That is all. Thank you. Call your next.
Mr. Thompson. Mr. Wilde.

TESTIMONY OF MR. A. L. WILDE.

Mr. Thompson. Give us your name, your business address, and your business, please.
Mr. Wilde. A. L. Wilde; 1004 Hughes Building; secretary-treasurer steam shovel men's union.
Mr. Thompson. How long have you been connected with that union?
Mr. Wilde. About eight years.
Mr. Thompson. Where does the organization extend, across the country?
Mr. Wilde. Yes, sir.
Mr. Thompson. Where have you got locals, if you know, generally?
Mr. Wilde. New York, Pittsburgh, Hazelton, Chicago, Knoxville, St. Paul, Seattle, Spokane, Portland, San Francisco, Salt Lake City.
Mr. Thompson. Are you affiliated with any other labor body?
Mr. Wilde. We are affiliated with two different departments of the A. F. of L.
Mr. Thompson. You say two different departments?
Mr. Wilde. Mining and railway.
Mr. Thompson. What kind of help does your organization cover?
Mr. Wilde. Steam-shovel men principally.
Mr. Thompson. And who would that be—engineers?
Mr. Wilde. Engineers, craanemen and firemen, watchmen.
Mr. Thompson. What other kind of workers do you also include in your union?
Mr. Wilde. That is about all we claim jurisdiction over; but there are occasions when employers come in and ask us to furnish other classes of men.
Mr. Thompson. Are there any other kind of workers work around steam shovels than the men you have named?
Mr. Wilde. Yes, sir; there are laborers.
Mr. Thompson. Does your organization take in the laborers that work around steam shovels?
Mr. Wilde. No, sir.
Mr. Thompson. Would your charter permit them to be part of your organization?
Mr. Wilde. No, sir.
Mr. Thompson. What per cent of the men in your line of work are in your union, do you know, in this country? How well organized are you?
Mr. Wilde. I could not say. There are about 6,000 organized, not all in one organization.
Mr. Thompson. Is there another organization?
Mr. Wilde. There is one competitive organization.
Mr. Thompson. What is the name of that?
Mr. Wilde. International Brotherhood of Steam Shovelers and Dredgemen.
Mr. Thompson. Where is their headquarters?
Mr. Wilde. Chicago.
Mr. Thompson. Do you know whether or not the laborers that work around steam shovels are organized or not?
Mr. Wilde. They are not.
Mr. Thompson. The other organization is not affiliated with the American Federation of Labor?
Mr. Wilde. They are not directly. They are affiliated with the steam engineers' union.
Mr. Thompson. In that way only?
Mr. Wilde. And the longshoremen, too, I believe.
Mr. Thompson. And do these two organizations maintain indirect affiliation with the American Federation of Labor?
Mr. Wilde. Yes, sir.
Commissioner Commons. Is yours an A. F. of L. organization?
Mr. Wilde. We claim so.

Commissioner COMMONS. Are you recognized by the American Federation of Labor?

Mr. WILDE. We have delegates seated in the central federation here and in the State body.

Commissioner COMMONS. How about the international?

Mr. WILDE. There is no international organization of steam-shovel men chartered by the American Federation of Labor.

Commissioner LENNON. Neither of them have direct affiliation.

Mr. THOMPSON. What effort, if any, has been made by your organization or by yourself personally to organize the laborers working around the steam shovel?

Mr. WILDE. There has been comparatively small effort made along those lines. It is a pretty big job to organize these people.

Mr. THOMPSON. I understand you have taken some interest in the organization of unskilled workers?

Mr. WILDE. Yes, sir.

Mr. THOMPSON. Has your interest and your work been confined to the unskilled workers around the steam-shovel or other departments of the labor field?

Mr. WILDE. All along the line of construction work.

Mr. THOMPSON. Will you tell us in your own language what efforts you have made to organize the unskilled workers, wherever they may be?

Mr. WILDE. Well, the principal efforts that I have made was while having actual charge of construction work either as steam-shovel operator or as superintendent on the job. The steam-shovel men's union and its members, as a general thing, work out in the jungles and outlying districts. That is where construction work is mostly done. Comparatively little of that work is done in the city, and we had some difficulty in putting these unskilled workers into a labor organization, for the reason that there was no labor organization to put them into, in the localities referred to. About all we could do, of course—as steam-shovel operators we have a good deal to do with the hiring and dismissing of the common laborers. They are working under our direction a good deal, and we can, when we want to, give them their choice of either getting into the organization or getting off the job. I have put a good many into the different common-labor organizations.

Mr. THOMPSON. What kind of labor unions are there in existence into which those men can go?

Mr. WILDE. That varies a good deal with the locality. As a general thing in cities there is the common laborers' union. We have one in San Francisco. There is no established migratory workers' union, as far as I know.

Mr. THOMPSON. What would be the objection to making your organization broad enough to take in the men working around the steam shovel?

Mr. WILDE. The steam-shovel men and cranemen are in a position to carry them along for a while. They are practically pioneers of organized workers; they are about the only organization that is recognized outside of the cities. As long as we are divided ourselves, we can not do very much.

Mr. THOMPSON. Do very little?

Mr. WILDE. Do very little.

Mr. THOMPSON. Have you got a copy of the constitution and by-laws of your organization?

Mr. WILDE. I haven't a copy with me; no.

Mr. THOMPSON. Could you furnish the commission with a copy?

Mr. WILDE. Yes; be glad to.

(Booklet entitled "Constitution and By-Laws of the Associated Union of Steam Shovelmen," revised and adopted April 1, 1914, headquarters Chicago, Ill., was later submitted in printed form.)

Mr. THOMPSON. What initiation fee do you charge?

Mr. WILDE. In our organization?

Mr. THOMPSON. Yes.

Mr. WILDE. Twenty-five dollars for the engineer and cranemen and $12.50 for the firemen and watchmen.

Mr. THOMPSON. What are the dues?

Mr. WILDE. Three dollars and seventy-five cents per quarter for engineers and cranemen and $2.25 per quarter for firemen and watchmen.

Commissioner WEINSTOCK. A month?

Mr. WILDE. Per quarter, three months.

Mr. THOMPSON. Do you carry any benefit insurance of any kind on the men?

Mr. WILDE. One hundred dollars death benefit.

Mr. THOMPSON. Is that first taken out of these dues or by special assessment?

Mr. WILDE. It has been taken out of the dues; this year a special assessment of $1 levied for the purpose of taking care of these death benefits.

Mr. THOMPSON. But you have no sick benefits?

Mr. WILDE. No.

Mr. THOMPSON. Or accident benefit?

Mr. WILDE. No.

Mr. THOMPSON. Have you got any restriction on the kind of people who work at these different classes of work who can become members of the union? In other words, do you restrict membership only to Americans or do you permit foreigners?

Mr. WILDE. Yes.

Mr. THOMPSON. Do you permit negroes to become members of the organization?

Mr. WILDE. There is nothing in the law to prohibit them.

Mr. THOMPSON. Nothing in the law?

Mr. WILDE. No.

Mr. THOMPSON. Have you ever had a case come up where a negro has applied for admission?

Mr. WILDE. No; we have not.

Mr. THOMPSON. Do you know what your organization would do under such a condition?

Mr. WILDE. No; I don't know what they would do.

Mr. THOMPSON. A list of questions was presented to you, Mr. Wilde, with reference to different kinds of labor demanded in different——

Mr. WILDE. Yes. I dictated a reply, and it is being typewritten now. I will turn it over to the commission either this afternoon or to-morrow morning.

Mr. THOMPSON. Have you got anything before you now?

Mr. WILDE. I have some questions here. There are some of the questions that I can not answer.

Mr. THOMPSON. Don't answer any that you are not particularly interested in.

Mr. WILDE. Opinions as to the nature of the demand for labor; that is, what kinds of labor are desired, nationalities required, etc. That is answered by Mr. Tyler this morning, I think, absolutely along the lines that exist.

What is the extent of the demand for labor in construction work? That varies according to the times. At the present time there is no big construction work going on in this State.

To what extent is it seasonal in character? Construction work is not seasonal to any great extent, but the supply of labor is affected a good deal by other industries that are seasonal, such as agriculture and horticulture.

Describe the seasonal fluctuations in the demand during an average year. Mr. Ready answered that question. The demand is heaviest during the summer and fall months; winter months it is lightest.

On construction work about 90 to 92 per cent, I should judge, are unskilled. About 8 to 10 skilled. The same will hold good perhaps as to nationalities. As far as our organization is concerned, most of them are native Americans, or from the north European countries.

What is the frequency in the working force?

Does this question apply to steam-shovel men or unskilled labor?

Mr. THOMPSON. Generally, the labor field.

Mr. WILDE. On construction work?

Mr. THOMPSON. Yes; or any other field that you know about.

Mr. WILDE. I should judge it would be about, take about 250 men to keep 100 busy.

Prevalance of floaters: We have a great many of them, particularly in the winter, in California.

Commissioner COMMONS. You are not speaking now of the steam shovelers in respect to that; common labor?

Mr. WILDE. Yes.

Commissioner COMMONS. When you say 250 to keep 100 busy, you are not speaking of steam shovelers?

Mr. WILDE. No; laborers.

Commissioner COMMONS. Laborers?

Mr. WILDE. Laborers.

Mr. THOMPSON. Wherever you are answering with particular reference to your field, state so, Mr. Wilde, please.

Mr. WILDE. What methods are used in your industry in connecting the man and the job? As a general thing the employer sends direct to our office for men. That applies to steam-shovel men. That seems to be the most satisfactory way of doing work. Railroads do that, and the State highway and other contractors do that.

Extent to which the railroads act as their own labor agents? I can't answer that question.

The feasibility of the private labor bureau operated as a department of the railroad company? That has been answered.

What is the general situation in construction camps as to efficiency or lack of efficiency of the various nationalities? The situation in the construction camps has changed a great deal in the last 10 or 15 years. Ten or fifteen years ago it used to be mostly Irish, German, Scotch, Welshmen, and people of that kind. To-day there are more Italians, Greeks, and others from the southern European States following that work than there was then. In fact, it is almost exclusively confined to them right now.

Causes of inefficiency: There are a good many of them there. Whisky is one of the main ones.

Relative efficiency of station contract work by laborers themselves, and the usual system under bosses: Men that take station work as a general thing make more money than they would under the wage system. On the other hand, they work a good deal harder. They come in as competitors to the big employers to a certain extent.

Conditions of life in construction camps: Housing, food, sanitation? Answering that question, of course, it must be comparative. I have been to a great many construction camps, not only in the West here, and in this State, but also in the East. And comparing the construction camps in this country with what they are in the East, they are very poor. On the other hand——

Commissioner LENNON. Poorer in the West than in the East, or the other way?

Mr. WILDE. Yes. The construction camps here generally consist of a few tents, with very few facilities for keeping clean, and very little attention is paid to sanitary conditions. On the other hand, the big construction firms and contractors that are in the West here, they are going up against problems that the eastern contractor don't go up against. This country is not so thickly settled, and it is hard to get lumber here. The camps throughout the East, as a general thing, are built more permanently than they are here. They are generally constructed of lumber. They generally have water piped to the camp. They take more precautions for sanitary conditions. Contractors and employers throughout the East as a general thing furnish blankets and comforters and pillows, and so forth, and so on down the line. They don't do that here. Lots of improvement could be made here.

Commissioner LENNON. How is their hospital service?

Mr. WILDE. Here?

Commissioner LENNON. Yes.

Mr. WILDE. Generally it is pretty rotten. There are some big construction companies here that make an effort to give some return for value received, but there are a good many that don't. If a man works six or seven days, all right, they collect the dollar. He will quit and go to some other camp and they will collect another dollar, and if he gets hurt there is no return.

Commissioner LENNON. Do steam-shovel men pay the dollar?

Mr. WILDE. They do where they can't get out of it. Some places they are very willing to; take a firm like the Utah Construction Co., for instance, they charge a dollar, and they do what they can under the circumstances to make a return for it, in case a man gets sick or is hurt. The Southern Pacific has got a splendid hospital system. On the other hand, take a firm like the A. C. McLean Co., for instance, on the Northwestern Pacific, and I have known men there that lost a leg—had it cut off at 4 o'clock in the morning, and never got on the operating table until 2 o'clock of the following day.

Commissioner LENNON. Leg taken off by accident?

Mr. WILDE. Yes.

Commissioner LENNON. And it was not dressed until 4 o'clock?

Mr. WILDE. No; 2 o'clock that day—10 hours.

Mr. THOMPSON. Go ahead, Mr. Wilde.

Mr. WILDE. What is the feasibility of "bunching" public construction work and even railroad construction work? I don't know just what kind of work

you mean by "bunching" here. Does it mean postponing certain classes of work?

Mr. THOMPSON. Yes; having it done in one season of the year, like the wintertime.

Mr. WILDE. It could be done, but in a great many cases the construction cost would be higher. Some work could not be bunched at all, could not be postponed. For instance, you couldn't build a road during the rainy season that would stay there; it would not be permanent.

What is the extent of labor union membership among construction workers?

Does that mean common labor among construction workers?

Mr. THOMPSON. Yes.

Mr. WILDE. Oh, I don't think that 5 per cent of them are organized.

Obstacles to organization of this class of labor: There are a good many. The employers object in a good many cases. The men themselves don't realize just what organization means. Any organization which is just formed now, is not in position to give them any great benefit, and a good many of them would only go in under certain conditions.

For instance, if they would realize that the organization would be in a position to give them a job, they would go in; if they would realize that the organization would be in a position to increase their wages, they would go in. But you have got to be able to deliver the goods before the fellow will come in of his own accord. They don't grasp the idea that they themselves have got to bring things to that stage. Lack of education is one obstacle.

Extent and causes of unemployment among "public works" men: I don't think I could answer that question or suggest any remedy.

Mr. THOMPSON. That is all.

Commissioner WEINSTOCK. You made the statement, Mr. Wilde, that there is no construction work going on in the State of California to-day?

Mr. WILDE. No large projects.

Commissioner WEINSTOCK. Well, now, is that the normal condition at this season of the year, or is this an abnormal season?

Mr. WILDE. An abnormal season.

Commissioner WEINSTOCK. What are the causes?

Mr. WILDE. Money is tight.

Commissioner WEINSTOCK. A lack of ready money?

Mr. WILDE. Yes.

Commissioner WEINSTOCK. How long has that condition prevailed?

Mr. WILDE. It has prevailed for quite a while—a year and a half or two years.

Commissioner WEINSTOCK. But is it any worse this year than, say, a year ago at this time?

Mr. WILDE. Yes; I think it is.

Commissioner WEINSTOCK. Well, how are the men who are usually employed at construction work at this season of the year—what becomes of them—what are they doing? How do they live?

Mr. WILDE. Some of them saved their money and some of them have been forced to go into other kinds of work, and some of them drifted to other parts of the country.

Commissioner WEINSTOCK. You stated that the admission fee into your union was $25 for engineers?

Mr. WILDE. Yes.

Commissioner WEINSTOCK. Well, now, if an engineer wants to join and hasn't the $25, what is done?

Mr. WILDE. Well, it depends upon circumstances. If we think a fellow is a competent man, a man of good character, we send him out on a job, let him work for a month or two, or sometimes we let it go as long as six months, if he has shown a good reason why he couldn't pay it.

Commissioner WEINSTOCK. If he pays at his convenience?

Mr. WILDE. If we think he is an honest fellow—honest in his intentions.

Commissioner WEINSTOCK. Do you have a system of examining applicants as to their qualifications—their fitness?

Mr. WILDE. We haven't got any examining board in our union, but the law of the organization prescribes that a man must follow a certain line before he becomes eligible. We might take a man and just put him in some sort of work—put him on as night watchman—for a year. During that year he learns more or less about how to fire a boiler and all that; when he has served the year, then we take him in as a fireman and give him his card. During the

period as watchman we give him a permit card. We endeavor to keep track of them, so as to have efficient members of our organization and members who can deliver the goods. As he goes along he eventually becomes a craneman. He has to crane for a year before he gets a craneman's card. He has to operate a shovel a year before he gets an engineer's card.

Commissioner WEINSTOCK. What is the attitude of your union on the matter of the closed shop?

Mr. WILDE. Well——

Commissioner WEINSTOCK. Will your union man work alongside the nonunion man?

Mr. WILDE. We do.

Commissioner WEINSTOCK. You don't insist on the closed shop?

Mr. WILDE. No; we are not in position right now.

Commissioner WEINSTOCK. What proportion of shovel men are unionists?

Mr. WILDE. In this State?

Commissioner WEINSTOCK. Yes.

Mr. WILDE. I should judge about 80 per cent of them are members of either one union or the other.

Commissioner WEINSTOCK. About 80 per cent?

Mr. WILDE. Yes.

Commissioner WEINSTOCK. You just said, Mr. Wilde, that you are not in a position to insist upon the closed shop. What is there to prevent you from insisting upon the closed shop?

Mr. WILDE. Competing organizations, to begin with; the nonunion element is another factor; the employer a third.

Commissioner WEINSTOCK. You say there is a competing organization?

Mr. WILDE. Yes, sir.

Commissioner WEINSTOCK. Well, what has led to the existence of the competing organization?

Mr. WILDE. A fight between officers, I guess.

Commissioner WEINSTOCK. Are they both affiliated with the Federation of Labor?

Mr. WILDE. They are both affiliated indirectly.

Commissioner WEINSTOCK. Does the American Federation of Labor permit competing unions in the same territory?

Mr. WILDE. I don't think they would if they could get out of it.

Commissioner WEINSTOCK. I was under the impression that in order to obviate such conditions they wouldn't grant charters duplicating unions in certain territory.

Mr. WILDE. They haven't granted charters to either of these unions directly.

Commissioner WEINSTOCK. Both are working without charters?

Mr. WILDE. Yes, sir; they are without charters direct.

Commissioner WEINSTOCK. What is to prevent the two from uniting?

Mr. WILDE. You can ask Lennon over there.

Commissioner LENNON. We have been trying to find out for four or five years.

Commissioner O'CONNELL. That question is funny to us.

Commissioner LENNON. We can't tell you that story now.

Commissioner WEINSTOCK. Some internal trouble, I take it?

Mr. WILDE. Yes, sir.

Commissioner WEINSTOCK. What has the union accomplished thus far for the shovelers? The union during its existence, has it increased the wages or shortened the hours?

Mr. WILDE. Yes, sir; it has very materially. While the unions compete to a certain extent for the job and sometimes they go too far in that competition, still when it comes right down to a case of one union getting a certain thing——

Commissioner WEINSTOCK. Can you give the wages before and after the existence of the union?

Mr. WILDE. Yes, sir; the wages before the existence of the union were $75 a month for operators.

Commissioner WEINSTOCK. And since the unions have been instituted?

Mr. WILDE. We have agreements for as high as $220 a month and board.

Commissioner WEINSTOCK. What is the average?

Mr. WILDE. One hundred and fifty dollars and board for the working days of the month.

Commissioner WEINSTOCK. As against $75 before unionism?

Mr. WILDE. Yes, sir.

Commissioner WEINSTOCK. How about working hours; are they diminished?

Mr. WILDE. They have diminished in some places, and others not. They have not increased anywhere.

Commissioner WEINSTOCK. They have not increased?

Mr. WILDE. Not anywhere.

Commissioner WEINSTOCK. What are your working hours now?

Mr. WILDE. The standard working day for our organization is 10 hours.

Commissioner WEINSTOCK. That is the prevailing day now?

Mr. WILDE. That is the prevailing day now. Of course, in many places where a shorter working-day has been established, or where we can enforce a shorter workday we certainly do it. All city work is eight hours, but the prevailing workday for all other lines of workers we come in contact with is 10 hours, and we find it pretty hard to change that.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything else? That is all.

Mr. WILDE. Am I permitted to make reply to some statements that have been made here?

Chairman WALSH. Certainly; if you have any testimony you wish to volunteer, you may do so.

Mr. WILDE. The statement was made by Mr. Wollner, and I can not remember that any qualification was made, that the State through the housing and immigration commission are trying to force the companies to provide better quarters and living accommodations than the workers would provide for themselves when they are in the city. I don't remember that any qualification was made to that statement. It may be so, but certainly the 40 cents a day standard of living should be improved upon.

There was something said about the impossibility of complying with the camp regulations, such as air space. I didn't get all of it, but I heard something said about the men that are now in these camp trains—that they didn't want to keep clean. That when there are openings and windows for ventilation that they go and nail them up. Those things as a general thing are not true. Take the cars of which Mr. Wollner spoke this morning. As a general thing they are 30 by 9, floor space—about 270 feet, the floor space. The accommodations for eight men will take up 170 feet of that floor space, and I know where some railroad companies and employers are trying to put 18 to 24 and as high as 30 men in a car. What is left after the floor space is taken up by just 8 men? One hundred and thirty-two feet of floor space on which they have to keep their facilities for washing and taking care of themselves and keeping themselves clean.

Commissioner LENNON. Do they shelve them up; put shelves here and there and there and there?

Mr. WILDE. Yes, sir; but they are not sardines. When they get down on the floor they take up 2 square feet of floor space.

There was a statement made to the effect that the two unions of steam-shovel men both publish a wage scale, but no attempt is made to enforce it. I have a number of agreements here I have signed up with different employers in this State that will show some attempt has been made to enforce that scale. There are different officers of this particular railroad company that Mr. Wollner represents that know well enough they won't hire our men, for the reason that we insist on the wage scale adopted being paid, and when I sent one to make application the officers of the company will come out and say: "You create too much trouble; you want too much." The attempt has been made all right, and I think that eventually it will succeed.

The statement was made here in regard to workingmen—80 per cent of the workingmen being afflicted with disease along certain lines. I can't believe that that is true. I am in just about as good position as anybody in this State, I think, to know of those conditions, and I don't find it so.

As to the statement that was made that the men would not use the accommodations that had been furnished them, I am not trying to shield them. There is a lot of men at the present time that don't; they have to learn. But if we don't give them the opportunity they are never going to learn, and it will be the same all the way through.

I don't know that I have anything particular to say on the employment agency system, except that the suggestion that has been submitted in this little pamphlet of the board, I think, is very good. We come in competition to a certain extent with the employment agent. My own personal opinion is this: That under our present conditions the employment agency is wasted.

It is needed by somebody or it would not be here. I am somewhat of the same opinion as Mr. Ready—that a free employment agency would not be successful. I don't like employment agencies for the reason it is a competitor of ours, and at times when we have trouble and strikes and so on they are nearly always willing to go in and side with the other fellow and supply him with labor.

Chairman WALSH. Thank you.

Call your next.

Mr. THOMPSON. Mr. Edinger.

TESTIMONY OF MR. FRED S. EDINGER.

Mr. THOMPSON. Give us your name and business address and business, please.

Mr. EDINGER. Fred S. Edinger; first vice president and general manager of the Shattuck-Edinger Co., 268 Market Street, San Francisco.

Mr. THOMPSON. How long have you been vice president of that company?

Mr. EDINGER. Since 1905.

Mr. THOMPSON. And what kind of business is the company engaged in?

Mr. EDINGER. General construction work.

Mr. THOMPSON. Including railroad?

Mr. EDINGER. Including railroad; principally railroad.

Mr. THOMPSON. It is principally railroad and work outside the city?

Mr. EDINGER. Principally railroad and outside the city; no building.

Mr. THOMPSON. About how many men do you have employed now?

Mr. EDINGER. Well, we haven't very many just at present; things are pretty quiet. I guess probably we have three or four hundred men employed now.

Mr. THOMPSON. When things are brisk, how many men do you employ, about?

Mr. EDINGER. Up to twelve or fifteen hundred; sometimes more than that.

Mr. THOMPSON. Is your work done mostly in the western country here?

Mr. EDINGER. Yes, sir; altogether.

Mr. THOMPSON. What kind of people do you generally employ for your construction work?

Mr. EDINGER. Well, it depends entirely on the work. We employ a great many laborers and a good many skilled men.

Mr. THOMPSON. About what proportion in general average would be skilled and what unskilled?

Mr. EDINGER. Well, I would say 85 per cent would be unskilled.

Mr. THOMPSON. And 15 per cent skilled?

Mr. EDINGER. Yes, sir.

Mr. THOMPSON. What nationalities generally furnish the unskilled labor?

Mr. EDINGER. What we prefer or what we are furnished?

Mr. THOMPSON. No; from what nationality is the labor generally drawn, the unskilled labor?

Mr. EDINGER. Well, from mostly Italians, and Austrians, and Swedes.

Mr. THOMPSON. Have you any preference for any one of these nationalities?

Mr. EDINGER. Yes, sir; very decidedly.

Mr. THOMPSON. Which one?

Mr. EDINGER. Swedes first, Austrians next, and Italians follow.

Mr. THOMPSON. On what ground is that preference based?

Mr. EDINGER. Well, simply because the Swedes are the best workers. We get more work for the money. The same way with the Austrians.

Mr. THOMPSON. What wages do you pay your unskilled workers?

Mr. EDINGER. From $2.25 up.

Mr. THOMPSON. Up.

Mr. EDINGER. Two dollars and twenty-five cents up; yes, sir.

Mr. THOMPSON. They keep themselves?

Mr. EDINGER. Yes, sir; they keep themselves.

Mr. THOMPSON. Do you keep any boarding camps yourself?

Mr. EDINGER. Yes, sir.

Mr. THOMPSON. Where you keep a boarding camp, what wages do you pay the men?

Mr. EDINGER. Pay the same wages and deduct 6 bits a day for board.

Mr. THOMPSON. That is, 75 cents?

Mr. EDINGER. Yes, sir.

Mr. THOMPSON. What kind of board do you furnish the men for 75 cents?

Mr. EDINGER. We furnish them very good board.

Mr. THOMPSON. Well, generally, do they get meat once a day or three times a day?

Mr. EDINGER. They get meat three times a day, and tea and coffee, and canned fruit, seldom dried fruit.

Mr. THOMPSON. What kind of sleeping quarters do you give them out on the work?

Mr. EDINGER. We give them average sleeping quarters. It depends upon whether the camp is a camp that is moved frequently or a permanent camp.

Mr. THOMPSON. Where it is a permanent camp?

Mr. EDINGER. We nearly always put up buildings.

Mr. THOMPSON. You put up buildings?

Mr. EDINGER. Yes, sir; that is, a camp of any permanency, say two or three months.

Mr. THOMPSON. Where you have a permanent camp, in addition to putting up the buildings, do you furnish beds?

Mr. EDINGER. No, sir.

Mr. THOMPSON. Do you furnish mattresses?

Mr. EDINGER. No, sir.

Mr. THOMPSON. You furnish nothing?

Mr. EDINGER. Well, we do in some instances.

Mr. THOMPSON. The men do that themselves?

Mr. EDINGER. They are supposed to furnish their own bedding.

Mr. THOMPSON. What sort of sanitary conditions do you provide for them at the permanent camps?

Mr. EDINGER. That depends upon the location also. In the country where sanitary conditions are required—if on the watershed used by other people or anything of that kind, we try to keep the conditions just as sanitary as possible. We find it very difficult, however, to do so.

Mr. THOMPSON. Tell us what you do in permanent camps in the different kind of localities. Give us some description of what arrangements are made.

Mr. EDINGER. For instance, last year we were on the Oakland watershed—last year and the year before. Of course there we were under the direction of——

Mr. THOMPSON. I have great difficulty in hearing you.

Mr. EDINGER. My voice is not very strong. I say, we were under the direction of the Oakland Board of Health, and they had complete supervision over our camp and work, and we provided everything that they required.

Mr. THOMPSON. Well, what generally did they require?

Mr. EDINGER. Well, they didn't require anything unreasonable or anything that we don't ordinarily provide in our ordinary camps, with the exception of using certain disinfectants and things of that kind around.

Mr. THOMPSON. Well, what do you provide in your ordinary camp, then?

Mr. EDINGER. Well, in our ordinary camps we provide closets, and at the camps that are more or less permanent we provide shower baths where we could get the water, and such other conveniences as we think are necessary.

Mr. THOMPSON. How large do you build your sleeping building, and what kind of arrangements do you make for your men, beds or bunks?

Mr. EDINGER. Those are variable. We are not working any camps, you might say, now at all, except some grading camps in the southern part of the State, where we are working Mexicans. But where we put up buildings, we usually make our bunk houses to accommodate 25 to 30 men.

Mr. THOMPSON. How large would the bunk house be to accommodate that many men?

Mr. EDINGER. Well, I could furnish you plans of those. I don't just remember, so that I could state offhand.

Mr. THOMPSON. You can't state offhand?

Mr. EDINGER. No, sir; but we have the plans.

(Mr. Edinger later submitted two blue prints. The same are not printed.)

Mr. THOMPSON. How do you arrange the bunks?

Mr. EDINGER. Arrange them around the sides and sometimes in the center, depending upon the size of the building.

Mr. THOMPSON. Do you build them in tiers?

Mr. EDINGER. Usually one above the other.

Mr. THOMPSON. How high?

Mr. EDINGER. Two.

Mr. THOMPSON. How, generally, do you get your labor? Do you apply to the employment agencies?

Mr. ERDMAN. We get the labor through employment agencies.

Mr. THOMPSON. Have you any particular agency you favor in this part of the country?

Mr. ERDMAN. We usually favor Murray & Ready, but we do get labor through other employment agencies here and there.

Mr. THOMPSON. Do you pay any compensation to the employment agency for the men furnished?

Mr. ERDMAN. No, sir.

Mr. THOMPSON. How long on the average do men work for you that come into camp?

Mr. ERDMAN. That depends upon the season of the year and how plentiful labor is.

Mr. THOMPSON. Take during the busy season, how long would the men stay with you?

Mr. ERDMAN. As a rule, they stay long enough to get a grubstake, as it is called; that is, a week or 10 days.

Mr. THOMPSON. How long do they stay during other seasons of the year?

Mr. ERDMAN. That is, I am speaking of the common laborer, and not of people who stay with us regularly right along.

Chairman WILSON. It is all wasted on me; I can't hear anything you say now.

Mr. THOMPSON. How long will they work during the other seasons of the year when labor is plentiful and work is scarce?

Mr. ERDMAN. Well, of course, they stay much longer. It depends altogether upon the scarcity of labor, as to how long the men stay on the job. If they don't think they can go right off and get another job, they stay right with that one.

Mr. THOMPSON. Have you any idea at all that is definite——

Mr. ERDMAN (interposing). I can give you an absolute statement from our pay rolls as to how long men do stay and how long they don't stay.

Mr. THOMPSON. If you would make the statement, we would be very much obliged to you.

Mr. ERDMAN. Of course, that is a good deal of trouble to do that. But we have pay rolls that show how many men are employed on the job, how many are hired, and how many left that job. It would be a matter of considerable work to take that off, but if it would be of any material benefit to you, I would be glad to get it up. The per cent is very high.

Commissioner COMMONS. Could you do that for some one typical job, like this Oakland proposition?

Mr. ERDMAN. Yes; any piece of work you please.

Commissioner COMMONS. That wouldn't be so extensive, would it?

Mr. ERDMAN. Well, it extended over a period of over a year.

Commissioner COMMONS. Well, one year would be enough. If we could get an exhibit that would show the changing character of the force during one year on one piece of work.

Mr. ERDMAN. Of course, that is close in to here; it is not as variable as it is out. When men are near a town, where they can spend their money, they stay longer on the job.

Commissioner COMMONS. Take something that represents, in your judgment, the character of work outside railroad-construction work, could you do that?

Mr. ERDMAN. Yes, sir; I could.

Commissioner COMMONS. And you will furnish us that?

Mr. ERDMAN. It would take two or three days to do that, however.

Commissioner COMMONS. Send it to our headquarters.

Mr. ERDMAN. Yes, sir; I would be glad to do it.

Mr. THOMPSON. The Transportation Building, Chicago.

(The information requested was later submitted and is printed as Erdman exhibit.)

Mr. THOMPSON. Is there any statement you care to make yourself to this commission in regard to the condition of labor in the construction camps?

Mr. ERDMAN. No, sir; I think not. I think the things that are being done or trying to be enforced here in the way of taking care of labor are done in the right direction, and while I know—while our experience is that a great many laborers won't use the facilities that you provide for them, there are others that are thankful to get them, and I don't know why one man should be punished for the shortcomings of another.

Mr. THOMPSON. That is all.

Commissioner WEINSTOCK. You say you have been in the contracting business for 10 years?

Mr. EDINGER. Ever since 1895.

Commissioner WEINSTOCK. About 19 years?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. What were the wages——

Mr. EDINGER. No, sir; I should say 1906.

Commissioner WEINSTOCK. That is nine years ago?

Mr. EDINGER. Yes, sir; I was with the railroad company 21 years before.

Commissioner WEINSTOCK. Can you give us some idea what the prevailing wage was for, say, unskilled labor, say, 10 years ago?

Mr. EDINGER. Unskilled laber got about $1.75 a day.

Commissioner WEINSTOCK. And he fed himself out of that?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. What did they have to pay for their daily food?

Mr. EDINGER. The same rate, 75 cents a day.

Commissioner WEINSTOCK. How long, as far as you can recall, has 75 cents a day been the living cost?

Mr. EDINGER. As long as I can remember.

Commissioner WEINSTOCK. As long as you can remember?

Mr. EDINGER. I went to work in 1884, and I paid 75 cents a day myself, and I don't know that that rate has ever been changed.

Commissioner WEINSTOCK. How do you explain this fact: We do know that the cost of agricultural staples has risen very materially in the last 10 or 15 years. Despite the increased cost of foodstuff, the price paid per man is no higher to-day than it was in the past. How has that come?

Mr. EDINGER. Simply for the fact we can't raise the rate. Most of our camps are operating at a loss, the boarding camps.

Commissioner WEINSTOCK. This added cost has come out of the employer and not out of the worker?

Mr. EDINGER. Yes, sir; out of the employer entirely.

Commissioner WEINSTOCK. It decreases his profits to that extent?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. But wages in the last 10 years, you say, have increased from a dollar and seventy-five cents a day to two dollars and a quarter?

Mr. EDINGER. Two dollars and a half. We pay most all of them two dollars and a half.

Commissioner WEINSTOCK. Your minimum is two dollars and a quarter?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. And your minimum formerly was how much?

Mr. EDINGER. A dollar and seventy-five cents, and sometimes a dollar and sixty cents.

Commissioner WEINSTOCK. That is about 30 per cent. The wages then in construction work in the last 10 years have increased 30 per cent, while the cost of living has not increased?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. Then he is 30 per cent better off than he was 10 years ago?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. How about the hours of labor, have they changed?

Mr. EDINGER. They have changed, as a rule.

Commissioner WEINSTOCK. What were the prevailing hours 10 years ago?

Mr. EDINGER. Ten years ago there were workers in the country that used to work as much as 11 hours a day.

Commissioner WEINSTOCK. What are they now?

Mr. EDINGER. The hours are 9 hours for skilled labor on railroad construction—10 hours, I should say, for unskilled labor.

Commissioner WEINSTOCK. Ten hours. Then the working hours have decreased 10 per cent; the wages have increased 30 per cent; according to that figure, then, the worker is really 40 per cent better off than he was 10 years ago?

Mr. EDINGER. Oh, he unquestionably is in that respect, and in a good many others.

Commissioner WEINSTOCK. That certainly can not come out of the hide of the contractor?

Mr. EDINGER. No, sir.

Commissioner WEINSTOCK. Because that would indicate he must have been making a very fancy profit 10 years ago?

Mr. EDINGER. Certainly.

Commissioner WEINSTOCK. To be able to bear the added cost of subsistence, shorter hours, and increased wage. Now, who pays for that?

Mr. EDINGER. The owner.

Commissioner WEINSTOCK. The owner. It has added that much to the cost of the product?

Mr. EDINGER. Yes, sir.

Commissioner WEINSTOCK. All passes into the industry?

Mr. EDINGER. Yes, sir; all these things are passed on. It does not make any difference if we have to provide a porcelain bathtub; it would simply be added to the cost of the product.

Commissioner WEINSTOCK. It would be added to the cost of the product?

Mr. EDINGER. Oh, we might have to do it this time, because we have a contract; but the next time the owner pays it.

Commissioner WEINSTOCK. Are there any Asiatics employed in construction work?

Mr. EDINGER. Practically none; that is, on construction work.

Commissioner WEINSTOCK. How about Mexicans?

Mr. EDINGER. Quite a few.

Commissioner WEINSTOCK. How are they rated for efficiency compared to European workers?

Mr. EDINGER. For certain classes we rate them higher than European workers.

Commissioner WEINSTOCK. What kind of work?

Mr. EDINGER. Teaming and grading and handling live stock.

Commissioner WEINSTOCK. Do they receive the same wages that Europeans do?

Mr. EDINGER. The same wage.

Commissioner WEINSTOCK. Do you employ any native Americans?

Mr. EDINGER. Not when we can avoid it.

Commissioner WEINSTOCK. Not when you can avoid it?

Mr. EDINGER. No, sir.

Commissioner WEINSTOCK. You do not find them as efficient as European workers?

Mr. EDINGER. We do not for this reason, that the native American—the native-born American can obtain steady employment if he wishes. It is little or no trouble for the native-born American to obtain a steady position; consequently the men we get are usually the men who don't want steady jobs, and for that reason we don't want them.

Commissioner WEINSTOCK. That is, you get the lowest type?

Mr. EDINGER. We get the lowest type.

Commissioner WEINSTOCK. The capable American worker can earn more than——

Mr. EDINGER. The capable American can earn more than the foreigner, and can obtain a more steady job somewhere, and if he is a steady man he does that. The result is he is not available for our work.

Commissioner WEINSTOCK. It really resolves itself down to this, that the effective American worker is better than the like European laborer?

Mr. EDINGER. He certainly is.

Commissioner WEINSTOCK. But the kind of American worker that would do the kind of work you have to do is less efficient than the foreign worker?

Mr. EDINGER. Yes, sir; as a rule. That is mostly through drink.

Commissioner WEINSTOCK. You say it is due to drink?

Mr. EDINGER. Yes, sir; it is due to their dissolute habits.

Commissioner WEINSTOCK. That the drink destroys their efficiency?

Mr. EDINGER. The drink destroys their efficiency.

Commissioner WEINSTOCK. That is all.

Commissioner O'CONNELL. How long have you been paying $2.25 to your workmen?

Mr. EDINGER. I don't think we have paid any workmen less than $2.25 a day in the past three years.

Commissioner O'CONNELL. Then you have been paying them that rate for three years?

Mr. EDINGER. At least; yes, sir.

Commissioner O'CONNELL. I mean as a minimum.

Mr. EDINGER. Perhaps longer.

Commissioner O'Connell. In other words, when did you raise the rate of your workmen? You spoke about $1.75 a day when you first started in the business.

Mr. Earnum. We never had any workmen at $1.75 a day that I remember of.

Commissioner O'Connell. Mr. Weinstock had figured out a percentage between the old conditions and the new.

Mr. Earnum. Well, we were speaking of conditions before I had employed any men. For 21 years before I entered the contracting business I was with the railroad company, the Southern Pacific Co.

Commissioner O'Connell. How long is your own experience since you have given an actual raise in the wage?

Mr. Earnum. Well, when we first went into the business, that was in 1905—the ruling rate—the minimum scale at that time was about $2.

Commissioner O'Connell. About $2?

Mr. Earnum. I don't think we paid less than $2 on any of our work at that time.

Commissioner O'Connell. Well, there really has not been any pronounced improvement in the wages of the men since 1905 in your personal experience?

Mr. Earnum. Well, yes, sir; 25 cents a day in the minimum wage.

Commissioner O'Connell. That would immediately reduce Commissioner Weinstock's percentage to 15 per cent?

Mr. Earnum. How is that?

Commissioner O'Connell. What I was getting at was just how long the men had been receiving the rate you are now paying?

Mr. Earnum. I think for the past four years.

Commissioner O'Connell. That is all, thank you.

Chairman Walsh. That is all, thank you.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until the following day, September 1, 1914, at the hour of 10 a. m.)

EXHIBITS.

APPELLANT EXHIBITS.

Name.	December.	January.	February.	March.	April.	May.	Total.
Pete Escoli	24.0	16.1	16.8	19.7	20.7	1.4	100.7
Frank Goli	22.4	16.0	21.1	22.1	21.3	.3	104.6
C. Sartori	24.0	17.2	20.8	22.7	22.4	1.4	108.8
A. Zovi	24.0	16.7	20.3	24.4	20.0	1.4	108.8
M. Zovi	24.0	16.4	21.0	20.7	24.4	1.4	114.8
F. Zovi	24.1	16.7	22.2	24.6	20.4	1.4	112.9
G. Cavalo	24.0	17.2	20.3	24.8	25.0	1.0	115.7
A. Covalo	24.0	17.2	20.3	24.8	25.0	1.4	115.7
D. Covalo	24.0	17.2	20.3	24.8	25.0	1.4	115.7
A. Orland	24.0	17.2	22.3	24.4	23.0	1.4	116.1
F. Granado	18.0	13.1	17.6	20.6	22.4	1.0	100.4
B. Granado	24.0	17.1	20.6	22.6	24.7	1.4	114.3
L. Furo	25.0	17.1	22.3	27.3	24.0	.9	118.6
D. Cavalo	24.0	16.7	20.2	22.0	23.0		110.7
C. Cavalo	24.0	16.8	19.2	24.5	24.9	1.0	107.1
G. Orland	24.0	17.2	20.3	24.3	24.0	1.4	115.8
A. Turi	24.0	16.4	21.3	24.4	24.2	1.4	111.2
P. Cassanti	25.0	16.3	20.8	22.4	22.5	1.4	112.6
A. Conti	24.0	16.8	21.8	22.0	24.2	1.0	109.5
Tony Cavalo	24.0	16.2	22.2	24.8	25.0		107.6
A. Escobero	24.0	16.5	22.2	24.8	25.0	1.4	114.2
B. Moe	22.5	15.6	21.4	23.0	20.7	.3	108.5
F. Santo	20.0	17.2	20.6	18.8	17.8		104.7
							98.1
Total							2,402.0

In the Superior Court of the State of California in and for the City and County of San Francisco.

No. 37089.

PETE ESCOBI, PLAINTIFF, v. THE UTAH CONSTRUCTION COMPANY (A CORPORATION), DEFENDANT.

AMENDED COMPLAINT.

Comes now plaintiff above named and by leave of court first had and obtained, and by consent of counsel for defendant, files this, his amended complaint, and for cause of action against defendant alleges:

Count One.

1. That at all times herein mentioned the Utah Construction Company was, ever since has been, and now is a corporation organized and existing under and by virtue of the laws of the State of Utah, and having its principal office and place of business within the State of California, at the city and county of San Francisco.

2. That on the first day of December, nineteen ten, defendant entered into a certain written agreement or contract with Pete Escobi, Frank Goli, et al., wherein and whereby plaintiff and his assignees were to perform certain work

and labor for said Utah Construction Company in grading a portion of the roadbed of the Northwestern Pacific Railroad Company, within the county of Mendocino, State of California, and wherein said defendant agreed to pay to plaintiff and his said assignees therefor. All of which more fully appears and the terms and conditions thereof are more fully set forth in the written contract or agreement executed between the said Utah Construction Company and plaintiff and his assignees, dated December 1, 1910, a copy of which written agreement is attached to this complaint marked "Exhibit A," and by this reference made a part hereof.

3. That the said Pete Esordi and Frank Goll, et al., duly and fully performed said work and labor and furnished the services in all respects, as required by all and singular, each and every, of the terms of said contract; that the work and labor furnished and the services rendered under said contract consisted of the removal, and there was removed by said Pete Esordi, Frank Goll, et al., the following quantities of material, to wit: 12,750 cubic yards of solid rock; 4,675 cubic yards of cemented material; 4,675 cubic yards of boulders; and 14,510 cubic yards of alluvial matter, or earth.

4. That there became due to the said Pete Esordi, et al., under the terms of said contract, the sum of twelve thousand four hundred thirty-six and 60/100 ($12,436.60) dollars.

That no part of said sum of twelve thousand four hundred thirty-six ($12,436.60) and 60/100 dollars has been paid except the sum of four thousand seven hundred thirty-eight and 23/100 ($4,738.23) dollars, and that the sum of seven thousand four hundred and thirty-eight and 37/100 ($4,738.37) dollars is still due, owing, and unpaid by defendant.

5. That prior to the commencement of this action, Frank Goll, C. Sartori, et al., for a valuable consideration duly assigned, sold, transferred, and set over to plaintiff herein all their rights, title, and interest in and to their respective claim or claims against the said defendant, and plaintiff is now the lawful owner and holder thereof.

6. That prior to the commencement of this action and after plaintiff had become the lawful owner and holder of said claim, plaintiff duly demanded of defendant the payment of the said sum of seven thousand six hundred forty-eight and 37/100 ($7,648.37) dollars; but defendant refused and has failed, neglected and refused to pay the same or any part thereof and there is now due, owing, and unpaid from defendant to this plaintiff the sum of seven thousand six hundred forty-eight and 37/100 dollars ($7,648.37).

Count Two.

Plaintiff complains of defendant and for cause of action alleges:

1. That at all the times herein mentioned the Utah Construction Company was, ever since has been, and now is a corporation organized and existing under and by virtue of the laws of the State of Utah, and doing business in the State of California and having its principal office and place of business within the State of California, at the city and county of San Francisco.

2. That between the 1st day of December, 1910, and the 20th day of September, 1911, Pete Esordi, et al., furnished work and labor and performed services for defendant at defendant's special instance and request and for its use and benefit in the county of Mendocino, State of California; said work, labor, and services consisted of doing, as ordered and directed by defendant, certain grading, excavating, cutting, and filling in the construction of a certain portion of the roadbed of the Northwestern Pacific Railroad Company between engineers survey station Nos. 1379 and 1399 of said railroad's right of way in said county of Mendocino.

3. That the reasonable value of the services rendered by the said Pete Esordi et al. was and is the sum of twelve thousand four hundred thirty-six and 60/100 dollars ($12,436.60); that no part of said sum of twelve thousand four hundred thirty-six and 60/100 ($12,436.60) dollars has been paid save and except the sum of four thousand seven hundred eighty-eight and 23/100 ($4,788.23) dollars, and there is still due, owing, and unpaid from defendant to plaintiff the sum of seven thousand six hundred forty-eight and 37/100 ($7,648.37) dollars.

4. That prior to the commencement of this action Frank Goll, C. Sartori, et al. for a valuable consideration duly assigned, sold, transferred, and set over

to plaintiff herein all their right, title, and interest in and to their respective claim or claims against the said defendant, and plaintiff is now the lawful owner and holder thereof.

5. That prior to the commencement of this action and after plaintiff had become the lawful owner and holder of said claims plaintiff duly demanded of defendant the payment of the said sum of seven thousand six hundred forty-eight and 37/100 ($7,648.37) dollars; but defendant refused and has failed, neglected, and refused to pay the same or any part thereof, and there is now due, owing, and unpaid from defendant to this plaintiff the sum of seven thousand six hundred forty-eight and 37/100 ($7,648.37) dollars.

Wherefore plaintiff prays judgment against defendant for the sum of seven thousand six hundred forty-eight and 37/100 ($7,648.37) dollars, with interest thereon from date of filing this action, together with his costs of court herein incurred.

_____,
Attorney for Plaintiff.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Pete Esordi, being first duly sworn, deposes and says that he is the plaintiff in the foregoing complaint; that he has heard read the foregoing complaint and knows the contents thereof; that the same is true of his own knowledge except as to the matters and things therein stated on information and belief, and that as to those matters that he believes it to be true.

_____.

Subscribed and sworn to before me this 2d day of May, A. D. 1913.

_____,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT A.

This agreement, made this first day of December, A. D. nineteen ten, between the Utah Construction Company, a corporation organized and existing under the laws of the State of Utah, hereinafter designated as the company, the party of the first part, and Pete Esordi, Frank Goli, C. Sarteri, A. Zovi, M. Zovi, P. Zovi, C. Carollo, A. Covolo, B. Covolo, A. Orbani, P. Gramola, R. Gramola, L. Ferro, B. Caralo, C. Compana, C. Orbana, A. Tori, P. Constante, A. Conte, Tony Carolo, A. Bandiera, B. Moe, and F. Santo, doing business under the firm name of Esordi & Company, hereinafter designated as the contractor, the party of the second part.

Witnesseth that in consideration of the sum hereinafter named to be paid by the company to the contractor the contractor agrees to grade the roadbed and construct the tunnels to be done on the construction of the Northwestern Pacific Railroad from a point at or near Survey Station Number 1879 to a point at or near Survey Station Number 1880, all being situated in Mendocino County, State of California.

The work aforesaid to be commenced at such points and to be carried on to completion with such rate of progress by the contractors as the company may from time to time direct, and the entire work contemplated under this agreement to be completed by the contractor on or before September 30th, 1911.

It is hereby understood and agreed by the company and by the contractor that the company shall have the right to entirely stop the work of the contractor for such periods of time as the company shall decide upon and shall give notice to the contractor of and in the event of such notice from the company to the contractor to entirely stop work, the contractor shall have the privilege, at his option, of giving notice to the company that it is desired that this agreement be canceled; and on receipt of such notice by the company there shall be paid by the company to the contractor within ninety days (90) after the receipt of said notice of a desire for cancellation of this agreement the amount due for all work completed by the contractor as estimated by the engineer, provided no liens of any kind shall have been imposed upon any of the premises aforesaid; and payment thereof shall measure the contractor's right in the event of such stopping of the work.

In consideration of the full and faithful performance of the condition of this agreement the company agrees to pay to the contractor for the grading work done on the above-mentioned distances the following prices:

For loose rock (26 cents)	per cubic yard	$0.26
For bowlders (50 cents)	do	.50
For cemented material (30 cents)	do	.30
For soft cemented volcanic ash (26 cents)	do	.26
For soft clay shale and for other soft rock of a hardness similar to that of decomposed granite (34 cents)	per cubic yard	.34
For all other solid rock (50 cents)	do	.50
For all other material which shall for convenience be called earth (16 cents)	per cubic yard	.16
For tunnel excavation	per linear foot	
For tunnel timber in place	1,000 feet board measure	

Cuts and borrow pits, trenches for riprap, and excavations for foundations of masonry, and for timber bridges and timber box, culverts, and all other structures, and if not under water to require bailing or pumping and all surface ditches, wagon-road changes, and wagon and farm road crossings, and sidetracks and spur tracks, and grading of station grounds and all other grading, shall be made as directed by the engineer, and shall be paid for at the prices hereinbefore specified.

All material taken from cuts or tunnels shall be deposited in the embankment within the distance prescribed by the engineer.

All material and workmanship to be in accordance in all respects with the Northwestern Pacific Railroad's specifications, which are hereby referred to and made a part of this contract, and to the satisfaction of the engineer, whose decision will be final in all matters affected by the contract, which may be in dispute between the company and the contractor.

The engineer herein referred to is the chief engineer of the Northwestern Pacific Railroad Company, or his duly authorized assistants.

Should the company at any time become dissatisfied with the rapidity or the manner of the prosecution of the work to be done under this contract, or the quality of the workmanship of the contractor, the company to be the sole judge thereof, and if the contractor shall fail, neglect, or refuse, when requested to do so, to remove the cause of such dissatisfaction, the company shall have the right, at its option, to place on the work such additional force of men, teams, machinery, and tools as it may deem necessary to complete the work in a proper and workmanlike manner and within the time required and stated in this contract and to charge the expense thereof to the contractor as so much paid on this contract.

When all of the work herein mentioned shall have been completed and accepted by the engineer, and upon receipt by the company of the said engineer's final certificate, showing the completion of said work and the quantities of material contained therein, the company shall pay to the contractor within five (5) days thereafter the amount due the contractor for all work done at the prices stated in this contract less all proper charges and deductions for supplies furnished or for money paid out for or on account of the contractor.

Any question arising under this contract not covered by same reference is made for adjustment to the specifications of the railroad company governing said work, a copy of which may be seen at the company's office upon request of the contractor.

In witness whereof the said party of the first part has caused these presents to be signed by its duly authorized agent, and the said parties of the second part have hereunto affixed their signatures the day and year first above written.

THE UTAH CONSTRUCTION COMPANY.

Signed in the presence of—
JNO. G. TYLER.

Escordi and Co., P. Escordi, Frank Goll, C. Sartori, A. Zovi, M. Zovi, P. Zovi, C. Carollo, A. Covolo, B. Covolo, A. Orbani, P. Gramola, B. Gramola, L. Ferro, L. Caralo, C. Campana, G. Orbani, A. Tari, P. Constante, A. Conte, Tony Carolo, A. Bandiera, R. Moe, F. Santo.

Signed in the presence of—
C. W. GIBBS.

This agreement, made this ____ day of _____, 191__, between Willett & Burr, a corporation organized and existing under the laws of the State of California, hereinafter designated as the "company," the party of the first part, and _____ designated as the "contractors," the party of the second part.

Witnesseth, that in consideration of the sums hereinafter named to be paid by the company to the contractor, the contractor agrees to clear the roadbed, necessary to be done on the construction of the railroad, to be built for the C. A. Smith Timber Company, from a point known as Engineers Station _____, to a point known as Engineers Station _____, all being situated in the county of _____ and State of Oregon.

The work as aforesaid to be commenced at such points, and to be carried on to completion with such rate of progress by the contractor, as the company may from time to time direct.

It is hereby understood and agreed by the company and by the contractor that the company shall have the right to entirely stop the work of the contractor for such periods of time as the company shall decide upon and shall give notice to the contractor of, and in the event of such notice from the company to the contractor to entirely stop work, the contractor shall have the privilege at his option of giving notice to the company that it is desired that this agreement be canceled, and on the receipt of such notice by the company, there shall be paid by the company to the contractor within ninety (90) days after the receipt of said notice of a desire for cancellation of this agreement, the amount due for all work completed by the contractor as estimated by the engineer, provided no liens of any kind shall have been imposed upon any of the premises aforesaid; and payment thereof shall measure the contractor's right in the event of such stopping of the work.

It is hereby further agreed that in case the notice hereinabove referred to is given to the contractor and said contract canceled by the company, the company is authorized to take possession of said work, and the contractor agrees to surrender immediate possession thereof.

In consideration of the full and faithful performance of the conditions of this agreement, the company agrees to pay to the contractor—

For the clearing work done on the above-mentioned distances the following prices:

One hundred dollars ($100.00) per acre.

The center of the roadbed shall conform accurately to the center line of the railroad as staked out or otherwise indicated on and to the proper curvature and grades as described and defined by the engineer, and the contractor shall make such deviations from these lines and grades as the engineer may require.

The contractor will, at his own proper cost and expense, make and keep open and in safe condition for use, all crossings and approaches wherever the line of the railway is traversed by, or is adjacent to, public or private roads, or farm crossings, and will change and alter said roads, approaches, and crossings, whenever required by the chief engineer of the company during the construction of the line.

Approximate estimates of the work done under this contract are to be made at the end of each calendar month by the chief engineer of the company, and payments thereon are to be made by the company to the contractor on or about the twenty-fifth day of the next ensuing month, less all previous payments, and less twenty-five (25) per cent of the amount of each and every such monthly estimate, which percentage shall be retained by the company until the complete performance of this contract by the contractor.

The approximate estimate made from month to month shall not, in any respect, be taken as an admission by the company of the work done or of its quality or sufficiency, or of the amount due the contractor, nor as an acceptance of work or release of the contractor from responsibility in respect thereof; but, at the time of the making of the final estimate, the whole of the work and all of the particulars relating thereto, including quantity, quality, and price, shall be subject to revision and adjustment by the chief engineer of the company.

The company shall not be liable for any errors or omissions in said approximate monthly estimate, nor for any loss or damage suffered by the contractor by reasons of his having settled with his subcontractors on the faith thereof, or otherwise.

The contractor shall promptly pay all subcontractors, material men, laborers, and other employees as often as payments are made to them by the company, and in the event of his failure at any time to do so the company may retain from

all subsequent estimates and pay over to said subcontractors, material men, laborers, and other employees such sums as may from time to time be due them, respectively.

Before final settlement is made between the parties hereto for work done and material furnished under this contract, and before any right of action shall accrue to the contractor against the company therefor, the said contractor shall furnish evidence satisfactory to the chief engineer of the company that the work covered by this contract is free and clear from all liens for labor or materials and that no claim then exists against the same for which any lien could be enforced.

Whenever, in the opinion of the chief engineer of the company, this contract and all things herein agreed to be done by the contractor shall have been completely performed and finished according to the provisions hereof, and within the time herein limited, said chief engineer shall, as soon as possible, make and return a final estimate of the work done and materials furnished by the contractor under this contract, together with a statement of the amount due him therefor and remaining unpaid, and shall certify the same in writing under his hand, and the company shall, within ninety (90) days after the completion of the work aforesaid and the return of the said final estimate, pay to the contractor the full amount so found to be due to him and remaining unpaid, including the percentage retained on former estimates as aforesaid, except as in this contract is otherwise provided.

The procuring of such certificate and final estimate shall constitute a condition precedent to any right of action by the contractor against the company.

At the time final payments shall be required to be made by the company under this contract the contractor shall acknowledge and deliver under his hand and seal a release and discharge of and from any and all claims and demands for and in respect of all matters and things growing out of or connected with this contract or the subject matter thereof and of or from all claims and demands whatsoever.

It is hereby mutually covenanted and agreed by and between the said parties hereto that to prevent disputes or misunderstandings between them in relation to any of the stipulations and provisions contained in this agreement or the true intent and meaning thereof, and of the specifications hereto annexed, and of the plans, profiles, and drawings relating thereto, or the matter of performance of said contract by either of said parties, and for the speedy settlement of such as may occur, the chief engineer of the company, who may be such at the time of the making of the final estimate, shall be, and he is hereby, made, constituted, and appointed the umpire to finally decide all such questions and matters, and he shall also determine and set forth in the final estimate the amount and quantity, character, kind, and classification of all work and materials performed and furnished by the contractor under this contract, including all extra work and material, and his decision and determination as to any and all such questions, matters, and things, and in construing any of the terms and provisions of this contract, shall have the force and effect of an award and shall be final, binding, and conclusive to all intents and purposes and in all places upon the said parties hereto.

And the chief engineer of the company, who may be such at any time during the performance of this contract, is hereby expressly authorized by the company to appoint all necessary assistants, resident and division engineers, and other agents to represent him upon the work or in and about the same and to vest in them, or any or either of them, any or all of the powers conferred upon him herein or in the annexed specifications, and all directions given by assistant engineers, inspectors, or other persons appointed by the chief engineer during the construction of the work covered by this contract must be as fully and explicitly carried out as if directed by the chief engineer personally.

It is finally covenanted and agreed by and between the parties hereto, for themselves, their subcontractors, executors, administrators, successors, and assigns, that this contract and all its terms and provisions shall be binding upon them and each and every one of them, and that the work covered by this contract and all money due thereunder shall be free from and not liable to any lien or charge at law or in equity or under the mechanics' lien act of any State, Territory, or country.

It is expressly agreed that time shall be the very essence of this contract and that the work herein contracted for if between Engineers Station ..... and Engineers Station ..... same to be completed prior to ..... to ..... and if between station ..... and the end of the road shall be completed before

the ____ day of _____ and the company shall have the right and privilege if in the opinion of the company satisfactory progress is not being made either to increase the force or to take charge of said work and completing same under its own direction and charge same to contractor in case company elects to propose the latter course. All tools, implements, and equipments so used on said job shall remain on the work and be used by the company to complete said work. Said tools, implements, and equipments so used by the company to be without cost or charge to the company.

It is further agreed that an extension of time shall be allowed the contractor in event of strikes, riots, acts of God, or other unavoidable delays, to the extent of the delay occasioned by such interruption.

A notice to stop work or a delay occasioned by the company not furnishing rights of way at such times as the contractor may be ready to avail himself of them will not void the penalty but an extension of time will be allowed beyond the dates set herein for completion to a period covering the time of such delay.

All work shall be done in a neat and workmanlike manner, and under the supervision of the engineer in charge, and subject to the following general specifications:

All valuable material on the right of way is the property of the landowner or the railway company, and must be carefully preserved.

For any other work ordered by the company, the price paid to the contractor shall be the cost of the labor and teams, scrapers, plows, carts, wagons, etc., and nine (9) per cent added to cover use and repair of tools and the cost of superintendence.

No charge shall be made by the contractor for the cost of blacksmithing labor and materials or other charges for repairs of scrapers, plows, carts, wagons, etc., or for repairs of any kind, or for damages to live stock; and the charge by the contractor for any explosives used in class of work shall be the cost of the same to the contractor on board the cars and an addition thereto of one-quarter (¼) of a cent a pound to the cost of powder, and no addition to the cost of fuse and caps, and no additional per cent to be added other than this to the cost of explosives.

And the charge by the contractor for the use of teams and appliances on this class of work shall be as follows, with nine (9) per cent added thereto:

	Per day of 10 hours.	Per hour.
One horse on car, snubbing logs, etc.	$1.10	$0.11
Two horses on car, snubbing logs, snatch team, etc.	2.20	.22
Three horses on car, snubbing logs, snatch team, etc.	3.30	.33
Four horses on car, snubbing logs, snatch team, etc.	4.40	.44
Two-horse slip scraper	1.65	.16
Two-horse Fresno scraper	2.20	.22
Two-horse wheel scraper	3.30	.33
Four-horse Fresno scraper	3.30	.33
Two-horse plow	2.20	.22
Four-horse plow	2.20	.22
Six-horse plow	4.40	.44
Eight-horse plow	5.50	.55
Ten-horse plow	6.60	.66
Horse and cart	1.65	.16
Two-horse wagon	2.20	.22
Four-horse wagon	3.30	.33
Six-horse wagon	4.40	.44
Eight-horse wagon	5.50	.55
Wagon used as trailer	.55	.05

It is distinctly understood and agreed that the party of the second part, in consideration of the obligation set forth herein to be performed by the party of the first part, that the party of the second part assumes all risk attendant upon and all liability of whatsoever kind or nature arising from the prosecution of the work, whether such a liability be from injuries to men, or animals, or machinery, or tools, employed or used in or upon said work, or on account of slides, falling rock, premature of other explosions, the breaking of ropes or tackle, the falling of scaffolding or material, or from any cause whatsoever, whether specifically named in this section or not, or any kind of accidents whatsoever, or on account of the operation of trains, as well as from any and all

dangers incident to the prosecution of the work, or arising from any cause, of whatsoever kind or nature.

All claims for damages occurring through the operations of the party of the second part or those in their employ on this work, shall be settled promptly by the party of the second part; but in the event of their failure to do so the C. A. Smith Timber Company, as well as the company, are hereby empowered to settle such claims for damages as best it can, and to charge any sum expended in settling any claims for damages herein specified to the party of the second part as so much paid on this contract.

It is understood and agreed that no public or private roads, cultivated or fenced fields, orchards, dwelling or other buildings shall be disturbed by the party of the second part or its agents or employees, except by direction of the chief engineer or the superintendent.

And it is further agreed that the party of the second part shall be responsible for all damages done to public or private property through which said railroad line runs by leaving gates or fences open, or by blasting rocks or extending waste banks or borrow pits beyond the right of way, including injuries to animals by trains when such animals come upon the right of way, through such open fences or gates; and the party of the second part shall also be responsible for all damages done to buildings, woods, fences, gates, or other property, whether done or permitted to be done by the party of the second part, his agents or employees, and in case such damages occur the same shall be settled promptly by the party of the second part, and in the event of its failure to do so, the C. A. Smith Timber Company, as well as the company, is hereby empowered to settle such damages as best it can, and to charge all sums paid in effecting such settlement to the party of the second part as so much paid on account of this contract.

Wage rates.—Wages of all forms of labor and charges made for board shall be subject to approval by the company with the exception of wages of superintendents and all classes of foremen, cooks, waiters, timekeepers, clerks, storekeepers, and all other camp force.

The contractor is to pay for all transportation of groceries, provisions, and articles for sale, both on the railroad and on vessels, or otherwise.

The company agrees to pay for all transportation to and from the work to be done under this agreement of men, outfit, explosives, tools, hay, grain, coal for camp fuel use, and coal for machinery and blacksmith use, that shall be necessary for the proper prosecution thereof, said transportation to be on the railroad operated by the company.

The contractor is to pay demurrage charges according to rules from time to time established by law or by the Pacific Car Service Bureau on cars which the contractor shall not unload promptly, said cars containing construction material furnished by the company to the contractors, or any other material, tools, outfit, hay and grain, etc., on which the company pays the freight.

Subcontracts.—And it is further agreed by the contractor that this contract, or any part thereof, shall not be assigned or transferred by the contractor without the written consent of the company being had and obtained, and any violation of this condition by the contractor will cause an immediate cancellation of this contract, at the option of the company.

All material and workmanship to be to the satisfaction of the engineer, whose decision will be final in all matters affected by the contract which may be in dispute between the company and the contractor.

The engineer herein referred to is the chief engineer of the C. A. Smith Timber Company or his duly authorized assistants.

Should the company at any time become dissatisfied with the rapidity or the manner of the prosecution of the work to be done under this contract or the quality of the workmanship of the contractor the company shall be the sole judge thereof, and if the contractor shall fail, neglect, or refuse, when requested to do so, to remove the cause of such dissatisfaction, then in such case, upon being so notified by the company, no further work shall be done by the contractor, and the company shall pay to the contractor within sixty (60) days thereafter for all work completed as estimated by the engineer, less the cost to the company of the material and labor necessary, in the judgment of the engineer, to correct the unsatisfactory work of the contractor, provided no liens of any kind shall have been imposed upon any of the premises aforesaid. Or in lieu thereof the company is hereby authorized to take charge of said work and to proceed therewith at the cost and expense of the contractor.

No claim for extra work done by the contractor for cost and additional percentage as heretofore provided for in this contract will be allowed unless the same has been performed in accordance with written instructions from the engineer, and all claims for such extra work, if any, must be made at the end of the calendar month in which the said extra work has been performed.

The party of the second part agrees to collect from each man working under them or their subcontractor or agents the sum of one ($1.00) dollar per month for the purpose of paying said sum to the party of the first part, which sum is to be paid the party of the first part for maintenance of a hospital, and of providing medical treatment and surgical treatment, aid, and attention under such rules as the party of the first part may hereafter adopt.

If the party of the second part fails to collect the hospital fees from any employee, as required in this contract, the party of the first part is authorized to deduct from any sum thereafter to become due to the party of the second part the sum which the party of the first part would be entitled to receive, based upon the schedule of names and number of men employed and the time of employment of such.

The party of the second part agrees that at the time of taking of each monthly estimate they will furnish to the party of the first part statements showing the names and number of men employed and time of employment of each man; the amount of materials and other commodities transported by the party of the second part under the terms of this agreement for the month preceding; a statement showing upon what work the men, teams, tools, and other goods transported under this contract were employed; and a statement of the amount collected or to be collected for hospital fees under the clause of this agreement as hereinbefore set forth.

It is hereby expressly understood and agreed that any article procured from said first party by said second party or any of them is subject to all the terms and conditions of this contract, and in the event said second party for any reason fails to carry out any of the terms of this contract said first party or its legal representative is hereby empowered to take immediate and absolute possession of said or any of said articles procured from said first party by said second party, said first party making due allowance in its settlement and account with said second party for all articles so taken by said first party, and it is further agreed that no title passes from said first party to said second party for any article procured under the above paragraph until the final settlement of said work, and then in the event only that there is a balance coming to said second party from said first party.

The said first party or its legal representative is hereby appointed as the agent of said second party for the purpose of taking possession of any or all of said articles and of the work herein mentioned for and on behalf of said first party.

In witness whereof the party of the first part has caused these presents to be signed by its representative, and the party of the second part has hereunto affixed their hands and seals, all on the date hereinabove first mentioned.

WILLETT & BURR,

By _____,
Representative.

_____ [SEAL.]

_____ [SEAL.]

WILDE EXHIBIT.

SAN FRANCISCO, CAL., *August 31, 1914.*

COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: I receive some days ago a subpœna to attend a hearing of your commission August 31, for the purpose of testifying on the subject of conditions in construction camps, also received set of questions, which I am going to answer to the best of my ability.

1. In this State construction is not so much seasonal as it is in other States where they have colder winters. Most any nationality answers the purpose. Nort Europeans have the preference. About 5 per cent skilled labor is required in the ordinary construction where excavation is the main work done.

2. The demand is now and has been for two years past comparatively light; the last two years the demand was about 25 per cent less than normal. About

25 per cent more construction work is done in the summer than in the rainy months. Demand heavy between April and December; light the balance of the year.

3. Scandinavians, Germans, English, Irish, Italians, Austrians, and Japs. Five per cent skilled, rest unskilled. About 90 per cent are foreigners. The above nationalities.

It requires about three times as many men to keep up a force as are actually working, one crew coming on the job and one going.

We have an immense number of floaters, particularly in the winter; they like to come here on account of no cold weather.

4. Most unskilled workers are hired through employment agencies, skilled workers through their union. Only one road here that I know of have their own employment bureau, except in times when there is a great scarcity of labor. Generally speaking, it is not regarded as feasible.

5. The general situation in construction camps is, in plain English, pretty rotten, specially so from a sanitary viewpoint.

Northern Europeans are the most efficient.

They work harder under station contracts, it is piecework, but they hardly ever make very much more money, for the reason that they can be checked too closely, the harder they work and the more they make in one month, the bigger will be the cut in price for the next month, or cut as the case may be.

6. Housing, sanitation, and food are poor, as a general thing, good, wholesome food is the exception, not the rule.

7. Only about 4 or 5 per cent are organized; chief obstacle to organization lack of education and opposition of the employer.

8. Dull times, tight money, abnormal conditions of various kinds.

Some of this work can be bunched, but it will cost more money.

Very truly, yours,

A. L. WILES.

EDINGER EXHIBIT.

SAN FRANCISCO, CAL., *September 23, 1914.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Transportation Building, Chicago, Ill.

GENTLEMEN: I have had the pay rolls on several different pieces of work gone over, with a view to determining how many men are required to keep a full working force on the job, and have extracted the following data for your information:

Camp No. 68. Grading with teams, 14 miles from Oakland, Cal., five months, September to January, 1912, inclusive, 545 men worked 3,148 days.

Camp No. 69. Tunnel work on the Oakland, Antioch & Eastern Railway, five miles from Oakland, Cal., for the year 1912, 1,121 men worked 11,876 days.

Camp No. 81. Tunnel work, city of Richmond, Cal., March to August, 1914, inclusive, six months, 1,176 men worked 12,150 days.

Contract No. 81. Phoenix, Hassayumpa Railroad, during a period of three months, 794 men worked 9,2284 days.

Camp No. 30. Nevada-California Railroad, June 1, 1909, to February 20, 1910, nine months, 3,086 men worked 95,737 days.

I am inclosing herewith two blue prints,[1] showing our standard camp buildings. In connection with the buildings we use composia, planked over, covered with earth, and ventilators thereon, and where possible to obtain same, running water and flushing toilets.

I am also inclosing for your information correspondence relative to a man discharged from the work which we were doing for the Northwestern Pacific Railroad, at the time of your taking testimony in San Francisco. This, of course, is an aggravated case, but it is illustrative of the pains taken by us to determine the justice of claims made by discharged employees as to mistreatment by our foremen.

Any further information that you desire we will be glad to furnish.

Yours, truly,

BRADFUCK-EDINGER CO.,
By F. S. EDINGER, *Vice President.*

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[1] Not printed.

SAN FRANCISCO, *August 4, 1914.*

On July 20 I have paid $3 to Sullivan employment office, San Francisco, for a job, and July 21 I came and shipped out for the Northwestern Pacific that night and spent a dollar for three meals and a bed and on the 23d I went to work.

August the 1st I was discharged and he (J. R. Nielson) refused to sign my employment slip for which I could have got my money back if he had signed my discharge at first without a reason and then he said that I didn't know my business.

Then I told Nielson that he had the same old graft going on, because I heard that Nielson was published in the Sacramento Bee newspaper for the same thing (that is, he was getting $1.50 out of men that comes on the job and $2 for the carpenters), and I told him that and he didn't deny it. There was 20 men coming to the camp and there was 45 men in the camp at that time and of course he had to make room for those that were coming, because if he didn't put those that were coming to work it would not comply with the law, because they had to get some work, and he discharged anybody he could in order to make room and also tickled to see a man quit by himself, and there is all kinds of men walking up and down the road asking for work every day and he refused to employ them, only some, only some that he really had to have or a friend of his did he employ. I can prove to any man that I can fill the bill of what I was shipped out for—that is carpenter's helper at $2.75 per day—and I told him that I was willing to bet him $20 to $1 that if there was any permanent man who could say I did not know my business, I was willing to give in, and lose this bet, but he also refused. And I called him all the names that I could possibly think of that exist, and he had no principle to defend himself or speak up. A man with any principle would not let himself be called what I called him, and anybody that has worked for Nielson—whoever knows Nielson, from his best friend to his worst enemy, will tell that Nielson has not got any principles.

I asked him for transportation to where I came from and this he refused. I asked him for transportation to Eureka and he lied to me. They offered me a pass to Fort Seward, and they said from there I would get a pass to Eureka, but it was a lie; I did not get it. So I refused to accept this 10-mile pass, because I could not use it that day anyway as the train did not come that day, and I paid $1.25 for stage to Fort Seward, I spent 50 cents for a meal in a farmhouse, 25 cents in another camp for a meal, $4.50 for railroad fare from Fort Seward to Eureka, $5 for steamer fare from Eureka to San Francisco, and also $1.50 for meals between train times and before steamer time.

HENRY DU BOIS, *50 Clay Street.*
H. PHILLIPS, *50 Clay Street.*

GRAB GRABBLER, *American Hotel.*

SAN FRANCISCO, CAL., *August 5, 1914.*

Mr. JAMES NIELSON, *Alderpoint, Cal.*

DEAR SIR: Some of the men returning from your work at Cain Rock are reporting to the N. W. P. R. R. office that they are discharged without cause, in order that the Sullivan employment agency should be enabled to send more men to you, claiming that you are splitting fees with the Sullivan employment agency. Under these circumstances you will hereafter kindly order your men through this office, and we will obtain them for you.

Whether these accusations are true or not, we can not afford to be placed in a position to have to refute them. Neither can we believe that you would place yourself in a position to be heavily fined under the State labor laws if the men could prove their case.

Yours, truly,

SHATTUCK-EDINGER CO.

ALDERPOINT, CAL., *August 8, 1914.*

Mr. F. S. EDINGER, *San Francisco.*

DEAR SIR: Yours of the 5th at hand and it certainly was a surprise to me. I think you have known me long enough to know that I am not that kind of a man, and as far as what the men that I have discharged say it does not bother me. Out of all the men that I have had on this job I am positive I have not discharged more than six or seven. Two of those were let go for using the sleeping tent for a toilet; one was for washing in the water barrel

that we used for cooling our drinking water; another for crawling under a lumber pile and staying there for one hour and a half, but he did not know that I was watching him all this time; two or three could not get off the ground. If that is not a just cause for discharging men, then some one will have to tell me what is. If I were in with Sullivan I certainly would not pick up men here to work on the job, and, besides, I could have fired the whole crew two or three times over.

I presume you will be up here soon, and would be pleased to have you and Mr. Williams take this matter up with Mr. Edes, and the timekeeper, as I don't want either of you to think that I am quite as low as that yet.

I have known Sullivan for years, before he started in that business, and have always been good friends and did not think that by patronizing him I would cause all this trouble. However, at your request I will order all men through your office and probably that will stop all kicking.

Respectfully, yours,

J. NEILSON.

SAN FRANCISCO, CAL., *August 10, 1914.*

JAMES NEILSON, *Alderpoint, Cal.*

DEAR SIR: I am inclosing herewith copy of statement made by Henry Du Bois. He was evidently an employee of the N. W. P. R. R. on your work. This has been sent with the request that we get a statement from you as to the actual status in this case.

Kindly write us as soon as possible.

Yours, truly,

SHATTUCK-EDMONDS CO.

SAN FRANCISCO, CAL., *August 11, 1914.*

Mr. J. W. WILLIAMS, *Chief Engineer N. W. P. R. R. Co.,*
Phelan Building, San Francisco, Cal.

DEAR SIR: I am inclosing herewith copy of letter from Superintendent J. Neilson, in reference to discharging men at Chain Rock, for your information.

Yours, truly,

F. S. EDMONDS.

SAN FRANCISCO, CAL., *August 12, 1914.*

HB-1900.
Subject: Re Neilson, discharging men.

Mr. F. S. EDMONDS,
189 Hansford Building, San Francisco, Cal.

DEAR SIR: This will acknowledge receipt of copy of Mr. Neilson's letter of August 8 in reply to your letter of the 5th concerning the discharge of men at Chain Rock camp.

I am glad that you have called this matter to Neilson's attention. Several complaints have been made in my office relative to an alleged combination between Neilson and the employment office in regard to the shipment of men.

I have never given much credence to these reports, but I think it is a good thing to have Neilson informed of these complaints.

Yours, truly,

J. W. WILLIAMS.

SAN FRANCISCO, CAL., *August 26, 1914.*

J. W. WILLIAMS, *Chief Engineer N. W. P. R. R. Co.,*
Phelan Building, San Francisco, Cal.

DEAR SIR: Inclosed please find letter from J. J. Sullivan, under date of August 12, 1914, and one from J. Neilson, under date of August 14, 1914, both referring to the complaint of H. Du Bois regarding collusion between Neilson and the Sullivan labor agency.

Yours, truly,

SHATTUCK-EDMONDS CO.

[Sullivan's Labor Agency, J. J. Sullivan, proprietor.]

SHATTUCK-EDWARDS CO., SAN FRANCISCO, CAL., *August 12, 1914.*
263 Market Street, San Francisco, Cal.

GENTLEMEN: On the 20th of July last, a man giving his name as H. Du Bois, applied at my office for a position. Just having received an order for six men from J. Neilson, superintendent of the Cain Rock bridge job, N. W. P. R. R. Co., Humboldt County, Cal., my clerk signed the above named for a job, as carpenter's helper, at $2.75 per day, with free fare to the place of employment, with the exception of 10 miles, which he had to walk, and which he thoroughly understood at the time he signed his name to the receipt.

On August 4 the same man returned to my office and demanded $10 from me for his expenses back to San Francisco from the works. I asked him how long he had worked, and he said eight days, when he was discharged. Under those conditions I refused to give him any money.

The next day my office received a telephone from John McLaughlin, labor commissioner of this State, to be at his office at 4 o'clock p. m. I took my order book and receipt books and called on Mr. McLaughlin, in the presence of complainant, H. Du Bois. After listening to both sides and examining my books, Mr. McLaughlin told Du Bois I was entirely in the right, and that he, Du Bois, was not entitled to any refund.

In his conversation with Mr. McLaughlin, Du Bois stated that there were between 40 and 50 men going and coming every day to this same job, from my office. My books show up to the present writing I have sent 67 men, beginning the 6th day of June, this year, when the job started.

Not being satisfied with labor commissioner's view of the matter, Du Bois went to the district attorney's office to procure a warrant for my arrest. A citation was issued for me to appear before them. I went to the district attorney's office and met Du Bois. The district attorney told Du Bois there was absolutely no grounds for a warrant, as I had been within the law at all times.

Since that time Du Bois has been annoying me by walking back and forth in front of my office with a banner over his shoulder, denouncing me as being crooked. I at once appealed to Judge Shortall, in the police court, who issued a warrant for the arrest of Du Bois for disturbing my peace, and was told by the judge if he ever appeared in front of Mr. Sullivan's place of business again he would be sent to jail. I have since learned that Du Bois is an I. W. W. agitator, and trouble maker.

At the present time you can find him nightly perched on a box on Grant Avenue between O'Farrell and Geary Streets, telling his listeners of his experience, and denouncing the railroad companies, the labor commissioner, and the employers in general.

For the past five years I have been supplying men to various places on the N. W. P. R. R., also to your company, and this is the first complaint of this nature I have ever had.

I have been following railroad construction work for 20 years previous to going into business five years ago. I can furnish the best of references from the S. P. R. R. Co. as to my ability for supplying competent help.

Sincerely hoping that this I. W. W. agitator and trouble maker will not disturb the present feeling between your company and myself, I am,

Very truly, yours,

J. J. SULLIVAN.

ALDERPOINT, *August 14, 1914.*

SHATTUCK-EDWARDS CO., *San Francisco, Cal.*

GENTLEMEN: Replying to the statement of Henry Du Bois under date of August 4, will state that he was shipped out here as a carpenter's helper but knew absolutely nothing about the work. When I discharged him he asked me my reason for it. I told him he did not know anything about the work. He then told me he was going in to Alderpoint to get a gun and come back and kill me. He was gone about an hour and then showed up with a pistol and demanded his money. I asked him to come with me to the timekeeper's office and I would see that he got his check, but this he refused to do at first and said that I would have to pay him or he would kill me. My reply was that if he did not get his money until I paid it to him he would be rather ancient. He finally followed me to the timekeeper's office and there got his check. He then

demanded his employment receipt which I told him he could have if he would come with me to my office. On the way he told me he would kill me if I did not sign it. I handed it to him and as soon as he saw it was not signed he pulled out his pistol and told me to look at that. I told him that that did not frighten me when it was in the hands of such a coward as he was. He told me again he would kill me if I did not sign it and my reply was that I did not have to, and I went away about my work, leaving him raving.

He must have held a conversation with himself regarding that twenty to one bet, as I don't remember about that. He accused me of dividing the fees with the employment agent to which I made no reply as I did not consider it worth the time. He also states that there were 40 men in camp and 20 more coming. This I can prove is false either by the timekeeper here or by the employment agent. In another statement he says there was lots of men coming along asking me for work, which is also false, as only four men has asked me for work. Three of these were Greeks and the fourth told me he could not work up high and besides never had done any of this kind of work. He asked me for transportation and states that I refused it, which also is false, as my reply was that I did not have anything to do with that.

The last I heard him say was that if he did not get satisfaction by law he was coming back to kill me. About two hours after everyone thought he had left camp some men went to the lumber pile to get some lumber and found him hiding. They asked him what he was doing there and he told them he was going to kill me. They told him the best thing he could do was to get out of camp. I have at least a dozen witnesses to prove any of my statements.

J. NEILSON.

If you think it advisable I will come in and have him arrested or if I can have it done from here let me know, but you can rest assured that if he shows up here again the coroner will have a job on one of us, after all the threats that he has made.

FORT SEWARD, CAL., *August 21, 1914.*

3350-E.

Subject: Re Henry Du Bois, complaint.

J. W. WILLIAMS,
Chief Engineer Construction, San Francisco, Cal.

DEAR SIR: I wish to acknowledge receipt of your letter BB-19360 of August 10 relative to complaints of men who were discharged at Cain Rock Crossing, and inclose statements from our timekeeper, J. W. Bergin, and E. Wikholm, covering case.

This man Du Bois came to Fort Seward and created considerable disturbance, threatening to burn the camp and using vile language. From general appearances, it is my impression that he is demented and should be confined at some asylum.

Yours, truly,

C. A. COMBS.

SAN FRANCISCO, *August 25, 1914.*

BB-19361.

Subject: Complaint, H. Du Bois against J. Neilson.

THE SHATTUCK-ERICSON CO.,
139 Hansford Building, City.

DEAR SIR: I have your letter of August 20, inclosing letter from J. J. Sullivan and one from J. Neilson, concerning the complaint of H. Du Bois regarding collusion between Neilson and the Sullivan labor agency.

Mr. Combs has informed me that in his opinion Du Bois is either a radical I. W. W. or insane. After leaving the Cain Rock camp he went to Mr. Combs's office at Fort Seward and notified Combs that he would give him 20 minutes to write him out a pass to Eureka, and if Combs failed to so do, he would burn the camp.

Am very glad to have had the opportunity to read the letters. I do not believe that there was any basis whatsoever for Du Bois's complaint. I return herewith the letters referred to.

Yours, truly,

J. W. WILLIAMS.

RE-19294.

SAN FRANCISCO, *August 26, 1914.*

Subject: Re Du Bois, complaint.

THE SHATTUCK-EDINGER CO.,
Hansford Building, City.

DEAR SIR: I am sending you herewith letter from Mr. Combs dated August 21 transmitting statements of Mr. Pomeroy, our timekeeper at Cain Rock Crossing, and Mr. J. W. Bergin and Mr. E. Witholm, carpenter and carpenter foreman, respectively, at the Cain Rock camp, all relative to the complaints of men discharged from that camp in which they have alleged collusion between the foreman and the labor agencies.

If you choose you may have copies made of any of the letters sent you herewith. I will ask you to return these letters, after they have served your purpose.

Yours, truly,

J. W. WILLIAMS.

SAN FRANCISCO, CAL., *August 28, 1914.*

J. W. WILLIAMS,
Chief Engineer N. W. P. R. R. Co., Phelan Building, City.

DEAR SIR: I have yours of August 26, inclosing statements in reference to the Du Bois complaint. I am having copies made of the same, and herewith return statements received with your letter.

Thanking you, I am,

Yours, truly,

F. S. EDINGER.

CAIN ROCK CROSSING, CAL.,
August 13, 1914.

Subject: In re statement of Henry Du Bois.

Mr. C. A. COMBS,
Assistant Engineer, Fort Seward, Cal.

DEAR SIR: With reference to the above subject, and to your request of even date that I submit you a statement in connection therewith, please see my report attached hereto with full data, in so far as I have knowledge, pertaining to conditions of hiring and discharging men engaged on constructing Cain Rock Crossing since work commenced.

Yours, respectfully,

L. L. POMEROY, *Timekeeper.*

TIMEKEEPER'S REPORT PERTAINING TO CONDITIONS OF HIRING AND DISCHARGING MEN ENGAGED ON CONSTRUCTING CAIN ROCK CROSSING.

Since its inception there have been 70 men hired by J. Neilson, superintendent for Shattuck-Edinger Co., to construct the Cain Rock bridge.

Of this number, 36 appear on the pay roll under date of August 13, 1914. 21 men have resigned the service on their account, 11 men have been discharged, and 1 was killed by fall from high line on August 11, 1914.

The following 21 men requested me to give them their time, and, where known, I have shown the reason given me for quitting the service:

G. Johnson, only worked four hours of one day. G. Peterson, no reason given. J. Halls, dissatisfied with board. C. Lahnstein, afraid to work with inexperienced help. J. Jonnsen, afraid to work with inexperienced help. J. Martin, afraid to work with inexperienced help. O. Johnson, no reason stated. J. Tuomola, wanted more money. D. Neilson, quit to return to college. G. Halteen, dissatisfied with board. C. Schandler, dissatisfied with board. J. Roberts, dissatisfied with board. P. Fergen, no reason stated. H. Shoebel, unable to work on high line. J. King, unable to work on high line. J. Wapper, no reason stated. A. Jorgensen, no reason stated. S. I. Mears, unable to work on high line. J. S. Taylor, unable to work on high line. R. Bellew, unable to work on high line. E. Cruz, unable to work on high line.

The following 11 men have been discharged, reason therefor being stated: J. Lewis, using interior of tent as toilet. J. Smith, disobeying orders. M. Knapp, using tent as toilet. E. Tresing lazy and incompetent. J. Ahern, lazy

and incompetent. A. Jensen, lazy and incompetent. C. Clements, discharged by carpenter foreman, incompetent. A. Donner, sleeping under lumber pile during working hours from 9.45 a. m. to 11.30 a. m. H. Du Bois, lazy and incompetent. C. Yung, discharged by carpenter foreman, incompetent. H. Phillips, discharged by carpenter foreman, incompetent.

J. Dalton, killed August 11 by accidental fall from high line.

With regard to complaint of Henry Du Bois. From my observations through watching the men at work all day I did not form a good opinion of this man's ability or industry. When he was discharged for incompetency I heard most of his ravings while in camp. To the best of my knowledge he did not appear to have been the worse for liquor, he rather giving me the impression that he was mentally deranged. I was working in my tent in the early morning when party in question came up and asked for his time, and, using filthy language, made the statement that he was going to Alderpoint to buy a gun, and was then going to return and shoot Mr. Neilson, the superintendent.

It has come to my knowledge that this man made the boast to a fellow worker, while on his way up from San Francisco, that he was going to get a soft snap and would shoot the foreman if he were discharged, he further admitting that he knew nothing about the work. Of course this is only hearsay evidence, but the man in particular to whom he is said to have made such remarks has since left the service, therefore I am unable to obtain confirmation. I am, however, submitting a statement from Eser Wikholm, carpenter foreman, under whose direct supervision Du Bois was working, giving his opinion as to his qualifications. In addition to this, I am submitting a statement from J. W. Bergin, carpenter, who used Du Bois as carpenter helper for a day, and then requested he be given another helper, as Du Bois was of no use to him.

I have heard and listened to some camp talks that have been going the rounds in connection with Du Bois's statement relative to the supposed graft that he claims exists between the superintendent and the employment man. This has been most loudly talked by J. Smith, who was discharged, by J. McDonald, who was craneman on the locomotive crane No. 051, and by Du Bois.

In this connection I should perhaps mention that 13 of the 38 names appearing on the pay roll never came from an employment office at all, 3 of them being hired by Mr. Neilson locally.

Mr. Neilson informs me that he has only had 4 applications for work from boomers since he has been up here; 3 of these were Greeks, who had no knowledge of bridge work, while the fourth could not work on the high line.

With regard to A. Donner, discharged for sleeping during working hours. When this man first came to me for his time he stated to me that this was not his line of work, that he was not feeling very well, and did not feel hurt because he was discharged. I asked him which way he wanted to go, whether to Willits or Fort Seward, and told him that I had authority to request transportation for him on the work trains to either place, where the service voucher I had given him would be exchanged for a time voucher. He said he preferred to go to Fort Seward, to which place I issued him transportation.

STATEMENT OF MR. J. W. BERGIN, CARPENTER.

In regard to Henry Du Bois. This man worked with me as a carpenter helper at Cain Rock Crossing, and I found him to be a poor helper, so much so that I went to Mr. James Neilson and told him I did not want him for a helper. Mr. Du Bois told me he was a flunky, not a carpenter helper. I had him a while working with me to cut down a small oak tree, about 8 inches in diameter; it was the worst work I have ever seen, and it is here now for anyone to see. He is a man you have to watch all the time to keep him at work. I have worked at carpentering for the past 35 years, have had charge of camps and overseeing work for a number of years and know when a man does a day's work, and also know as to his ability. If this man was what he claims to be he failed to show it while working with me.

I also heard Du Bois when he threatened to kill Mr. Nielson for no reason whatever, simply because he was discharged, and the threats and language that he used convinced me he was demented. I also heard him say after he had his time and was leaving camp, if he did not get satisfaction in town he would return and kill Mr. Nielson.

J. W. BERGIN.

STATEMENT OF ESEB WIKHOLM, CARPENTER FOREMAN, CAIN ROCK BRIDGE.

Upon request of Timekeeper Pomeroy I wish to state my opinion as to Henry Du Bois's qualifications, as he hired out as carpenter helper and was under my direct supervision.

It is my opinion that Du Bois knows nothing about the work expected of a carpenter helper; he was always lazy and incompetent and I did not care to take chances with him working on the high line, and he was accordingly discharged on these accounts.

ESEB WIKHOLM, *Carpenter Foreman.*

COLLECTIVE BARGAINING IN SAN FRANCISCO

(For exhibits under this subject, see pages 5310 to 5401)

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Tuesday, September 1, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Garretson, Lennon, Weinstock, and O'Connell; also William O. Thompson, counsel.

Chairman WALSH. The commission will please come to order.

Mr. Grant Fee.

TESTIMONY OF MR. GRANT FEE.

Chairman WALSH. Your name, please.

Mr. FEE. Grant Fee.

Chairman WALSH. Speak out loud, please, so this last gentleman can hear you. It is very difficult to hear in this room, Mr. Fee. Where do you live?

Mr. FEE. At 1153 Castro Street.

Chairman WALSH. Where?

Mr. FEE. 1153 Castro Street.

Chairman WALSH. San Francisco, Cal.?

Mr. FEE. Yes, sir.

Chairman WALSH. How long have you lived in San Francisco?

Mr. FEE. Well, I have lived here, off and on, for 25 years.

Chairman WALSH. What business are you engaged in?

Mr. FEE. General contracting.

Chairman WALSH. Are you engaged in it as an individual, or do you have a corporation running your business?

Mr. FEE. Individually.

Chairman WALSH. How long have you been in the general contracting business?

Mr. FEE. About six years.

Chairman WALSH. And in what lines?

Mr. FEE. General contracting.

Chairman WALSH. Have you had much or little to do with making bargains with employees?

Mr. FEE. Well, very little. Conditions here do not permit of making bargains to any great extent.

Chairman WALSH. You were served, I believe, by our investigators with an outline of questions?

Mr. FEE. Yes, sir.

Chairman WALSH. And you have prepared your answers?

Mr. FEE. Yes.

Chairman WALSH. Will you kindly proceed, now, in your own way. Pitch your voice at least as high as mine, will you, Mr. Fee?

Mr. FEE. I will try to.

Chairman WALSH. Because it is very difficult to hear in this room.

Mr. FEE. Shall I commence with the questions right through as they are?

Chairman WALSH. You can commence with the questions, if you will, please, Mr. Fee. Read the questions. I note they are very short. And then make your answer right to that question.

Mr. FEE. Paragraph 1, question 1: "The demand and supply of labor in the building trades." Demand and supply are fairly well equalized. At times there is a demand for skilled labor and at times the market is oversupplied.

Question 2. "Character of the supply." Local, principally.

Question 3. "Different occupations represented." Laboring men, teamsters, pile drivers, concrete men, cement finishers, structural steel erectors, hoisting engineers, brick masons, sandstone cutters and setters, granite cutters and setters, carpenters, plasterers, electricians, plumbers, heating men, ornamental iron men, tile setters, marble setters and cutters, fixture men, and there is a few other crafts that I presume I didn't think of.

Question No. 4: "Proportion of." I don't think I am competent to answer that. It would be a matter of getting statistics from the different branches of the trades or unions.

Chairman WALSH. That is No.——

Mr. FEE. Question 4, paragraph 1.

Chairman WALSH. Very good. Then omit that.

Mr. FEE. Question 5: "Skilled and unskilled." If by unskilled is meant labor, I should say 10 per cent. If by unskilled is meant unskilled mechanics, I would say 50 per cent have not the proper degree of skill for their work.

Question 6: "Belonging to the unions." All men employed by contractors in this city on buildings are members of labor unions. By contractors I mean men who contract with the owner to do certain specified work in a certain specified time. There are some men engaged in building for themselves here that do not employ union labor.

Question 7: "Native and foreign." Well, I would not be able to answer the per cent. The same with married and single.

Question 9: "Difficulty experienced in making use of the services of nonunion men." There is a rule strictly enforced in the building trades of this city which places a fine on any workman who works with a nonunion man. This fine consists of a day's pay for the first offense, and can be raised to whatever the executive power wishes for future offenses. Any attempt to make use of the services of nonunion men by contractors causes the following conditions: Some unions give him an opportunity of joining their ranks, but require him to pass an examination before allowing to work. This examination at the will of the union operates as a closed charter by causing him to attempt to pass an examination the requirements of which are beyond the capacity of any except the most highly-skilled mechanic in that line, with the result that the applicant does not pass and is therefore rejected as a member of the union. Other unions do not offer this alternative. In any event the employer must submit to the union rule and the individual is in most cases prevented from earning his living in this community. If the employer does not agree to these conditions, it is cause for the business agent to call off all union men working on the building, after which, if a person still endeavored to make use of nonunion men, the result would be bodily injury to the nonunion men trying to work, and destruction of property.

Question 10: "Reason for this." The building trades of this city are under a one-man rule. This head executive has supreme authority, at least in practice, and he and his active supporters believe that they have the same right to maintain and uphold what they call their laws that a nation has when at war with another nation. They view the resistance to their so-called laws in the same manner that a nation would view another nation's attempt to gain a foothold on its territory. With few exceptions the labor-union leader, the business agent, and their active supports and a part of the rank and file consider their organization in the same light that religiously inclined persons did some hundred years ago. They seem to believe that their methods are right, and that all others are wrong, and that they are justified in using any means within their power to maintain their so-called rights. I have talked with a number of labor men who are connected with the building trades council, and have been told by several of them that they consider the McNamaras martyrs. My observation leads me to the conclusion that the unions consider their union laws, States and National, as above any constitutional laws, municipal, State, or National.

My belief is the one-man rule as practiced in unions is a menace to our republican form of government, which I believe to be the best form of government in the world. The continued submission of the rank and file to the dictates of the head executive, such submission being enforced by fines, expulsion from the union for certain periods, and in some cases personal violence, can only result in destroying in a man that quality which makes a man an American and which is the very foundation of our republican form of government.

The union ideas and principles as first conceived did not carry with them this danger. The danger has arisen from the fact that men of bright and active minds who have great organizing ability have gained chief executive control, and by fair means or otherwise have remained in chief executive control for long periods, as in the building trades of this city for a period of over 20 years, and apparently will continue during the life of the present chief executive officer.

The same operation carried out in our Government would cause the destruction of our present form of government, and will destroy the usefulness of any body or association of men, for the reason that no human being is so well balanced mentally that continued power will not blind him to the rights of his fellow man and cause him to become a dictator.

I have been a member of unions and know that violence is advised by union executives secretly. Even knowing this I did believe that organized labor would some day be the salvation of this country, but my experience in our plasterers' controversy, and later in the steel erectors' trouble, and again in the painters' dispute, and again in attempting to enforce one-half of 1 per cent tax on all brickwork in this city by the bricklayers' union, and the limitation of a day's work by union rules, has completely convinced me that the present methods used, the principles taught, and the submission by the rank and file to one-man rule and dictatorship without consideration for the rights of others, if continued on those lines will eventually destroy our form of government, which will be a step backward by civilization, and not a step forward.

Another feature which has developed in the last two or three years in this State is with very few exceptions public officials listen to the threats and to the promises of support of organized labor, and are influenced by the threats and promises in the execution of the duties of their office. This was most forcibly brought to my attention when asking advice from attorneys as to the legality of the collection by force of the one-half of 1 per cent on brick contracts now being attempted by the bricklayers' union, and to enforce the collection of same have struck jobs in this city and have enforced the payment of said tax under protest before they would resume work on buildings.

The first attorney I went to informed me there was no question but that the enforcement of the payment of money in that manner was illegal, but that I could not hope for a conviction in our courts. Going to another attorney, I was told substantially the same thing. A third attorney whom I went to, a man who is considered one of the best attorneys in the city, and with whom I am well acquainted, informed me to the same effect.

I asked him the reasons, and he replied that the machinery, or the official whose duty it was to draw the venire for jury duties, was in control of the unions, and would see that no man was drawn on a panel who would convict a labor-union man on such a charge; that there was no question but that the collection of the tax was illegal and contrary to the laws of this State.

The cause for these conditions are: First, lack of organization and united effort on the part of business men; absolute carelessness and indifference by 70 per cent of business men to their civic duties. Statistics will show that while 95 per cent of men working for salaries attend to their civic duties and vote, less than 30 per cent of business men attend to their civic duties and visit the polls at elections.

Public officials are human the same as the rest of us, and they, knowing the inattention of business men to their civic duties, and the attention given by men working for salaries and wages to their civic duties, know well that their election to office generally depends on the workers' vote, and with few exceptions, must choose between favoring organized labor and being defeated for the office to which they aspire. I believe that it is the business men who should be censured for this condition, and not the officials or organized labor. When all business men vote this condition will not exist.

Question 11: "Is it justifiable?" In my opinion, decidedly not, and from more points than one; first, the duties of every individual as a private citizen, if I correctly understand them, compel me as an individual citizen to recognize the rights and privileges of every other individual under the law; second, no organization, be it corporation, union, or body of private citizens, has the moral or legal right to assume that it can pass laws as such that will or can supplant the laws of the State or Nation; third, labor unions have always evaded the operation of State or National laws by remaining unincorporated bodies, thus evading legal responsibility. This fact alone should emphasize the illegality of the form and power they claim under their so-called laws.

Paragraph 2, question 1: "What seasonal fluctuations take place in the demand for labor in these occupations?" Skilled labor is more plentiful in winter than in summer.

Question 2: "Causes of these changes?" The checking of building operations in country sections due to wet weather.

Question 3: "What similar fluctuations take place in the volume of the labor supply?" The skilled labor supply is more plentiful in winter in this

city than in summer, due to the men going out on work in different sections of the country in the summer time on building operations.

Question 4: "What suggestions would you make for minimizing these fluctuations for demand and supply?" I would not suggest a remedy; as the fluctuations are not very great I do not feel the necessity of endeavoring to remedy this in the skilled building trades lines. With unskilled labor the condition is different, there being a great many men out of employment during the wintertime who are fully employed during the summer season, due to the harvesting of crops and fruit, and work in general being more under way in summer than in winter. My suggestion of a remedy for this would be public work, such as road construction and repairs, both State and county, to be done in winter, employing these men at a reasonable wage to carry them over the rainy season. The benefits accruing from this method would be the betterment of roads throughout the State, which is in itself an asset to any country or city, and the saving in economic conditions of contributions to societies and public funds to tide a good part of these men over during the rainy season, as we have experienced here in San Francisco the past winter.

Paragraph 3, question 1: "What are the methods used for connecting the job with the job hunter?" In my experience, limited to the building trades in this city, men come on the job looking for work; getting word to men whom I know, and telling men who are working on the job if they know of anyone out of work to bring them; last resort, telephoning to the labor bureau.

Question 2: "Extent to which the trade-union acts as its own employment agency?" I understand that all unions require men out of work to report to their secretary; any man telephoned for, they send those who are out of work to the various jobs.

Question 3: "How satisfactory is this method for both sides concerned?" I can only speak from a contractor's standpoint; it is very unsatisfactory. The man who desires work as a rule is not satisfied to sit down and wait, but goes out and hunts it. My experience is that men sent me from the labor bureaus are unsatisfactory, unskilled in their craft, or indolent. I seldom get a good man that way. It also permits the man in charge of the labor bureau to discriminate against those who do not support the executive officers of the union, no matter what their methods may be.

Question 4: "Extent of the resort to the private employment agency?" Contractors in San Francisco very seldom go to a private employment agency, if ever, as the men we are forced to employ are union men only. I can not reconcile the situation that municipal, State, or National work can permit a condition which bars any citizen from being employed, because he has a different belief from another man, or association of men, any more than I can conceive a condition which bars a citizen from being employed on municipal, State, or National work because he has the religious belief of a Methodist, Baptist, Presbyterian, or Catholic.

Question 5: "How does the trade-union keep track of employers needing help and workers needing jobs?" By the report of their members and business agents.

Question 6: "Suggestions for reform." I believe the remedy for the present condition is for associations or unions to be formed composed of both employers and employees in the building trades. The executive board should have members composed of employers and employees in the various crafts, the members of the boards not to serve longer than two years continuously; any questions which come up to be discussed and settled by them, if possible. If they are unable to come to a solution of any problem it then to be taken to an executive body composed of delegates from all the associations of the various crafts in the building business have representation of both employer and employee, their decision to be final; and that the individual crafts, either the employer or the employee, must bind himself to be governed by these conditions and work according to the rules laid down by the executive committee in the central body. This would apply to employers who seek to take advantage of employees even to the extent of bringing the necessary pressure on such employers as to cause them to correct any abuse or misuse of the employees.

Paragraph 4, question 1: "What is the extent of the unemployed in the building trades?" I think a more correct answer could be had from the union men on that question, as I have no means of knowing what per cent is out of employment.

Question 2: "Means of minimizing this unemployment." In my judgment the only way to reduce the unemployed is to have more work; that work to be permanent should be of a normal growth and not a forced growth. I believe if the labor conditions in this city were such that were attractive to capitalists who are looking for cities for factories and other industries, it would be a great factor in solving this question, as we have unexcelled advantages for shipping and a climate not equaled, I believe in the world, for working purposes. For example, the climatic conditions in San Francisco are such that a man can work steadily and conscientiously his eight hours or nine hours the year round without physically injuring or wearing out the man of ordinary strength; while in the East it is necessary to use artificial means in summer to keep the factory in condition so that a man can do half a day's work, and even then when the day's work is over he is unable to rest at night, or in condition for work the following day. In wintertime artificial means have to be employed to keep the factory sufficiently warm to permit a man to work.

The canal being now open, products from this city can reach and compete with eastern and foreign markets; but with the labor conditions and the rules enforced by the unions, investors having money will not come to San Francisco, but will go to the places not so favorable climatically, but with better labor conditions. I am informed from reliable sources that for the past three years practically no eastern or outside money has come into this city for investment, and that at the present time we are really living by trading on one another, with the addition of what shipping and mining bring to the city, due to our geographical location.

Question 3: "Other suggestions." I suggest that a system of trade schools should be established under Government control which would compel all boys to spend a period of, say, three years learning some trade. This would be a great benefit to us as a Nation, as no man could have a better asset than to have some trade. This I know from personal experience. This would have a tendency to reduce the ranks of unskilled labor; it would give the boys what they sadly need in this country, as few boys recognise the importance of applying themselves to a study until they reach an age where it is too late; also the attitude taken by unions in limiting apprentices is making the question of skilled mechanics a very serious problem in this country; in fact, were it not for the immigration of skilled mechanics we would have a very small per cent employed on our buildings.

The active and intelligent efforts of business men to induce or bring into this State men agriculturally inclined to buy small farms and cultivate same, as men who are competent to judge have said, that this State can support a population of from twenty-five to thirty millions of people with ease, there now being less than 3,000,000 population in the State.

Paragraph 5, question 1: "What are the working relations between the building trades council and the building trades employers' association?" The building trades council and its various unions make what they call laws; the members of the building trades employers' association are forced to live up to them.

Question 2: "What evidence of friction are to be noted?" There is very little evidence of friction because the man who objects to obeying their so-called laws is disciplined in such a manner that he is afraid to object; in fact, three-fourths, and perhaps more, of the contractors in San Francisco are afraid to say publicly what they think and believe of the unions. As an example, on August 19, I went to a general contractor of this city and requested to permit the use of an agreement which he signed with the bricklayers' union. The point we wished to bring out by that agreement was that the unions were forcing men to pay into the union one-half of 1 per cent of the face amount of any brickwork done by them. He told me to call the following day and he would give me an answer. On the following day, August 20, I went to see him, and he practically told me that he did not dare to permit me to use the agreement in that manner, as he was afraid the union would injure him and cause him loss of money, which they could do very easily. He told me that they threatened him trouble if he did not sign this agreement, and therefore signed same.

We are now having committee meetings endeavoring to induce the bricklayers' union to eliminate the collection of this tax. We have on certain jobs paid the tax under protest during the period under discussion. Should we be enabled to convince the bricklayers' union of the injustice and illegality of this tax, it would be cause for serious friction for the reason that if the bricklayers' union are able to establish the right to collect the tax of one-half of 1 per cent by force from a contractor it will establish a rule which will be followed by other

crafts in the building business, and which will add another expense to the building industry, which is already at a point that with few exceptions a man is unable to make a profitable investment in improved property; also if the right is established to enforce the collection of one-half of 1 per cent, there is no reason why a union could not collect instead of one-half of 1 per cent any per cent which they should see fit to demand, and unless we are able to convince them that they are wrong in the position that they have taken it will cause very serious friction in this city. My personal experience is that the money which I have in improved property in this city would bring me better returns had I permitted the same to remain in the savings bank drawing interest at from 3½ to 4 per cent.

Question: "Collective bargaining." There is no collective bargaining in this city, as I understand the term. The system in vogue in this city is: The unions pass a so-called law raising the scale of wages or changing the working conditions; that is referred to the building trades council for their approval; if approved by the building trades council, it is put in force; sometimes notice is given and again no notice is given in spite of the fact that the building trades council say that one of their laws is that a 90-days' notice must be given before a change in wage or working conditions is put into effect. The employer has no voice whatever in making the above-stated rules; the employer's part consists entirely in making what resistance he can; this resistance has met with no degree of success, excepting cases of housesmiths' trouble in the matter of eight-hour day in structural shops. Collective bargaining, as I understand the term, presumes discussion and consultation by the parties concerned before agreements are made. Here there is no such discussion. The so-called agreement is the ultimatum of one party which the other party has no choice but to accept.

As bearing upon these facts which sustain this statement and as showing the existing conditions in this city, I ask leave to file a supplemental statement with various exhibits.

Chairman WALSH. This is the statement containing the exhibits?

Mr. FOX. Yes, sir.

Chairman WALSH. Just hand those to the stenographer, please.

(See Fox Exhibits Nos. 1 and 2.)

Chairman WALSH. Is that all of the statement?

Mr. FOX. That is all of the statement.

Chairman WALSH. Prof. Commons has a few questions he would like to ask you.

Commissioner COMMONS. The plan you propose there seems to be quite similar to that which is in operation in New York in the building trades and in Chicago in the building trades. Is that your idea of building up here a system of joint agreements similar to the New York building trades or Chicago building trades?

Mr. FOX. I was not aware there was a system of that kind in either place.

Commissioner COMMONS. Well, you would first have an organization of the employers. Those in the different lines of business would belong to this employers' association.

Mr. FOX. My idea was, and I believe it could be worked out satisfactorily, to have an association or corporation formed of both employers and employees in the different crafts, they to settle questions in their particular crafts if possible. The executive board to be composed of both parties having equal power. Questions which could not be settled in the crafts would go to a central body, which would be composed of an executive body where all the various crafts in the building business would be represented, and their decision would be final and binding on any individual craft.

Commissioner COMMONS. That is almost identical with the system of New York.

Mr. FOX. A system of that kind, if carried out fairly by men who want to do what is right, would take and eliminate a great deal of the trouble which we have at present.

Commissioner COMMONS. You would have all these questions or these issues you have taken up, you would have all of them subject to the decision of this central board?

Mr. FOX. The central body; yes, sir.

Commissioner COMMONS. All of these questions of this tax would be settled jointly?

Mr. FOX. Yes, sir.

Commissioner COMMONS. And the question of apprenticeships?

Mr. FEE. Well, a tax is a proposition that, in my judgment, could not be allowed, because you, as an American, would have the same spirit right in you that there was in '76, where you objected, or our forefathers objected, to taxation without representation, and that is exactly what they are trying to do here in this city to-day—to fix a tax on a man and giving us absolutely no choice, no voice in the matter, nothing. You simply have to pay or they will quit work, and I believe that there are sufficient of the '76 spirit in the American people to-day to take it off and overrule a proposition of that kind. It is entirely wrong from any point you want to look at it.

Commissioner COMMONS. As I understand it, then, you would make that one of the conditions before you would form this joint board to give decisions——

Mr. FEE. That board would be within and controlled by the laws of the State and Nation. It would not be putting its laws above those of the locality in which it lives.

Commissioner COMMONS. Well, those other questions like that you have mentioned there of restriction of output, that would be settled by the board?

Mr. FEE. Those would be settled in the central body, if the particular craft could not settle them.

Commissioner COMMONS. Every other thing except this one thing, the tax, could be settled?

Mr. FEE. Everything that would not conflict with the laws of your State or Nation, or the locality, would be settled by this. There would be no attempt to take up any questions that did conflict with any existing laws, and that is a thing which I think is dangerous with any association of men, no matter what. If you are not willing to be governed by the laws of the community in which you reside you are not a good citizen. You can not be.

Commissioner COMMONS. Well, would that signify that this joint board should be an open shop on both sides—any employer could join the association?

Mr. FEE. Yes.

Commissioner COMMONS. Any employee?

Mr. FEE. Any employee.

Commissioner COMMONS. Whether he was a member of the union or a member of the employers' association?

Mr. FEE. It wouldn't make any difference, they could be affiliated there.

Commissioner COMMONS. How would you make your rules binding on those who join—who did not join—employers who did not join, or employees who did not join?

Mr. FEE. Well, there are details—this, in my mind is not worked out completely. But there is no doubt in my mind that any set of right-thinking men could find ways and means to make another man think right; in other words, it could bring him to see the light. There are a great many of us in darkness, in business and in general walks of life, just as well as there are men who are criminally inclined, and it is not merely a matter of education.

Commissioner COMMONS. Have you taken this matter up with the building trades council?

Mr. FEE. No, sir.

Commissioner COMMONS. You have taken it up with the bricklayers' union; that is the only one?

Mr. FEE. The matter of the tax?

Commissioner COMMONS. Yes.

Mr. FEE. We have. It is in committee now with the bricklayers' union.

Commissioner COMMONS. That is the only negotiations of a collective character that you have taken up so far?

Mr. FEE. Yes, sir.

Commissioner COMMONS. I think that is all.

Chairman WALSH. Mr. Weinstock would like to ask some questions.

Commissioner WEINSTOCK. I gather, Mr. Fee, that unorganized labor, as it exists, has the grievance that the employers fix the wage arbitrarily, and that the unorganized worker must either accept it or quit the job; in other words, that he has not a voice in fixing the wage that he is to receive. I gather from the statements that you have made, Mr. Fee, that the conditions in the building trades in San Francisco are reversed.

Mr. FEE. Correct.

Commissioner WEINSTOCK. And that the organized labor fixes the wage and that the employer has absolutely no voice in the matter?

Mr. FEE. Yes, sir; that is correct.

Commissioner WEINSTOCK. That the wage is fixed arbitrarily?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. And that the employer therefore is robbed of his right to have a say in how much wage shall be paid?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. And your remedy, as I gather it, is this—joint counsel?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. So that both sides shall have an equal voice in the matter?

Mr. FEE. That is the object.

Commissioner WEINSTOCK. In the event of this joint counsel not being able to agree, it then goes to an executive committee?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. Now, suppose the executive committee can not agree, what then?

Mr. FEE. The conditions of the executive committee would have to be such that—supposing a condition that they can't agree, they would call in an additional man, who, after listening to the arguments on both sides, etc., would settle the question.

Commissioner WEINSTOCK. In other words, if the executive committee could not agree, it would be then submitted to arbitration?

Mr. FEE. No; not arbitration. They would call a man in to listen in whom they both had confidence, and let him decide.

Commissioner WEINSTOCK. He would arbitrate between the two?

Mr. FEE. Arbitration, as I understand it, is more than one.

Commissioner WEINSTOCK. You can have 1 or 20. There is no limit to the number.

Mr. FEE. Perhaps I don't understand the correct interpretation of the term "arbitration."

Commissioner WEINSTOCK. Arbitration does not mean any fixed number. It means any number that the two sides may agree on, whether that number is one or any number.

You then settle this dispute and that is final?

Mr. FEE. It would be settled in the central body.

Commissioner WEINSTOCK. Exactly.

Now, you have pointed out some of the disadvantages of dealing with organized labor in collective bargaining. What advantages are there, if any?

Mr. FEE. Well, I don't think there are any advantages in this town. I think the unions in this town have put the city in such shape that the city is standing still, and factories and industries have left the city and will go to other places; and if it continues the conditions in the city will just remain, as it were, dead, with what additional new life comes in through mining and shipping which can not go to other places.

Commissioner WEINSTOCK. We are to understand, then, Mr. Fee, that your opinion is that San Francisco has not made any progress industrially or commercially in recent years?

Mr. FEE. Commercially it has, because of its being the only seaport on a long stretch of coast. Commercial industries have to come here; can't go to other places.

Commissioner WEINSTOCK. But that it has not grown industrially?

Mr. FEE. No.

Commissioner WEINSTOCK. Do you hold organized labor responsible for that?

Mr. FEE. I do.

Commissioner WEINSTOCK. That is on the theory that because of the alleged arbitrary and distorted attitude of organized labor it frightens capital from locating here?

Mr. FEE. It does. Now——

Commissioner WEINSTOCK. Now, has San Francisco stood still industrially any more or any less the last two or three years than have other cities elsewhere?

Mr. FEE. I believe it has. Would you permit me just there, when you speak of that, to state a condition that occurred down at the McLaren & Peterson job, located on Powell and Sutter streets, a condition amongst the plasterers. They were behind on the plastering work, the vestibule, which was a great deal of ornamental work in the vestibule, and it was decided to work Sunday

on the work so as to get it completed. The contractor was behind on time. They were willing to pay the double time, $14 a day to the plasterers for working, and the plasterers were willing to work. The union steps in and says that they can't employ the men who are regularly working on the building for that Sunday; they must take other men. Now, anyone knows who is familiar with any line of work that you take a man that has been working in a building or in any other place of work on a particular class, he is more familiar with what is done than if you bring an outsider in. Therefore it costs more money, and in addition to that you pick up men and the chances are you would not get the skilled mechanics that the work in the vestibule would require, while those men working on the building had been working on ornamental work in the same building and, naturally, were good men at that work or they wouldn't remain.

Now, where the union steps in—and the injustice of the proposition is to force a man to not permit the same men that were on the building, but to take men outside who were not busy, put them in that vestibule, and make the employer employ them. Now, there is a condition that we are up against in this city, the contractor has really absolutely nothing to say.

Commissioner WEINSTOCK. You offer that instance, Mr. Fox, as I understand it, as an illustration of the despotism of organized labor here?

Mr. FOX. Correct. And it is those methods carried out with factory work and other industries who can't live here which drives them away.

Commissioner WEINSTOCK. Can you give this commission any specific instances, Mr. Fox, where industries have been driven out of San Francisco, or where prospective industries have remained away from here on account of labor conditions?

Mr. FOX. I can't name them, but they can be got if the commission desires.

Commissioner WEINSTOCK. Could you compile those and send them in to the commission?

Mr. FOX. I can; yes.

Commissioner WEINSTOCK. We should regard those as material matter.

Mr. FOX. I will do so.

(See Fox Exhibit No. 3.)

Commissioner WEINSTOCK. What is the effect, Mr. Fox, as the result of your business experience—you have been engaged in contracting how many years, Mr. Fox?

Mr. FOX. I have been in for myself here about six years.

Commissioner WEINSTOCK. About six years?

Mr. FOX. Yes, sir.

Commissioner WEINSTOCK. Well, what is the effect of so-called cutthroat competition among contractors; what is the ultimate result?

Mr. FOX. Well, the result is there is very little money made in the contracting business in this city.

Commissioner WEINSTOCK. And what effect does that have upon the contractors themselves?

Mr. FOX. In what particular way?

Commissioner WEINSTOCK. Financially.

Mr. FOX. Well, there is a great many contractors in this city that are not in a good condition financially. That is true.

Commissioner WEINSTOCK. Well, is that, then, in the interest of the contractors, in the interest of the community, and in the interest of society generally that cutthroat competition shall make the industry unprofitable?

Mr. FOX. No. Generally speaking, it is not. At the same time I would prefer to have a condition of that kind rather than have a condition where men make combinations and trusts and set the price arbitrarily on a piece of work that you wish done.

Commissioner WEINSTOCK. Well, of the two evils, which would be the lesser evil? That is, in the first place, they can not, as I understand it, under the law, they can not very well combine on prices without becoming lawbreakers.

Mr. FOX. They can not unless they do it secretly.

Commissioner WEINSTOCK. Yes.

Mr. FOX. That is, there is a condition that we as an organization have opposed ever since this organization was organized.

Commissioner WEINSTOCK. Well, what would be your remedy for cutthroat competition?

Mr. FOX. The only remedy that I can see is for a man to use his judgment and not listen to owners and architects who give him a talk like this. "Now, we

would like to have you do the job, but you are not low on it; there is another man," or the chances are they won't say who the other man is, "but there is a lower figure, and we would very much like to have you do the job. The owner prefers you. But, of course, business is business, and we can't pay you more than what the other man is willing to do it for." Well, if the man falls for it—I fell for it myself at times, and I never did unless I lost money by it, and I learned better. If a man will cut his figures, then they will go to the other fellow and give him the same thing, and they will keep seesawing until they get down to bedrock by one or the other. The chances are before they get through, the man who has the job has it for less money than he can really do it for. The result is he must either do an inferior job, or he must lose money, one of the two. Now, I believe a remedy for that would be to have all bids opened in public. If bids are opened in public so that each bidder knows what the other man is bidding, why, he won't cut his bid in that manner. It would eliminate a great deal of that work.

Commissioner WEINSTOCK. Then, one of your remedies for cutthroat competition among contractors would be the open bid, publicly opened?

Mr. FEE. The opening of bids in public.

Commissioner WEINSTOCK. I see.

Mr. FEE. Where all those who are bidding on the work could be present the same as municipal work.

Commissioner WEINSTOCK. But on the whole you regard cutthroat competition as a curse rather than as a blessing?

Mr. FEE. Well, it is not a blessing. At the same time, of the two evils, I would prefer to see the condition of cutthroat competition to a condition of combinations.

Commissioner WEINSTOCK. I see.

Mr. FEE. Because any combination which places an illegal tax upon owners is bad for the community. It is not only the owner, but it is the entire public. And I think a man is very, very wrong when he enters into a proposition of that kind. It is not only the particular owner that is going to build, but it reaches out throughout the public to the community at large. And I would prefer the cutthroat competition to a condition where they can arbitrarily set a price and have it one that you can't get away from.

Commissioner WEINSTOCK. Well, then summing up your attitude on that particular point, I gather it is this, that you realize a monopoly would be harmful?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. That is, if contractors could get together and pool and fix prices at the cost of the owner, it would be an evil?

Mr. FEE. Decidedly, yes.

Commissioner WEINSTOCK. On the other hand, cutthroat competition is likewise the opposite evil?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. The remedy or the ideal condition is to avoid those two extremes, and you would do it in the contract business by public bids?

Mr. FEE. I would.

Commissioner WEINSTOCK. That is, opening bids in public?

Mr. FEE. Opening bids in public.

Commissioner WEINSTOCK. So that one contractor could not secretly undermine the other?

Mr. FEE. Correct.

Commissioner WEINSTOCK. Now, briefly, what is the attitude of your builders' association toward unionism? Do you regard it as good thing or a bad thing, do you believe in unions, or are you opposed to unions?

Mr. FEE. No; we believe in unions. Any organization, if run on legitimate lines, men who intend to do right, is a good thing in the community. Where the harm comes is where they forget the rights of others and seek to further their own individual rights. They lose sight of what a citizen should do. They put their laws above the laws of the Nation and teach a belief which, if it is carried out, will eventually destroy our republican form of government, just as true as you are sitting here.

Commissioner WEINSTOCK. I gathered from your statement, Mr. Fee, that you at one time were a unionist?

Mr. FEE. I was; yes, sir.

Commissioner WEINSTOCK. Well, then, you are familiar with the aims and purposes and the objects of unionism?

Mr. FEE. To a certain extent; yes.

Commissioner WEINSTOCK. How was labor in San Francisco profited by unionism, what advantage has unionism been to the man in the building trades, the worker in the building trades?

Mr. FEE. They have succeeded in establishing a wage here which is higher than at any other point in the United States, I believe.

Commissioner WEINSTOCK. Anything else?

Mr. FEE. But——

Commissioner WEINSTOCK. How about hours of labor?

Mr. FEE. Well, the hours of labor, we work eight hours, but that is a general proposition.

Commissioner WEINSTOCK. That is the general condition?

Mr. FEE. It would come to that anyway.

Commissioner WEINSTOCK. Was there an eight-hour day before unionism was strong in San Francisco?

Mr. FEE. Years ago there was. Then it went to nine, then it came back.

Commissioner WEINSTOCK. Have the conditions, working conditions, been bettered any since unionism has got into the saddle?

Mr. FEE. Well, in one way you might say they are. But here is the point that everyone seems to lose sight of—to go to extremes you could place wages by continuous raising until you would force all industries out of the United States, or, take this State, force them entirely out of the State. Now, that is a condition which is not good for the working man or for anyone else.

And there is an economic point that you must consider, and that union men absolutely forget. The same thing applies to them in considering their rights. They get so that no rights are to be observed except what they consider theirs. And there is a point there, and that point is when you get to a point where you have no respect for the laws of the community in which you live you are getting to a danger point.

Commissioner WEINSTOCK. Yes. Well, would it be fair to assume, then, Mr. Fee, from what you have said, dealing only with the advantages that unionism has brought to the worker, that the worker has profited by a higher wage, by shorter hours, and by better working conditions?

Mr. FEE. A certain clique, or certain set of men. They are not the only working men in the country. We all have to work, and those outside of that circle are injured by it to a certain extent.

Commissioner WEINSTOCK. So far as the members, the unionists, are concerned, would that hold good in their case?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. That their wages have been raised, their hours have been shortened, their working conditions have been improved?

Mr. FEE. Well, now, in working conditions, there is a point, too. These men, I think, think that a working condition is improved where a man is prevented from doing a fair day's work.

You take the ambition out of a man, and you take that out of a man that is a man. Now, I know positively that there is no excuse for any young man, I don't care whether he is a boy without or with parents, and so forth, that if he has ambition and wishes to do something for himself he has every opportunity in this country to do it.

We have night schools, public night schools and private night schools, where he can go and study and apply himself and improve himself in that particular line in which he is engaged. But it is the indolent, the person or the boy that does not realize the necessity of doing this, and he gets along and gets into a groove and keeps going there and never does any better. But he can do it if he will.

Commissioner WEINSTOCK. Well, now, as a citizen, Mr. Fee, forget for the moment that you are a contractor, as a citizen knowing the conditions as well as you do know them, if you had the power would you, in the interest of the common welfare, in the interest of society generally, would you or would you not wipe out unionism?

Mr. FEE. I would wipe out the dictatorship. I would teach men to be right. I would teach them to believe what was right. I would teach them to not believe that their so-called laws are above the laws of the land. You can take any man and give him power and let him remain there—you can't do it without ruining him and ruining the body which he deals with.

Commissioner WEINSTOCK. I take it, then, you would not wipe out unionism, but you would want to wipe out the evils which it has developed?

Mr. FEE. That is correct; unionism I don't believe in wiping out.

Commissioner WEINSTOCK. Now, if you could be satisfied, Mr. Fee—that is, one of the objections to unionism that you have, as the result of your experience, is what has become known as the closed shop?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. That is, the unions not permitting the employer to employ anyone but a union member?

Mr. FEE. Correct.

Commissioner WEINSTOCK. You regard that as one of the evils?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. Supposing it would be shown to your satisfaction that the closed shop would mean the death of unionism, would you still favor the open shop?

Mr. FEE. I don't think that a condition of that kind would come about.

Commissioner WEINSTOCK. Well, the question is not whether it would or not.

Mr. FEE. Well, I know, but to eliminate any factor that might come in of that nature, I believe that a body composed of both masters and craftsmen—now, there are illegal men, and men who will not observe the law among business men, just as much as there are among anybody else, and you have to take care of them, and the way to take care of them is through organization. Now, to eliminate that man from getting the upper hand, to eliminate the illegal mind that is in control of the union from getting the upper hand, have a body composed of both.

Commissioner WEINSTOCK. Evidently I haven't made my question clear, Mr. Fee. I take it that you are not opposed to unionism?

Mr. FEE. No.

Commissioner WEINSTOCK. You are opposed to what you believe is an evil in unionism?

Mr. FEE. Correct.

Commissioner WEINSTOCK. The closed shop.

Mr. FEE. Correct.

Commissioner WEINSTOCK. And yet, if it could be shown to your satisfaction that the open shop meant the wiping out of unionism, the death of unionism, would you still favor the open shop?

Mr. FEE. Well, you are assuming that you could wipe out unionism?

Commissioner WEINSTOCK. Yes.

Mr. FEE. You can't do it.

Commissioner WEINSTOCK. Well, supposing the open shop would wipe it out?

Mr. FEE. Well, it won't wipe it out. You can't wipe it out any more than you could wipe out a church by opposition. It is in the people and it will stay here.

Commissioner WEINSTOCK. Well, then, your answer to my question, as I take it, is simply that you can't wipe out unionism?

Mr. FEE. No, sir; you can't, in my belief.

Commissioner WEINSTOCK. But supposing you could by the open shop, which would you then favor, the union or the open shop?

Mr. FEE. I think, for the benefit of the country at large, the open shop would be preferable.

Commissioner WEINSTOCK. In that case you would wipe out unionism?

Mr. FEE. No; I would not, because you can't do it.

Commissioner WEINSTOCK. That is, I gathered a moment ago, Mr. Fee, that if there was a choice, if you had to choose between wiping out unionism or wiping out the open shop, you would let the open shop stand and let unionism go?

Mr. FEE. Well, you are assuming that I concede that unionism can be wiped out. Now, I don't concede that, because I don't believe it can be done.

Commissioner WEINSTOCK. Well, do you believe that unionism can exist with the open shop?

Mr. FEE. It can decidedly; yes.

Commissioner WEINSTOCK. Can you give instances to the commission, Mr. Fee, where unionism flourishes with the open shop?

Mr. FEE. It existed in this city under open-shop conditions before the unionists gained control.

Commissioner WEINSTOCK. Well, but were the conditions to the workers as favorable then as now?

Mr. FEE. In some respects, yes; in some respects, no.

Commissioner WEINSTOCK. Were the wages as high as they are now?

Mr. FEE. No.

Commissioner WEINSTOCK. Were the hours as short as they are now?

Mr. FEE. No; not during my time.

Commissioner WEINSTOCK. So that while the unions as unions do exist, despite the open shop, they are not as prosperous as they were with the closed shop?

Mr. FEE. The circle——

Commissioner WEINSTOCK. For their number?

Mr. FEE. For their number; yes. But there are others besides that that must be taken into consideration. Take the conditions of a community; you have to take the community as a whole; you can not consider or take any particular circle and say the community are successful or unsuccessful according to that circle.

Mr. WEINSTOCK. Are you at all familiar with the conditions that prevail in Australasia and New Zealand?

Mr. FEE. Beg pardon?

Commissioner WEINSTOCK. Are you familiar with the conditions that prevail in Australasia and New Zealand?

Mr. FEE. No; I am not.

Commissioner WEINSTOCK. Let me briefly tell you the story of Australasia and ask you whether you think it would fit here: In Australasia and New Zealand, where they have compulsory arbitration—which I don't want to bring out as an issue—the courts have decided that the employer shall give unionists the preference in employment, provided, however, that the unions are open; they accept anybody who applies for membership; provided, also, that the initiation fee shall not exceed, say, 05 cents; provided the monthly dues do not exceed, say, 50 cents. In other words, they have a closed shop with the open union. Now, workers—and the farmers came down and loaded the goods and threw the unions?

Mr. FEE. Well, I believe that—if I remember correctly—I was reading in the paper some time ago where there was a dock strike on in Australia—the dock workers—and the farmers came down and loaded the goods and threw the dock men out.

Commissioner WEINSTOCK. Yes.

Mr. FEE. Now, if a condition of that kind would not remedy things of that kind, I say positively it is no good.

Commissioner WEINSTOCK. Please remember, Mr. Fee, that under the Australian law it does not apply to all industries; it only applies to those industries that voluntarily come in under the law. The dock strikers at that time, perhaps, had not come in under the law, and they were at liberty to strike, just as they would be here; but only the industries that come in under the law and rulings of the courts are that the employers shall give the union man the preference, provided the union is an open union.

Mr. FEE. Well, I do not know just how the laws are down there. But I had a talk with some men that have come up from Australia about the conditions in general, and from what I have read and been told I have come to the conclusion that the plan in vogue in Australia is a failure, for the reason I believe that any scheme which will not prevent the tying up of work, the loss of time and money, is a failure. What I wanted is something that will prevent strikes and keep the machinery going while questions are being adjusted.

Commissioner WEINSTOCK. You pointed out, Mr. Fee, that the union made itself a monopoly by establishing prohibitory examinations?

Mr. FEE. Yes.

Commissioner WEINSTOCK. With a view of limiting the number of members in a union?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. And that that, in your opinion, was an evil; that that ought not to be done?

Mr. FEE. Yes.

Commissioner WEINSTOCK. Very well. Now, supposing that evil was remedied, and supposing that you had the open union in place of the closed union; that is, closed against all but a limited number of men, would you still object to the union?

Mr. FEE. I would object to the closed shop because I do not believe that a union has the right to force a man onto some particular belief, as far as working conditions go, any more than I believe that it has the right to impose upon him certain religious beliefs.

Commissioner WEINSTOCK. I see. Then you would be opposed to the closed shop even if they had an open union?

Mr. FEE. Yes.

Commissioner WEINSTOCK. You would be opposed to the closed shop under all circumstances?

Mr. FEE. I do not believe in forcing a man to join the union any more—joining the union, commercial organization, or otherwise. I believe that the organization should be made such that the man would be glad to join it, not to use force. And to do that, if you run it on right and just lines, no matter whether business, association, or union, remember the other man, and no matter how much you have been injured by him still remember that he has rights, and keep yourself within the laws of the country within which you live.

Commissioner WEINSTOCK. Are you familiar, Mr. Fee, with initiation fees in the various crafts connected with the building trades?

Mr. FEE. No; I am not with all of them.

Commissioner WEINSTOCK. Could you get those and furnish them to this commission?

Mr. FEE. Yes.

Commissioner WEINSTOCK. The list of initiation fees in the various crafts?

Mr. FEE. Yes, sir.

(See Fee Exhibit No. 8.)

Commissioner WEINSTOCK. We shall be very glad to have it. One more question: You pointed out in the bricklayers' industry where the brick masons levied a tax of one-half of 1 per cent on the contractors.

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. What becomes of that one-half of 1 per cent?

Mr. FEE. It is paid into the union.

Commissioner WEINSTOCK. For what purpose?

Mr. FEE. They say that it is paid—that it is used for the furthering of the brick industry.

Commissioner WEINSTOCK. Who in the end pays that one-half of 1 per cent?

Mr. FEE. Well, the owner will eventually pay that, that is true. There are cases in this city where the contractor had to pay it, where it was percentage work and where the charge came in and the owner did not consider it a charge in the cost of the building, but a charge that if it had to be paid, had to be paid by the contractor. Therefore the contractor would have to pay it. But after that comes in vogue, if it does come in vogue, it will come on the owner.

Commissioner WEINSTOCK. Ultimately?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. And be added on the cost?

Mr. FEE. Yes, sir; just the same as compensation taxes and insurance taxes and all those things.

Commissioner WEINSTOCK. Can you tell the commission upon what ground the brick masons have levied the tax; what reasons they have offered?

Mr. FEE. Just because they are strong enough to do it.

Commissioner WEINSTOCK. Just an arbitrary measure?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. No other reason behind it?

Mr. FEE. The only reason given is that they are going to use that money to further the brick industry.

Commissioner WEINSTOCK. That is the alleged reason?

Mr. FEE. Yes, sir.

Commissioner WEINSTOCK. Have you been able to learn what the real purpose is in levying this tax, what the actual use is to which the money is put?

Mr. FEE. I do not know. I presume it eventually will be turned into the union's funds, but that is what they claim at the present time, because even now some of them are advocating and saying, "Well, if we can put this over, we won't have to pay any dues; it will run the union." So that while at the present time it is supposed to be used for the furthering of the brick industry, eventually it would remain in the treasury of the bricklayers' union and be used for its personal benefit.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask a few questions.

Commissioner GARRETSON. I would like to know ethically what the difference is between that one-half of 1 per cent—bear in mind I am not passing on the merits of it in any way, one way or the other—but ethically what is the difference between the moral of that levy and the moral of the employer of fifty

or a hundred thousand men in the State levying a hospital fee of a dollar on that many laborers when they get nothing for it, virtually?

Mr. FEE. Well, a levy on a man for hospital services, I presume, is on the theory that the men receive their money when injured. If he does not——

Commissioner GARRETSON. Not receive his money.

Mr. FEE. Well, he receives the value, or another man does who is injured.

Commissioner GARRETSON. On theory that is possibly correct; how is it in fact?

Mr. FEE. Well, I don't know.

Commissioner GARRETSON. The laborer, is he consulted in that? Have you attended any of these hearings?

Mr. FEE. Yes, sir; I was here.

Commissioner GARRETSON. You have heard how much the laborer was consulted in that matter?

Mr. FEE. Yes, sir.

Commissioner GARRETSON. Ethically, is one any more right than the other?

Mr. FEE. Well, if you were to ask me if the levying of a tax on labor such as is done or has been done in the past in camps, why I would say it was not right.

Commissioner GARRETSON. There is as much moral justification for it as you hold there is for this one-half of 1 per cent and no more, possibly?

Mr. FEE. Well, they are both wrong, I think. As to what degree, I wouldn't care to state at the present time.

Commissioner GARRETSON. In one at least the contractor can pass it on to the owner, but in the other the man can't pass it on to anybody; he is against bedrock. Is not that correct?

Mr. FEE. Well, there are so many different angles you can look at that that I don't want to answer a question like that offhand.

Commissioner GARRETSON. When you spoke of the fact that a man took a contract at a certain price, owing to the methods that were employed, possibly by architects or others in getting the prices, and that there were only two things open to him—one was to do cheap work, the other to take the loss. If there was no union, wouldn't there be a third rule—cut the wages?

Mr. FEE. No, sir; I don't think so. Conditions are a great deal different now from what they were a few years ago.

Commissioner GARRETSON. What has made the difference, the union?

Mr. FEE. No, sir; it is not the union. You take corporations 10 years ago would do things that the individual would not do. You take to-day, and individuals will go further than a corporation will. In other words, a corporation at the present time, with few exceptions—there are exceptions, of course—will take and carry on its business, conduct its business closer to the law than some individuals will.

Commissioner GARRETSON. You hold the corporation has developed a soul, then?

Mr. FEE. Well, I think it is public opinion that is forcing it to do that, and public opinion would take and force conditions of this kind as well. It would be to the interest of the contractor to see that a man did not underpay.

Commissioner GARRETSON. You think this spirit of '70 is having its effect on the corporation?

Mr. FEE. Well, I would not be justified in saying just what it is, but I think there is a good deal of manhood in an American yet.

Commissioner GARRETSON. No matter what caste he is?

Mr. FEE. Yes, sir.

Commissioner GARRETSON. Do you believe this spirit of '70 has any effect in keeping the unions alive, or are you an ardent believer that they can't be abolished?

Mr. FEE. The spirit of '70 was for right and the spirit of '78 as taught by the labor leaders is for wrong.

Commissioner GARRETSON. They are still working toward it?

Mr. FEE. No, sir; going further from it all the time.

Commissioner GARRETSON. I mean, keeping the spirit alive.

Mr. FEE. When any leader of any organization, no matter whether business, labor, or otherwise, puts itself above the laws of the land in which it exists it is getting on dangerous grounds.

Commissioner GARRETSON. What would you hold is the difference between disregarding the law and securing the passage of a vicious law?

Mr. FEE. I beg your pardon? Will you repeat that?

Commissioner GARRETSON. What would you hold is the difference between disregarding the law and securing the passage and enactment of a vicious law?

Mr. FEE. Well, I think the labor unions are securing the passage of a good many vicious laws right at the present time.

Commissioner GARRETSON. Anybody else doing it?

Mr. FEE. There are others doing it; they are not the only ones.

Commissioner GARRETSON. Has anybody done it in the past except labor unions?

Mr. FEE. Yes, sir; there have been.

Commissioner GARRETSON. Then, they haven't a monopoly of all evil then?

Mr. FEE. Indeed not.

Commissioner GARRETSON. In this matter of making them see the light that you referred to—that you thought that a man who was wrong could be made to see the light, were you here the other day, Monday and Tuesday of last week?

Mr. FEE. No, sir.

Commissioner GARRETSON. You didn't hear the way a man over in Stockton was made to see the light?

Mr. FEE. No, sir.

Commissioner GARRETSON. Then, you could not give testimony as to whether you thought that was a desirable way or not. You stated you could not conceive of a position where a man should be barred from a position on account of his belief?

Mr. FEE. Correct. Government or State position.

Commissioner GARRETSON. About postmasters. They are barred on account of their beliefs. That is a political belief, it is said to be, I don't know, I never had many of those. But are not men barred from all Government positions as a general proposition on account of political beliefs, under the spoils system?

Mr. FEE. As a political proposition they are, I believe. To the victor belongs the spoils, they claim, but that is a condition—that is entirely different from a proposition of forcing a man. He is not forced to be a Democrat, or he is not forced to be a Republican, or any other belief. He can join whatever he wishes.

Commissioner GARRETSON. But he can't get the position unless he does.

Mr. FEE. If he is in with the victor he can. But the other conditions is, you force a man into a thing whether he wishes or not.

Commissioner GARRETSON. You talk of the matter of force. Personally from my own—isn't it a fact that there is no force on any man to become a Republican or Democrat?

Mr. FEE. No, sir; there is not.

Commissioner GARRETSON. But he can't get the position when one or the other party is dominant unless he does do it?

Mr. FEE. If a man takes and becomes a Republican or Democrat just to get a job, he is a very poor man.

Commissioner GARRETSON. Yes; he is; but the fact remains that that is true.

Mr. FEE. It is in your own will. He can do either. There is not any forcing on him to do either.

Commissioner GARRETSON. How about applied to the labor union? If he becomes a unionist he can get the job—I am talking now about this closed or open shop theory.

Mr. FEE. Yes, sir.

Commissioner GARRETSON. If he becomes a unionist, he gets the job; if he don't, he don't; that is all. Then the theory is exactly the same as the political theory.

Mr. FEE. No, sir; it is not. There is a big difference.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. Lennon would like to ask a few questions.

Commissioner LENNON. Mr. Fee, you informed us you had been a member of the union at one time; what union was it?

Mr. FEE. No. 22, of this city.

Commissioner LENNON. No. 22 of what trade?

Mr. FEE. Carpenters.

Commissioner LENNON. How long were you a member of the carpenters' union?

Mr. FEE. I think I was a member at one time three or four years, and then I went away from the city, and then I was back, and I was a member again. Just what period the second time I could not say without looking it up.

Commissioner LENNON. While you were a member of the brotherhood of carpenters did you ever in the meeting of the carpenters hearing them pass resolutions or motions limiting the output?

Mr. FOX. Those are not done openly. We have a concrete case of that kind with the roofers right now in this city. There is not a motion on their books; there is not a thing in their by-laws to support it or that you can find, but it is a fact that they limit the output and fine a man and disrate a man if he labors and works beyond a certain point, 30 squares a day on a straight roof.

Commissioner LENNON. Can a carpenter or does a carpenter to-day do as much work as you did when you were a carpenter and a member of the union?

Mr. FOX. No, sir; they do not.

Commissioner LENNON. They do not. You spoke in answer to one of the questions—you said the character of the supply was local. What is the character of the members of the unions in the building trades in this city as to skill, as to citizenship, as to taking care of their families and the other things that go to make decent men in the community?

Mr. FOX. Well, when I say locality, did you understand I meant they were native men?

Commissioner LENNON. No, sir; I didn't; but what I understood you to mean was they were men who lived in San Francisco.

Mr. FOX. Yes, sir; the greater majority of them, and surrounding cities.

Commissioner LENNON. Now, as to other things; what is their character as to skill, as to taking care of their families, and as to their general standing in the community as men?

Mr. FOX. Well, as to their skill—you take the American-born man and boy and he must be exceptionally bright if he becomes a skilled mechanic. We have really no apprentice law. A boy can go to work for a man under certain conditions, if he is permitted to by the union, and he can work there for a certain time, and if he wishes he can leave at any time. His wages in the carpenters are set for a certain period, and then at a certain period they are advanced. In other words, at regular periods, say six months. I don't know just exactly what the period is, but say for example that every six months his wages are advanced.

Well, he is not compelled to stay with one man, and if he is bright and gets along in rough work, and he thinks he can get more work with some one else, he can leave him and go. The result of that condition is that an American-born boy very seldom, unless he is exceptionally bright, becomes a finished mechanic in his line.

Commissioner LENNON. Do you know whether the building contractors, take the country at large, or take San Francisco, we are talking about San Francisco, do they employ as large a number of apprentices as the law of the unions permits?

Mr. FOX. I could not answer that.

Commissioner LENNON. You don't know whether they do or not?

Mr. FOX. No, sir.

Commissioner LENNON. You mentioned as your view of the local situation that labor conditions—that union wages and rules enforced by the unions—prevents San Francisco from growing as compared with other cities. Do you know as to the conditions recently in cities like St. Louis and Memphis and Louisville, and similar cities in the east the size of this, as to comparison as to how they are growing?

Mr. FOX. I do not. But I wouldn't consider it a proper comparison for this reason. The country surrounding this city is entirely different from the country surrounding those cities. We have an immense State with a very small population, and if conditions were such it was inviting at all there is no reason why this city should not be going by leaps and bounds. You take a State that could support 30,000,000 and has only 3,000,000, and you can't find better climatic conditions or better soil in the United States, and there must be some reason why it is held back.

Commissioner LENNON. Isn't the main reason that those other cities grow more rapidly than San Francisco on account of the fact they are surrounded by a thickly populated country?

Mr. FOX. I don't look at it that way, because a city's growth depends on the country, and those countries have been filling up for years, and naturally the city keeps in line with the country, equalizes as to growth.

Commissioner LENNON. Do you believe the building contractors, if the opportunity presented to them, would assume the right to absolutely dominate the building trades of this city without regard to the working man?

Mr. FEE. No, sir; I do not. There are some individuals that would, but the majority of them would not, and those that would, would not be permitted to do so. That is my opinion.

Commissioner LENNON. Would you suggest to the commission that they recommend to Congress some form of legislation that would under all circumstances prevent strikes?

Mr. FEE. You are getting into a question that is too deep for me.

Commissioner LENNON. Well, you in your reply, I think to Mr. Weinstock, indicated your belief that strikes should be settled?

Mr. FEE. Yes; they should be; but I do not consider myself competent to consider a condition throughout the entire United States as limited to this State.

Commissioner LENNON. Would you be in favor of this commission recommending to the State of California or to the board of supervisors or commission, whatever you have here in this State, that they enact legislation that under all circumstances would prevent strikes in San Francisco?

Mr. FEE. Well, at the present time I would not say. I think those things would be better worked out, the men that are interested in the business and the workers. A man taking and considering and giving thought, etc., to questions of that kind, it might change his views.

Commissioner LENNON. What are the relations existing between contractors and the building trades in this city; I mean as being friendly, man to man, with each other.

Mr. FEE. They are very cordial.

Commissioner LENNON. That is all I care to ask.

Commissioner WEINSTOCK. Mr. Fee, you heard Commissioner Garretson a moment ago compare the hospital fees exacted from workers, especially in camps, with the tax imposed upon the contractors by the brick masons?

Mr. FEE. Yes.

Commissioner WEINSTOCK. What compensation does the contractor get for that half of 1 per cent?

Mr. FEE. Absolutely none.

Commissioner WEINSTOCK. No compensation whatever?

Mr. FEE. Absolutely none.

Commissioner WEINSTOCK. Well, is it or is it not a fact that if you or I was a worker should enter one of these camps and should be taxed, say a dollar for hospital fees——

Mr. FEE. Yes.

Commissioner WEINSTOCK. And should be taken sick the next day—sickness through accident—that we would be entitled to medical treatment and to hospital treatment indefinitely for that $1—is that true?

Mr. FEE. I don't think a person would be entitled to it indefinitely. You pay, for instance, a dollar a month into an order, you are entitled to hospital treatment, to hospital expenses for a certain period of time.

Commissioner WEINSTOCK. Well, let us call it for a certain period of time, then.

Chairman WALSH. Mr. Fee said he didn't know, and asked to be excused from answering that, because it was not in his line.

Commissioner WEINSTOCK. Yes; but he does know this, that the worker, when he contributes his fifty, seventy-five, or a dollar a month, is entitled to certain compensation for it. Is that true?

Mr. FEE. Yes.

Commissioner WEINSTOCK. So far as you know?

Mr. FEE. Yes.

Commissioner WEINSTOCK. Then, it is not a fair comparison that is pointed out by Mr. Garretson?

Mr. FEE. I wouldn't consider that a proper comparison on myself at all.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Commons wants to ask you some questions.

Commissioner COMMONS. Mr. Fee, some of the witnesses in Seattle and Portland, in the lumber business, testified to what they called a lumber embargo here in San Francisco. Do you know what that refers to? Can you describe it? Are you in any position to give us any information in regard to that so called?

Mr. FEE. It is keeping out finished lumber in this city.

Commissioner COMMONS. How does it work; what is the rule?

Mr. FEE. The rule is that the building trades council will not permit any mill working finished lumber to come into this city to be handled in this city on buildings unless the mills manufacturing the same work under the same working hours and the same wages that mills do in San Francisco. Now, there are mills outside of San Francisco that are working union men. But in that location the wage is not the same as in mills here in the city. Now, a mill of that character could not ship millwork into this city and have it handled by men on the buildings.

Commissioner COMMONS. How much of an element of cost in the finished lumber is this additional expense? Have you figured that out?

Mr. FEE. Well, I would not be able to say. It is not only one thing. It is a fact, and only one of the things which runs the cost of a building excessive in this city.

Commissioner COMMONS. Is there an association of employers in the milling industry here?

Mr. FEE. Yes, sir.

Commissioner COMMONS. Do they have agreements with any of the unions, the building trades?

Mr. FEE. They did have.

Commissioner COMMONS. On this matter?

Mr. FEE. They did have. That agreement has expired, but the conditions are still in force, or are still enforced by the building trades council.

Commissioner COMMONS. What is the nature of that agreement?

Mr. FEE. A copy of it is in the brief there. It is too long to read.

Chairman WALSH. That is all; thank you, Mr. Fee.

Mr. McCarthy.

TESTIMONY OF MR. P. H. McCARTHY.

Chairman WALSH. Your name, please.

Mr. McCARTHY. P. H. McCarthy.

Chairman WALSH. And where do you live, Mr. McCarthy?

Mr. McCARTHY. San Francisco.

Chairman WALSH. What business.

Mr. McCARTHY. Carpenter by trade; president building trades council.

Chairman WALSH. How long have you resided in San Francisco?

Mr. McCARTHY. Since 1888, April.

Chairman WALSH. How long have you occupied your present position as president?

Mr. McCARTHY. Since July, 1896, president of the San Francisco Building Trades Council; president of the State building trades council, since January, approximately, 1901.

Chairman WALSH. Have you had submitted to you a list of questions, Mr. McCarthy, to which you might make response here to-day?

Mr. McCARTHY. I believe they were addressed to my office; yes, sir.

Chairman WALSH. Well, did you receive them?

Mr. McCARTHY. I haven't had them drawn to my attention. I haven't notice of them—the first notice I have of them was when the previous speaker proceeded to read to the commission a well-defined set of questions, and then the answers.

Chairman WALSH. Well, do you mean by that you have not had sufficient opportunity to do it, Mr. McCarthy?

Mr. McCARTHY. Well——

Chairman WALSH. There seems to be some mix-up that I don't understand about this.

Mr. McCARTHY. Well, I would have had the opportunity, and have the inclination; I haven't had them drawn to my attention, though I understand they reached my office all right. I am prepared to answer any question that may be asked.

Chairman WALSH. How long do you think it would take you, Mr. McCarthy, to put those questions in such form, and the answers, so that you could put it in a very exhaustive and complete manner?

Mr. McCARTHY. Just now I would prefer dealing with the question right here, because I may not get an opportunity, due to the activities of the gentleman who just left the stand, who is quite busy throughout this State.

Chairman WALSH. I have no outline.

Mr. Thompson, what is the line of questions you wanted to ask Mr. McCarthy?

Mr. THOMPSON. I have been looking for the outline, Mr. Chairman, this morning.

Chairman WALSH. There has been some mix-up about this some way. I think the witness ought to have the same questions.

Mr. MCCARTHY. Have you got a copy of them here? If you have, I will deal with them now.

Mr. THOMPSON. I haven't got a copy of anything.

Commissioner WEINSTOCK. I think I have a copy here.

Mr. THOMPSON. That is the one we had last night.

Commissioner WEINSTOCK. No; I haven't it here.

Chairman WALSH. I would like the same questions that were asked of Mr. Fee given to Mr. McCarthy.

Commissioner WEINSTOCK. Yes; I think they are here.

Mr. MCCARTHY. Thank you.

Chairman WALSH. One minute, Mr. Weinstock, please. Let me see that, please, Mr. McCarthy.

Mr. MCCARTHY. It is addressed to Grant Fee, general contractor.

Chairman WALSH. Yes; but Mr. Fee didn't answer the questions that we have got here.

Mr. THOMPSON. As far as the contractors are concerned, the representatives of the employers, we suggested that they tell their own story.

Chairman WALSH. That they tell their own story without regard to any questions?

(Here the typewritten questions and replies of Mr. Grant Fee were handed to Witness McCarthy.)

Chairman WALSH. Those are the questions of Mr. Fee, and his answers in writing, there.

Mr. MCCARTHY. Question 1—I see the answers are here, and I was just looking to see how erroneous they are. "The demand and supply of labor in the building trades." Frequently the supply is much greater than the demand; seldom or never is it the other way, unless when something extraordinary appears, some extra rush, then for a brief period of time the supply may not be equal. That rarely occurs.

Question 2: "The character of the supply." Just a moment: What is meant by the character of the supply? It is not definite.

Commissioner WEINSTOCK. I suppose the quality of the labor—labor supply.

Mr. MCCARTHY. Is that what it means?

Commissioner WEINSTOCK. I think so, quality of the labor supply.

Mr. MCCARTHY. The answer: Good.

Question 3: "Different occupations represented." Men engaged in different crafts making up the different departments of labor, both as to the building trades and miscellaneous trades.

Question 4: "Proportion of." Again I must ask what is meant by that?

Commissioner WEINSTOCK. I don't think that is material.

Commissioner LENNON. It evidently means skilled and unskilled. That would be my conclusion from the way the questions are usually put.

Mr. MCCARTHY. In the building industry approximately 94 or 95 per cent unskilled; 5 to 6 per cent skilled.

Question 5: "Skilled and unskilled." Is that question, Mr. Chairman, skilled and unskilled—question 4 must have for its purpose something else. Question 4 is applied to question 5 as found here.

Question 6: "Belonging to labor unions." In the building industry, for the good of this State, all that we can have of them in the unions, only those who we can't induce, good Americanized men, to join remain on the outside.

Commissioner WEINSTOCK. I take it, Mr. McCarthy, the question means out of all the labor supply in the State at this time, what proportion is unorganized and what proportion is organized.

Mr. MCCARTHY. I take it for granted, commissioner, that there is not that man born who could give it. My answer is the only proper reply.

Commissioner WEINSTOCK. That is, you have no definite way to get it?

Mr. MCCARTHY. And nobody else; nobody else.

Question 7: "Native and foreign." Both.

Question 8: "Married and single." Both.

Question 9: "Difficulty experienced in making use of the services of non-union men." We do not have any difficulty within the confines of the labor

union movement. The employer alone is interested in the nonunion feature of it. For that purpose he has established what he terms at times an open shop. The people generally don't know what he means when he gives expression to that thought, unless it is closed to the union man.

Question 10: "Reasons for this." Which is fully covered by my answer to nine.

Question 11: "Is it justifiable"? That also has to do with nine. Several pages here written with regard to the employer's views of it. I suppose they have made out that it is not justifiable. I am not concerned about that.

Paragraph 2, question 1: "What seasonal fluctuations take place in the demand for labor in these occupations"? Well, we told the world California can work the year around. They could, generally, if we had the work. Winter, summer, springtime, we have just the same as they have in other places, but we find ourselves, in very large numbers at times, generally in the wintertime, idle.

Question 2: "Causes for these changes." Lack of employment for the workingmen. Climatic conditions, I suppose, such as rain. Right here I want to say this is one State in the United States where the people who work on the outside love rain in the wintertime. It means better times for the coming year.

Question 3: "What similar fluctuations take place in the volume of the labor supply"? Some winters we have thousands out of employment. And that, I believe, that the Government, either through the Federal Government or through the local State government should prefer to take care and make through useful employment of thousands who are thrown into idleness during those months. I understand that California has not a right and title to all of it, that other States are similarly situated, or rather visited by large numbers of wage earners who are thrown into idleness, and, as a result, suffering is general.

Paragraph 3, question 1: What are the methods use for connecting the job with the job hunter"? I believe we have the best method. It is not generally regarded as such by the employer. The employer loves to see the employes running around the city, hopping from ladder to ladder, and from staircase to staircase, and from roof to roof, inquiring from the different foremen and superintendents as to whether or not there is a position there for him, regardless of the fact that the employer only a short period of time has stepped away from the threshhold of the same position, the journeyman, our union. Because it gives him the advantage of reducing the wage, a wage far in some instances below the minimum assigned and agreed on by the union, the building trades council, the other councils, and the employers, to figure in open competition in the open competitive market—it gives him the opportunity, I say, to offer less than that, thereby making that gain for himself. That is the very benevolent employer's view and theory of objecting to the telephoning to the headquarters, where he says the men are inexperienced and incompetent, and they have to stay there in idleness. He feels it would be better for them, better for their circulation, for their blood, to travel all over the city and wear out their shoes and wear out their clothes looking for a job, when they can get it at headquarters, because he is not afforded the opportunity of trafficking in their gullibleness and lack of strength to oppose him.

It has cost the building trades council in the past three years approximately $1,000 to hunt up just such contractors and offer and actually pay less than the minimum scale of wages agreed on by everybody who made a profession out of the building industry, as the minimum. And as we are told here to-day that the system is not a good one. It is not a good one for such employers. They have a desire to reduce the wages in that way. But it is a very just one.

Question 2 under that paragraph: "Extent to which the trade-union acts as its own employment agency." The previous question.

Question 3: "How satisfactory is this method for both sides concerned?" I believe I have explained fully in my reply to the first question.

Question 4: "Extent of the resort to the private employment agency." Frequently we find contractors sending to private employment agencies, such as we have in this city. We can only find one cause for it, and that is that they want cheap help, in order to turn out a good job for the owner. Cheap incompetent help always gives to the owner a good job.

Question 5: "How does the trade-union keep track of employers needing help and workers needing jobs?" Formerly by inquiry, both the employer and employee alike; later, secretaries of the various organizations and other

officers would get in touch with the number of men thrown out of employment.

Question 1, paragraph 4: "What is the extent of the unemployed in the building trades?" For the past three years we have had some thousands on the streets, at one time 11,000. Approximately 14 months ago we had 11,000 men on the streets of this city. The number was very carefully canvassed for the purpose of taking up with the governor of this State. That was due to the tremendous degree of prosperity that we were domiciled or living in, who—as the previous speaker said—it was assigned to the labor unions, all of which we will reach later.

Question 2: "Means of minimizing this unemployment." There are a great many avenues through which we may labor in order to do this, I presume. The employer never touches on it, but we have a very clear idea as to what should be done. If there are more men than the thousands—if there are more men than there are jobs, the hours of labor should be reduced. There is no reason why ten or eleven thousand mechanics equally competent with those who are then employed should be walking the streets save and except there was no employment for them, and in periods of depression of that kind visiting this or any other city or any other State, generally the hours of labor should be reduced.

When the eight-hour day was brought into play, why there were men in this city, women too, who believed that the wheels of progress was going to stop; that we could never get anywhere since we were rude enough to come down to eight hours. But most thinking people now, at least most sane people, have long ere this realised that eight hours is to-day due to the manner in which machinery has developed, entirely too many.

When I was learning my trade as an apprentice, when I was an apprentice carpenter, the number of feet of molding that I would turn out in months, four or five months, could be turned out in two or three days to-day with the high-power, high-speed machine, with a man and a boy tending it. Yet I only worked 10 hours in those days. If working to-day I would work 8, which is by no means in proportion to the rapidity of that machine, the manner in which it turns out the work that I was in those days engaged in. And yet the dead employer criticises the eight-hour day, and criticises as vicious the institution, the union movement that brought it about and is endeavoring to perpetuate it. And in that regard I desire to say that the employer, honestly inclined to do the right thing, and there are many of them, many of them, would be powerless to do anything for organized labor, for the community or for himself unless it was for the labor union—only for the labor union. putting it in better form, because the employer, compelled to figure in the open competitive market, desirous of doing the right thing, would be stopped right on the very threshold of his anticipation of doing the right thing by the employer desirous of doing the wrong thing. The employer, in other words, willing to work the eight-hour day and willing to be good and honest, paying an honest day's wage, would be met at the very threshold by the employer who desired to work 10 hours a day and pay half that wage figured on being paid by the honestly inclined employer. And it is the union movement, and the union movement only, that compels that viciously inclined, would-be good American citizen, to get off his foot and stand by the union movement and gives the opportunity to the legitimate, well-balanced, honest employer to pay a decent wage and get the job. Otherwise he would not get the job and would not be able to pay the wage.

Question 2, I believe, is answered.

Question 1, paragraph 5: "What are the working relations between the building trades council and the building trades employers' association?" Until to-day we had felt that our relations were very much to be looked up to by both, very much to be courted by both. They were entirely amicable and harmonious.

If we are to take the testimony given by the previous speaker representing the employers, they are a poor criterion to go by. We have been mistaken in that.

I presume that if the building trades employers, 90 per cent, were allowed to make our laws, then the situation would be all right. There is no doubt about it. That thought possibly comes to the employers by reason of the fact that approximately 80 or 90 per cent of those dear brothers were members of our organizations, some of them were not very long ago. Now they have left the union movement and become members of the great employing builders of this city, they would like to make our laws for us. Now, we don't want that; we

don't believe that is fair. We don't ask to make the laws for the building contractors or the builders' exchange. We simply ask to confer with them. Sometimes we are turned down. They don't like to confer with us. We believe we have a right to frame our own laws. And our laws have been passed upon by no less an authority than the supreme court of this State in Parkinson v. McCarthy. And every judge on that bench—and surely some of them must be as honest and as square as the general contractors and the contractors' association are—every judge on that bench concurred that the building trades council of this great State, the State building trades council of California, was right, and that it had a right to go further within the laws laid down in the constitution of this State, in harmony with the grant of power known as the Constitution of the United States and laid down heretofore—we could go much further than we ever thought we could go and had ever gone up to that time.

And yet we hear so much talk about good Americanism and living within the law. The trouble is the gentleman who recently stepped from the threshold of the journeymen's bench into the glorious and sacred portals of the contractor feels that he should make our laws, and that he is better adapted now that he is a contractor to make them than we are.

In that regard I am reminded of a controversy that arose recently between the contractors and the building trades council, which council is, according to the last speaker, an institution that makes laws and hands them out to the contractors and says, "This is what you must do and this is what you must not do."

Now, we haven't any record of any such action on the part of the building trades council—none whatever. Whenever the building trades council asks for an increase of wage for one of its affiliated unions, or whenever it asks for a reduction of hours for one of its affiliated unions, that council first, through its paid representatives, known as business agents in the field, visits the various employers, gets an expression of opinion from them, notes carefully the views expressed by those employers for and against, and reports back to the executive board of the building trades council, which executive board deals with that situation, and finding that a majority of the employers are in favor of this change, proceeds to make that change and notifies the employers, open at all times to sit down and discuss the question with the employers.

Recently we found just such a movement dissented to by the employers, and they were up in holy horror. And you, Mr. Commissioner [addressing Commissioner Weinstock], had occasion to wire me regarding it. You got my reply. You remember what I said. You recall the employers' reply, and how they dissented from having anything to do with arbitration.

It is really funny to hear these gentlemen discuss the other fellow. It is awfully funny. Let us see what we had to say about that; and then we hear about the building trades council, how it violates all laws and makes laws and tells you to stand by them, if you don't you will strike the whole city, remove the factories and everything, such as the Sperry Flour Co. was stated by the gentleman from Stockton the other day, wherein he said the Sperry Flour Co. was going to remove its plant, and the Holt Manufacturing Co., of Stockton, was threatening the wholesale removal because of a few mechanics and a few bakers and a few waiters. What nonsense, reading things of that kind into the record. Everybody knows that the Holt plant couldn't be removed from its present domicile for hundreds of thousands of dollars; yes, running into the millions. And yet we are told by the paid agent, by the office gentleman, the promoter for salary, that unless Stockton was relieved from this tremendous strain that was upon Stockton, that these great institutions would be moved away from there, presumably in one of those cyclone airships that is now traveling over the European clouds, and it must be pressure above.

This is a letter of May 11, 1914, addressed to Mr. George McCallum, secretary building trades employers' association, Pacific Building, San Francisco:

"DEAR SIR: Your communication of the 9th instant with attached resolutions received and read and contents carefully noted. Please be advised that we are at a loss to understand your attitude in connection with this question."

Commissioner WEINSTOCK. That is a letter from whom?

Mr. MCCARTHY. This is a letter from P. H. McCarthy, president of the building trades council, in this city and in this State, to Mr. George S. McCallum, secretary building trades employers' association, Pacific Building, San Francisco, with which controversy you have had something to do. [Continuing reading:]

"At your request for a small committee from the building trades council, we called upon you and conferred with you and five representatives of your organi-

union. We presented to you all of the facts in connection with the so-called master painters' grievance.

"First. That the building trades council never was a party to the so-called agreement between the so-called master painters and the journeyman painters.

"Second. That the aim and endeavor of the said master painters was to establish a monopoly of the painting business for themselves by trying to have the journeyman painters work for no one but them."

Rather strange coincidence, isn't it, from the testimony given a moment ago? [Continuing reading:]

"Third. That the so-called master painters' association constitutes but a fraction of the established painting contractors of San Francisco and vicinity, and that outside and removed from their so-called association are men who stand among the most responsible employing painters anywhere in America, all of whom are in absolute accord with the established laws, rules, and regulations of the building trades council.

"Fourth. That on the so-called agreement being repeatedly violated by the said master painters, the said journeymen painters, through their district council of painters, by a unanimous vote of their entire membership, terminated the so-called agreement and notified the said master painters and general public of that fact fully six months ago."

Strange that the master painters then, and the contractors who associated themselves with them, didn't know it, and the whole public did for six months. [Continuing reading:]

"Fifth. That immediately thereafter the said journeymen painters, through their district council of painters, took a vote of their entire membership on the enforcement of the rate of wages promised fully seven years ago."

Who would ever think that a contractor who would like unionism so well that he would say it could not be busted, could not be got away with, would support another contractor in another department of labor, who had for seven years promised you something and didn't give it to you? That is lovely, isn't it? Sure, that is the kind of unionism that suits some gentlemen who have just stepped from the threshold of the union movement. And I repeat 90 per cent of them have. [Continuing reading:]

"took a vote of their entire membership on the enforcement of the rate of wages promised fully seven years ago, and by repeated promises, in 1909 and 1911; that the vote of the journeymen painters was unanimous in favor of the establishment of the said promised wage of $5 per day, which is 60 cents per day lower than that maintaining in Chicago."

That is a misprint; the wage in Chicago is 60 cents an hour—was then 60 cents an hour.

Commissioner O'Connell. What is the rate here?

Mr. McCarthy. Beg pardon?

Commissioner O'Connell. What is the rate here?

Mr. McCarthy. This is 60 cents lower than—they were paid 60 cents a day higher in Chicago than we asked for; in other words, if we got $5.60 a day. We are told here to-day by a contractor that wages are higher here than anywhere else. I presume he meant on earth. Possibly now they are at some points higher, but they don't get anything for it just now.

Commissioner Weinstock. You say the rate is what?

Mr. McCarthy. Five-sixty a day; don't get me wrong.

Commissioner Weinstock. Then I misunderstood you. I thought you said 60 cents an hour.

Mr. McCarthy. Yes; I might have said an hour, but $5.60 a day. It goes on to say [continuing reading]:

"in 1909 and 1911; that the vote of the journeymen painters was unanimous in favor of the establishment of the said promised wage of $5 per day, which is 60 cents a day lower than that maintaining in Chicago, and 20 cents lower than the wage maintaining in many other busy centers of our council, and that the said master painters were so notified.

"Sixth. That a committee of the said master painters' association, in this office at a date a few days previous to our conference with your committee, agreed that the following proposition, based upon the law of the building trades council, was absolutely fair and pledged themselves to put the matter before their organization and fight, work, and vote for its adoption, to wit, that $5 per day of eight hours be paid on all work contracted for after this blank date; that all work contracted or agreed on prior to this day of blank, 1914, be finished by the members of the painters' unions affiliated with the said building trades council at the old rate of wage, $4.50 per day."

Remember that the building trades council never has put into effect, as stated here to-day by the previous speaker, an arbitrary rate, and said to the contractor, "You must pay that rate on work figured by you."

We have evidence of that fact here with more than one contractor. We have a contract here that overlapped 14 months. One of them fully 8 months. There was the Jewell Building and the Spreckles Building—right across the street was another building put up by the sugar king of Hawaii. They worked on the new building eight hours for $1 a day more than they worked on the Spreckles Building. We are told that we put in arbitrary rules that drive factories out of here, when every builder must know—they are long enough in the building movement to become enlightened if they were not before they joined—they must know that the real cause of factories not coming to San Francisco is due to the owners of property, the real estate owners.

Let me give you an instance of it. I am not talking to you without giving instances. I am John Irish, jr., of Stockton.

The American Buiscuit Co. came to San Francisco and located at Second and Folsom or near there, and the very moment that the owners of that property realized there was that great institution that was coming to this city to be domiciled here, they raised the price of the property $8,500.

I suppose if a union president or the president of a building trades council had done that they would have brought Herbert George back from Denver or Colorado somewhere and put him on his trail. Did they buy this property? No, sir; the company went to Oakland, and this is only one of hundreds of instances. We are informed that it is the labor union that is driving them out of the city. A dreadful state of affairs, isn't it? The man who made the statement must know that that is not so, for he was in my union long enough—the union I have the honor to be a member of—long enough to be posted, Union No. 22. He knows that is not true. There was a kodak company and a film company that sought about three months to come in here. One of those was cited by Mr. Irish the other day. They came here and could not get a location. They went to Stockton and were offered $25,000 subscription to the general fund and a location of 25 acres. San Francisco was where they came first. It employed, or is supposed to employ, 7,000 high-class men. Here is where it wanted to erect its plant. They took it up with Mayor Harrison, of Chicago, who was interested. Did it stop here? No, sir; for it could not get ground here unless they paid three prices for it. Yet you place those things at the door of labor.

Men who are better informed on the trade or, at least, should be better informed, will make those statements and other men will stand for them.

"Seventh. That immediately after the adjournment of our conference, you made the statement that the said master painters were not members of your association; that they were a crooked bunch, and would have to straighten out.

"Now, these painters were affiliated with the Novelty Contractors' Association, and when that association declined to assist them in their attempted disruption of the building business of this city and the destroying of the business interests generally with consequent losses to business interests and laboring men alike, they sought refuge with you, and you now come forward with a declaration by resolution which you caused to be delivered to this office on Friday, the day after the building trades council meeting, which council meets on Thursday night, and has so met for the past 20 years, that unless all the men were returned to work under the old conditions on or before Monday morning, May 11, 1914, you will declare a lockout in the various plants and buildings controlled by you on Tuesday, the 12th of this month, at 5 p. m.

"We wish to notify you and those who are associated with you that the building trades council has for the last 20 years stood for law and order second to no other organization in these United States; that we notified you on Saturday, the 2d instant, in reply to your outrageous and impracticable demand wherein thousands of men are involved, for be it understood that we do not carry them around in our pockets as you assume to do with the employers engaged in the building business and the various industries generally, that the proper thing to do was to have a few level-headed, conscientious men sit down and arrange this matter within the law for the best interests of our city and its people."

Within the law, not outside the law, as somebody would have you believe here a few minutes ago, but within the law.

"Your answer to this, that you will tie up San Francisco, and do so at a time when the merchant and tradesman generally are hard pressed in the main-

tenance of their affairs without any further encumbrances or drawbacks or business depressions being placed upon them.

"Regarding your reference to our communication bearing date of September 19, 1913, addressed to your association, we challenge you or any person to show wherein any violation of the said law of the said building trades council is, in connection with this controversy, violated or at variance with the said understanding in the said agreements of September 19, 1913.

"This council has always stood within the law. This council occupies the same position to-day, and we will not, in order to please this coterie of so-called master painters, violate the law.

"This council has always stood, and now stands, for the best interests of this city and State, and we will not acquiesce in your request to destroy the business interests of this city. We say to you and your associates that if you proceed to deal with this controversy as indicated in yours of above date, to wit, locking out the artisans, mechanics, and laborers, and the taking out of the channels of trade the hundreds of thousands of dollars now being earned and spent here in San Francisco by them, upon you will rest all of the grave responsibility resulting from your action.

"You talk about locking out thousands of men and throwing them into absolute idleness, depriving them and their families of a livelihood, tying up the business interests of this city generally, and closing the doors of hundreds of business concerns now struggling to keep open with the same degree of ease that Jack Johnson or Jim Jeffries would in the crushing of a peanut shell in the palm of their mighty hands. Your conduct associated with this most serious situation is another indication, if one be necessary, that it is ill-advised and positively dangerous to have anything to do with men or institutions the destinies of which are guided by such erratic methods driven through such illegitimate and irresponsible channels as you disclose.

"You must not destroy the business of this city. You will not be allowed to do it. This building trades council is asking absolutely nothing from you. It has always protected the owner, the architect, builder, and journeyman alike, and in doing so in this instance has brought down the wrath of a few disgruntled employing painters.

"If this council would allow itself to enter into an agreement wherein the journeymen painters would be subject to the dictation of a few so-called master painters, for the purpose of holding up and robbing the owner and general public alike, then, indeed, there would be no question as to the propriety of the position of the building trades council in these premises; but this council is not in that kind of business. If it was or had a desire to enter into it through its management, some of us could be worth vast sums of money to-day. There are other things in this world, however, that are nearer and dearer and better to us than is money. We decline, in any manner whatever, to cooperate with those who have figured on this increase, and who now desire to put the 50 cents per day in their own pockets. Rather do we insist, and that in accordance with the law of the building trades council, that all work contracted for prior to the—blank date—be finished at the old rate. If there is any man or set of men guided by an honest conscience within the confines of this city who feels that this law is not a just one, we want to meet him or them, and we are perfectly willing to discuss the question anywhere and at any time, to the end that San Francisco may not receive at the hands of those who should be its most ardent friends any further setbacks, and that her people be assisted, rather than deterred, in their efforts for progress.

"We say to you, sir, that your position is untenable, unwise, treacherous in the extreme, and exists only in the minds of men bent on destruction. You can not maintain long under such circumstances.

"A situation so far removed from equity as the one occupied by you in this controversy can not survive. This council stands by its laws, rules, and regulations, all of which are framed for the benefit of the people and the perpetuity of peace, harmony, and progress within well-defined, legitimate lines.

"Yours, very truly,

"P. H. McCARTHY,

"*President of San Francisco and State of California Building Trades Council.*"

Here is an organization, Mr. Chairman, they sought to protect. Yet which we had to insist on one union affiliated with it divorcing itself from, because that association of masters painters insisted that those journeymen work for only members of their organization, the master painters organization, giving

them a combination, so ruthlessly set aside by the previous speaker, where the owner could be robbed. And in this very process of decently surrounding their rights, they deceive the ordinary individual without any regard whatever for that great American principle referred to by him. Call it a travesty on justice, and you are putting it so light that he who deals with questions of fact from the standpoint of justice, equity, and fair play would regard your answer as nil.

They come forth in the face of this—the last speaker presiding—and held up the building trades council after it was shown to them that the painters occupied the same position as the bricklayers. Absolutely held it up, went right to the bat for them. The bricklayers have absolutely nothing to do with the union movement, and all the gentlemen, who are arguing it, know that to be true. The bricklayers' question is the result of the labor of the clay products' combination, and the previous speaker said, in response to a question asked him by one of the commissioners, that he didn't like combinations; he regarded the other evil as better. True, because the other evil gave him opportunity, if it were not for the union movement, of slipping prices up and so that you and I, if we were working together I could not know whether you got what I did for the same work or not. But the union keeps that in check. No wonder he likes the open shop. Sure.

The bricklayers' propositions is a proposition brought about not by the unions, but by the clay products' combination, owned by millionaires, for the purpose of boosting the bricklaying business versus the cement or reinforced concrete, and they propose to levy this one-half of 1 per cent, and to charge it to the union as stated by the previous speaker. Some poor fool said, "Well, after awhile we will have to pay no dues." Of course, the previous speaker attributed that to one of the very wise men of the movement, when he knows it is not so. We don't ask any person or persons, institution or institutions, to pay our dues; we pay them ourselves. We pay our assessments, our sick benefits, all other assessments for sick benefits, and all the other things that we may be called upon to pay or that may fall upon us.

Chairman WALSH. We will pause here. Kindly resume the stand at 2 o'clock. We will now adjourn until 2 o'clock.

(Thereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Tuesday, September 1, 1914.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Commissioner LENNON (acting chairman). Mr. Thompson, call Mr. McCarthy, and we will start.

Mr. THOMPSON. Will you go ahead, Mr. McCarthy?

Mr. MCCARTHY. Wouldn't it be well to have all the members here? I am willing to wait.

Commissioner WEINSTOCK. It will be in the record.

Mr. MCCARTHY. We were discussing at the time of adjournment the bricklayers' question, the question of the percentage, one-half of 1 per cent, on which so much stress was laid by the previous speaker, representing the employers.

We know, and every contractor in this city knows, who lays claim to knowing anything, that that is not a bricklayers' union proposition, and further that it is a proposition the San Francisco Building Trades Council, the State Building Trades Council of California have never approved; that it is a matter entirely within the confines, owned, operated, and controlled entirely within the confines of the brick industry, guided entirely from the standards of prerogative power by and through the contractors. Yet the dear brother contractors endeavor to impress you with the idea that it is a union proposition and that as such a blanket mortgage should be put over the union movement. In fact, as I recall it, seven or eight different times that was brought up, either directly or through questions asked pertaining to it. And it has less to do with the union movement, I say less to do, and I think it is putting it correctly, than the building trades council has with the war that now maintains in Europe. It has less to do with the union movement than the council has with that war. Now, you can readily imagine what our influence is over that particular situation.

Commissioner O'CONNELL. And who originated that proposition, Mr. McCarthy?

Mr. McCARTHY. We believe the clay products gentlemen, the millionaires who guide the destinies of the clay products in this country originated it through their fear of cement construction.

Commissioner O'CONNELL. What was the purpose of it?

Mr. McCARTHY. To conserve the interests of the clay products and keep in play the brick business to the exclusion of material which may take its place, to foster it, to aid and abet it, and convince you and I and others that brick is the material that ought to be used in the building business, to the exclusion of reinforced concrete or other material.

I am sure this will convince you, gentlemen, if it hasn't proved convincing enough for the contractors, whose representatives testified here to-day, and some of whom will testify later on, that we have nothing to do with it. The union movement is not interested in it; that the American labor movement is not interested in it. The ex-engineer, Nathan Ellery, who was chief engineer under the last administration, and I am inclined to believe under some other State administration, is employed at a salary of $500 a month to promote the brick industry, and yet we of the union movement are to be charged, we were here to-day, with a gross violation of the law, overriding and trampling under foot the laws of this State and Nation, all of which is absolutely false, because no institution has ever maintained, so far as my personal knowledge goes, that has been more distinctly within the law than has the labor union, guided and controlled by the great American Federation of Labor of this country.

I don't know of any institution that lives so distinctly within the law because it has suffered itself for years and years to be trampled on, and now because on occasions it manifests the desirability and advisability of changing that program and to living within the law, he and they that have been insistent on violating the law object and raise a great hue and cry that the union movement is a bad movement, is a destructive movement.

Commissioner O'CONNELL. The bricklayers, do they pay this $500 a month?

Mr. McCARTHY. No, sir; not that I know of.

Commissioner O'CONNELL. The manufacturers?

Mr. McCARTHY. The half of 1 per cent, as we understand it, comes from the profits of the employing bricklayers, who by the way are employing union men and under union conditions and not fighting them. Contractors who are not brick masons, but who are general contractors and who desire to do their own masonry, they take umbrage at these contractors whose sole business is masonry, and who are conducting their affairs along those lines.

Commissioner O'CONNELL. The bricklayers and stonemasons as such are not part of the building trades department of the American Federation of Labor, or the American Federation of Labor itself?

Mr. McCARTHY. No, sir; they are not.

Commissioner O'CONNELL. They are entirely independent of the general labor movement?

Mr. McCARTHY. Yes, sir; the bricklayers are not affiliated with the American Federation of Labor. They have taken many votes on that subject, and so far are not affiliated. Yet the contractors—general contractors' organization or contractors' association would, as indicated here to-day, assign that to the union movement.

I have called to your attention in passing the manner in which the building trades council, as well as other councils, conduct their affairs. I have read to you a letter which I have turned over to your secretary, showing the position occupied by the building trades council in connection with matters which had to do with the welfare of this city, regarding the changes of conditions, the trouble that may be brought on or called into play in connection therewith; the manner in which the employers treated it. I have also called to your attention that the same contractors' association, the representative of which testified here to-day, supported in that same matter the master painters who endeavored to bring about the very combination so generously denounced by the gentleman who preceded me and who represented the contractors, as violating the law. Let me read to you something that will prove conclusively that that is true, for I don't want this commission, members of which are here, or those who are not here, and who may read the record, to go on merely what I say. I want to prove the truthfulness of my statement by the records of the institution with which I am associated, as well as those dealing with other associations with which these gentlemen have to do and deal.

On September 30, 1913, the following communication was addressed to the District Council of Painters, No. 8.

Commissioner LENNON. By whom was it sent?

Mr. MCCARTHY. By the president of the building trades council, the undersigned, sir, written on his stationery [reading]:

"*To the officers and members of the District Council of Painters, No. 8.*

"DEAR SIRS AND BROTHERS: The undersigned is in receipt of information which discloses a very ugly state of affairs associated with your council, its affiliated unions and members, to wit, that members of your organization are continually harassing business men, contractors, and others for the purpose of bringing to the members of your trade, as well as to those who employ them, pecuniary gain. Also embarrassing the other artisans, mechanics, and laborers affiliated with this building trades council in your efforts to compel employing painters to join or affiliate with the institution known to you as the master painters, and for whom alone you agreed to work, with which institution we believe you have an agreement contrary to and in opposition to the laws of this council.

"We wish to serve notice on you, and through you, your affiliated unions, that your council must cease immediately in this vicious work, and stop at once the harassing of the artisan, mechanic, and laborer, as well as their employers hereinbefore indicated.

"For your information we refer you to section 4 of article 2 of the constitution of the Building Trades Council of San Francisco"—

And we might at this time place in evidence a copy of this constitution, which I hand to your secretary.

(Booklet entitled "Constitution and By-Laws of the Building Trades Council of San Francisco," instituted February 12, 1894, was submitted in printed form.)

(Witness continuing:)

"the constitution of the Building Trades Council of San Francisco, affiliated with the State Building Trades Council of California, and demand of you to live up to the same.

"In the hope that you will find it convenient to at once comply with this order, I, with best and sincerest wishes for your future success, as well as those who are associated with you, have the honor to remain,

"Yours, very sincerely and fraternally,

"P. H. MCCARTHY,

"*President San Francisco Building Trades Council.*"

I present this to you, gentlemen, to show the statement made by Mr. Grant Fee, while, I am sure, not intentional, because Mr. Grant Fee was, I remember, a member of the union to which I have the honor to belong, long enough to guarantee to me at least that he knows better. But he has simply forgotten it, or in the great pressure of business, or in the great rush trying to get business has got lost in the shuffle somewhere. He knows and his colleagues know that this council has always lived within the law, that organized labor in this city, in this State as a whole, and within this Nation, has lived within the law. Yet gentlemen who find it convenient to make a dollar or two, or to make a thousand dollars or two, if they can get away from something, they always find time and convenience and opportunity to create trouble.

And so it was in this instance, the master painter in this instance who said the journeyman painter should work for him and him only, giving him an opportunity to charge the owner of this or any other building fancy prices, was dissented to by the building trades council. And while Mr. Grant Fee and his colleagues opposed the bricklayers, the master bricklayers or master masons, as they are known, and the material men who own the brick, or who manufacture it, in setting this one-half of 1 per cent, while they opposed that, they went into conference and fought their heads off in defense of the master painters who insisted on employing men to work for him and him only, and entering into an agreement with them. So I say in my letter to their secretary that if we agreed to do that sort of thing there would be no trouble about the raise of wage asked, to only $5 a day in San Francisco, while in the city of Chicago men received $3.60 a day, or 70 cents an hour against our 62½ cents an hour.

And then Mr. Grant Fee and others sit here and tell you that we are driving factories out of this city and men out of the State, and that our wages are higher than they are anywhere in the country, and base it all on the half of 1 per cent and the roofers.

Now, let us take the roofers. The composition roofers figure approximately about three-quarters of 1 per cent of the building trades council, a small, little organization. And because a few of those men get together and say, "We will not do only a certain amount of work per day," why there is a mortgage placed over the entire labor movement by Mr. Grant Fee, and the whole movement is condemned.

Now, the roofer; that question was drawn to the attention of the building trades council, and I personally asked a committee of the contractors in my office, "Will you gentlemen testify to this sort of thing that you state to me here?" "No; we might get our men in bad. No; we might get in bad ourselves." "Then I am to regard those statements you make as really not true?" for I have found out, associated with the things with which I have to deal all my life, and I have figured to stand up for the things I believe to be true regardless of whom I might hurt or regardless of the favor that might not come to me because I made such and such a statement based on facts. And to-day we hear from that great momentous question, the roofers, the roofers established all over the country in the building trades, all over the United States they have it, "Foremen roofers, so much." It runs into $7.50 compared with the profits made by some of the roofers, master roofers who when they started into business could not buy a jacket for a goose nor a nightcap for a rat, and are to-day worth hundreds of thousands of dollars—$7.50 for the foreman, and yet we hear about how gloriously the roofers tie up the building business. There is not anything in that, absolutely nothing. The roofers are a very small organization.

Only recently the matter of the roofers was drawn to the attention of the building trades council by the secretary of the employers' association. At the next meeting of the building trades council it was attended to. In fact, the union hadn't passed the resolution that was reported, to-wit, that it would not work for the wages assigned to it above 200 feet in the air. The union hadn't passed the resolution, though I fancy that a man working 200 feet in the air in certain sections of this country is entitled to a few cents per hour. But even then the union hadn't passed any such resolution. Yet the contractors take umbrage at it and based upon this basis the half of 1 per cent, and the roofers, one of which does not belong to us at all—the half of 1 per cent, and the second it does not maintain—because of that the master roofers would be willing if that did maintain to come in and testify, and the labor-union movement is pronounced as a very poor institution—in fact, a wicked institution—a bad institution. And the word bad applies to morals particularly. It is a bad institution. It ought to be removed. And the contractors, according to Mr. Fee, and the journeymen are to come together in one grand institution and then settle up the whole affair. And when asked as to how that would work, Mr. Fee tells you that there are details which he has not worked out. Tremendous! Awful!

They would try that in the State of New York. Got a board of governors. And if a chicken happens to run across a lot that is now being surveyed in New York and displaces the viewpoint of the engineer through the instrument it is taken to the board of governors and the whole job is canvassed until the board of governors passes on it. With the accompanying result they have brought about eventually the open shop, which they seek to bring about here through such a beautifully painted and pen-pictured decoration on the wall as these gentlemen in solemn conclave during the past week sat down and figured out how they would make the recommendation of what would settle the labor movement. The contractors—picture it if you can—the contractors, some of whom haven't been long enough away from the union movement to forget the password, they come along and they ask you to turn over the management of the union to a committee of builders and journeymen and they will formulate the laws and everything will be satisfactory. But when it comes down to a point that they can't settle, in response to a question asked by the commission here, why they would not have it, they would not leave it to arbitration. And it was some remote idea he had in mind, or his colleagues he had in mind, not yet definitely settled what was the idea. It would be all right if the contractors can settle it, but if it was to be left to an impartial body, no; it would not be all right. That is the only solution you can get out of his answer, absolutely. Because he disagreed immediately with the matter of arbitration. Arbitration, he said, was an institution that called into play more than one person. That is true.

He spoke about promoters and agitators and that sort of thing. The question is all right if left to the promoter of the builders or the employers, who say to

you when you are willing to pay for material—when you have your money ready to pay for material—"You can't have material. We can't sell you material." "Why can't you sell me material?" "Well, we can't sell it to you; that is all." That is not a trust, and yet these gentlemen are opposed to trusts, so much so that they would rather have throat-cutting biddings in contracts rather than a trust. But in the same breath—in the same moment—they are engaged in supporting an institution that will not sell material to contractors employing union men, as they are now engaged in Stockton, which, by the way, I understand from a member of their own clique, are engaged in something worse, which I will deal with later on.

I understand they are now engaged in Stockton in promoting something after the fashion of what took place in the great cotton-spinning mills where Mr. Woods later got into play. And yesterday I was called on by a gentleman who gave me that.

But, however, coming back to the lumber and material end of it, we find that material can not be secured by contractors employing union men. We find these contractors' associations taking it up in their solemn conclaves and discussing it and supporting it. And we find their representatives here telling us how much he is opposed to trusts.

That is not a trust, I suppose. That wasn't a trust after the fire here in this city, when we were burned down such as no people were ever burned; when we met reverses such as no people in the civilized world had ever been confronted with before, either by flood, earthquake, or fire; nowhere in the world were people visited such as we of San Francisco were, and our city was rehabilitated without a moment's cessation in business.

This great institution within the confines of which we meet wasn't stopped for a solitary instant, and I would like for Mr. Grant Fee or anybody else to point to an institution of this kind rising in a city, even under ordinary circumstances, where the work could continue without a moment's cessation in business.

We are accused of driving out business out of this city and State, and our wages raised only 25 per cent, while our rents raised about 220 per cent, yes, 900 per cent in some instances. Where the very lumber that the carpenters, to which trade Mr. Grant Fee belongs, raised 330 per cent.

Isn't that a beautiful condition of things, and then telling us that they don't like trusts.

And then the great lumber combine that profited by all this will put up their money for Stockton, will put up their money for some other institution in order to create and bring about the open shop; to pay thugs and strike breakers and men carrying revolvers and guns and pick handles, as shown to you here the other day, and call it right, and believe they are doing the proper thing for the purpose of promoting real Americanism and constitution and laws.

Now, what in the world can you make out of this? Can Congress ever do anything with those people? If there is any one thing that Congress can do it is to adopt or promote or institute a law that will compel gentlemen who have material of one kind or another to sell, to sell it to Brown, and Jones, or Smith who has the money to but it, under the same conditions that he has sold it yesterday, or the day before, or the month before, to the same class of trade.

Talk about trusts! The moment a few gentlemen, a few promoters, a secretary or two calls on a few hundred people and tells them how they are going to be benefited if they will wipe out this tremendous, this awfully nasty union movement out of their sight, they make up a purse and he begins to get a salary of a couple of hundred, two hundred and fifty, or three hundred dollars a month. Then he goes down the line and interests a banker or two, as the case in Stockton.

Mr. Calkins; did you have him before you? Could you find him? Has he been found anywhere? Mr. Calkins! He blew into this city, instituted a paper, burned up a barrel of money for a certain individual here; then went to Sacramento, blew into Stockton, and promoted a grand lockout for the purpose of starving the innocent women and children there, children pulling the apron strings of their mothers, asking for something to eat, for their fathers and brothers locked out, by this beautifully decent business men—bankers. Then you are told what a vicious institution the union is.

If there is anything ever instituted on this world that cries to heaven for vengeance, it is that sort of thing.

Professional promoters, such as the gentleman who was here before you the other day, who testified that he sent broadcast invitations to business institutions

to establish plants or divisions of their works in Stockton. His chief, Mr. Calkins, who has yet not appeared before you, and the other gentleman employed up there, it is an institution made up of such men, and the Government of this country ought to take hold of such men and make it impossible for them to maintain.

I recall one of those men, who in 1900, when this building trades council sought to bring the eight-hour day into play in the factories here, fought it most bitterly; later on he became reconciled to it. That fight lasted six months and six days, or from the 12th day of August, 1900, to the 19th day of February, 1901, when the building trades council by and through a board of arbitration won two points more than it asked for, and the gentleman within a year or so became reconciled to it, and later on he associated himself with the very institution that had for its object the elimination of the union movement. I suppose he was fighting with his money. His estate, when they went over his estate, we found it was like a poker game, about $90,000—who was furnishing the money for him? Not a trust, sure; no; some private individual who did not have it; and yet we don't like trusts. No; oh, no. These wonderful builders who proceed to figure on work and leave the union movement after it had brought them what they got while they were in it. That is a bad thing; sure.

I want to say to you gentlemen with regard to the question that was raised here to-day, to-wit, figuring. If the union did not maintain we would have the same conditions to-day that we had in 1900, that we had in 1870 and 1880. Personally, I took hold of the movement, in so far as working for a living was concerned, in 1876, and in 1880 I was a full-fledged mechanic. I worked in the city of Chicago 10 hours a day, plus what the employer could take away from me by starting me before 7, working me after 6—I mean after 12—starting me before 1, and I have yet to recall an instance where I was allowed to quit work before 6, frequently after 6—five, six, or seven minutes. Fine, wasn't it? How much did I get for that? And the contractors in those days were all running wide open. They had that institution, that grand institution brought to your attention, gentlemen, to-day, by the representatives of the builders—how much did I get for all of that? Two dollars a day. Two dollars a day for 10 hours, plus what the foreman could steal from me by four times during those 10 hours. Yes, sir; starting me at a time he should not have started me, and the contractors were all working for the interests of the working people. Sure.

Now, what changed that? That fall we organized what is known to-day as the United Brotherhood of Carpenters and Joiners of America—seven of us, not in Chicago, but in the city of St. Louis, in ——— foundry, including P. J. McGuire, for many years its general secretary and treasurer—started what to-day is a splendid organization, associated with the other institutions affiliated with the American Federation of Labor, responsible for the conditions we have to-day, and not the benevolent contractors, and not the Citizens' Alliance, the trusted material man, absolutely so.

And if you were to remove the labor unions to-day from the atmospheric pressure of this great Nation of ours, before a year or two you would be back in the same rut. Absolutely so. And the contractor would be no better off. The general public would not be as well off. Mr. Grant Fee, himself, until recently was a journeyman five or six years ago, would be no better off, nor would any other contractor be.

If they would, why is it we do not countenance Mexico, China, Japan, Russia, and other countries as good as ours? No, sir; the smaller the coin the smaller the country, and the poorer the country. America is what it is to-day because of what the laboring people of America have made it. Public sentiment, referred to by Mr. Grant Fee, is what the labor unions of America have made it. Because, by and through the activities of the unions of this country in the millions, public sentiment has been molded and men of stability and character have deigned to do the thing that is right. And they propose to go forward; to go forward to do the thing intended to improve the condition of the toiling masses and of the people generally.

I regard this commission as a very important one because of the work this commission is capable of doing along the same line—doing with the government of this country along the same line that the labor-union movement has with the public sentiment throughout the length and breadth of this Nation.

The labor-union movement and the members thereof are responsible for keeping this city and this State down, so stated by Mr. Grant Fee. I imagine Mr. Grant Fee is not familiar with the geography or history of this State, or he

would not make that statement, even though it was prompted to him, even though he was prompted by his secretary and colleagues generally.

What has kept this great State of California down—a State within which you could place England, Ireland, Scotland, and Wales, and then have some left—is not the labor movement, but the heavy, the large, the tremendous bountiful grants of land, associated with the few individuals within the confines of this State, held within the grasp of the palm of the hand of this man.

What has held this State back, associated with this, is not the labor union, but the indulgence of commercial greed of a few men in bringing into this State the Asiatic and planting him in California, which keeps out of this State the white men like Mr. McCarthy and others coming into California, to domicile themselves within other States not infested by Asiatics, not infested by Hindus or Chinese or Japanese, brought here because they were cheap; because of this we would have the white men and women the same as other States have, if it were not for the few who proceeded to enrich themselves into the millions in order to establish universities later on. And in these footsteps the builder and contractor are proceeding to-day; instead of taking a lesson they seem to be retrograding, going back. They imagine they are going to remain here all the time. No, sir. I recall the day that the man who done more for California, in so far as getting things for himself was concerned, than any other man in America, was laid to rest, and there was just about enough notice taken of him to, under pressure and orders from the company, suspend all operations for five minutes, and when those five minutes were over I venture to say he was forgotten more instantly than 90 per cent of the men who have done things for the betterment of the toilers of this country. I refer to Mr. Huntington, when he was laid to rest. To Mr. Huntington and his associates for the holding back of this State to-day, and not a labor movement; to the bringing in of the Chinese and Asiatics generally, and not the labor movement. For white men would not go out to the ranches and be domiciled as were those Asiatics, and you could not blame them. They will not do it, and I hope to God they never will do it. I would rather see California without a solitary man within it, as a white man's State, than to see California Japanized or Chinaized. If this State is to belong to the Union let us have it for Americans, and not for Japanese and Chinese as was brought here and whose sins we must suffer.

The labor union is not responsible for the holding back of California, and any man who knows anything about events knows that such is not true.

A hundred and fifty thousand acres, two hundred thousand acres, a million acres held in the grasp of one man's hand. Then you expect to have this State populated as other States are. Then when it is in the beginning of the twentieth century, 14 years of the twentieth century, have that associated by a member of the building association to the labor union is ridiculous, preposterous. It calls for an arraignment of affairs and the examination of the brain of the man who made the statement.

California, one of the most beautiful States in the Union, has benefited more by the trades-union movement than any other State of which I have any knowledge. This great city of ours as compared with the city of Chicago, as compared with the city of Boston, as compared with other cities which some time or other in their history met with some great reverse, recognize more greatly than anything I could say or anybody else could say the usefulness of organized labor to the people.

The sharks in Chicago after the fire—the land sharks, the property-owning sharks—like the property-owning sharks here, like those who raised the price of foodstuffs then, as they are endeavoring to do now, did in Chicago and had sufficient sway because of lack of organization, by which they were held in check in this city where they were shown up and exposed, with the accompanying result that in Chicago after the fire, the builder, whether he owns the building or erected it for the owner, found himself with the building completed, then occupied, then within a few weeks or a few months they put a lock on it. Why? To erect the building he established the claim that he had a right to build it as cheaply as possible, with the accompanying result that the wages in Chicago after the fire tumbled from 67 to a 100 per cent, with the accompanying result again that the purchasing power of Chicago had so gotten away from the people of Chicago that when the building was erected, the stores rented and occupied, the tenant who was to give the owner beautiful rents found himself without customers, or, if he had customers, they were so cheap he could not make a living off of them.

Reference to the records of Chicago, Cook County, will show more sheriff's locks went on the buildings of Chicago within eleven months after the fire in that great city than has maintained here since the fire, and not one solitary sheriff's lock found its way on a business house's door in San Francisco until they precipitated, what? What some of the builders included were pleased to call graft crusades and graft prosecutions, not trade movements. The good government apostles and business men apostles and prosperous times apostles are the gentlemen who, through guiding the destinies of this city, have made a raid on its prosperity, in so far as any such raid maintains.

I have called to your attention the tremendous raise of lumber while the carpenter who worked that lumber got $1 a day more. The record will show that the lumber dealers raised their lumber from $9 to $30 a thousand, and the select redwood from $17.50, $18, and $22 to $52 a thousand, and then the labor union movement is a movement to be feared, and institutions that bring forth those fancy prices are not a trust; they are benevolent gentlemen; splendid.

You will have some of them before you to testify, no doubt, and they will forget to tell you the money they put into the pockets of the thugs who followed the lumber wagons to be conveyed to the building without the stamp, the shotgun men. They will also forget to tell you how they rambled into possession when some other fellow went to heaven, like the contractor who lives according to the big contractor. If the contractor in the contracting business understood his business, if he understood it as the professional man understands the various professions, there would not be that degree of cutthroating in the contracting business, and there would not be that other result of cutting of wages and the employment of cheap men, and the endeavor to get two days' work out of one man within the eight-hour day. There would not be that endeavor to do those things. But, no, they do not understand their business. Some of them were not able to do journeymen's work when they were in the business. Many of them have left the ranks of journeymen—not here, thank God, as in other parts of this country, to become contractors so that they could hold a job at least for some length of time.

I remember working with a fellow in the city of Chicago for Mr. Walsh, the contractor. I presume he is in business yet. We were working at the Home of the Friendless, on 20th Street between Wabash and State, and I know that man changed jobs five times in one day. Sure, he was a splendid fellow. You did not have unions in those days. If you had you would have had an examination for that fellow, so much criticized by Mr. Grant Fee, that would eliminate him from the carpenter business. Why? Because he would not stand it. He didn't know the business. But he got away and went into the contracting business. And when I went back to the Scranton convention in 1900 I called on the gentleman, as I did on Mr. Oliver Sullett, by whom I was employed at one time, and I learned the gentleman was worth about $90,000. Sure. I wonder how he made it. No one of the men who worked for him were worth that amount, I am satisfied. No. No; it is not profitable to be a contractor, this cutthroating business.

It is so because they said it. I have figures here taken on the building trades council temple. We know these things because we had to deal with them. We had to put up the money for it. They were very close. They were figuring how these things come in. There was a difference of $70,000 between the highest and lowest on a contract of $172,000. Sure. Fine shooting, isn't it, for the contractor, and he comes up and prates about the open and closed shop, about efficiency and all that sort of thing, and about the union movement.

The question was asked of Mr. Grant Fee, if, when he was a member of the union, he ever heard discussed the curtailment of output, and he wasn't man enough to stand up to that; he switched the question, because that union is in existence to-day and the largest union of carpenters in the world, located in this city, Union No. 22. He switched the question to the roofers, which had no bearing on the question asked by the commission; none whatever. He knows Union No. 22 and no other union of carpenters and no other union affiliated with the building trades council has ever for a moment discussed the curtailment.

He was asked as to whether or not men done as much to-day as they did when he worked, and he said, if my recollection serves me right, that they did not, and I am here to-day to tell you that they do, and do a great deal more, and he himself knows it. He must know it. I will not show it by anything I might say to you gentlemen, as was the case with Mr. Grant Fee, but I will show it from the figures of one of the leading architects of this country, the man who was the architect for this 23-story building right across the street, the man who was

associated with one of the most notable houses of architects in the country, the Burnham Co., Mr. Willis Hope.

What has he to say about this thing? Let us see. This is not prepared for this proposition; this was prepared during the recent controversy of the painters referred to previously by me.

In 1901—23 years ago—that was before 1901, at which time Mr. Grant Fee joined Union 22—the Mills Building cost 39½ cents per cubic foot. Remember the figures, 39½ cents per cubic foot. That was 23 years ago, when men were supposed to do a lot of work, you know; none of this curtailment then. Men worked like sixty. They were strong and brawny, and they were not abused by this union proposition. They didn't have a union influence on them, but they were strong and done a lot of work. Let's see how it figured out.

At that time mechanics worked 9 hours a day on the job, and laborers 10 hours a day. Mechanics worked 10 hours a day in the factories and shops. That had to do with the building material. And the average wage was $3 per day for mechanics and $1.25 per day for laborers.

Under these conditions, now, gentlemen, mark you, this building cost 39½ cents per cubic foot—long hours and low wages, and men in those days, as you were told by Mr. Grant Fee, worked. Sure. They done splendid work and a lot of it. Let's find out how it stacks up and squares up with the present.

In 1906, in the reconstruction of the Mills Building and the construction of the first annex thereof, which was not alone reconstruction but the erection of a new portion entirely, the same as was the case in the old for 23 years, the total cost per cubic foot of the annex was 33 cents. Thirty-three cents as compared with thirty-nine and a half. Strange, after all those mechanics being restricted and everything. That is awful!

At this time the mechanics worked eight hours a day as compared to nine, at an average of $6 per day, as compared with $3. Just think of it, labor has got $2.50 per day. This disparity of hours and wages, it is easily seen, amounts to nearly 100 per cent, if not more, yet the building in question costs more than 16 per cent less.

Some allowance should be made—we want to have this thing understood—some allowance should be made for the fact that in this case the Mills Annex only had one finished front. Otherwise, the building was of the same character. The annex had one finished front, the others had two finished fronts, one on Montgomery and one on Bush Street.

The old one they worked 9 and 10 hours a day, and they got $3 a day; the new one they worked 8 hours a day and got $6. You have got a difference of over 6 per cent——

Commissioner WEINSTOCK. Sixteen.

Mr. MCCARTHY. I mean on this 3 and 6—16 per cent on this, and then the 8 and 6—$6 a day and $3, and the 10 hours in the factory down to 8, makes a difference, allowing for that frontage, of 16 per cent. And we are told here to-day that the efficiency is not as great now as it was; men don't work as hard. It may be so they don't perspire as much, but it is so that, due to the manner in which they understand their trade now as compared to the old-time fossils, they can do once and a half as much with a greater degree of ease than in 10 hours.

Commissioner WEINSTOCK. What do you allow for labor-saving devices?

Mr. MCCARTHY. None whatever here included.

Commissioner WEINSTOCK. None whatever?

Mr. MCCARTHY. None whatever, sir. You followed me in this, did you not; there these men were merely laboring on the building. None whatever. Labor-saving devices are not included in this at all.

At the same time the First National Bank building—we have a few more of them—the First National Bank building constructed in 1908 had many features such as exterior, cut-stone finish, lavish interior decorations—mark you, here is a building with cut stone, lavish, most lavish exterior decorations, and it has not exceeded this building put up 20 years ago in plain, ordinary fashion.

Yet we are told that the labor union movement has retarded the business, and it is a wonderful institution and ought to be set aside. In other words, a better building was built under these apparent labor conditions, adverse labor conditions, at 40 cents than the Mills building apparently with the most favorable labor conditions in 1901 at 39½ cents.

Isn't that an argument in its favor it should remove for all time? Such preposterous deductions as those presented to you by Mr. Grant Fee undoubtedly will be by some foolish men later on.

On the other hand, in 1912 and 1913, the Insurance Exchange building was built at a total cost of 28½ cents per cubic foot, 28 cents per cubic foot in 1912 and 1913 in the midst of all this turmoil and strife with unions here in this city; this overridden, downtrodden city because of the unions.

Now, can you account for this? This comes from an architect, and surely he is not paying dues into the union, and I don't suppose he draws sick benefits from it.

The Hobert building, now in the course of construction, will not cost to exceed 36½ cents per cubic foot. That is about 23—gentlemen of this commission—and this includes interior and exterior finish, four sides of 22 or 23 stories high. The question has been asked whether or not the labor unions under the domination of the building trades council has not been and is not now a serious handicap to building in this territory. That is the question that was asked, and that was about as good a question as you gentlemen asked. Let us find out what this architect says to that.

I think that the foregoing facts are sufficient answer to the question. I desire to state, that from my point of view, at the present time labor as organized in this city is more efficient, more dependable, and more accurate than it has ever been during my experience in the past 30 years.

And yet, therefore, this man who has just left the labor union movement less than six years, tells you here, as a representative of a big organization, that the labor union is, putting it mildly, in such a deplorable condition that it really is not worth anything and ought to be removed.

We ought to get the open shop for it. It is true that in some trades which have been more or less revolutionized and in some respects supplanted by labor-saving devices—now this comes to where you are in some trades—labor-saving devices and mechanical inventions have thinned their ranks somewhat. Take, for example, the cabinetmakers, it is perhaps true that the race of cabinetmakers is dying out. There is no longer much demand for the old-fashioned, skilled cabinetmaker.

Chairman WALSH. By whom was that report made, please, Mr. McCarthy?

Mr. MCCARTHY. This was a report or statement of fact made by Mr. Wallace Holt—this is a copy of it—to myself during the controversy over the wage scale of the painters when the building trades council asked for $5 a day for painters in this city where they were getting $5.60 a day in Chicago.

Then we are to be told by the same dear brother that we are higher than they are anywhere on earth, when the fact remains that we and everybody else know that not to be true.

We realize, gentlemen, and I know you do, that in this great State of ours hundreds of thousands of people, yes, millions of people would have come in here if land could be by them secured in the same manner that it was secured in Eastern and Middle West States. But there was very little use for a man to come into California on a 20, 30, 40, 50, 60, 75, or 100-acre farm, domiciled next to a holding running into hundreds of thousands of acres. Very little use. Those Spanish grants held here have simply held back our State, plus what I have called your attention to with reference to the Asiatic element brought in here by those who planned to make millions on them and did realize many millions.

And as a result labor should not be charged with holding back this State no more than should we be charged with keeping outside of the confines of this great city factories.

We have a chamber of commerce in this city like we have in all other cities and towns. You know chambers of commerce are very important institutions. And frequently we find associated with them some very honest men, brainy men, good men, just as we find in the different walks of life. We frequently find others, too, as we find in the different walks of life.

Whenever we find a banker going wrong, why, there is nothing said about him. You don't find any chamber of commerce or building exchange resolving that all the banks be closed, and that we have open shop in the banks. No. Not a bit of it. Even when J. Luhmil Brown took $11,000,000 from 12,000 depositors, why, there wasn't a word said about closing all the banks. Yet the very moment you find some little labor union doing something wrong, then you will find all the brothers resolving to put a blanket mortgage over the labor-union movement to get it out of business. Why is it, because they haven't an ax to grind? No; they have an ax to grind, and they see the opportunity of making a few dollars for themselves.

Now, what does Mr. Newton Lynch say regarding the factories in this city? To what does he attribute the keeping out of the factories and the going out of here of factories? And you must know this, Mr. Commissioner [addressing Commissioner Weinstock]. He attributes it, and he has got the data there to show, that it is the higher rents, the higher rents they are called upon to pay, and not the trade-union movement.

So, let it be known that this sort of prostitution of the movement and of the citizenship of our State must not go on. We are not going to stand for any bunch of men coming before a commission of this kind and making these statements without giving you the facts.

John P. Irish, jr., and others come in here and tell you ghost stories, because they draw a salary which they could not draw if they didn't tell those stories. They will not be tolerated by us who have contributed to the building up of this city, possibly, as well as any element within the confines of the same, and this State, too.

It is not the labor movement, it is not the things the labor people do that has driven out the factories, that has caused factory proprietors and managers to move. It is the enormous rents they have been charged by the dear brothers who drew fabulous revenues prior to the fire and have endeavored to retrench themselves and bring back and recoup all of this loss of theirs, and in doing so they have quietly but firmly driven out the factories that were here before. And they are scattered in so far as they are around the trans-bay cities, where opportunities were presented to them, land sites, in many instances given to them for nothing, such as the kodak film company that I quoted to you a moment ago going into Stockton. They couldn't get a foot here, not a dollar's worth. But they could get 25 acres in Stockton with $75,000 subscribed to their stock. Sure. And then John P. Irish, jr., will tell us that is due to the trade-union movement. Conditions up there in the past few weeks, where a few gentlemen have gone in, and six or seven of them sent out and mixing up with the laboring men, promoting dynamite and one thing and another, as told by one of their own men yesterday in my office, where he brings a can of powder into the Stockton Hotel, and 18 sticks of dynamite, where this fellow down here, the agent of the citizens' alliance, telephones to a man whom he calls chief, in his presence, and says: "We have got 18 sticks of it, Chief." Who the chief was this gentleman don't know—whose name and address I have got, so far as it is to have the name and address of this fellow with a black eye—received it all in Stockton, however.

So, I say, that these stories we got here and these reports from the men and women who oppose labor are in the main fictitious, are vicious, and are calculated to not benefit, but rather destroy American citizenship in so far as they can, and all for the purpose of amassing money for themselves, absolutely so.

The constitution and by-laws of the State building trades council, a copy of which I will leave with your secretary.

(Booklet entitled "Constitution and Rules of Order of the State Building Trades Council of California," organized December 16, 1901, was submitted in printed form.)

Mr. McCARTHY. I don't know that I have any further use of these questions asked of Mr. Grant Fee, and replied to in such manner.

Chairman WALSH. Commissioner O'Connell says he would like to ask you a question or two, please, Mr. McCarthy.

Mr. McCARTHY. All right, Mr. Chairman.

Commissioner O'CONNELL. Mr. McCarthy, I take it, and in fact I know, that you are thoroughly familiar with the wage conditions existing in San Francisco. And as an officer of the carpenters you understand the wage conditions generally existing throughout the country. Now the impression prevails that San Francisco is not prospering, not going ahead because of the great difference between the cost of employing labor in this city and the cost of labor in other cities.

Taking the carpentry industry, which is the large industry in the building trades, the largest number of men employed in the industry, how much greater are the wages in San Francisco in the carpentry trade than in, for instance, Chicago, Pittsburgh, Indianapolis, and those cities east of here, in the Central West, as we call it?

Mr. McCARTHY. Well, Mr. Chairman and gentlemen of the commission, while I do not lay claim to be anything like an encyclopedia, I am nevertheless

able to state, and that under oath, that we are not high, No. 1, but on the contrary we are low.

For example, the city of Chicago domiciles approximately 20,300 carpenters whose minimum wage is $5.20 per day—$5.20, don't forget that, as against $5 in this city.

I can't understand how you, Mr. Commissioner, or anybody else can take it for granted that we are high, and while in this city, due to climatic conditions—and I worked in Chicago. I worked on some of the finest work in Chicago, and it stands there to-day, done by Sollet & Son. We can in this city do one and a quarter as much as the men in Chicago can and feel better, leaving the establishment in the evening.

Commissioner O'CONNELL. In other words, you say that you could erect a building in San Francisco, under conditions now prevailing, cheaper than it could be erected in Chicago?

Mr. MCCARTHY. You will find that statement to be true. You can verify it in the office of Burnham & Co. in Chicago. You will find that Burnham & Co. have erected many buildings in Chicago, also in every other city throughout the United States. And when this city sought the Panama-Pacific Exposition, from that office we got the figures, which figures show in contradistinction of Gov. Saunders's statement there, that we did more work in less time for less money than any other city in America. Figures don't lie, though men who put them down frequently do. Yet Burnham & Co. have never been found lying yet, never.

Commissioner O'CONNELL. I am going to ask you this question, Mr. McCarthy, because I am interested as others on the commission, but coming from me it may sound rather peculiar to you. We have heard it at several places where we have stopped in the Northwest coming down here.

What is there in the charge of lumber mills and lumber dealers outside of the State of California, and particularly outside of the city of San Francisco, that their material would not be permitted to come into San Francisco and be erected here, and that they can't sell their material in San Francisco? That is the charge.

Mr. MCCARTHY. There isn't any truth whatever. You know and I know that a little of the truth is the most dangerous thing in the world. Associated with a little knowledge makes it more dangerous. If that were true, how is it that 900 per cent of the material going into the Panama-Pacific Exposition comes from the north, and from the day the gates for activities of that institution were thrown open until now, associated with the lumber, all industry, all those who are engaged therein of any department, we haven't had one moment's cessation in business.

But it is true that manufacturers of that lumber domiciled in the mountains or elsewhere where men can live for little or nothing, the products of their labor are not looked upon by the men of this city who must pay the fancy rents that we are called upon to pay and the fancy prices for the necessaries of life that we must pay in order to live and be able to turn out the work and turn out that enormous amount of work to satisfy the builders, as you will understand from the statement of their representative here to-day.

We are not going to look with kindly eyes and sugar-coated cream on the material coming from those men under those conditions when compared with the material turned out here under conditions maintaining here regarding prices and cost of living in all of its departments, clothing, housing, and all that sort of thing.

I am not going to do, and we can't do it. We say to the men in California, "If you will allow conditions similar to this, similar to those maintaining here, or even remotely to maintain, we will cooperate with you." But some person or persons have asked us to cooperate with us in order to close our places up and send us to Oregon. Well, we are not going to Oregon, where we would have to go if we took on their medicine regarding that particular phase of the industrial question. We would have to go there. They work 11 hours a day and 12 hours a day—to-day and to-morrow, alternately. Do you suppose we are going to handle their wares? Ten hours a day and 11 hours a day, and so on. Right in Humboldt County, the Hammond Lumber Co. they work those hours. Do you suppose we are going to handle their material, manufactured by men who possibly pay $5 or $6 a month for a place to live in, while we have got to pay $19, $20, and $27 for a flat to live in; we have got to pay all sorts of fancy prices for the egg that came before the chicken, or came after the chicken, whichever you will decide upon at the time; and your beefsteak and

your lamb chop. Are you going to lay our wares down without protection as against theirs? If we do we will have to go to Oregon. Our motto is, "Bring the Oregon fellow up to our condition." We will never allow him to bring us down to his.

Commissioner O'CONNELL. Mr. McCarthy, you heard Mr. Fee's testimony this morning——

Mr. MCCARTHY. I heard of it. I wasn't in time; I am sorry I didn't hear it.

Commissioner O'CONNELL. You heard him state what he thought would be a solution, what he thought would be a way out of this apparent distasteful situation, that there might be brought together an organization of employers and employees, of equal number, and they might sit down and thrash out their troubles and agree to things, and when that is agreed to that would be the rule for all to work under; and as I caught the idea it appealed to me to be practically the same idea as expressed and now in vogue in New York.

Mr. MCCARTHY. Absolutely, sir.

Commissioner O'CONNELL. You understand the New York arrangement, I suppose?

Mr. MCCARTHY. I have a very clear idea of it. I went to New York during the controversy that was brought on there while Mr. McDonald was building the subway, and I was asked as a member of the executive board of my organization—yes; I went there, and I have a very good idea of it.

Commissioner O'CONNELL. You have some idea as to the results of that organization in New York?

Mr. MCCARTHY. Yes, indeed, sir.

Commissioner O'CONNELL. The effect of organizing other organizations?

Mr. MCCARTHY. Yes, sir.

Commissioner O'CONNELL. In line of those that would not act in conjunction with that arrangement?

Mr. MCCARTHY. It is one of the best open-shop lieutenants I know of, sir.

Commissioner O'CONNELL. What is your opinion of that arrangement?

Mr. MCCARTHY. My opinion is it is one of the best open-shop lieutenants in America. It stands, I think, it stands for the discussing by men of everything on earth save and except the practical solution of whatever the question might be at issue. The board of governors, the committee from the building trades, or the central labor or some other body might look wise and compare notes, and when they get through chewing up the question there has not ever yet anything been done for labor.

Let me tell you frankly, sir, I would not permit myself to be a party to the New York agreement, and understanding all things, as I do, for all New York City and the State's wealth. I would rather make a hole in the river somewhere. It is designed to destroy rather than to build up legitimate organized labor. I would not want to associate myself with anything that had for its object that purpose.

Commissioner O'CONNELL. It is your conception of that arrangement that it would result in building a fence around New Yorkers, both employers and employees?

Mr. MCCARTHY. The employer can do himself, he can figure, through tyrannizing and cajoling and a few other secret third-degree methods, why they don't allow anything to get away from them. And they would like to have that here.

Commissioner O'CONNELL. I want to ask——

Mr. MCCARTHY. But they are not going to get it.

Commissioner O'CONNELL. I want to ask you to give us something on a construction line. This commission is authorized by law to ascertain the underlying causes of industrial unrest, and to make some recommendations to Congress.

Now, you are a man with great experience on the Pacific coast. You have had the honor of representing the city as its mayor. You have dealt with labor employers here. What would you offer to this commission as a remedy, as to something that will go to create a more friendly relationship between employer and employee, bridge the chasm over, if there is one?

Mr. MCCARTHY. I hope, Mr. Commissioner, you are not in doubt but what there is one. Let me say to you gentlemen of the commission that I have not given this matter sufficient thought; that is, I haven't given it the thought I would like to. It doesn't require, however, very serious or extended thought to offer a suggestion, which will be an improvement on the present condition.

You may never get the employer and the employee to indulge in that train of thought that will bring both of them the good graces of honest hearts to do the thing that is right, for experience has taught me that the largest number by far, by far the largest number of citizens, of American citizens, and all other citizens for that matter, have their eye on the almighty dollar. It is the number of pieces of silver for them. And as a result I should say you may not be able to devise, through Congress and the Senate, something that will peaceably bring that train of thought about. But you can in a measure by law assist that sort of thing.

The employer should not be allowed to receive support from men who deal in material to the extent of refusing to sell material to Brown, Jones, or Smith during the time of industrial disturbances, as in the case to-day.

Mr. Employer forms a combination first, then, with the material man, and Mr. Material Man says, "Unless Jones is a member of your association and has locked out his men and contributes his quota to the employment of strike breakers and thugs we will not sell him material."

There should be a law passed that would prevent that sort of thing.

In 1900 here I saw myself, as president of the building trades council, with machinery for the Progressive Planing Mill and the other millmen, with their promises agreed, and the stuff was ready to go into the mill, but when I went down there to get it I was told that the factory owners had taken it all over, and there was not anything for me to get.

I wired New York. That afternoon I received word from New York that I could have all the machinery that I wanted. Since I do not believe in telegrams, in the security of them, because the telegraph company leaked. Why do I say it leaked? I hadn't that message in my hand 10 minutes when the gentleman who refused me the machinery in the morning at Fremont Street was on the job ready to give it to me.

What caused the change? He knew that I could get it from New York, and he advised his dear brothers here I could get it, that they could not keep me from getting it, and that they had better let me get it here and leave the money here. Now, there should be a law passed, whether it is a National law or a State law, preventing the material men from entering into any such vicious combination.

To-day the employer occupied the position similar to the gentleman who came to the State of Illinois and went down to see the tunnel, the first one built in Illinois. A train came along and hit him, and the cowcatcher threw him up on the side of the bank. A friend of his asked why he didn't run up the bank. He said, "What was the use of my running, if I couldn't beat it on the level how could I beat it going up hill?" Now, if the employer and contractor can't beat the union moving on the level he should not be allowed to beat it on the bias, he should not be allowed to beat it by resorting to tactics such as he does through material men. I say that Congress should pass a law that would prevent those things. Again, every time the contractor and the material man gets a dollar ahead, his first thought is to knock out the union. The union is the cause of all ill. It is the source and foundation from which all trouble flows.

There should be a law to prevent that gentleman possessed of that particularly well-designed diseased brain from inflicting on the community work of that type, while a large part, a large——

Herbert George blew into this city from Colorado, and he scoured around among the merchants, and the merchants—he came in without a dollar, and the merchants believed his story, as they have in Stockton Calkins's story, and he left here three or four years ago, and to-day he is building railroads and tunnels in the State of Colorado, and he has not borrowed any money in order to do it.

Where did he get it from? From those poor merchants who will stand for anything in order to get back at the men who were like themselves 30 years ago—poor.

Now, the Government should step in and stop that sort of thing. You will not find the trusts doing it. You will not find this gentleman who sat here to-day and said he did not like trusts—he would rather cutthroat in the figure business; you will not find men endeavoring to bring that about. No; he has got a few things to do. If some of us would resort to that sort of thing they would be worth considerable. But you gentlemen have the opportunity to do it, and you ought to do it.

Commissioner O'Connell. That is all.

Chairman WALSH. Commissioner Commons would like to ask you a few questions.

Commissioner COMMONS. Are most of the grievances that are made by the building trades unions and the employer, are they individual agreements signed up by each individual employer?

Mr. MCCARTHY. We have only one agreement, Professor.

Commissioner COMMONS. What is that?

Mr. MCCARTHY. With the mill owners. That was made by the board of arbitration after figuring six months and six days.

Commissioner COMMONS. So that all other agreements are simply rules or plans or schedules, and so forth, submitted to them, and they sign it individually?

Mr. MCCARTHY. No. They are entered into by mutual consent. As outlined by myself here in the beginning, to wit: He proposed something, feeling an interest in the propriety of it, begins it; it is passed up to the building trades council, referred by the building trades council to the executive board, by the executive board it is referred to the representative in the field, and those representatives interview each and every individual in that department, get an expression of opinion from them, and only in two instances during the past 15 years have a majority of those dissented. One of those was made mention of by Grant Fee, to wit, the iron industry, the house men, the architectural-iron workers. When they get a majority of the employers in favor thereof, at a regular meeting, they decide accordingly, and so notify the employers.

Commissioner COMMONS. As a matter of fact, you recognize that that is not what is usually called collective bargaining?

Mr. MCCARTHY. As a matter of fact, Professor, I recognize that that is what is collective bargaining.

Commissioner COMMONS. It is collective bargaining on your side.

Mr. MCCARTHY. On every side; on my side and on their side.

Commissioner COMMONS. And individually on their side?

Mr. MCCARTHY. No. You are mistaken there, Professor. They have their association. You are in error there. They take it to their association.

Commissioner COMMONS. Do the representatives of your association meet the representatives of their association and jointly agree upon all questions, wages, hours, and condition?

Mr. MCCARTHY. But you will recall, Professor, you are a little ahead here; you haven't followed me.

Commissioner COMMONS. I thought I did.

Mr. MCCARTHY. It is evident you haven't been accustomed to dealing with organized labor in this matter. When the council takes this it becomes the law, and then it is a subject of discussion, and not before. But it is not just what you have in mind.

Commissioner COMMONS. You do meet the employer?

Mr. MCCARTHY. Absolutely. If there is any objection, then we meet. That is collective bargaining, just and correct.

Commissioner COMMONS. What I want to get at—I thought you said there was but one agreement of the kind.

Mr. MCCARTHY. One agreement entered into—the employer and the employee call for an agreement to be signed up. That was brought about by a board of arbitration. We have just had another now. Wherever the board of arbitration is called in then we request agreements and agreements are signed up; wherever the employers and employees agree there are no agreements—no time brought into that or drawn up. Time limits are very dangerous. Time limits act as an incentive to both parties to make certain demands.

Commissioner COMMONS. The point I am trying to get at is your method; that is all.

Mr. MCCARTHY. That is all right. We will give it to you.

Commissioner COMMONS. Your method here is, you don't make written agreements with the employers?

Mr. MCCARTHY. Unless where arbitration boards are allowed in.

Commissioner COMMONS. What do you mean by arbitration boards?

Mr. MCCARTHY. When any matter in dispute comes in we submit it to three, five, seven, or some odd number to agree on, the entire subject matter has to be submitted, they call in three, five, or seven, as the case may be.

Commissioner COMMONS. Now, in all other cases except these two——

Mr. MCCARTHY. The arbitration agreements are not entered into.

Commissioner COMMONS. In all the other cases, except these two, the arbitration agreements are not entered into, then each employer signs it separately?

Mr. McCARTHY. Don't sign it at all; only the expression of optnion the first day. We do not believe in those signed agreements that have possession of your eastern gentlemen. We believe they are contrary to certain conditions within the confines of this country. We believe they act as incentives to employers and employees alike and create trouble about the time of the expiration of the agreement. Everybody knows that they do. Our agreement with the millmen has gone on for 14 years, and we have never had any trouble about it.

Commissioner COMMONS. It looks to me this way, if the employers are going around, and you yourself as an organization send your agents to the employers simply to size up the situation, and they don't meet you jointly, that that is not collective bargaining, they are not dealing with an association of employers, you are dealing with them as an association of laborers.

Mr. McCARTHY. Professor, you have just half of it. Wherever there is an association exists it is their business to deal with it, not ours at all. That is their business. We mind our own business. We are not bothering about their business.

Commissioner COMMONS. Suppose they organize an association——

Mr. McCARTHY (interposing). They have associations there now. We have associations there now. We have organized some of them for them.

Commissioner COMMONS. Do you refuse to agree—meet them jointly?

Mr. McCARTHY. We have never refused to meet them. On the contrary we are anxious to meet them all. We will not sign time agreements, and we believe time agreements are vicious, and we are not engaging in anything that is vicious.

Cimmissioner COMMONS. Suppose it is a question of dispute, then, between the two associations, if you recognize their association, and a question of dispute arose——

Mr. McCARTHY. Always do, as I have said before.

Commissioner COMMONS. You would agree to confer with them?

Mr. McCARTHY. Always.

Commissioner COMMONS. And if you could not reach an agreement then you would leave it to odd parties?

Mr. McCARTHY. We always try to—one of the cardinal principles of the building trades council is arbitration.

Commissioner COMMONS. If I understand Mr. Fee's plan, it was he did not know the New York system——

Mr. McCARTHY. You didn't ask him.

Commissioner COMMONS. I asked him if he did.

Mr. McCARTHY. Yes. Did you?

Commissioner COMMONS. I asked him if he knew the New York system and the Chicago system.

Mr. McCARTHY. Yes.

Commissioner COMMONS. And he said he didn't know.

Mr. McCARTHY. Do you remember his reply?

Commissioner COMMONS. He tried to work out what seemed to me substantially a scheme like that.

Mr. McCARTHY. Which is the New York scheme absolutely. That is why I asked you if you remembered his reply. His reply was one man. He was asked the question by the commissioner in regard to arbitration, if they would call in more than one man, and he said they would call into play one man—as a result he knew very well the New York situation.

Commissioner COMMONS. Whether one man or more than one man—that is a minor point. The question is——

Mr. McCARTHY. No; it isn't a minor point. We don't consider it so. We don't consider it that way at all. We don't consider the one-man proposition arbitration at all.

Commissioner COMMONS. When you have your arbitration agreement with the millmen and the others there——

Mr. McCARTHY. They have four there—two at each side, and they were to choose the fifth, and after seven or eight days' deliberation and hearing testimony, several witnesses decided the case without calling in any fifth man, not calling in the fifth.

Commissioner COMMONS. His plan proposed that also.

Mr. McCARTHY. No; one man was the plan.

Commissioner COMMONS. No; two sets agreeing jointly, and if they can't——

Mr. MCCARTHY. He didn't make any mention of that, Professor. He didn't make any remark like that. I was listening to him. You refer to the notes and you will find it isn't there.

Commissioner COMMONS. What would be your attitude toward that plan?

Mr. MCCARTHY. My attitude toward arbitration is not a one-man proposition.

Commissioner COMMONS. It would be much like that.

Mr. MCCARTHY. I have just now said it would be a two to two, or a four to four, whatever that might be, and if they can't agree, call in the umpire and go over the case.

Commissioner COMMONS. Does your organization and all of the other unions favor that method?

Mr. MCCARTHY. That is one of our cardinal principles.

Commissioner COMMONS. I wouldn't call that collective bargaining.

Mr. MCCARTHY. Certainly; we know something about collective bargaining, but we do not know much about collective bargaining such as would suit the average employer who has money and goes at the destruction of the union movement, which in my opinion is the best movement that the world has ever seen.

Commissioner COMMONS. You mean recognize the employers' union as well as——

Mr. MCCARTHY. Absolutely true; absolutely true.

Commissioner COMMONS. Labor unions?

Mr. MCCARTHY. Absolutely true. And when we have agreed on arbitration, you know, to make sure that the union is recognized, and the building trades council and the other gentlemen do not dissent from it, as one of your colleagues here can bear witness to.

Commissioner COMMONS. That is all.

Commissioner WEINSTOCK. I want to pick up the thread, Mr. McCarthy, where Prof. Commons just dropped it, and in relation to the question of how the wage is determined. Supposing——

Mr. MCCARTHY. As to the wage?

Commissioner WEINSTOCK. Take a hypothetical case. Suppose the carpenters would decide that they are entitled to an increase, say, 10 per cent of the present wage.

Mr. MCCARTHY. Yes.

Commissioner WEINSTOCK. Will you explain to the commission what would be the method?

Mr. MCCARTHY. The carpenters would take the matter up in their district council, which embraces all of the carpenters within the confines of the transbay cities. They would then send that out to a vote of the carpenters. That vote would be tabulated and sent in to the district council. If a majority, or two-thirds, or whatever this vote did run, the action called for would be tabulated. Then it would be by the district council of carpenters approved and sent, if occasion required it, to the general office in Indianapolis for approval; but if it did not, and that would be waived—in either event if it was sent first to Indianapolis it would then go to the building trades council of this city with which the carpenters are affiliated, the building trades council of Alameda County, and then the building trades council would take the matter up with the general contractors' association, the builders' exchange, with which some builders doing carpenter work may be associated. We also communicate with every independent contractor in this city who are business agents, and those men would be interviewed in that manner and the subject matter drawn to their attention.

Commissioner WEINSTOCK. Individually?

Mr. MCCARTHY. No. You followed me, didn't you? I said that it was sent to the contractors' association, builders' exchange, and independent contractors engaged in the building business.

Commissioner WEINSTOCK. I see. You would send them an official communication?

Mr. MCCARTHY. We sure would, because they have an association, and all of those institutions you will find that men in that same line are not affiliated; those men also have a right to know and a right to pass upon a change of that kind, and as a result our business agent takes the matter up with them.

Commissioner WEINSTOCK. Well, now, may I ask what would be the language of the communication that would be transmitted to the employers' association; substantially how would it read?

Mr. McCARTHY. The communication would read, of course, having for its subject the change sought in the conditions by the carpenters and requesting the compliance of all the builders and of the contractors and the independent contractors, which would bring forth his reply.

Commissioner WEINSTOCK. What I am asking is, Mr. McCarthy, what would that communication say? Would it say "This is to inform you that the carpenters' association has decided to ask for a 10 per cent increase of its wage, and we herewith ask your compliance," or would it say "This is to inform you that we are considering the advisability of asking for an increase of 10 per cent, and we would like to confer with you and discuss the matter"?

Mr. McCARTHY. If P. J. McCarthy dictated it it would be yes——

Commissioner WEINSTOCK. What would it be?

Mr. McCARTHY. I am not dictating a communication of that kind now. I would rather refer you to the dear brothers, and if they have anything they could dig them up and give it to you. I do not believe that is a proper position to place me in, to dictate a communication for somebody on a hypothetical case, because letter writing, to begin with, Mr. Commissioner, is an art, and the abrupt manner in which you place one of these communications can not possibly—here are the dear brothers. Ask them.

Now, I believe that if I am dealing with the contractor—and you know what they are, having met some of them—I would treat them just the same as I treated the subject when I called on you in your place of business in Sacramento regarding the Sacramento lockout in 1903. Well, you remember how I went after you.

Commissioner WEINSTOCK. I remember you calling.

Mr. McCARTHY. I didn't go after you with a club, and I would hate to dictate one of those nice sugar-coated communications I would send in, right here.

Commissioner WEINSTOCK. Let me see if I can bring out the point in a different way.

Mr. McCARTHY. Yes, sir.

Commissioner WEINSTOCK. You heard Mr. Fee make the statement that organized labor determined the wage without the employer having a voice in it. What I want to get at—my method of getting at it may not be the best, but you can correct me—what I want to get at is, at what stage of the game is the employer given a voice in fixing the wage?

Mr. McCARTHY. I have gone over that. We can't ask the employer what his views are regarding a question that we haven't ourselves yet determined, can we? We first must determine whether or not we are really in favor of such a move.

Commissioner WEINSTOCK. Well, I have taken a case——

Mr. McCARTHY. Pardon me, let me follow this, and I am endeavoring to make it clear if possible. We are not opposed to having you come right inside of the organization; you would make a good member. We then having decided for ourselves—Union 423034—we have several of those organizations in the carpenter's trade; if the members of that union decide it is a good move to make then it is time for us to interview Mr. Contractor. We can't do it before, because we haven't determined whether or not we are going to ask that. Then we go after Mr. Contractor and send him a very polite letter, and in that letter he will find all the information of what we have done, and how we have voted, and the raises we are asking, and the decrease in hours we are asking for, and we will ask for his cooperation, too, and we will ask that in language couched so that he will come up with it in a blue ribbon envelope, though he don't frequently do it.

Commissioner WEINSTOCK. The point is not clear to me yet.

Mr. McCARTHY. What is it that is not clear now?

Commissioner WEINSTOCK. Whether you say to the contractor—whether you simply inform him of your conclusions, or whether you leave it a debatable question.

Mr. McCARTHY. We inform him as to what action we have taken, of course.

Commissioner WEINSTOCK. That you have decided there shall be a certain——

Mr. McCARTHY. No, sir; we haven't done anything of the kind. Don't get away with that. We have decided what we shall ask for, and we are now drawing his attention to it, and those who are not affiliated with us, to the end that if he feels the need of discussion we will so take it up with him and discuss it with him. Mr. Fee was not correct when he stated we made laws for them. He knew that he was not telling the truth.

Commissioner WEINSTOCK. Then, I am to understand, it is left a debatable question?

Mr. MCCARTHY. Of course it is a debatable question. There is nothing settled until it is settled by both parties.

Commissioner WEINSTOCK. I see.

Mr. MCCARTHY. If they do not, as you know in one instance, to wit, the painters; if they don't sit down to arbitrate we will have to strike, or they will have to lock us out, but we stand for arbitration.

Commissioner WEINSTOCK. Let me see if I understand you correctly. Mr. Fee's statement was that the employer has no voice in fixing the wage and fixing the hours or working conditions. You dispute that by pointing out that while the workers first agree among themselves as to what ought to be the wage, if a change is to be made; you then notify the employer of the fact and it becomes a debatable question. The mere fact of his having been notified does not mean that that must prevail. It prevails only after he has been taken into conference and agreed to it, or failing to agree to it, it is submitted to a third party to determine.

Mr. MCCARTHY. Yes, sir; or men.

Commissioner GARRETSON. There are modifications of the negotiations?

Mr. MCCARTHY. Absolutely. Wherever more than one person has to do with a question, it is necessary for them to first decide what shall ultimately maintain before they take it to the other party, isn't it? That is what we do. We have been in the habit of doing business within the law, and not outside.

Commissioner WEINSTOCK. Your contention is the employer does have a voice in the fixing of the wages and hours?

Mr. MCCARTHY. And he has always had, and no one knows it better than the employer.

Commissioner WEINSTOCK. Coming back to this bricklayers' proposition, the thing is still not clear to my mind, and I will appreciate it if you will help me to clear it up.

Mr. MCCARTHY. I am on the job.

Commissioner WEINSTOCK. Let me see if I understand the proposition correctly. The bricklayers are not affiliated with the American Federation of Labor?

Mr. MCCARTHY. No, sir; they are not affiliated; their international is not affiliated with the American Federation of Labor.

Commissioner COMMONS. Are they in the building trades council?

Mr. MCCARTHY. Locally; and have been since the council was instituted.

Commissioner COMMONS. They are in the building trades council?

Mr. MCCARTHY. They have been since the council was instituted. They got out, as did one or two other organizations at times, and the council taught them a lesson, as is necessary to be taught.

Commissioner WEINSTOCK. What authority has the local council over the bricklayers' union that is affiliated with them, or can the bricklayers do anything without the consent of the council?

Mr. MCCARTHY. They may do anything without the consent of the council, but any association in the building industry can't do anything that is a violation of the law without violating the law.

Commissioner WEINSTOCK. Could they change the wages without the consent of the council?

Mr. MCCARTHY. They can't.

Commissioner WEINSTOCK. Could they put any burden on the employer without the consent of the council?

Mr. MCCARTHY. Absolutely no; associated with the reduction of hours or the increase of pay. The council, you remember, deals only with the wages and hours, plus the manner in which the men shall conduct themselves while working on the job.

If that state of affairs presented through Mr. Fee, and in which you so generously indulged with a view of setting him right, though he would not be set right, to wit, efficiency, were to maintain, the building council would put you off the job, you would have to look for work in another city.

Commissioner WEINSTOCK. Now, the bricklayers, as I understand it, then determine to place a tax equal to one-half of 1 per cent on the contract value of the brick work?

Mr. MCCARTHY. No, sir; they do nothing of the kind.

Commissioner WEINSTOCK. Then will you explain what is the fact?

Mr. McCarthy. The master builders——

Commissioner Weinstock. The bosses.

Mr. McCarthy. The bosses, we will understand it better that way. They have agreed, as we gather it, that they will pay half of 1 per cent toward the development of the masonry trades, the promotion of brickwork. One man receives, as we understand it, a salary of $500 a month to promote that.

Commissioner Weinstock. Who pays that salary, the bosses or the workers?

Mr. McCarthy. I presume the employers pay it.

Commissioner Weinstock. This tax of one-half of 1 per cent on the contract price, assuming that the contract was $1,000, the tax upon that would be $5. Are we to understand that the bosses themselves came together and agreed to levy on themselves this tax and turn it over to the union?

Mr. McCarthy. As I get it, Commissioner, any man who believes otherwise is doing so either intentionally or with malice aforethought, for that is the fact. The contractors themselves, their associations——

Commissioner Weinstock. Came together——

Mr. McCarthy. Associated with possibly material men or by themselves solely and alone, and their association came together and decided to contribute that for the promotion of the brick industry.

Commissioner Weinstock. And to turn that money over to the bricklayers' union?

Mr. McCarthy. That is as we understand it, and I don't know of anybody who can prove successfully anything to the contrary.

Commissioner Weinstock. Then, according to that, Mr. Fee must have been in error when he said the tax was imposed upon the contractors without their consent?

Mr. McCarthy. I don't hesitate in saying he was in error, and don't hesitate in saying he knew that he was in error.

Commissioner Weinstock. That this was a voluntary tax that the contractors had put upon themselves?

Mr. McCarthy. Yes, sir; and the contractors have so informed him and his association, but even with that, the building trades council hasn't indorsed that, because it is a matter over which the building trades council felt it should not exercise control. We believe, the building trades council believes, if they should take the matter up, they might likewise be called upon by some other department to levy three-fourths of 1 per cent or 1 per cent for the benefit of some other—for the promotion of some other department. We believe that it is not a matter with which we should associate ourselves. We may be wrong, but that is the decision of the council.

Commissioner Weinstock. That is all.

Chairman Walsh. Anything else? Mr. Garretson would like to ask a few questions.

Commissioner Garretson. How long have you been in the labor movement?

Mr. McCarthy. Thirty-five years.

Commissioner Garretson. How long were you a laborer before that time?

Mr. McCarthy. Four years. I served four years' apprenticeship.

Commissioner Garretson. Then you had experience both as a nonunion as well as a union man?

Mr. McCarthy. I did; that is, as far as associations with nonunion men. I had the pleasure of calling a strike on a church when I was only two years an apprentice, because I refused to work for a contractor at night work when there were men walking the streets, and plenty of them, and there was employment for them to work. I contended they should be called into play rather than me, and I declined to work, and the record will so show.

Commissioner Lennon. You wouldn't order a strike in a church?

Mr. McCarthy. I would strike anywhere rather than allow myself to be abused by some fellow for the purpose of allowing some fellow to make a dollar or two on me. Don't get away with that, Mr. Commissioner.

Commissioner Garretson. In that 35 years——

Mr. McCarthy. Thirty-five years.

Commissioner Garretson. In this 35 years have you ever known of a general increase in pay or general decrease in hours that was not brought into existence as the result of labor organization?

Mr. McCarthy. Never; nor has anybody else—I venture to say it and bank every dollar I have on earth against a chew of tobacco.

Commissioner Garretson. Has any of the remedial legislation that you heard denounced as vicious, some of them this morning, or conditions favorable to

the workingman—was it ever seriously devised or presented to anything like a successful conclusion until labor organizations got strong enough to put it there?

Mr. McCarthy. I haven't any knowledge of any such movement anywhere, and I want to say frankly that in my opinion the usually misguided capitalists have been vastly benefited by such legislation, such remedial legislation, because the very fact they were engaged in the misuse of capital brought them in touch with many things that are not healthy for the real man, I am inclined to believe, even though men have been benefited by such legislation.

Commissioner Garretson. Have you ever known any instance where an employing association invoked either the spirit of '76 or the American spirit, to demand either legislation or betterment for large bodies of laboring men, until after labor unions had got strong enough to curb somebody's interest?

Mr. McCarthy. Never, nor has anybody else. Their employment and their activities were along the line of those who threw the tea into the ship rather than from the battlement of the ship, as well as they who fired into the boats in the many fights that brought to the gentlemen the millions who is now establishing universities and libraries all over the United States.

Commissioner Garretson. That is all, Mr. Chairman.

Commissioner Commons. I have got a question.

Chairman Walsh. Prof. Commons says he has a question.

Commissioner Commons. Mr. McCarthy, there have been statements made to us and some receipts submitted to us by Mr. Fee in which employers or contractors have receipted for this one and a half—or half per cent.

Mr. McCarthy. For what, did you say?

Commissioner Commons. Have given receipts.

Mr. McCarthy. Yes, sir.

Commissioner Commons. Or in which the business agent of the union has given a receipt to the employer, three or four of them here.

Mr. McCarthy. Yes.

Commissioner Commons. And which read something like this, stating the amount, and so on, and after that rule 5.

Mr. McCarthy. Yes.

Commissioner Commons. "It is understood that the strike called by the union on the job on account of said money required by said rule not having been paid, is to be called off, and that Brant & Stevens are paying said sum under protest to bring about the termination of the strike and without acknowledging the right of the union to enforce said rule."

This is dated July 16, 1914. Do you happen to know——

Mr. McCarthy. You, I presume, Professor, did not follow my direct testimony. You will find on reading the record that I dealt with that very subject. This firm, the name of which is attached thereon——

Commissioner Commons. Well, here are two others.

Mr. McCarthy. Yes. Well, that doesn't matter. The chances are you will find more than two others.

Commissioner Commons. Yes.

Mr. McCarthy. Those are contractors who don't belong to the mason builders association, and their generosity and enlargement of heart is so pronounced along the lines presented to you by Mr. Grant Fee this morning, that they feel they have the same right to do these things that the mason builders have without affiliation with any institution presuming to guide the destinies of the mason building industry. Now, the mason builders—a number of men engaged as employers in the union feel that they have not the right to do that sort of thing. They, in other words, feel that they have the right to a closed shop, and they insist on these employers coming in or getting out of the business. But would you, I ask you, who would you cooperate with, 67 men, employers, or four or five men employers, the four or five not masons, but merely doing a general business, the 67 distinctly masons doing no other than mason business. Who would you stay with? You would stay with the 67, and you could not get away from it. These men declined to do the thing that was right.

Commissioner Commons. These are not mason contractors?

Mr. McCarthy. No; they are not.

Commissioner Commons. They are general contractors?

Mr. McCarthy. Men doing—they would take a contract for anything; that is, the work of the mason builder forced on the mechanic for which we are called upon by Mr. Grant Fee to bear all the burden and fall heir to the many ills

associated therewith. We are not standing for it, however, because we haven't any right to be called upon to stand for it.

Chairman WALSH. Anything else? That is all, thank you.

Mr. MCCARTHY. That is all.

Commissioner WEINSTOCK. Just one more question, Mr. Chairman.

Mr. MCCARTHY. Don't be in a hurry.

Chairman WALSH. Oh, we are not in a hurry.

Commissioner WEINSTOCK. There is one charge that you may have heard, Mr. McCarthy, made against the building trades unions concerning which this commission would be glad to get your point of view. It is held by the employers that the unions demand certain rights and certain privileges for themselves that they are not prepared to grant to the association of employers.

For example, they claim that while on the one hand they will not permit the employer to employ any labor that he pleases, that he must employ union labor or be prepared for a strike; in other words, that while the employer must recognise the workers' union and employ only union men, the union men, on the other hand, reserve to themselves the privilege of working for any employer they please, whether he belongs to the employers' union or not; that therefore the scales are not evenly balanced—that the workers demand for themselves a recognition which they do not give to the employers. Now, doubtless there is some answer to that which I am sure the commission would be very glad to hear.

Mr. MCCARTHY. And I will endeavor to enlighten the commission. If there is anything in the world I can do in that regard or any other I should be glad to.

In the first place, I am to understand the employer to feel that the union man who says to Brown: "I can't work for you, Brown, because Jones, who is working for you, is not a union man; unless Jones joins the union I can't work for you." Is that the idea?

Commissioner WEINSTOCK. Yes.

Mr. MCCARTHY. And then Brown, who, by the way, is not a member of the general contractors' association, is called on by a man by the name of Johnson, who is secretary of the general contractors' association, and he says: "McCarthy, you know Brown isn't a member of our association. You have no right to work for him." Is that the idea?

Commissioner WEINSTOCK. Yes.

Mr. MCCARTHY. I have got it right now. Let's see what is the matter here. That thought is the result of a diseased brain, absolutely.

Let me show and prove to you why. Brown may be a contractor who has a contract for $6,000,000, as was the case with Mahoney when they were erecting this building. They had contracts under way exceeding $18,000,000. All right. Johnson, who is the secretary of this association, may not be involved to the tune of $20. He may have contracts amounting possibly to a few hundred or a few thousand. Was Mahoney Bros. and Brown in the same position as Jones and McCarthy, two workingmen, who work eight hours for $5 a day? Five dollars was the only transaction, the only monetary consideration. Was McCarthy and Jones in the same position as Johnson, the builder, and Mahoney and Brown? Johnson, on the one hand, having only five or six hundred or five or six thousand, or possibly a hundred thousand in contracts, and these men with eighteen millions in contracts.

Is there any reasoning between the two, and any logic? Absolutely none. And only a diseased brain, gentlemen, indulges in that theoretical display of logic, and, as a result, labor unions is criticised by fellows who don't know anything about them.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Anything else? That is all, thank you.

Mr. MCCARTHY. I thank you.

Chairman WALSH. Much obliged to you.

Mr. MCCARTHY. Entirety welcome.

Chairman WALSH. Call your next.

Mr. THOMPSON. Mr. Wendling.

TESTIMONY OF MR. G. H. WENDLING.

Mr. THOMPSON. Mr. Wendling, will you give us your name, your business address, and your business, please?

Mr. WENDLING. G. H. Wendling, Flood Building, San Francisco.

Mr. THOMPSON. And your business?

Mr. WENDLING. Lumber.

Mr. THOMPSON. What firm are you connected with, if any?
Mr. WENDLING. The Wood Lumber Co.
Mr. THOMPSON. How long have you been connected with that firm?
Mr. WENDLING. About 10 years or 11.
Mr. THOMPSON. Do you occupy any official position?
Mr. WENDLING. Yes, sir; president.
Mr. THOMPSON. How long have you been here doing business in this city?
Mr. WENDLING. About 17 years.
Mr. THOMPSON. About 17 years. You are acquainted with the conditions in the lumbering industries here?
Mr. WENDLING. In a general way; yes, sir.
Mr. THOMPSON. And as it relates to the labor problem?
Mr. WENDLING. In a measure, I think; yes, sir.
Mr. THOMPSON. Well, will you state in your own language, as concisely as you can, how you view the labor situation here as it relates to your industry?
Mr. WENDLING. Well, we don't do any business in San Francisco at all.
Mr. THOMPSON. You don't?
Mr. WENDLING. No; we quit that years ago, because we couldn't get by; we couldn't make it.
Mr. THOMPSON. Well, will you tell us why you moved your business from San Francisco then?
Mr. WENDLING. Well, the reason we quit our San Francisco business was because in 1904 I endeavored to employ my own nephew in the San Francisco lumber yard, where we employed about 150 people, and wanting to bring him up to the office in due course. And I was notified by our superintendent that we had some trouble with the unions. I asked him what it was. He said it was because my nephew was not a member of any union. The object I had was to bring him rapidly through the different stages of employment. Conferences, however, resulted in my being told that the workmen would not work with a scab, and I closed up the business and took my loss, about $75,000.

Later we had another enterprise here, the Mercantile Box Co. We found it difficult to conduct it in a manner acceptable to ourselves, because I had come to the conclusion that anyone who had anything to say in a business that I was associated with would buy stock in it and take the same responsibilities in it as the stockholder and a voice as large as his holding. We sold the business out in 1907 at a loss of about $75,000, and we shook the dust so far as commerce was concerned, excepting legal and financial headquarters, off our feet, and have done no business in San Francisco since that time except to buy groceries and clothing.

A notable instance—oh, I heard considerable said upon the subject of lumber from the North country being barred. One of the commissioners asked some questions on that subject. As I understand that question, it consists of the fact that flooring and ceiling, I believe, are still privileged to come to San Francisco in the finished state, but joists, studding, and rafters, I believe, must come here in the rough state from the North and be worked through the local planing mills. That means that instead of the material being shoved through the surfaces at the sawmills, where it can be done for about 50 cents a thousand comfortably, and save the economy that arises from the reduction of the shavings off the side and edge, which is about 500 pounds, it is necessary to pay the freight upon that material, that waste, and pay the cartage to the local planing mill in San Francisco and other cities in California north of Tehachapi, shove it through a local planing mill, probably not so well equipped as the mills in the North to do the work, and then again carted back to the job or yard, as the case may be. In round figures that amounts to between $4 and $5 per thousand that the consumer must of necessity pay.

Some years ago we were in Sacramento, where we were having a warehouse built for our accommodation for the Terry Lumber Co. They had their own sawmills. They had the material sent and they were told the workmen would not put it up because it had been milled in a nonunion shop, and that made it necessary to take the material off the job and take it by dray to the local planing mill, and pay 50 cents a thousand. It there went through the local planing mill and they charged $2.50 a thousand, and the machines never touched the stuff except to pass it through the rollers to unionize it. And that $3.50 a thousand was absolutely wasted.

These same materials, therefore, that are worked in the great mills of the Northwest, which shove about two and a half billion feet of building feet into California annually, all that kind of material is surfaced, it is siding, and studding, and rafters, and so forth. And that is shipped all over the great Middle West, Kansas, Nebraska, Iowa, the Dakotas, Minnesota, and so forth, without objection. I speak of that to illustrate the point, because I don't believe to my mind it was made clear as explained. In other words, it wasn't fully explained, I think.

That was the condition, and it has been said that there has been so much done by the labor unions to build the commerce of San Francisco. We have seen the Fulton Iron Works go out of business. We have seen the Risdon go out of business.

Chairman WALSH. The what, I didn't catch that.

Mr. WENDLING. The Risdon. I know of an instance in Oakland where there is a fire-apparatus machinery institution that was employing 85 men some years ago. The cost of production seemed high to the management, and the manager or president of the company went East to Columbus, Ohio, where they were accustomed to build the same kind of apparatus or something like it. He was employing 85 workmen at the time he went East. And he found that his overhead and labor bill per hour in the East—or the bills in the East—were 38 cents per hour, including overhead charges, and his own charge was $1 per hour. After a careful study of the situation, he returned to Oakland, where the plant is still in existence in a minor way doing repair work, and he discharged 45 of the workmen at one time and employed the remaining 40 for the purpose of packing up his machinery and stuff that he had there, and these tools, and ship them to Columbus, Ohio, and there entered into a contract, because of the difference in the labor cost, and the overhead charges between the two localities. And I am told by my friends that he is now employing about 10 patch workmen for repair work in Oakland, but the plant is still in existence.

In our own industry our product moves, not into northern California, because the workmen would not use the goods. They are not what is known as union-shop goods. They are open-shop goods. But 95 per cent of all of our material, we estimate approximately, in doors and windows moves to Eastern States, Utah, Colorado, and the Atlantic seaboard, Southern States, and so forth. And a door that we would deliver here on our Chicago delivery price, difference in freight considered, at about $1.17 for a 2 feet 8 inches by 6 feet 8 inches cross panel, I am told sells in San Francisco in white pine at $3 per thousand, which is our product, which the consumer pays $1.80 for the Oregon fir delivered here, of the same dimensions, and $1.50 in redwood. Yet we don't sell any of our product here at all, absolutely, not a door.

We don't seek to enter the market, because we are naturally lovers of peace and we don't want to quarrel with anybody. We have no quarrels with any unions, in fact, we will have none. Whenever the time comes that we can't manage our business in our way, we will liquidate the business in the start, because we will have more to divide with the stockholders than if we continue longer under adverse conditions.

That in a general way, I think, covers my views upon the question, briefly stated. I don't want to take too much of your time, and besides I have got a very bad cold and don't want to.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Just one. This industry that moved from Oakland, had a charge, a labor charge, including overhead, of 90 cents an hour?

Mr. WENDLING. No; a dollar an hour.

Commissioner GARRETSON. I thought a dollar at Oakland.

Mr. WENDLING. A dollar at Oakland, 38 cents at Columbus.

Commissioner GARRETSON. I understood you 90.

Mr. WENDLING. About 60 per cent higher.

Commissioner GARRETSON. That is what led me into the question. I understood you 90 cents.

Mr. WENDLING. Thirty-eight in the East and a dollar at Oakland.

Commissioner GARRETSON. Which would not furnish a day's wage under ordinary conditions.

That is all, Mr. Chairman.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Where is your lumber produced?

Mr. WENDLING. In Siskiyou County.

Commissioner WEINSTOCK. Will you inform the commission what wage rate you pay your people?

Mr. WENDLING. From two and a quarter for the common labor to nine dollars per day.

Commissioner WEINSTOCK. Two and a quarter for unskilled labor, I presume?

Mr. WENDLING. Yes, sir.

Commissioner WEINSTOCK. What is the minimum for skilled labor?

Mr. WENDLING. Well, it varies owing to the occupation and the skill of the operator. We endeavor to compensate our people well. We have four workmen who have been with us ten years.

Commissioner WEINSTOCK. Do you do planing up there?

Mr. WENDLING. We furnish the entire product.

Commissioner WEINSTOCK. Are you familiar with the San Francisco wage scale?

Mr. WENDLING. I am not.

Commissioner WEINSTOCK. Do you know at all how your wage scale compares with the San Francisco wage scale?

Mr. WENDLING. I do not, because we do not employ anybody here except clerks.

Commissioner WEINSTOCK. What hours do your people work up there?

Mr. WENDLING. Ten hours.

Commissioner WEINSTOCK. Ten hours?

Mr. WENDLING. I work 17 myself and they work 10.

Commissioner WEINSTOCK. You heard the statement made by Mr. McCarthy on the stand as to the relative wages and hours of the people who are employed in the mills in the North and those employed in the mills here?

Mr. WENDLING. Yes.

Commissioner WEINSTOCK. You were present when Mr. McCarthy gave his testimony?

Mr. WENDLING. Yes.

Commissioner WEINSTOCK. You recall that he stated the reason why they would not permit union labor in this market to handle the northern product?

Mr. WENDLING. Yes, sir.

Commissioner WEINSTOCK. Due to the fact that the workers in the North received only a fraction of the wage paid here, work very much longer hours, and that therefore, it would be impossible for the union men here to approve of that, and compete with it?

Mr. WENDLING. Yes; I understood by the remarks that they arrogated to themselves the right to levy an embargo or tariff in San Francisco against outside materials for reasons of their own. That is what I understood by it. And I also understood when he spoke of the $18,000,000 that the Mahoney Bros. had under contract, as against the several hundred dollars the other fellow had, that it wasn't right, in my opinion, to arrogate to anyone the right to tell the other fellow who is small as compared with the large one—in other words, I know of no just process of depriving any man of his property without due process of law.

As I remarked before, I have no quarrel with labor unions. It is all right for the boys to organize and do anything they please, but when they tell me where I shall bend in with my own, there is where I begin to holler.

Commissioner GARRETSON. Where will you be with the Bureau of Corporations?

Mr. WENDLING. Well, I am endeavoring to close out all of my modest interests and go back to the farm, where it will only require one employee and I will be it.

Commissioner GARRETSON. That is the way you are going to dodge the bureau?

Mr. WENDLING. I am not going to dodge the bureau, but I want to be myself.

Commissioner WEINSTOCK. I think it would be helpful to our investigation——

Mr. WENDLING. Yes, sir.

Commissioner WEINSTOCK (continuing). If you could furnish the commission with your scale of wages and your hours of labor, so we can make it part of our record.

Mr. WENDLING. I can get it in due course for you.

Commissioner WEINSTOCK. Yes; would you be good enough to send that in?

Mr. WENDLING. Be glad to; yes.

(The information requested was later submitted and is printed as "Wendling exhibit.")

Chairman WALSH. That is all, thank you.

Mr. THOMPSON. Just a moment, Mr. Chairman.

Chairman WALSH. Oh, Mr. Thompson has another question.

Mr. THOMPSON. I just want to ask you whether you care to say anything about the condition of the iron trades in this city, and also about the printers' strike?

Mr. WENDLING. Oh, some days ago there came to my office a pamphlet through the medium of the mail, dealing in a detailed way with the printers' strike here. It was entirely new to me. I really knew nothing of it of consequence, except in a general way. And in it is a considerable amount of detailed information, I think, that would be quite interesting to the commission, and I would like to offer that into evidence, because it deals with data I haven't in mind myself.

(A pamphlet entitled, "Organized Felony" was submitted in printed form.)

May I go to another question a moment?

Mr. THOMPSON. Yes; you may.

Mr. WENDLING. One of the commissioners asked Mr. McCarthy or Mr. Fee, I don't remember which, as to a solution of this proposition. And without endeavoring to advise either Congress or the commission, possibly a suggestion might not be out of order, if you so wish.

Commissioner GARRETSON. We want them.

Commissioner WEINSTOCK. You are welcome.

Mr. WENDLING. Whenever a man knows that a labor union would be in the same position as himself—when I go into a corporation I obligate my home and my property and everything I have as a stockholder—in other words, if the labor unions would be incorporated and be absolutely responsible for contracts, in my mind, that would be a solution of this great problem. In my 35 years' business experience I have never known anyone to be behind the irresponsible. In all cases if the burden comes, it falls upon the responsible, if it takes all of his property. But the labor unions, by the institutions such as they are formed into, afford absolutely no responsibility in a legal contract whatsoever, no matter what the good intentions of those who have good intentions may be. And if labor unions were incorporated into commercial corporations under the law, then we could deal with those organizations in a business way, and they would undertake to perform a piece of work and not reserve the right to resign and the entire organization withdraw.

Now, we take that chance in the nonunion labor world on our side of the question. In fact, we have with our regular workers, we have practically three pay rolls monthly; one is the set of people that are coming looking for a job. The next is the set of people who are working on the job; and the third is the set of people who have just departed. That is about the condition that we are up against. We have to take all these chances in the world of production. And I have always figured that where the employees reserve the right to resign that we should have the right to discharge for inefficiency or any other cause, no matter what it would be, that would be satisfactory, and we have no difficulties with our people, absolutely none. We know nothing of labor troubles.

We know nothing of disorders. Our workmen have their nice cottages for about seven and a half per month. They have their families there. We have father, son, and grandson in our employ in a great many instances. They have splendid conditions. They have supplies at reasonable figures, and as far as I know we have not one particle of discontent, absolutely none.

Chairman WALSH. You have what?

Mr. WENDLING. I say absolutely no discontent.

Chairman WALSH. What did you say was the last?

Mr. WENDLING. They have nice cottages, abundance of pure water, light, and fuel and splendid conditions. We have no trouble with them whatsoever. You asked me a question before I got on this point.

Mr. THOMPSON. I wanted to know if you wanted to say anything about the iron trade in this city.

Mr. WENDLING. It is my observation that the iron trade—I have heard it stated, but I don't vouch for the figures, that 90 per cent or practically all the tank building and metal building work in the oil field north of the Tehachapi is done from Los Angeles, practically all of it. The San Francisco merchants claim they can't compete with the eight-hour day as compared with the ten-hour day of Los Angeles. I may say that now we have a nice trade south of the Tehachapi in the south part of California, but we haven't got any trade in the territory north of Tehachapi, in the north part of California.

Commissioner O'CONNELL. Where is your large camp located, or mill?

Mr. WENDLING. At Weed.

Commissioner O'CONNELL. How large a place is Weed?

Mr. WENDLING. About 2,500 people.

Commissioner O'CONNELL. Is the mill right in town?

Mr. WENDLING. Yes, sir; and we bring the logs about 40 miles distance.

Commissioner O'CONNELL. I understand you run in connection with that business, stores?

Mr. WENDLING. Yes, sir.

Commissioner O'CONNELL. Which all the workmen patronize?

Mr. WENDLING. Yes, sir; or not, as they please. There are stores in the immediate vicinity belonging to other people. They trade where they wish.

Commissioner O'CONNELL. Are the store accounts taken out of the pay checks by your company?

Mr. WENDLING. We trade with them on a cash basis, and collect at the end of the month.

Commissioner O'CONNELL. And the rent is also on the same method?

Mr. WENDLING. We transact it just the same as though not in our employ.

Commissioner O'CONNELL. Do you work Sundays?

Mr. WENDLING. No, sir; not unless we have a breakdown or something, or are repairing something.

Commissioner O'CONNELL. You say you have three pay rolls.

Mr. WENDLING. Practically so.

Commissioner O'CONNELL. One coming and one going and one working?

Mr. WENDLING. Yes, sir.

Commissioner O'CONNELL. How many men do you employ?

Mr. WENDLING. About 1,400.

Commissioner O'CONNELL. At this plant?

Mr. WENDLING. At this big plant.

Commissioner O'CONNELL. At Weed?

Mr. WENDLING. Yes, sir.

Commissioner O'CONNELL. In order to keep that many going how many men would you have a month on the pay roll?

Mr. WENDLING. Possibly 3,500.

Commissioner O'CONNELL. To keep the mill going there really must be 3,500 men?

Mr. WENDLING. Practically so.

Commissioner O'CONNELL. That is three men for each job and the two dollars and a quarter——

Mr. WENDLING. That is the lowest pay among the unskilled workers.

Commissioner O'CONNELL. Is really divided among the three men?

Mr. WENDLING. I don't view it that way at all. The matter of the man deciding and calling for his time is his own affair absolutely, over which we have no control, and is his own notion, and on this coast, as a general thing in all new countries, labor is particularly migratory, especially when in a semitropical country as it is here. Along in the wintertime we close the mill entirely because they won't work. In our country they won't work in the winter, and that means we are compelled to disorganize the force in the forest and the sawmill force, and reorganize them again in the spring.

I also heard some reference made, I believe, to the hospital service, which is $1 per month, a charge on behalf of——

Commissioner O'CONNELL. Do you have that service?

Mr. WENDLING. Yes, sir. I am not positive whether we have it in effect now, or just how we handle it. When we had the service it was viewed as a most beneficent thing on behalf of all our regular employees, those men of family who were there permanently. They enjoyed the hospital feature very much, because it provided medical attention and hospital services for themselves and family for $1. The people who objected to it was the migratory tramp laborer who came and went at will. Sometimes he stays four or five or six days or two weeks, but the permanent workmen were most solicitous that all those fellows should pay some share to the hospital fund. We never had any objection on that score.

Commissioner O'CONNELL. The amount collected, was that turned over to the hospital?

Mr. WENDLING. To two physicians that we have at the plant who look after not only affairs at the plant, but the entire community.

Commissioner O'CONNELL. The two physicians got the amount collected?

Mr. WENDLING. Yes, sir.

Commissioner O'CONNELL. Averaging $1,400 a month.

Mr. WENDLING. Thereabouts.

Commissioner O'CONNELL. And they gave attention to the workmen and their families?

Mr. WENDLING. Looked after everything, hospital and all. Furnished their own nurses and care and attention.

Commissioner O'CONNELL. Did they give attention to the rest of the citizens?

Mr. WENDLING. Yes, sir.

Commissioner O'CONNELL. Do general work as physicians around the city?

Mr. WENDLING. Yes, sir; and in the general vicinity throughout the country.

Commissioner O'CONNELL. That is all.

Commissioner GARRETSON. You stated, or Commissioner O'Connell, rather, stated an average of $1,400 a month.

Mr. WENDLING. Yes, sir.

Commissioner GARRETSON. Well, with the pay roll of 3,500, wouldn't it run far above $1,400?

Mr. WENDLING. Well, it don't work out, and we have had to piece up the doctors at the end of the year with some little pay, because they don't always work up and pay out.

Commissioner GARRETSON. If his service is long enough to cover his transportation and hospital fee, the hospital fee would be taken out in each instance?

Mr. WENDLING. The hospital fee is taken out if he remains two weeks, in our system.

Commissioner GARRETSON. Two weeks?

Mr. WENDLING. Yes, sir.

Commissioner GARRETSON. That is good, better than any we found. You state it was greatly enjoyed by the parties that stay there?

Mr. WENDLING. The men of family.

Commissioner GARRETSON. Very naturally the men who were there to benefit by it, and their families, would enjoy having somebody else pay for it.

Mr. WENDLING. They certainly pay their own share the same as the other fellows.

Commissioner GARRETSON. But the added amount was paid by somebody else.

Mr. WENDLING. The added amount was paid by the man who got the benefit.

Commissioner GARRETSON. We had some very complete investigations on that subject in the North. We found the doctors enjoyed it more than anybody else.

Mr. WENDLING. Our doctors are neither opulent nor wealthy.

Commissioner GARRETSON. Will they get so?

Mr. WENDLING. I hardly think so.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all.

We will now adjourn until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until 10 o'clock a. m. of the following day, Wednesday, Sept. 2, 1914.)

SAN FRANCISCO, CAL., *Wednesday, September 2, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, Lennon, O'Connell, and Commons. William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. Mr. Thompson, call your first witness.

Mr. THOMPSON. Is Mr. Sly here?

TESTIMONY OF MR. L. H. SLY.

Mr. THOMPSON. Mr. Sly, will you give us your name?

Mr. SLY. L. H. Sly.

Mr. THOMPSON. And your business address and business?

Mr. SLY. 57 Post Street.

Mr. THOMPSON. And business.

Mr. SLY. Building.

Mr. THOMPSON. Builder?

Mr. SLY. Yes, sir.

Mr. THOMPSON. General builder?

Mr. SLY. Yes, sir.

Mr. THOMPSON. How long have you been operating as a builder in the city of San Francisco?

Mr. SLY. Since 1897.

Mr. THOMPSON. Since 1897?

Mr. SLY. 1897.

Mr. THOMPSON. You are well aware of the conditions in the building trades in this city?

Mr. SLY. Somewhat so.

Mr. THOMPSON. So far as labor problems are concerned?

Mr. SLY. Somewhat so.

Mr. THOMPSON. Will you give us your views, if you please, of those conditions?

Mr. SLY. Well, the city is—the majority of the building trades are dominated by the labor-union element of the city.

Mr. THOMPSON. What kind of a shop do you run, an open or closed shop?

Mr. SLY. I run an open shop.

Mr. THOMPSON. In all branches of the trade?

Mr. SLY. Yes, sir.

Mr. THOMPSON. Do you find any difficulty in getting workers—bricklayers and carpenters and plumbers—that don't belong to the union?

Mr. SLY. I don't know whether they all belong to the union or whether they don't belong to the union.

Mr. THOMPSON. You make no inquiry as to their affiliations?

Mr. SLY. I do not.

Mr. THOMPSON. Do you belong to the builders' association here?

Mr. SLY. I do not.

Mr. THOMPSON. You are not affiliated with any organization of employers, then?

Mr. SLY. Excepting the merchants and manufacturers' association.

Mr. THOMPSON. As a member of the merchants and manufacturers' association are you under any obligation to deal with any particular class of labor?

Mr. SLY. No, sir.

Mr. THOMPSON. Is it understood that you are to run an open shop?

Mr. SLY. No, sir.

Mr. THOMPSON. Have you had any conflicts with labor yourself?

Mr. SLY. Not in recent years.

Mr. THOMPSON. So far as you are concerned, then, the labor world is peaceful and everything is running along smoothly?

Mr. SLY. At the present time.

Mr. THOMPSON. Have you got any arrangement of any kind with your employees collectively, taken as a whole, or in the different trades?

Mr. SLY. No, sir.

Mr. THOMPSON. You pay what is called the union scale here?

Mr. SLY. I do not, except where I find a man is worthy of it.

Mr. THOMPSON. What is the average of your wages in the different crafts, below or above the union scale?

Mr. SLY. It will average below the union scale.

Mr. THOMPSON. Is there anything you care to add to what you have said on the labor proposition here in this town?

Mr. SLY. Why, I wouldn't care to recognise the unions, because they are so unreasonable in their demands. I am not opposed to unions for mutual benefit and mutual protection.

Mr. THOMPSON. What are the reasons which cause you to refuse to deal with the unions? Could you classify them in any general line?

Mr. SLY. Well, one reason is that they won't allow me to hire whom I please and discharge whom I please. I used to work all union men in this town, all the employees were union, but they were so unreasonable in their demands that I then turned to the open shop.

Mr. THOMPSON. Well, what other reasons would you have outside of the question of employment and discharge?

Mr. SLY. Well, occasionally I would have my work tied up with strikes, and in an open shop I do not.

Mr. THOMPSON. Well, it has been stated here that there has been restriction of output. Did you experience anything of that kind?

Mr. SLY. Well, I have had some trouble—I did when I ran a union shop—I did have some trouble of that kind.

Mr. THOMPSON. Do your men now do more work than the union man does?

Mr. SLY. In most lines.

Mr. THOMPSON. Is there anything you have to say generally on the question of restriction of output by organized labor?

Mr. SLY. Take the union hod carriers. The union hod carriers will stack 12 barrels of lime for a day's work, while my men stack 20 or 22, sometimes 25 or 26.

Mr. THOMPSON. How is it with any other branches of the building trade?

Mr. SLY. Well, in metal lather it is something the same way. A metal lather is not allowed to put on but 100 yards a day.

Mr. THOMPSON. How much do your men put on?

Mr. SLY. A good, experienced metal lather will put on a hundred and fifty or sixty yards a day without any trouble.

Mr. THOMPSON. Do your men put that much on now, Mr. Sly?

Mr. SLY. A good, experienced man will.

Mr. THOMPSON. Are there any other branches of the building trades you would like to speak of in that connection?

Mr. SLY. I don't call anything to mind just now.

Mr. THOMPSON. Have you experienced or made any study of the different costs of doing work with a closed or unclosed shop and doing it with an open shop?

Mr. SLY. I haven't made any accurate figures upon the difference in cost.

Mr. THOMPSON. Well, is there anything you would like to say with respect to that proposition?

Mr. SLY. Well now, there is the difference in the cost of materials. On one of my jobs here I need some hardwood doors that cost me from the East $3.75. By an error I was 51 doors short. The local company who was doing my millwork wanted $7 apiece to make those doors. I couldn't get a better figure than $7 from any mill in San Francisco or vicinity, so I ordered them from the East, and so they cost me $3.75 delivered here, for the same door.

Mr. THOMPSON. How about brick, sheet metal, and ornamental ironwork?

Mr. SLY. Well, there is not a factory in San Francisco that makes fire escapes that will sell me in my own name a fire escape to-day, because they will be blacklisted if they do. When I want a fire escape I have to send somebody around and buy it under a fictitious name. It is no trouble to get the fire escape all the same. There is not a brick manufacturer in San Francisco of stock brick or common brick to-day that will sell me a thousand brick in my own name, because if they do they will be blacklisted.

Mr. THOMPSON. You have to purchase brick indirectly?

Mr. SLY. When I purchase new brick I send a wagon to the yard with the coin for it, or send and buy them through a fictitious name.

Mr. THOMPSON. How about ornamental ironwork and sheet-metal work?

Mr. SLY. Sheet-metal work? There is not a galvanized cornice sheet-metal factory in San Francisco that will sell me a cornice in my own name.

Mr. THOMPSON. Because of the same reason?

Mr. SLY. They will be boycotted if they do.

Mr. THOMPSON. Is there any difference between the cost of cornice work in San Francisco and outside?

Mr. SLY. Well, for a job up here the best figure I got in San Francisco was $3,800. I bought in Los Angeles for $2,900, delivered in San Francisco.

Mr. THOMPSON. Is that experience generally true, or is that a sporadic case?

Mr. SLY. Well, I haven't got a great many figures from Los Angeles except the two instances of buying cornice, and I saved about 15 per cent in both instances.

Mr. THOMPSON. Is there anything further you would like to say with reference to the different costs in the purchasing of supplies here and elsewhere, outside markets?

Mr. SLY. I do not call anything to mind just now.

Mr. THOMPSON. Have you had any experience with license and inspection boards here in San Francisco? If so, what has that experience been?

Mr. SLY. Well, at the time we had the labor administration here the administration attempted to stop my work by not passing the electrical installation in a building on O'Farrell Street. The information came to me that McCarthy had appointed a man by the name of Cone inspector, to take care of my work. After the work was completely installed, I called for a final inspection and he rejected it all. The chief inspector sent me a written notice that it was condemned and would have to be removed.

I went to the board of fire underwriters and asked their chief how I could get a written report from them and an inspection through their office. He told me to go to my broker and have some fire-insurance company who was a member of their board call for an inspection and they would give the report in writing. I did so. In the course of three or four days I got that written report that was made for the insurance company, and I went to the Pacific Gas & Electric Co. and asked them to give me a similar report, and they refused to give it to me in writing, but they said they would make an inspection and give me the report and the name of the engineer who made the report so that I could subpœna him. They both passed it and called it a first-class job.

With this written report and the verbal report, I sent my attorney down to the electrical department and told them that we would give them 24 hours to pass that or we would hold them and their bondsmen responsible for the delay. They passed it; and all we ever done was to take off two taps and scrape off a little enamel to save their face.

Mr. THOMPSON. Are there any other experiences you have had here in San Francisco that you care to state to this commission touching the labor problem?

Mr. SLY. During the labor administration information came to me that McCarthy had told the building department, told Mr. Horrigan, not to pass any more of my plans.

A set of plans were filed out there, and other plans were passed out that were filed after mine were. And after sending out there quite a good many times, I told my superintendent to ask Mr. Horrigan for a written report, and if he asked him what I wanted that report for, to tell him that we were going into court and mandamus him and make him produce the plans that he had passed in the last six months of similar buildings. When he got that information he gave me a permit. The plans were not changed in any particular.

Mr. THOMPSON. How is the cost of laying tile under union conditions as compared to the open shop?

Mr. SLY. Well, the tile in this building, I am told, cost 55 cents. Mr. Mangin, of Mangin & Utter, gave me that information. My tile is 8 cents for the material and 2 cents for the mortar, and about 8 cents for the labor. If it costs over 8 cents for labor, the man is discharged.

Mr. THOMPSON. What does the labor cost in the union shop, do you know?

Mr. SLY. No, sir; I do not; not positive enough to state.

Mr. THOMPSON. Have you any general idea of it?

Mr. SLY. It costs about 20 cents.

Mr. THOMPSON. Does the lumber embargo affect you?

Mr. SLY. It does not.

Mr. THOMPSON. It does not, you say?

Mr. SLY. It does not affect me at all.

Mr. THOMPSON. Where do you get your material from?

Mr. SLY. I buy it in San Francisco, but I am free to buy it anywhere I please. I can buy lumber dressed in the North, while the union shops can not.

Mr. THOMPSON. What is the difference in the cost of the two, the lumber dressed in the North and the lumber dressed here, do you know?

Mr. SLY. I do not know; no, sir. I haven't bought any of the North lumber.

Mr. THOMPSON. How many people do you work now?

Mr. SLY. I have about 175 on the pay roll now.

Mr. THOMPSON. Is this a normal pay roll or less or more?

Mr. SLY. It is a small pay roll.

Mr. THOMPSON. Have you had any experience with collective bargaining?

Mr. SLY. I have not.

Mr. THOMPSON. Have you any views on collective bargaining?

Mr. SLY. No, sir.

Mr. THOMPSON. You got a list of questions, did you not, touching this subject?

Mr. SLY. I got a list of questions.

Mr. THOMPSON. But you have nothing to say on it?

Mr. SLY. No.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions? Mr. Lennon wishes to ask some questions.

Commissioner LENNON. Mr. Sly, I understood you to say that the average wage you pay your men is less than the union scale?

Mr. SLY. Yes, sir.

Commissioner LENNON. Then, in your case, the open shop does not mean the same pay as the union men receive where they are organized?

Mr. SLY. I pay my men according to their efficiency.

Commissioner LENNON. You stated that the limitation of the hod carriers where the unions were was 12 barrels a day and in your case as high as 20 and sometimes even up to 25; do you pay hod carriers twice as much as the union scale?

Mr. SLY. I do not.

Commissioner LENNON. Then, in that instance at any rate, you don't pay in accord with the work done; that is, as compared with the union scales?

Mr. SLY. No, sir.

Commissioner LENNON. Do you believe that the prosperity of the city is promoted by a high wage or low wage scale?

Mr. SLY. Well, I don't believe that it is; I believe that the city is held back by reason of its wage scale at the present time.

Commissioner LENNON. Held back by a high wage scale?

Mr. SLY. Yes, sir.

Commissioner LENNON. Then, do you believe that a low wage scale increases the consuming power of the working people in the city?

Mr. SLY. Well, for example, we have, comparatively speaking, no manufacturing plants in San Francisco. We have quite a number of repair shops. Take, as it was stated here on the stand yesterday, take the oil industry. It practically all goes to Los Angeles by reason of the wage scale. Now, our wage scale here is above the wage scale of Los Angeles, and the hours are shorter here than they are in Los Angeles. Therefore the work goes there.

Commissioner LENNON. Where is the most of your work done, in the city of San Francisco?

Mr. SLY. Yes, sir.

Commissioner LENNON. And do you patronize outside districts for material when it could be obtained in the city of San Francisco?

Mr. SLY. If I can buy it cheaper.

Commissioner LENNON. If you buy it cheaper?

Mr. SLY. Yes, sir.

Commissioner LENNON. All right. That is all.

Chairman WALSH. Any other questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes. What is the union wage scale, for example, in carpentry?

Mr. SLY. Five dollars.

Commissioner WEINSTOCK. And what is your rate?

Mr. SLY. From $3 to $6—$3.50 to $6.

Commissioner WEINSTOCK. Your minimum is $3.50?

Mr. SLY. From $3.50 to $6.

Commissioner WEINSTOCK. And take the hod carriers, what is the union wage?

Mr. SLY. Five dollars.

Commissioner WEINSTOCK. And your wage?

Mr. SLY. Three dollars and fifty cents to four dollars.

Commissioner WEINSTOCK. The union wage for the hod carrier is $5, is it?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. How long has it been $5?

Mr. SLY. Several years.

Commissioner WEINSTOCK. And what are the union hours?

Mr. SLY. All eight hours; we are all eight hours.

Commissioner WEINSTOCK. You work the same hours?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. I gathered from your testimony, Mr. Sly, that one of your chief objections to recognizing or dealing with organized labor is the closed shop.

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. Well, now, if the closed shop was eliminated, if the same conditions were established for the building trades that exist I understand in San Francisco in the metal trades, and that exist, for example, all over the country with railroading where they have practically the open shop, where the employer is at liberty to employ anybody he pleases so long as he adheres to the union scale of wages and the union hours—if that same condition prevailed in the building trade would you think it wise on your part to recognize unions or deal with them?

Mr. SLY. Why, I would see no objection to it.

Commissioner WEINSTOCK. Your chief objection, then, is the closed shop?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. As a citizen generally, Mr. Sly, do you regard unionism as a good thing for the worker and for the state, or a bad thing for the worker and the State?

Mr. SLY. There is no one that would feel worse than I would to see unions done away with, for mutual benefit and mutual protection.

Commissioner WEINSTOCK. Well, now, how far would you have unions go; where would you draw the line?

Mr. SLY. I wouldn't want them to take my own or my fellow man's civil liberty.

Commissioner WEINSTOCK. That is, you would not want the closed shop?

Mr. SLY. I would not want the closed shop.

Commissioner WEINSTOCK. I interpret your conception of the closed shop as robbing the worker of his liberty.

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. But with the closed shop removed you would have no objections to dealing with the union and recognizing the union and paying the standard wage and the standard hours?

Mr. SLY. As long as they abided by the laws of the land.

Commissioner WEINSTOCK. But you say that you would be very sorry to see the unions wiped out?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. That you would consider that a disadvantage to the worker and a disadvantage to the State?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. Now, supposing you became satisfied in your own mind that the open shop meant the wiping out of the unions, would you still stand for the open shop?

Mr. SLY. Under the present conditions that unions are run.

Commissioner WEINSTOCK. You would under the present conditions?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. Now, what are the conditions under which the unions are run that to your mind are not good?

Mr. SLY. Well, if you don't obey their laws, why, there are threats and intimidations.

Commissioner WEINSTOCK. That is, if who doesn't obey them?

Mr. SLY. Either the employee or the employer.

Commissioner WEINSTOCK. You say there are threats and intimidations?

Mr. SLY. Yes.

Commissioner WEINSTOCK. Well——

Mr. SLY. For instance, I put up a building here on O'Farrell Street, a few blocks from here, and I had 31 or 33 men put in the hospital by union men.

Commissioner WEINSTOCK. By acts of violence?

Mr. SLY. By acts of violence by those plumbers; those plumbers up here on Main Street, near Seventh Street, were beat by five men that rode on the same machine driven by the same chauffeur that the mayor of San Francisco rode in.

Commissioner WEINSTOCK. Well, now, what evidence do you have that those were union men, for example?

Mr. SLY. I have only the statements of the men who were beat up.

Commissioner WEINSTOCK. They recognized the assailants?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. As union men?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. Were those men arrested?

Mr. SLY. What good was there arresting them? The courts were afraid of the unions and wouldn't give us any relief.

Commissioner WEINSTOCK. Well, now, do you say that, Mr. Sly, merely as an opinion on your part or do you say that as the result of actual experience?

Mr. SLY. Actual experience by reason of the arrests that were made.

Commissioner WEINSTOCK. A good many arrests have been made for assaults on union men?

Mr. SLY. That I could not say offhand.

Commissioner WEINSTOCK. Take, in your own experience, in your own work.

Mr. SLY. I have never had an arrest made for an assault.

Commissioner WEINSTOCK. Never have?

Mr. SLY. No, sir. In organizations I was a member of we did.

Commissioner WEINSTOCK. They would have arrests made?

Mr. SLY. Oh, yes; time and again.

Commissioner WEINSTOCK. What was the result?

Mr. SLY. We could not get convictions. The court would not convict for it.

Commissioner WEINSTOCK. Were they jury trials?

Mr. SLY. No, sir—now, I won't say.

Commissioner WEINSTOCK. I presume they must have been jury trials.

Mr. SLY. I won't say, because I don't remember.

Commissioner WEINSTOCK. How recently have these acts of violence been committed that you have in mind?

Mr. SLY. About three or four years ago.

Commissioner WEINSTOCK. There have been none since, as far as you know?

Mr. SLY. No, sir.

Commissioner WEINSTOCK. At this time, then, nonunion men work unmolested?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. To what do you attribute the change? To what do you attribute the change of policy as you tell it on the part of union men in refraining from acts of violence?

Mr. SLY. Why, they seem to think they can't reach me, and therefore let me alone.

Commissioner WEINSTOCK. I am not speaking about you personally, I am speaking about the work in general.

Mr. SLY. I am speaking of my work.

Commissioner WEINSTOCK. You are not the only open-shop contractor, are you? Are there not others in the city?

Mr. SLY. There is a man named Nelson, I believe, out near Richmond that puts up residences.

Commissioner WEINSTOCK. Just two nonunion employers in the city—two contractors?

Mr. SLY. I don't know of any others.

Commissioner WEINSTOCK. Summing up, then, your attitude is that you believe that unions are a good thing for the worker and a good thing for the State if they are properly run?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. That you say the weak spot in unionism is the closed shop?

Mr. SLY. The closed shop, and whenever there is a labor dispute, there is always violence.

Commissioner WEINSTOCK. It results in violence on the part of the union in labor disputes?

Mr. SLY. Yes, sir; if a labor union would only incorporate so that they can enter into a contract the same as any other corporation that does business, then there would be no trouble.

Commissioner WEINSTOCK. That is, if the unions would incorporate on one hand, and, on the other hand have an open shop, you believe there would be no objection to unionism?

Mr. SLY. There would be no objection to unionism.

Commissioner WEINSTOCK. And you, as an employer, for example, would be quite ready to recognise the union and agree with them?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. Pay the standard wage and work the standard hours?

Mr. SLY. Oh, yes; sure.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson wishes to ask a question.

Commissioner GARRETSON. On that question of incorporation, have you ever made any study or had any study made of the attitude of the law toward the incorporation of labor unions within the past, we will say, 40 years? Whether it has been refused or not as a general proposition of common law or statute law in the various States?

Mr. SLY. I haven't made any special study of it; no, sir.

Commissioner GARRETSON. Do you know how many unions have tried to become incorporated within that period?

Mr. SLY. I do not.

Commissioner GARRETSON. Have you looked up how long it has been under United States laws or State laws that a union was considered even to have any standing in law?

Mr. SLY. No, sir; I haven't.

Commissioner GARRETSON. Then you are not aware of the fact that within the last 25 years the bench has stated in at least six instances in the Federal court that a union has no status in law, no existence in law, but only by use—Federal courts.

Mr. SLY. I guess if a union wanted to incorporate they could incorporate the same as any other society.

Commissioner GARRETSON. How many records are there of refusals, do you know?

Mr. SLY. No; I don't.

Commissioner GARRETSON. Well, that might cut some figure in this. There is such a record, and it is rather a voluminous one. Take this question of wages again. You pay hod carriers from $3.50 to $4?

Mr. SLY. Yes.

Commissioner GARRETSON. And carpenters from $5.50 to $6?

Mr. SLY. Yes.

Commissioner GARRETSON. And you run about 175 men?

Mr. SLY. I am at the present time.

Commissioner GARRETSON. About what proportion of those men are paid the $3.50?

Mr. SLY. I couldn't tell you.

Commissioner GARRETSON. If 100 men, for instance, are paid $3.50, and 100 men working for the union contractor are paid $5, that virtually means that the San Francisco merchants have the opportunity to get $500 out of 100 union men and $350 out of 100 nonunion men, doesn't it?

Mr. SLY. Yes, sir.

Commissioner GARRETSON. When you go out to Los Angeles, for instance, and buy ironwork, you quoted a difference on approximately a $5,000 job of about what, $600?

Mr. SLY. About $900.

Commissioner GARRETSON. Almost wholly and totally labor cost, is it not, in the cost of construction—the difference there and here?

Mr. SLY. Yes, sir.

Commissioner GARRETSON. Then your idea of the union shop or the nonunion shop resolves itself into this—cost?

Mr. SLY. Why, certainly.

Commissioner GARRETSON. That is all.

Chairman WALSH. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. Could you furnish us with a take-off from your pay roll of 175 men, give us the statement of their wages and hours, and also the comparison of the union wages and hours?

Mr. SLY. We all work the same hours, Professor.

Commissioner COMMONS. What about overtime?

Mr. SLY. I do not work any overtime.

Commissioner COMMONS. You don't work overtime?

Mr. SLY. No, sir.

Commissioner COMMONS. Well, then, make it the hours, and put down the number of men getting a certain rate of pay, their occupation, and how the question of the amount of work they do compares with the union rules and the amount of work; you mentioned it only for hod carriers and metal lathers, but there are probably others that you would have in mind if you would go over the matter yourself and prepare such a statement.

Mr. SLY. I will be pleased to do so, Professor.

Commissioner WEINSTOCK. Were you present yesterday, Mr. Sly, when Mr. McCarthy was testifying?

Mr. SLY. Part of the time only.

Commissioner WEINSTOCK. Were you here when he read the communication that he put in evidence from Mr. Polk, the architect?

Mr. SLY. I heard the latter portion of it only.

Commissioner WEINSTOCK. In how far does this statement made by Mr. Polk agree with your experience? Among other things he says this: He calls attention to the fact, for example, that wages in the building trades have increased from $3 a day to $6 a day—skilled mechanics—and for laborers from $1.25 to $2.50 a day, comparing 1901 with the present period. Then he goes on to say:

"This disparity of wages, it is easily seen, amounts to nearly 100 per cent, if not more. And yet the buildings in question"—he cites comparative instances and gives comparative costs formerly and now—"and yet in the operation a building costs more than 16 per cent less. In other words, despite the 100 per cent increase in wage and the diminished power, that the actual cost of putting up a building to-day as the result of his experience is 16 per cent less than it was under the former conditions."

And then continuing, he says: "The question has frequently been asked whether or not labor under the dominion of the building trades council has not been and is not now a serious handicap to the building investments in this territory."

I think, and he goes on to say that the foregoing facts are a sufficient answer to the question: "However, I desire to state that from my point of view at the present time labor as organized in this city is more efficient and more dependable and more accurate than it has ever been during my experience in the past 30 years."

Now, how far does Mr. Polk's experience concur with your experience?

Mr. SLY. I commenced building here in the city, as I stated, in 1897. Similar buildings to-day will cost me at least 50 per cent more than they did in 1897.

Commissioner WEINSTOCK. Then your experience does not correspond with the experience of Mr. Polk?

Mr. SLY. No, sir. I would like to ask a question of Mr. Polk, if he could put up the Security Savings Bank Building in Los Angeles for 16 cents a foot, as they represented the cost of this, in this city for 16 cents a foot?

Commissioner WEINSTOCK. The Security Bank Building of Los Angeles cost 16 cents a cubic foot?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. The rates quoted here by Mr. Polk are: First National Bank Building, built in 1908, cost 40 cents a cubic foot. The Mills Building cost 33, and the Insurance Exchange Building, constructed in 1912 and 1913, cost 28 cents per cubic foot, and a second annex to the Mills Building, now just completed, has cost 26 cents per cubic foot.

Of course I suppose the character of the construction would have to be taken into consideration in both cases?

Mr. SLY. Sure.

Commissioner WEINSTOCK. And this might be a more costly kind of construction than the Los Angeles? Have you any means of knowing how the quality of construction compares with the San Francisco quality?

Mr. SLY. I never have looked over the Los Angeles building, but I imagine that the finish could not be as good.

Commissioner WEINSTOCK. Could not be as good?

Mr. SLY. Oh, no, it couldn't be as good, the comparative cost. Still, there would be quite a large difference in cost, but it would not be that much.

Commissioner WEINSTOCK. Mr. Polk's comparison was not between San Francisco and Los Angeles, but in San Francisco before and now.

Mr. SLY. Well, as I stated before, my building would cost me at least 50 per cent more now than it would in 1896 and 1899.

Commissioner WEINSTOCK. Let me get those dates.

Mr. SLY. 1896 and 1899.

Commissioner WEINSTOCK. 1896 and 1914?

Mr. SLY. Yes; at the present time I say it would be at least 50 per cent difference in cost.

Commissioner WEINSTOCK. That is, you are comparing the present with 16 years ago?

Mr. SLY. My cost has increased 50 per cent.

Commissioner WEINSTOCK. What character of buildings do you put up, Mr. Sly?

Mr. SLY. Class C, brickwork and fireproof buildings.

Commissioner WEINSTOCK. Business buildings generally?

Mr. SLY. My work is principally apartment houses.

Commissioner WEINSTOCK. I see. Well, now, what is left of that 50 per cent increase, is it cost of labor or material?

Mr. SLY. Cost—cost of both.

Commissioner WEINSTOCK. Labor and material have advanced?

Mr. SLY. Yes?

Commissioner WEINSTOCK. How do the wages you are paying now compare with the wages you paid in 1896?

Mr. SLY. Well, in 1906 I paid, if I remember right, about $3 for carpenters.

Commissioner WEINSTOCK. Was that the minimum or the maximum?

Mr. SLY. I don't think that we paid any difference in that at all, lower or higher.

Commissioner WEINSTOCK. That was practically the maximum?

Mr. SLY. Maximum.

Commissioner WEINSTOCK. Against three and a half minimum now?

Mr. SLY. Minimum and maximum—minimum to six.

Commissioner WEINSTOCK. Were the wages in all the other crafts correspondingly lower than now?

Mr. SLY. Yes, sir; oh, yes.

Commissioner WEINSTOCK. Then your experience differs from the experience of Mr. Polk, I take it?

Mr. SLY. Yes, sir.

Commissioner WEINSTOCK. He points out the cost of operation is less by 10 per cent, and you claim 50 per cent higher?

Mr. SLY. Yes.

Commissioner WEINSTOCK. So that evidently there is a wide difference between you?

Mr. SLY. I bought lumber then for $11 a thousand and pay $16 or $17 now, and the lumber can't go any farther to-day than it would then.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything else? That is all, thank you.

Mr. THOMPSON. Just one more question.

Chairman WALSH. One minute, Mr. Sly.

Mr. THOMPSON. Have your men been assaulted on the work there?

Mr. SLY. Not in the last three years.

Chairman WALSH. He has gone over all that question of violence, he said 25 in one day.

Mr. THOMPSON. All right. If new industries came to San Francisco, would they increase the spending power of the workers as a class?

Chairman WALSH. If there was more money there would be more money to spend, of course. I supposed those have been handed to him. Let us get through with this.

That is all, thank you.

Mr. THOMPSON. Mr. Tyson. [No response.] Mr. Burton.

TESTIMONY OF MR. R. W. BURTON.

Mr. THOMPSON. Mr. Burton, will you give us your name?

Mr. BURTON. R. W. Burton.

Mr. THOMPSON. Your address.

Mr. BURTON. San Francisco.

Mr. THOMPSON. And your occupation.

Mr. BURTON. Molder.

Mr. THOMPSON. Molder?

Mr. BURTON. Yes, sir.

Mr. THOMPSON. Are you a member of the molders' union?

Mr. BURTON. I am.

Mr. THOMPSON. Do you occupy any official position with it?

Mr. BURTON. I do. Business representative.

Mr. THOMPSON. How long have you been business representative for the molders?

Mr. BURTON. Four years.

Mr. THOMPSON. In this city?

Mr. BURTON. Yes, sir.

Mr. THOMPSON. Are you acquainted with the conditions in the metal trades here?

Mr. BURTON. Somewhat.

Mr. THOMPSON. From the labor standpoint, I mean.

Mr. BURTON. Yes.

Mr. THOMPSON. Will you give us the facts in that industry and any other industries here, as you view them?

Mr. BURTON. As I understand it, I am to endeavor to give some testimony on collective bargaining with regard to the iron trades and metal industry.

Mr. THOMPSON. Touch on that fact first, if you please.

Mr. Bunson. I do not believe I could do better than to give you a brief history of the iron trades movement in San Francisco.

I will begin by saying that some time in 1899 or 1900 the National Metal Trades Association and the International Association of Machinists arrived at an agreement to guarantee the International Association of Machinists a nine-hour day on the 20th of May, 1901. The machinists' union of this vicinity had so notified the employers of this vicinity that they would expect a nine-hour day on that date.

The other trades in the metal industry, seeing that there was the possible chance of the machinists' organization getting a nine-hour day, decided that it was about the proper time to organize an iron trades council and make a joint request on that date.

The iron trades council of San Francisco was organized on March 10, 1901, and a joint request was made to the individual owners of the different shops in the metal industry for a nine-hour day on the 20th of May, 1901. The request was refused. A strike was called by the iron trades council affiliated unions that lasted for 10 months, at the end of which time no settlement was made with any employers' association. Individual settlements were made with the different owners of the different shops in the metal industry. The nine-hour day was granted in some manner or other under some condition or other by most of the employers in the iron trades, about three or four holding out for some time afterwards up until some time in 1903.

Between 1902 and 1907 the various crafts affiliated with the iron trades council increased their wages, not by calling strikes, but the individual organizations would notify its respective employer and give him notice that on and after a certain date the wage would be increased to a certain amount. And instead of calling any strike when that time would arrive would instruct its own members to request the increased wage, and all those that were granted the increased wage would remain at work. Those that were refused would quit, leaving it optional with the employer as to who he should grant the increased wage to and who he should not.

That method during those years increased the wages of practically all of the crafts affiliated with the iron trades council and left it to the employer as to who he should or who he should not give it to. It simply meant a change of jobs for some of the men.

In 1907, along about March, 1907, the iron trades council of this city decided to ask for an eight-hour day. They so notified the employers. Some time after that notification the employers in the metal trades industry organized themselves into the California Metal Trades Association. They notified them on the 1st day of May, 1907, that they would expect an eight-hour day. A conference or two was held before that date with no result, and on the 1st of May, 1907, all of the unions in the iron trades council went on a strike for an eight-hour day.

About 60 per cent of the employers granted the eight-hour day without allowing the men to leave their establishments. The other 40 per cent closed their shops. Conferences were held, various civic organizations interested themselves in the labor situation in San Francisco at that time, and the result of those conferences was an agreement between the metal trades—California Metal Trades Association—and the iron trades council which, I believe, was the starting place of collective bargaining in the iron trades in this vicinity.

I will read that agreement:

"AGREEMENT.

"Considering the condition of San Francisco at the present time and the injury that would result to the city's interests from a continuation of the dispute in the iron trades, we mutually agree,

"First. That all shops shall be open and men return to work during the week ending June 1, 1907, and on the hours and pay prevailing April 30, 1907. The minimum wage rate per day on this date to prevail during the life of this agreement.

"Second. That nine hours shall constitute a day's work until December 1, 1908; from December 1, 1908, until June 1, 1909, eight and three-fourths hours shall constitute a day's work; from June 1, 1909, until December 1, 1909, eight and a half hours shall constitute a day's work; from December 1, 1909, until June 1, 1910, eight and one-fourth hours shall constitute a day's work. After June 1, 1910, eight hours shall constitute a day's work.

"Third. There shall be no discrimination made by either side against any employee on account of their connection with the present dispute.

"Fourth. That a conference to discuss any other matters not provided for in this agreement may be called by either employer or employee in any craft to provide for some method of adjusting questions at issue. Pending a decision, there shall be no lockout on the part of the employer or strike on the part of the employee."

The agreement providing for a sliding scale of going to work—going back to work, for 9 hours for 18 months, and excepting 15 minutes every 9 months until the 8-hour day was acquired, started the collective bargaining in this town.

I want to call the attention of the commission to the fact, to make this point clear—the fact that 60 per cent of the membership of the trades affiliated in the iron trades council had the 8-hour day at this time, and that they signed an agreement that compelled them to go back to work at 9 hours for 18 months, and then wait another 18 months before they would get the 8-hour day.

About the time that agreement was to expire the question came up on a new agreement and how long the 8-hour day was to be in existence after that agreement expired; some of the employers contending if they granted the 8-hour day for 24 hours that that agreement would be fulfilled.

Conferences were held, and about this time there was every indication of a break between the iron trades council and the metal trades association. Conferences were held between representatives of the iron trades council and the California Metal Trades Association, and it became apparent that they were not going to arrive at any agreement among themselves.

The Commonwealth Club of San Francisco—the California Commonwealth Club—had offered its services to try and effect a settlement of the controversy existing between the two organizations, and from that club was created the San Francisco Industrial Conciliation Board. They offered their services. Their services were accepted, and the question at issue was referred to a subcommittee of the San Francisco Industrial Conciliation Board with the result that this agreement was ultimately ratified by the iron trades council and the California Metal Trades Association.

"Agreement made this 9th day of November, 1910, between the California Metal Trades Association and the Iron Trades Council of San Francisco:

"First. The terms of this agreement shall run from November 9, 1910, until November 9, 1913.

"Second. The wages provided for in the former agreement shall be in force for the full term of this agreement.

"Third. Disputes of any kind arising between any of the affiliated unions of the iron trades council and members of the California Metal Trades Association, an accredited representative of each organization shall proceed to the shop where the dispute exists and endeavor mutually to settle the same, and any dispute which can not be settled in this manner must be referred to conference, and should this conference also be unable to settle any question which may come before it, it shall provide some method of adjusting the same. Pending the decision, there shall be no lockout on the part of the employers, or strike on the part of the employees.

"Eight hours shall constitute a day's work until November 9, 1911. On September 9, 1911, a conference shall be called to decide, as provided in section 3 of this agreement, what hours shall be in effect on November 9, 1911, until November 9, 1913. This conference shall be called for the purpose of equalizing hours in force at that time, among men working within the States of Washington, Oregon, and California, and their decision shall become operative on November 9, 1911, and shall be in effect until November 9, 1913."

As called for in that agreement on September 9, 1911, a conference was called and the question of what the fourth clause of that agreement meant was the bone of contention at that time. The metal trades—California Metal Trades Association—made the claim that the iron trades council unions had agreed to equalize hours in force in Washington, Oregon, and California. They contended that the matter was simply a matter of arithmetic, of gathering data as to the hours of work in the different States, and finding the average, and that the average would be the hours to prevail in this vicinity.

However, at the time this agreement was submitted to the iron trades council the wording and the possible interpretation of the fourth clause of that agreement was noticed by the unions of the iron trades council, and they at that time asked for an interpretation of the fourth clause before the proposition was

voted on, from the subcommittee of the San Francisco Conciliation Board, who drafted that agreement.

And they received this interpretation: "On September 9, 1911, a conference shall be held at which the question of hours shall be discussed and such action taken as may be deemed proper and necessary to equalize conditions in San Francisco and competitive localities. Both parties shall come together, frankly discuss the situation from all points of view, and act in such manner as may be necessary to remove whatever conditions in the matter of hours that may then exist to the disadvantage of San Francisco as compared with other cities in the competitive field."

At these conferences that were held in September of 1911 the interpretation of that agreement was the sole bone of contention. It became apparent to the representatives of the California Metal Trades Association and the iron trades council that they were not going to get very far by themselves. Then they agreed as provided in the former agreement to submit their case to the San Francisco Industrial Conciliation Board.

Data was gathered by the iron trades council and the California Metal Trades Association throughout the States of Oregon, Washington, and California, but there was such a difference shown in the data submitted by both sides that the conciliation board sought some other avenue of a peaceful settlement of the controversy that existed at that time. And this suggestion was made by the San Francisco Industrial Conciliation Board to both the California Metal Trades Association and the iron trades council. They suggested this resolution as a basis for the settlement of the question at issue:

"*Resolved*, That it be suggested to the California Metal Trades Association committee and iron trades council committee that they meet together at the earliest possible date and take as a basis for the purpose of discussing as to the peaceful solution of the existing controversy, the feasibility of entering into a five-year contract on an eight-hour basis with the present wage scale and the privilege on the part of the employers to adopt existing shop conditions most favorable to employers operating in the East.

That resolution was accepted as a basis for an agreement. This agreement was arrived at in committee, but up to the present time this or any other agreement has not been signed by the two organizations:

"Agreement made between the metal trades association and the iron trades council, as follows:

"Whereas in a letter submitted to the organization above mentioned, such letter being dated March 30, 1912, and signed by William Matson as chairman, and on behalf of the San Francisco Industrial Conciliation Board, there did appear the following resolutions:"

Then that same resolution follows:

"First. It is agreed that we do accept as a solution of the controversy between the respective organizations the suggestion offered in the resolution hereinabove quoted, and we do now enter into a five-year agreement on the basis and subject to the conditions therein stated and to such other conditions as are set forth in this agreement.

"Second. Such grievances as do not relate to the subject of hours and wages covered by this agreement and which may arise in any shop of the California Metal Trades Association, shall be given consideration as follows:

"Upon complaint being made in writing by either party to this agreement, the secretary of the California Metal Trades Association and the business representatives of the union or the representatives of the iron trades council who may be selected to represent the union, shall immediately proceed to the shop or shops where grievance exists, and endeavor mutually to settle the same.

"Any grievance that can not be settled in this manner must be referred to conference, the call and subject for such conference to be made in writing. This conference shall be called within 10 days from receipt of notice for the purpose of adjusting the question at issue, and the conference shall continue without unnecessary delay until the question at issue is settled.

"No change shall be made in existing conditions nor any new condition established by either party to this agreement until the same has been agreed upon in conference.

"Third. During the life of this agreement there shall be no lockout on the part of the employers, nor strike on the part of the employees.

"Fourth. The resolution which forms the basis of this agreement in so far as it deals with the wage scale shall apply to the machinists' craft only for a period extending to November 9, 1913, when the minimum wage of that craft

shall be raised from $3.50 to $3.75 per day, and shall continue at this rate for a period of 12 months, when the minimum wage rate shall be raised to $4 per day, at which rate it shall continue until the termination of this agreement.

"Fifth. The period of five years as provided in this agreement shall begin to run from the date of the acceptance and signing of this agreement by the authorized representatives of the California Metal Trades Association and the iron trades council, and this act of signature shall be accepted as a cancellation of the present agreement and as a settlement of the question at issue between the two organizations which is now pending before the conciliation board."

That agreement was submitted to both organizations and was first not accepted by the California Metal Trades Association. Eventually, after months of delay, it was accepted by them and the iron trades council so notified. The iron trades council submitted it to the affiliated unions and it was rejected by the iron trades council.

During the time from 1910 up to the present time there has been no attempt on the part of either side to do anything not provided for in the former agreement.

Some three months ago the iron trades council again requested conferences, that a conference should be held with a view of constructing an agreement that might be mutual between the two organizations. Conferences have been held in the last three months up until a couple of weeks ago when an agreement was arrived at in committee and is now being voted on by the respective organizations.

That agreement is the same agreement that was submitted in 1910 from the conciliation board, with the exception that in the fourth clause it provides for a $4 minimum rate of pay for the machinists' union on November 9, 1914. And the fifth clause reads:

"That it shall be an agreement for a period of three years as provided in this agreement, and shall begin to run from the date of the acceptance and signing of this agreement by the authorized representatives of the California Metal Trades Association and the iron trades council, and this act of signature shall be accepted as a cancellation of any agreement that may now exist between the parties to this agreement."

We have good reason to believe that this agreement will be accepted by both parties at this time. However, we will not know the result of the voting on that agreement in our iron trades council until the end of this month.

Such has been the experience of the iron trades council with the employers in the metal trades industry in this vicinity since 1907. Collective bargaining has been successfully carried out, and from present indications it seems it will continue, for at least a little while, a period of three years more.

Mr. THOMPSON. What is your opinion of the respective merits of contracts which are for an indefinite time and may be terminated by either party on a short notice, and contracts that run for a specified length of time, or have you any opinion on that subject?

Mr. BURTON. You mean a contract that would provide for 30 or 90 days' notice from either party?

Mr. THOMPSON. Or instant termination, such as the protocol in New York, as contrasted with the contracts which run for a specified number of years, as most of these contracts which you have read?

Mr. BURTON. My opinion on that is, I believe, an agreement that specifies some length of time in the metal industry is the better thing. An agreement that would provide for a short notice or no notice, to my mind, would not be any different than going along without any agreement at all. It would place us in the same old position as we used to be, the employer taking advantage of bad times to reduce wages or make conditions what he might think was better for him, or lengthen the hours, and the employees taking advantage of the thing when business was good. In other words, those agreements, to my mind, are regulated entirely too much by supply and demand.

Mr. THOMPSON. What is your opinion with reference to the fact—this phase of it—that where contracts run for definite time it incites one or both parties to the preparing for demands and leads therefore to strife rather than to peace?

Mr. BURTON. I can only say that the experience we have had in the last seven years, which is the full term of the life of collective bargaining in the metal trades in this city, does not bear that out.

Mr. THOMPSON. In any of this collective bargaining what, in your consideration of the subject, have you thought of the establishment of the definite and positive machinery with reference to carrying out the agreement. Has that received any attention? For instance, such as the permanent arbitration board or trade board?

Mr. BURTON. No, sir; we have not?

Mr. THOMPSON. As far as your industry and conditions which exist here, would such a thing be a valuable addition to your agreement?

Mr. BURTON. From the language of our agreements, we don't consider it necessary. If the agreements are sacredly lived up to by both sides it must be a mutual proposition before any new condition can be established. The agreement provides foc wages a minimum rate of pay for a certain length of time. It then provides the machinery for the settling of grivevances that do not relate to the subject of hours and wages. It then goes on to state that no change shall be made in existing conditions—that means shop conditions of the various crafts—conditions under which they have to work, by either party to the agreement, until the same has been agreed on in conference. Unless it is agreed on, why, no new condition is inaugurated or established, and it gives the privilege of the individual crafts or trades affiliated with the iron trades council to agree with that branch of the California Metal Trades' Association that covers a trade, to any condition that they can mutually agree on.

Mr. THOMPSON. Have there been any subsidiary agreements of that character?

Mr. BURTON. There have.

Mr. THOMPSON. Would you mind stating the general nature?

Mr. BURTON. The first agreement that was entered into provided the same thing, left that possible, as the iron trades council is comprised of a number of crafts and trades. The fourth clause of the agreement of 1907, provides that a conference to discuss any other matters not provided for in this agreement may be called by either employer or employees in any craft to provide for some method of adjusting questions at issue. Pending a decision there shall be no lockout on the part of the employer or strike on the part of the employee. That provision was in all of the agreements right from the start, and in 1909—I may say before I go onto that, that the California Metal Trades' Association was comprised of employers employing various tradesmen. They divided, they had what they called craft committees within the metal trades' association. The foundrymen had the right to deal with those whom he employed in any manner whatsoever he say fit to do. The man that employed principally machinists had that right. The man that employed principally boiler makers, the same thing, and blacksmiths, and so on down the line.

You asked if any such subsidiary agreement was reached by any of the crafts in the iron trades council and the metal trades association. I would say that in 1900, in May, 1900, this agreement was reached between the International Molders' Union No. 164 and the iron and steel foundries' craft committee of the California Metal Trades Association. This agreement that I am about to read came about by the claim on the part of the foundry men that when the eight-hour day would become established in this vicinity that it would make the competition between here and other points so keen that something ought to be done, to try and equalize matters; and they proposed that the molder would mold the full eight-hour day. Prior to this time there was an established foundry custom all over the world, I may say, that molders, when the iron got ready to pour, that all molders stopped molding and began to pour the iron into their molds. There was a rule of that kind in effect in this vicinity, and it would make a difference all the way from an hour to an hour and a half in the various shops, according to their size, maybe two hours, was used by the molder in casting his work only, and that, as I said before, was a custom from the time that the foundries were put in existence all over the world.

Going back to this agreement. This agreement was arrived at between that committee and the molders' union on May 10, 1900. The agreement on shop rules was arrived at between these two organizations.

First. The hours constituting a day's work shall be in accordance with the agreement between the California Metal Trades Association and the iron trades council, and approved May 20, 1907.

Second. That it be optional with the foreman as to whether the molders stop molding at the blast time, or continue molding until the end of the working day. All molders who continue molding at blast time cast no molds other than

those made by themselves. This shall not be understood to prevent one molder from assisting another in prying off, or from pouring another floor in case of emergency. Molders who continue to mold after blast time shall mold until quitting time, and not do any casting. It shall be optional with the shop manager to pour all molds with laborers if they so desire.

Third. Shop committees must not interfere with the daily work in any manner whatsoever.

Fourth. Business representatives of the union shall not be allowed in the shop except at the discretion of the office.

Fifth. Disputes of any kind arising between the shop management and molders, or core makers, upon complaint being made, the secretary of the California Metal Trades Association and the business representative of the union shall proceed to the shop where such dispute exists and endeavor to mutually settle the same. Any dispute which can not be settled in this manner must be referred to conference, as provided by the agreement. No change shall be made or any new condition established until the same has been agreed upon by conference.

Sixth. An audible signal to be given by whistle, bell, or otherwise, so that notice will be given when the regular work day is complete.

That agreement between the molders' union and the employing molders of the California Metal Trades Association was adopted on the 10th day of May, 1916, and is in existence at the present time—from then until now.

Mr. THOMPSON. You recited one clause there, that when a dispute arises it shall be attempted to be adjusted, and if it can not be adjusted between the parties, shall go to a conference. Does that include petty grievances, such as discharging a man, or the claim of discrimination of any kind or character, or just the construction of the main portion of that agreement?

Mr. BURTON. It would include that in case that the representatives of the two organizations were not able to settle those things. But those matters have been settled by the representatives of the two organizations.

Mr. THOMPSON. Are such grievances of common occurrence—I mean petty grievances, like unfair treatment of the men at work, discrimination against a man on the kind or character of work given, discharge, etc.?

Mr. BURTON. No; they are not frequent.

Mr. THOMPSON. There have been none, and no occasion in your trade here to establish machinery to adjust that kind of a grievance?

Mr. BURTON. Not other than has been established in that shop rule.

Mr. THOMPSON. You have found that agreement that you have now capable of taking care of these petty grievances?

Mr. BURTON. We do now. I will say that at the time this agreement was first adopted through the fact that all of the parties on both sides, from the rank and file of both organizations not having as thorough an understanding of what the agreement meant, those matters that you speak of were taken up quite frequently. But after a couple of years' experience, and everybody got to thoroughly understanding their own agreement, why those grievances became less and less frequent, until at the present time it is a rare case where we have to take up a case of that kind.

Mr. THOMPSON. Have you any piece prices in your work here, or is it all day wage?

Mr. BURTON. Now, am I still speaking on this?

Mr. THOMPSON. Generally—in the trades generally.

Mr. BURTON. In the metal trades?

Mr. THOMPSON. In the metal trade.

Mr. BURTON. We were only dealing with the molders there. In the metal trades there is some piecework. There is even some in the molders industry, but that is not covered by these agreements. It is covered by an agreement between the national union and the Stove Founders' Defense Association. All stoves in this country are made piece price.

Mr. THOMPSON. I mean in your general industry here you do not have piece prices?

Mr. BURTON. No.

Mr. THOMPSON. The molding industry?

Mr. BURTON. No. There is some piecework done by some organizations—riveters and drillers—but these agreements do not have anything to do with piecework. They provide for a minimum daily wage and the hours.

Mr. THOMPSON. Does the question ever come up under your agreement as to whether or not men do a fair day's work?

Mr. BUNTON. As to whether they do a fair day's work or not?

Mr. THOMPSON. Yes; or is the amount of output standardized in different foundries?

Mr. BUNTON. It is not standardized by any agreement between anybody, but in all of these agreements the employer is the sole judge of a man's competency, and he comes pretty near seeing that he gets a fair day's work. If he does not, that is his fault.

Mr. THOMPSON. There is no question, then, raised by the union when a man is discharged because he is not capable of—or for any other similar reason?

Mr. BUNTON. Not generally speaking. But there may be such a thing as an incompetent forman's eyes being larger than his stomach, and he want an impossible days' work from a man. Most men in this vicinity are known by most employers, and their ability is known, and if such a man went to work in a place and was discharged for not doing what he thought was an impossible day's work, and it was proved to be such, why we may request that he would be reinstated in the shop, as the man's competency would be known from other places that he had worked or perhaps in the same shop.

Mr. THOMPSON. Is the molders' union now working under an agreement or contract, or is it working under the terms of an agreement which expired a year ago?

Mr. BUNTON. It is working the same as the other organizations in the iron trades council, with the exception that this agreement that provides for shop rules has been in effect since May, 1900, and is in effect now.

On that subject I may say that for some reason best known to the employing foundry men themselves, they have formed an organization of their own. So far as my knowledge goes, up until May, somewhere along the 20th or 21st of this year, they were a part of the California Metal Trades' Association. At that time the molders' union was officially notified of the information of the California Foundrymen's Association. Later, in July—the 1st of July of this year—the California Foundrymen's Association requested that a committee be appointed by the molders' union to meet a like committee of their own association to discuss the feasibility of entering into an agreement such as was submitted a year or so ago. Those conferences were held, and agreement arrived at in committee. Not only for the molder's union, but for the pattern makers' union, and the National Foundry Employees' Union, as the members of both those organizations are employed directly by foundry men also. This agreement has not as yet been signed.

Mr. THOMPSON. As a general rule, does the nine-hour day exist in coast cities which are in competition with San Francisco in the metal trades?

Mr. BUNTON. Coast cities? I do not believe it does.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Prof. Commons would like to ask you a few questions.

Commissioner COMMONS. I don't know as I understood the provisions of the agreement regarding the employment of union men. There is some provision there, whether it is the existing arrangement or not, that stated there should be no discrimination—is that in the agreement?

Mr. BUNTON. That clause was placed in the first agreement arrived at in 1907. What you have reference to is the third paragraph of that agreement, that there shall be no discrimination made by either side against any employee on account of their connection with the present dispute—is that the part?

Commissioner COMMONS. Yes, sir. What was meant by that at that time? How was that interpreted on the arising of any dispute or grievance?

Mr. BUNTON. By that is meant this: The iron trades union had been on a strike for five weeks for an eight-hour day. The result of that strike was this agreement. During that time as in all—as in most labor disputes at that time—I am happy to say it does not prevail as much as it did then, as our members are learning to know that the union is the place to stay both in times of peace and trouble. At that time there were some employees who saw fit to take sides with the employer and go to work under a nine-hour day when we were on strike for an eight-hour day. The unions have their own rules, regulations, and penalties for such things when any of their members backslide at a time like that, that they take action against them, and place fines on them should they ever want to become a member of their respective organizations again.

On the other hand, some of the members of the different unions had been more active in the strike and controversy that existed, and some of the employers may not be inclined to take the same people back to work at the time of settlement, hence that paragraph is that agreement guaranteeing from both

sides that no discrimination would be made against any employee on account of their connection with the present dispute. That explains it.

Commissioner COMMONS. That is, one who at that time was a nonunion man was kept on, was he, the same as a union man?

Mr. BUSTON. It meant——

Commissioner GARRETSON. It conserved the interest of every man who had gone on strike, and nothing else.

Mr. BUSTON. That is the idea.

Commissioner COMMONS. Well, how about this——

Mr. BUSTON. It conserved the interests of the fellow that stayed in and worked.

Commissioner GARRETSON. If he was at work or on strike.

Mr. BUSTON. Sure, that is the idea.

Commissioner COMMONS. Well, if he was during the strike, and was working nine hours, what was his status after that settlement?

Mr. BUSTON. Why, he went—he became just exactly what he was before the strike happened.

Commissioner GARRETSON. Whatever the terms of the settlement were they applied to him?

Mr. BUSTON. Applied to both parties.

Commissioner COMMONS. That is to say, he continued at work?

Mr. BUSTON. He continued at work and continued his membership in his respective organization without having to pay the penalty for the crime we claimed he had committed against unionism.

Commissioner COMMONS. Well, now, at the present time I can't quite understand whether you are working under an agreement now or whether the agreement is in abeyance; which is the situation?

Mr. BUSTON. It is in abeyance.

Commissioner COMMONS. Now, under that agreement up to the time when it lapsed, what was the treatment of the employment of union or nonunion men? Suppose that the employer wanted to hire men, could he hire a man that was not a member of the union, or was there a rule that he could hire such a man and the man should then join the union, or what was the situation?

Mr. BUSTON. That is governed entirely by the union, by the various unions. Each union has its own rules on such matters. In some unions a nonunion man don't go to work. In some he does, and is taken in afterwards.

Commissioner COMMONS. Then that feature isn't controlled by the iron trades council?

Mr. BUSTON. Not by any blanket agreement; no. That agreement contains the machinery for bringing about whatever condition can be mutually agreed upon between the trade and the employer—and the employer who hires that trade.

Commissioner COMMONS. But suppose the dispute should arise in some union—the machinists—on that question and their employers, could the iron trades council take jurisdiction and decide it as against any rule of the machinists' union governing the matter, I mean the iron trades council and the metal trades association jointly?

Mr. BUSTON. At this time they could. If this agreement that is now being voted on by the respective organizations is adopted, they could not.

Commissioner COMMONS. The new agreement that is being voted on leaves it to each union, then?

Mr. BUSTON. It specifically says no change shall be made in existing conditions, and that is a condition, unless mutually agreed to by both parties.

Commissioner COMMONS. Well, that don't quite answer my question. Unless mutually agreed to by both parties; both parties means the iron trades council and the metal trades association, does it not?

Mr. BUSTON. Not necessarily.

Commissioner COMMONS. Oh, you recognize the subordinate craft organizations on both sides, and their decision can not be overturned by the iron trades council and the metal trades association?

Mr. BUSTON. Either the metal trades association or the iron trades council does not attempt to take the right away from the employer who hires a certain craft, or from the employees that belong to a certain union.

Commissioner COMMONS. Suppose they don't agree, then it can be appealed to the iron trades council?

Mr. BUSTON. No, sir. If they don't agree, the condition is not established; that is, providing this agreement goes into effect.

Commissioner COMMONS. The condition continues?

Mr. BURTON. The same existing condition. It plainly says no new condition will be established unless agreed to.

Commissioner COMMONS. How many employees are governed by the members of the metal trades association?

Mr. BURTON. How many?

Commissioner COMMONS. Yes, sir.

Mr. BURTON. Well, that is something I haven't given any time to, but I should say that possibly maybe between five and six or seven thousand.

Commissioner COMMONS. Are they in San Francisco, or San Francisco and vicinity, or do they cover the State?

Mr. BURTON. Mainly in San Francisco and Alameda Counties. In fact, all but—that is, that are in the California Metal Trades Association or California Employers' Association, they are all in San Francisco or Alameda County with the exception of one employer who is located in Santa Clara County.

Commissioner COMMONS. Is there any metal trades employer in this district who is not a member of this association?

Mr. BURTON. There is.

Commissioner COMMONS. What are they?

Mr. BURTON. What are they?

Commissioner COMMONS. Who are they?

Mr. BURTON. That is a hard question for me to answer.

Commissioner COMMONS. You don't know?

Mr. BURTON. There are a number who are not members of this employers' association and I would have to look them up in order to say who they were.

Commissioner COMMONS. I suppose at these conferences the question has been discussed frequently that has been brought up here, that the union rules and regulations were driving factories and establishments out of San Francisco, and what has been the discussion in your conference and what decision has been reached, or what opinion has been formed as to that?

Mr. BURTON. The claim has been made, and it is reasonable to expect these claims to be made by all employers' associations, when it comes to giving any given locality something that they think is not going to be established, or is not already established in another one. That question consumed considerable time in 1910, and, as I stated before, data was gathered from all of the metal trades shops in the States of Washington, Oregon, and California by both sides and submitted to the subcommittee of the San Francisco Industrial Conciliation Board, of which one of your commissioners was a member, Mr. Weinstock, and the result of that was the suggestion as contained in our agreement. There was a vast difference of the figures in the data submitted by either side. We know from the iron trades council standpoint that our data was correct, that it was gathered honestly, and that it was accurate, and that it only contained the number of people that would be affected in the crafts affiliated with the metal trades industry. We had reason to believe that the data gathered by the California Metal Trades Association was gathered in a more haphazard manner; that they had taken the whole pay roll of their industry and submitted it as data.

Commissioner COMMONS. Did your finding show that notwithstanding you had the eight-hour day and higher scale of wages, that the costs were not greater here than they were in competing points? Was that the result of your testimony or your finding?

Mr. BURTON. We contended that we showed this, that San Francisco—that no shop in the metal trade industry had left San Francisco on account of what has been called the inequality of hours and wages as existed between this city and other competitive cities on the Pacific coast.

Commissioner COMMONS. And I presume the other side brought in evidence to show that business had left on that account?

Mr. BURTON. They attempted to.

Commissioner COMMONS. This was in 1910. Has any similar comparison been made since that time?

Mr. BURTON. No, sir; the question has never been discussed by the parties in interest.

Commissioner COMMONS. No investigation that you know of has been made?

Mr. BURTON. Not since then. A very thorough investigation was made then.

Commissioner COMMONS. Take the other point. Have metal trades establishments fallen off in the number of employees or amount of business which has been transferred to other places. The establishment itself might not have

moved, but its business may have fallen off so that competing points would have taken up the contract which would have come here. Has that been looked into?

Mr. BURTON. No, sir.

Commissioner COMMONS. You don't know anything about that?

Mr. BURTON. I do know.

Commissioner COMMONS. You say that it has not occurred, then?

Mr. BURTON. I say it has not occurred. I have just got through stating that none of the industries in San Francisco—none of the metal industries in San Francisco have suffered from the so-called inequality to the gain of other competitive cities on the Pacific coast.

Commissioner COMMONS. What are foundry employees paid under these agreements?

Mr. BURTON. Foundry employees—the foundry employees' union gives them the jurisdiction over all help in the foundry with the exception of molder and core maker. The only part of that help that is organized is the casting chipper; he gets $3 for an eight-hour day.

Commissioner COMMONS. What do the others get, the unorganized?

Mr. BURTON. They get $2, $2.75, and $3.

Commissioner COMMONS. The iron trades council has not taken up the matter of organizing all the unskilled or common laborers in the business, have they?

Mr. BURTON. They have taken it up.

Commissioner COMMONS. What progress have you made?

Mr. BURTON. Not much.

Commissioner COMMONS. What proportion would you say are unorganized among the unskilled workers?

Mr. BURTON. What proportion?

Commissioner COMMONS. Yes.

Mr. BURTON. I would safely say 80 per cent.

Commissioner COMMONS. They work the same hour day, do they, as the others?

Mr. BURTON. In some trades, yes, sir; and in some trades, no.

Commissioner COMMONS. Some of them work more than eight hours, then?

Mr. BURTON. Some places.

Commissioner COMMONS. I notice they agree in this new agreement to permit the employer to substitute a laborer for a molder in pouring off.

Mr. BURTON. Exactly.

Commissioner COMMONS. Does that come under the incident of organized or unorganized foundry employees that does that kind of work?

Mr. BURTON. Unorganized.

Commissioner COMMONS. What does the molder pay?

Mr. BURTON. What does the molder pay?

Commissioner COMMONS. Yes; the minimum daily rate?

Mr. BURTON. Four dollars for eight hours.

Commissioner COMMONS. And these that now by agreement are substituted will get $3 and $3.50?

Mr. BURTON. Something like that.

Commissioner COMMONS. How large an amount of the molders' work under the old system will be taken away from them, an average of an hour a day?

Mr. BURTON. I didn't get that.

Commissioner COMMONS. Well, the pour off is usually about—you average that half an hour, taking the average generally?

Mr. BURTON. About an hour.

Commissioner COMMONS. About one-eighth of the work can now, under this agreement, be done by laborers instead of molders?

Mr. BURTON. Yes; that laborious part of the work, the carrying in of the iron and pouring it into the molds.

Commissioner COMMONS. And this under this new agreement is left entirely to the employer to decide?

Mr. BURTON. Left optional with him.

Chairman WALSH. Anything else?

Commissioner LENNON. Are the shops in which the molders are employed, are they what would be called union shops or what some people call open shops?

Mr. BURTON. They are an open shop.

Commissioner LENNON. How with the other trades, say, the machinists, for instance?

Mr. BURTON. The machinists' are mostly union shops.

Chairman WALSH. Mr. Weinstock.

Commissioner WEINSTOCK. Mr. Burton, in the proposed agreement or in the past agreement or in verbal understandings, is there anything that forbids the employer from employing union or nonunion help as he chooses?

Mr. BURTON. In some trades; yes.

Commissioner WEINSTOCK. Can you point out in the agreement any paragraph that forbids him to employ nonunion labor?

Mr. BURTON. The paragraph that says:

"No change shall be made in existing conditions or any new condition established by either party to this agreement until the same has been agreed upon in conference."

Commissioner WEINSTOCK. Are there any crafts in the metal trades that are, so to speak, closed shop, wherein the employer must employ only union labor, and, if so, will you name the craft?

Mr. BURTON. I will say that condition exists with the molders.

Commissioner WEINSTOCK. That the employer can employ only union molders?

Mr. BURTON. That is all he does. Whether he can or not is a question.

Commissioner WEINSTOCK. Well, are there any nonunion molders available in the market here?

Mr. BURTON. I don't know.

Commissioner WEINSTOCK. Are we to understand that 100 per cent of the molders that are now at work are union men?

Mr. BURTON. In San Francisco and Alameda County?

Commissioner WEINSTOCK. Yes, sir.

Mr. BURTON. Yes, sir.

Commissioner WEINSTOCK. A hundred per cent are union men?

Mr. BURTON. Yes, sir.

Commissioner WEINSTOCK. Well, are there any nonunion molders that you know of that are available?

Mr. BURTON. Not that I know of.

Commissioner WEINSTOCK. Then practically all the molders that are available are union men?

Mr. BURTON. Yes.

Commissioner WEINSTOCK. There are no nonunion molders available?

Mr. BURTON. No.

Commissioner WEINSTOCK. If an employer should employ a nonunion man—supposing a nonunion molder came here from the East, and the employer needed a man, and he hired the nonunion molder, what would happen?

Mr. BURTON. What would happen? It would be taken up in the provisions of our agreement with them.

Commissioner WEINSTOCK. And what would the end be so far as you can foretell?

Mr. BURTON. It is all according to what kind of a nonunion man he was. The end might be that he would become a union man and go to work.

Commissioner WEINSTOCK. But if he refused to become a union man, and said as a matter of principle that he would not join the union, what would happen?

Mr. BURTON. I guess he would be out of work so far as this vicinity was concerned.

Commissioner WEINSTOCK. Does that apply to any other craft, to any other craft other than the molders in the metal trades?

Mr. BURTON. I guess it does.

Commissioner WEINSTOCK. To what other craft?

Mr. BURTON. I believe it applies to the pattern makers' organization.

Commissioner WEINSTOCK. Does it apply to the machinists?

Mr. BURTON. No; I believe the machinists have some—have a method of their own.

Commissioner WEINSTOCK. Boiler makers?

Mr. BURTON. I believe they allow a man to go to work and become a member afterwards.

Commissioner WEINSTOCK. Then the so-called closed shop is confined to the molders and the pattern makers?

Mr. BURTON. In so far as I know.

Commissioner WEINSTOCK. How many other crafts are there now in the metal trades—there are the boiler makers and machinists, and what else?

Mr. BURTON. Blacksmiths.

Commissioner WEINSTOCK. About the blacksmiths, are they open or closed?

Mr. BURTON. I believe they allow a man to start to work and take him in afterwards.

Commissioner WEINSTOCK. Well, it is so that the employer must ask the man before he puts him to work whether he has a union card?

Mr. BURTON. No.

Commissioner WEINSTOCK. He is not obliged to ask the man if he has a union card; he can employ anybody he pleases?

Mr. BURTON. Yes.

Commissioner WEINSTOCK. And then the union endeavors to persuade him to become a member?

Mr. BURTON. That is the case.

Commissioner WEINSTOCK. It becomes a question, then, between the worker and the union and not between the worker and the employer?

Mr. BURTON. In some instances.

Commissioner WEINSTOCK. That is in the case of the boiler makers, the machinists, and the blacksmiths?

Mr. BURTON. I believe that is the mode of procedure carried out by those organizations.

Commissioner WEINSTOCK. You went on to give the reasons why, in your opinion, written agreements were mutually advantageous.

That is, you pointed out that the advantage of a written agreement between the workers and the employers is that one can not take an advantage over the other; that is, if times get dull the employer can't cut wages, and if times improve the workers can't demand an increase while the agreement is in existence. Therefore, in your opinion, the agreement is an advantage to both sides—a written agreement?

Mr. BURTON. I believe so.

Commissioner WEINSTOCK. Were you present yesterday when Mr. McCarthy gave his testimony?

Mr. BURTON. I was.

Commissioner WEINSTOCK. Do you recall that on the matter of written agreements he denounced them as vicious?

Mr. BURTON. I heard that statement made; yes.

Commissioner WEINSTOCK. Then you don't agree with Mr. McCarthy in his opinion as to written agreements?

Mr. BURTON. My experience with them teaches me not to.

Commissioner WEINSTOCK. That is, you think that they are a good thing mutually?

Mr. BURTON. My experience has; in fact, the experience of the iron trades council has taught us different.

Commissioner WEINSTOCK. So that your opinion on that would differ from Mr. McCarthy's opinion on that point?

Mr. BURTON. It would until such time as our experience is other than it has been here. We will have to say that the written agreement is all right.

Commissioner WEINSTOCK. I think you were also present this morning, were you not, Mr. Burton, when an employer testified to the effect that because of labor conditions in San Francisco the oil industry was having its work done in Los Angeles in place of San Francisco, because the labor conditions there were more favorable to production. What are the facts, as you know them, on that point?

Mr. BURTON. The oil industry?

Commissioner WEINSTOCK. Yes.

Mr. BURTON. Was having its work——

Commissioner LENNON. Tanks and such things.

Commissioner WEINSTOCK. Tanks and boilers and things of that kind made for the oil industry were made at Fresno, Bakersfield, and Los Angeles, and the reason he explained was because the labor conditions were more favorable there than here. Now, can you give the commission any light upon that point?

Mr. BURTON. So far as the men, where the men are from that do that work?

Commissioner WEINSTOCK. No; that by virtue of the fact of the open shop prevailing in Los Angeles that wages were lower and hours of labor were

longer, and that therefore these things could be produced at a cheaper price, and therefore the trade left San Francisco and went to Los Angeles. Now, do you know anything about that at all?

Mr. BURTON. Only—I don't know when this party says that this leaving of work happened, how recently.

Commissioner WEINSTOCK. Is there any of that kind of work, so far as you know, being done in San Francisco, or has any been done in recent times from the oil district?

Mr. BURTON. I know that about a year or so ago there was quite a tank farm established up here at Avon, a little above Martinez, that was done under union conditions; that a little while after that there was another one built just above Pittsburgh, about in back of the city of Antioch, that was—those tanks were built under union conditions. And so far as any of the large tank farms that I know anything about, I know that they were built under union conditions.

Commissioner WEINSTOCK. Can you——

Mr. BURTON. Union boiler makers and riveters.

Commissioner WEINSTOCK. Can you tell in what shops they have been built here?

Mr. BURTON. What firms had the contracts?

Commissioner WEINSTOCK. Yes.

Mr. BURTON. No; I can't. But it is reasonable to believe that if a Los Angeles contractor had the contract for these jobs they would get this so-called cheap Los Angeles help to do the work, as they would have to bring the men from somewhere, no matter where the contract was.

Commissioner WEINSTOCK. The point, as I understand it, was not that work that was being done in the northern part of the State had gone down to Los Angeles, but work in the vicinity of Bakersfield and Fresno, which is an open field for San Francisco and Los Angeles to bid on, had all drifted to Los Angeles, and practically none of it had come up to San Francisco.

Mr. BURTON. That might be so, but I don't know that that ever was done at San Francisco; that is a question that would have to be found out first as to whether that work from Bakersfield south ever was done in San Francisco.

Commissioner WEINSTOCK. You have no knowledge of any of that kind of work ever having been done here?

Mr. BURTON. I don't believe that it was ever done up here. That work belongs to the Los Angeles district; it is in their section of the State.

Commissioner WEINSTOCK. You mean, geographically, that is the logical place for it to go?

Mr. BURTON. That is what I mean; yes.

Commissioner WEINSTOCK. On account of the cost of transportation?

Mr. BURTON. That would enter into it.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all.

Call your next.

Mr. THOMPSON. Just one more question, Mr. Chairman. In those trades where a nonunion man is allowed to be put to work, what would happen if a nonunion man would not join the union?

Mr. BURTON. If he would not?

Mr. THOMPSON. Yes.

Mr. BURTON. Well, that is a question that is hard to answer, that is, by me, as that condition does not prevail in the trade that I learned myself, and I don't know of a case where that has happened, unless it would be a man something of the caliber that they are placing to work in the city of Stockton, a professional strike breaker—a professional strike breaker, a man continually in the employ of some arrogant employers' association who is trying to "bust up" unionism. If he was what is commonly known as the ordinary nonunion man, why, there isn't any question in my mind but what the members of that organization could make him see the benefits of the organization, and that he would voluntarily join that union for his own benefit and protection. If the other kind of a fellow was deliberately placed to work by the employer in a shop of that kind, why, the same thing would happen as has happened in Stockton. There isn't any question about what would happen. That constitutes a lockout, according to most of the unions affiliated with the iron trades' council, and the principle of unions, affiliated unions, is not for sale, and they would not stand for such a thing as that.

Commissioner WEINSTOCK. Just one more question, Mr. Chairman.
Chairman WALSH. All right.
Commissioner WEINSTOCK. Can you give us the initiation fees of the various crafts in your industry, Mr. Burton? Take the molders, what is the initiation fee of the molders' union?
Mr. BURTON. Five dollars.
Commissioner WEINSTOCK. And in the pattern makers'?
Mr. BURTON. Ten.
Commissioner WEINSTOCK. Boiler makers'?
Mr. BURTON. Ten.
Commissioner WEINSTOCK. Machinists'?
Mr. BURTON. Ten.
Commissioner WEINSTOCK. And the blacksmiths'?
Mr. BURTON. Ten.
Commissioner WEINSTOCK. Your initiation fees, then, are much lower than they are in the building trades, apparently?
Mr. BURTON. I think the steam fitters' is $10, and the foundry employees' is $3.
Commissioner WEINSTOCK. The steam fitters', you say, is what?
Mr. BURTON. Ten, and foundry employees' three.
Commissioner WEINSTOCK. And the monthly dues in all these?
Mr. BURTON. They vary.
Commissioner WEINSTOCK. What is the minimum and the maximum?
Mr. BURTON. The minimum, I believe—I think I am safe in saying that the minimum is 50 cents a month.
Commissioner WEINSTOCK. And the maximum?
Mr. BURTON. That is the foundry employees' union and a couple of other crafts. The maximum is 65 cents a week.
Commissioner WEINSTOCK. That would be about $2.60 a month?
Mr. BURTON. Yes. That applies to the pattern makers.
Commissioner WEINSTOCK. That is all.
Commissioner GARRETSON. Does that include sick benefits or anything of that kind?
Mr. BURTON. Yes.
Commissioner GARRETSON. I thought so.
Mr. BURTON. Yes.
Commissioner WEINSTOCK. That is, the maximum will include sick benefits?
Mr. BURTON. Yes.
Commissioner WEINSTOCK. Does the minimum also?
Mr. BURTON. It does not.
Commissioner WEINSTOCK. Does not?
Mr. BURTON. No; the maximum rate includes sick, death, out-of-work, and a number of these benefits.
Commissioner GARRETSON. Is that so?
Commissioner WEINSTOCK. So that it is fraternal in character?
Mr. BURTON. It has most of the fraternal features of the organization, and also those dues take care of the fraternal feature.
Mr. THOMPSON. That is all.
Chairman WALSH. Thank you.
Call your next.
Mr. THOMPSON. Mr. Eva.
Commissioner WEINSTOCK. Mr. Eva asked to be excused until this afternoon, Mr. Thompson.
Mr. THOMPSON. Mr. Tyson.
Chairman WALSH. Is Mr. Tyson ready to go on now?
Mr. TYSON. Yes, sir.

TESTIMONY OF MR. JAMES TYSON.

Mr. THOMPSON. Give us your business address, Mr. Tyson. You may sit down.
Mr. TYSON. No. 16 North Street.
Mr. THOMPSON. And your business?
Mr. TYSON. Lumber business, and also shipping business.
Mr. THOMPSON. Are you president of the Charles Nelson Co.
Mr. TYSON. I am president of the Charles Nelson Co.
Mr. THOMPSON. How long have you been doing business in this city and vicinity?

Mr. TYSON. About 50 years, the company has. I have been connected with it 32 years.

Mr. THOMPSON. What part of the country do they cover in their business transactions—all over?

Mr. TYSON. The whole coast—Puget Sound to San Diego.

Mr. THOMPSON. Are you pretty well acquainted with the conditions in the labor world, in your industry and others?

Mr. TYSON. Well, sir, I believe so; that is, in our own line.

Mr. THOMPSON. What number of men do you employ, or your company, rather?

Mr. TYSON. We employ about 3,500 men.

Mr. THOMPSON. At the present time?

Mr. TYSON. Yes, sir.

Mr. THOMPSON. Is that the normal amount?

Mr. TYSON. This is the height of the season.

Mr. THOMPSON. Will you tell us what you know of the teamsters' strike in 1901 in this city?

Mr. TYSON. We were not concerned particularly in the teamsters' strike, but I know it was a very hard-fought strike. A great many poor boys were beaten up and maimed for life by the strikers. They were taken off the teams and their hands were broken and their arms were broken, and they were told, "Now, you drive a team again."

Mr. THOMPSON. Have you got your material prepared there?

Mr. TYSON. I have some material here. I only returned yesterday morning. I was here yesterday listening to the testimony. The paper I found at the office asked me to make some remark on collective bargaining. This is what I would say on that subject: We object to collective bargaining for several reasons.

First. It is a one-sided contract. Organized labor does not respect its bargains. When it suits them, or it is to their advantage to ignore the same, they do it arbitrarily and without due notice.

Second. We object to the closed-shop regulations. To be told to have this man, not to have this man, to discharge this man, we must retain this man—it is not right. To be obliged to refuse work to a good man because he does not belong to a union, or who for his own good reason does not care to become a member of such, is absolutely wrong as we see it.

We contend that collective bargaining and closed-shop conditions tend to demoralize employees. It removes all incentive for any workman to make himself valuable to his employer. He feels under no obligation whatever to his employer for employment. He considers the union to which he belongs has supplied him with work and is keeping him in his job, in which he is fully warranted under the system of collective bargaining.

Collective bargaining also materially restricts the output of labor. The poorest workman is the maximum day's work. Why should one man do twice as much work as another if they receive the same compensation and always will do so. In fact, the union will not permit a competent man to work at his full capacity. The lazy workman files a complaint; the competent and willing workman is then reprimanded by the walking delegate and admonished to discontinue such foolishness. If he is again complained of he is brought before the union and fined for giving his employer a good day's work for a good day's pay. This occurs frequently.

Such conditions are not economically sound and must drive trade and labor away from San Francisco, as it certainly has done and is doing. In many trades they also restrict the employment of apprentices, which is not fair to the American boy, the results of which are, as stated by Mr. Foo yesterday, that most of our skilled workmen are foreign born.

We are not opposed to organized labor as such. It is far from our desire to disrupt it. We would not want to do so if we could. We consider that workmen have a perfect right to organize and to sell their products at the best obtainable prices, but for their own good and the good of this city and this country they should follow lawful, reasonable, and economic lines. They must do so if they expect to last. They can not continue under any other conditions.

To remedy the present evil we would suggest:

First, that they be put into corporate form, the same as the employer, which will make them responsible and compel the fulfillment of contracts and agreements.

Second, to eliminate the closed-shop feature.

Third, to eliminate stewards in planing mills and factories.

Fourth, to eliminate the walking delegate.

Fifth, to eliminate the business agent. All of whom are simply trouble makers. Their positions depend upon creating trouble and adjusting it afterwards, very often leaving the workingmen in worse condition than they were before such trouble was started.

Sixth, to have no union officials serve more than one term in office. In that way the real workman will get a chance to handle the affairs of the workingmen, which he is deprived of under existing conditions, at least in this city. The union officials here are not workmen. They do not know what work is. They have held office for years, and through manipulations perpetuate themselves in office.

Seventh, to establish a standard of efficiency to be adopted and regulated by actual competent workmen who know what efficiency is, to grade their work on that basis, and to sell their products in the same way that we do ours, according to standard and quality. Workmen are not all worth the same compensation. Many of them are worth more than the union schedule; some of them are worth less, and they should be paid accordingly. This would not be a very difficult problem to work out. It is done in open-shop plants. The good man forges ahead, there is an incentive for them to apply themselves, become efficient, which under present methods of organized labor they are deprived of.

In some places we are working—our company, I mean—closed shop, and in some places we are working open shop. In some of our operations in times past worked closed shop, and are now working open shop.

We have comparative figures which show conclusively that we can operate under the open-shop conditions from 25 to 30 per cent less than under closed-shop conditions, like hours and the same basis of wages. The excess cost under closed shop is accounted for by the restriction of output, by the interference of stewards and walking delegates, and no incentive to the workman to make himself valuable. Under the closed-shop conditions the employer and employee, I am sorry to say, have very little in common. There is no community of interests. The union supplies him with work; the walking delegate is his boss. The employer is of no consequence; he holds the sack, carries the responsibility of the operations, and incidentally provides the pay roll at the end of the week.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock. Please return at that time, Mr. Tyson.

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Wednesday, September 2, 1914.)

AFTERNOON SESSION—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. You may proceed, Mr. Thompson.

Mr. THOMPSON. Mr. Tyson, you may proceed with your statement.

Mr. TYSON. All right, sir.

Mr. Chairman, if you will permit me, I would like to reply to some of the statements made by Mr. McCarthy yesterday.

Mr. McCarthy quoted the cost of the Mills Building, in 1901, at 39 cents; the annex and the rehabilitation of the building in 1906 at 33 cents. This comparison I would say is not fair. The building was but slightly damaged and the annex is but a small addition to the building. He made no allowances for improved machinery and for reduced cost of steel erection, and many other things.

In referring to Mr. Fee's statement, Mr. McCarthy stated that a half truth was very dangerous. I believe that applies to the statement in question made by him.

Building in San Francisco costs from 25 to 35 per cent more than the same buildings cost in Los Angeles, Portland, and Seattle. We own property and have erected buildings in all of these places, and have, therefore, an opportunity to make an absolute comparison.

He also stated that Mr. Fee claimed organized labor was holding back the State of California. Mr. Fee made no such charge. He referred to San Francisco only, and is correct in same, as can readily be substantiated by the last United States Census and other data I shall be pleased to submit. To illustrate: Ten years ago there were engaged in San Francisco about 40,000 in the metal trades. To-day there is less than 15,000. They have gone east and north and south. The business was driven away from San Francisco by organized labor and the workers have necessarily followed it. An oil company

in which we are interested in this city is forced, much against our desire, to buy all of our iron tanks, pipe lines, etc., in Los Angeles, with a freight rate much in favor of San Francisco. A salmon cannery which we own used to buy all their boxes here. It is a very large industry. They now purchase them in Washington and Oregon. Five years ago we used to buy all of our logging engines and our logging equipment in this city, and so did all other lumber companies operating in California, and there are many of them. Where are these equipments and these engines bought now? From Portland, Seattle, Tacoma, and Everett, from open-shop concerns. Thousands and thousands of dollars are paid to these concerns annually and sent away from San Francisco, where it should be spent. I could name commodity after commodity which has shared the same fate.

Mr. McCarthy advises to have a Federal law passed compelling manufacturers to sell their products to anybody and under any and all conditions. We approve of this most heartily, and assume that organized labor is willing to do likewise, to work for anybody, with anybody, under anybody, and under any and all conditions.

Mr. McCarthy stated that the American Biscuit Co. located in Oakland because they could not purchase a site in San Francisco at a reasonable price. Such is not the case. Labor conditions alone and nothing else prompted them not to locate at San Francisco. We deal with them very largely, supplied all the material for the plant in Oakland, and know why they located there.

Mr. McCarthy stated that rents and values of property in San Francisco are too high, and that is what is driving factories away and preventing new industries from locating here. That is not so. Property values and rents are always based on population, and on that basis we are low in comparison with Los Angeles, Portland, and Seattle, and if union labor continues to dominate here, we will be still lower. We know whereof we speak, as we pay rents and own property in all these places.

Mr. McCarthy dwelt long and loud on a proposition from the master painters' association to have his men work for them only. He termed such an agreement a scheme to rob the owners. Has he not such an agreement with the planing mill owners of San Francisco? A similar scheme to rob the owners, and a similar understanding with the brick mason contractors' association. He so testified yesterday, explaining at length why his men would not work for nonmembers of said association.

If you will permit me I will offer in evidence the contract existing between the San Francisco Planing Mill Owners' Association and the Building Trades Council of San Francisco.

(Which document so presented was marked "Tyson Exhibit No. 1," and may be found among exhibits.)

And Mr. McCarthy denied that an embargo existed on worked lumber in San Francisco. The contract I just submitted will bear evidence to the contrary, for this contract is still in effect, and under it they are all operating.

In addition thereto there is an understanding between the building trades council and the San Francisco Planing Mill Owners' Association within the limits of San Francisco union men shall not work for any planing mill not a member of the San Francisco Planing Mill Owners' Association, thus making the arrangement defensive and offensive. McCarthy, in support of his denial that this embargo existed, stated that worked lumber was being delivered direct from the northern mills to and used at the exposition grounds. This is true, but it proves absolutely nothing, quite to the contrary. To permit the landing and use of such material the exposition officials were forced to make a private agreement with the San Francisco Building Trades Council and the Central Labor Council, reading about as follows:

"Organized labor will not interfere or refuse to use material that goes to construct the exposition buildings, sidewalks, pavements, or any other material used in any way for its completion, regardless of how and where manufactured or with labor that was or is nonunion.

"Organized labor will not interfere or raise any objections to foreign nations, States, or private corporations bringing their own material and labor to construct any structure to place their exhibits in; and further, neither foreign nations, States, nor private corporations, will be interfered with by any unions when handling or putting in place their exhibits.

"Organized labor will deliver to or from any wharf or depot any material for building purposes or exhibits regardless of their constructions or who manufactured them, or whether such articles or materials bear the union label.

"Organized labor will not interfere with or cause any interference with any or all of the labor that may be used in the construction of the big fair whenever, whatever it be—union or nonunion, white or black, foreign or American, Japs or Chinamen, so long as their labors are within the inclosure of the exposition grounds. Outside of the exposition grounds and within the limits of the city of San Francisco it is proposed that the present closed-shop policies shall remain in force.

"During the period of the exposition construction and existence the admission fee to join any union will be nominal. No man will be compelled to join a union to secure work within the exposition grounds, but after he is at work the business agent can go there and get his application to join a union."

What prompted organized labor to grant these concessions we can only surmise. Perhaps they thought discretion the better part of valor.

All worked lumber, except siding, flooring, stepping, and redwood ceiling as provided in agreement with the San Francisco planing mill owners, must carry the union label or the building-trade stamp, or organized labor will not handle or use it. It must, therefore, be brought in here from the sawmills and worked in San Francisco planing mills at an increased expense of two to three hundred per cent.

Here I will submit a schedule of charges for doing planing-mill work in the North and San Francisco.

(The document as presented was marked "Tyson Exhibit No. 2," and is printed among exhibits at the end of this subject.)

That does not cover all. The doors, moldings, window sash, and all kinds of millwork is made here at an expense of a great deal more than that, because it must carry the building trades' stamp or the carpenters and artisans will not handle it and will not use it.

Mr. McCarthy in his testimony, in his letters and statements which he read here yesterday always claimed that organized labor kept within the law. If such were the case, we think this investigation would not have been ordered. And we are more than certain that no strikes could ever be successful or even carried on if Mr. McCarthy's statement is true. Without lawlessness on the part of organized labor there can be no strike, and if law and order were maintained by our municipal and State government there would be none.

Mr. Scharrenberg, according to the newspapers—I was not here and this may not be correct—testified that out of 5,000 union sailors belonging to his union only 5 are married, and gave low wages and frequent unemployment as the reason, and a great contributing cause to the prevalent social unrest. This is incorrect.

This is incorrect as to low wages and frequent unemployment. Coasting seamen and union sailors are nearly all engaged coastwise, are paid good wages. They get $55 per month to outside ports, and $50 per month to inside ports, plus their room and board, and plus 50 cents per hour for overtime after working hours and on Sundays and holidays. The sailors in our employ, which is an average of all employed on the coast, earn from $75 to $100 per month and their room and board, and they leave the work of their own volition. They could stay with us as long as they want to, but as is probably known to everybody most of the sailors when they get one or two hundred dollars ahead want to stay ashore and spend it.

The restriction in apprentices as now practiced on the San Francisco water front by the San Francisco Ship Calkers' Association. I have their by-laws right here. Pardon me, please, before I close that paragraph as to the sailors, I would explain to you that it is a custom and a demand by the sailors' union that we give them coffee. At 9 o'clock in the morning we have to stop work for 15 minutes, and again at 3 o'clock in the afternoon we stop work for 15 minutes. Men on shore taking their lumber or cargo from them stand idle. There is a loss every day of that half hour, which is unnecessary and should not be.

Now, in the by-laws of the calkers' association they limit the work of a calker to 150 feet on deck and 100 feet on the side of the ship per day. They receive $5 per day and can be through their work at noon. A good calker, there are many of them, can calk these restricted amounts in the forenoon. We have often paid them for two days, doing one day's work. That is, working from 7 o'clock in the morning until 4 in the afternoon they would calk twice the footage allowed them by the association in eight hours, while their working day is nine hours, and receive two days' pay for it.

They allow each contracting employer one apprentice, only one, and no more. If he had use for ten, he could only use one, and if there is a relative of a caulker he had the preference. No outsider will be admitted to their union as an apprentice.

The ship carpenters have similar restrictions. In addition thereto they will not permit a corporation to shift the carpenter from one vessel to another during the day. If you need a man you have to send to their headquarters for a carpenter regardless of how many idle men you may have in your employ, and you can't pay them for less than half a day within the San Francisco limits, and one day outside.

On February 17, 1913, they called a strike on a Saturday afternoon to take effect on Monday morning increasing their wages from five to six dollars a day. Many vessels were on the dry docks, others were torn open, but that cut no figure. The strike was called, and it was put into effect. It lasted for three months and inconvenienced a great many, but they finally lost out and the old conditions, the old wages, obtained.

Mr. Fee testified the hospital for which the employees are charged $1 a month covered only a specified time. That is not correct. There is no limit of time. The employees are taken care of indefinitely until they are fully recovered and can return to work.

In our hospital at Humboldt Bay and also at Merced Falls, we have recently had workmen confined for three or four months with typhoid fever and with broken limbs, broken in playing ball and being out hunting, operations not at all connected with the plant. Yet they are permitted to stay in the hospital, receiving hospital care and treatment and their board free of charge until they are fully recovered and return to work.

I cut out of Saturday evening's Bulletin an extract from President Wilson's speech at Princeton College.

Chairman WALSH. Any documents that you have, just kindly submit them. We have a rule that all documents are to be submitted without description.

Mr. TYSON. All right, I will submit that.

Chairman WALSH. Thank you.

(The clipping referred to was submitted.)

Mr. TYSON. In May, 1906, the sailors' union called a strike which lasted until October, 1906. A great deal of violence was done. A great many were beaten up. A number of them were killed here in San Francisco, of which I haven't got the data. But on Grays Harbor two nonunion sailors were shot and killed on the schooner *Fearless*. The sailors' union agent, Mr. William Gohl, was arrested for instigating these murders, was convicted, and sent to the penitentiary. Several years afterwards on his release from jail he was reinstated by the sailors' union as their agent at the same point.

Charles Brock, the sailors' union agent at Portland, with others went on board the steamer *Joss Poulsen* in the night, and badly beat up the crew—very badly. Mr. Brock was convicted and sent to the penitentiary.

Shooting scrapes here at Redondo and San Pedro were numerous, and a number of people were killed. I will be pleased, Mr. Chairman, if you will permit me, to file particulars of them.

Chairman WALSH. I wish you would, and the names and dates, please.

Mr. TYSON. Yes, sir.

Chairman WALSH. And the record of the outcome in case of a trial.

Mr. TYSON. Yes, sir.

(See Tyson Exhibit No. 3.)

In January, 1908, the marine engineers called a strike. They demanded an increase in the number of engineers, although that number is positively fixed by the United States inspectors of hulls and boilers. The shipowners replied that they could not grant this request. They were willing, but must abide by the United States certificates. All vessels were tied up, and the strike lasted for nearly four months.

A settlement was only arrived at when we were permitted to negotiate and meet with our own men. We could do nothing with the officials of the union. A settlement was made, of which I submit a copy—an open-shop settlement, which is at this time in effect.

(A pamphlet entitled "Agreement between the Steam Schooner Owners of San Francisco and the Marine Engineers' Beneficial Association, No. 35," was submitted in printed form.)

On February 21—I think it was—1911, our Oakland concern, the Sunset Lumber Co., struck. The strike lasted two years, and it is still on. We are still—that company and ours here—are still on the unfair list, and we are be-

ing boycotted all over the coast. A great many men were beaten up, more than a hundred. It was a very vicious strike, and our employees suffered very severely. The wrecking crew of the building trades council was very bitter, and they came very near having to have to call upon the morgue crew—I understand they have such. Several of our men were in the hospital for months; some of them we did not expect to live.

I will submit particulars of those assaults, Mr. Chairman, if you will permit me.

(See Tyson Exhibit No. 3.)

In May, 1906, a strike was called on Humboldt Bay of all the sawmills. On the 1st day of May about 7,000 men walked out. It lasted three months, and many of them were beaten; two men were killed, for which some of the offenders are now serving time in San Quentin.

We will submit particulars of that also.

In August of the same year the stevedores of Humboldt Bay went on strike—a very bitter strike. It lasted six months. I am pleased to say Humboldt Bay both in sawmills, lumber camp, and longshore, is now open shop there wholly. Many of our old men went back to work and we have nothing against them. They are all right. They were waylaid by people who came up from here.

In 1911 the stevedores' strike at Grays Harbor was called. It lasted six months. It was a very bitter strike—many assaults, many people maimed and hurt, but the strikers lost, and they are now operating open shop with many of our old men on the pay roll. They do not discriminate against union men, excepting the ones who were active in the strike. Where they were particularly active, particularly vicious, they can not come back to work. They have gone somewhere else.

In connection with these strikes, the sailors' union strike of April, 1906, and the marine engineers' strike of March, 1906, I will submit these reports, if you please.

(The papers so presented were marked "Tyson Exhibit No. 3," and are printed at the end of this subject.)

In the Sunset Lumber Co.'s strike the Labor Day parade of September, 1911, carried the following transparencies:

"The only way to save the McNamaras is by universal strike."

"The capitalists have no flag, no country, and no patriotism."

"The militiaman is a scab on the Regular Army."

"The Lord loveth a cheerful giver. Remember the McNamaras."

"The carpenter of Nazareth was crucified. They would hang the ironworkers of Indianapolis."

"If W. J. Burns, the M. & M., should die in the South"—he was in Los Angeles at the time—"would the sun set over the corpse up north?" The "sun set" referred to our company.

The building trades council flooded the country at the time the strike was called, and has ever since with announcements of the fact that the strike had been called and the company was unfair and not to trade with them. We had been blacklisted and were to be boycotted, of which I have a number that I will submit in evidence.

(The papers so presented were marked "Tyson Exhibit No. 4," and may be found among exhibits.)

Mr. Tyson. Here is another paper I would like to submit also.

(A pamphlet entitled "Organized Felony" was submitted in printed form.)

Mr. Thompson. Mr. Tyson, have you——

Mr. Tyson. Just a moment, please. Mr. McCarthy said yesterday that all legislation tending to relieve the conditions of the workingman was prompted and supported only by union labor. I want to take issue with him there; it is not so.

At the last legislature in Sacramento they passed a compensation law, which, I think, every reasonable employer approves of. It is an excellent law and we have an excellent commission. They have administered that law to our entire satisfaction, and we are very glad that the measure became a law. A poor workman who is hurt now receives his compensation when he needs it; he does not have to wait several years and get it through a lawyer, and very little of it. If they should change that law to make it compulsory on both employers and employees, I think it would be an improvement. It should be done. That is the kind of law we have in the State of Washington, and it works out well.

The industrial commission that looks after that law, of which Col. Weinstock is a member, sends special agents to our lumber camps, sawmills, and all our

operations to see that our employees are safeguarded from all hazards, and all hazards that can be removed are removed.

I think the reports will show that all employers welcome these agents, co-operate with them, do everything that they ask them to do. They also send agents into our logging camps and our sawmill camps and suggest improvements in conditions, particularly as to sanitary conditions. We are glad to have them come and point these discrepancies out to us. As far as our company is concerned, I think all other operators welcome those inspectors and act on all their suggestions if at all within reason.

That is all, I think.

Mr. THOMPSON. You said no strike can be carried on if law and order are maintained. Will you just elaborate that and give us your idea as to why?

Mr. TYSON. Because there can be no strike without intimidation, coercion, and violence. They should not be permitted under our laws here, but they are. Municipal governments do not maintain law and order.

Mr. THOMPSON. That would include all strikes?

Mr. TYSON. The ones that I know of. I can not speak for other communities, but I presume it is the same all over.

Mr. THOMPSON. The maintenance of law and order, as I take it from your statement, would stop any strike?

Mr. TYSON. Yes, sir.

Mr. THOMPSON. It would make no difference whether the cause of the strike was a just cause or not?

Mr. TYSON. Absolutely not.

Mr. THOMPSON. Will you tell us what the workman might do, then, who has a just cause for strike and can not maintain a strike lawfully?

Mr. TYSON. Well, I can't conceive of a condition of that kind.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any other questions?

Commissioner WEINSTOCK. You gave as one of the objections, Mr. Tyson, to unionism, the closed shop.

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. Pointing out that that was a serious disadvantage to the employer. Well, now, if the union should waive the closed shop, what objection would there be to dealing with and recognizing unions?

Mr. TYSON. Well, Mr. Weinstock, they are not responsible. I suggested more than that. I suggested that they form themselves into corporate bodies and present responsibility. We have no objection to dealing with them if they are responsible.

Commissioner WEINSTOCK. May I ask, Mr. Tyson, what is your judgment and opinion concerning unionism; is it a good thing or bad thing for the union and for the State?

Mr. TYSON. If carried out upon legitimate lines, I think it is a good thing for the workman and a good thing for the State, if the closed shop is omitted, is eliminated from it. I don't think that men combined will get much better treatment from many employers than they will if they are not combined.

Commissioner WEINSTOCK. Do you believe that unionism can perpetuate itself without the closed shop?

Mr. TYSON. I do; yes, sir.

Commissioner WEINSTOCK. You doubtless are familiar with the reasons offered by unionists for the closed shop. Among them is the one that with the open shop the tendency would be on the part of the employer gradually to replace the union men by nonunion men, so that sooner or later he would be in a position to cut wages and to lengthen hours. Now, how much of a fact, so far as you know, lies in that criticism of the open shop on the part of unions?

Mr. TYSON. I don't think there is anything to that. The employer will discharge a union man for proselyting for unions during the working hours, who will get a union man off in the corner of your factory or your lumber yard or your sawmill and talk when he should be working. Those are the union men who are discharged for being union men—not for being union men, Mr. Weinstock, but for using the time that belongs to the employer for union purposes.

Commissioner WEINSTOCK. I take it, Mr. Tyson that the employer's theory is that if the men work 8 hours out of 24 that there is 16 hours at the command of the men during which they may be approached and invited to become unionists?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. Without encroaching upon their working time?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. And that the employer absolutely objects to his working time being cut into by discussing unionism?

Mr. TYSON. That is correct, sir. The employer pays for that time and it is his time and should be employed for him.

Commissioner WEINSTOCK. Would you object if missionaries or proselytes came onto your works to solicit men to join political bodies or fraternal bodies or religious bodies?

Mr. TYSON. Yes, sir. We don't permit them upon the place at all during working hours, except men that come there for business purposes.

Commissioner WEINSTOCK. Your contention would be——

Mr. TYSON. They would take the time just the same as——

Commissioner WEINSTOCK. Those ought to be discussed after working hours?

Mr. TYSON. Yes, sir. They have no right to take up our time.

Commissioner WEINSTOCK. You pointed out, Mr. Tyson, that Mr. McCarthy, in his testimony yesterday, claimed that it would be a vicious and unfair thing for the workers, despite the fact that they insisted upon the employer and the union shop, employing only union men, they reserved to themselves the right to work for employers who are not members of the employers' association?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. And then you call attention to the fact here that, despite Mr. McCarthy's statements, the union—and that they have to agree not to work for employers who did not happen to be members of employers' associations, would be a vicious thing and an unfair thing for the worker?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. And that, despite Mr. McCarthy's statement to that effect, the building trades had entered into agreements with employers' associations that their workers would not work for a nonmember of an employers' association in the planing mill industry?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. And you have submitted this contract?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. I have looked it over. I can not find that clause.

Mr. TYSON. That is not in the contract, Mr. Weinstock. It is an agreement—unwritten agreement—but it is carried out and enforced just the same.

Commissioner WEINSTOCK. I see. It is not in the document?

Mr. TYSON. No, sir; because it might come in conflict with the law if it were.

Commissioner WEINSTOCK. You have testified that there have been instances where manufacturers have left San Francisco because of the labor conditions?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. Can you furnish the commission with specific instances?

Mr. TYSON. I will be glad to.

Commissioner WEINSTOCK. Do you have any in mind now, for example?

Mr. TYSON. I have the Pacific Lumber Co.—went to Oakland.

The H. K. Wood Lumber Co. went to Oakland.

Our company went to Oakland. We thought we would be free from the domination of organized labor there, but we were not. We are now, but we were not until we had this fight. There are many others.

Commissioner WEINSTOCK. In what respect are the labor conditions, Mr. Tyson, in Oakland——

Mr. TYSON. Open shop.

Commissioner WEINSTOCK. The open shop prevails in Oakland?

Mr. TYSON. There are no building trades against our millwork, we can mill our lumber in our plant in the North and bring it in there and use it.

Commissioner WEINSTOCK. Do your union men handle——

Mr. TYSON. They do.

Commissioner WEINSTOCK. So-called nonunion lumber?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. But they don't handle it in San Francisco?

Mr. TYSON. They do not; and our home city and Sacramento are the only places on the face of the earth where we can not send our worked lumber from the mills on Humboldt Bay, Puget Sound, and the Sierra Nevada Mountains.

Commissioner WEINSTOCK. What explanation have you for the fact that organized labor, or the building trades permit union men to handle so-called

nonunion lumber in Oakland and elsewhere and not permit it to be handled in San Francisco?

Mr. TYSON. Because in Oakland we had a two years' struggle and we beat them. We can now mill our lumber on Puget Sound, as I said, Humboldt Bay, and the Sierra Nevada Mountains, make our doors, windows, moldings, baseboard, and everything that goes into a house in the North, bring it to Oakland, use it there, and ship it all over this country, all over Europe, everywhere, Australia, Africa, East, South America—the only town in which, or to which, we can not bring our manufactured goods is our own home town. Here it has to be worked at an increased cost of from 300 to 500 per cent to obtain the building trades' stamp, they stamp every piece of worked lumber, so that the artisan handling it will know whether it has been worked here or in the North or outside of the city. It is a brand that they put on it, and they will not handle it without that brand. And the owner of the building will pay for it.

Commissioner WEINSTOCK. What difference, then, is there in the cost of production, Mr. Tyson, so far as you know, in your industry, between Oakland and San Francisco, if you can give it?

Mr. TYSON. Twenty-five to thirty per cent.

Commissioner WEINSTOCK. You can produce it at that much less?

Mr. TYSON. In Oakland; yes, sir.

Commissioner WEINSTOCK. Twenty-five to thirty per cent less than you can in San Francisco?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. How is it possible under those circumstances, then, for San Francisco to compete in that particular line?

Mr. TYSON. They don't compete, Mr. Weinstock. We don't come over here, and they can't compete with us, and we can't absorb the cost of transportation to San Francisco, also the cartage, and it takes us too long to get the lumber over here.

Commissioner WEINSTOCK. What is the market for the Oakland output, where is there a market for it in your line?

Mr. TYSON. All over the State.

Commissioner WEINSTOCK. All over the State?

Mr. TYSON. Yes, sir.

Commissioner WEINSTOCK. What is the natural market for San Francisco?

Mr. TYSON. San Francisco, the only practical one. It has been shut off.

Commissioner WEINSTOCK. You mean that the market for the San Francisco output is restricted to San Francisco?

Mr. TYSON. The peninsula as far down as San Jose.

Commissioner WEINSTOCK. Whereas Oakland has the whole State for its market?

Mr. TYSON. Oakland, Port Costa, Black Diamond, and Bay Point.

Commissioner WEINSTOCK. Can you give us any idea——

Mr. TYSON (interposing). There is the whole State. They have the State as far north as Red Bluff. Going beyond that we compete from the north by rail.

Commissioner WEINSTOCK. Owing to these conditions, do you know what, in round figures, the volume of business done in Oakland in that industry is, and also the volume done in San Francisco in that industry is?

Mr. TYSON. I couldn't tell you, but I can ascertain and file a report.

Commissioner WEINSTOCK. I would be very glad to have you do that.

Mr. TYSON. I will be very glad to do it.

Commissioner WEINSTOCK. How recently have you had acts of violence committed on your people?

Mr. TYSON. Just one moment, please. Not for a year.

Commissioner WEINSTOCK. To what do you attribute the change in the condition?

Mr. TYSON. Well, I presume both armies were worn out.

Commissioner WEINSTOCK. Did these acts of violence take place in the city of San Francisco or elsewhere?

Mr. TYSON. In Oakland.

Commissioner WEINSTOCK. Chiefly in Oakland?

Mr. TYSON. That is where we were, because we operated only in Oakland. We did not come to San Francisco.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. O'Connell wants to ask you some questions.

Commissioner O'Connell. Mr. Tyson, will you please tell us, for the benefit of the commission, the different businesses you are interested in and where they are located?

Mr. Tyson. They are located on Puget Sound and Humboldt Bay.

Commissioner O'Connell. What are they?

Mr. Tyson. Puget Sound, Crown Lumber Co.—I would prefer not to answer that question, because it would only make our company a target of the building trades council.

Commissioner O'Connell. Don't you suppose they know where they are located?

Mr. Tyson. They may or may not. I will answer, though, if you wish.

Commissioner O'Connell. You do not need to answer.

Mr. Tyson. We have plants all over this country, on Puget Sound, Humboldt Bay, here, and down South.

Commissioner O'Connell. You are in the shipping business, too?

Mr. Tyson. Yes, sir; shipping business.

Commissioner O'Connell. Own ships?

Mr. Tyson. Yes, sir.

Commissioner O'Connell. Build ships?

Mr. Tyson. Do we build ships?

Commissioner O'Connell. Yes.

Mr. Tyson. No; we do not. We have them built for us.

Commissioner O'Connell. Do you maintain a repair establishment?

Mr. Tyson. No; that is all done by contract. In that connection I would say that we used to have all our repairing done right here, because we preferred to have it done at home; but we do not any more.

Commissioner O'Connell. Do you own dock facilities here in the city?

Mr. Tyson. No. The dock facilities in San Francisco are owned by the State. We lease from the State.

Commissioner O'Connell. How many people do you employ?

Mr. Tyson. About 3,500.

Commissioner O'Connell. In your entire business?

Mr. Tyson. Yes, sir; our entire operations.

Commissioner O'Connell. What percentage of them are in the lumber business?

Mr. Tyson. All in the lumber and the shipping business. That is our only business.

Commissioner O'Connell. Some of them are sailors, for instance, are they not?

Mr. Tyson. Yes, sir. On board the ships they are sailors.

Commissioner O'Connell. How many sailors do you employ?

Mr. Tyson. Probably about 250.

Commissioner O'Connell. You say the sailors' wages now are around $55 a month?

Mr. Tyson. Yes, sir; to outside ports; and $50 to inside ports.

Commissioner O'Connell. How long have they been that way?

Mr. Tyson. Since 1906.

Commissioner O'Connell. They were what before?

Mr. Tyson. They were $5 less—I think $5 or $10 less; I am not sure which.

Commissioner O'Connell. How did they come to be raised at that time?

Mr. Tyson. Because we had a strike, and the sailors won out.

Commissioner O'Connell. I understand you to say you were not in favor of collective bargaining?

Mr. Tyson. No, sir.

Commissioner O'Connell. Nor of organizations striking?

Mr. Tyson. No, sir.

Commissioner O'Connell. But that you were in favor of organized labor, or laboring men being organized?

Mr. Tyson. I did not say I was in favor of it; I said we were not opposed to it.

Commissioner O'Connell. Will you explain to this commission if the men did not have the right to collective bargaining; in other words, to meet their employers and sit down with them and deal with them with a view to raising wages, reduction of hours or labor, or a change of working conditions, if they did not have that right——

Mr. Tyson. They have that right.

Commissioner O'Connell. But you say you are opposed to it.

Mr. TYSON. I am opposed to collective bargaining, and I guess my reasons why.

Commissioner O'CONNELL. Just let me explain.

Mr. TYSON. Certainly.

Commissioner O'CONNELL. I say if the men haven't that right—agree your proposition is correct—and in addition, didn't have the right to strike, will you explain to the commission how labor would in any way improve its conditions of employment other than at the will of the employer?

Mr. TYSON. The law of supply and demand, I think, would regulate that, and I will show you how it does.

Commissioner O'CONNELL. I would be glad if you would do so.

Mr. TYSON. Organized labor only maintains absolute control in San Francisco. This is the only place I know of where collective bargaining is made or is carried on. Now, all over this coast there is no collective bargaining, there is no union domination, and I contend that the laborer, both as to wages, hours, and conditions, are better off outside of San Francisco than within San Francisco, where organized labor controls.

Commissioner O'CONNELL. You say there is no collective bargaining outside of San Francisco?

Mr. TYSON. No, sir.

Commissioner O'CONNELL. Do you understand——

Mr. TYSON. Excepting, I say—I should say universal collective bargaining. In particular instances there are, like the longshoremen of Puget Sound. They used to belong to the building trades council on the coast, but they now belong to the International Longshoremen's Union, which, by the way, is a very fine organization; and I think that the contracting stevedores of Puget Sound have done collective bargaining with the International Stevedores' Association of America, with the proviso, however, that they can work nonunion men with them.

Commissioner O'CONNELL. Did you hear a gentleman this morning who has a contract that was agreed to some years ago by the metal trades workmen of this city and the metal trades association of this city?

Mr. TYSON. No, sir; I did not.

Commissioner O'CONNELL. In which by collective bargaining they had agreed on conditions of employment by which the hours of labor were to be reduced gradually each six months, and that there was an other conference again for the purpose of renewal.

Mr. TYSON. I didn't hear it, but I know of the contract.

Commissioner O'CONNELL. That covered all metal trade work in San Francisco. Isn't that collective bargaining?

Mr. TYSON. I say collective bargaining is carried on in San Francaico, but nowhere else on the Pacific coast except in San Francisco and perhaps Sacramento, and the laboring men as a whole are better off throughout this coast outside of San Francisco than within San Francisco.

Commissioner O'CONNELL. I understood you to say you operated both open and closed shops.

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. Why do you operate a closed shop?

Mr. TYSON. We operate a closed-shop yard right in San Francisco.

Commissioner O'CONNELL. Why do you operate a closed shop in San Francisco?

Mr. TYSON. Because we have to.

Commissioner O'CONNELL. Are the rest of your shops open?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. I understood you to say you were operating open shops about 30 to 35 per cent cheaper than you are the closed shop.

Mr. TYSON. We are.

Commissioner O'CONNELL. Is your closed shop in San Francisco a profitable business?

Mr. TYSON. Profitable?

Commissioner O'CONNELL. Yes, sir.

Mr. TYSON. Well, it is not at the present time. I don't think there is any profitable shop in San Francisco at the present time.

Commissioner O'CONNELL. Would it be a fair estimate to say your nonunion shop or open shop is 30 to 35 per cent more profitable to your firm than the shop in San Francisco?

Mr. TYSON. If it would be profitable then.

Commissioner O'CONNELL. Is it that much more profitable?

Mr. TYSON. I don't understand your question.

Commissioner O'CONNELL. Are your open shops 30 to 35 per cent more profitable to you in gross than your closed shops?

Mr. TYSON. Yes, sir; they certainly are; because we are doing more business. I know that the closed-shop conditions in San Francisco are driving away trade, are retarding commerce, consequently we are doing a much smaller volume of business, and our expense ratio is consequently higher and the profits smaller.

Commissioner O'CONNELL. Would I be drawing a fair conclusion if I concluded from your own estimate that it would be 30 to 35 per cent more profitable to employers to run an open shop than a closed shop?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. And the difference would be on your being able to employ people at less wage and working them longer hours?

Mr. TYSON. That is not what I said in my report this morning. Under the same wages, the same hours, and the same conditions, but we get more work out of the men. They look to us as their employer, they appreciate our employment. We have a community of interests which does not exist under the closed shop. There they look to the walking delegate as their boss and the labor union as their employer.

Commissioner O'CONNELL. Do you pay the same wage in open shop in Oakland as you do in the closed shop in San Francisco?

Mr. TYSON. We pay in many cases a higher wage. We pay them according to the quality.

Commissioner O'CONNELL. Is your total pay roll for the same number of people as great in Oakland as it is in San Francisco?

Mr. TYSON. I think it is greater.

Commissioner O'CONNELL. Can you furnish us with copies of both pay rolls so that we can compare them?

Mr. TYSON. Well, I don't know that we want to do that. If you demand it, I presume we can.

Commissioner O'CONNELL. We would like to have it, if agreeable to you.

Mr. TYSON. If these papers are open to the public, I don't think we ought to be asked to submit pay rolls.

Commissioner GARRETSON. No question of their being open to the public.

Mr. TYSON. Otherwise we would be glad to do it.

Commissioner GARRETSON. They are not for public use in any way.

Mr. TYSON. Mr. Chairman——

Chairman WALSH. We have adopted this rule, that they are all open to the public unless otherwise requested.

Mr. TYSON. Then we would request that they be not open to the public, and we would be glad to submit them.

Chairman WALSH. Very good. Submit your pay rolls in full.

Commissioner GARRETSON. Attach to them the notation in regard to not making them public, and then it won't be overlooked.

Mr. TYSON. We would be glad to do that.

Commissioner O'CONNELL. I understand you to say that you believe the organization of labor should reelect new officers every year?

Mr. TYSON. Just a moment, until I put down this notation. Yes, sir.

Commissioner O'CONNELL. They should change their officers generally each year in order that the workmen might have an opportunity of becoming officers. Would you hold that to be good policy for the employers' association and business men to change their officers every year—change their regular officers every year, change the secretaries of their business houses every year?

Mr. TYSON. Well, they are not—that isn't a fair comparison. The officers of a corporation are elected by the owners of the corporation; they have the right to choose. There is no ownership as between the officers of a union and the rank and file of a union.

Commissioner O'CONNELL. Are they not elected by the rank and file of the union?

Mr. TYSON. Yes, sir; they are.

Commissioner GARRETSON. If incorporated, wouldn't every member of the union be rated as a stockholder?

Mr. TYSON. Yes, sir; if incorporated they would have the same right as corporations have.

Commissioner GARRETSON. Consequently the conviction of the unincorporated is just the same as a partnership?

Mr. TYSON. I can't see it that way.

Commissioner O'CONNELL. You described the situation that occurred in what I think you called your Humboldt Park shop.

Mr. TYSON. Humboldt plant.

Commissioner O'CONNELL. Where you had a strike sometime.

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. And now operate under open-shop conditions.

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. Is there any semblance of union left in that plant now?

Mr. TYSON. Well, I don't know that, Mr. O'Connell.

Commissioner O'CONNELL. Are the wages and hours the same now as they were before the strike?

Mr. TYSON. They are higher.

Commissioner O'CONNELL. What are the hours there?

Mr. TYSON. We work 10 hours. We voluntarily reduced the work from 12 hours to 10 hours.

Commissioner O'CONNELL. How long ago?

Mr. TYSON. About 10 years ago.

Commissioner O'CONNELL. Can you name for us some of the metal-trades firms that have moved from San Francisco in the last 10 years?

Mr. TYSON. I think the Moran-Scott Iron Works moved across the bay. I think the Union Iron Works started their plant 10 or 12 years ago across the bay. I am not familiar with the iron trade, but those are the two I have in mind, and I think a good many of the gas-engine companies—the Standard Gas Engine Co., and the Union Gas Engine Co., and the Atlas Gas Engine Co.—moved across the bay.

Commissioner O'CONNELL. You say you think they did?

Mr. TYSON. I am sure they did.

Commissioner O'CONNELL. You speak about the limitation of closed shops, and unions, and so forth. You cite this per cent, 35 per cent, increase over the open shop. Have you ever visited one of the great factories in which machines are exclusively used, such as, for instance, a shoe factory?

Mr. TYSON. Never have.

Commissioner O'CONNELL. Or any of the large factories in which machinery is used in this country; in fact, you use machinery in some parts of your own business in your mills?

Mr. TYSON. No; that is only our own plant that keeps me busy.

Commissioner O'CONNELL. But you have machines in your plants?

Mr. TYSON. Yes, sir; lots of them.

Commissioner O'CONNELL. Planers and all that sort of thing?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. They are bought upon recommendations from the parties who sell them that they will do so much work?

Mr. TYSON. No; upon our own judgment.

Commissioner O'CONNELL. Yes; and you have them speeded?

Mr. TYSON. To take the recommendation from the man who has them for sale would not be of very much value.

Commissioner O'CONNELL. No. Then you have somebody with experience who speeds those machines to their proper speed to do work properly. Is the machinery in your plant speeded to its capacity?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. Is it possible for men, whether union or nonunion men, to produce more than the machine is speeded for?

Mr. TYSON. No. But they can delay the machine, changing knives, and in doing a lot of things, grinding the knives. When a man wants to loaf he can always find an opportunity to do so, and they do find it.

Commissioner O'CONNELL. I suppose the superintendent of a factory would have a fairly good idea of how long a machine should be idle to take care of the necessary delays to keep it in operation?

Mr. TYSON. Well, when we were running the closed shop in Oakland in the planing mill we wanted a report every day of the stoppages of the machines to ascertain how long they were stopped. We know how long they should be stopped, and we were not getting the work out of them. The walking delegate objected to that report, and the steward in the mill objected. He reported it, no doubt, to the walking delegate, and the business agent objected to those reports.

Commissioner O'CONNELL. Have you given any thought to the total production of the wageworkers of this country produced by machine as compared to the amount produced by hand?

Mr. TYSON. No, sir; I haven't.

Commissioner O'CONNELL. Just one more question: Where do you operate hospitals?

Mr. TYSON. On Humboldt Bay, also Merced Falls.

Commissioner O'CONNELL. Do these hospitals take care of the employees in that——

Mr. TYSON. Camp.

Commissioner O'CONNELL. Camp?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. How many workmen are in that camp?

Mr. TYSON. In the Humboldt camp I think we have 1,000.

Commissioner O'CONNELL. They pay how much a month?

Mr. TYSON. One dollar.

Commissioner O'CONNELL. That $1 goes to who?

Mr. TYSON. To the two doctors and two trained nurses.

Commissioner O'CONNELL. Then you collect from 1,000 men or whoever are employed there $1,000 per month?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. And that is turned over to the two doctors and the two nurses?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. Now, how many men are employed during the month in addition to the 1,000 who are kept at work?

Mr. TYSON. Very few. We are isolated and our men don't leave.

Commissioner O'CONNELL. Would there be a couple of hundred in addition?

Mr. TYSON. No, sir; there would not be 25.

Commissioner O'CONNELL. Now, what do the men get for this $1,000 a month they pay to these two doctors and two nurses?

Mr. TYSON. They get hospital treatment and they get free board when they are sick.

Commissioner O'CONNELL. Do their families get treatment?

Mr. TYSON. Yes, sir; they get free medicines.

Commissioner O'CONNELL. Wives and children?

Mr. TYSON. How is that, sir?

Commissioner O'CONNELL. And their families—wives and children?

Mr. TYSON. Everybody in the camp.

Commissioner O'CONNELL. Do these doctors and nurses give attention to anyone else in the community?

Mr. TYSON. There is no one in our community but our own men.

Commissioner O'CONNELL. Does your company pay anything in addition to these doctors?

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. How much do you pay?

Mr. TYSON. I think we pay 25 cents per man to cover that service they render under the compensation act.

Commissioner O'CONNELL. That is an addition of $2,500——

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL (continuing). Or $250?

Mr. TYSON. Two hundred and fifty dollars per month; I am pretty sure that is it.

Commissioner O'CONNELL. There is an absolute income of $1,250 a month for two doctors and two nurses?

Mr. TYSON. But not the whole year. During the winter months we don't log, and then the income is probably reduced about 60 per cent.

Commissioner O'CONNELL. The man pays that—how long does he have to work before he pays the dollar?

Mr. TYSON. Two weeks.

Commissioner O'CONNELL. If he is reemployed again within the two weeks in the same month, he would pay the dollar again?

Mr. TYSON. Oh, no; not the same month. He only pays once a month. If a man don't stay longer than two weeks, we don't reemploy him.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Anything else?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. You differ in that from the other lumber companies in the North?

Mr. TYSON. I think we do, Mr. Garretson.

Commissioner GARRETSON. The testimony was universally given in that country; that is, in Washington and Oregon——

Mr. TYSON. Yes, sir.

Commissioner GARRETSON. That there were cases, undoubtedly, it was admitted, where men paid it two or three times in the same month.

Mr. TYSON. I don't think that is possible because——

Commissioner GARRETSON. Well, it was employers that made that admission.

Mr. TYSON. I can't argue that. I don't know anything about that.

Commissioner GARRETSON. I am just drawing attention to the fact.

Mr. TYSON. Yes, sir.

Commissioner GARRETSON. That your conditions are different. There, if a man worked a day, if there was money enough coming to him, they took off the dollar.

Mr. TYSON. That wasn't right.

Commissioner GARRETSON. You have the two weeks' minimum?

Mr. TYSON. Yes, sir; two weeks' minimum.

Commissioner GARRETSON. Now, you very confidently disputed the statement of Mr. McCarthy in regard to average legislation being originated, in the first instance, by labor unions and pressed to solution, and you cite as a proof of its incorrectness the fact that a compensation law was passed in California?

Mr. TYSON. Yes, sir.

Commissioner GARRETSON. Have you ever studied the history of social legislation in this country along the lines just limited to liability and compensation?

Mr. TYSON. I have not.

Commissioner GARRETSON. Of which the California law is one of the proofs?

Mr. TYSON. It is a copy, I understand that, sir.

Commissioner GARRETSON. Are you aware of the authorship of all the Federal liability and compensation laws that are in existence, and who they were drawn by and pressed by?

Mr. TYSON. I am not.

Commissioner GARRETSON. Nor how long they have been in existence?

Mr. TYSON. No; I am not.

Commissioner GARRETSON. You are familiar, I suppose, with the three old defenses of the common law, assumption of risk, fellow servant, and contributory negligence?

Mr. TYSON. Yes, sir.

Commissioner GARRETSON. Have you ever known an employer to go into a legislative body, or an employers' association, and ask for the abolition of those remedies by statute law?

Mr. TYSON. No; I don't think it would be human nature to ask for the abolition of a defense. Would you do it?

Commissioner GARRETSON. Yes; I have done it.

Mr. TYSON. Have you?

Commissioner GARRETSON. But not as an employer.

Mr. TYSON. Well, then, you are away above the average human.

Commissioner GARRETSON. Oh, no; I did it as an employee, don't mistake.

Mr. TYSON. Oh, yes.

Commissioner GARRETSON. I am not taking glory.

Mr. TYSON. All right, you are on the other side, Mr. Garretson.

Commissioner GARRETSON. Well, then, humanity or human nature, rather, proves the correctness of Mr. McCarthy's statement, don't it?

Mr. TYSON. Except as to the compensation law in California.

Commissioner GARRETSON. Oh, well, that is a result and not a cause.

Mr. TYSON. Well, that is probable.

Commissioner GARRETSON. Can you tell how far back in any State any one of these three remedies was first corrected by a statute action?

Mr. TYSON. No; I am not familiar with that.

Commissioner GARRETSON. You see, that is what I wanted to know. If you are familiar with the history of that legislation, then your statement that Mr. McCarthy is mistaken carries with it——

Mr. TYSON. I am not familiar with it. I only cite one instance.

Commissioner GARRETSON. One of the late things.

Mr. TYSON. That is all right, it is not in accordance with Mr. McCarthy's statement. I say I would take issue with Mr. McCarthy as to this one particular instance, that is all.

Commissioner GARRETSON. That is good. Now, are you familiar with the whole theory of the whole code of safety legislation on the railways of this continent?

Mr. TYSON. No; I am not, sir.

Commissioner GARRETSON. Do you know who originated that and pressed it through?

Mr. TYSON. No; I don't.

Commissioner GARRETSON. Well, as a matter of enlightenment, I will tell you—the four railroad brotherhoods.

Mr. TYSON. No doubt.

Commissioner GARRETSON. Against the opposition of their employers.

Mr. TYSON. No individual action. I would say that I understand the railway brotherhood is an excellent organization, and the locomotive engineers in particular is a splendid organization.

Commissioner GARRETSON. But there is one better than that.

Mr. TYSON. I haven't heard of that.

Commissioner GARRETSON. The conductors.

Mr. TYSON. The conductors?

Commissioner GARRETSON. Yes; I am a conductor.

Mr. TYSON. All right. I don't doubt that at all.

Chairman WALSH. Please maintain perfect order.

Mr. TYSON. Take the conductors we have on this coast; they are all good fellows.

Commissioner GARRETSON. I am on the coast at present.

Mr. TYSON. Well, sir, I hope you will stay here.

Commissioner GARRETSON. The chairman almost spoiled that question that I was going to ask you next.

Mr. TYSON. Well, ask it again.

Chairman WALSH. Well, I try to keep them from laughing, but when the commissioners make such good jokes as you do I can't do it.

Commissioner GARRETSON. That is my fatal weakness, probably.

Mr. TYSON. Well you ought to be indulged.

Commissioner GARRETSON. I should?

Mr. TYSON. Sure.

Commissioner GARRETSON. You resented the idea, evidently strongly, as an employer, that the union labor man owed allegiance, should place his allegiance to the union in advance of his allegiance to the employer?

Mr. TYSON. Yes, sir.

Commissioner GARRETSON. Have you ever thought, in contrasting the conditions that obtained, say, in the days before the union-labor movement in this country—I will only deal with it here—had any great movement or power and the time when they did have a certain amount of power, which has done the most for the man in that period, the employer or the union?

Mr. TYSON. Well, Mr. Garretson, I can only compare conditions as exist in San Francisco under union domination with other plants where it does not exist, and I contend and can show that the laboring man where unions do not dominate is better off. They earn more money. They have much better working conditions. As an employer I am very proud to go into a camp and see it clean, healthy, and wholesome; to see the employees all happy and contented. There is nothing that gives an employer more pleasure than to go into a lumber camp and see them all contented and happy and well treated and well fed, the children playing around the streets, going to school. And without any union domination, Mr. Garretson, throughout this coast in the lumber camps great improvements have been made in conditions.

Commissioner GARRETSON. That is one type of employer that does that.

Mr. TYSON. Well, that is the only one I can speak for.

Commissioner GARRETSON. Now, on the other hand——

Mr. TYSON. The only one I am familiar with. Pardon me.

Commissioner GARRETSON. Yes.

Mr. TYSON. They have established schools. They have established churches. They have established halls. We have in our camps moving pictures in the halls for the amusement of the men; and we have those talking machines and Victrolas and amusements of all kinds.

Commissioner GARRETSON. Who pays for those?

Mr. TYSON. We do.

Commissioner GARRETSON. You do?

Mr. TYSON. Yes, sir; we do. Now, don't understand that that is entirely from a humanitarian standpoint.

Commissioner GARRETSON. Good business.

Mr. TYSON. It is good business.

Commissioner GARRETSON. That is it.

Mr. TYSON. The better conditions we give our men, the better quarters we given them, the better surroundings we give them the better men we have and the more work we get out of them.

Commissioner GARRETSON. Now, put the other side of the picture and the other type of employer.

Mr. TYSON. I can't.

Commissioner GARRETSON. No; but I am only taking from testimony here—that is, testimony before this commission—the type of employer who, instead of wanting the children playing on the streets, banishes family life; who gives kennels for his men to live in; who institutes the Y. M. C. A., and charges the men a dollar apiece for its privileges, and uses its secretary for a spy. Now, what can be done; does that man enjoy seeing the things that you have named, or does he enjoy their absence as an evidence of profit? Now, that is what I want to know your opinion of, the two classes of employers.

Mr. TYSON. Mr. Garretson, there is no profit in that kind of treatment, and the employer who does that is the exception and not the rule on this coast.

Commissioner GARRETSON. Well, all the testimony I am citing has been given on this coast.

Mr. TYSON. Well, sir, there are few of them known in the lumber business that I know of. They all do it as I do, from experience.

Commissioner GARRETSON. Yes.

Mr. TYSON. It is a business proposition to make the men comfortable and happy.

Commissioner GARRETSON. Now, how much is the influence of the labor union in establishing wages and hours reflected in the open-shop camps?

Mr. TYSON. Not one bit.

Commissioner GARRETSON. Not an iota?

Mr. TYSON. Not an iota.

Commissioner GARRETSON. They have never had any influence in that direction?

Mr. TYSON. None whatever.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Commissioner LENNON. I want to ask one question, and just one. I want to know whether I properly understood from your testimony that in industry the employment of labor should be looked upon as a commodity in production.

Mr. TYSON. I don't understand you.

Commissioner LENNON. In the employment of labor, do you look upon it as a debt?

Mr. TYSON. In one sense we do, and in another sense we don't. It has a value, and therefore should be in a sense treated as a debt.

Commissioner LENNON. That is all.

Commissioner COMMONS. Mr. Tyson, you spoke of your place at Humboldt.

Mr. TYSON. Yes, sir; Humboldt Bay.

Commissioner COMMONS. Humboldt Bay?

Mr. TYSON. Yes, sir.

Commissioner COMMONS. That you had a thousand people.

Mr. TYSON. Yes, sir.

Commissioner COMMONS. Employed there.

Mr. TYSON. Yes, sir.

Commissioner COMMONS. You say they are pretty steady—that is, that your force is quite steady.

Mr. TYSON. Yes, sir.

Commissioner COMMONS. Did you tell the number of men you have have to hire during the year to keep up that force of a thousand?

Mr. TYSON. Well, Professor, I stated I didn't have, I didn't think, more than 25 men.

Commissioner COMMONS. A month?

Mr. TYSON. A month, that would come and go.

Commissioner COMMONS. Probably 250?

Mr. TYSON. Yes, sir.

Commissioner COMMONS. Now, what proportion of them lived there—in the sense of having a family?

Mr. TYSON. Pardon me?

Commissioner COMMONS. What proportion of them have families and live there?

Mr. TYSON. Probably one-half of them. We aim to keep men with families. They are better men; they are better workers.

Commissioner COMMONS. What are your rates of wages; I suppose it is a lumber camp?

Mr. TYSON. Lumber camp; yes, sir. The lowest wages is $2.25, and the highest $10 a day to some of the skilled men.

Commissioner COMMONS. What class gets $10 a day?

Mr. TYSON. Sawyers and saw filers are the most skilled men in the mill.

Commissioner COMMONS. Is it logging?

Mr. TYSON. Logging; yes, sir; we pay them by the month in the woods. We pay them from $3 to $5 a day.

Commissioner COMMONS. How do these men come to you? Do you go to private employment offices in the cities?

Mr. TYSON. Oh, they come there.

Commissioner COMMONS. They come?

Mr. TYSON. They come there. They come and go of their own accord.

Commissioner COMMONS. And the methods by which you keep them so steady are those that you have described?

Mr. TYSON. Yes, sir.

Commissioner COMMONS. That is these various amusements?

Mr. TYSON. We make them feel at home.

Commissioner COMMONS. Moving pictures and things of that kind?

Mr. TYSON. Yes, sir.

Commissioner COMMONS. What other features have you? Do you have other things?

Mr. TYSON. We have fire drills. We have three fire companies, and once a month we have a contest, and we give them a prize. Then they have a ball in the hall. We make them feel at home, so that they don't go from the camp.

Commissioner COMMONS. Do you find that there is much drinking and intemperance among the men?

Mr. TYSON. There is no drinking in our camp.

Commissioner COMMONS. Are there any saloons?

Mr. TYSON. No, sir; there is not a saloon; we don't permit a saloon.

Commissioner COMMONS. What nationalities have you?

Mr. TYSON. All kinds—Scotch, French Canadians, some Italians, some Scandinavians.

Commissioner COMMONS. What is the school system? What do you furnish?

Mr. TYSON. We build the school, and we support it, and the county pays the teacher.

Commissioner COMMONS. Has there ever been any organization of labor in that camp or town?

Mr. TYSON. No, sir.

Commissioner COMMONS. Never been organized?

Mr. TYSON. No, sir.

Commissioner COMMONS. Ever been any agitators come in?

Mr. TYSON. Yes, sir. We had a big strike, we had right after the earthquake and fire, we had a strike for three months. People came up from here, emissaries from the Building Trades Council of San Francisco went up there, and the whole county—our mill, we had two mills, and there are 14 in the county—they all struck the 1st day of May, 1906; 7,000 men walked out. Some of them had worked for us for 28 years.

Commissioner COMMONS. What were their demands?

Mr. TYSON. Closed shop. We could not discharge a man without showing cause—all the demands that you ever heard of, Professor.

Commissioner COMMONS. Wage demands?

Mr. TYSON. No wage demands; no, sir.

Commissioner COMMONS. Any demands about lessening the hours of labor?

Mr. TYSON. Not a bit. Just closed shop and——

Commissioner COMMONS. When did you reduce the hours of labor?

Mr. TYSON. That is before that, sir.

Commissioner COMMONS. They were then on the 10-hour plan?

Mr. TYSON. They were on the 10-hour basis. Four years before that, I think it was, we reduced it from 12 to 10 hours.

Commissioner COMMONS. How are you able to get your conditions—how were they able, with your conditions being so good, to get your people stirred up?

Mr. TYSON. We were not watching the doors, that was all. We are now.

Commissioner COMMONS. They got in and got employment?

Mr. TYSON. They got in there. Some of them sold pictures, and others solicited for life insurance and all the subterfuges you ever heard of were used to get to the men.

Commissioner COMMONS. How many of the old employees were taken back?

Mr. TYSON. Nearly all of them.

Commissioner COMMONS. And those are the ones who are now there?

Mr. TYSON. Except the vicious ones. We kept tab on them. They are gone. They are not in the county. They packed their blankets and left.

Commissioner COMMONS. What proportion? You said about one-half of your——

Mr. TYSON. Oh, no.

Commissioner COMMONS. Have families, I mean.

Mr. TYSON. Yes; I should say nearly half of them. —

Commissioner COMMONS. Were any of those that had families——

Mr. TYSON. We did not disturb them in their house at all. We left them there because we knew that they would wake up.

Commissioner COMMONS. Were any of these that were members of these agitators, the vicious class that were discharged finally?

Mr. TYSON. No, sir; not the family men. They were not.

Commissioner COMMONS. No cases where family men were sent away as a result of that strike?

Mr. TYSON. For that reason we felt the family men are very much safer to employ. They have something at stake. The man with a blanket hasn't any. He can go to-day or to-morrow.

Commissioner COMMONS. You feel that men with families are more efficient workers than men without families?

Mr. TYSON. They certainly are.

Commissioner COMMONS. What is your way of arriving at that conclusion?

Mr. TYSON. Well, to start with they stay at home at night. They get some sleep. They haven't got their heads full of foolishness. They have their minds on their business. They are interested in their wives and their homes and their children, and they know thrift and industry will help themselves and their families.

Commissioner COMMONS. Those are reasons that naturally occur, but do you see the result?

Mr. TYSON. We certainly do, or we wouldn't continue to employ them.

Commissioner COMMONS. I think you are the first employer, Mr. Tyson, that I have found that has any such experience.

Mr. TYSON. That is our experience, Professor.

Commissioner COMMONS. I wanted to know whether—I wanted to find out why you are able to keep a staff of people there steadily while as is the general statement of every employer in the State—on the coast—that it is impossible.

Mr. TYSON. Our plants are isolated and as——

Commissioner COMMONS. How far are you from the railroad?

Mr. TYSON. We have our own road, our own railroad runs into the camp, but we have no railroad from San Francisco. They are building it now. We will have it next year. We have to go by water to Humboldt Bay, about 250 miles, and then we are about 30 miles from the entrance to the bay. We are isolated. There are no influences at all at work there to disturb the men.

Commissioner COMMONS. That is, no migratory labor?

Mr. TYSON. No, sir; none whatever.

Commissioner COMMONS. That can come through there under any circumstances?

Mr. TYSON. No, sir. So that is probably the reason we are the exception. I believe you will find that all isolated plants, though, have had the same experience and are working the same way. Where plants are in large towns or close to large towns, why they have lots of trouble. The men come and go. They go to town and get drunk and get into trouble. We don't have to contend with that at any of our plants. We have no saloons; we have no disturbing factors, we won't permit them there.

Commissioner COMMONS. In furnishing these statistics on wages and hours, would you give the number of men at each rate of pay, and each occupation?

Mr. TYSON. In Humboldt—at our plants?

Commissioner COMMONS. There, and also in San Francisco and Oakland.

Mr. TYSON. Yes.

Commissioner COMMONS. Give us the number of men at each rate of pay.

Mr. TYSON. Yes; I will.

Commissioner COMMONS. And also, if you can, the amount of work done by the men in your establishment compared with the amount of work done by the union men under union restrictions.

Mr. TYSON. We can give you that only in the way of a percentage, Professor.

Commissioner COMMONS. You have given it to us in the aggregate as 15 to 20 per cent?

Mr. TYSON. Yes, sir.

Commissioner COMMONS. Can you not give it in specific examples for each occupation?

Mr. TYSON. We don't deal with it that way. We take the cost per thousand feet.

Commissioner COMMONS. Oh, I see.

Mr. TYSON. That is the way we figure the cost. Our cost sheets show.

Commissioner COMMONS. You could give us an analysis of the two cost sheets in two places?

Mr. TYSON. I can't do that to-day or to-morrow. It will take us some time. I can mail it to you.

Commissioner GARRETSON. Cost sheet against overhead.

Mr. TYSON. We deal with it separately.

Commissioner GARRETSON. You do?

Mr. TYSON. Yes; the overhead, we can give you that.

Commissioner GARRETSON. We do not care for the overhead.

Mr. TYSON. No; that don't interest you. It is only labor that you wish?

Commissioner GARRETSON. That is it. What do you understand, Mr. Tyson—I meant to ask you before, but the chairman jarred me away from it—how do you understand collective bargaining? Bear in mind I ask that because there are so many interpretations of that phrase.

Mr. TYSON. Yes, sir. How do you mean, the actual operation, or how does it——

Commissioner GARRETSON. Do you mean collective bargaining applies to one employer dealing with a number of employees, or a large number of employees dealing with a series of employers or a collection of employers?

Mr. TYSON. I understand collective bargaining in this sense, Mr. Garretson: Where the employers are organized, that organization deals with the organization of organized labor.

Commissioner GARRETSON. That is my own interpretation of collective bargaining.

Mr. TYSON. Where they are not organized, the individual employer deals with the representative of organized labor.

Commissioner GARRETSON. Well, or the rank and file.

Mr. TYSON. No; we don't object to dealing with the rank and file.

Commissioner GARRETSON. It is collective bargaining in one sense.

Mr. TYSON. That is not the sense that I understand it.

Commissioner GARRETSON. Of more than one man?

Mr. TYSON. That is not the sense that I understand it. We are perfectly willing at any and all times to meet and bargain with our own men. That is the way I understand collective bargaining.

Commissioner GARRETSON. Collective bargaining——

Mr. TYSON. Collective bargaining, as I understand it, was to meet and deal with the representatives, the officers, the business agents, the walking delegates of organized labor.

Commissioner GARRETSON. You are compelled to differentiate as between these two propositions if you are looking at it from the universal union standpoint, for this reason——

Mr. TYSON. Is there any collective bargaining with the actual workman?

Commissioner GARRETSON. Yes.

Mr. TYSON. I never heard of it.

Commissioner GARRETSON. The biggest industry in this continent.

Mr. TYSON. That may be so; not in San Francisco.

Commissioner GARRETSON. Yes, sir; I beg pardon.

Mr. TYSON. Not to my knowledge. That may be. I would not contradict you, because I don't know.

Commissioner GARRETSON. I am only drawing your attention to the fact. That does exist.

Mr. TYSON. I have never known anybody bargaining where organized labor, where the officials of organized labor, were not present and had to say, and the workmen were behind the curtain and they never showed.

Commissioner GARRETSON. Your education has been neglected.

Mr. TYSON. I am glad of it.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell wants to ask you some questions.

Commissioner O'CONNELL. I want to ask you a question or two.

Mr. TYSON. Yes, sir.

Commissioner O'CONNELL. You spoke of these firms moving from San Francisco to Oakland. Will you also furnish, in addition to the name, the time when they moved?

Mr. TYSON. You mean—just a minute. The report of the number in Oakland, the report of the number in San Francisco, pay roll of the Sunset, single pay roll, relative cost of all plants—I must put these down. You want a report of concerns with the date they moved from San Francisco to Oakland—the respective dates?

Commissioner O'CONNELL. Yes; I want to get that information. You might add to that when you are getting it the cost of rents in San Francisco and in Oakland.

Mr. TYSON. I understand. Reports of plants moved. That is going to be a very difficult matter, Mr. O'Connell, because the locations are not on a parallel. They are not similar.

Commissioner O'CONNELL. I will give you my idea of this.

Mr. TYSON. I don't see how I could do that.

Commissioner O'CONNELL. I am asking that particularly because you mentioned some that moved away because of some agreement that prevails in San Francisco in the metal trades as to hours and wages and conditions of employment, and also covers Oakland.

Mr. TYSON. Then that could not have prompted them to move; if their working conditions did not change by such move, they must have moved for some other reason.

Commissioner O'CONNELL. I understood you to assign that as a reason.

Mr. TYSON. The ones I spoke of I know positively they moved on account of such conditions, but the others they must have moved for some other reason.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. SAM J. EVA.

Mr. THOMPSON. Will you give us your name, business address, and business, please?

Mr. EVA. Sam J. Eva, and my business address is 224 Spear Street, San Francisco; United Engineering Works.

Mr. THOMPSON. What kind of business are they engaged in, I mean more specifically?

Mr. EVA. Shipbuilding engineers.

Mr. THOMPSON. How many men do they employ?

Mr. EVA. Well, between four and eight hundred to a thousand men.

Mr. THOMPSON. How long have you been engaged with them here in business?

Mr. EVA. About 16 years.

Mr. THOMPSON. Are you acquainted with the history of the metal trades labor problem in this city?

Mr. EVA. Fairly well.

Mr. THOMPSON. Well, will you give us that history, then?

Mr. EVA. In what respect?

Mr. THOMPSON. Well, beginning with the strike of 1907, conference of 1910, agreement you had with them, and present status.

Chairman WALSH. Did you hear Mr. Burton's testimony on the subject?

Mr. EVA. No, sir; I did not. I wasn't here this morning, and I don't know anything about it.

After the fire, and it was approved on May 30, 1907, we entered into an agreement with the union, providing for a reduction in hours from nine hours to eight hours, the eight-hour day being on June 1, 1910. That agreement was carried out.

After a great many conferences an agreement was entered into between the unions—that is, the iron trades council and the California Metal Trades Association—on November 9, 1910, and was in effect until November 9, 1913. That contract wasn't carried out.

The fourth clause of that agreement is:

"Eight hours shall constitute a day's work until November 9, 1911. On September 9, 1911, a conference shall be called to decide as provided in section 8 of this agreement what hours shall be in effect from November 9, 1911, until November 9, 1913. This conference shall be called for the purpose of equalizing hours in force at that time among men working within the States of Washington, Oregon, and California, and their decision shall become operative on November 9, 1911, and shall be in effect until November 9, 1913."

The section 3 of this agreement wasn't adhered to. "There shall be no lockout on the part of the employers, nor strike on the part of the employes." That was violated in three different instances.

In one instance at the Union Gas Engine Co., because one of the men that was working there declined to pay the assessment that was put on him on account of the McNamara trial.

Another one I can call to my memory was the Dow Steam Pump Works, because there was objection made to handy men doing work that they claimed the machinists should do.

And another one I have in mind was the Union Iron Works, because the Union Iron Works wanted to work two shifts and the men opposed it. They wanted to get their overtime.

This agreement on November 9, 1911, was the result of a suggestion of the conciliation board that met here in San Francisco, composed of an equal number of employers and employees, and I believe it was appointed by the president of the chamber of commerce—that is, the president that was at that time. I believe it was Capt. Matson. And after their deliberation, this agreement was suggested and entered into. A portion of the report of the conciliation board is as follows:

"We find that further along in our finding we went on to recite our reasons for recommending section 4, which reads as follows:

"The board recommends that eight hours shall continue to constitute a day's work until November 9, 1911, instead of January 1, 1911, as asked for by the California Metal Trades Association, for the reason that in the judgment of the board the eight-hour day in San Francisco iron trades having been in force only since June 1, 1910, a period of about five months, has not had sufficiently long trial. It is believed that by November 9, 1911, when the eight-hour day will have been in operation a year and five months, it will be possible to reach a more satisfactory conclusion as to its justification than can be reached at this time. There are many who express the opinion that by November 9, 1911, the eight-hour day will have become the common condition of the Pacific Coast iron trade. If so, there will then at that time be no further issue in San Francisco on the question of hours. Should it not have become a common condition it will be dealt with as provided for in section 4 of the proposed agreement."

We called a conference or asked for a conference with the iron trades' council for the purpose of equalizing hours as provided for in section 4, and we were met with this interpretation, an interpretation that was asked for by the California Metal Trades' Association and was afterwards rescinded by the conciliation board:

"Our interpretation of section 4 of the findings of the conciliation board is as follows:

"On September 9, 1911, a conference shall be held at which the question of hours shall be discussed and such action taken as may be deemed proper and necessary to equalize conditions in San Francisco and competitive locations. Both parties shall come together frankly, discuss the situation from all points of view, and act in such manner as will be necessary to remove whatever condition in the matter of hours which may then exist to the disadvantage of San Francisco as compared with other cities in the competitive field."

Gentlemen, that is an interpretation that was signed by C. M. Elliott, Mitchell Casey, H. Weinstock, Joseph Martin, and ——— ——— after they had given us their reasons for drafting the agreement we entered into.

If that fourth clause is read very carefully, I can not understand how anybody can say it says anything more or less than equalisation of hours, and we tried to equalize with them and we failed.

We gathered data from various concerns up and down the coast. We first ascertained through the chambers of commerce of the various cities the people that were working in the iron industry. We sent letters to those people, with blanks to fill out, and asked them to fill them, which they did, and this was the data that we presented to the conciliation board.

Our data showed that the metal trades outside of San Francisco were working nine hours and two minutes on an average. They presented data that made an average of 8 hours and 15 minutes. The conciliation board made the remark it was so at variance that they didn't care to take it, and I believe I personally made the remark to Col. Weinstock to tear it up and get their own information and equalize on that basis. And I take it for granted from what transpired afterwards that the conciliation board could not meet on common ground on the question of equilization of hours, because they made a suggestion, and in lieu of equalisation of hours, that we should work the same hours that we are working now; that we should sign for five years; that we should enjoy shop conditions equal to the best that were working in the East at that time. A tentative agreement was formed with that as a suggestion, and it was finally rejected by the unions and the California Metal Trades Association. Now, they are negotiating for an agreement at the present time, but so far we have not entered into one, and from my experience with conferring with organized labor of San Francisco I don't think that they take their agreements very seriously where there is a burden for them to carry out. If the advantage is on their side, they very readily acquiesce in it.

Mr. THOMPSON. Have you anything to say, Mr. Eva, with reference to the action of labor unions in the metal trades in regard to restriction of output?

Mr. EVA. Every employer knows that they restrict the output as much as they possibly can, but it is done under cover. It is a thing you can't put your finger on very readily. We get instances of it once in a while.

Mr. THOMPSON. Have you anything to say with reference to the effect of the union on the metal trades industry in San Francisco?

Mr. EVA. In what way? Cost of production?

Mr. THOMPSON. Whether they have caused business to fall away or not?

Mr. EVA. Naturally when the cost of production increases, business will decrease. We are working on a question of eight hours here, and other sections are working on nine hours, and with a higher wage here than what they have in other localities, that is, competitive localities. That is a matter of record.

Mr. THOMPSON. Have you anything to say with reference to the breach of agreements by unions?

Mr. EVA. What? I can't understand you.

Mr. THOMPSON. Have you anything further to say with reference to the breach of agreements by the unions, or have you covered that fully?

Mr. EVA. The reaching of agreements?

Mr. THOMPSON. The breach—breaking—or have you covered that fully?

Mr. EVA. I think I have covered that pretty well. I don't think that they consider a contract serious, as I mentioned before. From my standpoint they didn't carry it out when they had something to give, or when we had something to ask from them. I don't believe they will ever carry out any agreement that will decrease in any way working conditions or hours or wages or anything else that they have at the present time.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. Do you believe that there are more agreements broken by the unions than there are broken by employers in the United States?

Mr. EVA. I don't know that. I am acquainted with only the local conditions.

Chairman WALSH. Any other questions?

Commissioner WEINSTOCK. Yes.

How long have you been engaged in the industry, Mr. Eva?

Mr. EVA. Sixteen years.

Commissioner WEINSTOCK. Can you give this Commission any idea of the number of men employed in the metal trades industry in San Francisco, say, 10 years ago?

Mr. EVA. No; I can't.

Commissioner WEINSTOCK. Could you approximate it; could you give an approximate estimate?

Mr. EVA. That was compiled at one time, and I believe it is of record in the California Metal Trades office, and I believe if you require it why they will give it to you. I know we made an effort to copile it. At the time that I was working at the Union Iron Works about 23 years ago, if my memory serves me right, there were about between 4,500 and 5,000 men there.

Commissioner WEINSTOCK. Just at the Union Iron Works?

Mr. EVA. At the Union Iron Works alone.

Commissioner WEINSTOCK. You would not venture any opinion as to the number employed, say, 10 years ago?

Mr. EVA. No; I would not, because I don't know.

Commissioner WEINSTOCK. You think it would exceed 10,000?

Mr. EVA. I am not supposing, Colonel.

Commissioner WEINSTOCK. Have you an idea of how many there are employed at this time in San Francisco in the metal trades?

Mr. EVA. Probably 5,000; that is in San Francisco and right around the bay, and Oakland and Alameda.

Commissioner WEINSTOCK. You were present when Mr. Tyson gave his testimony?

Mr. EVA. A portion of it.

Commissioner WEINSTOCK. Well, among other statements that Mr. Tyson made was that about 10 years ago there were about 40,000 men employed in the metal trades in San Francisco; to-day he estimates 15,000 men employed in San Francisco. From your knowledge of the conditions how nearly correct do you think those figures are?

Mr. EVA. Well, I don't know, because I haven't compiled them at all. I could just make a wild guess on this other. I believe the Union Iron Works are employing about 2,000 men. They have been down as low as 1,000, and we are employing about 400 men. But I am just making a wild guess around the rest of it as to the number that are being employed at the present time.

Commissioner WEINSTOCK. Well, let us see whether the conditions are, so far as you know, better or worse than they are on the Atlantic seaboard.

For example, this commission held a hearing in Philadelphia in the month of June. Among the witnesses present was Mr. Albert Johnson, the president of the Baldwin Locomotive Works. His statement was that their normal number of men usually employed in their works was from 17,000 to 19,000, a minimum of 17,000 and a maximum of 19,000, and that they were employing at the time that he testified in June 8,500.

The president of the Meadeville Steel Co., I think, testified that their normal number was 6,000, and that they were then employing about 3,500.

A few days later the word came to us unofficially that the Baldwin Iron Works—or the Baldwin Locomotive Works—had reduced their staff from 8,500 to about 7,000. The explanation offered by these gentlemen for this slump in the number of men employed was the general depression prevailing throughout the East. Now, have the number of men—has there been as large a shrinkage in the number of men employed on the Pacific coast in the last year or two as these figures would indicate has been on the Atlantic coast?

Mr. EVA. Well, I am not in position to answer that question, because I haven't looked up the number of men that was employed even locally as compared with what it was, only as far as our own particular business was concerned.

Commissioner WEINSTOCK. Well, take your own enterprise, Mr. Eva; how does the number of men that you employ to-day compare with that you were employing, say, a year ago?

Mr. EVA. One-half.

Commissioner WEINSTOCK. About one-half?

Mr. EVA. One-half.

Commissioner WEINSTOCK. Do you think that that is the common condition in the trade?

Mr. EVA. Here?

Commissioner WEINSTOCK. Yes; or around this bay.

Mr. EVA. Well, of course, we are a repair shop. We can't manufacture.

Commissioner WEINSTOCK. Shipbuilding?

Mr. EVA. Yes.

Commissioner WEINSTOCK. Ship repairing?

Mr. EVA. Ship repairing.

Commissioner WEINSTOCK. Yes.

Mr. EVA. And we do a small amount of new work to keep our organization, as much of it as we can. And that new work that we do take in, if we get a new dollar for an old one we are tickled to death, so we take as little of new work as we possibly can.

Commissioner WEINSTOCK. You don't aim to make a profit on your new work?

Mr. EVA. Can't do it. Don't expect to.

Commissioner WEINSTOCK. I think it was Mr. Tyson who testified to the effect that five years ago the logging people bought their equipment in San Francisco, and that now they are buying their equipment in the Northwest from open-shop concerns. How does that statement correspond with your own knowledge of conditions?

Mr. EVA. It is absolutely true.

Commissioner WEINSTOCK. How large a volume of business does that represent, the logging equipments, have you any idea?

Mr. EVA. I haven't any idea.

Commissioner WEINSTOCK. Did you furnish that at all in your plant, did you do any business with logging camps?

Mr. EVA. No.

Commissioner WEINSTOCK. It is outside of your branch?

Mr. EVA. No; absolutely not.

Commissioner WEINSTOCK. So that your statement would simply be from your general knowledge and not from your actual knowledge?

Mr. EVA. General knowledge.

Commissioner WEINSTOCK. Are there any equipments for logging camps being manufactured in San Francisco at this time that you know about?

Mr. EVA. None, whatever, that I know of.

Commissioner WEINSTOCK. While your are on the stand, Mr. Eva, I might ask you how was the compensation, the workmen's compensation act, affected your industry?

Mr. EVA. Well, if we paid the rates that the insurance companies demanded of us, at the rate we are going now, we would pay $20,000 in one year.

Commissioner WEINSTOCK. Do you carry your own insurance?

Mr. EVA. We carry our own insurance.

Commissioner WEINSTOCK. Have you looked up to see what the insurance has actually cost you for the first six months of the year, for example?

Mr. EVA. No; I haven't.

Commissioner WEINSTOCK. You don't know?

Mr. EVA. No.

Commissioner WEINSTOCK. Could you approximate it?

Mr. EVA. No; I couldn't do that. I do know this, that it has been very satisfactory in carrying our own insurance. I do know that.

Commissioner WEINSTOCK. You have had no difficulty in complying——

Mr. EVA. You must remember this, that the work that we carry on is not as large a class of work as what the Union Iron Works carries on, and naturally there would not be the hazard; that is, that there would be with the Union Iron Works.

Commissioner WEINSTOCK. Well, have you found it a serious burden?

Mr. EVA. It would be a serious burden, yes, if we insured with the insurance companies.

Commissioner WEINSTOCK. But carrying your own insurance you don't find it a serious burden?

Mr. EVA. Up to the present time. If we had a serious accident, yes, it would be a serious burden; no question about it.

Commissioner WEINSTOCK. If you had the power would you wipe out the law?

Mr. EVA. I would not.

Commissioner WEINSTOCK. You would not wipe it out?

Mr. EVA. No, sir.

Commissioner WEINSTOCK. Why not?

Mr. EVA. For the simple reason in the first place we have never had any serious accidents in our establishment, and, of course, nothing of a great amount to pay. But we have had a number of minor accidents, and in those minor accidents we have compensated our employees better than the compensation act provides for. Another thing why, is, the men are getting what I think is their just dues with this law. The lawyers and the sharks in general are not putting the money in their pocket, but it is going just where it does the most good.

Commissioner WEINSTOCK. To the injured worker.

Mr. EVA. To the injured worker.

Commissioner WEINSTOCK. I suppose that it might be also added that it saves the employer from being dragged into court and subjected to litigation?

Mr. EVA. That is another reason why I favor it. You know what you have got to do. And as long as we have the commission in San Francisco that we have now that will interpret the law as it should be I have absolutely no objection to it other than this, I think it can be improved upon.

I think that the employer should—or the employee should pay his burden, the State should pay its, and the employer should pay his portion. In other words, I believe that society in general should pay for the injuries to workmen, and not any particular trade. It should not be the burden on the trade or on that particular shop. Society should pay it.

Commissioner WEINSTOCK. That is on the theory that the worker is not contributing to the compensation now?

Mr. EVA. Yes; he is not.

Commissioner WEINSTOCK. You would have him contribute?

Mr. EVA. I would; yes.

Commissioner WEINSTOCK. Well, may I remind you, Mr. Eva, of this fact, that the worker is called upon to contribute first two weeks' pay. He gets no compensation for the first two weeks. That is the first compensation that he makes.

Mr. EVA. Excuse me one minute. And that two weeks' proposition, that saves the workers a great many accidents.

Commissioner WEINSTOCK. In what way?

Mr. EVA. During my employment with the Union Iron Works we paid a stipend every day or two, I don't know whether it was to the Union Iron Works or to an insurance company, and for that stipend we were given medical aid, and I don't remember how far it went now. It is too long ago. But I do know this, that there were a great many men that would injure themselves in a minor way so that they could have a few days' vacation.

Commissioner WEINSTOCK. I see. You think that this two weeks, that the low compensation for the first two weeks has a restraining influence?

Mr. EVA. Absolutely, it is a benefit to the worker.

Commissioner WEINSTOCK. Well, I am dealing now with cases of legitimate accidents. The first contribution that the worker makes is his two weeks' pay. The second contribution that he makes is that he only gets 65 per cent of his wage, and the third compensation——

Mr. EVA. Excuse me one minute, Colonel, again. Sometimes 65 per cent of his wage is more than he earns, his average wage for the year.

Commissioner WEINSTOCK. His average wage for the year is taken as a basis.

Mr. EVA. Yes; it is not taken in the right way. It is taken on an average of 300 working days. Well, that is wrong.

Commissioner WEINSTOCK. It is taken on 300 days, Mr. Eva, if he works at least 275 days in the year, but if he works, say, six months in the year the compensation is based not upon his wage but upon his average earnings?

Mr. EVA. Yes, sir—well, it is not.

Commissioner WEINSTOCK. It is, I know, because I have figured it myself.

Mr. EVA. The figures we have got from the compensation board is not so.

Commissioner WEINSTOCK. Well, that may be, but I know that is the rule of the board.

Mr. EVA. Well, what we receive—I don't know what the rule of the board is, but I know what we receive and I know what we pay.

Commissioner WEINSTOCK. I was going to call attention to the fact that the third contribution that the worker makes is the pain and suffering, for which he gets no pay. So that the suggestion you have to make, so far as the workman is concerned, has already been anticipated by the law, and he does pay his fair contribution to it.

Mr. EVA. Of course, that is a matter of opinion.

Commissioner WEINSTOCK. Yes.

That is all, Mr. Chairman.

Chairman WALSH. Anything else? Anything from any of the commissioners?

Have you noticed any bad effect on the shipbuilding industry in San Francisco which is directly traceable to the eight-hour day?

Mr. EVA. Since the eight-hour day was in vogue there are 38 vessels that were bid on by sometimes the Union Iron Works alone and sometimes by a number of other works, depending on their capacity, totaling 126,000 gross tons.

Chairman WALSH. Is that Mr. McGregor's company, the Union Iron Works?

Mr. EVA. He is included. This is the number of vessels that we bid on and went to other sections of the country. And every firm in San Francisco is bidding on work, bid to make a new dollar for an old one, and if they do that they are happy, and every one of us when we get enough to keep our organization going.

Chairman WALSH. Well, now, say, I am going to try to get a direct answer, and I think I am going to do it.

Mr. EVA. Go ahead.

Chairman WALSH. Now, I would like you to just answer my question right straight out: Do you claim, now, or do you say, that you trace the loss of these 33 contracts to the eight-hour day in San Francisco? Answer it yes or no, if you can.

Mr. EVA (after a pause). Yes, sir.

Chairman WALSH. All right.

Mr. EVA. I do.

Chairman WALSH. That is all; thank you.

Mr. EVA. But one thing more, now, I think that I have a right to state.

Chairman WALSH. Very good. Explain it briefly, if you can, without making one of these extra long statements.

Mr. EVA. Well, now, just one minute. I want to say further it totaled approximately $15,000,000 worth of work.

Chairman WALSH. Yes. That is all, thank you. Call your next.

Mr. THOMPSON. Do you want to call any more?

Chairman WALSH. We will adjourn now till 10 o'clock to-morrow morning.

(Whereupon, at 4.30 o'clock p. m. an adjournment was taken until 10 o'clock a. m. of the following day, Thursday, September 3, 1914.)

SAN FRANCISCO, CAL., *Thursday, September 3, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, Commons, Garretson, and Weinstock. William O. Thompson, counsel.

Commissioner WEINSTOCK (acting chairman). The hearing will come to order.

For the information of those present it will be well to explain that this is the last day at the command of the commission for public hearings. Whatever other hearings we shall have to deal with will be executive hearings.

We find ourselves faced with the fact that we have 10 witnesses to examine and only five hours in which to conduct the examinations. The time limit, therefore, for each witness must not exceed 30 minutes.

The first witness to be called will be Mr. Hannon for the iron trades.

TESTIMONY OF MR. WILLIAM HANNON.

Acting Chairman WEINSTOCK. Will you give your name and address to the reporter?

Mr. HANNON. William Hannon.

Acting Chairman WEINSTOCK. For the benefit of the commission, will you as briefly as possible present your views and such facts as you feel the commission ought to know relative to the industrial conditions in San Francisco and vicinity?

Mr. HANNON. I will state, Mr. Chairman, that a great deal of this matter was gone over yesterday, and I do not want to take up the time of the commission by repeating things that were said by other witnesses for the iron trades yesterday.

Acting Chairman WEINSTOCK. Will you answer these questions, Mr. Hannon? Do you know of any other places on the Pacific coast outside of San Francisco, where collective bargaining is carried on?

Mr. HANNON. Yes; I do. Not such as is carried on in San Francisco, where the employers bargain collectively with the employees; that is, as an association; but I do know of places on the Pacific coast where individual employers bargain with their employees collectively, that is, the employees bargain collectively with the individual shopowners.

Acting Chairman WEINSTOCK. Will you name the places?

Mr. HANNON. Tacoma, Wash., in the majority of the shops in that city.

Acting Chairman WEINSTOCK. That is, the individual employers recognize and deal with unions?

Mr. HANNON. Yes, sir. And the eight-hour day is worked in those shops——

Acting Chairman WEINSTOCK. And other places?

Mr. HANNON (continuing). Contrary to the statements that have been made here. Some shops in Seattle, Wash.

Acting Chairman WEINSTOCK. Can you name the shops?

Mr. HANNON. Yes; I can name some of them.

Acting Chairman WEINSTOCK. Will you do so?

Mr. HANNON. Kilburne & Clark, Hunter & Lane, Smith & Watson. There are about 20 other shops in Seattle where they bargain collectively with the employees and work an eight-hour day, the names I haven't got right at hand.

Acting Chairman WEINSTOCK. Can you get the list of names and send them into the commission for record?

Mr. HANNON. Yes, sir; I can.

Acting Chairman WEINSTOCK. Will you do so?

Mr. HANNON. Yes, sir; I will be glad to do so.

(See Hannon Exhibit No. 1.)

Acting Chairman WEINSTOCK. Have you knowledge of any instance where certain employers wished to deal collectively with their men and were prevented from doing so by the employers' association?

Mr. HANNON. Yes, sir. Several years ago, when the machinists in the Northwest were striking for an eight-hour day, I went and talked with individual shopowners who told me they would be glad to give the eight-hour day and deal with their men if it were not for the fact that the metal trades association would not permit them to obtain any castings in the town where they had their shops. They had such a monopoly of things it would be impossible and would be ruination for any shopowner to deal with the organization on account of the opposition and attitude of the metal trades' association.

Acting Chairman WEINSTOCK. Can you give the names of the locations where those circumstances happened?

Mr. HANNON. They happened in Seattle, Wash.; in Spokane, Wash.; and Vancouver, British Columbia.

Acting Chairman WEINSTOCK. Can you name specific cases and names?

Mr. HANNON. I can get them for the commission.

Acting Chairman WEINSTOCK. Will you send them in?

Mr. HANNON. Yes, sir.

Acting Chairman WEINSTOCK. Did you hear Mr. Tyson on yesterday state that certain shops had been forced to leave San Francisco and move to Oakland on account of the closed shop and labor conditions in San Francisco?

Mr. HANNON. Yes, sir; I did.

Acting Chairman WEINSTOCK. What is your answer?

Mr. HANNON. It occurred to me at the time that Mr. Tyson evidently was not very familiar with the condition in the iron trades when he made that statement, and similar statements have been made through papers controlled by the employers' association and favorable to them to the same effect without justification. He mentioned the Moore & Scott, the United Engineering Works, the Standard Gas Engine Co., and the Atlas Gas Engine Co. as having been forced to leave San Francisco on account of the labor conditions and the eight-hour day and move to Oakland. The same conditions prevail in Oakland in regard to the eight-hour day and labor conditions in the iron trades as prevail in San Francisco, and the men in these shops are organized just the same as they are in San Francisco and covered by the same agreement.

Acting Chairman WEINSTOCK. Do you know of any town in California where a nine-hour day is being worked; and if so, how is business in those places as compared with San Francisco and Oakland?

Mr. HANNON. Yes, sir; I do. I can name Los Angeles, Fresno, and Bakersfield, three towns where the nine-hour day is in effect, and where there is not more than 50 per cent of the normal force employed at this time in these shops in these towns. I am in a position to know this on account of traveling through these places for our organization, and know the number of men that we have working at these places at this particular time, and it is laid to the general depression of business throughout the country, and the same conditions prevail here in San Francisco, and, if anything, the conditions in that respect are better in San Francisco and Oakland than they are in even those nine-hour towns.

Acting Chairman WEINSTOCK. Your point is that in the nine-hour towns they are working only about half the normal force?

Mr. HANNON. Just about.

Acting Chairman WEINSTOCK. And what per cent of the normal force are they working on in San Francisco at this time?

Mr. HANNON. Working better than that; about 75 per cent, I should think.

Acting Chairman WEINSTOCK. About 75 per cent of the normal?

Mr. HANNON. I would like to make one other statement, Mr. Chairman, and that is with regards to the claim made by some employers that they can not compete with their competitors in the Northwest and in Los Angeles on account of having to work an eight-hour day here and working a nine-hour day in those other places.

I wish to say that prior to 1910 the 10-hour day was worked in Los Angeles when the eight-hour day went into effect here. Since that time, on account of a strike down there, a nine-hour day has been secured, so that there is a difference of one hour at this time, the same as it was before the eight-hour day went into effect in San Francisco. There is only one hour difference. There was one hour difference prior to that.

Acting Chairman WEINSTOCK. You heard the statement made that there were less metal-trades mechanics or workmen in San Francisco now than there was before the eight-hour day went into effect?

Mr. HANNON. Yes, sir.

Acting Chairman WEINSTOCK. What is the answer?

Mr. HANNON. Well, I say that we are in a position to know just about how many metal-trades workmen were employed before the eight-hour day went into effect, and we are in a position to know about how many are employed now, because we are very nearly 100 per cent organized here in San Francisco and vicinity. And we have at this time—that is, not this particular time, but we will say on an average at this time—more members in our organization than we had prior to the time that the eight-hour day went into effect.

Acting Chairman WEINSTOCK. You heard the statement made, I think by Mr. Tyson, possibly other employers as well, that much of the work to be done for the oil fields, oil tanks, and so forth, had gone to Los Angeles in place of coming to San Francisco. Can you throw any light upon that point?

Mr. HANNON. Well, I don't know of any firms in San Francisco that ever competed in that line with the firms in the southern part of the State. I don't know of one. They have large oil tool shops in Los Angeles. They haven't got any here or any in Oakland. They haven't got any in Stockton, or any in San Jose, or any other places. They have one or two in Bakersfield and in other small towns in the oil fields. But there has never been to my knowledge any competition in that respect from San Francisco with Los Angeles.

Acting Chairman WEINSTOCK. You also heard the testimony offered that certain logging equipments that formerly were produced in San Francisco are now produced in the Northwest owing to the difference in labor conditions?

Mr. HANNON. I heard that statement.

Acting Chairman WEINSTOCK. Can you give any information on that point?

Mr. HANNON. Well, I heard the statement made. I don't know just how much truth there is in it, because there is one shop in Seattle that manufactures equipment of that kind, and their force is much smaller now than it was several years ago. That is the Washington Iron Works. There is another one in Astoria, Oreg., that I understand has gone out of business in the last two years.

Acting Chairman WEINSTOCK. What is the attitude of the iron trades council in the matter of the closed shop? Does the iron trades council permit the metal trades employers to employ anybody that they please, or must they confine themselves to union men?

Mr. HANNON. Well, that is a matter that we generally take care of. We haven't got any agreements with the different employers that they must hire union men, and they do not say that they will not hire union men. It is a generally accepted fact that the best and most competent mechanics are union men, and for that reason when employers in the city here want to get men they call up our office and ask for them. They tell us the kind of men that they want, and we try to get them for them. If a man comes along who is not a member of our organization and he happens to be hired in the shop, we take care of that. We don't go to the employer and tell him he shan't hire a man. If the man is a fair-minded man he becomes a member of our organization, because he realizes that the conditions that are obtained for the workingmen in San Francisco have cost the workingmen something, and if he wishes to be fair he will pay his part of that just the same as a man who moves from the

country into the city with his children, gets the benefit of the schools, police protection, fire protection, and so forth, he will pay his taxes, if he is a good citizen. If he is not a good citizen he won't pay his taxes, he don't want to pay them.

Acting Chairman WEINSTOCK. In the building trades in San Francisco the impression has gotten abroad that if an employer puts nonunion men on a job the union men quit. Does that same situation pertain on the metal trades, if an employer puts a nonunion man on the job the union men quit?

Mr. HANNON. I have not known of any instances where union men quit, or had occasion to quit, on that account. I have not known of any instances in San Francisco. They have had no trouble on that score to my knowledge.

Acting Chairman WEINSTOCK. Have there been instances where employers have put nonunion men on the job?

Mr. HANNON. Yes. In Stockton. In the Stockton Iron Works, where a strike is now on, where we went to the employer and he said that he should have the right to hire anybody whom he pleased. He told us of specific instances where in the past he had hired nonunion men who came along, and placed them in the machine shop and no objection had been raised. We told him that where he was in need of a man and somebody came along for a job and he hired him, we did not object to that because the man did not have a card, because we usually take care of that. And we explained, as I explained before, that if a man is a fair-minded man he will join our organization. But in this case the employer there admitted that men had been sent to him by the merchants, manufacturers, and employers' association because they were nonunion men, professional strike breakers, in order that he may show to somebody that he was able to run an open shop. In other words, they employed nonunion men because they wanted nonunion men, and not because a man came along who wanted a job.

Now, instances of this kind, the men realize that that means the life of their organization. It means the holding of the conditions that they have spent money and time to obtain, for years past. And if they are going to permit a condition of that kind where the men are antagonistic to them and intend to tear down those things that they have gained, why, naturally, a strike is bound to take place as the result.

Acting Chairman WEINSTOCK. Do you know of any case in San Francisco in the last several years where employers put men on the job in the metal trades and the union men struck?

Mr. HANNON. No; I have no specific knowledge of any case of that kind, because my work carries me up and down the coast and into other States, and if such a thing occurred I had no specific knowledge of it, and I do not believe that it was in our trade.

Acting Chairman WEINSTOCK. You heard the testimony, Mr. Hannon, of Mr. McGregor yesterday, president of the Union Iron Works?

Mr. HANNON. Yes, sir.

Acting Chairman WEINSTOCK. And the question was put to him whether he had tried to employ nonunion men and the union men would quit, and he said he had never had any trouble of this kind?

Mr. HANNON. Yes, sir.

Acting Chairman WEINSTOCK. Does your experience corroborate that testimony?

Mr. HANNON. Well, we have a local business agent here who looks after the local conditions, and in that respect, and he had never made any report of any trouble at the Union Iron Works, so that I presume that everything is all right there, naturally must be, between our organization and that firm. There is no trouble, to my knowledge, over that matter.

Commissioner COMMONS. Will you submit in writing answers to these questions which I have to ask? Iron ships are being constructed outside of San Francisco, in other places, but that in this city, or in this district, only repair work is carried on, and such ships as are constructed are merely done to keep up the force, keep up the organization. You understand that?

Mr. HANNON. Yes; I can get that from the stenographer.

Commissioner COMMONS. Also, in the carrying out of the agreements, have any strikes been called on account of forcing union assessments?

Mr. HANNON. I can answer that now.

Commissioner COMMONS. You need not answer it now, because it seems to be a rule of the commission that no questions should be answered.

(See Hannon Exhibit No. 2.)

TESTIMONY OF MR. JOHN A. O'CONNELL.

Acting Chairman WEINSTOCK. Will you give the reporter your name and address and vocation?

Mr. O'CONNELL. John A. O'Connell, 316 Fourteenth Street; teamster; secretary of the San Francisco Labor Council.

Acting Chairman WEINSTOCK. We should be glad to have you give the commission whatever information you may have at your command that may enlighten us in relation to industrial conditions existing hereabouts.

Mr. O'CONNELL. I might say, Mr. Chairman and members of the commission, that the subject of collective bargaining is a matter that the workers—it is the goal that the worker has hoped to reach all these years. He has reached it by perfecting a system of organization. He had been slipping for years without one, waiting for the employer, generally, out of the goodness of his heart, to do something for him, in so far as his hours of labor and wage conditions were concerned. But, I dare say, that had he not woke up and perfected an organization where he was able through this organization to deal collectively with the employer, he would still be in the same rut he was all of the years before organization took place. I might recite a few things to the commission in relation to my own vocation, that of a teamster. Previous to 1900 it was nothing for the employer to work the employee from 12 to 15 hours per day. The maximum rate of pay at that time was $18 per week, as a maximum. The minimum to the boy that we rated not as an apprentice, but as a buffoon in the business—because it generally takes a strong back, and a man that is not imbued with the strength and the health to go through with the program as outlined by the employer in the teaming industry is very soon and quietly dropped from the pay roll—that minimum ran as low as $8.50 or $9 a week.

Labor, or the worker, has profited by the experience of the employer himself, and through the aggressions of the employer, through the onerous tasks and duties imposed upon the employee by him, he practically brought about the arrangement whereby birth was given to the trade-union organization.

And, as has been mentioned before this commission by previous witnesses, I might say the spirit of '76 got into the breasts of the men at the bottom that was doing the work. The red blood that ran through their veins proclaimed, and they exhibited the spirit of our forefathers by perfecting an organization where they could deal collectively for themselves, which they were unable to do previously.

Much has been said about the 1901 strike. Your attorney brought it out from Mr. Tyson here yesterday. They have no regard, it has been my experience—the employer who practically hates organization generally when it is brought about by the fellow that needs it, hasn't much regard for the truth, and he can paint a very black picture of trouble where he can blame the organized worker.

Now, the strike of 1901 was a very unfortunate affair, through no fault of the trade-unionist. The employer at that time, through his superior knowledge of organization—I might preface my remarks by saying that the Brotherhood of Teamsters of San Francisco was organized August 5, 1900. In June, 1901, the Christian Endeavorers came to San Francisco and had a great deal of baggage to be moved. There was at that time a man doing business in San Francisco in the teaming industry, and principally on the transfer end of it, mainly the moving of trunks to hotels from the depots, who would under no circumstances employ a union man, who would not become part of the draymen's association, and who would in general have nothing to do with any organization.

As I say, the employer at that time, through his superior knowledge of organization, holding out many good things to the trade-unionist that had organized, got him to agree to a proposition to work for none others than members of his association.

The Morton Special Delivery were not members of the association and would not employ union men. They were lucky enough to get the contract to move all that baggage for the Christian Endeavorers' convention when it came here, and Henry Morton had a brother in the teaming industry here that was in the freight business down town, and naturally, I will say, that blood being thicker than water, he inveigled his brother Bill into helping him to move the baggage, which was contrary to the laws of the draymen's association itself.

One of their fundamental laws, as I understand it, is to the effect that they would render no aid or assistance to any other than a member of their asso-

ciation. That, as a consequence, was practically the cause of the trouble in 1901. Men refused to work for the men that previously had refused to employ them, and in order to live up to their agreement with the draymen's association, which if it maintained to-day somebody might find his way into the penitentiary by agreeing to any such an unholy affiance to work for none others than members of an association, the most un-American thing that could be precipitated in any community, that was brought about by the employer, as I say, through his superior knowledge of organization and the ignorance of the workers, he thinking he was going along the lines of least resistance and willing to fit into and be agreeable.

We have been accused of practically being dishonorable in living up to agreements. Nothing could be further from the truth, for if there is one thing that the San Francisco Labor Council, composed as it is of possibly 155 unions, enrolling within its ranks 50,000 workers, the most sacred obligation imposed upon the unions connected with that council is the living up to any agreement or any obligation entered into with the employer. They can't cite one instance where the agreements were broken off—where agreements were broken and violated openly by the trade-unions as composed by the San Francisco Labor Council.

I will submit a copy of the constitution and by-laws of the council, which clearly indicates to the mind of any man that is fair that we have never taken any position, as has been said here, of making laws, passing them to the employer, and telling him he has to live up to them.

(A copy of the Constitution and By-Laws of the San Francisco Labor Council, revised November 22, 1912, was submitted in printed form.)

That statement is at variance with the truth in every particular.

An increase of wages or a change in the working conditions of any organization affiliated with our council is immediately referred to the executive and arbitration committee, who in turn appoint a joint committee to thoroughly investigate everything in connection with increase asked for or changes in the working conditions, and that is done with the employer. At the present time with the cracker-baking industries here in San Francisco we have been conferring for the past two or three months with the employers acting as a unit from all the factories, sitting in conclave and in conference with the trade-union officers, the representative of the cracker bakers' union, the representative of the cracker bakers composed of girls, and the representative of the San Francisco Labor Council; and, by the way, the employing cracker bakers in San Francisco will not do business with any of the local unions unless the agreement is underwritten by the central labor body here in this vicinity. That has all been brought about by a system of cooperation and a willingness to be fair with our employers.

The reason of our success, I dare say, in San Francisco is the faith we have planted in the breasts of the employers in San Francisco—the men that are inclined to be fair and to exhibit the same spirit of fairness that the worker is willing to exhibit at all times. We go along and we have no trouble. It is responsible for our perfect organization here in San Francisco; we have benefited by it, and we intend to go along these lines for all time. I am willing to accept, as a representative of the trade-union movement of San Francisco, the testimony of Mr. McGregor yesterday. There is man that is in control, in command of, or at the helm of one of the biggest manufacturing industries west of Chicago, and his testimony here to you yesterday was absolutely true in every particular, and we are willing to accept it. We have no reason in the world to doubt the veracity of any of his statements.

Labor has been accused of getting behind legislation that the employer in some instances has termed vicious and unnecessary. Now, let's see what those pieces of legislation were.

The safeguarding of painters in the performance of their duty by putting a rail around the scaffolding to protect his life and limb when working 200 feet in the air. That is one of the pieces of vicious legislation.

The scaffolding of buildings, to put in between the floors in steel construction when being erected, like that one across the street here, 23 stories. That was criminal for the worker to ask that the floor next to the one that was put up above it should be floored so that he wouldn't fall 23 stories. That was criminal, because he only wanted, if he was going to fall, to fall possibly 20 feet. The employer was entitled to see him take the high dive and fall the 23 stories.

The compensation act has been termed a bad piece of legislation.

The full-crew bill for trainmen, God knows, should have been enacted and placed on the statute books of this State and every State in the Union a decade ago. They were finally successful in the great progressive State of California to get through with a friendly governor, and I sincerely hope that the electorate of the State of California will not make the mistake by not returning Gov. Johnson to office, a man who has a heart and some red blood in him, who will listen to the siren call of the worker in distress and place his seal of approval on such progressive pieces of legislation where the worker was assisted.

Mr. Tyson told you yesterday that he expressed a great feeling, great love for the trade-union movement; that he liked it; he liked it for the reason if they could have it their own way, eliminate all the officers. He said there should be an election once a year. When the question was asked him in reference to his employers' association if they would agree to that sort of change, why, of course, no. They were two different bodies entirely.

I dare say our trade-union movement has contributed as much to the brains of this great Commonwealth as any other institution, and especially institutions of employers. I don't know any time in this advanced age of the trade-union movement, and in this advanced age of our country generally, where the brains of the trade-union movement were not at all times, especially in this year 1914, able to cope with the best that the employers' association were able to put forward.

Allow the employer to run the union and things would go along serenely, work for anybody and with anybody and under any and all conditions. A return of conditions to a spirit of serfdom that did maintain here before we had a system of organization.

There is at the present time in San Francisco a gentleman by the name of Roach, who is trying to bring about the same conditions that existed here in 1901. He has been very successful until he reached some of the merchants, and especially the draymen's association, who were so severely bitten in the trouble of 1901, when so many false promises were held out to them as to the paying of expenses and taking charge of their business, being responsible for anything that might happen to their business. He received a very hard rebuff when he went to the same people again, because when it has been—when the trouble of 1901 was cleared up and the atmosphere was clear, they found that there was an awful lot of bills that they had to pay, and the draymen had to pay it.

And when Mr. Roach was confronted with that proposition that if the employers, the M., M., and E., would put up a certified check in some bank providing for all their losses in the future, they might consider about joining the M., M., and E. again, but that until that would be done, they would refrain absolutely from appending their signature to any such alliance as that.

The teamsters to-day, through a system of organization, have advanced their wages from that minimum of $4 to $12, and their maximum from $16 to $24, and reduced the working conditions to a 10-hour day, and no work on Sunday.

By the way, before we had an organization, we used to have to go and put in all day Sunday for nothing for our employer, if we did not go and hire somebody and pay them ourselves; then be put on the carpet Monday morning if there happened to be any dust on the harness.

What they meant in those days by getting an early start in the morning, when we were moving the big guns for the fortifications of the Presidio, it meant 3 or 4 o'clock in the morning. And when you brought your team home at night, I know of one specific stable here if you got in at 7 or 8 o'clock at night and your horse was a little bit warm: "Go home and get your supper, and then come back and water your horses." They were not taking any chances on losing any cattle or live stock.

The remark was made by a man who was getting his employees up at 11 o'clock at night and working them until 7 and 8 in the next night in the produce, "That God didn't make the days long enough and there ought to be no Sundays." That gentleman is president of a bank in San Francisco to-day.

They said to you that we were not responsible; that the business agent was practically our god, our boss; that we had no conception; that we did not care for the employer at all. Nothing could be more ridiculous. You men sitting here, especially that know something of labor, that have been affiliated with the American Federation of Labor, members of this commission, know that there is nothing more ridiculous.

Mr. Tyson told you how they built churches and schools. He did not tell you, though, that he built a company store up there and he paid out one window and had the fellow walk around another building and pay it right back into the same treasury again—didn't mention those things.

We know that. No wonder he told you that he wanted married men. The Oregon boot isn't heavy enough by taking a fellow and ostracizing him from society and taking him away out in the woods where he sees nothing, but they want to place the severe handicap of a heavier boot on him, by taking his wife and his children in there. And no wonder they work 28 years there. There is some of them in the Humboldt woods that never seen a railroad train. And they will continue to be there in that system of serfdom until organized labor goes to their relief, which is one of the fundamental principles of our movement to lift the fellow from the bottom that needs assistance, one of our cardinal principles, we don't care who, he is, to reach the helping hand out to the poor fellow who needs it, and by a system of organization to bring him up to the white man's standard of living. He is living in a white man's country, and he ought to be accorded all the rights and privileges that should be accorded any white man in this country.

They say, get rid of our officials and get rid of the business agent. Why did we bring about that system of having business agents and having a president and having a business manager or a business representative? We follow the footsteps of the employer. Who is the most successful employer, the most successful association of business to-day? Only the fellow that has perfected his system in every department, and he has got a manager at the head of every one of those departments. We don't take any umbrage at him to organize his association and import his secretary in here; we don't take any umbrage at that; certainly. And we deal with him.

But he takes serious objection to the business representative of our organization coming into his office and having the audacity to talk for the poor fellow that he has got working for him. They ought to go out and get the fellow off the wagon and bring him in. And you men know and so does everybody in this room know that men that work for a living haven't had the great privilege to be enrolled as university students. They haven't got a university education; and the first complaint, if we do permit or allow the man to come in and represent himself, he has such a way of presenting his case that he is immediately branded as a hoodlum or something else by the employer because he doesn't indulge in that sweet-scented language that we learn in our universities.

I think that the gentlemen of this commission, if they would interest themselves to the point of bringing about some sort of a law that will broaden the uses of our universities and put them in closer touch with the common people, we might be able to rub elbows with gentlemen of that caliber on equal terms, that we can indulge in that nice, soft, smooth language that they require. I know that some of us who have been educated in the school of hard knocks have adapted ourselves to the sort of a fellow that we are going to meet. And we try to get by as easily as we can by—if we have to be pussyfooted—going in there—we generally put on a pair of rubbers if we are going to make too much noise and disturb his equilibrium by even walking into the place.

But other fellows—and I might sum it up by saying this, there are men in business, you can be either a hoodlum or a gentleman with them. There is just as many hoodlums enrolled in the employers' association as there are with the laborers. That goes without question.

Acting Chairman Walsh. In the early part of your statement, Mr. O'Connell, you started out to answer the charge of violence in the 1901 strike, but did not finish. Now, will you make whatever answer you care to make to that charge?

Mr. O'Connell. Yes; I will. We often heard the maxim of equal rights to all and special privileges to none. When the 1901 trouble took place there was a mayor in San Francisco that was an educated gentleman that should have known better, who openly violated the law of San Francisco by converting the police department of this great municipality as one of the units of the employers' association. On every truck and every wagon in San Francisco was a policeman sitting on the seat, and another on horseback behind. The taxpayers of this community during that three months of trouble got absolutely no police protection whatever. There wasn't a policeman on his beat at nights, and everything—if a dog got run over in the middle of Market Street the

teamster would be blamed for killing him. I deny that the Brotherhood of Teamsters was responsible for any of the violence during the 1901 trouble.

Acting Chairman WEINSTOCK. Was there violence?

Mr. O'CONNELL. There was violence at that time.

Acting Chairman WEINSTOCK. Who, in your opinion, was responsible?

Mr. O'CONNELL. The thugs, the gunmen of the employers' association who were sent to the draymen from the central headquarters presided over by Mr. Michaels, the attorney for the M., M. and E. at that time.

Acting Chairman WEINSTOCK. That is, your contention is that the employers employed thugs to injure their own workers?

Mr. O'CONNELL. To precipitate trouble, so that the boot could be placed on the trade-unionists. I might say this, that Henry T. Gage was governor of the State of California, and was appealed to by the merchants and manufacturers' association at that time to do away with this violence, and when he came into San Francisco, right in this—not in this building, but in the old building—he told the merchants of San Francisco this, that he would answer their call, that he would declare martial law in San Francisco, and that he would also take full command of the situation here. And they objected. They were very willing for the governor, like the mayor did, to fit in with their program in the handling of that fight, but when he said he would declare martial law in San Francisco, and see that the residents of the city and county of San Francisco were in their homes at a certain time at night, that all businesses would be closed up at a certain time of night, they took umbrage at him, and they would not agree to any such a program, and said they didn't want martial law. They could not prove their contention that the trade-unionists were responsible for what was taking place.

And I might say, incidentally, that the governor of the State of California disguised himself as a mechanic and walked in the dead hours of the night to satisfy himself, so that he could get first-hand information as to the violence, and nobody knew that he was coming to San Francisco at that time. And he walked along our city front from the sea wall to the mill dock and all up in through the districts where the barns of the draymen were situated.

Acting Chairman WEINSTOCK. Is there a team owner's association in San Francisco, Mr. O'Connell?

Mr. O'CONNELL. There is.

Acting Chairman WEINSTOCK. Do they deal with the teamsters' union collectively?

Mr. O'CONNELL. Yes, sir.

Acting Chairman WEINSTOCK. That is, each employer does not make a bargain with the union, but the teamsters' association makes a bargain with the union?

Mr. O'CONNELL. The draymen's association.

Acting Chairman WEINSTOCK. Now, what proportion of the team owners are members of the association in San Francisco?

Mr. O'CONNELL. Well, all the big draymen in San Francisco, men that employ the bulk of our people, are members of the association. We have private business houses who are operating their own teams, but they are generally guided by what the association is doing.

Acting Chairman WEINSTOCK. How is the bargaining done?

Mr. O'CONNELL. Collectively.

Acting Chairman WEINSTOCK. That is, by calling a conference?

Mr. O'CONNELL. By conferences, committees from both sides.

Acting Chairman WEINSTOCK. Do they meet at regular stated periods?

Mr. O'CONNELL. Whenever there is an expiration of an agreement, or whenever there is any change desired.

Acting Chairman WEINSTOCK. Do you have written agreements?

Mr. O'CONNELL. We have none at the present time—yes, we have one now at the present time.

Acting Chairman WEINSTOCK. How long has this agreement run?

Mr. O'CONNELL. This one has run to three years.

Acting Chairman WEINSTOCK. At the end of the three years the representatives from both associations meet to make a new agreement, or to renew or amend or modify the old one?

Mr. O'CONNELL. If there are any changes desired; if not, they let the old one run along.

Acting Chairman WEINSTOCK. If new issues arise, how is that taken care of?

Mr. O'CONNELL. By a conference.

Acting Chairman WEINSTOCK. A conference is then called?

Mr. O'CONNELL. Yes. There is a portion of the agreement which reads that no action shall be taken until the proposition is taken up by a committee from both sides, so there is no cessation of work.

Acting Chairman WEINSTOCK. I see.

Mr. O'CONNELL. I might say this to you, that for members of the draymen's association, the business manager of the draymen's association acts as our business agent.

Acting Chairman WEINSTOCK. He acts for both, practically?

Mr. O'CONNELL. Yes, because when we get a complaint about some man not paying overtime or that is abusing his help, who is a member of the draymen's association, we make our complaint known to the manager of that association, and especially where the proposition of overtime is figured on, the nonpayment of wages, why he goes after them worse than ever we would, because he is a drayman himself, and he is paying the tariff, and he don't want to see anybody else get by without paying it.

Acting Chairman WEINSTOCK. How long have these relations existed, Mr. O'Connell, between the employer and worker?

Mr. O'CONNELL. Always—ever since our trouble has been settled in 1901.

Acting Chairman WEINSTOCK. That is about 13 years?

Mr. O'CONNELL. Thirteen years.

Acting Chairman WEINSTOCK. Have there been any strikes or lockouts?

Mr. O'CONNELL. Absolutely none.

Acting Chairman WEINSTOCK. What are the relations existing between the employers and workers; are they cordial, friendly, or are they hostile?

Mr. O'CONNELL. They call one another by their first names.

Acting Chairman WEINSTOCK. Not merely a case of suspended hostility?

Mr. O'CONNELL. No; all-around general good feeling.

Acting Chairman WEINSTOCK. Will you submit to the commission a copy of your written agreement?

Mr. O'CONNELL. I will have to get that from the teamsters' union and will send it to you.

(At this point the commission took up the subject of industrial accident compensation. See following subject.)

STATEMENT OF MR. J. D. HOANTZEK.

FRANKLIN PRINTING TRADES ASSOCIATION,
San Francisco, Cal., September 1, 1914.

To the UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Palace Hotel, San Francisco.

GENTLEMEN: This association was requested by your honorable body to prepare testimony to be offered at a public hearing on the pressmen's strike, and was later informed that "limitations as to time had forced you to eliminate the discussion."

Inasmuch as we had prepared this testimony and as we consider the question one of great importance and deserving of your consideration, we respectfully submit the following statement.

Yours, very sincerely,

FRANKLIN PRINTING TRADES ASSOCIATION,
J. D. HOANTZEK, *Secretary.*

THE ASSOCIATION.

The Franklin Printing Trades Association of San Francisco is an organization of employing printers which has for its object the mutual aid and protection of its members. The membership at this time consists of 24 firms, who represent 75 per cent of the cylinder press equipment in San Francisco and employ about 1,000 people in their mechanical departments.

The work of the association is primarily educational. The installation and maintenance of cost-finding systems, the conducting of classes in salesmanship and craftsmanship, the correction of trade abuses, and the instruction of apprentices are given special attention.

All demands of or disputes with labor unions are referred to the association by the individual members, so that unity of action may be had on such matters. The association endeavors to settle all disputes with labor unions by conciliation, and in some instances has entered into contracts with them.

A contract with the bindery men's union has been in force since May, 1910, and will continue to run until either party thereto gives 90 days' notice of a desire to terminate same.

This contract is a closed-shop agreement and covers wages, hours, and working conditions, and provides for the settlement of all differences arising under the contract by conciliation and, if need be, by arbitration.

The association has no written contracts with any other unions, but employs only union compositors and union bindery women, as well as union bindery men.

AGREEMENT WITH PRESS ASSISTANTS' UNION.

As a result of negotiations to terminate a strike of Press Assistants' Union No. 33 in November, 1909, the association entered into a three-year closed-shop agreement with that body November 20, 1909. An increase of $1.50 per week in wages was granted, which was 50 per cent of the amount demanded. The primary inducement that promoted the termination of this strike and brought about the agreement was a promise on the part of Printing Pressmen's Union No. 24 that they would also enter into a three-year agreement without any change in the rate of wages and conditions which then were in force for the members of their union.

When the agreement with the press assistants had been signed and work had been resumed the pressmen were requested to enter into an agreement in keeping with their promise. After some delay and repeated requests for an answer by the Franklin Printing Trades Association the pressmen declined to enter into the proposed agreement. They stated that their international president, George L. Berry, had instructed them not to sign any agreement unless they "got something."

Despite this breach of faith on the part of the pressmen, who are affiliated in the same international union with the press assistants, the contract with that body was continued in force.

Disputes under this agreement arose on many occasions, but all save three were settled by conciliation; of these exceptions two were submitted to arbitration and were decided in favor of the Franklin Printing Trades Association, much to the expressed dissatisfaction of the press assistants. The other exception involved two members of the association, whose lithographic feeders had struck and whose printing press assistants went out on sympathetic strike notwithstanding the existing contract with the association. This difficulty was solved only after the association has dispensed with the services of members of Press Assistants' Union No. 33 for three days, on the ground that their contract had been violated by the press assistants entering on a sympathetic strike, although the contract did not state specifically that sympathetic strikes were not to be indulged in.

This agreement with the press assistants provided that it would automatically continue in force after November 21, 1912, the date of expiration, unless 90 days' notice were given by either party thereto of a desire to terminate same.

On August 21, 1912, the press assistants notified the Franklin Printing Trades Association that they would consider the agreement terminated November 21, 1912.

NEGOTIATIONS FOR A NEW AGREEMENT.

In October, 1912, the Franklin Printing Trades Association offered to enter into agreements with the press assistants' union and with the other unions representing its employees. These agreements were to cover wages, hours, and working conditions, and were to provide that all disputes should be settled by conciliation or arbitration. This offer to the several unions was prompted by a desire to insure industrial peace in the printing trades over the period immediately preceding and during the Panama Pacific International Exposition. The growing arrogance of the press assistants and their evident desire to be free from all contractual relations with the Franklin Printing Trades Association gave foundation for a belief that trouble was brewing, notwithstanding the fact that wages, hours, and working conditions in the printing trades in San Francisco were more favorable than those which obtain in any other city in the United States.

The offer to negotiate agreements was readily accepted by the typographical union, and satisfactory progress was made with that union.

The pressmen's union, affiliated with the press assistants in the same international union, did not open negotiations until December 10, 1912. At that time they promised to continue the negotiations at a later date, but were not heard from thereafter.

The press assistants' union, after much urging, opened negotiations November 6, 1912, and continued them to December 12, 1912.

At this time negotiations were suspended because the association refused to agree to have the agreement embody this "sympathetic-strike" clause:

"The party of the second part (the press assistants) reserves the right, during the life of this agreement, to withdraw its members from any or all firms, in sympathy with its affiliated unions."

The press assistants contended that the policy and rules of the San Francisco Labor Council, with which they were affiliated, would not permit them to enter into any agreement which did not contain this "sympathetic-strike" clause. They admitted the correctness of the contention of the Franklin Printing Trades Association that this clause would permit the press assistants to nullify the agreement at any time the San Francisco Labor Council or any of its numerous unions saw fit to ask their assistance in a strike against the members of the association or against employers in any other industry. The association positively refused, for evident economic and moral reasons, to subscribe to any sympathetic-strike clause, but offered as a substitute therefor the following:

"SEC. 6. San Francisco Press Assistants' Union No. 33 shall not engage in any walkout, strike, sympathetic or otherwise, or boycott affecting the offices of members of the Franklin Printing Trades Association unless the Franklin Printing Trades Association fail to live up to this agreement or refuse to accept conciliation or arbitration in any controversy with any union affiliated with San Francisco Press Assistants' Union No. 33; that the Franklin Printing Trades Association shall not engage in any lockout unless the union fail to live up to this agreement; that a board of arbitration, as provided for in paragraphs first and second of this agreement, shall be the final judge of what constitutes a failure to live up to this agreement or a refusal to conciliate or arbitrate."

The press assistants would not agree to this clause, and negotiations were suspended with the understanding that should either party change his attitude on this question the negotiations would be resumed on request.

Following is the full text of the agreement which the Franklin Printing Trades Association was willing to sign:

This agreement entered into this —— day of ——— A. D. 191—, by and between Franklin Printing Trades Association of San Francisco and the San Francisco Press Assistants' Union No. 33.

Witnesseth that whereas the parties of this agreement are desirous of effecting and maintaining harmonious relations between employers and employees, it is hereby mutually agreed as follows:

First. That the parties hereto will settle any and all differences that may arise under this agreement by conciliation, and if conciliation fails by arbitration, and in the following manner:

(A) Should either party have a grievance the same shall be presented immediately in writing to the other party for conciliation by accredited representative or representatives of each party; said conciliators shall meet to consider said grievance within forty-eight (48) hours after the filing of same; if an understanding can not be reached within five (5) full business days after the grievance has been presented, then the settlement of said grievance shall be left to a board of arbitration.

(B) This board shall consist of one party chosen by each of the parties to this agreement and, if necessary, of a third party chosen by the other two.

(C) Testimony and arguments shall be presented to the arbitrators in any form they may desire. In the event that either party fails to appear or to submit testimony in the form required within five (5) full business days after due notice has been given the arbitrators shall proceed to settle the case and render their decision in accordance with the evidence in their possession at the earliest possible date.

Second. That all decisions of any board of arbitration shall be final and binding, and may, at the discretion of the arbitrators, be made effective from the date the grievance was first presented; that pending final decision by the conciliators or arbitrators work shall continue in all shops without interruption and under the conditions prevailing prior to the time the dispute

arose; and that any expenses attendant upon the settlement of any dispute shall be borne equally by the parties to this agreement.

Third. That the scale of wages, rules, and shop practices as set forth in the attached schedule marked "B," and which is a part of this agreement, shall be the minimum scale of wages and the prevailing rules and practices in the printing departments of all shops of the Franklin Printing Trades Association; and that the provision of schedule "B" shall not be construed so as to reduce, while they remain in the employ of their present employers, the pay of members of the union who are receiving higher compensation than set forth in said schedule.

Fourth. That the members of the Franklin Printing Trades Association will employ in their printing departments none but members of S. F. Press Assistant's Union No. 23 to do any work that comes under the jurisdiction of said union.

Fifth. That all clauses of this agreement shall apply to all present and future members of the S. F. Press Assistants' Union No. 23 and to all printing departments of present and future members of the Franklin Printing Trades Association. That all agreements of contracts in writing between S. F. Press Assistants' Union No. 23 and employers in the job printing trades in San Francisco shall be made, during the life of this agreement, through or with the consent of the Franklin Printing Trades Association.

Sixth. That S. F. Press Assistants' Union No. 23 hall not engage in any walkout, strike, sympathetic or otherwise, or boycott, affecting the offices of members of the Franklin Printing Trades Association unless the Franklin Printing Trades Association fail to live up to this agreement or refuse to accept conciliation or arbitration in any controversy with any union affiliated with S. F. Press Assistants' Union No. 23; that the Franklin Printing Trades Association shall not engage in any lockout unless the union fail to live up to this agreement; that a board of arbitration, as provided for in paragraph first and second of this agreement, shall be the final judge of what constitutes a failure to live up to this agreement or a refusal to conciliate or arbitrate.

Seventh. That this agreement and schedule "B" attached hereto shall remain in effect until the first day of January, A. D. ——. That three (3) months previous to this date each party hereto shall notify the other party in writing of any desire to terminate this agreement, or to renew same, or to enter into a new agreement; should a renewal or a new agreement be desired this agreement shall continue in force for such reasonable time, not exceeding ninety (90) days, as may be required for the negotiations.

In witness whereof, and in full attest of ratification of both bodies, the undersigned presidents, respectively, of the parties to this agreement have hereunto as such presidents signed their names, attested by the secretary of each organization, the day and year first aforesaid.

SAN FRANCISCO PRESS ASSISTANTS' UNION NO. 23,
_____, *President.*
_____, *Secretary.*
FRANKLIN PRINTING TRADES ASSOCIATION,
_____, *President.*
_____, *Secretary.*

APPROVAL OF I. P. P. AND A. U. OF N. A.

This contract is entered into by and with the consent of the International Printing Pressmen and Assistants' Union of North America, an organization to which the Franklin Printing Trades Association concedes jurisdiction and control over trade organizations in all mechanical departments of pressrooms. And the International Printing Pressmen and Assistants' Union of North America, through its authorized representative, hereby agrees to protect the Franklin Printing Trades Association in case of violation of agreement by the said Press Assistants' Union No. 23 under the jurisdiction of the said International Printing Pressmen and Assistants' Union of North America.

In witness whereof I have hereunto set my hand and seal this —— day of ——— 191—.

_____
President International Printing Pressmen and Assistants' Union of North America.

SCHEDULE B.

Referred to in the body of agreement between Franklin Printing Trades Association and San Francisco Press Assistants' Union No. 23, dated ——— and being a part of said agreement.

Scale of prices.

Hand feeders —— day work —— eight hours per day, between 7 a. m., and 5 p. m.

Item 1. Cylinder feeders, rate per week	$18.50
Item 2. Platen feeders, rate per week	18.50
Item 3. Combination cylinder and platen feeders (when employed on both cylinders and platens)	18.50
Item 4. Apprentice pressmen on cylinder presses:	
Rate per week, first year	17.00
Rate per week, second year	17.50
Item 5. Apprentice pressmen on platen presses:	
Rate per week, first year	14.50
Rate per week, second year	15.00

FEEDERS ON AUTOMATIC FEEDING MACHINES.

Item 6. Feeders operating 2 automatic feeding machines, rate per week	20.00
Item 7. Feeders operating 1 automatic feeding machine, rate per week	16.50

WEB, ROTARY, AND MAGAZINE PRESSES.

Item 8. Brakemen, rate per week	19.00
Item 9. Tension men, rate per week	19.00
Item 10. Oilers, rate per week	18.00

NIGHT WORK—REGULAR—ALL CLASSES OF PRESSES.

Item 11. First night shift shall work 8 hours between 5 p. m. and 2 a. m.; one-half hour of this time shall be allowed and paid for as lunch time.
Item 12. Second night shift shall work 7½ hours between 12:30 a. m. and 8 a. m.; one-half hour of this time shall be allowed and paid for as lunch time.
Item 13. The scale of weekly wages for all regular night crews shall be $3 in excess of the scale for day crews.

OVERTIME.

Overtime means time in excess of any regular shift.

Item 14. Day crews shall be paid one and one-half the day rate for overtime up to 12 p. m.; after 12 p. m. double the day rate shall be paid.
Item 15. Night crews shall be paid double the night rate for overtime.
Item 16. Double the day rate shall be paid to day crews for day work in excess of 8 hours on Sundays, New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas. Double the night rate shall be paid to night crews for night work in excess of 8 hours for the first night shift, and in excess of 7½ hours for the second night shift, on Sundays, New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

HOLIDAYS.

Item 17. Once and one-half the day rate shall be paid day crews for regular day work on Sundays, New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.
Item 18. Double the night rate shall be paid night crews for regular night work on Sundays, New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

APPRENTICES.

Item 19. One apprentice feeder shall be allowed to every 4 journeymen feeders or major fraction thereof.
Item 20. No office shall have more than 5 apprentice feeders at one time.
Item 21. Apprentice feeders shall be registered by both the Franklin Printing Trades Association and the San Francisco Press Assistants' Union No. 33.
Item 22. No apprentice feeder shall belong to the union or be given a card therein until after the completion of this second year of apprenticeship, and then only with the consent and approval of the majority of a joint committee of 6, made up of 3 members of the Franklin Printing Trades Association and 3 members of the San Francisco Press Assistants' Union No. 33, which joint committee shall by thorough examination and investigation pass upon the apprentice's qualifications as a journeyman before the expiration of his term of apprenticeship. Should an apprentice fail to pass the required examination and investigation the joint committee shall grant an extension or extensions of time to the apprentice, but such extensions shall not in the aggregate exceed 1 year.
Item 23. If an apprentice feeder attends a printing trades school, 1 year shall be credited to his 2-year term of apprenticeship, provided he attends said school for the full said 1 year.
Item 24. The joint committee shall grant an opportunity for examination to any apprentice feeder who makes application therefor indorsed by his employer and his foreman, even though his term of apprenticeship has not expired. If such apprentice passes the examination satisfactorily he may be given a certificate of ability and San Francisco Press Assistants' Union No. 33 may give him a membership card provided said apprentice is 17 years of age.
Item 25. The age of apprentice feeders, their schooling, etc., shall be governed by the labor laws of the State of California.
Item 26. No apprentice feeder shall leave the service of his employer during the 2 years of his apprenticeship and until 1 year after the expiration of said term of apprenticeship unless by the consent of said employer and the written approval of the joint committee. Should an apprentice feeder leave the service of his employer during his term of apprenticeship without said employer's consent and the written approval of the joint committee, or should an apprentice feeder be discharged by his employer during his term of apprenticeship or for one year thereafter for cause indorsed in writing by the joint committee, said apprentice shall not be allowed to take up an apprenticeship or to work in any other shop employing members of San Francisco Press Assistant's Union No. 33 without the written consent of the joint committee of the parties to this agreement.
Item 27. No employer shall lay off any apprentice feeder during his term of apprenticeship, nor shall he discharge any apprentice without good and sufficient cause, previously indorsed in writing by the joint committee.
Item 28. If an apprentice has a grievance against his employer he may register same with the joint committee, who shall immediately proceed to investigate and remedy said grievance, provided said grievance is not a matter for conciliation or arbitration, as provided for elsewhere in the agreement.
Item 29. Apprentice feeders shall be paid a scale of wages to be fixed by the Franklin Printing Trades Association.
Item 30. Apprentice feeders shall be given every opportunity to learn the trade; they may be employed to do any work a feeder is supposed to do.
Item 31. All apprentice pressmen are to be taken from San Francisco Press Assistants' Union No. 33.
Item 32. The rules governing apprentice pressmen shall be those agreed on between the Franklin Printing Trades Association and S. F. Printing Pressmen's Union No. 24.

MISCELLANEOUS RULES.

Item 33. Feeders shall match overlays on presses and help to patch up on presses when called upon to do so.
Item 34. A feeder or apprentice can be changed from one press to another at the option of the foreman, provided the number of feeders and apprentices generally employed is equal to the number of hand-fed presses in actual operation in the plant at that time.

Item 35. Feeders shall offer no objection to pressmen putting up lifts in order that the machines may be operated as nearly continuously as possible and that the output may not be limited.

Item 36. Feeders and apprentices shall clean presses, fill in sheets, handle stock, when such stock is for pressroom use, and do such other matters as may make them real assistants to the pressmen.

Item 37. Representatives and members of the S. F. Press Assistants' Union No. 23 shall entr a shop only after obtaining permission from the office, provided they are not employees of said shop.

Item 38. Feeders shall strictly observe all rules of personal conduct laid down by their employers for observance in their shops.

Item 39. A feeder may operate two automatic feeding machines on cylinder presses, and apprentices may be employed as helpers on automatic-fed job presses where helpers are needed.

The first part of this agreement, with the exception of the change of name, was also presented to the typographical union and the pressmen's union for their adoption and in the case of the typographical union had been tentatively agreed to.

The press assistants had also tentatively agreed to all the provisions with the exception of section 6.

The rates of wages as set forth in schedule B were the union rate prevailing at that time.

The apprenticeship regulations originated with the Franklin Printing Trades Association.

The following rule: "Item 34. A feeder or apprentice can be changed from one press to another at the option of the foreman, provided the number of feeders and apprentices generally employed is equal to the number of hand-fed presses in actual operation in the plant at that time," was proposed to overcome an obnoxious shop rule which the press assistant's union endeavored to enforce whenevor occasion offered. Said obnoxious rule provided that no press assistant or feeder should work on any press for a shorter period than one-half day or four hours. To illustrate: If a press assistant began to feed press A at 8 a. m. and finished the work at 10 a. m. or any other time before noon, he would refuse under his union rule to feed any other press before 1 p. m. He reserved the right to loaf or be paid four hours pay for two hours work. The reason given for this rule was that it would make work for idle men. This is but one example of a number of obnoxious, short-sighted, uneconomic output-limiting regulations which the press assistants' union was continually endeavoring to enforce.

NEGOTIATIONS RESUMED.

At the request of the San Francisco Labor Council negotiations were resumed by the Franklin Printing Trades Association with the press assistants May 14, 1913; several conferences were held and much correspondence had from this date to the end of May.

At a conference held May 28, 1913, and at which Andrew J. Gallagher, president of the labor council, and John A. O'Connell, the secretary, were present, the press assistants agreed to submit to their international council for approval or rejection section 6 of the association's proposed agreement.

The following correspondence was then had:

SAN FRANCISCO, CAL., *May 31, 1913.*

Mr. J. D. ROANTREE,
Secretary Franklin Printing Trades Association,
403 Sheldon Building, City.

DEAR SIR: Please advise that pursuant to our conference held Thursday afternoon, May 28, and in order to save time, which is very essential, we have wired our international, asking them if they will underwrite section 6 of your proposed arbitration agreement, which we discussed at that time.

Will you kindly, on your part, wire the international instead of writing and request them in turn to wire their reply?

Should you desire, we will furnish copy of telegram sent by my organization.

Respectfully, yours,

EDWARD MCGENITY,
Secretary Printing Press Assistants' No. 23.

JUNE 2, 1913.

EDWARD MCGINITY,
Secretary Press Assistants' Union No. 33,
557 Clay Street, San Francisco.

DEAR SIR: In answer to your letter of May 31, I will state that I do not consider it necessary that the executive committee of this association telegraph your international office on the question we have in hand.

If you will let us have a copy of your wire and also a copy of the reply from your international office, the same will suffice for our purpose.

Yours, very truly,

J. D. ROANTREE, *Secretary.*

SAN FRANCISCO LABOR COUNCIL,
San Francisco, May 31, 1913.

MR. J. D. ROANTREE,
Secretary Franklin Printing Trades Association,
403 Sheldon Building, City.

DEAR SIR: Pursuant to our verbal statement made at conference held Thursday afternoon, May 29, 1913, in your office, between the subcommittee of the executive committee of this council, the agreement committee of Press Assistants' Union No. 33 and members of your executive committee, we beg to suggest to your organization that the sixth section of your arbitration proposition be eliminated and that there be placed before your membership the following proposition:

First. That the sixth clause be eliminated entirely.

Second. That if the above is not satisfactory, then the words "sympathetic or otherwise" on the second line in said section be eliminated.

Third. That in lieu thereof a new section be included, which section shall read about as follows:

"It is agreed that no sympathetic strike shall be indulged in on the part of Press Assistants', No. 33, unless same is sanctioned before taking place by the San Francisco Labor Council."

Fourth. If the above is not satisfactory we suggest that where the words "San Francisco Labor Council" appear that the words "Allied Printing Trades Council" or "International Printing Pressmen and Assistants' Union" be inserted.

We hope that you will realize that it would be very easy indeed and we think somewhat selfish for press assistants' union to agree to section 6 in your proposed arbitration agreement. Inasmuch as it agrees to arbitrate itself, it could comfortably take the position that if some other union would refuse to arbitrate it would not support them in a strike.

Press Assistants' Union No. 33 wishes to be understood as desiring in every possible way to meet your wishes for industrial peace in your establishments during the life of these contracts and for all time, but must decline to be bound by a provision ambiguous at least to the extent that it ties the hands of the organization to an exceedingly dangerous point.

If none of the above is satisfactory, we are instructed to say that Press Assistants' Union No. 33 proposes that with your executive committee, an understanding be reached (verbal if you desire) as to the wages and hours to prevail from a given date for members of that union, and that sooner than have an industrial dispute over that section of the agreement or other arbitration sections they are willing to proceed without any contract whatsoever.

These propositions are submitted to your association in the hope that some of them might be acceded to. We feel that we are expressing the temper of Press Assistants' Union No. 33 when we say that we do not believe they will sign a contract which prohibits them from taking sympathetic actions except under the conditions named in your proposal.

Trusting that we may reach an arrangement and assuring you of our desire and willingness to confer at any time, we beg to remain,

Sincerely,

JNO. A. O'CONNELL,
Secretary San Francisco Labor Council.
ANDREW J. GALLAGHER,
President San Francisco Labor Council.

JUNE 10, 1913.

SAN FRANCISCO LABOR COUNCIL,
316 Fourteenth Street, San Francisco, Cal.

GENTLEMEN: As suggested in your letter of May 31, the propositions outlined in that letter were submitted to the members of this association at the regular meeting held last Thursday.

Complete answer to your propositions can not be given until answer to our letter of June 2 to press assistants is received. Inclosed you will please find copy of letter received from press assistants under date of May 31, and our answer to same under date of June 2, the same being referred to above.

When press assistants hear from their international office undoubtedly they will give us copies of the telegrams as requested.

Yours, very sincerely,

J. D. ROANTREE, *Secretary.*

DEMANDS MADE BY PRESS ASSISTANTS.

No word was received from the press assistants until June 13, 1913, when the following letter and inclosures were received:

SAN FRANCISCO PRESS ASSISTANTS' UNION No 33,
San Francisco, June 13, 1913.

Mr. J. D. ROANTREE,
Secretary Franklin Printing Trades Association.

DEAR SIR: Inclosed please find copies of telegrams sent and received by this organization. Also copy of letters addressed to the employing printers of this city, which was ordered by our members in regular meeting Wednesday evening, June 11, 1913.

Respectfully, yours,

EDWARD MCGENITY,
Secretary San Francisco Assistants' No. 33.

SAN FRANCISCO, CAL., *May 31, 1913.*

Mr. GEORGE L. BERRY,
President International Printing Pressmen's Union,
Rogersville, Tenn.:

Franklin Printing Trades Association here insists upon press assistants' union signing a contract containing following clause:

"That San Francisco Press Assistants' Union No. 33 shall not engage in any walkout, strike, sympathetic or otherwise, or boycott, affecting the offices of members of the Franklin Printing Trades Association, unless the Franklin Printing Trades Association fail to live up to this agreement or refuse to accept conciliation or arbitration in any controversy with any union affiliated with San Francisco Press Assistants' Union No. 33; that the Franklin Printing Trades Association shall not engage in any lockout unless the union fail to live up to this agreement; that a board of arbitration as provided for in paragraph first and second of this agreement shall be the final judge of what constitutes a failure to live up to this agreement or a refusal to conciliate or arbitrate."

Representatives of No. 33 have contended that sympathetic strike provision in above clause is a violation of section 9, article 15, page 51.

Franklin Printing Trades Association states that if international is willing to underwrite the section above quoted that we ought to be willing to sign it, and we have expressed our doubt that you would approve it and have resisted any effort to bind us to a contract prohibiting us from striking in sympathy with sister unions.

Will you kindly advise us if Franklin Printing Trades Association is right or wrong? We do not believe you will approve the section above quoted, feeling as we do it is a violation of section 9, article 15.

Please get in touch with members of board at once and wire reply.

EDWARD MCGENITY,
Secretary Press Assistants' Union No. 33.
ANDREW GALLAGHER,
President San Francisco Labor Council.

ROCKERSVILLE, TENN., *June 3, 1913.*

Mr. EDWARD MCGENITY,
Secretary Press Assistants' Union No. 33, San Francisco, Cal.:

We will accept arbitration provisions if the following priviso is accepted by the Franklin Association: This agreement may be declared null and void in case of a strike or lockout of a union now affiliated with the San Francisco Allied Printing Trades Council with which the employer now has or may hereafter have contractual relations provided that such strike or lockout occurs after all efforts at arbitration have failed through the fault of the proprietor or proprietors, members of the Franklin Printing Trades Association, the determination of which shall be referred to arbitration if so requested by either the members of the Franklin Printing Trades Association or the San Francisco Press Assistants' Union No. 33.

GEORGE L. BERRY.

SAN FRANCISCO, *June 12, 1913.*

To the employing printers of San Francisco and vicinity.

GENTLEMEN: The San Francisco Press Assistants' Union No. 33, in regular meeting assembled the 8th day of January, 1913, adopted the inclosed wage scale, shop conditions, and hours. Having been approved of by the International Printing Pressmen and Assistants' Union of North America, the San Francisco Allied Printing Trades Council, and the San Francisco Labor Council, we submit same to you for our membership to take effect on and after June 23, 1913.

We hope and trust that the following will meet with your approval, and that the peaceful relationship existing at the present will continue in the future, we beg to remain,

Respectfully, yours,

SAN FRANCISCO PRESS ASSISTANTS' UNION NO. 33.
EDWARD MCGENITY, *Secretary.*
HENRY ALTMAN, *President.*

SCALE OF WAGES.

Item 1. Feeders on cylinder presses shall receive not less than $19 per week.
Item 2. Feeders on platen presses shall receive not less than $16 per week.
Item 3. Feeders on both cylinder and platen presses shall receive not less than $19 per week.
Item 4. Feeders no two-color cylinder presses shall receive no less than $21 per week.
Item 5. Apprentice pressmen on cylinder presses shall receive not less than $19.50 per week for the first year, and not less than $20 per week for the second year.
Item 6. Apprentice pressmen on platen presses shall receive not less than $17 per week for the first year, and not less than $17.50 per week for the second year.
Item 7. Lithographic feeders shall receive not less than $19 per week.
Item 8. Lithographic feeders on two-color presses shall receive not less than $21 per week.
Item 9. Lithographic feeders on offset presses shall receive not less than $19 per week.
Item 10. Assistants on rotary presses working in the capacity of brakemen, oilers, or tension shall receive not less than $25.50 per week.
Item 11. Feeders on rotary presses working in the capacity of fly or packer shall receive not less than $19 per week.
Item 12. For the regular night shift the scale for the assistants or feeders shall be $2 in excess of the day scale.

OVERTIME.

Item 13. Overtime on day crews shall be paid at the rate of time and one-half up to twelve (12 p. m.) midnight, after which double time shall be paid.

Item 14. All work performed on Sundays and holidays, and overtime from Saturday, at five (5 p. m.) to starting time, Monday eight (8 a. m.), shall be at the rate of double time.

Item 15. All overtime on night crews shall be paid for at the rate of double time.

Item 16. Holidays—New Years, Fourth of July, Labor Day, Admission Day, Thanksgiving, and Christmas.

Item 17. Offices employing other than the regular shift, the second and third shifts, shall be rated and charged for as night shifts; seven and one-half hours shall constitute the working time of the second shift and seven hours shall constitute the working time of the third shift.

Item 18. The second shift to start no later than 6 p. m.

Item 19. Eight hours per day (between 7 a. m. and 5 p. m.) shall constitute the regular hours.

Item 20. A member of this union to be employed on every automatic-fed press in operation.

Attention is directed to the fact that the press assistants on May 28, 1913, temporarily suspended negotiations until they could receive a telegram from their international president; that this telegram was received June 3, 1913; that instead of immediately communicating this telegram to the Franklin Printing Trades' Association the press assistants suppressed it until June 13, 1913, and at that time, despite pending negotiations, made arbitrary demands to take effect in 10 days or on June 23, 1913.

DEMANDS REFUSED.

The demands of the press assistants were refused in the following letter:

FRANKLIN PRINTING TRADES' ASSOCIATION,
San Francisco, Cal., June 16, 1913.

SAN FRANCISCO PRESS ASSISTANTS' UNION No. 33,
557 Clay Street, San Francisco.

DEAR SIRS: Your communication and new wage scale and shop conditions, dated June 12, 1913, addressed to the employing printers of San Francisco and vicinity, were received at this office through special messenger in the afternoon of June 13, 1913. At the same time were received copies of telegram sent by you to your International President Berry under date of May 31, and his reply to same, under date of June 3, and relating the proposed arbitration agreement; negotiations for which have been pending between our respective organizations and the San Francisco Labor Council for some time.

The entire matter was laid before the members of this association at a meeting held Saturday last, June 14, 1913.

Your action in making peremptory demands for an increase of wage and change in shop conditions while negotiations for a working agreement were pending between our respective bodies, and thereby terminating those negotiations, is indicative of a lack of good faith on your part.

The printing trades in San Francisco are at the present time suffering from a lack of business, from low prices, and from the tightness of the money market and from keen competition from outside points.

Any increase of wage or increased cost on account of any further shop restrictions would not only make our conditions worse but would eventually drive many of our members out of business or cause them to move their plants to places where conditions are more favorable. This would be a calamity, not only to ourselves but also to our city, which has already lost a great number of her manufacturing establishments, and to our employees who would be deprived of an opportunity of earning a livelihood at their trade in the city where they have established their homes.

The following table will show your demands and the union wage scales for press feeders in the cities named, the higher percentage we are now paying and the still higher percentage you now demand:

	Cylinder feeders.	San Francisco, higher percentage under present scale.	San Francisco, higher percentage under demanded scale.	Platen feeders.	San Francisco, higher percentage under present scale.	San Francisco, higher percentage under demanded scale.
San Francisco, demanded scale	$19.00-$21.00	Per cent.	Per cent.	$18.00	Per cent.	Per cent.
San Francisco, present scale	16.50			15.00		
Los Angeles	17.00			16.00		
Seattle	15.00	6	13	13.00	4	15
Portland	16.50		27	14.00		29
Denver	16.50		15	14.00		14
St. Louis	12.00-15.00	37 and 10	58 and 27	10.00	35	80
Chicago	16.00			8.00	88	100
Cleveland	16.00		15	10.00	58	80
Cincinnati	15.00	27	46	9.00	42	66
Philadelphia	10.00-12.50	65 and 33	90 and 60	7.00	28	42
New York	16.50		15	11.00	50	82
Baltimore	14.00	18	36	7.00	28	42
Indianapolis	13.00-15.00	57 and 30	85 and 57	7.00	28	129

You can readily see that press feeders in San Francisco are receiving as high wages as are paid in any of the other cities and that your demands are out of all proportion to the prevailing wage in other cities.

However much therefore the members of this association might wish to comply with your demands, it must be obvious from the evidence submitted that in a highly competitive business such as printing any further increase in expense is impossible. We submit that your demands under date of June 23 1913, are uncalled for, arbitrary, and unjust, and can not be acceded to.

Yours, very truly,

J. D. ROANTREE,
Secretary Executive Committee, Franklin Printing Trades Association.

Further correspondence was then had, as follows:

JUNE 17, 1913.

Mr. J. D. ROANTREE,
Secretary Franklin Printing Trades Association.

DEAR SIR: We have to hand your letter of the 16th instant, and note contents; same was referred to our committee. In behalf of the committee in charge of this matter will say that we are willing at all times to meet with you committee to the end that an equitable adjustment of the present controversy can be reached.

Respectfully, yours,

EDWARD MCGENITY,
Secretary San Francisco Assistants' Union, No. 23.

JUNE 18, 1913.

EDWARD MCGENITY,
Secretary San Francisco Press Assistants' Union, No. 23,
557 Clay Street, San Francisco, Cal.

DEAR SIR: Your letter dated June 17, 1913, was received this day by messenger.

Your statement that your committee are willing at all times to meet with the executive committee of this association is somewhat of a surprise to us in view of the fact that your union terminated pending negotiations by their letter and demands, dated June 12, 1913.

As stated in our answer to demands of your union, their action indicated an entire lack of good faith. In order to reopen negotiations it seems to us that the proper action for you to pursue would be to have the union withdraw its demands dated June 12, 1913, to become effective June 23, 1913; and to notify

us of their action and at the same time assure us of their desire to reopen negotiations in good faith.

Yours, very truly,

J. D. ROANTREE,
Secretary Executive Committee, Franklin Printing Trades Association.

No answer was given to this communication.

The following letter was issued June 18, 1913:

SAN FRANCISCO LABOR COUNCIL,
316 Fourteenth Street, San Francisco, Cal.

GENTLEMEN: As you are now doubtless aware, the press assistants' union, on June 13, 1913, made a demand effective June 23, 1913, on the members of this association and the trade generally for an increase in wages of $2.50 a week, coupled with certain new restrictions in prevailing shop practices.

We are writing to express our astonishment at this action at a time when negotiations were in progress between your body and our association; and our indignation at this unusual and arbitrary proceeding, a proceeding the least justifiable which the executive committee of this association, in 20 years of dealing with labor unions, has had brought to its attention.

We can not and do not believe that the San Francisco Labor Council is a party to this or could afford to show itself so contrary to all established precedent, especially at a time when it had expressed its intention of acting as an intermediary in the matter of the particular clause which caused the deadlock between ourselves and the press assistants and when its friendly offices had been accepted to this end by both sides.

As we deem it proper for you to know at first hand our reply to the demands of the press assistants, we are inclosing herewith a copy of our answer to that body. From this you will note that we have been obliged to refuse these demands. We, and those whom we represent, have no choice in this matter. The cost of printing in this territory is too high now, it must not be increased for the welfare of all concerned in the future. With the new tariff in effect and the opening of the Panama Canal, there must of necessity result a material reduction in the cost of living, and an increased purchasing power for every dollar. This increased dollar value will be equivalent to an increase in wages to those who may be fortunate enough to maintain their present scale.

With these facts in mind and knowing better than those outside possibly can know the present condition of the printing business, we are of necessity absolutely compelled to call a halt. The press assistants have been notified to this effect.

Very truly, yours,

J. D. ROANTREE,
Secretary Executive Committee Franklin Printing Trades Association.

No acknowledgment of this communication was received.

Between June 18 and 23, 1913, several conferences were held with representatives of the pressmen's union and the Allied Printing Trades Council, but without result. The Franklin Printing Trades Association took the stand that the press assistants should withdraw their demands and thereby restore themselves to good standing before negotiations would be reopened with them.

THE STRIKE.

On June 23, 1913, the press assistants struck as threatened and the pressmen refused to work without them. Two hundred and eighty-six people were involved. The following communications were then sent by the association:

JUNE 23, 1913.

SAN FRANCISCO PRESS ASSISTANTS' UNION, No. 24,
No. 557 Clay Street, San Francisco.

GENTLEMEN: This is to notify you that if the members of the San Francisco Press Assistants' Union, No. 24, now on a strike, do not return to their places by to-morrow, Tuesday, June 24, 1913, at 8 a. m., in the shops of the members of the Franklin Printing Trades Association, under the same rule of wages and shop conditions prevailing in said shops previous to June 23, 1913, their places will be filled by other workmen.

J. D. ROANTREE,
Secretary Executive Committee Franklin Printing Trades Association.

JUNE 23, 1913.

SAN FRANCISCO PRINTING PRESSMAN'S UNION, No. 24,
No. 557 Clay Street, San Francisco.

GENTLEMEN: This is to inform you that we have written to the feeders' union to the effect that unless the members of their association return to work on or before June 24, 1913, at 8 o'clock a. m., under the conditions existing prior to June 23, 1913, that we, of necessity, will be obliged to fill their places with other men.

The members of your union, up to this writing, have refused to feed their own machines. If, therefore, they report for work by 8 o'clock a. m., June 24, it must be with the understanding that their present attitude has changed in this respect, and that they will feed their machines if required.

We sincerely trust that your refusal to comply with this condition will not be persisted in, as it is not our intention to close down our pressrooms. Your absence after the date set will indicate to us that it has become necessary for us to fill your positions with other men who will more nearly accord with our requirements.

Trusting we may not be forced to take this action, we are

Yours, truly,

J. D. ROANTREE,
Secretary Executive Committee Franklin Printing Trades Association.

The invitation to return to work was not accepted by either the press assistants or the pressmen.

The Franklin Printing Trades Association then proceeded to engage other workmen. Skilled pressmen were brought to San Francisco from other cities, many of them with their families. Every man was told that a strike existed, and was promised permanent employment if he proved competent and well behaved. The wages of these workmen and their hours of labor were fixed by the association at the same standard as those of the strikers. The places of the press assistants were, with few exceptions, filled by boys and girls of working age, who were trained in their new duties. The rapid advancement made by these young people was surprising, and, after one year, the majority of them have become very competent press feeders. These young people were also informed, through advertisements and personally, that they were to take the places of the strikers.

CONFERENCES DURING STRIKE.

On numerous occasions during the strike, conferences were held with representatives of the typographical union, the bookbinders' union, the pressmen's union, and the labor council, and with International President George L. Berry, of the pressmen and assistants and with his local representative, Stephen P. Kane. These conferences were held at the request of the parties mentioned. Various propositions for a settlement of the strike were made the Franklin Printing Trades Association by the several parties. All of these propositions were of a similar nature and all provided for the ousting of the nonunion workmen, despite the obligations the Franklin Printing Trades Association was under to these men.

In answer to one of these propositions the following letter was written:

FRANKLIN PRINTING TRADES ASSOCIATION,
San Francisco, Cal., January 26, 1914.

Mr. STEPHEN P. KANE,
International Representative, I. P. P. and A. U. of N. A.,
557 Clay Street, San Francisco.

DEAR SIR: The proposition for a settlement of the feeders' and the pressmen's strike, which you officially presented on January 22, 1914, to the Franklin Printing Trades Association on behalf of San Francisco Printing Pressmen's Union, No. 24, and San Francisco Press Assistants' Union, No. 78, has been given most careful consideration by us and herein are set forth our objections to same.

We note that this proposition is merely a modification of the proposition your international president, Mr. Berry, presented to us December 10, 1913, and which was rejected by the members of the Franklin Printing Trades Association.

Your proposition provides for an increase of $1.50 per week in wages for the feeders, or only $1 less than the increase demanded June 12, 1913, and which the feeders and the pressmen struck to enforce June 23, 1913.

When we refused the feeders' demands of June 12 we set forth as our reasons the difficulties under which the printing trades in San Francisco were then laboring, the principal of which were lack of business and unprofitable prices, due primarily to keen competition from other cities where wage scales were much lower. These difficulties still beset us; therefore, we can not accept any proposition which provides for any increase whatever in wages. Furthermore, feeding a printing press is properly an apprentice's work, and statistics show that $2.25 to $2.75 a day is very liberal remuneration for an apprentice; apprentice compositors are paid $16 in the fifth year of their apprenticeship; apprentice bookbinders are paid $15 in the fifth year of their apprenticeship; we, therefore, can not see why we should increase the rates paid feeders.

Your proposition further provides that the foremen of our pressrooms shall be members of Pressmen's Union, No. 24; that foremen shall be invested with authority to hire and discharge pressroom help, and with any other prerogatives which the laws of the International Printing Pressmen's and Assistants' Union may prescribe; that these foremen shall be empowered with equal authority with the employer to pass upon the competency of the nonunion help employed in our pressrooms; that our nonunion employees, if pronounced competent, must apply for membership in the unions and will be admitted under the same conditions as applicants are received under "normal and constitutional arrangements"; that if these competent nonunion employees decline to apply for membership in the unions they shall be replaced by union mechanics; that within 40 days all our pressroom help must be members of the unions.

The feeders' and the pressmen's unions, by inaugurating and carrying on this unjustifiable and uncalled-for strike, have forced the members of the Franklin Printing Trades Association to run their pressrooms with nonunion help; they had either to do this or close down their plants. This course of action would have been most disastrous to all employees members of the allied printing trades and others.

The nonunion pressmen, many of whom were brought here from their homes in eastern cities and many of whom have since been joined by their families, have been guaranteed permanent positions during competency and good behavior. The nonunion feeders have been trained and the young men promised opportunities of learning to become pressmen. All these nonunion pressmen and feeders have been exposed to violent and murderous assaults at the hands of members of the striking unions. These facts entail upon the members of the Franklin Printing Trades Association serious obligations to their nonunion employees. These obligations must be honorably discharged; they will not be ignored or evaded.

To place the positions of these nonunion pressmen and feeders under the absolute control of a union foreman, to permit a union foreman to pass upon their competency, would be rank evasion of their obligations due these people. The individual employer and the officials of the Franklin Printing Trades Association have been chosen by these people as the sole judges of their competency, and their competency and good behavior entitled them to permanent positions.

To compel these nonunion pressmen and feeders to apply for membership in the unions under penalty of losing their positions would be a direct violation of the obligations due these people.

From these statements you can readily understand why the proposition which you submitted can not be honorably accepted by the members of the Franklin Printing Trades Association.

In view of the fact that the principal clauses of your proposition have been presented on several occasions in the same or slightly modified form, we deem it expedient to set forth the position of the Franklin Printing Trades Association relative to the members of the striking unions whom you represent.

The members of the Franklin Printing Trades Association are free to employ members of the pressmen's and the feeders' unions who apply to them for positions.

The minimum rates of wages on platen and cylinder presses for eight hours' work, the rates for overtime, the holidays, the length of night shifts which prevailed previous to June 23, 1913, are still in force in the shops of the Franklin Printing Trades Association. Boys and girls learning to feed presses are paid less than the scale, but are advanced to the full scale as rapidly as their ability warrants. At this time we are paying the full scale to many of these young people. All hiring and discharging of pressroom help is done by the employer and not the foreman. This rule will continue in force.

The Franklin Printing Trades Association has endeavored to be just in all its dealings with the employees of its members whether they be union or non-union, and it will continue to act along these lines. Every employee is free to lay before the officials of the association any grievance he may have and justice will be done him.

Feeling that we have more clearly set forth our objections to your proposition and have made plainer our position relative to the members of the pressmen's and the feeders' unions than we could at any conference, we do not see the necessity for the conference you suggest.

We trust that the members of your unions will see the justice of our position and that they will realize that the present condition of the printing trades in this city is due to no premeditated design on our part, but to the unwarranted attitude of the feeders furthered by the ill-advised, sympathetic action of the pressmen.

Yours, sincerely,

J. D. ROARTHER,
Secretary Executive Committee, F. P. T. A.

The following correspondence took place on a proposition made through the mayor of San Francisco:

MAYOR'S OFFICE,
San Francisco, April 30, 1914.

Mr. B. S. HUSMANN,
741 Harrison Street, San Francisco.

DEAR MR. HUSMANN: Mr. John A. O'Connell has handed me, for submission to your committee representing the Franklin Printing Trades Association, the inclosed proposition relative to the existing strike controversy, in which matter you did me the honor of holding a conference with the committee of pressmen in my chambers on Thursday night, the 16th instant.

Will you and your committee kindly oblige me by giving consideration to the proposition submitted, and may I hear from you in relation thereto at your convenience?

Very respectfully, yours,

JAMES ROLPH, *Mayor.*

PROPOSITION.

In consideration of the restoration of peace and the establishment of a harmonious relationship with the Franklin Printing Trades Association of San Francisco, the following proposition is hereby presented in behalf of San Francisco Pressmen's Union, No. 24, and San Francisco Press Assistants' Union, No. 33.

First. That the general agreement providing for peaceful relationship between the parties before named, and the condition of arbitration, as well as the guarantee of the same by the International Printing Pressmen and Assistants' Union formerly presented by the Franklin Printing Trades Association is hereby accepted.

Second. Pressmen and feeders return to work under same shop rules and conditions as existed before strike.

Third. It is hereby proposed that a three-year contract shall be entered into between the Franklin Printing Trades Association, San Francisco Pressmen's Union, No. 24, and San Francisco Press Assistants' Union, No. 33. It is agreed that the International Printing Pressmen and Assistants' Union shall underwrite the agreement between the parties afore named, and guarantee in behalf of the Pressmen's Union No. 24 and Press Assistants' Union No. 33, peaceful relationship as stipulated in the contract.

Fourth. The members of the San Francisco Press Assistants' Union, No. 33, shall perform such work appertaining to presswork as directed to do by the foreman or pressman in charge.

Fifth. Wages in all cases to be governed by scale before strikes with the exception of feeders, who will be advanced $1.50 per week; this increase to take effect in three installments.

Upon the signing of the contract an increase of 50 cents per week.

At the expiration of three months thereafter, 50 cents additional.

At the expiration of six months thereafter, 50 cents additional, making a total, at the expiration of six months, of $1.50.

Sixth. Holidays and overtime to be the same with feeders as pressmen before the strike, to wit:

New Year's, Fourth of July, Labor Day, Thanksgiving, and Christmas.

Seventh. That the parties hereto will settle any and all differences that may arise under this agreement by conciliation, and if conciliation fails, by arbitration, and in the following manner: Should either party have a grievance the same shall be presented immediately in writing to the other party for conciliation by accredited representative or representatives of each party; said conciliators shall meet to consider said grievance within 48 hours after the filing of same; if an understanding can not be reached within 10 full business days after the grievance has been presented, then the settlement of said grievance shall be left to a board of arbitration.

This board shall consist of two parties chosen by each of the parties to this agreement, and, if necessary, of a fifth party chosen by the other four.

Testimony and arguments shall be presented to the arbitrators in any form that they may desire. In the event that either party fails to appear or to submit testimony in the form required within 10 full business days after due notice has been given the arbitrators shall proceed to settle the case and render their decision in accordance with the evidence in their possession.

In the event of a dispute, conditions that exist at the time it arises shall remain unchanged until finally adjusted.

Eighth. All nonunion men now employed to be admitted to the union on a normal basis. Any not desiring to join the union will be furnished transportation by union to the point from which they came, within fifteen days.

Ninth. A member of this union to be employed on every automatic-fed press in operation; this does not apply to auto presses, jobbing Harris, or automatic-fed platens, but does apply to large Harris, automatic-fed cylinders, and offset presses.

Tenth. It is understood that upon the signing of this agreement by both parties, and upon the inauguration of union conditions, the use of the union label shall be immediately granted.

For Franklin Printing Trades Association:

_____ _____

_____ _____

For Printing Pressmen No. 24:

_____ _____

_____ _____

For Press Feeders' No. 33:

_____ _____

_____ _____

Dated _____.

_____

FRANKLIN PRINTING TRADES ASSOCIATION,
San Francisco, Cal., May 9, 1914.

Hon. JAMES ROLPH, Jr.,
Mayor of San Francisco, City Hall, San Francisco.

DEAR MR. MAYOR: The proposition for the termination of the printing pressmen's and feeders' strike, which is submitted through you by Mr. John O'Connell, secretary of the labor council, for the consideration of the members of this association, has been referred to us by Mr. E. S. Hubbard, of the Union Lithograph Co., and has been given most careful consideration.

The eighth clause of this proposition reads as follows:

"All nonunion men now employed to be admitted to the union on a normal basis. Any not desiring to join the union will be furished transportation by union to the point from which they came within 15 days."

The acceptance of such a proposition would bind us to compel our nonunion workmen to either join the union or to look to the union for transportation to points whence they voluntarily came to accept permanent positions in our establishments. This we can not honorably do.

Our present pressroom employees have been granted permanent positions during competency and good behavior. On the strength of this guarantee, many of these workmen have brought their families here and have established homes.

Grave moral obligations are also due to these men because of the faithful service they have rendered us during the 10 months of this strike and because of the insults, intimidation, and violence to which they have been subjected by the strikers during this period.

As honorable men we can not evade or treat our obligations lightly, much less grossly violate them.

We have many times informed the officials of San Francisco Printing Pressmen's Union, No. 24, and San Francisco Press Assistants' Union, No. 33, and we here repeat, that if picketing and violence are put an end to we will employ members of these unions in our pressrooms where vacancies exist or may occur, and that without prejudice because of their union affiliations.

We will pay these union workmen, as we are now paying our nonunion workmen, the same rates of wages for eight hours' work that were paid before the strike. Wages have not been and will not be reduced in our establishments; on the contrary, when conditions of trade and outside competition make it possible they will be advanced.

The several other clauses of this proposition, we are pleased to note, make it clear that the union officials realize that the feeders' union were not justified in instituting this strike to force conditions to which we objected and which are repudiated in these clauses.

We believe that we have set forth our position clearly and concisely; and we submit that all unprejudiced observers will concede that our position is the only one that we could honorably and consistently assume under the circumstances; particularly in view of the fact that these circumstances have not been created by any unjust act or premeditated design on our part.

Yours, very sincerely,

J. D. ROANTREE,
Secretary Executive Committee, F. P. T. A.

By order of the body in meeting assembled this day.

In June, 1914, the labor council and typographical union requested a conference with the Franklin Printing Trades Association and the result of that conference was the following understanding:

SAN FRANCISCO, *June 27, 1914.*

To whom it may concern:

It is hereby agreed by George F. Neal, N. A. Judd, R. D. Taylor, and J. D. Roantree, representing the Franklin Printing Trades Association, of San Francisco, Cal., and Michael Casey, John A. O'Connell, A. J. Rogers, M. T. Doyle, and Daniel P. Haggerty, representing San Francisco Labor Council, who are empowered by the joint strike committee of San Francisco Printing Pressmens' Union, No. 24, and Press Assistants' Union, No. 33, to effect a settlement of the differences between the Franklin Printing Trades Association and the unions herein mentioned, that the strike now being conducted by said unions against the firms composing the said association shall be immediately declared off; that the strikers shall return to work under the hours and wages obtaining before the strike was ordered; that the Franklin Printing Trades Association will employ the members of the unions heretofore mentioned without prejudice because of their union affiliations, as fast as places can be found for them; that any future differences arising over this understanding and any other question that may arise shall be adjusted between the association and the unions by the committees parties hereto; that is to say, that should evidence of bad faith be shown by either party, it shall immediately become a matter for adjustment by the parties signatory to this document.

For the Franklin Printing Trades Association:

G. F. NEAL.
N. A. JUDD.
EDWARD D. TAYLOR.
J. D. ROANTREE.

For the labor council:

MICHAEL CASEY.
JNO. A. O'CONNELL.
A. J. ROGERS.
M. T. DOYLE.
DANIEL P. HAGGERTY.

Witnesses: Geo. A. Tracy, Benj. Schonoff, Geo. S. Hollis, Fred F. Bebergall, Harry Tilley, W. R. Pitschke, L. Michelson, executive committee San Francisco Typographical Union, No. 21.

PRESENT CONDITIONS.

At this date there are employed in the pressrooms of the Franklin Printing Trades Association about 280 people, 30 of whom are members of the pressmen's and assistants' unions.

The efficiency of these pressrooms under present conditions rank higher in most instances than it did under union conditions. In same cases the hour cost has been reduced from 25 per cent to 40 per cent, although wages have not been reduced in any case.

This is accounted for by several factors:

Limitation of output, so prevalent under union conditions, is practically unknown at this time.

Unfair and unreasonable shop rules, all tending to reduce output or to cause the employment of unnecessary help have been eliminated.

The hiring and discharging of pressroom help is now vested in the proprietor. Under union conditions any workman who applied for a position to the proprietor rather than to the foreman was disciplined by the union. This disciplining was done under section 11, article 13, of the Constitution, By-Laws, and Rules of Order of San Francisco Printing Pressmen's Union, No. 24, 1907, which reads as follows:

"SEC. 11. The foreman of the pressroom is the proper person to whom applications should be made for a situation, and any member who shall seek employment either in person or by letter, or through supply houses, from any proprietor who has a union foreman in his pressroom, shall be fined $10 on first offense and shall be expelled on second offense."

None but union foremen could be employed.

This custom or rule enabled the union to say absolutely who should or should not work in the pressroom of any plant; it likewise enabled the union officials to discipline any firm against whom they had a grievance, apparent or real, by sending to such firm only inefficient help.

In most plants the greater interest taken by the employees in their work and their greater desire to advance the interests of the proprietor are very manifest.

VIOLENCE DURING THE STRIKE.

Immediately on the inauguration of the strike a reign of terror was instituted by the pressman and assistants. The weapons of intimidation, assault, and attempted assassination were used freely. The pickets and the wrecking crew were in evidence whenever a nonunion workman ventured on the streets unprotected. The city officials and the police gave unquestioned evidence of sympathy with the strikers. It became necessary to guard all nonunion workers and to transport them to and from their work in automobiles.

CASUALTIES OF THE STRIKE.

Following is a partial list of the felonies and misdemeanors committed from July 5, 1913, to May 25, 1914, both inclusive, all in connection with the pressmen and assistants' strike:

1913.

July 5. S. Phillips, pressman employed by Schwabacher Frey Stationery Co., beaten, kicked, and badly injured by five persons on Sutter Street, near Kearny, at 6 p. m. No arrests.

July 7. A. Giles, pressman for Schwabacher Frey Co., attacked by four persons on Kearny Street, near Bush, at 5.30 p. m. No arrests.

July 8. J. L. Phillips, pressman for Schwabacher Frey Stationery Co., assaulted by five persons on Kearny Street, near Sutter, at 6.30 p. m. Head and face badly cut. No arrests.

July 14. A woman followed and insulted girl feeders employed by Taylor, Nash & Taylor. No arrest.

July 19. W. J. Ray, pressman for Hicks Judd Co., attacked on Market Street, near Ellis, by four persons at 10 p. m., while coming from theater with his wife. No arrests.

July 19. James Buchanan, feeder for Union Lithograph Co., attacked at 5 p. m., on Harrison Street, by one Gabriel, who was arrested and convicted of battery and fined $10 by Judge Shortall.

July 19. E. A. Wells, pressman for Isaac Upham Co., 60 years of age, attacked in workroom at noon by 10 persons who made their way into the plant. Wells was in St. Joseph's Hospital for one week. No arrests.

July 20. Noel Troncy, feeder for Sunset Publishing House, aged 18 years, assaulted by three persons on Green Street, near Franklin, at 5.30 p. m. No arrests.

July 27. Four girls, feeders for Blair Murdock Co., attacked by one Franklin on Market Street, near First, at 5 p. m. Their assailant squirted a vile smelling liquid upon their faces and clothing. Franklin was arrested, found guilty, and put on 30 days' probation by Judge Crist.

Aug. 1. S. R. Thompson, a feeder for Blair Murdock Co., aged 20 years, assaulted by four persons on Kearny Street, near Sutter. Thompson was in St. Joseph's Hospital for five weeks, under treatment for a fractured skull. No arrests.

Aug. 4. A. A. Hilton and R. M. Smith, pressmen for Sunset Publishing House, attacked by 20 persons on Third Street, near Mission. No arrests.

Aug. 10. Nonunion workmen on auto ride through Golden Gate Park were followed in an automobile by seven strikers who hooted and offered insult to them. No arrests.

Aug. 12. John Young, pressman for The ten Bosh Co., attacked by four persons at 5.15 p. m., while awaiting a boat at the ferry depot. No arrests.

Aug. 13. W. Neilson, pressman for Brown & Power Stationery Co., attacked at 5 p. m., by three persons, one being Charles Tom, who was arrested and identified by a disinterested witness. Case was dismissed by Judge Deasy.

Aug. 18. Charles Parks, feeder for E. C. Hughes Co., attacked by three persons on Minna Street, near Third, at 7.45 a. m. No arrests.

Aug. 19. Arthur Gradwall, feeder for Schwabacher Frey Stationery Co., attacked by several persons on Kearny Street, near Bush. No arrests.

Aug. 21. Arthur Garnett, pressman for Brown & Power Stationery Co., attacked by a picket on California Street, near Market. No arrests.

Aug. 24. Gus Carlson, employed by H. S. Crocker Co., attacked by two pickets. On drawing a gun to defend himself he was arrested by a plain-clothes man for "disturbing the peace" and for "carrying concealed weapon," convicted and fined $20.

Aug. 24. Mr. Kostck, employed by Blair Murdock Co., attacked by two strikers. No arrests.

Aug. 24. Mr. Maurer, platen pressman employed by The ten Bosch Co., attacked at cigar stand by a picket, struck in the mouth, and lip seriously cut. The picket, Meader, was arrested, found guilty, and fined $5.

Aug. 27. Five of the employees of E. C. Hughes Co., while being taken home from their work at 10.15 p. m., were attacked and assaulted with missiles hurled at the taxicab in which they were riding on New Montgomery Street West between Minna and Mission. No arrests.

Aug. 29. F. A. Meyer, employed as press feeder by Schwabacher Frey Co., attacked by six pickets on Sixth Street, near Market. Brass knuckles were used by the pickets. No arrests.

Aug. 29. James Wayne, union labor picket, disturbing peace and using foul language. Judge Sullivan dismissed case.

Sept. 4. L. R. Kershner, assistant secretary of the F. P. T. A., attacked on Devisadero Street, near McAllister, by two unknown persons. He was struck with brass knuckles, but the blow fell short. No arrests.

Sept. 12. P. F. Young, employed as pressman by Schwabacher Frey Co., attacked by Bryan and Struckenberg, two striking pressmen, both of whom were arrested and charged with battery. The Bryan case was dismissed. Struckenberg was found guilty and fined $10.

Sept. 12. Sleet, employed as pressman by Philipps & Van Orden Co., attacked by several pickets on Fourth Street, near Mission, and seriously beaten. No arrests.

Sept. 15. Chas. Young, employed as pressman by Phillips & Van Orden Co., attacked at 9 p. m. by several pickets in the vicinity of Pine and Octavia Streets. No arrests.

Sept. 15. While workmen were leaving the plant of H. S. Crocker Co., at 10 p. m., a crowd of pickets threw bricks and other missiles at the auto in which the men were seated. One of the men was struck. No arrests.

Sept. 15. Five workmen, returning to their boarding house at 1024 Bush Street, about 5.30 p. m., were attacked in front of the house by about 30 pickets. A guard named Hall stepped from the entrance to escort the men to the stairway, but as he did so he was seized from behind by 5 or 6 pickets, while the other 25 assaulted the men who had by this time gotten out of the machine. The strikers knocked down some of the workers and struck others with fists, clubs, and gas pipe. No arrests.

Sept. 16. William Murrary, employed as pressman by H. S. Crocker Co., attacked at 5.30 p. m. as he alighted from auto in front of 906 Devisadero Street. He was saved from injury by chauffeur. No arrests.

Sept. 18. Charles Brown, union labor picket, charged with malicious mischief, profanity, and insulting police officer. Found guilty before Judge Deasy and released on own recognizance.

Sept. 20. A. Ortega, employed as press feeder by Sunset Publishing House, assaulted by three pickets on Sacramento Street, near Drum, at 6 p. m., as he was on his way home from work. While lying prostrate from the effects of a blow dealt with brass knuckles, he was kicked about the body and head and seriously and permanently injured, sustaining injuries to the optic nerve. No arrests.

Oct. 2. James Miller, employed as press feeder by Schwabacher Frey Co., attacked by several pickets on Second Street, near Folsom, at 5 p. m. He was badly cut on the head and face and bruised. Wounds indicated use of brass knuckles. No arrests.

Oct. 4. Supervisor Andrew Gallagher, president, and John O'Connell, secretary, of the labor council, addressed a joint meeting of the striking pressmen and feeders. After this meeting between 1 p. m. and 2 p. m. a mob of about 50 feeders marched from the Labor Temple on Fourteenth Street, and visited the plants of Schwabacher Frey Co., Phillips & Van Orden Co., Hicks Judd Co., Taylor, Nash & Taylor, Blair Murdock Co., and Neal Publishing Co. They stood in front of each of these places and hooted and used vile and profane language. The police did not interfere until the rioters reached Fremont Street, when the officer on duty dispersed them. No arrests.

Oct. 5. Sam Levy, union labor picket, charged with disturbing peace. Case dismissed by Judge Sullivan.

Oct. 8. Clifford West, employed as pressman by Blair Murdock Co., attacked by two pickets at 5.15 p. m. in front of 906 Devisadero Street as he was getting out of auto. The assailants had followed the auto on motorcycles. No arrests.

Oct. 11. Geo. Eliot, employed as press feeder by H. S. Crocker Co., attacked by four pickets on Brannan Street, near Second, at 5.30 p. m. No arrests.

Oct. 10. Frank Horton, employed by Isaac Upham Co., assaulted by three pickets at 5.15 p. m. at Fillmore and Sacramento Streets while on his way home from work. No arrests.

Oct. 10. Arthur T. Parker, employed as press feeder by Bolte & Braden Co., attacked by pickets at 1.30 p. m. No arrests.

Oct. 11. Wm. Ghiglieri, employed as press feeder by E. C. Hughes Co., attacked by four pickets at 5.20 p. m. on Mission Street, near Third. Louis Trunkel arrested; tried before Judge Deasy; dismissed.

Oct. 11. Geo. A. Giles, employed as pressman by Neal Publishing Co., attacked by six pickets at 5.45 p. m. at Ellis and Mason Streets. No arrests.

Oct. 11. J. R. Arnberger, union labor picket, charged with drunkenness. Case dismissed.

Oct. 12. George Villars, employed as pressman by Schwabacher Frey Co., attacked by five pickets on Vallejo Street, between Van Ness Avenue and Franklin Street, at about 6.30 p. m. His nose was broken, face and body bruised, and he was left lying insensible on the sidewalk. No arrests.

Oct. 14. Emery Wood, employed as pressman by Phillips & Van Orden Co., attacked by several unknown persons on Guerrero Street near Wood's home at 5.30 p. m. as he alighted from an auto. His lip was cut through and two teeth knocked out. No arrests.

Oct. 15. Dellwyn Higgs, employed as press feeder by Gabriel Meyerfeld Co., attacked by 8 or 10 pickets at 12.45 p. m. at the corner of Clay and Battery Streets. Higgs was bruised on the face and head. No arrests.

Oct. 15. Fitzgerald, union labor picket, charged disturbing peace. Found guilty before Judge Deasy and released upon own recognizance.

Oct. 16. C. M. Hailing, pressman employed by Gabriel-Meyerfeld Co., attacked by two pickets at 7.45 a. m. in front of the Y. M. C. A. Building. No arrests.

Oct. 16. Charles Young, employed as pressman by Brown & Power Stationery Co., assaulted by S. Isola and several other pickets as he was alighting from auto in front of his home, 1617 Vallejo Street. No arrests.

Oct. 16. William Torres, union labor picket, assault with deadly weapon. Judge Sullivan dismissed case.

Oct. 17. William Huddy, press feeder for Brown & Power Stationery Co., attacked by five pickets on Sansome Street, near California Street, at 8 a. m. while on his way to work. No arrests.

Oct. 17. Herman Green, press feeder for Pacific Printer, life threatened by William Edminster, a striking press feeder formerly employed by the Pacific Printer, on Sansome Street, between Sacramento and California Streets, at about 5.15 p. m. while Green was on his way home from work. No arrests.

Oct. 18. William Vance, pressman for Sunset Publishing House, assaulted by S. Isola and 15 other pickets in front of 1617 Vallejo Street. Vance had a deep gash above his eye, which indicated the use of brass knuckles. No arrests.

Oct. 21. J. L. Drummond, press feeder for Union Lithograph Co., attacked by several pickets on Harrison Street, near Third, at 5 p. m. while on his way home from work. He was cut on the forehead and badly bruised. No arrests.

Oct. 22. F. C. Horton, pressman for Isaac Upham Co., attacked by two pickets on Market Street, between Sixth and Seventh, at 10 p. m. No arrests.

Oct. 22. H. Solomon and A. Graupe, employed as pressmen by Upton Bros. & Delselle, attacked by 30 pickets on Second Street, near Mission, at 7.30 a. m. while on their way to work. Solomon escaped without injury. Graupe was beaten about the head. No arrests.

Oct. 23. Harry Mose, pressman for Bolte & Braden Co., attacked by five pickets on Market Street, in front of Empress Theater, at 8.30 p. m. His nose and face were bruised. No arrests.

Oct. 23. Joseph A. Mors, employed as pressman by Bolte & Braden Co., attacked by five pickets on Market Street, in front of Empress Theater, at 8 p. m. He was knocked insensible and his face seriously cut, showing that some weapon was used. No arrests.

Oct. 23. Ray Cook, press feeder for Schwabacher Frey Stationery Co., attacked by three pickets at Cortland Avenue and Mission Street, at 5.30 p. m. He was beaten about face and head so that two stitches had to be taken. No arrests.

Oct. 23. Louis Schell, pressman for Hicks Judd Co., attacked by a picket who jumped on running board of taxi and struck him on head, stunning him. No arrest.

Oct. 24. H. F. Warkentien, employed as foreman by Hicks Judd Co., attacked by four pickets on Market Street, near junction of Geary, at 11.30 p. m. while Warkentien was accompanying his sister-in-law home. Warkentien was choked and beaten on face and his eyeglasses knocked off. No arrests.

Oct. 25. W. O. Elmer, employed as foreman of lithographic department of Union Lithograph Co., attacked by several pickets at 5 p. m. on Harrison Street, near Third. William Shrewsbury and William Peckham arrested for battery. Judge Crist sentenced the former to 30 days in jail. Latter to 10 days or $20 fine. Fine paid by union.

Oct. 31. J. A. Hughes, employed as lithographic feeder at Union Lithographic Co., attacked by two pickets on Harrison Street, near Third, at 1.45 a. m. He was struck on head and face. No arrests.

Nov. 2. Arthur T. Parker, press feeder for Bolte & Braden Co., assaulted by several pickets on Kearny Street. No arrests.

Nov. 5. Harry N. Wilde, employed as pressman by Brown & Power Stationery Co., assaulted by several pickets at 12.20 p. m. while standing at Battery and California Streets. Wilde's nose and face were severely cut. George Chibin arrested. Judge Deasy dismissed case.

Nov. 7. William E. Taber, pressman for Althof & Bahls, attacked by five or six pickets about 5.15 p. m. at Golden Gate Avenue and Fillmore Street. No arrests.

Nov. 7. Charles Kohling, pressman for Neal Publishing Co., attacked by five or six pickets at Golden Gate Avenue and Fillmore Street. Kohling's mouth and chin were cut. No arrests.

Nov. 7. B. Waldes, press feeder for Hickes Judd Co., attacked by five pickets at about 6 p. m. at Seventh and Market Streets. No arrests.

Nov. 11. Earl Vessels, pressman for Neal Publishing Co., attacked by 10 or 12 pickets while in company with Gould Smith, a pressman employed by H. S. Crocker Co., in front of the Imperial Theater, on Market Street, at 7.30 a. m. Two of the pickets struck Vessels before he escaped by running into the Federal Hotel. No arrests.

Nov. 13. G. Smith, press feeder for H. S. Crocker Co., attacked at 7.45 a. m. while on his way to work, near the Federal Hotel, Market and Seventh Streets, where he resides. He took refuge in the hotel. No arrests.

Nov. 13. Raymond de Lucca, press feeder for Bolte & Braden Co., attacked while in the company of Harry Mose, also employed by Bolte & Braden Co., at about 5 p. m., November 13, at Main and Market Streets. Attack continued from this point to Lincoln Hotel, a distance of about one block. De Lucca was afterwards followed to Sausalito by two pickets, who attacked him and struck him several times on the head, raising contusions. No arrests.

Nov. 13. Harry Mose, pressman for Bolte & Braden Co., attacked by about 10 pickets at 5 p. m. at Main and Market Streets. Attack continued to Lincoln Hotel, a distance of one block. One picket had a blackjack, which he tried several times to use. A. Johannsen arrested at union headquarters; found guilty by Judge Crist. Sentence suspended two weeks. December 4 Judge Crist released Johannsen on the latter's own recognizance and remitted fine of $10 on plea of union's attorney.

Nov. 13. Joseph Mors, pressman for Bolte & Braden Co., attacked about 5 p. m. at Main and Market Streets by about 10 pickets. Attack continued to Lincoln Hotel, a distance of one block. One picket had a blackjack, which he tried several times to use. Somebody in the crowd used a knife, slashing Mors's coat in several places and leaving scars on his arm. Same disposition as in Mose case.

Nov. 15. J. Swanson and six other workmen, employed by Althof & Bahls, attacked on Washington Street near Battery by about 12 or 15 pickets, at 7.45 a. m., while on their way to work. Swanson was severely cut about the head and face. Several of the assailants wore brass knuckles and some wore gloves evidently concealing brass knuckles. No arrests.

Nov. 16. Felix Bortis, employed by J. S. Bartow & Co., attacked by six pickets at 8.30 p. m. No arrests.

Nov. 17. Fred J. Stone, pressman for H. S. Crocker Co., attacked by six pickets at Second and Brannan Streets at 7.45 a. m. He was severely cut and bruised about the face and head. No arrests.

Nov. 22. Cornelius Clifford, pressman for Sunset Publishing House, attacked by six pickets at Seventh and Harrison Streets at 7.40 a. m. No arrests.

Nov. 28. C. Ravensky, employed by Emerson Flagg Manufacturing Co., attacked on Second Street near Mission at 5 p. m. by four pickets, beaten about head and face, lip split, and two teeth knocked out. No arrests.

Dec. 2. C. M. Hailing, pressman for Gabriel Meyerfeld Co., attacked in front of Y. M. C. A. Building, where he resides, about 5.15 p. m., just after he alighted from auto which brought him home from work. Two of his assailants had stationed themselves on the steps of the building and threatened him as he attempted to enter the building. He ran, but was overtaken about a half a block up the street, where they were joined by about four or five others who unmercifully beat Hailing. They knocked him to the sidewalk, and then kicked and trampled upon him. The attack continued until two ladies appeared and took Hailing to their home and afterwards to a doctor's office. No arrests.

Dec. 6. John Turk, employed by Sunset Publishing House, attacked by four pickets in front of hotel, knocked to the sidewalk, and kicked. No arrests.

Dec. 8. Edward McGrath, pressman for Hicks Judd Co., attacked by 10 pickets at Fifth and Mission Streets. McGrath was felled by a blow on the head and then kicked and beaten. No arrests.

Dec. 10. William E. Taber, pressman for Schwabacher Frey Co., attacked by a gang of 20 pickets at noon, at Post and Kearny Streets, while on his way from Hall of Justice to his place of employment. Taber was struck twice. The gang followed him to Market Street, where he appealed to one of the traffic officers stationed there. No arrests.

Dec. 12. J. L. Drummond, press feeder for Union Lithograph Co., attacked by pickets at Fourth and Mission Streets at 7.45 a. m. He was felled and then unmercifully kicked and beaten. A patrol wagon was called and he was taken to the Receiving Hospital for treatment. No arrests.

Dec. 13. Frank Brooke and three other pressmen, employed by Sunset Publishing House, attacked while on their way to work on Fourth Street near Bryant, by about 30 pickets. Brooke was struck with a heavy weapon and seriously bruised. In this assault several loaded clubs and brass knuckles were seen in the hands of the rioters. Brooke was knocked to his knees. He dodged a kick aimed at this face, but sustained a glancing blow from the thug's shoe which lacerated his scalp. He was also struck in the mouth with brass knuckles which loosened his teeth. He saved himself from further injury by firing a pistol, whereupon his assailants ran. Brooke was arrested for carrying concealed weapons and discharging firearms in the city limits—jury trial demanded before Judge Sullivan and, after number of continuances, cases dismissed.

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Jan. 2. K. C. Bowles, pressman for H. S. Crocker Co., attacked by two pickets at 5.15 p. m. in Battery Street, near Pine. Bowles was severely beaten and his eyeglasses broken. No arrests.

Jan. 8. Dan McCarthy and Joe. Vincelli, press feeders for H. S. Crocker Co., attacked about 5 p. m. in the vicinity of Third and Folsom Streets by Louis Trunkel, a striker, and several unknown persons. Trunkel was arrested for battery, found guilty before Judge Shortall, and fined $10; fine paid by union.

Jan. 10. Herman Green, press feeder for Pacific Printer, attacked by two pickets at 5 p. m. near his home at 143 Sickles Avenue. Green's hat and public library book were stolen, but he was not hurt. No arrests.

Jan. 16. Jack C. Sterling, pressman for H. S. Crocker Co., attacked by four men at Sixth and Stevenson Streets. He was struck in the face, felled, and then kicked several times, his wrist being dislocated. No arrests.

Jan. 17. Carl Kramer, press feeder employed by Sunset Publishing House, struck on the face by two pickets at Ellis and Stockton Streets. No arrests.

Feb. 16. Fred Norman, W. R. Pickard, and Arthur Shippen, pressmen in the employ of Hicks Judd Co., quit union this day and took positions as plates pressmen. They were attacked on First Street, near Market, at 12.05 p. m. by a number of strikers, including Chas. a Dahlke and James Wayne. Fear of union methods prevented these workmen from prosecuting the criminals. Norman was struck in the face,

his glasses broken, and was kicked and severely injured. He was taken to the Buena Vista Sanitarium for treatment. Pickard was struck in the face, kicked, and severely injured. Shippen was struck in the face, kicked, and severely injured.

Feb. 17. K. Wachuta, pressman employed by Neal Publishing Co., attacked at 5.15 p. m. on Taylor Street, near Washington, while he was on his way home from work by six persons, among them being O. Disinoff, Joe Wood, Murray, and Arthur Mael. Wachuta was struck on the head and face by Disinoff, and in self-defense he shot his assailant, inflicting a superficial wound of the scalp. Murray was captured by two guards who were trailing Wachuta and brought to the city prison by them and booked on a felony charge. Disinoff was arrested at the Emergency Hospital by city detectives and also booked for felony. Wachuta was arrested by city detectives and charged with "assault with a deadly weapon." Cases dismissed by Judge Shortall.

Mar. 1. George Flinn, pressman employed by H. S. Crocker Co., attacked by four unknown persons at 8.15 p. m. on Market Street, near Main, while on his way from the ferry up town. Was cut over the eye and forehead badly bruised.

Mar. 24. John Fulton, pressman employed by Blair Murdock Co., attacked by three persons at 3.45 p. m. on Market Street, near Spear. One of the assailants used brass knuckles and severely cut Fulton's head.

Mar. 24. A. Berry, pressman employed by Neal Publishing Co., and Special Officer Herlihy were attacked at 5 p. m. by 10 pickets. One of these pickets, Peterson, struck at Berry and then attacked the officer. Judge Deasy dismissed case against Peterson.

Mar. 28. Harry Roshen, Joe Costa, and Tony Rodriguez, employed by Union Lithograph Co., attacked at 5 p. m. on Mission Street, near Beale, while on their way to the ferry.

Mar. 31. Three men called on the wife of a pressman employed by Sunset Publishing House and endeavored to frighten her with suggestions of the disaster that would befall herself and husband if he did not leave the employ of the Sunset, referred to the blowing up of the Los Angeles Times Building, and intimated that the same thing might happen at Sunset.

Apr. 1. W. H. Bauman, press feeder, employed by Sunset Publishing House, attacked at ferry building at 5.15 p. m. by Angelo Genoese. Genoese was found guilty before Judge Cabaniss, sentenced to 10 days in jail, or $10 fine; sentence suspended.

Apr. 7. Fred Marwitz, pressman employed by Hicks Judd Co., searched by police officer at ferry, at the request of a striker. No weapon was found.

Apr. 8. Charles Young, press feeder, employed by L. Levingston, 319 Front Street, attacked by three men at 5 p. m., while in company of a girl bookkeeper employed by the same firm.

Apr. 11. Harry Boston, employed by Union Lithograph Co., attacked by five pickets at 7.40 a. m. in nave of ferry building.

Apr. 11. A. H. Hanson, pressman, employed by Bolte & Braden Co., attacked by five pickets at 8 a. m on Main Street, near Market. Hanson was grabbed around the neck, thrown to the ground, and kicked and trampled upon. Glasses broken and face and head badly bruised.

Apr. 25. August Biscay and Manuel Augusto, members of bookbinders' union, employed by John Kitchen, jr., Co., attacked by several pickets on Market Street, near First, at 12 o'clock noon, while on their way to lunch. The pickets mistook them for nonunion pressmen.

May 15. William E. Taber, pressman employed by the Pacific Printer, 449 Sansome Street, attacked in the hallway of this concern by three union pickets.

May 16. Arnold, union labor picket, charged with assault. Case dismissed by Judge Sullivan.

May 22. Adrian Seney, employed by Hicks Judd Co., 51 First Street, while in company with his wife was attacked at 6.15 p. m. at Fifth and Mission Streets by two pickets. Seney was struck with a weapon from behind and his scalp severely lacerated. He was further attacked and his face cut and bruised. Assailants escaped.

May 20. F. Plowright and H. Cordova, employed by Schwabacher Frey Stationery Co., 555 Folsom Street, attacked by three strikers on Third Street, near Brannan, about 5.15 p. m. Cordova and Plowright were on their way to the Southern Pacific Station, Third and Townsend Streets. Plowright was struck from behind, felled, and then kicked and trampled upon. His face and head were severely cut, his nose broken, and several teeth knocked out. Cordova was also struck from behind and received a severe wound of the scalp. Assailants escaped.

May 1 to 28. From 20 to 70 pickets have gathered each morning and each evening on Fremont Street, between Market and Mission, in front of the plants of Neal Publishing Co., Blair Murdock Co., and Taylor, Nash & Taylor.

Arrests were made in many instances, but in only one case was a jail sentence imposed. The guilty strikers were usually given very nominal fines, not exceeding $10, or were allowed to go on their own recognizance by the police judges. Several nonunion workmen were arrested because they presumed to defend themselves; and in the few instances where they were found guilty they were fined in some cases as much as $50 by the same police judges.

Numerous anonymous threatening communications were received by the officers and members of the association and by the nonunion workmen.

The following is a sample of some of the literature which was issued during this strike:

THE NEW UNIONISM EDUCATIONAL CLUB.

(For the furthering of the Militant Spirit and Tactics That Win Among the Working Slaves in Their Struggle for Better Conditions.)

To the striking pressmen and press assistants of San Francisco—Greetings:

The New Unionism Educational Club of Chicago having watched with keen interest the progress of your militant strike against the Franklin Printing Trades Association, have decided in open meeting to address this letter to the members of your respective organizations, partly to congratulate you for the splendid fight you have made to date and partly to offer suggestions that may be of valuable assistance in winning a speedy and complete victory.

First, we want to offer our congratulations to the striking pressmen for their quick response to the call of their striking brothers. This is a happy proof of the coming solidarity of labor which must sweep all before it. There is no power that can stand before a united working class using up-to-date militant tactics in its noble fight for life and freedom. This all capitalists know to their fear. So we say to the fighting pressmen, "Stick with the fighting feeders till all hell freezes over"; their fight is your fight, their victory your victory. You will have proven your right to their loyal support when your fight comes in the future, which it surely will.

Now a word as to your fight. A leaflet with a copy of your demands submitted to the bosses, together with their indignant refusal, is in our hands. We note specially in the bosses' reply a schedule of wages said to maintain in various cities throughout the State. As usual with the boss, these bosses see with bosses' perverted vision. While they see the scale slightly higher in San Francisco than elsewhere, they fail to see that living conditions are greatly higher in the West, and especially in San Francisco, than in any of the cities quoted. They fail to note the higher standard of living that militant unionism has brought to the workers of this city than maintains among the less aggressive slaves of the boss-ridden cities so freely mentioned. We note that you are asking for $19 per week. Can you live on $19 per week? Actually? Some have tried it on more and committed suicide in despair. Is it possible some of you have existed on $16 per week and supported a family? Pray what did you do to your family? Where did you keep them? On what did you feed them and how often? With what did you clothe them? How often did you exhibit them? * * * It is the opinion of this club, and fast becoming the opinion of all men with guts, that when men are compelled to support their families on $16 a week it is time hell broke loose in the slave shops among the slaves. * * * Plainly, then, there are but two things in the way of the strikers winning the fight—that is the scab and the will of the boss. Evidently the scab must be "reached." You just go after him like the devil after a lost soul. He is your meat; you must get him. * * * The other obstacle is the so-called "iron

will" and inflexible will of the boss. With a little experimenting you will find the boss as malleable, as teachable, as the scab; also he will hand down to a less ironclad progeny the lessons taught him in the illuminating school of the sabotagers. Have you read how even the slaves of ancient days put the tools on strike?

After a hundred years of defeats what did the working class of England and France learn? They learned how to whip the boss without starving themselves. They learned the great secret of "striking on the job," drawing their weekly wages and giving the boss an object lesson in the use of labor's mightiest weapon in a strike. Ask Tom Mann how the great strikes have been won in England. Ask the boss what he fears most from strikers when he holds out against them for weeks and months.

Moral: If forced back under the old conditions let the mind wander. The machines have been operated by scabs for weeks. The machine has been scabbing. Do you know how to coax a scab? There's the trip pulled at the right, wrong time, it will pull the press on strike. There are cogs, bolts; all presses have guts; give them a little physic. A judicious use of emery dust has won many a concession from stupid bosses who can only be awakened by the noise of guts falling out of things around them. There is oil. Get the emery can and the oil can mixed; oil makes a picturesque finish to a two-colored job. "Done in petroleum on a September Morn." A cartload of finished work so embellished will move the boss to tears.

In conclusion: No fight is won by prayer and fasting. Militant tactics are absolutely essential to success whether we think it ideal or not, for the direct action of the boss makes live methods on the part of strikers imperative. Sabotage is a modest little word which simply means that it will be cheaper for the boss to come across than to fight back when labor speaks. For labor after all is the boss, it creates and should dispose at its own sweet will and pleasure.

The New Unionism Educational Club wishes you abundant success and shall continue to watch your fight with interest.

PUBLICITY COMMITTEE.

(Allied Printing Trades Label No. 15, Oakland.)

We append hereto copy of pamphlet Organized Felony,[1] which was issued by the Franklin Printing Trades' Association during the strike, and which gives the views of the association regarding industrial conditions in San Francisco.

Respectfully submitted.

FRANKLIN PRINTING TRADES' ASSOCIATION,
By J. D. ROANTREE, *Secretary*.

SAN FRANCISCO, *September 1, 1914*.

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[1] Submitted in printed form.

EXHIBITS.

PER EXHIBIT NO. 1.

COLLECTIVE BARGAINING IN THE BUILDING TRADES OF SAN FRANCISCO.

A STATEMENT OF FACTS TENDING TO SHOW THAT REAL COLLECTIVE BARGAINING DOES NOT EXIST BUT THAT CONDITIONS ARE UNEQUAL, UNSATISFACTORY, AND UNECONOMIC.

It is the understanding of the members of the employers' association, appearing by their representatives before your honorable body, that the purpose of the investigation being conducted by you is to determine the existing relations between capital and labor and the cause of the present state of industrial unrest in this country with a view to remedying same by recommending such corrective legislation as in the judgment of this commission may be arrived at as the result of examination, study, and analysis based upon your investigations and inquiries.

That the commission may better understand the local cause for that lack of harmony in the relations of employee and employer in the building trades in San Francisco, this association would submit to your consideration those elements which are deemed by it to contribute largely to that spirit of unrest.

There have been attempts in times past, on the part of the employees, by means of their unions, to force upon the individual members of the employers' association agreements whereby said employers bind themselves by various articles of agreement to do or not to do certain things with reference to the members of the union with which they contract. The obvious result to be obtained by the unions in inducing the individual contractor to sign the agreement offered is that in any future dispute with the members of the union as to the articles of this agreement the contractor stands alone against an organized body of men. It is the fight of the individual against a combination of individuals.

The attempt to induce the employer to contract with the union as an individual is serious enough; but far more serious is that sinister control which is at present being exercised over foremen and members of various unions in the different crafts, whereby these men are prevented from doing an honest day's work for a reasonable wage. In other words, though a man of ordinary ability in any craft is able to turn out a certain amount of work, this secret agreement or understanding prevents him from turning out that amount of work, and limits him to a lesser amount.

In proportion as this charge is a serious one should there be given to it that grave consideration which it deserves. In our estimation it is serious enough to warrant affidavits from the employers whose very business this system tends to undermine. Take, for instance, the employers in the composition roofing, damp and water proofing business.

Exhibit No. 1 shows an attempt to adjust this matter of limitation of output peaceably. This means having failed, a lockout of all the roofing craft was declared by the master roofers and manufacturers' association, under date of July 31, 1913. This matter was referred to the building trades employers' association—the employers controlling body—by the master roofers' association. (Exhibits Nos. 2 and 3.)

Exhibit No. 4 shows a report of the investigating committee sent out by the building trades employers' association. On August 13, 1913, the agreement (Exhibit No. 5) was arrived at by conference between the building trades employers' association and the building trades council. A very short time afterwards it was found, however, that in spite of this agreement the pernicious practice of limiting the output had not been eliminated, and further questions arose

between the employers and the union which imposed hardship on the employers. (See Exhibits Nos. 6-14.)

A careful perusal of these exhibits will show that in spite of continued communications the limitation of output still prevails, together with the other questions at issue, namely, the disrating of the foreman (the employer's agent) by the union and unfair competition caused by union men taking contracts which enable them to work below the scale which the employer is forced to pay. Moreover, no employer is allowed to work on the job himself, while the union man taking contracts is granted this privilege.

From the affidavits filed with this brief, referred to herein, made a part hereof, and marked respectively Exhibits Nos. 15-18, it will be seen that since August 14, 1913, the foremen of these affiants have repeatedly advised their employers that they dare not urge their men to do that amount of work each day which could readily be turned out by a workman of ordinary ability in the craft. And why? Because in these affidavits it appears in many instances that, though made foremen by their employers, they were disrated by the union for attempting to get from their men more work than that allowed by the secret understanding. And in each of these affidavits it appears that the foremen advise their employers that they are liable not only to be disrated, but will be fined, and probably suffer, if persistent in their efforts to obtain from their men a fair amount of work, physical violence. To your honorable body the reasons for not setting forth the names of these foremen is obvious. This limitation of output is no new thing, as evidenced by attached affidavit. (Exhibit No. 19.)

We may be met by the statement of our friends, the labor leaders, that this pernicious habit of limitation of output is not sanctioned by the Composition Roofers' Union, No. 25, nor by the building trades council, the governing body in this jurisdiction. And they will point with pride to the fact that when the matter was brought to their attention in the months of July and August, 1913, they went on record as discrediting such a practice. They will further tell you that the composition roofers' union (Local No. 25) denied on the floor of the council that the union had ever had such an agreement. And all this may be true. One would hardly expect a union to go on record as limiting the amount of work its members could do. Nevertheless all their denials can not change the fact that in years gone by these same men did more work for a day's wage than is now done, can not change the sworn statements of employers of these foremen, intimately in touch with their employees, who know what is going on, but dare not come into the open for fear of violence at the hands of their fellow members.

The difficulty of obtaining reliable data upon the subject of secret agreements to limit the output must of necessity be our excuse for not presenting concrete instances of such agreements existing in each craft. With this as our excuse we are presenting to you such evidence as we can command relating to the limitations of output, first, among carpenters; second, plasterers; and third, upholsterers.

The best obtainable evidence that carpenters are careful not to overwork is found on page 29, in section 53, of the By-Laws and Trade Rules of the Bay Counties District Council of Carpenters and Joiners of America, adopted April 2, 1913, a true copy of which section is annexed hereto, made a part hereof, and marked "Exhibit No. 20." It reads:

"Any carpenter can prefer charges against pace makers, and any member found guilty of pace setting, or rushing members, with a view of holding his job, and bringing up the other members employed to an excess standard of speed shall be fined as per section 50."

"It is submitted that no skilled laborer in San Francisco has ever been compelled to be a "pacemaker" to hold his job, and as we read the section it is but a flimsy cloak, carrying to its members a veiled threat that if they give the best that is in them for an adequate wage they will suffer as therein prescribed.

Further comment upon it would be an insult to the intelligence of your honorable body.

With reference to the limitation of output among plasterers we have but to say that we are creditably informed that plasterers or those engaged in the mixing of lime are not allowed to mix over a specified number of barrels in any one working day, irrespective of whether or not the number allowed is a reasonable one. (Exhibit No. 18.)

It may be well in commenting upon the limitation of output to call attention to the fact that at various times within years past, and even after the effective organization of those employing labor in the upholstering business, the same condition confronted the individual employer there as is now prevalent among the building trades.

We have, in this connection, the sworn affidavits of an employer, annexed hereto, made a part hereof, and marked "Exhibit No. 21," setting forth the respects wherein the amount of labor among their employees has been at various times curtailed. This arbitrary limitation of the amount of work to be done in this trade was the very cause of that organization among their employers which now has become so effective in dealing with disputes between employer and employer. Effective to this extent, that the employee has been brought to realize that if organization can strengthen the demand of the worker for better working conditions, it can make equally effective the resistence of the employer to arbitrary and unwarranted demands. Any attempt to elevate the slow and indifferent workmen to the basis of the efficient, competent, and willing man, by restricting the output of the latter to meet the position of the former, can only result in failure and destruction of the industry.

Passing now from the limitation of output, let us consider the conditions confronting the employer with reference to apprentices seeking admission to the various building trades.

The employers in the structural-iron business think the apprentice system fails to measure up to its necessities, in that it does not allow for a normal increase of membership without unduly and all too hastily crowding the apprentice into the journeyman class. The attention of your body is called to the fact that but one apprentice is allowed to eight journeymen. A majority of jobs in this business are small, where a full erecting gang is made up of five men and one engineer, but no apprentice is allowed. The work is particularly hazardous, and the annual death and disability rate high. The nature of the work forces the older men to find other employment. Were the apprentices in this craft to serve the time necessary to make them proficient journeymen, the restriction placed upon their number would not supply recruits for the ranks to take the places of those who drop out, much less provide for a normal increase, unless some expedient were adopted. It follows that there are many journeymen who have served only a month or two as apprentices, who, for that reason, are not and can not be capable all around men, yet they must be paid the regular scale of wage.

That this condition should be remedied needs no argument.

The apprenticeship system in the sheet-metal trades, though somewhat different, works upon the employer just as great a hardship and acts as a boomerang to the apprentice.

Looking at the laws governing the apprenticeship system, we find the by-laws of Local Union No. 104, of San Francisco, Cal., Sheet Metal Workers' International Alliance, article 14, section 6 (Exhibit No. 22), states that apprentices when starting at the trade shall be required to apply to the executive board for registration. This section provides that no employer can place a boy as an apprentice in a shop unless said boy has been registered as an apprentice by the executive board of the Union, and should the employer desire to register any particular boy, before said boy can be placed in his shop, he must wait until the boys already registered by the union have been placed as apprentices. In many cases it has been found almost impossible to get any particular boy registered and placed in any particular shop.

Article 14, section 8 of the same by-laws, states that all apprentice members shall appear before the examining board once every six months and shall have an increase in wages from time to time, at the discretion of the board. This sum is increased from time to time by said board, and the boy is warned that he can not work for any firm under the rate set by said examining board. In practice it is found that after a period ranging from a year to 18 months the rate set by the union is greater than the boy can earn, with the limited knowledge he has attained in this period.

Practically this system, therefore, works an elimination of these boys from the trade, because they are obliged, by union law, to demand more from the employer than their earning capacity is capable of producing.

Article 14, section 4, of the by-laws of the same union states that every apprentice member shall have his rating established on his card, same to be his rating for six months. This condition has been presented to the local union many times without favorable results to the boy. A careful perusal of the general prin-

ciples of the Amalgamated Sheet Metal Workers' International Alliance will show, under the heading, "General principles" (apprenticeship) (Exhibit No. 23), the following statement:

"We favor the adoption of a legal apprenticeship system, the parents binding the boy to remain at least three years, and the employer binding himself on his part to teach the trade of sheet-metal worker, but such employer shall not have more than one apprentice for every six journeymen in his employ."

The employers also favor a legal apprenticeship of three years.

The apprentice, then, because of his inability to earn the wage insisted on by the union, must, after wasting a year or 18 months, remain either an inefficient mechanic or seek other employment.

Turning to the case of the lighting fixture hangers' union we have a concrete example of the policy of this union regarding those seeking to enter. The letters in connection with this case (see Exhibit No. 24) show an honest attempt by a boy to gain admission to this union. The union failed to respond to his personal request. The matter was then taken up by the lighting fixture club, the association of employers in this trade, and to their letter requesting that some action be taken by the union no response was forthcoming.

The letter by the club is attached hereto, made a part hereof, and marked "Exhibit No. 25." Here, then, deliberate lack of action on the part of the union prevents a man from taking up a trade to his liking and forces him into some other line of activity. We strongly favor the elimination of the restriction of apprenticeship, believing that every boy in America should have the opportunity to learn a trade.

Let us now turn to some of the working rules among the crafts that inflict an unnecessary hardship on the employer and contribute to that strong current of dissatisfaction all too prevalent.

It is most important to note in this connection that the employer is seldom, if ever, consulted when the union contemplates any change either in its wage scale or its working rules and conditions. Whenever changes are made the union men only consider their own welfare and not that of the employer, the owner, or the public.

Another and most important consideration not to be overlooked is the fact that the unions are in the habit of referring to their rules and regulations as *the law* whenever discussions arise concerning subjects covered by these same rules and regulations.

Thus the unions, arrogating to themselves power for which there is no warrant, constitute themselves a government within a government. This attitude, if persisted in, will foster in the mind of union labor the belief that their law is *the law*, and as such should control without reference to State or Federal law.

A situation which can not be passed without comment is to be found in cases where the building trades council have cited individual employers of union men in various crafts to appear before the executive board of the council "that the board may learn fully your position in connection with a grievance of the union against your firm, which has been referred to this board for such action as the case may warrant under the laws, rules, and regulations of the Building Trades Council of San Francisco." (See Exhibits Nos. 26-27-28.)

The employer, in the dark as to the nature of the grievance, can not properly prepare for such a hearing as he may be granted, but goes before this executive board assured of one thing, that action will be taken under the laws, so called, rules, and regulations of the council.

In the by-laws of Local No. 104 of the sheet metal workers (Exhibit No. 22) we find the fuel to keep the fire of unrest kindled. Your attention is called to sections 24 and 25 of these by-laws:

Section 24 reads:

"No withdrawal card will be issued to any member of this union who desires to go into business if he is still going to handle tools and work at the sheet-metal trade."

Section 25 reads:

"All employers actively engaged at the trade shall carry an employers' card and pay $1.50 per month for the same, except that only one such card will be issued to any one firm, and all other members of said firm who desire to work at the trade must be members of this union."

As the union has jurisdiction over an employer who hires members of this union, as to the scale of wages paid such members, these sections work a hardship upon such employers, because union men carrying an employers' card can

enter the contracting business and work for any amount per day they see fit. The employer, compelled to make a profit on the men employed at the union scale of $5.50 per day, must meet in competition these journeymen turned contractors, who in figuring any contract can charge against their labor any sum they see fit. These men, figuring contracts, as stated above, are members of the same union to which the employer, not working with tools himself, must pay the scale of $5.50 per day.

It is also an established fact that such men are enabled to work longer hours than those prescribed by article 18, section 1, of the same by-laws (Exhibit No. 22), which states that eight hours shall constitute a day's work to be performed between the hours of 8 a. m. to 5 p. m. and on Saturdays from 8 a. m. to 12 m.

Business agents of the unions demand and have access to the shops run under union conditions. This, as every practical business man must know, is detrimental to the discipline of the establishment; undermines the authority of the employer and robs him of producing time for which he must pay without return.

The conditions outlined above are such as have brought about unwise competition among the several crafts engaged in the building business.

The same condition of affairs exists in the composition roofing and dampproofing business where the journeymen are able to go out and take contracts, figuring their own labor at what they see fit, thus cutting under the prices of the employers of this class of labor who are compelled to pay journeymen's wages to the men. (Exhibits Nos. 22A and 22B.)

In connection with the working rules of the concrete workers, section 7 of the By-Laws of the Cement Workers Union, Local No. 1, American Brotherhood of Cement Workers (Exhibit No. 29), requires the members to refuse to work under a foreman not rated as a finisher in that union. The employer claims that the foreman should not be forced to be a member of the union.

Under the rules governing the Bay District Council of Carpenters and Joiners of America (Exhibit No. 20), we find on page 23, section 25, the following:

"Anyone, other than the contractor, giving instructions to the men on the job must be a member of the union and receive at least $1 per day more than the minimum rate of wage. For violation of this section subject to a fine as per section 56. (See sec. 9.)"

It is thought by the employers in this business that before the foreman should receive extra pay there should be at least five men in his craft employed on the job. Again a rule deemed most unfair is the following, found on page 23, section 54:

"No member shall alter any mistake he has made on a job or make up for lost time, *except it be done on the employer's time*, under penalty of a fine as per section 56."

It is submitted that any employee making an error should be compelled to correct it on his own time; that every workman should be responsible for his own errors.

Among the rules governing the employees of the cabinet manufacturers (Exhibit No. 30), we find on page 34, section 38, as follows:

"Any member discharged in the forenoon shall receive pay until noon, and if discharged in the afternoon shall receive pay until 5 o'clock; provided that said member be not notified of the fact at least four hours prior to the time of his lay-off."

It is submitted that any man discharged for cause should be paid only for the actual time he has worked.

As in the case of the Sheet Metal Workers, where journeymen may turn contractors, and figure a job, charging against their own labor what they see fit, so it is with the composition roofers (Exhibit No. 31), as evidenced by article 1, section 8, of the Constitution and By-Laws of the International Brotherhood of Composition Roofers' Union. Men in this trade can go to contracting and the journeymen will work for them, whereas an employer can not touch a tool but what the men will quit.

The structural steel business is prolific with examples of hardships worked upon both employer and men seeking employment in that trade, caused by the unwarranted stand taken by the unions in various trade matters.

The erection of structural steel in San Francisco and in any locality where men from San Francisco work is under the absolute domination of the bridge and structural iron workers' union.

This statement is aptly illustrated by an occurrence in Fresno, 200 miles from San Francisco, in June, 1912. The affidavit annexed hereto, made a part hereof

and marked "Exhibit No. 32," states the facts correctly, and we will not here repeat them. Suffice it to say that to our minds the acts of the union in calling off the men were entirely unwarranted.

Another illustration of the tactics of this union is found in the statement of facts set forth in the affidavit annexed hereto, made a part hereof, and marked "Exhibits Nos. 33–34." We will only add that the job in question was, without warrant, as afterwards admitted by the union, tied up for three days with resulting loss to the contractor, for which he had no redress.

That the domination of the union is effective is further evidenced by the fact that it is successfully insisted upon by the union that the rules and regulations made by the San Francisco local shall apply to jobs many miles from San Francisco. Evidence of this fact is found in the affidavit marked "Exhibit No. 32," heretofore refred to, wherein the workmen in this craft were called from the Fresno job until the 75 cents per hour scale was agreed to.

That this union has used its power to deprive men willing to abide by all its rules from working under its jurisdiction is evidenced by the Fisher case. In June, 1912, one C. S. Fisher moved his family from Salt Lake City to San Francisco. In September, 1912, he was one of the organizers of a corporation about to engage in the general erecting business. The San Francisco union learned that he had been working for the American Bridge Co. on some nonunion work in Arizona and called him before their executive committee. He appeared and stated unequivocally that it was his intention to abide by their rules and regulations. Nevertheless, the union, without the slightest evidence of antagonism on his part, notified the corporation that they could not work for it as long as Mr. Fisher was connected with it. This action deprived Fisher of the opportunity to make a living at his calling and forced him, with his family, to leave San Francisco. (Exhibit No. 35.)

The bricklayers' union has furnished us with a situation which has caused a volume of correspondence to pass between the general contractors' association, Bricklayers' Union No. 7, the building trades council, and the masons and builders' association. (See Exhibits No. 28–29.) This correspondence covers a period dating from February 20, 1913, to the present time, and the end is not yet.

The controversy was brought into being by rule No. 5 of Article XII of an instrument entitled "Reciprocal agreement," containing the articles of agreement to be entered into between the individual contractors, on the one side, and San Francisco Bricklayers' Union No. 7, on the other. (Exhibit No. 28.) This rule reads as follows:

Rule No. 5: "For the purpose of enabling Bricklayers' Union No. 7 to enforce a higher standard of work and for the purpose of raising a fund to combat the further encroachment of the powerful moneyed interests that are endeavoring to discourage the use of brick as a building material, every brick contractor shall pay to the secretary of Bricklayers' Union No. 7 one-half of 1 per cent on all brick jobs contracted by him within the county of San Francisco, the one-half of 1 per cent to apply on all labor performed by bricklayers and on all material handled by bricklayers and to extend to both contract and percentage work."

In answer to a question by the secretary of the general contractors' association, in a letter under date of October 1, 1913 (see Exhibit No. 27), asking for information as to the attitude of the bricklayers' union toward general contractors doing their own brickwork, a reply was sent (see Exhibits Nos. 28–29) advising that such contractor would be deemed a brick contractor, and as such subject to the rule requiring the payment of one-half of 1 per cent tax on all brickwork.

Following this stand by the union, and that important brickwork then being done might not be tied up, the general contractors concerned paid this tax under protest. (Exhibits Nos. 40–42.)

Briefly, the objections to such an unwarranted demand are:

First. That it would add to the cost of building construction 15 to 20 per cent. If one union is justified in imposing a tax for the avowed purpose of promoting the welfare of the craft, it would be equally fair for all other unions to impose a like tax. This extra and unfair load on the cost of a building increases the necessary original investment, and the ultimate value of the building is in nowise increased by the payment of this tax. The owner hesitates to build, because investment of the same sum along other lines would yield better returns. Thus agreements of this nature ultimately injure those framing them.

Second. In any controversy arising under the contract, which, by its terms, must be submitted to an arbitration board, the general contractor has no representation.

Third. The general contractor is called upon to pay a tax into the treasury of a union, in the promotion of whose welfare he is no more interested than in that of any other union.

Not content with forcing the general contractor to pay the tax above referred to, we find that the bricklayers' union refuse to work on any building owned or to be built by one who has not paid the workmen's wages or settled in full for the brick materials used, in spite of the fact that the brick contractor may have received his money in full, and with this should have paid for the materials and labor. (See Exhibit No. 43.) Thus their arbitrary union-made law forces the owner or general contractor to pay a second time for work or materials already settled for when the brick contractor was paid in full. (See Exhibit No. 44.)

Thus we find the bricklayers' union, by this action, contributing their quota to the troubles of the already overburdened contractor; but more important still, further complicating the already complex machinery of the building industry.

Another glaring example of the ill-considered action of unionism is furnished us in the controversy between union labor and the master housesmiths' association, concerning the demand of the Housesmiths and Architectural Iron Workers' Union, No. 178, for an eight-hour day.

The question, pending for several years, was brought to a climax by the notification of the building trades council under date of May 24, 1912 (see Exhibit No. 45), that the eight-hour day would prevail in this craft after August 26, 1912.

The master housesmiths' association immediately took the matter up with the central body, the building trades employers' association, and they in turn referred it to a subcommittee for investigation. The report of this committee (see Exhibit No. 46) unequivocally indorsing the action of the master housesmiths in refusing to grant the eight-hour day, was adopted by the central body. A committee was appointed (see Exhibit No. 47) to represent the employers, and given full power to act. Finally, on August 24, 1912, the building trades council conceded that the union demand for an eight-hour day should be withdrawn. (See Exhibit No. 48.)

It is to be regretted that the building trades council interested, as we assume it is, in the welfare of the building industry, should, in the first instance and without careful investigation, have indorsed the action of the housesmiths' union. Heretofore, we were led to believe that this governing body, while zealous for the welfare of its several units, the local unions, served the further and equally important duty of acting as a check upon the unwarranted demands of these same unions.

The conduct of the building trades council in the instance just cited forces us to conclude that it sanctions the ill-advised demands of the unions without proper investigation of the economic conditions surrounding the industry affected.

It is most important, at this point, to state that it is action such as was here taken that serves as the warrant to the employer for forming, with his fellow employers, a body powerful enough to deal with organized unionism. Had no such employers' body existed the structural iron industry of this city would have been dealt a death blow.

One would think that the action of the governing labor body in this jurisdiction would control the union. But no—for we find on August 28, 1912, it became necessary for the employers again to address the building trades council (see Exhibit No. 49) to advise the latter that the union men refused to accept the action of the council, and refused to go to work except on the basis of the eight-hour day. After a threat by the building trades council to form a new union if the men refused to return under the old conditions, the housesmiths' union finally returned to work.

What a sorry spectacle is here presented, when the building industry of this city can be tied up for several days because union labor had made arbitrary demands—the fulfillment of which would destroy one of the city's most important industries.

Another example of the arbitrary and unwarranted stand of union labor is to be found in the action of the hoisting engineers. This union, contrary to the settled law of the building trades council requiring a 90-day notice to the em-

ployer in all matters wherein the working hours or the rate of wages to be paid are involved, gave to the employers in this craft a 24-hour notice of a change relating to the wage to be paid to their engineers.

Immediately the matter was taken up by the erectors' association, under date of August 2, 1913. (See Exhibit No. 50.) From this time till December 8, 1913, through a volume of correspondence (see Exhibits Nos. 51–55) between the erectors' association, the building trades employers' association, and Mr. P. H. McCarthy, as president of the building trades council, the question of the necessity of a 90-day notice of the change in wage contemplated was considered.

The result of this correspondence and the ultimatum issued by the employers under date of September 15, 1913 (see Exhibit No. 56), together with the meetings had between the building trades council (see Exhibit No. 57) and the representatives of the associations most closely concerned was finally embodied in the agreement of December 8, 1913 (see Exhibit No. 58). The contention on the one side by the erectors' association that the 90-day notice had not been given and that the notice actually given (the 24-hour notice) would not be recognized, and on the other side by P. H. McCarthy, representing the building trades council, that a 90-day notice was not required, and would, therefore, not be given, was decided in favor of the erectors' association. Of this decision the employers were notified by letter under date of September 19, 1913. (See Exhibit No. 59.) This letter, in that it contains the formal notice of the change in wage to become effective 90 days from its date, admits that such a notice was necessary. This admission establishes beyond argument the very contention for which the employer was working and shows the correctness of the position first taken by the erectors' association.

During a portion of the time that this controversy was being carried on the men were out on strike, tying up this branch of the building industry, thus entailing upon those employers engaged in the erection of buildings a serious financial loss. Against the union, the cause of this loss, the employer has no redress.

Another and important feature wherein the employers' association is vitally interested is to be found in what may be called the jurisdictional disputes constantly arising between the different crafts. These are brought about by the claim of one craft that another is performing work that should properly be performed by the first craft. While they are fighting the matter out the work is tied up and the contractor must stand idly and helplessly by until a labor leader comes to his rescue and brings the warring unions to their senses; and no matter what the result, the contractor is the one who loses, and often heavily and without redress.

A glaring example of this class of dispute between the different craft unions is to be found in the controversy between the plasterers' union and the carpenters' union. Without going into great detail, the facts are that before the erection of any buildings on the fairgrounds the building trades council filed with the exposition officials a statement as to the conditions of labor which should govern within the exposition grounds. It was understood that these conditions would be satisfactory to the labor unions of the city.

When the framing and nailing up of staff work on the machinery hall was to be undertaken the building trades council determined that the work properly belonged to the carpenters, and exposition officials and contractors were so notified and figured accordingly (Exhibit No. 60). Plasters' union, Local No. 66, objecting to the ruling of the council, went on strike and were declared unfair by the building trades council. The plastering contractors on the machinery hall, in accordance with the ruling of the building trades council, decided that this work should properly be done by carpenters. The union plasterers went on strike. The controversy lasted for several weeks and one plastering contractor suffered a loss amounting to about $3,500 as the direct cause of the strike in question.

After various conferences back and forth and submission to the American Federation of Labor (Exhibits Nos. 61–62), the general contractors finally, on December 1, 1913, decided to proceed with the carpenters only. During all this time this class of work was being done, one-half by the carpenters and helpers, at $5 per day and $2.50 per day, respectively, and one-half by the plasterers and hod carriers at $7 and $5 per day, respectively. Again the plasterers walked out, this time not only on the exposition work, but on all plastering work throughout the entire city. Again the building trades council voted that the carpenters should do the work, and after the refusal of the plasterers to return to work they were ousted from the council. The building trades council finally decided

to form a new union of plasterers, and this was done. It might be noted in passing that various other branches of the building industry decided that the stand taken by the building trades council in awarding this work to the carpenters should be supported. (Exhibits Nos. 69–84.)

During the period from January 7 to January 16 considerable plastering work was actually done throughout the city, but often accompanied by cases of violence. It is unnecessary to go into details concerning cases wherein violence was committed except to call attention to Exhibits Nos. 66–66; affidavits by reputable and well-known citizens of San Francisco, setting forth the actual acts of violence witnessed by them during the strike. It may be well to note in passing the attitude of some of our public officials (see Exhibits No. 67–73), and as a sorry commentary upon the inefficiency of some of our police courts, when those who were guilty of unwarranted violence were brought to trial and found guilty, they were given nothing worse than probation.

After Plasterers' Union No. 66 had walked out the building trades council, through its business agent, went to various cities in their endeavor to induce outside plasterers to come to San Francisco, and the general contractors advertised also in many other cities for plasterers. Definite promises were made to the general contractors by the president of the building trades council that Plasterers' Union No. 66 would have to affiliate themselves with the new Plasterers' Union No. 1 before they could work again in San Francisco. The final settlement of this jurisdictional dispute was reached at a meeting held January 16, 1914. (See Exhibit 74.) To show the lack of consideration with which the building trades council treated the general contractors who stood shoulder to shoulder with the council in their endeavor to bring outside plasterers into the city it is but necessary to state that at this conference at which the controversy was settled the general contractors were not invited to be present. The old plasterers' union, Local No. 66, withdrew their demands, were reinstated in the council, and the plasterers who had joined the new union, Local No. 1, were politely informed that if they desired to continue as journeymen in this city they could do so only upon paying a $50 initiation fee, and becoming members of Local No. 66.

Again did the building trades council repudiate its solemn promise to the general contractors and the outside plasterers who had come into the city when it insisted upon their joining the old Local No. 66. Further than this, the same council refused to contribute anything toward the return of these outside plasterers to the place from which they had been brought. Inasmuch as the general contractors were, in a measure, responsible for the presence of these outside journeymen, they felt themselves called upon to and did contribute something over $1,000 to defray the expenses of the return of these journeymen to the places from which they had come.

This controversy, extending as it did over a number of months, was the cause of incalculable damage to the building trades generally, to the general contractors, to the laboring man, and added to the already unenviable record of union labor in regard to their failure in keeping a promise or agreement made with their employers when against their interest to do so.

Another instance of the inability of the crafts to work harmoniously one with the other is found in a review of the jurisdictional dispute between the bridge and structural iron workers' union and the stevedores' union.

The facts in this case are as follows: The steelwork for Pier No. 28 on the San Francisco water front was unloaded from a steamer to a barge by members of the stevedores' union. The barge was then towed alongside of Pier No. 28, and the unloading from the barge to the new pier was commenced with a boating derrick by the Crowley's Launch & Tugboat Co. The structural iron-workers' union claimed this work and backed up their claim with the threat that the entire job would be declared unfair if the Crowley Co. did not discharge their regular crew and employ the members of the structural iron-workers' union.

During the year 1912 there was brought to the serious attention of every business organization in San Francisco the fact that the Pacific Northwest was about to boycott all of our goods. The truth of this sweeping assertion is proved by Exhibits Nos. 75–80, which cover protests from business firms and commercial organizations scattered throughout the States of Oregon and Washington. Protests and inquiries poured in upon us by letter and telegraph, demanding explanations and inquiring from us as to the true situation.

The open letter of Mr. William Gerstle, one of the foremost of our citizens and president of the San Francisco Chamber of Commerce during the year

1910-11, gives us a masterly summing up of the facts concerning the embargo on lumber.

In 1901, 1903, and 1906, the mill owners of this city and the journeymen millmen's union entered into certain agreements. (See Exhibits Nos. 81 to 83, inclusive.) Owing to the terms of section 5 of the 1901 agreement, an embargo was placed upon one of the principal products of the great Northwest country, finished pine and fir. This agreement, once in force, was rigidly adhered to, and the embargo has ever since been, and still is, in effect. (See Exhibit 78.)

In justification to the mill owners, however, it must be said that for seven months they fought the union and fought this agreement, but because of the strength of the union were compelled to yield and accept its terms.

Seemingly, clause 5 of this agreement was inserted at the behest of the mill owners and acceded to by the building trades council in exchange for concessions by the mill owners. On analysis, however, it is seen to be nothing but a weapon in the hands of the union to compel outside lumber, though a finished product, first to pass through the hands of local union men to entitle it to the local union label.

Thus the building trades council, by forcing on the planing mill owners, as compared with competitive points, first, a higher wage schedule for journeymen millmen, and, second, a reduction of the working hours, compels the mill owner to complain that he can not compete with the finished lumber products of these competitive points. The building trades council, well knowing that the finished products from these competitive points cost the manufacturer less than the local product, refuses the former admittance by refusing to handle it, as shown in section 60 of the By-Laws and Trade Rules of Bay Counties District Council of Carpenters and Joiners of America, adopted April 2, 1913. (Exhibit No. 20.)

Section 60 reads: "Any member working unfair material on a job shall be fined as per section 59."

This is an example of the danger into which blind union labor, by forcing its agreements upon the employer, may lead not only a single industry, but the entire community, nay the entire State. That this danger is not new is evidenced by the fact that these agreements cover a period of several years.

The refusal of the building trades council and its affiliated organizations to handle any materials coming from any mill working contrary to the prescribed number of hours and wages contained in the agreement or employing "union mechanics" but working under union rules other than the union rules applying to San Francisco, created a monopoly in favor of the local millmen. This embargo, in practice, is effected by the union men erecting buildings refusing to use in those buildings any millwork not bearing the local union label.

Thus it is that sized lumber, coming from mills in or out of the State employing union labor and paying union wages, must first be passed through the sizing machine of the San Francisco mills before being allowed to be used in the erection or trimming of buildings in this city.

Prior to this agreement becoming effective San Francisco exported each month a large number of carloads of finished mill stuff as against but a very few carloads which it now sends out. This solely the result of this agreement, carries with it the loss of many thousands of dollars to this city.

And were the evils arising from this contract to stop here it would be serious enough. But this is a comparatively minor cause for complaint as compared with that greater evil to which this agreement has given birth. It is this—members of unions in the electrical materials and other specialty trades, seeing, through agreements similar to this, the means of effecting monopolies in the communities within their jurisdiction, are forcing upon their employers contracts embodying the same restrictions as above set forth as to the handling of materials coming from outside shops.

The insidious influence of this millmen's agreement has swept over the broad Northwest and is felt as far East as Denver.

A concrete example of an attempt by a local union to sign up the individual employer may be found in the contract offered by the painters' union to the master painters.

Annexed to and forming a part of the agreement submitted by District Council of Painters No. 8, of San Francisco (see Exhibit No. 34) was a so-called "Memorandum of agreement." This memorandum is quite lengthy, and we quote but a single section therefrom, showing the extent to which this union presumed to go in an attempt to dominate the business of the employer.

Section 6, page 1, of said memorandum reads as follows:

"It is expressly understood that we demand specifications in all contracts entered into during the life of this agreement, as to work and labor, be enforced.

The following are granted the privilege of investigating all specifications on jobs where three men or less are employed: The charge man, the steward, officials of the P. D. C., and the representatives of the painting contractor; on jobs where more than three are employed, an additional man from among the men on the job, to be chosen by the men, and if for any reason such man leaves the job another man to be chosen by the men to replace him."

We wish your honorable body especially to consider this "demand." The union "demands" that specifications as to work and labor be enforced and grants to their own men the privilege of inspecting the specifications. This "demand" in its very audacity is the peer of any yet brought to our notice, and once acceded to we would not be surprised to learn that the contractor had made his employee his partner.

The reason employers object to being called upon to sign any kind of an agreement with a union is because such agreements invariably contain terms and conditions relating to questions which, from their nature, must always be left for the decision of the executive or the person responsible for the conduct of the business.

It has been the open and persistent slogan of union labor that "Collective bargaining" was their only salvation. They recognize their power, wielded by a collective demand, but seldom, if ever, deal with any but the individual employer (see Exhibits Nos. 26, 27, and 28) unless forced to do so by that employer referring the demand made upon him to the employers' organization. And this in spite of the fact that the union well knows that the employers have an active organization.

Coming now to the last cause of dispute, but by no means the least important, the question of a comparison of the wages received by the different crafts in various parts of this country must claim our attention. If it is argued that the Pacific coast is a section peculiar to itself, and that the wages paid locally should, for a fair comparison, be considered in connection with the average wage paid on this coast, we submit the following figures, the result of careful analysis of figures taken from the tables of the Building Contractors' Council of Chicago. These tables are adopted as correct by the United States Government in their investigation of labor conditions. (Exhibit No. 85.)

These figures show that the San Francisco scale, right through, averages 65¼ cents per hour. The Pacific coast average from the above exhibit and covering the same artisans averaged 60.36 cents per hour. This makes the San Francisco scale 11 7/10 per cent higher than the average Pacific coast scale.

If the San Francisco average is compared with the average throughout the United States, the discrepancy is much greater. The artisans whose average wage in San Francisco is 65¼ cents per hour, in the United States at large, receive 51.79 cents per hour. The San Francisco scale is 57 1/10 per cent higher than the average throughout the country at large.

That high wages do not mean prosperity, and that the laborer receiving the high wage does not benefit thereby, are fundamental economic truths. If the employer pays a high wage, he must get more for his finished product, and the consuming public, of which the wage earner composes by far the greater part, must pay.

In conclusion, permit us to say that if this brief but serves the purpose of directing the attention of your honorable body to the following facts, it will not have been submitted to you in vain:

First. A tacit understanding or secret agreement does exist between members of various crafts, under which they do only a set amount of work each day, rather than a reasonable amount of work for an adequate wage.

Second. Many of the rules in the various crafts governing the entire field of the apprentice system work a hardship, not only upon the employer and apprentice, but upon the crafts themselves, upon the advancement of the building industry generally, and, therefore, upon the entire community.

Third. Many of the working rules and conditions imposed by the unions on their men and on the employers are unfair to the men, and work great hardship on the employer, in many instances causing the loss of money to him and benefits to no one.

Fourth. Jurisdictional disputes between different unions, when arising, should be settled without a cessation of work by any union; that such disputes have arisen within this city within the last two years; that the unions involved struck or threatened to strike; that innocent third parties, the building contractors, have suffered, and without possibility of redress, money losses by reason thereof.

Fifth. There are in our city labor unions with strength great enough to force on employers agreements which effectually place an embargo on products coming in from other States; that these States, prior to this embargo, purchased from California many millions of dollars worth of our goods annually, and that the embargo placed by us on their products threatened to involve us in a commercial war with these States with the resultant loss to us of many millions of dollars annually.

Sixth. The wages of all classes of artisans in San Francisco as compared with the balance of the Pacific coast are higher and as compared with the scale of wages paid throughout the country at large are higher.

There is no collective bargaining in this city, as I understand the term. The system in vogue in this city is, the unions pass a so-called law raising the scale of wages or changing the working conditions; this is referred to the building trades council for their approval; if approved by the building trades council it is put in force. Sometimes notice is given and again no notice is given in spite of the fact that the building trades council say that one of their laws is that a 90-days' notice must be given before a change in wage or working conditions is put into effect. The employer has no voice whatever in making the above-stated rules. The employer's part consists entirely in making what resistance he can. This resistance has met with no degree of success except in cases of housesmiths' trouble in the matter of eight-hour day in structural shops. Collective bargaining, as I understand the term, presumes discussion and confirmation by the parties concerned before agreements are made. Here there is no such discussion. The so-called agreement is the ultimatum of one party which the other party has no choice but to accept. As bearing upon these facts which sustain this statement, and as showing the existing conditions in this city, I ask leave to file a supplementary statement with various exhibits.

In reply to the questions submitted by your honorable body in reference to the conditions in the building trades, we beg to submit the following:

The occupations represented are: Carpenters, concrete workers, lumber handlers, longshoremen, housesmiths, all planing-mill operators, sheet-metal mechanics, fixture hangers, spinners, steel erectors, tar and gravel roofers, painters, cabinet manufacturers, plasterers, bricklayers, hod carriers, marble-workers, stone setters, blacksmiths, grill workers, modelers, cabinetmakers, mechanics, helpers, and common laborers.

The proportion of skilled and unskilled labor differs in the various crafts. Approximately 50 per cent of the mechanics applying for work in the above trades are efficient workmen. We are unable to give any record as to the percentage of native and foreign born, or as to the percentage of married or single men. The difficulties experienced in making use of nonunion men are many. Organized labor in San Francisco controls the building industry, and attempts to use nonunion men in this city would mean the establishment of the boycott, the tieing up of work, difficulty in obtaining materials, and probably, as a final result, physical violence. Firms supplying material to a job built with nonunion men would be notified that the job to which the material was being supplied was unfair, and that their material would be declared unfair if supplied to such a job.

Such a condition is not justifiable, as the Constitution of the United States assures life, liberty, and the pursuit of happiness to all. There is no question but that a man's liberty is curtailed when he can not work and obtain bread for his family and himself, unless he is the possessor of a union card. And the employer's liberty is further curtailed when the conditions described in the above paragraph prevail. No body of men have the right to assume to pass laws as such that are in opposition to State or Federal law.

The seasons of fluctuations that take place in the demand for labor and the volume of the labor supply, we believe to be small, as whether conditions in California do not influence the building industry to the same extent that prevails in the East. The volume of labor in this city increases to a small extent during the winter months, as building in the smaller towns is carried on generally in the summer.

San Francisco differs to a large extent from other cities, owing to its geographical position, and the jobs and contractors are known by most of the men. In many crafts, however, the union rule demands that their mechanics must be hired through the business agent, or union headquarters, direct. This method is not at all satisfactory, as it allows the union or business agent to discriminate against any certain employer by sending him the least efficient

mechanics, and it also enables the business agent to favor his particular friends and supporters, and thus build up a political machine in the union which in many cases works a hardship on efficient workmen, who are not particular friends of the business agent.

The extent of the unemployed in the building trades, varies with different conditions, such as the money market, the amount of new investment in buildings, the cost at which said buildings can be erected, etc. The cost of erection of buildings necessarily includes the comparison of wages between this city and other places, which condition is treated at greater length earlier in this brief.

Respectfully submitted,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
By GRANT FEE, *President*.
GEO. S. MCCALLUM, *Secretary*.

FEE EXHIBIT NO. 2.

EXHIBITS ACCOMPANYING A BRIEF ENTITLED "COLLECTIVE BARGAINING IN THE BUILDING TRADES OF SAN FRANCISCO, CAL."

STATE OF CALIFORNIA,
City and County of San Francisco, ss.:

George S. McCallum, being first duly sworn, deposes and says: That he now is and for four years last past has been the assistant secretary and secretary of the Building Trades Employers' Association of California; that in such capacities aforesaid there have come into his possession through the proper channels certain original affidavits, instruments, letters, telegrams, and papers of every kind, nature, and description, or carbon office copies thereof, prepared in the regular course of business of the source from which said instruments came; that all of said affidavits, instruments, letters, telegrams, and papers of every kind, nature, and description appearing herein, by copy attached hereto, made a part hereof and marked, respectively, "Exhibits Nos. 1 to 35," inclusive, are true and correct copies of said originals or carbon copies of originals as in the possession of your affiant, as aforesaid; that said Exhibits Nos. 1 to 35, inclusive, aforesaid, annexed hereto, and made a part hereof are the same exhibits referred to in that certain brief entitled "Collective bargaining in the building trades of San Francisco," which said brief is herewith submitted, together with said exhibits aforesaid to the United States Commission on Industrial Relations.

GEORGE S. MCCALLUM.

Subscribed and sworn to before me this 31st day of August, A. D. 1914.
[SEAL.] L. H. ANTHONY,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT NO. 1.

MASTER ROOFERS & MANUFACTURERS' ASSOCIATION,
San Francisco, September 19, 1912.

Mr. O. A. TVETEN,
Secretary San Francisco Building Trades Council,
Building Trades Temple, San Francisco.

GENTLEMEN: At a regular meeting of the master roofers and manufacturers' association, held to-day, the members reported that a gentlemanly agreement appears to have been entered into by the journeymen roofers of San Francisco, by which a gang of roofers restrict themselves to a certain amount of labor to be performed each day.

It is said that is evidenced by the fact that Mr. Doyle, the business agent of the journeymen roofers' union, has appeared on many jobs and has instructed the foremen on such job as to the number of squares in each job and the number of days and hours in which he should finish each job.

The members of the master roofers and manufacturers' association feel that an injustice is being done them through this agreement, and I was instructed to communicate with you on this subject and respectfully request that your honorable body take such steps as may be necessary to adjust this matter in accordance with the rules of the building trades council.

Yours, respectfully,

Secretary Master Roofers and Manufacturers' Association.

EXHIBIT No. 2.

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, July 25, 1913.

To the BUILDING TRADES EMPLOYERS' ASSOCIATION,
532 Pacific Building, San Francisco.

GENTLEMEN: Whereas Union Local No. 25 of the International Brotherhood, Composition Roofers, Damp and Waterproof Workers, have agreed among themselves as individuals to limit and are limiting the amount of work they shall perform in a day of eight hours; and whereas this agreement is further strengthened by the persistence of their business agent in visiting jobs, measuring same, and conveying in a secret manner to the men the amount of time they shall put on a given job and the number of squares of roofing they shall perform during each eight hours of work; and whereas our members on account of the output being limited are suffering severe financial loss through such curtailment of output; and whereas this association has been unable to obtain any relief through a conference with the executive committee of the building trades council on account of Union Local No. 25, denying as a body, when in front of the building trades council, the existence of such an agreement; and whereas this association has ample proof that the amount of work is being curtailed; and whereas we are unable to cope with this situation as an individual association: Therefore be it

Resolved, That we, as affiliated members of the building trades employers' association, hereby request that the building trades employers' association take such action as they may deem necessary to obtain relief from these conditions as set forth above; and we further urge that such action be immediate and urgent.

We would further state that the undersigned executive committee have been given full power to act in this matter by the unanimous vote of their association.

J. H. PLUNKETT,
JOHN W. BERRER,
W. R. GREENFIELD.

EXHIBIT No. 3.

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, July 28, 1913.

To the BUILDING TRADES EMPLOYERS' ASSOCIATION,
543 Pacific Building, San Francisco, Cal.

GENTLEMEN: The master roofers and manufacturers' association requested the president of this body to call this special meeting, as this association desires cooperation and assistance of the building trades employers' association in remedying the obnoxious condition that exists at present in the roofing business.

Union Local No. 25 of the International Brotherhood, Composition Roofers, Damp and Waterproof Workers, have agreed among themselves as individuals to limit, and are limiting, the amount of work they shall perform in a day of eight hours, such limitations being 30 squares in eight working hours for four men. This agreement is further strengthened by the persistence of their business agent in visiting jobs, measuring same, and conveying in a secret manner to the men the amount of time they shall put on a given job, and the number of squares of roofing they shall perform during each eight hours of work, and

our members on account of the output being limited are suffering severe financial loss through such curtailment of output.

This association has been unable to obtain any relief through a conference with the executive committee of the buildings trades council on account of Union Local No. 25 denying, as a body, when in front of the building trades council, the existence of such an agreement. This association has ample proof that the amount of work is being so curtailed, and it is our purpose to submit same at this time.

We are unable to cope with this situation as an individual association, and therefore, as affiliated members of the building trades employers' association, request that the building trades employers' association take such action as they may deem necessary to obtain relief from these conditions, as set forth above.

In order to make our position clear we have here set forth the things which we believe we have an absolute right in all justice to demand before our employees are allowed to return to work:

1. We demand the elimination of the curtailment of output.

2. We demand that the business agent be no longer allowed to go on a job except with the permission of the contractor performing same, and in no case during working hours.

3. We demand that one apprentice be allowed with each three journeymen roofers.

4. We demand that an apprentice be allowed to perform any work whatever in connection with the application of roofs.

5. We demand that union roofers, working in San Francisco, Oakland, Alameda, Berkeley, Emeryville, Piedmont, San Leandro, Haywards, and Richmond shall work under the same working rules as in San Francisco.

6. We demand that the roofing contractor shall be allowed to use his own discretion in the number of men required on any and all jobs.

7. We demand that in future if there are any charges or claims against any members or member of the master roofers and manufacturers' association, such charges or claims shall be submitted in writing to the master roofers and manufacturers' association direct and not to the individual member.

8. We demand that where we are not able to get union roofers at the starting of a job we shall have the privilege of hiring other men to fill up the gang and shall be allowed to complete said job with the same gang of men.

9. We demand that on bituminous and mastic work and asphalt paving that the roofers' union shall have jurisdiction only within the building line, and that each journeyman be allowed one helper, whose pay shall not exceed $3.50 per day of eight hours.

While the above outlines those things which we believe we should, in justice to the roofing business, demand, we would further suggest, subject to the approval of the building trades employers' association that the following scale of wages be put into effect immediately:

Per day of eight hours: Gang foreman, $6; journeyman, $5; apprentice or helper, $3.

We believe that the present scale of wages is excessive; the highest paid in the whole United States being $5.20 per day in Chicago. The following is the scale of wages paid in San Francisco at present:

Per day of eight hours: Gang foreman, $7.50; journeyman, $6.

Believing that the affiliated associations will approve the justice of our demands, and hoping that they will indorse our position and cooperate with us in obtaining same, we remain,

Yours, very respectfully,

JOHN W. BURNS,
F. E. LAWSON,
J. H. PLUNKET,
W. S. GREENFIELD,
JAMES CANTLEY,
F. E. IRVING,
W. J. WATSON,
THOS. H. PRICE,

Executive Committee, Master Roofers and Manufacturers' Association.

EXHIBIT No. 4.

AUGUST 2, 1913.

To the BUILDING TRADES EMPLOYERS' ASSOCIATION,
633 Pacific Building, San Francisco, Cal.

GENTLEMEN: We, your committee to investigate the position and demands of the master roofers and manufacturers' association, beg to report as follows:

We have investigated the position and demands of the master roofers and manufacturers' association and approve their position and find that we approve all the demands as attached hereto and made part of this report.

We recommend, however, that demand No. 7 be stricken out and disallowed, this covering certain matters that belong to the laws of the master roofers and manufacturers' association, individually.

We recommend also that their suggestion as to a reduction of wages be also approved.

The demands as approved by the committee are as follows:

1. We demand the elimination of curtailment of output.

2. We demand that the business agent be no longer allowed to go on a job during working hours.

3. We demand that one apprentice be allowed with each three journeymen roofers.

4. We demand that an apprentice be allowed to perform any work whatever that a journeyman roofer can do.

5. We demand that union roofers working in San Francisco, San Mateo, Oakland, Alameda, Berkeley, Emeryville, Piedmont, San Leandro, Hayward, and Richmond shall work under the same working rule as in San Francisco.

6. We demand that the roofing contractor shall be allowed to use his own discretion in the number of men required on any and all jobs.

8. We demand that where we are not able to get union roofers at the starting of a job we shall have the privilege of hiring other men to fill up the gang and shall be allowed to complete such job with these same gangs of men.

9. We demand that on bituminous and mastic work and asphalt paving that the roofers' union shall have jurisdiction only within the building line and that each journeyman be allowed one laborer at laborer's wages.

We also approve of the scale of wages as suggested by the master roofers and manufacturers' association:

Per day of eight hours: Gang foreman, $6; journeyman, $5; apprentice or helper, $3.

We beg to remain,

Yours, respectfully,

_____, _____,

EXHIBIT No. 5.

BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA,
San Francisco, August 14, 1913.

To the Building Trades Employers' Association and the San Francisco Building Trades Council.

GENTLEMEN: We, the undersigned committee, appointed by the building trades employers' association and the building trades council, to discuss and adjudicate the controversy between the master roofers and manufacturers' association and Local Union No. 25, International Brotherhood of Composition Roofers, Damp and Water Proof Workers, beg to report that our findings in the case are as follows:

It is agreed that there shall be no curtailment or limitation of a day's work by any member of Local No. 25, composition roofers, damp and water proof workers' union;

It is further agreed that the business agent of composition roofers, damp and water proof workers' union shall visit jobs only under the same conditions and exercising the same privileges granted to business agents of other crafts affiliated with the building trades council.

It is further agreed that "article 14, section 4, of the By-Laws of Local No. 25, International Brotherhood of Composition Roofers, Damp and Water Proof Workers, of January 11, 1911," will be eliminated, and it is further agreed that whenever necessary, owing to the inability of the union to furnish journeymen roofers, the contractors shall be allowed to employ union laborers at the rate of $3 per day, who may become journeymen after one year's experience.

It is further agreed that roofers working in Oakland, Alameda, and Berkeley shall work under the same conditions as maintain in San Francisco.

It is further agreed that roofing contractors shall be allowed to use their own discretion as to the number of men necessary on any job.

It is further agreed that the word "Bituminous" shall be eliminated from the fourth line of "article 2, section 1, of the By-Laws of Local No. 25, International Brotherhood of Composition Roofers, Damp and Water Proof Workers," and that the jurisdiction of the union shall cover work within the building line only.

It is further agreed that the present wage scale shall remain unchanged.

Respectfully submitted.

Building Trades Employers' Association:	San Francisco Building Trades Council:
R. B. MOORE.	K. J. DOYLE.
C. H. JOHNSON.	W. J. MALONEY.
J. W. SCHOUTEN.	W. F. BRIEN.
JOHN P. CLEESE.	A. SHEEHAN.
H. J. HALSTON.	F. C. MACDONALD.
A. H. BERGSTROM.	C. P. ST. JOHN.
W. S. GREENFIELD.	P. H. MCCARTHY.

EXHIBIT No. 6.

NATIONAL ROOFING CO.,
Oakland, Cal., May 22, 1914.

Mr. G. S. MCCALLUM,
Master Roofers and Manufacturers' Association.

GENTLEMEN: Herewith I submit a question that I think is up to our association to handle. About three weeks ago one of my foremen and his entire crew were summoned before the union to which they belong on a charge which was supposed to be conduct unbecoming a union man. The sum and substance of this charge is that the crew put on more work than the secret agreement which the union has calls for.

They were tried and each member of our gang was fined $5 and the foremanship taken away from my foreman for a period of one year. My foreman, Mr. E. O'Connell, took his case before the building trades council and Mr. P. H. McCarthy informed him that he would not sanction any rule which put a curtailment on work.

They then called a meeting where our men and the representatives of the union met at the building trades council last Tuesday evening. The union claimed that they did not have any such law allowing so much work to be done in one day, but the charge was that the work was not done according to specifications, whereupon our foreman produced a letter from the contractor on this work accepting the work and saying that he was entirely satisfied in every respect.

Mr. P. H. McCarthy has a letter from our crew, signed by every man that they were fined for exceeding the limit on a day's work. Hence you can see how the matter stands. This matter has been put over and we think it is up to your honorable association and wish you would take action on same at once.

In order to assist you in the details in this matter, on a separate paper I am giving you the names of the men and job, etc., as follows:

Name of job: Stillwell; Contractors: Harris & Hudson; Location: Fruitvale Avenue and Hopkins Street, Oakland. Crew: Foreman, Mr. E. A. O'Connell; laborers, Mr. J. Finlon, Mr. Charles Latimer, Mr. C. De Mussett.

Respectfully,

NATIONAL ROOFING CO.,
By J. F. ELLIS.

EXHIBIT No. 7.

MARCH 16, 1914.

RECORDING SECRETARY,
International Brotherhood of Composition Roofers, Damp and Waterproof Workers, Local No. 25, San Francisco, Cal.

DEAR SIR: I was instructed to write to you by this association and request you to inform me whether the laws of your union allow journeymen roofers,

members of the union, to take contracts for roofing direct and work on those contracts themselves.

An early reply will be greatly appreciated.

Thanking you for your courtesy in this matter, I remain,

Yours, very truly,

——— ———,
Secretary.

EXHIBIT No. 8.

APRIL 7, 1914.

RECORDING SECRETARY,
International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, San Francisco, Cal.

DEAR SIR: Under date of March 16, 1914, I wrote to you asking you to inform me whether the laws of your union allowed journeymen roofers, members of the union, to take contracts for roofing direct and to work on these contracts themselves. Up to the present moment I have received no answer and will appreciate it if you will extend to me the courtesy of an immediate reply.

Yours, truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
By ——— ———, *Secretary.*

EXHIBIT No. 9.

APRIL 17, 1914.

MR. P. H. MCCARTHY,
President Building Trades' Council, San Francisco, Cal.

DEAR MR. MCCARTHY: Under date of March 16 and April 7, 1914, I wrote to the recording secretary of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local 25, and have up to date been unable to receive the courtesy of a reply from those gentlemen.

I am, therefore, taking the liberty of forwarding copies of these two letters to you with the hope that you will be able to give me the answer to this information before our next meeting, which takes place on Monday, April 20, same will be greatly appreciated.

Thanking you for your courtesy in this matter, I remain,

Yours, very truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
——— ———, *Secretary.*

EXHIBIT No. 10.

JULY 20, 1914.

P. H. MCCARTHY,
President Building Trades' Council, San Francisco, Cal.

GENTLEMEN: We herewith present certain facts to which we desire to call your attention, which facts are a violation of an agreement entered into under date of August 14, 1913, between the building trades' council and the building trades employers' association and which are also contrary to the Constitution and By-Laws of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers. We respectfully request that these be given your immediate attention to the end that these conditions may be promptly remedied.

We charge that in the agreement signed by the building trades' council and the building trades employers' association, on August 14, 1913, the clause which states: "It is agreed that there shall be no curtailment or limitation of a day's work by any member of Local No. 25, composition roofers, damp and water proof workers' union," has not been lived up to. In regard to this point in the agreement we hereby append a letter from the National Roofing Co., which letter is self-explanatory.

We also submit herewith a letter from the Paraffine Paint Co., drawing attention to the disrating of a foreman by the union. There is also a rule in the local union that: "No employer of union roofers shall be allowed to do any labor on his own work." That rule bars the employer from doing anything to expedite his work, yet there are eight men carrying union cards who are contracting for roofing work. They are performing the labor themselves and employing other union men and working with them. This is discriminating against the employers who do not carry union cards and is also in direct violation of "Article 18, section 8" of the By-Laws of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers. We, therefore, ask that these men be compelled to sever their connection with the union and that they also be compelled to follow the same rules that apply to other employing roofing contractors. The names of these men are: F. Demousset, E. Miller, E. Grubert, O'Connell Bros., A. Shean, W. J. Maloney, Sullivan.

Should you desire any further information on these matters we shall be glad to present same verbally to you at your request.

Believing that you will see the justice of our stand, we respectfully request that your immediate attention be given to this matter.

Yours, very truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
_____, *Secretary.*

MAY 23, 1914.

Mr. P. H. MCCARTHY,
Building Trades Council, San Francisco, Cal.

MY DEAR SIR: Under date of April 17, 1914, I wrote to you inclosing copies of two letters to the recording secretary of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, and stated to you that I had been unable to receive the courtesy of a reply from Local No. 25, and was forwarding these letters to you in the hope that you might be able to give me an answer to this question.

You were kind enough to ring me up and state that my letter had been mislaid for a couple of days on your desk, but that I would hear from you shortly. I should be very pleased if you could let me hear from you within the next few days.

Thanking you for your courtesy in this matter, I remain,

Yours, very truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
_____, *Secretary.*

EXHIBIT No. 11.

AUGUST 15, 1914.

Mr. P. H. MCCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: About a month ago a committee from the master roofers and manufacturers' association conferred with you concerning certain conditions affecting the roofing business in this city. These conditions being a secret agreement concerning a limitation of output by composition roofers, damp and water proof workers' union, Local No. 25, a disrating of foremen by the same local union, and competition by members of the same local, who are taking contracts and yet are working on the job themselves, thereby causing unfair competition with the employer who is not allowed to handle tools on his own work.

This committee left in your hands at the time of the conference certain communications and data in regard to these matters. At that time you promised to give the matter your immediate attention, and since the date of that conference the chairman and the secretary of the master roofers and manufacturers' association have endeavored many times to get in touch with you by telephoning and otherwise, but have not been able to reach you, nor have they heard from you.

At the time of the conference you promised to give the matter your immediate attention, but to date they have not had the pleasure of hearing from you. The master roofers and manufacturers association are affiliated members of

this body. We, therefore, on behalf of that association would respectfully request that you give us the results of your consideration of the above matters as soon as possible.

Yours, truly,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
————————, *President.*

EXHIBIT No. 12.

AUGUST 18, 1914.

Mr. P. H. MCCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: It has been reported to this association that International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, has passed a resolution that they will not work on any building over 200 feet high unless they are paid $1 per day more than the scale established by the building trades council.

While we are perfectly willing to pay the scale we have received no notification of such a demand, have never been consulted on same, and would like to know under whose authority such a demand is made.

One of our members, the J. W. Bender Roofing Co., has a job on the main entrance tower on the Panama Pacific Exposition grounds. He notified his men to go to work on that job, and they have refused to do so unless paid $1 per day above the scale established by the building trades council. While we are perfectly willing, and have been at all times, to pay this scale of wages, we do not consider this demand just or in compliance with the law of the building trades council.

The J. W. Bender Roofing Co. has also been notified that members of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, will not allow a laborer to be employed as a watchman on the kettle. This is against the established precedents, and also against the ruling of the building trades council.

We therefore request your immediate attention on these matters in order that the work may proceed with dispatch, and that there may be no delay owing to these unexpected and unauthorized demands.

Yours, very truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
———— ————, *Secretary.*

EXHIBIT No. 13.

BUILDING TRADES COUNCIL,
San Francisco, August 21, 1914.

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION OF SAN FRANCISCO,
757 Pacific Building, City.

DEAR SIR: Replying to your communication of August 18, addressed to P. H. McCarthy, president of the building trades council, we are pleased to advise as follows:

Your communication was received, discussed, and acted on at the regular meeting of the council, held Thursday evening, August 20; and upon a thorough probing of the matter complained of in your communication we are glad to advise that the resolution you refer to has not been passed by felt and composition roofers, damp and water proof workers, Local No. 25, and further, that resolutions of the kind complained of in your letter can not be approved under the constitution, laws, and regulations of the San Francisco Building Trades Council.

Believing that fair and just dealings will continue to maintain for peace and progress of the building industry of our State, we have the honor to remain,

Very sincerely and respectfully,

O. A. TVEITMOE,
Recording and Corresponding Secretary
San Francisco Building Trades Council.

EXHIBIT No. 14.

AUGUST 22, 1914.

Mr. P. H. McCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: I beg to acknowledge a communication from Mr. O. A. Tveitmoe, under date of August 21, 1914, in answer to the communication of August 18, 1914, addressed to yourself by the master roofers and manufacturers' association.

Under date of August 15 a letter was addressed to you by Mr. Grant Fee, president of the building trades employers' association, requesting your immediate consideration of certain conditions affecting the roofing industry in this city. These conditions being a secret agreement concerning a limitation of output by composition roofers, damp and water proof workers' union, Local No. 25, a disrating of foremen by the same local, and competition by members of the same local who are taking contracts and yet are working on the job themselves, thereby causing unfair competition with the employer who is not allowed to handle tools on his own work.

These matters were first submitted to you about July 20, and said conditions still continued to prevail in spite of the fact that you promised at that time to take the matter up immediately and inform us of the action of the building trades council.

This matter has now been placed in the hands of the building trades employers' association, and we respectfully request some immediate action on your part toward remedying such conditions.

Yours, truly,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
By _____ _____, *Secretary.*

EXHIBIT No. 15.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

W. H. Malott, being first duly sworn, deposes and says that I am a member of the firm of Malott & Peterson, contracting roofers. In the course of my business I have at all times employed members of the International Brotherhood of Composition Roofers, Damp and Water Proofing Workers of Local No. 25. During the employment of said members of Local No. 25, I have from time to time been, and now am, confronted with a condition proving that the members of said Local No. 25 have among themselves a secret understanding or agreement to limit the output of a day's work to a certain quantity. My present foreman has on various occasions since the 14th day of August, 1913, voluntarily informed me that the amount of work which he is permitted to turn out is limited by a secret understanding or agreement existing among the members of aforesaid Local No. 25. He further informs me that if he exceeds the limit so set by said local, he will either be disrated by the union as a foreman or fined by the union. Said foreman further stated to me in confidence that should he so exceed the limit of work aforesaid that he would probably suffer physical violence at the hands of the members of said local union.

Deponent further states that he now pays, and has during all the times mentioned in this affidavit paid, the union scale of wages to all his employees, to wit, $7.50 per day for foremen and $6 per day for journeymen.

W. H. MALOTT.

Subscribed and sworn to before me this 22d day of August, A. D., 1914.

L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 16.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

John W. Bender, being duly sworn, deposes and says that I am a member of the firm of J. W. Bender Roofing & Paving Co., contracting roofers. In the

course of my business I have at all times employed members of the International Brotherhood of Composition Roofers, Damp and Water Proofing Workers of Local No. 25. During the employment of said members of Local No. 25, I have from time to time been, and now am, confronted with a condition proving that the members of said Local No. 25 have among themselves a secret understanding or agreement to limit the output of a day's work to a certain quantity. My present foreman has on various occasions since the 14th day of August, 1913, voluntarily informed me that the amount of work which he is permitted to turn out is limited by a secret understanding or agreement existing among the members of aforesaid Local No. 25. He further informs me that if he exceeds the limit so set by said local he will either be disrated by the union as a foreman or fined by the union. Said foreman further stated to me in confidence that should he so exceed the limit of work aforesaid that he would probably suffer physical violence at the hands of the members of said local union.

Deponent further states that he now pays and has during all the times mentioned in this affidavit paid the union scale of wages to all his employees, to wit, $7.50 per day for foremen and $6 per day for journeymen.

JOHN W. BENDER.

Subscribed and sworn to before me this 22d day of August, A. D., 1914.

L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 17.

AFFIDAVIT.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

F. E. Irving, being first duly sworn deposes and says that he now is, and during all the times herein mentioned, has been the manager of the contracting department of the Paraffine Paint Co. of this city and county. That as such manager he has employed members of the Composition Roofers' Union No. 25. That at various times since the 14th day of August, 1913, foremen in charge of the members of said Roofers Union No. 25, in the employ of the Paraffine Paint Co. have stated to him that they were prevented from compelling the performance of more than a certain amount of work each day. That these foremen stated to affiant that they were liable to be disrated, fined, and subjected to physical violence. That said statements were made to him in certain instances voluntarily, and in other instances were the result of questioning by him of said foreman.

F. E. IRVING.

Subscribed and sworn to before me this 25th day of August, A. D. 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 18.

AFFIDAVIT.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

To whom it may concern:

James Cantley, being duly sworn, states and deposes that he is an employing contracting roofer and that during the handling of his business he has at all times employed, in said roofing contracting business, members of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25. During the employment of said members of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, he has from time to time been, and now is confronted with a condition proving that the members of the International Brotherhood of Composition

Roofers, Damp and Water Proof Workers, Local No. 25, have among themselves a secret understanding and agreement to limit the output on their day's work to a certain quantity. He furthermore states and deposes that at various times when he has had to inquire the reason why his foreman has not produced more work, said foreman, now in his employ, has informed him that it is impossible for him (the foreman) to get more work from his men, because they have a secret understanding that they shall only do a specified amount during one day. Said foreman also stated to the deponent that if deponent forced him to get more work from the gang he would either have to give up his job as foreman, pay a fine to the union for exceeding the amount of work specified in said secret agreement, and probably suffer physical violence from members of said union.

Mr. James Cantley further deposes that he pays the union scale of wages to all his employees, namely, $7.50 per day for foreman, $6 per day for journeymen.

JAMES CANTLEY.

Subscribed and sworn to before me this 21st day of August, A. D. 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 19.

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

C. A. Day, being duly sworn, deposes and says that he is now, and was during the month of July, 1910, a member of the firm of Thos. H. Day's Sons, general contractors.

That during said month of July, 1910, he employed hod carriers at the work of mixing lime mortar.

That the maximum amount of lime made up in any one day by one hod carrier was 10 barrels.

That a good average day's work for one man should be from 14 to 18 barrels.

That, to the best of his knowledge and belief, an agreement existed between the members of the hod carriers' union to limit the output of each man to 10 barrels of lime per day.

C. A. DAY.

Subscribed and sworn to before me this 27th day of August, A. D. 1914.

[SEAL.] H. B. DENSON,
Notary Public in and for the City and County of San Francisco, Cal.

EXHIBIT No. 20.

[Extract from By-Laws and Trade Rules, Bay Counties District Council of Carpenters and Joiners of America, San Francisco and Vicinity. Adopted Apr. 2, 1912.]

Section 53 from trade rules:

Any carpenter can prefer charges against pacemakers, and any member found guilty of pace setting or rushing members, with a view of holding his job, and bring up the other members employed to an excess standard of speed, shall be fined as per section 59.

EXHIBIT No. 21.

AFFIDAVIT.

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

Chris F. Seitz, being duly sworn, states and deposes that he is a manufacturer of furniture and also the secretary of the furniture and carpet trades association; and that said association was formed on or about July, 1910, for the purpose of protecting its members from the abuses and demands of organized labor. The rate of wages paid mattress makers and upholsterers previous to the San Francisco fire in 1906 was $3 and $3.50, respectively.

After the fire, on or about October, 1906, the upholsterers' union demanded and were granted a raise to $3.50 and $4, respectively. Now, after this increase was granted the Upholsterers' Local Union No. 28 gradually started to restrict the output of its members. On or about the 20th of July, 1910, Upholsterers' Local Union No. 28 made a demand on the employers for 50 cents per day increase and half day off on Saturday afternoon.

The reply to the demands of labor was, briefly, that there was no unwillingness on the part of the manufacturer, but an inability to meet the demands. To qualify this answer to the demands of Local No. 28, will state that for a period of two years, or since the restriction of the output, the condition of the upholstery and mattress business has been distressing and with nominal, if any, profit. This condition has been brought about mainly by the ruling of Local No. 28 which restricted the output of its members, and by reason of this feature has so reduced the financial standing and prosperity of the various enterprises that they are to-day not in a position to grant further concessions to labor, but by virtue of these distressing features are forced to ask concessions from labor.

At the time of this strike the union claimed there was no restriction of the output, but this clause is a copy of a section of their by-laws: "The Constitution, By-Laws, and General Laws of Upholsterers' Union, Local No. 28," on page 18, Article XIV, section 2, gives it as "the duty of the shop delegate to report the names of all members who turn out more work than he is rated to do, and action will be taken accordingly." It was not for us to know what was intended by this clause, but we claimed, and were prepared to prove, that this clause has been construed by Local No. 28 to mean that the output of any man should be limited by a schedule arbitrarily fixed by Local No. 28 and same schedule is arbitrarily fixed by Local No. 28 and printed by said local for distribution among its own members so said members can be guided by same.

As it was impossible for the two sides to agree in this strike, the same was left to Mr. P. H. McCarthy, president of the building trades council, for decision. Said decision granted the union the additional 50 cents increase and ruled that the restriction of output must cease. While this decision shows that the limitation of output did exist and was supposed to have been stopped, it still exists, in a measure, but is very hard for an employer to prove, as that clause referred to has been stricken from their by-laws.

It is impossible for an employer to engage any help that is not a union man and carries a union card. Should he hire a man that is not a good union man, those in his employ will immediately strike and not go back to work until said man is discharged. As an illustration of this, I hereby give you an instance where the Continental Bedding Co. had their place struck for giving work to men not members of Local No. 28. On March 25, 1913, Mr. S. Klein applied for work and was put to work in the upholstery department. On April 1, 1913, Mr. W. Meyers applied for work and was put to work in the mattress department; wages paid according to the union schedule, $4 for mattress makers, $4.50 for upholsterers. At the time of their entrance both were advised, in answer to their inquiries, that the shops were unionized. They then declared their intentions of joining the union, which intentions were carried out, both having applied to the union for membership, and deposited their initiation fee. On April 2 Business Agent Harris, of upholsterers' union, called on the Continental Bedding Co. and informed them that the applications of Messrs. Klein and Meyers had been rejected by the union and that the Continental Bedding Co. would have to immediately discharge these two men. This the employers refused to do. On April 7 Business Agent Harris, of upholsterers' union and Vice President Rosenthal, of the international union, called on these employers and demanded that these men be immediately discharged or the entire men called out at 1 p. m. This the employers refused to do, and the men struck at 1 p. m. The Furniture and Carpet Trades Association immediately took up the fight and, after conferences, left the entire case in the hands of two labor leaders, Messrs. John A. O'Connell and M. B. Decker, who decided "that there was no justification in the laws of the union for the calling of this strike."

CHAS. P. SEITZ.

Subscribed and sworn to before me this 22d day of August, 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 22.

[Extract from By-Laws of Local Union No. 104, of San Francisco, Cal., Amalgamated Sheet Metal Workers' International Alliance, dated 1910.]

Article XIV, apprenticeship system:

Sec. 5. All apprentice members shall appear before the examining board once in every six months and shall have an increase in wages from time to time at the discretion of the board.

Sec. 6. Apprentices when starting at the trade shall be required to apply to the executive board for registration.

EXHIBIT No. 22A.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

H. M. Johns, being first duly sworn, deposes and says that he now is, and during all the time hereinafter mentioned has been, a member of the firm known as the Johns Roofing Co.; their principal place of business is located in San Jose, county of Santa Clara, State of California; that on the 6th day of August, 1914, he went to the fairgrounds, in the city and county, to fulfill a contract for roofing at certain building in the grounds known as the "Panama Canal Exposition Building," then being erected by Mayers & Co., of Chicago; that he had for the purpose of performing said contract hired three roofers and that it was his intention to work upon the roof of said building himself; that at 1 o'clock the men in his employ reported for work and upon seeing him change his clothes asked him his intentions; that he stated to them that he was going to work and they told him they could not work for him on the roof, stating that their rules prohibited them from working with a foreman who did not carry a card; that he, affiant, told them that he had no objection to paying one of them the wages of a foreman, but that he himself insisted upon working with the men; that the men still insisted that they would not work with him on the roof and stated that if he insisted upon working they would leave the job; that he did insist upon working along with these men upon this job and that because of the position which he took in reference to this matter they picked up their clothes and left the job; that the final outcome of this situation was that the general contractors permitted him to rescind the contract.

That within 300 yards of the job upon which affiant sought to work the firm of Sullivan, De Mousset & Sheehan, contracting under the firm name and style of the "Panama Roofing Co.," were doing a roofing job; that the members of this firm are, to the best of your affiant's knowledge and belief, members of the International Brotherhood of Composition Roofers, Damp and Water Proof Workers' Union, Local No. 25; that the members of this firm had employed and assisting them in the performance of their contract one roofer also a member of said Local No. 25, and that in their particular case said roofer so in their employ did not refuse to work with the men employing him; that as your affiant is informed and believes the sole reason why said roofer did not refuse to work was and is because his employers aforesaid were members of said composition roofers' union, Local No. 25.

That your affiant is informed and believes that the aforesaid Local No. 25 is now taking and for some time past has taken the means above indicated to assist the various members of their local desiring to enter the contracting field and is successfully accomplishing this result.

H. M. Johns.

Subscribed and sworn to before me this 27th day of August, 1914.

L. H. Arrowsmith,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 23a.

Moved: That the delegates refer this matter to the building trades employers' association. Seconded. Aye: Delegates Malott, Irving, and Cantley.

AUGUST 5, 1914.

Mr. P. H. McCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: One of our affiliated members, Mr. H. M. Johns, of the Johns Roofing Co., has a contract with the M. C. Meyer Co. to lay the roof of the Panama Canal Exhibit Building in the exposition grounds. To do this work he hired the following members of the Roofers' Union, Local No. 25: C. A. Holman (foreman), A. Le Baron, and O. Hendrickson.

It was the intention of Mr. H. M. Johns to work himself on this job owing to the fact that he was afraid of the competition of the contracting firms now run by members of Local No. 25. The union allows its members to work with contracting members of these firms: The Panama Roofing Co., consisting of Messrs. Sullivan, Sheehan & De Mousett; the Independent Roofing Co., consisting of Messrs. Miller & Maloney; the Advance Roofing Co., consisting of O'Connell Bros.

When Mr. Johns was changing his clothes to go to work on the job Mr. Le Baron told him the men would not work with him on the job as it was contrary to the by-laws of Local No. 25, for any member to work on the job with an employer.

We further pointed out that Mr. Johns had no intention of working as foreman of the crew; but had notified Mr. Holman that he was to fill the place of foreman. The men put on their clothes and left the job. We, therefore, demand that the same privilege to work on the job be granted to our members the same as it is granted to members of Local No. 25, who are taking contracts.

We request that you give this immediate attention, and notify us as to your action by Friday morning, as the Johns Roofing Co. are being pressed to complete their contract.

Yours, truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
_____, *Secretary.*

EXHIBIT No. 23.

[Constitution of the Amalgamated Sheet Metal Workers' International Alliance, and the rules for local unions under its jurisdiction, as revised and amended at a convention held at Denver, Colo., Aug. 2, 1909.]

GENERAL PRINCIPLES.

7. We favor the adoption of a legal apprenticeship system, the parents binding the boy to remain at least three years, and the employer binding himself on his part to teach the trade of sheet-metal worker, but such employer shall not have more than one apprentice for every six journeymen in his employ.

EXHIBIT No. 24.

ADAMS, HOLLOPETER & MALLETT (INC.),
San Francisco, December 23, 1913.

JOURNEYMEN GAS AND ELECTRIC FIXTURE HANGERS' UNION, LOCAL No. 404,
I. B. E. W., San Francisco, Cal.

GENTLEMEN: I hereby make application to be registered in your union as an apprentice. I am at present employed by Adams, Hollopeter & Mallett.

Necessary fee will be furnished upon demand.

Respectfully,

WILLIAM FIELD.

EXHIBIT No. 25.

DECEMBER 24, 1913.

Journeymen Gas and Electric Fixture Hangers' Union,
Local No. 404, I. B. E. W.

GENTLEMEN: We herewith inclose application of William Fiala to be registered in your union as an apprentice. He has been employed by Adams, Hollopeter & Mallett since July, 1912, and they wish to assign him to work in the fixture hangers' department, he being fully qualified for work of this character.

We trust you will give this matter your immediate attention and will acquaint us at an early date as to your disposition of it.

Yours, very truly,

LOUIS GOLDBERG,
Assistant Secretary Lighting Fixture Association of San Francisco.

Copies to building trades employers association; Mr. P. H. McCarthy, president building trades council.

EXHIBIT No. 26.

BUILDING TRADES COUNCIL OF SAN FRANCISCO,
San Francisco, Cal., March 14, 1914.

Mr. W. J. WATSON, *City.*

DEAR SIR: You are hereby requested to appear before the executive board of the Building Trades Council of San Francisco at its next meeting, Tuesday evening, March 17, at the hour of 8.30, in Unity Hall, Building Trades Temple, corner of Guerrero and Fourteenth Streets, in order that the board may learn fully your position in connection with a grievance of the felt and composition roofers against your firm, which has been referred to this board for such action as the facts in the case may warrant under the laws, rules, and regulations of the Building Trades Council of San Francisco.

Very respectfully,

[SEAL.]

O. A. TVETMOE,
Recording and Corresponding Secretary
San Francisco Building Trades Council.

EXHIBIT No. 27.

BUILDING TRADES COUNCIL OF SAN FRANCISCO,
San Francisco, Cal., October 4, 1913.

PHOENIX IRON WORKS,
Bryant Street near Third Street, City.

DEAR SIRS: You are hereby requested to appear before the executive board of the building trades council at its next meeting, Tuesday evening, October 8, at the hour of 8.00, in Unity Hall, Building Trades Temple, corner of Guerrero and Fourteenth Streets, in order that the board may learn fully your position in connection with a grievance of the housesmiths and architectural iron workers against your firm, which has been referred to this board for such action as the facts in the case may warrant under the laws, rules, and regulations of the Building Trades Council of San Francisco.

Very respectfully,

[SEAL.]

O. A. TVETMOE,
Recording and Corresponding Secretary
Building Trades Council of San Francisco.

EXHIBIT No. 27.

BUILDING TRADES COUNCIL OF SAN FRANCISCO,
San Francisco, Cal., October 4, 1913.

MESSRS. HYBUP & DECHOUPET,
Folsom Street near Seventh Street, San Francisco, Cal.

DEAR SIRS: You are hereby requested to appear before the executive board of the building trades council at its next meeting, Tuesday evening, October 8, at

the hour of 8:30 p. m. in Unity Hall, Building Trades Temple, corner of Guerrero and Fourteenth Streets, in order that the board may learn fully your position in connection with a grievance of the housesmiths and architectural iron workers against your firm, which has been referred to this board for such action as the facts in the case may warrant under the laws, rules, and regulations of the Building Trades Council of San Francisco.

Very respectfully,

[SEAL.] O. A. TVETTMOE,
Recording and Corresponding Secretary
Building Trades Council of San Francisco.

EXHIBIT No. 28.

JULY 6, 1914.

Mr. O. A. TVETTMOE,
Recording and Corresponding Secretary,
San Francisco Building Trades Council, San Francisco, Cal.

DEAR SIR: Your communication of July 6, addressed to the Paraffine Paint Co., requesting them to appear before the executive board of the building trades council on Tuesday evening, July 7, has been referred to this association.

If you will kindly forward to us the grievances which you state the felt and composition roofers have against this firm we shall be glad to take the matter up and discuss it.

Yours, very truly,

MASTER ROOFERS AND MANUFACTURERS' ASSOCIATION,
_____, *Secretary.*

EXHIBIT No. 29.

[Trade Rules Cement Workers' Union, Local No. 1, A. F. of L. W., San Francisco, Cal., 1912.]

SEC. VII. Members must refuse to work under any foreman unless he is rated as a finisher in this union.

EXHIBIT No. 30.

[By-Laws and Trade Rules of the Bay District Council of Carpenters and Joiners of America, San Francisco and Vicinity.]

Trade rules, section 36:

Any member discharged in the forenoon shall receive pay until noon, and if discharged in the afternoon shall receive pay until 5 o'clock: *Provided*, That said member be not notified of the fact at least four hours prior to the time of his lay off.

EXHIBIT No. 31.

[Constitution and By-Laws of the International Brotherhood Composition Roofers Dampand Water Proof Workers, Local No. 25 of San Francisco in the State of California. Revised and adopted Jan. 1, 1914.]

By-laws, article 1:

SEC. 8. Any member who has not been in good standing for a period of one year shall not be allowed to engage in contract work.

EXHIBIT No. 32.

AFFIDAVIT.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

W. B. Kyle, being first duly sworn, deposes and says: In the month of March, 1912, I sold the structural steel required for a seven-story building in Fresno,

Cal., to the Howell-Chandler Co. In making the sale of said steel I guaranteed that it would be erected in a satisfactory manner. The contractor upon this job was G. J. Anderson. By reason of said guarantee I was compelled to supply the necessary funds to said G. J. Anderson, in order that the said contract might be properly executed. Said work was proceeding in a satisfactory manner and without grievance, when, without notice to the employers, the workmen were ordered, by telegraph from San Francisco, to stop work. Said work was stopped because Local No. 21, Bridge and Structural Iron Workers' Association had raised their scale to 75 cents per hour, and were refusing to work for any one who did not sign an agreement to pay the new scale. The work on said building was entirely stopped for a period of 10 days, during which time the men had returned to San Francisco. The stopping of the work on this job was without any just cause or excuse, and solely on account of the reason above given. I was compelled to and did pay $106 as and for train fare to return the men from San Francisco to Fresno to finish said work.

W. B. KYLE.

Subscribed and sworn to before me this 25th day of August, 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 32.

BUILDING TRADES COUNCIL OF ALAMEDA COUNTY,
Oakland, Cal., December 12.

CALIFORNIA CONSTRUCTION CO.

DEAR SIRS: You are hereby notified that you have a motor of the Conrad Electric Co., which is unfair with our council, running a compressor at University of California. The compressor is owned by a Mr. Sheller, and he has caused trouble before on account of using Conrad motors. He refuses to remove the motor, claiming that as long as the compressor runs it is as far as his contract goes. If the motor is used any more after to-day we will strike the job at once.

Yours, respectfully,

[SEAL.] F. H. PRATT,
Secretary Alameda Building Trades.

EXHIBIT No. 34.

AFFIDAVIT.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

W. J. Sheller, being first duly sworn, deposes and says: That he is now and during all the times hereinafter mentioned has been the owner of that certain 20-horsepower, 220-volt, direct current, Westinghouse electric motor referred to in that certain letter directed to the California Construction Co., dated December 12, and signed F. H. Pratt, secretary, Alameda Building Trades, which is hereby referred to and made a part hereof.

That on the 12th day of December, 1913, and during all the time that such motor was used at the University of California in running a compressor, said W. J. Sheller was the owner thereof.

That said W. J. Sheller purchased said motor from the W. B. Abbitt Co. in the year of 1910.

That said W. J. Sheller did not, as alleged in said letter of December 12, obtain said motor from the Conrad Electric Co., and, with reference to said motor, never had any dealing with said Conrad Electric Co.; that, therefore, the claim set forth in said letter of December 12, that said motor came from a nonunion house, had no merit.

W. J. SHELLER.

Subscribed and sworn to before me this 24th day of August, A. D. 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 34a.

AFFIDAVIT.

STATE OF CALIFORNIA, *City and County of San Francisco*, ss:

W. J. Sheller, being first duly sworn, deposes and says that he now is and during all the times herein mentioned has been in the business of furnishing compressed-air machinery in connection with the erection of steel structures. That in the month of May, 1912, he furnished to Messrs. Williams & Finnegan, contractors at that time employed in taking out the foundations of the old city hall in this city and county, certain compressed-air machinery. That sometime within two months thereafter, and while said Sheller was absent from the city and county, all union men working on said machinery rented by Sheller on various jobs throughout the city, were notified by the business agent of the Hoisting Engineers' Union No. 59 to cease using machinery of the said Sheller. That upon the return of the said Sheller to the city, he immediately called upon Mr. Murphy, business agent of the Hoisting Engineers' Union No. 59, to demand the reason why he had been declared unfair.

He was referred by said business agent to Messrs. Nelson and McDonald, of the building trades council. He saw these gentlemen and was unable to obtain satisfaction from them. He then went to see Mr. P. H. McCarthy, and after having showed him his contract with Messrs. Williams & Finnegan, the matter was finally adjusted, and an admission was made by P. H. McCarthy that a mistake had been made in having his work declared unfair. By reason of this mistake he lost a contract at Turk and Larkin Streets, and was otherwise seriously inconvenienced and had his work held up.

W. J. SHELLER.

Subscribed and sworn to before me this 26th day of August, A. D. 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

EXHIBIT No. 35.

INTERNATIONAL ASSOCIATION OF BRIDGE AND STRUCTURAL WORKERS
Local Union No. 31, September 6, 1912.

Mr. W. B. KYLE.

DEAR SIR: The brothers of this local do not see at this time where they can benefit themselves at this time working for this man Fisher, as we think if you want to contract in this town you had better get rid of him.

Respectfully, yours,

[SEAL.] J. FERRIS,
Recording Secretary, Local No. 31.

EXHIBIT 35a.

STATEMENT OF TREATMENT BY UNION IN SAN FRANCISCO.

In May, 1912, I investigated a business proposition in San Francisco and decided to take it up.

I went to considerable expense to take my family there, and to study the situation. To be sure that everything would be all right, I called on the president of the building trades council and explained to him that I had previously been in the employ of the American Bridge Co. on "open-shop" work, but had left them several years before, and now wished to go into the steel erection business on a union basis. He assured me that everything would be all right, so I started in with Mr. Noble and Mr. Kyle.

We got the contract for the erection of a job on Market Street, and I started the work. I had hardly got the work started until the structural iron workers notified us that I could not give any directions, signaling, etc., on the job. That this work must all be done by a union man.

This in spite of the fact that I had a union foreman to run the job and do this work. We agreed, but still supervised the work. Then the union notified the other members of our company that I would have to be dropped out of the company. If the company refused to do so, the union would compel them to do things on the job that were not in accordance with the general practice and which would mean a heavy loss to our company. Otherwise, if we refused, they would call a strike.

In order to save the loss to the company, I withdrew. I could not find anything else to do in town, so I had to leave there and look for work elsewhere.

C. S. FISHER.

Subscribed and sworn to before me, this 29th day of August, A. D., 1914.

JOHN A. FAHEY, *Notary Public.*

EXHIBIT No. 36.

RECIPROCAL AGREEMENT.

Articles of agreement between _____ _____, hereafter known as the contractor, and San Francisco Bricklayers' Union No. 7, B. M. and P. I. U.

ARTICLE I.

SECTION 1. That the wages of bricklayers shall 87½ cents per hour and foremen to be paid not less than $1 per day additional.

SEC. 2. All overtime shall be paid at the rate of double time.

At least one hour's time shall intervene at the end of the eight-hour day and the commencement of the overtime.

ARTICLE II.

SECTION 1. That eight hours shall constitute a day's work for five days in each week, and four hours on Saturday. The hours of labor for five days in the week shall be from 8 a. m. until 12 m. and from 1 p. m. until 5 p. m., and on Saturdays from 8 a. m. until 12 m.

ARTICLE III.

SECTION 1. New Year's Day, Washington's Birthday, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, Saturdays after 12 m., and Sundays shall be holidays. Any work done on the above days must be paid for at the rate of double time. No work shall be done on Saturday afternoon and Labor Day except on extreme necessity, involving loss of life and property. When necessary to work relay gangs on continuous work, single time only shall be paid, providing, however, that no bricklayer works more than 8 hours in any 24 hours on such continuous work, unless paid at the rate of double time.

ARTICLE IV.

SECTION 1. That the bricklayers shall be paid every week before 12 m. Saturdays, in full up to the preceding Friday night. Failing to pay before 12 m. the employee shall be paid waiting time at the rate of 87½ cents per hour.

SEC. 2. Upon the discharge, or laying off, of a bricklayer by the contractor, the bricklayer shall be paid in full forthwith on the job, if not he shall be paid waiting time at the prevailing rate of wages, providing he remains at the job during working hours, his time to go on until paid.

SEC. 3. When leaving on their own accord they must wait until pay day.

SEC. 4. When discharged and money not on the job, if given an office order, they shall be entitled to one hour's pay in addition to the amount due for the work performed and must be honored within one hours' time of the lay off. A violation of this rule entitles them to compensation as provided in sections 1 and 2 of this article, provided claimant remains at the office.

ARTICLE V.

SECTION 1. Bricklaying and masonry shall consist of the laying of the bricks in, under, or upon any structure or form of work where bricks are used, whether in the ground, over its surface, or beneath water; in commercial building, rolling mills, ironworks, blast or smelter furnaces, lime or brick kilns, in mines or fortifications, in all underground work, such as sewers, telegraph, electric, and telephone conduits, and the pointing, cleaning, and cutting of brick walls, fireproofing, and block arching, terra cotta cutting and setting, and the laying and cutting of all tile; also plaster, mineral wool, cork blocks, or any substitute for the above materials. The cutting, rubbing, and grinding of all kinds of bricks.

SEC. 2. Artificial masonry, the cutting, setting, and pointing of cement blocks or artificial stone, and all cement used for backing up external walls, the building of party walls, columns, girders, beams, floors, star arches, and plaster block partitions shall be done by members of the B. M. and P. I. U. And the backing up of all walls, piers, girders, and terra cotta or artificial stone with concrete shall be done by bricklayers.

ARTICLE VI.

SECTION 1. That no steward of the bricklayers' union shall be discharged for attending to his official duties, nor will the business agent of the union be interfered with when visiting any building in consultation with the steward, nor members of the arbitration board when on official business.

SEC. 2. No member of San Francisco Bricklayers' Union No. 7, such as foremen, superintendents, or one who occupies a position in authority, shall discriminate against a fellow member of Union No. 7. Any trouble of this nature shall be referred to the arbitration board for settlement.

ARTICLE VII.

SECTION 1. Each contractor will be allowed one apprentice to serve four years. After the said apprentice has completed his second year of apprenticeship, the contractor shall be permitted to employ another apprentice, and when the first apprentice has finished his apprenticeship the contractor may take another. No contractor shall be allowed any apprentice until has has been contracting at least two years, and no apprentice shall be granted unless regularly indentured according to the by-laws of the Bricklayers' Union No. 7, of California.

ARTICLE VIII.

SECTION 1. It is hereby agreed that the bricklayers' union will not under any circumstances authorize or countenance a strike, and the contractor agrees as strongly not to authorize a lockout on any mason work in which either or both parties are interested, until every honorable means of settlement have been exhausted, or except in clear cases of violation of this agreement. The bricklayers shall not strike and the contractors shall not lockout.

SEC. 2. The contractor agrees to hire or employ only members in good standing of the B. M. and P. I. U., and those who are competent, eligible, and willing to become a member of the B. M. and P. I. U.

ARTICLE IX.

SECTION 1. If a building should be abandoned for any cause on which the wages of any member of Bricklayers' Union No. 7, or any member of the I. U. working in this jurisdiction, are unpaid the contractor shall not contract to complete the same until this debt is paid by the original or subsequent owner if not already provided for in the new contract. If the contractor is prevented from carrying out his contract on a building, through insolvency of the owner, or other causes, no member of Bricklayers' Union No. 7, nor any member of the I. U. working in this jurisdiction shall work on said building until the contractor's claim is equitably adjusted.

SEC. 2. In case of failure upon the part of a general contractor, owner, or his agent to pay the contractor in full for work done on a building that is con-

pleted and the time has elapsed wherein the contractor can file a lien, no member of Bricklayers' Union No. 7 nor any member of the I. U. working in this jurisdiction, shall work on any subsequent building wherein said owner, agent, or general contractor is in any way interested.

SEC. 3. Notice in writing, stating amounts and questions in dispute, must be filed with the secretary of Bricklayers Union No. 7, and by him referred to the joint arbitration board, the secretary of which shall give proper notice to the parties involved or their representatives as to the final coding of the question in dispute.

ARTICLE X.

SECTION 1. Any member of Bricklayers' Union No. 7 or any member of the I. U. working in this jurisdiction may contract for any jobbing work which he can do himself without being considered a contractor.

SEC. 2. Any member of Bricklayers' Union No. 7 or any member of the I. U. working in this jurisdiction may take a contract to the extent of $1,000, but in the event of him employing one or more bricklayers on said contract, he must apply immediately to the secretary of the union for a contractor's probation card within three months from that time, if he wishes to continue as a contractor, he must resign from the union. One contractor's probation card will be granted to any one member during the period of one year.

SEC. 3. In the event of a member of Bricklayers' Union No. 7, or any member of the I. U. working in this jurisdiction, taking a contract amounting to more than $1,000 he must forthwith resign from the union.

ARTICLE XI.

SECTION 1. No contractor shall be allowed to lay brick unless he is in possession of a permission card bearing the seal and issued by Bricklayers' Union No. 7.

ARTICLE XII.

REGISTRATION RULES.

RULE 1. Any brick contractor, or his agent, figuring brickwork on a job wherever located, where said figure is for a general contractor, must notify the secretary of bricklayers' union (whose address is Building Trades Temple, No. 200 Guerrero street, San Francisco) immediately in writing, giving the location, name of the architect and owner, and the names of the general contractors to whom he has given figures.

RULE 2. If a general contractor shall ask for and accept a bid from a brick contractor before he submits his bid and the said specialty contractor registers the fact with the secretary of the Bricklayers' Union No. 7, then the general contractor will be expected to award the subcontract to one of the brick contractors who figured with him prior to the time he submitted his bid.

RULE 3. Any brick contractor, or his agent, who is asked to figure a plan for a general contractor who has been awarded a job must ascertain from the secretary of Bricklayers' Union No. 7, before he figures the plans, if the general contractor has taken figures on the same previous to the time he submitted his general bid, and if he finds that such is the case he must refuse to figure it or any work on the job.

RULE 4. All brick contractors or their agents are prohibited from leaving figures in an architect's office unless at the request of the architect or owner, and then only with the statement that they are not to be given for the use of general contractors. Brick contractors are also prohibited from giving figures to a general contractor when not requested to do so by said general contractor.

RULE 5. For the purpose of enabling Bricklayers' Union No. 7 to enforce a higher standard of work and for the purpose of raising a fund to combat the further encroachment of the powerful moneyed interests that are endeavoring to discourage the use of brick as a building material, every brick contractor shall pay to the secretary of Bricklayers' Union No. 7 one-half of 1 per cent on all brick jobs contracted by him within the county of San Francisco, the one-half of 1 per cent to apply on all labor performed by bricklayers and on all material handled by bricklayers and to extend to both contract and percentage work.

The above-mentioned percentage payments shall be due and payable from the first payment of each job and become delinquent 35 days after the acceptance of each job.

RULE 6. In all cases where figures are called for with the understanding that the job is to be let as a general contract and the contract is obtained by these bids, no member of Bricklayers' Union No. 7 nor any member of the I. U. working in this jurisdiction shall be allowed to work on the job unless the contract is awarded to one of the brick contractors who figured on the job.

RULE 7. No contractor shall contract for brickwork by the thousand and each shall furnish all the building material connected with the masonry work he contracts, except where an owner has actually contracted for his brick or terra cotta prior to letting the contract the contractor may take over the owner's contract for the brick, but the transaction must not be a subterfuge, or if the owner has a quantity of old brick on the ground they shall be used and an allowance made to the owner, but the contract price must be for a lump sum, and all new brick must be furnished by the contractor. An owner may reserve the right to furnish cement or architectural terra cotta.

Approved by the executive board of the B. M. and P. I. U.

Attest: JOS. P. DUFFY,
Third Vice President B. M. and P. I. U.
[SEAL.]
AUGUST 12, 1913.

ARTICLE XIII.

SECTION 1. No member of Bricklayers' Union No. 7 shall work for any contractor who violates the terms of this agreement.

ARTICLE XIV.

SECTION 1. All questions in dispute to be settled by the arbitration board, composed of three members representing the masons and builders' association and three members representing San Francisco Bricklayers' Union, No. 7, this joint board to meet immediately, journeymen to continue at work meanwhile. In case this joint board is unable to agree they shall have the power to select a seventh person, and the decision of this joint arbitration board shall be final and binding forthwith on both sides.

Signed at San Francisco this —— day of ——— 191—.

_____
For contractor.

_____
For Bricklayers' Union No. 7, B. M. and P. I. U.

[SEAL.]

EXHIBIT No. 37.

OCTOBER 1, 1913.

Mr. CHARLES NOONAN,
Secretary and Business Agent Bricklayers' Union No. 7,
Building Trades Temple, Fourteenth and Guerrero Streets, City.

DEAR SIR: Your favor of the 23d instant received and contents carefully noted.

I recently had occasion to meet with the joint arbitration board of the masons and builders' association and your union, and Mr. Sidney Hunn, chairman of the board, advised me at that meeting that the rules recently adopted by your union did not require that a general contractor doing his own brickwork should record with you the fact that he had estimated on brickwork for himself. He also advised me that the rules provide that a general contractor should pay into your union one-half of 1 per cent on brickwork done by himself, but he would not be called upon to pay this money until he had completed the brickwork in question.

I will be much obliged if you will advise me as soon as possible if I correctly understand from Mr. Hunn the manner in which your new rules are to operate, as a number of general contractors are figuring their own brickwork at this time, and the matter of this percentage tax and the manner and time in which it is to be paid have not been clear to me. I should also like to

be advised what will be the penalty for the nonpayment of the tax in question, if any.

You will appreciate that this matter is of importance to general contractors figuring their own brickwork, as it is presumed that the proposed tax is to be figured on the work at the time of estimating.

An early reply from you will be appreciated.

Yours, very truly,

_____, *Secretary.*

Copy to Charles W. Gompertz, president, for his information.

EXHIBIT No. 23.

SAN FRANCISCO BRICKLAYERS' INTERNATIONAL UNION,
No. 7, OF CALIFORNIA.
San Francisco, Cal., September 22, 1913.

To the president and members of the General Contractors' Association, San Francisco, Cal.

GENTLEMEN: Your letter of the 11th instant was considered by the Bricklayers' Union No. 7 and referred to me for a reply.

It is difficult to deal with an organization that blows hot and then cold as the whim or fancy of its leaders may dictate. This conclusion is drawn from the fact that at the request of your association Union No. 7 was at two different times on the point of signing an agreement with you, when for reasons best known to yourselves, and surmised by us, you withdrew all negotiations, and, as a result, we can only deal with your members individually. The rules sent you by Mr. Duffy were authorized by our I. U. and are primarily intended to compel honest dealing upon the part of your members. These rules are not new to you; in fact, so far as they apply to your association, they are identically the same as the rules sent you by order of our arbitration board at your request, as set forth in the following letter from you, under date of October 21, 1910.

We desire, for the benefit of the building business generally and for the information of our members particularly, to be accurately informed as to any rules you may have in your association governing the placing of bids for work with our members.

Many of the specialty contractors' associations have rules, such as the filing of bids with their secretary and against giving bids for work after the contract is let, provided that bids were given before the contract was awarded. We desire to cooperate with you in such rules as they are a just protection to your members and wish to be accurately informed regarding any and all rules you may have with reference to doing work for general building contractors. It is proposed that a copy of all such rules shall be sent to each of our members for their guidance in transacting business with your members. We believe that confusion can be thus avoided and mutual understanding established.

Thanking you in advance for the information and requesting that you kindly remit same as soon as possible, we are,

Yours, very truly,

ASSOCIATED GENERAL BUILDING CONTRACTORS,
By WM. E. HAGUE, *Secretary.*

The rules governing the calling for bids and the awarding of contracts, as approved by our I. U., were sent you and apparently they were approved by your association, for on November 12, 1910, your association adopted and forwarded to us strong resolutions admitting that it was a custom among general contractors of San Francisco to solicit bids from subcontractors before submitting estimates and then peddling the work after having received the contract, and expressing a wish on the part of your association to discourage such practice, and resolving that all members of your association who solicit bids from subcontractors before submitting their own estimates be requested to award the contract to the party submitting the lowest responsible bid. You followed these resolutions with a statement that it was your aim to establish fair dealing among your members with those with whom your members were doing business. If you will refer to your file C4—17, you will find

your copy of the above-mentioned resolution. There has been much trouble caused by some of your members in the matter of living up to the good resolution you passed; and it appears that the resolution was soon forgotten, and you now refuse to use your moral force to induce your members to act squarely.

Brother Duffy's letter to your members simply reminded them that the rules were intended to prevent the peddling of bids, lumping of brick contracts, and for the general uplift of the brick-laying industry, and he simply requested your members to observe their provisions when figuring future contracts, with the object of soliciting your cooperation in getting fairer business conditions, all of which is exactly in line with your resolution of October 21, 1919, which on their face make it appear that your association is sincere in its desire to encourage honest conditions as regards our time-honored industry, but the acts of some of your members do not bear investigation. And it is little to be wondered at, for the majority of your members never learned the trade of bricklaying, and consequently have no respect for our trade or its honorable traditions; but, as a matter of fact, so far as we are able to ascertain, your members are a set of middlemen, or brokers, who have only the almighty dollar in sight, and who would prey upon the labor and industry of those who are striving to make an honest living, and leave the world better for their having lived.

We would have you once and for all time to understand that it rests with us to protect the industry upon which we depend for the support of ourselves and families, and we can brook no interference from your association in this matter. It is a fundamental principle of our international organization to have agreements with bona fide bricklaying employers' associations, not only in San Francisco but where they exist throughout the United States and Canada; and it is also a fundamental and well-established principle of our international organization that when we have an agreement with a bona fide employers' association, its terms must be subscribed to and lived up to by all those who employ our members. This phase of the matter can not be better stated than by the following excerpt from a recent decision of our I. U. executive board:

"Union No. 7, in your letter states, protests the statement that Brother Duffy made in voicing the decision of the executive board in the matter alluded to; i. e., that the executive board's decision was final and went into effect immediately. No fault is to be found with Vice President Duffy because he said this, because it is the law that when the executive board renders a decision it is final and binding upon a subordinate union, or an individual member thereof, until its action is reversed by the highest tribunal of our organization, the convention assembled, and Brother Duffy was simply standing squarely on the law.

"Is it necessary to say more, except that this agreement with the employing bricklayers' association of your city has been discussed in former decisions? Last year we had the matter of independent contractors, and others who had resigned from the employers' association, thoroughly ventilated, and our decision was that the agreement must be lived up to by those contractors of your city who desire to employ our labor. An independent contractor, or one who does not carry a card of membership in the employers' association, not only in your city, but in others in our jurisdiction, must carry out the terms of any agreement that we enter into with a bona fide employers' association. If it is good collectively it must be good individually. Then, why should an individual employer be permitted to employ our members contrary to and in conflict with the collective action of both workmen and employers of San Francisco? The agreement that is in existence in your city must be lived up to by the employers, regardless of their nonmembership in the Employers' Association of San Francisco. This principle does not merely apply to your city, but to every city under our jurisdiction in the United States and Canada.

"We have instructed Vice President Duffy to draw up individual agreements, incorporating therein the provisions of the existing agreement, and those contractors who refuse to sign or conform to the requirements of said agreement can not receive any recognition from your union. Let us add that there is not a journeyman bricklayer or bricklayer employer who has any pride in our time-honored industry who will hesitate for a moment to enter into the arrangements which the agreement provides for, namely, the protecting our industry against the peddling of contracts, laying brick by the thousand, and other degrading conditions well known to the bricklayers of San Francisco and the country generally, including the unfair means taken to bring about the

substitution of other materials for the clay product. When any man of our union sits idly by and attempts to bring confusion upon the heads of those who have sincerely and honestly the welfare of our members at heart, and who strive from day to day to make conditions that will give the man who works on the wall a greater field and opportunity to earn a livelihood for those he loves, then it is time to inquire into the motives of such men and find out why the clay product is not their first consideration.

"Trusting sincerely that each officer and member will work hand in hand for this worthy purpose without further contention, I remain,

"Fraternally, yours,

"WM. DONNON,

"*Secretary of B. M. and P. I. U.*"

You will observe from the reading of the above instructions that this question is one of international importance and can not be abrogated by Union 7, and if your organization is sincere in its oft-repeated protestations of interest in the welfare of the building industry you will remove the chip from your shoulders and will cooperate with us in obtaining fair conditions in San Francisco. A fair reading of the rules referred to will disclose that brick contractors only are referred to in the matter of registering with our secretary the fact that figures have been given to the so-called general contractors, and our only requirement of your members is that after accepting figures on subcontracts that they award the contract to one of the brick contractors who figured with him prior to the time he submitted his bid, and your association is on record as favoring this procedure.

If all of the brick contractors doing business in this city were members of the bona fide employing bricklayers' association, with which we have an agreement governing those points under discussion, there would be no necessity of anyone registering with our secretary the fact they had figured with a general contractor; but as a few brick contractors do not belong to the local employing bricklayers' association, to save confusion our international union has arranged this means of providing a solution of the problem. The only objection we can see on the part of your association to this plan is that it removes from the use of your members a profitable field for peddling bids, as the rules under discussion are only intended to better the conditions of the building business. It would seem logical that you give this your fair consideration and support.

Hoping that you will assume the attitude suggested, and with best wishes, I am,

Yours, very truly,

CHAS. NOONAN,

Secretary and Business Agent of Union No. 7.

EXHIBIT No. 23.

SAN FRANCISCO BRICKLAYERS' INTERNATIONAL UNION No. 7, OF CALIFORNIA,

San Francisco, Cal., October 3, 1913.

MR. WILLIAM H. HAGUE,

Secretary General Contractors' Association, 110, Jessie Street, City.

DEAR SIR: Your esteemed favor of the 1st instant is received, and in reply will say that the information given you by Brother Hague is substantially correct. Our rules as submitted to all contractors by Brother Duffy, except as to the peddling of bids, having brick laid by the thousand, and the substitution of other material for the clay product, are not intended to apply to general contractors as the term is generally accepted; but on the other hand the rules state plainly that they apply to brick contractors. If, however, the general contractor becomes the brick contractor, he will, of course, constructively come under the rules applying to brick contractors. The latter portion of rule No. 8 as submitted to all contractors under date of August 12, 1913, by Brother Duffy, answers your question as to when payments are due and payable, and reads as follows: "The above mentioned percentage payments shall be due and payable from the first payment of each job and so become delinquent 25 days after the acceptance of each job."

Replying to your question as to penalties, I would say that our union does not presume to put a penalty upon any one other than its members, which

happens very rarely, but for a general statement of what might happen in such a case as you have suggested I would refer you to a quotation from a decision rendered by our international executive board, to be found on pages 2 and 3 of my letter to you under date of September 28, 1913, signed William Dobson, secretary of B. M. and P. I. U. I am informed by our attorney that the supreme court of this State has held that "every man has a right to say under what conditions he will work, whether he will work for or with another man or not; and what each may lawfully do for himself several may lawfully agree to do or not to do. If it is not unlawful to do it, it is not unlawful to agree to do it, to promise to do it, or to threaten to do it. If each may do it, all may do it, and unite in doing it." We have appeared before the superior court of this city and county in cases where bricklayers have been called off of work and have heard the superior court quote the supreme court decision, which is the law of this State.

Our international union and its subordinate unions have had a long and honorable record for fair dealing with their employers and the general public and No. 7 of California, you may rest assured, will not take any action that is not within the law of the land and is not approved by our international officers, in whom we have implicit confidence as being men of wide experience and absolute honesty of purpose.

We are making a sincere and honest endeavor to raise the standard of brickwork in this city, so as to insure the architects and the public that it will be solid, substantial, and workmanlike, with the ultimate object of making all brickwork so beautiful and artistic and of such an enduring character that the present as well as the future generations may point with pride to the brick buildings of San Francisco. Our union has adopted resolutions on this subject which are now in the hands of the printer and in the very near future we will submit copies to you and to your members, and we earnestly invite your cooperation in seeing them carried to a successful conclusion.

Hoping that I have made myself clear as to the points raised in your letter and that the amicable relations existing between us in the past may continue in the future, and with best wishes for the continued success of the building business in our city, I am,

Yours, very truly,

C. NOONAN,
Secretary and Business Agent of Union No. 7, of California.

EXHIBIT No. 40.

Bricklayers' Union No. 7 (B. M. and P. I. U., Local No. 7) hereby acknowledged receipt of $40 from Brandt & Stevens, being one-half of 1 per cent of the sum of $8,000, approximate cost of brickwork on the Stewart job at the northeast corner of Ellis and Mason Streets, San Francisco, paid in accordance with rule 5 of said union, requiring general contractors to pay said percentage to the treasury of the union on every job of brickwork.

It is understood that the exact cost of said work and of the one-half of 1 per cent to be paid on it is to be determined hereafter.

It is understood that the strike called by the union on said job on account of said money required by said rule not having been paid, is to be called off, and that Brandt & Stevens are paying said sum under protest to bring about the termination of the strike, and without acknowledging the right of the union to enforce said rule.

Dated, San Francisco, July 16, 1914.

BRICKLAYERS' UNION No. 7,
By C. NOONAN, *Business Agent.*

EXHIBIT No. 41.

SAN FRANCISCO, CAL., *July 28, 1914.*

Bricklayers' Union No. 7 (B. M. and P. I. U., Local No. 7) hereby acknowledge receipt of the sum of $20 from James L. McLaughlin, being one-half of 1 per cent of the sum of $1,300 approximate cost of brickwork on the Dr. Hirsch-

felder job on the south side of Bush Street between Kearney and Montgomery Streets, San Francisco, Cal., paid in accordance with rule 5 of said union, requiring general contractors to pay said percentage to the treasury of the union on every job of brickwork done by the general contractor himself.

It is understood that the exact cost of said work and of the one-half of 1 per cent to be paid on it is to be determined hereafter.

It is understood that in consideration of the payment of said money required by said rule there shall be no strike of the bricklayers working on the job and that James L. McLaughlin is paying said sum under protest, to avoid a strike and without acknowledging the right of the union to enforce said rule.

Dated, San Francisco, Cal., July 28, 1914.

BRICKLAYERS' UNION No. 7,
By CHAS. NOONAN,
Business Agent.

EXHIBIT No. 42.

Bricklayers' Union No. 7 (B. M. and P. I. U., Local No. 7) hereby acknowledge receipt of the sum of $17.50 from W. A. Goericke, being one-half of 1 per cent of the sum of $3,500 approximate cost of brickwork on the Town and Country Club building job at the southeast corner of Stockton Street and Union Square Avenue, San Francisco, Cal., paid in accordance with rule 5 of said union, requiring general contractors to pay said percentage to the treasurer of the union on every job of brick work done by the general contractor himself.

It is understood that the exact cost of said work and of the one-half of 1 per cent to be paid on it is to be determined hereafter.

It is understood that in consideration of the payment of said money required by said rule there shall be no strike of the bricklayers working on the job and that W. A. Goericke is paying said sum under protest, to avoid a strike and without acknowledging the right of the union to enforce said rule.

Dated, San Francisco, Cal., July 28, 1914.

BRICKLAYERS' UNION No. 7,
CHAS. NOONAN,
Business Agent.

EXHIBIT No. 43.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Charles Wright, being first duly sworn, deposes and says: That he now is and at all times during 12 years last past has been a general contractor engaged in the erection and construction of buildings in the city and county of San Francisco; that in the month of March, 1910, he was called upon by the Empire State Surety Co. and William Wilson to figure upon the completion of a building located at 340 Stockton Street, in this city and county, and known as the Wiltshire Hotel, and at said time in the course of construction; that Messrs. Filyason and Stettin originally the general contractors engaged in the construction of said building, failed; that Messrs. McWhirter and Drake were the brick contractors on said job, and there was owing to said brick contractors from said general contractor, as affiant is informed and believes, the sum of $1,070; that in accordance with the terms of a reciprocal agreement entered into between the Masons and Builders' Association of California, and amended in May, 1910, W. S. Scott, the then secretary of the Masons and Builders' Association, notified affiant that if he took said contract for the completion of said building, the bricklayers would not work for him under any conditions unless he paid to Messrs. McWhirter and Drake, the brick contractors, and members of the Masons and Builders' Association, the $1,070 due them from the original general contractor; that your affiant took said contract for the completion of said building, refusing to guarantee to said surety company or to said owner the completion of said brickwork on said building, allowing to said surety company and owner the sum of $150 to complete said brick work; that because of the refusal of affiant to guarantee to said McWhirter and Drake said sum of $1,070 the joint arbitration board provided for in said reciprocal agreement of May, 1910, caused affiant to appear before them on five or six different occasions to show cause why his various and subsequent jobs should not be struck for his refusal to pay said sum aforesaid;

that said harassment and attempted interference with said affiant was continued against your affiant for period thereafter of from six to eight months, and solely, as your affiant believes, on account of said refusal so to pay said $1,070 aforesaid.

CHARLES WRIGHT.

Subscribed and sworn to before me this 31st day of August, 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 44.

[Sections Nos. 1, 2, and 3 of Article IX, of the reciprocal agreement between the Masons and Builders' Association of San Francisco, and the San Francisco Bricklayers' Union, No. 7. Amended Aug. 9, 1911. Effective to Aug. 1, 1915.]

SECTION 1. If a building should be abandoned for any cause on which the wages of any member of bricklayers' union, No. 7, or any member of the I. U. working in this jurisdiction, are unpaid, no member of the masons and builders' association shall contract to complete the same until this debt is paid by the original or subsequent owner, if not already provided for in the new contract. If any member of the masons and builders' association is prevented from carrying out his contract on a building, through insolvency of the owner or other causes, no member of bricklayers' union, No. 7, nor any member of the I. U. working in this jurisdiction, shall work on said building until the masons and builders' contract is equitably adjusted.

SEC. 2. In case of failure upon the part of a contractor, owner, or his agent to pay any member of the masons and builders' association in full for work done on a building that is completed and the time has elapsed wherein said member of the masons and builders' association can file a lien, no member of bricklayers' union No. 7, nor any member of the I. U. working in this jurisdiction, shall work on any subsequent building wherein said owner, agent, or contractor is in any way interested.

SEC. 3. Notice in writing, stating amounts and questions in dispute, must be filed with the secretary of the joint arbitration board, and by him referred to the joint arbitration board, the secretary of which shall give proper notice to the parties involved or their representatives as to the final ending of the question in dispute.

EXHIBIT No. 45.

BUILDING TRADES COUNCIL OF SAN FRANCISCO,
San Francisco, Cal., May 24, 1912.

RALSTON IRON WORKS,
Twentieth and Mission Streets, City.

DEAR SIRS: Please be advised that the eight-hour workday for members of the housesmiths and architectural ironworkers' union, Local No. 78, who are employed in shops, which has been pending for several years, has finally been approved by unanimous vote of the Building Trades Council of San Francisco at its regular meeting held Thursday, May 23, 1912.

The new rule has also received the sanction of the International Association of Bridge and Structural Iron Workers, the building trades department of the American Federation of Labor, and the State Building Trades Council of California.

Hence, in accordance with the laws and policies of the Building Trades Council of San Francisco and its affiliated unions, the members of Housesmiths and Architectural Iron Workers' Local No. 78 employed in the shops will work only eight hours per day on and after Monday, August 26, 1912.

Believing that we will have your cooperation and good will in this matter for the benefit, progress, and prosperity of the industry and all the men engaged therein, we have the honor to remain,

Yours, very sincerely,

O. A. TVEITMOE,
Recording and Corresponding Secretary San Francisco Building Trades Council.

EXHIBIT No. 46.

SAN FRANCISCO, CAL., *August 14, 1912.*

THE BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: Your subcommittee appointed to review the statements of the master housesmiths' association, made to you on July 30, relative to the conditions of that industry in the bay cities in comparison with the conditions obtaining in the same industry in competing centers, and with special reference to the demands of the building trades' council for an eight-hour workday in these shops on and after August 26, 1912, report as follows:

We have carefully reviewed the statements and contentions of the master housesmiths' association and have carefully examined the character of evidence they present regarding wages, hours, and general conditions of the industry in competing centers, and we must accept this evidence as conclusive, coming as it does direct from employers and employers' associations over their own signatures.

This evidence disclosed such a tremendous discrimination against the local industry that we were reluctant to accept it as conclusive, and therefore sought corroborative evidence from the building trades' council, as shown by the correspondence hereto attached; and we also requested the industrial committee of the chamber of commerce to make inquiry along the same line. But up to this time we have received no reply from either source, and must therefore report from the evidence available. In this connection we ask you to note, from the letter of the building trades' council hereto attached, the astonishing fact that this demand for the eight-hour day has been made arbitrarily and without any inquiry as to the relative conditions of the local industry. It would be expected that the intelligent management of the local building trades' council would insure this industry, and all other local manufacturing industries, not only against such arbitrary demands but that they would voluntarily modify the local conditions whenever it was apparent that the local shops were losing to competing centers the business naturally belonging to this city, to the end that our industries may expand and our mechanics be more numerous and more steadily employed and our capital remain at home, increasing our wealth and property.

From all the facts and evidence in the premises submitted by the master housesmiths' association, which is hereto attached and made a part of this report, we hereby recommend that the building trades employers' association not only indorse the master housesmiths' association in refusing to grant the eight-hour day in the local shops, but demand of the master housesmiths' association that they forthwith arrange a conference with the building trades employers' association and there demand that the wage schedule in this industry be immediately altered to approximate the average wage paid on the Pacific coast, and that the limitation as to the number of apprentices be removed until such time as this becomes general in the industry.

Respectfully submitted.

WM. ADAMS.
C. F. SMITH.
H. J. RALSTON.

EXHIBIT No. 47.

[Building Trades Employers' Association of California, formerly Affiliated Contractors' Associations of San Francisco, Cal.]

SAN FRANCISCO, CAL., *August 14, 1912.*

Whereas the matter of the demand for an eight-hour day of the building trades council on behalf of the housesmiths' union, Local No. 73, made to the Housesmiths' Association of San Francisco, has been referred to the building trades employers' association; and

Whereas the statement of the housesmiths' association as to the conditions of industry has been substantiated by a committee appointed for that purpose:

Resolved, That the building trades employers' association indorse the position of the housesmiths' association in the premises, and that the chairman is hereby empowered to appoint a committee of nine to take charge of this matter on behalf of this body, with full power to act.

EXHIBIT No. 48.

[Extracts from minutes of the meeting of the committee of ten, appointed by the building trades employers' association.]

AUGUST 24, 1912.

The meeting was called to order at 1.30 p. m. Mr. P. H. McCarthy opened the meeting with a long speech. He stated that the building trades council had been in session from 11 o'clock that morning until 1.30 p. m., and that the question had been discussed from all points; that the demand for an eight-hour day was not new, and that the building trades council had come to the conclusion that it was their duty to improve the conditions in other parts of the country in order to minimise the effects that would result if the demand for eight hours was enforced, and that they thoroughly realized that the employers could not be expected to do the impossible, or rather that they could not be asked to do things here that are not being done in competing points. The building trades council felt that they had a duty to the members, employers, capitalists, and community in general, and that they must proceed with caution, and that while eight hours maintained on all buildings, it was impossible for them to build a building in an outside town and ship it in, but they realized that it was possible to prepare the steel for a building in an outside town and ship it in, and therefore this line of business came in direct competition with the East, and that owing to this fact the building trades council felt that it was just that the demands of the union for an eight-hour day should be withdrawn. It was therefore agreed that they should work along lines that had existed for many years, and it was hoped that both parties would work for the best benefits of the building industry in general.

Respectfully submitted.

GEO. E. McCARTHY, *Secretary.*

EXHIBIT No. 49.

AUGUST 26, 1912.

Mr. P. H. McCARTHY,
President Building Trades Council of San Francisco,
San Francisco, Cal.

GENTLEMEN: We beg to notify you that contrary to and in violation of the agreement reached between representatives of your body and our committee, acquiesced in by the members of the housesmiths and architectural-iron workers' union, Local No. 78, last Saturday, August 24, 1912, at which time the demand for an eight-hour day in behalf of the housesmiths and architectural-iron workers' union, Local No. 78, was withdrawn, will state that the employees in all the structural steel and ornamental iron shops refuse to go to work this morning except on a basis of an eight-hour day.

Under the circumstances it will be necessary for the members of the master housesmiths' association to replace their former employees with other men, and before instructing them to do so we ask your honorable body to use your best endeavors to induce at once their old employees to return to work, and if you do not succeed replace them with other union or nonunion men under your protection. If you can not comply with this request, we will take it upon ourselves to supply the desired help.

Please let us have your reply not later than 12 o'clock noon August 27.

Believing that the integrity of the Building Trades Council of San Francisco is at stake, and will use its best endeavors to prevent trouble, we remain,

Yours, truly,

COMMITTEE OF TEN OF THE BUILDING TRADES EMPLOYERS' ASSOCIATION,
By ——— ———, *Secretary.*

EXHIBIT No. 50.

EMPLOYERS' ASSOCIATION OF CALIFORNIA,
San Francisco, August 3, 1912.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: Our individual members have been notified by the business agent of the hoisting engineers that on and after to-day they would have to pay

time and one-half for all time taken by the engineers in getting up steam in the morning.

This association passed a motion that they would order their engineers to work at 8 o'clock, and that the other men would have to wait until steam was got up. It was also moved, seconded, and carried "that this matter be referred to the building trades employers' association, and the above action was taken pending the adjudication of the matter by the building trades employers' association."

We would respectfully request you, therefore, to take immediate action on this matter as is possible. We have notified the secretary of the hoisting engineers that this matter has been referred to the building trades employers' association for their adjudication.

Yours, respectfully,

MASTERS' ASSOCIATION OF CALIFORNIA,
By GEO. S. MCCALLUM, *Secretary*.

EXHIBIT No. 51.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
August 25, 1913.

Mr. P. H. MCCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: At a regular meeting of this body held on August 12, 1913, it was regularly moved, seconded, and carried that at the request of the following committee, consisting of Mr. Grant Fee, representing the general contractors, Mr. C. H. Johnson, representing the concrete contractors, Mr. H. J. Ralston, representing the master housesmiths, and Mr. George Cran and Mr. J. G. Williams, representing the erectors' association, "that this body send a communication to the building trades council asking them to notify the building trades employers' association, officially, of the demands of the hoisting engineers on their employers; and that the hoisting engineers be ordered to continue their work under the old conditions pending the settlement of this matter."

I was also instructed to request the building trades council to appoint a committee of five to meet and discuss the matter with our committee as named above.

Hoping to receive an early reply, I remain,

Yours, very truly,

GEO. S. MCCALLUM, *Secretary*.

EXHIBIT No. 52.

[Meeting of committee appointed by Building Trades Employers' Association to investigate demands of the Hoisting Engineers' Union, held in the directors' room of the General Contractors' Association on Monday afternoon, Aug. 25, 1913, at 2 o'clock p. m. Present: Geo. Cran, chairman (steel erectors); Grant Fee (general contractors' association); C. H. Johnson (concrete contractors); H. J. Ralston (master housesmiths); J. J. Connolly (contracting plasterers), by invitation; S. Cowin (steel erectors); J. G. Williams (steel erectors); Wm. E. Hagne, acting secretary (general contractors' association).]

Acting Secretary Hagne reported conversations with P. H. McCarthy over the telephone and advised that Mr. McCarthy would wait on this committee with a committee from the building trades council at 2.30 p. m. with a view to settling the difficulty in conference.

P. H. McCarthy and Mr. McDonald, representing the building trades council, were admitted to the meeting. Later, Murphy, business agent of the hoisting engineers' union, arrived.

Building trades council claimed that a copy of the working rules of the hoisting engineers' union had been served on all the contractors at the time of their adoption some two or two and one-half years previous to this date.

Contractors claimed that the rule as regards the eight-hour day had not been at that time, since nor previous thereto, enforced. Further, that in so much as the rule had never been enforced, it was of the same effect as a new rule. That 90 days' notice of the rule becoming effective should be served on the contractors and demanded that this be done.

Building trades employers' association committee pointed out in support of their demand that 90 days' notice be served on the employers; that this constituted a change in the working conditions, and the fact that the union had adopted in its working rules an eight-hour clause had really no bearing whatever on the question, in so much as the union had never sought to enforce the rule.

The building trades council committee claimed that the rules adopted two years ago could be made operative at this time without any further notice.

The building trades employers' association committee pointed out time and again that it was necessary that this matter be arbitrated. In so much as a number of employers' associations were involved, some of which were not present by representation; stating further, that arbitration was needed to cover such points as how much overtime should be allowed for getting up steam, etc.

It was further pointed out to the building trades council committee that in the recent difficulty between the Master Roofers' Association and the Roofers' Union, the association having locked out its men was instructed to put them back to work pending settlement of the dispute by arbitration, and the building trades council committee was asked to instruct the hoisting engineers to remain at work under the old conditions pending settlement of this dispute by arbitration, proper time to be allowed for said arbitration, if not the full 90 days demanded.

It being impossible to reach any basis of settlement, owing to the stand taken by the building trades council committee that committee prepared to leave the meeting. Before leaving the room Acting Secretary Hague asked P. H. McCarthy point-blank whether this committee was to understand that the building trades council absolutely refused to arbitrate this matter or to give the 90 days' notice requested by the employers. A "yes" or "no" reply being requested, Mr. McCarthy replied "Yes."

The meeting then adjourned to meet again on Thursday afternoon, August 28, 1913, at the same place and hour.

WM. E. HAGUE, *Acting Secretary.*
GEO. W. CRAM, *Chairman.*

EXHIBIT No. 53.

SEPTEMBER 3, 1913.

Mr. P. H. MCCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: At a special meeting of this association held on Tuesday, September 2, 1913, the following motion was duly made, seconded, and carried, and I as secretary was instructed to send you, by the hands of our committee, a copy of same. The motion was as follows:

"That this association instruct the Erectors' Association of California to lay off all their men in San Francisco and Oakland and refuse to put them to work until the building trades council agree to arbitrate the present difficulty with the hoisting engineers.

"That this association instruct the Erectors' Association of California to grant Mr. J. G. Williams permission to go ahead on the Cliff job.

"That the Chair instruct the delegates from each of the affiliated associations to take up the matter with their respective associations, of demanding of the building trades council in all cases where changes of working rules or increase of wages is asked, that 90 days' notice of such change be given to the craft of employers affected."

Yours, very truly,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
Per ——— ———, *Secretary.*

EXHIBIT No. 54.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, September 19, 1913.

Mr. P. H. MCCARTHY,
Building Trades Council, San Francisco, Cal.

DEAR SIR: At a regular meeting of this association the following motion was duly made, seconded, and carried unanimously by the votes of all the associa-

tions whose names are signed to this communication. The motion was as follows:

"We demand of the building trades council that they order all their hoisting engineers and steel erectors back to work on or before Saturday morning, September 13, 1913, under the old conditions, pending the settlement of the difficulties with the hoisting engineers and steel erectors by conference with the Building Trades Employers' Association; and we further demand in the future that 90 days' notice be given the craft of employers affected where change of working rules or increase of wages is asked."

Yours, very truly,

BUILDING TRADES EMPLOYERS' ASSOCIATION.

General Contractors' Association, San Francisco Lumberman's Club, San Francisco Planing Mill Owners' Association, Master Housesmiths' Association, The Lighting Fixture Club of San Francisco, Master Roofers and Manufacturers' Association, Concrete Contractors' Association, The Furniture and Carpet Trades' Association, Sheet Metal Contractors' Association, Electors' Association.

EXHIBIT No. 55.

SEPTEMBER 11, 1913.

Mr. P. H. MCCARTHY,
State Building Trades Council, San Francisco, Cal.

DEAR SIR: Referring to my letter of September 10, I failed to inform you in that communication that a committee of six was appointed to confer with your body should they so desire, in accordance with the terms of the motion quoted in that letter.

Very truly, yours,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
By ——— ———, *Secretary.*

EXHIBIT No. 56.

SEPTEMBER 16, 1913.

Mr. P. H. MCCARTHY,
President Building Trades Council, San Francisco, Cal.

DEAR SIR: Please find inclosed a copy of a resolution which was adopted at a general meeting of this body on September 13, 1913. As secretary of the association, I was instructed to send you a copy of the same for your information.

Yours, very truly,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
By ——— ———, *Secretary.*

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, September 13, 1913.

Whereas the hoisting and portable engineers' union, Local No. 59, made a demand on 24 hours' notice on or about August 2, 1913, on the employers for time and one-half for starting the fires in the engines to raise steam. This is in addition to the $6 per day that they now receive; and,

Whereas the employers deemed this outrageous and unjust inasmuch as said demand was made on the employer without the usual 90 days' notice; and,

Whereas the erectors' association and other employers, after due deliberation, decided it was to their best interests, and to the best interests of the public at large, not to grant this increase, and call a halt to the methods of building trades unions of making demands and enforcing said demands without consulting the employer or giving the employer 90 days' time; and,

Whereas the employers of hoisting engineers refused to grant this increase and instructed their men to fire up at 8 a. m. and the other men to start work as soon as steam was up; the result being that the other men did not go to work until 9 a. m., losing one hour each day; and,

Whereas upon the refusal of employers to pay this hour's time, not earned, the various employers were declared unfair and the union men called off the jobs until said employer paid the men in full for the hour they did not work; and,

Whereas the building trades employers' association requested the building trades council to confer with the said building trades employers' association with a view to adjusting amicably the demands on lines that would be fair to both employer and employee; and,

Whereas after meeting several times with the building trades council, said building trades council, through Mr. P. H. McCarthy, refused absolutely either to give the 90 days' notice or to withdraw the demand of the structural iron workers for pay during time when the men were not working, a ruling never before heard of in building operation; and,

Whereas the building trades employers' association, at a meeting held on September 10, 1913, sent a written demand to Mr. P. H. McCarthy, president of the building trades council, demanding that all men be sent back to work under the old conditions, on Saturday, September 13, 1913, pending conference upon the entire matter, and asking him to appoint a committee to meet a like committee from said building trades employers' association; and,

Whereas said Mr. P. H. McCarthy and said building trades council refused and failed to send the men back to work on September 13, 1913, now, therefore, be it

Resolved, That the building trades employers' association demand and hereby does demand of said Mr. P. H. McCarthy, the building trades council and any and all unions affected by this strike, that all men return to work under the old conditions on or before the morning of September 18, 1913; and, be it further

Resolved, That in case the men fail to appear for work on or before the 18th day of September, 1913, the members of this building trades employers' association will close down and suspend operations on Monday, September 22, 1913, in their various plants and upon all buildings they may have in course of construction in the city of San Francisco and Oakland until such time as the building trades council agrees to put their men back to work under the old conditions and give the employers the 90 days' notice of any proposed change of conditions and further agrees to arbitrate or otherwise adjust the entire controversy; and be it further

Resolved, That a copy of this resolution be sent to Mr. P. H. McCarthy and the building trades council.

EXHIBIT No. 57.

SEPTEMBER 19, 1913.

The following resolution was passed by the executive committee of the building trades employers' association at a meeting held on the above date:

"That the secretary immediately send to Mr. P. H. McCarthy to notify Mr. P. H. McCarthy and the building trades council, that Mr. Charles Wright presented his request to the executive committee of the building trades employers' association and that this executive committee will convene between the hours of 8 and 9, in room 317, Pacific Building, on this Friday night. If the building trades council will notify this committee in writing between those hours that the building trades council will accede to our two demands of September 15, 1913, namely: First, of putting the men back to work immediately under old conditions; second, of giving 90 days' notice of the demands of the hoisting engineers of time and one-half for time used in getting up steam; our notices of suspension of operations will not be posted to-morrow morning."

EXHIBIT No. 58.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, December 8, 1913.

It is hereby agreed that the hoisting and portable engineers' day's work shall be from 7.45 a. m. to 12 noon and from 12.50 p. m. to 5 o'clock p. m.

Where the engineer is required by the employer to get up steam in the morning he shall report at 7.15 o'clock a. m., and receive for such overtime 50 cents.

Building Trades Employers' Association:
R. B. MOORE.
CHAS. WRIGHT,
H. J. RALSTON.

Building Trades Council:
P. H. MCCARTHY.
P. C. MACDONALD.
J. J. MURPHY.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
December 6, 1913.

MR. P. H. MCCARTHY,
President Building Trades Council, San Francisco.

DEAR SIR: Will state that the Building Trades Employers' Association, in line with our recent agreement to meet and arbitrate, if necessary, the question of time and one-half as demanded by the hoisting engineers for overtime for get-up steam in the morning, have appointed a committee of three to meet with a like committee from your council, and as the 90 days will shortly expire we ask that the joint committee meet at the earliest possible moment.

Yours, very truly,

R. B. MOORE, *President.*

EXHIBIT No. 59.

SAN FRANCISCO, *September 19, 1913.*

To the BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA.

GENTLEMEN: Agreeable to decision rendered by Charles Wright, to whom the building trades council submitted the agreement entered into with the individual steel-erecting contractors in 1910 for a decision as to its validity, and since the said Charles Wright has decided that the agreement does not hold because of its being violated continuously by both parties to the agreement, and since the question has continued to occupy such unsettled conditions, it is agreed that we now, in conformity with the laws of the building trades council, serve notice that 90 days from date overtime at the rate of time and one-half will be charged whenever the engineer is employed to get up steam in the morning.

P. H. MCCARTHY,
President San Francisco Building Trades Council.

EXHIBIT No. 60.

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

————, being first duly sworn, deposes and says that he is a general contractor doing business in San Francisco, and conducting his work in harmony with the building trades council; that in the conduct of his business it became necessary for him to figure work in behalf of his firm for certain buildings for the Panama-Pacific Exposition Co.; that prior to figuring and submitting bids for such work, in order to protect his interests and make sure of the conditions that would regulate and govern certain classes of work to be done, he sought information from Mr. H. D. H. Connick, director of works of the Panama-Pacific Exposition Co. and from the building trades council; that among other classes of work on which information was sought particular inquiry was made as to what craft would do the placing and nailing of staff work; that affiant was notified and advised by Director of Works Connick of the Panama-Pacific Exposition Co. and by several officials of the Building Trades Council of San Francisco, that the rules of the building trade department require that the framing and nailing of staff would be done by carpenters; that acting upon this information and the further knowledge that on all previously constructed expositions this work was framed and nailed by carpenters; that acting on this information affiant figured on the basis of using carpenters to nail up staff.

———— ————.

Sworn to before Notary D. B. Richards.

STATE OF CALIFORNIA,
City and county of San Francisco, ss:

William E. Hague, being first duly sworn, depopes and says that is now and has at all times during the three years last past, been the secretary of the general contractors' association, incorporated; that he witnessed the signatures of the following-named individuals, to wit, Lange & Bergstrom, Strehlow, Freese & Peterson, McLaren & Peterson, John Monk, Reese & Rountree,

to the original affidavits of which the above is a true and correct copy in all particulars and respects as to the substance thereof; that the original affidavits hereinbefore referred to were, on the 15th day of January, 1914, transmitted through the United States mail, with the postage thereon prepaid, to the American Federation of Labor; that said original affidavits can not therefore be made a part hereof.

WILLIAM E. HAGUE.

Subscribed and sworn to before me this —— day of August, 1914.

[SEAL.] L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 61.

NOVEMBER 21, 1913.

Mr. WILLIAM J. SPENCER,
Secretary Building Trades Department,
American Federation of Labor, Seattle, Wash.

DEAR SIR: We, the undersigned contractors, who up to the present time constitute all the contractors erecting buildings for the Panama-Pacific International Exposition Co., in San Francisco, do emphatically enter our protest against the plasterers putting up staff work on the various buildings.

We know from experience that carpenters are more competent to do this work than plasterers, as the plasterers so far employed have proven themselves to be inexperienced and incompetent in performing this class of work satisfactorily. Further, it has been the custom at all previous expositions in this country for the carpenters to nail up staff.

We figured this work to be put up by carpenters as carpenters' tools only are used, and there is much other woodwork to be done in connection with staff. We have several millions of dollars invested at present in these buildings. We were told by the exposition company and the representatives of the building trades council of this city that there would be no jurisdictional disputes during the construction of the fair buildings, and that this work was to be done by carpenters. We figured accordingly and now the plasterers demand that this work be put up by them. We believe this is unfair to us, the exposition company, and the building trades council.

This demand of the plasterers will not be conceded by the contractors building these buildings, as it would mean a great financial loss to us, which we can not afford.

We earnestly request you to present this matter to the proper committee so that our position will be clearly understood.

The contractors in San Francisco are at the present time, and have been for many years past, on the most friendly terms with the building trades council of this city, and it is our desire that nothing happen to disturb this friendly relation that has been so satisfactory to the building trades council and the contractors of San Francisco.

Hoping this communication will be received in the same spirit it is written, and with best wishes for the American Federaton of Labor, we are,

Yours, very truly,

LANGE & BERGSTROM.
W. W. ANDERSON & CO.,
Per DAN R. WAGNER.
STEEHLOW, FREESE & PETERSEN,
Per R. C. STEEHLOW.
REESE & ROUNTREE,
Per E. L. REESE.
I. MONK.
NEIL A. McLEAN.
McLEAN & PETERSEN.

EXHIBIT No. 62.

[Telegram.]

NOVEMBER 28, 1913.

To P. H. MCCARTHY,
Washington Hotel, Seattle:

What is the decision of the federation about nailing on staff? Wire immediately. Collect.

A. H. BERGSTROM.

No reply received to this telegram. P. H. McCarthy returned to town a few days later. The building trades council in San Francisco replied over the phone to go ahead with carpenters.

EXHIBIT No. 63.

Whereas the journeymen plasterers have struck on all plasterwork in progress in San Francisco, on account of the staff work on world's fair buildings being put up by carpenters; and

Whereas said strike is not authorized by the building trades council and is in direct violation of the decision of said council in this controversy (that nailing up of staff in the exposition buildings should be done by carpenters); and

Whereas this is a jurisdictional dispute only as between carpenters and plasterers:

Wherefore be it

Resolved, That the stand of the members of this association doing plaster work in the exposition grounds and elsewhere in installing staff work with carpenters be accorded the full support of the organization; further

Resolved, That the members of this association be requested to secure such journeymen plasterers as are obtainable and proceed with plaster work in their contracts wherever possible.

The above resolution was adopted at a meeting of the members of the general contractors' association held on Wednesday afternoon, December 17, 1913.

EXHIBIT No. 64.

Whereas Local Plasterers' Union, No. 66, has demanded 50 per cent of the labor involved in nailing up staff work on exposition buildings, at a labor increased cost of 50 per cent, which work has heretofore, at all previous expositions held in the United States, been performed by carpenters only; and

Whereas the Building Trades Council of San Francisco have awarded this work to journeymen carpenters only, in accordance with an understanding between the Panama Pacific fair officials, the building trades council, and the contractors, before the contracts were awarded, as a result of which decisions the members of Local Plasterers' Union, No. 66, have walked out on all plastering work in San Francisco; and

Whereas the Building Trades Council of San Francisco has therefore organized a new local union of journeymen plasterers, known as Plasterers' Local Union No. 1, and which action has received the support of the General Contractors' Association of San Francisco: Therefore be it

Resolved, That the members of all organizations affiliated with the building trades employers' association and the individual members thereof hereby indorse said action of said Building Trades Council of San Francisco.

EXHIBIT No. 65.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

John Biller, being first duly sworn, deposes and says: My name is John Biller; I reside in the city and county of San Francisco; I am by occupation a contractor. On or about the 10th day of January, 1914, I was engaged in erecting a building on the west side of Larkin Street, south of California Street, in said city and

county. At about 5 o'clock in the afternoon of said day I saw a number of men whom I recognized as plasterers and hod carriers walking by the building which I was erecting. The men working for me quit about 5 o'clock that day and I walked up California Street with some of them. While standing near the corner of California and Larkin Streets waiting for a car I saw that there were from four to five of the plasterers who had passed the building, and whom I knew to be members of Local Union No. 66, standing on each corner, and some other members of that union were standing in the middle of the block.

There was a job of plastering being done on the east side of Larkin Street just north of California, and I saw at least four or five plasterers, members of Local Union No. 66, on each corner, with others scattered throughout the block; while waiting there I saw two plasterers come out of the building on Larkin Street, near California, that I have just mentioned; when they reached the corner of California and Larkin Streets they were stopped by some of the members of Local Union No. 66 who were standing there and whom I recognized as plasterers and hod carriers; they stopped these men who had just left the other job and called them all sorts of names, including son of a bitch, skunk, scab, and cur. One of the members of 66 got so angry that he knocked one of the men who had just quit the other building down; there were two of these men together who had so quit the job that I have mentioned, and when the other fellow saw his coworker knocked down, he ran and got on a California Street car; after the plasterers, who was a member of 66, had knocked this man down he started to jump on him and I hollered and started toward him; he immediately left the man and started for me; there were two or three of his own kind who got between us and would not let him attack me; while we were arguing the question, a watchman from this latter job came out of the building and he was knocked down by one of these plasterers, a member of 66, and kicked in the face by the same man. I recognized these men who made the attack as plasterers of No. 66. After that the men all broke away and ran. When the man who had knocked the plasterer down started toward me it gave the plasterer a chance to run and he ran into a private residence for protection. After the other plasterer had knocked the watchman down and kicked him in the face they all scattered and ran in different directions. We followed the man who had knocked the watchman down, thinking that we might get an officer to arrest him, but we lost track of him in making some of the corners, and I suppose he hid in some out-of-the-way place.

JOHN BILLER.

Subscribed and sworn to before me this 27th day of August, A. D. 1914.

D. B. RICHARDS,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 66.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Frank W. Aitken, being first duly sworn, deposes and says: My name is Frank W. Aitken; I reside in the city and county of San Francisco, and am an attorney at law duly admitted to practice and practicing in said city and county. On Saturday, the 17th day of January, 1914, I went with one Louis Salinas to the Mission Police Station for the purpose of having a search made of the meeting place and headquarters of the plasterers' union, under a search warrant issued on a charge brought by Salinas, that he had been attacked by certain members of said union, and that they had taken away his kit of tools from him and told him that he would find them at the said headquarters, the address of which he claimed they had then given him by writing the same in his pocket memorandum book. On said day, about 4.30 p. m., Salinas and I, accompanied by three or four police officers, visited said union headquarters and said officers searched the same, but did not find said kit of tools. At the time we were at the said headquarters there were about a hundred men there, whom we were told were all members of the union. We were at the said headquarters for a half or three-quarters of an hour, at the end of which time Salinas, one of said officers, and I walked from the headquarters at Fourteenth, near Church, Street, to the junction of Church, Market, and Fifteenth Streets, about two blocks

away, where the officer left us and started to walk down Market Street. I made an appointment with Salinas for the following Monday and walked over to the drug store to send a telephone message before going home. Just as I turned toward the store, and as Salinas was starting to cross Market Street to take a car, one of the men who had been in the union's headquarters, and who, with about a dozen others, had followed us when we left there, attacked him from behind, struck him on the side of the face with his fist and knocked him down; at the same time another man who had been in the headquarters and who had followed us, also struck him, and two or three others who had been standing on the opposite corner of Fifteenth and Church Streets ran over toward him, shouting, "That's right; kill the scab. Kill him," etc. The officer who had been with us had crossed Church Street when Salinas was first struck; hearing his outcry he turned and came running back and seized the man who had first struck Salinas and who had continued to pummel him during the time the officer was returning. All of the other men scattered when they saw the officer returning. The man who was seized by the police officer was placed under arrest and taken in the patrol wagon to the station. Both of the men who struck Salinas were men who had been in the headquarters when we were there, and who then at a time when Salinas and I were alone in said headquarters and the officers were engaged in making search for the tools, had threatened that when they got a chance they would fix him so he would not need any tools any more.

FRANK W. AITKEN.

Subscribed and sworn to before me this 28th day of August, 1914.

D. B. RICHARDS,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 67.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Grant Fee, being first duly sworn, deposes and says: My name is Grant Fee; I reside in the city and county of San Francisco, and by occupation I am a contractor.

On or about the 3d or 4th day of January of this year, on the attention of the chief of police being called to the necessity of protecting plasterers engaged in work then under construction, he ordered certain officers specially detailed to protect said plasterers and to see that no violence occurred on any of the various buildings where plastering work was being done. Some days afterwards, about, to wit, the 7th or 8th of January, I learned that these officers had been withdrawn from this detail; I was unable to get into communication with the chief of police on that day, but on the following day, that is, the 8th or 9th of January, Mr. William E. Hague and I went down to Chief of Police White's office in the Hall of Justice to make inquiries as to the reason why the officers so detailed had been withdrawn from said detail. The chief stated that he did not know of the officers having been withdrawn, or of any order, excepting his order for officers to be so detailed, but that on the day previous to the interview he had been indisposed and not at his office. He then rang for the chief clerk and asked him if any orders had been given withdrawing the said special details. The chief clerk came in and stated that on the previous day a message came to him over the phone ordering him to withdraw the special detail from this class of duty; that the party speaking had stated that he was Mr. Rolph, the mayor. On the chief then asking the chief clerk if he was sure it was the mayor, the chief clerk's reply was that he was not sufficiently familiar with the mayor's voice to be positive of it, but he was satisfied in his own mind that it was the mayor, and that he had issued the order accordingly.

The chief at that point threw up his hands and said, "Well, you see where I am; that's above me." We thanked the chief for his courtesy, and retired from the office.

GRANT FEE.

Subscribed and sworn to before me, this 27th day of August, A. D. 1914.

D. B. RICHARDS,
Notary Public in and for the City and County of San Francisco, State of California.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

William E. Hague, being first duly sworn, deposes and says: I have read the foregoing affidavit of Grant Fee; the facts therein set forth as to the visit of Mr. Fee and myself to the office of the chief of police and our conversation with him and with the chief clerk are correct.

WILLIAM E. HAGUE.

Subscribed and sworn to before me, this 27th day of August, 1914.

D. B. RICHARDS,
Notary Public in and for the City and County of San Francisco, State of California.

EXHIBIT No. 68.

CASUALTIES.

January 6.—Messrs. Phelps, Hansen, and Weakley, who had been working on the exposition grounds, while returning from their work were assaulted at Fillmore and Broadway and beaten.

January 7.—W. H. Seeman and E. Judd, who had been working at Geary and Stockton Streets, were badly beaten upon their return to hotel at Sixth and Howard Streets, at 5.45 p. m., and Seeman had to remain in hospital for four days, while Judd was confined to his bed. Both men were badly beaten and stamped upon. In the morning strikers got into the work at Geary, west of Hyde Street, and drove plasterers off from the job.

January 8.—L. G. Dagle, foreman for MacDonald & Kahn job at Fifth and Mission Streets, was badly beaten and cut with brass knuckles as he went down a little early to start up the work. At 5.15 p. m. two men, working on the Cahen job (Rosenberg, owner) at Larkin and California Streets, were attacked and the watchman on the job was badly beaten because he blew a police whistle. The third man on the job was caught on his way home, and refusing to join union No. 66 was roughly handled, and told that if he went back to work on the job he would be killed. In the evening materials were destroyed at 2056 Mission Street, on Ward & Goodwin job.

January 9.—At 7.30 a. m. Al Smith, a hod carrier for Ward & Goodwin, was attacked and beaten up in front of the Phelan Building on his way to work.

January 9.—Between 1.30 and 2 p. m. two plasterers were badly beaten up near 457 Ellis Street.

EXHIBIT No. 69.

JANUARY 10, 1914.

Hon. JAMES ROLPH, Jr.,
Mayor of the City and County of San Francisco,
City Hall, 1361 Market Street, City.

DEAR SIR: This association, on behalf of its members and the building industry of this city, and the many who have suffered heavy financial loss, wishes to call to your attention the unlawful acts which are being committed daily. We allude to certain journeymen plasterers who are congregating around the various buildings being plastered in this city in large numbers and with a view to committing violence upon plasterers at work on same.

Several months ago a jurisdictional dispute arose between the journeymen plasterers and journeymen carpenters of this city on the nailing up of staff work on exposition buildings, and as a result of the controversy the local Plasterers' Union, No. 66, walked out and refused to work on any building in this city. The building trades council then formed a new union, and this association, having in mind the best interests of the citizens of this city, has been endeavoring to carry on the work on buildings now under construction by employing such plasterers as have joined the new union.

During the last week numerous instances of violence have occurred, and it has been impossible to protect the men working on the various buildings.

Inclosed herewith you will find a partial list of casualties which have occurred from day to day.

We wish to call to your attention the necessity of protecting the men of the new union who are willing to do the work that Plasterers' Union, No. 66, has refused to do.

We earnestly request that you use such power at your command as will enable us to carry on the work in this city without having our men assaulted.

Trusting that this communication will receive your usual careful attention, and assuring you that we are willing to cooperate with you in a reasonable solution of this trouble, we are,

Respectfully, yours,

GENERAL CONTRACTORS' ASSOCIATION.

EXHIBIT No. 70.

MAYOR'S OFFICE,
San Francisco, January 12, 1914.

Mr. CHARLES W. GOMPERTZ, *President.*
Mr. WILLIAM E. HAGUE, *Secretary,*
General Contractors' Association, 110 Jessie Street, San Francisco.

DEAR SIRS: Your letter of January 10, 1914, has been received by me to-day.

I regret deeply the unfortunate controversy to which it relates.

Much as I wish that some opportunity were afforded me of settling this disastrous dispute, it is, of course, not within my power as mayor.

My official powers are limited to the enforcement of law and order—to compelling both sides of every dispute to keep within the law. To this end all my authority will be exerted.

The peace of the city must not be disturbed.

I have ordered the chief of police to investigate the statements contained in your letter, and demand that nothing be left undone to enforce the law impartially and maintain absolute order.

Yours respectfully,

JAMES ROLPH, Jr., *Mayor.*

EXHIBIT No. 71.

JANUARY 16, 1914.

Mr. JAMES ROLPH, Jr.,
Mayor of San Francisco, San Francisco, Cal.

DEAR SIR: At a regular meeting of the Building Trades Employers' Association of San Francisco, composed of general contractors' association, concrete contractors' association, San Francisco Lumbermen's Club, master housesmiths' association, San Francisco Planing Mill Owners' Association, the furniture and carpet trades' association, sheet metal contractors' association, the Lighting Fixture Club of San Francisco, Erectors' Association of California, master roofers' and manufacturers' association, cabinet manufacturers' association, and individual members, held on January 14, 1914, the president was instructed to communicate to you their unanimous prayer that you employ your best efforts to maintain law and order in the city and protect law-abiding union mechanics while at their employment and in pursuit of life, liberty, and happiness from assault by organized gangs of plasterers now on strike or by their sympathizers.

The writer believes that every person whether beggar, workman, or capitalist alike is entitled to full protection while living within the law if it takes all of our police force to accomplish it.

Believing that you feel the same and will, without reserve, grant this protection to the fullest extent regardless of the merits of the present controversy over jurisdictional disputes between workmen, I have the honor to remain,

Your obedient servant,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
———— ————, *President.*

EXHIBIT No. 72.

MAYOR'S OFFICE,
San Francisco, January 17, 1914.

Mr. R. B. MOORE,
President Building Trade Employers' Association,
533 Pacific Building, San Francisco.

DEAR SIR: Your communication of even date was received by me at 4.10 p. m., contents noted, and I hasten to apprise you of the fact that during my term of office nothing has been left undone to enforce the law, and, in the controversy to which you direct my attention, impartially maintained absolute order.

Very truly, yours,

JAMES ROLPH, *Mayor.*

EXHIBIT No. 73.

JANUARY 16, 1914.

Mr. P. H. MCCARTHY,
President Building Trades' Council, San Francisco, Cal.

DEAR SIR: Following the unanimous instructions given the writer at a meeting of the building trades employers' association, held on January 14, 1914, I most respectfully ask that you do all in your power to protect plasterers holding union cards of Local Union No. 1 while at their work and going to and from their dwelling places against organized gangs of Plasterers' Union No. 66, or their sympathizers who have in the past and, no doubt, will endeavor in the future to maltreat them; and that you will also endeavor to supply all plasterers necessary to enable the work on hand to be completed with safety and without violence against the plasterers of Local Union No. 1.

Believing that this request will be complied with as far as you are able to do so, I am,

Yours, respectfully,

BUILDING TRADES EMPLOYERS' ASSOCIATION,
———— ————, *President.*

EXHIBIT No. 74.

STATE BUILDING TRADES' COUNCIL OF CALIFORNIA,
San Francisco, January 17, 1914.

Mr. R. B. MOORE,
President Building Trades Employers' Association,
Pacific Building, City.

DEAR SIR: Replying to your favor of the 16th, I beg to advise that the bricklayers and plasterers' strike is a thing of the past. The plasterers organization, as a result of a long conference in this office held yesterday afternoon, agreed to abide by the laws, rules and regulations of the building trades council and resume work on Monday, affiliated with the San Francisco Building Trades Council and the State Building Trades Council of California, in accordance with the laws of the said organization.

Also that all plasterers now working in San Francisco and carrying the current quarterly working card of the State building trades' council be on the same footing as all other members of Golden Gate Lodge, No. 66, placed in good standing in that organization, entitled to all the rights, privileges, and benefits, including insurance of the international organization of plasterers.

Also the local union of plasterers known as Casters and Molders, No. 400, be reinstated in good standing and with full benefits of the international organization.

The carpenters are to continue solely and alone to frame, erect, and nail up staff work, as they are now doing, in accordance with the law, subject to the decision as laid down in section 6 of the agreement made by labor for labor with the Panama-Pacific Exposition Co., signed in August, 1912.

As a result—and the work was by no means an easy task—peace and harmony will reign, and we hope will continue to reign more particularly now that we have demonstrated to some that the law must be lived up to.

Believing that this will give you the required information, as well as considerable peace of mind, I, with sincerest wishes, have the honor to remain,

Yours, very sincerely,

P. H. McCARTHY.

EXHIBIT No. 75.

SAN FRANCISCO BOYCOTTED.

THE CITIZENS' ALLIANCE OF SAN FRANCISCO,
San Francisco, Cal.

For years it has been the policy of the San Francisco men of affairs, and indeed of the citizenry in general, to side-step every important issue in connection with labor or industrial difficulties.

Every time it has been brought forward that important interests and powerful business associations should decide as between a false and true economic policy the business man of San Francisco has timidly stepped aside; there are times, however, when he must take the burden of decision on his own shoulders; just now, and because of this very bad habit of side-stepping, a very grave danger threatens our business interests.

The entire Northwest is aflame against San Francisco and every industrial and commercial body in that section is passing resolutions with a view to bringing San Francisco to time in a case of gross discrimination as to the chief products of the Northwest, namely, finished pine or fir. It is demanded that San Francisco clean up this matter, and it is asked of the smaller and larger business interests here that that pressure be brought to bear to make the milling interests of San Francisco abrogate the existing agreements between themselves and the journeymen millmen's unions. It is claimed and not denied that some 11 years ago the millmen of San Francisco and the millmen's unions entered into an alliance by which the finished fir and pine products of the northwestern country were denied an entrance to this city. This agreement, through the tacit consent of the contractors, the builders, and the architects, was put in force and every stick of finished fir or pine on the unfair list of the unions was denied admittance to this city, and the embargo has been effective for the time mentioned and is still in effect. This embargo affects not only the Northwest, but all sections of California where lumber is fashioned into dressed joists, window and door frames, and windows and doors.

I have just been notified of a new feature developing in this situation. This consists in the northwestern buyers of San Francisco-made goods refusing to further trade in this center until such action is taken by the local mill owners and the unions to open the market to the product of the Northwest for their finished pine and fir. It is the idea of those behind the boycott to attack the vendors here, manufacturers, dealers, or agents, and to notify them that until a fair attitude is adopted toward all outside communities San Francisco, in its false economic position, will be isolated. The Northwest, thoroughly aroused, through its lumber dealers and through its commercial bodies and individual manufacturers, asks for a free importation of its lumber in this market, or, if that is denied, the same interests proposes a boycott of all manufactured goods made in San Francisco or sold by San Francisco agents, jobbers, or brokers. It is the intention of those having charge of the campaign against this unholy and unfair business agreement to so act that San Francisco will be forced to open its doors to the lumber trade of the Pacific coast. The information as to intentions is absolutely reliable, and it is the intention of the northwestern people to force this issue upon us.

By following such a course the cities of Portland, Seattle, and Tacoma, as well as the smaller jobbing and manufacturing centers of the Northwest, will certainly benefit greatly, for if we lose our trade as jobbers and manufacturers through such a widespread boycott (the demand remaining) the trade previously coming here is sure to center in the communities mentioned.

It is evidently a serious movement and of great magnitude, for already all of the commercial organizations of the Northwest have memorialized the Chamber of Commerce of San Francisco and other commercial and industrial bodies with the request that the market be opened up to the fir product of the Northwest when the same comes here in a finished form. Will the mill

owners of San Francisco rise to the occasion and save the city from a most disastrous warfare? This is an issue which can not any longer be sidestepped by San Francisco and which calls for the exercise of the highest kind of patriotism and unselfishness on the part of the mill owners. The question is whether they will be equal to the occasion, whether this commendable patriotism will be lacking, as usual, whenever a like occasion has been presented in other crafts to free the city of the incubus of union labor. If they do not free the city voluntarily now, they know the danger threatening. They may be forced to take notice by the community action in the Northwest against each individual vendor or manufacturer.

By complying with the request of the Northwest the mill owners and the entire community will certainly benefit, for the cost of building will be lessened to a very material extent. There will be an impetus given to building operations, especially in the building of small homes, for the local price of finished fir and pine products is to a very large degree enhanced locally by the embargo placed on the product of the Northwest. The mill owners themselves acknowledge that the placing of the embargo has practically nullified all of their efforts to obtain trade outside the city and the carload shipments of milled stuff out of San Francisco. These were features of the city's business before the embargo was put on. Now the export of milled stuff is practically a myth. They bargained their right to trade outside for a mess of pottage.

They saddled an enormously enhanced cost of construction on the entire community as the result of their surrender to the unions.

There is another danger so interwoven in this threat of boycott that it should be mentioned, too, in this connection. The Northwest makes the threat that it will not participate in the Panama-Pacific International Exposition unless this matter of the exclusion from this market of its most valuable product is straightened out to the satisfaction of its people. The threat is made openly in their commercial and industrial organizations that there will be no participation until they know the discrimination has ceased to exist. This is something San Francisco must face now, and by causing the millmen to stop their practices in connection with labor unions remove the cause for dissatisfaction among the neighbors to the north.

To every right-thinking citizen the idea of a boycott must be abhorrent. Communities, just as individuals, resent the use of the boycott as a weapon to coerce or as reprisal for wrongs committed. Yet there seems to the people of the Northwest no other weapon to bring us to our senses on this subject. We have deliberately allowed certain unionized crafts and manufacturers to cut out or exclude the products of outlying communities, and we have, when our attention has been called to the unfairness of such conditions, taken absolutely no action to remedy the situation. And yet we have gone on and on, expecting to retain the trade of the very communities we have excluded from San Francisco.

We must stop this boycott. We can not afford to have it affixed to us. We must clean house and adopt progressive modern policies and the open shop. We must compel industrial prosperity to abide with us. We must get back our factories and our pay rolls. Without the workingman we can not exist. Agreements such as the one under discussion have driven prosperity away. It is known among business men that it is easier to retain a customer by being fair and courteous than it is to get him back after he has been driven away by discourtesy and unfairness. Let us prevent the boycott now rather than rest in inaction while the trade is lost to us through the continuance of this exclusion of the Northwest fir products.

Unless we lose our commercial prestige through our own foolish cowardice there is no city that may wrest from us our trades and industries. Our prestige and advantages may only be retained by fighting for them. We can not on the one hand claim the patronage of the Northwest and on the other deny our patronage to the Northwest and hope to escape a loss of trade. We must be fair, above board, and square. Just now, as far as the northwestern boycott is concerned, we are none of the three.

This letter is sent to you to bring the condition to your notice, and I trust I may be favored with a reply as to your intentions. In other words, what are you, as an individual, going to do about it?

WILLIAM L. GERSTLE, *President.*

EXHIBIT No. 76.

SPRINGFIELD, OREG., *August 17, 1914.*

The PARAFFINE PAINT CO.,
San Francisco, Cal.

GENTLEMEN: Your letter of the 15th directed to Fischer-Bally Lumber Co. has reached our hands. Wish to say that what little roofing we need now we purchase from Boutin-Parks Lumber Co., of Eugene, Oreg. We have been thinking, however, of discontinuing the purchase of roofing from any San Francisco company. The bay points will allow no finished lumber to be shipped in, so we feel justified in retaliating by refusing to purchase finished products from such points.

Yours, very truly,

FISCHER BOUTIN LUMBER CO.,
By CARL E. FISCHER, *Manager.*

EXHIBIT No. 77.

[Telegram.]

SEATTLE, WASH., *May 21, 1912.*

BUILDING CONTRACTORS' ASSOCIATION,
Pacific Building, San Francisco, Cal.

It is our emphatic opinion that your efforts should be actively and positively directed to discourage and protest against any action on the part of organized labor which might result in a breach of reciprocal trade relations between coast localities. A boycott against our lumber would certainly result in counteraction against your agricultural products, injuring both localities without accomplishing any material advantage to either. We hope that sober judgment will obtain in handling so important a question.

H. S. STINE,
President Pacific Coast Shippers' Association.

EXHIBIT No. 78.

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., August 22, 1912.

BUILDING CONTRACTORS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: We herewith respectfully transmit and call to the attention of your honorable body a report and resolution from the mercantile affairs committee of this chamber with reference to the boycott maintained in San Francisco against finished lumber products from the Pacific Northwest. The resolution carries with it the indorsement of the board of trustees.

Yours, respectfully,

C. B. YANDELL, *Secretary.*

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash.

BOARD OF TRUSTEES,
New Seattle Chamber of Commerce.

GENTLEMEN: Your committee on mercantile affairs respectfully reports on the request by the lumbermen of the Pacific Northwest for assistance in securing the removal of the boycott maintained in San Francisco against finished products from this section, as follows:

The boycott has been in existence since 1901. Your committee has held two conferences with representative lumber manufacturers of this city and State, and as a result of these conferences the committee adopted a resolution and respectfully recommends to the board of trustees that its expression be carried into effect, as follows:

"*Resolved*, That after a careful consideration of the present boycott of Washington lumber products by the lumber yards, planing mills, and factories of San

Francisco and other bay points, we are convinced that the boycott is inspired and maintained by selfish motives on the part of the mills, and that in order that the friendly relations existing between the business interests of Washington and San Francisco may be maintained in the future it is necessary that the boycott be removed as promptly as possible; otherwise it is feared that an important portion of the mercantile and manufacturing interests may be forced to rtaliate, portion of the mercantile and manufacturing interests may be forced to retaliate in like manner against the products of California.

Respectfully submitted.

D. E. FREDERICK, *Chairman.*
N. ECKSTEIN.
J. C. LANG.
I. H. JENNINGS.
J. N. JACKSON.
E. RICHTER.
H. R. KING.

Adopted by board of trustees, new chamber of commerce.

C. B. YANDELL, *Secretary.*

AUGUST 20, 1912.

EXHIBIT No. 79.

FEDERATION OF EMPLOYERS ASSOCIATIONS OF THE PACIFIC COAST.
Portland, Oreg., September 19, 1912.

To the associate secretaries:

I am in receipt of a copy of a letter sent to the merchants of this city by the Portland Chamber of Commerce regarding the embargo situation, of which letter the inclosed is a copy.

Thinking that you might be interested I inclose same.

Yours, very truly,

FEDERATION OF EMPLOYERS ASSOCIATIONS OF THE PACIFIC COAST,
By W. C. FRANCIS.

Mr. MCCALLUM.

PORTLAND CHAMBER OF COMMERCE,
Portland, Oreg., September 17, 1912.

DEAR SIRS: San Francisco maintains a boycott against the use of dressed lumber products shipped from the Pacific Northwest. We are satisfied that this boycott is not sanctioned or approved by the leading business men of San Francisco. This discrimination exists to such an extent that the lumber interests of Oregon and Washington, which are very great, are aroused and entertain a feeling of resentment against the business community of San Francisco. This resentment threatens to seriously interfere with participation in the exposition by the people of the Northwest Territory.

We suggest that you write a strong letter to the individuals and firms in San Francisco from whom you buy your goods, calling attention to this discrimination, and ask that they use their influence with the proper authorities to the end that this boycott may be removed.

It will be well for them to get in touch with the general contractors' association, 402 Kearny Street, San Francisco, and to also register a protest with the chamber of commerce of their city.

Portland buys from San Francisco in the neighborhood of between seven and eight million dollars annually, independent of citrus, fresh fruits, and fresh vegetables. It therefore should be to the interest of the California houses from whom you purchase goods to take an active hand in trying to change this condition, and particularly at the time when the different States are being asked for large sums to participate in the Panama-Pacific Exposition.

Yours, very truly,

_____, *Secretary.*

EXHIBIT No. 80.

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., May 9, 1912.

BUILDING CONTRACTORS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: The officers of this chamber have been advised by the Federation of Employers' Associations of the Pacific Coast that an embargo on fir products is sought to be placed in San Francisco and in points around San Francisco Bay, particularly on the products from the Pacific Northwest.

We assume that if such is the case it is entirely without the knowledge of the commercial organizations and business interests of your city generally, as we are satisfied they would in no sense countenance an attempted boycott of the products of Washington and Oregon. As this chamber has had occasion in the past to declare, it has no defense to offer for any manufacturing concern of this State which attempts to impose inferior goods on the people of California or which fails to deal in a proper straightforward business way with the consumers of your State, or of any other section of this country. We do insist, however, that Washington products are entitled to fair play and to as favorable consideration as is given to those from other parts of the country.

If the report which has been furnished us is correct, we know that it does not represent the business judgment of the people of California. You undoubtedly will realize, as we do here, that if a boycott or an embargo should be enforced with any general effect against the fir products of the Pacific Northwest it would arouse prejudice among our own people against California products for which we furnish an enormous market.

A discrimination at this time against Washington and Oregon products would probably be construed as a sort of declaration of war, an effect which it would be difficult for all of our commercial organizations to counteract, especially when the time comes to ask from the legislature of the State an adequate appropriation for representation at the exposition.

We feel that nothing should be permitted to disturb the cordial relations now existing among the commercial organizations of the Pacific coast. We are anxious to be advised if there is any real foundation for this threat of an embargo, and shall very highly appreciate whatever you may be able to do to ascertain the facts and to fix the responsibility for such a movement should it exist.

Assuring you of our appreciation of any efforts you may make in this direction, we are,

Yours, very respectfully,

J. D. LOWMAN, *President.*
C. B. YANDELL, *Secretary.*

P. S.—Similar letter is sent to San Francisco Chamber of Commerce.

EXHIBIT No. 81.

REPORT OF ARBITRATION BOARD.

SAN FRANCISCO, *February 19, 1901.*

To the joint committee representing the Building Trades Council of San Francisco and the San Francisco Planing Mill Men's Association.

GENTLEMEN: Your board of arbitration selected by you as per agreement, dated and signed February 13, 1901, beg leave to report that after hearing the statements of both sides relative to the matter in dispute and after a careful review and consideration of the situation in all its bearings have come to the conclusion as set forth in the articles of agreement adopted by the board of arbitration, and trust that they may be earnestly and conscientiously carried out by your respective organizations.

ARTICLES OF AGREEMENT ADOPTED BY THE BOARD OF ARBITRATION.

First. That from and after the signing of this agreement by the respective parties in interest all restrictions and refusals to handle materials furnished by the members or firms of the San Francisco Planing Mill Men's Association (except those who fail to sign this agreement) shall be declared off by order of the building trades council, the same to be binding upon all affiliated unions; but nothing in this agreement shall affect the completion of contracts entered into previous to the 13th day of August, 1900, nor shall it affect any contracts

taken by mills considered fair by the building trades council up to the 19th day of February, 1901.

Second. That commencing on the first Monday in March, 1901, and for a period of three months, ending on the first Monday in June, 1901, eight and one-half hours shall constitute a day's work, and that from and after the first Monday in June, 1901, eight hours shall constitute a day's work in all the mills and shops of the San Francisco Planing Mill Men's Association who sign this agreement.

Third. That the members of the San Francisco Planing Mill Men's Association shall not be required to employ union men for a period of six months, dating from the first Monday in March, 1901. After said six months have expired all skilled workmen employed by them (except their foreman) shall be members of the millmen's union; but all other employees, such as bookkeepers, clerks, draftsmen, boys, or laborers, shall not be required to become members of any union.

Fourth. It is further agreed by the building trades council that all the present employees of the San Francisco Planing Mill Men's Association shall, at their option, be admitted to the millmen's union without prejudice and upon the same terms as the present members were admitted, and that they shall not be required to pay dues or fines of any kind on account of anything that has occurred in the past; nor shall any member of the San Francisco Planing Mill Men's Association be required to discharge any of their employees on account of any action of said employees in the past.

It is also agreed that the members of the San Francisco Planing Mill Men's Association will not discriminate against their former employees on account of any action of their said employees in the past. It is further agreed by the San Francisco Planing Mill Men's Association that any former member shall, at its option, be admitted to the San Francisco Planing Mill Men's Association without prejudice and upon the same terms as the present members were admitted, and that they shall not be required to pay dues or fines of any kind on account of anything that has occurred in the past.

Fifth. It is also agreed that on account of the concessions hereby granted by the San Francisco Planing Mill Men's Association in relation to the reduction of hours of labor and the employment of union mechanics that the building trades council and its affiliated organizations will absolutely refuse to handle any materials coming from any mill working contrary to the prescribed number of hours contained in this agreement or employing other than union mechanics.

These conditions do not apply to such materials as flooring, ordinary rustic, ordinary siding, stepping, ordinary T. and G. surfaced redwood, and all rough lumber, the sizing or planing of timbers over 3 by 12, all coming directly from the sawmills.

These conditions shall apply not only to all mills within the city and county of San Francisco but to all mills in the State of California, as well as all those of other States.

Sixth. It is also further agreed that the foregoing articles of agreement shall remain in full force and effect for a period of not less than two years from the first Monday in June, 1901; and should any dispute arise as to the interpretation of this agreement or any other matters affecting the interests of the parties to this agreement the same shall be referred to a joint committee composed of an equal number from each of the parties interested for the adjustment and settlement of same; and in case they fail to agree the matters in dispute shall be referred to the present board of arbitration for settlement.

Furthermore, no strikes, boycotts, or lockouts shall be entertained or entered into by any party to this agreement until a period of 30 days shall be allowed for the adjustment of any disputes that may arise. An additional period of six months shall be allowed, after due notice in writing shall have been given, before any strikes, boycotts, or lockouts shall be attempted or enforced by order of the building trades council or any of its affiliated organizations or by any member of the San Francisco Planing Mill Men's Associations.

It is also agreed that both organizations shall meet in joint committee 90 days prior to the termination of this agreement for the purpose of making an agreement for the future satisfactory to both organizations.

Respectfully submitted by the board of arbitration as their report.

OSCAR LEWIS, *Chairman.*
JAS E. BRITT, *Secretary.*
JEREMIAH MAHONY.
DAVID KERR.

We, the undersigned, and each of us, the Building Trades Council of San Francisco and the San Francisco Planing Mill Men's Association, do hereby accept the foregoing articles as adopted by the board of arbitration, and do hereby agree to abide by and faithfully carry out all the stipulations as set forth in said articles of agreement.

Building Trades Council:	San Francisco Planing Millmen's Association:
P. H. McCarthy.	Bolander-Perkins Co.
Edw. J. Brandon.	William Crocker.
O. A. Tveitmoe.	Wm. Shaughnessy.
C. H. Strocks.	R. Herring.
Harry M. Saunders.	Andrew Wilkie.

The above agreement was indorsed at a special meeting of the Building Trades Council held at the Pythian Castle, Tuesday evening, February 19. Up to date it has also been signed by the following planing mills of San Francisco and Alameda Counties:

SAN FRANCISCO.

San Francisco Planing Mills.	Bolander-Perkins Co.
James Young.	Mechanics Mill.
Albert Hansen.	Townley Bros.
W. J. Little Co.	Fulda Bros.
California Mills.	Frank Huber
R. Herring.	Davis & Langland.
M. Hansen & Co.	Commercial Planing Mill (F. T. White)
F. A. Geier.	

ALAMEDA COUNTY.

Kendall.	The Zenith Planing Mill.
Burnham & Stanford.	Dahls Mill, Elmhurst.
Reed.	Johansen's Mill, Berkeley.
Towle & Broadwell.	Papes Mill.
Mann & Mole.	Humboldt Lumber Co.'s Mill.
Ingler & Young.	Veitch Bros.' Mill.
Jenkins.	McCullough & Bridgeman, Pioneer Mill.

PLANING MILLS RUNNING ON AN EIGHT-HOUR BASIS PREVIOUS TO THE AGREEMENT.

Progressive Mill No. 1.	Peterson & Schemp.
Births' Mill.	E. Dewey.
Jacob Schwerdt.	G. Braendlein.
Legal & Ostrander.	Brass & Wittenburg.
Searls, Hayman & Co.	Oscar F. Fincke.
Davis & Talbot.	A. Herman.
Home Mfg. Co.	Jos. Fredericks & Co.
Finke & Schindler.	Julius G. Kleman.
J. Lordan.	Charles W. G. Marx.
Voight & Veyhlee.	A. J. Forbes & Son.
Bateman.	California Furniture Co.
Bader & Finke.	McCann, Belcher & Allen.
Lombard.	W. Brown.
McDermott & Reilly.	Sixth Street Planing Mill.
Union Planing Mill.	W. M. Tompkins.
San Rafael Planing Mill.	San Francisco Mantel Co.
Jones.	Helbing's Mill.

The planing mills at Santa Clara and San Jose have also signified their intention to run on an eight-hour day after the 1st of June; and in this connection it should be noted that the Pacific Manufacturing Co., of Santa Clara, is the first company that will run its sash and door factory on an eight-hour basis.

Respectfully,

O. A. TVEITMOE,
Secretary Building Trades Council of San Francisco.

Exhibit No. 82.

Articles of Agreement Between the San Francisco Planing Mill Owners' Association and the Building Trades Council of San Francisco.

[To go into effect Tuesday, June 16, 1903.]

Article I.

Section 1. It is agreed by the members of the San Francisco Planing Mill Owners' Association that they will abide by the following trade rules and scale of wages as hereinafter set forth:

First. All branch foremen must be members of the union; general foremen or superintendents may join at their option.

Second. The steward must be made known to and recognised by the employer, and must bring any difference or grievance to the attention of the latter before referring it to his union.

Third. All men and apprentices 18 years of age and over doing mechanical, bench, and machine work of any kind must be members of the union.

Fourth. All men shall receive their wages at least once a week.

Fifth. Business agents shall be allowed to go through the shops when occasion demands, on application to the office.

Sixth. All shops shall be allowed one apprentice for every five benchmen or fraction thereof and every five machinemen or fraction thereof, and the apprentice must be under 25 years of age.

Seventh. Eight hours shall constitute a day's work; working hours shall be between the hours of 8 o'clock a. m. to 12 m. and 1 p. m. to 5 p. m., unless otherwise permitted by the council. Double time shall be allowed and paid on all overtime, Sundays, New Years, Christmas, Admission Day, Washington's Birthday, Thanksgiving Day, and Decoration Day, unless otherwise permitted by the council. No work shall be allowed under any pretense on Labor Day, Fourth of July, general election day, and on the forenoons of special election days, except where such work is necessary for the preservation of life or property; but for overtime put in on making repairs to machinery or shafting the pay shall be for straight time only.

Eighth. The minimum rate of wages in all shops and mills shall be per day: Sticker men, $4; band sawyers and shapers, $4; band sawyers, $3.50; turners, $3.50; rip sawyers for stickers, $3.50; assistant rip sawyers, $2.50; bench hands, $3.50; planer men, $3; layerout, $3.75; mash stickers, $3; stock cutters, $3; smoothers and molders on mash and doors and putters up, $2.50; mortisers and tenoners, $2.25; sandpaperers, $2.25; roller sander, $3.

Sec. 2. This schedule of wages shall go into effect on the 16th day of June, 1903.

Article II.

Section 1. It is agreed by the building trades council that they will refuse to handle any material coming from any mill or shop that is working contrary to the prescribed number of hours contained in the foregoing trade rules or employing other than union mechanics.

Sec. 2. These conditions do not apply to the following materials coming directly from the raw mills, to wit:

Flooring: 1-inch, 1¼-inch, or 1½-inch by 3-inch, 4-inch, or 6-inch. Tongued and grooved and planed on one side.

Ordinary siding: ½-inch by 6-inch bevel siding, commonly known as clapboards.

Stepping: 1¼-inch, 1½-inch, or 2-inch by 10-inch to 16-inch vertical-grained pine, planed one side.

T. & G. ordinary redwood, 1 by 6, beaded one or two sides or plain.

T. & G. ordinary redwood, 1 by 4, beaded one side.

T. & G. ordinary redwood, 1½ by 4, beaded one or two sides.

Surfaced redwood—Clear redwood: ½-inch by any width, planed one or two sides; 1-inch or over by any width, planed on one side.

Sec. 3. These conditions shall apply not only to mills within the city and county of San Francisco but to all mills in the State of California as well as those of all other States.

ARTICLE III.

It is further agreed by the building trades council that the wages of any member of any union affiliated with the said council working in a mill or shop or on a job of a member of the San Francisco Planing Mill Owners' Association shall be regulated by the craft under which he is working, regardless of the wages of the union to which he belongs.

ARTICLE IV.

It is further agreed that all differences and grievances be settled through the organization represented in this agreement and not with individual members.

ARTICLE V.

SECTION 1. It is further agreed that the foregoing articles of agreement shall remain in full force and effect for a period of not less than two years from the 16th day of June, 1908, and should any dispute arise as to the interpretation of this agreement or any other matters affecting the interests of the parties to this agreement, the same shall be referred to a joint committee composed of an equal number from each of the parties interested for the adjustment and settlement of same; and in case they fail to agree the matters in dispute shall be referred to the board of arbitration for settlement. The aforesaid joint committee shall meet on the third Monday of each month at 8 o'clock p. m. Special meetings may be called at any time at the request of three members or by the chairman.

SEC. 2. Furthermore, no strikes, boycotts, or lockouts shall be entertained or entered into by any party to this agreement until a period of 30 days shall be allowed for the adjustment of any disputes that may arise. An additional period of six months shall be allowed before any strikes, boycotts, or lockouts shall be attempted or enforced by order of the building trades council or any of its affiliated organizations, or by any member of the San Francisco Planing Mill Owners' Association.

SEC. 3. It is also further agreed that both organizations shall meet in joint committee 90 days prior to the termination of this agreement for the purpose of making an agreement for the future satisfactory to both organizations.

We, the undersigned joint conference committee, representing the Building Trades Council of San Francisco and the San Francisco Planing Mill Owners' Association, do hereby agree to abide by and faithfully carry out all the stipulations as set forth in the above articles of agreement.

Committee from the San Francisco Planing Mill Owners' Association:
WILLIAM CROCKER, *Chairman.*
R. HERRING, *Secretary.*
M. S. NEUGASS.
L. P. H. BOLANDER.
WILLIAM SHAUGHNESSY.
ANDREW WILKIE.

Committee from the Building Trades Council, joint conference committee:
P. H. MCCARTHY.
E. J. BRANDON.
H. J. SCHOBER.
O. A. TVEITMOE.
JOHN P. HOGAN.
HARRY M. SAUNDERS

Witness:
H. D. BIRD.

EXHIBIT No. 83.

ARTICLES OF AGREEMENT BETWEEN THE SAN FRANCISCO PLANING MILL OWNERS' ASSOCIATION AND THE BUILDING TRADES COUNCIL OF SAN FRANCISCO.

[To go into effect Saturday, Oct. 12, 1908.]

ARTICLE I.

SECTION 1. It is agreed by the members of the San Francisco Planing Mill Owners' Association that they will abide by the following trade rules and scale of wages as hereinafter set forth.

First. All branch foremen must be members of the union; general foremen or superintendents may join at their option.

Second. The steward must be made known to and recognized by the employer, and must bring any difference or grievance to the attention of the latter before referring it to his union.

Third. All men and apprentices 17 years of age and over doing mechanical, bench, and machine work of any kind must be members of the union.

Fourth. All men shall receive their wages at least once a week.

Fifth. Business agents shall be allowed to go through the shops when occasion demands on application to the office.

Sixth. All shops shall be allowed one apprentice for every five benchmen or fraction thereof, and every five machine men or fraction thereof, and the apprentice must be under 25 years of age.

Seventh. Eight hours shall constitute a day's work; working hours shall be between the hours of 8 o'clock a. m. to 12 m. and 1 p. m. to 5 p. m., unless otherwise permitted by the council. Double time shall be allowed and paid on all overtime, Sundays, and Christmas unless otherwise permitted by the council. No work shall be allowed under any pretense on Labor Day, Fourth of July, except where such work is necessary for the preservation of life or property; but for overtime put in on making repairs to machinery or shafting the pay shall be for straight time only.

Eighth. The minimum rate of wages in all shops and mills shall be, per day: Sticker men, $5; band sawyers and shapers, $5; band sawyers, $4.50; turners, $4.50; head rip sawyers for stickers, $4.50; assistant rip sawyers, $3.50; bench hands, $4.50; planer men, $4; sash and door foreman, $4.75; sash stickers, $4; stock cutters, $4; smoothers and moulders on sash and doors and putters up, $3.50; mortisers, $3.25; tennoners, $3.25; sandpaperers, $3.25; roller sander, $4.

Sec. 2. This schedule of wages shall go into effect on the 12th day of November, 1900.

ARTICLE II.

SECTION 1. It is agreed by the building trades council that they will refuse to handle any material coming from any mill or shop that is working contrary to the prescribed number of hours contained in the foregoing trade rules, or employing other than union mechanics.

SEC. 2. These conditions do not apply to the following materials coming directly from the sawmills, to wit:

Flooring: 11-inch, 1¼-inch, or 1½-inch by 3-inch, 4-inch, or 6-inch. Tongued and grooved and planed on one side.

Ordinary siding: ½ inch by 6 inches, bevel siding, commonly known as clapboards.

Stepping: 1¼-inch, 1½-inch, or 2-inch by 10-inch to 16-inch, vertical grained pine, planed on one side.

T. & G., ordinary redwood, 1 by 6, beaded 1 or 2 sides, or plain.

T. & G., ordinary redwood, 1 by 4, beaded one side.

T. & G., ordinary redwood, 1¼ by 4, beaded 1 or 2 sides.

Surfaced redwood, clear redwood: ½ inch by any width, planed 1 or 2 sides; 1 inch or over by any width, planed on one side.

ARTICLE III.

It is further agreed by the building trades council that the wages of any member of any union affiliated with the said council working in a mill or shop or on a job of a member of the San Francisco Planing Mill Owners' Association shall be regulated by the craft under which he is working, regardless of the wages of the union to which he belongs.

ARTICLE IV.

It is further agreed that all differences and grievances be settled through the organizations represented in this agreement and not with individual members.

ARTICLE V.

SECTION 1. It is further agreed that the foregoing articles of agreement shall remain in full force and effect for a period of not less than two years from the

12th day of November, 1900, and should any dispute arise as to the interpretation of this agreement, or any other matters affecting the interests of the parties to this agreement, the same shall be referred to a joint committee composed of an equal number from each of the parties interested for the adjustment and settlement of same; and in case they fail to agree, the matters in dispute shall be referred to the board of arbitration for settlement. The aforesaid joint committee shall meet on the third Monday of each month at 8 o'clock p. m.; special meetings may be called at any time at the request of three members or by the chairman.

SEC. 2. Furthermore, no strikes, boycotts, or lockouts shall be entertained or entered into by any party to this agreement until a period of 30 days shall be allowed for the adjustment of any disputes that may arise. An additional period of six months shall be allowed before any strikes, boycotts, or lockouts shall be attempted or enforced by order of the building trades council or any of its affiliated organizations, or by any member of the San Francisco Planing Mill Owners' Association.

SEC. 3. It is also further agreed that both organizations shall meet in joint committee 90 days prior to the termination of this agreement for the purpose of making an agreement for the future satisfactory to both organizations.

We, the undersigned joint conference committee, representing the Building Trades Council of San Francisco and the San Francisco Planing Mill Owners' Association, do hereby agree to abide by and faithfully carry out all the stipulations as set forth in the above articles of agreement.

For the Building Trades Council:	For San Francisco Planing Mill Owners' Association:
O. A. TVETTMOE.	WM. CROCKER.
JOHN J. SWANSON.	R. B. MOORE.
GEO. D. KEELY.	G. A. BUELL.
A. E. YOELL.	M. S. NEUGASS.
HENRY CARTENSEN.	R. HERRING.
J. L. MCKINLEY.	F. N. HAYMAN.

Indorsed by District Council of Carpenters of San Francisco (F. P. Nichols, president; H. Richardson, secretary), Millmen's Union No. 422, Millmen's Union No. 422.

EXHIBIT No. 84.

DISTRICT COUNCIL OF PAINTERS No. 8.

Agreement between District Council of Painters No. 8 of San Francisco and vicinity and ———— ————, contracting painter and decorator.

I, ———— ————, the undersigned contracting painter and decorator, do hereby agree to employ none but members of District Council of Painters No. 8, and I further agree that on and after April 15, 1914, I will pay to the members of District Council of Painters No. 8 the sum of $5 per day for eight hours work.

————— ————,
Contracting Painter and Decorator.

Witness:

———— ————.

EXHIBIT No. 85.

Comparative rate of wages per hour being paid in the building trades.

(Recapitulation of the tables of the Building Contractors Council of Chicago, July 1, 1914.)

Trade.	Average United States.	Pacific coast.	San Francisco.
	Cents.	Cents.	Cents.
Masons	62.50	71.44	87.50
Bricklayers	68.00	78.18	87.50
Structural-iron setters	57.50	68.18	68.18
Ornamental-iron setters	53.75	57.69	68.18	
Plasterers	68.00	78.18	87.50
Lathers	62.50	68.00	68.18
Hoisting engineers	56.25	68.00	75.00
Tile setters	62.75	68.00	75.00
Plumbers	56.25	68.00	75.00
Steam fitters	62.50	68.00	75.00
Steam fitters' helpers	37.50	43.00	50.00
Gas fitters	56.25	64.00	75.00
Carpenters	46.25	53.00	62.50
Piledrivers	47.70	53.00	62.50
Marble setters	56.25	68.00	75.00
Marble setters' and setters' helpers	46.25	53.00	62.50
Painters	46.25	53.00	62.50
Sheet-metal workers	46.25	53.00	62.50
Electrical workers	46.25	68.00	62.50
Roofers	44.55	53.00	62.50
Cement finishers	42.50	48.57	56.00
Elevator constructors	52.50	57.39	68.18
Tile coverers	44.47	53.70	62.50
Laborers	33.50	38.50	37.50
Hod carriers	34.00	43.00	37.50
Average wage building trades	51.70	60.86	68.70

San Francisco scale is 27½ per cent higher than average for United States and 11½ per cent higher than average for Pacific Coast States.

N. B.—The Pacific coast average is compiled from wages paid in San Francisco, Los Angeles, Oakland, (Cal.); Portland (Oreg.); Seattle and Spokane (Wash.).

FEE EXHIBIT NO. 8.

BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA,
San Francisco, September 18, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Inclosed herewith please find the transcript of Mr. Grant Fee recently taken before the United States Commission on Industrial Relations at San Francisco, at the hearing on "Collective bargaining in San Francisco."

This transcript was forwarded to me that I might make typographical revisions and corrections; these have been made.

Please find inclosed a number of certified copies of letters giving the information requested on page 40 of the transcript in regard to cases where industries have been driven out of San Francisco, or where prospective industries have remained away from that town, on account of labor or other conditions. (See Exhibits Nos. 7 to 20, inclusive.) We find, however, great trouble in getting manufacturing firms to state facts as to why they moved from San Francisco or did not locate here owing to fear of retaliation by the union through the boycott of their goods.

Please find inclosed also a copy of the information requested on page 80 of the transcript, viz, the list of initiation fees charged by the various unions connected with the building trades. Please note that whenever possible an actual copy of the printed constitution and by-laws of each individual trade has been made in submitting this evidence. Where such copies were not obtainable the information was obtained by direct inquiry from members of the trade in question. (Exhibit No. 21.)

On page 72 of the transcript of my testimony Commissioner Lennon asks whether the building contracts in San Francisco "employ as large a number of apprentices as the law of the union permits." I have taken the liberty of inclosing a number of letters from contractors in different lines of the building business which answer this question. (See Exhibits Nos. 1 to 6, inclusive, and No. 22.)

I also inclose a supplementary brief dealing with another matter which formed part of the testimony presented at the same hearing.

Yours, very truly,

GRANT PER.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

George S. McCallum being first duly sworn deposes and says that he now is and for four years last past has been assistant secretary and secretary of the Building Trades Employers' Association of California; that in such capacities aforesaid there have come into his possession, through the proper channels, certain original letters and papers or carbon copies thereof prepared in the regular course of business of the source from which said instruments came; that all of said letters and papers of every kind, nature, and description appearing herein, by copy attached hereto and marked, respectively, Exhibits No. 1 to 27, inclusive, are true and correct copies of said originals or true carbon copies of originals so in the possession of your affiant, as aforesaid.

GEO. S. MCCALLUM.

Subscribed and sworn to before me this 18th day of September, A. D. 1914.

[SEAL.]

L. H. ANDERSON,
Notary Public in and for the City and County of San Francisco, State of California.

My commission expires December 27, 1914.

To the UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Chicago, Ill.

GENTLEMEN: To make clear a statement as to the policy of the building trades employers' association, in regard to close agreements between employer and employee, and to controvert certain testimony given on the stand before your honorable commission at a hearing held in San Francisco on Tuesday, September 1, 1914, on the subject of "Collective bargaining in San Francisco," I beg to submit the following:

Said testimony referred to stated that the building trades employers' association approved and carried out the policy of making close agreements between themselves and their employees, and the agreement between the master painters' association and the district council of painters was quoted as an instance of such policy. On August 26, 1911, the Master Painters' Association of San Francisco, Alameda, San Mateo, and Marin Counties, and the District Council of Painters of San Francisco, Alameda, San Mateo, and Marin Counties entered into the aforesaid agreement, a copy of which is hereby attached. (See Exhibit No. 23.) This agreement was approved by the Affiliated Contractors' Association and the Building Trades Council of San Francisco. (See sec. 30, p. 12.) The affiliated contractors was the organization which was originally formed in 1910, and which, on October 25, 1911, was reorganized, adopted a new constitution and by-laws, and became the present building trades employers' association. A careful perusal of the extracts from the minutes of these two bodies and of the correspondence attached will show that the building trades employers' association took a decided stand, and still takes such a stand, against such close agreements between the employer and the employee of like crafts. It may be well at this time to define a close agreement as one that binds the employers to hire none but members of the union of a like craft and the union to work for none but members of the association of like craft. Section 30 of the agreement in question states:

"That a contractor desirous of working on a job shall carry a full paid-up quarterly card of the master painters' association, and must not work alone on a job, and must be accompanied by at least two council men.

"The members of the council agree not to work for any property owner or general contractor, or any one who is not a legitimate painting contractor, except State and municipal work, and all first-class hotels, who employ at least one man steady."

The minutes of the building trades employers' association of March 13, 1912, reads as follows:

"A communication was also received from the Master Painters and Decorators' Association of San Francisco, preferring charges against the general contractors' association and requesting that these charges be investigated. The charges read as follows:

"'That a member of the general contractors' association, William Bros. & Henderson, on March 4, 1912, or thereabouts, were and are now engaged at a building now in progress of construction, located at Ellis and Jones Street, and on said building are now employing journeymen painters by the day; all of which is contrary to and in violation of section 30 of an agreement entered into between the Master Painters and Decorators' Association of San Francisco and the district council of painters, August 26, 1911, and approved by your honorable body at a regular meeting held on August 23, 1911.'

"Considerable discussion ensued concerning these charges, the Chair ruling that they were out of order, as the matter had not yet been submitted to the general contractors' association in due form; though Mr. Beck, secretary of the master painters and decorators' association, stated that he had attended a meeting of the board of directors of the general contractors' association in reference to the matter and had been unable to obtain any satisfactory results. A motion was made to appeal from the Chair's decision, on being put to the vote this decision was sustained by 9 to 8."

This extract is self-explanatory in that it forces attention to the fact that the master painters were objecting to a general contractor employing journeymen painters.

Under date of March 27, 1912, the Master Painters and Decorators' Association of San Francisco addressed a letter to the building trades employers' association protesting against the action of the latter body, as quoted above, copy of which is hereby attached. (See Exhibit No. 24.)

Under date of April 24, 1912, the minutes of the building trades employers' association show that a committee of three was appointed to take up this matter direct with the master painters. The minutes read as follows:

"Under the head of 'Unfinished business' the charges preferred by the Master Painters and Decorators' Association of San Francisco, versus, the general contractors' association and William Bros. & Henderson were again fully discussed and a motion was duly made and seconded, 'That as the question was not one of jurisdiction the whole matter be laid on the table.' An amendment to same was offered and duly seconded, namely, 'That a committee of three be appointed by the Chair to wait on the master painters and decorators' association and explain the matter as presented here to-day to that association.' On being put to the vote the ayes had it, and it was so ordered. The Chair appointed Messrs. Farquharson, Bluxome, and Schouten to appear before the master painters and decorators' association at 8 p. m., on Wednesday, April 17 in (room 233) Pacific Building, for the purpose as explained by motion."

On June 12, 1912, the master painters and decorators' association being unable to obtain the support of the building trades employers' association in the enforcement of their agreement resigned as members of the central body. (Exhibit No. 25.) This resignation was accepted on June 13, 1912. (Exhibit No. 26.)

The agreement which gave rise to all this controversy and which as has been already stated was entered into on August 26, 1911, remained in force until about January, 1914, at which time the agreement was abrogated by the district council of painters by failure to comply with the terms of the agreement. Section 4 states:

"If any change in this agreement is contemplated by either party at its termination, notice in writing shall be given by the party contemplating such change, stating fully what the proposed change is, at least three months prior to the expiration of this agreement. Such notice to be served upon the secretary of the other party, and taking his receipt therefor. And if no such note is given at least three months prior to this agreement, it shall continue in force for another year, subject to another three months' notice."

No notice was sent by the district council of painters to the master painters' association in compliance with the terms of the agreement quoted above, but

the district council of painters claimed that the master painters' association had failed to live up to the terms of the agreement by paying under the scale of wage set forth in that agreement and in other ways. Careful perusal of the agreement, however, will show that violations of this agreement were to be dealt with by a conference committee whose decision should be final and binding on all parties to the agreement. The district council of painters failed to attend the meetings of the conference committee, and by so doing made it impossible for the master painters to take the necessary action on any violations of the agreement. The agreement, therefore, lapsed, as stated, about January, 1914; while it was not until April 23, 1914, that the painters made application to again affiliate with the building trades employers' association. (See Exhibit No. 27.)

Your attention is also called to article 11, section 1, of the constitution of the Building Trades Employers' Association of California, which states that one of the objects of this association shall be "to oppose and discourage such compacts or trusts as have a tendency to stifle competition."

Your, respectfully,

GRANT FEE.

EXHIBIT No. 1.

SAN FRANCISCO, *September 16, 1914.*

THE BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: In answer to yours of the 5th instant in regard to the employment of apprentices, will say that members of the lighting fixture association would employ more apprentices, if it were not in conflict with the rules of the union, providing the union would not restrict too closely just what these apprentices would be allowed to do.

At the present time the union so closely restricts the amount of work that apprentices are allowed to do that we do not always find it profitable to employ more than a small number.

This applies only to the department of installing fixtures, namely, the gas and electric fixture hangers' union.

Yours, respectfully,

ICKELHEIMER BROS. CO.,
S. ICKELHEIMER.

EXHIBIT No. 2.

FOUNDERS CORNICE WORKS,
San Francisco, Cal., September 3, 1914.

Mr. GRANT FEE,
President Building Trades Employers' Association, San Francisco, Cal.

DEAR SIR: Replying to your inquiry relative to the restriction of apprentices in the sheet-metal trade in San Francisco under the jurisdiction of the sheet metal workers' union, Local No. 104, beg to advise that all the rules and conditions under which apprentices are now working have been arranged and complied by the union of sheet metal workers, Local No. 104.

To my knowledge no employer was ever consulted or had any voice whatsoever in the making of these rules, which, in my opinion, are not elastic enough to allow a boy of average intelligence and ability to acquire enough knowledge of the various branches of the trade to become proficient in all, and results in the fact that at the present time apprentices are used as helpers and errand boys instead of learning the trade.

In our factory, employing on an average of 40 to 50 mechanics, we have graduated few apprentices in the last 10 years, in fact almost none.

It is my opinion that the sheet-metal industry would be vastly improved if the apprentice system, as now practiced, were modified. While the full quota of apprentices allowed by the union are employed, a great many more would be employed under more favorable rules and conditions.

Yours, respectfully,

GEORGE S. FOUNDER, *Secretary and Manager.*

EXHIBIT No. 3.

MASTER PAINTERS AND DECORATORS' ASSOCIATION OF SAN FRANCISCO,
San Francisco, Cal., September 3, 1914.

Mr. GEORGE S. MCCALLUM,
Secretary Building Trades Employers' Association, City.

DEAR SIR: Your favor of the 1st instant in regard as to whether the employers in our trade used the full number of apprentices permitted by the union rules received.

My opinion is that we do not. Under the union rules apprentices are not a help nor can they be used to a profit. The age limit and rate of wages demanded has a tendency to make the apprentice undesirable. Unless we can have full control of an apprentice giving us an interest in his welfare, feeling that he is part of the business, learning him the trade from the beginning to a finished workman without interference from unions or other outside influences, causing him to become uneasy and dissatisfied, we do not want him.

It is a well-known fact that the unions are opposed to apprentices learning any trade and, as far as possible, make prohibitory rules to keep the number of apprentices down to a minimum. I believe that there is not more than one-half of the number of apprentices learning our trade under the present rules that would be learning under more sane and liberal conditions.

Very truly, yours,

ELBERT OLNEY.

EXHIBIT No. 4.

RALSTON IRON WORKS (INC.),
San Francisco, September 2, 1914.

Mr. GEO. S. MCCALLUM,
Secretary Building Trades Employers' Association,
San Francisco, Cal.

DEAR SIR: Replying to yours of the 1st instant:

It is my firm opinion that all of the shops employ the limit of apprentices permitted under the union rules. In our own case there is constant friction between our superintendent and the business agent of the union on account of our being accused of using more apprentices than the union rules contemplate.

Very truly, yours,

H. J. RALSTON.

EXHIBIT No. 5.

SAN FRANCISCO, *September 3, 1914.*

Mr. GEO. H. MCCALLUM,
Secretary Building Trades Employers' Association, City.

DEAR SIR: In reply to yours of September 1, in which you ask my personal opinion as to whether the employers in the craft I represent do employ the full number of apprentices allowed and if they would employ more if it were not for the limitation imposed by the union regulations, upon investigation and from personal knowledge I would reply as follows:

The softwood mills, in which mostly machine work is done and very often on heavy material, do not employ the number allowed. Mills where special work, such as sash and doors are manufactured, would employ more if they were allowed to. Also cabinet shops where a great deal of bench work is required on the output would, no doubt, be in the same situation. The reason that the mills above referred to do not employ the requisite number is that the work is so diversified that it naturally takes a mechanic who is well posted to get out the work, and, as a rule, they do not do much bench work, but mostly machine. Whenever a shop gets out stockwork, they naturally can educate the apprentices to do the work after a few months as well as the journeymen, and in many instances better. In the cabinet shops a job is usually placed in the hands of a head man, and he can direct the apprentice how to perform his portion of the labor, so that it soon becomes profitable to employ apprentices.

Trusting this gives you the information you desire, I remain,

Very truly, yours,

M. S. NEUSTADT,
President San Francisco Planing Mill Owners' Association.

EXHIBIT No. 6.

GENERAL CONTRACTORS' ASSOCIATION (INC.),
San Francisco, September 4, 1914.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
757 Pacific Building, City.
(Attention Mr. G. S. McCallum, secretary.)

GENTLEMEN: Replying to your favor of the 1st instant, inquiring as to the employment of carpenters' apprentices.

As the result of investigations on this subject, it appears that for several reasons the contractors do not extensively employ apprentice carpenters. This is partly owing to the fact that the various carpenters' unions in this city do not have any proper or well-established apprenticeship system. The wages of the apprentices, except in cases where the apprentice is exceptionally bright, are also frequently too high to make their employment profitable, and when an apprentice has served, say, for two years at the trade and is put upon the same work as the journeymen, the latter complain that the apprentice is taking their work from them at an apprentice wage of $3.50 or $4, and this has a tendency to create dissatisfaction. The carpenters' unions do not seem to take any interest in the welfare of their apprentices and the result is a very large number of inefficient journeymen are found within the ranks of the unions. Some contractors are not in a position to give steady employmet to apprentices, as they may only do two or three contracts in the year, and owing to a lack of proper system in the union the number of apprentices in the trade is limited as they are not considered desirable.

Trusting the foregoing may answer the purpose of your inquiry, we are,

Yours, very truly,

WM. E. HAGUE, *Secretary.*

EXHIBIT No. 7.

SAN FRANCISCO, *September 5, 1914.*

Mr. GRANT FEE,
President Building Trades Employers' Association,
San Francisco, Cal.

DEAR SIR: Answering your letter of September 4 regarding the industries that were forced out of the city by the labor union conditions, we have to reply as follows:

The firm of Moore & Scott was formed in 1905, at which time it purchased the business of Marshutz & Cantrell, at Main and Howard Streets, San Francisco, which firm made a specialty of logging engines and lumber supplies.

The new firm soon found that the logging engines, hoists, etc., used in the lumber camps were being manufactured in Portland and Seattle, and sold at less than they could be manufactured for in San Francisco. To make up for the loss of this business the firm purchased the shipbuilding yards of W. A. Boole & Sons, on Oakland Harbor, where it now has a dry dock and maintains a shipyard, where the employees are engaged in marine repairs of all kinds. We are also operating boiler and machine shops at 678 Second Street, where all city work is attended to.

For your information the Fulton Iron Works, one of the oldest established firms in San Francisco and located at Harbor View, went out of business some years ago after having been operated at a loss for several years.

A few years ago the Risdon Iron & Locomotive Works, located at Potrero, another old established firm, also liquidated, being unable to hold its own on account of competition elsewhere. Its principal business was the building of dredges, water-tube boilers, engines, compressors, and almost every variety of machinery, all of which is brought to this city from other places.

A few months ago the Keystone Boiler Works (Hamilton & Leach, proprietors) decided to quit, their business being taken over by another machine company of this city.

The Western Pipe Co.: A few years ago Mr. Mason, of Los Angeles, came to this city and purchased the pipe plant of Francis Smith & Co., located near Seventh and Bryant Streets, intending to carry on the business of manufacturing pipes, tanks, and all classes of structural work. Mason will tell you his experience with the labor unions. As soon as he found out the conditions

imposed upon him by them he shut up the plant and built a new one at Richmond, Cal., where he now is operating very successfully.

Mr. Morton, of the Pacific Hardware & Steel Co., will explain to you that he was about to build a steel mill in San Francisco, but on account of labor troubles located at Portland.

You can verify the above data by any of the gentlemen connected with the above firms.

Yours, truly,

MOORE & SCOTT IRON WORKS,
By R. MOORE.

EXHIBIT No. 8.

ATLAS GAS ENGINE CO. (INC.),
Oakland, Cal., September 11, 1914.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

(Attention Mr. Grant Fee, president.)

GENTLEMEN: Yours of the 4th instant duly at hand, and in reply can state that one of the main objects which caused us to move from San Francisco to Oakland was the fact that San Francisco was so overrun with agitators and walking delegates, etc., that it was impossible to think of anything like industrial peace. At the present time it does not appear to be in a better condition on this side, and the next move will be by the most of the machine shops on this coast to suspend manufacturing altogether, like the Risdon Iron Works, Fulton Iron Works, and many other plants, and on the other hand, have our goods manufactured in the East and shipped out here. California and particularly San Francisco is working at a great handicap, and unless some remedy is found very soon manufcturing in thi State will be a thing of the past.

Very respectfully, yours,

A. WARENSKJOLD.

EXHIBIT No. 9.

SAN FRANCISCO, CAL., *September 10, 1914.*

Mr. GRANT FEE,
President Building Trades Employers' Association, San Francisco.

DEAR SIR: In reply to your favor of the 4th instant we wish to say that we were not forced out of the city for the reasons mentioned in your letter. We should, however, not be enrolled in the list of those who left San Francisco after the fire for other reasons than unsatisfactory labor conditions. We purchased our land in July, 1906, and had all of our buildings excepting one erected at the time of the fire.

The chief reason which prompted our moving away from San Francisco was the fact that we expected to escape the unsatisfactory conditions that were beginning to be imposed by the local unions, and felt that we might escape them in a large measure by moving our plant to one of the outlying districts of Oakland.

We were preceded by one of our competitors, the Hercules Gas Engine Co., who formerly owned a plant at North Beach, and we were followed by the Standard and Atlas Gas Engine Cos.

You may submit our name to the commission, as requested in your letter, with the proviso, however, that you do not state that we were forced to remove our industry from this city.

Very truly, yours,

UNION GAS ENGINE CO.,
By O. H. FISCHER,
Vice President and General Manager.

EXHIBIT No. 10.

WESTERN PIPE & STEEL CO. OF CALIFORNIA,
San Francisco, Cal., September 5, 1914.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

(Attention Mr. Grant Fee, president.)

GENTLEMEN: In response to your favor of the 4th instant, you have our permission to submit the name of our firm to the United States Commission on Industrial Relations as one that was forced to move out of San Francisco through impositions of union labor, and have moved our works to the little city of Richmond and increased our business over 1,000 per cent since that time.

Yours, very truly,

J. W. MASON, *President.*

EXHIBIT No. 11.

J. J. PRISTER KNITTING CO. (INC.),
West Berkeley, Cal., September 5, 1914.

GRANT FEE,
President Building Trades Employers' Association,
San Francisco, Cal.

DEAR SIR: Replying to your letter of yesterday, wish to say that our firm was not driven out of San Francisco on account of the unions. We had to leave the city after the disastrous fire on account of not being able to find any property that suited us to build a plant on.

Our factory in San Francisco was built on leased ground, and for six years at the time of the fire we were paying $175 ground rent a month, while in West Berkeley we were able to buy very nice property, 200 by 180 feet, or six times more ground space than we occupied in San Francisco, for the small sum of $2,800.

This is the reason why we left San Francisco, a thing which we did not want to do, but could not help ourselves. Real estate owners and real estate dealers thought that the property after the fire was worth twice as much, but we did not think so, and financially we were not able to pay a fancy price.

In our line of business we are not aware that there are any unions; at least we have never been troubled in regard to that matter.

Yours, truly,

J. PRISTER.

EXHIBIT No. 12.

JOSHUA HENDY IRON WORKS,
San Francisco, Cal., September 7, 1914.

Mr. GRANT FEE,
President Building Trades Employers' Association, City.

DEAR SIR: In response to your letter of September 4, we are hardly able to qualify your statement that we were obliged by reason of labor-union conditions to remove our plant from San Francisco.

For many years prior to 1906, and particularly during 1905, we were prompted to consider the removal of our plant because of better conditions and for our general welfare than existed here. We found that foundries and machine shops operating in some other cities in California away from the bay region were operating longer hours and under better industrial conditions than those prevailing in San Francisco during the Schmitz administration. Specific instances of our dissatisfaction are not available now, but a general statement is made that we were unwilling to countenance the interference and conditions imposed by labor, inasmuch as other places in competition with San Francisco were operating under more favorable conditions, thereby making it obligatory for the manufacturer here to absorb the burden or handicap thus created.

In April, 1906, and following the destruction of our plant at Bay and Kearny Streets, San Francisco, by the fire, the necessity of our reaching a decision not

to rebuild in San Francisco was directly due to an increase of the demands by the pattern makers under union-labor domination. In other words, when we decided to rehabilitate our business by installing temporary pattern shops on the site of our old premises the demands made on us caused us to decide to find better conditions away from an industrial center where organization among men into unions was unfavorable to the employer.

Very respectfully,

F. J. BEHNEMAN, *Manager.*

EXHIBIT No. 13.

SAN FRANCISCO, CAL., *September 15, 1914.*

MERCHANTS AND MANUFACTURERS' ASSOCIATION, *City.*

GENTLEMEN: Complying with your request, beg to state that the writer was interested in and operated the Breck Electric & Manufacturing Co., a corporation formed shortly before the great fire. After the fire this business was continued at 509 Grove Street, this city.

We employed four or five mechanics in the shop, to whom we paid $5 per day each, and a number of young fellows, to whom we paid $2.50 per day, to do bench work, most of whom spoiled more material than their services amounted to. In addition to this we employed a number of outside wiremen.

We began to receive notices from these various unions that we were to send the money to the jobs to pay the men off, so that they would not have to call at the store, to say nothing of the continual requests for raise in salaries, and a number of other little things which, under the stress of those times, were annoying and uncalled for. Finally, we received a letter, I think from the mechanics' union, peremptorily notifying us that we should pay all our inside men 40 or 50 cents an hour, or at any rate making it a considerable advance over what we were paying these apprentices. We forthwith answered this letter by stating that we would sell our machinery, discontinue doing business, and buy our goods ready made in New York City, which we proceeded to do, which saved us delay and annoyance, and proved more profitable than submitting to the demands which were made upon us.

I make no comment on the above; it is merely a statement of facts.

Yours, very truly,

GEORGE BRECK.

EXHIBIT No. 14.

THE UNION LITHOGRAPH CO.,
San Francisco, Cal., September 15, 1914.

Mr. SENECA C. BEACH,
Secretary Merchants and Manufacturers' Association,
San Francisco, Cal.

DEAR MR. BEACH: In accordance with your request which I received over the telephone to-day, I am pleased to hand you herewith the following statement:

Mr. Moore, president of the Moore-Watson Dry Goods Co., made a statement to the mayor, during one of our conversations over the labor situation, that he was ready to start a manufacturing industry in San Francisco which would employ at least 200 people in the beginning, were it not for the labor conditions, but said that these conditions must change before he would, under any circumstances, invest any money in a manufacturing plant.

Yours, very truly,

R. S. HUBBARD, *President.*

EXHIBIT No. 15.

SAN FRANCISCO, CAL., *September 17, 1914.*

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
San Francisco.

GENTLEMEN: During a conversation with your representative regarding the attitude of manufacturers toward San Francisco I mentioned the names of two

friends of mine who are both manufacturers and came to San Francisco to open branch establishments here. They personally stated to me that under no circumstances would they establish factories in San Francisco in view of the union labor situation. Both of these men made a thorough investigation of the situation in San Francisco and decided that while their principal market was in this city they were compelled to go to Stockton or Oakland, or some other point in California, in order to successfully compete with other manufacturers.

As I do not wish to use these men's names without permission, I have written to them requesting such permission and will notify the association on hearing from them.

Yours, truly,

B. T. BEAN.

EXHIBIT No. 16.

MOORE & SCOTT IRON WORKS,
San Francisco, September 17, 1914.

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: I acknowledge receipt of your telephone message this morning asking me if I recalled the statement I made to a representative of a local company in April, 1913, to the effect that it was useless for our firm to try to compete with Seattle and Los Angeles firms for the building of one or more vessels of 4,000 tons capacity to ply on this coast.

I remember the circumstance, and my reason for declining to bid on the vessels was that the firms in Los Angeles and Seattle were not compelled by the labor organizations to work eight hours under closed-shop conditions, as we were. I consider that any firm working under open-shop conditions has a big advantage over any firm in San Francisco in cost of production.

Yours, truly,

R. S. MOORE.

EXHIBIT No. 17.

EXPLANATORY.

(This refers to Exhibit No. 16.)

In April, 1913, a British Columbia firm wrote to San Francisco to obtain prices on the construction of a 4,000-ton steamship. The representative to whom this message was sent called upon three firms in San Francisco for this purpose, but was assured that conditions here prevented even bidding on the job.

Mr. Moore, of the firm of Moore & Scott, herewith explains his reasons for his inability to bid, being one of the three called upon.

EXHIBIT No. 18.

REDWOOD MANUFACTURERS CO.,
Pittsburg, Cal., August 17, 1914.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: Answering your valued favor of September 4, beg to state that we can not very well say that this company was driven away from San Francisco for the reason that this company was an entirely new concern and started here in this locality from the beginning and never was located in San Francisco.

We are glad to say that conditions here are favorable, both from a standpoint of location as well as from labor conditions. We do believe that the labor conditions in San Francisco are such that it would be impossible for us

to have a plant of this kind located there, comply with the demands of the union, and compete in the eastern business for which we were organized, and which is the largest part of our business.

Yours, very truly,

A. H. JONGENEEL, *General Manager.*

EXHIBIT No. 19.

SAN FRANCISCO, CAL., *September 19, 1914.*

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: The writer has been engaged in the selling of machinery for the past 10 years and was sent to the coast about 5 years ago to represent the Read Machinery Co., of York, Pa. On his arrival here he found the market for bakers' machinery one of the best in the United States, and he also found that there was no machinery of this character being manufactured west of Chicago.

With this information he immediately began to figure out a plan by which he could manufacture machinery in San Francisco. After taking the matter up with his firm, the Read Machinery Co., they agreed to take a half interest in a corporation to manufacture bakers' machinery in California, the main office and factory to be in San Francisco.

After said corporation was incorporated and a visit from the president of the Read Machinery Co. to San Francisco, finding the conditions of the labor industry here obnoxious, he declined to take the interest as promised above.

The writer then immediately went to New York and secured a promise from another large manufacturer of the same line, and upon investigation they determined that they did not care to enter into the manufacture of any products in San Francisco.

In both instances the writer could have secured the support had he decided to open the factory in Portland, Oreg. As a result we continued our company under the name of the Pacific Coast Bakers' Machinery Co., and have been unable to secure any eastern capital, owing to the conditions of labor as set forth above.

Trusting this may be of some service to you, I am,

Yours, truly,

PACIFIC COAST BAKERS' MACHINERY CO.,
R. H. CAREY, *Vice President.*

EXHIBIT No. 20.

SAN FRANCISCO, CAL., *September 19, 1914.*

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: In the manufacture of our bakers' machinery we have been forced to manufacture same in San Jose because of labor conditions in San Francisco, or, at any rate, when we offered bids to the Union Iron Works they told us that labor conditions here were responsible for the high prices, and we found San Jose could manufacture the same machinery at a very much lower cost.

Yours, truly,

PACIFIC COAST BAKERS' MACHINERY CO.,
R. H. CAREY, *Vice President.*

EXHIBIT No. 21.

Trade.	Union.	Initiation fee.
Carpenters	Bay Counties District Council of Carpenters and Joiners of America, San Francisco and Vicinity.	Trade Rules, p. 31, sec. 22: The regular initiation fee for journeyman shall be $30, apprentices under the age of 18 years $5, over 18 years $15.
Structural-iron setters; ornamental-iron setters.	Housesmiths and Architectural Ironworkers' Union, No. 78, of San Francisco and Vicinity.	Constitution, p. 3, sec. 3: The amount of initiation fee shall be $35 for mechanics and $25 for helpers.
	International Association of Bridge, Structural and Ornamental Iron Workers, Local Union No. 117, of Oakland, Cal.	Constitution, p. 3, art. 1, sec. 3: The amount of initiation fee shall be $25 for mechanics, $15 for helpers, $10 for outside apprentices, and $5 for shop apprentices.
Hoisting engineers	Local No. 59, International Union Steam and Operating Engineers, San Francisco.	Constitution, sec. 2: The initiation fee shall be $50.
Roofers	The International Brotherhood of Composition Roofers, Damp and Water Proof Workers, Local No. 25, of San Francisco in the State of California.	By-laws, art. 1, sec. 2: The initiation fee shall be $25.
Sheet metal	San Francisco Local Union 104 of the Amalgamated Sheet Metal Workers' International Alliance.	Constitution, art. II, secs. 3-4: The initiation fee of this union shall be not less than $25.75 for journeymen and $15 for apprentices. It is further provided that the initiation fee may be changed at any time to comply with the International constitution and by-laws by a majority vote of all members present.
Plasterers	Golden Gate Lodge, Local No. 66, O. P. I. A. of the City and County of San Francisco, Cal.	Constitution, p. 10, Art. I X, sec. 2: The initiation fee in this lodge shall be $50.
Bricklayers	San Francisco Bricklayers' Beneficiary Union, No. 7, of California, of the B. M. and P. I. U. of America.	Constitution, p. 10, Art. VI, secs. 1 and 2: All applications for membership must be made in writing, and must receive two-thirds vote of the members present, pay the regular initiation fee of $30, which includes the International union reserve strike tax, and dues from the time of his application. Sec. 2: Any applicant for membership failing to pay up his full initiation fee within 90 days shall forfeit the money deposited, unless further time be granted by two-thirds majority of the membership present. All applicants applying for an extension of time must present their cause in person, and if further time is granted, permits must be issued weekly and paid for at the rate of 25 cents.
Painters	Journeymen Painters' Union, Local No. 19, of San Francisco.	Initiation fee, $20. If applicant can not pay all at once, time is given for completion of payment.

EXHIBIT No. 22.

SAN FRANCISCO, CAL., *September 18, 1914.*

Mr. GEORGE S. MCCALLUM,
Secretary Building Trades Employers' Association, City.

DEAR SIR: Replying to your inquiry of the 1st instant, asking whether I employed the number of apprentices permitted by the union rules, and whether I would employ more if allowed by said rules, I beg to state that during the eight years I have been in business I have never had an apprentice in my employ, to the best of my recollection. I have always paid the highest prevailing wage, and have given extra good men a trifle better.

I have never had any trouble with the union, although I have often chafed under unjust, arbitrary rules; not being big enough to fight, however, I submitted as a matter of policy, treated the men right, and demanded the best obtainable. Feeling that I was forced to pay an apprentice more than they were worth to me in my line of business, I never employed cheap men or apprentices, and know of few contractors who did.

Respectfully,

I. D. BLUXOME,
President Concrete Contractors' Association.

EXHIBIT No. 23.

[Extract from "Working agreement between Painters' District Council and the Master Painters' Association," dated Aug. 26, 1911.]

(21) The minimum rate of wages shall be four dollars and fifty cents ($4.50) per day, and the time to be paid not less than one-quarter (¼), one-half (½), and three-quarters (¾), or a full day.

EXHIBIT No. 24.

MASTER PAINTERS AND DECORATORS' ASSOCIATION OF SAN FRANCISCO.
San Francisco, Cal., March 27, 1912.

BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA,

GENTLEMEN: I am instructed by this association to notify your honorable body that we, the Master Painters and Decorators' Association of San Francisco, protest against the action taken by you at the last regular meeting held on March 13, by ruling out of order certain charges entitled, "Master Painters and Decorators' Association of San Francisco *v.* the General Contractors' Association, including Williams Bros. & Henderson," now on file in the Building Trades Employers' Association. We would kindly call your attention to section 2, Article IX of the constitution, referring to agreements entered into between affiliated members and labor unions, which section states emphatically that no affiliated member can enter into an agreement with the union until ratified by your body and your body having ratified the agreement of the Master Painters and Decorators' Association of San Francisco on August 23, 1911, we can not see wherein your honorable body can shirk the responsibility in upholding said agreement by refusing to entertain charges preferred against a member for violation of the same. We further call your attention to section 2 of Article X of the constitution, which reads as follows: "This association shall have full jurisdiction over any member who violates any specific trade rule or does any act or commits any offense, which tends directly to destroy the life, usefulness, and credit of this association."

As the Master Painters and Decorators' Association of San Francisco has no agreement with the general contractors' association directly and therefore can not set up or present our grievance to that body, we claim that the above-cited section of the constitution is applicable in our contention. In justice to the Master Painters and Decorators' Association of San Francisco, we respectfully request that your honorable body reconsider your ruling and investigate the charges presented.

By order of the Master Painters and Decorators' Association of San Francisco.

[SEAL.] W. T. BECK, *Secretary.*

EXHIBIT No. 25.

MASTER PAINTERS AND DECORATORS' ASSOCIATION OF SAN FRANCISCO,
San Francisco, Cal., June 12, 1912.

BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA,
San Francisco, Cal.

GENTLEMEN: The Master Painters and Decorators' Association of San Francisco respectfully tenders its resignation as a member of the building trades employers' association and requests the acceptance of the same on this date.

Yours, respectfully,

[SEAL.] W. T. BECK, *Secretary.*

EXHIBIT No. 26.

BUILDING TRADES EMPLOYERS' ASSOCIATION OF CALIFORNIA,
San Francisco, June 13, 1912.

The MASTER PAINTERS AND DECORATORS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: At a meeting of this association held on Wednesday, June 12, 1912, the resignation of your association as an affiliated member of the building trades employers' association was unanimously accepted.

Yours, respectfully,

GEO. E. MCCALLUM, *Secretary.*

EXHIBIT No. 27.

MASTER PAINTERS AND DECORATORS' ASSOCIATION OF SAN FRANCISCO,
San Francisco, Cal., April 23, 1914.

BUILDING TRADES EMPLOYERS' ASSOCIATION,
San Francisco, Cal.

GENTLEMEN: Please find inclosed an application for membership in your body, also our check for $35.50, being dues and per capita tax for one month.

In making this application we wish to confess at this time that our association is in trouble with union labor. The district council of painters are demanding terms which this association in honor to itself can not comply with, for we consider such terms a detriment not only to our trade but to the whole building industry.

Should you accept our application and your association, after due investigation, find they may be able to assist us, thereby to a greater extent assisting the whole building industry, will be greatly appreciated by the master painters' association.

Yours, very truly,

C. E. GORDON, *Secretary.*

WENDLING EXHIBIT.

SCALE OF WAGES AND HOURS OF LABOR, WEED LUMBER CO., WEED, CAL., DECEMBER, 1914.

(Per day of 10 hours.)

Common labor: 151 men at $2.25; 8 men at $2.50; 52 men at $2; 6 men at $1.75.
Band sawyers: 5 at $3.25; 2 at $3.
Off-bearers: 7 at $2.25; 8 at $2.50; 1 at $2.
Cut-off sawyers: 1 at $3.75; 10 at $3.50; 6 at $3.25; 4 at $3.
Scrap cut-off sawyers: 4 at $2.50; 1 at $2.25.
Scrap rip sawyers, 3 at $2.50.
Swing cut-off sawyers, $2.50 and $2.25.
Sash cut-off sawyers, $2.25.
Car loaders: 1 at $2.75; 7 at $2.50; 5 at $2.25; 3 c/l talleymen at $2.75.
Millwrights: 1 at $4.25; 1 at $3.50; 1 at $3.
Tie-up men: 12 at $2.50; 7 at $2.25.
Planer men: 2 at $3.75; 2 at $3.
Planer man feeder, $2.50.
Pony planer men: 2 at $2.75.
Planer off-bearer, $2.50.
Machine operators: 3 at $3.50; 1 at $3.25; 3 at $3; 7 at $2.75; 15 at $2.50.
Warehousemen: 2 at $3; 1 at $2.50.
Shipping and factory clerks, $3 and $2.50.
Cleat saw operators, $2.25.
Head oiler, $3.50. Oilers: 3 at $2.50.
Belt man, $3.50.
Tallymen: 2 at $2.50; 1 at $3.
Matcher feeders, $2.25.
Rip sawyers: 1 at $3.50; 2 at $3; 3 at $3.25; 4 at $2.50.
Foremen: 2 at $4.50. Subforemen: 3 at $4; 2 at $3.75; 1 at $3.50.
Printer man, $3.
Saw filer, $11.
Cut-stock grader, $3.50.
Stock clerk, $2.75.
Stock graders: 5 at $2.50.
Door patchers: 1 at $4; 3 at $3.25; 1 at $3; 2 at $2.75; 2 at $2.50.
Panel graders, $3.
Panel raisers, $3.25.
Glaziers, $3.
Sander men, $2.75 and $2.50.
Door drivers: 3 at $2.75 and 2 at $2.50.
Sticker men: 2 at $3.50; 2 at $2.75; 1 at $3.
Elevator man, $2.50.
Sash pinners: 2 at $2.25.

Door clamp operators, $3.
Stile borers, $2.50.
Sander operators: 2 at $3. Sander feeders, $2.50.
Cabinetmakers, $3.50.
Sash pacers: 3 at $2.75 and 2 at $2.50.
Stile bore operators, $2.75.
Sash clamp operators, $2.50.
Glue drive operators, $2.50.
Sash sticker feeders, $2.25.
Truckers, $2.50 and $2.25.
Chain mortiser operator, $2.50.

(Per day of 12 hours.)

Night watchmen: 1 at $2.75; 12 at $2.50.

(Per day of 10 hours.)

Dry kiln crew: 7 at $2.50; 14 at $2.25.
Tram repairers: 3 at $3
Switchmen, $2.75.
Teamsters, $2.50.
Stacker men, $3.
Unloader men, $3.
Machinists: 1 at $4.50; 8 at $4; 1 at $4.25; 1 at $3.50. Machinist helpers, $3.25, $2.75, and $2.50.
Boiler makers, $4.25.
Supply-room clerks, $2.75.
Blacksmiths: 2 at $4.25; 1 at $3.50. Blacksmith helpers, $2.50.

(Per day of 12 hours.)

Firemen (power houses), $3, $3.25, and $2.75.

(Per day of 10 hours.)

Carpenters: 2 at $4; 2 at $3.75; 2 at $3.50. Helpers, $3.
Painters, $4.
Plumbers, $3.25.
Electricians, $3.50 and $3.

(Per day of 12 hours.)

Engineers (power house), $3.50.

(Per day of 10 hours.)

Pipe fitters, $2.75. Pipe fitters' helper, $2.50.

(Per month.)

Salaried men: Lumber yard superintendent, $175. Master mechanic, $200. Superintendent sash and door factory, $250. Construction foreman, $140. Chief electrician, $150. Lumber yards foreman, $100. Weighmaster, $105. Superintendent box factory, $275. Store check clerk, $85. Logging superintendent, $201.63. Foreman general crew, $100. Lumber inspector, $100. Dry kiln foreman, $125. Cut stock department foreman, $160. Store delivery, $85. Store cashier, $100. Lumber inspector, $100. Hardware clerk, $110. Butcher shop clerk, $85. Janitor, $80. Clerks, store: 3 at $75; 6 at $85; 2 at $90. Butcher, store, $110. Manager, store, $275. Druggist, store, $125. Janitor, $70. Clerk, store, $95. Clerk, chief, groceries, $100. Superintendent veneer factory, $175. Chief clerk, dry goods, $105. Foreman box shook shipping, $110. Box factory foreman, $125. Foreman, dry lumber, $100. Foreman of mills, 2 at $125. Foreman mills, night, $100. Head night watchman, $95. Foreman power house, $125. Foreman fire protection, $110. Manager theater and ice plant, $125.

WEED LUMBER CO. PAY ROLL, 1913.

San Francisco office	$25,209.96
Weed office	18,874.79
Retail stores	26,889.40
Hotels and boarding houses	14,393.07
Ranches, teamsters, and miscellaneous common labor	29,594.42
Lumber yards	87,965.81
Box, sash, door, and veneer factories	204,089.21
Machine shop, millwrights, and pipe fitters	38,884.40
Carpenters	21,651.52
Sawmills	112,774.57
Logging	121,921.25
Logging railroad construction and operating	82,162.89
Total	834,487.92

TYSON EXHIBIT NO. 1.

ARTICLES OF AGREEMENT BETWEEN THE SAN FRANCISCO PLANING MILL OWNERS' ASSOCIATION AND THE BUILDING TRADES COUNCIL OF SAN FRANCISCO, CAL.

[To go into effect Saturday, Oct. 15, 1904.]

ARTICLE I.

SECTION 1. It is agreed by the members of the San Francisco Planing Mill Owners' Association that they will abide by the following trade rules and scale of wages as hereinafter set forth.

First. All branch foremen must be members of the union; general foremen or superintendents may join at their option.

Second. The steward must be made known to and recognized by the employer, and must bring any difference or grievance to the attention of the latter before referring it to his union.

Third. All men and apprentices 17 years of age and over, doing mechanical, bench, and machine work of any kind, must be members of the union.

Fourth. All men shall receive their wages at least once a week.

Fifth. Business agents shall be allowed to go through the shops when occasion demands, on application to the office.

Sixth. All shops shall be allowed one apprentice for every five benchmen or fraction thereof and every five machinemen or fraction thereof, and the apprentice must be under 25 years of age.

Seventh. Eight hours shall constitute a day's work; working hours shall be between the hours of 8 o'clock a. m. to 12 m., and 1 p. m. to 5 p. m. unless otherwise permitted by the council. Double time shall be allowed and paid on all overtime, Sundays, and Christmas, unless otherwise permitted by the council. No work shall be allowed under any pretense on Labor Day and the Fourth of July, except where such work is necessary for the preservation of life and property; but for overtime put in on making repairs to machinery or shafting, the pay shall be for straight time only.

Eighth. The minimum rate of wages per day in all shops and mills shall be: Sticker men, $5; band sawyers and shapers, $5; head sawyers, $4.50; turners, $4.50; head rip sawyers for stickers, $4.50; assistant rip sawyers, $3.50; bench hands, $4.50; planer men, $4; sash and door foremen, $4.75; sash stickers, $4; stock cutters, $4; smoothers and molders on sash and doors and putters up, $3.50; mortisers, $3.25; tenoners, $3.25; sandpaperers, $2.25; roller sander, $4.

SEC. 2. This schedule of wages shall go into effect on the 15th day of November, 1904.

ARTICLE II.

SECTION 1. It is agreed by the building trades' council that they will refuse to handle any material coming from any mill or shop that is working contrary to the prescribed number of hours contained in the foregoing trade rules, or employing other than union mechanics.

SEC. 2. These conditions do not apply to the following materials coming directly from the sawmills, to wit: Flooring, 1 inch, 1¼ inch, or 1½ inches by 3 inches; 4 inches or 6 inches, tongued and grooved and planed on one side.

Ordinary siding, ½ inch by 6 inches, bevel siding, commonly known as clapboards. Stepping, 1¼ inches, 1½ inches, or 2 inches by 10 inches to 16 inches, vertical-grained pine, planed on one side. Tongued and grooved ordinary redwood, 1 by 6, beaded one or two sides, or plain. Tongued and grooved ordinary redwood, 1 by 4, beaded one side. Tongued and grooved ordinary redwood, 1¼ by 4, beaded one or two sides. Surfaced redwood, clear redwood, ½ inch by any width, planed one or two sides; one inch or over by any width planed on one side.

ARTICLE III.

It is further agreed by the building trades' council that the wages of any member of any union affiliated with the said council working in a mill or shop or on a job of a member of the San Francisco Planing Mill Owners' Association shall be regulated by the craft under which he is working, regardless of the wages of the union to which he belongs.

ARTICLE IV.

It is further agreed that all differences and grievances be settled through the organizations represented in this agreement, and not with individual members.

ARTICLE V.

SECTION 1. It is further agreed that the foregoing articles of agreement shall remain in full force and effect for a period of not less than two years, from the 12th day of November, 1906, and should any dispute arise as to the interpretation of this agreement, or any other matters affecting the interests of the parties to this agreement, the same shall be referred to a joint committee composed of an equal number from each of the parties interested, for the adjustment and settlement of same; and in case they fail to agree, the matters in dispute shall be referred to the board of arbitration for settlement. The aforesaid joint committee shall meet on the third Monday of each month at 8 o'clock p. m.; special meetings may be called at any time at the request of three members, or by the chairman.

SEC. 2. Furthermore, no strikes, boycotts, or lockouts shall be entertained or entered into by any party to this agreement until a period of 30 days shall be allowed for the adjustment of any dispute that may arise. An additional period of six months shall be allowed before any strikes, boycotts, or lockouts shall be attempted or enforced by order of the building trades' council, or any of its affiliated organizations, or by any members of the San Francisco Planing Mill Owners' Association.

SEC. 3. It is further agreed that both organizations shall meet in joint committee 90 days prior to the termination of this agreement, for the purpose of making an agreement for the future, satisfactory to both organizations.

We, the undersigned, joint conference committee, representing the Building Trades' Council of San Francisco and the San Francisco Planing Mill Owners' Association, do hereby agree to abide by and faithfully carry out all the stipulations as set forth in the above articles of agreement.

For the building trades' council:

O. A. TVEITMOE,
JOHN J. SWANSON.
GEO. D. KELLY.
A. R. YOELL.
HENRY CARSTENSEN.
J. L. MCKINLEY.

For the San Francisco Planing Mill Owners' Association:

WM. CROCKER.
R. B. MOORE.
G. A. BOHEL.
M. S. NEUGASS.
R. HERRMANN.
F. N. HAYMAN.

Endorsed by District Council of Carpenters of San Francisco:

F. P. NICHOLAS, *President*.
H. REICHARDSON, *Secretary*.

We, the undersigned, and each of us, the Building Trades Council of San Francisco and the San Francisco Planing Mill Owners' Association, do hereby accept the foregoing articles as adopted by the board of arbitration, and do hereby agree to abide by and faithfully carry out all of the stipulations as set forth in said articles of agreement.

P. H. McCARTHY,
EDW. J. BRANDON,
O. A. TVEITMOE,
C. H. STOCKS,
HARRY M. SAUNDERS,
Building Trades Council.

BOLANDER-PERKINS CO.,
WILLIAM CROCKER,
WILLIAM SHAUGHNESSY,
R. HERRING,
ANDREW WILKIE,
San Francisco Planing Mill Men's Association.

The above agreement was indorsed at a special meeting of the building trades council, held the Pythian Castle, Tuesday evening, February 19. Up to date it has been also signed by the following planing mills of San Francisco and Alameda Counties:

San Francisco: San Francisco Planing Mills; James Young; Albert Hansen; W. J. Little Co.; California Mills; R. Herring; M. Hansen & Co.; F. A. Geier; Bolander-Perkins Co.; Mechanics' Mill; Townley Bros.; Fulda Bros.; Frank Huber; Davis & Langland; Commercial Planing Mill-F. T. White.

Alameda County: Kendall; Burnham & Standiford; Reed; Howie & Broadwell; Mann & Mole; Ingler & Young; Jenkins; Zenith Planing Mill; Dahl's Mill, Elmhurst; Johansen's Mill, Berkeley; Papes's Mill; Humboldt Lumber Co.'s Mill; Veitch Bros.' Mill; McCullough & Bridgeman Pioneer Mill.

Planing mills running on an eight-hour basis previous to the agreement: Progressive Mill No. 1; Birth's Mill; Jacob Schwerdt; Legal & Ostrander; Searles, Heyman & Co.; Davis & Talbot; Home Manufacturing Co.; Finke & Schindler; J. Lorden; Voight & Veyhlee; Bateman; Bader & Finke; Leonhard; McDermontt & Reilly; Union Planing Mill; San Rafael Planing Mill; Jones; Peterson & Schemp; R. Dewey; G. Braendlin; Brass & Wittenberg; Oscar F. Fincke; A. Herman; Jos. Fredericks & Co.; Julius G. Klern; Charles W. G. Marx; A. J. Forbes & Son; California Furniture Co.; McCann, Belcher & Allen; W. Brown; Sixth Street Planing Mill; W. M. Tompkins; S. P. Mantel Co.; Helbing's Mill.

The planing mills at Santa Clara and San Jose have also signified their intention to run on an eight-hour day after the 1st of June, and in this connection it should be noted that the Pacific Manufacturing Co., of Santa Clara, is the first company that will run its sash and door factory on an eight-hour basis.

Respectfully,

O. A. TVEITMOE,
Secretary Building Trades Council of San Francisco.

A. C. BENDIXEN,
Secretary San Francisco Planing Mill Men's Association.

GENTLEMEN: We hereby send you a copy of the decision reached by the board of arbitration and agreed to by the building trades council and the San Francisco Planing Mill Men's Association for your future guidance.

REPORT OF ARBITRATION BOARD.

SAN FRANCISCO, *February 19, 1901.*

To the joint committee representing the Building Trades Council of San Francisco and the San Francisco Planing Mill Men's Association.

GENTLEMEN: Your board of arbitration, selected by you as per agreement dated and signed February 13, 1901, beg leave to report that after hearing the statements of both sides relative to the matter in dispute, and after a careful review and consideration of the situation in all its bearings, have come to the conclusion as set forth in the articles of agreement adopted by the board of arbitration and trust they may be seriously and conscientiously carried out by your respective organizations.

ARTICLES OF AGREEMENT ADOPTED BY THE BOARD OF ARBITRATION.

First. That from and after the signing of this agreement by the respective parties in interest, all restrictions and refusals to handle materials furnished by the members or firms of the San Francisco Planing Mill Men's Association (except those who fail to sign this agreement) shall be declared off by order of the building trades council, the same to be binding upon all affiliated unions; but nothing in this agreement shall affect the completion of contracts entered into previous to the 18th day of August, 1900, nor shall it affect any contracts taken by mills considered fair by the building trades council up to the 19th day of February, 1901.

Second. That commencing on the first Monday in March, 1901, and for a period of three months, ending on the first Monday in June, 1901, eight and one-half hours shall constitute a day's work; and that from and after the first Monday in June, 1901, eight hours shall constitute a day's work in all the mills and shops of the San Francisco Planing Mill Men's Association who sign this agreement.

Third. That the members of the San Francisco Planing Mill Men's Association shall not be required to employ union men for a period of six months dating from the first Monday in March, 1901. After said six months have expired, all skilled workmen employed by them (except their foreman) shall be members of the millmen's union; but all other employees, such as bookkeepers, clerks, draftsmen, or laborers, shall not be required to become members of any union.

Fourth. It is further agreed by the building trades council that all the present employees of the San Francisco Planing Mill Men's Association shall, at their option, be admitted to the millmen's union without prejudice and upon the same terms as the present members were admitted, and that they shall not be required to pay dues or fines of any kind on account of anything that has occurred in the past; nor shall any member of the San Francisco Planing Mill Men's Association be required to discharge any of their employees on account of any action of said employees in the past.

It is also agreed that the members of the San Francisco Planing Mill Men's Association will not discriminate against their employees on account of any action of their said employees in the past. It is further agreed by the San Francisco Planing Mill Men's Association that any former member shall, at its option, be admitted to the San Francisco Planing Mill Men's Association without prejudice and upon the same terms as the present members were admitted, and that they shall not be required to pay dues or fines of any kind on account of anything that has occurred in the past.

Fifth. It is also agreed that on account of the concessions hereby granted by the San Francisco Planing Mill Men's Association in relation to the reduction of hours of labor and the employment of union mechanics that the building trades council and its affiliated organizations will absolutely refuse to handle any materials coming from any mill working contrary to the prescribed number of hours contained in this agreement or employing other than union mechanics.

These conditions do not apply to such materials as flooring, ordinary rustic, ordinary siding, stepping, ordinary tongued and grooved and surfaced redwood, and all rough lumber.

These conditions shall apply not only to all the mills within the city and county of San Francisco but to all the mills in the State of California, as well as all those of other States.

Sixth. It is also further agreed that the foregoing articles of agreement shall remain in full force and effect for a period of not less than two years from the first Monday in June 1901, and should any dispute arise as to the interpretation of this agreement or any other matters affecting the interests of the parties to this agreement, the same shall be referred to a joint committee of an equal number from each of the parties interested for the adjustment and settlement of same; and in case they fail to agree, the matters in dispute shall be referred to the present board of arbitration for settlement.

Furthermore, no strikes, boycotts, or lockouts shall be entertained or entered into by any party to this agreement until a period of 30 days shall be allowed for the adjustment of any disputes that may arise. An additional period of six months shall be allowed, after due notice in writing shall have been given, before any strikes, boycotts, or lockouts shall be attempted or enforced by order of the building trades council or any of its affiliated organizations or by any member of the San Francisco Planing Mill Men's Association.

It is also agreed that both organizations shall meet in joint committee 90 days prior to the termination of this agreement for the purpose of making an agreement for the future satisfactory to both organizations.

Respectfully submitted by the board of arbitration as their report.

OSCAR LEWIS, *Chairman.*
JAMES E. BRITT, *Secretary.*
JEREMIAH MAHONY.
DAVID KERR.

TYSON EXHIBIT NO. 2.

	San Francisco charge.	Charge direct from mill.
Surfacing 1 side	$1.50	$0.75
Surfacing 2 sides	2.00	1.00
Surfacing 3 sides	3.50	1.50
Surfacing 4 sides	4.50	2.00
Working tongued and grooved 1 side:		
3 inches	4.00	1.00
4 inches	4.00	1.00
6 inches	2.00	1.00
Working 2 sides	[1] 1.00	[2]
Working rustic:		
1 by 6	2.50	1.00
1 by 10	2.25	1.00
Sizing 1 edge	1.25	.50

[1] Extra. [2] No extra charge.

TYSON EXHIBIT NO. 3.

STRIKE BY SAILORS' UNION OF THE PACIFIC.

Shortly after the conflagration of April 18-21, 1906, in San Francisco, when all business was largely demoralized and almost at a standstill, and when lumber and other products of the Pacific coast were vitally needed for the upbuilding of the city, the Sailors' Union of the Pacific, which numbers among its members virtually all of the deck seamen engaged in the coasting trade, made, through its secretary and ruler, Mr. Andrew Furuseth, a demand upon owners and managers of coasting vessels for an increase in wages for deck seamen. Previously to this demand, and just after the fire, Mr. Furuseth had assured the owners and managers, at a meeting called to consider conditions and best means of meeting them, that the seamen would not make any demands for any alteration in the wage scale in working rules then in effect between seamen and owners. Just before making this demand and after the breach of this promise made, as above mentioned, Mr. Furuseth had written to some other head of a labor union in New York that "everybody in San Francisco had his knife out to do up everybody else and the sailors might as well carve out a slice for themselves."

The owners were unable to meet the demands of the Sailors' Union of the Pacific, and all deck seamen were called out of coasting vessels. Consequence was that coasting trade was practically paralyzed. A few vessels operated with crews of the few sailors who could be found in this or other coasting ports and who were not members of the Sailors' Union of the Pacific, but they worked in daily fear of their lives. In fact, two sailors not members of the Sailors' Union of the Pacific, on one of our coasting vessels, the schooner *Fearless*, were killed by members of the sailors' union, who boarded the vessel at night while she was lying in Grays Harbor. William Gobi, agent of the Sailors' Union of the Pacific at that port, was arrested and charged with being the instigator of these murders, convicted, and fined some $1,200. After his trial and conviction Gobi, a convicted felon, was reinstated by the Sailors' Union of the Pacific in his former position as its agent at Grays Harbor.

Many acts of violence were also committed in this port by members of the Sailors' Union of the Pacific. Crews consisting of nonunion sailors were forcibly

taken from coasting vessels in this port, and one assault by a launch load of armed union sailors upon the steamer *National City* in the port of San Francisco brought on the killing of a union sailor on such launch by the master of the *National City*. That master was arrested, charged with murder, and bitterly prosecuted by the Sailors' Union of the Pacific, which engaged special counsel to assist the district attorney in such prosecution, but the master was acquitted.

Strike lasted many months and was ended by compromise in autumn of 1906.

The tie-up of coast shipping by reason of Sailors' Union of the Pacific action caused much distress both in San Francisco and in coast ports and also led to great delay in city's rebuilding.

Strength of sailors', firemen's, cooks and stewards', and engineers' unions is such that owners and managers of coasting vessel are virtually forced to accede to all their demands if vessels are to operate at all in coasting commerce.

Vessels, owing to general depression in all trades, are now operating either at a loss or just about breaking even.

No diminution in demands of any union. In fact, constant tendency on part of all unions to demand increase in privileges and more men in crews.

No attention is paid by any union to complement of men as fixed by United States local inspectors acting under the law (sec. 4463, R. S., U. S.) which empowers such inspectors to prescribe number of men to be employed in each and every department of vessel.

Might cite case of *Lakme* when crew demanded overtime for jettisoning cargo on a Sunday after vessel had struck on Humboldt Bar on her way to sea, and was in distress and possibly in sinking condition. That the crew demanded overtime proven by sworn testimony given before United States Inspectors Bolles and Bulgar at inquiry into cause of injury, held January 10, 1906. Inspector of Hulls Bolles characterized such conduct of sailors as "mutiny on the high seas."

June, 1906, Charles Bock, union agent at Portland, assisted by other members of sailors' union, boarded, under cover of darkness, steamship *Joaia Paulsen*, and assaulted nonunion crew with deadly weapons. Bock was convicted by jury and given penitentiary sentence.

Union crews of steamers lying in open ports and in coasting ports away from San Francisco abandoned vessels upon orders from Sailors' Union of the Pacific headquarters when strike was called and left vessels helpless and at mercy of winds and waves.

Vessels carrying nonunion crews were fired upon by sailors' union pickets, both in this port and in San Pedro. Cite cases of *Redondo* and *Coronado* at San Pedro when vessels were attempting to move to place of safety after union crews had deserted them.

Sailors' union pickets patrolled water front of San Francisco and shugged and maimed nonunion men. Several nonunion employees of coasting vessels killed on water front of San Francisco during strike, but evidence not sufficient to convict members of Sailors' Union of the Pacific, although not much doubt of union complicity

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MARINE ENGINEERS' BENEFICIAL ASSOCIATION NO. 35 STRIKE—JANUARY — TO MARCH 26, 1906.

CAUSE.

In early part of January, 1906, M. E. B. A. No. 35, a California incorporated organization of marine engineers, including in its membership all of the marine engineers, with very few exceptions, sailing out of the port of San Francisco, made a demand upon the owners and managers of steam schooners, coastwise trading steamers on Pacific coast, for an increase in the complement of engineers to be employed upon such steamers.

CONDITIONS.

The complement of engineers for each of such steamers was then, as now, fixed by the local United States inspectors of hulls and boilers at the annual inspection of each of such steamers. Engineers' association demand was directed to owners and managers of steam schooners without regard to complement as fixed by local United States inspectors, and called for a complement of engineers in excess of number required by such inspectors on all

voyages north of Crescent City, Del Norte County, Cal., San Francisco, Cal., being point of departure.

Owners and managers of steam schooners answered demand of engineers by saying they would abide by rulings of local United States inspectors. Engineers refused to be so bound and called all engineers out of steam schooners, and so tied up all steam schooner coastwise traffic.

A general meeting of all steam schooner owners and managers was then called, through the steam schooner managers' association, and at such meeting, held early in January, 1908, a committee of representative steam schooner owners and managers was appointed, consisting of A. B. Hammond, of Hammond Lumber Co., chairman; James Tyson, of Charles Nelson Co.; Edward Christensen, of Sudden & Christensen; C. R. Johnson, of Union Lumber Co.; W. J. Hotchkiss, of Hobbs, Wall & Co.; J. R. Hanify, of J. R. Hanify Co.; and Oliver Olson, of Olson & Mahoney, to confer with a committee of engineers, consisting of members of the M. E. B. A. No. 35, to wit, J. J. Searey, business manager, chairman, James H. Quinn, W. C. Damuth, R. E. Bullene, James W. Pendergast, D. H. Farley, James M. Spencer, and R. Comstock, and many conferences were had spreading over a period of several months.

During this period practically all of the steam schooner coasting business ceased, and steam schooners were laid up in harbors because of lack of marine engineers. The small California coast ports north of San Francisco, which, being situated in mountainous country without rail communication, are dependent wholly upon sea communication with San Francisco for provisions and supplies of all kinds, suffered great distress, and it was only toward the end of the period of strike, and after strenuous effort and at great expense to the owners and managers of steam schooners that enough marine engineers were brought out from Atlantic coast to man a few steamers to relieve their necessities.

EFFECT.

Strike lasted until March 26, 1908, when an agreement between owners and engineers was signed, wherein and whereby engineers agreed to abide by working rules as set forth in printed agreement attached hereto. No change was made in this agreement from rules theretofore existing, and the agreement was in effect a complete backdown by engineers from the stand taken by them in January, 1908, and a recognition of the lawful right of the United States local inspectors to fix complement of all crews on all American vessels.

Since above agreement was made and signed Marine Engineers' Beneficial Association No. 35 has at various times, in effect, refused to abide by its provisions, in this, that it has refused to supply marine engineers to coasting steamers manned by full complement fixed by United States local inspectors, and has insisted that more men be carried in the fireroom of such steamers than United States local inspectors specified.

Only as recently as month of May last, the engineers regularly signed to shipping articles before United States shipping commissioner in this port for a voyage in steamship *Yellowstone* from here to Columbia River ports and return refused to take vessel to sea unless two oilers were shipped in addition to the men already shipped, and although steamer had her full complement as fixed by United States local inspectors' certificate.

Steamer was delayed, fully laden, in this port two days beyond her scheduled sailing date. Engineers did not quit until one hour before time fixed for sailing, and in the end owner was obliged to bow to the demands of the marine engineers' beneficial association as no engineers other than members of that organization were to be had, and none of the members of that organization dared to go contrary to instructions of the organization. United States local inspectors claim that they were powerless to act in matters of this kind, and say they can not compel engineers to go to sea. Effect is that marine engineers' beneficial association dictates complement of crew in engine and fire rooms and pays no attention to acts of United States local inspectors in this regard.

TYSON EXHIBIT NO. 4.

OAKLAND, CAL., *February 23, 1911.*

DEAR SIR: The building trades council desires to call your attention to the fact that the Sunset Lumber Co., of Oakland, has been placed on the unfair list on account of the failure of that company to live up to the terms of the agreement made last May, between the lumber dealers of Alameda County and

the building trades council, in which the council acted as the agent of the lumber clerks', the lumber handlers', and the building material teamsters' unions, who had demanded a restoration of wages and conditions to the standard of two years previous, and which had been reduced voluntarily at the time of the financial stress. This agreement to which the Sunset Lumber Co. was a party was the result of a compromise by which the wage demands were cut about 50 per cent. However, the greed of the Sunset Lumber Co. could not be appeased by the profits made in legitimate competition, so a few months ago they began a systematic and underhanded reduction of wages to make a greater profit by squeezing from 75 cents to $1.25 per day from the wages they were piously pretending to pay. The company employed foremen who made the lives of the men miserable, so that they would quit, or they discharged them here and there and replaced them with nonunion men at the less than living wage, claiming they were "not reducing wages, but merely trying to raise the standard of their employees," and evading a direct statement until last Monday, when they flatly refused to live up to the terms of the agreement. Nothing remained for the men but to strike work, which they did on Tuesday morning the 21st. The 70 union men still working there quit work, and to the company's surprise, the 50 nonunion men who were being used as a tool to cut wages, disgusted at the tactics of the company and still more disgusted at the less than living wage paid them, also quit work with the union men.

The Sunset Lumber Co. has by its own action compelled the building trades council to place them on the unfair list. No union men will handle or use their material. Any contractor, owner, or architect who may try to use this material will meet the active opposition of all union men, be hampered in every way possible, and most likely gain for himself a place on the unfair list.

Assured that you will at once see the justice of the position taken by this council, and that you will naturally feel the same measure of contempt for the Sunset Lumber Co. as is felt for any concern which resorts to underhanded and unfair methods of competition with its business rivals, and will therefore do all in your power to assist in bringing this particular concern to a realisation of the error of its ways, I have the honor to remain,

Very truly, yours,

F. H. PRATT,
Secretary Building Trades Council of Alameda County.

OAKLAND, CAL., *August 8, 1911.*

DEAR SIR: The building trades council wishes to remind you that the strike of the employees of the Sunset Lumber Co. is yet unsettled.

This strike—in reality more a lockout than strike—was begun last February, after the management of that company had been compelled to quit their policy of subterfuge and evasion and to come out into the open and admit that they would not live up to the terms of the agreement made between the lumber dealers of Alameda County and the building trades council.

Since the strike began the men have carried themselves in a dignified, decent, and lawful manner. Not so with the Sunset Lumber Co. Immediately after the strike was called, they began importing strike breakers and gun fighters into Oakland. These men, not citizens of the city, were armed to the teeth, put on the company's wagons and sent out to look for trouble. A number of them have been arrested and fined for various active misdemeanors, among which are assault, battery, vile language, insulting women, etc., and others have been arrested and are awaiting trial on felony charges, assault to murder, etc.

The police department took no action to disarm these gunmen, although since their importation, Oakland has witnessed a carnival of holdups and crimes of violence which has brought discredit on the city wherever her name is mentioned. Burglaries have been frequent, and even street cars have been held up and their crews robbed.

As the business of the Sunset Lumber Co. has waned and fallen off the company has been getting desperate. At the same time the truculence of their hired gunmen has increased, and within the past two weeks there have been a number of instances where these cowardly gunmen have, when they could gather together in sufficient numbers, waylaid and murderously attacked peaceable union men, lawfully attending to their own affairs.

The desperate condition of the Sunset Lumber Co., as evidenced by the actions of their hired gun fighters, shows that the company is already defeated, though they are unwilling to acknowledge it, and are again resorting to

subterfuge, delivering orders solicited under the name of the "Charles Nelson Co."

And now the police department has at last been compelled to notice the condition of affairs, so that whenever the company sends out a wagon, a policeman is detailed to follow it and preserve the peace, while the police have begun to disarm the gunmen.

During the progress of the strike the Sunset Lumber Co has twice attempted to have the union men and this council enjoined, but the courts have refused to grant injunctions as all our actions have been fully legal.

At this time we desire to thank you for the interest which has been taken by you, with all good citizens, in this matter and for the assistance you have given us in discouraging police protection of frontier methods in our city. We believe you will continue in the demand that peace be preserved in this city, as well as in your assistance of your fellow citizens who are on strike for human consideration and living conditions.

Very truly, yours,

F. H. PRATT,
Secretary Building Trades Council of Alameda County, Cal.

SAN FRANCISCO, *April 11, 1912.*

To whom it may concern:

Please be advised that the Sunset Lumber Co., also known as the Charles A. Nelson Lumber Co., and all branches of these companies, have been declared unfair by the State Building Trades Council of California and its affiliated local councils and unions.

To those who are working in harmony with union labor, fair dealing requires that we notify them of this action in order to protect them from any loss which they might incur, and for that reason you are respectfully informed of the status of the aforesaid firm.

Sincerely, yours,

O. A. TVETTEN,
General Secretary-Treasurer State Building Trades Council of California.

HANNON EXHIBIT NO. 1.

SAN FRANCISCO, CAL., *November 17, 1914.*

Mr. LEWIS K. BROWN,
United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Your favor of November 12 relative to my testimony given before the commission at San Francisco on September 3, in which you state that I offered to send the commission a list of concerns on the Pacific coast where collective bargaining was carried on, and the names and locations of shops where I talked with the owners regarding the metal trades association not permitting them to obtain castings.

You state that you can not find that this data has been received and would be pleased to have me submit it as early as convenient.

I wish to state that when testifying it was an accepted fact that collective bargaining was carried on in San Francisco, Oakland, and adjoining places. I stated that I knew of other places on the Pacific coast where collective bargaining with individual employers was carried on, and at the request of the commission I stated that I would send a list of names of some of the places where collective bargaining was carried on. Later on I did send a list of shops from Tacoma, Wash., Seattle, Wash., and I believe several other places in that territory. I wrote to Seattle for this information and upon receiving it inclosed it with my letter to the commission just as I received it from Washington. I believe that if you would look over the correspondence again that you very likely will find this information. I am not positive whether I sent the information in regard to the metal trades association not permitting certain shopowners who wished to sign up with the unions to obtain castings if they signed up, but I will try to send you at this time as much information as I can regarding this particular point.

This condition occurred in Vancouver, B. C., but I do not remember at this time the name of the shopowner who told me that he would gladly sign up

with the unions and grant an eight-hour day were it not for the fact that he had been threatened by the walking delegate of the metal trades association that he would have his castings and supplies cut off if he signed up with the trade-unions. This also occurred in Seattle, Wash., with the Hutton Machine Co., Pierce & Hendricks Machine Co., and other shops.

In addition to that, the vice president of the Vulcan Iron Works, of Seattle, in 1910, told a committee and myself that the only reason why he could not sign up with the unions or place his plant on the eight-hour basis was that he had to borrow money from the banks of Seattle, and if he granted the eight-hour day his credit would be stopped and furthermore he would not be able to obtain supplies that it was necessary for him to have.

Prior to the general strike of the machinists in the Northwest for the eight-hour day, the Vulcan Iron Works had been operating its foundry on the eight-hour basis, and after the machinists' strike had been in effect about 60 days a notice was posted in the shop that on and after a certain date, which was only a few days off, the entire plant would be operated on the eight-hour basis. It was then that the metal trades association got busy and threatened the Vulcan Iron Works, with the result that instead of the entire plant going on the eight-hour day the entire plant returned to the nine-hour day.

Trusting that you may find the other list that I mailed you and that this information will complete the requirements, I beg to remain, with best wishes,

Yours, truly

WILLIAM HANNON,
International Vice President,
248 Oak Street, San Francisco, Cal.

The following-named firms are operating on an eight-hour basis:

LIST OF FAIR MACHINE SHOPS IN SEATTLE.

Alvord Automatic Machine Co.
Charleston Machine Works.
Canal Machine Works.
Diamond Machine Works.
Emery Machine and Auto Co.
Elliot Bay Yacht & Engine Co.
Griffith Machine Co.
Hunter Manufacturing Co.
Hennig & Rowe.
Hall Bros. Ship Yard.
Hoskins Machine Co.
King & Wing.
Klaunig Manufacturing Co.
Kilbourn & Clark.
Pacific Printers Supply.
Reynolds Electric Co.
Seattle Talbot Generator Co.
T. H. Markey Machine Shop.
West Side Boat Works.
West Seattle Machine Works.

FAIR MACHINE SHOPS IN TACOMA.

Washington Machinery Depot.
Coast Iron & Machine Works.
Auto Marine Machine Works.
Nickerson Macfarlan Co.
Pacific Machine Co.
Hicks & Bull.
Olympic Foundry & Machine Co.
Acme Brass & Machine Co.
Thomas & Hammond Co.

FAIR MACHINE SHOP IN SPOKANE.

Washington Machinery Depot.

SHEET METAL SHOPS IN SEATTLE.

Ballard Sheet Metal Works.
Cascade Sheet Metal Works.
City Cornice Works.
T. F. Clarke.
East Lake Sheet Metal Works.
Finlay & Robb.
Globe Sheet Metal Works.
Independent Sheet Metal Works.
J. J. Garner.
James Marshall.
Mers Sheet Metal Works.
Motor Sheet Metal Works.
Occidental Sheet Metal Works.
Pike Street Sheet Metal Works.
Popple & Knowles.
Puget Sound Sheet Metal Works.
Seattle Metal Ceiling Co.
Seattle Cornice Works.
Washington Sheet Metal Works.
Western Sheet Metal Manufacturing Co.
West Lake Sheet Metal Shop.
Weibel Roofing & Cornice Works.
White & Manke Cornice Works.
Wm. M. Curtis Hardware Co.
Yesler Sheet Metal Works.
Cromwell Manufacturing Co.

FAIR ELECTRICAL SHOPS.

Meacham & Babcock.	Boxwell Electric Co.
Arrow Electric Co.	F. P. O'Donnell.
Sound Electric Co.	J. Ahern.
Edison Electric Co.	Crawford & Wagner.
Buxbaum & Cooley.	J. Skene.
Reynolds Electric Co.	P. E. Lidings.
Ralph Krows.	Lushington Electric Co.
Columbia Electric Co.	Pioneer Electric Co.
Sullivan & Curtis.	Electric Fixture & Supply Co.
NePage & McKenny Co.	Cascade Fixture Co.
Electric Engineering Co.	H. E. Gleason Fixture Co.
Kilbourn & Clark.	

FAIR BOILER SHOPS IN SEATTLE.

Western Engineering Co.	Queen City Boiler Works.
Commercial Boiler Works.	Standard Boiler Works.
Oregon Boiler Works.	

The boiler makers, machinists, blacksmiths, and other trades all have agreements with the Northern Pacific, Great Northern, and Milwaukee Railroads which run in here, as well.

FRIEND BILL: Suppose you will think I have been a long time answering your letter asking for this information, but I have been trying to get the information from the other cities in regards to the different trades outside of the machinists and have been unable to do so. If I get it later I will send it to you. The fair machine shops in this district have no written agreements, but most all verbal agreements that they will work eight hours per day and pay the rate of wages. The plumbers in this city have agreements with almost every shop in the city with the exception of one or two small ones. The largest one in the city is now a fair shop; it is called the Ernst Plumbing Co. There is only two or three small machine shops in Portland that are working eight hours per day, and I wrote to them for the names, but did not receive them as yet. In answer to your request for names of some of the firms who said they were afraid to sign up with us on account of the metal trades association cutting off their supplies, will say that Mr. Cornfoot, who runs a machine shop in Portland, after working eight hours for some time, went back on nine hours per day, and told me he could not get his castings and patterns on account of signing up with us. The Armstrong Machine Co., who manufacture a saw swage, also did the same on account of being unable to sell his swages to the lumber mills. The Hutton Machine Shop in Seattle were afraid to give the eight-hour day on account of the same association, and the Bay Side Iron Works in Everett would not work eight hours because the owner was afraid the bank in that city would refuse to give him credit. The Hunter Manufacturing Co. was also refused castings by one firm, and when this same firm did furnish him anything he would have to wait until the last to get them, and then they would demand pay for them before they would let them leave the shop, even though in one case it amounted to only 35 cents.

Hoping this information will be of some assistance to you and that you will excuse the mistakes which are very noticeable in this letter, I remain,

Your friend,

J. A. TAYLOR.

HANNON EXHIBIT NO. 2.

OAKLAND LODGE, No. 284,
INTERNATIONAL ASSOCIATION OF MACHINISTS,
Oakland, Cal., September 12, 1914.

Mr. WM. HANNON,
Hotel Clark, Stockton, Cal.

DEAR SIR AND BROTHER: I have been informed by some of our members who have been working for the United Engineering Works, Alameda, that this firm has built about 12 iron ships during our eight-hour period. The following is

a list of the ships as I received them, and as soon as I receive a more detailed account I will send them to you:

The *Kanak*, twin-screw iron ship, built in 1913 for the Alaska Packers' Association. The *Cricket*, 1,000 horsepower, built 1912 for Lindemenn. The *Angel Island*, built for the United States Government in 1911. Two barges built for the Standard Oil Co. in 1913. Engines for the *San Ramon*, built 1913. Engines for the *Daisy Gadsby*, 1913. Engines for Standard Oil towboat *No. 1*. Engines for the *O. M. Clark*, for J. S. Higgins. Engines for the *Davenport*, for Davenport Lumber Co. Moore & Scott, of Oakland, have built the *Coalinga*, in 1911, for the Associated Oil Co., and some others that I will learn of later.

P. W. BUCKLEY.

HANNON: These are all the iron or steel boats that were built in the Union Iron Works, but there may have been more across the bay, and you had better ask P. W. Buckley for that side of bay. You can write this up to suit yourself. If I can get any more information as to the cost I will send it to you.

Steamer *Killowat* for the islands. Steamer *Napa Valley* for Vallejo. Steamer *San Pedro* for Santa Fe Railroad. Steamer *Henry T. Scott*. Steamer *Aroline*. A large ponton for Pearl Harbor. Two steamers now being built for the oil companies. One small steamer for Standard Oil Co., but don't know name. Nine submarines for Government. These were all built by the Union Iron Works in the past four years and each cost $300,000 or more apiece, but I do not know the exact cost. Also a large ferryboat, *Jefferies*, built for Western Pacific, and new ferry for Key route being built now by Moore & Scott. The United Engineering Co. is building one for the Key route. Also a large caisson for the Panama Canal, just being completed at Union Iron Works Co.

P. FLAHERTY.

INDUSTRIAL ACCIDENT COMPENSATION

(For exhibits under this subject, see pages 5419 to 5420)

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Wednesday, September 2, 1914.*

Present: Chairman Walsh, Commissioners Weinstock, Lennon, Commons, Garretson, and O'Connell. William O. Thompson, counsel.

TESTIMONY OF MR. JOHN A. McGREGOR.

Mr. THOMPSON. Sit down, Mr. McGregor. Give us your name, your business address, and you business, please.

Mr. McGREGOR. John A. McGregor; president Union Iron Works, San Francisco.

Mr. THOMPSON. How long have you been engaged in that business?

Mr. McGREGOR. Since 1906.

Mr. THOMPSON. Are you acquainted with the industrial accident compensation law of this State?

Mr. McGREGOR. Yes; in a general way.

Mr. THOMPSON. Would you mind telling us briefly, generally, the law as you understand it?

Mr. McGREGOR. When workmen are injured, their responsibility, you mean?

Mr. THOMPSON. Yes.

Mr. McGREGOR. They apply to the employers for redress, as prescribed in the rules and regulations laid down by the commission, and are paid accordingly. They have no option to do otherwise, and the employer has no option but to pay the prescribed rates as listed in the manual.

Mr. THOMPSON. How many employees do you employ who come within the term of the law?

Mr. McGREGOR. About 2,000.

Mr. THOMPSON. About 2,000?

Mr. McGREGOR. Yes.

Mr. THOMPSON. Have you had any experience with the operation of the law?

Mr. McGREGOR. Oh, yes, indeed; since its inception—inauguration—the 1st of January of this year.

Mr. THOMPSON. What experience have you had?

Mr. McGREGOR. Very satisfactory, indeed.

Mr. THOMPSON. Have you got any suggestions to make with reference to changes that might be made in the law, or in your opinion is the law satisfactory as it is?

Mr. McGREGOR. No; it has not come to my notice at all that any changes are desirable. It works very satisfactorily, I think, both to the employee as well as to ourselves.

Mr. THOMPSON. Has it had any effect on the number of accidents, if you know?

Mr. McGREGOR. I should say, by all means, it has aided in reducing the number of accidents.

Mr. THOMPSON. In reducing the number of accidents?

Mr. McGREGOR. I say this because the amount we have disbursed during 1914 is no greater than it was during 1913; and the nature of the conditions are a little more onerous, as far as the money paid to the employees is concerned; and, as a result, we strive in every way possible, not only for the purpose of saving money, but to prevent accidents, and I think we have succeeded very well.

Mr. THOMPSON. Do you know the number of accidents you had last year up to this time, and the accidents you have had this year?

Mr. McGREGOR. No, sir; I could not give you that record offhand, but we have it.

Mr. THOMPSON. Would you make that record and send it to us?
Mr. MCGREGOR. Certainly.
Mr. THOMPSON. Giving the nature of the accidents?
Mr. MCGREGOR. Yes, sir.
Mr. THOMPSON. Giving the amount paid last year and this year to employees?
Mr. MCGREGOR. Yes, sir.
Mr. THOMPSON. If you please.
(The information requested was later submitted, and is printed as "McGregor exhibit," at the end of this subject.)
Mr. THOMPSON. What changes or other requirements—I mean what changes in the running of your plant or other requirements, in regard to carrying on your business, is made necessary by the law?
Mr. MCGREGOR. Safety devices particularly, and the suggestion naturally presented itself to us, for the exercise of every possible care. We have a corps of what we call the safety-first department, whose duty it is to periodically—constantly, if you like—inspect the scaffolding, ropes, and tackle of all kinds, and the conditions under which the men work, and the machinery, and so on.
Mr. THOMPSON. Has this added greatly to the expense of your business?
Mr. MCGREGOR. It has somewhat.
Mr. THOMPSON. In your opinion, has it compensated your company and employees to do that?
Mr. MCGREGOR. Oh, most assuredly; most assuredly.
Mr. THOMPSON. Is the cost of carrying on the State law in regard to compensation a heavy burden or not, on the employer?
Mr. MCGREGOR. Well, that depends. The opportunity afforded the employer is so great that it wouldn't do for him to neglect it. That is, a poorly equipped or poorly run plant is liable to cause that much greater proportion of accidents than one that is well organized and cared for.
Mr. THOMPSON. Are employers who are operating under the law placed at any disadvantage as to employers who are not operating under the law?
Mr. MCGREGOR. I think not.
Mr. THOMPSON. You think not?
Mr. MCGREGOR. No, sir.
Mr. THOMPSON. What suggestion, if any, have you to make with reference to either the law, as regards the operation of the business, or the operation of the law itself, if any?
Mr. MCGREGOR. I just don't quite catch that.
Mr. THOMPSON. I will divide the question up. Are there any suggestions you would care to make with reference to changing the law, as relates to the manner in which you must carry on your own business?
Mr. MCGREGOR. No, sir; I don't think so. There is one point that strikes me ought to be looked after very closely by the commission, an dthat is—and it regulates itself to a certain degree, because the rates are involved—that is, that employers should, even against their so-called judgment, if you like, be made to put their plant in the best possible condition so as to secure immunity from accident by their employees.
Mr. THOMPSON. In other words, you think the law might be made stricter in that regard?
Mr. MCGREGOR. I think so, because those who are disposed to do that naturally find it to their advantage to do it, and I am sure others must reap the same benefit.
Mr. THOMPSON. Are there any other statements you would like to make with reference to this law to the commission?
Mr. MCGREGOR. No, sir; I think not.
Mr. THOMPSON. I will ask you how many men you employ now; I think you said 2,000?
Mr. MCGREGOR. About 2,000.
Mr. THOMPSON. How many men were you employing before 1906?
Mr. MCGREGOR. Possibly about 3,500 or 4,000.
Mr. THOMPSON. You may give the reason for the change in number, if you care to.
Mr. MCGREGOR. Yes, sir. We were building a number of vessels at that time, and we are not building so many at the present time. We were building, I think, about seven or eight ships at one time. Naturally that took a great number of men, more than we need now.

Mr. THOMPSON. What was the reason for the change in the method of carrying on your business?

Mr. McGUNNIGLE. There was no change in the method.

Mr. THOMPSON. You are now apparently not building any ships, but just doing repair work. What is the cause of that?

Mr. McGUNNIGLE. The Government has not been building so many ships. We had three large cruisers under construction at one time there. There have been fewer ships built since then.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. O'Connell would like to ask a question or two out of the regular order.

Commissioner O'CONNELL. I want to take you a little bit out of this subject, because you heard the last witness who was on the stand before you.

Mr. McGUNNIGLE. I did.

Commissioner O'CONNELL. I am particularly interested in the metal-trades end of the proposition, and I know you are familiar with the metal trades here. Can you give us any idea of the number of firms in the metal-trades line that moved to Oakland as the result of wage or hour conditions of San Francisco?

Mr. McGUNNIGLE. I don't think there are any.

Commissioner O'CONNELL. Does the Government still allow the differential to the shipyards on the coast in the matter of the contracts for ships?

Mr. McGUNNIGLE. No, sir.

Commissioner O'CONNELL. Is that not one of the reasons why you are not doing so much work?

Mr. McGUNNIGLE. I doubt it. It was a very small differential—4 per cent.

Commissioner O'CONNELL. Ten per cent?

Mr. McGUNNIGLE. Four per cent.

Commissioner O'CONNELL. I knew there was a differential.

Mr. McGUNNIGLE. It was not allowed as a differential. It was that they allower a 4 per cent greater bid to be comparable on this coast than with the East.

Commissioner O'CONNELL. They gave you the advantage of 4 per cent in the bid?

Mr. McGUNNIGLE. Yes, sir.

Commissioner O'CONNELL. Now, the fact that you are now employing 2,000 men as against 3,500 or 4,000 men in 1906 is not assignable at all to the condition of union or nonunion in San Francisco?

Mr. McGUNNIGLE. Not at all.

Commissioner O'CONNELL. You are aware, of course, there are other shipyards in the East that are operating on the same hour basis that you are here?

Mr. McGUNNIGLE. As far as Government work is concerned they necessarily have to.

Commissioner O'CONNELL. There is no advantage, then, to the contractor in the East over the Pacific?

Mr. McGUNNIGLE. Not on the point of hours alone.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all.

Commissioner WEINSTOCK. One moment.

Chairman WALSH. Mr. Weinstock would like to ask a question.

Commissioner WEINSTOCK. I have heard the statement made, and I think you have also heard it, Mr. McGregor, that by virtue of the San Francisco labor condition, plus the burden put upon industry by the compensation law, it has been made almost impossible for the San Francisco shipbuilder to compete, not only with shipyards on the Pacific coast but more especially with shipyards on the Atlantic seaboard. Now, is that so?

Mr. McGUNNIGLE. In so far as the industrial act is concerned?

Commissioner WEINSTOCK. Yes. The statement was made here, by virtue of the labor conditions of San Francisco, with the added burden that the compensation act put upon the industry, that the shipbuilding industry therefore is not in position in San Francisco to compete either with other Pacific coast shipbuilding centers of the Atlantic seaboard. Now, what are the facts as you know them on that point?

Mr. McGUNNIGLE. Well, our labor rates are naturally higher in San Francisco, and to that extent of course we are handicapped. Furthermore, we have to bring all of our steel material from the Pittsburgh district and pay a higher freight rate than the Atlantic coast shipyards are obliged to pay. These

things, of course, militate against us. We would hardly expect to be able to compete with Atlantic coast shipyards for the construction of vessels irrespective of where they might be required or where their owners might be. Owners here usually prefer to see their ships built in San Francisco if we can meet the price of the competitor successfully, and are sometimes willing to give us a little advantage.

Furthermore, I might state we have been successful in competing directly with shipyards in the East for the construction of oil tankers, but I am sure in doing that we probably sacrificed all or more of our profits than they did. Our idea being that it was necessary for us to have a certain proportion of new construction work, as we call it, to keep our forces busy and intact, and ready for the work of more an emergency character, such as repair work, of which we do a good deal. Strictly speaking, I would not say as a shipyard we can compete successfully and consistently with the Atlantic coast.

Commissioner WEINSTOCK. What are the chances of competing successfully in shipbuilding with other Pacific coast points?

Mr. McGREGOR. Oh, we can successfully compete with them and do.

Commissioner WEINSTOCK. You have been able successfully to compete?

Mr. McGREGOR. Yes, sir; certainly. In the matter of bidding you can readily understand that even in a high-priced locality—a high-priced locality might underbid a low-priced locality, due to the way they look at things, perhaps even mistakes occur in bids; but this is not a manufacturing center, never has been, and I don't see that it is likely to be, in the sense that Philadelphia or other places on the Atlantic coast are.

Commissioner WEINSTOCK. That is, it is not naturally a shipbuilding center?

Mr. McGREGOR. No, sir; nor manufacturing center in any sense.

Commissioner WEINSTOCK. What hours do you work on your plant?

Mr. McGREGOR. Eight hours, ordinarily.

Commissioner WEINSTOCK. Are your works unionized; do you deal with the union?

Mr. McGREGOR. Oh, yes.

Commissioner WEINSTOCK. You work under union hours and union conditions and union wages?

Mr. McGREGOR. Well, I would not say that altogether. But to a very considerable extent, yes, sir. We have conferences with their representatives at times.

Commissioner WEINSTOCK. You employ molders?

Mr. McGREGOR. Yes, sir.

Commissioner WEINSTOCK. And blacksmiths?

Mr. McGREGOR. Yes, sir.

Commissioner WEINSTOCK. Boiler makers and machinists?

Mr. McGREGOR. Yes, sir; a large number.

Commissioner WEINSTOCK. Do the unions restrict you in the employment of men? Are you obliged to confine yourself to union men?

Mr. McGREGOR. Not at all.

Commissioner WEINSTOCK. Are you at liberty to employ anybody you please?

Mr. McGREGOR. We employ anybody we please; we never ask whether they are union or nonunion.

Commissioner WEINSTOCK. If you do employ nonunion men, has that issue ever been raised by the union?

Mr. McGREGOR. No, sir; not that I know of.

Commissioner WEINSTOCK. This is a case where you recognize and deal with the union and yet have an open shop?

Mr. McGREGOR. Yes, sir; I should say so.

Commissioner WEINSTOCK. Has there been any friction?

Mr. McGREGOR. Nothing of any account worth mentioning. We have little troubles now and then, but nothing of a character that isn't easily adjusted.

Commissioner WEINSTOCK. You have grievance committees that take up these matters and adjust them?

Mr. McGREGOR. Yes, sir.

Commissioner WEINSTOCK. Before taking charge of the Union Iron Works you had charge of an eastern plant, did you not?

Mr. McGREGOR. Yes, sir; I was connected with the Bethlehem Steel Co.

Commissioner WEINSTOCK. Bethlehem Steel Co.?

Mr. McGREGOR. Yes, sir.

Commissioner WEINSTOCK. Now, in the matter of efficiency, taking 100 per cent as the maximum efficiency, how do the workers in San Francisco, coming

under your direction, compare in per cent of efficiency with the workers you had operating under you in the East?

Mr. McGregor. Oh, very favorably.

Commissioner Weinstock. Very favorably?

Mr. McGregor. Yes, sir.

Commissioner Weinstock. That is due to what cause—climatic conditions?

Mr. McGregor. Quite a number of them come from these.

Commissioner Weinstock. What difference does the climatic conditions make?

Mr. McGregor. That is favorable to San Francisco, undoubtedly.

Commissioner Weinstock. Have you had any instances where you have been able successfully to compete with an eastern shipyard?

Mr. McGregor. Yes, sir.

Commissioner Weinstock. Could you cite it?

Mr. McGregor. Yes, sir. Not long ago we completed a tanker, that is, a steamship for carrying crude oil in bulk for the Associated Oil Co., in direct competition with the Newport News Co., of Newport News, Va.

Commissioner Weinstock. If the question is permissible, what difference was there in the bid?

Mr. McGregor. They were very close together. They were very close together, indeed. I can't give you the exact figures, but I know they were very close together, that much they told me.

Commissioner Weinstock. What are the conditions under which the Newport News Co. operate? Do they operate an eight-hour day?

Mr. McGregor. No, sir; not altogether. As far as Government work is concerned, they are obliged to.

Commissioner Weinstock. This was not Government work?

Mr. McGregor. No, sir.

Commissioner Weinstock. How does their wage scale compare with yours?

Mr. McGregor. They are considerably lower. About 60 per cent of their employees are colored, but they don't get the efficiency out of them, of course.

Commissioner Weinstock. Despite the fact your wage scale was higher, and despite the fact that the conditions in some directions are more favorable there, you still got the job?

Mr. McGregor. We did; yes, sir.

Commissioner Weinstock. Was it completed on record time?

Mr. McGregor. Yes, sir; first rate; within contract time; in fact, I think we earned quite a bonus.

Commissioner Weinstock. A question has been asked—how much value the climate is to your business.

Mr. McGregor. Well, that is a pretty hard question to answer.

Commissioner Weinstock. Does it add 10 or 15 per cent to the efficiency of the man. That is, can a man here produce 100 per cent under similar conditions to the man producing 90 per cent in the East the year around, taking the year as a unit?

Chairman Walsh. Prof. Commons says please announce that was intended as a joke.

Commissioner Weinstock. Oh, I see. He is always so serious; I didn't think he could crack a joke.

Mr. McGregor. It makes no difference, of course, to men working in shops indoors.

Commissioner O'Connell. You take Newport News that you are speaking of, where the heat is anywhere around 95 to 100 at this time of the year, and here you have it around 70. Isn't it possible that a man could work under these climatic conditions to a greater advantage than he could under the other?

Mr. McGregor. Yes; undoubtedly.

Commissioner O'Connell. I put his joke over and made it serious.

Mr. McGregor. I think that is very well recognized.

Commissioner Weinstock. That is all.

Commissioner Garretson. I want to ask one question growing out of Mr. Weinstock's. Mr. Weinstock asked you in a general way in regard to what compensation burden was placed on you. Did you ever make a comparison as between the burden placed upon the builder in Seattle and on yourself—one by the compensation law of Washington and the other by the California law—in the event the same injury occurred there and here?

Mr. McGregor. I haven't made a comparison, but from what I have heard I would rather be under the California law than the Washington law.

Commissioner GARRETSON. Have you ever made any comparison with the New York law—the last one passed?

Mr. McGREGOR. No, sir; I have not.

Commissioner GARRETSON. You are aware that is said to be the most burdensome?

Mr. McGREGOR. Yes, sir; I understand so.

Commissioner GARRETSON. You have never made any analysis in regard to the Ohio law?

Mr. McGREGOR. No, sir; not any of the Lake States.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all.

Call your next.

Mr. THOMPSON. Mr. Eva.

(Mr. Eva's testimony appears in the volume under "Collective Bargaining in San Francisco." See volume 6, page 5208.)

Acting Chairman WEINSTOCK. Mr. Fowler.

TESTIMONY OF MR. EDWARD J. FOWLER.

Acting Chairman WEINSTOCK. Give your name, address, and business to the reporter, please.

Mr. FOWLER. Edward J. Fowler; president Pacific Foundry Co., 18 Harrison Street.

Acting Chairman WEINSTOCK. You have been asked to come here to give the commission the benefit of your experience in the matter of compensation—workmen's compensation. Will you tell the commission what has been your experience along those lines and what your opinion of the legislation is?

Mr. FOWLER. I have found that the compensation act is an advantage to the employer. It seems to work out all right. I do not know that there are any particular details to comment upon, excepting the fact that I feel that the rates we are paying will probably in the future be much lower than was contemplated when the law went into effect, which I think has been a gratification to anybody employing labor.

Acting Chairman WEINSTOCK. You are in the foundry business?

Mr. FOWLER. Foundry business; yes, sir.

Acting Chairman WEINSTOCK. How many men do you employ?

Mr. FOWLER. Well, about 80 men, sometimes 90; normally 80 men.

Acting Chairman WEINSTOCK. What advantage do you find under the compensation law that you did not have before the law was enacted?

Mr. FOWLER. Well, from my point of view I think the employer knows what the insurance will cost him under the new law. It gives him a chance to set that up in the cost of the product, because under the old law there were certain features of insurance which gave him only partial insurance. You will understand that the average type of insurance insured up to a total of $10,000 in any one accident, $5,000 to any one man, so that in case of any catastrophe or hazard the employer might be called upon to pay very large amounts. In this new law he gets full protection, and our experience has been that the rate is not excessively high for that additional protection. I think, if figures were compiled properly, it might even result in the fact that for the protection we may pay a lower rate now.

Acting Chairman WEINSTOCK. Is it regarded any advantage, Mr. Fowler, from the standpoint of the employer, to be protected against lawsuits on the part of injured workers with possible freak damage awards on the part of freak juries?

Mr. FOWLER. No question about that. That probably is rather difficult to express in dollars and cents, but unquestionably a great advantage; under the present law all of that is obviated. There is, however, a feature—of course, you will understand under the present law it is rather uncertain—that is, that in this State we are practically under three laws covering accident insurance—the old Roseberry law of election, the Roseberry law without election, and the present Boynton Act—so that the employer of labor has, through his employees, through the corporation, to come under the act by compulsion in the Boynton Act. Individually at home he probably comes under the Roseberry Act either by election or otherwise.

Acting Chairman WEINSTOCK. You are misinformed on that, Mr. Fowler. The Roseberry Act is dead.

Mr. FOWLER. The insurance companies have been charging me; right now I am carrying insurance and have within three months taken out insurance that the company has sold me; if so, they have sold me something that is not in effect, and I have learned something that I can use to good advantage.

Acting Chairman WEINSTOCK. The Roseberry Act died when the Boynton Act went into effect. There is only one act in operation now and that is the Boynton Act. It is compulsory insurance on all workers except domestic workers and farmers.

Mr. FOWLER. Then you did not understand my statement, Colonel. I said that at home——

Acting Chairman WEINSTOCK. With your domestic servants?

Mr. FOWLER. In my home I have to insure under the Roseberry Act.

Acting Chairman WEINSTOCK. No; when you insure you insure under the Boynton Act, but you are not obliged to insure. It is voluntary there with domestic servants.

Mr. FOWLER. Yes.

Acting Chairman WEINSTOCK. But with workers other than domestic servants and farm workers it is compulsory.

Mr. FOWLER. As I understand it I have to post notice similar to the election system in the Roseberry Act.

Acting Chairman WEINSTOCK. That is true, because domestic servants is not compulsory. Now, from the standpoint of the worker, Mr. Fowler, what are the advantages of the workmen's compensation act, as you see them?

Mr. FOWLER. Well, I do not think there are any expressed advantages. Certainly the conditions must create a state of mind which is favorable to efficient work. It certainly should look good in any shop to see the employers putting in safety appliances to prevent accidents. I do not think that can be expressed in dollars and cents, but it certainly would have its effect.

Acting Chairman WEINSTOCK. Under the conditions do you think the worker is better off—the new conditions? Under the old conditions, where he had to depend upon the charity of the employer, of the humanitarian feeling of the employer, on the one hand, or to find himself obliged to sue the employer, on the other hand, as compared with present conditions where the law insures him compensation and gives it to him when he most needs it—that is, immediately after the accident.

Mr. FOWLER. He is far better off under the present law; I do not think that there is any question about it.

Acting Chairman WEINSTOCK. As a worker, would you rather——

Mr. FOWLER. Undoubtedly.

Acting Chairman WEINSTOCK (continuing). Would you rather take your chance before a jury in getting a big damage than you would to receive the amount fixed by law to-day?

Mr. FOWLER. I would rather have the present chance because I have the chance of receiving the amount fixed by law, and I also have the chance to present my case before the commission as well; if there are any doubts as to what I shall receive, I have the chance to appear before the commission and put up my case.

Acting Chairman WEINSTOCK. That is, your rights are protected?

Mr. FOWLER. Yes, sir.

Acting Chairman WEINSTOCK. Are there any other points, Mr. Fowler, you would care to speak of in this connection?

Mr. FOWLER. No, sir; perhaps not material to the situation.

Acting Chairman WEINSTOCK. What proportion of the working hours in your shop are lost through accidents; have you kept any record of that?

Mr. FOWLER. No, sir; we never have.

Acting Chairman WEINSTOCK. You don't know what the proportion is?

Mr. FOWLER. No, sir. Very slight, though, because accidents are few with that number of men.

Acting Chairman WEINSTOCK. Have you any other suggestion to make to the commission on other questions in connection with the industry in San Francisco that you think would be helpful to the commission?

Mr. FOWLER. Well, it is rather a large subject. I think it would be rather difficult to cover the commission's scope of work in a general statement.

Acting Chairman WEINSTOCK. Well, if any should occur to you, the commission would appreciate it if you would send it to us in writing.

Mr. FOWLER. I would be glad to do so.

(Mr. Fowler later sent to the commission the views requested, and which appear as "Fowler exhibit" at the end of the subject.)

Acting Chairman WEINSTOCK. We are inviting the opinion of those whose opinions are worth while on the other side of the question, because we need all the help we can get.

Mr. FOWLER. I would be very glad to do so.

Acting Chairman WEINSTOCK. Thank you very much. That is all.

Dr. Cross.

TESTIMONY OF DR. IRA B. CROSS.

Acting Chairman WEINSTOCK. Will you give your name and address and occupation to the reporter?

Dr. CROSS. Ira B. Cross, assistant professor of economics, University of California; until September 1, 1914, executive officer and secretary of the Industrial Accident Commission of California.

Acting Chairman WEINSTOCK. Briefly, Doctor, what information can you give this commission on the matter of industrial accident work in the State of California?

Dr. CROSS. If the commission please, I should like to proceed in a more orderly manner with the discussion. I was called to testify regarding three different matters—first, industrial unrest; second, unemployment; and third, workmen's compensation, and if the commission does not object I should like to offer one or two suggestions on those subjects in that order.

Acting Chairman WEINSTOCK. Can you do all that within the limit of half an hour?

Dr. CROSS. If I have only half an hour, I had better not start at all, because if I were to discuss only the subject of workmen's compensation I could not cover the provisions of the law, let alone the workings of the act, within half an hour.

Acting Chairman WEINSTOCK. I don't think the commission would be interested in the provisions of the law. We would be interested in the workings of the law. We have a copy of the law, so that we can study the provisions ourselves, but we are interested in how it works out, what weak spots have been developed, and how those weak spots could be remedied. Commissioner Lennon points out, of the three themes you have touched on, the one that would probably be of most interest to the commission would be your ideal of the nature of industrial unrest.

Dr. CROSS. Possibly it might be advisable for me hastily to discuss the workmen's compensation act, because others have dealt with the matter of industrial unrest.

Acting Chairman WEINSTOCK. If you can briefly do that, it would be very welcome.

Dr. CROSS. In connection with the matter of industrial unrest, may I merely make the suggestion that we have industrial unrest now, always have had it, and we always shall have it? It is impossible to solve the labor problem. All that we can do is to tackle the various problems as they arise, solve one evil at a time, and not attempt a panacea or cure-all for all our industrial and labor questions. Apply one remedy at a time to the various evils. I feel that one of the greatest causes of our industrial unrest which has not been touched on by any witness at your San Francisco hearing is that of the general rise in prices. This, it has been shown in times past has always caused great industrial unrest, and I feel that something can be done in that connection.

The matter of the increase in prices can be solved in one of two different ways: First, by the government ownership of all gold mines and a limitation of output; or, second, by means of the stabilized or the compensated dollar, with which idea this commission is undoubtedly acquainted, being advanced, as you know, in late years by Prof. Irving Fisher, of Yale. I will now pass to the discussion of the compensation act of this State.

The State of California in 1913 had 40,000 to 50,000 industrial accidents, killing about 1,000 and permanently disabling about 1,000 workers.

In 1914, up to July 31, that is, during the first seven months, we have had over 30,000 accidents, killing 312, and permanently disabling 608.

During July there were over 5,000 accidents, killings 90 workers, or 3 per day, and permanently disabling over 100.

There is no need of touching upon the evils of the old employers' liability system, because you are already acquainted with them.

On September 1, 1911, a voluntary compensation act, known as the Roseberry Act, went into effect in this State. It was administered by the industrial acci-

dent board, composed of three members, Mr. French, Mr. Pillsbury, and Mr. Morrison. This act was a copy of the third draft of the compensation law later adopted by Wisconsin. It was a voluntary act. The first two sections modified the common-law defense of contributory negligence to one of comparative negligence, and abolished the defense of the fellow-servant rule and assumption of risk. I submit a copy of that law which this commission may read at its leisure.

About 2,000 employers elected to come under that act during the two and a half years that it was in existence. These elections covered about 100,000 employees. The law was fought by insurance carriers and the rates for compensation insurance were raised to about five times what the rates had previously been for employers' liability insurance. The law, however, proved to be very satisfactory in operation. Only one employer who had accepted it withdrew his acceptance. The Standard Oil Co., the Pacific Coast Telegraph & Telephone Co., the Great Western Power Co., and other big companies came under the act, as did a large number of smaller ones.

During the two and a half years that the law was in effect there were only about 10 controversies submitted to the industrial accident board for adjudication.

A compulsory law was suggested, because the voluntary law had proved so satisfactory. An agitation was carried on by the industrial accident board among the employers and the trade-unions, as they were organized and we could reach them. We could not reach the farmers because they were not organized. We could not reach them except through personal solicitation, and as a consequence when we went before the legislature in 1913 to ask for a compulsory law the farmers were excluded from the operations of the compulsory law which was enacted at that time.

In 1911, at the November election, a constitutional amendment was adopted by the people of the State of California by an overwhelming majority of some 80,000 votes. This amendment permitted the adoption of a compulsory act.

The Employers' Federation of California favored a compulsory law, but not the law which we had drafted. The federation desired the amount of compensation to be slightly less than that fixed in a law which we had drafted, and it didn't want a State compensation fund to be established, neither did it desire certain of the provisions included which concerned safety regulations.

However, the law was passed almost unanimously and went into effect on the 1st of January, 1914. I submit a copy of that law to the commission.

A referendum was attempted by parties who did not like the law, insurance companies especially, because there was a fear that the State compensation insurance fund would drive the private insurance companies out of existence. It was impossible to get the required number of signatures for the referendum petition, and it was dropped.

The law does not cover all employees. The law covers all employers, but does not cover those employees whom we classify as farming employees, nor does it cover household domestic servants and casual employees not engaged in the usual course of the employer's business. The employer can elect to bring these under the law if he wants to. This law is administered by three commissioners, Mr. W. J. French, representing labor, for a term of three years; Mr. H. Weinstock, representing the employers, serving two years; and Mr. A. J. Pillsbury, representing the public.

The law is of three different parts. The first part concerns compensation. The compensation part of the law requires the employer to give to injured employees medical service and hospital treatment, etc., during the first 90 days following the accident, without regard to cost. The employee gets nothing for the first two weeks other than the medical benefit. Beginning with the third week he receives compensation at the rate of 65 per cent of his average weekly earnings. If he is permanently disabled, he is entitled to a certain amount of compensation, figured in accordance with the terms of the act. We have worked up a very extensive rating schedule, by means of which the per cent of an injured employee's disability is rated on a fixed scale and when a man is injured the employer can look at the table and see how much he owes the employee, and the man entitled to the compensation can look and see how much is due him. The employer can see how many weeks of compensation the man is entitled to because he has lost a certain part of his anatomy, or because he has lost some of the functions of his physical make-up.

In case of death the employee's dependents get a death benefit. If they are wholly dependent, they get three times the annual average earnings of the

deceased, not less than $1,000 nor more than $5,000, payable in weekly sums. In case of partial dependency the deceased's dependents get three times the average amount contributed by the deceased to their support.

The cases are heard by the commission or by referees. The proceedings are very simple. No attorneys appear, as a rule. The employee may have an attorney if he so desires, and the employer may have an attorney if he so desires, but we always recommend to employees and employers not to come before us with attorneys, because we find they clog our progress and make more trouble than they are worth. Employees, therefore, don't have to divide up the compensation with an attorney; they get all that they are entitled to receive under the act.

We have taken the stand that the attorney's fee should be regulated. We are given the right to allow a reasonable attorney's fee as a lien against compensation, and we have allowed as low in one case as 65 cents to an attorney for work which he did for one of his clients. In other cases we have allowed $5 or $10, and the highest fee, I think, was $50 for the work which had been done.

The adjustment of claims by the commission is very simple. The employer comes before the commission and makes a complaint, or the employee makes a complaint, and we get the two together and thrash it out between them in a very informal manner, and get results. Under the old employer's liability law the employee and the employer didn't know what to settle for. The employee would go to an attorney and would claim ten or twenty or thirty thousand dollars, the employer wouldn't settle for that amount, and consequently a suit was necessary.

At the present time the employer knows what he has to pay, and the employee knows what he is to receive, and as a consequence we have had very few cases to settle. We have had 440 cases. We have denied compensation to about one-third of these, and we feel in the future we will have fewer cases to handle because the employee and employer are getting more and more accustomed to the matter of settling controversies under the compensation act between themselves without referring them to the industrial accident commission.

The employee comes in and makes a complaint. We take up the matter with the employer over the telephone, write to him, and sometimes go to see him, and by that means are able to settle a large number of cases, sometimes 100 or more a week in San Francisco, between employer and employee, without bringing them before the commission.

There is no delay in our work. We can't hear cases until two weeks have passed. At the end of the second week the case comes before us and we take the testimony on both sides, and in about two weeks more the case is decided.

Here in San Francisco we found as the result of a very extended survey that it took four years to settle damage suits under the old employers' liability law. One shudders to think what happened to the employee, or his dependents in case he has been killed, during the four years which it took to settle cases under the old law. The new law frees the courts of suits for damages, and enables the courts to give more time to other work of more importance. The employee can not sue the employer under the compensation act unless the employer has been guilty of gross negligence or has willfully violated a safety order; but thus far in this State during the first seven months we have not had a single suit, so far as I know, filed against an employer by an employee. In other words, the employer is freed from the damage suit, and large jury awards. There is, of course, a certain amount of malingering. There is always a certain amount of malingering on the part of the workingmen, because they feel they want to get as much out of the employer as they can. This is largely due to the feeling on the part of the workmen that the employer has been trying to get as much work out of the employee as he can and the workman naturally turns the tables on the employer.

(The witness hereupon submitted, in printed form, pamphlets entitled "Schedule for Rating Permanent Disabilities," published by the California Industrial Accident Commission, issued by the California State Printing Office; the "Decision Workmen's Compensation, Insurance, and Safety Act," published by the California Industrial Accident Commission; the "Boudoery Liability and Compensation Law of California," issued by the Industrial Accident Board; "First Report of the Industrial Accident Board of the State of California;" and "Statistical Bulletin of the Industrial Accident Board of the State of California," issued by the California State Printing Office.)

Wherever possible, of course we prevent malingering. If the employer feels that the employee is malingering, he comes to us and complains. We bring the man in, have him examined by a doctor or by three or four referees, medical referees, and by that means we have been able to catch possibly a half dozen cases of malingering.

We have, however, found that the medical shyster is about as objectionable as the legal shyster. We have to watch the doctors carefully, in fact, more carefully, than we have to watch the attorneys.

The second part of the law refers to the State compensation insurance fund. Insurance in the State of California is optional with the employer. He can insure in the State fund, in a private company, in an interinsurance exchange, or a mutual company, or he can carry his own insurance. The rates in this State have been exorbitant in times past, but as a result of the inauguration of the State fund the rates were reduced from 25 to 50 per cent the first month after the law went into effect.

The State fund is supposed to insure the employer at cost. It was given a reserve fund of $100,000 to use in case of catastrophe. It is run as any other insurance company is, and it has been very successful in every regard. Up to August 27 it had written $441,749 of insurance and had $433,182 of that amount collected. This gives you an idea as regards the operation of the company. It shows you how efficiently the fund is administered.

We will not write a policy for an employer unless the employer agrees to pay and does pay his premium within 10 days after the policy has been written. This showing is a better showing than can be made by any other company in the State of California, be that company a private company, interinsurance exchange, or what not.

We have insured about 2,800 employers, and we have found out that they represent a pay roll of about $50,000,000. We have written more new business than any other company in this State, and we get possibly from about 10 to 15 per cent of all the business. There are 20 corporate companies in this State writing insurance, and there are 6 interinsurance exchanges, but there are no mutuals because it is a very difficult thing for the mutual companies to exist in this State.

The fund is in a very good condition. We have paid in all 1,800 claims thus far, approximating about $85,000. We estimate those 1,800 claims as being worth about $170,0000.

The money that we have collected from the various companies and firms insuring with us is invested in city, State, and county bonds, and by this means a large number of the municipalities, which previously had their bonds boycotted by private interests, find a market for their bonds, so the State fund serves a very good purpose in acting as a buyer for the city and county bonds.

We agree to pay back to the employer, who insures with us, a dividend at the end of the year. We are insuring employers at cost. We charge the same rates as the other companies, but to insure at cost we agree to pay back to the employer at the end of the year a premium or dividend, a rebate. We felt it was advisable to write at the same rates as the other companies, because their rates were safe. We, having no experience, did not know what rates to charge. We differ slightly from the rates of the other companies, but only in one regard, namely, in regard to the minimum premium charge. We have fixed our minimum premium so as to make insurance accessible to even the smallest employer. In fact, we have a practice of using third and fourth class postmasters in this State, paying them a premium of 5 per cent, for the purpose of getting the employers in outlying communities insured in the fund.

We have an agent at Woodland, and one at San Diego, and we have an office at Los Angeles, and one here at San Francisco. We have no solicitors. The business comes to us. We have no cost of collection. If the employer does not pay within 10 days we cancel his policy. We have to have a higher standard than the private companies because we are a State company and the public expects more from the State than a private company. We can not bulldoze the employer or the employee as can the private company. We can not cut corners or cheat the employee. We have to pay exactly what the law allows.

We have had only one or two cases brought before the commission for settlement, and then only because a very delicate question of dependency was up for discussion.

We have not made a policy of taking existing risks or other dangerous risks, because we feel that we must safeguard the interests of the employers of this

State, who are insured with us, by running safety—by keeping a safe margin between us and possible danger.

The fund is in absolutely no danger at the present time—is, in fact, in a very excellent condition. But we will refuse to carry risks which are exceedingly dangerous, because it would not redound to the interests of those employers who are insured with us. We have a merit-rating scheme of reducing the premiums to those employers who have safe conditions.

The third part of the law refers to safety provisions. We have the right to make safety rules and regulations and enforce them. We have a safety superintendent who has four safety engineers working under him. The safety engineers are out in the State at large making investigations and inspections, advising employers how to improve their places of employment. In fact, we have in this connection and in all regards received the very heartiest cooperation of the employers in this State. It has been most pleasant indeed to work with the administration of a law which has so satisfactorily served the interests of the employers, the employees, and the public, and which has been so met with the heartiest cooperation on the part of everybody.

We have had the employers come in to us or write to us and request safety inspections, asking that an engineer be sent out for the purpose of advising how to improve the safety conditions. One of our engineers was taken upon a fifteen hundred mile trip through the San Joaquin Valley for the purpose of looking over the San Joaquin Light & Power Co.'s plants and giving advice. Another man has been making various studies of the lumber camps. Another has been engaged in making studies of boiler conditions.

The employers realize that safety means much to them, because it reduces the costs of compensation. It also means a reduction in the premiums which they are going to be charged for their insurance. In many instances we have had the premiums of the employers for insurance policies reduced to as low as 25 or 30 per cent because they had safeguarded their plants.

The law is an excellent law, and not until July was it questioned in any regard whatsoever by the employers. We have two suits in the supreme court at the present time, one a friendly suit filed by the Southern Pacific Railroad for the purpose of testing our jurisdiction over interstate commerce employees. The Southern Pacific claims that all of its employees are engaged in interstate commerce. We think not. We think some of them are not engaged in interstate commerce. We feel that the thing which should be taken into consideration in this connection is, what is the man doing at the time that he is injured? Is he at that particular instant engaged in interstate commerce?

We have heard several cases against the Southern Pacific, and one of those is in the State supreme court. It is a friendly suit, filed partly at our request, because we desired to know just how far our jurisdiction extends. The other suit was filed by the Great Western Power Co. for the purpose of testing the constitutionality of the act in general and also to attempt to show that the Boxberry Act is unconstitutional, although that act, as far as compensation is concerned, is no longer in existence.

I have only one or two recommendations to make in regard to the law. I think that the law should be extended to cover all employees except those who are casual and not engaged or employed in the usual course of the employer's business.

I think it should be made to cover all forms of domestic service—in fact, cover every kind of employee except those whom we class as casuals. For example, if I have a plumber come in to fix a leak in my plumbing and it takes him possibly 15 or 20 minutes to do it—it of course takes him possibly three or four hours to do it—such employees are casual laborers not engaged in my line of business, and it would be impossible for me to secure insurance covering such employees, because it takes some time to secure an insurance policy, and because such employees are usually hired unexpectedly and on the spur of the moment. Therefore it would be impossible for the average employer to secure protection for his casual employees who are not engaged in his usual line of business, and no employees should be covered by the compensation act unless the employer is given the opportunity to insure. But I think that in every other regard the law should be extended to cover all employees.

Secondly, the law should be amended so as to prevent the employers from deducting from the wages of their men certain sums of money in payment of medical and hospital treatment and also for premiums on compensation insurance. We have found, especially in and around Los Angeles and other places where the relations between the employers and employees are not very satisfactory, that

the employers have adopted a practice—rather widely, I am ashamed to say—of deducting from their employees' wages certain sums of money for the purpose of paying compensation insurance or providing medical benefits.

You have had a great deal of testimony regarding how an employer deducts about a dollar a month from the wages of his employees for the purpose of paying for hospital benefits and the like. We have made it a rule that where the employer does that he himself should pay about one-third of the cost of the hospital and other medical treatment. In other words, the employee is to pay two-thirds for sickness and the like, while the employer pays one-third for accidents. At the present time it is impossible for the State commission to prevent the employer from deducting certain sums from the wages of his men for the purpose of paying compensation insurance or medical benefits. The only way that this can be stopped at present is to have the employee bring suit against the employer for an illegal deduction of wages. We can't do it. We have urged any number of employees to start a suit, and have advised them that we would assist them if they would only start the proceedings, but the employee usually objects to filing a suit in a justice of the peace court for the collection of the one dollar or two or three dollars that have been deducted from his wages for the above purposes.

Third, I also think that something ought to be done to compel employers to insure. I doubt very much whether compulsory insurance is possible in this State owing to the provisions of the constitution of California. But something ought to be done in order to guarantee that the employee who is injured will get compensation insurance, even though his employer should go out of business. We have a large number of employers in this State who are not insured, men employing 10, 15, 20, or 30 employees, and they haven't any property to speak of, and if they should fail in business the injured employee would have no way whatsoever of collecting compensation from the employer, especially if the employer has no property that could be attached. Something should be done, if possible, to make insurance compulsory, except in the case of big companies or big corporations which are able to carry their own insurance.

To answer the questions asked on your interrogatories the compensation act has not affected wages except in those instances where the employer has deducted from wages for payment of medical service or compensation insurance. It has had no effect on hours. It has slightly increased the costs of operation, but these costs can be shifted to the consumer and no one be forced out of business. The burden is not too heavy for the employer. We know that the ordinary employer insures against fire. That charge of fire insurance is made a cost of the business. You and I have to pay for it, just as we have to pay for the wages of the men and the other costs of production. All of those things are costs of running the business. But you and I get no benefits from that fire insurance; it is paid to the owner of the business. We, however, pay for it. The same thing is true in the case of compensation insurance in so far as shifting the burden to the consumer is concerned. Compensation insurance should be carried by every employer and it should be added into the costs of business and shifted to the consumers, just as is fire insurance or anything else, only that compensation insurance protects the public, protects the workingman, and protects the employer, where fire insurance protects only the employer.

The employer in this State can compete with other employers in other States who are not under laws similar to ours. Of course in the United States we have about 22 States which have compensation laws of some kind or another. We found in this State under the Roseberry Act that those 2,000 employers who were under the Roseberry Act could compete and compete satisfactorily with other employers without any loss whatsoever. They could compete with employers of other States that were not under the compensation law. And the same thing is true, only to a greater extent, under the Boynton Act. The Boynton Act is possibly about 10 or 12 per cent better for the employer than was the Roseberry Act.

And the employer can compete satisfactorily with the employers in other States even though we do have a compulsory act in existence.

The law is most satisfactory in every regard. It brings about a better relation between employers and employees, and I think redounds in every regard to the interest of the public.

Do I have any more time?

Acting Chairman Wainwright. We will give you two minutes more to answer a question. What is your opinion about the merit and value of extending the law to include sickness as well as accident?

Dr. Cheon. Frankly I am opposed to it, that is, if you use the word "sickness" in its commonly accepted sense. If you mean to include occupational disease, I can say that I am in favor of including occupational diseases. Such has been done in almost all European countries, and ought to be done in this State. Of course, in Massachusetts, and I think also in Michigan, it has been held that lead poisoning is an industrial accident. But that is because of the wording of the Michigan and Massachusetts laws. Those laws I think, say, "personal injury," not "industrial accident." In this State our law says "industrial accident." In this State, however, our commission has held that an employee who lost his sight while using an alcohol lamp in painting show cards, was entitled to receive compensation, because his blindness, resulting from alcohol poisoning, had been caused by an industrial accident. This case has been contested, and an appeal will undoubtedly be taken to the State supreme court. I feel that occupational diseases should be included under the act, but I do not feel that ordinary sickness should be included, any more than I am in favor of unemployment insurance. I do not believe in unemployment insurance.

May I make just this one suggestion, Mr. Commissioner, with regard to the matter of industrial unrest? I would like to impose upon the commission only to the extent of offering this one idea. It is this: I feel that one of the greatest causes for industrial unrest is the fact that the workers feel that they do not receive a square deal before the courts. I do not know of any workman who is willing to go before the court feeling that he is going to receive a square deal. This situation has undoubtedly come about in part from the fact that originally the workers were slaves and had no rights before the courts. It has taken centuries to educate the people to the belief that workmen are no longer slaves and that they have rights before the courts, that they have equal rights with their employers.

May I also add that another cause is that the employers feel that they are endowed with natural inalienable rights, and that they have the right to run their business as they see fit. They feel that they have been given these rights by the Constitution of the United States and the Declaration of Independence. I feel that the time has come when all should realize that there are no such things as natural inalienable rights, that an employer can not run his business just as he pleases; that there are other people in this world, society, workmen, the public at large, that have rights, and that industry should be run in accordance with the rights of society, and not in accordance with what the employer thinks are his natural rights. The employer should be taught that he does not have these natural rights. Rights are given to the individual by the society in which he lives, and it can and should protect itself at all times against the abuses of any class of citizens.

Finally the workers have done only those things which have been made necessary by the acts of the employer. There is not a single abuse of trade-unionism, complained of by the employer, that has not arisen or been made necessary because of the abuse and acts of the employing class. If the employer could but realize this fact, might not our present industrial unrest assume a different aspect?

Acting Chairman WEINSTOCK. Thank you very much.

Mr. Britton.

EXHIBITS.

McGREGOR EXHIBIT.

Accident report, Jan. 1 to July 31, 1914, inclusive.

Name.	Nature of injury.	Amount paid.
O. A. Anderson	Fracture of rib	$12.13
H. Barper	Bruised instep, right foot	86.00
T. Buchanan	Bruised instep, left foot	85.00
D. Cowcroff	Fracture of rib	25.40
P. Cassidy	Tip of middle finger of right hand off	22.50
J. Castro	Fracture of little toe and bruises of left foot	38.13
W. W. Crist	Cut middle finger of left hand	33.10
H. Cousinsky	Injury to left eye	231.50
A. Deery	Bruised left leg	11.70
D. Ferris	Cut on right wrist	1.30
E. Fiedler	Fracture of bone in right ankle	25.00
G. Gibbs	Lacerated left arm	25.00
P. Gaggero	Cut instep of right foot	10.10
C. E. Kaufmann	Fracture of collar bone	11.00
R. Lambert	Laceration of ring finger, right hand	100.00
F. Lassen	Fracture of big toe, right foot	12.00
N. McBride	Cut on right leg	25.01
J. Nicholas	Fracture of right leg at ankle	111.00
H. O'Hara	Burns about face and hands	30.00
A. Rappenack	Fracture of bone in left foot	17.00
H. A. Smith	Laceration of leg and first toes of right foot	14.00
H. Schepsee	Injury to left eye	25.15
W. Usoff	Tip of thumb of left hand cut off	23.00
V. Vitalli	Injury to right big toe	5.75
J. White	Tip of middle finger of left hand cut off	12.75
F. West	Fracture of bone in left hand	25.00
F. McClure	Killed—single man, burial expense	125.00
A. Bourgoin	Killed	3,271.00
Total		5,750.00

FOWLER EXHIBIT.

PACIFIC FOUNDRY CO.,
San Francisco, Cal., October 7, 1914.

Col. HARRIS D. WEINSTOCK,
San Francisco, Cal.

DEAR SIR: The hearings of the United States Industrial Commission lately conducted in this city and elsewhere must necessarily have brought forth many ideas relative to the existing relations between capital and labor, and must have suggested many plans tending to improve these conditions, and inasmuch as the writer was asked by this board to voice any opinion thereon which might occur later, and to submit such views to the board in writing, I take the liberty of offering a suggestion to you with the idea in mind that the plan might at least be started in California, or submitted to the commission if you thought advisable.

During the short time I had the chance to observe the type of testimony offered before the commission one could not help but voice the opinion that it was a great pity that so much time must be wasted on unessential and primary matters, hopelessly biased points of view with total ignorance or disregard of facts and even bitter denunciation of supposed evils in our social system, which, as a matter of fact, have passed into ancient history. Testimony was presented that was even insulting to the intelligence of both commission and

audience, but could not be stopped without calling forth criticism from the public, as not allowing fair play.

Much sage advice has been given and much oratory called forth as to the missing link between capital and labor and what system of legislation would determine and regulate this elusive link, but if that commission has accomplished no other purpose than to cause both sides to do a little thinking its purpose is accomplished.

I believe there is no need for a missing link between labor and capital; the lines are parallel and their interests widely different. Each has something to sell to the other, and the only point at issue is a system or method whereby a bargain can be made and perpetuated to provide a working system whereby the resulting unit can be attained with the least possible friction; and in practically all cases of even an approach to this goal it will be noted that neither special education or publicity is necessary, and any short cuts based on prejudice and ignorance or both always end in disaster, and proof of this point exists in the Canadian system of publicity plus investigation by specialists. Stove molders' agreement system, in force for 23 years, several railroad organizations and others, even including several California agreements in existence.

I further believe that employers in general are woefully lax in interesting themselves in the matter purely from a sociological standpoint, if for no other reason, and as shown by lack of attendance at meetings, whereas labor was fully represented. These general observations can only lead us to believe that "education of both capital and labor" is necessary so as to provide a method whereby each side can appreciate conditions governing the conduct of the other side, and I therefore propose:

First, that a commission be appointed for purpose of determining conditions in each State, having powers of subpœna and being required to submit a report to the State, which must be printed and distributed.

Second, instead of "holding court," call a convention of both sides, dividing up separate lines into separate days as much as possible, and assigning special topics for complete discussion.

Third, hold witnesses down to a reasonable time for discussion, with continuation at discretion of the commission.

There are many other detail rules which will work out in practice, but the main point is to promote compulsory education, and to insure complete publicity, and the results of this work would soon show up in less disputes and better relations between capital and labor.

Both sides would attend at first, purely because neither could afford to be absent and, later, because of general interest in the subject. This plan would rapidly eliminate the intemperate biased orator who is there to "get it off his chest," and soon each side would make it a point to put up their best "timber," and, I predict, that at least so far as employers are concerned, many new faces would soon be seen because the old worn-out slogans would be on trial and the legal gentleman who knows all about it, because he gets the facts from the "janitor," would be conspicuous by his absence.

The plan can be tried voluntarily or by commission; but while I believe the former could be successful in some lines, the latter would be quicker, and make for greater publicity.

If (in your opinion) the idea is worthy of greater detailed description, previous to presentation, why would it not be a good plan to suggest a committee composed of employers and labor, perhaps only five or seven men, and including yourself, who could formulate a working plan.

Trusting that this will meet with your approval, I am,

Very truly, yours,

EDW. J. FOWLER.

GENERAL INDUSTRIAL RELATIONS AND CONDITIONS IN SAN FRANCISCO

(For exhibits under this subject, see pages 5465 to 5472)

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Thursday, September 3, 1914—10 a. m.*

TESTIMONY OF MR. JOHN A. BRITTON.

Acting Chairman WEINSTOCK. Give your name and address and occupation to the reporter, Mr. Britton.

Mr. BRITTON. John A. Britton; vice president and general manager of Pacific Gas & Electric Co.

Acting Chairman WEINSTOCK. How many men have you in your employ, Mr. Britton?

Mr. BRITTON. Oh, they vary from time to time. We have a maximum number of about 7,500 and a minimum of approximately 4,500.

Acting Chairman WEINSTOCK. As you doubtless understand, this commission has two functions to perform: First, to find out what are the underlying causes for industrial unrest, and, second, to suggest remedial legislation that will tend to minimize the industrial unrest and bring about more cordial and more fraternal relations between the employer and the worker.

Now, from your broad experience, Mr. Britton, this commission will be very glad to hear what, in your opinion, are the causes for industrial unrest, and what suggestions you may have to make to the commission along the line of possible remedial legislation.

Mr. BRITTON. I can only speak, Mr. Commissioner, from my own experience with the classes of labor that I have had to do with in the company that I represent. With that class of labor, until May of 1913, there was no such thing as industrial unrest. I do not believe that in the world there existed a class of mechanics, technical trade men, that were more contented and more satisfied than were the men employed by the company which I represent.

As to the general unrest, I am not familiar with that. I don't know of my own knowledge all the causes that led to unrest and disquietude between the employer and employee.

I see no reason, personally, from my standpoint, as I view the relation between the two classes, why there should be any industrial unrest, if the spirit of fair play was tried, of give and take, exercised by both sides.

Labor has been entitled to its rights, in my judgment, ever since it became organized. It has had a right to demand from the employer certain remedial agencies to better its conditions. This, in my judgment, in most cases in this State, is the fact that it has obtained those.

Speaking of that point, I know from my own experience that our mechanics and artisans have in the past, in the last 14 years, increased their compensation by 75 per cent and reduced their hours of labor by 25 per cent, while the commodities in which we deal have been reduced in cost to the public by at least 100 per cent. In other words, the public utility which I represent, in service to the people of the State of California, has given its product to the people of the State at practically one-half of what it cost them 14 years ago, while it has increased the return of the workingman employed by it approximately 50 per cent in money value. If you desire me, I could speak of the trouble we had in our company a year ago, which might possibly be enlightening.

Up to March 1, 1913, we had had contracts with organized labor covering the principal pursuits of our company, namely, that of the manufacturing and distribution of gas, and the manufacturing and distribution of electricity, and the operation of the street car system.

In organized labor associated with us by contract there were approximately on March 1, 1913, 2,000 men employed. Ever since organized labor has requested

increase in wages of the men, voluntarily given, and a constant decrease in the hours, voluntarily given, and a constant improvement in the working conditions to make the lot of the workmen more comfortable. From 1903 to 1913 we kept continually increasing the geographical territory over which organized labor had control. As new plants were started and as new industries were developed by the company we permitted organized labor to increase its sphere of action until at that time all of the activities of the company, with some very minor instances, were controlled in the matter of hours of labor and working conditions by organized labor.

In the early part of 1913 certain of the crafts with whom we had contracts amalgamated and formed the light and power council and submitted a form of agreement to the company for its sanction.

As usual, debates were had as between our company and the men representing organized labor on the different sections of the contract submitted. That contract with the light and power council contemplated joint agreements covering the gas workers in nearly all of the territory where we manufacture gas; in fact, all that they had previously had control of, the entire territory as respects the electrical workers, the machinists and boiler makers, and firemen and oilers.

After a number of weeks of conference we reached an impasse, where I was perfectly willing, on behalf of the company, to agree to all of the contract submitted to me on behalf of the several branches of organized labor, but could not conscientiously submit to certain of the requirements made by the electrical workers. All of the trades other than the electrical workers agreed with me upon terms and conditions at that time.

We finally got all of those men in my office, and after a discussion occupying possibly two hours I found that the representatives of this light and power council would not concede a single point with reference to the electrical workers' agreement, while the other allied trades were perfectly willing to sign the agreement with us.

Mind you, prior to that time our relations had been with each individual craft and not with the amalgamation of crafts, such as this constituted.

The electrical workers represented in this light and power council was an outlaw body. It had no affiliation with the American Federation of Labor. It was a seceding body, but had been recognized on the Pacific coast and practically west of Denver as the craft with whom all electrical industries might ally themselves.

We made no objection to the fact at the time that it was an outlaw body, because it seemed to have in some way the support of organized labor, although it did not belong to the American Federation of Labor.

After we had a meeting with this committee on the 6th of May I offered to submit all questions at issue to arbitration. There were not many. There were two or three working conditions which to me were arbitrary and burdensome and uncalled for because of our previous very friendly relations.

This light and power council refused to arbitrate the question and notified me by telephone at 9 o'clock on the night of the 6th of May that at 8 o'clock the next morning every employee of the company which had previously been associated with us through contracts would walk out. It meant this for us, that 30,000 square miles of territory, representing the heart of California, might be, by the action of these men, deprived of transportation, deprived of power; houses deprived of light, both electric light and gas; and people deprived of ability to cook their own meals because a large portion of the population of California, central and north, depend upon gas for household uses.

Next morning beginning at 6 o'clock in the morning the men began to walk out of the different stations and plants of the company; and during that day, that night, and the next morning they continued to walk out, until by noon of the 8th day of May 1,741 men had left the employ of the company of their own will and accord. I will say for them that in leaving the plants of the company and walking out, they did not do, as has been done in other cases, injury to the property of the company. They walked out in an orderly manner, and left the employ of the company.

The business of the company was not, however, suspended, because a sufficient number of loyal men, who formerly had been members of the union, but had been promoted by the company to positions of responsibility, stepped in and took the places of the men who walked out; and the service, involving over 325,000 consumers, involving 12 power houses, 21 gas works, and service to over 200 cities, was not disturbed for a single moment, which is a tribute

to the men of the Pacific Gas & Electric Co., the clerks, bookkeepers, officials, and engineers, who took the places of these men.

There immediately began to be strife. Almost the very morning when these men walked out they began to picket our several plants; they began to attack and injure our men going to and from their work, until we found it essential to establish commissaries at every plant, and hire men to guard our places from destruction.

That thing continued intermittently with different assaults, depredations, and destruction of property until about, if I recall, in September or October of 1913, with more or less violence continually, with more or less conferences occurring between the labor leaders and myself trying to bring about a settlement of the difficulty. And then the trouble subsided, and in January of 1914, by vote of the organized bodies, the strike was declared off, and the boycott which had previously been levied was withdrawn.

In the meantime the American Federation of Labor held its annual session in Seattle, and a committee headed by Samuel Gompers was appointed to treat with the company, through me, to see if some settlement could not be arrived at.

In May, the latter part of May, 1913, doing the best that the company could to carry on its business of supplying its three hundred thousand and odd number of people, being handicapped somewhat by lack of labor, it was approached by a representative of the American Federation of Labor with due authority from headquarters, to make a contract with this company to supply it with electrical workers; and such contract was made and entered into in good faith by both parties.

Mr. Gompers, when he came from Seattle to interview me, admitted in my presence that our position was a correct one, in that we had made a contract with this regular branch of the American Federation of Labor; and he made that statement because efforts were made on behalf of certain of the labor leaders to revoke the contract which I had made.

I declined to revoke that contract, and by reason of that we were declared unfair, even by organized labor itself, although we had a contract directly with the American Federation of Labor. Happily that thing has passed, and order and quiet have been restored, and we are pursuing our business in our usual way. And I am satisfied that organized labor has nothing to its credit when it took the stand it did, in walking out of our employ after being asked to arbitrate the questions at issue, and then fighting us subsequently, because we had a contract with organized labor.

That is the history of our difficulty, and the only industrial strife that I am familiar with.

Acting Chairman WEINSTOCK. You say there was violence resorted to in the strike?

Mr. BARTTON. Continual and constant violence from the day that the men walked out until about September or October.

Acting Chairman WEINSTOCK. Have you a record of the number of cases of assault?

Mr. BARTTON. Yes, sir.

Acting Chairman WEINSTOCK. How many were there?

Mr. BARTTON. May I see a memorandum I have?

Acting Chairman WEINSTOCK. Yes; surely.

Mr. BARTTON. There were 770 depredations committed during the period I speak of against the property of the company and the personnel of its employees.

Acting Chairman WEINSTOCK. Out of that 770, how many were physical assaults?

Mr. BARTTON. I haven't that data.

Acting Chairman WEINSTOCK. Approximately?

Mr. BARTTON. Approximately one-half.

Acting Chairman WEINSTOCK. Whom does the company hold responsible for these instances of violence?

Mr. BARTTON. It merely holds the men individually who committed the assaults.

Acting Chairman WEINSTOCK. Does the company know whether those men were union or nonunion men who committed the assault?

Mr. BARTTON. It only knows those who were arrested.

Acting Chairman WEINSTOCK. How many cases?

Mr. BARTTON. Tried and convicted.

Acting Chairman WEINSTOCK. How many arrests were made?

Mr. BRITTON. There were 100 union men arrested, 42 union men convicted; 47 of our men in our employ arrested and 22 convicted.

Acting Chairman WEINSTOCK. Were any of the union men let out on bail?

Mr. BRITTON. Oh, yes; some.

Acting Chairman WEINSTOCK. Who furnished the bonds?

Mr. BRITTON. That I do not know.

Acting Chairman WEINSTOCK. Did any of those assaults take place after you had entered into certain agreements with organized labor?

Mr. BRITTON. Oh, yes; the majority of them were after I made that agreement; yes, sir.

Acting Chairman WEINSTOCK. Did you in any way appeal to organized labor in connection with these assaults?

Mr. BRITTON. Oh, yes; at all times; every day.

Acting Chairman WEINSTOCK. What was the nature of the appeal, and to whom was the appeal made, and what answer was given?

Mr. BRITTON. The appeal was generally made to the men who appealed to me; that is, certain of the labor leaders would come to me and endeavor, in the conferences, to secure the calling off of the strike.

Acting Chairman WEINSTOCK. And what was the nature of that appeal made to them?

Mr. BRITTON. During the progress of these conferences appeals were made to them that men should cease these depredations of which they pleaded they were not cognizant as an official body and had nothing to do with.

Acting Chairman WEINSTOCK. You say there were a certain number of arrests made of men in your employ—nonunion men?

Mr. BRITTON. They may have been union men—some of them.

Acting Chairman WEINSTOCK. But they were in your employ?

Mr. BRITTON. They were in my employ; yes.

Acting Chairman WEINSTOCK. What was the offense with which they were charged?

Mr. BRITTON. Generally assault and battery.

Acting Chairman WEINSTOCK. That is, assaulting strikers?

Mr. BRITTON. Yes, sir. Well, what would happen in nearly every case would be that our men would be set upon by gangs of unknown men, going to and from their work, and the police would interfere and arrest both parties.

Acting Chairman WEINSTOCK. Did the company employ any guards during that period?

Mr. BRITTON. Yes, sir; was forced to.

Acting Chairman WEINSTOCK. Professional guards?

Mr. BRITTON. Yes, sir.

Acting Chairman WEINSTOCK. Were these guards private guards, or were they also employed by the authorities?

Mr. BRITTON. A large proportion of the guards in San Francisco were regular policemen. We had very few otherwise than the regular police force. We were given in San Francisco every protection that the law could give us.

Acting Chairman WEINSTOCK. At the hands of the authorities?

Mr. BRITTON. And that at the hands of the authorities; yes, sir.

Acting Chairman WEINSTOCK. In the outlying districts?

Mr. BRITTON. Not so much. In Oakland, I think, quite as much as possible, as they were able to give, but the center of the strike was in Oakland. There were more depredations, more assaults, more depredations apparently against our men over there than anywhere else. Sacramento was also quite bitter in its action toward us. There we got very little protection.

Acting Chairman WEINSTOCK. Were there any deaths that followed these assaults? Were any men killed?

Mr. BRITTON. I believe not, sir.

Acting Chairman WEINSTOCK. Were the assaults made with fists or weapons?

Mr. BRITTON. Generally with fists.

Acting Chairman WEINSTOCK. No weapons as a rule used?

Mr. BRITTON. Oh, there were some pistols discharged, but the usual effect was of shooting themselves in the feet. That is about all. They didn't know how to handle weapons, most of them.

Acting Chairman WEINSTOCK. Do you still engage in collective bargaining with organized labor?

Mr. BRITTON. We have had no occasion to up to the present time, since the difficulty that I have recited. At that time, during the progress of the strike

we made contracts with organized labor, made it with the gas workers in San Francisco, made it with the gas workers of Fresno, which was abrogated subsequently by them, however; made it with the engineers, the steam engineers.

Acting Chairman WEINSTOCK. You are operating under this agreement now, are you?

Mr. BRITTON. Yes, sir; yes, sir.

Acting Chairman WEINSTOCK. That is, the fact of this strike, unjust as it seemed to you and unwarranted as it seemed to you, did not deter you from continuing to recognize and deal with organized labor?

Mr. BRITTON. It did some within certain conditions.

Acting Chairman WEINSTOCK. Take it in the case of the electrical workers with whom you had your chief trouble. Do you deal with them now collectively?

Mr. BRITTON. So far as San Francisco and the territory surrounding the Bay of San Francisco is concerned, and Sacramento, we do. We have contracts with the American Federation of Labor covering the employment, hours of service, and character of service in the entire bay country district. That includes——

Acting Chairman WEINSTOCK. For electrical workers?

Mr. BRITTON. Yes, sir; for electrical workers.

Acting Chairman WEINSTOCK. Did I understand you in the beginning to say the electrical workers were regarded as outlaws by the American Federation of Labor?

Mr. BRITTON. The electrical, the I. B. E. W., Pacific District Council No. 1, as it was called, that operated in this territory, had contracts with all of the—that is, all that they could make contracts with of the electrical fraternity—was an outlaw organization caused by the dissension in the ranks of organized labor, I think it was about 1894 or 1895. The McNulty faction was the recognized faction of the American Federation of Labor. The Reed-Murphy was the seceding faction. They had had a hold upon the electrical industry in the western part of the continent, from Denver west; even though they seceded from the ranks of organized labor and became an outlaw organization, they retained control, and it was with them that we made contracts, the Reed-Murphy faction which was not recognized by the American Federation of Labor.

Acting Chairman WEINSTOCK. What is the status of the so-called Reed-Murphy faction now?

Mr. BRITTON. They are still operating in California?

Acting Chairman WEINSTOCK. Do you deal with them?

Mr. BRITTON. No. We deal with the American Federation of Labor direct.

Acting Chairman WEINSTOCK. Well, now, on the whole, Mr. Britton, what is your feeling in the matter of unionism? Do you think that unionism is good or bad for the workers, or for society?

Mr. BRITTON. My belief, Mr. Commissioner, is that organized labor is a very splendid thing; that it results in material benefit to both the employer and the employee; that it has been, so far as my experience goes, beneficial both ways. I can't deny it. It continued to be that in my opinion strongly until our trouble, when I learned that you could not depend upon organized labor as a rule. I have ever found the leaders of organized labor to be men of very great intelligence, men amenable to argument and reason, and if I could, in the large organization that I control, deal with the generally recognized leaders of labor, I would have no trouble.

The difficulty that arose in this case was not from men who represented labor, but from the men who, by the votes of their several locals, came into power and exercised that power arbitrarily. I would not want again to deal, in any contract I might make with union labor, with other than recognized leaders.

Acting Chairman WEINSTOCK. Well, in the course of your testimony, Mr. Britton, you said, or rather a few moments ago you said, you found organized labor was not dependable. Do you mean by that that they are contract breakers?

Mr. BRITTON. Yes. I can't think otherwise, Mr. Commissioner.

Acting Chairman WEINSTOCK. In this strike that you have been telling us about, did they break a contract in doing so?

Mr. BRITTON. No; there was no contract in existence with them at that time. It had expired by limitation.

Acting Chairman WEINSTOCK. Then in what instances in your experience have you had broken contracts?

Mr. BARTTON. I will withdraw that remark. I did not mean to be understood as saying that they are contract breakers. But they do not live up to the provisions of their contracts without creating dissension and trouble; a feeling with the employer is that they use petty means of construing provisions and terms of the contract so as to read into it, after it has been made, new and unthought of conditions, and are constantly agitating the employees to rebel against the employer.

Acting Chairman WEINSTOCK. Despite the contract?

Mr. BARTTON. Despite the contract.

Acting Chairman WEINSTOCK. Now, when you enter into contracts with organized labor, is there any provision in the agreements that all disputed issues shall be taken up in conference, and if the conference can not settle them, to submit them to arbitration?

Mr. BARTTON. No, sir. We have only one agreement of that character, and that is with the street railway men in Sacramento.

Acting Chairman WEINSTOCK. Well, may that not be the weak spot in the language of the agreements, that there is no provision made to adjust disputed conditions as they arrive?

Mr. BARTTON. I think it is, largely.

Acting Chairman WEINSTOCK. Would your objection to organized labor be not overcome by a provision of that character?

Mr. BARTTON. Yes; it might to a certain degree.

Acting Chairman WEINSTOCK. We have heard that in the metal trades in San Francisco, there is a provision of that character; that when a dispute arises or an issue, it is adjudicated by a grievance committee who take it up right there and then determine it, thus minimizing possible friction. Now, would that not meet the difficulty that you point out in your industry?

Mr. BARTTON. Oh, I believe that the difficulties as between employer and employee can only be solved by that mutual agreement or arbitration. I believe all differences if entered into in a fair-minded way, can be adjusted.

Acting Chairman WEINSTOCK. If a dispute should raise to-morrow with one of the labor bodies that you are dealing with, for instance, a difference in the interpretation of the agreement, how would you adjust it now, how would you deal with it now?

Mr. BARTTON. It could only be dealt with by mutual consent to arbitrate any differences that might arise, because there is no provision in the agreement for arbitration, as I recall.

Acting Chairman WEINSTOCK. Commissioner Garretson asks whether conciliation would not meet those circumstances in many cases.

Mr. BARTTON. Oh, it always did in the past. During the 16 years that we had—or 15 years that we had relations with organized labor, as I have stated, we never had any difficulties. They were adjusted by a common conference had as between the men. They would bring up points of difference and we would sit down and talk them over and adjust them. It was a common, a familiar proposition at that time.

Acting Chairman WEINSTOCK. Among the various suggestions that have been made to this commission in its hearings over the country as a remedy for industrial unrest and along the lines of minimising industrial war, has been this remedy, that both sides should organise and organise as strongly as they know how to organize; that they should recognise and deal with each other; that they should enter into agreements, written or verbal, with a clause that all disputed points shall be adjusted in conference or by a grievance committee. Now, if there are any weak spots in this suggestion that has come to us, will you, from your experience, point out what are those weak spots; or, if you know a better way of bringing about a more cordial and friendly relationship, we would be glad to hear it.

Mr. BARTTON. My limited experience with all classes of union labor rather unfits me to answer a question as broad as this, Mr. Commissioner, applying to the general title of labor and capital or of employer and employee.

We are peculiarly situated—the industry which I have been in all my life. It is a public utility corporation. It has a duty not only to itself, but it has a greater duty to the public which it serves. It is required by law contingently to do certain things and do them in a certain way. So far as public utilities are concerned, I can only speak for them; and I don't believe that any board of conciliation or mediation would be effective as against the class of men that I have had to deal with in the labor organizations, who have come with such unreasonable demands.

I believe that there should be a law passed by the National Government and by every State government, prohibiting employes affiliated with public utilities from going out on a strike, and likewise prohibiting the public utility from locking out any men; and that the questions at issue as between organized labor and public utilities should be settled positively by a board of arbitration and so provided in the law.

Acting Chairman WEINSTOCK. In other words, I take it, Mr. Britton, that you look with favor upon the Canadian law?

Mr. BRITTON. Very much indeed, sir. I have had occasion to look into that very thoroughly and I am very much in favor of it.

Acting Chairman WEINSTOCK. As you doubtless know, the Canadian law provides in connection with public utilities pure and simple, that there can be no strike, no lockout, until the State has intervened and had an opportunity of adjusting the difficulty.

Mr. BRITTON. Yes, sir.

Acting Chairman WEINSTOCK. Well, now, would you favor the compulsory clause that is connected with the Canadian law? As you doubtless recall, under the Canadian law, a strike declared before a public hearing, or rather a State hearing, or a lockout declared before a State hearing is punishable by a fine. Would you favor that or would you favor the American system as applied to our railroads, which is not compulsory, but voluntary on both sides?

Mr. BRITTON. No; on the part of every public utility, including railways, I would make it compulsory.

Acting Chairman WEINSTOCK. What is the answer?

Mr. BRITTON. I would make it compulsory.

Acting Chairman WEINSTOCK. You would make it compulsory?

Mr. BRITTON. Yes, sir.

Commissioner GARRETSON. I have a question I want to ask, Mr. Chairman.

Acting Chairman WEINSTOCK. All right.

Commissioner GARRETSON. Mr. Britton, have you any familiarity—have you ever worked under the Lemieux Act?

Mr. BRITTON. No, sir.

Commissioner GARRETSON. Have you ever had any experience with the Newlands Act on this side?

Mr. BRITTON. No, sir.

Commissioner GARRETSON. Then your knowledge of both would be theoretical?

Mr. BRITTON. Entirely so.

Commissioner GARRETSON. Would you attach any value to the experience that is had under them?

Mr. BRITTON. I certainly would, if familiar with it; yes, sir.

Commissioner GARRETSON. Bear in mind what makes me ask that; I want to make my own position clear. I am one of the few Americans that have dealt under the Lemieux Act oftener than the average Canadian, and I have dealt under the Newlands or Erdman Act as much as any living man. The peculiarity of the Lemieux Act, I want to bring out a feature of it; it is compulsory as to investigation.

Mr. BRITTON. Yes, sir.

Commissioner GARRETSON. But its conclusion is binding upon nobody. Have you ever seen how it actually works as compared with any other system?

Mr. BRITTON. No.

Commissioner GARRETSON. The delays that arise under it?

Mr. BRITTON. I don't know anything about the workings of it, as I stated, because I have never had any experience.

Commissioner GARRETSON. Do you know anything about the utilization of it by the employer to fortify himself in the event of nonacceptance on his part or on the part of the employee?

Mr. BRITTON. I most certainly could not know anything of it, because I have had no experience.

Commissioner GARRETSON. The testimony that was given before this commission by the commissioner of labor under whom it was made effective was to the effect that they didn't have jails enough in Canada to imprison the people that violated it. Now, there is an actual statement that is made. And have you had any knowledge of how often both sides have bolted the decision?

Mr. BRITTON. No, sir.

Commissioner GARRETSON. The decisions that have been made?

Mr. BRITTON. No, sir.

of the company that I was associated with in Oakland in about 1898 to form alliances with it up to 1913, or a period of 15 years, there had been a constant

Commissioner GARRETSON. I believe those things might influence you in favor of the method that obtains here. Now, as to mediation, bear in mind I am talking from a public-service standpoint myself. You recognize there is no greater public-service corporation than the railways?

Mr. BRITTON. That is true.

Commissioner GARRETSON. Under the Federal law either side can demand the intervention of the mediating commission, or the mediators themselves can tender their friendly services whenever in their opinion it becomes desirable. Now, when a perfectly neutral interest, responsible only to the President of the country, tenders its friendly services, do you believe that a body of that kind, which would have the confidence of the employer that it was not affiliated with labor and the confidence of the employee that it was not affiliated with the employer, could often do away with the point of contention that existed and minimize industrial war; do you believe that that would be possible?

Mr. BRITTON. Oh, I believe it is possible; yes, sir.

Commissioner GARRETSON. With a commission of that character, extended to be able to exercise its friendly offices in intrastate as well as interstate bodies, do you believe that it could exercise an influence for good?

Mr. BRITTON. I have never doubted that, sir, and my point was not made in that way. My judgment was that in order to safeguard the public in the commodities which it is entitled to and which it is used to, to prevent disaster occurring, that it would be preferable to have a law that would be compulsory, by which any differences between organized labor and public utilities should be shifted to the decision of the arbitration board which should be final. I am not against mediation at all; I think that is a necessary part leading up to it, perhaps.

Commissioner GARRETSON. In the Newlands Act mediation precedes arbitration?

Mr. BRITTON. Yes, sir.

Commissioner GARRETSON. And arbitration must be voluntary. Now, as to compulsory arbitration, can such a thing exist as compulsory arbitration? Does it not cease to be arbitration the moment that it becomes compulsory, only another form of court?

Mr. BRITTON. True. Well, we might use the term court, then, instead of arbitration.

Commissioner GARRETSON. Well, it is a misnomer as applied to arbitration, is it not? When we come down to it, if it is agreed that the laborer and the employer have equal rights before the law, is not all the legal machinery now in existence open to the adjudication of such questions, once the legal rights of both are recognized?

Mr. BRITTON. Yes; but not until after damage has been inflicted that is irreparable; that is all.

Commissioner GARRETSON. There is a form of so-called legal procedure that often steps in.

Mr. BRITTON. You mean injunctions?

Commissioner GARRETSON. Yes.

Mr. BRITTON. Not very often effective.

Commissioner GARRETSON. No; it may not be.

That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Any other statements that you care to make?

Mr. BRITTON. No, sir.

Acting Chairman WEINSTOCK. Do you think of anything else?

Mr. BRITTON. I do not think I do.

Acting Chairman WEINSTOCK. That you think is likely to be of interest?

Mr. BRITTON. I do not think of anything this moment, sir.

Acting Chairman WEINSTOCK. If not, you will stand excused. Thank you very much.

The commission will now stand adjourned until 2 o'clock.

(Whereupon, at 12.15 o'clock p. m., on this Thursday, September 3, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Acting Chairman WEINSTOCK. Mr. Lynch.

TESTIMONY OF MR. ROBERT NEWTON LYNCH.

Acting Chairman WEINSTOCK. Will you give us your name and address and vocation?

Mr. LYNCH. Robert Newton Lynch; manager San Francisco Chamber of Commerce.

Acting Chairman WEINSTOCK. You are manager of the San Francisco Chamber of Commerce?

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. What is the nature of your function as manager of the chamber of commerce?

Mr. LYNCH. As executive officer for carrying out the policies of the organization.

Acting Chairman WEINSTOCK. How long have you been the manager of the chamber of commerce?

Mr. LYNCH. About 14 months.

Acting Chairman WEINSTOCK. In what service were you engaged prior to that?

Mr. LYNCH. As manager of the California Development Board.

Acting Chairman WEINSTOCK. Will you tell the commission what is the purpose of the California Development Board?

Mr. LYNCH. The purpose is to encourage the development of California, particularly from an agricultural standpoint.

Acting Chairman WEINSTOCK. Does the chamber of commerce have that end in view also?

Mr. LYNCH. The chamber of commerce has as its main purpose the development and encouragement of the commerce of San Francisco.

Acting Chairman WEINSTOCK. Does it confine itself to the commerce, or does it also include the industries of San Francisco?

Mr. LYNCH. It confines itself almost exclusively to the commerce.

Acting Chairman WEINSTOCK. Is it at all interested in endeavoring to further the industrial development of the city?

Mr. LYNCH. It has never entered into the work of securing scientific data upon that subject. There has been no aggressive department of the chamber of commerce that has been interested in the industrial matters of San Francisco except upon the commercial side.

Acting Chairman WEINSTOCK. Chambers of commerce in many cities, Mr. Lynch, among other things, undertake to get new industries located in their midst by seeking out prospects and following them up and doing what can be done to persuade them to locate in that particular city. What, if anything, has the Chamber of Commerce of San Francisco done along those lines?

Mr. LYNCH. It has been a very incidental part of its work.

Acting Chairman WEINSTOCK. It has been an incidental part?

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. But a part of it?

Mr. LYNCH. No aggressive action has been taken that I know of to that effect, except the answer to inquiries that happen to be brought to our attention.

Acting Chairman WEINSTOCK. Will you tell the commission what it has done despite the fact that it is an incidental part of the work of the chamber?

Mr. LYNCH. It has a committee known as the manufacturers' committee. That committee has recently undertaken the collection of data upon the industrial situation in San Francisco, with a view to the encouragement of manufacturing enterprises.

Acting Chairman WEINSTOCK. I see. Well, does that data show the number of manufacturing enterprises that were here at certain past periods and the number of manufacturing enterprises that are operating in the city at this time?

Mr. LYNCH. Only so far as it may be obtained from the United States census.

Acting Chairman WEINSTOCK. Have you any of those figures available?

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. Would you be good enough to review them here?

Mr. LYNCH. Regarding the number of factories?

Acting Chairman WEINSTOCK. Yes. How many manufacturing enterprises were there in San Francisco, say, in 1900 and how many in 1910 and how many, so far as can be ascertained, are there operating here now?

Mr. LYNCH. I find from the United States census figures that in 1899 there were 1,748 factories in San Francisco.

Acting Chairman WEINSTOCK. In 1899?

Mr. LYNCH. Yes, sir. In 1904 there were 2,251 factories. In 1909 there were 1,796 factories. In 1904 there were 46,606 persons engaged in the——

Acting Chairman WEINSTOCK. Will you repeat that? In 1904 there were——

Mr. LYNCH. Two thousand two hundred and fifty-one factories; in 1909, 1,796 factories.

Acting Chairman WEINSTOCK. Is that the latest data available?

Mr. LYNCH. They take the census every five years, and the next will not be taken until 1919.

Acting Chairman WEINSTOCK. That is, those you have given are for a period of five years interval—1899, 1904, 1909.

Mr. LYNCH. Yes; 1914 are not yet available.

Acting Chairman WEINSTOCK. Are not yet available. Now, the number of employees.

Mr. LYNCH. In 1904 were 46,606.

Acting Chairman WEINSTOCK. Yes.

Mr. LYNCH. In 1909, 38,910.

Acting Chairman WEINSTOCK. Now, in 1904, for example, did the 2,251 factories include factories and repair shops?

Mr. LYNCH. No. Factories.

Acting Chairman WEINSTOCK. Factories pure and simple?

Mr. LYNCH. Yes. And the figures for 1899 are also exclusively factories, do not include repair shops.

Acting Chairman WEINSTOCK. In 1909 the 1,796 represent factories pure and simple?

Mr. LYNCH. Yes.

Acting Chairman WEINSTOCK. And do not include repair shops?

Mr. LYNCH. No.

Acting Chairman WEINSTOCK. So that is a fair comparison; that is, the classifications are the same in 1904 and 1909?

Mr. LYNCH. Yes.

Acting Chairman WEINSTOCK. According to those figures there has been a decline in the number of factories from 1904 to 1909 of 455, and a decline of about 10,000 workers?

Mr. LYNCH. Yes.

Acting Chairman WEINSTOCK. What explanation is offered for this decline? What are the causes so far as you know them?

Mr. LYNCH. I don't know.

Acting Chairman WEINSTOCK. Have you any theory on the matter?

Mr. LYNCH. The chamber of commerce has not investigated the subject in any way, and it has no data upon the subject.

Acting Chairman WEINSTOCK. You say that the figures for 1914—1913, possibly, are not available?

Mr. LYNCH. 1914 are not available. They probably will be from the Department of Census; generally don't get out within a reasonable time. Maybe some one has them; I haven't.

Acting Chairman WEINSTOCK. Is it known in what line of industry this shrinkage has taken place, this shrinkage of 455 factories?

Mr. LYNCH. No. I do not know.

Acting Chairman WEINSTOCK. What effect in your judgment did the fire have in diminishing the number of factories?

Mr. LYNCH. It had the effect of sending some factories across the bay.

Acting Chairman WEINSTOCK. Was that due to the fact that perhaps conditions, operating conditions, are more favorable on the other side of the bay than on this side of the bay?

Mr. LYNCH. I don't know.

Acting Chairman WEINSTOCK. Has any attempt been made to follow up these industries that seemingly have dropped out, to learn the cause of their dropping out?

Mr. LYNCH. Not by our organization.

Acting Chairman WEINSTOCK. Do you know of any organization that has attempted to follow up those missing industries?

Mr. LYNCH. No, sir.

Acting Chairman WEINSTOCK. You say that incidentally it is a part of the work of the chamber of commerce to seek prospects wherever they are available. That is, when a letter of inquiry comes, I take it that that letter is followed up until the prospect is located or locates elsewhere?

Mr. LYNCH. Oh, yes; we frequently have letters of inquiry in regard to locating industries in San Francisco, and we give the best information obtainable.

Acting Chairman WEINSTOCK. How many such inquiries have come to your chamber within your knowledge, say, within the past year?

Mr. LYNCH. About one hundred.

Acting Chairman WEINSTOCK. Could you give the commission any statement showing what became of these 100 prospects?

Mr. LYNCH. None of them, to my knowledge, located.

Acting Chairman WEINSTOCK. Is it known where they did locate, if at all?

Mr. LYNCH. No, sir.

Acting Chairman WEINSTOCK. Do you know whether any of these 100 prospects located in the vicinity of San Francisco on the other side of the bay?

Mr. LYNCH. No, sir.

Acting Chairman WEINSTOCK. You do not know?

Mr. LYNCH. No, sir.

Acting Chairman WEINSTOCK. Is there anyone connected with the chamber that would know?

Mr. LYNCH. I think not.

Acting Chairman WEINSTOCK. Is it known whether any of these 100 prospects located in any other part of the State?

Mr. LYNCH. I have no personal knowledge of the case. Perhaps some of the office force may have learned. I think I heard of one case——

Acting Chairman WEINSTOCK. Who connected with your office would be likely to know?

Mr. LYNCH. Mr. Manley.

Acting Chairman WEINSTOCK. I see Mr. Manley is present.

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. I might question him on that score.

Mr. LYNCH. Yes; you might ask him.

Acting Chairman WEINSTOCK. From your knowledge of industrial conditions—you have lived in San Francisco how long?

Mr. LYNCH. Well, I have only had my actual residence here two years, but off and on 20 or 25 years.

Acting Chairman WEINSTOCK. So that you are fairly familiar with existing conditions, I take it?

Mr. LYNCH. Not industrial conditions.

Acting Chairman WEINSTOCK. You know, of course, the line of work in which the commission is engaged?

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. The duties that have been imposed upon it by Congress?

Mr. LYNCH. Yes, sir.

Acting Chairman WEINSTOCK. What suggestion have you to make to the commission that you think would be of interest to it in dealing with the problems that are before it?

Mr. LYNCH. Well, I take it I am a witness here as manager of the chamber of commerce, and the chamber of commerce not having taken any interest or the responsibility of investigating industrial conditions along the line which your commission is interested, I have no data or suggestions.

Acting Chairman WEINSTOCK. The chamber, then, as I take it, does not, as a body, interest itself in industrial relations or industrial matters?

Mr. LYNCH. Not as industrial relations. It has no interest whatever in regard to the relations of employer and employee except the one point of being interested in the maintenance of law and order.

Acting Chairman WEINSTOCK. Well, has it had occasion in recent years to exercise that phase of its activities?

Mr. LYNCH. It has.

Acting Chairman WEINSTOCK. Will you state when and where and under what circumstances?

Mr. LYNCH. During recent months there was evidence of lawlessness in regard to certain industrial disputes between the printers, and there were fre-

quent occasions of assaults upon the streets. And the chamber of commerce, without any reference to the merits of the controversy, made an appeal to the mayor of San Francisco and the constituted authorities to maintain order.

Acting Chairman WEINSTOCK. Did the chamber make any investigations to satisfy itself who was responsible for this lawbreaking?

Mr. LYNCH. No. It took the position that lawbreaking upon any side of the matter was reprehensible and should be repressed.

Acting Chairman WEINSTOCK. Well, has the chamber, then, any official knowledge as to who was responsible for this violence in this recent industrial trouble?

Mr. LYNCH. As to which side of the controversy was responsible?

Acting Chairman WEINSTOCK. Yes.

Mr. LYNCH. The evidence seemed to be that the strikers were the ones inflicting the outrages, but that had nothing to do with its attitude in the matter. It made the appeal entirely upon the maintenance of law and order, without reference to who was responsible.

Acting Chairman WEINSTOCK. Did the chamber keep a record of the number of arrests that were made and the number of convictions that followed?

Mr. LYNCH. No. As except to such representations that were made. There were frequent cases.

Acting Chairman WEINSTOCK. But you have no record?

Mr. LYNCH. No.

Acting Chairman WEINSTOCK. As to the number of arrests and the convictions of the parties responsible for the trouble?

Mr. LYNCH. No.

Acting Chairman WEINSTOCK. Whatever knowledge you have I take it is hearsay, then?

Mr. LYNCH. No; representations were made of various arrests, and those cases were presented to the authorities.

Acting Chairman WEINSTOCK. Those cases were not presented?

Mr. LYNCH. They were presented.

Acting Chairman WEINSTOCK. They were presented?

Mr. LYNCH. They were presented.

Acting Chairman WEINSTOCK. Well, the chamber confined itself to calling upon the authorities to maintain law and order?

Mr. LYNCH. Entirely.

Acting Chairman WEINSTOCK. What response did the chamber meet in its calling upon the authorities?

Mr. LYNCH. They were assured by the authorities that the outrages would cease.

Acting Chairman WEINSTOCK. And did they cease?

Mr. LYNCH. After a period.

Acting Chairman WEINSTOCK. Well, have you any information that you care to give the commission that is likely to be of interest?

Mr. LYNCH. No; I think not; except this: That the chamber has undertaken to get the information that seems never to have been gathered anywhere in regard to the exact industrial condition—not industrial relation—but industrial condition of San Francisco. And it has sent out blanks to every factory in San Francisco asking certain questions, and a certain number of replies have been received, but the survey has not been completed.

The committee, the manufacturers' committee of the chamber, will probably prosecute those inquiries in order to ascertain exactly as far as possible the situation. The chamber would be glad to furnish any data that may be required, and if there are any questions regarding the industrial conditions here, which fall within the scope or the intelligence or equipment of the chamber, we would be very glad to furnish them to this commission in writing.

Acting Chairman WEINSTOCK. Well, we will appreciate that very much, Mr. Lynch.

(The following communication was subsequently received from Mr. Lynch:)

SAN FRANCISCO CHAMBER OF COMMERCE,
San Francisco, November 17, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Your valued letter of November 13 has been received, relative to the data regarding industrial conditions in San Francisco being gathered by

the chamber of commerce, which I promised the Commission on Industrial Relations when I appeared before them in this city on September 5.

The industrial survey of this city is still in progress, and we expect to be at it at least another six months before the work is completed, and even then it will require constant attention to keep it up to date. We are going after this data in an entirely different manner than has ever been attempted by any other city in the country. At present we have compiled an alphabetical list of the factories in this city, from which the field force of the United States industrial census will work when they come out here in January. We are also gathering data from the various factories in this city, but this work has not yet been completed.

As soon as a report is issued on the above work, we shall be glad to send you a copy of same.

Yours, very truly,

ROBERT NEWTON LYNCH,
Vice President and Manager.

Acting Chairman WEINSTOCK. Were those blanks that you say were sent out by the chamber sent to employers and unions or just to the employers alone?

Mr. LYNCH. It had no reference to the relation between the two. They were sent out to the various concerns, asking their address, the kind of articles manufactured, whether they require additional capital, whether they regarded San Francisco as a good field of operation, whether they were looking for a new location, what kind of locations they required, what conditions were favorable to their business, what kind of raw materials they used, and where purchased, whether California could furnish raw materials, and if California didn't use their products whether there was any reason why they didn't use them, what class of work, what proportion of San Francisco consumption, what proportion of foreign consumption, to what extent was their market price affected by the selling price of the product in the East, whether they think California should purchase more of their product—questions of that kind in order to give the chamber more information in order to be able to more intelligently assist in the development of these industries.

Acting Chairman WEINSTOCK. When your summary of this survey is completed, Mr. Lynch, we would be glad to have you send the commission a copy.

Mr. LYNCH. Yes; very glad to.

Acting Chairman WEINSTOCK. The question is asked whether the fact that facilities were immediately available, I presume immediately after the fire here, were responsible for some manufacturers moving across the bay shortly after the fire.

Mr. LYNCH. I don't quite get the question.

Acting Chairman WEINSTOCK. Well, let me put it in another form, then: The fact that manufacturers could find immediate facilities on the other side of the bay immediately after the fire when they could not find them on this side, do you think that that fact had anything to do with the transferring of manufacturing enterprises from this side of the bay to the other side of the bay?

Mr. LYNCH. I have no information on that subject. I was not engaged as manager of the chamber of commerce at that time, and I only have the usual impression which anyone would have as to the reason. I have no information.

Acting Chairman WEINSTOCK. All right, Mr. Lynch; thank you very much. Mr. Manley.

TESTIMONY OF MR. WARREN MANLEY.

Acting Chairman WEINSTOCK. Mr. Manley, give your name and address and vocation to the reporter.

Mr. MANLEY. Warren Manley, San Francisco Chamber of Commerce.

Acting Chairman WEINSTOCK. What department of the chamber of commerce do you look after, Mr. Manley?

Mr. MANLEY. The information and statistical department.

Acting Chairman WEINSTOCK. Is it a part of your work to seek out prospects for manufacturing enterprises with a view to getting them to locate here?

Mr. MANLEY. Not yet. We have been engaged in simply answering the inquiries we have received so far.

Acting Chairman WEINSTOCK. About how many inquiries have you had during the past year?

Mr. MANLEY. We received 101 in the year 1913.

Acting Chairman WEINSTOCK. One hundred and one.

Mr. MANLEY. In the year 1913.

Acting Chairman WEINSTOCK. Can you tell the commission what became of those prospects?

Mr. MANLEY. No; I can't.

Acting Chairman WEINSTOCK. How many of them located here?

Mr. MANLEY. None of them.

Acting Chairman WEINSTOCK. How many located in the immediate vicinity of San Francisco?

Mr. MANLEY. I don't know of any that located across the bay. There was one located in Los Angles.

Acting Chairman WEINSTOCK. One out of the hundred?

Mr. MANLEY. Yes.

Acting Chairman WEINSTOCK. Were you able to ascertain why that prospect located in Los Angeles instead of locating here?

Mr. MANLEY. We never endeavored to. The only way I know they were located in Los Angeles, we received a letterhead from Los Angeles and happened to remember it was an inquiry we had received.

Acting Chairman WEINSTOCK. Have you ever been able to follow up any of these hundred prospects with a view of learning what kept them from locating here?

Mr. MANLEY. No; we do not conduct our work in that way. We answer an inquiry when it comes in, give them all the information to the best of our knowledge, but do not follow up the inquiries.

Acting Chairman WEINSTOCK. You do not follow up the inquiries?

Mr. MANLEY. No.

Acting Chairman WEINSTOCK. Do you know how many of that hundred located on the other side of the bay?

Mr. MANLEY. None that I know of.

Acting Chairman WEINSTOCK. So that really none of them located in this part of the State?

Mr. MANLEY. No.

Acting Chairman WEINSTOCK. And only one located in Los Angeles?

Mr. MANLEY. That I know of. There may be others.

Acting Chairman WEINSTOCK. Where did these applications come from?

Mr. MANLEY. Where do they come from?

Acting Chairman WEINSTOCK. Yes.

Mr. MANLEY. All over the United States.

Acting Chairman WEINSTOCK. All over the United States. They are not confined to California?

Mr. MANLEY. Oh, no. Of course, you must remember that a great majority of these inquiries are not what you would call legitimate manufacturing inquiries. A great many people simply try to take a chance, thinking they can come out here.

Acting Chairman WEINSTOCK. One statement that has been made before this commission during these hearings is that the labor conditions of San Francisco are such that capital is frightened off from locating in San Francisco. Has anything in your experience in connection with your work brought out that fact?

Mr. MANLEY. No; it has not.

Acting Chairman WEINSTOCK. You do not know of any instance where a prospect remained away from San Francisco because of the labor conditions?

Mr. MANLEY. Not among those inquiries that we received; no.

Acting Chairman WEINSTOCK. So that labor conditions, so far as you know, had little or nothing to do with the fact of these prospects not coming here?

Mr. MANLEY. That I couldn't say; I don't know whether it did or not.

Acting Chairman WEINSTOCK. There was no comment made on the part of the prospects in any correspondence one way or the other?

Mr. MANLEY. They simply make the inquiry and we answer the letter.

Acting Chairman WEINSTOCK. But if they did locate elsewhere, they did it without letting you know?

Mr. MANLEY. In this one instance they did.

Acting Chairman WEINSTOCK. If they have any reasons why they don't locate here, they don't give you those reasons?

Mr. MANLEY. No; we have never had them.

Acting Chairman WEINSTOCK. That is all, thank you.

TESTIMONY OF MR. FREMONT OLDER.

Acting Chairman WEINSTOCK. Will you give the reporter your name, address, and occupation?

Mr. OLDER. Fremont Older; managing editor of the Bulletin; San Francisco.

Acting Chairman WEINSTOCK. You are the managing editor of the Evening Bulletin?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. You have been managing editor of the Evening Bulletin how long?

Mr. OLDER. Nearly 20 years.

Acting Chairman WEINSTOCK. As managing editor of the Evening Bulletin, have you kept in touch with commercial and industrial conditions in San Francisco?

Mr. OLDER. Only in a general way, in most cases. Sometimes I have been in closer touch than others.

Acting Chairman WEINSTOCK. Has there been much industrial strife in the city of San Francisco, say, for the past five years?

Mr. OLDER. Very little.

Acting Chairman WEINSTOCK. Has there been more or less than the preceding five years?

Mr. OLDER. Well, I don't recall; no.

Acting Chairman WEINSTOCK. Take the period between 1904 and 1909, and then the period between 1909 and, say, 1914.

Mr. OLDER. Yes. There has been less.

Acting Chairman WEINSTOCK. Been less since 1909 than before 1909?

Mr. OLDER. Yes.

Acting Chairman WEINSTOCK. To what do you attribute this higher degree of industrial peace within the last five years?

Mr. OLDER. Why, I can hardly give any reason for it that would be based on information. The only reason I said there was more in the five years prior, was because in that period came the street car strike. That, I think, was just after the fire.

Acting Chairman WEINSTOCK. 1907?

Mr. OLDER. 1907, I think it was. But aside from that conflict I don't think there was any material difference in the conditions in those five years or the last five years. I don't know what——

Acting Chairman WEINSTOCK. May I ask whether it is not a fact that around 1907 there was in San Francisco a street car strike?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. A telephone strike, a laundry strike, a machinists' strike, that took place within a very brief period of time?

Mr. OLDER. I don't remember that there was a machinists' strike. I remember that there was a machinists' controversy over hours, but I don't remember that it came to the point of a strike.

Acting Chairman WEINSTOCK. Yes; it was testified to here yesterday that there was a strike that ran on several weeks.

Mr. OLDER. I had forgotten. The only big industrial conflict I recalled was the street car strike. I remember, now, that you remind me, that there were others, but they didn't stand out in my mind as being particularly severe.

Acting Chairman WEINSTOCK. As far as you know, has labor been more strongly organized since 1909 than it was before?

Mr. OLDER. I think so. I think it has been gaining in its organization.

Acting Chairman WEINSTOCK. Has that fact had any effect, as far as you can judge, on the degree of industrial peace? Has it made for industrial peace, or has it not?

Mr. OLDER. I think it has. I think as organized labor gains in power there is less likelihood of conflicts. That is my experience here in San Francisco.

Acting Chairman WEINSTOCK. You have been the editor of the Bulletin how many years, did you say?

Mr. OLDER. Nearly 20 years.

Acting Chairman WEINSTOCK. Does your memory permit you to go back 20 years and recall the industrial conditions when you first became editor?

Mr. OLDER. Well, yes, sir; in a general way. My mind can go back rather clearly to the strike of 1901.

Acting Chairman WEINSTOCK. That would be about 13 years.

Mr. OLDER. Prior to that time I don't remember any particularly big conflict. The 1901 strike was a memorable event which I recall fairly well.

Acting Chairman WEINSTOCK. You have reference to the teamsters' strike?

Mr. OLDER. The teamsters' strike of 1901; yes, sir.

Acting Chairman WEINSTOCK. Well, as one who has kept in touch with the local conditions, has the condition of the worker during this period of 20 years in San Francisco grown better or worse?

Mr. OLDER. I can't speak with any figures or facts before me, but I should say that the condition is better. Their organizations are stronger, and naturally I infer their conditions are better.

Acting Chairman WEINSTOCK. And by better conditions, I presume, you mean wages are higher?

Mr. OLDER. Wages and hours.

Acting Chairman WEINSTOCK. And hours shorter and working conditions better?

Mr. OLDER. Yes, sir; without doubt.

Acting Chairman WEINSTOCK. You heard the figures presented by Mr. Lynch a few moments ago?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. According to which there is an apparent reduction in the number of factories in San Francisco between 1904 and 1909 amounting to about 455 shops?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. And 10,000 men?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. What would be your explanation of that seeming decline?

Mr. OLDER. I have heard Mr. Lynch say that there at some period they included a lot of——

Acting Chairman WEINSTOCK. Repair shops?

Mr. OLDER. Well, not repair shops exactly. I heard him say that the Bulletin office in those days would have been called a factory because it manipulated lead and made metal plates, etc., for its presses; and I think I heard him say that many of those small factories were cut out. I may be wrong about the date, but I know he did make that point to account for the falling off. I think he said that the production was greater and the investment was greater now than it was then.

Acting Chairman WEINSTOCK. I asked him particularly whether the classification for 1904 and 1909 was the same, and I think he answered yes.

Mr. OLDER. Well, you asked him in regard to repair shops.

Acting Chairman WEINSTOCK. He said the repair shops were eliminated both times.

Mr. OLDER. I don't know that the Bulletin would come under the head of a repair shop; I think it came under the head of a factory. He told me it did. Many such industries were listed as factories when they were merely some small business; that is my impression. He gave me the impression there was a greater amount of money invested and a greater production in 1909 than in 1904. I don't think you asked him the question about the production and investment.

Acting Chairman WEINSTOCK. No; I did not. You have been a student of economic problems for a great many years I take it, Mr. Older.

Mr. OLDER. I have thought a great deal along that line.

Acting Chairman WEINSTOCK. What is your opinion relative to the merits and demerits of collective bargaining?

Mr. OLDER. I think it is a necessary makeshift. It seems to be the best means at hand just now.

Acting Chairman WEINSTOCK. You think it is better, for example, than individual bargaining?

Mr. OLDER. Yes, sir; certainly.

Acting Chairman WEINSTOCK. For what reason is it better?

Mr. OLDER. Because of the power that there is in collective bargaining against the divided power that would follow individual bargaining.

Acting Chairman WEINSTOCK. Is there any method that you could suggest that is still better than collective bargaining to the interests of both parties?

Mr. OLDER. Yes, sir. I think changing the ideal of human society from mere getting to a more altruistic point of view would be better. That is a matter of education, of course.

Acting Chairman WEINSTOCK. How would you apply that practically?

Mr. OLDER. I did not say it could be applied practically. You asked me if I could think of any other way. So long as our only ideal is possession, I don't know of any better way than to go on hammering. Each side hammering for more. That is the system as it works out.

Acting Chairman WEINSTOCK. While the altruistic ideal would be, from your point of view, the best conceivable, you believe the collective bargaining is the best possible?

Mr. OLDER. Yes; under the present money standard; which carries with it excellence and respectability. So long as the dollar is the only ideal of the world I don't know of anything better or worse.

Acting Chairman WEINSTOCK. As a newspaper publisher, I suppose you operate under the closed-shop system, do you not?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. What do you find to be from the standpoint of the employer, what do you find to be the advantages and disadvantages of working under the closed-shop system?

Mr. OLDER. Why, we have had no difficulty with the closed shop—that is, not to amount to anything.

Acting Chairman WEINSTOCK. The statement was made by a witness here the other day, Mr. Martin, the editor of a Stockton paper, that under the closed-shop system he has no voice in the fixing of the wage, that the wage is determined upon by the union.

Mr. OLDER. That is true.

Acting Chairman WEINSTOCK. And he is simply notified a certain wage has been decided on and he has no choice but to pay it.

Mr. OLDER. That is true.

Acting Chairman WEINSTOCK. Is that a fact?

Mr. OLDER. Yes, sir; it is true with us. We have had arbitration boards in regard to fixing the scale. It has not been arbitrary, in the sense of demanding a certain sum without arbitration.

Acting Chairman WEINSTOCK. Then if you have arbitration you do have a voice because you select one of the arbitrators?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. And the other side selects an arbitrator?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. And if the two can't agree they select a third?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. So that puts you on a parity with the worker?

Mr. OLDER. Yes, sir. I should correct that statement that we have no voice. In the printing trade we have an arbitration agreement.

Acting Chairman WEINSTOCK. Then the conditions under which you operate differ from the conditions under which Mr. Martin operates in Stockton?

Mr. OLDER. They must be, if what he said was true, that he had no voice. I don't know what the rules are in Stockton, but here the allied printing trades have been arbitrating the scale for many years.

Acting Chairman WEINSTOCK. In other words, if the allied printing trades should come to you and say, "We feel that we ought to get 10 per cent more wages than we are getting now," and you think it is a reasonable demand, you yield? But if you think it is an unreasonable demand, it becomes a debatable question?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. And is finally settled by arbitration?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. Both sides, I presume, are bound by the decision of the arbitrators?

Mr. OLDER. Yes, sir. That is the way the scale in recent years has been arrived at.

Acting Chairman WEINSTOCK. Now, as a matter of choice how would you rather operate, as a result of your experience, under closed-shop conditions or open-shop conditions?

Mr. OLDER. If my only desire was to accumulate money and property, of course, I would prefer the open shop.

Acting Chairman WEINSTOCK. Why?

Mr. OLDER. Because I could probably make more money. I could probably get people to work for less money under the open-shop theory than I could under the closed-shop theory or plan.

Acting Chairman WEINSTOCK. Are there any competitors of yours that work under the open-shop theory?

Mr. OLDER. No, sir.

Acting Chairman WEINSTOCK. They all operate under the same basis?

Mr. OLDER. I think so.

Acting Chairman WEINSTOCK. That is, when it comes to the question of labor, you start on an even footing?

Mr. OLDER. I think the Examiner has an open-shop pressroom. I think that is the only open-shop adjunct to a newspaper here.

Acting Chairman WEINSTOCK. Does the Examiner, as far as you know, in the open-shop press room, pay union wages and observe union hours?

Mr. OLDER. I don't know. I have never heard that discussed.

Acting Chairman WEINSTOCK. Well, is there any disadvantage of working under a closed-shop basis as long as all your competitors work on the same basis? Could you make just as much money working under a closed-shop basis if your competitors are in the same situation?

Mr. OLDER. Yes.

Acting Chairman WEINSTOCK. Than you could if working under an open shop, if they were all working under an open shop?

Mr. OLDER. Certainly.

Acting Chairman WEINSTOCK. Then, in other words, if you work open shop, is it not more likely to lead to what is called cutthroat competition than if you work closed shop?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. Does not the closed shop minimize the possibility of cutthroat competition where the open shop invites it?

Mr. OLDER. Under the open shop the meanest man in town would get the rate of wage.

Acting Chairman WEINSTOCK. And under the closed shop the rate is established?

Mr. OLDER. The meanest man has to pay the same as the rest.

Acting Chairman WEINSTOCK. In other words, the closed-shop basis forces the unfair man up to the fair man's standard?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. That, I presume, is one advantage to the fair employer, then?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. That an unfair competitor, or a competitor who otherwise would be unfair, must start out on the same footing?

Mr. OLDER. Yes, sir.

Acting Chairman WEINSTOCK. Are there any other advantages to the employer under the closed-shop system?

Mr. OLDER. I can only speak from my experience in the Bulletin office.

Acting Chairman WEINSTOCK. Yes, sir.

Mr. OLDER. We get wonderful efficiency in our office—remarkable efficiency. I have never had any experience with any other kind of shop.

Acting Chairman WEINSTOCK. There has been testimony presented to this commission during its recent hearings to the effect that the workers in the closed shop diminish its efficiency. You say that is not true in your experience?

Mr. OLDER. It is not true in our office.

Acting Chairman WEINSTOCK. Was there a time when you did work under open-shop conditions?

Mr. OLDER. No, sir.

Acting Chairman WEINSTOCK. You have always been under the closed-shop system?

Mr. OLDER. Always.

Acting Chairman WEINSTOCK. Would you change it if you could?

Mr. OLDER. Certainly not.

Acting Chairman WEINSTOCK. As a matter of fact, you would prefer to work under the closed-shop system?

Mr. OLDER. Yes, sir; because it is the fairest to the worker, and I think it is better for the community.

Acting Chairman WEINSTOCK. In what way is it better for the community, Mr. Older?

Mr. OLDER. Why, I think when the men get higher wages, there is an approach to an equal division of wealth. The money goes through the channels of labor into the shops and stores and business of the town.

Acting Chairman WEINSTOCK. You mean that the higher wage standard increases the purchasing power of the worker?

Mr. OLDER. Certainly.

Acting Chairman WEINSTOCK. Now, have you any suggestions that you care to give the commission in its labors, Mr. Older. You are thoroughly familiar with what we are called upon to do and any help that you can give us will be appreciated along the lines of suggestion.

Mr. OLDER. I should be very glad to if I could. Of course I think in what you are doing, going about the country and getting first-hand information will probably eventually give you some basis for legislation that possibly will be helpful. But I haven't any individual suggestions to make. I am sure you all know a great deal more about conditions than I do. My knowledge has usually been secondhand. I haven't had very much direct contact with the labor situation any further than as a newspaper man has in the way of receiving reports and meeting labor men here and there and talking with them.

Acting Chairman WEINSTOCK. Among the suggestions that have come to the commission is the one advising that it recommend to Congress the creation of a Federal industrial board, a permanent board that shall do for private industries what the mediation board is doing in connection with railroading; that is, there shall be this permanent body available at all times to tender its good offices to both sides when an industrial dispute arises, with a view of acting as mediators and conciliators. How does that suggestion strike you, Mr. Older?

Mr. OLDER. I never have thought very well of arbitration boards.

Acting Chairman WEINSTOCK. This would not be an arbitration board, this would be purely a board of mediation and conciliation.

Mr. OLDER. It is practically the same thing, isn't it?

Acting Chairman WEINSTOCK. No; a mediator can only bring the parties together and talk things over and make recommendations. He has no power to render a decision or enforce a decision. An arbitrator renders a decision.

Mr. OLDER. I see.

Acting Chairman WEINSTOCK. And the decision is usually enforced by mutual agreement.

Mr. OLDER. I don't quite see where anything would be gained by bringing them together so long as they have directly opposite views, hard and fast views too, each side wanting more. That is the fight, isn't it?

Acting Chairman WEINSTOCK. Yes.

Mr. OLDER. Capital wants more.

Acting Chairman WEINSTOCK. Yes.

Mr. OLDER. And the worker wants more. And they have a dispute, and I don't see just what a conciliation board could do. Bringing them together in a room to talk won't make capital want less or labor want less. I don't imagine it would.

Acting Chairman WEINSTOCK. The question as to how this thing would be done, whether it would be done by bringing the parties together with their feet under the same table, or whether the mediator would act purely as a go-between, going from one side to the other, of course would be a matter of judgment and a matter of detail. But one reason that has been offered why this commission should seriously consider that suggestion is the experience of the Federal mediation board in dealing with railway disputes. If I mistake not, they have been successful, Mr. Garretson, in nearly every case that they have undertaken.

Commissioner GARRETSON. Yes.

Acting Chairman WEINSTOCK. In bringing about a peaceful settlement.

Commissioner GARRETSON. Every instance but one, and that a minor one.

Acting Chairman WEINSTOCK. How many cases have they been called upon to meet?

Commissioner GARRETSON. Under both the Newlands Act, and the Erdman Act, its predecessor, something like 27 prominent cases, and a myriad of smaller.

Acting Chairman WEINSTOCK. That would indicate a very high degree of good results.

Mr. OLDER. It would in the way of peace and harmony, but I don't know whether or not it would bring about justice. Mediation might quiet the

workers, get them back to work, smooth them over. The injustice might still be there.

Acting Chairman WEINSTOCK. Well, of course, when it comes to a question of justice there is no guaranty that arbitration would be just, because there is always one side that did not get all it wanted, it might not think that it had been justly treated; but I take it that is approximately the nearest that we can get to justice.

Mr. OLDER. I think that in time we will possibly get at some of the fundamental causes.

Acting Chairman WEINSTOCK. If any suggestions should occur to you, Mr. Older, that you think would be of service to this commission, it would be appreciated if you will send them to us in writing.

Mr. OLDER. I will be very glad to.

Commissioner GARRETSON. Excuse me, but I want to know a thing or two, Mr. Older, you are one of the few men who have appeared before this commission who has touched a peculiar chord. On account of that fact, I would like to see if I correctly understood you. From some things that you have said, it don't seem to me that you hold, to paraphrase the language in the catechism that the chief end of man—or the chief end of the State—is wholly to amass wealth at the expense of its own citizens. Did I understand you correctly?

Mr. OLDER. Yes.

Commissioner GARRETSON. You don't hold that is the chief end?

Mr. OLDER. No.

Commissioner GARRETSON. I rather gathered the idea that you believe that the ideal type of state—I am using that, of course, in its social sense.

Mr. OLDER. Yes.

Commissioner GARRETSON. Was where production was not based on the amassing of wealth but on the bringing to the citizen a sufficient amount of its products and leisure to enjoy it.

Mr. OLDER. Service, purely service, and nothing more.

Commissioner GARRETSON. That is it, that production was for the purpose of adding to not necessarily the amassed wealth of the citizenship, but to the comfort of life, that he might enjoy it and get all its benefits?

Mr. OLDER. That is exactly my theory.

Commissioner GARRETSON. That is largely a new note before this commission. It has been claimed before this commission in positive terms by two sides, on behalf of one interest that business enterprises have been driven from the city by labor conditions; the other side has as positively asserted and claimed that they have been driven from the city by the greed of the landholder. You have been, in one sense at least, the overlooker that has seen most of the game?

Mr. OLDER. Yes, sir.

Commissioner GARRETSON. Of course you never played the game where that phrase is popular?

Mr. OLDER. No.

Commissioner GARRETSON. What is your conclusion, if you feel free to express it?

Mr. OLDER. I haven't any knowledge about that. I think there has been some—I should say without full knowledge that there has been more difficulty here about the high price of land than there has about the high price of labor. Of course I haven't any data.

Commissioner GARRETSON. No.

Mr. OLDER. But, of course, I have heard it frequently commented upon that land was too high here. I know many industries went across the bay because it was cheaper, and I am quite sure that it has operated fully as much as the question of wages, if not more.

Commissioner GARRETSON. Another question that was asked of the previous witness that you may have some knowledge of. It was stated that immediately following the fire a number of enterprises went across the bay. Do you know whether or not the ability to secure facilities in a short time on the other side exercised any influence in that direction?

Mr. OLDER. It was altogether that at the time. We all went over there, everybody, all the newspapers went over; had to. There was nothing here at all, no power, no light, no water, and they all went over there, and some remained because they found they could operate cheaper there.

Commissioner GARRETSON. Is it a fact that—I am not familiar with the local situation in San Francisco although, in some other points I am—is it a fact that there is an added charge in San Francisco for derriage, a switching charge added above what Oakland has?

Mr. OLDER. I am not familiar with that.

Commissioner GARRETSON. You don't know?

Mr. OLDER. I am not familiar. I have heard it discussed. I have been familiar, but I have forgotten.

Commissioner GARRETSON. If there is an added charge, that would be a factor in a large enterprise?

Mr. OLDER. I should think so; yes.

Commissioner GARRETSON. You spoke of the fact that mediation might produce—I think your phrase was "smoothing over"?

Mr. OLDER. Yes.

Commissioner GARRETSON. While it might be just—isn't it true from the standpoint of the man who believes that the laboring man does not receive his due proportion of the product of his labor, that no system yet devised has ever given him justice or ever will until that ideal is attained?

Mr. OLDER. I think that is true.

Commissioner GARRETSON. All systems must be palliative from the standpoint of the man who believes that is the final justice?

Mr. OLDER. Yes, sir.

Commissioner GARRETSON. In regard to mediation or arbitration—I do not know how closely you have watched arbitration—is not the eternal tendency of arbitration to find the middle ground—to compromise?

Mr. OLDER. Yes, sir; I think so.

Commissioner GARRETSON. I am speaking from the standpoint of a man who has been arbitrated to a fare you well. Now, this factor of mediation. Here is what mediation is, in practice, and I would like to have your expression on it; you as the representative of an employing interest and I as the representative of the men working for you come to a disagreement on the question of hours and wages. We have been in personal conference, and antagonism has arisen out of that conference, and we are, either one of us, in a position that is intensely human; that is, to stand to what we said. Do you believe that a third party unpledged to either of us, unaffiliated with either interest, our friend here on the right (Chairman Walsh) coming in with a governmental backing, going to you and getting your story, coming to me and getting mine, and then using his influence as a noncombatant pure and simple, a noninterest, could reconcile these points of disagreement between us until we can find a middle ground that we can both honestly occupy and at the same time save our faces? I am using the camp phrase.

Mr. OLDER. Yes.

Commissioner GARRETSON. Do you believe things of that kind, even if it does not bring even-handed justice, is desirable as a palliative?

Mr. OLDER. I do not know. It may bring something approaching justice; possibly it may not.

Commissioner GARRETSON. In the long run it might?

Mr. OLDER. Yes.

Commissioner GARRETSON. But it would do it step by step probably?

Mr. OLDER. Yes.

Commissioner GARRETSON. Because your idea—I am taking this purely theoretically—your idea and mine may be different, and therefore what would be justice from your standpoint might not be from mine, and vice versa. Do you believe that would be a good influence in our present industrial life?

Mr. OLDER. I think it might in certain cases operate to the good of the people, and it might not in other cases. I do not know enough about it.

Commissioner GARRETSON. There are exceptions to all rules?

Mr. OLDER. Yes, sir.

Commissioner GARRETSON. Good.

Acting Chairman WEINSTOCK. Did you want to ask a question, Mr. O'Connell?

Commissioner O'CONNELL. Garretson stole all of my thunder.

Commissioner GARRETSON. Good.

Acting Chairman WEINSTOCK. Thank you.

Mr. Gallagher.

TESTIMONY OF MR. ANDREW J. GALLAGHER.

Acting Chairman WEINSTOCK. Will you give us your name and address?

Mr. GALLAGHER. Andrew J. Gallagher, president San Francisco Labor Council, and member board of supervisors, San Francisco.

Acting Chairman WEINSTOCK. You are president, Mr. Gallagher, of the federated trades council?

Mr. GALLAGHER. San Francisco Labor Council; yes, sir.

Acting Chairman WEINSTOCK. Were you present the other day, Mr. Gallagher, when Mr. Fee testified here?

Mr. GALLAGHER. I was not.

Acting Chairman WEINSTOCK. Mr. Fee made certain statements concerning organized labor, concerning which you may be able to enlighten the commission from the other point of view. I am quoting now from the newspaper, from the published report in the Evening Bulletin, giving Mr. Grant Fee's testimony. Among other things, Mr. Fee made this statement: That certain labor leaders with whom he talked considered the McNamara brothers martyrs. Is that the labor sentiment as you know the labor sentiment?

Mr. GALLAGHER. That is not.

Commissioner WALSH. Just a minute.

Acting Chairman WEINSTOCK. We will eliminate that question for reasons explained to me by Chairman Walsh. We have the structural iron matters under advisement and will investigate it at a later period.

Commissioner WALSH. Mr. Fee volunteered that without being asked.

Mr. GALLAGHER. I have no doubt he volunteered a great many misstatements here.

Acting Chairman WEINSTOCK. He also made this statement concerning which you may or may not care to say anything; that as a former union man, he knows that violence is advised in unions.

Mr. GALLAGHER. If he made that statement of course he is responsible for it; but if he can, I advise that he be resummoned to quote one single instance where a union as such, or its officers as such, have advised or even condoned violence, and let him be bound by his answer.

Acting Chairman WEINSTOCK. You deny that in the name of organized labor—that statement?

Mr. GALLAGHER. Absolutely.

Acting Chairman WEINSTOCK. Mr. Fee also made this statement that you may or may not care to make answer to: That the one man rule in the union organizations lies too much toward dictatorship and crushes out those things that make a man an American. What are the facts as you know them?

Mr. GALLAGHER. That statement is not true, because what is popularly called the rank and file of labor do govern after all. It doesn't make any difference how big a man is, how big he thinks he is, the moment that they make up their mind with any degree of earnestness that the man is not either a fit representative or a capable one, the power to remove him is absolutely in their hands. That extends, as far as I know, to every organization of labor of which I have known.

Acting Chairman WEINSTOCK. And as I understand it, then, the method is purely democratic?

Mr. GALLAGHER. It is democratic to an extreme that is perhaps not understood by those unfamiliar with labor organizations. There is the freest expression, and when an organization determines to change its leaders it does so with a speed that is remarkable.

Acting Chairman WEINSTOCK. Will you explain to the commission, Mr. Gallagher, what method of election is pursued—is it a secret ballot or a viva voce vote?

Mr. GALLAGHER. In nearly every organization that I know of the election is by secret ballot.

Acting Chairman WEINSTOCK. That is so in your organization of the labor council?

Mr. GALLAGHER. In every organization affiliated with the labor council—one hundred and ten and odd, I believe—in every one of them the secret-ballot form of election is the form.

Acting Chairman WEINSTOCK. What is the average length of term of service of the president of the council, for example, for—take the last 10 years in San Francisco—what has been the average length of time that a president of a council has served?

Mr. GALLAGHER. There has been a changing tendency in that regard. The officers of the labor organizations generally a few years back served only for a period of six months, and there has been a sort of a collective change in that, and they are now serving for periods of one year.

Acting Chairman WEINSTOCK. Well, how often are they reelected? Take your predecessor, how many times was he reelected?

Mr. GALLAGHER. The gentleman who—I am just trying to think. No, I think he was elected three times.

Acting Chairman WEINSTOCK. Served three years?

Mr. GALLAGHER. No; he served six months' periods.

Acting Chairman WEINSTOCK. Oh, 18 months?

Mr. GALLAGHER. Yes.

Acting Chairman WEINSTOCK. And you have served how long?

Mr. GALLAGHER. I am serving my second year now—my third election—but I am serving my fourth term, because I was president about seven years ago.

Acting Chairman WEINSTOCK. Would it be fair to say, then, that the average term for the president of your council in the last 10 years has been about two years?

Mr. GALLAGHER. Yes; and over.

Acting Chairman WEINSTOCK. Not less than two years and not over, say, three years?

Mr. GALLAGHER. Not less than two in any case that I have known of or can remember.

Acting Chairman WEINSTOCK. Is it possible for a president of the council to perpetuate himself against the wishes of the majority?

Mr. GALLAGHER. Well, he would have to be mighty clever to do it. I suppose it is possible for men to so entrench themselves that they may for a brief period of time thwart the will or desire of the rank and file to remove them, but that is only for the briefest possible time.

Commissioner O'CONNELL. I suppose that applies to all forms of associations and organizations?

Mr. GALLAGHER. Absolutely.

Commissioner O'CONNELL. Yes.

Mr. GALLAGHER. Every one—political, economic, and every other kind.

Acting Chairman WEINSTOCK. You have been connected with organized labor in San Francisco how long, Mr. Gallagher?

Mr. GALLAGHER. About 12 years.

Acting Chairman WEINSTOCK. How are the conditions of the workers in San Francisco to-day compared with what they were, say, 12 years ago—are they better or worse?

Mr. GALLAGHER. They are very much improved.

Acting Chairman WEINSTOCK. How largely have the ranks of organized labor increased during the 12 years in San Francisco?

Mr. GALLAGHER. Well, there was a very marked increase in membership immediately following the fire. Thereafter there was a period of depression, and the organizations have reached a normal for the last—I should say, three or four years.

Acting Chairman WEINSTOCK. Can you remember without referring to your records about what the membership was, say, in 1902, 12 years ago, when you first associated yourself with it?

Mr. GALLAGHER. I can not answer that with any definiteness, and I would not care to answer it because my figures might be wrong. But I do know that the fire brought in a great many mechanics—thousands of them. Our organizations, however, do not report any great decreases in membership.

Acting Chairman WEINSTOCK. Would you say that the ranks of unionism had doubled since 1902, 12 years ago, in San Francisco?

Mr. GALLAGHER. No; I would say that they have increased, I should say, something over one-third.

Acting Chairman WEINSTOCK. About a third?

Mr. GALLAGHER. Yes, sir.

Acting Chairman WEINSTOCK. How are wages on the work to-day, as compared with what they were 12 years ago in San Francisco?

Mr. GALLAGHER. In many lines of—in the organized field, in many lines they have been increased.

Acting Chairman WEINSTOCK. Could you approximate it in percentage; are they increased 10 per cent or 20 per cent, do you know?

Mr. GALLAGHER. Probably 10 per cent.

Acting Chairman WEINSTOCK. Have the hours been shortened?

Mr. GALLAGHER. In a great many lines; yes.

Acting Chairman WEINSTOCK. Has there been industrial strife in your miscellaneous trades during the past five years that was greater or less than that of the preceding five years in San Francisco?

Mr. GALLAGHER. Well, I heard you ask that question of Mr. Older. I should say that within the last five years 98 per cent of the trouble that may exist between the employers and workmen has been settled without strikes.

Acting Chairman WEINSTOCK. Without cessation of work?

Mr. GALLAGHER. Without any cessation of work whatever. May I carry that thought out and say this?

Acting Chairman WEINSTOCK. Yes.

Mr. GALLAGHER. The public and those who judge these things only hear of the trouble when a great strike takes place, but they do not know that every day in the week and every hour in the day there are probably 125 men known as business agents with other elected officials above them, who every hour of the day—not for 8 or for 10, but for 12 or 14—are settling these disputes that may lead to strikes. The public does not hear of those thousands of settlements and only hears of an occasional strike, say, like the street car men, the machinists, or something of that kind.

Acting Chairman WEINSTOCK. These business agents, then, we are to understand, act as mediators and conciliators?

Mr. GALLAGHER. These business agents have no other purpose more than they serve the avoidance of trouble.

Acting Chairman WEINSTOCK. So that when trouble is brewing they step in and endeavor to adjust it between the parties?

Mr. GALLAGHER. That is their first business.

Acting Chairman WEINSTOCK. So they are really mediators?

Mr. GALLAGHER. They are.

Acting Chairman WEINSTOCK. And conciliators?

Mr. GALLAGHER. At all times.

Acting Chairman WEINSTOCK. You know, of course, that the impression is abroad among a great many that these business agents stir up strife rather than settle it?

Mr. GALLAGHER. That is not true and can not be borne out by any testimony that can be given by anybody now or hereafter to this commission.

Acting Chairman WEINSTOCK. What constitutes an efficient business agent from a labor standpoint?

Mr. GALLAGHER. Well, that is very largely a matter of judgment.

Acting Chairman WEINSTOCK. Well, take your judgment, what would you say?

Mr. GALLAGHER. My idea of an efficient business agent is the business agent who has an understanding first of the desires and ambitions and aims of the men he represents; has a knowledge of what they are entitled to; has a sense of fairness that will permit him to deal with his employer for the purpose of securing those things for the men he represents without bringing them into open rupture. That is my idea of the best kind of a business agent.

Acting Chairman WEINSTOCK. That is, the man that can maintain peace rather than create strife?

Mr. GALLAGHER. Yes; absolutely.

Acting Chairman WEINSTOCK. You know, of course, that there are very many who are under the impression that the business agent's job depends on his creating strife, that like the soldier there must be action for him to get distinction.

Mr. GALLAGHER. That is all the result of the published statements that, as I say, can't be borne out. In this country to-day, at this very moment, there are probably—there are possibly 15,000 labor officials, every one of them busy on some problem dealing with the conditions surrounding men who work. Each one of these men, I should say, as I know them—that is, 99 per cent of them; there may be some men who don't understand—but each one of them, in my judgment, is striving to accomplish what he is instructed to accomplish by his organization and avoid trouble in so doing. And the impression that business agents create trouble can not be borne out. It can not be borne out; I make that statement and I challenge contradiction.

Acting Chairman WEINSTOCK. Under which of two conditions is the business agent's job more secure, under conditions of industrial peace or under conditions of industrial war?

Mr. GALLAGHER. The answer to that is that the man who is able to secure conditions for men who work without taking them from their work is naturally a better business agent for them than the fellow who has to pull them out on the street to get what they desire.

Acting Chairman WEINSTOCK. So that from that point of view the best business agent is the one who can get the best conditions for the workers that he represents, consistent with industrial peace?

Mr. GALLAGHER. Without sacrificing any of the ideals that his organization stands for.

Acting Chairman WEINSTOCK. You were present, Mr. Gallagher, I think, when Mr. Lynch testified, and gave his figures that he presented?

Mr. GALLAGHER. I just heard some of it, the latter end of it.

Acting Chairman WEINSTOCK. According to his statement the records show that in 1904 there were in San Francisco 2,231 factories employing 46,000 people, in round figures; in 1909 there were 1,796 factories employing in round figures 36,000 people; in other words, during those five years the number of factories had diminished by 435, and the number of workers had diminished by 10,000. Can you throw any light on that?

Mr. GALLAGHER. Only this: That the chamber of commerce, which I believe Mr. Lynch represented, a short time ago took issue with an organization here lately formed, known as the merchants and manufacturers' association, and which is formed for the purpose of, I think, creating an industrial war in San Francisco. The chamber of commerce, over its own signature, published in the Bulletin of this city, took issue with that association, and said that there were nearly as many factories here as there had been before, and that the statement that San Francisco's output and manufactures had decreased to the extent stated by the merchants and manufacturers' association was not true. That statement can be found by your commission, I think, if it is sought.

Acting Chairman WEINSTOCK. Well, would you undertake to furnish it to the commission, Mr. Gallagher?

Mr. GALLAGHER. I will. I will be glad to find it.

Acting Chairman WEINSTOCK. And mail it to us?

Mr. GALLAGHER. I think I can.

Acting Chairman WEINSTOCK. So we can make it part of the record?

Mr. GALLAGHER. I think I can find it for you.

Acting Chairman WEINSTOCK. Have you any suggestions to offer to the commission that you think will be helpful to it along the lines of making for a still higher degree of industrial peace throughout the country?

Mr. GALLAGHER. I think that inasmuch as this commission is created by the Federal agency, it can, by its inquiry into the conditions which surround the workers, find that there is a great deal of injustice, there is a great deal of inequality, there are a great many people working under conditions which are, to the last extreme, unjust, and that there must be some legislation to assist those people who are apparently unable to assist themselves.

I think the commission will find that the only agency known that has produced for the workers whatever justice there has been found for them up to this day and time has been the trades-union organization. And I think that this commission may sound a note to the Government that these organizations must be assisted and they must not be checked at the fountain head of legislation.

I suppose the question that you ask is so broad in its scope that it would take a day almost to answer. But I think that the commission can find some of the causes for unemployment, some of the causes for dire poverty. I think it may be able to find that in the winter months of the year thousands of people, thrown out of work by a cessation of the industry in which they are employed, move to climates more congenial and attempt to obtain work in those States or cities—cities and States—and crowd the workers in those places either out of employment in some instances or at least to a point of danger. And I think it might find that in these States that have to receive the unemployed of other places, they might find a means, through the Federal agency, of providing for winter work in the States where men can not work; and the relief of those States that have to accept the unemployed of other States, by a Federal agency, might be secured by the collection, if you will, of a tax upon the whole of the people, or by a tax upon those States which themselves turn their unemployed over to others to take care of during the winter.

Acting Chairman WEINSTOCK. A question along another line of inquiry, Mr. Gallagher. How many trades are represented in your trades council?

Mr. GALLAGHER. How many trades?

Acting Chairman WEINSTOCK. Yes. You have all the miscellaneous trades, have you not?

Mr. GALLAGHER. We have all the unions represented in the council that there are in the city.

Acting Chairman WEINSTOCK. That would be about how many different trades?

Mr. GALLAGHER. There are approximately 85 trades, and the rest might be called miscellaneous organizations.

Acting Chairman WEINSTOCK. So you have 85 distinct trades represented in your one organization?

Mr. GALLAGHER. I should think so; probably more.

Acting Chairman WEINSTOCK. What proportion of that 85 insist upon the closed shop?

Mr. GALLAGHER. Well, we don't call it the closed shop. We think that is a misnomer.

Acting Chairman WEINSTOCK. Well, let us say what proportion of the 85 trades insist upon the employer employing only union men?

Mr. GALLAGHER. What proportion of them?

Acting Chairman WEINSTOCK. Yes.

Mr. GALLAGHER. All of them.

Acting Chairman WEINSTOCK. What proportion are able to carry out that policy?

Mr. GALLAGHER. Nearly 100 per cent.

Acting Chairman WEINSTOCK. So that in all these various trades there are no nonunion men employed?

Mr. GALLAGHER. In all the various trades?

Acting Chairman WEINSTOCK. In all these 85 trades there are practically no nonunion men employed?

Mr. GALLAGHER. Oh, I should not say that. I should say that the insistence upon the union shop is successful to nearly 100 per cent, but I should not say there were no nonunion men working at those trades in the city of San Francisco or its surroundings. In other words, if you see my point, there might be nearly 100 per cent union shop, still there might be here and there some nonunion men employed in given trades.

Acting Chairman WEINSTOCK. But, as a rule, in all these various trades only union men are employed; it would be the exception where the nonunion men are employed?

Mr. GALLAGHER. Only union men are employed, and that extends from San Francisco to Arizona, to Nevada, to—I don't say that the hundred per cent extends, but the authority of these organizations, some of them, extends to Arizona, to Nevada—of course, some of them all through California, and some of them extend their authority only to the counties of San Francisco and Alameda.

Acting Chairman WEINSTOCK. Well, are we to understand, Mr. Gallagher, that in these 85 trades, especially in San Francisco, an employer must employ only union men

Mr. GALLAGHER. Well, that is rather a harsh way to put it, Mr. Weinstock.

Acting Chairman WEINSTOCK. Well, how would you put it, then?

Mr. GALLAGHER. I should say that we as workers don't believe that the employer has any right to ask us to work alongside of the man who bears none of our burdens, who shares none of our troubles, who will take upon himself none of the duty of enforcing any of the ideals that we stand for, and therefore we don't care to work with him. If he comes among us and refuses to become one of us, we reserve the right to cease work with him if necessary.

Acting Chairman WEINSTOCK. Were you here yesterday, Mr. Gallagher, when Mr. McGregor testified?

Mr. GALLAGHER. Yes, sir.

Acting Chairman WEINSTOCK. You remember a question was put to him—"Do you confine yourself to employing union men only?" And he answered, "No; I employ anyone I please." But that he had never had any difficulty on that score?

Mr. GALLAGHER. Well, of course, Mr. McGregor knows his own business, but fortunately Mr. McGregor's superintendents, whoever they are, have taken care to employ only union men. I am of the belief they are the best kind of

men, and besides that, I will say for Mr. McGregor he is a very fair employer, very just, as far as I know, in his dealings with labor.

Acting Chairman WEINSTOCK. Mr. Lennon would like to ask a question.

Commissioner LENNON. Mr. Gallagher, one matter that has been brought strongly to the attention of the commission is regarding the responsibility of trade-unions and their carrying out of their agreements. What is your experience in San Francisco on that question?

Mr. GALLAGHER. Our experience has been in San Francisco there have been less agreements broken by trades-unions than there have been by employers.

Commissioner LENNON. How about the contests that have taken place? Have they come about, any of them, because of either side breaking their agreement; and if so, which side?

Mr. GALLAGHER. Well, my memory does not serve me very well on that, but I should say that some of them have been brought about by claims on either side that the other side has not played fair and has broken its agreement. Very few, however, as to the large cases of trouble that we have had.

Commissioner LENNON. Do you know the sentiment backing the trade-unions in their work as to the upholding of the agreements, whether that is really approved by the membership generally. That is, agreements once entered into must be carried out?

Mr. GALLAGHER. As I understand the organization, and I have had to deal with every one in San Francisco without exception, their desire is to carry out their agreement and they try to do it.

Commissioner LENNON. Just one other question I want to ask about. What is your experience in this city, not in times of strike, but in times when there are no strikes, as to the trade-unionist being a law-abiding citizen, not being brought into court for misdemeanors, for desertion of their family, for the ordinary crimes that are tried in police courts; what proportion do trade-unionists hold to nonunionists who are brought into court, do you think, on charges of that character?

Mr. GALLAGHER. I think the records of the police court of this city and county will bear me out in the statement that the proportion of men who belong to our organization who are unfaithful in that respect is very, very small; surprisingly so. And that the large per cent—the greater per cent by far—of the men found in trouble and violating the law and in the other phases, such as desertion of family, will be found to be very, very much greater. I say that for this reason, that if it were a fact, as stated here, that union men—well, I will state it in a different way, perhaps more directly—that probably every case of the desertion of family on the part of a member of the trade-union family of this city that has occurred has been called to my attention in an effort to locate him. Hence I could make the statement here with every confidence of being absolutely truthful, that within my 12 years' experience in the local labor world there has not been called to my attention by the police of this city, in the effort to locate those men, more than six cases, and that is stretching it to make sure.

Commissioner LENNON. Now, what observation have you made as to the occurrence of assaults in the community as a whole when there is a large strike on and when there is no strike on?

Mr. GALLAGHER. Well, I have found this condition, which can be borne out by any kind of testimony this commission might need: I have found there have been men—they may be and very often are not trade-unionists—who mix in these quarrels.

Let me illustrate. I saw a man in one of the strikes shy a brick at a man on a team, and inquiry developed the fact he was not even a part of the trouble, but a person whose sympathies for the cause got away with him. We find this condition happening very often in cases of industrial trouble that amount to anything, that the employer does unquestionably, through agents, hire men to come in here to carry guns to guard strike breakers and to do any kind of work that they may be called upon to do, even to beating up pickets and persons in charge of strikes. As I say, we are very often met on our side with overanxious sympathizers. Sometimes they are union men and sometimes they are not.

Commissioner LENNON. Well, you didn't quite get the gist of my question. Are there more arrests for breaches of the peace during time of strike than when there are no strikes on?

Mr. GALLAGHER. No, sir; there are not.

Commissioner LENNON. In so far as there is unrest among the workers of this city, what do you believe to be the principal cause of it, or have you given that particular attention?

Mr. GALLAGHER. I would like to get that question over again; I didn't catch it.

Commissioner LENNON. If there is a considerable degree or lesser degree of unrest among the workers of this city, what are the principal causes of that unrest?

Mr. GALLAGHER. Well, I should say that the worker in San Francisco, as I know him—while, of course, like all humanity, is not satisfied—as far as he is organized the condition of employment is satisfactory to him to a considerable extent. The unrest that there may be, and which is found here among the other workers, is accounted for, I think, by the great injustice fastened upon them in their employment—the inequality of things. They see some set of men—one set of men receiving a fairly good wage and they receiving in some instances merely a pittance for work performed. There is not, I think, Mr. Commissioner, a great deal of unrest in this city. I have noted—if I may in passing make this statement—that there have been men appearing here who would make you think that there was an armed force on each side of the industrial field; that capital and labor were simply drilling their men and ready for an affray here. There is no such condition. The only reason that that probably has evolved out of this hearing is because you have called here the extreme partisans on both sides.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. What do you know about this charge that the firms are all leaving San Francisco because it is a union town—high wages?

Mr. GALLAGHER. That charge is not true and can not be proven.

Commissioner O'CONNELL. Do you know of any large firm—I don't mean these little things Mr. Older was talking about, little back shops that were counted as factories—do you know of any factory that left on account of union-labor conditions?

Mr. GALLAGHER. I only know of one big factory that ever left here, if you call it a factory, in the last five, six, or seven years, and that is an iron works, known as the Joshua Hendy Iron Works; that is located in the city of Oakland across the bay, but that concern is existing under just the same regulations as to organization as it would be if it were over here.

I asked a man a question the other day, representing the Lewis Motor Truck Co.; I asked it of him at the open session of the board of supervisors at the city hall, and I asked him why his firm had moved to the city of Oakland. His answer was, They had more ground space there cheaper, but that 80 per cent of their product was still made here in San Francisco.

As a matter of fact, factories—if you could think this would be a factory center, which I don't believe it is or will be—need a great many things. For instance, they need water very badly and they need it cheaply, and they can't get it on this side of the bay, except by boring wells, and that is possible only in certain localities, and the land in these localities is very high for rental purposes.

For instance, if I may illustrate, the supply of water for this city and county to-day is about 40,000,000 gallons by the holding company. The city and county really needs 70,000,000 gallons to keep up with all the needs that are upon the water supply, and that water problem will be found a considerable item to the firms moving from the city.

Commissioner O'CONNELL. Well, now, a gentleman makes a bald statement before us that 100 concerns have made inquiries as to locating here. The impression would be that they didn't locate here because of some particular condition or reason here which was not so acceptable as it was elsewhere. Why, in your opinion, do you suppose these firms have not come to San Francisco? Are these same 100 firms simply making inquiries of a thousand cities?

Mr. GALLAGHER. I think you will find that there is very largely the case. You can not bring manufacturers to a place unless first of all it has the territory to feed. And, secondly, unless the conditions are such that it might manufacture there probably as cheaply as it could some place else.

Now, for instance, San Francisco and the State field as far as manufacturers go, does not extend very far. The eastern man can send his stuff through by freight and pretty nearly do as well as your local man under some circumstances.

The Southern Pacific Railroad, for instance, Mr. Jacobs, Mr. Isidor Jacobs, the president of the California Cannery Co., a very large concern here, made a statement in the public prints of this city over his own name that in his judg-

ment the thing which was keeping San Francisco back, if anything was keeping it back, and the thing which was militating against its progress in an industrial way, was the exorbitant freight rate charged by the railroad people supplying this city with freight; and he went so far as to say in that statement that in his judgment they had been blaming it on the unions in San Francisco, but that was really one of the causes, and probably the biggest one.

Business men are peculiar; they are like every other kind of human being. You know if you say to a half a dozen men that to-day is a bad day, they probably will pass the word along, they will be convinced of that; and business men are no different, and you will find that by actual experiment. If you keep on saying loud enough and long enough that these unions are responsible for the fact that they can't make money, where nobody else is making money, many believe that and they will believe it and pass it on, and it becomes set.

Commissioner O'Connell. Is there a motive in passing on the word, for instance, on the part of the employers, that they don't want competition, by insinuation or innuendo, that this is not a good place for manufacturers, that the laborers are ready for a fight here?

Mr. Gallagher. No, sir. Let me illustrate by the Continental Bedding Co. They went into Los Angeles and Arizona, but particularly in Los Angeles where wages in the upholstering line are probably, I should say, 50 per cent less. The Continental Bedding Co. went into that territory and underbid and undersold, and this can be proven, the concerns doing business in Los Angeles.

In San Francisco the cracker companies are competing not only with places as far east as Denver, in what you might call the local field, but they are competing, and successfully, for Government contracts against factories that are unorganized, all over this country.

In very many lines you will find that the local man—I don't say manufacturer, because there are not so many of them—but the local employer is able to and does compete successfully against those other cities and places. It is not for me to say—probably for some expert—what the real trouble is, but I might illustrate by this:

In the iron industry the employers in Los Angeles naturally conceived that the oil field was their own territory. They went so far in the south as to put their men in on the ground. The San Francisco merchants, a great many to them, thought all they had to do was to sit here and that the oil field business, which was considerable, was going to come to San Francisco. Well, it didn't come until he began to bestir himself; even then he got a good deal of it as against the Los Angeles iron man.

Commissioner O'Connell. Now, you are of course thoroughly familiar with the situation and wage conditions and hours and things which produce them, and the conditions generally, and I know you have traveled through the East because I have met you there many times, and know pretty generally the conditions existing in the East in the large cities. Are the wage conditions and hours and conditions of labor so much better in San Francisco than they are in the large eastern cities, of such quantities or amounts to cause the employer to talk about the higher wage conditions and lower hour conditions and union conditions in San Francisco as a reason?

Mr. Gallagher. Not at all. If this commission will examine the wages paid in a given line in the city of Chicago, which I think is a fair parallel, you will find that some of the trades there receive more money than they do in San Francisco.

Commissioner O'Connell. And that the eight-hour day has been longer in existence in Chicago than in San Francisco?

Mr. Gallagher. I think it has. I am not familiar with that particular point, but you will find as to wages in some of the trades, they are higher in Chicago than in San Francisco.

Commissioner O'Connell. And New York?

Mr. Gallagher. I think in some trades that applies to New York.

Commissioner O'Connell. In your own trade, for instance.

Mr. Gallagher. In my own trade, that of photo-engraver, the scale is higher in Seattle and higher in New York, on the newspaper end of it at least, than it is here. And this brings me to this thought. The newspaper publishers of San Francisco have told the men in the printing trades for years that we were pressing them so hard they simply could not give us any more increase or they would have to go out of business, and yet we have later on—nearly all of them reducing the price of their papers from 5 cents to 1 cent.

Commissioner O'CONNELL. I haven't been able to find that paper yet.

Mr. GALLAGHER. The 1-cent paper? Well, Commissioner, we don't like the penny very well out here.

Commissioner O'CONNELL. I have not been able to spend one since I have been here.

Mr. GALLAGHER. I think it cheapens a community a great deal, frankly. But that is the fact. The price of the paper per month has been reduced in some cases from 75 cents to 50 cents, and in a couple of cases increased again, it is true, but in every case nearly—that is, the afternoon papers—except one paper, which always was 1 cent, they were reduced from 5 cents per paper to 1 cent.

Commissioner O'CONNELL. That is all.

Acting Chairman WEINSTOCK. That is all, Mr. Gallagher; thank you very much.

Mr. Troy.

TESTIMONY OF MR. EDWARD P. TROY.

Acting Chairman WEINSTOCK. We can give you just a very small limit of time, Mr. Troy, so that we will have to ask you to boil all those documents down to the minimum.

Mr. TROY. What I am doing is, I wish to file this matter with you.

Acting Chairman WEINSTOCK. Oh, I see.

Mr. TROY. And I have a list of what is there, so that you will have the information.

Acting Chairman WEINSTOCK. We feel relieved.

Commissioner WALSH. Give us the list. Just describe what the documents are.

Mr. TROY. Yes, sir.

Commissioner WALSH. Give your name, age, residence, and occupation.

Mr. TROY. Edward P. Troy.

Commissioner WALSH. Residence?

Mr. TROY. San Francisco.

Commissioner WALSH. Occupation?

Mr. TROY. I am doing expert work in public utility work matters, and for cities and organizations and private individuals; also on tax questions and franchise questions and the like.

Commissioner WALSH. What is your mail address in San Francisco?

Mr. TROY. 1263 Oak Street.

Acting Chairman WEINSTOCK. Will you explain, Mr. Troy, the nature of the suggestion you have to make to the commission?

Mr. TROY. Well, for the past year I have been doing tax work and investigating tax conditions and ownership of land in California for the Home Rule and Taxation League. There is a constitutional amendment pending, called the home rule and taxation constitutional amendment, that will permit cities, for city purposes, and counties, for county purposes, to exempt from taxation all improvements and personal property and to collect the taxes on the value of the land.

And I have been investigating conditions under existing tax systems in the various counties and showing people how they are affected by the present system. In connection with that work and in that, I have gotten information that, I believe, will be of value to this commission.

These matters that I wish to file with you are a report of the California Conservation Commission, with maps and data of irrigated lands and forest ownership. For instance, pictures showing the waste of land and water by large landowners who have gotten control of all the water. And I might say at this time, gentlemen, that in California land and water are almost synonymous terms, in fact, because of our light rainfall; in parts of the State, in the southern part—the San Joaquin Valley—it is 6 inches in a year. The water is even more important than the land. The land is desert without water.

Also, maps of the Santa Fe Railroad Co., which will give you an idea of some of the locations in the State.

Report of the State Board of Equalization for 1912, giving tax data.

Report of the Commonwealth Club of this past year giving an account of an investigation or hearing on this constitutional amendment.

The report of the California League of Municipalities for 1911, showing the first step toward this exemption from taxation.

An editorial of the Pacific Municipalities of March, 1914.

A statement issued by the chamber of commerce of Modesto.

In the irrigation districts in this State these tax-exemption statements of the new irrigated district since 1909 exempting a man's personal property from taxation, collecting all the tax from the value of the land.

The Modesto irrigation district and the Oakdale irrigation district have issued statements.

I have the originals with me and have copies of these to file.

Also cards, business cards, issued by real estate men in these irrigation districts, inviting people to come and buy land and settle there, giving as a reason that the man who cultivates his land pays no more taxes than the man who allows weeds to grow on his land.

Also a map of Kern County that I made about two weeks ago while down there investigating the land situation, showing that this is the original map.

The black color shows all the land of the Kern County Land Co. They have 427,000 acres of land.

Last night I returned from Napa County, and in that entire county there are 402,000 acres of land.

The red shows the land owned by the Southern Pacific Land Co., the land that was originally given to the Southern Pacific Railroad. And there are 650,000 acres of land in that one county.

The blue streak running here—and it is a blue streak on the development of the county, too—is land owned by Miller & Lux in that county, 147,000 acres. It is the richest bottom land, original swamp land.

The purple here is land, 137,000 acres about, owned by Otis and others of Los Angeles.

In the colors on that map they show about, I think it is, a million and three or four hundred thousand acres, 45 per cent of all of the land in Kern County, owned by four persons.

Commissioner LENNON. Is that a cause of social unrest?

Mr. TROY. It is, indeed. [Applause.] I think I will show you that.

Acting Chairman WEINSTOCK. Applause will not be permitted.

There is also a paper here by Ernest Schaeffle, secretary of the State fish commission, showing how the private ownership of land affects outdoor life, driving the people, preventing the people from getting access to the wild land of the State, and getting that recreation and outdoor life that is their right.

I have also an article written by me for a Tulare County newspaper, reviewing the situation in that county.

Assessment and taxation in Tulare County; reprint from Visalia Times, August 11, 1914; also reprint from the Pottersville Recorder.

I have also an article on the single tax in the San Joaquin Valley, "taxation" and "business" here in California and New York.

Also resolution of the California League of Municipalities, and a list of the cities that have indorsed this system of taxation, and its indorsement by unions; practically all of the unions covering the central labor bodies in California have indorsed this constitutional amendment.

(The above resolution and list of cities appears as "Troy Exhibit No. 1.")

Many chambers of commerce, prominent Democrats, the Democratic county committee in Yreka, up in the northern part of the State, recently indorsed it; also a copy showing the original matters as introduced by Senator Caminetti, into the legislature in 1911, the original bill proposing this system of taxation.

I have also here a copy of a communication sent by Mr. Horace Tillard Jones, attorney of the water conservation commission, to editor Inyo Register, which will give you some idea of the water situation.

(See Troy Exhibit No. 2.)

The water bill that gives the water commission power has been put to a referendum, and it is in connection with that matter that Mr. Horace Tillard Jones wrote this communication.

Also an editorial of the Livingston Chronicle—Livingston, a little town of 800 population—on this system of taxation and the amendment.

Then on water I have the entire decision of the Railroad Commission of California, recently handed down in the East Side Canal Co. case. I put that before you to show how the control of water has got into the hands of a few persons, principally through the expense of litigation.

In the earlier irrigation districts here the lawyers got through their fees the control of the water systems; in this East Side Canal Co. case the decision of the railroad commission shows that the lawyers' fee is $300,000, the expense of litigation is $150,000, and the physical value of the property as found by the commission is only $200,000. That is litigation principally by

Miller & Lux, and as Mr. Jones and others show here the control of water is gotten through expensive litigation, and also by means of force.

You have had testimony here as to the labor unions exercising force to gain their purposes, and testimony to the contrary, and here in California these large owners of water rights have taken every means of driving people off, to get control of the water that is so essential to their land. They have threatened people with litigation. I heard of a widow being in Madera County who wanted to dam up a torrential stream that is dry all the year around except when a little rain comes into it, and Miller & Lux told her if she attempted to dam that up they would take her into court on an injunction. That is the way Miller & Lux do.

Also copy of home rule taxation constitutional amendment, so you will see what is proposed here.

(Various pamphlets, clippings, cards, and other data were submitted by the witness, in printed form, as follows: "Report of the conservation commission of the State of California to the governor and Legislature of California, 1912," published by Friend Wm. Richardson, superintendent of State printing, Sacramento, Cal.; "Report of the State Board of Equalization for 1911–12," published by Friend Wm. Richardson, superintendent of State printing, Sacrament, Cal.; "Transactions of the Commonwealth Club of California, San Francisco, May, 1914;" "Proceedings Fourteenth Anaual Convention League of California Municipalities, held at Santa Barbara, Cal., October 26–28, 1911," published by Rincon Publishing Co.; editorial entitled "Something to talk about," from Pacific Municipalities, March, 1914; pamphlet reprinted from Modesto Morning Herald, February 12, 1914, entitled "Statement shows district's progress—Chamber of commerce and irrigation directors show benefit of single-tax idea in this district;" pamphlet entitled "Tax exemptions bring prosperity—Trustees of Oakdale City and irrigation district show benefits of system adopted under home rule;" a copy of the Porterville Daily Recorder, Wednesday, August 12, 1914, containing article entitled "Present tax laws punish owners who improve property;" reprint from Visalia Daily Times, August 11, 1914, entitled "Says farmer is penalized for improving property;" copy of Bakersfield Daily News, Wednesday, August 19, 1914, containing map of Kern County, with legend "Why Kern County needs new assessment methods;" reprint from the Public, November 29, 1912, entitled "Single tax in the San Joaquin Valley;" a circular letter dated San Francisco, October 23, 1912, addressed to the Democrats of California; pamphlet entitled "Report of decisions of the railroad commission of California in the matter of the commission's investigation on its own initiative of the rates and practices of the East Side Canal & Irrigation Co.," decided March 31, 1914, published by the California State Printing Office; reprint from Livingston Chronicle, Saturday, May 9, 1914, entitled "Home rule in taxation;" a pamphlet entitled "Address on the water commission law," delivered before the City Club of Los Angeles by former governor George C. Pardee, January 31, 1914; pamphlet entitled "Home rule in taxation—What it means and what can be done with it;" and business cards of Modesto Land Co., Modesto, Cal., and G. J. Bentley Realty Co., Oakdale, Cal.)

Also I want to file, so as to give the commission an idea of the landownership in California, how it is concentrated in the hands of a few people. I would ask the commission to order the State board of equalization, Mr. T. M. Eby, secretary, Sacramento, Cal., to furnish a copy of the list of corporations that have to report to them, giving the number of acres of land owned by each corporation. They do that in the fixing of their franchise value for tax purposes—and then you will get further information from them.

I want to say, gentlemen, that I have arranged the matter briefly under a few heads so as to give it in as short a time as possible.

The cause of unrest, the cause of the lack of employment is that men can not get at the opportunities that their Creator has given them for employment. There are opportunities all about us here in California, and even in the country here about San Francisco—acres and acres within 10, 15, or 20 miles; but, because of the monopoly of the land, they can not get at the land that their Creator has given them—the opportunity for employment that He has furnished us with. That is really the cause of unrest and unemployment. As far as unrest goes, gentlemen, I would say that I never want to see a condition in California where there is no unrest, or in any other place, because unrest is a sign that men are seeking to better their conditions.

Commissioner O'Connell. Then this commission had better go out of business.

Mr. Tarr. Not at all; not at all. They place restrictions upon that continually, and they are gaining the control of all the land that will enable people to get at the opportunity that God gives them for a living; and we must not allow a man to erect an artificial barrier on that very matter as persons here in California are doing right now, because there is threatening us a danger that may ruin us, may break down our labor unions, may break down our scale of wage here. During the opening, or through the opening, of the Panama Canal, we are going to have many coming into California, and if those people are crowded into the city, then they are going to pauperize them and bring us down to the level of the European cities. We can't handle them in our cities; but if we can get those people out on the land, where they are natural agricultural workers, they will create new wealth in the country and will bring new life into the city and make our people and our Government more prosperous. So, if you can keep those people from placing restrictions upon it, then, California will certainly be more prosperous and more happy that it has been or even is to-day. If it is not done the result will be that labor—all of our people, not only newcomers, but those who are here now, will be brought down to that level, low condition, and a few persons will be enabled to exploit and control labor, and the majority of the people will be in extreme poverty.

In California we feel that the cure for that condition is in the constitutional amendment. To do that we propose the "home rule in taxation by constitutional amendment," that will induce people to improve their property or to let it go to some one else who will improve it.

I want briefly to call your attention to the forest conditions in California. When you make it more profitable for a man to build upon the land, to improve it, and you don't tax him, don't punish him, don't restrict him, then he will improve it.

In this report of the conservation commission, you will find a map showing the ownership of forest lands in California.

The Southern Pacific Railroad Co. and its allied corporations own, I think it is, 18 to 20 per cent of all the forest lands in the State. The Walker interests own about 17 per cent. Between them they own 35 to 40 per cent of all the timber of the State of California—those two interests—and with a few other interests, practically all the timber is in their control. They are not cutting the timber from that. Whereas the forest board says—I was told by the head of the forest board up in Yreka a few months ago when I was up there—that the mature timber should be cut. As it is now the Walkers have gone into Lassen County and they have established a mill and a city of about 5,000 population and they are going to go through that forest as with a razor and cut it all clean off the country, denude it of the good and bad timber. Whereas if they cut only the mature timber in that place—the Walker interests—and they would clear the timberland, it would pay them a great deal more money.

There has also been a report made to the State mineralogist in 1912 along the same lines explaining the same matter.

To go into the forest in the counties where they have this timberland, they told me there that they wouldn't find any of it used at all; they had a lease on the ground that prohibited anybody from doing that, getting access to the forests at all. If the forests were taxed as they should be, then the mature timber would be available, and they could get cheap timber for the people who are there, and the people could get it at a proper cost.

The report of Mr. Stevens was made to the State mineralogist in 1912 on that question, and the Bureau of Corporations has recently published a report on the monopoly of timber, and our own United States attorney is making an investigation at the present time.

You will find these persons who are reported by Mr. Stevens and Mr. Puter in their book, "The Looters of the Public Domain," on page 420, as having shown how these timberlands and these locations have been taken up by the Walkers and monopolized and by a number of other people; but the Diamond Match Co. acquired its by purchase probably legitimately.

I want to refer also to these enormous ownerships of land. What I have done was to go into the county assessor's office and take off their roll the information; and I made this map, not trusting anyone else at all, but taking

the actual description of each section and marking it down on the map. I didn't even take the books on file showing that information. I took it off of the roll itself. And I found, for instance, the land owned by Miller & Lux in Merced, Madera, and Fresno Counties is very great. They are keeping the county back.

Acting Chairman WEINSTOCK. A point of information: Assuming that the plan that you have in mind has all the merits that you believe it has, how could this commission be serving any purpose in connection with it by your recommendation?

Mr. THOY. By recommendation?

Acting Chairman WEINSTOCK. Recommendation for what?

Mr. THOY. The tax on land, for example, exempting the improvements from taxation.

Acting Chairman WEINSTOCK. That is, your idea is to have this commission recommend to Congress the things that you have in mind?

Mr. THOY. Yes; Congress has control, either directly or indirectly, in some instances; for instance, in the development of lands that are under the Carey Act, and the great irrigation project of the Government in Arizona; Franklin K. Lane—I have an extract from the report of Franklin K. Lane, Secretary of the Interior, showing that speculators are getting hold of these lands when the Government constructs the irrigation system. It is to be paid for after a period of 10 or 20 years. These speculators sell out the land that they got for a song, sell it out for $200 and $300 an acre. The poor unfortunate who has bought it has first to pay the speculator for the construction of the irrigation works, and 10 or 20 years after he must pay for it again to the Government. If our Government were to devise some manner to prevent this thing from happening, so that they could protect the settlers when they get this land, it would be of benefit. I think it is important for the commission to know the extent of this man's ownership in California.

For instance, Miller & Lux are said to own a million acres of land in California alone.

An investigation was made by the Scripps papers recently and it was found Miller & Lux had land in Oregon, California, Arizona, New Mexico, and through Nevada. I found in these three counties alone—Merced, they have 225,000; Madera, they have 147,000; Fresno, 141,000, which is 24 per cent of all the land in Merced County, and probably 60 or 70 per cent of the land of Merced County in the valley, and one-third in Madera County.

I interviewed people down there in that section. From the examination of the tax roll I find that the Miller & Lux people in Merced County were paying 25 cents an acre taxes. Twenty-five cents an acre because they have no improvements; they have kept the land back and have kept its value down. And in addition to that, keeping the land back, they own all the land along the San Joaquin River on the west side of the San Joaquin Valley in these counties. They rent the land back of them to the west (millions of acres) for pasture purposes for 25, 20, and 10 cents an acre.

For instance, the Miller & Lux ranch, the buckayro told me that they got $30 a month and work 60 days a month.

Acting Chairman WEINSTOCK. Did you say work 60 days a month?

Mr. THOY. That was his language, $30 a month, and 60 days a month. They have Italians and other laborers who work for them. I have talked to some of them, and they told me that they get a dollar a day in winter, and a dollar and ten in summer, because labor was a little scarce. On the other side of the same county, where farms have irrigation, they pay from $40 to $50 a month, and the man who works for them lives with the family, eats at the family table, sleeps in a room in the family house. Miller & Lux have their men, as this buckayro told me, in sheds or bunk houses.

The traveling auditor of Miller & Lux told me that the pay roll—here you see an interesting point, gentlemen—the pay roll of Miller & Lux on their ranch changes every month. The same men do not work more than a month.

In order to keep labor there in the country, 60 miles from anywhere, they have established what is called the dirty-plate route. On this dirty-plate route, the tramps, the poor unfortunates who walk through the country with their blankets are given a meal by Miller & Lux at their camp houses. But they can not eat off a clean plate; they must eat off the dirty plate that has been used by some one else. And they get a living; by that means they keep a stream of men flowing through the country all the time, and in that way are enabled to

keep labor on their farms. If they did not do that, having that 60-mile territory, no laboring man, no tramp, would go through the territory at all.

They have school districts, one example of the effects of this terrible blight of land ownership upon that section of the country, is shown by the school districts in that country. The Firebaugh school district is a typical one. In Madeira and Fresno Counties I found that there are about 200 square miles in the Firebaugh school district in Fresno County; about 110 of these square miles are in as rich a valley as you could find, if they got water. There are 85 square miles in Madera County, and in this joint school district in the two counties, there are from 250 to 300 square miles. There are 61 children at Firebaugh. I visited the school and 55 of the children were living in this little town, and 6 of them outside of the town. The teacher told me that four of those children came in from the country, leaving two school children for 250 square miles of territory. I found that one schoolboy who came in from the country had to ride 11 miles to school in the Miller & Lux school district.

In the Mendota school district there are 110 square miles, with 40 children.

At ———, this is the Miller & Lux in ———, there are 102 square miles, and 47 children.

At ———, 136 square miles, and there are not any children. They kept it open for a while, but it was suspended.

I had an interview with a man who has been employed by Miller & Lux for many years, and here is this question, gentlemen, of the cost of living. There is a question of social unrest. This gentleman has lived and worked with them for many years, and I wouldn't dare give his name, for he would be discharged instantly. He said the alfalfa ranches of Miller & Lux carry one cow to the acre on their best ranches. The average yield of alfalfa is 7 to 8 tons per year. On the wild feed on the Santa Rita ranch, it is one steer to 160 acres.

The wild feed will rent from 30 to 60 cents per acre. That is the outside dry land, he said. On the sheep ranches rent ranges from 15 to 60 cents per acre. On the bottom land, the rent is not more than $1 per acre for the wild feed. This same man told me that where under present conditions of growing the wild feed will feed one cow one month, if under cultivation it will carry one cow one year. One to one and one-half tons of grass will grow per acre and pasture a cow one month. Under cultivation it will provide sufficient feed on the same land for a cow a year.

Make Miller & Lux—this is very important, gentlemen—make Miller & Lux stop raising cattle and put settlers on there, who would cultivate the land and raise cattle, and Miller & Lux could buy cattle for less than it costs them to raise them to-day. That would bring them a much larger income than the way they are doing now. The raw land requires 12 acres for a steer a year. That 12 acres will sell for $150 per acre, $1,800, and interest would be $108. The profits of the same land now, valuing the steer at 1,000 pounds, 10 cents per pound, are $100, the former would give you a much larger profit. Take 30 or 40 acres around Modesto, and you can run 30 dairy cows. Have 3 or 4 cows in addition to turning off what you would sell to the butcher every year; raise also a hog and many chickens on each of the same acres and have more, and make a profit.

Acting Chairman WEINSTOCK. Have you formulated your plan, Mr. Troy, into the form of recommendations that you would be prepared to submit to this commission for its consideration, with a view of submitting it to Congress? Have you got it in concrete form?

Mr. TROY. I think our amendment does that. Our amendment would be my recommendation.

Acting Chairman WEINSTOCK. Will you read that amendment?

Commissioner WALSH. I would like this gentleman to be permitted to go ahead with the facts that he has. You may ask the question after——

Acting Chairman WEINSTOCK. In order that we may concentrate, when you reach that point so we may know just exactly the point.

Mr. TROY. The amendment is in the way of taxing the land—all the products of labor, of merchandise——

Acting Chairman WEINSTOCK. The single-tax idea.

Mr. TROY. It is to a large degree the single-tax idea—levy all your taxes upon the value of the land. It is land value taxation. The single tax goes further than that.

Commissioner GARRETSON. Your plan makes it impossible for these men to hold large bodies of land without loss to themselves?

Mr. TROY. That is it. I think that is as well as I can give it to you.

Commissioner WALSH. I would like him to state the facts that he has. He states that he has obtained them after considerable search. We only have half an hour left.

Mr. TROY. I will be brief. I have covered that sufficiently, gentlemen. Miller & Lux claim all of the water of the San Joaquin River, all of the water. Around the town of Madera, which is as beautiful a country as there is on the face of the earth, they are litigating with the canal company that is supplying the water to the farmers there—and they have succeeded, the supreme court has reversed the decision of Judge Sewall and sent the matter back for retrial, and they have succeeded in getting a decision. They turn their water on their waste lands and make a marsh out of it. In the winter they have hunters come down to the country about Mendota and Firebaugh from San Francisco, and the sign in the hotel at Firebaugh says that they are charged $5 a day for the guide and going out upon the land to hunt ducks.

I have just returned from Napa, where I was the last few days, gentlemen. And there, this is another typical example. There is one estate there that owns 9,000 acres of land, and pays 17 cents an acre taxes. The taxes of the farmers run up to $3, $4, $5, $6, $7, and $8, and even one man, Mr. Vought, pays $10 an acre taxes on his. He has his house, barn, trees, and other improvements on it. In the school district there the same condition prevails. This is a typical instance. The school district in a settled community that has been built up in the country—the Coombs school district near the town of Napa—in the country, not in the town—there are 1,936 acres, and 35 children, or 1 child to 38 acres.

In the northeastern section of Napa County, is one of the most fertile valleys in the world, the Berryessa Valley. I saw 10-mule teams in Napa City bringing wheat down to water to ship to market. They take two days to bring their wheat to water, and they are also sending fruit wrapped in paper to the railroad and it goes to London—the most beautiful and fertile valley in the world, and yet in that valley, in one of the school districts, Oak Grove, there are some 88,564 acres, with 19 children, or 1 child to 4,661 acres.

Now, gentlemen, the practical illustration of this system of taxation that will give the remedy that Mr. Weinstock wants is to be found in the irrigation districts.

Under the law of California all property must be taxed under our constitution. Our amendment will permit these exemptions. The irrigation districts are distinguished from municipal bodies and counties, so that the legislature some 25 years ago enacted a statute providing for irrigation districts and for taxation to maintain them.

The act originally provided that the improvements as well as the land should be taxed. At the request of the Modesto irrigation district in 1909, the statute was amended providing that all new districts must exempt personal property and improvements from taxation and levy all the tax on the value of land, and that the old—five old—districts could exempt improvements from taxation and adopt the new system by a vote of the landowners who lived in the district. And before the adoption of woman's suffrage, women, and even Chinamen, voted on that question in the Modesto irrigation district. They adopted that system in Modesto in 1911.

The Modesto irrigation district has 85,000 acres of land. Adjoining is the Turlock district with 175,000 acres of land. They both get their water out of the Tuolumne River. The climate is exactly the same. The soil is practically the same. It is all in the floor of the San Joaquin Valley. The people are practically the same.

And yet in the Modesto district with only 81,000 acres the assessed value of the improvements—Mr. Abbott, the secretary, told me that he always used the assessment of the county assessor, and I took off of his roll the name of every taxpayer and a description of the property and went to the county assessor's office and found what improvements were assessed for, and thus got what Mr. Abbott said would have been the irrigation district's assessment on improvements for that year. The total of the country outside of the town was $779,000. In the town of Modesto it was about a million and a half of dollars.

In the Turlock district, immediately adjoining, with 175,000 acres, the total assessment of the country districts and of the town of Turlock was $706,000 less than in the country in Modesto. The people in Turlock want to adopt this system of taxation. Last May I addressed a meeting of farmers in the little town of Ceres in that district. The assessor of the Turlock irrigation district told me

he has seen the burden that this system puts on the farmers. One man because he had improvements had to pay taxes amounting to $10.90 an acre. Another man who had 700 acres, who lived in Philadelphia, was taxed only $2.02 an acre.

Now, the statements of the Modesto irrigation district tell the effect of exemptions from improvements. They have built a new hotel in the town of Modesto because they are exempting improvements from taxation. Mr. Griffiths, the manager of the Hughson Hotel at Modesto, told me that hotel would not have been built if they had taxed improvements. In Oakdale they have the same system.

Another feature of this—you will find complaints against a system of taxation of this kind frequently made that it is going to destroy the land; that no man can borrow money. I talked with Mr. Leitch, the largest landowner in the Oakdale irrigation district. He and his sister are paying $6,000 a year in that district. He is a director in the bank. Mr. Leitch told me that this system of taxation encourages a man and helps him to borrow money to improve his property. If a man borrows money to-day in the Turlock district he has to pay 7 or 8 per cent, and in addition the tax of 3½ per cent for his irrigation tax, bringing his tax up sometimes to over 1 per cent per month, according to the irrigation tax. But in the Modesto district and in the Oakdale irrigation district, when a man borrows money to make improvements, he pays interest only on that improvement, and it don't cost him a cent more. He pays no taxes upon his improvement. Mr. Leitch told me that it is this system of taxation that is encouraging the people to improve and is building up their district.

Now, I don't want to take up—I could talk all day on it, gentlemen, but I think I have said enough to give you the main points.

Commissioner WALSH. Let me ask you a question. You have heard the testimony here as to the failure of manufacturing concerns to use San Francisco as a basis of their operation, and their removal therefrom. By some it has been attributed to the high wages which come from close organization. Have you any data that you could give the commission as to what effect, if any, the price of land, the amount of rents, freight rates, and other charges have upon the situation?

Mr. TROY. As to freight rates, I have been writing reviews on questions of that character; for instance, the decisions of the Interstate Commerce Commission. I have been writing on public ownership questions also for 20 years, and I recall the decision of Franklin K. Lane in the Chicago Western Rate cases, and also in the Reno Rate case, and Mr. Lane showed by the figures in that decision—I wrote a story on the matter—that the freight rates in California are from two to six times as high per ton per mile as they are in any other section of the United States.

The railroad companies in the West here, from my study of the reports of the Interstate Commerce Commission, can afford to charge a lower rate per ton per mile than any other section of the United States, because their freight is greater per mile of track and per train-mile and per car-mile than any other section of the United States; and Franklin K. Lane makes the statement specifically that it is greater than any other main line system in the United States.

Commissioner WALSH. Well, what are the characteristics of terminal charges in San Francisco as compared with those in other cities; that is, manufacturing cities?

Mr. TROY. The railroad was discriminating here against San Francisco, Los Angeles, and San Diego by charging a switching charge for switching freight cars to private team tracks of $2.50 per car; that amounted in this city to $250,000, and in a recent franchise it was provided, through the efforts of Mr. W. R. Wheeler, then the manager of the chamber of commerce, who has since resigned—and I believe was compelled to because of his action in that matter—there was a provision put in that franchise requiring the Southern Pacific to haul those cars without this extra charge. It is not charged in any other city in the United States; and after some good man on our board of supervisors were defeated, the mayor of our city had a conference with the president of the Southern Pacific and that matter was stricken out, so the Southern Pacific could continue the charge. However, the Supreme Court of the United States has just held that charge to be discriminatory, so that it can not be made any longer.

We have been handicapped in many ways. I have found also in my study of conditions here that our chamber of commerce and our commercial bodies don't

give as much attention as they should to the industries and the business of the community. If a public-service corporation wants to increase water rates or gas rates or sell out at a very high rate to the city, then the chamber of commerce is there to aid them.

I found, for instance, in the northern part of the State that the mining corporations that are doing business in Siskiyou, Sierra, and Trinity Counties have formed an organization with the mining corporations in the southern part of Oregon, and they will have their meetings in Oregon instead of California, because they can't get fair treatment, as they said, down this way. If our business firms would give more attention to the development of business on this side—California at one time controlled all the business of the Pacific coast and almost as far east as Denver. In fact, to-day, I guess in the insurance business it is all controlled from this city. Most of the companies have their headquarters here. Our commercial travelers used to go to Idaho and Montana. To-day every year our territory is being more and more restricted. Our merchants don't pursue a progressive policy to get business, and let the business get away from them. And that, if anything, is the principal cause; and that, I believe, is the real cause of San Francisco losing a great deal of its business here.

Acting Chairman WEINSTOCK. Did you hear the testimony, Mr. Troy, of Mr. McCarthy the other day?

Mr. TROY. No; I didn't.

Acting Chairman WEINSTOCK. Mr. McCarthy made the statement——

Mr. TROY. That is Mr. P. H. McCarthy, president of the building trades?

Acting Chairman WEINSTOCK. Yes. That, in his opinion, is one of the prime reasons why industry did not flourish as much as it should in the city of San Francisco, where the high rentals, the high valuations of land, drove prospective manufacturers to other territories where they could get land cheaper.

Mr. TROY. Yes.

Acting Chairman WEINSTOCK. Now, if what McCarthy says is true, will not your plan work out in this wise, say, that a certain parcel of land is worth $100, let us call it a foot, or an acre, or a lot, say that the taxation on that land under the present system is $2.

Mr. TROY. Yes.

Acting Chairman WEINSTOCK. Now, I assume, if your idea prevails, that the whole burden of taxation will be put upon the land and not upon the improvements?

Mr. TROY. Yes, sir.

Acting Chairman WEINSTOCK. Very well. Now, supposing that doubles the tax from $2 to $4?

Mr. TROY. Yes, sir.

Acting Chairman WEINSTOCK. Will that not raise the rental value, will not the landlord have to get more in order to be as well off as he is to-day?

Mr. TROY. Mr. Weinstock, it is an economic fact that the tax upon land can not be passed on to the consumer. You as a merchant can put the tax upon your goods and make your consumers pay it. In fact, every merchant does that, and the consumer pays all taxes upon products of industry. But you know, Mr. Weinstock, that the man who owns the land to-day is getting every dollar of rent he can out of it. He gets every cent of rent out of that land that it is worth, and if he is getting every cent that it is worth, how can he raise his rent if more taxes are put upon it?

Acting Chairman WEINSTOCK. Only in this wise: If I and I alone have to pay that increased tax I can't raise the rent on my land in competition with my neighbor who don't have to pay the tax; but if all the landlords have to pay the tax collectively they can raise.

Mr. TROY. They can't do it, Mr. Weinstock. It is impossible, because—and the reason for it is this, Mr. Weinstock. For instance, you have your store located in Sacramento at a certain location because a certain number of people pass that place. You can afford to pay a certain rent, because on an average a certain number of those people will come into your store, and that is the only reason why that land has a value, because of the business you get because of the location.

All land valuation is a population and a site value; that is, the value given to the land by the population surrounding, that passes that particular point. So your landlord owning the land would get from you every dollar that the land was worth, and you can afford to pay it because you figure that in your profit, in your cost, in your business. But if the rent is raised you can't afford to pay

it, and you will have to move. You will have to get out of business. It would drive them out of business.

But this effect would also be had upon the land, Mr. Weinstock, and you know a great area of land in San Francisco is held out of use. And when the tax is put upon that land, those people would have to get some income out of their land, and then they would enter into competition with the others, and rent the land at a lower price. It would lower the rental value of the land that is held out of use, and thus enable manufacturers to get factory sites at a lower price. Why, gentlemen——

Commissioner GARRETSON. You would force land that now is not competitive to reduce the unreasonable rental of the land that is called for because the other is out of use?

Mr. THOY. Yes, sir; yes. Why, to show you the effect of the present system, I attended a meeting some three months ago of the Turlock Chamber of Commerce. They were discussing the question of the town and the country, and the country's share in some expense there. A farmer got up and told them that the farmers of Turlock could not afford to pay a dollar to the melon festival because of the high price they have paid for their land; that they have their noses down in the sand trying to extract from the soil sufficient to pay their interest on their investment.

In addition, a principal of one of the—here was a question, also, unrest, gentlemen—I am glad that has come to my mind. The principal of one of the—the county superintendent of schools told me this, speaking simply of the difference in their schools, that in their districts, in a new district they found that the first children in their schools were uncontrollable. They couldn't do anything with them. An examination showed them that they were people—you have had the evidence here that the tramp element, the element that goes about from place to place, wanders over our coutnry, is the American principally. She told me that the people who came into their district first were from Kansas, Nebraska, from what is called the Western States. They had apparently been all over the country in wagons and lived in tents. They were industrious. You will hear the story that the tramp is not industrious, he don't want to work. These people, I was told, were the most industrious that came into their community. They worked hard. They starved. This principal told me they had a complaint of one family where the children didn't go to school. And the probation officer was sent out to investigate. He came back and reported that they ought to provide clothing for the family; that even the mother and the boys and girls, and little children of 5 and 6 were working out in the field.

The second comers in these districts were of a little different class. The children were more controllable. The first class lasted only a year. They were got upon the land to pay high prices for real estate, and through speculators, and they could not pay the price, and they lasted only a year. They were told that, oh, they could do anything on our fertile soil. The second comers lasted a year, and then the third comers after the ground had been pioneered, prospered.

Acting Chairman WEINSTOCK. Prof. Commons wants to ask a question.

Commissioner COMMONS. Have you compiled some comparisons for the city of San Francisco regarding improved and unimproved land and the taxation on both?

Mr. THOY. I have it, but not with me.

Commissioner COMMONS. And the probable effect of exemptions on the value of the unimproved land?

Mr. THOY. The probable effect? Well——

Commissioner COMMONS. That is, the amount of tax that would be taken off from improvements and put over on the unimproved?

Mr. THOY. I could give you the data.

The effect of it, of course land value, Professor, is a population value. No tax would destroy it. It is created by the city and the country and by the population, but the tax would bring land to its true value, and very quickly. I have studied that matter considerably. I have worked the data out on places in this city, and the effect of it would be this, that upon the taxes, say, for instance, on this building being taken from its income, it reduces the value of the land that much.

Reducing the value of land in the settled portion of the city and the taking of the taxes off of the improvements in the center of the city would unquestionably increase the value of the land. That is, its selling value. Bring it almost

up to approximately its economic value, but outside, all the other districts where the land is held—where the land is held out of use, where the land is idle and where people are not living upon it—there is no question but what it reduces the value of the land.

Commissioner COMMONS. Take manufacturing sites of companies that are being driven out of the city: What effect would it have upon such opportunities for manufacturers to get land at a reasonable value?

Mr. TROY. It would undoubtedly increase the opportunity for manufacturers to get sites because——

Commissioner COMMONS. Can you show that by some of the investigations and statistics you have?

Mr. TROY. I believe I can.

Commissioner COMMONS. Will you furnish those?

Mr. TROY. Yes, sir.

Commissioner COMMONS. That is all.

Commissioner GARRETSON. One other phase: Have you worked out what the effect would be under your system applied to a taxing district here in this city?

Mr. TROY. Well, our city is one taxing district.

Commissioner GARRETSON. It is?

Mr. TROY. Yes, sir.

Commissioner GARRETSON. Have you worked out your conclusion as to what would be the receipts under your system in this taxing district, as compared with the present receipts under the present system?

Mr. TROY. Oh, well, the receipts would be the same as they are now. Whatever might be necessary for the conduct of the government would be raised. The only difference would be that the tax on the value of the land would be increased—the tax rate.

Commissioner GARRETSON. Oh, your difference is, then, you work backward from the amount now received?

Mr. TROY. Yes, sir.

Commissioner GARRETSON. And what analysis would it show on the Palace Hotel?

Mr. TROY. I haven't made an analysis here, but I have found, and undoubtedly it would have that effect here—I have found in almost every instance in some similar section, for instance in the Turlock irrigation district—I worked it out there—the tax now is $3.55——

Commissioner GARRETSON. An acre?

Mr. TROY. On the value of the land, $100. And if they exempt all improvements from taxation down there, the rate would be $3.81. The rate would not be increased so much, but the men who are improving the community would be relieved from this burden where they now—their taxes are brought up to five or six or eight or ten dollars an acre, taxes.

Commissioner GARRETSON. The man who now pays that unit of taxation on the raw land could improve it to the highest value and not add to his rate of taxation in any degree whatever?

Mr. TROY. That is, by his improvements. Of course it has this effect, and this is where the large landowners have made money—in fact one of the reasons why I think Mr. Leitch, of Oakdale, favors it, and that is that this system of taxation causes a subdivision of the land and brings a great number of people, and having a great number of farms, it increases the social value of the community, such as churches and schools and good roads.

As Mr. Bentley, president of the board of trade, goes on to tell, when he takes a thousand acres or fifteen hundred acres as a farm, the farmers' children have no neighbors to play with. They would have to play with the children of the workingmen or Indians. They were in rags, starving. They were dry farming, as they called it, and the land was worth $25 an acre. That was in the good old days. Now, with water on the land, the land is divided into 40-acre tracts and the farmer makes more and a better living off of the 40 acres than he did off of the thousand or fifteen hundred acres. The land is worth from $200 to $150 an acre, and by subdividing the land and bringing the people in, it brings these social values into the community and also the social value of good neighbors; men come in, and the farmers' wives can visit, and generally it brings up the value of the land.

Commissioner GARRETSON. It capitalizes the social value instead of the improved value?

Mr. TROY. Yes, sir; that is it. In fact, all land values—all improved value is capitalized as social value, but not as improvement itself, and this social value—there is this difference, the improved value—if John Jones improves his farm and spends a thousand dollars on it and it is then taxed under the present system we have in California outside of those few irrigation districts, it capitalizes that value on it; but the social value there capitalized applies equally in proportion to the value of the land or all the land in the community. The social value is created by the entire community and not by any one individual. The thousand-dollar house that John Jones built is created by his labor, and that would be taxing his labor.

The reason and justice of this system of taxation comes from the very fact that the value of the land is a social value and is created by the community. There are men who have owned land in this section and in other sections—one man in Seattle located land here 40 years ago; he became insane and went to the asylum and died recently. His land is worth a million dollars. He did nothing to create that value. All land value is social value.

Acting Chairman WEINSTOCK. That is all. Thank you very much, Mr. Troy.

Commissioner O'CONNELL. Just a moment. One question. There is another end to this table down here.

What progress are you making in your legislation?

Mr. TROY. I have filed with you some matters that will show that. I have given the list to your stenographer. I find in the country the best example; the best way to illustrate is that I was in Visalia recently, and when I got this data I write stuff for the newspapers giving the result or showing what I find. At Visalia I started writing articles for the Times. I asked, "How many words shall I write?" The editor said, "Go ahead and write," and I handed it to him as I finished each sheet. I had 500 words, 1,000 words, 2,000 words—nearly 2,500 words I gave him, and they published it all. They published every bit of it.

I organized a branch of our league in Fresno—Mr. Clatley was president. He told me people all over this country spoke to him about the instance I showed of the ban of taxation being put upon citizens who improve. The farmers are all in favor of this. In Anderson, up in Shasta County, they organized an irrigation district. We had no information from that section as to how we were progressing. I went down there and I saw the banker who started the organization in that district, and he told me the first question they asked was, "Will our houses and barns be taxed for the irrigation district?" He gave me copies of the literature he handed to the farmers. It said, in one paragraph, "The system that is used in the district will be the home-rule single-tax system. Your houses and barns and other improvements will not be taxed."

Commissioner O'CONNELL. Just a minute. Just answer something right briefly, if you will. We don't want to shut you off, but we are pressed for time now. Have you had any election or occasion of any kind in which you have had a test vote in this State?

Mr. TROY. Yes, sir. Two years ago this same measure, or an almost similar measure, was submitted to the vote of the people under the initiative. The corporations spent $3,000,000 to beat us. They had advertisements in every paper in California telling the farmers it was going to rob them of their land. We got 170,000 in favor of it and about 200,000 votes against it. If we had 35,000 more votes we would have carried it.

Commissioner O'CONNELL. That is easily figured out. We can get at that roughly by a matter of subtraction and addition. Do you know of any other section of the country or of the United States where there has been any test of the kind on similar questions?

Mr. TROY. No, sir. I don't believe——

Commissioner O'CONNELL. You don't know any other section?

Mr. TROY. Yes, sir; at Everett they voted on this and adopted it by a vote of the people—twice—in Everett, Wash.

Commissioner O'CONNELL. Is it in operation in Everett?

Mr. TROY. No, sir. The State taxation board forbade its use.

Commissioner O'CONNELL. There is no city or county or State, as far as you know, that has that or a similar state of affairs in operation?

Mr. TROY. Not in the United States that I know of.

Commissioner GARRETSON. British Columbia has it.

Mr. TROY. Yes, sir. I was up there and——

Commissioner O'CONNELL. I know British Columbia hat it. Now, briefly as you can, will you win or are you going to win or come as near winning this time as you did last time?

Mr. TROY. We are going to win by an overwhelming majority——

Commissioner O'CONNELL. That is all.

Acting Chairman WEINSTOCK. Thank you, Mr. Troy.

The San Francisco public hearing now stands adjourned sine die.

(Whereupon, at 4.30 o'clock p. m. of Thursday, September 3, 1914, the San Francisco public hearing was adjourned sine die.)

STATEMENT OF MR. MILLARD PRICE.

PALACE HOTEL,
San Francisco, September 3, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: You have been in session nine days. You have heard all sides of the question, except the Socialist side.

This morning, as I sat before your commission, I heard a member of the iron trades' council deliver a speech in behalf of the governor, Hiram Johnson, who wants the job again for four years.

I wish to enter my protest against the idea that labor and capital can cooperate to the advantage of either. The capitalistic class lives by rent, by profit, and by interest. The big rents, the big profits, and the big interest are secured by exploitation. The workers will never be free under private ownership of the industries in the hands of a few whose success must come through paying small wages, working the people long hours, and denying thousands of decent, honorable men and women the right to work under any conditions.

Collective bargaining and individual voting are in opposition to each other.

I am sorry the commission has not been able to call anyone who is in touch with the Socialist movement on many important questions between capital and labor in California.

This idea that Hiram Johnson will solve the problem in California between labor and capital is "bunk."

Yours for civilization,

MILLARD PRICE,
No. 165 Eleventh Street.

EXHIBITS.

TROY EXHIBIT NO. 1.

LEAGUE OF CALIFORNIA MUNICIPALITIES,
San Francisco, February 6, 1914.

Whereas the Legislature of the State of California has submitted to the people a constitutional amendment known as the amendment for home rule in taxation, which gives to counties, cities, and towns greater freedom in raising revenue by taxation for local purposes, but does not compel any county, city, or town to take any action if the amendment is adopted and does not in any way interfere with taxation for State purposes; and

Whereas this amendment for home rule in taxation has been unanimously indorsed by the League of California Municipalities, the Farmers' Educational and Cooperative Union, the State Federation of Labor, the California Fruit Growers' Convention, the State Building Trades Council, and numerous other civic and industrial bodies: Therefore be it

Resolved, That the city council of the city of ———— hereby indorses the amendment for home rule in taxation, and recommends its adoption by the general election in November, 1914.

CITY COUNCILS WHICH HAVE INDORSED HOME RULE IN TAXATION AMENDMENT.

Alameda, Alviso, Arcata, Arroyo Grande, Burlingame, Calexico, Calistoga, Chico, Coalinga, Daly City, Etna, Holtville, Inglewood, Kingsburg, Larkspur, Loyalton, Mill Valley, Monrovia, Mountain View, Napa, Palo Alto, Paso Robles, Petaluma, Placerville, San Anselmo, San Jose, San Rafael, Santa Cruz, Santa Monica, Santa Rosa, Sausalito, Sebastopol, Sonoma, South San Francisco, Tulare, Vallejo, Stockton, and Watts.

August 20, 1914; 38 cities.

TROY EXHIBIT NO. 2.

702 MILLS BUILDING,
San Francisco, July 6, 1914.

Mr. WILLIAM A. CHALFANT,
Editor of the Inyo Register, Bishop, Cal.

DEAR SIR: Referring to your objections to the proposed act creating a new State water commission, which act was passed at the last session of the legislature and suspended by referendum petition until the November, 1914, election, I have taken your objections up separately and have numbered them from 1 to 11.

Objection No. 1 is: The proposed measure will retard the development of California and work a great hardship on the people.

The proposed law is based upon the Oregon and Wyoming Codes. These codes have been in operation successfully in those States for 5 and 15 years, respectively. They have helped to stabilize water rights to a wonderful degree and have developed the natural resources of those States to an extent theretofore unheard of.

The State engineer of Oregon, who is the head of the Oregon State Board of Control, the name of the governing body having jurisdiction over water rights in Oregon, says in his bulletin No. 2, issued April 15, 1912, relative to Oregon's system of adjudicating water rights:

"Water users having water rights under the old laws are eager to have such determined and recorded under the new law, so as to obtain the benefit of police supervision by the State. The water-right situation in most of the Western States has become so complicated that irrigation bonds are now almost unsalable.

"It has been said on good authority that southern California has expended more on litigation over water rights than the cost of the original works, the control of which has, in many cases, passed into the hands of the lawyers defending these rights.

"The estimated cost of works to be constructed under water permits issued by the State engineer during the past three years amounts to $32,250. These works, if constructed, will ultimately irrigate 527,000 acres, which is 87,000 acres in excess of the total irrigated area at the present time. This remarkable showing can be accounted for only upon the theory that the State has an abundance of undeveloped water resources and that capital has confidence in the new system of acquiring title thereto.

"It is highly important to the future development of Oregon that existing water rights be determined and recorded and that water surveys be made so that the extent and location of surplus waters may be known."

I wish particularly to have you note the following statement of the said State engineer:

"This system is in striking contrast to that employed in California, Washington, and others of our neighboring States, and should give to Oregon a big advantage in colonizing her vacant lands. A new and safe field has been opened for the first time to capital by the adoption of this new system. The wildcat irrigation or power enterprise will be a thing of the past when reliable records of vested rights and of the total water supply are available for all streams. Capital invested in water projects will then be as safe as if invested in purely land enterprises, and the abstract of water titles will be as easily obtainable and relied upon as a land abstract."

When the act creating the present State Water (Power) Commission of California was before the legislature, the same objection was made as is now being made to the passage of the act now under consideration. But notwithstanding that objection permits have been issued by the water commission for the development, by 1919, of 62,190 horsepower at a cost of $5,941,900. In addition to the issuance of these permits the commission has prevented the tying up of thousands of horsepower, which can be developed in the future when the market demands it. Numerous applications have been made to the water commission for permits which, upon investigation, were found to be filed for speculative purposes in order to hold up the legitimate development of the sites until the agency developing them "came across" with what the speculator deemed a sufficient amount of money for his claim.

Objection No. 2 is: "Whereas under the present law a municipality is on the same footing as an individual in the acquisition of water rights, while the new law gives a municipality the right to come in at any time and appropriate the water away from a citizen who may be prosecuting an application for such right with the utmost diligence."

You are mistaken in this. The Constitution of the United States and of the State of California forbids the taking away of a vested right to property without due process and just compensation. Section 33 of the proposed measure expressly protects vested and existing rights. The old water laws, far from putting municipal corporations and individuals on an equal footing, favor the former. A municipal corporation seeking a water right under the old laws posts and records a notice of appropriation under section 1415 of the civil code. By the amendment to section 1416 of that code, passed May 1, 1911, the municipality merely has to commence surveys within 60 days after posting the notice or within six months vote to issue bonds for the construction of the project. After having done this they have complied with the law and may sit back and wait 10, 20, or 50 years until they decide that the municipality needs that water. In the meantime no other person or corporation can come and appropriate any of the water named in the notice of appropriation by the first-mentioned corporation. That water is held in "cold storage" until ready for use. When the municipality does finally decide to use the water it can use all or any portion of it and prevent the use of the surplus water by others. As to this surplus water, it can sell it and engage in the business in competition with other public utilities, but in the eyes of the present existing laws it is not a public utility and is not subject to regulation and control by the State railroad commission as are the other public utilities. The present existing laws exempt municipal corporations from the control of the present State water commission.

So much for the rights of the municipal corporation under the old law. Now let us see what the private person has to do under the old law to get a right

to the use of water. He must file a notice of appropriation, just as the municipality does, and within 90 days either commence actual construction work or present his application to the official having jurisdiction over any lands that may be embraced in any portion of his project for a permit to use such lands. He must prosecute such work or application with due diligence at all times and he stands the chance at every turn of having to litigate his right before he has had the use of the water. If he is going to use water for the generation of electricity, electrical, or other power, he must make application to the present State water (power) commission for a permit. He must make a showing before that commission that he will not interfere with other stream users, that he has the money necessary to finance the proposed development, and that he has a market for the power if he is going to sell it. He gets a permit for 40 years. He has to get a permit from the State railroad commission to compete as a public utility in the sale of such power, and if he is parallelling the lines of any other utility serving that field he can not get this permit. In addition to all these requirements he can be attacked in the courts at any time even after he has been using the water for years.

Now, after reading this statement over carefully tell me who do you think has the advantage in the old laws?

Section 20 of the proposed law provides, with respect to municipal corporations:

1. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right irrespective of whether they are first in time.

2. Such permit shall not authorize the appropriation of any water for other than municipal purposes.

3. That where the permit is for water in excess of the present needs the commission shall have power to issue permits for the temporary appropriation of such excess by others.

4. In lieu of the granting of such temporary permits the commission may authorize the municipality to become, as to such surplus water, a public utility and subject to the jurisdiction and control of the State railroad commission until the entire amount of water allowed to such municipality is put to a beneficial use for municipal purposes within the time limited in the permit.

5. When such municipality shall desire to use such surplus water for which temporary permit may have been granted to some third person, it may do so upon making just compensation to such person for the value of the works, etc.

All the provision relative to the preference given to municipalities over private persons is that if a municipality voted to file a notice of appropriation of water for domestic purposes, this provision (1) of the proposed bill, as contained in said section 20 merely protects the municipality from being held up by some private person through the filing of an application with the commission ahead of that of the municipality. The said provision was placed in the proposed measure for that particular purpose. The commission will inquire carefully into the bona fides of all applicants whether municipalities or individuals. You must recollect that a municipality can only apply to the commission for a permit to use water for domestic purposes. The foregoing provision (1) does not mean that a municipality will be given a permit right away regardless of the good faith of the applicant. It merely means that if a private person has an application pending before the commission and no permit has been issued to him, the municipal corporation can come in with its application and have a hearing as to the relative merits of the two applicants. If the commission has already granted a permit to the applicant there is no authority on the part of anyone to take it away from him. You are, therefore, wrong when you say that a municipal corporation is given the right under the new law to take away the water rights from private persons.

The reason for the insertion in said section 20 of the provision objected to by you was this: The first step a municipality must take before it can appropriate water is to adopt a resolution of intention to appropriate. Unless protected, immediately upon the adoption of the resolution anyone can jump in and file an application with the Federal departments and with the water commission, and then hold up the said municipality.

Finally, the danger or chance of any municipality wanting water between the time a private appropriator has, in good faith, filed his application for it and gotten his permit, is so slight as to be, in actual practice, no danger at all; but under the proposed law nobody can hold a city or other municipal corporation up for what amounts to blackmail.

Under objection No. 3 you state: "The enactment of this law would have the effect of frightening away any individual desiring to appropriate water."

There are 12 of the 17 irrigation States of the West which have laws similar to the proposed law now under discussion. These States have not found that their method of adjudicating water rights has frightened away anyone who wished to develop the waters of their States.

Wyoming has had a law similar to our proposed law for 20 years. It has adjudicated 25,000 water rights and there have been but 10 appeals to the courts from the decision of its commission.

Oregon has a similar law, which has been in force for five years. It has adjudicated over 1,000 water rights and had not a single appeal to the courts.

The report of the water commissions of these States show that the law has worked out greatly to the benefit of the people and that is has resulted in larger areas being reclaimed from semiarid and desert conditions and in the production of more electricity than at any time before the passage of their laws.

It is admitted by all well financed and regulated public utilities that regulation has done more to place them on a paying basis than any other one thing that has been done by legislatures affecting such utilities. That far from being a detriment to legitimate concerns it encourages them and aids them in getting capital when they need it.

The only class who could reasonably be expected to be opposed to regulation by commission are those wildcat concerns, improperly financed and unsafely conducted. Of these concerns both you and I are glad to be rid of.

The Oregon State engineer in his report hereinabove referred to refers directly to the fact that the passage of the Oregon water codes has opened up a new and safe field for the investment of capital, and that capital invested in water projects will be as safe, under the new law, as if invested in purely land projects.

Finally, I will say that if the litigation experience felt by California during the past 50 years does not deter one from developing the use of the waters of the State, nothing in the world will have a deterrent effect.

Under objection No. 4, you say: "In addition the act would make a municipality heir to all water which is unused at the present time."

This objection really should be considered under the head of objection No. 2. It has been quite fully handled under that objection. Finally, I will say that there is much more danger of a municipality being heir to all the unused water under present existing laws than there will be under the new law.

Under objection No. 5 you say: "The irrigation laws of California have been quite definitely settled by statute and by supreme court decisions and are, for the most part, just and equitable."

I notice that this statement is qualified by the words "quite definitely settled" and "for the most part just and equitable." I should judge, therefore, that you do not intend to say that the irrigation laws are entirely and satisfactorily settled; that they are wholly just and equitable or that they are at all sufficient for the needs of the State. As a matter of fact, neither the irrigation laws nor any other laws in California, relative to the use of water, are definitely settled, and they never can be under the present method of court adjudication of rights. The reason for this is that the court merely looks to the particular right which may be before it for adjudication. It takes the word of water experts hired by the respective parties to the litigation and finally makes a decree which merely temporarily settles the dispute between the particular litigants then before it. It may decide the relative rights of A and B on the stream, but C, D, and E then have to come into court, in another proceeding and ask the court where they stand. In this way an endless chain of litigation is kept constantly alive.

Water rights in San Bernardino and Riverside Counties, on the Santa Ana River, have been "definitely settled," as it is called, four different times by lawsuits. A fifth suit has been brought by the city of San Bernardino against the city of Riverside to "finally settle" these same rights which have been "finally settled" four times.

Even after the courts do settle a lawsuit it takes another action, in nine cases out of ten, to enforce the decree of the court. It is very expensive to conduct litigation over water rights. The San Bernardino suits have cost hundreds of thousands of dollars and they have nothing to show for it except a lot of "bad feeling" between the parties litigant.

Under the proposed water commission law, when a right has been adjudicated it is up to the commission to see that the decree of the court, upon such adjudication, is carried out and enforced. It is for the purpose of getting just this

police supervision by the State which has caused Oregonians having water rights acquired under the old laws of Oregon, to appeal to the Oregon State Water Board in order to have their rights adjudicated and placed of record. A number of Oregon's reparian owners have also applied to the board to have their rights ascertained and placed of record.

Riparian proprietors have to fight for their rights in California just as well as does the appropriator. The sympathies of most of the people in the arid and semiarid regions are with the appropriator and it will be much to the advantage of the riparian proprietor if he would have his right ascertained and recorded. There is really nothing new or startling about the proposed method of adjudicating water rights. The courts still make decrees fixing the rights. The only purpose of having the commission is to have an authorized body of men to act as referees for the court and to go upon the ground and collect the evidence pertaining to the rights on any particular stream. The proposed law substitutes the paid hireling by this proposed water commission. It does away with the collection of voluminous and worthless testimony which under the present mode of litigating rights has had to be paid for by the parties to the litigation.

Objection No. 6 is to the effect that: "All water rights will be in jeopardy if the new water-commission law is ratified by the people."

All water rights are now and have been in jeopardy ever since settlers first started using water. They always will be in jeopardy under the present system of litigating rights. The proposed law will have the effect of placing rights adjudicated by the commission beyond the likelihood of attack. If there should be an attack on these rights, the State would always be a party in interest and a great deal of the attacks could be confined to contests before the commission, which would be less expensive than before the courts.

Under present existing laws one can go upon a stream and file a notice of appropriation of all the water in the stream. Then he can go into court and litigate all inferior users and superior users on the stream. The inferior users will have to sue him to prevent him from taking the water from them and the superior user may be sued by him to compel them to let the water come down to him.

The State engineer of Oregon further says in his report: "The primary object of making water rights definite and certain through adjudication by the board of control is to furnish a proper basis for the protection of such rights by the State. The accomplishment of this object furnishes, at the same time, the only safe and reliable basis for new investments. For this reason no State which fails to provide such system of water records and public supervision of stream diversions can expect to secure the highest development of its water resources. Private capital will not invest without such records and information."

If Oregon and Wyoming and the other States having similar laws find that those laws do not retard the development of those States, in what way is California so peculiar that she should expect disaster by the adoption of such laws? If the experience of the other western irrigation states is found to be, as it is, that the new method of adjudicating rights to the use of water, tend to protect existing water rights and to make it easier and safer to get new rights, why should not California expect to find the same results from the adoption of the proposed law?

Your seventh objection is to the effect that: "The proposed method of determining water rights is cumbersome, unwieldy, and extremely and needlessly oppressive in its application to the small water user."

I fear you do not understand fully the procedure proposed by the new law. The commission will have an examination made of a stream in order to ascertain the amount of water therein and the amount take therefrom. It will then hold a hearing, on the ground, not in San Francisco or Sacramento, but at some convenient point to all stream users. Here they will take the statements of the various stream users as to their rights, the amount they use, the date of their priority, the season when they use the water, etc. Within due time a decision or finding will be made by the commission and placed, for public inspection, at some convenient place where the stream users may be given the opportunity to examine the same and find if their rights have been properly adjudicated. Then the matter is put up to the superior court of the county in which the stream system is situated. Within a certain length of time thereafter a decree adjudicating the rights of all persons on the stream is entered by the court. Can you point out anything in that procedure that is oppressive

to the small irrigationist? What is there unwieldy or cumbersome about that method that distinguishes it from the method used in litigation before the courts under the present laws?

We again come back to the statement of the State engineer of Oregon, and the reason I refer to him so frequently is that he is an authority on water questions, not only in his own State but in others. He says, relative to the method of adjudicating water rights in Oregon, which is practically the same as our proposed method:

"The board of control is an administrative body having only subordinate judicial powers. While it has much the same power as a court, and follows where practicable the usual procedure, yet it is free to depart from such procedure where necessary to facilitate action.

"It operates much as a railroad commission or board of health. It knows what information is necessary for a proper determination of early rights. It goes after this information and does not accumulate thousands of pages of useless and conflicting evidence. Its success has been largely due to its freedom in this respect. Any water user can submit his claims to the board, if he so desires, without the necessity of employing an attorney.

"These determinations are not only inexpensive, but are speedy and effective as shown by the record. The members of the board are employed by the people of the State for this particular work. It is to their interest as well as to that of the water user that these determinations be made speedily and that the determinations are effective."

It costs an Oregon water user only $10.50 to get a good and final title to his water right, which is safe from lawsuits. In strong contrast to the cost of adjudicating water rights in Oregon is the case of the Eastside Canal Co., a California water user.

The Eastside Canal Co., in a recent hearing before the State railroad commission of this State, produced testimony to the effect that it had a decree from the superior court of Merced County entitling it to 281 second-feet of water. That by reason of the wrongful diversion of such water by Miller & Lux, it had for 15 years been litigating the latter-named corporation. The supreme court of this State recently handed down an order remanding the case to the court below for new trial. Up to date the litigation has cost the canal company $300,000. No one knows how much it has cost Miller & Lux. If they had anything to show for this great outlay of money it would not be so bad, but they have nothing, and will not have anything, even if the court should finally decide that the canal company was entitled to the water that the decree of the court of Merced County had given it. This case is but one of a multitude of similar cases that might be cited.

Your objection No. 8 is to the effect that: "The bill places a needless burden upon the irrigationists of California and upon the taxpayers generally, for no good can come from such legislation."

That question has been handled in the answer to objection No. 7. The proposed measure, far from placing a needless burden upon the irrigationist and taxpayer of California, will take some of the present burden of never-ceasing litigation off their shoulders. Every time a water company has to pay for litigating its water rights the customer of such company has to pay for it in increased rates. Water companies are allowed to put such item in as part of the cost of production. This is true of power companies. Therefore as we do away with such litigation we reduce the burden upon the small irrigationist and taxpayer generally.

California is not so unique that it can not receive the same benefits from this proposed legislation which other western irrigation States have found to be beneficial.

Under objection No. 9 you say: "No person would be secure in his rights because the commission would probably be guided solely by what is termed 'public policy,' and would not in any case be bound by precedent or law."

How could the proposed commission or anyone else, even if it wanted to, not be bound by law? And ought not anybody be satisfied if he gets what the law awards to him? The commission would be composed of men familiar with the matters upon which they are to pass judgment, and their acts are always scanned and approved or modified by the courts. I can not just see what you mean when you say that the commission would be bound by public policy and not by law. Laws are presumed to be based upon public policy. You surely can not mean that the commission will take away vested rights. Those are pro-

tected not only in section 33 of the act itself, but by every constitution in the United States.

Objection No. 10 is to the effect that: "A commission created by the proposed law would soon be swamped with work."

This objection is a very strong argument in favor of the ratification of the proposed law. It might just as well be said that the railroad commission or the Interstate Commerce Commission should be abolished because they have too much work. If the commission will be "swamped with work," is there not great need for it? The swamping with work of our State railroad commission and the Interstate Commerce Commission seems to me to be the strongest kind of proof of the need for these commissions.

The question as to the propriety or necessity of making an investigation of any stream is left to the discretion of the commission. Section 24 of the proposed act provides, in part: "Upon its own initiative or upon petition signed by one or more claimants requesting the ascertainment of the relative rights of the various claimants, * * * it shall be the duty of the State water commission, if upon investigation it finds the facts and conditions are such as to justify, to make an ascertainment of the said rights * * *."

And would it not expedite and cheapen the administration of justice in water-right adjudications if the courts should refer all water cases to a commission representing the court and the State, to gather and present the evidence? It is the practice of the United States courts to appoint such referees in all kinds of cases.

I recollect that you expressed to me, verbally, your fear that irresponsible persons would cause needless and frequent investigations of the relative rights of stream users. But you can see that the act intends that the commission shall inquire into the necessity for such investigation. Further, when a stream has once been adjudicated by the commission, it will not have to be adjudicated again. One adjudication settles the rights of the stream users for all time, for nobody could appropriate water on any stream without the consent of the water commission. If any person to whom a water right has been decreed should cease to use the water for a length of time sufficient to work an abandonment of the right, the procedure would merely be that anyone wishing to use the water so abandoned would merely come to the commission and apply for the same in like manner as other unappropriated water is applied for.

Answering your objection to the effect that the proposed act forbids the sale of electricity outside of the State: There is no such provision in the proposed law. Even the supreme court of this State, realizing the necessity for stability in water rights, has indirectly indorsed the proposed law. For in Thayer v. California Development Co. (164 Cal., 117) the court said: "In this State the water supply is so small that large acreage must go without irrigation entirely. Such water as there is must be applied, as far as it will go, in quantities sufficient to make the lands profitably productive. The principal benefit of irrigation comes from its use in growing vineyards and orchards. These require a large expenditure and a permanent water supply to make them profitable. If those engaging in such enterprises know that they must be ready always to divide their water supply with those in the vicinity who may subsequently choose to engage therein such enterprises would be discouraged, the development, growth, and progress of the State would be much retarded and its productive capacity greatly decreased."

To epitomize what I have written, the proposed law will give a quick, inexpensive, and final adjudication of water rights. It will enable the newcomer to purchase land having water rights attached and to know that such water right is good. One contemplating settlement in California can write to the water commission and ascertain whether or not there is any water available for the land he may expect to settle upon. It will enable us to get an abstract of water right which will be as reliable as an abstract of a land title. It will do away with the necessity for one water user rolling stones into the ditch of another water user in order to prevent the latter from getting too much water, as I have been told has been done in your own county. It will do away with the necessity for water users protecting their rights with shotguns, or lawyers, or both. It will make water right so secure that a water user who has use for his water for only a part of the year can, without fear of losing it, permit others to use it during the period of the year he does not need it, which, under our present laws, no water user does do. It will put upon the same footing of security as land titles the titles to water rights. Similar laws

have been successful in other States; this law will be successful in this State. Just such objections were made against the enactment of the Oregon and Wyoming laws as are now being urged against the proposed California law. Oregon has had the law for five years; Wyoming has had hers for over 20 years; neither State would do away with its present law and go back to the old system, which was the system under which California is now working. As the Oregon State engineer puts it, a water-right certificate, issued by a water commission, is "a record evidence of the holder's right to water. It is to his water title what a patent from the United States Government is to his land." Armed with such certificate the water users of Oregon, Wyoming, and other States are, and the water users of California will be, freed from the necessity of constantly instituting or defending lawsuits concerning their water rights.

Judge Bean, of the United States District Court for Oregon, said in a suit involving the constitutionality of the Oregon law: "I am impressed with the soundness of the view that a proceeding for the adjudication and determination of the right to use water within the State, instituted and conducted as provided in the legislative act of 1909, is in effect a proceeding on behalf of the State, through an administrative or executive board judicially settled in an economical and practical way, the right of various claimants to the use of the waters of a stream, or source of supply, and thus avoid the uncertainties as to water titles and the long and vexatious controversies concerning the same which have heretofore retarded the material development of the State.

(A page of this letter is missing at this point.)

The new law, in addition to the features herein enumerated, provides, in section 40: "The State water commission is also authorized and empowered to investigate any natural situation available for reservoir or reservoir systems for gathering and distributing flood or other waters not under beneficial use in any stream, stream system, or lake or other body of water, and to ascertain the feasibility of such projects, including the supply of water that may thereby be made available, the extent and character of the areas that may thereby be irrigated, and make estimate of the cost of the project."

I have much more information along these lines which I could give you, but if you are sufficiently interested you will probably ask for it.

One word in closing. You must remember that it is difficult to secure the passage of any laws, however meritorious, but we have here the groundwork of a law that is sure to promote the growth of California. If you are not satisfied with it, don't fight it, but use your efforts toward improving on it, and you will find that you can accomplish more good for your community through cooperation than you can by being an outsider and going it alone.

Finally, you want to remember that the referendum against this proposed measure was secured through paid agents and through the practice of fraud and misrepresentation. A good deal of the opposition was procured in the cities, and a vote by the people of California, upholding the referendum and defeating the proposed measure, will be a tacit approval by the people of the method of legislation by fraud and forgery, as in the case of the red-light abatement, blue sky, and other laws passed by the last legislature.

Now, if the cities can prevent the acts of the legislature from becoming laws by means of fraudulent referendum petitions, a city can, in the same manner, get up an initiative petition for a law taking away from the country and the country people certain rights which they now enjoy.

Very truly, yours,

HORACE TILLARD JONES,
Attorney for Conservation Commission.

THE PAINTERS' STRIKE IN SAN FRANCISCO

5473

COMMISSION ON INDUSTRIAL RELATIONS.

SAN FRANCISCO, CAL., *Saturday, September 5, 1914*—9 a. m.

Present: Chairman Walsh, Commissioners Lennon, Commons, Garretson, O'Connell, and Weinstock. William O. Thompson, counsel.

Chairman WALSH. We will proceed now.

TESTIMONY OF MR. I. W. HELLMAN, JR.

Chairman WALSH. What is your name?

Mr. HELLMAN. I. W. Hellman, jr.

Chairman WALSH. What is your business?

Mr. HELLMAN. Banker.

Chairman WALSH. What bank?

Mr. HELLMAN. That is a little bit difficult, Mr. Walsh; there are a great many.

Chairman WALSH. Just name them.

Mr. HELLMAN. Wells Fargo, Nevada, National Bank of San Francisco.

Chairman WALSH. What official position do you hold?

Mr. HELLMAN. First vice president.

Chairman WALSH. Are you familiar with the fact that in May of this year there was a threatened lockout in the painting trades in this city?

Mr. HELLMAN. Yes.

Chairman WALSH. I will get you to first look at this notice and state when your attention was first called to it.

Mr. HELLMAN. Mr. Kellogg, was it called to it on the same date the notice was made, May 4?

Mr. KELLOGG. The notice was posted the day before. We took the matter up, I think, on May 3, if the lockout was to take effect on May 4.

Mr. HELLMAN. No; the lockout was to take effect——

Mr. KELLOGG. It is stated there 5 o'clock.

Mr. HELLMAN. That is dated San Francisco, May 4.

Chairman WALSH. Did you yourself see that posted on any building, Mr. Hellman?

Mr. HELLMAN. No; I did not.

Chairman WALSH. Where did you first see that notice or a copy of it?

Mr. HELLMAN. Mr. Kellogg brought it to me.

Chairman WALSH. Mr. F. W. Kellogg, of the San Francisco Call?

Mr. HELLMAN. Yes, sir.

Chairman WALSH. Was your attention called to this letter written by Mr. P. H. McCarthy, president of the San Francisco and State of California Building Trades Council, addressed to Mr. George A. McCullen, on May 11? You may look at that copy if you will, please.

Mr. HELLMAN. Why, this letter was called to my attention on the day of the meeting to settle the matter.

Chairman WALSH. On the day of the meeting?

Mr. HELLMAN. Yes, sir.

Chairman WALSH. I wish you would please, in your own way, state just what connection, if any, you had with that matter, the matter of this lockout—the whole story.

Mr. HELLMAN. Why, I was called upon by Mr. Kellogg, who told me that he came by request of various parties in interest, and asked me whether I would use my efforts to prevent the threatened industrial warfare in San Francisco. I presided at a meeting which they had attempted to arrange between the building trades council and the building trades employers' association.

Chairman WALSH. Was there anyone with Mr. Kellogg?

Mr. HELLMAN. There was no one with Mr. Kellogg at the time. Mr. Kellogg was entirely alone.

Chairman WALSH. Then, what did you do following that, please?

Mr. HELLMAN. I said that I would.

Chairman WALSH. And what action was taken?

Mr. HELLMAN. A meeting was held the following morning in the Pacific Building.

Chairman WALSH. At whose office?

Mr. HELLMAN. At the office of the employers'—no; let me see——

Mr. KELLOGG. It was at the council room. There is a council room in that building. In the council room of the Pacific Building, where the employers meet together.

Mr. HELLMAN. Yes.

Chairman WALSH. Now, who met there with you, Mr. Hellman?

Mr. HELLMAN. Mr. Kellogg and Mr. Herbert Fleischhacker and myself, who acted, as you might say, judges of the meeting.

Chairman WALSH. Yes.

Mr. HELLMAN. And there were present representatives of both sides, the employers' association and the building trades' council.

Chairman WALSH. Were they represented by attorneys, or did they appear in person?

Mr. HELLMAN. There were no attorneys present whatever.

Chairman WALSH. No attorneys?

Mr. HELLMAN. No; appeared for themselves.

Chairman WALSH. Now, do you recall who represented the workers there?

Mr. HELLMAN. Well, there were a number of gentlemen present, but I should say Mr. P. H. McCarthy represented the workers.

Chairman WALSH. Now, who represented the other side, if anyone in particular?

Mr. HELLMAN. It is pretty hard to remember those names, gentlemen; and I would say, for your information, before going any further, that full minutes of that meeting were kept.

Chairman WALSH. Where could those minutes be found?

Mr. HELLMAN. Those minutes, I think, Mr. Kellogg, you can promise to obtain for the commission, and see that they get them, can't you?

Mr. KELLOGG. I think so.

Mr. HELLMAN. They were kept by the shorthand reporter and by the secretary of the builders' association.

Chairman WALSH. I will call on Mr. Kellogg for them when he gets on the stand.

Mr. HELLMAN. He hasn't them, but they can be obtained for you; they give the full details of the meeting.

Chairman WALSH. I would like, if you could without those minutes, to have you state just what was done at that meeting.

Mr. HELLMAN. Well, the meeting opened apparently with a good deal of feeling on both sides, and after a free discussion, in which order was preserved, it seemed to be the concensus of opinion of all of them that all of these matters had best be left to arbitration, if possible. There was no vital question at interest in this matter which could not with fairness be left to arbitration.

Chairman WALSH. How long did this conference last?

Mr. HELLMAN. Our conference lasted from half past 10 in the morning, with practically no intermission, until about half past 3 in the afternoon.

Chairman WALSH. Now, could you state, or would you state, concisely, Mr. Hellman, just what the points of contention were between the parties?

Mr. HELLMAN. I am sorry I didn't know what you wanted, gentlemen. We have that all down in writing.

Chairman WALSH. In those minutes?

Mr. HELLMAN. Yes; and I have that data in my office, also.

Chairman WALSH. One minute. When you speak of those minutes being taken down, do you mean that the whole matter was taken down verbatim?

Mr. HELLMAN. Everything; the whole discussion.

Chairman WALSH. Oh, they are not minutes, then; they are a verbatim report of what took place at the meeting?

Mr. HELLMAN. Yes.

Chairman WALSH. Well, that is very fine; then we will not go into that any further.

Now, was there any agreement at the time the conference broke up?

Mr. HELLMAN. Yes; there was a decided agreement; there was a written agreement which was dictated by myself and signed by the various parties in interest.

Chairman WALSH. Have you that with you, Mr. Kellogg?
Mr. KELLOGG. What?
Chairman WALSH. Have you the agreement with you?
Mr. KELLOGG. I have a copy of it here. I think I gave you that agreement.
Chairman WALSH. I have a copy of the letter.
Mr. HELLMAN. I can give that to you in case you can't get that.
Chairman WALSH. I would like very much if you will do so. We will copy them in our records and return them to you.
Mr. HELLMAN. The agreement in so many words provided for—in a few words provided, in the first place, that all contracts previously entered into——
(A newspaper clipping was handed the witness by the sergeant at arms.)
I can read it practically, if you want to.
Chairman WALSH. Very good. Read it.
Mr. HELLMAN (reading):
"So far as the question in argument is concerned"—
Of course, the difficulty in the matter, gentlemen, was that the real issue had been clouded by a long series of disputes between the two parties in interest, so that the actual matter of whether wages should or should not be raised was clouded by technicalities until it was almost lost sight of up to the time of the conference.
Chairman WALSH. But was the gist of the controversy a question of wages alone?
Mr. HELLMAN. The gist of the controversy when it came up to us was a question—If I will read this, you will see exactly what it is.
Chairman WALSH. Yes.
Mr. HELLMAN (reading):
"So far as the question in argument is concerned, the building trades council insist that it has given 90 days' notice of the desired change of the rate of wages of journeymen painters. The building trades employers' association insists that no official notice of the desired change in the rate of wages has been given."
In other words, according to an agreement that was entered into the previous year between the building trades council and the various employers, it was agreed that 90 days' notice should be given of any desired change of wages.
"In the interest of harmony and the desire to preserve prosperity in the community, both are willing to waive this point; that so far as the jobs now under contract are concerned, the old rate of wages, $4.50 per day, will stand, and the building trades' council agrees and guarantees that competent workmen will be immediately forthcoming to complete these jobs at the old rate of wages, viz, $4.50 per day."
The explanation of that point being that the building trades' council has always insisted that its contracts were binding, and that where it had agreed on a certain scale of wages that all contracts entered into pursuant to the terms of that agreement would be carried out; and in pursuance of that understanding the building trades' council have guaranteed that no matter whether the wages were changed or not under any new agreements the contracts entered into under the old agreement should be carried out in full at the old scale.
"That the matter of a raise in wages shall be submitted to a board of arbitrators; one of them will be named by the building trades' council and one of them will be named by the building trades employers' association, and in case they can not agree these two so named shall choose a third member of the arbitration board, a majority decision of which shall be final and binding on all parties.
"It is agreed and understood that no member of this arbitration board shall be a member of either organization."
That was put in there after a very long discussion, the idea being that if possible we would obtain a real arbitration board, not an arbitration board consisting of partisans of both sides, but an arbitration board who should judge of the situation from a fair veiwpoint and give a decision in conformity with the facts and the evidence put before them, rather than have the usual arbitration board which simply consists of a lot of partisans who choose a third or fourth or fifth arbitrator, who is really the judge in the case.
I think that the best evidence of the fact that this was a good and proper method of procedure is the statement that the two arbitrators met——
Chairman WALSH. Who are they, please?
Mr. HELLMAN. They were Mr. Saroni, the head of the American Cracker Co., and Mr. James H. Barry——

Chairman WALSH. The printer?

Mr. HELLMAN. The master printer. I think the best example of this as a method of procedure is shown when I am able to state that they met, held meetings, heard the evidence and decided the case without appointing a third arbitrator.

Chairman WALSH. Now, these two arbitrators or mediators were appointed by your committee?

Mr. HELLMAN. No, sir; the two arbitrators were appointed by the two sides.

Chairman WALSH. Had you ever had any experience as an arbitrator before, Mr. Hellman—as a mediator in labor disputes?

Mr. HELLMAN. No, sir.

Chairman WALSH. Nor have you had any since?

Mr. HELLMAN. No, sir.

Chairman WALSH. And from your experience do you think it would be a wise thing to provide some sort of board of mediation that could take up matters of this kind before reaching an actue stage?

Mr. HELLMAN. Permanent board?

Chairman WALSH. Yes, sir.

Mr. HELLMAN. I am not sure that a better board could not be appointed in each case in case of necessity.

Chairman WALSH. In each individual case?

Mr. HELLMAN. Yes, sir.

Chairman WALSH. Would you say, with the employers organized properly and the employees organized properly, that the system you adopted is about as good as human ingenuity could devise?

Mr. HELLMAN. I really wouldn't want to claim that. It certainly acted well in this case, and I think that both sides were as nearly satisfied as it is possible for two sides in an argument to be.

Chairman WALSH. And were the contentions bitter at the outset?

Mr. HELLMAN. The contentions were most bitter at the outset. So bitter that a lockout had already been ordered and a strike was in effect. The painters were on strike. A general lockout of the building trades had been ordered, and when this matter was settled, at half past 3 or so in the afternoon, it was within an hour and a half of the last minute that would have stopped a general lockout of the building trades in San Francisco.

Chairman WALSH. That is all. Much obliged to you, Mr. Hellman. I will get the minutes of that meeting from Mr. Kellogg.

Mr. HELLMAN. There is more of this matter.

Chairman WALSH. If we can have a copy of this clipping submitted in evidence and Mr. Kellogg can tell me where we can get a report of the meeting.

Mr. HELLMAN. Will I be excused?

Chairman WALSH. Yes. Thank you, very much.

Mr. HELLMAN. Thank you.

Chairman WALSH. Mr. Kellogg.

TESTIMONY OF MR. FREDERICK W. KELLOGG.

Chairman WALSH. State your name, please.

Mr. KELLOGG. Frederick W. Kellogg.

Chairman WALSH. What is your business?

Mr. KELLOGG. Publisher.

Chairman WALSH. How long have you been engaged in the publishing business?

Mr. KELLOGG. As a proprietor, for 15 years.

Chairman WALSH. What is your business at the present time here?

Mr. KELLOGG. Publisher of the San Francisco Call and Post.

Chairman WALSH. Do you publish any other paper?

Mr. KELLOGG. Not actively. I am interested in other papers.

Chairman WALSH. Now, you are the F. W. Kellogg mentioned in this letter of May 11, 1914, from the committee of the building trades employers' association, I believe; and I secured that from you?

Mr. KELLOGG. Yes, sir.

Chairman WALSH. Was your attention called to a letter written by Mr. P. H. McCarthy, the president of building trades' councils, of date May 11, 1914, of which this is a copy?

Mr. KELLOGG. Yes, sir; this copy was given to me by Mr. McCarthy.

Chairman WALSH. Did you call my attention to this notice which you may describe into the record yourself—what it is?

Mr. KELLOGG. This was a notice which was printed, evidently, on May 4—dated May 4—and which stated that unless the striking painters returned to their work that there would be a general lockout of all building trades in San Francisco and vicinity, and these notices were actually posted on every job, you might say, in San Francisco and Oakland and, I think—I may be wrong in that—in Berkeley and Alameda; but I know they were posted on every job in San Francisco and Oakland.

Chairman WALSH. I wish you would take the matter up at the inception and tell this commission how your attention was called to it, the motives that actuated you, and what you did.

Mr. KELLOGG. My attention was called to it, first, by a number of business men.

Chairman WALSH. First, did you have any direct personal interest in it or any corporation that you represented?

Mr. KELLOGG. No, sir; none. My attention was first called to it by a number of retailers in the city, who told me they thought if this lockout went into effect it would be a tremendous disaster to San Francisco; that San Francisco was in no position to have any controversy between labor and capital or between employers and labor.

I then found a copy of this notice posted on various buildings, and I went to see Mr. McCarthy. I first went to see Mr. Hellman, with whom I had a banking business. Mr. Hellman was out of the city that morning. I then went to see Mr. Fleishhacker in the Anglo Bank, and I said, "Mr. Fleishhacker, this is a matter of tremendous importance to this city, not only in its immediate effect but in its general effect on the Nation. There is a general impression that has gone abroad throughout this country that no labor conditions can be settled in San Francisco without a conflict and actual violence. I believe that they can be settled if the people of this community will take a little interest in it." Mr. Fleishhacker said, "Mr. Kellogg, what do you want me to do?" I said, "I want you to go with me and call on Mr. McCarthy, P. H. McCarthy." He said, "I can't go this morning, but I will go with you at half past 2 o'clock." At half past 2 o'clock I went with Mr. Fleishhacker and we called on Mr. McCarthy. We found Mr. McCarthy perfectly willing to cooperate with us. He laid before us all the facts at his command, and he turned over this letter, dated May 11, to me.

Chairman WALSH. Did you ascertain afterwards that the facts were accurately stated?

Mr. KELLOGG. I think the facts were very accurately stated in this letter. There is one sentence in the letter which he has written to the master builders which reads:

"The proper thing to do is to have a few level-headed, conscientious men sit down and arrange this matter within the law for the best interests of our city and its people."

That seemed to me a splendid text to begin our work on. And after we got through with our discussion of this letter, I turned to Mr. McCarthy and I said, "You say as follows, 'just as I have stated in your letter'; now do you really mean that?" He said, "Absolutely." "Well," I said, "if you do, will you leave this matter to two men who can arrange a course of procedure, and will you abide by such a decision, by any decision that arises out of the course of procedure prescribed by these individuals?" He looked at Mr. Fleishhacker and he looked at me for a moment, and he said, "I will if Mr. Fleishhacker is one of those men, and if you are the other." I said, "Excuse me, I would rather be left out of it. I think we can get somebody else to serve better than I, than myself, and I suggest the name of I. W. Hellman, jr." He says, "Splendid, I will leave it to those two men, if you can get the other side to follow the course of procedure prescribed by those individuals, the building trades council will agree to follow that method." I said, "Mr. McCarthy, I can't say anything now as to what the other side will do, but I will try to see them and I will let you know. Will you kindly wait in your office until you hear from me?" He said, "What time do you think that will be?" I said, "By 5 o'clock."

Chairman WALSH. Can you tell from the date of the letter what date it was; was it the day before the day the letter was written?

Mr. KELLOGG. I think it was on May 11, the same date this letter was written, May 11. I finally was able to attend an executive session of the building

trades employers' association in which every member of that association was present.

Chairman WALSH. How many members are there?

Mr. KELLOGG. I don't know exactly, but I think there were something like 20 men present, and I was informed when I got there that their full membership was present at that meeting. That was about a quarter of 5 in the afternoon when I got there. I was with them for, I should say, an hour and a half to two hours, and finally this letter was drafted which you have here, and which reads:

"Mr. F. W. KELLOGG,

Publisher San Francisco Call, San Francisco, Cal.

"DEAR SIR: After your appearance in front of our committee, I am instructed to inform you that the following motion was duly made, seconded, and carried unanimously:

"'That inasmuch as the committee representing the building trades employers' association have been requested to confer with Mr. I. W. Hellman, jr., and Mr. Herbert Fleishhacker and representatives of the building trades' council, relative to the controversy existing between said building trades employers' association and said building trades' council, we, therefore, consent to meet with said parties in room 238 of the Pacific Building, at 11 a. m., on Tuesday, May 12, 1914.'

"Yours, respectfully,

"COMMITTEE OF THE BUILDING TRADES EMPLOYERS' ASSOCIATION,
"By GEO. S. MCCALLUM, *Secretary.*"

When I got back to my office I telephoned to Mr. McCarthy and found that he was still waiting at his office. I think that that was after 7 o'clock, wasn't it—a little after 7 o'clock?

Chairman WALSH. In the evening?

Mr. KELLOGG. Yes. And he said that he would be there with representatives of their organization the next morning at the appointed time. Mr. Hellman and Mr. Fleishhacker both asked me to go with them to this meeting, and I attended the meeting with them. Mr. Fleishhacker was not there at the start; he did not come in until about a quarter of 12 o'clock. Mr. Hellman acted as chairman of the meeting. He stated the matter very fairly and very concisely, and we asked for evidence to be submitted by both sides. That evidence was submitted. The principal point that was submitted, in my opinion, was that the master builders employers' association, the builders employers' association claimed that no 90-day notice had been given, and therefore the strike—the lockout was justifiable. Mr. McCarthy produced a publication issued by their own association, I think the date of which was in January, in which they referred, in print, in their own publication, to the fact that this 90-day notice had been served. The session was very stormy at the start, but finally when the agreement was entered into the ill-feeling seemed to be very largely dissipated, and I think it was very largely dissipated, by reason of the judicial bearing and action of Mr. Hellman himself in insisting that the evidence—that they confine themselves to the matters at issue.

It was finally agreed that the arbitrators appointed were to report before a certain hour to Mr. I. W. Hellman at the bank (I think that is set forth in the agreement), and at the request of all parties in interest I remained at the proceedings on the date of May 12, and at the request of Mr. Hellman and Mr. Fleishhacker and Mr. McCarthy and the others in interest I served with Mr. Hellman and Mr. Fleishhacker. The outcome seemed to me particularly gratifying to everybody in San Francisco.

Chairman WALSH. What was the gist of the contention, what was the point of contention?

Mr. KELLOGG. The sole contention was that every man in this city should be locked out because the painters had failed to give the 90 days' notice.

Chairman WALSH. What were the demands of the painters? What was contained in the 90 days' notice?

Mr. KELLOGG. The demand of the painters, the original controversy of the painters, was the painters' association entered into a contract with what is known as the master painters. That was entered into, I think, September, 1913. That contract contained a particularly obnoxious clause, and on account of that clause, I understood from Mr. McCarthy, that they refused to sanction that contract. That clause stated that no work done in the city of San Francisco,

or in the vicinity, could be done by any union man who agreed to that contract unless the work was done through one of the master painters. In other words, even if I employed union labor in the conduct of the Call, I could at no time employ a union painter unless I made a contract with one of less than a score of master painters in this city.

Chairman WALSH. How long had that been in force?

Mr. KELLOGG. How?

Chairman WALSH. Had that been in force prior?

Mr. KELLOGG. That contract was being operated under by the painters' union without the sanction of the building trades council of this city. They were notified that the building trades council would not recognize that contract, and that they must enter——

Commissioner WEINSTOCK. The building trades council?

Mr. KELLOGG. Yes; the building trades' council notified the painters' union that it would not recognize that contract, that it was contrary to all the principles of the building trades' council, and that they must enter into a new contract with the master painters.

Chairman WALSH. Any question of wages in it?

Mr. KELLOGG. The question of wages at that time was not involved, as I understand it. It was simply that question that appeared before the—it was simply that question of whether the work should be done through certain individuals.

I understand that the matter then proceeded—that they took up the question of a new contract. When they took up the new question the painters, as I understand it, demanded 50 cents a day more, because, as they claimed, it had been promised to them.

I will only say, gentlemen, that at the time I went to this meeting, and where I first met the employers' association, I took occasion to find that in a great many cities of the United States the wages of the painters and the wages of the carpenters are practically the same, but that in the city of San Francisco the wages of the painters and the wages of the carpenters were not the same. The painters were receiving 50 cents a day less than the carpenters.

I laid that evidence before the employers' association. It seemed to me, my opinion was, listening to the evidence of both sides, that very hasty action had been taken by the employers' association in this matter, that they had taken an action that would throw practically eight to ten thousand mechanics and laboring men out of work in this city immediately, and in my opinion there would have been 30,000 out of work inside of two weeks on account of these men losing their positions.

And from the evidence I was convinced that the action was hasty, and they had taken it without due consideration of the facts. I will say that both the employers' association and the building trades council seemed to welcome the mediation which we brought about. When the heat of argument was eliminated both bodies seemed to be intensely fair.

Mr. McDonald, of the building trades council, made a very fair statement at our meeting on May 12. And he challenged the employers' association to point to a single instance where they had broken an agreement after they had entered into it. There was one or two answers to that that claimed that they had broken their agreements in a minor way, but the final admission was that the building trades council had kept its agreements in this city. Now, I don't know as I can add any more except——

Chairman WALSH. As the result of the conference, what became of the clause in the contract limiting the right to the use of union labor that was disposed of?

Mr. KELLOGG. Well, that naturally was automatically disposed of, because I understand such a contract will never be accepted by the building trades council.

Chairman WALSH. Oh, yes; they disposed of that themselves before you got to them?

Mr. KELLOGG. I imagine that that would be automatically disposed of because it is manifestly so unfair.

Chairman WALSH. And as to the wages?

Mr. KELLOGG. As to the wages, the wages were agreed upon; the final outcome is on June 11, 1914. I can read the report [reading from newspaper clipping]:

"The dispute between the painters and the building trade employers, which for a time threatened to result in a general building trades lockout in San Francisco, has been settled by a compromise, according to announcement made this afternoon.

"The wage question has been settled by the arbitrators—James H. Barry, named by the building trades council, and Louis Saroni, named by the building trades employers' association.

"They handled the matter as real arbitrators and arrived at their decision without calling in a third arbitrator, as they were empowered to do.

"The original demand of the painters was $5 a day on all work from last January. When this demand was not granted a strike was ordered on April 15.

"This was followed by the announcement of a lockout on May 18 in all building trades in San Francisco and Oakland. This was averted by the efforts of the mediators, who induced the employers and the trades council to submit the question to arbitration.

"The mediators were I. W. Hellman, jr., and Herbert Fleishhacker, bankers, and F. W. Kellogg, publisher of the Call and Post.

"This is the award of Saroni and Barry, the arbitrators, fixing the rate of pay for journeymen painters on all contracts entered into after May 18:

"'On all contracts filed in the office of the board of public works between the dates of May 14, 1914, and December 31, 1914 (both dates inclusive), on all work not specified in any previous contracts, and performed between those two dates, the minimum rate of wages shall be $4.75 per day, for a day of eight hours.

"'On all contracts filed in the office of the board of public works after December 31, 1914, and on all work not specified in any previous contracts and performed after that date, in the city and county of San Francisco, the minimum wage for journeymen painters for a day of eight hours shall be at the rate of $5 per day.'

"Copies of the award were this afternoon sent to the employers' association and the council and the mediators as well."

Chairman WALSH. Well, Mr. Kellogg, did it develop in that discussion there that any attempt had been made to arbitrate this matter, to mediate it?

Mr. KELLOGG. The only effort that had been made with the parties at interest was by individuals, so far as I could learn.

Chairman WALSH. So, within less than a day of the time that a general lockout occurred, you just did this incidentally yourself, just happened along and did it of your own volition?

Mr. KELLOGG. Yes, sir; I would say——

Chairman WALSH. But you took it up with the two mediators?

Mr. KELLOGG. Yes.

Chairman WALSH. And you just did it from this public standpoint?

Mr. KELLOGG. Yes.

Chairman WALSH. Now, has the result of your experience in this matter been that you have given the subject of arbitration any thought?

Mr. KELLOGG. I have always given the subject of arbitration very serious thought.

Chairman WALSH. Well, now, then, what sort of machinery from your standpoint should there be to take up matters of that kind? Now, suppose some individual in the city had not taken it up here; it is obvious that a very serious result might have happened to the people engaged in the industry and to the public generally—have you thought of any machinery that could be devised by which such matters could be taken up regularly?

Mr. KELLOGG. Well, it seems to me that there are enough interested men in San Francisco at any time that they will take an active interest individually in seeing peace, business peace, established in this community for them to proceed almost along the line that we proceeded. Now, at the time that we took this matter up, at the time it was suggested, I didn't know that almost identically the same thing had been done in New York City in, you might say, the garment association, where they have what they call there their protocol. It did seem to me that it is very easy in San Francisco, and I speak from an experience of publishing newspapers in a great many cities—it seemed to me that it was very easy to bring capital and labor together here. I have had it stated to me many times by many individuals that labor conditions in San Francisco were absolutely impossible; that there must be almost a violent—that there must be violent conflict between capital and labor.

I want to say, gentlemen, I don't believe it. I have lived in a great many cities, and I do not believe conditions are any worse in this city than any other city I have lived in. In fact, I believe that if the very business men and the very individuals who have had so much to say that violence is necessary and that conflict is necessary and that there must be one side decisively licked before we will have permanent peace, I believe they are all wrong and I believe if the effort was made along this line for peace we never will have any labor difficulties in this city. And I am convinced that the prosperity of San Francisco, just the same as the prosperity of any other city, absolutely demands such a course. Now, I do believe compulsory arbitration is absolutely wrong. I believe that political arbitration, that is, designated by any political commission or any party commission, is wrong. I believe arbitration, to be effective, must come very largely, because the people of the community and the prominent people and men and good citizens take an active interest in bringing about this arbitration. I am convinced from my contact with the labor leaders of this city that they are good citizens. I am convinced from my contact with the men who are in the employers' association that they are good citizens, and I am convinced that they do not want any conflict.

Chairman WALSH. Both sides met this proposition of your with indulgence?

Mr. KELLOGG. Yes, sir; both sides met it with intelligence.

Chairman WALSH. And public spirit?

Mr. KELLOGG. And public spirit. I do not believe that it would have been met with public spirit if the mediators had not themselves asked them, and each of them, to meet it with public spirit and eliminate all past history, all old feuds and disagreements and consider this proposition solely from the standpoint of the city.

Chairman WALSH. That is all the suggestion you have to make? Very much obliged to you, Mr. Kellogg.

Mr. McCarthy, will you please take the stand?

TESTIMONY OF MR. P. H. McCARTHY.

Chairman WALSH. Upon considering the matter of the letter that you introduced here, that you wrote, the commission concluded that it might be well to just have a sketch of this entire painters' matter, so that we recalled this little public hearing for this morning. This seems to have been gone over very thoroughly. We thought in justice to you you should be here when it was done, as perhaps you might have some further observation to make on it briefly. We don't want to go outside of this one painters' matter.

Mr. McCARTHY. Only this. First, I want to say that I have listened to Mr. Hellman and Mr. Kellogg, and I have no doubt but what if Mr. Fleishhacker was here he would testify in the same manner to the best of his recollection. Everything they have said is in accordance with the facts in the case, everything. The answers they have given are absolutely in accordance with the facts in the case as I recall them. Simply I wish to mention here what possibly was not called to their attention, and as a result they didn't bring it out:

The building trades council of this city, and this State building trades council, over which I preside, have for the past 14 years, yes—approximately 15 years now—solemnly resolved in favor of arbitration. In other words, they stand unalterably for arbitration, not compulsory arbitration, for when arbitration becomes compulsory it ceases to be arbitration.

The council has reached that train of thought through those of us who have for many years guided their destinies, due to the fact that we believe and we feel that on reflection all thinking people will believe that when one side or the other resolves on arbitration, the community, the State, or Nation as the case may be, as the subject may demand, will be with the side that demands arbitration, for it is clear that the presentation of any matter, both parties agreeing, can so arrange the subject that the chaff must be separated from the corn, and all of the extraneous matters that creep into most any kind of dispute will be eliminated and the meat of the situation reached.

Chairman WALSH. Well, the facts have been covered in this particular controversy very well by Mr. Kellogg?

Mr. McCARTHY. Absolutely; save and except that thought you don't want to get away from, to wit: That the building trades council from the beginning stood for arbitration, plus this further fact, the cause of it.

Chairman WALSH. Certain witnesses have testified here that there is a closed contract such as Mr. Kellogg testified has existed in the painters' organi-

zation, also existing in the bricklayers', electrical workers', and plumbers'; is that true?

Mr. McCARTHY. Absolutely untrue.

Chairman WALSH. There is no such provision as that—you know the one to which I refer, I will not try to quote it.

Mr. McCARTHY. I described it in my testimony the other day, to wit: The building trades council will not stand for a contract entered into between members of the building trades council associated with any particular department of the building industry wherein they will agree to work only for members of that organization in the employing class. We don't believe that is fair. We do believe that the people of this country, on a thorough analysis of the subject, will agree with us that it is not fair.

Chairman WALSH. Prof. Commons will ask you one question. He has been following it.

Commissioner COMMONS. I understand from the building trades employers that there are these four master employers' associations that they will not admit to their organization on the ground that they have this exclusive arrangement with the unions.

Mr. McCARTHY. Nothing could be further from the truth. Is that strong enough? Nothing could be further removed from the truth. They will not join this California Employers' Association because they know no honest man can believe in its principles.

Commissioner COMMONS. What are these four trades? I remember only——

Mr. McCARTHY. There are many others. There are approximately 11 belong to it.

Commissioner COMMONS. The ones they refuse admittance are the bricklayers, electrical workers, plumbers, and there was one other.

Mr. McCARTHY. The plasterers do not belong, and the painters did not belong until they got into trouble, and the cause of their trouble was that the building trades council absolutely declared that the journeymen cease their association with the master painters, that they give up their illegal and uncalled for contract to work for only master painters, and that unless they did so cease the building trades council would not allow them to work. Then when they got into trouble, because the journeymen painters continued their association with the master painters, the master painters would be willing to give them $7 a day, and they could well give it to them, but the owner of this property and all other property would have to pay it. The building trades council is not standing for that sort of thing, and when the master painters got into trouble with the building trades council through the council's effort to set them right, they went into the California Employers' Association, and the California Employers' Association through those who guided its destiny were low enough to take them in at that time.

Chairman WALSH. That is all, thank you, Mr. McCarthy.

Mr. McCARTHY. You are entirely welcome.

Chairman WALSH. We will now adjourn the public hearing.

(Whereupon, at 10 o'clock a. m. of Saturday, September 5, 1914, the continued public hearing was closed.)

THE OPEN AND CLOSED SHOP CONTROVERSY IN LOS ANGELES

(For exhibits under this subject, see pages 5881 to 5999)

COMMISSION ON INDUSTRIAL RELATIONS.

LOS ANGELES, CAL., *Tuesday, September 8, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Garretson, Weinstock, and O'Connell. William O. Thompson, counsel.

Chairman WALSH. You may proceed, Mr. Thompson. Mr. Garretson will be here in a few moments.

Mr. THOMPSON. Gen. Otis, please take the stand.

TESTIMONY OF GEN. HARRISON GRAY OTIS.

Mr. THOMPSON. Please give us your name, business address, and your business?

Gen. OTIS. H. G. Otis; business address, Times Building.

Mr. THOMPSON. You are the publisher of the Los Angeles Times?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. Are you the sole owner of the paper?

Gen. OTIS. No; I am not.

Mr. THOMPSON. You are interested as a stockholder?

Gen. OTIS. I am a majority owner.

Mr. THOMPSON. Majority owner?

Gen. OTIS. Yes.

Mr. THOMPSON. How long have you been publisher of the Los Angeles Times?

Gen. OTIS. Nearly a third of a century.

Mr. THOMPSON. And during that time have you had any agreements with organizations of workingmen?

Gen. OTIS. Yes; we have had agreements.

Mr. THOMPSON. When first did you have agreements with the labor organizations, and what organizations were they with?

Gen. OTIS. I came into the establishment in the year 1882. It was a very small affair then—a very small newspaper—and it was a small town. We employed union men. We had not any very distinct agreements, or at least no agreements, written agreements, with any local, but we had union men and paid the rates then prevailing.

Chairman WALSH. What date was that, please?

Gen. OTIS. That was in 1882.

Mr. THOMPSON. Well, at any time after that, General, did you have either a written or verbal agreement with any labor organization?

Gen. OTIS. Yes; we had a verbal agreement and we had a written agreement. We had first a strike in the year 1890, and the union men walked out of the establishment. We refused to yield to their demands, and after the strike we employed nonunion men and have employed them since.

Mr. THOMPSON. But prior to that time, from 1882 to 1890——

Gen. OTIS. Yes.

Mr. THOMPSON. You dealt with the organizations?

Gen. OTIS. Yes; we dealt with the organizations.

Mr. THOMPSON. How long did the strike of 1890 last, about?

Gen. OTIS. Well, in a sense, it lasted one day.

Mr. THOMPSON. Well, what crafts then went out on strike?

Gen. OTIS. Pardon me; I didn't quite hear.

Mr. THOMPSON. What crafts, the compositors and the pressmen?

Gen. OTIS. The strike was defeated, and a boycott was instantly instituted.

Mr. THOMPSON. Well, I mean what workingmen went out on strike, the typesetters and the pressmen?

Gen. OTIS. No; the compositors—hand compositors. There were no machines at that time.

Mr. THOMPSON. And did the other men continue to work at their employment; that is, the pressmen, stereotypers, and others?

Gen. OTIS. There were no stereotypers. Yes; the pressmen continued to work.

Mr. THOMPSON. And you employed then other men to take their places, and the paper went on?

Gen. OTIS. Yes.

Mr. THOMPSON. Issuing its editions?

Gen. OTIS. We never lost an issue.

Mr. THOMPSON. From that time, from 1890 you have had no dealings with organized labor as such?

Gen. OTIS. No; not in the composing room.

Mr. THOMPSON. The scale of wages which existed and the hours which existed on your paper prior to 1890 were the union scale, were they?

Gen. OTIS. Yes, sir; they were.

Mr. THOMPSON. Since that time what have been the hours and what has been the scale as compared to the union hours and the union scale, if you can tell us?

Gen. OTIS. Well, of course, in a long period of time like that there have been some variations and changes. The rate for hand composition paid at the time of the strike was 45 cents per thousand ems. After the strike I raised the rate a little, to 46 cents. I will have to look back at the record to find out the day rates for men employed by the day, hour, or week. Subsequently, in 1896, there was an agreement aside from the piece scale; there was an agreement with certain day workmen—a graduated scale. There were three scales for those working, for this reason—that some of the men had been in our service a long time and were old. They were efficient—they were capable and competent, but not efficient in the highest degree by reason of their age. We were adverse to dismissing these faithful men and accordingly offered them employment at a certain rate per hour, day, and week, which they accepted willingly and signed an agreement.

Mr. THOMPSON. You say there were three scales you put into effect then?

Gen. OTIS. Yes, sir; three scales at that time.

Mr. THOMPSON. Who were the other two with?

Gen. OTIS. Well, the three scales were with the same class of men—compositors.

Mr. THOMPSON. That was a written agreement, if I understand you correctly?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. But it was not made with an organization of labor, but just with these workmen, as workmen, in your plant?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. Have you any agreement of that kind existing to-day with the workmen in your plant as such?

Gen. OTIS. Yes, sir; we have.

Mr. THOMPSON. Is the agreement in writing?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. Will you be willing to furnish us with a copy of it?

Gen. OTIS. I will.

Mr. THOMPSON. Be very much pleased to have it.

Gen. OTIS. If you will give me a little time I will furnish it this afternoon.

(The data requested were later submitted and are printed as "Otis exhibit.")

Mr. THOMPSON. The first agreement was made in 1896?

Gen. OTIS. Yes, sir; in 1896.

Mr. THOMPSON. That was the first written agreement with your own men. How many agreements have you made since that time?

Gen. OTIS. That was a specific agreement as to a limited class of men, as I have explained. They were old men and were not capable of the highest speed, consequently a special agreement was made with that class of men, a small number—comparatively small number.

Mr. THOMPSON. About how many of them?

Gen. OTIS. I think about 20. I can furnish the exact list. I fortunately found the list yesterday, or my foreman did.

Mr. THOMPSON. Be pleased to have it.

(See Otis exhibit.)

Mr. THOMPSON. How long did that agreement exist, or did it have a term?

Gen. OTIS. It did not have any term. It existed some years, and then was renewed.

Chairman WALSH. Find out from Gen. Otis if there was any agreement with the other employees, and how many altogether.

Mr. THOMPSON. General, did you have agreements with any of the other employees—I mean written agreements now first?

Gen. OTIS. I think not, but I will ascertain and let you know. This specific agreement I have in mind, and following on your question, answering your question—this agreement was made in 1896, which involved reduction of hours from nine to eight, and an advance in rates, a very material advance in rates, and that agreement exists to-day, so far as I am speaking now of hours and days.

Mr. THOMPSON. How many men does that agreement take in, and include?

Gen. OTIS. It takes in practically all the men who work by the hour and day. The great body of our men are piece compositors, operate linotype machines.

Mr. THOMPSON. Well, about how many men were engaged, you may state that.

Gen. OTIS. Fifteen or twenty—meaning the second and third classes in the list.

Mr. THOMPSON. Fifteen or twenty.

Gen. OTIS. I would like to say with regard to these specific facts, if you will permit me, I would like to refer to the record, because I am anxious to give you the exact information.

Chairman WALSH. We would be much obliged if you would.

Mr. THOMPSON. How many men have you working for you that are not working under any written or verbal agreements other than an understanding of what the wages and hours shall be?

Gen. OTIS. Well, the main body of skilled and unskilled labor—some of the former we have written agreements with.

Mr. THOMPSON. How many people would they include?

Gen. OTIS. Well, we had last year altogether in our service 600 men, first and last. It would take a little inquiry and a little figuring to give you the number that we work on an unskilled basis and without contract.

Mr. THOMPSON. Let me ask you then, General, specifically, are the pressmen under any agreement with you of any kind?

Gen. OTIS. Yes; they are.

Mr. THOMPSON. Is it a written agreement?

Gen. OTIS. I think not. No written agreement.

Mr. THOMPSON. Could you state, in a general way, the verbal agreement as you understand it, with the permission, of course, to correct it later, if you find you desire to make any correction.

Gen. OTIS. Yes. In employing men we come face to face, and the man says—we find out what he is and what he can do, and he finds out whether he wants to work for us, and we get together a good deal like two men trading horses. And we say to him, "What wages do you want?" Well, he wants so and so. Well, we dicker with him, and we finally get together. We may yield to him and he may yield to us, but finally we get together, the rate is fixed, and we pay the rate.

Mr. THOMPSON. But this is an individual agreement, General, and not an agreement with the body of pressmen?

Gen. OTIS. No; not as a body. No, no; we don't do that.

Mr. THOMPSON. Have you any agreements with any other of the skilled men in your plant as a body and not as individuals?

Gen. OTIS. I will answer that in this way, in order to make it as fairly intelligent as I can. After the strike of 1890 we employed a body of organized labor known as the Printers' Protective Fraternity, and with them we made an agreement. We got the original men from Kansas City, and there was an agreement in regard to rates and hours, and so forth. And those men are still—that organization is still in our employ.

Mr. THOMPSON. Have you a written agreement with them, General?

Gen. OTIS. Not as a body.

Mr. THOMPSON. Not as a body?

Gen. OTIS. No.

Mr. THOMPSON. Have you any verbal agreement with them as a body and not as individuals?

Gen. OTIS. No; we deal with men individually. And we assured them in the outset of protection. If a man has a grievance he comes to us direct.

Mr. THOMPSON. What rates of wages, General, do you now pay to the various classes of skilled men who work for you?

Gen. OTIS. We pay the linotype operators at the rate of 11½ and 13 cents per thousand ems, according to the size of the type. At that rate they make in seven hours' work of a night an average of five and a half to seven and a half dollars a night. To week workers or day workers—hour workers properly, because I believe the hour should be the unit, not the day—we pay 53, 56, 62, and 75 cents per hour, respectively. Now, I will figure that out for the day by you.

Mr. THOMPSON. General, could you give us——

Gen. OTIS. The day is eight hours.

Mr. THOMPSON. The day is eight hours?

Gen. OTIS. Yes.

Mr. THOMPSON. All through?

Gen. OTIS. It is eight hours for week men that do the hand composition—the linotype composition is seven hours as a rule, except in the later days of the week, when the hours are increased.

Mr. THOMPSON. What hours and what scale of wages do you have for the pressmen, General?

Gen. OTIS. I will give you that, because there are different grades of pressmen.

Mr. THOMPSON. That varies with the men?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. Now, General, could you furnish us with a pay roll covering the different classes of skilled men working for you, and giving us the hours of work?

Gen. OTIS. Yes; I will.

(See Otis exhibit.)

Mr. THOMPSON. You mentioned the fact that when the strike of 1890 was on the union indulged in a boycott?

Gen. OTIS. Yes.

Mr. THOMPSON. Will you tell us——

Gen. OTIS. Yes.

Mr. THOMPSON (continuing). What they did in pursuit of that boycott?

Gen. OTIS. Well, they instituted a boycott immediately after the strike failed, which was the day they attempted it; that is, it failed as to the Times office. It succeeded as to the other offices in the city—three others. But the boycott was instituted forthwith upon our advertisers, and as far as they could upon our subscribers, and it was carried on for a very considerable time. It did some damage, at first a good deal of damage; but little by little the merchants recovered their nerve, asserted their manhood, and they recommenced to advertise in the Times, and that class of patronage increased steadily, year after year, until it is now what it is.

Mr. THOMPSON. General, could you tell us what means were used to carry out the boycott?

Gen. OTIS. All the means that it was possible to invent to terrorize the merchant. They boycotted his store and put tickets before it, circulated offensive literature, threatening literature, and sent persons into the store, women particularly, to buy goods, have the goods wrapped up, and when the package was ready for delivery the woman would say, "By the way, do you advertise in the Times?" "Yes." "Well, I don't want the goods," and she would then throw them back on the merchant. Things like that—those are only a few of the incidents.

Mr. THOMPSON. To go back for a moment, General, to your relations with the men. When any of your men have a grievance, how do they bring it up; do they take it up with you personally?

Gen. OTIS. They have a right to come to me personally, or to the manager of their department. They come as individuals, if they choose, and sometimes they come as committees.

Mr. THOMPSON. There is no organization of your men of any kind that you know of?

Gen. OTIS. Oh, yes.

Mr. THOMPSON. Among themselves.

Gen. OTIS. I have already testified that it is the Printers' Protective Fraternity in full bloom.

Mr. THOMPSON. But that only relates to the compositors?

Gen. OTIS. Yes.

Mr. THOMPSON. Is there any organization of the rest of the men?

Gen. OTIS. No; there is not.

Mr. THOMPSON. Now, when the compositors have a grievance to bring up, does this organization that you have spoken of send a committee to you, or does the individual man who has the grievance come to you or your foreman himself?

Gen. OTIS. He comes individually, he himself, or his associates, if there are a number of them, they appoint a committee.

Mr. THOMPSON. And when they appoint a committee, do you deal with the committee as such?

Gen. OTIS. Yes; we do.

Mr. THOMPSON. You recognize it?

Gen. OTIS. Yes, sir.

Mr. THOMPSON. When the committee brings a grievance up to you for adjustment, who finally determines whether or not there is a grievance and what shall be done in the matter?

Gen. OTIS. We discuss it pro and con. If the men make out a fairly good case and have a real grievance, we try to redress it; we do redress it. If the men haven't a good case, we try to talk them off their feet, and if they yield, as they do instead of striking, they go back to their work. That is the end of it.

Mr. THOMPSON. Well, General, who decides as to whether they have a good case or whether they have no grievance at all; how is that decided?

Gen. OTIS. Well, if we are sure they have not a good case, we decide it.

Mr. THOMPSON. You decide it?

Gen. OTIS. And we deny the application. [Laughter.]

Chairman WALSH. One minute. Say, ladies and gentlemen, one minute; we must have perfect order, and if there is any demonstration of feeling of any kind, why, we will have to ask the lady or gentleman that expresses it to retire. You can readily see that there will be varying opinions expressed here, some popular and some unpopular with certain portions of the audience, and we have discovered that we must have perfect order; please, no expression of feeling one way or the other with the witnesses.

Gen. OTIS. Mr. Chairman, will you permit me to say that I am not seeking any popularity.

Chairman WALSH. I understand.

Gen. OTIS. Pursuing that subject a little further to make it clear: You asked me a pertinent question—a pointed question, what we do if we can't get together. We yield, if it is a good case, to the demands and pay the rate, if it is a question of rate or hours or whatever comes along. If it is not a good case, we do not yield. If a workman thinks he is wronged and does not choose to remain in our service, he quits. He don't strike and don't boycott; don't try to create a disturbance to our injury or engage in a conspiracy for our injury. He quietly leaves our service to seek a better place. That thing very rarely occurs, very rarely.

Mr. THOMPSON. Without impugning your wisdom, General, take a body of 600 men working for the one employer, do you believe that the presentation of grievances singly or in the way you mention safeguards the interest of the worker where the decision finally must be left to the employer as to whether his grievance is good or not?

Gen. OTIS. You mean that his interests may not be safeguarded?

Mr. THOMPSON. Yes; where the decision is finally left to the employer in each case?

Gen. OTIS. Well, the decision is left to each side, isn't it? In other words, if the workman feels that he can not accept the wages, the treatment, the hours, he does not continue in our employ. Of his own volition he leaves our employ.

Mr. THOMPSON. General, take that case which you first mentioned in your establishment. Is the workman better off there in the matter of the adjustment of grievances than the workman in an establishment where there is a board of arbitration or a board to adjust the grievances, where the decision is left to a third party, for instance?

Gen. OTIS. Our workmen are unquestionably better off than in any rival establishment. We can demonstrate that out of their own mouths, if needs be.

Mr. THOMPSON. You think your system is better than any system of arbitration?

Gen. OTIS. Unquestionably.

Mr. THOMPSON. Or any committee adjustment?

Gen. OTIS. Unquestionably, because it is based upon mutual confidence and respect, toleration and understandings, and the individual negotiations with the men.

Chairman WALSH. Just a little louder, please. It is very difficult to hear here.

Mr. THOMPSON. General, in the present running of a manufacturing establishment, we will say a printing office, they generally run them for profit, do they not, that is, profit is the idea back of the business enterprise?

Gen. OTIS. It certainly should be, if the business is to be kept up.

Mr. THOMPSON. And the manufacturer would seek to buy his raw material and purchase his labor as cheaply as he could?

Gen. OTIS. He should. Not only has he a right, but he should do it, if a sensible business man, because the great object is to make the business pay out of its own resources, in order that the business may be successful, in order that the workmen may be paid, in order that the best possible wages that the business will permit shall be paid. A losing business is a delusion.

Mr. THOMPSON. General, if that is true of business, do you think that the workman working and handling his own case individually has the same opportunity to make a fair bargain with the employer that he would have if he were to join himself with an organization and work collectively?

Chairman WALSH. It was suggested here by some of the commissioners that Gen. Otis state the facts before the commission, the things that have occurred in his establishment, and which, as he thinks, work better than the situation in other establishments. So we do not care for any further information. He has stated the facts as to how he is conducting his business.

Gen. OTIS. I will prove it clearly beyond peradventure, Mr. Chairman, and will give you the specific figures.

Mr. THOMPSON. I have no desire to pursue it any further. General, I understand you have a statement in reference to the questions submitted to you in writing by the commission.

Gen. OTIS. Yes. I will have a statement. It is not finished, but it probably will be to-day.

Mr. THOMPSON. I understood you had a statement you wanted to present to the commission.

Chairman WALSH. May I say a word to Gen. Otis, Mr. Thompson? General, I wish that you would give us a statement as specifically as possible within the next day or two, beginning with the year 1890; what your wage scale was, the number of employees, and how your business either progressed or retrograded down to the present day. Any organizations that you have had in your office during that time, and your general specific industrial situation.

Now, then, if you will kindly go to the questions that were asked you, because we have a desire to get your general opinions upon these matters, especially as you gather from the whole local situation what you consider industrial freedom.

Gen. OTIS. I do not think I have the copy of the list of questions, although I have seen it.

Mr. THOMPSON. I may be misinformed.

Chairman WALSH. It was intended that you should have one.

Mr. THOMPSON. If you will allow me—we will see that you get a copy of it.

Gen. OTIS. I have my statement, but it is not quite finished. It covers, I believe, all those questions. I can add to it the answers to the questions according to the instructions of the chairman just given me.

Chairman WALSH. General, I will give you a list of these questions. Will you follow them through and elaborate on them? Give us your full information, freely expressed.

Gen. OTIS. You mean now?

Chairman WALSH. Now; yes, sir. It was intended you should have had a copy of that. I will say to the staff I wish that they would see that these questions are in the hands of all the witnesses beyond any question; have two of them.

Mr. THOMPSON. I have understood these were all circulated among all the witnesses. It has been so reported to me.

Gen. OTIS. Mr. Chairman, how does the San Fernando Valley figure in this inquiry?

Chairman WALSH. If there is anything there that you do not think figures in the inquiry, you may just omit it.

Gen. OTIS. There is nothing I want to conceal about it, Mr. Chairman. I am acquainted with what is known as the Suburban Homes Co. project in the San Fernando Valley, but it is very remote from this inquiry.

Chairman WALSH. Very good; you may omit that then.

Mr. THOMPSON. I understand that Gen. Otis has a written statement in regard to certain questions put to him by the commission. I understand he simply hasn't got it typed yet.

Gen. OTIS. It is nearly finished, and I think I will have it this afternoon. Then I will pass on. "First. What is industrial freedom?" I have elaborated that under my own understanding of the question.

"A brief account of your general relations with the labor unions and fight for the open shop." Yes; I will answer that.

"In what industries and locations are industrial conditions considered to require improvement?" Yes, sir; I will answer that by saying that organized labor, the closed shop, coupled with violence and restriction, needs improvement, needs a change.

Mr. THOMPSON. General, could you talk just a little louder? The commissioners can't hear you.

Gen. OTIS. Certainly I will.

Mr. THOMPSON. It is a noisy hall, and we have to speak a little loud on that account.

Gen. OTIS. I have just read the third question. "In what industries and localities are industrial conditions considered to require improvement?" I will answer that.

"Fourth. By what means can these conditions be improved?" I will answer that by saying the open shop, nonunion conditions.

"Fourth. In what conditions and localities are industrial conditions considered to be most satisfactory?" I don't know whether I can give a very clear-cut answer to that. I can answer it very specifically as to our case.

"Fifth. What is the proper relationship that should exist between employer and employee?" Yes; I will answer that very clearly.

"Sixth. Industrial conditions and public welfare and the right and power of the community to deal therewith." Yes; I can answer that. I have very clear and well-fixed ideas on that subject.

Mr. THOMPSON. Mr. Chairman, that is all I have to ask the witness.

Chairman WALSH. Will you please return, Gen. Otis, at 2 o'clock sharp, can you, with your written statement, so that we can defer asking you questions until that time?

Gen. OTIS. I think I can have everything except possibly an answer to one or two of these questions, and I may be able to get them.

Chairman WALSH. Very good, then. Then we will expect you at 2 o'clock, so that we may do it all at once.

Call your next.

Mr. THOMPSON. Mr. Zeehandelaar.

TESTIMONY OF MR. F. J. ZEEHANDELAAR.

Mr. THOMPSON. Will you give us your name?

Mr. ZEEHANDELAAR. My name is F. J. Zeehandelaar.

Mr. THOMPSON. Your business and address?

Mr. ZEEHANDELAAR. 228 Wilcox Building.

Mr. THOMPSON. And your business?

Mr. ZEEHANDELAAR. Secretary of the merchants and manufacturers' association.

Mr. THOMPSON. Of what territory or district does that association have jurisdiction?

Mr. ZEEHANDELAAR. Purely local.

Mr. THOMPSON. The city of Los Angeles?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. How long has it been formed?

Mr. ZEEHANDELAAR. Up to 1894 there were two distinct organizations, the merchants' association and the manufacturers' association, and at that time both organizations were consolidated as the merchants and manufacturers' association and as such incorporated.

Mr. THOMPSON. Has your association any relation with other associations in this State and elsewhere?

Mr. ZEEHANDELAAR. The only organization that we are a member of is the California Employers' Federation that was organized two years ago prior to the meeting of the legislature.

Mr. THOMPSON. What sort of organization is the latter?

Mr. ZEEHANDELAAR. It has, I believe, a membership of some twenty-four or five organizations with headquarters in San Francisco, purely for the purpose of watching State legislation in the interest of the employing classes.

Mr. THOMPSON. Has that latter association got a constitution and by-laws?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Have you a copy of them?

Mr. ZEEHANDELAAR. No, sir.

Mr. THOMPSON. Who are the officers, can you tell us?

Mr. ZEEHANDELAAR. I could not tell you.

Mr. THOMPSON. Could you find out and let us know later on?

Mr. ZEEHANDELAAR. I could; yes, sir.

Mr. THOMPSON. Pleased to have you do it.

(A pamphlet entitled "California Employers' Federtaion, Constitution, and By-Laws, Revised September 3, 1914," in printed form, was later submitted.)

Mr. THOMPSON. What relations, if any, have you got with the Merchants and Manufacturers' Association of San Francisco?

Mr. ZEEHANDELAAR. None at all.

Mr. THOMPSON. How about the association at Stockton?

Mr. ZEEHANDELAAR. None at all.

Mr. THOMPSON. When you say you haven't any relations, you mean you haven't any agreement of any kind or character?

Mr. ZEEHANDELAAR. No, sir; I mean just what I say—no relations.

Mr. THOMPSON. Do you ever work in harmony with any of these associations, or have you in the past?

Mr. ZEEHANDELAAR. We haven't been asked to work in harmony with any organization except when the Stockton organization wired me to come up there and assist them in their fight, and I declined to go, and they asked to have a number of mechanics sent there, which I declined to do. In other words, we have been absolutely free from any entanglement of any character with the conditions in Stockton.

Mr. THOMPSON. You sent no funds there?

Mr. ZEEHANDELAAR. No, sir; none at all; haven't been asked to send funds.

Mr. THOMPSON. Do you know whether any of your members sent funds as individuals?

Mr. ZEEHANDELAAR. That I don't know.

Mr. THOMPSON. How large an organization is your organization to-day?

Mr. ZEEHANDELAAR. Between 700 and 750 or 760; something like that.

Mr. THOMPSON. What proportion of the business men, if you know, eligible to membership in your association, belong? In round numbers, the per cent, if you can give it?

Mr. ZEEHANDELAAR. You mean how many eligibles?

Mr. THOMPSON. Do 50 per cent of the business men who are eligible to membership belong?

Mr. ZEEHANDELAAR. More than that. Our association is purely what the name implies, merchants and manufacturers, and our membership consists of firms and not individuals, unless the man does business as an individual.

Mr. THOMPSON. About what proportion of the merchants and manufacturers of this city belong to your organization?

Mr. ZEEHANDELAAR. I should say 80 per cent—85 per cent.

Mr. THOMPSON. What dues do they pay?

Mr. ZEEHANDELAAR. One dollar a month.

Mr. THOMPSON. Any initiation fee?

Mr. ZEEHANDELAAR. No, sir.

Mr. THOMPSON. Has your organization a constitution and by-laws?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Would you furnish the commission with a copy?

Mr. ZEEHANDELAAR. Yes, sir; I have it here.

(The constitution and by-laws referred to is printed as "Zeehandelaar Exhibit No. 1.")

Mr. THOMPSON. How long have you been connected with the association?

Mr. ZEEHANDELAAR. Seventeen years on the 1st of August this year.

Mr. THOMPSON. What was the first labor matter that the association took a stand in, if you can remember?

Mr. ZEEHANDELAAR. You mean during my incumbency, or prior to that?

Mr. THOMPSON. Prior, if you know. The first labor problems.

Mr. ZEEHANDELAAR. I could not give you full information prior to my connection with the association, but to the best of my knowledge during my in-

cumbency it was brought about by—the labor condition was forced upon us through circumstances. If you will read our constitution and by-laws, they do not provide for the work in connection with the industrial conditions. This was forced upon us by the strike, or boycott, rather, in 1899 or 1900, when the American Federation of Labor sent to Los Angeles Arthur A. Hay, as their representative to conduct a boycott against the advertisers of the Times. Our members had at that time realized they had no fight—no controversy with either organized labor or with the Times, and they decided they would remain neutral, and under those conditions an industrial controversy was forced upon us.

Mr. THOMPSON. What specific action did your organization take at that time?

Mr. ZEEHANDELAAR. We had a meeting of all the advertisers, and they signed a statement that was presented to the county council of labor, as well as to the Times, in which they declared they did not have any controversy with either party and that they decided to remain neutral.

Mr. THOMPSON. What was the next industrial or labor matter in which your association took a hand?

Mr. ZEEHANDELAAR. The next was the labor council then declared a boycott on A. Hamburger & Sons, as the result of their refusal to withdraw advertising from the Times.

Mr. THOMPSON. That is a dry-goods house?

Mr. ZEEHANDELAAR. Yes, sir; a department store. And we assisted them morally and every way we possibly could to maintain their freedom and independence.

Mr. THOMPSON. Can you give us any of the ways in which you gave assistance?

Mr. ZEEHANDELAAR. Well, I could not enumerate. We created a feeling among our people that a boycott of that character, where the third party was absolutely innocent, was contrary to the law and every principle of justice and right, to place a boycott on a store simply because they did not want to become a party to the controversy between the employer and employes, or organized labor.

Mr. THOMPSON. I mean what means did you take? Were there any specific means other than general moral support?

Mr. ZEEHANDELAAR. I can better tell you what means were taken by the unions to inflict injury on their business than the means we took to offset it.

Mr. THOMPSON. Tell us what the unions did at that time in pursuance of their boycott.

Mr. ZEEHANDELAAR. There were inflammatory and false statements circulated by handbills, by publication in the labor press, by picketing. I remember one instance where balloons were sent up, and flyleaves were distributed, caricatures made, and matters of that kind. Of course our efforts to negative the assaults that were made by the labor unions were simply in a lawful and peaceful way by telling the truth and creating a feeling among the public at large that any attempt of that kind was un-American and unjust.

Mr. THOMPSON. How long did the boycott of that store exist, if you know?

Mr. ZEEHANDELAAR. Pretty nearly a year.

Mr. THOMPSON. What was the next matter in which your association took part?

Mr. ZEEHANDELAAR. I think the next one was the teamsters' strike.

Chairman WALSH. One minute. I wish you would have the witness detail the means that they took to overcome this.

Mr. THOMPSON. I have asked him twice.

Chairman WALSH. You have stated what the unions did, and now please state what you did to overcome that.

Mr. ZEEHANDELAAR. We took no measures except an educational campaign.

Chairman WALSH. In what way?

Mr. ZEEHANDELAAR. Through the independent newspapers and through circulars addressed to our members.

Chairman WALSH. By word of mouth also? Did you have committees call at the various places and do work of that sort?

Mr. ZEEHANDELAAR. No, sir. This was a retail store that depended on the general public for its business. We tried to reach the public and not so much our members. Our members realized the motives.

Chairman WALSH. Did you do it anyway except by printed propaganda?

Mr. ZEEHANDELAAR. No, sir.

Chairman WALSH. Did you contribute funds to the Hamburger store?

Mr. ZEEHANDELAAR. No, sir.

Chairman WALSH. Have you stated all the means you took?

Mr. ZEEHANDELAAR. Yes, sir; a general educational campaign; that is the only way I can describe it.

Mr. THOMPSON. You may go on and state the next matter in which you took part.

Mr. ZEEHANDELAAR. I believe it was the teamsters' strike.

Mr. THOMPSON. Tell us what you did in that strike.

Mr. ZEEHANDELAAR. In that strike we had several conferences——

Chairman WALSH. While we are on that point let's see how Hamburger came out. What was the result?

Mr. ZEEHANDELAAR. The result is that they occupy now practically the largest store in the city.

Chairman WALSH. The boycott was ineffective?

Mr. ZEEHANDELAAR. Ineffective in every possible way.

Chairman WALSH. Were any legal proceedings instituted at that time?

Mr. ZEEHANDELAAR. No, sir.

Chairman WALSH. No injunction or anything of that kind?

Mr. ZEEHANDELAAR. We never applied for an injunction; no, sir.

Chairman WALSH. Any arrests made?

Mr. ZEEHANDELAAR. I think not; that was before we had an antipicketing ordinance.

Mr. THOMPSON. You may go ahead and tell us about the teamsters' strike now.

Mr. ZEEHANDELAAR. If I remember correctly we had several conferences with the representatives of the teamsters' union. We demand open-shop conditions. I will say here that——

Mr. THOMPSON. Tell us first about the teamsters' strike. Were all the teamsters of the city on strike?

Mr. ZEEHANDELAAR. No, sir.

Mr. THOMPSON. In all classes of business?

Mr. ZEEHANDELAAR. No, sir; only the truck drivers.

Mr. THOMPSON. The truck drivers?

Mr. ZEEHANDELAAR. Yes, sir. I believe they were largely unionized—not so much the teamsters in the retail business or the ordinary wagon drivers, and we simply carried out the policy of demanding the open shop. After 10 days, I believe—shortly after the strike was declared it was called off.

Mr. THOMPSON. What was the cause of the strike? What demand was made by the union, or were demands made by the union?

Mr. ZEEHANDELAAR. Yes, sir; for a closed shop. I don't believe any working conditions were at all a factor in the controversy.

Mr. THOMPSON. Was this closed-shop demand the only demand made at the time?

Mr. ZEEHANDELAAR. As I say, I think it was.

Mr. THOMPSON. Was that demand made in writing?

Mr. ZEEHANDELAAR. Yes, sir; it was made in writing. Not to us, but to the individual employers that the agreement was presented to them.

Mr. THOMPSON. What employers, if you remember, at that time were engaged in that strike?

Mr. ZEEHANDELAAR. They were the Pioneer Truck Co., the Citizens' Truck Co., I think the Merchants' Truck Co. I can't remember all of them. There were only three or four firms.

Mr. THOMPSON. When the strike was called by the union for a closed shop, what specifically did your association do? Was it called upon by the truck firms for assistance?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Then what kind of assistance did they ask for, and what kind of assistance did you give?

Mr. ZEEHANDELAAR. They asked for the protection of the lives and of their employees and their property, and that we gave them.

Mr. THOMPSON. In what form did you give them protection for the lives of their employees and their property?

Mr. ZEEHANDELAAR. We called upon the police to do their duty, to see that men were protected who were driving the teams, and that their wagons that were engaged in delivering goods were not interfered with.

Mr. THOMPSON. You sent a committee to the mayor, did you?

Mr. ZEEHANDELAAR. No, sir; we did not have to appoint a committee for that. We simply called up the chief of police and told him personally of the conditions or called up the mayor.

Mr. THOMPSON. And asked for protection and he gave it, and you got it in that case?

Mr. ZEEHANDELAAR. Yes, sir; and we employed also some deputy sheriffs to follow the teams so that no obstruction could be made in the delivery of goods.

Mr. THOMPSON. What was the reason for calling in yourn own—or rather paying deputy sheriffs, who, I take it, were additional men put on for that purpose?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. What was the reason for employing them, if the police were doing their duty?

Mr. ZEEHANDELAAR. I will answer that questiotn with an illustration. In one case where a truck was proceeding on the public street and an obstruction was place in front of that truck, and while efforts were being made to continue the truck on its way, an attempt was made to take out the bolts of the wheels. 9ur special deputy sheriffs were following the team, and, of course, stopped that. That can not be done by policemen, of course, as the police can not follow each individual truck or vehicle.

Mr. THOMPSON. Did you ask that the police follow each individual truck?

Mr. ZEEHANDELAAR. No. We asked them in a general way, but left the protection to the judgment of the police department.

Mr. THOMPSON. Since that time, have you had any strike here in which the policemen did give protection to specific trucks or places?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. But you did not ask for it at that time?

Mr. ZEEHANDELAAR. But that was in the metal strike that commenced, I believe, on the first of June, 1910.

Mr. THOMPSON. You say that strike ended in June—that is, the teamsters' strike?

Mr. ZEEHANDELAAR. Oh, yes; it was just two weeks.

Mr. THOMPSON. What further action, if any, did your organization take in that strike than what you have named?

Mr. ZEEHANDELAAR. We tried to show the representatives of organized labor that their attitude in that case, as well as in others, was neither to their interest nor to the interest of the general public, or the welfare of this community.

Mr. THOMPSON. Did you do that by means of conferences with the union leaders?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Well, just the leaders of the teamsters or the leaders of unions generally here in the city?

Mr. ZEEHANDELAAR. No; that was a specific committee of the teamsters' union in that case.

Mr. THOMPSON. Did you assist the firms in getting nonunion men at that time?

Mr. ZEEHANDELAAR. No; they got them on their own hook.

Mr. THOMPSON. Did you assist the firms by any funds of any character during that strike?

Mr. ZEEHANDELAAR. Not for their own personal use; no. We did pay——

Mr. THOMPSON. Well, for what use did you furnish funds?

Mr. ZEEHANDELAAR. We did pay for the protection, extra protection.

Mr. THOMPSON. Was that the beginning of the open-shop policy of yeur association here?

Mr. ZEEHANDELAAR. I can noly answer that in this way: There is a strong sentiment in this community that the open shop is the greatest asset we have in our prosperity and our development. The open shop——

Mr. THOMPSON. I will give you a chance on that later on. Just now I would like to ask you about the specific facts.

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. Then you will have an opportunity to make a statement later on. When was the next trouble?

Chairman WALSH. Was that the beginning of the contest over the open shop, Mr. Zeehandelaar?

Mr. ZEEHANDELAAR. The sentiment for the open shop, Mr. Chairman, manifested itself at the time of the attempted boycott.

Mr. THOMPSON. When was the next trouble of an industrial character that you took part in?

Mr. ZEEHANDELAAR. I think it was the teamsters' strike in 1910.

Mr. THOMPSON. 1910. What was the nature of that strike?

Mr. ZEEHANDELAAR. The metal strike, I guess, not the teamsters.

Mr. THOMPSON. The metal strike—and did you take part in any journeymen tailors' strike at that time?

Mr. ZEEHANDELAAR. What?

Mr. THOMPSON. The journeymen tailors?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. What was that strike?

Mr. ZEEHANDELAAR. That was a demand for the closed shop and a scale of wages on piecework.

Mr. THOMPSON. Well, how many people did it include; how many firms, about?

Mr. ZEEHANDELAAR. Oh, I don't know.

Mr. THOMPSON. About how many men?

Mr. ZEEHANDELAAR. Probably practically involved every first-class merchant tailor in the city.

Mr. THOMPSON. When was that strike; what year?

Mr. ZEEHANDELAAR. I think that was prior to 1910.

Mr. THOMPSON. Well, what did your association do at that time?

Mr. ZEEHANDELAAR. We went along the same lines that we conducted the other strikes.

Mr. THOMPSON. I see. You employed special deputy sheriffs?

Mr. ZEEHANDELAAR. Yes; in some cases.

Mr. THOMPSON. Did you have any trouble in getting them?

Mr. ZEEHANDELAAR. In cases where the rights of the individual were interfered with.

Mr. THOMPSON. But during that strike you employed special deputy sheriffs; did you or did you not?

Mr. ZEEHANDELAAR. I think in some cases, yes.

Mr. THOMPSON. And your association paid for them?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Did you have any trouble at that time in getting the sheriff to employ these special men?

Mr. ZEEHANDELAAR. No; none at all.

Mr. THOMPSON. Did your association make any demand on the chief of police or the mayor for protection?

Mr. ZEEHANDELAAR. I think so.

Mr. THOMPSON. Was that protection granted?

Mr. ZEEHANDELAAR. It is always granted; yes, sir.

Mr. THOMPSON. Well, what was the reason then for employing special men and paying them out of the funds of your association?

Mr. ZEEHANDELAAR. Because the rights of the individuals were interfered with; pickets standing in front, not only preventing the workmen free egress from the shops, but even insulting the public who went to the shops to transact their business.

Mr. THOMPSON. Well, did you call the attention of the chief of police to that condition?

Mr. ZEEHANDELAAR. Most decidedly.

Mr. THOMPSON. And did he give you the protection then?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Well, then, why did you employ these special men?

Mr. ZEEHANDELAAR. Because when you have a policeman in uniform, the pickets are generally very careful not to make any overt act, and when you have deputy sheriffs in citizens' clothes, they don't know that they are peace officers.

Mr. THOMPSON. Well, there is a detective department of the city, is there not?

Mr. ZEEHANDELAAR. Yes; but that is limited.

Mr. THOMPSON. And they are plain-clothes men?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. And they could do the same work identically?

Mr. ZEEHANDELAAR. But they can't be spared. They are limited in number.

Mr. THOMPSON. What other help did you give the merchant tailors at that time?

Mr. ZEEHANDELAAR. They sent one of their members to the East to get tailors to take the places of the strikers, and we paid that expense.

Mr. THOMPSON. The expense of sending those people East and bringing the people West?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. How many people did you bring into the city at that time?

Mr. ZEEHANDELAAR. I am not sure. I could not tell you; probably 40 or 50.

Mr. THOMPSON. Do you know whether the men that were brought to the city at that time were notified that they were going to take the places of strikers?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. They were?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. What was the next labor matter that your association took an interest in—a part in?

Mr. ZEEHANDELAAR. I think the brewery strike.

Mr. THOMPSON. Was that prior to the metal trades strike?

Mr. ZEEHANDELAAR. Sir?

Mr. THOMPSON. Was that prior to the metal trades strike?

Mr. ZEEHANDELAAR. I think it was. I think that started on the 18th of May, 1910. Yes.

Mr. THOMPSON. Well, what was the brewery strike, who went out on strike in the breweries, all of the men?

Mr. ZEEHANDELAAR. I think practically all of the men; yes.

Mr. THOMPSON. And what did your association do at that time?

Mr. ZEEHANDELAAR. On the same lines as I have outlined in previous——

Mr. THOMPSON. Well, then, tell us about the metal trades strike.

Mr. ZEEHANDELAAR. Well, now, the details of that strike can be related much better by Mr. Fred L. Baker, president of the Baker Iron Works, because he is more familiar with the details of that than I am.

Mr. THOMPSON. Did your association at that time give the same assistance and in the same way as you have mentioned in regard to the other strikes?

Mr. ZEEHANDELAAR. Not by furnishing money to bring men here. And I do not think—I am satisfied we have not been asked to give any financial assistance to any of the individuals.

Mr. THOMPSON. What other labor matter has your association taken part in since 1910?

Mr. ZEEHANDELAAR. I think we only had one more strike. Well, we had the printers' strike, and we had the building trades strike. That was the last we had, I believe, two years ago, and that was declared off in 10 days.

Mr. THOMPSON. Has your association taken the same part in that strike as it has taken in the others?

Mr. ZEEHANDELAAR. No. We had practically very little to do in the building trades strike. I do not think we took any part in it at all.

Mr. THOMPSON. How are the members of your association brought in; what methods are used in order to get merchants and manufacturers here to become members of your association?

Mr. ZEEHANDELAAR. Simply ask them to join.

Mr. THOMPSON. And if they do not join?

Mr. ZEEHANDELAAR. That is their personal privilege.

Mr. THOMPSON. No other action taken?

Mr. ZEEHANDELAAR. Absolutely not.

Mr. THOMPSON. There is no pressure brought of any kind?

Mr. ZEEHANDELAAR. None whatever. If a man does not want to become a member of the association, he does not have to.

Mr. THOMPSON. Are banks members of your association?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Has pressure ever been used through banks to cause merchants or manufacturers to join your association?

Mr. ZEEHANDELAAR. None whatever. We depend on our membership for the benefit that we do them, in a general way, in the interest of this community. We are not, in the sense that this commission has been made to understand, an employers' association. As I testified, our association was in active operation long before the industrial question was forced upon us. We are, broadly speaking—our association is—endeavoring to promote the welfare and development of the commercial and industrial interests and of the city in general. We undertake a great many things that have absolutely no connection

with labor matters. At the present time, for instance, we are engaged in a campaign in this county against the prohibition menace. We have inaugurated a fiesta. We have made them famous throughout this country. We have been champions for home industry; have held expositions in connection with it, and those general lines for the promotion of the city have been our main work. This industrial proposition is simply a side issue, and we only take hold of it when occasion demands.

Mr. THOMPSON. How large a force does your association employ in its office?

Mr. ZEEHANDELAAR. A stenographer, besides myself.

Mr. THOMPSON. Are there any other employers' associations in the city?

Mr. ZEEHANDELAAR. I think so; yes, sir.

Mr. THOMPSON. Could you name them?

Mr. ZEEHANDELAAR. Yes; the founders employers' association, the mill owners' association, and, I think, the builders' exchange. I think those three are the only ones that come to my mind now.

Mr. THOMPSON. Are those associations in any way affiliated with your body?

Mr. ZEEHANDELAAR. No.

Mr. THOMPSON. Do they work in harmony with you on these labor matters?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. Do they work in harmony with you? Does your association keep any list of employees of any kind?

Mr. ZEEHANDELAAR. No, sir.

Mr. THOMPSON. Do you have any names of men who can be hired either as deputy sheriffs or as men to put in factories and places to work in cases of strike?

Mr. ZEEHANDELAAR. No, sir. I have no list of any employees in my office and never have had.

Mr. THOMPSON. Do you know whether any of these other associations—are you connected with them, you yourself, personally?

Mr. ZEEHANDELAAR. No; they act independently.

Mr. THOMPSON. Do you know of your own knowledge whether they have any such lists or not?

Mr. ZEEHANDELAAR. No, sir; not of my own knowledge.

Mr. THOMPSON. When your association wants men in case of a strike to take the places of deputy sheriffs where do you employ them and how do you get them?

Mr. ZEEHANDELAAR. Employment offices.

Mr. THOMPSON. Take any man that comes along and hire him as a special officer?

Mr. ZEEHANDELAAR. No; I don't hire them. I thought that I made that plain.

Mr. THOMPSON. No.

Mr. ZEEHANDELAAR. I don't hire a single man. If the teamster wants work, if they have a strike, and he goes to the Pioneer Truck Co.——

Mr. THOMPSON. I wasn't asking that question. I was asking this question: You have stated that during the strikes which have occurred here——

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON (continuing). You have employed and paid for special deputy sheriffs?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. Who have assisted the police?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. From where do you draw the supply of men to be used as deputy sheriffs?

Mr. ZEEHANDELAAR. From the sheriff's office.

Mr. THOMPSON. The sheriff indicates the men?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. You have nothing to do with that?

Mr. ZEEHANDELAAR. No, sir; except that he sends them up and swears them in as deputy sheriffs, and we pay him.

Mr. THOMPSON. You pay him?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. Does your association or does any association here, so far as you know, give any supervision to the selection of such deputy sheriffs, special deputy sheriffs?

Mr. ZEEHANDELAAR. No; I have troubles of my own enough to keep me from interfering with the workings of any other organization, Mr. Thompson. I stick to my last.

Mr. THOMPSON. In one of your reports this language occurs, speaking of your association: "An organization thus composed of merchants, manufacturers, and business men will most fully represent the interests of the community at large."

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. Upon what basis do you make that statement?

Mr. ZEEHANDELAAR. Do you mean to imply in that question that we omit the working classes?

Mr. THOMPSON. I simply want to understand it, because it is apparent that the working classes are omitted, specifically as such, and I am simply asking you to give your statement of that.

Mr. ZEEHANDELAAR. I want to say this, that the open shop in Los Angeles is neither an experiment nor a theory. Our faith in the open shop in this community is so strong that we absolutely are sure that our prosperity, our development for the last 10 or 15 years is based upon that one factor. So that whatever is of benefit to the employer classes must be a direct benefit to the employees or the working classes.

And if you will permit me, I am prepared to substantiate that statement by figures.

Mr. THOMPSON. I would like to have you make your statement on that point.

Mr. ZEEHANDELAAR. Yes. If you desire, I will do it now.

Mr. THOMPSON. Go right ahead.

Mr. ZEEHANDELAAR. I want to submit to the commission first a book of views of different sections of the city, showing the homes owned by the working classes. I believe we are unique in this city and that a majority of the wage earners, or at least a vast proportion, own their own homes; and that is a condition typical to Los Angeles. I do not want to say that all are owned by the wage earners, but the majority. On behalf of our association I would strongly urge the commission to take a ride in the auto we will furnish, or as many as you want, to look for yourself at the character of the homes that are occupied at the present time, and have been for years past, by the wage earners who own their homes. Shall I pass it up?

Chairman WALSH. Hand it to the stenographer.

(The views are not printed.)

Mr. ZEEHANDELAAR. In addition I want to submit, to further substantiate the fact of our prosperity, the savings banks' statement showing that from July 1, 1914, the total amount of deposits were $105,220,307.41 deposited in the savings banks. That the number of depositors was 297,769. Eighty per cent of those depositors belong to the wage earners, making an average amount of deposits of $408, and inasmuch as our population—men, women, and children—is estimated at the present time at 500,000, we make the remarkable showing of over one-half of the population as depositors in our savings banks, and that each depositor has an average of $408, in addition to the home that they own. Our bank clearings—I give you a comparative statement from 1904 to 1913. In 1904 the amount of clearings of banks showed that year $345,243,956. In 1913, $1,211,168,989.

Our building permits: In 1904 there were issued 7,004 permits to the value of $13,409,062. In 1913, 16,442 permits, aggregating $31,641,821.

Our post office receipts: In 1904 they were $600,444. In 1913, $2,114,048.

Lastly, our population in 1904, was 175,000 in the city, and 275,000 in the county. Now it is 550,000 in the city, and 780,000 in the county.

That in a general way, Mr. Chairman and gentlemen, shows the conditions existing at the present time in Los Angeles. The enormous growth in wealth and in population you will see.

Now, we maintain that a showing as we have made here, and that can be verified as far as figures are concerned, can not be made at the expense of or to the exclusion of one class. That if the growth and development of Los Angeles has been as it is, then all classes must participate in it. That has been brought about, as we contend and we show you, through open-shop conditions.

Mr. THOMPSON. Referring again to that statement, Mr. Zeehandelaar.

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. It would appear from that and from your statements that the interests of the working class as such must and can be well represented and properly represented by just the merchants, manufacturers, and business men.

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. And the exhibit shows it?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. You have said that the open shop, in your opinion, is the leading cause of the growth and development of this community?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. I would like to ask you to what extent you place the climatic conditions, what has been the effect in your opinion of the climatic conditions with reference to the growth and development of this community?

Mr. ZEEHANDELAAR. Well, that, of course, is a factor, but they are almost identical. For example, the man who can not work in the East on account of the extreme climatic conditions comes to Los Angeles and to southern California, where he has more even temperature, where he knows that he can work the year around; he is not laid off during the extreme cold weather that we haven't here, and neither is he laid off during the extreme hot weather. When you have the frost and snow in the East, why, he works along year after year, day after day, month after month without any interference, except probably during our rainy season two or three days at a time, and then he works right straight along with those few interruptions. So that has advantages—that he as a wage earner is able to double his work more than he can probably do in any other section of the United States.

Mr. THOMPSON. But more specifically what I wanted to get from you is what effect has the weather of California, the climate of California, and of this city, not only from the standpoint of the workingmen, but from all the people that come here? What effect has that on the growth of California?

Mr. ZEEHANDELAAR. The effect of it is this: That we get here during the winter months some of the wealthier classes from the East, who escape the extreme climatic conditions of the East, and come here and spend the winter months. Some of them come every year. After they come once they become charmed with our climate, with our surroundings, with the advantages that our city and surroundings bring them, and ultimately they become permanent residents, but that proportion is extremely small.

Mr. THOMPSON. Do any of the firms that are members of your association have closed-shop agreements with their men; do you know?

Mr. ZEEHANDELAAR. Yes, sir.

Mr. THOMPSON. Is there anything in your organization that prevents an employer from having closed-shop agreements?

Mr. ZEEHANDELAAR. When a man becomes a member of our association he is never asked whether he has closed or open shop.

Mr. THOMPSON. And so far as your constitution and by-laws are concerned, so far as your policies are concerned, any man can have an agreement with his employees?

Mr. ZEEHANDELAAR. Sure.

Mr. THOMPSON. Of any kind or character that suits him?

Mr. ZEEHANDELAAR. Yes.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock wants to ask you some questions.

Commissioner WEINSTOCK. Can you tell us, Mr. Zeehandelaar, what was the volume of the citrus shipments in 1904 from this——

Mr. ZEEHANDELAAR. No, Mr. Weinstock; I can not give you that, because that is not in my department at all. That belongs to the chamber of commerce.

Commissioner WEINSTOCK. Could you give an approximate estimate?

Mr. ZEEHANDELAAR. I haven't the remotest idea.

Commissioner WEINSTOCK. Do you know what the citrus shipments were for 1913?

Mr. ZEEHANDELAAR. No. As far as the products of the soil are concerned, I have no information whatever. That belongs to the chamber of commerce.

Commissioner WEINSTOCK. I see. Could you get that information?

Mr. ZEEHANDELAAR. Sure; certainly.

Commissioner WEINSTOCK. Showing the growth of the citrus shipments?

Mr. ZEEHANDELAAR. Yes, sir.

(The information requested was later furnished, and appears as "Zeehandelaar Exhibit No. 2.")

Commissioner WEINSTOCK. I take it that in a general way the citrus shipments have very largely increased, have they not, in the last eight or nine years?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. How do the wages here, Mr. Zeehandelaar, compare with the wages in industrial lines in other parts of the State and in other parts of the country?

Mr. ZEEHANDELAAR. With the exception of San Francisco I believe they compare very favorably. In some cases I believe they are higher, and, in this connection, I am very thankful that you bring up this question, because I have had some affidavits prepared by an employee or two of our largest retail concerns here that show a wage of the female employees alone.

Exclusive of the benefits that the employees derive in the way of humane treatment and other things, the wages run from $25 per month for cash girls to $35 per month for stock girls, and they range from $40 to $200 per month. In addition they receive a week's vacation during the summer with full pay; they receive at Christmas the full wage as a present; they receive 1 per cent every month on the total amount of their sales; they are never—the wages are never deducted when they have to go out on personal business; when they become sick they are taken care of in a department where there are cots and nurses, and when it becomes necessary to send them home they are sent home in an automobile with proper attendants. I have two of these affidavits to show you that the employer is not the heartless tyrant that he is sometimes pictured to be; that he has a heart, and that he gives humane treatment to his employees. I have two affidavits from employees—one lady who has been employed for 19 years, and the other for 18 years—where they have expressed their appreciation and satisfaction with the treatment that they have received at all times at the hands of their employers.

Commissioner WEINSTOCK. Do these advantages that you speak of, Mr. Zeehandelaar, in the department stores, apply to some particular department store, or is that the common condition?

Mr. ZEEHANDELAAR. No, sir; I think that is a general condition that prevails in all lines. We believe, and I have not been asked the question, but, if you will pardon me, I will just give you an outline of our idea of the open shop. We believe that the open shop—the closed shop, rather—is an injustice to the worker, the wage earner, and an injury to the employers, for this reason: That the establishment has a uniform standard of wages without establishing a standard of efficiency. Therefore, you compel the employer to pay incompetent workmen the same wages that he does the competent workmen. You take away from the incompetent man the incentive to perfect himself in the different lines, and thereby become a better workman, capable of earning a better wage than even the union prescribes.

Now, take that as a fundamental principle, our employers are paying a higher wage in some cases than the scale prescribed by the unions. You take the retail clerks' union as it exists in San Francisco to-day, and you take the unions of the drug clerks or any other union, and you don't find that here. Because the man who has the energy and the efficiency to demand a wage, gets that without the necessity of belonging to any organized movement. His employers realize that. The employer is not going to discharge a man who is earning—who is able to earn and is of the value of $35 a week to him—$25 and wants more. He is willing to pay him according to his energy. That incentive is taken away by the unions as they are conducted at the present time.

Commissioner WEINSTOCK. Digressing for a moment, Mr. Zeehandelaar——

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. You point out that the population of Los Angeles County has increased from 275,000 in 1904 to 793,000——

Commissioner WEINSTOCK. In 1913.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. That is an increase of very nearly 300 per cent.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Isn't it?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Now, what proportion, so far as you can estimate it, of that increase of nearly—of over 300,000 people are employed industrially and what proportion, do you think, are employed agriculturally or horticulturally?

Mr. ZEEHANDELAAR. When you say industrially, do you mean that commercially or purely industrially?

Commissioner WEINSTOCK. Primarily industrially—in shops and factories.

Mr. ZEEHANDELAAR. There, unfortunately, Mr. Weinstock, we have been unable to obtain actual data regarding the growth of our industries since 1910, since the Federal census. But I can say in a general way that the growth of the industries has kept pace with the growth of the city and the county. Now,

to what extent the number of employees have increased industrially I am unable to state. I have got some statement that is based on general conditions, but I have omitted to introduce that because it is not in the form of an affidavit, and is mainly results obtained from hearsay.

Commissioner WEINSTOCK. Yes. Perhaps this would get us a line, a rough line, on that point. Your city has increased from 175,000 to 550,000.

Mr. ZEEHANDELAAR. Yes.

Commissioner WEINSTOCK. During that intervening period?

Mr. ZEEHANDELAAR. Yes.

Commissioner WEINSTOCK. Which would indicate a growth of 375,000?

Mr. ZEEHANDELAAR. Yes, sir; that is, in the 10 years.

Commissioner WEINSTOCK. Yes. Then your county has increased 505,000?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. That would indicate an increase outside of the county of about 130,000?

Mr. ZEEHANDELAAR. Yes.

Commissioner WEINSTOCK. I mean outside of the city.

Mr. ZEEHANDELAAR. Outside of the city; yes, sir.

Commissioner WEINSTOCK. About 130,000?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Now, of this 375,000 increase in the city, roughly speaking, about what proportion do you think are engaged in industrial work?

Mr. ZEEHANDELAAR. Of the increase?

Commissioner WEINSTOCK. Yes; of the 375,000.

Mr. ZEEHANDELAAR. I should think between 50 and 65 per cent.

Commissioner WEINSTOCK. Between 50 and 65 per cent?

Mr. ZEEHANDELAAR. Between 50 and 65 per cent.

Commissioner WEINSTOCK. Well, in round figures, that would be about 240,000 or 250,000?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Engaged industrially?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Out of a gross increase of over 500,000. Well, now, I wish you would explain for the information of the commission, Mr. Zeehandelaar, how the open or closed shop in any way affects the nonindustrial workers, how it affects the agricultural worker, how it affects the horticultural worker, and how it affects any man that is not employed in a shop or in a factory.

Mr. ZEEHANDELAAR. Of course, our association does not deal directly with those industries that you mention, but I believe that the same conditions prevail in those branches that prevail in the commercial and industrial branches. In other words, that the man who does not belong to a union can get just as much work at just as good wages and at just as good working conditions as the union man. In fact, I believe that there is no such union, or no organized movement in regard to either the horticultural or the agricultural labor.

Commissioner WEINSTOCK. Yes; that is true; the horticultural and agricultural workers, as a rule, are not organized.

Mr. ZEEHANDELAAR. They are not organized.

Commissioner WEINSTOCK. Therefore, how could they be affected one way or the other by the problem of the open or the closed shop?

Mr. ZEEHANDELAAR. I don't think they are.

Commissioner WEINSTOCK. Well, then, the growth along horticultural and agricultural lines has no relation whatever to the question of the open and the closed shop, has it?

Mr. ZEEHANDELAAR. No; only the knowledge that when a man comes from the East and seeks work here he knows that he is absolutely free from interference by organized labor. That is the fundamental thought. He can come here and work. He can prosper. He can be happy. He can raise his family, and has all the advantages.

Commissioner WEINSTOCK. In the city of Los Angeles, is it known, has any effort been made to tabulate the number of so-called open shops and the number of so-called closed shops?

Mr. ZEEHANDELAAR. No, sir.

Commissioner WEINSTOCK. Are there any industries in Los Angeles that are closed shops, that are known as closed shops, where only union men will be employed?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Can you name them?

Mr. ZEEHANDELAAR. I think the overall and garment factories.

Commissioner WEINSTOCK. They are closed?

Mr. ZEEHANDELAAR. They are closed. Shirt factories.

Commissioner WEINSTOCK. How about the building trades; are they open or closed?

Mr. ZEEHANDELAAR. They are all open. What I mean to say by open, of course, I believe that according to the best of my information, you take the bricklayers, they are pretty near a hundred per cent organized. But the happy condition prevails here that a union man works side by side with a nonunion man.

Commissioner WEINSTOCK. How about the metal trades?

Mr. ZEEHANDELAAR. I prefer to have that part taken up through Mr. Baker, who is more thoroughly familiar.

Commissioner WEINSTOCK. I see you are not familiar with those conditions.

Mr. ZEEHANDELAAR. No, sir.

Commissioner WEINSTOCK. Now, you have handled this problem here for many years, have you not, Mr. Zeehandelaar.

Mr. ZEEHANDELAAR. Yes.

Commissioner WEINSTOCK. Will you give this commission the benefit of your judgment as to whether unionism is a good or bad thing for the worker and for the State?

Mr. ZEEHANDELAAR. I believe that I have answered that partly when I stated that it does not provide for a standard of efficiency and therefore does not create a desire on the part of the laboring man—of the union man, to perfect himself in his particular line, because there is one scale of wages. That does an injustice to the competent man because his wage is absolutely the same as the incompetent.

Commissioner WEINSTOCK. Do you mean that unionism as you know unionism makes for the dead level on the part of the worker?

Mr. ZEEHANDELAAR. I mean that when you have conditions as they have existed in this city where the union man works harmoniously alongside of the nonunion man, where he is not interfered with by the walking delegate, when he has no dues and assessments to pay, when the tends strictly to his own business, raises his family, puts his savings in the savings bank, and puts his little money in his own home, that then he becomes more directly associated with the welfare of the community, with the progress and development of the community than if he were subject to a call that may throw him out of employment for a sympathetic strike in which he is not involved or interested.

Commissioner WEINSTOCK. Well, you think, then, Mr. Zeehandelaar, that the worker and the State would be better or worse off if unionism was wiped out?

Mr. ZEEHANDELAAR. No, sir; I won't go that far. We are in an age of organization and federation. I believe that the union has a right to exist just the same as the merchants and manufacturers' association, provided it is on the right lines for the uplift of its members, one such as they have in the railroads, the brotherhood of railroad engineers and conductors, where they have a standard of efficiency. The way they are conducted at the present time, before a man must go to work, he must have—if you have got the closed shop in force, he must have a card that he belongs to such and such a union whether he has the qualifications to belong to that union and able to earn the wage set by that union.

Now, if you desire to eliminate the unrest, the strike, the boycott, and do absolute justice between the employer and employee, between labor organizations and the public, then the only solution that I have been ever able to think of would be a compulsory arbitration, giving the commission absolute power to enforce its findings. We have tried to get a bill through the State legislature three years ago, but it was defeated through the efforts of organized labor.

Commissioner WEINSTOCK. Well, I take it, Mr. Zeehandelaar, that you are pretty well familiar with all of the weaknesses and all the failings and all the shortcomings of what is known as unionism. Now, taking unionism as we find it to-day, in your judgment would the worker and the State be better or worse off if that was wiped out?

Mr. ZEEHANDELAAR. I would not go that far; no, Mr. Weinstock.

Commissioner WEINSTOCK. You would not wipe it out?

Mr. ZEEHANDELAAR. No; I would not go that far to wipe out the unions, either. They are here to stay. We might as well make up our minds; they have a right to stay if they are conducted on proper lines. If they, instead of creating dissatisfaction, if instead of referring to the employer as "big business" in every case, if an educational campaign could be started whereby it was shown that the employer was not a cold-blooded tyrant who is after them like slaves, to get out of them all he wants to, and the last drop of blood, but that their interests are mutual; if they are shown that the employer is just as much interested in the financial, moral, and physical welfare of his men that would be to my mind a step in the right direction to bring the employees and employers closer together. There must be a bond there that cements them, and that bond instead of existing—there is a part of the press that seems to be engaged in making the breach wider and wider and creating unrest all the time.

Commissioner WEINSTOCK. Well, I take it, then, from your answer, Mr. Zeehandelaar, that you would regard it as bad if the unions were wiped out?

Mr. ZEEHANDELAAR. Yes, sir; to a certain extent I believe it would. I don't believe it could be done if it was tried, and I think it would be very foolish to try it because they are here to stay.

Commissioner WEINSTOCK. I take it also, Mr. Zeehandelaar, that you regard the closed shop as an evil?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Well, now, if you believed that the open shop would wipe out unionism, would be fatal to unionism, and you had to choose between these two alleged evils—of wiping out all the unions on the one hand, which you would regard as an evil, and the open shop on the other hand—which would you regard as the lesser evil?

Mr. ZEEHANDELAAR. I don't regard the open shop as an evil.

Commissioner WEINSTOCK. No, no no; I mean the closed shop.

Mr. ZEEHANDELAAR. I regard that as a blessing.

Commissioner WEINSTOCK. I mean the closed shop.

Mr. ZEEHANDELAAR. The closed shop?

Commissioner WEINSTOCK. If you had to choose between having unionism wiped out and having the closed shop on the other hand, both of which you regard as evils, which of those two would you regard as the lesser evil?

Mr. ZEEHANDELAAR. Well, one is in consequence of the other. You can't demand closed shop unless you have got unionism.

Commissioner WEINSTOCK. Exactly.

Mr. ZEEHANDELAAR. So one is the consequence of the other. I can't conceive of conditions whereby we have to choose between the one and the other. The choice must lay between the closed shop and the open shop. Now, we have——

Commissioner WEINSTOCK. Suppose it was demonstrated—or supposing you were satisfied that the open shop meant the death knell of unionism; that the open shop and unionism could not coexist with one another; that one or the other would have to prevail, which of the two would you regard as the lesser injury to the worker and to the State?

Mr. ZEEHANDELAAR. Well, I am opposed to killing anybody or anything. I would say simply in answer to that, Mr. Weinstock, I would say this, that we have on one side the closed shop with the unions, on the other side the open shop. Now, we have proven to you by our development, by our general conditions here that the closed shop—the union shop and the union both can exist satisfactorily to the workingman, to the wage earner himself, and to the community at large, that both can prosper under those conditions.

Commissioner WEINSTOCK. In other words, your point is that the open shop can coexist with unionism?

Mr. ZEEHANDELAAR. Absolutely; the open shop, absolutely.

Commissioner WEINSTOCK. Can coexist with unionism?

Mr. ZEEHANDELAAR. Yes, sir; we have given you——

Commissioner WEINSTOCK. Well, now, would that mean that the employers should recognise and deal with unions, or should refuse to recognise and deal with unions?

Mr. ZEEHANDELAAR. No; they should take and they do take a broader view of the entire situation. I know from personal knowledge that if a man applies for a certain position, either in the wholesale, retail, or manufacturing concerns, the first question is not "Do you belong to a union?" or "Don't you belong to a union?" The first question is one of efficiency, "Where have you worked? Can you do the work?" "Yes." "All right. How much do you

want?" If he is able to earn that amount of money he is engaged irrespective of his affiliation or nonaffiliation with organized labor.

Commissioner WEINSTOCK. I evidently have not made my question clear, Mr. Zeehandelaar. That was not the point. My point was, do you think that it is in the interests of the employers and the workers and the State for the employers to recognise unions, to deal with them aside from establishing the closed shop?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. Which means collective bargaining; or do you believe it is in the interest of the worker and the employer and the State that there should be no collective bargaining, despite the existence of the union, and that all bargaining shall be individual?

Mr. ZEEHANDELAAR. Yes, sir; I don't believe collective bargaining is in the interest of either the employee or the employer.

Commissioner WEINSTOCK. Will you point out the weak spot in collective bargaining? Its point of failure, as you see it.

Mr. ZEEHANDELAAR. The weak spot is—again I have to go back to my original and oft-repeated statement—that when you have collective bargaining you do not take into consideration the personal efforts, the personal efficiency, of every man in the bargaining. In other words, you treat for a large number of wage earners without any knowledge as to their ability and efficiency, or their capacity to give a fair day's work for a fair day's wage. Now, collective bargaining ignores absolutely these points.

Commissioner WEINSTOCK. Do you understand unionism forces a minimum wage for the worker, or a maximum wage for the worker?

Mr. ZEEHANDELAAR. They force a uniform wage.

Commissioner WEINSTOCK. Isn't that what is known as a minimum wage?

Mr. ZEEHANDELAAR. Naturally it is a minimum wage.

Commissioner WEINSTOCK. Is there anything to prevent the employer under such arrangement from paying the worker more than the minimum, if he is worth it?

Mr. ZEEHANDELAAR. None whatever, but if the employer should pay a member of organized labor in any manufacturing industry a higher wage than the men who are side by side and under the same conditions and under the same agreement, naturally the man who don't get so much has a grievance and you start trouble. The moment the grievance is brought to the attention of the union, that Mr. Jones pays Mr. Brown a higher wage, and is able to pay that man a higher wage, then as a natural result they reach the conclusion that if Brown can get 50 cents a day more, the others are entitled to the same consideration.

Commissioner WEINSTOCK. You mean if the employer does differentiate between workers and pays some more, that higher price becomes the minimum?

Mr. ZEEHANDELAAR. Yes, sir; it creates dissatisfaction among the other employees.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson would like to ask a few questions.

Commissioner GARRETSON. Was the dead level in general really created by the union or by the employer in the first instance?

Mr. ZEEHANDELAAR. Well, I don't know what you mean by the dead level.

Commissioner GARRETSON. That is the phrase you used, I think.

Commissioner WEINSTOCK. I used it.

Commissioner GARRETSON. That the union established the dead level for all classes of men. I took—I undertook to copy your own phrase in the question.

Mr. ZEEHANDELAAR. I believe that the employers' and employees' interests are identical. I can not conceive of a condition whereby the employer is prosperous through the efforts of his employees, that when the opportunity comes and he sees that the efforts of his employees were such as to bring him better financial results and put him in a better financial position, that he would turn a deaf ear for an increase of wages if it was just and fair and equitable.

Commissioner GARRETSON. But the question is, before the existence of unionism as a power, didn't the employer do exactly the same thing you now hold the union has done. In other words, didn't the union take its card out of the employer's book, if it has done this thing. Bear in mind, I am speaking from the standpoint of a man who was an employee in one of the largest employing lines on the continent, and with 40 years of experience in it.

Mr. ZEEHANDELAAR. You refer to the railroads?

Commissioner GARRETSON. How is that?

Mr. ZEEHANDELAAR. You refer to the railroads?

Commissioner GARRETSON. Yes, sir.

Mr. ZEEHANDELAAR. I can't answer that question better than to say that during the last controversy with the railroads, that the employees had with the eastern roads, a representative of yours called on me, and asked what assistance I could give them, that I sent to the railroads the initial telegram asking for a square deal and to prevent if possible a strike that would be disastrous.

Commissioner GARRETSON. You mean the western railroads?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. I understood you eastern.

Mr. ZEEHANDELAAR. No, sir; western. I did say eastern.

Commissioner GARRETSON. The engineers and firemen here recently?

Mr. ZEEHANDELAAR. Yes, sir. Our association was the first to send that telegram to Chicago, asking for a square deal, and in every possible way tried to prevent a strike that would be disastrous to the employees and the railroads and the country at large.

Commissioner GARRETSON. Take those same railroads, as many of them as then existed prior to 1885. I am throwing it back of where the union had influence on the railroads. Are you aware of the fact that every man employed, we will say, as a freight conductor, or freight brakeman, or engineer, or fireman got exactly the same money per month on every given division?

Mr. ZEEHANDELAAR. Yes, sir; but now let me answer that. I don't consider that your brotherhood of railroad conductors or railway engineers or railway trainmen comes in the same category with the labor unions, for this reason, if I understand right, that the labor union demands a card before a man is put to work, and in your organization he must show efficiency before he can get a card, and that is one of the factors in your organization.

Commissioner GARRETSON. That is true.

Mr. ZEEHANDELAAR. So that therefore you have not the same conditions.

Commissioner GARRETSON. Well, I know some people that call us a labor union, and some people that don't.

Mr. ZEEHANDELAAR. Well, you are not a labor union as the term is used at the present time.

Commissioner GARRETSON. But this fact remains, that before we exercised any influence, the pay for the same class of men, no matter how many there was, was at a dead level, was it not?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. Therefore, if we now insist that if a man can perform the services he shall be paid at least the standard wage, we have only applied then exactly what our employers employed before our existence as a power. Would that not be true?

Mr. ZEEHANDELAAR. Always taking into consideration that when you make a demand, you make a demand of employees who have a standard of efficiency, therefore they can make a just demand. That is not the case in labor unions—in controversies of labor unions. You take a strike for hours, for a change in working conditions, where an increase in wages is demanded, that increase must apply to the competent and incompetent. In your organization you haven't got that factor.

Commissioner GARRETSON. I believe I would have to insist on the right to define for myself and my own organization whether or not it is a labor union, just as you define for your association what it is.

Mr. ZEEHANDELAAR. Well, if you want me to look at it as a labor union, all right, I will do so.

Commissioner GARRETSON. Sure.

Mr. ZEEHANDELAAR. Go ahead.

Commissioner GARRETSON. In the last analysis, that is what it is.

Mr. ZEEHANDELAAR. All right.

Commissioner GARRETSON. Because it puts forth its efforts to get that which it believes best for its members?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. Now, in regard to this condition that has grown up in Los Angeles, which you described—the increase of population and the proportional number thereof which are wage earners—that is one point I would like more information on. Now, do you assume that the manufacturers, we will say, of San Francisco—association men like yourself—are as fully aware of conditions that surround their business as your association is of conditions that surround yours here?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. As intelligent men, and as competent to interpret. Now, the unfailing testimony that was given before this commission by representatives was largely to the effect——

Mr. ZEEHANDELAAR. Was what?

Commissioner GARRETSON. Largely to the effect that in disputed territory or in certain-named territory, Los Angeles could invariably undersell San Francisco, and it was largely stated that the cause thereof was the lower wage condition prevailing. Assume for a moment that that is true, and that you have been able to take disputed territory from them—you bear in mind that testimony came in many lines, as, for instance, the lumber trade. There men who were conducting a lumber business on an open-shop basis testified that they could sell no goods in the San Francisco territory, but they had a good market south of the Tehachapi. That they could sell their goods, finished in their own mills, cheaper than the same goods could be sold if finished in the San Francisco union mills.

Now, if Los Angeles can sell cheaper in competitive markets and there is a large surplus of unemployed men on the coast, would that furnish any solution of the addition to your population by the increase of your trade on account of lower prices and unemployed men drifting here and accepting a wage, that increases your working population?

Mr. ZEEHANDELAAR. You are putting a hypothetical question there, that I will have to answer in my own way.

Commissioner GARRETSON. Good.

Mr. ZEEHANDELAAR. The question is much a matter of supply and demand. Now, in San Francisco, that applies to labor as well as to merchandise. San Francisco has been, as you know, dominated in every respect by organized labor. A man who desired to work there as a free American citizen could not find employment unless he would first procure a card in the union. Therefore, the labor unions there used their power to force upon the employers a scale of wages irrespective of whether the employer could do business at a profit under those conditions.

Now, what do we find here? Just the reverse. We are not underpaying our labor, but we control the market to that degree that the price of our production is lower under those conditions, and I come back again to the fundamental principle, the efficiency. That the man who is able to earn only $4 a day gets $4 a day with the incentive of perfecting himself in his respective trade, so that later on he may get $4.50 or $5. The good man gets $4.50 and $5, but in San Francisco you have a uniform wage that must be paid whether the man can give an honest day's labor or not. That is where you have the solution between the costs of production.

Commissioner GARRETSON. Then your theory holds good as long as there is a surplus of labor?

Mr. ZEEHANDELAAR. Not necessarily so.

Commissioner GARRETSON. What would happen when there are more jobs than men? Then wouldn't he go where the highest pay obtained?

Mr. ZEEHANDELAAR. Well, when there are more jobs than there are men, then some employers would get their full quota and all the men would get employment; and where an employer is unable to get his full quota he would have to go without it.

Commissioner GARRETSON. And naturally the man who pays the higher wage will get what men there are?

Mr. ZEEHANDELAAR. Yes, sir; but no employer is fool enough when he has a good man who can earn $5 to allow him to go because he can get 25 cents or 50 cents a day more somewhere else.

Commissioner GARRETSON. Then one of two things would happen in every instance where you were not dominated by union establishments; you would be confronted with one of two things—let the man go or raise the price to what the other is paying?

Mr. ZEEHANDELAAR. He comes to his employer as man to man, and he would say: "Mr. Brown, I have an offer with Mr. Smith at 50 cents a day more." Brown would say: "All right, Jones; if you can get it, and you are worth that to me, I will meet it."

Commissioner GARRETSON. If a committee representing a body of those men came to you then, it would be man to man, and would the men be in better position, or would they not?

Mr. ZEEHANDELAAR. Not necessarily.

Commissioner GARRETSON. Why is your association in existence?

Mr. ZEEHANDELAAR. Our association is not in existence to urge anything in the line of labor, as I have stated to you, and as I have pointed out to you. We are not in the same category as the merchants and manufacturers you spoke of in San Francisco.

Commissioner GARRETSON. Leaving that out altogether. Just to accomplish a purpose, isn't it?

Mr. ZEEHANDELAAR. We are on broader principles. We are in existence to promote the general welfare of the community.

Commissioner GARRETSON. And you believe the general welfare can better be accomplished by a combination of men than by a single man or a combination of firms than by a single firm or corporation?

Mr. ZEEHANDELAAR. In a general way for the development of the city itself, we do.

Commissioner GARRETSON. Is the development of your section and city a more general question, as applied to your membership, than the development of their individual good, as they see it, is to a number of workingmen?

Mr. ZEEHANDELAAR. I believe that the general feeling, the general attitude of the employing classes are as high, of as high a standard, probably higher, than any other community in the United States. That our merchants and our manufacturers and our employers stand together, first, for the upbuilding of this community, and have stood for that, and their concerted action has shown the results that I have testified to to-day in regard to our material welfare and moral welfare.

Commissioner GARRETSON. But take the interpretation of the other association, not anybody else's interpretation, but the other manufacturers' association. Don't they differ from your conclusion as to the reasons of the upbuilding?

Mr. ZEEHANDELAAR. They may, of course, I am not familiar with that.

Commissioner GARRETSON. You would recognise their right to so differ?

Mr. ZEEHANDELAAR. Well, I don't know. I have no expression as to any other organization. They are organized on different lines than ours. I can only speak for Los Angeles. We have here, Mr. Garretson, a community in which everybody takes a pride. We have a feeling here of uniform interest. We are mutually interested. It does not make any difference whether you go among the working classes, the wage earners, or whether you go among the employers, or whether you go among the capitalists, this idea always prevails in Los Angeles, first, the welfare of the community. There is a sentiment here that has been established through years, and probably on close investigation you won't find that anywhere else.

Commissioner GARRETSON. Yes; but assume an organization of this kind; for instance, you take the railroad men of the country. As a rule, they are proud of the railroad, both employers and employees, but they will get together and fight like thunder over the division of the spoils.

Mr. ZEEHANDELAAR. But you have shown your division of the spoils in general. I have shown you out of 257,000 depositors in the savings banks we have 200,000 wage earners with average deposits of $406 each, so that we all have an interest in the spoils.

Commissioner GARRETSON. Could not that condition equally apply to union-labor conditions generally, where those closed-shop conditions do obtain?

Mr. ZEEHANDELAAR. But I don't believe that the city of San Francisco has been able to give you a picture as we show you here.

Commissioner GARRETSON. I don't know that they followed that line. If the union was abolished—bear in mind I am bearing in mind your statement that it could not be abolished.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. That is, that in the ordinary course of events that it was here to stay.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. But does the existence of a large body of unionism population both in your midst and around you have any effect on your wage conditions, or does it?

Mr. ZEEHANDELAAR. That depends on whether they make a demand.

Commissioner GARRETSON. How is that?

Mr. ZEEHANDELAAR. That depends on whether they make a concerted demand upon the employing classes.

Commissioner GARRETSON. If they maintained union conditions all around you?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. Does not that reflect in your own wage conditions necessarily?

Mr. ZEEHANDELAAR. It must to a certain extent; yes, sir.

Commissioner GARRETSON. Only one more question. Since the establishment of the open-shop idea in Los Angeles has there been a general increase in any wage of any craft in the city?

Mr. ZEEHANDELAAR. Certainly.

Commissioner GARRETSON. What one?

Mr. ZEEHANDELAAR. That I can not say, positively. I can not testify to that, but we have provided for witnesses in the different lines of trade and industry, and those witnesses will be able to testify in the respective lines that there has been a definite increase from time to time in the principal crafts.

Commissioner GARRETSON. There has been a definite increase in the whole craft?

Mr. ZEEHANDELAAR. Most decidedly. We have realized the cost of living has advanced, and therefore the wages have advanced.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions? Mr. O'Connell would like to ask a few further questions.

Commissioner O'CONNELL. Does your association declare in its constitution for the open-shop policy?

Mr. ZEEHANDELAAR. No, sir; we have not. In our constitution and by-laws the word organized labor, union, or nonunion—those are not mentioned, for the reason, as I explained at the outset of my testimony, that this class of work was forced upon us by existing conditions in 1900 or prior to that—I don't know exactly the year. The fundamental principle upon which our organization was established did not contemplate the taking up of this class of work.

Commissioner O'CONNELL. Does the constitution or by-laws mention the closed shop or open shop in any way?

Mr. ZEEHANDELAAR. No, sir.

Commissioner O'CONNELL. The reason I asked you the question is because you hold, if it is a fact, that the success of Los Angeles has been based on the open-shop idea. I take it you are speaking for the association and not personally?

Mr. ZEEHANDELAAR. I go beyond that, Professor.

Commissioner O'CONNELL. I beg your pardon on the "professor."

Mr. ZEEHANDELAAR. Well, Mr. Commissioner, then.

Commissioner COMMONS. Agitator.

Commissioner O'CONNELL. I have been called everything but that.

Mr. ZEEHANDELAAR. All right; I will apologize. I want to say this: I will go further, and I believe—you take the population of this city and if you propound that question to anyone outside of probably a few organizers—even with the rank and file of organized labor—you will find opinions, the sentiment that Los Angeles owes its present prosperous condition, and has for the last year, to the open-shop condition. I believe you will find a great many in the rank and file of organized labor holding that position, just as well as manufacturers and merchants.

Commissioner O'CONNELL. What I want to get at is whether the position you occupy is the position of your association.

Mr. ZEEHANDELAAR. It is somewhat; yes, sir.

Commissioner O'CONNELL. Have they taken formal action?

Mr. ZEEHANDELAAR. In what way? Passing a resolution that the open shop is a success?

Commissioner O'CONNELL. Yes, sir.

Mr. ZEEHANDELAAR. I can't exactly remember that, but all our operations are based on that score, and the facts show it.

Commissioner O'CONNELL. Then your association is, in fact, for the so-called open-shop policy?

Mr. ZEEHANDELAAR. Yes, sir; with this proviso, that when a firm becomes a member of our association, he is not asked this question: "Do you believe in the open or closed shop?" But, knowing the policy, knowing the sentiment of the community, he becomes a member under the constitution and by-laws, which do not provide for either an open or a closed shop.

Commissioner O'CONNELL. He isn't informed that the policy of the association is in the direction of the open shop?

Mr. ZEEHANDELAAR. No, sir. I said he is not informed.

Commissioner O'Connell. Then, if he is in favor of the closed-shop idea, he would be going into the association under a misapprehension of the purposes, would he not?

Mr. Zeehandelaar. He actually knows the matter of his own initiative. He is not bound in any way by the policy that might be adopted or by a principle. He acts in that condition absolutely on his own initiative and own pleasure.

Commissioner O'Connell. Would he not be occupying an anomalous position on joining an association that stood for the open shop when he was operating a closed shop?

Mr. Zeehandelaar. He may disagree on that point always, but he realizes and appreciates the good that the association does in so many other lines that benefits the community that he might be able to disregard some other point.

Commissioner O'Connell. Are you an employer or manufacturer?

Mr. Zeehandelaar. No, sir; I am only a plain secretary of the merchants and manufacturers' association.

Commissioner O'Connell. You are not in business in any way in the city?

Mr. Zeehandelaar. No, sir.

Commissioner O'Connell. You have been some 14 years or more acting as secretary of this association?

Mr. Zeehandelaar. Yes, sir; 17 years.

Commissioner O'Connell. What were you doing before that?

Mr. Zeehandelaar. I was in newspaper work.

Commissioner O'Connell. In newspaper work in what way—reporter?

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. In Los Angeles?

Mr Zeehandelaar. San Francisco for 10 years with the Examiner. I was legislative correspondent in the early days.

Commission O'Connell. And what before that?

Mr. Zeehandelaar. Let me see. That is so long ago I almost forget it. I found employment in different lines. I had at one time a cigar store in San Francisco. I was connected for a number of years with the Fiesta here before I became financial secretary. Two or three years in publicity work.

Commissioner O'Connell. In this statement you presented from the secretary of J. R. Robinson Co.——

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. You stated the salaries paid by that company were from $25 a month to $200 a month.

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. I suppose you noted a vast difference between the number getting $25 and the number getting $200?

Mr. Zeehandelaar. Naturally. I explained to you, and it is explained there, that the cash girls get $25 a month. You can't expect a firm to pay cash girls $200 a month.

Commissioner O'Connell. No. Just for the record. There is one person in this firm gets $200 a month?

Mr. Zeehandelaar. Yes.

Commissioner O'Connell. And 25 get $25 a month?

Mr. Zeehandelaar. Certainly.

Commissioner O'Connell. And 4 get $150 a month?

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. And 52 get $45 a month?

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. And 1 gets $120 a month, and 34 get $50 a month?

Mr. Zeehandelaar. Yes, sir. It just proves, Mr. Commissioner, what efficiency will do.

Commissioner O'Connell. Yes; that is just one reason I was figuring on.

Mr. Zeehandelaar. Yes, sir.

Commissioner O'Connell. That the efficiency, or the possibility of one out of a very great number reaching the high mark or anywhere near the high mark—there is only one all the way down getting the $200 a month—that the possibility, taking the efficiency, of working up would be extremely limited?

Mr. Zeehandelaar. If you understand the inner workings of a large dry-goods store, as the Boston Store is, you will realize that a girl who is 14 or 15 years old and simply has had a common-school education, is unacquainted with business methods or anything else, a wage of $25 a month as a cash girl, with the opportunities of perfecting herself—of becoming a saleslady and ultimately a departmental manager—has a future before her and is given an in-

centive to perfect herself. You can not expect a cash girl 14 years old or 15 years old, who has no responsibility, knows nothing of the business, to be as well paid as the saleslady.

Commissioner O'CONNELL. You do not need to argue that with me.

Mr. ZEEHANDELAAR. No; but you make the point.

Commissioner O'CONNELL. I am making the point that there is only one at the top, just one out of several hundred, and that there is only another one at the $25 and that all the way through there are only a small number out of the many.

Mr. ZEEHANDELAAR. And there is only one president of a railroad company or railroad corporation, there are not a dozen.

Commissioner O'CONNELL. That is true, but there are thousands of other positions.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner O'CONNELL. Does your association take any part in State or municipal legislation?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner O'CONNELL. What part?

Mr. ZEEHANDELAAR. Simply urging our representatives in Congress, in the State legislature, or in the city council, to advise them as to the effects that certain legislation will have on the general prosperity of the city or of the State.

Commissioner O'CONNELL. Has your association in its history supported any measures organized labor was interested in, in the State legislature?

Mr. ZEEHANDELAAR. Well, I do not know that I can testify as to its entire history. There is a pretty long ways before I become connected with it.

Commissioner O'CONNELL. As, for instance, child legislation and the hours of labor, and compensation.

Mr. ZEEHANDELAAR. Yes; they have had the subject of child legislation, they have given it their support most decidedly.

Commissioner O'CONNELL. Do you maintain a committee or lobby at the State-house during the sessions?

Mr. ZEEHANDELAAR. No, sir; never have.

Commissioner O'CONNELL. Make appropriations for legislative purposes in any way?

Mr. ZEEHANDELAAR. None whatever.

Commissioner O'CONNELL. Any dinners or celebrations of any kind to which representatives of the State are invited?

Mr. ZEEHANDELAAR. Not that I know of; no. But I suppose if we had a dinner we would not hesitate to invite the governor or the lieutenant——

Commissioner O'CONNELL. I don't mean that; I mean functions at which representatives of the senate and house are taking part as such?

Mr. ZEEHANDELAAR. No, sir; to influence legislation; no, sir, at no time.

Commissioner O'CONNELL. I didn't say to influence legislation. But when legislation comes up that may appear objectionable to your organization, what method is adopted by you to prevent its passage?

Mr. ZEEHANDELAAR. Lawful legitimate methods.

Commissioner O'CONNELL. What are they?

Mr. ZEEHANDELAAR. Well, for example the workmen's compensation act, we thought that was too drastic, and on several occasions I have met with a member of your commission, Mr. Weinstock, who represented the retail dry goods association, and tried to formulate amendments that would give the commission less power and would make the measure less objectionable and less drastic in its general application.

Commissioner O'CONNELL. And then what?

Mr. ZEEHANDELAAR. Then we appeal, by letter or telegram, to the individual legislators, either in the assembly or in the senate.

Commissioner O'CONNELL. Simply setting forth you believe it is for the best interests of legislation?

Mr. ZEEHANDELAAR. Yes, sir; and give the reasons why.

Commissioner O'CONNELL. I understand your position as representing your association, the position of the association, that the best interests of this community—and in that you include the working people—is served by the complete inauguration of the so-called open shop or private employment.

Mr. ZEEHANDELAAR. We believe that the open shop has been and is an asset to this community and has been probably one of the greatest factors in our development and in our prosperity.

Commissioner O'CONNELL. Therefore you are not in favor of collective bargaining, because collective bargaining can not take place where men are not organized.

Mr. ZEEHANDELAAR. No; and therefore, because as I explained to another commissioner, that direct bargaining takes away from the individual the power to assert his efficiency, his ability to earn more wages than he would get through collective bargaining.

Commissioner O'CONNELL. Will you explain to this commission—you have thought that matter out, and have shown a great deal of interest—how it would be possible for the workman in Los Angeles, the individual, without some method of collective bargaining or dealing with their employers as such to bring about a reduction in the hours of labor? Supposing it is conceded that eight hours was a day, or seven hours was a legitimate day's work, how would the individual employee in Los Angeles proceed to bring about a reduction of the hours of labor?

Mr. ZEEHANDELAAR. Well, I do not think that the proposition, as you state, the individual going there, would bring about a result. I admit that. But if the same employees would appoint a committee of three and go to the employer and point out to him whereby the conditions, that the interests of the employer and employee are mutual to the interests of both sides, a reduction in hours would be beneficial to both, without risking the interests of the manufacturing industry, I think that something could be accomplished without calling a strike.

Chairman WALSH. Just a minute. At this point the commission will stand adjourned until 2 o'clock. Mr. Zeehandelaar, will you resume the stand at that time?

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Tuesday, September 8, 1914.)

AFTERNOON SESSION—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. Please let us have complete order, ladies and gentlemen.

TESTIMONY OF MR. F. J. ZEEHANDELAAR—Continued.

Commissioner O'CONNELL. Mr. Zeehandelaar, you were explaining when we took a recess the method the individual employer would pursue to secure a reduction in the hours of labor. And you explain that by selecting two or three men to wait upon the employer, and that was brought about by that method.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner O'CONNELL. That appealed to me as rather a method of collective bargaining, while it might appear small in number, yet it didn't strike me that it was the individual dealing for himself.

Mr. ZEEHANDELAAR. What I mean by that is this, if you in that case—no matter what the number may be, the employer treats directly with his employees, instead of through the organizers or the representatives of organized labor, who sometimes don't belong to the craft affected. In other words, if a man, if a committee of his own employees were to come to a man, to an employer, and state their grievances, their objections, or what they want to accomplish, the mutuality of interests again appears upon the surface. Whereas if a dispute arises, for instance, among the carpenters, you may find on that committee that the employer is called upon by, you may find an organizer of the bricklayers or the hod carriers, or a craft that is not directly or indirectly affected by the desires of the employees.

Commissioner O'CONNELL. Then, I understand from you that there is no objection on the part of the employer to dealing collectively with his employees?

Mr. ZEEHANDELAAR. I should say, as a rule, no. Of course there are individual cases I can not answer.

Commissioner O'CONNELL. Does your association require or has it required any member, or an individual association, or an organization affiliated with you, to put up a bond at any time for any purpose?

Mr. ZEEHANDELAAR. Never; emphatically not.

Commissioner O'CONNELL. For the purpose of fulfilling any required obligation as to——

Mr. ZEEHANDELAAR. No, sir; emphatically not at any time.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Did you want to ask some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. In the matter of efficiency, Mr. Zeehandelaar.

Mr. ZEEHANDELAAR. Yes.

Commissioner WEINSTOCK. Is the statement that you made concerning the difference in efficiency between union and nonunion workers a matter of opinion, pure and simple, or are there records that accurately determine the difference between the efficiency of the union and nonunion worker?

Mr. ZEEHANDELAAR. That can be determined in a very short time, the matter of efficiency, everything being equal; under open-shop conditions where an employer does not inquire as to the affiliation or nonaffiliation of an employee, the matter of efficiency is determined within perhaps 24 hours. That is, a man who claims that he is efficient and is able to earn from his employer the maximum wage, he can demonstrate that in a very short time.

Commissioner WEINSTOCK. Perhaps I didn't understand your statement correctly this morning, Mr. Zeehandelaar. I got the notion from the explanation that you made that substantially, if you take a union shop on one hand and a nonunion shop on the other hand, working on the same production under the same working conditions, that the output of the nonunion shop would be greater per man than the output in the union shop per man.

Mr. ZEEHANDELAAR. No, sir; I didn't discuss the nonunion shop at all. My testimony is all directed to the open shop where we don't discriminate between union and nonunion.

Commissioner WEINSTOCK. Possibly I misunderstood you, but I understood you to claim that the output of the nonunion was higher than that of the union, because the efficiency is higher.

Mr. ZEEHANDELAAR. No, sir; I recognize the fact that in the ranks of organized labor there are just as efficient men as there are in the nonunion, absolutely.

Commissioner WEINSTOCK. Say, there are two men of equal efficiency, one a union man working in a union shop and the other man a nonunion man working in a nonunion shop of equal capacity, will the output be the same?

Mr. ZEEHANDELAAR. If the efficiency is the same, naturally it would be.

Commissioner WEINTOCK. You think it would be?

Mr. ZEEHANDELAAR. Yes, sir; provided, however——

Commissioner WEINSTOCK. There are those, Mr. Zeehandelaar, that maintain that organized labor stands for diminished output. I want to find out if that was your judgment as well.

Mr. ZEEHANDELAAR. That is a matter I can not testify to, because we have no agreements. If you compare this condition here as it exists in San Francisco where an employer is required to sign an agreement, my understanding is that the output of the individual is limited by the rule of the union. We have no condition of that kind here. We are absolutely free from agreements; that is, to a general extent.

Commissioner WEINSTOCK. Then, with the explanation you now make I am left in this frame of mind—and let's see if I get your idea correctly. What you had in mind when you spoke of efficiency was this: Under the unionized system a man is getting a certain wage whether he is worth it or not; under the nonunion condition a man gets all he is worth, whatever he may be worth?

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Any other questions? Mr. Zeehandelaar, you mentioned an antipicketing ordinance.

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. What was the approximate date of the passage of that ordinance?

Mr. ZEEHANDELAAR. 1910.

Chairman WALSH. Briefly state what are the general terms of it? What does it forbid?

Mr. ZEEHANDELAAR. It forbids the picketing, as the term is generally understood. Any interference with the worker who desires to work. We agree and we grant any worker, whether organized or unorganized, the right to work or refuse to work as his conscience dictates.

Chairman WALSH. Was your association instrumental in having the ordinance passed?

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. In what did their activity consist?

Mr. ZEEHANDELAAR. Their activity consisted in molesting the actions of the free worker, or the men who took their places.

Chairman WALSH. No; I meant what did the activities of your association consist?

Mr. ZEEHANDELAAR. Oh.

Chairman WALSH. In endeavoring to have the ordinance passed?

Mr. ZEEHANDELAAR. Oh, I thought you wanted to know the reasons why we wanted it passed.

Chairman WALSH. No.

Mr. ZEEHANDELAAR. Simply to have the ordinance prepared and asked the council to pass it.

Chairman WALSH. Did you appear before a council committee by a committee of your own?

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. Was there personal solicitation on the part of individual members of your association with members of the city council?

Mr. ZEEHANDELAAR. Well, the members of the city council were approached on the subject.

Chairman WALSH. They were approached individually?

Mr. ZEEHANDELAAR. Yes, sir; or collectively.

Chairman WALSH. Was there an issue raised in any political campaign in respect to it?

Mr. ZEEHANDELAAR. Not from our side.

Chairman WALSH. Well, was it from the other side?

Mr. ZEEHANDELAAR. I think it was.

Chairman WALSH. And with the result that it made no difference in the opposition; were the men elected anyway?

Mr. ZEEHANDELAAR. Well, that was not immediately prior to any political campaign, and I can not testify as to the effect.

Chairman WALSH. Was it a direct issue in any campaign?

Mr. ZEEHANDELAAR. No, no; not a direct issue. And while on that subject, I want to explain the political activity of the organizations here. Now, we had a primary election last month at which one of the high judicial officers was running for the appellate bench. Certain organizations, labor organizations, issued an appeal to the individual members to vote and work against that man, because that man while in the discharge of his legal duties as a judge of a court had sustained a permanent injunction in a labor case. In other words, the effect would have been to intimidate our judiciary to decide against law and against facts and law in favor of one part of the community, instead of enforcing the law.

Chairman WALSH. After the antipicketing ordinance was passed was there a protest made against it by any of the labor bodies?

Mr. ZEEHANDELAAR. I think it was; I think that the legality of the act was tested in court and a decision rendered sustaining it.

Chairman WALSH. Sustaining it?

Mr. ZEEHANDELAAR. Yes.

Chairman WALSH. Was there a referendum applied for?

Mr. ZEEHANDELAAR. No, sir. And if you will pardon me, Mr. Chairman, I would like to explain just how and why that picketing ordinance was called into existence.

Chairman WALSH. Very good, proceed.

Mr. ZEEHANDELAAR. Mr. Baker, who will be a witness here, will probably describe to you the annoyance and the violence that followed the metal trades strike. We are a peaceful community. We believe in law and order. We will protect the lives and the property of anyone involved, just as much organized labor as nonorganized in every instance. The men who were working were harassed, abused, villified, maligned in every way possible, and something had to be done to prevent violence, and the only way to do it was to call into existance an antipicketing ordinance, because any act that interferes with the rights and liberties of the citizens at large is unlawful per se.

Chairman WALSH. Is that all the statement that you wish to make in that respect?

Mr. ZEEHANDELAAR. Yes.

Chairman WALSH. Well, now, in what court was the ordinance tested; did it go to the court of last resort?

Mr. ZEEHANDELAAR. No, sir. No; I am not sure of that. I don't know but what an appeal was taken to the supreme court.

Chairman WALSH. Was it tested in the trial of an alleged violator of the ordinance?

Mr. ZEEHANDELAAR. Yes.

Chairman WALSH. Just glance at that, will you please, Mr. Zeehandelaar, and see if that is the ordinance. Some one has handed it up here, and it seems to be copied into something else [handing paper to the witness].

Mr. ZEEHANDELAAR. I suppose generally speaking that is correct. I have not compared it, therefore——

Chairman WALSH. I see. But I suppose that can be assumed to be the one?

Mr. ZEEHANDELAAR. Yes, sir.

(The ordinance referred to was submitted in printed form.)

Chairman WALSH. You mentioned something about a dispute about the brewers and their employees.

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. What was approximately the date of that?

Mr. ZEEHANDELAAR. I testified to that——

Chairman WALSH. I didn't hear it.

Mr. ZEEHANDELAAR. About May 18, 1910.

Chairman WALSH. 1910?

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. In that dispute, did your association take part?

Mr. ZEEHANDELAAR. Yes.

Chairman WALSH. In what respect?

Mr. ZEEHANDELAAR. We had conferences with the national organizers who were here at that time to conduct the boycott at our office time and time again.

Chairman WALSH. And what was the general nature of the demands made by the union that caused the boycott?

Mr. ZEEHANDELAAR. First, organization; second, a change in working conditions, scales of wages, and so on.

Chairman WALSH. Wages and hours?

Mr. ZEEHANDELAAR. Yes, sir. I do not know about hours, but wages.

Chairman WALSH. Generally, what was the result of the controversy?

Mr. ZEEHANDELAAR. The result of the controversy was that the boycott continued for pretty nearly a year, and through the influence that was brought to bear upon the San Francisco brewers—and they have a State organization, and I might say the losses sustained by the brewers here—resulted in a surrender to the demand.

Chairman WALSH. They entered into contracts with them?

Mr. ZEEHANDELAAR. Yes, sir. They are in effect now.

Chairman WALSH. That is all. Thank you.

Mr. ZEEHANDELAAR. Mr. Chairman, before I leave the stand I testified this morning as to the intemperate and violent publications that lead to unrest and dissatisfaction. And I desire to submit to the commission photographic copies of a publication that was issued here from room 208, Labor Temple, called "The Armed Citizen," in which the people were told that the ballot without the bullet is ineffective, that what can not be accomplished by the ballot must be accomplished by the bullet.

But I want to say, in justice to the labor unions in this city, that after four issues of this were published, this man Murray, who appeared on the scene here as a labor leader, was told to get out and leave. He did leave for Colorado. But, at the same time, I think it will be of interest to the commission to read these pamphlets and see what harm can be done by intemperate language distributed.

Chairman WALSH. Who did Mr. Murray represent?

Mr. ZEEHANDELAAR. I believe he was an organizer of the machinists' union. He was here for some time, a so-called labor leader. And the tenor of all the publications was in that line, to create violence. He, for instance, wanted clubs organized to buy a certain style of Winchester that could be taken apart and carried in a suit case, and organize clubs where he says that while the constitution and by-laws allow a man to arm himself the intent of the constitution was misleading to create an impression in the minds of the reading public that it was more for the protection and to induce violence than anything else.

Commissioner GARRETSON. Mr. Zeehandelaar, would you hold—bear in mind I haven't read the document and never heard of Murray before.

Mr. ZEEHANDELAAR. No, sir.

Commissioner GARRETSON. But for a laboring man—I will use your own phrase—so-called labor leader.

Mr. ZEEHANDELAAR. Yes.

Commissioner GARRETSON. If he preached this doctrine of the bullet, if the ballot did not get there.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. How would you look at it if a so-called leader of employers preached exactly the same doctrine? Would it be equally iniquitous?

Mr. ZEEHANDELAAR. Absolutely.

Commissioner GARRETSON. Good.

Mr. ZEEHANDELAAR. Absolutely; yes; there is equality in that respect. Violation of law is not justified on one side any more than on the other.

Commissioner GARRETSON. That is good doctrine.

Mr. ZEEHANDELAAR. We preach it and practice it.

Chairman WALSH. Now, is there any other subject that has not been elicited by the questions that have been asked you by counsel or commission that you would like to volunteer testimony upon? If so, you may.

Mr. ZEEHANDELAAR. I would like to reserve the right, if the commission will permit, later on if something comes to my mind, if I might put it in documentary form or oral testimony.

Chairman WALSH. Very good. We will be glad, if you have any documentary testimony. We try to hear the witnesses on important subjects in rebuttal. So that will be all for the present. You may stand aside.

(Mr. Zeehandelaar later submitted a map of the city of Los Angeles and a pamphlet entitled "Annual Report of Officers and Membership List of the Merchants and Manufacturers' Association of Los Angeles, Cal., 1908–1909." The foregoing were in printed form. He also submitted various affidavits and other data which appear among the exhibits at the end of this subject.)

Gen. Otis, if you will resume the stand, please.

TESTIMONY OF GEN. HARRISON GRAY OTIS—Recalled.

Chairman WALSH. If you are prepared with your statement, General, you may proceed with it.

Gen. OTIS. Mr. Chairman and gentlemen of the commission, here are certain statements that I have prepared on invitation of the committee, made on behalf of the publishers of the Los Angeles Times, relative to conditions in the local industries and traversing the system of unionism and nonunionism, respectively, in their bearing upon the question of industrial unrest; also the material conditions of Los Angeles workmen and the general prosperity of the city.

OFFICE OF THE TIMES, NEW TIMES BUILDING,
Los Angeles, September 8, 1914.

To the United States Commission on Industrial Relations.

GENTLEMEN: The principal statistics and other data embraced in the statements here presented for your official consideration have been drawn almost exclusively from the details and annual reports of the Times Mirror Co., covering the period involved. The Times Mirror Co. is the official name of the corporation publishing the Times.

Proprietors and business managers are generally and naturally reluctant to disclose inside information concerning the details of their business operations, and I myself share in that reluctance. Nevertheless, in this instance I am taking the opposite course to a large extent for the sake of illuminating the industrial situation, which neither I nor my coowners and coworkers should keep you in ignorance of.

OPERATING FACTS.

Payments to labor.—During the year ended September 30, 1913, the close of our last fiscal year, the Times paid for labor in the form of wages and salaries the aggregate sum of $630,152, being an increase of $27,942.15 over the preceding year. For the 11 months ended August 31, 1914, the aggregate payments to labor in the composing room alone were $117,196.00, being an average of $2,510.50 for each of the 47 pay days embraced within the period covered, which will be divided into three classes, to wit: First, skilled mechanical labor; second, other skilled labor; and third, unskilled labor, the latter bearing only a trifling proportion in numbers, and the rest belongs to the other classes named. This is illustrated by the following actual figures applicable to a previous year. In 1912 the payment as to the first class named was $185,847.90;

in the second class, $402,761.52; and to the third class only $23,200.47. The relative payments since 1912 have been substantially on the same ratio.

During the 28 years preceding the end of our last fiscal year our payments for wages and salaries aggregated $5,807,934.50.

Individual earnings of skilled workmen.—The individual earnings of linotype operators who work on piecework, which is the rule in the Times office, run from $5.50 to $7.50 per day of seven hours' work at the established piece rate of 11¼ and 13 cents per thousand ems, respectively.

Workmen by the day are guaranteed eight hours' employment. The rates are given further on. The workday for the piece men varies necessarily somewhat from time to time owing to the necessities of the office. Their working hours go up as high as 9 to 11 on the later days and nights of the week owing to the exigencies of the demand of the large Sunday issue. These earnings by the piece are substantially higher than the average earnings paid by the day or week for similar work in union newspaper offices throughout the country. It has been demonstrated by years of experience in my office that the piece system for compositors on the daily newspaper is far the best for all concerned. It is better for the workmen, because they earn higher wages in the same number of hours than do union employers working on an hour, day, or week basis, which is the cast-iron rule in newspaper offices dominated by the typographical union. It is better also because it stimulates the number he could operate by a special effort and permits him to rush, which practice is forbidden him in union offices; and is also better for the employer, because the piece system produces more satisfactory results in less time by reason of greater speed, celerity, and efficiency achieved.

The piece system is the thing for a rush job like the production of a daily newspaper on time every morning in the year. Any member of a nonunion daily newspaper thus properly directed and manned by free, independent, loyal and zealous workmen, is able to demonstrate beyond question these important truths, to wit, that higher wages paid to fewer workmen and coupled with greater efficiency and economy in the long run are practicable and possible. Besides there is the distinct advantage in the case of nonunion establishments that the employer and the maker of the pay roll and the man responsible for the wage payments is left free, as he ought to be, to conduct his own office and its affairs within his clear legal rights, within his own proper control, which can not be successfully disputed, and also with that self-respect and confidence which should be the owner's own undisputed possessions. He has a free man's right to stand up to his full height in his stalwart manhood, face the world and his workmen, making no apology for his presence upon earth as an employer.

Different rates paid to skilled labor.—In the composing room of the Times we established many years ago three different wage scales, created to compensate time work with the special object of paying hand compositors and other skilled workmen according to efficiency and merit. These different scales were originally agreed upon in the year 1890, after mutual negotiations between the office and the men concerned, and the several rates here first named were willingly accepted by the different classes working under them. This first arrangement was in operation without friction for several years before undergoing changes.

The rates paid for the particular classes of skilled labor here indicated were originally fixed as follows: Lowest rate 42 cents per hour, equivalent to $3.78 per day of 9 hours. Next higeher rate 45 cents per hour, equivalent to $4.05 per day. Next higher rate 47 cents per hour, equivalent to $4.23 per day of 9 hours. Subsequently there was a reduction in hours and considerable increases in the hour rates from time to time until they were finally brought up to the present figures, to wit: For daywork, 53 cents per hour, or $4.25 for 8 hours. For night workmen, 56, 62, and 75 cents per hour, respectively, according to classification, thus raising the night rates to $4.50, $5, and $6, respectively, per day of 8 hours.

In establishing these different scales for hour, day, and week work, the aim was, as I have already said, to pay according to merit and efficiency. It happens that the Times had in its employ for a long time several very faithful skilled workmen who were advanced in years, and while altogether competent for their respective tasks, they were necessarily less efficient than younger men. The office was averse to dismissing these veteran workmen because of lack of full speed caused by age, and therefore offered to retain them at wages which they themselves willingly accepted, wages paid on one or the other of the three

different bases first given herein. These veterans, however, then constituted only a small proportion of the entire force employed in the composing room of the Times. They were engaged on daywork mostly.

Other pertinent facts.—Collateral statements have been prepared, and it is proper that I should make here a series of collateral statements relating exclusively to the business and conduct of the establishment during nearly a quarter of a century past. These several statements are therefore made to intentionally cover a wide range with the object of showing the operations of the different departments of our publishing business, and especially including payments for labor, which, as I understand, is one of the subjects that the commission is investigating.

Other figures are given for the purpose of showing pertinent and important collateral facts bearing upon the situation, and necessarily to be included in the work of supplying full information as a basis for making up a just judgment upon present conditions, as well as upon those which earlier prevailed in this office, with some necessary exceptions, but always under the nonunion system.

Substantially among the pertinent facts and circumstances may be included the strike of 1890. This was a strike against the Times by its then union employees on the 5th of August, 1890. Only a very brief recital of the facts, however, and the circumstances leading up to the present status is required at this late date.

The strike was suddenly precipitated by our union workmen acting in conjunction with the other members of the local typographical union not in our employ. The strike was ostensibly undertaken because of the refusal of the owners and managers of the Times to yield to a demand of the local union that its members, or those of them in our employ, should be given the right to practically displace the management in their composing room. They were required in the ultimatum issued by the union to submit to arbitrary, unwarranted, unjust, and humiliating rules and keep all nonunion men out of the establishment and advance forthwith to a fixed rate of wages and a guaranty of continued control of the union in the composing room, with a chapel attached. The strike came after a single day's warning and on the very eve before a publication day, with the hope and expectation that the managers would yield rather than miss an issue. The other daily newspapers in the city—three—yielded to the strikers—two at the end of a day, the other at the end of a month. The Times alone refused to yield. It stood fast and defied and defeated the strikers. It has been a nonunion office ever since, or, more strictly speaking, a Printers' Protective Fraternity office.

This is a body of organized labor of the better sort, which has no affiliation with either the international or the local typographical union. Members of this reasonable and dependable organization have been chiefly employed by us, together with other nonunion workmen during the entire period since the unwise and unjustifiable strike of that long-ago period—a strike that was confessedly regretted by the strikers themselves.

A serious boycott promptly followed the strike, causing loss and annoyance to the office and some disturbance to general business. Merchants and other advertisers were systematically and viciously pursued and proscribed for patronizing the Times. Some of them suffered themselves to become temporarily frightened. Others yielded to the industrial terrorists. This condition went on for a considerable time, but gradually the merchants recovered their nerve, and one by one took their stand against organized labor and industrial despotism, the increase of which was then seriously undertaken in Los Angeles.

Fear of an enraged and proscripted unionism largely passed away. Trade resumed its normal frame, and for years past Los Angeles has been free from the domination of lawless unionism, the only sort of unionism that has been assailed by us. The employer, like us of the Times, never resents or assails law-abiding and fair-acting unionism, and very many unfortunate union men, deserving men who have been displaced, losing good positions, who might now be at work, possibly earning good wages had the folly of 1890, the indefensible strike, never been committed.

Earnings and operating expenses.—During the 23 years for which exact statistics are available the gross earnings aggregated $18,445,519.41, and operating expenses during the same period, the same years, were, all told, thirteen million——

Chairman WALSH. What were those years?

Gen. Otis. The 28 years last past, up to September 30, 1913. The operating expenses were—in which last set of figures are, of course, included payments of wages and salary amounting to the gross aggregate sum of $5,807,994.50, as already stated.

During our last preceding fiscal year the gross earnings amounted to $1,937,353.62 and operating expenses $1,671,900.00.

Advertising.—In the nine years preceding September 30, 1913, the Times printed 496,613 columns of paid advertising matter, with a gross income of $10,030,389.75 from that source. These figures are given for the purpose of showing whether the business men of Los Angles have been backward in supporting a pronounced, bold-speaking, nonunion newspaper, and shows whether they have been afraid to patronize the Times because of its upstanding position on the labor question. Coming down to the present, these figures are given: During the 10 months ending July 31, 1914, the advertising earnings aggregated $1,068,757.51.

Circulation.—Aggregate number of copies circulated in the year ending September 30, 1913, 23,314,624; daily net average, 53,700; net Sunday average, 86,770. Income from circulation during the same period, $420,654.29; cost, $323,152.38. Daily circulation (August, 1914), 56,682; Sunday circulation, 91,038; average daily decrease over the same month in the preceding year, 220 copies; average Sunday decrease, 6,411 copies.

As in the case of the advertising earnings referred to, these facts concerning circulation are cited to prove the claim that the Times is fairly popular in the community and fairly acceptable to a population, a vast majority of whom are men and women who work with their heads or hands, or with both. The circulation of the Times is substantially net and paid for, the "free copy habit" not being encouraged.

White paper.—Quantity consumed in the last preceding fiscal year, 18,507,604 pounds; cost, $492,084.24.

Dividends.—In the 25 years ending September 30, 1913, the dividend paid by the Times to its stockholders aggregated $1,599,970.50. This piece of inside information is not given boastfully or with any desire to parade the comfortable fact, but is disclosed "merely as an evidence of good faith," and for the purpose of showing that the establishment has been moderately successful in repelling the ravenous vulpine from the threshhold. During all these years the Times has received nothing in the way of gifts, subsidies or "windfalls," but has legitimately earned all the moneys shown in this statement, out of which it has paid its way in every particular—and "then some."

Destruction of the Times Building.—This tragic disaster, which occurred on the morning of October 1, 1910, resulted in a total money loss, as nearly as could be calculated and estimated after the disaster, of a little less than $500,000, offset by insurance (all promptly paid) aggregating $264,000. There was salvage in the way of presses, etc., rescued, to the amount of $40,000. The total cost of the restoration of the equipment destroyed in the mechanical department was $182,148.82, aside from the building. This is a sensitive subject, and I made it very brief.

The new Times Building.—Besides paying a modest dividend each year, as already shown, and paying the highest wages to skilled labor, we had managed to save up something for a rainy day, and these savings were put away under the head of "reserve fund." The rainy day, or more properly the fiery day, came, as already related, when the first Times Building was destroyed through the combined and wicked agencies of union labor conspiracy, dynamite and fire, with an aggregate gross loss of more than half a million dollars, and, saddest of all, the wiping out of 20 precious human lives—the lives of loyal and brave nonunion workmen who manfully stood fast at their posts during the perilous hours of death and destruction.

More inside facts—The matter of efficiency and economy.—As bearing upon this very important matter, I offer the following pertinent statements:

1. The Times sets from 15 to 20 per cent more display and classified advertising, news, and other reading matter every month in the year than does any other Los Angeles paper.

2. It employs a less number of workmen by 10 to 15 per cent, thereby proving greater efficiency on the part of its nonunion workmen.

3. It uses 22 linotype machines in its composing room, and our linotype operators, working on piece basis at the rate of 11¼ and 13 cents per thousand ems, respectively, earned an average last year of from $5.50 to $7.50 per night

of 7 hours, while the union scale for the same class of work in Los Angeles, fixed on a time basis, is $5.50 per night of 8 hours. Thus it will be seen that the nonunion man earns more money in shorter hours of employment, and that the employer gets more work done with less equipment and a less number of workmen than does the union concern; which facts prove that conditions are better for the employee and better for the employer in the Times shop than in the closed shop.

4. The Times pays nothing for work not done; that is to say, nothing for composition covering space occupied by picture cuts, maps, matrices of advertisement set elsewhere, etc. The rule expressed in the following words has been in operation for years: "No payments to any class of workmen for time not worked or service not rendered."

5. The average pay received by our operators would be considerably greater than it is were it not for the fact that we are retaining many old men who are not capable of turning out anything near the result that they formerly produced.

6. Our nonunion system has been so attractive to outside printers that we receive very many applications from expert hand compositors and linotype operators from far and near, who, being exceptionally efficient, seek to secure employment where efficiency and loyalty are rewarded; they preferring to have employment on a piece basis rather than be held down to a flat hour or day wage in closed-shop offices, where they must banish all hope of higher compensation, no matter how strenuously they may apply themselves. To illustrate:

7. Not a few union printers employed in union or closed-shop offices in Los Angeles have from time to time applied to the Times for employment during the last 20 years. Recently two young linotype operators employed by another local newspaper applied to the Times for employment, stating that they wanted to surrender their union cards and become permanent employees of the Times linotype operating room. When asked for their reasons for wanting to make a change, the spokesman for the two young men replied that he was a fast operator, declaring that at the Times piece scale he could average from $7.50 to $8 per night of seven hours; that he had been located in the union office where he had been working between two slow operators, who, even on the Times piece scale, would not be able to make over $3 per night of seven hours, and that he was tired of bringing up their average (indirectly) and earning their money for the "slow ones." In other words, he declared, that he and his companion were ambitious young men, and that it was rather repulsive for them to be held down to the level of inferior working, with no hope of anything better in the future, or any opportunity to receive compensation in proportion to the amount of work that they were able to turn off.

8. The Times workmen are prosperous and contented—cheerful, loyal, hopeful, and dependable. Many of them live in their own houses, and our relation with them are good; theirs with their employers likewise.

"*Organized" labor—The "closed shop.*"—Do I dispute the right of labor to organize? No; I do not, and never have I disputed it, all allegations to the contrary notwithstanding. In all these years of dispute, contention, ignorance, delusion, and bad blood on the part of its antagonists, since the year 1890 the Times has never editorially attacked organized labor as such, or because it was or is organized. It has steadily opposed and attacked the lawlessness and despotism of organized labor when it has shown itself to be guilty of these grave offenses, which, unfortunately, has been all too frequently, as the entire country knows. It is the offenses, the crimes, the despotism, and the monstrous and inherent spirit of monopoly which possesses and obsesses unruly organized labor so largely that I have assailed day in and day out. It is the systematic proscription by the unions—by many branches of organized labor generally—that force antagonism to free, independent, nonunion labor that constitutes the widespread and dangerous menace to personal rights and industrial freedom, and to the principal industries of the United States, that have alarmed thinking and patriotic citizens. Herein lie the great offenses to liberty and law, and to the true welfare of the country, committed with the amazing effrontery by "organized" labor so called. So, when asked whether I dispute the right of labor or of workmen of any class to organize, I say "No; provided the organization be on strictly legitimate lines—that is to say, within the limitations of law; and, provided furthermore, that the policies and practices of organized labor be consistently conducted within those necessary legal lines."

But when asked my opinion of the wisdom, the expediency and the actual benefits of "organization" in the long run I answer in the negative not

believing in these affirmations. I think that free labor—that is to say, independent, unshackled, nonunion labor—is the true condition, and that it results to more good to the workman and his family, to his employer, to the trades and industries, and to the country itself than does union labor, even when lawfully conducted. Union labor demands a monopoly in each and all of the trades wherein it may secure a foothold; and this demand is neither fair, lawful, practicable, expedient, nor beneficial when we take into consideration the true interests of all the people, including the workmen themselves, the employers, the capitalists, and the industrial operators upon whom labor must depend for steady employment at fair wages; for it is steadiness of employment—work the year around—that the workman "needs in his business."

Strikes and boycotts.—The evil of frequent strikes confronts all too frequently the employer, the workman, the manager, and the capitalist. It is a great evil. It retards progress; it disturbs the industries; it interferes with the carrying out of contracts; it fetters and restricts production; it results in forfeitures and loss of money by contractors and employers; it begets needless idleness; but, worse than all, it harmfully affects the workman himself by throwing him out of employment, frequently against his will, annihilating his pay envelope, and driving him and his family in too many cases to undeserving poverty and distress.

All of these evils are avoidable, and it should never be within the power of "organized labor" to bring such evils upon other workmen as well as upon themselves through the baleful device of the strike.

Any individual workman has the individual right to strike peacefully if he does not like his employment or his employer. I have never disputed that right whenever the striker feels moved to "move on." But when the strike is undertaken by masses of workmen acting in conspiracy and accompanied by violence, coercion, picketing, assaults, and the boycott, it becomes organized crime. The boycott itself is absolutely indefensible, and both in its primary and secondary forms, has been declared illegal by the United States Supreme Court as well as by minor Federal and State courts. There is not, and can not be, any such thing as a "peaceful boycott." In the very nature of the case, a boycott is and must be lawless and unjust denial of the legal and personal rights of the person or thing boycotted—one or both.

Question. "But is labor not justified in organizing for its own protection?" If the organization be lawful and not monopolistic, despotic, or proscriptive, I answer "Yes." But it is so often devoid of these saving qualities that little or no real or permanent good comes out of present-day organization in the long run. The conflicts, the strikes, the bad blood, the assaults, the violence and sure idleness and nonearning results which are the bad achievements of the strike, make the wisdom, the expediency and practical good flowing from the present-day organization of labor, when coupled with the "closed shop" extremely doubtful, if viewed courageously, broadly, and judiciously. The losses in a general and protracted strike I undertake to declare will when fairly footed up more than offset the gains through any advance in wages, or any reduction in hours, even when these results are achieved, which by no means follow every labor battle. So that the striker is a sure loser in the end.

The evil of labor monopoly.—I boldly challenge the narrow and selfish labor-union policy of undertaking to monopolize the industries and gather them into the hands of the organized few as against the unorganized many. This policy, besides being unlawful and unfair, is a demonstrated detriment to the whole body of American industries. It is not limited industry and restricted production that labor as a whole needs; but it is expanded, enlarged industries, and unfettered activities, coupled with increased production in all legitimate lines, that the whole country and all its people, workmen of all shades included, are most in need of. The solidarity of the industries and the best interests of the country go hand in hand, they demand the same policy, producing the same results; that is to say, the utmost possible production, yielding the utmost possible wealth. Can industrial production be forcibly restricted without a corresponding restriction in wealth production and the comforts of good living which all worthy workers alike are entitled to? The broad policy of sound industrial economy demands freedom of action, unfettered activities, and unrestricted production in all industrial lines.

The better way—Industrial freedom.—As I contend and have successfully maintained, free, independent, nonunion, unfettered labor is the true condition for the free-born, unenslaved American workman to live under. He has the right to be free under the Constitution and the laws of his country—free to

work where and when he will, in his own trade and pursuit, when engaged to any employer of his choice, and at such wages as the two, standing face to face, may mutually agree upon. Such a contract has the full force of law whether written or unwritten. "Collective bargaining" is not legally necessary, though practically convenient at times. The independent workman acknowledges allegiance to no union or labor combine whatever, and bows down to no walking delegate who may "walk" up to him in an auto and undertake to give him orders. He is not a "joiner," and pays no dues unwillingly, and stands no dread of being brought up with a jerk by the walking delegate or the union for exercising his indefensible right under the laws of his country to pursue any honest avocation of his choice in a lawful way, fearing only God and the laws of his country. When protected by that authority, as he is entitled to be, he is able to secure abundant employment at fair wages, to satisfy his employer, to avert idleness, want, and distress, to win his pay check when the day and the month are done, and to support his family and himself in comfort and self-respect. And thus he has no fear for his future, and no need of the so-called "protection of the union"—an elusive thing, which is more or less of a delusion. He is a free workman, a free citizen, and a worthy son of the Republic.

The union card.—If any narrow-browed and hidebound unionist sends hurtling back at me this chronic question: "How can the workman be sure of employment unless he carries a union card?" I answer that he has the guaranteed right, personal, legal, and natural, to seek employment as a free man, card or no card; and if the despotism, proscription, and monopolistic practices of so many of the unions were prohibited by law, as they should be, then the nonunion workman would have not only an equal chance with the union workman, but he would have a better chance and more favorable opportunities, because employers have become immeasurably tired of being dictated to, opposed, and controlled in the lawful management of their business and their establishments, and therefore they welcome the coming of dependable nonunion workmen to take the places of unreliable, dictatorial, shirking, and striking union laborers.

Once let the law-abiding employer be assured of the protection of the law against the violent strike and the indefensible boycott, which protection should be his always, and may be counted upon to become a steady champion of the open shop, even if he goes no further in that direction.

But more important than the strike, the boycott, or the rate of wages and their effects upon the employer is the sure result of freedom in the industries to the workmen themselves. The independent, nonunion workman does not strike, he does not boycott, and he does not denounce, proscribe, and fetter his own employer by recalcitrant conduct. Having no strikes to contend with, no boycotts to carry on, and no idle days to confront because of these evils, he goes on as a busy employee instead of an idle one; he loses no time unwillingly or because of having been "ordered out." He gets in more days of work in a month or in a year, on the average, than does the uncertain, belligerent, mobilizing, and striking union workman; and at the end of a year he finds he has earned a greater volume of money during the preceding 12 months than does the man who takes orders from the union's walking delegate and strikes, loses time and his job, and disobeys the commands of the law even if he escapes its custody. Moreover, he has saved money in other particulars. He has paid out nothing for dues, fines, assessments, contributions, or "bitter beer." He has a home of his own, either paid for or in the process of liquidation; he has contributed nothing to the pocket of the leeching walking delegate. In brief, he is better off because of his robust, steadfast, stalwart, nonunionism, and is vastly more self-respecting.

The folly of industrial fetters.—I also openly challenge the wisdom, the expediency, the legality, and the rightfulness of organized labor when coupled with its demand for the closed shop. No citizen seeking to earn his living by his labor can lawfully be deprived of that right by the edict or the action of any private labor combination—by any authority less than the law itself. When such an attempt has been submitted to the test of the courts it has gone down in defeat and dismay. Union men may strike to their hearts' content, if the striking be peacefully done, but they can not deprive nonunion or independent workmen of the right to seek, receive, and carry on any legitimate employment under agreement with the employer. Can a union workman secure wages, make money, or dispel idleness through the preposterous process of voluntarily stopping work and getting his name off the pay roll?

The strike inevitably ends in enforced and needless idleness, diminished production, wealth destruction, and the deliberate throwing away by the workman of wages not earned, but which he might have received had he only held onto his job. What folly this is.

It is industrial warfare that directly produces these deplorable and unjust conditions. And I declare unhesitatingly that they are almost without exception needless. The employer must be free and his workmen must be free. The employer must thrive if his workmen are to thrive, all working hand in hand in the creation of industrial activity and production.

Industrial unrest—what is the chief producing cause of it? Not those peaceful, rational conditions in the industries which I have here depicted, but the very opposite, the conditions so largely growing out of militant trade-unionism, which, if it were able, would make the closed shop universal throughout the land, thus monopolizing, or attempting to monopolize, American industries in the hands of a few workers—less than 15 per cent of the whole body of labor—a thing impossible.?

But these flagrant wrongs and undeniable evils are not all. The closed shop, the strike, the boycott, and the bludgeon, when summoned to the aid of desperate and militant unionism, as has been done in countless cases, are notoriously lawless devices, inevitably producing that industrial unrest which is now the subject of official inquiry.

It could not be otherwise. It is the law-defying minority undertaking to dominate, coerce, proscribe, and persecuting the law-observing majority, which restrains itself because of its respect for liberty and law. These practices here condemned could do nothing less than produce industrial unrest. Moreover, such conditions result in no good to the disturbing unionists themselves. They put an end to employment during long periods of time, paralyze the pay roll, create needless idleness, disturb and disorganize the industries, vastly diminishing production and profits, also so essential to the property of employer and workman alike, to the business and to the country.

The true remedy.—The obvious remedy is industrial freedom—that free, law-protected right of all laborers and other workmen, without distinction, to lawfully seek and secure, without tax or toll, any employment of their choice upon even terms, and without restriction or interference by any private labor combine, or by any power whatever lower than the laws of the country or the authority of its judicial and executive officers.

Anything short of this is a species of industrial despotism, repugnant to the Constitution and the law, to the Declaration and to the natural rights of man. These great bulwarks of individual guarantee and defense must be maintained by our free working citizens—by all citizens in fact—in the face of private and irresponsible labor leagues, orders and organizations, acting contrawise, unless we are actually prepared to suffer still more steps in the direction of industrial anarchy, misrule, and unrest to be taken in these United States.

Abolish union-labor monopoly, discrimination, and violence, the denials of employment to all nonunion workers, and other flagrant evils of the dictatorial closed shop, and there will result work for all at fair wages; accelerated production and increased personal comfort will speedily follow, succeeded by the disappearance of the public soup kitchen and the elimination of industrial unrest. The objection may possibly be advanced that there are not enough nonunion workmen in the entire country to carry on its industries. No fears need be harbored on this score. When nonunion workmen are given the protection to which they are clearly entitled under the rule of law and justice, there will come a mighty accession to their ranks from the closed-shop camps, which are literally honeycombed with members who will break away when they once find that they can better their condition under the sound system of freedom in the industries.

There will be work for all workers. The great industries, the mighty fields of production and supply, the measureless channels of trade, the busy hives of manufacturing and commerce and trade—all will need to be manned by willing, eager, free, and unfettered American workmen, because the United States of America has work to do. Her workmen, tradesmen, producers, and people are surely destined to receive a loud call to work for the world henceforth. Shall we not prepare to answer the coming call?

Conclusion.—These matured convictions of mine, based upon close observation and long experience, make no doubt the necessity, the efficiency and practical benefits of trade-unionism as it exists in this country to-day when coupled with its demand for the closed shop. Until both shall have been radically

reformed they will continue to be a menace more or less serious, to the great industries and to the country. As a broad proposition, neither can be defended on national, just, and true economic grounds by either workmen or employers. Organized labor is not essential to the industries and could not make headway against free unorganized labor were it not bolstered up by monopoly, force, and proscription, frequently accompanied by violence and outright lawlessness. Though anything like a sudden change of the two systems might be accompanied by some embarrassment to the large industries at the outset, the business system and industrial population would speedily adjust themselves to the new order of things, because it would surely prove to be a better order and a better system.

I am submitting these statements in writing by permission and upon invitation of the commission, through one of its proper officials, and I have aimed to make them as practical, direct, authoritative, and compact as is compatible with the nature and importance of the subjects traversed.

HARRISON GRAY OTIS,
President and General Manager The Times-Mirror Co., and Editor Los Angeles Times.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. I want to preface my two or three questions, General, with the statement that my organization is an organization composed of pieceworkers wholly. That there is not an instance on record where that organization has ever requested an employer to discriminate against a nonunion man. Therefore, it is from that standpoint——

Gen. OTIS. That organization is exceptional, and I am glad to know it.

Commissioner GARRETSON. It may be exceptional in that direction, but those are the facts and they are easily proved. You speak of the respect to which an employer is entitled as a free and independent man.

Gen. OTIS. He is.

Commissioner GARRETSON. Is he entitled to any respect as an employer unless he measures up to the standard of what an employer should be—if unjust employer, is he entitled to any respect?

Gen. OTIS. Certainly not. No unjust man is entitled to respect. I am assuming employers with good motives and good actions, and they are entitled to respect and are not slaves in the presence of their workmen. They are not compelled to yield everything that is demanded of them.

Commissioner GARRETSON. Then, in reality, they are entitled to respect because of the fair treatment they accord and not simply because they are employers?

Gen. OTIS. Well, they are entitled to respect as employers because they occupy an important place in industry and because they perform an important work and perform an important service to the men under them.

Commissioner GARRETSON. And it is in proportion to how well they measure up in that important respect, that you hold they are entitled to the respect not only of their own class but every other?

Gen. OTIS. Yes, sir; no dispute about that. I have not disputed it.

Commissioner GARRETSON. What has been the history of pieceworking in the past as between employee and employer?

Gen. OTIS. Well, the piece system is not applicable to a great number of employments. In fact, it is applicable only, I think, to a minor number of employments.

Commissioner GARRETSON. Isn't piecework—hasn't the attempt been made to partially establish piecework almost exclusively in the metal trades, for instance?

Gen. OTIS. I am not acquainted with that.

Commissioner GARRETSON. But where it has been established, what has been its history in regard to establishing the amount of efficiency that could be secured from the faster man and then making that the standard or minimum for all, in fixing the price?

Gen. OTIS. I have endeavored to show that that isn't fair. A man should be paid according to his earnings.

Commissioner GARRETSON. Hasn't that been the history of piecework in the various crafts where it has been established?

Gen. OTIS. I am not prepared to answer that.

Commissioner GARRETSON. Now, to show you the tendency in that direction: You heard the witness who preceded you on the stand refer to a little threatened

trouble between the engineers and firemen of the whole western territory in dealing with their management, in which the employers' association here, or manufacturers' and merchants' association, was applied to exercise its friendly offices by the sending of a telegram. Do you know what was the impelling cause of trouble in that disagreement, bearing in mind the disagreement is passed by now, we have signed an agreement to arbitrate.

Gen. OTIS. I didn't get that question.

Commissioner GARRETSON. You know there was trouble threatened in the railroads in the western part of the country three or four weeks ago?

Gen. OTIS. Yes, sir.

Commissioner GARRETSON. Do you know what was the basic cause of the trouble?

Gen. OTIS. Well, I know it was the usual disagreement that occurs between employer and employee, the employee making demands that the employers were not willing to concede.

Commissioner GARRETSON. Are you aware of the fact that there was an attempt to substitute the day system for the piecework system that has operated on the railroads of this continent for 20 years; that this was the real stumbling block?

Gen. OTIS. I did not know that.

Commissioner GARRETSON. Are you aware that the whole trainmen, the engineering force, of the continent, is paid on what is known as the time-bonus system?

Gen. OTIS. Yes, sir; I know in a general way.

Commissioner GARRETSON. And it was the effort to abolish that time-bonus system that brought about the disagreement between those crafts. Could you interpret that any other way than just along the line I have named? Twenty years of efficiency under the bonus system is now to be used to establish a day wage which would bring the men less earnings.

Gen. OTIS. Possibly the hours are reduced.

Commissioner GARRETSON. How is that?

Gen. OTIS. Possibly the hours are reduced in the proposed new system, and that would affect the question directly.

Commissioner GARRETSON. Is what?

Gen. OTIS. Possibly the hours were to be reduced under the new system.

Commissioner GARRETSON. Under the time-bonus system hours necessarily enter into it. He is given a bonus of time if he performs a certain stunt in less than the ordinary time that will be required, and it was the effort on the part of the company to abolish that that brought about this deadlock that was referred to.

Now, are not the railroads—possibly the largest single employer on the continent, the railways—and if that is the case, would not the attitude of that, the largest employing body, dealing collectively, be a general example of the consensus of opinion of the average employer?

Gen. OTIS. It would hardly apply to other employments, because the conditions are different in other employments and the views of the managers are different and their processes and methods are different; necessarily so.

Commissioner GARRETSON. I judge you are an absolute believer in the supremacy of the law?

Gen. OTIS. Yes, sir; I am.

Commissioner GARRETSON. Providing the laboring men, organized or unorganized, cause or enact laws, because in the enactment of laws they have usually acted as a unit, whether they have in industrial matters or not—if following up the policy of the ballot and not of the bullet, should enact laws that brought about the domination of those things that the laboring men think is good for them, at least, what would your attitude be toward those laws?

Gen. OTIS. Pardon me. Will you state that once more? I am sorry to ask you to do it.

Commissioner GARRETSON. If using the ballot the men who labor——

Gen. OTIS. Yes, sir.

Commissioner GARRETSON. It don't matter whether union or nonunion brought about the very condition which you criticize as having been brought about by union labor, or tried to be brought about by union labor, do secure the enactment of laws which made all these things you complain of, legal, what would be your attitude toward that law?

Gen. OTIS. I would suffer along with the rest until the law was repealed.

Commissioner GARRETSON. And if it was repealed, your subjection to it would be final?

Gen. OTIS. I would continue to suffer.

Commissioner GARRETSON. Now, this is a question of opinion. You take the laws of the world that were enacted covering the relations between master and servant, the laws of the world—we will draw the line 50 years ago——

Gen. OTIS. Isn't that rather remote?

Commissioner GARRETSON. How is that?

Gen. OTIS. Don't you think your questions are rather remote? We are dealing with the present.

Commissioner GARRETSON. I have heard we are dealing with both the present and the future, and I have seen it inscribed by some men other than in the labor union, that say you judge the future by the past. That is what makes me base the question there. The laws of the world governing the relation of master and servant have been in the past enacted by the influence of the employers, have they not?

Gen. OTIS. I think so. We are advancing as rapidly as we can from the darkness of the past. We are working at it.

Commissioner GARRETSON. I am going to get where we have advanced in a minute. What I want to get you to do is this: Isn't it possible that the thinking laboring man now feels toward existing laws, just as you have expressed yourself you would feel toward the law that you would suffer under, that he is suffering under it until he could amend it?

Gen. OTIS. That is the duty of every law-abiding man.

Commissioner GARRETSON. It is their right.

Gen. OTIS. It is his duty to stand fast and stand under a law until it is repealed; and there is no special virtue in a workingman doing that, or no special virtue in a capitalist doing that.

Commissioner GARRETSON. Not any special virtue, but it is his undoubted and inherent right to do it if he can, isn't it?

Gen. OTIS. His inherent right to do what?

Commissioner GARRETSON. To secure legislation along the line he desires?

Gen. OTIS. No question about that. You don't need to question me on that.

Commissioner GARRETSON. The present social legislation, so called, or unionism legislation, that has been passed by the various States or the Nation within the past 15 or 20 years, has it been secured by the united action of the laboring man largely or by the united action of the employers largely?

Gen. OTIS. Neither.

Commissioner GARRETSON. Neither.

Gen. OTIS. It has been secured by the average good motives and good principles of the community at large. Fair men throughout the country embracing men of both classes.

Commissioner GARRETSON. Who is to blame for the enactment—I am going to take the most glaring instance—who is to blame for the enactment of what is described very often by its opponents as the class legislation of the Clayton Act? Who has either the condemnation of having secured it or the glory of having secured it, according to the viewpoint of the criticizer? Isn't it labor?

Gen. OTIS. I believe so.

Commissioner GARRETSON. Isn't that fairly representative of many of the so-called enactments? The compensation law, for instance, like the one in your own State.

Gen. OTIS. I will say generally on that point, so as to save you from asking me too many questions——

Commissioner GARRETSON. Yes, sir.

Gen. OTIS. I will say generally any law procured by any class which is in itself unjust and discriminatory and unjust to another class is not to be justified.

Commissioner GARRETSON. But if it is in existence is it to be bowed to?

Gen. OTIS. Is it to be what?

Commissioner GARRETSON. Bowed to and lived up to by all?

Gen. OTIS. Yes, sir. I believe in the sentiment of Gen. Grant who said if a law is odious let it stand until it is repealed, and repeal it as soon as possible.

Commissioner GARRETSON. But conform until you do repeal it?

Gen. OTIS. Yes, sir; no doubt about that.

Commissioner GARRETSON. Just one other question, that is in regard to what labor has done in the matter of the betterment—what labor organizations have done for wages. I am going to ask you in your own craft. In the past 25

years or so the composing-room men and those allied therewith have been organized generally, have they not? What is known as the allied printing trades. What have they done in the betterment of wages in 25 years for their men? Increase of the sum paid and shortening of hours?

Gen. Otis. I can't answer for the allied printing trades or the union side of the question. I can answer for ourselves.

Commissioner Garretson. Then for yourselves.

Gen. Otis. I have already answered.

Commissioner Garretson. What is the per cent of increase to the individual man in any one of those trades? The compositor, what is the comparison between what he was earning 25 years ago, or what he was paid 25 years ago, and what he is paid to-day?

Gen. Otis. Twenty-five per cent.

Commissioner Garretson. Twenty-five per cent?

Gen. Otis. Somewhere in that vicinity. I can figure it out for you.

Commissioner Garretson. Now, in regard to another craft where there has been no organization, also connected with a paper. How much increase in the same period has there been in the pay of newspaper reporters, who are not in this country, I think, organized? I only know one or two places where they are, or a few places.

Gen. Otis. My answer to that would be very general, and I am not—I could not pretend to——

Commissioner Garretson. Well, what is the general going pay for them then and now?

Gen. Otis. I should say 15 to 25 per cent in the 25 years of my experience.

Commissioner Garretson. You think they have advanced as fast as the organized trades?

Gen. Otis. I should say very nearly.

Commissioner Garretson. From your experience is that true of organized and unorganized labor in general?

Gen. Otis. Well, as I have stated generally and repeat, high wages on a nonunion basis are entirely possible. They are paid to efficient workmen under conditions where the proprietor and his men come together with a good mutual understanding, and where there is no restriction on the proprietor paying—no restriction on the efficient workman demanding extra pay, and no restriction on the proprietor paying it. In other words, the classifications are more distinct and more pronounced in nonunion labor than they can be under union labor.

Commissioner Garretson. Well, are those classifications as a rule downward or upward?

Gen. Otis. Well, I think they are upward. I can answer for ourselves that they are upward.

Commissioner Garretson. There I would ask as to the generality of it, not for your own establishment.

Gen. Otis. In the nature of the case, sir, I could not answer that.

Commissioner Garretson. Well, wouldn't any other plan be a little like an answer a gentleman gave in Frisco the other day, a very large employer and a strong—well, I will call him an open-shop man. That will describe him to you. I asked him the question, in regard to another matter, if organized employers had ever done a certain thing, and he said it was not human nature that they should. Now, isn't it human nature that if the limitations are not on the employer, that are placed there in greater or less degree by organized labor, that he would—the average man, because the workman and the employer is usually made of the same clay—isn't it human nature that he would take the opposite view of the man himself and naturally classify downward instead of upward?

Gen. Otis. Well, the best answer to that, sir, is that the great law of supply and demand governs and should govern.

Commissioner Garretson. Don't supply and demand always fail to govern when there is an oversupply of one of the factors? The testimony shows that there is a hundred thousand men here——

Gen. Otis. Well, if there is an oversupply, wages go down. No use to dispute that.

Commissioner Garretson. What?

Gen. Otis. If there is an oversupply, wages go down. If there is an undersupply, wages go up.

Commissioner GARRETSON. There you have it. And there has been a great many instances where the influences of labor have kept it from going down beyond a certain mark when there happened to be an oversupply of labor, have there not?

Gen. OTIS. I think so.

Commissioner GARRETSON. That is really the very object of one form of labor, is it not—organized labor?

Gen. OTIS. What you want to get at Mr. Garretson, I can see, is a question which I have already answered candidly. I said I didn't oppose the organization of labor. I oppose its violence. I oppose the closed shop. They can organize as much as they please, but if they use violent methods, restrictive methods, proscriptive methods, and keep the other man from working, then it is wrong, grossly wrong.

Commissioner GARRETSON. It resolves itself into this——

Gen. OTIS. For instance, I have an equal right with you——

Commissioner GARRETSON. How is that?

Gen. OTIS. I have an equal right with you to go into the railroad business.

Commissioner GARRETSON. Sure.

Gen. OTIS. And try to get a job.

Commissioner GARRETSON. Yes.

Gen. OTIS. If I got the job, I would lose it and you would keep yours.

Commissioner GARRETSON. Why?

Gen. OTIS. Because I would not be competent for it. You would keep your job because you have been at it so long.

Commissioner GARRETSON. You would probably be even higher up if you had started when I did.

Gen. OTIS. How?

Commissioner GARRETSON. You would probably be even higher up if you had started when I did.

Gen. OTIS. I could make the attempt now. I would not get the job. And if I did get the job, I would lose it.

Commissioner GARRETSON. But while you did, let me tell you this, you would work for just as much money as I did under the railway system——

Gen. OTIS. Well——

Commissioner GARRETSON. If you could do it at all.

Gen. OTIS. That might be the best system. I think the railroad company would be a great fool for paying me as much as they paid you.

Commissioner GARRETSON. As a pieceworker, if you could do it at all, you would get the same money I did.

Gen. OTIS. These questions are very useless. They don't lead anywhere.

Commissioner GARRETSON. Well, this one may get somewhere. [Laughter.]

Chairman WALSH. Let us have order.

Commissioner GARRETSON. Isn't organization, or hasn't organization been the law of man since they first found out that two men could roll a stone that one could not?

Gen. OTIS. Why, I think so; yes.

Commissioner GARRETSON. Good. That is all.

Chairman WALSH. Commissionr Weinstock wants to ask a question.

Commissioner WEINSTOCK. I wanted to make sure, General, that I understood your attitude in the matter of labor. What I gathered from the reading of your statement was this: That you believe that labor has the right—the moral and the legal right—to organize.

Gen. OTIS. I said so.

Commissioner WEINSTOCK. That you——

Gen. OTIS. After it is organized it should stay legal.

Commissioner WEINSTOCK. Yes.

Gen. OTIS. Stay law-abiding.

Commissioner WEINSTOCK. Yes.

Gen. OTIS. Continue law-abiding in its practices.

Commission WEINSTOCK. Exactly.

Gen. OTIS. And unless it does then it is objectionable.

Commissioner WEINSTOCK. Your opposition is not to unionism, but to unlawful unionism?

Gen. OTIS. Certainly. Yes, sir. Has been always.

Commissioner WEINSTOCK. And yet I further gathered from your statement, General, that you think labor is unwise in organizing; that organization has not accomplished anything for it.

Gen. OTIS. It is unwise when the organization is coupled with restrictions and with the closed shop, because the great thing is to have everybody at work. Everybody that wants to work in this country should have a chance to work under fair conditions and under equal conditions in order that all may thrive, in order that production should be very great, maybe immense, and wealth be produced on a large scale.

Commissioner WEINSTOCK. And is it, then, as the result of your experience and observation, General, that the organization that is a successful organization can go hand in hand with the open shop?

Gen. OTIS. I doubt it.

Commissioner WEINSTOCK. You think not?

Gen. OTIS. No. For the reason that if organization is not accompanied by the closed shop and by violence and proscription, it goes to pieces—sure to go to pieces. If all men work on the same basis and receive the same wages, thousands of union men would not stay in the union. They would give up their cards, and they would stop paying dues, and they would stop paying assessments, and they would stand up in their manhood and say: "I am an independent American citizen, and I have a right to work, and I will take a chance with my employer."

Commissioner WEINSTOCK. Then, it is your opinion that the union can only exist where the closed shop exists?

Gen. OTIS. That is substantially my opinion.

Commissioner WEINSTOCK. Yes.

Gen. OTIS. I think that——

Commissioner WEINSTOCK. Of course, by the closed shop——

Gen. OTIS. I think this, however. In order to make myself understood, I think that if the union had none of these evils attached to it that it would have a chance to exist, because necessarily there are some employers that would say: "Well, we will stick to the union. We will stick to the old union, especially as it has reformed." And in that way, there being no proscription of the union, either by employers or by the nonunion men, the union would have its chance, its opportunity, and, if it could demonstrate it could do better work at the same wages, many union men would be employed, and many nonunion men would me employed.

Commissioner WEINSTOCK. I want to make sure, General, that you and I define the words "closed shop" in the same way. By a closed shop I understand a shop where only union men are employed.

Gen. OTIS. That is it; exactly.

Commissioner WEINSTOCK. Where a nonunion man is not retained?

Gen. OTIS. No. He is kept out; denied his rights to that extent.

Commissioner WEINSTOCK. Well, now, would you call the railroads—that is, the employment where they employ conductors and engineers and firemen and brakemen—are they operated under the closed shop or the open shop? In other words, so far as you know, do the railroad managers resolve to themselves the right to employ any man that applies, union or nonunion, or must they employ only union men?

Gen. OTIS. Well, both practices prevail. Right here in this city there is a railway line——

Commissioner WEINSTOCK. I am speaking of steam railways now.

Gen. OTIS. Well, I am speaking of the local, which won't have a union man on account of trouble that they had heretofore, and they seem to get along beautifully.

Commissioner WEINSTOCK. I may be misinformed, but I have been under the impression that in the railway—in the steam railways all over the country the managers reserve the right and are practically given the right by the unions to employ whomsoever they please, union or nonunion.

Gen. OTIS. Then it is open shop.

Commissioner WEINSTOCK. And yet Mr. Garretson has told us, and we all know, of course, that the railway unions are very powerful, that their organizations are pronounced successful.

Gen. OTIS. If that is true, wouldn't it, then?

Commissioner WEINSTOCK. That the open shop and unionism can prevail, can go hand in hand?

Gen. OTIS. I want to answer this way: They are practicable; their existence together is practicable, provided there is no proscription on the part of the union. If any man wants to belong to a union, remain in a union, permit them

to remain there; they get employment from such employers as are willing to employ both classes.

Commissioner WEINSTOCK. That is, where the employer has not reserved the option to employ either union or nonunion men?

Gen. OTIS. Yes.

Commissioner WEINSTOCK. And where he does not attempt to employ nonunion men just simply for the purpose of displacing union men, you believe it is possible, then, for the union and the open shop to coexist?

Gen. OTIS. Yes.

Commissioner WEINSTOCK. You say you are opposed to unlawful unions? How would you regard the unionist that insists for organization in Los Angeles to-day to say—that is, lawful unionists—that is unlawful unionism?

Gen. OTIS. It is generally lawful, because their strikes are rarely—the men have struck unsuccessfully, as a rule, for many years past.

Commissioner WEINSTOCK. Have there been any recent acts of violence committed by unionism?

Gen. OTIS. Yes.

Commissioner WEINSTOCK. There has been?

Gen. OTIS. Yes.

Commissioner WEINSTOCK. How recently?

Gen. OTIS. I would say three or four years. Do you want flagrant instances?

Commissioner WEINSTOCK. That is your own case?

Gen. OTIS. Yes; the destruction of the Times Building by an "organized" bomb thrower. He was "organized," all right. He was not unorganized.

Commissioner WEINSTOCK. What frame of mind are we to be left in by that opinion? Would you say organized labor—say, for the past quarter of a century—has done anything toward bettering the condition of the workers or not? In other words, would they have been better off to-day, in your judgment, if there had been no organization of labor in this country?

Gen. OTIS. That is a matter of doubt, because the good done has been offset so largely by injurious strikes, by losses of wages, by violence and suffering—that is, to themselves and their families. That is a tremendous offset to the good done.

Commissioner WEINSTOCK. You believe if it was possible to strike a balance, put the gain on one side of the ledger and the losses on the other side of the ledger, that they would substantially offset each other?

Gen. OTIS. No; I would think that the union man would be under.

Commissioner WEINSTOCK. He would be worse off?

Gen. OTIS. I think it would be a showing against him. I do not think that the ledger would balance.

Commissioner WEINSTOCK. That the red-letter figures would be on the debit side?

Gen. OTIS. Yes; sure.

Commissioner WEINSTOCK. Among the things that we are investigating——

Gen. OTIS. If you will allow me. I do not want to answer any questions that are not asked, but let me suggest, if you deliberately count up the tremendous loss that has taken place in 1, 3, 5, or 10 years through strikes, through boycotts, through idleness, prolonged idleness, months, even years of idleness, that it would make an immense volume of money lose. I would avoid all that. I would avoid all that, so I would not have the union man suffering. If he still wants to stay in the union, let him stay. But the condition ought to be such that he would be relieved from tremendous losses there. Now, then, take the man, who, when the walking delegate comes around and tells him he must strike, he strikes against his will. That is what the man pays.

Commissioner WEINSTOCK. Among the things that this commission is inquiring into is the matter of the workmen's compensation act. What is your judgment of the workmen's compensation act, General? Do you think is it a good thing or a bad thing?

Gen. OTIS. Well, it is very difficult to regulate wages by law.

Commissioner WEINSTOCK. Not wages; workmen's compensation.

Gen. OTIS. Oh, the compensation act?

Commissioner WEINSTOCK. That is, to cover the injuries by accident in industry.

Gen. OTIS. If the act is right and fair in its operation, I would favor it.

Commissioner WEINSTOCK. How has the California workmen's compensation act worked out, so far as your own information is concerned, during the time of

its operation, the last six or seven months? Has it been a success or a failure, as you see it?

Gen. Otis. It has worked out very radically for the benefit of the injured workman; there is no doubt about that.

Commissioner Weinstock. Well, has it been a serious burden on the industry?

Gen. Otis. Well, necessarily, if it is carried too far. If it is unjust in the enforcement, the employer suffers.

Commissioner Weinstock. Of course, I am speaking of the law as it is today.

Gen. Otis. Yes.

Commissioner Weinstock. In your own experience have you found it a serious burden?

Gen. Otis. Well, no; there are not very many cases occurring. We are responsible to pay the bill and let it go at that.

Commissioner Weinstock. Have you taken the trouble or have you sufficient interest in that to compare the cost for accidents in your industry, say, this year, and the corresponding period last year?

Gen. Otis. No; I have not.

Commissioner Weinstock. You, then, don't know whether it has cost more or less?

Gen. Otis. No.

Commissioner Weinstock. Do you carry accident insurance, or do you carry your own insurance?

Gen. Otis. Well, we carry insurance, you know.

Commissioner Weinstock. Carry insurance with some insurance carrier, I presume?

Gen. Otis. We know that workmen injured in our service are entitled to claim damages. We recognize the fact, and we pay them money when it is assessed.

Commissioner Weinstock. Well, under the compensation act, General, they are not entitled to claim damages by law; that is, they can not bring suit against you unless you personally had been grossly negligent; but they are entitled to a certain compensation equal to, I think, 65 per cent of their earning power if you carry your own insurance, which you say you don't; of course, you would pay that. If you carry insurance in an insurance carrier they are liable to pay it, and the only burden that would be put upon you would be the premium you pay to the insurance carrier. If the matter was put to a referendum against the continuing of compensation—workmen's compensation—would you favor it, or would you be opposed to it?

Gen. Otis. I would look into it carefully, and if it was fair I would favor it, and if it was an unjust act I would oppose it.

Commissioner Weinstock. At this moment you don't know whether it is a fair or unfair act?

Gen. Otis. I really haven't looked at it very closely. As I say, if anybody has been injured in our service we have paid the bill and let it go at that.

Commissioner Weinstock. That is, you did not before the compensation act?

Gen. Otis. Certainly. Mr. Chairman, you requested from me certain facts about the wages, skilled labor, in certain departments. Am I correct?

Chairman Walsh. Sir?

Gen. Otis. You asked me for figures in regard to the payment of skilled labor in certain departments.

Chairman Walsh. Yes; in all departments.

Gen. Otis. Well, in all departments.

We have a stereotypers' room, 7 employees, averaging weekly wage of $22.80.

In the pressroom we have 18 men earning an average weekly wage of $20.70.

In the general mechanical department, over which there is a foreman, we have 7 men earning an average weekly wage of $22.05.

I will give you in somewhat more detail the composing room. Here it is in somewhat more detail: In the stereotyping room we have 1 man at $28.45 a week; 1 at $27.50 a week; 1 at $24 a week; 1 at $19.50 a week; 1 at $18 a week; 2 at $16 a week; making an average, as I have before given, of $22.80.

In the pressroom we have 1 man at $35 a week; 1 at $30 a week; 2 at $28.50 a week; 1 at $25.50 a week; 1 at $24 a week; 1 at $22.50 a week; 1 at $21 a week; 2 at $18 a week; 1 at $16.50 a week; 7 at $15 a week; total number listed, 18; average, $20.70.

General mechanicians; Number of men employed at a weekly rate by the week is 1 at $48.35; 1 at $24 a week; 2 at $21 a week; 3 at $15 a week, and the total number in that department is 7, averaging $22.05.

Shall I leave this with the commission?

Chairman WALSH. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. These are for eight hours a day; how many days a week?

Gen. OTIS. They are for eight hours a day; extra pay for extra time.

Commissioner COMMONS. How many hours a week?

Gen. OTIS. Forty-eight. We have a six-day basis.

Commissioner COMMONS. Do they make much overtime?

Gen. OTIS. Yes; frequently.

Commissioner COMMONS. Do they work more than six days a week, take the piecework?

Gen. OTIS. Unless there is an emergency.

Commissioner COMMONS. Is there anything to prevent a man working as many days a week as he wishes?

Gen. OTIS. We don't like to have him work seven days.

Commissioner COMMONS. Do you have any rule on that subject?

Gen. OTIS. Yes; we issued an order a great many years ago to reduce, except in cases of emergency, the days to six. And that reduction was accompanied with no reduction of pay, so that it was an advance at that time.

Commissioner COMMONS. What form was the order issued in that no one shall work more than six days?

Gen. OTIS. As you are particular about it, I will say it was an order I wrote or telegraphed from Washington the day Maj. McKinley was inaugurated.

Commissioner COMMONS. How was it framed—no man shall work more than six days?

Gen. OTIS. Certainly; the rule to be six days' work, not more.

Commissioner COMMONS. Are there any considerable number that work over six days now?

Gen. OTIS. No.

Commissioner COMMONS. What was the linotype price when you first installed the linotypes; in 1896, wasn't it?

Gen. OTIS. Eighteen hundred and ninety-three, the time of the first.

Commissioner COMMONS. What was the piece rate; about?

Gen. OTIS. I think it was 12, 14, and 15 cents.

Commissioner COMMONS. When you started it was 12 and 14 cents?

Gen. OTIS. Yes; and 15 cents for a certain class of type.

Commissioner COMMONS. It is about that now?

Gen OTIS. Less than that.

Commissioner COMMONS. Eleven and a half and——

Gen. OTIS. Thirteen.

Commissioner COMMONS. Do you know how much the men, comparing the output of the men, how much it has increased? What could they earn at that early rate or those early rates?

Gen. OTIS. Well, I have answered from five dollars and a half to seven dollars and a half, seven hours, at the existing rates.

Commissioner COMMONS. At the present time?

Gen. OTIS. Yes.

Commissioner COMMONS. Ten years ago, did they earn the same?

Gen. OTIS. No. Well, I would have to look at the figures to see, I would have to go back and see what they earned at the rates then paid. But they earned higher wages in a nine-hour day.

Commissioner COMMONS. Give us the figures, say, for 1900, 1901, 1905, and the present time, what they would earn.

Gen. OTIS. I can get the figures.

Commissioner COMMONS. Give us the figures, please.

Gen. OTIS. Yes.

Mr. Chairman, I will demonstrate a little more precisely than I did in my written statement the measure of efficiency reached by our workmen on the machines, on the linotype machine, as compared with union offices employing workmen by the week, and our rule, which is invariably the piece rate, and some union offices who have been under that rule universally, as I understand it. I have some means of ascertaining very closely what the difference is in the production of our 32 machines, with a less number of men, and the production of a union office, so as to discover the truth of the claim that we have greater

efficiency, more output, with a less number of machines than union offices working on the other basis. In brief, showing the higher rate for men and greater economy for the office.

Chairman WALSH. Mr. O'Connell says he has some questions he would like to ask.

Commissioner O'CONNELL. Do you employ union men in your plant, members of the typographical union?

Gen. OTIS. No; we do not.

Commissioner O'CONNELL. Do you employ any union men; do you put any union men there, if you know they are union men as such?

Gen. OTIS. Sometimes there are union men in our art room and in the press-room.

Commissioner O'CONNELL. Are they asked the question when seeking employment whether they are members of the pressmen's union or the typographical union, as the case may be?

Gen. OTIS. Yes; asked the question flatly.

Commissioner O'CONNELL. If they admit that they are?

Gen. OTIS. We don't employ them.

Commissioner O'CONNELL. Then, you are not running an open shop; you are running a nonunion shop?

Gen. OTIS. We are runing a nonunion shop.

Commissioner O'CONNELL. You are a printer by occupation, or were at one time?

Gen. OTIS. Yes, sir.

Commissioner O'CONNELL. Are you a member of the union?

Gen. OTIS. No; I am not.

Commissioner O'CONNELL. Were you at any time?

Gen. OTIS. A long time ago I was. I was a member in Washington City.

Commissioner O'CONNELL. What purpose led you to join the union at that time; under compulsion, or was it of choice?

Gen. OTIS. I guess it was the folly of youth, as near as I can recall.

Commissioner O'CONNELL. What is this Printers' Protective Fraternity that you employ?

Gen. OTIS. It is an organization of printers formed perhaps about 20 years ago—25 years ago, originally in Kansas City, formed with the declared object of departing from the union. They have never struck and never boycotted.

Commissioner O'CONNELL. Did you have an understanding, written or oral, with this organization as such?

Gen. OTIS. We had an understanding when they first entered our service immediately after the strike of 1890.

Commissioner O'CONNELL. Is this organization organized of ex-members, of suspended and expelled members of the International Typographical Union?

Gen. OTIS. Although I don't know, I think they were mostly union printers at one time.

Commissioner O'CONNELL. And their purpose is to not strike when they are employed, but take the place of strikers who may quit work?

Gen. OTIS. Their purpose is to be free.

Commissioner O'CONNELL. With that organization you have an understanding?

Gen. OTIS. Yes; we employ them.

Commissioner O'CONNELL. But none with the regular?

Gen. OTIS. No; not the——

Commissioner O'CONNELL. Recognized organization?

Gen. OTIS. None whatever.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you, General, unless there is some statement you have or some point you have not covered in your statement or by these questions.

Gen. OTIS. One statement that is not important, but in order to make my statement about the strike of 1890 complete, there are two or three facts in regard to that matter I will state, if you desire. After the strike, 18 months after the strike took place, there were some overtures on the part of the union to effect a reconciliation, and the outcome was that we took back, under probation, so to speak, five men, with the distinct understanding that they brought with them no unionism, no demand for any observance of union rules, and they conformed to our rules and accepted our pay, which was equal to the union rate. That went on for 18 months, and at the end of 18 months these men were drawn out by the union, and since then there have been no other union

men in the establishment if we knew it. I make those statements to qualify my written statement. Since then the Times office has been a nonunion office.

Chairman WALSH. That is all.

Call your next.

Mr. MANLY. Charles T. Scott.

TESTIMONY OF MR. CHARLES T. SCOTT.

Chairman WALSH. What is your name, please?

Mr. SCOTT. Charles T. Scott.

Chairman WALSH. Pitch your voice up high. The auditors would like to hear what the witnesses say. Where do you live?

Mr. SCOTT. 111 South Fourth Street, Alhambra.

Chairman WALSH. What is your business address?

Mr. SCOTT. 608 Hibernian Building, Los Angeles.

Chairman WALSH. What is your business?

Mr. SCOTT. At the present time representative of the International Typographical Union.

Chairman WALSH. Are you an organizer for that union?

Mr. SCOTT. Organizer, representative, and various phases of their business I look after.

Chairman WALSH. How long have you been a member of that union?

Mr. SCOTT. I joined the international union in February, 1888.

Chairman WALSH. You are a printer?

Mr. SCOTT. Printer; yes, sir.

Chairman WALSH. How long have you been in Los Angeles?

Mr. SCOTT. One year, permanently.

Chairman WALSH. Where did you live prior to that time?

Mr. SCOTT. About four years in Cleveland.

Chairman WALSH. Before that?

Mr. SCOTT. About five years in Boston.

Chairman WALSH. Have you held any official position in your organization except organizer?

Mr. SCOTT. I have been an officer of local unions, such as president of Cleveland union for several terms.

Chairman WALSH. Have you held any positions with the international?

Mr. SCOTT. I worked for the International Typographical Union almost five years in New England, between 1904 and 1909.

Chairman WALSH. Now, have you made a study of the typographical union dispute with the Los Angeles Times?

Mr. SCOTT. I have, to the extent that I have gone over the situation from its inception, as it has been handed to me by members of the union who were here, and from such information as I could gather. That is a part of my business.

Chairman WALSH. Well, I wish that you would, as concisely as possible, Mr. Scott, give us the story of the typographical union's dispute with the Los Angeles Times from the beginning down to the present time.

Mr. SCOTT. That is, Mr. Chairman, you desire the history of the dispute of the organization, without discussing these other three questions that were put to me?

Chairman WALSH. I will ask you those after we see how much comes out by your recital; then possibly I will ask you some other questions.

Mr. SCOTT. The trouble with the Los Angeles Times occurred in 1890. There were four papers in the city of Los Angeles at that time, and those four papers put up a proposition to Los Angeles Typographical Union, No. 174, for a reduction of wages. The organization passed upon those points that were put up to them and at the same time heard discussions on the floor of the union from the employers of the various—or representatives of the various newspapers. The organization, after the representatives of the various newspapers had retired from the room, voted that they would not accept a reduction at that time and served a notice on the employers that the next day, the business day, they were to renew the present agreement. While this trouble with the Los Angeles Times has been styled the strike of the Los Angeles Times, it is a matter of record that it was a lockout on the Los Angeles Times, the Herald, Tribune, and the Express. When the men went to work the next day there were men who were not members of the union at work, showing that this had been expected, anticipated, because it developed that word had been sent to Kansas City by

wire asking for the importation of men who were members of the so-called "Printers' Protective Fraternity."

To my knowledge since I have been a member of the International Typographical Union there has been an organization of the Printers' Protective Fraternity in the city of Cleveland, and later in Kansas City, in Milwaukee, in Montgomery, and in the city of Los Angeles. At the present time there is no organization known as the Printers' Protective Fraternity outside of the city of Los Angeles. These men came on here and took the places of the men who were locked out of those respective offices. In a few days the matter was settled on the Tribune, and in a question of about three weeks the matter was settled on the Express, and at the expiration of 10 weeks an agreement was reached with Los Angeles Typographical Union by the Evening Herald whereby that office also became a union office. That made in the city of Los Angeles three union newspapers and one nonunion newspaper. The Tribune of that time was not the Tribune of the present day. The matter went on for some period of time. The union used its endeavors to induce the Los Angeles Times to agree to some working basis, as the other papers had. The usual methods were engaged in by the organization, and I suppose the usual methods were engaged in by the Times to combat the effort of the organization to unionize their plant.

Efforts were made by circularizing the public through the local organization to make the members of the trades organizations and the citizens of Los Angeles aware of the fact that there was trouble between the typographical union and the Los Angeles Times. I think, as near as I can obtain from some of the older men who came out of the Times and are at present in the city of Los Angeles, that after about a year the Los Angeles Times and the organization concluded that it was about time to settle the difficulty. These men claimed to me that an arrangement was made whereby the difficulty was to be settled. The peace feast was held between the officials of the Times and members of the organization were induced to withdraw the boycott from the Los Angeles Times, and that the organization did do it with the understanding that the office was to become a union institution. That proposition was carried out by the International Typographical Union, but not by the Times. That takes the matter up to along in the early nineties, when, as I believe was stated here, there was a business depression at that time, and naturally the organization as well as other organizations had a hard time for existence. Now, we will pass over the few years. And the statement was made on the stand this morning that Mr. Arthur Hay was imported into the city of Los Angeles by the American Federation of Labor to conduct a boycott in connection with the Times.

Mr. Arthur Hay was sent to the city of Los Angeles by the International Typographical Union. The Los Angeles Typographical Union desired that the proposition be placed in the hands of the international to see if something could not be done to make that office a union institution, bearing in mind all the time that No. 174—Typographical Union No. 174—desired to settle its contest with the Times and operate that establishment, if they were so willing, on the same basis as were the other newspapers of the city of Los Angeles, who seemed to be satisfied to operate their composing rooms under union conditions and under a union agreement made with the typographical union. But as to the statement that Mr. Hay came here—suffice it to say, Mr. Hay came here, and the contest against the Times was probably resumed with a little more vigor and energy on the part of the local organization. There developed during this contest with the Times, of course, certain bitterness. While on that point, as was stated from this seat earlier in the day, that in connection with the labor troubles in Los Angeles certain inflammatory literature had been published by certain people, and it was asked that that be made a part of the record. I desire to read a few lines for the record; I desire to read to the commission a few lines taken from an editorial from the Los Angeles Times. This editorial was published at a time when labor organizations were under considerable discussion in the city of Los Angeles. Certain heads of the labor movement were being denounced almost daily in the Los Angeles Times, and it was at that time there was something like 95 feet a week published condemning labor organizations and those connected with labor organizations. I believe this will serve to show that all the inflammatory literature was not published by the trade-unions [reading]:

"The unselfish purpose of Gompers in including himself in the three or four who will consent to be hanged for the good of the cause can not be too greatly commended. If he will allow the Times to designate those who will adorn

the gallows with him, it will promise them all obsequies where they will have the time of their lives during the hanging, and it will further promise that their carrion shall either be converted into ashes for the fertilization of prison weeds or else buried with chloride of lime or other disinfectant at such place as they may select—anywhere, anywhere out of the way."

I merely introduce this to show that all of the literature which was published to lead the public to heated argument was not published by the trades-unionists alone.

Now, it must be remembered that all this time that this trouble was going on the local typographical union was desirous of settling the controversy. For the past dozen years the International Typographical Union has been signing up most all the newspaper establishments of this country to union agreements. Agreements entered into between the employers' organization and the typographical union, which agreement does away with strikes, lockouts, and so forth, and settles everything by arbitration. We have only to point to the long period of industrial peace in the newspaper field to show that it is a good agreement. Of course, it is a human document, and is therefore not perfect. But I desire to say that if the warring nations of Europe had an agreement at the present time one-half as good as the working agreement of the International Typographical Union and the American Newspaper Publishers' Association the workmen of the Continent to-day would not be clutching at each other's throats. I am satisfied that we would have as great industrial peace as we have had in the newspaper field for the last dozen years or more.

Now, this agreement provides that any member of the American Newspaper Publishers' Association who operates a union shop can make agreements with the local organization under the jurisdiction of the International Typographical Union. It says that that agreement during the life of it shall be lived up to in its entirety. Neither side can break that agreement; no matter what is done by either side, the men stay at work. If one side would openly violate that agreement there would be no cessation of work in the office, and if there was, their places would be filled by members of the International Typographical Union. Even at the expiration of a signed agreement there can be no strike while another agreement is pending between the two contracting parties. It is just about as good an agreement as it is possible for a human document to be at this time.

If there can not be any settlement reached between the local organization and the newspaper that is vitally interested, then the matter goes to national arbitration. That National Arbitration Board consists of three members of the International Typographical Union and three members of the American Newspaper Publishers' Association. It is a progressive document in this way that no outsider is called in to reach a final adjustment. The adjustment of the whole matter must be made by the six, and it must be made within a certain length of time. There has been only one or two instances in the last 13 years where agreements were not reached within the regulation time. So much for the union agreement.

Now, considerable was said here on the stand with regard to the union shop, the closed shop, and the nonunion shop. I want to submit to the commission that, as far as the newspaper industry in the city of Los Angeles is concerned, it is conducted on the union-shop basis, and on the union-shop basis only, and there are no open shops in the newspaper industry in this city of Los Angeles. There are six daily papers in this city, and five of them are conducted along the plan of collective bargaining with the local typographical union, and the other shop is conducted on a strictly nonunion basis. The open-shop proposition—that is, the so-called open-shop proposition—does not enter into it at all. The Los Angeles Times is strictly a nonunion newspaper, for various reasons.

Members of the typographical union could not work there without first destroying their union cards. And very few members of the International Typographical Union are ready to tear up their union cards for the privilege of working on the Los Angeles Times, where the wages don't begin to compare to the other five union newspapers in the city of Los Angeles.

The union newspaper scale in the city of Los Angeles calls for a seven and one-half-hour workday. The wages are $32 a week for morning newspaper employees—that is a minimum wage; and the minimum wage for evening newspapers is $29 a week for seven and one-half hours work. So an office that works eight hours and operates its machine room on a piece basis and pays its advertising men all the way from 45 cents up to 65 cents can not be compared in any way with a shop operating on the union basis. And for that

reason the Los Angeles Times has a strictly union composing room. The other five newspapers in the city of Los Angeles are strictly union composing rooms.

Chairman WALSH. You meant nonunion in the first instance, the Times. You said that the Times was strictly union. You meant strictly a nonunion institution?

Mr. SCOTT. Strictly a nonunion institution, and the other five papers are strictly union institutions.

A great many people have been led to believe by reading editorials in the Times from time to time that that paper advocated what is known in Los Angeles as the so-called open shop. The paper in itself is a strictly nonunion composing room. And taken from the report of Gen. Otis to the Times-Mirror Co., written in October, 1905, defending the labor policy of its office, it says:

"So far as we are concerned, the Times stands unalterably upon the strictly nonunion basis that it assumed years ago. As far back as the year 1890 we refused in the face of a printers' strike and a boycott to yield to the industrial marplots, despots, and labor monopolists, and we still refuse. We raised the standard of revolt then, and that standard is still flying, the emblem of industrial freedom and a menace to industrial tyrants."

And regarding its attitude toward organized labor, in the same pamphlet a little later on it states to the effect that the Times had taken organized labor by the throat.

Leading down to the early nineteen hundreds, when the situation regarding the Times and the typographical union in this city became the most acute, it probably would be well to have something to say regarding the manner that the typographical union conducted that contest.

Now, I want to submit at this time that this contest, while one party has declared the case closed, as far as the International Typographical Union is concerned, it covers a period of almost a quarter of a century, and is still on. It has been stated here this morning by Mr. Zeehandelaar, I believe, that to his knowledge—or by Mr. Otis, I don't know which—to his knowledge there had been no acts of violence on the part of the typographical union in its contest with the Times. I want to state that I know of no instance, I haven't been informed of any instance covering a period of a quarter of a century where any member of the international union has been brought before the bar of justice for doing an overt act in connection with the contest against the Times. Now, remember, I am confining this to the membership of the International Typographical Union and its particular contest with the Times. So much for that part of it.

Now, that leads down to where the organizations, the Central Labor Council of which the typographical union was a part, took up the contest against the Times and decided to come to the front and make the fight a little more open than it had been. Various means were used, such as circularizing the public. Labor meetings were held. Members of labor organizations were informed as to the attitude of the Times. And on account of the interference on the part of the merchants and manufacturers' association, it was decided to try to induce some of the advertisers in the Los Angeles Times to withdraw their patronage from that newspaper. That was done by publicity propositions, mentioning the fact before labor meetings and circularizing in different ways. I am sure there was nothing attempted at that time except in a peaceful way to bring our case and our position before the public of Los Angeles and vicinity. There was one store, the Hamburger store, that was considered by the organization the most vulnerable point of attack. I will say that a boycott was instituted against that institution whereby it was endeavored to induce that company to withdraw its patronage from the Times, for the simple reason that the working people of the city of Los Angeles were of the opinion that through their past patronage they had made the Hamburger store what it really was, and that the least the Hamburger store could do was to help them in their contest with the Times.

Now, regarding the effect of that boycott, I am sure all will agree at the time that the boycott was withdrawn by the Central Labor Council, that the boycott against the Hamburger store was most effective. The time came when the trade unionists of this city, members of the International Typographical Union, went before the Central Trades Council, and the boycott on the Hamburger store was withdrawn. It was taken off with the hope that possibly a settlement could be reached. But as developments proved, no such condition turned out. And just the minute that the labor council of the city of Los

Angeles took the boycott off the Hamburger store, then the merchants and manufacturers' association, in conjunction with the Times, got exceedingly busy talking about an open-shop town in Los Angeles and paving the way to make the fight against other organizations. How they figured out in any way that the International Typographical Union was anything less than a prosperous organization in the city of Los Angeles certainly can not be figured out by those who know its history.

The organization to-day has a membership of over 550 and is steadily growing, and controls all but one newspaper composing room in the city of Los Angeles. Agreements have been made with those papers and they will shortly be up for renewal, and I dare say that the publishers of those papers will again sit down and talk over the questions in dispute with representatives of the local typographical union, and again renew contracts with the organization, simply because it has insured industrial peace in the printing industry to the five union newspapers in this locality. And the same thing holds good with the local typographical union in connection with the Los Angeles Times. Although the fight has been of a duration of 26 years, all kinds of bitterness has been brought into the struggle, yet the typographical union stands ready at any time to sit down and talk over with representatives of the Los Angeles Times anything that they care to, looking to a settlement of the long-standing controversy, and doing away with all disputes of like nature in the future. The typographical union stands ready to do that at any time.

Regarding some of the other questions that were brought up and submitted to me, in connection with the Los Angeles Times proposition, was the question of sympathetic strikes. Now, there is no record of any sympathetic strike in connection with the typographical union's contest with the Times. We made that our fight. We financed it as our fight, and we have kept it up as our fight ever since. We asked, at no time did we ask the other trade organizations doing business either with the Times or working with the Times establishment to go out on strike to support the contention of the typographical union. No sympathetic strikes were asked for by the International Typographical Union.

There was one other question which came up in connection with the contest against the Times, and I desire the commission to know why the typographical union kept up this contest for so great a length of time, and that was that the Los Angeles Times instituted a school for the teaching of machine operators. And for what purpose? For the purpose of filling places that would be vacated by union men in various localities in time of trouble. Not only did the typographical union consider that an unfair proposition, but it also considered it an unfair proposition from this point, that the Times used that matter that was set up by these learners on machines and sold it, according to advertisements in their own newspaper, to printing plants in the trade at a reduced cost of composition, thereby barring out the printers in the local field here from getting the local composition work because it was done cheaper in a learners' school operated by the Los Angeles Times and advertised in that paper.

The Chamber of Commerce of the City of El Paso, Tex., found it convenient and so much cheaper to have its annual report set up in the Los Angeles Times composition school that it sent that job here from El Paso to the Times composition school, where the composition was done, in preference to having it done in the city of El Paso, either in a nonunion shop or in a union establishment.

For a considerable length of time the advertising of this school stated that rates would be furnished on application at the school for learners on machines. Machine operators were to be taught during the period of three months, so the advertisement claimed.

Now, there were other features entering into the contest against the Los Angeles Times which were put down on the slip that was sent to me by Mr. Manly. One of them was, "What was the attitude of the merchants and manufacturers' association during this contest against the Times?"

Now, to define in one instance all the attitude of the merchants and manufacturers' association, of course, would be hard to do without connecting the attitude of the Times—or the attitude of the merchants and manufacturers' association and the policy of the Los Angeles Times. And so that there can be no differences of opinion regarding the attitude of the merchants and manufacturers' association during this long-standing controversy—and the same attitude applies to other controversies which happened later—I will read this from the annual report of the merchants and manufacturers' association.

Chairman WALSH. Say, Mr. Scott, we have adopted a rule that unless the document to be read is shorter than the explanation would make it, that all documentary evidence must be submitted without reading.

Mr. SCOTT. Well, this, I should judge——

Chairman WALSH. Just describe it, and it will be put into the record, and then the commission will read it.

Mr. SCOTT. This was taken from the annual report of the merchants and manufacturers' association, and was an exposition of their nine years' attitude toward labor conditions in the city of Los Angeles. Shall I turn it over to the clerk?

Commissioner O'CONNELL. How long will it take you to read it?

Mr. SCOTT. Why, about two minutes.

Chairman WALSH. Go ahead and read it.

Mr. SCOTT (reading):

"The association has for nine years protected the employers from the arrogant and unjust demands of the labor unions and labor agitators. It has given to the employers its moral and financial support whenever strikes have been declared, and it has successfully conducted the struggle for freedom and independence. It is pledged to the principle of the open shop and will tolerate no discrimination against honest American workmen who desire to receive fair wages for an honest day's work, and it will always demand equal rights for all. It will tolerate no interference of agitators and strike breakers, and will protect the employers in their rights to conduct and manage their own business as they see fit."

And their open-shop policy has been all through that struggle the closed shop to union men.

Chairman WALSH. We will pause here now, and the commission will stand adjourned until to-morrow morning at 10 o'clock.

Will you please resume the stand?

Mr. SCOTT. Thank you.

(Whereupon, at the hour of 4.30 o'clock p. m., an adjournment was taken until 10 o'clock a. m. of the following day, Wednesday, September 9, 1914.)

LOS ANGELES, CAL., *Wednesday, September 9, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, O'Connell, and Commons. W. O. Thompson, counsel.

Chairman WALSH. The commission will be in order.

Is Mr. Scott present?

Mr. SCOTT. Yes, sir.

TESTIMONY OF MR. CHARLES T. SCOTT—Continued.

Chairman WALSH. You may resume. I think when you left off you were telling us about the part played by the M. and M. disputes.

Mr. SCOTT. I desire to offer a clipping which states the position that the merchants and manufacturers' association played in the labor dispute in this city.

Chairman WALSH. Is it a short one?

Mr. SCOTT. I will turn it over to the stenographer. I would like to say a word——

Chairman WALSH. You had better read it if it is short, otherwise we will have a description of it. Use your judgment. If it is short, you can save time by reading it; always do so. Our rule is this, that we are willing to let you read such things if they are short.

Mr. SCOTT. Yes. During the M. and M. dispute here one Los Angeles paper, the Los Angeles Evening Record, espoused to a considerable extent the cause of the working people of this city; that is, they asked for a suspension of judgment until such time as matters could be cleared away. For that reason the paper was boycotted. This was the answer of the editor of the Record:

"Gentlemen of the Market Place: You are fighting with the weapons you have been trained to believe most effective. You have declared that unless the Record betray the cause of organized labor, you will cancel your advertising contracts and ruin us financially. Some of you have already cut out your business; others of you have cut down your space; still others have declared their intention of cutting out as soon as opportunity offers.

." Very well, gentlemen, this may be your idea of 'business,' but the Record is not controlled by business, thank God! and this is our answer to your threats: We are going to carry the banner of 'Human rights' right up to the ramparts of 'Industrial greed,' if need be. We are not going to be intimidated or scared or put out of business."

And I will state that their advertising patronage to a large extent was withdrawn from that paper.

Mr. MANLY. What was the date of that, Mr. Scott?

Mr. SCOTT. That was—I haven't got the date right now, Mr. Manly, but I can get it.

Mr. MANLY. I thought it was on that clipping.

Mr. SCOTT. The statement is frequently claimed from time to time that the wages paid in nonunion shops, or in so-called open shops, are equal to or superior to those paid in union shops. I desire to bring before the commission a striking example of this phase of the question. Using the figures given by Gen. Otis, of the nonunion Times, and taking those paid in the five union newspapers of Los Angeles, we find this condition: The Times' schedule as read by Gen. Otis was on a graduated basis of 53 cents, 60 cents, 62 cents, and 75 cents an hour. That, of course, would not include machine composition, which in the Los Angeles Times office is done on the piece basis.

Taking the low rate—the 53-cent rate—working for seven and a half hours, which is the union scale of Los Angeles—which is the rate paid by the Times office—the amount would be $3.98. The rate in the union daily newspapers in Los Angeles is $5.33.

Taking the second rate of 60 cents, working on the seven-and-a-half-hour basis, a man would earn $4.50 in the Times office and $5.33 in a union newspaper office in Los Angeles.

Taking the third rate, 62 cents, an employee working seven and a half hours in the Los Angeles Times office would earn $4.65 and in a union newspaper office he would earn $5.33.

Taking the 75-cent rate, which I deem is the rate paid the foreman of the institution, the pay would be $5.63 on the seven-and-one-half-hour basis. In a union composing room in Los Angeles the pay would be $8.33.

The Times schedule for the four different rates of wages, working the same numebr of hours as the union establishment works, would be as follows: Times schedule, $3.98, $4.50, $4.65, $5.63. The union schedule paid on the other five Los Angeles newspapers: $5.33, $5.33, $5.33, $8.33.

Now, something was also stated on the stand here regarding the efficiency of the employees in the different offices. Now, while it is true that in the union newspaper offices a strictly time scale prevails, that is, linotype operators, hand compositors, floor men, make-up men, bank men, all employees of the composing room work on a time basis; therefore the local organizations, in conjunction with the employers of these five union newspapers, made an agreement which stated that the minimum rate of wages should be $5.33.

Remember, I stated minimum. In the union newspaper offices an agreement was also reached as to what constituted a man's competency. Now, to say all men in the newspaper office would be put on a dead level is an absolute impossibility. It is impossible for men working on a newspaper to do the same amount of work. It is impossible for anyone to say that you could restrict the output on a newspaper of this man or that man. It can't be done. There are all kinds of work to be done. Each man has his work to do, and he goes to it and does it and turns it out. The only thing is that the unions and the employers have agreed that if a man reaches a certain state of competency, then he shall not be discharged for being an incompetent workman, although he does not do as great amount of work as some other man in the composing room. That is why the minimum scale was established.

Now, while it is a fact that the operators are being paid on the piece basis in the Times office, the scale was claimed—or rate of wages received would run from five and a half to seven dollars and a half a night for a seven-hour day. I want to submit that if all the members of the commission were linotype operators they would find out how difficult it would be to attain an average of nine or ten thousand an hour.

Machines at the present time are not keyed up to that amount of output. It is possible, of course, for a man to reach that by having certain "plants" handed him as special favors and things of that nature. But the union scale is a time scale, while the linotype scale in the Times office is on a piece basis. I believe that covers the difference of wages paid in the nonunion Times and in the five

union daily newspapers. That is a point that I wanted to make clear to the commission, as I find that it is generally touched upon by almost all those who appear, the difference in wages under union conditions and under nonunion conditions.

In one of the questions that was—or one of the topics that was submitted to me for a going over was one covering conditions in union institutions and in institutions conducted as open shops.

As I stated earlier in my testimony before the commission yesterday afternoon, as far as the International Typographical Union is concerned, we do not recognise in any way the open shop. A shop must either be a union shop or a nonunion shop, and consequently our dealings are with those publishers—and I am glad to admit that they constitute almost all the publishers of the United States—who conduct their business on a union-shop basis. Consequently, I am only familiar with those conditions that prevail in the union shop and in the nonunion shop.

I will state that conditions in the union shops in the city of Los Angeles are considered very favorable by the employees of these institutions. We get along harmoniously with the employers. We have collective bargaining, which insures industrial peace from year to year. And it is very little friction that ever comes up over the renewal of wage scales or change in working conditions. We sit down with the employers, talk the matter over, and adjust it among ourselves, and there can be no strike or lockout in our trade where the arbitration agreement is used by both the American Newspaper Publishers' Association and by the typographical union. Those are the conditions that prevail in the union shop.

Chairman WALSH. I think that was intended to compare a shop such as the Times with the union shops, and that you have already done with respect to wages. Now, anything else, any other conditions that are different that might make for satisfaction or dissatisfaction, if you have any in mind, just state them, please, outside of wages and hours.

Mr. SCOTT. I can readily see how the employees in working in a nonunion shop, provided they did have a grievance, would have a hard matter in presenting that grievance without working a hardship on themselves. I have in mind something that was said before this commission yesterday on the way an agreement had been made in the Times office, either verbally or otherwise, with an organization known as the Printers' Protective Fraternity. I would like to say that the only organization of that character in the United States at the present time is located in Los Angeles, if it can be styled such at this ime. The organization is composed of men——

Chairman WALSH. I do not want to interrupt you, but I think you have stated that; that is, that it started in Kansas City, Birmingham, Cleveland, and other places——

Mr. SCOTT. Montgomery.

Chairman WALSH. Montgomery, I mean; and it now comes down to this time, and now comes down to Los Angeles. Go ahead, if you have anything——

Mr. SCOTT. I would like to state, with the permission of the chairman, something of the personnel of that organization.

Chairman WALSH. Very good. Anything you have not gone over we will be glad to hear you on.

Mr. SCOTT. The members of that organization are members almost exclusively, except those who have gone into the business since the original lockout on the Los Angeles Times, who were members of the typographical union. They were men who for various reasons were either expelled from the organization, or on account of other reasons were refused admission to the organization. They were men who took a special delight in traveling around the country whenever an opportunity afforded, especially where there was labor trouble on, and receiving temporary additional benefits that are paid by most institutions that look for the aid of the strike breaker in time of trouble.

The organization is composed almost exclusively of that class of people. Many of them I knew personally in the eastern section of the country. In Los Angeles, I am free to admit, I am not acquainted with many, but I am with some, and as this trouble here has lasted over such a long period of time, it is only fair to say that a great many of the men now working in the Times were not in at the birth of this organization, but have gone to work there since this trouble started and have become affiliated with it since that time.

I believe that covers what I desire to say on that point of union-shop conditions and nonunion-shop conditions.

While on the stand I am very thankful for the statement that the printers have not been guilty of violence during our controversy with the Times. The feeling against the Times on the part of our membership is just the same as against any other publication that we as an organization deem had dealt with us unfairly, and to prove this statement we have only to point to the attitude of the members of the Los Angeles Typographical Union who through their organization volunteered our services at the time of the destruction of the Times Building to get out the Times as a newspaper until such time as that paper could organize its own force and secure proper equipment. That offer was officially recognized by the management of the Times at that time. That was the attitude of the typographical union toward the Los Angeles Times at the time of its destruction.

As was stated on the stand here by Gen. Otis, his principal objection to labor organizations was the strike and the boycott. Now, the International Typographical Union has pointed out a way whereby peace could be settled between the Times and the local typographical union, through a document which does away entirely with strikes, and consequently is not followed by a boycott. Where there is no strike there consequently can not be a boycott. Now, we have such an agreement, and we are perfectly willing to take up that agreement with the Times.

As a representative of the International Typographical Union officially I will state that we are prepared at any time to get together with the Times on a basis of settlement on the union agreement which does away with the very things that have been found as objectionable.

It is only fair to say that during our 25 years' controversy with the Times that both sides probably have been guilty of things that were not possible according to proper ethics. We have, both sides, made mistakes; but I believe we have perfected the organization up to the point whereby we can get together with any newspaper and settle any differences that we have without resorting to the old-time method of strikes or lockouts, and that is the position of the International Typographical Union, for just as long as there is printing done there will be organizations of printers known as typographical union organizations, and in reaching any kind of an agreement that organization will have to be reckoned with of necessity.

I believe, Mr. Chairman, that concludes what I have to say before the commission.

Chairman WALSH. Mr. Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. In looking over your testimony as given before the commission yesterday, among other things, Mr. Scott, I notice this statement, which you emphasize this morning; and you say there was no case of violence on the part of the typographical union in its contest with the Times: "I want to state that I know of no instance—I haven't been informed of any instance covering a period of a quarter of a century where any member of the international union has been brought before the bar of justice for doing an overt act in connection with the contest against the Times."

So much for that part of it. Was that correct?

Mr. SCOTT. That is as correct as I can gather.

Commissioner WEINSTOCK. I have a note addressed by Gen. Otis to Mr. Walsh reading as follows:

"The bomb that destroyed the Times Building was set by James B. McNamara, a union printer."

Mr. SCOTT. Absolutely not true, Mr. Weinstock, to my knowledge.

Commissioner WEINSTOCK. What are the facts, Mr. Scott, as you know them?

Mr. SCOTT. I am not familiar with the instance of the destruction of the Times, but as regards to the membership of the man, only that I know that at that time it was claimed he was a member of the typographical union, which was denied by the officials at Indianapolis.

Commissioner WEINSTOCK. And your answer to that is Mr. McNamara was not a union printer?

Mr. SCOTT. Was not a member of the typographical union; yes, sir.

Commissioner WEINSTOCK. May we ask, Mr. Scott, what are the talking points that you present for a nonunion employer to induce him to unionize his plant; that is, what inducements can you offer, what advantages can you point out to the employer, would he be permitted to enjoy that he does not enjoy as a nonunion employer, if he unionize his organization?

Mr. SCOTT. I believe that is general, and if there was no particular strong point in it—I believe that the International Typographical Union has demon-

strated, Mr. Weinstock, that within the ranks of that organization are to be found the competent printers of this country, and that as a newspaper is required to be produced every day and is required to have a certain efficient force, I believe that I—at least I would endeavor to show to an employer that he would be better qualified, would be secure against any labor trouble by making his office a union office. He would avoid the opportunity of having a strike in the office, providing he conformed to the arbitration agreement, as well as would the union, and that from time to time when grievances arose, he would be in a position to settle them with a responsible organization; that the typographical union has demonstrated that even where its membership on a few occasions, which is not unnatural, have seemed determined to violate a contract, the organization has stepped in and prevented that taking effect and seeing that the man was protected in getting out his paper.

Now, there might be several things that would come up that could be talked about with an employer, and I should judge a great many of those would be covered by local conditions.

Commissioner WEINSTOCK. Now, you were present yesterday, Mr. Scott, when Gen. Otis testified?

Mr. SCOTT. Yes, sir.

Commissioner WEINSTOCK. Among other statements submitted was one that the union scale of wages was, I think, $5.50?

Mr. SCOTT. Five dollars and thirty-three cents is the minimum union scale.

Commissioner WEINSTOCK. And that his men were earning from $5.50 to $7.50 a day. Have you any reason to dispute that statement?

Mr. SCOTT. No, sir; I haven't any reason to dispute it, and I have no desire to dispute it. What I do know is this, and I had slightly explained it in my testimony, that the way they earn $5.50 to $7.50 a day was that they were working on a piece basis. They were setting a very large amount of type for this money, which I believe I could easily explain to a linotype operator, who would know about how high a machine could be speeded up. Now, if working seven hours a man should earn $7.50 and setting type for 11¼ cents a thousand ems, he would consequently have to set between nine and ten thousand ems of type per hour. Now, I want to say to this commission that that is almost a physical impossibility. I know there are no set of men doing that anywhere in the world. I am a linotype operator myself.

Commissioner WEINSTOCK. Well, you may also recall Gen. Otis's statement that he had in his employ, I don't remember how many, but a per cent of his organization had been with him for a great many years.

Mr. SCOTT. Yes, sir.

Commissioner WEINSTOCK. Fifteen or twenty or twenty-five years.

Mr. SCOTT. Yes, sir.

Commissioner WEINSTOCK. Now, if this so-called speeding up prevailed, could those men last that many years?

Mr. SCOTT. In answer to that, Mr. Weinstock, I want to say that I don't know the personnel of the composing room of the Los Angeles Times, but I am satisfied that there are no operators on the Los Angeles Times who have been working on machines for 15 or 20 years and are setting nine or ten—nearer five or six thousand ems an hour. Very few, there might be exceptional cases.

Commissioner WEINSTOCK. Do you know of any instances on the Times where men were earning less than the minimum of $5.33 a day?

Mr. SCOTT. Oh, yes; the men that are receiving 53 cents an hour are receiving less than the minimum, and the men receiving 62 cents an hour are receiving less than the minimum. There is only a small proportion of the Times composing room who are linotype operators.

Commissioner WEINSTOCK. I presume when Gen. Otis said his men were earning from $5.50 to $7 a day——

Mr. SCOTT. He meant linotype operators.

Commissioner WEINSTOCK. Do you know of any instances where linotype operators on the Times earn less than the minimum?

Mr. SCOTT. I have no knowledge or means of knowing that, except as I have been told from time to time by men working for the Times, men who came to my office and have spoken about conditions at the Times office and have inquired about joining the typographical union, and in getting into a discussion with them, of course they have made all kinds of statements, statements that I don't want to be responsible for repeating.

Commissioner WEINSTOCK. If this commission should ask Gen. Otis to submit under oath a statement of his actual earnings of his linotype operators for the last year or two, that of course would be sufficient proof of the exact earnings?

Mr. SCOTT. I should think so; yes, sir.

Commissioner WEINSTOCK. Now, if we are to accept Gen. Otis's statement as presented here yesterday, were he to unionize, the following results would follow: First, the claim is that his operators are earning on an average 15 per cent more than the operators in the union shops; second, his claim is that he is handling his work with from 15 per cent; that is, he has 15 or 20 per cent more advertising matter than any other newspaper in the community, and handles that 15 or 20 per cent more advertising matter with 10 or 15 per cent less help. Now, for him, for example, to make a change and to accept the union conditions, would mean the candle burning at both ends, unless his statements are in error. It would mean he would have to cut down the earnings of his workers 15 per cent, and would have to increase his pay roll 10 or 15 per cent, and have to decrease his output from 10 to 15 per cent.

Mr. SCOTT. I see.

Commissioner WEINSTOCK. Would you or I as good business men do that?

Mr. SCOTT. Well, I will tell you, Mr. Weinstock, that I would have to be governed entirely by the conditions which surrounded me at the time a proposition of that kind was put up.

Commissioner WEINSTOCK. If these were actual facts, would you want to do that. Would you want to cut down the earnings of your men 15 per cent, and would you want to cut down your own profits 15 per cent and decrease your output 15 or 20 per cent?

Mr. SCOTT. Well, in the first place I would know that I didn't cut down the pay of my men, but by unionizing the establishment I was virtually increasing the pay of the men in the office. Simply because a few men in that institution are enabled through a system in vogue there to earn a little more than a man delivers in a union office, is not conclusive to me that the wages are anywhere near equal.

Commissioner WEINSTOCK. Well, then, it is a direct challenge, Mr. Scott, between you and Gen. Otis. He says they do earn 15 per cent more, and you say you doubt it.

Mr. SCOTT. I beg your pardon, Mr. Weinstock, I think you misunderstand. I don't say that the machine operators don't earn what Mr. Otis says they earn, because I don't know. But I think that the linotype machine operators are only a small proportion of the force of the Times composing room.

Commissioner O'CONNELL. How many linotype machines are there?

Mr. SCOTT. There are 32 linotypes.

Commissioner O'CONNELL. And that is 32 men operating those machines?

Mr. SCOTT. Providing they were all running, which they don't.

Commissioner O'CONNELL. What percentage of the total employees are the 32?

Mr. SCOTT. I should judge that there are over a hundred employees in the Times composing room.

Commissioner O'CONNELL. Well, the total.

Chairman WALSH. Six hundred, he said.

Mr. SCOTT. Six hundred and two, I believe he said.

Commissioner O'CONNELL. Thirty-two out of that 600 are probably earning the union scale.

Mr. SCOTT. That is according to the testimony given by Mr. Otis himself.

Commissioner WEINSTOCK. At this stage of the game, Mr. Chairman, I would ask, if it is in order, that the newspaper publishers of Los Angeles be required to bring to this commission under oath a statement of their pay rolls for the past year for purposes of comparison, so that we can get at the facts.

Chairman WALSH. I will say that we have made the rule not to put anybody under oath, and I don't know any reason why we should, if it is left to me.

Commissioner WEINSTOCK. Well, in any event——

Chairman WALSH. We will call for the statement.

Commissioner GARRETSON. Yes; with the number of their employees.

Commissioner WEINSTOCK. And their earnings.

Commissioner GARRETSON. So that it will give the average.

Commissioner O'CONNELL. Have it show the division of each, a classified statement.

Commissioner WEINSTOCK. A classified statement, yes. Now, in the matter of industrial peace, Mr. Scott.

Mr. SCOTT. Yes.

Commissioner WEINSTOCK. You point out that one of your talking points, with a prospect, with a view, of having him unionize his plant, is that under

the agreements that prevail between the International Typographical Union and the publishers he could be insured in industrial peace. There would be no danger of a strike, no danger of a boycott. You recall that Gen. Otis's testimony, as I remember it, was to the effect that since he had that great strike with the typographical union he has had industrial peace in his plant.

Mr. SCOTT. So he stated.

Commissioner WEINSTOCK. So that would be no inducement in a case of that sort—in a case such as that—would it?

Mr. SCOTT. That is, he made that statement?

Commissioner WEINSTOCK. Yes.

Mr. SCOTT. Yes, sir.

Commissioner WEINSTOCK. Now, do you know of any industrial disputes that have arisen in the Times in that intervening period?

Mr. SCOTT. Why, yes; I do.

Commissioner WEINSTOCK. That is, disputes that led to war?

Mr. SCOTT. Oh!

Commissioner WEINSTOCK. There may have been discussions.

Mr. SCOTT. No; I don't know of any disputes that have led to a walkout of the employees of the Times, with the exception of the original time I mentioned.

Commissioner WEINSTOCK. You see that Gen. Otis has made out a very strong case for himself. His contention is, first, that he has had industrial peace; secondly, that his men are earning 15 per cent more, or thereabouts.

Mr. SCOTT. Well, Mr. Weinstock——

Commissioner WEINSTOCK. Pardon me. Let me finish.

Mr. SCOTT. Yes.

Commissioner WEINSTOCK. Third, that his earning power, that his cost, has been from 10 to 15 per cent less.

Mr. SCOTT. Yes sir; yes, sir. But I want to put it as plainly as possible to the commission that I don't admit that labor cost at all on that 15 per cent proposition; that I can't see that at all.

Commissioner WEINSTOCK. You dispute that?

Chairman WALSH. Mr. Weinstock, he disputes it. We have already provided for a uniform schedule prepared by Prof. Cross for each newspaper in the city of Los Angeles.

Mr. SCOTT. Mr. Weinstock, I have here——

Chairman WALSH. Mr. Scott has presented his forcibly and Gen. Otis has also. Now we will compare it ourselves. Go ahead.

Commissioner WEINSTOCK. Go right ahead.

Mr. SCOTT. I was just going to say that I had presented our scale of wages here and the scale as introduced in the testimony of Mr. Otis. I took it from the record this morning.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Commissioner GARRETSON. Mr. Scott——

Chairman WALSH. Mr. Garretson wants to ask you some questions.

Commissioner GARRETSON. You heard the statement made yesterday that in a certain period the employees in Gen. Otis's printing house had advanced 25 per cent in wages and that the newspaper reporters had advanced from 15 to 25 per cent. Does your business bring you in rather direct contact with newspaper reporters?

Mr. SCOTT. Yes.

Commissioner GARRETSON. Have you information, or have you not, of any instance where the staff or reporters have been advanced any such degree?

Mr. SCOTT. No, sir.

Commissioner GARRETSON. Has there or has there not been an advance, or has there or has there not been a decrease in the pay of reporters in general in the last 20 years?

Mr. SCOTT. Mr. Garretson, might I answer that in my own way?

Commissioner GARRETSON. Sure.

Mr. SCOTT. It would take me a few——

Commissioner GARRETSON. If you don't go afield.

Mr. SCOTT. I will try not to. While in the East, acting as an organizer for the International Typographical Union, I came in contact at various times with newspaper reporters. I talked with them in various cities, and almost invariably their argument was that they had no great opportunity for advancement in their field, and that they were continually being crowded out of employment by newspapers reducing the price they were paying for the repor-

torial rooms by securing young men who were just out of the high school, and one thing and another, and breaking them into the business. And repeatedly they have asked the International Typographical Union to organize them into organizations to see if they could do something for them. But it has not been the policy of the International Union to organize newspaper writers of late years, although there are three or four of those organizations in existence.

Commissioner GARRETSON. But at widely separated points.

Mr. SCOTT. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. O'connell, any questions?

Commissioner O'CONNELL. No.

Chairman WALSH. Prof. Commons, have you anything?

Commissioner COMMONS. No.

Chairman WALSH. Thank you, Mr. Scott.

Mr. MANLY. Mr. Scott, you stated yesterday that about 1900, I believe, there was a meeting between the representatives of the International Typographical Union and the representatives of the Times, a love feast, I believe you described it.

Mr. SCOTT. What year did you say?

Mr. MANLY. Wasn't it about 1900?

Mr. SCOTT. No. I stated that I was under the impression, as near as I could gather from the men who were very familiar with the proposition, and are in Los Angeles at the time, that this was about a year after the trouble with the Times. That would make it about 1901.

Mr. MANLY. About 1901.

Mr. SCOTT. Yes.

Mr. MANLY. Can you furnish this commission either now or later the names of the representatives of the International Typographical Union who attended that conference?

Mr. SCOTT. I don't remember of saying representatives of the International Typographical Union. I said of the typographical union.

Mr. MANLY. Of the typographical union.

Mr. SCOTT. Yes. I don't think there was any representative of the International Typographical Union in Los Angeles at that time.

Mr. MANLY. Well, the representatives of the local union, could you get the names of the men who were present?

Mr. SCOTT. If they are alive, and if not I will endeavor to get those who were here at the time and went through that period and are familiar with that proposition; yes, sir.

Mr. MANLY. And also the names of the representatives of the Times, if possible.

Mr. SCOTT. Yes.

Mr. MANLY. Thank you.

Chairman WALSH. That is all. Thank you, Mr. Scott.

Mr. SCOTT. Thank you.

(The following communication was subsequently received from Mr. Scott:)

Mr. MANLY: I promised you to furnish the name of a man who could throw some light on statement I made before the Industrial Relations Commission. This statement covered a tentative agreement arrived at with Times about 1901. I give you the name of Mr. W. J. Buckingham, 4051 South Vermont, Los Angeles, Cal. Phone number Vermont 637.

Sincerely,

CHAS. T. SCOTT.

(See Scott exhibit.)

TESTIMONY OF MR. C. F. GROW.

Chairman WALSH. Your name, please?

Mr. GROW. C. F. Grow.

Chairman WALSH. Now, if you can copy the methods of the last witness on the stand with reference to pitching your voice high, it will be exceedingly satisfactory.

Mr. GROW. All right, sir; I will try to do it.

Chairman WALSH. Your name is C. F. Grow?

Mr. GROW. Yes, sir.

Chairman WALSH. And what is your business?

Mr. GROW. Why, at the present moment I am representing the International Association of Machinists as business agent.

Chairman WALSH. How long have you been business agent for the International Association of Machinists?

Mr. GROW. Since November, 1909.

Chairman WALSH. And prior to that time what was your business?

Mr. GROW. I worked in one of the machine shops, or several of the machine shops of this city.

Chairman WALSH. As a machinist?

Mr. GROW. As a machinist.

Chairman WALSH. Now, the particular thing, first, that we would like you to state would be as concisely as possible the story of the dispute in the metal trades in Los Angeles.

Mr. GROW. I will do so. I arrived in this city in November, 1906. I secured a position in the Southern Pacific shops and worked for that company until February 21, 1908, when, because of reduction of force, I with others was laid off.

From that position I went to Pasadena. I secured a position in Pasadena with the Reliance Machine Works, working there several months. The difference, at least it appeared a great difference to me, between the wages paid in the Southern Pacific Co. shop and that paid in the Reliance shop in Pasadena was startling. There was a difference of 10 cents an hour. The wages were 43 cents in the Southern Pacific shops. At that time they were working under a union contract, and the Pasadena shop, working a so-called open or a nonunion shop, paid 33 cents an hour. I was discharged from the shop in Pasadena because I had tried to influence men to join the organization of which I was a member. And from that place I secured a position in an automobile shop in the basement of the Pacific Electric Building. Mr. Woodell, I believe, was the manager of that place. They paid from 35 to 40 cents an hour in that shop, men starting to work received 35 cents per hour, and if they were satisfactory to the foreman they received 40 cents per hour. And from that shop I changed and secured a position with another automobile shop, Mr. Donald O'Hare, on West Washington Street. That was about 1909. And he paid 35 and 40 cents per hour. The automobile machinists at that time in the city were receiving all the way from 30 to 40 cents per hour, with the most of the men receiving 30 and 35 cents per hour.

While working in the shops—at Mr. O'Hare's shop in West Washington Street—I was requested to accept a position with the International Association of Machinists by many of the members. There was much dissatisfaction expressed as to the working conditions in the city of Los Angeles because of the low scale of wages being paid. In fact, there was no scale in the nonunion shops; the foremen paid men whatever he deemed advisable. The men in the shop had no opportunity to present any request as individuals. As Mr. Zechandelaar testified yesterday, and as Mr. Otis testified yesterday, collective bargaining was impossible, and union men—men to work in the establishment, if it were known, were also impossible. And these conditions were unsatisfactory to men who were employed as machinists in this city, because at that time there were union machinists and nonunion machinists, and the union machinists, many of them, worked in nonunion shops. And the sad part of it, Mr. Commissioners, is this, that men had to lie to get and maintain a job. And they are doing that very thing to-day, and have done it for years in this city. If it is known at this time and had it been known at that time in many instances, not all, that men were members of the machinists' union, they were summarily dismissed or discharged.

They had no redress of grievance. There was no opportunity, because the foreman of the establishment, he was the one who dominated the conditions in the shops, and if he was dissatisfied with a man, if he didn't like him, if he didn't think his work was proper, or anything other that appeared to him in his own mind that the man was unsatisfactory, or he didn't want him in the shop, he was discharged. This condition was growing from bad to worse. And since the inception, or you might say the calling off, of the molders' strike in 1904, why conditions in the molding foundry were also getting worse. There was dissatisfaction in all the metal trades unions and among the members of the unions in the city of Los Angeles for many years, because of the arbitrary attitude of the employers who did not recognize committees, who did not recognize the individual, who did not recognize any one or thing except their arbitrary power to determine and dominate the industries of the city. And, therefore, as a natural result of this oppression, the men who were members of the

different organizations and men who were not members of labor organizations tried to better the conditions through the only method that appealed to them possible—by becoming members of labor organizations, increasing their power and strength, and presenting an agreement such as they had presented in every city almost in this country, and in large manufacturing establishments, that they might have collective bargaining, that they may agree or confer upon future proposed conditions of labor, and try to remedy the evils that existed at that time in Los Angeles. And, therefore, I think it was about some time in April, about April, 1910, there were committees from the different local organizations in the city that met jointly in what is known as the local metal trades council, which is affiliated with the metal trades department of the American Federation of Labor. That provides that there shall be in the local metal trades representatives from every local union in every city where metal work organizations exist, and that all grievances, all differences, and that any proposed condition that they desire should be taken up from the several unions into the local metal trades council, and they formulate plans for economic betterment in the community in which they are established.

And these committees met. They formulated an agreement. The first consideration in the formulation of the proposed agreement was a shorter work day, because in Los Angeles, for many years, especially during the fall and winter months, there have been thousands and thousands of men who are unemployed. We find in our office the men coming here from all over the United States and all over the world, many of them unfortunate fellows that had been lured here by misstatements, by glaring misstatements, through the press and by the railroad corporations, by the chamber of commerce, by the merchants and manufacturers' association and perhaps other civic bodies; at least they were allied or associated with the merchants and manufacturers' association. And I have some documents here that will show the kind of literature sent out. Going back to the agreement, the agreement——

Chairman Walsh. Literature sent out by what—by your organization?

Mr. Gnow. No; the chamber of commerce, the Southern Pacific Railroad Co., they sent out circulars and postal cards and advertising matter all throughout the United States, advertising matter appeared in the press of other cities showing that Los Angeles had an ideal climate, saying that the working conditions in Los Angeles were splendid, saying that their opportunities for employment among the different trades, callings, among the agricultural, horticultural, mechanical, and other vocations were many. And having glowing statements made that way, and yet we have had the first time to find committees of any organization, of any of these organizations that have sent out this glowing literature appear at the Southern Pacific, Salt Lake, Santa Fe, or any other railroad station and taking in hand the men that they have lured here and finding permanent work with good wages and decent conditions.

They were thrown upon their own resources. These men came to the Labor Temple, thousands of them, in recent years and appealed to us to assist them in every possible way in securing employment and in securing food, clothing, and shelter. Even last year in the city of Los Angeles the chief of police of this city made the statement that 35,000 men and women were unemployed; and the city council, on action taken by several civic bodies, and when they requested the several civic bodies of this city who had to deal with conditions of this kind to appear before the city council and assist them in taking care of the great army of the unemployed, we found that the only organizations almost that were conspicuous by their absence were the merchants and manufacturers' association and the railroad corporations, who had brought these people to the city. Labor was there, the German Society was there, and the Women's Club was there, and the chamber of commerce was there, and many other organizations came to the city council to advise with the city council, upon invitation, and done everything we possibly could to advise them as best how to take care of the great number of unemployed in this city, and some plans were formulated by the city council. Men were to be given employment in the parks, and Mr. Lissner recommended that they should plant trees. Mr. Mulholland was there, and he suggested that they build a boulevard, and many other suggestions were made; but finally, I believe, the city council donated some thousands of dollars to take care of the unemployed as best they could.

We recommended—we had a mass meeting in this very hall between Christmas and New Years, if I am right; I may be wrong as to the date—and we requested the city council to carry on certain necessary work that was neces-

sary to this city's development and improvement; that that work should be done in this city, and requested that they should make arrangements to secure $5,000,000 to carry on that necessary improvement. It could not be done. Why it could not be done I have my own doubts. I believe there were certain interests in this city that would oppose the spending of $5,000,000 at that time for certain public improvements, and while I could not prove this, I know certain moneys were spent, which was not sufficient, but perhaps it was the best the city council could do at that time, and I merely mention this fact to show you the condition of unemployment existing in this city from time to time.

We have had your unemployment problem in 1900; we had your unemployment problem in 1912; we had your unemployment problem in 1913; and all the years I have been in this city, Los Angeles certainly has been cursed every year with large numbers of unemployed, and it is because of these awful conditions that labor, being conscious of the needs of the workers who are here, we have tried to establish in this city some method whereby these men could secure employment; and the thing that appealed to us most was the reduction of the working time, giving opportunity to all men to secure employment and bring industrial peace of the proper kind to this city.

Now, we formulated this agreement, and I will show you a letter. I wish to submit this to the commission. First, to prove the literature sent out, we have the photograph, I believe, of West Lake Park. The park is there, with the palms, the swans, and the idlers. They say: "The balmy, palmy winter days find hundreds of happy idlers in the public parks of Los Angeles feeding the water fowl which, unmolested, have taken refuge in the lakes." Here are the occupations that are open, and they say, "What kind?" And below, on the other side, below the words "Sign return postal card," and it says: "Aren't you coming to California this spring? The Golden State was never more beautiful, prosperous, attractive in every way, than it is this year. Big agricultural and industrial opportunities are awaiting the arrival of folks like you. The Southern Pacific is offering special low rates from March 1 to April 15, 1912, in order that you may see our glorious western country. Why put off the trip any longer? Come out into the sunshine while the coming is good—and inexpensive. You'll never regret it, that's sure. Give us a suggestion of what you are interested in on the attached card, please."

(The postal card referred to was submitted in printed form.)

Mr. MANLY. By whom was that sent out?

Mr. GNOW. The Southern Pacific Railway Co.—4,000,000 of them in the State of California; a strike on at that time.

Chairman WALSH. Ladies and gentlemen, we must have perfect order; you must restrain yourselves, otherwise you will have to retire.

Mr. GNOW. Now, the circular letter, and I wish to present this documentary evidence before this commission showing——

Chairman WALSH. Please don't make any open comment. I don't know who you are, but you started this. We have to maintain order. Experience has shown that we must do that, because contrary opinions are expressed, in which people are deeply interested here.

Mr. GNOW. I will submit this without comment.

Chairman WALSH. Just give the date and by whom signed, and hand it to the stenographer.

Mr. GNOW. Los Angeles, May 18, 1910; signed by Mr. George Gurney, Mr. Godfrey Dawson, E. H. Misner. Gurney was secretary-treasurer of the metal trades council of this city. Mr. Misner represented the International Association of Machinists of this city and county. We have here attached an agreement, called an agreement, entered into between the Metal Trades Council of the City of Los Angeles, Cal., composed of the following crafts: Machinists, molders, pattern makers, blacksmiths, boiler makers, brass workers, and sheet-metal workers. The first clause, section 1, contains the eight-hour day. The second clause gives the minimum rate of wages for mechanics and helpers, and leaving a space below for the signing of the metal trades council and the employers. I will read one paragraph, with your permission.

Chairman WALSH. Just read that part which contains your request.

Mr. GNOW (reading):

"We, the undersigned committee, representing the Metal Trades Council of Los Angeles, Cal., are desirous of entering into a working agreement with your firm, and have herein inclosed a copy of the proposed agreement which we have submitted to every employer in this city for their consideration.

"Our purpose in wishing to enter into this agreement with you is to keep pace with the constant change in industrial conditions throughout the country. As workingmen we desire recognition and protection. We desire to increase our pay in accordance with the increased cost of living. We desire to give our employers as much of our time in the shops as justice to our family and our health will permit, keeping for ourselves a sufficient amount of time to travel to and from our work and for recreation and rest.

"We trust that you appreciate the position that we are taking in this matter, and that you will not feel that we, as workingmen, are antagonistic to your rights and interests as employers, as it is our earnest desire to agree and cooperate with you, to give to you the best service that we have, and to work to that end that both the employer and employee shall be mutually benefited."

The result of that letter, I am sorry to say, that we did not receive one reply.

We also sent a communication to the foundry men's employers's association, which is a local organization affiliated with the national organization; and also to the merchants and manufacturers' association; the official mouthpiece of the employers, as we understood, at least we were supposed to understand, the Los Angeles Times, stated that our request had been relegated to the wastebasket.

Now, we had not heard anything, no reply to our letters to all the firms that we had written to. I believe it was May 20, or the 28th, I am not positive as to the date, at night, at Willard & Wilson shop, at Fifteenth and Santa Fe Avenue, where about 34 of our men were employed, they were locked out that night. They came to the Labor Temple and told me that they had been discharged because they were union men, that Mr. Willard, who was there at the time, stated that he did not want to have any trouble and that he had been authorized by the organization of which he was a member to discharge these men. I went to Mr. Godfrey Dawson, who I think is here, and told him that we wanted to interview the firm. I was asked to do everything within my power to avoid a strike, because we knew that industrial strife is not the best method in our city, or in the State, or in the Nation, when men who are intelligent, when men who claim that they have that intelligence to operate business, to men who are employed, who have the common intelligence to know that if we can get better conditions through conferences that is the best way, and that strife is the last resort.

So I went to Mr. Wilson and requested him to put the men back to work. He refused. He said he could not do it, even though he would like to do so; he said it was impossible for him to do so. He said if these men were union men, he don't want any trouble, we better let it go at that and perhaps it would blow over after a while. I stayed there about one hour and a half with Mr. Godfrey Dawson. We used every persuasive argument within our power. We asked him whether the men were good workmen. He said they were good workmen, they were splendid workmen, he had nothing against their workmanship; they were efficient, they turned out the work, lots of work, and it was only because they were union men he had been ordered by the association of which he was a member to discharge these men because they carried a union card.

The next day the Western Gas Engine Co., on North Main Street, locked out a number of men. I have the names of the men in the shop. This book that I present also as evidence to the commission contains the names of machinists who came out of the several shops at the time of the lockout. But it is a strange coincidence that our opponents who claim that they believe in industrial peace, in industrial justice, in industrial freedom, that they believe in the protection of a workman, and yet if you go back into their shops, at least with very few exceptions in the same shop the men that came out who left the shop and did not return.

An agreement was later entered into in the latter part of February with the secretary of the foundrymen's employers' association. Mr. Hosell—I believe he is sitting here—was down in the Labor Temple and requested a conference so that industrial strife in Los Angeles might be stopped and a settlement of industrial peace endure, and Mr. Little, at that time, I believe, and is still the owner of the Union Iron Works, and Mr. Hoswell made an arrangement with a committee who was composed of Mr. O'Leary, Mr. Barnett, Mr. Misner, Mr. Gunsey, and Mr. Kay, to meet in Mr. Hoswell's office. They had agreed upon a tentative proposition to call off the strike. And they stated in calling off the strike that the men who had left the establishments would be put back to

work as quickly as possible, and that many men perhaps would be put back at once; that there should be no further discrimination against men because of their affiliation with the labor unions, and that in the future that they hoped that industrial peace in Los Angeles would endure. We called the strike off. On Saturday—the last conference was held on Saturday afternoon, I believe—and on Saturday evening the local union met in the Labor Temple in good faith and declared that the metal trades' strike was at an end.

The result of that is this, that Mr. Baker, Mr. Fred Baker—I believe he is sitting here at this time—repudiated the settlement made, and as published in the press a few days later or the next day, stated that so far as he was concerned that he would operate his own business; that he would determine the conditions in his own shop regardless of any settlement that might have been made at that time. And therefore we were up against a bad proposition. Our strike was declared off, in good faith, the men were willing to return to work; they were willing to cooperate with the employers in the machine shop, the foundries, the blacksmith, and all the various shops in this city, but they were not permitted to do so, and, as I state, this book will prove who are working in the shops at this time in the city.

Now I have contended at all times in the city to do as we do elsewhere, to negotiate agreements with employers, to cooperate in so doing in the production of work, the distribution of product, that these people, the people of this country who are toiling, who are interested in this country, who are producing and help creating the wealth shall have some say in the distribution of the wealth and in the wages and hours in the community and in the establishments in which they work.

Therefore we know that because of this condition—we desire and our organization is based on this condition of collective bargaining and economic betterment, and it is only because when men in establishments are not free to run a union shop, where they won't permit men who are union men to work in this community if they know it, in many instances, it is because of this condition that the real disturbance of industrial peace lies; it is not with the labor union; and the men who have been so bitter and vitriolic and hostile against labor are the men that are responsible for industrial disturbances because we are always willing to enter into agreements with employees, and our organization is based on that particular thing.

I will show you a book, I will also present this to this commission, an agreement signed. I must have this back, because it is signed by employers and myself. It shows——

Chairman WALSH. May we keep that book?

Mr. GROW. I would like to have this also, because it is the only record I have. I made an agreement with the International Association of Machinists, that is signed with the brewery owners——

Chairman WALSH. One minute. Have you finished now entirely the metal trades—before you go to the brewery?

Mr. GROW. Yes, sir.

Chairman WALSH. Because we are trying to concentrate.

Mr. GROW. Yes. We keep a standing committee.

Chairman WALSH. You are now up to the state of the trade to-day?

Mr. GROW. The state of the trade to-day.

Chairman WALSH. The state of the industry to-day?

Mr. GROW. The state of the industry to-day. It is very bad in the city of Los Angeles. I wish to submit something to prove that the conditions are very bad. I will take the automobile shops.

In the Chalmers shop, wages 40 cents per hour; working time, irregular—from 9 to 10 hours a day. Also have men employed who wait for jobs to come in without pay. When jobs are in the shop, men are put on the jobs, but if they accomplish their work and there is no other job in the shop, the men wait until other jobs come in the shop, sometimes an hour, sometimes two hours, sometimes three hours, sometimes four hours, and sometimes as many as five and six hours, without pay. This does not only exist in the Chalmers, but it also exists in the Packard and the Cadillac, and, I think, in the Pierce-Arrow, and many other shops. To prove that these conditions exist—they have a card system and set time to work—set time on work to be done; must be done in that time. Occasionally they charge employees for work spoiled. They have a card system, a name, a number, and the owner of job. If mistake is made on job, if mistake is made on number, no pay is allowed employee. The Packard, also, and the Pierce-Arrow have men who wait for jobs without pay.

The Chalmers pay only straight time for overtime work. The average hours, or the regular hours, we might say, is 9 hours for that work, and for 16 hours they get 16 hours' pay. They get no overtime, no pay for overtime work, and men who refuse to work overtime when requested are laid off or discharged. The party's name is on there that gave me that information.

Here is something glaring. I have here an exhibit from the Keystone Iron Works. Mr. F. Livingstone was the president. There is a young man that secured a position in the Keystone Iron Works. His name was David Jerome. He was employed as a machinist. They put him to work as a machinist's helper. He worked there several days and he was paid off at the rate of 10 cents an hour—90 cents a day for a machinist. Here is the letter from Mr. Livingstone himself:

Mr. DAVID JEROME, *902 North Broadway, City.*

DEAR SIR: As per my promise, I am mailing you a check, $7.20, as payment in full for your services while at the Keystone Iron Works. It is based on 20 cents per hour, which I feel is giving you the better end of it. You hired out to me personally as a machinist, and in your letter of March 5, you make a demand on the Keystone Iron Works for wages as machinist's helper. It looks as if you misrepresented yourself to me and endeavored to obtain machinist wages from our firm, when in reality you are only a poor helper.

Trusting this amount will be satisfactory, I am,

Respectfully,

FRANK LIVINGSTONE.

In order to get this $7.20, or 20 cents an hour, I had to go before the State labor commissioner. I told him not to accept 10 cents an hour as a machinist. I said: "Great God, have they gone so far? This is certainly not a test of the so-called open-shop industrial justice." And I went to the labor commissioner to interest him in behalf of Mr. Jerome—his only being a green-horn; he came here from England; the boy was honest and ambitious; he was a frail sort of a fellow, and to-day is in the hospital; they took advantage of that condition, at least I took it so, and paid him 10 cents an hour, 90 cents a day—the commissioner of labor got him 20 cents, which was the best he could do, and I advised Jerome to take 20 cents an hour.

I have another one here: "Wilson & Willard Manufacturing Co., Los Angeles, Cal., July 9, 1913."

They wrote a letter to the International Association of Machinists. I went down there at the dinner hour. I go around among the men at the dinner hour, and get men that way—try to get them to join the union.

I went in the shop, passed out the cards that I had, spoke a few words to the men in the shop who were eating their dinner. Mr. Wilson saw me and he asked me what I was doing. I told him that I was passing literature through the shop at dinner time on the men's own time. He said: "Let me see what you have." I gave him an application blank of the machinists' union. He wrote a letter to the international:

"The INTERNATIONAL ASSOCIATION OF MACHINISTS,

"*Labor Temple, Los Angeles, Cal.*

"GENTLEMEN: On May 30, 1910, your representative, C. F. Grow, visited our plant and proceeded to make his presence as disagreeable for us as he could.

"We have always believed that it was well for Mr. Grow's health that the latter happened to be out of the city at the time.

"I wish to say that I was there on May 29, 1910, to try and interest him in not discharging—to take these men back to work.

"We believe that individual has not favored us with a visit from that time until to-day. We did not recognize him, and did not know who he was until some time after he was gone.

"Of course, his mission was along the same old line, which means trouble for the employer, the employee, and revenue for the labor boss.

"Will you inform Mr. Grow that the next time he plans to visit our shop, it might be better for him to visit our office first, tell him it might be better for him.

"Yours, very truly,

"WILSON & WILLARD MANUFACTURING CO.,

"By E. WILLARD, *President.*"

We have here a letter, dated September 2, 1913, from the H. R. Boynton Co.:

"H. R. Boynton Co., general office and store. Display room 644-646 South Spring Street.

"LOS ANGELES, CAL., *September 2, 1910.*

"*To whom it may concern:*

"The reason Mr. Harris was discharged was because he failed to come to work Labor Day and did not have a good reason.

"H. R. BOYNTON CO.,
"By O. E. LYON."

I have here something that transpired to show that money was paid by the merchants and manufacturers' association or the foundrymen employers' association, either one, during the strike.

As Mr. Zeehandelaar testified yesterday that they did pay sometimes for deputies and did pay sometimes for men—strike breakers—to be brought into this city to take the places of men on strike.

This is dated at the Burnett House, Cincinnati, Ohio:

"AUGUST 18, 1910.

"Mr. WILLIAM B. HASWELL.

"DEAR SIR: This will introduce to you Mr. John O'Brien, machinist.

"Yours, truly,

"P. E. KLEIN.

"Instructions: Take Washington Street car in front of depot, go to Hollenbeck Hotel, Second and Spring, and immediately ring up Mr. Haswell.

"Home phone A5188.

"Sunset phone Broadway 3572."

Here is the contract: "This agreement——

Chairman WALSH. Submit that, please.

Mr. GNOW. They tried to violate the State law, and it was a violation of law. I will submit it, as you say, though, without comment.

Chairman WALSH. I think you had better do that.

Mr. GNOW. This, in other words, a man pledges himself to go in the employ of the founders and employers' association, that they will not become affiliated with a labor union; that they will not be identified with nor influenced by any labor union; that he will preserve his independence, permitting no outside influence to interfere with or dictate in his affairs with his employers; not be influenced by any labor union or their agents or walking delegates; that they will work six months for 35 cents an hour.

I have another affidavit in regard to the molders, the molders had to sign an affidavit, or make an affidavit, and give it to the secretary who at that time, I think, was named Anthony. This affidavit stated that as long as he was employed in the shop that he would not become affiliated with a labor union.

There is a State law in California that makes it a misdemeanor for anyone to force, coerce, intimidate, or in any manner stop a man from joining a labor union, and any employer—this is what they have done.

Now, the strike was called off, and since that time we have been doing everything within our power to organize the men, the machinists, the boiler makers, the blacksmiths, the molders, the pattern makers, the ornamental workers, on account of the awful conditions existing here.

There has practically been no scale in the city. They pay any scale that they desire to pay. Some shops pay better than others, but the highest wage that I know of is about 25 per cent below the union scale.

The boiler makers have no union shop at this time; the molders have no union shop at this time; the pattern makers have no union shop at this time; the machinists have one or two.

The minimum wage paid machinists at this time is 50 cents per hour.

The minimum, according to the agreement we made, called for fifty-six and a quarter, but that is in the breweries, and the maximum, about the maximum paid in the shops in this city is about 42 or 45 cents in nonunion shops. But the average wages paid in this city—this is not signed, but we can give you the date—is about 35 cents an hour on the average.

So that shows a difference between the minimum scale of the union and the minimum scale of the open shop is about 15 cents per hour, and showing a maximum difference in wages or hours of one hour in favor of the union shop, eight hours, and nine hours, the hours of the nonunion shop.

Now, the conditions in the shop at this time. Mr. Zeehandelnar stated the truth yesterday when he said: "We have no further argument to make that he opposes collective bargaining, that the foundrymen employers' association opposes collective bargaining, that they oppose collective bargaining, but just so long as the open-shop conditions exist in Los Angeles just so long will wages in Los Angeles, just so long will hours in Los Angeles for the worker be less than that of any other city on the Pacific coast or in the western country, due to the open shop."

Chairman WALSH. If you are going to the brewery dispute, maybe I had better ask you a few questions on that. What was the point of the dispute?

Mr. GROW. Submitting a proposed agreement to take the place of the agreement we had that was about to expire.

Chairman WALSH. Were all the breweries organized at that time?

Mr. GROW. They were.

Chairman WALSH. In what crafts now, drivers and bottlers?

Mr. GROW. Brewers, drivers, bottlers, engineers, foremen, machinists, coopers.

Chairman WALSH. And how long had they been organized and how long had they had agreements prior to that time?

Mr. GROW. A good many years.

Chairman WALSH. A number of years?

Mr. GROW. A number of years.

Chairman WALSH. They disagreed with the terms of the agreement at that time?

Mr. GROW. There was a disagreement from the terms in May, 1910.

Chairman WALSH. What was the result of that?

Mr. GROW. The result of it was that failing to reach an agreement between the local unions and the—at that time Southern California Brewers' Association—Mr. Cramer was their secretary.

Chairman WALSH. They were fully organized, were they, the employers?

Mr. GROW. Yes, sir.

Chairman WALSH. And the brewers?

Mr. GROW. About a hundred per cent.

Chairman WALSH. About a hundred per cent?

Mr. GROW. Yes, sir.

Chairman WALSH. And the men were fully organized?

Mr. GROW. The men were fully organized.

Chairman WALSH. And they refused the agreement?

Mr. GROW. They failed to agree.

Chairman WALSH. They failed to agree?

Mr. GROW. Then the agreement had already expired.

Chairman WALSH. Yes.

Mr. GROW. They were working without an agreement.

Chairman WALSH. Yes. What was the result?

Mr. GROW. They sent Mr. Probstel. Mr. Probstel was the international secretary of the brewery workers' union, and he was on this coast, he was in Seattle, and had come south, and they requested before any action of any kind be taken, that Mr. Probstel should come here and advise with them.

Chairman WALSH. Did Mr. Probstel come?

Mr. GROW. He did.

Chairman WALSH. Did it result in anything?

Mr. GROW. No.

Chairman WALSH. What was done? Was there a strike or lockout or what took place?

Mr. GROW. A disagreement arose over the proposed agreement. They wanted them to sign the agreement as it had previously existed without any change.

Chairman WALSH. Who did, the men?

Mr. GROW. No.

Chairman WALSH. The employers?

Mr. GROW. The employers.

Chairman WALSH. What propositions were the men demanding? Were they demanding an increase of wage?

Mr. GROW. Increased wage scale; about all.

Chairman WALSH. About all?

Mr. GROW. That was in the main. And they based it upon the increased cost of living.

Chairman WALSH. Now, then, what resulted? Was there a strike or lockout?

Mr. GROW. The men, after doing everything that they possibly could to get the employers to consider a proposed increase of wages, I believe it was May 19—at dinner time——

Chairman WALSH. What is that year?

Mr. GROW. The men quit the shop—1910.

Chairman WALSH. 1910?

Mr. GROW. Yes, sir.

Chairman WALSH. The men quit the job. Did that affect every brewer in Los Angeles?

Mr. GROW. It affected every brewer in the city—yes, every brewery in the city.

Chairman WALSH. How long did that strike last?

Mr. GROW. That strike lasted, I think, about 11 months.

Chairman WALSH. About 11 months?

Mr. GROW. Yes.

Chairman WALSH. Were there persons brought in to take the places of the strikers?

Mr. GROW. Yes; there were. In fact, I think they might have had more men in the breweries than previously. I am merely saying so. I think so.

Chairman WALSH. Was a boycott declared by the labor organizations?

Mr. GROW. There was.

Chairman WALSH. What assistance was given the brewers, so far as you know, by the employers' association or the M. and M.?

Mr. GROW. If I may be able to produce some evidence from the Times——

Chairman WALSH. Yes, refer us to it.

Mr. GROW. I think, if I am not mistaken, it was June 1 or 2, 1910, when the merchants and manufacturers' association, the brewery owners, and I think the foundrymen, I am not positive about that—Mr. Palmer was president at that time, and Henry Huntington was there at the time, and he made a response to this effect, he believed the proper thing to do was to maintain industrial freedom at any cost. If a general strike was to come, let it come now, now is as good a time as any to sustain the open-shop policy in Los Angeles. And they had a resolution that they passed at that meeting, promising them support morally, and financial support if necessary.

Chairman WALSH. Did the men go out on a strike or did they remain largely?

Mr. GROW. Most of them did; perhaps 10 or 15 might have left the city.

Chairman WALSH. And they lived on strike benefits, I suppose?

Mr. GROW. The International Brewery Workers' organization paid strike benefits each week.

Chairman WALSH. What assistance, if any, was given by the other labor organizations?

Mr. GROW. All the moral support we possibly could.

Chairman WALSH. A general boycott declared against all saloons?

Mr. GROW. Members were generally acquainted with the general conditions existing in the breweries at that time. Therefore, they naturally were requested to not use any of the products, because of the strike. And there were pickets on the streets acquainting the public with the condition existing.

Chairman WALSH. Did the pickets remain on the streets for the whole 11 months?

Mr. GROW. Yes.

Chairman WALSH. The strike, then, was in active operation for the whole 11 months?

Mr. GROW. Yes.

Chairman WALSH. The men were paid strike benefits? And they largely stayed here?

Mr. GROW. Yes, sir.

Chairman WALSH. And what action was taken by the organization?

Mr. GROW. All the general ramifications, that is, all means that were feasible at all times. They held their meetings regularly, and they done everything that they could. They had a standing committee always trying to meet the brewery owners. Labor in this city always has, to my knowledge, had a standing committee standing ready at every and all times to negotiate for the possible solution of its troubles.

Chairman WALSH. Describe, please, how that strike was brought to an end.

Mr. GROW. The strike was brought to an end after negotiations between the men—Mr. Maier, Edward Maier, at that time president of the company, the Maier Co., and several others were fair, and we were told that if it had

not been—that if it had not been at that time for certain conditions existing that they might have called the strike off; they had previously promised that they would stand loyal to their guns and fight the unions and to inaugurate and to maintain the open shop. And an editorial in the Times dl state that because the brewery owers agreed to the same conditions to negotiate an agreement with their employees that it was cowardlies.

Chairman WALSH. Describe the formation of the committee—how it was finally got together and how it was settled.

Mr. GNOW. Mr. Muri, who was representing the brewery workers of the State of California, and myself, and Mr. Mooney.

Chairman WALSH. Who is Mr. Mooney?

Mr. GNOW. Mr. Mooney was at that time secretary of the Los Angeles building trades.

Chairman WALSH. Did Mr. Probstel or any member of the organization take part in the proceedings?

Mr. GNOW. Mr. Muri, the international organizer, who had charge of the State of California and certain western districts.

Chairman WALSH. What did you do with reference to the agreement that you had departed from and that had come to an end 11 months prior to that time?

Mr. GNOW. We took up the agreement that we had disagreed on, and we conferred over it.

Chairman WALSH. How long did the conference last?

Mr. GNOW. The conference, when we got together, lasted, I think, about two hours.

Chairman WALSH. After you got together, what was the feeling in the conference?

Mr. GNOW. The feeling was good.

Chairman WALSH. What was the outcome of that agreement that had expired 11 months prior to that time?

Mr. GNOW. That we had worked under?

Mr. WALSH. Yes.

Mr. GNOW. The new agreement superseded it. They worked under the new agreement.

Chairman WALSH. What I am trying to get at is, did you agree upon that agreement that you had disagreed on which caused the strike?

Mr. GNOW. We worked under that agreement between the brewery owners and our committee——

Chairman WALSH. How long did that agreement last? What was the outcome of it?

Mr. GNOW. That agreement lasted from 1910 up to 1913.

Chairman WALSH. Three-year agreement they make with the employees?

Mr. GNOW. Yes, sir; has been renewed again.

Chairman WALSH. Was it substantially the same or was there any increase in the last agreement?

Mr. GNOW. An increase in pay.

Chairman WALSH. Increase in pay?

Mr. GNOW. Yes.

Chairman WALSH. Any other material change in the agreement?

Mr. GNOW. No; nothing material, because the working conditions in the brewery remained the same for many years.

Chairman WALSH. I would like you to state as concisely as possible what your observation was of the conduct of the local government during the disputes.

Mr. GNOW. I will say this: I found they got the picket ordinance passed——

Chairman WALSH. Yes; we have that in evidence.

Mr. GNOW. Well, the attitude of the local city government was not friendly to us. The employers, whether the merchants and manufacturers' association or whether it was the foundrymens employers' association, I don't know. But I think that Mr. Baker was interested very much in having the antipicket ordinance inaugurated to become effective at once under the emergency clause. This was sometime in July. The strike took place on the 1st of June. And up to the time that the antipicketing ordinance was passed there had not been any violence of any nature. Men were advised every day. I advised them and others to do every thing within their power to get the men out—to acquaint the men who were working in the shop with the true status of affairs; to persuade them to stand loyally to their shop men who were locked out and do

everything possible to bring the strike to a certainly harmonious end, which can only happen in cases of strike through the withholding of labor power.

Chairman WALSH. After the passage of the picket ordinance, do I understand you to say that there was violence?

Mr. Gnow. No. I will tell you what violence there was, if I possibly can. I think that the most of the violence was done through the agitation of the employers, to see how many men they could put in jail. I think there were 467 men arrested. I was arrested myself in front of the Lacy Manufacturing Co. establishment.

I wanted to make a test case with Mr. O'Leary of the picket ordinance, and I brought the case before Judge Rose, and he set my bond at that time at $25. I never came to trial on that case. They had a test case; they took it up to the court, and the court held it was legal—the antipicketing ordinance. Organized labor selected a committee and Mr. Spring was their attorney. We appeared before the city council opposing the passage of this antipicketing ordinance which we considered at that time and do still a crime of the city of Los Angeles, and it was more sweeping and far-reaching in effect than any Federal injunction I ever saw. We requested the city council not to pass it, because it was practically opposed to every fundamental principle of democratic institutions.

Chairman WALSH. Was the ordinance tested in the courts?

Mr. Gnow. Yes, sir; it was.

Chairman WALSH. Was it appealed to the court of last resort?

Mr. Gnow. I am not positive.

Chairman WALSH. Prior to the passage of the ordinance had the law recognized the right of what is known as peaceful picketing and the use of persuasion?

Mr. Gnow. Yes, sir; nobody was arrested prior to that time for picketing. At the meeting of the city council Mr. Hewett, city attorney, was there, and Mr. Eddy, city attorney, was there, and when he was asked the question, "Is there not a sufficient amount of laws now on the statute books of the city to protect the business interests of the city? Mr. Eddy said, "Yes;" there were sufficient laws at that time, and "the antipicketing ordinance is not necessary."

Chairman WALSH. Now, have you anything else to say regarding the practice of violence in labor disputes here? Now, there were 467 men arrested during what strike?

Mr. Gnow. During the metal trades and brewery workers' strike.

Chairman WALSH. Do you know how many convictions there were?

Mr. Gnow. I don't think there was more than three convictions under that antipicketing ordinance.

Chairman WALSH. What were they charged with principally?

Mr. Gnow. Charged with violating the antipicketing ordinance.

Chairman WALSH. About how many cases would you say out of the 467 that there were that did not refer to the antipicketing ordinance?

Mr. Gnow. Hardly any.

Chairman WALSH. Hardly any?

Mr. Gnow. Very few.

Chairman WALSH. Can you recall any at all?

Mr. Gnow. There was several arrests made for disturbing of the peace. I will cite an instance. At the Mills Iron Works there was a disturbance one morning, a man working in the Mills Iron Works by the name of McLaughlin, he had some words with one of the pickets. His name was Mr. Wright. There was an iron chain that run across the front door. Mr. McLaughlin picked up an iron wrench in the shop, jumped over the iron chain, and attempted to strike this picket, Mr. Wright, with an iron wrench. Mr. Wright ran. Mr. McLaughlin ran after him. Mr. Wright picked up a stone and threw the stone and kept backing away. I believe that they got together. I think Mr. Wright struck him in self-defense.

Chairman WALSH. Well, there was an arrest for that violence?

Mr. Gnow. There was an arrest. Mr. Wright was arrested, he was a striker, charged under a felony charge, and the case came up in Judge Rose's court, and Judge Rose heard the case—found Mr. McLaughlin guilty of the offense instead of Mr. Wright, who was arrested on the felony charge. And I think he was fined either $20 or $25.

I will cite you another instance, I will say——

Chairman WALSH. One minute. Could you submit to us, have you in your records any place, the entire record of the number that were arrested?

Mr. Grow. Yes, sir.

Chairman WALSH. And the offenses with which they were charged?

Mr. Grow. Yes; Mr. Harriman——

Chairman WALSH. Will you kindly submit that, and will you add to that, if you please, the title of any person, whether a union official?

Mr. Grow. Yes.

Chairman WALSH. If he was just a member, why you don't need to add that, but if he was an an official. Well, the charge would show for itself if it was outside of picketing.

(The following statement was subsequently submitted by Mr. Grow:)

Cases in Judge Rose's court dismissed or on bonds.

Groat, G. H. Rose, $50. Machinist. Bondsmen: A. Cox, G. H. Robinson.
Grow, E. F. Rose, $25. Machinist. Bondsmen: J. A. Gray, J. W. Brooks.
Hudson, E. Rose, $25. Structural-iron worker. Bondsmen: J. Oswaldd, Leo Englander.
Howes, W. A. Rose, $25. Machinist. Bondsmen: Josua D. Millard, S. Montieth.
Lynch, Edward. Rose, $50. Blacksmith. Bondsmen: Mrs. H. D. De Lara, Mrs. Laura M. Doughdy.
Noan, Ed. Rose, $25. Machinist. Bondsmen: Josua D. Millard, S. Montieth.
O'Leary, P. J. Rose, $25. Boiler maker. Bondsmen: J. A. Gray, J. W. Brooks.
Schoenberg, A. Rose, $50. Machinist. Bondsmen: A. Cox, G. H. Robinson.
Schacht, William. Rose, $50. Structural-iron worker. Bondsmen: J. D. Hunter, Mary Rubben.
Torrello M. Rose, $50. Molder. Bondsmen: J. A. Gray, A. Cox.

CASH BONDS.

Kolak, T. Rose, $25. November 14.
Kraleick, J. Rose, $25.
Vilanger, A. J. Rose, $25. Own money.
Stopple, H. C. Rose, $25. B. C. Local 212.
Price, J. P. Rose, $25.
Hudson, E. Rose, $100. Own money. November 25.
Preston, H. Rose, $20.
Grow. $375 bonds; $245 cash bonds.

Metal-trade arrests dismissed in Judge Rose's court, December 12, 1910.

Armstrong, R. M.
Adams.
Bass, A.
Boyd, John
Fieder, C. F.
Furhman.
Gavahn, A.
Grow, C. F.
Groat, G. H.
Grimus, Fred
Hingston, G. H.
Hudson, E.
Harl, George
Hunter, G. W.
Hult, E.
Hughes, W. A.
Hunt, E.
Johnson, Ed.
Kolack, T.
Kroleich, J.
Kritchiner, Thomas
Karlson.
Kruse, F. B.
Lynch, E. B.
Lovey, L. A.
Lamberk, D.
Lynch, Thomas
McCarty, Tim.
Miller, N. W.
Meridith, John
Noldan, Ed.
Price, J. P.
Podegil.
Pennie.
Preston (2).
Peterson.
Baznik, John
Roberts, C. F.
Ramirez, John
Rumm.
Russell, R. F.
Schoenberg.
Smith, H.
Staffan.
Stopple, H. C.
Schecht, Wm.
Swarnberg.
Seffick, Wm.
Tobbie, Carl
Torrella, Mike
Tracy, John
Villinger, A. J.
Westphalen.
Westguard.

(Letter of Ira B. Cross, received January 18, 1915, states as follows: "About 472 men arrested under the antipicketing ordinance.")

Mr. Gnow. I wish to say this in conclusion so that you will understand that Mr. Harriman, who later became the attorney for our side——

Chairman WALSH. Mr. Job Harrimann?

Mr. Gnow. Mr. Job Harrimann. He has the cases, and he defended the cases.

There is only another one in particular that I would like to get before this commission, and that is the case of 35 men arrested near the Baker Iron Works. They were arrested for conspiracy, for conspiring to violate the antipicketing ordinance, and the case was tried in court here. It was about the only charge that they could formulate in their own opinion, I think, at that time from my viewpoint, that they could cinch these men on. And so they arrested 35 of them and tried them all together, so that if there were any innocent or guilty, if there happened to be any guilty or any innocent, why, they would have all been either acquitted or convicted together. But Mr. Harrimann, why luckily he won the case, and that was practically the last of the arrests in the city.

Chairman WALSH. Was it tried in an inferior court, a police court?

Mr. Gnow. Tried in police court.

Chairman WALSH. Do you have the right of trial by jury in the police court?

Mr. Gnow. Oh, yes. What they done was this, when they first arrested our boys, some they left go on their own recognizances, and others—and if they were married. Some of the judges, one or two of them was pretty fair, and one or two of them was pretty hostile. And they had a bond of $25 to $50 established. But when the men demanded jury trials, then the bond—after men were arrested we would give bonds when we could, and the men got out again and immediately went out on the line organizing and picketing they would be arrested again. And so they put the bond up from $50 to $300, and they kept men in jail from five days to as much as fifty-some days without trial. One old man here I want to submit to the——

Chairman WALSH. Were the defendants insisting on trial through their attorneys at that time?

Mr. Gnow. Oh, yes.

Chairman WALSH. Was Mr. Harrimann representing them at that time?

Mr. Gnow. A part of the time.

Chairman WALSH. But they had counsel all the time?

Mr. Gnow. They had counsel all the time. I will submit here to you a number of men who were arrested. I will leave this with you as documentary evidence.

Chairman WALSH. Will you please take that and hand it to the stenographer?

Mr. Gnow. Yes. I also want to say that here was a man spent 54 days in jail. This was a touching incident. This man, his name is old Tom Lynch, veteran of the Civil War and Spanish-American War. He was working as a casting chipper in the Llewellyns Iron Works, and came out on strike. They picked old Tom up several times and they put him over in the jail on the east side. They kept him there, I think, between 40 and 50 days. We went over there to visit him and take him food, and the man was getting pretty old and he needed attention. We done everything we possibly could for the comfort of the men in jail, and, by the way, the Los Angeles Times caricatured me because of that.

Old Tom, after he got out, was arrested, I think, again. And I told Tom the best thing for him to do was to leave the city, I thought. I gave him the money to go to San Francisco. I paid his passageway and gave him a few dollars to spend. We didn't have much to spare at that time. And Tom went and left the city. Now, Tom, since that time I have saw him once. He came through here on the tramp, and I didn't think that anyone in the city would give old Tom a job. Now, the last I saw of him, Job Harrimann give him an overcoat and I gave him a dollar or so, and he said, "Boys," he said, "if you will only help me on my way to Santa Anna," he says, "I will rough it from there on."

I want to leave this photograph here, with a notation at the time, "Mr. Thomas Lynch served 40 days in city jails. Veteran Civil War. Worked at Llewellys (blacklisted). This man has since become a tramp."

Now, there is one other thing I wish to say. I want to get this point in. I want to say to this commission, if you are asking about the policing in relation to the strikes, there were several orders went out in this city to clean up the city, and men were arrested on the street and vagged.

One man in particular, he was a machinist. He was arrested by, I think, Officer O'Brien. He was taken before Judge Chambers, and he told his story. He said he came, I think, from Riverside to this city. He had been out of a job. He had worked in a butcher shop. He could not get any work. Judge Chambers, he asked Mr. O'Brien, the officer that arrested him, to go out and ascertain if the story was true. He did, and he came back and corroborated the statement made by the man that was arrested, but he said, "I know that the Ornamental Iron Works want a good machinist," and the judge forced the man to serve involuntary servitude in that shop for six months, and I pulled him out of that shop and sent him to San Francisco.

Another thing, I was told that they had paroled some men from San Quentin, and they were working at the Lacey Manufacturing Co., and also at the Llewellyn Iron Works. There was a negro and two men working at the Llewellyn Iron Works, and two men, I think, working at the Lacey Manufacturing Co.

Mr. Yancey, he told me he had learned that was a fact. I went with Mr. Yancey that night to a rooming house down here over some stores, where there was quite a number of men who worked in the metal trades that roomed there. I went there and found those men and asked him whether he would make a statement to me. He says, "Yes; but I hope you won't let it be known so that I will have to be sent back to San Quentin." I said this, "Far be it from me that I shall be the means of sending you to San Quentin." I says, "You are an unfortunate fellow now, and I shall not make you more miserable, but I want a statement of the facts in this case, to see just exactly what we might expect." He told me there was about seven that had been paroled at San Quentin and had been brought down and placed in the shops, and he said if he had known before he was paroled that he was to come to work in a struck shop, he said, "I don't think I would have taken the parole." Mr. Yancey was with me, and I can produce Mr. Yancey to testify or affirm before this commission that he went with me and got the statement from the man, and I took that matter over to the metal trades council and requested the metal trades council to take the matter up with the unions at San Francisco and investigate us to whether the State of California was going to furnish strike breakers to break down the condition of men who were striving to build up their condition.

Chairman WALSH. Anything else?

Mr. GHOW. There are so many things, but I have to cover them briefly.

Chairman WALSH. Yes.

Mr. GHOW. There is one instance I want to relate during the Bishop strike. There were two girls, one of the name of Lillian Higgins, and the other one's name I have forgotten. I will get it to-day for you. The girl was 16 years of age, and they were living somewhere over in the north part of the city, at least I think in that section of the city. I was in jail at the time, but I remember this, and it was part of our record of the strike. Lillian Higgins, two men approached her—supposed to be plain-clothes men—entered her room and offered her money. The girl refused to take the money. Then she was told she would be arrested and proven worthless. The girl said, "I have done no wrong," she says, "I invite arrest. I have only been a poor girl striker, and I have went out with other girls to try and upbuild conditions." And they let it go at that. But a woman came around, supposed to represent some charitable organization. The woman told the girl she would have to go before a physician for a physical examination. The girl says, "I will go, I have done no wrong." The woman says, "You don't need to go." But the girl says, "I will go. When there is a question of my honor at stake I will go." And she went. A 16-year-old girl forced to a condition of that kind in civilized Los Angeles.

Chairman WALSH. Say, there is just one thing. You made mention of the fact that you were arrested in order to test the antipicketing ordinance.

Mr. GHOW. Yes, sir.

Chairman WALSH. What was the result of the test, briefly?

Mr. GHOW. The result of the test briefly was that the ordinance was declared to be valid.

Chairman WALSH. By whom?

Mr. GHOW. By the courts.

Commissioner COMMONS. Were you convicted?

Mr. GHOW. No, sir; they didn't bring me to trial.

Chairman WALSH. In whose case was it declared valid?

Mr. GHOW. Mr. Harrimann has all the data.

Chairman WALSH. He has that data, and we are going to have him later. I guess that is all.

Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. May I ask what was the cause of your arrest?

Mr. Gnow. I was arrested the first time—I served a sentence in jail three months later. The first arrest was in front of the Lacey Manufacturing Co. with Mr. O'Leary. I spoke to men employed in that shop. They told me to move on. I said I was acting within my legal rights on the public streets of Los Angeles to speak to any man at any time, that that was my privilege, and I would do so regardless of any antipicketing ordinance that might be passed to the contrary.

Commissioner WEINSTOCK. That case was not brought to trial?

Mr. Gnow. No, sir.

Commissioner WEINSTOCK. What case was it that was brought to trial?

Mr. Gnow. My case?

Commissioner WEINSTOCK. Yes, sir.

Mr. Gnow. I was arrested near the Labor Temple on the 28th of September, 1910. I was arrested by Officer Browning. He approached me on the street while I was out trying to secure bail money for some of the men in jail. He says to me, "Is your name Grow?" I says, "It is." He says, "Well, I want you." I says, "All right. Have you got a warrant for my arrest?" He says, "No." I says "Have you got anything to show why I am arrested?" He says, "No." He says, "The captain wants to see you."

Commissioner WEINSTOCK. Just tell us the charge.

Mr. Gnow. Oh, there was no charge first, except I was arrested on suspicion. I could not ascertain what it was.

Commissioner WEINSTOCK. What was the conviction?

Mr. Gnow. The conviction?

Commissioner WEINSTOCK. Your were convicted for what?

Mr. Gnow. Just a moment. They arrested me, charged me with assault with a deadly weapon with intent to murder.

Commissioner WEINSTOCK. Was that in some labor trouble?

Mr. Gnow. Yes, sir.

Commissioner WEINSTOCK. Assault with intent to murder who?

Mr. Gnow. A man by the name of Hoffman, at a station out here—Gatin Station.

Commissioner WEINSTOCK. A nonunion worker?

Mr. Gnow. A nonunion molder.

Commissioner WEINSTOCK. What was the result?

Mr. Gnow. The result was that the jury found me guilty of simple assault, and I was incarcerated in the Los Angeles County Jail 90 days, and the peculiar thing and the most educational thing I have ever had in all my life is that I should be convicted of a crime I had never committed and at a place I had never been.

Commissioner WEINSTOCK. You spoke of—you called the attention of the commission in the early part of your statement to the large number of the unemployed in Los Angeles last winter.

Mr. Gnow. Yes, sir.

Commissioner WEINSTOCK. Do you hold the open shop responsible for that?

Mr. Gnow. I do. I do for this reason: Not altogether. I will say that I have heard it said—at least rumored through this city—that the best way to break down the economic conditions or break down the union is to have three men for every job.

Commissioner WEINSTOCK. So that to a degree you hold the open shop responsible?

Mr. Gnow. In a degree, yes, sir; because of this reason——

Commissioner WEINSTOCK. How great a degree?

Mr. Gnow. I would say in so far as the industrial situation—I am not much acquainted with the agricultural because my experience or my work has been altogether industrial. I should judge taking into consideration the number of hours worked and the efforts made to bring men here from all over this country, which appears to be one of the big things that——

Commissioner WEINSTOCK. That isn't answering my question, if you will pardon the interruption. To what degree do you hold the open shop responsible for the unemployment of last winter here? Would you say 20 per cent, 50 per cent, or 75 per cent?

Mr. Gnow. In this particular city, do you mean?

Commissioner WEINSTOCK. Yes. You can only give your opinion, of course.

Mr. GROW. Yes, sir. I would judge in passing my opinion—I would want just a little time to make a specific statement, but I will say an approximation, I would judge it, yes, sir; that it is 20 or 25 per cent.

Commissioner WEINSTOCK. How do you explain the fact, then, that the condition of the unemployed was far more acute in San Francisco than in Los Angeles, in spite of the fact that San Francisco is looked upon as a closed town?

Mr. GROW. I will say this, that the labor conditions on this coast last year were general, but the unemployed question in Los Angeles is always with us, and there is no permanency of employment.

Commissioner WEINSTOCK. We heard the same story in San Francisco. As I understand it, Mr. Grow, union men reserve the moral and legal right, which of course is guaranteed them, to refuse to work alongside of nonunion men.

Mr. GROW. Yes, sir.

Commissioner WEINSTOCK. Well, now, I take it that the unionist does not demand for himself rights and privileges he is not prepared to accord to the other fellow.

Mr. GROW. Certainly not.

Commissioner WEINSTOCK. Is that correct?

Mr. GROW. Yes, sir.

Commissioner WEINSTOCK. Now, if a union man has a moral and legal right, which is undisputed, to refuse to work alongside of nonunion men, has not the employer then—the nonunion employer—an equal moral and legal right to decline to have union men work alongside of nonunion men?

Mr. GROW. As far as the moral and legal right is concerned, I believe Mr. Otis answered that question yesterday on the stand when he stated he was operating a strictly nonunion shop. Now, the moral and legal right of every individual in this city, according to the dictates of his conscience, is to act in such a manner as will conserve to the public a better economic condition, and that is impossible under the open shop. The workers of this country must cooperate and through that human cooperation they have got to bring about economic betterment; I believe this commission is formed for the specific purpose of inquiring into labor disputes and the unequal distribution of wealth, which makes for unemployment and every other evil under the system.

Commissioner WEINSTOCK. Your contention is that while the nonunion employer has the moral and legal right to refuse to employ union men, you think he ought not to refuse to do it?

Mr. GROW. I think if he had the business sagacity—if the business men of this country in the main had sufficient business sagacity, that they realize what the purchasing power of the great mass of the people was and that when they have no work their purchasing power falls below a certain level, then we have industrial depression, but if the working classes and men of the whole population of the country were generally employed under decent conditions with higher wages and shorter hours, then I claim that the industrial conditions in this State and this country would be far superior to what it is at the present moment.

Commissioner WEINSTOCK. Were you present yesterday when Mr. Zeehandelaar and Gen. Otis testified?

Mr. GROW. Yes, sir.

Commissioner WEINSTOCK. You heard both of those witnesses make the statement that in their opinion—they first made the claim, as I now recall it, that Los Angeles was one of the most, if not the most, prosperous city in America, if not in the world.

Mr. GROW. Yes, sir.

Commissioner WEINSTOCK. And they claimed that most of this prosperity was due to the open shop. What is the answer to that?

Mr. GROW. The answer to that is I don't think there is any foundation to the statement.

Commissioner WEINSTOCK. Well, what answer would you make to that specific statement?

Mr. GROW. I would say that the prosperous condition in this city is not enjoyed by those who toil, but that we have men in this city and combinations of men who are very, very, prosperous; who have tremendous wealth; who dominate all the civic and social life, and industrial life—own everything, running just like you might say a spider's legs; that they extend out into all avenues in every section of this city. They control and dominate all the railroad lines and every other thing comes under their domination and power, and they are

very prosperous, and if labor was only half so prosperous as these gentlemen I think we would be very well satisfied.

Commissioner WEINSTOCK. Is it your contention, then, that while capital may prosper in Los Angeles, that labor is not prosperous?

Mr. GROW. Absolutely.

Commissioner WEINSTOCK. That is your point, is it?

Mr. GROW. Yes, sir.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything, Professor? That is all.

Commissioner O'CONNELL. I want to ask one question.

Chairman WALSH. Commissioner O'Connell wishes to ask some questions.

Commissioner O'CONNELL. The secretary of the merchants and manufacturers' association was on the stand yesterday.

Mr. GROW. Yes, sir.

Commissioner O'CONNELL. And put in evidence several books something like this.

Mr. GROW. I have one here.

Commissioner O'CONNELL. And mentioned the name of a man named Murray.

Mr. GROW. Yes, sir.

Commissioner O'CONNELL. And I find in this book his full name is John Murray.

Mr. GROW. Yes, sir.

Commissioner O'CONNELL. So that he intimated upon the filing of these here that they were issued by authority of the Los Angeles Labor Council in some way and that Mr. Murray was a machinist. Being a machinist myself, I have some regard for the trade. I want to ask, is Mr. Murray a machinist, do you know?

Mr. GROW. No, sir; Mr. Murray is not a machinist. Mr. Murray is a newspaper man.

Commissioner O'CONNELL. You do not need to volunteer. I will ask the questions.

Mr. GROW. All right.

Commissioner O'CONNELL. Was he in the employ of the central labor organization or the metal trades council, or any other organization in San Francisco?

Mr. GROW. To the best of my knowledge Mr. Murray has no official connection with any labor organization, national, State, county, or local.

Commissioner O'CONNELL. Now, answer me. Was he in the employ—was he employed by any organization of labor in San Francisco to come here and issue these pamphlets?

Mr. GROW. No, sir.

Commissioner O'CONNELL. Was there any money appropriated by any organization of labor in San Francisco to pay for the issuance of these booklets?

Mr. GROW. Not that I know of.

Commissioner O'CONNELL. Was he under salary in any way of the labor organizations of Los Angeles during the time he was issuing these booklets?

Mr. GROW. He was not.

Commissioner O'CONNELL. Since or before that time?

Mr. GROW. Years ago he was associated with the labor paper here, but not in recent years has he had any connection that he drew a salary or received money in any manner from labor unions.

Commissioner O'CONNELL. Was he brought here by any organization of labor for the purpose of issuing these books or any other books in regard to strikes that were going on at that time?

Mr. GROW. No, sir.

Commissioner O'CONNELL. Was he encouraged to stay or encouraged to leave by organized labor?

Mr. GROW. I do not know whether he was encouraged to stay or encouraged to leave. In fact, labor is very careful as to whom they encourage and whom they discourage. There has been too much of that by the M. and M.

Commissioner O'CONNELL. Then these booklets, placed on file by the secretary of the merchants and manufacturers' association as a record being issued by organized labor were not issued by authority or at the expense or instigation of organized labor in any way in Los Angeles?

Mr. GROW. Not at all.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Grow. If you have any other documents——

Mr. GROW. I want to ask one question, if I might, before the commission adjourns, submit to you in written form some documentary evidence, if I have it or can get it, in my possession relative to bearing on this case.

Chairman WALSH. We would be very glad, indeed, to have any document, and if you have anything else that has not been submitted that you would like to submit, we would be glad to have that.

Mr. GROW. All right; thank you.

(See Grow exhibit.)

Chairman WALSH. Call Mr. Baker.

Mr. MANLY. Mr. Baker.

Mr. GROW. I would like to make one statement before I leave the stand. I don't want to be misunderstood or misconstrued: It has been said about me in this city many times that I am opposed to peace and peaceful measures. I deny the allegation, and I say this, that so far as the unions are concerned, all the unions that I am connected with, and myself personally—I as much as any man or woman in this community desire peace, real industrial peace and justice, and I will stand ready at all times to negotiate agreements that will stand for peace and justice between employers and employees in this community.

TESTIMONY OF MR. FRED L. BAKER.

Chairman WALSH. What is your name?

Mr. BAKER. Fred L. Baker.

Chairman WALSH. What is your business address?

Mr. BAKER. 942 North Broadway.

Chairman WALSH. What is your business?

Mr. BAKER. Iron works.

Chairman WALSH. What is the name of your concern?

Mr. BAKER. Baker Iron Works.

Chairman WALSH. Is your concern confined to Los Angeles? Have you any branch any place else?

Mr. BAKER. No, sir.

Chairman WALSH. Your entire business is in Los Angeles?

Mr. BAKER. We have another plant we own. It is not a branch at all.

Chairman WALSH. Where is that?

Mr. BAKER. San Diego.

Chairman WALSH. The same corporation?

Mr. BAKER. No, sir.

Chairman WALSH. Why do you say you own it? I don't understand exactly.

Mr. BAKER. Because the Baker Iron Works owns the stock in the company.

Chairman WALSH. What is the name of that company?

Mr. BAKER. California Iron Works.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BAKER. I came here in 1874, I believe.

Chairman WALSH. And your position with the Baker Iron Works, I believe, is president and general manager?

Mr. BAKER. Yes, sir.

Chairman WALSH. And what position do you hold in the California Iron Works?

Mr. BAKER. President.

Chairman WALSH. Vice president?

Mr. BAKER. President.

Chairman WALSH. First the commission would like for you to make a statement of general labor conditions in the metal trade, and particularly in your iron works here in Los Angeles. Is that specific enough?

Mr. BAKER. I hardly know how to answer that.

Chairman WALSH. It is rather general. Now, I assume that your concern was largely interested in the metal trades strike that took place.

Mr. BAKER. There was a strike, and some of our men went out in the strike of 1910.

Chairman WALSH. How many of your men went out?

Mr. BAKER. I haven't the number; I should judge all but about 100.

Chairman WALSH. How many have you employed there?

Mr. BAKER. At that time?

Chairman WALSH. Yes, sir.

Mr. BAKER. Oh, I think there was somewhere over 300 or 350, maybe.

Chairman WALSH. Normally is that the number you have employed in your works?

Mr. BAKER. About that many.

Chairman WALSH. How many of them went out on strike?

Mr. BAKER. I think there was about 100 left, as I remember.

Chairman WALSH. You were here when the last gentleman testified as to the duration of that contest?

Mr. BAKER. Yes, sir.

Chairman WALSH. When the men went out on strike, will you please state what were the hours first of your employees?

Mr. BAKER. Nine hours.

Chairman WALSH. Nine hours all the way through?

Mr. BAKER. Yes, sir.

Chairman WALSH. Was that true of other concerns engaged in the industry in Los Angeles?

Mr. BAKER. As far as I know. There were some firms, I believe, though, at that time working 10 hours. I think one or two shops—I am not certain.

Chairman WALSH. Were there any working less than nine hours?

Mr. BAKER. Not to my knowledge.

Chairman WALSH. Now, as to wages generally: What were the wages of the machinists?

Mr. BAKER. I would have to refer to my pay roll. I would be glad to submit that.

Chairman WALSH. Will you be kind enough to submit a copy of your pay roll covering the employees at the time of the strike and at the close of the strike and also at the present time?

Mr. BAKER. I will give you a complete copy of the pay roll at any date you may desire.

Chairman WALSH. All right. Let it be at the time the strike was inaugurated, at the close of the strike, and at the present time.

Mr. BAKER. All right.

(See Baker exhibit.)

Chairman WALSH. Have there been any changes in the hours since the strike?

Mr. BAKER. No, sir.

Chairman WALSH. Have there been any changes in the wages?

Mr. BAKER. I don't know as to that. The pay roll would show that. I don't think any perceptible change, except in some instances there may be some variations.

Chairman WALSH. Has there been any change in your policy with reference to the employment of union men since the strike, and if so, what is it?

Mr. BAKER. Yes, sir. And in my case as to that I may state I would have to go back to 1886——

Chairman WALSH. One minute. Mr. Baker, I believe I will just let you confine yourself to the conditions in your own shop and not generally.

Mr. BAKER. That is what I was going to do.

Chairman WALSH. Do it in your own way.

Mr. BAKER. Back in 1886 we had at that time about 175 men working for us, and we knew little about unions in those days, and we were all pretty well familiar and acquainted with our men, very close to them and worked with them, of course. We noticed some difficulty brewing in our foundry when we put on one or two men, by those men congregating around and suggesting to the men that they make fewer number of grate bars for a day's work and all that class of stuff—cutting down. We were told a demand was going to be made on us. There was a demand made on us for a 9-hour day instead of the 10-hour day we were running at that time. As I remember, the molders were getting about $3.50 for a day of 10 hours. And the committee waited on us and stated that they had decided that they wanted the same scale of wages for 9 hours that they were getting for 10, and that they could and would do just the same amount of work, so that we would be on a fair plane. I told them I didn't think that was possible. At any rate, we met with our men, several of our employers, made a sort of a compromise agreement with them. I think we met in the Fulton Iron Works and agreed to it, and the molders went back. This pertains particularly to the molders, but the rest of the men were with them, I think most of them. And it lasted about two or three weeks, and they commenced breaking their agreement. They didn't seem to have a very good head; one would want to do this way and another would want to do another way, and so

forth, until we simply could not get along, because we could not tell what we could do, and they went out again.

Well, that time when they went out I made a statement to them that from this date on, and I so put a notice in the shop, any of them wanting to come back in our employ could do so at the same rate of pay that they went out on, namely, $3.50 for 10 hours, which would be 35 cents an hour, and we would run the shop 9 hours, and that they—if they could show me that they could do as much work in 9 hours as they had been doing in 10, I would be very glad indeed to put their wages back.

All of the men went out on that strike and stayed out with the exception of about 17 in our entire plant. We run right along and built right up from that on, and the men didn't come back, and we continued that way.

That taught me that I could not deal under union conditions as existed at that time. I am glad to say I think they are better now. They are better regulated and better handled, and an agreement reached at this time no doubt would bring better results. At any rate, we made a declaration at that time that from then on I intended to run my own business in my own way so long as there were men in the market that I could get that were not members of a trade organization. I thought that was my right to do that, as the labor unions demanded that they should run the closed shop and their men should not mix or mingle with other men. And I think if the conditions in the unions were so good as they all talk about, why don't every man join it, and then there would not be any controversy. Then we would submit, of course, to the inevitable. That is all there is to it; we would have to employ such men as we could get. But as long as there is a supply and demand, and I wanted to run my own business, I made that vow that day that I would do so, and I have been continuing along that line ever since.

Chairman WALSH. Are you a member of the founders employers' association?

Mr. BAKER. Yes, sir; I am.

Chairman WALSH. Please state all of the employers' associations with which you are connected, Mr. Baker.

Mr. BAKER. What sort of associations?

Chairman WALSH. Any industrial associations, any associations that you are connected with in your trade.

Mr. BAKER. Well, I am a member of the foundrymen's association. I am a member of the—at least our firm is a member of the merchants and manufacturers' association, and I think I belong to the chamber of commerce, and I guess most of the other organizations in the city.

Chairman WALSH. Do you hold any official positions in any of these organizations; if so, what ones?

Mr. BAKER. No; I think not. I don't know of any.

Chairman WALSH. Could you state the attitude of the merchants and manufacturers' association toward labor unions and toward agreements?

Mr. BAKER. The merchants and manufacturers' association as an association, in all of the meetings that I have ever attended, have always advocated the open shop pure and simple.

Chairman WALSH. Well, now, what do they understand by the open shop?

Mr. BAKER. They mean by that that they will not discriminate against any class of help that apply for work. Now, that is the policy of the merchants and manufacturers' association, but——

Chairman WALSH. That is, whether they belong to unions or not.

Mr. BAKER. Whether they belong to unions or not, that has been, and Mr. Zeehandelaar made that statement, and made it truthfully. It has been denied by several on the stand here, stating that so and so was the case. They only assume so, and their assumption is brought about by actions of corporations like ourselves, for instance, that belong to the merchants and manufacturers' association and belong to the founders employers' association. But we do, and have during our own experience, handled our own business in our own way. The merchants and manufacturers' association does not take up those details, nor do they direct us how we shall or shall not conduct our business. But they have been working to encourage the open-shop sentiment. But that don't necessarily follow that we should follow that course if we don't want to, and that is what has given rise to Mr. Grow and Mr. Scott stating that the M. and M. stood for a closed shop against unions.

Chairman WALSH. What is the attitude of the founders employers' association toward unions?

Mr. BAKER. The founders employers association, as far as I know their attitude, is the same as my own in reference to that. They have found from experience that—it was early, back in 1890, I think it was, that they could not deal, and as far as I know never had any dealings with a union, entered into any agreements or negotiated in any way, shape, or form with them.

Chairman WALSH. Do you refuse now to employ men that are affiliated with unions?

Mr. BAKER. I don't know that we do. I give preference, however, to men that are nonunion men. I am free to say that I prefer them for this reason: Just the moment that you try to mix the two agitation starts and friction arises. And I maintain that I have the same right to employ nonunion men as the union say they shall not and will not work with nonunion men, and I must run a closed shop if I deal with them. Therefore I haven't dealt with them because I don't care to under the present methods. I think they will improve them so that we can. When they get them so that we want them because they are better and make it an inducement for us to keep peace and harmony in the community, why, we will be glad to deal with them as far as the Baker Iron Works is concerned.

Chairman WALSH. Is your concern allied with the Pacific Coast Employers' Association?

Mr. BAKER. How is that?

Chairman WALSH. Is there an association known as the Pacific Coast Employers' Association?

Mr. BAKER. I don't recall it.

Chairman WALSH. I believe it is called the State federation of employers. I think the president of it was before us in Seattle.

Mr. BAKER. How is that?

Chairman WALSH. I believe it is called the State federation of employers. I think the president of it was before us in Seattle.

Mr. BAKER. There is such an organization of that kind, and I think our founders employers' association is associated with them. I think Mr. Lilly made the arrangement through the executive committee some two or three years ago at their request, but I don't know that myself.

Chairman WALSH. Do you have in mind the aims and objects of that association?

Mr. BAKER. No, sir; I don't.

Chairman WALSH. And you have had no specific connection with it, or no business with it, so far as you now recall?

Mr. BAKER. Not so far as the Baker Iron Works is concerned, and so far as my own knowledge, further than I said I know they are members of it.

Chairman WALSH. I wish now that you would state the comparative results which you have obtained under conditions such as you have established in your shop, as compared with union conditions. First, the quality of the work done.

Mr. BAKER. Well, the quality of work is no better than the union men can do or would do.

Chairman WALSH. In what respect?

Mr. BAKER. In any capacity. I see no difference in that.

Chairman WALSH. You don't see any difference in it?

Mr. BAKER. No.

Chairman WALSH. Now, as to the quantity of the work.

Mr. BAKER. Well, the quantity of the work is regulated by us. We hire a man, if we begin anything that we can manufacture; where we are running along making the same thing over and over, they very soon get used to about so much as a day's work, and we generally get that regularly. But under union conditions, when they see fit, without our knowledge, notwithstanding what our costs were, or what our contracts were ahead, if they see fit to reduce say from nine to six, why she won't be but six, and there was no way of changing it.

Chairman WALSH. So you did find, did you, under union conditions, that your product was limited?

Mr. BAKER. Very limited in anything that was made over and over again. Of course, where we are doing job work or manufacturing special machinery, they had nothing to go by to guide them.

Chairman WALSH. What has been your observation with reference to the cost of work under the two systems?

Mr. BAKER. Why, as far as we are able to compare, it is about the same; if anything a little bit better.

Chairman WALSH. What do you mean, sir?

Mr. BAKER. A little better, because we can depend upon it. We know what we can do.

Chairman WALSH. Well, the cost of your production is not so great, you think, as under union conditions?

Mr. BAKER. I don't know. I never had very much chance to compare, because our union conditions, as I say, existed a way back in 1886, and since that time—and our business was very small at that time.

Chairman WALSH. And you have had no opportunity for comparing it with shops in which they have union conditions?

Mr. BAKER. No; the only chance I have, of course, is to compare with competitive prices we have to go up against from other sections.

Chairman WALSH. Now, are you a member of the National Erectors' Association?

Mr. BAKER. No, sir.

Chairman WALSH. Now, in the founders' association, do you keep any list of employees, of prospective employees?

Mr. BAKER. How do you mean, a list of them?

Chairman WALSH. Well, I will ask you the direct question: Is there any limitation upon the men changing their positions from one place to the other?

Mr. BAKER. Not that I know of.

Chairman WALSH. Do you keep a list of the names of employees which you exchange with other employers, showing that men——

Mr. BAKER. Well, we have our pay roll.

Chairman WALSH. Sir?

Mr. BAKER. We have our pay roll; that is the only list that we have.

Chairman WALSH. Well, do you furnish that to any other employers in your association?

Mr. BAKER. We furnish it to the association, the molders here only.

Chairman WALSH. Yes; that is, it goes to the officers of the association, but does that contain a statement as to the resignation and discharge of employees?

Mr. BAKER. No, sir. I might make that clear to you in this way: The founders employers' association maintains through its secretary an employment bureau, and, for his benefit, he gets from our foreman or timekeeper at our place a list of the molders in that department.

Chairman WALSH. Well, is there any other exchange of that kind of any others except the molders?

Mr. BAKER. Only the molders, as far as I know. And if we are a little bit slack, as foundries do, they are busy and slack, and we are going to lay off a man or two, why our foreman would so notify the secretary: "In a couple of days we are going to lay off Bill Jones." "All right, here is one of the other shops have been asking for men. I can place him to-morrow." He gets in touch with Bill Jones and says, "Mr. So-and-so can place you," and he goes right down there. Instead of walking around the streets, he knows to-morrow morning, two days before he is laid off, that he can continue there if he wants to. If he don't want to, he don't have to.

Chairman WALSH. Do you send a list to any others than the city of Los Angeles?

Mr. BAKER. No, sir.

Chairman WALSH. That is all confined to Los Angeles?

Mr. BAKER. So far as I know.

Chairman WALSH. When a man is discharged, is the reason given to the association for his discharge?

Mr. BAKER. No, sir; not that I know of.

Chairman WALSH. Just the mere fact that he is laid off or that he is discharged?

Mr. BAKER. Why, I don't know of any complaint of that kind being made that we got.

Chairman WALSH. Well, I don't know that it is a complaint. I just want to know the character and extent of the information that you give about the employees. Is there anything other than what you have mentioned?

Mr. BAKER. It has been very rare the time that a molder has been discharged. I don't recall any time. There is work enough here in one shop or the other to keep them busy all the time.

Chairman WALSH. Is there anything——

Mr. BAKER. I do remember now a case in our place; one of our men was discharged for drunkenness. He didn't seem to be able to overcome that habit.

Chairman WALSH. Was that information given to the association?

Mr. BAKER. Yes, sir; that was given.

Chairman WALSH. Do you recall any other case in which the reason for the discharge was given; for instance, if a man was known to be an advocate of union labor, would that fact be given so that he might perhaps be discriminated against by another shop?

Mr. BAKER. Well, I have stated that clearly, that I think all members of our association try all the means they can to find out whether a man is a union or a nonunion man. That is very evident as soon as a man goes to work in the shop, for he starts right in to worm right into the rest of them there.

Chairman WALSH. When you find a man is starting to worm into the others, what do you do with him?

Mr. BAKER. When we are laying off men, he would be the first man. We give preference to the other men.

Chairman WALSH. When you do that, do you notify the association that that man is an agitator, a man that is trying to worm into the workers and perfect an organization?

Mr. BAKER. Why, the secretary might ask our foreman why he was laid off, and he probably would tell him that, but not to my knowledge.

Chairman WALSH. Is it done in writing?

Mr. BAKER. No, sir.

Chairman WALSH. Are any of the reasons given in writing?

Mr. BAKER. Not that I know of.

Chairman WALSH. Do you know it to be a fact that your foreman does notify the secretary by word of mouth that such is the reason for this man being laid off?

Mr. BAKER. I know that our foreman is in constant touch with the secretary of the association.

Chairman WALSH. And keeps him in touch with cases of that kind?

Mr. BAKER. Yes, sir.

Chairman WALSH. About the men that are agitators and likely to become so?

Mr. BAKER. I don't think they go that far.

Chairman WALSH. They don't go as far as likely to become so?

Mr. BAKER. No; we are avoiding the union, we simply want them to let us alone. They are trying to worm into us all the time.

Chairman WALSH. They are organizing all the time?

Mr. BAKER. All the time. We have four or five molders and some pipe men and some structural men which are in there now that I know they are union men.

Chairman WALSH. Is there anything that has not been specifically asked you that you would like to mention, that you think would be of value to us? You understand the scope of our investigation. If so, we would be glad to have you state it.

Mr. BAKER. No; I can't think of anything.

Chairman WALSH. At this point, then, the hearing will stand adjourned until 2 o'clock.

If you will, kindly come back at 2 o'clock and resume the stand.

Mr. BAKER. All right.

(Whereupon at 12.30 o'clock p. m. on this, Wednesday, the 9th day of September, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present, as before.

Chairman WALSH. Mr. Baker, will you take the stand?

TESTIMONY OF MR. FRED I. BAKER—Continued.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Baker, from the declaration that you made in regard to the hiring of men, I assume that you do not hold any of this idea that a good many have testified to, that the boycott is either un-American, unholy, or criminal?

Mr. BAKER. I did not hear one word.

Commissioner GARRETSON. The boycott.

Mr. BAKER. The boycott? Why, I had not given that part very much thought.

Commissioner GARRETSON. Well, that has been a loudly proclaimed article of faith with a good many men who opposed the union shop. But I assume from your statement with regard to your own attitude that you do not share in that.

Mr. BAKER. I do not object to them trying to boycott me if they want to and can succeed.

Commissioner GARRETSON. You boycott them?

Mr. BAKER. Why, I am doing just as they are doing.

Commissioner GARRETSON. That is——

Mr. BAKER. I have a policy that I want to run my own business, and I can't run it with hired union men because——

Commissioner GARRETSON. And you recognize their right to do just what you do?

Mr. BAKER. Absolutely. We differ only as to their methods; if they will let me alone—but they want to force me, force my men that don't see fit to join their organization alone, and that is the reason the antipicketing ordinance was passed.

Commissioner GARRETSON. That has no bearing on the real question of the boycott, though.

Mr. BAKER. No, sir.

Commissioner GARRETSON. That is the question of policy followed by the union.

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. Now, the objection of your organizations, either one of them, it don't matter which, the molders—what is it, the molders and employers?

Mr. BAKER. Founders and employers' associations.

Commissioner GARRETSON. The object of that association is to carry forward and make effective the beliefs you have announced?

Mr. BAKER. Well, I could not say to that. I don't know that their policy——

Commissioner GARRETSON. What is the object of the organization?

Mr. BAKER. The organization, as I understand it—I have not read the by-laws for a number of years, but it is to foster the foundry industry and—well, follow it along successful lines to success in that line of business.

Commissioner GARRETSON. To attain its object?

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. Do you question the right of your employees, then, to organize for the purpose of attaining any legitimate object which they believe they have in view?

Mr. BAKER. Not a bit. I rather think it is a good thing.

Commissioner GARRETSON. What is your attitude, then, toward—are we to understand your objection to unionism lies not in the existence of the union, but in the method which it has in your opinion employed; is that the real objection?

Mr. BAKER. That is what I said this morning.

Commissioner GARRETSON. Then, aside from that, what would be your attitude toward collective bargaining?

Mr. BAKER. I have never tried that; I don't know. I do not believe I would like it.

Commissioner GARRETSON. You have seen it carried on elsewhere?

Mr. BAKER. I don't believe I would like it.

Commissioner GARRETSON. Either—give it its broadest sense, with the employers organized as well as the employees and dealing for a craft or for a section of the country.

Mr. BAKER. But the employers I have ever been associated with in any organization are not organized along the same lines as the workmen are in their so-called unions.

Commissioner GARRETSON. I will cite you to where it has been carried probably to its greatest perfection. All the railroads on this continent—the steam railroads are dealt for by three associations.

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. That is, Canada and the States?

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. In that type, which is the most far-reaching of any that I know of—the coal industry of course only being for a limited sec-

tion—does it occur to you that it has advantages that the single railroad would not have in dealing with its own men?

Mr. BAKER. I believe that is a good thing for both employer and employee.

Commissioner GARRETSON. And do you not believe that in such—well, put it in the phrase of the man who has been there—that it gets around the hard corners that arise in negotiations and takes personalities out of it.

Mr. BAKER. That is correct. I can see very clearly where that can be applied to that class of employment because it is of such a general nature and so many employees all on a par.

Commissioner GARRETSON. And you take your foundry association, all men and trades engaged in that craft, couldn't it be made reasonably applicable on precisely the same basis, we will say? Does your industry here embrace the county or only the town?

Mr. BAKER. We take in the city, and there are a few little towns close by.

Commissioner GARRETSON. What made me ask this is in San Francisco they seem to embrace the county also and trans-bay points. Here if it only embraces the territory of the city all the employers acting as a unit in that one craft, wouldn't it be perfectly feasible to act on that common basis?

Mr. BAKER. It would, I presume, if the condition imposed on us was the same as on our competitors in the Far East, those we have to compete with where the rates for labor are less and where the raw material and the finished product takes the same rate. Therefore the eastern manufacturers can come into this market and go into the San Francisco market and compete, and if we are tied up in such agreements as that we would not be on a par with our competitors, and therefore we would have to go out of business as far as the foundry was concerned.

Commissioner GARRETSON. Take all classes of the trade. Isn't it true that—now, it was testified before us in the metal trade—the manager of the Union Iron Works gave testimony?

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. That with the wages that were paid in San Francisco in that craft, and I assume they are as high as yours, if not higher.

Mr. BAKER. I think they are higher.

Commissioner GARRETSON. That he had no difficulty, was placed at no disadvantage as against eastern bidders. If that statement is correct, is there any evidence that the San Francisco competitor could act injuriously upon you if you dealt under the same conditions that they deal under?

Mr. BAKER. But we don't look to San Francisco territory for the output of our material—our product.

Commissioner GARRETSON. If you were at an advantage over San Francisco you would drive them out of the competitive territory, would you not?

Mr. BAKER. Why, we would——

Commissioner GARRETSON. Largely.

Mr. BAKER. We would cope in there; yes, sir.

Commissioner GARRETSON. And if they had an advantage they would drive you from the competitive territory.

Mr. BAKER. Yes, sir; exactly; that is it.

Commissioner GARRETSON. The question, of course, between yourself as a Pacific coast proposition, and the East, is largely a question of transportation and prices, is it not?

Mr. BAKER. And labor.

Commissioner GARRETSON. Putting labor on a parity, it is purely a transportation question that would stand between?

Mr. BAKER. Yes, sir.

Commissioner GARRETSON. I am only assuming this. The testimony in San Francisco was to the effect that only two trades paid higher than the eastern scale. I think I am quoting it correctly. There were two trades in San Francisco that paid less than the East. The others nearly on a parity. Then you have no prejudice against collective bargaining?

Mr. BAKER. Oh, no; not at all.

Commissioner GARRETSON. If conducted on a closely organized basis on both sides?

Mr. BAKER. I have no objection to anything that treats all alike—all fair.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Will you again please tell us how many men you have in your employ now? You mentioned it, but I have forgotten.

Mr. BAKER. To-day I think we have only about 200.

Commissioner WEINSTOCK. Do you know what the proportion of those employees is that are married, and what proportion is not?

Mr. BAKER. I could only tell by looking over our rate cards.

Commissioner WEINSTOCK. Could you approximate it?

Mr. BAKER. I could not; no, Mr. Weinstock.

Commissioner WEINSTOCK. Do you know what proportion of those are owners of homes?

Mr. BAKER. I don't know that, either.

Commissioner WEINSTOCK. Do you know what proportion of those are—what the average length of time of your people are?

Mr. BAKER. No. A great many of the faces I know have been there a long time, but I haven't any condensed records.

Commissioner WEINSTOCK. Could you tabulate that for the information of the commission, the number of married and unmarried men, the number that own their homes, and the average length of service of your men?

Mr. BAKER. I believe that we could get such a statement up.

Commissioner WEINSTOCK. If you could, would you hand it in?

Mr. BAKER. Yes; I will have one of the clerks go at that.

(The following statement was subsequently submitted by Mr. Baker:)

Many of our men are working on outside jobs, away from the city. We have checked up with those present, and find that we have: 34 who own their homes outright, 26 paying for their homes on the installment plan, 1 owning a lot and contemplates building, and 9 buying lots on the installment plan, preparing to build later. To-day we have only 190 on our pay roll—lowest mark for years. We presume many of those who are laying off also own their homes, or are paying for them.

Commissioner WEINSTOCK. In answer to a question of Mr. Garretson, Mr. Baker, you said that you had no objections to unionism, but you did criticize some of the union methods?

Mr. BAKER. Yes.

Commissioner WEINSTOCK. Now, may we ask you to point out what, in your judgment, are the weak spots in unionism, as you see them?

Mr. BAKER. Of course I can only talk about the points that affected us in our little trouble. As I stated this morning, way back in 1890, with my little experience with them then, it taught me I could not get along with them as they seemed to operate——

Chairman WALSH. I can not catch that. Speak a little louder, please.

Mr. BAKER. As they operated at that time. And in 1910, when the strike took place, prior to the strike we, like others, received a communication, I presume to be the one Mr. Grow set forth this morning, setting forth what the unions wanted, like to make arrangements with us for that class of employment. I think I was the one that made the statement that it was relegated to the waste-paper basket. The reason we do that was this: We had not any communication in the past or any business dealings with the union of any kind; therefore the inducements that they held out to us in that circular were not attractive, I did not see where we could benefit by adopting them; they were not along the lines that had been—that we had been used to working on and were entirely unsatisfactory, were not given any consideration further than to check up and find out that they would not suit our purposes.

So time went on and I met, I think in front of our place one day, I met a member of the union who wanted to know if a committee could have a talk with me. "Why," I says, "certainly; I will talk with anybody. What do you want to talk on?" He said, "I want to talk about that circular." I said, "I don't care to discuss it because we are not in the market for union labor." And he says, "Then would you object to discussing it with a committee of your men?" I says: "No; a committee of our workmen are always welcome at our office."

The next morning a committee of some 12, I think it was, asked to have a conference with me. It was granted. They came into my office and they started in to discuss the matter and wanted to know if we could get together on that circular. I stated my position as plainly as I knew how, covering a period of about 30 minutes, and then one or two spoke up and said something, and I went further into it and answered their questions and told them of our position, just as I am telling you, that I could not and I did not care to deal

with the unions, but if they had any grievance as our employees I would be glad, indeed, to take it up with them on that basis.

Then one of the men turned around and said, "What will we tell the men?" I says, "Have I sat here for 30 minutes and made our position clear and you haven't gathered what you can tell the men?" I says, "I can't make it any plainer." I said, "On the other hand, we are sending out circular letters every day setting forth our product to different prospective consumers, and it goes in the waste-paper basket when it is not attractive." "Well," he says, "you want to answer that letter." I says, "I don't know why, it comes to me in the form of a circular letter, asking if they can't contract with us. It is not addressed to us, only on the envelope. It is a circular letter sent to everybody." And that ended that. And a few days after that there was about 250 men, I should judge, appeared in front of our place about 9 o'clock—a prearranged arrangement from the appearance of it—and then about 5 or 6 men started out from the front door, and a big roar and clapping of hands and shouting took place.

Then pretty soon four or five more men walked out. They kept that up there until they had taken out a hundred or two hundred men. Then they marched down the street. I was curious to see where they went. They marched over to the Western Pipe & Steel Co.

Then they walked over to the Lacy Manufacturing Co., the Llewllyn Iron Works, and so on. They kept that up daily, getting every man they could induce to come out by that process. Of course a timid man would not stay at work with men in bodies of that kind walking around, not knowing what is going to happen to them.

Commissioner WEINSTOCK. That occurred in 1910, you say?

Mr. BAKER. 1910.

Commissioner WEINSTOCK. That is called the metal trades' strike?

Mr. BAKER. That is called the metal trades' strike. That is the great objection I have to the union men, is that they will not let those that are satisfied to work, alone. If they want to induce them to join the union, and can hold out some advantages that the men can see, I have no objection to the men joining. And I don't see why they don't all join. From what I have heard this morning it would appear that that was the only place for a man to go for employment.

Commissioner WEINSTOCK. One of the phases of the industrial problem that this commission is called upon to investigate is that of violence in labor troubles. Will you tell this commission, Mr. Baker, whether any violence followed that strike, and with whom the responsibility for such violence rested, so far as you know?

Mr. BAKER. Well, I can't tell unless—I would not lay it to the jewelers, or the barbers, or the hotel keepers, or the bankers in town. I should judge it must come from the friends of the labor unions. They were the only ones that seemed to be marching around endeavoring to intimidate the men by their presence.

Commissioner WEINSTOCK. Were there any acts of violence committed against any of your employees?

Mr. BAKER. Well, I can't remember now. There was a good deal of that going on, a good many men were got into scraps.

Commissioner WEINSTOCK. Do you recall of any arrests that were made for violence against any of your employees?

Mr. BAKER. No; I can't say that there was any arrests against any of our employees. There were a good many arrests made because of the picketing ordinance. And I might say, Mr. Grow spoke this morning about going before the city council in reference to the picketing ordinance. He was representing, as I understand, the labor unions on the one side, while I had a hand in representing our association on the other. And one of his statements was that the unions were law-abiding citizens, which we admitted, and the council accepted as such. And my statement was, if they was law-abiding citizens, that law wouldn't hurt them. Why should they object to it? After the picketing ordinance was then passed, against all the warnings of the authorities, they insisted and persisted in continuing to picket, to picket, and continue picketing, and that was why the authorities took up 30 in front of our place one day because they had warned them on several occasions not to persist in breaking the law.

Commissioner WEINSTOCK. You don't know then from your own knowledge, Mr. Baker, whether acts of violence were committed against nonunion men,

whether there were arrests made or whether there were any convictions that followed?

Mr. BAKER. Oh, yes; I know of—there was only two that I can recall.

Mr. Grow told of those this morning, with the exception of one that, I think, was down to the Ornamental Iron Works. The young man admitted his guilt and was fined, I think, 30 or 60 days—something of that kind—for beating up a man in front of his place of employment as he went in.

Commissioner WEINSTOCK. Mr. Grow told us of his experience.

Mr. BAKER. Yes, sir.

Commissioner WEINSTOCK. Of his arrest?

Mr. BAKER. I know nothing of that, only indirectly.

Commissioner WEINSTOCK. Was that in connection with one of your men?

Mr. BAKER. No; I think that was a man from the Keystone Iron Works, Mr. Grow said.

Commissioner WEINSTOCK. I see. So you are not familiar?

Mr. BAKER. I am not familiar—only what I saw in the newspapers—not the details of it.

Commissioner WEINSTOCK. As an employer you understand, of course, that one of the functions of this commission that it is expected to perform—a responsibility put upon it by Congress—is to find out, if possible, what are the underlying causes in this country for industrial unrest. Now, with your broad experience, Mr. Baker, as an employer, and with your knowledge of conditions generally, what in your opinion are the underlying causes for industrial unrest?

Mr. BAKER. Well, that is a pretty hard statement for me to make. I have ideas that there are employers, like employees, that abuse their privileges. And I have always been a believer that if we could have some national law that treated us all alike to regulate many of these abuses—which I hope this commission will find before it terminates its work—good can come of it.

Commissioner WEINSTOCK. Well, among the suggestions that have been made to the commission—you understand, of course, Mr. Baker, that the members of this commission can not hope within their inner consciousness to solve all these problems; that we must depend upon men like yourself and members of labor to help point out the way to us and to aid us by their suggestions and by their advice and by their experience.

Now, one of the suggestions that have been made to this commission and that the commission has under serious consideration is recommending to Congress the formation or the creation of a permanent industrial commission who shall be to private industries what the present mediation board is to the transportation undertakings; that is, a commission that shall be in a position to tender its good offices in the event of any industrial disputes, to both sides, and to act as mediators, conciliators, and, if requested by both sides, to possibly act as arbitrators.

In your judgment, would a commission of that sort be of any value?

Mr. BAKER. I think so, if it had powers to enforce their——

Commissioner WEINSTOCK. No; without compulsory powers.

Mr. BAKER. Without compulsory powers? I could not say as to that.

Commissioner WEINSTOCK. The board of mediation has no compulsory powers to-day—the board that is dealing with the railroad labor disputes.

Mr. BAKER. Well, they could not help but do good, Mr. Weinstock. They could not help but do good.

Commissioner WEINSTOCK. So far as you can see, you think that would be a helpful situation?

Mr. BAKER. I think so.

Commissioner WEINSTOCK. We are also investigating into the matter of workmen's compensation, Mr. Baker.

Mr. BAKER. Yes.

Commissioner WEINSTOCK. The so-called Boynton Act has been in operation now for eight months. It is a compulsory workmen's compensation act. Will you give this commission the benefit of your opinion on workmen's compensation as it has worked out in the State of California, whether you regard it as good or as bad for the worker and the employer?

Mr. BAKER. Generally, I consider it a very good law for both the employee and the employer.

It is a law that I have been in favor of something of that kind for a very long time, because of the fact that in the past for a long period of years we carried our own insurance and settled with our own employees as best we could, eliminating wherever it was possible the attorney that gets hold of

them immediately after an accident takes place and gets the biggest portion of the returns; and we have carried it through insurance companies. But the action for the past eight months of that law has been very pleasing to us, because of the fact that we come pretty near knowing now what we have to pay and the injured person knows what he is going to get; and there has been cases where we have been by the law permitted—not kept from paying where we know the situation. We have taken an opportunity on our side without——

Commissioner WEINSTOCK. That is, you have augmented the legal compensation?

Mr. BAKER. Yes; we have advanced the money and we have given money. In other words, some of the employees we have paid them the first two weeks' salary that the law provides we don't have to pay, carrying out the policy that we have always carried out.

On the whole, I think the law a very good one, and I think, after the commission has had a year's run of that law, with the experiences of their reports that they get, they will be able to suggest many remedies that will carry it still further. And I hope that this commission will in some way get it to become, maybe not a national law, but have the different States adopt it.

Commissioner WEINSTOCK. I see. Now, what advantage have you found, as an employer and manufacturer, the safety end of the law, the law that provides for a safety department, that authorizes the commission to make inspections in shops and factories and to aid the safety-first idea? Has that been any advantage in your industry, so far as you can see?

Mr. BAKER. Yes, yes; we have in our plant a safety committee consisting of some of the men, our superintendent, and one of the officials of our corporation, and we receive suggestions from all of our men where they can safeguard any of our machines. And in 60 per cent of the cases we have adopted their ideas. Some of my men have advanced some pretty good ideas, to the extent that the commission, so our secretary says, has given us something like 20 points.

Commissioner WEINSTOCK. In your insurance rate?

Mr. BAKER. No; credits for the improvements made above the average.

Commissioner WEINSTOCK. One criticism that was launched against the workmen's compensation act was that it was putting a heavy burden upon industry. Have you found that to be so, that the burden has been a heavy one?

Mr. BAKER. No; we have not. The changes we have made in some instances have been fairly expensive, but when you consider that they are done for the purpose of saving life and limb, and it has in a small degree accomplished that, we have been repaid for it.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. The fact is, Mr. Baker, that the man now gets what you formerly paid out instead of over 60 per cent of it being lost between you and him?

Mr. BAKER. I don't know how much, but I imagine a good deal.

Commissioner GARRETSON. The testimony before all the commissions was that it has run from 32 to 36 cents of every dollar that the employer paid under the old system only reached the man.

Mr. BAKER. Something like that.

Commissioner O'CONNELL. I want to get a little information, Mr. Baker. The founders' employment office, that is carried on by a secretary of the association?

Mr. BAKER. They have an executive committee and a secretary.

Commissioner O'CONNELL. And there are kept the records of the various molders who make application for employment?

Mr. BAKER. Yes, sir.

Commissioner O'CONNELL. Do all the molders employed by the founders in Los Angeles make application through that office?

Mr. BAKER. They don't have to. Once they go to work—if we hire a molder, as we have done many times, his name is sent in the next week with the list that they make of changes, so that they have a complete record there once a week.

Commissioner O'CONNELL. If a molder is employed direct by the employer, then they furnish the office with the information that they have employed such a man?

Mr. BAKER. The secretary gets the list from, as I testified this morning, the foreman or the timekeeper, once a week, I think it is; something of that kind.

Commissioner O'CONNELL. I don't know whether we have the secretary of that bureau subpœnaed here or not. Do you know whether they keep——

Mr. BAKER. How is that?

Commissioner O'CONNELL. Do you know whether they keep an index-card system of the molders in that office?

Mr. BAKER. How is that?

Commissioner O'CONNELL. Do they keep a card system, index-card system, of the various employees of the foundries in that general office?

Mr. BAKER. I have never investigated that fact; I don't know whether they have or not; they have a record of some kind there.

Commissioner O'CONNELL. Well, one founder might hire an employee of another who desires to make a change?

Mr. BAKER. Certainly.

Commissioner O'CONNELL. Any objection to his making a change?

Mr. BAKER. No, sir.

Commissioner O'CONNELL. If an employee is discharged at one foundry for cause sufficient to the employer and that cause made a record at the office of the agency, the employing agency, that reason is supplied to the other founders, if that makes an application to another plant?

Mr. BAKER. I think that is a fact; yes, sir.

Commissioner O'CONNELL. I suppose that cause would be sufficient from securing employment at another plant?

Mr. BAKER. No; not by any means. I can cite several cases where men might have a little personal difference with the foreman at one shop and known to the rest to be a good workman, couldn't get along; that doesn't make it so that he could not work other places; the other places were glad to get him. We have several instances in mind of that character.

Commissioner O'CONNELL. Does the record show that he was discharged for lack of turning out a sufficient amount of work?

Mr. BAKER. There is no record kept of anything of that kind—what a man should do for a day's work. We have no knowledge of that. That is a matter of the individual shop foreman to handle, that feature of his business.

Commissioner O'CONNELL. Do you know whether that office furnishes information to similar offices located in other towns?

Mr. BAKER. I never heard of it.

Commissioner O'CONNELL. Your office is associated, I suppose, with the National Founders' Association, directly or indirectly?

Mr. BAKER. I don't think they are.

Commissioner O'CONNELL. This morning you said you were going to furnish a list, but can you approximately give us the wages paid molders in your foundry?

Mr. BAKER. Yes, sir; I have a memorandum here that I made. We had a holiday to-day, or I could have gotten the list for you. I just copied this from our pay roll. The highest, outside of our foreman, is 44½ cents an hour and the lowest paid helper is 25 cents an hour.

Commissioner O'CONNELL. What do you pay core makers?

Mr. BAKER. I haven't got that segregated. I have just taken the minimum and maximum on the pay roll.

Commissioner O'CONNELL. Just this last question: I understood you to refer several times to the fact you had no objection to the men organizing, that they had the legal right and all that kind of thing to organize, and that they might be dealt with under certain circumstances if organized along certain lines. I would be glad if you would give this commission your idea of what kind of organization you believe the wageworkers ought to have.

Mr. BAKER. Well, I have an idea the wageworkers should be stockholders in certain corporations just as you might be in our corporation, and when our corporation fails in its contract our corporation is liable on its bond for the faithful performance of the contract and we can be reached, and the labor-union contract is not along that same line.

Commissioner O'CONNELL. You think, then, they ought to be incorporated so they would be legally liable?

Mr. BAKER. I think that they ought to be incorporated.

Commissioner O'CONNELL. So that they might be sued for damages or loss?

Mr. BAKER. So that they could be held to the strict letter of their contract.

Commissioner O'CONNELL. That is all.

Commissioner WEINSTOCK. Just one question: May I ask, Mr. Baker, how is the wage scale determined upon in your industry here? Does each employer

fix his own wage scale or does your association fix a common wage scale by which all employers abide?

Mr. BAKER. We have no association that deals with the help in any line along that line or fixes any salary, except the founders employers' association fixed a minimum and maximum wage some years ago. The different foundries have deviated from that as they have seen fit and at times when they had a man that they wanted to pay more they have paid him, and the record will show that when it goes in. There is no set and fast rule about it as I understand it. To-morrow if I saw fit to pay one of my men 4 or 5 cents a pound more and I thought I was justified in doing it, I would not take it up with the association.

Commissioner WEINSTOCK. If your competitor saw fit to pay him less than you were paying him, would there be any issue raised?

Mr. BAKER. The man would probably raise an issue.

Commissioner WEINSTOCK. If the man was willing to accept it?

Mr. BAKER. That would be his privilege.

Commissioner WEINSTOCK. Then, there is really individual bargaining between each employer and each worker?

Mr. BAKER. That is it, exactly.

Commissioner WEINSTOCK. And no uniformity among employers.

Mr. BAKER. Except in a general way.

Commissioner WEINSTOCK. They suggest, I suppose, that the minimum should not be below a certain figure and the maximum should not be above a certain figure, but it is left to each employer to use his own judgment and his own discretion?

Mr. BAKER. Yes, sir; and that brings to my mind a suggestion, if I may be permitted to state now, what this commission might do. I think a great deal of trouble could be eliminated, as I said before, by the employer that endeavors to take advantage of the workman under circumstances as an individual or in a locality by paying him strictly in accordance with the law of supply and demand if the Government should fix a minimum wage for each craft, and let them pay as much more as they can earn, and that should be a fair living wage.

Commissioner WEINSTOCK. That is, your idea would be that in order to protect the fair employer against unfair competition——

Mr. BAKER. Exactly, and at the same time protect the workman, whether union or nonunion man, who may be in a position where he can't help himself and he has to take it.

Commissioner WEINSTOCK. In other words, as it is to-day, you may be paying your people the maximum wage?

Mr. BAKER. Yes, sir.

Commissioner WEINSTOCK. And your competitor across the street, who wants to take advantage of the unemployment of men, may squeeze them?

Mr. BAKER. Yes, sir.

Commissioner WEINSTOCK. And get them at a much lower rate than you are paying your men and that would make competition between you almost prohibitive.

Mr. BAKER. I wasn't looking at it in that sense. I don't think that would make much difference.

Commissioner WEINSTOCK. If your competitor could get his labor 10 or 15 per cent cheaper, couldn't he underbid you?

Mr. BAKER. He could.

Commissioner WEINSTOCK. And wouldn't that be unfair competition?

Mr. BAKER. It would in a locality; yes, sir.

Commissioner WEINSTOCK. In the matter of efficiency, has there been any attempt made to determine the efficiency of the average worker in San Francisco with the efficiency of the average workman in Los Angeles?

Mr. BAKER. Not that I know of.

Commissioner WEINSTOCK. The only thing that there is then is merely individual opinions as to whether the San Francisco worker is more or less efficient than the Los Angeles worker?

Mr. BAKER. I don't know anything about that feature of it.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. In the opinion you gave a moment ago in regard to the legal responsibility of unions, Mr. Baker, I suppose that opinion was originally formed on what is known, or based on what is known, as the Taft-Vale decision in England?

Mr. BAKER. No, sir; that is simply just my own idea of it.

Commissioner GARRETSON. You know in one instance the employers collected £100,000 cash against the Amalgamated Railway service?

Mr. BAKER. I hadn't heard of that.

Commissioner GARRETSON. They did. Do you know what took place immediately after that?

Mr. BAKER. No, sir.

Commissioner GARRETSON. That collection took place under the common-law process, and there was immediately a statute enacted making that impossible in the future. That was the English process. Do you know any place where—bear in mind the labor movement is older in some places than it is here. Do you know of any place where there has been a statute that made such recovery possible?

Mr. BAKER. We have here in California, do we not, a statute that you can't pay less than $2 a day for eight hours?

Commissioner GARRETSON. I spoke in regard to the recovery of damages for breach of contract by unions.

Mr. BAKER. No, sir; I have never thought along that line.

Commissioner WEINSTOCK. The hatters' case.

Commissioner GARRETSON. That wasn't founded on the Taft-Vail decision.

Commissioner O'CONNELL. That hasn't been collected yet.

Commissioner GARRETSON. That hasn't been collected yet. In regard to the question that Mr. Weinstock asked you in regard to unrest, that brought to my mind this—it is evident you looked this situation over pretty broadly—this testimony was given before this commission: First, that one of the primal causes of unrest was the widespread impression—bear in mind that came not from a trade union or employer—the bald statement—that one of the most prolific sources of unrest was the distrust of the courts and the courts' application of the law. Do you believe that that is an agency that would enter into the creation of unrest largely or not?

Mr. BAKER. I could not say as to that.

Commissioner GARRETSON. Would it in your opinion?

Mr. BAKER. I have always been taught to uphold the law and abide by its decision, and I don't care to express myself.

Commissioner GARRETSON. It was testified by an officer, he is now a prosecuting attorney, in answer to he direct question whether the rich man and poor man had any equality before the law, what was the outgrowth of his experience, both as prosecutor, which he is now in one of the counties of this country, and as a defender in his general law practice, whether they had any equality, and his answer was unqualifiedly, "No." If that condition does exist, would it explain a large part of the unrest, or would it not?

Mr. BAKER. I could not say. I think he would be the one to answer that. That is out of my line entirely. My training is not that way.

Commissioner GARRETSON. Do you believe that the enactment of unfair laws would be anything of a factor?

Mr. BAKER. I think so. I sometimes think we have too much law.

Commissioner GARRETSON. That is all. Thank you.

Chairman WALSH. That is all. Thank you.

Mr. BAKER. May I correct a statement that was made this morning? Mr. Grow stated, and in my mind it left the founders and employers' association in a position of repudiating its act. He said that the strike was called off at our request. Now, what took place was this—and that I came forth and repudiated the acts of the officers. Well, Mr. Haswell was passing Labor Temple one day, and knowing some of the men that worked in the shop and had since joined the union, they says, "Why can't we talk with you, Mr. Haswell?" "Well," he says, "I am not authorized to act." And finally he agreed to go in and sit down and listen to them. He did that, and then reported that immediately, of course, to Mr. Little, chairman of the executive committee, and Mr. Little said, "Why, no; we have no objection to a committee coming up and talking with us." And the committee did come up and talked, and Mr. Little listened to what they had to say. They said they were going to call the strike off anyway—from Mr. Little's statement, and they wanted to see if there was not some way we might get together. Mr. Little said he would take it up with the association. Upon that they went down and called the strike off and gave us credit for making an arrangement with them, which I never did, and I simply came out in the papers, and made a counter statement of the facts which existed, which are all of record.

Chairman WALSH. Is that all, Mr. Baker?
Mr. BAKER. Yes, sir.
Chairman WALSH. Thank you.
Mr. Buzzell.

TESTIMONY OF MR. J. W. BUZZELL.

Chairman WALSH. State your name.
Mr. BUZZELL. J. W. Buzzell.
Chairman WALSH. What is your residence?
Mr. BUZZELL. My residence or business? My mail address?
Chairman WALSH. Your business address.
Mr. BUZZELL. Room 106, Labor Temple.
Chairman WALSH. What is your business?
Mr. BUZZELL. At present secretary and business agent of the metal trades council, Los Angeles.
Chairman WALSH. How long have you lived in Los Angeles?
Mr. BUZZELL. About four and a half or five years; somewhere there.
Chairman WALSH. How long have you occupied your present position?
Mr. BUZZELL. About six months.
Chairman WALSH. Will you please try and pitch your voice higher? It is very difficult to hear up here, and I know the audience would like to hear you. Try and pitch it higher.
Mr. BUZZELL. Thank you.
Chairman WALSH. How long have you occupied your present position?
Mr. BUZZELL. Taking all my time, about six months. I have been secretary of the council for approximately a year.
Chairman WALSH. Prior to that time did you have any official position with organized labor?
Mr. BUZZELL. Recording secretary of the pattern makers' association.
Chairman WALSH. Local?
Mr. BUZZELL. Yes, sir.
Chairman WALSH. Any other official position?
Mr. BUZZELL. No, sir.
Chairman WALSH. You are a pattern maker by trade?
Mr. BUZZELL. Yes, sir.
Chairman WALSH. And have worked at your trade at what places?
Mr. BUZZELL. Pretty nearly all over the country.
Chairman WALSH. You have been around a great deal?
Mr. BUZZELL. Yes, sir.
Chairman WALSH. You are a native of what State?
Mr. BUZZELL. Minnesota.
Chairman WALSH. You have worked as a journeyman in what States?
Mr. BUZZELL. I served an apprenticeship in Alabama, and I have been through the South and Mexico and the Eastern States and Middle States, and Southwest, and as far north as Redding, Cal., but not through Colorado, Wyoming, and Montana.
Chairman WALSH. A list of questions, I believe, was submitted to you.
Mr. BUZZELL. I believe so.
Chairman WALSH. And what we want you to direct your attention to particularly is a comparative exposition of the working conditions under union and so-called open-shop conditions, or under union and nonunion conditions. First, as to wages and hours, and, of course, that is confined to Los Angeles.
Mr. BUZZELL. That is confined to Los Angeles entirely?
Chairman WALSH. First it is.
Mr. BUZZELL. I see. You want me to go ahead now?
Chairman WALSH. You may proceed in your own way as briefly as possible.
Mr. BUZZELL. In the metal trades in Los Angeles, in which I am more familiar than I am in other lines, the so-called open shop—there are no open shops, union or nonunion, but in the so-called open shops the conditions under which the men work are comparatively, in my own language, rotten.
Mr. BUZZELL. In the first place, in the nonunion shop a man starts out to—a journeyman starts out to hunt work, and in this city ever since the strike in 1904 of the molders was called off, particularly the molders and pattern makers, the pattern makers not as bad as the molders, they have been told when they go into a shop, if they are strangers in the town, about the first question that is asked, "Where are you from? Do you belong to the union?

Have you been to see Mr.?"—it used to be Mr. Anthony, and now it is Haswell. They will give you a card to Mr. Haswell, with the name and address on and you are told to proceed to that office, which is in the Bryson Building, on the corner of Second and Spring Streets.

My experience on two or three different occasions going up there—I have been there at different lapses of time—has been always about the same. I have dressed differently; I have gone up there, I will admit, to find out if there is any difference in the tactics used; I have given different names at different times. The tactics are always the same. You are asked "Where are you from? Do you belong to the union?" On one occasion I asked him if that made any difference. I said, "I have belonged to the union; I have been down in Mexico for the last couple of years; been suspended since I was down there; I always carried a card when I was around when there was a local, and I naturally expected when I got back on the coast to get reinstated." I was advised by Mr. Haswell if I wanted work in the city of Los Angeles I should forget that, but when I got to San Francisco—San Francisco was the union town—why, it would probably be to my advantage to get reinstated, but not to do it until I got there.

Now, the molders up until recently, more recently where there have been a few small shops that have made competition rather keen among the owners for the small-shop work, have maintained what was practically a maximum rate for molders. They maintained that maximum rate through the method that they used, and, by the way, they have got the business-agent system down fine in the foundrymen's association. They have a business agent, what we call a business agent, they have a secretary, and when a molder goes there he gives his personal record. That is the first thing, and if my observation has been correct—I have tried my best to see—they have different colored cards that they have different men's names on, and my observation has been that the molders who have been at all active in the labor movement, whether it was coincident or intentional, have been the ones that loafed. It has been noticed that the men with families loafed just about so long and then they are given a little work. Then they loaf again. And men have come on different occasions—I can't prove that, but in one instance in Mr. Baker's shop a man came down to the temple, and he made a kick—by the way, the man was not in good standing in the molders' union at the time, either—that he had been offered—I believe he was getting 37½ cents an hour in the Baker foundry, and he had been offered 40 cents in another shop, and he quit to go down and take that job, and he took his tools into the shop one day figuring on starting the next, or went to go in to work, when he was asked why he left the Baker shop. That was the second time he went into the shop; whether he took his tools or whether he went to work, I don't know. He was asked why he quit Baker's shop, the Ironworks, and he naturally told them that he was offered more. He was not getting as much money as he was offered here. Well, they told him that Mr. Baker objected to him going somewhere else, and he went back to Baker, and he didn't want to go.

Now, through the metal trades' strike, or leading up to the metal trades' strike, the foundry employers' association, they worked that business-agent system down pretty nicely, with the result that the molders—there were no union shops for molders in the town, except probably a molder who was a member of a molders' union, running a brass shop where he hired one man, and to all intents and purposes he was working under union conditions.

The molders in Los Angeles work for 27½ cents to 37½ cents an hour, day-work, 9 and 10 hours a day. Some few might get as high as 40. Mr. Baker said he had one now getting 44; perhaps there are a few, but not many instances of men getting near that except maybe those that keep their eyes and ears open amongst the other molders. The molders—and I want to talk quite a little on the molders—the molders started to organize again, actively organize, in about 1906 or 1909, and there are many men that left here because of the effects of that organization. Mr. Baker says he has several of them working in his shop now that are trying to organize. He may have, but they won't stay very long, I don't think. But, anyhow, the molders, when they went on a strike here in 1910, when they had quite a large membership of 240, I think, two hundred and some odd, there are not more than a dozen cases where those molders have ever been able to get back to work in any of the shops that were running at that time; probably a dozen—somewhere in that neighborhood. To-day the conditions are in some respects worse in ordinary times;

the molders don't have many written agreements. As I understand, they don't have many agreements with the foundry men anywhere except in the stove-plate business. And then the agreements are more or less understandings.

In a union shop where the molders have a recognized shop committee to handle the work and any petty grievances that may come up, all things are settled between the boss of the foundry himself and the committee. Wages are generally established at a minimum rate, with a sliding scale, and it slides upward and not downward. And the hours are recognized, being 8, 9, or 10, as the case might be. The minimum wage is for the given hours per day that is customary in the given shop. All work that is in a foundry that they term late in pouring off—that is, in casting their work at night—they get paid in some places; they take 15 minutes, and they get paid for that work; if they are half an hour overtime, they get time and a half overtime. They quit molding when the wind goes on in most cases. The blast goes on and they clear up their floor to get ready to pour off, so that everything will be out of the way when they get to carrying iron. In Los Angeles—in a foundry there—the men mold until all day long in most instances and the helpers carry their iron in some instances. In some instances the molders mold nine hours and afterwards they get straight time for overtime unless they work an hour and a half. I know several cases over here, although I can't prove it, but I can bring the witnesses.

Now, Mr. Grow handled the machinists fairly well. The pattern makers up until the strike, being small in number in the city and naturally small in proportion to other mechanics, they had a good deal, a little bit better handle on the situation, and as the business has gradually developed into what we call job-shop business instead of foundry shops here, we had the situation fairly well in hand when the metal trades' strike came on. And during the metal trades' strike we figured it would be poor policy to strike the foundry shops and not the job shops, so that one struck and then the pattern shops, and to-day they are practically back to where they were before the strike.

The boiler makers and blacksmiths, the relative wages and hours here are hard to say; what they claim for a scale, and what they get, are widely different. The boiler makers want 50 cents. They claim a scale of 50 cents an hour. You will find boiler makers working in the city for any rate the boss can get them for. Blacksmiths a good deal the same way.

Now, then, the conditions in the so-called open shop are these compared with the conditions in the union shop. They have no wage scale; they have no agreement or no understanding as to what the standard of efficiency shall be. In other words, when a mechanic, a journeyman, starts out to look for a job, after being asked the usual first two questions, "Where do you work and do you belong to the union?" Then a few questions; sometimes "Why did you leave the last place?" Very often that is not asked. Then "You can start in the morning." And they always make the man ask the question first "What are you going to pay?" Well, then they pay what you are worth. Well, if a man is inclined to argue, the answer is the foreman will do the judging, if the man asks him who is going to be the judge of what he is worth. If a man sets out for a scale, he probably in some instances gets it, and in some instances he don't. It depends a good deal on, as Mr. Baker's superintendent told a pattern maker, Mr. Rowe, last winter, in January; I heard that they wanted a pattern maker at Baker's, and I wanted to get a man in there and sent Rowe down to apply for the job. He was asked the usual question by the superintendent in the office, and he was told he could go to work. He asked about the money. They offered him 40 cents an hour and he had been used to getting 55 to 62, and naturally objected to 40 cents. Mr. Baker, or rather the superintendent—I take it for granted the superintendent; I wasn't along and I don't know whether Baker himself or not, but he did not argue much about it. He simply told Rowe that if he would come down there at 7 o'clock in the morning instead of 3 o'clock in the afternoon, and see the bunch of men who would be tickled to work for less than 40 cents, he would change his mind; he wouldn't argue about it if he wanted the job very bad.

Now, those conditions are general. Generally speaking, that is about the condition that prevails in the so-called open shop.

In the union shop we naturally have, even where there are no written agreements, as is the case here, even in some of the foundries and pattern shops, we have an understanding; we know what the bottom-price wage is. A man when he goes in to get a job he is not asked, "Do you carry a card;

where do you work?" Written references in places of that kind are not much good, because if the man is competent, a competent mechanic, it don't take the foreman over a half a day to judge his capability. In the union shop a man has to, as a rule, be given a reasonable excuse for being discharged when he is discharged. In a nonunion shop he is simply handed his time and told they don't need him any longer. "We don't need you any longer, Jimmie; you can drop around some other time."

Now, to show some more methods, one that I overlooked here. There is the machinist that came out of Lewellyn's, named Hilton. On several occasions, after the strike was over, he applied at Lewellyn's for a job. The foreman down there told him, "Of course, you will understand the situation, Wash"—his name was Washington, his first name, and everybody called him Wash—"You will understand the situation, Wash. It will be quite a while before I can put you in, but come back again." And one day after he had been down there on several occasions, he told him: "Wash, you and I are pretty good friends for a long time, and I don't like to fool you any longer. I was told in the office to keep you and the rest coming just as often as we could get you to run down, but you will never get a job. So, now, I don't want you to come any more, because you are only wasting your time."

Now, I want to say a little on the policing here—I overlooked a couple of things. In the summer of 1910, I believe it was—what I am getting at is this—it has been stated here that they used the police to protect the property, and we, or I do, at least, do not think that they were used to protect property, but to picket shops for the employers during the strikes.

In the summer of 1910, this same man Hilton, who was rather an old man, and a man named George Lockhead, were alone down near the Union Tool on Palmetto Street. They spoke to a couple of men, and it happened that they were alone, a couple of the bad ones in there that found it out, and they came out after these two men, quite a number of strike breakers in the shop. Mr. Grow, who was down there to kind of look over the pickets, heard of some one that there was a riot going on down the street, and he run down the street to where Hilton and Lockhead were to get them out of the corner they were in, so that these fellows could not catch them, and merely—I can't explain it no other way—by his personality he stopped that crowd by standing and talking to them. While he was standing the crowd opened up and a policeman with badge No. 219 ran through the crowd. Grow rather let up in his attitude, because he thought the policeman had come to stop the row, but the policeman—he found out the policeman didn't come to protect him, Hilton, and Lockhead, but he took Grow and beat him, hit him several times, in fact, Grow went down for the count pretty near, with the ordinary night stick. And in many instances policing was off during the time. I could name instance after instance where the police——

Chairman WALSH. Without giving particular instances or the details, just sketch and show were there many of few.

Mr. BUSSELL. There were many instances just like that, Mr. Chairman.

Chairman WALSH. It is claimed, then, that the police sided with the other side; is that correct?

Mr. BUSSELL. Yes, sir. I believe that the police were used for pickets for the employers, and nothing else. That is my belief in the matter.

Chairman WALSH. You haven't finished yet?

Mr. BUSSELL. I just want that point under the first three questions. Safety and sanitary conditions: I have only this to say, that in the ordinary manufacturing establishment there is a certain amount of hazard or dangerous occupation. In the union shop my experience has been on two or three different occasions that if there was something that apparently did not go for the safety of the men, when a complaint was made to the management or to the foreman, it was not made as a request that it be fixed, but it was made as man to man. And it was usually attended to. If there were two or three screws loose, or anything liable to come out, or the shaper used in the pattern shop, if the bearings were worn and needed babbeting or an iron belt over a slippery floor and a man likely to slip and fall, go and get those things remedied.

Now, I have seen them in nonunion shops here in Los Angeles and in other places where if a man made a complaint like that he was told in rather strenuous language to attend to his own business. And in one case in the Up-to-Date Pattern Shop here last January they had some complaint from smoke and gas that came up out of the Acme Brass Foundry underneath. They made a kick about the gas over at the Fulton Engine Works. The gas floated over there.

They raised the stacks, and they then found the sparks descended from the brass furnace and dropped into the pattern shop. And they was going to put a screen onto it. Instead of putting a hood screen on it that would cost a couple of dollars they made an ordinary screen and put it on top of the smokestack, with the result that the gas comes out from the furnace up through the floor into the pattern shop. That was about the time of the start of the enforcement of the compensation law. Mr. Mason, who was then proprietor—now he is only part owner—of the Up-to-Date Pattern Shop, boxed up his machinery, and it cost him a little bit of money, and he was a little sore to say the least. And then an argument over this gas where two or three men were made sick and had to go home came up, and he called them up into the office one day at noon. And he says, "Shut the door. I want to talk to you fellows." And he gave them quite a lecture on what they should do, if there was anything wrong in the shop, for perhaps three or four minutes. Then he wound up by saying; he says, "You people undoubtedly know who made this compensation law, and," he says, "I want to tell you right now I don't know whether any of you are lined up that way or not, but if there is any man amongst you that is not satisfied with this shop, with that gas that comes up through the floor, with the wages or anything else in this shop, you will do me a favor and you will be better off yourself if you will quietly pack your tools and come in the office and get your money and disappear." In other words, through the individual bargaining in that case, if they didn't like it they could beat it.

That is about all that I would like to say.

Chairman WALSH. Now, did you want to make some comparison between union and nonunion shops?

Mr. BUZZELL. Yes, sir; just in Los Angeles.

Chairman WALSH. I confined you to that to begin with.

Mr. BUZZELL. I should like to; yes, sir.

Chairman WALSH. Very good. Just proceed. Do it as concisely as possible, but as exhaustively as you need.

Mr. BUZZELL. I would do it more with figures than anything else.

Chairman WALSH. All right.

Mr. BUZZELL. The difference in Los Angeles and San Francisco, where railroad facilities, classes of work, and that like are a great deal alike, our statistics show that in San Francisco the pattern makers are working an eight-hour day for a $5 minimum rate. In Los Angeles they work nine hours, one shop nine hours and a half, and in a couple of shops eight hours for about whatever the boss can get them to work for. To go a little farther east: In St. Louis the pattern makers make in what we term foundry shops, where it is generally understood a man does not have to work quite so hard, 48 to 50 cents an hour, nine-hour day. In the job shops in St. Louis and vicinity they get from 54½ to 58 cents for an eight-hour day. The molders in St. Louis get $4 or $4.25 as a rate, and a great many men as high as $4.75 for a nine-hour day. I will venture to say there are not a half dozen molders in this town that get over 40 cents. In Texas, along the same line of work, a good deal the same competition, molders and machinists and pattern makers will average from $3.75 to $5 a day for an eight and nine hour daywork. In an around Los Angeles we find boiler makers and tank builders working all kinds of rates—$2.50 a day to $4.50 for the same class of work. In northern California, in Bakersfield, from Bakersfield north and through Oklahoma, Arizona, Texas, and southwest, the same class of work, they work eight hours for $4 and $5.50 a day.

I think that is all.

Chairman WALSH. Mr. Weinstock would like to ask a question or two.

Commissioner WEINSTOCK. Have you the San Francisco wage scale in the metal trades; have you a copy of it here?

Mr. BUZZELL. Not entirely. Most of that—some of that is from memory. I was in San Francisco and in that strike when the wage scale was up.

Commissioner WEINSTOCK. Now, in the metal trades there are how many different crafts?

Mr. BUZZELL. Practically what is known as the metal trades—machinists, boiler makers, blacksmiths, and sometimes metal polishers.

Commissioner WEINSTOCK. What is the minimum for machinists?

Mr. BUZZELL. Four dollars and twenty-five cents, I believe.

Commissioner WEINSTOCK. Is that the minimum?

Mr. BUZZELL. That is the minimum.

Commissioner WEINSTOCK. Has it been changed recently?

Mr. BUZZELL. Not that I know of.

Commissioner WEINSTOCK. Well, I was a member of the conciliation board that dealt with that two or three years ago in San Francisco; but my recollection is that the minimum for machinists was $3.50, so that there either has been a change——

Mr. BUZZELL. I understood in 1907 that the same scale was in effect, and then I understood the machinists' scale was $4.25.

Commissioner WEINSTOCK. In 1910 it was $3.50.

Mr. BUZZELL. Perhaps it has been changed.

Commissioner WEINSTOCK. Now, the boiler makers is what?

Mr. BUZZELL. I am not sure of the boiler makers. I have heard that the boiler makers get as high as 75 cents an hour; the average scale is about 50 cents.

Commissioner WEINSTOCK. About $4 a day?

Mr. BUZZELL. Yes.

Commissioner WEINSTOCK. They work eight hours?

Mr. BUZZELL. Eight hours in San Francisco.

Commissioner WEINSTOCK. Pattern makers?

Mr. BUZZELL. Five dollars.

Commissioner WEINSTOCK. And the molders?

Mr. BUZZELL. Four and a half.

Commissioner WEINSTOCK. And what are the other crafts?

Mr. BUZZELL. The metal polishers I am not sure.

Commissioner WEINSTOCK. Those are the four principal crafts?

Mr. BUZZELL. Yes; the blacksmiths.

Commissioner WEINSTOCK. Machinists and blacksmiths; yes.

Mr. BUZZELL. I am not sure of their rate. I wasn't familiar with them so well.

Commissioner WEINSTOCK. I suppose they get about what the molders do, do they not?

Mr. BUZZELL. The blacksmiths have different rates for different kinds of work.

Commissioner WEINSTOCK. They have a minimum, though, however; I know that.

Mr. BUZZELL. Well, it is about $4.50 a day, I think.

Commissioner WEINSTOCK. About $4.50?

Mr. BUZZELL. I would not be sure.

Commissioner WEINSTOCK. Have you any means of knowing what the wage, the average wage, for example, is in Los Angeles?

Mr. BUZZELL. The average wage?

Commissioner WEINSTOCK. In these different crafts; yes.

Mr. BUZZELL. The average for molders is about 33 cents an hour.

Commissioner WEINSTOCK. And he works how many hours a day?

Mr. BUZZELL. Nine.

Commissioner WEINSTOCK. That would be 9 times 33; about $3 in round figures.

Mr. BUZZELL. About. That is for a nine-hour day, you understand.

Commissioner WEINSTOCK. For a nine-hour day.

Mr. BUZZELL. Many times they work longer than that.

Commissioner WEINSTOCK. How about blacksmiths?

Mr. BUZZELL. That is hard to gather.

Commissioner WEINSTOCK. Could you give those figures; how do you get your information, anyhow?

Mr. BUZZELL. I have to get it.

Commissioner WEINSTOCK. Do you get it by quizzing the men?

Mr. BUZZELL. By quizzing the men in this town.

Commissioner WEINSTOCK. And compiling it?

Mr. BUZZELL. And compiling it.

Commissioner WEINSTOCK. Have you any record at all, any data?

Mr. BUZZELL. Some. I didn't think that would be used, so I didn't bring it up.

Commissioner WEINSTOCK. Well, now, Mr. Baker has been asked to prepare for the information of this commission a statement of his pay roll in the different crafts.

Mr. BUZZELL. Yes.

Commissioner WEINSTOCK. Now, will you do that from the union standpoint for the purposes of comparison, and send it in to the commission at your convenience?

Mr. BUZZELL. I will. Roughly speaking, I have it here.

Commissioner WEINSTOCK. Well, you might state it roughly, and then verify it later.

(The following communication was subsequently received from Mr. Buzzell:)

LOS ANGELES, CAL., *September 10, 1914.*

COMMISSION ON INDUSTRIAL RELATIONS:

I hereby submit the following comparative wage scales of Los Angeles in the nonunion, or so-called "open shop," except in a few instances in small shops there are no union, or "closed shops," in this city, so I submit the scales asked for:

	Present rates.	Rate asked for.
	Cents.	Cents.
Molders and core makers	37½-37½	50
Pattern makers	40 -50	60
Boiler makers	22½-45	50
Blacksmiths	35 -50	50
Machinists	35 -40	50

The hours are in most cases nine, with straight time for overtime; the hours asked for are eight, with time and one-half for overtime.

J. W. BUZZELL,
Secretary Los Angeles Metal Trades' Council.

Mr. BUZZELL. The average wages, the wages for molders, range from 37½ to 37½ cents an hour. I figure it out, roughly speaking, about 33 cents average hour.

Commissioner WEINSTOCK. Molders.

Mr. BUZZELL. With straight time for overtime.

Commissioner WEINSTOCK. Yes.

Mr. BUZZELL. Machinists, 25 to 40, and Brother Grow cited an instance where the Keystone paid a man off at 90 cents a day. Boilermakers work according to their need, 30 cents to 40 cents an hour; in a few instances, 45. The scale asked for is 50 cents.

Commissioner WEINSTOCK. Well, you may send in that verified list, will you?

Mr. BUZZELL. Yes, sir.

Commissioner WEINSTOCK. Now, did I understand you to say that in unionized shops the work is standardized; is that correct?

Mr. BUZZELL. Standardized how?

Commissioner WEINSTOCK. Well, that it is understood either by verbal or written agreement that a molder is to do a certain amount of work a day, not less than a certain amount?

Mr. BUZZELL. Not less than a certain amount?

Commissioner WEINSTOCK. Yes; they have a minimum amount of work that he must do in order to justify his minimum wage; is that correct?

Mr. BUZZELL. That is generally correct.

Commissioner WEINSTOCK. In a union shop?

Mr. BUZZELL. Yes, sir.

Commissioner WEINSTOCK. Now, is there also, while there is a minimum limit, if I am to assume that there is a minimum limit of the amount of work that a man shall turn out to be entitled to his wage, is there also a maximum limit? In other words, is it understood that he must not produce more than a certain quantity within a certain day?

Mr. BUZZELL. Hardly ever that I have had come to my notice. As a rule the minimum is just about all that a man can do anyhow.

Commissioner WEINSTOCK. You mean the minimum is really the maximum?

Mr. BUZZELL. It generally works out that way; yes, sir. The minimum is generally taken from the fastest man in the shop, even in the union shop to-day.

Commissioner WEINSTOCK. Do you know the comparative efficiency of the men working in the metal trades in Los Angeles compared with the efficiency of the men working in San Francisco? In other words, do the Los Angeles workers turn out more or less work per day than the San Francisco workers; have you any means of determining that?

Mr. BUZZELL. Only in—really in one line; that is, pattern making, to be specific; general in the other cases. A pattern maker in Los Angeles has to be what we term "a star" to get away with it. He will do more in Los Angeles. He don't do the class of work, understand. He does what we call band-saw and sandpaper work, but he does more of it in Los Angeles in 9 hours than they will do in the average city in 15. They do; in the other cities they do a better class of work.

Commissioner WEINSTOCK. You mean, then, that the worker in Los Angeles, at the close of the day, his output in pattern making is greater than the output of the worker in San Francisco?

Mr. BUZZELL. No doubt about it.

Commissioner WEINSTOCK. On corresponding work.

Mr. BUZZELL. No doubt about it.

Commissioner WEINSTOCK. Well, then, isn't the San Francisco employer's candle burning at both ends? Isn't he paying a higher wage and getting less return than the Los Angeles competitor?

Mr. BUZZELL. Well, I don't know. As a rule, in San Francisco the man that pays for patterns that I happen to know of more particularly, the man that keeps them, and in the end he gets more for his money. In Los Angeles you will find that the foundry business, except in one or two instances, is not very great. What I mean, the shops are not large, and it has developed in the pattern-making business a system of what we call job shops. In other words, a fellow gets a few dollars saved up and buys a band saw and a hole in the wall somewhere and starts a job shop.

Commissioner WEINSTOCK. Here in Los Angeles?

Mr. BUZZELL. Here in Los Angeles. And the foundry employers that don't have work enough to keep what they claim to justify them in keeping a pattern shop going, that naturally go to these jobbers, and between them keep the different ones of them alive. Now, then, the jobber, the competition is so keen between them for the jobs, and they claim that the different foundrymen, or people having patterns made, will walk two blocks to save a dollar on their blue prints in getting bids on small jobs. The jobs are all small, comparatively speaking, and they are compelled to figure it down right as close as they possibly can, with the result that the journeyman pattern maker has to be speedy to make it pay. And just as soon as the pattern is made and sold the job pattern maker has nothing more to do with it. And consequently in the final analysis it is to his benefit if it don't last long, while if it was made in a foundry they would get less output, but the work would last longer after it was finished, and in the long run would be really cheaper to the foundry man.

Commissioner WEINSTOCK. Well, is that difference that you speak of as relating to the pattern makers a common difference and condition in the metal trades here; that is, that the men get a smaller wage than they do in San Francisco, and for that smaller wage they are expected to and do, as a matter of fact, turn out a greater output than in San Francisco?

Mr. BUZZELL. Well, in some instances the men claim they do and in some instances they don't. It is hard to get a line just on the output that it would come out somehow. Now, I base my assertion about the pattern makers not entirely on San Francisco but speaking generally of the country. Men who are called first-class mechanics in New York City, in Chicago—and Chicago is a stiff town to work in—will come to Los Angeles, men who are called "stars," and they find when they get here that the first short while that they are here, to use the terms we use, they get bumped, and they don't know what it is for. And they are in the habit of holding a job on any kind of work they are put at, and when they ask there is the answer, "You don't do enough; your work is all right, but there is not enough of it." "Well," the man will say, "I worked just as hard as I could, and I done a good job." "Well, the job maybe was too good; you didn't get it done fast enough," with the result that these same fellows become experts at that fast and rough stuff and they turn out lots of it.

Commissioner WEINSTOCK. Well, then, how much truth is there in the claim that is made by many San Francisco employers that by virtue of the fact that living as they do under unionism, living as they do under the so-called closed shop, they find it more and more difficult to compete with the Los Angeles manufacturers by virtue of the fact that they pay a higher wage and get a smaller output?

Mr. BUZZELL. Perhaps they do; perhaps they do.

Commissioner WEINSTOCK. Well, if that is true, then, then Los Angeles must come more nearly being the employers' mecca than San Francisco?

Mr. BUCKELL. It sure is; there is no question of doubt about that; and there is no question of doubt in the mind of anyone I don't think that ever studied the question that all of those things that tend to make wages and the rates of wages are all based, as Mr. Zeehandelaar, Mr. Otis, and Mr. Baker, too, they say, on the law of supply and demand. In a nonunion town the law of supply and demand is always in favor of the employer, my observation has been. In Los Angeles it is always that way, and that is always apt to be. And a man when he is asked says that the employer don't need to bargain so closely, because he can get all the men he wants. It is a matter of a process of elimination with him until he gets the man he wants at the rate of pay he wants to pay.

Commissioner WEINSTOCK. Well, then, if you were an employer who wanted to make a success of his business, who wanted to make a profit, and that is the only way you can demonstrate success, by profit—a business man who shows a loss is a failure in business, and the business man who shows a profit is a success—if you were an employer, then, who wanted to establish a business and wanted to make that business a success, I take it from what you say you would locate in Los Angeles rather than San Francisco?

Mr. BUCKELL. Undoubtedly; that is, if I was that turn of mind.

Commissioner WEINSTOCK. How?

Mr. BUCKELL. If I was of that turn of mind; yes.

Commissioner WEINSTOCK. If you wanted to show a profit for your investment?

Mr. BUCKELL. Well, I want to say that the manufacturers of San Francisco undoubtedly make a profit on their investment or they would have closed up long ago. The manufacturers of Los Angeles make greater profits out of their labor, because of the fact that they don't pay them, I think. That is the way I have it figured out—as they do in San Francisco—because labor don't get as great a share of it as they do there. That is the way I will answer that.

Chairman WALSH. That is all, thank you.

Mr. BUCKELL. When will I bring that stuff in?

Chairman WALSH. Bring it any time to-morrow or the next day.

Mr. BUCKELL. All right.

Chairman WALSH. Mr. Barker? Mr. Craig has been excused until to-morrow morning. Is Mr. Barker in the room? [No response.] Is Mr. Tom Barker in the room?

TESTIMONY OF MR. TOM BARKER.

Chairman WALSH. Please state your name.

Mr. BARKER. Tom Barker.

Chairman WALSH. What is your business, Mr. Barker?

Mr. BARKER. The secretary of the Los Angeles County Building Trades' Council.

Chairman WALSH. And how long have you held that position?

Mr. BARKER. Since the 1st of August, 1914.

Chairman WALSH. Do you hold any other official position in the labor organizations in Los Angeles?

Mr. BARKER. In 1900 I was given a commission as a representative of the Amalgamated Society of Carpenters and Joiners in this city. I held that position for five months.

Chairman WALSH. Any other official position?

Mr. BARKER. In 1911, during the time of the carpenters' strike, when their wages were raised from $3.50 a day to $4, I was again appointed a special representative of the amalgamated carpenters during that trouble in this city.

Chairman WALSH. Are those all the official positions which you have held?

Mr. BARKER. Omitting just minor positions in the local unions.

Chairman WALSH. You are a carpenter by trade, are you?

Mr. BARKER. Carpenter by trade.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BARKER. Five years.

Chairman WALSH. Where did you live before you lived here?.

Mr. BARKER. Birmingham, England.

Chairman WALSH. Did you come direct from Birmingham, England, to this place?

Mr. BARKER. Yes, sir.

Chairman WALSH. And you have been a journeyman carpenter for a long time?

Mr. BARKER. Twenty years.

Chairman WALSH. Man of family, are you?

Mr. BARKER. No, sir.

Chairman WALSH. Now, there were a list of questions submitted to you, Mr. Barker, I believe, and I wish you would take them up in their order, please, and tell us first the extent to which the building trades in Los Angeles are organized.

Mr. BARKER. Take them in alphabetical order?

Chairman WALSH. Yes.

Mr. BARKER. Now, this is only an estimate.

Chairman WALSH. Yes.

Mr. BARKER. It is almost impossible to give a correct estimate.

Chairman WALSH. You give us the best estimate that can be given.

Mr. BARKER. Yes. Bricklayers, 50 per cent.

Commissioner WEINSTOCK. Fifty per cent of what?

Mr. BARKER. Organized.

Commissioner WEINSTOCK. Oh.

Mr. BARKER. Plumbers, about 45 per cent; sheet-metal workers, about 45 per cent; carpenters, 25 per cent; plasterers, about 60 per cent; hod carriers will be about 60 or 75 per cent; lathers, about 40 per cent.

Chairman WALSH. Metal or wood or both?

Mr. BARKER. The lathers are in one organization, known as the International Association of Wood and Metal Lathers. The ironworkers have scarcely any organization. I would not put the ironworkers down above 25 per cent. I am speaking entirely from—I am just approximating. These figures might be challenged. That is, I think, the extent of the building trades organizations.

Chairman WALSH. What are the relations between the employers and their workmen in Los Angeles in your industry; that is, in the building industry?

Mr. BARKER. Well, now, shall I just explain to you that while the building trades as a whole can say that they work a union shop in this city, a number of the crafts work a union shop in their own craft? I give you the bricklayers, lathers, sheet-metal workers, plumbers, and laborers who all work a union shop in their own craft. The carpenters work open shop. The painters work open shop. I forgot to tell you, I put down the painters' organization about 45 per cent. I forgot to tell you.

Chairman WALSH. When you mean they work open shop——

Mr. BARKER. The industry is worked on the open-shop plan; but the crafts I have indicated, they work the closed-shop plan in their own particular craft.

Chairman WALSH. In their own particular craft?

Mr. BARKER. Yes.

Chairman WALSH. Now, these other crafts; do you mean by an open shop that they really do employ both union and nonunion men without discrimination?

Mr. BARKER. Well, in some cases; yes. In other cases, no. You will find union bricklayers on a job where there are nonunion carpenters employed. And you will find union carpenters employed where there are nonunion bricklayers, and so on right through the trade. Now, the way the crafts that operate the union shop maintain their union shop is that the building industry in this city is so cut up by means of subletting. One of the most notorious nonunion firms in this city is the F. O. Engstrum Co., and yet I believe almost invariably their plumbing is done by union men. And the Alta Planing Mill, too; they are another very notorious unfair concern, the most of their brickwork is done by union men, and that is done by subletting. And the master plumbers are small firms, and the organization is thus able to get in with them and work in accord with them.

Chairman WALSH. Proceed with the relations generally between the employers and employees that you deem to be significant in Los Angeles.

Mr. BARKER. That is a very difficult question, Mr. Walsh, because the relations existing between the organizations which operate the union shop in their own craft and their employers is good undoubtedly, and there is very little trouble existing between those organizations and the employers who operate under the union-shop agreement. The difficulty, the trouble, the discrimination is all caused with the general contractor, usually caused with the general contractor. And that is where the trouble with the organizations largely exists.

I could say that the relations existing between the organizations and the employers that have agreements with them, we have a written agreement in

the sheet-metal workers and the plumbers particularly, and the relations are good. The most of the sheet-metal workers and the most of the plumbers find that their relations in Los Angeles are good. Our difficulty is with the general contractor, with the big men. It usually happens in the case of his construction work, on his carpenter work he hires the men direct, and the same with his laborers, but he sublets his plastering, his bricklaying work and his painting, and sometimes a union contractor gets that work, and then union men work on the jobs. But, generally speaking, as I have said, there is no such thing as a union shop in the building industry in this city.

Chairman WALSH. How are the wages and hours of labor in the building trades of Los Angeles as compared for instance with San Francisco and other cities on the coast?

Mr. BARKER. The bricklayers in Los Angeles, union bricklayers, get $6 a day; in San Francisco they get $7; union carpenters in Los Angeles get $4 a day; in San Francisco they get $5; union plasterers in Los Angeles get $5 a day; in San Francisco I think it is $6—I am not sure; union sheet-metal workers in Los Angeles get $4.50 a day; in San Francisco they get $5.50, I believe; union plumbers in Los Angeles get $4.50 a day; in San Francisco I think they get $5; union hod carriers in Los Angeles get from $3 to $3.75 a day; in San Francisco they get $4 and $5; union painters in Los Angeles get $3.50 a day; in San Francisco they get $4.75—I think that is it; ironworkers in Los Angeles I believe get $4 a day; I think in San Francisco it is $6.50 or $7—I think that is it.

Chairman WALSH. How as to hours?

Mr. BARKER. Union men in this city work 8 hours a day.

Chairman WALSH. How is that?

Mr. BARKER. Union men in this city work 8 hours a day. Nonunion men, of course, work longer—9 and 10.

Chairman WALSH. I wish, if you could, you would compare the quality of work done in Los Angeles under the union and nonunion conditions; that would be as to the question as to whether or not there is restriction of output on the part of the unions, or a very largely increased output in the case of nonunion shops.

Mr. BARKER. Well, I could say that in Los Angeles there can be no such thing as restriction of output among the union men. We are constantly competing with this cheaper labor, and employers who do hire union men, hire them on the distinct understanding they are to deliver the goods and earn $4 a day, which can only be expressed in quantity. I am speaking now as a carpenter. There is no such thing as restriction of output in Los Angeles.

In regard to the cost of work—since 1910 I have only worked on work where the carpenters have had a chance to control their particular end of the industry, and I could take you to the jobs where I have been engaged—that is, of course, where my observation must be confined—the particular jobs I have worked on, and take you to jobs that have been done by nonunion men, and I could ask any fair-minded man to compare the quality of work done, and undoubtedly have the opinion expressed to me as I once had done by a prominent architect here—I worked on one of his jobs for five months, a large residence in this city. He didn't know I was a union man when he offered me the job. I was a stranger here from the old country. I said: "Now, I am a union man; what are labor conditions here?" He said to me, "Well, I will tell you; the labor unions have not the power in Los Angeles they have in other cities, but I find that the best of our work—the best of our carpenter work—is being done by the union men." That is the opinion of that architect. He gave it to me without asking, but just simply talking with him. And I would say—I could affirm that the best work done in this city is being done and has been done by union men, speaking as a carpenter, and undoubtedly that follows in the—as far as bricklayers are concerned, because you know you can get nonunion bricklayers from $3.50 up. A union bricklayer won't work under $6, and he has not only to turn out quality but quantity, too.

Chairman WALSH. Is there any other statement you think would enlighten the commission that has not been touched in the specific questions, or any statement you would like to make on this or along these lines?

Mr. BARKER. Well, there is one phase of this which perhaps I might try and make a statement on.

Chairman WALSH. Very good.

Mr. BARKER. That is the cost of the union and nonunion labor, and the comparison which has been attempted to be made between Los Angeles and San

Francisco. Of course I am not a financier and don't understand how these things are arrived at, but here are some facts: Eighteen months ago the State armory building in Exposition Park, the contractor was one Robert Trost, in San Francisco. He operated a union shop in San Francisco, and naturally he had to here. His carpenters were paid $4 a day. I myself was working on the job 11 months, and of course all crafts paid the union scale and union men were employed, even right down to the common laborer. The highest scale of wages was paid on that job. One Sunday afternoon I took a friend of mine down to the job, and Mr. F. O. Engstrum came on the job, and my friend happened to know him and entered into a conversation with him, and my friend came to me afterwards and said: "Mr. Engstrum says, 'I am simply bowled over on this job; I can't understand this job. This man Trost cut my figures right in two, and his wage bill, I know, must be much heavier than mine would have been.'" Mr. Trost manufactures all his interior finish in San Francisco under union conditions at distinctly higher wages than the millmen in Los Angeles here, and in addition to that his stuff had to be shipped to Los Angeles, and it was all set up by union men. That is one of the mysteries of the cost of union and non-union labor. I can't see how it can be approximated.

To take another case; the Alta Planing Mill had the contract to put up the Examiner Building, and a union clause was inserted in the contract, and they had to employ union carpenters and pay them $4 a day. Now, I don't think that the building of the Examiner job broke the planing mill company, but I think I am right in saying that that clause was inserted after the bid of the planing mill company was in. So that I have always affirmed that the contractors in this city adopted a very good slogan, from the employers' standpoint, when they adopted the "Industrial freedom" slogan, for I believe the public would probably not have to pay any more if this city was operated under union conditions; what would happen would be this, that the men working on the different jobs would obtain more money, and business conditions generally would be better, whereas I think if you take—if Mr. Engstrum's statement is worth anything, either he must be making an enormous pile of money out of the jobs he does, or Mr. Trost must have lost an enormous amount on that particular job. However, I have it from his superintendent, who is still employed by Mr. Trost in San Francisco, that everything was lovely on that job.

If you ask me to compare the expense of any particular building put up under nonunion and union conditions, I say I don't know how to compare them; because these cases simply puzzled me, not being a financier.

Chairman WALSH. Mr. Weinstock would like to ask some questions.

Commissioner WEINSTOCK. I gather from the figures you read off to-day that in the building trades there are somewhere between 40 and 60 per cent of the workers organized.

Mr. BARKER. That is the very highest figure.

Commissioner WEINSTOCK. Say 40 to 50 per cent?

Mr. BARKER. It is stretching it at 50.

Commissioner WEINSTOCK. Do the contracting builders in Los Angeles recognise and deal with the unions in the building trades?

Mr. BARKER. The general contractors; no, sir.

Commissioner WEINSTOCK. They do not?

Mr. BARKER. No, sir.

Commissioner WEINSTOCK. When they employ union men they simply employ them as individuals?

Mr. BARKER. As individuals; yes, sir.

Commissioner WEINSTOCK. How have these wages you have read off been arrived at? Have they been fixed arbitrarily by the employer, or is it the result of an understanding between the unions on the one hand and the employer on the other?

Mr. BARKER. Are you speaking of the union scale?

Commissioner WEINSTOCK. Yes, sir.

Mr. BARKER. I stated the bricklayers operated on the union-shop basis. They were enabled to do that by the subcontract system which is adopted in this city.

Commissioner WEINSTOCK. What is the subcontract system?

Mr. BARKER. You take the job being put up at Seventh and Broadway; the general contractor there sublet the brickwork. The outside brickwork is being done by a man named Johnson, who contracted to put up the outside brickwork with the general contractor.

Commissioner WEINSTOCK. Is Johnson a contractor?

Mr. BARKER. He is a brick contractor alone. He does nothing but brickwork.

Commissioner WEINSTOCK. This subcontractor goes out and hires bricklayers and pays them——

Mr. BARKER. Six dollars a day.

Commissioner WEINSTOCK. Who fixes this $6. Did he?

Mr. BARKER. The bricklayers' union.

Commissioner WEINSTOCK. Then when he employs union men he must be prepared to pay whatever wage the union may have fixed, but he don't recognize the union and won't deal with them?

Mr. BARKER. I want you to to distinctly understand that is the general contractor, a man like Engstrum or the Alta Planing Mill or other general contractors.

Commissioner WEINSTOCK. But will the subcontractor recognize and deal with the union?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. Can unionism coexist with what is known as the open shop?

Mr. BARKER. No, sir; I don't think so.

Commissioner WEINSTOCK. You think one or the other must pass away?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. Well, now, point out why unionism can't coexist with the open shop. That is, when I say open shop, it is perhaps important to define what I mean by that, so that we don't have a misunderstanding as to the meaning of the word. As I understand, a closed shop is only where union men are employed.

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. An open shop is a shop where union and nonunion men work side by side. A nonunion shop is a shop where only nonunion men are employed. Do you understand it as I do?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. I am referring particularly to the open shop, a shop where union and nonunion men work side by side.

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. Point out why, in your opinion, unionism and the open shop can not go hand in hand.

Mr. BARKER. Well, I think myself that you take the carpenter business in the city here to-day; a man in Los Angeles who carries a union card as a carpenter must do so because he believes in the principles of unionism. This city in the last five years has almost doubled in population, but the organization of carpenters has increased very, very little. Work has been plentiful. During the last five years, I would say, Los Angeles has had its fair share. The last two years it has not been so good, but the first three years everyone will admit business was good in Los Angeles.

The only reason we could arrive at for the carpenters' organization being so weak is the fact that the organization has not the power to obtain for the worker what the organization claims it ought to obtain. Then, on the other hand, the fundamental principle of the labor movement is that it seeks to obtain for the worker a better chance to live. You might admit it is a necessary evil, but it takes money to keep up the organization, and the organization always establishes the maximum rate in wages in any locality. The only way that can be obtained is by the fact that the employers know there are a number of men who are willing to stand as a unit for certain things. They could take us one by one and defeat us, but when they come to a big body of men banded together, the employer has to think twice before he throws down the gantlet. So that you will see the essential condition in the matter of the labor movement is for the organization to control a particular shop or industry as far as the workingmen are concerned. All the rest will be followed by agreement. Is that clear?

Commissioner WEINSTOCK. Yes; that is clear, and if your reasoning on the matter is sound, it means then that this Nation, sooner or later, industrially must become all nonunion or all closed shop?

Mr. BARKER. Exactly, as I think; yes, sir. There are two forces striving for power. One can only attain power by the defeat of the other. That is an accepted axiom, no matter whether in the industrial field, or the religious field, or any other field. There are two forces contending.

Commissioner WEINSTOCK. You approximate the workman's idea in the building trades in San Francisco?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. Where there is practically a closed shop and wages higher and the hours no longer?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. The hours are substantially the same, eight and eight?

Mr. BARKER. Yes, sir.

Commissioner WEINSTOCK. From your theory it would seem that all union men in Los Angeles would drift to San Francisco?

Mr. BARKER. No, sir; I don't think so. The fact that San Francisco is a union town does not prove that San Francisco controls the law of supply and demand. Now, if you take, for instance, San Francisco immediately after the fire; there was a big demand for men, but the inevitable slump came in San Francisco, and for a number of years San Francisco has been overstocked by workingmen—men hunting for jobs.

Commissioner WEINSTOCK. The mere fact of men going there does not create employment for them?

Mr. BARKER. No, sir.

Commissioner WEINSTOCK. What is the answer to the contention made on this witness stand yesterday, and if you were here you doubtless heard the statement made by Mr. Zechandelar, the secretary of the Merchants and manufacturers' association, and I think also by Gen. Otis, that in their opinion one of the most important assets that Los Angeles had from a commercial and industrial standpoint was its open shop; that that brought capital here; that that developed industries here and brought people here. What is the answer, if there is any truth in that statement?

Mr. BARKER. I don't know, but I would say, though, that while that statement might have been made, the real cause for the great influx of capital, if that has been the case, has been the fact that labor was cheap here, not that labor was or was not organized, but that labor was cheap. I think if it could be possible to get a comparison of the cost of, say, the Examiner Building in San Francisco and a building of the same size in Los Angeles, the amount would be very small—the difference would be very small.

Commissioner WEINSTOCK. You think the cost per cubic foot would be substantially the same?

Mr. BARKER. San Francisco might have a slightly higher rate, but not anywhere sufficient to explain the difference in wages paid the men working on the job.

Commissioner WEINSTOCK. You mean the San Francisco workers had a higher efficiency?

Mr. BARKER. I would undoubtedly say so.

Commissioner WEINSTOCK. You mean when the employer in San Francisco pays $5 a day to his carpenters and the Los Angeles employer pays $4 that the San Francisco contractor gets $5 worth of labor and the Los Angeles contractor gets $4 worth of labor; is that what you mean?

Mr. BARKER. I can only say this, I have never worked in San Francisco, but I know a number of union men who have, and they say a man certainly has got to deliver the goods in San Francisco to hold his job, both in efficiency and in quantity of work.

Commissioner WEINSTOCK. At that rate he would have to increase his efficiency over Los Angeles to the amount of 25 per cent?

Mr. BARKER. I should say so.

Commissioner WEINSTOCK. And is it your opinion from your knowledge of conditions that the San Francisco carpenter is 25 per cent more efficient than the Los Angeles carpenter?

Mr. BARKER. I am unable to answer that question, because I have never worked with men who have worked in San Francisco any length of time.

Commissioner WEINSTOCK. They would have to do that for the San Francisco employer to be as well off as the Los Angeles employer?

Mr. BARKER. I would not say so. Men that worked in San Francisco and then came to Los Angeles said that they preferred San Francisco from the standpoint of the workingman.

If I might refer back to the cost of construction. In 1910 during the time of the metal-trades strike they were building the Alexandria Hotel Annex. A committee from the Los Angeles Building Trades Council went before the men who were financing the steel construction in the building and offered to erect that steel and save the company who were erecting that hotel many thousands

of dollars. They also offered to furnish a cash bond covering their responsibility and their liability on the job. They submitted their figures in writing. They promised to erect the steel and save, as I said, the company these thousands of dollars. I think it was between fifty and sixty thousand dollars. But they were going to pay their men four dollars and a half a day while the structural men on the job at that time were getting two dollars and a half a day, and the company in charge of the erection admitted that the bid was perfectly fair; that the bona fide was good and they did not doubt that the union could do it and carry out that bid, but they said, "You are not on our side and therefore we can't entertain it."

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all; thank you.

Mr. Bryson.

TESTIMONY OF MR. H. W. BRYSON.

Chairman WALSH. Your name, please.

Mr. BRYSON. H. W. Bryson.

Chairman WALSH. Your business, please.

Mr. BRYSON. General manager of the F. O. Engstrum Co., contractors.

Chairman WALSH. They are building contractors, are they?

Mr. BRYSON. Yes, sir.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BRYSON. About 14 years.

Chairman WALSH. And how long have you occupied your present position?

Mr. BRYSON. I have been connected with the Engstrum Co. since I came to Los Angeles. After the organization into a corporation, I have occupied the same position. They were incorporated—I think it has been about six or seven years.

Chairman WALSH. You have a fixed number of hours per day that your men work?

Mr. BRYSON. Yes, sir.

Chairman WALSH. What is that, please?

Mr. BRYSON. Eight hours for some departments and nine hours for others.

Chairman WALSH. Do you deal in your construction work in any instances with unions?

Mr. BRYSON. We have operated an open shop.

Chairman WALSH. In which you deal with union or nonunion alike, without discrimination?

Mr. BRYSON. Yes, sir.

Chairman WALSH. There were a number of questions, I believe, submitted to you, were there not?

Mr. BRYSON. Yes, sir.

Chairman WALSH. We will follow those, as near as we can.

Mr. BRYSON. I would be glad to.

Chairman WALSH. Some will answer others, I noticed. First, which departments are eight hours and which are nine hours per day?

Mr. BRYSON. I had better explain the basis on which our organization is based, so that you can perhaps get a better idea of the general run of things.

Chairman WALSH. Very good.

Mr. BRYSON. We are building contractors. Our organization is based on the construction of buildings only, and we manufacture most of the necessary articles that go in construction, such as millwork, galvanized iron, ornamental iron, and so forth. Our force consists principally of foremen, subforemen, timekeepers, plasterers, carpenters, brick masons, electricians, steam fitters, plumbers, painters, decorators, sheet-metal workers, machinists, ornamental iron workers, cement finishers, lathers, tile setters, artificial stone workers, stationary engineers, and so forth.

Chairman WALSH. Now, then, will you please answer my question, if you can, at this point? In what departments of those various crafts or in what crafts do you work eight hours a day and in what nine hours?

Mr. BRYSON. On all buildings we work eight hours. In our mill and teaming department and wherever we operate machinery it is operated on a nine-hour basis.

Chairman WALSH. On the building is the union referred to, whether the crafts are organized or unorganized?

Mr. BRYSON. I don't quite understand.

Chairman WALSH. On the buildings, in addition to the eight-hour day, is that adopted regardless of whether the craft is organized or unorganized?

Mr. BRYSON. Yes, sir.

Chairman WALSH. As to question No. 1:

The extent to which the unions are recognized in construction work in Los Angeles.

Mr. BRYSON. I do not think they are recognized by the contractors in general, only as an open shop.

Chairman WALSH. Well, take the plumbers, for instance. Do you deal with them as an organization? Do you have any nonunion plumbers at all?

Mr. BRYSON. Our organization is based on nonunionism altogether.

Chairman WALSH. But you do employ union plumbers?

Mr. BRYSON. Not when we know it.

Chairman WALSH. Union carpenters?

Mr. BRYSON. No, sir.

Chairman WALSH. You don't employ, then, any union craftsmen if you know it?

Mr. BRYSON. Not if we know it. We are a nonunion shop.

Chairman WALSH. I wish, now, you would give the wages in Los Angeles compared with the wages in San Francisco.

Mr. BRYSON. I can not speak definitely about San Francisco wages, only what I have heard testified to here. The wages we pay in our operations are based on the workings in San Jose, San Bernardino, Pasadena, Long Beach, and San Diego. There is a slight variation, not enough to be taken into consideration, on the Los Angeles scale.

Chairman WALSH. As to hours of labor?

Mr. BRYSON. The same—eight hours.

Chairman WALSH. You have heard the comparison made here of the wages in the building trades. Were those approximately correct?

Mr. BRYSON. I don't think so. We recognise eight hours as the basis of all work, except where all of our competitors have nine hours, and we try to keep in competition with our competitors.

Chairman WALSH. Now, with regard to the results in construction work under union and nonunion conditions, I wish you would follow along these questions. First, as to the quality of the work, what has been your experience?

Mr. BRYSON. Speaking from our standpoint, working nonunion, we find the highest standard in our operations under nonunion conditions.

Chairman WALSH. The highest standard you have found to be in the nonunion conditions?

Mr. BRYSON. Yes, sir.

Chairman WALSH. That is the quality. Now, as to quantity?

Mr. BRYSON. We regard the quantity more on account of no delay, not interfering with overlapping of duties, such as a laborer assisting a carpenter, the bricklayer and tender placing the brick at the most convenient place for the bricklayer to work, apprenticeship more liberal, no restriction as to the amount of work one man can perform.

Chairman WALSH. Now, as to the cost of construction. What do you find the difference, if any, to be in union and nonunion?

Mr. BRYSON. The cost of construction naturally is less because of that efficiency I just mentioned.

Chairman WALSH. Is there any difference in it on account of the wages paid? The hours, you say, are the same?

Mr. BRYSON. Yes, sir.

Chairman WALSH. In the nonunion job are the wages less than they are on the union job?

Mr. BRYSON. I don't think so, generally speaking, if a man is rated according to his efficiency, which we try to do.

Chairman WALSH. Have you observed closely enough to give the per cent of difference there will be in cost of construction on a large building under nonunion and union conditions?

Mr. BRYSON. I don't know anything about the cost of construction of a union building.

Chairman WALSH. You haven't paid any attention to that?

Mr. BRYSON. No, sir.

Chairman WALSH. You could not answer that question, then?

Mr. BRYSON. No, sir; I could not.

Chairman WALSH. What are the particular features you object to in conditions demanded by trade unions in the trade industry?

Mr. BRYSON. The particular features objected to under conditions demanded by building trades unions?

Chairman WALSH. Yes, sir.

Mr. BRYSON. Well, we found them dictatorial, domineering, selfish, not responsible for verbal agreements; in case we entered into contracts with them they were broken.

Chairman WALSH. How many such cases have you had in your experience of violation of contracts—breaking of contracts?

Mr. BRYSON. We had innumerable cases where we can't place any confidence in representations that were made while we were running an open shop.

Chairman WALSH. For instance, what unions have broken contracts?

Mr. BRYSON. Well, the galvanized iron department was an open shop at one time, and we let the men know it was an open shop. As soon as they got to work and got thoroughly organized they tried to unionize us, when they promised that they wouldn't.

Chairman WALSH. But I mean where contracts have been entered into by the union as to wages and hours, have you any instance where those contracts were violated, where the union did not keep their part of the agreement?

Mr. BRYSON. No; we did not go into it on that line.

Chairman WALSH. Have you in mind any instance that came under your observation where an agreement was made, either verbally or in writing, by any organization as a whole, through its officers with your company, or any association of employers, which was violated? That is, which was not carried out by the union?

Mr. BRYSON. No, sir; we never bothered about that point.

Chairman WALSH. You never knew any such instance. You have no such instance in your mind. What has the Engstrum Co. done to improve working conditions? First, have you increased wages or reduced hours at any time?

Mr. BRYSON. Wages are based entirely on efficiency at the mill and paid accordingly. We recognize eight hours and nine hours as a fair standard.

Chairman WALSH. How long have you had the nine-hour standard you have spoken of here?

Mr. BRYSON. In the milling department we have always had it.

Chairman WALSH. Has there been any increase in wages, say, during the last five years in your company—any general increase?

Mr. BRYSON. Yes, sir; when conditions are prosperous, such as lots of building, why, we increased wages sometimes. Of course, we are governed by supply and demand.

Chairman WALSH. When was the last increase?

Mr. BRYSON. Governed by supply and demand.

Chairman WALSH. It is governed by supply and demand?

Mr. BRYSON. Yes, sir.

Chairman WALSH. And if it is difficult for you to get workmen you pay more money?

Mr. BRYSON. When the other contractors do; yes.

Chairman WALSH. When the other contractors do?

Mr. BRYSON. Yes. We have to meet competition.

Chairman WALSH. Have you raised wages at any time, a general raise of wages in any particular craft at any time that you want to call the attention of the commission to? Say, during the last five years.

Mr. BRYSON. Yes; wages dropped considerably in 1907 on account of the general financial depression; also building depression.

Chairman WALSH. Well, take one craft.

Mr. BRYSON. Labor went down a small percentage; carpenters to $3 to $3.25, something like that. When conditions got better we voluntarily raised them.

Chairman WALSH. On all carpenters?

Mr. BRYSON. It speaks all the way down; all the craftsmen. I gave that as an illustration.

Chairman WALSH. About how many men do you have employed in normal times would you say?

Mr. BRYSON. Fifteen hundred to two thousand.

Chairman WALSH. Fifteen hundred to two thousand?

Mr. BRYSON. Yes.

Chairman WALSH. You are president of this company, are you?

Mr. BRYSON. Manager.

Chairman WALSH. Manager of the company?

Mr. BRYSON. Yes, sir.

Chairman WALSH. Who is the president?

Mr. BRYSON. F. O. Engstrum.

Chairman WALSH. Where does he live?

Mr. BRYSON. He lives in Los Angeles.

Chairman WALSH. What means have you for adjusting individual grievances of these men?

Mr. BRYSON. Glad to take it up with them any time they have a grievance—some officer of our company.

Chairman WALSH. With some officer?

Mr. BRYSON. And analyze it and try to treat them fair.

Chairman WALSH. Is there any organization among your men at all for presenting grievances?

Mr. BRYSON. Not as I know of.

Chairman WALSH. What efforts have you made along the lines of safety and sanitation in your work?

Mr. BRYSON. We spent thousands of dollars for public safety, such as railings around openings, danger, and other signs of warning prominently displayed; specific instructions to superintendents, foremen, and timekeepers; general supervision by officers for them to use every means of protection for safety first. Sanitation has equal consideration.

Chairman WALSH. Did you have any questions?

Commissioner O'CONNELL. Yes.

Mr. Bryson, is your company a corporation?

Mr. BRYSON. Yes, sir.

Commissioner O'CONNELL. What is its capitalization?

Mr. BRYSON. What is its capitalization?

Commissioner O'CONNELL. Yes; what is it?

Mr. BRYSON. We have records. I will refer you to the records on that.

Chairman WALSH. If you have it in mind kindly state it, because it is difficult to go to the records.

Mr. BRYSON. One hundred and fifty-five thousand two hundred dollars.

Commissioner O'CONNELL. What are the shares issued at?

Mr. BRYSON. What?

Commissioner O'CONNELL. Par value?

Mr. BRYSON. Four dollars, par value, what they are worth now—par value, $100 a share.

Commissioner O'CONNELL. How much?

Mr. BRYSON. One hundred dollars a share.

Commissioner O'CONNELL. They are now?

Mr. BRYSON. One hundred dollars a share.

Commissioner O'CONNELL. They are now worth four dollars, you say?

Mr. BRYSON. I think so.

Commissioner O'CONNELL. Who owns the majority share of the stock?

Mr. BRYSON. It is owned equally between F. O. Engstrum, F. E. Engstrum, and myself.

Commissioner O'CONNELL. You say your company doesn't employ union men or contract with them. Do you subcontract your work?

Mr. BRYSON. On very rare occasions.

Commissioner O'CONNELL. Well, on such occasions do you question whether your subcontractor employs union or nonunion men?

Mr. BRYSON. Don't look into that. We look into the financial responsibility of the man we give the subcontract to.

Commissioner O'CONNELL. The question of the setting of wages: You as general manager say what the wages shall be?

Mr. BRYSON. Yes; I have the last say in the matter.

Commissioner O'CONNELL. Do you confer by method of conference with employees at all, whether the rate you say is satisfactory to them or not?

Mr. BRYSON. Well, I know it is in general; it is satisfactory because it is based on close observation of what others pay in general, and the men on our pay roll have been with us a long time. If they could do better financially they would be apt to take advantage of it, if we were not paying about the same scale of wages that our competitors did.

Commissioner O'CONNELL. But you designate the wage to be paid, and if they don't like it they leave it, I suppose?

Mr. BAYSON. No; we don't do it that way. The basis of wages is something that was started when we entered the contract business, and we have tried to meet competition wherever it is necessary by paying the highest scale of wages consistent with efficiency, long service, etc.

Commissioner O'CONNELL. Well, what I am trying to get at is whether the employees are taken into those at all in the matter of the regulation of their wages, or whether your company simply reasons among yourselves, your officials, or you as general manager say that three or three dollars and a quarter or three and a half shall be the rate for carpenters that you pay?

Mr. BAYSON. They all understand that. We tell them what we pay before they are employed in case they ask the question.

Commissioner O'CONNELL. Having no organization among your employees, seeing that they are not an organization, consequently they are not dealt with en masse or either individually as to whether they like it or not.

Mr. BAYSON. Well, we will deal with them individually any time there is any dissatisfaction among any of our men, or we deal with any number of them at any time.

Commissioner O'CONNELL. Suppose a grievance arises on one of your jobs. How is it adjusted? These men that have grievances of some kind.

Mr. BAYSON. We don't have them usually.

Commissioner O'CONNELL. Never have grievances?

Mr. BAYSON. They seem to be all thoroughly satisfied with general conditions. Of course you can find a man individually who says perhaps he has not got all he wants, he can't get all he wants.

Commissioner O'CONNELL. In your mill, where you are operating nine hours, if the employees there desire to have the hours reduced to eight, would it be possible under the unorganized condition they have, individually, to bring about that reduction of hours to eight there?

Mr. BAYSON. I would be glad to consult with any individual or any committee that they might appoint.

Commissioner O'CONNELL. Supposing one individual after another from your mill—I don't know how many of them are employed there—comes to you one after another.

Mr. BAYSON. Yes.

Commissioner O'CONNELL. And say they would like to have the eight-hour day.

Mr. BAYSON. Yes.

Commissioner O'CONNELL. Would those men coming in in that way, giving a reason to you how and why you should grant an eight-hour day——

Mr. BAYSON. Take each man's demand under consideration.

Commissioner O'CONNELL. What would be the result?

Mr. BAYSON. Well, if they could demonstrate wherein the claim was justified consistent with general business conditions and our meeting competition we would be glad to accede to the demand; otherwise we would not. An example like that happened in our mill, where there was general dissatisfaction on account of the nine-hour basis, and when I looked into it I found all the other mills working nine hours, and there were some of them working 10—a few of them, the smaller, working 10. I found out injustice was being done our men on account of the scale of wages not being as high as what they claimed other mills were getting, so I left it to them whether they wanted to work on the eight-hour basis or nine-hour basis. So I adjusted each man's rate according to efficiency, long service, and we had a nine-hour basis, which we are now operating under.

Commissioner O'CONNELL. Did I understand you are operating absolutely a nonunion shop?

Mr. BAYSON. Absolutely nonunion.

Commissioner O'CONNELL. Absolutely nonunion, open shop? Not the so-called open shop?

Mr. BAYSON. Not the open shop.

Commissioner O'CONNELL. That seems to be the general impression here, that it is the open shop, is absolutely nonunion shop in Los Angeles, as near as I can get it.

Mr. BAYSON. It is nonunion shop without any question, doubt, or argument.

Commissioner O'CONNELL. That is all.

Commissioner WEINSTOCK. Can you tell the commission, Mr. Bayson, about what proportion of your workmen are married?

Mr. BRYSON. Without having any exact data, I should judge it would be about 75 per cent of them.

Commissioner WEINSTOCK. Are married men?

Mr. BRYSON. Yes, sir.

Commissioner WEINSTOCK. Do you know what proportion of your workers own their own homes, live in their own homes?

Mr. BRYSON. On the same basis, about 60 or 70 per cent.

Commissioner WEINSTOCK. Between 60 and 70 per cent?

Mr. BRYSON. Yes.

Commissioner O'CONNELL. You mean, own their own homes——

Chairman WALSH. One minute, please. Mr. Weinstock has not finished.

Commissioner WEINSTOCK. Have you any data to show the average duration of employment on the part of your workers?

Mr. BRYSON. The average what?

Commissioner WEINSTOCK. The average time that your workers work for you, or the average period of employment?

Mr. BRYSON. Well, we have no report of it; some work over five years, a great many of them have been working 10 years, and some have worked 12 to 14 years.

Commissioner WEINSTOCK. You have never attempted to strike an average to see what the average is?

Mr. BRYSON. Never have. The whole foundation of our business now as it exists is based on almost old employees. It is on the rarest occasions that we have to take on new men except for temporary purposes.

Commissioner WEINSTOCK. How do you deal with the matter of overtime and Sunday work; how is that handled?

Mr. BRYSON. Try to eliminate it altogether; but when it is necessary from conditions which we can control that is, where it is to safeguard life or something like that, or when we run a floor of concrete to get to a certain point, then we will work overtime half an hour or an hour or two hours; we consider it as part of the day's work.

Commissioner WEINSTOCK. And is there any compensation allowed for that?

Mr. BRYSON. Straight time.

Commissioner WEINSTOCK. Straight time?

Mr. BRYSON. Now and then in very unusual cases, which we don't encourage, why there is sometimes we have to work Sundays on very rare occasions; and we have allowed time and a half.

Commissioner WEINSTOCK. But you don't make that a rule?

Mr. BRYSON. No; we try to keep away from it as much as we can.

Commissioner WEINSTOCK. Were you present, Mr. Bryson, when Mr. Barker testified?

Mr. BRYSON. Mr. who?

Commissioner WEINSTOCK. Tom Barker.

Mr. BRYSON. The last man?

Commissioner WEINSTOCK. Yes.

Mr. BRYSON. I was here part of the time; yes.

Commissioner WEINSTOCK. He made a statement that you may have heard giving it purely as his opinion—he had no figures to go on—that the efficiency, for example, of the San Francisco carpenter who gets $5 a day was approximately more efficient than the Los Angeles carpenter who gets $4 a day. Have you any means of determining that in any way?

Mr. BRYSON. Yes; very frequently—not very frequently either, but sometimes. I have uppermost in mind our plasterers—when we haven't work for them they go to work for other contractors. I have known instances where they have gone to San Francisco and worked up there for months and months and then have come back and worked for us, and we operated much the same men, and men came from San Francisco down here, or go from here up there, and there couldn't possibly be any difference in the efficiency providing they are properly handled, in my judgment.

Commissioner WEINSTOCK. You mean the output per day per man in Los Angeles, in your opinion, is about the same as it is in San Francisco?

Mr. BRYSON. I don't think it is; no, sir. I think it is more than what it is in San Francisco under the union domination.

Commissioner WEINSTOCK. That is, the output here is more than it is in San Francisco?

Mr. BRYSON. Yes.

Commissioner WEINSTOCK. In that particular trade?

Mr. BAYSON. Yes.

Commissioner WEINSTOCK. Have you any exact comparison that has ever been made? For example, has it ever been determined what a day's work here is in laying brick? How many brick a day shall constitute a day's work in San Francisco?

Mr. BAYSON. No; it is not based upon that, because one man will lay more brick than another. We have never operated in San Francisco; and I can only speak from general observation of what I know of the several buildings going up. I see bricklayers doing about half a day's work, it may be more than that; but they lose a great deal of time by stopping to smoke on the job. They talk.

Commissioner WEINSTOCK. Here in Los Angeles or in San Francisco?

Mr. BAYSON. San Francisco; yes. My observation from some of the buildings I have noted, is that they stop to smoke on the job, and they stop to talk—labor men come to visit them. I have actually seen them walk out to a saloon and spend 10 or 15 minutes and then go back to their work. In one particular instance, why, I saw a gang of bricklayers in San Francisco, during working hours, stop and flip nickels, gamble, saw that with my own eyes. And I verified it by the timekeeper there, he saying that it is a condition which they can not control.

Commissioner WEINSTOCK. Are those things permitted here?

Mr. BAYSON. Absolutely not in our organization. We try to instill into every man that there is a better future ahead of him, depending upon his loyalty to the firm, his services, and his efficiency.

Commissioner WEINSTOCK. Did you hear Mr. Barker's statement also to the effect that the armory building here in Los Angeles had been constructed by a San Francisco union contractor?

Mr. BAYSON. I didn't hear that statement; no, sir.

Commissioner WEINSTOCK. Well, he made the statement that the contract for the armory building here had been awarded to the lowest bidder—doubtless because it was the lowest bid—a San Francisco union contractor, and that he employed only union men. Well, now, if the nonunion men are more efficient than the union men, and the wage scale is lower, how was it possible for this San Francisco union contractor to have successfully and profitably handled that contract as Mr. Barker said he thought he did?

Mr. BAYSON. Well, that is only one of many instances of the kind that happen. Unless you figure on the building, unless you know all the figures that are put in, you can't tell. Now, there has been lots of building here in the last 5 or 10 years. Very few outside contractors have come in, and they have come in in the instances where they have beat us figuring. That does not mean to say it is a profitable business or that they made any profit on that particular building. But they have come in and stayed for one, two, four, or five years. You can't very easily tell whether they have made a success from a profit standpoint or not.

Commissioner WEINSTOCK. Are there any building contractors in Los Angeles who confine themselves altogether to union labor?

Mr. BAYSON. I don't know. I have my own business to attend to and I don't try to look into the other fellow's except in a general way to protect our own investments and interests.

Commissioner WEINSTOCK. Is there a builders' association in Los Angeles?

Mr. BAYSON. Master builders' association?

Commissioner WEINSTOCK. Master builders' association.

Mr. BAYSON. Yes.

Commissioner WEINSTOCK. Contractors' association?

Mr. BAYSON. I think its name is the master builders' association.

Commissioner WEINSTOCK. That takes in all the general contractors?

Mr. BAYSON. I think so.

Commissioner WEINSTOCK. And not the subcontractors?

Mr. BAYSON. I don't know. I know very little about it.

Commissioner WEINSTOCK. Is your company a member of that association?

Mr. BAYSON. Yes; we are a member of it.

Commissioner WEINSTOCK. Does that association deal with labor organizations in any way?

Mr. BAYSON. I don't think they do, except—well, they leave it to the individual members as far as I know. I have never been to one of their meetings. I am satisfied my business associates rarely ever attend, though they do sometimes go to them. I never heard any of them say that have attended whether

they have discussed that particular point or not. I know they take up other matters that should be adjusted in general for the welfare of the State and town.

Commissioner WEINSTOCK. What has been your experience, Mr. Bryson, with the workmen's compensation act?

Mr. BRYSON. We are in favor of it. It only went into effect on the 1st of last January, and since that time I have tried to keep closely in touch with it. I think with modifications that it might show after it has been in effect—with some of those things eliminated as they present themselves, I think it is much better for the employer and employee than the old style and way.

Commissioner WEINSTOCK. The charge was made in the beginning it would prove a very serious, heavy burden upon industry. Have you found it so?

Mr. BRYSON. No. On the contrary, I favor it.

Commissioner WEINSTOCK. If you had a vote upon the matter to either continue or drop it, how would you vote?

Mr. BRYSON. I would vote to adopt it with modifications, which would creep into anything of that magnitude. I think the rates are a little high based on what they have been up to date, with a liberal profit, and so forth, less expenses; but I understand that will be adjusted just as soon as they can go through a certain period to get the basis to work on.

Commissioner WEINSTOCK. That is all.

Commissioner O'CONNELL. About these homes, owning the homes. You say that a certain per cent of the men, of the workmen here, own their own homes?

Mr. BRYSON. Yes, sir; we encourage that.

Commissioner O'CONNELL. No mortgage on them?

Mr. BRYSON. I don't know about that. I don't go to my men to the extent of asking any of their personal business. I encourage them to start bank accounts, buy the lots, and encourage them to build their houses and furnish them.

Commissioner O'CONNELL. Are there systems of home building here, like building and loan associations that loan money out to build homes?

Mr. BRYSON. What is that?

Commissioner O'CONNELL. Are there building and loan associations that loan money out——

Mr. BRYSON. Yes; we have all those facilities.

Commissioner O'CONNELL. Facilities?

Mr. BRYSON. Facilities.

Commissioner O'CONNELL. Are there real-estate concerns here that erect buildings on land, build homes on them, and sell them so much down and so much per week or month thereafter?

Mr. BRYSON. Yes, sir.

Commissioner O'CONNELL. To what extent do such things go on in the city?

Mr. BRYSON. We try to encourage that all we can as long as people come in here and make a good demand.

Commissioner O'CONNELL. Is it possible, therefore, that the statement made by the secretary of the merchants and manufacturers' association the other day, in which he said over 50 per cent in the city of Los Angeles owned their own homes?

Mr. BRYSON. I should say——

Commissioner O'CONNELL. If that is based largely on the fact that they own their own homes through this method?

Mr. BRYSON. Not altogether.

Commissioner O'CONNELL. Give me an idea of what per cent of the workmen's homes are owned outright by the workmen of Los Angeles.

Mr. BRYSON. No; I don't think I could get it unless I would go to the records and find out what mortgages were against them.

Chairman WALSH. At this point the commission will stand adjourned until 10 o'clock to-morrow morning.

Mr. BRYSON. Shall I come back?

Chairman WALSH. No; you may be excused.

(Whereupon, at 4.30 o'clock p. m. on this Wednesday, the 9th day of September, 1914, an adjournment was taken until the following day, Thursday, September 10, 1914, at 10 o'clock a. m.)

Los Angeles, Cal., *Thursday, September 10, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Garretson, Commons, and Weinstock. Basil M. Manly.

Chairman Walsh. Is Mr. Craig in the room?

TESTIMONY OF MR. JOHN CRAIG.

Chairman Walsh. What is your name, please?

Mr. Craig. John F. Craig.

Chairman Walsh. What is your business address, Mr. Craig?

Mr. Craig. Long Beach.

Chairman Walsh. Mr. Craig, please pitch your voice a little higher. It is very difficult to hear in this room. What is your address?

Mr. Craig. Long Beach.

Chairman Walsh. Your business, please?

Mr. Craig. Shipbuilder.

Chairman Walsh. How long have you been engaged in that business?

Mr. Craig. Ever since I left school.

Chairman Walsh. A number of years?

Mr. Craig. Thirty years.

Chairman Walsh. How long have you been in this locality?

Mr. Craig. About six years; going on seven.

Chairman Walsh. Where were you engaged in business prior to that time?

Mr. Craig. Toledo, Ohio.

Chairman Walsh. Where?

Mr. Craig. Toledo, Ohio.

Chairman Walsh. How long at that point?

Mr. Craig. I was there 19 years.

Chairman Walsh. About 19 years?

Mr. Craig. Yes, sir.

Chairman Walsh. Now, you were furnished with a list of questions, I believe, were you not, Mr. Craig?

Mr. Craig. Yes, sir.

Chairman Walsh. I will direct your attention to these, and ask you first, as I understand it—do you run a nonunion concern?

Mr. Craig. No, sir; we run open shop.

Chairman Walsh. You run what is called "open shop"?

Mr. Craig. Yes, sir.

Chairman Walsh. That is, do you or do you not employ men without question as to whether or not they belong to a union?

Mr. Craig. We employ them without question.

Chairman Walsh. Do you discriminate between union and nonunion men in any way?

Mr. Craig. No; I can't say we do.

Chairman Walsh. Do you have a preference for either one or the other?

Mr. Craig. Not under ordinary conditions.

Chairman Walsh. Well, what are the conditions under which you might have a preference?

Mr. Craig. Why, in case there was a strike on here or anything of that kind, then we might be influenced.

Chairman Walsh. So far as you are concerned you are willing that men should work side by side whether they belong to the unions or don't do so?

Mr. Craig. We insist they do that.

Chairman Walsh. You insist they do that?

Mr. Craig. Yes.

Chairman Walsh. Well, now, I wish you would please give us the wages of the different classes of workmen you have in your industry.

Mr. Craig. Here is a list of them.

Chairman Walsh. Will you please read it, so that the commissioners may hear it.

Mr. Craig. The foremen in the plant average from 46½ cents to 93 cents an hour.

Chairman Walsh. Forty-six and a half to ninety-three cents an hour?

Mr. Craig. Yes, sir.

Chairman Walsh. How many foremen are there?

Mr. Craig. Oh, I suppose there are six or eight of them.

Chairman Walsh. How many get 93 cents an hour?

Mr. CRAIG. I think there are three.
Chairman WALSH. And how many get 46, was it?
Mr. CRAIG. I think there are only two.
Chairman WALSH. Very good.
Mr. CRAIG. Mold loft work, 27½ to 48 cents an hour.
Chairman WALSH. How many get 48 cents?
Mr. CRAIG. The boss of the shop.
Chairman WALSH. Just one.
Mr. CRAIG. There are only four or five in there.
Chairman WALSH. How many get the minimum?
Mr. CRAIG. It is only the helper gets the minimum.
Chairman WALSH. What do the others get?
Mr. CRAIG. They get about 35 to 40 cents.
Chairman WALSH. Proceed.
Mr. CRAIG. Ship fitters get 35 to 45 cents.
Chairman WALSH. How many have you?
Mr. CRAIG. I think at the present time we have about 15 or 20; yes; I guess 25.
Chairman WALSH. How many get the higher rate?
Mr. CRAIG. I should think over 50 per cent of them get the higher rate.
Chairman WALSH. How many the lowest?
Mr. CRAIG. I think something like 20 per cent—just a few of the younger ones learning.
Chairman WALSH. Very good; go to the next.
Mr. CRAIG. Blacksmiths, 27½ to 45 cents per hour.
Chairman WALSH. How many of them are there?
Mr. CRAIG. Well, I think there are six or eight gangs working there at the present time.
Chairman WALSH. How many in a gang?
Mr. CRAIG. Three men.
Chairman WALSH. Proceed with the next.
Mr. CRAIG. Blacksmiths, 27½ to 45 cents per hour.
Chairman WALSH. How many blacksmiths do you employ?
Mr. CRAIG. I think we have at the present time seven or eight fires.
Chairman WALSH. How many to a fire?
Mr. CRAIG. Well, there is only one blacksmith.
Chairman WALSH. Do they have helpers at each one?
Mr. CRAIG. Oh, yes; two or three helpers.
Chairman WALSH. How many of the blacksmiths get 45 cents?
Mr. CRAIG. There are three of them to my knowledge at the present time.
Chairman WALSH. How many get the minimum figure?
Mr. CRAIG. I think only one.
Chairman WALSH. And how do they range in between?
Mr. CRAIG. These figures I am giving you are the average. We have some we are paying more than that right now.
Chairman WALSH. We like to get the average, but we also like to get the highest and lowest and generally in between.
Mr. CRAIG. I think only 20 per cent of them.
Chairman WALSH. Well, the others of course range in between?
Mr. CRAIG. Yes, sir.
Chairman WALSH. Go to the next.
Mr. CRAIG. Carpenters, 37½ to 45 cents.
Chairman WALSH. How many carpenters have you?
Mr. CRAIG. We haven't very many, I don't suppose over 8 or 10.
Chairman WALSH. How many of those get the highest, 45 cents?
Mr. CRAIG. I think there are only three that are getting the highest.
Chairman WALSH. Only three?
Mr. CRAIG. Yes, sir.
Chairman WALSH. Then go to the next.
Mr. CRAIG. Machinists, 35 to 40 cents per hour.
Chairman WALSH. How many machinists have you?
Mr. CRAIG. Only at the present time I think about 8 or 10.
Chairman WALSH. Go to the next.
Mr. CRAIG. Pipe fitters, 35 to 40 cents.
Chairman WALSH. How many have you?
Mr. CRAIG. Very few of them there now, probably a half a dozen.
Chairman WALSH. Approximately?

Mr. CRAIG. I think about a half a dozen at the present time. I might explain to you that at the present time our works are pretty low. We are not running near the men we ordinarily do.

Chairman WALSH. I will ask you about that later.

Mr. CRAIG. Reamers and drillers, 30 to 32½ cents an hour.

Chairman WALSH. How many of those do you employ?

Mr. CRAIG. I suppose about a dozen there now.

Chairman WALSH. Go to the next.

Mr. CRAIG. The lowest we pay is 20 to 27½ cents an hour for laborers.

Chairman WALSH. What is that?

Mr. CRAIG. Twenty to twenty-seven and one-half cents an hour for laborers.

Chairman WALSH. How many have you?

Mr. CRAIG. Oh, I suppose we have 50 laborers.

Chairman WALSH. Fifty, and how many of them get 27½ cents?

Mr. CRAIG. I think over 50 per cent of them.

Chairman WALSH. How much is your present force diminished, basing it upon the normal condition?

Mr. CRAIG. Oh, it is only about half.

Chairman WALSH. About half?

Mr. CRAIG. Yes, sir.

Chairman WALSH. I wish you would briefly state the reasons you have for maintaining open-shop conditions rather than a closed shop exclusively?

Mr. CRAIG. Well, it is just simply an economic condition—economic problem, economic reason.

Chairman WALSH. Well, I would like for you to give them yourself if you will, without suggestion from me.

Mr. CRAIG. Well, we have tried the closed shop back in the old yard a number of years, and from our experience there we found that we could not get the economy out of the yard.

Chairman WALSH. Could not get what?

Mr. CRAIG. Could not get the economy out of the yard we could with the open shop.

Chairman WALSH. Well, do I take it from that, then, that you can do your work more economically?

Mr. CRAIG. We can; yes.

Chairman WALSH. Well, now, from what, from the standpoint of wages or the standpoint of efficiency or one or both?

Mr. CRAIG. From the standpoint of efficiency in general.

Chairman WALSH. Well, now, what have you found with respect to the conditions as between the open and the closed shop, so far as efficiency of production is concerned?

Mr. CRAIG. Well, in the closed shop there is not that loyalty of the men, or interest taken in the work by the men that there is in the open shop.

Chairman WALSH. Does a carpenter do as much work approximately in a closed shop as he does in an open shop?

Mr. CRAIG. I don't think he does in the conditions we run under.

Chairman WALSH. Well, could you give us the amount of that difference comparatively?

Mr. CRAIG. No; I would not say that I could.

Chairman WALSH. You could not undertake to do that?

Mr. CRAIG. No.

Chairman WALSH. Is there any difference, any material difference in the character of the work which you did under union conditions and under the conditions that you have now?

Mr. CRAIG. No.

Chairman WALSH. It is about the same, is it?

Mr. CRAIG. Yes, sir.

Chairman WALSH. Now, as to wages, do you find that the men work cheaper in an open shop than they do in a closed shop?

Mr. CRAIG. No, sir.

Chairman WALSH. You don't find any difference?

Mr. CRAIG. No, sir; but we pay more wages ordinarily than the closed shops.

Chairman WALSH. You are paying higher wages now as a whole than are paid in the union shops?

Mr. CRAIG. In lots of union shops, yes.

Chairman WALSH. In lots of union shops where. In Los Angeles?

Mr. CRAIG. No. In Toledo. I don't know anything about these here.

Chairman WALSH. Well, just basing this rate of pay upon the rate of pay for the same class of labor, we will say, on the Pacific coast, what do you find, in your cost reduced on the wage part of it or not?

Mr. CRAIG. I am not conversant with the union scale and union wages here.

Chairman WALSH. Now, are there any other reasons that you would like to give us, Mr. Craig, that might illuminate this subject that we are studying here, particularly the maintenance of open shop conditions about which I have been asking you?

Mr. CRAIG. Well, in our work there is a great deal of work that can be done piecework. It is much more economical to do piecework than it is daywork; the men take more interest in their work, they make more wages, and they take more interest.

Chairman WALSH. What character of work?

Mr. CRAIG. Riveting, shipping, and calking.

Chairman WALSH. Will you give me the amount per hour—the amount that you gave was based upon the earnings of the men on piecework?

Mr. CRAIG. No; that is based upon what the men earn when they work on daywork.

Chairman WALSH. When they are working daywork?

Mr. CRAIG. Yes.

Chairman WALSH. What is the difference when they are working piecework?

Mr. CRAIG. Oh, they will make, most of those men working piecework, will make anywhere from 25 to 50 per cent more.

Chairman WALSH. Do I understand that you work partially daywork and partially piecework?

Mr. CRAIG. Sure.

Chairman WALSH. What determines that, please?

Mr. CRAIG. There is a certain proportion of that work you can not work on piecework; where it is straight work, right straight ahead and a man has a fair chance then he takes it and does it on piecework.

Chairman WALSH. Where the same character of labor works piecework, your testimony is that it earns 25 to 50 per cent more?

Mr. CRAIG. They do regularly; yes.

Chairman WALSH. In the same number of hours?

Mr. CRAIG. Yes, sir.

Chairman WALSH. I wish you would state, please, what the hours of labor are in your concern.

Mr. CRAIG. At the present time we work eight hours.

Chairman WALSH. Sir?

Mr. CRAIG. At the present time we work eight hours.

Chairman WALSH. Is that the number of hours that they work normally?

Mr. CRAIG. No. Nine hours is normal.

Chairman WALSH. Nine hours is normal? When you say you work eight hours you do that as an economic measure?

Mr. CRAIG. When we work eight hours, we are working that because we have a certain class of work that requires eight hours.

Chairman WALSH. That work requires eight hours?

Mr. CRAIG. Yes.

Chairman WALSH. What kind of work is that?

Mr. CRAIG. Government work.

Chairman WALSH. You work eight hours on Government work alone?

Mr. CRAIG. Yes.

Chairman WALSH. And when your work is not Government work you work nine hours?

Mr. CRAIG. Work nine hours.

Chairman WALSH. What do you find with respect to your ability to compete with shipbuilding companies that employ union labor on the coast? Do you do it successfully or not?

Mr. CRAIG. We really are not in competition with most of the plants in the north, because the work we have been doing is work they could not do.

Chairman WALSH. Do I understand you have the conditions upon which you could base a reasonably fair comparison as to whether or not you could compete with them successfully under these conditions?

Mr. CRAIG. Oh, I know from experience we can compete with them. In San Francisco the Union Iron Works, for instance——

Chairman WALSH. But, as a matter of fact, have you competed with them?

Mr. CRAIG. Yes, sir; we have.

Chairman WALSH. How much more economically? You say you can run it more economically. How much more economically can you run your open shop than a union shop can be run? That is, on the coast here now, such as might be a competitor with you?

Mr. CRAIG. Why, I would not feel competent to say what the difference would be, at the present time. But I am confident in my own opinion, from my own knowledge, the fact is we can run our own shop much more economically.

Chairman WALSH. What is the cost of labor that goes into the building of a ship; that is, leaving out the management cost, clerical labor, salesmanship, and such things as that.

Mr. CRAIG. I couldn't tell you.

Chairman WALSH. Have you ever figured it?

Mr. CRAIG. Every ship varies.

Chairman WALSH. Could you approximate an estimate of the labor cost that goes into a ship?

Mr. CRAIG. No; I could not.

Chairman WALSH. Have you ever done so?

Mr. CRAIG. Not in that way; no, sir.

Chairman WALSH. Not in that way?

Mr. CRAIG. No, sir.

Chairman WALSH. Does it represent one-half or a quarter of the gross cost?

Mr. CRAIG. It depends, it varies entirely by reason of the class of boat.

Chairman WALSH. Please sketch what goes into a boat in the way of cost, outside of labor?

Mr. CRAIG. Machinery.

Chairman WALSH. Machinery?

Mr. CRAIG. Yes.

Chairman WALSH. What else?

Mr. CRAIG. Makes a big difference; cabins, finish.

Chairman WALSH. What?

Mr. CRAIG. Cabin work; finish work. If it is a speedy boat it takes that much more cost for machinery than if it is not so fast. The faster the boat the less the material.

Chairman WALSH. Is there any particular class of boat that your company builds?

Mr. CRAIG. No; we don't make any particular kind. We build anything a man wants. Never build the same boat over.

Chairman WALSH. It is not standardized enough, then?

Mr. CRAIG. No.

Chairman WALSH. For you to make an estimate that would be of value to us?

Mr. CRAIG. No; that is the reason we can't

Chairman WALSH. What was the total cost of your business last year?

Mr. CRAIG. I couldn't tell you that.

Chairman WALSH. Do you keep it?

Mr. CRAIG. Oh, it is kept; yes. I don't keep it in my head.

Chairman WALSH. You also keep the total labor cost for the year, and your total pay roll?

Mr. CRAIG. There ought to be. We make out a yearly report on labor employed at our works.

Chairman WALSH. Will you be kind enough to submit to the commission, as reasonably quickly as you can, the total expense of operating your business last year, and your total pay roll?

Mr. CRAIG. Sure.

Chairman WALSH. You might do that by to-morrow.

Mr. CRAIG. I think so.

Chairman WALSH. Thank you. Now, I wish you would describe what the Craig Ship Building Co. has done, if anything, for the improvement of working conditions, what you might call work that was done for the general welfare of the employees? That would include, of course, safety and sanitation. Anything that you have done with reference to their living conditions.

Mr. CRAIG. Well, we have installed all safety devices that are known—all we can find out, or that the men recommend. And we preach into them, they must have safety first, see everything is safe. We have taken all precautions, so much so that all inspectors of insurance companies and State inspectors who have inspected our plant have complimented us on its condition.

Chairman WALSH. Do you have any other company but this one plant, Mr. Craig?

Mr. CRAIG. That is all.

Chairman WALSH. And how many employees do you have in normal times?

Mr. CRAIG. Under normal conditions we would have 450 to 500.

Chairman WALSH. What system of inspection have you of appliances, hoisting appliances, and so forth?

Mr. CRAIG. Each superintendent is supposed to inspect his own outfit that he works with.

Chairman WALSH. Each superintendent?

Mr. CRAIG. And keep it in shape.

Chairman WALSH. Does that include the foreman of each particular department?

Mr. CRAIG. Yes.

Chairman WALSH. What else have you done along the line of improving the working conditions?

Mr. CRAIG. We have continually raised the men's wages after they get more proficient in the work.

Chairman WALSH. Continually raised the carpenters' wages?

Mr. CRAIG. As they get more proficient.

Chairman WALSH. Well now, give me a sketch of how you do that. When you employ a journeyman carpenter, what do you pay him first?

Mr. CRAIG. We have no set wages in the yard. Every superintendent in that yard is a boy that has been brought up in the work, and he regulates the wages of the men under him. A man goes to work—we tell him to go to work, and his superintendent then tells what he is worth.

Chairman WALSH. What man?

Mr. CRAIG. The superintendent.

Chairman WALSH. The superintendent tells the man what he is worth?

Mr. CRAIG. He rates him.

Chairman WALSH. Around what figure does that range for a journeyman carpenter, an efficient man that can do the work?

Mr. CRAIG. But if he is all right, why, he gets pretty near the limit.

Chairman WALSH. He gets pretty near the limit?

Mr. CRAIG. The majority of men out here are very imperfect in that regard.

Chairman WALSH. Does the amount that your superintendent fixes—is it governed in any respect by the so-called law of supply and demand?

Mr. CRAIG. No, sir.

Chairman WALSH. How do you fix what you conceive to be a reasonable wage at the beginning?

Mr. CRAIG. We haven't reduced wages in a long time. Take the present time; we only have 150 men there, and we are paying the same wages as when we had 500.

Chairman WALSH. Is there any committee among your workmen to confer with you about wages, or is it an individual matter with each one?

Mr. CRAIG. Individual with each superintendent.

Chairman WALSH. Now, what system have you, if any, for hearing the grievances of the men?

Mr. CRAIG. We haven't had any grievances so far in the last five years.

Chairman WALSH. Who determines the question as to whether a man shall stay at a given rate in the work, the superintendent or foreman?

Mr. CRAIG. The superintendent he is working under.

Chairman WALSH. Who?

Mr. CRAIG. The superintendent he is working under, who hires him.

Chairman WALSH. Well, haven't you had any complaints as to injustice and favoritism, or anything of the sort?

Mr. CRAIG. I haven't had only one or two since I have been down there.

Chairman WALSH. Sir?

Mr. CRAIG. Only one or two.

Chairman WALSH. Have you any system by which inquiries are made as between the men and foremen and superintendents to discover injustices that might not be reported by the men?

Mr. CRAIG. No; it is known all over the works if they can't get along with the superintendent and feel they have a grievance to come to me about it.

Chairman WALSH. Have you any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Mr. O'Connell would like to ask a few questions.

Commissioner O'CONNELL. Are you connected with the Craig Shipbuilding Co. at Toledo?

Mr. CRAIG. I was; yes, sir.

Commissioner O'CONNELL. Has that company any connection with this company here?

Mr. CRAIG. No, sir. That company is out of existence now, Mr. O'Connell. It is the Toledo Shipbuilding Co. now.

Commissioner O'CONNELL. Yes; I know it is. Was your company involved in the metal-trades strike that we had recited to us yesterday?

Mr. CRAIG. Here?

Commissioner O'CONNELL. Yes.

Mr. CRAIG. In Los Angeles?

Commissioner O'CONNELL. Yes.

Mr. CRAIG. Yes, sir.

Commissioner O'CONNELL. What were the demands made of you at that time?

Mr. CRAIG. There was never any demand made.

Commissioner O'CONNELL. The men just simply went on strike?

Mr. CRAIG. A certain part of the men just walked out.

Commissioner O'CONNELL. No requests of any kind made to you personally?

Mr. CRAIG. No, sir.

Commissioner O'CONNELL. Or by letter?

Mr. CRAIG. No, sir.

Commissioner O'CONNELL. What was the result of that?

Mr. CRAIG. I guess there wasn't any result; we just let them stay out, and went on with our business.

Commissioner O'CONNELL. Didn't you have—wasn't there a large number of men arrested around your plant?

Mr. CRAIG. Why, I think at one time there, there was, yes; 12 or 15 men, something like that.

Commissioner O'CONNELL. At whose instigation were they arrested, what for?

Mr. CRAIG. City police; just for disturbing the peace.

Commissioner O'CONNELL. In what way was the peace disturbed there? Was there an effort made to get in the shops and do some damage to the works?

Mr. CRAIG. Why, yes. There wasn't so much effort to get in the shops, but our men were molested, of course, walking back and forth, and having scraps and fights outside of the works.

Commissioner O'CONNELL. Was there any convictions for breaking of the law at any time?

Mr. CRAIG. I don't think there was.

Commissioner O'CONNELL. What is that?

Mr. CRAIG. I don't think there was.

Commissioner O'CONNELL. These rates of wages, you say, that are paid out at your place, some of the men work eight hours who are working on Government work, and others nine, is there a different rate of pay for the two classes?

Mr. CRAIG. No, sir; they are all paid the same rate per hour.

Commissioner O'CONNELL. The men who work eight hours earn an hour's less pay per day than the men who work nine hours?

Mr. CRAIG. That is it, exactly.

Commissioner O'CONNELL. What is the day average of the eight-hour men, the machinists, for instance, the day rate, not the hour rate, what do they make, $3 or $3.50?

Mr. CRAIG. I couldn't say without referring back, because we pay everything by the hour.

Commissioner O'CONNELL. What is the machinists' rate, the average machinist's rate, there?

Mr. CRAIG. It is 35 to 45 cents. About $3, I should say, on the average.

Commissioner O'CONNELL. About $3?

Mr. CRAIG. Yes.

Commissioner O'CONNELL. It seems to be quite a difference between the rate paid at your yard, then, for machinists, and I take it the same applies generally to all the machinists, as for instance, at the Union Iron Works at San Francisco, which I should imagine would be a close competitor.

Mr. CRAIG. I don't know what they are paying up there.

Commissioner O'CONNELL. Their minimum rate there is $3.50 for eight hours, and the new rate just agreed upon is $4 as a minimum for union hours.

Mr. CRAIG. The Union Iron Works are running a union shop, are they?

Commissioner O'CONNELL. Well, there is no agreement requiring that, but it is an absolutely union shop just the same.

Mr. CRAIG. I thought you said from the agreement they had made.

Commissioner O'CONNELL. Yes; there is an agreement made with the metal trades of San Francisco. Has your company ever dealt with the union or its representatives in any way?

Mr. CRAIG. We did in Toledo; yes, sir.

Commissioner O'CONNELL. No, here.

Mr. CRAIG. Not here; no, sir.

Commissioner O'CONNELL. By what method are the wages for the men set at your plant?

Mr. CRAIG. By the superintendent who hires them.

Commissioner O'CONNELL. He designates the wages and the employee is free to take that or let it alone, he has nothing to say as to the rate of wages himself?

Mr. CRAIG. That is for the laborers, of course; there is not anything less than 20 cents paid. From that up, whatever a man is worth.

Commissioner O'CONNELL. For instance, the rate for machinists, who establishes that rate?

Mr. CRAIG. The superintendent of the machine shop.

Commissioner O'CONNELL. The superintendent of the machine shop?

Mr. CRAIG. Yes.

Commissioner O'CONNELL. The men are not consulted or taken into consideration in the matter of conference in any way on the wage rates?

Mr. CRAIG. Not in setting wages; no, sir.

Commissioner O'CONNELL. Nor in the hours that are to be worked?

Mr. CRAIG. Oh, yes; we conform to the men a good deal on the hours to be worked.

Commissioner O'CONNELL. What is that?

Mr. CRAIG. We hold to a good deal—giving the men leeway a good deal on the hours to be worked.

Commissioner O'CONNELL. I didn't quite get that, Mr. Craig.

Mr. CRAIG. Well, the men decide that a good deal themselves by petition.

Commissioner O'CONNELL. The men decide themselves?

Mr. CRAIG. They have.

Commissioner O'CONNELL. The hours they wish to work?

Mr. CRAIG. They have. We have considered them entirely as a whole as to the hours they want to work.

Commissioner O'CONNELL. Now, just explain to the commission how you would arrange that—how it is brought about.

Mr. CRAIG. When the men were all working 10 hours here in Los Angeles before the strike came, why, our men wanted a half day off Saturday. They brought a petition, and we gave them a half day off Saturday, which was equal to about nine hours for the week.

Commissioner O'CONNELL. When the nine-hour day came about very generally, how was that brought to you?

Mr. CRAIG. We asked them if they wanted the half day then, and they said no; they wanted the nine hours.

Commissioner O'CONNELL. The men signed a petition of some kind?

Mr. CRAIG. Sure.

Commissioner O'CONNELL. Well, then, in that sense you were dealing with them?

Mr. CRAIG. Oh, we deal with our own men. There is no mistake about that; sure, we consider anything they put up to us.

Commissioner O'CONNELL. Would you meet a committee of your own men if they organized in some form of association with a view of readjusting your wages?

Mr. CRAIG. I did not just catch the question. As far as meeting a committee from the union, we would not do it; no.

Commissioner O'CONNELL. But you would meet a committee of your own men?

Mr. CRAIG. Why, certainly; we always meet a committee of our own men and always try to harmonize everything with them.

Commissioner O'CONNELL. Supposing your men were organized, all organized, they all belonged to the union. You say you have no objection to their belonging to the union or not. You did not ask that question.

Mr. CRAIG. Sure.

Commissioner O'CONNELL. Hence, they might all belong to the union.

Mr. CRAIG. Sure; some of them do belong to the union; we know that.

Commissioner O'CONNELL. Supposing they selected a committee of three of your employees, and they came to you as representing all the machinists in the plant and said: "We are representing all the machinists in the plant, and we came to ask for an increase in wages to $4 a day," would you receive them as such?

Mr. CRAIG. Certainly, I would.

Commissioner O'CONNELL. And take up the question of wages with them?

Mr. CRAIG. Certainly, I would; and would do everything I could to satisfy them.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask a few questions.

Commissioner WEINSTOCK. It has been brought out in the testimony before the commission that shops and factories are put into three classifications; there is the closed shop—so-called closed shop where only union men are employed; and there is the open shop where union and nonunion men work side by side; and then there is the nonunion shop where union men are not accepted. Now, under which of those three classifications does your shop come?

Mr. CRAIG. We are the open shop. We claim the men have got the right to join the union if they see fit, or join any society they see fit. As long as they do the work we have no objection.

Commissioner WEINSTOCK. The mere fact of a man being a unionist does not deprive him of his job in your plant?

Mr. CRAIG. No, sir.

Commissioner WEINSTOCK. Is it your opinion, Mr. Craig, that unionism can go hand in hand with the open shop?

Mr. CRAIG. Well, I think that is possibly so in many industries. I don't think it is so in our industry.

Commissioner WEINSTOCK. You think not in your industry?

Mr. CRAIG. No.

Commissioner WEINSTOCK. You mean then that in your industry, one of two conditions must become a common condition, either it must be all closed shop or all nonunion shop?

Mr. CRAIG. No; the open shop.

Commissioner WEINSTOCK. Well, that is the very question I put to you.

Mr. CRAIG. I didn't understand the question.

Commissioner WEINSTOCK. I didn't make myself clear.

Mr. CRAIG. No.

Commissioner WEINSTOCK. As to whether in your opinion unionism can coexist with the open shop?

Mr. CRAIG. Why, certainly, I don't see why it can't.

Commissioner WEINSTOCK. The statement was made on the witness stand yesterday, I think, by a representative of organized labor, that they could not coexist and that we would ultimately either have to be all closed shop or all nonunion. You do not accept that?

Mr. CRAIG. No, sir; I don't accept that version at all, because the experience we have had of 20 years teaches us different.

Commissioner WEINSTOCK. I see. You made the statement a few minutes ago you believed men have a right to join unions.

Mr. CRAIG. Sure.

Commissioner WEINSTOCK. And that you have no fault to find with them.

Mr. CRAIG. Sure.

Commissioner WEINSTOCK. Do you believe unionism has made conditions for the worker, say in the last 20 or 25 years, better or worse?

Mr. CRAIG. Oh, I think it has helped conditions certainly to a certain extent.

Commissioner WEINSTOCK. You do not agree with Gen. Otis, who expressed his opinion on the stand that unionism has made conditions worse for the worker rather than better?

Mr. CRAIG. Well, there is a good deal of truth in Mr. Otis's statement I think in that way, too; as far as the union itself, it is all right, but the trouble that they bring up and the means that they use of forcing their demands and conditions has hurt them. There is always two sides to that.

Commissioner WEINSTOCK. Gen. Otis's opinion is to this effect—let me see how far you agree, as an employer and one with a broad experience. His opinion is that while on one hand unionism has shortened hours and increased wages and improved working conditions, that those gains have been more than offset by the loss involved from strikes and lockouts and the burden put on the

worker in supporting his officers and operating machinery; that therefore, in his opinion, the worker if anything as a natural result is considerably worse off under unionism than if there had been no unionism. What is your belief on that view of it?

Mr. CRAIG. I think he is perfectly right in that assertion.

Commissioner WEINSTOCK. Then if that is true, unionism has not been an advantage?

Mr. CRAIG. The way I mean an advantage, I think it is in some places. In many businesses where they duplicate stuff and where the men do the same thing right along, I think it has helped in those places. What I meant with our work it is so varied they never do the same thing twice—that we can't work under the union like they can generally.

Commissioner WEINSTOCK. We are speaking of general conditions and not any particular business or any particular industry. This commission is interested in the situation as a whole.

Mr. CRAIG. Sure.

Commissioner WEINSTOCK. My question referred to the condition as a whole.

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. Taking the whole country as a unit, whether unionism has been an advantage or a disadvantage, from your point of view, to labor?

Mr. CRAIG. From many standpoints——

Commissioner WEINSTOCK. From an economic point of view.

Mr. CRAIG. I think a disadvantage.

Commissioner WEINSTOCK. You explained that before being connected with this plant here you were connected with a plant in Toledo?

Mr. CRAIG. Yes.

Commissioner WEINSTOCK. I think you said you worked there under the closed shop?

Mr. CRAIG. We did a certain length of time.

Commissioner WEINSTOCK. And here you are working under the open shop?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. What advantages are you enjoying here, working under the open shop, that you did not enjoy working in Toledo, under the closed shop?

Mr. CRAIG. The last five or eight years we were in Toledo we were under the open shop the same as we are here.

Commissioner WEINSTOCK. That is, the closed-shop condition in Toledo applied only to the early history of the enterprise?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. What led to the change from the closed shop to the open shop?

Mr. CRAIG. What led to the change?

Commissioner WEINSTOCK. Yes, sir.

Mr. CRAIG. We were a closed shop, you might say, up to the time the eight-hour day was demanded by the machinists. We had 1,500 men at work, and only 20 per cent of those men were machinists. They demanded an eight-hour day, and let the other men do as they see fit. Father was running the shop at that time, and said he wouldn't do anything for the machinists that he wouldn't do for the whole yard. We had men who worked for us for 20 years, and he compromised by giving the whole yard a nine-hour day. The machinists would not accept that, they demanded an eight-hour day. The rest of the yard said they (the machinists) want you to take better care of them than of us, and that they (the 80 per cent) would quit the union themselves, and they did withdraw, and we never had a closed shop since.

Commissioner WEINSTOCK. What difference, if any, did you find in the matter of efficiency, working under the closed-shop system and working under the open-shop system?

Mr. CRAIG. Under the closed-shop system there was not the interest taken in the work the men were doing. The men were always looking for trouble. For example, I had a machinist come to me in the machine shop. He had been told to chip or clean up an exceedingly rough casting. He says, "I am a machinist. That is a laborer's job. I am not going to chip that. Put another man to do it." I put a laboring man doing it, and another machinist came along and says, "That is a machinist's job and not a laborer's job." Those contentions were coming up all the while.

Commissioner WEINSTOCK. Jurisdictional disputes.

Mr. CRAIG. Yes, sir. I had to turn around when the fellow kicked about the laborer and put a high-class machinist on the job, and the other man had kicked at doing the work because he wasn't going to a laborer's work. We had those contentions coming up all the while.

Commissioner WEINSTOCK. Take the output per man per day, under what conditions was it larger? Under the closed-shop conditions or the open shop?

Mr. CRAIG. It was under the open-shop conditions; it was much better.

Commissioner WEINSTOCK. The men produced greater results?

Mr. CRAIG. They worked with more heart and worked to hold their jobs. They didn't feel the union was holding their jobs for them, but they were holding it themselves and earning something.

Commissioner WEINSTOCK. It was brought out in testimony yesterday that in the building trades in Los Angeles, comparing the wages paid in the building trades in Los Angeles with the wages paid in the building trades in San Francisco, the San Francisco wages on the average were about 25 per cent higher than those paid in Los Angeles in the building trade. Now, what is the difference in the wages in the metal trade between Los Angeles and San Francisco as far as you know?

Mr. CRAIG. I really don't know that. I know we were paying down here 25 per cent more than we were paying in Toledo.

Commissioner WEINSTOCK. Twenty-five per cent more than you were paying in Toledo?

Mr. CRAIG. Yes, sir; sure.

Commissioner WEINSTOCK. But you never compared your wage scale with the San Francisco wage scale?

Mr. CRAIG. No, sir; I haven't. Well, I think during the strike two or three years ago I had their scale and looked it over, but I haven't since.

Commissioner WEINSTOCK. How did it compare?

Mr. CRAIG. About the same at that time. Our men who were working piecework were getting much more. Some of the men who walked out of my place at that time said, "Don't fill our places; we want to come back when this is over, because we can make more by piecework here than we can up there."

Commissioner WEINSTOCK. The claim made by San Francisco is that their wage scale is higher and their hours shorter; that in San Francisco they work an eight-hour day and in Los Angeles they work a nine-hour day. Now, you say you come into competition with San Francisco?

Mr. CRAIG. To a certain extent in building.

Commissioner WEINSTOCK. Do you do any new work or just repair work?

Mr. CRAIG. We do a limited amount of repair work, but our work mostly is new work.

Commissioner WEINSTOCK. There was a vessel built recently in California called the *Frank Buck*.

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. An oil-tank vessel?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. I think I heard it was one of the largest, if not the largest vessel ever built in California.

Mr. CRAIG. The largest merchant ship.

Commissioner WEINSTOCK. Was your company a bidder on that job?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. And bids were invited also from the eastern shipbuilders, as far as you know?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. Who got the contract?

Mr. CRAIG. The Union Iron Works.

Commissioner WEINSTOCK. The Union Iron Works of San Francisco?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. How was it possible for them to have gotten the contract and underbid if their hours were shorter and wages higher?

Mr. CRAIG. Because they claim they lost a large amount of money on the boat themselves. They wanted the work to keep their men employed. They didn't bid on it on a business proposition, but just to keep their yard filled up so that they could have the men there to go on repair work.

Commissioner WEINSTOCK. Your opinion is that they lost money on the job?

Mr. CRAIG. They told me that themselves.

Commissioner WEINSTOCK. About how many men do you employ at this time?

Mr. CRAIG. I think about 100 to 175.

Commissioner WEINSTOCK. What is your normal number?

Mr. CRAIG. Oh, we have anywhere from 350 to 450.

Commissioner WEINSTOCK. What is the explanation of the slump in the number of men employed?

Mr. CRAIG. The business is very bad at this time on this coast.

Commissioner WEINSTOCK. Very little shipbuilding going on?

Mr. CRAIG. Very little business; no shipbuilding whatever.

Commissioner WEINSTOCK. Out of the number you employ can you tell us what proportion are married and what proportion unmarried?

Mr. CRAIG. I think three-fourths of the men we have there now are married men.

Commissioner WEINSTOCK. About three-fourths are married?

Mr. CRAIG. Fully that many.

Commissioner WEINSTOCK. What proportion of them live in their own homes?

Mr. CRAIG. I think possibly three-fourths of them.

Commissioner WEINSTOCK. Live in their own homes?

Mr. CRAIG. I think so. I never inquired to make a record of it, or anything, but just from knowing the men I think about that.

Commissioner WEINSTOCK. What is the character of the men generally?

Mr. CRAIG. The men we have there now are very good men.

Commissioner WEINSTOCK. Sober and industrious?

Mr. CRAIG. Very sober. Of course that is a dry town and we don't have any whisky down there, anyway, and that helps a good deal.

Commissioner WEINSTOCK. Where is your plant?

Mr. CRAIG. Long Beach.

Commissioner WEINSTOCK. What proportion of your men work on piecework?

Mr. CRAIG. Oh, I think possibly 30 per cent.

Commissioner WEINSTOCK. And what are the average earnings of your piece-workers, their weekly earnings?

Mr. CRAIG. Well, the riveters make anywhere from $7 to $8.

Commissioner WEINSTOCK. A day?

Mr. CRAIG. Yes, sir; piecework.

Commissioner WEINSTOCK. The riveters earn from $7 to $8 on piecework?

Mr. CRAIG. Yes, sir. I had a man work there the whole year through who never made less than $8—yes, I had two men.

Commissioner WEINSTOCK. Out of the 100 men, how many are there that earn from $7 to $8 a day?

Mr. CRAIG. I should think 8 or 10. I guess about eight are riveters.

Commissioner WEINSTOCK. About eight?

Mr. CRAIG. Yes, sir; at the present time. At the present time they are not earning that much because it is Government work there. It is rather peculiar stuff that they can't work regularly on.

Commissioner WEINSTOCK. What hours do the pieceworkers observe?

Mr. CRAIG. Just the same.

Commissioner WEINSTOCK. Eight hours on Government work, and nine hours on nongovernment work?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. These men that earn $7 to $8 a week——

Mr. CRAIG. A day.

Commissioner WEINSTOCK. A day, rather. Are they subcontractors or are they just workers?

Mr. CRAIG. No, sir; just pieceworkers.

Commissioner WEINSTOCK. Just pieceworkers?

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. They don't take things by contract and sublet to other workers?

Mr. CRAIG. Oh, no; they just drive so many rivets—so much per rivet.

Commissioner WEINSTOCK. What is your attitude on the workmen's compensation act?

Mr. CRAIG. Why, I think it is a very good thing in a general way, but I think it could be rectified in a lot of things; that I suppose will be revised later.

Commissioner WEINSTOCK. What is the weak spot?

Mr. CRAIG. The main spot that hits me is it raised our rate from 3 to 6 cents.

Commissioner WEINSTOCK. Under the 3-cent rate what protection did you get?

Mr. CRAIG. I got as much protection as we seem to get now.

Commissioner WEINSTOCK. Wasn't there a limit to the amount that the company would pay? Wasn't there a $5,000 limit at the outside with any one individual, and a $10,000 limit if any accident?

Mr. CRAIG. No, sir. We carried a higher limit than that. We carried $7,500 and $15,000.

Commissioner WEINSTOCK. It was limited to that.

Mr. CRAIG. Yes, sir.

Commissioner WEINSTOCK. Is there any limit on the insurance to-day?

Mr. CRAIG. No, sir.

Commissioner WEINSTOCK. Then for the difference in the price you are getting unlimited insurance as against limited insurance?

Mr. CRAIG. That is even so; but in 20 years' experience we never had a case that went over $10,000.

Commissioner WEINSTOCK. But the fact remains, if under the old law you had wanted unlimited insurance, you would have had to pay a much higher rate than you did pay?

Mr. CRAIG. A little; but not as much as the present rate.

Commissioner WEINSTOCK. Does that rate come out of your pocket, or do you do as others do and add it to the cost of production?

Mr. CRAIG. We have to add it in the contract.

Commissioner WEINSTOCK. And every other contractor does the same thing?

Mr. CRAIG. No, sir; you are mistaken there. We were in competition with the East, and the East does not have that rate to pay.

Commissioner WEINSTOCK. In New York State the rate is much higher.

Mr. CRAIG. New York is not a shipbuilding State. Go back to Ohio or Michigan.

Commissioner WEINSTOCK. What is the Ohio rate?

Mr. CRAIG. I don't know what their rate is, but I know at the time we moved here we never paid over 3 cents.

Commissioner GARRETSON. No; but it is far more drastic than your law.

Commissioner WEINSTOCK. If you had a voice to-day on the matter of the compensation act, would you vote for or against it?

Mr. CRAIG. Well, as it is at the present time—as a means of helping the laboring people—I would vote for it. As I say, I have no objection to it now, only it hits our plant higher than ordinary people. They raise us way out of sight, and lots of others are just as cheap as they were before.

Commissioner WEINSTOCK. You understand, and I think this is a point important to bring out, that the State of California is in the insurance business itself.

Mr. CRAIG. Sure.

Commissioner WEINSTOCK. And that its purpose is not to make a profit.

Mr. CRAIG. Yes, sir; I understand.

Commissioner WEINSTOCK. But to protect the employer, and that as soon as it discovers the rates are too high they will likely be lowered.

Mr. CRAIG. That is what I expected. I expected that they would be modified later on.

Commissioner WEINSTOCK. There was a good deal of opposition to the workmen's compensation act on the part of the employers when the act first passed and was put into operation. Were you, in common with most employers, also opposed to it?

Mr. CRAIG. I was at that time.

Commissioner WEINSTOCK. As soon as it is demonstrated you have changed your attitude and your opinion?

Mr. CRAIG. I have changed my attitude as regards its possibilities—the possibility ultimately.

Commissioner WEINSTOCK. Would you recommend to this commission that this commission shall recommend to all sister States of the Union to likewise enact compensation laws?

Mr. CRAIG. Yes, sir; I would go further than that. I would recommend that they make them universal so that we would have to pay the same price, and we would have no objection to it. I am perfectly willing to put up, providing our competitor has to do the same thing; that is all we ask.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson has a question he wishes to ask.

Commissioner GARRETSON. In answer to a question by Commissioner Weinstock, I don't know whether I misunderstood you or whether you misunder-

stood him. He asked you whether in your opinion labor—the existence of the labor union—had been injurious or beneficial to laboring men. I want to ask that in a little different form that will leave no question—no chance for misunderstanding:

If labor unions had never been in existence, do you believe the wages would have been higher or lower than they are, and hours longer or shorter than they are, if unions had never existed?

Mr. CRAIG. Why, I think the supply and demand governs the wages.

Chairman WALSH. The what?

Mr. CRAIG. The supply and demand governs the wages.

Commissioner GARRETSON. I didn't catch the first word.

Mr. CRAIG. Supply and demand governs the wages.

Commissioner GARRETSON. What would supply and demand have done in hours and wages?

Mr. CRAIG. I think they might be just as far advanced as they are.

Commissioner GARRETSON. It might? That is all.

Chairman WALSH. Thank you, Mr. Craig.

Mr. McDonald.

TESTIMONY OF MR. P. J. McDONALD

Chairman WALSH. What is your name, please?

Mr. McDONALD. P. J. McDonald.

Chairman WALSH. Where do you live, Mr. McDonald?

Mr. McDONALD. You mean my residence?

Chairman WALSH. Yes.

Mr. McDONALD. 459 East Adams.

Chairman WALSH. Business address?

Mr. McDONALD. 1800 Industrial Street.

Chairman WALSH. What is your business, please?

Mr. McDONALD. Planing mill, manufacturer, and general contractor.

Chairman WALSH. The name of your company is the Los Angeles Planing Mill Co.?

Mr. McDONALD. It is.

Chairman WALSH. Is it a corporation or partnership?

Mr. McDONALD. Corporation.

Chairman WALSH. What is the capital stock?

Mr. McDONALD. Two hundred thousand dollars.

Chairman WALSH. Incorporated under the laws of California?

Mr. McDONALD. Yes.

Chairman WALSH. Are you a member of the Southern California Mill Owners' Association?

Mr. McDONALD. Yes.

Chairman WALSH. Are you connected with any other organization?

Mr. McDONALD. Most all of them. The merchants——

Chairman WALSH. Please state any other industrial organization to which you belong.

Mr. McDONALD. Chamber of commerce.

Chairman WALSH. Los Angeles Chamber of Commerce?

Mr. McDONALD. Yes.

Chairman WALSH. Will you please pitch your voice a little higher? It is very difficult to hear.

Mr. McDONALD. My voice is in very bad shape.

Chairman WALSH. That is too bad, of course, but you must do it as loud as you can. Do the best you can, please.

Mr. McDONALD. I belong to the merchants and manufacturers' association, the Southern California Mill Owners' Association, the sash and door association here, in connection with our mill business; these handle most of the business for the good of the members. That is all at present relating to our business.

Chairman WALSH. You belong to all the associations that exist here that relate to your particular industry?

Mr. McDONALD. I do.

Chairman WALSH. Now, how long have you been in business in Los Angeles?

Mr. McDONALD. Since 1901.

Chairman WALSH. And where were you in business prior to that time?

Mr. McDONALD. I have been in the city since 1882.

Chairman WALSH. What business were you in prior to 1901?

Mr. MCDONALD. The same business I am in now, but as superintendent for large institutions.

Chairman WALSH. During all of the time from 1882 down to the present time were you superintendent?

Mr. MCDONALD. I was. I have never done any work in this State for 30 years except as superintendent or in charge of work until I went in for myself.

Chairman WALSH. You were furnished with a list of questions to which your attention was to be directed on the stand, I believe, Mr. McDonald?

Mr. MCDONALD. Yes.

Chairman WALSH. So I will ask you from that list. I wish you would give us the rate of wages that you pay in your industry.

Mr. MCDONALD. I have prepared a paper here, and, with the permission of the honorable commission, I would like to read it.

Chairman WALSH. All right. Does that cover the questions generally?

Mr. MCDONALD. Yes. I did not have very much time.

Chairman WALSH. But you endeavored to cover it generally?

Mr. MCDONALD. As best I could. I just got this notice on Tuesday morning. I have done the best I could.

Chairman WALSH. But that is intended to cover the question generally?

Mr. MCDONALD. Yes.

Chairman WALSH. Thank you. Read it if you please.

Mr. MCDONALD. As we understand, the purpose of this honorable commission is to investigate the wages, working hours, and general conditions of labor, I will therefore try to confine myself to these subjects relating to my employees only, from personal knowledge of these conditions.

I bought out the old Los Angeles Planing Mill, on San Pedro Street, in 1901, at that time known as a union shop. We made no changes for some time, preferring to let things run along as they were until I got better acquainted with actual conditions. Within one year, however, I was convinced that some changes were necessary and accordingly made them. This brought about a strike and shutdown for some time——

Chairman WALSH. Can you hear that down there? Commissioner O'Connell says he can not hear it.

Mr. MCDONALD. I can't read any louder.

Chairman WALSH. I may have to volunteer to read it. Please pass that up and I will read it.

Mr. MCDONALD. I have a cold.

Chairman WALSH (reading):

"As we understand, the purpose of this honorable commission is to investigate the wages, working hours, and general conditions of labor, I will therefore try to confine myself to these subjects relating to my employees only, from personal knowledge of these conditions.

"I bought out the old Los Angeles Planing Mill, on San Pedro Street, in 1901, at that time known as a union shop. We made no changes for some time, preferring to let things run along as they were until I got better acquainted with actual conditions. Within one year, however, I was convinced that some changes were necessary and accordingly made them.

"This brought about a strike and a shutdown for some time. When we opened again many of our old employees returned and several we did not want, owing to their disposition to be disturbers and breeders of trouble among the men.

"We ran along about a year when a committee waited on me one morning and presented their grievances, which were that two men in the shop refused to join their union and must be discharged; that after that date they would run but 8 hours per day; that a boy about 17 years old (a son of one of my old employees), who was running a band saw, should give way to a man. They also informed me that my shop was thoroughly unionized, and that I would have to comply with the union rules, which were that these two employees were to be discharged, and that this young man working on the band saw should give way to a man; that my shop should run eight hours, and that I should recognize a shop steward on the premises. All of which I refused to do, with the result, another strike—all hands but the two nonunion men and my engineer walking out.

"We remained shut down for about two weeks. When I started again I gave preference to the old employees with few exceptions, with the under-

standing that hereafter I would not recognize a union shop, but that I would not discriminate against union men.

"Shortly after this an organization of mill owners was established for the purpose of furnishing employment to the mill employees regardless of their affiliations. We also furnished them a large reading and club room where they could pass the time when not employed, and same is still maintained—this organization having nothing whatever to do with hours of work, wages paid, or shop conditions; its only purpose being a free labor bureau to promote harmony among the men and a better feeling among the employers and the men, all of which I feel it has accomplished.

"About this time the mill owners' association recommended to its members an eight-hour day. Several of us tried it out, some for a short period, others for some time. I continued this policy for 18 months and was the last to return to the nine hours. We found it not a paying proposition, as we consider an eight-hour day not profitable where machinery is concerned.

"We had at that time 26 employers, many of whom we still have on our pay roll, and we have had, until very recently, as high as 175 men employed.

"We do not discriminate against the union men, nor never did, except that we will not hire a union foreman, for a union foreman means a union crew and closed to outsiders. We find that a mixed crew of men get along much better, attend more strictly to their business and not annoyed by the 'walking delegate' or shop stewart. That they are closer to the foreman, superintendent, and the general management, and thereby give better results.

"We have many union men in our employ and they are some of our oldest and most trustworthy men. We treat our men humanely, adopt all the latest safety devices, and keep the shop in a sanitary condition, all of which is a paying investment and good policy for any employer of labor, and we have had no trouble for many years.

"We run nine hours per day, six days per week, and have not lost any time during the past 10 years. At the present time have 70 employees, wages $2.25 to $5 per day; in the office we pay $75 to $250 per month. Our average pay per day of nine hours is $3.25.

"We are strong advocates of the open-shop policy for many reasons:

"First. Because the foreman, superintendent, and management in general are in much closer touch with each individual.

"Second. That there are no disturbances in the shop and no strikes—therefore steady work for the men.

"Third. That the pride of the American workingman is such that he would much prefer to deal with the superintendent or management than to be dictated to by a shop steward or 'walking delegate.'

"Because of this, the men are better contented and show it in the output of every day's work. That the sentiment of this community is overwhelmingly in favor of it. That the spirit of the American citizen is at all times for independence and against everything that tends to curtail that spirit, and that because of these conditions there is general prosperity and contentment among the wage earners.

"From an actual canvass of my shop nearly 65 per cent of the employees either own their own home or are paying for it.

"If this is a fair percentage of the number of wage earners owning their own homes in this city, then the effect can not but be felt for good, because it makes for a higher class of citizenship, who are interested in the welfare of their city government, take an active interest in all civic affairs, and can be relied on to decide weighty questions to the best interest of its citizens—all of which has been proven here when occasion required.

It is our desire to have these conditions continue here and to expand to other communities less favored."

Chairman WALSH. Mr. McDonald, you say the wages are from $2.25 to $5 per day?

Mr. McDONALD. Yes.

Chairman WALSH. And the $2.25 applies to laborers?

Mr. McDONALD. Yes.

Chairman WALSH. There is no laborer whatever in your employment that receives less than $2.25 per day?

Mr. McDONALD. Except one boy.

Chairman WALSH. Except one boy?

Mr. McDONALD. Just one boy.

Chairman WALSH. How many receive $5 per day?

Mr. McDONALD. We have four men receiving $5 per day.
Chairman WALSH. How many receive $4 per day?
Mr. McDONALD. Twelve.
Chairman WALSH. How many receive $4.50?
Mr. McDONALD. Six.
Chairman WALSH. How many receives $3.50 yer day?
Mr. McDONALD. Eighteen receive $3.75 per day, and twenty receive $3.50.
Chairman WALSH. How many receive $3.
Mr. McDONALD. We haven't any $3 men.
Chairman WALSH. Run right down the line, down to two dollars and a quarter, I see you have it there.
Mr. McDONALD. We have one boy that receives $2 a day, clean up; four young men receive $2.25; one man helper, $2.25; four, $2.50; twenty, $3.50; eighteen, $3.75; twelve, $4; six, $4.50; four, $5.
Chairman WALSH. Now, in the office.
Mr. McDONALD. That does not include the office.
Chairman WALSH. Sir?
Mr. McDONALD. That does not include the office. They are on a salary basis.
Chairman WALSH. That does not include what?
Mr. McDONALD. The office.
Chairman WALSH. The office force?
Mr. McDONALD. No.
Chairman WALSH. Now, how many of these get $75 per month?
Mr. McDONALD. One.
Chairman WALSH. How many $250 per month?
Mr. McDONALD. Three.
Chairman WALSH. What positions do they hold?
Mr. McDONALD. One engineer, estimator; one manager, and the other a superintendent.
Chairman WALSH. How many men have you in your office approximately?
Mr. McDONALD. Six and a lady stenographer.
Chairman WALSH. Is it the lady that gets $75?
Mr. McDONALD. Yes.
Chairman WALSH. Have you any means of ascertaining what percentage of the 65 per cent of your employees have their homes paid for?
Mr. McDONALD. There was 11 of the 65 that were paying for them.
Chairman WALSH. Paying for them?
Mr. McDONALD. Paying for them by installments; practically paid for; but did not have the deed.
Chairman WALSH. All of those have their homes paid for?
Mr. McDONALD. Pratically paid for, but did not have the deed.
Chairman WALSH. Their what?
Mr. McDONALD. Deed to the property.
Chairman WALSH. Clear deed to the property?
Mr. McDONALD. Yes. Many of them had a bank account.
Chairman WALSH. What is that?
Mr. McDONALD. Many of them told me they had a bank account.
Chairman WALSH. You ascertained that for the purpose of presenting it to the commission?
Mr. McDONALD. Yes.
Chairman WALSH. Do you have any questions, Mr. Garretson?
Commissioner GARRETSON. Just one; general in its character.
Have you any objection—I gather from your testimony that you have no objection to your men belonging to the union?
Mr. McDONALD. Not at all.
Commissioner GARRETSON. Do you recognize their right just as you recognize your own to join these associations?
Mr. McDONALD. I certainly do.
Commissioner GARRETSON. Now, for the general question. Do you believe that labor unions have been of benefit to their members in hours and wages or not?
Mr. McDONALD. I do believe they have.
Commissioner GARRETSON. That is all, Mr. Chairman.
Mr. McDONALD. I have no objection to labor unions. It is the methods of dealing with the employers that I object to.

Commissioner GARRETSON. But, now that you have interposed that, let me ask this: Your objection is only to the method and not to the fact that they insist on betterment of wages and conditions?

Mr. McDONALD. No; I don't object to that feature of it at all.

Commissioner GARRETSON. You recognise their right to make that insistence, just as you do——

Mr. McDONALD. I do.

Commissioner GARRETSON. Recognise your own right to deal for your own benefit?

Mr. McDONALD. So far as wages are concerned, they can not be any too high for me, if my competitors were on an equal footing.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner WEINSTOCK. You are at liberty in your mill, Mr. McDonald, to handle any material?

Mr. McDONALD. Any material.

Commissioner WEINSTOCK. San Francisco mills are not permitted to handle material other than that which bears the union label stamp. That condition does not prevail here?

Mr. McDONALD. No; we have nothing like that.

Commissioner WEINSTOCK. No restrictions?

Mr. McDONALD. None at all.

Commissioner WEINSTOCK. You can buy your material wherever you please?

Mr. McDONALD. Exactly.

Commissioner WEINSTOCK. What is your judgment, or your opinion, rather, on the value of collective bargaining?

Under what conditions do you think the worker is better off—under a system of collective bargaining or under a system of individual bargaining?

Mr. McDONALD. Well, that is a question that I have not given enough thought to to answer intelligently.

Commissioner WEINSTOCK. Were you operating at any time as a closed shop?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. When you operated as a closed shop you did collective bargaining, did you not? That is, there was a wage fixed by the group?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. Now you fix the wage with each man separately—individually?

Mr. McDONALD. Treat every man according to what he is worth.

Commissioner WEINSTOCK. From the worker's point of view, under which condition is he better off—under the system of collective bargaining or under the system of individual bargaining?

Mr. McDONALD. Well, I can't see that wages are any different to-day, so far as my shop is concerned, from what it was when it was a union shop. Consequently I would say that the wage earner in my shop to-day is better off than he ever was under other conditions. He is not given instructions by outsiders, and he has no fear of strikes, and he has nothing to bother him; he works every day, and the wages is the same; there has been no change in my pay roll.

Commissioner WEINSTOCK. No change in the wage rate?

Mr. McDONALD. No.

Commissioner WEINSTOCK. Since 1901?

Mr. McDONALD. No.

Commissioner WEINSTOCK. How do the wages in your shop compare, if you have taken the trouble to compare them, with the wages paid by similar shops in San Francisco?

Mr. McDONALD. I don't know.

Commissioner WEINSTOCK. You don't know whether higher or lower?

Mr. McDONALD. I don't.

Commissioner WEINSTOCK. What is your feeling in the matter of workmen's compensation?

Mr. McDONALD. Feel very friendly to it—think it is a good thing.

Commissioner WEINSTOCK. You believe it is a good thing?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. A good thing for the employer?

Mr. McDONALD. For the employer and the men.

Commissioner WEINSTOCK. You say it is a good thing for the employer?

Mr. McDONALD. Well, I know now absolutely what I have got to take care of. I know from my pay roll whether it costs me 3 per cent or 6 per cent, and when estimating I can estimate that cost as part of my overhead expense.

Commissioner WEINSTOCK. That is, you would naturally and properly add that onto the cost of production?

Mr. McDONALD. Yes. I think that was the intention of the legislature when they made the act.

Commissioner WEINSTOCK. Exactly. Where do you see the advantage to the worker?

Mr. McDONALD. Instead of making a settlement individually, as we done before, and as every man naturally done, if he couldn't do that he would have to hire an attorney, consequently it was all turned over to him, and he made the best bargain he could, and the workman did not get, I would say, over 30 per cent of the damages which might or had been awarded to him.

Commissioner WEINSTOCK. In other words, out of $100 that the employer paid the worker only got $30?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. And that would make a loss of $70 between the employer and the worker?

Mr. McDONALD. Yes.

Commissioner WEINSTOCK. You know, of course, Mr. McDonald, that at the beginning there was a good deal of opposition to the workmen's compensation act?

Mr. McDONALD. That was the Boynton Act.

Commissioner WEINSTOCK. Yes.

Mr. McDONALD. The act that is now in operation.

Commissioner WEINSTOCK. Were you also opposed to it in the beginning?

Mr. McDONALD. I was, because I did not understand it.

Commissioner WEINSTOCK. The administration of the act has convinced you now the other way?

Mr. McDONALD. There are some changes that might be made. It is rather radical from the system that we have been working under, and it is radical, and I feel it still, but I would like to see it work out.

Commissioner WEINSTOCK. In other words, if you had a vote in the matter to-day, you would vote in favor of it?

Mr. McDONALD. I surely would.

Commissioner WEINSTOCK. How about the rates? Are the rates a serious burden upon your industry?

Mr. McDONALD. No; they are no burden at all, because we figure it as an overhead expense.

Commissioner WEINSTOCK. Are the present rates any serious burden upon the industry as compared with the old rates?

Mr. McDONALD. No; I don't think so.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Prof. Commons has a question.

Commissioner COMMONS. You spoke about the labor bureau, is that an employment bureau?

Mr. McDONALD. Yes.

Commissioner COMMONS. Do you get your help through that bureau?

Mr. McDONALD. Well, if a man comes into our shop and we want to hire him, we hire him. But, as a rule, we phone down and ask for a bench man or carpenter or whatever we want.

Commissioner COMMONS. How many companies are in that association?

Mr. McDONALD. I really could not say.

Commissioner COMMONS. Do you know about how many employees they have?

Mr. McDONALD. I could not tell you that. I haven't got any statities whatever.

Commissioner COMMONS. Well, do you send in a daily or weekly report of all the men you hire?

Mr. McDONALD. We send none; no reports.

Commissioner COMMONS. You don't?

Mr. McDONALD. None whatever. We pay the fees, pay for the maintenance, divide it up between the membership at so much per month, if it is $5 or $7 or $4, we pay our prorata.

Commissioner COMMONS. Do they keep a list of skilled workmen?

Mr. McDONALD. Yes, sir; the men apply there and there is a waiting list. And if I want a man then the secretary will see what I want, a plaster man or sticker man or sander man, he will run down the list for me, and there may be one or two men who have worked for me before. And I will say, "Send me John Smith, he worked for me before. I understand him. He knows my shop."

Commissioner COMMONS. If he comes to you, then do you report back whether or not you employed him?

Mr. McDONALD. No; not necessarily.

Commissioner COMMONS. Don't they keep a record of where the men are at work?

Mr. McDONALD. Well, the secretary goes around, I think, once in a while, yet I seldom see him. I think the secretary, Mr. Flannagan, figures on visiting every shop once a week, and that kind of keeps him in touch with the men and where they are employed.

Commissioner COMMONS. When was this office established?

Mr. McDONALD. I believe that is the first labor bureau of its kind in the city.

Commissioner COMMONS. When was the association first organized?

Mr. McDONALD. 1902 or 1903.

Commissioner COMMONS. Was the office created after that?

Mr. McDONALD. Yes.

Commissioner COMMONS. Did it grow out of the strike?

Mr. McDONALD. Yes.

Commissioner COMMONS. It was an effort to organize the mill owners to defeat the organizations and unions?

Mr. McDONALD. Not necessarily; no. To protect ourselves.

Commissioner COMMONS. To protect yourselves against the unions?

Mr. McDONALD. Yes, sir.

Commissioner COMMONS. Agitators?

Mr. McDONALD. Protect ourselves from labor disputes and so we would have some central place where we could get our labor and where the nonunion man could go in order to make application and where we could find him.

Commissioner COMMONS. You haven't found it necessary in recent years to carry it on—

Mr. McDONALD. Why, yes; we have carried it on continuously.

Commissioner COMMONS (continuing). In the same way you did in the start?

Mr. McDONALD. Just along the original lines. We have never varied a particle.

Commissioner GARRETSON. Do you get any union men through that agency?

Mr. McDONALD. Why, yes.

Commissioner GARRETSON. Does the agency itself discriminate against them?

Mr. McDONALD. Not a bit.

Commissioner GARRETSON. Is the attitude that you have personally expressed, the attitude of your association?

Mr. McDONALD. Without any exception. I don't know a man that I have ever heard say anything against or discriminate or have any complaint against the union man because our relations with the men are very pleasant, both union and nonunion. We have no trouble.

Commissioner GARRETSON. Then, you are true, open-shop men instead of nonunion shop?

Mr. McDONALD. We are open shop, absolutely.

Chairman WALSH. What do the men do in your employ who get $5 a day?

Mr. McDONALD. Foremen.

Chairman WALSH. And $4.50?

Mr. McDONALD. Assistant foremen.

Chairman WALSH. And $4?

Mr. McDONALD. Bench men and mechanics.

Chairman WALSH. I have had some questions submitted to me to ask you in addition. Did you ever have a man in your employ that you asked to give up his union card?

Mr. McDONALD. I may have. If I have there was some good reason. I may have possibly. It must be a good while ago, though.

Chairman WALSH. Do you recall any instance at this time?

Mr. McDONALD. I can't; but it is not an impossibility at all that such a thing has occurred.

Chairman WALSH. But you don't recall such a circumstance at this time?

Mr. McDONALD. I can't recall it; no.

Chairman WALSH. Have the mill owners any agreement not to hire each other's men?

Mr. McDONALD. No; not at all.

Chairman WALSH. How many union men have you in your employ?

Mr. McDONALD. Well, I don't go into that. I feel very timid in asking a man what his union affiliations are. It is just as much as asking him what his religious affiliations are.

Chairman WALSH. You couldn't state that. How many union men are in your employ in all of the trade?

Mr. McDONALD. I couldn't say. I wouldn't ask a man whether he belongs to the union or not.

Chairman WALSH. Is this labor bureau you have spoken of the labor bureau of southern California mill owners?

Mr. McDONALD. Yes.

Chairman WALSH. I have been handed an application here that I would like to call your attention to and ask you whether or not that is an application of that association [handing paper to the witness]?

Mr. McDONALD. I will be candid and tell you, Mr. Walsh, I never seen one before. Evidently that is theirs, but we don't use them at all.

Chairman WALSH. Do you know whether or not it is the rule of the man who actually employs the men to have them sign a statement of that kind?

Mr. McDONALD. No, no.

Chairman WALSH. Do you know whether he does or not?

Mr. McDONALD. No. If it has ever been done it has not been done for years.

Chairman WALSH. Did you ever see one of those before?

Mr. McDONALD. Never. The first time I ever seen them.

Chairman WALSH. You note what it says on there?

Mr. McDONALD. No; I didn't.

Chairman WALSH. Well, it says, "Are you now"—this is apparently to be signed by the applicant. It says, "Are you now a member of any union or labor organization?" with a blank for filling out.

Mr. McDONALD. Yes.

Chairman WALSH (reading):

"11. Will you agree if employed by an association mill to remain a non-union mechanic or workman?

"12. I hereby authorize the company I am working for and its officers and the officers of any other company, person, or firm by which I have been heretofore employed, to answer any and all inquiries as to my conduct and qualifications while in such service, and, so far as they may know, the cause of my leaving the same."

I suppose that is what they wanted to know.

Mr. McDONALD. I presume that was in effect at one time when we first started up, but I will be candid to tell you I never seen anything like that before. The secretary may have had them and may have used them, but I don't know it.

Chairman WALSH. To your knowledge, they are not being used now?

Mr. McDONALD. No, no; absolutely not.

Chairman WALSH. I think that is all.

Commissioner O'CONNELL. I want to ask a question or two.

Chairman WALSH. Wait one minute. Mr. O'Connell has some questions.

Commissioner O'CONNELL. I am interested in this home-owning proposition. I understood you, from the document you had prepared, to say that about 75 per cent——

Chairman WALSH. No. Sixty-five per cent.

Mr. McDONALD. Sixty-five.

Chairman WALSH. Owned their own homes and all but 11 per cent have been fully paid for and have a deed. The other 11 are still paying. That is his testimony.

Commissioner O'CONNELL. You further intimated that that proportion would be—you believed prevailed generally.

Mr. McDONALD. No; I didn't. I said if.

Chairman WALSH. He said if it prevailed it was a fine condition.

Mr. McDONALD. I said if this is a fair average.

Commissioner O'CONNELL. Have you made a personal investigation of that?

Mr. McDONALD. I have personally myself.

Commissioner O'CONNELL. How many of your employees are paying for their homes?

Mr. McDONALD. Eleven.

Commissioner O'CONNELL. Out of how many?

Mr. McDONALD. Eleven—we now have 70 on our pay roll.

Commissioner O'CONNELL. And the balance own their homes outright?

Mr. McDONALD. No, no.

Chairman WALSH. Sixty-five per cent own their own homes.

Mr. McDONALD. Sixty-five per cent of 70 employees own their own homes, and I think that percentage would prevail at our maximum working capacity because the men we use are old men that come back and forth with us whenever we have got anything, men we have known for years.

Chairman WALSH. Anything else? That is all; thank you, Mr. McDonald. Mr. Timmons.

TESTIMONY OF MR. J. E. TIMMONS.

Chairman WALSH. Your name, please?

Mr. TIMMONS. J. E. Timmons.

Chairman WALSH. Will you please pitch your voice high. We have got used to some of the orators we had on the stand yesterday. You look as though you can.

Mr. TIMMONS. I will.

Chairman WALSH. Your name?

Mr. TIMMONS. Timmons; J. E. Timmons.

Chairman WALSH. Where do you live?

Mr. TIMMONS. 210 East Twenty-third Street.

Chairman WALSH. What is your business?

Mr. TIMMONS. I work on the local labor paper.

Chairman WALSH. You are editor of it, are you?

Mr. TIMMONS. Well, I write the labor news, and solicit some for it.

Chairman WALSH. Yes. Now, were you a mechanic before you went into that business?

Mr. TIMMONS. Yes, sir.

Chairman WALSH. What is your trade?

Mr. TIMMONS. Housesmith.

Chairman WALSH. Have you any connection with the Central Labor Council?

Mr. TIMMONS. Yes.

Chairman WALSH. What—I will ask you what you mean by housesmith?

Mr. TIMMONS. Why, fitting——

Chairman WALSH. Iron work?

Mr. TIMMONS. Yes; on iron work on buildings, iron and brass work; that is it.

Chairman WALSH. What position do you hold in the Central Labor Council?

Mr. TIMMONS. President.

Chairman WALSH. How long have you been president?

Mr. TIMMONS. Since last June.

Chairman WALSH. I wish you would state now all of the official positions, if any, which you have held in labor organizations.

Mr. TIMMONS. Why, previous to becoming president of the Central Labor Council I was organizer for the International Association of Iron Workers for about a year and a half, and previous to that I was manager of the Labor Temple Association, and previous to that I was secretary of the building trades council, and previous to that I was business agent for the ironworkers' union and secretary of it.

Chairman WALSH. Did I ask you how long you had lived in Los Angeles?

Mr. TIMMONS. No.

Chairman WALSH. How long have you lived here?

Mr. TIMMONS. Why, off and on I have been here for about 10 years.

Chairman WALSH. Have you called this your home for 10 years?

Mr. TIMMONS. Well, I have been a good deal away—for about seven years it has been my home.

Chairman WALSH. And prior to that time did you follow your calling as a housesmith?

Mr. TIMMONS. For several years; yes.

Chairman WALSH. For several years, and where did you live just prior to coming to Los Angeles?

Mr. TIMMONS. Why, I didn't live very long in any particular place, but I worked in the Hawaiian Islands, in Honolulu, for two years before coming to Los Angeles. Before that I worked in various places.

Chairman WALSH. Principally where have you worked in the United States?

Mr. TIMMONS. Not very much in the United States; I worked in Canada. I worked in Seattle and in San Francisco.

Chairman WALSH. In Seattle and San Francisco?

Mr. TIMMONS. Yes, sir.

Chairman WALSH. Now, I am going to limit you for the purpose of not duplicating. I am going to limit you to the structural ironworkers. To what extent is that trade organized in Los Angeles?

Mr. TIMMONS. Oh, I should say about 25 per cent of the men.

Chairman WALSH. About 25 per cent?

Mr. TIMMONS. I would say that we have here a combination of the structural and ornamental ironworkers. We are all in the one organization.

Chairman WALSH. And what are the relations of those men with their employers?

Mr. TIMMONS. Why, friendly.

Chairman WALSH. I would like you to give the wages and hours of labor in that department of the building trades in Los Angeles as compared with the union scale and hours of other cities on the coast, including San Francisco.

Mr. TIMMONS. In San Francisco the scale for structural-iron workers is $6.50, and for ornamental-iron workers on the outside is the same. The inside ornamental-iron workers I am not positive about; I think they have had a raise since my latest information, but I think they get in the shops $5; in Seattle they get $6; in Los Angeles the union scale is $4; the nonunion man gets anywhere from $2 to $3; possibly a few get three and a quarter—a very few, though; and in the union, like San Francisco and Seattle and Portland, they work eight hours a day, but in the nonunion shop, as in Los Angeles, they work nine hours. The structural-iron workers and ornamental in the nonunion shop are the only people working nine hours on buildings. All the other trades have eight hours. The Steel Trust seems to reach out here and make a little difference for the poor ironworker.

Chairman WALSH. I wish you would state the facts as they have come to your observation, Mr. Timmons, with reference to the relative quantity and quality of work done on the nonunion or open-shop conditions and under union conditions. You have heard the line of discussion, and of course you are familiar with it, anyway.

Mr. TIMMONS. Yes; but I am not personally in a very good position to, because I don't know exactly what the nonunion worker—so much what they do here; that is, what they produce.

Chairman WALSH. Then if you are not familiar, I will not ask you to do it. But state whether or not it is a fact that union workers in that trade limit production or make operations more expensive?

Mr. TIMMONS. No, sir; our men take a pride in giving good work and in giving the proper amount of work.

Chairman WALSH. Are you aware of any organized or unorganized action on the part of employees in your trade to work slower than their ability would permit them, perhaps?

Mr. TIMMONS. No. In our trade we haven't got the standard because it does not permit of piecework, except in the matter of driving rivets. They might take the rivet work on structural work by piecework. However, our organization does not permit of that; but as a rule our organization encourages efficient work and plenty of it; and any work that has been done here, I am sure that the union work will compare more than favorably with the nonunion work.

Chairman WALSH. Mr. Timmons, I desire not to duplicate, if possible, and I think the commission has had a very ample explanation from your standpoint, the standpoint of the workers, as to the extent in which the trades are organized and those general conditions.

Mr. TIMMONS. Yes, sir.

Chairman WALSH. However, if there are any facts within your knowledge or observation that you would like to mention, that you think would instruct us or help us along with our work, I would be very glad if you would do it at this time.

Mr. TIMMONS. I will state, Mr. Chairman, that I haven't been privileged to attend the hearings here, but I have been in and out of the hall during the hearings, and what has struck me as rather peculiar is the testimony of men whom we know are absolutely and unalterably opposed to the open shop—in other words, opposed to using union men in any way, shape, or form, and going to any necessary expense to prevent the use of union men—testifying that they believe in the open shop.

Chairman WALSH. Well, now, it will be perfectly proper for you to submit any facts that might contradict any statement here; of course, without char-

acterizing the motives of the witness or characterising the witness himself in any way, but any fact that you have we would be glad to hear now.

Mr. TIMMONS. I would state that when organising for the ironworkers I have talked as was my duty to men working for the Baker Iron Works, the Llewellyn Iron Works, and for the Union Iron Works, and for the different ornamental firms here; and I have also endeavored to have outside firms who were friendly to labor, fair to labor, come into Los Angeles and endeavor to get contracts; and I found that whenever a man working for any of the local firms would signify any intention of joining our organization, or would come down to a meeting in the Labor Temple, or wherever I invited him to come to, to hear about the benefits that our organization had to offer him, or anything that we wanted to offer him, I found that the next morning he was invariably discharged from the job and told that no union men were wanted around that building or around that job, and that he was known to be at the Labor Temple the previous evening and he must not think they were going to tolerate such things.

Chairman WALSH. You say you had such instances at the Baker Iron Works, the Llewellyn Iron Works, and the Union Iron Works?

Mr. TIMMONS. Not so much at the Union Iron Works, although I dealth with the superintendent for the Union Iron Works. I dealt with him at one time previous to his becoming a superintendent, and after he became the superintendent I talked to him and I asked him about the possibility of having a friendly agreement with the Union Iron Works, and he told me it was not possible, that there was a blacklist that existed in Los Angeles, and the man that was known to belong to the ironworkers' organization could not work for any of the firms here.

Chairman WALSH. Have you any facts that you desire to submit with reference to any other concern?

Mr. TIMMONS. Well, except as I have said in a general way that those men who came for instance off the Jevne Building when it was being constructed here and off the Bullock Building, the men told me they wanted to get in our organization, said they were not getting wages enough to live on, the conditions and wages were such that they could not live, that they were only getting $1.75 to $2 a day. And on the Hall of Records here men working for the Llewellyn Iron Works, while the State law provided that all buildings being erected by any division or subdivision of the State should be eight-hour work, they compelled them to work 10 hours until such time as we appealed to the attorney general of the State. And then they compelled them to work eight hours, and drove wagons up to the building and took them away when the eight-hour day was completed and hauled them down to the rear of the Huntington Building and worked them on the viaduct there the extra two hours, and took some of them back to the shop, and some of them assured me they worked at the shop on the steel to be used in the Hall of Records. And they were getting $1.75 to $2.25 a day to go up and drive rivets on the tops of those buildings; and they told me they absolutely could not live on it. They wanted to join the organization, but did not dare because they said they were afraid they would be blacklisted——

Chairman WALSH. Do any of the Los Angeles shops, or erectors, belong to the National Erectors' Association?

Mr. TIMMONS. Why, I can't say positively. I understand the Baker Iron Works are the agents for the American Bridge Co.

Chairman WALSH. And the American Bridge Co. is what?

Mr. TIMMONS. Is certainly the leading member of the National Erectors' Association.

Chairman WALSH. Did you make official report of Los Angeles conditions to the Bridgemen's Magazine?

Mr. TIMMONS. Yes, sir.

Chairman WALSH. Will you produce the copies containing your reports?

Mr. TIMMONS. I am not positive that I can.

Chairman WALSH. Well, if you can, will you do so?

Mr. TIMMONS. If I can I will certainly be glad to do so.

Chairman WALSH. Let us know, say, before to-morrow at noon whether or not you can do that.

Mr. TIMMONS. Yes, sir.

(Article entitled "Report to convention of iron workers, October, 1911," from the Bridgemen's Magazine, was later submitted in printed form.)

Chairman WALSH. Would you like to ask some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Mr. Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. Do you devote all your time, Mr. Timmons, to your duties as president of the Central Labor Council?

Mr. TIMMONS. No, sir.

Commissioner WEINSTOCK. You work at your trade?

Mr. TIMMONS. I work on the labor paper; on the local labor paper.

Commissioner WEINSTOCK. Oh, yes. You said that you were a housesmith.

Mr. TIMMONS. I am by trade; yes, sir.

Chairman WALSH. He said that that was his trade to begin with.

Commissioner WEINSTOCK. I see. Among the other things that this commission is inquiring into, Mr. Timmons, is that of violence in connection with labor troubles. Will you please tell us what is the attitude of the Los Angeles Central Labor Council in the matter of violence in labor disputes?

Mr. TIMMONS. Why, the attitude of the Los Angeles Labor Council is in favor of education and not violence. We absolutely condemn violence. We don't think anything can be gained by violence.

Commissioner WEINSTOCK. That is, the council as a council is opposed to resorting to violence in labor disputes?

Mr. TIMMONS. Yes, sir.

Commissioner WEINSTOCK. Opposed to having the strikers, for example, assault the nonunion men?

Mr. TIMMONS. Also all the time; yes, sir. We always countenance peace.

Commissioner WEINSTOCK. Testimony was brought out here yesterday, Mr. Timmons, that there had been violence in some labor dispute here in Los Angeles, and that union men were arrested, tried, and convicted. What was the attitude of the council in those cases?

Mr. TIMMONS. Might I ask, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Mr. TIMMONS. Was there any testimony to show the percentage of convicted men and arrested?

Chairman WALSH. Yes. The testimony was that it was extremely slight; very few.

Commissioner WEINSTOCK. I think the testimony brought out the fact that there were two union men who were tried, arrested and tried, and convicted and sentenced and served their term.

Chairman WALSH. There were more than that that he referred to. We can't compare the testimony.

Commissioner WEINSTOCK. No.

Chairman WALSH. If we did these witnesses could not possibly finish.

Commissioner WEINSTOCK. There were several cases, just a few, where union men were tried and convicted and served their terms. What was the attitude of the council in those cases?

Mr. TIMMONS. Why, the attitude of the council was to take any of the members of organized labor that was arrested and see that he got a fair deal. We could not succeed in doing it all the time because of the local conditions. We tried to.

Commissioner WEINSTOCK. Well, now, for your information and for the purpose of this commission being able to compare the attitude of organized labor here with the attitude of organized labor elsewhere, I may say that at a recent hearing in Philadelphia the secretary of the garment makers' association in testifying before this commission made this statement. There had been violence in a strike of the garment workers. Two men, two union men, were arrested, tried, convicted; that an appeal was made to the higher courts, and the secretary testified that it was the intention of his organization that if the verdict was sustained by the higher court, and the men found guilty in the court of highest resort, that they would be expelled from the union for having resorted to violence in union troubles. What has been the attitude of the Los Angeles Council in that respect; were the men that were convicted—are they in good standing, in your opinion; do they continue to hold official positions, if they were officials in the first place?

Mr. TIMMONS. I don't think that there were any officials convicted except one or two, and they were not expelled, and they hold high positions of honor in our organization to-day from the fact that we know that they were not guilty, and we have absolute proof of it.

Commissioner WEINSTOCK. That is, despite their convictions they still retain their same positions?

Mr. TIMMONS. Yes, sir. There is just one that I can remember of, perhaps two—there was very few convictions notwithstanding the fact that the M. and M.——

Commissioner WEINSTOCK. Well, you have said——

Chairman WALSH. Notwithstanding what?

Mr. TIMMONS. Notwithstanding the M. and M. has testified through their secretary that they had the power to call upon the authorities without even going to the mayor to get special deputies to arrest men any time they wanted to at their direction.

Commissioner WEINSTOCK. You made the statement that the labor council is opposed to violence in labor disputes.

Mr. TIMMONS. Yes.

Commissioner WEINSTOCK. Is opposed to union men resorting to violence to gain their ends?

Mr. TIMMONS. Yes.

Commissioner WEINSTOCK. Now, how has the labor council demonstrated that they are opposed to violence? What have they done to show the public that they really mean what they say?

Mr. TIMMONS. Well, I think the council has done everything it was possible for it to do.

Commissioner WEINSTOCK. For example what?

Mr. TIMMONS. I think there was one particular case when the McNamara case came up here and when practically every member of organized labor had an absolute conviction that the men were innocent; that they were kidnaped; that they were hastened to Los Angeles because of the fact that it was a good place to get them into; and that they were absolutely innocent of the crime; and I think that was the unanimous conviction amongst labor men. I am satisfied it was; I think there is no dispute about that, and if there should be a thing as an incident that would arouse indignation, that would be one. And I know that at that time the Central Labor Council's officers in the meetings they had—a strike was on at that time—cautioned all the members to be very careful and not do anything that would even have a semblance of interfering with the processes of the law or violence. We have written, we have published statements. I don't know whether I can get them or not, but I know they have been made. I am satisfied they have been reprinted in the daily papers, where we stated—I think, I know my own statements were quoted in the newspapers, stating that those cases would be tried in the courts and not on the streets or in the newspapers or in the labor temple, and countenancing absolute peace and attending to our daily duties and let the law take its course. I think that that probably could show the attitude of the central council as well as anything else.

Another time, right following the unfortunate Times disaster down here, we had a parade that we had our hearts set on. The State federation of labor was holding its convention here, and we had a parade planned for that. Feeling that perhaps the sentiment was a little strong and that there was a possibility of creating a little disorder or anything of the kind, we called our parade off, went to the authorities and returned our permit, told them that we would not hold the parade, that it might disturb the peace of the city a little.

Commissioner WEINSTOCK. I don't think it is disputed, Mr. Timmons, by any one, that the labor councils officially advocate peace and order and law, the observance of law and order. I don't remember reading anywhere in the world that anybody, even the bitterest enemies of organized labor, have charged that organized labor officially preaches violence; but it is contended that despite the preachments of the observance of law and order yet union men do resort to violence and that no action is taken on the part of organized labor to bring those men to justice or to show their disapproval of violence, by retaining them in membership and in their official positions. Now, that is the point upon which you could give evidence that would be of value. If you can show that in addition to the preaching of law and order, that they punish the violators of law and order, it would be of much value.

Mr. TIMMONS. I might state that I am satisfied if it could be shown that any member of our organization over whom we have control was a lawbreaker, interfered with the liberties or rights of any other person, I am sure that we would help the authorities to prosecute him, and I am sure that we will expel them from our organization.

Commissioner WEINSTOCK. Can you cite any instance here or elsewhere where that has been done?

Mr. TIMMONS. No. I think that in Los Angeles we have had a great many strikes here, and I think there is no evidence of violence, no instances of violence in Los Angeles except little street scraps or something like that. I don't think there is any evidence of violence in Los Angeles. I don't think the court records can show it except in the one or two cases that I mentioned, and in one of the cases where the only member we had sent to the penitentiary the prosecuting attorney stated to me, and stated to the attorneys for the defense, that he didn't consider it was necessary to make an argument to the jury, because our case had been proved and the man was not guilty, and he assisted in getting him paroled afterwards because he said he could not do otherwise. But the jury convicted him just the same.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. How are juries selected in Los Angeles or in California?

Mr. TIMMONS. I don't believe I am competent to answer. I understand there is two different systems, one for the superior court and one for the police court; and in the police court I understand the police judges select the juries. In the superior court, I think, it is supposed to be a system of taking so many names from out of the tax roll of the county. There is a property qualification.

Commissioner GARRETSON. There is a property qualification in California. A man without property, no matter what his mental attainments or moral attainments, can not be a juror in California?

Mr. TIMMONS. No, sir; not in California.

Commissioner GARRETSON. Has the practice in your law courts during labor disturbances been of the character that have led laboring men to accept the verdicts of the courts as statements of fact?

Mr. TIMMONS. No, sir.

Commissioner GARRETSON. In regard to the guilt or innocence of a man in an industrial trouble?

Mr. TIMMONS. No, sir; they have not.

Commissioner GARRETSON. That is all.

Chairman WALSH. Prof. Commons would like to ask some questions.

Commissioner COMMONS. You said about 25 per cent are now organized in the structural ironworkers?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. What has been the history of the organization in this town? What is the largest per cent you ever have had?

Mr. TIMMONS. I guess we are largest now.

Commissioner COMMONS. You have never had more than 25 per cent?

Mr. TIMMONS. I would say that possibly at one time we had 25 per cent when there was a great many less men working at the business here, but I don't think we ever had more than 25 per cent organized, because of the fact that the local firms through the M. and M. organization have a fence built around Los Angeles, and they won't let an outside firm come in here. In one or two instances outside firms came in and they drove them out again.

Commissioner COMMONS. What strikes have you had here?

Mr. TIMMONS. I was here in 1903 when there was a strike on.

Commissioner COMMONS. That was one of the strikes of the structural ironworkers?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. What was the next one?

Mr. TIMMONS. June 1, 1910.

Commissioner COMMONS. You had two strikes?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. In what branch of the trade are these union men employed? Are they ornamental workers or inside or structural workers?

Mr. TIMMONS. The union men are principally employed on vault work and ornamental ironwork, although there are a few structural men here.

Commissioner COMMONS. Would you call that the skilled part of the work?

Mr. TIMMONS. Yes, sir, most skilled.

Commissioner COMMONS. You are employed only on skilled work?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. What class of training is necessary to teach a man to do the work on a skyscraper? How long does it take him to learn the trade?

Mr. TIMMONS. It depends a good deal on his ability to learn. There is not so much mechanical ability to it. It requires probably three or four months to learn to heat rivets or drive rivets and the balance is to become accustomed to going up high and not falling off.

Commissioner COMMONS. You said wages ran from $1.75 to what—$3?

Mr. TIMMONS. I said at the time our strike was called in 1910, if I remember right, the wages ran from $1.75—I think now there are probably some men on nonunion work getting as low as $2, and it runs from that to—well, I would say $3 is about the maximum for workers, not straw bosses or foremen.

Commissioner COMMONS. That is, a man would start at $2 and get up as high as $3?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. What has it been in past years?

Mr. TIMMONS. In 1903, when the strike was called here, it was as high as $3.50 per day.

Commissioner COMMONS. What was the lowest paid?

Mr. TIMMONS. Well, for good men I think from $3 to $3.50 a day was paid.

Commissioner COMMONS. As against $3 now?

Mr. TIMMONS. Yes, sir; wages have gone down because of the nonunion conditions, and the cost of living has gone up very materially.

Commissioner COMMONS. But in no case has unionism been able to influence the wages?

Mr. TIMMONS. Not in this city among the big contractors.

Commissioner COMMONS. But they do influence it in vault work, and more skilled work?

Mr. TIMMONS. If you will allow me, I will make a statement on that.

Commissioner COMMONS. Sure.

Mr. TIMMONS. You have noticed we have several large buildings here. Most of those large buildings are owned by bankers and syndicates of bankers and members of the M. and M. They prefer the open shop. They tell the little fellows that if you build a building that any old kind of a man is good enough for you. But every piece of important work, every piece of marblework, every piece of bronze work, every piece of vault work done in their buildings is done by union men, because they can't get it done by nonunion men. The bank at the corner of Fifth and Spring Streets, owned by J. F. Sartori and associates, every piece of bronze work there, and all the decorating—they sent to Chicago to get union men to come and do the decorating—was done by union men. The vaults in the Los Angeles Savings Bank and the ornamental work and bronze work in the Farmers & Merchants Bank—I put that in myself, and I worked at the Fourth and Springs Streets bank—and the work on all those large banks, and in all those fine large buildings, the fine work, the good mechincal work, is done by union men.

Commissioner COMMONS. Practically, then, your organization, so far as you have any strength, is limited to that class of work?

Mr. TIMMONS. Yes, sir; except some of the municipal work in the harbor that we have our men on.

Commissioner COMMONS. Is that work done by a contractor or by the city?

Mr. TIMMONS. By a contractor.

Commissioner COMMONS. How do you manage to get them on there?

Mr. TIMMONS. An Eastern construction company that hires union men got the contract. They had to get a foreign contractor to come and do that work.

Commissioner COMMONS. Was there a stipulation for union men?

Mr. TIMMONS. No, sir; they hire union men. They pay $3 a day more in New York than they do here.

Commissioner COMMONS. Four dollars was the scale for the ornamental and vault work at that time?

Mr. TIMMONS. Yes, sir.

Commissioner COMMONS. Do they pay more?

Mr. TIMMONS. Yes, sir; some of our men get more than the scale. Not most of them, I don't say that; but most of our ornamental and vault men get more than the scale, but not on structural work. A few of them may get more.

Commissioner COMMONS. That is all.

Chairman WALSH. That is all; thank you. Call Mr. Gore.

TESTIMONY OF MR. C. R. GORE.

Chairman WALSH. Your name, please.
Mr. GORE. C. R. Gore.
Chairman WALSH. Where do you live?
Mr. GORE. 1347 Olive Street is my residence.
Chairman WALSH. Your business address?
Mr. GORE. 540 Maple Avenue.
Chairman WALSH. What is your business?
Mr. GORE. Business agent, carpenters' district council.
Chairman WALSH. How long have you held that position?
Mr. GORE. About three years and eight months.
Chairman WALSH. Prior to that, what did you do?
Mr. GORE. Worked at the carpenter trade.
Chairman WALSH. Is that the only official position you have held with organized labor; if not, what official positions have you had?
Mr. GORE. In this city?
Chairman WALSH. Yes, sir.
Mr. GORE. I have been member of the executive board of the building trades' council and delegate to the building trades' council and delegate to the carpenters' district council. That is about all.
Chairman WALSH. How long have you been in Los Angeles?
Mr. GORE. About five years and a half.
Chairman WALSH. Where did you live before you came here?
Mr. GORE. San Francisco.
Chairman WALSH. How long did you live in San Francisco?
Mr. GORE. About two and one-half or three years.
Chairman WALSH. Prior to that, where did you live?
Mr. GORE. St. Louis, Mo.
Chairman WALSH. How long did you live in St. Louis?
Mr. GORE. About eight years.
Chairman WALSH. There have been many questions submitted to you, Mr. Gore, and, of course, we don't want to duplicate anything that Messrs. Grow and Bunnell and Barker have covered. Have you heard their testimony?
Mr. GORE. Yes, sir. I have heard Mr. Grow's testimony.
Chairman WALSH. Mr. Barker particularly——
Mr. GORE. Part of Mr. Barker's also.
Chairman WALSH. As to the general questions, we don't care to duplicate them unless you observed some mistake in the testimony of Mr. Barker. As to the extent to which the building trades are organized and the wages and hours in the building trades, and so on, is there anything you want to add to what Mr. Barker said about that?
Mr. GORE. Well, if I may be permitted I will be as short and brief as I possibly can.
Chairman WALSH. You have a statement there pretty well?
Mr. GORE. Yes, sir.
Chairman WALSH. Very good. We will let you go ahead in your own way and keep up that tone of voice.
Mr. GORE. I want to state when I came to this city about five and a half years ago, why, I never heard anything about an open shop or I never knew what it was, and I don't know that I would really know what the definition of the open shop is from the employers' standpoint of view, but nevertheless I came to this city and worked for $3.50 a day one week. The wage didn't suit me and when Saturday night came I thought I would quit and the boss said he would give me 50 cents a day more if I would stay, and I stayed. I never worked for any less than that. I worked with nonunion men just four days. I don't work with them any more now or at any other time.

After coming here, I have never seen any more unfriendly feeling or relations existing between employer and employee than we have in the city of Los Angeles. I soon found out just what the relation and situation and feeling was between employer and employee. It didn't take me long to find out after taking the matter up with labor organizations and also taking the matter up with business men and contractors and discussing it with others, as the case might be. I want to go into detail a little, particularly in regard to the strike of the carpenters on May 1, 1911. The carpenters made a demand for $3.50 to $4 per day. Notification was sent to the contractors, and there

was only one instance that really this notification was answered by the employers of the city of Los Angeles. On the other hand, it was answered verbally, and in many cases and instances there was a committee appointed to visit the various contractors and take the matter up with them verbally, and some of them said they were willing to pay the increase, while others stated they would leave it to the other fellow, and if the other fellow would pay it they would pay it. We also took the matter up with Mr. Hall, president of the builders' association. He stated he did not have nothing to take up. No arbitration. Nothing to arbitrate in any shape, manner, or form. That as far as he was concerned the question was a dead issue, and we let it go at that.

The final outcome was there was a strike called by members of the organization which lasted eleven weeks and then was declared off. We paid our men $7 a week strike pay, and the strike was declared off because we contended at the expiration of eleven weeks we had won our point, as far as the increase was concerned. That is all that was asked for, an increase of 50 cents a day. I will state that at that particular time also some of the contractors said—they told us they were ready and willing to go on and adjust the matter and increase the wage, but there were powers that be that controlled them and they could not act independently as individuals and be allowed to exist in the city of Los Angeles. And that is the common rumor and common talk, and it can be easily proven. I will state that Mr. Hall was president of the builders' association, and he saw fit to lay off men on his job on a day prior to the increase. Also Mr. McNeil, who was conducting a job on the corner of Second and Broadway, laid his men off a day ahead of time.

I also want to state, while it has been called to the attention of the commission, the claim in regard to the inefficiency of the union men—I want to state that Mr. McNeil employed men and bought them saws and hammers and hatchets, and also employed men that could not command $2 at any time or place. I will go into details a little bit also. I will state that Mr. Kubeck had a job at that particular time also. He wasn't doing much at that particular job, but also later signed up a contract with Anheuser-Busch for a job on Main Street. We took up the matter with him, and the matter was adjusted satisfactorily, and he employed our men. He would have naturally, but he was compelled to employ them, whether he wanted to or not, or forfeit the contract. He did employ them, and also on the car barn out Eagle Rock way. The relations were friendly and went along on that line.

In regard to the different contractors: The Examiner job hasn't been mentioned here, but I would mention it in the various jobs in this city as to the inefficiency of the nonunion men. That job started out to be nonunion. The matter was taken up by myself and another gentleman, and we went to the job and the matter was adjusted satisfactorily after being there three-quarters of an hour. Three nonunion men were allowed to make applications to join the union. We didn't want the others. There were some things hanging over against them. We contended they should not become members. There was a call sent in for 25 men. There was a rumor went around that these men were inefficient. I want to state I have the evidence in my pocket by receipts paid to men that were sent down that had been employed by the Alta Planing Mill Co. that they were paid $2 to $2.25 per day, and they sent these men down there and asked that they be allowed to join the organization, as there was a scarcity of men and they wanted them. I refused to allow them to go to work and protected the organization I represented from an inefficient point of view. The job was straightened out satisfactorily, and our men worked there. Nevertheless, Mr. Nimburg, the superintendent, asked the men to work below the scale. That is, he asked them to work overtime for straight time, and those who wouldn't work, some of them, were laid off when the first lay-off came. That is absolutely true. And I also want to state that since that time those fellows dropped out—dropped out of the union—those fellows that we termed "good dogs," they simply remained with the company and are with the company to-day, I think.

Then I will state again in regard to the strike of the building trades' council on June 12: It wasn't practically a strike, simply a demand we made in regard to recognizing certain conditions. At the start, if I am permitted I may say this: We felt there was too much unrest and discontent and ill feeling existing on the various jobs between the union and nonunion men, and the men simply brought that matter up in the various trades affiliated with the building trades' council. It was not brought up by the so-called officers or the so-called business agents; it was a matter that was presented by the members themselves, and the

building trades' council was compelled to recognize that fact and take action. They went out, and in the meantime that organization, the so-called building trades' council, got on the job, and after the expiration of three weeks we contended our point was won, and so declared the proposition officially off, and it has been going on so ever since. I want to state at that particular time we also had pickets out on the jobs. Everything we did was done openly and above board. Here is a little red card that we passed to every man if they wanted to take it. Some of them took it, and some of them didn't. If they didn't want to take it, all good and well. That is the way the strike was conducted.

(The card referred to was submitted in printed form.)

Mr. Gonz. I also want to state in regard to the Engstrum Co. I heard a statement made by Mr. Bryson in regard to the so-called wages. I got this officially from men we have sent to make application for jobs, that they pay all the way from $2.50 to $3.50, and more $2.50 than $3, and I have gotten information in the last week that they have tried to get union men, knowing they were union men, for $3. They didn't try to get them as union men, but they said they would give them $3.50 a day. I want to state we work in harmony and in a friendly way with a great many contractors in this city here. There is no objection as far as their wages are concerned. They pay the money, but I find out they realize this, and have recognized this fact, that they get the competent mechanics from the organization. I don't want to be misunderstood, and I don't say there is not some men outside of the organization that are not competent. There are some men in the city of Los Angeles that are competent who are outside of the organization. For reasons best known to themselves they are outside of the organization. Some believe in steady work with little pay. In the big fixture works in this city our men have done the work, and also on the good office buildings in this city.

Take, for instance, the job mentioned here yesterday, the armory building, done by Mr. Frost, of San Francisco, and many big jobs in this city; also Senator Clark's home was changed from nonunion men to union men, satisfactory to the general contractor from a contractor's point of view. Also the Emmanuel Co., of San Francisco, doing the Meyer-Siegel job, and also the Washington Building, and many other jobs were done under union conditions in this city. There was no trouble in any manner, shape, or form. There was no business agent called on the job and never created any feeling of discontent, and I only went on the job when called, and that was very seldom.

In regard to the nonunion men, I want to state as far as the wage is concerned, when a nonunion man is hired we have been told that they pay them what they think they are worth, and the wages that have been offered them was all the way from $2.50 to $4, but they never received the $4. There are more get $3 than $4. In no instance has an employer of nonunion men seen fit to value that man's wages at the prevailing wage scale or union scale in the city of Los Angeles where he has been employed, and I know he was able to hold up his end of it and able to demand the wage and get it, and I want to state further that as far as the hours are concerned, when it comes to that, they are compelled to work 9 or 10 or 11 hours.

The statement was made here yesterday by Mr. Bryson, of the Engstrum Co. that in case of any concrete job to be poured they asked them to work. Of course they worked Sundays, but in no instance that I have ever known have they gotten only straight time for that work, at about $2.00 or $3.50 a day.

That is about all.

Chairman Walsh. Prof. Commons would like to ask you some questions.

Commissioner Commons. How many months in the year can carpenters work in this locality?

Mr. Gonz. Well, I may say as an illustration—the only way I can put it is this: Say, if there are a hundred jobs and a hundred men for the jobs that you can't keep them working the year around. Possibly, as far as the weather is concerned, you could keep them at work 11 months. Since being in this city of Los Angeles I have heard it mentioned many times that a man can get steady work and work the year around——

Commissioner Commons. Taking out the matter of whether he can be hired steadily or not, if there is work, can he work 11 months on the average in this locality?

Mr. Gonz. Well, I don't know how to answer that unless I understand you to say as far as the climate——

Commissioner Commons. The weather?

Mr. Goss. I would say he would probably be able to work 10 months out of the year.

Commissioner Commons. What are the months when he can not work?

Mr. Goss. That would be the rainy months.

Commissioner Commons. What months are they?

Mr. Goss. Probably working—you take a part of the month of January, or the latter part of December, January, and February and probably part of March.

Commissioner Commons. Does that amount to about two months, then?

Mr. Goss. Well, I would say yes, sir; because it is not raining continually. That is the way I would answer that.

Commissioner Commons. So that he can get in on outside work about 10 months in the year?

Mr. Goss. Well, I should figure, yes, sir, between 9½ and 10 months. I have worked that way myself.

Commissioner Commons. You have worked about 10 months. What has been your experience in other places in the East, about the number of months you can get in?

Mr. Goss. Well, take in Chicago, or Detroit, St. Louis, Cincinnati, and Omaha, and places I have worked, why, I figure generally probably about seven months out of the year, sometimes eight, depending on whether I worked outside or inside. Outside about seven months.

Commissioner Commons. Well, they usually say they get about seven months?

Mr. Goss. Yes, sir.

Commissioner Commons. And here the general impression is that they get about 10 months?

Mr. Goss. Yes, sir.

Commissioner Commons. What is the carpenters' scale in Chicago?

Mr. Goss. Five dollars and twenty cents.

Commissioner Commons. What is the scale here?

Mr. Goss. Four dollars is the union scale.

Commissioner Commons. Suppose a carpenter does get work for 7 months in Chicago and could get work 10 months here, he would come out about the same at the close of the year, I presume, wouldn't he?

Mr. Goss. Well, the only way I can answer that is, since you suggest it, the working conditions here are such that the employment has not been sufficient for the amount of workmen here. Take it on the other hand, personally I found I made more money in the city of Chicago at that rate of wage and the time I worked than I made in this city for the time I worked.

Commissioner Commons. The time you worked, of course. Would you say that the climate should be taken into account when you are comparing the Pacific coast with places like Chicago and New York, where they only get about seven months? Would you say there should or should not be a lower scale of wages here for seasonal work like the building trades?

Mr. Goss. Absolutely not.

Commissioner Commons. Why not?

Mr. Goss. For the simple reason that men are not as steadily employed here as they are back in New York, Chicago, and St. Louis, and those places that I have enumerated. That is my personal experience.

Commissioner Commons. Why are they not? Is it on account of—it is not on account of the climate? They are more steadily employed here—more steadily, if the climate is taken into consideration?

Mr. Goss. As I have stated, there is not work enough to go around.

Commissioner Commons. Then your point is there are too many men here?

Mr. Goss. Yes, sir.

Commissioner Commons. As compared with other places?

Mr. Goss. Yes, sir.

Commissioner Commons. Then if there are too many men here, there must be some reason why there are too many men here as compared with some other places?

Mr. Goss. All right; I will give you my reason. I didn't want to give you my reason until you asked me for it. The reason is the advertising matter of all kinds that has been sent out from the city of Los Angeles, asking people to come to the land of golden sunshine, to California, and the city of Los Angeles in particular. I know in my own instance I was separated from the gold after I got here, and while there was a lot of sunshine, perhaps too much of it, I have never felt it was profitable to me.

Commissioner COMMONS. Is that the way you were brought here?

Mr. GOMEZ. No, sir; I came here on my own accord.

Commissioner COMMONS. This advertising—such advertising as has been exhibited was addressed more to middle-class people, retired people, who wanted to settle down and die or grow old. But what advertising is done in the East to bring wage earners here?

Mr. GOMEZ. Why, I have seen different circulars and seen the advertisements in the papers and magazines, and they were going on to state the conditions, and that as far as the climate was concerned and wages, that men were in demand, and that there was a high rate of wages.

Commissioner COMMONS. Were those addressed to wage earners? Have you seen them addressed in the East to the wage earners?

Mr. GOMEZ. The postal cards in particular sent out by the company were, I should say, addressed to the wage earners.

Commissioner COMMONS. Not those submitted the other day. There was not anything there to lead the wage earner to think he could get more wages here?

Mr. GOMEZ. There was some articles in the newspapers.

Commissioner COMMONS. Perhaps you could furnish something of the kind.

Mr. GOMEZ. Some extracts in the newspapers.

Commissioner COMMONS. Something to show they were circularized to bring wage earners. Did you notice any advertisement that showed a man could get more work in the year here—more months of work—on account of the climate?

Mr. GOMEZ. Yes, sir; absolutely.

Commissioner COMMONS. They put that up as one of the talking points for wage earners?

Mr. GOMEZ. Yes, sir; and also that it was an open-shop town and a man was free to do as he felt like.

Commissioner COMMONS. Any workman that came here, whether he belonged to the union or not, he could find work?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. That would tend to bring in nonunion men here?

Mr. GOMEZ. Why, I should contend so. In fact, I know this to be true, absolutely to be true. If I am permitted to put it that way, men that have dropped out of the organization, and particularly in the city of St. Louis, Chicago, Cincinnati, and other places, they have come to the city of Los Angeles. There was no room for them there. Also the same thing applies to certain contractors. They had conditions that didn't just exactly suit them back in those cities, and they came here, where they were free to do as they felt like.

Commissioner COMMONS. That is, men that have either been expelled or dropped in the East?

Mr. GOMEZ. Yes, sir; that is the idea.

Commissioner COMMONS. They came to Los Angeles?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. You consider that is one of the reasons why so many nonunion men are here?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. What proportion of your trade do you consider organized?

Mr. GOMEZ. What proportion of the carpenter's trade?

Commissioner COMMONS. Yes.

Mr. GOMEZ. About 50 per cent. It is hard to tell that. There are people coming and going here all the time, and the only way we would be able to get a report correctly would be from the financial secretary of the men coming and going.

Commissioner COMMONS. Have you any contractors you consider closed-shop or union contractors?

Mr. GOMEZ. Yes, sir; we have the so-called Brunswick-Balke people in this city. They employ inside and outside men. We have a national agreement with them and also the California Show Case Workers, a local concern. Also we have the Edwin A. Leaf Co., and there are other contractors in this city.

Commissioner COMMONS. What does the Leaf Co. do?

Mr. GOMEZ. Fixtures—bank, bar, and office fixtures.

Commissioner COMMONS. None of these companies are actual builders, are they?

Mr. GOMEZ. No, sir.

Commissioner COMMONS. You have no contracts or no union conditions with builders. These are evidently doing high-class work?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. Is that the class of work your men are mainly engaged on, the union men, finishing work and high-class work?

Mr. GOMEZ. I have stated in regard to the contractors coming from other cities into this city, also where union conditions and relations prevail, we have contractors in this city that also employ union men, recognize the scale, not as a general contractor—that is, in other words, not as a general contractor recognizes the trades affiliated with the building trades council; that is, all of the branches of the business—but I am speaking from a carpenter's standpoint and view. At the time we had a contractor in this city who recognized nothing only carpenters, while they recognized other trades also, some other trades as nonunion on that particular job.

Commissioner COMMONS. Take the case of your men; they work with nonunion carpenters?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. Do they get the scale?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. Are they doing the same class of work that the nonunion men do?

Mr. GOMEZ. Why, I may answer that this way, that while we have our men—work with men on those jobs, on the better class of jobs, some nonunion men are also put on the better class of work, and it pays all the way from $3 to $4 a day; that is, union and nonunion, our people are not recognized by the employer on those particular jobs as union men.

Commissioner COMMONS. There are union men working for less than the scale?

Mr. GOMEZ. Not to my knowledge.

Commissioner COMMONS. You said $3.50 to $4.

Mr. GOMEZ. With regard to union and nonunion men working together on those jobs, I will say that nonunion men on this particular job that I have personal knowledge of got $3 to $4, where the union man only got $4, not $3.

Commissioner COMMONS. For doing the same class of carpenter work on the same job; will they be paid less?

Mr. GOMEZ. No, sir; they pay all the way from $2.25 up.

Commissioner COMMONS. That is what I am asking.

Mr. GOMEZ. The union scale is $4.

Commissioner COMMONS. I am asking about the class of work; do the ones that work, do that class of carpenter work, the inferior class, get $2.50 to $3.50?

Mr. GOMEZ. You mean union or nonunion?

Commissioner COMMONS. No; nonunion.

Mr. GOMEZ. Yes, sir; depending altogether on the character of the work, whether it is concrete form work or whether common house work, such as framing; that is, the generally termed work that belongs to the less-competent mechanic; they can get almost anybody to do that class of work.

Commissioner COMMONS. The union men will not work on that class of work? work?

Mr. GOMEZ. Not unless they get the wages. They are working on that class of work and getting $4 a day.

Commissioner COMMONS. Getting $4 a day?

Mr. GOMEZ. Yes, sir.

Commissioner COMMONS. But in the case of the nonunion man, then the men that are nonunion workers work on different classes of labor; that is, they are doing this rough work you speak of?

Mr. GOMEZ. Yes; in some instances they have done the same class of work for $3; men have got $4; one man $4 a day acts as kind of a leader, and the other $3 man he follows up; he is what is called the common rough carpenter, very rough.

Commissioner COMMONS. Have you had your men actually working more than eight hours a day?

Mr. GOMEZ. No, sir.

Commissioner COMMONS. Any union man working more than eight hours a day?

Mr. GOMEZ. Only on extra work, some extra work, and then they work according to their scale.

Commissioner COMMONS. What is your rate for overtime?

Mr. GOEZ. Time and a half.

Commissioner COMMONS. They get paid time and a half?

Mr. GOEZ. Yes, sir.

Commissioner COMMONS. What is your evidence, then, for saying that they work 9, 10, and 11 hours—carpenters here work 9, 10, and 11 hours?

Mr. GOEZ. That applies on nonunion jobs. Why I stated that was—I believe you brought that up; I made a statement here a few moments ago regarding Mr. Bryson making a statement of working eight hours. I have known on that particular job of their working in many instances 9, 10, and 11 hours a day. I gathered this from the men themselves, that they were paid straight time, and they have been asked to work for, say, an hour or two hours, and probably as regular daywork.

Commissioner COMMONS. Nonunion men or union men?

Mr. GOEZ. Nonunion men work.

Commissioner COMMONS. Nine, ten, and eleven hours on this job?

Mr. GOEZ. Yes, sir.

Commissioner COMMONS. Very often?

Mr. GOEZ. Why, when they come to the office to make application to the organization they say it this way: "That conditions are unbearable"; that they want to try and better their conditions, and have seen the error of their ways, and they want to join the organization to see if it wouldn't help them some.

Commissioner COMMONS. Have you ever had more than 50 per cent of the trade organized?

Mr. GOEZ. Yes; one time I figured probably 70 per cent.

Commissioner COMMONS. At what time was that?

Mr. GOEZ. About five or six years ago.

Commissioner COMMONS. Seventy per cent?

Mr. GOEZ. Prior to that also.

Commissioner COMMONS. What was the scale then?

Mr. GOEZ. Three and a half.

Commissioner COMMONS. When did you put the scale up?

Mr. GOEZ. May 1, 1911.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. Are you a married man?

Mr. GOEZ. Sir?

Commissioner O'CONNELL. Are you a married man?

Mr. GOEZ. Yes, sir.

Commissioner O'CONNELL. Own your own home?

Mr. GOEZ. No, sir.

Commissioner O'CONNELL. Are you buying a home?

Mr. GOEZ. No, sir.

Commissioner O'CONNELL. Have you any idea, as a man around the city, business agent meeting with the carpenters, what percentage of the carpenters own their own homes?

Mr. GOEZ. Own them directly?

Commissioner O'CONNELL. Yes; outright.

Mr. GOEZ. Why, personally, the best I was able to learn was about 6 per cent.

Commissioner O'CONNELL. A large number of them, have they homes upon which they are making payments to building and loan associations or weekly installments or monthly installments?

Mr. GOEZ. Yes; from what I can learn from the men that are making payments on homes, they are buying them on the installment plan.

Commissioner O'CONNELL. Following the carpenter business, you ought to know something about what has been done in the way of building homes. Are there large plots, places where homes are being erected for the purpose of selling them on the installment plan?

Mr. GOEZ. There have been. Not at the present time, though.

Commissioner O'CONNELL. Are there spots around Los Angeles where there are large numbers of those located?

Mr. GOEZ. Where are they located?

Commissioner O'CONNELL. Where they are located. Where are the spots where they have been located?

Mr. GOEZ. Out in the south, mostly; southwestern district mostly.

Commissioner O'CONNELL. What were the methods upon which they were sold?

Mr. Gosz. All the way from $50 to $100 a month cash; that is, $50 to $100 down, and from $15 to $32 a month payment, depending altogether on the class of the house, style of the house, and the price of it.

Commissioner O'Connell. Do you know anything of failures of people to continue these payments, and to lose the equity that they have paid into it—of their being sold?

Mr. Gosz. Personally, I have heard of quite a few of them.

Commissioner O'Connell. Have you given any personal investigation to it at all?

Mr. Gosz. Yes; to this extent: That where you come in contact with mechanics that have lost their houses, some after paying down all the way from $100 to $200 and the payments were too heavy for them, some of them pay $100 down and $20 a month, and after it was dropped and sold to somebody else, bargained for at $75 down and $20 a month, and then later on to the third party for $50 down and at the rate of $12.50 a month.

Commissioner O'Connell. What percentage of the carpenters did you estimate are married men, family men?

Mr. Gosz. I don't know.

Commissioner O'Connell. Have you any idea?

Mr. Gosz. No.

Commissioner O'Connell. Isn't that one of the business agent's duties, to see whether they are married or single, where they are located, and so forth?

Mr. Gosz. I know how many I give money to.

Commissioner O'Connell. Prof. Commons was discussing with you the question of working seven months in the West or the North where the weather was cold and 10 to 11 months here where the weather was more congenial and sunny. In other words, if you work 7 months in some other portion of the country and get $5 a day for it, and work 11 months here and get $3 a day, at the end of a year you would get about the same amount of money.

Mr. Gosz. From personal experience I have never felt it that way.

Commissioner O'Connell. What I want to get at is just the science, of whether it was more profitable to an individual that he should work continuously for a lesser wage, and in some locality where it was not continuous, that they only work part of the time, what would he gain by that? What is to be gained in Los Angeles by working 11 months steadily for $3 a day, and in some other locality 7 months for $6 a day?

Mr. Gosz. I couldn't answer.

Commissioner O'Connell. Spending simply so much energy.

Mr. Gosz. I understand.

Commissioner O'Connell. And physical effort during that time; in other words, he is saving the difference of two or three months' physical exertion, his wear and tear on himself and his clothing and all that sort of thing he would necessarily have to purchase.

Mr. Gosz. That was not my way; no, sir——

Commissioner O'Connell. What I want to get at is, Mr. Gore, is it figured in Los Angeles that that is the reason why the low wage should be paid?

Mr. Gosz. That is generally.

Commissioner O'Connell. Because more work?

Mr. Gosz. That is the usual way they figure in Los Angeles; yes, sir.

Commissioner O'Connell. Because a man gets 10 or 11 months' work that he should work for a less wage than in a town where he only gets 7 months?

Mr. Gosz. Because it is put up to him, assuming he works 7 months, why he could work 7 months and would have the opportunity of lying off for 5 months, or whatever it might be, and he could save his physical strength in that respect, whereby I have known men here to work continually, steady, at less wages, and they had a lot to do, and they would have to pay a lot of doctor's bills on account of exerting their extra vitality, as the case might be.

Commissioner O'Connell. If that is the science or the logic, why not work men longer hours, work them 10, 12, or 14 hours a day, if it is a matter of more work? Isn't it the case, as you say, where some of them work 9 and 10 hours; nonunion?

Mr. Gosz. There are men in this city, nonunion men, working 10 and 12 hours a day. There are a lot of people working on these small cottages for real estate companies—I know this to be true; I have lived across the street—who work from sunrise to sundown.

Commissioner O'Connell. What you call sundowners, working after hours. Now, I understand that your members, the members of your organization, must get at least $4 a day, no matter where they work in Los Angeles?

Mr. GOSS. Yes, sir.

Commissioner O'CONNELL. And that they would not work over eight hours a day; that is a day's work?

Mr. GOSS. Yes, sir.

Commissioner O'CONNELL. And if they do work over eight hours a day, they get time and a half for it?

Mr. GOSS. Yes, sir.

Commissioner O'CONNELL. And if they work on Sundays and holidays what do they get?

Mr. GOSS. Time and a half.

Commissioner O'CONNELL. And you maintain that the nonunion men here work anywhere from $2.25 to $3 and in some instances $4?

Mr. GOSS. Absolutely.

Commissioner O'CONNELL. And that they work 8, 9, 10, and even more hours?

Mr. GOSS. Yes, sir.

Commissioner O'CONNELL. And if they work overtime they get straight time; there is no extra compensation for it?

Mr. GOSS. Yes, sir.

Commissioner O'CONNELL. Other than the opportunity of working the hours?

Mr. GOSS. Yes, sir.

Commissioner WEINSTOCK. Did you live in San Francisco before you came to Los Angeles?

Mr. GOSS. Yes, sir.

Commissioner WEINSTOCK. Did you work at your trade in San Francisco?

Mr. GOSS. Yes, sir.

Commissioner WEINSTOCK. How long?

Mr. GOSS. All I could. I was there three years and a half, going on four years.

Commissioner WEINSTOCK. Then how long were you in Los Angeles?

Mr. GOSS. About five and a half years.

Commissioner WEINSTOCK. Working at your trade, I suppose?

Mr. GOSS. I have been business agent three years and eight months.

Commissioner WEINSTOCK. You have been here five years at that?

Mr. GOSS. Been here about five and a half. I was in San Francisco, I figure, I say, about three years, and been here a little over five years.

Commissioner WEINSTOCK. You have been here a little over five years?

Mr. GOSS. Yes, sir.

Commissioner WEINSTOCK. And how long did you work at your trade there?

Mr. GOSS. All the time I was in San Francisco.

Commissioner WEINSTOCK. And two years out of the five you worked at your trade here?

Mr. GOSS. Yes, sir.

Commissioner WEINSTOCK. And you regard Los Angeles, I presume, as your permanent home?

Mr. GOSS. That is all the home.

Commissioner WEINSTOCK. What wages were you getting in San Francisco?

Mr. GOSS. Five to six dollars a day.

Commissioner WEINSTOCK. What wages were you getting in Los Angeles?

Mr. GOSS. The first week $3.50, and after that I refused to work for it.

Commissioner WEINSTOCK. Can you explain the philosophy of leaving a $5 or $6 job for a $3 or $4 a day job?

Mr. GOSS. Why I left San Francisco?

Commissioner WEINSTOCK. Yes.

Mr. GOSS. The same reason I left the city of St. Louis. I was compelled to send my wife and daughter to the mountains in Colorado about 11 months, two different periods; quit a good job in the city of St. Louis. I left Colorado, originally intending to come to Los Angeles, but I stopped over at San Francisco; I intended to send my wife and daughter there, and I found the climate was too foggy and damp, and she couldn't stand it, and so they told me if I come to Los Angeles the climate would be better here. The reason I stayed in San Francisco was that they told me Los Angeles was a good place to keep away from. After staying there awhile it didn't seem to agree with my wife, and so I moved to Burlingame, and then I sent my wife and daughter here, and that is the reason why I am in Los Angeles to-day.

Chairman WALSH. We will pause at this time and stand adjourned until 2 o'clock. Mr. Goss, kindly resume the stand.

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Thursday, September 10, 1914.)

LOS ANGELES, CAL.,
Thursday, September 10, 1914—2 p. m.

Met pursuant to adjournment. Present, as before.

Chairman WALSH. Mr. Gore, will you please resume the stand?

TESTIMONY OF MR. C. R. GORE—Continued.

Chairman WALSH. Kindly come to order now.

Mr. Weinstock hadn't quite finished with you when we adjourned. Please be in perfect order, ladies and gentlemen.

Commissioner WEINSTOCK. You have worked as a carpenter, Mr. Gore, in San Francisco and in Los Angeles, have you not?

Mr. GORE. Yes, sir.

Commissioner WEINSTOCK. As the result of your observation, what difference, if any, is there in the efficiency of the carpenters in Los Angeles as compared with the efficiency of the carpenters in San Francisco?

Mr. GORE. Why, if I may be permitted to answer it in my way, in this way, that as far as the city of San Francisco and Los Angeles is concerned, that from personal observation I have noticed this, that being that San Francisco is nearly a strictly union town and the inferior class of mechanics don't seem to stay there much, or probably that some of them are hired and they don't seem to stay long in employment as much as they would here. Now, I find them more efficient there. I have worked at the trade, also, as I stated, there and here, and I find there you are compelled to deliver quantity and quality both the same as you are here. That depends altogether on what kind of a job you are working on.

Commissioner WEINSTOCK. Well, take it in your own case, for example; you worked there and received all the way from five—the minimum of $5 a day—and you said that some got as much as six.

Mr. GORE. Yes; and I did.

Commissioner WEINSTOCK. And here your maximum was $4 a day?

Mr. GORE. Yes, sir.

Commissioner WEINSTOCK. What difference was there in your own efficiency here and in San Francisco?

Mr. GORE. Well, there wasn't any as far as efficiency is concerned.

Commissioner WEINSTOCK. That is, you worked no harder up there for $5 than you did down here for $4?

Mr. GORE. Well, as I said, it depends altogether on where I worked and what class of work I worked on.

Commissioner WEINSTOCK. Well, for the same class of work and cost.

Mr. GORE. Not a bit of it.

Commissioner WEINSTOCK. Not a bit of difference. Well, is your case, you think, the common condition, or was your case exceptional? Do you think that men generally do about the same amount of work here, the same quantity and the same quality, that they do in San Francisco, the same men?

Mr. GORE. The same men; yes, sir; that is, the men that receive the scale of wages here that is recognized that will pay them the price.

Commissioner WEINSTOCK. I suppose there are many men that swing between the two places, sometimes working in San Francisco and sometimes in Los Angeles?

Mr. GORE. Yes, sir.

Commissioner WEINSTOCK. Well, if that is true, then, Mr. Gore, the fact remains that the San Francisco employer or San Francisco contractor—in the end, of course, it is the owner that pays for it—get 25 per cent less efficiency than the Los Angeles owner. In other words, the San Francisco owner pays 25 per cent more for his work than the Los Angeles owner pays?

Mr. GORE. Well, that is in some cases. I would have to go into details. I know in particular jobs you work that much harder, you practically put in as much here on certain jobs in six hours as eight in San Francisco, and vice versa. I have worked on percentage work also there and here.

Commissioner WEINSTOCK. But even if that is the general condition or general average, what inducement can you offer a Los Angeles employer to unionize his place if he knows in advance that it is going to add 25 per cent to his cost?

Mr. GORE. I can offer this inducement, as I have offered in many cases and in many instances, and there are employers here, I believe, will agree with me in that respect, that when they employ a union man or a member of the organi-

zation—now I don't contend that they are all of the same efficiency—that is, one to another—but I do contend this, that they are in a position, providing the man does not prove satisfactory to them, any individual, that the contractor or the employer, as the case may be, reserves the right to discharge that man and call on our organization for another man in his place. And that is from the union standpoint of view.

Commissioner WEINSTOCK. Isn't this a fact, Mr. Gore, that if the carpenters, for example, were relatively as strong in Los Angeles as they are in San Francisco, if they controlled the situation down here as well as they control up there, that they would naturally want the San Francisco wage rate, wouldn't they, $5 a day?

Mr. GORE. I think so; yes, sir.

Commissioner WEINSTOCK. Exactly. Now, when you go to an employer and ask him to unionize and ask him to employ only union help, and he knows in the end that will mean a 25 per cent increase in his labor cost, how can you overcome that objection?

Mr. GORE. Well, if I ask him to go to work and employ a class of men that I represent, why my way of figuring it is that it don't cost him any extra in the increase it would be over the quantity and quality that they deliver.

Commissioner WEINSTOCK. You said that the men here do substantially the same work that they do at San Francisco, that you did the same work here that you did at San Francisco, that there was no difference in your efficiency, and that you represent the average man, that you are not an exception in that regard. That would mean, then, that if they could unionize all the carpentry enterprises here, it would substantially add 25 per cent more to the cost of production. Now, you must have something to offer as an inducement to offset that. What can you offer?

Mr. GORE. As I stated, the only inducement that we have to offer is simply this, from an economic quantity and quality standpoint of view, because we have found this, that men, the people that I represent, that when they get their $4 a day wage scale or the maximum, why then they themselves feel like going to work and recognizing that fact, that the contractor or the employer, as the case may be, recognizes that fact himself, and he is willing to stick to it himself and play fair with them, and they, on the other hand, try to go to work and protect the interests of their job more than they would, more than probably from a nonunion standpoint of view. That is the only way that I could add to it.

Commissioner WEINSTOCK. Well, if that is all you would have to offer, Mr. Gore, I, as an employer, would say that the inducement would not be sufficient.

Chairman WALSH. You are cross-examining him. That is a question for the commission.

Commissioner WEINSTOCK. Now, the carpenters generally, Mr. Gore, have the reputation of being a superior body of men; that is, they are highly intelligent and thoughtful, and as such you take it, of course, that they want to make the most of their opportunities. Now, you stated in your testimony that about 25 per cent of the carpenters were members of the union in Los Angeles. I take it that the average of intelligence and the average ambition of the Los Angeles carpenters ranks fairly with the intelligence and the ambitions of carpenters elsewhere. If the advantages of unionism are pronounced in favor of membership, what is the explanation for only 25 per cent of the carpenters joining the union here?

Mr. GORE. Why, I haven't stated 25 per cent. I have stated about 50 per cent.

Commissioner WEINSTOCK. Well, then, I misunderstood you. I thought it was 25.

Chairman WALSH. It was the structural ironworkers. He said 50.

Mr. GORE. Now, you are asking me to state the reasons why the other 50 per cent, as the case may be, are not members of the organization?

Commissioner WEINSTOCK. Yes.

Mr. GORE. Why, from time to time out of my experience here in the city of Los Angeles and the so-called open-shop conditions are such that whereby more or less men that have been members of the organization have become somewhat weak kneed when they went to work for certain employers, and have found out they had been up against certain obstacles here from a union standpoint of view, and it was either a question with some of them of quitting the organization or quitting that employer and loafing. In many, many instances men have worked for wages that were reduced. Now, that is the only way that I can account for it. I account for it this way again also: That people have come

to this city, as I have stated this morning, that we have many of them join the organization when they are compelled to on certain jobs, for instance the Examiner Building and others here, and after they get through, why, they are out of the organization then. They are not in a position, probably, to demand the scale of wages as exacted by the organization.

Commissioner WEINSTOCK. Well, if all the carpenters were to join the union overnight so that the carpenters would present—would be a unit—could there be that discrimination against the carpenters, the union carpenters?

Mr. GOMM. Well, it could be; there may be the contractor or the employer would reserve that right if the man didn't suit him.

Commissioner WEINSTOCK. Supposing the only carpenters that were available in the city of Los Angeles were union carpenters, then what?

Mr. GOMM. Why, they would have to employ them all the same as they did in the city of St. Louis during the world's fair, and also in Chicago.

Commissioner WEINSTOCK. Well, if the carpenters understood that, why do they refrain from joining the union?

Mr. GOMM. Why, I don't know. It is pretty hard. I have wondered many a time myself why they would not join the labor organization when it is a protection to them.

Commissioner WEINSTOCK. You have never been able to fathom the reason, then?

Mr. GOMM. No, sir.

Chairman WALSH. Commissioner Garretson has a question or two to ask.

Commissioner GARRETSON. Is it possible that the statement that was made here yesterday or the day before, that the free-born American workman only feared God and his country, that you might amend that by saying also, feared his employer?

Mr. GOMM. In the city of Los Angeles?

Commissioner GARRETSON. Yes.

Mr. GOMM. Absolutely.

Commissioner GARRETSON. I didn't know but what there might be three parties. Is the contractor's price for erecting a residence, for instance, very much lower in Los Angeles than it is in Frisco?

Mr. GOMM. I took the matter up with the various contractors here and also with some in San Francisco. Why, it don't seem to be.

Commissioner GARRETSON. Then the contractor makes the money under the open shop, and the final consumer is put on a parity one way or the other?

Mr. GOMM. We have figured it as such.

Commissioner GARRETSON. Some of the dust may be kicked up, then, about protecting the ultimate consumer for the purpose of covering the fact that the contractor gets far more profit?

Mr. GOMM. Absolutely true.

Commissioner GARRETSON. Going back to this question of climate. If a man works 11 months a year—I am following the question that was asked on the stand a while ago—if a man works 11 months in the year in Los Angeles at $3 per day—you said that was the ordinary wage for carpenters, I believe—the average wage—his earnings would be $363 if he worked every day in that 11 months. In a region where he is paid $5 per day, if he works seven months, his earnings would amount to $910. There would four months' difference in time in favor of the climate. Are you a believer in the theory that God gave the climate wholly to the employer? [Applause.]

Mr. GOMM. Absolutely not.

Chairman WALSH. Ladies and gentlemen, perhaps you were not here yesterday. No matter how much you may approve of a question, please do not give audible expression to it, because unpopular opinions are sometimes given, and you can imagine the difficulty we would have in going through the country unless the audience assisted us in preserving the most perfect order. Kindly do so now.

Commissioner GARRETSON. That is all.

Chairman WALSH. You say your membership is now about 50 per cent of the trade here—the membership in the carpenters' union?

Mr. GOMM. Yes, sir.

Chairman WALSH. How much was it a year ago at this time?

Mr. GOMM. Why, it is like the market—kind of fluctuates. I should say a year ago it was about 65 per cent.

Chairman WALSH. And two years ago?

Mr. GOMM. About the same.

Chairman WALSH. That is all, thank you.

Mr. GOMP. Just a moment. May I make a statement regarding some question here in regard to the so-called mill owners' association here?

Chairman WALSH. Yes; go ahead.

Mr. GOMP. I want this committee to know.

Chairman WALSH. If it is pertinent.

Mr. GOMP. It has been stated that the so-called mill owners' association here—they have their office up in the San Fernando Building, and a gentleman named Flannigan is their secretary. He is the only employee to my personal knowledge that I know. The statement was also made that that office was conducted for the employers' protection, the so-called mill owners' association in this city; that they employ men either union or nonunion, and that the men had a lounging room. That is all absolutely true. But I also want to say that that office used to hire strike breakers for Stockton a short time ago—that same office. The matter was taken up by Flannigan in connection with the representative of the mill owners' association at Stockton. I simply want to call that to your attention—the fact that that office was used for that purpose.

Chairman WALSH. Just state, if you know of your own knowledge, whether that application [handing paper to witness] is still used by the mill owners' association.

Mr. GOMP. I think not. They were sent into my office something like that about two years ago.

Chairman WALSH. You think it is not in use now?

Mr. GOMP. No; I don't think so.

Chairman WALSH. That is all.

Mr. Mooney.

TESTIMONY OF MR. A. J. MOONEY.

Chairman WALSH. What is your business or profession?

Mr. MOONEY. I am editor of the Union Labor.

Chairman WALSH. Are you connected with any labor organization?

Mr. MOONEY. Yes, sir.

Chairman WALSH. What one?

Mr. MOONEY. I am a member of the carpenters' union.

Chairman WALSH. How long have you been editing this paper?

Mr. MOONEY. About nine weeks.

Chairman WALSH. And what did you do prior to that time?

Mr. MOONEY. I was secretary of the building trades' council.

Chairman WALSH. How long were you secretary of the building trades' council?

Mr. MOONEY. About four years.

Chairman WALSH. Have you worked as a journeyman carpenter in Los Angeles?

Mr. MOONEY. Yes, sir; that is, I worked at my trade. I am a millman; but we belong to the carpenters' union.

Chairman WALSH. Just state the official connections that you have had with labor organizations in Los Angeles, please.

Mr. MOONEY. I was elected business agent for the carpenters' council; I think it was in January, 1910. I became secretary of the building trades' council in October of that year. I was secretary of the building trades' council until the first week in August of this year. Since then I have been devoting my time to the paper.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. MOONEY. Five years.

Chairman WALSH. Prior to that time, where were you?

Mr. MOONEY. San Francisco.

Chairman WALSH. Were you following your avocation as a millman in San Francisco?

Mr. MOONEY. Yes, sir.

Chairman WALSH. For how long?

Mr. MOONEY. I came to San Francisco in about August or September, 1906.

Chairman WALSH. Where did you come from there?

Mr. MOONEY. Humboldt.

Chairman WALSH. Humboldt County, Cal.?

Mr. MOONEY. Yes.

Chairman WALSH. You are a Californian by birth, are you?

Mr. MOONEY. Yes, sir.

Chairman WALSH. You have heard the testimony that has been given here and we do not wish to duplicate as to the conditions generally. But the commission has been informed that you have made some study of the prices charged for construction work and the final resting place of whatever increased or decreased cost, where the final resting place is. Do you understand what I mean? It has been suggested here that you have studied the cost of construction work, and where the added profit went on account of lower wages, as compared with San Francisco.

Mr. MOONEY. Yes.

Chairman WALSH. Well, now, I wish you would make your statement covering the first, Mr. Mooney.

Mr. MOONEY. In the first place, it is a very hard proposition for any outside firm to figure on a job in Los Angeles by reason of the fact that the employers, business men, and bankers here operate under a closed-shop system, in other words keep union firms, union people out of Los Angeles. That is their policy. But sometimes they get in here anyhow. For instance, on the exposition park job, which Mr. Barker referred to yesterday, it was done under strictly union conditions by a San Francisco firm, and the bid which was handed in by an open-shop firm in Los Angeles, so-called open shop, and the man who built the Washington building under strictly union conditions, and they were somewhere around $8,000 or $10,000 cheaper than their nearest competitor of the so-called open-shop men in Los Angeles.

In building the Alexandria Annex here after the fire, during the time of the metal trades strike, a committee of our people went before the management of the Alexandria and showed them conclusively how they could save around $125,000 in the construction of that building. One item was this: That they could furnish them a bona fide contractor, work them eight hours, and pay them $4 as against nine hours and $2.25 to $2.75, and do the job for two hundred, two hundred and fifty less than shop here in Los Angeles.

Chairman WALSH. Was that done?

Mr. MOONEY. Oh, no; they wouldn't accept this. They admitted that our statements were true, but they were on the other side.

Chairman WALSH. They stated they were on the other side?

Mr. MOONEY. Yes, sir. I wasn't on the committee, but I have been informed by men who were there. Johannsen was on that committee.

Chairman WALSH. Mr. Mooney, what is your basis for the statement that there is a combination between bankers, contractors, and other business people to maintain the closed shop as against outside union employers?

Mr. MOONEY. What is my basis for that opinion?

Chairman WALSH. Yes.

Mr. MOONEY. By reason of the fact that I have met many employers and contractors, and they tell me in entering business in Los Angeles, if they operate union people, they had been informed that they can't get away in Los Angeles unless they work the open shop.

Chairman WALSH. And have you observed what, if any, effect that has had in keeping out outside contractors that use union labor?

Mr. MOONEY. There are very few of them here.

Chairman WALSH. I know, but can you think of any other cases where they have been kept out other than the Alexandria Hotel and this other place? There was one building Mr. Barker testified about.

Mr. MOONEY. That is the building out here in exposition park, built by Mr. ———. That was a State job, and figures were taken in Sacramento.

Chairman WALSH. What is the difference in the wage scale, would you say, in carpenter and cabinet makers as between union and nonunion conditions?

Mr. MOONEY. Better work. In San Francisco we worked eight hours a day and received $4.50. I worked in the same business in Los Angeles, and worked nine hours a day and received $3.50.

Chairman WALSH. Do you know generally what rough carpenters get?

Mr. MOONEY. Here in Los Angeles?

Chairman WALSH. Yes.

Mr. MOONEY. Anything from $2.25 a day up.

Chairman WALSH. A matter of individual contract, individual bargaining between the man and the employer?

Mr. MOONEY. Yes, sir.

Chairman WALSH. Now, have you made any study of the cost of construction to the owner of the building as compared to other places where they operate under union conditions?

Mr. MOONEY. Yes, sir.

Chairman WALSH. What has been your observation in respect to that?

Mr. MOONEY. My observation has been this, that it costs more to put up a building under open-shop conditions in Los Angeles than it does in any other city under fair conditions.

Chairman WALSH. Then the logic of that, I suppose, is that the community gets no benefit from these lower wages, but the contractor who does the work gets the entire benefit?

Mr. MOONEY. Absolutely.

Chairman WALSH. That is the conclusion, is it?

Mr. MOONEY. Yes, sir.

Chairman WALSH. Now, is there anything else that I have not asked you specifically, that you think would enlighten the commission, that you would like to give, Mr. Mooney, without duplicating what has already been gone into?

Mr. MOONEY. Yes, sir; I have some things here I want to call the attention of the commission to.

Chairman WALSH. Very good. Just submit them.

Mr. MOONEY. I have here this, this is a copy of the Los Angeles Times, part of it, under the date of January 1, 1914, as to why people should come here. It says:

"Bricklayers receive 75 cents an hour; carpenters, 50 cents. Cement finishers, 62 cents, and the amount of cement work carried on here is doubling every year. Inside wiremen get 44 cents an hour. Electrical work, too, is approaching an unexampled era of activity. Painters are paid 44 cents an hour; plumbers, 56 cents; iron workers, 50 cents; blacksmiths, 50 cents."

Chairman WALSH. Iron workers what?

Mr. MOONEY. Iron workers, 50 cents an hour. And so on and so on. Machine men, 62 cents; unskilled laborers, 25 to 30 cents."

The point I want to make is this, these advocates of this so-called open shop don't pay that scale of wages. There is also in this room, I believe right now, was right here a while ago, a man named A. L. Washburne, who was working in Chicago for $35 a week. He attended a land show and there they told him he could buy land cheap within a few miles of Los Angeles, and they advised him to come down here. He has been here ever since and he has not been able to make a living. These are the things sent to bring them here, and they come here and they make them work for low wages, and they flood the town. There is also a statement here for the women:

"Because, through the absence of wet and stormy weather and mud and slush in the streets, clothes last longer and retain their color and shape."

I have here an affidavit I would like to read, to submit to the commission.

Chairman WALSH. Very good.

Mr. MOONEY. Dealing with the settlement of the metal trades strike.

Chairman WALSH. To what effect, what general effect?

Mr. MOONEY. Signed by Mr. Misner. Do you want me to read it?

Chairman WALSH. If it is short.

SAN FRANCISCO, CAL., *September 3, 1914.*

Mr. MOONEY (reading):

"To whom it may concern:

"This is to certify that, shortly before the metal trades strike in Los Angeles during the years of 1910 and 1911 was called off, George Gunrey, general organizer for the International Union of Molders, V. J. O'Leary, general organizer for the Brotherhood of Boiler Makers and Iron Ship Builders and Helpers' Union of America, and E. H. Misner, general organizer for the International Association of Machinists, all of whom were representing the metal trades unions of Los Angeles, did, by request, meet in conference, Mr. Boswell, secretary, and Mr. Little, president of the Foundry and Employers' Association of Los Angeles, in regard to the settlement of the strike.

"After some discussion it was verbally agreed, by all present, representing their respective organizations, that the strike be declared off and that the men would be returned to work as soon as the opportunity would permit, and that there would be no discrimination on the part of the employer against the men on account of their affiliations with their unions.

"Also that there would be no discrimination on the part of the unions toward any employer.

"E. H. MEHREN."

I have here, Mr. Chairman, a statement, also a copy of a pay check, which the man desires his name not to be mentioned, to mention his name he loses his job——

Chairman WALSH. Go ahead.

Mr. MOONEY. This man is a lumber grader. He worked in a lumber yard here in Los Angeles, and he receives his pay at the rate of $2.25 per day in the city of Los Angeles for the same grade of work that he received $5 a day, and the price of lumber in Los Angeles is not any cheaper than it is in San Francisco. Open-shop policy on the wages, hours of labor, etc., means this, long hours and low wages industrially. That is all there is to it.

The ability of employees to have grievances adjusted—they have no chance on earth. For instance, there is a big mill here in the city of Los Angeles, it used to be Hughes Bros., I think it is owned by the Southern California Co. now. A year ago some of the men working there received $4 a day. They later were cut to $3.50 a day, and it was only a matter of a few weeks when they notified the men they were being laid off on Saturday night and could come back on Monday morning at $3 a day, if they wanted to. That is the so-called open shop. They have no chance to protect themselves. In other words, they throw them a bone and say "Chew on it if you want to or go hungry." That is all there is to it.

Chairman WALSH. What is the relative advantage of presenting grievances where organization obtains?

Mr. MOONEY. They have this advantage, that you know this, if you do have a grievance and do present it, you have some power and some chance of getting it, because the men who are side by side with you are with you in adjusting the difference.

Chairman WALSH. What specific facts have you in your possession, Mr. Mooney, as to the cost of building in Los Angeles and elsewhere, upon which you base the statement that the cost to the owner is just as great and that the decreased wages and the profit from the decreased wages goes to the contractor instead of the owner or community?

Mr. MOONEY. I gave the one about the iron.

Chairman WALSH. Have you any other that you can state?

Mr. MOONEY. I have another case: The Desinger estate here were about to build a building in Los Angeles some time ago. It was given to contractor who operated what is called an open shop, at $110,000. We had two contractors figure on that job, and agreed to do that job for $100,000, and pay union wages and hire union men all the way through.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. Is it possible, Mr. Mooney, for you to furnish facts and figures showing what it has cost say during the last 12 months per cubic foot to erect some high-class building in Los Angeles? In order that you may better understand it, we have figures in our possession that were submitted in San Francisco by a thoroughly reliable architect showing what it has cost to erect high-class buildings in San Francisco per cubic foot. Now, if we can get corresponding figures in Los Angeles, it would put this commission in position to intelligently compare the actual cost and not opinions, but facts.

Mr. MOONEY. The only thing I could do would be to go around and ask these people for it. If they don't want to give it to me I can't get it. That is all I can do.

Chairman WALSH. It would be a very fine thing if you could get it.

Mr. MOONEY. I will try to.

(A letter from Ira B. Cross, received January 18, 1915, states as follows:)

A. J. Mooney was unable to get figures showing cost during the last 12 months to erect some high-class building in Los Angeles. I visited a number of architects and procured the following representative data:

The following data relative to the cost per cubic foot of construction is measured from the top of the building to the bottom of the footing. The light wells or courts are not figured in. The cost per cubic foot is not for labor alone but covers total cost (material, labor, excavation, etc.).

Alexandria Hotel; class A hotel; total contents, 3,016,000 cubic feet; cost per cubic foot, 24.7 cents.

Tehama Building (Bullock's Department Store); loft building, no cross partitions; class A; 2,228,000 cubic feet; cost per cubic foot, 15 cents.

Central Building; office building; class A; 2,500,000 cubic feet; cost per cubic foot, 31 cents.

Security Building; office building; class A; cost per cubic foot, 27 cents.

Canadian Building; class C; small office building; 812,000 cubic feet; cost per cubic foot, 10 cents.

Union Oil Building; class A; office building; cost per cubic foot, 27.8 cents.

Hooker Apartments, now Yorkshire Hotel; class C; 650,000 cubic feet; cost per cubic foot, 18 cents.

Los Angeles Trust and Savings Building; class A; office and bank building; 1,621,800 cubic feet; cost per cubic foot, 32.4 cents.

Jones Building; class A; loft building, store; 1,258,000 cubic feet; cost per cubic foot, 17 cents.

Pacific National Building; small; class A; all metal; 682,000 cubic feet; cost per cubic foot, 46 cents.

Washington Building, class A; office building; 28½ cents per cubic foot.

Title Insurance Building; class A; office building; cost per cubic foot, 30 cents.

I was very desirous of securing some data on labor cost alone, but was unable to obtain the same. I have data relative to wages, but found that the architects visited could give me no information relative to labor costs—that is, how much money to figure on as wages in connection with the erection of certain kinds of work. Various architects had different sets of figures for different parts of different styles of construction, but the figures given were for total cost per square foot or per cubic foot, not the labor cost per unit of measurement.

Commissioner WEINSTOCK. I am frank to confess that it is not clear to me, in view of the fact that labor, as you pointed out, is very much cheaper, in some instances about half of what they are, as you say, in San Francisco, and in view of the fact, as you pointed out, that material is cheaper here than in San Francisco, why it should cost as much or, as some have said, even more than in San Francisco?

Mr. MOONEY. I did not say material was cheaper.

Commissioner WEINSTOCK. I thought you said it was, because the material didn't pass through union mills.

Mr. MOONEY. Material here is not cheaper.

Commissioner WEINSTOCK. Do you mean to say millwork costs as much here as in San Francisco?

Mr. MOONEY. That is the way I have it; yes, sir.

Commissioner GARRETSON. Costs as much or is sold for as much?

Commissioner WEINSTOCK. Commissioner Garretson suggests a modification to that question, that is, whether the material is sold for as much as it is in San Francisco, regardless of what it costs.

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. Your opinion is that the material sells for as much here as in San Francisco?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. Even though it may cost less here than in San Francisco?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. What becomes of this difference? Who gets the benefit of the difference in the cost of labor?

Mr. MOONEY. The contractor, the employer.

Commissioner WEINSTOCK. Your judgment is he makes a bigger profit than the San Francisco contractor makes?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. Do you admit the efficiency of the worker here is equal to the efficiency of the worker in San Francisco?

Mr. MOONEY. No, sir.

Commissioner WEINSTOCK. What do you claim on that point?

Mr. MOONEY. I claim the worker here is not nearly as efficient as in San Francisco.

Commissioner WEINSTOCK. Take in your own case. You say you worked in San Francisco for $4.50 for eight hours?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. And worked in Los Angeles for $3.50 for nine hours?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. What difference was there in your individual efficiency in the two places?

Mr. MOONEY. I was a cheaper man at eight hours and $4.50 than at nine hours and $3.50.

Commissioner WEINSTOCK. In what way?

Mr. MOONEY. Because I was a contented man, and done more work. I was not contented to work nine hours and all I did was to kill time.

Commissioner WEINSTOCK. What per cent of efficiency did the employer in San Francisco get from you?

Mr. MOONEY. All there was in me.

Commissioner WEINSTOCK. What per cent of efficiency did the Los Angeles employer get?

Mr. MOONEY. What he could drag out of me.

Commissioner WEINSTOCK. What prompted you to give up a $4.50 job at eight hours in San Francisco, and take a job at $3.50 at nine hours in Los Angeles?

Mr. MOONEY. Why I left San Francisco and came here?

Commissioner WEINSTOCK. Yes, sir.

Mr. MOONEY. I was with a man named Anderson, my partner, and expected to go to New Orleans. We came here and expected to earn enough wages to have the price of the railroad fare from here to go some place else, but we didn't do it, and we have been here ever since.

Commissioner WEINSTOCK. May I ask, Mr. Mooney, whether yours is an exceptional case, or whether you think you represent the common feeling of the wage earners in Los Angeles?

Mr. MOONEY. I think when I say that I am representing the common feeling of the wage earners in Los Angeles.

Commissioner WEINSTOCK. That is, as compared with the wage earners in San Francisco, they are unwilling workers?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. In San Francisco you say they are willing workers?

Mr. MOONEY. Yes, sir.

Commissioner WEINSTOCK. Were you here yesterday when, I think it was Mr. Baker, testified?

Mr. MOONEY. No, sir; I was not here.

Commissioner WEINSTOCK. It was not Mr. Baker, it was a gentleman representing the building—it was Mr. Bryson. Were you here when Mr. Bryson testified?

Mr. MOONEY. No, sir; I was not.

Commissioner WEINSTOCK. You perhaps are in a position to contradict that testimony. Mr. Bryson's testimony was to the effect that while in San Francisco on various occasions he had made observations on buildings. He had noticed that the workers there would stop and gossip; would take their time, and had even seen groups of them leave the job and go off into the saloon and get glasses of beer, which, he said, would not be permitted in Los Angeles. Now, what are your observations along those lines?

Mr. MOONEY. I worked in San Francisco, I guess, about three years, and I never got off of a building to get a glass of beer, and I never got it here, either. The men in Los Angeles are not willing workers and can't be, because they understand other people get more wages and have better surroundings all the way down the line. For instance, this particular firm of the Engstrum Co., they pay about as low wage as anybody in town.

Commissioner WEINSTOCK. What company?

Mr. MOONEY. The Engstrum Co., the one Mr. Bryson represents. They pay the bricklayers $5 a day and the scale of wages is $6 a day. They pay their millmen any scale they see fit for nine hours a day. The same applies to the carpenters and other trades.

Commissioner WEINSTOCK. Would you be in position to furnish this commission facts and figures that might be of some assistance to us in the matter of comparative efficiency, by getting at the records of these companies, if they

can be got, showing the average number of brick laid a day by the Los Angeles brick mason and the average number laid by the San Francisco brick mason?

Mr. MOONEY. Yes, sir; I will try to do that.

Commissioner WEINSTOCK. As a basis for comparison.

Mr. MOONEY. Yes, sir; I will try to do that.

(A letter from Ira B. Cross received January 18, 1915, states as follows: I asked Mr. Mooney to furnish data relative to the number of bricks laid by a Los Angeles brick mason and a San Francisco brick mason. He could give me no data relative to San Francisco, but he called in a business agent of the bricklayers' union who informed me that a good union bricklayer in Los Angeles would lay 3,000 bricks a day. Architect informed me that this was altogether too high a rate, and that from 1,400 to 1,600 up would be a much better figure for straight bricklaying on a solid wall 13 or 16 inches thick. Union bricklayers have control of about seven-eighths of the work in Los Angeles, according to the business agent above mentioned. I think the estimate is too high, but I can assure the commission that the bricklayers are well organized and that many of the larger contractors give preference to union bricklayers.)

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. I want to draw attention to a fact that the other commissioner overlooked. One of the deadly things named by Mr. Bryson, as committed in one instance by labor in San Francisco, was in one case a man stopped to light his pipe. Do you think that would cut a big figure in efficiency?

Mr. MOONEY. Why, I don't see how it could; but if Mr. Bryson would stop at the corner of Fifth and Main Streets he will see a lot of his Mexican employees rolling cigarettes and smoking them.

Commissioner GARRETSON. They are nonunion cigarettes?

Mr. MOONEY. I suppose so.

Commissioner GARRETSON. I assume that as an editor you have been able to keep in general touch with the trend of prices in the town?

Mr. MOONEY. Yes, sir.

Commissioner GARRETSON. Do the wages of the clerks and other classes of labor of the same character, stand as far below San Francisco as in the building trades, for instance?

Mr. MOONEY. Just about the same.

Commissioner GARRETSON. The shop trades?

Mr. MOONEY. Just about the same.

Commissioner GARRETSON. With this eternal watchfulness for the good of the public that is exercised, how does the cost of living run in Los Angeles along with San Francisco? Are groceries cheaper?

Mr. MOONEY. No, sir; I haven't observed them cheaper in Los Angeles.

Commissioner GARRETSON. The lower pay of the clerks does not reduce groceries in price?

Mr. MOONEY. No, sir.

Commissioner GARRETSON. How about clothing?

Mr. MOONEY. Runs about the same. But I will say this: Between San Francisco and Los Angeles, that you can get a better meal in San Francisco for 25 cents than you can in Los Angeles, but you can get more 15-cent meals in Los Angeles than there are in San Francisco. That is because they need them here. They have to have them on account of the cheap wages.

Commissioner GARRETSON. But it is a 15-cent meal?

Mr. MOONEY. Yes, sir.

Commissioner GARRETSON. How is rent?

Mr. MOONEY. Runs about the same. In San Francisco I had a front room at $4 a week, and I came down here and got a back room at $4 a week.

Commissioner GARRETSON. Is the impression strong among the men you are in touch with that this patriotic interest in the public is for revenue only?

Mr. MOONEY. Absolutely.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you, Mr. Mooney.

Mr. Haverty.

TESTIMONY OF MR. THOMAS HAVERTY.

Chairman WALSH. Please state your name.

Mr. HAVERTY. Thomas Haverty.

Chairman WALSH. What is your business?

Mr. HAVERTY. Plumbing and heating contractor.

Chairman WALSH. How long have you been in that business in Los Angeles?

Mr. HAVERTY. Twenty-two years.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. HAVERTY. Twenty-two years.

Chairman WALSH. I believe a list of questions was given you. Have you drawn up answers to them in writing?

Mr. HAVERTY. No, sir.

Chairman WALSH. Then I will ask you the questions just as they were given—in numerical order. What sort of shop do you operate? Three kinds of shops have been described, and, perhaps, so that we can get started on a basis, it might be well to mention them. One might be called a union shop in which nothing but union men are employed. The other is an open shop in which no discrimination as between union and nonunion, and the other a nonunion shop, also an open shop, but which does discriminate against members of labor unions.

Mr. HAVERTY. Mine is an open shop. I do not discriminate against union men.

Chairman WALSH. It follows that you take on union men?

Mr. HAVERTY. However, they won't work for me.

Chairman WALSH. You say you do not discriminate. Question No. 1, is: What are your reasons for operating an open shop?

Mr. HAVERTY. To avoid strikes and keep my place of business open continuously.

Chairman WALSH. Please give the wages of your employees.

Mr. HAVERTY. The standard rate of wages is $4.50 per day.

Chairman WALSH. For how many hours?

Mr. HAVERTY. Eight hours.

Chairman WALSH. That applies to plumbers alone?

Mr. HAVERTY. Plumbers and steam fitters.

Chairman WALSH. How about common labor?

Mr. HAVERTY. Common labor gets $2.25.

Chairman WALSH. That is your minimum?

Mr. HAVERTY. That is the minimum.

Chairman WALSH. To what extent do you recognise unions, or deal with them, if any?

Mr. HAVERTY. As far as the running of my shop is concerned, I don't recognize them. I have conferences with them every once in a while. They are frequent callers on me—their business agents.

Chairman WALSH. But you have no dealing with them as such in your own industry?

Mr. HAVERTY. No, sir.

Chairman WALSH. These calls, I suppose, are, generally speaking, to try to get you to come in?

Mr. HAVERTY. Yes, sir; quite correct.

Chairman WALSH. I wish you would give us the comparative results as you have observed them under your open-shop and under union conditions as given here in this question. As to quality of work, quantity of work, and cost of production. First, as to quality of work, what have you observed?

Mr. HAVERTY. Quality of work remains the same.

Chairman WALSH. Quantity of work?

Mr. HAVERTY. Quantity of work, I think, is slightly better, probably 10 per cent.

Chairman WALSH. And how do you find the cost of production? I guess that would be answered.

Mr. HAVERTY. The cost of production would be answered by that.

Chairman WALSH. I wish you would give the particular features to which you object to in unions as organized in your industry.

Mr. HAVERTY. I object to them on account of their continuous striking. They will either strike in your shop or have a sympathetic strike, or have some little grievance or other. They will make rules over night and come to you Monday morning and tell you you must comply with so and so. Well, their rules are so ridiculous and so outrageous that a man with any spirit to him wouldn't stand for it. For instance, I had a nephew of mine that I want to learn the trade in my own shop and they wouldn't allow it. They said you can't do it.

Chairman WALSH. Did they have some rule they claimed?

Mr. HAVERTY. They had a rule they would allow no more apprentices.

Chairman WALSH. Now, are there some employers here that do employ union plumbers exclusively?

Mr. HAVERTY. Yes, sir; quite a number.

Chairman WALSH. What do you find with reference to the competitive results with those employers?

Mr. HAVERTY. I notice no difference.

Chairman WALSH. You notice no difference?

Mr. HAVERTY. We get our share of the business just the same.

Chairman WALSH. The union employers pay how much per day?

Mr. HAVERTY. Four dollars and a half per day.

Chairman WALSH. Just the same?

Mr. HAVERTY. Just the same.

Chairman WALSH. Do you or do you not think that the wage of $4.50 a day is established by the organization?

Mr. HAVERTY. I believe they helped establish it; yes, sir.

Chairman WALSH. How long have you been paying $4.50 a day for eight hours' work?

Mr. HAVERTY. Continuously; right along.

Chairman WALSH. For how many years?

Mr. HAVERTY. I have been paying it for four years, now.

Chairman WALSH. Have you always paid the union scale in your shop?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. And abided by the union hours?

Mr. HAVERTY. Yes, sir; and slightly higher.

Chairman WALSH. What has been done by your company to improve the working conditions of your employees? First—I think you have answered that question. You have maintained the scale of wages and those hours right along with the unions?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. How many employees have you?

Mr. HAVERTY. Just now I didn't get the number of employees.

Chairman WALSH. In normal times how many would you have?

Mr. HAVERTY. In normal times I would average 103.

Chairman WALSH. I see you are given as president of the Thomas Haverty Co.

Mr. HAVERTY. Yes, sir.

Chairman WALSH. Is that a corporation under the laws of California?

Mr. HAVERTY. It is a corporation; yes.

Chairman WALSH. And what part do you take in it, personally?

Mr. HAVERTY. General manager.

Chairman WALSH. You are general manager as well as treasurer?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. What means is there in your company for the adjustment of the individual grievances of employees? Does that come direct to you?

Mr. HAVERTY. It comes direct to me.

Chairman WALSH. The number I take it is sufficiently small for you to have personal outlook of your whole business?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. As the result of your industrial experience, Mr. Haverty, what constructive suggestion could you offer this commission for removing the friction that seems to exist in many instances between employers and employees.

Mr. HAVERTY. Why, I think if labor unions would adopt the rule of reason, or get some reasonable rules, and add to that that the other fellow is a human being like themselves, we would get along much better.

Chairman WALSH. Do you mean by that that the employers would be more likely to bargain with them collectively?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. What suggestion would you make from the standpoint of the worker to improve himself in his wage and working conditions which would keep pace with improved economic conditions, other than the present system of organization?

Mr. HAVERTY. I have no suggestion.

Chairman WALSH. You have no suggestions?

Mr. HAVERTY. No.

Chairman WALSH. Do you or do you not think that it is necessary for a worker to have some means of having his own condition keep pace with general economic conditions?

Mr. HAVERTY. I think so.

Chairman WALSH. And you have no suggestion to make; you haven't given it any thought, you mean, Mr. Haverty?

Mr. HAVERTY. No; I haven't given it any thought.

Chairman WALSH. What remedy would you have, or have you thought of it, if any, for a speedier and more nearly just settlement of industrial disputes as they arise?

Mr. HAVERTY. Arbitration.

Chairman WALSH. Would you put it, where possible, under a board created by the State or by the Nation where that would be possible, or would you leave it to the individual bargaining with the employers and employees?

Mr. HAVERTY. I would leave it to a national board.

Chairman WALSH. You would leave it to a national board?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. You think that it ought to be done by law?

Mr. HAVERTY. By law.

Chairman WALSH. Do you or do you not believe that it would be possible by law to have what is called compulsory arbitration?

Mr. HAVERTY. It is a dangerous thing to have it.

Chairman WALSH. You think it would be possible to have compulsory arbitration with the present provisions of the constitutions of the various States and the United States?

Mr. HAVERTY. Well, really, I don't know as to that.

Chairman WALSH. Well, if the result of an arbitration was to require men to go to work, do you believe that that would be enforcible; that is, if a man didn't want to work?

Mr. HAVERTY. It is pretty hard to make a man work if he doesn't want to. It is very hard to make any law that would do it.

Chairman WALSH. Generally speaking, you think that the way to prevent disputes is by arbitration and that there should be some fixed and definite board, and a national body if possible?

Mr. HAVERTY. Yes, sir.

Chairman WALSH. You know generally, I suppose, of the operation of the Erdmann and Newlands Acts with reference to the transportation problem, and your idea would be some extension of that to general industry?

Mr. HAVERTY. I think so. I think it would be a good idea to do away with these continuous strikes.

Chairman WALSH. Have you any questions you would like to ask, Mr. O'Connell?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Mr. Haverty, you say that the organizations should practice the rule of reason. Will you suggest to this commission what kind of an organization you think that the laboring men ought to have?

Mr. HAVERTY. Well, I don't know as I could suggest as to that. I could tell you a few of the things they do that they hadn't ought to do.

Commissioner O'CONNELL. What are they?

Mr. HAVERTY. Well, now, for instance, we had a few contracts in Salt Lake City. We had some machinery there which cut and threaded pipe up to and including 4 inches; above this size we sent to a machine shop to have it threaded.

When we wanted to have large pipe cut, according to the union rules, we had to send a $6-a-day journeyman to sit in the wagon with that pipe, see that it was carried into the machine shop and put into the cutting machine; then see that it was put on the wagon again, and sit on the wagon on the way back to the building; as a matter of fact, this man on the wagon to and from the machine shop was in the way. Nevertheless, he had to be paid for whatever time it took him to do this.

Commissioner O'CONNELL. The party for whom you were doing the work paid the bill?

Mr. HAVERTY. Yes; the party whom I was doing the work for of course had to stand that. But it was a loss just the same. It was something that nobody got anything for, an economic loss.

Commissioner O'CONNELL. The plumbers, plumber bosses, have got the reputation generally from the property owner as being probably the best hold-up men in the business?

Mr. HAVERTY. Well, that is Judge and other comic papers which give the people that impression. As a matter of fact this is not true. The mercantile agencies, I think, will demonstrate that.

Commissioner O'CONNELL. Are you a member of any of the national plumbers' organizations, associations?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Masters' associations?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Have you a masters' association in the city here?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Are you a member of it?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Are both those employing union and nonunion plumbers members of the same organization?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Have you any laws, rules, and regulations in that association about the question of employment of union or nonunion men?

Mr. HAVERTY. No, sir.

Commissioner O'CONNELL. Do you discuss wages there?

Mr. HAVERTY. Oh, yes; we do often, every once in a while.

Commissioner O'CONNELL. Hours of labor?

Mr. HAVERTY. I beg your pardon.

Commissioner O'CONNELL. Hours of labor.

Mr. HAVERTY. Once in a while it is talked about.

Commissioner O'CONNELL. And conditions of employment?

Mr. HAVERTY. Once in a while, slightly.

Commissioner O'CONNELL. Do you agree upon any policy?

Mr. HAVERTY. No, sir.

Commissioner O'CONNELL. You just talk it over?

Mr. HAVERTY. Just talk it over.

Commissioner O'CONNELL. No conclusions are reached?

Mr. HAVERTY. None whatever.

Commissioner O'CONNELL. Is there an impression prevailing, is the atmosphere sort of charged with a certain rate of wage that ought to prevail?

Mr. HAVERTY. No, sir.

Commissioner O'CONNELL. Have you an arrangement of any kind whereby you won't buy supplies from any house that is not using or selling to certain of the plumbers or plumbing-supply people or plumbing manufacturers?

Mr. HAVERTY. Which way do you mean?

Commissioner O'CONNELL. For instance, is there any effort here to maintain certain prices of plumbing supplies?

Mr. HAVERTY. No, sir.

Commissioner O'CONNELL. Has there been at any time?

Mr. HAVERTY. I don't remember of any; no.

Commissioner O'CONNELL. Could I if I was a citizen of Los Angeles, or whether I am or not, can I go to a plumbing-supply house in Los Angeles to-day and buy any plumbing supplies I want to?

Mr. HAVERTY. In some you can; yes.

Commissioner O'CONNELL. Can I in all of them?

Mr. HAVERTY. No.

Commissioner O'CONNELL. Why not?

Mr. HAVERTY. They are wholesalers; they don't sell at retail. No more than I can go to a wholesale grocery store and buy a can of peaches or a can of tomatoes.

Commissioner O'CONNELL. Couldn't I buy wholesale groceries if I wanted to, large quantities?

Mr. HAVERTY. You can't go down and buy a can of peaches in a wholesale grocery store.

Commissioner O'CONNELL. Could I go into a store and buy a large amount of supplies to furnish a whole residence?

Mr. HAVERTY. I think you could.

Commissioner O'CONNELL. Unless I was in the plumbing business myself?

Mr. HAVERTY. I think you could.

Commissioner O'CONNELL. Hasn't there been prosecution recently against the plumbers' supply people and the plumbers' association just on that matter?

Mr. HAVERTY. Yes, yes; it is all over the country.

Commissioner O'CONNELL. Yes; hasn't there been a decision reached that it was an unlawful combination?

Mr. HAVERTY. No, sir.

Commissioner O'CONNELL. There is a case just recently decided in Sioux City, Iowa.

Mr. HAVERTY. Well, I didn't hear of that.

Commissioner O'CONNELL. Is it your belief that the men by organizing a union of plumbers, for instance, have benefited thereby?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Do you believe that the standard wage that you are now paying is based upon a condition that has been brought about by the plumbers' union?

Mr. HAVERTY. To a certain extent; not altogether.

Commissioner O'CONNELL. Would you be paying as high a rate now if there had been no plumbers' union at all in Los Angeles?

Mr. HAVERTY. I think so.

Commissioner O'CONNELL. Have you dealt with the plumbers' union directly in years gone by?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. What were the rates of wages then?

Mr. HAVERTY. Oh, they ran from $2.50 to $5 a day, depending a good deal on conditions. If you had a number of contracts on hand, why they would raise the wages.

Commissioner O'CONNELL. Then their wages have advanced about half a dollar—or reduced, you were paying $5 some years ago?

Mr. HAVERTY. Yes.

Commissioner O'CONNELL. Now, you are paying four and a half?

Mr. HAVERTY. Four and a half.

Commissioner O'CONNELL. What is the cause of the reduction?

Mr. HAVERTY. When times were dull the journeymen voluntarily reduced the wages.

Commissioner O'CONNELL. Have they been dull ever since?

Mr. HAVERTY. No.

Commissioner O'CONNELL. Have the wages gone back to $5?

Mr. HAVERTY. No.

Commissioner O'CONNELL. Why not?

Mr. HAVERTY. They never asked for it.

Commissioner O'CONNELL. The plumbers are bashful here apparently.

Mr. HAVERTY. No; they are afraid.

Commissioner O'CONNELL. Now, supposing they wanted to get their wages back again up to $5, we will say that was the rate, how would they go about to do it with you when you don't meet with them as an organization and treat them as such?

Mr. HAVERTY. Why, just come to me and tell me that at a certain time the wages would be a certain rate, and give me a little time to protect myself, and figure accordingly and get it on my contracts.

Commissioner O'CONNELL. That would be satisfactory?

Mr. HAVERTY. Perfectly satisfactory to me; yes.

Commissioner O'CONNELL. To put the wages up to $5?

Mr. HAVERTY. Sure.

Commissioner O'CONNELL. All the plumbers would have to do would be to notify you that in the case of a month or two months, as the case might be, that they wanted $5 a day, so that you might arrange your contracts accordingly?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. Then it would be granted?

Mr. HAVERTY. Yes, sir.

Commissioner O'CONNELL. That is a fair notice from the plumbers?

Mr. HAVERTY. But they don't do that, you know, until you get a lot of contracts on hand; then they start to raise wages.

Chairman WALSH. Mr. Weinstock will ask a question or two.

Commissioner WEINSTOCK. What are the plumbers' wages, union scale, in San Francisco?

Mr. HAVERTY. I believe it is $6 a day.

Commissioner WEINSTOCK. And the rate here is $4?

Mr. HAVERTY. Four fifty.

Commissioner O'CONNELL. That is a difference of about 33⅓ per cent?

Mr. HAVERTY. Yes.

Commissioner WEINSTOCK. Were you present when Mr. Mooney testified, the witness that preceded you?

Mr. HAVERTY. Yes; I heard him.

Commissioner WEINSTOCK. Then you probably heard his testimony that owing to the difference in the wages and in the hours, that the San Francisco workers, as a rule, are willing workers, and the Los Angeles workers, as a rule, are unwilling workers. You probably heard him testify that in his own case, to illustrate the statement, he minimized his work here and gave the best that he had to his employer in San Francisco. Now, what have been your observations along those lines?

Mr. HAVERTY. It is just right the opposite.

Commissioner WEINSTOCK. The opposite?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. Then you take direct issue with Mr. Mooney on that point?

Mr. HAVERTY. Yes, sir; I take direct issue.

Commissioner WEINSTOCK. What percentage of efficiency, as a rule, do you get from your workers?

Mr. HAVERTY. Well, I don't know that I can answer that. My workers are good workers.

Commissioner WEINSTOCK. Have you had opportunities of learning either through other fellow master plumbers of San Francisco or through your observations in San Francisco how the work of the San Francisco plumbers compares in efficiency with the work of the Los Angeles plumbers?

Mr. HAVERTY. From my experience when I employed San Francisco journeymen plumbers, I believe our plumbers here are slightly better. Their efficiency is more. They are more or less inclined to be lazy in San Francisco. They don't have to do as much work up in San Francisco as they do down here.

Commissioner WEINSTOCK. So your contention is that the San Francisco boss plumber gets less for his $8 a day than you get for your $4.50 a day?

Mr. HAVERTY. Yes, sir; decidedly.

Commissioner WEINSTOCK. Then how is it possible for the San Francisco plumber on an even market to compete with you?

Mr. HAVERTY. Why, he doesn't compete with us. They compete among themselves.

Commissioner WEINSTOCK. Well, take some central point, some midway point, where the cost of transportation and freights would be as much from Los Angeles as it would be from San Francisco, and those conditions were even, what chance would the San Francisco boss plumber have with you in competing for that job?

Mr. HAVERTY. All conditions being equal, he would have no chance.

Commissioner WEINSTOCK. You could underbid him?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. And make just as much profit as he makes?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. Commissioner Garretson asks the question whether or not they get the business?

Mr. HAVERTY. We do get the business every once in a while. We don't get it in San Francisco.

Chairman WALSH. Anything else?

Commissioner WEINSTOCK. Yes.

Mr. HAVERTY. Mr. Weinstock, bear in mind that when we go to an outside city to do any work the wages that is paid in that city governs the wages that we have to pay. For instance, if we would go down to San Diego, or to Pasadena, or up to Fresno. If the wages are $5 a day in Fresno for journeymen we would pay the same to our men; this has been the common custom.

Commissioner WEINSTOCK. Well, you heard the statement perhaps also made that some San Francisco contractors came to Los Angeles and got some contracts. I think one was specifically mentioned, the armory building.

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. I presume there was plumbing involved in that contract?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. Well, now, how could these San Francisco contractors compete with you on that plumbing, how could they get the job?

Mr. HAVERTY. I don't understand, but you take with contractors, it is nothing to have a variance of from 20 to 30, 40, or 50 per cent on bids.

Commissioner WEINSTOCK. Don't contractors bid on the same plans, on the same basis?

Mr. HAVERTY. They bid on the same plans, but they don't seem to estimate them the same way; numbers of contractors make very low bids, secure the contracts at a loss, go broke, and you never hear from them again.

Commissioner WEINSTOCK. Well, take this San Francisco contractor who built this structure in Los Angeles, did he employ Los Angeles plumbers or did he bring his plumbers from San Francisco?

Mr. HAVERTY. Oh, they employed men here.

Commissioner WEINSTOCK. They employed union plumbers, I presume?

Mr. HAVERTY. I presume so.

Commissioner WEINSTOCK. And paid them the local union wage?

Mr. HAVERTY. I presume so; yes.

Commissioner WEINSTOCK. And that, I presume, made it possible for them to compete with you.

Mr. HAVERTY. Well——

Commissioner WEINSTOCK. In other words, if they had had to pay $6 a day for their men they could not have competed with you at $4.50?

Mr. HAVERTY. Mr. Weinstock, bear in mind the difference between $4.50 and $6 a day on a job the size of that would not amount to $75 or $100 on the entire job—we will say $200 to $250.

Commissioner WEINSTOCK. I see, because the plumbing was small?

Mr. HAVERTY. The amount of wages entering into it is so very small it would not amount to 2 or 2½ per cent on the entire contract.

Commissioner WEINSTOCK. You stated that you kept an open shop; that is, you didn't object to union men?

Mr. HAVERTY. No; I would like to have them work every once in a while for me, or continuously, for that matter.

Commissioner WEINSTOCK. Well, do you think that unionism has been a good or a bad thing for the workers?

Mr. HAVERTY. I think it is a good thing.

Commissioner WEINSTOCK. You think it is a good thing?

Mr. HAVERTY. Yes; I think so.

Commissioner WEINSTOCK. And you have no criticisms to make on people organizing?

Mr. HAVERTY. Not for organizing.

Commissioner WEINSTOCK. In what way is it a good thing for them from your point of view?

Mr. HAVERTY. Well, it gives a certain stability to wages. It helps them along more or less, and there are some employers that will take advantage of men unless there is some other force.

Commissioner WEINSTOCK. You mean that unionism protects the worker against the unfair employer?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. That is against the employer who otherwise would exploit him?

Mr. HAVERTY. Against the unfair employer.

Commissioner WEINSTOCK. Now, do you recognize or deal with the union yourself?

Mr. HAVERTY. No.

Commissioner WEINSTOCK. Well, then, what good is their unionism to them if they can't be recognized or dealt with?

Mr. HAVERTY. Well, I really believe that I am doing the union a favor here. I think that I have done the union more good than any other man in the business in Los Angeles.

Commissioner WEINSTOCK. Well, will you point out how?

Mr. HAVERTY. Well, if my shop was not an open shop, but a closed union shop which would mean practically a union town, they would be striking frequently. They have not been on a general strike for four years. They are peaceable and quiet, the men are satisfied, my men particularly like it. They don't like this striking business. If the plumbers' union or any other union in Los Angeles were thoroughly organized, they would be striking about every

six months. You couldn't keep them from it. Heavens, it is an impossibility, seems to be human nature with them.

Commissioner WEINSTOCK. About what proportion, so far as you know, of the journeymen plumbers in Los Angeles are unionized?

Mr. HAVERTY. About 90 per cent.

Commissioner WEINSTOCK. About 50 per cent?

Mr. HAVERTY. Fifty to sixty per cent.

Commissioner WEINSTOCK. About what proportion of union employees do you have in your service?

Mr. HAVERTY. They won't work for me.

Commissioner WEINSTOCK. I see. You have no union employees?

Mr. HAVERTY. No; they refuse to work. They are afraid of the contamination.

Commissioner WEINSTOCK. Well, are there any master plumbers in Los Angeles, Mr. Haverty, who employ union and nonunion employees?

Mr. HAVERTY. No, sir.

Commissioner WEINSTOCK. It is clean-cut, then?

Mr. HAVERTY. It is clean-cut.

Commissioner WEINSTOCK. The employers either have all union men or all nonunion men?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. And is that due to the fact that the union men will not work alongside of the nonunion men, or due to the fact that the master plumbers won't give them employment?

Mr. HAVERTY. No; it is due to the fact that the union men won't work alongside of the nonunion men.

Commissioner WEINSTOCK. I see. The matter of the workmen's compensation law, Mr. Haverty, what is your feeling on that legislation?

Mr. HAVERTY. It is a good law; I think it is a splendid thing. We ought to have had it long ago.

Commissioner WEINSTOCK. You favor it, then, do you?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. You find it works out satisfactorily to the employer and to the worker?

Mr. HAVERTY. It works all right.

Commissioner WEINSTOCK. You know in the beginning there was a great deal of opposition to it on the part of the employers?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. Were you also opposed to it in the beginning for a while?

Mr. HAVERTY. I didn't understand it, and maybe I was. But now that I know it, I think it is a good thing.

Commissioner WEINSTOCK. And wouldn't do away with it if you could?

Mr. HAVERTY. No, sir; I wouldn't do away with it for a whole lot.

Commissioner WEINSTOCK. Has it been a serious burden on your industry?

Mr. HAVERTY. No, sir.

Commissioner WEINSTOCK. It has not?

Mr. HAVERTY. No, sir. We passed the expense along to the——

Commissioner WEINSTOCK. Owner?

Mr. HAVERTY. Consumer, owner.

Commissioner WEINSTOCK. Which, of course, was intended by the legislature?

Mr. HAVERTY. Yes, sir.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all, thank you, Mr. Haverty. Much obliged to you.

Mr. Beirne.

TESTIMONY OF MR. EDWARD BEIRNE.

Chairman WALSH. Your name?

Mr. BEIRNE. Edward Beirne.

Chairman WALSH. Your residence?

Mr. BEIRNE. Los Angeles.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BEIRNE. For the last three years and a half. I came here about ten years and a half ago.

Chairman WALSH. What is your business, please?

Mr. BEIRNE. Plumber.

Chairman WALSH. And you were a journeyman plumber, and do you now hold some position with that organization?

Mr. BEIRNE. Yes, sir; I am acting as business agent for the plumbers' union.

Chairman WALSH. How long have you acted as business agent for your union?

Mr. BEIRNE. Since about the middle of last February.

Chairman WALSH. Please begin and go backward and state any official positions you have held with labor organizations since you have been in Los Angeles, all of them.

Mr. BEIRNE. Well, in Los Angeles, Mr. Chairman, I acted on the executive board after coming here. I afterwards was elected president of the plumbers' organization, and was afterwards elected business agent.

Chairman WALSH. Those are all the official positions you have held?

Mr. BEIRNE. That is, with the plumbers' union.

Chairman WALSH. Then, have you with the labor council, generally?

Mr. BEIRNE. Well, at the last election of the building trades council I was elected president of the building trades council, local council.

Chairman WALSH. Then, you are acting as president of the building trades council at the present time, are you?

Mr. BEIRNE. Yes, sir.

Chairman WALSH. You were furnished with a list of questions, I believe, Mr. Beirne?

Mr. BEIRNE. Yes.

Chairman WALSH. We will follow that. First, I wish you would state to the commission the extent to which employees in the plumbing industry are organized.

Mr. BEIRNE. I would state, Mr. Chairman, that the competent men in the business are about 75 per cent organized.

Chairman WALSH. Well, to what extent are those that hold themselves out as plumbers, competent or incompetent, organized?

Mr. BEIRNE. I would say—taking the men working at the business in general, do you mean?

Chairman WALSH. Yes.

Mr. BEIRNE. About 50 per cent.

Chairman WALSH. About 50 per cent. What are the working conditions under the open-shop policy as compared with union conditions?

Mr. BEIRNE. Well, with respect to their wages and hours of labor, I would say with very few exceptions that the wages are below the scale and the hours longer; and the hours are longer without any exception—the hours are longer.

Chairman WALSH. Please give the condition in wages.

Mr. BEIRNE. The wages, I would say, would average approximately between $2.75 and $3 a day.

Chairman WALSH. What is the union wage?

Mr. BEIRNE. Four fifty.

Chairman WALSH. Now the hours, union hours?

Mr. BEIRNE. Eight hours.

Chairman WALSH. And the nonunion or open-shop hours?

Mr. BEIRNE. Well, from my observation, Mr. Chairman, I have camped around some of those shops in the morning about half past seven, and I found men leaving the shops with material at half past seven. In fact, in one of the leading plumbing shops here in Los Angeles where I happened at one time to have lived right across the street, diagonally across the street from them, I see their men come out in the morning and go to a job in Santa Monica, which is, I guess, about 18 or 20 miles from here, and they were leaving the shop when I was getting out of bed, getting dressed to go to work. I used to see them out through my window. And so on down the line. I found them working after quitting time at night and early in the morning.

Chairman WALSH. Do these shops that you speak of now where these men work profess to work their men eight hours a day?

Mr. BEIRNE. Yes, sir; you may interrogate any business man, any boss plumber in the town, and he will tell you that he lives strictly up to the union rules. But some of them will tell you that they will not pay the union scale of wages. I run across them. They have all different kinds of excuses—say they can't afford it; that they will do it if the others do it, and so on.

Chairman WALSH. Now, working conditions, so far as safety and sanitation is concerned, as between the union and nonunion shops.

Mr. BEIRNE. Well, there is no difference that I know of.

Chairman WALSH. No difference?

Mr. BEIRNE. There is nothing there in the plumbing business to make very much difference on a big building.

Chairman WALSH. Now, as to the ability of employees to have individual grievances adjusted, just tell us generally what the difference is between a union and a nonunion shop and an open shop.

Mr. BEIRNE. Well, Mr. Chairman, I am not competent to say, for I have never worked in a nonunion shop.

Chairman WALSH. Now, have you observed the results under open-shop conditions as compared with results under union conditions in this respect, first, as to the quality of work?

Mr. BEIRNE. Yes; I can refer to several jobs here in Los Angeles that nonunion contractors had a good deal of trouble on. There was a job down here on Grand Avenue between Ninth and Tenth. I visited that job several times and found that they had torn out material on different occasions. When the job was ready for inspection it was not passed. There was a job done out on West Adams Street about a year ago—a residence, and from what I can understand through some investigating that I did—I didn't get into it myself, but I found out things—something like between $3,000 and $5,000 was what it cost to fix the job up after the plumbers had installed their work. It appears that some of their plumbing wasn't properly installed there, and it destroyed part of their buildings, the ceilings particularly. There was also some work done around here that is inferior in general.

Chairman WALSH. Generally speaking, what would you say with reference to that, is the quality of the work better or worse when done in a closed shop, as compared to an open shop, or the same, what do you say of it generally now?

Mr. BEIRNE. Generally, I say that the consumer gets the best of it with the union labor.

Chairman WALSH. Now, as to the quantity of work done, you have probably heard what was said with reference to restricting output and production where labor unions are in control. What do you say as to that?

Mr. BEIRNE. Why, about two years ago, Mr. Chairman, we met the master plumbers—we meet them very often from time to time—and endeavored to get some working agreement with them, and that was one of the clauses in our agreement that there should be no restriction of the amount of labor and the amount of work a man should do in a day.

Chairman WALSH. State whether or not that is faithfully carried out by the employees.

Mr. BEIRNE. It is faithfully carried out in every instance, so far as I know, Mr. Chairman.

Chairman WALSH. One employer stated here that he had observed men loafing upon jobs in San Francisco, and then you probably heard Mr. Mooney say that under nonunion conditions where he wasn't satisfied with his pay and hours, that he did what he was compelled to do. What has your observation been in respect to that, if any, if you ever had any?

Mr. BEIRNE. Well, my observation, Mr. Chairman, is, visiting these nonunion shops, so-called open-shop shops, is that I find more loafing done on the nonunion jobs.

Chairman WALSH. Have you been in San Francisco?

Mr. BEIRNE. No, sir; I never was.

Chairman WALSH. Then we won't have to get a comparison on that. Now, this would be merely an opinion, I would take it. Do you think that the cost is less or more to the consumer when he has union workmen than when he has nonunion workmen or the employer runs open shop?

Mr. BEIRNE. Why, I would say that the cost of the job is more under nonunion conditions.

Chairman WALSH. Have you any particular figures upon which you base that, any specific instances?

Mr. BEIRNE. I would cite as an instance——

Chairman WALSH. That would be typical?

Mr. BEIRNE. The Alexandria Hotel, if we could get the figures.

Chairman WALSH. Well, that is the case where the figures were submitted by a union employer, which were much lower, but which were not accepted?

Mr. BEIRNE. That was not a contract, as I understand it, Mr. Chairman. It was a daywork job.

Chairman WALSH. Well, was it—well, just state your understanding of it, then.

Mr. BEHRNS. It was under construction when I came back. I was away from Los Angeles for a while, and when I came back it was under construction. It was being done by a nonunion plumbing firm. And I would suggest that if there was a possibility of the commission getting the figures of the cost of that job and comparing them with the job that was done on the original wing of the building, that they would get as near about what the difference in cost would be of a building done by union labor and nonunion labor.

Chairman WALSH. Is that complete?

Mr. BEHRNS. Yes, sir.

Chairman WALSH. Now, I wish you would give us any specific instances of blacklisting on the part of employers against their employees in your particular industry.

Mr. BEHRNS. I haven't looked it up, Mr. Chairman. I asked last night at our meeting if there was anyone down there who would say that they had been blacklisted, and I only found in one case that there was one firm here, a nonunion firm, and that refers to discrimination rather than blacklisting, that they will not hire a union man. I sent three men to a well-known firm here in town in the steamfitting business, and I told them to ask for a job and find out what wages they would pay. So they told these three men to come back in a week or 10 days. One of them went back. They asked him what his name was and referred to a paper there and told him they didn't want him. I sent the others back afterwards and they offered them three and a half and four dollars a day.

Chairman WALSH. Are you aware of any specific instances where employers have been pressed in any way by other employers to prevent the signing of agreements with unions?

Mr. BEHRNS. No; I am not aware of any of those.

Chairman WALSH. In order to secure the maintenance of the so-called open-shop policy?

Mr. BEHRNS. I am not aware of any, Mr. Chairman.

Chairman WALSH. What has been done by your organization to improve working conditions, as regards wages and hours?

Mr. BEHRNS. Well, we always have a conference committee open at all times in the past; but, as was testified to here just a while ago by the previous witness, here lately it seems it has been useless to try to do anything to better the plumbing business in general in Los Angeles. One of the things, as near as I can come to it, is that the witness before me claimed he has run a nonunion shop for several years, and, while he has paid the wages, I still maintain that he has not kept the hours. And that also applies to others.

Chairman WALSH. Well, your maintenance that he has not kept the hours, does that apply to those instances in which you say that you saw employees going to work earlier and running later?

Mr. BEHRNS. Yes, sir.

Chairman WALSH. That is one of those instances?

Mr. BEHRNS. Yes, sir.

Chairman WALSH. Go ahead.

Mr. BEHRNS. He also stated that the output was 10 per cent more—that is, with the nonunion men than with the union men.

Chairman WALSH. Yes.

Mr. BEHRNS. According to that I can cite instances of where three of the leading nonunion shops in town are not running nearly the amount of men they used to. And, where the previous witness testified to running as high as 100 men, I will venture to say he has not got over 15 per cent. That is kind of a guess on my part, but I think the witness will bear me out. Also another leading nonunion shop in town, who used to run considerable men, are only working a few men now. One of the other most hostile bosses that we had in town has entirely gone out of business.

Chairman WALSH. Entirely gone out of business?

Mr. BEHRNS. Yes, sir; made an assignment. In regards to the journeymen——

Chairman WALSH. I thought you were going to compare them. Now, are there some other shops at the present time that employ union men alone that show a higher or lower average of workmen engaged?

Mr. BEHRNS. In regard to the union shops you mean?

Chairman WALSH. Yes.

Mr. BEHRNS. Well, I will state that in the last three years mostly all of the big work in the plumbing line has been let to union concerns.

Chairman WALSH. I only wish at the present time—you say at the present time—you undertake to say Mr. Haverty only had 15 per cent of his normal force working, some others a small proportion, and one had gone out of business. Now, what is the condition of the union shops at the present time with reference to the percentage of the force working?

Mr. BEHRNS. Well, the percentage, I believe, is a little larger in the union shops.

Chairman WALSH. You have no particular figures, however, to base that on?

Mr. BEHRNS. No; I haven't.

Chairman WALSH. All right, sir; now what were you saying when I interrupted you?

Mr. BEHRNS. Why, I was going to state that this is an off year in regards to the journeymen. And as to the journeymen going to the shop in the wagon with a piece of pipe, I will state that that is just a little instance. We have a law like that. We have working rules and by-laws to work by in the city of Los Angeles. I haven't a copy of them with me, but I can get them. And the idea is that we have discovered from experience that it is very hard for a journeyman to send a piece of pipe to the shop and get it cut at an average and have it come back just as he wants it. And there is always a kick if it has to go back again. It costs quite a little money to cut off a piece of 4-inch pipe, especially after it gets over 2 or 2½ inches in diameter it costs more money to cut it and thread it than it does any size below. So, to overcome these things and overcome disputes, we have always maintained that it was a good idea for the journeyman to be there at the machine and have it cut off. Then, if he cuts it off wrong, it is his mistake and his fault. There can be nobody blamed but the journeyman on the job.

Chairman WALSH. What does your organization do to promote efficiency and skill of its members, if anything?

Mr. BEHRNS. We discuss the plumbing business and the technical points of the business in our meetings. And we have a little meeting room down at the Labor Temple that is always open for the members of our organization where they can go there and discuss things. We have blue prints there of jobs that are done right according to the city ordinance, and jobs that are done on blue prints according to the city ordinance and jobs that are not. He has to detect the deficiencies there, and it promotes discussion.

Chairman WALSH. What have you to add in regard to apprentices?

Mr. BEHRNS. Apprentices?

Chairman WALSH. Yes.

Mr. BEHRNS. In the plumbing business in Los Angeles there is no restriction whatever. I will state in regard to apprentices that that was the chief reason the bosses had for following up the open-shop policy. I will state that that case that was referred to, that was in 1906, and 1907, and 1908, where this man's nephew was prevented from learning the plumbing trade, and throughout the United States it was almost impossible for half the journeymen who were working at the plumbing business to secure employment. And our national association advocated the elimination of all apprentices until such time as business had picked up whereby there was room for the journeyman in the business to be employed.

We held onto that here. We had in Los Angeles about sixty or eighty shops 10 years ago. We had about sixty helpers. We had them listed, and the boys swung around from one shop to another. Then as now some of the shops in town did not keep journeymen all the year around. So naturally we kept the boys going around where they could best learn the business. And we drew the line on any more apprentices coming into the business until such time as we would see fit. That kicked up quite a row. So about 1906 the plumbers demanded $5 a day. They got it. And in October or November of 1907 the bosses or employers came to the journeymen and told them to cut their wages down, and the journeymen conceded, consented to cut their wages down. That was during the hard times of 1907. That was to be cut down for a specified time. I left town about that time, and then it was to go up to $5. When the time came to go up to $5 the journeymen had to go out on strike, and they were forced to go back to work for $4.50, and the wages have remained at $4.50 ever since.

Chairman WALSH. How long was it after they demanded the restoration?

Mr. BEHRNS. Mr. Chairman——

Chairman WALSH. Could you approximate it?

Mr. BEIRNE. I presume it was something like a year.

Chairman WALSH. Very well, go ahead. What restrictions, if any, do they have in San Francisco at the present time on the employment of apprentices?

Mr. BEIRNE. I don't know, Mr. Chairman.

Chairman WALSH. You have none here now, then?

Mr. BEIRNE. We have no what here?

Chairman WALSH. You have no restriction on apprentices here at the present time?

Mr. BEIRNE. None whatever.

Chairman WALSH. What, if anything, does your organization do to promote technical education in your trade?

Mr. BEIRNE. Well, that would be through—just through discussion and such as that. We have a board of examiners and so on.

Chairman WALSH. You have no policy with reference to apprenticeship schools or continuation schools or technical training of any kind?

Mr. BEIRNE. I have discussed a scheme with the employing plumbers in Los Angeles and I asked some of their members to bring it up before their association whereby we could start a trade school for our members, and for any boy that would be right and fitted for the plumbing business, but it seems it has not taken hold with them, but I believe it will.

Chairman WALSH. Have you given any thought to the subject of inventing plans for promoting regularity or continuity of employment to bridge over the difficulties that arise from seasonal employment, especially in this country out here?

Mr. BEIRNE. You mean from unemployment?

Chairman WALSH. Yes; to relieve the unemployment situation in seasonal trades.

Mr. BEIRNE. Well, the only thing we have to do with that, Mr. Chairman, is when a man comes into town we tell him whether business is good or bad. We maintain an office down there and also a little room for the examining board, and pay a business agent $5 a day, and his work is chiefly to act, you might say, in the capacity of an employment agency.

Chairman WALSH. As an official in labor organizations and a student of the subject, have you any suggestions which you could make to this commission with reference to devising some plan by which a speedy settlement could be made of industrial disputes?

Mr. BEIRNE. The only scheme that I see is what we have at the present time, although it doesn't work out here in Los Angeles. As I understand practically that there is a movement on foot here to absolutely refuse to recognize unions in any form. The only scheme I can see would be a benefit to the plumbing business or any business would be to hold conferences between the employers and the journeymen and to settle disputes that come up apparently.

Chairman WALSH. Have you investigated the subjects enough to have an opinion as to whether or not anything could be done by law, State or national, that would be satisfactory, reasonably satisfactory, to those whom you are representing, looking toward bringing about a speedy settlement of industrial disputes?

Mr. BEIRNE. Mr. Chairman, that is a question I can not answer. I do not know what the law would be.

Chairman WALSH. Will you please file with our commission a copy of your constitution and by-laws and rules?

Mr. BEIRNE. Yes, sir.

Chairman WALSH. You have them readily accessible, I suppose?

Mr. BEIRNE. Yes, sir.

(Booklet entitled "By-laws of Plumbers' Local Union No. 78 of the United Association" was subsequently submitted in printed form.)

Chairman WALSH. Would you kindly indicate the names of the shops where the wage paid to journeyman is as low as $2.75 or $3 per day?

Mr. BEIRNE. S. C. Brown. We have numbers on here, Mr. Chairman, that it would be just impossible for me to say what they pay.

Chairman WALSH. Any you can give specifically now that pay as low a wage as $2.75 or $3 a day?

Mr. BEIRNE. A shop by the name of K-a-i-n or C-a-i-n, I don't know which it is.

Chairman WALSH. How many employees do they have?

Mr. BEIRNE. Five or ten.

Chairman WALSH. And the other shops, how many employees do they have?

Mr. BEIRNE. They had four the last time I saw them.

Chairman WALSH. Any others that you have?

Mr. BEIRNE. So many shops don't employ anybody half the time, you know, and when they do they look for a junior, they want a junior plumber, a $3 man.

Chairman WALSH. Do you have any others in mind on your memorandum at this time?

Mr. BEIRNE. Sanitary Plumbing Co.

Chairman WALSH. How many employees?

Mr. BEIRNE. They run from 5 to 10 men.

Chairman WALSH. Any others?

Mr. BEIRNE. Don't pay the scale, S. C. Schilling; Sherwood & Pearson; M. E. Yonker; there are many others who don't pay the scale. It is a question I would not like to mention the names in public, I am not positive of. They, perhaps, are not hiring men.

Chairman WALSH. Very good. What is the source of your information as to those wages paid?

Mr. BEIRNE. I interview the men myself on the job.

Chairman WALSH. You get it from the men that are actually at work, do you?

Mr. BEIRNE. Yes, sir.

Chairman WALSH. Do you think that it is reasonably authentic, what they tell you?

Mr. BEIRNE. Yes, sir.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. I understand, Mr. Beirne, that the union wage scale for plumbers in Los Angeles is $4.50?

Mr. BEIRNE. Yes, sir.

Commissioner WEINSTOCK. And that the union wage scale in San Francisco is $6?

Mr. BEIRNE. Yes, sir.

Commissioner WEINSTOCK. Why does the union discriminate in favor of Los Angeles in its wage scale?

Mr. BEIRNE. In favor of Los Angeles?

Commissioner WEINSTOCK. Yes. Why does it allow Los Angeles to have a wage scale that is—why is the wage scale in San Francisco 33⅓ per cent higher than Los Angeles, with the cost of living substantially the same?

Mr. BEIRNE. I can cite an instance, and perhaps refer to a great many others. That is, I find here very frequently—in fact, an instance came to me just in the past week where a man came; he belonged to the union, he worked five or six months in a union shop, received union wages, loafed for one week, and from sheer necessity he was forced to go to work in a non-union shop. He visited me down at the office last Tuesday morning, and I told him to come back Tuesday night. Tuesday night I told him to come back this morning. He came back this morning and I gave him his answer, and that was that we would place a fine on him for going to work in the nonunion shop. The facts in the case were, after investigation, the man came here from a town in the Middle West, he brought his wife and family with him, and he went in to buying furniture here, and after he got here——

Commissioner WEINSTOCK. Pardon me for interrupting, but I don't think you got my question. I am not asking for an explanation of why the union wages in San Francisco are higher than the nonunion wages in Los Angeles. I am asking why the union wages of San Francisco are higher than the union wages of Los Angeles. Why is not the standard here $6 as it is in San Francisco, or why is not the scale $4.50 there as it is in Los Angeles? Why the differentiation?

Mr. BEIRNE. That is a long question, Mr. Weinstock, and that would take a long answer.

Commissioner WEINSTOCK. Briefly as you can, if you will.

Mr. BEIRNE. As I stated a while ago, after we had the rupture here with the employers some years ago, when it came up every man that was in town, and so many men coming to town here, as tourists will, that got into the plumbing business, they went to work, took jobs, young men in a good many instances; several of them started a shop, and consequently they had them here in this line now, and the number of master plumbers was approximately 200 men; 10 years ago we only had 60. But from the best information I can get there are about 200 master plumbing shops in Los Angeles. Those

men are here and they are going to stay. They will not leave, or I don't think they can leave, and they have brought their families here, and, as I said, owing to the climatic conditions, just as the instance I was citing to you where this man came here and bought some furniture and goods. He can not get work, and he is forced to go to work in the open shop. Since he has been laid off in the open shop.

Commissioner WEINSTOCK. You still have not answered the question in relation to the union itself. The union here fixes a $4.50 scale.

Mr. BEIRNE. Four dollars and a half.

Commissioner WEINSTOCK. And in San Francisco the union fixes a $6 scale. Why that difference?

Mr. BEIRNE. We have asked $5.50 here, and were refused.

Commissioner WEINSTOCK. That is the only explanation you have to offer?

Mr. BEIRNE. That is the only explanation; the surplus amount of labor and the surplus amount of shops, keen competition in the business. I figure this way: That is is impossible for the men employed in the plumbing business who are hiring union men to compete with the amount of men who are running shops and doing their own work.

Commissioner WEINSTOCK. Were you present when Mr. Haverty testified, and when Mr. Mooney testified a little while ago?

Mr. BEIRNE. Yes, sir.

Commissioner WEINSTOCK. Do you recall that Mr. Mooney's testimony was to this effect, speaking of his own individual experience——

Mr. BEIRNE. Yes.

Commissioner WEINSTOCK. That in San Francisco he was a union man and he was getting $4.50 a day and that in Los Angeles, I take it he was also a union man, and he was getting $3.50 a day?

Mr. BEIRNE. Yes.

Commissioner WEINSTOCK. That in San Francisco he gave all that he had to his employers, the highest efficiency; that in Los Angeles he soldiered, gave his employer just as little as he could, that he tried to get out of all that he could; that his employer tried to get all he could out of him; and because of the difference in wages. Do you think that is a common practice in Los Angeles, that the union works that way because of the difference in wages, that the men soldier on their job, and do as Mr. Mooney did, give the employer just as little as possible?

Mr. BEIRNE. I don't think it is general in the plumbing business, Mr. Weinstock, but I do think that the low scale of wages has kept the best class of mechanics away from Los Angeles.

Commissioner WEINSTOCK. You also heard the testimony, did you, of Mr. Haverty, who differed with Mr. Mooney, and said that his experience was that the plumbers gave him full efficiency? Would you be inclined to think that Mr. Haverty's statement was more nearly correct, so far as the plumbers are concerned?

Mr. BEIRNE. I say that plumbers, as a rule, do a day's work, as a rule, wherever they work. Of course, I would say, for myself individually, that if I go into a town that pays $6 a day I naturally feel more like working for $6 a day than I do for $4.50; when I get tired in the afternoon, about 3 o'clock, I haven't got the ambition to work if I am only getting $4.50 a day as I would for $6.

Commissioner WEINSTOCK. You are the secretary and business agent of the plumbers' union?

Mr. BEIRNE. Yes.

Commissioner WEINSTOCK. That brings you in touch with men generally, doesn't it?

Mr. BEIRNE. Yes.

Commissioner WEINSTOCK. Gives you an idea of their opinion on a great many labor questions?

Mr. BEIRNE. Yes.

Commissioner WEINSTOCK. What do you find to be the consensus of opinion among your fellow workers on the workmen's compensation act? How do they look upon it?

Mr. BEIRNE. They are all very well satisfied with it.

Commissioner WEINSTOCK. They look upon it as an advantage, do they?

Mr. BEIRNE. Yes, sir.

Commissioner WEINSTOCK. And they are satisfied with the way that it is operating?

Mr. BEIRNE. Yes, sir.

Commissioner WEINSTOCK. The way it has worked out?

Mr. BEIRNE. As far as I know they are in favor of it.

Chairman WALSH. That is all, unless there is something you have been asked—if you have anything in mind that you think would be of benefit to the commission we would be glad to have you state it.

Mr. BEIRNE. Yes. Mr. Chairman, I will say this, that in regard to—as to what was stated here by a previous witness—in regard to out-of-town contractors doing business here in town, I would state that they pay the scale of wages; that is, supposing they come from Frisco, where the scale is $6, I will state they pay the $6; that is, to a certain extent, they will send men here to take charge and as many men as they wish to take charge of that work, and probably a few that they will bring with them, hire men here in Los Angeles at the scale in Los Angeles, and vice versa. If a man gets a job here in Los Angeles, or Long Beach, or Pasadena, he is supposed to pay the $5 scale to men he hires there. Also in regard to the statement, the settlement of disputes. The journeymen plumbers' association at all times have an arbitration board, a conference board, ready at all times to settle any disputes which may arise, which hardly ever arise; we are down about as low as we can get. The plumbing business in Los Angeles is not to be compared at all to the plumbing business in other cities. The class of work is not as good, and as a general rule the men outside the journeymen's organization are not as efficient as the men in the journeymen's organization. It may be about 25 per cent.

I believe I have stated that the bosses, the employers, have been asked for a raise, about two years ago, and they refused us. That is about all I have to state.

Chairman WALSH. All right; thank you, Mr. Beirne.

Mr. BEIRNE. I will furnish a copy of our constitution and by-laws. Oh, yes; I have one thing; yes. And that is kind of significant. I have here two references, sent with a nonunion man from an eastern city to Los Angeles. It is significant that the references are to nonunion shops in town.

Chairman WALSH. Just give it to the stenographer, please.

Mr. BEIRNE. I will request that the names be not mentioned, Mr. Chairman.

Chairman WALSH (addressing stenographer). You will see that that request is complied with.

———, *April 24, 1913.*

———, *Los Angeles.*

The bearer of this, Mr. ———, is trying to better his conditions, and is therefore making a new location to settle in, and would naturally desire a position at his regular occupation, that of a hot water and steam fitter. He has worked for us quite a while and we always found him trustworthy and competent, a man that you can thoroughly rely upon. Any favor that you may be able to bestow upon him we are confident will be thankfully received by him and greatly appreciated by

Yours, most sincerely, ——— ———.

(The other recommendation above mentioned is a carbon copy of the one just set forth, directed to a different man.)

Chairman WALSH. That is all, Mr. Beirne; thank you.

(Booklets entitled "Book of Laws, United Association of Plumbers and Steam Fitters of United States and Canada," amended at Boston, Mass., August 18 and 25, 1913, and "Working Rules for Local No. 78, Journeymen Plumbers, Gas and Steam Fitters, and Steam Fitters' Helpers," were subsequently submitted in printed form.)

Mr. Butler.

TESTIMONY OF MR. L. W. BUTLER.

Chairman WALSH. What is your name?

Mr. BUTLER. L. W. Butler.

Chairman WALSH. What is your business?

Mr. BUTLER. Secretary-treasurer of the Central Labor Council.

Chairman WALSH. What is your trade or occupation?

Mr. BUTLER. I am a teamster.

Chairman WALSH. How long have you been occupying that position, your present position?

Mr. BUTLER. Since July, 1908.

Chairman WALSH. I wish you would begin and state all of the official connections that you have had with labor organizations in Los Angeles.

Mr. BUTLER. I joined the teamsters' union in 1901. I was elected delegate to the Central Labor Council in the latter part of 1901; was elected business agent of the teamsters' union two—was elected secretary-treasurer of the local union about a year after—I was elected business agent of the teamsters' union about two years after that. I was at one time, for a period of a year, vice president of the State Federation of Labor.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BUTLER. Thirty-eight and one-half years.

Chairman WALSH. I will not go back of that. You have been served with a list of questions, I believe?

Mr. BUTLER. Yes, sir, Mr. Chairman.

Chairman WALSH. And you have noticed the fact that we are trying not to duplicate, but I am going to run through them, nevertheless, and anything that you think needs amplification I wish you would be free to give it.

Mr. BUTLER. Yes, sir.

Chairman WALSH. Now, the extent to which employees in teaming and truck business are organized in Los Angeles.

Mr. BUTLER. About 10 per cent.

Chairman WALSH. Working conditions under open-shop policy as compared with union conditions as to wages and hours of labor?

Mr. BUTLER. Wages have been reduced since the disruption of the organization.

Chairman WALSH. To what extent?

Mr. BUTLER. To some considerable extent. The minimum scale of wages during the life of the organization, or the time that the organization dealt with the proprietors by contract, the minimum scale was two and a quarter. Men are being paid now as low as $9 a week.

Chairman WALSH. When was the union disrupted?

Mr. BUTLER. 1907.

Chairman WALSH. As to hours of labor.

Mr. BUTLER. The hours of labor are generally the same; that is, that the day is supposed to be the same as it was before the disruption of the organization. But we find in some cases, not all, that the pay for overtime has been done away with.

Chairman WALSH. Unless there is some particular reason applying to your craft I am not going to ask you these next as to the results of condition, the quality and quantity of work, unless there is some particular thing you want to bring out.

Mr. BUTLER. I just want to make a statement, Mr. Chairman.

Chairman WALSH. Very good.

Mr. BUTLER. From the men themselves, that during the time of the organization, dealing with the employer, the quantity and quality of the work done by the members of our organization was better than that at the present time. That is, they did more and better work—did a better class of work.

Chairman WALSH. Have you in mind any specific instances of blacklisting on the part of employers, or any other discrimination?

Mr. BUTLER. Yes, sir. Mr. Chairman, I desire to say that I have had, in my capacity as secretary of the Central Labor Council—I have had perhaps 100 or more instances of blacklisting. I will file with this commission before they are through a number of affidavits bearing out my statement upon that.

Chairman WALSH. Very well. Now, do you know of any instances of coercion of employers by other employers either to prevent signing agreements or to secure the maintenance of the open-shop policy?

Mr. BUTLER. Mr. Chairman, I could better answer that question by giving you as briefly as I can a history of our organization.

Chairman WALSH. Very good.

Mr. BUTLER. As I stated at first, the organization was formed in November, 1900. About the 1st of May in 1901 the organization signed contracts with the four large teaming companies, truck companies, in this city. At that time that was practically all of the teaming concerns in the city; that is, truck companies. At the time that the contract was originally signed the conditions that existed there were terrible. The men got $1.75 a day, and the men worked as long as the company was inclined to keep them. Usually the hours were from 5 o'clock in the morning until 6 o'clock at night, and perhaps if you came

in and there was a load on you had to take that out. You came in, and if there was a show on you had to work until 3 and 4 o'clock in the morning without receiving any pay. We signed an agreement with the members of the draymen's association as individual concerns, calling for an increase in wages, limiting the hours to 11 hours in 12, and finally after signing the contract for a number of years were able to cut out all of our Sunday work and the cleaning of harness and so on, and got paid for overtime, and gradually improved the working conditions of the men employed. That takes us along to the year 1907.

The organization had been in the habit of presenting to the employers about 30 days before the expiration of the old contract, a new contract. This was carried out in all instances. We did this year. I want to state before this, Mr. Chairman, perhaps I got a little ahead of my story, that I was at that time business agent of the organization. I had talked with the men, the proprietors of the truck companies, and they eternally asked me this question: "Butler, where can we get some good men?" I says, "I don't know; we are doing the best that we can." He says, "Well, I will give you a standing order for 25 men, and you get me good men." It was almost impossible at that time to get men to work 11 hours a day for the scale of wages paid by the companies. I told them that. I said, "It is almost impossible, gentlemen, to get the kind of men you want for the amount of wages you are willing to pay and the number of hours the men are compelled to work." They said, "We can't raise the pay of the men without we get an increase in the price of hauling." They said, "We can't increase the price of hauling on account of the fact that there are two companies here that are not members of the draymen's association."

We discussed the matter pro and con. In the meantime the organization had signed agreements with the two companies which were not members of the draymen's association. I told them this. I believed the men were entitled to more pay and if the companies were not receiving the amount that they should for their hauling I felt sure the organization would do whatever it possibly could to assist them in that line in order that the men might receive just compensation. I went to the two companies and persuaded them to join the draymen's association, believing it would help the men in the business. They went into the organization, and we in turn presented them with the agreement the same as we had to the other companies. The draymen's association went ahead and raised the prices in hauling in some instances as high as 10 cents a ton. We talked the matter over of raising wages, and they all agreed that the men were entitled to more wages. On the night of April 30 I visited the office of the truck companies and asked the people in charge what had been done on the contract with the organization. In every instance I was told that the contract was absolutely satisfactory—there was no trouble about the contract. I came down out of the office of the Sunset Truck Co. on Market Street and was met by one of our boys, one of the members of the organization, on a wheel, and he asked me to come in the barn of the Pioneer Truck Co. I went down there and on the front of the barn was posted a notice that on and after May 1, this will be run as an open shop, and increasing the wages 25 cents a day. I found it at a number of the barns, practically the same conditions prevailed at practically every barn in the city. I found a number of police officers there already. The president of the organization, who was working for another company at that time, called a special meeting of the union for that night. We went there and we discussed the matter pro and con. The officers of the organization endeavored to keep the men in touch; that is, not to allow them to go out on strike until we had an opportunity of discussing the matter with the truck companies. This we were unable to do, and by a secret vote the men voted to go out on strike, claiming that the gauntlet had been thrown down and that they had been practically locked out.

The fight went on. The next morning I visited, in company with a committee from the organization, the Pioneer Truck Co.'s barn, and there I found a large number of men who, I found in some instances afterwards, were brought in to take out the teams—negroes and Russians and Mexicans, and anything it was possible to get. I met Mr. Fuller and asked Mr. Fuller if it was not possible to adjust the difficulty. He said he was willing to talk it over, and we did. We talked it over with some of the rest of the proprietors of the companies, I think in fact all of them, but we were not able to get to an understanding. The fight went on for about four days, and one morning, I think about May 5, or perhaps it was the 6th, the committee decided that it perhaps would be a good policy to visit the local [illegible] house, where a great many

of our members had been working for, and enlist their services, or endeavor to, in the settlement of the controversy. We visited R. L. Craig first. Then we went to Mr. Hass, and from there to Mr. F. W. Braun, and Mr. Braun suggested we visit Mr. Boynton, which we did.

Mr. Boynton suggested that we meet with the executive board of the jobbers' association. I told him we would be very glad to meet with anybody who we thought could perhaps settle the difficulty. We visited the jobbers' association, and mind you the date, this was on May 5 or 6. We visited the jobbers' association and after the meeting, after we had presented our case, after we met with the executive board of the association, we received this reply:

"STATEMENT BY THE JOBBERS' ASSOCIATION—1907.

"At its meeting of April 22, the jobbers' association passed by unanimous vote a resolution urging the truck companies to discontinue their practice of contracting each year for their labor with the teamsters' union, and to run hereafter an open shop. The members present at the meeting, 30 in number, agreed to stand together and to stand by the truck companies on the open-shop issue. Subsequently the resolution was signed by practically all the remaining members of the association, also by many other large houses, wholesale and retail, these, together with our membership, constituting about 90 per cent of the shipping interests of the city.

"While the contest therefore appears on its face to be between the teamsters' union and the truck companies, the latter one acting on the request and with the support of the great body of the mercantile interests of the city.

"To such a contest there can be but one outcome possible, we believe that the people of this city will uphold the right of a man to get work irrespective of whether he belongs to a union or not, and on that conviction we take our stand.

"On the evening of the 20th of April the truck companies posted a notice announcing that they would employ men without regard to their membership in any union at advanced wages of 25 cents a day.

"The issue involved is not at all one of wages, for the demand of the men for 50 cents a day additional and the offer of the companies of 25 cents are not so far apart as to be impossible of adjustment. Neither is the issue one of hours of work, as both parties are agreed that the present day should stand. Nor are any of the other points, such as the pay of helpers, charge for overtime, and for harness cleaning, etc., matters of serious moment. All of these could be readily arranged if the main issue were out of the way. What is the main issue? From our point of view it involves the industrial freedom of a great and important business and labor interest—the carrying trade of the city.

"We demand that any honest, able-bodied, and capable man who desires to serve the company as a teamster be allowed to work, irrespective of whether he is a union man or not.

"We are contending for the principle of the open shop, which we believe is essential to the free development of this city, and we hold that there is no line of trade or employment where absolute union control and domination is more dangerous than in the carrying trade, as is evidenced by the experience of other cities. The matter may just as well be fought here now one time as another.

"We regret that this matter came to a head just at fiesta time, but that was due to the fact that the contract was drawn to expire May 1, and an answer from the truck companies as to whether they would continue to employ none but union men was due on that exact date."

I just want to deviate here a little bit and say that the contract that the teamsters' union worked under with the draymen's association provided that any man had a right to go to work for a company and to be employed two weeks before he should join the union. If he was competent and satisfactory to the employer he was taken into the organization, and I know of but very few exceptions. This is what we got at the meeting of the jobbers' association. About the next day the committee was going up Los Angeles Street and in front of M. A. Newmarter's wholesale store, we met Mr. O. R. Fuller, who was a member of the draymen's association. We said, "Good morning," and walked up to the corner, and Mr. Fuller came after us and stopped us. He wanted to know how we were getting along, and we said fine. We asked him in turn how he was getting along. He said—I can't use the term here—he says, "I am not

getting along, I am getting it slipped to me both ways. I am in the jam." I said, "Mr. Fuller, you know you had no trouble with the organization, you have been treated fairly, why not sit down with the organization and adjust the differences?" He said, "I can't; I am in too far." He says, "I tell you what I wish you would do. I will be at the rooms of the merchants and manufacturers' association at a given time." I think he said 2 o'clock in the afternoon. "I wish you would ring up and ask for a conference."

I talked it over with the committee and we agreed to do it. We called up the office, I don't know whether Mr. Zeehandelaar answered the telephone or not; anyway, we made an appointment. We kept the appointment. We went in and met the executive board of the merchants and manufacturers' association, and on this executive board we met quite a number of the men who were on the executive board of the jobbers' association, and we discussed the matter with them. Mr. Fuller arose. He stated that he had been treated fairly by the organization; that he had no fight with the organization; that he had been given due consideration at all times. And we in turn asked the merchants and manufacturers' association through the executive board to take their hand out of the matter and allow us to settle our difficulty with our employers. We were asked to step out into the anteroom, which we did. When we came back they told us that they would not take their hand out of it, but if the strike would be called off the men would be given an increase of 25 cents a day in pay and there would be no discrimination against the men. This has not been true. The strike was called off, not because of the suggested proposition of the merchants and manufacturers' association, but because of certain conditions in the organization, and from that day, 1907, until this day there have been discriminations against members of the teamsters' union. To my mind it shows very clearly—I want to say further that in conversation with some of the members of the draymen's association we were told—for instance, one company wouldn't put on any strike breakers, and they were told after about the fourth or fifth day that if they didn't put on strike breakers they would simply take their business away and give it to another company who would put on strike breakers, and the man who told us that cried when he told us. He said, "I might just as well go down and light a match to my barn and tell it good-by." That to my mind in a general way shows the coercion.

Chairman WALSH. What has been your observation of the use of the power and authority of the local government and courts in industrial disputes?

Mr. BUTLER. Mr. Chairman, the secretary of the merchants and manufacturers' association during his testimony admitted that they did use the power of the police and sheriff's office.

Chairman WALSH. Have you anything to add to what he said about it?

Mr. BUTLER. I think his admission on that point is sufficient, except I would add this, that I can't understand why, if the merchants and manufacturers' association is allowed and given the privilege of using the police force and the sheriff's office, why they should be allowed to pay for the deputy sheriffs. I think that is the duty of the county. If the law is being violated then the county ought to pay for it.

Chairman WALSH. How did you find that these deputies worked? How did it work out with reference to their coalition?

Mr. BUTLER. Do you mean particularly, Mr. Chairman, to the teamsters' strike?

Chairman WALSH. I would confine it to that in your testimony.

Mr. BUTLER. I would say we had quite a little trouble with the deputies. A great many of them were abusive. We not only found the deputies abusive, but we found the men who were imported in here to take our jobs abusive, and carrying guns.

Chairman WALSH. Any assaults?

Mr. BUTLER. Not that I know of.

Chairman WALSH. Was there any violence in the teamsters' strike?

Mr. BUTLER. None that I know of.

Chairman WALSH. No arrests for assaults?

Mr. BUTLER. I believe not.

Chairman WALSH. What is the open-shop policy in Los Angeles—how has it turned out now so far as the community is concerned, in your opinion? First, as to the establishment and maintenance of a high standard of living for all classes?

Mr. BUTLER. I believe that the standard of living for all classes by the establishment of the open-shop policy has been reduced.

Chairman WALSH. As to the assurance of regularity of work and decrease in unemployment?

Mr. BUTLER. I think that the statistics, Mr. Chairman, will show that the unemployment situation has increased rather than decreased.

Chairman WALSH. Do you think that is true comparing it with other communities where that policy does not exist?

Mr. BUTLER. I didn't quite catch the question.

Chairman WALSH. Have you compared it with other communities in which there was no such policy?

Mr. BUTLER. I think that under the open-shop policy that the employment is not so stable. My experience with the organization has been this, that in signing a contract with a great many organizations they allow or provide that when slack times come that the men shall be laid off in rotation. In other words, that the work shall be divided equally among the employees in the shop. Thereby one man gets one week, and the others have three weeks, and not all be thrown on the street on public charity.

Chairman WALSH. Did your organization ever try to enforce any such practice?

Mr. BUTLER. Our organization never got to that point.

Chairman WALSH. As the result of your experience in this labor field, have you any constructive suggestion that you could make to the commission for removing friction between employer and employee?

Mr. BUTLER. I believe that the proper thing to do is organize first. Then bargaining between employer and employees as a group, and then arbitration.

Chairman WALSH. That is, arbitration by a body created by the State or Nation, or voluntary arbitration entered into by contract between employer and employee?

Mr. BUTLER. I would prefer voluntary arbitration.

Chairman WALSH. That is your preference?

Mr. BUTLER. Yes, sir.

Chairman WALSH. That answers the question. What suggestion would you make for insuring that improvement in wages and working conditions might keep pace with the improvement in general economic conditions?

Mr. BUTLER. To my mind the only thing that can assure an increase in the working conditions with the increased cost of living, and so forth and so on, is a thorough organization of the workers. A strong economic organization. Without that no law, no nothing, is no good. It is not possible.

Chairman WALSH. Have you any further suggestions to make for the protection of the civil and industrial rights of all classes?

Mr. BUTLER. During——

Chairman WALSH. You have referred to it now, what your experience was with the employer or individual paid by employers to act as deputy sheriffs and the police force. Now, what means would you adopt, if you think that is wrong, to eliminate it?

Mr. BUTLER. Well, I don't believe that the merchants and manufacturers' association or any other association has a right to use the police department or any other function of the public government when the law is being violated.

Chairman WALSH. Mr. Garretson says, Has the private individual or corporation a right to do that, even if the law is being violated?

Mr. BUTLER. I don't believe so.

Chairman WALSH. Your idea is that that is a function of the Government alone?

Mr. BUTLER. Yes, sir.

Chairman WALSH. Exclusively?

Mr. BUTLER. Yes, sir.

Chairman WALSH. What suggestion do you have, if any, looking toward the prevention of that thing, if it is wrong?

Mr. BUTLER. Well, the thing, Mr. Chairman, goes back to a question, to my mind, of the power that the working people have; that is, the classes have. If one side is able to handle the Government and the other side is not, why then you probably get power on one side or the other.

Chairman WALSH. Commissioner Weinstock has some questions to ask you.

Commissioner WEINSTOCK. You heard the objections raised on the witness stand by a number of nonunion employers against dealing with and recognizing organized labor?

Mr. BUTLER. Some of them, Mr. Weinstock.

Commissioner WEINSTOCK. And, of course, there have been nonunion employers in other cities who have likewise raised objections to organizations and dealing with organized labor.

Mr. BUTLER. Yes, sir.

Commissioner WEINSTOCK. I have summed them up briefly to the fewest possible number, and I will ask you, Mr. Butler, as one who has held various official positions in the union, and one who is grounded in union doctrines, to give the commission the benefit of your knowledge in answering these objections. Let me review them hurriedly.

Mr. BUTLER. Yes, sir.

Commissioner WEINSTOCK. First, that unions are financially irresponsible; that therefore there is no way of enforcing any contract that might be entered into with them. Second, that as a rule they stand for limited output; third, that their activities are to rob the nonunion worker of the right to work and to live; fourth, that they resort to violence in labor troubles; fifth, that certain union representatives are grafters and resort to blackmailing and grafting on the employers. Now, those are briefly the chief objections that have been raised by nonunion employers to dealing with and recognizing unions; and I would be glad to take them up with you seriatim and get your answers.

Mr. BUTLER. I would be glad to give you my views.

Commissioner WEINSTOCK. The first objection is that of the financial irresponsibility of the union.

Mr. BUTLER. I want to say this in answer to that, that in my connection with the labor movement I have never seen a contract violated—never have.

Commissioner WEINSTOCK. That is, as far as the local condition is concerned?

Mr. BUTLER. As far as the local situation is concerned.

Commissioner WEINSTOCK. Your answer to that question is that locally there have been no violations of contracts?

Mr. BUTLER. Not to my knowledge.

Commissioner WEINSTOCK. Despite the fact that the unions are financially irresponsible in the eyes of the law; that is, they are not incorporated?

Mr. BUTLER. Yes, sir.

Commissioner WEINSTOCK. What is your answer to the objection that unionism stands for limited output?

Mr. BUTLER. I, of course, can not state for any other trade except my own in that. I might say that I thought I made it plain just a few minutes ago that during the time I was employed as a teamster we put out more than than they are putting out now in the same number of hours.

Commissioner WEINSTOCK. Are you at all familiar with conditions in other crafts locally?

Mr. BUTLER. Not to any great extent, Mr. Weinstock.

Commissioner WEINSTOCK. You could not answer that then?

Mr. BUTLER. I could not answer from a general standpoint.

Commissioner WEINSTOCK. What about the objection raised to unionism that you yourself read from this document a few minutes ago, sent to you by the jobbers' association, that unionism or the closed shop means the robbing of the nonunion man of the right to work and live?

Mr. BUTLER. Under the conditions that existed under our contract the nonunion man had the right to come to work, and if competent and satisfactory to the employer, he became a member of the organization.

Commissioner WEINSTOCK. That is, you didn't attempt to establish a monopoly?

Mr. BUTLER. No, sir; the company had a perfect right to employ and discharge any man.

Commissioner WEINSTOCK. As secretary of the council and from your knowledge of conditions, how does that apply to the other crafts?

Mr. BUTLER. I think that holds good perhaps with one or two exceptions.

Commissioner WEINSTOCK. What is the maximum initiation fee charged by any organization in Los Angeles?

Mr. BUTLER. Fifty dollars.

Commissioner WEINSTOCK. What union is that?

Mr. BUTLER. The musicians.

Commissioner WEINSTOCK. What is the fee charged in the building trades?

Mr. BUTLER. I will tell you what I can do; I can file with you a list of the initiation fees.

Commissioner WEINSTOCK. I would be glad to have that in all the crafts you are able to get it.

Mr. BUTLER. Yes, sir.

Commissioner WEINSTOCK. As far as you know the highest is $50, and that is the musicians' union?

Mr. BUTLER. Yes, sir.

Commissioner WEINSTOCK. What is it in the teamsters' union?

Mr. BUTLER. Two dollars.

(See Butler exhibit.)

Commissioner WEINSTOCK. What is there in the charge that violence is caused by labor unions in case of labor troubles?

Mr. BUTLER. I believe most of the violence is caused by the other side by the employing of deputies, who incite trouble. I believe it has been the policy of the organization in Los Angeles to counsel no violence with their members; to advise them at all times to be peaceful.

Commissioner WEINSTOCK. Has any violence happened in your particular craft?

Mr. BUTLER. No, sir.

Commissioner WEINSTOCK. None whatever?

Mr. BUTLER. Not locally.

Commissioner WEINSTOCK. What is the answer to the charge of grafting by some officials of unions?

Mr. BUTLER. I don't believe labor officials can be any more accused of graft than would apply to any other branch of business. It is just as easy for any association to pick up a bad one—it is just as easy for an organization to pick up somebody who is bad as perhaps some other association, perhaps easier, because a man might be working in the trade and get in easily.

Commissioner WEINSTOCK. Has there been any instance to your knowledge locally, where officials accused of grafting have been expelled?

Mr. BUTLER. None to my knowledge. Have been expelled for graft?

Commissioner WEINSTOCK. Have been expelled for graft.

Mr. BUTLER. There have been instances where members of the labor council were removed from office on account of the use of their official title, not connected with the council. I could not say that would be a case of graft. It was a case of where they used the official title of the council against the desire of the council. They were removed from office.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Any other questions?

Commissioner WEINSTOCK. Just a minute. What is the attitude of the craftsmen in your council towards the workmen's compensation act?

Mr. BUTLER. We believe the workmen's compensation act is one of the best acts ever put upon the statute book of California. We believe some improvements could be made, but as it is, it is fine for a start.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask a question or two.

Commissioner GARRETSON. In regard to financial responsibility of unions, isn't it a fact that any man that talks about financial responsibility of unions is perfectly aware of the fact that neither a union nor anybody else can compel a man to work against his will?

Mr. BUTLER. Absolutely so.

Commissioner GARRETSON. And that the man who dwells on it, knows that it is beyond the power of the union to make him work if he don't want to?

Mr. BUTLER. That is my belief.

Commissioner GARRETSON. In regard to graft. I assume you have been dealing for a good many years with unions, and consequently with business men in one pursuit and another?

Mr. BUTLER. Yes, sir.

Commissioner GARRETSON. Have all the bankers and business men of your acquaintance lived—not died—lived in the odor of sanctity?

Mr. BUTLER. Not all of them; no, sir.

Commissioner GARRETSON. Have you ever heard of a business organization expelling a man for improper practices unless he owed the majority of them?

Mr. BUTLER. I certainly have not.

Commissioner GARRETSON. Is that one of the deadly offenses?

Mr. BUTLER. Not to my mind.

Commissioner GARRETSON. I mean among business men.

Mr. BUTLER. Sir?

Commissioner GARRETSON. If he owed them, then they might discipline him—the other members of his association—a business man's association?

Mr. BUTLER. Well, I don't hardly think so.

Commissioner GARRETSON. I guess you didn't get the idea. In an association of business men have you ever known them to expel one of their members?

Mr. BUTLER. No, sir.

Commissioner GARRETSON. Wait a minute. For dealing unfairly with his employees?

Mr. BUTLER. No, sir; absolutely not.

Commissioner GARRETSON. Did you ever know them to expel one of their members when he dealt unfairly with the members of his organization of business men?

Mr. BUTLER. I can not say that I did.

Commissioner GARRETSON. Have you ever heard of an instance where an association of employers, no matter what their name may be for it—their names are myriad—claim the mission of defending the American workman and his heaven-born privilege until it paid to defend them?

Mr. BUTLER. No, sir; I have not.

Commissioner GARRETSON. It has its origin in revenue?

Mr. BUTLER. To my mind absolutely, and that is the only thing.

Commissioner GARRETSON. That is all; thank you.

Chairman WALSH. At this point we will adjourn until to-morrow morning at 10 o'clock.

(Whereupon, at 4.25 o'clock p. m. on this, Thursday, the 10th day of September, 1914, an adjournment was taken until Friday, September 11, 1914, at 10 o'clock a. m.)

LOS ANGELES, CAL., *Friday, September 11, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Garretson, and Commons. Basil M. Manly.

Chairman WALSH. The commission will please be in order.

Mr. Fuller—Mr. O. B. Fuller. Mr. Bonfilio.

TESTIMONY OF MR. N. BONFILIO.

Chairman WALSH. What is your name, please?

Mr. BONFILIO. N. Bonfilio.

Chairman WALSH. What is your business?

Mr. BONFILIO. Laundry business.

Chairman WALSH. Mr. Bonfilio, will you please pitch your voice as high as possible? It is very difficult to hear in this room, and the audience would like to hear what you have to say. Keep your voice up as much as possible.

Mr. BONFILIO. All right.

Chairman WALSH. Where do you live?

Mr. BONFILIO. Figueroa, 209 South Figueroa.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. BONFILIO. Thirty years.

Chairman WALSH. What is your business, please?

Mr. BONFILIO. Laundry business.

Chairman WALSH. How long have you been in the laundry business in Los Angeles?

Mr. BONFILIO. Nearly 30 years.

Chairman WALSH. Thirty years?

Mr. BONFILIO. Yes.

Chairman WALSH. Now, do you belong to any organizations that have to do with your own industry?

Mr. BONFILIO. I do.

Chairman WALSH. What are they, please?

Mr. BONFILIO. It is a laundry club; the Southern California Laundry Club.

Chairman WALSH. The what?

Mr. BONFILIO. Southern California Laundry Association.

Chairman WALSH. Anything else?

Mr. BONFILIO. No, sir.

Chairman WALSH. What are the aims and objects of the Southern California Laundry Association?

Mr. BONFILIO. Mostly to protect ourselves from dead beats.

Chairman WALSH. Does it have anything to do with the fixing of prices of your product or of the wages paid to your employees?

Mr. BONFILIO. No, sir.

Chairman WALSH. Is there any organization in your laundry—any labor organization?

Mr. BONFILIO. Not that I know of.

Chairman WALSH. Do you run a union, nonunion, or an open shop?

Mr. BONFILIO. Open shop.

Chairman WALSH. And do you mean by that you do or do not employ members of labor organizations?

Mr. BONFILIO. I never ask them that question.

Chairman WALSH. You absolutely practice no discrimination then, is that correct?

Mr. BONFILIO. I don't unless they commence to make trouble in my plant.

Chairman WALSH. Unless what?

Mr. BONFILIO. Unless they commence to make trouble and talk unionism and disturb the running of the plant.

Chairman WALSH. Do I understand, then, if an employee talks union business in your shop, he or she is discharged?

Mr. BONFILIO. No, sir; I warn them that I don't want any disturbance about the place.

Chairman WALSH. How many employees have you?

Mr. BONFILIO. I have about 180 altogether.

Chairman WALSH. How many men and how many women?

Mr. BONFILIO. I will have to refer to my list.

Chairman WALSH. Thank you.

Mr. BONFILIO. I have 109 females, and the balance are males.

Chairman WALSH. I wish you would tell me the wages paid to the different classes of employees in your service.

Mr. BONFILIO. You wish the segregation of the different wages?

Chairman WALSH. If you please.

Mr. BONFILIO. Well, I have 10 young girls, who live with their families, at $7 per week.

Chairman WALSH. Ten at $7 per week?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. Is that the lowest wage you pay?

Mr. BONFILIO. I have no employee in the plant that gets less than that.

Chairman WALSH. What do these girls do that get $7 a week?

Mr. BONFILIO. Mostly on the shaking table. Mostly they are foreigners.

Chairman WALSH. You say they most all live with their families?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. Do you inquire about that before you employ them?

Mr. BONFILIO. Not before I employ them.

Chairman WALSH. At the time you employ them?

Mr. BONFILIO. We aim to.

Chairman WALSH. Who employs your help?

Mr. BONFILIO. My foreman.

Chairman WALSH. Do you have any supervision over that yourself?

Mr. BONFILIO. Not personally.

Chairman WALSH. Have you any personal knowledge of it, as to the social status of these girls?

Mr. BONFILIO. I do not.

Chairman WALSH. You leave that to the foreman?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. You may go ahead now, if you please.

Mr. BONFILIO. Then we have six at $7.50.

Chairman WALSH. You have how many?

Mr. BONFILIO. Six. We have thirty-five at $8, fourteen at $9, two at $10, five at $11, twelve at $12, one at $13, four getting over $14; that is, one at $14, one at $15, one at $18, and one at $21.

Chairman WALSH. Does that take in all of them?

Mr. BONFILIO. That takes in the number; yes, sir.

Chairman WALSH. Takes in the present force?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. Now, what hours do these people work?

Mr. BONFILIO. Eight hours for females, and nine hours for the males.

Chairman WALSH. How many males have you?

Mr. BONFILIO. I don't seem to have that. I will have to ask your permission to find out from the office. They evidently left that off.

Chairman WALSH. From your office?
Mr. BONFILIO. Yes, sir.
Chairman WALSH. Could you tell me approximately how many you have?
Mr. BONFILIO. Yes, sir; it seems to be 56 here from this list.
Chairman WALSH. Fifty-six men?
Mr. BONFILIO. Yes, sir.
Chairman WALSH. What are their occupations generally?
Mr. BONFILIO. Well, they are collectors on the routes, and do the marking on the clothes and checking them off of the list, and in the wash room.
Chairman WALSH. Please sketch us the pay that these men receive in the various classes.
Mr. BONFILIO. Now, the markers and sorters, they get from $15 to $25 per week, except the apprentices, where we would take boys and start them at about $10.
Chairman WALSH. What is the lowest wage you pay any man in your laundry?
Mr. BONFILIO. The lowest wage we pay—we have two boys which we pay $6 and one $8.
Chairman WALSH. What is the next lowest?
Mr. BONFILIO. Eleven dollars.
Chairman WALSH. How many at that?
Mr. BONFILIO. Two.
Chairman WALSH. Just go right up the scale, please.
Mr. BONFILIO. Two at $12, two at $13, four at $14, four at $15, three at $16, five at $17, five at $18, two at $20, one at $22, one at $24, two at $25, one at $40, nineteen at $27, making an average of $19.70 per week.
Chairman WALSH. What would the man do that gets $40?
Mr. BONFILIO. He is my superintendent.
Chairman WALSH. And goes in between the $14, $16, and $18 man?
Mr. BONFILIO. They are working in different departments.
Chairman WALSH. What do the collectors get?
Mr. BONFILIO. The collectors get $27 per week.
Chairman WALSH. Is any of your work done on commission?
Mr. BONFILIO. No, sir.
Chairman WALSH. What do your drivers get?
Mr. BONFILIO. Those are the collectors.
Chairman WALSH. Do you call them collectors?
Mr. BONFILIO. Yes.
Chairman WALSH. Has the laundrymen's association taken any action on the question of minimum wage?
Mr. BONFILIO. They have.
Chairman WALSH. What is a fair living wage for a woman engaged in an industry of that kind in Los Angeles to maintain herself in respectability and comfort?
Mr. BONFILIO. Really I don't know. There are so many standards set for living. It all depends on whether she lives at home or whether she lives by herself.
Chairman WALSH. A girl who is compelled to make her own living, what would you say is the minimum wage?
Mr. BONFILIO. Well, I should hate to say any less than $8.
Chairman WALSH. Not less than $8?
Mr. BONFILIO. Yes.
Chairman WALSH. I wish you would please define how the girl would live on $8, what are the constituents that go to make up that wage?
Mr. BONFILIO. I should think $4 a week for board, or $4.50, and 75 cents laundry, and the balance for clothes.
Chairman WALSH. How much for clothing?
Mr. BONFILIO. Well, it is hard to say, I am not competent to say that.
Chairman WALSH. Well, you have made a study of it, haven't you?
Mr. BONFILIO. No——
Chairman WALSH. You have observed how your girls live?
Mr. BONFILIO. Yes.
Chairman WALSH. Do you take into consideration whether they live at home or not?
Mr. BONFILIO. Yes.
Chairman WALSH. Well, now couldn't you tell us what it would cost, from your observation, a girl to live, such as you have working in your place?

Mr. BONFILIO. I have girls who have been working for me—been with me for years—and they have always been in debt getting $10 a week. Others are better, some of the girls I mentioned only get $9 a week.

Chairman WALSH. What would it cost in a case of that kind?

Mr. BONFILIO. Well, I can't answer that question.

Chairman WALSH. It is impossible for you to figure it out?

Mr. BONFILIO. May I tell my reasons?

Chairman WALSH. Yes; please do, Mr. Bonfilio.

Mr. BONFILIO. I have one of my employees who lately had her wages attached. She bought a dress for $42 on the installment plan.

Chairman WALSH. Yes.

Mr. BONFILIO. And I had to advance her wages in order to pay this bill. Well, I think that that is not——

Chairman WALSH. No; that seems unwise. But what I am trying to get at is the minimum standard. Take a girl that lived on the very lowest she could, and coming from the class of girls that you employ for your cheap work, which you say would be $8 per week, and if she acted discreetly and wisely, did her very best, what would she have to pay for clothing, if you know?

Mr. BONFILIO. Well——

Chairman WALSH. If you can't define it I don't wish to press it.

Mr. BONFILIO. I am not competent to say.

Chairman WALSH. Very good. You say that your association has not taken any action on minimum wage?

Mr. BONFILIO. We had a meeting in which one of your commissioners was present and gave us some enlightenment about the work, and we haven't discussed that phase of the question.

Chairman WALSH. Has any person in your industry undertaken to figure definitely what it costs a woman to live?

Mr. BONFILIO. No, sir.

Chairman WALSH. Placed entirely upon her own resources.

Mr. BONFILIO. We haven't.

Chairman WALSH. You haven't?

Mr. BONFILIO. Not to my knowledge.

Chairman WALSH. Now, do you know the wages that are paid to union laundry workers in this State elsewhere? Is there any organization of them here at all?

Mr. BONFILIO. No, sir. But I have the papers here, demands that were made on me by the laundry workers' union some years ago.

Chairman WALSH. What are the demands, please?

Mr. BONFILIO. With regard to wages?

Chairman WALSH. Yes.

Mr. BONFILIO. I can give you the wages demanded, and I can tell you at the same time what we are paying at the present time in my own plant.

Chairman WALSH. Very good. Do that.

Mr. BONFILIO. Mangle girls, $8 per week.

Chairman WALSH. How is that?

Mr. BONFILIO. Mangle girls, $8 per week.

Chairman WALSH. And what do you pay?

Mr. BONFILIO. We are paying $7.50 and $8.

Chairman WALSH. To how many do you pay $7.50?

Mr. BONFILIO. Beg your pardon. This is $6.

Chairman WALSH. The demand is $6?

Mr. BONFILIO. That is the head mangle girl, $8 per week; that is what we are paying now.

Chairman WALSH. Yes.

Mr. BONFILIO. Then it says mangle girls, experienced, $7. I am paying $7.50 and $8 per week. Mangle apprentices, $5. I am now paying $7, which is the lowest wage. Head plain work, male or female, $15.

Commissioner COMMONS. What is that item?

Mr. BONFILIO. The head plain work, male or female, $15. I am paying, I believe, $17.50. Man shakers, $7. I have no man shakers at all; all others, $5. The minimum wage we pay in our place is $7; polishers, $15.50. Now, this is a position that is not used at the present on account of the changes in machines. We have what we call now press girls. Shirt band or neck band, $7.50; we are paying $9. Yoke machine, $7.50; we are paying $9. Sleeve machine, $7.50; we are paying $9. Wristband, $7.50; we are paying $9. Shirt-

body troner, $7.50; we are paying $9. Flannel body, $7.50; those are working on piecework in our plant.

Chairman WALSH. Please speak a little louder, Mr. Bonfillo.

Mr. BONFILIO. Very well.

Chairman WALSH. It is difficult to hear you.

Mr. BONFILIO. Starch-body ironers, $9; they work on piecework.

Chairman WALSH. How is that?

Mr. BONFILIO. They work on piecework in our place.

Chairman WALSH. A little louder. You can make it.

Mr. BONFILIO. Yes, sir. Finishers, $12; that is our rate.

Chairman WALSH. That is better. Go ahead.

Mr. BONFILIO. Shirt starchers—head shirt starchers, $13.50; I am paying $14. Shirt dampeners, $6; I am paying $9. Collar girls, starcher or ironer, $7.50; they start at $8 and they get $9 and $10, according to their ability. Head collar girl, $10; I am paying $14. Apprentices on collars, $5; we start them at $7. Starchers on ladies' work, $6; I am paying one $10, and one $11. Shirt dippers, $7.50; I am paying $8. Stock-work ironer, male or female, $15; I have one at $17 and one at $18. Hand ironer, first class, second class, and apprentices, they have them $9, $7.50, and $6.

Chairman WALSH. You have dropped your voice again. I can hardly hear you, Mr. Bonfillo. A little louder.

Mr. BONFILIO. Head ironer, first class, $9. They are working on piecework for us, all classes, and the average wages is $12 per week.

Chairman WALSH. And your average is what?

Mr. BONFILIO. The average wage in our place is $12 per week.

Chairman WALSH. Did you figure out what their average would be? No, I guess you didn't; so I will not ask you that.

Mr. BONFILIO. No, sir. I think it would be about $7.50.

Chairman WALSH. It is much lower than yours?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. When was that scale offered you?

Mr. BONFILIO. This is several years ago.

Chairman WALSH. Well, at that time were you paying the same relative wages that you are paying now?

Mr. BONFILIO. I was paying better wages than the schedule demanded.

Chairman WALSH. Well, then, why did you not accept their schedule?

Mr. BONFILIO. Well, I was willing until they told me that I should not employ nothing but union people and that I had to go to the union headquarters whenever I needed help. There was where I objected.

Chairman WALSH. That was your only reason?

Mr. BONFILIO. My only reason.

Chairman WALSH. Now, you say that the women work eight hours a day, and the men how many hours?

Mr. BONFILIO. Nine hours.

Chairman WALSH. Nine hours a day. Now, why is that difference?

Mr. BONFILIO. Well, because when the eight-hour laws were passed we had not enough machinery to turn out the work, and it would have necessitated my moving out of my plant and going to another place.

Chairman WALSH. Did you want to ask any questions of Mr. Bonfillo, Mr. Garretson?

Commissioner GARRETSON. Just one. Mr. Bonfillo, you first stated your belief that $8 was as low as a woman could decently live upon.

Mr. BONFILIO. I said it would require $8 to live.

Commissioner GARRETSON. And you stated that you weren't exactly competent to pass on the amount that they would have to pay for clothing, and then that the association that you belong to had not carefully determined the cost of living for women under those conditions. Is the estimate of $8 only a generalization?

Mr. BONFILIO. From hearsay of girls who were working for men and living in private families, paying from $3.50 to $4 a week. They tell me that they can live fairly well on $7.50.

Commissioner GARRETSON. That is their own testimony that they can live on that?

Mr. BONFILIO. Yes, sir.

Chairman WALSH. Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock would like to ask you a question or two.

Commissioner WEINSTOCK. We are investigating also the question of workmen's compensation, Mr. Bonfilio. What has been your experience as an employer under the California workmen's compensation act for the past eight months?

Mr. BONFILIO. Well, I had one accident, a man broke his arm, which cost me over $300 above what he was entiled to get. Outside of that I think the law is just and fair.

Commissioner WEINSTOCK. How should it have cost you $300 over what the law permits?

Mr. BONFILIO. Because he broke his arm, and it was a compound fracture, and it wasn't set right, and they had to break it again in order to set it, and he was over a year before he got over his sickness.

Commissioner WEINSTOCK. Over a year?

Mr. BONFILIO. Yes, sir.

Commissioner WEINSTOCK. Well, then, that must have happened before the Boynton Act went into operation.

Mr. BONFILIO. When the first act——

Commissioner WEINSTOCK. Oh, yes; I am speaking of the Boynton Act which went into operation on the 1st of January.

Mr. BONFILIO. Oh, yes; I am working under the first one, the old one.

Commissioner WEINSTOCK. What is your opinion of the act that you are working under now, the compulsory act?

Mr. BONFILIO. Why, I think is it very good. I want to be at peace with my men, and if they get injured or damaged I think that I ought to look after them.

Commissioner WEINSTOCK. Do you carry your own insurance, Mr. Bonfilio?

Mr. BONFILIO. No, sir.

Commissioner WEINSTOCK. Or do you insure with some insurance carrier?

Mr. BONFILIO. I am insured with a company.

Commissioner WEINSTOCK. With a company?

Mr. BONFILIO. Yes, sir.

Commissioner WEINSTOCK. And so you are thoroughly protected against any damage suits on the one hand, and your workers are thoroughly protected in the event of their meeting with an accident?

Mr. BONFILIO. Yes.

Commissioner WEINSTOCK. So that both sides are protected.

Mr. BONFILIO. I am.

Commissioner WEINSTOCK. Now, in the beginning there were a great many employers, Mr. Bonfilio, who strongly objected to the law. They thought it would be an unfair burden on the industry. Were you one of those who objected to it?

Mr. BONFILIO. I was.

Commissioner WEINSTOCK. Your views, then, have undergone a change?

Mr. BONFILIO. They have changed after studying the law more or less, and you know that there was so much noise abroad that we took it for granted that it was going to break us up in business.

Commissioner WEINSTOCK. Yes; you were led to believe that it would ruin your business?

Mr. BONFILIO. Well, we imagined it was a great hardship.

Commissioner WEINSTOCK. Have you found it so?

Mr. BONFILIO. Not as far as I have gone.

Commissioner WEINSTOCK. So that a demonstration of the law has made it clear that it is not an unreasonable or an unwise or an unfair law?

Mr. BONFILIO. I think not. There probably are sections that I haven't had any experience on yet.

Commissioner WEINSTOCK. I see. Thank you, very much.

Commissioner COMMONS. How many of these employees are on piecework—girls?

Mr. BONFILIO. I am not positive, but I should judge about 20 or 25.

Commissioner COMMONS. That would be about one-third, I should think?

Mr. BONFILIO. No, sir; probably about 15 per cent.

Commissioner COMMONS. What?

Mr. BONFILIO. About 15 per cent.

Commissioner COMMONS. I am speaking of one-third of the women.

Mr. BONFILIO. No, sir; not quite, probably one-fourth.

Commissioner COMMONS. Does the union scale ask for doing away with piecework?

Mr. BONFILIO. No, sir; it did not mention any—piecework was put on afterwards, and just as soon as we put on the piecework the volume of work began to increase and the women were making better wages, and you must understand that at the present time the laundry business is extremely quiet, on account of the clothing being worn by ladies especially having no starch work in it, and therefore the work at the plant is very low.

Commissioner COMMONS. These wages that you gave us—the 12 girls who make $12—are they pieceworkers?

Mr. BONFILIO. Most of them are pieceworkers; yes.

Commissioner COMMONS. Those that are making $9, 14 that are making $9, were they pieceworkers?

Mr. BONFILIO. No; they are day workers—operators on machines.

Commissioner COMMONS. Then those that are making $12 and $13 and $11 and $10, would they be pieceworkers?

Mr. BONFILIO. No; there are some of them on collars, some on shirts, some tables, folding tables, some of them are in the sorting room. They sort the collars according to the customers and other work.

Commissioner COMMONS. Well, the figures that you gave, were they what the girls earn at piecework, or were they——

Mr. BONFILIO. That is mixed figures, but I have so many last week that made that amount of wages.

Commissioner COMMONS. These are are the wages made last week?

Mr. BONFILIO. Yes, sir; that is our low average, because the work, as I stated before, is light at the present time. We are not able to keep them busy. We could easily do 10 per cent more, and that would mean increased wages for the different pieceworkers if we had the work.

Commissioner COMMONS. Do you have a certain amount of work that a pieceworker shall do?

Mr. BONFILIO. We have not.

Commissioner COMMONS. They can make any amount that they——

Mr. BONFILIO. Everything; if they can make $15, as they do sometimes when times are busy; they run as high as $15 and as high as $17 for our pieceworkers.

Commissioner COMMONS. Did you establish the piece system after the eight-hour law had been in effect?

Mr. BONFILIO. No; established long before.

Commissioner COMMONS. How do you manage under the eight-hour law.

Mr. BONFILIO. Work eight hours and then stop.

Commissioner COMMONS. How do you manage to get out your work at the rush end of the week?

Mr. BONFILIO. Why, keep more help than we used to.

Commissioner COMMONS. Do you mean you put on extra help at the end of the week?

Mr. BONFILIO. No; we try to work regular; we try to regulate the work in the middle of the week. We always have a reserve list; if we feel we are going to run heavy we call on them; and they are glad to come for two or three days to help us out.

Commissioner COMMONS. What were the hours prior to this eight-hour law going into effect?

Mr. BONFILIO. I was working nine hours, although the labor union demanded eight hours—the State said eight hours should be a day's work. I finally cut down to nine hours.

Commissioner COMMONS. Do you do anything toward getting customers to distribute their work over the week?

Mr. BONFILIO. I am trying awful hard.

Commissioner COMMONS. Do they respond?

Mr. BONFILIO. They respond by us giving them—giving them a discount of 10 per cent, so that they let us work, hold their work over Sundays, and therefore I have been able to keep the plant going here during the week.

Commissioner COMMONS. You mean to say that where the work is delayed, held over, you give them a discount?

Mr. BONFILIO. Yes; as an inducement to send the work to us Friday and deliver it on Tuesday; otherwise we would have nothing to do Saturday afternoon and Monday morning.

Commissioner COMMONS. So the eight-hour law is costing you more than it would appear on the face of it; you have been compelled to give this discount as a result of the law; is that the idea?

Mr. BONFILIO. It is costing us more because we have to employ more help.

Commissioner COMMONS. This discount is an additional cost, is it?

Mr. BONFILIO. Well, yes; probably 5 per cent, about.

Commissioner COMMONS. Did you raise the prices when the eight-hour law went into effect?

Mr. BONFILIO. For three weeks, and then dropped back into the old basis.

Commissioner COMMONS. Did you find with the eight-hour work plan that the cost of work is greater than it was under the nine-hour system?

Mr. BONFILIO. Yes.

Commissioner COMMONS. So that the profits are reduced?

Mr. BONFILIO. Not that alone. But we have lost a great deal of trade which goes to Japanese laundries now. They are not limited as to the number of hours that they can work. They can work 18 hours if they choose to. And they do the work probably a little cheaper.

Chairman WALSH. Anything else?

Commissioner O'CONNELL. Yes. How many Japanese and Chinese laundries are there in the town?

Mr. BONFILIO. I don't know, sir.

Commissioner O'CONNELL. I failed to hear a great deal that you have said, and that has been lost upon this commission.

Chairman WALSH. You look like you could talk loud and answer these questions.

Mr. BONFILIO. When I get started. I suppose I can.

Chairman WALSH. I know it is difficult, because you are not accustomed to speaking in public.

Mr. BONFILIO. That is the idea.

Chairman WALSH. Just pitch your voice high so that Commissioner O'Connell can hear you.

Commissioner O'CONNELL. I haven't heard hardly any of the answers that you have made, and I may ask some questions that have already been asked. I want to get at the number of Chinese and Japanese in the laundry business and how they are affecting your business.

Mr. BONFILIO. I don't know. You can ascertain that from the city hall by the number of licenses there issued to them.

Commissioner O'CONNELL. You are in the laundry business, and you don't know whether you have competitors or not in the Chinese and Japanese?

Mr. BONFILIO. They are up on Sixth Street and on Hill and Olive and places of that kind. I never bother with them.

Commissioner O'CONNELL. Do you know whether they charge higher or lower prices for their work?

Mr. BONFILIO. Well, I think they may be just about 5 cents on a garment below us.

Commissioner O'CONNELL. Who sets the piecework prices for your employees?

Mr. BONFILIO. I do; and it is to their satisfaction.

Commissioner O'CONNELL. Who says they are satisfactory?

Mr. BONFILIO. Well, they are, because always the same wages, and lots of them trying to get work.

Commissioner O'CONNELL. No objection from those who are at work as to the prices is the reason you say they are satisfied?

Mr. BONFILIO. No; they are paid the same wage, and they are working there.

Commissioner O'CONNELL. So that if a committee came to you from your employees and asked that prices be changed—did such a committee ever come?

Mr. BONFILIO. Well, not as a committee, but as individuals; sometimes a woman would come around and say that she only got 40 cents for ironing a dress, or 20 cents, and she complained to the forewoman about it. We take up the matter, and in that case if we feel she is not paid enough we raise the price on the article to the customer.

Commissioner O'CONNELL. You raise the price on the article to the customer?

Mr. BONFILIO. Yes.

Commissioner O'CONNELL. You do raise the price?

Mr. BONFILIO. We do whenever we do that; yes, sir.

Commissioner O'CONNELL. If a girl is discharged from your laundry for some reason or other—probably the forelady or some one don't like her—how does she adjust her grievance, if she considers it a grievance?

Mr. BONFILIO. If she is discharged?

Commissioner O'CONNELL. Yes. Do you ever discharge anybody?

Mr. BONFILIO. Quite frequently we do; yes.

Commissioner O'CONNELL. Suppose a person thinks they are unjustly discharged—what do they do about it?

Mr. BONFILIO. They always have access to my office. I am in the plant pretty nearly all the time. I am always willing to listen to any complaint that they have to make.

Commissioner O'CONNELL. Do any of those who are discharged come to you and complain that they have been discharged unjustly?

Mr. BONFILIO. Sometimes.

Commissioner O'CONNELL. What is done in the matter?

Mr. BONFILIO. At times I have requested the superintendent to give them another trial; and I have told them in other cases I had no further work for them.

Commissioner O'CONNELL. In the matter of adjustment of grievances in your laundry it is a matter purely and simply between the individual and yourself?

Mr. BONFILIO. Yes, sir.

Commissioner O'CONNELL. And no committee from an organization or from any form of association among the employees would be met by you and treated with?

Mr. BONFILIO. Well, I never have had one. We have never had any plant—after that one friction with the union I never had any trouble in the plant since.

Commissioner O'CONNELL. You have a local laundrymen's association in this city?

Mr. BONFILIO. Yes, sir.

Commissioner O'CONNELL. How many members are there in that?

Mr. BONFILIO. I think there are probably 14 or 15.

Commissioner O'CONNELL. Are the by-laws and rules and regulations of that association printed?

Mr. BONFILIO. None at all.

Commissioner O'CONNELL. You meet how often—once a month?

Mr. BONFILIO. Why, we haven't had any meeting for, I guess, three months now.

Commissioner O'CONNELL. The last meeting they had, was the question of wages and hours or conditions of labor discussed?

Mr. BONFILIO. The last meeting was when the safety engineer of the State wanted to talk to us, and I requested him urgently to talk before us, and I requested the president of the association to call a meeting of the association so that we could get such methods as to safeguard our employees.

Commissioner O'CONNELL. Has your association at any time discussed the question of wages and hours or the working conditions of the employees?

Mr. BONFILIO. The association has nothing to do with that. We are individually free to act as we please in regard to that.

Chairman WALSH. Then am I to understand those questions are never discussed there?

Mr. BONFILIO. It is always discussed.

Chairman WALSH. That is what he wanted to get at.

Commissioner O'CONNELL. I wanted to get at whether the question ever came before your association and whether any action was taken at all.

Mr. BONFILIO. Not collectively. It has been discussed, and the eight-hour law, and all of those new laws.

Commissioner O'CONNELL. When the eight-hour law was discussed, did they take any action, favorably or unfavorably?

Mr. BONFILIO. We did. We went to Sacramento in a body——

Commissioner O'CONNELL. And tried to prevent its passage.

Mr. BONFILIO. Not to prevent it. What we requested was that they should reduce it to nine hours for one year and then eight hours, and also give us a chance during the week when we had holidays that we could work, say, nine hours for four days to catch up with the work during that week, but we were not successful in either one or the other.

I can give you an illustration. Some time ago I had a smash up and my engineer broke my engine to pieces, and I was not capable of doing anything for three days. I requested the commission to grant me a permit to work overtime one hour for three nights. I did get it, but the second morning I was notified to desist from the work. I think that was unjust. I was willing to

pay for the girls whether they were working or not, and that law, I think, is not fair to the employer.

Commissioner O'CONNELL. Are all the laundries paying about the same price for the work to the employees?

Mr. BONFILIO. No, sir; I don't think so. We have different—some places pay more and some places pay less.

Commissioner O'CONNELL. Is your rate high or medium or what in the general employment?

Mr. BONFILIO. Well, I think my rate will show favorably with any of them.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all.

TESTIMONY OF MRS. KATHERINE PHILIPS EDSON.

Chairman WALSH. State your name, please.

Mrs. EDSON. Katherine Philips Edson.

Chairman WALSH. Where do you reside?

Mrs. EDSON. Los Angeles.

Chairman WALSH. How long have you resided in Los Angeles?

Mrs. EDSON. Fifteen years in this city; 24 years in county.

Chairman WALSH. Do you hold any official position with the State of California?

Mrs. EDSON. I am a member of the bureau of labor, special agent, and commissioner of the industrial welfare commission.

Chairman WALSH. How long have you held these positions?

Mrs. EDSON. Two years in the State bureau of labor, special agent, and about one year as member of the industrial welfare commission.

Chairman WALSH. Prior to that time did you have any experience or make any study of industrial conditions as affecting women and children?

Mrs. EDSON. Very little, Mr. Walsh, except as I saw it in my suffrage work.

Chairman WALSH. You were furnished with a list of questions, I believe, and I will ask you to take them up seriatim. We will take the first one, and I would like to have your observation of the working conditions of women employed in industries under open-shop conditions, so called here, as compared with union conditions.

Mrs. EDSON. As I understand the term open shop——

Chairman WALSH. One minute, please. Commissioner Garretson would like for you to sketch your general duty with the organization that you have referred to.

Commissioner GARRETSON. The commission that you belong to.

Mrs. EDSON. The commission of which I am a member?

Commissioner GARRETSON. Just in a general account, what is the power and scope of that commission?

Mrs. EDSON. The industrial welfare commission was created by the act of the last legislature. The commission was appointed the 1st of October of last year, and we began our work about the 1st of January, when we succeeded in getting our secretary, a man we felt was competent to carry on the investigations we wanted made. We began investigating about the 1st of February, and we are now investigating the industries in which women are employed in this State. We have taken up first the dry goods stores—retail stores, rather—laundries, wholesale and retail confectionery industries. We are having a very careful record kept of the canning industry in this State both as to wages and hours worked. Also the same in the citrus industry of the State. The paper-box and garment industry, and we are just beginning now our investigation of waitresses, hotel help, and millinery.

Commissioner GARRETSON. Have you the power to fix wages and conditions?

Mrs. EDSON. We have.

Commissioner GARRETSON. In the pursuits that women follow?

Mrs. EDSON. After a complete investigation the commission may fix wages and may control hours in those industries not already controlled by the eight-hour law for women.

Chairman WALSH. You may proceed now and describe the working conditions of women in the open shop as compared with the conditions in the union shop.

Mrs. EDSON. My observation has been that there is no such thing as union-shop conditions in the city of Los Angeles. It is a very difficult thing to make any comparison, because everything we have in this city is really on a nonunion

basis. The dry-goods business is one of the interesting industries in this city in which the women are employed.

Chairman WALSH. One minute. Have you studied the conditions in shops in other places in the State where union conditions do prevail?

Mrs. ENSOR. I have not studied them personally. I have the report of investigators, and our tabulations are not yet completed. I can tell you something of the difference between union and nonunion conditions in the laundry industry, and that is the only industry in this city or in this State that can be compared, because it is the only industry where one city has all union conditions and where the other city has all nonunion conditions.

Chairman WALSH. Very good. We will take that as a basis.

Mrs. ENSOR. In San Francisco the steam laundries have been consolidated since they went, as they call it here, under labor-union domination. There are about 20 laundries in the city of San Francisco, as against a much larger number here.

The actual wages that are paid are very much higher there. We have found that in San Francisco there are only 34 per cent of the women working in the laundry industry who receive less than $9 per week, while in Los Angeles there are 64 per cent who receive less than $9 per week.

Chairman WALSH. What is the per cent in San Francisco?

Mrs. ENSOR. Thirty-four and three-tenths per cent under $9 per week, as against about 63 per cent plus in Los Angeles. This does not, however, tell the whole story. In the apprenticeship system in San Francisco apprenticeship is only for two weeks. The mangle girls are put on a two weeks' apprenticeship at $7, after which time they are then raised to $8.50. The apprenticeship in this city seems to be more or less of a variation, there being no standard time, and a large number of women receive under $7 a week. Last year the tabulation in Los Angeles showed that 9 per cent of the women in the laundry industry of this city were receiving less than $6 per week.

As far as the efficiency of union and nonunion conditions, I think that nobody who has had any experience in investigation could help from saying that the laundries of the north were very much more efficient. The women look much more prosperous; they seem to be very much more rapid in their work; and at one time, when I addressed the laundrymen's association here and talked to them—I was called to speak before them on the question of the minimum-wage legislation—the question came up, and I quoted to them the figures I have given you this morning, of the great difference in wages paid in San Francisco under union conditions and the wages paid here under nonunion conditions; and it seemed to be the consensus of opinion in that laundrymen's association meeting that the reason that wages would be so much higher in San Francisco—they all admitted they were—was because the women there were very much more efficient. Mr. Bonfilio said so; Mr. Fay said so; Mr. Cathcart, president of the Southern California Laundrymen's Association, said the same thing. They all admitted it, and said the difference in wages was no doubt due to the efficiency of the laundry workers in San Francisco.

One thing I noticed there was that they did not have a large number of very young women working on the mangles in the city of San Francisco. In talking with the head of the Metropolitan Laundry, which is the largest in San Francisco, and it is a laundry that consists of 18 laundries that were consolidated at the time they went under union-labor domination, he told me they were paying a good per cent on an investment of $500,000. As for there being any difference in the price that is paid for laundry work in San Francisco and Los Angeles, we have no means of knowing. We have their lists of the cost of the work, which would seem to show that there is little variation between the cities. I gather that there is a great deal of undercutting in Los Angeles and that the discounts are very great that are given to hotels and apartment houses, and these keep the laundry business in a very unstable condition in this city.

Chairman WALSH. Have you observed whether there was any difference in the rate charged the public generally?

Mrs. ENSOR. We have no means of knowing that I know of.

Chairman WALSH. The lists show about a uniform charge?

Mrs. ENSOR. Seemingly.

Chairman WALSH. I mean the laundries in Los Angeles. Would they compare—they are about the same as in San Francisco?

Mrs. ENSOR. We have never gone through them, list for list, with all the laundries, and I wouldn't care to go on record. Just from my superficial observation I would say they are very similar. I understand they get a little more for

their women's garments in San Francisco than they do here. One of the things that was of great interest to me was the bonus system that had been introduced in San Francisco laundries, particularly the Metropolitan. The management did not tell me what they based this bonus system on, but it was over and above the union scale, which is very high, and I found the women who were working on piecework—that is, ironing different garments of all kinds—were making from $2.50 to $5 a week over and above the union scale on this bonus system.

The French laundries are the greatest competitors that the San Francisco laundrymen have. The San Francisco union succeeded in getting passed an ordinance which required all laundries to close at 6 o'clock in the evening. The bureau of labor had great difficulty in enforcing the eight-hour law in San Francisco in regard to the French laundries, because the women live in the laundries and do their work upstairs; they have their electric irons in their rooms, and whenever any of our agents would go to arrest them for working overtime, they would say it was their own garments that they were working on. It was most difficult to get any conviction of the French laundries.

The Japanese laundries, I believe, are very serious competitors with the white people in this city, from everything that I can gather myself.

Chairman WALSH. About how many are there?

Mrs. EDSON. I don't know. I could find out for you if you would like to have it.

Chairman WALSH. Very well.

(The following communication was subsequently received from Mrs. Edson:)

INDUSTRIAL WELFARE COMMISSION OF CALIFORNIA,
Los Angeles, Cal., October 18, 1914.

LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

MY DEAR MR. BROWN: In regard to your inquiry about Japanese laundries in Los Angeles, I would say that there are approximately 25 or 30 of them in this city. These are entirely hand laundries, and the maximum number employed in any of them is nine. They do not ever employ any Americans. Most of the work is done by Japanese men, but some of the sorting is done by Japanese women, and occasionally one sees a woman ironing. They will average about four persons to each laundry.

There has been a determined effort throughout southern California to keep the Japanese out of the steam-laundry business, and this has been successful. One or two of these Japanese laundries have the regular washing machines in use in steam laundries, but the rest wash in tubs. None of them own any electric or other ironing machinery, but they use electric irons. They do not have mangles, and do not do a great amount of flat work.

In San Francisco there is a 10-hour (city) ordinance for laundry work, passed since the adoption of the 8-hour law for women in the State in order to lessen the competition. The local laundrymen have considered similar action, but have not acted upon it. This is chiefly due to the fact that the Japanese laundries handle mainly "fancy ironed" goods, on which most of the laundrymen agree there is no profit for them, and they are consequently not averse to having the Japanese take this line of work off their hands to a certain extent.

Information about the Japanese is difficult to obtain, as they retreat behind a professed ignorance of English when one endeavors to question them.

Very truly, yours,

KATHERINE PHILIPS EDSON.

Commissioner GARRETSON. Are women employed in the Japanese laundries?

Mrs. EDSON. No, sir; but very few. Once in a while you would find a woman at the counter, but very few women are employed. Once in a while we will find them, but it is the exception and not the rule here. That, I think, is almost all I can give you of special interest on the laundry business, and as far as the others—the garment trades are the only other trades organized. They are organized both here and in San Francisco—that is, a certain part of the trade is organized. Mr. Zeehandelaar told you a few days ago that they had in the M. and M. organization some closed-shop members. The closed-shop members that I know of are the three garment manufacturers—the Brownstein-Louis Co., the Cohn & Koldwater Co., and P. A. Newmark & Co. They are closed-shop garment factories. From my rather superficial observation I would say that

the reason for their desire to work a closed shop is because they desire to use the union label for selling purposes.

Chairman WALSH. What do they manufacture?

Mrs. EDSON. They manufacture largely workmen's blouses and overalls and shirts and some women's garments, but particularly the overalls; and of course it is necessary to have the union label for that sale. They were perfectly frank in saying that they think the label a large asset for them as a selling proposition; that when a customer comes in to get a garment and asks for a union garment it is easier to have one on hand than it is to explain why they haven't it; and they prefer to do that, and of course they deal with the National Garment Workers. There are those three union shops in this city. They are absolutely closed shops to outsiders, and after a woman works two weeks she is obliged by the boss of the factory to go to the union and join.

I have talked to a great many of the women who are members of the garment workers' union, and there seems to be absolutely no sense of solidarity or of the fact that they are being benefited personally by their membership. Many seem only impressed by the fact that they can not stay on the job unless they become a member of the union. I should call it an employers' union more properly than a union for the benefit of the actual workers.

As far as the dry-goods business in this city is concerned, I think our dry-goods interests in Los Angeles probably are better than most cities in the country, from what I can learn and from my own observations. Two years ago the city of Los Angeles wages ranged somewhat below the northern city of San Francisco in certain classes of work. We have not finished the entire tabulation in the industrial welfare commission, and as I am speaking here I want it distinctly understood that I am not speaking for the commission, but speaking for myself as an individual member, and I don't know whether the gentlemen with whom I am associated would hold my views at all, and probably they would not. On looking over the tabulations which we have now, which I admit are incomplete, it gives me pleasure to say that Los Angeles is coming up very steadily in the wages paid to the women in the stores, and there has been a very large gain in the last two years. Now, this has been done for two or three reasons, I believe. The first is that in the past there had not been very much public opinion aroused as to the fair payment of women in all kinds of industrial pursuits, and naturally this law of supply and demand, of which we have heard so much, operated here. As soon as the public became keen to these things, naturally the men who were responsible for the conditions very quickly brought the wages up to a more living basis, and it is very interesting to see that there has been almost an elimination of child labor in this city in the stores; that is, every year the permits asked by the stores for young children—not young children, but for cash girls and cashiers—is becoming less. The minimum wage has been very largely raised. It has been raised even since the first of the year, and in the last two years it has gone, I might say, from $4 to $6. There are a few establishments in the city that still pay these girls $4.50 to $5, but it is more nearly approximately the $25 a month of which Mr. Zeehandelaar spoke, and these girls are being rapidly eliminated by the introduction of machinery to carry the cash. Eight dollars is being established by most of the stores as a minimum wage for saleswomen. And I believe from what I know——

Chairman WALSH. What is being established?

Mrs. EDSON. By the dry-goods stores.

Chairman WALSH. How much?

Mrs. EDSON. About $8. That is, the large stores are doing it, and the others are coming up gradually. I think our commission will agree with me in this, that the retail industry in this city is making a great effort to meet what they believe will be the minimum wage that will likely be set by us; and, I believe, by the 1st of January, when we expect to establish the minimum wage, that we will find that about all we have to do in that industry is to standardize the wages that have already been brought about. To standardize by law, I mean. The conditions of the shops here are being greatly improved. Most of them are introducing some kind of welfare work—not nearly so good as exists in the Emporium in San Francisco, but very much better than existed in the past. Most of them have their lunch rooms and cafeterias, and a great many of them have places for the women to rest. You have asked me what the open-shop policy in Los Angeles has done for the community.

Chairman WALSH. Say, before we go to that point, Mrs. Edson, have you observed what effect it has had on safety and sanitation?

Mrs. Enson. The place that I have seen the greatest change in safety has been in the canneries. The machinery in the canneries has been carefully boxed in and I think the sanitary conditions are very much better there. When I say canneries I don't mean to say that all canneries in southern California have not been what they should be. Many of our canneries—I should say nine-tenths of our canneries—here in the south are excellent institutions. We have a few that are insanitary and are still insanitary. But they are much more safe—the humidity is very much less than last year and the year before.

Chairman WALSH. Now you may come to the next. What has the open-shop policy in Los Angeles done for the community in regard to the establishment and maintenance of a high standard of living for all classes?

Mrs. Enson. I believe that the—of course, my problem is the woman's problem. My opinion is that there are more women working outside of their homes in this city than there should be under any normal conditions. My reason for my statement is this: From all of the reports that our investigators bring us, and from all the information I can gather, I find the women working—the women themselves—all complaining about the great number of married women that are engaged in this city. Women who have come from other parts of the country say that they never have worked in any community where there were as many married women employed as there are in Los Angeles. I know that some of our dry-goods establishments are even contemplating the nonemployment of them—at least, so they say—because of the feeling there is against it. Now, from our own experience, we do not believe that the married women are working in Los Angeles because of a so-called desire for independence, but we believe that most of them are working because they actually must work.

We hear a good deal about the workingmen of this city buying their own homes, and we know it is true. But the fearfulness with which these women—under which these women work is great. They are so afraid that they are not going to be able to meet the payments on their homes. And I think that a large number of the women who work in this city work to help for their homes. They fear the irregular employment of their men folks. And there is no doubt in my mind that the large part of the social trouble that we have in this community—the children on the streets—is due to the fact that the man is making an inadequate wage, that the mother is forced to go to work, that the children are undisciplined. And I think that one of the most important things we can do in this community is for the establishment of a wage that keeps a wife at home. [Applause.]

Chairman WALSH. Say, you young man that started that, now, were you here yesterday when we talked about that? There will be expressions here that may be very unpopular with you and somebody else will applaud. Now, I am assuming that you were not here. If I thought you were here yesterday, why, I would have to ask the sergeant at arms to remove you. Don't start any applause. We go through the country trying to hold these hearings, and we must have perfect order. Please don't let that occur again. Restrain your feelings, please.

Mrs. Enson. We have a great deal of seasonal labor here in fish and fruit and vegetable canneries. Of course, the garment trades are not exactly a seasonal occupation. But there are, of course, certain seasons of the year when work is heavier than at other seasons of the year. A great many laundrymen complain that when summertime comes they have many of their women leave their work and go to——

Chairman WALSH. Say, when we were interrupted there, what you said was that you thought a minimum wage ought to be established for men?

Mrs. Enson. I didn't say a minimum wage. I didn't say how it should be established, Mr. Walsh. I said I thought it was necessary for men to have much better wages.

Chairman WALSH. Yes. Well, was your suggestion—well, you didn't make any suggestion?

Mrs. Enson. I made no suggestion. But I think it is an essential that they must have higher wages by some means.

Chairman WALSH. Either by organization or by law?

Mrs. Enson. Either by organization or by law.

Chairman WALSH. You may proceed.

Mrs. Enson. I see a question here about the seasonal occupations. We have a great deal of seasonal labor here, and seasonal labor with women. The canning industry begins here about the 1st of June with the asparagus and the spinach. It continues until the frost comes in December, when the tomato sea-

son is finished. The canning of fish begins about the middle of June, of the tuna fish, and it goes to—is a full season until about the 1st of October, and then it becomes less and less. Now, during this time, this summer season, the laundry people have told me, quite a number of them, that they have a good deal of difficulty in keeping help, because they go from the laundries into the canning factories to work.

The wages paid are various in the canning factories, and of course the hours of labor are unlimited. The smaller canneries work as nearly as they can to an 8-hour day, while the larger cannery, I think, makes an effort to keep itself to an 11-hour day, but does not always succeed in doing so. The garment trades here complain a great deal of the lack of skill of the women in that work. They say they have hundreds of women who will come and make application for work, but very few who are skilled operators. There seems to be very little effort being made, however, to train skilled operators. And all through among the employing class of this city is the cry that they can't get efficient labor, and yet they all will tell you that they are deluged by women who want work, and who are not actually fitted for any kind of work. I don't know whether it should be apprentice systems, or whether it should be vocational training, or what is necessary, but it is evidently very necessary that we have something here by which women may become more skilled, and at the same time, of course, be paid adequately for that skill.

We have a curious institution here every October, I think it is. We have what we call our homeseekers' excursions which brings into our city, so the newspapers say, something like 30,000 or 40,000 people a year. Now, these are not people of means. They are not this limited class who come here to die. They are the people, the working people who come here with some little money, and it is very interesting in talking with the women in their homes, from whom we have received information. They come out here with a little money expecting to get work. And they say they can save enough money back East to get here, but they have great difficulty in saving enough money here to get back. And many of them come out here hoping to get work. We find that the amount of unemployment in this city is very great. I think it is very great at the present time, and from what I hear from the stores they are deluged every day with women who desire work. The protection of industrial and civil rights. Of course, we have a great deal of protection in industrial and civil rights in California. We have the 8-hour law and the industrial accident commission, and of course have more here than in any other State. And, of course, we believe now that we have the ballot here we can get all that we need.

Chairman WALSH. As the result of your experience, what——

Commissioner O'CONNELL. By the ballot you can get everything you need, you think?

Mrs. EDSON. Well, if we were organized we could.

Chairman WALSH. Now, Mrs. Edson, any constructive suggestions that you could offer, first, for removing friction between employers and employees.

Mrs. EDSON. I can't answer that.

Chairman WALSH. What means have workers here for insuring improvements in their wages and working conditions as rapidly as economic conditions will admit?

Mrs. EDSON. There are absolutely none. There is no method by which the workers can gain anything by themselves in Los Angeles. And I might say in passing that that was the great argument with me for the establishment of the minimum wage for women, the fact that I was hopeless that anything could be done here in the south to organize the women into trade unions by which they could help themselves. It is a very curious condition that exists here. The workers of this community, I think, have more prejudice of organized labor than the employers themselves. In going about in trying to get information I find that they look upon me with a great deal of suspicion, they think that I am a walking delegate, the women themselves, and I have to assure them that I am a representative of the State before I can get them to give me any confidences.

So you see that what I might term the Los Angeles Times poison has permeated clear into the working class itself against organization, so I know of nothing that can remove this friction between employers and employees except a better understanding. And I don't know how you are going to get that. When I see such men as were on the stand the last few days, employers, and those men whom I know to be absolutely upright and splendid men in their own personal relations—with such an absolute misunderstanding—why, it is

painful; and when I see here that the workers seem to have very little understanding of their employers' point of view, it seems to me a very hopeless situation.

Chairman WALSH. What methods have you observed that might be employed to insure the worker a just proportion of the product of his labor in an industry?

Mrs. EDSON. Why, I think——

Chairman WALSH. Is there anything you know of except organization as it has been developed here?

Mrs. EDSON. I think that is the first thing. I think, first, organization; then, if that is a failure, I believe in State intervention—and I hope that we can have some kinds of boards of mediation that can help these situations.

But my first belief is in thorough organization of both sides. And then I also believe in the establishment of minimum wages for women, and the control of their working conditions as far as possible, because I don't believe they can ever be efficient or thoroughly organized in this community, which has such a floating population. They do not have a keen sense of solidarity or esprit de corps.

Chairman WALSH. What is the fair living wage for an independent woman in Los Angeles; that is, one without any assistance?

Mrs. EDSON. Well, Mr. Walsh, I don't know. We are making a very careful study of the living and working conditions of women in this community. Our data is entirely untabulated, and I would not care to express an opinion until I have more definite data from which to draw my conclusions. Of course, I have my—I know what it costs to eat, and I know what it costs to get room.

Chairman WALSH. Well, give us those—sketch those to us as definitely as you can—what it costs a girl to live, what it costs her for her board, her eating, what it costs her for her clothing, for amusements, approximately, for medical attention—medicines.

Mrs. EDSON. I could only say this: That I know that a woman in the city of Los Angeles can not get an adequate room for less than $2.50 to $3 a week.

Commissioner O'CONNELL. What kind of a room—now what would she get for $2 a week?

Mrs. EDSON. She would get a room probably within walking distance of her occupation. She would have electric light in it and possibly a gas plate. She would have to pay for her gas extra. And they frequently use that for heating. The lodging houses of this community are not heated, and they frequently have little contrivances on their gas plates by which the room itself may be heated. I notice, in looking over the schedules, that the women put their gas bill anywhere from 50 cents to $1.25 a month. So you know that they must use a good deal of gas for the sake of keeping warm. They have no bathrooms, except the public bathroom of the lodging house. Some have running water in the rooms and some don't. Of course there is no parlor. The rooms are all very plainly furnished, very barely furnished, you might say, and there is nothing homelike or comfortable about them. If you go out farther in the community, if you go out farther into the residence district, a woman can get a room probably for $2 a week or $10 a month, but then she will have to pay her car fare of 10 cents a day to get to her work, which, of course, brings her room rent up again.

Chairman WALSH. The very lowest she can escape with is $2.50 for a room such as you have described?

Mrs. EDSON. Yes; I haven't seen anybody who would give in her schedules less than $10 a month for the cost of room rent, and it is not comfortable.

Chairman WALSH. Well, now, for food?

Mrs. EDSON. Why, there, to me it is appalling the amount of food, the small amount of food, that women seem to live upon. I have seen the estimate put as low as $3 a week for the cost of food. I have seen a few who even put it down to $2.50; but that is not adequate and proper nourishment. It is impossible to be nourished on that. It means that cafeteria food, 15 or 20 cents a meal for dinner; they frequently cook their own breakfast, and, if they are too tired to go into a cafeteria, they go home and take something from the delicatessen on the way and take it home and eat it before they go to bed.

Commissioner GARRETSON. But that is existence instead of living?

Mrs. EDSON. It is existence.

Commissioner GARRETSON. Mrs. Edson has not touched clothing yet——

Chairman WALSH. How much was the clothing?

Mrs. EDSON. It is one of the most astonishing things that we have.

Commissioner O'CONNELL. How much was the food item?

Commissioner GARRETSON. Three dollars is the minimum.

Mrs. EDSON. I would say that $3 is the minimum for food, nothing but food.

Commissioner O'CONNELL. That is $3, and $2.50—$5.50 for food and room?

Mrs. EDSON. Food and room, nothing else.

Commissioner GARRETSON. And gas at least 25 cents, on the estimate that you gave by the month?

Mrs. EDSON. That doesn't include anything except just those two items.

Chairman WALSH. Laundry 75 cents a week?

Mrs. EDSON. Many of them do their laundry themselves in their room.

Commissioner GARRETSON. That adds to the gas charge?

Mrs. EDSON. That adds to the gas charge. Sometimes they have the right to use the bath room for that purpose. I am telling you now about the conditions; I am not telling you what I think ought to be.

Chairman WALSH. If they don't do the laundry, Mr. Bonfilio's estimate was 75 cents a week for laundry. Could they put it any cheaper than that?

Mrs. EDSON. No; I don't think so. Some of the laundries themselves allow the women who are working in the laundries to have their work done there at half rates, or something of that kind.

Commissioner GARRETSON. But the average working woman has no such favor as that?

Mrs. EDSON. No.

Chairman WALSH. Now, clothing.

Mrs. EDSON. One of the interesting things we find is that they haven't had any since they came to Los Angeles.

Chairman WALSH. Any what?

Mrs. EDSON. They haven't had any new clothing since they came to Los Angeles.

Chairman WALSH. Any new clothing?

Mrs. EDSON. Without any joking at all, that is the common thing we find that is being brought by our investigators to us: "We haven't bought any clothes since we have been in Los Angeles."

Commissioner GARRETSON. They have worn the stock that they had prior to that time?

Chairman WALSH. Now, what do you think would be the minimum cost for a woman to be clothed decently and fairly to go out into the community, and go to and from her work?

Mrs. EDSON. I can't make any estimate, Mr. Walsh. I haven't thought that out.

Chairman WALSH. Has anybody thought it out in Los Angeles what it costs a woman to live?

Mrs. EDSON. No; but we are having great difficulty in making people think it out. One of the things our commission is trying to do is to get the employers of this community to make estimates of what they think it costs a woman to live, and we are not having any success in getting replies to those estimates. We are sending blanks and asking them to fill them out, just as we are sending to the women themselves.

Chairman WALSH. Your estimate now so far leaves $1.50 a week for clothing, medicines, amusements, and necessary toilet articles?

Mrs. EDSON. I think that you will find that the attitude of a large number of employers is this, they don't seem to understand that women have to work. They seem to think that women are working just for the sake of independence or to make pin money, or to help out a little at home, and it does not seem to be the opinion of many employers that women are really working either for themselves or for the support of other people.

Chairman WALSH. Are there large numbers of women employed in Los Angeles for that reason, to support themselves?

Mrs. EDSON. Oh, a large number. It is most pathetic to find the number of middle-aged women that we have here in industry, middle-aged and over, who have come out here with sick children, or with a sick husband, and who just gets anything she can get to do. We find those classes largely in the laundry business, those women who are unskilled that are not able to get into the other trades. We have them in every industry.

Chairman WALSH. Do you or do you not think that a retail clerks' organization well organized would improve conditions in dry-goods stores?

Mrs. EDSON. Yes; I think that organization is good for everybody.

Chairman WALSH. Generally speaking, are the wages in the dry-goods stores satisfactory and high without the existence or necessity of a retail clerks' organization?

Mrs. EDSON. Will you put that again; I don't think I understand it.

Chairman WALSH. In Los Angeles are the wages in the dry-goods stores now satisfactory and high without the existence of a retail clerks' organization?

Mrs. EDSON. They are getting higher every day. Whether a retail clerks' association would be of material benefit or not, I don't know. They haven't been very successful in other places, any more successful than they have been here. There is no doubt that the wages in Los Angeles of the retail dry-goods establishments are increasing every day all along the line.

Chairman WALSH. You have stated heretofore what you think are the factors that enter into that, I believe?

Mrs. EDSON. Yes; I think it is largely public opinion.

Chairman WALSH. Do you think that the broad-minded, progressive employers could by cooperation among themselves raise the labor standards and wages irrespective of organization by the workers?

Mrs. EDSON. I do not.

Chairman WALSH. Why not?

Mrs. EDSON. Why, I don't think anybody can do anything for everybody else. I think both sides must be represented. They know what they want; the owners and the people who work know what they want just as well as the other people, and they should be represented on the council board.

Commissioner GARRETSON. I would like to repeat the same question, Mrs. Edson.

Mrs. EDSON. Yes.

Commissioner GARRETSON. Instead of the word "could," I would substitute "would"; would they do it?

Mrs. EDSON. Why, I think that is rather an unfair question.

Commissioner GARRETSON. Don't answer it then.

Commissioner O'CONNELL. Let us have——

Chairman WALSH. One minute, Mr. O'Connell, I want to finish this. Now, is there any other statement that you would like to make, Mrs. Edson, that you think would aid us in our inquiry here that had not been elicited by the specific questions asked you?

Mrs. EDSON. Yes, Mr. Walsh.

Chairman WALSH. Please add it.

Mrs. EDSON. I haven't heard anybody say anything here about the question of the large number of Mexicans that we have in this community. We have our own immigration problem here, and it is the Russians, the Italians, and the Mexicans. Last year when we had our great season of unemployment and so much distress, we found that it was largely complicated by the Mexicans. Now, they are working at purely seasonal industries. They work in the beet fields, which don't take over seven months a year. They do the construction work, and they are brought back—the construction work in the streets and on the railways and in all kinds of places. As soon as the rains come, why of course these people from the fields and from the roads and from the construction work come into this city. They are paid very inadequately when they are employed. The railroads have brought them here at a price of $1.25 a day. I understand it is something more now. But the wage paid before these two last seasons of unemployment was $1.25 a day by the construction companies to these Mexican people. They were brought here from El Paso, and we believe absolutely against the Federal laws. And I think it would do a great deal of good to this community if you would look up the importation of Mexicans into southern California. We find that it is one of our very serious problems.

Commissioner GARRETSON. You mean in violation of the contract labor law?

Mrs. EDSON. Well, I don't know as it is that, because they seem to get around it; but it is possibly a violation because they are brought here in carload lots from El Paso, and men go across the line and promise them $1.25 if they will come over, which is more in American money, of course. And they come here and they complicate our industrial problem in every way. Their methods of living are bad. And when these great times of unemployment come, they are a charge upon this community.

I was anxious to have you hear what Dr. Milbank Johnson, commissioner of charities, had to say about the amount of money expended by the city of Los Angeles and its charitable organizations last year in caring for these

people. I understand that 54 per cent of all the relief given during our period of unemployment was given to this one class of people, and it was because they were so inadequately paid that they had nothing to take care of themselves when these hard times came on. And we find these women in the canneries—I am talking about the women of these people—and throughout our unskilled industrial pursuits. They are the people that accept the low wages and make no protest against them. We would like to have you stop some of our glittering advertisements, too, that bring people out here.

Chairman WALSH. Now, say, there has been some expressions both ways as to whether or not these advertisements appear to be specially designed, or at least to have the special effect of bringing workers expecting to get employment here. We are not able, of course, to go over all of the advertisements, and I wish you would give us your epitome of the purport of these advertisements as affecting industry alone.

Mrs. EDSON. I don't think that it makes any difference whether they are designed to be read by certain classes or by the working people or not. They are read by all people. And the fact of the matter is that they are coming here in large numbers, expecting to get our high wages, expecting to get, just as Mr. Gere said the other day, the condition under which he came here, for the health of his family. And we believe that these homeseekers' excursions bring numbers of people into this community under false pretences.

In answer to this question of settlement of industrial disputes that may arise, I should think from the evidence that has been before this commission here, that one of the things that is necessary in this particular community is responsible leadership of both sides. I have had a good deal to do with the working people throughout California, with organized labor, and I have been peculiarly impressed with the conditions that exist, for instance in the city of San Jose, in the building trades. There they seem to have a most stable condition and very high wages. One of the men that is on our commission is Mr. Walter Mathewson, who is secretary of the Building Trades Council of the City of San Jose. When Mr. Mathewson was appointed to our commission he was given a banquet by the merchants and the bankers and the important people of that community. Mr. Mathewson had just gone through a fierce strike there by which the painters had succeeded in forcing a $5 a day minimum. In spite of the fact that they had succeeded in winning this battle, these large employers of the city of San Jose had the great respect for this man, so that they gave him the honor of a public banquet in recognition of his appointment on this industrial welfare commission.

Now, I simply state that as a contrast to the employers of this community. They give the leaders no incentive at all, as I can see, to be one of them, and to try to understand their side of the problem. I believe that if we had a little better spirit of that kind in his community, a little better understanding, it would certainly work to the benefit of this entire community.

Chairman WALSH. Mr. Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. Directly in line, Mrs. Edson, with what you have just been saying as illustrating the conditions that prevail in San Jose, the cordial relationship existing between the representatives of the workers and the employers, is it your opinion, then, that if that condition and the condition that we found prevailing in a certain industry in Pennsylvania, which for your information I shall recite briefly—if that condition could be made the common condition, that much of this friction and much of this ill will and bitterness and animosity between the employing class on the one hand and the workers could be removed?

For example: There appeared before this commission at its Philadelphia hearing, among others, the representatives of the glass blowers' union on the one hand and the glass blowers employers' association on the other hand. The representatives of the glass blowers employers' association went on the witness stand and was asked this question: "Do you recognize and deal with organized labor?" He answer, "Yes." "Do you enter into agreements with organized labor?" "Yes." "How do you do it?" "We have our little conferences annually and agree upon the terms and the conditions and then sign them." The question was put, "If a dispute arose between the conferences how is that dispute settled?" He answered, saying, "We call for Mr. Hayes, the president of the Workers' Union, and we put it up to him." "Then what?" "He decides." "Then what?" "We accept the decision." The question was put: "Do you mean to tell this commission that the employers accept the sole decision of the president of the Workers' Union?" He answered, "Yes." The question was

asked: "Well, how does that happen?" The answer: "Because we have perfect confidence in the integrity, in the fairness, and in the justice of the president of the Workers' Union. We know that he looks at the situation not through one eye but through both eyes, and we have always found his judgments fair and reasonable, and we have accepted them." Now, if that condition could be developed anywhere, do you think it would be one of the solutions of this conflict between——

Mrs. EDSON. I certainly think it would.

Commissioner WEINSTOCK. Between labor and capital?

Mrs. EDSON. I think that same condition existed in San Francisco after their great teamsters' strike. Probably they had—of course—a terrific time at that time, but I have talked to employers in San Francisco who tell me that they were always willing to take McLaughlin's word; that he was eminently fair. I believe if our labor leaders could be developed in any particular community, if the employers themselves would cooperate with labor and not try to beat it down——

Commissioner WEINSTOCK. From that point of view, Mrs. Edson, I gather that your judgment is, it is, to use a colloquial expression, up to organized labor to collect for their representatives men who will inspire confidence on the part of their employees in their fairness and in their integrity?

Mrs. EDSON. Not entirely. I think it is partially that and partially it is up to the employer to meet these men in a friendly spirit, help them to develop themselves. I think those things can never be done by nothing but strife and fighting. I think we all can grow by cooperation.

Commissioner WEINSTOCK. You mentioned something awhile ago about a bonus system connected with the laundries. Will you be good enough to just tell us what that is?

Mrs. EDSON. I do not know what their terms are, Mr. Weinstock, but the manager of the Metropolitan Laundry told me that they had—I asked him if this minimum set by the laundries was the utmost that the women could get. And he said, "Not by any means." On their mangles they have six women on a shift, and they have a bonus on the work, and after a certain amount the women were paid all above that amount a bonus, but he would not tell me what the amount was. He said that was a trade secret. Just how it works, I don't know.

Commissioner WEINSTOCK. You mean a sort of premium on higher efficiency?

Mrs. EDSON. Even with the so-called exorbitant wage that the unions demand the laundry owners gain, through the efficiency of the workers themselves, and they are able to pay them a bonus system over and above the minimum set by the union.

Commissioner WEINSTOCK. Has the welfare commission been able, for comparative purposes, to get at the actual cost of production, I will call it, in the laundry business in San Francisco and in Los Angeles? What I mean is this, to make it clearer: I suppose the way to get at the cost of production would be to take the total number of pieces, the garments that have been handled by the industry collectively in a community; then the gross pay roll for the corresponding period that had been used in the community and by dividing one into the other it would give us the cost per piece. Now, has that been done in order to determine whether the cost of production is more or less in Los Angeles than it is in San Francisco?

Mrs. EDSON. We have not taken up any of these industries as a separate industry except in conference when we started. We expect, just as soon as our tabulations are complete, to call wage boards; and, of course, those things will be tabulated at that time. But we have not at this time that data.

Commissioner WEINSTOCK. It is very important for this commission to know whether higher wages mean higher cost.

Mrs. EDSON. Not at all.

Commissioner WEINSTOCK. You are probably aware of the fact it is admitted that despite the fact that the wages in the textile industry are higher than any in America, the cost of production is lower than anywhere due to the higher efficiency of the American worker and the labor-saving devices used. It would be of value to this commission if your commission will take the trouble to do or to find out the actual cost——

Mrs. EDSON. Labor cost versus wages; is that the idea?

Commissioner WEINSTOCK. Yes; so that we can tell definitely whether the higher wage paid in San Francisco means really higher cost, or whether despite the higher wage the cost is less than in Los Angeles.

Mrs. Edson. We have had very little knowledge in the matter. We find the employers know very little about labor cost. They don't seem to know what it means at all.

Commissioner Weinstock. Now, if it is true that the efficiency in Los Angeles among the Los Angeles workers is higher as some would make us believe it is, despite the lower wage; and if it is also true, as was pointed out in your hearing, doubtless by Mr. Bonfilio, that the Asiatics are very keen competitors in the industry—if those two statements are facts, then would this not follow: That if you raise the wage here to the San Francisco basis, would the laundry people not be working directly into the hands of their Asiatic competitors by making it still more difficult for the white worker successfully to compete with the Asiatics?

Mrs. Edson. What I said must have given the wrong impression from what I wanted to convey. The impression that I wanted to convey and what I believe to be true is that the organization of the workers of San Francisco has resulted in efficiency. That is the cause of efficiency.

Commissioner Weinstock. You think that the organization is the cause and efficiency is the effect?

Mrs. Edson. I certainly think it is.

Commissioner Weinstock. And not efficiency the cause and organization the effect?

Mrs. Edson. No; I don't believe it would be possible to get the organization in the laundry industry alone in the city of Los Angeles, because of the fact that the whole workers are unorganized here, while in San Francisco the whole working class is organized, and by the use of the boycott, the picket, and the different elements of industrial warfare that they have there, they are able to keep up other labor organizations. I do not believe it is possible to get, as under our present conditions, the labor organization in this community, to get the laundries organized in this community as they are in San Francisco. That is my reason for minimum-wage legislation.

Commissioner Weinstock. Well, do you believe that it is the interests of the woman worker, for example, that if the State should intervene and fix the minimum wage——

Mrs. Edson. I think it is. I think it is her only hope.

Commissioner Weinstock. Then, if you believe that it is in the interest of the female workers for the State to intervene in fixing a minimum wage, then is there not force in the contention made by organized labor in opposing that very thing on the ground that if the State, as it has done in California, fixes the hours for women and will also fix the minimum wage for women, what need is there for the women to organize, to establish labor unions? Why should they burden themselves with the cost of supporting labor unions if the State does all for them that they ask?

Mrs. Edson. If I believed that the women themselves could get organization, I should not feel that the question of the minimum-wage legislation was so necessary. But it is because I am convinced that the situation that we have to face, particularly here in the South, of transitory labor, of the youth of most of the women workers, and, of course, their helpless condition, I do not believe that they are ever likely to organize. And I do not think that women will ever organize very much except in the trade in which men are also organized. And for that reason I think it is absolutely essential in this country that we have minimum-wage legislation. I believe, however, that trade-union organization will result or is going to result in some kind of an organization of the women workers. I can not see how it can help doing so. It has done so every other place. And I am hopeful it will result here in some way when we come to call our wages boards, and that it will necessitate some kind of organization of the women workers themselves.

Commissioner Weinstock. Then, you differ from most of the labor representatives in California, who contend that the minimum wage will discourage organization. Your contention is just the opposite, then, that you believe the minimum wage fixed by the State will encourage organization.

Mrs. Edson. I believe it will, because it has done so in England and in other places where they were unorganized.

Commissioner Weinstock. Is that because your welfare commission can not very well deal with individuals and must deal with bodies organized?

Mrs. Edson. Certainly. Our law requires we have wage boards of employers and employees. How are we to get our representative employees, unless they are organized, is a mystery to me. I think it means organization.

Commissioner WEINSTOCK. Then, the labor organizations are mistaken in their idea?

Mrs. EDSON. I think so.

Commissioner WEINSTOCK. That State intervention will not minimize organization?

Mrs. EDSON. I think not.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. I am not sure, Mrs. Edson, that I got your suggestion right in the matter of organized labor educating a different type of leaders.

Mrs. EDSON. I didn't say it just that way. I said recognition more particularly of the leaders.

Commissioner O'CONNELL. I know you spoke of recognition of them, but in order to bring that about it would require some sort of different type of education.

Mrs. EDSON. I didn't say that, Mr. O'Connell. That is not what I mean, if I did say that.

Commissioner O'CONNELL. If I got the conversation between you and Mr. Weinstock correctly, we got our labor leaders down here for losing their jobs.

Mrs. EDSON. What is that?

Commissioner O'CONNELL. We have got our labor leaders down here for losing their jobs. What I want to get at was, take the same——

Mrs. EDSON. If you will force me, Mr. O'Connell, I think we have had some false labor leaders in Los Angeles.

Commissioner O'CONNELL. I don't mean to confine it to Los Angeles. You have false labor leaders, you say?

Mrs. EDSON. I think so. They think so themselves, for they put some of them out because they were false leaders.

Commissioner O'CONNELL. Do you think that same thing would apply to the leaders, the officers, the business agents, of the manufacturers' association?

Mrs. EDSON. I think so. I think it is human nature—every place we have false leaders.

Commissioner O'CONNELL. The same rule might apply——

Mrs. EDSON. To the women movement, to any movement.

Commissioner O'CONNELL. Do you make a personal visit to the stores—the department stores and other stores?

Mrs. EDSON. Yes.

Commissioner O'CONNELL. What are the sanitary conditions in the stores, the arrangements for the convenience of the clerks?

Mrs. EDSON. It depends upon the stores, of course. Some of our more modern stores have everything that is necessary; some of the older stores are still in very bad condition. But there seems to be an effort being made to meet and keep up with the public demand. We have no law in California on our statute books that gives us any power whatever to control the sanitary conditions of workshops or factories, except when it comes to dampness and bad odors, absolute questions of plumbing. That is the only power we have that is any State power. We have absolutely no power in demanding fire protection. But when we need anything of that kind we apply to our city fire department, and have succeeded in getting all the fire protection we need. Of course the city is a new city, and we are new and the sanitary conditions are unusually good.

Commissioner O'CONNELL. Is there perfect segregation of the lavatory arrangements?

Mrs. EDSON. Yes; absolute segregation. That is included in our State law.

Commissioner O'CONNELL. Do the stores furnish seats for the girls?

Mrs. EDSON. Yes. That is also a State law. The great difficulty we have is not from the general management. It does seem to be that we have had to take the matter up a great many times; for instance, go to a department manager. He seems to feel if the girls are seated it don't look as though they were doing as much business as they would like.

Commissioner O'CONNELL. I was going to ask if the seats are used.

Mrs. EDSON. Yes; the seats are used in most all the stores, in some of the stores with greater freedom than others. I have found by taking the matter up with the general manager of the stores and the department managers that it is largely local; that the department manager has the prejudice, and although he does not tell the girl not to sit, she knows from the way he looks he doesn't care to have her sit. I have had to take it up with the general managers of the store, and they have given general orders to be posted.

Commissioner O'CONNELL. These canneries, have you made a personal investigation of the canneries?

Mrs. EDSON. Yes, sir; I have.

Commissioner O'CONNELL. What are the sanitary conditions in the canneries?

Mrs. EDSON. Well, we have a curious situation in southern California. We have a great many independent—small independent canneries. In the community about Pomona, one at Pasadena, and we have several in Los Angeles, one that we consider an eyesore to the community—it employs a large number of immigrant people, and they absolutely refuse to provide proper sitting facilities. They have an archaic method that they must have their women stand at the table to do the cutting. They have two in San Francisco and one at San Jose. There the women were all seated in a most comfortable way, and the curious thing is that the manager of the San Jose cannery and the manager of the San Francisco cannery were brothers. One let the women sit and the other made them stand.

Commissioner O'CONNELL. Is that San Francisco or Los Angeles?

Mrs. EDSON. The principal canneries are at San Francisco. In our Los Angeles cannery, like the San Francisco cannery, the women don't sit. I talked with some of the women, and while the management provided stools for them to sit on, they refused to sit because they were so uncomfortable on account of the extreme height of the tables that they could not get any speed to their work, so they would stand.

Commissioner O'CONNELL. How many women are employed in this large cannery?

Mrs. EDSON. It varies; they employ up to two or three hundred women at the height of the season.

Commissioner O'CONNELL. Are proper facilities provided for the segregation of the toilet facilities?

Mrs. EDSON. I have found the segregation is all right, but they are very inadequate. I have labored to get them to put in one extra lavatory.

Commissioner O'CONNELL. What wages do the women get?

Mrs. EDSON. It varies all the way from 75 cents to $2 and $3 a day.

Commissioner O'CONNELL. Are there families—father, wife, and children—working there, whole families?

Mrs. EDSON. They do not employ any children here now in that particular cannery. They have a sign up that no one under 18 years is allowed to work, and I don't think they take anybody if they know they are under 18 years of age. We have very little child labor here. We have a little of it during the summer season, when the vacation permits are allowed, and there are some canneries where there are some of the children working under these permits.

Commissioner O'CONNELL. Is there any examination made of the women as to their hands, keeping them in perfect condition?

Mrs. EDSON. None whatever.

Commissioner O'CONNELL. You found them with cuts and sores?

Mrs. EDSON. Well, one of the women I know went into one of the canneries here and worked for a week, and her hands became very much cut up and sore. A woman told her to go and work in the tomato cannery, as they heal sores.

Commissioner O'CONNELL. Heal sores?

Mrs. EDSON. Yes.

Commissioner O'CONNELL. Do they have any accommodations there for the women to change their clothing when they come, from the street garb to the working clothes?

Mrs. EDSON. A very inadequate room right next the toilet where the women may hang their clothing. There is a difficulty in this. As you know the women of that class work up until childbirth, and there are very often some very pathetic things among the immigrants, working long hours on their feet, and they had to be taken home.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Prof. Commons wants to ask some questions.

Commissioner COMMONS. Your statement about the retail stores, is that generally true of the large department stores, what you say about them?

Mrs. EDSON. Our larger stores in this community are really very good stores. The thing I feel is the most necessary institution to regulate is the 5 and 10 cent stores. Up until a very short time ago they paid $4 and $4.50 a week. The maximum wage in their institution was $6 a week. They employed very young girls, girls just as young as they could get. They state very frankly that

they did not need any skill, that all they needed was somebody to make change. They were not apprentices—it was not an apprentice school for women to learn a trade, because they said they didn't need any skill whatever. We have had a good deal of discussion about these things here in the city, and the result is, I think you will find that the minimum wage in the 5 and 10 cent stores is $5, and the maximum $10 a week, and the women are, most of them, 18 years of age and over.

Commissioner COMMONS. What other classes of stores are there besides these that you mentioned?

Mrs. EDSON. We have our regular stores, what you might call our high-class stores, like the Boston Store—the pay roll—whose pay roll I consider the best, which pay roll was given to you by Mr. Zeehandelaar, the Ville de Paris, Coulter's, Blackstones—these are our finest retail dry-goods stores. Then we have the large department stores—Hamburger's, Bullocks, and the Broadway Department Store, and the Fifth Street Department Stores. Then we have a number of specialty houses, cloak and suit houses, and women's garments.

Commissioner COMMONS. These conditions prevail in all these stores?

Mrs. EDSON. Yes.

Commissioner COMMONS. Are the 5 and 10 cent stores the only ones where these inferior conditions prevail? How about the small stores?

Mrs. EDSON. We have two or three smaller department stores, and I think the conditions are not what they should be.

Commissioner COMMONS. There are small stores scattered around the city?

Mrs. EDSON. Yes; but they are almost like family affairs, one or two clerks; the conditions are adequate and fairly good.

Commissioner COMMONS. This question of holidays and holiday week in laundries, the question was raised here, I think, and something was said about permits. Does your law permit that?

Mrs. EDSON. No, sir. We have no discretion whatever under the eight-hour law. I think that Mr. Bonfilio had a very good case against us. I personally investigated the affair, and the machinery had broken, they had worked all night to get it fixed, and he asked for a permit from our bureau of labor to allow him to run, I think it was an hour a day, or maybe it was a half hour in the morning and a half hour in the evening, or possibly an hour in the morning and an hour in the evening, but at any rate it was not an exorbitant demand—it was a perfectly fair request. I was sent out to investigate it, and I came to the conclusion that the permit should be granted. Of course, we hadn't any legal right to do so, but common sense would seem to justify his being given a chance to do as he asked. He said, "Mrs. Edson, I don't think it would be possible for me to do this, because the women don't understand, they think if they work over eight hours they will be arrested." I spoke to some of the women and told them exactly what I had found, and I asked them if they did not think it was a legitimate breakdown of the machinery. They said it was. And I said, "Have you any objection to working here an hour in the morning, or half an hour in the morning and a half hour in the evening, in the afternoon, and help Mr. Bonfilio until he is through with this trouble, for which he offers to pay time and a half?" They told me that they would not—that they had no objection. I gave Mr. Bonfilio written permission, which I had no legal right to do, to allow him to work those two days until he got that work caught up. I went back to report, and it was not accepted. But there was considerable agitation on account of it, and they said I had no right to give such a permit, and my permit was revoked. I always felt Mr. Bonfilio was unjustly treated in that respect.

Commissioner COMMONS. The same thing would apply to holidays, holiday periods?

Mrs. EDSON. If there can be some way by which discretion could be given to some central body, I think it would be a very good thing if such permits could be issued. The only danger of the thing is, that we are all afraid of, is the indiscriminate use of such permission, and that might break down the very thing that we have tried very hard now to build up, and a very valuable thing.

Commissioner COMMONS. You might hold a public hearing whenever such a permit is granted.

Mrs. EDSON. Permits are generally asked in an emergency condition.

Commissioner COMMONS. What about wages of Russians and Italians—you spoke about Mexicans. Are you familiar with that subject?

Mrs. EDSON. The Russian women are supposed to be about the best workers we have here. They work very slowly, though we find them in some of the

laundries, but particularly in the canning industry. They don't work as fast as the Italian. They cut, for instance in the canneries. You will find that the Russians don't can fruit; they never pack. Their fingers don't seem to be so agile; they can not work as fast as the Italians. As far as their wages are concerned, of course the cutters don't receive anything like as much as the packers. I don't know what they are—I have seen them opening boxes of spinach and picking out the dead leaves, and they make a maximum of about 75 cents a day.

Commissioner COMMONS. How do they compare with the Mexicans?

Mrs. EDSON. I think they are better workers than the Mexicans.

Commissioner COMMONS. They make more money than the Mexicans?

Mrs. EDSON. I have no actual figures.

Commissioner COMMONS. The Italians and Russians both are better than the Mexicans?

Mrs. EDSON. No; I don't know; it depends upon the—I think that the Russians are the more stolid, they stick longer to their work, and I don't think I could answer that question.

Commissioner COMMONS. That is all.

Commissioner GARRETSON. Mrs. Edson, haven't you found—I am going to take a chance to get a cross opinion of a California labor man about organization and law. Has your experience led you to believe that organization is necessary to the full, careful application of the law, humane laws that have been passed.

Mrs. EDSON. I think very, very few laws desired by the workers ever have got by unless they are backed by organized labor.

Commissioner GARRETSON. After they have passed, would they have to be enforced except with a strong organization behind them?

Mrs. EDSON. Well, now, I think that is a little difficult to answer. I can only answer it in this way: I know of no cases of complaints of the eight-hour law that have ever been tried in the county of Los Angeles except through the State bureau of labor, and the State bureau of labor is run by one man that is a labor-union man. He was the president of the Central Labor Council of San Francisco when he was appointed. There is only one man in our office here who is a member of organized labor, but of course I think you might say the spirit of our office is organized labor. I do not believe if it was not, if that particular spirit was not back of our office, that we would have very many convictions for the eight-hour law in southern California.

Commissioner GARRETSON. What has been your experience in this: When complaints are made to you, if they are made by women in regard to their employers, where they are not organized, do they try to conceal their identity or do they not?

Mrs. EDSON. Yes. It is almost impossible to get a woman as a witness.

Commissioner GARRETSON. Unless she has an organization behind her?

Mrs. EDSON. Yes; and even then they don't want to be witnesses.

Commissioner GARRETSON. That has been the unfailing testimony of the various commissioners that have appeared before us.

Mrs. EDSON. Yes.

Commissioner GARRETSON. And in that sense the working out of organization, even after passage of law, would be a natural result?

Mrs. EDSON. Yes.

Commissioner GARRETSON. You spoke of the fact that the three places of shop organization were virtually employers' organizations because the union label had a value, an economic value, from the standpoint of the employer. Has that experience led you to believe that where the label or the closed shop had an economic value to the employer, that he allowed his regard for the independence of the workmen to stand in the way of accepting the label?

Mrs. EDSON. It has not.

Commissioner GARRETSON. Have you found the reverse to be true; that where it had an economic value for the worker only at the expense of the employer, then he was very apt to be opposed to the closed shop?

Mrs. EDSON. Yes.

Commissioner GARRETSON. In your investigations how do you find the question of the application of the open shop affects the tenure of service of the employee?

Mrs. EDSON. Well, Mr. Garretson, I don't think I can answer that because I have no accurate knowledge of real closed-shop conditions. I think that some of our garment—of course, as I said, the garment trades are the only organ-

lred trades in southern California, I consider them—I think these men are trying their best to keep, in dull times, as many women at work as they can. But I think that all of the employers are trying to do that. We are having a very serious time in Los Angeles at the present, because the employers are just struggling to keep as many people at work during the dull times as they can. I think they are doing their very best.

Commissioner GARRETSON. One other question. You spoke of the ability of woman to bring about certain results. How does the property qualification of the California law affect women as jurors? Does she have to have the property in her own name?

Mrs. ENSON. We are not jurors yet.

Commissioner GARRETSON. You are not yet?

Mrs. ENSON. No, sir; by giving us the suffrage, the State did not give us the right to jury duty. We will have a law in at the coming session by which we will be given the right of jury duty, but the law definitely says "men," and we will have to have that changed to "persons" before we can become jurors, and then I suppose just the same qualifications that affect men will affect us. That will be the only change made, as far as we are concerned.

Commissioner GARRETSON. I supposed the two went together. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Do you know of any system in vogue in the department stores requiring girls to appear some considerable time before the working time, and remain after quitting time, for the purpose of discussing the methods of the company, the more efficient methods of conducting the business, etc.?

Mrs. ENSON. I have had that brought to my attention once or twice, but I only know of one establishment in which that sort of thing is done, and I never felt it was being done to the detriment of the workers, and I don't think it was an obligatory thing.

Commissioner O'CONNELL. Never thought what?

Mrs. ENSON. I never understood it was obligatory in any way. I know one establishment in the city that has lectures to employees at 8 o'clock in the morning once in three weeks, I think it is—something of that kind. But I do not know whether those people—I have never found out that those people were kept—that that was overtime work or anything of that kind. I never had any complaint of the kind made to the bureau of labor.

Commissioner O'CONNELL. Did you ever hear of them keeping them after time to lecture to them?

Mrs. ENSON. No, sir; I never had any complaint made as to that.

Commissioner O'CONNELL. There has been no investigation of the kind made or report made to you that something of that kind was going on?

Mrs. ENSON. No, sir. I myself spoke before a group of employers in this community at 8 o'clock in the morning, but I understood that it was on the regular time. I didn't understand that they had come earlier to hear me.

Commissioner O'CONNELL. I understand there is a system in operation here in one or more of the large stores, to give notice that the girls must be there at 8 o'clock or 8.30, to discuss efficiency, and again, ordered to remain after working hours, for no consideration at all financially to the girls themselves.

Mrs. ENSON. There has been no notice of that brought to the attention of the bureau of labor for this reason: I know when I first went on the bureau of labor two years ago I made an investigation of the different institutions of this city as to the benefit of the eight-hour law, as the workers themselves saw it—the eight-hour law for women. I had to distribute a certain kind of schedule among them, and I asked permission to talk to the women at either the closing hour or when they first came on, and I had to assure all the employers that if I kept them five minutes after time to talk to them that I wouldn't arrest them for having kept them in the store. They seemed to be very sensitive about the matter, and I had never thought they were doing that sort of thing, and it has never been reported to me if it is true.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all; thank you, Mrs. Edson.

Mr. Letts.

TESTIMONY OF MR. ARTHUR LETTS.

Chairman WALSH. State your name, please.

Mr. LETTS. Arthur Letts.

Chairman WALSH. What is your business?

Mr. LETTS. Proprietor of a department store.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. LETTS. Nineteen or twenty years, I forget which.

Chairman WALSH. What is the name of the department store?

Mr. LETTS. Broadway Department Store.

Chairman WALSH. How long has that department store been in existence?

Mr. LETTS. That length of time.

Chairman WALSH. Is it operated as a corporation or a partnership?

Mr. LETTS. Individually.

Chairman WALSH. You own it individually?

Mr. LETTS. Yes, sir.

Chairman WALSH. How many employees do you have, Mr. Letts?

Mr. LETTS. Approximately 1,000—between 900 and 1,000.

Chairman WALSH. How are they divided as to sex?

Mr. LETTS. By referring to the salary schedule furnished in connection with my answer to your first question, you will notice the proper segregation is given, M standing for male and F for female, the total number of male employees being 305, female 599.

Chairman WALSH. I believe you are also president of the National Retail Dry Goods Association?

Mr. LETTS. That is an honor I have, sir.

Commissioner WEINSTOCK. You plead guilty?

Mr. LETTS. Yes, sir.

Chairman WALSH. And have you a local dry goods association also?

Mr. LETTS. Yes, sir.

Chairman WALSH. What is the name of it?

Mr. LETTS. Retail dry goods association.

Chairman WALSH. Do you hold any official position with that association?

Mr. LETTS. No, sir.

Chairman WALSH. Will you kindly indicate all of the commercial and industrial associations with which you are affiliated?

Mr. LETTS. The National Retail Dry Goods Association; the State retail dry goods association; the Los Angeles Retail Dry Goods Association; the merchants and manufacturers' association. You mean industrial——

Chairman WALSH. No. Commercial or industrial. Chamber of commerce?

Mr. LETTS. Yes, sir. I think that takes them all in.

Chairman WALSH. I will ask you first——

Mr. LETTS. I am not a very good member of some of those. The manufacturers' association, I think I have been there three times in 18 years.

Chairman WALSH. I will ask you whether or not your association, that is, the retail dry goods association, have adopted any attitude toward the minimum wage system?

Mr. LETTS. Local or national?

Chairman WALSH. Either one or both.

Mr. LETTS. No, sir; not the national association, but the local association and the State association have, in favor of it.

I wish to correct this statement in connection with the national association, as they did take up the matter of the minimum wage at the last convention to the extent of discussing it and two speeches were made, one by Marcus M. Marks, president of the Borough of Manhattan, and the other by Norman Hapgood, editor Harper's Weekly. No action was taken further than discussing it.

Chairman WALSH. Now, how far have they gone in their attitude toward the minimum wage?

Mr. LETTS. They have gone to the extent of advocating it very strongly. When they knew the governor was going to appoint a commission, they telegraphed they were heartily in favor of it.

Chairman WALSH. Have studies been made as to the minimum wage, or as to a living wage for women?

Mr. LETTS. Well, as a retail association, I don't know of any. Individually, I presume there has.

Chairman WALSH. Now, I wish you would state what you consider to be a living wage for an independent woman, a woman required to depend on her own exertions for her living in Los Angeles.

Mr. LETTS. Might I make a suggestion to the commission, that I have data here, and if you will allow me to answer the question in the same rotation that you submitted them to me, I will answer them, and when I get through

I will answer any other questions you may care to ask. I am better prepared that way.

Chairman WALSH. I think we can save time if you will answer the questions here. If you can't, you can go through the list.

Mr. LEITH. It may be in the statement that I have already prepared.

Chairman WALSH. Do you know whether it is in there or not?

Mr. LEITH. What is the question, again?

Chairman WALSH. What is a living wage for an independent woman, or a woman required to live upon her own exertions in the city of Los Angeles?

Mr. LEITH. As far as my knowledge goes of the retail association, I don't know of any investigation.

Chairman WALSH. I will take that up afterwards, then. You may go through your list, please. You have undertaken to answer the questions as submitted to you, have you?

Mr. LEITH. Yes, sir.

Chairman WALSH. Just kindly read it, then. No. 1, wages and hours of labor of the Broadway Department Store, by departments and occupations.

Mr. LEITH. May I give a prelude to that first question that would open up the question we have before us?

Chairman WALSH. Yes, sir.

Mr. LEITH. Those employees——

Chairman WALSH. Please pitch your voice as high as you possibly can. Everyone seems to be interested in hearing it all.

Mr. LEITH. Thank you. If you will give me a personal privilege of briefly saying something just to open the matter.

Chairman WALSH. Certainly.

Mr. LEITH. I have been probably very much misunderstood, misconstrued, and under attack in the last few years on the wage question. I want to answer everybody in the city of Los Angeles at this opportunity. I have asked the State investigators, who have been through my business, to give me a written statement of the conditions that they found. Up to the present time I have not been able to get that, in a matter of justice to me, although I have even appealed to the judge of the superior court in San Francisco, who is one of the commissioners. I have not been able to get it, and therefore this gives me an opportunity perhaps to give the information to the public in general.

Chairman WALSH. This is the place for you to go into it deeply. Go right into every phase of it, and every explanation you desire to make of industrial conditions in your store, in your own way.

Mr. LEITH. Thank you. Those employees receiving less than $8 per week are under 18 years of age. No boy or girl is employed at less than $6 per week. And they must be 16 years of age. By the by, I have a schedule that is automatically raised. They get $6 a week if 16 years of age, $7 a week when 17 years of age, and $8 a week at 18 years of age. The figures I have given are the minimum wages paid. As regards the maximum the only limit is each employee's individual earning capacity. In addition to this scale of wages, $20,000 or more is paid out annually in the form of P. M.'s and commissions. Men who work overtime for departments other than their own, and are receiving a salary of less than $75 per month, are paid for such overtime. The men are also paid overtime for the three evenings in which the store remains open prior to Christmas. The minimum salary to junior help is $6 per week.

I would like to add that the reasons for these rules is that I do not think it is necessary to bring back the men at night, for from my personal experience I have found that this was not necessary if the department managers would attend to their business in the early hours of the day.

In case of the younger employees the salaries are automatically advanced according to the age. At 17 any employee can not receive less than $7 per week, and when they reach the age of 18, no employee can receive less than $8.50 per week, and all such employees must be living at home. The minimum salary paid to sales people is $8 per week. These sales people must live at home and they must be advanced within one year to at least $9 per week. The minimum salary paid at the Broadway Department Store to young women supporting themselves and living away from home is $10 per week. The minimum salary paid to any woman who may have children depending upon her for support is $12. The salaries of sales people are governed largely by the amount of their sales. In other words, a person capable of receiving $12 per week in a certain department should take in a certain amount of money. This sum differs in the various departments according to the expenses of selling.

In a great number of the departments we give the employees a bonus of 2 per cent on all their sales over the amount they are expected to take in.

For extra help we pay not less than $2 per day for a full day, and not less than $1.50 for services from 11 a. m. to 5.30 p. m.

A vacation of one week on full pay is granted to all employees who have been with us for one year or over.

Hours of labor at the Broadway Department Store by departments and occupations—hours of labor: The store opens at 9 o'clock a. m. and closes at 5.30 o'clock p. m. The female employees work under the State law which forbids more than eight hours of labor in any one day. The male employees report for work at 8 a. m., but are not considered late if they arrive before 8.15 a. m. They work until 5.30 p. m., with an allowance of 45 minutes for lunch, making the working day from eight and a half to eight and three-fourths hours. The store is closed on Saturday afternoons during July and August.

Experience of the Broadway Department Store under the California eight-hour law: The introduction of the eight-hour law made but little difference to the Broadway Department Store for the reason that for more than a year previous to this law going into effect the Broadway Department Store was operating upon a schedule very close to eight hours. And right here, if you will excuse me, I will say that the merchants of the city of Los Angeles are, in my opinion, broad minded and the most liberal merchants in any city in the United States in the handling of their help. They have the humane touch to it. They were operating the eight-hour law virtually, or eight and a quarter hours, nearly two years before the State law went into effect. And never once have they been pressed to do any of these things. They have voluntarily given these to their employees. At that time the store opened at 8.30 and closed at 5.30. With the advent of the new law, the opening hour was changed from 8.30 to 9 o'clock.

The new law, however, necessitated quite a few changes in the methods of carrying on our business, particularly at the inventory period, which occurs twice a year. There is also some difficulty in handling our business during the three great rush days prior to Christmas, when the store is open during the evening, owing to the fact that the female employees can only work eight hours. This necessitates our engaging a large number of inexperienced help, the regular employees either reporting later in the day or leaving earlier in the evening. The eight-hour law may be said to work somewhat to a disadvantage to the young women who have special ability along their particular line and are anxious to advance to executive positions, for they find it next to impossible to have the work called for in these higher positions attended to properly within eight hours. Personally, I think it is a very good thing that the hours of women's labors are regulated by a State law, although I do think the arbitrary limit of eight hours in any one day, under certain conditions, works a hardship both on the employer and the employee.

Safety and sanitary conditions at the Broadway Department Store—safety: The building is a classy, steel-frame, fireproof building, thoroughly equipped with automatic sprinklers. From the third floor up all the stairways are inclosed. These stairways are provided with metal doors and handrails on both sides. All stairways are of iron. All windows exposed to a possible fire hazard are of wired glass. There are four outside stairways from the basement leading directly to the street. The plunger-type elevator has been established at a great expense. It is claimed to be impossible for these elevators to drop—causing a serious accident. All elevator platforms are lighted electrically under the edge, causing the passengers to unconsciously use care when entering or leaving it. Cork tiling has been laid in the front of the elevators to prevent slipping. All skylights are of wired glass and have heavy screens over them. All electric tablet boards are protected by wired glass doors. All the windows in the store are at least 34 inches from the floor. This is to prevent anyone from hanging over and losing their balance. Steel lockers are provided in the employees' cloakrooms. We have a well-trained private fire department, thoroughly equipped with extinguishers, axes, hooks, tarpaulins, and so forth. The building is equipped throughout with both private and Gamewell's auxiliary fire-alarm boxes. Folding seats are provided for all sales people—the type of seat which can not fall down. Every electric light in the building is controlled by an individual switch on the various tablet boards, making it impossible for any employee to make a contact and receive a shock. There is no electricity in the building of more than 220 volts either

for power or for lighting, thus eliminating the possibility of anyone being seriously hurt from an electric current. The outside entrances to the building are tiled with rubber in order to prevent slipping.

Safety and sanitary conditions at the Broadway Department Store—sanitation: All the lavatories in the building are of white tile and Italian marble, our employees being furnished with individual towels and liquid soap. The type of toilet used is the most sanitary known. The lavatories of the finest hotels are not superior to those provided for the employees of the Broadway Department Store.

The number of lavatories, etc., in the building is as follows: Toilets for women, 89; lavatories for women, 54; toilets for men, 34; lavatories for men, 29; urinals for men, 21; total, 227.

There are lavatories and toilets on every floor for both men and women, those for the men being on the north of the building and those for the women on the south. In the delivery department shower baths have been provided for the use of our drivers. We have separate wash rooms, toilets, locker room, and dining room for colored porters. The ceiling of the basement is 18 feet high, thoroughly ventilated by a modern washed-air system, the air being changed every 15 minutes. Sanitary drinking fountains are provided on all floors, the drinking water being thoroughly cooled before passing to the fountains. A vacuum-cleaning system is used for removing dirt and dust. We have a thoroughly equipped hospital, with a nurse always in attendance.

Ability of individual employees or committees of employees to have their grievances adjusted at the Broadway Department Store: This question is best answered by submitting verbatim report of a talk I gave to my employees on July 1 upon this very subject.

I have long recognized the possibility of my employees having a just grievance which might not reach me personally. In order to remove any barriers that might exist between the employees and myself, I asked them to elect their own committee, which committee I would be only too glad to cooperate with at all times. The employees of the Broadway Department Store have an association of their own, and this association publishes a magazine once a month.

I submit herewith the reference made by the Employees' Magazine to the welfare and grievance committee. And there was another article a month later, which I also submit.

(The articles referred to were submitted in printed form.)

Chairman WALSH. Those are clippings made from the Employees' Magazine?

Mr. LETTS. Yes, sir. I am going to leave that for the commission to read. I don't care to read them to the public.

Chairman WALSH. One moment. We will pause here for lunch. The hearing stands adjourned until 2 o'clock sharp. You may resume the stand at that time.

(Whereupon, at 12.10 o'clock p. m., an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before. Commissioner Commons, acting chairman.

Acting Chairman COMMONS. The commission will be in order, please. Mr. Letts, will you proceed with your statement?

TESTIMONY OF MR. ARTHUR LETTS—Continued.

Mr. LETTS. Mr. Chairman, I think I had reached the point, the question: "Particular features of the retail clerks' union to which objections are made?" I think if the reporter will keep me advised whether that is the point I had reached or not I would be obliged. Later on, if you would ask me the question, Mr. Chairman, I will give you the data on this committee with regard to what grievances, if any, the employees of my establishment have. Unless you wish it, I would not read the report at the present time.

Acting Chairman COMMONS. You might give us a summary of it in your own words, without reading it. What is the form of organization, and what is the nature of grievances that come up?

Mr. LETTS. Well, the organization, it is so broad that it would really take all the reading of all this to embrace it, and it is quite lengthy. And probably after I get through you will ask me a question or two on it.

Acting Chairman COMMONS. Well, let it go, then.

Mr. LEITH. The next question asked me is the particular features of the retail clerks' union, to which objection was made. I don't know whether this means the objection to any special set of rules established by some retail clerks' union that may now exist in this city, or whether the question is meant to be answered in a general way; that is, whether there is any objection to the organization of a retail clerks' union. If this question simply calls for a general opinion, I might state that I don't think that there is any need for a clerks' union in any store where the employer is in close touch with his employees and where there is a hearty spirit of cooperation. This is particularly true at the Broadway Department Store, where there is an employees' committee that takes up all grievances, disputes, etc., that may arise amongst the employees, and make it a point to see that these disputes are settled satisfactorily. There would be an objection to a clerks' union where the organization appointed some person outside of the store to act for them, inasmuch as this party or parties would become dependent upon keeping up strife and discord in order to hold their positions, and there would be no such discord where the management and the employees were working harmoniously. I have heard that there have at times been attempts to form a retail clerks' union in this city, but owing to the lack of interest or a desire to become a member of such an organization on the part of the retail clerks themselves the movement has never been a success. I see no difference between a retail clerks' union and any other union as far as an objection is concerned, and looking at unions as a whole, it strikes me that the wage obtained by the unions in any line of work automatically becomes the maximum wage, for the reason that the inefficient worker is paid that certain amount; that the more efficient worker seldom gets more, because, to begin with, his additional output only equalizes the results of the less efficient worker, and competition will not allow of the pay roll being materially increased under the circumstances. The more efficient worker soon realizes that he is doing more than his share, and finding it harder under such circumstances to increase his financial reward, soon becomes less efficient.

We have always experienced great difficulty in obtaining sufficient of the higher grade of help.

What has been done by the Broadway Department Store to improve working conditions as regards wages and hour of labor: The Broadway Department Store has made it a point to constantly advance wages, keeping in touch with the increased cost of living, etc. Our wage scales are gone over semiannually by the superintendent and the management, and advances are made according to merit and service. In addition to this, the superintendent is furnished each week with a salary chart, showing how much each employee has been paid and how much they have actually earned, according to our business experience. There is not a week passes without some advances being made, either on account of age of those under 18 or on account of service, merit, or ability.

P. M.'s are paid in all of the selling departments, and in a number of selling departments extra commissions are paid, as explained in the data relative to wages.

Hours of labor: Ever since the Broadway Department Store was founded I have had the interest of my employees at heart, and firmly believe that therein lies one of the fundamental reasons for the growth and development of the business.

I started the Broadway Department Store in the year 1896. During the summer of 1896, just two years after the opening of the store, I felt that my employees should have more out-of-door recreation during the summer; consequently, I gave them a half holiday every Thursday afternoon during July and August. Although I started alone in this, I never regretted taking the step. A few years later, when other merchants joined in the summer-closing movement, I voluntarily changed the afternoon holiday from Thursday to Saturday, so that the employees of all the stores might be free on the same day.

Regarding my attitude toward shorter hours for employees, I beg to submit copy of letter I addressed to the merchants and manufacturers' association on this subject on January 9, 1906:

"GENTLEMEN: I believe the time has come when the stores in this city should be closed at 6 o'clock Saturday evenings. In this hustling age monetary considerations are apt to engross the employers' attention to the exclusion of the employees' interests. I believe that the health and happiness of my most humble employee is of greater importance than the profits of my business. I

would suggest that this matter be brought before your next meeting and a movement started toward this end.

"ARTHUR LETTS."

The agitation thus started continued until October, 1906, when the large stores of the city agreed to close promptly at 6 o'clock and thereby eliminate Saturday night work of the employees.

One of the happiest moments of my life was on November 17, 1906, when my employees gathered in a body and presented me with a magnificent silver plaque in token of their appreciation of what had been done toward making their working life more pleasant.

As the business of the Broadway Department Store prospered and a few more years went by I once more decided voluntarily to reduce the working hours of my employees, and in January, 1910, announced that instead of opening at 8 o'clock in the morning and closing at 6 in the evening, the new hours of the Broadway Department Store would be from 8.30 to 5.30, and this full hour would be taken off of each day without any reduction in salaries. I want to tell you, ladies and gentlemen and commissioners, that I didn't consult a living soul, not a soul. These new hours went effect in January, 1910, more than a year before the eight-hour law for women was suggested in the State legislature at Sacramento. To this my employees again responded with an expression of their appreciation in the form of an elaborate sheepskin parchment, hand engrossed and illumined. I submit copy of that also.

(The reproduction of the sheepskin parchment was submitted.)

It has always been my aim to do whatever possible toward the promoting of the health and happiness of my employees.

What has been done by the Broadway Department Store to improve working conditions as regards safety and sanitation? This question has been amply covered by the data I have furnished regarding safety and sanitary conditions at the Broadway Department Store. I wish to supplement that information, however, with a few photographs which might be of interest. I submit photographs of the toilets, rest room, and so on.

Hospital: A complete sanitary hospital is located in our building, with a competent nurse always in charge. Any employee feeling indisposed is at perfect liberty to retire to this hospital at any time. I submit a photograph[1] of the hospital. I also submit a photograph of the cafeteria.

Note the abundance of light and fresh air. The ceiling and walls had not been tinted at the time this photograph was taken.

Smoking room for men employees: Smoking in the various departments throughout the building is prohibited for numerous reasons. This room, however, has been set apart for the men employees, where they may enjoy their tobacco after lunch or during their own time. I submit a photograph of the smoking room.

Women's rest room: This is a large, airy room on the eighth floor, overlooking Broadway. It is furnished with plenty of comfortable chairs, writing desk, and so forth, and also contains a library. The floor is carpeted with dark green Wilton velvet carpet, giving the room a very restful appearance. The walls and ceiling had not been tinted at the time this photograph was taken. I submit the photograph of the women's rest room.

Sewing room: This sewing room is provided for the use of the women employees who have sewing to do for their personal use and who have no sewing machine available at home. They are free to use this machine at any time when they are not actually on duty. I submit a photograph of the sewing room.

Silence room: Adjoining the women's rest room is a silence room. Should a girl be suffering from a headache, and so forth, she may retire here for a rest. Strict silence is maintained. I submit a photograph of the silence room.

Auditorium: This auditorium seats 850 people, and is used for meetings of all kinds. Musicales are given on Wednesday mornings, with entertainments and talks from outside speakers. In reference to that I might say that my business has several organizations composed of employees, and the firm has absolutely nothing to do with it in any way, shape, or form. And they have meetings, I think, once a week. Everything is voluntary. They come and meet there, and they get an outside talker, I think, about a quarter past 8 they meet in the morning, and it is for self-education and self-advancement. This auditorium was given for their use.

Seats for employees: This photograph [indicating] shows the style of seat furnished, so installed that they can not fall down. Sufficient seats are furnished for all women employees. This has been in the store for 15 years.

Adjustment of individual grievances: Possibly this would be where that matter might come up. The Broadway Department Store has never in its experience had any trouble in adjusting any grievance of its employees. There has always been the spirit of friendship and cooperation between the management and the employees themselves. At any time any employee has felt that the superintendent has not adjusted his or her grievance satisfactorily they have had the privilege of coming to the management, who has always made it a special point to take up any grievance of the employee. In addition to this as proprietor of the Broadway Department Store I have always made the employees feel that they are welcome in my office to take up with me any special matter that they have felt was being overlooked or was not adjusted satisfactorily by the superintendent or the management. I wish to call your attention to the scope of the employees' committee which was outlined to you under your previous question regarding the ability of individual employees to have their grievances adjusted. In addition to the employees' committee we have a woman who is assistant to the superintendent, and whose duty, in addition to that of conducting classes in salesmanship, is to keep in touch with the welfare of the employees, particularly of the women, and see that matters are taken up with her which otherwise are not adjusted.

For removing friction between the employers and employees: I have always felt that friction between employer and employees was unnecessary. I believe, however, that there are many cases where friction does exist. I think that the remedy is purely educational. What is needed is for some big man in the community, and preferably a leader in his particular trade or business, to take a wide view of existing conditions; in other words, bringing a humane touch to bear upon his business, and, having put his own house in order, so to speak, urge his fellow employers to do likewise, never letting up until great results have been accomplished. If the management of every business would only watch the work of their employees carefully and reward merit and ability promptly and satisfactorily, there would be no such thing as friction, for it is a great satisfaction to the employees to know that their work is taken note of and that they are given the opportunity of advancement when such opportunity occurs. I may state that in the Broadway Department Store practically all of the assistant managers and two-thirds of the managers have been advanced from the rank and file.

For insuring that improvements in wages and working conditions are made as rapidly as economic conditions justify: The best method of insuring improvements in wages is to departmentize the business and hold the management of each section or department responsible for the management of his department and to see that his people are promptly advanced as conditions merit and ability warrants. In addition to this, the general superintendent of the house should receive weekly reports as to wages and conditions of each department and keep in close touch with the manager of each department.

For speedy and just settlement of such industrial disputes as may arise: The most satisfactory manner in which to settle any dispute that may arise is to have the parties at grievance meet with the management immediately and enter into a full discussion. If this is gone at in the spirit of cooperation between the management and the employees there will be very little difficulty in settling any dispute. In the 18 years that the Broadway Department Store has been in existence there has not been at any time any difficulty in settling any trouble that the employees may have had.

For insuring that the interests of the public are protected: The interests of the public are best protected by securing from the employees cooperation and loyalty to the house in such a way as to attract the attention of the buying public. Whenever any dispute or grievance of any sort may have arisen the customer should be granted an immediate audience, with some one in authority, and such dispute or grievance should be given a thorough and immediate investigation, always allowing the customer the benefit of the doubt. The foundation stones of the Broadway Department Store have always been truth, courtesy, liberality, and value.

If in this question of the interests of the public it is taken to mean that they receive full measure, full weight, and so on, I might state that this has been taken care of by the national pure-food law and California Senate bill No. 32, approved June 16, 1913; also a State law to indicate the net weight of food-

stuffs intended to be used, or prepared for use as food when sold in containers, and passed by the California Legislature, senate bill 788, approved May 27, 1913; also city ordinance on weight and measures No. 18000, approved April 14, 1909; also State law and city ordinance on fraudulent advertising.

As to my ideas along constructive lines, beg to submit for your consideration an article under the heading "Progressive retail methods," written by me and recently published in a special edition of the Dry Goods Economist. In this article I covered the subject perhaps more fully than can be done by merely answering your question.

I submit the printed matter here.

What has the open-shop policy in Los Angeles done for the community as regards establishment and maintenance of a high standard of living for all classes? I believe that the open-shop policy in the city of Los Angeles has enabled great numbers of the working people to obtain employment regardless of their past experience. It has given the city a freedom of living and a reputation among the Eastern States that has brought and is still bringing industries of all kinds to locate in this city and surrounding suburbs.

As regards high standards of living, it is a well-known fact that there is no city in the United States where the workingmen live in such pleasant homes, thousands of them owning their homes; and in no city is there less poverty and fewer slums.

What has the open-shop policy in Los Angeles done for the community as regards assurance of regularity of work and decrease of unemployed? Assuming that the open-shop policy has been the big factor in the building up of Los Angeles, it would necessarily follow that there is a greater assurance of regularity of work and decrease of unemployed. I believe it has been a factor in enabling all classes to obtain work regardless of their affiliation or not with any of the labor organizations.

What has the open-shop policy in Los Angeles done for the community as regards protection of the industrial and civil rights of individuals? This is a question that I hardly know how to answer. In fact, I can not say that I thoroughly understand the question. It is my opinion that the open-shop policy has resulted in a democratic community, where all have equal rights.

What has the open-shop policy in Los Angeles done for the community as regards general and technical education and the ability to secure thorough mastery of trade? I believe the open-shop policy has allowed all to secure an equal opportunity of mastering any trade. So far as the dry goods business is concerned, the Broadway Department Store has always maintained a school for the education and instruction of its younger people, and has always held regular classes on salesmanship for the selling force, with special lectures on the different lines of merchandise handled, all of which gives material aid and technical education to the employee. The public schools are now taking up vocational training and the merchants of Los Angeles are sending a number of their employees to these classes daily.

Those are the questions submitted to me, and the answer cover them.

Acting Chairman COMMONS. Submit it to the stenographer. Mr. O'Connell has some questions to ask.

Commissioner O'CONNELL. Mr. Letts, I want to discuss with you briefly the question of organization of the clerks. You say you think it would not be for their best interest—the interest of the body specially—if you were to attempt to deal with some not in your employ. You are a member of various organizations yourself, you say?

Mr. LETTS. Yes, sir.

Commissioner O'CONNELL. Associations?

Mr. LETTS. Yes, sir.

Commissioner O'CONNELL. I suppose this association has represented other employees, has some person to represent or speak for this association, like, for instance, an attorney at times, a secretary, president, or executive board—represent the organization in some capacity. I suppose you, as a business man, have business in which your attorney represents you, with a clientele of various kinds, and that you might deal with representatives of corporations and their attorney or representative; that you buy goods from corporations through their representatives, and in that sense you deal with the representatives of men in the walks in life in which you come in touch with. Isn't it fair to concede that the wageworkers should have the same right to be heard by representatives as all other industries or commercial interests or financial interests?

Mr. LEITH. You don't understand me, Mr. Commissioner, if you think I believe any different. I do not. I think they have that perfect right, and I concede still further that I think that labor unions are a good thing, but not as they are at present managed, and I speak from my own experience with them.

Commissioner O'CONNELL. Then, it is the matter of the management that you object to?

Mr. LEITH. I think that is the main trouble with them to-day.

Commissioner O'CONNELL. And not to the organization itself?

Mr. LEITH. No, sir. I think they have the same right to organize, and if they can get higher wages I think they have a perfect right, and I am glad of it.

Commissioner O'CONNELL. And by what method is this grievance committee in your store selected or elected or appointed?

Mr. LEITH. They are selected and elected, purely and simply, among themselves. I suggested there should not be anyone on that commission or committee higher than the position of salesman, because I wanted the close touch with the rank and file unrestricted.

Commissioner O'CONNELL. And if a clerk is discharged for some purpose by some one in authority and she takes her case to this adjustment committee or grievance committee, if she desires to do so—is that the way?

Mr. LEITH. Yes, sir. And they take it up and investigate it, and if it has been unjust they are reinstated. I might say there have been two people reinstated and the people put back to work.

Commissioner O'CONNELL. Is the firm bound by the decision of this committee—by the decision this committee may reach?

Mr. LEITH. We discuss it together, and the thing is settled, and if there is any evidence that they haven't known it is produced before that committee. Sometimes some one is dismissed for a reason we can not or do not care to tell them.

Commissioner O'CONNELL. Who is the finality on the proposition, saying the word that "You can" or "You can not work"?

Mr. LEITH. The manager or myself. But the superintendent is the man who hires and discharges, and if there is any grievance it is taken out of his hands. I found that that committee has had a tremendous good effect on the business entirely. It is strange that a man taken from the ranks, who is given authority, should want to bear down on the very people toward whom he should be kindly disposed. I have never seen it fail once, that the man who is taken from the ranks and placed in authority, but what he wanted to bear down on those ranks. And that is one point that has pleased me more than anything in this committee, that it makes the other fellow in authority who steps up step and hesitate how they are going to treat the rank and file, the man under him.

Commissioner O'CONNELL. I understand from the statement that you read that you were favorable toward the shorter week rather than toward the shorter workday?

Mr. LEITH. I think, Mr. Commissioner, that instead of an arbitrary eight-hour day a 48-hour week would be preferable, not only to the employer but to many of the employees, by which their work could be better regulated.

Commissioner O'CONNELL. Would that mean that you would work the clerk 8 hours one day and 12 hours the next, and so on, so that it would only average 48 hours a week?

Mr. LEITH. It doesn't mean that strong average. It might mean an hour extra some day. It doesn't mean that all along. It might be in one particular branch, but I think the employees themselves would like it that way.

Commissioner O'CONNELL. It would result probably in having a number of clerks who would be held in waiting that they would work later probably?

Mr. LEITH. Yes; it could be arranged.

Commissioner O'CONNELL. That is, you might arrange it—if you don't know now, I don't know whether you do or not—to keep your store open Saturday night?

Mr. LEITH. No, sir; we never, and I am thankful to say that is so.

Commissioner O'CONNELL. All the stores in Seattle close on Saturday night——

Mr. LEITH. This is Los Angeles, sir.

Commissioner O'CONNELL. I mean Los Angeles. Do you know whether any of the stores, including your own, have the system of asking their clerks to come in the morning, say, 8 o'clock, for some instruction as to how to sell goods or to learn the materials and fabrics?

Mr. LEITH. I don't know of anyone.

Commissioner O'CONNELL. I have got here a number of notices.

Mr. LETTS. As I heard one of the witnesses on the stand say this morning, I thought it might allude to that association of mine, so I made inquiries while I was at lunch, and particularly emphasized the point as to whether we had anything to do with it, and he said absolutely nothing; that that auditorium is given to the employees and the use it for self-education, or to bring outside speakers who will talk to them along some particular lines.

Commissioner O'CONNELL. Here is a notice or circular; I won't give the date: "Eight o'clock in the morning. This means 8 o'clock; not a minute later."

Mr. LETTS. Yes. I wouldn't know anything of that.

Commissioner O'CONNELL. Here is another one: "Meet at 8 o'clock in the morning, sharp." Another one: "Eight o'clock and one minute." Here is another one: "Eight o'clock." Another one: "Eight o'clock." Another one: "Eight o'clock."

All giving lectures or something; demonstration of some kind. Wouldn't that appeal to clerks, especially timid girls and young women who were employed, if they did not come there and apparently get that schooling, that it might interfere with their employment?

Mr. LETTS. I don't think so. Not in my business, anyway.

Commissioner O'CONNELL. If the employer invites help to come an hour earlier, or half an hour earlier than the regular opening time in the morning, would it not be fair to expect that they should be compensated?

Mr. LETTS. Under the eight-hour law I don't know how you would.

Commissioner O'CONNELL. Couldn't your business be so arranged that they might come half an hour earlier and get off——

Mr. LETTS. Mr. Commissioner, good American citizens obey the law, and the retail merchants in Los Angeles I think are good citizens.

Commissioner O'CONNELL. It wouldn't stretch their morals at all, I suppose, to invite the clerks an hour earlier.

Mr. LETTS. And let them go an hour, leave an hour earlier?

Commissioner O'CONNELL. Any regulation at all that you might desire to make so long as the clerk would be compensated for the employer teaching her the best method to sell goods for him.

Mr. LETTS. According to my construction of the eight-hour law that would not be possible.

Commissioner O'CONNELL. The only reason you think or have for not changing is because the law would prevent you?

Mr. LETTS. I didn't say that, Mr. Commissioner.

Commissioner O'CONNELL. You spoke about the bonus system in your store, compensating help by bonuses for increased sales, that that was to encourage their efficiency. Is there no other purpose in that; wouldn't that tend to inculcate and encourage in the saleslady or salesman some other thing other than efficiency in order to sell goods and make money?

Mr. LETTS. I don't know what other thing you imply or think of. I do not know of any.

Commissioner O'CONNELL. Might not the clerk get the idea and tell a purchaser that the goods were something they were not so as to make a sale?

Mr. LETTS. Beg pardon?

Commissioner O'CONNELL. Might not the clerk get the idea that it would be a good thing to tell the purchaser that the goods were just what they were not?

Mr. LETTS. My policy, sir, is absolute honesty in business. I would dismiss any employee who misrepresented merchandise. That is one of the things I do not hesitate a second.

Commissioner O'CONNELL. You allow something for selling old goods?

Mr. LETTS. Yes, sir. I wish at the same time to state that under my system of merchandising there was only 5 per cent of the merchandise that on the first of this year was more than 1 year old. I mean by that that when the inventory was taken on December 31, 1913, there was only 5 per cent of the merchandise represented by that inventory that was purchased prior to the year 1913.

Commissioner WEINSTOCK. Passe.

Mr. LETTS. Passe. Thank you, Mr. Weinstock. The price goes down, and out it goes.

Commissioner O'CONNELL. Do you have any system of fining your clerks for mistakes?

Mr. LETTS. No, sir; I do not, and never believe in it. And I preach the doctrine—did this year all through the United States—I went 15,000 miles in the interest of the national association, and in all cities I spoke very harshly and

very strongly against such a thing. I don't think it is right. I think it is altogether wrong.

Commissioner O'CONNELL. You have a basement in your store; have a basement department?

Mr. LETTS. Yes, sir. Of course you understand it is a store that has been recently built.

Commissioner O'CONNELL. Of course it is supposed you have every modern advantage, getting fresh air there, and so forth?

Mr. LETTS. The very best that money can buy, sir. I believe the employees are entitled to it, and also the customers. I do not know anything superior. If I did I should have it.

Commissioner O'CONNELL. I don't want to ask about the condition in other stores.

Mr. LETTS. I don't know the other stores. That is also one of my strong points. I believe the employees should be given the best there is.

Commissioner O'CONNELL. Has your local association discussed the question of wages, hours, and conditions of employment?

Mr. LETTS. I can not remember that we have ever discussed the matter of wages, although we may have done so at some time. The hours of labor, as I said a moment ago, they wished to change from the present schedule, 9 a. m. to 5.30 p. m., to half past 9 to 6, and I was opposed to it.

Commissioner O'CONNELL. Have your clerks organized among themselves any beneficial association?

Mr. LETTS. They have; yes, sir.

Commissioner O'CONNELL. That is a question—that association is carried on and controlled absolutely by the clerks themselves?

Mr. LETTS. Absolutely.

Commissioner O'CONNELL. Have you a constitution and by-laws which govern?

Mr. LETTS. That is governed by themselves.

Commissioner O'CONNELL. Will you see we are furnished with a copy of those by-laws?

Mr. LETTS. I will; yes, sir. If any of you want anything—I want you to understand, Mr. Commissioner, that my establishment is open for you to go through and ask any question that you choose to ask, and I will freely answer you.

(A booklet entitled "Constitution and By-Laws of the Broadway Department Store Benefit Association," Los Angeles, Cal., was submitted in printed form.)

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. The query was handed me during the last recess, Mr. Letts, with the request for your answer upon two things, and it was not the sentiment that was expressed that was unfriendly, but they said that they had heard repeatedly and they desired to know whether it was true or not: Is there any charge in your store for any form of tuition that you give to any of the employees?

Mr. LETTS. Not at all, nothing asked, there is absolutely nothing.

Commissioner GARRETSON. In regard to lockers or anything of that kind.

Mr. LETTS. There is, I believe, a charge of 25 cents. Now, I don't know that is right or not, but I believe there is a charge of 25 cents for the key, which is refunded when the key is brought back, otherwise we would be supplying two or three keys a week; they would be left at home, or they don't know where they are, and then the key would be left some place and somebody else would get the key and a man would come and say he lost his hat, and we would have to furnish a new hat, as we do, or a new coat, and that is the reason.

Commissioner GARRETSON. That is simply a guarantee for the care of the key, and is refunded when returned?

Mr. LETTS. That is all, sir.

Commissioner GARRETSON. You made the statement about the spirit of absolutism in a man who comes from the ranks and is put in control over other——

Mr. LETTS. You are getting that a little strong.

Commissioner GARRETSON. I am putting my own interpretation from own experience.

Mr. LETTS. I shouldn't make it quite so strong.

Commissioner GARRETSON. Good. How will you phrase it?

Mr. LETTS. I did phrase it about right. I said he will bear down on the others and show his authority.

Commissioner GARRETSON. Good.

Mr. LETTS. That is better, I think, if you will pardon me.

Commissioner GARRETSON. The man that will bear down, show his authority, who comes up from the ranks—do you know that even with the mere existence of a committee, leaving organization out, just a committee, it will make that man more temperate and of a less dictatorial spirit?

Mr. LETTS. That is the very point, Mr. Commissioner. It will check him up and make him feel he had better go slow. I want to tell you that I have guaranteed in public statements—maybe a little too much sentiment in it for business—but I told this committee before the entire establishment that I would guarantee that anyone on that committee, through any act that they did while serving on that committee, I would discharge the man above them; that they should not be discharged.

Commissioner GARRETSON. You wouldn't stand for petty tyranny?

Mr. LETTS. I have gone even further than that and told this committee that anything they tell me in this office is absolutely secret. I want that committee to do work that will be of benefit not only to us but to the whole of the United States, because I believe there is the key to the situation.

Commissioner GARRETSON. Were you here yesterday?

Mr. LETTS. No, sir.

Commissioner GARRETSON. Well, testimony was offered here yesterday, including newspaper excerpts, in regard to a boycott that was at one time in effect against the Record newspaper on account of its affiliation with labor interests; that it had been boycotted by some interests in the matter of advertising. Did your organization; that is, the local organization of dry goods—yours is only dry goods?

Mr. LETTS. Dry goods.

Commissioner GARRETSON. Does your organization take any formal cognizance of the existence of such a boycott?

Mr. LETTS. Not to my knowledge. We have probably discussed informally together, ourselves, the methods in which the newspaper was conducting itself. I must state that I did not like its policy. I think, Mr. Commissioner, that any newspaper or any man or any body of men that are working for the purpose of raising animosity between the employer and employee is not a fit person or corporation or paper to be patronized. That is my stand.

Commissioner GARRETSON. You do not draw the line of discrimination as to whether they were following one line or the other, if that was their purpose and object?

Mr. LETTS. No; they were agitators.

Commissioner GARRETSON. I see. If the same policy had been pursued by a paper that was aligned with the employer, you would hold it just as pernicious?

Mr. LETTS. I would, no matter which side they were for.

Commissioner GARRETSON. Personally, then, you know nothing in regard to——

Mr. LETTS. I don't think there was a boycott.

Commissioner GARRETSON. Of their withdrawing of advertising or patronage?

Mr. LETTS. If there was a boycott, I don't know it.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Commissioner WEINSTOCK. What is your opinion, Mr. Letts, of the workmen's compensation act?

Mr. LETTS. The workmen's compensation act, I think, is one of the best acts the State of California has passed. It may be possible that it should have a little bit more balance. I could not give you any details of just what I mean, but I think the workmen's compensation act probably was passed without seeing all the angles. But I think time will cure it of any defects it may have. I think that employers will come to feel that the State of California did a very great thing when it passed the workmen's compensation act. I will take myself, for instance, as an illustration, if I am allowed to give this illustration. Through no fault of my own or any measure in which I could have saved the accident, an employee crowded herself into an elevator when she was told the elevator was crowded, and she browbeat the elevator boy, told him she would report him to the superintendent, so he let her get in, and her dress caught and pulled up and her leg was broken. Well, unfortunately, there are people in this world practicing law that love to get cases like that, and the first thing I knew I had a damage suit of $50,000 against me. I tried to get near to the party. I sympathized with her. I was very, very sorry that she was hurt. But I could not; and she was awarded $15,000 or $18,000 damages. Now, that employee was

getting some ten or twelve dollars per week, yet the jury awarded her a sum that figured out at about $16 a week for the balance of an average life. I don't believe that the poor woman got over $1,500 or $2,000 of the sum of money awarded her by the jury. The rest went to the doctors, the hospital, and the attorneys, I guess. Now that is all avoided. That is one phase of it. Another phase of it is that if a man or a woman gets hurt in their duties, the employees are taken care of, and they don't become an object of charity on the community. I am fully in sympathy with the workmen's compensation law.

Commissioner WEINSTOCK. In the beginning, Mr. Letts, there were a great many employers who probably through a misunderstanding or through not being familiar with the spirit of the law opposed it very much—thought it would be a great burden upon industry. Were you one of those?

Mr. LETTS. I am afraid, Mr. Commissioner, I will have to plead guilty to being a little bit scary of it.

Commissioner WEINSTOCK. But the administration of the law has satisfied you that that was an error?

Mr. LETTS. Yes, sir; I wish it had been in force five or six years sooner than it was.

Chairman WALSH. Thank you, Mr. Letts; that is all.

Mr. LETTS. I will furnish you with this; and, Mr. Commissioner, if you will do me the honor to come through my establishment, I will show you that which will bear out the statements which I have already made.

Chairman WALSH. Mr. Chamberlain.

TESTIMONY OF MR. W. E. CHAMBERLAIN.

Chairman WALSH. Please be in perfect order, ladies and gentlemen. State your name.

Mr. CHAMBERLAIN. W. E. Chamberlain.

Chairman WALSH. Your business?

Mr. CHAMBERLAIN. Manager Hamburger's Department Store.

Chairman WALSH. How long have you been manager of the Hamburger Department Store?

Mr. CHAMBERLAIN. Well, I have sort of grown into the position. Seriously, only a few years, I guess.

Chairman WALSH. Is that operated by a corporation or a partnership or an individual?

Mr. CHAMBERLAIN. Close corporation.

Chairman WALSH. A corporation of the State of California?

Mr. CHAMBERLAIN. Yes, sir.

Chairman WALSH. And what is its capital stock, please?

Mr. CHAMBERLAIN. Two hundred thousand dollars.

Chairman WALSH. How long have you resided in Los Angeles?

Mr. CHAMBERLAIN. Nearly 28 years.

Chairman WALSH. How long have you been with that concern?

Mr. CHAMBERLAIN. The same length of time.

Chairman WALSH. In what capacities?

Mr. CHAMBERLAIN. Well, I started trucking freight when I first came with them nearly 28 years ago.

Chairman WALSH. At what salary?

Mr. CHAMBERLAIN. Six dollars a week.

Chairman WALSH. How long ago was that, you say?

Mr. CHAMBERLAIN. Nearly 28 years ago.

Chairman WALSH. Twenty-eight years ago. Now, how many employees does A. Hamburger & Sons have, please?

Mr. CHAMBERLAIN. I think about eleven or twelve hundred at the present time.

Chairman WALSH. How are they divided as to sexes?

Mr. CHAMBERLAIN. I do not know that exactly. I should think about 60 per cent female.

Chairman WALSH. About 60 per cent?

Mr. CHAMBERLAIN. I think so.

Chairman WALSH. Have you been served with a list of questions?

Mr. CHAMBERLAIN. Yes, sir.

Chairman WALSH. Have you undertaken to make written answers to them?

Mr. CHAMBERLAIN. No, sir.

Chairman WALSH. Well, then, we will take them up seriatim, please. First, the hours of labor at A. Hamburger & Sons.

Mr. CHAMBERLAIN. Females, 8 hours. All male employees, except drivers, 8 hours and 15 minutes—no; not all: some male employees 8 hours, some 8 hours and 15 minutes, and drivers 9 hours and 30 minutes.

Chairman WALSH. How many drivers have you?

Mr. CHAMBERLAIN. I think about 12 or 15 drivers and helpers that we employ direct. We contract some of our delivering outside.

Chairman WALSH. I would like to have you detail now the wages by classes, Mr. Chamberlain.

Mr. CHAMBERLAIN. Messengers are paid $5, $6, and $7 a week. We have a weekly pay roll; the average is $5.77. Salesmen are paid from $10 to $35 per week. The average is $20.86. Saleswomen from $8 to $30, the average being $10.66. Drivers——

Chairman WALSH. Say, I wish you would please classify that a little closer and give us as you come to those the number and the minimum pay and the maximum.

Mr. CHAMBERLAIN. I haven't those figures with me, Mr. Commissioner. I could not give them from memory. It would be a matter of statistics. I haven't them with me.

Chairman WALSH. Please give me the first one over again.

Mr. CHAMBERLAIN. Messengers, $5, $6, and $7 a week, the average being $5.77 at present.

Chairman WALSH. How many of those have you?

Mr. CHAMBERLAIN. I could not tell you.

Chairman WALSH. Approximately.

Mr. CHAMBERLAIN. Not a great number.

Chairman WALSH. Well, what is the next classification you have there?

Mr. CHAMBERLAIN. Salesmen, $10 to $35; average, $20.86.

Chairman WALSH. How many have you altogether; how many salesmen?

Mr. CHAMBERLAIN. I could not tell you accurately.

Chairman WALSH. Well, who drew off that statement through which the average was arrived at?

Mr. CHAMBERLAIN. The paymaster gave me those figures.

Chairman WALSH. Well, will you please submit to us a copy of your pay roll from which we could gather that?

Mr. CHAMBERLAIN. You would like the number of people employed at each wage?

Chairman WALSH. At each wage; yes, sir.

Mr. CHAMBERLAIN. That is easily ascertained.

Chairman WALSH. And the capacity, of course, in which the man is employed, or woman.

Chairman WALSH. You will furnish that to the commission, will you, as soon as you can?

Mr. CHAMBERLAIN. Yes.

(See Chamberlain exhibit.)

Chairman WALSH. Well, then, go ahead with your averages, just as you have them there, please.

Mr. CHAMBERLAIN. Drivers are paid $15, with periodical advances to $18. But we have only been employing drivers ourselves a very short time, and the average to-day is $15.70. It has been less than a year that we have employed any drivers of our own.

Chairman WALSH. You could not give us any information beyond that called for in those other classifications, I take it?

Mr. CHAMBERLAIN. Not just now. I haven't the figures.

Chairman WALSH. You will furnish it with the others?

Mr. CHAMBERLAIN. Yes.

(See Chamberlain exhibit.)

Chairman WALSH. Well proceed, then.

Mr. CHAMBERLAIN. Mechanics are paid an average of $19.86 per week. They work eight hours. The engineers in three shifts, other mechanics simply straight eight hours.

Chairman WALSH. Where are the mechanics employed in your store, please?

Mr. CHAMBERLAIN. About the building, such as engineers and firemen.

Chairman WALSH. And handy men—have you any upholstery department and such things as that; do you do any manufacturing?

Mr. CHAMBERLAIN. Very little manufacturing. We do some repairing and some things of that sort.

Chairman WALSH. Do you have some cabinetmakers?

Mr. CHAMBERLAIN. We don't do any cabinetmaking. We do touching up of furniture.

Chairman WALSH. How many men do you have at work on that?

Mr. CHAMBERLAIN. I think three or four.

Chairman WALSH. Three or four?

Mr. CHAMBERLAIN. I think so.

Chairman WALSH. What are the wages that you pay your repair men or your cabinetworkers?

Mr. CHAMBERLAIN. I haven't those before me, any segregation of that kind. The average, I think, is included in this $19.86 a week.

Chairman WALSH. Well proceed, then.

Mr. CHAMBERLAIN. I believe that practically covers, with some minor details. We have some tailors in the house who do alteration work, not manufacturing, both men and women, and their wages run from $15 to $25 a week, with a probable average of a little less than $20. I haven't the exact average before me.

Chairman WALSH. Well, you will give us that also?

Mr. CHAMBERLAIN. I can give you the details of that if you wish it.

Chairman WALSH. Well proceed, then, with your wage scale.

Mr. CHAMBERLAIN. That is about the extent of it.

Chairman WALSH. Did you give all of the women?

Mr. CHAMBERLAIN. The women, the average?

Chairman WALSH. I understood that the salesmen that you mentioned were only men?

Mr. CHAMBERLAIN. No; women are $8 to $30, with an average of $16.66.

Chairman WALSH. Is $8 your minimum pay for a saleswoman?

Mr. CHAMBERLAIN. Eight dollars is the minimum pay for anyone in the building who does not live with their parents or with some family.

Chairman WALSH. Well, how many do you have that live with their parents?

Mr. CHAMBERLAIN. I could not tell you.

Chairman WALSH. Or are partially supported.

Mr. CHAMBERLAIN. I could not tell you the number. I can include that.

Chairman WALSH. Is there any effort made to single out persons or women that live with families or are partially supported by some one else?

Mr. CHAMBERLAIN. That question is always asked when they are employed. If any doubt arises, it is investigated to verify the statement.

Chairman WALSH. Is any preference given to a person so situated?

Mr. CHAMBERLAIN. Well, I don't know that it is directly; but no one is employed for less than $8. That has been the rule for several years.

Chairman WALSH. You are a member of the retail dry-goods association?

Mr. CHAMBERLAIN. Our firm is; yes, sir.

Chairman WALSH. Local, State, and National?

Mr. CHAMBERLAIN. Yes, sir.

Chairman WALSH. And how did you happen to establish that minimum wage of $8?

Mr. CHAMBERLAIN. I don't remember the exact details of it. It was a matter of discussion some time ago.

Chairman WALSH. In the association or just among yourselves?

Mr. CHAMBERLAIN. No, no; among ourselves.

Chairman WALSH. Was it ever discussed in either one of the associations of retail dry-goods concerns?

Mr. CHAMBERLAIN. So far as I know, not until we were requested by the commission, the State commission which was appointed, to give them all the information and assistance that we could, and then the subject was discussed several times in the interest of getting what information we could with them.

Chairman WALSH. Did you furnish any of the information yourself to the commission?

Mr. CHAMBERLAIN. Yes.

Chairman WALSH. And did you advocate any particular amount as the minimum wage for women?

Mr. CHAMBERLAIN. No, sir.

Chairman WALSH. Upon what amount per week in Los Angeles can an independent woman, required to maintain herself, do so in decency and comfort?

Mr. CHAMBERLAIN. That is a problem, Mr. Commissioner, that the State commission on that subject has been working on very hard for a number of

meeting and has discussed to a greater or less degree with retail merchants and doubtless with other employers in other lines. And, so far as I know, they have as yet been unable to determine what that should be. I am sure I could not conjecture.

Chairman WALSH. Well, have you tried to get information about it during the time that you have been in business?

Mr. CHAMBERLAIN. About the cost of living?

Chairman WALSH. Yes; about the cost of living upon which to establish a wage for women.

Mr. CHAMBERLAIN. It is a matter that is a pretty big problem Mr. Commissioner, as you doubtless know yourself. That it is something that requires considerable study to get anything intelligent on it. Even this commission, as I believe they have very great facilities for ascertaining those conditions, and they have certainly, as far as I know, had the assistance of employers as far as possible, and I think they are experiencing some difficulty in satisfying themselves as to what that should be.

Chairman WALSH. Well, have you ever endeavored to find out a minimum wage or a living wage, a fair living wage upon which to base the payments to be made to your own employees?

Mr. CHAMBERLAIN. I haven't gone into the thing seriously at all—anything of that kind.

Chairman WALSH. Now, going to the next question then, as to safety and sanitary conditions of your store.

Mr. CHAMBERLAIN. Those points are thoroughly covered. Our building is comparatively new and it was constructed by a very competent architect and engineer, and has in it all of the devices that are known to-day for safety and sanitation.

Chairman WALSH. Your answer would be then that you think your building is equipped with all known safety and sanitation equipments?

Mr. CHAMBERLAIN. So far as we know. We occasionally add something on when we find that something is better than we are using. But it is considered in very good condition.

Chairman WALSH. What plan, if any, is in vogue in your store for individual employees, or committees of employees, to have their personal grievances adjusted?

Mr. CHAMBERLAIN. There is no established plan any more than the policy of the firm which has been in existence since they started in business, that any employee that feels that they have not received justice in the department or where they are employed, they are always welcome in the office of Mr. Hamburger, who is the head of the firm, or myself.

Chairman WALSH. How frequently are such grievances presented to Mr. Hamburger?

Mr. CHAMBERLAIN. Very rare, indeed.

Chairman WALSH. Suppose a messenger had a grievance such as that he or she were discharged without proper cause. How would they get now to Mr. Hamburger?

Mr. CHAMBERLAIN. If they came to his office and asked to see him, they would not be refused admission.

Chairman WALSH. Well, is there any notice posted to that effect or anything of that sort?

Mr. CHAMBERLAIN. Not that I know of; no.

Chairman WALSH. Does or does not the practical working out of it show that when the employee is discharged by the first person over them, that they retire from the premises?

Mr. CHAMBERLAIN. If they do there is no reason why if they felt an injustice had been done them they should not complain to the management.

Chairman WALSH. I was asking, do you know about the practical working out of it, don't they accept the word of the person there in authority as a matter of practice?

Mr. CHAMBERLAIN. Why, I presume they would naturally, primarily.

Chairman WALSH. Well, do you think that it would make for a better feeling on the part of employees if there was some system by which it was known they could present grievances to the head of the firm?

Mr. CHAMBERLAIN. I really don't know. It is a matter that I have never thought about. It might possibly be.

Chairman WALSH. Are there any organizations of clerks in your employment—labor organizations, retail clerks' union?

Mr. CHAMBERLAIN. No, sir; not that I know of.

Chairman WALSH. Do you have any objection to your clerks organizing into a union?

Mr. CHAMBERLAIN. The subject has never been mentioned that I know of in the organization.

Chairman WALSH. Do you know any features of an organization of retail clerks to which you would object?

Mr. CHAMBERLAIN. I don't know anything about it, Mr. Commissioner, at all.

Chairman WALSH. You have never considered the question at all?

Mr. CHAMBERLAIN. No; it has never been up, that I know of, in this city.

Chairman WALSH. No request has ever been made to allow them to organize your store?

Mr. CHAMBERLAIN. No, sir; not that I have ever known of.

Chairman WALSH. What has been done by A. Hamburger & Sons to improve working conditions, first, as regards wages and hours of labor?

Mr. CHAMBERLAIN. The natural increase that has come about generally through the increased cost of living and the increased prosperity that all enjoyed in the United States of late years.

Chairman WALSH. Have you had that in mind in raising wages?

Mr. CHAMBERLAIN. The raising of wages in the department store to-day is brought about as a rule by the scarcity of competent people to a great degree. There is considerable competition among employers for the better class of help. That has something to do with it.

Chairman WALSH. Yes. Well, is there any organized effort on the part of the management of A. Hamburger & Sons to see that the wages of the employees keep pace with their own development?

Mr. CHAMBERLAIN. Absolutely.

Chairman WALSH. With their own prosperity?

Mr. CHAMBERLAIN. Yes.

Chairman WALSH. Well, now, how is it governed?

Mr. CHAMBERLAIN. Statistics are taken off for the information of the management and the superintendent on that subject periodically—weekly and monthly—and at least twice a year all salary lists are gone over in conference with the superintendent, and each individual is considered at that time as to what they have been doing and how they are progressing, and they are not allowed to remain at a stationary salary any length of time.

Chairman WALSH. They are not allowed to remain at a stationary salary for any great length of time?

Mr. CHAMBERLAIN. No, sir.

Chairman WALSH. At what price do you put a clerk in the very first instance; or do you have any established minimum for a new clerk?

Mr. CHAMBERLAIN. It depends entirely on their experience and their apparent ability when they apply.

Chairman WALSH. Have you observed or studied what is called the open-shop policy in Los Angeles?

Mr. CHAMBERLAIN. Well, not that I could qualify as an expert, by any means.

Chairman WALSH. You could not? Would you undertake to give an opinion as to its effect upon the establishment and maintenance of a high standard of living for all classes?

Mr. CHAMBERLAIN. I don't think my opinion would be of any value to the commission at all. In fact, I have been too busy most of my life with the details of the store to give, perhaps, the attention one should to get information of that sort.

Chairman WALSH. Then you haven't given any study to the subjects called for under the eighth classification of your questions?

Mr. CHAMBERLAIN. I have not.

Chairman WALSH. Would you like to ask a question?

Commissioner GARRETSON. Yes. I would like to ask on the opinion that he expressed there, or hesitated to express, possibly. You heard the testimony of Mr. Letts?

Mr. CHAMBERLAIN. Yes, sir.

Commissioner GARRETSON. In regard to the effect of the knowledge on those in direct charge of the people in the store, on the fact that there was an avenue plainly open to them. Do you believe with Mr. Letts that that exercised a desirable influence over the floorwalker or superintendent who is inclined to show his authority?

Mr. CHAMBERLAIN. You mean the point that they can go over their immediate superior with a grievance to somebody higher?

Commissioner GARRETSON. Absolutely, and it is advertised by the head of the establishment himself that they can do so.

Mr. CHAMBERLAIN. I think it is a very good idea.

Commissioner GARRETSON. Your experience has taught you that there are men filling those positions who are given to that form of—well, tyranny?

Mr. CHAMBERLAIN. I should hardly use that term. But of course we still are obliged to employ human beings, and some of them are awfully human, you know.

Commissioner GARRETSON. I guess they are. I have seen a few.

Mr. CHAMBERLAIN. Yes, sir.

Commissioner GARRETSON. Then you believe—now, bear in mind I am not trying to tie you to anything, any form of organization, as according to Mr. Letts's testimony, this is done without any form of organization in his establishment.

Mr. CHAMBERLAIN. I so understood.

Commissioner GARRETSON. It don't matter under what authority it exists. You believe that it would be of value?

Mr. CHAMBERLAIN. It is something we haven't tried, but it sounds very possible. I should have no objection to trying it, I am sure.

Commissioner GARRETSON. It contains, then, those elements of justice and equity?

Mr. CHAMBERLAIN. Yes.

Commissioner GARRETSON. Do you have any system of fines?

Mr. CHAMBERLAIN. No, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to interrogate you a little.

Commissioner WEINSTOCK. Some years ago, Mr. Chamberlain, there was a boycott levied against your house by organized labor?

Mr. CHAMBERLAIN. Yes, sir.

Commissioner WEINSTOCK. Will you tell the commission what led to that boycott?

Mr. CHAMBERLAIN. Well, at the time that boycott took place, I was not in a managerial position in the house. That was a number of years ago, and my knowledge of it is perhaps a little vague, and perhaps there are a great many details that I am not familiar with. But my general understanding is that the management at that time were called upon by some representatives of, I believe, the typographical union, and requested to withdraw their advertising from the Los Angeles Times on account of some grievance that they held against that paper. My understanding was that they did not see the justice of that request and did not do so, with the result that they were boycotted—I suppose that is the word to use. I am not very familiar with the term, understanding just what it means, but I presume that was it. And pickets were placed about, men and women were stationed about the building where they did business, and they importuned customers and asked them not to trade there, and various things of that sort that naturally followed a condition of that kind.

Commissioner WEINSTOCK. Well, did your concern at that time have a contract with the Times Publishing Co. for advertising?

Mr. CHAMBERLAIN. I don't know whether there was a contract in existence or not, Colonel. I dare say there was. It is quite customary, although I don't know of my own knowledge. I don't know whether our records would show that or not. I am not sure.

Commissioner WEINSTOCK. If you had a contract, then it would be equivalent to asking your concern to break its contract?

Mr. CHAMBERLAIN. It would if such contract existed. Of that I don't know. I was not in a managerial position at that time.

Commissioner WEINSTOCK. Why was the boycott removed?

Mr. CHAMBERLAIN. Why, I don't know. I guess it simply failed of the action that they desired, or of the results that they desired. I don't know any other reason why.

Commissioner WEINSTOCK. Is the boycott still on?

Mr. CHAMBERLAIN. There has been no evidence of it for a number of years; that is, any public evidence.

Commissioner WEINSTOCK. Has it ever been officially withdrawn?

Mr. CHAMBERLAIN. Yes, sir; I think it was. I think it was published in the newspapers at the time that they had officially withdrawn it, although I don't know that any official notice was ever given the management of that action.

Commissioner WEINSTOCK. I gather from what you say, Mr. Chamberlain, that organized labor had no direct grievance against your concern, but that it was an indirect grievance; that is, your sin in the eye of organized labor was that you advertised in the Times, with whom they were having trouble.

Mr. CHAMBERLAIN. That was the situation. I was just going to add that there was one meeting at which I happened to be present that I remember—the only one—when some man from the East—I think he was possibly the president of the International Typographical Union—I am not just clear, but I think he was at least some official—talked with Mr. Hamburger in my presence, and among other things I remember that he said at the time that he was very sorry that they found the necessity of boycotting Hamburgers, but that they felt that their grievance against the Times was just, and that seemed to be the only means of accomplishing the purpose they desired with them.

Commissioner WEINSTOCK. Well, then, it was in the nature of a secondary boycott?

Mr. CHAMBERLAIN. I presume that would be the correct term to use. They had no grievance against Hamburgers. They didn't express that at any time.

Commissioner WEINSTOCK. Well, unless I have been misinformed, of course, I don't know whether the law was the same at that time as it is now, but my present impression is that a secondary boycott is illegal.

Mr. CHAMBERLAIN. I don't know as to that now, nor as to what the condition was at that time myself.

Commissioner WEINSTOCK. What is the attitude of your company, Mr. Chamberlain, on the matter of the workmen's compensation act?

Mr. CHAMBERLAIN. I believe it is a very good act; very favorable toward it.

Commissioner WEINSTOCK. Were you of that mind in the beginning, when the act was first put into operation?

Mr. CHAMBERLAIN. We always believed that it was a good act from the time that we were properly informed as to its intent.

Commissioner WEINSTOCK. But before that?

Mr. CHAMBERLAIN. Before that there seemed to be a little doubt—in fact, it was more a matter of ignorance than anything else, but we didn't know what it would be.

Commissioner WEINSTOCK. Has it proved to be a serious burden upon your industry?

Mr. CHAMBERLAIN. Financially?

Commissioner WEINSTOCK. Yes.

Mr. CHAMBERLAIN. I don't think it has cost us any more that it did before. Of course, we carry insurance, and the insurance rates are much higher than they were under the old law. But, on the other hand, we feel that the employee is being generally well taken care of under that; at least they will be. We have had no accidents since that law was in effect. I don't think we have had a single claim, as far as I know. But under the old law we felt it incumbent upon us very often to do a great deal more for our employees—in fact, always did—than they perhaps might have got under a claim under the old common law. So that I don't think that the burden, as a whole—I have no direct figures on it—is any more now than before.

Commissioner WEINSTOCK. If you were to vote on it, then, you would vote in its favor?

Mr. CHAMBERLAIN. I certainly would to-day. I think that law has accomplished one thing that is very beneficial to us and to all fair-minded employers, and that is that it has compelled some unfair and unjust employers to do the things that the fair-minded employer has always done out of his own pocket.

Chairman WALSH. Do you have some questions, Mr. O'Connell?

Commissioner O'CONNELL. No.

Chairman WALSH. Mr. Garretson?

Commissioner GARRETSON. No.

Chairman WALSH. Prof. Commons?

Commissioner COMMONS. No.

Chairman WALSH. That is all; thank you.

Mrs. Noel.

TESTIMONY OF MRS. FRANCES N. NOEL.

Chairman WALSH. Your name, please.

Mrs. NOEL. Mrs. Frances Noel.

Chairman WALSH. Please be in order, ladies and gentlemen.

Where do you reside, Mrs. Noel?

Mrs. NOEL. Address or business?

Chairman WALSH. Your business address.

Mrs. NOEL. 4069 Glen Albyn Drive is my home address. I am a housewife.

Chairman WALSH. City of Los Angeles?

Mrs. NOEL. Los Angeles.

Chairman WALSH. Are you connected with any labor organization in this city, Mrs. Noel?

Mrs. NOEL. I am chairman of the Los Angeles committee of the National Women's Trade Union League.

Chairman WALSH. Do you have any other official connection with any labor organization?

Mrs. NOEL. I have been for four years delegate to the Central Labor Council, and from that body, for half a year, member of the executive board of the council.

Chairman WALSH. Is your husband living, Mrs. Noel?

Mrs. NOEL. Yes, sir.

Chairman WALSH. Have you any children?

Mrs. NOEL. I have one boy.

Chairman WALSH. I believe there was a list of questions submitted to you, to which you were invited to make answer. That is correct, is it not?

Mrs. NOEL. Yes, sir.

Chairman WALSH. Very good. I will ask you, then, seriatim then. What has the open-shop policy in Los Angeles done for the community, first, as regards the establishment and maintenance of a high standard of living for all classes here?

Mrs. NOEL. The open-shop policy, if such it be considered, has established a high standard of living for a few on top, and maintained—maintains a standard of constant insecurity for the man in the middle, if you would call it so, the smaller business man, and an entirely insecure existence for the people in the third strata of life.

Chairman WALSH. First, then, please give us you observation as to the conditions of housings and rentals in Los Angeles.

Mrs. NOEL. I begin with rents. I would have to employ the phrase that has been used a great deal here by the employers, that it depends on the law of supply and demand. If we have many coming here, the rent may go up. If we haven't many, why the rent goes down. At the present time in some sections of the city the rent is lower than it has been in previous years. As to the housing I will say that Los Angeles has in the main a system of housing that could be considered by social workers perhaps a more ideal mode of housing, because it is considered that the cottage system of housing is preferable to congested housing in apartments and other mode of dwellings. However, we have one particular condition to confront us in this city as far as housing is concerned, and that is that the workers make every endeavor to buy their own homes, which is in itself a very laudable desire. The homing instinct should be prevalent in every human being. However, the economic conditions as far as the workers are concerned, the method of paying for the home on the installment plan and even of owning the home puts him in a very difficult position, because he is making himself, you might say, a slave to the job. He dare not come forward boldly and protest against any injustice in the mode of employment, because any week's wages which he loses in his employment means the loss of that amount which he will use for paying on the installment plan on his house. And, furthermore, if he has to move because of his mode of employment, he is handicapped with that house on his own hand, and there are a great many in such difficulty. And the mode of housing in Los Angeles, while in itself ideal, has produced more out and out slaves in the labor world than perhaps any other conditions that we have had in Los Angeles.

As far as the housing of certain classes of people is concerned, particularly the foreigners—I refer to the Mexicans, Russians, and so forth—I take the liberty to file with your commission three reports of the housing commission which contain reports referring particularly to the Mexican population in our city. Some housing courts have been a great menace in our community, and we have tried to abolish them in a great many ways, and repeated appeals have been made to the railroad corporations to assist us in abolishing this mode of housing. But it needed a great deal of pressure by the housing commission to get some success. In those booklets you will find illustrations of the "cottage

system" of Mexicans that are made of gunny sacks, tin cans, and any material of that sort.

(Three reports of the Housing Commission of the City of Los Angeles, for the periods, respectively, February 20, 1906, to June 30, 1908; June 30, 1908, to June 30, 1909; and July 1, 1910, to March 31, 1913, were submitted in printed form.)

Chairman WALSH. Are those reports—from your personal observation, you take them to be authentic reports, do you?

Mrs. NOEL. I do.

Chairman WALSH. A fair statement of those conditions?

Mrs. NOEL. A fair statement. Mr. Chairman, I have lived in the city for 12 years and was appointed by the city council of Los Angeles on a committee of industrial investigation for three months, and while we didn't have any finances nor sufficient time to make the report we desired, at the same time, at that period, together with the other six members of that commission we made a pretty careful investigation of conditions in the city. I have a copy of that report that we gave out at that time to the city council.

(An article entitled "Women exploited most, according to wage probers," from the Citizen, Los Angeles, Cal., June 20, 1913, was submitted in printed form.)

Chairman WALSH. Now, as to the general food and clothing standards in Los Angeles?

Mrs. NOEL. I may say, Mr. Walsh, that the general food and clothing standards in Los Angeles are, from my own observation, compared with San Francisco, which perhaps in this case would be the desired comparison, is approximately the same. I lived a couple of years ago, for three months, in San Francisco, and kept house there, and kept careful account of my figures, and kept careful account of my expenses here in this city, and I think I am qualified to make a fairly good comparison. There may be some cases where perhaps there is little variation, but it overbalances again in another case.

Chairman WALSH. And as to clothing also?

Mrs. NOEL. Clothing also.

Chairman WALSH. Now, as to amusements in general, participation in the life of the community?

A LADY IN THE AUDIENCE. We can't hear back here; turn this way.

Chairman WALSH. A lady out there makes the request that you speak a little louder, and possibly turn that way.

Mrs. NOEL. Be glad to. I thought my voice carried far enough for you to hear.

Amusements, general participation in the life of the community: I will say that our city is sadly lacking in that respect. It has been the effort on the part of a number of social workers—and Mr. Chairman, I am connected with a number of other organizations, besides the labor organizations.

Chairman WALSH. I wish you would just detail them, please, so that we may get a better angle on your testimony. What other organizations are you connected with?

Mrs. NOEL. I am connected with the Women's City Club. I was for some time connected with the League of Justice.

Chairman WALSH. Just give the functions of each one of those, briefly.

Mrs. NOEL. The Women's City Club is an organization which keeps in constant touch with local conditions. I am a member sought in different ways, as a consulter, you might say, about certain local conditions concerning working women. Also by a number of women of the Friday Morning Club, the public affairs committee of that club—well, that is about all at the present time. I haven't more time for club work.

Now, I point out to you, for instance, as an example: It has been customary in times gone by when the community took a keen interest in public affairs that when a construction of great importance to the community was finished that the community as a whole would take a great interest in the celebration of that construction. Now, when the Los Angeles Aqueduct was finished, I was particularly interested to know what interest the workers who had helped in the construction of that work, what interest in the final celebration the workers would take, and whether there would be something provided by the community to make those workers feel that they themselves had constructed something. And that amusement feature, if you might call it such, was not provided for the workers. And furthermore, they took but little interest in the construction. I believe in that case we get a comparison with the construction of the

Panama Canal. There the workers took a keen interest in the final construction of it, and made it perhaps their amusement as such. I point out to you the moving-picture shows. They are practically the only available amusements for most of the people, especially for the workers who can afford but little amusement. Now, the city as a whole takes practically no interest in the moving-picture shows, which could be of the highest education to the community. Take music—we have but little, if any, music for the masses of the people. There are, of course, amusements provided by fraternal organizations or some such organizations of that kind, but, speaking from a community standpoint, we are sadly lacking of that feature.

Chairman WALSH. Anything else on that subject, Mrs. Noel?

Commissioner O'CONNELL. Have you playgrounds and that sort of thing?

Mrs. NOEL. We have the playgrounds; that is, for the children. I infer that you was talking particularly, questioning me particularly, on the amusements for grown people.

Commissioner O'CONNELL. Recreation.

Mrs. NOEL. Recreation. I will say that through the efforts of the playground committee, as I believe it was called, there has been provided a mountain resort where workers can go for a small fee during vacation time. It is not as yet popular enough that a great many participate in it, and I believe that a greater effort should be made to spread it on the minutes of the community so that everybody knows about it, more advantage will then be taken of it.

Chairman WALSH. Again, then, referring to the open-shop policy, does it or does it not assure regularity of work and decrease in the number of the unemployed?

Mrs. NOEL. Well, let me see how that is worded. Well, now, you have to consider this situation. As has been brought out very clearly this morning by Mrs. Edson, the conditions that confront us are brought about through a continuous influx of population, and that continuous influx of population determines the irregularity of employment, and in some case even the decrease of unemployment, because, as has also been pointed out, we are confronted by a problem of seasonal labor which constantly stares us in the face. We are also confronted by the Mexican situation, which is one of our biggest problems in this community.

Chairman WALSH. Well, just describe briefly what is the Mexican situation. Just describe that.

Mrs. NOEL. The Mexican situation is this, that the railroad corporations because they need employees on their constructions—railway constructions—they act in defiance of the law. Of course, they really don't defy the law, but they get around the law. And in that way they bring in great numbers of Mexican laborers and then they put them to work here. And after they are in this community for about a year and the work is constructed, then, of course, they are out of employment. Then they have become accustomed in a way to certain conditions here in the community, and either don't care to go back, or, as the situation has been because of the Mexican war, they don't care to go back, were glad to stay here over the border. Then having become acquainted with our local conditions, they don't care to work any longer for $1 a day. They ask a little more. And then the railway company, in order to get around that, sends for more that will again work for $1 a day.

Now, of course, it would be a good thing to organize the Mexican laborers. We tried that some years ago. I was present myself at a meeting where we tried to organize the Mexican laborers.

Now, this commission perhaps by this time has realized sufficiently that a subsidized press and a police system and a city administration that is favorable to the employers where the employers, as has been testified by the secretary of the merchants and manufacturers' association, where all they have to do is to press the button and ring up the telephone and the city administration does the rest by shipping in—sending down the police, and if necessary, the militia, and perhaps a foreign language obtaining among those people, it becomes practically impossible to organize them. And next to the department-store girl, the Mexican laborer is our biggest problem. But, as has been pointed out also this morning, the charity organizations pay the biggest amount of charity for that amount of—for that type of population.

Chairman WALSH. You refer there to the Mexican problem being the next largest to the department-store girls. Have you any place in your answers to your questions—a question that would bring out what you consider the condition of the department-store workers? Now, you have heard these two gentlemen testify here. What is the problem of the department-store workers?

Mrs. NOEL. Well, because there are a great many of the girls working that live in homes, and work for pin money, and, as has also been pointed out, that a great many married women work to help pay for the home. I know myself quite a number of women who have for the past seven or eight years worked at any price in order to meet the installment-plan payments that result in buying a home on the installment plan.

Chairman WALSH. Now, what do you find the effect of the open shop, so far as it renders protection, or lacks protection, of the industrial and civil rights of the workers of the community?

Mrs. NOEL. I answer this by saying that the open-shop policy of Los Angeles by putting men out of work because they belong to an organization, and by depriving men of even the privilege of signing petitions that would better their conditions—as I have on record here—a man who was a flagman on the Santa Fe, and he was discharged for no other reason than that he put his name on a petition in favor of the eight-hour law. I could cite you instances by hundreds and hundreds where people have been cowed and cowed just by that open-shop policy. To the effect that to-day we have in all classes of this community a set of moral and intellectual cowards, even physical cowards, I dare say, because they wouldn't dare to defend themselves in any way.

When a big organization at the top, known as the merchants and manufacturers' association, which has made it its business to cow not only the workers, but the small business man who had to depend on the banks and bigger financiers to maintain their business, when that cowing has been going on for a long time, you yourself can figure out the result.

I will point out to you, gentlemen, while I think of it, that that same organization, or that same type of men which in a large measure belong to that organization, didn't only make an endeavor to suppress organized labor in this city, but they made the endeavor also to suppress the womanhood of this city as I can point out to you during the time we women fought—fought as hard as any free man can fight for his rights—that same clique of men, composed of 50, came out in open letters and using their prestige to oppose woman suffrage.

Chairman WALSH. Have you any other instances where they have interfered in any way in politics?

Mrs. NOEL. Yes, sir; I want to point out to you, also, that strikes home mighty close to me; that on one occasion when I made a special effort, when we were trying to secure public sentiment for the purpose of making the people understand the importance of measures to come up before the legislature—I myself did send out a number of letters that were asking to have people come and meet with us at the chamber of commerce committee room. I want to state right here that I was able to secure that room for that purpose in a roundabout way. If I had asked for it directly I would not have gotten it. But this was the circular we did send out, and it was signed by a representative from the women's labor league, one from the garment workers, one from the laundry workers, one from the waitresses, one from the saleswomen, one from the stenographers. The request was this, briefly stated: "Social conditions in our State and municipality present an urgent need to discuss laws and legislative measures that will offer greater protection for home life, women, and children. Such measures that will protect the home as well as women and children in every walk of life can best be brought about when women meet in conference. The undersigned representatives of wage-earning women cordially ask of every class of women to send a committee of three to meet in joint conference on Wednesday, January 18, at 2.30 o'clock, committee room, chamber of commerce."

We met. There were over 100 women representatives of the "various walks of life" present. The chamber of commerce committee room was packed to the doors. We discussed some laws and decided to form a women's conference. The next day following that meeting—I want to further say before I go on that at that meeting we appointed a committee to ask the management of the chamber of commerce to secure for us this room again next week, the following week. This request was granted. The next day the Los Angeles Times came out with a full column lining me up with the dynamiters and stating that this union-label league movement is a part of the Tveitmoe-Johansen scheme to produce a general strike in Los Angeles beginning with the laundry workers and tying up the street car lines. Now, that is only a part of the whole thing. They, the chamber of commerce, were mistaken, and called off the re-rental of

the committee room. Two months afterwards my husband, who was receiving teller in the Farmers & Merchants' Bank, was discharged from his position which he had held for 18 years, and when he asked them why, they never told him so, but we learned from indirect sources that it was because of my activity in behalf of organized labor.

You may ask why we have not more definite proof. I will state, however, that from one of the managing heads of that banking concern, a Mr. Graves, I will cite you a few lines from an article which he has written for the Pacific Coast Magazine, in which he states that California can do nothing better than to import a hundred thousand Chinese annually, and they should be registered as they enter the State, because they are willing to perform duties which the white people do not care to perform, and that that question of immigration should not be decided by a few beer-befuddled labor leaders and brutalizing foreign labor bosses. Now, gentlemen, that states to you in full about the conditions that we are confronted by in this city when we are making an effort to better our conditions.

Chairman WALSH. What have you observed as to the individual conduct of the public officers, such as police, sheriffs, and others in cases where industrial disputes are on?

Mrs. NOEL. Well, I cite to you one instance that happened very recently. Five girls in a shirtwaist-making shop came to me and, with three others from another shop, wanted to be organized. Now, they were not asking for anything from their boss; in fact, they hadn't gone to their boss for any grievance of any kind. It was, to put it in plain language, none of the boss's business.

They came to me and asked to be organized; that is all there was to it. I organized them on Friday. Monday morning by 10 o'clock those five girls were told that they had no more work for them. These girls went home, and the next day they found that that same concern advertised for girls to work in his establishment.

I went over there, as a representative of the Central Labor Council, with another representative, and we asked the manager of the firm what was his reason that he discharged those girls. He had only the same thing to say—that he had no work. We pointed to the advertisement, and he hedged and hawed and said he needed a specialist in that line of work. We pointed out to him that one of the girls was that very specialist. He had some other excuses that were not well founded, like saying that the girl was not satisfactory, and yet we know that that same morning he had asked her to return to work provided she would not belong to the union. I found that when these girls tried the one thing that was left to them—they asked the other girls to join with them in strike and give them the fair conditions which they were entitled to and the civic liberty which they were entitled to, to be reestablished in the shop—they took that as a walkout and picketed them in front of the firm, and for those five slips of girls, one 17 and one a little over 20, the city put two policemen and one detective in front of that establishment.

Commissioner GARRETSON. Afraid of violence?

Mrs. NOEL. Afraid of violence. If those girls had telephoned to the city hall to ask for the protection of their civic rights because they were thrown on the street, what would our city fathers have done for them? That is a question I raise before this commission; that if the representatives of the merchants and manufacturers' association can only press the button, and the city fathers do the rest, then what are we entitled to? And I ask you men please to decide that proposition from your commission work. It is a question of law and order.

Chairman WALSH. Was it generally known and discussed, with reference to those five?

Mrs. NOEL. Pardon?

Chairman WALSH. Was it generally known amongst the workers of the community, the action that was taken with reference to these five young ladies?

Mrs. NOEL. No. There is another thing——

Commissioner WEINSTOCK. What I want to get at, what effect an act of that kind has on the minds of the working people?

Mrs. NOEL. It makes rebels of us.

Chairman WALSH. That is exactly what I was trying to get at. Did the newspapers give it publicity?

Mrs. NOEL. No; certainly not.

Chairman WALSH. Was it talked of among the workers generally that such a thing had taken place?

Mrs. NOEL. I met the representative of the organization, and that week we had several strikes on in the tailor shops, which, by the way, we won. But we hadn't the financial strength all at once to carry on that strike, and as we did not have the means to support those girls, so that the girls had to look for other jobs, and they had simply to leave the city; and I just inquired into it yesterday whether they did get jobs since and found that they have not; they have been blacklisted.

Chairman WALSH. What has been your observation with reference——

A LADY FROM THE AUDIENCE. I am one of those girls——

Chairman WALSH. Very well. Just take your seat and please do not interrupt. I was going to ask you whether or not from your observation you would say that the feeling on the part of the working people was rendered more intent, if they thought that the injustice came from the law itself?

Mrs. NOEL. Decidedly. That is one of the bitter consequences of such conditions, and it must be remedied.

Chairman WALSH. Did I interrupt you, madam?

Mrs. NOEL. You may proceed.

Chairman WALSH. What is the general feeling now in this community among the workers—I will say among the organized workers—as to the operation of the law, so far as they are concerned? Do they think it has operated justly and equally, or otherwise?

Mrs. NOEL. We feel that the law—I say "we" because I have been with the folks so long I consider myself a part of them—we feel that the law is highly unjust and can only be changed, can not be changed by a good-fellow feeling on the part of the bosses, but only by putting our own representatives into parliament.

Chairman WALSH. Have you given any study to the subject of attempting to do something to remove friction between the employers and employees at Los Angeles? What would you say could be done?

Mrs. NOEL. Well, I would say that one of the first things to be considered is this: The great trouble, Mr. Chairman, arises through inefficient employers. I will sidetrack the point for a moment. That a great deal has been said about efficient and inefficient workers. And the employer protects himself against the inefficient worker by doing what he pleases with him.

The worker has practically no means by which he can protect himself against the inefficient employer, except by organizing, unless make him come to terms through putting him out of business, if necessary, through the boycott. Now, then, in order to establish a better condition between employers and employees I really feel that an employer, before he intends to go into business to try to run a firm which concerns the public at large, should pass an examination to see whether he is really fit for that sort of thing. Now——

Chairman WALSH. Ladies and gentlemen, please preserve perfect order. We all want to hear what is said by the witness here. So be orderly and try and restrain your feelings. Proceed, madam.

Mrs. NOEL. If they want to put a man as engineer on an engine and run a train he goes through an examination, because his line of work concerns the public as a whole. Now, that is one of the things that should be considered. We talked over that point a great deal in our commission appointed by the city council, the inefficient versus efficient employer, so that a better efficiency on the part of the employer would probably solve a great deal of friction with the workers.

Chairman WALSH. Have there been any employers, without giving names, that were deemed to be more unjust in their dealings and more likely to habitually disregard the rights of others?

Mrs. NOEL. You mean here in this community?

Chairman WALSH. In this community.

Mrs. NOEL. I can mention a whole lot of them, as long as you don't want names.

Chairman WALSH. I don't wish you to express it, but if you want to do so here is the place to do it. I didn't know whether you wanted to refer to some who carry on their business without regards to the rights of the community as a whole. If there are such, state them if you desire, and we will be very glad to hear it.

Mrs. NOEL. Well, now, Mr. Chairman, that best can be answered by saying that some of the gentlemen who have testified on this stand have given you figures, and in all human experience it has been proven that figures will not lie, but liars will figure. Mr. Chairman, I will state, it is most difficult, I have

always made it a point in my public work not to mention names unless I could bring the persons or the data and get the proof to that name, and I think it is poor policy——

Chairman WALSH. That is absolutely right.

Mrs. NOEL. I, unfortunately, considering that the workers will lose their jobs and are confronted by the blacklist, I unfortunately can not bring the persons that testify to things that I know of.

Chairman WALSH. I did not ask them, unless the figures can be given. Might we not remove the inference by that and wait until you have the figures, or perhaps we might leave them out altogether? We just want to get at the facts, you know. Then I will go back to my original question, and that is, Are there any employers, without naming them, that are considered unjust to their employees who mean to disregard the rights of the community in dealing with their industry, and are considered cruel in their other obligations and the business methods to their employees; are there such employers, without naming them, in the community?

Mrs. NOEL. Well, now, all you have to do is to go into a department store on bargain day, and if the public is not deceived in a whole lot of things they are confronted by in a bargain counter, I consider that one cause of injustice, because we know that they have thing marked on the ticket that is not so.

Chairman WALSH. Have they expelled any such members, employers, from their associations?

Mrs. NOEL. I am not a member of those associations.

Chairman WALSH. Any that you know of?

Mrs. NOEL. No.

Chairman WALSH. What suggestions would you have of any method that might insure the improvement in the lot of the workers, so far as wages and other benefits are concerned, commensurate with the improved economic conditions in the industry and general prosperity of that industry?

Mrs. NOEL. Mr. Chairman, of course there is a big national and international issue involved to some extent. We can not deal with them locally. But to insure—what particular point did you have?

Chairman WALSH. To insure an improvement of the conditions of the workers commensurate with the improvement of the industry generally?

Mrs. NOEL. Yes; I got it.

Chairman WALSH. For instance, here is an industry that makes big profits on account of some conditions in the market, or anything of that kind; what method would you suggest by which the workers would get their share of that increased prosperity?

Mrs. NOEL. Mr. Chairman, I think the biggest factor for that issue is publicity. I don't care what the manager is, he will always be afraid of public sentiment, because he can be put out of business if public sentiment is against him. The public can fasten a peaceful boycott on the firm. You remember that Gen. Otis said there was no such a thing as a peaceful boycott. And, of course, as long as we have a subsidized press the public will be kept in ignorance as to the actual conditions of affairs.

Of course, take for instance a case like the raising of the price of sugar. Even a subsidized press took notice of that—took an interest in that. But the thing that merely concerns the workers, if it should happen to interfere with the business safety of a certain merchant who belongs to the merchants and manufacturers' association or the retail merchants' association or any of those, they naturally will tell the press to keep quiet about it. Mr. Chairman, I am not saying that as a state of fiction. Before I was married I worked in one home of a wealthy man, in some of the homes of the wealthy men of this coast. And in the home of one of the biggest financiers on this coast, my quarters in that house happened to be quite close to the telephone, and I could not help but overhear some of the conversation that went on. And goodness knows the way he laid down the law to the newspapers as to what they should publish and should not publish in the press—from that time on I never was particularly safe as regards publicity. And now, you have heard this morning that a certain paper, the Los Angles Record, has been repeatedly boycotted by the firms, saying that it is not a truthful paper, that it is an agitator as a newspaper.

Now, this newspaper started an agitation as regards the unemployment and general conditions in this community. It raised the question as to what is the matter with Los Angeles. For several weeks it published, day after day, letters, etc., as to what is the matter with Los Angeles. And a lot of things

that were the matter with Los Angeles came to the surface. Immediately some of the subsidized newspapers went to work and published counterstatements to the statement made by the Record. I followed those statements. In one instance I saw the name and picture of a girl in the paper who worked in the Boston Dry Goods Store. And that girl, with her people, happened to live right close to me in the neighborhood. I knew the whole circumstances of the family. That girl published in the press that this was an ideal country; that this was the place where you could get prosperity. She stated all the wonderful things that happened to her; that she had sent for her father and her brother and her mother to come to this State. That she had a good position and she was sending for them; that she was sent for herself, because she was a particular specialist in her line, and the firm needed her. Her father was out of employment all the time while he was here, since they were in this State, and the brother had to leave the State and go to another State to find work, and yet that girl had put into the press a statement of that kind. I knew that it was false. So that that was an attack of one press on the other. The merchants were becoming scared that the publicity of the conditions would hurt the business affairs of the community. You must remember that our chief stock in trade in Los Angeles is real estate. We have a number, about 5,000, real estate men in this community. I tried to get also the figures of the home-building associations that we have here, which has a big effect.

Chairman WALSH. Have you made enough study of the subject to be able to suggest to the commission any plan for the approximate speedy and just settlement of labor disputes when they arise?

Mrs. NOLL. Yes, sir.

Chairman WALSH. Please give us that.

Mrs. NOLL. Yes, sir. I repeat again that one of the first things that is absolutely necessary is to give the public the facts. I state to you I was on the relief committee during the metal workers' strike in this community. I, together with a committee from the women's socialist union at that time—we, too, formed a committee together with some of the women from the women's label league. This committee, within one week—that was just before the Christmas season, when we wanted to give the strikers' children a Christmas surprise—within one week, we raised in the neighborhood of $1,800 worth of contributions in ready money, gifts, toys, and everything for the benefit of the strikers' children. Public sentiment was with the metal workers' strike. Then, of course, happened that unfortunate disaster—three days before the parade—which would have brought public sentiment to the climax in favor of the workers, of the striking workers—that unfortunate incident was the explosion of the Times. And, of course, the consequence was that public sentiment changed in disfavor to the workers, the public sentiment that was of such big value to us.

It has always been a mystery to me that that thing did occur when it did occur.

Now, publicity given to us at any time, we know the public as a whole will be with us when it knows the facts, the full facts, and the city administration should furnish the facts. The city administration should have its investigating committee to furnish the facts in the public press, and it should be compulsory that such facts should be published pro and con from each side. And we do not want our side alone, we want the employers' side represented also. That will be the biggest step to the bringing about of a speedy adjustment.

Chairman WALSH. Well, now, what sort of a body would you suggest, a State or national body created by law, or do you think it should be left to the voluntary act of the employers and employees under some system of cooperation?

Mrs. NOLL. I believe a system of having a mediator, or a system of arbitration would be perhaps one of the best things to be tried. There might be some flaws even in that. We haven't yet tried the thing fully. It has been tried in other countries, and has proven of good results.

Chairman WALSH. How do you think the people generally could be protected against what you conceive to be the injustices of the law and the unjust action of officials such as you have described heretofore?

Mrs. NOLL. Well, for one thing, I think we have to have some pretty strict election laws that does away with men spending great fortunes, if they have their fortunes, to secure their election. We have during election time men who have automobiles and can furnish automobiles, and they take advantage

of the fact that they have automobiles, and they secure their election. I think a great deal can be done with that.

Chairman WALSH. You mean select more democratic officials? I mean officials that are drawn more from the body of the people.

Mrs. NOEL. Decidedly.

Chairman WALSH. Well, does it seem to be the fact that the officials elected partially represent only one class of the community or the community as a whole?

Mrs. NOEL. Yes; that has been steadily the case. We have secured a little better conditions; at least we have secured the election of some men that have given us better consideration. I think the biggest thing that has happened to organized labor in this State has been the establishing of the present type of labor commissions. The woman you had on the witness stand this morning was a true example as to what that labor commission does in justice to the workers at the present time. We did have a labor commission in this State, and it was a political job. When we did go there all we did get in answer to any labor difficulty was that they could not attend to it because they were just gathering statistics. We were always confronted by statistics. We could never figure out what statistics could do to us in case of trouble.

Chairman WALSH. Does the present commission have the confidence of the people, both employers and employees?

Mrs. NOEL. I think it has the full confidence of the workers. I will say that perhaps, with two exceptions of the workers, it hasn't the full confidence which is based largely on ignorance and largely on inborn mistrust of public officials due to actions of public officials in the past. And what I would want to say for bettering the conditions of the workers, as one of the big measures, would be to enlarge that labor commission, to increase it in its financial power to do things. At present it is under quite a handicap. As far as the attitude of the employers is concerned toward the present type of labor commissioners, I dare say they are not very friendly to it, and that has been proven—of course I won't say that for all employers—I mean to say all employers who feel themselves particularly hit by that kind of a labor commission, and that can be shown by their antagonism to the elected representatives that were instrumental in putting that labor commission into action.

You will see that the personnel of the labor commission is to some extent composed of representatives of labor, and I believe it is due—in fact, I say it is due to the mode of selecting the personnel of the labor commission that we, the workers, have received a just deal. I believe that one of the big things that should always be done by any Government—that whenever they intend to secure the facts as regards labor troubles, labor injunctions, and anything of that sort, would be to have both sides represented. I cite you the instance that at one time the city council appointed a commission to investigate the housing conditions of the workers in Los Angeles. That commission was composed of every other type of representative except the worker. Now, consequently the report that came back was in a large measure one sided. The worker's full issue was not represented in that report.

Chairman WALSH. Mr. Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. You pointed out a little while ago, Mrs. Noel, that while it was a very commendable thing on the part of the workers to strive to become a home builder, that, on the other hand, in Los Angeles the very fact of a worker becoming a home builder made him a slave to his job. Well, under those circumstances, if you were a wage earner what would you do? Would you or would you not become a home builder here?

Mrs. NOEL. Unless I was dependent on a steady job or anything that secured me permanency in the community I would refuse to build a home in Los Angeles—in fact, in any city. I think it is detrimental to the worker because he hampers himself. In fact, that is one reason why some men even don't marry—because they are tied down with a family; can't move around as quickly.

Commissioner WEINSTOCK. So that you think while it is commendable on the part of the worker to strive to own his own home, in your opinion it is not a wise thing for him to do?

Mrs. NOEL. No, sir; not under the present mode of handling industry and a few other things.

Commissioner WEINSTOCK. You also called attention, Mrs. Noel, that some of the department stores practiced misrepresentation on their special bargain sales. Well, possibly you may not be aware of the fact, but there is a law on the statute books that makes that a crime, and consequently those who

are guilty of that sort of practice are liable, and it would seem to me if that thing is done there is a remedy at hand and that it is for your association to follow up those cases and bring the wrongdoers to prosecution.

Mrs. NOLL. I have thought about doing that thing of late. That sort of thing is never carried on and fought through until you have a body of workers who can particularly give their time to it. I myself have come against the violation of that law, Mr. Weinstock, and would have been glad to bring the offender to justice, but I wasn't connected with enough influential people or, perhaps, even the money—the money and has a great deal to do with it also.

Commissioner WEINSTOCK. Is there a consumers' league in Los Angeles?

Mrs. NOLL. Yes. And while you speak of the consumers' league I want to point out to you that there was a statement made here this morning by Mr. Letts as regards the eight-hour law and the Saturday half holiday. He seemed to give himself the sole credit for doing that sort of thing. I want to point out to you that with the activity—through the activity of the consumers' league the workers and the great group of influential women in the city of Los Angeles the merchants were practically forced into having that Saturday half holiday. There was, you might say, almost a nation-wide agitation in favor of that sort of thing, and I further want to state on that that one particular merchant was so opposed to that Saturday half holiday that they practically had to force him into it. He could not see it. Just like a lot of them could not see the benefit of the workmen's compensation act or other of those things. They seem to be particularly given to the faculty of not studying things ahead of time. They seem to be so completely wrapped up in their business that they can't see ahead. Now, that particular merchant, after the Saturday half holiday was arranged, he himself admitted that for the first time in his life—that means his business life—he had fully enjoyed his Sunday, because before that he had been so dead tired after having the store open the long hours on Saturday that he used all day Sunday to rest; he could not even go to church. He had to stay in bed and rest; the strain was so hard on him. Yet the community had to force him into establishing better conditions for himself. Now, that brings me right away to the point that I really feel that a lot of employers need somebody to watch over them. I never felt it so keenly as I have since I have been here attending these sessions that have been going on. It has been a complete revelation to me to find out how little those men seem to know about the organization to which they belong—the vital points of the organization to which they belong—and how little they know about the big human issue that ought to be considered. How little they seem to know about social economics. Ninety per cent of the business men fail in business——

Commissioner WEINSTOCK. Ninety-five per cent.

Mrs. NOLL. Ninety-five per cent. Then I think in Los Angeles it must almost come close to 100 per cent, because I want to point out to this commission that I am in close touch with some mail carriers who deliver mail in the downtown business section, and what they tell me of the continuous change in the offices was a revelation to me, and I can't for the life of me see why some of them don't do something to better their own conditions. I really think it is about time for them to join the ranks of organized labor and learn a few things. Did you have any special question?

Chairman WALSH. Proceed.

Mrs. NOLL. Mr. Letts pointed out to you the wonderful advantages of his new store. Now, if any man under the present mode of agitation that is continuously going on, builds a new store with a basement to it where sales are going on, why I don't know what ought to be done to him, because I think that we have now carried on an agitation for years against basement stores. We haven't any business to have that sort of thing in Los Angeles or elsewhere, not in this kind of a climate, not considering that a great many who come to this climate come here for their health, and a great many of them work in stores. It was brought to my attention that out of the tailors that come to this coast, 60 per cent are sick. A great many of them are sent out here by the removal bureau of the Jewish charitable organization in the East. Now, that 60 per cent come largely from the sweatshop conditions of the East. They don't ship them any other place; they ship them West; that is the place. We get them.

Now, doesn't it seem to be a case of prevention rather than cure? They have to do something. I want to add to this a few figures on the charity side of it, and as you spoke to me as to what was done to provide officers—public officers,

intimidation of them, and coercion of them—I want to say to you that one worker who applied for a position in charity and was taken through the civil-service examination, these two questions were asked of her: "Are you a Socialist? Are you in sympathy with the I. W. W.?" Those were the two questions asked of these workers. Now, what has that got to do with charity? I fail to see it. The county charity organizations and city association spends a great amount of money every year on sending people East on public money. Now, this city is the only city—these figures have been given to me—this city is the only one—Los Angeles is the only city in the country that undertakes to give $120,000 to relieve destitution.

Chairman WALSH. Mrs. Noel, Mr. Weinstock would like to ask some questions.

Commissioner O'CONNELL. Could I ask just one question, Mr. Chairman?

Chairman WALSH. Mr. Weinstock hasn't finished.

Commissioner O'CONNELL. I just have one thought.

Chairman WALSH. He says he has just one thought.

Commissioner WEINSTOCK. Very well. Let him go ahead.

Chairman WALSH. All right.

Commissioner O'CONNELL. Have you any idea of the cost of the charity distributed, in dollars, at Los Angeles?

Mrs. NOEL. How much it costs?

Commissioner O'CONNELL. Yes. If they take in $100,000, how much of that does it cost to operate?

Commissioner WEINSTOCK. How much goes to the poor?

Mrs. NOEL. I haven't figured on that as yet. I know a whole lot of it will be taken to give charity.

Chairman WEINSTOCK. In the course of your testimony you called attention to the fact that evidence had been presented before this commission that all that the merchants and manufacturers' association has to do is to press a button on the local administration and the police are promptly present. Can you give this commission any specific instance where the police have unjustly and unlawfully and illegally arrested workers?

Mrs. NOEL. Yes, sir. An instance occurred on Christmas night. Perhaps that became known all through the State. When you look through the report of the housing commission and see under what conditions the Mexican workers live in this community, and if the police did know a little something about humane conditions, and if they would study the idea of what was the prevailing sentiment on that Christmas night, they would have gone at it more humanely and more carefully. That outrage will always remain a blot on the name of the city of Los Angeles. But the city went there and used its authority in a manner unjustifiable.

Commissioner WEINSTOCK. Well, how many instances can you give to the commission, specific cases, of course, and not mere opinion but facts, where workers were unlawfully arrested and prosecuted?

Mrs. NOEL. Mr. Weinstock, I think that point was pretty well covered by members of organized labor preceding me, and they pointed out where the boycott was used in connection with the strikes that occurred in the city of Los Angeles.

Commissioner WEINSTOCK. I think those were cases where there were actual convictions before the jury.

Chairman WALSH. There were 467 testified to.

Mrs. NOEL. There were a number of arrests unjustifiable.

Chairman WALSH. I think the staff has summoned Mr. Harriman, who has that detail.

Commissioner WEINSTOCK. As a regular attendant at this hearing, you doubtless have noticed the contradictory testimony that has been submitted to the commission, the conflicting testimony. On the one hand, this commission has heard here and in San Francisco that because of the fact of San Francisco being a so-called closed-shop town capital has been discouraged from locating and employment has been minimized by virtue of the fact that it is alleged that because of the high labor cost those intending to engage in industrial enterprises have kept away from San Francisco, and in that wise reducing the full amount of employment. On the other hand, it has been contended, as you have heard here, that by virtue of the fact that Los Angeles being a so-called nonunion town, capital has been induced to come here, thereby creating a large volume of employment that otherwise would not be here. Now, if those facts are correct, if by virtue of the closed-shop conditions of San Francisco capital has been discouraged from locating and thus minimizing possible em-

plagued, and if, on the other hand, by virtue of the recession condition in Los Angeles capital has been encouraged to come to this city and start industries, thus affording an increased volume of employment, putting yourself, if you can, in the position of the community, as representing the public, setting aside your bias pro and con, which of the two, independently, and interested in the welfare of the worker and the State, which would you prefer?

Mrs. Nour. I would prefer the San Francisco condition. This is from a perfectly unprejudiced viewpoint. This is viewed from the viewpoint of the student of social conditions, that inviting enormous amounts of population to a community helter skelter, that is creating an abnormal condition of influx to a community, does not benefit that community. That it creates a growth that is abnormal. That a gradual growth, sane, rational, according to the natural conditions and according to the natural resources of a given locality is far better than an abnormal condition of growth.

Commissioner WEINSTOCK. Well, summing up, then, it would resolve itself down to this—crystallizing your thought you think it is better for a minimum number of workers to get a high wage than for a maximum number of workers to get a low wage?

Mrs. Nour. Yes, sir; I think so.

Commissioner WEINSTOCK. In other words, there is not enough work in San Francisco under existing conditions to give everybody that might work the highest wage?

Mrs. Nour. Yes, sir.

Commissioner WEINSTOCK. In Los Angeles there are perhaps more people employed, but at a lower wage. You think it is better to have fewer people employed at a high wage than many at a low wage?

Mrs. Nour. Yes, sir. I get your point. It might for a period—perhaps the Los Angeles plan might be a better one for a period, but in the long run it would be detrimental. The conditions that you describe in San Francisco would adjust themselves to a normal condition, while down here they could not adjust themselves to a normal condition. Normal union conditions aim for a proper standard of living. You could not adjust the conditions down here to that, because the social conditions here would be going down and down instead of up.

Commissioner WEINSTOCK. You mean the living standard would be dropping?

Mrs. Nour. Yes, sir; the living standard would be going down. I think it is made plain in our report of the city council industrial committee that the living standard—the standard of living—and the wages in Los Angeles are lower than in any other city on the coast, and consequently the standard of living must be lower also. In that report we feel we figured out carefully what would be a living wage. We spent an awful long time over that. We wanted to find out what a worker could get along on in Los Angeles, and we found a worker supporting one person, either a child or a dependent—supporting one dependent, and we figured out that on an average every worker has to support somebody, either parent, or child, or somebody—and we figured out that one man with one child, putting it approximately, could subsist on $2 a day. We put that down as a subsistence wage. A living wage, which would give to the worker the benefits of life, the benefits of civilization—put it that way—that worker would have to have at least $4 a day. Now, that would bring it more to the San Francisco scale of wages; or perhaps we might prejudice people by mentioning San Francisco so much, so put it down as a union town.

Commissioner WEINSTOCK. Just one more question: From your close contact with labor, organized and unorganized, what seems to be the consensus of opinion as to the workmen's compensation act?

Mrs. Nour. We favor it; and of course there may be some who do not understand it yet. I will say frankly that in some employments and among some workers I have found opposition to it, but not because of the act, but because of ignorance, not understanding the act.

Commissioner WEINSTOCK. Among those who understand the act, what is their attitude?

Mrs. Nour. They favor it.

Chairman WALSH. At this point we will now adjourn until to-morrow morning at 10 o'clock.

We would like to have you resume the stand to-morrow morning.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until 10 o'clock a. m. of the following day, Saturday, September 12, 1914.)

LOS ANGELES, CAL., *Saturday, September 12, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Commons, and Garretson. Basil M. Manly.

Chairman WALSH. Please be in perfect order, ladies and gentlemen.

Mrs. Noel, will you just resume the stand?

TESTIMONY OF MRS. FRANCES E. NOEL—Continued.

Chairman WALSH. Now, if there is anything else that was not asked you directly, Mrs. Noel, that you would like to say, you may proceed now.

Mrs. NOEL. To begin with, I want to say that the statement has been made here by the direct representative of the merchants and manufacturers' association, Mr. Zeehandelaar, that the trade-unions are here to stay. He himself made that statement. Now, then, if the trade-unions are here to stay, we, the membership of the trade-union movement of Los Angeles, demand this: That we are to be regarded as a social institution and treated as such. He further made the statement that the merchants and manufacturers' organization is organized for general welfare. Now, when the unemployment issue arose in the city of Los Angeles last winter, it was the Friday Morning Club which was the first organization to call a meeting to discuss the problem of unemployment in this community. They sent out invitations to every one of the big representatives of the merchants and manufacturers in this community to come and meet with them, and they also sent out invitations to the labor organizations and other kindred civic organizations to discuss the issue. Those who went and called on these employers to come and meet with us were turned down with a pretty sound rebuke for even attempting to hold a meeting in conjunction with the labor organizations. And when the meeting was held these gentlemen were conspicuous by their absence. Now, then, if they maintain that they are organized for general welfare, and honest in their purpose, then the best thing they can do is to show up when the opportunity arrives.

Mr. Zeehandelaar further states that whatever is of benefit to the employing class must be of benefit to the employed class. We agree to that. Now, if it is of benefit to the employers to organize and bargain collectively, it must by all means be of benefit to the employed class to bargain collectively. And the quicker they come to an understanding as to how it is to be brought about, the better both parties will be off. A statement has further been made by Mr. Zeehandelaar that union prevents efficiency; it is not an incentive for higher wages. I deny that the union is not an incentive to efficiency, because every trade organization has its own journal, and through that journal they educate themselves constantly on the advance in the lines of their trade.

They also constantly educate themselves as regards civic affairs, municipal, State, and National. Now, I believe if the employers would recognize this fact they would realize that we are decidedly aiming at the efficiency constantly. It has been stated here by Mr. Letts here on the platform; it has also been stated by the municipal employment bureau that the big trouble that confronts them is that they can not get efficient help. Now, what is the trouble if they can't get it? Is something wrong with our educational institutions? What is wrong? Perhaps the cause is more fundamental than most of us think. The standard of living has been going down. Naturally those who spring forth from such parentage and sordid home conditions can not be efficient. There are employers who have training schools in connection with their establishments. Training schools in connection with the employers may in some instances be a benefit; in other instances, and perhaps in most of them, they are a detriment, because the employer will train the man to suit his own particular enterprise rather than public welfare as a whole.

Now, we have a city school system here in Los Angeles. The schools are, I dare say with full frankness, of high standard. But I would say that that is not solely due to these organizations who are so imbued with the spirit of public welfare. There is a certain motive involved in that. I take it here the high-school teachers who are asking for higher wages—they make this statement:

"Now, where is a higher standard of efficiency demanded of the teaching force than in Los Angeles, where the schools are regarded as a peculiar business asset, being used for all promoting organizations as an inducement to attract home seekers and the investment of capital. The excellence of our schools has been made possible by the honest and effective work of the teachers. And in order that this excellence may be continued and augmented the

teachers should be placed on a salary basis in keeping with the character of the service they are rendering to the community."

So it shows to you that there is an effort to make it a business asset, and if they make it a business asset of that kind we don't begrudge that; let them go to it. That is one of the things we don't particularly begrudge. But there is a danger involved in that; when they want to make it a peculiar business asset they also may make an attempt to exercise control over that educational institution, and some efforts have been made.

One of the efforts was the forcing on our board of education of a so-called mercantile efficiency expert. He was brought here by the business men's committee, and put on a salary of $2,400 for 16 weeks. He was a complete failure; the teachers considered him a joke. They considered it an insult to be put in a position of sitting at that man's feet and listening to his teaching. They finally had to bring in high-school teachers in order to make a showing in his classes. He himself was a man who had failed in business. But just the same he was kept there. It has been denied that he was forced on the board of education.

Then there was a journal called—some kind of a ready-to-wear journal; it is a retail merchants' journal. After the gentleman got through here in this community they gave him a boost that would make you think he was the highest expert that ever dropped down from heaven. Now, then, we went before the board of education and protested that such a man was put in the service. Furthermore, while we acknowledged the good that was in the plan of that mode of education we protested against leaving out the worker's side of it, and then we sent in a report to the board of education, telling them what we thought would be of benefit to add to that course. We asked that the effects on the mental and physical structure of the human body should be considered in the school education. First, the effects of inhaling impure air in offices, stores, and workshops. The child should be taught that in the school.

"The children should be taught to consider the effects on the mental and physical structure of the human body, from continuous working by artificial light; from working long hours, overtime, and during the night; from standing long hours, particularly on unprotected stone floors; from nerve-killing monotony of certain kinds of labor; from beginning certain kinds of labor too early in life; from speeding up especially in competition with power machines; from working too long underground, artificially lighted cellars included; from insanitary conditions of neglected surroundings in places of employment.

"We further recommend that vocational training include a study not only of production, but overproduction as well. It will develop an understanding of the causes of State, Nation, and world-wide unemployment."

Now, gentlemen, this report we filed with the board of education, and we never received a reply to it. We were never asked to come there and consult with them in consequence of that report. We filed it there personally. I leave with you a full report of that proposition.

Chairman WALSH. Please hand it to the stenographer.

(Copy of the Los Angeles Municipal News of Friday, December 19, 1913, containing the report referred to, was submitted in printed form.)

Mrs. NOLF. Now, then, there is a law in the schools which prohibits the distribution of any sort of advertisement or mercantile efforts to influence the public, or anything of that sort. Last winter my boy brought home this ticket [reading]:

"Make your dollar shubble. I believe in Los Angeles and her people. Prosperity belongs to us here and now. Commerce, industry, and nature are ready. I am full of the spirit of optimism and radiate prosperity. I smile every day."

This was given out under the auspices of the National Sales Managers' Association. I went pell mell down to the Security Building where the board of education is located, and found out how that thing happened to be circulated. I was told the permission was granted by the board of education. Now, gentlemen, if we from the Labor Temple should issue something of that sort, that would benefit the labor organizations, then we would be roundly turned down. I will say that. Anyway, they violated the law in the schools. Now, the question has been asked, what can I recommend to benefit the conditions in the future, perhaps even in the present.

To begin with, I recommend an eight-hour law, a universal eight-hour law. We have fought for that. But Mr. Letts has testified here on this stand that his institution is in good condition, even though they have no eight-hour law. I did disagree with him on that point where he asked for a testimony on the

eight-hour law at certain times. I know what the gentlemen are striving at. They want a leniency on the eight-hour law in their establishments during Christmas time and immediately following Christmas when they renew stock or change stock in the whole establishment. Now, that is just exactly the time when the eight-hour law is needed. They don't need it so badly the rest of the time, because there is not the rush in the business. Then we have to protect the girls and the other employees. I further recommend an old-age pension, and Government sick and death benefit fund; arrangement with newspapers to print official statements regarding Government affairs. Gentlemen, as we asked the railroads to carry Government mail, why shouldn't we have an arrangement with the newspapers to carry official reports of the Government, so the people get straight goods?

I further recommend that when you gentlemen go back to Washington to work for the appointment of a committee to go out all over the trail that you have covered and investigate the standard of living for employers. It seems somewhat of an insult to the laboring man to have someone go around and find out just about how much we can live on. It seems to me somewhat an interference with free American citizenship that has been mouthed here so freely. I further recommend a thorough and effective organization of the labor market, municipal, State, and national. To-day it is anybody's business and everybody's business. It is being recognized now that labor is a commodity. We can't get around that any more. Now, if labor is a commodity, then what confronts us is to find out whether we deal with that commodity as brutally, as cold, as indifferent as we deal with sugar and anything else, or whether we treat it from the human standpoint. And I fail to see in all the dealings of the employing gentlemen that have been on the witness stand here, that they have exhibited in any way a large human horizon in their mode of work.

It has been a case of profit; how much profit? Why, they can't tell, with all their organizations back of them, how much it costs any of their employees to live.

I come back to the point of efficiency. The United States Government appointed a committee, or a commission, to investigate the issue of vocational training, and in the report of that commission I find: That of 25,000,000 workers less than 1 per cent—that of 25,000,000 workers in agriculture, in industry—less than 1 per cent are efficient. Now, gentlemen, what is wrong with our institutions of learning? Something is wrong, and I think we can find the trail if we are going for it, because the big financiers of the country have a finger in the pie of our institutions of learning. There are records found where some of the teachers and professors have been discharged because they did attack too strongly the present system of our Government, and so forth.

Now, something has been said about false labor leaders. I find that in Akron, Ohio, in the rubber industry, where there was recently a strike, every one of the I. W. W. leaders, the secretary of the Socialist Party, and several leaders of the Federation of Labor were direct agents of the detective agencies.

Now, these are some of the false labor leaders; you will find them occasionally. It takes once in a while some time to find them out. But we find them eventually, and you may say: "Why does it take you so long to find them out?" Well, they are smooth chaps; they are artists in the game; they know how to lead, and before we can break down the following of these alleged leaders it takes a little while.

I made the statement yesterday that I was dubious, and always will be until the last chapter is written, about the explosion of the Times. In Europe there was at one time a movement to break up the political and labor organization of workers, particularly the Socialist Party. A number of assassinations occurred. A careful investigation in conjunction with the police, who happened to be on one occasion friendly to labor, there was traced in Switzerland a group of men, alleged labor leaders, and in their lair, from whence they came, were found all the implements of dynamite and infernal machines, and what was more, there was found a document which traced the whole crew to the Prussian Government in Berlin. Public indignation rose so high that one of the prime ministers had to resign from his post. But the men who allowed themselves to be betrayed, they were hung, but the prime minister and the Prussian Government went free, and not until we know what has become of McManigle will we agree to all that has happened in the Los Angeles Times.

I recommend a better system of law and a reconstruction of the courts. I urge that a system which appoints United States supreme judges for life

that that system be abolished; that the United States Supreme Court come closer to the people. I further recommend that a careful investigation be made at all times on the attack made on technically trained men, particularly those that are in the employ of municipal, county, and national governments. Gentlemen, I have come to the conclusion that it is much wiser to quit hanging onto the coat tails of politicians for public improvement; rather stand back in full force of the technically trained men, because there is too much intellectual prostitution forced on that type of men. For my part, from a woman's viewpoint, I regard it of the highest need for this country that instead of spending so much time on the prosecution of the white-slave traffic that we at the same time spend a great deal of time on investigation as to what brings about the intellectual prostitution of the press and kindred institutions. You might also include in that some of the pulpits which have been prostituted for the sake of creating wrong public sentiment.

Now, I have been asked to explain my views on housing—on the housing of the poor and the workers particularly. I recommend that in every city there be established—and it is beginning now, I am glad to say—a systematic city planning. In this city it would make your hair stand on edge to see how they spread out the town. If you have time before you go East and you want to see a real concrete example, go down to San Diego; that is a sister town here.

Now, at San Diego—I bring that up as a side issue—I want to point out what happened in consequence of the lack of city planning, and the spreading out of a town indiscriminately. The taxes and assessment rate on the houses—on the owners of houses down there, have reached a point now that in some instances they are assessed above the speculative value of the property. Why? Because the spreading out of the town means acres of vacant property. This develops tremendous civic expense that must be covered. Therefore the town must be planned in a proper way to avoid unnecessary expense. I further recommend—of course that will come under the same head—that a proper system of transportation will always be considered in every city. It affects the workers directly. I point out to you that recently through the strike in the city of Torrance, which is one of the garden cities of Los Angeles—we have, they claim, grown to such tremendous proportions in this city that we have to follow the example of England and other European countries where there are large congested cities, that we, too, must establish garden cities; Torrance is one of these garden cities. It was established, they frankly admit it, with no particularly humane motive. It was an effort to make profit. They built it 17 miles outside of Los Angeles. The gas company, which in many instances could not be moved to put gas in the homes of workers in unimproved districts, they took the gas 17 miles out of the city into that town, and six industries moved over there, too. The biggest was the Union Tool Shop. I believe there are about 400 employed in the Union Tool Shop. Now, when the strike broke out we went down there to investigate the conditions. Here is a letter from one of the women in that town. She writes, "There are 42 unoccupied houses here in town. The workers can't rent a house from one company—there are two companies—workers can't rent a house from one company because they want to sell it on the installment plan. If they want to go down there they must buy on the installment plan. The rent of some of the houses was as high—went from $13 to $25 a month. Now, they were puzzled, intensely puzzled, why the workers wouldn't live down there. And it was found out that of course the workers had become wise to some of the eastern garden cities, like Pullman and a few of those. They refused to be corralled in one territory where when a strike breaks out they can be surrounded by the militia or the armed guards of the companies and simply kept there. That is why they didn't want to go down there.

Furthermore, the houses that were built down there were built by building companies—they are buildings of the cheapest type. I went through a lot of the houses. I took one of the workers from the temple along with me, and pretended he was my husband. We went house hunting. And we found that in practically every one of the houses there were marks of the winter rains. And yet they expected the workers to gladly buy those houses. Furthermore, it was a matter of record that the municipal improvements, like street improvements, plumbing, and so forth, was done of the cheapest kind, and the workers knew it and they refused to buy there. I could tell you still more of that. It covers a big field. But that touches enough on the housing issue.

Now, these workers who refused to live down there, they spent from two to three hours a day on the car, and spend from $8 to $11 a month in car fare.

The industries should be placed so they become convenient for the workers. Now I repeat, that the institutions of law, and law in general, should become intelligible to the people. Perhaps you remember looking over the pages of history, that so long as the mass of the people could not read the Bible, even some of the alleged agents of God would take advantage of the ignorance of the people and use their ignorance to exploit them. Now then, if we make the law so that it becomes intelligible to the mass of the people, I think we go a long ways to the goal of overcoming difficulties.

Such investigation as you are making here to-day, I would suggest that the proceedings of each city be placed in a public library, and one in each public school. I believe there are more people than those that have come to these meetings interested in these proceedings, but for many reasons can not be here and take it all in.

I would recommend that in every city there be a chamber of labor alongside of the chamber of commerce.

The eight-hour law is essential to have time for the study of civic affairs. Now, for instance, right now we are confronted by a vote for a string of amendments to the next legislature that fills several pages. And in order to be intelligent voters we have to have time to study them. So shortening of hours is essential.

The election day should become a legal holiday absolutely, because while there is a law on the statute book which makes it compulsory for employers to let the men go out and vote, at the same time there are numerous cases on the records where that has not been granted.

Now, something I would like to say with regard to factory life, for the needs of dwellings, for the kind of factories and stores, and so forth. It seems to me there is something right here as regards Uncle Sam, who himself is an employer, and who ought to take a little better stand once in a while in the construction of Government buildings where thousands of people are employed. And I refer you to our Los Angeles post office. Before you go East, go and investigate it, and see for yourself that the accommodations for the workers in our brand-new post office are bad. Most of them are working by artificial light. That should not be. The Government has experts out to investigate the causes of diseases of pigs and other animals. Why not investigate what makes mail carriers and mail clerks wear eye glasses continually, and if the post-office buildings are constructed so that they are working constantly by artificial light, let us build post offices that have decent light. Now, you may say how can we always arrange for a proper building of factories, and so forth.

That proposition was strikingly solved in a large city in Europe. I went abroad some years ago and made a study of a number of things. I presume it would not prejudice you if I state that in the construction of the building of the Verwerin—that is the German national deity of the Socialists—in the construction of that big establishment every facility was arranged to make the workers comfortable. And I asked them how that was done, and they told me that before they constructed the building they asked the architect and everyone employed in the establishment down to the smallest office boy to meet with the architect, and then each one had a chance to express himself regarding the plans of the establishment in regard to comforts, and so forth. So that helps a whole lot in making the building apropos to the worker's needs. And I think Uncle Sam might take a lesson from that if he is not prejudiced to some ignorant foreigners.

Now, I have pointed out that one of the big helps to us will be a more complete labor commission. As it is now we are highly pleased with it, but we know they haven't got enough power and not enough finance to carry on their work.

Chairman WALSH. I do not want to hurry you nor interrupt you, but please do not repeat anything that you have gone over.

Mrs. NOLL. Yes; I thank you for that. I wanted to point out in conjunction to this that it is a surprise to me that in spite of this being really an acknowledged relief to the workers in the State of California, that yet the gentlemen who are so anxious for public welfare are carrying on a fierce attack on Gov. Johnson, who has been greatly instrumental in helping to establish this particular institution and make it what it should be. Now, if they are really sincere, why don't they support the men who have done something? That they don't want to work with us—we don't object to them not working with us, but why on earth don't they work with those who do something outside of our organization? That is the point I want to raise. Now, the other point is this:

That so many people—you have seen it right here—they seem to be very anxious to do something for labor. I don't deny that they really are sincere in their motive of wanting to do something for labor. And they are sincere in it. But the thing that always has puzzled me is this: Why are they never willing to do something with labor? And on that hinges the whole difficulty. They are spending thousands and thousands of dollars on the Y. W. C. A. and thousands of dollars on the Y. M. C. A. Do both institutions reach clear down to the root of things? I admit they are good institutions, but they have not reached the real issue yet. Now, then, through the Civic Center League, an institution that was recently established—and I omitted yesterday to mention that I was a member of it—through the Civic Center League we hope to establish in conjunction with every school in the city a system whereby the masses of the people can be reached in order to discuss civic affairs.

This institution is quietly being attacked by some of the men that belonged to the 50 who attacked woman's suffrage in the city, and by the 50—by some of the 50 who attacked the voting for the power bonds in our city. Now, under the auspices of the Civic Center League, I was recently called to Sherman, a city down here—a little suburb adjoining Los Angeles—to speak on the eight-hour law. Sherman is a city populated chiefly by street-car employees. The hall was packed with people, and there were a number of civil issues that came up that should be discussed. But what struck me forcibly was the lack of discussion. When I, after getting through with talking on the eight-hour law, invited expression from the audience either for or against the statements I had made, not a voice from the audience. Next day two men happened to meet me on the street, and one of them clapped me on the shoulder and said, "Mrs. Noel, we are with you." "Well," I said, "why didn't you say something yesterday when I talked there?" He said, "We would not dare to express ourselves. We belong to the Pacific Electric Co., and if we did we would lose our jobs."

Now, I can bring you the testimony of one of the senators of this State, who has met the agents that were sent up north to the legislature from the company, paid by the company, to go to Sacramento and work in the legislature from the labor standpoint against a reduction in the hours of the street-car workers. They were paid by the company. Now, these men for the sake of not losing their jobs did go up there, paid by the company. And when they did get there they pleaded with the legislators to carry the law through that would reduce the hours of their labor. But they were telling that they had to go there for the sake of not losing their jobs. And here I repeat that if that system of coercion does not create mental, moral, and physical cowards I would like to be shown. I am from Missouri. There are 30 nationalities that were present at an entertainment of an east-side school. Something was said on municipal amusements. I will say that a good many of the municipal amusements, so called, are carried on by people such as teachers and people from the parent teachers' association and other kindred bodies. But nothing definite is being done by the government itself.

I want to point out to you that some years ago a well-meaning man gave to the city of Los Angeles what we call Griffith Park, a magnificent territory of park. The Pacific Electric lines, the Huntington lines, were approached to lay a street car line out to that park and made it accessible to the people; establish a 5-cent car fare to that park. And the reply was that the company did not care to lay a street car line out to that park for the convenience of the people, because they didn't care to run a line that brought them in a 5-cent street car fare when they could get a 50-cent car fare down to the beaches. Now, is that working for public welfare? And is that working for public amusement? Now, I want to say a few words as regards the advertising of the city, while I have touched on that yesterday, Mr. Chairman, but there is one point that must be carefully considered. Just recently the manufacturers of the city, in conjunction with the supervisors, county supervisors, are aiming to raise $250,000, I believe, for an entertainment fund of 1915—for 1915, when the Panama Canal opens, and we expect a lot of visitors. They want to plant trees in cement boxes through the streets.

Down here in Thirteenth and Hill there was a big square with palms and trees in it. All the city had to do was to take over that square and make another much-needed park out of it. What happened? The efforts by a few well-meaning people to secure that territory for the city was lost. The trees were taken out. The plat was graded over, and to-day we have a newspaper building on it on one corner and on the other corner two little shacks. Now,

while on the one hand they want to raise funds to plant trees that are only temporary, and on the other hand could allow the destruction of a much-needed park territory, that is something I can't understand. But it has been said that these $850,000, if they are going to be raised, would be used to much better advantage, in a much more humane consideration for the coming visitors of 1915, if they would be used to investigate whether we really have the facilities and the preparation to meet that influx of population. Up to date there has not been anything done, approximately speaking, to meet that influx of population. And, for my part, I can't understand why these gentlemen should be so awful anxious to increase population in this State when in all past experience it has proven that overpopulated territory is a menace rather than a benefit, when in all past experience it has proven that the conditions go down rather than up. We don't know what should be known—whether we have really so many natural resources to accommodate the industry that is invited. It is problematical.

An effort was made to have school children write to their eastern kinfolks letters to boost and advertise this State and this city, but it failed. We protested against it. It has been said that this is a wonderfully rich city. If we go to the city hall and ask for improvements they plead poverty. We have asked and pleaded for better street car conditions, and lo and behold we find recently that a man employed in the board of public utilities, who was exceptionally qualified in the service of railway engineer, has to be discharged for lack of funds. Anyway, in conjunction it sort of dovetails into the labor issue; it would be very wise to keep a close eye on the board of public utilities.

We have no city baths. We have fearful looking river beds that should be developed. We have a dilapidated looking city hall. The issue of rebuilding it has become a shuttlecock between the business interests of the north on Spring Street and south of Spring Street. Our city has no publicly owned library. That means the building of it. So far it has been located around in dry-goods stores and other buildings. It is usually moved from one new building to the other, evidently to give them a start in renting.

Now, Mr. Chairman, I believe that about covers the essential points I wanted to cover to-day.

Chairman WALSH. Well, thank you, Mrs. Noel, we will not ask any other questions now, I guess. Very much obliged to you.

Mrs. NOEL. Beg your pardon, there is one industry that should have been covered, and that is the waiters and waitresses.

Chairman WALSH. Well, you may cover it as briefly as possible. I don't want you to hurry, but we are dividing as to the time as well as the number of witnesses, and Mr. Manly has just notified me that labor was a lap of an hour and a half ahead in time.

Mrs. NOEL. I don't want to be unjust and take too much time.

Chairman WALSH. You are not. Everything you have said is of interest.

Mrs. NOEL. I will take the liberty to file a few statistics in regard to the waiters and waitresses.

Chairman WALSH. I wish you would. You may state it briefly, if you wish.

Mrs. NOEL. Perhaps it would be a little too long. I want to say that the waiters, cooks, and hotel employees are a big issue to consider. They are working under very difficult conditions.

Chairman WALSH. Have you a statement drawn up showing the figures in it?

Mrs. NOEL. Yes, sir.

Chairman WALSH. Kindly file that and we will take into consideration.

Mrs. NOEL. Yes, sir. I am sorry you didn't ask me more questions.

(See Noel exhibit.)

Chairman WALSH. Thank you.

Call Mr. Kuhrts.

TESTIMONY OF MR. G. J. KUHRTS.

Chairman WALSH. State your name, please.

Mr. KUHRTS. G. J. Kuhrts.

Chairman WALSH. What is your business?

Mr. KUHRTS. Engineer, Los Angeles Railway Co.

Chairman WALSH. You are connected with what company?

Mr. KUHRTS. Los Angeles Railway Co.

Chairman WALSH. That is a corporation of the State of California that operates that railway, is it?

Mr. KUHRTS. Yes, sir.

Chairman WALSH. Has it a holding company that is incorporated in any other State?

Mr. KUHRTS. No, sir.

Chairman WALSH. What is the capital stock of the company?

Mr. KUHRTS. Those figures can be furnished—we can furnish those figures to you from our books. I am not prepared to state here—I haven't the figures here.

Chairman WALSH. Speak a little louder, please. Has the company always paid dividends?

Mr. KUHRTS. No, sir. Paid interest on bonds, but no dividends.

Chairman WALSH. No dividends for how long?

Mr. KUHRTS. I don't think it ever paid dividends.

Chairman WALSH. What is the company bonded for? What is its total bonded indebtedness?

Mr. KUHRTS. Twenty-three million five hundred thousand dollars.

Chairman WALSH. What mileage has it?

Mr. KUHRTS. It has 300 miles.

Chairman WALSH. How much urban and how much interurban?

Mr. KUHRTS. I could not segregate that.

Chairman WALSH. Couldn't you give it by mileage?

Mr. KUHRTS. I could give you that if I had the data at hand. It could be given. It is mostly all city lines.

Chairman WALSH. Mostly all city lines?

Mr. KUHRTS. Yes, sir.

Chairman WALSH. Were you given a list of questions to respond to?

Mr. KUHRTS. Yes, sir. Well, I wasn't given it, but I got hold of these questions which I presume are the ones I have to answer.

Chairman WALSH. Well, I will call your attention to the questions and ask them in order if I can. How do you operate? Do you operate as a union shop, open shop, or nonunion shop? They call it a shop here, I believe?

Mr. KUHRTS. Well, open shop, I presume you call it.

Chairman WALSH. You have no organization among your employees?

Mr. KUHRTS. No, sir; except the recreation association among our employees.

Chairman WALSH. What is the recreation association?

Mr. KUHRTS. Is is composed of the employees and heads of departments.

Chairman WALSH. Well, what is its function?

Mr. KUHRTS. Oh, to get together. They have picnics and dances and smokers. Get together and discuss times and discuss questions which are of vital interest to us.

Chairman WALSH. First, what are your reasons for operating under the open-shop policy?

Mr. KUHRTS. Well, it is the desire of harmony and peace with and among our employees.

Chairman WALSH. Has there ever been an attempt to organize your road?

Mr. KUHRTS. I believe once in 1903.

Chairman WALSH. That was the last attempt that has been made?

Mr. KUHRTS. Yes, sir.

Chairman WALSH. I wish you would give us a statement of the wages paid your employees.

Mr. KUHRTS. In all the different departments?

Chairman WALSH. In all the departments, please. Have you a statement drawn up there?

Mr. KUHRTS. I did have. Yes; I have a statement.

Chairman WALSH. Well, just briefly state it, then.

Mr. KUHRTS. It is quite lengthy.

Transportation department: Chief inspector, $140 a month; inspectors, $90 a month. Chief dispatcher, $105 a month; dispatchers, $95 a month; car house foremen, $125 a month. Towermen, day, $85 a month; towermen, night, $90 a month. Switchmen, day, $85 a month; switchmen, night, $90 a month. Crossing flagmen, 25 cents per hour. Janitors, $60 a month. Conductors and motormen: First year, 25 cents per hour; second year, 26 cents per hour; third year, 27 cents per hour; fourth year, 28 cents per hour; fifth year, 29 cents per hour; sixth year and thereafter, 30 cents per hour. Freight and work trainmen, same as regular platform men. Yard switchmen at car houses, $95 a month—12-hour day.

Electrical engineers' department—Bonding: Foremen, 30 to 32½ cents an hour; helpers, 25 to 27½ cents an hour; substations, operators, $60 to $90 according to seniority and the importance of the station.

Line department—Construction: Line foreman, 41 6/9 to 44 4/9 cents; linemen, 36 1/9 to 41 6/9 cents; ground men, 25 to 27½ cents; linemen apprentices, 27½ to 35 cents. Laborers, 25 to 27½ cents. Wiremen: Gang foremen, 37½ cents per hour; assistant gang foremen, 35 cents per hour; wiremen, 30 cents per hour; helpers, 25 to 30 cents per hour.

Chief engineer's department—Track: Foremen, $3 per day; subforemen, $2.75 and $2.50 per day. Inspectors, $3. Watchmen and lamp men, $2. Trackwalkers, oilers, switchmen, $2. Laborers, $1.75 and $1.50. Bridges and buildings: Carpenters, $3 and $2.75. Painters, $3.50. Carpenter's helpers, $2.50. Laborers, $1.75. Laborers living in camps and cholo houses are paid $1.50 per day, and a rental of 25 cents per day is deducted from the wages.

Mechanical department: Blacksmith's foreman, $110 per month; blacksmiths, 39½, 41½, and 42 cents per hour; blacksmiths' repairers, 22½, 25 and 28 cents per hour. Stationary engineers, 34 cents per hour. Machine-shop foremen, $120 per month; assistant machine-shop foremen, $110 per month. Plumbers, 41½ to 45 cents per hour. Coppersmiths and tinners, 37 and 39½ cents per hour. Assistant foremen, machine shop, 39½ to 41½ cents per hour. Machinists, 30½ to 41½ cents per hour. Trackmen, 28 to 30½ cents per hour. Machinists' helpers, 23 cents per hour. Air-brake foremen, 39½ cents per hour. Apprentices, 22½ cents per hour. Gardeners, 25 cents per hour. Janitors, 18 to 22½ cents; offices, 23 cents per hour. Watchmen, 22½ to 25 cents per hour. Motorman (transfer table) 26 cents per hour. Pipe fitters, 28 to 30½ cents per hour. Paint foremen, $110 per month; assistant paint foremen, 39½ cents per hour; painters, 25 to 39½ cents per hour; painter's helpers, 22½ cents per hour; scrubbers, 22½ cents per hour. Cabinetmakers, 36 cents per hour. Pattern-shop foremen, 39½ cents per hour; pattern makers, 39½ cents per hour. General foremen, $125 a month. Car-builder foremen, $100 a month. General foremen inspectors, $110 a month. Carpenter-shop foremen, $100 a month. Trimming foremen, 39½ cents an hour. Carpenters on passenger cars, 30½ to 36 cents per hour; carpenter's helpers, 25 cents per hour. Upholstery foremen, 36 cents per hour; upholstery helpers, 25 cents per hour. Platers, 39½ cents per hour. Polishers, 34 cents per hour. Glaziers, 30½ cents per hour. Mill foremen, $110 per month, 41½ cents per hour; millmen, 36 to 39½ cents per hour; millmen helpers, 25 cents per hour. Car repair-shop foremen, 34 cents per hour. Car-shop foremen, $115 a month. Assistant car-house foremen, 34 cents per hour. Mechanical inspectors, 28 to 39½ cents per hour. Car-cleaner foremen, 22½ cents per hour; car cleaners, 18 cents per hour.

Electrical department, shops: Wiring foremen, 42 cents per hour; wiremen, 32 to 36 cents per hour; wiremen's helpers, 25 to 28 cents per hour. Winding-room foremen, $110 per month; armature winders, 36 to 42 cents per hour; coil winders, 32 to 34 cents per hour. Electrical helpers, 25 to 28 cents per hour. Apprentices, 14 to 28 cents per hour. Electrical machinists, 40 to 42 cents per hour. General repair men, including controller repairers and electricians, 34 to 36 cents per hour.

Wages of trainmen: First year, 25 cents; second year, 26 cents; third year, 27 cents; fourth year, 28 cents; fifth year, 29 cents; sixth year, 30 cents.

Chairman WALSH. Conductors and motormen both?

Mr. KUHRTS. Yes, sir.

Chairman WALSH. How long does the man have to run as a student?

Mr. KUHRTS. I can not answer that directly, but I can have a witness here who can.

Chairman WALSH. What are the hours of labor? First, away from the trainmen, what are the hours of labor of these other employees?

Mr. KUHRTS. Shopmen?

Chairman WALSH. Yes.

Mr. KUHRTS. Eight hours.

Chairman WALSH. And what are the hours——

Mr. KUHRTS. By the way, though, that is the shopmen, eight hours; the electrical department—they work eight hours a day, nine hours, out in the shop; they are paid for nine hours, coming and going to the shop and work.

Chairman WALSH. How much time—you say you do not know how long a man has to run as a student?

Mr. KUHRTS. No.

Chairman WALSH. What time does he have to report to the shop?

Mr. KUHRTS. I could not say. I could have a witness who can tell, if you wish.

Chairman WALSH. I wish you would make any statement that you desire to make, without questions, and then have somebody report here——

Mr. KUHRTS. He is here now.

Chairman WALSH. Who can answer the questions in your own industry.

Mr. KUHRTS. He is here at the present time.

Chairman WALSH. He is here?

Mr. KUHRTS. Yes.

Chairman WALSH. If there is any statement you care to make we shall be very glad to hear it; otherwise——

Mr. KUHRTS. With regard to that I only care to make statements of things I am absolutely familiar with myself.

Chairman WALSH. Very good.

Mr. KUHRTS. I think I know, but I want to be absolutely positive.

Chairman WALSH. That is correct. Then I will not go over this list of questions.

Mr. KUHRTS. I am prepared to go over the remainder of them.

Chairman WALSH. Have you the matter written?

Mr. KUHRTS. Yes; to an extent.

Chairman WALSH. I wish you would just please go ahead in your own way, without me going over them.

Mr. KUHRTS. The second question, wages and hours of labor, comparison of union conditions and open-shop conditions in other Pacific cities. I have that here, not alone of the Pacific cities, but some of the others. Seattle begins with 25 cents. At the sixth year they get a rate of 28 cents. They proceed. The seventh year, 29 cents; eighth year, 29 cents; ninth year, 29 cents; tenth year, 30 cents; eleventh year, 30 cents; twelfth year, 31 cents; thirteenth year, 31 cents; fourteenth year, 31 cents. That is Seattle.

San Francisco: First three months, 25 cents; second three months, 25 cents; second six months, 26 cents; third six months, 28 cents; fourth six months, 28 cents; third year, 29 cents; fourth year, 30 cents; fifth year, 31 cents; sixth year, 32 cents; seventh year, 33 cents; eighth year, 34 cents; ninth year, 35 cents.

Oakland, starting with 30 cents; first three months, 30 cents; second three months, 30 cents; second six months, 30 cents; third six months, 31 cents; fourth six months, 31 cents; third year, 32 cents; fourth year, 33 cents; fifth year, 34 cents; sixth year, 35 cents; seventh year, 36 cents; eighth year, 37 cents; ninth year, 38 cents; tenth year, 39 cents; eleventh year, 40 cents.

Portland, Oreg., starting the first year with 24; first three months, 24 cents; second three months, 24 cents; second six months, 25 cents; third six months, 26 cents; fourth six months, 26 cents; third year, 27 cents; fourth year, 28 cents; fifth year, 29 cents; sixth years, 30 cents.

St. Paul and Minneapolis, starting with 23 cents the first year; first three months, 23 cents; second three months, 23 cents; second six months, 24 cents; third six months, 26 cents; fourth six months, 26 cents; third year, 27 cents; fourth year, 28 cents; fifth year, 29 cents; sixth year, 30 cents, the same as Los Angeles.

Denver, starting the first year with 24 cents; first three months, 24 cents; second three months, 24 cents; second six months, 24 cents; third six months, 26½ cents; fourth six months, 26½ cents; third year, 28 cents; fourth year, 28 cents; fifth year, 28 cents; sixth year, 30 cents.

Chicago: First three months, 23 cents; second three months, 25 cents; second six months, 26 cents; third six months, 27 cents; fourth six months, 28 cents; third year, 29 cents; fourth year, 30 cents; fifth year, 31 cents; sixth year, 32 cents.

Philadelphia: First three months, 23 cents; second three months, 23 cents; second six months, 23 cents; third six months, 24 cents; fourth six months, 24 cents; third year, 25 cents; fourth year, 26 cents; fifth year, 27 cents; sixth year, 28 cents.

Buffalo: First three months, 23 cents; second three months, 23 cents; second six months, 23 cents; third six months, 25 cents; fourth six months, 25 cents; third year, 26½ cents; fourth year, 28 cents; fifth year, 29 cents.

Boston: First three months, 26½ cents; second three months, 26½ cents; second six months, 26½ cents; third six months, 27½ cents; fourth six months, 27½ cents; third year, 28½ cents; fourth year, 29½ cents; fifth year, 30½ cents; sixth year, 31½ cents.

New Orleans, 24 cents flat.

Cincinnati: First three months, 20 cents; second three months, 20 cents; second six months, 21 cents; third six months, 23 cents; fourth six months, 23 cents; third year, 23 cents; fourth year, 24 cents; fifth year, 24 cents; sixth year, 24 cents; seventh year, 25 cents; eighth year, 25 cents; ninth year, 26 cents; tenth year, 27 cents; eleventh year, 27 cents; twelfth year, 27 cents; thirteenth year, 27 cents; fourteenth year, 27 cents.

Detroit: First three months, 25 cents; second three months, 25 cents; second six months, 30 cents; third six months, 32 cents; fourth six months, 32 cents; third year, 32 cents.

Baltimore: First year, 22 cents; third six months, 23 cents; fourth six months, 25 cents; third year, 24 cents; fourth year, 25 cents; fifth year, 26 cents.

Los Angeles, I have given, that is: First three months, 25 cents; second three months, 25 cents; second six months, 25 cents; third six months, 26 cents; fourth six months, 26 cents; third year, 27 cents; fourth year, 28 cents; fifth year, 29 cents; sixth year, 30 cents.

Milwaukee: First three months, 23 cents; second three months, 23 cents; second six months, 23 cents; third six months, 24 cents; fourth six months, 24 cents; third year, 25 cents; fourth year, 26 cents; fifth year, 27 cents; sixth year, 28 cents.

These are 16 cities, 8 union and 8 nonunion. I have the list I can furnish.

Chairman WALSH. Please just file it with the secretary there.

Mr. KUHNS. "The extent to which unions are recognized and dealt with." This company not having—not being unionized, has no dealings with them.

"Comparative results under open shop and union conditions." Having no unions, make no comparison.

Chairman WALSH. You have no standard of comparison between union and nonunion?

Mr. KUHNS. None.

"Particular features objected to in unions organized in the street railway industry." As a public-service corporation and directly responsible to the community at large, we object to the union organizations attempting to dictate to employees or discipline them without responsibility.

"What has been done by the company with which you are connected to improve working conditions? (a) Wages and hours of men." Wages have been increased from time to time without any request on their part. They have been raised five times since 1901, I think it is. Hours of labor so divided as the best service requires for the traveling public, without working intentional hardships for the men.

"(b) Safety and sanitation." Every car in service is equipped with all modern appliances, air brakes, and so forth, and are kept up to a high standard of efficiency, with the effect to give safety not only for the public but for the employees as well.

"Adjustment of individual grievances." Every employee with a grievance is cheerfully accorded an interview and the same consideration given him that we expect from him when discipline is necessary. We treat our men as worthy of respect; while we, as the responsible heads of the company in the natural order of events, have to be the final judges of all the grievance cases, we impress upon our men the fact that we wish to deal as men to men and are careful to thoroughly explain whenever it is necessary in our opinion to deny requests made.

"As the result of your industrial experience, what constructive suggestions can be offered? (a) For removing friction between employers and employees." Well, there it would come to the association that we have of all the laborers and all the employees and heads of the departments. In fact, the heads of all the departments have worked up from the bottom, I might say, without exception, with the Los Angeles Railroad. We have a foremen's association. We get together, and we have our picnics. We had a picnic this year, gathering some 7,000 of our employees and their families. And all members are privileged to be members; all officials are members. We endeavor, as far as possible, to have human relations satisfactory, and conditions conducive to mutual understanding, and try to look at things from the standpoint of the man on the different questions that come up. We recognize that the contented man is the best asset.

"(b) For insuring that improvements in wages and working conditions are made as rapidly as economic conditions justify." We keep in close touch with conditions throughout the country as well as local conditions and conditions in

our own business, and whenever we think it economically possible we raise our standard.

"(c) For speedy and just settlement of such industrial disputes as may arise." We find that the friendly relations we maintain with our men go a long way toward taking care of all questions which arise.

"(d) For insuring that the interests of the public are protected." Interests of the public are amply protected by laws, ordinances, and so forth, and they are well championed by utility boards, railway commissions, and so forth.

"8. What has the open-shop policy in Los Angeles done for the community as regards—

"(a) Establishment and maintenance of a high standard of living for all classes." We have photographs showing living conditions of our cheapest employees, which show they are well housed and well fed, have family life and good, healthy children.

"(b) Assurance of regularity of work and decrease of unemployment." So far as we individually are concerned, we pay high wages compared with other sections of the country; in our mechanical branches and track work employment is continual; when one job is finished we do not turn the men loose but immediately move them on to other work.

"(c) Protection of the industrial and civil rights of individuals." We have not had any general strikes; we have never had to call on the city authorities; and we have not had to resort to the courts for injunctions; therefore we do not know as to this.

"(d) General and technical education and the ability to secure a thorough mastery of the trade." We do not have trade schools nor students' courses of any kind but provide for our men continually the opportunity to gather by experience necessary knowledge and still to increase their efficiency and make possible progress to higher position and greater remuneration.

I have a list showing the number of conductors and motormen, and, in fact, practically all the employees. This report was made hurriedly and there may have been some omissions. Conductors and motormen, 422 at 25 cents; 428 at 26 cents, the second year; third-year men, 283 at 27; fourth-year men, 185 at 28; fifth-year men, 139 at 29; sixth-year men, 610 at 30. It goes on, then—I don't suppose you care to have me go over the list, the number of men, the different rates. I have it right here and shall furnish it to the secretary if you wish.

Chairman WALSH. Conductors and motormen come to you to hire, what do they get?

Mr. KUHRTS. Conductors and motormen get the first year 25 cents.

Commissioner GARRETSON. How many are there in each class? I didn't catch it?

Mr. KUHRTS. We have a number of employees in Los Angeles, between four and five thousand employees.

Chairman WALSH. They are all there on the list?

Mr. KUHRTS. Yes.

Chairman WALSH. It is in the record.

Commissioner GARRETSON. If it is in the record, that is all I care about.

Chairman WALSH. Have you a blank application that the employee signs when he comes to you for employment?

Mr. KUHRTS. Yes, sir. That [handing blank to commissioner] is for the trainmen, and this [handing another blank] for the other employees.

Chairman WALSH. Now, this bond of $500 is given by both conductors and motormen, is it?

Mr. KUHRTS. I couldn't say as to that and give you a correct answer. You had better ask the other gentleman to answer that for you.

Chairman WALSH. Are photographs of the employees taken?

Mr. KUHRTS. Yes; they are.

Chairman WALSH. For what purpose?

Mr. KUHRTS. I prefer to have the other—I prefer to have that answered by Mr. Merrihew.

Chairman WALSH. Mr. Merrihew?

Mr. KUHRTS. Yes; he will answer that.

Chairman WALSH. Do you have checking clerks and others stationed at your terminal?

Mr. KUHRTS. At the terminals. We have a dispatching system; that is, at the central station, and we also have inspectors who are continually on the line.

Chairman WALSH. Is it a fact that at San Fernando station you have a check clerk from 7 in the morning until 12 at midnight, or other very unusually long hours?

Mr. KUHRTS. Not so far as I know.

Chairman WALSH. Would you know whether it was?

Mr. KUHRTS. We could ascertain. I could ascertain it for you.

Chairman WALSH. But you haven't that in your mind now?

Mr. KUHRTS. No, sir.

Chairman WALSH. Are the men required to take a physical examination, both conductors and motormen?

Mr. KUHRTS. That can better be answered by Mr. Merrihew.

Chairman WALSH. Do you know whether they are or not?

Mr. KUHRTS. I believe they are.

Chairman WALSH. Do they have to pay a fee for it?

Mr. KUHRTS. I believe not. I am not certain as to that.

Chairman WALSH. What class of labor or to what class of labor do you pay a dollar and a half per day?

Mr. KUHRTS. Those are the Mexicans.

Chairman WALSH. On what sort of work?

Mr. KUHRTS. Track work.

Chairman WALSH. How do you get your Mexican labor? How many Mexicans have you working on track work approximately?

Mr. KUHRTS. We have about 800, I should judge.

Chairman WALSH. About 800?

Mr. KUHRTS. About 800.

Chairman WALSH. And how do you get them in here from Mexico?

Mr. KUHRTS. We don't. We get them here in town.

Chairman WALSH. Where do you employ them?

Mr. KUHRTS. They come to our yards.

Chairman WALSH. You don't know how they get into this country?

Mr. KUHRTS. No; I don't, sir.

Chairman WALSH. You make your contract right here, do you?

Mr. KUHRTS. We do not make any contract. The men apply for a position, and we put them on as they come.

Chairman WALSH. At what wages do you put them on?

Mr. KUHRTS. One fifty to one seventy-five, according to their ability—spikers, liners, etc. The trench men—the men that dig the trenches—of course, they receive a dollar and a half. We have to do a great deal of night work. Night work practically constitutes half of our work, and to do that we pay time and a half to those Mexicans.

Chairman WALSH. Why do you not get white men to do that work?

Mr. KUHRTS. We can't, sir. We have no applications.

Chairman WALSH. Do you think you could get them if you paid two and a quarter?

Mr. KUHRTS. I don't think we could.

Chairman WALSH. Have you ever made any effort to get them?

Mr. KUHRTS. No; we haven't made any special effort.

Chairman WALSH. How many of your laborers are married men?

Mr. KUHRTS. Well——

Chairman WALSH. Have you any idea?

Mr. KUHRTS. We could take toll. I couldn't say.

Chairman WALSH. Do you know how many of them are home owners?

Mr. KUHRTS. Quite a number. As to that, the question has not risen. I could take that matter up with the men themselves.

Chairman WALSH. How many employees have you altogether?

Mr. KUHRTS. Between four and five thousand.

Chairman WALSH. Between four and five thousand?

Mr. KUHRTS. Yes, sir.

Chairman WALSH. How many of them are common laborers?

Mr. KUHRTS. Common laborers?

Chairman WALSH. Yes.

Mr. KUHRTS. Oh, I should say 1,000 or 1,200.

Chairman WALSH. How many of them are married?

Mr. KUHRTS. I couldn't say, sir.

Chairman WALSH. You don't know how many? You are not prepared to answer now as to the proportion of home owners among them in your transportation department—motormen and conductors?

Mr. KUHRTS. No; we could go and take toll.

Chairman WALSH. I wish you would get that if you can, and you might see Mr. Zeehandelaar and have him call your attention to the way Mr. McDonald did it, and see if you can make us the same statement as to the house owners of the Los Angeles Railway. He gave it as to the number that had their homes fully paid for and as to the number that were buying on the installment plan. That includes all—common laborers and all.

Commissioner O'CONNELL. And include the Mexicans.

Chairman WALSH. Include all of them.

(The information requested was later sent in and is printed as Kuhrts Exhibit No. 1.)

Commissioner O'CONNELL. As I understand you to say, that you operated on the open shop?

Mr. KUHRTS. Yes, sir.

Commissioner O'CONNELL. I find upon your application blank for motormen and conductors, "Question 11. Are you now or have you been a member of a labor union or any labor organization? If so, state the name of same, where located, and date of joining same." Why is that question asked if you work open shop?

Mr. KUHRTS. Part of the record—part of the man's record.

Commissioner O'CONNELL. Why don't you ask him if he is a Catholic or Protestant—a churchman—whether he is a Mason or a member of the Knights of Columbus? Isn't that part of his record also?

Mr. KUHRTS. Well, I wouldn't consider it; it may be.

Chairman WALSH. Please be in order.

Commissioner O'CONNELL. Now, do you employ him if a man answers "Yes" to that question, "I am a member of a union"—a member, for instance, of the Street Car Men's Union of America—do you employ him?

Mr. KUHRTS. We do.

Commissioner O'CONNELL. Have you any such employees in your employ?

Mr. KUHRTS. We have.

Commissioner O'CONNELL. Who have signed the application for a position?

Mr. KUHRTS. Yes, sir; as being members of a union.

Commissioner O'CONNELL. Will you furnish this commission with a copy of such applications?

Mr. KUHRTS. If that can be done, we will, yes, sir. I think it can. If it can not, we can substantiate the evidence of those who are directly concerned.

Commissioner O'CONNELL. Be very glad to have you do that for the commission.

Commissioner O'CONNELL. You say you do not know whether the men, the starters, the beginners, work a certain length of time without pay?

Mr. KUHRTS. No; I will refer that to Mr. Merrihew to answer; he can do that very readily.

Commissioner O'CONNELL. Are the beginners, the employees, supposed to buy their own uniforms?

Mr. KUHRTS. I suppose so.

Commissioner O'CONNELL. Are they bought through the company?

Mr. KUHRTS. I couldn't say.

Commissioner O'CONNELL. Does the company make any arrangement with any particular store to sell the uniforms to the men?

Mr. KUHRTS. I don't think they make any particular arrangement with any store, although they may.

Commissioner O'CONNELL. Who has that information?

Mr. KUHRTS. That information could be gotten through the operating department.

Commissioner O'CONNELL. Are the men compelled to buy any one kind of watch prescribed by the company?

Mr. KUHRTS. I couldn't say as to that. Mr. Merrihew will answer that.

Commissioner O'CONNELL. Will you explain to us just what comes under your jurisdiction, so that we will not be asking questions that should be answered by somebody else. What have you jurisdiction over?

Mr. KUHRTS. Practically all departments with the exception of just hiring these men. That is, the hiring of the men I do not have that directly under me. The shops, track, overhead.

Commissioner O'CONNELL. You have charge of the construction work?

Mr. KUHRTS. Construction work and maintenance.

Commissioner O'CONNELL. Maintenance. You have nothing to do with the employing, the hiring?

Mr. KUHRTS. Not directly. That is under me.

Commissioner O'CONNELL. Have you to do with wages?

Mr. KUHRTS. To an extent; yes.

Commissioner O'CONNELL. And hours?

Mr. KUHRTS. And hours; yes, sir.

Commissioner O'CONNELL. And the runs?

Mr. KUHRTS. Not the runs; not the trainmen; not as to the trainmen.

Commissioner O'CONNELL. Now, suppose some man on your road desires to get an increase in wages who did not believe in this arrangement you have about a stepladder of 1 cent a year and wanted a change, what would he do, how would he go about it?

Mr. KUHRTS. If he has a grievance, he can take it up with the superintendent.

Commissioner O'CONNELL. Suppose he had a grievance, he didn't like this wage, and he wanted 35 cents an hour, how would he proceed to get a change?

Mr. KUHRTS. Well, he would place the grievance before the superintendent; the superintendent would act upon it as he thought fit and conditions warranted.

Commissioner O'CONNELL. The superintendent would simply meet him as an individual employee?

Mr. KUHRTS. Absolutely.

Commissioner O'CONNELL. Would the superintendent meet three, five, or seven of the employees coming as a committee from the employees and take up the question of the change of wages?

Mr. KUHRTS. I should presume he would if they came collectively or individually.

Commissioner O'CONNELL. If they came there and said they represented the organization of the street car men of Los Angeles?

Mr. KUHRTS. Yes.

Commissioner O'CONNELL. Would he treat with them as such?

Mr. KUHRTS. Positively not.

Commissioner O'CONNELL. In order to get any sort of consideration from the company they would have to come as unorganized men?

Mr. KUHRTS. Yes, sir.

Commissioner O'CONNELL. In that sense it is a nonunion shop?

Mr. KUHRTS. Yes, sir.

Commissioner O'CONNELL. Supposing the men wanted to change their run or hours. Now, do you know about the hours?

Mr. KUHRTS. Mr. Merrihew could answer that. In order of their seniority, they have the choice of runs.

Commissioner O'CONNELL. Now, as to men operating trippers. I think you said you have men you call trippers, or something like that.

Mr. KUHRTS. I prefer to have Mr. Merrihew answer that.

Commissioner O'CONNELL. You don't know about those men?

Mr. KUHRTS. No.

Commissioner O'CONNELL. That is all.

Commissioner WEINSTOCK. What was your impression, Mr. Kuhrts, or your opinion, rather, on the question of workmen's compensation?

Mr. KUHRTS. It is a good act. We have practically worked under that act before it came along, taking care of our employees.

Commissioner WEINSTOCK. Do you think the enactment of workmen's compensation acts will tend to wipe out one of the causes of industrial unrest?

Mr. KUHRTS. Well, I would not venture to give an opinion.

Commissioner WEINSTOCK. It has been pointed out that industrial accidents have led to more or less industrial unrest, because the men are not fairly treated—are not compensated.

Mr. KUHRTS. Placing it under those conditions, why, I would say yes.

Commissioner WEINSTOCK. Has it proven any serious burden on your industry—the compensation law?

Mr. KUHRTS. No.

Commissioner WEINSTOCK. It has not?

Mr. KUHRTS. No.

Commissioner WEINSTOCK. As you doubtless know, there was a great deal of hostility to the workmen's compensation act in the beginning when it was initiated.

Mr. KUHRTS. Yes; I understand there was.

Commissioner WEINSTOCK. Were you among those who felt it was a mistake—it was going to be a burden?

Mr. KUHRTS. No, sir.

Commissioner WEINSTOCK. You were not?

Mr. KUHRTS. No, sir.

Commissioner WEINSTOCK. You looked upon it from the beginning as a desirable and wise piece of legislation?

Mr. KUHRTS. I think it was very wise; I think it is a help to the company.

Commissioner WEINSTOCK. So that you are now heartily in favor of it?

Mr. KUHRTS. Yes, sir.

Commissioner WEINSTOCK. And you would regard it as a mistake if the legislation was wiped out?

Mr. KUHRTS. Most assuredly would say so.

Commissioner WEINSTOCK. That is all.

Commissioner GARRETSON. Who is the superior officer, Mr. Merrihew or yourself?

Mr. KUHRTS. In his department I am practically superior officer. He is directly under the superintendent, he being an assistant superintendent.

Commissioner GARRETSON. Is the superintendent under your particular direction?

Mr. KUHRTS. Not directly.

Commissioner GARRETSON. Only in the matter of operation; or is he in the matter of operation?

Mr. KUHRTS. In a consulting capacity, sir.

Commissioner GARRETSON. Will you file with this commission a copy of your capitalization, stock, and bonds?

Mr. KUHRTS. Yes, sir.

Commissioner GARRETSON. A list of your officers?

Mr. KUHRTS. Yes, sir.

Commissioner GARRETSON. Of the corporation?

Mr. KUHRTS. Yes, sir.

(The information requested was furnished, and appears as "Kuhrts Exhibit No. 2.")

Commissioner GARRETSON. And a copy of the rules and regulations under which you operate?

Mr. KUHRTS. Yes, sir.

Commissioner GARRETSON. Are there any of the officers of your company who are interested in real-estate propositions—real-estate corporations that are selling homes to employees?

Mr. KUHRTS. Not to my knowledge; no, sir.

Commissioner GARRETSON. Any stockholders in control thereof?

Mr. KUHRTS. I don't think so. I never heard of them.

Commissioner GARRETSON. You spoke of your obligation as a public-service corporation as one of the reasons why you don't believe in dealing with the unions. The street-car system is under no greater obligation as a public-service corporation that a steam railroad, is it?

Mr. KUHRTS. I didn't catch that.

Commissioner GARRETSON. Do you hold that a street-railway company is under greater obligation to the public as a public-service corporation than is the whole steam-transportation system of the country?

Mr. KUHRTS. Well, no; I wouldn't say that.

Commissioner GARRETSON. They manage to get along as public servants and deal with labor unions, don't they?

Mr. KUHRTS. Their dealing possibly may be different.

Commissioner GARRETSON. What is that?

Mr. KUHRTS. Their method of dealing possibly may be different.

Commissioner GARRETSON. I don't know about methods. I am only aware of the fact that they deal.

Mr. KUHRTS. Of course, I could only simply say what has come to my mind; what I have learned through publications as to conditions brought about in the organized street railway. I couldn't say from my own knowledge, for we never had but very slight trouble, and that was years ago.

Commissioner GARRETSON. It might be possible, then, to even operate a street railway and deal with the unions?

Mr. KUHRTS. No; I wouldn't say—it is under the methods, their present methods, no; because they are not responsible. They take it upon themselves

to dictate who shall be employed, and whether he shall be discharged or not. We can not have efficiency——

Commissioner GARRETSON. Isn't it a fact that a large number of street railways are so operated?

Mr. KUHRTS. Quite a number that are; quite a number that are not.

Commissioner GARRETSON. That is all.

Chairman WALSH. How do you treat your injured men, or how did you treat them before the compensation act went into effect? You say you practically operated as you do now.

Mr. KUHRTS. We paid wages and doctors' expenses, etc.; paid them their full wages.

Chairman WALSH. In case of death what would you do for the survivors, the wives?

Mr. KUHRTS. Well, we did not in those cases, except extreme cases; where we did, donations were made in those cases.

Chairman WALSH. That is all.

Commissioner WEINSTOCK. How does the cost of workmen's compensation, Mr. Kuhrts, compare with the cost before the workmen's compensation went into effect in the way of handling accidents?

Mr. KUHRTS. We have not enough statistics yet to give any figures on that.

Commissioner WEINSTOCK. Does your company carry insurance with a carrier?

Mr. KUHRTS. Yes; that is being worked up.

Commissioner WEINSTOCK. Now, at the present time, do you?

Mr. KUHRTS. No.

Commissioner WEINSTOCK. You don't carry insurance with some company?

Mr. KUHRTS. No; we carry our own insurance.

Commissioner WEINSTOCK. You have a record showing what you have paid out for same this year?

Mr. KUHRTS. Oh, yes.

Commissioner WEINSTOCK. You have a record showing what you paid out for the preceding year?

Mr. KUHRTS. I believe that is segregated. If it is segregated from the claims, outside claims, I believe we could get that for you.

Commissioner WEINSTOCK. You do not know offhand?

Mr. KUHRTS. No.

Commissioner WEINSTOCK. Whether the cost this year is greater than the corresponding cost last year?

Mr. KUHRTS. Yes.

Commissioner WEINSTOCK. Will you have that prepared and sent in to the commission?

Mr. KUHRTS. Yes.

Commissioner WEINSTOCK. A comparative statement for the two years?

Mr. KUHRTS. Yes.

Chairman WALSH. That is all.

Mr. KUHRTS. There are a great many things you asked for, and I would like to have a memorandum of these things.

Chairman WALSH. That will be furnished you. I also wish you would hold yourself in readiness to be recalled. Now, will you have the gentleman you have spoken of take the stand?

TESTIMONY OF MR. A. B. MERRIHEW.

Chairman WALSH. What is your name?

Mr. MERRIHEW. A. B. Merrihew.

Chairman WALSH. What is your business?

Mr. MERRIHEW. Assistant superintendent, Los Angeles Railway Co.

Chairman WALSH. How long have you been with the Los Angeles Street Railway Co.?

Mr. MERRIHEW. Since February 28, 1896.

Chairman WALSH. In what capacity did you commence work?

Mr. MERRIHEW. Conductor.

Chairman WALSH. How long have you been assistant superintendent?

Mr. MERRIHEW. Since December 15, 1912.

Chairman WALSH. Who is the superintendent?

Mr. MERRIHEW. Mr. E. L. Lewis.

Chairman WALSH. Who is the general manager?

Mr. MERRIHEW. Mr. Howard Huntington.

Chairman WALSH. Who is the president?

Mr. MERRIHEW. H. E. Huntington.

Chairman WALSH. Tell us briefly what your special duty is with this railroad company.

Mr. MERRIHEW. Employment. I am in charge of the employment, instruction of platform men, motormen, and conductors.

Chairman WALSH. Prof. Commons would like to ask you some questions, first about wages, so I turn this over to him. You may ask those questions now.

Commissioner COMMONS. You have no charge of any except operating?

Mr. MERRIHEW. That is all.

Commissioner COMMONS. Motormen and conductors?

Mr. MERRIHEW. Motormen and conductors entirely.

Commissioner COMMONS. In regard to the average wage, 25 to 30?

Mr. MERRIHEW. Twenty-five to thirty, it is about 40 per cent of the men have been in our employ——

Chairman WALSH. Please try and pitch your voice so all these newspaper people and the auditors can hear you.

Mr. MERRIHEW. Well, I am somewhat handicapped. I have a cold.

Chairman WALSH. It is too bad, but please do your best.

Mr. MERRIHEW. In figuring up hurriedly, there are about 40 per cent of our men who have been in the employ of the company three and a half years or more. The exact figures Mr. Kuhrts gave you in his testimony.

Commissioner COMMONS. What is the total number of motormen and conductors?

Mr. MERRIHEW. I think we have 2,946.

Commissioner COMMONS. How many men do you have to hire each year?

Mr. MERRIHEW. In the year 1913 we employed about 1,000 men. That was occasioned by the fact that there was an unusual amount of sickness, colds, and grippe, and I really could not keep men enough to keep the extra list filled up. That is very high.

Commissioner COMMONS. How many men are extra?

Mr. MERRIHEW. At the present time we have——

Commissioner WEINSTOCK. The commissioners can not hear you. Be good enough to speak louder.

Mr. MERRIHEW. I think we have 222.

Commissioner COMMONS. How long is a man on the extra list before he gets regular, ordinarily?

Mr. MERRIHEW. Ordinarily about seven months. It runs from four months to about a year, and sometimes a little over a year, depending upon the division in which he works a great deal. For instance, our division No. 1, located at Sixth and Central Avenue, between Sixth and Seventh on Central Avenue, has a great many of the very old men. That was our original division, and they have always stayed there. The result being that working up on the extra list to a regular run is a little slower at that division than any other.

Commissioner COMMONS. What are the hours for extra men? What is the spread of hours? How long is it from the time they report until the time they get off?

Mr. MERRIHEW. The reports are divided as follows: A few men show up at 4.40 in the morning to take care of those runs. The majority of the extra men to take care of the swing and daylight runs report at 5 a. m. They stay there until about 7, and if they don't get a run in that time they are again required to report at 10 o'clock. A certain number of the men who do not get a run at 4.40 or 5 stay on report between the time; all of the men are excused at 7 a. m. until 10. At 10 o'clock——

Commissioner COMMONS. P. m.?

Mr. MERRIHEW. No; a. m., all a. m.

Commissioner COMMONS. All right.

Mr. MERRIHEW. At 10 o'clock a. m. all of the night runs that are open are up for choice, and they are given out to these extra men in their seniority order. The men who do not obtain any work are either excused for the day, or they are put on to show up from 10 to 12, from 12 to 2, from 3 to 4, not all of them showing up at each time, however. That is to take care of any extra runs or any extra work or any extra that might show up. It is also to take care of the runs which might be open, owing to a man not showing up for his run, which happens once in a while. That is, of course, that happens at the time the swing or tripper runs are going out, between 3 and 4.

Commissioner COMMONS. Well, then, the first one shows up at 4, and——

Mr. MERRIHEW. 4.40 a. m.

Commissioner COMMONS. The next at 5?

Mr. MERRIHEW. The next at 5.

Commissioner COMMONS. Now, then, when do they get off at night?

Mr. MERRIHEW. Well, the daylight runs get off between 3.30 and 6, between 3.30 p. m. and 6. The swing runs get off between—well, I would say 6 p. m. and about 8.30 p. m.

Commissioner COMMONS. An extra that comes on at 4.40 in the morning, when would he get off?

Mr. MERRIHEW. Why it would depend entirely on what run he got. He might get a daylight or he might get a swing, or he might not get anything at all on the very early show-up, and in his seniority order would report at 10 a. m., and he might catch a night run. But that night run would not go to work until—well, he might make a relief at noon or something of that kind, and then he would be off until anywhere until, say, anywhere from 2 to 5, 6 or 7 o'clock at night. Then he would go on and finish the rest of his run.

Commissioner COMMONS. So that he might possibly be on duty or waiting for a run as long as 12 or 15 hours?

Mr. MERRIHEW. Barely possible once in a great while; yes. In my employment of men I endeavor to keep the number of men on the extra list just as low as possible, so that everyone will get just as much work as he can possibly have or want. That, however, is regulated a great deal by the men themselves. If they don't get work enough, I very soon hear of it. And if they get too much work, if there is not men enough so that they can get off whenever they want to, I very soon hear of it.

Commissioner COMMONS. When a man gets a regular run, what is his spread of hours and the actual time that he gets, what is the spread, the largest spread or the widest spread that he has?

Mr. MERRIHEW. The widest spread we have is approximately 11 hours. Our runs run from 8 to 11 hours.

Commissioner COMMONS. And on this 11-hour spread, what is the lay off, how many hours pay does he get?

Mr. MERRIHEW. Well, that is the hours of pay I am speaking of. I see what you mean.

Commissioner COMMONS. I want the spread of duty and the hours worked.

Mr. MERRIHEW. Ordinarily speaking, a run of that character will finish within about 15 hours; that is, unless there are certain things come up which require some of the swing runs to be kept out, which does not happen but very seldom.

Commissioner COMMONS. Now, within the 15 hours he gets from 8 to 11 hours' pay?

Mr. MERRIHEW. Eight to eleven hours. Our regular runs average between 9½ and 10 hours. That is, we try to make them average that. We do find, however, that the longer the run is the more men there are that want it.

Commissioner COMMONS. What number of days are they off during the month?

Mr. MERRIHEW. It depends upon how many days they want to get off. They have no regular days off.

Commissioner COMMONS. They can work 30 days a month?

Mr. MERRIHEW. They can work 30 days a month, work 365 days a year, if they wish.

Commissioner COMMONS. Do your records show the amount of time they take off for Sundays or for rest days?

Mr. MERRIHEW. Why, I imagine we could get it.

Commissioner COMMONS. It would be a big job?

Mr. MERRIHEW. Yes; it would be a big job. Of course, we have a great many runs that have no Sunday time in. We operate in the neighborhood of 700 cars on week days, and it is cut down a great deal on Sundays. Consequently, all the runs that are not cut Sundays are what we term runs without Sunday time. That would cut down the men who would necessarily have to ask for a day off. We find a great many of those runs are choice runs.

Commissioner COMMONS. That is, the runs that have Sunday off?

Mr. MERRIHEW. The runs that have Sunday off; yes.

Commissioner COMMONS. What proportion is that of your runs, could you give an estimate?

Mr. MERRIHEW. I could not without the statistics.

Commissioner COMMONS. Those that have other runs, regular runs that don't have Sunday off, they usually put in about 25, 29, or 30 days a month?

Mr. MERRIHEW. I don't believe it will average that high. Well, let's see. They would average, I imagine, about 28, about 2 days a month off.

Commissioner COMMONS. They take about two days a month off?

Mr. MERRIHEW. I think so. It is guesswork entirely.

Commissioner COMMONS. What is the longest stretch that any man takes, does he ever work as much as 30?

Mr. MERRIHEW. I have known one man that worked four years.

Commissioner COMMONS. Without taking a lay off?

Mr. MERRIHEW. Without taking a lay off.

Commissioner COMMONS. Have you any that work a year without taking a lay off?

Mr. MERRIHEW. I would not think so. We have, however, a large number of men who each year take from 30 or 90 days leave of absence, a large number of men. Consequently, they work fairly steady the balance of the time.

Commissioner COMMONS. They take a vacation on their own time?

Mr. MERRIHEW. They take a vacation on their own time.

Commissioner COMMONS. And work steady every day the rest of the time?

Mr. MERRIHEW. Practically so.

Commissioner COMMONS. Is that a very large proportion?

Mr. MERRIHEW. We have a large number of men that do that. In fact, in the summer time it is necessary for me to keep my extra lists better supplied with more men than it is in the wintertime, owing to the number of men on leave of absence.

Commissioner COMMONS. What do you figure your men, your regulars, earn in a year, that have a regular run, take the 25-cent man, or the 30-cent man.

Mr. MERRIHEW. Well, in the first place there are very few men with a regular amount of time that get 25 cents. For instance, we have what is known as short runs. They are regular runs with from five to eight hours length. A man does not have to take that kind of a run unless he wants to. However, it is a regular run, and if he wants that kind of a run, it is there for him. If a regular man does not take it, or if a man does not take it for a regular run, the extra list must take it. They are given a short run of that kind, and they are also used for such extra business as might come up, for instance, the cars to the baseball, and the cars to take care of a large gathering of people like the Johnson meeting here at the Shrine Auditorium the other night that had 5,000 people there. Ordinarily speaking a man with a regular run would be in the 30-cent class.

Commissioner COMMONS. Well, take such a man, I suppose they select their runs by seniority themselves, do they, within certain limits?

Mr. MERRIHEW. Up to the present time we have always had what is known as a general choice—that is, all men—the lists are drawn up and each man in his seniority chooses a run, such a run as pleases him on his own division. Our company is divided up into five divisions, five different car houses, located at five different points in the city. Each man is entitled to choose a run in his seniority at that division at the time of these general choices.

Up to this present time we have had these choices semiannually. But it has been brought to our attention that the men would prefer to have a choice oftener. Therefore, commencing within the last few days an order has gone forth that a general seniority choice will take place every 90 days, between the 1st and 10th of January, April, July, and October.

Commissioner COMMONS. What it amounts to is that the 30-cent men have the preference in choice of runs?

Mr. MERRIHEW. Always.

Commissioner COMMONS. Now what do the 30-cent men make in a year?

Mr. MERRIHEW. I haven't any statistics, Mr. Commons.

Commissioner COMMONS. You could furnish us with that, say, on the first hundred men in the list?

Mr. MERRIHEW. Yes, sir.

Commissioner COMMONS. The first hundred men, what they have made during the past year.

Mr. MERRIHEW. Yes, sir.

Commissioner COMMONS. And also regulars that have the 25-cent rate?

Mr. MERRIHEW. Yes, sir; I can get that for you very easily.

Commissioner COMMONS. Give the actual earnings?

Mr. MERRIHEW. The actual earnings.

Commissioner COMMONS. And actual time off.

Mr. MERRIHEW. And the actual time off, if you wish.

Commissioner Commons. Do the men have to buy uniforms?

Mr. Merriman. Yes, sir.

Commissioner Commons. What is the expense they have to pay for a uniform?

Mr. Merriman. A uniform costs $18.

Commissioner Commons. Is that stipulated by the company?

Mr. Merriman. What is that?

Commissioner Commons. Is that price stipulated by the company?

Mr. Merriman. No; that is the price that is charged by most of the clothing companies. They can buy a cheaper uniform. However, it is not policy to do so, because they don't get the same wear out of it.

Commissioner Commons. How many do they buy a year?

Mr. Merriman. I haven't any statistics.

Commissioner Commons. You haven't any system of fines?

Mr. Merriman. None at all.

Commissioner Commons. What are the penalties that you impose?

Mr. Merriman. Record suspension only.

Commissioner Commons. How long is that—what is record suspended?

Mr. Merriman. Simply a modified system of the Brown system of discipline. It is all record suspension. If a man breaks a rule, his attention is called to it by the company, by either myself or the other assistant superintendent, or Mr. Lewis, the superintendent, and his record is charged with a caution, or five days' suspension, whatever it is. It is merely record suspension.

Commissioner Commons. Well, does that affect his pay?

Mr. Merriman. Absolutely not.

Commissioner Commons. Well, how does it affect him in promotion; his rate of pay goes up according to the service?

Mr. Merriman. Yes, sir.

Commissioner Commons. What is the use of the system then? It is a standard of efficiency, is it?

Mr. Merriman. It is a system of efficiency absolutely, and in talking to the men I tell them this way, that a man's record card is the basis—is the foundation of his whole employment. For instance, the heads of all the departments and all the men working under them, have all come up from the ranks of the Los Angeles Railway. Every man that is working in the operating department, including the superintendent, assistant superintendent, chief inspector and all his assistants, chief dispatcher and all his assistants, the car-house foremen and all of their assistants, the towermen, signalmen, flagmen, chief of the schedule department and all his men, every one of those are from the ranks of the Los Angeles Railway Co. If a man comes into our employ as a motorman or conductor and wishes to better himself he is given that opportunity. He picks out whatever kind of promotion he desires and makes an application for the same. The action on that application is based entirely on his record card. In other words, that is a record of his work with the company.

In response to the question——

Commissioner Commons. I will ask the question again. Who keeps the record; who rates the men or grades the men?

Mr. Merriman. Three men.

Commissioner Commons. Who are they?

Mr. Merriman. Superintendent and two assistants.

Commissioner Commons. They are reported on by whom—inspectors?

Mr. Merriman. By the inspectors; by the traveling public through complaints.

Commissioner Commons. What method of appeal is there in case a man complains against his record as shown by the Brown system?

Mr. Merriman. Make a personal appeal to the man who wrote him the letter.

Commissioner Commons. Do you hear these appeals yourself? Hear them individually?

Mr. Merriman. Whenever they come up through my department; yes, sir. That is if I handled it in the first place.

Commissioner Commons. Who has the final word in rating the men?

Mr. Merriman. Either one of the three I spoke of.

Commissioner Commons. And if he has an appeal, he would appeal to whom?

Mr. Merriman. The superintendent; and if the superintendent handled the case originally he can appeal to the general manager.

Commissioner Commons. Are there any appeals ever taken over those three men?

Mr. MEREDITH. Very few. There are appeals that come to once in a while from Mr. Van Franken and myself to the superintendent.

Commissioner COMMONS. Where do you secure conductors? Are they from farm laborers?

Mr. MEREDITH. A great majority of them. I will say a number of them; I won't say a majority of them.

Commissioner COMMONS. They originate in this State, or come from other States?

Mr. MEREDITH. Oh, a great many of them from other States.

Commissioner COMMONS. They all go through this physical examination?

Mr. MEREDITH. Yes, sir.

Commissioner COMMONS. They are all American born?

Mr. MEREDITH. No, sir; not necessarily.

Commissioner COMMONS. All speak English, of course?

Mr. MEREDITH. Oh, yes; all speak English, and, of course, in dealing with the public they must speak a pretty good grade of English, especially the conductors.

Commissioner COMMONS. You don't have anything to do with the laborers?

Mr. MEREDITH. Not at all.

Commissioner COMMONS. The conductors and motormen are the only ones?

Mr. MEREDITH. Yes, sir; that is all.

Commissioner COMMONS. That is all.

Commissioner O'CONNELL. These trippers—those that come out at 4.40 and lay around until 7 and then come back at 10 and then, maybe, not get employment, do they get compensation of any kind?

Mr. MEREDITH. The men who are around the division on waiting time get half time. For instance, 3 to 6, I usually say; call it whatever it is.

Commissioner O'CONNELL. All men who are on waiting time get half time?

Mr. MEREDITH. Half time; yes, sir.

Commissioner O'CONNELL. Do new employees have to purchase a certain type and standard watch?

Mr. MEREDITH. They have to purchase a watch up to a certain standard.

Commissioner O'CONNELL. That means that examination would be made of the timepiece that an applicant might own at the time?

Mr. MEREDITH. I will give it to you in detail, if you wish.

Commissioner O'CONNELL. Just explain what you do and save asking the questions.

Mr. MEREDITH. A conductor or motorman must have a watch, 16 size or over, 17 jewels or over; adjusted to temperature; adjusted to three positions; double-roller steel escapement. The minimum cost of such a watch is about $25. The watch can be purchased from any one of our inspectors on the installment plan, if the man so desires. He can buy it wherever he pleases. He can have it repaired wherever he pleases, but he must take it to one of our inspectors once every two weeks for regular inspection. He must have it cleaned once every 18 months, the idea being, of course, to keep up the time to a high standard.

Commissioner O'CONNELL. What average of new employees are there that are required to purchase a new watch in the employment? How does it run—large?

Mr. MEREDITH. Oh, I should judge about 50 per cent of them.

Commissioner O'CONNELL. Now, just what does it cost a new employee to go to work for your company? He must buy a uniform and buy a watch and must give a bond, I understand, and must furnish photographs, and so on?

Mr. MEREDITH. Yes, sir.

Commissioner O'CONNELL. Just what does it cost a man to go to work for your company?

Mr. MEREDITH. He pays $1 for physical examination, provided he passes the examination.

Commissioner O'CONNELL. He pays that dollar. Who does he pay that to?

Mr. MEREDITH. To the physician who makes the examination—the company physician. He pays 50 cents for a photograph.

Commissioner O'CONNELL. Just explain what you do with the photograph, while we have that in mind.

Mr. MEREDITH. They are used as a means of identification.

Commissioner O'CONNELL. If he quits, are they returned to him?

Mr. MEREDITH. They are not. The contract which he signs, which is on the application of which you have a copy, states that they are a part of his application.

Commissioner O'CONNELL. What good are they to you after he has left?

Mr. MEREDITH. None at all; except he may come back again.

Commissioner O'Connell. You would want a new photograph if he did come back; in some years he might change?

Mr. Merriman. In some years; yes, sir.

Commissioner O'Connell. Is there no other purpose of retaining those photographs?

Mr. Merriman. Absolutely none; merely for method of identification.

Commissioner O'Connell. Do you use them in any way in getting—making replies to information as to whether he worked for your company or not? Are they used in any way in that connection?

Mr. Merriman. Well, in connection with identification. In writing to his references a copy of the photograph is placed on the reference, and the question on the reference blank is asked, "Is the above a photograph of the applicant?"

Commissioner O'Connell. Well, now, just continue with the thought. The total it would cost a man if he had to get everything.

Mr. Merriman. That dollar and a half is paid before he is accepted into the service of the company. Then he gets on my waiting list. That is, I have ordinarily a number of men waiting to go to work for the company. The time I can use the men I call them in the seniority order from which they put in their application. At the time they are called for work it is necessary for them to purchase a uniform cap at a cost of $1.50, and to take out a bond for $500, which costs $2.00 a year. They are then supplied with an outfit consisting of their badge, which is good for transportation, punch, rule book, tools in case of motormen, and they are sent to the student instruction. When they finish breaking in they are then required to purchase a uniform, if they haven't got one, and a watch to pass our examination, if they haven't got one.

Commissioner O'Connell. The uniform, you say, is $18?

Mr. Merriman. About $18; yes, sir. And the watch, the minimum price would be $25. However, the watch we prescribe is not a standard railroad watch. Such a watch must be adjusted to five positions, the minimum cost of which is about $35, and the majority of the men buy the higher grade watch.

Commissioner O'Connell. Do the men pay into any sort of an association or company, or is there any money retained out of their envelope monthly for any particular purpose?

Mr. Merriman. Fifty cents per month for hospital dues.

Commissioner O'Connell. Fifty cents a month?

Mr. Merriman. Yes, sir.

Commissioner O'Connell. That is retained from all your employees?

Mr. Merriman. Every one of them.

Commissioner O'Connell. You have, I understood you to say, about 4,000 employees?

Mr. Merriman. Between four and five thousand.

Commissioner O'Connell. Two thousand five hundred dollars a month collected for hospital fees. Where does that go?

Mr. Merriman. That I could not tell you. I am an operating man.

Commissioner O'Connell. Does the company keep it?

Mr. Merriman. The auditor keeps it. What his disposition of it is I could not tell you I am sure.

Commissioner O'Connell. Does it go into the general funds of the company as an asset or something?

Mr. Merriman. I haven't the least idea.

Commissioner O'Connell. Where do the men get the result or return from it? Where is the hospital located? What do they get for the 50 cents a month?

Mr. Merriman. They get sick benefits—that is, they get medical attention and hospital attention, if necessary.

Commissioner O'Connell. Where do they get it?

Mr. Merriman. Well, if they become ill or it is necessary——

Commissioner O'Connell. Any hospital in the city? Is there any particular hospital?

Mr. Merriman. Our employees are generally sent to the Crockett Street Hospital, on Seventh and Ruth Avenue.

Commissioner O'Connell. You tell me you don't know what becomes of this money?

Mr. Merriman. I haven't the slightest idea.

Commissioner O'Connell. What becomes of it, or how it is used, or how it is credited?

Mr. MERRIHEW. No, sir. I am an operating man pure and simple.

Commissioner O'CONNELL. You pay 50 cents a month into it?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. You don't know what becomes of it?

Mr. MERRIHEW. I haven't the least idea. It is there for my use. In fact, I spent six weeks—about two weeks of it in the hospital, with pneumania. It all came out of my 50 cents a month.

Commissioner O'CONNELL. How long had you been paying that 50 cents a month in?

Mr. MERRIHEW. Practically ever since I have been with the company.

Commissioner O'CONNELL. That is the only time you have had——

Mr. MERRIHEW. No, sir. That is the only time I had a serious illness.

Commissioner O'CONNELL. Do you get attention from the physician for your family and children and wife?

Mr. MERRIHEW. No, sir.

Commissioner O'CONNELL. Just for yourself alone?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. And then the only return for that 50 cents is in case you meet with an accident or you are taken sick you get attention?

Mr. MERRIHEW. That is all.

Commissioner O'CONNELL. You have a right to go to some hospital or other, or call in your family physician, and the bill would be sent to the company and paid out of that fund, would it?

Mr. MERRIHEW. I think the first bill of a physician called—we have a very efficient corps of physicians at the call of the men at all times, and if it is necessary that one of our men could not get hold of one of those physicians he is at perfect liberty to call another physician, and the company will pay for that treatment until such time as our physician can get there, though we have that happen very seldom.

Commissioner O'CONNELL. There is no organization of any kind of this hospital association?

Mr. MERRIHEW. No, sir.

Commissioner O'CONNELL. No printed by-laws or anything that governs it, or anything like that?

Mr. MERRIHEW. No, sir.

Commissioner O'CONNELL. The company just retains 50 cents from each man's envelope each month?

Mr. MERRIHEW. We have a printed hospital regulation showing the men what they receive for this 50 cents per month. I haven't seen one of them for a long, long time, however. I think I could get a copy, if you wish.

Commissioner O'CONNELL. I would be glad to have it, or any other information you can give us on that. We are particularly interested in this hospital question. We have had a good deal on it everywhere we have been, and we would like to get as much on it as possible.

Commissioner O'CONNELL. Do you operate more than one car? Do you operate two or three cars together?

Mr. MERRIHEW. No, sir; all single trains—all single unit trains.

Commissioner O'CONNELL. Have you any vestibule regulations in the city?

Mr. MERRIHEW. No, sir; I think not.

Commissioner O'CONNELL. Have you any law requiring that the motorman must be absolutely free and passengers not get in the department where he is and interfere with his work?

Mr. MERRIHEW. No, sir; none that I know of.

Commissioner O'CONNELL. Do you have open spaces around where the motorman is at work?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. And the passengers crowd in around him?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. And no provision made to do away with that sort of thing?

Mr. MERRIHEW. We are making provision in the new type of cars, known as the center-entrance cars, whereby the motorman is in a space by himself, protected by an iron railing only.

Commissioner O'CONNELL. You say the grievances are adjusted by the party having the grievance bringing up to your assistants or yourself?

Mr. MERRIHEW. Yes, sir; not my assistants, but myself—just the three of us.

Commissioner O'CONNELL. Do you pass on the application for employment?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. Do you employ a man who fills out an application, saying, "I am a member of the Amalgamated Street Car Men's Association"?

Mr. MERRIHEW. I have employed quite a number; yes, sir.

Commissioner O'CONNELL. Will you furnish us—I asked the gentleman who preceded you, and he said he would, but he did not seem to understand; did not have the information, exactly—I wish you would furnish us with a copy or the originals, and we could make the copies of such applications.

Mr. MERRIHEW. That would take quite a little time. I would have to go through each application. I do not keep any record of it at all.

Commissioner O'CONNELL. Why do you ask the question on the blank?

Mr. MERRIHEW. Because I prefer not to have them.

Commissioner O'CONNELL. What?

Mr. MERRIHEW. I would prefer not to have members of the association.

Commissioner O'CONNELL. You prefer not to have members of the association?

Mr. MERRIHEW. Yes, sir.

Commissioner O'CONNELL. Then you are not running an open shop, so called?

Mr. MERRIHEW. No, sir; I would not think so, although I employ members of the Amalgamated Association. I employ a lot of union members of other trades. I do not pay a great deal of attention to other union men.

Commissioner O'CONNELL. But you prefer to have nonunion men?

Mr. MERRIHEW. Only nonunion street car men.

Commissioner O'CONNELL. What is the difference between street car men and union men of any other kind? Is there—I would be glad to have you explain that to us; it is rather interesting.

Mr. MERRIHEW. Possibly that is a personal prejudice.

Commissioner O'CONNELL. Of course, we do not want anything personal.

Mr. MERRIHEW. I am perfectly willing to explain as far as possible, but we have been very free from any union organization in the Los Angeles Railway Co. We never had any trouble at all, except in 1903. We had about 700 men, and they demanded that we recognize the union which they were attempting to organize. We naturally refused, and 13 men went on strike, stopping their cars in the center of the street, taking their controller handles and air handles with them. At that time there was a little demonstration made on the sidewalk by some union sympathizers. That strike lasted about 15 minutes.

Commissioner O'CONNELL. I should think it would.

Mr. MERRIHEW. Just about.

Commissioner GARRETSON. Virtually a minute to the man.

Mr. MERRIHEW. Just about. That is the only attempt that was ever made here in the city that I know of to organize. The only grievance they had was the fact that we did not want them to organize. They never had any wage grievance or anything of that kind.

Commissioner O'CONNELL. Well, do you mean to convey the idea that this little insignificant strike of 15 minutes of 15 men has prejudiced your mind against the matter of the employment of union men?

Mr. MERRIHEW. No, sir; that started it. Since then I have read with a great deal of interest the news regarding the strike events that happened in different cities, and I wanted to do my best to keep anything of that kind from Los Angeles. I think I could do that better by keeping out the street car union men.

Commissioner O'CONNELL. Can you give us any information—I think the gentleman who preceded you said the company owned some houses and rented them to employees, or rented some houses. Do you know anything about that?

Mr. MERRIHEW. That is only in the case of Mexican laborers.

Commissioner O'CONNELL. Do you own the houses where the Mexican laborers live?

Mr. MERRIHEW. I could not tell you.

Commissioner O'CONNELL. You rent them to them?

Mr. MERRIHEW. I have not the least knowledge of that.

Commissioner O'CONNELL. I understood him to say you were renting the houses to Mexicans. What I wanted to get at was the value of the houses and what the rent charge was. You haven't that information?

Mr. MERRIHEW. No, sir.

Commissioner O'CONNELL. You don't know approximately the number of married and unmarried men in your company, or do you give any preference, or make any particular selection in the employment of men, whether married men or single men?

Mr. MERRIHEW. It does not make any difference at all.

Commissioner O'CONNELL. You haven't any idea of the number of men engaged in the purchasing of homes?

Mr. MERRIHEW. The only thing I would make would be a very wide guess.

Commissioner O'CONNELL. Every witness coming before you talked about home owning. I prefer they would use the term "purchasing" homes. I think we would come nearer the point on that.

Mr. MERRIHEW. Perhaps that would be better.

Commissioner O'CONNELL. I have gathered some statistics on that, and I understand we are to have some real estate men on the stand, and I am going to talk homes.

That is all, Mr. Chairman.

Commissioner GARRETSON. Going back to your Brown system, which you say is a modified form of the Brown system.

Mr. MERRIHEW. Yes, sir; modified.

Commissioner GARRETSON. How many Brownies cause discharge?

Mr. MERRIHEW. We have no such scheme at all.

Commissioner GARRETSON. Have you any system of redemption whereby a man, if his record is clear so long, it wipes out so many Brownies?

Mr. MERRIHEW. No, sir.

Commissioner GARRETSON. Have you any merit system whereby his record is clear for meritorious action?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. You have that one phase of the Brown system, I believe?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. You are aware that those others all belong to the ordinary form of the Brown system?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. Then you have none of those features except the one of merit credits?

Mr. MERRIHEW. The credit is practically all. It was founded originally upon the Brown system of discipline, but it was so cumbersome that it was necessary, or at least we thought it was necessary, to devise this system of our own. It is more of a record of a man's offenses and creditable work than it is a Brown system.

Commissioner GARRETSON. Is his record open to every individual?

Mr. MERRIHEW. No, sir.

Commissioner GARRETSON. I mean his own record?

Mr. MERRIHEW. Yes, sir; absolutely.

Commissioner GARRETSON. How often within the last year have you removed marks from a man's record when he came to you protesting against the same?

Mr. MERRIHEW. Within the last year?

Commissioner GARRETSON. Yes.

Mr. MERRIHEW. Oh, I should judge 200 or 300 times.

Commissioner GARRETSON. Two or three hundred times?

Mr. MERRIHEW. I imagine so. I am perfectly willing to accept any reasonable excuse. In other words, it is to my interests to keep the record clear just as much as it is his, and I want to do it.

Commissioner GARRETSON. You referred to the fact that the men preferred the long runs. Are there any of your runs, except the long runs, that guarantee a man a full day's pay? You referred afterwards—described short runs that the men evidently don't like.

Mr. MERRIHEW. It is not necessary that they take those short runs regularly.

Commissioner GARRETSON. Well, those short runs give them a large spread of time for a small day's accumulation of pay, don't they?

Mr. MERRIHEW. As a general rule——

Commissioner GARRETSON. So that it is natural if a man wants to get money enough to live on at a low rate, he chooses a long run?

Mr. MERRIHEW. It is not necessarily at a low rate.

Commissioner GARRETSON. Isn't it the practice where the rate is low that the man always wants to work long hours, and where you find men getting a higher rate they want to work shorter hours?

Mr. MERRIHEW. No, sir.

Commissioner GARRETSON. Isn't that the history of the wage movement?

Mr. MERRIHEW. That isn't the history with us. I don't find it that way. Usually in the schedule of runs put up for choice I find that the majority of

men, irrespective of what their rate is, will choose a run from 10½ to 11 hours, if they can get it, in preference to 9½ or 10 hours' run. I remember when I was on the cars there was one run of 12 hours that I worked for about four months to get, and when I got it I thought I was happy. However, we were having a flat rate then, all the men getting 20 cents an hour.

Commissioner GARRETSON. I should judge if I was working for 20 cents an hour I would want the run that lasted a week.

Mr. MERRIHEW. You must take into consideration that living expenses are different now from what they were in 1896.

Commissioner GARRETSON. You spoke of the company maintaining a corps of physicians. Do you find any—have you found any change of sentiment on the part of your men in regard to calling those physicians, or refusing to call them, since the compensation law replaced the liability law?

Mr. MERRIHEW. I have not. It has never been brought to my attention.

Commissioner GARRETSON. Have you ever found a sentiment among your men that in case of injury especially—not sickness—against passing under the care of your physicians?

Mr. MERRIHEW. Never have.

Commissioner GARRETSON. If they have any such objections, they have never expressed them to the company officials?

Mr. MERRIHEW. Never have to my knowledge?

Commissioner GARRETSON. You have no system or fines?

Mr. MERRIHEW. Absolutely none.

Commissioner GARRETSON. Any of indemnification from the employees in case—well, cornering cars, for instance. Is the cost of that ever assessed back on the man at fault?

Mr. MERRIHEW. Is what?

Commissioner GARRETSON. If they corner cars in switching?

Mr. MERRIHEW. No, sir.

Commissioner GARRETSON. Nothing of that kind?

Mr. MERRIHEW. No, sir. A long time ago we did, but not now.

Commissioner GARRETSON. Who pays the fee for the bond?

Mr. MERRIHEW. The conductor and motorman—the men themselves.

Commissioner GARRETSON. The men themselves?

Mr. MERRIHEW. Yes, sir. A long time ago we used to lay a man off for 3 days or 10 days or 30 days, as the expression went, "set his feet under his own table," but we found that that worked against the family instead of against the man.

Commissioner GARRETSON. They used to do that on the railroads, but they haven't lately.

This matter of photographs: Isn't the actual purpose of the photograph to prevent the man whom you desired not to be allowed to reenter the service doing so under an assumed name?

Mr. MERRIHEW. It is an absolute means of identification; that is the idea.

Commissioner GARRETSON. It identifies him if he happens to lose his name and finds somebody else's?

Mr. MERRIHEW. In other words, it acts in keeping an undesirable employee, for instance, a man that would leave our service and might attempt to come back under another name.

Commissioner GARRETSON. Do you interchange that information with any other company?

Mr. MERRIHEW. On request only.

Commissioner GARRETSON. On request only?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. Do you suppose that would be in conflict with any of the blacklist laws of any of the States?

Mr. MERRIHEW. Why, I don't see how it could, because at the time a man makes application to another company for employment, having previously been in our employ, or comes into our employ, having been previously employed by some other steam or electric road, we ask him to sign a release. He does not have to sign a release unless he wants to, but if he does not sign a release we don't want his application, because it would naturally follow he has something to cover up that he don't want to come out.

Commissioner GARRETSON. You mean to sign a release for what on entering the service?

Mr. MERRIHEW. Allowing the company to which he refers to give the correct information.

Commissioner GARRETSON. Oh, yes; that fact is on most applications. Your policy and the Pacific Electric is the same so far as you know?

Mr. MERRIHEW. I believe practically so.

Commissioner GARRETSON. Both officered by the same men largely; I mean the higher officers?

Mr. MERRIHEW. Absolutely no.

Commissioner GARRETSON. No connection?

Mr. MERRIHEW. The companies are absolutely different.

Commissioner GARRETSON. Who dominates the Pacific Electric?

Mr. MERRIHEW. The Pacific Electric is owned by the Southern Pacific Co.

Commissioner GARRETSON. Without question?

Mr. MERRIHEW. To the best of my knowledge and belief; yes, sir.

Commissioner GARRETSON. You made the statement that there had been—it may possibly have been your predecessor on the stand—that there had been three increases of wages since 1901?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. Will you file with this commission the dates of each of those increases, the rates obtaining prior to those increases, each one of them?

Mr. MERRIHEW. Yes, sir.

Commissioner GARRETSON. Of course, one rate will show after each increase and before the preceding?

Mr. MERRIHEW. Yes; be very glad to, sir.

(The information requested was later submitted, and is as follows:)

HISTORY OF WAGES OF PLATFORM MEN, LOS ANGELES RAILWAY.

When Mr. H. E. Huntington took over the Los Angeles Railway properties, October 1, 1898, wages were 20 cents per hour, all men.

Raises since have been as follows:

June 1, 1901: Under three years, 20 cents; fourth and fifth years, 21 cents; over fifth year, 22 cents.

July 1, 1902: Extra men, 22 cents; regulars, up to 5 years in service, 22½ cents; over 5 years and under 10 years, 23½ cents; over 10 years and under 15 years, 24½ cents; 15 years and over, 25½ cents.

December 6, 1905: First six months, 22 cents; second six months, 22½ cents; second year, 23 cents; third, fourth, and fifth years, 24 cents; sixth, seventh, and eighth years, 25 cents; ninth, tenth, and eleventh years, 26 cents; twelfth, thirteenth, and fourteenth years, 27 cents; 15 years and over, 28 cents.

October 3, 1906: First year, 24 cents; second year, 25 cents; third, fourth, and fifth years, 26 cents; sixth, seventh, and eighth years, 27 cents; ninth, tenth, and eleventh years, 28 cents; twelfth, thirteenth, and fourteenth years, 29 cents; 15 years and over, 30 cents.

December 29, 1909: First year, 25 cents; second year, 26 cents; third year, 27 cents; fourth years, 28 cents; fifth year, 29 cents; sixth year and after, 30 cents. This is the rate in effect at this time.

Commissioner WEINSTOCK. How much notice are the men called upon to give to the company if they wish to retire from its service?

Mr. MERRIHEW. The contract they sign requires them to give seven days' notice. Let me explain that, please. The contract goes further and states that if they don't give such notice, wages for that amount will be withheld from their pay.

Commissioner WEINSTOCK. In other words, they are expected to give one week's notice?

Mr. MERRIHEW. In all my employment with this company I never have heard of that being carried out. If a man comes up and wants to resign, there is practically no limit; he may go right away if he so desires.

Commissioner WEINSTOCK. You mean, then, that is merely a matter of form?

Mr. MERRIHEW. Merely a matter of form.

Commissioner WEINSTOCK. How much notice does the company give the men when they are going to be dropped?

Mr. MERRIHEW. Discharged?

Commissioner WEINSTOCK. Yes.

Mr. MERRIHEW. Probably about two minutes.

Commissioner WEINSTOCK. Would you say the scales are evenly balanced?

Mr. MERRIHEW. As they are carried out; yes, sir.

Commissioner WEINSTOCK. Theoretically, the men are supposed to give notice, but practically they don't?

Mr. MERRIHEW. They absolutely do not.

Commissioner WEINSTOCK. So that no notice, practically, is given or taken?

Mr. MERRIHEW. A man comes into either one of the offices and resigns; he can do it at that time, unless it happens to be some shortage of men or something big coming up for which we would like to hold them over for a day or two.

Commissioner WEINSTOCK. Would the fact the man drops out without giving the company notice militate against his reengagement?

Mr. MERRIHEW. It would depend entirely upon the man.

Commissioner WEINSTOCK. Assuming that his record was clear on all other points?

Mr. MERRIHEW. Not if he had good reason for going; no, sir; it would not.

Commissioner GARRETSON. Under the law of California can that man resign whenever it seems good for him? Can he impair that right by private contract with you?

Mr. MERRIHEW. I couldn't tell you. I am not familiar with it, sir.

Commissioner GARRETSON. Has a notice ever been hung in your office, Mr. Merrihew, where it became known that the men were asking for an increase, or going to ask for an increase of wages, if they were dissatisfied they would be discharged?

Mr. MERRIHEW. Absolutely not.

Commissioner GARRETSON. In 1910 or 1911, for instance?

Mr. MERRIHEW. I was not there in 1910 or 1911.

Commissioner GARRETSON. You can not say whether it was or was not?

Mr. MERRIHEW. I could not.

Commissioner WEINSTOCK. Are students paid while they are being instructed?

Mr. MERRIHEW. No.

Commissioner WEINSTOCK. They are expected to serve two weeks as a junior without compensation?

Mr. MERRIHEW. The average time is about 12 days.

Commissioner WEINSTOCK. Twelve days.

Mr. MERRIHEW. The longest we have hired, they usually learn in 18 days. They go from that to, in rare cases, three weeks—though if a man can not assimilate knowledge enough in that time there is something wrong.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Owing to the fact that the commission is behind in its schedule, Mr. Manly will revise it for the remaining two days at the command of the commission for the hearings here, and the witnesses will be promptly notified as to those who are to be here on Monday and Tuesday.

The hearing will now stand adjourned until Monday morning at 10 o'clock.

(Whereupon at 12.40 o'clock p. m. on this day, Saturday, September 12, 1914, an adjournment was taken until Monday, September 14, 1914, at the hour of 10 o'clock a. m.)

LOS ANGELES, CAL., *Monday, September 14, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Commons, and Weinstock. Basil M. Manly.

Chairman WALSH. The commission will please be in order.

Mr. Rice.

TESTIMONY OF MR. IRWIN H. RICE.

Chairman WALSH. Please state your name.

Mr. RICE. Irwin H. Rice.

Chairman WALSH. And your business?

Mr. RICE. Printing.

Chairman WALSH. What is the name of your firm?

Mr. RICE. George Rice & Sons.

Chairman WALSH. Are you a member of that firm?

Mr. RICE. I am president; it is a corporation.

Chairman WALSH. I take it it is a copartnership?

Mr. RICE. A corporation.

Chairman WALSH. Under the laws of California?

Mr. RICE. Yes, sir.

Chairman WALSH. What is the capital stock?

Mr. RICE. Twelve thousand dollars.

Chairman WALSH. How long have you been in Los Angeles, please, Mr. Rice?

Mr. RICE. Thirty-six years.

Chairman WALSH. In this particular business, how long?

Mr. RICE. Twenty-odd years.

Chairman WALSH. Always as manager of a plant; that is, during those 20 years?

Mr. RICE. Most of the time manager of a plant.

Chairman WALSH. Were you ever a craftsman yourself; did you learn the trade?

Mr. RICE. Yes; I learned the trade.

Chairman WALSH. Mr. Rice, I wish you would state first your reasons for not operating a union shop—I will put it that way—so you may describe, if you will, just what sort of a shop you do operate and your reasons therefor.

Mr. RICE. I received from your commission an outline of what you want answered.

Chairman WALSH. Yes, sir.

Mr. RICE. And I have prepared it in a written form.

Chairman WALSH. That is very good.

Mr. RICE. If it is agreeable to you, I will just read it.

Chairman WALSH. Just pitch your voice high, if you please. The audience would like to hear this.

Mr. RICE. All right. I have divided it up into headings.

First, under provable facts: Under this heading is presented data compiled from recent reports given by the heads of 13 of the open shops of this city and representing a large proportion of the job-printing industry, or about $580,000 invested capital, including the Times-Mirror Printing & Binding House; the Kingsley, Mohr & Collins Co.; the Southern California Printing Co.; George Rice & Sons; Philips Printing Co.; the Commercial Printing House; the Neuner Co.; W. P. Jefferies Co.; Baumgardt Publishing Co.; Ralston Printing Co.; Henry J. Pauly; Glass Bookbinding Co.; Birley & Elson Printing Co. These plants have made official reports to me covering a total of 267 printers, exclusive of office help.

Following are the weekly wages paid for each class: Compositors of all grades, from $15 to $35, including two-thirders and distributors, averaging $20.90. Apprentices, from $7 to $14, average $11.40. Job pressmen, from $14 to $25, average $21.00. Cylinder pressmen, from $20 to $35, average $26.10. Job feeders, $7 to $17, average $12.95. Cylinder feeders, from $14 to $21, average $16.65. Linotype operators, from $29 to $32.50, average $29.00. Monotype operators, from $25 to $30, average $27.50. Cutters, from $18 to $22.50, average $20. Forwarders, from $15 to $24, average $20.10. Rulers, from $17 to $24, average $20.75. Bindery girls, from $7 to $17, average $9.30. Boys, from $7 to $14, average $9.00.

Of these employees there are 14 males under 18 years of age and 9 females under 18 years of age.

The working hours for males are 48 hours; for females from 44 to 48 hours. Half holidays the year round in 10 shops and in the summer months in the other 3 shops.

Of these 267 employees, 114 persons can not be fairly classed as skilled labor, leaving 123 possibly family heads, of whom 74, or 60 per cent, either own or are acquiring their own homes.

Of the 13 shops, 8 at some time have been operated as union shops, 7 of whom report that the change to open shop was because of union rules; in 1 case it was the choice of the foreman.

Of the 8, 5 report the output increase, 1 reports no change, 2 failed to report this item. Three reported the quality of the product improved; 3 reported no change; 2 did not report. Five reported an improved morale in their shops.

Ten firms state they do not discriminate against union men, and all but four are aware they employ some union men.

It is the custom of all shops to pay time and a half for overtime, and in the few cases where piecework is done it results in increased earnings to the employee. As an illustration I present the record of a linotype operator by one man, who had previously lost the index finger of his right hand, for 75 consecutive days. Total ems set and corrected in 631 hours, 6,530,296, an average of 9,900 ems per hour, for which he received 13 cents per thousand

ems, or an average of $11.11 per day of nine hours five minutes. The class of matter was difficult, being names and addresses, with arbitrary abbreviations and short takes. The hours were the choice of the operator. This record has been beaten considerably this year by another man in the same shop.

The sanitary and hygienic conditions of these shops are beyond criticism. Even were the employers not of a character to provide the best surroundings from humane motives, the matter of light and air is a necessity to efficiency, and sanitary conditions are stringently regulated and inspected under the law.

All of these shops are members of the printers' board of trade, which maintains a free labor bureau for both union and nonunion workers, and which extends its efforts into the country and even into other States.

Twelve of the 13 shops are members of the local division of the United Typothetæ and Franklin Clubs of America, with the work of which organization in the field of vocational education your commission is doubtless familiar. As contributing members and including one working national official in the number it is submitted that we are doing our duty in that direction.

Without exception, the employees of every shop have the right to appeal their grievances over the superintendent or foreman direct to the head of the concern, but the knowledge that fair play will be the inevitable end makes this course rarely necessary.

Deductions and stated facts: An examination of the wage table shows that a large majority of the workers are receiving more than the average wage in each class and that the wages vary from 3 to 14 different amounts. The latter is striking evidence of the varying capacity of the individuals, and as it is a known fact that really competent workmen are scarce in all the printing trades, the first-stated fact indicates the effort of the employers to secure help of greater earning power. In the course of a few years a considerable number of workmen have been brought out from the East for the sole reason that mechanics of equal ability could not be secured here, either union or nonunion.

That the employees of these shops are satisfied with wages and conditions is indicated by the peace and harmony that exists. Since the national strike of 1906 for eight hours and recognition of the union there has been but one labor disturbance in the printing trade, when six press feeders in scattering shops struck for wage increases.

The percentage of workmen owning their own homes is proof of the regularity of employment and that the competent man can receive a wage commensurate with his ability without the assistance of the union card. I might add that four men in our workrooms own automobiles.

Endeavoring to anticipate the desire of the commission, I will state my position as regards the open and closed shop as follows: At the outset I wish to pay my respects to organized labor for the good that it has done. I believe that it has been a necessary element in the bettering of conditions for the workingman, just as war has certainly been a great factor in the progress of the world. Continuing the parallel, I believe everybody will agree that war has ceased to be a desirable or necessary factor in the march of civilization. Nor do I assert that the usefulness of the union has passed, but more properly that its activities are as greatly in need of regulation as are those of big business. My objections to the closed shop begin with an unalterable antipathy toward a condition which prevents any man from exercising his American freedom to work where he will, earn as much as he can, and serve his community, his family, and his employer as his judgment dictates.

I am opposed to an organization which includes in its oath of fealty "That my fidelity to the union and my duty to the members thereof shall in no sense be interfered with by any allegiance that I may now or hereafter owe to any other organization, social, political, religious, secret, or otherwise."

I am opposed to a condition where the wages of men in a trade are practically leveled to the average ability. Under such conditions the more efficient man will either chafe under the yoke with his incompetent brother or, as is the more general rule, never rise above the dead line that will keep him from the bottom where the "lay offs" commence. In my personal experience I have employed union men at even wages where an equitable adjustment according to their merits would have made at least 50 per cent difference between the highest and the lowest.

I am opposed to an organization whose qualifications for membership are regulated only by their desire for members at the time of the application. Taking the International Typographical Union for example, the chief requirement for membership is that the applicant shall have worked four years at the trade.

At 20 years of age, after beating the five union men of our office in a typesetting contest, I acceded to their request to make application for membership in their local. They evidenced great surprise and regretfully dropped the matter when informed that I had only worked at the trade for six months.

I know a young man in this city to-day who is worth and who is getting better pay than the average after but two years' apprenticeship in an open shop. I have seen men 10, 15, 20 years at the business, with union cards and official positions, whom I would not give floor space at boy's wages. I have known of union men rebating part of their wages in recognition of their lesser value as producers, and one of the best-known agitators of this city at one time made me that proposition.

I have been obliged a number of times to discharge union men for incompetency, to be met invariably with the statement that their work had always been satisfactory in card shops.

In times of strike I have seen cards in the typographical union issued to barbers in the belief that workmen were being taken from our plant. This extreme case is another proof that the matter of competency or a basis of determining the competency of a proposed member has no consideration by the organization.

The typographical union has for a generation been generally admitted as the brainest of all unions and the leader of the progressive movements in organized labor. Now, my claim is that the strongest talking point of the union toward influencing the employer that "all the best men are in the union" is a fallacy of the rankest kind. The union is constantly proselyting among the nonunion men for members, and union men are constantly abandoning their unions upon discovering their greater earning power when under open-shop conditions, where merit is the determining factor in making the wage.

I am opposed to an organization which places a limit upon a man's output, especially where machinery purchased expressly for greater production is involved. I have been obliged to discharge a union pressman for limiting a feeder to an output of 500 per hour on a press which should have easily run at a speed of 1,000. I have seen the record of two productions of the same job in the same plant under union and nonunion conditions. In the first case it required five men in three shifts to produce the work that three men on two shifts required when the plant was nonunionized—a ratio of 15 to 6 in favor of the nonunion crew. I know that the union rules for the manning of the machinery was responsible for the difference and firmly believe that the union crew could have equaled the second performance without any undue exertion. These incidents can be multiplied by scores and are cited merely to illustrate the point.

As a matter of fact, I do not believe there is any difference in ability between the rank and file of union and nonunion men. But there is without doubt a difference in their respective outputs under closed and open shop conditions. It is a tenet of unionism to do as little as possible for the greatest wage they can exact, in the belief that they thereby create work for more men, regardless of the economic or commercial necessities.

At this point I wish also to say that I have seen nearly ideal union shops where a combination of personal relations and other circumstances resulted in a harmonious, efficient organization. On the other hand, every employer of union labor in the more intellectual trades has seen the bickerings and bad blood among the men caused by union politics, ambition, or jealously, which caused serious loss in production, and for which the employer had to pay.

I am opposed to an organization that employees the strike, boycotting, and picketing to enforce its demand, supplemented by the "educational crew" with brass knuckles and gas pipe.

In my own experience I have seen pickets at the entrance of our plant every working-day for 10 months, with ridicule, cajolery, bribery, and threats on tap for the independent workman according to the necessities of the case. I have seen large rocks thrown through a window in our plant in the endeavor to wreck a monotype machine. A successful throw would have easily done $500 damage to the delicate mechanism. My life has been threatened directly, and I have twice escaped attack by crowds of strikers by the exhibition of an automatic. I have looked through a window and seen the business agent of the union place $300 in gold in front of an important man from our plant, in the endeavor to bribe him to leave our employ at a critical time. In a softer key, I have seen five men out of seven shed tears when they walked out of our plant by orders of the walking delegate. Three of them had never worked

in any other place. I have known of a union compositor being obliged to "beat" his way out of the city because the union would not allow him to work in our open shop at top wages.

I like the true union man, the man who is a member from principle, and is sincere in his belief in the good he can do. I am sorry for the union man who is a member only because he thinks it is necessary to obtain work. And I have met scores of this kind. I have only contempt for the union man who is a member from purely selfish reasons; who uses his fellow members as his pawns in the scramble for the best position; whose ambition is to be an officer of a union with a fat salary and expense account.

Now, what shall be done?

To answer question No. 8, I must admit that industrial relations are in need of adjustment. This is undoubtedly true in a broad way, although I feel that Los Angeles has made strides in improvement as compared to other cities, largely through the medium of the open shop.

If you will permit my humble opinion as the result of considerable study for the past three years, I would suggest that in respect to the skilled trades it appears to me your honorable commission is investigating the effect and not the cause. Boiled down, the essence of the grievances of the wage earners of this country is the insufficiency of their earnings for decent living. I must agree in the abstract that it is a justifiable dissatisfaction, but, concretely, with the average individual it is like the hunter who roars at the poor shooting when the fault is entirely his poor marksmanship. The incompetency of the majority of the workers in the trades is a known condition to the employers, and your body would gather some illuminating material from an intimate investigation of time cards and cost sheets in the various trades. You would find men by the thousands being carried on pay rolls absolutely without justification as regards earning power, but solely from the necessity of filling the ranks. You would find thousands of workmen whose work is drudgery to them, without enthusiasm or the least idea of what their true economic value should be.

And you would find the union agitator, not satisfied with exhorting audiences of his own members, prowling among the unaffiliated, shouting "You are not receiving enough money." Has anyone ever heard him say, "You are not earning enough money"? This class—the walking delegate, the organizer, and other officers of the unions whose salaries are milked from the wage earners, and who must keep the worker in line if the milking is to be good—is the greatest contributing factor in the excitable unrest that prevails. These men usually develop into chronic officeholders in the unions and become demagogues of the most disagreeable type. Loud-mouthed and smug in the confidence of their followers, they are ever ready with ridicule and innuendo and exaggerated statements to stir the passive worker to a condition of hysterical hatred for the employing classes.

So I would say that for immediate effect the interests of the wage earner and the industries will be best subserved by national compulsory arbitration and the forcing of trades-unions to incorporate, with the full responsibilities of stockholders in any other corporation. A national minimum-wage law might be effective if high enough, and providing the Government would undertake to care for the unfortunates who could not earn the minimum.

However, I consider these things essentially remedial measures, and would suggest in a constructive way that the greatest necessity of the country to-day is a liberal parental attitude on the part of the Government in regard to vocational education. We Americans are prone to "jolly" ourselves with fulsome talk about the ingenuity and skill of American workmen, but cold investigation will prove that they are almost as limited in numbers as railroad presidents compared with the total employees of the systems.

Chairman WALSH. Is that all?

Mr. RICE. Yes, sir.

Chairman WALSH. Did you want to ask Mr. Rice any questions?

Commissioner O'CONNELL. Yes.

Chairman WALSH. Commissioner O'Connell would like to ask you a few questions.

Commissioner O'CONNELL. I notice you don't mention the hours of labor in your document that you read.

Mr. RICE. Yes, sir; I gave it in detail.

Commissioner O'CONNELL. What are the hours of labor?

Mr. RICE. Males, 48 hours; females, from 44 to 48 hours.

Commissioner O'CONNELL. What are the hours of the printers?

Mr. RICE. Hours of what?

Commissioner O'CONNELL. You are speaking of the commercial shops, job shops?

Mr. RICE. Job shops; yes, sir.

Commissioner O'CONNELL. What are the hours of the printers?

Mr. RICE. The hours of the printers?

Commissioner O'CONNELL. Yes; typesetters.

Mr. RICE. Forty-eight hours a week.

Commissioner O'CONNELL. What are they a day?

Mr. RICE. Most of the shops work about 8½ a day, and let them off Saturday afternoon.

Commissioner O'CONNELL. How are they in your shop?

Mr. RICE. That is the way we work.

Commissioner O'CONNELL. Is your firm a member of the Printers' Trade Alliance?

Mr. RICE. Yes, sir.

Commissioner O'CONNELL. What is the Printers' Trade Alliance?

Mr. RICE. It is an organization to take up labor matters when necessary.

Commissioner O'CONNELL. What do they do when they take them up; do they discuss questions of wages and hours and conditions of employment?

Mr. RICE. Well, as a matter of fact, we never meet unless it is necessary to meet on some political or labor question.

Commissioner O'CONNELL. When did you have your last meeting?

Mr. RICE. I think it was about three years ago.

Commissioner O'CONNELL. Well, what was that meeting called for?

Mr. RICE. I don't remember at this time.

Commissioner O'CONNELL. Haven't you discussed wages or political questions within three years at all?

Mr. RICE. We have had some discussion of political questions.

Commissioner O'CONNELL. Hasn't there been any strikes in the city since that time?

Mr. RICE. There was a strike, as I mentioned, in the press feeders, I think it was, a year and a half ago.

Commissioner O'CONNELL. Didn't your organization take it up at that time?

Mr. RICE. No; we didn't meet on that at all. It wasn't necessary.

Commissioner O'CONNELL. Now, this employment bureau that you operate, how is that operated?

Mr. RICE. That is operated through our board of trade, which is purely a business organization, has nothing to do with labor matters, and it is simply a convenience for the members and for the workmen.

Commissioner O'CONNELL. Oh, your help is employed through that office?

Mr. RICE. No, no; that is simply a convenience.

Commissioner O'CONNELL. I don't understand—a convenience?

Mr. RICE. Well, men that are looking for employment register themselves there, and frequently members will telephone there to find out whether they have any men in a certain branch.

Commissioner O'CONNELL. Is there any form of application that is filled out by applicants there?

Mr. RICE. None whatever.

Commissioner O'CONNELL. Just simply file their names?

Mr. RICE. Just file it on an index card.

Commissioner O'CONNELL. Do you have applicants fill out an application in your firm?

Mr. RICE. No.

Commissioner O'CONNELL. Does any of the members?

Mr. RICE. I don't know of anyone that uses application blanks.

Commissioner O'CONNELL. Is the question asked of a man if he is union or nonunion when he seeks employment?

Mr. RICE. Usually.

Commissioner O'CONNELL. With what result, suppose he says, "I am a member of the typographical union"?

Mr. RICE. Well, the result in our plant has been that we have tried on several occasions to hire union men, but they come back with information that the secretary of the union won't let them work for us.

Commissioner O'CONNELL. You would employ union men if they would work for you?

Mr. RICE. We have. We have one in the house now in another department.

Commissioner O'CONNELL. How many of these—I think you stated there were four, or such a number, that did not employ union men at all, of the job printers.

Mr. RICE. No.

Commissioner O'CONNELL. Throughout the number?

Mr. RICE. Every one of those 13 shops employ union men at some time. Even the Times shop has union men in it to-day to their knowledge.

Commissioner O'CONNELL. Do they know that they have union men there?

Mr. RICE. Yes, sir.

Commissioner O'CONNELL. I understood Gen. Otis to say on the stand that he didn't employ union men.

Mr. RICE. I don't think they do in their newspaper.

Commissioner O'CONNELL. But they do in the job department?

Mr. RICE. They do in the job plant; yes, sir.

Commissioner O'CONNELL. Have you any idea as to why they differentiate between the two departments?

Mr. RICE. Well, I suppose it is just—they are two separate corporations, and the management is placed in the hands of a man who affiliates with our organization and we are perhaps a little more liberal in that respect.

Commissioner O'CONNELL. You are a member of the National Typothetæ, I understand?

Mr. RICE. Yes, sir.

Commissioner O'CONNELL. All these other firms are, too?

Mr. RICE. I think I said there were 12 out of the 13 who are members.

Commissioner O'CONNELL. Twelve out of the thirteen?

Mr. RICE. Yes.

Commissioner O'CONNELL. That is a national organization for the purpose of trade purposes, is it?

Mr. RICE. That is the business organization of the typothetæ.

Commissioner O'CONNELL. But it does treat the question of wages and hours and union and nonunion?

Mr. RICE. No; the typothetæ does not. There is a separate division of the typothetæ, which has a separate membership, which takes up those matters.

Commissioner O'CONNELL. Do you belong to that separate——

Mr. RICE. I do belong to that—both of them.

Commissioner O'CONNELL. That applies to the open shop?

Mr. RICE. That applies to the open shop.

Commissioner O'CONNELL. Does it mean union and nonunionism?

Mr. RICE. No; it means open shop.

Commissioner O'CONNELL. We have had here quite a variety of opinion as to just what the open shop is. What is your construction of the open shop?

Mr. RICE. The open shop is where union and nonunion men work side by side.

Commissioner O'CONNELL. And the employer does not question either one?

Mr. RICE. Does not question either one.

Commissioner O'CONNELL. Why do you ask a man if he belongs to the union over there?

Mr. RICE. To know the personnel of the shop, principally. We believe it is necessary for us to maintain the balance in favor of the open shop. It would mean that if we allowed all the men to become union men we would not have an open shop.

Commissioner O'CONNELL. Then it is your purpose to see that you have a larger number of nonunion men than you have union at any time in the shop?

Mr. RICE. A sufficient number to maintain the balance.

Commissioner O'CONNELL. Then to that extent it is not an open shop?

Mr. RICE. No; it is an open shop; yes, sir.

Commissioner O'CONNELL. But when you get to a certain point of numbers in your employment, then you cease to employ union men?

Mr. RICE. Yes; very likely. That has never occurred, so I could not say just what action might result.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Any questions?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock has some questions to ask.

Commissioner WEINSTOCK. It is very evident, Mr. Rice, that there is a large minority who oppose the closed shop, and a large minority that oppose the nonunion shop. This commission has been taking testimony all over the country,

including San Francisco, and we have found that the nonunion employers generally raise the indictments that you raise against unionism. We find on the other hand that the union workers raise very serious indictments against the nonunion shop. The unionists point out that the nonunion shop finally means—it may not in the beginning, but ultimately it means the lowest wage rate; it means no opportunity for the adjustment of grievances; it means absolutely no voice in the fixing of the wage, and it means being ground to the earth.

Now, doubtless the two systems, the closed shop and the nonunion shop, have their advantages as well as their disadvantages. Is there not some plan whereby the advantages of both systems can be utilized and the disadvantage of both systems eliminated, so that a new combination could be effected that would be fairer to the employer than you think the closed shop is—fairer to the worker than the union thinks the open shop is?

Mr. RICK. It has been my opinion for some time that fixing the responsibility of the union would immediately result in the acceptance of the open shop—the true open shop.

Commissioner WEINSTOCK. Fixing the responsibility of the union. You mean by that for the unions to incorporate?

Mr. RICK. I think they should be responsible, just as responsible as the employer is responsible for his acts.

Commissioner WEINSTOCK. The only reason why, I take it, you think the union should be incorporated, is to better insure the keeping of their agreements?

Mr. RICK. Yes.

Commissioner WEINSTOCK. Is that——

Mr. RICK. Make them responsible for overt acts.

Commissioner WEINSTOCK. Very well. Now, how many instances have there been, locally, to your knowledge, where unions have broken their agreements?

Mr. RICK. I do not know as we had any agreements. This has been an open-shop town for 20 years.

Commissioner WEINSTOCK. But there are——

Mr. RICK. There has been——

Commissioner WEINSTOCK (continuing). Industries that operate under the closed-shop system, are there not? Not an absolutely open town, as the newspapers here, except the Times, I understand, work under closed-shop agreements.

Mr. RICK. Yes.

Commissioner WEINSTOCK. Now, can you cite any specific instance that has come within your knowledge where the unions in the city of Los Angeles have broken their agreement—have been contract breakers?

Mr. RICK. I am not aware of it. I am not in touch with any of the trades except our own.

Commissioner WEINSTOCK. Have there been any instances that come to your knowledge in your own trade?

Mr. RICK. There have been no agreements to my knowledge in my own trade—the book and job end of the business.

Commissioner WEINSTOCK. There are agreements in the newspaper business?

Mr. RICK. Undoubtedly; but I am not familiar with them.

Commissioner WEINSTOCK. Have there been any instances you know of outside of this McNamara instance, where violence has been resorted to on the part of the unions?

Mr. RICK. Very little. Minor affairs, such as I related, such as throwing rocks through windows, and things of that sort.

Commissioner WEINSTOCK. There have been strikes in Los Angeles in the last 10 years?

Mr. RICK. Very trifling, to a great extent, outside of the big strike of 1906.

Commissioner WEINSTOCK. Then if there have been no broken agreements that you can recall, and if instances where violence occurred have been few and far between here, then the fact of the unions being incorporated would not have made very much difference in the Los Angeles condition, would they?

Mr. RICK. Well, I think it would.

Commissioner WEINSTOCK. How? How would they have altered the conditions of the past? How would they have made them any better than they were if no contracts to speak of and little or no violence? Those are the two ends, I take it, you have in mind, when you advocate the incorporation of unions?

Mr. RICK. Yes, sir.

Commissioner WEINSTOCK. Making them responsible for agreements and minimizing the possibility of violence. Now, if despite no incorporation, there has been very few, if any, contracts broken, and very little, if any, violence, then the question of incorporation would have cut no figure?

Mr. RICE. Well, I am not speaking of the situation alone as it applies to Los Angeles. My activities have extended beyond this city to some extent.

Commissioner WEINSTOCK. Well, in the testimony that has come before this commission witnesses have made the statement that there have been instances where employers, who are supposed to be responsible and reliable, have broken contracts.

Mr. RICE. Very true.

Commissioner WEINSTOCK. So that if there are instances where workers break contracts it would indicate that neither side can absolutely come into court with clean hands?

Mr. RICE. If an employer breaks a contract he is usually responsible at law for breaking his contract—properly drawn contract.

Commissioner WEINSTOCK. Yes; but there have been very few instances that have come to the notice of this commission, or to my notice personally, where employers having broken contracts with labor have been penalized.

Mr. RICE. Well, in the strike of 1906 the pressmen's union violated their contract with the typothetæ without any compunction whatever.

Commissioner WEINSTOCK. The union did?

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. Here in Los Angeles?

Mr. RICE. The contract did not directly extend to the city, but they took advantage of that situation and struck with the typographical union, and did that in many other cities.

Commissioner WEINSTOCK. Was that the case that occurred in Philadelphia? I think we had that case up before us in Washington, where it was claimed a representative of the union had agreed to certain conditions and had signed them up, and it was not ratified by the union, and the contract was not lived up to, and that was claimed to be a broken contract.

The testimony brought before the commission showed this, that in the end the court sustained the union in not having been thoroughly warranted in not observing a contract unauthorized by its representatives.

Now, I think in your testimony, Mr. Rice, you, among other things, said that unionism had done some good work for the worker.

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. And that you were not opposed to unionism?

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. You were opposed simply to certain phases of unionism?

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. Well, I suppose as long as unionism is conducted by human beings it will be more or less defective, just as the employers' associations, as long as they are conducted by human beings will be more or less defective. Taking unionism as we find it, and with all its weaknesses and shortcomings, and with all its failings, do you think that the workers of the Nation to-day are better or worse off than they would have been had there been no unionism?

Mr. RICE. Why, I frankly admitted that the union had done good and improved the condition of the worker. No question about that.

Commissioner WEINSTOCK. Then ought they to be perpetuated or wiped out?

Mr. RICE. I don't urge either course. I think if men wish to organize for their mutual benefit and protection, they have a perfect right to do so, provided they are kept in proper line.

Commissioner WEINSTOCK. Speaking as a citizen of the Republic, having the welfare of the country at heart, forgetting your position of employer, pure and simple, and thinking of only the good to the country as a citizen, and having the common good at heart as a citizen, do you think it is to the interest of the Commonwealth and of the Republic that unionism shall go up or down, shall be perpetuated or shall be wiped out?

Mr. RICE. As I said before, I don't see any reason why either course should be attempted. I think that as a natural result it will take its own way.

Commissioner WEINSTOCK. Yes. But you and I and the rest of it go to form public opinion and have our influence in molding public opinion, and if public sentiment is created against unionism it can't live; and if, on the other hand a

sentiment is created in favor of unionism it will prosper and perpetuate itself. Now, as one having a voice in making public sentiment, would you say unionism should be wiped out?

Mr. RICE. No, sir; I wouldn't. Or I wouldn't say that there was a necessity that it should be increased.

Commissioner WEINSTOCK. Then if this choice should be left—if it should be made clear that the open shop, or nonunion shop, as we call it, means death to unionism, and if death to unionism is an evil, and if the closed shop on the other hand is also looked on as an evil, which of the two would you regard as the lesser evil?

Mr. RICE. I can't conceive of such a condition. It would be pretty hard to decide something you can't conceive.

Commissioner WEINSTOCK. Could you conceive of this, if every employee in the Nation was opposed to unionism, and if public sentiment was opposed to unionism, unionism could not thrive, could it?

Mr. RICE. That is true.

Commissioner WEINSTOCK. It could not live?

Mr. RICE. Yes.

Commissioner WEINSTOCK. It would be wiped out?

Mr. RICE. Yes.

Commissioner WEINSTOCK. Would that or would that not be an evil from your point of view?

Mr. RICE. Possibly it would, but it would be revolutionary.

Commissioner WEINSTOCK. If the closed shop should prevail everywhere, you would regard that as an evil, wouldn't you?

Mr. RICE. I think I would.

Commissioner WEINSTOCK. Now, which of the questions would you regard as the lesser evil?

Mr. RICE. I would regard the closed shop, universal closed shop, as the greater evil.

Commissioner WEINSTOCK. As the greater evil?

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. And the wiping out of the unionist as the lesser evil?

Mr. RICE. Yes.

Commissioner WEINSTOCK. You pointed out that one of the prime causes of industrial unrest, in your opinion, is the incompetency of workmen.

Mr. RICE. Yes.

Commissioner WEINSTOCK. And that due to their incompetency many of them were thrown out and became burdens sooner or later, at least not able to earn as much as they ought to earn to live decently?

Mr. RICE. Yes.

Commissioner WEINSTOCK. What constructive suggestion have you to make to this commission, Mr. Rice, along the line of incompetency?

Mr. RICE. They must begin with the boy, with the education of the boy, and it has got to be assisted by the Government sooner or later.

Commissioner WEINSTOCK. Would you advocate technical training schools?

Mr. RICE. Exactly. Take a few lessons from Germany, and educate our boys, too.

Commissioner WEINSTOCK. You would favor the adoption of the German system?

Mr. RICE. Perhaps not in its entirety, but in a general way.

Commissioner WEINSTOCK. Are you familiar with that?

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. Do you regard it as applicable to the boys of this country?

Mr. RICE. Only in a general way, as I say. There are many details that the American people would not accept.

Commissioner WEINSTOCK. You also advocated as one of the remedies for strikes and lockouts compulsory arbitration.

Mr. RICE. Yes, sir.

Commissioner WEINSTOCK. Are you also familiar with the compulsory arbitration laws of Australia and New Zealand?

Mr. RICE. Just in a casual way. I have read them, but not made a study of them.

Commissioner WEINSTOCK. Well, are you at all familiar with the English system?

Mr. RICE. No.

Commissioner WEINSTOCK. Canada, I might explain, for your information, does not have compulsory arbitration; compulsory investigators. That is, if a strike or lockout is threatened, the State intervenes and investigates and makes recommendations, which can be accepted or rejected, after which there can be legally a strike or lockout. Now, the weakness in that compulsory arbitration law, defend it if you can, is that if large bodies strike illegally, it is impossible to punish them.

Mr. RICE. That is very true.

Commissioner WEINSTOCK. Fifty thousand railroad men—you couldn't put them in jail.

Mr. RICE. That is true. That is true, I believe, as to the average American, that the average American workman is essentially a law-abiding citizen, and when he sees it is going to be put on same plane—that he is going to be put on the same plane with his employer, he is a law-abiding citizen.

Commissioner WEINSTOCK. You think he would submit?

Mr. RICE. Yes; I think he would submit.

Commissioner GARRETSON. There have been instances where large bodies have illegally struck and could not be punished; it was impracticable to punish—didn't have jails enough. Regarding the responsibility that would come with incorporation, you stated responsibility for an overt act is one. Under the criminal law isn't every free individual in the union now responsible for overt acts?

Mr. RICE. If it can be proven.

Commissioner GARRETSON. Has there been where courts were free, where the police were untrammeled, no private constabulary, and great number of convictions?

Mr. RICE. I didn't get that.

Commissioner GARRETSON. Where justice runs its course, where the courts were not interested nor the police prejudiced, and you, as a private appendage, private constabulary maintained, has there been anything of that kind—any convictions?

Mr. RICE. I can't say that that condition has existed in very many cities.

Commissioner GARRETSON. You admit, then, it has in some?

Mr. RICE. Possibly.

Commissioner GARRETSON. What has been the record of convictions as against arrests?

Mr. RICE. I am not a statistician on these matters.

Commissioner GARRETSON. In Los Angeles.

Mr. RICE. Well, I only recall one arrest in connection with labor troubles in the printing trade.

Commissioner GARRETSON. Oh, but in general. I am not—this question of responsibility—don't your testimony apply to the printing trade and labor in general? Your former testimony, detailed testimony, was the printing trade, but this was with regard to labor unionism?

Mr. RICE. Yes, sir.

Commissioner GARRETSON. It has been testified here as to the number of arrests and the number of convictions. Are you familiar with that?

Mr. RICE. No; I wasn't here at that time.

Commissioner GARRETSON. Have you ever heard of an employer, who is responsible likewise under the criminal law, being convicted for an overt act?

Mr. RICE. Why, certainly; if it is proved on them.

Commissioner GARRETSON. Has it been proven?

Mr. RICE. I haven't heard of any such instances.

Commissioner GARRETSON. Have you ever heard of—you claim that there should be responsibility for recovery. I suppose that is civilly?

Mr. RICE. Yes.

Commissioner GARRETSON. For breaking a contract?

Mr. RICE. Yes.

Commissioner GARRETSON. Have you ever heard of an employer having recovery made against him for violating contracts?

Mr. RICE. Oh, yes; a good many times.

Commissioner GARRETSON. Employees?

Mr. RICE. I do not know.

Commissioner GARRETSON. Violating his contract with his employer?

Mr. RICE. Not that I know of; not in this city.

Commissioner GARRETSON. Did you ever hear of it anywhere else?

Mr. RICE. I am not very well read on that particular subject, I guess.

Commissioner GARRETSON. I wondered. Bear in mind I am going on the basis that I have been one of those deadly menaces; I have kept pretty close track of that for 30 years, and if there has been an instance on record that you know of, I would like to have it.

Chairman WALSH. He says he has not kept track and does not know.

Commissioner GARRETSON. That is all. Just a moment. Let me ask you another question: Do you think that the paid agent and the apostle of an employer's association, for instance, those who give their full time to preaching the crusade of an employers' association, is as deadly a menace as the paid emissary of labor unions?

Mr. RICE. I should say they are on the defensive entirely.

Commissioner GARRETSON. On the defensive. There has been no aggressive movement within your knowledge of national associations of employers' associations, or of merchants and manufacturers' associations?

Mr. RICE. Not against the interests of the workingman.

Commissioner GARRETSON. That is all.

Chairman WALSH. A couple of questions I have been requested to ask: Would you include among overt acts boycotts and sympathetic strikes?

Mr. RICE. Yes, sir.

Chairman WALSH. Is your idea to make the treasury of the union responsible in damages for unlawful invasions of the rights of others rather than to look to the individuals of the union? That is what you mean by it, is it?

Mr. RICE. Yes.

Chairman WALSH. The responsibility of the union?

Mr. RICE. Make the union responsible.

Chairman WALSH. That is all. Thank you.

Mr. Dennett.

TESTIMONY OF MR. H. W. DENNETT.

Chairman WALSH. What is your name?

Mr. DENNETT. H. W. Dennett.

Chairman WALSH. And your business, Mr. Dennett?

Mr. DENNETT. Printer.

Chairman WALSH. Are you connected with the organization?

Mr. DENNETT. As a member.

Chairman WALSH. Do you hold any official connection with it?

Mr. DENNETT. Not at the present time.

Chairman WALSH. Please state what official connections you have had with your craft's organization.

Mr. DENNETT. During the past continuous 30 years of my membership I believe I have held so many different honorary and other positions that I would be unable to name them to the committee.

Chairman WALSH. Go back, we will say, about five years from this time, beginning now and going backward.

Mr. DENNETT. I might say that I have just returned within the last two weeks from the international convention of printers, which met in Providence, R. I. I represented the local typographical union as a delegate. I also represented that union in an endeavor to bring the International Typographical Union convention to this city, and succeeded in bringing it here.

About four years ago I represented Salt Lake Typographical Union before the governor and a commission of the reformatory against the Forestry Service of the Government, which had given 51 out of 113 printing contracts to the printing reformatory, which was situated at Ogden. It was clearly a violation of the convict-labor law of the State of Utah, and was so conceded by the trustees of that institution, and the Forestry Service, under President Taft, conceded it and backed away from the proposition. I also represented Salt Lake Typographical Union in 1909 as their delegate to the international convention at St. Joseph, Mo.

I represented in 1903 St. Paul Typographical Union in the international convention which met at Chicago, Ill. At that convention I was elected an organizer for the International Typographical Union and served perhaps two years, or in that neighborhood. I represented St. Paul Typographical Union as an arbitrator, with Mr. Driscoll, who for many years was the arbitrator for the American Newspaper Publishers' Association. We arbitrated the scale together. I represented St. Paul Typographical Union before the legislature of

the State of Minnesota, which succeeded in defeating the $10,000 omnibus appropriation for a printing school in the State reformatory at Red Wing.

I have represented different typographical unions in four or five different State federations of labor. In California last year I represented my union in the State federation of labor, which met at Fresno. And the previous year I went as a delegate to the State federation of labor at San Diego, Cal.

I have had and held during my time offices on the executive committees and whatnots of the local union too numerous to mention.

Chairman WALSH. I believe a number of questions were submitted to you, Mr. Dennett, for answer?

Mr. DENNETT. Yes, sir.

Chairman WALSH. That is correct, is it?

Mr. DENNETT. Yes, sir.

Chairman WALSH. I feel inclined to allow you to take them up seriatim and just answer them in your own way as briefly and concisely as you can, having regard, of course, for covering the whole subject. You may proceed.

Mr. DENNETT. Mr. Chairman, for the benefit of the commission I have realized that my time would be limited, and I have prepared what I have to present to the commission in a concise form and condensed. There are some subjects in connection with the answers, in connection with the typographical union, which I can not present in——

Chairman WALSH. We will have or have had people who can give us that information.

Mr. DENNETT. I want, first, Mr. Chairman, to define the position of the International Typographical Union in relation to this so-called open-shop business. It is a proposition that is very important to the International Typographical Union, and I believe it has not been elaborated on heretofore in the manner in which we have taken the matter up.

The International Typographical Union is unalterably opposed to the so-called open-shop policy. Our position and reasons therefor are ably set forth in the following language of ex-President James M. Lynch, in reporting a failure to reach an agreement with the United Typothetæ of America as to the eight-hour fight of 1905–1907:

"If the International Typographical Union had been willing to recognize the so-called open shop, a working agreement with the United Typothetæ of America would now be in effect. Failure to perfect such a contract was due almost solely to the desire of the employers' committee to incorporate the so-called open-shop provision in the proposed agreement.

"Our union may properly be termed the originator of the strictly union office. This requirement has been a leading feature for all of 50 years. For the greater part of that time the union-office rule attracted little attention from the public, but recent events have given what is now termed the closed shop a prominent place in public discussion.

"The trade-union is a labor trust, but it is a combination for the benefit of the many rather than the few. Membership in our international union is open to every competent printer of good character. Possessing this membership the closed shop is no longer closed. We never have tried to create a close corporation. On the contrary, the effort has been to seek out all journeymen printers worthy of the title, and induce them to affiliate. Lack of opportunities to labor or their plentitude has made no difference. One job and 50 applicants, all an equal chance, with the only requirement union membership, which in its turn means that there shall be no cutting under the established wage, the living rate, by any applicant of the 50. With such a fair field the closed shop loses many, if not all, of the terrors for the wage earner that its enemies seek to ascribe to it.

"There remains the charge that the unions compel the employer to accept, with the union office, rules that are obnoxious. Perhaps this is true, so far as some employers are concerned. But any rules, almost any wage, are obnoxious to the individual whose one aim in life is profit. The workers have a right to prescribe the conditions under which they will sell their labor, and where these conditions are acceptable to 90 per cent of the employers in a given trade, they must have good reason for their existence.

"We have had a large experience with the open and closed office question, and it has demonstrated beyond a doubt that the strict union requirement is necessary if satisfactory and amicable relations are to be maintained and the union live. Let our critics remember that we aim to meet conditions as they

exist, and that our union enactments are founded on necessity and not on theory.

"Considered as a body, the only free wage earners to-day are those who hold union membership. The rest have, as a class or individually, absolutely nothing to say in the disposition of the only commodity that they have for sale—labor. It is well enough for the antiunionist to shout freedom of contract, but is there any freedom of contract for the individual? Is it not a fact that it is the purchaser who sets the price, and that this price is arbitrary, final, brutal in its conception, selfish in its application? Work made a prize for the needy, dangled before their wants, in order that traffic may be made in misery, and a job knocked down to the lowest bidder. Is it not better that the wage earner should pool his labor and then sell it through the collective method, rather than that labor should be made the sport of the man who can buy? The cry against the closed shop is raised because it involves a feature of trade-union policy difficult for the inexperienced to grasp, analyze, and understand.

"Employers believe if the open shop can be established there will be speedy end to trade-unionism. Once open the way for elimination of the man with a price on his labor, and his place will be simply taken by the man with labor to sell at any price.

"The International Typograhpical Union has gone through it all. It knows the value of the closed shop and it realizes the necessity for collective bargaining."

Answering your first question, "The extent to which the employing printing office industry"—question 1: The International Typographical Union claims that about 95 per cent of the printers on morning and evening newspapers in the large cities throughout its jurisdiction are organized. In the job-printing branch figures are not so easily obtainable, but I should place the estimate at around 80 per cent. I have arrived at this result in the following manner: Out of a group of 1,000 miscellaneous periodicals and magazine publications of general circulation I find but 366 nonunion as against 1,324 printed under union conditions. It may be of interest to the board to know in this connection that of the 366 nonunion publications 37 have to do with agriculture, horticulture, and poultry raising, and that 53 are religious. I should judge that 60 to 65 per cent would be a fair estimate locally in the job-printing branch. These figures would indicate that the local conditions of the job-printing industry was fairly good. Such is not the case, however. No city in America is so thoroughly demoralized in the job-printing industry as in Los Angeles, and the responsibility therefor must be assumed by the nonunion employers, the United Typothetæ of America, and the merchants and manufacturers' association of the city.

Community interests were forgotten by these "union busters" when the International Typographical Union inaugurated in 1906 a campaign for the eight-hour workday, notwithstanding that four years' notice had been given employers to this effect. The workmen had no rights which they were bound to respect, and nine hours and the so-called open shop was their slogan.

The battle lasted three years. At the end of that period there wasn't a proprietor in Los Angeles who had the temerity to fly a nine-hour pennant even at half-mast. The labor union had won, but it left the business in a most deplorable condition. I do not say that with any spirit of boasting. Far from it. I want to call attention also that when I say that the typographical union won the eight-hour workday, I do not mean to say that we have won conditions. Nonunion conditions yet maintain. But the labor union—the labor unionists maintains that we are a benefit to all mankind. And we also maintain that where an evil has been eradicated by us our victory is complete. The present-day strikers, like the Israelites of old, may never reach the Promised Land, but they make it much easier of access to others.

Nonunion conditions made it impossible for employers to maintain or establish prices, and small offices and printing plants sprang up on every hand, until to-day Los Angeles has as many printing plants on street corners and in the parks as there are peanut wagons. Indeed, it is an undisputed fact that Los Angeles alone has more such printing plants than all the other cities in the United States put together.

Wages range in the nonunion establishments anywhere from a dollar and a half up to the union scale, but in the majority of cases from $14 to $18 per week of 48 hours. The fact that large offices use commercial printing as a filler between the larger classes of work done, and the inability to secure this

class of work on account of the vast number of these sidewalk printers, is the reason in large measure, in my opinion, why Los Angeles can boast of less than one-third the number of offices equipped for general printing compared with many cities of the United States half its population and the reason also for erratic working time of employees.

That also is the reason for a great irregularity in work for the worker. The three or four shops receiving special favor at the hands of the M. and M. may flourish, but is a continuation of this policy wise in the face of such deplorable community conditions? We suffer to a limited extent on account of these conditions, but not nearly so large as the community in general and the employing printer in particular. A recognition that the typographical union is here to stay and competent to enter into contracts which are binding and absolute, and which are lived up to by its members, will do much to eradicate this condition. Superior workmen is also an item. In this industry the superior workman carries a card.

Do we increase wages? The following figures speak for themselves: I may say these figures are based on the earnings of the members. The international union collects its dues on the percentage system. For instance, a man earning $100 pays a certain per cent on that, and the man who does not earn anything does not have to pay.

Earnings of members. This is international in its scope.

Year ending May 31, 1910	$45,602,944
Year ending May 31, 1909	40,293,788
Increase for year	5,309,200
Year ending May 31, 1911	49,770,668
Year ending May 31, 1910	45,602,944
Increase for year	4,167,724
Year ending May 31, 1912	55,378,902
Year ending May 31, 1911	49,770,668
Increase for year	5,608,234
Year ending May 31, 1913	58,944,408
Year ending May 31, 1912	55,378,902
Increase for year	3,565,594
Year ending May 31, 1914	61,050,332
Year ending May 31, 1913	56,944,486
Increase for year	4,105,846

Increase June 1, 1908, to May 31, 1914, $20,756,594.

Average earnings per member per year, 1909, $897.
Average earnings per member per year, 1910, $953.
Average earnings per member per year, 1911, $974.
Average earnings per member per year, 1912, $902.
Average earnings per member per year, 1913, $1,023.
Average earnings per member per year, 1914, $1,042.

Local comparison: Ten hours constituted a day's work up to 1887, and the union scale was $18 per week of 60 hours. In 1887 the union reduced the hours to 9 per day and maintained a scale of $21 per week. During the panic in the nineties the union granted relief to the employers and reduced the scale to $20 per week of 54 hours. The scale of $21 was restored on a nine-hour basis until 1906, when the International Typographical Union inaugurated the fight for a universal eight-hour day. The wage remained the same, $21 for a 48-hour workday week until December 31, 1912. The scale at this time was automatically increased to $22.50 from January 1, 1913, to December 31, 1913, and beginning January 1, 1914, to the present the scale of $24 has been maintained by the organization. This scale expires December 31, 1914.

With your permission, I haven't paid any attention whatever to the blacklisting and other discriminations, because it was only a minor detail, and I know you are aware of that.

Chairman WALSH. Let me suggest you try to bear in mind to read that just a little slower. You are speaking loud enough, but you are reading too rapidly.

Mr. DENNETT. I was anxious to cover a good deal of detail in a short space of time.

Chairman WALSH. I know it. We will hear you through it.

Mr. DENNETT. I have maintained the typographical union or trade-unions in general were a benefit to all of mankind regardless of whether a man was a member of the union or not. That one of our great endeavors in this field was for humanity as well as for selfish interests. Along those lines the International Typographical Union has what we term the Union Printers' Home.

The Printers' Home, an institution unique in trade-union endeavor, is a feature of our great organization to which we are at all times proud to direct attention.

Mr. D. S. Gilmore, a leading master printer of Colorado Springs, and secretary of the Colorado Springs branch of the typothetæ, in speaking before the convention of the United Typothetæ of America and Cost Congress in session in Denver, among other things had this to say of the home:

"Whatever your connection with the great printing industry may be, whatever your interests or prejudices with respect to ethical or sociological matters in the industry are or may have been, when you see that home at Colorado Springs, if you are a man, you will thenceforth be more proud than ever before to have your name linked with those of Franklin and Greeley and George W. Childs and De Vinne, as a printer. Here is a printers' establishment that is a model to all, though it is not equipped with things of steel and brass and lead. You will be amazed at both its magnitude and its magnificence. The leaping current that provides its motive power is the red blood of common humanity. Its only product is 'a bounty unpurchaseable' in the form of bodily comfort, renewed vigor, restored health, even life itself, for those who have fallen in the great struggle in which we all, whether we be called master or man, must always be engaged."

I wish to submit a book of views for the perusal of the commission, being content to read the short preface into the record.

"A GREAT BENEFICENCE.

"The Union Printers' Home, located in Colorado Springs, Colorado, erected and maintained by the International Typographical Union, is the only institution of its kind in the world. It is inspected annually by many visitors, more than twenty thousand visiting the home during the summer months of 1913.

"So that the kind of heart and the broad of mind may have at least an idea of this unique institution, I have endeavored to tell its story by written word and expressive picture. To those whom this publication may reach I trust it may be of interest and have an educational value, and that it will convey to them some idea of the potency of this one feature of trade-union effort.

"Every trade-union on this continent is doing something for its individual member in the way of benefits and the development of mentality. Not all their efforts are expended in increasing the wage, reducing the hours, making up the workday, or improving the conditions under which their members labor, although these features are preeminent and represent progress in the uplift of humanity and betterment of the standard of living. There are sick benefits, death benefits, out-of-work benefits, tool insurance, education for apprentices, and the development of patriotism and love of country. And the International Typographical Union has many benefits; among them, the Union Printers' Home."

(A booklet, entitled "Union Printers' Home," published by the International Typographical Union, 1914, was submitted in printed form.)

The home for union printers is situated at Colorado Springs, Colo., contiguous to Pikes Peak, and in a country enjoying a reputation that is world-wide for the salubrity and purity of quality of its climate. The building was erected and furnished in 1892 at a cost of $70,000, every cent being paid on completion—almost unprecedented occurrence in the history of benevolent institutions. Not only was it free from debt, but a surplus of over $13,000 was in bank to the credit of the fund. With the exception of the unsolicited and unconditional

gift of $10,000 to the union from the multimillionaires, the late George W. Childs, of the Philadelphia Ledger, and Anthony J. Drexel, of the international banking firm of Drexel, Morgan & Co., as an appreciation of the worth of our organization, this building was erected by the efforts of the union printers of America. A hospital annex was erected at a cost of $40,000 at a later date; then a library addition, laundry and boiler plant, superintendent's cottage, greenhouses, barns, lawns, etc., were added. In 1912 a tuberculosis pavilion, costing with furnishings $10,000, was added to the sanatorium. The home is situated on 240 acres of land, 80 acres of which were donated by the citizens of Colorado Springs, and this land is rapidly increasing in value. The property is now set down by conservative Colorado real estate men as being worth at least $1,000,000.

The International Typographical Union has expended from May 1, 1890, to May 31, 1912, the sum of $1,298,685.47 in building and maintaining this institution. About 1,800 applications have been filed for entrance.

This is a plain statement of fact without any attempt at elaboration. Much could be added and much has been written concerning this great philanthropy, but I prefer that the institution and its work tell the story.

Without elaboration, Mr. Chairman, I want to say also that for the past seven years we have maintained an old-age pension fund, introducing it into our organization by paying more money at its inception than the Government of the United States paid its Civil War soldiers. I am going to present that to the commission in a brief form, also letting it tell its own story.

The International Typographical Union has had in effect for a period of nearly six years an old-age pension, whereby with certain qualifications as to continuous membership those 60 years of age or older, or those who are totally incapacitated from working, may receive the sum of $5 weekly. A summary of receipts and expenditures of this fund from its inception to May 31, 1914, may be of interest to the commission.

I may say that the maintenance of the registry system, for clerk hire, which might look like the cost of maintaining this is large, but the great cost was in the original introduction of the card system. You realize that in a membership of more than 60,000, on the introduction of this, it required a great deal of time and labor and considerable correspondence in order to get all of those sixty-odd thousand members properly registered at Indianapolis, at our headquarters.

A summary of the receipts and expenditures are as follows:

RECEIPTS.

One-half of 1 per cent assessment, March, 1908, to May 31, 1914	$1,561,482.01
Interest	59,075.70
Pensions returned	417.50
Total	1,620,975.21

EXPENDITURES.

Paid to pensioners	$974,094.00
Clerical work	12,696.50
Books and printing	2,243.34
Maintenance registry system	19,286.55
British income tax	9.92
Total	1,008,330.31
Balance in fund May 31, 1914	612,644.90

Shorter hours of labor: Here I want to call the commission's attention to one phase of the shorter workday which up to the present time has been overlooked because I presume most of the workers were like I am in connection with that. That we are anxious to present our proposition in brief, and some of them are not professionals in that line, and we very frequently overlooked an item that may be of material benefit in the summing up of the entire case. Experience has taught us that shorter hours are just as essential as sanitary conditions, and that both are vital to the health and general welfare of this as well as future generations, and is also a most potent factor as to efficiency. Nearly

every local union has a committee on sanitation, and in general our employers, especially in the past few years, have aided materially in bettering sanitary conditions. Very few modern printing establishments—I mean those built in recent years—can be complained of for lack of sanitary features and equipment.

Proofs of the benefits of shorter hours and sanitary workrooms are shown by the following figures: In this connection I want to call your attention to this fact, we maintain shorter hours are necessary to the health and longevity of our membership. This comparative table will give you that, and also show we have reduced—at the same time increasing the longevity of our members from 41 to 48.7 years since 1900, and that we have reduced the death rate per thousand from 13 per cent to 12.18 per cent.

I will read the death rate and the membership. Added to this, for instance, in 1900 our membership was 32,105, while in 1914 these figures are based on an estimate of 58,537 paying members of unions. This does not include old-age pensioners and others who do not pay. This tabulation is made on the percentage system of paying dues and only those members who earned money during the last year are figured in the assessment.

In the year 1900 the number of deaths was 419, average age at death 41.25, the number of members 32,105, and the deaths per thousand was 13.

In the year 1901 the number of deaths was 406, the average age at death 41.94, the number of members was 34,948, and the deaths per thousand was 11.6.

In 1902 the number of deaths was 474, the average age at death was 42.94, the number of members was 38,364, and the deaths per thousand was 12.35.

In 1903 the number of deaths was 476, the average age at death was 42.62, the number of members was 42,496, and the deaths per thousand was 11.21.

In 1904 the number of deaths was 573, the average age at death was 45.5, the number of members was 46,165, and the deaths per thousand was 12.52.

In 1905 the number of deaths was 567, the average age at death was 45.26, the number of members was 46,734, and the deaths per thousand was 12.13.

In 1906 the number of deaths was 512, the average age at death was 44.02, the number of members was 44,960, and the deaths per thousand was 11.4.

In 1907 the number of deaths was 561, the average age at death was 46.07, and the number of members was 42,357, and the deaths per thousand was 13.2.

In 1908 the number of deaths was 538, the average age at death was 45.05, the number of members was 42,740, and the deaths per thousand was 12.3.

In 1909 the number of deaths was 509, the average age at death was 46.00, and the number of members was 44,921, and the deaths per thousand was 11.3.

In 1910 the number of deaths was 574, the average age at death was 46.07, the number of members was 47,845, and the deaths per thousand was 12.

In 1911 the number of deaths was 630, the average age at death was 49.12, the number of members was 51,095, and the deaths per thousand was 12.5.

In 1912 the number of deaths was 655, the average age at death was 48.09, the number of members was 53,807, and the deaths per thousand was 12.5.

In 1913 the number of deaths was 687, the average age at death was 49.24, the number of members was 55,614, and the deaths per thousand was 12.3.

In 1914 the number of deaths was 713, the average age at death was 48.7, the number of members was 58,537, and the deaths per thousand was 12.18.

Here are some of our other benefits: The relation of the benefits paid to the receipts for the fiscal year ending May 31, 1914, is most interesting. In this report it is shown that there was expended for beneficial features the following: I want to call the attention of the commission to the fact that much has been said by employers about the abolition of strikes, etc., and that that was one of the reasons why they didn't want to employ members of the union. I want to take that up in a very brief way by giving you the total number of strikes and the amount involved during the year, but I want to call your attention at this time to the item in connection with the other benefits we paid:

Mortuary benefits	$233,534.21
Strike benefits and special assistance	25,064.43
Old-age pensions	294,795.00
Union Printers' Home	105,607.61
Total	651,001.25

Now, out of this more than $600,000 we paid $25,064.43 for strike benefits and special assistance. Now, that means—that special assistance means, perhaps, a local union might have a disaster of some kind like we have had up in Ohio—we had a great flood up there and the international union put $5,000, I

believe, out of their funds into that particular locality for the benefit of the flood sufferers. These benefits represent 69.8 per cent of the total money paid into the treasury. They are 77.7 per cent of the total expenditures for the year. The benefits above enumerated and the increases in the several funds are 80 per cent of the total receipts.

Now, the mortuary fund. A summary of the number of benefits and the total amount paid since the establishment of the burial fund is as follows: I want to say at the present time we have a graduated benefit of from $75 to $400, but some of these figures are based on our first venture in this particular field of endeavor of $50. The years run consecutively from 1892 to 1914, and I will just read the number of persons benefited and the amount paid, to facilitate matters.

Year.	Persons benefited.	Amount.	Year.	Persons benefited.	Amount.
1892	228	$11,300.00	1903	387	$20,600.00
1893	420	21,900.00	1904	512	26,940.00
1894	507	25,450.00	1907	504	26,270.00
1895	435	22,000.00	1908	535	28,650.00
1896	379	22,653.00	1909	509	26,175.00
1897	385	21,700.00	1910	574	42,945.00
1898	394	23,040.00	1911	630	47,228.00
1899	430	25,803.00	1912	556	41,950.00
1900	419	25,160.00	1913	97	32,848.85
1901	406	25,245.00	1913	667	284,427.60
1902	474	28,510.00	1914	713	285,694.31
1903	478	30,980.00			
1904	573	35,882.00	Total	11,504	1,175,982.75

In 1912 there were 97 beneficiaries that came in under an arrangement whereby we increased our insurance, so that those 97 got a greater benefit in the amount of $32,848.85.

I might add here that local unions adopt many features of a beneficial nature. For instance, while the associated charities were assisting Mexicans who were imported to this city to supplant American labor to the extent of 54 per cent of its receipts, some of which had perhaps been donated by our individual members, the local union assisted our out-of-work membership to the extent of $1,970.10 during the 90-day period of general business depression.

Efficiency: A lot has been said on this rostrum regarding efficiency, and I will proceed to say I am at a loss to see how some people measure that particular feature of this question. For instance, I had thought that efficiency meant for the mechanic or for the business man a greater degree of understanding in a particular calling. But some of the testimony here leads me to believe, or makes me a little bit nervous as to whether that is the correct position or not. For instance, the M. and M. Association—I was under the impression that that was a business institution and that their leader would very necessarily be a man of wide experience either in the wholesale, manufacturing business, or in the retail business. I find out, however, where the testimony before this commission, that the secretary never had anything to do, or any connection with the wholesale business proposition, and little if any connection with the retail business. He did state, I believe, that he worked behind a cigar counter at one time in Frisco.

Well, now, my idea—I don't know anything about how cigar stores are conducted in San Francisco, but in looking around Los Angeles for some way by which I could arrive at this efficiency proposition, I asked a couple of dealers. And I find out that the efficiency of the man behind these cigar stands lies in his ability to watch the dice game to find out whether the man doing business with him is not putting in loaded dice, or "horses," as they call it. And I confess that perhaps if I went into the drug business it might be fair to assume that I would go and get a chimney sweep to handle that particular calling. However, I am going to still cling to the plan of the labor union to establish what efficiency means.

Efficiency is the watchword of the present, and I believe the International Typographical Union can justly claim that it is well in the forefront in this respect. The apprentice of to-day is the mechanic of to-morrow, and we are endeavoring to surround the apprentice with every safeguard and opportunity. Many laws and regulations, both international and local, are in effect, but I believe the following will suffice to show the determination of the organization

to produce a superior workman. We have many laws, and in connection with this, Mr. Chairman, I just picked out—and I don't want to burden the record and don't want to take up your time with the recital of all of them, but for instance, one section of our international law says: "Section 33. Subordinate unions are instructed to use all means within their power to secure the privilege of governing apprentices; and they are especially enjoined to enter into negotiations with employers to the end that a person's application for apprenticeship, after serving six months in the composing room, shall be contingent upon a satisfactory report from a committee of the union relative to such person's educational qualifications. It is the sense of the International Typographical Union that local unions encourage all apprentices in the last year of their apprenticeship to complete the course in printing provided by the International Typographical Union, and that, where possible, local unions incorporate in their contracts with employers a section containing the requirement that apprentices shall take the I. T. U. course of supplemental education.

"Section 54. Local unions shall arrange for scales of wages for apprentices at the end of the second year of their apprenticeship (at which time they must be, if competent, admitted as apprentice members) and shall protect them against unfair discrimination and discharge, the same as if they were journeymen.

"Section 55. It is enjoined upon each subordinate union to make regulations limiting the number of apprentices to be employed in any office to one for such number of journeymen as to the union may seem just; and all local unions must pass laws defining the grade and classes of work apprentices must be taught from year to year, so that they may have an opportunity of acquiring a thorough knowledge of the printing trade."

It will be noticed that local unions are required to pass laws defining the grade or class of work apprentices are to be taught from year to year. This is to avoid specialising, to which we are at all times opposed, asserting as a doctrine that the half-educated artisan is the more readily made the victim of low wages and intolerable conditions.

In addition to this and that the printers of the country, regardless of whether they be union or nonunion, denied that right when apprentices might have the opportunity to perfect themselves in the compositor's art, the International Typographical Union created a commission on technical education, with headquarters at the Inland Printer in Chicago.

The members of the commission are A. H. McQuilkin, editor of the Inland Printer, chairman; William B. Prescott, former president of the International Typographical Union, secretary; Robert R. Darnaby, manager of the Hollenbeck Press, Indianapolis, Ind.; and James M. Duncan, ex-officio, president of the International Typographical Union.

The course consists of 88 lessons and is conducted by correspondence. On May 1, 1914, there were 5,165 printers enrolled. The International Typographical Union expends many thousands of dollars annually in maintaining this technical school.

We also publish at Indianapolis, Ind., a monthly, known as the Typographical Journal, devoted to technical, social, and business features in connection with the printing industry. It is provided that each member receive a copy, and the monthly circulation is some 65,000 copies. Our membership extends throughout the United States, Canada, Cuba, the Hawaiian Islands, the Philippine Islands, and Porto Rico, grouped in 720 local unions.

Now, Mr. Chairman, the strike question, the great bugaboo of those fellows who talk about running an open shop—in reality running a closed shop. Let us see what the typographical union did in disturbing business with strikes in the last year.

Difficulties to the number of 11 resulted in strikes during the year 1914 involving a total of 107 members. Of these disputes 3 were won, 1 settled by arbitration, 2 were lost, and 5 were pending on May 31, 1914. Thirty-two of the members participating in the strikes returned to work when settlements were made, 34 were displaced in those lost, and 41 were in the strikes pending at the close of the year. Every effort was made in each instance to avoid an open rupture with the employer, and a strike was ordered as a last resort. These offices without exception were those of employers who refused to consider arbitration agreements with the organization.

Now, we come down to arbitration. What does the union do in that connection? I want to say, but I do not care to duplicate, because Brother Scott, in replying to Gen. Otis, outlined the arbitration agreement which we have with

the American Publishers' Association, and the newspaper—which is in reality the newspaper publications. But I want to say briefly this in our position relative to arbitration: A list of the International Typographical Union beneficial features would not be complete if it did not include reference to our arbitration policy and its success. Three agreements, covering more than 12 years, have been effective, and during this period we have made continual advancement as to hours, wages, and conditions.

In 95 per cent of the cases coming before the arbitration boards our members have secured betterments, while the arbitration agreement has been with the American Newspaper Publishers' Association; this policy has permeated all of our dealings with employers, and since the eight-hour strike we have not had serious difficulty in the newspaper or book and job field.

An era of industrial peace almost, if not entirely, unprecedented in industrial annals has been ours under the arbitration agreement. This agreement was last renewed to be effective for five years from May 1, 1912, and we anticipate an additional period of pleasant and profitable relations with the members of the American Newspaper Publishers' Association, and resultant good effect in our relations with our other employers.

I want to call your attention to one assertion here, Mr. Chairman, and that is this, and I believe it will aid materially in discussing this arbitration proposition. Before we entered into the national arbitration agreement with the American Publishers' Association it was common practice for our unions when there were disputes to get a preacher and a lawyer as arbitrators, and if they did not, in case they did not agree, to select a third party.

Well, in that case we found that about 75 or 80 per cent of our grievances were lost to us because the arbitrators did not understand the question at all. Now, our agreement with the American Publishers' Association provides experts—that experts get together. For instance, the International Typographical Union has three experts in printing, while the American Publishers' Association have three of their men. And they get together.

Now, let's see what, according to my assertion, which is of record in the international office—let us see how we get the worst of it in that respect. In 95 per cent of the cases coming before the arbitration boards, our members have secured betterments. Consequently I deem it essential to the success of arbitration, especially where it is introduced into other unions that have had no experience, to say that it is by far our experience—it is far better to take experienced men and let them arbitrate the matter than it is to bring in outside men.

Mr. Chairman, I believe that that covers all of the features in this controversy. But I want to just say that I have a couple of notes on the gentleman that preceded me, who made a couple of statements, and I would like to say just a little bit regarding that.

Chairman WALSH. Very good. Proceed.

Mr. DOBNEY. Now, for instance, the gentleman said that he was a member of the Employing Printers' Trades Alliance, and that they had not had a meeting for three years. I want to say before I read this, I want to submit that our features are in line with the advancement of humanity and sociology. As against that I haven't heard a proprietor say here on this stand that they have ever done anything especial toward benefiting the worker. Some of them have agreed that the employers' liability act was a peach, because they were compelled to look after and care for those that were maimed in their machinery. But outside of that they haven't voluntarily said that they ever done anything voluntarily. Perhaps one or two of them have taken the initiative in the matter, and some good can come to those who are without organization.

But this gentleman says that this Employing Printers' Trades Alliance has not had a meeting for three years. I have here, and I am going to submit for the benefit of the commission, the following [reading]:

"AUGUST 18, 1914.

"The undersigned employing printers of Los Angeles call your attention to the fact that the campaign literature and printing matter distributed by you as a candidate for public office carries the union label, indicating that you believe in the principles of the closed shop, which if in full effect would deprive the independent American workingman of the right to earn an honest living.

"We desire to bring this fact to your notice, in order that you may know that such principles are not in accord with those of most right-thinking American citizens.

"We feel that if the idea of the closed shop is in accord with your political ideas, you are not a safe candidate for a public position."

Now, Mr. President, this is in full contrast, in my estimation, to those men that come up here and tell you that they are afraid of the boycott, and that the boycott is the great instrument of organized labor. And we have had an intimation that there was something in the merchants and manufacturers' association in the nature of a peaceful boycott. And I want to submit that if you as individuals were a candidate before the people here for their suffrage, that if this is not a threat or a boycott—"you are not a safe candidate for a public position"—and this is signed, it is printed here, that the printing industry has signed this up.

Now, there is no secretary having his signature to this document, but it says it is issued at the "Office of the secretary, 303 East Fourth Street, Los Angeles."

303 East Fourth Street in the city of Los Angeles is George Rice & Sons (Inc.) printing establishment.

I will submit that (handing document to the chairman).

(The paper so presented was submitted in printed form.)

There is just one other point I want to make, and that is that the gentleman preceding me spoke about the pressmen's union affiliating with the typographical union in the eight-hour fight.

Mr. Chairman, such is not the case. And I want to say this to you in fairness: In 1902 the International Typographical Union notified its employers that in 1906 they were going to inaugurate the general eight-hour workday. In other words, we gave the employing printers of this country four years' notice that we were going to inaugurate a shorter workday, in order that they might make contracts, and in order that there could be no controversy from that score, and in order to be fair.

Now, what was the result? It caused—instead of meeting with us in any spirit at all, conciliatory or otherwise, it cost the typographical union some $7,000,000 and about three years' fighting to get the eight-hour proposition. I am not saying what it cost the employers, but I know of one or two firms, especially the Butterick Pattern Co. of New York City, that went bankrupt in trying to introduce—or to maintain the nine-hour proposition. And after that three years' fight when the local union—or the international union had won its battle, the United Typothetæ of America discovered that the leakage in the composing room was not over the workday at all, or the printers. And since that time they have established, or are trying to establish, the cost congress and cost systems. They are trying to arrive at what is the matter with the front office, instead of monkeying so much with the printers.

Now, among other things, he said that the printing pressmen's union was in cahoots and sympathized with the International Typographical Union. That statement is an error from the fact that immediately preceding our convention at Toronto in 1905—and at that time some of the various unions were engaged in the shorter workday battle, I believe—the employing printers thought that we were so easy that they started the fight probably a little ahead of time. They didn't wait for 1906 to come. So they locked out some of our members. And we met in August, 1905, and naturally the nine-hour fight was very prominent before that convention. Following that convention the International Printing Pressmen's Union met at Niagara Falls. Mr. Higgins was president of it at that time. And at that convention, in order to defeat the shorter workday on the part of the printers, the International Printing Pressmen's Union signed a nine-hour agreement with the United Typothetæ of America. And that, so far as Los Angeles was concerned, the printing pressmen—this I may say, that this agreement did not extend to Los Angeles, because the printing pressmen's union did not have any agreement whatever in the city of Los Angeles in 1906, and consequently it did not apply.

But I don't want the commission nor anybody within my hearing to be deceived in saying that there was any such thing as a sympathetic strike with the International Printing Pressmen's Union, for they made an agreement for a nine-hour day in order to defeat the eight-hour proposition of the printers.

I believe, Mr. Chairman, that covers, in the main, all that I care to say, unless you desire to ask some questions.

Chairman WALSH. I desire to ask you a few. How many strikes during the last year which you have mentioned involved wages and hours, or both, if you know?

Mr. DENNETT. That I could not say, Mr. Chairman, because I took my information directly from the offices' reports, and it has so far escaped from my recollection that I would be unable to say, but the information can be easily obtained.

Chairman WALSH. Then you don't know; that follows that you don't know how many were over the demand for a closed-shop agreement?

Mr. DENNETT. I don't know.

Chairman WALSH. In speaking of arbitration, following what you said about arbitration, would you be willing to arbitrate the question of the closed shop; that is, whether you would have the closed shop or not?

Mr. DENNETT. I would not.

Chairman WALSH. That is all. Thank you, Mr. Dennett.

Commissioner WEINSTOCK. One moment.

Chairman WALSH. Oh, excuse me. Commissioner Weinstock has some questions.

Commissioner WEINSTOCK. I gather from your statement, Mr. Dennett, that your attitude is that both the employer and the worker is benefited by unionism and by the closed shop in the typographical union?

Mr. DENNETT. Positively.

Commissioner WEINSTOCK. That it is an actual advantage.

Mr. DENNETT. Yes, sir.

Commissioner WEINSTOCK. Not a technical advantage. Have you read the supplemental statement prepared by Gen. Otis for this commission and published in yesterday's Times?

Mr. DENNETT. I have not.

Commissioner WEINSTOCK. Well, briefly, it is this; I have summarized it here. His statement is that it costs the Times $1.25 a column; that it costs a union newspaper office $1.60 a column; that is, it costs the union newspaper office 28 per cent more than it costs the Times; that the earnings, the average earnings in the union office per man was $34.75 for composing; in the Times office $36.80 a week. Therefore, that the men in his service earn 6 per cent more than do the men in the union shop, and the cost to the paper is 28 per cent less.

Now, what inducement, then, could you offer a paper such as the Times to unionize its shop, and point out where it would be mutually advantageous to the employer and to the worker?

Mr. DENNETT. Well, Mr. Weinstock, I don't know that it would be possible to point out to a man the desirability of accepting union conditions, when he profits, as he says, by taking advantage of conditions which the unions have made in order to benefit himself. In other words, I maintain this, that while Mr. Otis may claim and may prove that he pays as much money for his product, and is free from the union, I yet maintain that he pays those wages not to the union members, but by the force of the union being in this community; that the trade-union in all cases establishes the wages, and that Mr. Otis nor none of these nonunion employers would pay half the salaries they are paying now if you would take and wipe the typographical union off the map.

Commissioner WEINSTOCK. Granting that to be so, Mr. Dennett, would not the fact still remain that if the Times was to become unionized and adopt the union scale and union conditions and union working hours that it would cost the paper 28 per cent more than it does, and the men would be earning 6 per cent less?

Mr. DENNETT. I believe in certain instances it would cost him considerably more for this reason: Mr. Otis said that they have a system there that if a man is on the waiting list, we will say, and he is hired and there is an hour's work there, at the end of the hour the foreman sends him home, and he is paid for an hour or two hours or three hours, as the case may be; while in the union shop if a man pulls off his coat and goes to work he is supposed to get a day's work and a day's pay for it. And it is quite natural to say, but it is not fair, even, to arrive at a case that is considering humanity, considering progress, considering wages—you would not consider this a fair proposition in arriving at a scale proposition.

For instance, I am an employer, and I have 500 men. I employ 500 men at certain seasons of the year. I have got 500 men standing there, and there is 500 hours' work. I say to the men, "Pull off your coats and get to work." And you work for an hour, and the time is up, and they have got maybe three or four men to work the eight hours. Now, is that a fair proposition?

Commissioner WEINSTOCK. Well, as I understand it——

Mr. DENNETT. I am talking of Mr. Otis's viewpoint. Is that a fair basis on which to figure the average wage or the average conditions in a community or in an office?

Commissioner WEINSTOCK. Well, now, let us see if we understand that, Mr. Dennett. You point out that under the Times system the worker is placed at a disadvantage.

Mr. DENNETT. Yes, sir.

Commissioner WEINSTOCK. That if he works only an hour, he is paid for only an hour, whereas in the union shop if he worked for an hour he would be paid for a day or a half day?

Mr. DENNETT. No, no; I don't maintain that. I do maintain this, that under union conditions in the shop it is up to the employer to furnish a day's work for the men.

Commissioner WEINSTOCK. Would they hire the man?

Mr. DENNETT. They don't hire him.

Commissioner WEINSTOCK. They don't hire him?

Mr. DENNETT. No.

Commissioner WEINSTOCK. If you have a system in operation that is of disadvantage to the worker, the fact still remains that the average earnings are greater than those which prevail in the union shop.

Mr. DENNETT. Well, Mr. Weinstock, it has been my good fortune during my 35 years' experience as a printer—I have had charge of two different composing rooms. For instance, I was mechanical superintendent of the Indianapolis Sentinel, and we had some hundred or more expert workmen at that time. And so far as this basis of figures is concerned, it was well said yesterday that figures will lie and liars will figure.

Now, for instance, I can take any pay roll based on a piece system, and I can bring you any results that you want. It is an impossibility from my absolute experience, and I have worked on piece, and I have worked on time, and I have hired men and I have run pay rolls that run into the thousands of dollars in a year, and I could give you any kind of a figure you want. I can furnish the front office any kind of figures they want, on any basis they want on a piece system.

Commissioner WEINSTOCK. You say, Mr. Dennett, that you have not read the supplemental report?

Mr. DENNETT. I have not. I don't take the Times.

Commissioner WEINSTOCK. Well, now, for the information of this commission will you get that copy and analyse it, and, if you find any errors in it or figures that in your judgment are not correct, send this commission a written report pointing out the inaccuracies or incorrectness of the statement as published in the Times?

Mr. DENNETT. Well, Mr. Weinstock, I shall be delighted to give the commission any information that I have, and any experience that I can to help the commission in any way; be glad to do it.

Chairman WALSH. I wish you would.

Mr. DENNETT. I will be glad to assist you in that manner.

Chairman WALSH. I wish you would give us an explanation now such as you have made briefly to Mr. Weinstock, that is as to the efforts of the unions to that extent, and especially on the so-called seasonal employment question; that is, if a man starts do they continue him throughout the day, which might answer certain figures presented in a certain way? Now, this statement, I haven't seen it. It is addressed to me, but I haven't seen it.

Commissioner WEINSTOCK. Published in yesterday's paper.

Chairman WALSH. I didn't read it in the Times, but Mr. Weinstock tells me it was a very comprehensive statement from Gen. Otis. And I think that for our enlightenment it should be analyzed. For instance, I didn't have in mind that point you have spoken of, that is all.

Commissioner GARRETSON. Let me just add one thing to that: Determine, if you can, Mr. Dennett, whether in making up the averages, it was made wholly from full week's work, or whether this class of men that is worked an hour and paid for an hour or a half a day, enters into that making up of the average?

Mr. DENNETT. Yes, sir; I think that is very material.

Commissioner O'CONNELL. And the number of men who are working on piecework as against the number of men who are not working on piecework, the percentage of men.

Mr. DENNETT. I haven't any means, and I don't believe Mr. Otis would give me any information that was not contained in a public document. Is that included in this document?

Commissioner WEINSTOCK. I don't know. I didn't read it analytically. I just took off the summary of the results.

Mr. DENNET. If it is in that document or obtainable, I will be glad to do so.

But I want to say this, as far as the typographical union is concerned, in Los Angeles we work on the time basis exclusively; we haven't any piece system here in the city. The fact of the matter is I think there is but a handful of cities throughout the United States under the jurisdiction of the typographical union that we have the piece system in.

And then here is another feature in connection with that, as I tell you, and it is the absolute truth, that every piece town in the country, every office, has a little different system of working their piecework and arriving at how much a man sets.

Now, let me give you an illustration: In Salt Lake City, for instance, we have the piece scale. Well, it provides that a man gets his leads and his heads, subheadings, so many leads—all the leaded matter—and that is passed in his measurement of his type. While he may have, say, 65,000 ems to his credit on a night's work, perhaps in cold type he will have set, according to what we term solid measurement, but 40,000.

Commissioner O'CONNELL. I just want to ask you this one question before it gets away.

Mr. DENNETT. Yes.

Commissioner O'CONNELL. I asked Mr. Rice and he said Mr. Otis employed union men in his job office, and did not in his newspaper department. Do they employ union men in the job department?

Mr. DENNETT. Not to my knowledge; not printers. They may have a pressman or something of that kind, but so far as I know they haven't any union printers.

Chairman WALSH. That is all. Thank you, Mr. Dennett.

Call Mr. Baker, please.

TESTIMONY OF MR. FRED L. BAKER—Recalled.

Chairman WALSH. Mr. Baker, the commission requested some additional information from you, and I understand you are good enough to give it in person.

Mr. BAKER. Yes.

Chairman WALSH. So you may proceed.

Mr. BAKER. You asked for our pay roll of 1893. I find we have not our time books, and I can only state from memory as I did the day before.

Chairman WALSH. I will ask you again to pitch your voice as high as possible, please.

Mr. BAKER. In 1890 we were paying our mechanics $3.50 a day for 10 hours. I think the foreman got 50 cents a day extra. And we were paying some of our laborers as low as 18 cents, and 22½, and 25. Just before the strike we were paying, as I said, three and a half for 10 hours. We started our shop then, and ran 9 hours and paid at the same rate per hour that they were getting at 10.

Chairman WALSH. How is that? I didn't catch that.

Mr. BAKER. We were paying the same rate prior—that is, for 10 hours we were paying 35 cents per hour after the strike, on the basis that the men told us that they would do as much work in 9 hours as they did in 10. Some of the union men went back to work, and we filled our shop up completely with other men, and we gradually raised wages until they were receiving the same as they did before the strike, on the basis that they did make good on the quantity of work that they were turning out. This relates particularly to the foundry.

You asked me also to figure how many men owned their own homes. To-day work is very quiet, and we have fewer on the pay roll than any time before, covering a period of the last 15 years, I should judge. We have 190, and a portion of those are out of the city, so I was unable to obtain the exact number. But I find in our shop to-day, of those that are in Los Angeles, we have 34 who own their own homes outright; 26 are paying for their homes on the installment plan; 1 owning a lot contemplates building; 9 buying lots on the installment plan, preparing to build later.

Commissioner WEINSTOCK. You say you have 190 employees?

Mr. BAKER. One hundred and ninety to-day.

Commissioner WEINSTOCK. One hundred and ninety?

Mr. BAKER. One hundred and ninety; yes.

Commissioner WEINSTOCK. And that is the lowest that you have had in 17 years?

Mr. BAKER. I think 17 years; yes, sir. During the strike of 1896 we had 185 men.

Commissioner WEINSTOCK. May we ask about what number of men did you employ in the corresponding period last year?

Mr. BAKER. That will show by the pay roll. I will get to that in just a moment. It was stated by some of the witnesses here that they went to the Alexandria Hotel with a view of showing the Alexandria people that they could save them money in erecting the steel on that building. We would not be able to erect it on time. I simply want to submit these figures and actual facts on that particular job, because it was brought up, if I may be permitted to do so.

Chairman WALSH. Just go ahead.

Mr. BAKER. Our contract provided that we should start work on or before July 1, 1910, and finish November 1. We started July 6 in place of the 1st. We were tied up almost to a standstill two weeks of this time by the strike, and finished October 31. We had the contract done November 1. We had an accident on that building. One of the men dropped a cable and it tipped a stiff leg over and killed one of the workmen.

Now, this contract amounted to $185,214.23. It was done on a ton basis of $69.20 per ton. It was stated that we were agents for the American Bridge Co. That is not true. We purchase of them when they can fabricate the material for us cheaper than we can do it in our own shop, or purchase elsewhere when we are too busy in our own shop. We paid them for that material $60.50 f. o. b. cars Los Angeles. So you can see that gives a little over $9 a ton for the erection and for our profit.

I might submit here a detailed list kept of our cost sheet from our cost department that goes to our auditor, whereby their gross profit—he will deduct administrative expenses, expense and other items. At the bottom here you will notice at that time we carried our own insurance, and on that we allowed $671, the percentage of it figured out necessary. That job gave a gross profit of $2,782.16, or $1.04 per ton. Out of this $2,752 we had to deduct our administrative expenses and our accidents which we paid, as from this sheet here I have submitted, $5,810.85. That does not show a very profitable job. And we erected that job as cheap as it could be erected by anybody, of that character of a job.

Commissioner WEINSTOCK. You will submit those figures?

Mr. BAKER. Yes.

Commissioner WEINSTOCK. You submit those figures in answer to what statement that was made here?

Mr. BAKER. Yes. Those figures were exact copies of the figures.

Commissioner WEINSTOCK. What was the statement?

Chairman WALSH. The statement was made that union officials went to the Alexandria people and showed how under union conditions they could put in the steel work for a good deal less than what it was being done here, the inference being that the organization was insisting the Alexandria people not to have it done by that means. Now, as I understand it, Mr. Baker is answering showing the figures. Is that correct?

Mr. BAKER. Yes.

Commissioner WEINSTOCK. That figure was $185,214.23?

Mr. BAKER. We bid upon the ton basis.

Commissioner WEINSTOCK. Yes.

Mr. BAKER. Aggregating one hundred and eighty-five thousand and odd, one hundred and eighty-odd; cost, $182,462.07.

Commissioner WEINSTOCK. And the statement was made here, you say, by the union representative, that they could put that work in——

Mr. BAKER. After we had the contract signed, the steel on the road, the union representative, I believe it was Mr. Johannsen, went to the offices of the Alexandria Hotel Co.; the Billicke-Rowan Fireproof Building Co. was putting up the building. The witness stated here on the stand that he showed them where they could save $125,000 if they would let them furnish the labor.

Commissioner WEINSTOCK. One hundred and twenty-five thousand dollars out of one hundred and eighty-five thousand dollars?

Mr. BAKER. No; of the entire contract on the building.
Commissioner WEINSTOCK. Oh, yes.
Mr. BAKER. As I remember, Mr.—the representative, the secretary, I think, Mr. Goodwin, stated that they thought they could save $20,000 on the steel. The total labor here on the steel is a good deal less than that, and I do not know how they can save it out of that. Take $10 a ton, for instance; on the 2,677 tons, $26,000, if they took all the profit and the erection. I submit the pay roll here just before the strike of 1910. I just took one week and copied it. I have omitted the men's names, although each line represents the name and the hours he worked that week and the pay he got. We had 363 men and the pay roll $5,677.75. Taking the average wage earnings for the men per week, $15.65; the shopmen, $14; and the office, $27.30. And we have a list here showing the number of men at each, per hour and by the week, the different rates that they get, so that a comparison can be made. The drafting room, clerical, and the men in the office by the month, the different wages paid; and the overtime; at what rate allowed, and so forth. The next pay roll is three months after the strike. Up to the strike, you see, we had 363; then it dropped down to 317, 296, and on down to the low, June 25, of 204 men. I stated here that our men went down to 100; it was 204.
Commissioner WEINSTOCK. Two hundred and four last year?
Mr. BAKER. Two hundred and four. I said in my statement I thought all there were were about 100; but the actual figures show there were 204.
Commissioner WEINSTOCK. Is that a year ago?
Mr. BAKER. That is during the strike of 1910.
Commissioner WEINSTOCK. Oh, 1910.
Mr. BAKER. July 3 we had 244; July 10, 269; July 17, 282; July 24, 287; July 31, 294; and so on until, September 23, we ran down to the usual number, 382. The average for the week was 1,681, 1,491, and 29 for the office. This pay roll is picked out by a week during the progress of the Alexandria erection of that building, so that the wages we paid there and all might be—that week we had 383 men; average wage per man per week in the shop and all during the entire pay roll was $20.26, 315 men in the shop, $1,825 pay, office $29.92. It shows here the number of men at different rates. This pay roll ending week September 6, 1914, shows average wage of $20.04 per week and $32.23 for the office. I think that covers that.
Commissioner WEINSTOCK. Will you give the number of employees a year ago, Mr. Baker, if you have it?
Mr. BAKER. Let me see. This week ending 1914, week ending August 19, 1914, we have 383 men.
Commissioner WEINSTOCK. Three hundred and eighty-three as against one hundred and ninety now?
Mr. BAKER. Yes.
Commissioner WEINSTOCK. Reduction of one-half?
Mr. BAKER. Just about.
Commissioner WEINSTOCK. To what is that attributed?
Mr. BAKER. No work ahead.
Commissioner WEINSTOCK. A general depression?
Mr. BAKER. No building going on in our line, to speak of.
Commissioner WEINSTOCK. Has nothing to do with labor conditions?
Mr. BAKER. Oh, no; it is a matter of lack of work.
Chairman WALSH. At this point we will stand adjourned until 2 o'clock.
(Whereupon, at 12.30 o'clock p. m. on this Monday, September 14, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.
Acting Chairman COMMONS. The commission will come to order.
Is Mr. Francis present?

TESTIMONY OF MR. J. H. FRANCIS.

Acting Chairman COMMONS. Mr. Francis, will you give us your name?
Mr. FRANCIS. J. H. Francis.
Acting Chairman COMMONS. And your position?
Mr. FRANCIS. Superintendent of schools.
Acting Chairman COMMONS. How long have you been superintendent?

Mr. FRANCIS. Four years.

Acting Chairman COMMONS. How long have you been connected with the schools?

Mr. FRANCIS. Since 1896—18 years.

Acting Chairman COMMONS. You have been furnished with a memorandum of the topics you were to be questioned on?

Mr. FRANCIS. Yes, sir; I have.

Acting Chairman COMMONS. Are they in such shape you could take them up in your own way?

Mr. FRANCIS. I think so.

Acting Chairman COMMONS. Will you do so, then?

Mr. FRANCIS. The first one is, "State briefly the extent and character of the educational facilities of the Los Angeles public schools, particularly as regards the districts in which the workers live." The Los Angeles schools cover about 14 years of work, not including the kindergarten. With the kindergarten it makes it 15 or 15½. With the exception of one smaller town, Los Angeles has the only kindergartens in the State which are supported entirely by city funds, receiving no aid from the State.

The next division is the elementary school, covering six years of work. Some of the elementary schools cover eight years of work and are then classed as intermediate schools. The intermediate schools are largely a Los Angeles institution at the present time. Other cities have similar schools, but they are not so fully developed.

The next division is the high school, running through the regular high-school course up to and including the twelfth year. Two additional years are given in several of our high schools, and these schools are known as junior colleges.

In the elemental schools, in addition to the regularly established work, the academic, such as reading, writing, and ciphering, our city has very largely developed music and art, all branches of handwork, school gardens, and school playgrounds.

The general scheme of the regular school organization, including the larger number of pupils, is supplemented by the special school. These are for the boys who have fallen out of step in the regular organization, or who are not exactly in harmony with the established order of school work, the boys who prefer to go to the circus, swimming, or to do other things rather than go to school. It has been deemed wise to gather these boys up and put them in the special schools. There are seven or more of these schools in Los Angeles. Each of these schools is under the charge of a young man who has not forgotten that he, too, was once a "bad boy" at school. These pupils are treated a little differently from the pupils enrolled in a regular school, and so really seem to like to go to school.

Then there is the ungraded room. This is for the child irregular in school work, who may be ahead of the class in some studies and behind in others. At the present time we have 80 of these ungraded rooms in the city and the number increases each year. In these rooms the pupil is allowed to progress as rapidly as he may in any subject, and he is helped and encouraged to bring up those studies in which he is behind. These ungraded rooms are approaching the real school, according to my theory of education, more nearly than the regular schools.

Los Angeles has a school for mental defectives and one for the deaf.

We also have night elementary and high schools. Night schools in this city have developed very rapidly within the last few years.

The elementary night schools have a wide range of subjects for the student to choose from. The courses for girls include cooking, sewing, millinery, music, and, in addition, the regular academic subjects, such as reading, writing, ciphering, and spelling.

For the foreigner they include language work, studies in citizenship, commercial work, public speaking, etc.

In connection with these night schools, within the last few years, we have development what is known as the "social center" or the "civic center."

Section 1, Article VIII, of the school law of California states the people of a school district may meet in the school buildings "and discuss, as they may desire, any and all subjects and questions which in their judgment may appertain to the educational, political, artistic, and moral interests of the citizens of the respective communities," provided they shall in no way interfere with the business of the schools.

In all the civic centers these schools have done good work; some more striking than others.

In connection with many of the elementary schools, school gardens have been developed.

Last year something like 40,000 boys and girls came under the influences of school gardens in our city, and something like 12,000 home gardens was the outgrowth of the school gardens.

Los Angeles has what is known as the extension school. There were some 60 of these last year, I think. These are schools open before and after the regular sessions, in cooking and sewing, where boys and girls may spend their leisure time; these schools are open on Saturday forenoon as well. Then, we have the vacation school, which is of recent development. During six weeks of the summer, about 15 of these vacation schools were open.

They seem to have demonstrated the fact that if we could offer vacation schools in all cities they would be taken advantage of by 75 per cent of the boys and girls, children who remain in the city during these weeks in the summer and have no other employment. To my mind these schools are good, and the longer school year does not overwork those in attendance.

There is an elementary school which has been developed here that is somewhat peculiar to Los Angeles. We call it the neighborhood school. I don't know that this is the best name that could be applied to it, but that is what we have called it. This school is organized to meet the needs of the neighborhood and to fit into the needs of the neighborhood. A brief description of a neighborhood school may illustrate my meaning. Let us take a school in a section of the city largely populated by foreigners—in the so-called poorer section of the city. By the "poorer" section we mean, of course, financially poorer. Here we find a day nursery where the older sister or brother may bring the baby and put him in charge of a nurse employed by the board of education. The baby is fed during the day.

The building is equipped for its needs, with sleeping apartments, bathroom, playroom, dining room, small kitchen, and playground.

Through the initiative of some of the women's clubs of the city these schools were organized. Their need arose from the fact that the older children were compelled by law to go to school, and by force of circumstances compelled to stay at home to take care of the smaller children, both father and mother being away from home at work. To overcome the difficulty, we are taking care of the little folks at the school. There are four or five of these day nurseries in the city.

The neighborhood school has a warm penny lunch. Here the child may get a warm lunch for a penny, if he has the penny. A charge is made to relieve the feeling that he may have that he has not paid for his lunch. If he does not have the penny, he may have the lunch. During the recent so-called hard times some of the children had no other meal but the one served at the school. These penny lunches have revolutionized the school. To my mind they have demonstrated that it does not do to send a hungry child to school. I mean from the educational standpoint alone. Hunger is not conducive to an appreciation of literature, music, or art or anything else. From a financial standpoint also it would pay to see that a child is fed before he comes to school, or after he gets to school, because it pays better to feed him than it does to have him a repeater in school—a failure.

The neighborhood school has cooking and sewing moved down into the grades. The purpose is to teach the girls, who must help their mothers at home, the proper way to meet and better home conditions, not to get them to conform to the customs and habits of other folks, but to learn what they themselves do at home.

In one school of the several we have much home furniture mended at the schoolhouse and returned to the home. We also have shoe-mending departments, two of them in charge of a skilled shoemaker, teaching the boys how to mend and cobble shoes. Hundreds of pairs of shoes are mended each year for the home folks and for the people of the neighborhood.

The school has a weaving department, and it is an educational delight to see the little folks, when they finish a rug, hurry home with it to show it to the folks at home. It is difficult to keep these rugs when finished at school. Often they are the only bit of bright furnishing in the home. That is, in the section of the city I am speaking of, of course.

The neighborhood school differs entirely from the school you or I used to know. It is permeated with work, and yet does not seem to have any work. It is the place where children can live a normal, natural life, and they are living that sort of life, and so love to go to school.

In connection with one neighborhood school we have a model cottage. This model cottage is furnished by a woman's club of this city. In it reside several teachers. The work is done by the children of the school, supervised by the domestic science teacher. In another cottage we have hot and cold baths for the children in the neighborhood. In connection with this cottage we also have a laundry completely furnished for washing and ironing, which may be used by the women of the neighborhood.

The teachers in these schools are doing a wonderful work; a work not understood or appreciated by many people. Several of the teachers visit each home in the district once or many times during the year. The mothers welcome them, knowing they do not come to spy out conditions, but are there to serve and help. These teachers have taken the lead in the great movement of bringing the school and the home together, making the school serve and help in home problems. Seven or eight neighborhood schools are in the process of development in Los Angeles.

After the elementary schools, in some parts of the city we have the intermediate school. The intermediate school begins with the seventh grade and runs through to the ninth grade. Generally speaking, it means the high school moved to the seventh grade. Most of the teachers in the intermediate schools have high-school certificates. All of the work, of course, is departmental. Languages are offered in the seventh grade and, by the way, in the fourth grade in some of the elementary schools—what we call the cosmopolitan school—which I forgot to mention.

Commercial work is offered in the seventh grade, and extra shop work, extra mechanical drawing, extra music and art work, etc.

The seventh grade in California conforms rather closely to adolescence, and if there is any time in the history of the child when he ought to be brought under this changed condition it is at the time of early adolescence.

The biggest problem of the intermediate school is prevocational. It is not vocational; it is prevocational. I mean by that, it is a place where the boy and the girl may discover themselves. That is the greatest problem of all education, to save the American haphazard manner of choosing a vocation in life—happening on to it—and to substitute for it an opportunity for the boy and the girl to find themselves, to discover their aptitude. That could not be done under the old plan, because an elementary school running to the eighth grade does not have enough of the seventh and eighth grade pupils in it to diversify its courses.

Its courses are restricted and limited and conform more or less to the old conception of education, but if you bring five hundred or a thousand seventh, eighth, and ninth grade pupils together, then you can diversify the courses of study. You can improve the shops and add to the laboratory; you can offer many courses of study where you could offer but one under the old plan.

These schools have their student-body meetings. They have athletics. They have their musical organizations. They have people come to speak to them in the school auditorium from time to time. They have self-government and they have all those things that create public spirit that is found in the high school. But best of all, they are saving the boy and the girl to school life. They are holding more boys and girls from the eighth to the ninth grade than we were able to put into the high school. They are holding more boys and girls from the ninth to the tenth grade than the high schools are. The high schools now have ninth and tenth grades, but the intermediate schools send more boys and girls to the tenth grade of the high schools than the high schools hold of their own pupils.

These schools will save time, as well, for the child because he may go into the high school at least a half year in advance of the time he now enters high school.

There has been some discussion about the cost of the intermediate schools. It costs more than the regular elementary school. This ought to be kept in mind, however—and it is not always understood—it costs more to educate a second-grade child than it does a first-grade child, and it costs more to educate a third-grade child than it does a second-grade child, and it costs more to educate a fourth-grade child than it does a third-grade child, and so on. The higher you go the more it costs—just the same as it costs you more for the boy or girl as he or she grows older. Therefore, you can't measure the cost of the elementary school against the cost of the intermediate school and do it with accuracy. It is one of those cases when figures do not always tell

all of the truth. It depends on who is handling the figures. As it costs more to educate a student in the high school than in the intermediate school, it costs more to educate him in the college than it does in the high school.

The question is, whether a seventh-grade boy or an eighth-grade boy is entitled to the same character of teacher—a teacher with the same qualifications that a ninth-grade boy is. Our theory is that he is. If there is ever a time in his life when he needs a real teacher, the biggest, best, deepest, and wisest he can get it, it is at a time when he is in early adolescence and all his powers are at work. He needs to be guided to some useful occupation and needs somebody to undertake the matter and take hold of some interest he has. That is the critical time, and, therefore, the intermediate schools have been organized for these purposes and others, which need not be mentioned.

I forgot to say that in the intermediate schools we have nature work as well.

There are no strictly trade schools in the city-school system. There was, however, one started, but it was started under bad conditions and in a section of the city into which people didn't care to send their children. Therefore, it has lingered rather long and discouragingly, and it is not a real trade school. Although it is true, there is not at this time a distinctly trade school in the city of Los Angeles, there is a tremendous opportunity for prevocational work, to start the boy and girl in some direction that will interest him or her.

Coming to the high school, we run through the regular 12 years—I mean to the twelfth year—and within recent years we have added to the twelfth year the thirteenth and fourteenth years. In this we have two purposes. The first is to give to the boy and girl going to college two years' preparation at home. That leaves but two years for the boy or girl at college. Some one made the suggestion that this was for the rich man's son. It is not. It is more in the interest of the boy or girl going to college. Two years at college is not nearly so long as four years. No, not half as long, when you look at it. It will increase the number of boys and girls who could not otherwise afford to go to college. It will increase that number very largely, indeed. It will enable thousands of parents, who would be otherwise unable, to send their children off to college.

There is another purpose in the two additional years, and that is for the technical school to do technical work. Eighty per cent of the German engineers come out of their polytechnics, which corresponds, in time at least, to this division of the school work, closing the fourteenth year.

Beginning with the seventh year the schools have semitechnical work, like mechanical drawing, commercial art, and millinery work, and so forth, and this is carried through to the fourteenth year. Our city will have a system of schools that will offer the boy or girl an opportunity to perfect himself or herself in the vocations, so that they can go out and give an account of themselves without going to college. And as that is the larger number of boys and girls, possibly that feature of it is the most important, according to my theory.

The question has been asked here as to the vocational side of this work. What are we doing vocationally? I explained the foundation work in the elementary schools. I do not think there is any doubt but that school guiding will result in leading thousands of our boys and girls to the farm, and there are thousands of our boys and girls who would make better farmers than some of the boys and girls on the farm, because they love the farm. Unless they have a chance to discover themselves to the soil, they never will go to the farm, and there are all kinds of opportunities to do farming right here in Los Angeles city for the benefit of the boys and girls and for the beautifying of the city.

In handwork the same thing holds.

The object of this handwork is to help the boys and girls discover themselves, to know what they can do and what they like to do, to discover whether they have power in that line or not. That ought to be the purpose of all elementary school education. To my mind that is the only way you can distribute the population into the different vocations.

Our whole educational system has been for the professional men, and it has turned too many people away from constructive work. It has helped many to make misfits, to make mistakes in life's calling and in life choosing.

In the high school the following are some of the courses offered in vocational work: In art work we have courses in commercial art; window dressing; show-card writing; menu cards; programs, etc.; hand-wrought metal work, making bowls and trays; interior trimmings, pottery, etc.; interior decorations; stencil designs; tooled-leather work; interior fixtures; leather work; table mats, card

cases, etc.; and in the pottery work we have taken material strides. We don't have what we might call ceramics taught here as an art, but there is a good field for it, and in time it will develop.

There is another phase of art that has been taken up quite recently, and that is costume designing. There are hundreds of girls now going into costuming designing for their own benefit, to be sure, but some of them for the vocational benefit. It is rather interesting and not at all strange to note that many girls who take no interest at all in mathematics have no taste for it—and that does not indicate that they are intellectually inferior; I sometimes think it may indicate the opposite—but they show a great deal of intellect and power when it comes to costume designing. They know something about a dress. They have seen a hat and been interested in it. Well, now, there are the same art possibilities and a great many more probabilities in a girl designing—starting with something she knows.

Am I taking too much time, Mr. Chairman?

Chairman WALSH. No; proceed.

Mr. FRANCIS. There is line in it. There is proportion and there is color. There are all the elements of art in it. Besides that there is interest in it. And I believe that we are wasting much in this world and in this age by compelling children in school to study the thing in which they are not interested and from which they get no returns.

There is no power in such procedure to be gained by the children. They are driven through it. One of the biggest things that education has to do is to discover a center of interest for every child. That means that the courses of study must be enlarged so that every child will find himself some place in the courses of study.

In addition to that we have taken up work in interior decoration. The girls love that, too. Last year I was shown an original piece of work. A father was building an apartment house. His daughter in school had designed all the interior decorations of that apartment house—all the window curtains, the tinting throughout, the carpets, and the furnishings. She had gone to the business houses and got the prices on all of the things she was going to use in the apartment house. And the apartment house was furnished according to the girl's design, and the figures came out about right.

If you put girls to figuring on something in which they are interested, they can figure as well as boys. It is the difference in the interest.

In the high schools for agricultural occupations we have the Gardena Agricultural High School. Its facilities in the way of land are not as great as they should be, but we hope to make them better. In this school there is a course for the general farmer, a course in truck gardening, a course in landscape gardening, a course for nurserymen, a course in animal husbandry, a course in dairy farming, a course for poultrymen, and a course in farm mechanics.

The school is growing rapidly. It is laboring under the disadvantage of being outside of the city so that the carfare affects somewhat its attendance. If we could have it within a 5-cent fare limit it would be a wonderful school in a short time with an enrollment of 1,000 to 2,000, possibly, if we could offer them the facilities: In commercial work and office service, including multigraph operation, adding machines, filing clerk, billing clerk, office assistant, office manager, accountant, auditor, bookkeeper, cashier, stenographer, reporter, private secretary, shipping clerk, receiving clerk, office manager, post-office employee, civil-service employee, and a course leading to commercial teaching.

I think there are something like 1,000 pupils to-day—there are more than that—in our commercial courses in the high school. There are a great many in the commercial courses in the intermediate schools, and some of our elementary schools with seven or eight grades are putting typewriters in. I saw one of our night schools when it first opened. A row of five boys were waiting for the use of a typewriter, while one fellow was operating it. I was convinced then that there was salvation in the typewriter, because if they hadn't been waiting for that machine they probably would have been doing something less profitable some place else.

The theory under it all is that every boy and every girl can be saved if you will bring him or her the right thing at the right time under the right conditions, and it is the business of the school to provide those conditions. That is the problem we are trying to solve.

In domestic science some of our girls in the high schools go out and cater, for a consideration—for the practice and incidentally for the money—but especially for the practice, getting in touch with real life.

Cooking—by the way there is no danger, as I see it, of the schools coming into any serious competition at all with the laboring world until the children are out of school. For, what the schools do, the money return is insignificant, practically nothing. It is not the money quantity that we are after so much as bringing them into touch with real life, having them do the thing as people do it outside of the school, cooking home articles and cooking for delicatessen stores.

We wish to train them to become teacher of domestic science, housekeepers, waitresses, dressmakers, milliners, and seamstresses.

Marine vocations: In the San Pedro High School we are developing courses that touch marine life, such as boat building, marine and gasoline engineering, marine merchandising, naval architecture, aquarium attendant, cataloguer of marine life, fish commissioner, fish expert, and fish propagators.

In the technical and semitechnical vocations: We have the technical high school. You will remember what I said of the semitechnical work in the seventh grade and the intermediate school. We carry it through the fourteenth year of the high school, and we can produce engineers that will give an excellent account of themselves, with the best college engineers of to-day. Also we train boys to become blacksmiths; chemistry is taught running into commercial chemistry; draftsmen, and architectural draftsmen are trained in the architectural department. In this department one of the high schools has designed three school buildings in the city here, and the boys in the architectural department have designed homes for themselves—not for themselves necessarily, but for their parents to build. Some of the boys whose fathers are contractors have done a good deal of architectural work for their parents.

I will also mention foundry work; electrical work—central, substation, and electric light work—electrician's courses; machine-shop work, pattern making, and surveying. These are some of the technical and semitechnical courses.

In addition to the foregoing, a course is given in automobiling. An automobile is one of the things in which a boy takes an active interest. I believe if there were four or five centers throughout this city with automobile shops, in charge of good, keen men who know their business, which would be open to boys before and after school, on aSturdays and through vacation, we could save hundreds of boys that would flock there. I think the same thing is true of music centers throughout the city. I think the same thing is true of pottery. I think the same thing is true of many other subjects.

Our boys and girls go wrong, as we say, not necessarily from any fault of their own, but they have nothing else to do but go wrong, no other place to go, nothing to occupy their time, nobody to guide them and teach and help to perfect them.

The second question is as to what extent it is true that the schools in the working-class districts are inferior with regard to the character of buildings and equipment, adequacy of equipment and teaching force.

I have never heard that question raised before. To the best of my knowledge we know neither the poor man nor the rich man, the workman nor the idle man, the Jew nor the Gentile, the religionist nor the nonreligionist, in the building of schoolhouses. We are trying to build schoolhouses to meet the need of the neighborhoods they serve.

As I recall it now, there is but one brick building in what you might call the capitalistic end of the city; that is the Virgil Avenue Intermediate School. With our last bond issue we are building semifireproof buildings and we are building them alike in all sections of the city.

The older parts of the city are inhabited more largely by the foreign element coming into the city, and the school buildings there, having been built first, are necessarily and naturally a poorer type of architecture. We are correcting this as much as we can, and all new buildings erected in any part of the city are semifireproof just the same as any other district. We are building, especially in certain parts of the city, auditoriums in our elementary schools for the use of the neighborhood, and this is the rule in all districts. In what you might call the working part of the city—where the people are wage earners—it is a happen-so, to be sure; it is in the growing part of the city, the southwest, that we have several brick buildings. The building on Forty-ninth street is one of the finest, and out on Santa Barbara and Western Avenues there are brick buildings. We are making arrangements down on Macy Street to put up a building that will meet the neighborhood conditions there. We are also at a heavy cost to correct the mistake of those who went before in buying school lots large enough. We are having to buy property at a large increase, often

at a heavy cost. There is another feature of the elementary school I failed to mention—that is the playgrounds.

Last year we had something like 60 playgrounds under the direction of playground teachers. These playgrounds are open after school and on Saturday, and are scattered throughout the city. In the retail district of the city, we are now buying playgrounds at a heavy cost.

"Character and extent of the industries covered by the Los Angeles public-school system." I think I have answered that.

"Percentage of children in Los Angeles public schools reaching upper grades and high schools as compared with other cities." I don't know. I haven't any time to look up the data with reference to other cities.

Chairman WALSH. Please, then, Professor, just give us the total enrollment in your schools, and how many graduates from the high school, and how many go through the intermediate.

Mr. FRANCIS. I can answer it, I think, a little better in a different way. Let me answer it broadly in this way: Eleven years ago we had enrolled in our high schools in this city 1,500 pupils; last year we enrolled over 16,000. And while the elementary schools for the last few years have been increasing at the rate of about 11 per cent a year, the high schools have increased at the rate of 25 per cent a year, which answers it in a general way.

Commissioner GARRETSON. What was the population 11 years ago.

Mr. FRANCIS. I should judge 100,000 to 125,000.

Commissioner GARRETSON. What is it now?

Mr. FRANCIS. They say 500,000.

Commissioner GARRETSON. Five times 1,500——

Mr. FRANCIS. Yes; wouldn't reach it, you see. And, I take it, that is due to two or three causes: First, a general movement throughout the country toward a higher education for the masses of the people. That is a general movement; second, possibly a little better economic conditions within the time—of course I would like to be checked up on that; third, principally to the fact that 11 years ago we had four courses of study, and now the high schools offer 60 courses of study. Then the work was prescribed and limited; now it covers a wider range than any other city in the United States, and it offers to boys and girls something that they wish and need in life's work. I think that is the principal cause of the growth of the high-school enrollment in this city. I will answer it in a little different way: In 1911 our high schools graduated 645; in 1912 our high schools graduated 762; in 1913 our high schools graduated 1,068; in 1914 our high schools graduated 1,257. In three years it grew from 645 to 1,257 in the graduates of the high school.

Chairman WALSH. What was the total enrollment of the schools, Professor?

Mr. FRANCIS. The total enrollment last year in the elementary and the high schools approximated 80,000.

Chairman WALSH. How many graduated from the high schools?

Mr. FRANCIS. One thousand two hundred and fifty-seven.

Commissioner GARRETSON. Out of a total high-school enrollment of 16,000?

Mr. FRANCIS. Yes; that included, however, night high schools. I want to explain that high-school enrollment. Eleven years ago we did not have any night high schools. Now we have two night schools, and they enrolled last year, I suppose, something like 6,000 pupils.

Commissioner GARRETSON. They have offered opportunities to those who could not attend in the other 11 years?

Mr. FRANCIS. Yes. A striking set of figures are these: Five years ago the polytechnic night school enrolled 500 pupils the first night; last year the first night 1,853 pupils, a difference between 518 and 1,853 in five years on the first night's enrollment. This enrollment of 1,800 pupils does not mean that we have 1,800 pupils attending the high school every night, because some come two nights a week and others three nights a week. It is more or less irregular than the day attendance at all events.

One of the most inspiring things in the city of Los Angeles is to go down through the night school—the night high school—and look at the character of those young men and women at work there. This night-school enrollment is what we call part of the 16,000 high-school enrollment.

I can give you the elementary-school enrollment if it be of service to you.

Chairman WALSH. What is the elementary-school enrollment?

Mr. FRANCIS. Last year it was 87,000. Here is an interesting set of figures that answers this question to me better than any other attempt I have made

to answer them; that is, the relative enrollment in the particular grades, the growth of the relative enrollment in the particular grades:

Between 1897 and 1911, a period of 14 years, the kindergarten enrolled 10 and 15 per cent of the total enrollment of the city. The first grade enrolled 17.45 per cent; the second grade enrolled 11.85 per cent; the third, 12 per cent; the fourth, 10.9 per cent; the fifth 10.3 per cent; the sixth, 9.45 per cent; the seventh 6.75 per cent; the eighth, 4.75 per cent; the ninth, 3.95 per cent the tenth, 1.8 per cent; the eleventh, 0.97 per cent; the twelfth, 0.7 per cent.

For 1913-14 I have the figures, which show an upward tendency, but I won't read those.

In 1913-14 the enrollment in the kindergarten was 9.8 against 10.15 in the former period. The first grade was 15.9 against 17.45; the second grade was 10 in 1913-14 as against 11.85; the third grade 10.4 as against 12; the fourth grade, 9.9 as against 10.9; the fifth grade, 8.9 as against 10.3; the sixth grade, 8 as against 8.45; the seventh grade, 7.7 as against 6.75; the eighth grade, 7.1 as against 4.75. You see it is coming up. The eighth grade, 7.7 as against 4.75 in 1913-14; in 1913-14 as against 4.75 in the preceding period. In 1913-14 the ninth grade enrolled 4.9 as against 3.95; in the tenth grade, 3 per cent as against 1.8; in the eleventh grade, 2.1 as against 0.97; and in the twelfth grade, 1.5 as against 0.7, which shows a constant tendency up, quite a marked one in the enrollment.

Commissioner GARRETSON. Considerable room to expand.

Mr. FRANCIS. How?

Commissioner GARRETSON. Considerable room to expand.

Mr. FRANCIS. Yes.

Commissioner GARRETSON. In proportion.

Mr. FRANCIS. Yes; there always is.

This next question will be a very difficult one to answer. I am not sure, because in this city the working people mingle in their homes pretty much with the money people. At all events, I don't know the answer, the percentage of children.

"The percentage of children from the working-class district reaching upper grades and high school." My judgment is, however, that it is that class of people that is bringing this percentage of enrollment up.

"Attitude of employers toward the development of the Los Angeles public-school system." So far as I know it has been good.

"Attitude of organized labor toward the development of the Los Angeles public-school system?" So far as I know it has been good.

"Attitude of working class generally toward public-school system." I think it has been excellent.

"From what class has the support for the development of the public schools come?" Maybe Los Angeles is peculiar, and maybe I have not studied that phase of it so much, but I think that the public schools have been supported by the entire population of Los Angeles city. I have not discovered any discordant notes anywhere.

Mr. Chairman, I think I have finished.

Commissioner GARRETSON. Doctor, I would ask your opinion with regard to certain things—bear in mind I am not applying it especially to Los Angeles but to the system, not the question—but I want to preface it with the statement that I am an absolute believer in a proper educational system.

Isn't the whole public-school system of the United States originally founded on an idea to fit those whom it finishes for a higher education, collegiate or university?

Mr. FRANCIS. That has been largely true up to within recent years, I believe.

Commissioner GARRETSON. I mean, that was the foundation of it in the start?

Mr. FRANCIS. Well, the public-school system of this country is in its inception and conception mixed. Our high schools took the place of the old academy, and the old academy prepared for the university. The academy and the university were borrowed largely from the English. Of course, England had the idea——

Commissioner GARRETSON. It was only a shifting of units.

Mr. FRANCIS. The English had the idea of gentility in their education, while the great elementary school system is founded on a different idea, the idea of democracy and utility. There has been, up to within recent years, a conflict, and it has not wholly disappeared yet, but it is disappearing. There is per-

meeting the entire school system, very strongly at least, a movement toward utility, toward usefulness for the conditions of life, which ever they may be.

Commissioner GARRETSON. The academy 40 or 50 years ago disappeared and then the smaller college.

Mr. FRANCIS. In most instances——

Commissioner GARRETSON. It passed out of existence and was taken up by the high school.

Mr. FRANCIS. It is so.

Commissioner GARRETSON. Therefore it is only the shifting of agency, but not one of the purposes.

Mr. FRANCIS. Yes; but it has changed.

Commissioner GARRETSON. Taking it on the figures. Now, in your opinion, should the present mission of public schools be for those who can take the higher courses for those courses or to mold those who can never have anything but the public school into the best element for their own future welfare and for the welfare of the state? Which is the proper mission of the public school?

Mr. FRANCIS. If you are going to say it must be one mission or the other, the more important is the latter, to be sure. But I do think—according to my theory—the mission of the public school is to get every boy and every girl started at something that is worth while, something that is legitimate and constructive, and something that will help develop the child; and then, after the child once gets started, offer him all possible facilities for developing himself along that line, after he finds the matter or thing he wants to do.

Commissioner GARRETSON. Or make him do better what necessity will make him do; how about that?

Mr. FRANCIS. I don't think so. I don't think that is the prime mission. I think the prime mission of education is the development of the individual, the development of power, the development of purpose, the development of character, and the best way to develop these things is through some occupation in life where one can give expression to his better self.

Commissioner GARRETSON. In other words, you agree with the idea that was expressed before this commission in Portland, that all labor that men do should constitute a form of expression?

Mr. FRANCIS. That is what I think.

Commissioner GARRETSON. But he qualified it with this, that he could not understand any man going into a coal mine for 12 hours and enjoying it as a form of expression. Now, has the school a mission to make better hewers of wood and drawers of water, or has it not?

Mr. FRANCIS. The schools have a mission of making better men and women; if they hew wood and draw water, if they have to do that, they can do it with a degree of joy and of life and development that keeps them——

Commissioner GARRETSON. With the least expenditure of energy for the purpose to be attained?

Mr. FRANCIS. I think so.

Commissioner GARRETSON. And we are always to have the hewer and drawer of water with us, are we not—the chances are?

Mr. FRANCIS. Well, if you mean by that——

Commissioner GARRETSON. The laboring man is to handle the pick and shovel.

Mr. FRANCIS. Do you mean by that that we are to have the labor class and the other class—society is going to be divided into classes?

Commissioner GARRETSON. I don't use class in its later sociological sense; I am using it only from the fact that we have men who have to do all things, as long as society is constituted as it is at present there is going to be the basement and the attic.

Mr. FRANCIS. Just as far as possible I think the theory of education should be to have those people hew who can find their greatest form of expression in the hewing of wood.

Commissioner GARRETSON. And who can't find it elsewhere?

Mr. FRANCIS. Who can't find it elsewhere; yes, sir.

Commissioner GARRETSON. We hear lots of talk about there being room at the top. But if they are all going to the top, that room would be in the cellar.

Mr. FRANCIS. When they got to the top they would find it was not so bad as——

Commissioner GARRETSON. They would be the dead level. Consequently, isn't the thing to be desired that the men who can have the least schooling should be benefited in the very greatest degree possible along the lines that will enable them to do the least productive form of labor in the most productive manner?

Mr. FRANCIS. That is the theory. You put it a little differently from the way I see it. It might be that those who can have the least education should be given the best chance to fit themselves in the——

Commissioner GARRETSON. Least amount of time.

Mr. FRANCIS. To fit themselves in the thing they are going to do.

Commissioner GARRETSON. Now, there is the phase of it—on your figures—are not the figures that you have given in themselves a deadly indictment of the present labor system in which you have 87,000 scholars enrolled in the year 1914 and out of the top of the system come 1,200 people—1½ per cent?

Mr. FRANCIS. That is not quite so bad as it sounds, because it has been a continual growth, and we did not have last year nor the year before nor the year before that 87,000 children in school.

Commissioner GARRETSON. No?

Mr. FRANCIS. When those entered the school who now graduate the enrollment was far under that. You will have to take that into consideration.

Commissioner GARRETSON. Take the 1,200 against the 14-year curriculum—it is a 14-year course?

Mr. FRANCIS. Yes.

Commissioner GARRETSON. And then it is only just a shadow of the body that started? Was there one of the 1,200 that was bred and raised in the pinch of poverty? If so, how did he get there?

Mr. FRANCIS. If you wish to do that you must compare the 1,200 graduates now with the school enrollment 12 years ago.

Commissioner GARRETSON. Certainly; I admit that. But then I say you have only got a ghostly army instead of the material army that entered.

Mr. FRANCIS. Well, there are several causes entering into children dropping out of school.

Commissioner GARRETSON. But the body of them did not get far, and no child of poverty got up there—the ones that really needed it—and doesn't it show a deadly weakness in our system of education where 14 years of that character are put in and 14 years of expenditure constantly increasing——

Mr. FRANCIS. I think the system——

Commissioner GARRETSON. Where money is spent on those who could spend it on themselves very largely.

Mr. FRANCIS. I think the system partially responsible; yes, sir.

Commissioner GARRETSON. I am not charging it to the system. Bear in mind I am not applying it more here than elsewhere.

Mr. FRANCIS. I think the system is responsible in this, that many more would have been held in school had it offered them other things to take their interest and hold it.

Commissioner GARRETSON. When they come into practical life, isn't the first step that confronts the average high-school student who goes into practical pursuit to unlearn what he learned at school?

Mr. FRANCIS. I would hardly put it that way.

Commissioner GARRETSON. I am talking from my own experience. That is where I came from.

Mr. FRANCIS. You have a point there all right in it, but I think you overemphasize it. I think it is a point that the schools are trying to correct. I think the current educational movements are along the line of correcting the thing that you are bringing out.

Commissioner GARRETSON. Well, the tendency may be to better, but my own connection with the high school has possibly been more direct than the other form of school for this reason: I never went above the high school, and that is based upon three of my children who have graduated from it, two of them have gone into business life, and I have never utilized but two things that I learned in school in my business life—I am speaking now of essential things—but the experience of both those children when they went into commercial life was, as they expressed it from their standpoint, that they had to unlearn what they learned in school before they could take up certain practical lines.

Mr. FRANCIS. I have not been in accord, I am frank to say, with the older organization that we called a school system. I believe in the newer movement.

Commissioner GARRETSON. You touched on just one further question. You spoke of the fact that many boys could be saved if a wide-awake garage man would utilize those boys along certain lines. Now, have you ever given any thought as to the question, if that line was followed out, whether it would be reconcilable to child-labor laws as they exist and how the child could be protected against the unscrupulous employer of that class?

Mr. FRANCIS. Well, I had in mind the discovering of the interest of the child.

Commissioner GARRETSON. Yes.

Mr. FRANCIS. The boy likes to see the wheels go round.

Commissioner GARRETSON. He does.

Mr. FRANCIS. When he is working in the shop he can make the wheels go around, and I was concerned with catching his interest and getting him started and keeping him off of the street, where he ought not to be.

Commissioner GARRETSON. From that standpoint I would agree with you. Bear in mind, I am against the practical side of it—the exploiting of the boy.

Mr. FRANCIS. The boy would be in position to defend himself against exploitation.

Commissioner GARRETSON. He never has been since the beginning of the world until the law stepped in and protected him.

Mr. FRANCIS. Well, you didn't let me finish. He would be in much better position to do that if he had this training than if he didn't have it, would he not?

Commissioner GARRETSON. He would be in a position to know, possibly, quicker if he was exploited.

Mr. FRANCIS. Yes.

Commissioner GARRETSON. But to defend himself, I doubt.

That is all, Mr. Chairman.

Commissioner WEINSTOCK. Just one question.

Chairman WALSH. Commissioner Weinstock has a question.

Commissioner WEINSTOCK. Are we to understand, Professor, from what you have presented to us, that while formerly the object of education—especially higher education—was culture, that the objective of modern education is utility?

Mr. FRANCIS. I put it a little differently, Mr. Weinstock. The objective of former education was culture and the professions—what we call the professions.

Commissioner WEINSTOCK. Yes.

Mr. FRANCIS. There is a strong movement toward making the object of education now the development of the power to live—call it utility if you will; it is power. That is, we would not educate a child just for the sake of calling him an educated individual. We would educate him so as to develop his powers so that he could think and do, and he would think and do the things he loves best to do and think.

Commissioner WEINSTOCK. Well, isn't it also along the lines that formerly it was simply the mind that was cultivated, but now we also aim to make the mind useful?

Mr. FRANCIS. Yes; we have discovered that you can not develop the best there is in an individual; that is, that there must be the threefold development of the individual, anyhow.

Commissioner WEINSTOCK. Is the percentage of those of the working classes and those who reach the high school smaller, so far as you know, in Los Angeles than in any other communities?

Mr. FRANCIS. No; I think it is larger.

Commissioner WEINSTOCK. The other way?

Mr. FRANCIS. The other way. In this city we have the largest enrollment per capita in our high schools of any large city in the United States.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. I have been asked to submit some questions to you. Is there a State referendum at the present time to prevent any but property holders from voting for bonds?

Mr. FRANCIS. I don't know, sir.

Chairman WALSH. You don't know whether that is true or not? Well, I have been asked these questions: Assuming perhaps that there is such, then how will that affect school bonds, if you know? You don't know anything about any such proposed referendum?

Mr. FRANCIS. I don't know, sir.

Chairman WALSH. Nothing at all. Well, that answers all of them. That is all; thank you, Mr. Francis.

(Statements entitled "Vocational Bulletin No. 1, Los Angeles City Schools," and "Report of Promotions, First Semester, 1913-14—Los Angeles City School District," were submitted by Mr. Francis in printed form. See also Francis exhibit.)

Chairman WALSH. Mr. Harriman, please. [Hisses and applause.]

Ladies and gentlemen, we will have to preserve perfect order. A portion of a new crowd comes in every day, and when unpopular opinions are expressed in other places, why it has caused counter demonstrations, and a crowd like

this is very likely to get excited. I am going to ask you to assist us now, if you want a full, square hearing of every possible grievance, to keep perfectly quiet and don't express your feelings. It is easy to do if you put your minds upon it.

TESTIMONY OF MR. JOB HARRIMAN.

Chairman WALSH. Your name, please?

Mr. HARRIMAN. Job Harriman.

Chairman WALSH. What is your profession, Mr. Harriman?

Mr. HARRIMAN. Attorney.

Chairman WALSH. How long have you been an attorney at law?

Mr. HARRIMAN. Since 1898.

Chairman WALSH. Since 1898?

Mr. HARRIMAN. Yes; 1898.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. HARRIMAN. I came here in 1896, remained awhile, went to San Francisco, and a little later to New York, and returned in 1903. I have been here since.

Chairman WALSH. Now, Mr. Harriman, has your practice brought you in contact with the administration of the law, especially as it has been applied, where there have been industrial disputes in this community?

Mr. HARRIMAN. Well, to some extent; yes, sir.

Chairman WALSH. I believe there were a few questions submitted to you, Mr. Harriman.

Mr. HARRIMAN. Two, I believe.

Chairman WALSH. Two. I wish that you would as concisely as possible, and still exhaustively, answer the first question—that is, your observation of the use of the powers and authorities of the State and local governments, if there be such, by employers in contravention of the rights of workingmen and other citizens. The charge has been made——

Mr. HARRIMAN. I have understood that to relate to the city of Los Angeles.

Chairman WALSH. Yes.

Mr. HARRIMAN. Yes. I was employed in 1910, in the first instance, to look after the interests of some of the boys when they were on strike at that time. I think that was practically my first experience worth mentioning in this city with labor troubles.

Chairman WALSH. Pardon me, when was that, Mr. Harriman?

Mr. HARRIMAN. In 1910 when the strike of 1910 arose.

Chairman WALSH. Was that the metal trades?

Mr. HARRIMAN. The metal-trades strike and the brewery strike. If I remember correctly, the brewery strike was called in May, and on the 1st of June I think some of the metal-trades boys were locked out, and there followed a strike generally in support of those that were locked out.

Chairman WALSH. Mr. Harriman, the suggestion came through the sergeant at arms from the folks in the back of the hall here that they are very anxious to hear what you have to say, so will you please pitch your voice a little higher?

Mr. HARRIMAN. Thank you.

Chairman WALSH. It will not be out of the way for you to turn that way, if you wish, because we can surely hear.

Mr. HARRIMAN. You can hear, thank you. I say in 1910, in May, the brewery-trades strike was called, the 18th and 19th of May, if I remember rightly. About the 1st of June some of the metal trades were locked out, and then others of the metal trades struck in support of those who were locked out. There were negotiations entered into, or rather endeavored to be entered into, by the metal trades, with the merchants and manufacturers' association asking for a conference. As I remember it, the conference was denied, a lockout followed, and a strike followed the lockout. Soon after the strike was called the courts were appealed to by the merchants and manufacturers' association, or rather by the members of that association. Up to the time that that appeal was made there had been no violence of any kind excepting in two instances. Two little boys on the opposite sides were in a quarrel, fought it out, and were let go. An officer attacked one of the strikers, was arrested, fined $1, after having been found guilty, and let go. An injunction was applied for in the case of the Pacific Ornamental Iron Works, the corporation applied for an injunction against the Metal Trades Council of Los Angeles, the Housesmiths and Bridge and Structural Ironworkers No. 51, the Iron Molders' Union No. 374, the Sheet Metal Workers' Union No. 362, the Patternmakers' Union No. 1,

Machinists' Union No. 311, Blacksmiths and Helpers' Union No. 112, Machinists' Helpers' Union No. 12364, Boilermakers' Union No. 92, Draftsmen's Union No. 67—all being made defendants.

In addition to that, George Gundry, E. H. Metzner, and G. Dawson, three of the most active men at that time in the strike were made defendants, and together with them a list of about 700 John Does and Richard Roes and Smiths and Phillipses and everybody else, not knowing the names of the members of the organizations. This matter came up before Judge Walter Bordwell. I think we occupied the time of the court for about three days. There had been a temporary injunction issued. Bonds had been put up. This case was filed June 27, and was under consideration by the court until August 25, before a decision was rendered.

Chairman WALSH. Was a restraining order issued?

Mr. HARRIMAN. A restraining order was issued.

Chairman WALSH. When the petition was filed?

Mr. HARRIMAN. When the petition was filed, June 27.

Chairman WALSH. Was there notice given before the restraining order was issued?

Mr. HARRIMAN. Notice was given to some—no, sir; notice was not given before the restraining order was issued.

Chairman WALSH. Is there any rule of court in this jurisdiction requiring a notice?

Mr. HARRIMAN. To be given before the order?

Chairman WALSH. Yes, sir; generally.

Mr. HARRIMAN. No, sir; not if the bonds are put up. Bonds were put up and a restraining order issued and we went into court, and as I say, we took up the time of the court for two or three days, and the matter was taken under consideration until the 20th of August, the restraining order remaining in force during that period. Now, this order was as follows: I will read it into the record, if I may; it is very short. On the 20th of August this restraining order was made a permanent restraining order: "Pursuant to an order of the above-entitled court, in the above-entitled matter, made and filed this 27th day of June, 1910, the defendants herein and each of them, their officers, members, agents, servants, employees, clerks, and representatives, are hereby enjoined and restrained, until the further order of said court, from doing, causing to be done, aiding, assisting, or abetting in the doing of any of the following acts or things, to wit:

"From interfering with, harassing, or obstructing plaintiff in the conduct of its business at or in the vicinity of, any of its places of business in the county of Los Angeles, by means of pickets, gathering together in crowds or otherwise, or at all, threatening, menacing, intimidating, using force or violence upon, making shows or displays of force or of violence toward any employees or workmen of plaintiff, or any person or persons transacting or desiring to transact business with plaintiff, or being employed at the places of business of plaintiff.

"From gathering about or in the vicinity of the entrances or exits of the factory or foundry or works of plaintiff"——

Chairman WALSH. One minute. I didn't follow that. That is in the——

Mr. HARRIMAN. In the county of Los Angeles.

Chairman WALSH. The language is in the disjunctive from the word "talk." Does it enjoin them from talking to any of the employees at all?

Mr. HARRIMAN. Not this. "Or at all threatening, menacing, intimidating——

Chairman WALSH. I thought the first word was simply "talk." Maybe I was wrong. I was trying to follow it.

Mr. HARRIMAN. No, sir.

"From interfering with, harassing, or obstructing plaintiff in the conduct of its business at or in the vicinity of any of its places of business"——

Chairman WALSH. Now, follow that, please. Just go right along for a little ways.

Mr. HARRIMAN (continuing):

"in the county of Los Angeles, by means of pickets, gathering together in crowds, or otherwise, or at all, threatening——

Chairman WALSH. That is it, "at all."

Mr. HARRIMAN. Or at all. The second clause is:

"From gathering about or in the vicinity of the entrances or exits of the factory or foundry or works of plaintiff in crowds, and then and there menac-

ing, molesting, obstructing, or interfering there or thereabouts with the said last-named persons.

"From following the workmen or employees of plaintiff to or from their homes and said places of business of plaintiff and there, or while so traveling to and from, threatening, intimidating, or making shows or displays of force to or against or menacing the said workmen or employees of plaintiff, or any members of their families.

"From deterring, obstructing, or molesting any persons seeking or desiring to enter into the employment of plaintiff, by means of force, violence, threats, intimidations, or gathering together in crowds at or about or in the vicinity of the places of business of plaintiff.

"From threatening or intimidating in any manner or at any place, or by any means, the employees or workmen of plaintiff or their families, a bond having been given as required and approved by the court."

Under this last clause, "from threatening or intimidating in any manner or, at any place," that was stretched to its limit and men were arrested in all parts of the city for speaking to the persons who were taking or endeavoring to take their places in the factory, and were arrested and charged with using force and violence and tried on that charge.

Chairman WALSH. Were they arrested upon writs issued out of this court of equity?

Mr. HARRIMAN. Only a few, I believe, under these injunctions. There were not I believe but one or two held under the injunction. There were issued at the time or about the time, other injunctions applied for by other firms involved in this strike. On June 25, 1910, the Los Angeles Manufacturing Co. got out an injunction substantially the same against the same person. On June 28, 1910, the Lacy Manufacturing Co. got out a similar injunction, on practically the same complaint, against practically the same persons. On the same day the Fulton Engine Works got out a similar injunction against the same persons. On June 23 the Llewellyn Iron Works got out a similar injunction against the same persons. On June 23, 1910, the Western Pipe & Steel Co. got out a similar injunction against the same persons, and they were all pending awaiting the decision of Judge Bordwell, which was held in abeyance until August 20. Now at the time these injunctions were issued as I said, there had been no disturbance at all, and this fact was pressed on the attention of the court at the time. I will hand this, if you desire, to the committee.

Chairman WALSH. Please have it made a part of the record.

(The cases referred to by Mr. Harriman are as follows:)

June 23, 1910. Los Angeles Manufacturing Co. *v.* Metal Trades Council. Injunction dismissed August 8, 1910.

June 23, 1910. Lacy Manufacturing Co. *v.* Metal Trades Council. Injunction dismissed August 8, 1910.

June 23, 1910. Fulton Engine Works *v.* Metal Trades Council. Injunction dismissed August 8, 1910.

June 23, 1910. Llewellyn Iron Works *v.* Metal Trades Council. Opinion filed August 27; injunction dismissed August 28, 1910.

June 23, 1910. Western Pipe & Steel Co. *v.* Metal Trades Council. Injunction dismissed August 8, 1910.

June 27, 1910. Pacific Ornamental Iron Works *v.* Metal Trades Council. Permanent injunction issued August 20, 1910; dismissed August 22, 1910.

(Copy of writ of injunction dated June 27, 1910, in the Superior Court of California, in Los Angeles County, in case of Pacific Ornamental Iron Works, plaintiff, *v.* Metal Trades Council, Los Angeles, Cal., an association, etc., was submitted in printed form.)

Mr. HARRIMAN. That temporary injunction continued until August 20, there being no disturbance, the union men holding their peace everywhere but carrying on their work, for they were determined. They would see men and talk to them and try to persuade them, but they did not use violence, and when this would come to the attention of the court they would not imprison them, and could not in all good conscience do it. Along about July sometime—the 16th of July—the opposition to organized labor, the firms who had secured injunctions were losing, in the opinion of the union men, and they went to the city council at that time and procured the passage of what has been generally known as the antipicketing ordinance. This ordinance came to the attention of organized labor, and they sent men to the city council to argue the case. They gave them a hearing two nights to press the matter. It was urged then that no violence had occurred in this city, and they were challenged to produce a

single instance where any violence worthy the attention of any court had been committed on the part of any member of organized labor. They listened to their arguments from early in the evening until late twice, and the third time they came in the daytime. The attorneys of the merchants and manufacturers' association were present the last time, the same attorneys that appeared in the injunction suits. The matter was presented and, I believe, the ordinance was passed unanimously. It reads as follows; it is very short.

Chairman WALSH. Read it.

Mr. HARRIMAN (reading):

"An ordinance prohibiting loitering, picketing, carrying or displaying banners, signs, or transparencies, or speaking in public streets in a loud or unusual tone for certain purposes.

"The mayor and city council of the city of Los Angeles do ordain as follows:

"SECTION 1. It shall be unlawful for any person, in or upon any public street, alley, or public place in the city of Los Angeles, to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out or proclaim, for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from entering any works or factory or any place of business or employment, or for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from purchasing or using any goods, wares, merchandise, or other article or articles, or for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from doing or performing any service or labor in any works, factory, place of business or employment, or for the purpose of intimidating, threatening, or coercing any person who is performing, seeking, or obtaining any service or labor in any works, factory, place of business, or employment.

"SEC. 2. It shall be unlawful for any person in or upon any public street, alley, or other public place in the city of Los Angeles to loiter in front of or in the vicinity of, or to picket in front of or in the vicinity of, any works or factory or any place of business or employment for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from entering such works or factory or place of business or employment, or for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from purchasing or using any goods, wares, merchandise, or other articles manufactured, made, sold, or kept for sale therein, or for the purpose of inducing or influencing, or attempting to induce or influence, any person to refrain from doing or performing any service or labor in any works, factory, place of business, or employment, or for the purpose of intimidating, threatening or coercing any person who is performing, seeking, or obtaining service or labor in any such works, factory, place of business, or employment.

"SEC. 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $100 or by imprisonment in the city jail for a period of not more than 50 days, or by both such fine and imprisonment.

"SEC. 4. This ordinance is urgently required for the immediate preservation of the public peace, health, and safety; and the city clerk shall certify to its passage by a two-thirds vote of the council and cause it to be published once in the Los Angeles Daily Journal, and thereupon and thereafter it shall take effect and be enforced.

"I hereby certify that the whole number of the members of the city council of the city of Los Angeles is nine, and that the foregoing ordinance was passed by a two-thirds vote of said council at its meeting of July 16, 1910, by the following vote, to wit:

"Ayes: Andrews, Betkouski, Gregory, O'Brien, Stewart, Washburn, Whiffen, Williams, and President Lusk (9).

"H. J. LELANDE, *City Clerk.*
"GEORGE ALEXANDER, *Mayor.*

"Approved this 16th day of July, 1910."

In our charter there is a provision that an ordinance may be passed immediately if it is urgently required for the immediate preservation of the public peace, health, or safety, and under that clause this ordinance was passed, although there had been no violence at that time, and that was urgently pressed on the council.

We took the matter before the court and raised the question that it was not urgently required to preserve the peace. Before taking it before the court, if I remember correctly, we got the required number of signatures to that petition—

several thousand—asking that the ordinance be submitted to a vote of the public; that is, to a popular vote here in the city. That provision is also made in our city charter that if any ordinance is passed and a petition is circulated and a proper number of signatures is appended to that petition, that before the matter shall become a law it shall be submitted to a popular vote.

The required number of signatures were procured. I still have the bundle over in my desk, but the city council and the court of this county denied the popular vote.

Chairman WALSH. On what ground?

Mr. HARRIMAN. On the ground that the city council had the power to pass such a law and that that point was solely within the discretion of the city council to decide. I think that was the decision of the court, that it was within the discretion of the city council. It was passed and then the scrap began. Immediately or very shortly after that some four hundred and seventy-odd men were arrested. The jails were filled. Men were held on bail.

Chairman WALSH. How were the proceedings initiated, please?

Mr. HARRIMAN. You mean——

Chairman WALSH. Did some one file information against each individual?

Mr. HARRIMAN. Oh, no; the officers would gather them wherever they found them.

Chairman WALSH. Were they all regular officers?

Mr. HARRIMAN. Well, some of them were. There were many officers at that time that were not regular police officers. There were a good many deputies, some of them in plain clothes. Wherever men were found visiting or talking to men who were on strike they were arrested. The men frequently went on the cars with them home from their work, on the same car with them and talked to them, and insisted that they had a right to talk to them as long as they did it in a decent and manly manner, and they were arrested and charged with using force and violence, regardless of the tone of voice they may have used. I have forgotten the number of brewery workers that were arrested. But on January 4 there were still 72 of the brewery workers under arrest. Their strike had not yet quite been settled. They held them under arrest until negotiations were ended, and then the cases were all dismissed.

Chairman WALSH. How many convictions?

Mr. HARRIMAN. I don't remember, but a very few. I think probably it wouldn't exceed six or seven, all told.

Chairman WALSH. How many arrests?

Mr. HARRIMAN. Four hundred and seventy-odd, I believe.

Chairman WALSH. Were trials had before juries?

Mr. HARRIMAN. Yes, sir; that is—while you are on that point I will divert a little bit from my course and state that at that time we were able to win out on nearly every case. We tried a great many, somewhere between 50 and 60, cases, I think, were tried. The courts were kept quite busy, and they were unable to convict. The reason was this, every trial jury was drawn from the street. The officer was sent out to pick a jury, and among the number that would come in—always from 40 to sometimes 100, before we would get a jury—once, I believe, 150 were required; and I think it took us five days to get a jury over an arrested picket—among those men I say we could get some fair men, and they would either acquit or the jury would hang.

After that they amended the law providing for getting jury. The important clause of that law is this: In the month of June—this law, by the way, is in the California statutes of 1913, page 174, section 12:

"In the months of January, April, June, and October of each year there shall be selected by the judges of said police court a list of jurors to serve as a term trial jury in said police court for the ensuing three months."

Since that time we haven't had but one labor trouble, but our sailing hasn't been so easy.

Chairman WALSH. You mean a jury serves in a police court for three months?

Mr. HARRIMAN. Three months in this city since that time.

Chairman WALSH. And what is the pay for jurors?

Mr. HARRIMAN. I don't remember what the statute provides on that. I think $2 a day. That was brought about after the strike; and those I am informed, who were unable to prosecute their matters with success were very earnest in their advocacy of this law. I am unable to say that that is true, because I don't know the men; but the influence at the legislature, I am informed, came from that direction.

Chairman WALSH. Does it apply all over the State?

Mr. HARRIMAN. I think it does; yes, sir. In cities of first and second class.

Commissioner GARRETSON. While you are on the jury subject, Mr. Harriman, what is the property qualification for a juror in California?

Mr. HARRIMAN. He must be on the tax list. A man who is not on the assessment roll here is not admissible, if they desire to object.

Commissioner GARRETSON. As a rule are laboring men extensively represented on juries?

Mr. HARRIMAN. If there is no class interest involved they don't raise the question very often. But if there is a strike on, the rule is enforced rigidly always, and very good reason for it. Men are always moved mentally, as well as economically, by their interests, and sometimes unconsciously. Hence, they enforced the rule for the purpose for which they made it, I suppose. Now, it was done and rigidly enforced in every case. We were met with the necessity of picking fair men who were on the assessment roll.

Chairman WALSH. How many remain on this panel for three months?

Mr. HARRIMAN. For three months?

Chairman WALSH. Yes, sir.

Mr. HARRIMAN. The law says the judges shall designate the number of jurors required for the trial of cases in said case in said court for the ensuing three months from the names appearing on the last preceding complete assessment roll of the county, in which said city is located, of persons assessed on property belonging to themselves, and apparently competent and suitable to serve as jurors in such court. The judges shall select names which shall not be less than two nor more than four times the number designated as the number of jurors required." So that you see that number is a flexible number. If they need two juries sitting, then they can designate the total number that will be required.

Chairman WALSH. If a labor disturbance came up, under that law they could estimate how many they needed and put that panel in and keep them until the trouble was over?

Mr. HARRIMAN. They could, and we would be up against that panel and would be compelled to pick those men. Of course, if you exhaust the panel, then the same provision would be extended and another panel chosen by the same judges in the same manner, just as it is in the superior court. On December 12 there still remained under arrest in the metal-trades case in Judge Rose's department about 60—in the neighborhood of 60 men. They were all dismissed on December 12. During the strike and while some of the men were in prison a very interesting incident occurred which showed the spirit of at least one member of the city council, who was thought by the laboring men to be their friend and the most favorable man to them at that time.

The affidavit was made by three men who are in jail, R. Armory, John Kriby, and Isaac Levy signing the affidavit, which reads as follows:

"STATE OF CALIFORNIA,

"County of Los Angeles, ss:

"The undersigned, being duly sworn, each for himself, on oath, says that he was arrested on the 17th day of March, 1911, and was arraigned on the 18th day of March, 1911, and was held to answer with bonds placed at $300; that he was in the city prison from about 10 a. m. until about 6 p. m. on the 18th day of March, 1911; that while he was in said prison he was visited by Martin F. Patusky, one of the councilmen of the city of Los Angeles, and, by the way, one of the men that passed this ordinance; that several times said Patusky asked him, in the presence of all three of the affiants herein, if he didn't know that he had violated the picketing ordinance, also, 'Did you not defy the police to arrest you?' and he also said, 'I can see that you don't belong here. This place was built for animals, and when you act like animals we have got to put you in here. If we give you fellows an inch, you will take a mile, and the first thing we know you will be down there with clubs. That is why we passed this ordinance, to keep you fellows away from there.' That when told the bonds had been placed at $300 each he (Patusky) said, 'The higher the bond the better it is. If bonds were placed at only $50, you would be going and coming all the time. I am sorry to see you boys in here, but I guess you will have to stay. If you can't behave yourselves outside, I hope you will be good inside, anyway.'"

The only point in that affidavit to which I wish to direct the attention of the commission is that passage, "That is why we passed this ordinance."

In other words, this ordinance was a war measure on the part of those who had sufficient influence over the city council to control their election. They had failed to secure the number of convictions they desired. The police force was efficient. They arrested all they could get hold of and could bring charges against.

I don't wish to lay any umbrage at the door of any policeman particularly. They are like all policemen, doing the duty they are told to do. They arrested the men as they were told.

After they had failed for a considerable time they quit arresting the men, and we thought that peace had come to stay. But that was a mistake. The boys went on about their work just as before. They saw every man they could under circumstances that in all good conscience would warrant them in seeing. They talked to them, explained to them that they were out on strike; that they were trying to raise their wages, trying to shorten their hours, trying to make conditions livable, arguing to them in that matter.

They were left alone for awhile. And one day a raid was made and they arrested a large number of men. I think there were 30 or 40 arrested. Their names are here. And they were charged, not with violating the law, but with having conspired to violate a law. The penalty for violating a law was $100 and 50 days, I believe, in jail. You will read it in the ordinance. The penalty here is $1,000, or two years in the county jail, for conspiring to violate a law.

They brought those men into jail and the evidence shows that most of them were not known, or could not be identified by the officers until after they had arrived in jail. The officers went to the jail, brought them out single file, and called their names, and each man would answer to his name, and the officers would look at him. And then the next, his name, and he would answer, and they would look at him, and again and again, day after day, until they learned their names and their faces. I believe they were all kept in jail, practically all. We got a few out on bail.

There was one redheaded fellow by the name of Phillips, and we had another redheaded fellow, and every time he would come into the court room the redheaded fellow would step up there and walk in instead of the one in jail, and the redheaded fellow in jail would step back to the other man's seat; and they didn't notice it, and the policeman identified the wrong man as regularly as the days passed. Four or five of them had known him for years and one of them from childhood—a different fellow altogether.

Some of the boys were arrested who had never been on strike, didn't belong to the union at all and had never been about the factories at all. One of them had only been in town one day. One of the officers swore he had seen him there for a month. They had a little book in which they kept their records. At the top the days of the week were written, and they would write the names of the boys down the side. The days they had seen them they marked, and they had used that book to refresh their memories upon the days that they saw them. One of those books was ruled perfectly straight and accurate, as though some person had done it on his table at home. Inadvertently I looked over to the back of the book and I saw that two or three leaves had been torn out, but one had been left. He had made what little record he had made outdoors, and then he had taken home his record and copied it, or he had made it up in the jail, ruled it, and copied it, and for some reason erased the marks and thought he had erased them completely; but under a magnifying glass the erasures could be seen, and we got the glass and showed it to the jury, and the jury hung after almost a two weeks' struggle.

The city attorney, Mr. Guy Eddie, and the city authorities had taken the matter under consideration, and had kept their plans under cover until they had perfected them, and tried to convict the men for a conspiracy to violate the law.

Commissioner GARRETSON. What is the conspiracy law of California, Mr. Harriman?

Mr. HARRIMAN. If two men were to agree to violate the picketing law, they might both be guilty of violating the law or they might be guilty of a conspiracy to violate the law.

Commissioner GARRETSON. But he could not be guilty of violating the law, because he had a purpose to do it, unless he did it, could he?

Mr. HARRIMAN. Oh, no; he must do something.

Commissioner GARRETSON. Well, you know what the Federal law is?

Mr. HARRIMAN. Yes; he must do something.

Commissioner GARRETSON. But two men don't have to do it; they only have to intend to.

Mr. HARRIMAN. To conspire to do it.

Commissioner GARRETSON. Under your California law.

Mr. HARRIMAN. Oh, yes; if you agree to violate and commit an overt act—there must be an overt act—or to make a move in that direction.

In Long Beach they had a similar experience. They passed the same anti-picketing law down there. There was a strike down there on the Craig Shipbuilding Co.'s works, and the boys used the same methods that they did here, avoiding any violence, but persisting and insisting upon their right to make such explanations as they saw fit.

The ordinance was passed, the men were arrested and put in jail. Many of them were turned out at noon and told to go and get their dinners, and they did and came back and went in jail in the afternoon. Some, I believe, stayed all night, and some were permitted to go home. I think they were crowded for room.

By the way, the cases against the brewery men, 72 in number, were dismissed on January 4. They were all out—if not all, all but two or three, I think—without bail in that crowd, and all of them, every one, returned for trial. Of all of the men in all of that strike that were let loose without bail, not one of them failed to turn up on the day set to be tried. Every one came. I think the fact is worthy of mention, especially in the light of the newspaper statements concerning the characters of these men.

After the law was passed, to which I have called your attention, concerning the paneling of the jury, the new jury panel, and methods of getting it, one other instance occurred—well, two occurred.

On Christmas Eve there was a Christmas-tree gathering in Central Park down here at Sixth Street. A large number of citizens from the churches and elsewhere gathered there on Christmas Eve with their Christmas trees. It was advertised in the papers for some days.

Also there was advertised in the papers for some days that there would be a gathering in the park down on North Main Street for quite a different purpose. The one at Sixth Street was to distribute Christmas presents by those who could afford to buy presents. The other was supposed to be a gathering to consider ways and means by which the unemployed could find work. The one was at the Plaza Park, the other at the Sixth Street Park. Both advertised in the papers for some days preceding the time.

The Sixth Street Park affair went through as joyously as the Christmas trees at any church festival, and the unemployed supposed, of course, that their privileges were at least equal to the others. They gathered there on Christmas morning about 10 o'clock. It was raining. There was a little hall down below where some of the boys got a few coal-oil cans and washed them out and were making six or eight cans of soup so that the boys might have something to eat after the speaking was over. Fifteen hundred or more of them gathered there in that park. Some were addressing the crowd; they were perfectly quiet. The testimony showed that the crowd was perfectly quiet, and no evidence of any disturbance until the policemen came. Two officers came up, the testimony showed, looked at the crowd, went over to a saloon and phoned for reinforcements, came back with several officers going two abreast, clubs in hand, crowding the people and throwing them aside; they walked up to the speaker, grabbed him by the legs, and jerked him off of the stand. One fellow held up his hand and asked them to stop, and the officers struck him over the head, cut a great gash across his face, knocked him down, beat a number of them, and ran the crowd out of the park, punching them and beating them with their clubs, and pursued them off of the sidewalk out into the street.

And the testimony of the officers showed that they followed them into the street and beat them. Then the whole crowd turned on them and threw stones at them, and there was a riot that was a disgrace to any civilization. It was a disgrace to the policemen that they pursued the course they did when the men were there without food, after having been called there by the advertisements in the papers, and similar privileges having been granted to another class of people the night before. Those men were arrested. I have the complaint here—charged with rioting—and they came before the jury selected in the manner that the law now provides. We tried the case. They had the same experience in learning how to identify the men that they had in the conspiracy case. Officers got on the stand and swore that they saw, for instance, John Sanchez standing here throwing one stone, and another man standing over

there in the crowd, and another one here about 14 feet away, and another one there 20 feet away. And we let them go through with their identifications and the places where they saw them in, and then we asked them to repeat it, and they could not repeat it to save their lives. Finally they would only see them twice, and then we would go through all that they had seen twice and commence over again to go down the line, and they could not repeat it to save their lives. Finally they learned to see a man only once, and they saw him throw a stone, and they didn't know just where he was standing, and this they could get away with. Those men saw men on Christmas Day there who they had known all their lives. One man had just gotten here from Mexico, and another man had not been in town for months and did not arrive until the next day, and they were arrested one, two, and three days after Christmas; according to their testimony they had seen them all in the riot. They convicted 10 out of 40. They are in jail now, I believe. One of the jurors said to me afterwards—you can take this down if you care to—"We had to convict some of them. We must support the police. They protect our property."

The complaints read as follows:

"Personally appeared before me this 8th day of April, 1911"—

By the way, before I read this, whenever we would challenge a juror or he was dismissed, the court would call his name kindly and say, "Well, we will call you up when we want you again," a familiarity that is an abomination to any court, especially if any degree of justice is to be obtained. A familiar relation, of which I think the judge was hardly conscious, but a familiar relation between a judge and a jury that ought not to exist. I have never spoken of it before, but feel that in this investigation that that fact ought to be known, for there is an abundance of proof of it.

"Personally appeared before me this 8th day of April, 1911, A. R. Phillips, of the city of Los Angeles, county of Los Angeles, State of California, who, being first duly sworn on oath, complains and says"—

I have got the wrong complaint here. Here it is; I have it:

"Personally appeared before me this 29th day of December, 1913, W. L. Hagenbaugh, of Los Angeles City, in the county of Los Angeles, who, being first duly sworn, complains and says: That on the 25th day of December, 1913, at and in Los Angeles City, in the county of Los Angeles, State of California, the crime of riot was committed by"—

About 30 persons, I will not read their names—

"who at the time and place last aforesaid, did willfully and unlawfully, while acting together and without authority of law, use force and violence on the persons of this affiant, H. R. W. Kriege, H. G. Yarnell, F. R. Williams, A. J. Boycott, W. L. Hagenbaugh, M. C. O'Connor, Arthur Solomon, and H. A. Stewart, and maliciously disturbed the peace and quiet of the neighborhood of the Plaza and Plaza Street in said city, and the peace and quiet of this complainant and other persons and then and there being, by then and there making loud and unusual noise, by tumultuous and offensive conduct, and by threatening, traducing, quarreling, challenge to fight, and fighting. All of which is contrary to laws, etc."

One man was shot. The man who shot him—I don't call his name now—was on the stand as a witness and admitted that he shot him. He was not arrested. No complaint was filed against him. Mr. Hagenbaugh was hurt. One of the leading officers was cut and many were hit with stones, and many men were beaten and gashed with the clubs. As I say, they were convicted and 10 were imprisoned. The matter seems to have been encouraged by all of the machinery of the county. I will only cite one instance that comes to my mind—the courts and the city council, the police courts and the police officers and the district attorney's office are practically all of the machinery with which to carry on the warfare.

Seventy-two thousand dollars were placed in the hands of Capt. John Fredericks, now district attorney, during the time of the investigation of the McNamara trouble. Considerable more than that passed through the district attorney's office. He was not required to account for this $72,000 to anybody except to Mr. Pridden, who has always run a nonunion shop. Mr. Pridden is a member of the board of supervisors. Just why there was no account required is not explained. What the money was used for is not explained, but it was given, and no account is of record in this county.

I think that answers the first question as far as I can go—the use of the city machinery, of the city courts, of the city jury, and the methods by which it is being gathered now, of the injunctions, and of the practice of using the

funds in the strike all show that the powers of government were solid against the workers.

Now, the next question was, if I remember, what effect does the so-called open shop have upon the welfare of the working class? I don't think it is worded just that way, but that is the substance of it.

Commissioner WEINSTOCK. No; what has the open-shop policy done for Los Angeles as regards the protection of the civil and industrial rights of its citizens?

Mr. HARRIMAN. Well, in regard to that I can't see how the civil or industrial rights can be entirely separated from the criminal procedure.

Chairman WALSH. Certainly not.

Mr. HARRIMAN. Because they rise out of it, and with that in view I merely take this stand. In order to explain it as I see it, at the base of all this trouble lay a permanent conflict of interest. And this strike arose out of that fact. The employer who seeks the open shop, the so-called open shop, and supports it does it consciously or unconsciously for but one reason, and that reason is this, that in the open shop he separates the bundle of sticks and can break them easily.

In the closed shop or in the union shop they are bound together and become a power. In the one case the large owner is a power and deals with the helpless man. In the other case he must deal with a power equal to himself.

In the former case where the corporation is against a man, the millionaire against the pauper, the man who owns the factory states the terms of what he calls a contract, and in the eyes of the law it is a contract, and he can enforce it as a contract, but there is no contract there.

The man with power dictates the terms to the man that is hungry for bread and he accepts the offer. He works, and the works for half rations. He will work for enough to keep himself and his family. And all conscience in that man will do this. He will feed him as little as he can feed him to get the best results for himself. If he pays more than is necessary for these results, his conscience will prod him to cut the wages. If he pays less than is enough to get the best results, his conscience will prod him to raise the wages. He treats the man just the same as he would treat his horse. It is an economic question between them. The organised power—the men use their power to force their wages up higher than merely enough to get the best results in the field for their employer. Not only do they want to get the best results as producers, but they struggle for a larger and larger proportion and portion of the amount that they produce. And the employer struggles likewise for a larger portion, and it is out of that fact that the permanent conflict comes and that this war has come, and that this fight is here and was here and must remain here with us. And the fights are small or large in proportion to the magnitude of the interest and must always be so.

Now, the full energy of the worker and the property of the employer puts him ever in a better fighting position, puts the bank behind him, puts the industry in his hands, puts the bread basket of the worker in his hands, and if he can keep them disorganised so that they are weak—if the mass or thousands of men are weak, if they are disorganised, and a few men with money are powerful—if the power is mobilised, the power of these men mobilise in the election to elect their men in court and to control their city council and to make the law; then they demand after making this law that the workmen abide by that law. And he has to do it because the majority of the power, of the economic power of the land, is back of the law that conserves the interests of that power. That must be, and it is for this reason that they seek an open shop to keep the worker disorganised and weak, so that they may reap the greatest harvest to themselves constantly.

Now, the effect is a minimum wage and the lowest possible standard of living under which the working class can reproduce itself if the open shop is permitted to have its sway. It is for this reason that every one of the men in favor of the open shop are forced to admit that organised labor has made for good. There is reason for it.

They operate from two different points of view.

The organised labor moves from the point of view of human beings, a great mass of men. Their aim in life is to conserve human energy. That is their whole purpose. Their property is a minor consideration. Their lives, the fruits of their labor—these are their chief concern. And the food of their children and the welfare of their families follows as a sequence. And the other fellow has a different point of view, and without questioning their

honesty or integrity at all—that is not what we are here for—but we are here to find out why they act so. They have a point of view of the accumulation of power in the form of property, by which power they can subsist and live without exerting their own energy, in a more luxurious manner, than they could without it. They could only do this by gathering into their property the power of their fellow men, the energy of their fellow men, to use it upon which to subsist and with which to buy their comforts and luxuries, and therefore it becomes to them a moral right which—that is, the thing that gives them their ideas of morals and right—they think is right because it gives them comfort and ease; and the other fellow thinks it is wrong because it gives him pain and suffering. And there is the reason for that standard of morals. And the employer and worker never in the world will harmonize their views when they come to a strike, because each has a different premise from which to reason, a different point of view, a different standard of morals, a different code of laws springing out of them. And that is the effect they have—the one wholesome—the one is harmonizing impulse, humanitarian reason, and organization which can be for the life of the man; the other is to organize the property for the magnitude of property and for the aggrandizement of property. One is filled with ambition, greed, lust of power. The other is filled with and produces a humane impulse and a struggle to better conditions and to develop a system of progress and cooperation.

Chairman WALSH. We will pause at this point and adjourn until 10 o'clock——

Mr. HARRIMAN. I am through.

Chairman WALSH. Kindly resume the stand at 10 o'clock to-morrow morning, because some questions will doubtless be asked by other commissioners.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 o'clock p. m. on this Monday, September 14, 1914, an adjournment was taken until Tuesday, September 15, 1914, at 10 o'clock a. m.)

LOS ANGELES, CAL., *September 15, 1914*—10 a. m.

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Weinstock, and Commons. Basil M. Manly.

Chairman WALSH. Please be in order.

Mr. Harriman.

TESTIMONY OF MR. JOB HARRIMAN—Continued.

Chairman WALSH. Mr. Weinstock has a few questions he would like to ask.

Commissioner WEINSTOCK. You have represented organized labor, Mr. Harriman, have you not, in many of the cases that have been brought before the Los Angeles courts?

Mr. HARRIMAN. I have.

Commissioner WEINSTOCK. You were one of the counsel in the McNamara trial?

Mr. HARRIMAN. I was.

Commissioner WEINSTOCK. And also in the metal-trades difficulties?

Mr. HARRIMAN. I was.

Commissioner WEINSTOCK. And in the lumbermen's difficulties?

Mr. HARRIMAN. The latter part; yes, sir.

Commissioner WEINSTOCK. So that you are thoroughly informed, I take it, on the labor attitude of these problems on these questions?

Mr. HARRIMAN. Well, I can't say thoroughly, but I have some information on them.

Commissioner WEINSTOCK. Will you tell this commission, Mr. Harriman, what is the attitude of organized labor on the question of violence in labor troubles?

Mr. HARRIMAN. Well, I think the position of organized labor and the general policy of organized labor, as I understand it, is opposed to violence.

Commissioner WEINSTOCK. Does organized labor, from your observation of it, and your connections with it, condemn violence on the part of unionists in labor troubles?

Mr. HARRIMAN. Now, by that just what do you mean?

Commissioner WEINSTOCK. Well, does organized labor regard violence on the part of unionists in times of labor troubles as justifiable?

Mr. HARRIMAN. Well, that depends upon the circumstances, I suppose, under which the act might be committed.

Commissioner WEINSTOCK. Will you tell me——

Mr. HARRIMAN. But as to organized labor, I think they have not so indorsed any violence at all. My information and experience is that they have found that they can gain their end better by peaceful methods than by violent methods, and the reason for that is this: When they have power enough, they can take hold of the affairs of State. And were they to commit violence while the others have power, it would only lead to their being crushed by that power. And for that reason they feel that it is wisdom upon their part to conduct their affairs peacably until they can build an organization sufficiently powerful to take hold of the affairs and handle it. That is their general policy, as I understand it.

Commissioner WEINSTOCK. And meanwhile, until organized labor gets the political power that it hopes to obtain, as I understand it, it is the policy and attitude of organized labor to refrain from violence, to maintain law and order?

Mr. HARRIMAN. That is my experience.

Commissioner WEINSTOCK. You know, of course, as we all know, that there has been violence?

Mr. HARRIMAN. Yes, sir; there has been.

Commissioner WEINSTOCK. During labor troubles. Now, do you know of any incidents that you can give to this commission where organized labor has taken cognizance of the violation of law and order by penalizing such of its members as were guilty of criminal violence in labor troubles?

Mr. HARRIMAN. That is, you mean to say where some one has been arrested and found guilty under the laws as they now stand?

Commissioner WEINSTOCK. Yes.

Mr. HARRIMAN. Where organized labor has punished the men, is that what you mean? After they are found guilty?

Commissioner WEINSTOCK. Yes, sir.

Mr. HARRIMAN. No, sir; I don't know of any; and the reason is this, the men if they were to condemn men who are found guilty under the present law, they might, and in many cases would, be condemning men who are altogether innocent. For innocent, and I will have to explain, if I may, Mr. Weinstock——

Commissioner WEINSTOCK. Sure.

Mr. HARRIMAN. Your question suggests that organized labor would justify the men in their course; and, if so, why? That seems to be the thought in your mind. Now, there are a number of things that must be considered in order to answer that question intelligently. First, the justification of the acts of the men lay in the cause of the trouble. Now, also in the fact that many, many, if not most, of the trials are not fair, as, in the light of this recent jury system, they will have to meet in the future. First, then, the cause: Stated abstractly, the conservation of energy is the first law. The men seek to conserve their energy by raising their wages and shortening the hours. The employer seeks to conserve his capital by lengthening the hours and lowering the wages. For this fundamental reason the war comes at the wage and hour line. That is the line of battle. Every strike and boycott arises there. Now, whoever fights faithfully for the shortening of the hours and the increase of wages is bone of their bone and flesh of their flesh. Now, on the other hand, whoever is most efficient in that fight is the man who is picked off and charged and tried and sometimes convicted. We have three men, Mr. Stevens, Mr. Cruse, and Mr. Powell, who were picked off. They were active men. They were tried immediately after the explosion, when the temper here was at white heat. They were convicted. We know they were not there. The members of organized labor know they were not guilty. It is not only a guess with us; we know where they were. We put witnesses on the stand to show where they were, but they were not believed. They were convicted. When they returned to the men for whom they had been successfully fighting, they were received with open arms and were cherished and loved for their having been persecuted more than before the persecution. The justification of the men's activity lay in the cause of the struggle and the psychology that justified them in the cause of the struggle.

Now, if they had not stood by these men, who they knew were innocent, although convicted, every capable, energetic, intelligent fighter would have been picked off here and there and tried and convicted, and the heads of the whole organization would be eliminated from the movement, and they can't do it. If, how-

over, they were to find men who went out and actually committed a violent act, in violation of the policy of the organization, I think they would remove them from all power and responsibility before they had any opportunity to be arrested and to throw the organization in bad, because the organization itself would settle it.

Commissioner WEINSTOCK. Are we to understand, then, that every unionist that has been arrested, tried, and convicted is regarded by organized labor as being innocent?

Mr. HARRIMAN. No, sir; not in every respect, but oftentimes they have done what they are compelled to do. For instance, I cite a case that does not call up the question of violence. I cite the case of the hatters' trial, where the heads of the American Federation of Labor were arrested for contempt of court. Now, those men could not stop; I submit that there is a war on, and, as I said yesterday, the intensity of the war is determined by the magnitude of the interest with which it is allied. And those men pursued their course and published the facts and were arrested for contempt of court. And, for instance, take the A. R. U. strike, where Debs was arrested and imprisoned for contempt of court. They were in a position where they had to stand fire. We are in a war. We can't retreat. If they do retreat, why, they might just as well give up the battle. The cause of the war—I say the justification for those acts lay in the cause. Now, there is a distinction between a justification for some men who have been found guilty, between the commission of violent acts out of which no good can come to the organization. There is a distinction there. And while they don't indorse the violent acts, they have to be made sure that they actually occurred. Otherwise, a man can be arrested, tried, and convicted and not be at all guilty. There is the thing we are up against, because the power is in the hands of the other man.

Commissioner WEINSTOCK. Let me make sure, Mr. Harriman, that I quite understand your position or your explanation. I gather, from what you have said, this to be the attitude of organized labor, that regardless of convictions it reserves to itself the right to judge whether the individual convicted is or is not guilty of the crime charged.

Mr. HARRIMAN. Of necessity, because the machinery of convictions is in the hands of the enemy.

Commissioner WEINSTOCK. Exactly. So, despite a conviction, if labor believes that the convicted party is innocent, it treated him as a martyr?

Mr. HARRIMAN. Absolutely must. So do the other side.

Commissioner WEINSTOCK. Exactly. On the other hand, if I understand you correctly, it is admitted that union men have been justly convicted of violence?

Mr. HARRIMAN. Some of them have even pleaded guilty.

Commissioner WEINSTOCK. Exactly. What has been the attitude of organized labor not toward those whom they believe were innocently convicted but toward those who were justly convicted.

Mr. HARRIMAN. I know of no more glaring instance than the case that was tried here in the city of Los Angeles, and it can be no better expressed than in the contributions to the fund for defense. Up to the time when the McNamaras pleaded guilty funds were rolling in. The moment the plea of guilty came in every dollar stopped. Not another dollar could be raised. You can draw your conclusions from the fact.

Commissioner WEINSTOCK. How much truth is there in the charge that you and I and the rest of us have heard that many in the ranks of organized labor look upon those men as martyrs?

Mr. HARRIMAN. Oh, individuals, many of them do; I have heard some say they are guilty and some say they are not; but I am only speaking of the policy of the organization. I can not resort to the individual's opinions and draw much of a conclusion. Some think so. There are opinions, as you know, varied in the organization, and you can not rest a statement upon that; you can only rest upon the general policy of the organization.

Commissioner WEINSTOCK. What is the answer, then, to the charge that also has been made not only by nonunion employers who are the enemies of organized labor but also by thoughtful men and women all over the country whose sympathies are with labor, and who have ever been ready to do all they could to further the interests, legitimately and properly, of organized labor—what is the answer to the charge made by such as these against organized labor that it is in sympathy with violence, from the fact that it retains in positions of trust and honor, and reelects to positions of trust and honor, men who have been convicted of a crime and who are generally believed to be guilty—such

as Mr. Ryan, president of the structural-iron workers, who was reelected to his post of honor after he had been convicted, and who, so far as I know, despite the fact that he is serving his sentence, is, I think, still the president of the structural-iron workers?

Mr. HARRIMAN. Have you read the transcript of the testimony in Indianapolis?

Mr. WEINSTOCK. I have not.

Mr. HARRIMAN. When you read it you will see that no union man could ever believe that man was justly convicted. There is a summary of that transcript that is an abomination to the Lord and the devil. There never was a trial in Russia that begins to compare with it. The transcript speaks for itself.

Now, those men are the very men whose psychology I have endeavored to describe. The history of the iron workers' strike with the steel company has been one where men—where the unions have been destroyed, where wages have been lowered, where men are unable to support their families, and where the act of the McNamaras, unwise as it was, was forced by an enemy, very much as the European war, the Christian war, is forced by the enemy.

I do not hear the same men comment in the same way upon conditions that arise in their own camp. When you have a war on you can only analyse the causes of the war and look at the consequences.

Now, the men who were back of Ryan did not agree with the others, and they do not believe Ryan is guilty. They do not think he is, many of them; some of them think he is guilty and support him, I suppose.

I suppose that the conditions that produced the idea in the minds of the McNamaras produced the same idea in the minds of some others, but not all, not enough to make it the policy of the organization. And when they tried the case in Indianapolis, in the unfair manner in which it was tried, and for which the court has scored Judge Anderson, those men have thought that he was unjustly convicted, and have stood by him. I think that is the psychology of the case.

Commissioner WEINSTOCK. The answer, then, is, Mr. Harriman, as I gather it, that in the case of that particular individual, Ryan, organized labor looks upon him as unjustly convicted and as a martyr to the cause?

Mr. HARRIMAN. Whether organized labor does or not, I think that their union, the iron workers' union, does. I do not think they believe he is guilty.

Commissioner WEINSTOCK. Was not his case taken up to the highest courts?

Mr. HARRIMAN. I think so.

Commissioner WEINSTOCK. And his verdict affirmed?

Mr. HARRIMAN. I think so.

Commissioner WEINSTOCK. Well, then, are we to infer from that that our courts from top to bottom will cooperate in punishing an innocent man?

Mr. HARRIMAN. Well, I don't know whether they will from the top to the bottom, but they will halfway up.

(A demonstration by the audience here occurred.)

Chairman WALSH. Ladies and gentlemen, we must have perfect order, or we will have to clear the room.

Mr. HARRIMAN. I refer in this respect to Judge Anderson, because he did——

Chairman WALSH. I am sure Mr. Harriman joins with me——

Mr. HARRIMAN. I do.

Chairman WALSH. In requesting the most perfect order. Any audible expression now will have to be handled by the sergeant at arms. This must not break up in confusion.

Mr. HARRIMAN. Beg pardon for putting it in that way.

Chairman WALSH. Just put it in your own way, and just as expressively as you wish. I know the audience will bear with us and restrain themselves.

Mr. HARRIMAN. And I wish to make this point on that, that probably you would not find many judges in the higher courts who would not be perfectly fair if their fundamental premise was not attacked. We must observe this fact in those trials that the judges of the courts reason from a different premise from the men in the labor struggle. All of our laws are founded upon the rights of property and are woven to protect the rights of property, because they believe—those in power believe that by the possession of property their liberties are best preserved. The labor movement reasons from a different premise, namely, that the property that has been accumulated is the power by which the laws are made to curtail their privileges and their powers. And being curtailed by them, they shift to the point of personal or human rights, rather than property rights. Now, the judge on the bench, not having analyzed or studied

the question, becomes indignant when he sees the question raised, because it attacks the very premise from which he reasons and the very premise upon which the law is built. And their attitude of mind and their entire psychology is just as opposed to organized labor's psychology as it can be, because their logic is different, from a different premise—both absolutely sincere and neither corrupt from the standpoint of money, not at all. Both sincere. They don't have to be corrupt. The logic from their premise will draw the conclusion, and that is the situation. I think every lawyer that has looked into the economic question would draw that conclusion generally.

Commissioner WEINSTOCK. Well, granting, Mr. Harriman, that taking this particular case that we have before us now—the case of Ryan—granting that the courts, as you put it, halfway up, would not hesitate for some end, some ulterior end, to convict an innocent man; in that particular case, however, as you have explained, the case was carried up to the limit of the courts. Must we, then, infer that in that case also the courts all up and down the line——

Chairman WALSH. The case did not go to the Supreme Court of the United States, did it? It went to the Federal court of appeals only?

Mr. HARRIMAN. That is all.

Commissioner WEINSTOCK. It went as far as it could go.

Chairman WALSH. No; if the Supreme Court desired jurisdiction, it could have been transferred there.

Mr. HARRIMAN. No; the Supreme Court refused to take cognizance of it.

Chairman WALSH. I suppose that is what he means.

Mr. HARRIMAN. You say are we to infer. We are not to draw an inference; we are to only look at the fact. Now, the fact is the ironworkers' union, when they saw the trial in Indianapolis, drew its conclusion at the end of the trial and stayed with it, and had no reason to believe that one judge a notch higher was any different from a judge a notch lower. Could not change their mind. And the reason the mind is not changed like in the cause of the struggle. You go back to the cause of the struggle and there your psychology is formed.

Now, all the trials must be upon an absolutely fair basis before you will ever convince the army back of their general that their general is criminally corrupt. And if their is any unfairness in the trial, that army will stay and crystallize around that general in spite of the world. No matter which side this is on, that is the very characteristic of the mind and will seek to protect itself by these very acts.

Commissioner WEINSTOCK. Well, then, in order to get at the underlying attitude of organized labor toward violence in labor troubles, are we to assume this, in this particular case, that the McNamaras, having confessed, there can be no shadow of doubt about their guilt?

Mr. HARRIMAN. No, no.

Commissioner WEINSTOCK. Are we then to assume that organized labor took the ground that while these men were guilty, having confessed to it themselves, that they acted on their own individual volition?

Mr. HARRIMAN. Absolutely, and they said so. And they must have. Now, just stop a moment and think of it, how impossible it would be for one or two men, to have as the courts and steel companies proposed—to have 50 or 75 men scattered all over the country to whom they must have written and arranged their whole plan to carry such a scheme. Could it possibly have been done? Must it not have been done just as they said, that when a strike arose they corresponded with the men and told them to carry on their strike and then sent one man to the spot to do the work? What other could have been done, and how else could they have conducted their campaign and kept it secret?

Commissioner WEINSTOCK. Are we further to understand, then, that these men who confessed to having committed the crime, out of their private purse furnished the funds that were necessary to carry on this work, which of course, must have been very great?

Mr. HARRIMAN. Well, I don't know anything about how they got their funds. They claimed to have charged it up to the organization account, and in that way they claimed to have concealed it. It does not appear of record, and did not appear at trial that it was ever charged up to boring dynamite. It could not appear that way on their books.

Commissioner WEINSTOCK. Does it seem reasonable to you, Mr. Harriman, that two men could without the consent and knowledge of other officials holding positions of trust and responsibility, have misused the funds of a great institution?

Mr. HARRIMAN. Well, there might have been some that knew it. I don't know. They say not. They say they did it themselves on their own responsibility and will tell you that they could not have done it any other way and kept it under cover, and I believe it is true. I don't see how they could have continued such a campaign and taken 50 or 75 men all over the country into their confidence without the same having been disclosed long ago. It could not have been done by any contrivance that I could see.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. Mr. Harriman, has your experience led you to believe that violence of another form is repeatedly and continually indulged in by the other interests in the struggle of this class?

Mr. HARRIMAN. Yes, sir. There has been some violence so far as we believe.

Commissioner GARRETSON. Moreover, violence of a character that absolutely violates and invades the rights and liberties of half a nation?

Mr. HARRIMAN. Well, it seems so to us. We are on the other side, but it is lawful violence.

Commissioner GARRETSON. Quasi lawful.

Mr. HARRIMAN. Quasi lawful. It will be sustained. It is organized force that is practiced on the pretext of preserving the peace.

Commissioner GARRETSON. Isn't the result of that that the labor man, regardless of whether he is a trade-union man or not, believes that every element that enters into government, legislative, judicial, and administrative, is bound together for the purpose of depriving him of those interests that he believes he is legally entitled to?

Mr. HARRIMAN. That is just the foundation I tried to lay. Here are two fundamental interests, and each class struggles to preserve its own interest. The one in power makes the law, and the enforcement of that law protects his interests as against the other and will so continue until the other will have accumulated a greater power, so that he can change the rules of action. That is a simple process.

Commissioner GARRETSON. And the result of that course of action and of that belief in the mind of the body of the people, what is it?

Mr. HARRIMAN. What is the result?

Commissioner GARRETSON. Yes, sir.

Mr. HARRIMAN. Well, it produces a different effect in different zones and in different localities, depending upon the degree to which the power is pushed. Now, for instance, take the Colorado situation: There in that locality it has produced open hostility. The men have actually resorted to arms to fight the organized government. It is a result of the clash. Here the hostility was such that it produced a great political organization which is the forerunner of a more intense clash if the fight keeps up. In other places where they were more successful it brought a political organization—in San Francisco—which took hold of the power to a certain extent. In other places where the fight is not yet quite so intense the psychological effect is still as noticeable, but they are all part of the process, creating a psychology in the two camps over this clash of interests.

Commissioner GARRETSON. But isn't the result exactly the same in all localities, varying only in degree in this, what evolved into an armed contest in Colorado exists in its metal form wherever this course has been pursued, in its distrust of the courts and contempt of the law?

Mr. HARRIMAN. No, sir; I don't think that, quite. I think that it all takes the form of the exercise of power. Now, the exercise of power takes a different psychological form according to the necessity of the case. For instance, in this city the exercise of that power took a political shape. If that were pressed to a further degree it might take the same shape it took in Colorado.

Commissioner GARRETSON. That is precisely the point I raised. The only difference is the degree, wherever violence is exercised by the other side.

Mr. HARRIMAN. But it differs also in kind as well as degree, because the one might have in mind a peaceful exercise of power while the other, going further, might resort to a forceful exercise of that power.

Commissioner GARRETSON. Where the provocation was pushed further?

Mr. HARRIMAN. But in all of it it is an exercise of power. That is the fundamental proposition, and it is to preserve the interests of the class that has the power, and it is the world over true. It is inevitable.

Commissioner GARRETSON. Now, is the comparative relation of the individual to the union—from your experience is not the relation of the individual member of the labor union exactly the same as the individual relation of a member of a political party or of a member of a church—he will take action and hold opinions along individual lines?

Mr. HARRIMAN. Certainly.

Commissioner GARRETSON. Regardless of what the declared opinion or policy of the body of which he is a part may be?

Mr. HARRIMAN. Yes, sir. I tried to bring that out before.

Commissioner GARRETSON. It is nothing but the expression of individualism?

Mr. HARRIMAN. That is very frequently the case, and that is all too often misunderstood as the policy of the organization, and I am speaking of the policy of the organization as I understand it.

Commissioner GARRETSON. What effect must it necessarily have on the mind of the man, not only the labor unionists, but other men, when a representative of the law makes the open unqualified declaration on the witness stand before this commission that, growing out of 30 years, almost, of practice as an attorney, and as a paid official holding that position at the present time, there is no equality before the law for the rich man and the poor man?

Mr. HARRIMAN. Well, it aggravates the situation, and intensifies the feeling, of course.

Commissioner GARRETSON. It simply crystallizes the nebulous feeling that might before exist?

Mr. HARRIMAN. Well, his statement would do precisely what the antipicketing law did here. That was a war measure. It produces precisely the effect you are trying to overcome.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock has another question.

Commissioner WEINSTOCK. Commissioner Garretson has endeavored to bring out the point as to whether or no the employers were likewise not guilty of violence in labor troubles. Along that line may I ask if any instance came under your notice that you can bring to the attention of this commission where the employers have initiated acts of violence?

Mr. HARRIMAN. Yes, sir.

Commissioner WEINSTOCK. Can you give them?

Mr. HARRIMAN. The antipicketing ordinance, with the police force which arrested 470 men and put them in jail.

Commissioner WEINSTOCK. Any other instance?

Mr. HARRIMAN. The injunction procured unwarrantedly, because no disturbance of the peace prior to the granting of the injunction.

Commissioner WEINSTOCK. Would you hold the employers responsible for the acts of the city administration?

Mr. HARRIMAN. Absolutely, for they were in power and dictated the ordinance and went before the city council and urged its passage and demanded its passage. You see one is in position to use the social power against the organized labor, whereas organized labor is not in a position that when it uses its own power it is in violence of the law made against it. You have two—coming back to the question, you have two fundamental conflicting interests, each trying to protect itself. The one in power makes a law by which it can use the social power to enforce its interests. The other is not in position to protect himself against that social power. It is as much violence to pass an antipicketing law to force wages down and arrest men and put them in jail as it is to resist. But the policy of the trade unions is not to resist, because they are weak and not able to fight the social power; but to wait until they can gain enough power to take charge and hold of the social power. That is the policy.

Commissioner WEINSTOCK. In other words, you would not justify violating a law simply because you or I thought it was not a good law?

Mr. HARRIMAN. I would justify any act, not in destruction of property or life, that will preserve their organization. That is the essential thing to do, because if they don't preserve their organization, the other fellow has a clean sweep, and, as I said yesterday, the sticks are separate and you can break them easily and dictate the hours and wages, and the standard of living goes down. They must preserve their organization. Now, here was a law passed by which they could arrest men for talking quietly to men all over the city. The court held it was a violation. Shall they talk to those men? Is it a violation? The court said yes. Yes, I will justify it and tell them to go to it. They have to preserve their organization, but that isn't destruction of property or of life. They have

to preserve their organization so that we will say, "See your man and talk to your man, you have done nothing wrong." And they could not convict a man to save their lives before a jury of this city on such a deal.

Commissioner WEINSTOCK. Is this the situation, then, Mr. Harriman, that when the life of the organization is at stake, in which you and I happen to be very much interested, would we be justified, from your point of view, in violating a law because we think it is not a good law, to preserve the existence of that organization?

Mr. HARRIMAN. I am now referring you to the facts as to the results; not as to my view of the justification. But when they passed the antipicketing law, they arrested 480 men and put them in jail. The result was that the fellows fought their way, every way they could to preserve themselves.

When they went a little further in Colorado they produced muskets. I am talking to you now about the results, not my view of the process, what process produced it. The process that produces is the thing to investigate here. Here are two organizations, each using their power to further their interests. One uses the social power, and the other uses the power of organized labor. The campaign is carried into their camp, passes a law, and begins to crush them. They use every method they can and finally the result is the political party here; then a campaign of musketry in Colorado. These are the results, as I say, that arise out of the struggle when carried too far, but whether we justify it or not in our own minds, the facts take their course, and you can only look at the process and see what happens under the circumstances and why it happens. That is all.

Organized labor's policy, as I say, has been peaceful, a peaceful policy, as far as it can be, because it sees it is going up against a power, the power of capital, which holds on the power of State by which labor can be crushed—and it will remain quiet and peaceable. Change the laws to conform to their interest—it is the only sane policy for them and for the community. Now, for instance, when the antipicketing law was enforced they suffered indignities, and they used violence to force it on them. The result is a political party; that was one of the issues of the campaign. If that struggle had been pushed as far here as it had been in Colorado, probably the psychology would have been the same here. Who knows? I say we can only analyze the process through which the mind goes in its development to use the methods to preserve itself. That is all it can do, not that I justify one thing or the other. This happens under these conditions.

Chairman WALSH. Commissioner O'Connell has some questions he would like to ask.

Commissioner O'CONNELL. This question, Mr. Harriman, of violence. The term violence seems to be only used for one side of this industrial question. What would you term a person who attempted or succeeded in debauching the legislature, the representatives of the people? What violence would he be doing?

Mr. HARRIMAN. He would be violating—he would do violence on the entire State. If he passes a law for his own interest—I don't see that there is a great deal of corrupting of the legislature, not near as much as we imagine, and for this reason: That the men who are elected to the legislature reason from the same point of view as the men do who want the law passed. And those who contribute to the campaign, a representative going up to him and saying, "Our people want this law passed," he is one of their people and reasons from the same point of view, passes the law perfectly honestly by means of which the man who induced him to pass it reaps a rich harvest. For this reason there is less corruption in the legislature than you might think, although the same results are there for the violence upon the people, because they are able to exculpate them more than they would without the law.

Commissioner O'CONNELL. You have heard of corrupting the representatives of the people in Congress?

Mr. HARRIMAN. Yes, sir.

Commissioner O'CONNELL. Have you heard of any association, employers or otherwise, expelling any members because of their attempt, successful or otherwise, in corrupting the Members of Congress?

Mr. HARRIMAN. No, sir. But they have been convicted under their own laws.

Commissioner O'CONNELL. You have heard of Congressmen having, by pressure of the situation, to resign, because of their close association with certain representatives of the employers of this country?

Mr. HARRIMAN. I have.

Commissioner O'Connell. Have you heard of any association expelling anybody because of that?

Mr. Harriman. No; none. But the attitude is a very different situation, for the reason that their own men in their own camp, under their own law, are driven to the extremity of protecting themselves against their own people, whereas, in the case I spoke of, there are two warring camps.

Commissioner O'Connell. You have heard of representatives of certain organizations in this country who have been in Congress for years and who have succeeded, publicly or otherwise, as was stated before committees of Congress, that they have used money, that they have controlled by the use of funds belonging to certain associations in this country, legislation—controlled the men who were sent there to represent the people?

Mr. Harriman. I have read the investigations.

Commissioner O'Connell. Have you heard of those associations expelling, suspending, fining, or reprimanding anybody for carrying on that state of affairs at Washington?

Mr. Harriman. I have not so far as I have learned, of anyone in a position of trust.

Commissioner O'Connell. Are these same people the representatives of the public and otherwise of these same interests at the present time?

Mr. Harriman. I didn't catch your question.

Commissioner O'Connell. I say, aren't the same representatives who are interested in these hearings and this legislation and this corruption and debauchery that took place in Congress, are they not the same men who are now representing and speaking for the same organization?

Mr. Harriman. They are, as I understand it.

Commissioner O'Connell. I suppose these same men are held in high esteem by their employers?

Mr. Harriman. They seem to be. They are held in positions of trust.

Commissioner O'Connell. And are probably rewarded for faithful service rendered.

Mr. Harriman. I should surmise so. I don't know what their business relations are.

Commissioner O'Connell. Mr. Commissioner Weinstock asked you whether organized labor had taken any vote, or had pronounced against violence. I don't know why. I take it that you are not a member of organized labor.

Mr. Harriman. No; I am not a member of any organization. I am an attorney.

Commissioner O'Connell. You are a member of the union of the bar, I suppose?

Mr. Harriman. No, sir; I am not. I never joined the bar association in this city. I have been active with the labor boys.

Commissioner O'Connell. I take it, then, that you are not a member of the trade-union movement of this country, and you would not qualify to speak for what labor has done or has not done?

Mr. Harriman. I am not qualified.

Commissioner O'Connell. Per se?

Mr. Harriman. I am not qualified as to their condition, their organization. Plenty of men here who are.

Chairman Walsh. Prof. Commons.

Commissioner Commons. Mr. Harriman, speaking about any practical recommendations which you might have to make, or such recommendations as this commission might make to Congress and the States, as I gather from your discussion, apparently there is no other recommendation excepting that we should recommend the formation of a socialist labor party. Is there anything?

Mr. Harriman. No; I am not making such a recommendation at all.

Commissioner Commons. Well, have you any specific recommendations which you would suggest beyond the forming of a party of wage earners that would take care of this psychology which leads to violence; that is, obviate this very movement and frame of mind that you contend on both sides leads to merely a struggle of power without any sense of justice or right? Have you any suggestions of a practical character that we could recommend?

Mr. Harriman. I don't think any change of attitude will arise as long as there remains a fundamental conflict in interest. In other words, I believe men's ideas of law and order, equity and morality, are determined by their economic interest. And, as I said yesterday, while that lasts the two classes have a different idea of law according to their different interests, and you

never can harmonize them until we make their interests mutual and common. For instance, we have but little difficulty where our interests, our economic interests, are identical. We never have a war over them. We have issues as to management but not a fundamental clash. And until we have a community of interest we can not have a common idea or theory of law or equity or justice, because what is just to the one is unjust to the other in our present order.

Commissioner COMMONS. Well, then, that comes out just what I thought you meant, that there can be no solution except the formation of a class party that will fight it out until such time as the propertied classes are put out of commission.

Mr. HARRIMAN. Well, such—that is, as far as that institution is eliminated and transformed, until the social power which is expressed in our large properties becomes really a social power instead of a class power; never until that is done will you harmonize your conflicting forces. You can't do it, because that is the bone of contention.

Commissioner COMMONS. Well, then, assuming that that is your position, that they never can be harmonized until they are put out of commission, have you any suggestions as to what might be done. Take, for example, the specific question of a scheme of arbitration and mediation, the question of employment offices—any of those propositions—do you think that it is worth while to make any recommendation at all along those lines?

Mr. HARRIMAN. Oh, there are so many matters of that kind that are part of the process. I hardly feel like any recommendation other than our general platform of the working-class movement the world over; that is, as measures to work for, tending toward a community of interest.

Whatever tends toward an adjustment and a community of interest I think eliminates your struggle, tends to eliminate your struggle. And to suggest one or two or a half a dozen little measures—I don't think I would care to do it. But, as a sweeping measure, I say whatever tends to establish a community of interest—yes. It ought to be made a part of the process of the change, and let it develop.

Commissioner COMMONS. Well, by community of interest do you mean the wiping out of one interest, or do you mean a recognition and a dealing between the two opposing interests?

Mr. HARRIMAN. Well, you can't deal. Let me go back again to the cause of this, so that you can see that you can not, from my conception. Here is a man who works—going to a general proposition. The first law of nature is the conservation of energy. That man wishes to conserve his energy, whether he knows it or not. It is the same with the horse, the same with an Indian, the same with an educated man. If he works a day and gets less than he produces he doesn't conserve his energy. And he unconsciously or consciously is a rebel to the fact—to the institution that appropriates that energy. He does that blindly. A stone rolling down hill will do that; it will follow the line of least resistance. The very fact that he does not conserve his energy—that moment he begins to rebel, consciously or unconsciously.

Now the man that employs him and gets a part of this energy without rendering an equivalent in order to make a profit, does conserve his energy and he likes it. Now, right there is implanted a permanent conflict. Property grows out of that. To make a sweeping statement, anything that we can get for nothing is worth nothing. That means that whatever is worth anything is worth what it costs in energy to get it, that is the labor that is in it. Now that labor, then, is just as powerful whether it is in the muscle or in the commodity. As long as that power in the commodity can be used to get more power you intensify your struggle. That power, therefore, becomes a social power to extract social energy, and as long as the power is used your war goes on. Now the thing to do is to take this productive capital—I don't care what form you find it in—in any sort of a factory, and make that a social power with a common interest, not eliminating the owner from participating in its benefits, but permitting those who produce it to participate equally in its benefits. And your interest becomes common and you have changed the foundation and eliminated the cause of your struggle. But as long as the man by reason of his ownership of a bit of machinery or a device can dictate terms to a man to work, then you have all the elements of your struggle present, and you can't eliminate it, for that that encourages the one discourages the other from either point of view that you take it.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Garretson wants to ask you another question.

Commissioner GARRETSON. Mr. Harriman, I just want to ask you one question brought out by a question by Commissioner Weinstock in regard to the observance of law. Did these United States of America have their birth in observance of law?

Mr. HARRIMAN. No, sir; they didn't.

Commissioner GARRETSON. Did the emancipation of the slave herein have its birth in the observnce of law?

Mr. HARRIMAN. It did not.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all.

Thank you.

Chairman WALSH. Mr. Wood.

Mr. MANLY. Mr. Wood—Mr. Walton J. Wood.

(In connection with the testimony of Mr. Harriman, Commissioner Weinstock subsequently submitted the following letter:)

MARCH 10, 1915.

Mr. JOE HARRIMAN,
Attorney at Law, Los Angeles, Cal.

DEAR SIR: During your examination as a witness at the public hearings held September last, in the city of Los Angeles before the United States Commission on Industrial Relations, I asked you the following questions, to which you made the following answers as shown by the stenographic report of the proceedings:

"Commissioner WEINSTOCK. What is the answer, then, to the charge that also has been made, not only by nonunion employers who are the enemies of organized labor, but also by thoughtful men and women all over the country whose sympathies are with labor and who have ever been ready to do all they could to further the interests, legitimately and properly of organized labor—what is the answer to the charge made by such as these against organized labor that it is in sympathy with violence, from the fact that it retains in positions of trust and honor, and reelects to positions of trust and honor men who have been convicted of a crime and who are generally believed to be guilty—such as Mr. Ryan, president of the structural iron workers, who was reelected to his post of honor after he had been convicted, and who, so far as I know, despite the fact that he is serving his sentence, is, I think, still the president of the structural iron workers.

"Mr. HARRIMAN. Have you read the transcript of the testimony in Indianapolis?

Commissioner WEINSTOCK. I have not.

"Mr. HARRIMAN. When you read it you will see that no union man could ever believe that man was justly convicted. There is a summary of that transcript that is an abomination to the Lord and the devil. There never was a trial in Russia that begins to compare with it. The transcript speaks for itself. Now, those men are the very men whose psychology I have endeavored to describe. The history of the iron workers' strike with the steel company has been one where men—where the unions have been destroyed, where wages have been lowered, where men are unable to support their families and where the acts of the McNamaras, unwise as it was, was forced by an enemy, very much as the European war, the Christian war is forced by the enemy. I do not hear the same men comment in the same way upon conditions that arise in their own camp. When you have a war on you can only analyze the causes of the war and look at the consequences. Now, the men who are back of Ryan did not share with the others, and they do not believe Ryan is guilty. They do not think he is, many of them; some of them think he did and support him, I suppose. I suppose that the conditions that produced the idea in the minds of the McNamaras produced the same idea in the minds of some others, but not all, not enough to make it the policy of the organization. And when they tried the case in Indianapolis in the unfair manner in which it was tried, and for which the court has scored Judge Anderson, those men have thought that he was unjustly convicted, and have stood by him. I think that is the psychology of the case.

"Commissioner WEINSTOCK. The answer then is, Mr. Harriman, as I gather it, that in the case of that particular individual, Ryan, organized labor looks upon him as unjustly convicted and as a martyr to the cause?

"Mr. HARRIMAN. Whether organized labor does or not, I think that their union, the iron workers' union does. I do not think they believe he is guilty."

Shortly thereafter there appeared in the Los Angeles Times (Oct. 31, 1911), an article written by Mr. Walter Drew, the counsel for the erectors' association, an association composed of employers and contractors in the structural iron industries, in which article Mr. Drew took issue with your statements made before the commission relative to the innocency of President Frank M. Ryan of the structural iron workers, in connection with the dynamiting charges against him, upon which he was convicted in the United States courts.

In his answer to your statements, Mr. Drew presented documentary evidence which, if left uncontradicted, could leave no doubt in any fair mind of the guilt of Frank M. Ryan.

In my desire, as a member of the Commission on Industrial Relations, to get at the facts, I called your attention to the statement of Mr. Walter Drew, and asked what answer could be made thereto. In reply you sent me, in due course, a copy of the brief prepared by Mr. Ryan's counsel, which was presented to President Woodrow Wilson, as a petition for Mr. Ryan's pardon.

I presumed it was your intention, by the contents of this brief, to show that Mr. Ryan was an innocent man, and that he was being punished by unjust imprisonment at Leavenworth, and that therefore his unions were justified, despite his conviction, in retaining and reelecting him to the highest post of honor in the gift of his fellow unionists.

I have carefully read the petition for pardon. I find that it was not denied by any witness during the prolonged Indianapolis trial, that a strike had been declared against the American Bridge Co. in August, 1905. It was not denied by the witnesses that a fight was waged by the union structural iron workers against the so-called "open shop."

It was not denied that in the course of the six years following 100 or more disastrous explosions occurred in various parts of the country.

It was not denied that without exception every one of these explosions took place on the premises where nonunion structural iron jobs were going on.

It was not denied that the dynamite and nitroglycerin that caused these explosions were bought with money gotten upon checks signed by Secretary J. J. McNamara and President Frank M. Ryan, of the structural iron workers.

It was not denied that Ortie McManigal and the McNamara brothers, and others who were guilty of these crimes, were in the service and pay of the union.

It was not denied that the constitution of the union of the structural iron workers was during all these years deliberately violated, in that its officials did not publish the items of expenditure, but that every effort was made to conceal the fact from the rank and file of the membership of the association and from the American people, that the funds of the union were used for the purpose of buying explosives with which to commit crime, and to hire men to commit such crime.

It was not denied that explosives were found stored in the rooms of the international association, and that McNamara had had a room made for such storage.

It was not denied that all these things happened during the course of six years, under the administration of Frank M. Ryan as president of the association.

It was conceded by his counsel that Frank M. Ryan was active in the direction of the affairs of the international association; that he was zealous, persistent, and devoted.

The only defense to this array of undisputed facts was the statement on the part of Frank M. Ryan that these things happened without his knowledge or consent. Does it not seem to you, in view of the foregoing facts, that Ryan's plea is equivalent to acknowledgment on his part of at least the grossest sort of criminal official negligence, if not mental imbecility? Does it not further seem to you that to expect the grand and Federal juries, the High Federal courts, and President Wilson to declare Ryan not guilty, in face of the facts presented, is an insult to their intelligence and their good citizenship?

The sad and deplorable thing about it all, as I see it, is that in the face of the conviction of Ryan by the grand and Federal juries and by the United States circuit court of appeals the rank and file of the structural iron workers' association should have retained and reelected him to the highest post of honor in the gift of the association; thus treating with contempt, as it were, the verdicts of our high Federal courts and seemingly flaunting a spirit of defiance in the face of the American people, including the President of the United States, who, despite his well-known sympathy with the cause of organized labor, refused to grant

Ryan a pardon, thus confirming the judgment of courts and juries. It is to be deplored that in this wise the structural iron workers' association should have proven itself organized labor's worst enemy by dragging the good name of unionism into the gutter and by making in the minds of many a character for all organized labor, thus tending to destroy the greatest asset that trade unionism can have—the confidence, the sympathy, and the good will of the American people.

Yours, very truly,

HARRIS WEINSTOCK, *Commissioner.*

P. S.—Please note that I say the foregoing not for the commission, but as a member of the commission.

H. W.

TESTIMONY OF MR. WALTON J. WOOD.

Chairman WALSH. Mr. Wood, just take that chair, please. What is your name?

Mr. WOOD. Walton J. Wood.

Chairman WALSH. Your profession?

Mr. WOOD. Attorney at law.

Chairman WALSH. How long have you practiced your profession in Los Angeles?

Mr. WOOD. About—a little over seven years.

Chairman WALSH. Do you hold any official position in Los Angeles?

Mr. WOOD. Public defender of Los Angeles County.

Chairman WALSH. How long has it been since that official position was created?

Mr. WOOD. It was created by the county charter which took effect a year ago last June.

Chairman WALSH. And does your jurisdiction extend throughout the entire county as well as the city of Los Angeles?

Mr. WOOD. Yes, sir; I should add that I don't—that I didn't take office until January 6 of this year.

Chairman WALSH. Will you kindly pitch your voice a little high. The audience seems to be very anxious to hear what the witnesses have to say, and if you will turn that way a little it will be all right, because we will hear you. Now, what was the reason, just as you understand it, for the creation of that position?

Mr. WOOD. The office has jurisdiction in both criminal and civil matters. There had not been adequate means provided for——

Chairman WALSH. They can't hear you out there.

Mr. WOOD. I haven't as piercing a voice, Mr. Chairman, as Mr. Harriman.

Chairman WALSH. Well, now, try to pierce them a little, and let us have the idea that you are a public defender that can be heard all over the court room. [Laughter.] That is a joke. I make them laugh, and then make them quit. Go ahead.

Mr. WOOD. There was not adequate means provided for the defense of those accused of crime; and in the civil department there was not any means provided for redress for a great many people who were without means of providing redress in civil matters.

Chairman WALSH. I wish you would state the class of civil business, the class of clients that this created office was intended to serve; that is, in civil matters, now.

Mr. WOOD. The law fixing the jurisdiction is very short, Mr. Chairman. I could give it almost in the words of the charter. I am to prosecute actions on behalf of people who are unable to employ counsel, on account of financial conditions, for claims not over $100. And I am to defend all persons who are being harassed by court proceedings who are without means of employing counsel.

Chairman WALSH. Being harassed by what?

Mr. WOOD. By court proceedings, who are unable to employ counsel. No provision is made for going into the divorce court or for anything more than the demands which are reducible to a money judgment, as I construe the law.

Chairman WALSH. Are you the first public defender?

Mr. WOOD. Yes, sir.

Chairman WALSH. You are the first one that held the office?

Mr. WOOD. Yes.

Chairman WALSH. Now, how do you determine, how is it determined as to whether or not a person charged with a criminal offense is entitled to your services?

Mr. WOOD. The nature of the case nearly every time determines that. We do not appear in the police court or in the preliminary examination. We only appear in the superior court, where in nearly every case it is a felony charge. They first have to go through the preliminary examination, and the law does not make provision for us to appear there. Now, if a man has means to get a lawyer, he will get him at the preliminary hearing, so by the time they come to us, nearly every time, that is a case where they are without means. I have had one or two cases where I was in doubt as to whether or not I should take the case. Judge Willis has appointed me to defend one man, who appeared to have property, and I referred the matter to the judge and told him that probably he had made a mistake, and I would rather have his opinion on it. And he told me he would give the man the benefit of the doubt, which I thought was what we ought to do, and we defended him.

Chairman WALSH. Now, I wish you would sketch over from the beginning of your incumbency, how many cases you have had, the general nature of them, and the attitude of the other State officials, the prosecutor, and the court, toward the conduct of your office.

Mr. WOOD. The work necessarily has to be divided into two classes, they are so distinct. Taking the criminal first: We have had 200 cases, nearly all of them felony cases. The courts and the prosecutors have treated us with a great deal of consideration. I think on the part of some, beyond any question on the part of some, the opinion existed that there was no necessity for the office. But I think now that there is not an official in the county hardly with whom we have come in contact who would say that the office should not continue to exist.

Chairman WALSH. What was that? I can not hear you.

Mr. WOOD. Who would say the office should not continue.

Chairman WALSH. Who would say the office should?

Mr. WOOD. It is the universal opinion; I think that is universal.

Chairman WALSH. That the office should exist?

Mr. WOOD. That it should exist; yes, sir.

Chairman WALSH. Now, I wish you would give us your experience with reference to the collection of these claims under $100, which, I take it, would probably be wage claims, largely; or would they?

Mr. WOOD. About one-third are wage claims.

Chairman WALSH. About one-third?

Mr. WOOD. We have had since January 7 nearly 5,000 applications for help in civil cases—4,945; I tabulated them last night. At least half of them are people who come in for advice on different matters. Probably the domestic relation feature is the most numerous. A great many women have trouble with their husbands, and they are without means entirely, and they do not know what their rights are, and about the custody of children. Some people have trouble with landlords, and sometimes the landlords come in for us to eject tenants. They are proprietors of small apartment houses, sometimes people without means themselves, not making enough to pay rent. The law does not authorize us, however, to go into either the divorce court or to eject tenants. I have enlisted the aid of the bar association, however, to handle this class of people. There are a number of lawyers in the city who have time on their hands and some who are willing to give time to help this work. And I have asked the bar association to enlist the aid of the attorneys of the city, and now I have a list of lawyers, and when someone comes to me who has a case that I am not authorized to represent, I take them from this list in alphabetical order. In that way why nearly anybody who is without means can get a lawyer, if he comes to our office.

Chairman WALSH. Please tell us the character of the wage claims, the general character of them.

Mr. WOOD. They cover nearly all kinds of disputes between employer and employee. A great many of them are those in which the employer has trouble raising the money himself. A letter from us makes him try harder to make the payments. Others are cases in which there are disputes between the employer and the employee.

Chairman WALSH. How much of an appropriation do you have to carry on the work in your department?

Mr. Woon. We have no appropriation at all. The county buys us supplies and pays our salaries.

Chairman WALSH. Is there any limit placed by your county board or board of county commissioners on the amount of your expenditures?

Mr. Woon. No, sir. We have traveling expenses also.

Chairman WALSH. Sir?

Mr. Woon. We have traveling expenses also.

Chairman WALSH. How many paid officials are there in the department?

Mr. Woon. There are now nine, and three will shortly be added.

Chairman WALSH. Who has the appointment; is it under civil service?

Mr. Woon. All under civil service.

Chairman WALSH. Were you appointed under civil service, Mr. Wood?

Mr. Woon. Yes, sir.

Chairman WALSH. What salary do you receive?

Mr. Woon. My salary now is twenty-seven fifty.

Chairman WALSH. Twenty-seven fifty?

Mr. Woon. There is an ordinance in preparation now to raise salaries all along the line. It was fixed at a time when the business was very small.

Chairman WALSH. Are you permitted to practice outside?

Mr. Woon. No, sir.

Chairman WALSH. Has there been any industrial dispute in Los Angeles since you have been appointed?

Mr. Woon. No, sir; not that I know of.

Chairman WALSH. You haven't been called upon, then, to take a position one way or the other?

Mr. Woon. No, sir.

Chairman WALSH. Now, have you heard the testimony here of what took place in the metal workers and brewery strikes—that is, a large number arrested in an industrial dispute on a charge of violating an ordinance that seemed to be unpopular with those that it was directed against?

Mr. Woon. I did not hear the testimony here.

Chairman WALSH. But you know the circumstances?

Mr. Woon. Something of them.

Chairman WALSH. Would it be your duty to step forward, whether requested or not, to defend men under those circumstances, if they were without means?

Mr. Woon. In the first place I depend upon request of the accused, or upon order of the court.

Chairman WALSH. Regardless of how it arises?

Mr. Woon. Sir?

Chairman WALSH. Regardless of how it arises?

Mr. Woon. Well, I am restricted to the superior court. I would not be called upon to defend that kind of a case because I have no jurisdiction in the police court. Those came up in the police court.

Chairman WALSH. Your jurisdiction, then, is only in the superior court?

Mr. Woon. Only in the superior court.

Chairman WALSH. I didn't understand it. I understood you to say you defended in the lower court, and when they are defended in the lower court by regular attorneys, you assume then that they have the means, but you have no jurisdiction except in felony cases?

Mr. Woon. That is all. Well, not only felony cases, any cases in the superior court.

Chairman WALSH. Anything in the superior court?

Mr. Woon. That is the way the law reads. A case like these picketing cases would come in the police court, violation of the city ordinance, and I would not have any authority to go there at all.

Chairman WALSH. Under your ordinance, the punishment is optional, both fine and imprisonment?

Mr. Woon. Nearly every time.

Chairman WALSH. Nearly every time?

Mr. Woon. Yes.

Chairman WALSH. And there is no public defender and no department of your office that takes up that field?

Mr. Woon. No.

Chairman WALSH. How about the cases of wife and child abandonment, do they not come in the inferior courts?

Mr. Woon. Why, they are felony charges.

Chairman WALSH. Felony charges in this State?

Mr. Woon. They go before one of the branches of the superior court for preliminary hearing and the judge who has the preliminary hearing does not keep the case. They are referred to one of the regular criminal divisions when contested.

Chairman WALSH. Do you defend such cases?

Mr. Woon. We do, a great many of them.

Chairman WALSH. Is there any agency here outside of the district attorney's office, any welfare board or anything that prosecutes such cases?

Mr. Woon. No regular official whose duty it is. A number of them take an interest in those cases, sometimes, when they hear one side, but the prosecuting attorney is perfectly capable of conducting that branch of the law. I think in fact our office does probably more good in that department than anything else.

Chairman WALSH. Is your criminal court in session at the present time?

Mr. Woon. Yes.

Chairman WALSH. How many divisions have you?

Mr. Woon. Two divisions all the time, that is, two divisions devote their entire time to criminal work. There are two other divisions which devote part of their time to criminal work, the failure to provide, and the juvenile courts.

Chairman WALSH. What percentage of cases is there in which the public defender is called for?

Mr. Woon. The public defender is defending all of them now; where they are without means, which is somewhere around 40 per cent, probably.

Chairman WALSH. Forty per cent. Prior to that time then you had to do the defending of indigent persons charged with a crime to appointment by the court?

Mr. Woon. Yes, sir.

Chairman WALSH. Specific attorneys at the bar?

Mr. Woon. The court appointed attorneys. But there were a number of attorneys who made it a practice of being around the jail and trying to pick up crumbs, and they often got them before it got to the period of appointment. We have discontinued that practice very largely now by the public defender law.

Chairman WALSH. Under the old law was there any fee provided for the attorney that defended an indigent person?

Mr. Woon. No, sir. There is none provided now in this State.

Chairman WALSH. Have you gathered any idea from the incumbency of this office that might suggest future development of such a line of activity, public defender?

Mr. Woon. I think the public defender's duty should extend to all the courts.

Chairman WALSH. The lower courts?

Mr. Woon. Unquestionably. I don't think—the government provides an attorney to prosecute, and there ought to be somebody available to tell the accused what his rights are. Sometimes they plead guilty because they believe that is the best way out of it, when they are not really guilty.

Chairman WALSH. Does the line of demarcation still exist between the prosecutor's office and yourself just like it did in the old days between the defendant's lawyer and the prosecution? Are the lines drawn? Are you at war or is there a sort of understanding?

Mr. Woon. We are not at war, but we represent our respective clients just as faithfully as under the old system, except we are trying harder to carry on the work with the object of bringing about justice, and I think we can go to the district attorney and have cases dismissed at times when we tell him what the evidence is that we have. He will take our word for it.

Chairman WALSH. They will take your word for it quicker than under the old paid system?

Mr. Woon. Yes, sir; I think so. We had a murder case here the other day, for example. The question was the man's sanity. That was the only defense. It was a very close case. We united in asking the court to appoint an expert. We did not go out and each hire experts for the county to pay, but we asked the court to hire the experts, and we would take their judgment, as far as expert opinion went. That would be the only expert opinion in the case. That is an example.

Chairman WALSH. Does your office offer pleas of guilty in cases after you are retained and after you consult your clients?

Mr. Woon. Nearly half of them plead guilty.

Chairman WALSH. Nearly half of them plead guilty?

Mr. Woon. Nearly half of the men brought before the bar plead guilty.

Chairman WALSH. And in such cases do you endeavor to take care of the degree of the offense and the amount of punishment?

Mr. WOOD. I think that is the most important work we have to do. Nearly every time there is something to be said for the man accused. He has a starving family or something of that kind or is on a great debauch which changes the motive, and we endeavor to find employment for them under those circumstances.

Chairman WALSH. You say after the man is relieved of his punishment, his term is over, you try to obtain employment for him?

Mr. WOOD. We get employment for him in a great many cases because we can get him out on parole. We lay the facts before the court and show mitigating circumstances, and the court a great many times gives what we call probation in this State. We are looking for work for men continuously.

Chairman WALSH. Have you observed whether or not there are a greater or lesser proportion of pleas of guilty since you have established the office of public defender?

Mr. WOOD. I don't believe there would be very much difference, and it will be impossible to determine on comparing the present system to the old system, for the reason that a number of lawyers were hanging around the jail picking these fellows up, men we get now. They would get the man before they got to the period of appointment, so that I don't believe I will ever be able to make a comparison.

Chairman WALSH. How many civil cases do you have on an average?

Mr. WOOD. We had a little over 50 on each work day since the 1st of July. July, August, and September.

Chairman WALSH. How many of them finally go to final litigation?

Mr. WOOD. In civil cases?

Chairman WALSH. Yes, sir.

Mr. WOOD. Very few. We are able to adjust at least three-fourths.

Chairman WALSH. Is it your policy to settle them like in ordinary private practice, that is, to try to bring them together on a lesser amount, and so forth?

Mr. WOOD. We never file suit without first writing a courteous letter to the other side, and in nearly every case we meet with a response, and we often hold hearings in our office. They bring their witnesses up and leave it to our judgment before we go to court. We go to court very little.

Chairman WALSH. How are questions of costs taken care of in those cases—civil cases?

Mr. WOOD. Sometimes they are not taken care of. Sometimes they forfeit their rights because the costs are too onerous.

Chairman WALSH. Are any of these magistrates or inferior courts still on a fee basis here for their compensation?

Mr. WOOD. No, sir. I think they are all on salary. I would like to add to my last answer about the costs.

Chairman WALSH. Very well.

Mr. WOOD. The charter provides the costs shall be paid in these matters we handle, but no provision has yet been made.

Chairman WALSH. That is, the county charter provides in these cases of poor persons in civil cases where they fail to gain their suit, the costs assessed against them—that the county pays the costs for the individual?

Mr. WOOD. No, sir. We are supposed to be supplied with costs to file suits ourselves, but no provision has been made for that yet.

Chairman WALSH. Prof. COMMONS would like to ask a question.

Commissioner COMMONS. You are familiar with the so-called industrial court in Germany and other countries?

Mr. WOOD. Not enough to discuss it intelligently.

Commissioner COMMONS. Could you say how nearly your system approaches those systems?

Mr. WOOD. I have been so rushed with work since I have been in there that I haven't had time to study conditions in other countries. I am not enough familiar with it.

Commissioner COMMONS. It evidently takes care of a large proportion of the cases that they handle. I presume your settlement out of court would be the same thing as their arbitration? That is, they are on the basis of arbitration or hearing by a nonjudicial officer outside of court. That is about what you accomplish.

Mr. WOOD. To some extent. A letter from our office with a picture of the courthouse on it will bring the recipient up nearly every time, and if they have

a defense they tell us and we try to give justice to both sides, and if we can't get them together, and we think our party has an enforcible demand, then we file suit if he provides the costs.

Commissioner COMMONS. You know the municipal legal aid societies in the country?

Mr. WOOD. I know something of them.

Commissioner COMMONS. How does yours compare with them? You do not go as far?

Mr. WOOD. I do not know anything worth while about any except in Los Angeles. Here in Los Angeles the legal aid society did not have a lawyer in the office at all, and people came in—a good many applied for relief and the party who was in charge of the office, not being a lawyer, could not handle the work as it should be handled and could only refer the matter to the practicing attorneys.

Commissioner COMMONS. That is all.

Chairman WALSH. Say, have you observed what might be called the social effect of your work? As we go about throughout the country here it appears—it crops out every place there is a feeling on the part of persons against what might be called the inadequacy of the law to take care of them and protect them. Have you observed any social effect that your work has had? If so, state it.

Mr. WOOD. I think that our experience has conclusively shown that the prevailing idea of the law being for the wealthy is in a measure true. The very fact that men come in there to collect wages and other small demands, when they have not, sometimes, the price of a meal. We have had just such cases. Men sleeping in the park, who have gone to work for mushroom companies and did not have the price of a meal or to buy a bed to sleep in. We have taken care of those men as best we could. The fact that it costs considerable to file a suit—we figure about six dollars and a half to bring a contested action to trial in the lower court alone, to say nothing of appeal—if they had to pay that and pay an attorney besides, a man with a small claim wouldn't find it worth while to try it. The result would not be worth it.

Chairman WALSH. Do you think that the whole plan has any deep significance, has a force for a better feeling socially—for social betterment?

Mr. WOOD. I think it is a part of the general upward movement, and I have noticed a great many magazines throughout the country have commented favorably on the inauguration of this movement.

Chairman WALSH. Are you the person in charge upon whom the responsibility will be to suggest further developments of it to the government?

Mr. WOOD. I suppose it is my duty to do as much as I can to further the movement. I am trying to do it all the time. I had printed a little pamphlet, which I am sending to the legislatures in as many places as I can.

Chairman WALSH. From whence did the law come? What was the genesis of the law? What was the sentiment for the law, or did it just come from some individual legislator?

Mr. WOOD. I do not know who was the original party. Several years ago a charter for the city was provided with a great many features, and it was defeated, but this particular issue was not discussed during the campaign. When the Los Angeles County charter was adopted the board of freeholders proposed a charter, and this was one of the important changes, and the public found they had a public defender without ever having really discussed this particular feature.

Chairman WALSH. Have you found any protest among the defendants in these cases against the expenditure of public funds in this way?

Mr. WOOD. None whatever.

Chairman WALSH. Commissioner Garretson would like to ask you a question or two.

Commissioner GARRETSON. Is the creation of the position, is it supposed to be the direct opposite of the prosecutor, or I believe your California practice states the district attorney.

Mr. WOOD. No, sir; I don't consider that the object of the office. It would be to defeat justice if that were the case. We are to bring out the facts and the law in favor of the accused. That is my conception of the object.

Commissioner GARRETSON. It has no application on one side of initiating investigation such as attaches to the prosecutor's office?

Mr. WOOD. Not in criminal matters; no, sir.

Commissioner GARRETSON. In criminal or civil matters.

Mr. WOOD. In civil matters we take the initiative as a rule. We sometimes defend in civil matters where people are abusing the processes of the courts, but ordinarily we are on the side of the plaintiff in civil matters and supposed to do whatever is proper and necessary to bring about redress.

Commissioner GARRETSON. Has it come to your attention that what you believed was an absolute industrial injustice under the law, existed as applied to a considerable body of the community? Is there any power vested in your office to take up and investigate and if need be bring action to right the wrong that is done?

Mr. WOOD. The law does not give me any authority to do that.

Commissioner GARRETSON. Could, in your opinion, the broadening of the power of the public defender to make it actually for the defense of the average man what the prosecuting attorney is in matters of initiative and investigation? Do you believe it would be a desirable agency in building up confidence in the law, instead of the distrust of the law, if it was so broadened and applied?

Mr. WOOD. In criminal matters?

Commissioner GARRETSON. Criminal and civil. The wider its scope, would it add to the confidence of the average man who now distrusts the law?

Mr. WOOD. I don't think it would be practicable to put on the shoulders of the public defender duties such as you suggest. I think we might broaden the sphere of operations to other courts. I think the day may come when we will defend all criminals, when they won't have witnesses spirited away, and we will have trials conducted with the object of bringing out justice rather than getting the man off.

Commissioner GARRETSON. And the average laws passed in regard to penalties, either criminal or civil, are initiated largely through the prosecuting attorneys of the various types?

Mr. WOOD. Undoubtedly.

Commissioner GARRETSON. Almost exclusively.

Mr. WOOD. Depending on the complaint of the individual.

Commissioner GARRETSON. This knowledge comes to him on his own initiative, or is he required to do certain things, and isn't that for the benefit of society?

Mr. WOOD. I want to qualify my other statement. It is the duty of the sheriff to arrest and bring people to the bar.

Commissioner GARRETSON. What is that?

Mr. WOOD. The sheriff of the county and the police force; it is their duty to arrest men, and it is the district attorney's duty to lay the matter before the court. The district attorney in San Joaquin County, there was an effort made recently to remove him from office because he didn't close up the red-light district a few weeks ago, and the court held it was not his duty to do that, it was the arresting officer's duty.

Commissioner GARRETSON. On the other hand, the whole series of acts, like the hours of service act—I am taking now the Federal acts, the safety appliance act—who has the initiative, the district attorney, or who shall start?

Mr. WOOD. I do not think it is correct, Mr. Commissioner. The district attorney in many cases takes the initiative upon himself, but there are other officials whose duty it is, primarily, to do that.

Commissioner GARRETSON. They are the only ones named; for instance, take the hours of service act.

Mr. WOOD. Well, I am not familiar with the Federal statutes.

Commissioner GARRETSON. I am only dealing with the Federal now as a type.

Mr. WOOD. I should have to withdraw my answer, then, with regard to the Federal statute, because my duties don't take me into the Federal court, and I am not familiar with it, as I am with the State law.

Commissioner GARRETSON. But if the prosecuting attorney has duties of that character, they are for the purpose of aiding society by seeing that the laws are properly carried out. Wouldn't that be the natural conclusion?

Mr. WOOD. That is the duty of the district attorney.

Commissioner GARRETSON. Then would not the broadening of the powers of the public defender, taking the initiative where knowledge came to him, seemingly, that an improper condition existed, wouldn't the rights of society be better served by such broadening of those powers?

Mr. WOOD. No, sir; because I think the district attorney has to do that.

Commissioner GARRETSON. That is all.

Chairman WALSH. Just a question or two suggested by Prof. Commons. Now, as I understand your statement of the law, it is your duty to defend all indigent

defendants, either upon request of the defendant or upon the order of the court?

Mr. Woon. Yes, sir.

Chairman WALSH. And it is your duty to prosecute all claims under the sum of $100 for poor plaintiffs?

Mr. Woon. The language of the act is very carefully worded.

Chairman WALSH. How is that?

Mr. Woon. I say the law is very carefully worded. It has eliminated the word "poor."

"He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100, and in which, in the judgment of the public defender, the claims urged are valid and enforcible in the courts.

"He shall also, upon request, defend such persons in all civil litigation, in which, in his judgment, they are being persecuted or unjustly harassed."

There are a number of those cases where we defend—a number of them where they sue poor persons to recover up to $100.

Chairman WALSH. What would be a typical case of harassment that it would be your duty to defend?

Mr. Woon. There are a number of them. The most common is the unscrupulous collection agency who attaches, places a garnishment upon men's wages, when he knows they are exempt, when he knows he has no right to take them. And lots of them lose their jobs, when they are working for some large company they don't want to have their men's wages attached, and they will harass him and add costs to try to make him pay, and do other things; and thereby they are using the process of the courts, which is really an abuse of the process, in cases like that I speak of.

Chairman WALSH. You have cases of excessive charge of interest?

Mr. Woon. We have been the means of forestalling a great deal of that trouble on the part of loan sharks. The law provides that 2 per cent interest per month is the maximum, and we have a good many applications for assistance in matters of that kind. Very few of them ever get into court. We give them advice as to what they can do, and generally they go to the company and tell them that they are advised by the public defender not to pay; that they do not have to pay more than 2 per cent per month; and the result has been—one of these companies wrote to us that they were going to discontinue their policy.

Chairman WALSH. Do I understand that the State of California, the labor department of the State of California, has attorneys employed for the purpose of collecting wage claims.

Mr. Woon. They refer them to us.

Chairman WALSH. In Los Angeles they refer them to you altogether?

Mr. Woon. Yes. I do not know what they do outside of Los Angeles.

Chairman WALSH. Prof. Commons asked you whether you had made a study of free legal aid bureaus.

Mr. Woon. Only in Los Angeles.

Chairman WALSH. You have not studied them in New York and Chicago and Kansas City?

Mr. Woon. I have studied their reports, but I do not believe it would be possible to study them from a distance or from reading the reports.

Chairman WALSH. That is all unless you have some suggestions.

Mr. Woon. I have, in view of your suggestion, I have enumerated most of them.

Chairman WALSH. Do you think you have covered them in your answers to these direct questions?

Mr. Woon. Most of them, I think. The office has been a great saving to the county in the matter of expense. I was very much surprised to find that out myself, when one of the judges of the superior courts stated in a letter which I have printed in my pamphlet, that we had saved the county money in the criminal department. That is brought about by advising pleas of guilty in proper cases, by asking for no delays on the part of the court, and by trying cases more rapidly than the attorney appointed by the court under the old system. The conduct of criminal cases has been raised to a higher plane, the district attorney and public defender both realizing that it is the duty of each officer to try and bring about exact justice. We are able to assist the district attorney's office work a great deal. He has made an effort to look after the interests of the defendants when they were afraid to talk to him. I had

one man who was in the last stages of tuberculosis, and he did not know enough to call for the district attorney. He had been really given a trial, but was only held there on a technicality. I think the conduct of criminal cases is on a higher plane, both realizing that it is the duty of each officer to try and bring about exact justice. Now, I think in the matter of civil cases I have enumerated or touched upon all of them in my testimony.

Chairman WALSH. Very good. Will you just kindly submit that?

(Booklet entitled "The Office of Public Defender," dated June, 1914, was submitted in printed form. See also Wood exhibit.)

Chairman WALSH. Mr. Janss.

TESTIMONY OF MR. EDWIN JANSS.

Chairman WALSH. What is your name?

Mr. JANSS. Edwin Janss.

Chairman WALSH. What is your business?

Mr. JANSS. Real estate subdivider.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. JANSS. Twenty-two years.

Chairman WALSH. What is the name of your firm?

Mr. JANSS. Janss Investment Co.

Chairman WALSH. How long has it been operating in Los Angeles?

Mr. JANSS. Subdividing, seven years.

Chairman WALSH. What is its capital stock?

Mr. JANSS. I think $175,000.

Chairman WALSH. And have you engaged extensively or otherwise in the subdividing of estates?

Mr. JANSS. We have. We have localized exclusively in southern California.

Chairman WALSH. Are you developers?

Mr. JANSS. Yes, sir.

Chairman WALSH. You build a lot of houses and sell them?

Mr. JANSS. Yes, sir.

Chairman WALSH. Do you handle the financial part of it yourself?

Mr. JANSS. Sir?

Chairman WALSH. Do you handle the financial part of it yourself?

Mr. JANSS. Yes.

Chairman WALSH. When you sell a home here your company becomes the debtor?

Mr. JANSS. We own the building ourselves.

Chairman WALSH. You yourself build?

Mr. JANSS. Yes, sir.

Chairman WALSH. A number of questions have been submitted to you, I believe, Mr. Janss?

Mr. JANSS. Yes, sir.

Chairman WALSH. And if you will as briefly as possible and as fully as possible take them up seriatim we will be glad to have you do it. We do not want to hamper you, though.

Mr. JANSS (reading):

1. *Belvidere Heights.*—We subdivided and placed upon the market this big property, composed of 16 different tracts comprising over 5,000 building lots, and sold them almost entirely to wage earners. The prices averaged from $300 to $600 each, and the payments were $15 to $25 down and $5 to $10 a month.

A. Approximately one-half of this number has now been deeded. As to subsequent transactions by the owners we are not informed.

B. The remaining one-half is still on contract with various balances ranging from a few to several hundred dollars.

C. There are now approximately 2,600 families living in Belvidere Heights due entirely to our subdividing these tracts, building streets, laying sidewalks, extending gas and electric light service, and bringing to this property an extension of the street car line. This placed these lots for investment or for home-building purposes easily within the reach of the salaried man.

D. We built and sold nearly 1,200 houses, ranging in price from $625 to $2,500, on terms of $50 to $75 down and $12 to $17 a month. These prices included house and lot.

B. The class of homes here offered and the payments extended over a number of years has enabled the workingman with no bank account to own his own home on what he previously paid for rent.

2. *Ramona Acres.*—This property we opened up and placed upon the market in the form of 14 tracts, approximately nearly 1,000 acres, just outside the city limits about 22 minutes from down town and divided into acre and half acre lots. Nearly all sales were made to wage earners, the payments ranging from $25 to $50 cash and the balance $10 a month.

A. Approximately 30 per cent of this acreage now deeded.

B. About 500 families are now living on this property in homes built by them and by the company. Many of these are making a living and banking money from the vegetables and other crops they are growing on their land.

C. Many of the purchasers after securing deeds placed a mortgage upon their property and from the proceeds build or improve their place.

3. *Sierra Park.*—In this tract of 740 lots we have sold 301 on payments of $25 cash and $10 a month. This property appeals to a little higher class of wage earners than either Ramona Acres or the Belvidere Heights.

A. Of these sold, 150 have already been deeded and the balance is still being carried under contract.

B. The company has built 35 houses and sold them at prices ranging from $1,500 to $2,750. Over 100 families are now residing on the tract.

4. *Yorba Linda.*—This is a tract of 2,500 acres of orange and lemon land that was sold out by us within two years upon very easy payments extending over 10 years.

A. Already over 50 per cent of this acreage is deeded and 250 families are now residing thereon.

B. One thousand nine hundred acres have been set out by purchasers to young lemon and orange trees.

C. Practically all of this land was sold to wage earners unable to make very large payments, but here was given them an opportunity to invest their small savings with prospects of big profit upon our easy payment plan and of soon owning an orange or lemon grove that would yield them an independent income for life.

5. *Miscellaneous.*—We have also sold a great number of other tracts which appealed more to other classes of people. As an example, the big Van Nuys Lankershim lands, a tract of 47,500 acres, where mammoth improvements were inaugurated, such as electric lighting, double roadway boulevards, rock-ballasted electric car line extending for 10 miles, etc. This type of land appealed more to investors, farmers, orchardists, and high salaried men because of the heavier payments, they being 25 per cent cash and the balance in three years. During a period of about two years and a half we sold over $2,500,000 worth of these lands, and thousands of acres were set out in 5 and 10 acre tracts to peaches, apricots, plums, walnuts, etc., for country homes. We have also sold larger tracts. They were mainly large cash payments. They did not deal with the wage earner.

The extent to which wage earners in Los Angeles own their own homes? Statistics show that the percentage of wage earners owning homes in Los Angeles is greater than that of any other city on the American continent. Forfeitures of these properties on account of nonpayment of contract arrangement have been very low, averaging less than 3 per cent on all our tracts. This may possibly be because of the lenient treatment afforded them by this company which has always expressed a desire to help when it was possible worthy persons who were trying to get a start toward owning a home.

The causes of forfeitures from information which we have received have been as follows:

(1) Family troubles; (2) sickness and loss of employment; (3) overspeculation; (4) competition with cheap foreign labor. All these reasons are beyond the control of the company selling the property.

General or average value of homes owned by wage earners: The average price of houses sold to wage earners by this company during the past four or five years has been from $625 to $2,500, with a general average of about $1,300 for a house and lot. The terms on these properties were from $50 to $75 down, and $12 to $15 a month.

Relative taxation assessment: It is difficult for us to give correct data along this line. Our properties are all in the county, and the taxation assessment is based entirely upon the value of the property and the extent of the improvements as set by the county assessor.

Our suburban tracts are improved before placing on the market with the regular improvement, such as water, graded and oiled streets, gas and electricity where possible, cement sidewalks and curbs.

Regarding the open-shop policy in Los Angeles—Establishment and maintenance of a high standard of living for all classes: A greater percentage of the wage earners of Los Angeles owning their own homes suggests a far better condition than that met with in other cities where tenements are the place of abode.

The environments surrounding the home owner and his family, such as schools, churches, civic and social associations, and improvement associations, tend to create a much higher standard of living and make for better citizens.

Our agents have taken hundreds from apartments and rented quarters where they were unable to save a cent, to homes of their own where, by the payment of a small sum each month, sometimes not as much as the rent had been, they were enabled to accumulate a substantial home investment of their own. The good results of such action toward the coming generation can not be overestimated.

Right in line with that we have received great assistance from the employers, because in many instances the wage earner would inquire from them relative to owning a home, buying a lot, and they have practically always encouraged it, and in fact, in some instances, they have even advanced the first payment.

Assurance of regularity of work and decrease of unemployment: The open shop in Los Angeles has undoubtedly brought to this city a great number of factories and a vast amount of eastern capital for investment, which has done a great deal to build up Los Angeles and assure regularity of work to the wage earner.

Protection of the industrial and civil rights of the individual: The open shop in Los Angeles presents an equal chance to the union man and the nonunion man to make a living, and the character of his work and the ability of the man alone determines his wage, independent of any affiliation. Each man is judged according to his own merits, thus providing competition between the different individuals.

General and technical education and the ability to secure thorough mastery of a trade: With the open shop having no regular set scale of wages, it remains with the wage earner who is ambition to so improve his work and increase his efficiency so to add to his earning capacity. A man's recompense is based entirely upon the character and class of his work and his ability. In this way there is undoubtedly a greater inducement to more thoroughly mastering his trade in shorter time, because on this depends his salary and advancement.

Employment of labor: Our operations upon the many tracts placed upon the market by us have involved the employing of considerable labor, both skilled and unskilled, in all branches. We have operated and are now operating grading outfits, surveying gangs, cement gangs, building gangs, and ranch gangs. The working-day for our help is eight hours and the wages paid equal to and better than that of the union schedule. We operate on the open-shop plan, paying and advancing a man according to his ability and his work.

The range of our wages is as follows: Carpenters, $4 per day; carpenters' helpers, $2.50 per day; painters, $3.75 per day; engineers, $100 per month; superintendents, $125 per month; gang foreman, $5 per day; cement workers, $3.75 per day; teamsters and other unskilled help, $2.50 per day.

We have never had strikes or labor troubles of any kind to contend with. The company always has in its employ from 50 to 200 men.

Along that line in our building department and grading work, where we employ labor, it has always been our policy to direct our foremen that they are not to expect a man to do but a day's work, and in the event he don't do it he would have to be discharged, and if his work was superior in quality or quantity his wages were either increased or he was promoted to a higher position.

I have some photographs here relative to the different characters of the houses we build that I could submit.

Chairman WALSH. Be very glad to have you submit and put them in the record, any that you may have.

(Ten photographs, showing various properties described by Mr. Janss, were submitted but are not printed.)

Chairman WALSH. Can you estimate the total number of miles in this city occupied by wage earners as owners either fully paid up or under contract of payment?

Mr. JANES. The number of miles?

Chairman WALSH. The number of miles in the city, street miles, occupied by wage earners as owners.

Mr. JANES. I have never computed that.

Chairman WALSH. You have never computed that?

Mr. JANES. No.

Commissioner O'CONNELL. I want to ask a few questions. I understood you to say that you had homes that were built that the lot and building only cost $000?

Mr. JANES. Six hundred and twenty-five dollars; yes, sir.

Commissioner O'CONNELL. What kind of a house would that be?

Mr. JANES. I have a photograph there.

Commissioner O'CONNELL. Photographs don't tell us anything. Would it have a cellar? Tell us all about that house.

Mr. JANES. What we call a California house.

Commissioner O'CONNELL. A California house?

Mr. JANES. You probably call it a shack.

Commissioner O'CONNELL. A shack?

Mr. JANES. Yes; it is just two rooms; just a frame house, frame construction.

Commissioner O'CONNELL. What is the cost of that to build?

Mr. JANES. The house costs about from $150 to $200.

Commissioner O'CONNELL. What is the lot worth?

Mr. JANES. The lot is worth, possibly, a couple of hundred dollars.

Commissioner O'CONNELL. You sell it for $600?

Mr. JANES. Yes, sir.

Commissioner O'CONNELL. What would be the profit; $200 in that?

Mr. JANES. Two to three hundred dollars profit; yes, sir; along that line.

Commissioner O'CONNELL. Just a moment. Is that located some place in Los Angeles?

Mr. JANES. Yes, sir; right adjoining the city of Los Angeles.

Commissioner O'CONNELL. Adjoining the city?

Mr. JANES. Yes, sir.

Commissioner O'CONNELL. How far out?

Mr. JANES. Why, it takes about 20 minutes, I presume, on the street car.

Commissioner O'CONNELL. What kind of a family can live in that house?

Mr. JANES. They are laboring people; probably be a man that will get around $2 or $2.50.

Commissioner O'CONNELL. How many of them; father, wife, and how many children?

Mr. JANES. Why, I presume two or three children.

Commissioner O'CONNELL. In two rooms?

Mr. JANES. Yes, sir; two or three rooms.

Commissioner O'CONNELL. Now, is there a large number of these houses together there?

Mr. JANES. No; that is simply the cheapest form of house.

Commissioner O'CONNELL. How much ground is attached to the house?

Mr. JANES. The smallest lot 50 by 150.

Commissioner O'CONNELL. Fifty by one hundred and fifty?

Mr. JANES. Yes, sir.

Commissioner O'CONNELL. What is the next grade of house above that, say $1,000?

Mr. JANES. A thousand dollars.

Commissioner O'CONNELL. What would be the difference between those two?

Mr. JANES. Well, the style of house would be larger, contain more rooms.

Commissioner O'CONNELL. Would have a bathroom?

Mr. JANES. No, sir.

Commissioner O'CONNELL. Let us get a bathroom house.

Mr. JANES. The house that we put the bathroom in would run from $1,400 to $1,600.

Commissioner O'CONNELL. Where would that be located; right in the city?

Mr. JANES. Be within about a block of the car line—5-cent car line.

Commissioner O'CONNELL. What would that be, a four or five room house?

Mr. JANES. Yes, sir.

Commissioner O'CONNELL. What would be the cost of that house?

Mr. JANSS. I couldn't say offhand. I haven't got any figures of the cost. It would simply be a guess.

Commissioner O'CONNELL. You build in large numbers?

Mr. JANSS. We build them 25 to 50 at a time.

Commissioner O'CONNELL. How do these people purchase homes, by weekly or monthly installments?

Mr. JANSS. Monthly.

Commissioner O'CONNELL. You take a $600 house, what do they pay down?

Mr. JANSS. Fifteen to twenty-five dollars.

Commissioner O'CONNELL. Fifteen to twenty-five?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. Then how much money a month do they pay for the installment?

Mr. JANSS. Seven and one-half.

Commissioner O'CONNELL. Seven and one-half?

Mr. JANSS. Seven and a half to ten.

Commissioner O'CONNELL. Why is the difference between seven and a half and ten?

Mr. JANSS. Depends upon—some people pay down more than seven and a half.

Commissioner O'CONNELL. Take the seven and a half per month payment, how many payments must they make?

Mr. JANSS. Our average house we figure should pay out in seven years.

Commissioner O'CONNELL. Seven years?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. What would be the total amount paid in, in that time; total amount of interest?

Mr. JANSS. You mean the interest? I don't know. I never figured that up.

Commissioner O'CONNELL. I want to get at how much money a man pays for a $600 house.

Mr. JANSS. I have never figured it.

Commissioner O'CONNELL. Does he pay $1,000?

Mr. JANSS. I never figured that. That would depend entirely on how he kept his payments up.

Commissioner O'CONNELL. Suppose he kept the payments regularly every month? I suppose there is additional interest to be charged. I suppose some of these weekly or monthly installments go to the purpose of reducing the original principal?

Mr. JANSS. Yes.

Commissioner O'CONNELL. What I want to know is how much money a man pays into your company to own a $600 house.

Mr. JANSS. I haven't figured that at all.

Commissioner O'CONNELL. Never figured it out?

Mr. JANSS. No; I have never figured it out.

Commissioner O'CONNELL. You say your company is building up property and selling it and doesn't figure out to know what the total amount will figure up at the end of the time a building is paid for?

Mr. JANSS. It undoubtedly has been figured up, but I personally have never figured it up.

Commissioner O'CONNELL. Can you tell us offhand how many people in Los Angeles and vicinity of this property you have been handling are paying into your company monthly payments?

Mr. JANSS. How many people?

Commissioner O'CONNELL. How many have you on your books?

Mr. JANSS. I don't know. We have great numbers, thousands.

Commissioner O'CONNELL. Thousands?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. Can you give us some idea—is it 10,000?

Mr. JANSS. It is not 10,000. I couldn't give it to you accurately. That has never been computed either, because we have four other departments, and we have got a great number of tracts, and that has never been figured.

Commissioner O'CONNELL. You say you have thousands of men on your books and yet you don't know how many are paying for homes?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. What percentage of the business of Los Angeles does your firm handle?

Mr. JANSS. Very small.

Commissioner O'CONNELL. Very small?

Mr. JANSS. Very small.

Commissioner O'CONNELL. It is fair to assume there are tens of thousands of persons in Los Angeles paying for their homes on the same basis that you sell them?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. And that they don't know, nor the companies don't know, how much at the end of the time they pay for it?

Mr. JANSS. They might. I don't know. I have never asked them.

Commissioner O'CONNELL. I notice in the statement you say that there is a larger percentage of laboring people owning their homes in Los Angeles than in any other city in the United States?

Mr. JANSS. Yes, sir.

Commissioner O'CONNELL. Where do you gather those statistics?

Mr. JANSS. I have seen those statistics a number of times, but I couldn't tell you exactly where I got them. I have seen them a number of times.

Commissioner O'CONNELL. Did I understand you to say they were owning their own homes or paying for their homes?

Mr. JANSS. I mean by that owning their homes.

Commissioner O'CONNELL. Outright?

Mr. JANSS. Yes, sir; outright.

Commissioner O'CONNELL. Have been paid for?

Mr. JANSS. Yes, sir; paid for.

Commissioner O'CONNELL. I have had figures. I have been interested in this question for some little time. I have had some figures looked up. I have had courthouse records here gone over, but it took too long a time to get them. We have taken the census figures—the last census figures—and there may be some changes. These are for 1910. The total homes owned in Los Angeles, as shown by the census of 1910, was 78,978; the total free homes without mortgage, 17,249; number of rented homes, 42,000. The total proportion of homes owned or being paid for by the people of Los Angeles, including wageworkers, is 4 per cent. Now, it is fair to assume that there are a larger percentage of business men, wealthy men, the middle classes, who own their homes outright, than there are of the wageworkers, that they are largely the ones who are paying for their homes, and yet out of the 78,000 homes in Los Angeles there are only 21 per cent of them that are free of mortgage. Now, tell us whether those figures will bear up your statement that Los Angeles has more home owners among the wageworkers than any other city of the United States?

Mr. JANSS. You are taking the 1910 figures, and those are not the proper figures.

Commissioner O'CONNELL. They are the only accurate figures we could get.

Mr. JANSS. I understand; but what I mean to say is our great building development was from 1910 on. I know the L. A. Investment Co., our company, and the other builders of the homes were very active from that time on.

Commissioner O'CONNELL. What is the average priced home—that is, such as the mechanic of Los Angeles lives in—what does it cost; or what is it worth, rather?

Mr. JANSS. Why, with us it is about the $1,300 or $1,400—sells for that.

Commissioner O'CONNELL. I would like to know what, on your plan of collecting these payments, every month, whatever they are, how much money that man would pay in to your company to own that home? If you haven't got the figures, will you look them up and send them to us?

Mr. JANSS. Yes, sir; I can give it. I can give that for you. You see, it is not always the same along that line, because, while it takes seven years for a man to pay up if he keeps up his payments, the great percentage of people pay up in a great deal shorter time than that, because after they get any equity that amounts to anything they take a great deal more interest in keeping up their property, and they pay for it a good deal more rapidly.

Commissioner O'CONNELL. Of course a man wants to be more successful, and the sooner he pays for it the better it will be, naturally. But what I am getting at in the extreme case, the man that goes to the extreme.

Mr. JANSS. Yes.

Commissioner O'CONNELL. Now, as to equities. What percentage of the sales that you have made have the purchasers gotten equities and then you have to close them out?

Mr. JANES. Three per cent.

Commissioner O'CONNELL. Three per cent?

Mr. JANES. Yes, sir.

Commissioner O'CONNELL. Have you any figures—I mean in numbers?

Mr. JANES. No; I haven't in numbers. We figure that out at about approximately 8 per cent.

Commissioner O'CONNELL. In dollars, what would it mean?

Mr. JANES. Why, it wouldn't mean very much in dollars, for the reason that in the great number of these instances the men that lost had no equity at all. For instance, a man would pay $25 on a house, and he would move into the house and live there three or four months, possibly five months, and then he would leave, and he really was indebted to us when he left; he had no equity. Then, in other instances, where on payments a man would have an equity, but as a rule it is very seldom that a man puts an equity to amount to anything in a building that he forfeits.

Commissioner O'CONNELL. What do you figure the rate of interest?

Mr. JANES. Figure 6 and 7 per cent.

Commissioner O'CONNELL. Six and seven?

Mr. JANES. Yes; some contracts are 6 and some contracts are 7.

(Commissioner Weinstock acting chairman.)

Acting Chairman WEINSTOCK. Any questions?

Commissioner GARRETSON. I have one, on the rate of payment, Mr. Janes, that you have mentioned, I am taking your own figures, if I understand it, on this $600 property you pay, I think you said, $15 to $25 down.

Mr. JANES. Fifteen dollars to twenty-five dollars down; yes, sir.

Commissioner GARRETSON. And $7 a month?

Mr. JANES. Seven and one-half to ten.

Commissioner GARRETSON. Seven and a half?

Mr. JANES. To ten.

Commissioner GARRETSON. I was taking the lowest limit. I was trying to find out what it amounted to, as to when the man got out in seven years, his payment at $7 a month would be $84——

Mr. JANES. But it is $7.50.

Commissioner GARRETSON. Well, $90.

Mr. JANES. Yes.

Commissioner GARRETSON. That would put it just about $300, a little bit in excess of it, with the $15 to $25 down payment. Where is the interest? Roughly the interest would run, at the current rates for the whole amount, while not accurate, about the rate of interest for half the time; that is, approximately it.

Mr. JANES. I presume so.

Commissioner GARRETSON. And it would run along $130 or $140?

Mr. JANES. I presume so.

Commissioner GARRETSON. For the three years and a half, if the time is seven, the whole amount of interest, and on the basis of $90 a year it would take him well up toward two years more to pay the interest alone?

Mr. JANES. You are taking the lowest cash price that we have ever sold for. You are taking the lowest; you are not taking the average at all?

Commissioner GARRETSON. I am not taking the average at all?

Mr. JANES. No.

Commissioner GARRETSON. I am rather careful, because I come in contact with these time payments rather intimately at home, and the average man paying that close to the rental wage, usually has unfinished payments on the judgment day. If your other payments are as close to the line as that one, how do you get your seven-year average?

Mr. JANES. We have computed the average, when I say $7.50 to $10, we compute the general average. Well, now, you take that, that is the very lowest that we let a man have a contract on. The man practically always pays more than that.

Commissioner GARRETSON. But you take a $2,000 house on the same basis, it would be $15 per month payment?

Mr. JANES. No, no, no. On a $2,000 proposition they pay from $15 to $25.

Commissioner GARRETSON. I took the wrong amount, $2,000—$1,200, he would make $15 payments.

Mr. JANES. No; he would go from $15 to $25; somewhere around in there.

Commissioner GARRETSON. When do you make deeds, when payments are completed?

Mr. JANES. If a man has paid in half, we will give him a deed.

Commissioner GARRETSON. In reality then, the issuing of the deed is no evidence that the man owns more than a safe equity in the home? Or a safe guaranty?

Mr. JANES. We will give a man a deed, but it is very seldom that they ask for it. We issue very few deeds until a man has paid for the property entirely. But if a man has paid in half, we will give him a deed.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. H. M. LYON.

Chairman WALSH. What is your business?

Senator LYON. Assistant deputy labor commissioner.

Chairman WALSH. How long have you been assistant deputy labor commissioner?

Senator LYON. Four years.

Chairman WALSH. Will you pitch your voice higher, please, because we can not hear you? Have you held any official position in the State of California?

Senator LYON. Yes, sir.

Chairman WALSH. What?

Senator LYON. Member of the State senate.

Chairman WALSH. How long were you a member of the State senate?

Senator LYON. Four years.

Chairman WALSH. I am going to ask you first, before I get to the question, whether or not you had anything to do with the passage of the so-called workmen's compensation act of California?

Senator LYON. I did.

Chairman WALSH. What was it?

Senator LYON. I was chairman of the committee of labor and capital that handled the measure.

Chairman WALSH. What was the attitude of the employers toward this act while it was before the legislature?

Senator LYON. They fought it.

Chairman WALSH. Have you any explanation for the fact which seems to exist here that those same employers now are heartily in favor of it?

Senator LYON. I would like to make a statement in that connection.

Chairman WALSH. Just make your statement in your own way, as concisely as you can, Senator.

Senator LYON. The act was regarded as the big measure to be put through the legislature by Gov. Johnson. It was prepared by the industrial accident commission and was in charge of Judge Willis I. Morrison, of this city. On account of the fact that it was regarded as an administration measure, and on account of the opposition of the insurance companies, there was a campaign of villification and misrepresentation carried on throughout the State by the newspaper organs owned and controlled by the interests, such as the Los Angeles Times, the San Francisco Chronicle, and the San Diego Union.

In the insistent criticism of this act its enemies went to the extreme. They drew pictures of ruination visited upon all small industries and small employers. The act was referred to as the "industrial paralysis act," and the press referred to and drew vivid pictures of the industrial calamity that would result if it was enacted into law, showing how employers would have to close down their industries, thereby throwing countless thousands out of employment and causing the industrial ruination of the State. Articles such as this were published not only periodically, but each day while the act was before the legislature, and copies of these papers containing full-page attacks on the act were placed on the desks of each member of the legislature. An article which appeared in one of these papers was usually copied by the others, and such other papers in the State as were opposed to the administration or were controlled by the insurance fraternities or interests. I have a good many of these clippings from the newspapers which tend to show the attitude of the manufacturers at that time.

Chairman WALSH. Will you kindly submit those?

Senator LYON. Yes. But I want them back.

(The clippings referred to by Senator Lyon are as follows:)

For example, the Times of May 4, 1913, says: "This act now before the legislature is condemned by its origin, by its supporters, as well as by its provisions. It was sired by crime, mothered by graft, and if born will be one

of the greatest legal monstrosities ever produced from the brains of legislators. The purpose of the law is graft, manifestly."

The San Francisco Chronicle of April 3 says: "There is no such law in existence on earth, nor is it conceivable that such a one should be proposed outside of a lunatic asylum or the California Legislature."

The San Diego Union of April 13 says: "The bill which thus masquerades under a title designed to appeal to many is probably the most shameless measure that was ever seriously considered by a lawmaking body."

A Stockton paper of April 20 says: "The workman's compensation bill is misnamed. It should be called the 'Bully burglars' best bid for votes.'" The following is a fair sample of the headlines used: "Would drive out business—Investors will seek other fields."

Senator LYON. The employers also at that time sent telegram after telegram to each of the members, and insurance companies had their personal friends send them telegrams protesting against the passage of the bill.

Chairman WALSH. Commissioner Weinstock has some questions that he would like to ask you in regard to the operation of this bill before I go to the other.

Commissioner WEINSTOCK. Have you attended any of these hearings, Mr. Lyon?

Senator LYON. Of this commission here?

Commissioner WEINSTOCK. Yes.

Senator LYON. Just one is all.

Commissioner WEINSTOCK. Well, have you followed the testimony as published in the press?

Senator LYON. Somewhat; yes, sir.

Commissioner WEINSTOCK. You have noticed, then, that the employers that have appeared before this commission—large and small employers—are a unit in approving the plan and in expressing the opinion that they would not wipe it out if they could?

Senator LYON. I have; yes, sir.

Commissioner WEINSTOCK. Well, that would make it clear, then, and, as a rule, they have all testified that in the beginning they were hostile to it?

Senator LYON. Yes, sir.

Commissioner WEINSTOCK. That they believed it would prove a serious burden on their industry and would cripple their possibilities? Well, in view of those facts, then, it must be evident that in the beginning those men were misled and misinformed. Do you hold the local newspapers like the Times responsible for deliberately and willfully misleading and misinforming the employers and causing them to look upon this thing as a great menace, when in fact it was a protection?

Senator LYON. I would not say just that; no, sir; but I believe that the press has poisoned the minds of the business people of the State as to what really the bill did do. I don't believe the manufacturers themselves at the time understood the measure. They were entirely ignorant of it; they were just reading these newspapers and, as I say, it just completely poisoned their minds.

Commissioner WEINSTOCK. Now, what was the purpose of the newspapers here and elsewhere, as you have read from your clippings there, to intentionally and deliberately and willfully poison the minds of the employers toward what has since proven to be a most beneficent legislative measure?

Senator LYON. The only thing I can say is that certain newspapers had an understanding with the big business interests and the insurance companies.

Commissioner WEINSTOCK. You believe, then, that they did it not in good faith?

Senator LYON. I believe that they were misled.

Commissioner WEINSTOCK. That the papers themselves were misled?

Senator LYON. More or less; yes, sir.

Commissioner WEINSTOCK. You are connected with the labor bureau here, Senator?

Senator LYON. Yes, sir.

Commissioner WEINSTOCK. That brings you in touch with the workers?

Senator LYON. It does; yes, sir.

Commissioner WEINSTOCK. From the various spheres of activity, what have you found to be the sentiment of the workers toward the workmen's compensation act?

Senator LYON. Well, they all approve of it; very greatly pleased with it.

Commissioner WEINSTOCK. Have you heard any comments from small employers?

Senator LYON. No, sir; that is, not against the measure.

Commissioner WEINSTOCK. No adverse comments?

Senator LYON. No, sir. Everybody that I have heard speak of the measure has spoken in a friendly manner.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. What was the date of that newspaper campaign, Senator?

Senator LYON. Just after the legislature convened in March. It continued all through the month of March.

Commissioner GARRETSON. March what year?

Senator LYON. 1913.

Commissioner GARRETSON. I noticed there that you read statements that were made by these newspapers in regard to the fact that such legislation was unheard of outside of an insane asylum or the California Legislature?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Would that appeal to you as a willful misstatement of fact.

Senator LYON. I thought——

Commissioner GARRETSON. Or utter dense ignorance.

Senator LYON. I thought so at the time, but I laid it to the fact that they were opposed to the present administration.

Commissioner GARRETSON. Isn't it a fact that compensation legislation was at that time either under consideration or actually effective in half the States of the Union?

Senator LYON. It had been passed in several States, but just the exact number I can not tell you.

Commissioner GARRETSON. Well, it had been in force and effect in many, and it was being considered in at least half?

Senator LYON. It had; yes, sir.

Commissioner GARRETSON. At that time?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Was it not a fact that at the same time it had been adopted and made effective in every European country, possibly except Turkey, and the Swiss period—adopted and went back and readopted?

Commissioner WEINSTOCK. It prevails in every European country.

Commissioner GARRETSON. That is the history in Switzerland, with the possible exception—although I think it had been reenacted in Switzerland.

Senator LYON. That was the understanding, and that was the suggestion that was made to us that it had been passed in practically all of the European countries.

Commissioner GARRETSON. As a molder of thought and a purveyor of facts, the newspapers evidently failed in their mission, in the latter part of it, at least?

Senator LYON. I think so; yes.

Commissioner GARRETSON. That is all.

Chairman WALSH. Now, Senator, have you made any particular study of labor conditions in the street railways of Los Angeles?

Senator LYON. Some; yes, sir.

Chairman WALSH. What was your connection that caused you to make this study?

Senator LYON. Complaints coming in as to long hours of work.

Chairman WALSH. In your department?

Senator LYON. Yes, sir.

Chairman WALSH. I mean complaints that came to the labor department?

Senator LYON. Yes, sir; complaints that came to the labor commissioner's office.

Chairman WALSH. I wish you would state, as concisely as possible, the labor conditions of the street railways of Los Angeles as you have observed them.

Senator LYON. In Los Angeles the street railway company—that is, the Los Angeles Railway Co., the men will average, for instance, about 10 hours a day. Some of the men work longer hours than that. We have a good many complaints, especially from men known as extra men. These extra men report in the morning at about 4.40, wait for a run an hour or two, get maybe an hour's run, then lay around, and it is probably 10 or 11 o'clock at night before they get through, and they have put in about five hour's actual time that

they get paid for. They probably earn about $1.75 for the day. Some of them only make 90 cents a day. Some of the men are kept at the barn, for instance, on the waiting list by the foreman. They get 15 cents an hour while they wait. They will be kept there three hours, then go out on a baseball run or something of that sort, which pays 25 cents an hour, and run about an hour and a half. That means that they will earn about 90 cents. The interurbans will work all the way from 9 to 16 hours a day, especially in the summer time. Last year some of the men stayed 17 or 18 hours right along Saturday, Sunday, and holidays.

Chairman WALSH. How does your department—what action does your department take with reference to complaints of that character?

Senator LYON. None at all.

Chairman WALSH. Do you keep a record of them?

Senator LYON. Yes, sir.

Chairman WALSH. Will you be kind enough to submit to this commission at your early convenience the record that you have of the complaints of that character from the Street Railway Co. of Los Angeles or vicinity?

Senator LYON. I will. I might say in that connection that the reason that no action is taken in reference to that matter is because we have no law that limits the time in regard to a street railway company. There is a State law regulating them to 16 hours, but nothing to regulate the 10-hour men. Now, in 1909 and 1913 there was an effort made to pass a 10-hour law. In 1909 and 1913 the street car company put out some of their inspectors and had petitions signed by the men, got two or three thousand signatures, and sent delegations of men to the legislature to protest against the passage of the 10-hour law; that is, they sent the conductors and motormen. The result was that the bill was never passed. The men themselves wanted the measure. I received dozens of letters asking us to pass it and to pay no attention to the petition sent in by the company, or pay no attention to the men who come to protest against it; because their expenses had been paid by the company to go and protest.

Chairman WALSH. These petitions you referred to, were those signed by any of the purported employees of the company?

Senator LYON. Well, they were signed by the employees. They were signed because the inspectors of the street railway company or some person would bring them around and they were given to understand if they didn't sign them to look out.

Chairman WALSH. How great would you say that was? What proportion of the employees who signed such petitions protesting against the proposed law?

Senator LYON. Every one it was presented to.

Chairman WALSH. About how many in number?

Senator LYON. I suppose about 2,000.

Chairman WALSH. Practically all of the employees petitioned against a change of the hours?

Senator LYON. Yes, sir.

Chairman WALSH. From whence did the requests come to ignore those petitions and pass the law anyway?

Senator LYON. In the form of letters and also some of the committeemen sent by the company themselves, said their expenses were paid by the company.

Chairman WALSH. What did they say about their actual personal viewpoint toward the legislation?

Senator LYON. Some of them thought it was all right on account of getting paid by the hour, that they wouldn't draw so much salary if the bill was passed. Others thought it would be a good thing.

Chairman WALSH. To shorten the hours?

Senator LYON. Yes, sir. Of course, that was not talked before the committee when they appeared there to protest against the passage of it.

Chairman WALSH. Are there any other observations you made that would be illuminating to the commission as to the system of the street railway? I was asked to ask you particularly about this.

Senator LYON. The question has been asked a good many times as to the conditions of the street railway which relate to the union. In the State of California there are three companies—Sacramento, San Jose, and San Francisco—that have what is known as a carmen's union. Those three cities pay bigger money and shorter hours to their men than the city of Los Angeles.

Chairman WALSH. Can you sketch briefly what the wages are, by way of comparison?

Senator LYON. In San Francisco, on its municipally owned road, they work eight hours a day and receive $3 a day for it. Should occasion demand that they work over eight hours, then they get time and a half for any time put in over eight hours. In Oakland the wages run from 32 to 42 cents an hour. They work 10 hours a day, or 60 hours a week. The Sacramento pays 29 to 32 cents an hour. They work 9 and 10 hours a day, and run up to 65 or 70 hours a week. Los Angeles pays 25 to 30 cents an hour and works all the way from 10 hours up.

Chairman WALSH. Anything else?

Senator LYON. That is all.

Chairman WALSH. Your department, I believe, has a bureau through which wage claims are collected?

Senator LYON. It has; yes, sir.

Chairman WALSH. Is there any other character of claims collected, except the wage claims?

Senator LYON. No, sir.

Chairman WALSH. Briefly, what is your authority for doing that?

Senator LYON. It is not a duty imposed upon us at all by law, but there was so much trouble in this city and no one to take care of those who could not afford to employ a lawyer and attorney, etc., that the governor instructed us to do what we could to help out, and the result is we collected about $10,000 a month for those who are unable to secure the services of an attorney. We also have a public defender, as you well know.

Chairman WALSH. He has testified here.

Senator LYON. Yes, sir.

Chairman WALSH. Upon the appointment of a public defender at Los Angeles did he take up the entire duty of collecting wage claims in this jurisdiction?

Senator LYON. No, sir. He has been of great assistance, no question about that, but we divide the work between us.

Chairman WALSH. The State department still engages in the same duty?

Senator LYON. Yes, sir.

Chairman WALSH. What is your organization, briefly?

Senator LYON. We have four men and four women.

Chairman WALSH. Do you have an attorney at the head of it?

Senator LYON. In San Francisco, not in Los Angeles.

Chairman WALSH. Do you employ an attorney outside, where the necessity arises?

Senator LYON. No, sir; I do the prosecuting myself.

Chairman WALSH. That is under your individual charge?

Senator LYON. Yes, sir.

Chairman WALSH. What do you find or have you made any observation as to the social benefit of such a thing?

Senator LYON. There is no question but what it has been of a great deal of benefit in every way.

Chairman WALSH. Did you find there was much bitterness on the part of these men that thought they had been imposed upon in what was to the employer a very small way, but what was to them a very large one, by not getting their compensation and getting it promptly?

Senator LYON. No, sir. We found all the merchants and others cooperating with us, and willing to do so.

Chairman WALSH. Willing to help you?

Senator LYON. Yes, sir.

Chairman WALSH. How did that make for good feeling in the community?

Senator LYON. It created, of course, a good feeling among the working class of people, and there has been no opposition shown to it at all.

Chairman WALSH. Was it a distinct cause of social injustice that there was no way to provide for these small claims for those who could not afford or did not have the means to go into court to prosecute?

Senator LYON. It was; and during the year of 1913 I introduced into the legislature a bill known as the industrial court act, which would have taken care of these cases, but the trouble is getting around the right to file demurrers and such as that. It takes so long. At the present time we are working on a measure of that kind in the labor commissioner's office and intend to introduce it at the next session.

Chairman WALSH. Do you find the present plan is reasonably efficacious; that you get the money promptly that way?

Senator LYON. We haven't got power sufficient.

Chairman WALSH. Do you find any resistance on the part of the debtors in these cases?

Senator LYON. Yes, sir.

Chairman WALSH. To the State assuming any such activities?

Senator LYON. No, sir.

Chairman WALSH. Commissioner Garretson would like to ask a few questions.

Commissioner GARRETSON. Senator, have your investigations given you information or opinion as to the extent which espionage of the men of the street railway company is indulged in?

Senator LYON. What is that?

Commissioner GARRETSON. Espionage, as to whether they belong to the union?

Senator LYON. No, sir; very few. I hardly think there are any of the street car men who belong to the union. I don't believe they would be employed if they belonged to the union.

Commissioner GARRETSON. How about the suburban system, the Pacific Electric?

Senator LYON. It is the same condition.

Commissioner GARRETSON. Has your experience led you to believe that the rate of mortality is heavy if they belong to the union?

Senator LYON. I can't say that that makes any difference.

Commissioner GARRETSON. They don't discharge them for it?

Senator LYON. They discharge them if they find they belong to the union. They don't get in.

Commissioner GARRETSON. Then it is a fatal disease to join the union out here?

Senator LYON. In the street railway; yes, sir.

Commissioner GARRETSON. The statement was made here that the Brown system of discipline was in use, but that there was no accumulation of "Brownies" that would cause a man's discharge, or marks.

Senator LYON. They have a system—for instance, a man will get a little bit, a minute behind or something of that sort, and he receives a letter notifying him of that fact, and after he receives two or three of them he is simply laid off, that is all.

Commissioner GARRETSON. It does not take a great many of them to produce discharge?

Senator LYON. No, sir. They have too many men.

Commissioner GARRETSON. Have you known of any instances here where these local companies have sent delegations of employees to the legislature to defend industrial legislation?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Have you ever had any reason to determine whether those men that were sent there were in sympathy with the purpose of their sending or not?

Senator LYON. They were generally paid lawyers or something of that sort who came there to fight the measure.

Commissioner GARRETSON. But if they sent delegations of employees, actual operating men?

Senator LYON. That has been done, as I say, in the street railway company.

Commissioner GARRETSON. I know they don't with the steam railways, but with the street railway.

Senator LYON. The street railway sends men in.

Chairman WALSH. At this point we will adjourn until 2 o'clock this afternoon.

(Whereupon, at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Tuesday, September 15, 1914.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Chairman WALSH. Is Senator Lyon in the room?

Senator LYON. Yes.

Chairman WALSH. Senator, please resume the stand.

TESTIMONY OF MR. H. E. LYON—Continued.

Commissioner GARRETSON. Senator, in your capacity as inspector of the labor department, have you had any occasion to take action against any large employers of labor in the vicinity in regard to violation of either the safety or sanitation laws?

Senator LYON. I have; yes, sir.

Commissioner GARRETSON. Have any been convicted?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Are the court records available thereon?

Senator LYON. Yes, sir.

Commissioner GARRETSON. What employers have been convicted of violation of those laws?

Senator LYON. The Baker Iron Works on two counts, for not having proper flooring for the men. That law prescribes, Mr. Commissioner, that every floor above the second floor must have a covering or floor so as to prevent the dropping of bolts and such as that from striking any of the men below.

Commissioner GARRETSON. Has there been any action under the hours of service—the eight-hour law?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Convictions?

Senator LYON. Yes, sir.

Commissioner GARRETSON. Against whom?

Senator LYON. Well, I expect about 50 of them.

Commissioner GARRETSON. Any of them that have given testimony during these investigations?

Senator LYON. The Alta Planing Mill, I believe, gave testimony. They were convicted on one occasion.

Commissioner GARRETSON. Have you known of any action being taken by associations to which they belong, disciplining them for a violation of the State law?

Senator LYON. No, sir.

Commissioner GARRETSON. And at the time the workmen's compensation act was under discussion and during the period of its passage, do you know of any instance where large interests that were affected induced people to send telegrams at their expense protesting against the passage of the law?

Senator LYON. Yes, sir.

Commissioner GARRETSON. What interests?

Senator LYON. For instance, insurance companies went to personal friends of mine with telegrams and had them sign them and send them to me.

Commissioner GARRETSON. The expense being borne by the requester?

Senator LYON. By the insurance companies.

Commissioner GARRETSON. That is all.

Senator LYON. Yes.

(See Lyon exhibit.)

Chairman WALSH. That is all, Mr. Lyon; thank you.

Mr. Zeehandelaar.

TESTIMONY OF MR. F. J. ZEEHANDELAAR—Recalled.

Chairman WALSH. Mr. Zeehandelaar, I understand you have some additional statement to make, and some statements you desired to make in rebuttal.

Mr. ZEEHANDELAAR. Yes, sir.

Chairman WALSH. I will let you just go ahead in your own way as briefly as the matter will permit.

Mr. ZEEHANDELAAR. I do not intend, Mr. Chairman, to review the testimony that has been given here at length and the wrong constructions that have been placed on some of the actions of the employers, or the intent of them. I shall simply in a brief way refute some of the statements made here on certain phases of your investigation; for example, the question of employment.

The conditions that existed here last December. It certainly is evident to you that the same problem that confronted Los Angeles in the unemployment question was found in every populous center of the United States. Even San Francisco, that isn't advertising herself or her climate, and that is working under closed-shop conditions, was confronted with the same circumstances. But that the number of unemployed is largely exaggerated than ever existed

here, I desire to read to you a brief synopsis from the first annual report of the municipal charity commission. It says:

"Late in December, 1913, it was reported through the press of the city and of the Nation that there were over 30,000 unemployed who were starving in Los Angeles and who could not secure work. While many of those closely in touch with the city's problem felt the number was exaggerated, nevertheless every effort was put forth to bring immediate relief. The charities and schools as well as individual philanthropists provided the necessities of life without deep inquiry as to the efforts of the dependent to provide for himself.

"Those in charge of the free employment bureau hastened their efforts and developed plans by which temporary work could be provided for the needy while permanent positions could be found.

"There were four groupings made of those in need of employment and temporary employment furnished in accordance with the conditions. These were, first, heads of families for whom effort was made to procure work in the city limits at $2 for eight hours' work per day. The unmarried unemployed citizens of the United States to whom three meals and lodging were furnished in return for four hours' useful work daily.

"(3) The aliens, chiefly Mexicans, many of whom, brought by the railroads, were discharged when no longer needed and did not return home, and

"(4) Those who insisted on living on public charity and by theft, which cases were called to the attention of the police department.

"In order to provide the needed temporary arrangement which should supply food and lodging in return for four hours' useful work daily, two camps were established in Griffith Park, one for white labor, the other for Mexicans, the great difference in diet necessitating such separation.

"The work provided was tree planting and work in the parks, labor known as pick-and-shovel work. The capacity of each camp was 500, and at no time while they were maintained, which was from January 5 to March 30, was the number of residents in either camp greater than 108. All laborers were brought back from the camp to the city as soon as permanent work was found for them. The numbers sent to the camp were as follows: January, 301 Mexicans, 789 white; February, 46 Mexicans, 148 white. By March the need for the camps ceased, and they were closed.

"Some strong side lights on the question of unemployment were secured in the the process of dealing with this situation.

"In an especial inquiry into a district where 148 Mexican families were receiving support from the charities, only one member, a lad of 19, was willing to work. The others said that they did not need work, as the charities schools or certain individuals were looking after them. When 65 heads of families were notified that they would be given work at the park on a certain day, 48 appeared at headquarters. To these, car fare to the park was given, but only 29 arrived there.

"All the activities for relief owing to this close cooperation, not only with each other, but with the bureau of employment, were able to check up the situation and to separate those who only wanted an opportunity of common justice and a fair chance from those determined to live in some way or other upon the public bounty.

"Los Angeles in her determination that the able-bodied should earn their support lost many undesirable citizens.

"The greatest problem which the bureau faces is the finding of efficient workers. The majority do not arise above the mediocre class, and desirable positions go begging because the employee has not attained the efficiency which is his most desirable asset in the labor market.

"Ignorance is the chief cause of mediocrity, as it is of delinquency and dependency. Its only cure is knowledge. Those who deal with the unemployed, those who see the masses of the inefficient forced to a rôle of greater or less dependency, realize the vital need of the training, especially vocational, which gives to the child the tools by which he is enabled to procure for himself steady, efficient progress toward higher standards of comfort and power."

The total amount appropriated for the unemployed was $3,500 for tree planting—that was not paid out in charity—$3,000 for tree fund—$3,003.06 and $636.94—or less than $7,000 during the unemployed period.

I would like to incorporate that in the exhibits, please.

(Document entitled "First Annual Report of the Municipal Charities Commission of the city of Los Angeles, Cal.," July 1, 1913, to July 1, 1914, was submitted in printed form.)

Chairman WALSH. Commissioner Garretson says he would like to ask you a question.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. In connection with the charity bureau, isn't it a fact that the chairman of that charity bureau used means of his own to stop the influx?

Mr. ZEEHANDELAAR. That what?

Commissioner GARRETSON. To stop the influx.

Mr. ZEEHANDELAAR. The chairman of the commission?

Commissioner GARRETSON. Yes.

Mr. ZEEHANDELAAR. Not to my knowledge.

Commissioner GARRETSON. How is that?

Mr. ZEEHANDELAAR. Not to my knowledge; I don't see why he should.

Commissioner GARRETSON. To stop the influx of just the class of labor that was then unemployed by using his personal influence to hinder the extension of time on contracts and thus cost some of the companies that had been bringing in that class of men a very considerable amount of money?

Mr. ZEEHANDELAAR. I don't think so, sir. I have no personal knowledge of it at all. I simply give you his report; that is all I know.

Commissioner GARRETSON. That is all.

Mr. ZEEHANDELAAR. Some reference has been made to the merchants and manufacturers' association, and by the way, from the testimony that has been given here, the association is responsible for all sins—of course, that is understood—that the association refused to attend a meeting that was called to solve that problem of the unemployed. The reasons were simply that we had a body, a municipal body, that had the authority to do anything that was necessary in the premises, had authority of law, that could handle the situation without taking it up by individual organizations whereby the ultimate outcome would be that subscriptions would be solicited from the public, and we believed that it was the duty of that commission to do as subsequently was shown, to apply the public funds for that purpose. And in connection, I will call your attention to this fact, that the merchants and manufacturers' association in 1896, when the city faced a similar condition, raised $26,000 from among our members and public-spirited citizens, and put them to work, relieving 500 men, married men and families, to the number of 4,800 people, in improving Elysian Park. That simply shows that when occasion requires and the public demands a general movement, that the merchants and manufacturers' association is willing to cooperate, and ready to cooperate, and generally takes the initiative in any measure that may in any way relieve the conditions.

I want also to refute the statement that has been made that the association is responsible for the alluring publicity that is being sent out to attract immigrants and the working classes here. It is not within the province of our association to distribute any literature. We have never done anything of that character. But, on the contrary, of the hundreds of letters that reach me weekly almost—certainly monthly—from people all over the United States asking for opportunities to work I either send them to the associations with which their trades are connected, or I always write to them never to come here unless they are first assured of steady employment.

The next question that I would like to take up with you is that of the police protection and violence. In justice to the police department, as well as to the sheriff's office, I want to state emphatically that they have never done anything at our request unless they themselves found it necessary to assert their authority.

In all the testimony that has been introduced here and the attacks that have been made upon the subserviency, so called, of the police department to the employing classes I have yet failed to hear one word whereby it was shown or claimed that the police department has at any time refused to give that same protection to organized labor if it was asked and if the necessity arose.

I take it that the duties of the peace officers are to maintain and support law and order and enforce the ordinances, and that it is just as much their duty to prevent violation of laws and to prevent crime as it is to detect it. Certainly if your house catches fire you are not going to wait until it is burned to the ground before ringing in an alarm. At the first sign of danger you call up the fire department to save what is possible. That is just exactly what is being done in labor disturbances. The reason that there was no violence was simply because of the precautionary measures that were taken to prevent it.

The antipicketing ordinance has been under discussion here and has received a great deal of consideration at your hands. Now, the question has been asked several times, and I have seen a look of surprise on the faces of some of the commissioners, when it was read and whereby it was made an offense to talk. There are two ways of talking. You place yourself in the position of a man who has taken the place of a striker. You will admit that you can not force a man to work if he doesn't want to. His personal liberty is at stake, and there is no law to compel him to continue in that vocation if he does not so choose. The same is true with the man who desires to work.

Chairman WALSH. Go ahead.

Mr. ZEEHANDELAAR. I don't know. I was not present when Mr. Baker was on the stand. But during that strike when the man came from work he was surrounded by a crowd of the strikers. It was reported to our office that not only was the choicest language indulged in in approaching those men, but they were threatened, their lives were threatened, their families were called upon by committees when the man went to work, and the wives were told that if he should continue to work she would never see him back alive. That is the kind of talk. It was not a tea party, by any means.

Mr. Butler testified that during the teamsters' strike no arrests were made. Why? Because that strike was conducted in an orderly, law-abiding manner. If organized labor was ever in fear of any overt act on the part of the employing classes I am satisfied that they would get the same protection, the same cooperation, and cheerful cooperation of the police department and the sheriff's office as the employing people.

I am going over those things very briefly, Mr. Chairman, because I understand you want to get through and I don't want to detain you much longer.

Some reference has been made to lack of amusements and recreation that the wage earners can indulge in. We have in the last six months three parks in the council, paid for entirely by voluntary subscriptions of the merchants and public-spirited citizens. Certainly the number of moving-picture shows that we have here and the vaudeville houses, the cheap ones, 5, 10, 20 cent ones, show that they are patronized by the wage earners to such an extent that they can be supported in large numbers in this city. We have got our playgrounds. I submitted to you views of some of the playgrounds. Whenever the weather permits you will find that on Sundays and holidays the street-car lines have not less than 10,000 to 30,000 people going to the different beaches at the rate of 50 cents a round trip. They go there. I don't believe there is a city in the United States where the outdoor life is so extensively participated in by the wage earners as in Los Angeles.

Those are the main points, Mr. Chairman, that I wanted to bring to your attention. As I said in the opening, there are a great many things that have been said here that could be easily refuted, but it is a lengthy proposition, and I don't think it would be of any benefit to you or to me. There are some statistics here. During the progress of the investigation Cr. Bonfilio was asked to submit a list of the Japanese and Chinese laundries. I have the list here.

Steam laundries, white laundries, 38 in number; inside employees, 2,951; drivers, 463.

Hand laundries (American and French), 12.

Japanese laundries, hand, 21. They work from 12 to 16 hours.

Japanese laundries, 2 steam plants; Chinese laundries, 34. They work all the way from 12 to 24 hours. During normal times that number of employees in white laundries reaches something like 4,000 people.

I have also here a statement that I believe was desired from the foundrymen's association, and with your permission I will read it:

"*To the Commission on Industrial Relations in session at Los Angeles, Cal.*

"GENTLEMEN: I would like to correct some of the statements which I heard a few days ago in Blanchard Hall.

"Mr. Bussell stated that the conditions in the pattern shops in our city were 'rotten,' and from my intimacy with them and frequent visits to them I am sure that he is not correct.

"If I understood him correctly, he said that the wages of the molders ranged from 27½ cents to 37½ cents per hour and would not average over 33½.

"This is not true, for I have a record of all the shops, and the rate is from 37½ to 50 cents per hour, and no molder working as such receives less than 37½ cents per hour.

"I know of two men working as helpers while work is slack who are getting 25 to 30 cents per hour, but they are not working as molders owing to there being no vacancy in that line for them, and they are glad to accept positions as helpers under these circumstances.

"One man testified—I think it was Mr. Bussell—that not a dozen of the men who went out on the strike were ever reemployed.

"This is not true, for I have a record of the names of over 50 of these men who have been given employment in our shops since they went out on the strike. I will also state that in regard to wages paid to molders among our members that I have a list of the names of the men now employed in our shops who are receiving from 40 to 50 cents per hour, and they number 137; 75 of them get from 44½ cents up.

"Our office is a free employment bureau, and no man has ever paid a cent for a position, and we have given work to many hundreds of them.

"Any man is at liberty to quit his job, and if any other shop wants him I always give him a card to that shop to go to work.

"We do not stand for one shop hiring men away from another shop, which is the cause of the impression that a man can not work where he pleases.

"Respectfully,

"WM. B. HOAWELL, *Secretary*."

Chairman WALSH. That is all?

Mr. ZEHANDELAAR. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. What is being done by your association or other associations in the city for the unemployment that may occur this winter?

Mr. ZEHANDELAAR. Well, we can not look into the future. I suppose, if we were confronted with the same conditions next winter as last winter, the matter will be subject to the municipal charities commission. That has absolute jurisdiction. It is not right that whenever a condition arises of unemployment that prevails in other cities that the merchants should always be called upon to relieve that condition. It should be paid out of taxation, as was done last year, and as will be done, undoubtedly, this year when the occasion arises. That is the only way that a situation of that kind can be handled justly to the unemployed and justly to the citizens.

Commissioner O'CONNELL. Have you taken up the question of the seasonal occupations in California, and have you any idea as to what might be done to correct, as far as can be, the evil of this seasonal employment, in large numbers of the men being put on the market at odd times?

Mr. ZEHANDELAAR. That is not a condition that arises in this city.

Commissioner O'CONNELL. No; but the city certainly ought to be interested in it.

Mr. ZEHANDELAAR. Yes; but I can only speak, Mr. O'Connell, for our association, and we have not taken that matter up, because there are similar organizations in the sections affected by conditions of that character; therefore it is left to them to solve their own problems. If we were going to take up conditions that arise all over the State we would not be wholly a local organization. Therefore we only look at the local conditions.

Commissioner O'CONNELL. But you look after matters of legislation that affect the entire State.

Mr. ZEHANDELAAR. Yes; and it affects our city also.

Commissioner O'CONNELL. There are large numbers of unemployed come from the fields into the city. Is not that a fact?

Mr. ZEHANDELAAR. If comes, as I told you, under the jurisdiction of the municipal charities.

Commissioner O'CONNELL. Has there been no effort given to the subject as to what might be done to correct that in any way? For instance, there are apparently going to be in California, owing to your seasonal growth here——

Mr. ZEHANDELAAR. Yes.

Commissioner O'CONNELL. A large number of people that you must have—that at certain periods of the year there is not enough employment here at hand for everybody. Where would this labor come from to take care of this seasonal growth?

Mr. ZEHANDELAAR. There has never been a surplus of labor, to my knowledge, in the agricultural or horticultural sections. There has always been a lack of labor. They have offered as high as, at times, $3 a day and room and board and then could not get them. There has never been a surplus.

Commissioner GARRETSON. You drew a very nice simile there from the fire department.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. Is it a practice in Los Angeles that whenever a load of wood or a tank of oil goes down the street you call the fire department?

Mr. ZEEHANDELAAR. If it catches fire.

Commissioner GARRETSON. If it don't catch fire?

Mr. ZEEHANDELAAR. If there is a spark. I simply said at the first danger. That danger does not arise when the gasoline tank simply passes through the street.

Commissioner GARRETSON. Your opinion was that the material was there and the spark might come along, then?

Mr. ZEEHANDELAAR. Exactly.

Commissioner GARRETSON. We have had a good deal of testimony from the spark here.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. Do you believe that the largest employer in the State of California is any more entitled to credence than the dollar-a-day man who works for him?

Mr. ZEEHANDELAAR. No, sir; when he can back up his statement.

Commissioner GARRETSON. Whether he can back it up or not, until it is discredited?

Mr. ZEEHANDELAAR. No, sir; I should take any man's word as long as he showed himself reliable and had proper regard for truth.

Commissioner GARRETSON. As long possibly as he didn't show himself unreliable; wouldn't that be a better way to phrase it?

Mr. ZEEHANDELAAR. Not necessarily.

Commissioner GARRETSON. All men are not honest, then, until convicted of dishonesty?

Mr. ZEEHANDELAAR. I will say this to you, Mr. Garretson, that wherever there might have been shown to be a spark, that the employing classes have never applied the match.

Commissioner GARRETSON. The testimony of lockouts would demonstrate that fact, would it?

Mr. ZEEHANDELAAR. I don't know that we have any lockouts. The metal-trades strike certainly was not a lockout. The brewers' strike was not a lockout. I don't know of any evidence at all here showing there ever has been a lockout in the city of Los Angeles.

Commissioner GARRETSON. The testimony not only of the workers themselves that has been given here, but of others disinterested in a large degree, that there was no violence at the time, is not to be given the same weight as testimony of others that there was going to be a fire?

Mr. ZEEHANDELAAR. Now you are going to mix up the fire and the violence.

Commissioner GARRETSON. The fire came from the illustration as to the violence.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. It didn't come from the commission.

Mr. ZEEHANDELAAR. No, sir.

Commissioner GARRETSON. It came from the witness.

Mr. ZEEHANDELAAR. Yes, sir. Now, I said to you that in strikes like the teamsters' strike no arrests were made. In other words, if we provide protection and take the precautions against violence, then the chances of violence are lessened, and no man or set of men who do not intend to violate the law and ordinances need fear that precaution.

Commissioner GARRETSON. No. A man that hasn't been enslaved yet need not fear a law creating slavery; is that it?

Mr. ZEEHANDELAAR. Well, you put your own interpretation to that. You are entitled to that.

Commissioner GARRETSON. I thought I was.

Mr. ZEEHANDELAAR. Yes, sir.

Commissioner GARRETSON. The police department would give protection to the other side just the same as it would the one they did give it to. If your statement in regard to the kind of language is correct, how do you explain the fact that out of four hundred and odd, I believe it was, arrests, there was only a half a dozen convictions, when the kind of language you gave was easily a matter of proof?

Mr. ZEEHANDELAAR. I didn't catch that.

Commissioner GARRETSON. You made the statement that there was two kinds of talk?

Mr. ZEHANDELAAR. Yes, sir.

Commissioner GARRETSON. And then you proceeded to amplify the kind that was deadly threats. If all these arrests were made for that kind of language, how do you explain the fact that out of over 400 arrests there were a half dozen convictions only?

Mr. ZEHANDELAAR. I did not say they were made for that offense.

Commissioner GARRETSON. What were they made for?

Mr. ZEHANDELAAR. I don't know. The police records will show that. But, coming back at you again, now, since you desire to know why the police were called in, and using another illustration. If you are held up, or you go home at night and somebody tells you to throw up your hands, and you see a billy in front of you or a revolver, are you going to stand there and let them kill you, or are you going to defend yourself or are you going to call for the police or run, or what are you going to do?

Commissioner GARRETSON. I have had it done, and I have done both things. I have run like a towhead and I have thrown up my hands.

Mr. ZEHANDELAAR. You are not going to call for the police when you are going to be knocked down and beaten, if you can help yourself.

Commissioner GARRETSON. I think I should call for them when I was down, at any rate.

Mr. ZEHANDELAAR. That is just exactly it.

Commissioner GARRETSON. The 475 men that were arrested were at least given protection by the police?

Mr. ZEHANDELAAR. I think so. They were given protection by the police because the men they attempted to assault probably, as American citizens, would have defended themselves and a riot was not precipitated.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you.

Mr. Wolfe.

TESTIMONY OF MR. FRANK E. WOLFE.

Chairman WALSH. Your name is Mr. Frank Wolfe?

Mr. WOLFE. Frank E. Wolfe.

Chairman WALSH. What is your business?

Mr. WOLFE. I am an editor.

Chairman WALSH. Of what?

Mr. WOLFE. The Western Comrade.

Chairman WALSH. How long have you been editor of the Western Comrade?

Mr. WOLFE. About four or five months.

Chairman WALSH. Is that published in Los Angeles?

Mr. WOLFE. Yes, sir.

Chairman WALSH. How long have you lived in Los Angeles?

Mr. WOLFE. Twelve years.

Chairman WALSH. Have you made any study of social and industrial conditions in Los Angeles?

Mr. WOLFE. A study from my observations from day to day; yes, sir.

Chairman WALSH. Were you served with a list of questions to which the commission invited an answer?

Mr. WOLFE. Yes, sir.

Chairman WALSH. Would you be kind enough to take them now?

Mr. WOLFE. With your permission, the questions that were submitted to me have virtually been covered by others giving their testimony, so that that portion—the first portions, covering blacklisting and other discriminations, coercion of employers—have virtually been covered.

Commissioner COMMONS. There are certain parts that have not been covered that you wish to speak of?

Mr. WOLFE. There are phases of the struggle in the city here that have come under my observation that are not contemplated in these questions.

Commissioner COMMONS. And have not been covered?

Mr. WOLFE. They have not been covered.

Commissioner COMMONS. Please proceed, then.

Mr. WOLFE. A number of years ago I went into the employ of the Los Angeles Herald, a morning daily newspaper published here, owned secretly by H. G. Otis. It was Democratic in its complexion, and was published near the corner of Second and Broadway. At the corner of First and Broadway Otis ran a

Republican newspaper, a nonunion newspaper, while at the corner of Second and Broadway he ran a Democratic, union paper.

The walking delegate of the merchants and manufacturers' association—who is now wailing, by the way—didn't make very many visits to my office. He visited the Times office quite frequently, and the communications he had for me usually went through Mr. Otis and down through the regular channels of his business manager or the titular president of the company, thus reaching me. This is the way I got my orders indirectly from Mr. Zeehandelaar.

I was glad to see my old master giving testimony here. Glad to hear him relate the story of the success of his paper and of the millions of dollars that it has earned him, and to observe that—

> Chill penury has not suppressed his noble rage,
> Nor frozen the genial current of his soul.

Had he not appeared here, I think I would not have taken up this phase of the subject, and I think I would have been the last to "molest his ancient solitary reign."

A great deal has been said about the open-shop policy and the prosperity of this city owing to the open-shop policy, and about the sincerity of the merchants and manufacturers' association as an organization in regard to open-shop matters; their belief and their statement that the merchants and manufacturers' association was organized for the benefit of this community, the whole community.

We ran, as I say a closed-shop office at Second and Broadway owned by Mr. Otis, and an open-shop office at First and Broadway, which is about the measure of sincerity of that particular group—the merchants and manufacturers' association and the Los Angeles Times, which is the father and mother of the merchants and manufacturers' association.

While we ran that newspaper, and I make this confession, that I was at least a tacit conspirator with the proprietor of the Times, we bunco'ed the Republicans at First and Broadway and bunco'ed the Democrats at Second and Broadway.

The editorials written for the most part while I was managing editor of the Herald were written by Socialists. The editorials written by those at the Times I am convinced were written by anarchists. At the same time we were Republicans at the Times and Democrats at the Herald, but the editorial departments of both papers were evidently written by anarchists and Socialists.

That this was unknown to the proprietor of the Times is unthinkable, because at one time he mentioned that we had a Socialists staff on the Herald, and that was true. And it was known quite extensively in the city that the Herald staff were Socialists, because in labor troubles and at times when the merchants and manufacturers' association and labor came into conflict we always took the side of labor and the Times took the side of capital.

We took the side of progress on progressive measures with our paper; that is to say, one of general's papers took the side of progress and the other took the side of the reactionaries.

In the city election the organ of the merchants and manufacturers' association took one set of candidates and we took the other set. We played the people for—if I may use a slang expression—we played the people of this community for suckers, both at the Times and the Herald.

It made no difference which administration was elected, the general had one of his papers which had backed the administration, and it gave him a powerful pull and an opportunity to dictate legislation along the line of labor legislation.

They ran in the Times nonunion flapdoodle, and down at the Herald we ran twaddle about the unions. We played both ends against the middle.

He kept the record of the Herald—transactions with the Herald, in a book which he labeled "My farming interests." The Herald was his farming interest, and I am convinced it was rather dry farming. The objection was made that we might not get circulation because it would cut into the circulation of the Times. There was objection made against us getting advertisements, and they absolutely controlled the advertising, and the objection was that if we got a dollar of advertising it was 90 cents out of the Times. Therefore, we got along on the crumbs, as it were, and this in spite of the fact that we ran a very creditable paper. Mr. Otis called the Herald his skeleton regiment, and certainly he starved it to the point of being a skeleton. Every time the business manager of the union Herald went to the antiunion business

manager of the nonunion Times to get the weekly pay roll—for there was always a deficit on the Herald—the business manager and cashier roared like trained seals in a side show. We sometimes heard it clear down at the Herald office. However, the general came across with the pay roll every time except one time when the typographical union served notice if they did not pay within one hour of starting time, they would start an hour later. They started an hour later and set the paper back an hour, but that was the last time.

The titular president of the Herald, and a man who took a great deal of honor for the things we were achieving, was Thomas E. Gibbon, a Democrat and lawyer of this city. Some of our people believed there had been a wash sale made to Gibbon and other parties. The fact is, however, that the general never let go of the Herald, as was demonstrated by the fact that he kept it about 10 years, and only sold it recently to the Hearst interests on the understanding they would make it an evening paper. It has always been a union paper, run as a union paper, and was union as far as the mechanical department was concerned for all time, and the pretense of the nonunion open-shop proprietor seems to me to fall through with that.

Both papers, however, played the real estate bunko game. That is to say, we were unanimous in whooping it up for the sunshine and glorious southern California. This all parties joined in at that time, and we concealed from the people in the East who read our papers that Los Angeles was a real estate conspiracy rather than a municipality.

I have been interested in this hearing in noticing the amount of conversation or testimony there has been on the other side concerning the magnificent homes of the working classes. I believed he called it—one of the witnesses this morning said you would call the California home a shack, and I think you would probably call it a kennel if you saw it. They have submitted photographs to you here of these beautiful homes in which these workingmen live. They failed to submit to you a photograph of the mortgages on those houses, which mortgages, a San Francisco wag said, when they showed him the photographs of the bungalows, if they were laid out from end to end would reach from here to Santa Barbara. I don't know about that, but I do know in the city there is at least one vacant lot for two houses.

An estimate has been made that there are from one hundred and twenty-five to one hundred and eighty-five thousand vacant lots in the city, showing that this real estate is being held for speculation in anticipation of an unearned increment.

There is a real estate conspiracy largely to persuade easterners and to bring large numbers of people here from the East, preferably people with money. They are very little interested in people unless they have money, except they want to flood the labor market here with an overplus of labor. This has been done here every year.

I wish to read a resolution passed by the city council last December. It is brief:

"Whereas there is a large number of unemployed in Los Angeles, many of them floaters, who have been attracted here by climatic conditions and misrepresentations that there was a superabundance of work at high wages to be found; and

"Whereas the city council has been compelled to appropriate funds to provide additional employment for the class of citizenry that has enjoyed a 12 months' residence; and

"Whereas the city is unable to provide employment for more workers than are now within the city confines; Therefore, be it

"Resolved, That the city council of Los Angeles does hereby warn and advise all nonresidents unemployed not to come to Los Angeles with the hope of securing employment; and be it further

"Resolved, That the city council request the newspapers and press associations to give this resolution the fullest publicity throughout the country, in order that those who are contemplating coming to Los Angeles may be fully advised of the real conditions of the labor market in this municipality."

Mr. Chairman, every year this city has been filled——

Commissioner O'Connell. Was this published by the press?

Mr. Wolff. This was published—this clipping is ostensibly taken from the Los Angeles Record.

Commissioner O'CONNELL. The resolution of the council, was that published by all of the papers in the city?

Mr. WOLFE. I am not aware it was published by all the papers in this city, I was in New York at the time. This paper has just been handed to me. I bring it in here because the man who just testified ahead of me had something to say about the unemployed in this city.

I want to present to your attention some of the methods that the members of the merchants and manufacturers' association of the city use in their efforts to hold down any unruly editor of the subsidized press, if that be necessary. Most of the editors and a great many of the reporters are men of considerable intellectual attainments, and men who have some vision and some understanding of social conditions. The result of this, of course, to my mind, is that a great many of them become Socialists and some of them become radicals, and all of them ultimately destroy their earning power in the capitalist press. When they become a little bit radical they are inclined to print stories that don't exactly set well with the capitalist class, the exploiting class. This happened to me.

One or two occasions, I think, will show these attempts to coerce. The first occasion of this that I wish to call to your attention was when the merchants and manufacturers' association of this city took up the proposition of an aviation meet at Domingues Field. That was managed by the walking delegate of the merchants and manufacturers' association. This man gave out the concessions. I went to the Domingues Field personally after the meet had been running a few days and found conditions so abhorrent there that I came back and wrote a story about it. Not only the sanitary conditions, but the fact that there was, I think, 14 or 16 "blind pigs" running. That is an establishment where they illicitly and illegally, against the law and peace of the people of the Commonwealth of California, were selling liquor under concessions given by the secretary of the merchants and manufacturers' association. I was a little bit indignant about that, and especially by virtue of the fact I had been robbed, a thing newspaper men all resent, in various ways by the concessionaires. And I wrote a story especially about insanitary conditions that they maintained and about this selling of liquor on the grounds.

Immediate reprisals came through the M. and M., which controls all the advertising placed in the papers of the city, by way of taking out from the Herald the advertising of a certain department store, the manager or proprietor of this department store being one of the chief moguls at the aviation field. They took their ad. out, and the business manager came storming in to me, as they always do in cases of this sort, to see who wrote this story. And when I told him that I wrote it myself from facts that I had, it didn't set him back a bit, because he wanted me to print an apology, a thing that, when I have printed a story in any publication at any time that is based upon the truth, I have not yet done. And I told him that I would not apologize, and this advertisement was removed from our paper. It occupied considerable space, and by virtue of the fact that department-store advertising is the chief supporter of all newspapers—therefore all newspapers all over the State, and with one exception in the United States that I know of—with one exception—are controlled by the department stores, the exception being the Day Book, of Chicago, which does not take any advertising, the only newspaper that I think is left, the only daily paper that I have any ambition to work for, because it is the only newspaper that I know of where the management is not utterly prostituted to capitalism.

When Mr. Gibbon came to me concerning this "unfortunate incident" of printing this story regarding the M. and M.'s management, very much outraged because I had kicked this ad. out of the paper, I made him a proposition that I was to take this space each day and print the truth concerning things that I knew about the M. and M. and about the manager of this department store and the way they treated their employees, especially the little girls and some of the older girls, just to print some little incidents or side lights on Los Angeles after twilight, and some of the history of some of the members of the M. and M., and other information that I thought I had and was available. Mr. Gibbon was considerably shocked by my proposition, and said he didn't believe that that would work; that he intended to write, and I think he did write, a letter to the owner of this department store. And I think he had a personal interview in which he conveyed to him something of my intention or my request. At any rate, I told Mr. Gibbon that if he wanted this ad. back that I would stake my life that within 10 days I would have it back at double the space and

double the rate, if he wanted it. He didn't accept it, but he went up and interviewed this individual and the ad. came back, at what rate and what amount of space I am not able to state.

Shortly after that I printed a story based upon affidavits of employees of the Los Angeles Aqueduct, which was then in the course of construction, another monumental real estate conspiracy, which cost the people of this community something over $30,000,000.

I printed a story about the intolerable, insufferable conditions in the Desmond mess camps. I based it upon affidavits, and was convinced that it was true. This brought instant reprisals by the brother of this Mr. Desmond, who ran, and does run an extensive haberdashery in this city. Mr. Desmond came swinging into the office, and I knew him as a prominent and not uninfluential member of the M. and M., with their gentle and refined methods of representing the truth, and told me that if I didn't print an apology the next day he would remove his ad. from the paper.

My responsible employer was Mr. Gibbon, and he was in New York, and I felt sure I could get away with another edition. Inasmuch as this man had bellowed in my local room, before the reporters and editors, with whom I had long worked, and whose respect I held; I hope hold it yet—he came in such a manner that my dignity, at least, prevented me from yielding to his demand, and I think that my language was about as warm as his, when I told him he could take his ad. out of the paper, and where he could go with it. And then I called his attention to the affidavits, how much worse they were than the story, and invited him to take his ad. out, and said that I would print the evidence in full in my story.

I could give you a number of instances of similar methods of coercion which was done over and over and over again. The members of the merchants and manufacturers' association watched the columns of this paper as they watch all papers, and the first inclination of labor trouble, when I would be likely to print a fair story, they put the pressure on and prevented me.

Unquestionably, the owner of the open shop—which is the closed shop to union men—the Times proprietor, knew that I was a Socialist, knew that I had a record as a labor-union man, knew that my entire staff was Socialist, that we were all of us labor men, and he owned the paper, and made the pretense that he was for the open shop.

So much for that special brand of what I may be allowed to call hypocrisy on the part of this labor-hating organization in claiming they are for the open shop first, last, and always.

I would like to take up the method of handling the problem of the unemployed in this community. Last winter there were 40,000 unemployed men in this city; San Francisco and other coast cities, as you probably know, were in about the same condition. These unemployed are usually broke, and therefore they are in the eyes of the law vagrants. These men are arrested and placed on the chain gang in great numbers. These chain gangs they work on public highways. In some instances, at least, these public highways are in themselves a deliberate real-estate graft, a conspiracy to use the money of the people of this county that automobile roads are to be built that are only used by the rich. A conspicuous example of this is the automobile road built at Topanga Canyon. Not one-tenth of the population of this city knows where that is. They arrested some of what they call the "blanket stiffs" in this community and put them on the chain gang and worked them up in this canyon. The conspiracy part of it, of course, is to enhance real estate values up there in a mountain district which the population of this city does not even know exists.

The State law provides that men working on the chain gang—and they never have any difficulty at any time of the year in arresting men under this vague charge, vagrancy—the State law provides that counties may pay these men a dollar and a half a day during the time of their involuntary servitude. They work them in these camps. The supervisors of this county, when it was suggested to them by the grand jury which is now in session, that they comply with the State law and arrange some remuneration for these chain-gang prisoners, proceeded to pass a law making the wage of these chain-gang victims from 10 to 20 cents a day, depending upon behavior. Behavior, of course, means what the particular guard or captain of the guard that has them in charge thinks of them. Ten cents a day probably is about the minimum and maximum wage of these men working there.

At the end of the 28 days or 30 days of their servitude they are liberated—broken, crushed, and brutalized in spirit, working under these inhuman chain-gang guards, those men return to the city. They have just enough money to retire to the secluded shady precincts of Main Street and get drunk, and just about enough vengeance against society to go out and take a piece of lead pipe and slug some one. Then the papers are filled with horrible stories. We have a great many of them every winter.

Now, the gentlemen on the other side have deplored violence. They have had a great deal to say about the intemperate utterances, and something specifically was said about the intemperate utterances of newspapers; of, course, the newspapers did not quite agree with the M. and M. organ. I shall, with your permission, read extracts from editorials printed in the Los Angeles Times. And in reading these I wish the commissioners would keep in mind the fact that I deplore violence. I regret violence of any kind at any place. I am a Socialist; and therefore am a member of that particular group of humanity, and there are about 50,000,000 of us who hold this belief—unfortunately some of that 50,000,000 are perishing on the fields of Europe—that all violence should be avoided at all times. We are opposed to murder, individually or collectively. We are opposed to murder under the guise of war. We are opposed to armed militiamen shooting down workmen and their women and their children. We are opposed to murder under whatever label, and we are especially opposed to legal murder that comes from men in uniform, and more especially are opposed to murder by the gunmen of capitalism shooting down workmen in camps in times of labor trouble.

Mr. Chairman, I feel that one of these editorials at least points directly to me, because I have gained some measure of reputation of being an agitator. And, being an agitator, I come at least under the ban of this one editorial printed in the Times of November 11, 1911. I, at least, was known as being what they call an agitator, because I had preached the doctrine of discontent, the doctrine of discontent with slavery and chains, and it is my intention to continue to preach that doctrine.

Here is an editorial from the Los Angeles Times of Sunday, June 11, 1911. This was printed on the editorial page in column five of that paper. I am reading just a portion of it, because it is a column long. It is headed—

"THE REMAT COMBINE.

"* * * And soon—it has begun to happen already—the plain citizen of every country will form a combine. Its object will be the suppression of sedition and anarchy in the persons of the professional agitator.

"There will be a big, powerful, effective, but very unostentatious revolt. It will work quickly, surely, silently.

"* * * The first the plain citizens' combine will accomplish is the quiet removal of these gentlemen. They won't be blown up; they will just quietly disappear from human ken. There will be a little inquiry at first, but it will die down ever so quickly. * * * The plain citizen combine is not being mustered abroad and is not seeking members or subscriptions, but it is growing rapidly, nevertheless, and it is a very real and very tangible thing.

"With the itch removed, the great disease of unrest will soon be cured, and the world will settle down for another half century."

Mr. Chairman, the world-wide discontent of labor, the world-wide unrest with conditions as they exist to-day are, to the mother and father of the M. and M., an itch to be cured by removing a few of its agitators quietly from human ken.

Personally, I have no fear at this hour of being removed by the plain citizen combine, but I have some fear of the plain citizen combine and citizens' police murdering men and women in these United States in every labor trouble that arises.

Another editorial, of June 11, 1911—another excerpt. Speaking of labor troubles, they say:

"Back of the police is the sheriff with power to swear in an armed posse comitatus to preserve the public peace and arrest the offenders. There is no reputable citizen of Los Angeles who would decline membership of such a posse, and in an hour, if necessary, a brigade could be organized and armed with pick handles that would drive the lawless union labor'tes, closed-shop, murderous vermin into the sea."

This, gentlemen of the commission, is an editorial from a newspaper owned by a witness here who said he deplored the methods of violence of union labor. I submit to you, gentlemen of the commission, that these inflammable statements may bring about conditions that have all the elements of civil war.

One more editorial and I will be through with them. Another from the Times:

"When their homes and their property are seriously threatened by the cohorts of disorder they will look for protection first to the police, next to the militia, and then to the Federal troops, and if, as is not even remotely possible, these should prove inadequate, there should be seen a force of thousands of merchants and manufacturers and lawyers and bankers and mountain workers and home owners of Los Angeles armed and marshaled for the protection of life and property, and the carcasses of some of the labor leaders who instigated disorder and dynamiting and murder might possibly be seen dangling from telegraph poles."

Now, gentlemen of the commission, we do not want to dangle. We do not want to decorate any of their ornamental lamp-posts, and we are not as murderous and dangerous as they make us out to be.

With this advice from the chief spokesman of the labor exploiters, the labor haters of southern California, the city administration which always has been in power, having been elected by this particular class, has fallen in with their plans on about every occasion.

The antipicketing ordinance was written in the office, I am told, of the M. and M. by the M. and M. attorney at 9 o'clock in the morning, passed by the council at 10 o'clock, signed by the mayor at 10.20 o'clock, and at 11 o'clock dozens of men, who were not violating the law an hour or so previous, were arrested and incarcerated in the city jail. This is the method of expediting force in this community whenever the plain citizens' combine gets ready to operate against inoffensive citizens. Manifestly these men were not violating any law in the morning. In the afternoon they were criminals, locked in the city jail.

On April 25 the chief of police of Los Angeles asked for an appropriation to buy 40 guns to add to this armed camp that we maintain here. Why, this State is so well heeled as to firearms that the Thirty-ninth Legislature of California, over the opposition of labor, passed a law to make it permissible—and note that we fought the military authorities on that occasion—to make every high school which has 40 pupils in this State an armed military camp; to provide them with Krag-Jörgensen guns, with ball cartridges, and this was taken advantage of all over the State. They have here more different kinds of arsenals and armed camps than you would dream of. Why, even Gen. Otis maintained an arsenal in the Times office.

When Mr. Hearst and the Los Angeles Examiner, pleading to the importunities of union labor of this city several years ago, came to Los Angeles, labor held a great celebration, which, to me, is an evidence of how easy it is to bunko labor as well as capital; they had a great celebration and had a big parade. I was in the Times office the night of that parade. Shortly before the parade was to start they brought out bunches of Springfield rifles and ball and cartridges .45-.70 as to caliber, capable of killing a man at a great distance, a thoroughly effective weapon—about the same type of weapon that was used in the Philippines during the war—and a man came by and picked up one of the weapons while I was in the room, and almost everybody in the room scrambled to get under the table.

They have armed camps right in the Young Men's Christian Association, the president of which testified on the stand yesterday, or Friday, I believe it was. He was then president of the Young Men's Christian Association and owner of one of the big department stores in this city. I saw in the Young Men's Christian Association great rows of lockers, and when they were thrown open they were filled with Springfield rifles and bayonets, one of the most deadly weapons ever designed by murderous man.

In the Young Men's Christian Association we had the Triangle Cadets, we had the United Boys' Brigade, and the judges of the superior bench join with the clergymen in promoting this martial spirit in the community. We have the delightful institution, supported by the Powder Trust, known as the "Boy Scout movement." The mothers of this community are bunkoed by the people into believing that this is something that it is not. One mother recently told me it made her boy so large and such a broad chest. I suggested to her that he would make an excellent target for a bullet.

I do not suppose there is any community in the United States where there is as many armed camps as there is here. Everybody, every group that I know of has an arsenal, except union labor; in every sort of an organization here, and in many of them, excepting the Socialists organizations and other labor bodies, they have their own rifles.

On April 25 the chief of police asked for an appropriation for 40 guns. The following is taken from the minutes of the city council of May 5; this is of this year:

"We recommend that the sum of $700 be transferred from the general expense fund to the police department fund for the purchase of emergency guns and ammunition," and so forth. "Mr. Langdon moved, seconded by Mr. Bryant, that it be adopted, which motion was adopted by the following vote: Ayes, Messrs. Bryant, Conwell, Langdon, Wheeler, Williams, Whiffen, Roberts, and Snowden—eight. Noes—none."

I wish to say in behalf of Councilman Wheeler that on May 15 he made a ringing speech in the council and said that he didn't know that he had voted for this measure, and asked permission that his vote be changed from aye to no. This was unanimously consented to, and is so spread on the minutes.

Then Mr. Wheeler offered a resolution against an organization calling itself the citizens' police. The matter of appointing 200 citizen police officers was referred to the safety committee, and there the matter rests. The safety committee of the council is composed, I believe, of three councilmen, who were not elected by union labor. And as I have shown you in regard to the expediency with which they put through the antipicketing law, I haven't the slightest doubt that one hour's time would enable that safety committee of the council, and the very willing mayor, to arm and put on the streets 200 or 500 of these pick-handle men that Gen. Otis mentions, or any number of deputy sheriffs that they have described—in other words, Baldwin-Felts or Burns thugs, gunmen.

Here you have inflammatory editorials leading up to this. Here you have your action of the city council, which only smothered this citizen police proposition a few months ago, probably because Councilman Wheeler insisted and probably explained to them that it would be unhealthy. These guns were frankly designed to kill men and women in the street. Now, Mr. Commissioner, with your permission, I would like to offer here as an exhibit one of those guns. [The witness rises.]

Mr. Calvert [addressing a bystander], will you give me that compulsory arbitrator? [A repeating shotgun was handed to the witness by a bystander.]

By your permission, Mr. Chairman, if I may stand up here. [The witness leaps from the witness stand to the stage and stands beside the members of the commission, with his back to the audience.]

This is one of the sawed-off shotguns recently bought by the city council, which we of the laboring class believe, and we think we have reason to believe, will go into the hands of Baldwin-Felts or Burns or other private gunmen of capitalism in case of a labor struggle in this city. [The witness holds the gun at arm's length, swings the same about, exhibiting it to the commission and to the audience.]

The operation of this gun is very simple. [The witness operates the reloading mechanism.] Loaded with 21 No. 1 buckshot at a distance, we will say, of 60 feet, about the width of the city streets, I would assume that within one second a good handy Burns thug could kill or wound 25 or 30, at least, men and women and babies, because these people don't draw the line.

With your permission I will show you how rapidly it may be operated. [The witness goes through the motions of rapidly firing and reloading and firing the gun, operating the reloading mechanism many times, all in the space of a few seconds.] It will make 25 widows within that time. This end of the gun [indicating the muzzle] is designed for the working class; this [indicating the stock] for the capitalist class. [Applause.]

Chairman Walsh. Let us have perfect order, madam [hiss]——I will have to ask you to retire if you can't hold in your feelings.

Proceed.

Mr. Wolfe. Mr. Chairman, it is my belief, as something of an expert with firearms, that had the Baldwin-Felts detectives, disguised as militiamen in Colorado, had that sort of weapon in their hands at the time of the Ludlow massacre, instead of taking five or six hours to kill 20 men, women, and children, they might have killed them all; they might have, armed with the Los Angeles weapon, within five or six minutes, set fire to the tents and burned

the babies alive, and been on the way to their court-martial to get their whitewash within a half hour.

Of course the 30-30 and the high-powered gun with flat trajectory will kill a man at a great distance. But in the city of Los Angeles it is not contemplated to kill them at a great distance. It is short-range shooting here that they seek. These inflammatory editorials from the representatives of capitalism indicate to me, and I think they indicate to a large number of the working class of this community, that these men intend to declare war, and that it means death to everyone who is foolish enough to stand in the streets at the time they do declare war in time of labor trouble.

A great railway strike was threatened at the time this action was taken. It was believed that all of the railroads west of Chicago were likely to be locked up in a strike. No city in the whole country would probably be more immediately affected than we would had this strike occurred. They contemplated doubtless the use of this weapon.

The Southern Pacific Railroad, without any violence whatever, has hastily thrown up its barricades and built its fences around its shops and taken all precautions to prepare for war. They have supplied the torch and the oil. I mean they have done this in times past, notably the time the machinists' strike broke out here.

These guns are the sort of compulsory arbitration that we think that capitalism, the M. and M., and the labor haters of this city intend to use upon the working class in time of struggle. These hundreds of these citizen police will not be headed by the walking delegates of the M. and M.; they will be headed by gunmen. You have been told here by the spokesman of the M. and M. that they prefer deputy sheriffs—what they call deputy sheriffs. The simplest way of putting a Burns murderer on a legal basis, so that he may murder without fear or let or hindrance, is to take him up and swear him in as a deputy sheriff. I feel that this is their intention.

Personally I have the highest regard for the police. I think that the chief of police in taking this action merely takes orders from the master class, and as far as the average policeman is concerned labor does not fear him. Labor only looks on him as being a workingman who perhaps is going to carry out the orders of his boss. He will shoot us in the street, but he does not provoke labor to overt actions, and it has never been called to my attention that a uniformed policeman ever acted as an agent provocateur at any time or in any labor trouble. We have in this city 570 police officers, which is not a high average for the population, but a sufficient force to police this city. We are not a turbulent people. We are almost a bucolic people. There is no particularly turbulent element here.

There are 75 paid deputies in the present sheriff's office, and he has only deputized 3,007 men. These, however, are mostly what is looked upon and sometimes spoken of as the "Rube constable," the fellow that is out in the country and wants to wear a tin star. He is utterly harmless and takes no part in the labor struggle. There would be no difficulty in having our city police increased in time of labor trouble.

Just one more word and then I am through. You were just told that there had been no lockouts. If I had dared to present here the amount of matter that has been offered me by the labor side of this controversy, it would take me eight hours to attempt to present it, but I have turned it all down except this one. A notable case of the lockout was the labor dispute with Bishop & Co. They locked out their employees in the cracker industry when they found that they were talking organization. We wanted to submit considerably more than this, but our witness in that case has been called away.

Mr. Chairman, I want to submit here an invoice of the purchasing agent of the city of Los Angeles when he purchased these sawed-off shotguns. The number of this particular gun [indicating the gun produced before the commission] is 206716; that is the number marked on this invoice here, and it is numbered underneath the gun on this spot [indicating number on the gun].

This gun cost us, we of the working class paying for it, $14. It cost 50 cents to get it sawed off to make it the murderous man-killer that it is. It was purchased from the Tufts-Lyon Arms Co., Mr. Tufts being a prominent member of the M. and M., I think an officer of that organization. I note that part of these guns were purchased from William H. Hoegee Co., and Mr. Hoegee was kind enough to saw off 22 barrels of the guns for $2, whereby Messrs. Tufts-Lyon, of the M. and M., sawed off 17 of them for $6.50.

I think, Mr. Chairman, that finishes all I have to say.

(The invoices referred to are printed as Wolfe exhibit.)

Chairman WALSH. That is all.

Mr. WOLFE. Mr. Chairman, I would like to offer this report. I mentioned the aqueduct as being a real estate conspiracy. I mentioned also the conditions of feeding the workers on the aqueduct, and by request of Mr. Grow I wish to offer the report of the aqueduct investigation board of the city of Los Angeles, which will authenticate what I said concerning the real estate conspiracy and carries considerable illuminating matter concerning the way the workers were treated.

Chairman WALSH. Just submit it to the stenographer. That is all then. Thank you, Mr. Switzer.

TESTIMONY OF MR. JOSEPH R. SWITZER.

Chairman WALSH. Your name, please?

Mr. SWITZER. Joseph R. Switzer.

Chairman WALSH. Your occupation?

Mr. SWITZER. Carpenter.

Chairman WALSH. Where do you live?

Mr. SWITZER. I live in North Commonwealth—out in West Hollywood—East Hollywood.

Chairman WALSH. How long have you lived in this county?

Mr. SWITZER. Seven years.

Chairman WALSH. And how long have you followed the occupation of carpenter?

Mr. SWITZER. About 30 years.

Chairman WALSH. I would ask you were you served with some questions, Mr. Switzer, that the commission desired you to answer?

Mr. SWITZER. Why, no; I don't know as I have.

Chairman WALSH. Well, I will ask you the questions as handed to me by Mr. Manly, to give us an account of the employment of craftsmen in your craft with construction companies or home-building companies of Los Angeles, which you suggest are peculiar to this community and somewhat widespread.

Mr. SWITZER. Why, it has become and has been quite customary in building trades that a great many of the companies insist on the men buying stock of the company to get a job with them and weekly deducting the amount—a certain per cent of their wages—to pay for the stock.

Chairman WALSH. How widespread or how general is that practice, Mr. Switzer?

Mr. SWITZER. Well, in my case I have been duped twice since I have been here in seven years, and I have been told to-day of two companies that I haven't known of before, and then I have a copy of a contract in my pocket that was made by the Los Angeles Investment Co. with one of their employees, and they will not—or would not when they were on earth—employ a man that would not buy stock of them.

Chairman WALSH. Well, now, I wish you would describe how the companies operated that you have personal knowledge of.

Mr. SWITZER. Well, this one that I have—I was foreman on a flat building—a 50-flat building—a brick building—this summer and we employed from 25 to 30 men part of the time. And there was no man worked there, with very few exceptions, but what were compelled to subscribe for stock.

Chairman WALSH. Well, to what extent, I wish you would, just as far as you can, give us the details.

Mr. SWITZER. Why, we had a few men there that we paid a dollar and a half a day—that is, that we deducted that much from their stock every Saturday night—taken out of their pay check—and they were given receipts in lieu of cash. For instance, we had two laborers there; one man that drew $2 a day; he had a widowed mother to support and they took 50 cents a day off of him. I had another laborer there who drew $2.25 a day and they took 50 cents off of him. He had a wife and two children. I had carpenters there—I had one man there, as good a mechanic as there was in the city, who worked for $3.75 a day and they took $1.50 off of him.

And I had another man there that worked for $3.50, and they took $1.50 off of him, but off of the carpenters they would not take less than $1 a day. And they represented to me that the stock would be valuable and would pay a dividend, when the facts developed at the end of the contract that the stock was not worth anything and could not dispose of it at any price, and I don't

think there was any of the boys presented their receipts and had stock issued to them. They have just merely got a bunch of receipts.

And there was one man—he was an M. D. from the East, and you know the California laws are very strict with regard to issuing permits for doctors from other States to practice medicine here. And he evidently was a poor man; had to get in and hustle to keep the wolf from the door. And he worked. He was a pretty handy man, as good as the average of carpenters, and they gave him $3 a day, and they took a half a dollar off of his pay a day, and he didn't take any stock. That was pure graft.

Chairman WALSH. Did any of these carpenters and other laborers belong to a labor organization?

Mr. SWITZER. Some of them did; yes, sir.

Chairman WALSH. Now, have you the time books, the stock receipts, and a copy of the stock agreements that you refer to?

Mr. SWITZER. Yes, sir; I have.

Chairman WALSH. Would you be kind enough to submit them to the secretary of the commission?

Mr. SWITZER. There is the time book.

(The time book referred to is printed as "Switzer Exhibit No. 1.")

And there is a bundle of receipts, and there is an agreement in there.

(The receipts and agreement referred to are printed as "Switzer Exhibit No. 2.")

And here is a copy of the agreement I spoke of with the Los Angeles Investment Co.

(The agreement referred to is printed as "Switzer Exhibit No. 3.")

Chairman WALSH. Where did you get the copy of the agreement of the Los Angeles Investment Co.?

Mr. SWITZER. It was handed to me to-day.

Chairman WALSH. Did I understand you that the Los Angeles Investment Co. had gone out of business?

Mr. SWITZER. Why, I don't think they are doing any building now. If they are I don't know it. They have been doing considerable.

Chairman WALSH. What are the names of the other companies with whom you had this experience?

Mr. SWITZER. Well, there is one that I don't care to give up, for personal reasons. It might have a reaction on myself.

Chairman WALSH. Well, would you give it to an investigator of the commission privately?

Mr. SWITZER. Yes, sir. And there is another one—the Western Construction Co., I believe—I don't know where its office is. And I was told to-day of a company that is building a string of bungalows or bungalets, or some fancy name, down Tropico way, and they are employing men and taking a per cent of their wages in stock—paying them a per cent in stock.

Chairman WALSH. Was there any representation made to you before you went to work as to the value of this stock, if any?

Mr. SWITZER. Why, I didn't make any investigation of it. I took the fellow's word for it. I had been looking for work for some little time, although I have not lost very much time since I have been here. Of course I made up my mind the money I made out of it I would have that much money, and I didn't count much on the stock anyway, because I had been beat before.

Chairman WALSH. Are you a member of a labor organization?

Mr. SWITZER. I am.

Chairman WALSH. What one?

Mr. SWITZER. One hundred and fifty-eight.

Chairman WALSH. Carpenters?

Mr. SWITZER. Carpenters' United Brotherhood.

Chairman WALSH. Is there any other statement you wish to make to the commission, Mr. Switzer, that you think might throw light on the inquiry here that I haven't asked you about. If so, you may state it now.

Mr. SWITZER. Why, there has been considerable said about this employers' liability act.

Chairman WALSH. Yes; the workmen's compensation act.

Mr. SWITZER. The workmen's compensation act. Well, there is one of these fellows that worked for me out there on that job. When he got through there he went to work for the Sound Construction Co. at Fifth and Main, I believe it was, and in some way he got a red-hot rivet dropped on the back of his neck.

and it gave him a pretty bad burn, and he wasn't able to work for some time. Their doctor treated him, the company's doctor, and at the end of two weeks the doctor told him that he was able to work again. He didn't think so. Anyway the company didn't have any further work for him. Well, to my way of thinking, I think the man was entitled to some compensation for that accident, but he got none. I just tell you that to give you my views on the compensation act.

Chairman WALSH. Now, did you hear the testimony this morning of Mr. Wood, the public defender?

Mr. SWITZER. No, sir; I came in later.

Chairman WALSH. When did this occur, now, this fraud which you claim was perpetrated upon you? What were the dates of that, approximately?

Mr. SWITZER. The beginning of the job is in the time book. It seems to me that the job began in April some time.

Chairman WALSH. Of this year?

Mr. SWITZER. Yes, sir; and ended about September.

Chairman WALSH. Do the working people here generally, are they aware of the fact that there is a public defender, a part of whose function it is to prosecute cases for poor plaintiffs?

Mr. SWITZER. I think there is; yes, sir. I went to the public defender with this case—the men, 20 or 30 of them, told me that I could do as I liked with it, and I went to the public defender—and he listened to me and advised me to go and employ an attorney. He says: "You have got a case against the people," but he says, "my advice to you would be to go together and employ an attorney." That was his advice to me.

Chairman WALSH. Well, did you make any request of the public defender to bring proceedings for you or any of the men?

Mr. SWITZER. No; I think not. He said that it would be rather an expensive thing to institute so many suits. He said it would be better to go together and have it put all together in one suit.

Chairman WALSH. Do the working people generally understand the function of the public defender?

Mr. SWITZER. I haven't heard very much talk about it, but I would suppose they would from what we have read in the Record. I think the working people here usually read the Record, and the Record has given the public defender a——

Chairman WALSH. Did you make a report to those that you represented as to the advice that you received in this particular case?

Mr. SWITZER. I did not; no. I haven't been back to them. I have been advised recently to report their case to the prosecuting attorney, but I haven't seen fit to do it. I don't know as I will until after election.

Chairman WALSH. Commissioner O'Connell will ask you a question.

Mr. SWITZER. Yes.

Commissioner O'CONNELL. What was supposed to be the value of the shares of this company?

Mr. SWITZER. One dollar par.

Chairman WALSH. What?

Commissioner O'CONNELL. What?

Mr. SWITZER. One dollar par.

Commissioner O'CONNELL. One dollar?

Mr. SWITZER. Yes, sir.

Commissioner O'CONNELL. And how much did you pay into it?

Mr. SWITZER. Sixty-six dollars.

Commissioner O'CONNELL. Sixty-six dollars?

Mr. SWITZER. Yes, sir.

Commissioner O'CONNELL. That is the last time?

Mr. SWITZER. Yes, sir.

Commissioner O'CONNELL. The first time how much?

Mr. SWITZER. The first time I paid $300 in good hard money. If I was to dispose of the stock now I suppose I could get $1.25 for it.

Commissioner O'CONNELL. Is that company still in existence?

Mr. SWITZER. Yes, sir.

Commissioner O'CONNELL. Has it ever paid dividends?

Mr. SWITZER. Yes, sir.

Commissioner O'CONNELL. Does it pay dividends right along?

Mr. SWITZER. No, sir; it has stopped.

Commissioner O'CONNELL. What dividends has it paid?

Mr. SWITZER. It paid 10 per cent on par.
Commissioner O'CONNELL. For how long?
Mr. SWITZER. Why I should think it paid dividends two years.
Commissioner O'CONNELL. How long since it has paid dividends?
Mr. SWITZER. About six months.
Commissioner O'CONNELL. Were you supposed to pay that installment on the stock regularly whether or not you were employed?
Mr. SWITZER. No; just during employment.
Commissioner O'CONNELL. Just during employment?
Mr. SWITZER. Yes, sir.
Commissioner O'CONNELL. That is all.
Mr. SWITZER. Is that all?
Chairman WALSH. That is all; thank you, Mr. Switzer. Is Mr. Kubec here? Is Mr. C. J. Kubec in the room? [No response.] Is Mr. B. Avery Martin here?
The SERGEANT AT ARMS. Mr. Martin is not present; Mr. McCarthy is.
Chairman WALSH. Mr. McCarthy, please take the stand.

TESTIMONY OF MR. E. AVERY M'CARTHY.

Chairman WALSH. Your name, please.
Mr. MCCARTHY. E. Avery McCarthy.
Chairman WALSH. Your business, please.
Mr. MCCARTHY. Real estate.
Chairman WALSH. What is the name of your concern?
Mr. MCCARTHY. The McCarthy Co.
Chairman WALSH. And how long have you been engaged in business in Los Angeles, Mr. McCarthy?
Mr. MCCARTHY. Twenty-six years, partly in Los Angeles and partly in San Francisco, and the last 10 years entirely in Los Angeles.
Chairman WALSH. The McCarthy Co. is a corporation, I take it?
Mr. MCCARTHY. The McCarthy Co. has been incorporated 22 years.
Chairman WALSH. Under the laws of California?
Mr. MCCARTHY. Yes, sir.
Chairman WALSH. Now this commission has been advised, Mr. McCarthy, that you had some additional data that might prove to be valuable in our hearing. Has it been indicated to you what the commission desires?
Mr. MCCARTHY. Yes.
Chairman WALSH. I wish you would kindly, just in your own way, state it.
Mr. MCCARTHY. If I may use it as I have tabulated it.
Chairman WALSH. Very good; yes. Now, if you will be kind enough to pitch your voice a little higher, the audience will be able to understand.
Mr. MCCARTHY. The specific points indicated to me are these: "First. The extent to which wage earners in Los Angeles own their own homes." The first heading under that—"With clear titles." From my experience of 26 years in the real estate business in Los Angeles and San Francisco, the last 10 years of which has been continuous in Los Angeles in the building and sale of small homes and home lots in the south and southwest of Los Angeles City, that section of the city used mostly by wage earners for homes, I would say that about 10 per cent of wage earners who own homes in Los Angeles, own them clear of incumbrance.
Chairman WALSH. What per cent, please?
Mr. MCCARTHY. Ten per cent. During the past 10 years the McCarthy Co. has subdivided in the city of Los Angeles 20 tracts of its own, aggregating 3,303 home lots, in the south and southwest of the city of Los Angeles, upon which are built 1,233 homes. The percentage of the homes owned and occupied by wage earners is 90 per cent; and of these lots sold and not yet built upon the per centage owned by wage earners is about 80 per cent.
Commissioner GARRETSON. Are you using "owned" as paid for or in process?
Mr. MCCARTHY. In process, in process.
The second heading, "Homes mortgaged or otherwise encumbered." From 80 to 90 per cent of those homes and home lots purchasers are paying up on easy installment or monthly payment plans. These places are being carried on contracts, at least down to the point where one-half of the purchase price is paid; thereafter frequently they are carried on mortgages. During the last few years it is no unusual practice for a builder to obtain a loan for the amount of the building, and when the place is sold, sell it subject to the loan

or take a trust deed for the balance of the purchase price. The McCarthy Co. does not operate in this way, but sells on straight contracts from itself to the purchaser direct, and the McCarthy Co. carries these contracts direct, or through a bank in some instances. These deferred payments are carried on 7 per cent interest, and the monthly payments are usually applied to interest, the balance to principal.

The standard of terms of installment payments in Los Angeles is recognized as 10 per cent of the purchase price in cash, and 1 per cent of the same per month; but much easier terms than these are the rule and the specialty of the McCarthy Co. and of some other real estate dealers, who buy as we do, at wholesale, and sell as we do, at retail. Terms of sale of small houses are as easy as $50 to $100 cash; $12 to $25 per month, and it is possible to buy a lot on a minimum payment of $10 down and $5 per month, and to build a temporary house or shack on the rear to save rents.

Commissioner GARRETSON. A thousand-dollar property, then, under your system, would a $50 payment be accepted down?

Mr. MCCARTHY. Yes, sir.

Commissioner GARRETSON. And what payments per month?

Mr. MCCARTHY. About $10 to $12 or $14 per month.

Chairman WALSH. Proceed.

Mr. MCCARTHY. The next heading, "Percentage of houses on which payments are started by workers and given up." From actual experience this percentage is extremely small, 1 to 5 per cent, more apt to be 1 per cent than 5, though in the past year the percentage has been greater than in previous years, but I attribute this almost entirely to the extremely small amount of the first payments. In my observation the only ones who actually fail are the ones who have never been able to save enough money to make a fair payment on a house and lot, and would pay only $25, $50, of $75 down, depending upon the size of the house; then when their payments run behind a few months they are out nothing more than the amount of a moderate rental, and give it up and move into another place. The percentage of those who absolutely fail and have to give up places at a loss is extremely small, and would be covered by 1 per cent.

The attitude of the McCarthy Co. has always been one of leniency to the delinquent, and that seems to be the general tendency in Los Angeles. This tides over temporary inabilities to keep up payments, allowing purchasers to pay up or resell without loss. As a matter of actual experience the McCarthy Co. has foreclosed upon only one house and three lots in the past 10 years; the house was not that of a wage earner. The lots were those of purchasers who had gone away and could not be located, and the action was necessary to clear up titles. The general tendency is toward adjustment and to give and take rather than insistence upon the pound of flesh.

The next heading, "General average value of homes owned by wage earners." Taking the city as a whole, would place the average value of such homes at $2,000.

"Value of lot." Present values are from $500 to $1,500, with an average of $750. Over a period of 10 years the average cost to purchasers I would place at about $200.

"Value of buildings." From $250 to $2,500, making a mean average of $1,250 to $1,500.

"Relative assessment for taxation purposes. On unimproved property." One-fourth to one-third market value. The principle seems to be low assessments upon newly subdivided properties, grading upward each year, as its usefulness grows, until a normal assessment is reached.

"Real estate and improved property in working-class districts." One-third to one-half market value.

"Real estate and improved property in better residence districts." Same proportion.

"Property in business districts." Relatively the assessment is higher in the business districts owing to the fact that property in the business districts pays a good income to the owner, and should bear a greater proportionate tax than the homes in the newer districts.

The next heading, "What has the open-shop policy in Los Angeles done for the community in regards the establishment and maintenance of a high standard of living for all classes?" I consider that the open shop has been the greatest drawing card that Los Angeles has, not excepting the climate. The general feeling of Americans, from the time the Declaration of Independence

was drafted, is expressed in that one word "independence." The European standard is imperialism, and the open shop does more for independence and for developing the independent spirit of the American than anything else. In the European countries, if a man is born a carpenter, his son must almost surely be a carpenter, and his son after him. In the United States of America a carpenter's son may be an attorney, a painter, a jeweler, or any other craftsman that he chooses as a trade or profession, and for which he finds himself best fitted or most inclined, and a city that stands for the highest ideals of independence and Americanism will surely draw more people than any other city in the country with or without climate.

I believe that the feeling of the wage earner who comes to Los Angeles is that if he is a carpenter, but is also a tolerably good painter and can make more money painting than at carpentry, and is free to work at either, the feeling is one of security in living in that community. I think it is well recognized that in any craft there are at least three grades of workmen—the indifferently good workman, the good workman, and the first-class workman. Under ordinary conditions each grade expects a different rate of pay; under other conditions each grade receives the same pay. This latter would seem to be a tendency toward lessening the efficiency of the good workman. I have known of instances, in another city, where a good man was actually told he must not do so much, as the poorer workmen on the same job could not keep up with him.

I believe that any policy that tends to increase the efficiency of men of any line, trade, or craft leads to an interest in and a maintenance of a higher standard of living; and where an artificial value of labor is maintained in a community the adjustment of the weekly or monthly pay is made by the lessened number of days of employment and results in a constant change of employment and of enforced idleness between the days of employment.

I have actually witnessed in another California city refusal of employment by idle men of work that they were well able and fit to do because it was not within the craft of their union. Such a thing is not possible in an open-shop city where a man is willing to work. If work is slack temporarily in his own craft he may take other employment offered.

"Assurance of regularity of work and decrease of unemployment." I believe that the open-shop policy tends to greater regularity of work, because the employee makes his own individual effort to maintain a standard of efficiency to maintain a regular employment, while another system often leads to carelessness of manner with employer and with fellow employees, on the assumption that if employment is not furnished at that particular job it must be furnished elsewhere.

"Protection of industrial and civil rights of individuals." I believe that the open-shop policy is an automatic self-protection of the rights of individuals, as one stands upon his own individual and personal worth in the community and is not bolstered up by any other standard.

"General and technical education and the ability to secure thorough mastery of trade." I believe that the open-shop policy gives the right to each young person to select his or her own trade, with the assurance that this trade may be followed at his or her own individual bent; depending upon his own special worth and value without reference to any restrictions placed upon same from any other source, and that the master efficiency in any trade depends only upon the individual and gives the apt, steady, and thoughtful workman the opportunity to constantly better his condition, until he becomes by natural graduation an employer instead of an employee, a wage payer instead of a wage earner; and of such the open-shop city has many and always will have many.

"What distinction have you made in employment of labor between union and nonunion?" Absolutely none. The last thing I want to know of an employee is whether he is a union man or belongs to any union; the last person I wish to see on any work under my control is the arrogant walking delegate. The theory of unionism is fine; its practice is abhorrent. My own idea of the open shop is one that asks no more of any employee than a fair day's work for a fair day's pay, with no let or hindrance of the fellow workmen, whether he be union or nonunion—the live and let live policy; the best pay for the best workman, a lower wage for the deficient. How to accomplish this without strikes, bombs, cracked skulls, and bloodshed, common in some communities that are more belligerent than this, I know not. This is for the commission to determine and recommend. It may be that we are coming to a happy medium. I believe we are, because the pendulum has gone to both extremes; and in all fairness to

methods that we object to it seems to me that such extremes are but the natural result of excesses of long ago on the part of the employer; not the fault of this decade, but the result of abuses and practices of past decades bolstered by the political vices and abuses of the same times. But it seems sure to me that one thing is a determining factor in these days in the establishment and maintenance of a high standard of living for all classes of wage earners in any community, and that is that they own their own homes, and thus become not a class by themselves in a community but an integral part of the community in which they live. I believe that it is possible to have ideal open-shop conditions of labor and for wage earners in Los Angeles, because we keep open home to them; because we have no tenement district to compress and depress; because we make it possible for every wage earner to have his own garden, his own roof, his own vine and fig tree, and when he has that he is going to be a good citizen; and when you have said that a man or woman is a good citizen you have said almost everything of any man. Efficiency, and not hours of service, gives value to the wage earner, and individual effort leads to efficiency.

Commissioner O'Connell. Your company employs union men, Mr. McCarthy?

Mr. McCarthy. We have union men in our employ, but we do not ask them the question whether they are union or nonunion.

Commissioner O'Connell. I take it from your statement of the open shop you prefer to have nonunion.

Mr. McCarthy. No; we have no preference. We only want the workmen who will do a fair day's work for a fair day's pay.

Commissioner O'Connell. Did you hear the gentleman who preceded you?

Mr. McCarthy. No.

Commissioner O'Connell. He told of the system of his company building houses—a building company who compelled their employees to take stock in part payment for their wages. Does your company operate anything of that kind?

Mr. McCarthy. No. We have never sold stock. It is a family, or a closed, corporation.

Commissioner O'Connell. It is a closed shop in the family?

Mr. McCarthy. It is a closed shop in the family in that respect.

Commissioner O'Connell. Now, you build homes, I suppose, that you sell for about $2,000?

Mr. McCarthy. Yes, sir.

Commissioner O'Connell. That would be considered a fair rate?

Mr. McCarthy. Yes; that is about it.

Commissioner O'Connell. What would that home be like?

Mr. McCarthy. That would be a four or five room fully plastered house, with all plumbing, on a lot of a standard size, about 40 by 155.

Commissioner O'Connell. With a bathroom?

Mr. McCarthy. Yes.

Commissioner O'Connell. Now, what would that probably cost to build?

Mr. McCarthy. The property itself would probably cost about eleven hundred dollars—the house you speak of.

Commissioner O'Connell. The house?

Mr. McCarthy. Yes.

Commissioner O'Connell. You build those in large numbers at a time, I suppose?

Mr. McCarthy. Several at a time.

Commissioner O'Connell. And that is the average cost of the number?

Mr. McCarthy. Yes, sir; of that kind of house.

Commissioner O'Connell. Now, what would the buyer be supposed to pay per month on a $2,000 property?

Mr. McCarthy. About $20; $18, $20, or $22.

Commissioner O'Connell. What would he pay down as the first payment?

Mr. McCarthy. Ordinarily about $100.

Commissioner O'Connell. What would it cost him to buy the property? What other costs are attached to his purchasing the property, for instance, the looking up of records, deeds, and insurance policy? What would the first cost be that he would have to pay in addition to the $100—is that covered?

Mr. McCarthy. That is furnished in the sale of the property without extra cost.

Commissioner O'Connell. All the necessary costs are covered by that first payment?

Mr. McCarthy. Yes.

Commissioner O'Connell. Of $100?

Mr. McCarthy. Yes.

Commissioner O'Connell. How long is he supposed to pay $20 a month to your company before he owns that property?

Mr. McCarthy. Until the amount of principal together with the interest that accumulates on the unpaid balances only are paid off.

Commissioner O'Connell. Well, now, when that is done, how much interest has he paid your company?

Mr. McCarthy. That depends upon the amount of payments. On our plan payments may be so much a month or more.

Commissioner O'Connell. Suppose he pays you the $20 a month every month until the last month—that is, simply $20 a month—how much money has he paid you at that rate?

Mr. McCarthy. That is simply a matter of computation of the actual amount.

Commissioner O'Connell. Haven't you figured out what it would amount to, or your company?

Mr. McCarthy. Yes, sir; we figure it out where the payments are all made regularly; no more and no less. That is purely a matter of computation.

Commissioner O'Connell. Do you think in round numbers it is $3,000 or $3,500?

Mr. McCarthy. No. The accumulated interest on a period of the average, seven, eight, or nine years on $2,000, would run about $400, $500, or $600. That is just purely a matter of calculation, Mr. O'Connell. In other words, from your question I gather that you are getting at the system that we don't use here; that is, the building and loan plan is not much used in Los Angeles. The building and loan plan contemplates a certain fixed payment monthly, and the plan here is much more flexible. The purchaser has the right to pay as much more as possible, and whenever a larger payment is made the interest ceases immediately upon that excess payment.

Commissioner O'Connell. What is the provision in the documents that are signed by the purchaser as to a forfeiture of payment?

Mr. McCarthy. There are no different forms of contract, and the usual fixed forfeiture clause is a 90-day clause. Some contracts do not even have that; but those usual clauses, usually time is the essence of the contract.

Commissioner O'Connell. And usually a 90-day forfeiture payment would result in, if taken advantage of by the seller, a sale of the property, resale of the property?

Mr. McCarthy. If taken advantage of. It is not usual in Los Angeles to take advantage of those.

Commissioner O'Connell. What is the fixed interest rate, you say, upon which you base your sales for these payments?

Mr. McCarthy. Seven per cent.

Commissioner O'Connell. Is that the highest?

Mr. McCarthy. Eight per cent is the highest rate now upon small loans.

Commissioner O'Connell. Eight per cent?

Mr. McCarthy. During these particular times we are going through.

Commissioner O'Connell. Is there any that runs up as high as 12 per cent?

Mr. McCarthy. The building and loan rates are said to be high. Very little property is handled in Los Angeles on that plan—building and loan societies.

Commissioner O'Connell. It is possible to run up as high as 12 per cent?

Mr. McCarthy. It is possible. I do not know of one now that would show that rate, or near it.

Commissioner O'Connell. Will you please—can you furnish the commission and send it to us such literature as you have that outlines the policies and plans under which you sell property and build on it?

Mr. McCarthy. I would be very glad to.

Commissioner O'Connell. And file it with the commission?

Mr. McCarthy. Yes, sir.

(The witness subsequently submitted in printed form several forms of contracts and newspaper advertisements.)

Commissioner Commons. The house, you say, that cost $1,100 is about four rooms?

Mr. McCarthy. Yes, sir.

Commissioner Commons. Does that mean a bathroom?

Mr. McCarthy. No. The bathroom is never counted as a room with us here.

Commissioner Commons. What would be the size of those rooms?

Mr. McCarthy. They would be about 10 or 11 by 12 each.

Commissioner COMMONS. That you sell for about $2,000?

Mr. McCARTHY. With the lot.

Commissioner COMMONS. With the lot put in, about $900.

Mr. McCARTHY. The lot would be about $700, and the profit, say, 10 to 15 per cent in a property of that kind—on the profit of the house.

Commissioner COMMONS. What rent would a similar family have to pay for renting such property in town?

Mr. McCARTHY. $15, $16, $17, and $18; very nearly the amount of the monthly payment.

Commissioner COMMONS. The monthly payments would be $20, and they pay about $15 or $16 a month in town for house accommodations of that kind?

Mr. McCARTHY. Some of them pay as much in rent as they afterwards pay on the purchase price of the house, but their rental property would be closer in.

Commissioner COMMONS. It means about $4 a month for each room to pay rent; is that about what it runs?

Mr. McCARTHY. Yes, sir.

Commissioner COMMONS. The average workman?

Mr. McCARTHY. Yes, sir.

Commissioner COMMONS. Do you know the rent paid by the poorer class, the workmen that only get $2 a day?

Mr. McCARTHY. Yes, sir.

Commissioner COMMONS. What rental do they pay by the room?

Mr. McCARTHY. By the room their rent would run something like $2 a room.

Commissioner COMMONS. A month?

Mr. McCARTHY. A month.

Commissioner COMMONS. Take the Mexicans; can they rent as low as that?

Mr. McCARTHY. Yes; I think they can. I think they get along with less than that.

Commissioner COMMONS. You think that is all they pay?

Mr. McCARTHY. Yes; unless they are in very close—in the center.

Commissioner COMMONS. What would you call the center of town; where would a man of that kind live?

Mr. McCARTHY. Well, I mean the business and center; somewhere around Seventh and Broadway, the city hall. That is a matter of opinion.

Commissioner COMMONS. I mean what section; where most of the mechanics live.

Mr. McCARTHY. We are not very familiar with that. We don't have property in those sections.

Commissioner GARRETSON. Is the man—a man buys a house, we will say, and pays $2,000; that is its value, or that is the selling price. We have made some pretty strenuous efforts here this morning or to-day to find out what that man paid for the property in the long run as a total. Is it a trade secret?

Mr. McCARTHY. Not at all, Mr. Garretson.

Commissioner GARRETSON. If the representatives of the two real estate interests that have appeared here to-day on the subject are typical it would seem they had a small knowledge on the subject, and commissioners have a better idea than the real estate men seem to have.

Mr. McCARTHY. Possibly.

Commissioner GARRETSON. If a man buys a $2,000 house and pays the price down that you name, and the amount per month, how much will he have paid in when the property is his?

Mr. McCARTHY. He will have paid the amount of principal together with the interest on the unpaid payments, whatever the unpaid balance is it may be he pays interest on.

Commissioner GARRETSON. That is an illuminative answer.

Mr. McCARTHY. I would say it is merely a matter of computation, if you want it and would like to have it computed absolutely.

Chairman WALSH. Possibly I can ask a question, just to save a little time. How much has a man paid in if he pays it in the shortest time specified under the terms of the contract? It is a matter of mathematical calculation. If he paid $2,000 and about $600 in interest more in seven years.

Mr. McCARTHY. Interest on one-half for one-half the time for one-half the amount of the principal. If it is on a 10-year basis, if it pays out in equal payments in 10 years.

Commissioner GARRETSON. We have got our tables that will tell.

Mr. McCARTHY. You must take a certain length of time, Mr. Garretson, if you will say any particular length of time.

Commissioner GARRETSON. On that basis, if you made the payment of a set amount per month you would have a good deal more in the way of interest?

Mr. McCARTHY. You are trying to merge interest and principal.

Commissioner GARRETSON. Sure, I am. I am the man that pays to the McCarthy Investment Co. What would the man pay to the McCarthy Investment Co. before the house was his under warranty deed without any incumbrance?

Mr. McCARTHY. If you will state the amount $2,000, payable $20 a month, I can figure out in three minutes for you; but the reason we have not any schedule is this, that the terms of the payments are extremely flexible. If one workman wants to pay $18 a month, all right; another $20, another $22, and another $25; and he may pay a lump sum at some time and reduce it. The contracts are so made in Los Angeles that the moment a payment, whether $1 or $100, on the property is made, the interest on that amount stops immediately.

Commissioner GARRETSON. That is a very common form.

Mr. McCARTHY. The old building and loan plan was a payment of so much a month.

Commissioner GARRETSON. In the statement that you had prepared, when a man acquired a property he became a citizen; when he acquires more property does he become a better citizen? Is the citizenship measured by a new standard?

Mr. McCARTHY. No; it is not.

Commissioner GARRETSON. It is possible even for the blanket man, the "blanket stiff" I have heard referred to here, to be a good citizen?

Mr. McCARTHY. It is.

Commissioner GARRETSON. Is it probable?

Mr. McCARTHY. No, sir.

Commissioner GARRETSON. If he acquired property he would acquire good citizenship with it?

Mr. McCARTHY. Not necessarily.

Commissioner GARRETSON. That is all.

Chairman WALSH. Perfect order, please, ladies and gentlemen. Several persons have made requests to submit suggestions in writing to the commission. Any who have those suggestions hand them to Mr. Dower, the chief clerk, who sits at that desk, for the next hour.

Any who have them after will please transmit them to the headquarters of the United States Commission on Industrial Relations at Washington.

(See voluntary statements.)

The hearings at Los Angeles are adjourned without day.

(Whereupon, at 4.30 o'clock p. m. of Tuesday, September 15, 1914, the hearings at Los Angeles, Cal., were adjourned sine die.)

STATEMENT OF MR. R. H. ARNOLD.

ALTA PLANING MILL CO.,
Los Angeles, September 10, 1914.

To the honorable COMMISSION ON INDUSTRIAL RELATIONS.

DEAR SIRS: Having been subpœnaed by your body to appear before you in your hearing held at Blanchard Hall, and having spent considerable time at this hearing and seeing the amount of work before this commission, and not being programed to appear only as a substitute witness, I have taken the liberty to hand in the answers to the questions mailed to me, thereby saving the time of the commission, as our views along these lines are practically of the same routine as other witnesses examined before the commission.

Thanking you in advance for being allowed to state our views along these lines, and hoping that the inclosed answers will be sufficient for your purpose and any further information desired will be cheerfully given, we are,

Very respectfully,

ALTA PLANING MILL CO.
By R. H. ARNOLD.

1. I am a member of the Southern California Mill Owners' Association, with no official capacity.

2. I operate an open shop, as I believe it is a benefit to all concerned, not being subjected to drastic rules laid down by unions, and come more in contact with our men and hear their personal grievances and not operating through a walking delegate.

8. We operate our plant nine hours per day, while our men on the outside construction work eight hours per day. Our wages range from $12 to $30 per week.

4. We do not recognize any union, but employ a great many union men.

5. We have had occasion to do work under closed-shop conditions, also under open-shop conditions. We find that the closed shop tends to cut down the efficiency of the employees, tends to limit the quantity of work produced, thereby raising the cost of the product, under the present conditions existing in Los Angeles.

6. We have had no occasion to come in contact with the union organization in relation to the mill industry.

7. I do not know of any competition under union conditions.

8. I find it good business policy to spend money for the safety and sanitary conditions of our employees. These conditions are also inspected by the State authorities and have been found to be in a first-class condition. We have always adjusted any grievances individually, employee having the power to bring his grievances to his foreman's attention or to mine.

9. As a result of my industrial experience, I believe that the open-shop policy, working the nonunion and the union men together, regardless of any affiliation, the most successful way of operating. The majority of our men are industrious and thrifty, owning their own homes and having savings-bank accounts. Our ability to deal with our employees on the open-shop basis, we think, speaks for itself, having had practically no industrial dispute of any consequence.

10. The purpose of the Southern California Mill Owners' Association is to improve the working conditions of the employer and employee of the mill of southern California.

11. This organization maintains a free employment bureau and clubrooms for the employee, and all mills belonging to this association telephones the secretary in charge for any labor wanted, which makes it very convenient for any men out of employment, not having to travel the entire city, from mill to mill, looking for employment. To my knowledge there has never been any condition arising wherein the association has been called on to sign any contract with union labor. In the employment of men, it is not asked whether the man is a union or nonunion man. In my opinion, men are perfectly at liberty to organize and present their grievances by committee. We have not recognized any outside representative of the employee not in our employ.

STATEMENT OF MR. WM. B. BOSWELL.

FOUNDERS AND EMPLOYERS' ASSOCIATION,
Los Angeles, Cal., September 14, 1914.

To the COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: I would like to correct some of the statements which I heard made a few days ago in Blanchard Hall.

Mr. Bussell stated the the conditions in the pattern shops in our city were rotten, and from my intimacy with them and frequent visits to them I am sure that he is misinformed. If I understood him correctly, he stated that the wages of the molders ranged from 27½ to 37½ cents per hour and would not average over 33½ cents. This is not true, for I have a record of all the shops, and the rate is from 37½ to 50 cents per hour, and no molder working at such receives less than 37½ cents per hour.

I know of two men, molders, who on account of slack work, are working as helpers at 25 and 30 cents, owing to there being no vacancy for them as molders, and they are glad to accept the positions of helpers for the time being.

One man testified, I think it was Mr. Bussell, that not a dozen of the men who went out on the strike were ever reemployed. This is not true, for I have a record of the names of over 50 men who joined the strikers who have been given employment in our shops since that time. I will also state that in regard to wages paid to molders among our members that I have a list of the names of men now employed in our shops who are receiving from 40 to 50 cents per hour and they number 127, and 75 of these men get from 44½ to 50 cents per hour.

Our office is a free employment bureau and no man has ever paid a cent for a position, and we have given work to many hundreds of them. We fre-

quently hear it said that a man can not work where he pleases, but this not true, and that impression has obtained from the fact that we do not stand for our shops hiring men away from each other. Any man is at liberty to work wherever a shop wants him, and I always give him a card to go to any shop were he is wanted.

Respectfully submitted.

WM. B. HOSWELL, *Secretary.*

I was not called, hence had no opportunity of testifying to the above.—W. B. H.

STATEMENT OF MISS DELLA KELLY.

LONG BEACH, *September 10, 1914.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Blanchard Hall, Los Angeles.

SIRS: I wonder if you will kindly listen while I try to say a word or more in favor of the open shop, which you are investigating.

I am a woman linotype operator. I was a hand compositor, having worked for De Vinne, on the Century, in New York, and numerous other firms as reputable as De Vinne, from New York to Los Angeles. When I worked for De Vinne it was nonunion. We were well treated and happy.

On coming to the coast—San Francisco—it was necessary to join the union in order to get work. For 10 years I was a member, attended meetings, and paid dues. Hand composition was not called for any more, so I paid $30 to learn the machine. In order to enter such a school I had to have a permit from the union.

I had often heard that it would be useless for a woman without a "pull" to get a position in a union office, but I thought if I perfected myself I surely would succeed. Not so, indeed. After my tuition was ended I found myself with only one thing—the ambition to earn my living by the machine. I was not competent for anything but an apprenticeship, and that I could not get. I applied at the Enquirer office in Oakland for work, being advised by the then secretary—Mr. White, I think, was his name—in San Francisco. I was told by the head foreman, Mr. Reid, at the Enquirer office (union), that I would be permitted to practice by paying him $5 per week, and he would give me some work in the composing room on handwork. This I did for seven weeks. Even then I was not able to take a position where 30,000 or more ems was required. So came to Los Angeles, hoping to get work on the Times. I was permitted by Mr. Hay, of the union, to work at the Times office if I could get on, but not to say I was a union member. My speed on the machine was yet so slow that the Times people could only give me work in the job department on handwork at a small salary. I was still ambitious to go on with the machine and when the Examiner was started in Los Angeles I applied for the position of copyholder, hoping that when they became acquainted with me they would at least let me practice. I finally got to the place—by remaining after work at 3 a. m. to practice, or coming down afternoons—when I could ask to be put on the sub list. I asked for it and was refused. I was told by Mr. Fennessy to go to San Francisco. He did not offer me any position there—merely to go there. I preferred to remain in Los Angeles, and as I knew there was no hope of a position in a union office I applied for work as a machine operator in a nonunion office. For four months I went on at 12 at night and worked until 8 next morning. To prove that I was competent to work in a union office my first week's salary was $24. The work was by the piece—so much per 1,000 ems. The union immediately took steps to suspend me and put a fine of $200. I was not notified of such action, but was told by members that it was for "ununion-like conduct in going to work in a nonunion office." A member of the union would pretend friendship and come to this nonunion place and while I was putting metal in the pot would put the machine out of order—not once but three different times. I was persecuted in every way possible. This is the usual means taken by the union if one of its members dares to do other than it dictates—to drive them out of town. After a terrible knocking about I finally found a day position in the Journal office and held it for three years. I cleared off a mortgage of $2,000 in that time. Then the eight-hour law for women came and my position required more than eight hours, but my employer arranged it by my taking some hours off when we were not busy.

I have given portions of my history in connection with unionism to let you know that unionism is not best for the worker or employer. In all the meetings I attended I never once heard anything to indicate that you was to do your duty by the employer, quite the contrary. The religion of the union man is "Socialism and unionism—the workingman is lord of the earth; capital is only the result of labor; then labor must always be on the defensive." I have worked so long in both offices that I prefer the nonunion, because the employer is the boss. The foreman has nothing to lose. He has his favorites or those he receives favors from. I know numerous dead beats holding positions because the union protects them. The union composing room is closed to the owner as far as knowing anything that goes on there.

There is one certain office in Los Angeles where everything that could be done for the worker has been done. Each man has his locker. It is a safe place to keep his bottle of whisky, and when the paper goes to press he has made numerous trips to it. In speaking of this I have said to my informant: "But Mr. H. and Mr. So-and-so, who were good and straight 10 years ago, are not let into anything of the sort." And the answer was, "They are all in the same boat." In a nonunion office this could scarcely happen, for the employer would sooner or later see it.

Then, again, night work is demoralizing. When I hear a newspaper man say, "I prefer to work at night," I tremble for him. When he says, "I work at night because I have to," there is hope for him.

In a union office the moral worth of a person is not taken into account if combined with ability. I know a young woman at the Examiner office, a copyholder, who has for years been a union member. She has not in years held a union position (copyholding not being under the union). She pays her dues regularly so as to come under the old-age pension. This young woman belongs to a family of girls who have had a father and mother to care for. For years this young woman has given half of what she earned to her mother. That she might be able to give more she endeavored to learn the machine. She got the privilege of practicing at the Examiner office and when, after three months, she was commencing to get speed, she was told by Mr. Fennessy she could not have any more practice. It was a great disappointment. The machines are idle all day and after the paper goes to press, and an employer, knowing a deserving case like this, would allow practice free until competent.

Then there are so many bosses in unionism. Every one is a petty boss. There is the foreman and assistant; the ad man and assistant; the chairman of the room. If the foreman gives an order the chairman of the chapel can countermand it if he wishes, and all the time the owner has nothing to say.

The chief thing for the worker is not less hours nor less work so much as good morals and good character and the desire to do his duty and honestly earn his wages. This the union does not teach.

I read in the papers of the testimony of Mr. Grow that McNamara, the Times dynamiter, was not a union man. I have been informed in Indiana last year that he was; that he had been a member of Indianapolis union. It stands to reason that his brother, being a secretary of structural ironworkers, and he a printer, he was a union man.

I have to smile in sadness when I read the testimony of this or any other union man.

There are some things in favor of unionism for the worker, but there is nothing in favor of the closed shop. There is no strictly nonunion shop in Los Angeles. Posted conspicuously are the signs "This is an open shop." This is as it should be. It gives preference to the competent worker, whether union or nonunion.

If the Government looks into conditions, it should force all employers to have well-ventilated, cheerful workrooms, and an employer should have the right to discharge incompetent workers.

I have already written more than I intended, but there is still so much to say, as I have always been vitally interested. I am not looking for notoriety and hope sincerely this will not be published, but I wished you to know something of the real workers' troubles with the union.

I am at Long Beach, at Reider's Tent City, and shall hope most sincerely you will not decide in favor of control by unionism but for the open shop.

DELLA KELLY,
Long Beach, Cal.

STATEMENT OF MR. ALVIN H. LOW.

The following statement was submitted in writing by Mr. Alvin H. Low, orney, 1417 S. Hoover Street, Los Angeles, Cal.:

THE MAXIMUM DAY AND THE MINIMUM PAY.

Much is being said and written in favor of establishing a minimum wage by . The State of Washington has enacted such a law and a commission for t purpose has already prescribed a minimum wage in some, if not all of industries. California has made a commencement, and the same is true some of the other States. It is a subject of great importance and should be ated in a scientific manner. It is my purpose to analyse it and see if there a scientific basis for it, and if so, to support it, if not, to give a reason, and can, show a better way to abate the evil which this measure is intended lessen or remove. This proposition is kindred to that of the maximum day, cussed as the eight-hour day.

The eight-hour day is in world-wide demand by wage earners, and it must so, as it has a natural basis in the very constitution of mankind. The busi- s world is becoming conscious of this, and concessions are being made to it ost daily, even without the requirement of law, although many States are king the eight hour the legal workday.

Experience and observation have taught us that eight hours is the limit of e that the average adult human being can continuously exercise his physical mental powers without overstrain, which weakens the whole system, and persisted in, inevitably results in permanent inefficiency or death.

Evolution is speeding up in the industrial world, and a few years hence we l be wondering how a longer than the eight-hour day was ever tolerated.

Now, I find no natural law, such as demands a maximum workday, to apply a day's wage, or the price of a day's work. Prices, both of labor and the ducts of labor, are subject to another natural law as binding as that of ith, and the tendency of thought seems to be toward doctoring the symptoms ead of the disease. In discussing the maximum workday, ethics has had le or no part in the argument. The issue is between the employer and the ployee. How long can a person, as an ox, work out of the 24 hours and be cient? How much less than eight hours work a day, if properly directed distributed, would suffice to meet all the needs of well-organized society, to what uses the spare time would be put is as yet hardly been asked. We safely leave that to the individual members of society; it is not a matter for ernment control, further than to keep the peace and see that no one shall pass upon the rights of another.

How much work can a person endure at a stretch? What wage must he e to sustain himself at the working point of efficiency? No ethical ques- n these. Put as they are in full view of modernized industry, they embody assumption, that the only thing the employer is called on to consider is, at is the largest amount of service he can get for the least wage. Viewed n the ethical standpoint, justice between employer and employee seems to and that the employee should earn all he gets and get all he earns.

The law passed by the California Legislature in 1913, creating an industrial fare commission, authorizes that commission, among other things, "to fix minimum wage to be paid to women and minors engaged in any occupation, de, or industry in this State, which shall not be less than a wage adequate supply to such women and minors the necessary cost of proper living and maintain the health and welfare of such women and minors. Second, the ximum hours of work consistent with the health of women and minors aged," etc. Now, who can question the ethical or philanthropic spirit which uped this legislation? Who can defend it as either scientific or practical? to wages, it simply forces the employer to take care that those he em- s are able to earn the minimum wage fixed by law. What of those uld-be workers who can not come up to his requirement? This legislation an official recognition of the fact that our present industrial system is ust. It, however, strikes at the effect instead of the cause of the injustice. attacks the apex instead of the base of our industrial pyramid. What erion, let me ask, has the commission for fixing the minimum wage, so it shall be sufficient to pay "the necessary cost of proper living"? There

is a wide range of cost of food alone, between the diet of the people who subsist principally on rice, and that of the rich, whose daily food costs more than a months' wages of the average American laborer. What point between the food of Lazarus and that of the Roman Emperor, whose horse was fed on gilded oats, will be adopted? But, in the name of freedom, what ethical right has the State to limit the comfort or luxury of any man or his family who earns his "bread in the sweat of his face"?

While society was in its primitive state, and all business was conducted single-handedly, no concerted and forceful opposition to the very natural, if very brutal, requirement of the employer was urged. In a comple state of society, such as exists to-day, and has existed in a less degree for ages past, with the right of property guarded by law more sacredly than the right of life or liberty, and with the ever-increasing centralisation of wealth and its attendant centralization of power, we are bound, if popular liberty is to survive, to grapple with this savage propensity of the individual, and curb it to fit present conditions, which are the latest phases of industrial evolution.

Big business has come to stay, if we are not going to put back the hand on the dial of human progress; but big business, if it is to remain, must conform to the necessities of the body politic, for it is by permission of the body politic that it exists at all. When the interests and conduct of the few become inimical to that of the community in general it is the duty of the community to establish proper regulation. Such regulation has been commenced by the Nation and the States, and is in some degree under way, but has not yet reached the scientific stage, and there is much confusion and a great variety of processes being tried, to the delay instead of the progress of the work. It seems to me that the minimum-wage process must fail of its purpose, since its enforcement is in opposition to natural law. Except where the employer is both producer and consumer, as a city or a State, having a monopoly of the business, it is inevitable that the employer in any industry open to competition, both in the labor market and in the commodity market will, and generally must, pay the lowest price for which he can get a given service, as in the market for his commodities he will have to take the lowest price for his goods. Except in case of Government monopoly, as I have stated, it is impossible to regulate or fix the demand for anything by arbitrary law. What greater consistency is there in attempting to regulate or fix by law the cost of producing a commodity? What must we expect as a natural effect of the minimum-wage law upon the inefficient or those who can not come up to the requirements of the employer? Must they be forced to die of starvation, because their strength does not meet the standard fixed by statute law, or will the community, which has cut them off from the use of their powers, such as they are, provide for them in compensation for the wrong done them? Here is disclosed an ethical element that can not be ignored. In trying to remedy one evil let us not perpetrate another quite as bad or worse.

The object of every industry is gain. I prefer the word gain here to that of profit, because of the ban under which the latter word has fallen by a political party dogma. To promote justice should be the prime object of every human law. We must get more ethics into our laws. We must not only consider who will be benefited but who will be injured by the law. There is a remedy for every wrong. There may be more than one. The sovereign remedy, however, is the one which attacks the root of the evil.

Th crux of our politico-economic problem is the legal restraint necessary to insure the largest benefits with the least injuries from big business. There is a striking analogy between the prevailing attitude of the owners of big business, as conducted generally now, and that of the large planter in our Southern States prior to the Civil War, with the ethical or humanitarian consideration, if any, in favor of the latter. The owner of chattel-slave laborers found it to his interest to keep the working power of his laborers up to the working point, as with his horse or ox. They were his property, and the supply was limited, and to replace one killed or worn out cost money. The employer of the wage slave, on the contrary, has no such concern. His interests require that he get the largest amount of service out of his laborers in the shortest time, regardless of consequences to the worker, and when his employes can stand the strain no longer he is discharged and another of the many, who are waiting and begging for the chance, takes his place. While unprotected by legislation, the wage slave is quite as much an object of commiseration as was the chattel slave. This injustice I charge to the system, not to the individual employer.

It is a well-established rule of business to buy in the cheapest market and sell in the dearest. Under a system of open competition anyone who ignores this rule will sooner or later go to the wall. The rule may be gradually relaxed in a growing business, up to the stage of monopoly, where the management controls both the supply and to a large extent the demand. When this point is reached, however, the principle still holds good, avarice being insatiable.

The primary moving impulse in the initiation and conduct of every independent business is increase. And now, since the volume and constancy of demand for anything produced by man is always an unknown quantity beyond the ken even of monopoly, it follows as a matter of course that the gain in any specific business enterprise is as equally uncertain; therefore he who goes into a business takes a hazard, and very logically claims all the gain, if any, as well as for the use of his capital, the second factor in the act of production. It is after all principally for the use of this factor that the employer takes the lion's share of the increase.

Capital is the stronger factor in every industry, from the fact that it can survive longer without being employed than can labor. It is the wages of, or price paid for the use of capital, therefore, which demands our closest scrutiny, and which is open to control by legislation. The menace to personal liberty involved in legislation dictating the price a citizen shall ask or receive for his personal service need not enter into the question of fixing the rate of interest, the price paid for the use of capital; because, while neither the supply of labor nor the demand for the products of labor can be regulated by law, money, the current representative of capital, if not capital itself, can be supplied by law to meet the demand for its use at a fixed price, and that, too, without injustice or the violation of any natural right; and if this price be just, both the unhampered price for labor and the prices of the products of industry would be equally just. But before treating more specifically of the remedy here suggested, let us take a second glance at the situation as it stands.

Labor and capital are the two and only factors to be reckoned with in solving our industrial problem. Much the larger part of the business of this country, if not of the world, is done on borrowed money. No increase can return to the business until the interest, the price for the use of the money invested, has been earned and paid; and where the owner of the business does not borrow, but invests his own money, he reasonably expects and demands as much for the use of it as he would have had to pay if borrowed. Generally speaking, there is no legal limit to the price for the use of money or capital. In the absence of such limitation, it is natural, if not ethical, for the owner of the capital to claim all the trade will bear, and he does so.

Thus far we have not discussed the relative rights of property and the rights of man. The rights of man, among which are the right to life, liberty, and the pursuit of happiness, are natural rights recognized in our organic law and which our Government is in duty bound to maintain and enforce. The right of property has no such natural foundation. It is wholly conventional and established by man ostensibly for the good of society. It is improbable that any considerable development of human society could have been made without laws permitting and guarding the private ownership of property.

The right to life, liberty, and the pursuit of happiness would be barren almost to a mockery, in any conceivable state of society, without the legal right to acquire, own, hold, and alienate property. But the right of property is a human invention, and as society develops, it becomes necessary to amend the laws enacted for the good of the whole body politic, to meet the changes which social development and the general welfare demand. To deny to society the right to make such changes in the laws is to make the creature greater than the creator, and for lack of such amending legislation it has come to pass that that our legislators and our courts have accorded to capital rights that carried to extreme, as in some instances they are being, defeat the very object for which the right of property was originally established, to wit, to secure to mankind as a whole the largest degree of happiness attainable.

Now, with monopoly eliminated, the capitalist is still subject to limitations in his operations as well as is the laborer. His success or failure depends upon one of three, or upon all three facts relating to his business, over which he has little or no control; namely, the price he must pay for labor, the rate of interest, and the market price of his product. To ignore either of these may mean failure. In order to hedge, therefore, he ignores all ethical considerations, and hires his labor as cheaply as possible, pays the lowest interest for which he can get the use of money, and demands the highest

price the market will bear for his output. With all this strict compliance with business principles, he may, and frequently does, fail; as, for instance, the recent failure of the H. B. Claflin Co., caused, as we are told, by the going out of fashion of the petticoat, on the sale of which the business largely depended. Now, one can hardly imagine the rebellion which would be caused by a law requiring the ladies to wear a garment not in fashion, or whether so or not, and to purchase it at a price fixed by law at that. A law fixing the price of any other article of use, arbitrarily, in an open market, would be just as unnatural and oppressive.

Now, then, it will be asked, are we to secure to labor and to capital just compensation for their services and use, since we can not wisely nor justly dictate by law either the price of services or the price of commodities? Were it not for the great centralization of wealth, with its monopolistic accompaniment, we probably would not have this problem to solve; but the problem is before us, and the solution we must and will find.

Big business, as I have said, has come to stay, and must stay. It is the most economical and practical and necessary to the higher development of society. Its benefits we must retain; its evils we must eradicate.

Great wealth is great power, and great power carries great responsibility. The right to carry on a business is conferred by the laws of society, and without society, the community, no business could endure. Partisan politicians, recognizing that something is wrong in our economic adjustment, are arrayed against each other in discussing the questions presented, and while they are engaged in forensic warfare the evils grow, and have brought the contending dictate by law either the price of services or the price of commodities? Were war, threatening our whole fabric of civil government.

One political party declares, "Private monopoly is intolerable," although every big business is in a measure a monopoly. Another political party says, "We must foster big business, but regulate it." Another says, "Let alone big business is all right and should be allowed to manage its own affairs." And still another party says, "Abolish all private business and have the people through their Government run it all."

Now, while this warfare is going on, with neither party strong enough to demonstrate the wisdom or folly of its contention, little or no progress can be made toward a peaceful and scientific settlement of the trouble.

It is quite possible, very probable, almost certain, that each of these theories has at least one germ of truth which is common to them all. If this is a fact and we can get each party to see it there is hope that concessions may be made that will bring all into harmony, to the general felicity of the whole country. In the face of the obstacles disclosed any attempt to arbitrarily fix by law the price of either labor or commodities is unscientific, if for no other reason than that it is contrary to natural law. There is no power residing in national, State, or municipal government to supply either labor or commodities in an open market to meet the demand at any price for any length of time. The attempt to fix prices by law is evidence of a consciousness of the existence of an evil which should be remedied. Perhaps this is the one fact upon which all parties are in perfect agreement. There is another fact, which will be admitted as soon as stated, that is that money is an important element in every business. Without money modern industry would languish and die. A medium of exchange and measure of value is absolutely necessary to civilized society as we know it. Money is the lifeblood of commerce, and as necessary to it as natural blood is to the human body. Money, however, is the invention of man. It was invented to meet a human necessity. Conceding that organized society is the outgrowth of human evolution, in response to a demand of nature, money is a natural necessity, indispensable to man's natural development. Here is one element of modern industry, therefore, over which our Government, under the Constitution of the United States, has the legal, if not the undisputed, right of control.

In that charter of our liberties it is provided that "the Congress shall have power to coin money and regulate the value thereof, * * * and fix the standard of weights and measures." Money is the measure of value, and our money system is as much a measuring system as is our systems of measuring length and weight. It is not, however, as scientific and perfect a system as either of these, for the reason that our Government has only partially performed the duty imposed on it by the Constitution; inasmuch as it has only prescribed of what the unit of value shall be composed, but has left the value of that unit unfixed and subject to the fluctuations of supply and demand.

Money is the only thing in commerce that government can fix the value of without violating a natural law, and this it can not do without providing a supply of money to meet the demand at the price or rate prescribed, and this it can do. And this Congress has never done. To say nothing of other countries, this country has been struggling along industrially for over a hundred years with this unscientific measure of value, and, if I am right in my analysis, the principal element of injustice in our industrial system is excessive interest and the want of stability in the value of money. Now money, however imperfect, being the standard measure of value, its value is the standard measure of the price of everything for sale, labor and commodities alike. How important, then, is it that that standard be fixed, certain, and just? The power to coin money is not restricted to the coinage of metal money, but includes credit or paper money as well. It is a sovereign function of government, and can not be delegated to private persons or corporations without great danger to the Government and great wrong to the people. It is properly a monopoly, and the Government is the only disinterested power who can and will administer it with entire impartiality to all; but from the very establishment of our Government it has shared that power with private corporations, organized for this special purpose, resulting in the exploitation of the people, to the profit of the corporations and the corresponding distress of the community. This fact has not been generally recognized until quite recently; but, through the untiring endeavors of the few who have taken the pains to inform themselves and to arouse the great public to a sense of the wrong being perpetrated by the old system, sufficient pressure has at last been brought to bear upon the Government, and in spite of a most thoroughly organized and immensely powerful opposition of the special interests Congress, in December, 1913, passed the currency law, known as the Federal reserve act. This act reserves a larger control over the money system to the Government than it had formerly exercised, although the regulation of the value of the money, which can only be regulated through the supply, is still committed to the banking corporations. One step of tremendous importance, however, toward the entire regulation by the Government of the value of the money was taken in that act. Section 7 of that act reads in part as follows: "After all necessary expenses of a Federal reserve bank have been paid or provided for the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met all the net earnings shall be paid to the United States as a franchise tax, except that one-half of such net earnings shall be paid into a surplus fund until it shall amount to 40 per cent of the paid-in capital stock of such bank." Therein is the key to our economic problem; for therein is asserted the right of Government to fix the maximum profit of at least one class of business. The same act empowers the Federal Reserve Board, which it creates, to prescribe the rate of interest which the Federal reserve banks may charge each other for their accommodations. We have only to carry this principle of control into every other class of business which is of interest to the public and apply it justly—to restore to the masses of the people the opportunities rightfully belonging to them for the full enjoyment of life, liberty, and the pursuit of happiness, of which they have so long been ruthlessly despoiled.

There is another method, however, which I have long advocated and shall continue to urge because more just and scientific, which is that the Government prescribe a just rate of interest and maintain it by loans direct to the people on good security at that rate sufficient to meet the demand not met by the banks, which would break the banking monopoly, still the most gigantic monopoly on earth. I have searched diligently but in vain for the authority which has assumed that 6 per centum, or any other rate, per year should be the standard rate of interest or profit. I am forced to the conclusion, therefore, that it is the law of custom only and was introduced and is maintained, similarly as our fashions are introduced and maintained, by the parties most interested—in the latter case the customers, in the former the money lenders. So far as I have been able to discover there is not and never has been a legal and scientifically fixed value to money nor any fixed value for any length of time.

In this enlightened age it should not be necessary that we be reminded that the value of a thing is its use, or that interest is the price paid for the use of money. As the interest or the price for the use of money fluctuates, other

things being equal, the price of everything else fluctuates in the opposite direction, for the reason that money, being the measure of value, the value of everything else for sale is compared with the value of money. Now, in view of these facts, and as money is the only factor in the industries the supply of which is in the power of Government to control, and that power of Government being unlimited, it is obviously the plain and imperative duty of the Government to exercise that power to its fullest extent compatible with justice. The one remaining vexed question then is, What is a just rate of interest? Establish that, and rents and profits will follow it, for they are synonymous in essence, all being the price paid for the use of things comprehended in the word "capital." If, then, labor is only required to pay what is just for the use of capital, they being the only parties to be considered in the division of the gains resulting from their cooperation in any industry, the share of the increase remaining must belong to labor and be necessarily as just.

Ethics, it seems, should play an active part in determining the rate of interest to be fixed by Government. The question involves the rights of man as against the rights of property, or vice versa. Property alone has no rights. Property rights, as they are called, are simply the right of persons to acquire, hold, and dispose of things. As necessary as these rights are to orderly society and human progress, even they are disputed by some.

As we are discussing present conditions, principally, we can say that in every business where the capital is owned by one party and the labor power by another the laborer pays for the use of the capital for his benefit, or the capitalist pays for the use of the labor power for his benefit. Whichever power is the stronger, other things being equal, can and does fix the price of both; and, with human nature and human avarice unrestrained, it is a matter of course that injustice will be done to the weaker party, whence comes the never-ceasing cry for justice.

Now, since nature has not provided us with a money system but has left us to devise one for ourselves, a duty which we have long since entered upon and performed with some degree of success, and since our invention shows defects and does not answer its purpose perfectly, let us treat it as we do any other useful but imperfect invention—improve it by discarding the useless or badly working part and replace with that which is better. The Federal reserve act just mentioned appears to be the best yet devised framework for a money system, taken as it is in company with the coinage of metal money already in vogue, although it still retains the, to me, objectionable feature of a partnership between the Government and private money lenders in this, one of the most important functions of Government, with the exercise of the greater share of power still in the hands of the latter. One more step in the right direction would do much in avoidance of the evil of this partnership. In preparation for this step, the Government must, through a commission, if necessary, ascertain what is a just rate of interest. In hope of expediting the inquiry, I venture the suggestion that such rate will be lowest at which capitalists will lend their money or employ it in the industries, rather than to consume it, let it lie idle, or, if in the form of machinery, leave it to rust and decay from nonuse. The first application of the new rate should be made to the 7,000 or more national banks, the principal beneficiaries of the Federal reserve act. This would be done by amending that act, by providing that not only the Federal reserve banks but also the national banks be allowed to earn the just rate per annum, and that all excess or surplus shall belong to the Government as a franchise tax. The motive for the banks to earn an excess over the prescribed rate would thus be eliminated, and the injustice of high interest would cease. This done, every other business of a public nature in which the public is immediately concerned should be brought under the same rule. This would in like manner remove the motive for oppressively low wages and extortionate prices for the necessaries of life. The only method for capitalists of increasing their incomes would then be by increasing the volume of their business, which would increase their demand for laborers and put employers into competition with each other for the services of labor, instead of laborers competing with each other for the blessed privilege of working for a living, as now, and, with a given supply, correspondingly increase wages. With a just standard of value and with such regulation in vogue, the demand of labor for justice will have been answered and industrial peace established, as has not been known since money was invented or since one man first sold his labor power to another. With the stimulus which would be imparted to all business by this reform,

the expedient of a minimum wage will, with many others equally unscientific, be abandoned as crude and uncalled for, and the problem of the unemployed will have been solved.

Respectfully submitted to the Federal Industrial Relations Commission.

Yours, faithfully,

A. H. Low.

LOS ANGELES, CAL., *September 15, 1914.*

STATEMENT OF MR. E. L. McCLURE.

The following statement was submitted in writing by Mr. E. L. McClure:

A FIXED AND UNCHANGEABLE MONEY STANDARD OF VALUE.

All authorities agree that there is no possibility of attaining a fixed and unchangeable standard of value, for the same reason that perpetual motion is impossible. All commodities fluctuate in value with changes in supply and demand, therefore there is nothing that is possible to use for a standard that would remain fixed and unchangeable in value.

That the law of supply and demand regulates all values is a truism universally accepted. The air we breathe has no value because it is superabundant. You would not buy air from anyone, nor can you sell it to anyone else, because the atmosphere surrounds everyone and we merely have to breathe to supply our lungs with oxygen. But if you were confined in a cabinet and were gasping for breath you would give all the wealth in the world for enough air to breathe. Supply and demand makes the price or value of air the same as all other values. If you were perishing on a desert, though you owned a mountain of gold, you would give it all for a loaf of bread or a drink of water. There is no such thing as intrinsic value—the thing popularly believed to be innate in gold coin—and that delusion is what gives financiers their invincible power to rule the world.

All economists admit that if equilibrium could be maintained between the supply and demand for money there would be no fluctuation in the value of the dollar; but further consideration of the question is dismissed and tabooed, because anything that is superabundant has no value, and value begins only when fluctuation in supply and demand occurs.

Cognition of what "value" and "supply and demand" mean is prerequisite for anyone to comprehend the significance of the money system about to be described. I believe the self-evident truth of the inevitable effect produced under the predicaments described make the law of supply and demand plain, and prove the quantity theory of money. The definition of value makes its meaning equally plain and unmistakable: "Value is created by human necessities and desires and fluctuates with the intensity of—and the difficulty in satisfying—human necessities and desires."

The details of a scientific money system, in brief, may be described as follows: The United States Government will adopt a complete credit financial system, capitalizing the entire wealth of the Nation as a total available money supply, by demonetizing gold, and adopting the Nation's time notes as the standard of value and the sole legal tender at their face value for the payment of all debts public and private; and maintain equilibrium between the supply and demand for money by issuing bonds to equal each money issue of notes. Disburse the notes, and deposit the bonds in depositories throughout the country, making notes interchangeable for bonds, or bonds for notes, on demand without cost. Depositaries will detach the interest coupon for the current half year from the bonds exchanged for notes. Bonds presented for notes must have all unmatured coupons attached. The Treasury will issue paper money (and bonds to equal same) on the date of the change from gold coin to paper money as the standard of value, as follows: (1) To pay all outstanding obligations of the United States of every kind, including bonds, notes, and outstanding budgets. (2) to redeem all coins issued by the United States mint if presented within a certain time limit, (3) to pay all outstanding obligations of States, municipalities, counties, and all subdivisions of government, on application for a money issue and complying with Treasury regulations, (4) to pay all future budgets of Congress, State, municipalities, etc.

Money supply will be as superabundant as air, and all doubt or question of money supply or value will coincide with common consciousness and belief in

all other standards that are fixed and unchangeable—the pound weight, gravitation, circulation, respiration, etc.

Every dollar issued will be a time note of the Nation payable at maturity without interest. Taxes will be levied and the money collected from the people to meet the payment of the principal and interest on the bonds. The interest on bonds remaining in depositories will be credited to interest-received fund of the Treasury. Exact bookkeeping records will be kept with each note and bond, equal to bank records of bills payable and bills receivable.

United States banks of deposit and exchange will be opened in every community requiring banking facilities. All deposits will be kept on hand either in legal-tender notes or United States bonds—the bank reserve will always remain at 100 per cent of the total deposits. There will be no risk from loans nor any necessity for expensive financial experts, as Government bank officials will have no other duties to perform but to receive deposits, pay checks, and issue exchange.

The penalty of treason will be fixed for the crime of issuing or passing any coin, note, check, or anything else in payment for money, except legal-tender notes, or checks drawn on a deposit in a United States bank. Banking will be monopolized by the United States the same as the post office, and all the profit of banking will be the revenue of the State, including interest on deposits, unclaimed deposits, checks lost or destroyed, notes, and bonds lost or destroyed, etc.

Borrowers will never fail to find unlimited capital seeking loans at the current rate of interest, which will be in the hands of all men who have accumulated wealth and hold the superabundant supply of bonds in circulation. The supply of bonds can not diminish by use, but must remain a constant total in circulation, either in bonds or money.

Banker and usurer will become obsolete words in our vocabulary after scientific money has extinguished them completely from existence, the same as brigand and murderer will become obsolete words after the human species has reached the maturity period of development and all normal individuals are perfect types of manhood with no disposition to do wrong.

Scientific money will be a greater boon to mankind than all other discoveries since civilization began, not excepting fire, speech, writing, printing, art, science, and religion, for notwithstanding all these the disparity in the distribution of wealth between labor and capital increases with every invention and discovery that reduces labor in the production of wealth. It will make credit and prosperity as constant as gravity, and will release all men from the peril of depreciation and possible bankruptcy, which threatens every business and all employment whenever a panic occurs.

Civilization has multiplied the efficiency of labor by the thousandfold, but the defect in the money standard gives financiers a subtle and invincible power to limit the wages of labor, which has concentrated wealth in the hands of the few, while the laborers who produce all wealth are doomed to inevitable poverty and degradation.

No prosperity is possible with stringency in money supply, no matter how abundant the crops or the amount of wealth accumulated. The following truism depicts the supreme potency of money in producing prosperity: Any virile population inhabiting barren rocks, in the most inhospitable part of the world, if they had unlimited money supply, would be the most prosperous people in the world, supplied with everything the world produced, brought to their doors, in competition for their trade, by all other nations. Genoa, Florence, and England illustrate the truth of the assertion, although their prosperity was limited by money manipulation and concentration of wealth in the hands of the few, which has caused the decadence of every nation in the past, and is certain to destroy all nations that do not remedy the fatal defect in the money standard.

The balance of trade must be paid in the money of the credit country, which the debtor country must buy with any wealth it has to offer that costs the least. Financiers can create a panic in any country by exporting gold, and gold fluctuates in value correspondingly the world over.

Scientific money will release the total gold supply in the United States and make it available to pay foreign balances without any disturbance of the money supply in this country. The United States could cheapen foreign prices, for the benefit of home consumption, by locking up the gold in this country, and when balances were favorable and high prices were desired for our exports large deposits of our gold could be made in the banks of foreign countries, to cheapen money and raise prices—that is, supposing that our business ethics

continue to be dishonest—and no one can deny that universal selfishness and competition compel everyone to be dishonest or suffer the inevitable penalty of poverty.

The standard gold dollar contains 25.8 grains, 0.9 fine, and the value of the dollar is regulated by the supply and demand for money. On the day of the change to scientific money the dollar will have a certain fixed value that can be stated and recognized, by making a list of prices of all leading commodities; and if scientific money maintains equilibrium between the supply and demand for money thereafter, the dollar will remain a fixed and unchangeable standard of value. Gold will thereafter be sold by the ounce and priced in dollars and cents the same as silver and other metals, and the demand for gold in the arts will greatly increase under perpetual prosperity. Only a small per cent of the people can gratify their taste for gold in ornamentation and decoration, but when everyone has wealth, the increased demand will increase the price of gold by the thousandfold, and it will not injure anyone but those who foolishly invest in gold beyond their means.

Exchange rates to all points in the world will be fixed at par permanently in United States banks. It does not cost the Government any more to pay scientific money in one place than in another, and therefore all charges for exchange will be abolished. Usury will also be abolished by the natural law of atrophy. The superabundant supply of bonds in circulation, bearing the lowest rate of interest, will create an unlimited demand for the current rate of interest; and all borrowers with security to offer can select from the multitude of bondholders the one he may choose to favor with the current rate of interest, when usury will be relegated to historical reminiscence.

Sound credit rests on ability to pay, and when money is placed in reach of all who have wealth to exchange, beyond the possibility of anyone to place money out of reach, nothing can disturb credit, and prosperity will be perpetual, because all wealth is produced by labor, and the demand for wealth is unlimited, while the supply of labor is limited to the population. The law of supply and demand (no longer manipulated by financiers to limit the wages of labor) will release all laborers from the strain and menace of idleness and poverty to certain employment, and the wages of labor will be the product of labor. It will stimulate industry and produce such a superabundance of wealth that poverty will be as ridiculous and preposterous as nakedness, and sustenance will be in reach of all with less exertion than oxygen.

I will close with Bacon's apotheosis of truth:

"It is a pleasure to stand upon the shore and to see ships tossed upon the sea; a pleasure to stand in the window of a castle and to see a battle and the adventures thereof below; but no pleasure is comparable to the standing upon the vantage ground of truth (a hill not to be commanded and where the air is always clear and serene) and to see the errors and wanderings and mists and tempests in the vale below; so always that this prospect be with pity and not with swelling or pride. Certainly it is heaven upon earth to have a man's mind move in charity, rest in Providence, and turn upon the poles of truth."

ADDITIONAL STATEMENT OF MR. P. J. McDONALD.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS:

As we understand the purpose of this honorable commission is to investigate the wages, working hours, and general conditions of labor, I will therefore try to confine myself to these subjects relating to my employees only from personal knowledge of these conditions.

I bought out the old Los Angeles Planing Mill on San Pedro Street in 1901, at the time known as a union shop. We made no changes for some time, preferring to let things run along as they were until I got better acquainted with actual conditions. Within one year, however, I was convinced that some changes were necessary and accordingly made them. This brought about a strike and shutdown for some time. When we opened again many of our old employees returned and several we did not want owing to their disposition to be disturbers and breeders of trouble among the men.

We ran along about a year when a committee walked on me one morning and presented their grievances, which were that two men in the shop refused to join their union and must be discharged; that after that date they would run but eight hours per day; that a boy about 17 years old (a son of one of my old employees), who was running a band saw, should give way to a man. They

also informed me that my shop was thoroughly unionized and that I would have to comply with the union rules, which were that these two employees were to be discharged and that this young man working on the band saw should give way to a man; that my shop should run eight hours; and that I should recognise a shop steward on the premises. All of which I refused to do, with the result, another strike, all hands but the two nonunion men and my engineer walking out.

We remained shut down for about two weeks. When I started again I gave preference to the old employees with few exceptions, with the understanding that hereafter I would not recognize a union shop, but that I would not discriminate against union men.

Shortly after this an organization of mill owners was established for the purpose of furnishing employment to the mill employees regardless of their affiliations. We also furnished them a large reading and club room, where they could pass the time when not employed, and same is still maintained, this organization having nothing whatever to do with hours of work, wages paid, or shop conditions, its only purpose being a free labor bureau to promote harmony among the men and a better feeling between employers and the men, all of which I feel it has accomplished.

About this time the mill owners' association recommended to its members an eight-hour day. Several of us tried it out; some for a short period, others for some time. I continued this policy for 18 months and was the last to return to the nine-hour. We found it not a paying proposition, as we consider an eight-hour day not profitable where machinery is concerned. We had at that time 26 employees, many of whom we still have on our pay roll, and we have had, until very recently, as high as 175 men employed.

We do not discriminate against union men, nor never did, except that we will not hire a union foreman, for a union foreman means a union crew and closed to outsiders. We find that a mixed crew of men get along much better, attend more strictly to their business, and are not annoyed by the walking delegate or shop steward; that they are closer to the foreman, superintendent, and the general management, and thereby give better results.

We have many union men in our employ, and they are some of our oldest and most trustworthy men. We treat our men humanely, adopt all the latest safety devices, and keep the shop in a sanitary condition, all of which is a paying investment and good policy for any employer of labor, and we have had no trouble for many years.

We run nine hours per day, six days per week, and have not lost any time during the past 10 years. At the present time have 70 employees, wages $2.25 to $5 per day; in the office we pay $75 to $250 per month. Our average pay per day of nine hours is $3.25.

We are strong advocates of the open-shop policy for many reasons: First, because the foreman, superintendent, and management in general are in much closer touch with each individual. Secondly, that there are no disturbances in the shop and no strikes, therefore steady work for the men. Thirdly, that the pride of the American workingman is such that he would much prefer to deal with the superintendent or management than to be dictated to by a shop steward or walking delegate.

Because of this the men are better contented and show it in the output of every day's work. That the sentiment of this community is overwhelmingly in favor of it. That the spirit of the American citizen is at all times for independence and against anything that tends to curtail that spirit, and that because of these conditions, general prosperity and contentment among the wage earners.

From an actual canvas of my shop nearly 65 per cent of the employees either own their own homes or are paying for them. If this is a fair percentage of the number of wage earners owning their own homes in this city, then the effect can not but be felt for good, because it makes for a higher class of citizenship, who are interested in the welfare of their city government, take an active interest in all civic affairs and can be relied on to decide weighty questions to the best interest of its citizens—all of which has been proven here when occasion required. It is our desire to have these conditions continue here and expand to other communities less favored.

Yours, very respectfully,

LOS ANGELES PLANING MILL CO.
P. J. MCDONALD, *President.*

STATEMENT OF MR. CLARENCE LYMAN PARKER.

LOS ANGELES, CAL., *September 17, 1914.*

To Voters:

I would recommend that you promptly investigate our registration and primary-election laws, which I claim are unreasonable, unprofitable to the people, and that they strongly tend to retard industrial progress. On account of not being able, in many instances, to choose representatives because of the present system of registering and of voting at the elections, this system is plainly wrong and irrational, compelling the voter to name his politics, while, wherever the Australian ballot is adopted by law, as in the State of California, he has right to the secret ballot. This right he does not now have, practically, except he write in the ballot his choice—which is largely impracticable.

The method now prevailing handicaps the voter. If he stands for Government ownership of industries and is an employee of a firm, company, or corporation opposed to change in the present crafty method, such a body, having access to the books of registration, might let voters politically opposed to themselves out of their job, and possibly put them on the black list, making it well-nigh impossible for them to obtain employment.

To avoid all this, many voters feel compelled—quite contrary to their own inclination—to register affiliation falsely, though under oath, to the party approved by their employers. Furthermore, naming, when registering, their pretended political affiliation, prevents them from voting any other ticket at the primary. Thus they lose their nominating power for their own representatives. At the general election, however, their vote will be cast for the party of their own choice—if nominated. The present method thus trains citizens to false swearing, yet largely defeats their nominating power. Also, while the false naming, when registering, of their political affiliations prevents them from voting their own ticket at the primary, the true naming makes it easy for politicians to figure from these registrations the probable primary vote, thus affording advantages to use to the disadvantage of the industrial class voter.

Further, I would suggest that each public election day be made a strict legal holiday, because some voters are afraid, wisely, of losing their job if they take two hours or thereabouts off of their day's work. In this way they lose interest in the elections; this results in not attending to the duty of intelligently voting, and thereby not naming representatives to look after their interests and guard their rights.

We all know the significance and intent of the Australian ballot; and we of the industrial ranks strenuously object to its defeat in practical politics. We hope those who are able will see to it that the Australian ballot is carried out to its true intent; that is to say: Do away with registering our political affiliations; adopt the system of one ballot to accommodate all parties. I suggest that this one ballot be made to fold once, leaving one side blank, so requiring less work for the election boards, less paper, and being less cumbersome. The legally designated size is in practice already varied from.

Another matter, the election boards. Last primary election I was a clerk. There was one lady clerk and two quite elderly men on my board. One of the latter declared: "I would not care to again put in continuously as many hours (80) for $25." There were many boards at work much longer than ours. We had six different tickets—six times the signatures to sign required by the one-ballot system and much more expense to the city, amounting to thousands of dollars worse than uselessly spent and imposed upon the already overburdened and complaining taxpayers.

CLARENCE LYMAN PARKER,
461 North Fremont Avenue, Los Angeles, Cal.

STATEMENT OF MR. A. M. SCANLAN.

LOS ANGELES, *September 18, 1914.*

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: I would like to call the attention of your honorable body to the class of which I am a member, and which is numerically stronger than any other class in this country. I refer to the floating population—the men who

build the country's railroads and aqueducts, its power plants and pipe lines. You will find us in the lumber woods and on ranches—in fact, anywhere where there is demand or might possibly be demand for surplus labor. As we lack organization, our condition is the most miserable of all the working class. You will find that many in our ranks are above the average in intelligence and education, our misfortune being due generally to the fact that we lacked opportunity to learn a trade or specialize on some subject.

You will also discover the reason for at least some of the discontent and unrest permeating our ranks. When men, after working from 7 a. m. until 9 p. m. thrashing in a bean field are refused permission to sleep in a barn but are compelled to lie in the open, exposed to heavy dew, with probably the lightest covering, they can't be expected to be very amiable. Or if one has worked two or three months in some railroad camp, sleeping perhaps on the second floor of a two or three story bunk in company with a lot of Mexicans, debarred during that time from even the sight of a woman, one can't expect to be very conventional. When one carries his bed on his back, over country roads and through towns, is looked at askance, perhaps sneered at as a tramp, do you wonder at one becoming radical? When a native of this country, who perhaps has had a father or brother die for his country, upon asking for work is laughed at and told to change his color, as there are none but Mexicans employed, would you expect him to be patriotic?

It is said that revolutions start from the bottom; and there is no doubt but that there are many embryo revolutionists in the lower rank of labor; and it will be only by removing causes as indicated above, besides many others, which can be easily discovered by your body, that radicalism will be eliminated.

Respectfully,

A. M. SCANLAN,
532 East Second Street.

STATEMENT OF MRS. DRUSIE E. STEELE.

Mr. WALSH: The testimony of employers yesterday was in favor of the workman's compensation act. I happen to know a case tried out in court recently—the man injured for life, yet, through the process of court proceedings which seemed brutal and autocratic, the man got nothing. The man's witnesses were swept aside by defense lawyer—"Look at these cattle; what are they?" (Some such remark, which I can not quote positively.) Not one was allowed to be heard; the wife and wife's mother were not allowed to tell their story; the judge sustained the defense every time; the foreman went back on what he had told the wife and mother, presumably to hold his job. They had a certain hospital where all their accidents were treated; the signing of a paper by the man when he was not in his right mind, and which his wife asked him not to sign—the agent told them that it was only to secure hospital services at the hospital free to the man, so he signed it. It was held aloft in court, and the judge sustained them. This is about the history of court proceedings in Los Angeles. I can give you the names of the plaintiffs, and I am urging that they try it again, having learned a little about courts in Los Angeles. I wish you might have time to question them as to testimony of actual working facts.

Mrs. DRUSIE E. STEELE,
1124 Hyperion Avenue.

STATEMENT OF MR. W. H. STUART.[1]

SUGGESTIONS FOR THE IMPROVEMENT OF ECONOMIC, POLITICAL, AND SOCIAL CONDITIONS.

1. Strict public regulation of all public utilities in regard to service, rates, wages, and capitalization; profits on operation to be restricted to reasonable returns on actual capital invested, with ultimate public ownership in view.

2. Large industry to be under strict governmental regulation, efficiency of labor, of administration, and in improvements in machinery and technique tending toward the conservation of energy and elimination of waste to be encouraged, with the view of increasing wages and reducing cost of products to the consumer. Unfair competition to be prohibited. Pooling and concen-

[1] Mr. Stuart also submitted, in printed form, a pamphlet entitled "Scientific Taxation: A Key to the Solution of the Labor Problem."

tration of capital under proper restrictions not to be discouraged, remembering that the nearer a business approaches a monopoly the simpler the rules for its management, the less business risk, and the easier to maintain fair prices and reasonable profits on actual capital invested. If governmental regulation prove ineffective, then public ownership and operation, the only other alternative.

3. Progressive taxation of incomes.

4. Taxation of the unearned increment of land values, commencing at 5 per cent and increasing in that ratio yearly.

5. Progressive tax on inheritances, from 5 to 50 per cent, according to the amount of inheritance. Collateral heirs to pay double tax. Distant collateral heirs to lose right of inheritance. Bequests to direct heirs under $10,000 to be exempt from tax.

6. Incomes up to $1,500 and home sites up to value of $5,000 to be exempt from taxation. Direct taxation to be encouraged. Taxes to be levied as nearly as possible on unearned or surplus wealth, or the surplus over the amount necessary to maintain a reasonable and rational standard of living.

7. Election of President by direct vote of the people.

8. Direct legislation and the right of recall of all public officers, including the judiciary. Recall of judicial decisions. Trial by jury in contempt cases where the contempt is not in presence of the court.

9. Proportional representation.

10. Legalizing trades-unions with right of boycott and picketing under proper restrictions in regard to public rights.

11. A minimum wage.

12. Minimum workday for men in all kinds of factory and certain other forms of industry. Special restrictions in regard to hours of labor of women and children, with special reference to the age of children.

13. Industrial accident insurance for workmen.

14. Old-age pensions, instead of the poor farm. Pensions for widows with children, instead of the orphan asylum.

15. Free schoolbooks and free meals where necessary. Compulsory education.

16. City, State, and national fire and life insurance at cost of service.

17. The merit system in the public service. Deductions in pay from all public employees or officials for absence from work or service except for sickness or permitted absence, particularly Members of Congress.

18. Absolute right of free speech where such speech does not advocate violence. Severe penalties for public officials or others suppressing the right of free speech.

19. Strict food and drug laws and vigorous enforcement of the same, and against all fraudulent or misleading advertising.

20. Blue-sky law, to safeguard investors and prevent fraudulent promotion schemes, and punish fraudulent representations or operation by corporation officials.

21. Strict regulation of the liquor traffic, with a view to the diminution of its evils and of its ultimate extinction.

22. Equal suffrage, irrespective of sex.

23. Penal institutions—object of to be the reform of the criminal, not vengeance.

Respectfully submitted.

W. H. STUART,
Los Angeles, Cal.

118 NORTH GRAMERCY PLACE.

STATEMENT OF MR. FRANK T. WIDNER.

UNDERWOOD TYPEWRITER CO. (INC.),
Los Angeles, Cal., October 27, 1914.

UNITED STATES BUREAU OF INDUSTRIAL RELATIONS,
Chicago, Ill.

DEAR MR. GRIFFITH: This office recently received a letter from your Chicago office inquiring into the wage condition in Los Angeles as shown by our office records. Inclosed please find a copy of our September report, and also an average of weekly and monthly salaries for the past nine months.

Please take into consideration the fact that our office gets a larger number of the better office calls than most any other local office, and that may account partly for the higher average than might otherwise exist here.

Any other information we can furnish you on this subject will be cheerfully furnished.

Yours, very truly,

UNDERWOOD TYPEWRITER CO.,
Per FRANK T. WIDNER,
Manager Employment Department.

IN RE REPORT FOR SEPTEMBER, 1914:

LOS ANGELES, CAL., *October 6, 1914.*

UNDERWOOD TYPEWRITER CO.,
30 Vesey Street, New York City.

GENTLEMEN: We beg to submit the following report of work done in our employment department during the month of September, 1914:

Inquiries for help: Male, 20; female, 200; total, 220.

Positions secured, permanent: Male, 10; female, 30; total, 40. Temporary: Male, 7; female, 162; total, 169; grand total, 209.

Inquiries received but not filled, 11.

Summary of salaries: Total weekly salaries for 209 positions filled, $2,881.50; average weekly salaries, $13.73; average monthly salaries, $54.92.

One thousand seven hundred and eighty-five positions. Average weekly wage, $13.70.

This experience covers a period of nine months. Average monthly wage, $54.72.

Respectfully submitted,

UNDERWOOD TYPEWRITER CO.

EXHIBITS.

OTIS EXHIBIT.

OFFICE OF TIMES-MIRROR CO.,
Los Angeles, Cal., October 20, 1914.

Mr. LEWIS K. BROWN,
Secretary Commission on Industrial Relations, Chicago.

DEAR SIR: In compliance with my promise heretofore made, and with your own request, I am sending you herewith the originals of the only papers in my possession, or in the possession of my office, which are in the nature of contracts with our workmen, copies of which the commission desired.

These papers are:

1. A mere unsigned slip, marked 1906, containing the names of three classes of workmen in the composing room, with the several rates of compensation paid to the men in these three classes, viz, 42 cents, 45 cents, and 47 cents per hour, respectively. These lists represent the classifications to which I referred at one point in my testimony.

2. Schedule, etc., dated March 1, 1907, "for the payment of regular salaries and wages in different grades," together with four different rates paid to our men, viz, 47 cents, 50 cents, 58 cents, and 60 cents per hour, respectively. This list is followed by "notes and instructions" which explain themselves.

3. Letter dated January 13, 1909, addressed to the foreman of the Times composing room, relating to rates, hours, rules, and other subjects; the letter being signed by myself on behalf of the Times-Mirror Co., and the rates and other conditions having been accepted by an authorized committee acting on behalf of the different workmen affected; concurred in by the foreman, and ratified and confirmed on the 14th day of January, 1909, by the Times-Mirror Co. through myself as president and general manager.

I may say, in addition to supplying you with the foregoing information, that it has never been the policy of this company to make written contracts with its workmen, which are liable to be troublesome. On the contrary, our general policy (to which there have been the foregoing exceptions) has been to offer to applicants for employment a schedule of payments established in the different departments, leaving the applicant to accept or reject the rates and the employment, according to his own judgment and preference. The plan has worked well throughout, and the occasions for differences and trouble have been few and far between. Employment and positions in the office of the Los Angeles Times are widely sought and are highly prized by successful applicants.

Hoping the foregoing information will meet all reasonable requirements of the commission, I am,

Yours, truly,

H. G. OTIS,
President and General Manager.

P. S.—I will thank you to return these original papers in compliance with your offer. Also the inclosed personal letter from ex-Senator Thomas R. Bard, of this State.

OFFICE OF TIMES-MIRROR CO.,
Los Angeles, Cal., January 13, 1909.

Mr. S. W. CRAHILL, *Foreman.*

DEAR SIR: After considering all the statements of fact and all the arguments contained in your last letter, dated January 5, 1909; after having considered all statements bearing on the subject of the proposed new scale made on behalf

of the men, and after the making of mutual concessions, I now submit the following revised scale for the acceptance or rejection of the workmen affected:

1. *Hand advertising composition—Hour work.*—Class 1, 56 cents per hour; class 2, 53 cents per hour; class 3, 50 cents per hour; class 4, 47 cents per hour; estimator, 60 cents per hour.

2. *Linotype composition by the hour.*—Seven machines, as at present, including one head machine, working eight hours per day, at the rate of $4.50, $5, and $5.50 each for the operators, classified as you already have them; $6 for Freeby, including all extras, and the head man $4.75. The rates first named in this paragraph are for superior operators, classified according to merit.

3. *Linotype piecework for corrected matter.*—Brevier, 13 cents per 1,000 ems; minion, 13 cents per 1,000 ems; nonpariel and agate, 12 cents per 1,000 ems. In order to reduce the waiting charges to a minimum, it is understood and agreed that hour men working on machines are assignable to hand work (distributing, etc.) during such portions of the working day and night as their machines are necessarily idle for lack of copy.

This schedule is to be in effect from and after January 10, 1900.

I trust all the men concerned may be able to see their way clear to the acceptance of this scale cheerfully and in good faith. The office does not wish to lose a single man of the force. It holds in vivid remembrance the facts and events of the past, when the proprietors and their loyal workmen stood together, back to back, for mutual protection, for independence, justice, and fair play between man and man, and against the despotism of the typographical union. Those considerations keep me and my associates of one mind, as we have been in the past, in respect to the reliable force of fraternity men whom we have so long employed, so long defended, and so steadfastly favored at all times and in all emergencies, when it required nerve for us to stand up against the assaults as well as the blandishments of the opposition, and also required similar nerve on the part of the men.

I fully recognise the right of every workman not under specific contract to quit his employment at his pleasure. This is fraternity doctrine also, and I shall not feel that I have the right to object should any of our workmen decline to continue in our service under the revised scale of wages. Nevertheless, I again express the hope that they will all remain with us.

You are authorised and requested to communicate the contents of this official letter to the men, but it is unnecessary to make copies of it. Your own steadfast contention for the interests of the workmen should satisfy them as to your attitude.

Yours, truly,

H. G. Otis,
For the Times-Mirror Co.

The foregoing revised scale of prices for machine and other composition is hereby accepted on behalf of the different workmen affected.

Will N. Gory,
J. A. Campbell, Jr.,
Authorized Committee.

Concurred in.

S. W. Crabill, *Foreman.*

Ratified and confirmed this 14th day of January, 1900.

The Times-Mirror Co.,
By H. G. Otis,
President and General Manager.

1896.

Highest.—Mack, Pettit, Hall, Baker, Didricksen, Hunt, Rennie, Edwards, Bingham, Hatlow, Ford (J. D.), Sergeant, Gulliver—47 cents.

Medium.—Underwood, Shanahan, Taylor, Goodwin, Yarnell (H. A.), Yarnell (J. E.), Patter, Schooley, Kaiser, Luddy, Caress (C. M.), Moore (J. D.), Ford (C. L.), Caress (E. L.), Wasson—45 cents.

Lowest.—Boothby, Bennett, Miller, Thornton—42 cents.

Schedule for the payment of regular salaries and wages in the different grades.

[Calculated on a daily and weekly basis.]

COMPOSITION ROOM.

[Not including piece men.]

Per day.	Per week.	Per month.	Per year.
$5.70	$33.30	$[illegible]	$[illegible]
5.13	30.00	[illegible]	[illegible]
4.66	28.00	[illegible]	[illegible]
4.28	25.00	[illegible]	[illegible]
4.11	24.00	[illegible]	[illegible]
4.27	25.00	130.00	[illegible]
4.96	28.99	123.50	[illegible]
3.91	27.40	117.00	[illegible]
3.77	26.39	114.33	[illegible]
3.60	25.20	109.20	[illegible]
3.41	24.00	104.00	[illegible]
3.28	23.00	99.67	[illegible]
3.09	21.60	93.60	[illegible]
2.94	20.60	89.20	[illegible]
2.56	18.00	78.00	[illegible]
2.14	17.00	73.67	[illegible]
2.26	15.80	68.53	[illegible]
2.13	15.00	65.00	[illegible]
2.00	12.00	52.00	[illegible]
1.20	8.40	36.40	[illegible]
1.46	10.00	43.33	[illegible]
1.28	9.00	39.00	[illegible]
1.11	8.00	34.66	[illegible]
1.00	7.00	30.33	[illegible]
.85	6.00	26.00	[illegible]

HOUR MEN.

Per hour.	Per day.	Per week.	Per month.	Per year.
$0.47	$3.76	$22.56	$97.76	$1,173.12
.35	4.00	24.00	104.00	1,248.00
.33	4.24	25.44	110.27	1,323.24
.36	4.50	26.90	116.90	1,397.96

NOTES AND INSTRUCTIONS.

1. The hours for hand compositors are nominally eight per day, but may be increased or diminished at any time, in accordance with the requirements of the work. The hour is the unit for calculation in making payments. No higher proportionate rate for extra hours worked.

2. The foreman, assistant foreman, make-ups, and floor men are not paid extra for extra hours.

3. Linotype operators, being paid by the piece, are in a class by themselves. They work at the established piece rate without regard to hours.

4. No payments to any class of workmen for time not worked or service not rendered.

5. No workman shall absent himself without the consent of the foreman, unless in cases of sickness, disaster, or other unavoidable detention.

6. No employment of substitutes without the previous approval of the foreman acting for the office.

7. Extra and overpayments must be carefully guarded. The head of each department in which extra work may be called for and performed is held to a strict accountability for all statements of extra time turned in to the manager or cashier.

H. G. Otis,
President and General Manager.

MARCH 1, 1907.

ADDITIONAL STATEMENT.

OFFICE OF THE TIMES,
Los Angeles, September 11, 1914.

Hon. FRANK P. WALSH,
Chairman Commission on Industrial Relations, Los Angeles.

DEAR SIR: In compliance with your request and my promise, I now have the honor to make certain additional statements relating to industrial conditions here, the same being supplemental to my first statements before the commission at its opening session on the 8th instant. The slight delay is due to time consumed in gathering statistics from an outside source bearing upon the question of the comparative tests showing the results of linotype composition done by the week and by the piece, respectively. This exhibit will be found under subdivision 8.

SUPPLEMENTAL STATEMENTS.

I. While I was on the stand at that session the chairman requested me to produce figures showing the different rates paid by the Times to skilled labor in the several mechanical departments at this time. I give the rates herewith:

COMPOSING ROOM.

Weekly wage rates.

Number of workmen receiving each week—	
$46.15	1
39.00	1
35.00	2
30.00	1
25.00	1
24.00	1
21.00	1
20.00	1
15.00	3
Total employees as listed	12

Average weekly wage, $26.08.

Hour rates.

Number of men employed at the hourly wage of—	
81 cents	2
71 cents	1
65 cents	2
62½ cents	24
60 cents	1
56 cents	4
50 cents	2
Total employees as listed	36

Average hourly wage, $0.624.
Average weekly earnings based on an 8-hour day for 6 days, $29.95.

Piece rates.

Number of workmen employed at—	
13 cents per 1,000 ems	22
11½ cents per 1,000 ems	5
Total piece employees as listed	27

Average wage per 1,000 ems, $0.1272.
Average weekly wage for 6 days based on a 7-hour day, $35.10.

PROOF-READING ROOM.

Hour rates.

Number of workmen employed at the hourly wage of—	
68 cents	1
62½ cents	1
60 cents	2
56 cents	2
55 cents	1
50 cents	1
45 cents	8
31 cents	1
Total employees as listed	17

Average hourly wage, $0.447.
Average weekly wage (6 days) based on a 7-hour day, $18.78.

STEREOTYPE ROOM.

Weekly wage rates.

Number of workmen receiving each week—	
$28.45	1
27.50	1
24.00	1
19.50	1
18.00	1
16.00	2
Total employees as listed	7

Average weekly wage, $22.90.

PRESS ROOM.

Weekly wage rates.

Number of workmen receiving each week—	
$35.00	1
30.00	1
28.50	2
25.50	1
24.00	1
22.50	1
21.00	1
18.00	2
16.50	1
15.00	7
Total employees as listed	18

Average weekly wage, $20.70.

GENERAL MECHANICIANS.

Weekly wage rates.

Number of workmen receiving each week—	
$48.35	1
24.00	1
21.00	2
15.00	3
Total employees as listed	7

Average weekly wage, $22.05.

COUNTING ROOM.

[Including advertising department and women.]

Weekly wage rates.

Number of workmen receiving each week—	
$62.50	1
50.00	2
45.00	2
35.00	4
32.00	1
30.75	1
30.00	5
25.00	4
23.85	1
23.50	1
27.00	1
23.05	6
22.50	1
20.75	9
20.50	1
18.45	10
17.30	4
17.00	3
16.15	2
15.00	6
Total number of employees as listed	65

Average weekly wage, $24.28.

CIRCULATION DEPARTMENT.

[Including clerks and collectors.]

Weekly wage rates.

Number of workmen receiving each week—	
$50.00	1
30.75	1
30.00	4
28.50	1
27.50	2
27.00	1
26.00	6
24.00	1
22.50	8
22.00	3
21.50	1
21.00	1
20.75	1
20.00	12
18.45	2
18.00	4
17.50	1
17.30	1
16.00	1
15.00	3
Total employees as listed	59

Average weekly wage, $21.75.

TYPE-SETTING PRINTING AND BINDING DEPTS.

Weekly wage rates.

Male workmen:

Number of workmen receiving each week—	
$60.00	1
40.00	3
35.00	2

Male workmen—Continued.
Number of workmen receiving each week—Continued.

$34.50	1
32.50	1
30.00	7
29.00	1
27.50	4
27.00	2
26.00	1
25.00	7
24.00	8
23.25	1
23.00	2
22.50	7
22.00	1
21.00	4
20.00	8
19.50	2
18.50	1
18.00	1
17.00	2
16.50	1
16.00	1
15.00	6
14.00	1
12.50	1
12.00	1
12.00	6
11.00	1
10.00	1
9.00	2
8.00	1
7.00	4
4.00	1

Women workers:
Number of women receiving each week—

$35.00	1
34.00	1
18.00	2
15.00	1
12.00	2
11.00	2
10.00	5
9.00	4
8.00	1
7.00	1

II. I was also requested by Commissioner Commons to produce the rates paid to skilled labor at different periods running back to 1903, following the strike of that year. Fortunately, I have data at my command, notwithstanding the long period that has elapsed, which enables me to answer these questions also. I summarize as follows:

In 1903 (later portion of the year only): The rate of hand compositors was 46 cents, and the average weekly earning, on a 9-hour basis, for six days, averaged $4.05 per day.

In 1906: Rates for time work, on a 9-hour basis, $3.75 and $4 per day, respectively, for two classes of weekday workmen. Machine compositors: Piecework, 14 cents per 1,000 ems of nonpareil and minion, respectively, and 15 cents for bourbon. These piece rates having subsequently been found much higher than the average rates paid throughout the country for like work, were reduced later on. This scale was in force for about five years.

In 1910: As already shown in my first statement, these different wage scales for time were adopted by the office, agreed to, and accepted by all concerned, viz: Lowest rate, 42 cents per hour, equivalent to $4.05 per day; next higher rate, 47 cents per hour, equivalent to $4.23 per day of 9 hours.

In 1909: The following scale went into effect, hand composition, three classes: First, 42 cents per hour, or $3.78 per day; second, 45 cents per hour, or $4.05 per day; third, 47 cents per hour, or $4.23 per day. Floor men, $4 per day. The rates paid to other workmen by the day or week were in harmony with these figures.

In 1909: The above rates, substantially, were in effect at this date.

In 1910: In December of that year, shortly following the destruction of the Times Building, the following scale of hour rates went into effect, and these rates are still in force: Hour rates for day workmen, 58 cents, or $4.25 for 8 hours; hour rates for night workmen, 58, 62, and 75 cents, respectively, according to classification, equivalent to $4.80, $5, and $6, respectively, for 8 hours. To a very few men we are paying as high as $1 per hour.

The piece rates, elsewhere given, are as follows, viz: 11¼ cents for 5-point machine composition and 13 cents for 7 and 8 point machine composition, at which rates, as already stated, the earnings of linotype operators average from $5.50 to $7.50 per day of 7 hours.

III. On the stand, when delivering that part of my statement which relates to linotype machine work—that is to say, composition by the piece and by the hour, respectively—I boldly made the claim that the former system possesses distinct advantages both for the workmen and for the office. I declared that piece operators, working in rivalry with time operators—the one class in the non-union Times office and the other class in a leading "closed-shop" union office in California—when working under like conditions in other respects, the results demonstrate conclusively that the Times operators are able to show, and do show, distinct gains over the other class in the vital matters of production and earnings. I declared that our linotype piece operators averaged from $5.50 to $7.50 per night of 7 hours, as against the union time scale and rate of $5.50 for 8 hours. Now, to prove my claim I offer a comparison of figures covering actual results under both systems:

Comparison and results.—Here is a comparison of composition-room costs in the two newspaper offices referred to, operating under the two different systems named, the comparison being for the week ended August 30, 1914. The totals show these striking results:

Los Angeles Times (nonunion): Number of columns of matter set, 1,820; number of workmen engaged, 62; total labor cost, $2,261.65 (17 men working on the regular 7-hour basis and 45 men on an 8-hour basis); average labor cost per column, $1.25; average earnings per man, $36.80 for the entire week.

Now for the contrast:

Another California newspaper ("closed shop"): Number of columns of matter set, 1,473; number of workmen, 68; the total labor cost, $2,502.25 (all the men working on an 8-hour basis); average labor cost per column, $1.69; average earnings per man, $34.75 for the entire week.

This is a contrast and a demonstration that can not be successfully challenged, nor can the facts be gainsaid. They prove our contention that the piece-rate basis for linotype machine work results in a larger production with a less number of men and machines and in higher wages per man, coupled with lower cost to the office and greater efficiency.

IV. In the affair of the unsuccessful strike of 1906, I made while on the stand an oral addition to my typewritten statement to the commission, which addition I now reduce to writing. When taken in conjunction with my first statement it completes the narrative of the essential facts in that old case.

About 18 months after the strike occurred we received certain indirect overtures from the union, looking to the securing of employment for a small number of union men in the Times office; that is to say, places for union men which they had themselves thrown away a year and a half before. The negotiations resulted in the reemployment by us of five members of the local typographical union. Their employment continued for a period of about 18 months, at the end of which time the men were "pulled out" by an edict of the local union, which had failed, through our steady refusal, to secure the complete unionizing of the office. That act on the part of the union and of the men concerned put an end to all relations between the Times and the local typographical union in our newspaper composing room. There never was any agreement that this department or any other would be or was completely unionized by the tentative reemployment already recited. On the contrary, I specifically stipulated, in writing, before the five union men were employed that the act did not constitute a unionizing of the Times office and was not to be so construed, these men having been taken back upon the express condition, made in writing, that they were

not to bring their unionism back with them into the office, but must accept without question the wages then paid, besides complying with all the requirements, conditions, and rules of the establishment, which was then nonunion in principle and fact. These men reentered our service with that distinct understanding on their part and on the part of their organization. The "papers in the case" are not now available, they having been destroyed by strike, I believe, when the first Times Building was destroyed.

I make these additional explanations not because the matter is of present importance, but merely for the substantial completeness of my narrative of that old affair, now ancient history. The conflict occurred nearly a quarter of a century ago and we care little or nothing about it now, because the strike and boycott both failed through our steadfast resistance to the unwarranted demands upon which they were based; and we have ever since continued to go steadily forward about our business without paying more than passing attention to the doings and the wild assertions of the deluded and defeated ones, who long ago ceased to have anything to do with the establishment, the owners, or the industrial policies of the Times. And never since then has the Times been forced to engage in the making of a fight for the unhampered control, under law, of its own affairs; but it has been and is equipped to contend steadily, fearlessly, broadly for liberty under law; for nation-wide freedom in the industries; for the natural, legal, and equitable rights of all independent, unshackled workers, without regard to "organization"; and equally to contend for the just rights of all employers pursuing any lawful occupation in a lawful way.

V. As to union-labor violence in Los Angeles, to which reference has been made in the testimony adduced, I might produce a fairly complete narrative and a convincing one by consulting files of the Times, but perhaps a better way would be to go to the records of the police department and those of the sheriff's office and the merchants and manufacturers' association, all of which bodies have had more or less to do directly with the subject and the facts. There has been union-labor violence here during recent years—not a little of it. The facts are notorious and can not be controverted.

A notable instance was the destruction of the first Times Building by a bomb set by a member of "organized labor," to wit, James B. McNamara, the convict, who by occupation was a union printer. The proof and the confession are of official record in the trial of this notorious case, the facts having long since been elicited in court and proved beyond the question of a doubt. I quote from the record in brief, which shows that the plea of "guilty" in the McNamara cases was entered December 1, 1911. On December 5, when asked by Judge Bordwell, prior to sentence, what business he had followed, the report of the case says: "J. B. McNamara said he had been a printer." In pronouncing sentence, the judge said: "You, as a printer, knew that gas was being used in many places in the (Times) building, and that many men were employed therein."

It is proper to say here that of all the trades-unions in Los Angeles, the only one that seems to have hurriedly passed resolutions condemning the deed was the typographical union. The report of its action was published on December 4, 1911. The San Diego Typographical Union took the same action on the same day, using practically the same language that was employed by the Los Angeles union printers. Some other printers' unions did the same.

These opposing facts may also be properly stated here: There was a pretense on the part of certain union printers, at that time, to lend assistance to the Times in its great emergency and dire distress; but this effort was more than offset by the persistent efforts made by a larger number of union people to persuade our nonunion workmen to leave the service of the Times forthwith. In the efforts the cunning yet bold misrepresentations were made that any workmen reentering our building at that perilous juncture would do so at their own risk; that further assaults, injuries, disaster, and danger to life were sure to follow, and that everyone who valued the safety of his person and life should "stand from under." These vicious misrepresentations were successful in some cases, and a number of our workmen were either frightened away or enjoined into the disloyal act of leaving the Times at the most awful hour in its history and accepting employment in some union establishment. The main body of our men, however, stood fast loyally and honored themselves in the act. The Times never missed an issue.

These further statements, pertinent to this phase of the case, are also true, to wit: Prior to the dynamiting and the succeeding total destruction of the Times Building, practically all of the male members of the mechanical forces of

the office were being intimidated, coerced, and besieged to join various unions. It was common for our men to be followed to their homes by union canvassers and to receive threatening letters. Women members of their families were annoyed in offensive ways; and there was really no time of any length during the whole boycotting period of 20 years when the activities of union members in nearly all crafts against the Times ceased entirely. But the Times has withstood all these assaults, and all others, and stands to-day where it is, as a visible evidence of the sound policy of standing fast for industrial freedom.

VI. The number of home owners among our workmen at this time is more than 150; included in this total are those who are paying for their homes. It may properly be said, in connection with this pertinent and interesting subject, that many of our workers are young men and women who have not yet reached the home-owning and home-occupying stage. But the possibilities are ever before them, for "hope springs eternal in the human breast." These young people of ours will be able to own homes sooner or later if they continue in the service of our establishment and save money from the good wages paid them. I am not able at this moment to give the proportion of married to unmarried persons in our employ.

The detailed list of home owners is as follows, covering all the principal departments and subdepartments. It includes persons who either own or are in the course of acquiring homes of their own:

Editorial department	26
Counting room (including subdepartments)	40
Mechanical department (including web press and stereotype branches)	19
Composing room (average number of persons employed in this department, 74), home owners	42
Times-Mirror Printing & Binding House (average number of male employees, 80), home owners	23

This may be considered a creditable showing, and it is doubtful whether there is another daily newspaper establishment in the entire country that can show as high an average of money-earning, money-saving, and home-owning employees as is here shown.

VII. Concerning the "union label," I neglected in my first statement to pay my respects to that much-paraded labor emblem, the mark of proscription and exacting trades-unionism. The Times has never marched under that "banner with a strange device," and, without apology, exercises its prerogative of declining to make obeisance to it. I hold that no free American citizen should stand in awe of it, or be made to suffer in his person, his property, or his business, his profession or his politics because he may choose to ignore it. Those who believe in it are privileged to place the sign of the union label upon themselves, their publications, products, and principals; but as for me, I prefer the Union flag as an emblem.

VIII. An unsigned list of questions was passed up to me at Tuesday's session, the first of which related to my alleged connection with a land and water enterprise located in "San Fernando County." I know of no county of that name in California, and assume that the inquiry, which appears to have come from some badly informed outside source, was intended to relate to the San Fernando Valley, where I do own modest interests in connection with and on the line of the great Owens River Aqueduct. My direct relations there are with the Los Angeles Suburban Homes Co., purchasers and subdividers of near-by fertile land on a considerable scale, and I work with four stalwart, upstanding associates in the board of control of that company. We are carrying on a legitimate enterprise, and have nothing to conceal in respect to our operations, which have continued for now about five years. Our aim, broadly stated, is to make two or more blades of grass grow where only one grew before; to subdivide the land into small tracts; to encourage home seekers and home builders; and to create a great producing section at the northern gates of the city, where large numbers of industrious people have already carved out farms and built homes. The magnificent Owens River Aqueduct, the creature of the city and of the taxpayers, will soon water the land and bring wealth, increased production, prosperity, and happiness to thousands of worthy people, and to the city itself.

I do not, however, go into the subject minutely, though I might do so without fear and without reproach were that course appropriate and necessary; but

the chairman advised me to pass this particular inquiry unanswered, because the subject does not properly come within the scope of the commission's work.

The remaining questions submitted on the same slip of paper have been, I believe, substantially answered, directly or indirectly, in my previous statements.

IX. I may say, in a broad general way, that the wage rates paid by the Times have always been based upon fair, open, direct understandings with our workmen, and that the several scales, being fair and frequently very liberal, were established without much regard to extraneous interference, complaints, or criticisms. While safeguarding the pay roll, as is our right and duty to do, we have at the same time aimed to satisfy our own men and women employees and to maintain good relations with them at all times.

Furthermore, we have also steadily maintained the entirely tenable ground that the intimate and practical matters of employing workmen on hours mutually agreeable as well as satisfactory to the men, and to each of them, in the matters of conditions, wages, hours, and treatment are subjects that properly concern them and their employers alone and do not concern outsiders, who consequently have no warrant for attempting to break into our free, unfettered, triple-plated triple alliance without an introduction or an invitation to "come in and take a chair." Hence the satisfactory status of to-day, which has continued for so many years. It is a status that the parties in direct interest have no occasion to end and which can not be justifiably disturbed by any person or persons whatever having no claim upon us, our establishment, or our pay roll. Men who madly strike, strike unconditionally and unwisely, without adequate provocation, should, it seems to me, manfully abide by the consequences of their own acts without murmur, recrimination, or complaint, and without undertaking to resume, through the compulsion of the boycott, those good situations once deliberately abandoned by them. Such attempts are bound, as in the case here under consideration, to result only in bringing heartburnings and "industrial unrest" to the unsuccessful strikers and boycotters, without causing their former employers to yield and surrender.

If I have succeeded in throwing any light upon the important, serious, and far-reaching problem under consideration, I feel amply repaid for even that small fraction of the large labor which has fallen to me in this search for truth, for it is the truth that "shall set us free."

I have the honor to remain, Mr. Chairman and gentlemen of the commission,

Very respectfully, your obedient servant,

HARRISON GRAY OTIS,
President and General Manager the Times-Mirror Co.,
Editor Los Angeles Times.

REMANDOLAAR EXHIBIT NO. 1.

CONSTITUTION AND BY-LAWS MERCHANTS AND MANUFACTURERS' ASSOCIATION OF LOS ANGELES.

CONSTITUTION.

ARTICLE I.

NAME.

SECTION 1. The name of this association shall be the Merchants and Manufacturers' Association of Los Angeles.

ARTICLE II.

OBJECTS.

The objects of this association shall be the promotion of the common interest of its members by increasing the facilities for our mercantile and commercial enterprises; by finding a market for our local manufactured products by cooperating with the national association of manufacturers; by such social features as may from time to time be introduced to promote better acquaintance among its members; and by taking such intelligent interest in public affairs as will tend to advance the business enterprises of Los Angeles and vicinity.

ARTICLE III.

MEMBERSHIP.

SECTION 1. Any person, firm, association, or corporation carrying on a mercantile, manufacturing, banking, or other legitimate business shall be eligible to membership of this association, upon receiving the approval of the board of directors and paying the dues of the current month at date of application.

SEC. 2. The dues shall be $1 per month, payable monthly in advance.

SEC. 3. Any member being in arrears for six months shall, after receiving one month's notice of his arrearage, be suspended and his name stricken from the roll of membership. Such delinquent shall not be again eligible for membership unless by a two-thirds vote of the board of directors.

SEC. 4. Any person desiring to withdraw from this association shall give written notice 30 days before such withdrawal shall take effect. No resignations shall be accepted unless dues are paid in full.

ARTICLE IV.

OFFICERS.

SECTION 1. This association shall be managed by a board of directors, consisting of 15 members of the association, who shall, at their first regular meeting, elect from their number a president, first vice president, second vice president, and treasurer, and shall also appoint a secretary.

ARTICLE V.

NOMINATIONS AND ELECTIONS.

SECTION 1. The board of directors shall be elected by ballot on the third Monday of January of each year, and will hold office until their successors are duly elected and qualified.

SEC. 2. The election of officers shall be held at the rooms of the association, and shall be under supervision of a committee appointed by the president, consisting of two directors and three other members.

ARTICLE VI.

DUTIES OF THE PRESIDENT.

It shall be the duty of the president to preside at all meetings of the association and of the board of directors. He shall have the casting vote in all cases, sign all warrants upon the treasurer for the payment of money, and see that the rules and regulations of the association are strictly enforced. He shall have general supervision over all the affairs of the association.

ARTICLE VII.

DUTIES OF THE VICE PRESIDENT.

In the absence of the president the first vice president, and in his absence the second vice president, shall preside at the meetings of the board of directors or of the association and shall perform all the duties of the president.

ARTICLE VIII.

DUTIES OF THE SECRETARY.

SECTION 1. The secretary shall keep a record of all the proceedings of the board of directors and of the association; he shall have general charge of the books and accounts of the association; he shall see that the moneys due the association are regularly collected; he shall pay all moneys of the association to the treasurer, taking his receipt therefor, and countersign all warrants upon the treasurer that have been signed by the president; he shall present, when requested by the board of directors, a statement of the financial condition

of the association; he shall notify applicants of their admission and perform any other duties of which he may be officially instructed; he shall give such bonds as the board of directors may require.

SEC. 2. It shall be the duty of the secretary to call special meetings of the board of directors and of the association, as provided in the by-laws.

ARTICLE IX.

DUTIES OF THE TREASURER.

SECTION 1. The treasurer shall have charge of the funds of the association and keep a regular account thereof, subject to the inspection of the board of directors; he shall pay only such warrants as bear the signatures of the president and secretary; he shall be required to give such bonds as the board of directors may direct.

SEC. 2. It shall be the duty of the treasurer to make a special deposit of all moneys collected by him other than the regular admission fees and dues of the association, such special deposits to be drawn upon as may in each case be directed by the board of directors.

ARTICLE X.

DUTIES OF THE BOARD OF DIRECTORS.

SECTION 1. The board of directors shall have a general supervision of all matters that come up before the association, and shall do what they deem in their judgment proper. They are to adopt such other rules for the government of the association as are not provided for in the constitution.

SEC. 2. They shall appoint three of their number as a finance committee, to whom every claim against the association shall be submitted, and who shall report in writing upon each claim presented before it can be submitted to the directors for final action.

They shall require such bonds as may be deemed necessary to be given by the secretary and treasurer.

SEC. 3. In event of any dispute arising between members of the association the matter shall be referred to the board of directors, who shall appoint three of their number to investigate such differences.

SEC. 4. When a director has failed to attend four consecutive regular meetings of the board without leave of absence his office may be declared vacant by the board of directors.

BY-LAWS.

ARTICLE I.

MEETINGS.

SECTION 1. Regular meetings of the board of directors shall be held on the second and fourth Mondays of each month at the office of the association.

SEC. 2. Special meetings of the board of directors can be held subject to the call of the president. Notice of time and holding of such meeting must be given by the secretary in writing a reasonable time before such meeting is held.

SEC. 3. Special meetings of the board of directors may also be held at the call of the secretary upon the written request of six directors.

SEC. 4. The regular meetings of the association shall be held on the third Monday of each month.

SEC. 5. Special meetings of the association may be held at the call of the president, or upon the call of the secretary, at the written request of 15 members. Notice stating time and object of such meeting must be sent to all members not later than five days prior.

ARTICLE II.

COMMITTEES.

As soon as practicable after the first regular meeting of the board of directors after the annual election, the following standing committees shall be appointed by the president, with the approval of the board: On public improvements, 5

members; on municipal affairs, 5 members; on transportation, 5 members; on trade and commerce, 5 members; on manufactures, 5 members; on grievances, 3 members; on statistics, 3 members; on membership, 3 members; on finance, 3 members.

ARTICLE III.

ADJOURNMENTS.

In the absence of a quorum at any meeting of the board of directors or of the association, the members present shall have the right to adjourn such meeting from day to day until a quorum shall be obtained.

ARTICLE IV.

ORDER OF DEBATE.

Questions of order of debate shall be decided in accordance with the rules laid down in Roberts's Rules of Order.

ARTICLE V.

AMENDMENTS.

These by-laws may be amended at any meeting of the board of directors, a majority of the whole board concurring thereto.

ARTICLE VI.

ORDER OF BUSINESS.

The order of business shall be as follows: (1) Roll call, (2) reading minutes of previous meeting, (3) reports of committees, (4) applications for membership, (5) unfinished business, (6) new business.

ZEEHANDELAAR EXHIBIT NO. 2.

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., November 21, 1914.

Mr. F. J. ZEEHANDELAAR,
Secretary Merchants and Manufacturers' Association,
Los Angeles, Cal.

DEAR SIR: In response to your request of recent date for figures showing the shipments of citrus fruits from southern California covering the period from 1904 to date, we take pleasure in submitting the following:

Year ending Oct. 31—	Southern California.		Total.	Year ending Oct. 31—	Southern California.		Total.
	Lemons.	Oranges.			Lemons.	Oranges.	
1904	3,709	23,117	27,009	1910	4,702	28,335	33,037
1905	4,271	25,988	30,259	1911	6,242	28,825	35,067
1906	3,758	23,173	26,931	1912	5,961	28,025	33,986
1907	3,962	25,243	29,205	1913	5,933	33,373	39,306
1908	4,988	24,888	29,876	1914	2,954	39,084	41,978
1909	6,196	31,875	38,071				

Very truly, yours,

FRANK WIGGINS, *Secretary.*

ZEEHANDELAAR EXHIBIT NO. 3.

Los Angeles savings banks deposits and depositors, July 1, 1914.

Savings banks of Los Angeles.	July 1, 1914.	
	Total deposits.	Number of depositors.
Security Trust & Savings Bank	$10,355,491.39	10,172
Citizens' National Trust & Savings Bank	10,012,715.39	10,322
Los Angeles Trust & Savings Bank	17,441,225.49	17,223
Home Savings Bank	6,612,439.16	6,233
Merchants National Trust & Savings Bank	5,112,439.16	4,733
Pacific Commercial Trust & Savings Bank	3,112,439.16	2,733
Citizens' Trust & Savings Bank	3,112,439.16	1,733
Hibernian Savings Bank	3,112,439.16	2,733
California Savings Bank	3,112,439.16	2,733
International Savings & Exchange Bank	3,112,439.16	2,733
Bank of Italy	3,112,439.16	2,733
	166,339,847.41	162,169

Average account, $498.

The percentage of wage earners as depositors is about 50 per cent in the Los Angeles savings banks.

ZEEHANDELAAR EXHIBIT NO. 4.

Bank clearings, city of Los Angeles, 1904–1913.

1904	$345,343,026	1909	$973,165,720
1905	470,995,999	1910	811,277,497
1906	575,695,517	1911	943,963,287
1907	531,870,027	1912	1,108,937,709
1908	502,502,766	1913	1,211,105,049

ZEEHANDELAAR EXHIBIT NO. 5.

Building permits issued in the city of Los Angeles, 1904–1913, inclusive.

Year.	Permits.	Valuation.	Year.	Permits.	Valuation.
1904	7,028	$23,238,000	1909	8,871	$23,238,710
1905	8,128	27,262,027	1910	10,729	29,262,027
1906	9,029	31,159,027	1911	12,029	31,159,027
1907	7,228	23,238,000	1912	9,028	27,262,027
1908	7,828	9,262,000	1913	10,028	31,262,000

ZEEHANDELAAR EXHIBIT NO. 6.

Post-office business, city of Los Angeles, 1904–1913, inclusive.

1904	$600,000	1909	$1,100,000
1905	712,000	1910	1,200,000
1906	800,000	1911	1,300,000
1907	1,000,000	1912	1,700,000
1908	1,000,000	1913	2,100,000

ZEEHANDELAAR EXHIBIT NO. 7.

The population of Los Angeles City and County for 10 years from 1904 to 1913.

Year.	City.	County.	Year.	City.	County.
1904	175,000	205,000	1909	225,000	270,000
1905	190,000	220,000	1910	230,000	275,000
1906	205,000	235,000	1911	235,000	280,000
1907	215,000	245,000	1912	240,000	285,000
1908	220,000	250,000	1913	245,000	290,000

1 Estimated.

ZEEMANDELAAR EXHIBIT NO. 8.

AFFIDAVIT OF MISS MARY HORGAN, SALESWOMAN IN THE EMPLOY OF A. FUSENOT CO.

Mary Horgan, being duly sworn, deposes and says that she is a saleswoman in the employ of A. Fusenot Co., also known as the Ville de Paris. That the business of said firm is a dry goods store on an extensive scale and one of the oldest established business houses in the city of Los Angeles.

That she has been in the employ of said firm for the past 19 years and is now section manager of one of the departments and has under her direct supervision a number of saleslaadies.

That during all the years of her employment she has come in daily contact with a large number of the employees and is personally acquainted with nearly all. That she knows from her personal knowledge that a general feeling of satisfaction and appreciation exists among the employees. That they are loyal to the interest of the firm and thoroughly satisfied with the treatment they receive at the hands of the owners of the store and its managers. That, from her knowledge and belief, at no time during said employment has she ever heard discussed the advisability or necessity of belonging to any retail clerks' union or any other branch of organized labor, and that she believes that if any attempt of that character was made few, if any, of the employees would be induced to join a movement of that character.

That the feeling between employer and employees in said firm is most congenial and satisfactory and that the greatest attention is being paid by the firm regarding the comfort, health, and general uplift of all employees.

MISS MARY HORGAN.

Subscribed and sworn to before me this 5th of September, 1914.

[SEAL.] J. C. LAMPREE,

Notary Public in and for Los Angeles County, State of California.

My commission expires January 20, 1915.

ZEEMANDELAAR EXHIBIT NO. 9.

AFFIDAVIT OF RICHARD E. BARRY, SECRETARY OF A. FUSENOT CO.

Richard E. Barry, being duly sworn, deposes and says that he is now the secretary of the A. Fusenot Co., also doing business under the firm name of the Ville de Paris.

That he has been employed by said firm for 25 years in different capacities, such as salesman, department manager, New York and European buyer, and that he is now the general manager and secretary of the company.

That during that period of employment he has become thoroughly acquainted with the intricate details of said business and the employees of the firm.

That without hesitancy he can state that the feeling among the employees is one of great satisfaction and happiness, and that among the many methods employed for the health, safety, and welfare of the employees he enumerates the following:

That at least one-fifth of the entire working force has been employed by the firm for periods varying from 8 to 30 years.

That hospital rooms, with the attendance of a qualified maid, is provided for employees who may be taken ill during the hours of employment.

That in the event of any of the employees being compelled to leave the store at any time on account of sickness no deduction is made from their salaries on account of such absence, and if such sick employee is unable to reach home without assistance an automobile and attendant is provided to see them safely to their places of residence.

That during a period of 15 years the store has been closed at 1 p. m. on Saturdays during the months of July and August, in addition to all legal holidays, and that the store remains closed during the period immediately preceding the holiday trade.

That permission is granted the employees to attend to urgent private business without loss of pay.

That it has been the custom of this firm to give a substantial financial appreciation at Christmas time of the services of the older employees, and, further,

to give each employee a merchandise glove order varying in value from $1.50 to $2.50, according to length of service, and every boy and girl messenger in the employ of the concern receives $1 bill at that time.

That all employees are entitled and receive a liberal discount on all merchandise bought by them for their own use or that of their families.

That every employee who has been with the firm for six months prior to vacation period is allowed one week's vacation with one week's full pay.

Well-ventilated and sanitary lunch and lavatory rooms.

That the employees organized two years ago an employees' association to take care of their invalid associates. This organization now has $1,200 in bank, and that the firm made a substantial donation at its inception and is ready to financially assist whenever it is necessary. This fund is absolutely under the control of the employees and by them distributed according to requirements.

That the following is a list of the number and pay of such female employes per week:

Messengers: 43 at $4.50.

Cashiers and wrappers: 2 at $5, 9 at $6, 1 at $6.50, 7 at $7, 2 at $7.50, 3 at $8, 1 at $12.

Clerks: 2 at $6, 1 at $6.50, 2 at $7, 1 at $7.50 (young girl apprentices); 4 at $8, 22 at $9, 1 at $9.50, 29 at $10, 11 at $11, 4 at $11.50, 18 at $12, 4 at $12.50, 3 at $13, 7 at $13.50, 7 at $14, 18 at $15, 1 at $16, 1 at $16.50, 1 at $17, 1 at $19, 7 at $20, 2 at $22.50.

Other female help: 16 at $5 (messenger and locker girls, markers, etc., all apprentices); 3 at $6, 1 at $6.50, 1 at $7, 11 at $10, 2 at $11.50, 6 at $12, 1 at $12.50, 5 at $14, 7 at $15, 1 at $17.50, 1 at $18, 11 at $20, 2 at $25, 2 at $30, 1 at $35, 1 at $40.

RICHARD H. RAMEY.

Subscribed and sworn to before me this 5th day of September, 1914.

[SEAL.] J. C. LAMBERSON,

Notary Public in and for Los Angeles County, State of California.

My commission expires January 30, 1915.

REINHARDKLAAR EXHIBIT NO. 10.

AFFIDAVIT OF MISS ANNA MAICHEL, SALESWOMAN IN THE EMPLOY OF THE J. W. ROBINSON CO.

Anna Maichel, being duly sworn, deposes and says that she is a saleswoman in the employ of the J. W. Robinson Co., also known as the Boston Store.

That she has been in the employ of the said company for the past 19 years, and has occupied different positions, and has now charge of the ribbon department and has under her immediate supervision a staff of 12 saleswomen.

That in her daily work for the past 19 years she has come in close contact with nearly every employee of said firm, and that she is fully aware of the sentiment prevailing among said employees and has frequently discussed with said employees affairs of said firm.

That she is further fully advised of the satisfaction and appreciation expressed by said employees regarding their treatment by said firm, and that a strong feeling of appreciation pervades the entire department, realizing the comfort, health, and fair treatment liberally accorded every employee of said firm.

Among the many benefits derived from said employment, at the suggestion of the president of the company, a mutual benefit association was organized about five years ago among the employees for the purpose of assisting said employees financially and morally in case of sickness or distress, and, in order to enable said organization to be more efficient in its workings, the firm made a very liberal cash donation.

That notwithstanding periods of trade depression, at no time during my employment have the salaries of the employees been decreased or the number of the employees been reduced.

That at no time to my knowledge have the employees discussed considering or found it necessary to organize or become part of any retail clerks' union or any other movement of organized labor, and the knowledge exists that no benefits could be derived by said employees by joining or encouraging any

union, as the treatment and consideration received at the hands of this firm could not be improved under any circumstances.

MISS ANNA MARCUS.

Subscribed and sworn to before me this 5th day of September, 1914.

[SEAL.] A. B. COLEMAN,

Notary Public in and for the County of Los Angeles, State of California.

VREELANDLAAR EXHIBIT NO. 11.

AFFIDAVIT OF JOHN H. LASHBROOKE, SECRETARY OF THE J. W. ROBINSON CO.

John H. Lashbrooke, being duly sworn, deposes and says that he is the secretary of the J. W. Robinson Co., also known as the Boston Store, said firm having been in business in the city of Los Angeles for a period of 31 years.

That he has been employed by said company for a term of 15 years, and among the duties assigned to him he has entire and direct charge of all employees, and therefore is fully acquainted with all the working conditions of said employees.

That among the benefits accruing to the employees of said firm are the following:

One week's vacation each year, with full pay, is granted all employees who have been with the firm since the previous 1st of January.

For the past 10 years the establishment has been closed at 1 o'clock on Saturdays during the months of July and August, for which no deduction is made in the salaries.

Within the last year the firm has inaugurated the custom of closing its place of business at the usual time every evening preceding and up to Christmas Day, thereby eliminating the former custom of keeping open in the evenings for a certain period preceding Christmas holidays.

The store opens each day at 9 o'clock a. m. and closes at 5.30 p. m., excepting during the months of July and August, when the store opens at the usual time and closes at 5 p. m., and on Saturdays at 1 p. m.

Employees are given permission at all reasonable times to absent themselves from the store to attend to personal business, for which no deduction in salary is made.

Employees are not fined for being tardy or for errors made in the transactions of their sales or in making change, as cashiers, or any other position where money is handled.

It has been the custom of the firm for the past 10 years to present to all employees on Christmas eve a cash donation amounting to 25 per cent of their monthly salary without regard to length of service.

Within the last six months the firm inaugurated the custom of allowing all female help one day's absence during the month for illness, for which no deduction in pay is made.

Rest rooms are provided for employees, and in case of illness comfortable cots, medicines, and properly qualified attendants.

Seats are provided for employees in the departments sufficient to accommodate the entire force, and which are used when the employees are not actually engaged in the transaction of business.

Employees are allowed discount on all purchases for themselves or for the use of members of their family.

All salespeople are paid, in addition to their regular salary, a further allowance of 1 per cent on all their sales, such extra payments being made in monthly installments.

Deponent further says that he is fully acquainted with the pay roll of said firm, and that so far as the female help is concerned the cash girls, of whom there are 20, receive $25 per month; stock girls, wrappers, and mailers, of whom there are 60, receive $30 and $35 per month; and that the following is a correct and true statement of the number of the female employees and their monthly salaries September 1, 1914: 20 at $40, 32 at $45, 24 at $50, 18 at $55, 28 at $60, 12 at $65, 26 at $66, 4 at $70, 18 at $75, 4 at $80, 4 at $85, 4 at $90, 5 at $100, 1 at $110, 2 at $115, 1 at $125, 1 at $130, 4 at $150, 1 at $200.

JOHN H. LASHBROOKE.

Subscribed and sworn to before me this 8th day of September, 1914.

[SEAL.] A. B. COLEMAN,

Notary Public in and for the County of Los Angeles, State of California.

SCOTT EXHIBIT.

INTERNATIONAL TYPOGRAPHICAL UNION,
CHAS. T. SCOTT, REPRESENTATIVE,
Los Angeles, Cal., September 24, 1914.

Mr. FRANK P. WALSH,
Chairman Commission on Industrial Relations,
Chicago, Ill.

DEAR MR. WALSH: While on the witness stand before your honorable commission at one of the hearings in Los Angeles a question was raised regarding the wages paid by Mr. Otis in the composing room of the nonunion Los Angeles Times. I believe the question was put to me by Commissioner Weinstock, who, I think, misunderstood a statement by Mr. Otis, while on the stand, that men in his composing room—linotype operators—made more than the union scale.

As Mr. Otis was permitted to present to the commission a supplemental statement on Monday, September 14, 1914, the day before the adjournment of your hearings in Los Angeles, which contained his pay roll, I ask the Industrial Relations Commission, through you, to allow this statement of mine to become a part of the record also.

In this statement I desire to make a comparison of the wages paid in the nonunion Times, a morning paper, and the wages paid in union composing rooms of Los Angeles. I will use Mr. Otis's figures, which are on file with your commission.

I would not ask this indulgence on the part of your commission if I had had time to prepare a statement before the adjournment of your hearings; that is, after Mr. Otis had made his final statement.

I am using only the figures of the composing room, that branch of the business that my testimony covered.

In Mr. Otis's testimony he refers to the union eight-hour scale. Union printers in Los Angeles on newspapers only work seven and one-half hours.

Under "weekly wage rates" 12 employees are listed. Only 4 out of the 12 receive as much as the union scale calls for—$32 for seven and one-half hours' work. Our scale is strictly a minimum scale, many employees receiving more.

Under "Hour rates" 36 employees are listed. Only 8 out of the 36 receive as much as the union scale calls for, which is 71 cents an hour for a seven and one-half hour day. All over seven and one-half hours is paid for as overtime, price and one-half.

These 36 men receive single time for overtime. And all of them are not guaranteed a night's work when starting. They are compelled to take what they get.

Under "piece rates" 27 employees are listed. The average is given as $25.10. The minimum wage for union linotype operators is $32. The working day is given as seven hours in the Times. But Mr. Otis, in his testimony on September 8, 1914, in speaking of the working day of his "piece" employees, says: "Thus the working hours go up as high as from 9 to 11 on the later days and nights of the week, owing to the exigent demands of the large Sunday issues." Union men working as long hours, with their overtime, would make as much and more than do Times employees.

Under proof-reading room, "hour rates," 17 employees are listed. Not one of the 17 receives as much as the union scale calls for. In union offices in Los Angeles proof readers are members of the union and receive at least $5.42 for a seven and one-half hour day.

The agreement entered into between Los Angeles Typographical Union and the Los Angeles Newspaper Publishers' Association provides that none but members of Los Angeles Typographical Union No. 174 shall be employed in the composing rooms of the publishers' association newspapers. This, of course, does not include apprentices.

This agreement provides that journeymen on morning papers shall receive not less than $5.33⅓ per day of seven and one-half hours, the working day being eight hours (including 30 minutes for lunch).

Overtime shall be paid for at the rate of time and one-half.

Members put to work shall be given a full day's work.

If this supplemental statement of mine can be made a part of the record of your honorable body, will you kindly notify me?

As I was questioned very closely while on the stand in regard to the points contained in this report, I trust that this statement will be placed before your commission.

Feeling sure that the investigations as conducted by the Industrial Relations Commission will result in much good to the people of the entire country, I am,

Sincerely, yours,

CHAS. T. SCOTT.

LOS ANGELES, CAL., *October 17, 1914.*

Mr. BASIL M. MANLY,
In Charge of Public Hearings,
Transportation Building, Chicago, Ill.

DEAR SIR: Herewith is sent to you my reply to the questions of your honorable commission contained in your letter of October 1, 1914.

These answers are made after a lapse of many years, but my participation in these events and my recollection of them enable me to assure the commission that they are in the main correct. I have endeavored to lay aside any bias I may be thought to entertain as a lifelong union man and have confined myself to facts as they come back to me.

Outside of union matters I had always considered Mr. Otis as a friend, and I believe he took an interest in me while I worked in his office. I was comparatively young when I went to work for him, and many a time he took the trouble to give me the benefit of his knowledge of how the work should be done, and I really believed he disliked to see me leave his office and employment.

Therefore I would not knowingly say anything but the truth, and I sincerely hope that what I have said will assist your honorable commission to a clearer understanding of the methods employed by the Times in its dealings with union labor. I am,

Very respectfully, yours,

W. J. BUCKINGHAM.

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1. Question. Representatives of the Los Angeles Times who participated in the making of this agreement?

Answer. Col. Woodard, business manager of the Times then and also a writer under the nom de plume of "Jayhawker"; Mr. Hamburger, of the People's Store, now Hamburger's, whose interest in the matter was caused by the union boycott on his store as an advertiser in the Times; and Mr. Otis himself, I think, but I would not say positively as to him.

2. Question. Representatives of the typographical union who participated in the drawing of the agreement?

Answer. A committee was appointed by the union, of which Frank C. Eddy (now deceased), who was foreman of the Times before and up to the time the trouble with the union occurred, was chairman. Mr. Eddy was appointed because of his previous relations with Mr. Otis and the belief of the union that he could secure the best terms for us in the negotiations.

3. Question. What meetings were held by these different representatives?

Answer. Many meetings were held, at which Mr. Woodard and Mr. Hamburger were the ones principally in evidence.

The agreement was finally reached at one of these meetings, of which it was whispered that it was a "banquet," at which the Times representative, the versatile Mr. Woodard, was host, and good things to eat and drink were plentifully provided by the host, the liquids, no doubt, having a decided effect upon the result of the negotiations which proved so disastrous to the hopes of the union.

As a result of that convivial meeting the agreement was made by which the committee signed away all the advantages the union had so laboriously gained, and the owner of the Times laughed in his sleeve at the way he had "put one over" on the "un-American boycotters," the "jawsmiths," the "champions of industrial freedom," and the bearers of like epithets which the editor and proprietor of the Times alone knew how to bestow.

4. Question. What was the general character and conditions of the agreement?

Answer. While it was supposed to be a "secret" document, the understanding among union men was that the Times office would be unionized throughout as soon as possible. Of that there is absolutely no doubt.

Speaking for myself, I will make affidavit to the fact that I was so assured by a leading member of the "secret" committee, Frank C. Eddy, who, unfortunately, is now dead, and can not affirm or deny my statements. Know-

ing Mr. Otis as well, and aware of his bitter resentment toward union men (principally for their lack of appreciation of him and his determination to "run his own office" in his own way), I had no desire to work among the people he had imported from Kansas City to take our places on his paper. But my scruples against going back, and my lack of confidence in Mr. Otis's word or any "agreement" he might enter into with union men, were submerged, and I became one of the "entering wedge," which we were confidently urged to believe would end by making the Times altogether union and Mr. Otis our friend.

I mention these personal matters to impress on the mind of the commission the fact that at first, at least, the committee left no stone unturned to make the agreement good on the part of the union, as they really believed the Times would live up to its part in the agreement, especially when they had Mr. Otis's assurance that (and these are his words as reported to the union): "Everything was going on well in his office and the chances are they will be better before long," meaning, as they believed, for the union; but he evidently said one thing and meant another, which is his "playful" manner.

As the union had been actively boycotting the Times and its principal advertisers (especially Hamburger's Department Store), part of the agreement was that this boycotting cease, and this was publicly announced in the Times and in the Workman, a paper published by the union. For this the Times opened its office to about five union men in two departments—news and job—three in the news department, of which I was one. This union force was to be gradually increased until the Times office was union throughout.

6. Was the agreement signed, and, if so, by whom?

Answer. That I can not say, but as it was made at a meeting of Mr. Otis and the committee and is quite lengthy it is my opinion that it must have been signed by those present.

8. Question. What use, if any, was made of this agreement by the Los Angeles Times?

Answer. My belief is that the Times made use of the agreement to deceive the public as to its actual feeling toward the union, and to make the public believe the trouble had been amicably settled.

The basis of the agreement was that, in consideration of the union men being allowed to work in the office and that soon the office would be all union again, the boycott against the Times and Hamburger would be declared off, and so stated officially in the Workman, the union publication. That being accomplished the agreement was ignored as far as the Times was concerned, and gradually the union became convinced there was no hope of making the office union, even with our men employed there; so they were withdrawn and the Times has since gone on its way rejoicing happy in the thought, I presume, that it had dealt a body blow to the Los Angeles Typographical Union and held it up to the ridicule of the public.

Another use to which the agreement was put was it allowed Mr. Otis to boast that his was an open shop, but since the union men were called out the last time no union man has worked in the office, to my knowledge. And I believe the people that get out his paper now have sense enough to know that with union men in the office their situations would be minus, and no union man has any chance there.

7. Question. By whom was the agreement repudiated and on what grounds?

Answer. By the Times, in refusing, after the boycott before mentioned was raised, to admit additional union men to work in the office according to the terms of the agreement, and in refusing to allow the union men there employed to put on union substitutes the nights they wished to lay off, in direct violation of the agreement. It soon developed that the whole object of the Times in entering into this agreement was to relieve itself and its advertisers of the boycott being waged by the union, and thereafter that was accomplished it had no intention of living up to its terms, especially that part of unionizing its office throughout.

The union took the stand that as Mr. Otis had made no steps toward further unionizing his office and there was no prospect of his ever doing so, the agreement had been violated by him, and the union men were called out the last time.

One of Mr. Otis's excuses for his repudiation of the agreement was that as he had introduced the typesetting machines into his office he no longer had a composing room, in the sense of the agreement, and that gave him the right (or was it the opportunity) to break the agreement.

The union could not possibly have been guilty of repudiating an agreement which was all in its favor. It had a few of its men in the enemy's camp, and it thought the prospects bright for more and eventually for all. But, alas, it did not know the man with whom they were dealing, and when the union lifted the boycott it put away the only weapon that had ever brought it anything and the only weapon of which the Times had any dread.

Again the agreement was repudiated by the Times, because Mr. Otis had undoubtedly determined from the very first strike of union men on his paper to fight the union to a finish, and I believe he entered into this agreement knowing that, as far as he was concerned, it would never be kept.

Then, with superlative cunning, it seems to me, the animus of the withdrawal of union men from his office was forced on the union by the conduct of affairs there. Union men were supposed to be allowed to work there, but no union ever got in. The Printers' Protective Fraternity (an organization of "rats" and nonunion men) was getting stronger in the office, no more union men were getting in, and the situation became unbearable, the union men were called out, and the fight against the Times was begun all over again.

W. J. BUCKINGHAM.

SHOW EXHIBIT.

AGREEMENT.

This agreement, entered into by and between the firm of Brownstein-Louis Co., Los Angeles, Cal., party of the first part, and the United Garment Workers of America, party of the second part, witnesseth that in consideration of the use of the trade-union label of the party of the second part, the party of the first part agrees to abide by the rules and conditions governing the party of the second part, as prescribed by their international constitution and this agreement.

1. All employees engaged in the manufacture of garments for the party of the first part must be good standing members of the party of the second part. The party of the first part further agrees that during the slack season the work will be so divided that each employee will receive approximately an equal amount of work.

2. All proper sanitary conditions shall be observed in all shops manufacturing goods for the party of the first part, who especially agrees to comply with all the requirements of the State laws relating to workshops.

3. Said shops shall not be operated longer than 48 hours in any one week, to end Saturday at 12 o'clock noon.

4. The party of the first part shall manufacture only in shops owned and operated by said party, and equipped with mechanical power.

5. The party of the first part further agrees that they will not use any of said labels after notification that the privilege to use same has been withdrawn, or when said party of the first part abrogates this agreement.

6. The said label shall be in charge of a member designated by the party of the second part, employed in said shop, who shall keep an account of same. The label shall at all times be considered the property of the party of the second part, and all labels on hand shall be returned to said party immediately upon satisfaction that the privilege to use the same has been withdrawn.

7. The party of the first part agrees to pay for the use of labels that have been sewed in garments in the process of manufacture only, at the rate of $1.10 per thousand labels; payment to be made to the local label secretary, exclusively by check made payable to the order of R. A. Larger, general secretary, until further notice.

8. The party of the first part shall abide by the union conditions observed in the respective branches of the trade.

9. Should any differences arise between the firm and the employees, and which can not be settled between them, the said differences shall be submitted to the general officers of the U. G. W. of A. for adjustment. Should this not prove satisfactory, the subject in dispute shall be submitted to an umpire to be mutually selected for final decision.

10. Party of the first part agrees to abide by the conditions further specified in the supplementary agreement hereto attached. This agreement is not valid unless approved of by the general executive board of the United Garment Workers of America.

11. The party of the first part shall forfeit for one year the privilege of said label if proven that said party has aided or abetted in the violation of article 10 of the constitution relative to the rules governing the use of the union label.

The party of the second part agrees to do all in its province as a labor organization to advertise the goods and otherwise benefit the business of the party of the first part.

This agreement to go into effect on the 27th day of January, 1913, and terminate one year from said date.

April 1, 1914.

Signed by the party of the first part, Brownstein-Louis Co.:

HENRY W. LOUIS.

Signed by the party of the second part, United Garment Workers of America:

MASSANER C. DAILEY.

Executed at Los Angeles, Cal., on the 27th day of January, 1913.

SUPPLEMENTARY AGREEMENT.

As provided for in section 19 of the label agreement entered into on same date between Brownstein-Louis Co., party of the first part, and Local No. 125, U. G. W. of A., party of the second part. Said supplementary agreement to go into effect September —, 1914, and continue in force until April 1, 1914, during which time the following scale of prices and shop rules shall prevail:

Forty-eight hours to constitute a week's work with the exception of those weeks in which legal holidays occur. The following days shall be recognized as legal holidays, and no others: January 1 (New Year's Day), February 22 (Washington's Birthday), Decoration Day, September (Labor Day), July 4, September 9 (Admission Day), Thanksgiving Day, December 25 (Christmas), all Sundays.

Excepting any other legal holidays which may be declared by the governor of the State of California.

All time worked over the regular working hours, as set by the union, shall be considered overtime and shall be paid for at the rate of time and one-half for overtime for week workers, price and one-half for piecoworkers, double time and double price for Sundays and holidays. All temporary time work will be paid for at the rate of the piecoworker's average work, taking two full consecutive weeks' wages for such average and paying the average plus 10 per cent. After one week average wages of piecework is to apply.

Whenever a new garment is introduced all employees working on such garments shall do so on time work until prices have been satisfactorily adjusted.

Any employees of the party of the first part receiving more than the minimum scale of prices or wages mentioned in this agreement shall suffer no reduction of wages on account of the terms mentioned in this agreement.

Any prices or wages found unsatisfactory to the employer or employees shall be amicably adjusted by a conference with an authorized representative or committee from the union. Should both parties not agree, then the matter will be settled according to section 9 of label agreement.

It is further agreed that the price committee shall consist of one S. N. and one D. N. girl in shop where prices are being made, and the price committee from corresponding department in other shop. Furthermore, all prices must be reported in detail to the union and ratified by same before it is finally accepted.

The party of the first part, or his representative, shall have, at all times, the right to discharge any of their help, providing there is just and sufficient cause for such discharge, but the union is duly bound to protect its members; therefore, the union shall investigate any grievance at once.

All work must be manufactured on the premises by the party of the first part, and employees will not be permitted to take work home. Work shall be arranged in all departments so that employees will not have to wait for work. Operators are only paid for operating, and the system of workroom shall be such that all employees should have steady work. In dull seasons no new help should be hired. During slack season the work will not be divided with any employees who have been members of Local Union No. 125 for less than nine months.

The belts and machines will be kept in proper repair. Operators to receive proper attention at desk when seeking information about work or asking for

thread or anything else that is necessary for the construction of their work, so that they can work steadily while in the factory. Any neglect on the part of week workers to wait on the operators shall be reported to the president of the local union, then in turn to report to the representative of the firm.

Parties employed about the factory who are not eligible to membership in the U. G. W. of A., but who are eligible to become members of the union of their own crafts, are required to joint said union at their earliest convenience.

No person under 16 years of age shall be employed in the factory using the label of the U. G. W. of A.

Any employee entering the factory who is not a member of the U. G. W. of A., Local No. 125, must affiliate with said local union within 30 days from the time of entering upon such employment.

Any employee who ruins or damages machines or any part of machinery, or garments or part of a garment, or causes waste or loss willfully or carelessly, shall pay for such loss, or damage, or waste at actual cost price.

Operators must not trim work, but report to forewoman. Work should come from cutting department in such condition that the operator will not have to be delayed with trimming or fitting work. All operators will trim their threads so as not to delay inspecting. All work should leave machines clean and without threads. Any operator who is obliged to trim or fit work for any reason must be paid for their loss of time.

For young girls taken into the factory for working on trimming, stamping, or marking, wages for such beginners shall be not less, per week, than $6; bundle boys, to begin with, shall receive not less, per week, than $7; all other week workers not herein specified shall receive not less, per week, than $8.

It is understood, however, that this does not prohibit any member of the party of the second part from exercising his or her individual privilege of asking for an increase.

The authorized business representative of the party of the second part shall be admitted, at all times, to the factory of the party of the first part.

When any new or improved machines are placed in the factory old operators must be given preference in operating the same. Where prices set by the U. G. W. of A. on any new or improved machines does not enable the operator to earn as much as on old machines at old prices, the price set on new machines must be raised to cover such deficiency. Any individual arrangement or agreement will not be recognized by the union.

All goods manufactured by the party of the first part must bear the union label of the U. G. W. of A.

No goods jobbed by the party of the first part to bear the brand ticket of the factory unless such goods were made in union shops. Goods made for the party of the first part by nonunion houses are not to be packed in boxes bearing a ticket sewed on garments for other factories. No goods can be manufactured by this firm for firms running nonunion shops. Manufacturing goods for other factories and putting on their brand tickets is prohibited unless such ticket bears the name of the manufacturers; also city and State and lot number and size of goods.

Workrooms where women are employed must be adequately heated so that the employees can work comfortably.

Journeymen cutters to receive not less than the minimum scale of $22.50. Such journeymen shall be members in good standing in the united garment workers. No apprentices shall be taken in cutting rooms until the apprentices now employed and working in factories using the label of the U. G. W. of A. are given an opportunity of learning all branches of the trade.

All men in cutting room running cutting tables, either on shirts or overalls, to receive the coast scale of $22.50. For first cutter, one apprentice; for every three cutters or a majority fraction thereof, one additional apprentice.

If perforated patterns are used, the cutters must be paid the perforated-pattern scale, which is $24 per week. One man must not do all the marking or cutting to the detriment of the other men in cutting department. No man shall be discriminated against for enforcing this agreement.

When hiring new men preference must be given union members.

Men or boys will be employed who have time and strength to carry bundles.

List of abbreviations used in following: U. S., union special; D. N., double needle; S. N., single needle; S. S., single stitched; D. S., double stitched; 1 S., one stitching; 2 S., two stitchings, etc.; B. S., button stand; S. M., special machine.

Lot No. 46. Stronghold pop-top corduroy pants.—Two side swing pockets extended to top, one facing each, not turned; one inserted watch pocket; exten-

lose buttonhole tab on lined B. S.; lined fly to top of waist; two tacks in fly; wo single-corded hip pockets; two facings each, not turned; two lined pointed laps S. S. inserted in pockets; darts 2 S., with buckles inserted; pockets losed; clean finish; side buckle straps; seam wing welt on U. S.; fork joined nd stayed; short tape in crotch; pockets, belt loops, and buckle straps S. M.; urtain joined, hemmed, and turned in, with top of pants 1 S.; 2 extra tacks n curtain; five belt loops and paper ticket; bottom hemmed and cuff tacked.

Fronts	$0.53
Backs	.36
Closing	.19
Side seam U. S	.34
Finishing	.05
Total for operating, per dozen garments	2.51
Hemming and tacking	.20

Lot No. 1800. Stronghold peg-top corduroy pants.—Two side swing pockets; ne inserted watch pocket closed by S. M.; one facing each, pot turned; lined ly and B. S. to top of waist; fly one tack; two single-corded inserted hip ockets closed on S. M.; darts 2 S., with buckles inserted; side seam corded n U. S.; clean-finished pockets; four tacks; side buckle straps; back and in eams D. S. by S. N.; fork joined and taped; curtain joined, hemmed, and acked; turned in with top of pants 1 S.; 3 extra tacks on curtain; five belt oops; side straps and loops made by S. M.; paper ticket; bottom hemmed and uff tacked.

Fronts	$0.52
Backs	.40
Closing	.18
Side seams U. S	.13
Finishing	.06
Total for operating, per dozen garments	1.29
Hemming and tacking	.20

Lot Nos. 14-24. Stronghold black corduroy pants.—Two top swing pockets, facing each, unturned, one inserted watch pocket closed S. N., lined fly nd B. S., to top of waist, extension tab sewed on B. S., 1 cord, two tacks n fly, two single corded hip pockets closed S. M., two facings each, unturned, ined buckle straps inserted in darts, side seam D. S., in and back seams D. S. y S. N., fork joined and tacked, curtain joined, hemmed and turned in with op of pants, 1 S., 3 extra tacks on curtain, paper ticket.

Fronts	$0.53
Back	.54
Seaming S. N	.24
Finishing	.06
Total for operating, per dozen garments	2.17

Extras: Risers 5 cents, 1 S.; crotch pieces 5 cents, 1 S.

Lot Nos. 17, 18, 25, 26, 27, 201, 203, 241. Stronghold fustian pants.—Two ide swing pockets extending to top, one turned facing on each, one inserted vatch pocket, lined B. S. and fly, two tacks, two single corded hip pockets, two urned facings on each pocket, lined button tab S. S., darts D. S., buckles in-erted, all pockets closed by S. M., pockets clean finished, four tacks, side uckle straps, wing welt seam on U. S., back and in seam D. N., curtain oined, hemmed and sewed on with canvas, one extra S., at top and tacked, hree extra tacks on curtain, five belt loops, paper ticket, bottom hemmed and uff tacked.

Fronts	$0.59
Back	.64
Closing	.20
Side seam U. S	.23
Back and in seams D. N	.14
Finishing	.06
Hemming and tacking	.19
Total for operating, per dozen garments	2.58

Lot No. 8. Stronghold whipcord pants.—Two side swing pockets, one turned facing on each, one inserted watch pocket, B. S. cut on, finished fly D. S., fork joined and tacked, two single corded hip pockets, two facings turned, darts D. S. buckle straps inserted, all pockets closed by S. M., side buckle straps, pockets clean finished, four tacks, side seam corded by S. M., back and in seams D. N., four-piece band facing sewed to front pocket, 1 S. on top, back of band stitched to pants, five belt loops and paper ticket, 2 in. hem on legs.

Fronts	$0.41
Backs	.46
Closing	.20
Side seam U. S	.12
Back and in seams D. N	.14
Finishing	.55
Total for operating, per dozen garments	1.88

Lot No. 15. Stronghold khaki peg-top pants.—Two side swing pockets, one facing on each, turned, one inserted watch pocket, B. S. cut on, finished fly D. S., two single corded hip pockets, two facings turned on each, and buttonhole tab S. S., inserted, darts D. S. and buckles inserted, all pockets closed by S. M., pockets clean finished and four tacks, side buckle straps, fork joined and tacked, wing welt seam U. S., back and in seams D. N., four piece band facing 1 S., on top, sewed to pocket in front, 2 S. and stitched to pants in back, five belt loops, paper ticket, three inch hem at bottom, cuff turned and tacked.

Fronts	$0.42
Backs	.61
Closing	.20
Side seams U. S	.23
Back and in seams D. N	.15
Finishing	.48
Hemming and tacking	.20
Total for operating, per dozen garments	2.30

Lot No. 111. Stronghold khaki peg-top pants.—Two side swing pockets, one facing on each turned, inserted watch pocket, B. S. cut on, finished fly D. S., two single corded hip pockets, two facings, turned, buttonhole tabs S. S., darts D. S., buckles inserted, all pockets closed on S. M., pockets clean finished and four tacks, side buckle straps, fork joined and tacked, wing welt by U. S., back and in seams D. N., four piece band facing 1 S., on top, front sewed to pocket 2 S., five belt loops, paper ticket, three inch hem at bottom, turned and cuff tacked.

Fronts	$0.42
Backs	.60
Closing	.20
Side seams U. S	.23
Back and in seams D. N	.15
Finishing	.45
Hemming and tacking	.10
Total for operating, per dozen garments	2.25

Lot No. 110. Stronghold khaki peg-top pants.—Two side swing pockets, one facing on each, turned, one inserted watch pocket, B. S. cut on, finished fly D. S., two single corded hip pockets, two facings turned, darts D. S., buckles inserted, all pockets closed by S. M., pockets clean finished and four tacks, side buckle straps, fork joined and tacked, cord seam on U. S., back and in seams D. N., four piece band facing 1 S., on top, front sewed to pocket 2 S., back of S. to pants, five belt loops, paper ticket, three inch hem at bottom, turned and cuff tacked.

Fronts	$0.42
Backs	.44
Closing	.20
Side seam	.12
Back and in seams	.14
Finishing	.46
Hemming and tacking	.12
Total for operating, per dozen garments	2.00

Lot No. 110A. Stronghold khaki pants.—Two side swing pockets, one facing on each, turned, one inserted watch pocket, B. S. cut on, finished fly D. S., two single corded hip pockets, two facings, turned, darts D. S., buckle inserted, all pockets closed by S. M., pockets clean finished and four tacks, side buckle straps, fork joined and tacked, corded side seam by U. S., back and in seams on D. N., four piece band facing 1 S., on top front sewed to pocket, 1 S. to pants in back, five belt loops, paper ticket, bottom hemmed, turned and cuff tacked.

Fronts	$0.42
Backs	.44
Closing	.20
Side seam U. S.	.12
Back and in seams D. N.	.14
Finishing	.46
Hemming and tacking	.12
Total for operating, per dozen garments	2.00

Lot No. 12. Stronghold khaki pants.—Two side swing pockets, one facing on each, turned, finished fly B. S. cut on, fork joined and tacked, two single corded hip pockets, two facings turned, all pockets closed by S. M., darts D. S., buckles inserted, pockets clean finished, four tacks, side buckle straps, corded side seam by U. S., back and in seams D. N., four piece band facing 1 S., on top front sewed on pocket, band S. to back, five belt loops, two tack, hem at bottom and paper ticket.

Fronts	$0.42
Backs	.44
Closing	.20
Side seams U. S.	.12
Back and in seams D. N.	.14
Finishing	.67
Total for operating, per dozen garments	1.99

Lot No. 109. Stronghold khaki pants.—Two side swing pockets, one facing on each, unturned, one inserted watch pocket, finished fly B. S. cut on, two single corded hip pockets, two facings unturned, all pockets closed on S. M., darts D. S., buckles inserted, pockets clean finished and four tacks, side buckle straps, wing welt seam by U. S., back and in seams D. N., four piece band facing 1 S., on top, sewed to front pocket, band S. to back, five belt loops, paper ticket, bottom hemmed, turned and cuff tacked.

Fronts	$0.41
Backs	.44
Closing	.18
Side seam U. S.	.21
Back and in seams D. N.	.12
Finishing	.46
Hemming and tacking	.19
Total for operating, per dozen garments	2.01

Lot No. 10. Stronghold khaki pants.—Two side swing pockets, one facing on each, unturned, one inserted watch pocket, finished fly B. S. cut on, front joined and tacked, two single corded hip pockets, two facings unturned, all pockets closed by S. M., pockets clean finished and four tacks, corded side

seam by U. S., back and in seams D. N., four piece band facing 1 S., on top, sewed to front pocket, back stitched through pants, five belt loops, paper ticket, 2 inch hem at bottom.

Fronts	$0.41
Backs	.38
Closing	.13
Side seam U. S.	.12
Back and in seams D. N.	.12
Finishing	.53
Total for operating, per dozen garments	1.69

Lot No. 12R. Stronghold khaki riding pants.—Two top swing pockets, facing cut on and turned 1 S., and four tacks, one inserted watch pocket, finished fly B. S. cut on, fly 2 S., fork joined and tacked, double placket facing on leg, three plaits in knee, two single corded hip pockets, two facings turned, buttonhole tabs S. S., double placket facing on leg with tacks, back seam 3 S., inseam D. S., inside saddle piece joined in back 3 S., sewed on front and back with 2 S., side seam D. S., inside legs hemmed with 2 S., four piece band facing 1 S., on top, front facing hemmed, back stitched through pants, six belt loops, paper ticket.

Fronts	$0.55
Backs	.59
Seaming and saddle piece	1.05
Finishing	.55
Total for operating, per dozen garments	2.74

Lot No. 22. Stronghold denim pants.—Two side swing pockets, one facing on each, one inserted watch pocket, finished fly B. S., cut on, fork joined and tacked, two single corded hip pockets, facings not turned, all pockets closed by S. N., pockets clean finished and four tacks, back, side, and in seams on D. N., hemmed band joined in back, lined buckle strap, two inch hem at bottom, paper ticket.

Fronts	$0.42
Backs	.36
Closing	.13
Back, side, and in seams	.21
Finishing	.53
Total for operating, per dozen garments	1.65

Lot No. 44. Made same as lot No. 22.

Price	1.65
Deduct band	.20
	1.45
Add for curtain	.21
Total for operating, per dozen garments	1.66

Lot No. 75. Stronghold boy's corduroy bike pants.—Two side pockets, two unturned facings, lined fly B. S., one tack, fronts faced under fly, fork joined and tacked, inserted watch pocket, pockets closed, clean finished, 4 tacks, two single corded hip pockets, S. S. flaps, lined band with buckles on legs, eight plaits in leg, leg opening hemmed and tacked, five belt loops, side seam 1 S., back seam 1 S., and taped, inseam S. S., crotch tape, seat pieces double stitched, paper ticket, all on S. N., belt loops on S. M.

Total for operating, per dozen garments, $2.70.

Lot K. Stronghold boy's scout khaki pants.—Two side swing pockets cut down 2 inches, turned and stitched, sewed to front 1 S., pieces extending on inside turned and stitched, one turned facing closed with two tacks, pockets D. S., inserted patch watch pocket S. S., B. S. cut on, fly D. S., fork joined and tacked, piece sewed on bottom of leg, two stitchings forming facing, tongue hemmed on three sides, stitched on with outer stitching, three-cornered stay on center of top, plaits in knee D. S., one inserted hip pocket, facing turned, all pockets closed S. N., side, back, and inseams D. N., four-piece band facing, front

half hemmed, one stitching on top, six belt loops tacked one end, lined buckle straps, paper ticket, bottom lined with narrow strip.

Fronts	$1.10
Backs	.20
Seams	.33
Finishing	.72
Total for operating, per dozen garments	2.35

Lot Nos. 175 and 123. Stronghold chambray, crush, or covert pants.—Two side pockets, 1 facing on each, turned, sewed to front 2 S., one inserted watch pocket, pockets 2 S., finished fly D. S., B. S. cut on, two single corded hip pockets, back, side, and inseams on D. N., five belt loops made on S. M., four-piece band facing, front half hemmed, 1 S., on top, back sewed to pants, side buckle straps, paper ticket, 1-inch hem at bottom.

Fronts	$0.45
Backs	.35
Back seam	.08
Inseam	.08
Side seam	.09
Finishing	.01
Total for operating, per dozen garments	1.02

Lot No. 2880P. Stronghold boy's khaki pants.—Two side pockets, 2 facings on each turned, pockets D. S., finished fly and B. S., frok joined and tacked, one inserted hip pocket, closed, 1 S., pockets clean finished and four tacks, top finished with hem 2 S., narrow hem at bottom, cloth ticket.

Fronts	$0.26
Backs	.18
Seams	.17
Finishing	.36
Total for operating, per dozen garments	.97

Lot No. 2818. Stronghold boy's military khaki pants.—Two side pockets, 2 facings on each, not turned, pockets closed 2 S., stitched to front 2 S., unfinished fly and B. S., S. S., front joined and tacked, one patch hip pocket hem turned, back, side, and inseams D. N., top hemmed 2 S., narrow hem at bottom, cloth ticket.

Fronts	$0.24
Back pocket D. N	.06
Back seam	.08
Side and inseams	.14
Finishing	.36
Total for operating, per dozen garments	.83

Extras: buttonhole waist band, 10 cents; plain buckle straps, 7 cents.

Lot 2800K. Stronghold boy's khaki bike pants.—Two side pockets, 2 facing on each, unturned, stitched to front 2 S., pockets D. S., unfinished fly and B. S., 1 S., fork joined and tacked, one inserted hip pocket with S. S. flap, bottom of leg plaited, band and buckle attached, two-piece band facing on top, cloth ticket, four belt loops, back, side, and inseams on D. N.

Fronts	$0.30
Backs	.28
Back seam	.06
Inseam	.08
Side seam	.07
Finishing	.09
Total for operating, per dozen garments	1.38

Lot Nos. 241–301–302–303. Stronghold fustian norfolk coat.—Front yokes D. S., facing sewed on and turned, D. S., inside edge hemmed, 3 D. S. pockets with D. S. 1-inch hem, 3 pointed lined flaps D. S., two inside game pockets hemmed on top and sewed in side seam and front facing with hem on bottom,

two buttonhole tabs under patch pocket, two D. S. belt loops on front between top pockets and lower flaps, straight yoke in back D. S., two body and shoulder seams felled by S. N., two plaits on back S. S. edge, belt opening eight tacks, two-piece sleeve felled on elbow seam, inseam S. S., sleeve in D. S., one-piece outside cuff D. S., top and bottom, lapel collar D. S., quilted canvas lining, belt one point S. S., hanger loop, paper ticket, all on S. N.

Price for operating, per dozen garments, $6.11.

Lot K. Stronghold boys' khaki scout coat.—Front faced D. S., two D. S., round patch pockets S. N., two D. S., round patch pockets with plaits stitched through center, four pointed D. S. flaps, military collar, canvas lined 5 S., turnover section D. S., two-piece sleeves hemmed, full cuff D. S., five body and two shoulder seams, sleeves seamed and in D. N., bottom hemmed D. S., paper ticket.

Pockets and fronts	$1.00
Sleeve seams D. N.	.12
Sleeves in D. N.	.20
Sleeve hem and cuff	.24
Body seam D. N.	.19
Finishing	.64
Total for operating, per dozen garments	2.39

Lot No. 16. Stronghold men's and boys' khaki norfolk coats.—Two round pockets, turned hem, pocket D. S. by S. N., lapel collar D. S. and blind stitche, loose facings, edges hemmed D. S. to shoulder, button side of facing lined, sleeve and bottom of coat hemmed, four plaits and belt on S. N. or D. N., two-piece sleeve seamed and inside and shoulder seams D. N., paper ticket.

Plaits and belts S. or D. N.	$0.53
Pockets S. N.	.12
Facing	.34
Sleeve hem	.07
Sleeve seams D. N.	.12
Sleeves in	.20
Body seams	.12
Finishing	.42
Total for operating, per dozen garments	1.92

Extras: Where yoke is sewed on D. N., plaits and belt are 43 cents and yoke is 10 cents.

Lot No. 12. Stronghold men's plain khaki coat.—Two large and one small patch pocket D. S. by S. N., loose facing edges hemmed D. S. to shoulder, button side of facing lined, lapel collar D. S., sleeves and bottom of coat hemmed, paper ticket, sleeve seams, setting in sleeve, back, side, and shoulder seams on D. N.

Pockets S. N.	$0.18
Sleeve seams D. N.	.12
Sleeve in D. N.	.20
Sleeve hemmed	.07
Body seams D. N.	.14
Facings	.34
Finishing	.39
Total for operating, per dozen garments	1.44

Lot No. 2818. Stronghold boys' military khaki coat.—Front facing cut on 1 S., two patch pockets 1 S. by S. N., pockets and sleeves faced, shoulder straps on by D. N., plain military collar, bottom hemmed, cloth ticket, two-piece sleeve, setting in sleeve, shoulder, and side seams by D. N.

Fronts	$0.22
Inseam on sleeve and body seams	.18
Elbow seams and setting in sleeve	.25
Trimming D. N.	.08½
Finishing	.22
Total for operating, per dozen garments	.90½

Lot Nos. 115–129–137–141. Stronghold denim engineer's coat.—Fronts faced to collar S. N., round corners, two large patch pockets, one divided pocket on

D. N., one combination pocket on S. N. or D. N., one large patch pocket inside D. S., two-piece collar 1 S. outside, body seams, two-piece sleeve, sleeve in D. N., two-piece cuff, facing on sleeve, bottom hemmed, cloth ticket.

Pockets D. N.	$0.20
Facings	.19
Sleeve facing	.15
Piecing sleeve	.04
Elbow seams	.06
Body seams	.10
Setting in sleeve	.18
Inside pocket	.08
Finishing	.24
Total for operating, per dozen garments	1.22

Extras: Blind stitching facing, 3 cents; pockets S. N., 3 cents; piecing facing, 2 cents; setting in sleeve on S. N., 6 cents.

Lot No. 181. Stronghold white denim engineer's coat.—Made same as lot No. 115.

Price	$1.22
Off for inside patch pocket	.06
Total for operating, per dozen garments	1.16

Lot No. 216. Stronghold gingham sack coat.—Facing cut on, hemmed 1 S., two S. S. patch pockets, hem unturned, one-piece sleeve, one-piece cuff S. S., one-piece collar S. S., sleeve seams, setting in sleeves and shoulder seams D. N., bottom hemmed, cloth ticket.

Fronts and pockets	$0.20
Setting in sleeves and sleeve seams	.21
Shoulder and side seams	.07
Cuffs	.12
Finishing	.22
Sleeve gore	.03
Total for operating, per dozen garments	.85

Lot No. 40 S. R. Pin-check coat, eight stitches to the inch.—Two patch pockets 1 S., three-piece turned-over collar 1 S., one-piece sleeve hemmed facing cut on and hemmed, back, shoulder, and sleeve seams D. N., setting in sleeve D. N.

Fronts and pocket S. N.	$0.20
Sleeve seam D. N.	.06
Setting in sleeve D. N.	.15
Body seams D. N.	.06
Hemming sleeve	.06
Finishing	.22
Total for operating, per dozen garments	.75

Extras: Piecing sleeve, 4 cents; pencil pockets 1 S., 2 cents. If sleeve has 2 seams, $0.04 extra.

OVERALLS.

Lot No. 150. Stronghold marine overalls.—Two side pockets, two facings turned, sewed to fronts D. S., white pockets D. S., inserted watch pocket, finished fly 2 S., B. S., cut on, fork joined and tacked, extra piece in crotch seams, two inserted hip pockets 1 S., two-piece band facing D. S., two side pockets 1 S., on top, 7-inch "V" in back, turned hem 1 S., sewed in two S., two-piece facing on legs, cloth ticket, side, back, and in seams on D. N.

Fronts	$0.42
Backs S. N.	.35
Side seam	.09
Back seam	.03
Inseam	.08
Finishing	.71
Total for operating, per dozen garments	1.69

Lot No. 1¼69, 49E. R. Marine overalls.—Two side pockets, two facings turned sewed to front D. S., white pockets D. S., fork joined and tacked, finished fly 2 S., B. S. cut on, inserted watch pocket, four-piece band facing 1 S. on top, two S., to side pocket, seven-inch "V" in back, turned hem 1 S., sewed in 2 S., narrow hem at bottom, two patch hip pockets D. N., back, side, and in seams D. N., cloth ticket.

Fronts	$0.39
Back pockets D. N.	.09
Side seam	.09
Back seam	.08
Inseam	.08
Finishing	.59½
Total for operating, per dozen garments	1.27½

Lot Nos. 111–121–136–140. Stronghold engineer's overall.—Two front swing pockets, facings unturned, one patch watch pocket D. N., B. S. cut on, hem 1 S., fly side hemmed, fly pieced, finished fly D. N., white pockets D. S., tacked top and bottom, top of fly tacked, fork joined and tacked, bib seam D. N., combination pocket on bib, bib joined to front with band facing by U. S. one operation, bib and sides of front hemmed with ring tabs, side facing on back, two patch hip pockets, one rule pocket, backband, side and in seams on D. N., one S. across end and top of backband, cloth ticket, bottom hemmed, suspenders with web inserted, no buckles.

Facings	$0.66
Fronts D. N.	.09½
Closing and bib pocket	.20
Sewing on bib facing on U. S.	.05
Hemming top and sides of bib with ring tabs	.17
Bib seam D. N.	.02
Back seam D. N.	.08
Side seams D. N.	.09
Inseam D. N.	.08
Back band D. N.	.05½
Back pockets D. N.	.12
Side facing S. N.	.05
Hemming bottom	.06
Finishing	.07
Suspenders with web inserted	.11
Total for operating, per dozen garments	1.28

Lot No. 114H. Stronghold denim high-back engineer's overall.—Made same as lot No. 114:

Price			$1.28
Off—			
Finishing band	$0.07		
Suspenders	.11		
		.18	
Back band	.05½		
Side f. SN	.05		
		.10½	
			.28½
Total for operating, per dozen garments			.99½
Add finishing			.25
Total for operating, per dozen garments			1.24½

Lot No. 777. Stronghold carpenter's denim overall.—Two large patch pockets on front, B. S. cut on and hemmed, fly side hemmed, finished fly D. N., fly-pieced, fork joined and tacked, double nail pocket divided into two pockets with extra piece forming two pockets and one pencil pocket stitched on garment 1 S., combination pocket on bib, bib facing sewed on by U. S. one operation, two patch hip pockets, two hammer straps 1¼ inches wide, straps made for

operator, one hammer strap and one rule pocket by D. N., high-back straps hemmed and sewed on D. S., crossed in diamond D. S., bottom hemmed, side facing on back, paper and cloth tickets, bib, back, side, and in seams by D. N.

Half facing and pieced fly	$0.07
Fronts D. N	.11
Making nail pockets	.13
Closing and bib pocket	.14
Bib facing on U. S	.05
Hemming top and sides with ring tabs	.15
Bib seam D. N	.02
Back seam D. N	.03
Side seam D. N	.03
Inseam D. N	.03
Back pockets	.19½
Hemming bottom	.06
Finishing	.30
Total for operating, per dozen garments	1.47½

Lot No. 177. Stronghold plasterer's engineer overall.—Two swing pockets, facing unturned, one patch watch pocket D. N., B. S. cut on, hemmed 1 S., fly side hemmed, pieced fly, finished fly by D. N., top of fly tacked, fork joined and tacked, white pockets D. S., brush pocket on hip D. S., bib joined to front with band facing by U. S. one operation, hemming top and sides of bib with ring tabs, side facing on back, bib seam, two patch hip pockets, hammer straps under hip pockets, one scissors strap, one rule pocket, all on D. N., back and high-back straps hemmed, straps sewed to back and crossed S. S., turned knee patches, cloth ticket, bottom hemmed, all pockets have raw edges, buckles put on after garment is completed.

Facing	$0.20
Fronts D. N	.09½
Closing	.12
Bib facing on U. S	.05
Hemming top and sides of bib with ring tabs	.17
Brush pocket	.06
Bib seam on D. N	.02
Back seam D. N	.03
Side seam D. N	.03
Inseam D. N	.03
Back pockets on D. N	.18½
Hemming bottom	.06
Finishing	.28
Total for operating, per dozen garments	1.46

Lot Nos. 183–19ER. Plasterer's engineer overall.—Bib cut on, one patch and one pencil pocket on front, unfinished fly and B. S. cut on, fork joined and tacked, bib felled S. N., one patch hip and one rule pocket D. N., back seam, risers and inseam D. N., back and sides of back hemmed with plain strap sewed on and crossed 2 S., side facing on front, hemming top and sides of bib with buckle tabs, knee patches inside, cloth ticket, bottom hemmed.

Fronts	$0.37
Pockets D. N	.11½
Seams	.13
Finishing	.41
Total for operating, per dozen garments	1.03½

"19ER." Pin-check engineer's overall.—Bib cut on, pencil and one patch pocket on front, finished fly and B. S. cut on, one S., bib felled S. N., with side facing and hemmed with buckle tabs, fork joined and tacked, all pockets have unturned hems, one patch, one rule pocket, risers, back, side, and in seams on D. N., back hemmed with corner pieces, bottom hemmed, cloth ticket, straps crossed with web inserted.

Fronts	$0.25½
Back pocket D. N.	.07
Back seams D. N.	.08
Side seams	.08
Inseam	.08
Hemming bottom	.08
Suspenders with web inserted	.11
Finishing	.16
Total for operating, per dozen garments	.90½

Lots Nos. 113–213–311. Stronghold boys' engineers overalls.—Two swing pockets, facings unturned, hemmed to front 1 S., pencil pocket on bib 1 S., white pockets D. S., finished fly 1 S., R. S. cut on, hem 1 S., back and sides of back hemmed, one-piece bib hemmed with ring tabs, sewed to front with facing, 2 S., on S. N., back, side and in seams on D. N., one patch pocket 1 S., by S. N., two patch hip pockets, hem unturned, on D. N., high-back straps hemmed, crossed, and sewed on D. S., hemming bottom, cloth ticket.

	2 to 12.	13 to 16.
Fronts, one operation	$0.41	$0.48½
Back pockets[1]	.07½	.08
Back seam	.08	.08
Side and in seams	.12	.13
Hemming bottom	.05	.05
Straps	.07	.07
Finishing	.17½	.19
Total for operating, per dozen garments	.98	$0.84½

Lot Nos. 101–102. Stronghold denim band overall.—Two swing pockets, facings unturned, pockets stitched to front by D. N., white pockets D. S., pieced fly sewed on by D. R., R. S. sewed on, 2 S., fork joined and tacked, two patch hip pockets, hem turned, one patch watch pocket, risers, back, side, and in seams and band by D. N., one stitching across band, bottom hemmed, plain buckle straps, cloth ticket.

Fronts D. N.	$0.10
Facings	.11
Closing	.11
Hip pockets D. N.	.09
Side seams D. N.	.09
Inseam D. N.	.09
Risers D. N.	.09
Back seam D. N.	.08
Band D. N.	.08
Finishing	.23
Total for operating, per dozen garments	.94

Lot No. 102. Stronghold boys' band overall.—Made same as lot No. 101.

Price	$0.94
Off for boys' size	.10
Total for operating, per dozen garments	.84

Lot Nos. 351–351. Stronghold band chambray overall.—Two top swing pockets, facings unturned, pockets closed 2 S., finished fly and R. S. sewed on, one patch watch pocket S. S., pockets sewed to fronts S. S., fork joined and tacked, two patch hip pockets, hem unturned, D. N. band, back, side, and in seams by D. N., five belt loops tacked on one end, side buckle straps by S. N., sewed in by D. N., 2 S., across top and end of band, cloth ticket, buckles sewed on, bottom hemmed, side straps and belt loops on S. N.

[1] Cost pockets on boys', $0.06.

Fronts	$0.23
Back pockets D. S.	.044
Band and belt loops D. N.	.11
Belts D. N.	.09
Back seam D. N.	.03
Side seam D. N.	.09
Side straps D. N.	.05
Inseam D. N.	.07
Finishing	.29
Total for operating, per dozen garments	1.12½

Lot Nos. 48½-49½E. Painter's band overall.—Unturned knee patches on inside, raw edged fly and B. S. cut on, two patch pockets, one rule pocket, hems unturned, band, back, risers, inseam, side seam by D. N., 1 S., across top and end of band, bottom hemmed, plain buckle straps, cloth ticket by S. N.

Fronts	$0.18½
Risers and back seam D. N.	.05
Side and in seams D. N.	.10
Band D. N.	.03
Back pockets	.10½
Finishing	.21
Total for operating, per dozen garments	.79

Extras: Finished fly and B. S., 2 cents.

Lot No. 1912. Stronghold automobile suit.—Front plait 2 S., finished with D. S., crotch seam and long tack, bottom side faced, side opening hemmed with facing on back, four 2-inch tacks, two patch pockets on front D. N., one patch pocket on back D. N., two-piece sleeve with hemmed opening and rubber inserted, bottom hemmed, one-piece band collar S. S., cloth ticket, setting in sleeves and sleeve seams, shoulder, back, side, and in seams on D. N., one rule pocket, two hammer straps, made for operator on D. N., sewed on by S. N.

Fronts	$0.23
Pockets D. N.	.23
Cuff and hem	.14
Sleeve seams D. N.	.10
Setting in sleeve D. N.	.20
Side seams D. N.	.12
Inseam D. N.	.08
Back seam D. N.	.06
Shoulder seam	.03
Finishing	.33
Total for operating, per dozen garments	1.52

If operator has to make hammer straps with raw edge, extra 3 cents. Suit made after contract was signed, add $0.01 to com. pkt. per dozen garments.

Men's Excelsior band overall.—Unfinished fly and B. S., two swing pockets S. S., one watch pocket, one hip pocket, S. S., risers and back seam felled, plain buckle straps, band 3 S., side and in seams 1 S., side 2 S., twelve inches below pocket, bottom hemmed, cloth ticket, all on S. N.

Total for operating, per dozen garments, $0.77.

Lot No. 522. Boy's Excelsior bib overall.—Bib cut on with unfinished fly and B. S., 1 S., one patch hip pocket S. S., risers and back seam felled, back and sides of back hemmed with plain strap sewed on, bib felled and hemmed with buckle tabs, bottom hemmed, cloth ticket, all on S. N.

Total for operating, per dozen garments, $0.64.

Lot No. 123. Stronghold hickory vest.—Two patch pockets, hems unturned, by D. N., two-piece sleeve by D. N., one-piece cut S. S., with hemmed opening, large buckle straps, one-piece facing on front and around neck S. S., back hemmed, cloth ticket.

Pockets D. N.	$0.18
Sleeve seams D. N.	.16
Setting in sleeves D. N.	.15
S. N. work	.07
Total for operating, per dozen garments	1.03

Lot Nos. 131-146. Excelsior denim shirt jumper.—One-piece collar S. S., sleeve gored, one-piece band cuff with hemmed opening, one patch pocket S. S., front with plaits open all or halfway, button side hemmed, bottom hemmed, cloth ticket, all on S. N.

Total for operating, per dozen garments, $0.70.

Lot No. 199. Stronghold denim girl's overall.—One patch pocket, turned hem, pocket D. S., top of front and back faced, plait facing on side, two buckle tabs on bib, lined straps sewed on back, front, side, back, and in seams by D. N., B. S., on side.

Side and front D. N.	$0.07
Back and in seams D. N.	.08
Single needle	.08
Total for operating, per dozen garments	.23

Lot No. 200. Stronghold girl's chambray overall.—Two patch pockets 1 S., top of front and back faced, plait facing on side, buckle tabs on bib, B. S. on side, front, side, back, and in seams by D. N., bottom hemmed, lined straps and cloth ticket.

S. N. operator	$0.63
D. N. work	.11
Facing pkts. D. N.	.02
Total for operating, per dozen garments	.76

Facing pkts., S. N.-2 R., ex., $0.01 per doz. pkts.

Lot No. 196. Stronghold boy's chambray union suit.—Two patch pockets, one pocket faced by D. N., pockets 1 S., boy's fly, back and bottom of waist hemmed, band on back 3 S., divided collar 2 S., one-piece sleeve with hemmed opening, faced cuff, bottom hemmed, cloth ticket, front, back, shoulder, sleeve seams, setting in sleeve, side and in seams by D. N., band across front D. N.

Front and back seam D. N.	$0.05
Setting in sleeve and shoulder seam on D. N.	.09
Underarm sleeve, side and in seams on D. N.	.16
Band D. N.	.04
Facing pockets D. N.	.02
Fronts	.04
Finishing	.25
Total for operating, per dozen garments	.65

Facing pkt. S. N., ex., $0.01 per doz. pkts. Band on front, S. N., ex., $0.03 per dozen.

Lot No. 202. Stronghold girl's chambray rompers.—Fronts seamed by D. N., gathered on yoke with felled seam, one patch pocket S. S., straight cuffs put on before sleeve is closed, bottom hemmed with elastic inserted, divided collar, with 2 S., belt made on D. N., sewed to back with hem, back and bottom of waist hemmed, side, shoulder, batt and in seams, and sleeves in on D. N. paper ticket.

Back, front, shoulder, and sleeves in on D. N.	$0.11½
Closing D. N.	.13½
Belts	.09
S. N. work	.67
Total for operating, per dozen garments	1.00

Lot No. 833. Stronghold girl's chambray romper, No. 2.—Front seam D. N., yoke felled on front by S. N., one patch pocket S. S., turned corners, cuff on sleeve before closing, belt on D. N., back and bottom of waist hemmed, back of pants hemmed and batt stitched on, seams by D. N., cuff opening hemmed, cloth ticket, bottom hemmed with elastic.

S. N. work	$0.69
Belts	.09
Closing D. N.	.15
Sleeves, shoulder, fronts, and back on D. N.	.13
Total for operating, per dozen garments	1.16

Stronghold girl's chambray romper, No. 3.—Made same as chambray romper No. 2.

Price	$1.16
Add six plates and trimming on neck and cuffs	.10
Total for operating, per dozen garments	1.26

Stronghold girl's chambray romper, No. 4.—Fronts gathered and fitted on yoke, one patch pocket 1 S., cuffs with hem opening, bottom hemmed with elastic, divided collar with piping, belt on D. N., back and bottom of waist hemmed, belt sewed on S. N., side, shoulder, back, front, inseam, setting in sleeve on D. N., side closed three inches below opening on S. N cloth ticket.

S. N. work	$0.50
Belts D. N.	.08
Collar, on attachment	.07
Front, back, shoulders, and setting in sleeves D. N.	.11½
Inseam and sleeve closed D. N.	.12½
Total for operating, per dozen garments	1.30

APRONS.

Stronghold carpenter's apron XX.—Eight pockets, large one double 2 S., two hammer straps, four short straps, two long straps, four tabs and ticket, all on S. N.

Total for operating, per dozen garments, $0.79.

Stronghold carpenter's apron, No. 2.—Five pockets 2 S., four short and two long straps, one rule pocket, one hammer strap, four tabs and ticket, all on S. N.

Total for operating, per dozen garments, $0.68.

Lot Nos. 12–13. Carpenter's apron No. 3.—One large divided pocket, three long and four short straps, four tabs and ticket, hems, all on S. N.

Total for operating, per dozen garments, $0.55.

Lot Nos. 10–11. Short round carpenter's apron No. 4.—Three pockets, 2 S., long straps, ticket and hem, all on S. N.

Total for operating, per dozen garments, $0.25.

Stronghold waiter's and French aprons.—Made with strap, S. N.: Total for operating, per dozen garments, $0.15. Made with tape S. N., total for operating, per dozen garments, $0.10.

Stronghold cook's apron.—Made with straps S. N.: Total for operating, per dozen garments, $0.25. Made with tape S. N., total for operating, per dozen garments, $0.20.

Separate belts for khaki pants with harness buckles	$0.14
Same with slide buckles, per dozen garments	.11
Crotch pieces on overalls, one operation, extra, per dozen	.08
Crotch pieces on pants, one operation, extra, per dozen	.05

All orders and samples, price and one-half for six pairs or less.

All duck, regardless of color, per dozen garments, extra, $0.10.

Extra sizes on overalls and coats: From (and including) 44 to 52, extra, 12 cents; from 52 to 60, extra, 24 cents; over 60, extra, 36 cents.

Division for extra sizes on overalls: Facings, 1 cent; closing, 4 cents; back seam and risers, 1 cent; inseam and side seam, 1 cent; finishing, 3 cents; bands, 1 cent; back pockets, 1 cent; total, 12 cents.

Division on coats: Fronts, 4 cents; sleeves in, 1 cent; body seams, 1 cent; sleeve seams, 1 cent; pockets, 1 cent; finishing, 4 cents; total, 12 cents.

Extra sizes on pants based on pants' schedule: All sizes over 42 to 48, per dozen garments, extra, 12 cents; all sizes over 48, being double extra sizes, per dozen garments, extra, 24 cents.

If the fronts on engineer and high-back overalls are made by a single-needle operator, total price of the said garments are to remain the same.

Extra on stiffel goods: Heavily sized stiffel goods, per dozen garments, extra, 10 cents; extra heavily sized, or hard finish, stiffel goods, per dozen garments, extra, 15 cents.

Extra on khaki: Lightweight khaki drill, per dozen garments, extra, 15 cents; medium-weight khaki goods, per dozen garments, extra, 20 cents; heavy-weight khaki goods, per dozen garments, extra, 25 cents; corduroy goods, per

dozen garments, extra, 30 cents; for all khaki goods shrunk before making, an additional charge will be made for goods to above prices, per dozen garments, extra, 10 cents.

All belt loops, side buckle straps, and the 1½-inch straps on back of carpenter's, white duck overalls, and automobile suits, are made on special machines. Single-or-double-needle operator only to sew same on garments.

On all overalls, coats, and pants, 10 stitches to the inch, unless otherwise stipulated in this agreement.

When gore is added to denim sleeves, per dozen garments, extra, 3 cents.

If button stand on fly is sewed on any garments herein described in place of cut on, per dozen garments, extra, 2½ cents.

Patch pockets on S. N.: Single-stitch patch pockets, per dozen pockets, 4 cents; double-stitch patch pockets, per dozen pockets, 5 cents; if hem is turned in, per dozen pockets, ½ cent; patch pockets on D. N., per dozen pockets, 4 cents; if patch pocket has two corners turned, per dozen pockets, extra, 2 cents; pencil division on patch pocket, per dozen pockets, 1 cent.

If sleeves are sewed in by single-needle operator, per dozen garments, extra, 6 cents.

Rivets and buttons (marking not included):	
Patent buttons by machine, per 100	$0.03
Rivet stronghold band overall, per dozen garments	.03
Rivet stronghold, jumpers, per dozen garments	.03
Rivet, stronghold, aprons, by hand, per dozen garments	.15
Hooks on knickerbockers, per dozen garments	.05
Apron jumper, grommets, per dozen garments	.05
Rivets by machine, per 100	.03
Buttons sewed on Singer machine with high-speed thread-cutting attachment, per 100	.04
Button patches, under buttons, per dozen garments	.01
Buttons on pockets of corduroy pants, per dozen garments	.05
Tacking or barring:	
Tacking on new Philadelphia high-speed thread-cutting machine, per 100 tacks	.05
Tacking on new Philadelphia high-speed thread-cutting machine, when two tacks in garment only, per 100 tacks	.07
Tacking on machine without automatic thread cutter, per 100 tacks	.06½
Tacking on machine without automatic thread cutter, only two tacks in a garment, per 100 tacks	.08½
Buttonholes:	
Fly buttonholes on Reese small, high-speed machine, per 100	.04½
Fly buttonholes on Reese old-style machine, per 100	.05½
Fly buttonholes on Singer high-speed thread-cutting machine, per 100	.04½
Fly buttonholes on high-speed Singer machine, per 100	.05
Fly buttonholes on old-style Singer machine, per 100	.05½
Buttonholes on Singer high-speed thread-cutting machine on coats, rompers, union suits, girl's overalls, per 100	.08
Buttonholes on Singer high-speed thread-cutting machine on engineer's overalls, per 100	.09
Buttonholes in band garment, one in a garment, on Singer high-speed thread-cutting machine, or Reese high-speed machine, per 100	.11
Buttonholes on finished garments on small Reese high-speed machine, per 100	.07
Buttonholes on pocket flaps, per 100	.05½
Buttonholes on suspenders on small Reese high-speed machine, per 100	.05
Buttonholes in suspenders on Singer high-speed thread-cutting machine, per 100	.08
Buttonholes on coats, rompers, union suits, girls' overalls on big Reese high-speed machine, per 100 cord	.09
Buttonholes in engineer's overalls on big Reese high-speed machine, per 100 cord	.10
Buttonholes in all khaki garments, regardless of machine made on, per 100, extra	.01
Eyelets on Reese machine, per 100	.05½
Marine metal eyelets and lace, per 100	.05
Marking for buttons and buttonholes, or eyelets, per 100	.01½

Inspecting: Inspecting garment ones, per dozen garments, $0.05.

Inspectors not to take care of repair work or to inspect any garment twice unless paid extra for second inspection.

It is agreed by both parties hereto that operators and inspectors are not to carry bundles, but the party of the first part agrees to provide for the carrying away and delivering of bundles.

Where curtains are not sewed on wrong side of waist, but operator has to hold edge of curtain and waist together when sewed on with one operation, per dozen garments, extra, $0.03.

Pressing with or without pressing machine, minimum per week shall be not less than $12.

Any presser at the present time who is receiving more than the minimum of $12 shall suffer no reduction in salary.

SHIRTS.

Shirts are made on 61 Singer and Union special machines.

Front plait on four needle U. S. and two needle U. S. Button stand on two needle U. S. and by single needle operators. Cuffs, yokes, plackets, pockets, and collars on 61 Singer by single needle operator. Hemming on Singer high-speed and Standard machines. Shoulders joined, sleeves placed, sleeves set in and sides closed on two needle U. S. Buttonholes and button sewing on Singer high-speed thread-cutting machines.

The garments mentioned in this agreement are made with 15 and 17 stitches to the inch. Work shirts are to be based on 10 stitches to the inch.

All orders or samples will be paid time work according to the average earning, taking for their average two full consecutive weeks plus 10 per cent.

No extra charge for extra sizes, and no reduction allowed for youths' and boys' sizes.

Where parts of shirts such as collars, cuffs, pockets, etc., have to be matched by operator they will be paid for extra as follows:

Matching stripes and collars, per dozen collars	$0.03
Matching stripes on front plait, per dozen shirts	.03
Matching stripes on plackets, per dozen shirts	.02
Matching stripes on cuffs, per dozen shirts	.03
Matching stripes on pockets, per dozen pockets	.01

All shirts stitched with silk or mercerized thread will be paid for per dozen shirts, extra 15 cents, and to be divided as follows:

Negligee style:	
Box plait, 4 N., U. S.	$0.01
Button stand, 2 N., U. S.	.00½
Finished plait	.00½
Two dozen pockets	.02
Negligee collars	.02½
Collar sewed on	.00½
Yoke	.01
Placket	.01
Cuff	.02
Hemming	.00½
Shoulders joined, U. S.	.00½
Sleeves placed, U. S.	.01
Setting in sleeve	.01
Sides closed, U. S.	.01
Total	.15

Golf coat style:	
French front facings, U. S.	.01
French collar	.02½
Finished plait	.00½
Two dozen pockets with flap	.02½
Neckband on	.00½
Yoke	.01
Placket	.01
Cuff	.02
Hemming	.00½

Golf coat style—Continued.	
Shoulders joined, U. S	$0. 06½
Sleeves pieced, U. S	.01
Setting in sleeve	.01
Sides closed, U. S	.01
Total	.15

Lot Nos. 403–404–703. Cheap chambray and siline.

Box plait on 4 N., U. S	$0. 03½
B. S., on S. N	.04
Finished plait	.04
Two S. S. pointed pockets with laps cut on S. S	.14
Straight S. S. yoke and ticket	.06– .07
Placket stitched on edge and underside hemmed	.12– .16
Trimmed neck, notched collar and sewing on	.14½
D. S. lined band collar with extension and buttonhole tabs	.16½
One-piece cuff, ends joined, turned by hand and S. S. all around and lined	.17
Hemming and gussets	.05½
Piecing sleeves on U. S	.04
Shoulders joined on U. S	.06½
Setting in sleeves on U. S	.07½
Sides closed on U. S	.08
Total for operating, per dozen garments	1. 20

Above garment made 15 stitches to the inch.

Lot No. 600. Light-weight black sateen.

Box plait 4 N., U. S	$0. 03½
B. S., on S. N	.04
Finished plait	.04
One D. S. pointed pocket with laps cut on and D. S	.09
One straight S. S. yoke, ticket and size tag	.06½
Placket, not stitched on edge, and under side hemmed	.12
D. S. lined band collar with extension and buttonhole tabs	.16½
Trimmed neck, notched collar, and sewing on	.14½
One-piece cuff, ends joined, turned by hand, single stitched all around, no lining	.14
Hemmed with gussets	.05½
Piecing sleeve on U. S	.04
Joining shoulder on U. S	.06½
Setting in sleeve on U. S	.07½
Closing sides on U. S	.08
Total for operating, per dozen garments	1. 12½

Above garment made 15 stitches to the inch.

Lot Nos. 401–402–405–406. Chambray and pipicen.

Box plait 4 N., U.S	$0. 04
B. S., cut and hemmed	.08
Finishing short plait	.05
Two D. S. turned corner pockets with laps sewed on and D. S	.24
Straight S. S. yoke and ticket	.06
Placket, not stitched on edge, and underside hemmed	.12
D. S. lined band collar with extension and buttonhole tabs	.17½
Without lining in band or collar	.15½
Trimmed neck, notched collar, and sewing on	.18½
Sewed on with no lining	.15½
Two-piece round-corner lined cuff, turned by hand and S. S. all around	.25
Hemming and gussets	.09
Piecing sleeves on U. S	.04
Joining shoulders on U. S	.04
Setting sleeves on U. S	.06½
Closing sides on U. S	.09½
Total for operating, per dozen garments	1. 47

Lot No. 710. Imitation soisette.

Box plait on 4 N., U. S	$0.04
B. S. sewed on	.04
Finishing plait	.04
Two D. S. turned-corner pockets with laps sewed on and D. S	.24
Straight S. S. yoke and ticket	.06
Placket, not stitched on edge, and underside hemmed	.12
D. S. lined-band collar with extension and buttonhole tabs	.17½
Trimmed neck, notched collar, and sewing on	.16½
Two-piece rounded-corner lined cuff, turned, by hand and S. S. all around	.25
Hemming with gussets	.03½
Piecing sleeves on U. S	.04
Joining shoulders on U. S	.04
Setting in sleeves on U. S	.08
Closing sides on U. S	.08½
Total for operating, per dozen garments	1.43

Lot No. 905. Imitation khaki.

Box plait 4 N., U. S	$0.04
B. S. cut on and hemmed	.02
Finishing short plait	.05
Two D. S. turned-corner pockets with laps sewed on and D. S	.24
Straight S. S. yoke and ticket	.06
Placket, not stitched on edge, and underside hemmed	.12
D. S. lined band collar with extension and buttonhole tabs	.17½
Trimmed neck, notched collar, and sewing on	.16½
Two-piece round-corner lined cuff, turned by hand and S. S. all around	.25
Hemming with gussets	.09
Piecing sleeves on U .S	.04
Joining shoulders on U. S	.04
Setting in sleeves on U. S	.08½
Sides closed on U. S	.08½
Total for operating, per dozen garments	1.47

Above shirts made 15 stitches to the inch.

Lot Nos. 210–211–212–213. Cotton goods, imitation soisette.

French front facings and B. S. on 2 N., U. S	$0.05
Finishing French front plaits	.04
One D. S. pointed pocket with hem	.07
One D. S. flap	.12
Straight S. S. yoke and ticket	.06
Placket, not stitched on edge, and underside hemmed	.12
S. S. lined military collar	.20
One extra stitching through band	.01
Trimmed neck, notched collar and sewing on	.17
French-lined cuff, turned by hand and S. S. all around	.33
Hemming with gussets	.09
Piecing sleeves on U. S	.04
Joining shoulders on U. S	.04
Setting in sleeves on U. S	.08½
Closing sides on U. S	.08½
Total for operating, per dozen garments	1.30

Lot Nos. 301–326–315. Striped goods.

French front facings and B. S. on 2 N., U. S	$0.05
Finishing French front plaits	.04
One S. S. pointed pocket with lap sewed on, S. S., and corner stayed	.06
Straight S. S. yoke and ticket	.06
Placket, not stitched on edge, and underside hemmed	.12
Three-ply neckband with cushion	.11

Trimmed neck, notched band, and sewing on	$0.16½
French cuff, lined, turned by hand, sewed on, and S. S. all around	.32
Hemmed, with gussets	.09
Piecing sleeves on U. S.	.04
Shoulders joined on U. S.	.04
Setting in sleeves on U. S.	.08½
Sides closed on U. S.	.08½
Total for operating, per dozen garments	1.28½

Lot Nos. 1158–1220. Striped Madras.

French front facings and B. S. on 2 N., U. S.	$0.05
Finishing French front plait	.04
One D. S. pointed pocket, with hem	.07
One D. S. flap	.12
Straight S. S. yoke and ticket	.06
Placket and B. S.	.18
Three-ply neckband, with cushion	.11
Trimmed neck, notched band, and sewing on	.16½
French cuff, lined, turned by hand, sewed on, and S. S. all around	.32
Hemming, with gussets	.09
Piecing sleeves on U. S.	.04
Shoulders joined on U. S.	.04
Setting in sleeves on U. S.	.08½
Sides closed on U. S.	.08½
Total for operating, per dozen garments	1.45½

Lot Nos. 1027–1028–1023. Imitation soisette.

Box plait on 4 N., U. S.	$0.04
B. S. on 2 N., U. S.	.02½
Finishing short plait	.05
One D. S. pointed pocket, with hem	.07
One D. S. flap	.12
Straight S. S. yoke and ticket	.06
Placket and B. S.	.18
D. S. lined band collar, with extension and buttonhole tabs	.17½
Trimmed neck, notched collar, and sewing on	.16½
Two-piece round-cornered lined cuff, turned by hand, sewed on, and S. S. all around	.25
Hemming, with gussets	.09
Piecing sleeves on U. S.	.04
Shoulders joined on U. S.	.04
Setting in sleeves on U. S.	.08½
Sides closed on U. S.	.08½
Total for operating, per dozen garments	1.47½

Lot No. 1003. Soisette.

Box plait on 4 N., U. S.	$0.04½
B. S. 2 N., U. S.	.02½
Finished short plait	.05
Two D. S. turned-corner pockets, with laps sewed on D. S.	.25
Straight S. S. yoke and ticket	.06½
Placket and B. S.	.18½
D. S. lined band collar, with extension and buttonhole tabs	.17½
Trimmed neck, notched collar, and sewing on	.16½
Two-piece round-cornered lined cuff, turned by hand, sewed on, and S. S. all around	.26
Hemming, with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.08½
Sides closed on U. S.	.08½
Soisette label	.02
Total for operating, per dozen garments	1.50½

Lot No. 900. Medium-weight black sateen.

Box plait 4 N., U. S.	$0.04½
B. S., cut on, and hemmed	.03½
Finishing short plait	.03
Two D. S. turned-corner pockets, with lap sewed on, and D. S.	.25
Straight yoke, S. S., ticket, and size tag	.06½
One reinforced yoke, raw edges (round)	.02
Placket, not stitched on edge, and underside hemmed	.12½
D. S. lined band collar, with extension and buttonhole tabs	.18
Trimmed neck, notched collar, and sewing on	.16½
Two-piece round-cornered lined cuff, turned by hand, sewed on, and S. S. all around	.26
Hemming, with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.09
Sides closed on U. S.	.09
Total for operating, per dozen garments	1.56½

Lot No. 1200. Heavy-weight black sateen.

Box plait 4 N., U. S.	$0.04½
B. S., cut on, and hemmed	.03½
Finishing short plait	.03
Two D. S. turned-corner pockets, with lap sewed on, and D. S.	.27
Straight S. S. yoke, ticket, and size tag	.07½
One reinforced round yoke, edge unturned	.03
Placket and B. S.	.10
D. S. lined band collar, with extension and buttonhole tabs	.18½
Trimmed neck, notched collar, and sewing on	.17
Two-piece round-cornered lined cuff, turned by hand, sewed on, and S. S. all around	.26
Hemming, with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.09½
Sides closed on U. S.	.09½
Total for operating, per dozen garments	.95

Lot No. 1700. Light-weight wool flannel.

Box plait 4 N., U. S.	$0.04½
B. S. cut on and hemmed	.03½
Finishing short plait	0.5
Two D. S. turned corner pockets with box plait in center, S. S. across top	.23
Two D. S. sateen-lined flaps	.20
Straight S. S. yoke, ticket, and size tag	.07½
Placket and B. S.	.19½
S. S. lined military collar	.21½
One extra row of stitching through band	.01
Trimmed neck, notched collar, and sewing on	.17½
One-piece cuff, lined, ends joined, sewed on, and S. S. all around	.20
Hemming with gussets	.10
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.10
Sides closed on U. S.	.10
Total for operating, per dozen garments	1.88½

Lot No. 7102. Medium-weight cotton flannel.

Box plait 4 N., U. S.	$0.04½
B. S. cut on and hemmed	.03½
Finished short plait	.05
Two D. S. pointed pockets	.15
Two D. S. sateen-lined flaps	.20

Straight S. S. yoke, ticket, and size tag	$0.08½
Placket and B. S.	.18½
S. S. military collar, lined	.20½
One extra row of stitching through band	.01
Trimmed neck, notched collar, and sewing on	.17½
One-piece cuff, ends joined, sewed on, and S. S. all around	.17
Hemming with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.09
Sides closed on U. S.	.09
Total for operating, per dozen garments	1.09½

Lot No. 1750. Blue cotton flannel.

Box plait 4 N., U. S.	$0.04½
B. S. cut on and hemmed	.03½
Finishing short plait	.05
Two D. S. turned pockets with lap sewed on and D. S.	.26
Straight S. S. yoke, ticket, and size tag	.07½
Placket, not stitched on edge, and underside hemmed	.12
D. S. band collar with extension and buttonhole tabs	.17
Trimmed neck, notched collar, and sewing on	.16
One-piece cuff, ends joined, sewed on, and S. S. all around	.17
Hemming with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Setting in sleeves on U. S.	.09
Sides closed on U. S.	.09
Total for operating, per dozen garments	1.46

Lot No. 1701. Light-weight French flannel.

Box plait on 4 N., U. S.	$0.04½
B. S. cut on and hemmed	.03½
Finishing short plait	.05
One D. S. pointed pocket with hem	.09
One D. S. pointed flap	.12
Straight S. S. yoke, ticket, and size tag	.07½
Placket and B. S.	.19
S. S. lined military collar	.21
Two extra stitchings through band	.02
Trimmed neck, notched collar, and sewing on	.17½
French cuff, lined, turned by hand, sewed on, and S. S. all around	.32
Hemming with gussets	.09½
Piecing sleeves on U. S.	.04½
Shoulders joined on U. S.	.04½
Sleeves set in on U. S.	.09
Sides closed on U. S.	.09
Total for operating, per dozen garments	1.70½

Lot Nos. 1703–1704–1705. Pressed wool flannel.

Box plait on 4 N., U. S.	$0.04½
B. S. cut on and hemmed	.03½
Finishing short plait	.05
Two D. S. pointed pockets with hem	.18
Two D. S. flaps	.24
Straight S. S. yoke, ticket, and size tag	.07½
Placket and B. S.	.19½
S. S. lined military collar	.21½
One extra stitching through band	.01
Trimmed neck, notched collar, and sewing on	.17
One-piece lined cuff, ends joined, sewed on, and S. S. all around	.33½
Hemming with gussets	.10
Piecing sleeves on U. S.	.05

Shoulders joined on U. S	$0.06
Setting in sleeves on U. S	.10
Sides closed on U. S	.10
Total for operating, per dozen garments	1.83

Lot No. 1752. Blue flannel (heavy weight).

Box plait 4 N., U. S	$0.08
B. S. cut on and hemmed	.04½
Finishing short plait	.05
Two D. S. turned corner pockets with laps sewed on and D. S	.28
Straight S. S. yoke, ticket and size tag	.06½
Placket and B. S	.20
D. S. band collar with extension and sateen facing in band and buttonhole tabs	.18½
Trimmed neck, notched collar, and sewing on	.17½
One-piece cuff, ends joined, sewed on and S. S. all around	.13
Hemming and gussets	.11
Piecing sleeves on U. S	.05½
Shoulders joined on U. S	.05½
Setting in sleeves on U. S	.11
Sides closed on U. S	.11
Total for operating, per dozen garments	1.70

Lot Nos. 1804 to 1828 (excepting Nos. 1821 and 1822).

	Imitation silk.	Silk mark lot No. 1804.
Box plait on 4 N., U. S	$0.06	$0.08
B. S. cut on and hemmed	.06	.07
Finishing plait	.06	.07
One D. S. pointed pocket	.08	.10
One D. S. flap	.14	.16
Straight S. S. yoke, ticket	.09	.11
Placket and B. S	.21	.22
Three-ply neckband with cushion	.11	.11
Trimmed neck, notched collar, and sewing on	.20½	.21½
French cuff, lined, turned by hand, sewed on, and S. S. all around	.26	.28
Hemmed with gussets	.12	.12
Piecing sleeves on U. S	.06	.07
Shoulders joined on U. S	.06	.07
Setting in sleeves on U. S	.12½	.16
Sides closed on U. S	.12½	.16
Total for operating, per dozen garments	1.85½	2.10½

Lot Nos. 1900, 1901, 1902, 1903. Imitation Rajah.

Box plait on 4 N., U. S	$0.08
B. S. cut on and hemmed	.07
Finished short plait	.06
Two D. S. pointed pockets with flem	.16
Two D. S. flaps	.27
Straight S. S. yoke and ticket	.11
Placket and B. S	.22
D. S. lined band collar with extension and buttonhole tabs	.21½
Trimmed neck, notched collar, and sewing on	.21½
Two-piece round corner lined cuff, turned by hand, sewed on and S. S. all around	.31
Hemming and gussets	.13
Piecing sleeves on U. S	.07
Shoulders joined on U. S	.07
Setting in sleeves on U. S	.16
Sides closed on U. S	.16
Total for operating, per dozen garments	2.22

Lot No. 1910. Imitation pongee.

Box plait 4 N., U. S.	$0.09
B. S. cut on and hemmed	.06
Finishing short plait	.06
Two D. S. turned corner pockets with laps sewed on D. S.	.27
Straight S. S. yoke and ticket	.09
Placket and B. S.	.21
D. S. lined band collar with extension and buttonhole tabs	.21½
Trimmed neck, notched collar, and sewing on	.19½
Two-piece round cornered lined cuff, turned by hand, sewed on, and S. S. all around	.29
Hemming with gussets	.12
Piecing sleeves on U. S.	.06
Shoulders joined on U. S.	.06
Setting in sleeves on U. S.	.12½
Sides closed on U. S.	.12½
Total for operating, per dozen garments	1.98

Lot No. 1190. Satin striped silk.

Box plait 4 N., U. S.	$0.09
B. S. on 2 N., U. S.	.06½
Finishing short plait	.07
One D. S. pointed pocket with hem	.15
One D. S. flap	.16
Straight S. S. yoke and ticket	.14
Placket and B. S.	.26
Trimmed neck, notched collar, and sewing on	.24
Three-ply neckband with cushion	.11
French cuff, lined, turned by hand, S. S. on edge, D. S. on top	.44
Hemming with gussets	.15
Piecing sleeves on U. S.	.10
Shoulders joined on U. S.	.10
Setting in sleeves on U. S.	.19
Sides closed on U. S.	.19
Total for operating, per dozen garments	2.44½

Lot Nos. 1904, 1905, 1906, China silk and pongee.

Box plait 4 N., U. S.	$0.10
B. S. sewed on	.10
Finishing short plait	.12
Two D. S. turned corner pockets with laps sewed on and D. S.	.60
Straight S. S. yoke and ticket	.15
Placket and B. S.	.35
D. S. lined band collar with extension and buttonhole tabs	.45
Trimmed neck, notched collar, and sewing on	.35
Two-piece round cornered lined cuff, turned by hand, S. S. on edge and D. S. on top	.42
Hemming with gussets	.18
Piecing sleeves on U. S.	.12
Shoulders joined on U. S.	.10
Setting in sleeves on U. S.	.26
Sides closed on U. S.	.26
Total for operating, per dozen garments	3.06

Lot Nos. 1822–1821. China silk, pongees.

Box plait 4 N., U. S.	$0.10
B. S. sewed on	.10
Finishing short plait	.13
Two D. S. pointed pockets with hem	.42
Two D. S. flaps	.30
Straight D. S. yoke and ticket	.17
Placket and B. S.	.35
Three-ply neck band with cushion	.11

Trimmed neck, notched band, and sewing on	$0.36
French cuff lined, turned by hand, S. S. on edge and D. S. across top	.42
Hemming with gussets	.14
Piecing sleeves on U. S.	.12
Shoulders joined on U. S.	.10
Setting in sleeves on U. S.	.30
Sides closed on U. S.	.28
Total for operating, per dozen garments	8.68

Work shirt, 10 stitches to the inch (negligee).

Box plait 4 N., U. S.	$0.08
B. S. 2 N., U. S.	.02
Finish box plait	.04
One S. S. pointed pocket with unturned hem and straight stay in corner	.04½
Straight S. S. yoke and ticket	.06
Hemmed opening in sleeves	.08
S. S. lined band collar with extension	.12
Trimmed neck, notched collar and sewing on, band unlined	.11
One-piece cuff, no lining, sewed on, and S. S.	.10
Hemming with gussets	.04½
Piecing sleeves on U. S.	.06
Shoulders joined on U. S.	.05
Setting in sleeves on U. S.	.06
Sides closed on U. S.	.06½
Total for operating, per dozen garments	.77½

Hemming work shirt with No. 60 thread and high-speed machine with wide hemmer.

The total price in the foregoing garments does not include mercerized thread or silk. Where extra charge is made for goods, it is included in the total price.

NIGHT SHIRTS.

Lot No. 86. Fine long cloth night shirts, 15 stitches to the inch.—Sewing on extension front, "V" neck facing sewed on and down front, turned and stitched on outside edge with tape, tape stitched with two rows of stitching, one straight yoke S. S. and ticket sewed on, outside cuff facing on sleeve sewed on and hemmed at bottom, top of cuff stitched on to sleeve with tape, tape sewed with two rows of stitching, braid sewed on outside edge of front plait extending around neck and down one side of front, braid sewed with two rows of stitching, hem and gussets, sleeves felled in on two needle, shoulder joined, sleeves pieced, also sides closed on two-needle machine.

Divided as follows:

S. N. operator	$0.92½
Piecing sleeve	.04½
Setting in sleeve	.06½
Closing sides	.10
Hemming and gussets	.07
Total for operating, per dozen garments	1.21½

Lot No. 95. "V" neck outing flannel night shirt.—Made same as lot No. 86.

Price	$1.21½
Off for goods	.06½
Total for operating, per dozen garments	1.13

Divided as follows:

S. N. operator	.83
Piecing sleeve	.04
Setting in sleeve	.06
Closing sides	.11
Hemming and gussets	.07
Total	1.13

Lot No. 75. Striped cotton twill goods.—Front facing sewed on, turned and stitched on both edges, standing collar in two pieces, braid sewed on top of collar and down one side of front with two rows of stitching, S. S. yoke on back with cloth ticket, two-piece sleeves with one-piece cuffs, facing sewed and hemmed on bottom of sleeve, one row of braid on top of sleeve sewed on with two rows of stitching, shoulders joined on S. N., sleeves set in, sides closed and sleeves pieced on 2 N., hemming bottom, one single stitched pointed pocket stayed in corners, one row of braid at top with two rows of stitching.

Divided as follows:

S. N. operator	$0.33
Piecing sleeve	.04
Setting in sleeve	.06
Closing sides	.11
Hemming and gussets	.07
Total for operating, per dozen garments	1.13

Lot Nos. 79–96. Cotton and outing flannel night shirts.

Box plait on S. N., with two rows of braid	$0.06
Sewing on plait and staying	.04
B. S. cut on and hemmed back	.04
One S. S. pointed pocket, lap cut on and stitched under, raw edge, braid sewed on outside	.08
One straight yoke S. S. and ticket	.06
One straight band collar, made with braid sewed on, top with two rows of stitching	.14
Sewing on band collar	.14
Outside cuff facing with braid sewed across top with two rows of stitching, bottom of cuff hemmed	.15
Hem and gussets	.07
Shoulders joined on U. S.	.04½
Sleeves pieced	.04½
Sleeves set in	.08
Sides closed	.12
Total for operating, per dozen garments	1.06

PAJAMAS.

Lot No. 5. Cheap cotton pajamas, 15 stitches to the inch.—Has shaped fnc, and B. S. cut on and hemmed and fin. at top.

Coat fronts, facings, extending around neck sewed on with three operations	$0.24
Shoulders joined on U. S.	.04
Piecing sleeves on U. S.	.04
Stayed	.06
Military collar made and sewed on	.15
Hemming bottom of coat with 1-inch hem	.08
Outside cuff facing sewed on with three operations	.14
Sleeves set in	.08
Sides closed	.08½
Cloth ticket	.02
Four dozen frogs S. S.	.40
Total for operating, per dozen garments	1.33½

Pants to match above coat.

B. S. and fly cut round on top, buttonhole side lined with two rows of stitching, round extension at waist, finished off, all edges turned	$0.14
Joining fork to fly	.06
Making strings on S. M.	.06
Hemmed top of waist and inserting strings	.15
Hemming bottom	.07
Rack seam on U. S.	.08
Inseam on U. S.	.08
Side seams on U. S.	.10
Total for operating, per dozen garments	.69

Lot No. 7. Outing flannel.—W ll have 2 shaped fac, one shaped like the top one to form thickness for B. S. Made same as lot No. 5. Price: Coat, $1.33½; pants, $0.69.

Lot No. 4. Imitation silk pajamas.—Like lot No. 7. Pajama coat.

Price	$1.33½
Add:	
S. S. round yoke	.07
Four dozen frogs	.40
Braid	.25
Mercerized or silk thread	.15
Goods	.50
Total for operating, per dozen garments	2.70½

Lot No. 4. Pajama pants.—Made same as lot No. 5. Pajama pants.

Price	$0.69
Add:	
Goods	.21
Mercerized or silk thread	.10
Total for operating, per dozen garments	1.00

"V" neck short sleeve cheap work shirt, 10 stitches to the inch.
Total price for operating, per dozen garments, $0.79.
Lot No. 2014, short sleeve, Sd. sport shirt; lot No. 2014, long sleeve, Sd. sport shirt (D. S. 2 pc. round cuff all around).
Box plait to bottom of shirt.

Extras on shirts.

Changing thread for sewing on ticket, per dozen shirts	$0.02
Cuffs D. S. at top, per dozen shirts	.02
Cuffs D. S. all around, per dozen shirts	.05
Finishing extended plait, per dozen shirts	.06
Finishing short plait, per dozen shirts	.05
Finishing box plait on negligee shirts, per dozen shirts	.04
Finishing French fronts, per dozen shirts	.04
Finishing plaits on shirts, without pockets, per dozen shirts, extra	.02
If cuff is line, per dozen shirts, extra	.05
If collar is lined, per dozen shirts, extra	.01
If collar band is lined, per dozen shirts, extra	.01
If collar is D. S., per dozen shirts, extra	.02
Light-weight khaki drill, per dozen shirts, extra	.10
Khaki drill, per dozen shirts, extra	.15
Khaki duck, per dozen shirts, extra	.20
Light-weight sateen (no extra charge).	
Medium-weight sateen, per dozen shirts, extra	.06
Heavy-weight sateen, per dozen shirts, extra	.12
Soisette (until agreed to by both Org.), per dozen shirts, extra	.05
Cheap light-weight flannel, per dozen shirts, extra	.07
Heavy-weight cotton flannel, per dozen shirts, extra	.10
Light-weight French flannel, per dozen shirts, extra	.15
Medium-weight pressed flannel, per dozen shirts, extra	.15
Medium-weight pressed wool flannel, per dozen shirts, extra	.17½
Blue flannel, per dozen shirts, extra	.20
Blue wool flannel, per dozen shirts, extra	.28
All imitation silks, per dozen shirts, extra	.40
Silk mull, per dozen shirts, extra	.65
Imitation Rajah, per dozen shirts, extra	.65
Satin-striped silk, per dozen shirts, extra	1.00
Genuine pongee and all silks, per dozen shirts, extra	2.00
Operator making detached collar by week shall receive not less per week than	12.00
Size tag on shirts, per dozen shirts, extra	.00½
1 lining in 1 flap marking for buttons, per dozen shirts, extra	.01
Negligee cotton shirts, per dozen shirts	.08
Golf, per dozen shirts	.02
Flannels, per dozen shirts	.02
Silk, per dozen shirts	.03½

Button sewing on high-speed thread-cutting machines.

Buttons on cotton shirts, per 100 buttons	$0.05
Buttons on cotton shirts, under collear, per 100 buttons	.06
Buttons on all silk shirts, per 100 buttons	.06
Buttons on all silk shirts, under collar, per 100 buttons	.11
Buttons on all imitation silks, per 100 buttons	.05½
Buttons on all imitations silks, under collear, per 100 buttons	.06½
Buttons on flannel shirts, single breasted, per 100 buttons	.05
Buttons on flannel shirts, double breasted, per 100 buttons	.08
Buttons sewed on by hand, two buttons under collar, per dozen shirts	.04
Ends of tape turned under and buttons sewed on, per 100 buttons	.06

Buttonholes on high-speed thread-cutting machines.

Buttonholes on all cotton shirt, per 100	$0.08
Buttonholes on all cotton shirts, under collar, per 100	.10
Buttonholes on all imitation silks, per 100	.10
Buttonholes on all imitation silks, under collar, per 100	.12
Buttonholes on all silks, per 100	.14
Buttonholes on all silks, under collar, per 100	.16
Small buttonholes in flannels, per 100	.09
Buttonholes in flannels, under collar, per 100	.10
Large buttonholes in flannels, 5/8, per 100	.11
Marking for buttonholes, per 100	.01½

Inspecting, week or piecework.

Common work shirts, per dozen shirts	.04½
All cotton shirts, per dozen shirts	.06½
All silk shirts, per dozen shirts	.09½
All imitation silks, per dozen shirts	.07½
All flannels, per dozen shirts	.07½
All detached collars, per dozen collars	.03½

Signed by the party of the first part:

BROWNSTEIN-LOUIS CO.,
By HENRY W. LOUIS, Sr.

Signed by the party of the second part:

UNITED GARMENT WORKERS OF AMERICA,
By MARGARET C. DALEY,
Member of G. E. B.
EDITH SUTER,
President of L. U., No. 125.
DAISY A. HOUCK,
Secretary of Committee.

Attested by—
ROBERT NUEN,
General Secretary Union-Made Garment Mfgrs. Association of America.

AGREEMENT BETWEEN THE MATHIE BREWING CO. AND THE INTERNATIONAL ASSOCIATION OF MACHINISTS.

(Both parties of Los Angeles, Cal.)

SECTION 1. The employer agrees to employ only members in good standing of the International Association of Machinists. Machinists' work shall consist in the making and repairing of all machines that have been built by machinists, also the aligning of all machines, motors, shafting, and engines that may be installed in the plant, except new machinery that may be contracted for, said machinery to be erected by union machinists.

SEC. 2. The employer agrees that should they place a contract for machinery or repair work, coming under the jurisdiction of said machinists' union, that they will insist that the work done on same shall be done by strictly union men if possible to do so.

SEC. 3. *Machinists defined.*—A machinist includes a member of the union, classed as a journeyman machinist, who can with the aid of drawings prosecute the work of construction and the erection of special types of machines, carrying same to successful completion within a reasonable time. Machinists shall also include hands operating lathes, planers, Standard and Universal milling machines, universal tool grinders, Jones & Lamson, Gisholt, or American turret lathes, whenever such men are required to do a general variety of work, either from drawings or repairs, and can so undertake, prosecute, and complete such work to the required finish within a reasonable time on any of said machines.

A machinist shall also include dissembling and assembling of all metal parts of all machines, erecting floor and vise work.

SEC. 4.—The chief engineer or engineer in charge shall have supervision of all machinists' work being done at the employers' plant.

SEC. 5.—All machinists' work shall be done by machinists. Handy men and helpers shall not do machinists' work. Chief engineers or foremen of departments shall not do machinists' work.

SEC. 6.—Eight hours shall constitute a day's work, working hours to be between 7 a. m. and 5 p. m. with one hour allowed for dinner.

SEC. 7. The minimum rate paid to machinists in all plants owned and controlled by the employer or firm, or on any and all machinery, shall be 56¼ cents per hour except overtime work. Machinists' apprentices, 20 cents per hour for the first six months and an additional increase of 25 cents per six months until the expiration of the fourth year, when the standard rate paid to machinists shall be paid. This clause applies only when machinists' apprentices are employed.

SEC. 8. All automobile and autotruck work or repairs shall be machinists' work, and such work or repairs shall be done by machinists, except where machinists, apprentices are employed, they to be under the direct supervision of the machinists in charge. Machinists employed on autotruck or automobile work may start work at other than the hours specified in section 6, eight consecutive hours to constitute a standard day's work. Overtime rates shall be paid as follows: Time and one-half for the first seven hours after the first eight worked and double time thereafter until quitting work.

SEC. 9. All overtime after the regular time in force shall be paid for at the rate of time and one-half up to midnight, and double time thereafter. Double time shall be paid for Sunday work. Holidays shall be paid for at the rate of time and one-half. The following holidays shall be observed: New Year's Day, May Day, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. Should any of the above-named days fall on Sunday, the day designated by the State or Nation shall be observed.

SEC. 10. In case of a reduction of force, the time shall be divided equally among the men as near as possible, with due consideration of preference to be given to the oldest employees and married men and those having others dependent upon them.

SEC. 11. The union concedes the right to the employer to discharge any machinist for inebriety, willful negligence, or incapacity while on duty. Should a machinist, on account of sickness or injuries, be compelled to quit work, he shall upon recovery be permitted to resume his former duties. He shall report for duty immediately upon recovery.

SEC. 12. The employer agrees to employ only union men in all departments.

SEC. 13. The union agrees to exert its power as a labor organization, to recommend and make all reasonable efforts, to benefit the business of the employer.

SEC. 14. All machinists or machinists' apprentices shall be employed through the local machinists' union.

SEC. 15. All places where work is done shall be sanitary and protected from the elements.

SEC. 16. The employer will at all times receive a committee, or representative of the union, to adjust any differences that may arise as to the interpretation or terms of this agreement, and if no settlement is reached said differences shall be referred to a board of arbitration consisting of two members selected by the employers and two members selected by the union, the said board so formed to select a fifth disinterested party, and the decision of the majority of the whole board shall be binding on both parties to this agreement. This agreement shall be binding between the parties hereto, and to remain in full force and effect from the date of signing of this agreement until the 15th day of May, 1917.

SEC. 17. It is further agreed that 30 days before the expiration of this agreement the new agreement will be submitted.

In witness whereof the parties hereto set their hands and seals, by their respective representatives, this 13th day of May, 1918.

Los Angeles Lodge No. 311, International Association of Machinists:
By C. F. Snow, *Business Representative.*

Mathie Brewing Co. of Los Angeles:
By EDW. MATHIE, *President.*

H. R. BOYNTON CO.,
Los Angeles, Cal., September 2, 1913.

To whom it may concern:

The reason Mr. Harris was discharged was because he failed to come to work Labor Day, and did not have a good reason.

H. R. BOYNTON CO.,
Per O. E. LYON.

CINCINNATI, OHIO, *August 18, 1910.*

Mr. WILLIAM B. HASWELL.

DEAR SIR: This will introduce to you Mr. John O'Brien, machinist.

Yours, truly,
J. R. KLINE.

INSTRUCTIONS.

Take Washington Street car in front of depot, go to Hollenbeck Hotel, Second and Spring, and immediately ring up Mr. Haswell.

Home phone A5138. Sunset Bdwy. 3572.

CONTRACT.

This agreement made this 17th day of August, A. D. 1910, by and between the Founders and Employers' Association of Los Angeles, Cal., party of the first part, and John O'Brien, representing himself to be a first-class machinist of large experience in general machine-shop work, including lathes, shapers, planers, and milling machine work and job work, party of the second part, witnesseth that the said party of the second part desiring to move to California and to enter the employment of such members of the Founders and Employers' Association to whom he may be assigned upon arrival in Los Angeles, agrees in consideration of the terms and conditions hereinafter named to proceed at once to Los Angeles and to promptly enter upon the said service upon arrival as soon as properly assigned by the executive committee thereof, promising that to the best of his ability he will render faithful service such as shall be for the best interest of his employers, and he further promises that during the term of this agreement he will not become identified with nor influenced by any labor union or their agents or walking delegates, but that he will preserve his independence, permitting no outside influence to interfere with or dictate in his affairs with his employers. He further promises to continue in said service for a term of not less than six months from the time he commences work.

The party of the first part for and in consideration of the foregoing pledge and agreement on the part of the party of the second part agrees (with the understanding that the said party of the second part is capable and willing to render good service such as may be expected from experienced machinists) to give him steady employment for not less than six months and to pay therefor 35 cents per hour, the usual day's work being nine hours.

THE FOUNDERS AND EMPLOYERS' ASSOCIATION,
By J. R. KLINE, *Agent.*
JOHN O'BRIEN.

THE KEYSTONE IRON WORKS,
Los Angeles, Cal., March 10, 1913.

Mr. DAVID JESSOME, *902 N. Broadway, City.*

DEAR SIR: As per my promise I am mailing you a check for $7.20 as payment in full for your services while at the Keystone Iron Works. It is based on 20 cents per hour, which I feel is giving you the better end of it. You hired

out to me personally as a machinist, and in your letter of March 5 you make a demand on the Keystone Iron Works for wages as machinist helper. It looks as if you misrepresented yourself to me, and endeavored to obtain machinist wages from our firm, when in reality you are only a poor helper.

Trusting this amount will be satisfactory, I am,

Respectfully,

FRANK LIVINGSTON (?)

(Name of president of company is R. Livingston.)

WILSON & WILLARD MFG. CO.,
Los Angeles, Cal., July 9, 1910.

THE INTERNATIONAL ASSOCIATION OF MACHINISTS,
Labor Temple, Los Angeles, Cal.

GENTLEMEN: On May 30, 1910, your representative, C. F. Grow, visited our plant and proceeded to make his presence as disagreeable for us as he could. We have always believed that it was well for Mr. Grow's health that the writer happened to be out of the city at the time.

We believe that individual has not favored us with a visit from that time until to-day. We did not recognize him, and did not know who he was until some time after he was gone.

Of course his mission was along the same old line, which means trouble for the employer and employee and revenue for the labor boss.

Will you please inform Mr. Grow that the next time he plans to visit our shop, it might be better for him to visit our officer first; tell him it might be better for him.

Yours, very truly,

WILSON & WILLARD MFG. CO.,
Per E. C. WILSON, *President.*

METAL TRADES COUNCIL,
Los Angeles, Cal. (*no date*).

(Chalmers) Maximum, 40 cents per hour; working time irregular, from 9 to 16 hours; also have men employed who wait for jobs to come in without pay; set time on work to be done; must be done in that time; some occasional times charge employees for work spoiled. They have a card system, name and number of owner and number of job; if mistake is made on number no pay is allowed employee. Have Packard; also Pierce-Arrow; have men who wait for jobs without pay. Chalmers pay only straight time for overtime hours; men who refuse to work overtime when requested are discharged.

W. F. MORRIS.

Emery wheels in dangerous condition, and mechanics are compelled to lie on the cement floor under the cars to do the work.

Chalmers, Packard, Pierce-Arrow, Cadillac.

[Circular letter.]

METAL TRADES COUNCIL,
Los Angeles, Cal., May 18, 1910.

GENTLEMEN: We, the undersigned committee, representing the metal trades council of Los Angeles, Cal., are desirous of entering into a working agreement with your firm and have herein inclosed a copy of the proposed agreement which we have submitted to every employer in this city for their consideration.

Our purpose in wishing to enter into this agreement with you is to keep pace with the constant change in industrial conditions throughout the country. As workingmen, we desire recognition and protection. We desire to increase our pay in accordance with the increased cost of living. We desire to give to our employers as much of our time in the shops as justice to our family and our health will permit, keeping for ourselves a sufficient amount of time to travel to and from our work and for recreation and rest.

We trust that you appreciate the position that we are taking in this matter and that you will not feel that we, as workingmen, are antagonistic to your rights and interests as employers, as it is our earnest desire to agree and

cooperate with you, to give to you the best service that we have, and to work to that end that both the employer and employee shall be mutually benefited.

This move, perhaps, is a new departure from the old system of doing business in Los Angeles, but one which the changing industrial conditions was bound to bring about sooner or later; and, now that this time has arrived, we sincerely hope that the employer will show the same kind of feeling and give us the same consideration that we have shown to them in order that a settlement may be reached that will be agreeable and beneficial to both parties.

If there is any part of this proposed agreement that you would like to take up with us we would only be too pleased to meet you and discuss it with you.

Please send your answer to Labor Temple, Room 201, by May 25, if possible, or at least by June 1.

Thanking you in advance for whatever consideration you may show us, we remain,

Very respectfully, yours,

METAL TRADES COUNCIL,
GEO. GUTHRIE,
G. DAWSON,
R. H. MIDDS,
Committee.

AGREEMENT.

Agreement entered into between the metal trades council of the city of Los Angeles, Cal., composed of the following crafts: Machinists, molders, pattern-makers, blacksmiths, boiler makers, brass workers, sheet metal workers, and employing firms of the aforesaid crafts of the city of Los Angeles and vicinity.

SECTION 1. Eight hours shall constitute a day's work.

SEC. 2. The minimum rate of wages paid shall be $4 per day for mechanics; $3 per day for helpers.

SEC. 3. All time worked after the regular eight hours per day shall be paid for at the rate of time and one-half up to 10 p. m. and double time thereafter; double time shall be paid for Sundays and holidays, namely, New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, except shop repairs, for which time and one-half shall be paid.

SEC. 4. The employment of apprentices and their numbers shall be governed by the general established custom of the various crafts.

SEC. 5. This agreement shall become effective on _____ and shall remain in effect until May 1, 1911, and thereafter until such time as either party desires a change, in which case 30 days' notice shall be given to other party of proposed change.

Signed for metal trades council:

By _____ _____,
By _____ _____,

Signed for employers:

By _____ _____,
By _____ _____,

BAKER EXHIBIT.

We are unable to find the old time records for the year 1890, covering the number of employees during our first strike. As I stated before, my recollection is that we had 175 men on the pay roll and that all but 17 went out.

We were paying the best mechanics in all departments $3.50 per day for 10 hours' work. Foremen, I think, getting 50 cents per day extra.

We were paying our laborers for rough work as low as 18 cents an hour, up to 22½ and 25 cents.

After this strike of 1890, we paid the same rate per hour as we were paying during this strike, so that men receiving $3.50 for 10 hours received $3.15 for 9 hours. New men that we put on and some of the old ones that we took back, we advanced the wages until they were getting a sufficiently higher rate per hour to make their daily earnings equal to what they formerly got under the 10-hour day, as they were making good in doing as much work in the 9 hours as they formerly did in the 10.

BAKER IRON WORKS, LOS ANGELES, CAL.

Pay roll data for week ending June 5, 1910.

[Just before strike of 1910.]

RECAPITULATION.

Number.		Paid on account.	Number.		Paid on account.
12	Blacksmiths	$111.00	4	Stables	$68.00
48	Structural steel fabricating shop	660.35	7	Store	221.00
31	Boiler shop	422.55	22	Structural steel erecting	621.40
4	Carpenters	72.75	20	Yard	278.35
21	Engineering, office	648.45	363	Total	4,467.75
10	Office, clerical	266.60		AVERAGE EARNINGS PER MAN PER WEEK.	
22	Foundry	327.10			
25	Machine shop	402.20			
8	Elevator erectors	114.35			
3	Miscellaneous labor	44.35			
5	Pattern shop	105.30	343	Men	13.45
4	Pipe shop, office	83.30	319	Shopmen	14.08
68	Pipe shop, factory	1,215.80	44	Office men	37.30

Number of shopmen at:

11½ cents per hour	4
12½ cents per hour	2
14 cents per hour	1
15 cents per hour	2
16½ cents per hour	1
17½ cents per hour	1
18 cents per hour	1
20 cents per hour	2
22½ cents per hour	88
25 cents per hour	60
27½ cents per hour	22
30 cents per hour	24
32½ cents per hour	10
33½ cents per hour	1
35 cents per hour	30
36½ cents per hour	4
37½ cents per hour	14
39 cents per hour	1
40 cents per hour	16
42½ cents per hour	8
44½ cents per hour	2
45 cents per hour	2
46 cents per hour	1
47½ per week	1
48 per week	1
49.50 per week	1
50 per week	1
52½ per week	1
54 per week	1
55 per week	2
56.25 per week	1
57.50 per week	1
58.80 per week	1
60 per week	1
62.50 per week	1
63.75 per week	1
65 per week	6
67.50 per week	1
70 per week	1
72.50 per week	1
75 per week	1
77.50 per week	1
80 per week	1
82.50 per week	1
85 per week	1
87.50 per week	1
90 per week	1
92.50 per week	1
95 per week	1
97.50 per week	1
100 per week	1
102.50 per week	1
105 per week	1
107.50 per week	1
110 per week	1
112.50 per week	1
115 per week	1
116.25 per week	1
116.60 per week	1
120 per week	1
123.75 per week	1
126.40 per week	1
128.65 per week	1
130 per week	1
132.50 per week	1
140.40 per week	1
148.75 per week	1
	319

Drafting and engineering office:

Draftsman	per month	$85.00
Mechanical engineer	do	125.00
Structural salesman	do	95.00
Apprentice	do	30.00
Draftsman	do	75.00
Do	do	82.00
Superintendent's clerk	do	140.35
Mechanical draftsman	do	125.00

Drafting and engineering office—Con.

Apprentice	per month	$35.00
Draftsman	do	85.00
Apprentice	do	35.00
Draftsman	do	100.00
Apprentice	do	37.50
Draftsman	do	85.00
Do	do	85.00
Do	do	100.00
Do	do	85.00

Office, clerical:

Shipping clerk	do	90.00
Clerk	do	117.00
Do	do	75.00
Bookkeeper	do	100.00
Office boy	do	75.00
Stenographer	do	85.00
Clerk	do	87.50
Office boy	do	37.50
Stenographer	do	75.00
Clerk	do	85.00
Collector	do	100.00
Stenographer	do	75.00
Telephone operator	do	60.00
Cost clerk	do	117.00
Clerk	do	75.00
Office boy	do	30.00

Office men:

1	do	$ 19.50
1	do	124.00
1	do	125.00
1	do	75.00
1	do	87.50
1	do	112.50
1	do	60.00
1	do	60.00
1	do	65.00
1	do	70.00
1	do	75.00
1	do	75.00
1	do	75.00
1	do	80.00
1	do	100.00
2	do	117.00
1	do	125.00
1	do	125.00
1	do	130.00
1	do	140.35
22		

[1] Apprentices. [2] Office boys and apprentices in drafting room.

Pay roll data for week ending June 5, 1915—Continued.

	Total time.	Rate per hour.	Amount due.
Pattern shop:			
Foreman	54	[1]$20.00	$20.00
Helper	54	.23½	12.15
Pattern maker	54	.42½	22.95
Do	54	.40	21.60
Helper	54	.23	12.50
Uptown store:			
Handyman	54	[1]15.00	15.00
Clerk	54	[1]20.00	20.00
Salesman	54	[1]25.00	25.48
Stenographer	54	[1]16.50	16.50
Laborer	71	.25	17.75
Blacksmith shop: [2]			
Foreman	54	[1]30.00	30.00
Helper	9	.27½	2.48
Blacksmith	15	.45	6.75
Helper	56	.25	14.00
Blacksmith	15	.40	6.00
Do	15	.40	6.00
Helper	16	.27½	4.55
Blacksmith	54	.37½	20.25
Helper	15	.27½	4.10
Do	15	.27½	4.10
Do	24	.27½	6.60
Do	24	.27½	6.60
Do	2	.25	.50
Carpenters:			
Foreman	55	.55	30.25
Helper	54	.35	18.90
Carpenter	15	.55	10.25
Do	22	.55	8.60
Elevator erectors: [3]			
Erector	73½	.37½	27.60
Do	64	.40	21.60
Do	54	.35	18.90
Helper	73½	.27½	19.85
Inspector	67½	.60	37.80
Miscellaneous:			
Engineer	69	[1]16.50	16.50
Storekeeper	53½	.23	12.15
Watchman	81	[1]12.50	18.50
Structural steel erecting: [2]			
Foreman	54	[1]20.00	20.00
Steel worker	46	.25	11.25
Do	46	.25	10.50
Do	57	.27½	15.68
Do	70	.27½	19.25
Do	54½	.30	17.10
Foreman	54	[1]40.00	40.00
Steel worker	46	.29	13.34
Do	46½	.27½	12.65
Do	46	.30	13.80
Do	46	.27½	14.30
Do	46	.30	13.80
Do	16	.25	4.00
Do	46	.29	13.34
Do	44½	.29	12.85
Do	46	.25	11.50
Do	46	.25	11.50
Do	46	.29½	13.80
Do	46	.25	11.50
Do	46	.25	11.50
Do	46	.30	13.80
Do	28	.25	7.00
Do	46	.30	13.80
Do	46	.30	13.80
Do	13	.25	3.25
Do	13	.25	3.25
Do	10	.25	2.50
Do	30	.25	7.50
Do	30	.25	7.50
Do	10	.25	2.50

	Total time.	Rate per hour.	Amount due.
Yards: [4]			
Laborer	60½	$0.22½	$13.15
Do	54	.23½	12.15
Do	66	.25	16.50
Do	85	.25	12.85
Do	70½	.25	17.60
Do	54½	.25	12.25
Do	56	.25	12.25
Do	56	.25	12.25
Do	56	.25	12.25
Do	54	.25	12.25
Do	54½	.25	12.25
Do	61½	.25	15.25
Do	50	.25	11.25
Do	54	.25	12.00
Do	56	.25	12.25
Do	28	.25	6.55
Do	54½	.25	12.00
Do	54	.25	12.75
Do	54	.25	12.50
Do	46	.25	10.00
Do	50½	.25	11.25
Foreman	54	[1]15.00	15.00
Stables:			
Driver of horses, with his team	54	[1]30.00	30.00
Driver	56	[1]13.00	12.00
Do	54	[1]15.00	15.00
Do	56	[1]12.00	12.00
Pipe shop, factory: [5]			
Pipe maker	54	.58	31.30
Helper	52	.25½	13.30
Pipe maker	45	.35	15.60
Helper	42	.25	11.00
Pipe maker	73	.48	34.30
Helper	73	.25	18.70
Pipe maker	54	.48	25.80
Do	54	.48	25.80
Helper	52	.25	13.00
Pipe maker	54	.48	25.80
Helper	54	.25	13.15
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Pipe maker	54	.48	25.80
Helper	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Pipe maker	54	.48	25.80
Do	54	.48	25.80
Do	54	.48	25.80
Helper	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Pipe maker	54	.48	25.80
Do	54	.48	25.80
Do	54	.48	25.80
Helper	54	.25	13.50
Pipe maker	54	.48	25.80
Do	54	.48	25.80
Do	54	.48	25.80
Helper	54	.25	13.50
Do	54	.25	13.50
Pipe maker	54	.48	25.80
Helper	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Pipe maker	54	.48	25.80

[1] Per week.
[2] Overtime at time and a quarter.
[3] Per month.
[4] Overtime at time and a half.
[5] Net time.

Pay roll data for week ending June 8, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Pipe shop, factory—Contd.			
Helper	51	$0.25	$12.75
Do	30	.22½	6.75
Pipe maker	53½	.26	13.91
Helper	36	.25	9.00
Pipe maker	34	.42½	14.45
Do	34	.37½	12.75
Do	45	.11½	5.06
Do	41½	.33½	10.45
Pipe shop, office:			
Clerk	24	[1] 12.00	12.00
Do	24	[1] 10.12	10.12
Do	24	[1] 9.00	9.00
Pipe shop, factory: [2]			
Foreman	24	[1] 40.10	40.10
Helper	27	.22½	6.08
Pipe maker	23	.25½	5.75
Do	18	.32½	5.85
Helper	47	.22½	10.65
Do	24	.25	12.50
Do	24	.22½	12.15
Pipe maker	45	.35	15.75
Do	63½	.34½	22.05
Do	24	.37½	22.50
Do	24	.35½	20.25
Do	24	.36	18.20
Helper	36	.22½	13.20
Pipe maker	24	.40	21.60
Do	63½	.30	18.45
Do	24	.35	22.80
Do	24	.30	19.20
Helper	27	.27½	7.42
Pipe maker	24	.30	14.40
Helper	24	.25½	12.00
Inspector	24	[1] 30.00	30.00
Pipe maker	24	.32½	17.10
Helper	41	.27½	11.28
Pipe maker	24	.32½	17.10
Helper	41½	.27½	13.06
Do	24	.17½	6.00
Pipe maker	24	.40	21.60
Do	24	.45	22.80
Helper	24	.27½	7.92
Pipe maker	24	.42½	22.95
Machine shop: [3]			
Foreman	24	[1] 30.00	30.00
Machinist	19½	.35	6.73
Do	54	.35	18.90
Do	69½	.35	24.33
Do	18	.35	6.30
Do	19	.35	6.73
Do	19	.37½	7.00
Do	18	.37½	6.75
Do	19	.35	6.73
Do	19	.35	6.73
Helper	23½	.25	5.90
Do	12	.25	3.00
Machinist apprentice	24	[2] .20	5.76
Machinist	24	[2] .35	21.00
Helper	24	.25	6.00
Machinist	37½	.35	13.13
Helper	42	.25	10.50
Machinist	24	.35	21.00
Do	18	.35	6.30
Apprentice	18	[2] .20	5.76
Helper	22½	.25	5.62
Do	53	.25	13.25
Do	61	.25	15.25
Machinist	18	.35	6.30
Helper	17	.25	4.25
Machinist	19	.35	6.73
Machinist helper	19	.25	4.75
Apprentice	46	[2] .25	11.50
Do	22	[2] .20	5.10
Machine shop—Continued.			
Machinist	71	$0.35	$24.85
Do	18	.35½	6.75
Do	43	.37½	16.12
Do	24	.35	21.00
Do	60	.41	22.05
Do	63½	.40	25.40
Foundry molders: [4]			
Foreman	24	[1] 40.00	40.00
Molder	24	.40	22.40
Do	56	.40	22.40
Do	16	.37½	6.00
Do	37	.37½	13.13
Do	37	.37½	13.13
Do	24	.35	21.00
Do	37	.37½	13.13
Do	24	.35	21.00
Core maker	24	.35	21.00
Do	16	.35	6.30
Helper	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	37½	.22½	13.13
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Do	24	.22½	13.50
Cupola tender	24	.35	8.40
Apprentice	24	.22½	13.50
Carpenter	24	.29½	17.76
Boiler shop: [5]			
Foreman	24	.45½	24.60
Boiler maker	24	.35	18.90
Do	67	.35	23.45
Helper	24	.25	6.00
Riveter	24	.35	19.20
Helper	24	.25	6.00
Riveter	24	.35	20.00
Boiler maker	24	.35	18.90
Helper	24	.25	6.00
Do	37	.25	9.25
Riveter	24	.35	19.20
Do	24	.35	19.20
Helper	24	.25	6.00
Do	24	.25	6.00
Riveter	24	.35	19.20
Helper	24	.25	6.00
Do	24	.25	6.00
Riveter	24	.35	19.20
Helper	24	.25	6.00
Riveter	24	.35	19.20
Helper	24	.25	6.00
Do	24	.25	6.00
Do	24	.25	6.00
Do	24	.25	6.00
Riveter	24	.35	19.20
Structural steel fabricating shop: [5]			
Helper	23½	.25	5.88
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Marker	61½	.37½	24.60

[1] Per week.
[2] Overtime at time and a half.
[3] Overtime at time and a quarter.

Pay roll data for week ending June 5, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel fabricating shops—Continued.			
Helper	37	20.22½	$6.05
Fitter	39½	.39	15.70
Fitter	39	.32½	12.15
Helper	39	.27½	10.50
Fitter	39	.36	14.10
Do	39½	.36	14.10
Helper	42	.22½	9.30
Fitter	44	.36	15.80
Marker	47½	.37½	17.40
Helper	44	.22½	9.10
Do	24	.17½	4.10
Do	24	.17½	4.10
Do	24	.17½	4.75
Do	24	.17½	12.15
Foreman	24	1.62½	32.50
Helper	24	.22½	15.15
Fitter	39½	.36	14.10
Helper	39½	.27½	10.45
Do	24	.17½	12.15
Marker	24	.37½	15.30
Helper	42	.22½	15.10
Fitter	42	.36	15.60
Helper	42	.22½	15.10
Fitter	24	.36	14.80
Do	24	.36	14.80
Helper	39	.27½	11.25

	Total time.	Rate per hour.	Amount due.
Structural steel fabricating shops—Continued.			
Helper	39	20.22½	$1.80
Fitter	39½	.36	14.10
Helper	39½	.27½	10.70
Do	42	.27½	10.50
Do	24	.27½	6.15
Do	44	.27½	12.45
Do	44	.27½	12.10
Do	44	.27½	10.90
Do	44	.27½	12.10
Do	44	.27½	12.10
Fitter	44	.36	15.80
Marker	44	.37½	13.15
Do	44	.37½	15.30
Helper	44	.22½	17.80
Do	44	.22½	10.11
Marker	44	.37½	14.20
Helper	44	.22½	13.70
Do	44	.22½	9.10
Marker	44	.37½	14.20
Helper	44	.22½	4.80
Do	44	.22½	12.15
Do	44	.22½	9.45
Do	44	.22½	13.10
Do	44	.22½	4.75
Marker	44	.37½	16.50

Data from pay roll for week ending August 31, 1910.

[Two months after strike.]

NUMBER OF MEN ON ROLL.

1910.		1910.	
June 5 (high)	362	Aug. 7	305
June 12	317	Aug. 14	309
June 19	309	Aug. 21	309
June 26 (low)	294	Aug. 28	315
July 3	344	Sept. 4	343
July 10	303	Sept. 11	337
July 17	282	Sept. 18	333
July 24	307	Sept. 25 (high)	372
July 31	294		

RECAPITULATION.

[Week ending Aug. 31, 1910.]

Number.		Paid on account.	Number.		Paid on account.
6	Blacksmiths	$77.86	42	Structural steel erecting, Atlantic states	$714.65
28	Beam shop, structural fabricating	738.65	11	Structural steel erecting, Atlantic states	235.45
30	Boiler shop	268.70	28	Yard	239.45
4	Carpenters	79.25			
12	Office, engineers	488.80	321	Total	3,268.10
12	Office, clerical	488.15			
20	Foundry	247.00			
23	Machine shop	848.80		AVERAGE EARNINGS PER MAN PER WEEK.	
1	Elevator service	16.25			
1	Miscellaneous labor	19.60			
1	Pattern shop	16.25			
2	Pipe shop, office	34.50	321	Men	10.41
21	Pipe shop, factory	767.35	372	Shortmen	10.61
4	Painters	69.00	42	Office and shops	38.80
7	Sewers	211.34			

[1] Per week.

Data from pay roll for week ending August 21, 1910—Continued.

Number of shopmen at:	
11¼ cents per hour	2
12½ cents per hour	2
15 cents per hour	2
18 cents per hour	1
20 cents per hour	4
22½ cents per hour	61
25 cents per hour	53
27½ cents per hour	15
27½ cents per hour	12
30 cents per hour	18
32½ cents per hour	10
33¾ cents per hour	21
35 cents per hour	17
36¼ cents per hour	13
37½ cents per hour	7
38¾ cents per hour	1
40 cents per hour	14
42½ cents per hour	1
41¼ cents per hour	1
44¼ cents per hour	3
55 cents per hour	1
$15.00 per week	11
$15.30 per week	11
$15.75 per week	11
$16 per week	11
$16 per week	11
$17 per week	13
$18 per week	2
$18.15 per week	1
$17 per week	1
$18 per week	1
$18.90 per week	1
$20 per week	5
$22.50 per week	1
$40.40 per week	1
$48.10 per week	1
	276

Office—Engineers and draftsmen:		
Draftsman	per month	$95. 62
Mechanical engineer	do	100. 00
Structural salesman	do	90. 65
Apprentice	do	25. 00
Draftsman	per month	378. 00
Superintendent's clerk	do	140. 85
Mechanical draftsman	do	125. 00
Apprentice	do	30. 00
Do	do	27. 10
Draftsman	do	100. 00
Do	do	85. 00

[1] Apprentices.

Office—Engineers and draftsmen—Continued.		
Draftsman	per month	$96. 62
Do	do	78. 00
Do	do	71. 50
Do	do	78. 00
Office, clerical:		
Shipping clerk	do	90. 00
Clerk	do	117. 00
Stenographer	do	78. 00
Clerk	do	75. 00
Bookkeeper	do	135. 00
Office boy	do	24. 00
Clerk	do	90. 00
Do	do	78. 00
Do	do	65. 00
Stenographer	do	75. 00
Collector	do	100. 00
Telephone operator	do	60. 00
Cost clerk	do	117. 00
Clerk	do	70. 00

Office boys—Number at:	
$3 per week	2
$11.10 per week	1
$10 per week	2
$17.85 per week	1
$20 per week	1
$22 per week	1
$24 per week	1
$11.50 per week	1
$12 per week	1
$13 per week	4
$14 per week	1
$15.05 per week	3
$90 per week	1
$100 per week	1
$117 per week	1
$125 per week	1
$135 per week	1
$140.85 per week	1
$180 per week	1
	29

Store—Number of men at:	
$20 per week	1
$25.40 per week	1
$16.50 per week	1
$6 per week (boy)	1
$16.50 per week	1
	5

[2] Office boys and apprentices in draftingroom.

	Total time.	Rate per hour.	Amount due.
Structural steel erection:[1]			
Foreman			$95. 00
Steel worker	88	$15. 00	15. 00
Do	70½	.30	27. 00
Do	88	.25	12. 00
Do	72	.25	36. 00
Do	54	.27½	14. 85
Do	78½	.30	27. 00
Do	54	.25	15. 00
Do	72	.30	36. 00
Do	88	.25	15. 00
Do	54	.25	13. 50
Do	54	.25	13. 50
Do	57	.30	25. 65
Do	72	.25	36. 00
Do	54	.30	13. 50
Do	88	.25	15. 00
Do	72	.25	36. 00
Do	54	.25	13. 50
Do	67	.30	30. 15

[1] Overtime at time and a half.

	Total time.	Rate per hour.	Amount due.
Structural steel erection—Continued.			
Steel worker	72½	$0. 30	$21. 45
Do	67	.25	21. 00
Do	67	.25	21. 00
Do	67	.25	21. 00
Do	72	.25	36. 00
Do	88	$15. 00	15. 00
Do	60	.27½	16. 50
Do	60	.25	15. 00
Do	60	.25	15. 00
Do	67	.30	30. 15
Do	54	.25	13. 50
Do	54	.25	13. 50
Do	57	.30	25. 65
Do	72	.25	36. 00
Do	54	.30	13. 50
Do	88	.25	15. 00
Do	72	.25	36. 00
Do	54	.25	13. 50
Do	67	.30	30. 15

[1] Per week.

Data from pay roll for week ending August 21, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel workers—Continued.			
Steel worker	3	39.27½	$2.30
Do	65	.35	19.25
Do	81	.36	12.20
Do	46	.37½	13.23
Do	65	.37½	19.69
Do	22	.30	5.70
Do	12	.30	4.80
Foreman	54	[1] 30.00	30.00
Steel workers	54	.35	13.30
Do	54	.36	13.20
Do	53	.37½	14.55
Do	54	.35	13.30
Do	54	.36	14.58
Do	54	.37½	14.85
Do	54	.35	13.30
Structural steel fabricating shop: [2]		—	
Foreman	54	[1] 32.30	32.30
Fitter	54	.37½	14.85
Helper	54	.35	13.15
Do	54	.36	13.30
Do	45	.36	11.25
Do	53½	.36	13.70
Do	54	.35½	12.15
Do	54	.36	13.25
Marker helper	54	.36	13.20
Fitter	54	.37½	14.55
Marker	49	.35	16.26
Helper	54	.35	12.15
Fitter	54	.37½	14.55
Do	54	.37½	14.85
Helper	13	.36	4.80
Do	54	.35½	12.15
Do	54	.35½	13.15
Do	13	.36	4.80
Do	54	.36	13.30
Fitter	54	.37½	14.66
Marker	46	.36½	20.45
Helper	48	.35½	10.10
Fitter	37	.37½	7.40
Helper	54	.35½	12.15
Do	54	.35½	11.25
Do	45	.15	6.75
Do	54	.35½	12.15
Do	25	.36	9.00
Do	11	.36½	4.39
Do	54	.35½	12.15
Do	54	.36	13.30
Do	54	.35½	13.15
Do	54	.15	8.10
Do	54	.36	13.30
Do	54	.35½	12.15
Do	54	.36	13.30
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	45	.35½	10.68
Do	54	.36	13.30
Do	54	.36	11.69
Do	44½	.35½	10.68
Do	54	.15	6.75
Fitter	54	.37½	14.85
Helper	18	.35½	4.66
Do	54	.36	13.30
Do	54	.36	11.39
Do	45	.15	6.75
Do	54	.36	13.30
Do	54	.35½	12.15
Do	18	.35½	4.66
Do	30	.35½	11.25
Do	54	.36	13.30
Do	54	.35½	12.15
Fitter	54	.37½	14.85
Marker	54	.36	13.30
Do	36	.35½	11.70
Do	54	.35	13.30
Helper	54	.35½	12.15
Do	54	.36	9.10
Do	18	.25½	4.65

	Total time.	Rate per hour.	Amount due.
Boiler shop: [2]			
Foreman	54	[1] 35.44½	$23.00
Boiler maker	37½	.35	14.66
Do	54	.36	14.39
Do	54	.37½	14.85
Helper	54	.35½	12.15
Do	54	.36	13.30
Do	54	.35½	12.15
Boiler maker	54	.36	13.30
Do	54	.36	13.30
Helper	54	.35½	12.15
Do	54	.36	13.30
Do	54	.35½	12.15
Boiler maker	37½	.36	13.50
Riveter	54	.35½	12.15
Helper	37½	.35½	13.15
Do	54	.36	13.15
Do	54	.35½	11.25
Do	54	.36	13.30
Do	3	.35½	1.06
Carpenters:			
Foreman	54	.35	18.70
Carpenter	54	.35	13.30
Do	54	.36	13.30
Helper	42	.36	10.78
Foundry molders:			
Foreman	54	[1] 30.00	[1] 30.00
Molder	54	.40	21.60
Do	54	.40	21.60
Do	54	.37½	20.25
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Core makers:			
Do	54	.35	18.90
Do	54	.36	19.39
Helpers: [2]			
Laborer	40	.35½	14.66
Do	40	.35½	14.66
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	54	.35½	12.15
Do	54	.36	13.30
Do	54	.36	13.30
Carpenter	43	.37½	14.66
Machine shop: [2]			
Machinist	43½	.35	13.15
Do	53	.37½	20.70
Do	151½	.40	58.60
Helper	40½	.35½	10.60
Do	54	.36	21.60
Apprentice	53½	[1] 6.00	6.15
Helper	54	.35½	12.15
Machinist	54	.40	21.60
Helper	40	.35½	13.60
Do	54	.37½	14.85
Do	54	.36	13.30
Machinist	3	.35	1.05
Apprentice	54	[1] 6.75	6.75
Do	54	[1] 5.30	5.30
Machinist	54	.40	21.60
Helper	54	.35½	12.15
Do	54	.36	13.30
Do	50	.37½	18.75
Do	54	.36	19.69
Do	42	.36	15.75
Machinist	45	.35	15.69
Apprentice	54	[1] 5.60	5.60
Pattern shop:			
Foreman	54	[1] 30.00	30.00
Helper	54	.35½	12.15
Do	54	.36	13.30
Patternmakers	54	.43½	32.85
Do	18	.40	7.20

[1] Per week. [2] Overtime at time and a quarter. [3] Overtime at time and a half. [4] Not time

Data from pay roll for week ending August 21, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Pipe shop, office:			
Clerk	54	[1] $113.60	$113.60
Do	54	[1] 116.11	116.11
Do	54	[1] 110.00	110.00
Pipe shop, factory: [2]			
Foreman	54		46.10
Pipe maker	55	.30½	16.85
Helper	54	.22½	12.15
Pipe maker	56	.30	16.80
Helper	54	.22½	12.15
Pipe maker	27	.30	8.10
Helper	18	.22½	4.05
Do	54	.22½	12.15
Do	26	.22½	5.19
Do	54	.30	16.20
Do	48	.30	14.40
Do	54	.22½	12.15
Do	54½	.11	5.70
Do	27	.22½	6.15
Pipe maker	59	.30	20.95
Helper	54	.30	13.50
Do	45	.30	13.50
Inspector	54	[1] 30.00	30.00
Helper	54	.30	13.70
Pipe maker	45	.22½	13.05
Do	54	.30	16.20
Do	54	.30½	17.55
Helper	54	.22½	12.15
Pipe maker	47½	.30	20.95
Helper	27	.22½	6.15
Do	54	.22½	12.15
Pipe maker	54	.30	16.20
Helper	54	.27½	14.85
Pipe maker	53	.27½	20.40
Do	54	.32½	17.55
Do	78	.30½	27.70
Helper	54	.22½	12.15
Pipe maker	70½	.30	21.05
Do	54	.32½	17.55
Do	54	.44½	24.00
Do	54	.30	16.20
Helper	54	.22½	12.15
Do	45	.13½	5.60
Pipe maker	54	.30½	16.20
Helper	54	.23½	12.15
Do	54	.22½	12.15
Pipe maker	54	.30½	16.20
Do	54	.30½	16.20
Do	48	.30	14.70
Helper	54	.27½	14.85
Pipe maker	54	.32½	17.55
Helper	48	.15	11.25
Pipe maker	18	.40	7.20
Helper	54	.15	12.50

	Total time.	Rate per hour.	Amount due.
Pipe shop, factory—Con.			
Helper	54	22.11½	12.00
Do	14	.22½	3.15
Do	18	.25	4.50
Do			.90
Elevator erectors: [3]			
Erector	54½	.37½	20.62
Do	54½	.40	22.70
Inspector	72½	.45	32.50
Helper	54½	.27½	15.00
Do	27½	.25	7.10
Stables: [3]			
Driver with his own team	54	30.00	30.00
Do	66	12.00	12.00
Do	66	15.00	15.00
Do	66	12.00	12.00
Store:			
Clerk	54	30.00	30.00
Salesman	54	22.00	22.00
Handy man	54	16.00	16.00
Helper	54	[4] 1.00	6.00
Stenographer	54	16.00	16.00
Yards: [3]			
Foreman	54	[4] 7.00	17.00
Laborer	41	.25	10.25
Do	54	.22½	12.15
Do	63	.25	15.75
Do	54	.25	13.50
Do	55½	.25	13.88
Do	54	.25	5.50
Do	18	.25	4.50
Do	22	.25	5.50
Do	49	.25	11.00
Do	46	.25	10.00
Do	54	.27½	14.85
Do	70	.27½	19.25
Do	54	.25	13.50
Do	45	.25	11.25
Do	45	.25	11.25
Do	45	.25	11.25
Do	43	.25	10.75
Do	22	.25	5.75
Blacksmiths:			
Blacksmith	41	.41½	17.10
Helper	46	.32½	14.95
Do	53	.30	15.90
Blacksmith	54	.37½	20.25
Do	18	.40	7.20
Helper	53	.30	7.20
Engineer	54	[4] 6.00	18.00
Stockkeeper	54	[4] 5.00	15.00
Watchman	81	[4] 10.00	10.00

[1] Per week. [2] Overtime at time and a half. [3] Not time. [4] Per day.

Pay roll for week ending October 23, 1919.

[Alexandria Annex.]

RECAPITULATION.

Number.		Amount due.	Number.		Amount due.
10	Blacksmiths	$162.75	7	Store	$317.99
24	Structural steel fabricating shop	462.15	17	Yard	310.99
24	Boiler shop	436.75	54	Structural steel erectors, Alexandria annex	992.65
5	Carpenters	77.13	18	Structural steel erectors	283.99
13	Office, engineers	883.90			
18	Office, clerical	466.00	347	Total	$5,989.99
21	Foundry	457.65			
3	Elevator erectors	66.90		AVERAGE EARNINGS PER MAN PER WEEK.	
10	Machine shop	467.80			
4	Miscellaneous labor	58.78	347	Men	16.99
4	Pattern shop	91.70	47	Men, office and store	25.65
4	Pipe shop, office	94.30	300	Shopmen	15.99
91	Pipe shop, foundry	921.10			
4	Stables	70.00			

Office—Engineers and draftsmen.

Draftsman	per month	$256.65
Mechanical engineer	do	160.00
Structural steel inspector	per month	98.65
Apprentice	do	29.00
Draftsman	do	78.00
Superintendent's clerk	do	140.35
Mechanical draftsman	do	125.00
Apprentice	do	52.00
Do	do	29.75
Draftsman	do	85.00
Do	do	98.65
Do	do	78.00
Apprentice	do	30.35
Do	do	46.65

Office, clerical:

Shipping clerk	do	90.00
Clerk	do	117.00
Stenographer	do	78.00
Clerk	do	75.00
Bookkeeper	do	135.00
Office boy	do	26.00
Do	do	26.00
Clerk	do	97.65
Office boy	do	30.35
Do	do	30.00
Clerk	do	85.00
Stenographer	do	78.00
Collector	do	100.00
Telephone operator	do	90.00
Cost clerk	do	117.00

Office, number of men at:

$26 per month	[1] 2
$28.35 per month	[1] 1
$30.35 per month	[1] 2
$39 per month	[1] 2
$46.65 per month	[1] 1
$47.75 per month	[1] 1
$52 per month	[1] 1
$60 per month	[1] 1
$65 per month	1
$70 per month	1
$75 per month	1
$78 per month	3
$85 per month	[2] 1
$86.65 per month	3
$90 per month	1
$100 per month	1
$117 per month	2
$125 per month	1
$135 per month	1

Office, number of men at—Contd.

$140.35 per month	1
$160 per month	1

Store, number of men at:

$12 per week	1
$16.50 per week	1
$18 per week	1
$20 per week	1
$25.65 per week	1

Number of shop men at:

11¼ cents per hour	[2] 2
14 cents per hour	[2] 1
15 cents per hour	[2] 1
17½ cents per hour	[2] 2
18 cents per hour	[2] 1
20 cents per hour	3
22½ cents per hour	53
25 cents per hour	51
27½ cents per hour	37
27½ cents per hour	4
30 cents per hour	19
30½ cents per hour	4
32½ cents per hour	4
33½ cents per hour	39
35 cents per hour	18
36½ cents per hour	15
37½ cents per hour	6
38½ cents per hour	1
40 cents per hour	13
42½ cents per hour	3
44½ cents per hour	2
47½ cents per hour	1
45 cents per hour	1
50 cents per hour	1
52½ cents per hour	1
$8 per week	[2] 2
$9 per week	[2] 1
$9.50 per week	[2] 1
$10 per week	[2] 1
$12 per week	[2] 3
$15 per week	[2] 3
$16.15 per week	2
$17 per week	1
$18 per week	1
$18.50 per week	1
$28.35 per week	1
$30 per week	5
$32.50 per week	1
$40.40 per week	1
$48.10 per week	1
	300

[1] Office boys and drafting-room apprentices.

[2] Apprentices.

Pay roll for week ending October 22, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel erecting: [1]			
Steel worker	27	$0.32½	$8.68
Do	30½	.32½	9.91
Do	34	.32½	11.05
Do	14	.32½	4.55
Do	34	.32½	11.05
Do	36	.32½	11.70
Do	34	.32½	11.05
Do	34	.32½	11.05
Do	34	.32½	11.05

Pay roll for week ending October 23, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Pipe shop, factory—Con.			
Helper	54	$0.27½	$14.85
Do	54	.23	12.15
Do	54	.27½	14.85
Pipe maker	53½	.30	15.90
Helper	54	.27½	14.85
Pipe maker	54	.30	16.20
Helper	37	.23½	8.70
Do	45	.25	11.25
Pipe maker	54	.30	16.20
Inspector	54	[1] 20.00	20.00
Helper	54	.23½	12.15
Pipe maker	22	.33	7.26
Do	54	.30	16.50
Do	54	.30	16.50
Helper	54	.25	13.50
Do	54	.23½	12.15
Do	24½	.30	7.35
Do	54	.23½	12.15
Pipe maker	54	.41½	22.05
Machine shop: [2]			
Machinist	50	.35	17.50
Do	54	.37½	20.25
Do	31	.45	13.95
Helper	52	[1] 15.00	17.50
Machinist	69½	.40	27.80
Apprentice	54	[1] 5.00	5.00
Machinist	54	.35	18.90
Helper	71	.25	17.75
Machinist	54	.40	21.60
Apprentice	48½	[1] 6.00	6.00
Helper	54	.22½	12.15
Machinist	54	.40	21.60
Helper	63	.22½	14.15
Machinist	54	.35	18.90
Helper	63	.20	13.05
Do	37	.27½	10.05
Do	54	.22½	12.15
Do	9	.22½	2.00
Machinist	45	.35	15.75
Helper	46½	.20	9.85
Machinist	53½	.37½	19.70
Do	44½	.35	14.95
Apprentice	54	[1] 6.00	6.00
Machinist	54	.42	22.67
Helper	54	[1] 16.15	16.15
Machinist	61	.37½	22.85
Do	54	.35	18.90
Helper	45	[1] 15.00	13.50
Machinist	60½	.35	21.05
Do	30	.40	11.30
Blacksmiths: [3]			
Blacksmith	54	.411	22.20
Helper [3]	41½	.22½	13.45
Blacksmith	54	.30	22.60
Helper	56	.25	14.00
Do	56	.25	14.00
Blacksmith	54	.32½	17.10
Do	54	.37½	20.25
Helper	56	.25	14.00
Do	45	.25	11.25
Do	41	.27½	11.25
Carpenters: [4]			
Foreman	54	.55	29.70
Carpenter	54	.35	18.90
Helper	45	.25	11.25
Do	9	.25	2.25
Do	60½	.25	15.05
Elevator erectors: [5]			
Erector	65	.40	25.20
Helper	38	.27½	14.10
Inspector	60½	.45	25.65
Miscellaneous: [6]			
Engineer	54	[1] 13.00	13.00
Storekeeper	54	.25	13.50
Watchman	61	[1] 16.50	16.50
Do	27	.25	6.75

	Total time.	Rate per hour.	Amount due.
Foundry molders:			
Foreman	54	[1] 33.00	$33.00
Molder	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.40	21.60
Do	54	.37½	20.25
Coremakers	54	.32	17.30
Do	54	.30	16.20
Helpers: [4]			
Laborer	60	.22½	14.25
Do	60	.22½	14.25
Do	54	.22½	12.15
Do	54	.22½	12.15
Do	54	.20	12.60
Do	54	.22½	12.15
Do	54	.22½	12.15
Do	54	.22½	12.15
Do	54	.30	12.30
Do	54	[1] 5.00	5.00
Do	54	.25	12.60
Carpenters	54	.35	18.90
Boiler shop: [7]			
Foreman	54	.44½	24.03
Helper	54	.22½	12.15
Do	54	.22½	12.15
Boiler maker	54	.37½	20.25
Helper	49½	.22½	11.30
Do	54	.22½	12.15
Riveter	54	.30	16.20
Boiler maker	54	.40	21.60
Helper	45	.22½	10.10
Do	54	.27½	14.85
Do	50	.14	7.00
Do	54	.22½	12.15
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.25	13.50
Do	42	.25	10.50
Do	54	.22½	12.15
Riveter	54	.30	16.20
Foreman	54	[1] 33.00	33.00
Helper	50	.22½	11.25
Boiler maker	54	.37½	20.25
Helper	54	.27½	14.85
Do	54	.25	13.50
Do	50	.22½	11.25
Do	54	.22½	12.15
Do	54	.25	13.50
Do	54	.25	13.50
Do	54	.22½	12.15
Riveter	13	.30	3.90
Helper	54	.22½	12.15
Do	54	.22½	12.15
Do	23	.22½	5.19
Do	18	.22½	4.05
Structural steel fabricating shop: [8]			
Foreman	54	[1] 32.50	32.50
Marker	54	.27½	14.85
Fitter	54	.35	18.90
Helper	54	.25	13.50
Do	50	.25	12.50
Do	52	.25	13.00
Marker	54	.30	16.20
Do	54	.27½	14.85
Helper	54	.25	13.50
Fitter	54	.37½	20.25
Do	54	.37½	14.85
Helper	54	.25	12.15
Do	54	.25	13.50
Fitter	54	.37½	14.85
Marker	54	.37½	14.85
Helper	54	.25	12.15

[1] Per week. [2] Overtime at time and a half. [3] Overtime at time and a quarter. [4] Not time.

Pay roll for week ending October 25, 1910—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel fabricating shop—Continued.			
Helper	54	20.22½	$12.15
Do	54	.22½	12.15
Do	54	.17½	9.45
Fitter	54	.27½	14.85
Marker	54	.33⅓	18.00
Helper	54	.22½	12.15
Do	54	.22½	12.15
Do	45	.25	11.25
Do	54	.22½	12.15
Structural steel fabricating shop—Continued.			
Helper	55½	20.25	$13.88
Do	54	.25	13.50
Do	60	.22½	12.56
Do	54½	.17½	9.55
Do	54	.25	13.50
Do	55	.25	13.88
Marker	54	.33⅓	18.00
Do	54	.30	16.20

Data from pay roll for week ending August 2, 1914.

RECAPITULATION.

Number.		Paid on account.	Number.		Paid on account.
6	Blacksmiths	$66.60	47	Pipe shop, factory	$782.40
45	Structural steel fabricating	920.05	4	Stables	94.20
23	Boiler shop	644.35	70	Structural	1,314.60
4	Carpenters	39.55	18	Yards	196.45
20	Beginning, office	1,101.55	383	Total	7,748.20
21	Foundry	460.70		AVERAGE PER MAN PER WEEK.	
22	Office, clerical	732.85			
25	Machine shop	661.60	303	Men	20.20
9	Elevator erectors	197.20	315	Shopmen	18.35
5	Miscellaneous labor	85.80	65	Office	39.07
4	Pattern shop	73.70			
3	Pipe shop, office	97.30			

	Married.	Single.
Number of shop men at:		
19½ cents per hour		1 [2]
20 cents [1] do		5
22½ cents do	5	15
25 cents do	20	40
27½ cents do	19	22
27½ cents do		3
30 cents do	10	9
30½ cents do	3	6
32½ cents do	5	7
33½ cents do	5	11
35 cents do	7	5
36½ cents do	7	4
37½ cents do	9	3
38½ cents do	4	3
40 cents do	15	
42½ cents do	12	2
44½ cents do	1	
45 cents do	12	
44½ cents do	2	
$15.00 per week	1	
18.00 do	2	1
18.00 do	1	1
17.20 do		1
20.00 do		3
30.00 do	1	
22.50 do	1	
35.00 do	2	
36.00 do	2	
36.90 do	1	
40.40 do	1	
Total	174	148

[1] Apprentices. [2] Outside men with board, lodging, and expenses allowed.

Data from pay roll for week ending August 8, 1914—Continued.

General office:	
City buyer, single, per month	$200.00
Shipping clerk, single, do	105.00
Telephone operator, single, per month	57.00
Clerk, married, do	135.00
Stenographer, single, do	83.33
Do, do	84.50
Clerk, single, do	65.00
Telephone operator, single, per month	62.00
Cashier, married, do	175.00
Clerk, single, do	65.00
Stenographer, single, do	75.00
Cost clerk, married, do	110.00
Clerk, single, do	90.00
Office boy, single, do	34.67
Collector, married, do	133.33
Stenographer, single, do	78.00
Office boy, single, do	30.33
Pipe salesman, married, do	266.67
Clerk, married, do	90.00
Clerk, single, do	65.00
Elevator salesman, married, per month	125.00
Structural salesman, married, per month	135.00
Clerk, married, do	71.50
Structural salesman, married, per month	135.00
Mechanical engineer, married, per month	175.00
Clerk, single, do	52.00
Do, do	93.17
Plate salesman, married, per month	87.50
Structural salesman, married, per month	100.00
General office—Continued.	
Structural salesman, single, per month	$100.00
Structural salesman, married, per month	135.00
Elevator salesman, married, per month	225.00
Plate salesman, married, per month	240.00
Superintendent's clerk, married, per month	150.00
Structural salesman, married, per month	225.00
Assistant superintendent, married, per month	375.00
Drafting room:	
Draftsman, single, per month	71.50
Chief draftsman, married, per month	130.00
Draftsman, single, do	100.00
Apprentice, single, do	22.75
Draftsman, married, do	104.00
Engineer, married, do	114.33
Tracer, single, do	41.17
Draftsman, single, do	78.00
Engineer, married, do	130.00
Draftsman, married, do	100.00
Apprentice, single, do	33.33
Tracer, single, do	41.33
Draftsman, single, do	100.00
Do, do	73.00
Draftsman, married, do	100.00
Apprentice, single, do	21.67
Tracer, single, do	43.33
Draftsman, single, do	104.00
Do, do	104.00
Draftsman, married, do	90.00
Do, do	73.00
Office, janitor, married, do	58.50

	Married.	Single.
Number of office men at:		
$21.67 per month		1
22.75 do		1
30.33 do		1
34.67 do		1
36.83 do		1
43.33 do		2
41.17 do		1
52.00 do		1
57.00 do		1
62.00 do		1
65.00 do		3
71.50 do	1	1
73.00 do		1
75.00 do		1
78.00 do	1	2
83.33 do		1
87.50 do		1
87.50	1	
90.00 do	2	1
93.17 do		1

	Married.	Single.
Number of office men at—Con.		
100.00 per month	2	3
104.00 do	1	2
105.00 do		1
110.00 do	1	
114.33 do	1	
125.00 do	1	
130.00 do	2	
133.33 do	1	
135.00 do	4	
150.00 do	1	
175.00 do	2	
200.00 do		1
225.00 do	2	
240.00 do	1	
266.67 do	1	
375.00 do	1	
58.50 do	1	
Total	28	36

[1] Office boys and drafting room apprentices.

Data from pay roll for week ending August 8, 1914—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel fabricating shop: [1]			
Foreman, married	54	$36.00	$36.00
Fitter, married	44	.32½	14.65
Fitter, single	54	.32½	14.65
Helper, single	44	.30	13.20
Fitter, single	44	.32½	14.65
Helper, married	54	.32½	19.50
Helper, single	43½	.30	13.20
Marker, single	36	.35	12.60
Helper, married	44	.35	14.60
Do	43½	.35	15.20
Do	54	.35	19.60
Marker, married	44	.30	13.20
Fitter, married	44	.32½	14.65
Helper, single	43½	.30	13.20
Do	47½	.30	14.25
Do	44	.30	13.20
Do	30	.30	9.00
Fitter, single	43½	.37½	17.06
Helper, single	44	.32½	14.30
Helper, married	43½	.35	15.05
Fitter, single	54	.37½	14.85
Do	43½	.37½	17.06
Marker, married	54	.32½	17.55
Do	43½	.30	19.55
Fitter, married	44	.32½	14.65
Marker, single	44	.35	15.40
Helper, married	54	.35	13.50
Helper, single	54	.30	13.50
Do	54	.25	13.50
Helper, married	71½	.30	17.55
Helper, single	54	.35	13.50
Helper, married	45	.35	11.25
Fitter, single	44	.32½	14.65
Helper, married	45	.30	11.25
Do	44	.30	12.30
Fitter, married	23	.30	9.00
Do	54	.30	16.20
Do	43½	.32½	17.06
Fitter, single	44	.32½	14.65
Helper, married	54	.30	13.50
Fitter, married	43½	.30	19.55
Helper, single	44	.30	13.20
Marker, married	54	.35	16.90
Helper, single	54	.30	12.15
Do	54	.32½	13.15
Fitter, married	54	.30	16.20
Helper, married	54	.30	13.70
Helper, single	75	.30	18.65
Helper, married	54	.32½	12.15
Helper, single	54	.32½	12.15
Do	54	.32½	12.15
Do	54	.32½	12.15
Helper, married	54	.32½	13.15
Fitter, married	54	.32½	14.65
Helper, single	54	.30	13.20
Helper, married	54	.30	13.20
Gang boss, married	45½	.45	27.75
Helper, single	10	.35	4.20
Carpenters: [2]			
Foreman, married	100	.45	45.00
Helper, married	94½	.30	28.35
Helper, single	82½	.27½	15.60
Do	2	.35	.00
Blacksmiths: [2]			
Helper, married	56	.30	16.80
Blacksmith, married	54	.42½	22.95
Do	54	.42½	22.95
Helper, married	38	.37½	15.40
Blacksmith, married	37	.40	10.80
Helper, married	28	.37½	7.70
Pattern makers:			
Foreman, married	54	$22.50	$22.50
Pattern maker, single	28	.42½	11.90
Helper, married	54	.30	16.20
Apprentice, single	43½	.30	13.10
Miscellaneous: [3]			
Storekeeper, married	90	[4] 15.00	15.65
Engineer, single [5]	62½	[4] 15.00	19.55
Watchman, single [6]	94	[4] 17.30	17.30
Watchman, married [6]	91	[4] 16.15	16.15
Machine shop: [1]			
Foreman, married	54	$36.00	36.00
Machinist, married	44	.57½	25.25
Helper, married	44	.30	13.20
Do	54	.30	13.20
Machinist, married	54	.45	21.60
Garage, single	58½	[4] 20.00	20.00
Garage, married	56½	[4] 14.10	18.35
Machinist, married	51½	.37½	19.30
Helper, single	54	.37½	14.85
Machinist, married	54	.40	21.60
Do	45	.42½	19.10
Do	54	.40	21.60
Helper, married	60½	.37½	18.85
Helper, single	54	.25½	12.15
Machinist, married	56½	.37½	20.80
Helper, married	62½	.37½	17.95
Machinist, married	54	.44	24.20
Do	57	.42½	11.48
Helper, married	54	.30	16.20
Machinist, married	54	.45½	22.95
Helper, married	54	.37½	14.85
Do	54	.32½	17.55
Helper, single	54	.30	16.20
Electrician, married	60	.45	27.00
Helper, married	54½	.30	16.40
Machinist, married	52	.45	21.60
Do	54	.45	24.30
Helper, married	75	.37½	28.15
Machinist, single	54½	.42½	23.05
Machinist, married	52½	.37½	21.30
Helper, single	46	.30	17.40
Machinist, married	54	.37½	20.25
Do	44	.35	15.40
Do	54½	.42½	14.65
Helper, single	52	.30	5.30
Foundry:			
Foreman, married	54	$36.00	36.00
Molder, married	44	.60	27.00
Do	54	.60	32.40
Molder, single	54	.37½	20.25
Molder, married	44	.45	24.30
Do	46	.42½	19.10
Do	37	.60	14.80
Do	44	.44½	26.60
Do	41	.37½	15.10
Core makers:			
Core maker, married	54	.50	15.50
Do	54	.37½	20.25
Do	54	.37½	20.25
Helpers: [6]			
Laborer, single	60	.37½	18.70
Do	60	.37½	13.50
Do	60	.37½	13.50
Laborer, married	60	.37½	13.50
Do	60	.37½	18.70
Laborer, single	60	.37½	13.50
Laborer, married	60	.37½	13.50
Cupola feeder, single	54	.37½	17.55
Carpenter, married [6]	60	.35	21.00
Boiler shop: [1]			
Foreman, married	54	$36.00	36.00
Helper, married	60	.30	16.20
Helper, single	54	.25	13.50
Boiler maker, married	60	.45	27.00
Layer out, married	54	.45	24.30
Helper, single	54	.27½	14.40
Riveter, single	52½	.27½	24.05
Helper, single	52½	.30	15.05

[1] Overtime at time and a quarter.
[2] Overtime at time and a half.
[3] Overtime not.
[4] Per week.
[5] Per month.
[6] Time not.

Data from pay roll for week ending August 2, 1914—Continued.

	Total time.	Rate per hour.	Amount due.
Boiler shop—Continued.			
Punch and shear, married	54	$0.30	$16.20
Helper, single	62½	.25	15.60
Boiler maker, married	62½	.42½	26.55
Handy man, single	57	.35	19.95
Acetylene burner, single	54	.37½	20.25
Boiler maker, married	118	.42½	50.15
Helper, single	54	.25	13.50
Heater, single	54	.22½	12.15
Helper, single	57	.25	14.25
Layer out, married	54	.45	24.30
Boiler maker, married	59	.45	26.55
Helper, single	60½	.27½	16.70
Do	54	.25	13.50
Riveter, married	57	.32½	18.50
Helper, single	54	.27½	14.85
Helper, married	62½	.27½	17.20
Helper, single	54	.25	13.50
Helper, married	57	.25	14.25
Do	118	.27½	32.45
Do	63½	.25	14.85
Helper, single	56	.30	17.40
Do	59	.27½	16.25
Do	54	.27½	16.20
Boiler maker, married	57½	.45	25.60
Crane boy, single	13	.25	3.25
Pipe shop: [1]			
Foreman, married	54	[2] 35.00	35.00
Helper, married	54	.25	13.50
Pipe maker, married	54	.36½	19.50
Do	(3)	.36½	9.40
Do	54	.45	24.30
Helper, single	50	.24	12.50
Do	54	.27½	14.85
Rolls, single	54	.32½	17.55
Sticker, single	41	.19½	7.95
Helper, married	54	.25	13.50
Dip kettle, married	54	.30	16.20
Punch, single	54	.25	13.60
Finisher, married	54	.25	13.90
Punch, single	54	.32½	17.55
Pipe maker, married	16	.40	20.70
Sticker, single	20	.19½	3.70
Pipe maker, married	54	.36½	19.50
Finisher, married	54	.36½	19.50
Helper, married	46	.32½	14.85
Acetylene burner, married	54	.32½	17.55
Pipe shop, field: [4]			
Foreman, married	60	.42½	27.90
Helper, married	75	.25	18.75
Do	75	.25	18.75
Helper, single	50	.25	12.50
Do	40	.25	10.00
Helper, married	74	.25	18.50
Do	75	.25	18.75
Helper, single	73	.25	18.75
Do	90	.25	22.25
Helper, married	30	.25	7.50
Foreman, married	79	.40	31.60
Do	75	.25	18.75
Foreman, single	60	.25	15.00
Do	75	.25	18.75
Foreman, married	75	.25	18.75
Do	20	.25	5.00
Do	75	.25	18.75
Do	75	.25	18.75
Foreman, single	50	.25	12.50
Do	10	.25	2.50
Foreman, married	50	.25	12.50
Do	50	.25	12.50
Do	40	.25	10.00
Do	50	.45	22.50
Helper, single	45	.27½	11.60
Do	50	.25	12.25
Foreman, married	30	.41½	12.25

[1] Overtime at time and a half.
[2] Per week.
[3] Overtime at time and a half on Sundays and holidays.
[4] Time net.

	Total time.	Rate per hour.	Amount due.
Stables: [1]			
Driver with own team wagon, married	57	[2] 20.00	$20.00
Chauffeur, married	40	[2] 18.00	18.00
Chauffeur, single	65	[2] 20.00	21.66
Chauffeur, married	64½	.27½	17.73
Yard:			
Foreman, single	65	[2] 18.10	18.80
Helper, married	53	.25	13.25
Do	36	.25	9.00
Do	64½	.27½	17.73
Do	57	.25	14.25
Helper, single	14	.25	3.50
Helper, married	57½	.25½	13.95
Helper, single	27	.25	6.75
Helper, married	69	.25	17.25
Do	53½	.25	14.69
Helper, single	63½	.27½	16.10
Do	59½	.23½	13.15
Do	62	.23½	14.15
Helper, married	54½	.30	16.35
Helper, single	64½	.23½	14.50
Checker, single	18	[2] 20.00	6.66
Structural steel erecting: [1]			
Foreman, married	54	[2] 40.00	40.00
Steel worker, married	57	.50½	20.02
Do	112	.45	50.40
Steel worker, single	31½	.30	9.56
Do	57	.39½	22.53
Do	56½	.37½	21.18
Do	16	.37½	6.00
Steel worker, married	79½	.50	39.88
Steel worker, single	66	.37½	25.00
Do	92½	.37½	34.68
Steel worker, married	80½	.50	40.18
Steel worker, single	51½	.37½	19.25
Do	67½	.37½	25.32
Steel worker, married	75½	.50	37.88
Do	82	.45	36.90
Do	73½	.50	36.70
Steel worker, single	72	.37½	60.75
Steel worker, married	69½	.50	34.90
Do	57	.45	17.40
Do	20½	.37½	5.75
Steel worker, single	59½	.37½	22.32
Steel worker, married	72	.50	27.34
Steel worker, single	57	.37½	16.20
Steel worker, married	57	.50	19.00
Steel worker, single	57	.37½	22.15
Steel worker, married	94½	.50	36.20
Do	71	.50	21.45
Steel worker, single	92	.37½	27.35
Do	80	.37½	30.00
Do	107	.37½	22.85
Do	84	.37½	30.40
Do	81	.37½	30.40
Do	57½	.37½	19.20
Steel worker, married	80	.50	22.20
Do	77	.50	26.20
Steel worker, single	80	.37½	18.00
Steel worker, married	61	.50	15.30
Steel worker, single	47	.37½	14.10
Do	47½	.37½	13.05
Steel worker, married	68	.50	16.60
Do	69½	.50	27.10
Do	57	.50	19.00
Steel worker, single	56½	.37½	15.00
Do	73	.37½	25.00
Do	64½	.37½	21.80
Do	15	.37½	5.10
Do	14	.37½	4.90
Do	67	.37½	22.00
Do	40	.37½	15.00
Steel worker, married	50½	.50	16.75
Steel worker, single	24½	.37½	7.65
Do	50½	.37½	15.40
Do	57	.37½	16.50

Data from pay roll for week ending August 2, 1914—Continued.

	Total time.	Rate per hour.	Amount due.
Structural steel at outside points, in addition to wages here shown, board, lodging, and expense allowed:[1]			
Foreman, married	63	$30.00	$30.00
Steel worker, married	78½	.35	27.99
Steel worker, single	78	.35	27.30
Steel worker, married	78	.30	23.40
Steel worker, single	78	.30	23.40
Do	78	.33½	25.99
Do	68	.30	20.40
Do	78	.27½	21.45
Do	78	.30	23.40
Do	78	.20	15.33
Do	84	.20	16.80
Do	84	.20	16.80
Do	52½	.20	6.50
Structural steel, wages, board, etc.—Continued.			
Steel worker, single	28½	80.33½	27.72
Do	28	.33½	9.99
Do	78½	.30½	23.33
Do	33	.27½	9.15
Do	66½	.30	19.95
Elevator:[2]			
Erector, married	57½	.35	20.20
Helper, single	60	.27½	16.45
Erector, married	84	.45	34.20
Inspector, married	82	.40	30.60
Erector, married	90	.40	33.60
Do	69	.40	27.60
Helper, single	84	.25	12.60
Do	60	.25	17.36
Do	84	.25	12.30

[1] Overtime at time and a quarter for Sundays. [2] Per week. [3] Overtime at time and a half.

Data from pay roll for week ending September 6, 1914.

RECAPITULATION.

Number.		Amount due.
3	Blacksmiths	$91.15
18	Structural steel fabricators	265.35
28	Boiler shop	402.15
21	Engineering department, office	273.25
20	Foundry	265.20
18	Office, clerical	245.25
22	Machine shop	311.30
10	Elevator erecting	185.25
5	Miscellaneous labor	65.25
3	Pattern shop	69.30
2	Pipe shop, office	43.30
38	Pipe shop, factory	305.00

Number.		Amount due.
3	Stables	$71.90
63	Structural	1,101.45
9	Yards	118.70
396	Total	5,021.90
	AVERAGE EARNINGS PER MAN PER WEEK.	
358	Men	20.04
344	Shop men	17.46
52	Office men	28.38

	Married.	Single.
Number of shopmen at:		
17½ cents[1] per hour		7
19½ cents do		[2]2
20 cents[1] do		1
22½ cents do	2	6
25 cents do	24	20
27½ cents do	13	17
27½ cents do	1	1
30 cents do	14	10
30½ cents do	2	2
32½ cents do	5	2
35 cents do	6	5
35 cents do	3	3
37½ cents do	6	5
38½ cents do	6	4
38½ cents do	4	2
40 cents do	15	
42½ cents do	13	1
44½ cents do	2	
44½ cents do	2	
45 cents do	13	
$18.00 per week	2	
17.50 do		1
18.00 do	1	1
18.00 do	1	1
20.00 do		2
22.50 do	1	
24.00 do	2	
30.00 do	1	
34.00 do	1	
36.00 do	1	
36.00 do	2	
Total	146	99

[1] 17½ and 20 cent men are employed outside with board, lodging, and expenses allowed.
[2] Apprentices.

Data from pay roll for week ending September 6, 1914—Continued.

Length of service (years).		Rate per month.	Length of service (years).		Rate per month.
	GENERAL OFFICE.			GENERAL OFFICE—continued.	
11	City buyer, single	$200.00	12	Elevator salesman, married	$200.00
19	Shipping clerk, single	106.00	14	Plate salesman, married	300.00
1	Telephone operator, single	57.00	19	Superintendent's clerk, married	180.00
8	Clerk, married	135.00	12	Structural salesman, married	225.00
4	Stenographer, single	62.33	2	Assistant superintendent married	275.00
3	do	64.50		Office boy, single	20.33
	Clerk, single	65.00			
1	Telephone operator, single	62.00		DRAFTING ROOM.	
8	Cashier, married	175.00			
4	Stenographer, single	75.00	1	Draftsman, single	71.50
5	Cost clerk, married	110.00	7	Chief draftsman, married	150.00
11	Clerk, single	85.00	6	Draftsman, single	100.00
	Office boy, single	24.67	3	Engineer, married	114.62
5	Collector, married	133.33	1	Tracer, single	62.33
7	Clerk, married	90.00	1	Engineer, married	120.00
11	Pipe salesman, married	266.67	5	Draftsman, single	78.00
1	Elevator salesman, married	125.00	3	Draftsman, married	100.00
12	Structural salesman, married	133.00	1	Apprentice, single	20.00
6	Clerk, married	71.50	2	Tracer, single	62.33
10	Structural salesman, married	133.00	1	Draftsman, married	100.00
9	Mechanical engineer, married	175.00		Apprentice, single	22.83
	Clerk, single	52.00	2	Draftsman, single	104.00
8	Clerk, single	93.17			
1	Plate salesman, married	87.50		OFFICE.	
9	Structural salesman, married	100.00			
2	Structural salesman, single	100.00	1	Janitor, married	58.33
3	Structural salesman, married	133.00			

	Married.	Single.		Married.	Single.
Number of office men at:			Number of office men at—Con.		
$22.83 per month		1	$100.00 per month	2	2
30.33 do		1	104.00 do		1
34.67 do		1	105.00 do		1
39.00 do		1	110.00 do	1	
43.33 do		2	114.33 do	1	
52.00 do		1	125.00 do	1	
57.00 do		1	130.00 do	3	
58.50 do		1	133.33 do	1	
62.00 do		1	135.00 do	4	
65.00 do		1	150.00 do	1	
71.50 do	1	1	175.00 do	2	
75.00 do		1	200.00 do		1
78.00 do		1	225.00 do	2	
83.33 do		1	240.00 do	1	
84.50 do		1	266.67 do	1	
85.00 do		1	275.00 do	1	
87.50 do	1				
90.00 do	1		Total	31	23
93.17 do		1			

[1] Office boys and drafting-room apprentices.

Data from pay roll for week ending September 6, 1914—Continued.

	Total time.	Rate per hour.	Amt. due.
Elevator erecting and repairs: [1]			
Erector, married	54	$0.55	$29.70
Helper, single	54½	.27½	14.85
Do	8	.33	2.64
Erector, married	54	.55	29.70
Inspector, married	54	.70	37.80
Helper, married	54	.30	16.20
Erector (8 years), married	57½	.55	31.62
Helper, single	49½	.30	14.85
Erector, married	51½	.55	28.60
Helper, single	54	.30	16.20
Structural-steel erecting: [1]			
Steelworker, single	55	.35½	20.70
Steelworker, married	54	.55½	32.03
Do	8	.41½	3.66
Steelworker, single	54½	.35½	20.73
Do	54½	.41½	24.03
Steelworker, married	54½	.55½	32.03
Steelworker, single	54½	.30½	17.73
Do	3	.45½	1.65
Structural steel at outside points, wages and board included (board, lodging, and expenses in addition to wages below shown): [2]			
Foreman (3 years), married	24	$100.00	$24.00
Steelworker, single	79½	.37½	29.68
Do	56½	.42½	22.80
Steelworker, married	54½	.55½	29.75
Do	53½	.55½	29.05
Steelworker, single	54½	.30½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Carpenter, married	54½	.42½	22.72
Do	54½	.42½	22.72
Carpenter, single	54½	.42½	22.72
Steelworker, single	54½	.42½	22.72
Do	54½	.42½	22.72
Structural-steel erecting: [1]			
Foreman (4 years), married	54	$46.40	$46.40
Steelworker, married	54½	.55½	30.52
Steelworker (7 years), married	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Steelworker, married	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Do	54½	.55½	30.52
Steelworker, single	54½	.35½	20.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72
Do	54½	.42½	22.72

Data from pay roll for week ending September 6, 1913—Continued.

	Total time.	Rate per hour.	Amt. due.
Boiler shop—Continued.			
Boilermaker (7 years), married	54	$0.45	$24.30
Layer out (7 years), married	54	.45	24.30
Helper, single	44½	.23	14.50
Do	63	.23	14.50
Punch shear, married	54	.30	16.20
Helper, single	57	.25	14.25
Boilermaker, married	69	.45	26.75
Handy man (3 years), single	54	.25	13.50
Acetylene burner, single	40	.37½	25.35
Boilermaker (5 years), married	54	.42½	14.45
Crane boy, single	54	.23½	12.15
Layer out, married	69½	.45	30.05
Rivet heater, single	54	.23½	12.15
Helper, single	57	.25	14.25
Boilermaker (7 years), married	70	.45	22.30
Helper, single	57	.27½	15.68
Do	63	.25	15.75
Helper, married	54	.25	12.50
Riveter, married	57	.33½	15.30
Helper, single	54	.27½	14.85
Helper, married	54	.27½	14.85
Helper, single	57	.27½	15.65
Helper, married	54	.27½	14.85
Helper, single	63	.25	17.25
Helper, married	54	.30	16.20
Helper (3 years), single	54	.30	16.20
Helper, single	20	.37½	8.00
Boilermaker, married	77½	.45	23.30
Foundry molders:[1]			
Foreman (6 years), married	54	$90.00	36.00
Molder (7 years), married	63	.49	31.85
Molder, married	63	.37½	23.63
Molder (7 years), single	63	.37½	20.25
Molder, married	54	.44½	24.05
Do	63	.42½	26.80
Do	27	.40	10.80
Do	54	.44½	24.05
Carpenters:			
Carpenter, married	54	.30	16.20
Carpenter (4 years), married	54	.37½	20.25
Carpenter, married	54	.37½	20.25
Helpers:[2]			
Laborer (7 years), single	57½	.27½	15.68
Laborer, single	63	.25	15.75
Do	45	.25	11.25
Laborer, married	54	.25	12.50
Do	57	.27½	15.68
Laborer, single	45	.25	11.25
Laborer (5 years), married	54	.27½	14.85
Cupola tender (5 years), single	54	.32½	17.55
Carpenter (7 years),[3] married	57½	.35	20.15
Machine shop:			
Foreman (4 years), married	54	$90.00	36.00
Machinist (2 years), married	54	.37½	20.25
Helper, married	54	.25	13.50
Do	54	.25	13.50
Machinist, married	54	.39	21.06
Garage (3 years), single	54	$81.00	30.00
Garage, married	54	$72.00	18.00

	Total time.	Rate per hour.	Amt. due.
Machine shop—Continued.			
Helper, single	57	$0.27½	$15.75
Machinist (3 years), married	54	.40	21.60
Machinist, married	54	.39	20.25
Do	54	.39	21.06
Do	54	.40	21.60
Helper (7 years),[3] married	57½	.35	19.68
Helper, single	54	.25	13.50
Machinist, married	54	.37½	20.25
Helper, married	54	.27½	14.85
Machinist (3 years), married	54½	.43	24.48
Machinist (4 years), married	54½	.45	24.53
Helper, married	54	.30	16.20
Machinist, married	54	.37½	20.25
Helper (7 years),[3] married	54½	.27½	15.25
Helper, married	70	.32½	22.75
Helper, single	54	.30	16.20
Electrician,[3] married	57	.40	22.80
Helper,[3] married	54½	.30	16.35
Machinist, married	54	.40	21.60
Do	54	.40	21.60
Do	17	.40	7.20
Helper (3 years), married	54	.32½	17.55
Machinist, single	45	.40	18.00
Machinist, married	54	.37½	20.25
Helper (7 years), single	40	.30	12.00
Blacksmith shop:[4]			
Helper, married	54	.30	16.20
Blacksmith, married	54	.45	22.95
Do	63	.45	32.40
Helper, married	54	.37½	15.19
Blacksmith, married	36	.40	14.40
Pattern shop:			
Foreman (3 years), married	54	$83.30	36.00
Helper, married	54	.30	16.20
Apprentice, single	54	.25	13.50
Miscellaneous:			
Housekeeper (9 years),[1] married	69	$15.00	15.00
Engineer,[3] single	69½	$16.00	15.10
Watchman (3 years),[1] single	52	$17.30	17.30
Watchman (3 years),[1] married	54	$18.30	18.30
Structural steel fabricating shop:[5]			
Foreman (3 years), married	54	$66.00	36.00
Marker, single	63	.30	15.75
Marker (4 years), married	54	.30	16.20
Marker (6 years), married	54	.32½	17.55
Marker (3 years), single	54	.30	16.00
Fitter (3 years), married	54	.37½	20.25
Fitters (6 years), single	63½	.35	22.00
Marker (4 years), married	54	.32½	17.55
Fitter, married	63	.30	18.90
Helper, married	54	.25	13.50
Helper, single	36	.25	9.10
Fitter, single	54	.37½	14.85
Do	54	.37½	14.85
Fitter (4 years), single	63	.35	22.05
Helper, married	54	.30	16.20
Gang boss (3 years), married	54	.45	24.30
Fitter (4 years), single	63	.35	22.05
Helper, single	54	.30	16.20
Fitter, single	36	.30	10.80
Fitter, married	36	.30	10.80

[1] Time not.
[2] Per week.
[3] Overtime at time and a quarter.
[4] Overtime at time and a half.

Miscellaneous.

BAKER IRON WORKS—SHOP ORDER.

Order No. 7,800. October, 1910. 787.
Order received from contractor November 26, 1909. Salesman, Fl. B.
Date: December 4, 1909. AS.
Charge to Billicke-Rowan Fireproof Building Co.
Mail address: Parkinson & Bergstrom, architects.
Ship to Spring Street Annex of Alexandria Hotel.
Furnish and erect all structural steel and cast-iron bases for Spring Street addition to Alexandria Hotel Annex, as per plans and specifications of Parkinson & Bergstrom, architects.
We to have steel ready to commence erection on or before July 1, 1910.
Architects to furnish drawings so they will reach the mill not later than February 15, 1910.
Our work to be completed by November 1, 1910.
Commenced erecting July 6, 1910; finished erecting October 31, 1910.

List of injuries on Alexandria Annex job at Fifth and Spring Streets.

Aug.	6.	A. J. Pinkney	$909.70	Sept.	27.	Lon Lawman	$1.50
Sept.	2.	M. Boskowitz	411.65	Oct.	4.	C. F. Gaulke	1.50
Aug.	12.	Thos. Wright	6.50	Oct.	15.	C. A. Milam	5.00
Aug.	29.	Neil Lawson	45.00	Oct.	8.	D. Lotis	1.00
Sept.	1.	Louis Jeffries	4,725.00	Oct.	12.	W. Galloway	2.00
Sept.	1.	W. H. Stauffers	2.00				5,810.85
Sept.	6.	E. H. Gaylord	1.50				

[Foreman, Louis Pleaing.]

Storie, 12. Name of building, Alexandria Hotel Annex, Spring Street near Fifth.
Class A. Name of customer, Billicke-Rowan Fireproof Building. Order No. 7800.
Type, short span. Name of architect, Parkinson & Bergstrom. Folio 787. October, 1910.
Cubic feet, 2,272,500. Size of building, 90 feet by 180 feet.
Cost per cubic foot, 6.69 cents. Contract price per ton, $60.00 on 2,864 tons.
Weight per cubic foot, 2.52 pounds. Estimated weight, 2,865 tons. Actual weight, 2,877 tons.
Total price, $183,214.75; per ton, $63.70. Cost, $168,483.67; per ton, $58.56. Profit, $2,752.16; per ton, $1.04.

Material:				
Steel cut and fabricated at mill, 2,570,806, at $60.00		$161,289.66	$60.00	$60.37
Small steel furnished, 24,819		415.36		
Erecting labor:				
Cartage and handling	3,432.11			
Switching S. P. derrick	838.00			
Foreman and clerk	1,191.54			
Erectors	7,481.36			
Riveters, number rivets, 96,000; rivets per ton, 33; cost each, 4.4 cents			5.57	
	2,646.24			
Field painting	None.			
Watchman	267.83			
		14,859.09		
Erecting expense:				
General expense	1,168.91			
Planking	1,013.49			
Bolts, washers, etc.	372.04			
Electrical material	234.25			7.16
Pipe and fittings	175.69			
Small tools bought	148.21			
Rope—wire and manila	268.79			
Coal and coke	60.67			
Tools made and repaired	618.07		1.89	
Electric power (Edison Co.)	233.07			
Water	Free.			
Hose and air gun parts	403.53			
Miscellaneous	681.23			
	5,966.97			
Credit returned	1,447.12			
		4,351.75		
Depreciation expense:				
Compressor	240.00			
Hoist, 3 Fleyy 6s	2,421.00			
Derrick, 3 be	4,962.00			
Tank, oil	1,377.00			
Employers' liability—				.43
20 per cent on	10,222.00	1,022.00		
6.5 per cent on	10,165.00	671.00		
		122,482.07		68.16

S. P. originally charged for use of wrecking derrick, etc., $1,870.11, but later rendered credit to equal 50 cents per ton. Latter item only is considered herein.

FRANCIS EXHIBIT.

Statistics of Los Angeles city schools.

GRADUATES.

	High.	Elementary.		High.	Elementary.
1914	1,257	3,702	1912	782	3,201
1913	1,035	3,611	1911	645	2,985

51.64 per cent of eighth-grade registered pupils graduated June 30, 1914.

ENROLLMENT.

	High.	Elementary.	Intermediate, seventh, eighth.	Intermediate, ninth.	High school, evening.	Elementary, evening.	Total.
1914	14,256	79,998	6,663	1,419	4,573	8,373	37,190
1913	12,726	69,110	4,907	1,011	3,180	5,713	32,649
1912	9,780	58,125	3,861	573	2,149	4,180	28,676
1911	7,400	50,125	1,775	.....	1,600	1,775	27,625

NUMBER REGISTERED IN THE INTERMEDIATE COURSES, 1913-14.

General	4,956
Commercial	650
Vocational	180

COMPARISON OF ENROLLMENT.

	Kindergarten.	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.	Eleventh.	Twelfth.
	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.
1907–1911	10.15	17.85	11.05	12.0	10.0	10.3	8.65	6.75	6.25	3.25	1.3	0.97	0.7
1911–12	8.4	16.6	10.4	11.3	9.9	9.9	8.3	7.3	6.9	3.1	2.3	1.9	1.1
1912–13	8.9	16.3	10.2	10.5	10.1	9.8	8.3	7.17	7.3	4.0	2.9	1.9	1.6
1913–14	9.5	15.9	10.0	10.4	9.9	9.6	8.0	7.7	7.7	4.9	3.9	2.1	1.5

RATE OF PER CENT AT WHICH PUPILS LEAVE SCHOOL.

	First to seventh grade.	Seventh to twelfth grade.	First to twelfth grade.
1909–1910	16.5	36.9	54.8
1910–1911	13.5	35.2	52.5
1911–12	12.4	35.2	50.6
1912–13	11.9	34.6	47.7

BUTLER EXHIBIT.

Local unions, initiations and dues.

Name.	Initiation fee.	Dues.	Name.	Initiation fee.	Dues.
Tin Workers	$5.00	{$3.65-2.00	Matters No. 22		
Art Glass Workers	50.00	1.00	I. B. E. W. No. 61	$5.00	$1.50
Amalgamated Sheet and Metal Workers			I. B. E. W. No. 370	5.00	1.50
Bakers No. 27	50.25	3.00	Ice-Wagon Drivers No. 203	5.00	.75
Barbers No. 308	10.00	1.75	Lathers No. 42	5.00	1.00
Bartenders	5.00	1.00	Lathers No. 339	5.00	1.00
Beer Drivers No. 227	20.00	[1]2.00	Lithographers		
Bottlers	10.00	1.00	Moving-Picture Operators	25.00	1.00
Brewers	10.00	1.00	Machinists No. 311	5.00	1.50
Bookbinders	10.00	1.00	Millers No. 9		
Brass Workers	10.00	.75	Molders No. 374	5.00	[2].50
Bricklayers No. 2	5.00	1.50	Musicians No. 47	50.00	.50
Building Laborers No. 1	25.00	1.75	Marble Cutters and Setters	50.00	.50
Boot and Shoe Workers	5.00	.60	Mattress Makers		
Butchers No. 229			Milliners	5.00	1.00
Bill Posters and Billers No. 32	5.00	1.00	Painters No. 267	10.00	1.00
Boiler Makers No. 62			Painters No. 508	10.00	1.00
Blacksmiths No. 312	5.00	1.25	Pattern Makers	5.00	[2].50
Carpenters No. 158	5.00	1.00	Photo-Engravers	25.00	1.50
Carpenters No. 435	10.00	1.00	Plasterers No. 2	27.00	1.00
Carpenters No. 2616	10.00	1.00	Plumbers No. 78	10.00	2.00
Carpenters No. 1144	10.00	[3].60	Press Feeders	10.00	1.00
Cigarmakers No. 228	10.00	1.00	Pressmen No. 78	10.00	2.00
Cooks No. 87	5.00	[3].60	Roofers No. 32	5.00	1.00
Coopers No. 152	2.00	1.00	Sign Writers No. 831	25.00	1.00
Cement Workers	5.00	.75	Stitchers No. 2	25.00	1.00
Clerks No. 63	5.00	1.00	Stage Employees	5.00	1.00
Engineers No. 72	2.00	1.00	Stereotypers No. 58	10.00	(4)
Engineers No. 501	7.00	.75	Stonemasons No. 6		
Elevator Constructors	25.00	1.00	Tailors No. 31	2.00	1.00
Firemen No. 230			Tailors (ladies) No. 62	2.00	.50
Floor Layers No. 1612	2.50	.75	Teamsters No. 208	2.00	1.00
Garment Workers No. 156	10.00	1.00	Tile Layers		
Granite Cutters	2.00	.25	Trunk Makers		
Horseshoers No. 134	2.00	[1]4.00	Typographical No. 174	10.00	(4)
Hod Carriers No. 306	25.00	1.50	Waiters No. 17	5.00	1.00
H. S. Iron Workers No. 51	5.00	1.00	Waitresses No. 48	2.00	.75
	10.00	1.00	Web Pressmen	10.00	1.00

[1] Per year. [2] Per week. [3] 1 per cent. [4] 2 per cent.

LETTS EXHIBIT.

ARTHUR LETTS, BROADWAY AT FOURTH,
Los Angeles, Cal., October 7, 1914.

LEWIS K. BROWN,
Secretary, Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Your favor of October 2 addressed to Mr. Letts relative to his testimony before the United States Commission on Industrial Relations duly received. Mr. Letts at the present writing is in New York.

With regard to the salaries received by persons employed in the store, you will find a chart giving the scale of wages in detail in the written testimony that Mr. Letts left with the commission. The information regarding salaries was in answer to your first question, "Wages and hours of labor at the Broadway Department Store, by departments and occupations."

With regard to your question as to the number of persons that live with their parents, I presume you refer to female employees. All female employees who do not live at home are paid not less than $10 per week. At the present time we have 282 such employees who are either living with their parents or other relatives.

Of course, there are naturally a number getting more than $10 a week who are also living at home, but to get accurate information as to details would necessitate a personal canvass of all employees.

Trusting this is the information you desire, I am,

Yours, very truly,

W. H. B. KILNER, *Secretary.*

Data supplied by Mr. Arthur Letts, of Los Angeles.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
101	Male	(?)				
102	do	51	$17.00	$4.75		Yes.
103	do	29	18.00	5.25		Yes.
104	do	27	15.00	4.60		Yes.
105	do	28	14.00	3.16		Yes.
109	do	41	15.00	2.82		Yes.
111	do	44	18.00	4.21		Yes.
201	do	(?)				Yes.
202	Female	45	10.00	.29	Board	Yes.
203	Male	54	12.00	.35		Yes.
204	Female	19	9.00	.62	Parent	No.
205	Male	21	10.00	.41	do	No.
206	do	28	15.00	.73		Yes.
210	Female	18	8.00	.56	Parent	No.
211	do	26	11.00	.47	do	No.
212	do	38	13.00	.69	do	Yes.
214	do	31	8.00	.39	do	No.
217	do		12.00	.34		Yes.
218	do	27	10.00	.23	Parent	No.
220	do		12.00	.20	Relative	No.
223	Male	55	13.00	.47		Yes.
224	Female	27	9.00		Relative	No.
225	do	48	12.00	.59		Yes.
226	Male		16.00	.72		No.
230	do	30	11.00	.64	Parent	No.
301	do	31	(?)			Yes.
302	Female	30	12.00	1.04	Parent	No.
304	do	18	9.00	.36	do	No.
305	do	21	9.00	.65	do	No.
306	do	30	12.00	1.79	Relative	No.
307	do	21	8.00	1.60	do	No.
308	do	22	12.00	1.72	Board	No.
309	do	31	10.00	.87		Yes.
310	do		10.00	1.13	Board	No.
311	do	23	10.00	1.28	do	No.
312	do	26	12.00	.61	Parent	No.
313	do	19	9.00	.87	do	No.
314	do		8.00	.75	do	No.
316	do	20	9.00	1.28	do	No.
317	do	20	9.00	.60	do	No.
318	do	19	8.00	1.72	do	No.
319	do	30	13.00	1.14		Yes.
320	do		12.00	1.40		Yes.
322	Male	18	9.00		Parent	No.
323	do	24	12.00	.93	Board	No.
401	Female	28	(?)		Parent	No.
402	do	21	10.00	.67	Board	No.
404	do	25	9.00	.10		Yes.
406	do	21	8.00	.04	Parent	No.
408	do	21	9.00	.21	Relative	No.
407	do	23	9.00	.28	Parent	No.
409	do	17	8.00	.28	do	No.
410	do	29	17.50		do	No.
411	do	24	15.00		do	No.
412	do	18	8.00	.32	do	No.
414	do	24	9.00	.24	do	No.
416	do	21	9.00	.26	do	No.
418	Male	20	9.00		do	No.
502	Female	23	9.00	1.43	Relative	No.
503	Male	28	13.00	5.78		Yes.
504	Female	22	10.00	4.71	Relative	No.
601	Male	37	(?)			Yes.
602	do	19	9.00		Parent	No.
603	Female	22	12.00	1.46		Yes.
604	do		12.00	1.70	Parent	No.
605	do	25	10.00	.82	do	No.
606	do	24	12.00	1.03		Yes.
607	do	28	16.00			No.
608	do	20	9.00	.49	Parent	No.
609	do	21	12.00	.63	Board	No.
701	Male	35	(?)			Yes.
702	do		14.00	1.81	Parent	No.
705	do	26	13.00	1.12		Yes.
706	Female	22	9.00	.92	Parent	No.
708	Male	22	12.00	1.98	Board	No.
708	Female	18	10.00	1.21	do	No.
709	Male	44	18.50	2.08	Relative	No.
709	do	27	15.00	2.31		Yes.
710	do	28	12.00	1.80	Board	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
712	Male	31	$15.00	$1.74		Yes.
713	do	43	13.00	1.36	Board	Yes.
714	do	31	28.10		Relative	No.
715	do	24	15.00	.68	Parent	No.
716	do	32	15.00	1.47		Yes.
717	do	28	15.00	1.11		Yes.
731	do	40	15.00	2.35		Yes.
732	do	27	15.00	1.80		Yes.
734	do	22	10.00	.81	Relative	No.
799	do	26	12.00	1.22		Yes.
801	do	32	(?)			Yes.
802	do	31	15.00	2.34	Board	Yes.
803	do	44	17.30	1.96		Yes.
804	do		15.00	2.13		Yes.
805	do	30	15.00	1.03		Yes.
806	Female	20	9.00	1.47	Parent	No.
807	Male	22	15.00	1.01	Board	No.
808	Female		12.00	1.71	do	No.
809	Male	29	15.00	1.04		Yes.
810	Female	32	15.00	1.43		Yes.
811	Male	21	17.40	1.05		Yes.
813	do		15.00	2.10		Yes.
814	do	27	15.00	1.41		Yes.
815	do	20	15.00	1.09	Parent	No.
816	do		15.00	1.27		Yes.
817	do	26	15.00	2.00	Relative	No.
818	do	29	15.00	2.01		Yes.
819	Female	23	12.00	.84	Board	No.
821	Male	24	15.00	1.39		Yes.
823	do		15.00	1.24		Yes.
825	do	22	15.00	1.70		Yes.
826	Female		12.00	.43		Yes.
828	Male	21	15.00	2.13	Relative	No.
827	do	34	16.00	1.08		Yes.
829	do	18	8.00		Parent	No.
830	do	45	15.00	1.57	Board	No.
832	do	28	15.00	1.61	do	No.
901	do	24	(?)			Yes.
902	do	24	27.50	3.73		Yes.
903	do	37	15.00	4.21		Yes.
904	do	24	15.00	3.78		Yes.
905	do	24	20.00		Board	No.
914	do	23	22.50		do	No.
1001	do	25	(?)			Yes.
1002	Female	18	9.00	.80	Parent	No.
1003	do	21	12.00	1.21	Board	No.
1004	do	23	12.00	2.15	do	No.
1005	do	26	10.00	1.00	do	No.
1006	Male	42	15.00	1.64		Yes.
1009	do	56	15.00	.48	Board	Yes.
1011	Female	22	10.00	1.28		Yes.
1012	Male	30	15.30	2.76		Yes.
1014	do	31	15.00	.70		Yes.
1015	Female	20	12.00			Yes.
1016	do	27	10.00	1.34		Yes.
1017	do	25	12.00	2.27	Parent	No.
1050	do		12.00			Yes.
1052	Male	28	21.00			Yes.
1053	do	23	15.00			Yes.
1055	do	37	20.00			Yes.
1101	do	36	(?)			Yes.
1102	Female	32	14.40	.84	Relative	No.
1103	do	43	11.00	.21		Yes.
1104	do	45	15.00	.39	Parent	Yes.
1105	do	22	10.00	.70	do	No.
1106	do	28	10.00	.36	do	No.
1107	Male		30.00			Yes.
1108	Female	25	10.00	.20	Relative	No.
1110	do	28	10.00	.75		Yes.
1111	Male	37	12.00	.82		Yes.
1112	do	15	6.00		Parent	No.
1113	do	19	10.00	.61	do	No.
1114	Female	47	12.00	.41		Yes.
1115	do	60	12.00	.48		Yes.
1116	do	20	8.00	.43	Parent	No.
1117	do	21	14.10	.36	Relative	No.
1119	Male	16	6.00		Parent	No.
1121	do	14	6.00		do	No.
1122	Female	21	9.00	.72	do	No.
1123	Male	14	6.00		do	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commodities.	Living with parents or relative.	Married.
1124	Female		$10.00	$9.46	Board	No.
1125	Male	21	20.00	.22	do	No.
1126	Female	19	8.00	.40	Parent	No.
1127	do	21	12.00			Yes.
1129	do	33	10.00	.57	Board	No.
1134	Male		18.00		Parent	No.
1137	do		12.00		do	No.
1139	Female	30	18.00	.52	Board	No.
1202	do	50	15.00	2.42	do	No.
1203	do	20	15.00	2.69	do	No.
1205	do	36	12.00	1.01	Relative	No.
1206	do	37	15.00	2.18		Yes.
1207	do	23	15.00		Parent	No.
1208	do	30	15.00	2.18		Yes.
1209	do	24	25.00		Board	No.
1211	do	41	15.00	1.02	do	No.
1212	do	34	15.00	1.76	do	No.
1213	do	33	15.00	2.16		Yes.
1214	do	46	15.00	1.66		Yes.
1215	Male	20	10.00		Parent	No.
1216	Female	25	12.00	1.80	Relative	No.
1250	Male	23	18.00		Parent	No.
1251	Female	23	12.00		do	No.
1252	do	36	11.00			Yes.
1253	do	21	12.00		Board	No.
1255	do	20	12.00		Parent	No.
1256	do	22	14.00		Board	No.
1257	do	27	15.00			Yes.
1260	do	31	12.00			Yes.
1262	do	45	12.00			Yes.
1264	do	41	14.00			Yes.
1274	do	45	12.00		Board	No.
1277	do	44	22.50		do	No.
1301	Male	24	(?)			Yes.
1302	Female	21	8.00		Parent	No.
1303	Male	18	18.00	.58	do	No.
1304	Female	25	18.00	.76	do	Yes.
1305	do	21	25.00		do	No.
1306	do	27	13.00	.42	do	No.
1309	do	23	14.00	1.01	do	No.
1310	do	40	13.00	.81		Yes.
1312	do	20	10.00	.70	Parent	No.
1313	do	21	12.00	.32	do	No.
1314	do		10.00	.33	Relative	No.
1315	do	45	8.00		do	No.
1316	do	22	10.00		Parent	No.
1318	do	36	12.00	.22	do	Yes.
1322	do	27	10.00	.36	do	No.
1328	do	28	10.00	.33	do	Yes.
1330	do	23	25.00		Relative	No.
1332	do	24	14.00		Parent	No.
1350	do	40	12.00			Yes.
1354	do	17	8.00		Parent	No.
1355	do	43	15.00		Relative	No.
1356	do	17	7.00		Parent	No.
1360	do	20	12.00		Relative	No.
1401	Male	23	(?)			Yes.
1402	Female	21	12.00	.74	Parent	No.
1403	Male	24	14.00	.30	Board	No.
1404	Female	20	10.00	.90	Parent	No.
1405	do	42	13.00	.46	Board	No.
1406	do	19	8.00	1.08	Parent	No.
1407	do	25	8.00	.50	Relative	No.
1408	do		8.00	.41	Parent	No.
1409	do	23	10.00	.45	Board	Yes.
1410	do	22	10.00	1.02	Relative	No.
1411	Male	30	30.00			Yes.
1413	Female		12.00	.67	Parent	Yes.
1414	do	41	10.00	.73		Widow.
1416	Male	18	8.00		Parent	No.
1501	do		30.00			Yes.
1502	Female	19	9.00	.21	Parent	No.
1504	do	18	8.00	.60	do	No.
1505	Male	19	10.00		do	No.
1506	Female	28	10.00	.16		Yes.
1507	do	20	9.00	.32	Parent	No.
1508	Male	20	10.00		do	No.
1515	Female	20	8.00	.14	Relative	No.
1602	do	22	9.00		Parent	No.
1604	do	38	14.00		Relative	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relatives.	Married.
1701	Male		(?)			
1702	Female	29	$8.00	$1.86	Parent	Yes.
1703	....do	44	12.00	1.22		No.
1704	....do		15.00			Yes.
1705	....do	(?)			(?)	Yes.
1706	....do	20	17.00	1.75	Parent	Yes.
1707	Male	22	12.00	3.62	....do	No.
1708	Female	20	15.00	.81	Board	No.
1709	....do	22	16.00	1.12	Parent	Yes.
1710	Male	25	12.00			Yes.
1711	Female	18	12.00	1.40	Parent	No.
1712	....do	22	9.00	1.08	....do	No.
1713	Male	20	12.00	.57	Relative	Widow.
1714	....do	23	13.00	.80		Yes.
1715	Female	21	12.00	.64	Parent	No.
1716	....do		12.00			Widow.
1724	....do	18	8.00		Parent	No.
1725	....do		18.00			Yes.
1803	Female	21	8.00		Parent	No.
1804	....do	20	11.00	.66	Relative	No.
1805	....do	24	8.00		Parent	No.
1806	....do	18	15.00	.67	Relative	No.
1807	Male	23	12.00			Yes.
1810	Female	23	10.00		Board	No.
1811	Male	21	12.00			Yes.
1815	Female	20	12.00		Board	No.
1816	....do	19	8.00		Parent	No.
1864	....do	26	12.00	38	....do	No.
1865	....do	23	15.00	67	....do	No.
1866	....do	23	14.00	22	Board	No.
2001	Male		25.00	25	Parent	No.
2002	....do	45	(?)			Yes.
2003	Female	19	8.00	68	Parent	No.
2004	Male	24	12.00	45	Relative	Yes.
2005	Female	19	8.00	81	Parent	No.
2006	....do	20	8.00	17	Relative	No.
2007	....do	22	10.00	62	Parent	No.
2008	....do	25	10.00	53	....do	No.
2011	Male	22	10.00	70	Board	No.
2014	Female	20	12.00	1.03		Yes.
2015	....do	24	10.00	.35	Parent	Yes.
2020	Male	24	8.00	.82	Relative	No.
2102	....do		10.00	.74	Parent	No.
2103	....do	24	12.00		Relative	No.
2104	....do	24	12.00		Board	No.
2105	Female	20	10.00			No.
2106	....do	40	[1] 4.00			Yes.
2107	Male		[1] 4.00		Parent	Yes.
2108	Female		[1] 2.00			
2109	....do	22	[1] 4.00		Keep house	Yes.
2110	....do	40	8.00		Board	No.
2111	Male	24	9.00		Relative	No.
2114	Female	19	12.00		Board	Yes.
2116	....do	25	10.00		....do	No.
2118	Male	26	[1] 4.50		Keep house	No.
2119	....do	17	8.00		Parent	Yes.
2120	Female	19	10.00		....do	No.
2124	....do	20	8.00		Keep house	No.
2125	....do	23	12.00		Board	Yes.
2200	....do	36	[1] 4.00		Keep house	Yes.
2201	....do	23	13.00	1.00	Relative	No.
2300	Male	28	10.00	.79	Keep house	Yes.
2301	Female	26	18.50	1.42	Parent	No.
2302	Male	40	11.00	1.15	Board	No.
2303	....do	28	20.00	1.03		Yes.
2304	....do	25	17.50	1.17		Yes.
2305	Female	18	14.00	1.45	Keep house	No.
2306	....do		10.00	.75	....do	Yes.
2307	Male	35	12.00	.84		Yes.
2308	....do	26	15.00	2.01		Yes.
2401	....do	31	18.00	1.05		Yes.
2404	Female	25	(?)		Board	No.
2405	....do	18	10.00	.74	Parent	No.
2406	....do	22	8.00	.60	....do	No.
2407	....do	24	12.00	.78	....do	No.
2409	....do	24	10.00	.81	Board	No.
2414	Male	19	10.00	.84	....do	No.
			12.00		Parent	No.

[1] Three hours each day.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
2302	Female	24	$10.00	$0.98	Parent	No.
2303	....do	23	10.00	1.45	....do	No.
2304	....do	34	10.00	1.51	Keep house	Yes.
2305	....do	31	10.00	1.31	....do	Yes.
2307	....do	38	10.00	1.57	....do	Yes.
2308	Male	42	17.00	4.22		Yes.
2310	....do	27	15.00	2.46	Board	No.
2311	Female	36	12.00	.87	Keep house	Yes.
2312	Male	15	6.00		Board	No.
2702	Female	19	8.00	.12	Parent	No.
2703	....do	20	9.00	.18	....do	No.
2704	....do	18	8.00	.09	....do	No.
2705	....do	22	10.00	.11	....do	No.
2706	....do	21	9.00	.10	....do	No.
2707	....do	21	9.00	.22	....do	No.
2708	....do	20	9.00	.18	....do	No.
2710	....do	22	10.00	.16	....do	No.
2711	....do	19	8.00	.11	....do	No.
2712	....do	18	8.00	.14	....do	No.
2801	....do	43	13.00		Keep house	Yes.
2802	....do	19	10.00	.37	Parent	No.
2803	Male	19	15.00		....do	No.
2804	Female	27	9.00	.12	Relative	No.
2805	Male	20	13.00			Yes.
2806	Female	19	8.00		Parent	No.
2808	Male	54	13.50			Yes.
2810	....do	37	13.00		Board	No.
2822	....do	21	10.00		Parent	No.
2827	....do	23	12.00			Yes.
2834	Female	24	8.00		Parent	No.
2837	Male	39	12.00			Yes.
2840	....do	39	12.00		Board	No.
2901	....do	36	(?)			Yes.
2902	Female	20	10.00	.10	Parent	No.
2903	....do	20	13.00	.07		No.
2904	....do	19	9.00	.16	Parent	No.
2905	....do	21	9.00	.25	....do	No.
2906	....do	23	8.00	.07	....do	No.
2907	....do	23	9.00	.04	....do	No.
2908	....do	32	10.00	.18	Keep house	Yes.
2909	Male	17	8.00		Parent	No.
2910	Female	35	10.00		Board	Yes.
2911	....do	23	10.00		....do	No.
2913	....do	34	12.00		....do	No.
2912	....do	22	9.00		Parent	No.
2916	....do	36	15.00		....do	Yes.
2915	....do	26	10.00		....do	No.
2918	....do	20	8.00		....do	No.
2918	Male	21	10.00		Board	No.
2919	Female	36	12.00		Keep house	Yes.
3002	Male	39	13.00	3.87		Yes.
3003	....do	47	18.50	4.75		Yes.
3004	Female	31	11.00	6.96	Keep house	No.
3005	Male	33	13.00	4.23		Yes.
3006	....do	28	17.50	2.49		Yes.
3007	....do	48	18.00	2.64		Yes.
3008	....do	47	17.50	5.41		Yes.
3009	Female	36	12.00	1.61	Parent	Yes.
3001	Male	31	23.30			Yes.
3002	Female	25	11.00	1.42	Parent	No.
3004	Male	40	13.00	.42		Yes.
3005	....do	31	12.00	.43	Board	No.
3006	Female	25	11.00	.21	Parent	No.
3702	....do	21	8.00	.26	....do	No.
3703	....do	25	10.00	.73	....do	Yes.
3704	....do	31	12.00	.21	....do	No.
3705	Male	40	15.00			Yes.
3706	....do	46	18.50	4.02		Yes.
3801	....do	28	17.30	3.27		Yes.
3802	....do	31	25.00			Yes.
3803	....do	41	14.00	.17		Yes.
3804	....do	24	17.30		Parent	No.
3805	....do	26	12.00	.20	Board	No.
3806	....do	17	12.00	.26		Yes.
3807	Female	21	9.00	.43	Keep house	Yes.
3809	Male	20	12.00	.28	Parent	No.
3811	....do	19	10.00	.25	....do	No.
3813	....do	46	13.00	.21		Yes.
3812	....do	45	12.00	.37		Yes.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly contribution.	Living with parents or relative.	Married.
3014	Male	22	$12.00	$0.25	Relative	No.
3015	do	21	10.00	.22	do	No.
3017	do	41	12.00	.20	Board	No.
3019	do	37	13.00		do	No.
3022	do	42	14.00			Yes.
3023	do	25	12.00		Board	Yes.
3024	do	26	12.00			Yes.
3026	Female	41	10.00	.20	Board	No.
3029	Male	21	14.00			Yes.
3030	Female	19	12.00			Yes.
3011	do	18	12.00		Keep house	No.
3013	Male	22	12.00	2.77	Relative	Yes.
3014	do		12.00	4.22	Board	No.
3015	do		12.00	2.29	do	Yes.
3016	Female	37	20.00			Yes.
3017	Male	45	14.00	1.47	Board	Yes.
3101	do	30	13.00	2.92		Yes.
3102	Female	25	13.00	.25		Yes.
3104	do	18	11.00	.17	Keep house	No.
3105	Male	19	9.00	.21	Parent	No.
3202	Female	24	10.00		Board	No.
3203	do	24	14.00		Parent	No.
3204	do	21	10.00		do	No.
3205	do	18	17.00		do	No.
3206	do	18	9.00		do	No.
3208	do	20	10.00		Relative	No.
3207	do	20	11.00		Keep house	Yes.
3208	do	20	8.00		Relative	No.
3209	do	22	10.00		Parent	No.
3213	do		8.00		do	No.
3215	do	18	10.00		Board	No.
3406	Male	20	8.00		do	No.
3407	Female		9.00		Relative	No.
3408	Male	22	8.00		Board	No.
3409	do	27	1 7.00		do	No.
3410	do	20	9 8.00		do	No.
3414	Female	40	10.00		Keep house	No.
3502	do	22	6.00	.17	Parent	No.
3507	do	20	10.00	.22	do	No.
3508	do	20	10.00	.21	Board	No.
4001	Male	23	(?)			Yes.
4002	Female	27	12.00	.27	Keep house	Yes.
4003	do	25	10.00	.23	Parent	Yes.
4004	do	20	12.00	.27	Keep house	Yes.
4005	do	20	8.00	1.04	Parent	No.
4006	do	21	8.00	.23	do	No.
4102	do	24	10.00	.72	do	No.
4103	do	22	8.00	.24	do	No.
4104	do	20	11.00	2.71	Board	No.
4105	do	21	8.00	.17	Relative	No.
4106	do	20	10.00	.32	Parent	No.
4107	do	20	8.00	.23	do	No.
4111	do	21	8.00	.16	do	No.
4201	do	18	14.00	.57	do	No.
4202	do	36	12.00	.41	do	No.
4203	do	26	10.00	.72	Relative	No.
4205	do		10.00	.33	Keep house	Yes.
4206	do	34	12.00	.42	do	Yes.
4208	do	26	12.00	.39	do	Yes.
4301	Male	23	20.00		Parent	No.
4302	do	23	12.00	1.48	do	No.
4403	Female	36	13.00	1.67	Keep house	Yes.
4404	do	30	12.00	1.64	Board	Yes.
4502	Male	37	22.00			Yes.
4305	do	21	18.00	5.62		Yes.
4306	do	26	18.00	4.21	Board	No.
4309	do	28	18.00	3.90		Yes.
4312	do	32	13.00	4.02	Board	Yes.
4317	do	39	20.00	2.09		Yes.
4601	do	42	22.50			Yes.
4602	Female	18	8.00	.68	Parent	No.
4703	do	23	20.00		Board	No.
4902	do	22	10.00	1.31	Parent	No.
4904	do	24	10.00	1.78	do	Yes.
4905	do		12.00	.49	Board	Yes.
4906	do	21	12.00	.71	Relative	No.
5001	Male	23	(?)			Yes.
5002	Female	26	15.00		Keep house	No.
5004	Male	21	10.00		Parent	No.

[1] Six hours.

[2] Two hours.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
B99	Female	25	$9.00		Parent	No.
B100	do	23	8.00	$0.54	do	No.
B105	do	26	10.00	.32	Board	No.
B106	do		15.00	.60	do	No.
B201	Male	23	20.10		do	No.
B202	Female	19	8.00		Parent	No.
A5	do	19	9.00		do	No.
A6	Male	26	18.00		do	No.
A7	Female	23	10.00		do	No.
A8	do	41	24.10		Keep house	No.
A9	do	27	10.00		Parent	No.
A11	do	21	(?)		Board	Yes.
A13	do	21	11.00		Parent	No.
A16	do	26	15.00		Board	No.
A17	Male		27.50			No.
A18	Female	24	11.00		Parent	No.
A20	do	19	9.00		do	No.
A21	do	23	12.00		do	No.
B3	Male	26	26.50			Yes.
B4	Female	22	12.00		Parent	No.
B6	do	20	(?)		do	No.
B7	do	24	10.00		do	No.
B8	do	27	(?)		Board	No.
B9	do	18	8.00		Parent	No.
B10	do	20	10.00		do	No.
B11	do	22	12.00		do	No.
B12	do	22	11.00		do	No.
B13	do	22	11.00		do	No.
B14	do	26	12.00		do	No.
B15	do	23	10.00		do	No.
B16	do	19	8.00		do	No.
B17	Male	18	8.00		do	No.
B18	Female	18	8.00		do	No.
B19	do	20	10.00		do	No.
B20	do	22	14.50		Relative	No.
B26	do	20	15.00		Parent	No.
B30	do	22	9.00		do	No.
B27	do	18	8.00		do	No.
B28	do	18	8.00		do	No.
B29	do	17	8.00		do	No.
B35	Male	22	19.00			Yes.
B31	Female	19	8.00		Parent	No.
B32	do	18	8.00		do	No.
B33	do	19	9.00		do	No.
B34	do	17	8.00		do	No.
B36	do	18	8.00		do	No.
B38	do	21	9.00		do	No.
B37	do	22	10.00		Board	No.
B39	do	21	11.00		Parent	No.
B29	do	21	9.00		do	No.
B40	do	18	8.00		do	No.
B41	do	17	7.00		do	No.
B42	do	18	8.00		do	No.
B43	do	20	9.00		do	No.
B44	do	20	9.00		do	No.
B45	do	20	8.00		do	No.
B46	do	22	10.00		Relative	No.
B47	do	21	9.00		Parent	No.
B48	do	20	8.00		do	No.
B49	do	18	8.00		do	No.
B50	do	18	8.00		do	No.
B51	do	20	9.00		do	No.
B52	do	22	9.00		do	No.
B53	do	19	10.00		do	No.
B54	do	18	8.00		do	No.
B55	do	18	8.00		do	No.
B56	do	20	8.00		do	No.
B57	do	20	8.00		Relative	No.
D3	Male	20	24.00			Yes.
D4	do	20	12.00		Board	No.
D5	Female	24	12.00		Parent	No.
D6	do	20	8.00		do	No.
D7	Male	18	7.00		do	No.
D8	do	34	12.00			Yes.
D9	do		12.00		Board	No.
D10	Female	19	8.00		Parent	No.
D11	do	17	7.00		do	No.
D12	do	20	8.00		do	No.
D13	Male	43	12.00			Yes.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wages.	Average weekly commission.	Living with parents or relative.	Married.
D14	Male	23	$0.00		Parent	No.
D15	do	36	12.00			Yes.
D16	Female		8.00		Parent	No.
D18	do	19	9.00		do	No.
D19	Male	20	11.00		Board	No.
D20	do	40	16.20			Yes.
D21	do	32	15.00			No.
D22	do	26	12.00		Parent	No.
D23	do	22	13.00		Board	No.
D25	Female	26	8.00		Keep house	Yes.
D26	Male	20	15.00		Board	No.
D27	do	22	13.00		Parent	No.
D28	Female	16	6.00		do	No.
D29	Male		12.50			
D30	Female	21	8.00		Parent	No.
D31	Male		9.00			
D32	do	36	13.00			Yes.
D33	Female	19	9.00		Parent	No.
D34	Male	36	13.00			Yes.
D35	Female		8.00		Parent	No.
D44	do	22	8.00		do	No.
D45	do	37	12.00		Keep house	Yes.
D46	Male	36	12.00		Board	No.
D47	Female		6.00		Parent	No.
D38	do	19	8.00		do	No.
D39	do	21	8.00		do	No.
D40	do		8.00		do	No.
D41	do		8.00		do	No.
D42	do	17	7.00		do	No.
D43	do	19	8.00		do	No.
	do	38	8.00		do	No.
	Male	33	30.00			No.
	do	33	30.00			Yes.
	do	30	25.00			Yes.
	do	30	22.50			Yes.
	do	31	25.00			Yes.
	do	28	22.50			Yes.
	do	45	25.00			Yes.
	do	46	22.50			Yes.
	do	38	25.00			Yes.
	do		25.00			No.
	do	40	25.00			Yes.
	Female	20	15.00		Keep house	Yes.
	do	22	10.00		Parent	No.
	Male	23	25.00			Yes.
	do	43	25.00			Yes.
	do	40	25.00			Yes.
	Female		15.00		Parent	Yes.
	Male	60	15.00			Yes.
	do	27	25.00			Yes.
	do	27	25.00		Board	No.
	Female	18	8.00		Parent	No.
	do	20	8.00		do	No.
	do	20	8.00		do	No.
	do	18	8.00		do	No.
	do	18	8.00		do	No.
	do	20	9.00		do	No.
	do	19	8.00		do	No.
	do	18	8.00		do	No.
	do	16	8.00		Relative	No.
	do	18	8.00		Parent	No.
	do	19	8.00		do	No.
	do	18	8.00		do	No.
	do	18	8.00		do	No.
	do	18	8.00		do	No.
	do	19	8.00		do	No.
	do	21	10.00		do	No.
	do	19	9.00		do	No.
	do	18	8.00		do	No.
	do	19	9.00		do	No.
	do	18	8.00		do	No.
	do	20	6.00		do	No.
	do	18	8.00		do	No.
	do	17	7.00		do	No.
	do	20	8.00		do	No.
	do	19	8.00		do	No.
	do	21	8.00		do	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relatives.	Married.
F31	Female	20	$8.00		Board	No.
F32	do	19	9.00		Parent	No.
F33	do	20	9.00		do	No.
F34	do	22	8.00		do	No.
F35	do	27	10.00		do	No.
F36	do	19	8.00		do	No.
F37	do	19	8.00		Board	No.
F38	do	21	9.00		Parent	No.
F39	do	20	9.00		do	No.
F40	do	23	9.00		do	No.
F41	do	20	9.00		do	No.
F42	do	18	8.00		do	No.
F43	do	18	8.00		do	No.
F44	do	19	8.00		do	No.
F45	do	20	9.00		do	No.
F46	do	26	10.00		do	No.
F47	do	22	8.00		do	No.
F48	do	20	9.00		Relative	No.
F49	do	20	9.00		Parent	No.
F50	do	20	9.00		do	No.
F51	do	18	9.00		do	No.
F53	do	19	9.00		do	No.
F55	do	18	9.00		do	No.
F56	do	21	9.00		do	No.
F57	do	18	8.00		do	No.
F58	do	22	8.00		do	No.
F60	do	20	9.00		do	No.
F61	do	18	8.00		do	No.
F62	do	19	9.00		do	No.
F63	do	23	9.00		do	No.
F64	do	19	9.00		do	No.
F65	do	18	8.00		do	No.
F67	do	19	8.00		do	No.
F68	do	20	8.00		do	No.
F70	do	22	8.00		do	No.
F96	do		8.00		do	No.
G4	do	17	7.00		do	No.
G6	do	17	7.00		Relative	No.
G8	do	18	8.00		Parent	No.
G9	do	17	7.00		do	No.
G10	do	17	7.00		do	No.
G11	do	16	6.00		do	No.
G12	do	17	7.00		do	No.
G13	do	16	6.00		do	No.
G15	do	17	7.00		do	No.
G16	do	16	6.00		do	No.
G17	do	16	6.00		do	No.
G18	do	18	8.00		do	No.
G19	do	17	7.00		do	No.
G20	do	17	7.00		do	No.
G21	do	17	7.00		do	No.
G22	Male	20	9.00		do	No.
G23	Female	17	7.00		do	No.
G24	do	19	8.00		do	No.
G25	Male	14	6.00		do	No.
G26	Female	17	7.00		do	No.
G27	do	17	7.00		do	No.
G28	do	17	7.00		do	No.
G29	Male	19	9.00		do	No.
G30	Female	17	7.00		do	No.
G31	do	18	8.00		Relative	No.
G32	do	18	8.00		Parent	No.
G33	do	18	8.00		do	No.
G34	do	17	7.00		do	No.
G35	do	18	8.00		do	No.
G37	Male	16	7.00		do	No.
G38	do	33	15.00		do	Yes.
G39	Female	18	8.00		Parent	No.
G41	do	18	8.00		do	No.
G42	do	19	8.00		do	No.
G44	do	18	8.00		do	No.
G45	do	18	8.00		do	No.
G46	Male	18	8.00		do	No.
G47	Female	18	8.00		do	No.
G52	do	17	7.00		do	No.
G53	Male	16	8.00		do	No.
G55	Female	17	7.00		do	No.
G62	do	18	8.00		do	No.
G66	do	19	8.00		do	No.
G71	do	17	7.00		do	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
H13	Female	20	$11.00			Yes.
H14	do	22	11.00		Relative	No.
H15	do	47	14.00			Yes.
H16	do	41	20.85			Yes.
H17	do	40	11.00			Yes.
H18	do	21	12.00			Yes.
H19	do	24	11.00			Yes.
H10	do	22	12.00		Board	No.
H11	do	23	12.00		Parent	No.
H12	do	23	13.00			Yes.
I1	Male	22	10.00			Yes.
I2	Female	20	25.00		Parent	No.
I3	Male	17	7.00		do	No.
I4	Female	19	12.00		do	No.
I5	do	20	9.00		do	No.
I6	do	17	10.00		Board	No.
I7	do		8.00		Parent	No.
I8	do	55	9.00		do	No.
I9	do	22	10.00		Board	No.
I10	do	26	10.00		do	No.
I11	do	17	7.00		Parent	No.
I12	do	21	9.00		do	No.
I13	do	23	9.00		do	No.
I14	do	21	9.00		do	No.
I15	do	22	11.00		do	No.
I16	do	21	9.00		do	No.
I17	do	25	11.00		do	No.
I18	do	23	9.00		do	No.
I19	do	26	9.00		do	No.
I20	Male	16	15.00		do	No.
I21	Female	22	9.00		do	No.
I22	do	17	7.00		do	No.
I23	Male	24	25.00			Yes.
I24	Female	17	7.00		Parent	No.
I25	do	19	9.00		do	No.
I26	do	21	9.00		do	No.
I27	do	20	8.00		do	No.
I28	do	27	9.00		Relative	No.
I29	Male	40	14.00			Yes.
I30	do	23	13.00			Yes.
I31	Female	23	9.00		Relative	No.
I32	Male	19	15.00			Yes.
I33	do	23	12.00			Yes.
I34	do	22	12.00			Yes.
I35	do	31	12.00			Yes.
I36	do	40	12.00		Board	No.
I37	do	23	12.00			Yes.
I38	do	40	13.00			Yes.
I39	do	24	12.00			Yes.
J12	do	20	13.00			Yes.
J13	do	23	12.00			Yes.
J14	do	44	12.00			Yes.
J15	do	26	13.00			Yes.
J16	do		12.00			Yes.
J33	Female	20	8.00		Relative	No.
J37	do	18	8.00		Parent	No.
J39	do	37	10.00		Keep house	Yes.
J42	do	45	13.00		do	No.
J43	Male	51	12.00			Yes.
J44	do	40	13.00		Board	No.
J46	do	17	13.00			Yes.
J47	do	50	12.00		Relative	No.
J48	do	42	13.00			Yes.
J49	do	35	17.00			Yes.
J50	do	46	13.00			Yes.
J57	do		12.00			Yes.
J59	do	40	12.00		Board	No.
J65	do	22	12.00			Yes.
K2	Female	19	8.00		Parent	No.
K3	do	21	11.00		do	No.
L1	Male	30	16.50			Yes.
L2	do	30	22.00			Yes.
L3	do	40	21.00			Yes.
L4	Female	25	9.00		Parent	No.
L5	Male	19	12.00		Relative	No.
L6	do	57	12.50			Yes.
L7	do	22	16.00		Relative	No.
L9	do	41	12.00			Yes.
L11	do	31	30.00			Yes.
L36	do	23	24.00		Board	No.
M1	do	47	(?)			Yes.
M2	do	22	13.00			Yes.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
M3	Male	46	$15.00			Yes.
M5	do	40	12.00			Yes.
M6	do	25	14.00		Board	No.
M7	do	40	14.00			Yes.
M8	do	23	12.00		Parent	No.
M9	do	35	15.00			Yes.
M10	do	37	12.00		Board	No.
M30	do	35	15.00			Yes.
M31	do	28	18.00			Yes.
M32	do	31	12.00			Yes.
M33	do	37	15.00			Yes.
M34	do	35	15.00			Yes.
M35	do	19	14.00		Parent	No.
M36	do	28	15.00			No.
M37	do	37	15.00		Board	No.
M39	do		8.00		Parent	No.
M40	do	19	14.00		do	No.
M42	do	25	15.00		Board	No.
M43	do	23	14.00		Parent	No.
M44	do	24	18.00		do	No.
M45	do	29	15.00			Yes.
M46	do	20	12.00		Parent	No.
M48	do	33	14.00			Yes.
M49	do	8	14.00			Yes.
M50	do	19	12.00		Parent	No.
M52	do	25	14.00		do	No.
M53	do	24	12.00			Yes.
M54	do	21	12.00		Parent	No.
M55	do	19	12.00		do	No.
M56	do	20	14.00		do	No.
M57	do	19	13.00		do	No.
N1	do	37	(?)			Yes.
N4	do	21	12.00			Yes.
N5	Female	20	14.00		Parent	No.
N6	do	20	12.00		Board	No.
N7	do		12.00		Parent	No.
N8	do	19	8.00		do	No.
M10	Male		(?)			Yes.
N15	do	30	21.00			Yes.
N16	do	28	16.20			Yes.
N18	do	20	12.00		Parent	No.
N20	do	20	12.00		do	No.
N27	do	27	18.00			Yes.
N30	do	47	(?)			Yes.
M31	Female	21	8.00		Parent	No.
M33	do	22	8.00		do	No.
M35	do	23	10.00		Board	No.
M36	do	22	12.00		Parent	No.
M38	do	20	8.00		do	No.
M39	do	19	8.00		Relative	No.
M39	do	19	8.00		Parent	No.
F1	Male	23	20.00			Yes.
F3	do	30	12.00			Yes.
F5	do	19	12.00			Yes.
F6	do	37	12.00		Board	No.
F6	do	23	12.00			Yes.
F6	do	43	12.00			Yes.
F7	do	44	12.00			No.
F26	do	20	14.00		Board	No.
F28	do	18	8.00		Parent	No.
F37	do	22	12.00		Board	No.
F38	do	23	14.30			Yes.
F39	do	18	8.00		Board	No.
F40	do	17	7.00		Parent	No.
F36	do	18	10.00		do	No.
F37	do	18	10.00		Board	No.
F38	do	21	10.00		do	No.
F39	do	21	11.00		do	No.
F40	do	17	7.00		Parent	No.
F41	do	18	8.00		do	No.
F42	do	18	12.00		Board	No.
F43	do	18	10.00		Parent	No.
F45	do	19	13.00		do	No.
F46	do	18	8.00		do	No.
F47	do	18	10.00		do	No.
F48	do	17	7.00		do	No.
F49	do	17	8.00		do	No.
F50	do	18	10.00		do	No.
F54	do		9.00		do	No.

Data supplied by Mr. Arthur Letts, of Los Angeles—Continued.

No.	Male or female.	Age.	Weekly wage.	Average weekly commission.	Living with parents or relative.	Married.
P16	Male	19	$16.00		Relative	No.
P17	do	20	12.00			Yes.
P18	do	17	6.00		Parent	No.
P19	do	18	6.00		do	No.
P20	do	20	8.00		do	No.
P21	do	22	11.00		do	No.
P22	do	20	11.00		do	No.
P23	Female	19	6.00		do	No.
P24	do	18	6.00		do	No.
P25	do	22	12.00		Keep house	Yes.
P26	do	20	8.00		Parent	No.
P27	do	19	6.00		Relative	No.
P28	do	18	6.00		Parent	No.
P29	do	19	6.00		do	No.
P30	do	18	6.00		do	No.
P31	do	18	6.00		do	No.
P32	do	18	6.00		do	No.
P33	do	20	6.00		do	No.
P34	do	19	6.00		do	No.
P35	do	19	6.00		do	No.
P36	do	19	6.00		do	No.
P37	do	19	6.00		do	No.
P38	do	19	6.00		do	No.
P39	do	19	6.00		Relative	No.
P40	do	19	6.00		Parent	No.
P41	do	18	6.00		do	No.
P42	do	18	6.00		do	No.
P43	do	18	10.00		do	No.
P44	do	19	6.00		do	No.
P45	do	18	6.00		do	No.
P46	do	19	6.00		do	No.
P47	do	18	6.00		do	No.
P48	do	18	6.00		do	No.
P49	do	18	6.00		do	No.
P50	do	18	15.00		do	Yes.
P51	do	19	6.00		do	No.
P52	do	21	6.00		Relative	No.
P53	do	19	6.00		Parent	No.
P54	do	18	6.00		do	No.
P55	do	18	12.00		do	No.
P56	do	18	12.00		Keep house	Yes.
P57	do		13.00		do	Yes.
P58	do		13.00		do	Yes.
P59	do		12.00		Parent	Yes.
P60	do		12.00		do	Yes.
P61	do		12.00		Keep house	Yes.
P62	do	20	12.00		do	Yes.
P63	do		12.00		do	Yes.
P64	do	23	12.00		do	Yes.
P65	do	22	12.00		do	Yes.
P66	do	41	12.00		do	Yes.
P67	do		12.00		do	Yes.
P68	do		12.00		do	Yes.
P69	do		12.00		do	Yes.
P70	do	42	12.00		Parent	No.
P71	do	45	12.00		Keep house	No.
P72	do	27	12.00		Board	Yes.
P73	do		12.00		Parent	No.
P74	do		6.00		Sister	No.
P75	do	38	12.00		Keep house	Yes.
DD1	Male	21	20.00			Yes.
DD2	Female	18	10.00		Keep house	Yes.
OO1	do	18	20.00		do	Widow.
OO2	do	18	12.00		Parent	No.
DD3	do	18	9.00		do	No.
II1	Male	18	14.00			Yes.
II2	do	18	8.00		Parent	No.
II3	do	18	12.00			Yes.
II4	Female	(1)	(1)	(1)		
KK1	do		6.00		Parent	No.
LL2	do	20	10.00		do	No.
LL7	do	20	9.00		do	No.
MM1	Male		15.00			Yes.
MM2	do	30	12.00			Yes.
MM3	do	24	12.00			Yes.
NN1	Female	21	8.00		Parent	No.
OO1	do	22	12.00		do	No.

[1] Own connection.

CHAMBERLAIN EXHIBIT.

A. HAMBURGER & SONS (INC.), EIGHTH AND BROADWAY, LOS ANGELES, CAL., SEPT. 19, 1914.

Wages paid male employees.

Sales people:

2	$12.00
2	13.00
1	14.00
13	15.00
3	16.00
9	17.00
21	18.00
2	17.50
1	18.50
1	19.00
1	19.23
12	20.00
1	21.00
10	22.00
2	23.10
2	24.00
4	25.00
1	27.00
1	27.50

Cafe (including meals):

11	$8.00
1	9.00
2	10.00
1	11.00
4	12.00
2	14.00
1	16.00
2	18.00
2	21.00

Candy department:

2	12.00
1	16.00
1	25.00

Clerical:

2	12.00
1	13.00
4	15.00
1	16.00
1	17.00
1	17.30
1	17.50
1	18.00
2	19.65
2	20.00
4	22.00
2	23.10
3	25.00
2	27.50

Cashiers:

1	14.00
1	22.10
1	25.00

Porters, packers, elevators, windows, transfer, etc.:

15	10.00
8	11.00
12	12.00
1	14.00
7	15.00
10	16.00
4	16.80
1	17.00
1	17.50
1	18.00
1	20.00
1	24.00
2	27.00
2	30.00

Delivery drivers and shipping department:

6	$12.00
2	13.00
8	14.00
1	15.00
1	14.00
2	15.00
1	16.00
1	25.10

Delivery driver helpers and special messenger boys:

4	7.00
4	8.00
1	9.00
2	10.00

Chauffeurs:

2	15.00
1	15.50
3	16.00
1	18.50

Mechanics:

2	15.00
4	16.00
1	17.00
2	18.00
28	21.00
2	22.00
1	23.10
1	24.00
1	25.00
1	28.00

Mechanics' helpers:

1	9.00
1	10.00
4	12.00

Stock boys and men:

11	8.00
9	10.00
2	11.00
7	12.00
2	13.00
2	14.00
2	15.00
2	16.00
1	17.00
1	18.00
4	19.00
1	19.50
1	20.00
1	22.00
1	25.00

Messengers:

11	5.00
2	6.00
11	6.00
9	7.00

Workroom, printing, theater, sign, etc.:

1	12.00
1	14.00
1	15.00
11	16.00
1	18.00
2	21.00
1	22.00
1	24.00
2	25.00

Able men and buyers' assistants:

31 (average)	24.92

Buyers and executives:

46 (average)	49.56

Wages paid female employees.

Sales people:
Inexperienced—
7 ..... $7.00
1 ..... 7.50
50 ..... 8.00
Experienced—
75 ..... 9.00
58 ..... 10.00
11 ..... 11.00
27 ..... 12.00
4 ..... 13.00
9 ..... 14.00
9 ..... 15.00
3 ..... 16.00
1 ..... 16.50
1 ..... 17.00
1 ..... 17.50
10 ..... 18.00
1 ..... 18.50
1 ..... 19.00
12 ..... 20.00
1 ..... 22.00
2 ..... 22.50
2 ..... 25.00

Café, lunch period three hours' work (includes two meals):
14 ..... 4.00
7 ..... 4.50

Café, regular (includes three meals):
3 ..... 7.00
4 ..... 8.00
1 ..... 10.00
1 ..... 12.00
2 ..... 14.00

Candy department:
Inexperienced—
1 ..... 6.00
2 ..... 7.00
2 ..... 8.00
Experienced—
1 ..... 15.00

Clerical—timekeepers, adj. office, adv. office, etc.:
Inexperienced—
1 ..... 7.00
1 ..... 8.00
Experienced—
10 ..... 9.00
5 ..... 10.00
8 ..... 12.00

Clerical—timekeepers, adj. office, adv. office, etc.—Continued.
Experienced—Continued
8 ..... $13.00
4 ..... 14.00
2 ..... 15.00
2 ..... 16.00
2 ..... 18.00
2 ..... 20.00
1 ..... 22.50

Cashiers, transfers, telephone operators, etc.:
10 ..... 7.00
45 ..... 8.00
5 ..... 9.00
4 ..... 10.00
1 ..... 13.00
1 ..... 14.00

Apprentices:
7 ..... 3.00
4 ..... 4.00
35 ..... 4.50

Messengers:
13 ..... 5.00
3 ..... 5.50
16 ..... 6.00

Stock, work rooms, theater, etc.:
Inexperienced—
3 ..... 6.50
37 ..... 7.00
Experienced—
17 ..... 8.00
3 ..... 9.00
11 ..... 10.00
2 ..... 11.00
13 ..... 12.00
1 ..... 12.50
2 ..... 13.00
1 ..... 14.00
5 ..... 15.00
2 ..... 16.00
7 ..... 18.00
2 ..... 20.00
2 ..... 22.00
1 ..... 23.10
1 ..... 25.00

Buyer's assistants:
12 (average) 25.00

NOEL EXHIBIT.[1]

REPORT OF HOTEL AND RESTAURANT WORKERS OF LOS ANGELES.

Number of places to work.—In Los Angeles: 224 restaurants, cafés, and cash houses; 18 hotels; 6 clubs; 38 cafeterias and dairy lunch rooms. In Pasadena: 6 restaurants and cafés, 4 hotels. In Venice, Ocean Park, and Santa Monica: 40 restaurants and cafés.

Waiters' wages.—Steady waiters, first-class cafés and cash houses, $8 to $10; steady waiters, second-class cafés and cash houses, $7 to $12; short watch, two meals, $5 to $7; lunch men, lunch only, 14 to 25 cents per hour; steady waiters in hotels and clubs, $35 to $60 per month; lunch waiters in clubs, lunch only, $7 per week. Relief men receive the same wages as man relieved and are paid by the person relieved.

Food.—The food in the hotels and clubs that is furnished to the employees is composed of comebacks and refuse from the kitchen-scrap table, and in some cases from the stock boilers, being unfit to eat, thereby compelling the waiters to buy their food elsewhere. In the first-class cafés and cash houses the waiters are compelled to pay the cooks or help's half waiter to get anything fit to eat. In the second-class restaurants and lunch counters the waiters are allowed to eat what they wish within reason. There are some exceptions to the above, but as a rule the waiters have to buy their food either directly or indirectly.

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[1] Mrs. Noel also submitted a printed card of the Los Angeles committee of the National Women's Trade Union League.

Uniforms.—The clubs furnish the waiters with their uniform and keep same clean at expense of club. Waiters furnish their own uniform at all other houses and keep same clean at their own expense.

Locker rooms.—The clubs, hotels, and cafés where several or more waiters are employed furnish a room with lockers in which to keep their uniforms and where they can change clothes. These locker rooms are kept in a fairly clean condition. Other houses furnish no locker room and the waiters are compelled to change clothes in some part of the kitchen, pantry, storeroom, and in some cases the dirty, musty cellar, where they are oftentimes within plain view of women and girl workers and sometimes within view of the public.

Deposits.—Waiters in cafés and restaurants where oyster forks, carving sets, chafing dishes, etc., are used are compelled to leave a deposit with the cashier, checker, or steward before same can be served. In a great many houses the waiter is compelled to put up a deposit on all ketchup and sauces before serving same at the table, thereby compelling a waiter to have a bank roll equal to an average week's pay before going to work.

Buss boys.—In houses where buss boys are employed the waiter must pay for any services rendered on his station, and in some houses a certain amount is deducted from his wages for the buss boys.

Hours.—Steady men, 10 to 12 hours per day, 7 days per week. Two-meal men, 5 to 7 hours per day, 7 days per week. Lunch men, 1 to 3 hours per day. Relief men receive the same wages and work the same hours as the man relieved. The condition of the balance of the culinary workers in Los Angeles is the same, with the exception of wages and hours. Below is given the wages received and hours of work of the cooks of Los Angeles and vicinity:

Wages and hours of kitchen help.—Steady men, 10 to 12 hours per day, within 15; 7 days per week. Relief men work same hours and receive same wages as man relieved. Chefs, $20 to $40 per week. Second cooks, $10 to $25 per week. Third cooks, $10 to $20 per week. Kitchen help, $7 to $10 per week.

Remarks.—Under the present system of being compelled to work 7 days per week the men and women working in hotels, cafés, and restaurants have almost no time at home to become acquainted with their family (in many cases our children are born and almost grown up before we get to see them in daylight), they being asleep when we leave for work before daylight and are asleep when we reach home after dark at night, as it takes about 13 hours within 15 to get in a day's work, counting the time going and coming, as we must live a long ways out to obtain cheap enough rent. Also on the low wages paid the waiter must almost force our guest to tip that we may exist, thereby looking to the customer for our salary instead of the boss whom we are working for as we should.

Waitresses.—Conditions sanitary, etc., are about the same as set forth in the cooks' and waiters' report. In a number of places they must dress in the same dressing room as the men. We have an eight-hour law in the State. There are any amount of houses in which the law is not lived up to, and the girls work from six to eight hours a week overtime. The way the watches are cut up it requires a girl to spend 13 hours to work 7; seven days a week from 6 a. m. to 7 p. m., such as 6 to 8 a. m., 11.30 a. m. to 2.30 p. m., and 5 to 7 p. m.

Wages.—So-called open hours: Steady, seven days, 58 to 57 hours per week, $3 to $7. Steady, lunch, three hours, 35 cents. Extra, lunch, three hours, 50 cents. Two meals, five hours per day, seven days per week, $2.50 to $5. Banquet scale in the city, three to five hours, $1.

Union hours: Steady, six days, 48 hours per week, $6. Steady, lunch, 24 hours or less, 60 cents. Extra, lunch, 75 cents. Two meals, five hours per day, six days per week, $6. Banquet scale in the city, first two hours, $1.50; 25 cents per hour thereafter.

Beach and summer resort scale.—Open hours: Extra, 8 to 10 hours per day, $1.50; no fare. Lunch, week days, three hours, $1; no fare.

Union hours: Extra, eight hours per day, $2 and fare. Lunch, weekdays, 2½ hours or less, 75 cents and fare.

Short hours Sundays and holidays.—Open houses: four hours, $1.25, no fare; six hours, $1.50, no fare.

Union houses: four hours, $1.25 and fare; six hours, $1.50 and fare. In union hours only one break in the watches.

PLATFORM.

1. Organization of all workers into trades-unions.
2. Equal pay for equal work.
3. Eight-hour day.
4. Living wage.
5. Full citizenship for women.

NAME.

The name of this organization shall be the Los Angeles Committee of the National Woman's Trade Union League.

MEMBERSHIP.

Membership of this committee shall consist of trade-unionists in good standing, and of persons who sympathize with the object of the committee.

OBJECT.

The object of this organization shall be to investigate the conditions of working women, to promote the best type of trade-unionism in existing organizations, and to assist in organizing trade-unions among women.

OFFICERS.

Sec. 1. The officers shall be a president, vice president, secretary, and treasurer. Officers shall be elected to serve one year.

Sec. 2. The president shall perform the usual duties of the office.

Sec. 3. The vice president shall perform all the duties of the president in her absence.

Sec. 4. The secretary shall have charge of all the correspondence of the committee and shall perform the usual duties pertaining to the office.

Sec. 5. The treasurer shall receive and take charge of all money paid into the committee and shall deposit it in a bank approved by the officers, and in the name of the committee.

EXECUTIVE BOARD.

Sec. 1. The executive board shall consist of four officers and three members elected at an annual meeting.

Sec. 2. The majority of the executive board shall be trade-unionists in good standing.

Sec. 3. The number of the executive board present shall constitute a quorum, after due notification has been given.

COMMITTEES.

Sec. 1. Standing committees shall be finance, legislative, investigation, immigration, and auditing.

Sec. 2. The president shall appoint the chairmen of standing committees from the executive board.

Sec. 3. It shall be the duty of the auditing committee to examine all vouchers and accounts and to audit the financial affairs of the committee quarterly.

DUES.

The dues of the trade-unions, other affiliated organizations, and allies, shall be $1 per annum. For individual trade-union members the presentation of a trade-union card, showing paid-up membership, is a substitute for annual dues.

MEETINGS.

Regular meetings shall be held once a month unless otherwise arranged by the executive board after due notification to the members.

AMENDMENTS.

A majority of those present and entitled to vote at any committee meeting shall have the power to amend this constitution, 30 days' notice having been given to all members.

KUHRTS EXHIBIT NO. 1.

Los Angeles Railway—Statement men owning or buying homes and renters, September, 1914.

	Homes clear.	In process of payment.	Renters.
Dispatchers', schedule, and instructors' departments	11	9	19
Inspectors	3	13	14
Trainmen	11	4	5
Platform men, including division foremen and clerks[1]	284	281	1,175
Shopmen, all divisions	30	104	207
Electrical department[2]	11	29	93
Maintenance of way department	60	29	851
Total	404	469	2,349

[1] Does not include extra list. [2] Includes power and line men.

KUHRTS EXHIBIT NO. 2.

Los Angeles Railway Corporation.

Capital stock	$20,000,000
Bonds authorized	20,000,000
Bonds issued, Los Angeles Railway Corporation	14,500,000
Balance of Los Angeles Railway Corporation bonds:	
To refund Los Angeles Railway Co. bonds	5,000,000
To refund Los Angeles Traction Co. bonds	500,000

Officers: H. E. Huntington, president; Howard Huntington, vice president and general manager; W. E. Dunn, vice president; C. A. Henderson, secretary and treasurer.

City Railway Co. of Los Angeles.

Capital stock	$5,000,000
Bonds authorized	5,000,000
Bonds issued	3,544,000

Officers: Same as for Los Angeles Railway Corporation.

WOOD EXHIBIT.

BENEFITS WHICH HAVE RESULTED FROM THE CONDUCT OF THE OFFICE OF PUBLIC DEFENDER.

CRIMINAL DEPARTMENT.

1. Overpunishment has been prevented in many cases, and prisoners have in many instances been placed on parole by investigating the mitigating circumstances, the prior record of the accused, and seeking employment for them.

2. The danger of convicting innocent offenders has been reduced to a minimum by the representation of the accused by the public defender's office, which has competent lawyers familiar with criminal law and the funds necessary to defray the expense of preparing the defense.

3. The coterie of jail lawyers who hang about prisons has been almost entirely eliminated in Los Angeles. These lawyers are willing to represent indigent defendants for a pittance, or in the hope of having them recommend some other prisoner in the jail who might have more means or in the hope of releasing the accused on parole and then hounding him for the payment of a fee which was never earned.

4. Every man accused of crime has been able to secure competent and reliable information and advice as to the nature of the charge against him and as to his rights under the law. As a rule accused persons have been unwilling to

talk freely with the district attorney. Under the present plan they can present their side of the issue to the public defender, often resulting in the charge being reduced to a smaller offense or in the district attorney himself taking steps to release the prisoner.

5. The office has been a great saving to the county in the matter of expense. This is brought about by advising pleas of guilty in proper cases, by asking for no delays on the part of the court, and by trying cases more rapidly than the attorney appointed by the court under the old system.

6. The conduct of criminal cases has been raised to a higher plane, the district attorney and public defender both realizing that it is the duty of each officer to try and bring about exact justice.

7. The district attorney has been assisted in his work and relieved of the responsibility of trying to safeguard the rights of the defendant, a task which was very difficult, if not impossible, for him to do where there was no responsible official charged with the duty of representing the defendant.

CIVIL DEPARTMENT.

1. The public defender has made it possible for a very large number of persons to secure legal redress in cases in which the litigants are entirely without means of paying the expense of litigation. In most of these cases the claimants are wage earners seeking to recover small sums due for wages.

2. Defense has been made in many cases in which indigent defendants were harassed by unscrupulous collection agencies, the process of the court being abused under the cloak of the law. The most common of this class of cases are those in which the wages of men supporting families have been seized for the purpose of harassing the defendant when the plaintiffs knew that they had no legal right to seize them, the defendants often losing their positions with their employers.

3. Advice has been given on legal matters to many persons who are entirely without means of paying an attorney, the applicant being in each case entitled to know his rights. Many domestic difficulties have been adjusted.

4. Many disputes have been settled by being adjusted through the public defender's office, an effort being made in each case to adjust disputes without recourse to the courts wherever possible, both sides generally being willing to accept the judgment of the public defender. Frequently the parties to a dispute meet with their witnesses in the office, and adjust their troubles without recourse to the courts.

5. The opinion prevalent among so many that the courts are only for the wealthy is being dispelled in Los Angeles, provision being made for legal representation for the poor as well as the wealthy.

6. Many helpless persons have been relieved from the clutches of the loan sharks in cases in which the latter have attempted to collect an unlawful rate of interest, the work of the office resulting in the discontinuance on the part of some of the money lenders of the habit of charging unlawful rates.

7. Aid of the bar association has been enlisted and a list of lawyers ready to assist the public defender has been furnished by the association. These lawyers will undertake any litigation for persons not financially able to employ attorneys in matters in which the public defender is not authorized to appear. The lawyers on this list are recommended in alphabetical rotation.

LYON EXHIBIT.

CONDEMNS BILL FOR LIABILITY.

EMPLOYERS OFFER SUBSTITUTE FOR UNION MISFIT—PROPOSED LAW WOULD WORK GREAT HARDSHIP ON INDUSTRIES, SAY MEN WHO MEET TO PROTEST AGAINST DRASTIC PROVISIONS—CUNNING HAND OF LABOR BOSSES REVEALED.

In a rousing meeting of employers at the chamber of commerce last night the administration-favored Boynton employers' liability bill was unqualifyingly condemned as an unholy attempt of labor unions to loot the State treasury, override the courts, and defy justice in their eagerness to get their fingers on the throats of the men who are pushing this State to the fore in a manufacturing way.

In its place Norman S. Sterry, attorney for the employers' legislation committee, offered a modified employers' liability bill, removing the fangs from the Boynton bill and inserting various clauses based on the good rule of common sense.

This bill received the strong approval of those present, and the legislation committee, composed of President Llewellyn, of the Llewellyn Iron Works, and Secretary Kennedy, of the Baker Iron Works, was empowered to join with other employers' associations in a concerted attempt to have this bill substituted for the Boynton measure.

"We are not opposed to an employers' liability bill," said Chairman Kennedy of the legislation committee. "Some things we recognize as inevitable, but we are not going to stand for quack nostrums."

Kennedy then proceeded to gently, but deftly raise the hide from the Boynton bill and to disclose Will J. French, of the present industrial accident board, former labor boss and stanch unionist, as the hand that had guided Boynton in the making of the more objectionable features of his bill.

Kennedy further asserted that the pernicious safety-appliance paragraphs of the bill had been entirely written by French, and that the other two members of the industrial accident board had had a hand in creating this bill to forever perpetuate the board as a court of last resort in fixing compensation for injury, regulating the industrial welfare of the State, and conducting the now notorious State insurance business.

Sterry was even more caustic in his remarks. "I tremble for the industrial future of this State if this bill becomes a law," he said. "The sky is the sole limit of the power that would be thrust on the three commissioners, and, barring a few limitations, no court in the State would have power to undo what the commissioners had done. If their inspectors—and the bill gives the commissioners unlimited power to appoint inspectors and to pay them, too—should order you to-day to remove certain machines and install others, you would have to comply, even though another set of inspectors came around the third day and ordered you to put in some others."

George W. Doonan, commercial agent for the Bureau of Foreign and Domestic Commerce of the Department of Commerce, who was present as the guest of manufacturers and jobbers, told of the work the bureau is doing in upbuilding foreign commerce, and asserted that the 150 per cent increase in our manufacturing output the past 20 years means that the time is approaching when we must seek a market abroad. He also said that the Southwest had a rich future market in South America, and bespoke cooperation with the bureau in establishing trade relations.

[Los Angeles Herald, Mar. 20.]

PROPOSE NEW IDEAS FOR LIABILITY BILL.

Modifications, tempering the extreme points of the Boynton employers' liability bill, will be presented to the legislative committee next Monday night by a committee represented by Reese Llewellyn, D. N. R. Little, and Warren C. Kennedy.

Employers' liability for medical service to injured employees is fixed at $150, three months' attendance; employer and employee may settle without the interference of the proposed State industrial accident commission.

Farm hands and domestic servants are exempted from the employment class.

[Los Angeles Times, Mar. 21.]

LAW TO DRIVE OUT MANUFACTURERS.

H. W. Foote, of this city, has presented an exceedingly able argument against the passage of a bill introduced at Sacramento by Senator Boynton called an employers' liability bill.

"It ought to be called," says Mr. Foote, "an act to promote governmental paternalism, and build up a political machine at the expense of the industries of the State." The bill places Chinese, Japanese, Indians, foreigners, and hobos floating about the country on an equal footing with hard-working American mechanics having wives and families to care for. It provides for a commission of three to be appointed by Hiram, and gives this commission legislative,

judicial, and administrative powers possessed by no Federal, State, or municipal officers in all the land.

The patronage placed in the hands of the commissioners is "something fierce." They are given unlimited powers to appoint an attorney, secretaries, clerks, stenographers, managers, superintendents, actuaries, inspectors, accountants, and referees. No specific mention is made of messengers, janitors, chauffeurs, cooks, or chambermaids, but these are provided for by a general clause that they may appoint "as many more employees as they deem necessary to carry out the provisions of the act."

They are empowered to fix salaries without limit for all their employees, and to make contracts with physicians, surgeons, and hospitals for attendance and care of the injured. No time limit or price limit is imposed upon the doctors, and no provision whatever is made for the appointment of a chaplain or other spiritual adviser.

The judicial powers granted exceed those of any court in the world. There can be no appeal taken from their decisions.

The Constitution of the United States, which recognises the common-law right to a jury in damage cases, is not recognised, and the commission is made a probate court in cases where the dependant of an employee killed is a minor or incompetent.

Public corporations and employers are authorised to insure against compensation liability under this act, provided they insure with a State insurance trust, but they are denied the right to buy insurance in the open market.

The insurance commission is to be amply provided with money to try experiments and pay their salaries, for the bill provides for an appropriation of $412,180 to start with. No data in support of the odd $30 is assigned. It is doubtless a guess, for, as Mr. Foote says, "there is no actuary in the United States that has the data to fix the cost of compensation insurance for the different classes of business which will not have to be largely a guess."

The effect of this measure as a law would be to force industries to retire from the State in many cases and to deter others from coming in just at a time it is most necessary to offer them every inducement to come. If California gets any benefit from the opening of the Panama Canal, it will have to have something besides fruits and beans to offer as a return cargo. That siren song has been good enough to attract tourists, but no manufacturers. No sane man will invest capital where by statute he is taxed directly and indirectly so as to make it impossible for him to get adequate returns on his investment.

The law of 1911 gives ample compensation to workmen. It is sufficiently drastic for his protection, and it gives the employer the right to take his chances under the State compensation act or that of common law.

In conclusion Mr. Foote says, both wisely and wittily:

"This act is so absolutely absurd as an act for the general welfare of the people of the State that it can only be classed with a law which provides the death penalty for a crime, but gives the condemned man the choice of being hanged, shot, or electrocuted, all of which must be a comfort to him so long as he has got to die.

"On account of its many provisions which would conflict with law, it was necessary that this commission should be placed above the courts or even the Constitution. Through it all are the earmarks of the politician as well as the doctrines of the labor trouble maker."

THE WILL OF THE PEOPLE AND THE WILL OF THE MACHINE.

The referendum will probably be invoked to ascertain "the will of the people" in relation to the abatement bill recently signed by the governor; and this form of appeal will certainly be resorted to if the so-called "workman's compensation bill" becomes a law.

The opposition to the abatement bill is developing its greatest strength in San Francisco, but the antagonism to the "compensation" measure is statewide. In both instances the criticism carries accusation of the most sinister character. It is openly charged that the compensation bill is a political-machine measure using the prejudice of the working classes as a vehicle to promote the interests of the existing State administration and to perpetuate it.

The chief objection to the abatement bill is that it will render the owners, lessees, and manager of every hotel, lodging house, and apartment house in

California subject to constant menace from blackmailers. It will be impossible for these persons to gauge the moral status of the men and women who apply for rooms, and the law makes no excuse for ignorance in this regard, nor does it relieve the owners or managers of responsibility upon proof that they used every precaution to prevent their premises from being diverted to immoral purposes.

Moreover, it is insisted that by abating the segregated districts the women and their criminal consorts will be driven under close cover, especially in the larger cities, necessitating enormously increased expense to the taxpayers for police and the cost of the prosecutions that will arise from the blackmailing complaints and the legitimate enforcement of the law.

Aside from its rank aspect of political graft, the compensation bill is a flagrant injustice upon every employer in the State. He is completely at the mercy of every unscrupulous employee, every drunken or careless workman, and every person who deliberately injures himself to procure the "compensation" which the bill provides. Another class that will profit by the measure will be the shyster lawyers who, like jackals, are ever on the hunt for the offal of litigation. And over all is the "machine," the political operatives of which can oppress every industry in the State unless they come through with the graft that is usually exacted under the provisions of laws like this one.

No doubt the constitutionality of both bills will be attacked, but the "progressive reformers" of California have placed another weapon in the hands of "the people," and it will probably be used with sufficient efficiency to stultify the legislature that passed these bills—the "referendum" is the sword of Damocles that hangs over the heads of the artisans that forged it.

The outlook for a delightful possibility of gloating over the discomfiture of the "reform" element of Californian politics is well within the ken of those whom the "reformers" have called "reactionaries."

If the referendums carry in these instances it will be a body blow for the people who invented the device; and it will be a death thrust for the puritans and the "machine" at the same time.

THAT WORKMEN'S COMPENSATION BILL—IT IS UNJUST, OPPRESSIVE, AND DANGEROUS AND WILL BE ENACTED AS PART OF A POLITICAL TRADE.

By the so-called workmen's compensation bill, which the administration is rushing through the legislature, the interests, the rights and the ability of employers are absolutely ignored and trampled under foot. The men whose capital, energy, and business ability make industry and employment possible are made the slaves of those whom they supply with the means of living.

It is the result of a political trade in which blocks of votes for a political machine are exchanged for relief of employees from all risks inseparable from their occupation, which are saddled upon the employer to his possible ruin.

It even goes further and would deprive the employer of the protection of the courts and deliver him bound hand and foot to the jurisdiction of a biased political commission.

No court can even consider a case until there has been application for a second trial before the commission. After that the aggrieved party may apply to the courts for a writ of review as to which the bill says "No new or additional evidence may be introduced in such court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether or not—

"1. The commission had acted without or in excess of its powers.

"2. The order, decision, and award were procured by fraud.

"3. The order, decision, rule, or regulation is unreasonable.

"4. If findings of fact are made whether or not such findings of fact support the order, decision, or award under review."

That is unadulterated despotism and tyranny. What has become of Magna Charta which the remote ancestors of many of us fought for and for whose principles the fathers of the Republic pledged their lives, their fortunes, and their sacred honor.

What has become of section 7 and article 1 of our State constitution which reads: "The right of trial by jury shall be secured to all. A trial by jury may be waived in civil actions by the consent of the parties signified in such manner as may be prescribed by law."

This bill absolutely denies the right of trial by jury whether with or without the consent of the parties. Is it worth while to strike down liberties

which our forefathers fought for for the sole purpose of setting up a political machine?

But that is not all. Should this bill become a law and be enforced what becomes of the guaranty of the Constitution of the United States which says: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Is it not a privilege of our people to have a civil issue decided by a jury? Does this bill not propose to abridge that privilege? Is a political commission a court, or its proceedings due process of law?

It is obvious that the promoters of this preposterous bill do not expect any of its provisions which do injustice to stand, but, as in the case of other bills for establishing other political machines, they seek to secure themselves in their main design by the following astonishing section:

"If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, clause, and phrase thereof, irrespective of the fact that any one or more sections (and so forth) is declared unconstitutional."

In other words, the machine shall stick and the $412,130 be delivered to it wherewith to do politics, no matter what becomes of the workmen.

It is not possible in these columns to deal in any adequate way with the 50 pages of undiluted iniquity contained in this atrocious bill. The whole bill is unreasonable, unjust, and unnecessary. A fair bill, showing due regard for all interests, might be passed with the good will of everybody. And we have a good law now.

But what the administration wants is a political machine and it means to get it.

THE FREAKS AT SACRAMENTO—BIGOTED AND RECKLESS UNDER THE ADMINISTRATION LASH, THEY ARE PARALYZING INDUSTRY AND DESTROYING LIBERTY.

The history of the world is replete with descriptions of how the people have risen to demand their rights and have secured them from autocrats, kings, queens, and swell-headed despots. The barons of England arose to compel King John to give them the Magna Charta and the right of personal liberty and trial by courts. The people of France arose in their might and leveled the Bastile to its foundations as a token of their determination that oppression should cease.

And yet there is no oppression so unbearable, no despotism so destructive, and no tyranny so grinding as the tyranny of the crowd under the suggestion of a ruthless politician.

To-day the people of the State of California have an administration and legislature at Sacramento concocting bill after bill for depriving them of rights which popular government is supposed to secure. There is nothing sacred to the machine that devised the bills that comprise the 10 commandments of the administration, which bills are marked to be passed, whether the individual legislator likes them or not.

The rights which the people are being deprived of are specified in these bills, some of which have passed and we are told that all of them will pass.

The compensation bill wipes out the power of the courts to deal with the real issues arising under it and permits only two—the appellate and supreme courts—to interfere even for a minute with the autocratic powers of the commission which it creates, and then these courts are limited to four technical propositions.

All employers, all miners, all storekeepers, all contractors and every human being employing another human being are deprived of any right to go into any court to protect themselves or their property from put-up jobs or dishonest combinations. They must either go out of business or submit to risks which may result in their ruin, and to pay taxes to support a political machine under the name of a State insurance department.

Then there is the immigration bill—misnamed. It is not an immigration bill, as it specially provides that no money shall be spent by the commission under this bill to aid or induce immigration. Its real object is by the interference of the commission to prevent any workingman or farmer coming into

the State. What right have they to wipe out the inalienable rights our forefathers fought for—the right to seek homes in new lands where they will be secure in the possession of private property.

This bill states distinctly that the commission shall have the right to invade homes, manufactories, business houses, or any place they see fit to examine into, demand the books, papers, and accounts, and insist on statements and take the testimony of the family of the employer or any other person on any question that this committee sees fit to ask. And God only knows what this has to do with immigration.

The $50,000 given to the commission may be thrown away in publishing documents in any language; in sending its representatives or members into any part of the world to prevent immigration to California, because the bill prohibits its aiding immigration. In fact, the result of this bill is to destroy the individual rights of the business man, the family and the domestic circle by investing political appointees with autocratic powers.

FORESTRY IN THE GUISE OF BENEVOLENCE.

There may be some persons who think that although the so-called workman's compensation act would build up a gigantic political machine, that measure should be passed because it would make for social justice and generally for the righting of wrongs. But it may be doubted that any intelligent man or woman who has read the text of the pending bill would reach that conclusion, except on the theory that the way to right wrongs is to inflict greater ones. Unfortunately, few persons have even glanced at a published synopsis of the measure, much less the proposed act itself, which, in printed form, makes a volume of over 50 pages. Nevertheless, persons who, in trying to follow the tortuous, muddy channel of legislation at Sacramento, have examined the workmen's compensation bill are at loss to decide whether it is the more objectionable because of the political machine that it would create or because of the outrageous oppression which the operation of the measure would cause to rich and poor alike.

The popular idea of that act is that it would hold to strict accountability corporations and other large concerns that hire many men and women, and which commonly resist in the courts attempts to recover damages because of injuries sustained in such employment. Everybody knows that in these cases justice sometimes miscarries, although as a matter of fact, not generally known, the employer may suffer as often through the miscarriage as the employee. But the prevalent idea, and the one which the politicians behind the bill seek to inculcate, is that the proposed law will simply insure compensation to injured employees who might not be able to get it through the courts. And it would open wide the door for the payment of all manner of fraudulent claims for damages.

Under the act every man or woman in California who hires only a single person is liable for any injury that the latter may receive, even though it was caused by the employee getting drunk or willfully doing himself harm. Contributory negligence cuts no figure in the case. The employer must pay damages to be fixed, not by a jury which hears both sides and seeks to do substantial justice, but by a commission of three men who can ignore all evidence showing that the employer was not responsible and that the employee had only himself to blame. Under this method of administering justice by commission and not by law, an employer must compensate injured employees and their dependents for five years, and in some instances must pension them for life. Of course, in the case of small employers—those with slender capital who hire only three or four persons—only one or two awards under the workman's compensation act would suffice to put them out of business. Moreover, the members of the commission, no matter how outrageous their finds, can not be called to account. They may bankrupt an honest employer by mulcting him for an accident for which he had no more responsibility than the man in the moon, but he has no recourse. The act declares:

"The commission shall not, nor shall any commissioner, officer, or employee thereof, be personally liable in his private capacity on account of any act performed or contract or other obligation entered into * * * in connection with the administration, management, or conduct of the State compensation insurance fund."

Nor has any employer any right of appeal from a commission's ruling, no matter how unjust, except to the appellate and supreme courts, and to these

on only very narrow grounds. In effect, these tribunals are forbidden by the act to do substantial justice. And the impudent job holders who are backing the measure even had the effrontery to warn the tribunals of the duties that they may not declare this infamous law unconstitutional. That can be the only meaning placed upon this language of the act. "If any section, subsection, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subdivision, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases is declared unconstitutional."

But the commissioners and their salaried army of underlings do not contemplate merely hearing and passing upon such cases of injury, real or pretended, as may be presented to them. They will go through the land hunting trouble and making it. The proposed law authorizes them to enter home, shop, and factory, and if in any there are mechanical devices which the commissioners do not approve they may order the installation of new ones and dictate the patterns of which the latter shall be. A man may have approved safety appliances in his establishment, the best that money can buy, but if the commissioners take a fancy to appliances of a different design, the employer must install them or be prosecuted criminally. This feature of the workmen's compensation act is so flagrantly bad that it is almost an insult to intelligence to discuss it. The suggestion, however, may be offered that if it were the deliberate purpose of the legislature to create opportunities for graft and blackmail, that end could not be more effectually attained than by this proposed law.

It is an astonishing fact that in these days when professional reformers seek to enact some peculiarly iniquitous measure, it is put forth in the guise of "social justice" the "moral uplift" and benevolent designs toward the dear people. But in the case of the workmen's compensation bill, these conniving fellows appear to have fairly eclipsed their former performances of that sort.

Solons Carry Indemnity Bill.

SACRAMENTO, *April 20.*—Senator Boynton's workmen's compensation bill, proposing a complete system of dealing with industrial accidents by providing fixed compensation for injured laborers, with State insurance for employers, and safety requirements, was passed early today by a vote of 30 to 5. Senators Cogswell, Curtin, Juilliard, Larkins, and Wright voted "no."

Debate began at 10 o'clock, and the determination of the author to force a vote on the merits of the measure resulted in a call of the senate at midnight, when the members present deadlocked on an amendment offered by Cogswell. Absent members were routed out of bed by the sergeant at arms and brought to the bar. Cogswell proposed to strike out the clause providing that in case any one section of the act was found unconstitutional, the rest would stand. "We would look foolish," he said, "if the supreme court struck out the insurance provisions." The amendment finally was defeated, as were others offered by Cogswell and Caminetti. A previous amendment offered by Larkins was defeated, 25 to 9. Larkins proposed to exempt from the present industrial accident law, which the Boynton bill does not repeal, stockmen, farmers, orchardists, and others.

The Boynton bill specially exempts employees engaged in stock raising, farm, dairy, viticultural or horticultural work, poultry raising, or domestic service. Seamen, not being mentioned in the bill, are presumed to be exempt.

The bill appropriates $187,000 for the installation of the system.

Vote in Senate Favors Industrial Paralysis.

LAWMAKERS ROUTED OUT OF BED TO BREAK DEADLOCK—FREE PRINT AND WATER COMMISSION BILLS GO OVER ANOTHER DAY—BRYANT'S MEASURE TO ABOLISH CAPITAL PUNISHMENT FAILS AFTER NARROW ESCAPE IN SENATE.

SACRAMENTO, *April 21.*—After a debate lasting several hours, and after a number of senators had been routed out of bed to break a deadlock over an amendment, the Boynton workmen's compensation act, one of the most pernicious measures introduced during the session, was passed by a vote of 30 to 5 in the senate.

The bill, which provides for compensation for employees injured in industrial accidents, will not go to the assembly for approval. Senators who led the fight for the bill predict to-day that it will pass the lower house.

Senators Larkins and Cogswell offered amendments to the bill before the roll was called. Every amendment was voted down. Farmers and dairymen are exempted from the bill, which includes a provision for a State insurance fund for injured employees.

Compensation Bill Passes Senate 30 to 5.

SOLONS SIT UP HALF THE NIGHT DISCUSSING FEATURES OF THE MEASURE.

SACRAMENTO, April 23.—Senator Boynton's workmen's compensation bill, proposing a complete system of dealing with industrial accidents by providing fixed compensation for injured laborers, with State insurance for employers and safety requirements, was passed early to-day by a vote of 30 to 5. Senators Cogswell, Curtin, Juilliard, Larkin, and Wright voted "no."

Debate began at 10 o'clock, and the determination of the author to force a vote on the merits of the measure resulted in a call of the senate at midnight, when the members were routed out of bed by the sergeant at arms and brought to the bar. Cogswell proposed to strike out the clause providing that in case any one section of the act was found unconstitutional the rest would stand. "We would look foolish," he said, "if the Supreme Court struck out the insurance provisions." The amendment finally was defeated, as were others offered by Cogswell and Cunningham. A previous amendment offered by Larkin was defeated, 25 to 9. Larkin proposed to exempt from the present industrial accident law, which the Boynton bill does not repeal, stockmen, farmers, orchardists, and others.

The Boynton bill specifically exempts employees engaged in stock raising, farm, dairy, viticultural, or horticultural work, poultry raising, or domestic service. Seamen, not being mentioned in the bill, are presumed to be exempt.

The bill appropriated $157,000 for the installation of the system.

[Fresno Republican, Feb. 25, 1913.]

State Insurance Condemned by Ætna Men.

MEETING OF INSURANCE MEN HELD YESTERDAY TO HEAR OPPOSITION—ALL ATTEMPTS AT STATE INSURANCE DECLARED TO BE FAILURES.

At a meeting of the insurance men of Fresno yesterday afternoon and evening at the Chamber of Commerce Building, J. R. Molony, Pacific coast manager of the Ætna Insurance Co., addressed the meeting regarding economics of State insurance and the bills which were introduced at the last legislature providing for workingmen's compensation and employers' liability. Throughout his address, Mr. Molony conducted a strong opposition to the principle of State insurance in general, pointing out the results of the same on the Continent and in the States where it has been tried.

Previous to the opening of the meeting, pamphlets were distributed among the insurance men entitled "A Discussion of California's Proposed Venture in Socialism," and from the arguments outlined in this publication the speaker drew his deductions.

Declaring that the Roseberry law was ill-advised and unwise legislation and that whatever experience the industrial accident board received from the workings of that law would be such as to lead it astray, the speaker launched into a statement of statistics which were given to show that all reports made under the law were of necessity incomplete and in many cases untrue because of the fact that they were required immediately following the accident and before an investigation could be made. He further urged that the percentage of employers who insured under the law was so small that no adequate idea of the working of State insurance could be obtained by the industrial board from this experience. He asserted that the members of this board are proclaiming that they have solved the problem of State insurance in the face of the fact that 22 continental companies have unsatisfactory methods and in the face of the fact that only one member of that board has ever been beyond the boundaries of the United States, and thus could not therefore have had an

opportunity to study State insurance first hand in other countries, despite the same.

"The board declares that the only opposition to the State insurance which it would put into force in the State is from the farmer. The employers are all against it, and for the reason that the present administration is asked by the industrial accident board to commit the people of California to a program of social insurance similar to those in effect on the Continent and which in Germany for the year 1913 will have produced a charge upon the German industries of approximately $500,000,000. A similar program could not be adopted nationally in the United States with a charge of less than $600,000,000 to $700,000,000, California's proportionate share being from $15,000,000 to $30,000,000 annually, which, under the plan proposed, will be borne directly by the employers and not by the State or general taxpayers of the State."

The assertion of the industrial board that the State company proposed is not to be operated for profit was branded by the speaker as untrue upon the advice of Prof. Whitney, of the State university, who, according to Mr. Mahony, had assured him that it is the intention to establish an insurance rate bureau and to add to the basic cost of insurance 5 per cent for profit with which to first repay the capital borrowed to establish the company and then to establish a sinking fund.

That the history of State and social insurance has shown that increased rates have followed the instituting of such forms of insurance was asserted. It was further stated that the constitution would not allow the taking of money from the general taxes; in case the State company faced a deficit in any stage of its development, and that because of this impossibility the only way to do away with a deficit would be by raising the insurance rates. "This program of social insurance appeals to the laboring man, and once it is started there is no backing up, for the reason that the politicians will not have nerve enough to take from the laboring man his protection even should they desire to do so."

All of the forms of social insurance which have been tried were explained by the speaker, who declared that the individualistic system of Great Britain which the industrial board says can not be worked out here is the only system which would be feasible in America.

[San Francisco Chronicle, June 7, 1913.]

THAT OUTRAGEOUS COMPENSATION ACT.

SHALL THE PEOPLE PATIENTLY ENDURE IT, OR WILL THEY INVOKE THE REFERENDUM?

The governor has signed the so-called industrial accident commission bill, a measure which includes appropriations necessary for the creation of an insurance company and other machinery for carrying it into effect. It is now up to the people to decide whether they wish it to become a law.

This act is an attack on every individual in the State of California who employs another. Every farmer using any kind of machinery on his farm, every miner, every householder with any mechanical appliances in his house, every storekeeper, every contractor, and every manufacturer, no matter how small, may be compelled to work for the rest of his life for accumulated pensions or exaggerated damages that may be fixed by the commission under this bill.

No State in the Union has such an outrageous law, one which deprives every person employing another of any defense, in case of injury, on the ground that the person injured had brought on the injury intentionally or by his own ignorant or careless act. Under its provisions employers must submit to the arbitrary decision of three politicians called the commission. The law forbids them to apply to any of the superior courts of the State for relief and places them in a position of helplessness.

This bill, in addition, provides for an insurance company, the creation of which will force the State to engage in a speculative business with the taxpayers' money. The primary object of this company—to be composed of hirelings of the administration—is to create a great political machine at the expense of the taxpayers of this State. All the main provisions of this bill prove positively their intent and object.

There was no necessity for this bill. There is to-day on the statute books a compensation law administered by a commission appointed by the present governor that covers the case thoroughly and protects the employee legally in securing his rights. The Chronicle favored this bill and favors it now.

The new bill just signed by the governor was passed with the sole object of finding an excuse to create a great political machine. To win favor with the workingmen all sorts of unfair privileges were granted to them, and employers throughout the State were deprived of every right.

The commissioner's power is unlimited. He appoints any number he deems necessary to go into any store, mine, farm, or factory which in their personal interest or in their judgment should be purchased by the employer.

Using this clause of labor-saving machines as an excuse, they are authorized to hire spies in various parts of the State—to be called "assessors"—and to employ "lecturers." All know that these assessors will be political henchmen and the so-called lecturers political agents of the administration. Their duty will be to do politics all over the State at the cost of the taxpayer, the whole farce turning out when the demands of politics call for them.

This bill is one of many put through by this administration to hamper or destroy business and prevent development in the State of California. The governor having signed it, if no further action is taken, the bill becomes an effective law.

What are the people going to do about it? Are they going to sit down and submit to it, or are they going to make an effort to relieve themselves? Shall it be referred to the people?

The referendum places it in the power of the people to decide whether they want this law. If they do not want it they should have a chance to vote it down. At any rate, the people should vote on it.

If 34,000 signatures are attached to the referendum petition the bill will be shelved until an election takes place. In the regular order of things an election to decide the question would take place until November, 1914.

[Los Angeles Times, Aug. 17, 1913.]

SENATOR WEBSTER'S STATEMENT.

In speaking of the bill to-night, Senator Wright said: "The effect of the bill, should it become a law, on the industries of California would be calamitous. It involves risks which no small manufacturers could afford to take. A number of manufacturers and business men have told me they will never take the risks provided by the bill, but will close down their plants and import the commodities which they sell. It would hamper industry at every turn and throttle legitimate business. The bill will go through with but little opposition unless the business men of the State get busy with the legislature."

It is not merely the proposed law which the small manufacturer, farmer, and householder fear. It is the host of official inquisitors which the bill would create for the purpose of making trouble, and a horde of greedy lawyers and shifty politicians. No employer could receive any injury without being at once hard by the shyster class of attorneys, whom the law accords of their "fees" at the expense of the employer. Nor can any employer, however well disposed, protect himself by proper compensation paid on the spot. That is expressly forbidden. The "commission" and its underlings and attorneys who would butt in must handle every case.

Opponents of the bill have say that if enacted into law it will injure employers by unduly increasing the risks of the industry and hurt the industrial situation by driving industries to other States and countries. They declare it would retard and demoralize industry by the excessive and overincreasing cost of insurance. Also that it would increase the number of reported accidents to an incredible extent.

AN INSURANCE PLANK.

The only argument that has been made in favor of the insurance plank of this bill is that it will prevent insurance companies from charging employers high rates. The fact is that no employers have asked the State to take this step. When confronted with this fact and asked what then a political purpose could have prompted its incorporation in the act the members of the senate committee had no answer.

Several of them admitted that they had not read the bill.

When the protest was made that 55 per cent of the weekly wage is too high a compensation rate the reply was that such a rate was in force in Wisconsin.

As illustrating the lawlessness of the men who are trying to rush this act through "on orders," it is pointed out that the maximum weekly wage on which the 60 per cent is proposed to be allowed in California is $22, while the maximum in Wisconsin is but $14.42. Hence the maximum compensation in Wisconsin is $8.37. The maximum which those who sought to amend the bill asked for is $18 a week. This is $9.63 a week higher than the maximum amount allowed in the State now paying the highest rate in the country. But the State machine that is bent on foisting this law on the people does not care that it carries with it a penalty upon California production that will be more disastrous than a North Pole winter.

The feature that most interests the State political machine is that the act provides for more appointments to be appointed by the machine—then there are postmasters in California.

IT INCLUDES THE FARMER.

In order to make sure of getting the act through the legislature the machine dictated that the farmers be eliminated from its operation. There is a joker which puts all farmers using mechanical power under the act, but the machine hopes the farmers will not notice this until the bill has become a law. With their protests added to the protests of the other industries of the State it was felt that the bill might be killed.

As a result of this elimination—if it is an actual elimination—the storekeeper in a farming town employing one or two clerks would come under the act, but his customer, owning 10,000 acres, would not. If one of the clerks dropped a keg of nails on his foot the small storekeeper might have to support that clerk for the rest of his life. It might be urged that the small storekeeper would have insured his risk, but it is a well-known fact that the smaller the resources of the individual the less likely he is to take the protection of insurance.

CITY AND COUNTRY ANTAGONISM.

Legislators have been flooded with letters from the rural districts urging their concerted opposition to the workmen's compensation act unless it unequivocally eliminates the agricultural interests. Those members of the assembly have declared that it must be shown conclusively that the farmers are not included in the provisions of the act or else their votes will not be in the aye column. Hence question has arisen as to whether the law in its present state does this.

The passage of the bill will probably be but a mere matter of form. Senator Wright, who offered the bill, is the administration leader in the upper house. He is in direct charge of the measure. He declared to-night that it will go through the senate by a big majority. Proponents of the bill say it will have at least 28 votes on final passage. Senator Wright is the only senator who has had the courage to stand out in the open and fight this dangerous piece of reactionary legislation, advanced and indorsed by the labor machine. Senator Wright will make a speech against the bill when it comes up on the floor in the next few days. After it has been jammed through the senate it will be shoved through the assembly at rapid speed and the governor will sign it. Perhaps. It is one of the governor's pet schemes.

WHAT THE BILL DOES.

The workmen's compensation bill, first of all, changes the name of the industrial accident board to the industrial accident commission. It provides that the commission shall have three members, to be appointed by the governor and confirmed by the senate, with the term of office for four years and the salary of $8,000 a year each. The preliminary sections provide for the organization of the commission and the appointment of the following by the commission: An attorney, secretary, assistant secretaries, manager of the State compensation insurance fund, superintendent of the department of safety, and to employ such other officers, experts, statisticians, actuaries, accountants, inspectors, referees, and other employees as the commission may deem necessary to carry out the provisions of the act or to perform the duties and exercise the powers conferred by law upon the commission." The salaries of the employees are to be fixed by the commission and they are to hold office at the pleasure of the commission.

Section 12 provides that liability for compensation, in lieu of any other liability whatsoever, shall, without regard to negligence, exist against any employer for any personal injury accidentally sustained by his employees and for the death of such employee if the injury shall proximately cause death in cases where (1) at the time of accident both the employer and employee are subject to the compensation provisions of the act; (2) at the time of the accident the employee is performing service growing out of and incidental to his employment and is acting within the line of his duty and course of his employment as such; (3) the injury is approximately caused by accident, either with or without negligence, and is not caused by the willful misconduct of the employee.

In the event of injury being caused by the employer's personal gross negligence of by an act of failure to act, showing a willful disregard of the life, limb, or bodily safety of employees, the injured employee may, at his option, either claim compensation under the act or maintain an action at law for damages.

In cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if the act had not been passed.

The conditions and schedule of compensation are provided in section 15 as follows: "The employer to furnish medical, surgical, and hospital treatment for a period not exceeding six months to cure the injury; if the accident causes disability, indemnity shall be payable in advance at wages on the regular pay day if the period of disability is longer than two weeks; if the accident causes temporary total disability, 65 per cent of the average weekly earnings shall be paid as indemnity during the period of disability; if the accident causes temporary partial disability, 65 per cent of the weekly loss in wages during the period of disability; the aggregate disability indemnity for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such injury in any event extend beyond 240 weeks from the date of the accident. If the accident causes permanent disability, the percentage of disability to total disability shall be determined and the disability indemnity computed according to a graduated scale. For a 10 per cent disability 65 per cent of the weekly wages shall be paid for a period of 40 weeks; for a 20 per cent disability 65 per cent of the weekly wages for a period of 240 weeks and thereafter 30 per cent of 240 weeks and thereafter 30 per cent of such weekly earnings during the remainder of the life of such injured employee; for a 30 per cent disability 65 per cent of the average weekly earnings for a period of 240 weeks and thereafter 30 per cent of such weekly earnings during the remainder of the life of such injured employee; for a 100 per cent disability 65 per cent of the average weekly earnings for a period of 240 weeks and thereafter 40 per cent of such weekly earnings during the remainder of the life of such injured employee."

From a study of the above-quoted, what will happen to the small employer of labor when this wonderful law is in effect? Take the case of an employer of three laborers, running a small plant on a limited capital. One of his employees is injured while in the shop, but through no fault of the employer. The commission estimates that his injuries amount to 60 per cent disability. The sentence on the employer is that he shall pay 65 per cent of the man's average weekly earnings for a period of five years. Or suppose that one of these laborers were totally disabled. Then the employer would have to pay him a pension of 65 per cent of his wages for five years and 40 per cent of his wages for the rest of the workman's life.

BUREAUCRATIC INFRINGEMENT.

"The commission is vested with power and jurisdiction over and shall have such supervision of every employment and place of employment in the State as may be necessary adequately to enforce and administer all laws and lawful orders requiring such employment to be safe, and requiring the protection of the life and safety of every employee of such employment or place of employment and every frequenter of such place of employment.

"The commission shall have power, after a hearing had upon its own motion or complaint—

"To declare and prescribe what safety devices and safeguards are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe as required by law.

"To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe."

In this section the bill reaches the climax of bureaucratic infringement on civil rights, in a type of legislation that has been before unknown in America. These paragraphs would give to this commission of three and its agents absolute legislative power over all employers and their places of employment. Under the authority which it is thus proposed to delegate, the commission might intrude on private premises and make domiciliary visits, laying down the law to property owners as to what style of construction should be adopted and what particular style of safety devices used. The opportunity for unlimited graft is apparent at once.

If the employer doesn't happen to be in right with the machine, then the commission orders him to install new machinery at once. Its word is law. Failure to obey this commission-made law would mean that the unfortunate employer would be mulcted of excessive damages for any accident that might occur after he received the "order." If he had insurance it would be invalidated.

IMPOSING ON WEBSTER.

"The term 'employer' shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employee."

This section is a good illustration of the broad manner in which this act is drawn. It would make a man, left by a contractor in charge of a couple of laborers, liable in damages for any accident that might happen to them. The designation of an employer, as including "any agent, representative, or other person having control or custody of any employee," is plain language.

[Los Angeles Times, Mar. 17, 1913.]

TO PILLAGE ENTERPRISE BY COMPENSATION BILL.

JOHNSON GANG, AFTER BANKRUPTING STATE, WOULD BANKRUPT PRIVATE INDUSTRY—A MEASURE TO PARALYZE PRODUCTION IN CALIFORNIA AND PERPETUATE THE STRANGLE HOLD OF THE STATE POLITICAL MACHINE AROUSES INTENSE INDIGNATION IN CITY AND COUNTRY—BOLDEST ATTEMPT YET MADE.

SACRAMENTO, *April 16.*—Indignation at the so-called workmen's compensation bill, which would paralyze production and industry in California, and which has been thoroughly exposed by the Times, has become State-wide. The Johnson administration plan to create an enormous political machine, composed of faithful "battlers for Johnson," at the expense of the taxpayers of California is condemned on every hand.

Senator Boynton, "Progressive" leader, who offered the vicious concoction, admits that the bill is not based on any popular demand whatever. He offered it, he says, at the request of the industrial accident board. It was concocted by that board for the purpose of making its *own* job permanent and creating a political machine for the perpetuation of the present Johnson administration.

ITS PROPER NAME.

Its proper name is not a workmen's compensation bill, but a bill for compensating administration leaders from the public treasury. So far as workmen are concerned the law if enacted would be certain to deprive a multitude of workmen of employment of any kind, for the bill involves risks which no small employer can afford to take, and which none will take who can avoid it. It creates powers of visitation and arbitrary "regulation" which are sure to breed corruption. It is a direct invitation to official holdup men. It is an administration bill, pure and simple. Being such there is hardly a soul in the legislature who dares say a word against it. Senator Wright, of San Diego, has submitted a minority report, it being the only opposition to the iniquity which has thus far showed itself in the legislature.

ARTEMIA SEWS.

It would seem that we can trace the beginning of all things to the Chinese. These people were highly civilised when our ancestors were half naked, howling savages, roaming through the woods of Europe. To them, it is claimed, is due

the credit of the invention of gunpowder, and which, being a peace-loving people, they have not used to any great extent in blowing their fellows into unrecognizable fragments. When our remote ancestors began cautiously the navigation of the great seas, and were carefully steering their frail boats by the aid of the stars, the Chinese, we are told, knew all the mysteries of the compass. Ages before Guttenberg made knowledge possible and transmissible by the art of printing, the Chinese had printed books, and so on with regard to all other matters on which we so much pride ourselves.

But who would ever have thought that they had invented anything like the employer's liability law? This, at least, is one thing that we fondly believed no Chinese ever dreamed of, yet something very much like it has existed among the Tartars, who are first cousin of the Chinese, for ages. Not exactly an employer's liability law, but a law which makes an innocent party responsible for the acts of others and makes him pay for damages done by others in whom he has no earthly interest. Here is an extract which will illustrate this process. It is from the writings of M. Huc, who traveled through that country in 1843 and noted down the peculiarities of the Chinese and Tartars, and this is certainly a broad application of our own beneficent law:

"According to Tartar law, when the animals of a caravan go astray, whoever is in the neighborhood is bound to go in search of them, and even to give others in their places, if they can not be found. This would appear a very strange law in Europe. You come and camp in the neighborhood of a Mongol without his consent, without his knowledge; put for your cattle, your baggage, your mare, he is responsible; if anything disappears the law supposes him to be the thief, or at least the accomplice."

California has not reached to this extent in making one man responsible for another's acts, but then we have not been civilized as long as China.

[San Francisco Chronicle, Apr. 28.]

The Compensation Bill.

It should be called a bill to murder our minor industries.

The small employer can not afford to take the risks imposed by the workman's compensation bill, nor in the present state of knowledge can any form of insurance be devised which will protect him at rates which he can afford to pay. Nor does it make any difference whether the insurance is given by the State or by private companies. Insurance costs money.

The only compensation which it is possible to pay—except directly by taxation—is what the industry can pay without impairing its efficiency, and in determining that amount the measure of the ability is the ability of the small employer. Nor is any method of compensation just to which each party does not contribute in the ratio of his contribution to the risk.

The outrageous character of the compensation bill which is being jammed through the legislature may be realized when it is remembered that it proceeds in defiance of all these fundamental principles. It imposes rates which not 1 small employer in 10 could pay in case of serious accident, and their enforcement would mean his ruin.

The farmers and householders protested so vigorously that the bill was amended apparently to relieve them, and then their representatives in a most dastardly manner turn around and vote to impose the risks on others probably less able to endure them than themselves.

But the legislative machine is well greased with executive patronage, and those who control it are determined to grind out whatever they put into the hopper. And they put nothing in the hopper which does not come out in the form of a new, independent, and more and more powerful machine with which to do administration politics at the cost of the taxpayer, and in this case to the ruin of our industries.

There has been no study of the subject and no debate on it worthy of the name. What shall we say of senators who laugh at protestants, unless, like the farmers, they control large blocks of votes? Or of senators who refuse even to consider the protests of terrified employers? It can only be said of them that the interests of the people have no influence upon them; that they are utterly indifferent to the existence of our industries; that they care nothing for the prosperity of the State; and that they are there only to vote as they are told to vote, by this inquisitorial, merciless, and utterly reckless administra-

tion. When the whip cracks they jump to their harness, jam their breasts against the collar, and pull for all there is in them lest they feel the lash across their backs. For they know they will get it if they don't pull. They remember Senator Works.

This bill is not in the interest of labor, for it must enormously decrease employment. It is a bill whose sole purpose is to create a costly administrative political machine, even if the result is the murder of California industry.

[San Francisco Bulletin, Apr. 29, 1913.]

SENATE PUTS THROUGH BIG LABOR BILL.

ACCIDENT PREVENTION AND COMPULSORY COMPENSATION BY LARGE MAJORITY.

SACRAMENTO, *April 29.*—By a vote of 30 to 5 the senate early this morning passed the most important measure of the session, Senator Boynton's accident prevention and compulsory workmen's compensation act. The negative votes were cast by Cogswell, Curtis, Fulliard, Larkins and Wright.

This is the most effective and comprehensive measure ever devised in the United States to do away with the crime of killing or maiming thousands of workmen every year and pauperizing the victims of industrial accidents.

In an attempt to clear his party of the discredit accruing from the Democratic State central committee's attempt to defeat the bill Senator Caminetti made a bitter attack on the Bulletin correspondent for declaring in an article that the committee had circularized the State against the measure.

The fact remains that J. J. Scott, secretary of the committee, sent letters to Democratic newspapers all over the State making an unfair attack on the bill and asking editors to oppose it. The letter bore the letterhead of the State central committee, and under Scott's signature appeared the title "Secretary." Scott is still secretary of the committee, and J. C. Davis, its chairman, has not repudiated him. Scott says the letter expressed his personal views, but his use of official letterheads and of his title nullifies such a claim. The Bulletin correspondent once asked Chairman Davis about the letter and advised a statement repudiating it, but no such statement was forthcoming.

When the compensation bill was being considered by the senate last week Senator Leroy Wright, reactionary Republican, offered amendments designed to destroy it. On roll call his only supporters were Senators Owens, Cohn, Campbell, Curtis, and Fulliard, all Democrats. Senators Caminetti and Shanahan are staunch Progressive Democrats, and the Bulletin has never failed to give them full credit. Caminetti's attack on the Bulletin was in line with his hysterical speech at the conference with Bryan and obviously intended for political effect.

The compensation bill now goes to the assembly, where its passage is assured.

Senator Cogswell, of Los Angeles, tried to reduce the rate of compensation from 65 to 50 per cent of loss of earnings, but he was voted down, 24 to 13. Cogswell got the support of Breed, Campbell, Cohn, Curtis, Gates, Hans, Fulliard, Larkins, Stott, Rush, Sanford, and Wright.

Senator Boynton's able championship of the bill contributed greatly to the result.

[San Diego Union, Apr. 22, 1913.]

THE STEAM ROLLER AT WORK.

Under the press of the administration steam roller the so-called workmen's compensation bill, the most dangerous piece of legislation ever concocted, is being steadily forced toward final passage. Some amendments of the original bill have been made. Without an examination of the printed text, which is not available, it is not possible to estimate the precise effect of most of these changes. As to one of them, however, no misunderstanding is possible. This is the eleventh-hour proposal to pay the three commissioners $5,000 annually instead of $3,600, as originally proposed. It may be gravely doubted whether any one of the favored trio could earn $3,600 in a year, or even half of that sum, as a private citizen, but as men in charge of a greater political machine than has ever been known in the past they are deemed worthy of drawing $5,000 of the dear people's money. Truly, like the laborer, the reformer who houses the uplift is worthy of his hire, in the opinion of those battlers for "social justice" and the privilege of taking property without due process of law.

However, if this infamous bill is to be enacted into law, as appears probable, the few trumpery amendments of it cut very little figure. Ostensibly for the benefit of the poor and hailed with delight as a measure for mulcting the prosperous, its operation, in spite of those amendments, will be oppressive chiefly to persons of small means. Senator Wright, who has probably studied the act as closely as any member of the legislature, makes this estimate of the workings of the bill:

"Big business, always alert, ever cautious, shrewder even than the State, will, so far as possible, guard against the ruin threatened by the act. It will put in the best safety appliances and take out insurance, but how about the struggling tradesman, the small manufacturer, or the little shopkeeper, with from $2,000 to $5,000 invested and perhaps a borrower to the full extent of his credit? One or two accidents would drive such a business man to bankruptcy and ruin. Business men find it difficult enough to-day to borrow money, but with the workmen's compensation act in full swing the business man with small capital will find the banker and money lender less ready to extend credit and the rate of interest going up. When the hazard of doing business increases somebody must pay for it. Somewhere society is going to feel the stress and strain. In my opinion it will fall with fearful results upon the small tradesman, manufacturer, and business man with little capital.

"The industrial board is not subject to recall by the people. In this respect it is above the governor and the supreme court. None of its proceedings can be reviewed by the superior court, and in controversies arising out of accidents its findings of fact are conclusive. Injustice runs rampant throughout the bill. A rancher worth $100,000 might be exempt from its provisions, while a blacksmith with $500 invested might be ruined by it. The family of a workman killed in a vineyard might be left without a cent, while an employee in a pickle factory would be paid for the pinching of a finger."

Were it the sole purpose of those behind the compensation act to render justice more certain, to hold an employer liable when responsible for the injury of his employee, the way is easy enough. A few suitable legislative enactments would remedy the inequalities of justice as administered by courts in damage cases. But this was not the object. It was desired to build up a great machine. And the first step was to lay a foundation for it in the constitution of the State. So this amendment was submitted to the voters in October, 1911:

"The legislature may by appropriated legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration or by an industrial accident board, by the courts, or by either, any or all of these agencies, anything in this constitution notwithstanding."

This simply means that a California employer may be compelled to pay compensation for injuries for which he is no more to blame than his next-door neighbor who is not an employer. It means that the Legislature of California may decree the confiscation of property. This outrageous provision, which appears to be plainly in violation of the Constitution of the United States, was voted into the organic law of California at a time when many of the people were fairly obsessed by Johnsonism. There was a prevalent eagerness to take any bait that was labeled "reform"—the "moral uplift" and "social justice" terms had not been invented in those days.

So the foundation was thus cheerfully and enthusiastically laid, and upon it the men who dominate in this State purpose to erect a political machine that has no precedent and which can scatter pecuniary ruin all over California among persons in moderate circumstances.

[Los Angeles Times, Apr. 25, 1913.]

INDUSTRIAL PARALYSIS PASSES SECOND READING.

ADMINISTRATION CRACKS HIS WHIP AND PET MEASURE IS RUSHED THROUGH DESPITE VEHEMENT PROTESTS—AMENDMENT TO MAKE ACT ELECTIVE IS DEFEATED—SENATOR WRIGHT DECLARES LAWMAKERS HAVE REACHED STAGE OF "LEGISLATIVE DELIRIUM."

SACRAMENTO, *April 24*.—The workmen's compensation bill, the pet measure of the administration, which has caused so much criticism throughout the State because of the extraordinary powers it confers upon an appointive committee and the almost unlimited opportunities it offers for abuse in the hands of an unscrupulous State political machine, passed the Senate on second reading to-day.

It had been agreed between Senator Boynton, the floor leader for the administration and author of the bill, and the opponents of the measure that the debate on the bill should occur at this time and that the battle on the amendments should be fought out now rather than on the third reading.

It was realized by the opponents from the start that the bill with practically all of its objectionable features intact was to be rushed through at the crack of the administration whip. Senator Cogswill asked if the employer would be liable for damage resulting from a willful act of an employee. Boynton admitted this to be the case under the bill. "Aren't you putting a premium on willful damage?" Cogswell asked, and pointed out that the bill precluded the employer from insuring against damage from the wrongful act of an employee.

Senator Campbell asked Boynton if there was any limit placed in the bill on the salaries which the commission might pay its own appointees. Boynton admitted there was none. He said, however, that an amendment had been accepted raising the salaries of the commission from $3,600 to $5,000 a year.

Throughout the debate Boynton was coached by one of the three members of the present industrial board, who supplied information in a whisper when the floor leader was hard pressed.

Boynton asserted the bill would put an end to litigation in damage cases. Senator Wright asked Boynton if he was not aware that under a similar law in Germany litigation of that kind had been increased.

Senator Larkins pointed out the deception upon the farmers in the attempt to make them think they are effectually excluded from the operation of the bill.

Senator Wright insisted that the bill attempted to legislate on three distinct subjects—compensation, insurance, and safety appliances—and was therefore unconstitutional. He said he would therefore propose his motions against each of these features separately.

LEGISLATIVE DELIRIUM.

"I am not sure but that we have reached a stage of legislative delirium," he said. "We have heard the protests that have come from every part of the State against this bill. Let us make haste slowly. Let us make this bill elective. The authors of this bill have heard from home, consequently they struck out the farmer, then the stockman, then the dairyman. Now let us go further and make the bill completely elective."

Senator Cohn spoke against the bill from the standpoint of the small employer.

Senator Curtin denounced the inequalities and injustice in the bill. Besides Boynton, Senator Shanahan was the only member of the administration forces who attempted to answer the questions of the opponents; the others waited to do their duty by following orders on the roll call.

Senator Wright declared the proposed step "dangerous and experimental" legislation that has been considered by the members from only one standpoint. He offered a motion to recommit the bill to the committee on labor and capital with instructions to strike out sections 86 to 89, inclusive, which deal with the insurance features. Speaking to his motion, he asserted that the appropriation of $187,270 with which to establish State insurance gives the policyholders frail security. He refused to be convinced when Senator Curtin pointed out that section 90 of the act, creating the "State compensation insurance fund,"

gives the policyholders all the security any person can desire through a revolving fund. He also took the position that the legislature has no power to make appropriations for purposes for which the State can not levy a tax.

Senator Boynton, in closing the debate, defended the legality of the appropriation creating the industrial insurance funds questioned by Senator Wright.

All of the amendments submitted by Senator Wright were defeated with such unanimity that it was not necessary to resort to a formal roll call. The senate with the same unanimity adopted the committee amendments proposed by Senator Boynton, after which the bill in its entirety was ordered engrossed and to the third reading.

MUST RUN ROUGH GAUNTLET.

It now goes to final passage, and then will be sent to the assembly if it really passes the senate. It has not appeared on the assembly file yet.

[Reading Searchlight, Apr. 25, 1913.]

ACCIDENT BOARD TO ADJUST YOUNG CLAIM.

INDUSTRIAL BODY TO HEAR CASE AGAINST POWER COMPANY TO-DAY.

There will be a crossing of legal bats to-night by opposing attorneys when the industrial accident board of the State goes into session at 8 o'clock in the Hotel Lorena to adjust the claim for damages made by Mrs. Rhodie Young, mother of Alex Young, against the Northern California Power Co. Young died in a blizzard last winter while doing line work for the company near Corum.

The only witnesses will be George Whitten, Young's companion, and Tom McGuinness, manager for the Northern California Power Co. at Kennett. A. J. Pillsbury is chairman of the board.

The claim for damages is based on these provisions of the State law:

"Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment and is acting within the line of his duty or course of his employment as such.

"Where the injury is proximately caused by accident either with or without negligence, and is not so caused by the willful misconduct of the employee."

[San Francisco Chronicle.]

THE COMPENSATION ACT.

IT WILL BE SUBMITTED TO THE VOTE OF THE PEOPLE OF THE STATE.

The employers' federation, composed of about 3,500 employers in all parts of the State, proposes to see whether the people of California desire to drive out of the State all industries which can get away by the enactment of a so-called compensation act for the alleged benefit of workmen, which would be more appropriately called a confiscation act for the destruction of industry. The federation will therefore at once start a referendum petition upon senate bill 900 and get the judgment of the people upon it. The federation is not opposed to reasonable compensation for injured employees, or to a law which shall make its payment compulsory and with no expense to the workmen. On the contrary, the federation favors such an act, which is now being drafted and will be submitted under the initiative.

Nor is it expected that this will be a fight between employers and employed. On the contrary, the federation believes that its movement will have the hearty indorsement of the nonpolitical workingmen, who will recognize it wholly in their interest as tending not only to a certainty of reasonable compensation to the injured, but of continued and profitable employment to the uninjured, which is even more important.

Moreover, the movement will be supported by the great class whose members are neither employers nor what are termed "wage earners," and whose paramount interest lies in large production, and especially large home production. The greater the output of the production of a community the more abundant is employment and the cheaper the commodities. With high cost of production, prices must be correspondingly high or the producers will go broke and the factory shut down. There is no disposition to reduce the wage cost of com-

condition, which is probably higher in this State than anywhere else in the world. It is desired to reduce the total cost by increasing the output produced under a given overhead. That means greater capital and larger investments. California is now ideally situated for the establishment of manufactures on the largest scale. We have the raw material, an increasing western population as the foundation market, and the opening trade of the nations bordering on the Pacific for expansion.

The question for our people to decide is whether California shall welcome opportunity when it knocks at our door or slam that door in the face of our would-be visitor.

We have in this State a pestilential crew which would slam the door. And the issue may as well come on this compensation act as elsewhere.

Whoever produces in California must produce in competition with commodities which are the product of communities where reason prevails, and the loudest shouters for such drastic laws as this compensation act will be found the first to buy cheaper commodities produced under better conditions.

At any rate, the employers will appeal to the people.

[Sacramento Bee, Feb. 25, 1913.]

Insurance Men Give View on Liability Bills.

San Francisco agents tell local employers ideas on legislation.

J. R. Molony, a San Francisco insurance manager, addressed a gathering of local insurance writers at the Sacramento Chamber of Commerce yesterday afternoon on the bills before the legislature that affect insurance men. Last night O. H. Micknell, also an insurance man of San Francisco, addressed a number of business men and employers of labor, together with several laboring men, at the chamber.

Senate bill No. 965 was discussed, dissected, and explained from the viewpoint of an insurance man by Micknell. According to the speaker there are "jokers" galore in the bill, which he termed a vicious socialistic measure that is the most advanced legislation of its kind ever tried by any Commonwealth.

Micknell said the State industrial accident board would be the court of last resort if the senate bill goes through. There would be no appeal from the judgment of the board. This board would have vast political power, for, according to Micknell, if the State starts a mutual accident insurance company and secures a monopoly on the business of the State, it will take 2,500 agents, inspectors, administrators, etc., to carry on the business. He declared these 2,500 men would probably be appointed because they could get votes and would be a big factor in elections. Also, he said, the administrators of the industrial accident awards would be appointed by the board and would serve without bond. No civil service requirements are demanded.

Micknell said that if the State industrial accident board began to distribute about $30,000,000 a year to laborers and their families, it would mean votes for the party in power. According to Micknell the bill provides for "competitive insurance on a fair basis," but he says this would be impossible, because the State insurance company would have free office rent and its supervision would be done free, as would the appraising of the awards. In addition the State insurance department would borrow $100,000 from the State without interest and would have everything free.

[Los Angeles Insurance News, Feb. 27, 1913.]

Liability Act Dangerous.

Owing to the large number (1,737 in the Senate and 2,031 in the assembly) of bills introduced at the first half of our current session of the California Legislature it is impossible for anyone to digest in full the meaning of all the proposed measures. Undoubtedly they are full of jokers and many are extremely dangerous. We have pointed out some of the faults of the Gates and the Bloodgood "blue-sky" laws.

Another very objectionable class of legislation which is being attempted to be foisted upon our citizens is covered in a number of liability bills. These were introduced by the State industrial accident board, and if possible, will place a burden upon our industries which will be ruinous to many or drive them out of the State.

It is figured by experts in casualty and liability underwriting that the proposed bills will place a tax of from $15,000,000 to $50,000,000 upon the manufacturers and employers in this State. Will our industries stand up under this tremendous tax?

The measures as proposed by the State industrial accident board are more drastic, more specific, more radical than those ever tried in any other State in the Union or any foreign country.

Is it an opportune time for California to begin a series of experiments which are purely socialistic when our prosperity depends upon the encouragement of all kinds of industries?

After a severe defeat in their efforts to establish the closed shop in California it would appear that the labor unions were uniting with the alleged reformers, and were now resorting to State control to regulate all lines of business.

In France under the compensation act the tax has run as high as 90 per cent of the net profits.

Insurance agents and business men should study these liability bills and write to the members of our legislature, entering vigorous protests against the passage of any freak measure.

WOLFE EXHIBIT.

[Sample copy.]

Req. 242.
Order 7475.

To the Honorable supply committee.

GENTLEMEN: The police department requires material or supplies as shown below. The prices stated are the best obtainable and just and reasonable.

It is respectfully recommended that this order to cover be approved.

ARTHUR BAKER, *Purchasing Agent.*

William H. Hoegee Co.: Please furnish the following material or supplies to the city of Los Angeles, care of police department, 320 West First Street:

12 new shotguns, Winchester, 12-gauge, at $18.23 each	$218.76
1 shotgun, Winchester, 12-gauge, secondhand	16.88
1 shotgun, No. 326716	14.00
1 shotgun, No. 467479	12.00
1 shotgun, No. 242972	14.00
1 shotgun, No. 326147	11.00
1 shotgun, No. 320082	12.00
1 shotgun, No. 269458	11.50
1 shotgun, No. 42179	11.00
1 shotgun, No. 295195	13.00
1 shotgun, No. 294906	12.00
1 shotgun, No. 194900	11.00
500 shotgun shells, 12-gauge, No. 1 buck	14.00
For sawing off 22 barrels to 20 inches	3.00
Total	$374.14

Less 2 per cent discount if paid by May 10, 1914. Immediate delivery.

NOTE.—The above purchase is made in accordance with provisions of section 12 of ordinance 26552, N. S., and is issued with the approval of F. J. Whiffen, chairman of the finance committee, who, with Chief Sebastian, selected the material in question. The price is declared to be reasonable.

Approved April 28, 1914.

SUPPLY COMMITTEE.

[Sample copy.]

Req. 243.
Order 7476.

To the honorable supply committee.

GENTLEMEN: The police department requires material or supplies as shown below. The prices stated are the best obtainable and just and reasonable.

It is respectfully recommended that this order to cover be approved.

ARTHUR BAKER, *Purchasing Agent.*

Tufts-Lyon Arms Co.: Please furnish the following material or supplies to the city of Los Angeles, care of police department, 326 West First Street:

17 new shotguns, Winchester, 12-gauge, net $18.23 each..... $309.90
For cutting off barrels of 17 guns to 20 inches, 50 cents each..... 8.50

Total..... 318.40

Less 2 per cent discount if paid by May 10, 1914. Immediate delivery.

NOTE.—The above purchase is made in accordance with provisions of section 12 of ordinance 26552, N. S., and is issued with the approval of F. J. Whiffen, who, with Chief Sebastian, selected the material in question. The price is declared to be reasonable.

Approved April 28, 1914.

SUPPLY COMMITTEE.

SWITZER EXHIBIT NO. 1.

WEEK ENDING MAR. 21, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
CARPENTERS.										
G. E. Blair		8	8	8	8	8	8	8	$3.00	$[illegible]
O. A. Lamb			8	8	8			3	3.50	[illegible]
C. E. Shirey		8	8	8	8	8	8	8	3.00	[illegible]
Total										[illegible]

WEEK ENDING MAR. 27, 1914.

C. E. Shirey		8	8	8	8	7		39	$3.50	$[illegible]
O. E. Blair		8	8	8	8			32	3.00	[illegible]
J. E. Switzer		8	8	8	8	8		40	4.00	[illegible]
Total										[illegible]

WEEK ENDING APR. 3, 1914.

J. T. Baker		8	8	8	8	8		5	$3.00	$[illegible]
J. A. Gossett	4	8	8	8	8	8		52	3.00	[illegible]
C. E. Gibbley	8	8	8	8		8		6	3.00	[illegible]
G. E. Blair	8	8	8	8	8	8		6	3.00	[illegible]
F. Hartley	8	8	8	8		8		6	3.00	[illegible]
J. E. Switzer	8	8	8	8	8	8		6	3.00	[illegible]
G. C. Bradbury		8	8	8	8			6	4.00	[illegible]
O. A. McCord		8	8	8		8		1.6	3.00	[illegible]
A. E. Davis		8	8	8	8	8		5	3.00	[illegible]
F. G. Hodges			8	8	8	8		4	3.00	[illegible]
E. Lindsey			4	8	8	8		3	3.00	[illegible]
H. T. Littell			8	8	4			1.7	3.00	[illegible]
F. C. Wilson				8	8	8		3	3.00	[illegible]
O. Pottenger				7½	8	8		2.7½	3.00	[illegible]
J. R. Morrison					8	8		2	3.00	[illegible]
E. Van Kamen					4	8		1½	3.00	[illegible]
F. J. Rapp					8	8			3.00	[illegible]
C. H. Cook						8		1		[illegible]
D. T. Posey						8		1		[illegible]
Total										[illegible]

WEEK ENDING APR. 10, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total Hours.	Rate.	Amount.
J. T. Baker	8									
J. A. Gessell	8	8	8	8	8	8		48	$2.37	
C. E. Shirey	8	8	8	8	8	8		48	2.00	
G. E. Blair	8	8	8	8	8	8		48	2.00	
F. Hartley	8	8	8	8	8	8		48	2.00	
G. E. Bradbury	8	8	8	8	8	8		48	2.00	
G. A. McCord	8	8	8	8	8	8		48	2.00	
A. E. Davis	8	8	8	8	8	8		48	2.00	
E. G. Hodges	8	8	8	8	8	8		48	2.00	
H. T. Littell	8	8	8	8	8	8		48	2.00	
F. C. Wilson	8	8	8	8	8	8		48	2.00	
J. Pottenger	8	8	8	8	8	8		48	2.00	
J. R. Morrison	8	8	8	8	8	8		48	2.00	
D. T. Posey	8	8	8	8	8	8		48	2.00	
C. H. Cook	8	8	8	8	8	8		48	2.00	
C. E. Shirey	8	8	8	8	8	8		48	2.00	
J. E. Switzer	8	8	8	8	8	8		48	2.00	
T. Harvey	8	8	8	8	8	8		48	2.00	
E. O. Sammis										
A. J. Roberts										
H. B. Pennington										
V. Nolte										
J. E. Switzer										
F. Hartley										
G. E. Blair										
C. H. Cook										
G. E. Bradbury										
L. A. Kemp										

WEEK ENDING APR. 17, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total Hours.	Rate.	Amount.
J. A. Gessell	8	8	8	8	8	8		48	$2.37	
G. E. Blair	8	8	8	8	8	8		48	2.00	
F. Hartley									2.00	
G. E. Bradbury										
G. A. McCord										
A. E. Davis	8	8	8	8	8	8		48	2.00	
E. G. Hodges	8	8	8	8	8	8		48	2.00	
H. T. Littell	8	8	8	8	8	8		48	2.00	
F. C. Wilson	8	8	8	8	8	8		48	2.00	
J. Pottenger	8	8	8	8	8	8		48	2.00	
J. R. Morrison	8	8	8	8	8	8		48	2.00	
D. T. Posey	8	8	8	8	8	8		48	2.00	
C. H. Cook	8	8	8	8	8	8		48	2.00	
C. E. Shirey	8	8	8	8	8	8		48	2.00	
J. E. Switzer	8	8	8	8	8	8		48	2.00	
T. Harvey	8	8	8	8	8	8		48	2.00	
E. O. Sammis		8	8	8	8	8		40	2.00	
A. J. Roberts				8	8	8		24	2.00	
H. B. Pennington				8	8	8		24	2.00	
V. Nolte				8	8	8		24	2.00	

WEEK ENDING APR. 24, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total Hours.	Rate.	Amount.
E. M. Weed	8		4		8				$2.00	
J. A. Gessell	8	8	4	4	8	8				
G. A. McCord	8	8	4	4	8	8				
A. E. Davis	8	8	4	4	8	8				
E. G. Hodges	8	8	4	4	8	8				
H. T. Littell	8	8	4	4	8	8				
J. Pottenger	8	8	4	4	8	8				
J. R. Morrison	8	8	4	4	8	8				
D. T. Posey	8	8	4	4	8	8				
C. E. Shirey	8	8	4	4	8	8				
E. O. Sammis	8	8	4	4	8	8				
A. J. Roberts	8	8	4	4	8					
H. B. Pennington	8	8	4	4	8	8				
V. Nolte	8									
J. E. Switzer	8	8	4	4	8					
F. Hartley			4	4	8					
G. E. Blair	8	8	4	4	8					
C. H. Cook	8	8	4	4	8	8				
G. E. Bradbury		8	4			8				
L. A. Kemp				4	8	8				

WEEK ENDING MAY 3, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
J. A. Gemell	8	8	8	8	8					
O. A. McCord	8	8	8	8	8					
A. E. Davis		8	8	8	8					
H. T. Littell		8	8	8	8					
J. Pottenger	8	8	8	8	8					
C. E. Shirey	8	8	8	8	8					
E. O. Somers	8	8	8	8	8					
E. B. Pennington	8	8	8	8	8					
O. E. Blair	8	8	8	8	8					
C. H. Cook	8	8	8	8	8					
F. Hartley	8	8	8	8	8					
J. E. Bertine	8	8			8					
G. E. Bradbury	8	8	8	8	8					
L. A. Kemp	8	8			8					
A. P. Stapp			8	8	8					
W. B. Stapp					8					
E. M. Wood					8					

WEEK ENDING MAY 9, 1914.

J. A. Gemell	8									
O. A. McCord	8									
A. E. Davis	8		4½	8	8	8			$3.00	
H. T. Littell	8									
C. E. Shirey	8									
E. B. Pennington	8									
O. E. Blair	8									
L. A. Kemp	8									
A. P. Stapp	8									
W. B. Stapp	8									
E. M. Wood	8									
J. Pottenger	8									
C. H. Cook	8	8	8	8	8	8			2.50	
E. O. Somers	8	8	8	8	8	8			2.50	
F. Hartley		8	8	8	8	8			2.00	
J. E. Bertine		8	8	8	8	8			2.00	
F. W. Carr	8	8	8	8	8	8			2.00	
G. E. Bradbury					8	4½			2.00	

WEEK ENDING MAY 16, 1914.

J. Pottenger	8	8	8	8	8	8				
C. H. Cook	8	8	8	8	8	8				
E. O. Somers	8	8	8	8	8	8				
F. Hartley			8	8	8	8				
A. E. Davis	8		8	8	8	8				
G. E. Bradbury		8	8	8	8	8				
F. W. Carr	8	8	8		8	8				
J. E. Bertine	8	8	8	8	8	8				

WEEK ENDING MAY 23, 1914.

M. Donahey		3½	8	8	8	8		3½	$3.00	
C. H. Cook		8	8	8	8	8		8	2.50	
E. O. Somers		8	8	8	8	8		8	2.50	
A. E. Davis	8	8	8	8	8	8		8	2.00	
G. E. Bradbury		8	8	8	8	8		8	2.00	
J. E. Bertine	4	8	8					4	2.00	
M. C. Colleagh		4		8	8	8		4½	2.00	
F. Hartley	11	11	11	11	11	11		11	2.00	$1.75
A. J. Schulz		8	8	8	8	8		8		
F. Atwood					8	8		8	2.00	
J. E. Morrison					8	8		8	2.00	
J. Pottenger					8	8		8	2.00	
Harper					8	8	8	8	2.00	
J. E. Bertine					8	8	8			
J. E. Bertine, jr.					8					

[1] Rain on Friday.

WEEK ENDING MAY 30, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
C. H. Cook	8	8	8	8	8	8				
E. O. Somers	8	8	8		8	8				
A. E. Davis	8	8	8	8	8	8				
F. Hartley	8	8	8	8	8	8				
A. J. Banks	8	8	8							
F. Atwood	8	8	8	8	8	8				
J. Pettengar	8	8	8	8	8	8				
J. R. Morrison	8	8	8	8	8	8				
A. P. Stapp	8	8	8	8	8	8				
W. H. Stapp	8	8	8							
O. A. Deerhurst	8	8	8	8	8	8				
J. E. DeVine	8	8	8	8	8	8				
Ed De Bow	8	8	8	8	8	8				
A. J. Roberts			8	8	8	8				
H. T. Littell			8	8	8	8				
C. A. McCord			8	8	8	8				
D. R. MacKenzie			8	8	8	8			$3.00	
O. A. Lamb				8	8	8			3.00	
F. H. Fraser				8	8	8				
H. B. Beers				8	8	8				
T. A. Howard				8	8	8				
Ranger		8	8	8	8	8	8			
J. E. Simms		8	8	8	8	8	8			

WEEK ENDING JUNE 6, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
C. H. Cook		8	8	8	8	8			$3.00	
E. O. Somers		8	8	8	8	8			3.00	
F. Hartley		8		8	8	8			3.00	
F. Atwood		8	8	8	8	8			3.00	
J. Pettengar		8	8	8	8	8			3.00	
J. R. Morrison		8	8	8	8	8			3.00	
A. J. Roberts		8	8	8	8	8			3.00	
H. T. Littell		8	8	8					3.00	
C. A. McCord		8	8	8					3.00	
D. R. MacKenzie		8	8	8	8	8			3.00	
F. H. Fraser		8	8	8	8	8			3.00	
H. B. Beers		8	8	8	8	8			3.00	
T. A. Howard		8	8	8	8	8			3.00	
Ed De Bow		8	8	8	8	8			3.00	
O. A. Deerhurst		8							3.00	
O. A. Lamb		8	8	8	8	8			3.00	
A. P. Stapp		8	8	8					3.00	
H. Beers		8	8	8	8	8			3.00	
L. A. Kemp		8	8	8					3.00	
F. W. Carr			8	8	8	8			2.25	
W. H. Vosburg				8	8	8			2.25	
L. Hill				8	8	8			3.00	
La Claire				8	8	8			3.00	
J. C. Bybee		8	8	8	8	8			3.00	
C. E. Silvey		8	8	8	8	8			3.00	
Ranger		8	8	8	8	8	8			
J. E. Simms		8	8	8	8	8				

WEEK ENDING JUNE 13, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
C. H. Cook	8	8	8	8	8	8			$3.00	
E. O. Somers	8	8	8	8	8	8			3.00	
F. Hartley	8	8	8		8	8			3.00	
F. Atwood	8	8	8	8	8	8			3.00	
J. Pettengar	8	8	8	8	8	8			3.00	
J. R. Morrison	8	8	8	8	8	8			3.00	
A. J. Roberts	8		8	8	8	8			3.00	
D. R. MacKenzie	8	8	8	8	8	8			3.00	
O. A. Howard	8	8	8	8	8	8			3.00	
Ed De Bow	8	8	8	8	8	8			3.00	
F. W. Carr	8	8	8	8	8	8			3.00	
W. H. Vosburg	8	8	8	8	8	8			2.25	
C. E. Silvey	8	8	8	8	8	8			3.00	
Henry Beckett	8	8	8						3.00	
J. C. Browning		8	8	8	8	8			3.00	
H. B. Beers		8	8	8	8	8			3.00	
T. Carroll		8	8	8	8	8			3.00	
O. A. Lamb		8	8						3.00	
C. A. Lovell				8	8	8			3.00	
S. Brown				8	8	8			3.00	
Ranger		8	8	8	8	8	8			
J. E. Simms, jr.			8							

WEEK ENDING JUNE 19, 1914.

Name.	S.	M.	T.	W.	T.	F.	S.	Total Hrs.	Rate.	Amount.
C. H. Cook	8	8	8	8	8	8				
E. O. Somers	8	8	8	8	8	8				
F. Hartley	8			4	8	8				
J. Pottenger										
F. Atwood	8	8	8	8	8	8				
J. R. Morrison	8	8	8	8	8	8				
A. J. Roberts	8	8	8	8	8	8				
D. R. MacKenzie	8	8	8	8	8	8				
T. A. Howard	8	8	8	8	8	8				
Ed De Roos	8	8	8	8	8	8				
W. H. Vosburg	8	8	8	8	8	8				
C. E. Shirey	8	8	8	8	8	8				
H. B. Beers	8	8	8	8	8	8				
J. C. Browning	8	8	8	8	8	8				
T. Carvell	8	8	8	8	8	8				
S. Brock	8	8	8	8	8	8				
H. Ellison	8									
G. E. Blair		8	8	8	8	8				
F. W. Carr		8	8	8	7	4				
John Bocock		8	8	8	8	8				
A. N. Manker			8	8	8	8				
Hanger			4	8	8	8				
J. E. Switzer	8	8	8	8	8	8				
Atwood									$5.00	$30.00
Morrison		4	8							
Shirey		4	8							
Browning		8								
Somers					8					
					4					

WEEK ENDING JUNE 26, 1914.

C. H. Cook	8	8	8	8	8	8				
E. O. Somers	8	8	8	8	8	8				
F. Hartley		4		8	8	8				
J. Pottenger	1									
F. Atwood	8	8	8	8	8	8				
J. R. Morrison	8	8	8	8	8	8				
A. J. Roberts	8	8	8	8	8	8				
D. R. MacKenzie	8	8	8	8	8	8				
T. A. Howard	8	8	8	8	8	8				
Ed De Roos	8	8	8	8	8	8				
W. H. Vosburg	8	8	8	8	8	8				
C. E. Shirey	8	8	8	8	8	8				
H. B. Beers	8	8	8	8	8	8				
J. C. Browning	8	8	8	8	8	8				
T. Carvell	8	8	8	8	8	8				
H. Ellison	8	8	8	8	8	8				
G. E. Blair	8	8	8	8	8	8				
F. W. Carr	8	8	8	8	8	8				
John Bocock	8	8	8	8	8	8				
A. N. Manker	8	8	8	8	8	8				
H. P. Littell		8	8	4	8	8				
O. A. McCord		8	8	8	8	8				
Hanger		6	8	8	8	8				
A. F. Stapp			8	8	8	8				
J. E. Switzer	8	8	8	8	8	8				
Hanger	8	2								
Somers						8				

WEEK ENDING JULY 3, 1914.

C. H. Cook	8	8	8	7½	8	8				
E. O. Somers	8	8	8	7½	8	8				
F. Hartley	8	8	8	4	8	8				
F. Atwood	8	8	8	8	8	8				
J. R. Morrison	8	8	8	8	8	8				
A. J. Roberts	8	8	8	8	8	8				
D. R. MacKenzie	8	8	8	8	8	8				
W. H. Vosburg	8	8	8	8	8	8				
C. E. Shirey	8	8	8	7½	8	8				
J. C. Browning	8	8	8	8	8	8				
T. Carvell	8	8	8	8	8	8				
F. W. Carr	8	8	8	7½	8	8				
F. O. Hodges	8									
J. E. Switzer		8	8	8	8	8				

WEEK ENDING JULY 10, 1914.

Names.	S.	M.	T.	W.	T.	F.	S.	Total time.	Rate.	Amount.
C. H. Cook		8	8						$3.00	
F. Atwood		8	8	8	8	8	8			
J. R. Morrison		8	8	8	8	8				
A. J. Roberts		8	8	8	8	8				
D. E. MacKenzie		8	8	8	8	8				
W. H. Vosburg		8	8	8	8	8				
J. C. Browning		8	8	8	8	8				
T. Carvell		8	8	8	8	8				
F. G. Hodges	1	8	8	8	8	8	8			
H. Ellison		8	8	8	8	8				
T. F. Harrington				8	8	8				
F. W. Carr				8	8	8				
C. E. Sibley						4				
J. E. Switzer		8	8	8	8	8				

WEEK ENDING JULY 17, 1914.

C. H. Cook	8	8	8							
J. R. Morrison	8	8	8	8	8	8				
A. J. Roberts	8	8	8							
W. H. Vosburg	8	8	8	8	8	8				
D. E. MacKenzie	8	8	8							
T. Carvell	8	8	8	8	8	8				
H. Ellison	8	8	8							
F. W. Carr	8	8	8	8	8	8				
F. Hartley										
J. E. Switzer	8	8	8	8	8	8				

WEEK ENDING JULY 24, 1914.

J. R. Morrison	8	8								
W. H. Vosburg	8	8	8	8						
T. Carvell	8	8								
F. W. Carr	8	8	8	8	8					
J. E. Switzer	8	8	8	8	8					

SWITZER EXHIBIT NO. 9.

Received of J. E. Switzer, on account of subscription for stock of Western Architectural & Building Co., April 4, 1914, $12; April 10, 1914, $5; April 18, 1914, $6; April 24, 1914, $5; May 2, 1914, $4.50; May 9, 1914, $6; May 15, 1914, $6; May 23, 1914, $5.50; May 29, 1914, $6; June 6, 1914, $5; June 13, 1914, $6. J. A. Tomlinson, secretary and treasurer.

APPLICATION FOR SHARES.

MARCH 21, 1914.

I, the undersigned, hereby subscribe for and agree to purchase, not exceeding one hundred (100) shares of the capital stock of the Western Architectural & Building Co., a corporation, organized under the laws of the State of California, at the par value of one dollar ($1) per share, it being understood and agreed that this subscription shall be for as many shares, not exceeding one hundred (100) as the amount of money will purchase at the rate of $1 per share; it being understood that I am to pay one dollar ($1) per day while I am working for the Western Architectural & Building Co. until said one dollar ($1) per day amounts to one hundred dollars ($100).

In case I cease to work for said company, said company may at its option issue to me the number of shares for which I have paid. It is also understood that in case I cease to work for said company that it will issue to me the number of shares for which I have paid upon my request in writing for same.

It is hereby understood and agreed that because of this application there is no obligation on the part of said company nor any promise to me of work, nor does any agreement of any kind or nature enter into this application, excepting as above stated.

Name_____

Address_____

Telephone_____

SWITZER EXHIBIT NO. 2.

$30.50. LOS ANGELES, CAL., *September 30, 1912.*

In installments and at the times hereinafter stated, after date, for value received, I promise to pay the Los Angeles Investment Co., a corporation, or order, at its office in Los Angeles, Cal., the sum of thirty-six and 50/100 dollars, with interest at the rate of 12 per cent per annum, from date until paid, interest payable monthly. The above principal and interest to be paid in monthly installments of one or more dollars each, on or before the 1st day of each and every calendar month, beginning Nov. 1, 1912. Each of said monthly payments shall be credited as follows: First, on the amount of interest then due, and the remainder on the principal sum, and interest shall thereupon cease upon the amount so paid on the said principal sum. Should default be made in the payment of any of said installments when due, then the whole sum of principal and interest shall become immediately due and payable at the option of the holder of this note. Principal and interest payable in gold coin of the United States.

I hereby pledge as collateral security for payment of this note, or any other debt or liability from me to said company, due or to become due, or which may be hereafter contracted, the following property, viz, 10 shares of the capital stock of the Los Angeles Investment Co., standing in my name, represented by certificate number —.

And I hereby give to the secretary of said Los Angeles Investment Co. full power of attorney to indorse said certificate — of stock in my name, with full power and authority to sell said stock at public or private sale at any time or times hereafter on the nonperformance of this promise, or on the nonpayment of any liability or liabilities above mentioned, without demand, advertisement, or notice, such demand, advertisement, or notice being hereby expressly waived; and in case of such sale said secretary of said company shall apply the proceeds of said sale to the payment of interest and principal of above note, and return the overplus, if any, to me. I further agree that all dividends on all stock in the said company, owned by me, may, at the option of said company, its successors or assigns, be applied on this obligation.

MURREA MARVIN,
6334 Bonsall Avenue.

64TH CONGRESS, 1ST SESSION } SENATE { DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. VII

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

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VOL. VII

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Report Comments
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SMUGGLING OF ASIATICS

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COMMISSION ON INDUSTRIAL RELATIONS.

BOSTON, MASS., *Monday, July 6, 1914*—2 p. m.

Present: Chairman Walsh, Commissioners Delano, O'Connell, Lennon, and Weinstock. E. H. Busiek, special counsel.

Chairman WALSH. You may proceed, Mr. Busiek.

TESTIMONY OF MR. HERVEY S. COWELL.

Mr. BUSIEK. Will you please state your name in full?

Mr. COWELL. Hervey S. Cowell.

Mr. BUSIEK. Where do you live, Mr. Cowell?

Mr. COWELL. Ashburnham, Mass.

Mr. BUSIEK. What is your occupation, Mr. Cowell?

Mr. COWELL. Principal Cushing Academy.

Mr. BUSIEK. We would like to inquire into the circumstances of the admission of 20 students to your academy in the year 1911. Will you please tell the commission what the first information was that you had of those 20 students?

Mr. COWELL. It was early in 1911; I am not sure what month. The first letter I could find was dated May 28, 1911. I have a copy of it.

Mr. BUSIEK. I wish you would read the copy.

Mr. COWELL. This was from Sarah E. Hing, 56 Yon Jie Gie, rear Canton Hospital, Canton:

MAY 28TH, 1911.

CUSHING ACADEMY,
Ashburnham, Mass., U. S. A.

MY DEAR SIR: Please send me one school chart and everything that is necessary for application to the Academy. I leave here for America the latter part of September, 1911, with twenty Chinese students. I have been a teacher of English for some years here, but the Chinese here can not get the education in English they can in America, and they sure pay a price for the favor of a few English words. If everything is suitable and the expense not too high I will arrainge to forward at once one year's expences for each. You must understand they are all new beginers, easy to teach and bother no one a room to stay together and their sundries. I am sure you could make it pay to open a branch just for the instruction of begining Chinese, but if every thing is O. K. I will see you when I arrive in America and I think we can arrainge everything, but please send your catalogue and all necessary things to admitt twenty boys from 12 years to 17 years of age at once and oblige. ever very sincerelly, yours to command,

SARAH E. HING.

Another letter of August 19, 1911. Then I have two other letters after that.

Mr. BUSIEK. Please read the following letters.

Mr. COWELL. This was August 19, 1911.

Chairman WALSH. Have you a copy of it?

Mr. COWELL. I have not.

Chairman WALSH. Simply an answer including catalogues.

Mr. COWELL. Yes, sir.

Chairman WALSH. Did you know this lady before?

Mr. COWELL. I had never seen her and didn't know anything of her.

Commissioner O'CONNELL. Was she an American woman or Chinese?

Mr. COWELL. She was an American woman who married a Chinese. She claimed to be the daughter of a prominent man in Illinois. I have forgotten the name now, but he held some State office.

SARAH E. HING.
56 Yon Jie Gie, Canton, China, August 19, 1911.

Mr. H. S. COWELL.

DEAR SIR: It is with sincere thanks I take this pleasure to let you know I received the catalogue and other papers, for which I am more than obliged to you for. Am sending a check for three months for each boy. And would still owe you another debt of gratitude if you would be so kind as to look up a large office room with a kitchen attached they will each supply their own furniture (for the boys to use as a sleeping room they can then do their own cooking). And as I stated in my other letter the boys I am bringing are all new English beginners and therefor but little trouble. Now as I have no authorized receipt to bring studants to you, you will be granting me an everlasting favor by sending a receipt for the school fund to me in % the chief inspector of immigration at Seattle, Washington. Thanking you sincerely for your great kindness and trouble, I wish to remain

ever yours to command,

S. E. HING.

We will sail from Hong Kong China on 23 of September and arrive at the Academy abought the 30 of October, 1911. Enclosed list of boys, their age and their guardians' name business and address.

S. E. HING,
Organizer of the Chinese Y. M. C. A. & W. C. T. U.

Mr. BUSIEK. Did you ever make any investigation as to whether or not she was in fact an organizer of the Y. W. C. A. and W. C. T. U.?

Mr. COWELL. Not personally. An organizer of the Government came to me and he took the matter up. I informed the Commissioner of Immigration and I have the letters acknowledging that.

Mr. BUSIEK. We will get to that later.

Mr. COWELL. Yes, sir. The next one is September 20, 1911, a month later.

SARAH E. HING,
Hotel China, Hong Kong, Sept. 20, 1911.

Mr. COWELL,
Cushing Academy, Ashburnham, Mass. U. S. A.

DEAR SIR: Not knowing if you received the other draft for one term of each boy, total 21, I will enclose duplicate draft. Also to let you know we can not sail on Sept. 23 as I stated in my previous letter, but will sail on Oct 14 sure, arriving abought Nov. 7, 1911. Please send receipt of one term for 21 boys for Mrs. Sarah E. Hing, % chief of immigration at Seattle Washington. Hopling to thank you personally for youre ever kindness I am ever most

Sincerely,

SARAH E. HING,
Hong Kong, China.

Chairman WALSH. How much did she inclose in the second letter?

Mr. COWELL. I have forgotten. I think about $300.

Mr. BUSIEK. How much was the check for three months?

Mr. COWELL. I have that there. We only charged them for the time they were there. They were there only about four weeks. One died on the passage, before he started. These are the only letters I have in my possession now from her before they came. I have some from her husband after they left.

Mr. BUSIEK. Those students arrived at your academy when?

Mr. COWELL. November 19, 1911.

Mr. BUSIEK. What did you do for them in the way of quarters?

Mr. COWELL. We found rooms for them in private houses.

Mr. BUSIEK. Then you did not put them all together?

Mr. COWELL. No, sir. We did not have any opportunity for them, and when they got there we put them in private houses, one in one place, two in another, and three or four in another.

Mr. BUSIEK. Could they speak English?

Mr. COWELL. Only one could. One was sort of an interpreter for them.

Mr. BUSIEK. Do you remember his name?

Mr. COWELL. Moy Wing.

Mr. BUSIEK. Moy Wing?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. How old was Moy Wing?

Mr. COWELL. Seventeen, according to the—there are two Moy Wings. I am not sure. One was 17 and the other was 18.

Mr. BUSIEK. You saw all the students?

Mr. COWELL. Yes.

Mr. BUSIEK. How old did they appear to be?

Mr. COWELL. Well, I should judge the ages that are given here—I have the ages here. They ranged all the way from 14 to 19. I think the oldest is 19 and the youngest 14. I should judge their age was about as indicated.

Mr. BUSIEK. You think that is substantially correct?

Mr. COWELL. I should think so; yes, sir. They were not old-looking fellows.

Mr. BUSIEK. How long did the students stay at the academy?

Mr. COWELL. They stayed there until the Christmas vacation, which began about the 20th of December. They were there only a month.

Mr. BUSIEK. Arrived on the 19th of November and stayed there until the 20th of December?

Mr. COWELL. Thereabouts. I have forgotten about the dates, but it was about a month.

Mr. BUSIEK. Did they tell you where they were going for their Christmas vacation?

Mr. COWELL. They were going to their relatives. Nearly all of them had relatives, as they claimed, in this country. I have the names of girls that they gave us as relatives, and they were going to see them for their Christmas vacation.

Mr. BUSIEK. Did the students have any money?

Mr. COWELL. Didn't appear to have much.

Mr. BUSIEK. Did you ever make any inquiry as to where they were going to get the means to go to their relatives?

Mr. COWELL. I think they had enough for that, because I know they bought some books and paid for them.

Mr. BUSIEK. Did each boy have his own money? Or did this Moy Wing attend to that for them?

Mr. COWELL. I think each one had his own, or had some. He collected for them. I know they bought some books, some English primers, and he collected and paid us for it, and he acted as sort of banker for them in that way.

Mr. BUSIEK. What was the attitude of the students? Did they appear to try to learn?

Mr. COWELL. They appeared to be, yes, sir. We had to have a special class in English, and, of course, they didn't know anything about English at all, except this one, and had to begin the very elements. They were quiet and patient and gave attention and apparently were willing to learn.

Chairman WALSH. Had you ever had any applications for admissions of Chinese before?

Mr. COWELL. We have had Chinese students there for the last 10 years. Most of them were Government students. At one time there were 10 came, when they got 50 over, and distributed them among five preparatory schools. Then, we have had others since who came under Government control, and others as private students on their own account. We have had 6 this last year.

Commissioner WEINSTOCK. What are the qualifications required for entering your school?

Mr. COWELL. To be 14 years of age and to have completed a grammar-school education.

Commissioner WEINSTOCK. Were those qualified?

Mr. COWELL. As I have indicated, they had no English, and they wanted to learn English first, so we could not tell until they had the English work, and we gave them a teacher to take care of the English language.

Commissioner WEINSTOCK. If they were unable to speak English, how was it possible to teach them?

Mr. COWELL. One acted as interpreter.

Commissioner WEINSTOCK. They were all started on the same basis?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. They remained a month?

Mr. COWELL. Remained a month, except they went away and three remained, came back and remained over the year. This Moy Wing remained——

Commissioner WEINSTOCK. But 17 disappeared?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Were there any efforts made to follow them up?
Mr. COWELL. Yes, sir.
Commissioner WEINSTOCK. What efforts?
Mr. COWELL. Some of them wrote to me. I sent my report to the Commissioner of Immigration and he wrote to me, and I have the letters. The letters of teachers of schools where they went, and of themselves, and the Commissioner of Immigration, I think, looked them all up.
Commissioner WEINSTOCK. What explanation did they offer for having dropped out of your school?
Mr. COWELL. That they could get along cheaper and go into public schools where their relatives lived.
Commissioner WEINSTOCK. That was the only reason they gave?
Mr. COWELL. Yes, sir.
Commissioner WEINSTOCK. So far as you know, Mr. Cowell, were they followed up to see whether they actually did go to public schools?
Mr. COWELL. That part I left with the commissioner. I think they did.
Commissioner WEINSTOCK. You have no means of knowing what they found?
Mr. COWELL. No, sir; except the letters, and I have the reply from Commissioner Billings, George G. Billings, commissioner at that time.
Commissioner WEINSTOCK. From all the information you have since been able to gain, Mr. Cowell, is it your opinion that this was a premeditated plan to smuggle in those boys and to utilize the privilege granted to students to do that?
Mr. COWELL. I have no means of knowing, except the report of the inspector who came from Mr. Walsh, chairman of the Commission on Industrial Relations at Washington.
Commissioner WEINSTOCK. Mr. Walsh, of this commission?
Mr. COWELL. I have a letter I wrote to him on November 4. He sent an inspector up here, and he had the impression that they were smuggled in here to become laborers.
Commissioner WEINSTOCK. That they used the going to your college as a pretext?
Mr. COWELL. Yes, sir. I had no suspicion of that at the time they came, because we had had Chinese students, and they had been square and had continued with us and their records were all right, and he had some suspicion about the character of this woman, and it made me suspicious, although I had no record of their becoming laborers afterwards.
Commissioner WEINSTOCK. That is, they may have become laborers without your knowledge?
Mr. COWELL. They may have; yes, sir. I thought it was not necessary for me to go any further than the letters that came from them; but I did think it rather queer that so many should leave all at once.
Mr. BUSIEK. What was your first communication with the Immigration Department, Mr. Cowell?
Mr. COWELL. December 6, 1911. I have a letter from Mr. Billings dated at Boston:

"Information having been received by us as to the effect that 20 Chinese boys have applied for admission into the United States as students, destined to Cushing Academy, they being in charge of Mrs. Sarah Hing, a white woman, and an alleged former school-teacher at Canton, China, who was also accompanied by her husband, Moy J. Hing, it is requested, if consistent, that you kindly advise us what arrangements, if any, have been made with you for their admission into Cushing Academy, as well as for the payment of their tuition and other expenses while there.
"Any information that you may be able to furnish us in regard to this matter will be much appreciated.
"Respectfully,
"GEORGE B. BILLINGS, *Commissioner.*"

I replied to that, and then I have his letter of January——
Mr. BUSIEK. Pardon me just a moment. Are there any initials in the lower left-hand corner of that letter?
Mr. COWELL. W. M. P.
Mr. BUSIEK. W. M. P.?
Mr. COWELL. Yes, sir. I take it to be, or V. M. P.
Mr. BUSIEK. W. M. P.; yes.

Mr. COWELL. His second letter was dated January 12, after they had gone:

"Acknowledgment is hereby made of the receipt of your letter of January 11, containing information relative to the 20 Chinese students who recently entered Cushing Academy in charge of Mrs. Sarah E. Hing and May J. Hing, for which please accept our thanks.

"In this connection you are advised that an officer will call on you some time to-morrow forenoon (January 13), to confer with you in regard to this matter.

"Respectfully,

"GEO. B. BULLIVAN, *Commissioner.*"

So one came up and obtained all the circumstances.

Mr. BUSIEK. Who was that officer?

Mr. COWELL. I really don't remember.

Mr. BUSIEK. Was it Inspector McCabe?

Mr. COWELL. I have the impression it was; yes, sir.

Mr. BUSIEK. Did you furnish this inspector with a complete list of names?

Mr. COWELL. I think so. I gave him all the information at hand. I can not remember exactly what I gave him.

Mr. BUSIEK. You answered all the questions?

Mr. COWELL. Yes, sir. I gave him complete information.

Mr. BUSIEK. When was that that he came up?

Mr. COWELL. That was January 13.

Mr. BUSIEK. January 13?

Mr. COWELL. Yes, sir. Oh, yes, it is Inspector McCabe, because I have another letter right here.

JANUARY 15, 1912.

Mr. H. S. COWELL,
Principal Cushing Academy, Ashburnham, Mass.

DEAR SIR: Herewith I return the letters relative to the Chinese students, which you kindly loaned Inspector McCabe last Saturday (January 13) while at Cushing Academy, in connection with their cases.

If you receive any more letters from any of these students relative to their nonattendance, kindly forward same to us, and we will promptly return them to you.

Thanking you for your courtesy in this matter,

Very truly, yours,

ALCOTT W. STOCKWELL,
Assistant Commissioner.

Mr. BUSIEK. Up to that time, how many letters had you received from students?

Mr. COWELL. I can't remember. I think I had heard from one-half nearly.

Mr. BUSIEK. What were they writing you about?

Mr. COWELL. Here is one from Deadwood, S. Dak., January 4:

"I am now among many of my old friends and relatives in Deadwood, I am going to school here now, for I think it will make it much easier for me to be with children of the same grade, and by listening to them will benefit me not a little. If there is any expenses that I have not yet paid, please notify me and I will send it at once.

"Yours, truly,

"My address: 586 Main Street, Deadwood, S. Dak.

Commissioner DELANO. Was that written by the boy himself?

Mr. COWELL. It is not signed by him. I judge somebody wrote it for him. It couldn't have been, because he didn't know English, I think.

Mr. BUSIEK. That letter does not indicate who it was?

Mr. COWELL. Yes, sir; at the top, Chan Yun.

Commissioner WEINSTOCK. It seems to me you could use that letter as a great testimonial, as the result of one month's work in your school?

Mr. BUSIEK. What was the name?

Mr. COWELL. Chan Yun.

I have another letter from Chicago, January 6.

Mr. BUSIEK. Read that, please.

Mr. COWELL (reading):

Mr. COWELL,
Care of Cushing Academy, Ashburnham, Mass.

DEAR TEACHER: We arrived here safe last two weeks ago. I am very sorry have not find time to shake hands with you before me going because my cousin want one to meet him at Chicago. The few friend I have met are very kind to me. We have been able to find a Jones School here; have several Chinese boys with us attend the Jones School. I missed your school next season come and the friends too. How much charge us too three week the board at school that time? Please send the letter; let us know, we will sent money order to you as soon as we can.

Hope this will find you enjoying the best of health and happy.

Your friend and scholer,

MOY DAK & MOY TUNG.

Please answer.

Mr. BUSIEK. That was sent by two Chinese?

Mr. COWELL. Sent by two Chinese; yes, sir.

Mr. BUSIEK. Moy Dak and Moy Tung?

Mr. COWELL. Yes, sir; signed apparently by them.

Mr. BUSIEK. Are the signatures the same? It is a flowing Spencerian hand.

Commissioner DELANO. Do you imagine that they wrote this?

Mr. COWELL. I do not. They did not know enough when they left us. I imagine some one wrote it for them.

Commissioner DELANO. I want to interject this question: Were they very apt pupils? Did they learn very quickly?

Mr. COWELL. There were a few that seemed to, and others seemed to be very dull.

Commissioner DELANO. How did they compare with the student the Chinese Government sends over?

Mr. COWELL. They did not compare well, because the Chinese students, the picked students of the Government come after a competitive examination.

Here is from the principal of the Jones School, a letter:

"MY DEAR SIR: I have been asked to write you letting you know that four Chinese boys, Moy Tuck, Moy Tung, Moy Fook, and Hui Tung, are now in Chicago attending the Jones Public School and will continue to remain here.

"Yours, truly,

"THOS. C. M. JAMIESON, *Principal.*"

Mr. BUSIEK. Were there ever any mistakes made in the names as compared with the names under which they entered?

Mr. COWELL. I have a list that was sent me by Mrs. Hing. I have a list made out by one of the boys, Moy Wing, for the books, and here is a list that was made out by their teacher. You can compare the three. It is a little difficult to compare the Chinese names. Here is a list that she sent me of the names of their people in this country.

Mr. BUSIEK. You showed these letters, of course, to Inspector McCabe?

Mr. COWELL. I did. He took them with him, part of them, and returned them.

Mr. BUSIEK. Did he make any comment at the time he was out at your school as to whether or not he thought the students were bona fide?

Mr. COWELL. I don't believe he did.

Mr. BUSIEK. Did you ever get any expression of that kind from any immigration authorities?

Mr. COWELL. I don't think I did, until the inspector came from Washington recently, representing Mr. Walsh.

Mr. BUSIEK. What other letters did you get from the Chinese students?

Mr. COWELL. Here is one from Braintree:

"MY DEAR SIR: A Mr. Chinon is attending the night school in Braintree, Mass. He reports to have been in attendance at Cushing Academy in the present school year. I do not know that his attendance upon night school will be satisfactory to the Commissioner of Immigration. However, I pass this information to you in case of inquiry.

"Very truly, yours,

"R. L. WIGGIN.

"H S. COWELL, A. M.,
"*Principal Cushing Academy.*"

Mr. BUSICK. In regard to what student was that?

Mr. COWELL. Chiron. Here is one from Moy Fook and Hui Chong. They wrote the letter; that is, it is signed by them.

Mr. BUSICK. That is the letter of January 6 you are referring to?

Mr. COWELL. This is January 14, 1912.

Mr. BUSICK. Read the letter, please.

Mr. COWELL (reads):

CHICAGO, ILL., *January 14, 1912.*

Mr. COWELL.

DEAR SIR: We have had a very pleasant vacation here in Chicago visiting our father and cousins. We find there is a very good school here, called the Jones School, in which there is a department especially conducted for foreign young men who wish to learn English. We would like to go to the Jones School very much, as it would be very pleasant for us to be here with our fathers and friends. Will you please write us and tell us what we owe you for tuition and board, and we will send you the money at once. We would like to stay here if we can.

Most respectfully, your pupils,

MOY FOOK.
HUI CHONG.

Commissioner WEINSTOCK. In remaining with your school only one month how much of the tuition money did they forfeit?

Mr. COWELL. That was the end of the term, so they were only charged for the time they were there. They came in November, and the term ended December 20, or thereabouts.

Commissioner WEINSTOCK. And they only paid you for one month's tuition?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Didn't they remit to you in advance?

Mr. COWELL. Mrs. Hing sent a draft that covered about all of their tuition and board for the time they were there.

Commissioner WEINSTOCK. Just for one month?

Mr. COWELL. Yes, sir; just for one month.

Commissioner WEINSTOCK. So you neither won nor lost by their dropping out?

Mr. COWELL. No, sir. We charge by the term rather than by the year.

Mr. BUSICK. Mrs. Hing in her letter says, "I send you a check for a quarter for each."

Mr. COWELL. She first said for a year, then she said for a quarter. I can't recall how much that was. I have an impression it was about $300.

Mr. BUSICK. Would your books show?

Mr. COWELL. The treasurer's might. Of course, it all goes into the treasury.

Mr. BUSICK. Can you supply the commission with all that information when you go back to your school?

Mr. COWELL. I might be able to. I don't know just what was done with that, because they boarded in private houses, and we had to pay them separately, rather than it coming into the treasury of the school.

Mr. BUSICK. You keep books of whatever comes into the school?

Mr. COWELL. Whatever comes into the treasury of the school, but whatever comes into the private houses, that is paid by them separately.

Mr. BUSICK. Would not the books of the school show how much they paid?

Mr. COWELL. Yes, sir. For how long they paid tuition.

Mr. BUSICK. Could you furnish that information?

Mr. COWELL. Yes, sir. The treasurer is not here in this country, but when he returns we can, I think.

Mr. BUSICK. Who is the treasurer?

Mr. COWELL. Moses P. Greenwood, of Ashburnham.

Mr. BUSICK. Has he any other business connection besides being the treasurer of your school?

Mr. COWELL. No, sir; not at present.

Mr. BUSICK. His present address is Ashburnham, Mass.?

Mr. COWELL. Yes, sir.

Mr. BUSICK. Does he have any other connection with the school?

Mr. COWELL. No, sir.

Mr. BUSICK. Just president?

Mr. COWELL. Yes, sir.

Mr. BUSHEK. Is yours a denominational school?
Mr. COWELL. No, sir; private endowed school.
Mr. BUSHEK. Corporation?
Mr. COWELL. Corporation; yes, sir.
Here is another letter, from Charles E. Holske & Co., rice dealers, 14 Oxford Street, Boston, dated January 22, 1912.
Mr. BUSHEK. Read that letter, please.
Mr. COWELL (reads):

"I submitted your letter to the friends of Moy Win Tvan and they talked the matter over with him. He decided he would prefer to attend the Quincy School in Boston and live amongst his fellow countrymen in this city.
"If you will forward a bill for what he owes I'll see his people about sending you a remittance.
"Respectfully,
"CHARLES E. HOLSKE."

Commissioner O'CONNELL. Who is he?
Mr. COWELL. A rice dealer, 14 Oxford Street, Boston.
Commissioner O'CONNELL. Rice dealer?
Mr. COWELL. Yes, sir.
Mr. BUSHEK. Did you get any other letter from Boston?
Mr. COWELL. I don't have any here.
Commissioner O'CONNELL. That letter which you read there——
Mr. COWELL. That has been to the Immigration Bureau. They have their stamp on it.
Commissioner O'CONNELL. When did the Immigration Department get that?
Mr. COWELL. Received January 24, 1912.
Mr. BUSHEK. Didn't you receive a letter from Holske on the 9th to this effect:

"SIR: I am requested by Moy Wing Tvan to notify you that he finds the studies of the academy too far advanced for him, and he believes it would be better for him to attend the public school for one or more terms. Will you please let him know, at 18 Oxford Street, Boston, if it is satisfactory; also, how much, if any, money is due from him to you, so he can remit"?

Did you get such a letter?
Mr. COWELL. Possibly I did.
Mr. BUSHEK. The letter that you received was evidently in response to one written by you?
Mr. COWELL. Yes, sir; this is January 22. I may have it on file, but I perhaps did not get everything.
Mr. BUSHEK. Did you receive any other letters from any of the Chinese?
Mr. COWELL. I think I did, from Providence, but I don't have them here. There were some that went down to Providence.
Mr. BUSHEK. I will see if I can not find copies of those letters. Did you receive any letters from Chicago?
Mr. COWELL. Those that I have read; yes.
Mr. BUSHEK. How many times were the inspectors out at your school? That is, the immigration authorities?
Mr. COWELL. You mean the one that represented later, this last year?
Mr. BUSHEK. No, sir; not the gentleman who came from Mr. Walsh.
Mr. COWELL. Mr. McCabe?
Mr. BUSHEK. The inspectors from Boston; how often was anyone there at your school?
Mr. COWELL. He was there once but I don't remember that he was there again.
Mr. BUSHEK. Did you have any further correspondence with the Department of Immigration?
Mr. COWELL. I have January 18.
Mr. BUSHEK. Read that letter, please?
Mr. COWELL (reads):

"Acknowledgment is hereby made of the receipt of letter of January 4, 1912, from Chan Tun, at Deadwood, S. Dak., and same is herewith returned in accordance with your request.
"Please accept our thanks for your courtesy in the matter.
"Very respectfully, yours,
"GEO. B. BILLINGS, *Commissioner*."

Mr. BURNETT. How is that initialed?

Mr. COLWELL. That same W. M. P. And January 20, 1912:

"Acknowledgment is hereby made of the receipt of your letter of January 18, 1912, to the effect that Chin On, one of the 20 Chinese boys who entered Cushing Academy last term, has returned to the school.

"In this connection I request that you kindly advise me if this is the same Chinese person who is referred to in the letters of January 9 from Nellie Belyea, Braintree, Mass., and of January 12 from R. L. Wiggin, Braintree, Mass., which you kindly lent Inspector McCabe when he was at Ashburnham recently.

"Herewith I inclose, for use in connection with this matter, a few official envelopes, which require no postage.

"Thanking you for your kindness in the matter,

"Very truly, yours,

"GEO. B. BILLINGS, *Commissioner.*"

Mr. BURNETT. What were those letters referred to from Braintree?

Mr. COLWELL. Those are the two I have here in regard to going to night school, but he came back and remained through the year.

Mr. BURNETT. That was——

Mr. COWELL. Chin On.

Mr. BURNETT. And Moy Wing?

Mr. COWELL. Yes, sir. I think Moy Wing remained there during the vacation. At least, he remained through the year.

Mr. BURNETT. What became of him?

Mr. COWELL. I don't know what became of him since he left.

Mr. BURNETT. You have no letter?

Mr. COWELL. No, sir.

Mr. BURNETT. Not anything?

Mr. COWELL. No, sir.

Mr. BURNETT. Did you get any further letters from the Bureau of Immigration?

Mr. COWELL (reading):

JANUARY 24, 1912.

Herewith I return the letter of January 22, 1912, addressed to you by Chas. E. Holske, relative to Moy Wing Foon, one of the party of 20 Chinese students who recently entered Cushing Academy, to the effect that he has now decided to attend the Quincy School, Boston.

Thanking you for your courtesy in the matter,

Respectfully,

GEORGE B. BILLINGS, *Commissioner.*

JANUARY 26, 1912.

Asknowledgment is hereby made of the receipt from you of letter of January 22 from Moy J. Hing, in regard to the 20 Chinese students recently admitted to Cushing Academy, and same is herewith returned.

Please accept our thanks for your kindness in the matter.

Very truly, yours,

JEREMIAH J. HURLEY,
Assistant Commissioner.

Mr. BURNETT. Have you another letter?

Mr. COWELL. (reads):

JANUARY 26, 1912.

We understand, from information received from you by letter, as well as by Inspector McCabe while on his recent visit to your academy, that only 8 of the 20 Chinese students who were admitted at Cushing Academy about the 1st of December last are still students with you, viz:

Lewie Gun Yuen; aged 18; name of relative, Lewie Wah Gun, father; care of Hop Wah Co., 215 South Seventh Street, Boise City, Idaho.

Yee Kick; aged 17; name of relative, Yee Chung Wah, uncle; care of Yuen High Co., No. 455 South Clark Street, Chicago, Ill.

Chin On; aged 16; name of relative, Moy You Bong, uncle; No. 455 South Clark Street, Chicago, Ill.

We inclose herewith photographs of Lui Kan Yuen, Yee Yick, and Chan On, which names are recorded on the backs of these photographs. We assume from the records here that they relate, respectively, to the above-named three Chinese, and respectfully request that you discreetly determine, by comparison of same with the three said remaining students, without their knowledge, whether or not they are photographs of the same three remaining students, returning the photographs to this office with your reply. If it should develop that these three photographs, or any of them, disagree with the three remaining students, or if there is any mistake in the names first above given us of those now at your academy you might ask the said three students if they have in their possession their certificates of identity, paper given to them at Vancouver, British Columbia, bearing their photographs, and if so, please ascertain the name and number appearing on same so that you may advise us of it.

Thanking you for your courtesy in this matter, I am,

Very truly, yours,

JEREMIAH J. HURLEY, *Assistant Commissioner.*

Mr. BUSIEK. Did you make such comparisons?

Mr. COWELL. I did, if I remember correctly, and they were all right. Let me see, there were two of them that we identified. I have the following letter telling what I did.

Mr. BUSIEK. All right.

Mr. COWELL (reading):

JANUARY 29, 1912.

Referring to your letter of January 27, under cover of which you returned the three photographs and identified two, those of Lui Kam Yuen, and Chin On or Chan On, as photographs of 2 of the 3 Chinese students remaining at your academy out of the 20 who recently arrived there, there are inclosed herewith photographs of 2 of those 20 students, whose names appear on our records as Mui (Moy) Wing, and Mui (Moy) Wing Tsam. With the return of the same please advise us whether or not either one of these photographs relates to the student Moy Wing.

Respectfully, GEO. B. BILLINGS, *Commissioner.*

Those are the letters from the commissioners, I think all that I have had. I may have others.

Mr. BUSIEK. You received some more letters from Sarah Hing and from her husband?

Mr. COWELL. From Moy Hing, but not from her. I received two from him.

Mr. BUSIEK. Have you copies of those?

Mr. COWELL. I have the originals.

Commissioner WEINSTOCK. Did you ever see Mrs. Hing?

Mr. COWELL. Yes, sir; she came with the boys.

Commissioner WEINSTOCK. Was she a white woman?

Mr. COWELL. Yes.

Commissioner WEINSTOCK. Professed to be a teacher in English?

Mr. COWELL. Yes, sir; she said she had charge of several hundred girls in different schools in China that were supported by the Chinese merchants.

Commissioner WEINSTOCK. She talked English?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Was she qualified, do you think?

Mr. COWELL. Her letters do not seem to look that way.

Commissioner WEINSTOCK. She says here: "I have to-day written to each one to know why they have did such a thing."

Mr. COWELL. That is from the husband. I wrote to her. I think those are the Moy Hing letters. No, sir; these are her's.

Mr. BUSIEK. When was the last letter that you received from any of the Hings?

Mr. COWELL. I think the last one I have is dated February 27, 1912.

Mr. BUSIEK. Have you seen either one since?

Mr. COWELL. I have not.

Mr. BUSIEK. Have you seen any one since Sarah Hing was there with the students?

Mr. COWELL. I have not.

Commissioner O'CONNELL. Have you heard anything of them?

Mr. COWELL. Only through the Government inspector.

Mr. BUSIEK. What did he tell you?

Mr. COWELL. I can not recall. I think he said they went into business out West somewhere.

Mr. BUSIEK. Seattle?

Mr. COWELL. Yes, sir; I think he told me about them. That is all I heard—all I obtained from him.

Mr. BUSIEK. In talking to Sarah Hing and in looking at her letters, was there any question in your mind as to whether or not she was in fact a bona fide teacher of English as she professed to be in her letters?

Mr. COWELL. That is difficult to answer. I should not have wanted her as a teacher of English in our school. Of course, when she arrived there they had been on the night train from Montreal, and arrived there in the morning early. They all looked draggled. She had considerable jewelry. I remember she had several rings on, I think a diamond ring and considerable tawdry dressing.

Mr. BUSIEK. Did you explain her appearance to the Commissioner of Immigration? Did you tell him those things—how she looked?

Mr. COWELL. I don't know as I did to him. I did to the last one, I think.

Mr. BUSIEK. Did you comment on the fact to Commissioner McCabe, that this woman did not speak good English or write good English?

Mr. COWELL. He saw the letters. That question did not come up just then, but that was all legitimate. I think if he had any suspicions he did not mention it, and I did not at that time.

Mr. BUSIEK. When did you receive the last letter which you received from the immigration authorities?

Mr. COWELL. Well, I think the last one I received is dated in February. February 6, 1912, is the last one I have here. I may have received other letters.

Mr. BUSIEK. Did you talk to those immigration authorities by phone, or have you written them lately?

Mr. COWELL. No, sir.

Mr. BUSIEK. Have they called on you at any time since February of that year?

Mr. COWELL. I don't recall that they did.

Mr. BUSIEK. The only man you have talked to since then was the man sent by Mr. Walsh?

Chairman WALSH. He was there twice.

Mr. BUSIEK. He was there twice?

Mr. COWELL. Yes, sir. I supposed it was a closed incident when he came there. In fact, I had difficulty in finding all the letters. I had filed them away.

Mr. BUSIEK. In looking over those letters, for instance, from Charles Holske, I notice that Holske writes you and the names which he gives of the students concerning whom he is writing do not agree with the names they were registered under at your school. Did you notice that at the time?

Mr. COWELL. Chinese names vary so much that I was not always sure I had the name right or not, sometimes. We have boys now that will give us an English name and a Chinese name, and I find it difficult sometimes to find out whether they are identical.

Mr. BUSIEK. For instance, in the letter of January 6, 1912, he refers to one of the students as Moy Wing Fook. In his letter of January 22 he refers to him as Moy Wing Fong. Did you notice that discrepency?

Mr. COWELL. No, sir; I did not notice that discrepancy. Their first name corresponds to our last name, and then the other name varies so much that I did not pay much attention to the last name, because there are so many names and so great a variety.

Mr. BUSIEK. You say you have had students there?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Chinese students?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. How did these students come to your school?

Mr. COWELL. Part of them came from the Government; part came from friends.

Commissioner O'CONNELL. Part from the Government?

Mr. COWELL. If you please?

Commissioner O'CONNELL. In what way did they come through the Government?

Mr. COWELL. At the time, after the Boxer rebellion, we paid—the Chinese Government paid us an indemnity, and then our Government returned the in-

demnity to them and they decided to use that to educate students in this country, and so they have been sending a picked number every year, or did up to the time of the revolution, and paying their bills at the colleges in this country.

Commissioner O'Connell. And then they return?

Mr. Cowell. And then they go back.

Commissioner O'Connell. They are in bond while here, so to speak?

Mr. Cowell. Yes, sir; they are on trial here. At one time 50 came over and were distributed among the preparatory schools. Ten came to us, ten to Andover, ten to Williston, ten to Lawrence——

Mr. Busiek. Did they have any knowledge of English?

Mr. Cowell. Nearly all do.

Mr. Busiek. Those other Chinese, sent by friends, what kind of students are they?

Mr. Cowell. Good students.

Mr. Busiek. Do they know any English?

Mr. Cowell. Yes, sir; they attend one of the colleges there where English is taught, and they speak fairly good English.

Mr. Busiek. Had you previous to that time taken in any students who did not know anything?

Mr. Cowell. No, sir.

Mr. Busiek. Or students direct from China, as in this case?

Mr. Cowell. No, sir.

Mr. Busiek. Had you had any correspondence with any other person who wanted to bring over a batch of students?

Mr. Cowell. No, sir; the only other one was Yuan Kwai, who was acting minister at that time. He brought 30 students, and I met him at Springfield.

Mr. Busiek. Mr. Cowell, this woman appeared before you, you say, dressed rather flashily?

Mr. Cowell. I think so; yes, sir.

Mr. Busiek. Had those diamond rings on?

Mr. Cowell. Yes, sir.

Mr. Busiek. You said she used poor English?

Mr. Cowell. She could talk quite readily.

Mr. Busiek. She wrote poor English?

Mr. Cowell. She wrote poor English, but she could talk with considerable freedom.

Mr. Busiek. Did she act like a teacher; a person with a refined education?

Mr. Cowell. No, sir; she did not. More like a business woman.

Mr. Busiek. She having written to you that she was a teacher, did she appear to you as a woman who was an organizer of the Y. W. C. A. and of the W. C. T. U.? Didn't you have any suspicion when you saw her and talked to her?

Mr. Cowell. I didn't pay much attention to that, as I was pretty busy taking care of the boys. She stayed only one day and left the boys, although I did think she was rather a queer kind for that work. She did not impress me like those who ordinarily do that kind of work.

Mr. Busiek. Had you ever heard of smuggling of Chinese before that time; using students——

Mr. Cowell. I never heard of their using them in that way. Of course, I had heard of smuggling Chinese, but not through the schools.

Mr. Busiek. Had you ever been given any warning—had you ever been given any warning of any kind from the immigration department?

Mr. Cowell. No, sir.

Mr. Busiek. That these students might attempt to escape?

Mr. Cowell. No, sir.

Mr. Busiek. Now, after they did leave, did the immigration department or anyone from there tell you that they had tried to get them back or had any line on them or knew where they had gone?

Mr. Cowell. All I know is what these letters say. They don't seem to indicate.

Mr. Busiek. Did Inspector McCabe go into the matter thoroughly with you—display considerable interest?

Mr. Cowell. He seemed to want to know all I knew about them. Did not seem to offer any information, except to find out where they had gone if possible. He thought it was his duty to track them.

Mr. BUSIEK. Will you please leave this correspondence until we can make copies of it, Mr. Cowell?

Mr. COWELL. Yes; I may have other letters if I look through my file, because I thought after the incident was closed there would be no other use for them. But I do not recall letters only except from Dakota and Chicago, and I think from Providence, and these from Boston.

Commissioner O'CONNELL. Have you heard anything of the boy since?

Mr. COWELL. No, sir.

Commissioner O'CONNELL. Around in this section?

Mr. COWELL. Haven't heard a single thing of them.

Chairman WALSH. Have you made any inquiry?

Mr. COWELL. No, sir; didn't know where——

Mr. BUSIEK (interrupting). This one boy came back after Christmas holidays?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. And stayed with you. How many stayed?

Mr. COWELL. There were three only. Chin On did not come back for a week or two after we commenced the term, and then he returned and stayed out through the year.

Mr. BUSIEK. Did you not make any inquiry from this boy as to whether or not he had heard from his former companions?

Mr. COWELL. I don't recall.

Mr. BUSIEK. Did you say anything about the Government inspectors having been around inquiring about it?

Mr. COWELL. I don't think I did, to him.

Mr. BUSIEK. Did you to the one that was the interpreter—what was his name, Moy Wing?

Mr. COWELL. I can't remember.

Mr. BUSIEK. Did you say anything to him?

Mr. COWELL. I don't remember that I did.

Mr. BUSIEK. Did you ask him what had become of these boys?

Mr. COWELL. I think I did.

Mr. BUSIEK. What did he say?

Mr. COWELL. Well, I think he knew where some of them were, because if there was any bills he was to send for them.

Mr. BUSIEK. The whole 20 were apparently of the coolie class—Chinese laborers?

Mr. COWELL. Well, they were rather a crude-looking crowd, except this Moy Wing was quite an intelligent-looking fellow.

Mr. BUSIEK. When was your school founded, Professor?

Mr. COWELL. Opened in 1875.

Mr. BUSIEK. What is the name of the corporation?

Mr. COWELL. Trustees of Cushing Academy.

Mr. BUSIEK. And how many scholars had you in the year 1911 all together?

Mr. COWELL. About 200. I don't remember exactly now.

Mr. BUSIEK. About 200?

Mr. COWELL. Yes.

Mr. BUSIEK. Is that the highest number you have had at any time?

Mr. COWELL. It has varied from 185 to 240.

Mr. BUSIEK. And what are the terms of your school?

Mr. COWELL. The tuition, board, and room, about $300.

Mr. BUSIEK. Have you a catalogue, such as you sent this woman at the time in your file?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. A catalogue for that year?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Will you please submit that to us so we can make it a part of this record?

Mr. COWELL. Yes.

Mr. BUSIEK. Now, who was the individual who taught these boys while they were there during that time?

Mr. COWELL. Rev. J. J. Miller, pastor of the Congregational Church.

Mr. BUSIEK. Is he in the city?

Mr. COWELL. He is in Ashburnham.

Mr. BUSIEK. Is there anybody else that they came in touch with there?

Mr. COWELL. He was in charge of them, because all of our teaching force was engaged in the regular classes and because he was willing to come in and teach, and we paid him for it.

Mr. BUSIEK. What did you pay him?

Mr. COWELL. I don't remember.

Mr. BUSIEK. Have you had any Chinamen come to your school under such circumstances before?

Mr. COWELL. No, sir.

Mr. BUSIEK. Had you ever taken any person or persons outside of the regular plan of having graduated from a grade school, as I understand it?

Mr. COWELL. Occasionally we will take a younger student who is willing to be tutored privately until he can get ready for the regular classes; but very few.

Mr. BUSIEK. This is the only instance of this kind that ever occurred?

Mr. COWELL. Where we had a number of that kind.

Mr. BUSIEK. A number of what kind?

Mr. COWELL. As large a number come in that way.

Commissioner O'CONNELL. Did you ever have any correspondence with the Hings before that time—before this occasion?

Mr. COWELL. No, sir; I did not know anything about them until her first letter.

Commissioner O'CONNELL. How did they come to write your school, do you suppose?

Mr. COWELL. I don't know. She referred in one of her letters, I think, to an American consul, gave his name as a reference; but we don't seem to have that reference here. I think there is another letter from her somewhere in the files.

Commissioner O'CONNELL. I think I saw a letter where she referred to some one over there.

Mr. COWELL. Yes, sir; I think that is right. I thought probably she was legitimate because of referring to the American consul or vice consul. But that letter, I think, is somewhere in existence.

Commissioner O'CONNELL. I think she wrote such a letter.

Mr. COWELL. I think that is the first one she wrote or maybe the second.

Commissioner O'CONNELL. Now, have you formed any idea at all as to the real purpose of those people in bringing those boys there—whether in your mind after your seeing that she was not really an English scholar such as to be a teacher, have you formed any opinion as to what their real purpose was?

Mr. COWELL. Well, after the visits of the last inspector and what he told me of her history so far as he knew it and of similar attempts—I have had very strong suspicion that it was not for school purposes only—all of it; may have been some of it, but I did not suspect it at that time.

Chairman WALSH. Have you had any Chinese students come in since that time?

Mr. COWELL. Yes, sir.

Chairman WALSH. How did they come?

Mr. COWELL. They have come individually or recommended by some former Chinese students.

Chairman WALSH. How many have you had since that time?

Mr. COWELL. We have averaged 6 to 10 a year.

Chairman WALSH. Have you a list of those students and whom they gave for reference?

Mr. COWELL. I have them on file; yes, sir—somewhere.

Chairman WALSH. I wish you would submit a list of those, if you please, Professor.

Mr. COWELL. Some of them now are in the Boston "Tech." and Cornell, and I have heard from them since they have left. And three we had last year went up to the University of Vermont and have been there this last year.

Commissioner O'CONNELL. Did you keep a record in your office showing just where they went or where they told you at least they were going?

Mr. COWELL. Yes; and in fact I have heard from nearly every individual. I have a list of all the Chinese students in this country.

Commissioner O'CONNELL. I wish you would give us a list of those, if you please.

Mr. COWELL. There were two came to us from the Chinese rebellion, and I think they were sent to America as a sort of a reward and their bills were paid.

Commissioner O'CONNELL. I wish you would give us a list of all you had beginning with these 20.

Mr. COWELL. And you mean also before that time?

Commissioner O'CONNELL. We will say for two years before that time and including these 20 and all you have had since that time together with the references.

Mr. COWELL. Yes, sir.

Chairman WALSH. Please, now, when do you think you could do that, Professor?

Mr. COWELL. Well, I can not do it before next week, because I am starting on my vacation to-day for one week to Rhode Island.

Chairman WALSH. Is there anybody else in the school could furnish it?

Mr. COWELL. I can send to the office.

Chairman WALSH. Well I wish you would notify them then that we will have a man out there, the sergeant at arms, and to turn it over to him.

Mr. COWELL. Yes. I could do it better if I could be there.

Chairman WALSH. Yes; but we will be in town only two days and we want it as quickly as we can get it, because we may make some further inquiry about it.

Mr. COWELL. Very well.

Chairman WALSH. That is all, then. Thank you, Professor.

(Witness excused.)

(The following letters were presented in connection with the testimony of the Witness Cowell in addition to those read by him at the time:)

BRAINTREE, MASS., *January 9, 1912.*

PRINCIPAL OF HIGH SCHOOL,
Ashburnham, Mass.

DEAR SIR: I have been asked to write you by Chin Bing, regarding Chin On, whom he says has been going to high school in your town, although he is not sure what school. Anyway the boy came down to Boston to see his friends and decided to stay here and go to school, but he says he did not pay for four weeks' board and Chin Bing wants to forward the money in payment, but has been unable to find out from the boy who to send it to, simply says he owes the teacher for four weeks' board. Now, if you can tell me if you have had a young Chinese boy in your school by that name, or if not and you will make inquiries among the other schools and see what you can find out, it will be very much appreciated.

Yours, very truly,

NELLIE BELYEA.

"Has this been paid?"

CHICAGO, ILL., *April 30, 1912.*

Mr. COWELL: Moy Wing wrote me that the balance due you for the four boys, Moy Fook, Moy Deuck, Moy Tone, Hugie Teong, was fifteen dollars, which amount I have sent him. If that amount is not all to settle our indebtedness, please let him know, and I will send it to you. With best wishes and kind regards, I remain,

Respectfully,

MOY FOOK.
MOY DEURK.
MOY TONE.
HUGHIE TEONG.

J. A. M.
No. 2500/464-C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., January 18, 1912.

Mr. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Acknowledgment is hereby made of the receipt of letter of January 4, 1912, from Chun Yun, at Deadwood, S. Dak., and same is herewith returned, in accordance with your request.

Please accept our thanks for your courtesy in the matter.

Very respectfully, yours,

GEO. P. BILLINGS, *Commissioner.*

WMP

J. A. M.
No. 2500/439–C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., January 31, 1912.

Prof. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Acknowledgment is hereby made of the receipt of your letter of January 30, 1912, returning the photographs inclosed with my letter of January 29, 1912, with the advice that the photograph marked Moy Wing is that of the boy of the same name who is now at Cushing Academy.

Thanking you for your courtesy in the matter,

Very truly, yours,

WMP

JEREMIAH J. HURLEY,
Assistant Commissioner.

J. A. M.
No. 2500/439–C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., February 6, 1912.

Prof. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Herewith I return the letter of February 1, 1912, addressed to you by Moy J. Hing, relative to the failure of the Chinese students recently admitted to Cushing Academy to return to school at the end of the Christmas vacation, which was received by us this morning.

Please accept our thanks for your courtesy in forwarding same.

Very truly, yours,

WMP
Inclosure No. 11120.

JEREMIAH J. HURLEY,
Assistant Commissioner.

CUSHING ACADEMY, PRINCIPAL'S OFFICE,
Ashburnham, Mass., November 4, 1913.

FRANK P. WALSH,
Chairman Commission on Industrial Relations, Washington, D. C.

SIR: In replying to a request to relate my experience with Mr. Moy J. Hing and his wife, Sarah E. Hing, and the admission of some 20 Chinese students at the Cushing Academy, Ashburnham, Mass., on or about November 17, 1911, I have to submit the following for your information:

On June 29, 1911, I received a letter from Mrs. Sarah E. Hing, then in Canton, China, requesting a catalogue of Cushing Academy. On August 19, 1911, I received another letter advising me of the arrival of the catalogue, also stating that she would leave China for the United States on or about September 23, 1911, and would arrive at the academy about October 30, 1911.

She did not reach the academy until about November 19, 1911. She explained that the delay was due to the authorities at the point of entry, which she had successfully overcome.

The students were provided with quarters by themselves, as many of them could not speak any English and desired to be alone. We experienced no difficulty with them.

On reaching the Christmas holidays, a vacation of about two weeks, the Chinese students prepared to spend this time with their people—some claimed they were going to parents, brothers, uncles, etc. When the time arrived to resume their studies, out of the 20 students that came with the Hing's, only 3 responded. After waiting some days I notified Mr. George B. Billings, immigration commissioner at Boston, Mass., of the absence of the Chinese students.

Subsequently I was advised by Mr. Billings that he would send an inspector to the academy to make an investigation. Soon thereafter Inspector McCabe called, and he was informed of the facts herein given. On January 20, 1912, I received a letter from Mr. Billings advising me that Inspector McCabe had located some of the boys attending other schools.

In the meantime I had received several letters from some of the boys showing that they were scattered many ways—some as far West as Deadwood, N. Dak.; while others claimed to be attending at the Jones's Public School at Chicago, Ill. These letters I sent to Commissioner Billings, who returned them to me, stating that the department would investigate. In each case the writer inquired if there was any money due the academy, and appeared anxious to pay any claim against him.

I also communicated with Moy Hing and his wife regarding the departure of the students they had placed in the academy, and in reply I was told by them that the boys did wrong in leaving and offered to find them, adding that they (Hing and wife) could not make them attend the academy if they refused.

In conclusion I have to say that the Chinese students paid up in full for the period they attended the academy except $8.10—not the full year. That they appeared satisfied with their surroundings; that they appeared to wait until the Christmas vacation so as to have an opportunity to leave the academy the easiest way, which is apparent in the letters which I have received from some of them. They were at the academy but a few weeks—from November 17 until Christmas. Yet on January 4, 1912, I received a letter from two of the boys mailed at Deadwood, N. Dak., to the effect that they had decided to remain with their friends in Deadwood. As Deadwood is many miles away and the date, January 4, is but a few weeks after they left the Cushing Academy, it is rather significant.

Another letter from two of the boys, mailed at Chicago, January 6, 1912, states they are attending the Jones's Public School of that city. There are several others of which the above letters are a sample.

The records and letters are on file at the office of the Cushing Academy and are subject to your wishes at any time.

Very truly, yours,

H. S. COLWELL, *Prin.*

MOY J. HING, OF WO-HING CO.,
18 First St., West, Duluth, Minn., 1, 22, 1912.

Mr. COWELL: Dear friend excuse delay in answering youre's of the 11, but as I just received it I am not responsible I am so sorry my boys have been dissatisfied with the school I choose for them and one I feel sure is in every way an advantage to them. I have to day written to each one to know why they have did such a thing as to leave where I had paid and taken the trouble as you know which was not a little to give them the best. I will try and find out what the trouble is and let you know but as to their going to work I am sure they will not do that as I have the best of authority in regards to their going to school. probly they think the expences too high for beginners as some of their guardians so informed me. as to that. I will try and get a report and send same to you as erly as I receive one. as you will see from above I am going into a little business for myself, by the above address. Now Mr. Cowell I want to thank you for all you have done fore me and my people and also wish to assure you that I will do all in my power to get the boys back I cannot do more untill then I wish to remain ever youre most sincere friend.

MOY J. HING.

DULUTH, MINN., *Feb. 1, 1912.*

MY DEAR MR. COWELL: You have no idea how badly I feel abought the boys leaving your school. I have written to each one in regards to same and so far have heard from too Lee Chung Lee Gunn they are both attending public school in Union Town Penn. Haw Kee Hong is going to Public school in Sanfrancisco Call, the above boys have guaranteed me as soon as they finish the Primer grade to return to Cushing Academy. each say that Boriling rooming and Schooling is a little to heigh for beginners. Now Mr. Cowell do any of these boys owe you any thing if so please let me know. I will see that it is paid. I am realy honestly sorry but as they are realy going to school I cannot anything. I got nothing but trouble bringing them over here and am surely sorry I had anything to do with it I will think twice before I do a favor for any one again I have reported to the Emegration department at Vancouver myself. well as this is all at present will close. hoping to here from you soon I remain most

Sincerely

MOY J. HING.

Moy J. Hing,
18 West First St., Duluth, Minn., 27/12.

Mr. Cowell: Dear friend excuse delay in answering yours of the 5th but Mrs Hing has been very ill near the point of deth, but is some better now we have had two doctors they advise our return to China at once as the climate is to cold here for her. In regards to the boys leaving you—I am very sure they will return to Cushing Academy a little later and Mr. Cowell Mrs Hing turned over every cent she received for tution from those boys as Mr. Burghoultz knows also the International Branch at Canton do not believe to much what boys say for in fact those boys do not know what was paid for them as the money was paid by their Guardians and they still owe my wife fore their fair so as I say do not believe to much, well as I am so bulsy I will close, write more next time and hope to here from you soon I am ever yours most sincerely

Moy J. Hing.

TESTIMONY OF MR. GEORGE B. BILLINGS.

Mr. Bushek. State your name in full, Mr. Billings.

Mr. Billings. George B. Billings.

Mr. Bushek. What is your position?

Mr. Billings. Commissioner of immigration for the port of Boston.

Mr. Bushek. How long have you held that position?

Mr. Billings. Seventeen years.

Mr. Bushek. Been here in Boston all that time?

Mr. Billings. Yes, sir.

Mr. Bushek. How long have you been with the service, Mr. Billings?

Mr. Billings. Seventeen years.

Mr. Bushek. You have been commissioner for 17 years?

Mr. Billings. Yes, sir.

Mr. Bushek. What is the Boston district?

Mr. Billings. Well, the Boston district comprises all of New England except the border. We have nothing to do with the Canadian border.

Mr. Bushek. Who has that in charge?

Mr. Billings. The commissioner of immigration at Montreal, John H. Clark.

Mr. Bushek. Is Buffalo under your office?

Mr. Billings. No; I think that is under Mr. Clark.

Mr. Bushek. Have you any men at New York—any interest there?

Mr. Billings. No, sir.

Mr. Bushek. How many men have you got working on Chinese matters exclusively?

Mr. Billings. Three.

Mr. Bushek. Who are they?

Mr. Billings. John A. McCabe, John G. Sullivan, and Walter—I can't think of his middle initial—Perry. He is the stenographer.

Mr. Bushek. He is the man who signs "W. M. P."?

Mr. Billings. Oh, that is it—Walter M. Perry.

Mr. Bushek. You say he works on Chinese matters?

Mr. Billings. Practically or almost entirely.

Mr. Bushek. As a stenographer?

Mr. Billings. Yes, sir.

Mr. Bushek. What is his official designation?

Mr. Billings. I think it is clerk. I think all stenographers are run as clerks. I may be wrong in that; it may be stenographer and clerk.

Commissioner Delano. Is he a civil-service appointee?

Mr. Billings. Oh, yes; they are, every one, down at our office, civil-service appointees.

Mr. Bushek. How long has Inspector McCabe been in your department?

Mr. Billings. I could not tell you. I should say in the vicinity of 12 years.

Mr. Bushek. And how long has Inspector Sullivan been there?

Mr. Billings. Well, I can't say. Sullivan and Perry came into the service, as I remember it, about the same time. Perry came to Boston and Sullivan went to Richford. I think that has been about 10 years. And Sullivan stayed at Richford, Vt. That was originally under Mr. Shell.

Mr. Bushek. What station did Mr. Shell have at that time?

Mr. Billings. Originally he was in Boston, and then he had charge of Richford also.

Mr. BUSIEK. Was Richford under the Boston office?

Mr. BILLINGS. Not originally. I had nothing to do with the Chinese until Secretary Cortelyou came in. I can't tell you the date.

Mr. BUSIEK. About what year was that?

Mr. BILLINGS. It was at the time the Department of Commerce and Labor was created.

Mr. BUSIEK. That was under the McKinley administration?

Mr. BILLINGS. Yes. As I should say, I think it was about a dozen years ago, as far as my memory goes.

Mr. BUSIEK. I have a list here that shows that Mr. Sullivan entered the service in about 1903. That is substantially correct?

Mr. BILLINGS. Well, I said 10 or 12 years ago; yes.

Mr. BUSIEK. He has been stationed here in the Boston district during that entire time, has he?

Mr. BILLINGS. No; he was originally sent to Richford.

Mr. BUSIEK. Where is Richford?

Mr. BILLINGS. Richford, Vt.

Mr. BUSIEK. Yes.

Mr. BILLINGS. It is up about—I can not tell you exactly. It used to be a port of entry. There used to be Malone, N. Y., and Richford, Vt., as ports of entry.

Mr. BUSIEK. Is Newport, Vt., a port of entry?

Mr. BILLINGS. No; Newport never was a port of entry, but it was near Richford, which came under the Boston office, and Malone under the New York office.

Mr. BUSIEK. What ports are there on the Atlantic coast for the entry of Chinese?

Mr. BILLINGS. Well, there is Boston and New York and—I can't remember.

Mr. BUSIEK. And Atlanta?

Mr. BILLINGS. I don't remember the southern ports.

Mr. BUSIEK. Any place on the Canadian border where Chinese are allowed to come in?

Mr. BILLINGS. Yes; by all the ports they come in now on the Canadian border.

Mr. BUSIEK. They are permitted to enter there under your jurisdiction?

Mr. BILLINGS. There are no ports under my jurisdiction except Boston. We used to have Richford, and then they abolished that, and then afterwards they came by way of Halifax to Boston, and the department stopped that some years ago.

Mr. BUSIEK. Now back in 1903, or thereabouts, there was considerable smuggling of Chinese into this country, was there not? That is, organized smuggling at the time of the *Bonita* and the *Frolic*——

Mr. BILLINGS (interrupting). I was trying to think what year that was. 1903? I have forgotten whether that was before we had the station or not. I think it was after 1903 that the *Frolic* came in.

Mr. BUSIEK. It was when Inspector Shell was here?

Mr. BILLINGS. Yes; he had charge of the Chinese. That is, he had it under my jurisdiction. I think that was in 1905 or 1906; I am not sure.

Mr. BUSIEK. At that time there was considerable organized smuggling, was there not?

Mr. BILLINGS. Why, there was supposed to be; yes.

Mr. BUSIEK. Well, didn't it subsequently transpire that there was?

Mr. BILLINGS. Well, it looks so the way the thing turned out. There was no question but it was organized on this *Frolic*. We were five or six weeks looking after them, trying to capture them, and had every revenue cutter and lighthouse keeper along the coast looking out for them, and they finally came in after the officer had been previously kept away from his vacation for a week or two looking out for them; and after he left they came in.

Mr. BUSIEK. They were caught by the police eventually?

Mr. BILLINGS. The police originally got hold of them.

Mr. BUSIEK. And was anyone ever sent up for that?

Mr. BILLINGS. I have forgotten just how far they did go. The captain escaped, as I remember it, and whether Phillips—there was a man named Phillips——

Mr. BUSIEK (interrupting). Well, for your information I will say to you that Goodman Phillips was convicted.

Mr. BILLINGS. Oh! He was! I had forgotten. He was in so many of those scrapes. Then I think that was the only one he was ever convicted for.

Mr. BUSIEK. Goodman Phillips is quite a character amongst the smugglers, or is reputed to be a smuggler?

Mr. BILLINGS. He has been supposed to be mixed up in a good many things.

Mr. BUSIEK. Did your department keep a watch on P[illegible]?

Mr. BILLINGS. We did for a time until I think he moved out of our jurisdiction. So far as I know lately I don't think he has been here, though there has been some correspondence in regard to him. I have forgotten just what it was. Mr. McCabe can tell you.

Commissioner DELANO. Mr. Busiek, did you mean that this man was a general smuggler, or just a smuggler of Chinese?

Mr. BUSIEK. Just a smuggler of Chinese.

Are there any other characters here in Boston who are noted smugglers?

Mr. BILLINGS. Well, in this *Frolic* case there was a man by the name of Lluehan; then there was another man, I think, who was convicted who kept a flower stand in the alleyway here outside of the city hall.

Mr. BUSIEK. As a result of the *Bowditch* and the *Frolic* expeditions Inspector Shell was reduced, was he not?

Mr. BILLINGS. He was sent to New York.

Mr. BUSIEK. And reduced?

Mr. BILLINGS. Yes; I think his salary was reduced.

Mr. BUSIEK. It came to your department, did it not. It is a fact, is it not——

Mr. BILLINGS. He was transferred from here from in charge to another position in New York which at that time was not considered as good.

Mr. BUSIEK. Now, what was your method of detecting smuggling?

Mr. BILLINGS. You mean in that *Frolic* case or in others?

Mr. BUSIEK. Take the Frolic case, for instance.

Mr. BILLINGS. Well, we had, through the department, notified all the lighthouse keepers, the life-saving people, the revenue cutters, and the customs officers. Of course, we had no men of our own on the lookout—could not have except casually as we could do it. We did not have enough men. Then there was a boat before that got in at Marblehead without question and landed passengers, and the customhouse boat had been at Gloucester on the lookout. You see, this boat was five or six weeks coming down what ought to have taken her only a week or two.

Mr. BUSIEK. Well, didn't you have men up in Nova Scotia or Newfoundland, where the expedition was organized?

Mr. BILLINGS. I think Mr. McCabe—this is quite awhile ago and my memory is not the best on this. This is 10 years ago. I think Mr. McCabe went up there, and then Inspector Turner, of Yarmouth, investigated also.

Mr. BUSIEK. Where does your information ordinarily come from in smuggling cases?

Mr. BILLINGS. Well, if my memory serves me right, it came from a reporter on the Transcript.

Mr. BUSIEK. Well, that was in that particular case?

Mr. BILLINGS. Yes.

Mr. BUSIEK. But the cases of Chinese smuggling generally, how do you get your information?

Mr. BILLINGS. It usually has to come from outside sources. We can't mingle in with them, of course. They would be suspicious if our inspectors came in with them and we wouldn't get anything out of them. We ferreted out that case down in Mexico where they were arrested. We had an inspector down in Eastport—one of those men down there, I think, for a long while—I say a long while—two or three weeks—watching; and they had—I can't think of the name of it now—a boat and it was afterwards caught down in Mexico somewhere.

Mr. BUSIEK. Do the Chinese themselves ever give up any information as to supposed smuggling?

Mr. BILLINGS. Not very often, unless it is spite; and then you can't depend on them when it is spite.

Mr. BUSIEK. What do your inspectors do? That is, how is their time occupied—the Chinese inspectors?

Mr. BILLINGS. Well, to-day they are mostly occupied in investigating the outgoing Chinese or the cases that land on the border or at Vancouver—mostly in Vancouver. As to the outgoing Chinese, it is to look up and make an investigation and recommendation to the commissioner in charge as to whether to give them a certificate or not.

Mr. BUSHEK. Explain to me what you have to do with the Chinese at Vancouver—landing there?

Mr. BILLINGS. Well, if a Chinaman lands at Vancouver and they are not satisfied with his right to land, and he has come into this district, of course they send the papers on here and we investigate as to whether we think he has a right to land, and then we make a report there making our recommendation.

Mr. BUSHEK. Well, the Chinaman who leaves this country arranges for his reentry, doesn't he?

Mr. BILLINGS. Not always.

Mr. BUSHEK. Not always?

Mr. BILLINGS. No, sir.

Mr. BUSHEK. If he fails to do so, he can still enter by making a proper showing?

Mr. BILLINGS. Proof; yes, sir.

Mr. BUSHEK. How many cases do you say you have a month of Chinese making application to leave and return?

Mr. BILLINGS. I couldn't tell you that—the detailed part of it. I have so much in the other end I do not pay much attention to the details. Mr. McCabe or Mr. Sullivan will give you that.

Mr. BUSHEK. You have a Chinese interpreter?

Mr. BILLINGS. Yes, sir.

Mr. BUSHEK. How long has he been with you?

Mr. BILLINGS. I don't remember. I would not want to say. Four or five years, I think. I couldn't tell.

Mr. BUSHEK. What is his name?

Mr. BILLINGS. Moy—you got me there. It is Moy something.

Mr. BUSHEK. Moy Shere?

Mr. BILLINGS. Moy Shere, I think it is.

Mr. BUSHEK. Been here since March, 1911?

Mr. BILLINGS. Well, then, it is only three years.

Mr. BUSHEK. Who was your interpreter before him?

Mr. BILLINGS. Why, we had two. One was transferred to San Francisco and the other one disappeared; I don't know where he ever did go; he left the service suddenly. Then we had Chin Wille before him.

Mr. BUSHEK. What became of Chin Wille?

Mr. BILLINGS. Afterwards got transferred—got out of the service.

Commissioner DELANO. How much were they paid?

Mr. BILLINGS. Interpreters used to be paid $5 a day, and then they were cut down to $4.

Mr. BUSHEK. The present man gets $1,200 a year, doesn't he?

Mr. BILLINGS. Then they cut it down still further.

Mr. BUSHEK. Chin Wille lost his position because of irregularities?

Mr. BILLINGS. Well, I always thought well of Chin Wille.

Mr. BUSHEK. But it is a fact——

Mr. BILLINGS (interrupting). Yes; I think he did. I think he was discharged from the service.

Mr. BUSHEK. The one that was transferred to Frisco was under yourself here, too, was he not?

Mr. BILLINGS. No; he was—I can't think of his name—he was supposed to be a Christianized Chinaman.

Mr. BUSHEK. Isn't it a fact that the preachers here in this town rose up in arms against him and preferred charges of immorality against him?

Mr. BILLINGS. Oh, no; not this one. I mean they were very much in favor of him; but—what is the name?—there was one very notorious one that afterwards went away from here. I can't think of his name. He afterwards——

Mr. BUSHEK (interrupting). Have charges ever been filed against your present interpreter?

Mr. BILLINGS. No; I think not. Not with us anyway.

Mr. BUSHEK. Has he ever been investigated by the department that you know of?

Mr. BILLINGS. Not while he has been here.

Mr. BUSHEK. Now, in the event that a Chinaman wants to leave for China, to return, you make an examination of his papers?

Mr. BILLINGS. Yes, sir.

Mr. BUSHEK. His identification papers?

Mr. BILLINGS. Yes, sir.

Mr. BUSHEK. And if they are all O. K. you issue him a permit to go to China and return.

Mr. BILLINGS. Well, we used to show—if he went out of Boston we would issue a permit, but we only make our recommendation to the port where he goes from and they give him the permit. When they used to go from here to Halifax we used to issue a permit with a picture and signature and everything of that kind; but now we don't have anything to do with that. We just make our report to the port of departure.

Mr. BUSHEK. Now, describe what kind of a certificate a Chinaman has which entitles him to residence here.

Mr. BILLINGS. They have got to show that he is a native or a merchant; or, if he is a laborer, there are certain ways he can go across and come back. He has got to have property at least of $1,000 or an American wife or children—I can't just remember just the details of what it is. Of course, I don't investigate any cases myself, you understand.

Mr. BUSHEK. You never have?

Mr. BILLINGS. I never have.

Mr. BUSHEK. You never have done any Chinese work yourself?

Mr. BILLINGS. No.

Mr. BUSHEK. They do have certificates with the photographs on, do they not?

Mr. BILLINGS. Yes, sir.

Mr. BUSICK. Isn't there a general charge that there are many, many forged certificates in circulation?

Mr. BILLINGS. Yes.

Mr. BUSHEK. You have encountered some of those here in Boston possibly, have you not?

Mr. BILLINGS. Yes, sir.

Mr. BUSHEK. Have you ever run to the ground any of these forged certificates? Or have you ever found who was issuing them or how they were gotten?

Mr. BILLINGS. Well, there is a certificate called the McGettrick certificate, supposed to be a fraudulent certificate, issued in Vermont.

Mr. BUSHEK. Explain to us about the McGettrick certificate.

Mr. BILLINGS. I would rather have Mr. McCabe explain that. He can do it better than I can. I would be glad to do it, though, but——

Mr. BUSHEK (interrupting). Do that just as well as you can just in a general way?

Mr. BILLINGS. I don't know that I could.

Mr. BUSHEK. Who was Mr. McGettrick?

Mr. BILLINGS. He was a United States commissioner.

Mr. BUSHEK. Of the district court up there in Vermont?

Mr. BILLINGS. Yes, sir; in Vermont.

Mr. BUSHEK. And the charge was—am I right?—that he would issue certificates to Chinese?

Mr. BILLINGS (interrupting). He kept no record of his certificates at all; that is, as I understand it. He did not keep any record, and you could take with a glass—I have seen cases where you could see that they were not proper certificates. In fact, I have seen this with those very certificates.

Mr. BUSHEK. Well, a certificate has a seal punched on it?

Mr. BILLINGS. Well, sometimes they do not agree with what they should be. I can't explain it very well, but the mark won't be the same as the original certificate should have. We don't get many of those now; that is, practically haven't had any for some time. That is, I don't think we have; I don't remember of hearing.

Mr. BUSHEK. Well, each certificate also has a Chinaman's picture on it?

Mr. BILLINGS. Yes, sir; the certificate, you know—that is a picture and the seal is supposed to be over the picture.

Mr. BUSHEK. Stamped over the picture?

Mr. BILLINGS. Yes, sir.

Mr. BUSHEK. Is it not true that the Chinese acquire considerable art or skill in forging these—in soaking the pictures off and putting on a new picture and then by steaming or some other process make these indentures in the paper?

Mr. BILLINGS. I do not know how much of that is done; but we have seen some of it, we were satisfied was done.

Mr. BUSHEK. Now, when you run across such a Chinaman he is arrested and held for deportation, is he not?

Mr. BILLINGS. He is.

Mr. BUSIEK. If you find a Chinaman with a forged certificate——

Mr. BILLINGS. Then we try to get an order for his arrest. But, of course, it is pretty hard to get a Chinaman out of the country.

Mr. BUSIEK. Well, why is it hard?

Mr. BILLINGS. Well, every kind of legal process is brought against us in the matter.

Mr. BUSIEK. State the steps that you take in attempting to deport a Chinaman.

Mr. BILLINGS. Well, in the first place, to-day if it is found that a Chinaman is here illegally we do one of two things, either apply to the department for a warrant of arrest or go before a United States commissioner and ask for a warrant.

Mr. BUSIEK. Apply to what department?

Mr. BILLINGS. Our own department.

Mr. BUSIEK. You have got to get authorization from Washington?

Mr. BILLINGS. Yes. We can not touch a Chinaman, or can not touch anybody, or we can not do anything unless we arrested them on a warrant, or something of that sort. We either have to go to the commissioner to get a warrant for him or get it from our department.

Mr. BUSIEK. The hearing before the United States commissioner is not conclusive?

Mr. BILLINGS. No; they can appeal to the court.

Mr. BUSIEK. To the circuit court?

Mr. BILLINGS. To the district court.

Mr. BUSIEK. And then appeal lies from that, of course, to the appellate court?

Mr. BILLINGS. Yes, sir; and sometimes it is three or four years. We have cases now that have been hanging now three or four years.

Mr. BUSIEK. Do you ever have a jury trial in those cases?

Mr. BILLINGS. No, sir; not that I know of.

Mr. BUSIEK. Is the hearing before the commissioner—and then, you say, there is an appeal to the district court?

Mr. BILLINGS. They appeal to the district court; but, of course, if the commissioner lets them go, that is about the end of it.

Mr. BUSIEK. How many cases have you had in the last year, approximately?

Mr. BILLINGS. I have not any idea.

Mr. BUSIEK. Would you say it is as high as a hundred?

Mr. BILLINGS. Oh, no. No, no; nowhere near that.

Mr. BUSIEK. How many United States commissioners are there in Boston?

Mr. BILLINGS. Well, there is only one commissioner; but there are, I think, probably we might call them alternates or assistant commissioners in case he is sick or away.

Mr. BUSIEK. My understanding is there are four United States commissioners in this district?

Mr. BILLINGS. All I know of is Mr. Hayes and Mr. Hale and one other—I can't think of his name. I did not know there was a fourth.

Mr. BUSIEK. Who tries the most cases?

Mr. BILLINGS. Mr. Hayes.

Mr. BUSIEK. And he has tried them for a number of years, has he not?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. What kind of success does your department have in cases tried before Commissioner Hayes?

Mr. BILLINGS. Not very good.

Mr. BUSIEK. Did you ever make a request of the district attorney that he send these cases to some of the other commissioners for hearing?

Mr. BILLINGS. I think we have. I don't mean to say that positively, because I am not sure; but I think we have.

Mr. BUSIEK. Who would make that request, you or some one of your subordinates?

Mr. BILLINGS. Probably come through me. It would have to come through me if it was made, but whether they have done it I can't say offhand.

Mr. BUSIEK. Now, isn't it a fact that there has been considerable talk about town that Hayes turns all the Chinamen loose; that it is of no use to take cases before him because he will turn them loose?

Mr. BILLINGS. I should rather go before somebody else. I think, as a matter of fact, that that matter has been brought to the attention of the department,

suggesting that it would be better for us to have them brought before somebody else. But that rests with the United States attorney more than with us.

Mr. BUSIEK. It does. Have you ever tried to get the United States attorney to cooperate with you and assign—you know, as a matter of fact, that he has the right to assign them to whatever commissioner he chooses?

Mr. BILLINGS. I think we have. I don't know that we have ever wanted to get into a controversy about the matter. We have suggested it. Whether we have brought it right to a head, I won't say that we have.

Mr. BUSIEK. Do your men ever complain to you that it is no use to bring up cases before Hayes?

Mr. BILLINGS. Why, leaving Chinese aside, I consider that in most immigration cases it is foolish to take them up before him. That is something I know more about than I do about the Chinese. I feel that it is practically absurd to take any case up, because if we are going to get turned down, or if the sentence is going to be so light that it don't amount to anything—we have practically given up taking up all immigration cases—unless we take it for granted we have to——

Mr. BUSIEK (interrupting). General immigration cases don't have to go before United States commissioners?

Mr. BILLINGS. Oh, yes—I mean for the prosecution of a man bringing a woman in for immoral purposes or if we want to prosecute a man for using citizens papers fraudulently we have got to go before them.

Mr. BUSIEK. To deport an undesirable alien you don't have to go before a United States commissioner?

Mr. BILLINGS. No; the only thing is if they get a writ out against us, then it goes up to the district court.

Mr. BUSIEK. But that leaves the commissioner out?

Mr. BILLINGS. Yes; the commissioner has nothing to do with that.

Mr. BUSIEK. Why do you bring your Chinese cases before the commissioner?

Mr. BILLINGS. Because if you arrest anybody—that has been the ruling of the department as I understand it.

Chairman WALSH. I didn't hear that.

Mr. BILLINGS. As I understand the ruling of the department is that we have got to take them before the commissioner. If a case comes in here, for instance a stowaway, anything of that sort, then we act under the general immigration laws and do not have to take him before a commissioner.

Mr. BUSIEK. The general immigration act provides that if a Chinaman, or if any person within three years after his entry, is found to be an undesirable person, the immigration authorities can deport him?

Mr. BILLINGS. Yes; but you find a Chinaman who has been here 20 years and has not got his proper papers and you can show it, he has got to go.

Mr. BUSIEK. But most of the cases you find have not been here that three years?

Mr. BILLINGS. I don't know how that would be.

Mr. BUSIEK. Have you ever tried that; or getting a ruling on that?

Mr. BILLINGS. Yes; I don't remember the exact details of it, but I assure you we don't take any more before Commissioner Hayes than we have to.

Mr. BUSIEK. Did you ever attempt to deport any without taking them before a commissioner?

Mr. BILLINGS. Yes; and did the other day, a Chinaman found on a fruiter.

Mr. BUSIEK. A stowaway?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. I realize that you could turn him back; but suppose you find a Chinaman down here in some laundry as to whom you would have some information through various sources that he came into this country, say, two years ago. Is there any law which you know of or any ruling of your department which would prevent you from treating him just as you would any other undesirable alien under the general immigration laws?

Mr. BILLINGS. Yes; I would say that we would take him before—if you get a warrant you could hold him under the warrant, but if you don't get a warrant you have to take him before the commissioner. I have forgotten just exactly how this is, but in these immigration matters we never go to the commissioner except for prosecution or a writ that goes before the district court.

Mr. BUSIEK. The point I am trying to make is, suppose you pick up some woman here in Boston in a house of prostitution and she had come over from France, say, two years ago, you would not take her before the United States commissioner?

Mr. BILLINGS. No.

Mr. BUSIEK. Suppose now you find a Chinaman in a laundry who had come over here from Canton two years ago; would you take him before the commissioner?

Mr. BILLINGS. I am not clear now. We did used to have, but whether we are taking them there now or trying to run them on our own warrant—we have had so few lately I am not clear; I am not sure.

Mr. BUSIEK. What is your best information as to the conditions in Boston here now in regard to smuggled Chinese?

Mr. BILLINGS. Why, I don't think they are smuggling many. If they are smuggling them, they probably come through the border. I don't think there are any coming in in vessels. We have caught a few odds and ends. We caught some on the White Star boat. We caught two one time about a year ago, I think it was, and caught two last fall on a Hamburg-American boat, who tried to come in as Japanese; and we caught one the other day, as I say, on a fruiter that came in here, that was in a barrel of empty beer bottles, and they were going to get him out in the barrel.

Mr. BUSIEK. Well, leaving that part of it aside, did you ever make a census of the Chinese in your district or keep any tab on them?

Mr. BILLINGS. No; we have not for years. Years ago we made a raid on Chinatown, which was quite—and we got quite severely criticised.

Mr. BUSIEK. I think that was when Mr. Shell was here, and when you arrested some 300 of them.

Mr. BILLINGS. Yes, sir; and we sent back some 50 or 60 of them that we found were here illegally.

Mr. BUSIEK. But this criticism was of the method of the officers and the manner of doing it. Weren't there a lot of Chinese hurt in that raid?

Mr. BILLINGS. No, sir. There were two Chinamen hurt. There was a barge tipped over. It was an unfortunate thing. We had a barge there to take them down—to hold them. It was before we had our station. And the barge in starting—this was, I think, in 1903—and the barge in starting—I went to the captain of police and myself went and took about half the Chinamen. They had them crowded in so much, and the man when he went to start the team went to turn on the car track; I told him to be careful, and this driver when he started to move it, and it shook a little, and it was full of Chinamen, and they rushed to one side, and naturally the barge tipped right over, but there were only two of the Chinamen hurt, I think, and six policemen were all injured. One broke his ankle and another was badly hurt, and out of the 30 Chinamen only 2 were hurt.

Mr. BUSIEK. Now, you did in that raid—when you rounded up some 300 Chinese—you did, as matter of fact, deport 50 or 60?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. That was in 1903?

Mr. BILLINGS. That was just offhand, and it shows the percentage of Chinamen at that time, here at least, illegally was pretty large.

Commissioner DELANO. What percentage?

Mr. BILLINGS. I think it was 50 or 60 out of about 300.

Mr. BUSIEK. And, as a matter of fact, a good many of those that were turned loose really ought to have been deported?

Mr. BILLINGS. Well, some went off on bonds that we never saw afterwards.

Commissioner DELANO. How many Chinese were there in the census?

Mr. BILLINGS. In the country?

Commissioner DELANO. No; in this district.

Mr. BILLINGS. Oh, we did not get the——

Commissioner DELANO. I thought you tabbed them all up to that time.

Mr. BILLINGS. Oh, no.

Commissioner O'CONNELL. Did you just go out haphazard and pick up 300?

Mr. BILLINGS. Oh, no; I will tell you how it happened. There had been a fight between two Chinese factions, and there had been, I think, two or three murders committed, and there was to be a burial this Sunday afternoon. And the captain of police went to the United States attorney's office and asked—said they could not stop more murder and said there were a lot of Chinamen there illegally, and that they could not do anything unless the United States would come in. And the United States attorney advised us to get John Doe warrants at that time and arrest these fellows—men that could not show their right to be here. And we telegraphed to Washington and asked them—told them what we were going to do and asked for extra interpreters and in-

spectors, and they sent them on. And we rounded them up, and, as fast as they could show their proof, we let them go. And there was only, as I remember, two hurt.

Mr. BUSIEK. Well, as a matter of fact, you sort of threw a net around the Chinamen?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And when you worked them through, out of about 300 Chinamen examined you found there were between 50 and 60 that had no right to be here and they were deported?

Mr. BILLINGS. I think that is about it.

Mr. BUSIEK. And a number of others you failed to make the cases against them stand?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And some escaped on bond?

Mr. BILLINGS. I think so.

Mr. BUSIEK. Now, that was indicative, then, of the large percentage of Chinese in this country who had no right to be here?

Mr. BILLINGS. Absolutely.

Mr. BUSIEK. Have you any reason to think that the percentage has fallen any since that time?

Mr. BILLINGS. Well, I think—yes; I do. I think the department has been stricter and I think there has been more work done to keep them out. Of course, there were men—that was back—let's see, 11 or 12 years ago.

Mr. BUSIEK. Do you have any better success now in getting Chinese deported whom you suspect than you did then? You say the department——

Mr. BILLINGS (interrupting). I don't mean my department, you understand; but on account of the delays of courts, and so on. I should say no; we did not have any better success.

Mr. BUSIEK. But you say you never made any kind of census in your district?

Mr. BILLINGS. I don't think we did; I think we did during Mr. Shell's time make some kind of a census, but what it was I don't remember.

Mr. BUSIEK. About how many Chinese did you find?

Mr. BILLINGS. I don't remember.

Mr. BUSIEK. More than a thousand, say, in Boston?

Mr. BILLINGS. You see, our district is a pretty large district, and there are a lot of Chinamen in Connecticut and Rhode Island. I don't know whether Mr. McCabe ever tried to do that or not, but I have no idea.

Mr. BUSIEK. Have you any method for exchange of information with other departments or other stations? For instance, if a Chinaman comes here from Chicago does the Chicago office notify you?

Mr. BILLINGS. Well, they would not notify us unless we asked them for it, unless we found we had a man come from there and might ask for information, the same as we do in other immigration cases, or persons going to Chicago and we ask them to investigate it.

Mr. BUSIEK. It seems to me that the Immigration service has gone to a whole lot of trouble furnishing these Chinese with identification cards.

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And yet you do not keep any tab on these cards after they are once given out?

Mr. BILLINGS. Well, we keep tab. We have a copy of them.

Mr. BUSIEK. But this Chinaman is free to roam wherever he wants to, and just keep this identification card?

Mr. BILLINGS. Yes.

Mr. BUSIEK. And if that Chinaman should die—say he got his card in Boston, and he went from Boston to St. Louis——

Mr. BILLINGS. I see what you mean; but the picture would be on it.

Mr. BUSIEK. But the Chinese show considerable skill in removing the pictures and putting others on?

Mr. BILLINGS. But I do not think the way the pictures are made to-day they can do that. They would have to get somebody who looked pretty much like the picture itself.

Mr. BUSIEK. Well, all the Chinese look pretty nearly alike. Isn't it a fact that you send up records right here from Boston, where the inspectors here decide that this picture identified a man and the department officers at Washington look at the picture and decide that it did not?

Mr. BILLINGS. Well, I think our inspectors—I won't say for myself, because I acknowledge that I don't see enough of them and wouldn't pass on them—but

I think our inspectors come pretty near telling. I don't mean in every case, but most cases.

Mr. BUSICK. Well, don't the Chinese, for instance, take the certificate of a dead Chinaman and soak that picture off, and then paste another on, and make this——

Mr. BILLINGS (interrupting). I think that has been done; but I don't think they do it very much now with the new identification.

Mr. BUSICK. Is there any reason why it could not be done as easily with the new as with the old identification?

Mr. BILLINGS. Well, I think these pictures and these markings on the certificate are such that it would be a good deal harder to do it.

Mr. BUSICK. Do you use any special paper?

Mr. BILLINGS. Yes, sir; it is a special paper.

Mr. BUSICK. Now, if Chinese students are admitted on the Pacific coast destined to your district, does the Pacific coast station which admits them notify you?

Mr. BILLINGS. Yes; I think they do.

Mr. BUSICK. And under the law it seems—or under the regulations of the immigration department it appears that these students must have sponsors or persons to vouch for their bona fides as student?

Mr. BILLINGS. Yes.

Mr. BUSICK. Do you make any investigation of those people?

Mr. BILLINGS. Yes; that is part of the inspectors duty, and then the report goes to Washington.

Mr. BUSICK. Now, if a batch of students are admitted on the Atlantic coast and the sponsors for those students are scattered all over the country, what office will make investigation?

Mr. BILLINGS. Well, the office in the district they come in.

Mr. BUSICK. Take the case, for instance, of the students admitted to Cushing Academy.

Mr. BILLINGS. We made the investigation.

Mr. BUSICK. Your office here?

Mr. BILLINGS. Mr. McCabe has got that thing in hand. There were 20 of them, as I remember it, and, as I remember it, Mr. McCabe, knowing the Cushing Academy, was the one that looked into it over there thoroughly. I don't think he really expected that they were going to stay there, but he has got all the facts and about how long they did stay there and where they disappeared to, and so forth, and so on.

Mr. BUSICK. These students came to Cushing Academy November 19, 1911, and left December 20, 1911?

Mr. BILLINGS. Yes.

Mr. BUSICK. And the first correspondence which Mr. Cowell, the principal of Cushing Academy, had with your office, I believe, was a letter from you with the initials—it is initialed in the corner P. M. W.?

Mr. BILLINGS. I can tell if I see the initials.

The REPORTER. W. M. P.

Mr. BUSICK. W. M. P.

Mr. BILLINGS. Well, isn't it down at the bottom something else?

Mr. BUSICK. I think it is a letter of December 6. Here is the letter.

Mr. BILLINGS. McCabe is the one that wrote the letter. This down here in the corner is the stenographer; but this up here is the man that writes the letter.

Mr. BUSICK. So that letter was written by Mr. McCabe?

Mr. BILLINGS. Yes, sir. We put in the initials in the corner.

Mr. BUSICK. Now, you knew at the time that these students were there—or knew at the time these letters were being written—generally what was going on?

Mr. BILLINGS. Oh, yes; yes, sir.

Mr. BUSICK. And that letter of December 6, in referring to the woman who was to bring, or who had brought, the students over, that letter refers to her as an "alleged teacher of English in China." Now, do you remember of having any discussion with Mr. McCabe at that time and prior to the desertion of these students, as to whether or not they were bona fide students?

Mr. BILLINGS. No; I did not; only on general principals I would have had some. It would have been a question in my mind and his mind, too, I think, that they were not, so many of them coming together, although, of course, Cushing Academy has always stood very high as a school. I never heard anything against it.

Mr. BUSIEK. Well, isn't this Chinese student game one of the favorite methods of smuggling Chinese into this country? Isn't it rather common——

Mr. BILLINGS (interrupting). We never had much—well, that is really the only big one we have ever had, I think. We have had odds and ends—separate cases, but I don't remember of ever having a big lot like that before.

Mr. BUSIEK. But amongst the immigration authorities isn't that generally known——

Mr. BILLINGS (interrupting). Well, I think it is always looked upon with suspicion.

Mr. BUSIEK. In a Chinese student case isn't it——

Mr. BILLINGS (interrupting). Well, I won't say that.

Mr. BUSIEK (continuing). Isn't the presumption against every case until they are proved?

Mr. BILLINGS. Yes; I should say the presumption is against them.

Mr. BUSIEK. How many cases of Chinese students would you say you had in the last five years in all the Chinese schools?

Mr. BILLINGS. I should say more in that time than we have had altogether besides.

Mr. BUSIEK. But you had had already some experience with fraudulent Chinese-student cases up to that time, had you not?

Mr. BILLINGS. I don't remember any.

Mr. BUSIEK. Is that the first experience your office had?

Mr. BILLINGS. Well, I can't remember—the first big case, anyway, we ever had. We did not admit them. You understand they were admitted by Vancouver.

Mr. BUSIEK. Admitted by Vancouver; but you made the investigation as to their credentials?

Mr. BILLINGS. Yes; and I think—I don't remember—of course I haven't seen the papers for some time, but I don't remember that we were very strenuous to have them come in. I may be wrong in that, but I don't think we were.

Chairman WALSH. I didn't hear that. You were not very strenuous about what?

Mr. BILLINGS. About wanting to admit them, as I remember it. The report there will show probably.

Chairman WALSH. You mean you were not strenuous about investigating——

Mr. BILLINGS (interrupting). No; not very strenuous about admitting them—not very strenuous about allowing them to stay. I think the report there will show what it—but I haven't seen it for some years.

Commissioner LENNON. Well, does that mean that you had some doubt about their eligibility under the law?

Mr. BILLINGS. Well, had some doubts about whether they would stay as students—whether they would not disappear. I think probably all did go Christmas except three or four.

Commissioner LENNON. All except three?

Mr. BILLINGS. All except three; yes.

Commissioner LENNON. Well, isn't it customary to hold these students at the port of entry until you are satisfied whether or not they are bona fide students?

Mr. BILLINGS. Well, I should say they would hold them, I would think.

Commissioner LENNON. Well, they would not admit them at Vancouver until you reported favorably?

Mr. BILLINGS. Well, I don't know how that is. They get our report, and it is for them to decide whether they consider it favorably or unfavorably.

Commissioner LENNON. You have no right to keep them out of the district if they landed them?

Mr. BILLINGS. No.

Commissioner LENNON. Have you no system of keeping check on any Chinese whom you suspect?

Mr. BILLINGS. What do you mean? No, we can not—we haven't got the force with which to keep in touch with the Chinamen. We would have to have a good deal larger force than we have to follow them up. The only cases we can follow up at all—even immigration cases—is bond cases, and then it takes a great deal of time.

Mr. BUSIEK. Well, now, Cushing Academy is a reputable school?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And they would cooperate with you to the extent of furnishing you reports?

Mr. BILLINGS. Well, I think they would furnish us reports, and did—that they did not return after Christmas.

Mr. BUSIEK. What action did you take then when you found out that they had not returned?

Mr. BILLINGS. I can't remember that. I haven't any idea. That is all shown in the records.

Mr. BUSIEK. Well, what would you do in the ordinary course of affairs when such a case arises?

Mr. BILLINGS. We attempt to find out where they went to after their going from Cushing Academy, of course, and see if we can find out who they would go to and who their friends and relatives were, and who they would naturally go to.

Mr. BUSIEK. Is there any action you can take against these friends that would have given this information?

Mr. BILLINGS. I don't know whether you can prosecute for perjury or contrary to the act.

Mr. BUSIEK (interrupting). For assisting in smuggling——

Mr. BILLINGS (interrupting). For assisting in getting them in contrary to law or not.

Mr. BUSIEK. Have you ever contemplated or advised such action?

Mr. BILLINGS. We have done that in immigration cases.

Mr. BUSIEK. Have you ever done it in Chinese cases?

Mr. BILLINGS. I don't remember of ever having done it in Chinese cases.

Mr. BUSIEK. Do you have any complaints now about Chinese being smuggled into this district?

Mr. BILLINGS. Oh, yes.

Mr. BUSIEK. How frequently?

Mr. BILLINGS. Oh, I couldn't say. They are mostly—they very seldom give any names signed to the letter, practically always anonymous letters. We got letters this morning about a man up in Springfield—an anonymous complaint. Still we look into it.

Mr. BUSIEK. Who looks into it?

Mr. BILLINGS. If it is Chinese, either McCabe or Sullivan would look into it.

Mr. BUSIEK. And what is this stenographer's name?

Mr. BILLINGS. Mr. Perry.

Mr. BUSIEK. Mr. Perry, where is he?

Mr. BILLINGS. He is on leave now.

Mr. BUSIEK. And when you get such a complaint you send up a man to investigate it?

Mr. BILLINGS. As soon as we can.

Mr. BUSIEK. Hasn't there been considerable complaints by the Massachusetts Laundrymen's Association? Have they made any formal complaint?

Mr. BILLINGS. No; I don't think I ever heard of any complaint from them.

Mr. BUSIEK. Have you heard of their making any investigation as to the Chinese?

Mr. BILLINGS. No.

Mr. BUSIEK. Is this Cushing Academy matter you just turned that over to Mr. McCabe?

Mr. BILLINGS. Absolutely, except he would confer with me after his report was turned in. We would talk over matters before the report was sent to Washington, and I would either agree with him or have him change his report or I would change my letter. You understand I don't sign everything that he turns in. I took a letter the other day that he turned in and turned it around absolutely, because I did not agree with him.

Mr. BUSIEK. Had you ever heard of this Sarah Hing before they brought in the 20 Chinese to Cushing Academy?

Mr. BILLINGS. No, I never heard of her.

Mr. BUSIEK. Well, didn't it occur to you that when these Chinese all left Cushing Academy it would be well to get the person that brought them over?

Mr. BILLINGS. I don't remember what we did do.

Mr. BUSIEK. For your information, if you don't remember——

Mr. BILLINGS (interrupting). I don't remember.

Mr. BUSIEK. There is correspondence here two months after those Chinese left Cushing Academy showing the whereabouts of the people who brought them over. Did you ever make any effort to find those people?

Mr. BILLINGS. Why I think that the reports were sent to the different districts where they went. Almost all of them went out of Massachusetts if I remember rightly. Now, we know now to-day where I think practically half of them are. The other half we have lost sight of entirely—that is, the half of them that are in the different schools.

Mr. BUSIEK. Well, you have no regulation as to what school they must attend?

Mr. BILLINGS. No.

Mr. BUSIEK. Can a Chinese student, for instance, come in and enter at Vancouver and say he is going to the Cushing Academy, Ashburnham, Mass., and go there awhile and live there and then go to any other place——

Mr. BILLINGS. That would be for the department to determine—whether he said he was carrying on any educational work in any institution. I don't think they would care if he really went to another institution but was really carrying on educational work.

Mr. BUSIEK. Doesn't he have to get permission before he can change?

Mr. BILLINGS. No; I think not—if they are satisfied.

Mr. BUSIEK. Well, he becomes a free lance, and your department quits watching him the moment he enters an institution?

Mr. BILLINGS. No; we try to follow him up as to whether he stays or not and to get reports about him. But, as I say, as I understand it, we have got track of half of these people still in various institutions, and know what institutions they are in; but there are half of them that we haven't any track of. We would like to find them, but I don't see what else you can do. If you did the way you do when you let people in under bond you could make them produce them.

Mr. BUSIEK. Then you think it would be advisable that the law be amended or a regulation be made requiring these students to give bonds?

Mr. BILLINGS. I think if it would not be contrary to the treaty, or anything, I think that would be a very good thing. Whether it would be contrary to the treaty, I don't know.

Mr. BUSIEK. The Chinese law as it now exists, do you think that is all that could be desired? Have you any suggestions to offer?

Mr. BILLINGS. No; I would want——

Mr. BUSIEK (interrupting). Is there any amendment that could be made to that law?

Mr. BILLINGS. No; I would not want to suggest—an immigration officer is getting on delicate grounds if he makes any suggestions against certain races.

Mr. BUSIEK. This is an executive session.

Mr. BILLINGS. Well, a person would not want—or, as an official, I would not want to go on record——

Mr. BUSIEK (interrupting). Well, I am just asking you personally, now, in this executive session what the weaknesses of the present law are?

Mr. BILLINGS. Well, personally, I think that allowing these people to go home and come back—although it might be an injustice not to do it on those who are entitled to it, and native Chinese—of course, the native Chinese, we are up against a big snag there. That is something you could not stop, you know.

Mr. BUSIEK. Native Chinese citizens of the United States?

Mr. BILLINGS. Yes; we can not stop them.

Mr. BUSIEK. And they can go and come as they choose?

Mr. BILLINGS. Yes.

Mr. BUSIEK. But why are you up against a snag about Chinese being allowed—the domiciled Chinese, who are not natives or citizens of the United States that have a right to be here—what objection is there to their going back?

Mr. BILLINGS. The natives?

Mr. BUSIEK. Yes.

Mr. BILLINGS. There is a question of whether they will come back or not come back. To-day I think we are stopping them; but I think for a time there, way back there, used to be changing of pictures. I think the way things are to-day, it is a good deal harder for Chinamen to get in than 10 or 15 years ago.

Mr. BUSIEK. Yes; your idea is that the Chinese go back to China; that is, a Chinaman would leave Boston and go to China and send his brother or some relative or friend back?

Mr. BILLINGS. Yes; that is what they used to do, without any question. I don't think they do as much to-day; whether they do it at all or not I could not say, but I suppose they do.

Mr. BUSIEK. Do you find many cases where Chinese merchants bring in fraudulent wives and children?

Mr. BILLINGS. You see we are a port of entry; but they do not come to Boston now, so I don't have much to do with that. We did find—well, no, we did not find many. We had three or four cases, I think, that came here at that time, but very few.

Mr. BUSIEK. About how many cases do you handle out of this port in a year?

Mr. BILLINGS. Going out?

Mr. BUSIEK. Yes.

Mr. BILLINGS. Well, that I don't know. I think—not out of here, but simply an investigation of cases that go out from Vancouver, San Francisco, Malone, or some place like that—well, I couldn't tell you.

Mr. BUSIEK. Isn't it pretty generally known, or are there not strong reasons for suspecting, that there is organized smuggling going on from the West to the East, into the United States, of Chinamen?

Mr. BILLINGS. Well, there has always been suspicion as to that, but we have never been able really to find it out.

Mr. BUSIEK. What is there to prevent a Chinaman from coming up on a steamer from the West Indies and dropping off out in the harbor? Do you inspect the steamers as they come in to see whether or not there is any contraband Chinese stowed away on them?

Mr. BILLINGS. Well, there is some one, generally, either down to the steamer or when she gets to the wharf. We don't go below Quarantine on any steamer; under the quarantine regulations we are not supposed to.

Mr. BUSIEK. Do you make an examination of her so thorough that there would be no possibility of a stowaway?

Mr. BILLINGS. No; there is no way possible of making an examination of a steamer that they can't smuggle under. We have examined Italian ships and examined and examined. But it is just like a lot of rat holes in these steamers, and I wouldn't say for one minute but what they could smuggle in an odd Italian, I think; but it would be harder to smuggle in a Chinaman, because people are suspicious if they see a Chinaman on a dock. They would be suspicious, while they might not be suspicious of any other nationality.

Mr. BUSIEK. Well, granting that a Chinaman would be willing to pay high for the privilege of entering this country, wouldn't it be worth some man's while to take a boat—a motor boat—and drop alongside of one of these steamers?

Mr. BILLINGS (interrupting). Well, then, you have got the whole crew, and they mostly have an English crew on them; and these steamers don't anchor first, except very seldom, but come up to the wharf. They don't come in on a schedule. You can't tell when they are going to come in; they are not like a railroad schedule. They might come in the morning or at any other time, and they may be in 24 hours or 24 hours later.

Mr. BUSIEK. Then it is your opinion that the smuggling of Chinese has practically stopped at this port?

Mr. BILLINGS. I say practically. I don't say there is none, but I don't think it is reasonable, the way the customs, or the way things are organized now, show that they are watching for them and they are on duty all the time. Of course, we don't have the men at the docks day and night—in fact, we haven't got the force to do it—but the customs officers have got people on the dock day and night, and, in fact, it was the customs officers that discovered some Chinamen over on the White Star Line here last fall for us.

Mr. BUSIEK. Isn't there considerable suspicion amongst you men that great numbers of Chinese cross the Canadian border?

Mr. BILLINGS. Why, I should naturally think that Chinamen have a chance to get across the Canadian border and the Mexican border also, because it is hard to patrol.

Mr. BUSIEK. Have you any idea how many men they have got upon the Canadian border?

Mr. BILLINGS. No.

Mr. BUSIEK. How far apart are the stations? Have you any idea at all?

Mr. BILLINGS. No; offhand, I couldn't tell. We have a record of where each station is, but I couldn't tell you that. That is something, of course, that comes under Mr. Clark, and I have nothing to do with that. He starts from the Maine coast and goes to Vancouver.

Mr. BUSIEK. What system of inspection have you? Suppose a Chinese smuggler would bring 20 men across the Canadian border and plumped them down in

the middle of Boston somewhere; have you any way of checking on the Chinese population at all?

Mr. BILLINGS. No.

Mr. BUSIEK. So you would know whether or not those men were smuggled in?

Mr. BILLINGS. No.

Mr. BUSIEK. You have not conducted a general raid since 1903?

Mr. BILLINGS. No, sir. We were set on so hard for that that we haven't been looking for any more trouble.

Mr. BUSIEK. And when a Chinaman then gets past the border into an interior town or large city his troubles are over?

Mr. BILLINGS. They are apt to be unless somebody reports he is there and you arrest him. But there is not much chance of it.

Mr. BUSIEK. Unless he should be "turned up" as they say by some enemy?

Mr. BILLINGS. Yes.

Mr. BUSIEK. He would not be barred?

Mr. BILLINGS. I don't think they would find him.

Mr. BUSIEK. There is no system of inspection that would catch him?

Mr. BILLINGS. No; I don't know how there could be.

Mr. BUSIEK. And the only efforts made are made right at the border?

Mr. BILLINGS. Unless something is reported, of course.

Mr. BUSIEK. I believe that is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner LENNON. In the landing of those 20 students at Vancouver, did the Vancouver authorities know that they were bound for this school?

Mr. BILLINGS. Yes.

Commissioner LENNON. Well, then, did they have to be assured that they were in compliance with the American law or the Canadian law in order——

Mr. BILLINGS (interrupting). American law. They could not land in Canada—I think students are the same as individuals in Canada and have to pay a head tax. They all of them come right through. We have arranged with them for them to come right through——

Commissioner LENNON (interrupting). I didn't know as to the application of the law, whether when they landed there they had to comply with ours or with theirs.

Mr. BILLINGS. No, sir; as long as they are coming right through I don't think the Canadians bother them at all.

Commissioner LENNON. Is there any division of authority in the carrying out of the exclusion law between the different departments of the Government? Does it all come under one department?

Mr. BILLINGS. Well, any other department, if they saw any smuggling, any of the customs department they have always endeavored to help us, if they see what they think is any smuggling of Chinamen; and the customs department, of course, is more nearly mixed in with our department than any other.

Commissioner LENNON. But the examination and the effort to exclude anyone that it seems should be excluded, it all comes under your department?

Mr. BILLINGS. Yes; it would be reported to our department.

Commissioner LENNON. Has there ever been a man in the employ of your department since you have been here by the name of Sheffington?

Mr. BILLINGS. No; he left before my time.

Commissioner O'CONNELL. Was he commissioner here at one time?

Mr. BILLINGS. No, sir; I think his title was contract-labor inspector. No; Mr. Delahanty was the commissioner.

Commissioner LENNON. That is all I want to ask.

Chairman WALSH. Do you want to ask this witness some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes. Are you personally under the civil-service law, Mr. Billings?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. You are not?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. You are appointed by the President?

Mr. BILLINGS. Yes, sir. I am the only one at our office that is not civil service.

Commissioner WEINSTOCK. Well, you have been in office now under several administrations, then?

Mr. BILLINGS. I have been under—this is—I was under McKinley and two Roosevelt terms and Taft and this present one.

Commissioner WEINSTOCK. This makes the fifth administration?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Well, was it the custom previously to change the immigration commissioner with the administration?

Mr. BILLINGS. Well, there was only one before me. It was under the State authorities before that. Mr. Delahanty was appointed commissioner under President Cleveland, and before that it was under the State authorities.

Commissioner WEINSTOCK. Does the revenue service cooperate with you at all?

Mr. BILLINGS. Why, yes; whenever we ask them.

Commissioner WEINSTOCK. They have proved to be perfectly willing and cooperate cheerfully?

Mr. BILLINGS. Yes, sir; and in the *Frolic* case they did everything I think they could for us.

Commissioner WEINSTOCK. Are there many Chinese prostitutes here?

Mr. BILLINGS. I don't think there are, but I would not——

Commissioner WEINSTOCK. Do they have Chinese houses of prostitution?

Mr. BILLINGS. So far as I know there aren't any, but I suppose in all probability there must be on general principles.

Commissioner WEINSTOCK. Well, are the Chinamen here permitted to enter white houses of prostitution? In San Francisco it is forbidden under the Asiatic law.

Mr. BILLINGS. I don't think there is any particular provision, but I think with the general feeling and idea against it it would not be practicable.

Commissioner WEINSTOCK. It would be a municipal affair, anyhow?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. And it would not come under your province?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. So officially you would not know anything about it?

Mr. BILLINGS. No; I would not know anything about it.

Commissioner WEINSTOCK. Now, in San Francisco, where I have made some investigations on this whole matter, I find the widest possible difference of opinion as to the number of contraband Chinamen in America. I have had an estimate made as low as 1 per cent being contraband, and I have had an estimate as high as 33 per cent being contraband. Now, are you in a position to express any opinion as to what percentage of the possibly 60,000 or 70,000 Chinese in America are contraband?

Mr. BILLINGS. I could not say. The only thing I could say would be—or give any information—would be our experience in that raid, and in that, as I remember it, it was a little over 20 or 25 per cent.

Commissioner LENNON. Well, were they really taken at random?

Mr. BILLINGS. At random.

Commissioner LENNON. Or a selected bunch?

Mr. BILLINGS. Absolutely at random. We took every Chinaman that we saw.

Commissioner WEINSTOCK. Do you know about how many Chinese are in your territory?

Mr. BILLINGS. No, sir; I do not.

Commissioner WEINSTOCK. No census was ever taken of them?

Mr. BILLINGS. I don't think there was. Mr. McCabe might give you some information on that.

Commissioner WEINSTOCK. In identifying by issuing these certificates you issue them from this port, as well as other ports; do you issue certificates to Chinese here?

Mr. BILLINGS. When they go out we do; but they go out so seldom now, we make our report and they issue the certificate at the port of departure.

Commissioner WEINSTOCK. Do you have the thumb system used in the identification—for identification purposes?

Mr. BILLINGS. I don't think it is. We have had so few—I don't think it is.

Commissioner WEINSTOCK. Do you personally handle the Chinese end of the business at all?

Mr. BILLINGS. No, sir; I do not.

Commissioner WEINSTOCK. You do not?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. So you have only long-distance information?

Mr. BILLINGS. That is the idea. Mr. McCabe and Mr. Sullivan have full charge of the Chinese immigration business, and the other part of it I handle personally and know all about it.

Commissioner WEINSTOCK. In regard to the question of the students that went to Cushing Academy, Mr. Billings, can you tell us from your own recollection in how far they were followed up by the department—the missing ones?

Mr. BILLINGS. No; I can not do it. I don't remember just how far this thing went.

Commissioner WEINSTOCK. Who would be the logical people to follow up cases like that, you or the people at Washington?

Mr. BILLINGS. Well, it would be Washington to designate. If in our district we ought to follow them up, but they can go to New York or Pennsylvania.

Commissioner WEINSTOCK. And when they go outside of your district you would have no jurisdiction to follow them up?

Mr. BILLINGS. No, sir. We are supposed—for instance, if a person went to an academy in New York and then disappeared from there and came to Massachusetts, then it would be our duty to look them up here if we were told about it.

Commissioner WEINSTOCK. Your district begins and ends where?

Mr. BILLINGS. It is the whole of New England except the border.

Commissioner WEINSTEIN. Well, then, can you recall whether any of these students from Cushing Academy did remain in your district?

Mr. BILLINGS. Yes; there were some, but I can not tell you the names.

Commissioner WEINSTOCK. Do you recall whether they were followed up; and if so, what became of them?

Mr. BILLINGS. No; but we have a record now of where they are—some of them.

Commissioner WEINSTOCK. You don't know of any that were deported from that group?

Mr. BILLINGS. No; I do not think any were deported—to my recollection.

Commissioner WEINSTOCK. You might explain to us why the border is excepted from your territory?

Mr. BILLINGS. Because the entire Canadian border is taken charge of—New York City is the same way, or any of the border States. It all comes under the jurisdiction of Mr. Clark, who is the American commissioner of immigration for Canada. That is to say, he has these border inspectors from the Atlantic to Vancouver; and if it was under us it would be a divided border. For instance, I would have Maine, Vermont, and New Hampshire, and the New York commissioner would have New York, and so on and so on.

Commissioner WEINSTOCK. Now, where Chinese are smuggled into the country, so far as you have been able to ascertain, Mr. Billings, is the promoter or professional smuggler usually a white man or a Chinaman?

Mr. BILLINGS. Why, what we have seen were usually white men.

Commissioner WEINSTOCK. Who engaged in the enterprise?

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. Purely for profit, of course?

Mr. BILLINGS. Oh, yes; oh, yes.

Commissioner WEINSTOCK. In answer to Mr. Busiek's question you made it clear that if a Chinaman can once land on American soil he is practically lost in the shuffle?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Nothing there by which to follow him up?

Mr. BILLINGS. That is my own idea; and in any other nationality it is the same thing. If once they get in, it is pretty hard to locate them.

Commissioner WEINSTOCK. Now, if Congress were to give you full power, Mr. Billings, to stop Chinese smuggling, what would you do?

Mr. BILLINGS. Well, I don't know.

Commissioner WEINSTOCK. If Congress should come to you and say, "Mr. Billings, you know more or less smuggling is going on, and you know more about it than we do, and we give you full power. You can suggest any law you please, and we will put in operation, and we will furnish the machinery to carry it out." What suggestion would you have to make?

Mr. BILLINGS. On the border I don't know what you could do. You could not patrol the border. It would be almost impossible, I should say; and as to ships, I suppose if we had enough men we might make a search of every ship that came in, and then if they wanted to smuggle they would get some of them in. If you have ever been over a ship—we have been over Italian ships so many

times, and there are so many little rat holes and stoke holes and places of that sort, where they can get in, that it is almost impossible to get them.

Commissioner WEINSTOCK. It has been maintained by some who are pretty well informed that if you were to check up every Chinaman in America to-day you would find a goodly number who could not prove their legal residence, but yet would be legally entitled to remain here because their papers—for example those in the San Francisco fire——

Mr. BILLINGS (interrupting). Yes.

Commissioner WEINSTOCK. And many Chinamen have since been without their papers; and therefore the idea, if it should prevail, to deport every Chinaman who could not prove his legal right to remain here would do great injustice to many of them who were really entitled to remain.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Now, Mr. Basick perhaps could furnish you with a copy of the proposed amendment to the Chinese exclusion act. Have you had an opportunity to see it at all?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. Then for your information let me brief it for you and invite your criticism of it. On the theory that much injustice might be done if every Chinaman in America was checked up, and that many would be deported who have a legal right to remain here, it has been suggested that we wipe off the slate clean and that we assume that every Chinaman who is here is entitled to be here——

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK (continuing). So as to obviate any possible injustice, and that every Chinaman—every laborer—be furnished with what might be called a passport; that he be allowed six months' time in which to ask for the passport. That at the expiration of the six months—or let me preface this proposed amendment by making this further statement. It is confidently believed that there is considerable smuggling going on. It is profitable. It is going on because it is profitable. It is profitable for the reason that has been developed here that if a Chinaman can once get on American soil he is gone. The promoter knows that and both are willing to take a chance at being caught in the act. Now, if it were possible to take the profit out of the game, then the smuggler's occupation, like Othello's, would be gone.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. He certainly would not continue it for love?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. Now, to-day the Chinese contraband if perfectly willing to pay a good round price to the smuggler and to submit himself to inevitable physical hardships and privations to get here——

Mr. BILLINGS (interrupting). No question about it at all.

Commissioner WEINSTOCK. Because he knows that once getting here he is reasonably safe.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. But do you think that if in addition to paying a stiff price to the smuggler and in addition to the physical hardships and sufferings that he must undergo he realized that there was no certainty of his being permitted to remain here, that if he did land here he would be living with a sword suspended over his head liable to fall any moment, that there was a checking system in force such that he would know that any moment he would be liable to be called on to show his papers, which he could not do—do you think that would be a restraining influence?

Mr. BILLINGS. I question whether they would know enough about it to realize it.

Commissioner WEINSTOCK. Why? Do you think the Chinaman is so stupid and so ignorant that he does not inquire?

Mr. BILLINGS. I don't think they would understand that part of it.

Commissioner WEINSTOCK. But suppose it very soon developed——

Mr. BILLINGS (interrupting). I think after they found that a lot of them were sent back then it would change——

Commissioner WEINSTOCK (interrupting). So sooner or later it would have a restraining influence?

Mr. BILLINGS. I think sooner or later it would.

Commissioner WEINSTOCK. Now, can you suggest any better way of taking the profit out of the game——

Mr. BILLINGS (interrupting). No.

Commissioner WEINSTOCK. And in that way minimizing, if not absolutely preventing, at least minimizing the smuggling game by assuring to all laborers in the United States a passport—give them a clean slate, though they legally might be contrabands for the time being——

Mr. BILLINGS (interrupting). Yes; I understand.

Commissioner WEINSTOCK. And then after that have the Secretary of Commerce and Labor authorized or empowered by law to have a band of trained men, men specially trained for the business, divided into groups or teams, consisting, say, of an interpreter, stenographer, and an inspector, and have these groups, or crews, which would perhaps be the better name, brought into cities all over the country, inspecting at least twice a year, and, if necessary, more, and check up the whole bunch and deport those who had not certificates or papers.

Mr. BILLINGS (interrupting). The only thing would be if three men dropped in here to-day and would go in one or two parts of the city, why it would be noised around the whole district, and these fellows would be skipping out.

Commissioner WEINSTOCK. Very well. Now, you know, Mr. Edsall, do you not?

Mr. BILLINGS. At San Francisco?

Commissioner WEINSTOCK. Yes.

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. He is probably one of the most experienced men in the service, with reference to Chinese?

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. That criticism was made to him, and this is his answer—now, see if there is any weak spot in his answer. He said, "If you threw in untrained inspectors, that is exactly what would happen, because they would not understand how to go about it; but if you utilized men specially trained for the purpose, say, take myself, with my knowledge and experience—I can go into any town and in 24 hours quietly locate contrabands. I would get underground information"——

Mr. BILLINGS (interrupting). Well, I——

Commissioner WEINSTOCK (continuing). "Now, you see if a fellow escaped and would go to the next place he would have to be on the go all the time"——

Mr. BILLINGS (interrupting). I know; but you have got one crew that has got to go through a district that might have 2,000 people in it——

Commissioner WEINSTOCK (interrupting). Yes.

Mr. BILLINGS (continuing). And I think you would have to have a good many crews to do that.

Commissioner WEINSTOCK. Mr. Edsall estimated that three crews could accomplish it. But the idea in mind is to have enough—as many as five—which he thinks is more than necessary.

Mr. BILLINGS. Well, Mr. Edsall has had a good deal more experience with Chinese than I have. There is no question about that. But I can not say that I think that could be done unless you had a good many more crews than that.

Commissioner WEINSTOCK. How many crews, in your judgment, would be necessary, Mr. Billings?

Mr. BILLINGS. Oh, I wouldn't say. I would not want to and could not say, Mr. Weinstock.

Commissioner WEINSTOCK. Well, would it take a hundred crews?

Mr. BILLINGS. No; I don't think it would take as many as that.

Commissioner WEINSTOCK. Take 10?

Mr. BILLINGS. Oh, yes; I should think at least 10, or perhaps more.

Commissioner WEINSTOCK. Now, can you think of any better plan than that?

Mr. BILLINGS. No; I don't know how else you are going to do. Of course it is pretty tough to go out and, as you say, take men who have honestly lost their papers and bring them to trial, and you will find it so and if you do it is going to take a good deal of time, and injustice will be done and all that. We did that back in 1900—that is what started our raid. They did talk at that time of making a raid all over the United States at the same time.

Commissioner WEINSTOCK. And that would clog up all the courts?

Mr. BILLINGS. Yes, sir.

Commissioner O'CONNELL. Is there any possibility, of course, of their becoming subsidized?

Mr. BILLINGS. Of course, it is possible; but I don't think—I think the immigration officers to-day are a pretty good set of men—what I have seen of them.

Commissioner WEINSTOCK. Can you knock any other weak spot—any other hole—in that idea?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. Other than the one that you think five crews would not be sufficient?

Mr. BILLINGS. The only one I can see is that the first thing the men knew they would skip off somewhere. I should think in places like San Francisco and Los Angeles it would be a good deal harder to have it done than here, because they have got so many channels there where they can work. But, of course, Edsall knows those places.

Commissioner WEINSTOCK. He knows them thoroughly and he says he can undertake to go into San Francisco under those conditions and clean it up in 24 hours and have no escapes.

Mr. BILLINGS. Well, as I say, he is a good Chinese inspector, and has had a lot of experience and probably as much as anybody.

Chairman WALSH. If there are no objections we will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., an adjournment was had until the following day, Tuesday, July 7, 1914, at 10 o'clock a. m.)

BOSTON, MASS., *July 7, 1914—10 a. m.*

Present: Chairman Walsh and Commissioners Weinstock, Lennon, Delano, and O'Connell. E. H. Busiek, special counsel for the commission.

TESTIMONY OF MR. GEORGE B. BILLINGS—Continued.

Mr. BUSIEK. Mr. Billings, just what is the organization of your office? You are commissioner?

Mr. BILLINGS. Yes.

Mr. BUSIEK. Now, who is the next in authority under you?

Mr. BILLINGS. Mr. J. J. Hurley.

Mr. BUSIEK. What is his title?

Mr. BILLINGS. Assistant commissioner.

Mr. BUSIEK. Is there another assistant?

Mr. BILLINGS. Yes, sir; A. W. Stockwell. He was made assistant in order to sign mail when we were away.

Mr. BUSIEK. How many inspectors have you?

Mr. BILLINGS. Well, the designations down there are so mixed up. Some are inspectors and some are acting inspectors and clerks, and one thing or another.

Mr. BUSIEK. How many acting inspectors?

Mr. BILLINGS. I think we have got, counting the two Chinese inspectors, there are, I should say, 16.

Mr. BUSIEK. Sixteen inspectors and acting inspectors?

Mr. BILLINGS. No, sir. Sixteen inspectors, and then there is one at Providence and two at Portland, and there are clerks—the clerks are really stenographers.

Mr. BUSIEK. How many acting inspectors have you?

Mr. BILLINGS. Well, I am not sure how many are designated as acting inspectors.

Mr. BUSIEK. Are clerks designated as acting inspectors?

Mr. BILLINGS. If you wanted to get that absolutely correct; if you are going to have Mr. Stockwell come up, or whoever you take——

Chairman WALSH. Let us have it complete.

Mr. BILLINGS. I am giving it offhand.

Chairman WALSH. Let us have a complete list in writing of all employees in this office.

Mr. BILLINGS. He has all designations.

Mr. BUSIEK. We would like to have a complete list.

Mr. BILLINGS. I will either have it made or brought up——

Mr. BUSIEK. Have it made out and have Mr. Stockwell bring it up.

Mr. BILLINGS. Yes, sir. Do you want watchmen, laborers, or anything of that kind?

Mr. BUSIEK. We want everything you have.

Mr. BILLINGS. I will send a complete pay roll. That will be the best, I think.

Chairman WALSH. A complete pay roll?

Mr. BILLINGS. Yes.

Mr. BUSIEK. Have you the dates of the terms of service?

Chairman WALSH. Of the beginning of service?

Mr. BILLINGS. Yes, sir. I don't know how long it would take to get them out, but we have them somewhere. I don't think it would take very long. I think I could have it by this afternoon or to-morrow morning.

Mr. BUSIEK. I wish you would do that. If Mr. Stockwell comes, have him bring it up.

Mr. BILLINGS. Yes.

Mr. BUSIEK. What are the duties of the inspectors?

Mr. BILLINGS. Well, various duty, boarding vessels and examining incoming immigrants, investigating hospital cases.

Mr. BUSIEK. Investigating what?

Mr. BILLINGS. How is that?

Mr. BUSIEK. Hospital cases, did you say?

Mr. BILLINGS. Cases that go into the different hospitals, and what they call causing existing prior to landing. If a man went in with tuberculosis, and the doctor thought he had it before he came here, we can send them back up to three years after coming; and we investigate those cases to see whether they shall go back or not.

Mr. BUSIEK. Any one of these inspectors, of course, has to take cognisance of a Chinese case, if he should see it?

Mr. BILLINGS. Yes, sir; yes; indeed. Of course, if the Chinese need any assistance they go right in with them.

Mr. BUSIEK. Do the Chinese inspectors often need assistance?

Mr. BILLINGS. No, sir; not very. Once in awhile we use Chinese with the regular immigration business, too.

Mr. BUSIEK. Because they haven't much to do as compared to the others?

Mr. BILLINGS. Most of their cases we had to help them a good deal more when they came by way of Halifax.

Mr. BUSIEK. Has that been entirely stopped?

Mr. BILLINGS. Yes.

Mr. BUSIEK. That was boats coming from Halifax?

Mr. BILLINGS. They used to bring them in at Vancouver, and then the C. P. R. would bring them down to Halifax and bring them by water to Boston. The department, for some reason or other, would not allow them to come in up in the Northwest and made them come around; that is, those destined to here.

Mr. BUSIEK. Do you keep any watch on the coast; that is, at other bays?

Mr. BILLINGS. No, sir. It would be impossible to do that. You take it from north of Maine down to New York; there are hundreds and hundreds of little inlets and bays. I don't see how it would be possible to stop them from getting in. The only way would be if they get ashore and they would be suspicious of a number of Chinamen.

Mr. BUSIEK. And then notify your office?

Mr. BILLINGS. Yes, sir. That would be the only way. Can I say just a word?

Mr. BUSIEK. Yes.

Mr. BILLINGS. In regard to this paper saying this morning that they thought there is more smuggling here than at any other port. I don't think that is right. I think the reason that has gotten out is we have discovered more here. We have had very good luck in discovering them here. The papers have been full of smuggling for a long while. We went down about a dozen years ago and found a lot of smuggling of Cape De Verde Islanders. We discovered some at Providence. We have discovered, furthermore, stowaways on Italian ships—more here than at any other port. Without saying anything about any other port, I don't think you have got to search those ships to catch them.

Chairman WALSH. Have you a knowledge of any of your subordinates having received compensation from any person in this Chinese smuggling proposition?

Mr. BILLINGS. No, sir.

Mr. BUSIEK. Have you ever investigated any subordinate to find out whether or not there was any corruption in the department?

Mr. BILLINGS. I think Mr. Taylor investigated it at one time for the department.

Chairman WALSH. Did you ever make any investigation of your own subordinates?

Mr. BILLINGS. No, sir; I don't think I have; I don't remember it.

Chairman WALSH. Did you ever make an investigation personally as to the good faith of the employees of your office with respect to this Cushing University——

Mr. BILLINGS. No, sir; I did not.

Chairman WALSH (continuing). Transaction?

Mr. BILLINGS. No.

Chairman WALSH. Was there an intimation at the time that perhaps it was due to corruption?

Mr. BILLINGS. No, sir; I don't think so.

Chairman WALSH. On the part of the Cushing Academy any place?

Mr. BILLINGS. I don't think I ever heard of it.

Chairman WALSH. You never heard of it?

Mr. BILLINGS. I don't remember it.

Chairman WALSH. Has any charge of corruption ever been made to you?

Mr. BILLINGS. On Chinese?

Chairman WALSH. Yes. Against any of your subordinates?

Mr. BILLINGS. I don't think so.

Chairman WALSH. Has there been any investigation made by any outside agency into the smuggling of Chinese, to your knowledge?

Mr. BILLINGS. Mr. Taylor investigated it.

Mr. BUSICK. Any private investigation of any sort that you know of?

Mr. BILLINGS. No, sir; not that I know of.

Chairman WALSH. You say your attention has never been called to the alleged fact that there was corruption in the department?

Mr. BILLINGS. No.

Chairman WALSH. Or that there was money used in getting Chinese in here?

Mr. BILLINGS. No.

Chairman WALSH. Or allowing them to stay?

Mr. BILLINGS. I won't say I have not heard rumors once in a while that so and so; but nothing to amount to anything. I don't remember what those were.

Chairman WALSH. Was there ever a direct charge brought to you as to any of your subordinates?

Mr. BILLINGS. I don't remember how it was about Mr. Schell, whether it was a direct charge from the outside or whether it came from the department.

Chairman WALSH. There has never been any investigation made by you inside the department here?

Mr. BILLINGS. No, sir. There were investigations before I went there; before Mr. Schell went there they had various investigations.

Mr. BUSICK. Do you review the proceedings when a Chinaman is brought up for deportation?

Mr. BILLINGS. Do what?

Mr. BUSICK. Do you review the papers before a complaint is made?

Mr. BILLINGS. Yes. Before complaint.

Mr. BUSICK. To the United States commissioner; yes, sir.

Mr. BILLINGS. We do not always have the papers before they go to the commissioner. We might get the Chinaman and take him right up to the commissioner. The ones that go to the commissioners are the ones that have been here more than three years. Those come under the—I guess I stated that I did not quite understand yesterday what you meant, but those that come under three years we take under the immigration laws, and those that have not been here that long you couldn't do that.

Mr. BUSICK. That is what we were on yesterday a while?

Mr. BILLINGS. Yes, sir. I didn't understand what you meant.

Mr. BUSICK. So that there are some you do deport before they go to the United States commissioner?

Mr. BILLINGS. Yes, sir. We take them on our own warrant.

Mr. BUSICK. If you are satisfied that they have not been here quite three years?

Mr. BILLINGS. Yes.

Mr. BUSICK. What check do you keep over your office, over your Chinese officers to see that they are performing their duties? Do you assign them on the work?

Mr. BILLINGS. Not on the regular work. If they go on a detail they always come to me and report that they are going. I mean outside the station.

Mr. BUSICK. Are they allowed to fix their own detail? For instance, can McCabe say I am going to do this to-day?

Mr. BILLINGS. Of course, I change it if there might be something that I deemed more necessary at the time that they were going to make it. Sometimes, of course, we are very shorthanded and I want a man to sit on the board of special inquiry at the office.

Mr. BUSIEK. Then you take a man off the Chinese work and have him sit there. But what I mean is this: Who directs the Chinese work, you or the inspectors themselves?

Mr. BILLINGS. The inspector really does the detail of directing it, but he comes to me for the advice as to what shall be done; that is, if anything amounts to anything. Not the real routine, he does not come to me. Of course, there are cases coming up, cases right along, that is for hearing as to the right to go out of the country.

Mr. BUSIEK. What is the attitude of your department toward Chinese witnesses?

Mr. BILLINGS. Witnesses?

Mr. BUSIEK. Yes; in cases.

Mr. BILLINGS. Well, what do you mean by that; how much do you trust them?

Mr. BUSIEK. Yes.

Mr. BILLINGS. Not very much.

Mr. BUSIEK. Do you take their testimony at all, or consider it of any probity?

Mr. BILLINGS. You have got to take it, and then there has got to be some white witnesses also. I forget just how many we have to have.

Mr. BUSIEK. Would you, if a Chinese could not bring a white person to establish his right to stay in this country, accept Chinese testimony, no matter how many Chinese are brought in?

Mr. BILLINGS. No, sir; I don't think I would unless it was an absolute dead open-and-shut case, I would not. It would not be so much the testimony as what we would find out otherwise.

Mr. BUSIEK. Are there any white men who make a business of testifying for Chinese that you have got on a sort of a blacklist now?

Mr. BILLINGS. Phillips used to be down there a good deal, but we, of course, never took any stock in him. I don't think there is any regular witness now. There used to be. I think there is a man named Holske that comes down some.

Mr. BUSIEK. That is Charles Holske? He is a rice merchant, or something of that kind?

Mr. BILLINGS. I don't know his business.

Mr. BUSIEK. He is on the blacklist now?

Mr. BILLINGS. Well, he comes down a good deal.

Mr. BUSIEK. That is all I have.

Chairman WALSH. Do you wish to ask Mr. Billings any questions?

Commissioner DELANO. I want to ask one or two questions.

Mr. Billings, as I understand this Chinese exclusion act, it does not apply to any other Asiatic nations, does it?

Mr. BILLINGS. No.

Commissioner DELANO. It does not apply to the Hindus?

Mr. BILLINGS. No.

Commissioner DELANO. Or Japs?

Mr. BILLINGS. No.

Commissioner DELANO. Or Coreans?

Mr. BILLINGS. No, sir. We have practically none of those come.

Commissioner DELANO. No.

Mr. BILLINGS. All we get; I mean the Syrians and those. The farther east we go the immigration is poorer.

Commissioner DELANO. Have you any idea how many Chinese there are in Boston?

Mr. BILLINGS. No, sir; I have not. I think we figured at the time when we made that raid there were about 2,000 around Boston and vicinity. Somewhere between 1,500 and 2,000.

Commissioner DELANO. Are there many women in that number?

Mr. BILLINGS. I think not.

Commissioner DELANO. Is the Chinese population of Boston increasing? Does the census show that it is increasing considerably or not?

Mr. BILLINGS. I don't think it is.

Commissioner DELANO. The occupations in which they can be employed here are very much restricted, are they not?

Mr. BILLINGS. I think they are practically all in laundries or in restaurants. Of course, there are some stores, but very few.

Commissioner DELANO. They do not go out as household servants or anything of that kind?

Mr. BILLINGS. I don't think any of them do here. We used to see them on the cutters, but I think they abolished that.

Commissioner DELANO. I think that is all I have, Mr. Chairman.

Chairman WALSH. Have you any questions, Mr. Weinstock?

Commissioner WEINSTOCK. I have nothing, thank you.

Chairman WALSH. That is all; thank you, Mr. Billings.

TESTIMONY OF MR. JEREMIAH J. HURLEY.

Mr. BUSICK. What is your full name?

Mr. HURLEY. Jeremiah J. Hurley.

Chairman WALSH. What is the salary of the commissioner here, Mr. Hurley?

Mr. HURLEY. Four thousand dollars is the commissioner.

Mr. BUSICK. The census in 1900 showed 805 Chinese in Boston; in 1905 it showed 884; in 1900 the census for Massachusetts showed 1,642; in 1905 it showed 2,224. There are no later census figures than that.

Commissioner WEINSTOCK. It is claimed, on account of the exclusion act, the numbers have been steadily and positively diminishing. Those figures would not seem to indicate that?

Mr. BUSICK. No. What official position have you Mr. Hurley?

Mr. HURLEY. Assistant United States commissioner of immigration for the port of Boston.

Mr. BUSICK. How long have you held that position?

Mr. HURLEY. January 5, 1895.

Mr. BUSICK. How long have you been in the Immigration Service?

Mr. HURLEY. Since that date. Oh, not that particular position; I have not held that but I think about two years later—after the original appointment I was appointed deputy commissioner. That title has been changed to assistant United States commissioner since.

Mr. BUSICK. Where have you been stationed in that time?

Mr. HURLEY. All of the time at Boston.

Mr. BUSICK. All the time right here in Boston?

Mr. HURLEY. Yes.

Mr. BUSICK. How many employees have you in the department down there all told? Or we will get that from Mr. Stockwell.

Mr. HURLEY. I couldn't tell exactly.

Mr. BUSICK. Your duties are the same as those of Mr. Billings, I believe, when Mr. Billings is not there?

Mr. HURLEY. Just the same.

Mr. BUSICK. And you also do active inspection work, do you not?

Mr. HURLEY. Yes, sir; and chairman of boards of special inquiry.

Mr. BUSICK. You are chairman of boards of special inquiry?

Mr. HURLEY. Yes.

Mr. BUSICK. Explain to this commission what are the duties of the board of special inquiry here.

Mr. HURLEY. The duties of the board are, when an immigrant is held by the inspector on primary inspection who can not show beyond a reasonable doubt that he is entitled to admission the inspector puts him before the board for hearing, composed of three officials of the Immigration Service, and they hear the case, and an interpreter, if one is needed, a stenographer to take the minutes of the hearing, and at the conclusion of all the evidence, after hearing witnesses, we take a vote and decide either on the admission or rejection of the alien. Two votes will admit it—let me explain that better: The majority vote will either admit or reject the alien, and the other member of the board can take an appeal from their decision, or the alien himself can take an appeal.

Mr. BUSICK. To whom?

Mr. HURLEY. If it is an appealable case, to the Secretary of the Department of Labor.

Mr. BUSICK. You say if it is an appealable case. What cases are not appealable?

Mr. HURLEY. All cases afflicted with contagious diseases, insane people, idiot, and imbecile.

Mr. BUSIEK. There is no appeal for them from the finding of the majority board of special inquiry?

Mr. HURLEY. The decision of the board shall be final, basing their motion solely upon a medical certificate.

Mr. BUSIEK. How many Chinese cases do you handle a year, approximately?

Mr. HURLEY. I couldn't answer that definitely, because the Chinese work has been left entirely to Insp. McCabe.

Mr. BUSICK. Without supervision by Mr. Billings or yourself?

Mr. HURLEY. I look over all the appeal cases when they come to me, forward a letter of transmittal to the Secretary, and sign all correspondence.

Mr. BUSIEK. Do you ever have a board sit in Chinese cases—a board of inquiry?

Mr. HURLEY. No.

Mr. BUSIEK. Why is that true?

Mr. HURLEY. The law, I believe, states that the Chinamen can be taken from—before an individual inspector.

Mr. BUSIEK. Is that decision final and binding?

Mr. HURLEY. No, sir; an appeal can be taken from his decision to the Secretary.

Mr. BUSIEK. In the same manner as if a board of inquiry had sat on the case?

Mr. HURLEY. Yes; just the same.

Mr. BUSIEK. Who else assists Mr. McCabe in the Chinese work?

Mr. HURLEY. Mr. Sullivan—Inspector Sullivan—and Mr. Perry.

Mr. BUSIEK. Where is Mr. Perry now?

Mr. HURLEY. Off on a vacation.

Mr. BUSIEK. Do you know where he can be reached?

Mr. HURLEY. He did not inform me where he was going. He generally went up to Lake Champlain.

Mr. BUSIEK. When does his leave expire?

Mr. HURLEY. They generally get about three weeks, in the discretion of the commissioner, if he can spare him that length of time.

Mr. BUSIEK. How long has he been gone?

Mr. HURLEY. I think I saw him in the office about 10 days ago. I would not be positive.

Mr. BUSIEK. What are his duties there in the Chinese work?

Mr. HURLEY. He is a stenographer, a clerk—he attends to all the correspondence.

Mr. BUSIEK. Does he do any of the work of an inspector?

Mr. HURLEY. Not to my knowledge.

Mr. BUSICK. Is the work which he does performed under Mr. McCabe?

Mr. HURLEY. Under Mr. McCabe's supervision.

Mr. BUSIEK. Has Perry any initiative at all—that is, has he any authority to do anything without McCabe's orders?

Mr. HURLEY. Yes, sir; we use him at times as stenographer for the boards of inquiry, or any other work that we could use him in, writing letters, etc. The correspondence is heavy at times.

Mr. BUSICK. Does your department keep any sort of record of the Chinese in this district?

Mr. HURLEY. I believe they do.

Mr. BUSIEK. Who keeps that?

Mr. HURLEY. Mr. McCabe.

Mr. BUSIEK. Have you ever seen it?

Mr. HURLEY. I have a faint recollection of a report of the census at one time being given to Mr. McCabe. I can not say positively whether we talked the situation over or not.

Mr. BUSIEK. As nearly as I can gather, then, the Chinese work is left entirely to Mr. McCabe? He goes out on such cases as he sees fit?

Mr. HURLEY. He never leaves the office without consulting the commissioner or myself and telling us where he is going and the details of the investigation or other work connected with the service.

Mr. BUSIEK. Do you or Mr. Billings take an active interest in the Chinese work, the same as you do in the immigration?

Mr. HURLEY. I have always done so.

Mr. BUSIEK. And all papers must pass through your hands?

Mr. HURLEY. All papers that are to be sent—official documents of any kind.

Mr. BUSIEK. Do any complaints about Chinese ever come to your office?

Mr. HURLEY. They have not come to me personally with complaints.

Mr. BUSIEK. To whom do they go?

Mr. HURLEY. They are generally met by a messenger at the door and turned over to Mr. McCabe, and if there is anything of a nature of a detained Chinaman who feels as though he is not getting properly treated there in regard to food, etc., or other matters in connection with his detention, the matter is brought to either Mr. Billing's attention or mine, to see if we can not relieve the condition.

Mr. BUSIEK. Who do—but then what you know of Mr. McCabe's work is such matters only as he brings to your attention and nothing that you find out for yourself?

Mr. HURLEY. Well, I have a lot of duties there at the office, and if there is anything of importance that he thinks I ought to know that he could not decide himself he would probably take it up with me.

Mr. BUSIEK. That is what I meant.

Mr. HURLEY. Yes.

Mr. BUSIEK. Whenever you and McCabe have any conferences about Chinese matters it is matters that McCabe brings to you, rather than directions which you give to McCabe of your own motion?

Mr. HURLEY. Oh, well, if I had a complaint come in, an anonymous letter, or any complaint come in about the smuggling of Chinese, or hear surreptitiously, or telegrams received, I would take the matter up; I would adopt the initiative by taking it up with McCabe.

Mr. BUSIEK. Do you ever make any investigation of the employees in your department?

Mr. HURLEY. In what respect?

Mr. BUSIEK. To see whether or not they are doing their duty.

Mr. HURLEY. I have always tried to maintain discipline in the office.

Mr. BUSIEK. Well, what I am trying to get at, Mr. Hurley, is this: Here you have two men in Chinese work; about the only time you have any official conference with them is when they bring something to you, or should an anonymous letter come to you, or something like that, you take it up with him. They cut their cloth and sew it and merely report what they have done to you. How do you know that those men are diligent and are working hard?

Mr. HURLEY. Well, if they are going out on an investigation, they have always either come to me or Mr. Billings and told me how long they are going to be gone, where they are going, and where they can be reached.

Mr. BUSIEK. And report the results of their investigations?

Mr. HURLEY. Yes, sir. We are always in touch with them.

Mr. BUSIEK. How frequently do you have deportation cases of Chinese at this office?

Mr. HURLEY. Well, I don't believe we have them very often.

Mr. BUSICK. Do you have as many as five a month?

Mr. HURLEY. I hardly think so.

Mr. BUSIEK. These cases are all brought before the United States commissioners, or are they—these deportation cases?

Mr. HURLEY. Why, not unless it is an applicant for admission.

Mr. BUSIEK. An applicant for admission?

Mr. HURLEY. Yes.

Mr. BUSIEK. You had been brought before the United States commissioner—you have him brought before the United States commissioner?

Mr. HURLEY. I don't see why he should under the law.

Mr. BUSIEK. He would not?

Mr. HURLEY. I don't——

Mr. BUSIEK. I don't believe you understood my question.

Mr. HURLEY. Yes.

Mr. BUSIEK. The applicants for admission are never brought before United States commissioners, are they?

Mr. HURLEY. No, sir; that is what I said.

Mr. BUSIEK. That is handled by the inspector?

Mr. HURLEY. The inspector; yes, sir.

Mr. BUSIEK. What I am trying to get at is, about how many cases go before United States commissioners?

Mr. HURLEY. Well, I couldn't answer that question.

Mr. BUSIEK. Have you had any experience in the preparation of Chinese cases for the United States commissioners or before the United States commissioners? Do you ever take any of those cases up or assist in them?

Mr. HURLEY. No.

Mr. BUSIEK. Do you know, in a general way, what results your department has had in Chinese cases before the United States commissioners here in Boston?

Mr. HURLEY. Well, from talking with the inspectors I don't believe they had good results.

Mr. BUSIEK. To what do they attribute that?

Mr. HURLEY. Well, I think more or less in the way the cases are handled before the United States commissioners.

Mr. BUSIEK. You mean handled by your department or handled by the defense?

Mr. HURLEY. Why, they are handled by the attorneys for the defense, and also for the latitude, I should say, given to them by the United States commissioner in the hearings.

Mr. BUSIEK. Who hears the Chinese cases? What commissioner here?

Mr. HURLEY. Commissioner Hayes.

Mr. BUSIEK. Do the other commissioners ever get a chance to hear them?

Mr. HURLEY. I think Commissioner Hale has heard some.

Mr. BUSIEK. How many; have you any idea?

Mr. HURLEY. I have no idea.

Mr. BUSIEK. Isn't it a fact that the men under you accuse him of giving too much latitude?

Mr. HURLEY. It is discussed more or less, not in a favorable way toward Hayes.

Mr. BUSIEK. Has your office ever taken up the matter with the district attorney, asking him to assign these cases to some other commissioner?

Mr. HURLEY. You speak of Chinese cases?

Mr. BUSIEK. Yes.

Mr. HURLEY. Not to my knowledge.

Mr. BUSIEK. You know, as a matter of fact, that it is optional with the district attorney, do you not, which commissioner he cares to send these cases to?

Mr. HURLEY. I do.

Mr. BUSIEK. Don't you think it would be a good plan when you think you are being bilked on these cases to ask the United States district attorney to send them to somebody who does not take that particular view of these immigration cases?

Mr. HURLEY. I certainly do.

Mr. BUSIEK. But you have not taken it up with the district attorney?

Mr. HURLEY. I have never had any occasion to do so myself.

Mr. BUSIEK. Don't you think it is sufficient occasion to see men turned loose that ought to be deported?

Mr. HURLEY. Well, I could speak more authoritatively in regard to straight immigration cases than I could on Chinese, because I have been up there so frequently before Hayes on complaints of my own.

Mr. BUSIEK. Has your experience been the same as the Chinese?

Mr. HURLEY. My experience has been exactly the same.

Mr. BUSIEK. Has it ever occurred to any of you gentlemen to make complaint to the district attorney?

Mr. HURLEY. I have personally myself.

Mr. BUSIEK. What answer did you get?

Mr. HURLEY. On immigration cases?

Mr. BUSIEK. What answer did you get?

Mr. HURLEY. I did not receive any encouragement.

Mr. BUSIEK. Have you ever taken it up with Washington?

Mr. HURLEY. I have not, personally.

Mr. BUSIEK. Has it been taken up by your office?

Mr. HURLEY. I can't remember.

Mr. BUSIEK. That looks to me like rather an important matter, Mr. Hurley. You work up your cases, and you think you have got them right, and the United States commissioner turns them loose. Now, I suppose that would discourage any immigration officer; but if it is so vital that you have a man for commissioner who will charge and judge these cases properly, I should think that your department could take it up with some one and attempt to have those conditions remedied, and yet you say you don't know that anything has ever been done?

Mr. HURLEY. I know it has been done in straight immigration cases from time to time on writs of habeas corpus and things of that kind with the judge;

but I feel sure that the department is fully aware of the commissioner's rulings on immigration cases in general, but about the Chinese I can't say.

Mr. BUSIEK. Do you say you supervise Mr. McCabe's work?

Mr. HURLEY. Yes.

Mr. BUSIEK. Do you know whether or not the same conditions then apply in the Chinese cases which he brings before Commissioner Hayes as apply in your work?

Mr. HURLEY. To the best of my recollection, I should say yes.

Mr. BUSIEK. You occupied the same position you do now back in 1911, did you not?

Mr. HURLEY. Yes.

Mr. BUSIEK. And it was in the fall, or in November of 1911, that 20 Chinese were admitted to the Cushing Academy, at Ashburnham, Mass. On December 20 those students left in a body, and I think only 3 of those students ever returned to Cushing Academy. You handled some of the correspondence in that case, I believe?

Mr. HURLEY. I undoubtedly signed some letters.

Mr. BUSIEK. By whom were those letters written?

Mr. HURLEY. By Mr. McCabe or Mr. Sullivan.

Mr. BUSIEK. This was a case of wholesale——

Mr. HURLEY. When you say written, I mean they were drafted by those men and probably written by Mr. Perry.

Mr. BUSIEK. Dictated by the Chinese inspectors?

Mr. HURLEY. Yes.

Mr. BUSIEK. This was a case of more than ordinary interest, wasn't it?

Mr. HURLEY. I should think so.

Mr. BUSIEK. Did you interest yourself more than in the ordinary Chinese case?

Mr. HURLEY. I practically did not have anything to do with it, with the exception of probably signing some mail that was transmitted to Washington.

Mr. BUSIEK. Who handled it?

Mr. HURLEY. McCabe and Sullivan practically handled the whole case.

Mr. BUSIEK. Did you supervise the work to see that McCabe and Sullivan got to the bottom of the thing?

Mr. HURLEY. No. My duties are of such an onerous nature that the straight immigration work takes about all my time.

Mr. BUSIEK. Here was a case of a woman bringing in 20 students, and I think you will concede that it was apparent on its face, after they left, that it was a fraudulent case, and, of course, you know, as an immigration inspector, that those students could not have come in without assistance; that there was some directing hand. Now, I find acknowledgments over your signature of letters received from the Cushing Academy, which letters had been sent by this Sarah Hing, the woman who brought those Chinese students in. It seems that the Cushing Academy was in touch with this woman for two months after the students deserted. Did you ever instruct Mr. McCabe to go out and find that woman?

Mr. HURLEY. No.

Mr. BUSIEK. Why not?

Mr. HURLEY. Well, those matters—unless Mr. Billings is away from the office for the entire day, I would not take them up, anyway, probably. The whole business would be taken up with Mr. Billings. And, in regard to Chinese work, anyway, in the office, I do not come in close contact with it, with the exception of signing the mail and talking over in a general way with Mr. McCabe or Mr. Sullivan.

Mr. BUSIEK. You took active part in the Boston raid some years ago, did you not?

Mr. HURLEY. I did, sir.

Mr. BUSIEK. You were more familiar with Chinese matters in those days than you are now?

Mr. HURLEY. No.

Mr. BUSIEK. You merely were a participant to help throw out the dragnet?

Mr. HURLEY. That is all.

Mr. BUSIEK. Is that the idea?

Mr. HURLEY. Yes.

Mr. BUSIEK. Who got up that raid?

Mr. HURLEY. To the best of my knowledge, at the meeting that was held—Mr. Schiel, Mr. Birkshire, Mr. Sisson, who were present in the office in India Square, when I was ordered to bring them in.

Mr. BUSIEK. Who made the raid?

Mr. HURLEY. I never was let in on that. I was working in Charlestown that day.

Mr. BUSIEK. What was Mr. Schiel's title at that time?

Mr. HURLEY. Chinese inspector in charge.

Mr. BUSIEK. That was when the Chinese department of immigration was a separate department?

Mr. HURLEY. They had offices in our station at the time of the raid. No; they had an office up in India Street.

Mr. BUSIEK. The Chinese branch of the Immigration Service was entirely separate in those days?

Mr. HURLEY. Yes.

Mr. BUSIEK. How many of those Chinese that you gathered in the dragnet at that time were deported?

Mr. HURLEY. I have heard stated from time to time somewheres between 40 and 50.

Mr. BUSIEK. I believe the record of the facts shows that there were between 50 and 70.

Mr. HURLEY. Well, I do not know.

Mr. BUSIEK. That was out of about 300 Chinese?

Mr. HURLEY. I believe that we apprehended something like 270, to the best of my knowledge.

Mr. BUSIEK. Have you any idea how many of the Chinese in this country or in the Boston district are in the district unlawfully?

Mr. HURLEY. I have not.

Mr. BUSIEK. Out of the two hundred and seventy-odd which you got in the Boston raid there were about 50 contraband Chinese. Do you think that percentage would hold good now?

Mr. HURLEY. Well, I couldn't say, on account of my not having any direct dealings with the work.

Mr. BUSIEK. What system, if any, has your department for checking up any Chinese who are in this country?

Mr. HURLEY. I do not know of any system, unless they rely on the census when it is taken.

Mr. BUSIEK. What I am trying to get at is this: Is there any system whereby your officers could go through Chinatown and know whether or not this fellow has been there for some length of time? If they see a strange face, to find out where he is from?

Mr. HURLEY. I don't know of any such system.

Mr. BUSIEK. The situation is practically this: That when a Chinese is in this country he is practically safe, unless some other Chinese should tell the Immigration Bureau?

Mr. HURLEY. Unless Mr. McCabe or Mr. Sullivan goes out without letting me know about it, or probably taking the matter up with Mr. Billings.

Mr. BUSIEK. If they do that, you would not know about it?

Mr. HURLEY. I think if they did I would know about it; that is, if I were in charge.

Mr. BUSIEK. Then, I am to understand that the efforts of the Department of Immigration or the Bureau of Immigration are directed to the keeping of Chinese out of the country at the ports and at the borders rather than making any investigation of Chinese now in this country and deporting those who have no right here?

Mr. HURLEY. I am not familiar with the procedure, how they check them up or what they do.

Mr. BUSIEK. Do you know of any check that is kept?

Mr. HURLEY. I know of nothing. It has never been brought to my attention.

Mr. BUSIEK. Is there any substantial difficulty that you can see to prevent a Chinaman from slipping across the Canadian border to avoid the patrol?

Mr. HURLEY. Yes, sir; we have inspectors all along the line.

Mr. BUSIEK. How are they spaced?

Mr. HURLEY. I don't know what the distance is, but I know they are supposed to cover every train, every ferry, footbridge. That is what I have always been given to understand by the former commissioner, Mr. Watchhorn. It was almost impossible for a Chinaman to get over, and when they come across in

vehicles of any kind the neighbors along the route, if they are supplied with telephones or are handy to a telegraph office, they immediately wire in or telephone.

Mr. BUSIEK. Of course, the Canadian border is an awful long stretch?

Mr. HURLEY. Yes.

Mr. BUSIEK. And I don't see what difficulty there would be in bringing a Chinaman across in, say, a motor boat and landing him in some dark spot and putting him in the bed of a wagon and probably hauling him 20 miles inland. It would not be so terribly hard to avoid the immigration officials in that way, with an intelligent smuggler?

Mr. HURLEY. It would all depend on the route it would take. If it was a route that was populated with farmhouses, if they would have to travel a very great distance by vehicle or boat—I understand the neighbors up there are always on the watchout, and they have gotten information about suspicious automobiles and other vehicles, and they have been very successful in apprehending some of them.

Mr. BUSIEK. There are hundreds of bays and inlets in Maine and Massachusetts north of here, are there not, where a boat could land?

Mr. HURLEY. North of Massachusetts?

Mr. BUSIEK. North of Boston.

Mr. HURLEY. There are quite a number of streams and quite a number of harbors.

Mr. BUSIEK. Are they all watched for the landing of boats?

Mr. HURLEY. They are supposed to be watched by customs officials.

Mr. BUSIEK. By customs officials?

Mr. HURLEY. I should think so.

Mr. BUSIEK. Do they cooperate with you?

Mr. HURLEY. Always.

Mr. BUSIEK. Then, you don't think that there is much chance for a Chinaman to be smuggled in?

Mr. HURLEY. Oh, I think there is a good chance for a Chinese to be smuggled in across that great territory.

Mr. BUSIEK. And once in and up in a place like Boston, for instance, there is very little likelihood that he will ever be disturbed by the Federal officers?

Mr. HURLEY. Unless somebody writes in an anonymous letter or brings it to our attention in some way or another—a complaint of some kind.

Mr. BUSIEK. In hearing Chinese cases do you require white witnesses?

Mr. HURLEY. They do under the law. I never heard a case myself.

Mr. BUSIEK. Under the law or under the department rules and regulations?

Mr. HURLEY. Department regulations.

Mr. BUSIEK. No case will be decided solely on Chinese testimony?

Mr. HURLEY. Not to my knowledge.

Mr. BUSIEK. Are there any white men in this country, or in Boston here, who make a practice of testifying in Chinese cases that are under the ban of your department now?

Mr. HURLEY. Well, I would not know of them.

Mr. BUSIEK. How about Goodman Phillips?

Mr. HURLEY. Yes; I remember him, because he was instrumental in bringing them in, and we convicted him several times.

Mr. BUSIEK. How about Holske?

Mr. HURLEY. Who?

Mr. BUSIEK. Holske?

Mr. HURLEY. I never heard of him.

Mr. BUSIEK. That is all I have.

Commissioner WEINSTOCK. Will you tell the commission, Mr. Hurley, just what your relations are to the Chinese, and of the work of your department?

Mr. HURLEY. My relations to the Chinese are very limited. I handle about all the immigration work at this station.

Commissioner WEINSTOCK. When you say you handle the immigration work, will you be good enough to explain just what that means? We are laymen and do not understand the technical part of it.

Mr. HURLEY. That means that all the trans-Atlantic liners and all other vessels that bring immigrants here at the ports—I generally have supervision over that work and designate the inspectors to do certain lines of work on the dock on their examinations, and organize the boards of special inquiry, and take general control and supervision of all the work.

Commissioner WEINSTOCK. How often does it happen, Mr. Hurley, that Chinese enter this port who are legally entitled to come, who have their documents and their papers?

Mr. HURLEY. I couldn't answer that question intelligently, because my work in other matters takes about all my time.

Commissioner WEINSTOCK. Is there anybody connected with your department who specialized on the Chinese end of it?

Mr. HURLEY. Mr. McCabe and Mr. Sullivan.

Commissioner WEINSTOCK. Those two specialize?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. They are the two who should give us the fullest information?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Your information is a sort of long-distance information?

Mr. HURLEY. On Chinese?

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Have you given much thought to the problem of how to stop the smuggling of Chinese into this country?

Mr. HURLEY. Yes, sir. I have from time to time thought it over in my own way, and I think that if a complaint comes in relation to smuggling Chinamen on a trans-Atlantic liner, which have come from time to time, that a thorough search ought to be made of that vessel, which we have done.

Commissioner WEINSTOCK. We know, of course, that comparatively few get into the country through legitimate channels. They usually come in through illegitimate channels. For instance, on the Pacific coast, where I live, they get into California either by crossing the Mexican border or by coming around from Mexico by water and landing at some remote nook. They rarely come through the usual lines of traffic.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. They rarely come by trains; they rarely come by steamships; they usually get in in an indirect way.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And doubtless if they get in here they get in in the same indirect way. Now, you doubtless are also aware of the fact, Mr. Hurley, that Congress has said to this commission, "Gentlemen, we want you to investigate into this smuggling of Chinese; we want you to suggest legislation how to stop it." Supposing this commission were to put that burden on your shoulders, Mr. Hurley, and say to you that we want you to recommend legislation as to how to stop it, what legislation would you recommend, from your knowledge and your experience?

Mr. HURLEY. I think there ought to be more men put on the Canadian border and on the Mexican border. I think the force is inadequate to handle the situation, if there are any great numbers getting in.

Commissioner WEINSTOCK. That might be efficient, but would that be sufficient?

Mr. HURLEY. Well, I think that upon their arrival and examination at the ports of entry, say, Vancouver or San Francisco, those people ought to be followed up in some way.

Commissioner WEINSTOCK. Have you ever been an inspector yourself?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. You graduated from that rank?

Mr. HURLEY. Yes, sir. I entered the service as a clerk.

Commissioner WEINSTOCK. Were you ever detailed to follow up the Chinese in any way while you were an inspector?

Mr. HURLEY. No.

Commissioner WEINSTOCK. You had no experience then in checking up Chinese?

Mr. HURLEY. No, sir. I might explain that, Commissioner, by stating that I suppose that I have been kept about as busy as any man in the Immigration Service, my whole 20 years on straight immigration work. This is the second port of importance in the country, and it keeps me busy all the time.

Commissioner WEINSTOCK. If your superior should say to you, Mr. Hurley, without making any fuss, without creating any consternation, without causing a riot, so to speak, I want you to go into Chinatown and check up every Chinaman there and make sure that he is legally entitled to be here——

Mr. HURLEY. Yes.

Commissioner WEINSTOCK (continuing). How long would it take you to do that, and how would you go about it?

Mr. HURLEY. In Chinatown?

Commissioner WEINSTOCK. That is, the Chinatown in Boston here.

Mr. HURLEY. I first would get in touch with the police, particularly the policemen on the beat, who are more familiar with the faces than the ordinary man would be that would go through there from time to time. They are constantly passing to and fro and having a speaking acquaintance with the Chinamen, and I would probably get some information about new arrivals, where I would be unable to do that without the assistance of the policeman or the letter carrier, or somebody who is constantly passing to and fro, some business man that meant to be right in giving us evidence, whatever it would be worth; and, in that way, I think that possibly that an inspector could get some valuable information.

Commissioner WEINSTOCK. You would spot the new arrivals?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And follow those up?

Mr. HURLEY. That is what I would do.

Commissioner WEINSTOCK. You would not follow the others?

Mr. HURLEY. In my investigation I would inquire about the other Chinamen; how long they have been here, and what they were doing, and so on, and if I could get some Chinaman's confidence I could rely on I probably would quiz him and find out about the people who had been here.

Commissioner WEINSTOCK. The statement has been made, Mr. Hurley—I don't know whether you are in position to express an opinion on it—that there are a goodly number of Chinamen in the country to-day who are legally entitled to be here, but who could not prove their legal right, due to the fact that their documents, perhaps, were destroyed in the San Francisco fire?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Do you believe that to be the case?

Mr. HURLEY. Well, from discussions with the various officers in the service, I find that there are a great many more here, from their investigations, than are rightly entitled to be here, even though they did lose their documentary evidence in the San Francisco fire, from the records of San Francisco.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Births and people, Chinamen who are legally entitled to be here.

Commissioner WEINSTOCK. I don't quite catch that.

Mr. HURLEY. From talking to Inspectors who are dealing in that work.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Constantly.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Men from the Pacific coast and others who have been connected with the Chinese work, they tell me that, from their investigations, there are more Chinamen here than the records of San Francisco would show, either by birth or who had certificates of residence.

Commissioner WEINSTOCK. That would indicate that there is a percentage who are here who are not entitled to be here?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. But are there also others who are entitled to be here, but if they had to prove it they would have no documents?

Mr. HURLEY. I think the raid in Chinatown would explain that, because I myself brought down 80 in the trial court to the Federal building, and not 1 out of 80 had a certificate in their possession at the time we took them, but they later produced them.

Commissioner WEINSTOCK. Those were instances where, despite the fact that they did not have them in their possession, they were still able to produce them?

Mr. HURLEY. By assistance from other people.

Commissioner WEINSTOCK. But are there many cases where their certificates were actually destroyed, and where they could not prove to the satisfaction of a commission?

Mr. HURLEY. I have not had any experience in handling that.

Commissioner WEINSTOCK. You couldn't tell?

Mr. HURLEY. I couldn't tell in that respect.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. The only experience I had in the Chinese raid was the big raid here in Boston.

Commissioner WEINSTOCK. Here is a plan that has been suggested by Pacific coast people as a remedy, and I want to invite your criticism on it, and if you can see a weak spot in the proposed plan we would like you to pounce on it, for our benefit and for the benefit of Congress, to whom we have to make our report.

It is contended, as I have already explained, that there are many Chinamen—how many nobody knows—who are legally entitled to be here, but, by virtue of the fact that their papers were destroyed, are unable to prove it. Now, to check up every Chinaman in the United States to-day under those circumstances would mean, possibly, the unjust deportation of men who are legally entitled to be here but are not in position to prove that to the satisfaction of the authorities. Therefore the idea suggested is that we wipe off the slate, start afresh, take it for granted that every Chinaman who is here is entitled to be here, and that we legalize him by giving him a certificate or passport, but we give him six months in which to do that; at the end of that time checking crews be started out by the Secretary of Labor, men especially trained for that work, who know how to go about it scientifically——

Mr. HURLEY. Yes.

Commissioner WEINSTOCK (continuing). That they then cover the country two or three times a year, follow up every suspicious case, and when a man is unable to prove his legality, send him out. The theory is made that by some such system as that it would take the velvet out of the smuggling game; it would make it unprofitable, because the theory is that a Chinaman, while he may be willing to pay a stiff price to a smuggler and submit himself to the necessary physical hardship, would not be willing to do that plus the danger of being run out at any minute. Now he is willing to take the risk, because he knows if he once gets his feet on American soil he is lost in the shuffle; but if he knew that he would be followed up from place to place and life would be made a burden to him, and sooner or later he would be caught in the net and deported, especially after the thing became known, it would have a very great restraining influence and would make the thing so unprofitable that the people especially engaged in the traffic would no longer find it profitable and would give it up. That is the plan that has been suggested.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And criticisms are invited. There may be some weak spots in the plan that we as laymen can not see and that you as an expert can see; and if so, we want the benefit of your judgment.

Mr. HURLEY. I should think myself that it is a very good plan. If the thing could be carried out successfully in the way of getting appointments of experienced men through the Secretary of Labor.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. But you would have to have men who are constantly making investigations of Chinese.

Commissioner WEINSTOCK. They would specialize on that?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Devote their attention to that exclusively?

Mr. HURLEY. Yes, sir; in order to get results.

Commissioner WEINSTOCK. They would be traveling inspectors?

Mr. HURLEY. Yes, sir; traveling all the time.

Commissioner WEINSTOCK. They would be organized into crews, a crew consisting of an interpreter, an inspector, and a stenographer?

Mr. HURLEY. Yes, sir. No man can go out to-day without training and experience and get this information without getting the Government into trouble. I have investigated a number of cases of contract labor, and, in my experience, I have always been successful.

Commissioner O'CONNELL. Do you have anything like a strategy board?

Mr. HURLEY. Nothing but the board of special inquiry.

Commissioner O'CONNELL. You have no board which sits down and tries to outline plans that will outwit the other fellow?

Mr. HURLEY. That would be taken up in the matter of inspectors going out and investigating; he might take the matter up with me and we would outline a plan, sit down with a stenographer, and have our plans formulated before we started.

Commissioner O'CONNELL. In case you had something of that kind come up, some important case, and you outlined your plan and you failed, did not get results, would you then get together as a sort of board of strategy and profit by mistakes or failures?

Mr. HURLEY. Yes, sir. We would talk it over. If I were sent on an investigation of a violation, the same as I did on the Barry case, and I were opposed by all sorts of influence, social, political, and others—I outlined my plan and talked it over with my two colleagues, and notwithstanding this opposition we were successful.

Commissioner O'CONNELL. Do you meet with opposition of various kinds or societies, churches, for instance, who interest themselves in the retaining of Chinamen in this country when they get here?

Mr. HURLEY. I have not had any dealings with any society connected with the Chinese immigration.

Commissioner O'CONNELL. Are there any Chinese societies that interest themselves in them?

Mr. HURLEY. Not to my knowledge. It has never been brought to my attention. I have understood from hearsay that there are Chinese societies who are supplying those people with funds in order to secure counsel, and so on; furnish money for them to fight their cases in court, but I have never had any direct dealings with them myself.

Commissioner WEINSTOCK. Are there many Chinese prostitutes here?

Mr. HURLEY. Not to my knowledge.

Commissioner WEINSTOCK. No Chinese houses of prostitution so far as you know?

Mr. HURLEY. I have been told by policemen that there are some, but I don't know how many.

Commissioner WEINSTOCK. Visited by Chinese or by whites?

Mr. HURLEY. By both.

Commissioner WEINSTOCK. By both?

Mr. HURLEY. Yes, sir. I have talked about them in conversation with some police officers.

Commissioner WEINSTOCK. Have no police officers been subpœnaed. It might be well to get a line on the Chinese prostitution here.

Commissioner LEMMON. Get the chief in.

Mr. BUSIEK. Mr. Hurley, there is one more matter I want to go into. Mr. Schell, I believe, was active in what is known as the Boston raid?

Mr. HURLEY. Yes.

Mr. BUSIEK. Mr. Schell was also an inspector here at the time of the *Bonita* and *Frolic*, two ships that were engaged in the smuggling business?

Mr. HURLEY. Yes.

Mr. BUSIEK. Inspector McCabe was sent to Canada to get a line on the plans of the smugglers?

Mr. HURLEY. Yes.

Mr. BUSIEK. And reported to this office?

Mr. HURLEY. Yes.

Mr. BUSIEK. The *Frolic* was captured at Providence?

Mr. HURLEY. Yes.

Mr. BUSIEK. That was captured by police officers, was it not?

Mr. HURLEY. I understand by watchmen in the New York, New Haven & Hartford Railroad.

Mr. BUSIEK. And Mr. Schell happened to be down at Providence that night, did he not?

Mr. HURLEY. I don't know anything about that.

Commissioner WEINSTOCK. Who is Schell?

Mr. BUSIEK. He is a Chinese inspector. Don't you remember that at that time charges were brought against Mr. Schell, that he was absent from his post of duty at the time the *Frolic* came in?

Mr. HURLEY. Why——

Mr. BUSIEK. That he happened to be down at Providence at that time?

Mr. HURLEY. I know it has been talked about, but I don't know it of my own knowledge.

Mr. BUSIEK. Was there a hearing in that case, and didn't you testify? Or didn't you send in a report?

Mr. HURLEY. I handled practically all of the mail that was transmitted to the department at that time, owing to Commissioner Billings's illness. Why, yes; illness. I think he was sick.

Mr. BUSIEK. Is it not a fact that the newspapers at that time published all the plans of the immigration authorities, as to what they were going to do to catch the *Frolic*, which was known to be on the way? Wasn't that made a subject at the hearing?

Mr. HURLEY. I hardly think that is so, because the first knowledge of the smuggling of the Chinese was brought to my attention by a man in charge of the police boat called the *Patrol*, that patrols the harbor, and he told me about a schooner fitting out off the Rose Wharf and they were loading provisions all day, and in his next round, the following morning, he discovered that the schooner had left overnight, and the crew were acting suspiciously; and then later there was a member of the crew arrested—that is, he was not arrested—apprehended by a policeman. He was in an intoxicated condition; and in talking to the man, the officer found out that he was well supplied with money and asked him where he got it, and he said he had just come back after a successful trip smuggling Chinese. So they immediately telephoned over to me and I dispatched Mr. Schell over there to the station to interview this officer and others to find out if there was anything in it. Later, I got an anonymous letter stating that the yacht had gone away on a smuggling expedition of Chinese somewheres in Nova Scotia or Newfoundland. We kept getting clews all the time, and Mr. Schell kept after them all the time. But the newspapers, it was understood with a man by the name of Petersen on the Transcript, who had gone out of his own volition and got a tip somewhere that the *Bonita* was laying off of South Boston Flats, and that she was just after returning from a successful smuggling trip. He immediately went out there in a rowboat and discovered the odors of opium, and other trinkets which Chinamen carry. He came down and reported the facts to me. He afterwards wanted to get that as a newspaper scoop, and this *Frolic* expedition came right along after that; so all the newspaper men got in touch with it someway, and it was understood that nothing would be given to the newspapers from our office particularly until such time as we would apprehend the *Frolic*. But the matter was taken up with Mr. Murray, who was then acting secretary of our department, as I understand it, and some newspaper men down there got wind of this affair, and the whole thing was exposed in the newspapers before we apprehended the Chinamen on the *Frolic*.

Mr. BUSIEK. What I was driving at before was this: The charge was made that Mr. Schell gave the newspapers information; the charge was made that Mr. Schell was absent from his post of duty at the time the *Frolic* came, and was down at Providence with a woman——

Mr. HURLEY. Well——

Mr. BUSIEK. Just let me finish my question. The charge was furthermore made that he falsified his expense account at that same time in going down there, and, if my memory serves me right, he was found guilty on every charge. What happened to Schell after that?

Mr. HURLEY. He was transferred to New York.

Mr. BUSIEK. He was transferred to New York?

Mr. HURLEY. Yes, sir. But I can say this, that in relation to giving the matter out to the newspapers, that a man by the name of Smith, who was representing the Boston Herald, called at the office that morning, and Schell was so incensed about the story getting out in the newspaper that I think, if it had not been for me, he would have assaulted him.

Chairman WALSH. Is Schell still in the service?

Mr. HURLEY. Schell is in charge of the law division at Ellis Island.

Commissioner WEINSTOCK. If he was found guilty of every charge, how does it happen that he remained in the service?

Mr. HURLEY. I think he—he showed me a letter—I would not be positive—while Mr. Straus, who was then Secretary of the Department of Commerce and Labor, transferred him over to New York, and I can't remember the contents of the letter.

Commissioner WEINSTOCK. Isn't that a very unusual thing, to take a man who has been found guilty of gross neglect of duty and fraud and retain him in the service?

Mr. HURLEY. I can not say that he has been found guilty, Mr. Commissioner. It is only hearsay from Mr. Busiek.

Commissioner WEINSTOCK. From Mr. Busiek?

Mr. HURLEY. Yes, sir.

Commissioner WEINSTOCK. Where does the information come from that the party was found guilty of those charges?

Mr. BUSIEK. I saw it in the records in Washington.

Commissioner WEINSTOCK. Absolutely found guilty?

Mr. BUSIEK. Yes.

Commissioner O'CONNELL. It is in the files. We have the files.

Commissioner WEINSTOCK. That is a very strange situation.

Mr. BUSIEK. I think I have the record.

Mr. HURLEY. What I know about that, Mr. Commissioner, is all hearsay. I know nothing of my own personal knowledge. I know he was transferred, and I know he showed me a letter from Mr. Straus, then Secretary of the Department of Commerce and Labor.

Commissioner WEINSTOCK. That occurred in what year, Mr. Hurley?

Mr. HURLEY. Let me see.

Commissioner WEINSTOCK. Mr. Straus was there for how many years?

Mr. HURLEY. Straus was there four years.

Commissioner WEINSTOCK. Four years?

Mr. HURLEY. Yes, sir. He was there under——

Commissioner WEINSTOCK. Mr. Roosevelt?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Mr. Roosevelt was there seven years.

Mr. HURLEY. Well, he was there—I think he was there in Roosevelt's last term.

Commissioner WEINSTOCK. Last term?

Mr. HURLEY. I think so. Mr. Busiek, can you enlighten me on the date?

Commissioner WEINSTOCK. When was this man transferred?

Mr. BUSIEK. In 1906.

Mr. HURLEY. Yes.

Mr. BUSIEK. February, 1906?

Mr. HURLEY. Yes.

Mr. BUSIEK. No. He was transferred to New York in 1907.

Commissioner WEINSTOCK. Does the record show that he was found guilty of all these things at the time?

Mr. BUSIEK. Yes.

Commissioner WEINSTOCK. I wonder if it would not be a good thing to get Mr. Straus before the commission and find out if he was not transferred——

Chairman WALSH. You will find there was somebody in the department that says this and that and hands it up to be signed.

Who was the head of the department at that time under Mr. Straus?

Mr. HURLEY. Do you mean of our department?

Chairman WALSH. Yes; of your department.

Mr. HURLEY. Sargent, I believe.

Chairman WALSH. And Mr. Larned was his first assistant?

Mr. HURLEY. Yes, sir; Mr. Frank H. Larned.

Commissioner WEINSTOCK. Sargent was Commissioner General?

Mr. HURLEY. Yes.

Mr. BUSIEK. That is all I have

Chairman WALSH. Are there any questions?

Commissioner DELANO. I want to ask one or two questions.

Mr. Hurley, you are under the civil service, are you not?

Mr. HURLEY. Yes.

Commissioner DELANO. Mr. Weinstock told you what the duties of this commission are in regard to the importation of Chinese. For some reason or other the law does not mention Chinese; it mentions the smuggling of Asiatic labor. As I understand it there is no exclusion of any Asiatic excepting the Chinese, is there?

Mr. HURLEY. Oh, yes.

Commissioner DELANO. Is there?

Mr. HURLEY. Yes. It excludes Armenians, Turks, Kurds.

Mr. BUSIEK. Only on medical examination?

Mr. HURLEY. No, sir; all causes under section 2.

Commissioner DELANO. That is what I wanted to get at.

Mr. BUSIEK. By that you mean on a cause which would exclude any other alien?

Mr. HURLEY. Yes.

Chairman WALSH. You do not exclude them because they are Asiatics?

Mr. HURLEY. No.

Commissioner DELANO. There is no race of people who are excluded from this country because of their race or color except the Chinese, are there?

Mr. HURLEY. Why, the Japanese and laborers can not come under a proclamation of the President.

Commissioner DELANO. Japanese laborers?

Mr. HURLEY. Yes.

Commissioner DELANO. That is very recent?

Mr. HURLEY. Why, it is a proclamation issued, I guess, by the President in Roosevelt's time. Whenever we find that they are coming to the detriment of labor conditions in this country.

Commissioner WEINSTOCK. If a Turk or a Kurd, as you call them, should pass all other examinations, should pass the mental, moral, and physical examinations——

Mr. HURLEY. Yes.

Commissioner DELANO. Could you still keep him out simply because he is a Turk?

Mr. HURLEY. Not on the race alone.

Commissioner DELANO. Syrian or Armenian?

Mr. HURLEY. No, sir.

Commissioner WEINSTOCK. But with a Chinaman, regardless of the fact that he passes the mental, moral, and physical examination, he may not be admitted?

Mr. HURLEY. Yes.

Commissioner DELANO. Mr. Hurley, of course in your duties you get thousands, I suppose, of those western Asia nations where you would get one Chinaman, don't you?

Mr. HURLEY. Yes. We find quite a number of Armenians coming, quite a number of Syrians, quite a number of Turks and Kurds at the present time.

Commissioner DELANO. You get three or four hundred on a shipload?

Mr. HURLEY. I recently had a ship at Providence with 300, and 50 per cent were Asiatics.

Commissioner WEINSTOCK. If I should come to this port as an Asiatic laborer, mentally, morally, and physically I pass the examination, but I am a laborer, how could you keep me out?

Mr. HURLEY. It would depend on the judgment of the inspector, because there is an agreement between the United States Government and the Empire of Japan.

Commissioner WEINSTOCK. That is purely an agreement; it is a gentleman's agreement?

Mr. HURLEY. Of course the inspectors are to be governed by that.

Commissioner WEINSTOCK. I am a Japanese laborer, but I stand all the tests, on what ground would you deport me?

Mr. HURLEY. In the first place, you would have to be supplied with a passport, which would state that you are entitled to come from Japan, and Japan says they do not issue passports to come to the United States to the detriment of labor conditions here.

Commissioner WEINSTOCK. Suppose as a Japanese laborer I had gone to England and came from England over here. As a Japanese laborer I do not need a passport to go to England.

Mr. HURLEY. They issue them. I had two men here recently with passports coming from England supposed to have been students in England, but instead of being Japs they were Chinamen.

Commissioner WEINSTOCK. But if they go to study in England they are students?

Mr. HURLEY. Yes, sir; they were students.

Commissioner WEINSTOCK. There is no other country outside of the United States that forbids the coming of Japanese laborers so far as I know.

I am a laborer in Japan.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. I go from Japan to England. I stop in England for some little time, and then I come from England to America.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. I have no passport. How can you stop me from getting in?

Mr. HURLEY. If you left without a passport, it would be supposed you had a passport that was limited to some other country besides the United States, and you would be rejected on that ground.

Commissioner LENNON. There was a proclamation issued by President Roosevelt, I think, to that effect.

Mr. HURLEY. This is the President's proclamation issued March 4, 1913. It reads as follows——

Commissioner WEINSTOCK. Issued by whom?

Mr. HURLEY. By President Roosevelt.

Commissioner WEINSTOCK. If it were February, 1913, it must have been Taft, because Wilson did not come in until March.

Mr. HURLEY. I think you will find this in the older editions by the—I will read from page 27:

"Whereas by the act entitled 'An act to regulate the immigration of aliens into the United States,' approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States, or to any insular possession of the United States, or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone; and

"Whereas upon sufficient evidence produced before me by the Department of Commerce and Labor I am satisfied that passports issued by certain foreign Governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States, to the detriment of labor conditions therein:

"I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

"It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect."

Commissioner DELANO. That was issued by the Secretary of Commerce and Labor?

Mr. HURLEY. This is the law and regulations. This is by the Department of Labor.

In speaking about going to England, I recently had a case where a Japanese tried to bring two students in. He was armed with Japanese passports. They were supposed to take up studies in England, and upon their arrival here we apprehended them, and it took me a long time to break them down, but they were, as a matter of fact, Chinamen.

Commissioner DELANO. Doesn't it require an expert to tell the difference between a Chinaman and a Jap?

Mr. HURLEY. I think so.

Commissioner WEINSTOCK. You could test him quickly by his language with an interpreter?

Mr. HURLEY. This man was trying to get them in as Japs. They had learned enough to get by, but they could not converse freely in the Japanese language.

Commissioner DELANO. But from their appearance it was difficult to detect them?

Mr. HURLEY. Yes, sir. I would not want to call myself an expert in distinguishing between them.

Commissioner DELANO. Is it not a fact that there is more difference between the Chinese of different districts in China than there is between some of the Chinese and the Japanese?

Mr. HURLEY. In the Chinese?

Commissioner DELANO. There is more difference between a north Chinaman and a south Chinaman than there is between some of the Chinese race and the Japs?

Mr. HURLEY. Well, I have seen some Chinamen come from Korea that I couldn't distinguish whether they were Japs or not.

Mr. BUSHEE. Do you call Koreans Chinese?

Mr. HURLEY. They are included, I believe, as the Chinese race.

Commissioner WEINSTOCK. They are?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. A Korean would not be permitted to land then?

Mr. HURLEY. Chinese race.

Commissioner WEINSTOCK. Mongolians?

Mr. HURLEY. Yes.

Chairman WALSH. I think that is all, Mr. Hurley; thank you.

TESTIMONY OF MR. JOHN A. McCABE.

Mr. BUSIEK. Your name in full, please?

Mr. McCABE. John A. McCabe.

Mr. BUSIEK. And your position?

Mr. McCABE. I have charge of the enforcement of the Chinese-exclusion law in the New England district, under the commissioner of immigration, Boston, Mass.

Mr. BUSIEK. How long have you been in that work?

Mr. McCABE. Since February, 1908.

Mr. BUSIEK. Who assists you here in that work?

Mr. McCABE. John G. Sullivan.

Mr. BUSIEK. Anyone else?

Mr. McCABE. And I have a stenographer, Walter M. Perry; an interpreter, Schere F. Moy.

Mr. BUSIEK. How long has Moy been in the service?

Mr. McCABE. Well, he has been in the service, I think, since 1903. First stationed at Buffalo, Philadelphia, Boston.

Mr. BUSIEK. Now, just explain the duties of your office, Mr. McCabe, in brief.

Mr. McCABE. Well, what I would term the routine duties are the examination of Chinese applying for admission into the United States, and all those applying for return certificates. In other words, a certificate that will enable them to leave the United States and return to it either within a year or indefinitely. Also looking up those who are alleged to be here unlawfully, and also rumors of smuggling.

Mr. BUSIEK. How many cases will you have in a year of Chinese applying for admission in Boston?

Mr. McCABE. Practically none at the port of Boston, but those who apply for admission at San Francisco, Seattle, and Vancouver, their witnesses, many of them, are in New England, and that work devolves upon us. In other words, some Chinaman living in Boston, or some other part of New England, is attempting to bring a son or his wife, and the applicant arrives at San Francisco, Seattle, or Vancouver and there is examined, and if his witnesses are located in any part of the New England district the record is sent to Boston for investigation.

Mr. BUSIEK. The record from the Pacific coast, containing the applicant's picture and so on?

Mr. McCABE. Yes, sir; and a statement.

Mr. BUSIEK. And then you have to go out and verify it?

Mr. McCABE. We examine whatever witnesses are necessary to establish the facts alleged.

Mr. BUSIEK. How many cases of that nature have you in a year's time?

Mr. McCABE. Oh, I have the annual report here. Probably 100.

Mr. BUSIEK. That disposes of the work that you do for other offices, then; does it not?

Mr. McCABE. Oh, no; our work, well, I should say that one-half of our work is in connection with other offices.

Mr. BUSIEK. One-half of your work?

Mr. McCABE. Yes.

Mr. BUSIEK. What does the work that originates here and properly belongs to this office consist of?

Mr. McCABE. Of Chinese applying for return certificates.

Mr. BUSIEK. How many of these do you have in a year?

Mr. McCABE. Anywhere from 300 to 350.

Mr. BUSIEK. About one a day?

Mr. McCABE. Well, I would not—well, yes; practically. It would not be one a day. For instance, I would sit on say two or three a day. If they were straight returning labor cases we could examine five or six of them; but if it was a man proving nativity de novo it takes pretty near the time of one inspector from 1 o'clock in the morning until 3 in the afternoon.

Mr. BUSIEK. How many cases do you have of Chinese whom you claim are unlawfully in this country, and whom you seek to deport?

Mr. McCABE. Well, I would not say that all the investigations that we have of suspected unlawful residents I would seek to deport. It depends upon the evidence.

Mr. BUSIEK. How many cases, we will put it that way?

Mr. McCABE. Oh, perhaps 20 or 25 in a year.

Mr. BUSIEK. How many investigations would you say there are?

Mr. McCABE. Well, I might say 50 or 60.

Mr. BUSIEK. Where does your information come from concerning contraband Chinese?

Mr. McCABE. Anonymous letters and different rumors we hear; and also when we are out on any investigation we are always asked, wherever they are—we always ask them for their papers, and if they haven't any we examine them and see whether or not the story they tell is consistent with their claims.

Mr. BUSIEK. What kind of a check have you on the Chinese population of your district? Do you know approximately how many Chinese there are here?

Mr. McCABE. I made a census in 1905 of the Chinese in New England, in the New England district, going personally to all the larger places, and in the small country towns having them reported by the police. In all large cities and in the larger towns we went and inspected. For instance, we wrote to the chief of police in all the large towns and cities in New England, and then to the postmaster of the small towns. The postmaster returned the names of the small towns and the chief of police in the larger cities and towns returned the names and numbers where Chinese were residing, and those we visited and attempted to interview the people we found working therein. We completed that census in 1905 with the exception of part of Hartford, Bridgeport, Conn., and one or two other small towns in Connecticut, and what we might term half of the city of Boston, which would include, for instance, Chinatown, and then there were two or three small towns. We had completed it when we were told to discontinue it.

Mr. BUSIEK. What did you find?

Mr. McCABE. Well, our returns showed approximately about 3,050 Chinese in New England, and we estimated that for the district we had not taken, that there were probably about 1,100 or 1,200 more, making about——

Mr. BUSIEK. How many are there in Boston?

Chairman WALSH. Making a total of what?

Mr. McCABE. Probably a total of about 4,500.

Commissioner DELANO. In New England?

Commissioner LENNON. In Boston or New England?

Mr. McCABE. In New England.

Commissioner WEINSTOCK. In 1905?

Mr. McCABE. Between 4,500 and 5,000, I should say.

Commissioner WEINSTOCK. What year?

Mr. McCABE. 1905.

Mr. BUSIEK. How many Chinese did you estimate to be in Boston at that time?

Mr. McCABE. Well, I should say that 3,000 of those were in the State of Massachusetts, and the greater majority of that 3,000 were in greater Boston.

Mr. BUSIEK. What is included in Greater Boston?

Mr. McCABE. That would be Cambridge, Somerville, Medford, Malden, Chelsea.

Mr. BUSIEK. Charlestown?

Mr. McCABE. Charlestown is part of Boston.

Mr. BUSIEK. You say there were about 3,000?

Mr. McCABE. Yes.

Mr. BUSIEK. Has the number of Chinese in Boston since 1905 been fairly constant, or had it increased?

Mr. McCABE. Well, I should say that it has increased, but other people say no. For instance, men that claim to do business with them say that it had in general decreased. I know that every place I go in the country towns, where 15 or 16 years ago there was only one laundry, now there are two, and in a place like—oh, I should say for that 3,000 it might include the metropolitan district, and that would bring it out as far as Salem and Lynn for the 3,000. We will say, for instance, in Lynn they have several new Chinese restaurants, and, of course, it takes more men to run those than it does an ordinary laundry; so that while others claim that the Chinese population has decreased, I think it is just as much, if not more than it was in 1905.

Mr. BUSIEK. Where do those Chinese come from to take the places of those who leave and die?

Mr. McCABE. Well, when you go back five or six years ago, the only person who could bring any of his relatives to the United States was what we called the so-called exempt classes, and they were entitled to bring their minor children; but within the past five or six years it has been decided that a man

who claims to be a citizen of the United States can bring his son, so that is a new class added.

Mr. BUSIEK. And the minor children and wives of merchants and natives?

Mr. MCCABE. Of the exempt class can come.

Mr. BUSIEK. Of the exempt class, and that is what is swelling this Chinese population?

Mr. MCCABE. Well, also the natives, the sons of natives.

Mr. BUSIEK. The sons of natives?

Mr. MCCABE. Yes.

Mr. BUSIEK. Is there any Chinese smuggling; that is, extensive smuggling, that will account for it?

Mr. MCCABE. Well, I don't know. I think that some of the officers at the bureau are more competent to estimate the number of smuggled. I think as far as my own district is concerned, I don't think there is any great amount of smuggling. It is occasional. I should imagine on the Lakes that there is considerable, and, of course, this district gets the benefit of it. In other words, they come in here.

Mr. BUSIEK. The commission realizes that all the Chinese in this district were not smuggled into this district, perhaps, on the coast; that they may have come from other parts of the United States. But what is your estimate as to the percentage of contraband Chinese among the Chinese here in your district? It has been put as high as 33 per cent and as low as in the teens?

Mr. MCCABE. Well, going on this census for New England—for instance, that is not taking in the districts that we did not take; we had returns for approximately 3,000 Chinese, and our recapitulations show the total number reported who were unable to present evidence of their right to remain in the United States was approximately 1,000.

Mr. BUSIEK. One thousand were unable to show evidence of their right to be in the United States?

Mr. MCCABE. Yes, sir; this census was taken in 1905, and in the recapitulation some claimed to have been merchants at the time of registration, approximately 170. Of course, this is given 166–176 here, but I am using round numbers. Claimed to have secured certificates of registration, but could not produce them, 166, or 160 in round numbers; no knowledge of character of papers held, reported by postmasters, 536; refused to state why they were not in possession of proper papers or neglected to register, 145. For instance, 536 of them reported by the postmasters, it might be possible that at least half of them had their papers indicating their right to be and remain in the United States.

Mr. BUSIEK. At that your estimate would be that about half of them in any event could not show their right to be in the United States, half of those 3,000?

Mr. MCCABE. No, sir; I would not say that.

Commissioner LENNON. What would explain those that are not accounted for under those various headings that you think might have the right to stay here? You have accounted for about half?

Mr. MCCABE. I don't say that that total number reported who were unable to present evidence of a right to be and remain in the United States in round numbers of 1,000; I would not say that it might be possible that 33 per cent of those if talked to on an extended examination might fail to tell a consistent story as to their right to be and remain in the United States.

Mr. BUSIEK. The total number who showed papers was 1,000?

Mr. MCCABE. Yes, sir; the total number reported who were unable to present evidence of their right to remain in the United States was 1,023. Out of that number there were 536 that were reported by the postmasters that he had no knowledge as to whether or not they claimed to have any papers.

Mr. BUSIEK. I see.

Commissioner DELANO. That is the way I understood it.

Commissioner LENNON. I didn't catch it that way. That would leave about 500, then.

Mr. MCCABE. Yes, sir; that would leave about 500.

Mr. BUSIEK. How many instances of fraudulent papers do you run into?

Mr. MCCABE. Well, there is really no direct evidence that they are fraudulent papers. It is only by inference. For instance, it was the custom in 1895 and 1896 to secure the entry of Chinese that were not entitled to come in on original entry, to prepare papers in the United States setting forth that they were returning merchants and in that way they would get in; but that has all been done away with, and it is pretty hard, for instance, when you come

across a man and he has got what you call a merchant's paper, an affidavit setting forth in substance that some time in 1906 he was then in the United States and was about to depart for China and he might not have been a merchant, but a laborer in the United States and wanted to go and visit China, or he might have had the paper prepared in the United States by somebody and forwarded to him to China and then come in on it.

Commissioner DELANO. Is a laundryman a merchant?

Mr. MCCABE. No, sir; every Chinese person is a laborer, except a man who conducts a merchant's business at a fixed place of business, and that business has no connection whatsoever with a laundry or restaurant or anything of that kind.

Commissioner WEINSTOCK. You mean the proprietor of a laundry is regarded as a laborer?

Mr. MCCABE. Yes.

Commissioner WEINSTOCK. And the proprietor of a restaurant is regarded as a laborer?

Mr. MCCABE. Yes, sir.

Commissioner WEINSTOCK. He must buy and sell things to be a merchant?

Mr. MCCABE. Yes.

Mr. BUSIEK. Are not there in the hands of the Chinese certificates known as the McGettrich certificates that are regarded as fraudulent?

Mr. MCCABE. Yes.

Mr. BUSIEK. Have you any of those certificates in your possession; any fraudulent certificates that have been taken up by you?

Mr. MCCABE. Well, I have some in the file. At least they indicate that they were issued by fraud. It is hard to tell. I haven't ever seen one that I didn't think was in the handwriting, the signature on it was not in the handwriting of McGettrich, but we consider it from the fact that it would have a fraudulent seal over the photograph and perhaps a bona fide seal, we would consider a bona fide seal appearing on some other part of the paper.

Mr. BUSIEK. Have you got one of those with you?

Mr. MCCABE. No, sir; I have not.

Mr. BUSIEK. Will you bring one this afternoon when you return?

Mr. MCCABE. I will if—generally the original record in the place is at the port of entry, and when the Chinese were coming into Boston here a few years ago all those original records were transferred to Vancouver, and while I am quite certain that I may have one in the office, it is still possible that I haven't.

Mr. BUSIEK. Are there any other kinds of forgeries that the Chinese indulge in besides forging those commissioner's certificates?

Mr. MCCABE. That is about all.

Mr. BUSIEK. How extensive is that?

Mr. MCCABE. Well, outside of telling the original defendant in the McGettrich case, I don't believe it is very extensive.

Mr. BUSIEK. Isn't it a fact that in most Chinatowns there is some Chinese that get together a bunch of certificates and sell them to other Chinese—that is, the certificates, for instance, of a dead Chinaman? Isn't there quite a sale in Chinese certificates?

Mr. MCCABE. I don't believe so. It might have happened in times, say 10 or 15 years ago, that they sold those certificates, but they are not at the present time of any great value.

Mr. BUSIEK. Why not?

Mr. MCCABE. Because they are more experienced in telling a story prepared to meet the occasion than they were in past times.

Mr. BUSIEK. Do they get by now just on a story without a certificate?

Mr. MCCABE. Oh, yes; I have seen Chinamen that claimed to have been discharged by a commissioner that I believed the story he told me; it had a true ring to it, and I have seen others who had a paper with no photograph attached to it. The manner in which they told their story was prepared to meet an occasion.

Mr. BUSIEK. You say you try about 20 cases a year—that is, that you bring before the United States commissioners. How many of those do you win on an average?

Mr. MCCABE. I will say that that—and I think it is clean throughout the United States—that there would be more Chinese tried for being unlawfully in the United States if we thought we had any chance of winning the cases, but it is only to arrest them and bring them before the courts to make citizens of them.

Mr. BUSIEK. What do you mean to make citizens of them?

Mr. MCCABE. There is plenty courts that will discharge a Chinese person for being unlawfully in the United States on the testimony of one man who alleges to be his uncle.

Mr. BUSIEK. When that court turns him loose on such a hearing his right is forever established?

Mr. MCCABE. Not only his right, but the right of his wife to enter the United States and all the children that she may have. And if they are admitted, having satisfied the Government of the relationship claimed, why, upon their admission, they are citizens, and so posterity is entitled to the citizenship of the United States.

Mr. BUSIEK. Who tries most of your Chinese cases here; what commissioner?

Mr. MCCABE. Commissioner Hayes.

Mr. BUSIEK. How many does he get?

Mr. MCCABE. He doesn't get many.

Mr. BUSIEK. Why not?

Mr. MCCABE. Because all cases have got to be taken before him, and to bring them before him, as I say, our experience has taught us that they will only be discharged or made citizens, and better let them stay here with no proof of their right to be and remain in the United States than arrest them and have them discharged.

Mr. BUSIEK. Commissioner Hayes does not act for any district except for the Boston district?

Mr. MCCABE. That is all. Yes; the metropolitan district.

Mr. BUSIEK. There are other commissioners at the other places in your district, aren't there?

Mr. MCCABE. Yes.

Mr. BUSIEK. You could bring cases at some other place than Boston, couldn't you?

Mr. MCCABE. Well, if we arrest a man in Worcester, there is a commissioner there, but it has always been the custom to arrest them in Worcester and bring them to Boston because it saves expense.

Mr. BUSIEK. But it gets your men turned loose?

Mr. MCCABE. Well, I don't know anything about the commissioner in Worcester, whether or not he would be any better than Commissioner Hayes.

Mr. BUSIEK. Is Worcester the only other place where they would have any commissioner?

Mr. MCCABE. They have one in Springfield and one in Pittsfield.

Mr. BUSIEK. Have you ever tried any case there?

Mr. MCCABE. No.

Mr. BUSIEK. Bring them all to Boston?

Mr. MCCABE. No, sir. Never arrested any in that—we have never arrested any in Pittsfield.

Mr. BUSIEK. Have you ever made complaint to the United States district attorney about this man Hayes turning loose all those people?

Mr. MCCABE. I don't know as I ever made any direct complaint, but I believe that their office was—he was conversant with it; at least his assistants were.

Mr. BUSIEK. Have you ever taken it up with the bureau in Washington and made complaint?

Mr. MCCABE. Indirectly.

Mr. BUSIEK. What do you mean?

Mr. MCCABE. A man must—wants to be rather careful about complaining about these things. He don't know whose shoe he is going to pinch, and who might get after his job; but there has been some action taken in reference to having some other commissioner designated to hear these cases, which is lawful under the so-called Ray Act, and I believe our bureau or our department requested the Department of Justice to have somebody else designated other than Commissioner Hayes to hear these cases, and the district attorney of the State of Massachusetts has the power to designate the commissioner who shall hear them, and he in his answer to the Department of Justice believed in going on as we were at present with Commissioner Hayes, with the expectation that he might possibly do better.

Mr. BUSIEK. Has he done better?

Mr. MCCABE. Well, he has heard only two cases since that question has come up, but from what I can observe of him I think he will follow along the same lines.

Chairman WALSH. That he will what?

Mr. McCABE. Follow along the same lines.

Mr. BUSIEK. What did he do in your two cases?

Mr. McCABE. His manner to me indicates that he will discharge them, and can really justify the discharge by lots of previous decisions. For instance, the law says that if the commissioner is satisfied that a man has a right to be in the United States. That is all he has got to be satisfied of. Of course there are some commissioners who require more proof than others for their satisfaction in discharging a man.

Mr. BUSIEK. It takes very little to satisfy Hayes; is that the idea?

Mr. McCABE. Well, if I were to say I think Mr. Hayes is pro-Chinese and there may be other commissioners who may be anti-Chinese, but still they would give the Chinaman and Government a fair hearing, or square deal, in the terms of the day.

Mr. BUSIEK. Is this Chinese business monopolized by any special lawyers?

Mr. McCABE. Well, I think I would not say it was monopolized, but there are certain lawyers who have more cases than others.

Mr. BUSIEK. Are matters ever taken over your head and disposed of at Washington without notice to you as to what is going to happen and what is being done?

Mr. McCABE. That is within their right. There is a case of a Chinaman makes application for admission, and, for instance, we will assume he applies for admission at Boston, and he is examined, and the inspector makes his report to the Commissioner of Immigration, and the Commissioner of Immigration decides whether or not he will be admitted; and if he denies him the Chinese person has a right to appeal to the Secretary, and it is the right of the Secretary to remand——

Mr. BUSIEK. Are there any matters that are disposed of there before appeal?

Mr. McCABE. Oh, yes.

Mr. BUSIEK. I mean do you ever get orders from Washington to take a certain attitude in a case?

Mr. McCABE. Oh, never.

Mr. BUSIEK. You were the inspector in charge of Chinese matters when those 20 students entered Cushing Academy?

Mr. McCABE. Yes.

Mr. BUSIEK. If you will, get your files out for the purpose of consulting them.

Mr. McCABE. Of course I believe we would never know anything about those section 6 students, excepting I happened to be born in the town of Windham, which is next to the town of Ashburnham, and I went to a school which was in competition with the Cushing Academy, and those records for our files and notification that those 20 had been destined to Cushing Academy came in, and I immediately saw they were unable to talk any English; and if the Cushing Academy knew in the first place that they didn't understand English, or have something similar to a grammar-school education, that they would not be bothered with taking them; so I suspected something might be wrong, so I wrote the principal, Mr. Cowell, and he said that they had arrived then—they had arrived some time in November—and the Christmas vacation came and only three of them returned.

Mr. BUSIEK. You wrote him a letter before that, didn't you? Didn't you write him a letter about December 5 or 6 in which you asked him for information?

Mr. McCABE. I received—the first notification was December 1 and 4, at the office, that those 20 students had been admitted at Vancouver destined to Cushing Academy, and I wrote him on the 6th.

Chairman WALSH. Is that the notification from Vancouver?

Mr. McCABE. Yes. [Reading:]

"There is inclosed for completion of your files a copy of a statement made upon his arrival at this port by Yee Hoi Sheung, serial 220, ex S. S. *Montcalm*, November 5, 1911, admitted the 11th instant, as a section 6 student destined to Cushing Academy, Ashburnham, Mass."

Mr. BUSIEK. That refers to but one student.

Mr. McCABE. There were 20 of them, an individual letter in each case.

Chairman WALSH. That was dated where?

Mr. McCABE. November 28, 1911, received at our office December 4.

Chairman WALSH. What did that make it your duty to do, if anything?

Mr. McCABE. If I did not think they were bona fide, and if there was any way that I could cause any investigation looking to an enforcement of the Chinese exclusion law to do it.

Chairman WALSH. In other words, you were supposed to go and see if they arrived at the Cushing Academy, and all about it?

Mr. McCABE. No.

Chairman WALSH. What were you supposed to do? Or why did they write your department a letter?

Mr. McCABE. Well, if anyone, any person admitted destined to our district they send us notification of it, and also a copy of his statement made.

Chairman WALSH. Now, is it your duty to do anything in connection with that; your office; was it when you received that letter?

Mr. McCABE. Under the present rules and regulations it is the duty of the port of entry to notify the district where the Chinese person, if he is going to be a student, is destined.

Chairman WALSH. Was that the rule at the time those 20 came in?

Mr. McCABE. No.

Chairman WALSH. What was it your duty to do, if anything, upon receipt of those 20 letters at that time?

Mr. McCABE. I don't think I would have been derelict in my duty at all if I had not. They were going to an institution of learning, and it was only because I happened to know the Cushing Academy.

Chairman WALSH. Well, you say that that letter imposed no duty upon your office whatsoever in respect to those 20 men?

Mr. McCABE. No, sir; not at that time; but now, under the rules and regulations, it does.

Commissioner DELANO. That was a foreign country that was admitting them?

Mr. McCABE. No, sir. Our office is at Vancouver. We have an office there.

Commissioner DELANO. They accepted their statement and then they passed it on to you, I would assume, in order to give you an opportunity of verifying. As a matter of fact, you did verify, but you say it was not your duty to do it, but you did do it?

Mr. McCABE. I did it because I suspected that they were not students in good faith. But at that particular time, for instance, there were 20 of them, and I saw from their examination that they did not understand English; but we will assume that there had been two or three of them and I had received notification in the same manner and I saw that they could talk English or had been in an English school in Hongkong, that would indicate to me that they were in good faith and I might not at that particular time have written, because there are students coming that are real students.

Commissioner DELANO. Has Cushing Academy a good reputation or not?

Mr. McCABE. Oh, yes; I think so. I don't believe that this principal of Cushing Academy, if he knew that these boys had no English education, that he would have given the woman to understand that he would take them. This woman that was handling those sent him some money on account and had the receipt and everything, and gave the earmarks to the inspectors when they arrived that it was in good faith.

Mr. BUSIEK. How did you know when you wrote to Prof. Colwell that those boys were being brought over by Mrs. Sarah Hing?

Mr. McCABE. I saw it from the indorsement on the paper. For instance, where the inspector landed them. His decision in landing them he spoke about Mrs. Hing.

Mr. BUSIEK. What inspector landed them in Vancouver?

Mr. McCABE. Charles W. Pierce.

Mr. BUSIEK. Charles W. Pierce.

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Who was the interpreter?

Mr. McCABE. It might be—might not have been the same interpreter; Chin Hing was the interpreter in this first that I mentioned. He may not have been in all cases. Pierce had some rumor that this woman, some way, that this woman was engaged in smuggling Chinese, and wired to Seattle and several different places of that kind to furnish him with any information and, of course, the Chinese had the proper papers, and in view of the fact that they were destined to a regular institution of learning, and she had receipts and everything, he admitted them.

Mr. BUSIEK. You also had your suspicions, I gather from the words of your letter. You say lady in charge, Mr. Sarah Hing, a white woman and an alleged

former school-teacher in Canton. I take it from that you did not have much faith in her bona fides yourself, did you?

Mr. McCABE. Well, I was not surprised at the turn the cases took, because I believe that if they were not having any knowledge of English, and if they were coming to be real students, they would not go to Cushing Academy, because I believed if the Cushing Academy knew all about them, they would not agree to take them.

Mr. BUSIEK. Each Chinese student coming over here under the department regulations has to have some sponsor, or some one to vouch for him, does he not?

Mr. McCABE. Well, there has to be something in the investigation to indicate that financial arrangements have been made for his maintenance while in the United States as a student.

Mr. BUSIEK. Whose duty is it to investigate that? Yours, or the district into which they come?

Mr. McCABE. I believe, and a lot of attorneys claim, it is no part of our duty. That section 6, the men or the so-called exempt class receives a certificate from his Government in China, and then it is investigated over there by the American consul, and when the man arrives at Seattle, if the statements that he makes agree with those on the certificate, that he shall be admitted forthwith, they would have nothing to do with it, but they do.

Mr. BUSIEK. What does your department order you to do?

Mr. McCABE. Well, we are not really ordered to do anything. It is the inspector himself, to satisfy him. For instance, if I had a section 6 student arrive at Boston and he said his father was in China, and he had a proper paper, and his father was going to maintain him and send him money, he was destined to an uncle, I might hold up the examination to see whether or not he did have such an uncle.

Mr. BUSIEK. Now, each one of those students coming to the Cushing Academy had a special sponsor, didn't he?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Did you make any investigation of those sponsors before those boys got away?

Mr. McCABE. You mean before they were admitted?

Mr. BUSIEK. No, sir. Before they got away from Cushing Academy.

Mr. McCABE. No, sir; because of the very fact when I found out, I had written to Mr. Cowell, and he answered me yes, they were there, that settled it and I didn't know anything about it until the Christmas vacation, and Mr. Cowell wrote saying that only three of them had returned, and I immediately started an investigation on the others, where they were and what they were doing.

Chairman WALSH. Your first investigation was to inquire whether or not they were there?

Mr. McCABE. Yes, sir.

Chairman WALSH. Is that correct?

Mr. McCABE. Yes.

Chairman WALSH. When did you discover they could not talk English and did not comply with the ordinary rules of admission of that school? When did you ascertain that?

Mr. McCABE. When Mr. Cowell wrote to me that only three of them returned. I then went to Cushing Academy to get what information he may have as to who was responsible for them in the United States.

Chairman WALSH. Is that the first time you ascertained that they were non-English speaking Chinamen?

Mr. McCABE. I knew from the examination.

Chairman WALSH. To begin with.

Mr. McCABE. That is what caused me to write.

Chairman WALSH. You wrote to the principal of that school and ascertained nothing except that they had arrived?

Mr. McCABE. Yes, sir; that is all.

Chairman WALSH. And then you dropped the matter there?

Mr. McCABE. Yes.

Chairman WALSH. Did it occur to you that maybe this was a smuggling proposition and that they might leave the next day?

Mr. McCABE. No, sir; because——

Chairman WALSH. You had no further information until you received a letter from the principal of that school telling you that only three had returned after

the Christmas holidays; is that right? [No response.] Does that whole file refer to this Cushing case?

Mr. McCABE. Yes, sir. That is, each individual case. There are 20. Well, I asked him what arrangements had been made, if any, for their admission into Cushing Academy, as well as for the payment of their tuition and other expenses while there, and he answered me.

Chairman WALSH. Without going through your file, could you give us a succinct history of that entire transaction with reference to the Cushing School, when they came, how they came, what inquiry you made, and what was done after you were notified by the school that they had left; how many went to other schools; and, if they did not go to any schools, where they are now, so far as you know; and a history of the whole transaction. I will tell you what you might do—it is within five minutes of adjournment time—suppose you go through the file——

Mr. McCABE. I have it.

Chairman WALSH. Is the whole thing there?

Mr. McCABE. Yes, sir. I can give a short history of it right now.

Chairman WALSH. Very good. Go ahead and do it.

Mr. McCABE. They arrived at Vancouver, British Columbia, on November 5, 1911. They were all practically examined on November 9, 1911, and admitted on that date. Then they proceeded to Cushing Academy and remained there until the Christmas vacation in December, 1911, only three of the 20 returning to the academy at the close of the Christmas vacation. Those three that did return left soon after returning.

Chairman WALSH. How soon after?

Mr. McCABE. Well, within one or two months anyway.

Chairman WALSH. I guess you are wrong about that. This professor says they stayed until the end of the school year, which was in June.

Mr. McCABE. Whatever he says is so, but I haven't the particular file.

Chairman WALSH. Give us the history of the other 17.

Mr. McCABE. Well, Yes—do you want the individual names?

Chairman WALSH. No. What became of them. Two went here and three went there and four went there, etc. And you discovered that they were laboring in laundries, or whatever the history of it is.

Mr. McCABE. Well, the last, practically the last reports we had on any of them were in 1912, and at that time one was ill, nine were missing, one was alleged to have died, and nine were at school but assisting in laundries.

Chairman WALSH. Where were the nine at school?

Commissioner DELANO. One ill, one missing, nine at school, and nine were lost.

Commissioner WEINSTOCK. What was the date of that report?

Mr. McCABE. The reports are at different dates, but the majority of the reports were in 1912. For instance, none of the districts but those in the New England districts were chased up. The other inspectors did not follow up theirs, but those that were in the New England district were followed up from time to time. A report from Chicago on February 24, 1912—that is the last report—showed four at the Jones School. March 11, 1913, showed one at school in Boise City, Idaho, or Boise, Idaho, it says here.

Mr. BUSHEK. Is that a report of an inspector out in that district?

Mr. McCABE. Yes, sir.

Mr. BUSHEK. In Boise, Idaho?

Mr. McCABE. Yes.

Mr. BUSHEK. Or did you get that in a letter wrote to Prof. Cowell?

Mr. McCABE. No, sir. I looked up this information, and the best address we could get we sent to the inspector in charge of the district to look them up.

Chairman WALSH. We will now adjourn until 2 o'clock.

(At 12.30 adjourned until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. JOHN A. McCABE—Continued.

Chairman WALSH. The commission will please be in order.

Mr. BUSHEK. Mr. McCabe, you were giving us a history of these students.

Mr. McCABE. Well, perhaps, to have something authentic, I better read each individual one.

Mr. BUSHEK. Do that and that will give us a better idea.

Mr. McCABE. And I will give the file numbers rather than the names.

Mr. BUSIEK. No. Give the names.

Mr. McCABE. Yee Hoi Sheung.

Commissioner O'CONNELL. Is that all one name?

Mr. McCABE. No, sir. The family name comes first. Yee is the same as McCabe. Boston file 2500/440. Last report, June 17, 1912. Alleged uncle denied knowledge of his present whereabouts. Had been working in Charleroi, Pa.

Mr. BUSIEK. Where was this uncle; do you know?

Chairman WALSH. Let me look at that a moment, the paper you are reading from, will you, please, Mr. McCabe? [The document was handed to the chairman.] You can submit that to us just the way it is, can't you?

Mr. McCABE. Yes, sir; but this memorandum I compared hurriedly, and there are a lot of things in the record that would show more. It can be submitted, if you like.

Chairman WALSH. I would like to have you compare that very carefully and save us an hour or so in time in taking testimony, so that it will be authentic and so that there may be no errors made. If that is not full, give us the best you can on those 20 boys. Is that right?

Commissioner DELANO. Yes.

Mr. McCABE. Of course those nine at school may not be at school now. The ones who were in school in our district have disappeared now. Perhaps the same conditions might obtain in the other districts.

Mr. BUSIEK. How many of those were in your district after they left the Cushing Academy?

Mr. McCABE. I can tell by looking at that.

Mr. BUSIEK. You said this morning that nine of them you found at a school but they were working in a laundry also?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Is that a compliance with the law?

Mr. McCABE. No, sir; it is not. The law, well, there is no law on it. It is not compliance with the rules and regulations.

Mr. BUSIEK. Is not the regulation that a student is a person for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, or a person who undertakes to provide for his own support and does not become a laborer, isn't that your regulation?

Mr. McCABE. That is the regulation; yes, sir.

Mr. BUSIEK. Any one who works in a laundry becomes a laborer, does he not?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. When you discovered those nine students working in laundries while they were going to school why didn't you take action to deport them?

Mr. McCABE. Because it would only have caused their discharge by a commissioner, and they could do what they pleased.

Chairman WALSH. Then you refused to take action because you did not think——

Mr. McCABE. The courts refuse to take action.

Chairman WALSH. You were afraid of the court?

Mr. McCABE. Yes, sir. For instance, when these things happened I had seen the commissioner, United States commissioner before whom those cases were brought and I spoke to him: "Suppose a boy came to the United States to go to school and was living with an uncle and father, but he worked during, after school hours, and during vacation, what would you think about it?" Well, he thought the uncle or father was entitled to his help, so, as I know, that even though on their records they might admit they had no relative in the United States, that if they were brought into court they would claim an uncle, and get by with it.

Mr. BUSIEK. Is it not a fact that of those 20 students not one of them had a bona fide uncle; that their uncles all disowned them?

Mr. McCABE. No, sir. Their uncles did not disown them. There was some evidence in the record where they said they were coming to fathers where we had previous record evidence indicating that the man they claimed as a father had no child to agree with their age or name.

Mr. BUSIEK. When you discovered that fact and you would find this man harboring one of those Chinese students, and that student would subsequently

disappear, wouldn't you have a good strong case against this man for aiding in the smuggling of Chinese?

Mr. McCABE. No, sir.

Mr. BUSIEK. Why not?

Mr. McCABE. Because he could satisfy the court by sufficient excuses that he did not intend to violate any law.

Mr. BUSIEK. Well, he did claim them as children, didn't he, or as a son? And you say you had evidence that they were not sons of these men?

Mr. McCABE. Well, for instance, you might say that Chin Sing comes to the United States and claims that his father is Wang Soo, of Chestnut Street, Providence, R. I., and we go and see Wang Soo and Wang Soo will say, "Yes, that is my son," and we will look up his record in the office and we will find that in a previous case when he had no motive other than to tell the truth, he said he never had any such son of that age or name. Then if you get him for having—if they had anything to do with bringing a man to the United States, and it was brought before the court the question would be in which statement did he tell the truth.

Mr. BUSIEK. Well, have you ever tried that out? You have the strongest evidence in the world that he lied, if he had no interest in it and he denied having a son, and then when it came to a question of his financial interest he says, "This is my son," don't you think that is sufficient evidence to go to court on?

Mr. McCABE. No, sir.

Mr. BUSIEK. You don't.

Mr. McCABE. No, sir.

Chairman WALSH. Did you put this up to Mr. Billings, as to whether or not you should try to have the law enforced against those smugglers in this particular case, Mr. McCabe?

Mr. McCABE. Under the 20 students?

Chairman WALSH. Yes, sir. Those witnesses, or those men who are now under consideration, the incident of the Cushing Academy.

Mr. McCABE. Of course now they are in our own district, they came into our own district—you must remember that when they were in Cushing Academy they were students according to law.

Chairman WALSH. Did you put up the question as to whether or not there should be prosecutions in this case to Mr. Billings?

Mr. McCABE. Oh, no.

Chairman WALSH. Did you put it up to Mr. Hurley?

Mr. McCABE. No, sir.

Chairman WALSH. You assumed the responsibility for whatever was done in this case individually?

Mr. McCABE. I did; yes, sir.

Mr. BUSIEK. Now, of those students that you have located, you are satisfied that not one of them is a bona fide student?

Mr. McCABE. I was satisfied the minute that they secured their admission that they were not bona fide students in good faith. That they were not students in good faith.

Mr. BUSIEK. And yet you have not made a single case out of any of those, even those whom you discovered and those whose whereabouts you know of?

Mr. McCABE. If I would look at the record I can explain why.

Chairman WALSH. Well, you didn't make a case, first? You did not make a single case? You can answer that question.

Mr. McCABE. You mean I did not bring a single arrest for unlawful residence?

Chairman WALSH. Yes.

Mr. McCABE. None; no, sir.

Chairman WALSH. What is the penalty for smuggling Chinamen in this country? Do you know offhand?

Mr. McCABE. Well, it is $1,000 fine and one year imprisonment for each and every person brought in.

Chairman WALSH. Did you try to catch this woman?

Mr. McCABE. No, sir. I didn't have anything to do with the catching of the woman. She is in Seattle. We made several reports.

Chairman WALSH. You made no effort to apprehend her?

Mr. McCABE. No.

Chairman WALSH. You made no effort to—do you know this woman's husband?

Mr. McCabe. No, sir. He lives in Detroit, but I know that the Seattle office as inquiring where he was, attempting to show the Seattle office that she did in good faith and we were attempting to show the Seattle office it was all olishness to attempt to continue the investigation, because it was conclusively own that she must have known all about it and that those Chinese were to appear after a certain length of time.

Mr. Busiek. Have you the correspondence with the Seattle office on that?

Mr. McCabe. Yes, sir; it is in the record.

Mr. Busiek. Will you furnish the commission with copies of that correondence?

Commissioner Delano. If I may interrupt—Mr. McCabe, are many of those ys—were they brothers or supposed to be brothers?

Mr. McCabe. I am not certain but what—I don't know whether any of them ere. I think two of them did claim to be brothers. They were either first usins—I know two of them claimed to be first cousins or brothers.

Mr. Busiek. For instance, if the first name is a family name, as I understand from you it is——

Mr. McCabe. Yes, sir.

Mr. Busiek. There are five names here that are repeated several times?

Mr. McCabe. Yes, sir.

Mr. Busiek. For instance, several Yees?

Mr. McCabe. Yes, sir; they were members of the Yee family. It would not cessarily follow that they were any blood relation, though.

Mr. Busiek. Several Muis?

Mr. McCabe. Yes, sir; Moy is your family name there, but it is phoneti-lly spelled differently; different districts pronounce it differently, but it is e Moy family.

Mr. Busiek. Moy?

Mr. McCabe. Yes.

Mr. Busiek. What we usually spell M-o-y?

Mr. McCabe. Yes, sir.

Mr. Busiek. This is spelled M-u-i?

Mr. McCabe. Yes.

Mr. Busiek. Then there are several of the Chin family?

Mr. McCabe. Yes, sir; Chin On or Chen; they are all of the same family.

Mr. Busiek. Then there are several of the Li family?

Mr. McCabe. Yes, sir; that is the same as Lee.

Mr. Busiek. Then there are several here that you have marked Ng?

Mr. McCabe. That is spelled Ng, Eng, or Ung.

Mr. Busiek. They did not claim to have been closely related or brothers?

Mr. McCabe. I think that in one—there was one case where they either imed to be brothers or first cousins. The individual records would show at. You wanted copies of the correspondence?

Mr. Busiek. Passing between your office and the Seattle office in regard to e Sarah Hing and her husband.

Mr. McCabe. I don't know anything. The correspondence we had was with e commissioner of immigration in Seattle regarding the good faith of Mrs. ing pending the investigation, and we did not think——

Mr. Busiek. Did you ask for her arrest, that she be brought back here to and trial?

Mr. McCabe. No, sir.

Mr. Busiek. What did you want the Seattle office to do?

Mr. McCabe. It was the Seattle office that was asking us about it. We asmed that Mrs. Hing was anticipating bringing in more Chinese to Seattle der some circumstances, and we immediately answered Seattle to look very se, as the saying is, and if she was trying to put one over on them that e records of those other Chinese indicated that they were not brought here good faith, and that she must have known it.

Mr. Busiek. Didn't you think that that woman ought to be arrested and ght to be prosecuted, and her husband also?

Mr. McCabe. Yes; but they could come into the country easily and say, "Why, e were intending that they go to school. As evidence of it we paid so much." understand that she is now arguing with the Seattle office to that effect. I n't know what correspondence the Vancouver office has had with her, but e is attempting to find out where they are. That it was her intention to ve them come here and be students in good faith——

Mr. BUSIEK. Did you ever take up any investigation to find out whether or not this woman was actually an organizer of the W. C. T. U. in China, or of the Young Women's Christian Association, as she claimed in the letters to Mr. Cowell?

Mr. McCABE. No, sir; I don't think so; but, from what I hear unofficially, I don't believe she was.

Mr. BUSIEK. Where did you hear that unofficially?

Mr. McCABE. Well, I think from our interpreter. I think you will find it in one of the records.

Mr. BUSIEK. Well, I wish you would supply the commission with that as you leave or at some other time. But you did know and were satisfied in your own mind that she was not any organizer of the W. C. T. U.——

Mr. McCABE. I am satisfied now that she was not.

Mr. BUSIEK. You read the letters which she sent to Mr. Cowell?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Didn't that satisfy you in your own mind that she was not a teacher of English?

Mr. McCABE. Oh, yes. You could see that.

Mr. BUSICK. The Cushing Academy was in touch with her for two months after the students left, and you saw the correspondence which they had with her. Didn't it occur to you to try to have that woman arrested, knowing that she was not a teacher of English, knowing that she was not a religious organizer as she claimed to be, and knowing that she brought over 20 students and that they left?

Mr. McCABE. No, sir; it didn't occur to me. She was not in my district, and the bureau knew all about it. If the law officer in the bureau, who was more conversant with the law than I am, if he saw he had any chance of convicting her, I am pretty sure they would institute proceedings.

Mr. BUSIEK. When you speak of the bureau, who do you mean?

Mr. McCABE. The bureau in Washington.

Mr. BUSIEK. The bureau in Washington?

Mr. McCABE. Yes.

Mr. BUSIEK. Didn't you originate any such proceedings, don't you on your own responsibility?

Mr. McCABE. I would, if the person was residing in my district.

Mr. BUSIEK. Under the present arrangements it seems all they have to do to escape is to move to another district?

Mr. McCABE. No, sir. If I was conversant with any matters and we had any chance of conviction, I would take it up with the next district or wherever they went.

Mr. BUSIEK. Did you take it up with the district where she went?

Mr. McCABE. I don't know where she did go.

Chairman WALSH. Did you advise prosecution at any time in this case, of any person in connection with this whole matter?

Mr. McCABE. No.

Chairman WALSH. Have you ever been approached by a smuggler or by a Chinaman with offers of compensation to overlook any of those matters?

Mr. McCABE. No, sir.

Chairman WALSH. Never in your whole experience here?

Mr. McCABE. No, sir.

Chairman WALSH. Have you heard of anybody being approached, of your assistant or any other person?

Mr. McCABE. Never heard of my assistant being approached, but lots of rumors.

Chairman WALSH. Did you ever get any specific information of any person being offered money to overlook any of those things?

Mr. McCABE. No, sir; I never did.

Chairman WALSH. You never did?

Mr. McCABE. No.

Chairman WALSH. You know of no specific instance?

Mr. McCABE. No, sir.

Chairman WALSH. Had you ever received an intimation from Washington, or otherwise, that you should overlook any smuggling of Chinese? Have you ever received such?

Mr. McCABE. Never.

Chairman WALSH. How many contraband Chinamen would you think are in Boston to-day?

Mr. McCABE. Well, it is a pretty hard question to answer.
Chairman WALSH. Approximate it. Do the best you can on it. Your best dgment.
Mr. McCABE. By contraband Chinese you mean Chinese who are in the nited States who gained admission by fraudulent evidence; and also those o have entered surreptitiously?
Chairman WALSH. Yes.
Mr. McCABE. Well, of course we try not to be prejudiced, but I think that long aling with Chinese make you believe that quite a great per cent——
Chairman WALSH. Well, about what per cent?
Mr. McCABE. Well, of course, I can only base an answer to that question on e cases that I have arrested.
Chairman WALSH. Don't you see Chinamen? Aren't you going about in the hinese districts all the time?
Mr. McCABE. No, sir; I am not.
Chairman WALSH. How often do you go down to the Chinese district?
Mr. McCABE. I never go down only when I have official business in connec-n with some case.
Chairman WALSH. How frequently in a week would you go down there?
Mr. McCABE. I don't believe I would go down there, well, it would not average e times a month.
Chairman WALSH. Does Mr. Sullivan go down oftener than you?
Mr. McCABE. No, sir.
Chairman WALSH. Do you see new faces at times when you go down to the hinese district?
Mr. McCABE. No, sir.
Chairman WALSH. Tell me your approximate estimate of how many contra-nd Chinamen there are in Boston. I don't care what you base it on?
Mr. McCABE. Well, I understand when you say contraband Chinese, you mean ose who entered without inspection and those that I think gained admission fraudulent evidence?
Chairman WALSH. You described that before. How many do you think are re?
Commissioner WEINSTOCK. In other words, those you think are here unlaw-lly?
Chairman WALSH. Yes.
Mr. McCABE. Well, I will say 30 per cent, and still if I were asked to back it by some statistics it would be rather hard for me to do it.
Chairman WALSH. I know, but I am asking you for your approximate esti-ate now. I am not asking you for statistics. What is you approximate esti-ate? You are the inspector here, and you have knowledge if anyone has.
Commissioner WEINSTOCK. Are you speaking of Boston or Massachusetts?
Chairman WALSH. Of Boston.
Mr. McCABE. I think what holds of Boston holds with the whole United ates.
Chairman WALSH. Thirty per cent?
Mr. McCABE. Yes, sir.
Chairman WALSH. At any time during the last six months have you at-mpted to bring in any Chinamen to ascertain whether or not they are law-lly in this country, within the last six months?
Mr. McCABE. Oh, yes.
Chairman WALSH. How many cases?
Mr. McCABE. Well, probably 15 or 20. I didn't bring them in, you must re-mber; I investigated them.
Chairman WALSH. Somebody told you; pointed those out?
Mr. McCABE. No, sir.
Chairman WALSH. Or called your attention by an anonymous letter?
Mr. McCABE. No, sir. I have cases under surveillance all the time. A stu-nt gets admitted at Seattle and they send me notice of it; he is going to such place, and I go there to see if he comes. I have two or three cases now for rveillance of six students in Haverhill.
Commissioner DELANO. Where are they?
Mr. McCABE. Haverhill, Lawrence. I just closed a case the other day, here a Chinaman of four years ago, section 6—students. Here three or four eeks ago they sent notice that he was at No. 694 Dudley Street. I went to . 694 Dudley Street, and they knew nothing about him, so I returned the

papers. Now, we have two or three in Haverhill to look up, and another one in Lawrence.

Commissioner DELANO. Can you talk any Chinese?

Mr. McCABE. No, sir.

Commissioner DELANO. You know some of the common words, I suppose?

Mr. McCABE. Very little. I know whether or not, if I asked a question, and it was in answering it it required a number or the name of some man, I would know whether or not the interpreter was giving me a number or a name. From the questions we ask we sometimes have an idea whether or not we are getting a correct answer from the interpreter as given by the witness, but outside of that, no.

Commissioner DELANO. How many years have you been doing this; since 1903, isn't it?

Mr. McCABE. Yes.

Commissioner DELANO. You have been specializing on Chinese since 1903?

Mr. McCABE. Yes, sir.

Commissioner DELANO. How many Chinese women are there in Boston?

Mr. McCABE. I should say about 20.

Commissioner DELANO. Is that all?

Mr. McCABE. Yes, sir.

Commissioner DELANO. Out of a population of over 1,000?

Commissioner LENNON. He said 3,000.

Mr. McCABE. Yes; I estimated that——

Commissioner DELANO. You thought the population here exceeded 3,000. You have a census on that, but you said the population of New England was between 4,500 and 5,000, of whom one-third were in Boston?

Commissioner LENNON. I understood him to say 3,000 in Boston.

Mr. McCABE. Yes, sir; I said that Massachusetts had in round numbers about 3,000.

Commissioner DELANO. What proportion of those are in Greater Boston?

Mr. McCABE. I would say two-thirds.

Commissioner DELANO. Two-thirds?

Mr. McCABE. Yes, sir.

Commissioner DELANO. That would be 2,000?

Mr. McCABE. Yes, sir.

Commissioner DELANO. Do you mean to say that there is only one woman to 200 men?

Mr. McCABE. I am speaking about adults. Yes, sir.

Commissioner DELANO. Now, what kind of women are they? Are they women that live with their husbands, or are they sort of promiscuous?

Mr. McCABE. No, sir; I don't know of any prostitutes. I arrested four or five years ago a woman who was alleged by the interpreter, was said by the immigration commissioner, to be a prostitute; but she succeeded in getting discharged because she was the wife of a merchant in New York and had not been divorced.

Mr. BUSIEK. What was her name; was it Hore She?

Mr. McCABE. Chan I Ying.

Mr. BUSIEK. Does your interpreter spend his time down in Chinatown?

Mr. McCABE. He lives in Chinatown.

Mr. BUSIEK. Does he bring you any information?

Mr. McCABE. Well, no; not unless I ask him for it.

Mr. BUSIEK. Do you ask him for it?

Mr. McCABE. Only in such cases where I have got to absolutely get it. In other words, I never put many things up to him, because, when I want to get something—it is like you touch a man for $5 to-day and may give it back to him to-morrow, and the next day you touch him again, and the result is that he may give some excuse that he has not got it, although he has, and it is the same way with the interpreter. If I don't put too many things up to him, then when it is an awful important thing I may be able to convince him, now, "Get this for me."

Mr. BUSIEK. In other words, the interpreter hasn't got his heart and spirit in the work?

Mr. McCABE. I would say no. Any interpreter, I believe, is—sits there and asks the questions and gives back the answers. For instance, we might say that a witness is attempting to crawfish; if I understood Chinese I could quickly get through an examination, and I could prevent a witness from attempting

evade the question or not give responsive answers, and it is impossible to do
t with a Chinese interpreter.
Commissioner O'CONNELL. He is employed on an annual salary?
Mr. McCABE. Yes.
Commissioner O'CONNELL. Permanently in the employ of the Government?
Mr. McCABE. Yes, sir.
Commissioner WEINSTOCK. Civil service?
Mr. McCABE. No, sir; he is a native of China.
Commissioner WEINSTOCK. Was he born here?
Mr. McCABE. I never had any experience with any of them, but I imagine
t they are just the same.
Commissioner WEINSTOCK. Do you mean that they coach a witness and tell
n what to answer?
Mr. McCABE. No, sir; I don't mean that. I mean, for instance, that there
ght be rumors of smuggling and everything that the Chinese interpreter
ght hear, and he not report them to me. Possibly, because he may think it is
part of his duty, although he takes an oath of office the same as the rest
us.
Commissioner DELANO. Do you have on your staff anybody whom you can use
the way of detective, who knows what is going on in Chinatown?
Mr. McCABE. No.
Commissioner DELANO. You told me just now that there are only 20 adult
men in this Chinese colony here in Boston. That seems an extraordinarily
all number. How many children would you say that there are?
Mr. McCABE. Not over 50. You mean by children those that have been born
Boston, do you?
Commissioner DELANO. I mean who are obviously children—under 14 or 15.
Mr. McCABE. I should say not over 100 in the metropolitan district.
Commissioner LENNON. Are those 20 women the mothers of those 100 chil-
en?
Mr. McCABE. No, sir.
Commissioner LENNON. Where did they come from? Where did they origi-
te?
Mr. McCABE. Brought here by their fathers. Their fathers were actually mer-
ants or succeeded in convincing the Immigration Department that they were,
l that these children were their minor children.
Commissioner O'CONNELL. Have you had any cases where they have attempted
bring children in and tried to prove a false parent or relative?
Mr. McCABE. I think it happens quite frequently. For instance, it is a peculiar
ncidence that sometimes here is a man who is bringing a son to the United
tes; he has been declared by a court of competent jurisdiction that he was
rn here. So having been a citizen of the United States he is entitled to bring
children here. So a Chinese person applies for admission, and testimony is
ken, and there may be some slight discrepancy, and you will ask the father,
Well, does this applicant resemble you or his mother?" Well, if he has got
y little thing that will be said to resemble the father, "Yes, he resembles
some, but the mother more." It also happens as a peculiar incident that
entimes the boy applying for admission has many features about his face
t show a striking family resemblance to what we call the identifying witness,
e second witness in the case, who testifies that he knows that this man who
trying to bring the son in is married and that this is his son, and the reason
that probably we will discover that the identifying witness has no right to
ng a son to the United States; so sometimes we assume that on account of
e striking resemblance and some slight discrepancies the boy coming in is
e son of the identifying witness.
Commissioner O'CONNELL. In any case where there is some particular China-
n or Chinamen here who have the reputation of having large families, by
ng sponsors for children coming in here, are there any of those?
Mr. McCABE. Yes, sir. For instance, in the last two or three years they have
en the privilege to Chinese and natives to have their cases preinvestigated
fore they go away to practically insure their return, so the majority of those
tive cases were arrested, tried, and discharged on the Canadian-New York
rder, anywhere from 1903 up to 1906, and at the time of their discharge they
imed various ages, anywhere from 18 to 30. Now, they are going back to
ina, and going back they were all of them married; a lot of them were mar-
d at the age of 17 and have three or four children that are anywhere from
to 17 years old.

Commissioner O'Connell. What I was trying to get at is this, like the case of a professional bondsman. For instance, around the court are there any particular Chinamen that largely appear to claim children?

Mr. McCabe. As witnesses?

Commissioner O'Connell. No. Acting as professional parent, as it were.

Mr. McCabe. No, sir. They can not do that, because their records are in the office. When he is a witness in one case you might as well say his hash is cooked for a witness in another case, especially on account of the prepared stories. It is hard to remember a prepared story.

Commissioner O'Connell. Is there any person in Boston who has brought over an exceptionally large number of children?

Mr. McCabe. No, sir.

(At this point the commission went into executive session for 10 minutes, after which Mr. McCabe resumed, as follows:)

Mr. Bushek. Now, Mr. McCabe, as I understand it, you say it is impossible to get a Chinese interpreter who would do work like an inspector does; that is, when he sees a suspicious case reported and work it up and attempt to get that person deported? He would not use his own initiative in originating cases, is my understanding——

Mr. McCabe (interrupting). Yes. I think that is practically impossible. He would not need to work it up if he would give us the benefit of what information he could get, being Chinese.

Mr. Bushek. Is that condition generally realized by the Immigration Department?

Mr. McCabe. I believe—yes; they certainly must know it; yes, sir.

Mr. Bushek. Then an interpreter in the Immigration Department is nothing more than an interpreter, and you have no confidence in one helping you beyond merely doing his work as interpreter?

Mr. McCabe. That is all.

Mr. Bushek. And have you any reason to suspect that they do not do that honestly, or that they would shield certain interests? What I want to get at is, the Chinese interpreter takes an oath of office the same as you do, and it is his duty under his oath of office to assist in the detection of violations of the law?

Mr. McCabe. Yes.

Mr. Bushek. He does not do that, and that condition is generally realized, is it?

Mr. McCabe. Yes, sir.

Mr. Bushek. Have you any suspicion, then, that if this man fails in one duty he may fail in another, namely, that of interpreting honestly?

Mr. McCabe. That might be so.

Mr. Bushek. What do you think of your own interpreter, Mr. McCabe?

Mr. McCabe. I think he is as good as any.

Mr. Bushek. And that is poor?

Mr. McCabe. Well, I am not speaking about his ability as an interpreter and his knowledge of English or of Chinese. I am not saying that, but I am speaking about his honesty.

Mr. Bushek. Do you suspicion that he has fear of his own race in any way—Black Hand or anything?

Mr. McCabe. Oh, yes. The majority of them—they must live among the Chinese and when they get old they expect to live with the Chinese or return, and it must be that they can not be very officious. I think the Chinese race is not like any other race. For instance, it would not make any difference if it was my best friend and he did something and I had to get after him, why that would be my business, and that is all there is to it. But I believe it is different with the Chinese.

Mr. Bushek. Then we can sum up some of the difficulties in an Immigration Department, from the testimony you have given, in this way; that when once a Chinaman has gotten into this country there is little likelihood of his ever being deported, no matter how he got here. The chances are small that he will ever be sent out?

Mr. McCabe. Yes. If he is here over three years and the Government hasn't any knowledge as to how he entered.

Mr. Bushek. Well, you have had about 20 deportation cases in the last year?

Mr. McCabe. Yes, sir.

Mr. BUSIEK. That represents the sum total——
Mr. MCCABE. I did not have 20. I have not had in this district—since Janu- 8, 1900, up to the present time in the metropolitan district Commissioner yes has heard the cases of 16.
Commissioner O'CONNELL. Since when?
Mr. MCCABE. Since January 8, 1900, up to the present time 16 cases were ought before Commissioner Hayes for unlawful residence.
Mr. BUSIEK. What did he do with the 16 cases?
Mr. MCCABE. Ordered deportation in seven, discharged seven, and discon- ued one as the defendant departed for China at his own request, and one e is pending.
Mr. BUSIEK. How many cases have you brought or worked up——
Mr. MCCABE (interrupting). That is a pretty good record unless I qualify —
Commissioner O'CONNELL. Only seven deportation cases since 1900?
Mr. MCCABE. That is, out of 16; of the seven ordered deported four were the called Springfield Hay Car cases. They had gotten in a hay car coming m the border; and one had smuggled back into the country after deportation m Norfolk, Va., about five years ago, leaving but two cases in which there a not the most convincing evidence offered by the Government as to the gality of the defendants' residence here. So he practically did not have thing to do in the cases he ordered deported—no chance for exercising any ighty decision. Only in two cases. The rest were dead open and shut and had to order them to be deported. Now of the discharges—of the seven dis- arges—those connected with the prosecution of the cases admitted that only two of them was the discharge justifiable. In the cases of the other five fendants discharged they were briefly discussed in a letter to the district corney of Massachusetts in the matter of designating somebody else to ar——
Mr. BUSIEK (interrupting). Will you furnish the commission with a copy of t letter?
Mr. MCCABE. Yes, sir.
Mr. BUSIEK. Now, to get back to the proposition we started out on, you con- le it as a fact that there are thousands of Chinese in this country who have no ht to be here, and whose troubles virtually cease when they cross the border d mingle with the Chinese colony in the various cities?
Mr. MCCABE. Yes, sir.
Mr. BUSIEK. Another trouble is, as you will admit, will you not, that there is organized effort to inspect the Chinese now in this country? That is, no eck is kept on those who are here. There is no system whereby the immi- ation authorities can readily check up on the Chinese in this country?
Mr. MCCABE. Well, it was said at the time we were making the census in 05 and we were called off, that that was the purpose of it, was to find out w many were lawfully here and that later arrests would be made.
Mr. BUSIEK. Who called you off?
Mr. MCCABE. Well, we were told by the bureau to discontinue it.
Mr. BUSIEK. Have you any idea officially—received officially or unofficially— o was the moving cause or what was the moving cause of your being called ?
Mr. MCCABE. Well, I think at the time there was some rumor about it not ing constitutional or something—I don't know—I know we were told to dis- ntinue it, and the bureau would be able to explain.
Commissioner LENNON. You have no system whereby you can tell whether ere are more Chinamen in Boston this month than there was a month ago?
Mr. MCCABE. No.
Mr. BUSIEK. Another fact stands conceded, and that is that interpreters— inese interpreters—do not furnish their inspectors with the information ich they themselves——
Mr. MCCABE (interrupting). Have an opportunity of getting.
Mr. BUSIEK (continuing). Have an opportunity of getting?
Mr. MCCABE. No; they do not.
Mr. BUSIEK. Mr. McCabe, if this commission has a report that you are or can found frequently at the Yen Wing Low restaurant at night with your in- rpreter, would that report be true or false?
Mr. MCCABE. Be false from start to finish—totally unfounded.
Mr. BUSIEK. Have you ever been down there of an evening?

Mr. McCABE. I have dined probably 15 or 20 times in 10 years at what I call the Royal restaurant which at one time was at No. 15 Harrison Avenue and is now across the street at No. 18.

Mr. BUSIEK. Nos. 18 to 22?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Who runs that place?

Mr. McCABE. Chin Fong, I think, is the manager of it.

Mr. BUSIEK. Have you ever been there with Charley Holske?

Mr. McCABE. No.

Mr. BUSIEK. Then we can label that report false?

Mr. McCABE. Yes; from start to finish. The restaurant that you allude to I don't know—what was the name of it? Or what number?

Mr. BUSIEK. It is Nos. 18 to 22 Harrison Street.

Mr. McCABE. Well, that must be the Royal restaurant. That is what I call the Royal restaurant. I was there, yes; I have eaten there in the 10 years probably 18 or 20 times.

Mr. BUSIEK. Do you know a laundryman by the name of Moy Dong June, of Marblehead?

Mr. McCABE. No, sir.

Mr. BUSIEK. Do you know of any relative your interpreter has at that place?

Mr. McCABE. In Marblehead? No.

Mr. BUSIEK. Can you locate that man, a laundryman in Marblehead?

Mr. McCABE. I know Jung Daw, who is at No. 5 Oxford, with Hap Yick Ling & Co. What relation is this Moy Jung Daw supposed to be to my interpreter?

Mr. BUSIEK. He is supposed to be a nephew of your interpreter?

Mr. McCABE. I don't doubt a bit but what he is and but what he applied for admission to enter Boston and was deported and paid the head tax to Canada and had him smuggled in.

Mr. BUSIEK. That is our information.

Mr. McCABE. I don't doubt it now you have that information. I believe he is.

Mr. BUSIEK. Any information you have about him?

Mr. McCABE. No; I always suspected him, in view of the fact that the fellow paid a head tax in Canada, that he paid it for the purpose of smuggling into the United States.

Mr. BUSIEK. Well, Mr. McCabe, I am going to give you this man's address and ask you to make a private report to the commission on this man. You will know best how you can go about that.

Mr. McCABE. This man's name——

Mr. BUSIEK. I have just given you.

Mr. McCABE. Yes; I have his record in the office. In fact, the man—if it had not been for the interpreter himself being an uncle of the boy, and having made a previous statement in his own case, why, the fellow would have been admitted. The only thing was that the fellow's own statement showed the boy was over 21 and he was ordered deported.

Mr. BUSIEK. I have not the address of this Chinese at Marblehead, but he is in a laundry there. Now, your interpreter, Moy Schere or Moy Fooh, attempted to assist in getting this boy into the country, didn't he, when he tried to enter Boston as the son of a merchant?

Mr. McCABE. No; he did not; but I distinctly told him that it was absolutely useless to take any appeal or anything. I told the interpreter—for instance, when the boy applied for admission, I sent to get the interpreter's record, to see what he said, when he was coming in, about his family relation. In that he mentioned this brother and said he had this son and that he was such an age. Then, that at the time he applied for admission to Boston showed he was over 21; and while Moy's brother proved his merchant's status, the son was not eligible for admission, being over 21, and for that reason he was deported; and when he was deported, why, we sent the papers to Vancouver to check out the deportation, and in doing that the report came back that this fellow had paid the head tax in Canada, and I knew then that his father being in the United States, that that was for the purpose of his surreptitiously entering the United States, and I always believed he had; but where he was I never knew until now.

Mr. BUSIEK. And if you knew, as a matter of fact, that this boy now in Marblehead, Mass., or if your investigations should convince you of that and you further found out that he comes down and visits his uncle every other

week or so of a Saturday night, what action would you take in regard to the interpreter?

Mr. McCABE. Well, I would report it to Washington. That is all the action I would take.

Mr. BUSIEK. What action would they be apt to take?

Mr. McCABE. Well, I don't know what action they would take, but I know I would still say—of course if he knew about it and it was not any relation of mine I would almost believe in recommending his dismissal. But still the next fellow I get would not be—I believe would not be any better than this fellow, and I am afraid might not be as good.

Mr. BUSIEK. Then the situation is this, that here is your own interpreter who actively connives at violation of law, and yet you would hesitate to turn him loose for fear of getting something worse?

Mr. McCABE. Yes; that is about the size of it.

Commissioner LENNON. Well, let me ask you one question. Would it be possible for the Government to get Americans who can speak Chinese in sufficient numbers for interpreters?

Mr. McCABE. I don't think it is possible, for the simple reason that the Government does not want to pay the money.

Commissioner LENNON. If they would pay, they could be had, possibly?

Mr. McCABE. Why, yes; they could take and send some boys—start to-day, and have them 15 or 16 years old, or even 18 or 19, and let them go to China and pay them a salary enough while they were learning the language; but then you must remember that even if they talk Chinese they could not bring in information.

Commissioner LENNON. That is, they could not mix with the people?

Mr. McCABE. No.

Commissioner LENNON. I have a cousin in San Francisco that talks Chinese with anybody. He is a tea buyer. He goes to China a couple of times a year and has for 30 years, probably. I did not know but what there were plenty of such men.

Mr. McCABE. I don't believe there are.

Mr. BUSIEK. Now, these Chinese societies known as Highbinder societies, do they flourish here in Boston?

Mr. McCABE. Well, they did—they were—I understand. The best history I get about that is there was a society formed called the Hep Sing Tong, and as I understand it—I haven't any personal knowledge of it—they were instituted for the purpose of levying blackmail on the stores that had gambling; and the result was that the stores, or those that had gambling, formed a society supposed to be composed of the management of the different stores, called the Oleong Ting, and that was to combat the influence of the Hep Sing Tong.

Mr. BUSIEK. How is smuggling now carried on, if at all?

Mr. McCABE. Well, by automobile. That is, across the Canadian-United States border—and by launch and by boat, being stowaways—one or two at a time.

Mr. BUSIEK. Have you ever tried to cast an estimate in your own mind as to just about how many Chinese get in?

Mr. McCABE. Well, I understand——

Mr. BUSIEK (interrupting). Of course we know it is a guess, but your sources of information——

Mr. McCABE (interrupting). Well, in Canada there were 6,000 Chinese—I don't know whether it was last year or the present fiscal year—paid $3,000,000 head tax, and they made some census at one particular time, say, the beginning of the year; and then they made it later, and none of those 6,000 were there. In other words, the Chinese population had not increased any in the year, although according to the head tax it ought to be increased about 6,000. Now, where did they go?

Mr. BUSIEK. The reasonable presumption is that those Chinese entered the United States.

Mr. McCABE. I think that you—for instance, assume that we have a commissioner of immigration in Montreal. He must know now—for instance, our Chinatown, if when we go down there on official business, we see the same faces all the time, they are the workers, and have something to do, and while we might not know them we know they are helping in the store, because I go into the store four or five times a month, and I know the regular ones in there, and the others I don't consider I have any knowledge of them being connected with it because they do not appear to be connected with it. So, likewise, in Montreal, Canada, our officials must have some knowledge of great numbers

loafing around; and therefore if there are great numbers loafing around in Montreal, they are loafing around for no other reason than for having arrangements made to get across. And so, likewise, in Toronto and all the other quarters.

Mr. BUSHEK. In Mexico no head tax is required?

Mr. McCABE. No.

Mr. BUSHEK. And neither is any required in the West Indies?

Mr. McCABE. Nor Jamaica.

Mr. BUSHEK. Well, Jamaica is classed as the West Indies.

Mr. McCABE. West Indies; yes, sir.

Mr. BUSHEK. And there are constant arrivals in these various places seeking an opportunity to get into the United States.

Mr. McCABE. Must be, because it don't seem as though there was a livelihood for them there.

Mr. BUSHEK. And it would not take a very artful man, where the number of patrols is scattered so as to extend over 20 miles between, to smuggle Chinese across?

Mr. McCABE. No; and I don't think it would take much either to take a schooner and go down to Jamaica and put them on and put them off along the southern coast.

Mr. BUSHEK. And the entire Atlantic seaboard is full of bays and inlets where they can land?

Mr. McCABE. Yes, sir.

Mr. BUSHEK. And while having no official knowledge of entry that way, is it not your judgment that thousands do get into the country through these various means that we have been discussing?

Mr. McCABE. Well, I would not know how many thousands to put it; but knowing—there is what we call retail and wholesale smuggling. The retail will probably be two at a time, and the wholesale 40 or 70 in a schooner and bring them in. And knowing that it has been done both ways in the past, I assume it is being done to-day.

Commissioner LENNON. What amount have you ever heard of smugglers receiving for bringing in Chinamen per head?

Mr. McCABE. I have heard that the average price to get a man across the Canadian border, if they have a pretty easy method, is $125. That is for one man. We don't know what somebody else gets. I imagine that the cheapest price would be about $300, and they are willing to pay more than that to be absolutely certain of getting in.

Commissioner LENNON. Well, those that were captured that time down here at Providence from that boat——

Mr. McCABE. Yes.

Commissioner LENNON. Was there ever any record as to the amount that was paid for each of those?

Mr. McCABE. Well, I heard it was $400 apiece.

Commissioner LENNON. And that, of course, went to the owner of the vessel or somebody back of him?

Mr. McCABE. Well, I don't know as it was ever paid. I heard another rumor that the attorney that defended them got it all; but I don't know even at that whether it was paid, because they were not safely brought in.

Mr. BUSHEK. Then, if the commission has had the price quoted to it at $750, it has been too high and above the market rate; is that right?

Mr. McCABE. Well, I would say—for instance, this surreptitious entry—but entry with inspection, I would not consider it too high at all for anyone to guarantee we will furnish the witnesses, etc. In fact, I have heard lots of rumors that the attorney in a case has got as high as $1,000.

Mr. BUSHEK. Mr. McCabe, I want you to understand now that these hearings are secret, and for that purpose we have held them in executive session. Would you give us the names of some of the attorneys whom you suspect are engaged in actively aiding and abetting smuggling, and not only attorneys but other persons whom you have reason to suspect?

Mr. McCABE. Well, aiding and abetting smuggling—for instance, I believe that any attorney is not aiding and abetting smuggling. I think, for instance, like all lawyers, a man might come in to have him take a case, and he might in his own mind believe the man has not a moral right to be here, but by some hocuspocus of the law he could defend him, he will——

Commissioner O'CONNELL. (interrupting). Is there any particular lawyer or lawyers here making a specialty of that?

Mr. McCABE. I don't know that they make a specialty, but they go to certain lawyers. They go to certain lawyers for the simple reason that the lawyers themselves, I have no doubt, say, "I stand well in Washington, and I know McCabe; and I know So-and-so," and in that way they get cases; and they are also astute and conversant with the ins and outs of the Chinese-exclusion law, and therefore one lawyer will get more cases——

Mr. BUSIEK. There is not much law on Chinese exclusion?

Mr. McCABE. No; not much law; but almost all the cases are decided on questions of fact.

Mr. BUSIEK. That is to say, the man who is successful in those cases has got to inspire perjury, or win his cases on the benefit of perjury?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Now, being a lawyer myself, I think you have got most lawyers wrong. I don't believe most lawyers would do that—would avail themselves of downright perjury if they knew it.

Mr. McCABE. Oh, I don't say that any lawyer, even in Chinese cases, is putting over downright perjury; but, for instance, we will assume that an attorney has a case where the boy is applying for admission as the son of an alleged native. Now, the father has been home to China three years ago, and he returns ahead of the boy a couple of years, and he said while at home on that visit he had an infant son born; and along comes this 12-year-old, or 15 or 16 year old, son and attempts to get in, and the attorney takes that case and argues to win it.

Mr. BUSIEK. What lawyers in Boston have the most of that business?

Mr. McCABE. Joseph F. O'Connell.

Mr. BUSIEK. And as a matter of fact you have heard it stated, have you not, that he plays up his political influence in Washington?

Mr. McCABE. Well, I don't know—yes; I have heard it.

Mr. BUSIEK. Have you ever seen anything that would indicate to you that he did have influence at Washington in Chinese cases?

Mr. McCABE. No more than anyone.

Mr. BUSIEK. You frequently have reversals—are overruled by the bureau at Washington—after deciding to exclude——

Mr. McCABE (interrupting). Well, of course, we haven't any Chinese applying for admission at Boston; but knowing the cases that we investigate for other ports are reversed and sustained——

Mr. BUSIEK (interrupting). Who is it at Washington that reviews your findings—what man?

Mr. McCABE. Mr. Parker and Mr. Peters; but they invariably support the inspector. When they go against him, the inspector hasn't any real feeling in the case. For instance, there are lots of times an inspector in the field would feel that a man ought to be admitted, but to keep his skirts clean he denies him and lets somebody else pass on it.

Mr. BUSIEK. Does Larned pass on any of the cases—on any of these appeals?

Mr. McCABE. Of course, all the mail is signed either by the Commissioner General or the Acting Commissioner General who would possibly be Larned.

Mr. BUSIEK. I believe that is all the questions I wish to ask Mr. McCabe. Oh, I would like to get you to state what percentage of Chinese who have established their right to be in this country bring their wives or children?

Mr. McCABE. Well, a very small per cent; but it is only within the past two or three years that they have understood that they had a right—you mean the natives?

Mr. BUSIEK. Yes.

Mr. McCABE. It is only within the past two or three years that the natives learned that they had the right to bring them in; and they were bringing in their sons right fast, but the bureau finally put a stop to it by having them prove their nativity, in a technical sense res adjudicata, and that has kind of stopped them.

Mr. BUSIEK. Well, any Chinese merchant has the right to bring children over here, hasn't he?

Mr. McCABE. Yes; his minor children.

Mr. BUSIEK. Does not pretty nearly every Chinese merchant have minor children? Isn't that practice growing——

Mr. McCABE (interrupting). Well, yes. Oh, there is——

Mr. BUSIEK (interrupting). It is true, is it not, in the department, that they find that one of the prime frauds——

Mr. McCABE (interrupting). Yes; that they bring their own sons and also fake the merchant's status in order to be eligible to bring a son——

Mr. BUSHEE (interrupting). Yes; and any act which would establish the status of all Chinese in this country, such as a reregistration act regarding the Chinaman already here, would not that give rise to a surging flood of such cases of Chinese bringing in children——

Mr. McCABE (interrupting). For instance, if you pass a law now to reregister all Chinese——

Mr. BUSHEE (interrupting). Irrespective of how they happen to be in this country——

Mr. McCABE (interrupting). I think there would be a repetition of the same thing over again. For instance, there are certain Chinese that would not need to register. For instance, if we had an act——

Commissioner WEINSTOCK (interrupting). Now, Mr. McCabe, you were saying that there were about 800 Chinamen in Boston and 20 women?

Mr. McCABE. I said about 2,000 or something.

Commissioner WEINSTOCK. Who said it; there were 800?

Mr. BUSHEE. That was by the Massachusetts census—884 in 1905; but for your information I will say that is a census compiled by the State. I got those figures at the public library last night.

Commissioner WEINSTOCK. Now, you say, Mr. McCabe, there are about 2,000 Chinamen here?

Mr. McCABE. I am estimating it from our census of 1905. Now, you say in Boston; but when I say 2,000 in Boston I mean going out to Lynn and Lowell.

Commissioner WEINSTOCK. And about 20 women?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Now, we know that the Chinaman in China, as a rule, does not lead a life of continence. You understand that to be a fact?

Mr. McCABE. Yes.

Commissioner WEINSTOCK. Now, how do the great body of Chinamen here gratify their sexual desires?

Mr. McCABE. That I don't know, unless with white women.

Commissioner WEINSTOCK. Are Chinese permitted to visit white sporting houses?

Mr. McCABE. I have no knowledge of it.

Commissioner WEINSTOCK. I am just now advised that they do not have them in town.

Mr. McCABE. No; I don't believe there are any.

Commissioner WEINSTOCK. Sporting houses in Boston?

Mr. McCABE. No; I don't believe there are any. I am willing to admit that 15 or 16 years ago it was quite an easy thing for anyone; but if this minute it was put up to me to take somebody to a decent sporting house I would be at a loss and have to trust to the taxicab man and would not feel certain——

Commissioner O'CONNELL. I think Boston was one of the first cities to clean out the red-light district.

Commissioner WEINSTOCK. It is a very remarkable thing to have 2,000 Chinamen here and their leading a life of continence.

Mr. McCABE. I don't believe there is any sporting house—regular sporting house, white house—where Chinamen can go.

Commissioner WEINSTOCK. Perhaps the question has already been put to you, but I want to put to you this question: What means, despite the vigilance of your department, can be resorted to successfully on the part of Chinamen to smuggle in their fellows?

Mr. McCABE. I don't get the question.

Commissioner WEINSTOCK. Despite all the vigilance of your department, what methods can be pursued and are pursued to smuggle Chinese into this country at this point?

Mr. McCABE. You speak of New England?

Commissioner WEINSTOCK. Yes.

Mr. McCABE. I am not to consider any other territory?

Commissioner WEINSTOCK. Just this territory.

Mr. McCABE. Just New England?

Commissioner LENNON. He answered that by saying automobiles and motor boats and fruit boats——

Mr. BUSHEE. And launches.

Commissioner WEINSTOCK. In other words, there are various methods?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Have you ever made a list, as they did on the Pacific coast, of the different ways in which Chinamen can be smuggled in?

Mr. McCABE. No.

Commissioner WEINSTOCK. I think Mr. Edsall, the assistant commissioner at San Francisco, made a list of some 40 or 50 different ways.

Mr. McCABE. Is that so?

Commissioner WEINSTOCK. Showed that they could be brought in in furniture cars and vegetable cars——

Commissioner O'CONNELL. I think the chief stated here yesterday that one came over in a barrel of beer bottles.

Mr. McCABE. Yes; one did come in on a fruit steamer. He was in the lifeboat and was discovered about 6.45 by the mess-room boy, and the Chinaman himself told how he was placed in a barrel of empty beer bottles half an hour before they had docked, and he was covered over and some empty beer bottles put over him, so that they expected the inspector would probably put his hand in the barrel and feel the beer bottles and let it go at that.

Mr. BUSHEK. What action was taken against the owners of the ship in this instance that had been guilty——

Mr. McCABE. In that particular case we could take absolutely none. You could be there until the angel Gabriel blew his horn and you would get no evidence. The captain would report that it was reported to him by the mess-room boy, and that the man was a stowaway and they discovered him; and you would be hunting after that trying to get somebody to put it on, and, of course, you would know that some member of the crew was in league with the Chinaman in this attempt to smuggle him into the United States, but you could get no evidence. We have delayed ships and lined up the crew, and Chinamen have volunteered to pick them out, and have picked out people, but we couldn't convict them after bringing them to trial.

Commissioner WEINSTOCK. Can a Chinese certificate such as are now in use be successfully counterfeited?

Mr. McCABE. I should think that they could.

Commissioner WEINSTOCK. Do they use the thumb system?

Mr. McCABE. No; but they could not—for instance, we have several different certificates. The present certificate in use by the Immigration Service is what we call a certificate of identity. A Chinaman is admitted to the United States and he is furnished with one of these certificates of identity, which contains his photograph from an untouched negative and a couple of the principal descriptive marks; also his age and where he is destined to. That is signed by the officer. Now, we will assume that Mr. Billings—well, we will say a couple of years from now I come across one which purports to be issued by George B. Billings. Well, it might be such an imitation that at first inspection I would pass it. It could not be successfully passed if compared with the duplicate, because if that was not the man on it and we would compare it with the duplicate in Washington he would be lost. And so I would say with all the certificates that are forgeries.

Mr. BUSHEK. Couldn't some system be devised like a rogues' gallery, that every police department has, where there is a complete record of each man? For instance, a man enters here, and instead of his certificate being filed here or at Washington, had enough duplicates of that thing struck off so that every immigration office in the country could have a duplicate to compare with this man's certificate.

Mr. McCABE. No; I don't believe it could be done.

Mr. BUSHEK. Well, if our census is right—and it shows about 75,000 Chinese in this country—that would not be too voluminous?

Mr. McCABE. I don't know where you are going to get the money. They are fighting to cut the appropriation now. It is now $2,000,000, and they want to cut that down a couple of hundred thousand; and they always——

Mr. BUSHEK (interrupting). Suppose, on the recommendation of this commission, the Immigration Department would get an appropriation for that specific purpose; would that destroy the effect of forged certificates?

Mr. McCABE. Well, say, you have 75,000 certificates in the office—for instance, headquarters of the New England district; that we would have 75,000 certificates, with the photograph of every Chinaman in New York, and New York the same——

Mr. BUSHEK. You would not have any bigger rogues' gallery than any good police department would have?

Mr. McCABE. I don't believe the police department would have—if I remember correctly the inspector of the Bertillon system of Boston on the stand the other day stated that 12,000 photographs, I think, was all he handled in 12 years.

Commissioner WEINSTOCK. Another question, Mr. McCabe. Congress has asked this commission to find ways and means of stopping smuggling. Now, supposing this commission should, in turn, say to you: "Mr. McCabe, you see how this kind of smuggling can be stopped." What would you suggest? What would be your remedies as the result of your long experience?

Mr. McCABE. Well, I will assume that the courts—that every Chinaman arrested—that the court would have to be satisfied with the right of that Chinaman to remain in the United States in the same manner as the immigration inspector in the field and at the bureau would be satisfied, and in that case the Chinaman would be ordered deported, and this would result in Chinese not caring to smuggle into this country. They would spend all their money to get in, and it would not avail them; would not do any good, in other words. There would be so many deportations that they would not care about taking the chances.

Commissioner LENNON. Let me ask a question right there. In the trial of these cases in the court on which side is the preponderance of evidence required? Do you have to furnish the preponderance of evidence that the man you want deported should be deported or does the man have to convince the court that he is entitled to stay?

Mr. McCABE. The Chinese case is considered a civil case, but the law puts the burden on the Chinaman. In other words, he has to sustain the burden, but the commissioners are ever ready and willing to shift the burden onto the Government.

Commissioner WEINSTOCK. Now, let's see, in point of fact, how far your ideas of the remedy harmonize with the ideas that have been worked out on the Pacific coast. The plan has been submitted and is now under advisement on the part of the commission, as follows: It has been pointed out that if you attempted to check up the Chinamen in America to-day a great many would be found who are legally entitled to be here, but can not prove it, their papers having been destroyed, for example, in the San Francisco fire, where thousands of them lost all that they had. Therefore to check them up now would mean possible injustice to a good many. In order to obviate that possible injustice this suggestion has been made that we wipe the slate clean and that we take it for granted that every Chinaman here has a right legally to be here and furnish him a passport——

Mr. McCABE (interrupting). And he will come forward and get his papers——

Commissioner WEINSTOCK. And he will come forward and get his papers—and give him six months' time. And at the end of the six months' time the Secretary of Labor is authorized to employ a certain number of crews, say not less than 3 nor more than 10, employing men especially trained for that branch of the service—not pick-ups, but selected men who understand the game—and that them these crews devote themselves wholly and solely to traveling throughout the United States perpetually checking up the Chinamen in each community, visiting each community two or more times a year.

Mr. McCABE. And the Chinamen who haven't such a passport will have to be deported.

Commissioner WEINSTOCK. Yes.

Mr. McCABE. Who will deport them?

Commissioner WEINSTOCK. A commission, not the court; of course he has a right to appeal——

Mr. McCABE (interrupting). Yes; and this commission—not the court—you see, for instance, there is lots of evidence that might be able to be considered by a commission as to a man's right to be in the United States that would not be admissible in court. Yes; that method is all right provided there is some method whereby they can cause a man's deportation if he failed to register. But if he comes forward and says, "Why, I did not register—I am not compelled to register"——

Commissioner WEINSTOCK. Well, the privileged classes could not be compelled to register because it would be in violation of treaty rights, and in violation of the Constitution of the United States. If you are a native American and born here they can't compel you to register.

Mr. McCABE. But those would have to go before the commission.

Commissioner WEINSTOCK. Those cases would be exempted; but the theory is that by virtue of the advantages that this passport would give them in this

that if they wanted to leave the country they would not be subjected to the annoyance and delay that they are now subjected to, if they wanted to return to the country—they would not be subjected to the annoyance and delay and vexations that they are now subjected to, that by virtue of these advantages the privileged classes would voluntarily come forward and register and get passports.

Mr. McCall. What about the ones who steal in afterwards and say "I was always here."

Commissioner Wennstock. Have the burden of proof rest on them and they would have to show a certificate or prove why they did not get a certificate. Now, let me read that paragraph so it will be made clearer to you [reading]: "That upon the passage of this act the Secretary of Labor shall require the Commissioner General of Immigration to make a registration of all Chinese and persons of Chinese descent now residing in the United States, and to issue to them certificates of residence, irrespective of the time or manner of their entry into the United States."

That is a clean slate, you see.

"It is expressly made the duty of the Secretary of Labor to employ a sufficient number of persons in order to secure the enforcement of the provisions of this act relating to the registration of Chinese and to prosecutions and proceedings under sections 5 and 5½ hereof.

"Except those persons specified in section 5½ hereof, all Chinese and persons of Chinese descent now within the United States, must apply within six months after the passage of this act to the Commissioner General of Immigration, or to whomsoever he may appoint, for a certificate of residence; provided that Chinese and persons of Chinese descent who upon the passage of this act are absent from the United States and legally entitled to return thereto, shall be entitled so to apply and must so apply within one year from the passage of this act.

"Such certificate of residence shall be granted under such regulations as the Secretary of Labor shall prescribe.

"Any Chinese or person of Chinese descent who after six months from the passage of this act is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States and shall be arrested by any commissioner of immigration or by his deputies, or by any persons whom the Secretary of Labor may authorize, and at such time and place and by such persons as the Secretary of Labor, the Commissioner General of Immigration, or any commissioner of immigration may designate, shall be given a hearing upon the charge of being unlawfully within the United States. At such stage of the hearing as the person conducting the same may prescribe the person charged may be represented by counsel, and pending a final decision shall be entitled to bail in a reasonable sum, not less than $500, to be fixed by the Secretary of Labor.

"The burden of proof shall be upon the person so charged affirmatively to establish to the satisfaction of the person conducting the hearing that he was not required by this act to make such application, or that he had been unable to apply for and receive such certificate of residence by reason of accident, sickness, or other just and unavoidable cause. The person conducting the hearing shall find from the evidence whether the person charged is unlawfully within the United States and should be deported, or whether he is entitled to a certificate of residence. The findings and the record on which they are based shall forthwith be reported to the Secretary of Labor, who shall determine whether the person charged is unlawfully within the United States and should be deported, or is entitled to a certificate of residence, and shall render judgment accordingly."

You see, we have kept it out of the courts thus far.

"Copies of the evidence and findings may be made by the person charged, or by any consular officer of China in the district wherein the hearing is had, who shall forthwith be given written notice of such findings. The person charged shall be given such time and opportunity for the presentation of his evidence and arguments as may be just and reasonable.

"If it appear that the person charged had previously secured a certificate of residence which has been lost or destroyed, the proceedings shall be suspended for a reasonable time to enable him to secure a duplicate thereof from the Commissioner General of Immigration, which shall be issued on request.

"Certificate of residence lawfully secured shall be conclusive evidence of the right of the person to whom it was issued to reside in the United States under the term of this act, and to depart therefrom and return thereto as hereinafter provided, unless in proceedings instituted after the issue of such certificate it be made to appear by competent evidence, other than the statements of the holder, that he was or is subject to exclusion or deportation under laws now or hereafter in force upon some other ground or for some other reason than the time or manner of his entry into the United States.

"Every bona fide certificate holder may depart from and return to the United States at pleasure, provided that within 30 days prior to his departure he deposits with the commissioner of immigration, or inspector in charge, at the port of embarkation his certificate of residence, in lieu of which he shall receive a certificate of identity, to be issued in such form and under such regulations as the Secretary of Labor shall prescribe; and upon his return to the port of embarkation he shall be readmitted upon surrender of his certificate of identity, whereupon the certificate of residence shall be returned to him.

"SEC. 5½. Persons born in the United States of Chinese parentage, and all Chinese and persons of Chinese descent who by the Constitution, treaties, or laws of the United States are entitled to enter, be, and remain therein may, if they so elect, apply for in like time and manner and receive and enjoy such certificates of residence: *Provided, however*, That failure to apply for and receive the same, or the receipt thereof, shall not impair any right or privilege of entry or residence of those in this section specified, to which they may be entitled under the Constitution, treaties, or laws of the United States."

In other words, this is compulsory with the laborer and voluntary with the privileged classes. Now, if there is a weak spot in this, point it out?

Mr. MCCABE. Now, to go back to the arrest. How does this arrest take place? Assuming this law is passed, and the six months has passed, and I am out on investigation, and I come across——

Commissioner WEINSTOCK (interrupting). You are checking up; you are one of the inspectors whose duty it is to check up these Chinese, and you come to me, and I am a Chinaman, and you call for my certificate, and I say, "No hop got." You immediately put me under arrest——

Mr. MCCABE (interrupting). I can arrest you, or have I got to have a warrant?

Commissioner WEINSTOCK. No; you have the immediate power to arrest. You are the arresting officer.

Mr. MCCABE. Oh! This is an arresting crew——

Commissioner WEINSTOCK (interrupting). Yes; an ordinary inspector is given that power.

Mr. MCCABE. Well, of course that is good. It takes it away from the courts and puts it in the executive department, the right to determine who is lawfully here or has the right to remain here after the expiration of the registration time contemplated. That has been the great difficulty in the enforcement of the present exclusion law, because the Chinese have got to be taken before the courts, who practically have got no sympathy, until it gets to the Supreme Court, with the true theory and object of the exclusion law.

Commissioner WEINSTOCK. I see I have read the original draft of the law. Here is the corrected copy with this clause which makes that clear [reading]:

"The Secretary of Labor shall forthwith employ not less than three nor more than five crews of men who shall be especially detailed and authorized by him to ascertain at least twice each year if there are any Chinese or persons of Chinese descent within the United States who have not secured such certificates of residence, and to secure the enforcement of the provisions of this act relating to registration and to prosecutions and proceedings under sections 5 and 5½ hereof. Each crew shall consist of an inspector, an interpreter, and a stenographer who shall be especially qualified for the purpose."

Mr. MCCABE. Does it specify the number of crews?

Commissioner WEINSTOCK. It says not less than three nor more than five. Now, that can be expanded as much as may be necessary. This is only a tentative proposition.

Mr. MCCABE. Well, I should say it would be more——

Commissioner WEINSTOCK (interrupting). Mr. Edsall thought that there would be abundant.

Mr. MCCABE. Three crews?

Commissioner WEINSTOCK. Yes.

Mr. McCABE. Well, I think it would take a crew—I know it would take——

Commissioner WEINSTOCK (interrupting). You see it says [reading]:

"Any Chinese or person of Chinese descent, who after six months from the passage of this act is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States, and shall be arrested by any Commissioner of Immigration, or by his deputy, or by any persons whom the Secretary of Labor may authorize."

Mr. McCABE. Yes; I see.

Commissioner WEINSTOCK. Have full direct power.

Mr. McCABE. Well, five may do it, but——

Commissioner WEINSTOCK (interrupting). Well, the question as to number is a mere detail?

Mr. McCABE. Yes; a mere matter of administration.

Commissioner WEINSTOCK. The chief point upon the scheme as a whole is whether it is practicable or desirable, or is there a better plan that can be devised? If so, what is it? We want it.

Mr. McCABE. Well, it seems to me as though it is the only practical way to do it, because——

Commissioner WEINSTOCK (interrupting). This plan has exactly your thought in mind in this: To-day a Chinaman is willing to pay the price; he is willing to subject himself to the physical hardships; knowing as he does that once planted in the country he is lost in the shuffle, the likelihood of his being deported is extremely remote. But if in addition to the financial expense and if in addition to the physical hardship there will be somebody after him all the time, and he is liable to be picked up at any moment and to be deported, it ought to have a very powerful restraining influence.

Mr. McCABE. It would because it is sufficient to cut out the go-between, and there is no incentive——

Commissioner WEINSTOCK. (interrupting). Take the profit out of the game.

Mr. McCABE. Yes, sir. For instance, assume that if the courts will deport cases or a large per cent of them that alone would be enough——

Commissioner WEINSTOCK (interrupting). To frighten them off?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Now, the question is, does this crew whom we can suppose that you have appointed—but, first, under the present system this thing is done by the courts. The courts, I take it, from experience you have found to be very unreliable, and you feel that if this work were done by commissions trained in this particular thing, who had no other interests, better results would follow?

Mr. McCABE. Oh, yes.

Commissioner WEINSTOCK. It would be expedited——

Mr. McCABE. Yes.

Commissioner WEINSTOCK. And it would be more certain. Now, then, this removes that present weakness?

Mr. McCABE. Yes.

Commissioner WEINSTOCK. And, secondly, you have trained men who are in a position to do nothing but this particular work, and who, as Mr. Edsall has pointed out, can go into all these places—can drop into a community and, by their experience and by the underground information which they are able to secure, they would be able to find out the contraband Chinese?

Mr. McCABE. Well, of course, every man would have to have a certificate in that case or be enrolled?

Commissioner O'CONNELL. Now, one question in this connection: Suppose there are about 6,000 to 7,000, and say that one-third of them in the United States are illegally here. As a matter of argument, would a law of this kind, which would give everybody a certificate of eligibility——

Commissioner WEINSTOCK. Or a passport——

Commissioner O'CONNELL (continuing). Would that open up a new line of a large number of Chinamen seeking to bring over their children here?

Commissioner WEINSTOCK. No; that would not change that situation.

Commissioner O'CONNELL. Wouldn't it give us a new line here of Chinese who would be eligible to remain here and entitled to the same privilege?

Commissioner WEINSTOCK. No; he would have to prove he was a merchant.

Mr. McCABE. The same law would be there as to registration and the method of expulsion?

Commissioner O'CONNELL. Wouldn't it be possible for him to go into business as a merchant——

Mr. McCABE (interrupting). Or it would legalize a lot of unlawful persons here, who would then be eligible; yes, it would.

Commissioner O'CONNELL. Yes; and then they would turn around and bring in their children or some other Chinaman's children?

Mr. McCABE. They could try it.

Commissioner O'CONNELL. Wouldn't that open up a new line for a large influx in that direction?

Mr. McCABE. No.

Mr. BUSIEK. Are not the chief frauds now cases of fellows establishing a merchant's status for the purpose of bringing in children?

Mr. McCABE. Yes.

Mr. BUSIEK. And there are 20,000 Chinese that do not dare now to attempt that, because it would mean their attempt to establish such a status and they would be looked up?

Mr. McCABE. Yes, sir; their legal right to be in the United States would be looked up——

Mr. BUSIEK (interrupting). Now, those 20,000 Chinese now quietly living in this country that now fear to attempt to establish such a status, even to bring over their own children, would have nothing to fear in that regard?

Mr. McCABE. No.

Mr. BUSIEK. And they could establish a fraudulent status and bring over their children?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. And in that respect it would open up the gates to a lot of fraud?

Mr. McCABE. Yes. And perhaps you must strengthen the method of proof for the merchant's status. For instance, there is no real fear on the part of any person other than the Chinese testifying that he knows this Chinese person, and from his observation of him he believes that he works in a store, and he describes visiting the store—going down there on a visit two or three times a week and seeing him in there. He does not fear that he is going to suffer any result from it. Whereas if it was before the court he might not care about going in and testifying to that effect if he really did not know it.

Mr. BUSIEK. Is that all, Mr. Weinstock?

Commissioner WEINSTOCK. That is all.

Mr. BUSIEK. Will you send in your interpreter?

Mr. McCABE. Yes; now, let's see, you want the correspondence with the Seattle office in relation to Mrs. Hing?

Mr. BUSIEK. And the letter to the district attorney in regard to the commissioner—designating the commissioner—all that correspondence.

Mr. McCABE. Yes.

TESTIMONY OF MR. SHERE F. MOY.

Mr. BUSIEK. State your name.

Mr. MOY. Shere F. Moy.

Mr. BUSIEK. Shere F. Moy?

Mr. MOY. Yes, sir.

Mr. BUSIEK. How long have you been in the Government service?

Mr. MOY. Since 1902.

Mr. BUSIEK. And you have been stationed at what places?

Mr. MOY. Buffalo, N. Y.——

Mr. BUSIEK (interrupting). When?

Mr. MOY. Since 1902 until 1907 I was transferred to Philadelphia; and then in 1909, about the middle of September, I was transferred to Boston, and have been here ever since.

Mr. BUSIEK. You are the only interpreter at this port, are you not, or for the New England district?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Just explain briefly what your duties are as interpreter.

Mr. MOY. Act as interpreter.

Mr. BUSIEK. You simply interpret the questions put——

Mr. MOY (interrupting). Put by the inspector and from the court and by the questions put by the district attorney if we go to court.

Mr. BUSIEK. How many Chinese would you say there are in the New England district, about?

Mr. MOY. Well, I couldn't say exactly; but approximately I think about between 2,000 and 3,000.

Mr. BUSIEK. And about how many of those are in Boston?

Mr. MOY. In Boston, of course, I never——

Mr. BUSIEK. Just your judgment is what we want?

Mr. MOY. I should judge in Massachusetts about 1,500 or 1,600, in Massachusetts, but I don't know how many in Boston, exactly.

Mr. BUSIEK. Most of them are on Boston?

Mr. MOY. Boston, I guess, about 800 or 900 perhaps; but I am not sure, though.

Mr. BUSIEK. Eight hundred of nine hundred is your judgment of the number in Boston?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Are you a native-born American?

Mr. MOY. No, sir.

Mr. BUSIEK. What is your status? How is it you are admitted? Are you the son of a merchant?

Mr. MOY. Oh, no. I came here before the law was passed. I came here about 39 years ago; but I went back and forth. About 39 years ago I first came to the United States—about 39 or 40 years ago.

Mr. BUSIEK. Some of the gentlemen who have testified before this commission say that they estimate the number of Chinese in this country unlawfully at about 25 per cent to 33 per cent of the Chinese population. How do those figures agree with your ideas on the subject?

Mr. MOY. Well, I don't know; but he has a record. I know only by guess; that is all.

Mr. BUSIEK. Well, what is your guess?

Mr. MOY. Well, I don't think—33 per cent?

Mr. BUSIEK. It has been put as high as that.

Mr. MOY. I am surprised at that.

Mr. BUSIEK. Well, what is your judgment? Nobody has any absolute record, and we are taking people's judgment.

Mr. MOY. I don't know. Well, I can say. Maybe he say it right; I don't know. Of course, I don't know much about it anyway, but I remember the time I lived in Buffalo and when they catch a lot of smuggling there. But after I leave Buffalo I hardly know much about it.

Mr. BUSIEK. How are Chinese smuggled into this country now? What are the various methods? How do they come in?

Mr. MOY. Well, when I stayed in Buffalo——

Mr. BUSIEK (interrupting). Well, how are they doing it now?

Mr. MOY. In Boston?

Mr. BUSIEK. Yes.

Mr. MOY. Well, that is all I know—by stowaway. That is all I know about.

Mr. BUSIEK. You don't think they bring some of them down from Canada in launches and boats and put them off on the Massachusetts shore and the Maine shore?

Mr. MOY. I never heard of that.

Mr. BUSIEK. I never heard of it?

Mr. MOY. I never heard of it.

Mr. BUSIEK. Ever hear of any of them being smuggled across the Canadian border?

Mr. MOY. Well, I heard of them, and through the line, either through automobile or in a freight car; that is all I heard about it.

Mr. BUSIEK. Do you consider it part of your duty to attempt to discover smuggling—that is, of your own accord—or do you simply confine yourself to interpreting?

Mr. MOY. I confine myself to interpreting.

Mr. BUSIEK. If you should hear about a case down there amongst the Chinese with whom you are acquainted, or whom you know——

Mr. MOY (interrupting). If I do that, I report.

Mr. BUSIEK. You report?

Mr. MOY. I report to the official always.

Mr. BUSIEK. That is part of your duties?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Of course, the fact is well known that you are the Government interpreter?

Mr. Moy. Oh, yes; but when you are a Government employee you hardly find out the things unless an outside man find out more about it than the Government employee.

Mr. Busiek. Won't these people talk to you?

Mr. Moy. No.

Mr. Busiek. Don't you see many strange faces down in Chinatown?

Mr. Moy. Oh, yes; sometimes.

Mr. Busiek. Don't you make any investigation as to who these fellows are or where they are from?

Mr. Moy. No; that is not my duty. I don't think that my duty.

Mr. Busiek. Whose duty is it?

Mr. Moy. It is the inspector's duty. I only attempt to interpret; that is all. That is my duty. That is what they provide me to do. I go in there and see any stranger—I not go in there and ask where they come from. I don't think that is part of my duty.

Mr. Busiek. Then you say it is just your duty to interpret and not to make any investigation yourself?

Mr. Moy. No.

Mr. Busiek. That is what I understand by your answer?

Mr. Moy. Yes.

Mr. Busiek. Would you incur any personal danger if you were to be active and were to attempt to make these investigations amongst your own race?

Mr. Moy. Well, it would be kind of dangerous for myself.

Mr. Busiek. You say it would be?

Mr. Moy. It would be; yes.

Mr. Busiek. You, of course, are in a better position than any other man to detect these things because of the fact that you mix with these Chinese. Now, you say you do not consider it part of your duty, and you say, furthermore, you might incur some peril to yourself if you did do that?

Mr. Moy. Yes.

Mr. Busiek. Now, is it that you are afraid that you might be shot at or that your life might be taken if you became active?

Mr. Moy. Maybe that; and if I go aroung among the Chinese, then I get myself in it when they think I look for trouble myself—might be in danger. You see I would not do that unless I would be inspector and they provide for me to do it, I would do it. Of course, if they want me to make investigations sometimes on the quiet—but not open investigation on my part.

Mr. Busiek. Well, suppose the inspector should see a strange face at some laundry, and he would say to you, "Moy, I want you to find out about that fellow at that laundry." Does he ever do that?

Mr. Moy. If he asked me I would do it; yes.

Mr. Busiek. Well, does he ever instruct you to make such investigation?

Mr. Moy. No.

Mr. Busiek. Never has?

Mr. Moy. No; never has.

Mr. Busiek. Does he himself go down into this district and make investigations to see whether or not people are down there unlawfully?

Mr. Moy. Not that I know of, unless he gets instructions.

Mr. Busiek. Unless he gets instructions, he don't go out on his own hook?

Mr. Moy. No.

Mr. Busiek. Does Inspector Sullivan do it?

Mr. Moy. Well, no. Mr. McCabe order either Mr. Sullivan or myself. We take his order.

Mr. Busiek. The only time you ever make an inspection in the Chinese——

Mr. Moy (interrupting). Not for myself.

Mr. Busiek. When you have got orders to go down there and make an investigation in regard to a particular person?

Mr. Moy. Yes, sir.

Mr. Busiek. Do the Chinese inspectors mix in with the Chinese? That is, attempt to get acquainted?

Mr. Moy. Not that I know of.

Mr. Busiek. Do they ever go to Chinese restaurants and sit around and watch the people?

Mr. Moy. No. Of course, they might do it secretly, but not I know of.

Mr. Busiek. Have you ever seen Inspector McCabe at any Chinese restaurant?

Mr. Moy. No; unless he is with me—go on business, you know.

Mr. BUSIEK. Have you ever eaten with Inspector McCabe at any restaurant?
Mr. MOY. Yes.
Mr. BUSIEK. How often?
Mr. MOY. Oh, well, perhaps I should say—perhaps once or twice a year, maybe.
Mr. BUSIEK. Once or twice a year? What restaurant is that?
Mr. MOY. Oh, sometimes I was with the inspector just once on Beach Street.
Mr. BUSIEK. Do you know Charlie Holske?
Mr. MOY. Yes.
Mr. BUSIEK. Have you ever had any dealings with him?
Mr. MOY. No. Two years ago I bought some rice from him for the house to use, that is all I know about it. I did not deal with him for two or three years. I live in the same number now where his store is.
Commissioner WEINSTOCK. Is he a Chinaman?
Mr. MOY. No. He deals in Chinese laundry supplies.
Mr. BUSIEK. And you live at the same address?
Mr. MOY. Yes.
Mr. BUSIEK. How many Chinese does Holske employ?
Mr. MOY. He had a partner—Chinaman with him.
Mr. BUSIEK. What is his partner's name?
Mr. MOY. Moy On, or O-r-n, I think he spells it, or O-r-n-e; I think that is the way he spells it.
Mr. BUSIEK. And how many people have Holske and Moy On got working for them?
Mr. MOY. I saw two or three employed there.
Mr. BUSIEK. That is sort of headquarters for the Chinese, isn't it—that place?
Mr. MOY. No. They close Sunday.
Mr. BUSIEK. They close Sunday?
Mr. MOY. Yes, sir.
Mr. BUSIEK. Did you do any work on this Cushing Academy matter?
Mr. MOY. I don't know anything about that.
Mr. BUSIEK. You didn't make any investigation of that for McCabe or anybody?
Mr. MOY. No. Well, we did investigate some students; but I don't know where they came from.
Mr. BUSIEK. You don't know where they came from?
Mr. MOY. No, sir.
Mr. BUSIEK. And you don't know where they have gone to?
Mr. MOY. No, sir; of course, I know a number when McCabe and Sullivan with me inquired about it; of course, I don't know if they ever attended that academy or not.
Mr. BUSIEK. Now, Inspector McCabe says he found there were nine of them going to school in this district and working in laundries. Who helped him find those?
Mr. MOY. I did.
Mr. BUSIEK. Do you know where those nine are now?
Mr. MOY. Well, I don't know. But a year ago one or two were attending the Quincy School. It may be they left there. I never trace where they are now.
Mr. BUSIEK. And you say there are only about 900 Chinese in Boston, in your judgment?
Mr. MOY. Yes.
Mr. BUSIEK. You can recognise a Chinamen and remember his face and know him when you see him?
Mr. MOY. Not all, unless I know him long acquaintance.
Mr. BUSIEK. Well, you have been here now for five years?
Mr. MOY. Yes, sir.
Mr. BUSIEK. You ought to know almost every Chinese in Boston?
Mr. MOY. No, sir.
Mr. BUSIEK. You don't know them?
Mr. MOY. No.
Mr. BUSIEK. You know them by sight, don't you?
Mr. MOY. I know them by sight, yes; but I don't know who they are.
Mr. BUSIEK. Well, you know where they work and where they stay?
Mr. MOY. No, sir.

Mr. BUSIEK. Would that be a hard thing for you to do to kind of keep a line on these Chinese?

Mr. MOY. I never did.

Mr. BUSIEK. You couldn't do that?

Mr. MOY. Just like sort of on Sunday we pass by each other; don't know where they are located and who they are, or inquire where they live or anything of the kind. Of course they are strangers to me.

Mr. BUSIEK. I believe that is all.

Commissioner LENNON. I don't care to ask any questions.

Commissioner WEINSTOCK. As I understand it there are about 900 Chinamen in Boston?

Mr. MOY. I should judge about that.

Commissioner WEINSTOCK. Well, can you give us some idea of what occupations they follow? What work they do?

Mr. MOY. Laundry and restaurant is about all I know of and merchant.

Commissioner WEINSTOCK. About how many of them are merchants?

Mr. MOY. About 250, I think.

Commissioner WEINSTOCK. About 250 merchants?

Mr. MOY. Yes.

Commissioner WEINSTOCK. What goods do they deal in? What merchandise do they sell?

Mr. MOY. Well, they have Chinese groceries line and also dry goods and Japanese line and fancy goods.

Commissioner WEINSTOCK. They deal in Chinese goods?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And their customers are principally Chinese?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. I suppose they do very little business with white people, but do business among themselves?

Mr. MOY. Yes. Well, one place——

Commissioner WEINSTOCK (interrupting). Most Americans deal there just at one place?

Mr. MOY. One place.

Commissioner WEINSTOCK. You say there are 250 merchants?

Mr. MOY. Oh, I don't exactly know; I should imagine there were.

Commissioner WEINSTOCK. Now, does that mean that there are 250 different little shops?

Mr. MOY. Oh, no.

Commissioner WEINSTOCK. About how many Chinese shops would there be—about how many men would be interested in one shop; how many partners?

Mr. MOY. Well, of course I don't know how many partners they have; but in the store acting some about 6; well, from 4 or 6 or 8, or some 10 acting members.

Commissioner WEINSTOCK. I suppose it will average about five?

Mr. MOY. Yes; about five.

Commissioner WEINSTOCK. That would make about 50 different shops?

Mr. MOY. Yes. I don't know how many, exactly.

Commissioner WEINSTOCK. No; but approximately. Now, you say out of that 50, one does business with white people, and the remainder——

Mr. MOY (interrupting). Well, one or two.

Commissioner WEINSTOCK. One or two?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Well, lets figure it liberally. There would be 45 shops doing business with Chinese exclusively, and about 5 shops selling to Chinese and white people?

Mr. MOY. Yes.

Commissioner WEINSTOCK. Now, can 900 Chinamen support 45 shops?

Mr. MOY. Not around Boston only, but even all around New England; and one place they ship goods every other place, too, for wholesale.

Commissioner WEINSTOCK. I see. Well, out of these 45 shops how many of them are wholesale?

Mr. MOY. About two or three.

Commissioner WEINSTOCK. And the rest is retail?

Mr. MOY. And also retail, too.

Commissioner WEINSTOCK. Now, it seems to me if we had a village here with 900 people it would be pretty hard for those 900 people to support 45 stores?

Mr. MOY. Oh, yes.

Commissioner WEINSTOCK. You see, about 900 would be supporting about 250 business men and clerks. That would be about only four customers to one clerk?

Mr. MOY. Yes.

Commissioner WEINSTOCK. They couldn't support him?

Mr. MOY. No; I know—but I don't know how they do it.

Commissioner WEINSTOCK. Isn't there something wrong about our numbers. Perhaps we have underestimated the number of Chinamen here and overestimated the number of shops?

Mr. MOY. Well, you see, you take those places, and they sell around to all New England States, those Chinese, when they send their goods out to a laundry, and even they sell Chinese goods and also laundry supplies, too. They deal in everything.

Commissioner WEINSTOCK. How many Chinese are there in New England?

Mr. MOY. I imagine about 3,300 or more.

Commissioner WEINSTOCK. May be a little over?

Mr. MOY. Yes.

Commissioner WEINSTOCK. You say the Chinese are engaged chiefly in laundry and restaurant work?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Are there many employed in domestic service like cooks and houseworkers?

Mr. MOY. Very few.

Commissioner WEINSTOCK. Very few?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. How many women are there here—Chinese women?

Mr. MOY. I imagine around Boston somewhere around 45 or 50.

Commissioner WEINSTOCK. Forty-five or fifty women?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Are they wives of Chinamen?

Mr. MOY. Yes, sir; all married.

Commissioner WEINSTOCK. Any of them prostitutes?

Mr. MOY. All married women.

Commissioner WEINSTOCK. No Chinese prostitutes?

Mr. MOY. No; not in Massachusetts—not that I know of.

Commissioner WEINSTOCK. Do you know whether Chinese are admitted to the white places of prostitution in Massachusetts? Chinese men—are they permitted to go around to white places of prostitution?

Mr. MOY. I don't know; I believe that. Of course, I have a family here myself; I don't know. I believe they have. Maybe some married white women.

Commissioner WEINSTOCK. You say there are some married white women here?

Mr. MOY. Yes, sir.

Commissioner O'CONNELL. How many Chinese married white women?

Mr. MOY. I don't know; a few; two or three in Chinatown, I believe.

Commissioner WEINSTOCK. You have a Chinese Chamber of Commerce in Boston?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Do you know how large the membership is?

Mr. MOY. I don't know; I never was in there.

Commissioner WEINSTOCK. I suppose that is all the merchants—the society?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Now, do they also have, as they do in San Francisco, what is known as the Six Companies? Are they represented here?

Mr. MOY (partly inaudible). Well, Six Companies—now they are compelled to be public here—at public hall here.

Commissioner WEINSTOCK. And these Six Companies are organized?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. That is a separate organization from the chamber of commerce?

Mr. MOY. Well, the Six Companies in San Francisco, those represent the different districts from China.

Commissioner WEINSTOCK. Different Provinces?

Mr. MOY. No; different district; not Provinces. Most all from Canton Province.

Commissioner WEINSTOCK. So you have two organizations here; you have the chamber of commerce on the one hand and the Six Companies on the other hand?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Now, I want to ask whether the conditions here are the same as at San Francisco. In San Francisco the chamber of commerce is composed of the merchants, good, respectable, decent Chinamen, and the Six Companies is controlled and managed by the Highbinders. I suppose you have your share of Highbinders here, too, just as they have there?

Mr. MOY. Yes.

Commissioner WEINSTOCK. Now, in San Francisco we find that the merchants are looking with disfavor upon the smuggling of Chinese and the Highbinders want the smuggling to go one, because they make money out of it?

Mr. MOY. That is true.

Commissioner WEINSTOCK. And I suppose it is the same situation here—the decent, respectable Chinamen want to obey the law?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And the Highbinders want to break the law to make money?

Mr. MOY. Most everywhere; yes.

Commissioner WEINSTOCK. About how large is the Highbinder society here; about how many are there in the society known to be Highbinders?

Mr. MOY. Of course I not belong to this secret society. I don't know much about it.

Commissioner WEINSTOCK. You hear the talk, of course, and gossip?

Mr. MOY. Of course I hear the talk.

Commissioner WEINSTOCK. You can form a pretty good idea?

Mr. MOY. Well, the people call that exactly not one standard; but others, I presume, they break up. I am not sure of that. Of course they may be secret somewhere.

Commissioner WEINSTOCK. Have these Highbinders committed any crimes here; that is, murder or shooting or killing as they do sometimes out our way in California?

Mr. MOY. Well, a few years ago.

Commissioner WEINSTOCK. But not recently?

Mr. MOY. But not recently. I guess there was one murder last year—last winter.

Commissioner WEINSTOCK. Among the merchant Chinese?

Mr. MOY. Yes, sir.

Mr. BUSHEY. Was that what they call a hatchet murder?

Mr. MOY. I don't knod, because they never catch the murderer. I don't know who killed him.

Commissioner WEINSTOCK. Did they use a hatchet?

Mr. MOY. No; shot. Gun. One Chinaman got killed; I think it was a year ago last winter.

Commissioner WEINSTOCK. Well, you have been in the Government service how long?

Mr. MOY. Since 1902.

Commissioner WEINSTOCK. That is 12 years?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. You have been around in different places?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And you have had opportunities for getting experience?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And making observations that a great many others have not had?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. I suppose you know the duties that Congress has put upon this commission, do you not?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Congress has said to this commission, We want you to find out some way of stopping the smuggling of Chinese, and that is what we are trying to do. We are trying to find out some way to stop the smuggling of Chinese. Now, supposing this commission in turn said to you, "What is your way of stopping it? How would you stop the smuggling?" What would you tell them?

Mr. MOY. That is all I thinking about; all what I said, convict those smugglers.

Commissioner WEINSTOCK. Convict the smugglers?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Well, isn't it a good deal better to prevent it than to try to cure it?

Mr. MOY. Yes.

Commissioner WEINSTOCK. Isn't it a good deal better to take away temptation from a man so that he won't steal rather than to punish him after he does steal? Now, how would you take away the chance for smuggling? Of course we know that the smuggling is done very largely by white men?

Mr. MOY. Yes, mostly.

Commissioner WEINSTOCK. Who employ Chinamen to act as lieutenants?

Mr. MOY. Well they have Chinamen to be agent for them, and they come around and tempt the Chinamen to do it.

Commissioner WEINSTOCK. Yes, we know that. We know that the white men always take the first step.

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And use the Chinaman as a tool?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Now, the white man does that because there is a profit in it. He makes money in it. Now if we can cut away his chances for making money he will drop out of the business.

Mr. MOY. Of course.

Commissioner WEINSTOCK. He won't stay in it for fun?

Mr. MOY. No.

Commissioner WEINSTOCK. How would you cut away his profit and make it unprofitable for that white man to engage in smuggling?

Mr. MOY. Well the white man—I don't know any agent in this place around for the Chinese part, but the white man, suppose he went to Canada to some agent there. The Chinaman over there might be have some friends over here, men that ask the friend in the United States to see if they can't put up the money or put up the bond and money for the Chinaman over in Canada, so that the white men bring those Chinamen over; and then the white man go back either to Montreal——

Commissioner WEINSTOCK. Well, we understand that part of it. We know that the white man acts through his Chinese agents; that we know.

Mr. MOY. Yes.

Commissioner WEINSTOCK. But what we want you to tell us from your experience is how to make it impossible for that white man to do that, how to take away the chance?

Mr. MOY. I don't know unless you can catch him and put him in jail; that is all.

Commissioner WEINSTOCK. Now isn't it true that this is what happened: I am the Chinese agent for this white man over here and you are the Chinaman in Canada and I come to you and I say "Would you like to go to the United States," and you say "Yes, very much." "All right. For so much money, $100 or $200 I can take you over." And you say "Well, now isn't it pretty risky? Won't I get into trouble?" and I say "Well, of course there is some risk, but there is very small risk. If you once get into the United States you are safe because there is not one chance in a hundred you will get caught or sent out. There is some little risk in crossing and getting over. But after you are once over there you are safe." Of course that would make it a great temptation for you to come if you wanted to get here.

Mr. MOY. Yes.

Commissioner WEINSTOCK. All right. But supposing this was the fact, that I, as the Chinese agent of this white man, come to you and say, "I can get you over into the United States if you pay a certain amount of money," and you would say "Ah, but after I get over there I am not safe. I am liable to deportation any moment. They will follow me up from city to city until they locate me," and I would have to admit that was true. Would you care to take that chance?

Mr. MOY. I suppose they would care as long as they could get over here.

Commissioner WEINSTOCK. Yes; but if you knew after you got over here you would be liable to be deported any moment?

Mr. MOY. Well, they would take the chance at it I suppose; they would take a chance.

Commissioner WEINSTOCK. Now they don't take any chance, but the other way they would take a chance of losing their money.

Mr. MOY. Losing their money and also going back besides.

Commissioner WEINSTOCK. Then what?

Mr. MOY. That is the end. They can't get the money back.

Commissioner WEINSTOCK. Let me ask you this question: It has been suggested that the laws be changed so that the profit will be taken out of the smuggling game?

Mr. MOY. That is the only way to stop it.

Commissioner WEINSTOCK. And with that end in view this plan is now before us. We know then if we were to check up all the Chinamen in the United States to-day we would find a good many——

Mr. MOY (interrupting). Oh, yes.

Commissioner WEINSTOCK (continuing). We would find a good many who have a right to be here, but who have no papers—papers have been burned up, it may be, in the fire in San Francisco, but they could not prove they have a legal right to be here, and so we might send away a good many that have a right to remain. Now, it is not the desire of the United States Government to do anybody an injustice—to do anyone a wrong. So it has been suggested that we reregister all the Chinese in this country, and forget how they came here, and wipe off the slate; give any man a certificate, no matter how he came and no matter whether he stole into the country or was smuggled into the country or came here legally, and start out a new page—clean. Give the Chinese six months time to get their papers; at the end of the six months we start up to check all Chinese throughout the country——

Mr. MOY. That is a good plan.

Commissioner WEINSTOCK. And if they can not show their certificate——

Mr. MOY (interrupting). Then you can deport them.

Commissioner WEINSTOCK. Then they can go.

Mr. MOY. Yes.

Commissioner WEINSTOCK. Do that all the time, not only once, but have crews travel and, say, visit each city every six months, or twice in a year, and check up the new faces, and make them prove how they came to be here. Now, would that not be considered, and if a Chinaman in Canada found he was going to be checked up, and followed from city to city, he would not be so willing to come as he is now?

Mr. MOY. He would be afraid to come then.

Commissioner WEINSTOCK. You think that would frighten them off?

Mr. MOY. That is a fact.

Commissioner WEINSTOCK. What?

Mr. MOY. Yes.

Commissioner WEINSTOCK. Do you know any better plan than that?

Mr. MOY. Nothing better than that.

Commissioner WEINSTOCK. Do you know of any reason why that plan would not work out?

Mr. MOY. I don't know. I don't know of any reason why they don't work that out.

Commissioner WEINSTOCK. Well, now, I want to ask you another question. Supposing this law said the laborers must register, the merchants and the citizens need not register and the natives—those born here. They can if they wish, but the law will not compel them to. It will compel the laborer. And supposing that you were a merchant or a student and were a member of the privileged class, and you knew that you did not have to register if you did not want to——

Mr. MOY (interrupting). I never did register myself.

Commissioner WEINSTOCK. But that if you did register you will get this benefit, that if you wanted to go to China to-morrow, or wanted to go to England to-morrow, you could go without any trouble, and would not have to be detained and examined and go through the whole machinery——

Mr. MOY. Examined here before I leave?

Commissioner WEINSTOCK. Not under this new law, with a certificate. If you have the certificate you can go out.

Mr. MOY. Oh, already?

Commissioner WEINSTOCK. And when you want to come back there will be no delay. You don't have to be examined, and don't have to be put in a house of detention, maybe for a week or two weeks, but just as soon as you show

your certificate you come right in. Now, do you think that by virtue of enjoying that advantage you would hesitate to register, if you belonged to the privileged class?

Mr. Moy. I guess they would; I guess they would be glad to, I think. I think they would be glad to.

Commissioner WEINSTOCK. The advantage of this paper would be worth the trouble?

Mr. Moy. There was trouble a few years ago when Commissioner John Sargent asked some of the inspectors what is best for labor departure here. Well, I told some inspector the best thing, cut out that $1,000 debt. You see I know they are lying, and the inspector know they are lying, because that is $1,000—people owing $1,000 before he can come back here, but a man in here——

Commissioner WEINSTOCK (interrupting). Now, let us see. I want to make that straight for the record. You mean that under the present law no man can go to China unless he can first prove that he is a merchant——

Mr. Moy. No; the laborer.

Commissioner WEINSTOCK. Oh, the laborer?

Mr. Moy. Yes.

Commissioner WEINSTOCK. He must prove that he has $1,000 debts—that is, you mean that somebody owes him $1,000?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. In order that he may have a pretext to come back?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. If nobody owes him anything he can go but he can not come back?

Mr. Moy. He can not come back.

Commissioner WEINSTOCK. Now, your criticism was that that was a bad law?

Mr. Moy. That was bad.

Commissioner WEINSTOCK. Why?

Mr. Moy. Because either I come to this country in one year, perhaps, then I get some trouble in my own home in my country, and maybe they want me to come right back to China, and then I make the $1,000 debt—lend it to somebody before I can go, and only some kind friend step forward helping each other and say, "Yes; I owe you $1,000."

Commissioner WEINSTOCK. In other words, you say that under the present law one Chinaman will perjure himself for another Chinaman and claim that the Chinaman about to depart owes him $1,000, when, as a matter of fact, he does not owe him $1,000. That is it, is it?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Now, you think the law is bad because it encourages perjury?

Mr. Moy. Makes him——

Commissioner WEINSTOCK (interrupting). And false swearing?

Mr. Moy. Yes; well—of course, maybe, we can not prove—the Government can not prove they swear falsely when the man say I do owe him, and I am the interpreter, and you as inspector—you ask about it. Then you can not prove that man did not owe him. So you can not prove and you let him go, just the same. Well, of course, a merchant—want two white witnesses to prove they are merchants, acting in the store. That is perjury, too.

Commissioner WEINSTOCK. Yes. Now tell me, if we had all the Boston Chinamen in this room and we would explain this proposed new law to them—"First, all you laboring men must register. You merchants can register if you like. At the end of six months any laboring man found here without a certificate will be sent away." How do you think they would feel about it?

Mr. Moy. I think those in the country—they are willing to do it. Of course, I do not know—they might—they may at a meeting talk it over before going to do it, of course. I do not know what these merchants are going to do, and do just the same in San Francisco, and they do it all over the United States before they are compelled to do it, and they say, "Yes. All right." And maybe they argue. Of course, I do not know what they are going to do.

Commissioner WEINSTOCK. That is all, Mr. Rudek.

Mr. Downs. That is all with this witness.

Commissioner WEINSTOCK. That is all, then, Mr. Interpreter.

We will adjourn until 9.30 in the morning.

(Thereupon, at 5 o'clock p. m., an adjournment was had until the following morning, Wednesday, July 8, 1914, at 9.30 o'clock a. m.)

BOSTON, MASS., *Wednesday, July 8, 1914—9.30 a. m.*

Present: Commissioners Weinstock (acting chairman), Lennon, and O'Connell.

Acting Chairman WEINSTOCK. The commission will be in order.

Mr. BUSIEK. Mr. Sullivan is here. Just take the stand, Mr. Sullivan.

TESTIMONY OF MR. E. MARK SULLIVAN.

Mr. BUSIEK. State your name?

Mr. SULLIVAN. E. Mark Sullivan.

Mr. BUSIEK. What is your occupation, Mr. Sullivan?

Mr. SULLIVAN. Attorney at law.

Mr. BUSIEK. What official position have you held recently?

Mr. SULLIVAN. Assistant United States attorney for the district of Massachusetts.

Mr. BUSIEK. How long ago was that?

Mr. SULLIVAN. I resigned as of October 31, 1913.

Mr. BUSIEK. Have you any client now that is interested in the Chinese situation in Massachusetts?

Mr. SULLIVAN. Yes; I am representing a committee composed of members of the Massachusett's Laundrymen's Association.

Commissioner LENNON. Is that a Chinese association?

Mr. SULLIVAN. No, sir; that is a Caucasian association.

Mr. BUSIEK. And what is their interest in the Chinese situation?

Mr. SULLIVAN. They are concerned with the competition in their line of business as afforded them by the Chinese laundrymen of Massachusetts.

Mr. BUSIEK. What does this competition amount to?

Mr. SULLIVAN. Well, by way of example, I can say that it is estimated that the Chinese laundries of Boston are doing about from $40,000 to $50,000 worth of work a week.

Commissioner O'CONNELL. Forty thousand dollars to fifty thousand dollars worth of work a week?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. Have you made some fairly reasonable investigations to reach that conclusion?

Mr. SULLIVAN. I have not; no, sir.

Commissioner LENNON. But someone has?

Mr. SULLIVAN. Yes.

Commissioner LENNON. I did not mean that you have.

Mr. SULLIVAN. Yes. I understand so.

Mr. BUSIEK. What investigation has been made under your direction of the Chinese situation?

Mr. SULLIVAN. This association employed William J. Burns International Detective Agency for the purpose of making an investigation as to the sources of smuggling and the amount of smuggling and the number of Chinamen here unlawfully. They were left very much to their own devices—I am sorry to say, because of the point of expense. So what they did they did very well. They had men along various points of the Canadian border and at New York and Vermont, and they also had men down in Chinatown in Boston. We also had investigators at Worcester and at Springfield.

The investigations along the Canadian border seemed to indicate at the time the investigation was made a suspension of smuggling, which was explained in part by this one reason that it was in the late winter and early spring when we had this investigation made, which seems not to be the time of year when the Chinamen are traveling. But we did find that there were persons at Montreal and at Rouses Point who had been making a business of smuggling in Chinamen, various means being employed. For instance, they would conceal them in freight cars or on flat cars under the lumber; or sometimes they would conceal them on boats and take them down the lake—down Lake Champlain. And they had various devices for bringing them in. But at the time we made this investigation at the Canadian border we were satisfied we were too early in our work. Then, we had men in Chinatown. We had one man named Curley who spent a good deal of time in Chinatown under the pretext that he was simply a good fellow who had a penchant for Chinese manners and Chinese customs. He was very hospitably received and quite generally received in Chinatown.

Mr. BUSIEK. Who is that, Mr. Sullivan?

Mr. SULLIVAN. This Curley? He was employed by the Burns Detective Agency as one of the investigators and we hope to have him here later. I have his reports with me, but I don't suppose you care to go over them, showing that the methods used in Chinatown or by the men in Chinatown for smuggling——

Mr. BUSIEK (interrupting). Tell us about those, please.

Mr. SULLIVAN. Well, roughly—nothing new, of course, to you men, but they are brought in by boats—principally the smaller boats landing at the port of Boston—brought in from Jamaica and those other islands off the coast here. Then they are brought in now principally by way of Maine, and some are coming by way of Buffalo. Those men, we find, are required to pay anywhere from $300 to $500, $600, and even $1,000 for being brought in. Then after they are brought in, the next thing is to get a certificate to show their right to remain here, and those certificates are sold down in Chinatown at something like $100, $150, and $200 a piece. Now, the name Brown was used quite frequently in that connection, and he was spoken of as the State's attorney of Vermont, as a man who sold certificates to certain Chinamen down in Boston Chinatown who later offered them for sale to Chinamen. I have never seen one of those certificates, and it is possible from our investigation that they are not legally issued—that they may be corruptly and without conscience issued. For instance, a United States commissioner some years ago, or up to some few years ago, had no authority under the law to issue a certificate; but he, having heard a case, would issue what amounted to a certificate, which might be in the nature of a certified copy of his record showing that that Chinaman by such a name was brought before him and given a hearing and discharged as one lawfully in the United States. Well, at any time subsequent to that that commissioner would readily issue a duplicate of that certificate; and so that thing has gone on, and duplicates have been issued and issued in great number, and there is no way of verifying them. There have been instances later where the photograph record of the subject investigated was retained by the commissioner, who at the issuance of the certificate attached the picture thereto. Well, I suppose if you wanted a certified copy of that now you would get it without the picture, and put your own picture on it. So those things are all marketed down here in Chinatown.

Acting Chairman WEINSTOCK. Are you speaking now of present conditions?

Mr. SULLIVAN. Oh, yes.

Acting Chairman WEINSTOCK. Existing conditions?

Mr. SULLIVAN. Oh, yes; these things I have discussed with Mr. Larned.

Commissioner LENNON. That is Mr. Larned at Washington?

Mr. SULLIVAN. Yes; I have discussed this situation with Mr. Larned at Washington. Let me confine myself, however, to Curley's reports; but if he is here he can probably do a good deal better than I can do. His intimate association with some of those people in Chinatown gave him proper opportunity for obtaining from them statements regarding their residence in the United States; and who have records of all those and his reports. Those men have the names and we had what we thought was sufficient evidence to bring in and cause to be ordered to be deported about 18 or 20 Chinamen in Chinatown from whom he had sufficient admissions to warrant their being ordered deported on the ground that they were not here lawfully; and he had corroborating evidence. He was accompanied on nearly all of these occasions when these admissions were made by one other investigator. They were very cordially received, and when we were terminating their employment in Chinatown it became necessary to get rid of these fellows without creating any suspicion. So one fellow who was with Curley announced that he had to go to New York on business and would not be back for several months. So he was given a farewell party——

Acting Chairman WEINSTOCK (interrupting). On what ground were they able——

Mr. SULLIVAN (interrupting). Well, they were simply good fellows around Chinatown, who had a penchant for Chinese customs and the manners, and liked to frequent and habituate Chinese restaurants, so that they even went back into the cooking room of the restaurants and there found working in the various restaurants a number of Chinese boys. Some would say that they went to school, and, in most instances, they observed that the boys never went to school. He was always there. They frequented Chinese laundories. The thing went so far that some of the Chinamen here made arrangements with them—that is, to the extent of making terms with them for bringing in China-

men from Jamaica—and said if that venture was successful they had about 20 or 30 more Chinamen on the Mexican border who were anxious to come in. Of course, these records all show the names of these people who are interested in this work, and especially interested in this and particularly in negotiating with these men to do that work; and I should be glad, if you men want, to leave with you Curley's reports to me.

Mr. BUSIEK. We would like that very much, Mr. Sullivan, and we will make copies and return them.

Mr. SULLIVAN. If you will return them. I have all these records here——

(A considerable number of documents were here turned over to Mr. Busiek by Mr. Sullivan.)

Commissioner LENNON. I would like to ask one question there before going further. Did your association make any effort to verify as to the character of this Mr. Curley? You know there are all kinds of men in the detective business.

Mr. SULLIVAN. No, sir.

Commissioner LENNON (interrupting). Or did his work verify itself?

Mr. SULLIVAN. We felt satisfied with Curley to a degree that we never accorded to some of the other investigators. I met him frequently, and I knew something of this Chinese business——

Commissioner LENNON (interrupting). You are convinced he was not just making a report favorable to your side in order to hold his job?

Mr. SULLIVAN. No; I feel quite convinced of that because his reports seem very modest, and there are times when there were things missing which he might easily have supplied to our great satisfaction, and he frankly admitted that he could not.

Acting Chairman WEINSTOCK. Now, as I understand it, the laundry association employed you?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And you employed the Burns Detective Agency?

Mr. SULLIVAN. No; they employed the Burns Detective Agency direct.

Acting Chairman WEINSTOCK. Direct?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And the Burns agency then detailed Mr. Curley to make this investigation?

Mr. SULLIVAN. Oh, they detailed—they must have had altogether, probably 15 different operators at different times. For instance, they had different operators who shadowed Sullivan of the Immigration Bureau. They had operators shadow McCabe; they had operators who talked with these men on different pretexts; they had operators to shadow Daley, who was known as Capt. Daley, and who was arrested and convicted of Chinese smuggling; we had operators shadow Lennon; we had operators shadow Goodman Phillips; we had operators who talked with those men under various pretexts, and who boarded in the same house with Goodman Phillips; his family was said to be in California; and we followed them through the Burns's agency in San Francisco, Cal.; but we later, however, located Goodman Phillips himself in Boston. We could not discover what his business was here. He was boarding in a house kept by a German woman, I think, on Lagrand Street—that is down back of the Hotel Touraine—and we couldn't seem to find out what his business was here. He was very careful, of course. He had been caught so many times by investigators that it is very difficult to get him to talk. We had a man boarding there in the house with him. So, after a while we discontinued our investigation on him, because it was not leading to anything excepting expense. So that some of our investigators did not return us anything; and then there were investigators along the Canadian border—some men who simply went up there and returned a bill of expense. For instance, one man was up there and was drunk a week and said he broke his arm. And then we got reports all in one day—simulated reports. I have tried to mark these, for instance, and indorsed those under McCabe, and McCabe's *rope*; and McCabe's rope means that an operator conversed with him on some pretext or other, for instance, one went in and was anxious to get help for a machine factory in Maine, but without any success; and so there I use the word "rope." That means conversed with him under some pretext and shadowed him. And we shadowed Chin Kay Son, and also had men "roping" Chin Kay Son. He is one of the big men in Chinatown, is interested in a number of restaurants in Boston, and a man who also has a large wet-wash laundry.

Acting Chairman WEINSTOCK. After you shadow these people some time don't they get suspicious, and after they get suspicious isn't it very difficult to shadow them?

Mr. SULLIVAN. Why, yes. For instance, we feel quite convinced that Phillips suspected that the operator we had boarding in the house with him was there to rope him. We feel quite convinced that Sullivan was aware that he was being followed one day, and that he became aware of that up here in this department store of Houghton & Dutton; and since then I have learned through McCabe and Sullivan—I have told these men that they were shadowed. I will tell you why presently, because I was talking to Sullivan and he thought he was shadowed, and only here the other day he said to me, "Sullivan, your men are still shadowing McCabe and myself." I said, "No; we are not." He says, "I know we are being shadowed." I says, "Certainly not by our people or with my knowledge." And he went on to tell me why he thought they were being shadowed—that an officer told McCabe, for instance, that there was a man who had been hanging about in the vicinity of his house for a good many days, and the officer asked him what he was doing there and he excused his presence on the ground that he was doing detective work; and Sullivan says that he—they test themselves, of course, from time to time to see if they are being shadowed.

Now, these reports I will let you have, but I will ask you to return them. For instance, we had operators at Montreal; St. Albans, Vt.; Newport, Vt.; and Rouses Point, Vt. That is along the Canadian border. And we had them also at Springfield and Worcester. A little while ago I said that Curley's investigation led him into close association with a number of Chinamen down in Chinatown and particularly with some who were anxious to make an importation of Chinese from Jamaica and Mexico, and among those prominently mentioned were Charley Joe and Will Joe Yung. All those are mentioned with great detail in those reports, and I am going to leave those with you.

Now, I was going to say—well, it escapes me. I may return to it in some natural order of suggestion later. It will come back to me again, but I will tell you now what later we did.

I told my clients after receiving the evidence we had regarding certain Chinamen in Chinatown in Boston as reported to us by Curley, that I felt that the evidence was sufficient to justify an order of deportation in each of those cases, that it would not be sufficient before Commissioner Hayes, of Boston. Now, in Boston we have four United States commissioners—Commissioner Hayes, Commissioner Darling, who is the clerk of the United States district court, and Commissioner Hale, and Commissioner Grinnell. Hale and Grinnell are partners in a law firm. But it is understood that these commissioners are not to sit except in the absence or vacation of Commissioner Hayes.

Mr. BUSIEK. With whom is that understanding had?

Mr. SULLIVAN. That understanding is had amongst those commissioners and the judge of the district court.

Mr. BUSIEK. The judge appointing the commissioners?

Mr. SULLIVAN. The judge appointing the commissioners.

Acting Chairman WEINSTOCK. What are the powers of the commissioner?

Mr. SULLIVAN. The powers in general of a United States commissioner are these: On proper evidence he may issue a warrant for the arrest of the person complained of on proper complaint. He may arraign prisoners brought before him on original complaints, whether it be on original complaints from this district, or upon complaints taken out in this district for the arrest of fugitives——

Mr. BUSIEK. Mr. Weinstock had reference merely to Chinese matters.

Mr. SULLIVAN. Oh, Chinese? This is the one instance where the commissioner has what we call original and final jurisdiction. The commissioner in all other matters simply hears cases on the question of probable cause, to bind over. I don't know how many of you are lawyers——

Acting Chairman WEINSTOCK. To be held for the court?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. We are all pretty familiar with legal matters.

Mr. SULLIVAN. You are? Very well. This is one case where he has final jurisdiction. Under the statute jurisdiction over these matters is in the district court; but it is shared also concurrently by the United States commissioner, and the statute provides that the Chinaman may appeal from the decision of the commissioner to the United States judge—to the judge of the United States court—but it says nothing about the appeal of the United States

itself in such cases. Now, if you want me to I will discuss that question with reference to a particular instance I have in mind, as I am convinced that the men at Washington are not anxious to enforce this law, and I will tell you why.

I was over in that office as assistant United States attorney for nearly seven years and had seen this law work and had become quite interested in it. There it was discovered that there was a Chinaman here in Boston——

Acting Chairman WEINSTOCK. You say you think they are not anxious to enforce the Chinese exclusion act?

Mr. SULLIVAN. I do think so. I don't think they are making an honest, virile effort to enforce the Chinese exclusion law. I say that because they are wasting so much time chasing phantoms that do not exist—that have been erroneously termed as white slavery. There is no such thing to my mind. Now this is the case I have in my mind:

McCabe had come before him, I believe, a Chinaman who was seeking a certificate for a return. He was about to go abroad and his examination led him to believe that this man was not telling the entire truth, and a further investigation convinced him and convinced me that this Chinaman was here in Boston and pretended to be a member of a firm of Chinese merchants, but was one of two or three Chinamen who escaped at Providence from the United States marshal for the northern district of New York, and that escape was effected, I believe about seven or eight years ago. We had before us the original warrant of deportation with the Chinaman's picture on it, and we had the picture of the Chinaman taken at a later date, and they were exact likenesses excepting for the natural differences that would arise in the term of seven or eight years in the life of a young man then in his twenties and approaching his thirties. I said to McCabe at that time, "I would not arrest this man on an original complaint; I would grab him on this warrant, which is still in force, because the minute you arrest him on an original complaint they are going to take him before Commissioner Hayes and you are going to try this case all over and you haven't got any evidence excepting this picture practically to present to Commissioner Hayes and such other evidence as you can get from him on cross-examination, and you haven't much of a chance to succeed. My advice to you, therefore, is to grab him on this original warrant of arrest and deportation on the presumption that his case has been tried and heard. Then he will take out a writ of habeas corpus which will bring him before the court for trial and we can introduce this warrant of deportation." I think McCabe was very sincere, but the orders from his department in Washington were that we should proceed by original complaint——

Mr. BUSKIE (interrupting). The original complaint?

Mr. SULLIVAN. A new complaint. We took him before Commissioner Hayes and of course he told the usual story. He was born in San Francisco, and men came forward to say that they knew his parents, and so forth; and there also was brought forward an American woman who taught a Sunday school at Marlboro, Mass., where he had worked; and her evidence was all right and to my mind very satisfactory back about six or seven years just about to the time this fellow escaped. She attempted to testify to his presence there for a number of years previous to that, but on cross-examination did not hold; and her only reason for saying that he was there at that time was that he remembered when her mother died, and her mother died about 14 years ago, so that is why she said she knew him away back there, because he said he remembered her mother. Well, the result was, however, that though you men, I believe, would be satisfied that he had not sustained the burden which the law places upon him of proving to the satisfaction of the ordinary commissioner that he was here of right, Commissioner Hayes ruled that he was here of right and that he was lawfully in the United States; and that was wholly on his evidence that he was born in the United States. Well, thereupon the Chinese Bureau of the Bureau of Immigration decided that they would arrest this man on the original warrant and deportation. I said "Don't do that because it will amount to nothing. The minute you arrest him on that warrant he will sue out his writ of habeas corpus, he will go before the court and he will say to the court, here is a certified copy of the record of the commissioner who has heard my case in the court of the Government's own choosing. Why go back to a previous finding which is in dispute as to my identity when here is a court of your own choosing that has decided I have a right to remain in, and that would be final." I said, "Now what I suggest that you do is this, that you take an appeal from the commissioner to the circuit court of appeals

on points of law and on the general findings such as you do in admiralty cases and such as you do under the general practice act in any case where the Government is a party. Though the law does not provide specifically for the Government's appeal, yet the general practice act operates here. It provides that a Chinaman has a right to appeal from the commissioner to the United States judge, and of course the general practice act would give him all the benefits of an appeal to the circuit court of appeals of the United States." They declined to do that and said I didn't know what I was talking about. And I took it up with Judge Martin and he said "Why, certainly. The commissioner, under this act is sitting as an arm of the court—in such matters he is sitting as the court and your appeal would be according to the general practice act from him to the circuit court of appeals.

They did not do that. They went on and bagged him as they had determined under the original warrant. Whereupon he sued out a writ of habeas corpus and the matter is still pending, and I know Judge Martin's mind is that he has got to discharge him when he comes before him, when the issue is raised; but the matter is still pending and the man is out on bail.

Now, I said to my people early in my employment that it would be useless to go on with these cases such as Mr. Curley had reported, before Commissioner Hayes. He does not give to evidence in these cases the values that the ordinary man would put upon it. He goes so far afield in his findings that almost at first I was inclined to believe that the man was corrupt, that he was venal; but I can not say—because he is rather an excellent gentleman—Mr. Hayes, ordinarily I would say, is a good lawyer and a scholarly man, somewhat academic. He has learned. You have seen those men with academic faces; they are not really learned, but polished men; a man of some small practice, but which was made up of some matters of considerable trust showing that people have confidence in him. But I think his error in these matters spring from an inordinate benevolence for the Chinaman.

Commissioner O'CONNELL. How long has he sat as commissioner?

Mr. SULLIVAN. I think he has been commissioner down there now for about six or seven years. I think about the time I went in there he was appointed as commissioner. I do not remember any other commissioner sitting regularly there but Commissioner Hayes. So I know, too, that McCabe has had his difficulties with Hayes, and my clients suspected McCabe. A number of people suspected him. H. B. French, the United States attorney, did not like him. Commissioner Hayes disliked him. The Chinamen condemn him. So I have come to the conclusion that McCabe was really trying to do his work with the instruments he had at hand, but that Commissioner Hayes blocked him. I am sure of that. I have tried the cases before Hayes. That, however, does not excuse McCabe's inactivity in the other parts of the State where he is not confronted by such an embarrassment as he has at Boston; because we have commissioners at Pittsfield and Springfield and Worcester and New Bedford, who, I believe, are not burdened with any such penchant for Chinamen as Commissioner Hayes, of Boston. I know he has urged his bureau to force the United States attorney at Boston to appoint some other commissioner here in Boston to hear these cases, and with that among other things in mind we went to Washington, I and some of my clients, I think early in May, and one of the results of our interview with Mr. Larned and Mr. Caminetti, very incidentally, was that Larned wrote a very strong letter to the Attorney General, demanding that French be ordered to appoint some other commissioner at Boston to hear these cases.

All that the Attorney General did at that time was to forward to Mr. French a copy of the letter received from the Department of Labor, together with a letter of transmittal instructing Mr. French to investigate the situation and report to him. Later some of my clients went to Washington again—I did not accompany them at that time; could not—and then about the 25th of June I was on at Washington again with my clients and this time I called to see Assistant Attorney General Wallace, and he said he had not yet heard from his former letter to French, which letter was written about a month before. And thereupon he wrote rather a strong letter to Mr. French demanding the report. However, the very day we were in Washington I guess Mr. French was writing his answer to the Attorney General's letter, so that the two letters crossed. So I received a letter from Mr. French. If you gentlemen want, I will read to you therefrom. I wrote a letter to Mr. French under date of June 5, if you would care to hear it——

Mr. BURNETT. Just read it.

Mr. SULLIVAN. By the way, before I wrote this letter Mr. McCabe had been called in by French on this matter of appointing another commissioner. This was in consequence, I believe, of the letter he received from the Attorney General. He called in McCabe and called in his other assistants, and during that interview my name was mentioned in connection with some cases that had been tried; and he appointed another day and asked that I should come in and see him. Of course, when I came in to see him, I told him that I had a special interest in this matter; that I was representing the Massachusetts Laundrymen's Association. I remember that day I went in there in consequence of his invitation he and Mr. McCabe were having a very hot discussion, and McCabe was very urgent in his point, which was that another commissioner should be appointed, and I had an interview on the following day with Mr. French; and not having heard anything in this matter from Mr. French nor having heard there were any developments, I thought, perhaps, I could start something if I could find a proper excuse for writing a letter concerning departmental matters to Mr. French. So I wrote a letter on June 5 which was of the tenor following—I do not know as you want to take this all down; if you do, you can [reading]:

"Hon. HENRY B. FRENCH,

"*45 Milk Street, Boston, Mass.*

"MY DEAR MR. FRENCH: Since our meeting I fear I have not made clear to you the situation that is the probable cause for Mr. McCabe's almost insistence Tuesday evening in his interview with you.

"The Massachusetts Laundrymen's Association some time ago commenced a general investigation of the Chinese situation in this State"—

I don't think I want to encumber your record with all this and take up all your time, but I told him what they had done, and I told him—well, I am going to read here, it may be it will epitomize what I have been trying to say—

"The Massachusetts Laundrymen's Association sometime ago commenced a general investigation of the Chinese labor situation in this State, and to that end employed the Burns International Detective Agency. In that way it learned for a certainty what it before suspected to exist, namely, that Chinamen were being smuggled into this country in great numbers by way of the Canadian border extending from Buffalo eastward, and also across the Mexican border and by vessels entering at North Atlantic ports. It discovered for itself also that there are in Chinatown in Boston about 25 per cent of the Chinamen there who are not legally entitled to remain in this country, though there are many of the Chinamen of Boston who possess certificates of residence which do not of right belong to them. For instance, wherever a genuine certificate was issued with any photographic record of the subject investigated retained by the commissioner who heard the case, it became easy to obtain a copy of such certificate as the commissioner could issue multiple copies of such certificates which are now being handled in considerable numbers among the smuggling Chinamen in Boston. Though this was news to these men, it was not news to the Federal authorities who have long contended with that same method of defeating the Chinese-exclusion law.

"These men did learn, however, that the Chinamen of Boston regarded Commissioner Hayes as the one most likely to find in their favor in any investigation brought before him for hearing, providing in each instance a half plausible story could be concocted with witnesses ready to corroborate the same.

"Such a situation, viewed in the light of McCabe's bringing to prosecution so few cases in this district, led these men to suspect that he was at least neglectful of his duty if not in collusion with the Chinamen. McCabe was therefore investigated and found to be in nowise neglectful of his official duties, excepting in that he would not submit to United States Commissioner Hayes any but cases of palpably illegal residence."

I want to qualify that and say to you that I think McCabe is neglectful in his duty in the other parts of Massachusetts where no such excuse is offered to him as is offered to him in Boston.

"These men had spent several thousands of dollars in this investigation and felt that something further should be done, and thereupon they went to Washington, where they took up with the department heads the question of the Chinese labor situation in Boston, Mass. At Washington they found that the

Department heads themselves regarded United States Commissioner Hayes as a stumbling block to the free and earnest enforcement of the Chinese-exclusion law in Boston. Mr. McCabe has since then frankly told of the suspicion with which he was at first regarded by the laundrymen. As counsel for the laundrymen I am able to assure them of McCabe's jealousness, and if such were needed of your zeal as district attorney to prosecute with earnestness all such cases when properly brought to your attention.

"My experience and observation while your assistant can, if frankly told, justify McCabe's treatment of this Chinese situation in Boston and vicinity.

"Since reading the reports of confidential investigators who have spent several weeks in mingling freely among the Chinese of Boston, I know that Commissioner Hayes himself would feel somewhat humiliated if he could know how gullible he is regarded as being by the Chinese people of Boston.

"The Chinese inspectors of Boston are constantly receiving anonymous letters concerning Chinamen alleged to be here illegally; but their experience has taught them that only too often such letters were inspired by the Chinaman himself who seeks arrest with the hope of being made a citizen once and forever by the United States commissioner at Boston.

"I know how all of your assistants feel in this matter, and from our conversation Wednesday morning I think you, too, are inclined to share that same opinion. My personal regard for Mr. Hayes is like your own high one. I know him to be a gentleman of high moral standards, and I believe, too, that he is a man of exceptional learning in the law and of very practical and sound judgment. The exception to all this, however, is his benevolence toward the Chinamen which, though it appeals to us as individual men, is so great that it robs him of the judicial mind which he needs as much in these cases as in all others which are brought before him.

"You and I know that there are many excellent men on the bench with some such a penchant, which we seek or avoid according to the particular interests of the side we happen to represent, and we are honest, I believe, if we act accordingly.

"That is the situation which presents itself in this case. I trust that this special interest," etc., which is not of particular interest to you. That practically terminates the letter.

Mr. BUSICK. Now, just tell us, Mr. Sullivan, what the result of your correspondence with Mr. French was?

Acting Chairman WEINSTOCK. Who is Mr. French?

Mr. BUSICK. United States district attorney, who has the designation of the commissioner who will hear any particular case.

Mr. SULLIVAN. On June 25 Mr. French wrote me the following letter [reading]:

"MY DEAR MR. SULLIVAN"——

Acting Chairman WEINSTOCK (interrupting). He was your chief while you were in the service?

Mr. SULLIVAN. Yes, sir. He has been there now a little over eight years.

"MY DEAR MR. SULLIVAN: I have given a good deal of thought to the complaint made by you and Inspector McCabe that Commissioner Hayes is disposing of Chinese cases in an unsatisfactory manner and one which is calculated to defeat the purpose of the exclusion act. As a result I have come to the conclusion that although his application of law and findings of fact in some of the cases at least which have been presented to him have probably been erroneous, I am nevertheless not satisfied that they were unquestionably so. You and I agree that Mr. Hayes is a conscientious magistrate and an excellent lawyer, and I have no doubt that you will also concur with the suggestion that to take these cases out of his hands and to assign them to some one else would be a serious and unmerited reflection upon him. I have had a frank and friendly talk with him and explained the situation, and I do not believe that there will be hereafter reasonable ground for complaint against him.

"I have stated these facts in substance in a letter to the Attorney General and have suggested that the Department of Labor proceed to carry out its intentions with respect to the enforcement of the exclusion act in this district and have promised him the vigorous cooperation of this office. Should it then appear that these cases are not receiving proper treatment, a new commissioner can be promptly designated to hear them. I am, with regards,

"Very truly, yours,"——

Whereupon, on June 30, I wrote Mr. French the following letter:

"MY DEAR MR. FRENCH: I have your very considerate reply of June 25"—

This is simply gentlemen sparring—

"and I certainly do agree with you that Mr. Hayes is a conscientious magistrate and an excellent lawyer and that to take these cases out of his hands and to assign them to some one else might put a serious and unmerited reflection on him. I fear, however, that the frank and friendly talk with him that you had has not accomplished much. Monday morning"—

By the way, I want to say that up to the time at least that this letter was written Commissioner Hayes knew nothing of my activity. We are very friendly, and he knew nothing of my activity, and the instance I am now giving you here is only one of three or four like it that have happened on occasions when I have met him in the United States attorneys' office, when we would sit down in a friendly way with the fellows and have a chat and a smoke, and they would be at the old commissioner because of his attitude in Chinese cases. To resume:

"Monday morning I accidentally met with Commissioner Hayes in your office in the post-office building, and he recited to me some of the evidence which was presented to him in the case of a Chinese boy who claims to be here as a student. This is the evidence as he gave it to me, based upon the boy's own story: The boy arrived in Seattle some time in 1909, where he says he attended school for six months. Later he came to Boston and attended school here for one or two terms. He is now 15 years of age. He did not go to school during 1913 and, as I understand it, is not now attending school. The boy gave as his reason for not attending school the following: That he did not have enough money to permit of his going around like the other boys at the school, attending moving-picture shows and the like, and that his pride in this was so offended that he absented himself from school and worked at various times during that year washing in a Chinese laundry. I asked the commissioner if he was paid for that work, and he said the boy had testified that he was not. I asked the commissioner how the boy supported himself, and he said that he received an allowance from his father who was in China. The commissioner told me that he believed the boy's story and asked me for my opinion. I told him frankly that I thought the story was a lie; that it was absurd to believe that the boy was too proud to go to school where among other boys his allowance was not sufficient to attend moving-picture shows like other boys, and yet he was humble enough to go to work in a laundry for nothing. Now, this is a fair sample of the values Commissioner Hayes puts upon Chinese testimony. You and I, judging this testimony in the light of our own worldly experience, know that it is too absurd to be worthy of belief, and yet that good man, Commissioner Hayes, sincerely believes that that Chinese boy is telling the truth. I am sorry that my employment as counsel for the Laundrymen's Association of Massachusetts is such that I am obliged to say these things to you regarding Commissioner Hayes; and so highly do I regard him and so keenly do I appreciate the sensitiveness of your position that I have been tempted at times to resign my employment. I am not, however, going to disturb you any further in this matter, and I am going to try to make my clients believe as you have expressed your belief in your letter to me of June 25 when you say that after having had a frank and friendly talk with him I do not believe there will be hereafter reasonable ground for complaint against him.

"Your term of office in the ordinary course of political events I presume to be too near its end for me to violate the rules that should govern the sincere regard I hold for you, with whom I have been associated for the last 10 years, and therefore I am going to hope for what you believe to be the result of your interview with Mr. Hayes, though my estimate of the judge's stability is such that since I have seen * * * as creditable Chinese testimony in such cases it is next to impossible to move him. I think he is too sincere in his convictions to be moved even by own persuasive self. However, I am going to hope for the very best.

"With very kind regards for yourself and with gratitude for the indulgence shown me in this matter, permit me to ask that you regard me as

"Very respectfully, yours"—

Now, let me say a word about my interview—if you are interested—with Mr. Larned.

Through Congressman Gardner, of Massachusetts, we made an appointment—I believe it was early in June or the latter part of May—to meet Mr. Caminetti——

Acting Chairman WEINSTOCK. How recently?

Mr. SULLIVAN. May or June.

Acting Chairman WEINSTOCK. Of this year?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. So this is right up to date?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. As I understand, the things you are talking about now are the current conditions right up to date?

Mr. SULLIVAN. Yes, sir. It was some time soon after April 30.

Commissioner LENNON. Just one question: That recitation of the conversation of the commissioner with you as to the evidence of this boy, even if that evidence was corroborated, it was not a sufficient ground to warrant a refusal to exclude the boy, was it?

Mr. SULLIVAN. That is my opinion.

Commissioner LENNON. That would seem to me to be the case under the law.

Mr. SULLIVAN. That is my opinion.

Mr. BUSIEK. There is really no question about it, is there, Mr. Sullivan?

Mr. SULLIVAN. No; but he will in all likelihood let that boy stay.

Mr. BUSIEK. The law says that he must be a bona fide student, and not engaged in any labor.

Mr. SULLIVAN. That is the law and regulations made therefor; though Judge Thomas I. Chatfield, sitting in the Federal court of Brooklyn——

Mr. BUSIEK (interrupting). Well, we can pass that case of Chatfield.

Mr. SULLIVAN. All right. Now, there in April or May—some time after May 30—April 30, I should say—we went to Washington, and when Mr. Gardner heard what our story was, he said, "Why the man you want to see is Larned. He is the active fellow down there." And he characterized Mr. Caminetti after his own fashion, which I will not spread upon the record here. So he said we will see Larned or somebody else. So when we went down to the department we met Caminetti, and in his office at the time were several men, Larned among them, and several assistants; and Gardner is very sweet and diplomatic in the Yankee fashion, and was able to relieve Mr. Caminetti of the trifling business that we had so that we were turned over to Mr. Larned. But while we were having our interview with Larned, Caminetti came in, and to retain Gardner's estimate of him I accepted his gracious offer to the extent of thanking him for it and relieving him of the burden of having a trifling matter occupy the attention of a man whose mind was so crowded with important things.

And Larned said to us in going over this situation here that for a long time they had had a lot of trouble with Commissioner Hayes, and we conceded all that and said that somebody else ought to be appointed. Well, then, I said, "Your men are not doing the work they ought to do. They have not got Commissioner Hayes in other parts of the State." "Well," he said, "we haven't got the money." "Why, Mr. Larned," I said, "why McCabe said to me 'It is not more money we need; all we want is the order to go to work to do these things.'" Now, all McCabe is really doing, and Sullivan, is sitting in the immigration station in Boston receiving applications of Chinamen who are going abroad who want to return, and want a return certificate, and occasionally examining such Chinamen as to whom their suspicion may be aroused and that Chinaman is brought before the commissioner on a hearing. "Now," I said, "there is no active work being done in Massachusetts and there has not been any real active work in this line been done since I have been in the United States attorney's office, and that covers the term of nearly seven years." "Well," he said, "we can't do anything. We haven't got the money." And once my client, who seemed to think that was a good excuse, though I did not, said, "Can we help you?" He said, "Yes, you can." He said, "Last year we were allowed in the sundry civil bill $2,550,000. This year we are asking for $2,910,000." He says, "I don't suppose we will get a cent of that increase." But in general terms, though I can not say in specific terms, he assured us if he could get an increased appropriation he would apply that to the enforcement of the Chinese-exclusion law in addition to all else that is being spent; and we did something to that end in the way of lobbying. And a few weeks afterwards Mr. Wooley and Mr. McCarthy, who are members of this association, went to Washington. I could not go with them at that time.

And at that time Larned specifically and distinctly promised McCarthy that if he could get an increase it would be applied. They went to work to see Congressmen, and they worked on Mr. Fitzgerald, chairman of the Appropriation Committee, and to our great surprise they reported an appropriation of $2,650,000—$100,000 increase over the amount allowed in the sundry civil bill in the previous year. Then when we said to Larned we want something done, we want you to prepare to do something, he said, "Why, that is no increase, only $5,000." I said, "How do you figure that?" He said, "Last year we got $2,550,000 in the sundry civil bill, and we got $95,000 in the deficiency bill. So," he said, "this is only $5,000 more than we got in both appropriations last year." Of course, he was caught. That was at our interview here a few days ago—about June 25 or 26. And so Larned said, "We are going to fight this thing in the Senate. We are not going to bother the House at all. We are going to fight it in the Senate." So we went back up to the Capitol and saw one or two of the Congressmen and saw Fitzgerald, and I told Fitzgerald that I didn't give a damn about the appropriation so far as Massachusetts was concerned; that they had two men up there now assigned to Chinese work, and if those men would only do all they could reasonably be expected to do there with the means at hand we would not complain. I said, "My complaint is that they are not doing all that can be rightly expected of them. My clients here are anxious to aid this department in increasing its appropriation." He said, "Mr. Sullivan, they can fight it in the Senate if they want to; but when it comes back here I will give them the damndest fight they ever had, because," he says, "I know what that bureau is doing with its money, and in an open fight on the floor of this House I will tell the public what they are doing with their money. I know what they are doing with their money." And so we came back home.

I want to say this, by the way. At our first interview with Mr. Larned we revealed to him what we had been doing and what investigations had been made; and we brought along with us Mr. Norton, who was in charge of the Boston bureau of the Burns Detective Agency, and Larned seemed quite interested and said that he had turned over the entire Chinese investigation part of his work to Mr. Taylor, who was then——

Mr. BUSIEK (interrupting). Richard Taylor?

Mr. SULLIVAN. I don't know whether I have got his full name or not; but the Mr. Taylor who was then at Buffalo—R. H. Taylor.

Mr. BUSIEK. Yes.

Mr. SULLIVAN. Who was then at Buffalo; and he says, "I have to-day just telegraphed him authority to buy a power boat to be used in his investigations and in his authority to discover Chinese smugglers on the Great Lakes. I guess that was an authorization to extend something like $1,200 or $1,500 to buy a power boat. And he says, "I will get in touch with Mr. Taylor and have him come on to Boston and see you men to confer with you." I says, "Now, this is to be secret, and I would rather not anything be known of this by our Boston agents." He says, "No; nothing will be known." Well, Taylor came on, and Taylor told us he was going to keep this secret from McCabe, and we were to complete our investigations and make report to him and then he would go and send men here to act with us.

Well, the next thing I heard from Taylor was through McCabe, who had received a letter from Taylor instructing him to cooperate with us—the men that we said that we were not satisfied with. We did not think McCabe was live enough to do the work. We wanted a live man and would rather have a man who had nothing to do with the Chinese interests in Boston at all, and he promised that. But we didn't hear anything from him, and we got word from McCabe and the instructions from Taylor to McCabe were that there was to be no round-up. Instead of allowing our man Curley, who made these special investigations in Chinatown, to go before Commissioner Hayes and make out all his complaints all at once against these individual Chinamen and then have him go out with the Chinese inspector and point them out and grab them, their point was that we should take them individually. "Well," I said, "the moment I put Curley on the stand in one case all these other fellows are going to flee. Now, that is absolutely absurd. We have spent thousands of dollars here for nothing." So nothing has been done so far. McCabe said, "What is the use of arresting these men and taking them before Commissioner Hayes? He will discharge them." Well, that may be a sufficient excuse. The fact is nothing has been done.

Commissioner O'CONNELL. Your position now is that McCabe has done nothing with these cases at all?

Mr. SULLIVAN. No; nothing has been done here. We sent a list of these cases and in fact sent all our testimony relating to these particular cases to Mr. Taylor——

Commissioner O'CONNELL. Now, let me get in the record some of your ideas as to the result of your investigation. What is your estimate of the number of Chinese in Boston?

Mr. SULLIVAN. I can't give you that, sir.

Commissioner O'CONNELL. Or in the State.

Mr. SULLIVAN. No; I can't give you that. I suppose your statistics——

Commissioner O'CONNELL. Yes; we have had some estimates here varying all the way from 800 to 2,000.

Mr. SULLIVAN. Well, I suppose the official statistics would help you; but, of course, that is not all that are here.

Commissioner O'CONNELL. Now, what is your impression as to the number of Chinamen that are in the Boston district illegally?

Mr. SULLIVAN. I can't give you the number; I can give you a percentage.

Commissioner O'CONNELL. Well, some percentage.

Mr. SULLIVAN. About 25 per cent of them are probably here lawfully.

Commissioner LENNON. And 75 per cent unlawfully?

Mr. SULLIVAN. Seventy-five per cent of them unlawfully. For instance, take this Chin Kay Sooy that I have spoken of. There is a case that I think the Chinese bureau honestly fought and they would have deported him, but they were interfered with, they say, by such men, then high in power in Massachusetts, ex-Gov. Curtis, ex-Gov. Evan S. Draper, and ex-Senator Murray Crane; and probably they were worked on by some politician lower in the scale, with the result that the bureau has not touched him, you understand. They say, "We refuse to go any further because things are so set against us, we would simply be making him an American citizen. The result is, however, he has gone before the registration board in Boston and to their satisfaction proved himself to be a native-born American citizen entitled to vote and has stood for election to the legislature and came within about 400 of being elected in his district.

Acting Chairman WEINSTOCK. Who is that.

Mr. SULLIVAN. This Chin Kay Sooy; and Curley in his investigations down there found out that it is understood among his friends that had he paid one politician down there, a gang leader, $500, instead of distributing his money in small amounts injudicially among the electorate himself of his district, that this fellow would have delivered enough votes to have elected him.

Acting Chairman WEINSTOCK. To the legislature?

Mr. SULLIVAN. Yes, sir. And probably he will stand for election this fall.

Acting Chairman WEINSTOCK. What is his business?

Mr. SULLIVAN. He is incidentally one of the directors of the Cosmopolitan Trust Co., of Boston. He is part owner of two or three restaurants in Boston. He is owner or part owner of a wet-wash laundry in Boston. Up to a few months ago he owned a big farm out here in the country. I understood since that he had sold that at a profit of $30,000, though it is said in Chinatown among Chinamen reported to know that he did not sell it, but that he was going to put Chinese laborers to work there; in fact, had some Chinese working there.

Commissioner LENNON. Quite a successful business man?

Mr. SULLIVAN. Yes, sir; quite successful.

Commissioner O'CONNELL. Have you any particular men or organizations who are interested in the Chinese illegally?

Mr. SULLIVAN. I have in mind no organizations interested in Chinamen being introduced here illegally. I have in mind some individuals, of course, who have been interested and who have been convicted. Now, I have spoken of Goodman Phillips.

Commissioner O'CONNELL. Yes; I remember.

Mr. SULLIVAN. And there was Linehan and Capt. Daley, and I said something to you, Mr. Burlek, the other day—you asked me about Holske—asked me if he was my client.

Mr. BURLEK. Yes.

Mr. SULLIVAN. Now, I will tell you all I know about the Holskes. The elder Holske, I understand, is in business here in Chinatown.

Acting Chairman WEINSTOCK. Is he a Chinaman?

Mr. SULLIVAN. No; a white man. He was formerly interested in smuggling Chinamen, and he may be yet.

Commissioner O'CONNELL. And do you think smuggling is going on just as continuously now?

Mr. SULLIVAN. Oh, yes; there is no doubt about it. If you will ask me that question after I finish this, I will come back to it.

All I know about Holske is really what McCabe has said to me here since he knew we were making our investigations. He says, "I am sorry I didn't know about this investigation. I could have directed you to some things that were worth investigating; "now," he says, "there is the younger Holske. He is a traveling salesman for the National Biscuit Co., and his headquarters are at Pittsfield, and he is living in a manner beyond the means afforded him by his employment as a drummer, and," he says, "there are a lot of Chinese being smuggled into Pittsfield. I know that. And I have always suspected that he was the one that was introducing them. To throw me off the track and obviate any possibility of my suspicion his father from time to time has tried—or intimated to me that he and his son were not on good terms, and," he says, "he has repeated it so frequently that I begin to suspect that his father is still negotiating the deals for smuggling Chinamen into the United States, and that this fellow is simply his instrument at Pittsfield."

Well, now McCabe—not McCabe, but McKenna, of the customs bureau—is assigned or has been assigned for the last few months to the special work of discovering smuggled opium, and he is a very likable fellow, very astute, very diplomatic, and has been very effective and has done excellent work, and the Chinamen like him, and to this extent, that they are always trying to ingratiate themselves in his favor. Of course you know how obsequious they are in seeking anything, and as a consequence he always receives and gets a good deal of information and is allowed to go to a good many places that other men are not allowed to go, and he reported here a few months ago to McCabe that there were about 15 or 16 raw Chinamen—green Chinamen—that were harbored in a laundry in Pittsfield. He says they have been sleeping on the bare floors in filth and dirt. He says "You ought to go up there and you could grab a bunch very easily—without any difficulty." Nothing was done. And I knew McKenna had told him that, so I said to McCabe, "You didn't do anything with that bunch of Chinamen in Pittsfield." "No," he said, "that wasn't any news to me. There is always a bunch of them there." I says, "If that is so and there is always a bunch there, why don't you go up there and do something?" "Well," he said, "I am going up next week." I says, "Well, we wish you would go. The matter ought to be attended to." He says, "I am afraid of Commissioner Wood. I think he is somewhat like Hayes." I said, "Wood is a fine young man and a very judicial man, and I think you will find him a very satisfactory commissioner. I always have. Now," I said, "I will be willing to go up with you. My clients will pay my expenses, and I will go up with you. I know the assistants from the United States attorney's office, and they are all new to the game, and they will be willing, and I can go up and sit in and take part in this matter. They are like all new men who don't know much about the Federal practice, and he said, "Well, I will let you know." But he didn't go, and I called him up and asked him about it, and he said, "Well, I didn't go. I was very busy, but I will do it next week." Well, he didn't go next week nor the following week, and yesterday I called him up, or the day before, and I asked him—or rather I asked for McCabe, and he was out, and Sullivan answered, and I told him who I was, and I says, "You fellows told me you were going up to Pittsfield to see if you couldn't rope some of those Chinamen, and you haven't done it." "Well," he said, "we have been busy. We have been busy with Chinese cases here in court in Boston." I said, "Good God! You have only had one or two, and they only occupied you one or two days, and here there has been a whole month gone by." "Well," he says, "that is all right. If you are dissatisfied with that, I can't say anything further." "Well," I says, "at best it is unsatisfactory, and I don't think it is creditable to what you do." Now, that is the situation we have.

Acting Chairman WEINSTOCK. May we ask, Mr. Sullivan, if you care to make it—you come in more or less touch in your work with Mr. Billings, I take it?

Mr. SULLIVAN. Not now. I used to when I was in the United States attorney's office.

Acting Chairman WEINSTOCK. And with McCabe.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And with Caminetti?
Mr. SULLIVAN. Well, I met Caminetti; yes.
Acting Chairman WEINSTOCK. And Larned?
Mr. SULLIVAN. Yes.
Acting Chairman WEINSTOCK. And Hayes?
Mr. SULLIVAN. Yes, sir. I had two interviews with Larned, and my clients, three, and with Taylor and with Jerry Hurley; I met him.
Acting Chairman WEINSTOCK. Now, for our guidance, and for the information of the commissioners, and not the public, would you care to give sort of a pen picture or sort of sketch of your impressions of these various men as the outcome of your talk with them?
Mr. SULLIVAN. Yes; beginning with Caminetti. Of course, not having seen the man at all, I had, of course, a background which was created by Congressman Gardner's characterization of him; and when I met him I saw a little sawed-off, insignificant individual of unkempt appearance and apparently lacking to a considerable degree in that intelligence and acumen that is expected of a man occupying an office of prominence and responsibility such as he has. A man who would rather be affable and pleasing than to be always just and right. A man who found it easier to say yes than to say no. A man vain and anxious to be thought well of, though not deserving of the high opinion that he is constantly bartering his character for. A man in his particular position to be disregarded for effective results. A man who is dependent upon his assistants and never takes the trouble to verify their reports to him and even lacks—he is lacking in that particular in two qualities, and that is the acumen to verify, and even the industry to verify, where his better judgment might tell him he should verify. Now, that is my estimate of Caminetti.
Now, Larned: And again, of course, apart from my observations of him, I have a background that is colored or clouded or tinted by other people's reports and other circumstances over which, perhaps, he has no control, but which are the results, perhaps, of other people's acquaintance with him. My first impression of Larned was that he was a very capable man; that he was capable of doing the finest kind of work; that he had a keen mind and a fairly good memory, but that he pretended to a greater knowledge of his department work than he really had.
Acting Chairman WEINSTOCK. You mean that he was a bluffer?
Mr. SULLIVAN. Yes, sir; and he has ability enough to get away with it for a long while. Let me give you an instance of that. I was showing at different points wherein the Chinese exclusion act was weak. He opposed to that his notions of where it was strong, and sometimes conceding that my notions of those points were right. I showed him in two or three instances where his manner of procedure under the Chinese exclusion act was wrong and how there was a better way under the law. He proceeded to dispute those points, as did Taylor when I met Taylor. And I maintained, in the presence of my clients, that he was wrong in his notion of the law in that particular; and he was so clever that almost I think he convinced them that I did not know as much about the law as I thought I did, and he came damn near convincing me I must be wrong, when presently a clerk came in. We were talking about the use—about their exercising their peremptory right to deport—and I was opposing to that the right of anybody whom they attempted to deport in that fashion to demand protection under a writ of habeas corpus; and he said he thought it amounted to nothing; that they could do it. Presently a clerk came in and he said, "Yes, Mr. Larned, we are having lots of trouble in this work because of writs of habeas corpus being taken out, and they are giving us lots of trouble, and they are blaming us in that particular." Whereupon he was immediately tripped up. I was convinced from that instance and other instances that Larned is not learned in the statutes. That he knew something of the mechanics of the statute, but was not learned in the law; that he has some good clerks under him; that he pretends to a great memory of lots of things; that there are clerks there that have these things indexed in their own minds, and that they are his ready indexes.
I later came to the conclusion that Larned was not frank; that he was a pretender. I was convinced that he was not making the best efforts with the means that the Government had given him for the proper enforcement of this law—for what reason I don't know; but I am convinced that he is not making the best efforts. I am convinced that here and there he makes what seems to be a zealous effort to enforce this law, but those are only instances at a time,

and that there are an uncounted number of instances where if the same energy was exercised we would get a proper and reasonable enforcement of this law.

Acting Chairman WEINSTOCK. Have you read the extras—dispatches—about charges preferred against him?

Mr. SULLIVAN. Not since I read them in a brief notice. I don't know what those amount to. I did speak to McCabe about them. I called him on the phone—I have been following these fellows up. McCabe says, "Oh, those don't amount to anything. That is just some disgruntled fellow in the field making some complaint and it doesn't amount to anything." McCabe seemed to hold a brief for Larned in that.

Commissioner O'CONNELL. Have you heard anything, or do you know or would you like to state anything as to his honesty?

Mr. SULLIVAN. Who—Larned?

Commissioner O'CONNELL. Yes, sir.

Mr. SULLIVAN. I think he is a liar. My reason for saying he is a liar is that he was anxious for us to get an increase over his appropriation of last year which the sundry civil bill provided was $2,550,000; that this year they had asked for $2,910,000, and he told me that he did not expect to get a cent of that increase——

Commissioner O'CONNELL (interrupting). Mr. Sullivan do you think he would be interested enough in the Chinese in some way, financially or otherwise, to deceive those above him in the Immigration Bureau?

Mr. SULLIVAN. Yes, sir. He has been there long enough to have worked a reform that would put peace in this law. He has been there long enough, and I will tell you how he could do it. There is nothing to prevent Commissioner Hayes from issuing a hundred duplicates on as many requests of any record he has ever made in a Chinese case before him. What is the result. Those things are distributed and sold at a high price. Commissioner Hayes may honestly issue duplicates. Even suppose he marks them "Original," "Duplicate," "Triplicate," he can issue them and those things are used and used widely. And you may be able——

Commissioner O'CONNELL. Do you think he is in anyway interested in the issuing of those?

Mr. SULLIVAN. No; he is not. But, now, of course, if a duplicate like that is issued it ought to be easy to verify it, because Commissioner Hayes now keeps a photograph of the original subject brought before him. But Larned knows that there are thousands of certificates out that are duplicates and triplicates that are in the hands of various individuals. There has never been an effort made to verify those. Take, for instance, the McGettrich certificates, which were proverbially corrupt, and suppose when a fellow was caught, say Chin Kay Sooy, they took his picture and sent it on to Washington for record. Whenever another Chin Kay Sooy bobbed up they could verify that. Don't you see they could make some effort to identify that.

He has been in that department long enough to realize the value of a rogues' gallery—of those certificates—and there is no effort to make it, and it could be done.

Acting Chairman WEINSTOCK. Now, let me ask you, Mr. Sullivan, if this commission were to delegate to you the power vested in it by Congress, the power to recommend ways for preventing future Chinese smuggling, what would be your recommendation?

Mr. SULLIVAN. Well, there are some situations that are difficult to meet. Now, I will give you some of the situations I have in mind. For instance, I am convinced that there are men employed as seamen on these big trans-Atlantic liners and other freight ships coming into Boston who pick up an occasional $100 bill by aiding Chinamen to enter the United States. I know that for this reason: We have had one or two cases where Chinamen have been found on, for instance, the White Star Line boats entering Boston, and they were put in the galley or put in some stateroom or other awaiting the departure of the boat, and they were ordered to be deported. In some instances those men have escaped by the portholes and left the wharf. We have had other instances where the watchman on the wharf has seen at nighttime Chinamen—he could tell they were Chinamen—and they disappear and leave the wharf. In some instances we caught one or two of them; in others they successfully made their escape. Of course, that is a condition that can be met only by a vigilant supervision of those various wharves here in Boston. And that, I think, is attended to in an indifferent fashion.

Acting Chairman WEINSTOCK. You mean you would strengthen the watchfulness—the police duty?

Mr. SULLIVAN. I would strengthen the watchfulness upon our wharves and strengthen the thoroughness of the search of every boat brought in.

Mr. BUSICK. Mr. Sullivan, if I may interrupt, the problem that appears to be the big problem as presented by the witnesses in the Immigration Service seems to be this: It is generally conceded that your estimate of the number of contraband Chinese in this country is not an overstatement at all; but it appears that once a Chinaman is in this country, that if he is in the city——

Acting Chairman WEINSTOCK (interrupting). He is lost in the shuffle——

Mr. BUSICK. Now, what is your suggestion as to how to get these fellows out that are in?

Mr. SULLIVAN. Now, here I will say to you what I said to Mr. Larned, apart from an increased watchfulness, which, Larned will argue, is now brought to the highest point under the appropriation as allowed, I am going to say this, which I said to Larned, no law is a law without sanction, and that sanction must be something more than a mere provision for a penalty. That penalty must be enforced.

Now, we have a statute here which makes it unlawful for Chinamen to enter the country, excepting in certain excepted classes; but supposing the Chinaman does pay $500 to enter the United States and is detected entering, what penalty does he pay? Simply pays the penalty of losing his $500 and is sent back. No harm comes to him. He is not imprisoned. If we catch a man smuggling them in, we imprison them. All we do to the Chinamen is to deport them.

I have followed up this point of law, but Larned has been wrong on so many points that I suspect he may be wrong in this. There is a general provision in the law making it unlawful for certain classes of Chinamen to be in the United States; and because any Chinaman who was here in 1892 or 1893 was required to be registered, if he was not registered he must give an excuse for it, otherwise he is here unlawfully; presuming, therefore, that all other Chinamen who are here, who have come here since then are here unlawfully, unless they are of the excepted classes; that, therefore, is an offense under the statute; they are here unlawfully; it is unlawful for them to enter.

There is the general provision of the statute which says, "All other offenses under this act for which penalties are not provided shall be punished by the following fine or term of imprisonment." I said to Larned, "Why deport these men? Why simply deport them? Why do not you do to those Chinamen what you do with a lot of other immigrants that are coming here, that attempt to come here, unlawfully entering the port not designated by the Commissioner of Immigration? Why do you not impose a penalty upon them?" "Well," he said, "that is a thing that has been tried and has been up to the Supreme Court, and they say you can not do it."

That may be so, but I think there should be some definite provision in the law that any Chinaman found here unlawfully or found attempting to enter this country surreptitiously and at a point not designated by the United States commissioner, should be punished. Then, by God, Chinamen are not going to attempt to come into this country in such great numbers, at least, as they are now attempting. All that they hazard now is the cost of coming in. If by any chance they should be successfully detected, they are simply deported in a most humane and considerate fashion. Therefore, your law is forever sanctioned.

Acting Chairman WEINSTOCK. Let me ask you, Mr. Sullivan, could you prepare an amendment to the existing law that would cover that thought that you have just expressed?

Mr. SULLIVAN. I think I could, and I would be very glad to do that. I would like to give some of the legal features of it some thought and the constitutional features of it some thought.

Acting Chairman WEINSTOCK. I would like to invite your judgment and your criticism upon a plan that has been presented to us. I have spent several months on the Pacific coast, which is the headquarters for all this problem, in discussing ways and means with the experts out there, whites and Chinese, and collectively there has been a plan hammered out, a tentative plan, to prevent, to minimize, which has not yet even been adopted by the subcommittee of the commission, so that it is in position to be hammered to death, ought to be amended, and your knowledge, experience, and criticism of it ought to be of value.

We started out on this theory, that the thing to do to minimize the smuggling is to take the profit out of the game, to take the velvet out of the situation, because it is the profit and promise that prompts those Chinamen to engage in the smuggling business. The more terrors there can be connected with this smuggling the greater the restraining influence will be. To-day it is generally understood by contrabands and by the smugglers, as Mr. Busick pointed out, that if a Chinaman thinks once he gets here the chance for his being deported is remote and that he can afford to take the slight risk. He is lost in the shuffle the moment he lands.

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Therefore, he is willing to pay the price, which I suppose is pretty stiff at times, and he is willing to undergo the physical hardships for the prospective reward and the knowledge that once here he is here for keeps; but if conditions could be provided whereby those contrabands would not only have to pay the fee and undergo the physical privations and hardships, but on top of that would live in a constant terror or fear, with a sword over his head suspended by a slender thread—with that end in view this plan has been suggested. The logical thing to do would be to start out as a beginning and check up every Chinaman in America.

Mr. SULLIVAN. I think so.

Acting Chairman WEINSTOCK. And compel them to prove their legal right to be here. But it has been pointed out, and correctly so, that if that were done a great many Chinese who are legally entitled to be here could not prove their legal residence, because many of their certificates were destroyed in the great fire of San Francisco—I don't know how many—20,000 Chinamen—the result would be that many who are rightfully here would be deported, which would be an injustice. In order to overcome that, and the fear that the future begets would compensate, the plan was to wipe out the slate clean and take it for granted that every Chinaman in the country to-day is legally here, forget the past, prepare for the future. So an amendment is proposed calling for a registration of all the Chinese laborers in the United States, allowing them six months' time to secure their new certificates. This certificate would be so safeguarded that it would be impossible of duplication, probably with a thumb mark, place for photograph, and all other precautions that may suggest themselves. It would be made obligatory on the part of laborers to reregister; it would be made voluntary on the part of privileged classes and the natives.

At the end of six months the Secretary of Labor would be instructed and commanded to appoint a certain number of arrest crews, not less than 8, not more than 10, perhaps; a crew to consist of a trained inspector, specializing on that very thing, nothing else, an interpreter, and a stenographer. Those crews would be dropped into cities unexpectedly and would check up all the Chinese throughout the country, continuously, not less than twice a year and as frequently as conditions would permit. Now, it is pointed out that with that system in operation, if a Chinaman did smuggle in, with trained inspectors on his heels, as was pointed out by Mr. Edsall, the assistant commissioner at San Francisco—who is probably one of the keenest experts in the service—with trained experts that could drop into a community, and with underground information at their command, they could spot the strangers very quickly; and if the strangers took wings and flew, they would be after them so that life would become a terror and after a while, when there had been a goodly number of deportations made and the news would become so well spread, that the velvet in the game would disappear.

Mr. SULLIVAN. I think that is an excellent plan, only to make it more effective I would impose a penalty upon anybody found here unlawfully.

Acting Chairman WEINSTOCK. You would take this plan and plus it with your idea?

Mr. SULLIVAN. Yes, sir; I think it is excellent. He has, in a most perfect fashion, said what I was trying to work out when I said that Larned, in the years that he has been at it and from his knowledge and experience, should have had some form of registration.

Commissioner LENNON. In addition to what you have stated in the plan is the proposition that the commissioners who now pass upon the eligibility would no longer have that power?

Acting Chairman WEINSTOCK. Yes. I want to explain that. The idea is to have those disputed cases dealt with not by the courts, but by the commissioners. It has been pointed out, Edsall pointed out that very clearly, that when these cases come into courts they are hopeless; it takes years, but if

it is dealt with by the commissioners you get expedition, prompt action, and you are more likely to get results and justice.

Mr. SULLIVAN. With these two suggestions, that the Chinaman himself be given a certificate with his photograph and thumb mark on it——

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. And the original be kept at Washington.

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Understand, that the original be kept at Washington——

Acting Chairman WEINSTOCK. Let me furnish you with a copy of the proposed amendment.

Mr. SULLIVAN. I would be very glad to get it.

Commissioner O'CONNELL. We invite your criticism at your convenience.

Mr. SULLIVAN. Yes.

Mr. BUSHEE. I will keep in touch with you.

Mr. SULLIVAN. This other suggestion, see how it is going to work out; you are going to make a general registration that is going to wipe the slate clean and all here are welcome.

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Then hereafter when another Chinaman is found without a certificate, his case is to be dealt with by some department board?

Acting Chairman WEINSTOCK. Yes. This is the way that paragraph reads: "Any Chinese or person of Chinese descent who, after six months from the passage of this act, is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States, and shall be arrested by any commissioner of immigration, or by his deputies, or by any persons whom the Secretary of Labor may authorize, and at such time and place and by such persons as the Secretary of Labor, the Commissioner General of Immigration, or any commissioner of immigration may designate shall be given a hearing upon the charge of being unlawfully within the United States."

You see he is heard by the department.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. Not by the courts.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK (reading):

"At such stage of the hearing as the person conducting the same may prescribe the person charged may be represented by counsel, and pending a final decision shall be entitled to bail in a reasonable sum, not less than $500, to be fixed by the Secretary of Labor.

"The burden of proof shall be upon the person so charged affirmatively to established to the satisfaction of the person conducting the hearing, that he was not required by this act to make such application, or that he had been unable to apply for and receive such certificate of residence by reason of accident, sickness, or other just and unavoidable cause. The person conducting the hearing shall find from the evidence whether the person charged is unlawfully within the United States and should be deported, or whether he is entitled to a certificate of residence. The findings and the record on which they are based shall forthwith be reported to the Secretary of Labor, who shall determine whether the person charged is unlawfully within the United States and should be deported, or is entitled to a certificate of residence, and shall render judgment accordingly."

That keeps the whole thing within the department.

Mr. SULLIVAN. Yes, sir. Well, that clause there which excuses him from registration, I think, should be strengthened. I think it is the fault in the old law. For instance, you get a man:

"You were here in 1891 when that law was passed?" "Yes, sir." "You did not register during that year?" "No, sir." "That was extended six months further?" "Yes, sir." "You did not register during that time?" "No, sir." "Why?" "Oh, I was sick."

So that the time within which he should register, during that time he was sick. Now, I think there ought to be some provision made requiring them to register immediately thereafter, that is, after their disability. Of course, if they do not register within the six months, then they never register. Now, supposing you add to that law this——

Acting Chairman WEINSTOCK. Oh, yes. It says that if that Chinaman can prove to you, as the commissioner, that he did not register during the six months because he was sick, you can then authorize his registration.

Mr. BUHRE. Here is what Mr. Sullivan means: If the Chairman should be sick during the 6 months, and 10 years later he is picked up, then he can come in and say that the reason he did not register was because he was sick. The provision Mr. Sullivan makes is this: That if he can not register during the six months it is incumbent upon him to register as soon as the disability under which he is laboring shall have been removed.

Acting Chairman WEINSTOCK. Then you destroy the value of the six months.

Mr. SULLIVAN. That occurred to me.

Acting Chairman WEINSTOCK. Then you make it indefinite?

Mr. SULLIVAN. Before whom does he register?

Acting Chairman WEINSTOCK. The Labor Department will furnish the machinery, I presume. There will be a system of registration blanks.

Mr. SULLIVAN. Supposing he is found in the United States after that six months of registration has expired, and he says, "I was sick during those six months." See?

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Here it is 10 years after that act was passed. He has escaped in all that time. See how easy it is for him to say, "Well, I didn't register within that six months' period because I was sick, and the six months expired before I was relieved of my disability, and I didn't register, and nobody has bothered me from that day to this, and here I am. I have given my reasons." I defy you to break that down; and he gives reasonable cause for it. But, supposing we find him 10 years after the registration act has gone into effect, and the act says they shall register within 6 months, and if after that time they are found without a certificate they should be adjudged to be here unlawfully, unless they are within that exception. Your law is stronger if you make some provision for their registration immediately after their disability, or make some provision whereby a man who was unable to go before the commissioner for registration, the commissioner can have him come to him, then they can have something they can work with.

Commissioner O'CONNELL. I think that is stronger.

Acting Chairman WEINSTOCK. I think so. Can you get that into shape?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. If he can not come they must go to him?

Mr. SULLIVAN. I have that very case before me. You are here; you were born in San Francisco. They offer that if I was a native-born citizen I do not have to register. And, of course, you must provide for that. You can not make me register; you can not discriminate against me; I am an American citizen.

Acting Chairman WEINSTOCK. Yes. We make that provision by saying that laborers must, the privileged classes and the natives may, register. The attraction, the incentive for the natives and the privileged classes to register is this: With their certificate in their possession they can pass in and out of the country unmolested and undetained.

Mr. SULLIVAN. Yes.

Commissioner LENNON. Might it not be well to specify in that law the nature of the sickness? For instance, I will guarantee that 90 per cent of the men who are sick over a period of six months would not be prevented from registering?

Mr. SULLIVAN. No, sir.

Commissioner LENNON. Supposing a man had asthma; he might have it so seriously that he could not work, but it would not prevent his registering.

Acting Chairman WEINSTOCK. I suppose such a case as this might also happen: I live way up in the mountains somewhere, remote from all centers; I am a Chinaman, and I do not read, and very few people inform me of what is going on, and I am absolutely in ignorance of the fact that there has been such a law, that I must register within six months, and at the end of six months I go down to some populated center and I am caught.

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. I think, Mr. Weinstock, that could be gotten around.

Mr. SULLIVAN. By giving discretionary powers to the commission.

Commissioner O'CONNELL. And by giving the commission a department which must have a very good idea of where the Chinaman are located in this country, and they should be sent proper copies of the law by postmasters and all the ways of distribution the Government has. I understood you to say

that the Chinese laundrymen do a business of between $40,000 and $50,000 a week?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. How many laundries are there here in Boston?

Mr. SULLIVAN. I don't know. These business men have gone into them somewhat.

Commissioner O'CONNELL. Can you give us some idea of the number of laundries, the number of people employed in them, and some general information as to the laundries here?

Mr. SULLIVAN. Yes, sir. Then they are becoming great competitors of the restaurant people now.

Commissioner LENNON. Yes. I have tried them two or three times and I can't eat anything they turn out.

Mr. BUSIEK. I can eat after them all day.

Mr. SULLIVAN. They do well in some places.

Acting Chairman WEINSTOCK. There are two points that you want to cover, Mr. Sullivan: One, to provide some penalty other than mere deportation of contrabands?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. The other, to provide some means to register those who, for some reason, were unable to register within six months?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Will you hammer that into shape?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. And let us have the benefit of such other criticisms as you may have?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Those are the vital parts of the proposed law. Will you see that I get a copy of Mr. Sullivan's suggestions?

Mr. BUSIEK. Yes.

Acting Chairman WEINSTOCK. Then I will take Mr. Sullivan's amendment and have it hammered to pieces in California by our sharpshooters out there.

Mr. SULLIVAN. You are going to leave town right away?

Mr. BUSIEK. Yes, sir. This afternoon.

Has Mr. Marshall anything to tell us that you have not covered?

Mr. SULLIVAN. I think Mr. Wooley is the man who perhaps would say more than Mr. Marshall or any other man.

Mr. BUSIEK. Mr. Marshall is in attendance; Mr. Wooley is not, so far.

Mr. SULLIVAN. Is Mr. Marshall in attendance?

Mr. BUSIEK. Yes.

Mr. SULLIVAN. Well, you might call him in and see if he has anything to say.

Mr. BUSIEK. I think Mr. Sullivan has covered the situation pretty well, but Mr. Marshall is one of the laundrymen.

TESTIMONY OF MR. EDWARD R. MARSHALL.

Mr. BUSIEK. Will you state your name in full, please?

Mr. MARSHALL. Edward R. Marshall.

Mr. BUSIEK. What is your business?

Mr. MARSHALL. Laundry proprietor.

Mr. BUSIEK. Are you a member of any association of laundry proprietors?

Mr. MARSHALL. Of the Massachusetts association.

Mr. BUSIEK. Are you an officer?

Mr. MARSHALL. No, sir.

Mr. BUSIEK. You were on a special committee, were you, to look after Chinese laundries?

Mr. MARSHALL. That was aside from the association. That was members of the association.

Mr. BUSIEK. You hired some of Burns's detectives to look into the matter?

Mr. MARSHALL. Yes, sir.

Mr. BUSIEK. I think Mr. Sullivan has covered the field very fully in regard to what the detectives' investigations disclosed, and conditions of the Bureau of Immigration here and in Washington so far as your committee worked on it, but we would like to get from you some idea as to the amount of work done by Chinese laundries in Boston and in Massachusetts.

Mr. MARSHALL. Well, I can not tell you about the State, but in Boston there are between 600 and 700 laundries; Chinese laundries.

Mr. BUSIEK. Between 60 and 70?

Mr. MARSHALL. Between 600 and 700.

Acting Chairman WEINSTOCK. Between 600 and 700?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. Is that possible?

Mr. MARSHALL. Yes, sir; and we estimate that they employ on an average of three men to a laundry.

Commissioner O'CONNELL. Those figures are getting away from the figures we have had about Chinamen in Boston. There are between 600 and 700 laundries?

Mr. MARSHALL. Yes.

Commissioner O'CONNELL. And they employ three?

Mr. MARSHALL. I will take that back. There are between 500 and 600 laundries, according to the 1913 directory of the city of Boston. We estimate about three Chinamen to a laundry. There are a good many more in some.

Commissioner O'CONNELL. So that it would be safe to estimate that there are between 2,000 and 3,000 Chinamen employed in the laundry business in Boston?

Mr. MARSHALL. Yes, sir.

Mr. BUSIEK. Those are based on the directory?

Mr. MARSHALL. On the directory. We take this from the city directory. We estimate, as near as we can find out—and that is going to run our figures right up now—that they do $30 each a week, each employee in a Chinese laundry will do $30 worth of business a week. We may overestimate it on three to a Chinese laundry. We have been working on the old facts and figures, that they do between $33,000 and $36,000 a week in the city of Boston, but you see my statement just now is going to run that up.

Acting Chairman WEINSTOCK. What proportion of the gross laundry business would that represent?

Mr. MARSHALL. That represents in their line about half.

Acting Chairman WEINSTOCK. Of the whole business?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. Do they do half the laundrying in Boston?

Mr. MARSHALL. Yes, sir.

Commissioner O'CONNELL. In their particular line?

Mr. MARSHALL. In the starch work line, shirts, collars, and underwear, and such work as that.

Commissioner O'CONNELL. They do not do as a rule the large hotel work, sheets, etc.?

Mr. MARSHALL. They have not got to that yet. They are drifting in that direction.

Mr. SULLIVAN. That is what you call flat work?

Mr. MARSHALL. Yes, sir; household linen.

Acting Chairman WEINSTOCK. Their collective business you estimate is how much a week?

Mr. MARSHALL. That would be running it up. Those figures I have given, if they will average three to a laundry, guessing at that—some have four or five or six——

Acting Chairman WEINSTOCK. Yes.

Mr. MARSHALL (continuing). That would run it up you see, way up in the air.

Commissioner O'CONNELL. Some estimates have been between $40,000 and $50,000.

Acting Chairman WEINSTOCK. A week or a month?

Mr. MARSHALL. A week. The fact is, and it might be interesting to know, that our business in the laundry business has increased. There is no new laundries practically started, although the population of Boston is increasing all the time, that the steam laundries are not going ahead at all in what we call starch work, that is the work the Chinamen do, we are making no gain in that. All our gain is in what we call flat work, bed linen, table linen, and so on, and it shows that the Chinamen are getting the rest.

Acting Chairman WEINSTOCK. Do they use machinery?

Mr. MARSHALL. They are beginning to use machinery. We don't know how much machinery they have.

Acting Chairman WEINSTOCK. What advantage has the Chinese laundry over the other?

Mr. MARSHALL. A decided advantage. To start with, that they do not collect and deliver their work. That is an expense to us of from 25 to 30 per cent.

Some have it lower than that, but some of the laundries, they collect it for 25 per cent, is the best they can do.

Acting Chairman WEINSTOCK. The customers must go to the Chinese laundry and deliver the wash?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. The Chinese do not deliver?

Mr. MARSHALL. No, sir.

Acting Chairman WEINSTOCK. They do in California.

Mr. MARSHALL. They don't here. When they run up against that, that is 25 per cent which they have. That brings the price of a shirt, which we receive 12 cents for, to 9 cents. In our laundry we get even less than the Chinese get. Then, we have overhead taxes and insurance that will easily come up to 25 per cent more.

Acting Chairman WEINSTOCK. A Chinaman has insurance and taxes?

Mr. MARSHALL. I don't think he has much of anything, that I can find out.

Acting Chairman WEINSTOCK. He can't escape his taxes and insurance?

Mr. MARSHALL. I don't believe he is taxed much.

Acting Chairman WEINSTOCK. How about the labor? What proportion of your receipts are paid out for labor?

Mr. MARSHALL. The entire labor of collecting and delivering will average about 50 per cent. Some laundries run less and some more.

Acting Chairman WEINSTOCK. About half the receipts are for labor?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. If you cut out the delivery end, what will go for labor?

Mr. MARSHALL. Oh, 25 per cent less.

Acting Chairman WEINSTOCK. For every dollar you get in you pay out 25 per cent for inside workers?

Mr. MARSHALL. Some it costs more and some get it down a little less than that, but not in Boston.

Acting Chairman WEINSTOCK. So far as you can estimate, how much of a Chinaman's pay roll goes for labor? I don't mean pay roll, I mean Chinese receipts goes for labor?

Mr. MARSHALL. I don't know what they pay those Chinamen.

Acting Chairman WEINSTOCK. How many hours do those people work?

Mr. MARSHALL. We can not exceed 54 hours, but on the particular class of work that competes with the Chinaman we do not get more than 45 or 47 hours.

Acting Chairman WEINSTOCK. Do you know how many hours the Chinamen work a week?

Mr. MARSHALL. As near as we can find out they work 18 hours a day.

Acting Chairman WEINSTOCK. Seven days in a week?

Mr. MARSHALL. No, sir; six days. They don't work Sundays. They go to church Sunday in the forenoon and in the afternoon they go down to the gambling places. We know that they are increasing rapidly.

Commissioner O'CONNELL. Could you give any estimate of the number of Chinamen in Boston?

Mr. MARSHALL. No, sir; I can not. I say that the directory will give upward of 600 Chinese laundries in Boston; laundries, not laundrymen.

Acting Chairman WEINSTOCK. Has your association kept tab on the increasing number of Chinese laundries from year to year?

Mr. MARSHALL. We are completely in the dark as to that, because they have not been classified. We have got them in the directory to separate the Chinese laundries from the other laundries. The Chinese laundries go by streets. It is easy to find them in the directory.

Acting Chairman WEINSTOCK. You couldn't tell this commission, for example, how many Chinese laundries there were in Boston four years ago, two years ago, etc.?

Mr. MARSHALL. I can not now, but we have some figures on this.

Acting Chairman WEINSTOCK. Will you furnish those to the commission?

Mr. MARSHALL. I can. I have heard it stated what they were; but I don't remember.

Mr. BURNS. If you will compile those figures and hand them to Mr. Sullivan, he will see that the commission gets them.

Mr. MARSHALL. I understand they have increased vastly in the number of hands they employ.

Acting Chairman WEINSTOCK. In what?

Mr. MARSHALL. In the number of hands these Chinese laundries employ.

Acting Chairman WEINSTOCK. The same laundries may be doing a much larger volume of business?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. You could not, of course, determine that at all?

Mr. MARSHALL. No, sir; we can not find out the population of the Chinese.

Acting Chairman WEINSTOCK. When was this concerted effort made, Mr. Marshall, to stop the smuggling of Chinese, so far as your people are concerned?

Mr. MARSHALL. Six or seven months ago.

Acting Chairman WEINSTOCK. Tell us the story.

Mr. MARSHALL. Well, the story is this: The Chinese problem has always worried the American laundrymen, and I was talking with a friend of mine in the machinery business—laundry machinery business—and he suggested, he said, "Why, it is a simple proposition for you people. Those Chinamen, if you want to raise some money, it seems to me you could kill them all right." With that statement to work on I went before the executive committee of the Massachusetts Laundrymen's Association, of which I was a member of the executive committee at that time, and I sprung that proposition on them, and they didn't seem to understand it. I gave it to them two or three times, and my idea was that the Chinamen in the United States—and I firmly believe now that 90 per cent of them are here illegally; if that could be shown they could be all put on board the boats and deported out of the country. I thought if the laundrymen of the United States could raise a kind of insurance of $30,000 we could employ the Burns Detective Agency and accomplish that fact. I found out that the laundrymen throughout the United States were not as much interested in the Chinamen as we are here in Boston, because of the fact that they all seemed to be coming this way, and so that was dropped. I figured out then and there, and read a list off of the amount of money that I thought we could raise, and we totaled up after I had it set down $9,000 and started a campaign against them here, and I set down a list of the cities, and we left out Salem and Lowell, the poverty-stricken cities, and did not raise any money there, but we did raise $6,000 or $7,000, anyway; and we employed the Burns Detective Agency.

Acting Chairman WEINSTOCK. What has been accomplished thus far? What is there to show for the result of the work?

Mr. MARSHALL. Nothing, only to discover that there is a number of them in here illegally. That is as far as I understand it. I have not followed it as closely as some of the others, although I received daily reports from the Burns people; I read them over and filed them away. There is quite a good many of them in here illegally that they know where to put their hands on them.

Acting Chairman WEINSTOCK. Has any effort been made thus far to deport those who are in here illegally?

Mr. MARSHALL. No effort as far as I know.

Acting Chairman WEINSTOCK. Then the mere information will do you no good if it is made no use of?

Mr. MARSHALL. We fear that those $6,000 or $7,000 that we have raised, among 30 members only, you understand—we took it out of the association's hands because we could not get to all those small laundrymen and the thousand and one people in the business, so 30 of us raised this fund in amounts of $300, $200, $150; we would not accept less than $50.

Commissioner O'CONNELL. How many white laundries are there in Boston?

Mr. MARSHALL. I couldn't tell you exactly. Steam laundries, I presume there are 18 or 20. I would have to guess at that.

Commissioner O'CONNELL. Have you got this in mind, when you made the other estimate of the Chinese laundries, when you make that will you also make an estimate of the other laundries and approximately the number of employees in them, the total number?

Mr. MARSHALL. Yes.

Acting Chairman WEINSTOCK. You raised this fund of how much, $6,000?

Mr. MARSHALL. Between $6,000 and $7,000.

Acting Chairman WEINSTOCK. That was from 30 laundries?

Mr. MARSHALL. Yes, sir. Some of them that subscribed have not paid up.

Acting Chairman WEINSTOCK. Yes. Now, you have located a great many contrabands, but you have not made any effort to deport them?

Mr. MARSHALL. Why, we were confronted with the fact before we started in on this campaign, one of the committee and myself went down to the Immigration Bureau, and they told us that it was absolutely of no use to bring these cases before Judge Hayes and gave us a lot of talk that I don't remember. Then we went on raising funds, and we had everybody we know of shadowed by

the Burns people; they shadowed more people, really, than we wanted them to shadow; and then we went down and couldn't get any action on account of Washington, and were confronted with the statement that they did not have any funds to work with down there. I was not one of the parties who went to Washington, but we don't seem to be able to get action. We were told several weeks ago that they were going to go up to Pittsfield and pull a number of Chinese in there illegally, and our counsel here volunteered to go up with them, but we have not got them started; they have not got the biased judge there.

Acting Chairman WEINSTOCK. Is your association in position to furnish testimony in regard to those contraband Chinese?

Mr. MARSHALL. So far as the Burns people have secured it.

Mr. SULLIVAN. I have offered these four folios here, hoping that you would return them to me.

Acting Chairman WEINSTOCK. What effect would it have if this commission went to Washington and had Mr. Larned and Mr. Caminetti come before us and show cause?

Commissioner O'CONNELL. That will be the result later. There are some other people in Washington, too.

Mr. SULLIVAN. I might say this, that from my observation of this situation while in the United States attorney's office, and which have been confirmed by further investigations both at Washington and here, and particularly from reports that have been brought to us of opinions held by the Chinamen down in Chinatown, Boston particularly and Massachusetts generally, is a sanctuary for smuggled Chinamen. This is a sanctuary for smuggled Chinamen. If they can get in here they are safe.

Commissioner O'CONNELL. That seems to be the preponderance of the evidence that we have.

Mr. SULLIVAN. It is like in the old days, if the criminal could get within the Temple in medieval days it was a sanctuary for him.

Commissioner O'CONNELL. A city of refuge.

Mr. SULLIVAN. It is a city of refuge, and Massachusetts is a State of refuge for them because they are inactive.

Mr. MARSHALL. They are becoming arrogant, and it is a singular incident that most of them in the last few months, they have adorned themselves in very fashionable clothes. They tell me if you go out to the beach you will find them trying to catch the girls. And the reason they are coming here is because the people are in sympathy with them. The atmosphere here is of an esthetic nature, and they want to go down to the church in the morning and down and gamble in the afternoon. There are dens of iniquity here in Boston, and that is why they congregate here. I could go on here and tell you a whole lot of stuff about their lustful methods, and the diseases which they have brought into the laundries, and things of that sort. It is really an appalling condition.

We have become much discouraged, the people who have spent all this money, for fear we are not going to get this action, and all this timber we have hewn down and lain in the sun, it is going to become warped and it will be of no good.

I for one think our own salvation is in the way of newspaper publicity, perhaps we will try and raise a fund and let the people know what they are really up against. I assure you that many of us people who are in the laundry business to-day would not be in it if we were not in it and have to stay in it under the present conditions that are confronting us with this yellow peril.

Mr. SULLIVAN. It is just as Mr. Marshall says, some of those dirty, filthy, diseased fellows who are here contrary to law and attending churches and Sunday schools in the morning, and, as we know, the gambling places on Sunday afternoon, receive their greatest protection and comfort from a lot of sentimental Sunday-school teachers. Why, they have gone so far—it is absurd—they went so far that they entered into this Columbus Day parade here last year; wasn't it?

Mr. MARSHALL. The last two years.

Mr. SULLIVAN. Made a very great display. They are very quick to catch on, pay court where there is some profit going to be yielded to them will affect any form or any custom in order that they may be understood to be harmonizing themselves with American life and to be in sympathy with it.

Commissioner O'CONNELL. Have you any idea, Mr. Sullivan, how many families there are here?

Mr. SULLIVAN. I have not. I don't think there are a great number.

Commissioner O'CONNELL. From the highest estimate it is around 25 I think,

Mr. MARSHALL. We understand the census is not complete, and the last census did not include the Chinese.

Commissioner O'CONNELL. Say there are 4,000 Chinamen in Boston, what do those 4,600 Chinamen do with their lustful desires?

Mr. SULLIVAN. They are playing upon the meretricous ladies.

Acting Chairman WEINSTOCK. Do women take the Chinamen here?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. They do?

Mr. MARSHALL. A Chinaman will give up all kinds of money. I don't want to butt in here.

Mr. SULLIVAN. Go ahead.

Mr. MARSHALL. I had a friend come out to see me about some lithographic work, and he told me he was talking to a police officer down in Chinatown one night and the officer told him they took a young girl out of one of the places in Chinatown a few nights previous to that. This is only one incident that occurs, and that she had sexual intercourse with 21 Chinamen at 50 cents a head. I presume that could all be verified. That is something recent that just happened to be told me in the private office. I had nothing to do with the Chinese business, but I know something of it.

Mr. SULLIVAN. If I may say something confidential at this time, I don't know what it amounts to, but here a few months ago, I think it was the Sunday afternoon I was going down through Chinatown, cutting through to the south station on the way to Washington, and an officer spoke to me. His face was familiar, and, of course, we have coming into the United States attorney's office and into the courts there, at least, police officers around the city, necessary witnesses in cases, so that I got to know a good many by appearance, at least, if I don't remember the names. He spoke to me, and I think his name is Sullivan. He is a roundsman there. He gave me to understand that the disposition of his captain, the captain of his division, was that he should not be of too ready assistance to the United States officials either in helping to discover smuggled Chinamen or smuggled opium, and that in one or two instances where he had loaned a hand to the Government officers he had been rebuked by his captain.

Those fellows conduct their gambling houses down there almost open, and it was intimated to me that the captain of the district was probably receiving his rakeoff, so that he said, "I see a strange Chinaman come in here, and green Chinamen every day, every day." But he says, "I have not reported it to anybody because I am given to understand it is none of my business." Any other offenses committed are promptly reported by officers, so that I think that some word brought to the attention of the police commissioner of Boston might be of some assistance to the Immigration Bureau, if they solicit their assistance.

Of course, our Government forces are really without any police-force service. We are dependent upon the police officers of the various cities. If they do not report to us, of course, there is much that will escape us, and it is only by cooperating with the police departments that we can get service. In all departments they get good service but because they cooperate with the local police force, and I think if the immigration office were to establish a cordial relation with the police heads in the city, in the various cities, they would get a lot of information which is now escaping.

Acting Chairman WEINSTOCK. Are there any other questions to be asked of the gentlemen? Have you any other questions, Mr. Busiek?

Mr. BUSIEK. No.

Acting Chairman WEINSTOCK. Thank you very much, gentlemen.

Mr. BUSIEK. I will keep in touch with you.

Mr. SULLIVAN. I will leave this report with you. From reading the reports of the investigator you will probably get some notion of how those fellows live and the hours they put in working in the laundries in Boston, in the Chinese laundries. I wish you would return those to me, Mr. Busiek.

Mr. BUSIEK. I will return those to you promptly.

Acting Chairman WEINSTOCK. The hearing stands adjourned.

SEATTLE, WASH., *Monday, August 17, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Lennon, and Commons. E. H. Busiek, Esq., counsel, examining. W. O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. Call your first witness.

Mr. BUSIEK. Mr. Tape.

TESTIMONY OF MR. FRANK H. TAPE.

Mr. BUSIEK. State your full name.

Mr. TAPE. Frank Harvey Tape.

Mr. BUSIEK. And your address.

Mr. TAPE. 1618 Thirty-fourth Avenue.

Mr. BUSIEK. Seattle?

Mr. TAPE. Seattle.

Mr. BUSIEK. You are in the United States Immigration Service?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. How long have you been in the United States Immigration Service?

Mr. TAPE. Since 1903.

Mr. BUSIEK. What have been your stations?

Mr. TAPE. St. Louis, Portland, and Seattle as stations, I have worked out of. I have worked in different towns all over the United States on special work.

Mr. BUSIEK. On special work?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. What is your compensation?

Mr. TAPE. I get $110 a month.

Mr. BUSIEK. Have you any independent means?

Mr. TAPE. Have I what?

Mr. BUSIEK. Have you any other source of income?

Mr. TAPE. I have some private business on the outside.

Mr. BUSIEK. What is the nature of this business?

Mr. TAPE. Oh, little investments I made.

Mr. BUSIEK. What kind of investments?

Mr. TAPE. Well, I loaned money out.

Mr. BUSIEK. To whom?

Mr. TAPE. To different Chinese.

Mr. BUSIEK. Will you give the commission their names?

Mr. TAPE. Why, no; I never loaned it myself. I loaned it through a third party.

Mr. BUSIEK. Who is the third party?

Mr. TAPE. A Chinese here in town.

Mr. BUSIEK. What is his name?

Mr. TAPE. Why, I don't——

Mr. BUSIEK. Speak up, so the commission can hear you.

Chairman WALSH. Say, you omitted to swear Mr. Tape. You know we are swearing the witnesses. Hold up your right hand, please.

You do solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAPE. I do.

Chairman WALSH. Let the record show that the witness is sworn.

Mr. BUSIEK. Now, you said that in addition to your salary you have investments which are made through a third person, a Chinaman?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And the question is: What is this Chinese name?

Mr. TAPE. The Chinese is Lew Mun—L-e-w M-u-n.

Mr. BUSIEK. L-e-w M-u-n?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Where does he live?

Mr. TAPE. Why, I don't know where he lives, to tell you the truth.

Mr BUSIEK. Where do you meet him?

Mr. TAPE. He comes to see me, and I meet him in a Chinese store.

Mr. BUSIEK. And has he a place of business?
Mr. TAPE. No, sir.
Mr. BUSIEK. How much money have you placed through him?
Mr. TAPE. Oh, $500 and more at different times.
Mr. BUSIEK. Five hundred dollars how many different times?
Mr. TAPE. And more at different times.
Mr. BUSIEK. About how much in a year's time?
Mr. TAPE. Well, I don't know. We keep rotating the money backward and forth.
Mr. BUSIEK. How much do you keep rotating?
Mr. TAPE. Anywhere from five to eight, nine hundred dollars.
Mr. BUSIEK. Five, eight, nine hundred dollars?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Have you any other business besides this loan business that you are engaged in and in which you have five or eight or nine hundred dollars?
Mr. TAPE. I have investments in canneries here.
Mr. BUSIEK. Investments in canneries?
Mr. TAPE. Cannery contracts.
Mr. BUSIEK. What cannery?
Mr. TAPE. I have contracts with Chinese in different canneries through a third party?
Mr. BUSIEK. Who is the third party?
Mr. TAPE. One Charley Yuen.
Mr. BUSIEK. What is his address?
Mr. TAPE. Why, he lives—he is found at King Chum Lum Co.'s store. That is where he has his headquarters.
Mr. BUSIEK. What is your income per year from this source?
Mr. TAPE. I don't know exactly. I think, last season, it was somewhere around eighteen or nineteen hundred dollars.
Mr. BUSIEK. And Chinese of what sort is that?
Mr. TAPE. Canning contracts.
Mr. BUSIEK. What kind of contracts?
Mr. TAPE. Contracting Chinese labor working in canneries, and we get so much for overpacking, you know.
Mr. BUSIEK. Does your name appear on any of these contracts?
Mr. TAPE. No, sir.
Mr. BUSIEK. Have you any writing with your partner in regard to this?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Have you a copy of it?
Mr. TAPE. I have—at the end of the season we settle up and have a regular Chinese—the regular writing in Chinese how much business we did during the year.
Mr. BUSIEK. Have you a copy of that?
Mr. TAPE. I have not with me.
Mr. BUSIEK. Can you produce it?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Will you produce it and give the commission a copy this afternoon?
Mr. TAPE. It is in Chinese, you will have to have it translated.
Mr. BUSIEK. We will have it translated. These payments are made at the end of the season?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. And there is only one settlement on that?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. And that amounted to about $1,800 last year?
Mr. TAPE. I could not tell you just now exactly what the figures are. I have them in my book.
Mr. BUSIEK. In round numbers that was about $1,800?
Mr. TAPE. Well, I can't state just now.
Mr. BUSIEK. We don't care for the exact figures right now, but it was over $1,500, was it?
Mr. TAPE. Well, I don't know exactly, I have it all down on a book.
Mr. BUSIEK. When was this settlement made?
Mr. TAPE. One was made in 1912, and one nineteen—I had different ones.
Mr. BUSIEK. When was the one made in 1913?
Mr. TAPE. In 1912 was the last one I had with the canneries.
Mr. BUSIEK. What month.

Mr. TAPE. I think the settlement was made in around October.
Mr. BUSIEK. In October, 1912?
Mr. TAPE. I am not sure; October or November.
Mr. BUSIEK. What did you do with the money you got at that time?
Mr. TAPE. I kept it and invested it.
Mr. BUSIEK. Did you deposit it?
Mr. TAPE. Some of it I did and some I did not.
Mr. BUSIEK. About how much of it did you deposit in hundreds of dollars?
Mr. TAPE. I do not remember just now.
Mr. BUSIEK. Would you say that you deposited half of it at one time?
Mr. TAPE. I might have. I do not remember.
Mr. BUSIEK. Try to charge your memory. You say you received somewhere in the neighborhood of $1,900, and you do not know how much of that—you could not come within $100 of how much you deposited at that time?
Mr. TAPE. I can not right now.
Mr. BUSIEK. What other investments have you?
Mr. TAPE. You mean at the present time?
Mr. BUSIEK. Yes. Or, say, in the last year, what other productive investments have you had, or what other sources of income besides those mentioned?
Mr. TAPE. I do not—nothing else, I do not think.
Mr. BUSIEK. Nothing else.
Mr. TAPE. No, sir.
Mr. BUSIEK. About how much money did you handle last year in your personal account?
Mr. TAPE. I do not know.
Mr. BUSIEK. What bank did you keep your money in?
Mr. TAPE. National Bank of Commerce.
Mr. BUSIEK. Would you say it was as much as $9,500?
Mr. TAPE. Last year?
Mr. BUSIEK. Yes.
Mr. TAPE. I never figured it up.
Mr. BUSIEK. You never figured it up?
Mr. TAPE. No.
Mr. BUSIEK. Would you say it was as much as $9,500? I will ask you to examine these and tell the commission what they are [handing a number of slips to witness]. Are those deposit slips made by you?
Mr. TAPE. I can not say now.
Mr. BUSIEK. Well, do they look like yours?
Mr. TAPE. There is one here for $500, June 16——
Mr. BUSIEK. Is that yours?
Mr. TAPE. I borrowed $500 from a bank, and I think that is the day I borrowed it and deposited—another bank.
Mr. BUSIEK. What bank did you borrow it from?
Mr. TAPE. From the Specie Bank of Seattle.
Mr. BUSIEK. Where is that?
Mr. TAPE. It is up on Sixth Avenue between King and Jackson.
Mr. BUSIEK. Well, now, you have looked at some of those. Those you have looked at—do they contain your signature, Mr. Tape?
Mr. TAPE. No, sir.
Mr. BUSIEK. Have you any idea whose it is?
Mr. TAPE. No, sir; it is not my handwriting at all.
Mr. BUSIEK. Are you prepared to say that you did not make those deposits on the dates indicated on those deposit slips?
Chairman WALSH. Ask him whose handwriting that is.
Mr. BUSIEK. Do you know whose handwriting it is?
Mr. TAPE. No, sir.
Chairman WALSH. Ever see it before?
Mr. TAPE. No, sir.
Chairman WALSH. Do you keep a clerk?
Mr. TAPE. No, sir.
Chairman WALSH. Does any person in your family do clerical work?
Mr. TAPE. No, sir.
Mr. BUSIEK. Are you prepared to state that during the year 19—, during the last year, you have not had on deposit and checked out $9,500? Is it not a fact, Mr. Tape, that this is a correct statement of your bank account taken from the books of the bank? [Papers handed to the witness and examined by him.] Have you your bank book with you?

Mr. TAPE. No, sir.
Mr. BUSIEK. Can you produce that at 2 o'clock?
Mr. TAPE. This bank book?
Mr. BUSIEK. Yes.
Mr. TAPE. It is in my lawyer's office now.
Mr. BUSIEK. Well, you can get it from your lawyer, could you not?
Chairman WALSH. Wait a minute. What was it you asked Mr. Tape to produce?
Mr. BUSIEK. His bank book.
Chairman WALSH. Covering what? With what bank and during what period?
Mr. BUSIEK. With the National Bank of Commerce and covering the last three years.
Chairman WALSH. Now, what did Mr. Tape say about producing that at 2 o'clock? What did you say about it?
Mr. TAPE. I have the book, but I left it in my lawyer's office with some other papers I have.
Chairman WALSH. When?
Mr. TAPE. About a month ago. I never turned it over to anybody; I just put it away there.
Chairman WALSH. What is the lawyer's name?
Mr. TAPE. A man by the name of Place up here.
Chairman WALSH. The first name?
Mr. TAPE. Victor.
Chairman WALSH. Victor Place?
Mr. TAPE. He hasn't it.
Chairman WALSH. How is that?
Mr. TAPE. He hasn't it.
Chairman WALSH. Well, where is it?
Mr. TAPE. I left it in—put it away up there.
Chairman WALSH. How is that?
Mr. TAPE. I put it away up there; gave it to a party to keep for me.
Chairman WALSH. Who did you give it to?
Mr. TAPE. Oh, I don't care to state.
Chairman WALSH. Do you refuse to state?
Mr. TAPE. I do at this time, but I can get the book.
Chairman WALSH. What?
Mr. TAPE. I will get the book.
Chairman WALSH. Why do you refuse to state?
Mr. TAPE. There is a party—I can get the book.
Chairman WALSH. Oh, you say you can get the book?
Mr. TAPE. Yes; I can get it. I will produce it.
Chairman WALSH. Produce the book here at 2 o'clock.
Mr. TAPE. Yes, sir.
Chairman WALSH. One minute. Is that your current book—the book you use now?
Mr. TAPE. I am not banking with that bank.
Chairman WALSH. Where are you banking now?
Mr. TAPE. Northern Bank of Commerce—no; Northern Bank of Trust, I believe, it is.
Chairman WALSH. Have you that book with you?
Mr. TAPE. No, sir.
Chairman WALSH. Where is it now?
Mr. TAPE. I have it home.
Chairman WALSH. Also produce that at 2 o'clock.
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Now, what other banks have you done business with in the last three years?
Mr. TAPE. No other banks.
Mr. BUSIEK. What is that?
Mr. TAPE. No other banks.
Mr. BUSIEK. Now, this $1,800 which you say you received on your canning contracts you deposited part of that, and what did you do with the rest?
Mr. TAPE. Oh, I don't remember now.
Mr. BUSIEK. Spend it currently?
Mr. TAPE. I might have. I don't remember.

Mr. BUSIEK. Then there is a certain amount of that $1,800 which don't show in the books of the bank at all?
Mr. TAPE. I might have deposited it all; I don't remember at this time.
Mr. BUSIEK. What are your living expenses a year—about?
Mr. TAPE. I never figured them up. I don't think they run over one hundred and fifty a month—everything.
Mr. BUSIEK. You drive an automobile?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. How much did the automobile cost?
Mr. TAPE. Two thousand three hundred dollars three years ago—over three years ago.
Mr. BUSIEK. You had an automobile before that?
Mr. TAPE. No, sir.
Mr. BUSIEK. You did not?
Mr. TAPE. No, sir.
Mr. BUSIEK. You say the automobile——
Mr. TAPE. I did have one. I bought one and traded it in for this one. I only had it for a month or so, though.
Mr. BUSIEK. And your present machine you have been driving for three years?
Mr. TAPE. Since May, 1911.
Mr. BUSIEK. Where did you get the money to buy that?
Mr. TAPE. My own money.
Mr. BUSIEK. What is that?
Mr. TAPE. Saved it.
Mr. BUSIEK. Saved it out of your salary as interpreter?
Mr. TAPE. Oh, not only as interpreter; I saved the money.
Mr. BUSIEK. Where do you get the money that you save?
Mr. TAPE. Oh, different little investments.
Mr. BUSIEK. Well, now, if you have neglected to give us any investments, I wish you would tell us now. You have stated that you had something like——
Mr. TAPE. That was before 19—the present year, though, that you have been asking me. This is before. This is 1911 and before that.
Chairman WALSH. One minute. At this point, why I would like to excuse Mr. Tape for the present, because that first witness has now arrived, and the sergeant at arms will show Mr. Tape where he can wait, because we will want to call you just as quick as we can get through with the other witness.
Mr. TAPE. Yes, sir.
Chairman WALSH. The sergeant at arms. Have a convenient place now, Mr. Sergeant at Arms, so that we can call Mr. Tape as soon as we are through.
(The Witness Tape was temporarily excused.)
Commissioner O'CONNELL. Mr. White.
Chairman WALSH. Call Mr. White.
Mr. BUSIEK. Just take that chair, Mr. White.
Chairman WALSH. Please be sworn.
(Witness sworn by chairman.)

TESTIMONY OF MR. HENRY M. WHITE.

Mr. BUSIEK. Please give us you full name, Mr. White.
Mr. WHITE. Henry M. White.
Mr. BUSIEK. And you are commissioner of immigration of the port of Seattle?
Mr. WHITE. Yes, sir.
Mr. BUSIEK. When were you appointed, Mr. White?
Mr. WHITE. I was appointed the 20th of August last, but did not take office until the 17th day of November.
Mr. BUSIEK. And you succeeded whom?
Mr. WHITE. Mr. Ellis de Bruler.
Mr. BUSIEK. How long have you lived in Seattle?
Mr. WHITE. Just since my appointment. Previous to that time I lived in Bellingham, north of here about 100 miles.
Mr. BUSIEK. What was your occupation?
Mr. WHITE. Attorney at law.
Chairman WALSH. I beg pardon? Where did you say?
Mr. WHITE. I came to Bellingham from West Virginia in 1900.
Mr. BUSIEK. About how many men have you got working under you, Mr. White?

Mr. WHITE. Approximately 60. Now there are less than that—not that many inspectors, but I am including the entire number.

Mr. BUSIEK. How many inspectors have you?

Mr. WHITE. Well, I would have to look up more carefully as to that, but I think about 40.

Mr. BUSIEK. And they are distributed how? Please first outline your jurisdiction.

Mr. WHITE. The jurisdiction includes the entire State of Washington. That is as to all matters pertaining to immigration. As to the alien contract law, our jurisdiction takes in Montana, Idaho, Oregon, and Washington. But we haven't anything whatever to do with the Canadian border. Well, Sumas and Blaine, and Oregon on the east side, in the State of Washington, those stations are established and exist on this side of the line, yet they are under the jurisdiction and control of Montreal. They are known as the border service.

Mr. BUSIEK. Who is in charge of the work looking to the prevention of the smuggling in the border service now?

Mr. WHITE. Mr. Taylor, Richard H. Taylor, is in general charge of that, so I have been informed—instructed by the bureau.

Mr. BUSIEK. How long has he had that assignment?

Mr. WHITE. I think some time in April.

Mr. BUSIEK. Of this year?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. That is Richard Taylor, who has been special investigator for the immigration department?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. You have nothing to do, then, with the smuggling across the Canadian border; that is under Mr. Taylor?

Mr. WHITE. Well, no, sir; that isn't right in this, Mr. Taylor exercises the same control that the bureau would exercise in other matters, but the field work is presumed according to instructions from the bureau to be under my control in this district, but we are to report directly to Mr. Taylor.

Commissioner GARRETSON. You don't handle the border service on the Washington line extending east?

Mr. WHITE. No, sir; we don't handle the border, but look after smuggling in this district. The confines of this district, while it says to British Columbia on the north, yet their men extend over on this side. Just as soon as they get over on this side we are supposed to look after them, and we look after smuggling along the Sound and wherever it exists.

Mr. BUSIEK. Do you work in conjunction with this border service?

Mr. WHITE. We try to.

Commissioner GARRETSON. Exercising dual jurisdiction between you?

Mr. WHITE. Yes, sir; we have what has generally been described as a second line of defense officers stationed on the south side of the line principally in the northern county of Washington; that is, the country that borders on British Columbia. Those men when they pick up anybody they take them immediately back to the border to the Blaine office, and the Sumas office, and they are turned back over the line, and thus we are not put to the expense of going through the regular form of deporting them.

Mr. BUSIEK. You turn them over to the officers under Mr. Taylor at these offices?

Mr. WHITE. No, sir; at those offices to Commissioner Clark, of Montreal, that is in charge, and Mr. Xervie, the inspector, has control of them, acting through the Montreal office.

Mr. BUSIEK. Have you assigned any men in your office to the assistance of Mr. Taylor in this work?

Mr. WHITE. Well, yes, sir; Mr. Taylor recommended to the department or to the bureau that this work be taken out of my control entirely; that is, the smuggling. That was denied him. Then they instructed him, and sent me a copy of the letter, asking that we get together and arrange on a plan.

Mr. BUSIEK. Let me interrupt. What plan did Mr. Taylor propose for this work?

Mr. WHITE. That I am unable to say except this, that the bureau in this letter to me stated that they did not desire to follow the plan outlined in his telegram of, I think, the 10th of last month, I think that is the date, and would not do so unless it was absolutely necessary, and instructed me and instructed him for the two of us to get together and agree upon a plan. Then Mr. Taylor came to me. Up to that time he had been in the district since the

28th of June, and up to that time he hadn't come to me and hadn't advised with me about a single thing, but he then came to me and we talked the matter over and agreed upon trying to intercept the smuggling by water at the border line, the north line being out on the border. A man would be placed in charge of that border and this man would operate in a boat from Bellingham at this advantageous point. We placed that in the hands of Inspector Hamer, who is stationed at Bellingham, and through him I am in charge of that work.

Mr. BUSIEK. Did you assign anyone else to Inspector Taylor to assist him?

Mr. WHITE. No, sir.

Mr. BUSIEK. Did you have an interpreter?

Mr. WHITE. No, sir; I didn't assign anyone. He had assistants.

Mr. BUSIEK. From your office?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Who.

Mr. WHITE. Mr. Tape, Interpreter Tape, was assigned to him, or was taken by him and Inspector Turner, who was stationed at Everett, 40 miles north.

Mr. BUSIEK. Inspector Turner?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Did Taylor just come in and get Tape without any authority from you?

Mr. WHITE. Yes, sir. In answering that question I would like to go back.

Mr. BUSIEK. Very well. Just explain the whole situation, how Tape got to go with Taylor.

Mr. WHITE. Yes. I think I will go back to the starting, because it starts back. When I assumed office on the 17th day of November last Mr. Taylor was here investigating this district at that time. He came across with Secretary Wilson from Vancouver or Victoria. I then met him. I think I assumed office the day after I met him. He then told me who Mr. Tape was, the interpreter.

Mr. BUSIEK. Who told you?

Mr. WHITE. Mr. Taylor. Up to that time I had not met Mr. Tape and did not know there was such a man in existence.

Commissioner GARRETSON. What is Tape's race?

Mr. WHITE. Chinaman.

Commissioner GARRETSON. Full, half, or quarter?

Mr. WHITE. Full. He is an American-born Chinese.

Commissioner GARRETSON. Full blood?

Mr. WHITE. Full blood, so I am informed. I got that from hearsay.

Commissioner GARRETSON. Certainly.

Mr. WHITE. I have it coming from him as well as others.

Mr. BUSIEK. What did Mr. Taylor tell you about Tape?

Mr. WHITE. Mr. Taylor told me. First, it came up that he wanted me to secure a boat for the purpose of patrolling these waters, and asked me to designate, or detail, Mr. Tape to secure that boat, to buy it for the department. He then told me of what different trips he had taken with Mr. Tape, and about the different work that Mr. Tape had done; told me it was impossible for Mr. Tape to work in connection with the bunch here, as he styled them, the rest of them in this district; that he was unable to accomplish anything.

Mr. BUSIEK. Why?

Mr. WHITE. Because they would tip his hand on all occasions. He told me about the different detective work that they had done, and then he told me about the wealth of Mr. Tape's wife. He told me that she was very wealthy and had an income of several hundred dollars per month. That was brought out by reason of inquiry on my part how it was that he happened to have an automobile, being interpreter in the office. While he was here, I would say two or three weeks—that during that trip, probably a little longer than that; no, not any longer than that, just about three weeks. They asked me to come down town with them, ride down town with them almost daily from the office—the office is about 3 miles out from the city, the street cars run by, and during every trip I do not think there was a single exception, as I remember it, because my attention was attracted to it, it was so forcible, he told me about Mr. Taylor, what a valuable man he was and how loyal he had worked for him, how he would assist me in my work here. I was very favorably impressed with him by reason of those statements, because Mr. Taylor, I had understood, was an able man in his department. Then he wrote to me about Mr. Tape, who later was placed in charge of this work of intercepting Chinese smuggling.

Mr. BUSHEK. Let me interrupt. Have you a copy of that letter in your files that he wrote to you concerning Tape?

Mr. WHITE. Yes; I can give you all of the information—all of the——

Mr. BUSHEK. Will you?

Mr. WHITE. Yes. You have a copy of my telegram from the department, of the bureau's, instructing me to come here?

Mr. BUSHEK. Yes; and I do not think that would be in conflict.

Mr. WHITE. I do not think it would be at all.

Chairman WALSH. We are going to refer all of this anyway, and naturally the department does not know exactly what our activities are, you see. We are compelled to have a general understanding, but we understand very thoroughly they will understand it. You see we are handling all of this in executive session, and the details of it will never go out until they go to the department; so you may be perfectly free about submitting anything, as if it should turn out afterwards there would be something that they did not want in the record, it can be gotten back and expunged from the record. That is one reason why we are holding this executive session.

Mr. WHITE. Then I will submit them.

Chairman WALSH. Yes.

Mr. WHITE. I wanted to do that, but you appreciate——

Chairman WALSH. We will hand it back to you.

Mr. WHITE. I will get all of the copies of all of my correspondence and submit the entire file to you. The file will be relative to these matters concerning which I am testifying.

Mr. BUSHEK. Yes.

Mr. WHITE. Then, as I say, he was placed in charge of the Chinese smuggling. Almost as soon as he assumed charge he wrote me, suggesting that I detail Mr. Tape to see Special Agent Channing, of the Treasury Department, relative to one Malloy, who was suspected of smuggling. I wrote back and stated that I would see him myself; that I wanted to get acquainted with that department of work—he was in the Treasury Department, in an office in this building. I then received a second letter from Mr. Taylor, instructing me to detail Mr. Tape on this work. I then wrote him. Now, I may be wrong as to the number of letters received; I may be in error, but I think not, and if I am, I would like for the copies of the letters to correct any statement I may make as to that. I then wrote him, stating that I had seen Special Agent Channing myself, and did not deem it necessary or proper to detail an interpreter in the office on that work. The bureau then soon after that came through, stating that I had refused to follow instructions of Mr. Taylor in this respect, and asked me why. I answered that letter.

Now let me go back. Mr. Turner was stationed at Everett, 40 miles north, and his name was carried through all this correspondence in addition to Mr. Tape's. Mr. Hunter was stationed at Tacoma, 40 miles south. He had learned of certain suspicious actions on the part of Barker and Stone, two men over at Olympia.

Chairman WALSH. They were what?

Mr. WHITE. They were suspected of smuggling.

Chairman WALSH. And their names were what?

Mr. WHITE. Barker and Stone.

Chairman WALSH. Have any connection with the Government?

Mr. WHITE. No; but these instructions are carried along with them. I asked Mr. Hunter, Inspector Hunter, to continue his watching of those people over there. These letters also applied to Mr. Turner, instructing me to relieve Hunter from that detail; and send Mr. Turner from Everett down there to take charge of that work—Barker and Stone, in addition to Mr. Taylor. I explained that I did not think it was proper to relieve one man from work when there was no objection to his work, as far as I was able to ascertain, and I would not, unless I was ordered to do so, remove him from that work; that I would not detail Mr. Tape on secret work of our office unless I was absolutely ordered to do so. In the first place, I gave the reason for my refusal that he was an interpreter, a Chinese interpreter, and it is unfair to him, unfair to the office that I send him out on work of that kind, because it would make him an advocate rather than a medium through which these examinations would pass. Then I received a wire, signed by Commissioner General Caminetti, instructing me to send Mr. Turner down to Olympia, and to relieve Mr. Hunter, and instructing me to detail Mr. Tape on the Malloy

matter. Then afterwards I was told to detail Mr. Tape—instructed to detail Mr. Tape generally on smuggling—which I did.

Chairman WALSH. By whom, by the department?

Mr. WHITE. Mr. Taylor. Mr. Taylor then—during this time that I received these instructions I was quietly investigating Mr. Tape as to his expenditures. And that was one reason why I did not want to detail him on this secret work. I was suspicious of him, but I did not state that to the bureau, because I thought it was unfair to him until I had first come to a conclusion as to his guilt.

Mr. BUSIEK. How long was Tape working with Taylor?

Mr. WHITE. You mean on this detail?

Mr. BUSIEK. Yes; approximately.

Mr. WHITE. Let me see, Tape was detailed——

Chairman WALSH. One minute. Say, Mr. Langdon, you have made all your arrangements to be careful that this does not get out?

Mr. LANGDON. I have shut the door.

Chairman WALSH. Who is doing the transcribing out there?

Mr. LANGDON. The two operators that are with us.

Chairman WALSH. You have your own force?

Mr. LANGDON. Yes.

Chairman WALSH. That is all right.

Mr. WHITE. I haven't got the question.

Mr. BUSIEK. How long was Tape working with Taylor, approximately?

Mr. WHITE. Oh, yes. Now, do you mean at this——

Mr. BUSIEK. At this detail; yes.

Mr. WHITE. Let us see, Tape went to work on the outside, secret work, I think about the 15th or 16th day of June. That is as I recall it. But it is approximately that time. It might have been a few days before, but I don't think so. Mr. Taylor arrived here on the 28th day of June.

Mr. BUSIEK. Now, to go back, Taylor made an investigation of the Seattle office just prior to your coming here, did he not?

Mr. WHITE. While I was here.

Mr. BUSIEK. While you were here?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Have you ever discovered the nature of his report?

Mr. WHITE. No, sir.

Mr. BUSIEK. Do you know whether or not he made charges against anyone? Have you ever heard from the department?

Mr. WHITE. No, sir.

Mr. BUSIEK. Has any officer under you ever got notice to show cause for any wrongdoing, or were any charges ever filed against anyone as the result of Taylor's investigation?

Mr. WHITE. None that I ever heard of.

Mr. BUSIEK. Under the practice of your department, or of the Bureau of Immigration, when charges are filed against a man, or an adverse report made against a man, a copy of that report is sent him, is it not, and he is given an opportunity to answer the charges and findings?

Mr. WHITE. Yes, yes. Well, of course they are civil service, and if it is to the extent of charges, of course it would come under the regular régime of the civil service. But even after the investigation they didn't send anything to me of a complimentary character, as an investigation, or as to lack of work, or any particular work.

Mr. BUSIEK. Did they send you any communication criticizing the office?

Mr. WHITE. No; only since Mr. Taylor has been in the city this last time I received a wire from the department saying that Mr. Fisher was not cooperating—Inspector Fisher was not cooperating with Mr. Taylor in his work.

Mr. BUSIEK. He is up at Everett, is he—Mr. Fisher?

Mr. WHITE. No; he is in the city.

Mr. BUSIEK. He is here now?

Mr. WHITE. Yes; and they marked that confidential. I took it from the wording that I was not to say anything about that fact to Mr. Taylor, and they stated that Mr. Taylor would call upon me, or had been instructed to call upon me relative to Mr. Fisher's connection, and he never called.

Mr. BUSIEK. Now, did you make formal charges against Frank Tape at any time?

Mr. WHITE. On the 17th day of June last I wrote the department, in which I detailed evidence that I had secured relative to his expenditures, relative to his income and the work about the office, and asked that he be removed as interpreter in this district.

Mr. BUSICK. What was done in reply to your letter?

Mr. WHITE. My letter was written on the 17th day of June, and on the 29th day—a letter dated on the 29th day of June—I received that letter the following week, in which they stated that they had detailed Inspector Bonham, of Portland, Oreg., to come here to make an investigation.

Mr. BUSICK. Did they ever intimate that they would like to have Taylor make the investigation?

Mr. WHITE. No. I surmised that Mr. Taylor might want to make the investigation. I knew that he was very friendly, and I knew that every step that had been taken in connection with that matter and with other matters had been transmitted to Mr. Taylor by Mr. Tape. He was in daily correspondence with him. And then, too, I had received—been instructed—well, I will just explain. When I learned of the different—all of the matters against Mr. Tape, I called him into the office and told him what I knew, some of the facts that I knew, and talked with him about it, and told him then—I didn't have the bank statement then—that I would like to know the nature of his income and the amount of his income, and explained why. We talked then for a half hour, possibly, and he suggested resigning to me. He spoke, he talked about that. I told him that I wasn't in position to advise him about that matter at all, but that I was going to have, if anything—if it is possible, a clean department under me. And I wanted to know exactly his income, because I knew approximately what his expenditures were; that is, I at that time knew that he was spending over $400 a month; but as it later developed, I didn't know what his expenditures were. We went out. He told me that his wife would not make a statement of her income. His wife had an income of something over $300 a month.

Mr. BUSICK. Did he say what source it was from?

Mr. WHITE. He would not state. And then I talked with him the next—no; he came in just after that and told me that he thought of a plan. The next day he told me this, that he thought of a plan, and that was to have me interview her attorney; that is, Attorney Victor Place here in the city. I told him that would be perfectly satisfactory to me. And then he talked again of resigning, and told me what his father was, and how much money he had, and how much money he was making, and the trouble that the different interpreters throughout the United States had got into. And tears came into his eyes, and he then talked of resigning. That was on Tuesday. I asked him then if he would make arrangements with his wife's attorney for me to see him, and he did so. I went to see this man and the next Monday I called Mr. Tape in and told him I had seen Mr. Place and that Mr. Place's statement was not satisfactory to me at all; that I wanted to verify their statements, and he refused to give me any facts whatever.

Mr. BUSICK. Did Mr. Place corroborate Tape?

Mr. WHITE. Yes, sir; in his statements.

Commissioner O'CONNELL. Before we get away from that, just what was that $400 monthly expense?

Mr. WHITE. I am afraid I am going to lose my connection. I will answer your question.

Commissioner O'CONNELL. I wanted to get that as close to the other part as possible.

Mr. WHITE. Yes; I will do that. I want to say as to Mr. Tape's manner. Then he talked about resigning. That Thursday I was told that through a conversation another lady had with Mrs. Tape that Mrs. Tape made this statement, that they had received a wire from Mr. Taylor, and Mr. Taylor told them to stand pat and fight it out; he would be here to assist him. Now, that was on Thursday, and on Friday I told Mr. Tape that the attorney's statement was not satisfactory; his statement was not satisfactory; and I would have to file charges if he didn't make a satisfactory statement. He simply said, "All right; I don't care anything about it"; and handed me a letter through official channels asking for investigation of his conduct, and then I made a written application for a statement of his income, and he gave me an answer in which he said he would not make it.

Chairman WALSH. He made the answer in writing?

Mr. WHITE. Yes, sir. Probably the commission would want a copy of that?
Chairman WALSH. Yes, sir.
Mr. WHITE. Therefore I knew Mr. Taylor and Tape were in almost daily correspondence relative to this matter, and for that reason and by reason of the fact Mr. Taylor was interested in it, in my letter to the bureau complaining of Tape's conduct, I stated that I had no objection whatever to an investigation being made, but that I did object to a friend of Mr. Tape's making the investigation, and then showed in this letter the friendship existing between Tape and Taylor, and I objected to Mr. Taylor making the investigation, and asked them to send some one who was not interested.
Commissioner GARRETSON. Without pulling you off—can you tell what is Mrs. Tape's nationality?
Mr. WHITE. She is American.
Commissioner GARRETSON. Did this lawyer give you any tangible list of her property?
Mr. WHITE. No, sir. He told me this, that she had an income of $300, he knew that, per month. I asked him where that property was and what was the nature of it. He said it come from the estate of her deceased husband. I asked him where, and he said in the East, some place in Pennsylvania. I told him then that it must be by the will of the deceased husband, and he said yes. I asked him to give me the name of the county and I would write and verify his statement from that. He said he could not do it. I said, "Well, yes, sir; you can do it, unless it is your intention to deceive me in some way."
Commissioner GARRETSON. Unless he had some reason for not doing it.
Mr. WHITE. He said, "I can't do it for this reason—the will provides in the event she should subsequently marry, then this estate that exists there should go to his niece." And I said to him then, "It is very probable that trustees distributing an estate like that would not fail to see that she was married to Mr. Tape, which is subsequent marriage." "Well," he says, "she is drawing this money, and that is the reason she don't want to divulge it." Then I stated to him his statement was not sufficient, because I knew at that time she had no deceased husband whatever. She was divorced on the 3d of February, 1912, from Peter Sullivan, and he is now running a saloon at Dawson, Territory of Yukon.
Mr. BUSIEK. Did you ever look up that wire from Mr. Taylor to Mr. Tape?
Mr. WHITE. I was unable to find it.
Mr. BUSIEK. Did you make inquiry for it?
Mr. WHITE. Yes, sir. I asked the district attorney—I have been assisted materially in this matter by the district attorney—and I asked the district attorney for a subpœna issued against the two telegraph offices here asking for all telegrams passing between Mr. Taylor and Mr. Tape for the previous two months, and they stated they could not find a single telegram, those telegrams going to Buffalo, New York, and Washington City, but they stated they had over a million telegrams to check through by reason of my request, and I should have probably limited that to a few days, as I could have done, but I didn't do so, and I haven't received a copy of any telegram.
Commissioner O'CONNELL. Give us the principal items of this expense that amounted to $400.
Mr. WHITE. He has a Kissel car, a car that eats gasoline very rapidly, runs less than 8 miles on a gallon of gasoline; he employs a chauffeur constantly. He came to our office daily in his car with his chauffeur; he lives out on Thirty-fourth Avenue, has a beautiful little home and has it very, very well furnished. I was in his home last January, about the 1st of January, and it is very beautifully furnished. His wife employs a maid. I found out as to some of his expenditures by going to Frederick & Nelson's department store. I found that in one year her bills in this department store was over $1,000 and one year over $900. I found that he had then about 16 accounts out, where he had dealt with different people. In that way I was able to estimate that his expenditures were over $400 a month. He paid his chauffeur $75 a month.
Chairman WALSH. Living expenses alone?
Mr. WHITE. His living expenses alone; yes, sir. Since that time, of course, I ascertained that his expenses—his checks out were $780.90 per month for the last year. That is shown by the bank record.
Commissioner GARRETSON. Living at the rate of eight to ten thousand dollars a year, at least?
Mr. WHITE. At least that; yes. He would take trips; he is quite a hunter and fisher, and takes trips, and always has gold in his pocket.

Mr. BUSICK. Did you find out how much money he had deposited in the course of the last three or four years?

Mr. WHITE. Yes, sir.

Mr. BUSICK. What are the figures, if you remember?

Mr. WHITE. Seven hundred and ninety-one dollars and one cent per month. That is from the 1st day of May, 1913, to the 12th day of June, 1914, but there was only one deposit in June, so that it was only one year and one day, I think.

Mr. BUSICK. What was the department's reply to your request that Taylor be not assigned to this?

Mr. WHITE. Made no reply to it whatever.

Mr. BUSICK. What did they do?

Mr. WHITE. They detailed Inspector Bonham, of Portland, to make the investigation. They made no reply to my request for a suspension in the event of an investigation, and no reply as to my request for his removal.

Commissioner O'CONNELL. Is he under suspension now?

Mr. WHITE. He wasn't, but Mr. Bonham sent a night letter to the department, to the bureau, some time ago and recommended his suspension, stated that if he was suspended it would be much easier for him to get evidence against him, and then they suspended him. Mr. Densmore sent a telegram suspending him.

Chairman WALSH. Suspending Tape?

Mr. WHITE. Yes, sir.

Mr. BUSICK. Mr. Densmore is solicitor under the Secretary of Labor, I believe?

Mr. WHITE. Yes, sir.

Mr. BUSICK. He is the one who made the suspension?

Mr. WHITE. Yes, sir.

Mr. BUSICK. Who was the other one from whom you got communications?

Mr. WHITE. Mr. Caminetti.

Mr. BUSICK. Who dictated it?

Mr. WHITE. Roger O'Donnell, I think, dictated most of it.

Mr. BUSICK. He is a solicitor there?

Mr. WHITE. I don't think he is a solicitor.

Mr. BUSICK. Is he assistant commissioner?

Mr. WHITE. Mr. Caminetti and Mr. Larned are assistant commissioners, but Roger O'Donnell—I don't know just what his designation is, but he is one of the bureau.

Mr. BUSICK. You requested, at the time you asked for the investigation; did you request Tape's suspension at that time?

Mr. WHITE. I requested his dismissal from the service, but, in the event that they desired to make an investigation, then I stated that I had no objection whatever to the investigation; but I stated that he should be suspended pending that investigation, because it was demoralizing to the office.

Mr. BUSICK. They made no reply to you as to that?

Mr. WHITE. None whatever.

Mr. BUSICK. Did your investigation of Tape lead you to investigate any other officer around here?

Mr. WHITE. Well, to some extent, not satisfactory to me. I tried to limit it to the one for the simply reason it was impossible to secure facts as to two at the same time almost.

Mr. BUSICK. What inspector worked with Tape most all the time?

Mr. WHITE. Well, he worked, of course, in the Chinese division. Inspector Monroe is the head of that division. Inspectors Stewart and Mangold are in that division.

Mr. BUSICK. What are the relations between Monroe and Tape socially?

Mr. WHITE. They were very cordial.

Mr. BUSICK. Did Monroe and Tape always work together? Did Monroe ever use any other interpreter?

Mr. WHITE. Oh, yes, some; but Mr. Tape—of course, Mr. Monroe is in charge of that division, the Chinese division of the office. Mr. Tape had a very free hand in our office. He was not—we have two interpreters, Quon Foy is the other. I have been told he is the oldest interpreter in the service. Mr. Foy never had—probably he had them but he never exercised any rights in the office other than interpreter; he didn't want to do anything else. Mr. Tape acted in a clerical capacity, and he was detailed to make independent investigations outside. For instance, they would at times hand a record to him, and

ay, "I have done all I could on this, and you see what you can do." Prob-
bly they wouldn't make that statement, but they would hand that record
ver to him and he would go down and interview Chinamen.

Mr. BUSIEK. He was doing an inspector's work?

Mr. WHITE. He was doing an inspector's work practically. He came to
he office whenever he saw fit. I presume whenever he saw fit.

Mr. BUSIEK. Did you ever attempt to discipline him for that?

Mr. WHITE. I talked it over frequently with several men, members of the
ffice—with Mr. Sargent, who was assistant commissioner, special, and talked
t over with Mr. Monroe, and told him I disliked that work very much and
thought he wasn't doing the right kind of work. Then I was directed to
ake investigation of his conduct, and I then gave him as free hand as I could,
e him do anything he wanted to do because I wanted to ascertain just what
e had been doing.

Mr. BUSIEK. I should have asked before: Did Taylor ever commend Mr.
Tape to you?

Mr. WHITE. Very highly.

Mr. BUSIEK. Even after you had voiced suspicions against Tape?

Mr. WHITE. Yes, sir. Mr. Taylor knew I had made these charges against
Mr. Tape. He knew it in connection with them and knew the character of
hese charges when he came here. But he came here and took Mr. Tape out of
he office absolutely and kept him on his secret work and was with him daily
n his automobile and around with him, and generally were together. Dur-
ng the time that these charges were existing and were being investigated by
Mr. Bonham, and previous to Mr. Bonham's arrival; in other words, abso-
utely ignored my request in the matter and gave him with Chinamen the
ssurance—or gave the Chinamen the assurance by reason of his conduct that
Mr. Tape was in the best of standing with the department.

Mr. BUSIEK. That hampered the work of the investigation?

Mr. WHITE. Very materially in my judgment.

Commissioner GARRETSON. Let me ask one thing there. When you came here
first as commissioner, and when Mr. Taylor—he was at that time in the
apacity of inspector himself, wasn't he?

Mr. WHITE. Yes, sir; and is yet.

Commissioner GARRETSON. When he was in that capacity did he make a
pecial effort to commend Tape to your consideration?

Mr. WHITE. Daily and every time I saw him.

Commissioner GARRETSON. When you were new, yet?

Mr. WHITE. Before I knew anything at all about the office.

Mr. BUSIEK. I believe you said before, you were favorably impressed with
Tape by reason of that at first?

Mr. WHITE. Oh, yes; it influenced me materially.

Mr. BUSIEK. It was generally known here, was it not, that the woman Mr.
Tape has now married, that he was living with her for several years as man
and wife while she was yet undivorced from Sullivan?

Mr. WHITE. No, sir; that wasn't known. I didn't find but one man that
knew that fact to exist since I have been making this investigation. By reason
of his conduct he was so bold in everything he did that he frightened them
out in that regard and it didn't seem to be generally known. It wasn't in the
office, at least, and that wasn't known until I got it from the divorce record,
from the county record in the courthouse, although it was known, and In-
spector White—a man of the same name I am, but no relationship what-
ever—told me when he came here in 1911 that Mr. and Mrs. Tape were then
living at the Calhoun Hotel, and she was going under the name of Mrs.
Sullivan, but they were living together, and Mrs. Tape told him she was going
under that name because of some property, and that it would affect her rights
so that if she took the name of Tape.

Mr. BUSIEK. Have you ever heard the story that Mrs. Tape was not ex-
clusive with her affections for Tape, and that she is a blackmailer here in
Seattle?

Mr. WHITE. Oh, yes; oh, yes. I secured that. Yes, I secured that infor-
mation, and I don't think there is any question about it.

Mr. BUSIEK. You are satisfied in your mind that that is straight?

Mr. WHITE. Oh, absolutely so.

Mr. BUSIEK. Have you ever heard of the case of the man who runs the
Northern Hotel, that she has blackmailed him?

Mr. WHITE. Ralph Boyker; he told me himself.

Mr. BUSHEE. And he also claims to have been infected with venereal disease by her?

Mr. WHITE. Yes; he paid her $400 to get some letters back. And I would like to say, gentlemen, that Mr. Boyker would dislike it very much for his name to be connected with that matter, so that it would get back to Mrs. Tape, for this reason. His wife sued him for divorce over Mrs. Tape, because of his relations with Mrs. Tape. Mr. Miller, of Miller & Lyseng, attorneys, John F. Miller, former mayor of the city, represented Mr. Boyker in the suit, and through him it was patched up, and they went back together. Mr. Boyker is fond of his wife, but he is absolutely sure that if Mrs. Tape would make any demonstration toward him now it would lead to a separation of himself and wife, and for that reason he don't want his name to go back as giving any information to Mrs. Tape.

I wanted to make that statement because of his kindness toward me. He gave me information that I afterwards verified to be absolutely correct.

Commissioner GARRETSON. You don't want his house of cards to come tumbling down?

Mr. WHITE. Yes.

Mr. BUSHEE. Did the grand jury here ever act in the Tape matter?

Mr. WHITE. Only in this respect: Unfortunately this Tape matter came out in the paper. I stated to the bureau that I had been quietly making this investigation for about four months. I had kept it a secret as far as I knew. But in making these investigations I went to at least 20 attorneys, to the leading department stores in the city, and jewelry stores, and different places, and had gone to Portland and different places concerning this investigation, and had seen a great many different people, and had asked that this be kept quiet. But I feared its publicity unless action was taken soon, because the men in the district in the service were getting onto it, and of course it would be scattered from one to another. After my report went in, and on Monday, a certain Monday, the newspaper—the Post-Intelligencer—came out with a general statement of the facts. Tape is known by a great many people in the city, and it made a good story. They claimed that they got their information from Washington City. I think they got it here. I think that it came through my investigation. However, I may be mistaken.

But the grand jury was in session at that time. Of course the members of the grand jury read this article, because it was on the front page and it had big headlines, and they—no; that some day I went before the grand jury asking for the indictment of two smugglers that had been caught, Chinese smugglers that had been caught over here fishing on the island, and when I was before the grand jury they expected, evidently, that I would make a statement relative to the Tape matter, because this article said that I was going to bring it before the grand jury. I didn't make any statement of it. But they had had another smuggler that we had caught at Blaine, bringing Chinese in on his engine, who went before them, and he made a complete confession and implicated others. And they went into an investigation to see what kind of an inspection was made of the border and the Blaine office, and then took up the matter—the Tape matters and such as that. This smuggler stated to me; I asked him if he knew of any members of our force being in with the smugglers. "Oh," he says, "you have got a wiley Chinaman out there." I said, "Who do you mean?" He said, "Your interpreter." I said, "Which one do you mean?" "The little short fellow. The big tall fellow, he is no good; he belongs to the Government." Well, that referred to Tape as the short fellow and Quan Fay as the big fellow.

That led to a discussion on the part of the grand jurors. They called District Attorney Allen in, talked to him about it, wanted to know if they could not do something; that investigation should be made of it. He told them, after he thought the matter over, that the only thing they could do was to write a communication to the Attorney General, Attorney General McReynolds, and they did so. He drafted it, and they sent it in a personal envelope.

Mr. BUSHEE. They sent one to the Bureau of Immigration, did they not?

Mr. WHITE. No; as I remember it, they asked Mr. McReynolds to take the matter up with Secretary McAdoo and Secretary Wilson.

Mr. BUSHEE. With Secretary McAdoo in regard to opium smuggling?

Mr. WHITE. Yes; and Secretary Wilson as to the Chinese.

Mr. BUSHEE. Now, you have outlined what you did in regard to the investigation of Tape. Did you find any evidence as to his actual taking of money for false interpretation, misinterpretations?

Mr. WHITE. I secured some evidence; three affidavits from Chinamen to the effect that they had paid him money; that one of them had paid him money direct, and the others that they had deposited the money for him, and that he was there.

Mr. BUSBEE. Now, the charges in regard to the interpretation; were there charges that he would refuse to interpret properly so as to allow Chinese to remain who had no right to remain?

Mr. WHITE. As near as I can ascertain by talking to a great many Chinamen and attorneys for these Chinamen, he was no respecter of persons whatever. He thought that a certain sum of money was due him on every case that went through the office, and he tried to collect it this way: He would try to collect it; he would ascertain when a case was to be passed upon finally, and then he would go to the Chinaman interested and tell him: "I will get your man out to-morrow, or next month, or something if you will give me $100, or $50, or $250." Now, in some instances he would get the money in that way. Other times he would interpret the case—now, this I am speaking in a general character here, because necessarily there are some particular cases that we could call your attention to to show this—Mr. Bonham is well posted in that regard—he would misinterpret a case when the Chinaman was first interrogated, his first examination, and would becloud the issue. In other words, there would be a discrepancy in the testimony of the Chinaman that would make it necessary to hold up that case. Then Mr. Tape would be detailed to make an investigation. In certain cases he would go out and tell the Chinaman: "This thing is wrong. Your statement is awful there. You give me $200 or $250" or whatever it was, "and I will fix up that case and land your son or your wife," or whoever it was. That was the way he worked the matter generally.

Mr. BUSBEE. Well, did the inspectors allow him a free hand to hold up cases?

Mr. WHITE. Well, whenever the inspector had reason to believe that the case was crooked—that was what we usually styled the case—or was wrong, was not a good case, then, whatever that reason was, they would hold up that case for further investigation. And you must remember it is necessary to hold up these cases. For instance, we have men coming in here, go to Florida, and we have to send to Florida to investigate; and Pittsburgh and different places all over the country. Now, those Chinamen in those cities have representatives here in the city, and the money is paid to him here, and then they get their money back from him after—from the father or whoever it is in those cities wherever they are.

Commissioner GARRETSON. Did you ever use duplication of interpreters on the same case to verify whether or not there was——

Mr. WHITE. No.

Commissioner GARRETSON (continuing). Errors; that is, willful errors?

Mr. WHITE. No; we do not, because when we got down—I made this investigation, and I was two months investigating this matter before I spoke to a single man in the Chinese division about it. In other words, I wanted to keep it as nearly secret as possible. I wanted to find out. I was new in the department and didn't know anybody there, and I did not know how far it extended. And Mr. Monroe told me, Mr. Bonham and myself yesterday, about a certain case where Mr. Tape made the investigation on one day, two students, and the next day he called the Chinamen back, and made another investigation by Quon Foy, and the discrepancies were absolutely eliminated.

Commissioner GARRETSON. What made me ask that question was from an outgrowth of my knowledge of what took place in another language, what was developed through that very plan.

Mr. WHITE. That may be very true, but Mr. Tape would know of that if you attempted it probably in our office.

Commissioner GARRETSON. It would be preventive if the practice was followed?

Mr. WHITE. Yes; I appreciate that is true. I do not believe, I do not think that he did much false interpreting, because that would be easily detected. But the Chinamen are easy prey.

Commissioner GARRETSON. They are used to intermediaries in their own country?

Mr. WHITE. Yes; they will come through if they think the man has got the power, and of course that put Tape in the position that he was, it gave him—gave the Chinamen every reason to believe that Tape was in an elevated position and could do as he pleased. That was Mr. Monroe's association with him

generally, and especially Mr. Taylor. Mr. Taylor associated with him constantly; they were together all the time that they were here, and it was bad.

Mr. BUSICK. Taylor is known generally as the confidential man from Washington?

Mr. WHITE. Yes.

Mr. BUSICK. And the big gun?

Mr. WHITE. Yes; especially that is true here, because Mr. Tape has spread that. Another thing before I forget it, I want to make this statement: It seemed peculiar to me—I am not making this statement against Mr. Taylor or anybody else, but I am giving this commission the facts—it seemed very peculiar to me that when Mr. Tape went before Mr. Bonham and made the statement of his income and attempted to explain it away that Mr. Taylor would come to me and make the same statement to me. In other words, Mr. Tape stated that he would draw out, try to show why there was such a large bank balance, he would draw out $250 one day for the use and purpose of gambling, and in the next two or three days he would put it back, again deposit it. Now, Mr. Taylor, in talking to me about the case, explained how it was possible for him to do that, and possibly he did do that in order to elevate his bank account. I believe that he put Mr. Tape onto that scheme. That is my judgment. I may be wrong.

Mr. BUSICK. Taylor was trying to justify Tape's bank account on the theory that he was gambling?

Mr. WHITE. He didn't say gambling; he put it that Mr. Tape was proud, and he would like to have as large a bank account as he could, and he would do that just for the purpose of making——

Commissioner GARRETSON. Self-aggrandizement?

Mr. WHITE. Yes. In other words, I believe he told people that in order to make it appear big. I do not think he had any reason to do that.

Mr. BUSICK. Mr. White, what was the spirit of your force down there in regard to making any complaint against any other officer when you took charge? Had anything come up—let me put the question in this way: Had anything been done there prior to your incumbrance of the office to discourage complaints being taken up by one officer against another?

Mr. WHITE. Well, this is a favorite expression that I heard when I went down there, when I became acquainted with some of the officers. There was one officer that is quite a wit, and there was a circular issued before I went into the office, some time before—and after that circular came out this fellow dubbed it "If you haven't got a graft of your own, don't meddle with the other fellow's." There was a circular that they styled in that way, some such expression; I don't know whether it referred to that or not.

Mr. BUSICK. What was the purport of this report that you have reference to?

Mr. WHITE. Why, instructing the different officers in the district to cease making any complaints about the misconduct of anyone unless they would make those complaints in person to the officer in charge and be ready to substantiate them.

Mr. BUSICK. That is, make formal charges?

Mr. WHITE. Yes.

Mr. BUSICK. And did it also instruct officers not to talk about these things among themselves?

Mr. WHITE. Yes.

Mr. BUSICK. Or compare notes?

Mr. WHITE. Yes; they used the word, I think, "tattling."

Chairman WALSH. Who was that?

Mr. BUSICK. That was Mr. de Bruler.

Mr. WHITE. That was general to all the men in his office.

Mr. BUSICK. Mr. White, I want to know now whether or not you think that Tape could actually carry on all this crookedness that you are satisfied he is guilty of, without the active assistance of some inspector?

Mr. WHITE. Well, he could not do it without the active assistance of some inspector. Whether he had the cooperation or not, I do not know. Mr. Tape, of course, came here under peculiar conditions. Now, this is hearsay on my part, because it was before I came in office. He was sent here especially to investigate this district, as I understand it, by former Commissioner Keith, and he made confidential reports as to the different officers in this district when he first came. By reason of that fact, he was given large latitude and was not, in fact, under the control of anybody in the district, so I have been informed. That has continued right along. But it does seem strange to me that

he could live with a woman here for about two years, and she be married to another man—the records are right here in the courthouse—and that condition continue for four or five years. They came here in 1908, and he took up with this woman, I think, in 1909, coming here from Portland, a different woman, a white woman—the theory being all the time that he was getting this income by reason of his wife's property. Now, that did look awfully funny to me. I do not know whether anyone else was in on it or not.

Mr. BUSIEK. The fact that Tape was corrupt has been current rumor in Seattle for years, has it not?

Mr. WHITE. Well, the different attorneys who practice before the office spoke to me about it, and Inspector Wood. I had not been in office a week until I was looking out of the window one day, and I turned around—no; in the laboratory, and I turned around and I said, "Well, Tape seems to have a good car." That was the first week I was in office. And this man Wood says, "Yes," he says, "there is something funny about that." And I says, "What do you mean?" "Well," he says, "I am not saying anything." He says, "We have instructions not to say anything. I am not saying anything at all. Take it back." I says, "Come on in here; I want to talk to you." So we went back in my office, and he told me some of his suspicions. He says, "Now, I do not know anything about it." He says, "We are not supposed to know anything about it," and he says, "I do not want to get in trouble over this thing." He says, "You are a new man." He says, "I did not mean to start anything." That is the first thing that made me suspicious.

Mr. BUSIEK. Monroe and his wife have gone on trips with Tape and his wife, have they not?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. So you have found out?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Mr. White, have you got the records in the Adelphia College case?

Mr. WHITE. No; I did not bring any of those records, for this reason; Mr. Monroe, you asked that he come, too.

Mr. BUSIEK. Yes.

Mr. WHITE. And Mr. Monroe is more familiar with those records and can give you more information than I, and they are not all prepared yet.

Mr. BUSIEK. I see.

Mr. WHITE. Because, you see, it takes some time to check through and get all of them, and they were not prepared Saturday afternoon.

Mr. BUSIEK. Now, speaking of Mr. Monroe, you have also heard the charge, have you not, that Tape has gone around and solicited this money and made statements that part of it had to go to Monroe?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Did you ever tell Monroe that Tape had made that statement?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Or that that was your information?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Did that cause the friendship between Tape and Monroe to be severed?

Mr. WHITE. No.

Chairman WALSH. What did Monroe say about that?

Mr. WHITE. Oh, he said there was nothing to it.

Mr. BUSIEK. And went on running around with Tape just the same as before?

Mr. WHITE. Yes.

Mr. BUSIEK. I believe that is all I want to ask.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. No.

Chairman WALSH. Now, what do you know, if anything, about whether or not smuggling is going on? Is there any organization for that purpose, or if there are any persons in this vicinity who are under deep suspicion of doing that sort of work, just tell us the conditions generally about smuggling, so far as you have observed?

Mr. WHITE. Before Mr. Taylor came here, of course, then I was in possession of all the facts that our department had relative to Chinese smuggling, and kept in close touch with it. After Mr. Taylor came on, he was suspicious of me evidently, and for some reason he didn't give me any of his facts whatever. And I don't know what he did while he was here. Since he has gone I have picked up the chain, and we believe that a boat left here

Friday night at 6 o'clock, owned—this boat is owned by a man named Mitg, and that he is engaged in Chinese smuggling. I got on the phone Mr. Hamer, of Bellingham, and I told them to go to Matty Island, a little island out from Bellingham, and to stand off there in an obscure position and watch for this boat. And we have men stationed now every night around here watching for its return. Now, that is the only one that I have been attracted to on smuggling. Of course we get a great many vague rumors as to smuggling, and there is no question but what smuggling was carried on on the Great Northern trains. They run through Seattle to Vancouver.

Chairman WALSH. Is there any effort made to check up the Chinese population, or to keep track of the strange Chinamen that might be in Seattle?

Mr. WHITE. None whatever.

Chairman WALSH. No means adopted by the Government to do that?

Mr. WHITE. No.

Chairman WALSH. What is the Chinese population of Seattle, approximately?

Mr. WHITE. Now, that I could not give you. It would be a guess.

Chairman WALSH. If a Chinaman gets into this country why he is immune, isn't he?

Mr. WHITE. Oh, it is just a haven of rest. In other words, we go around here and spend a lot of money—Mr. Taylor has been spending a lot of money to stop smuggling.

Chairman WALSH. Yes.

Mr. WHITE. It seems to me that you should stop the inducement for smuggling, which is the money. A Chinaman will pay a thousand dollars to get in here.

Chairman WALSH. He will?

Mr. WHITE. Well, now, that is, I am told that he will. Those two that we got said that they were to pay $150 apiece.

Chairman WALSH. To whom, to this smuggler that confessed?

Mr. WHITE. Yes, sir. In other words, it is the most profitable business that one—in which one can engage, with the least possible chance of detection, in my judgment. It beats holding up a train any time or a post office or anything else, because it is very seldom that you catch one.

Commissioner GARRETSON. There is no effort made to keep a census?

Mr. WHITE. No.

Commissioner GARRETSON. Of the Chinamen in the country?

Mr. WHITE. A census was taken, as I have been informed, in 1905. Then a partial census was taken in 1906, but that was called off by reason of something, I don't know.

Commissioner GARRETSON. It would be worthless unless it was kept up?

Mr. WHITE. What?

Commissioner GARRETSON. It would be worthless unless it was kept up?

Mr. WHITE. Yes; it would have to be kept up. And it seems to me that that is the only way to stop Chinese smuggling, is to make it unprofitable.

Commissioner O'CONNELL. Have you given any thought, Mr. White, to bettering the laws or amending the laws in some way?

Mr. WHITE. I don't believe that the law needs any material amending as far as that is concerned. Now, I am young in the service.

Commissioner O'CONNELL. What would you think of this idea: Supposing the Government was to say that all the Chinese now in the United States, whether they are here legally or not, were to be given cards with their names on, and were to compel them, say within six months, to reregister, every one, and give them a new card. Then, after that six months had expired we would in the meantime organize a corps of investigators, a sufficient number of police force or whatever you might term them, to take charge of all those Chinese in the United States, and after the six months had expired any Chinaman found then or thereafter without one of those proper cards should be transported.

Mr. WHITE. Well, now, of course, that would be—in other words, you would start new?

Commissioner O'CONNELL. Absolutely new; clean the slate.

Mr. WHITE. Because we would find that some of our best Chinamen in the city of Seattle here were smuggled in years ago. They have no papers. But yet it dates back so that you can't deport a Chinaman, you can't get any facts, and so many Chinamen were allowed to remain in this country by reason of being found to be native born or something of that kind by court commissioners. And, of course, their status is established absolutely, although it has been

found that quite a number of them have been smuggled in. Yet they were proved to be eligible at that time, and your idea is to simply accept them?

Commissioner O'Connell. Clean the slate.

Mr. White. Yes.

Commissioner O'Connell. And commence over, and then we will say within six months any Chinaman that had not registered—of course, there would be some justifiable cause why a man would not be able to. He would have to prove that, sickness or something of that sort—at the end of six months then the police crews would examine all the Chinamen.

Mr. White. That is the only way, something of that kind, of the only way that you are going to stop Chinese smuggling, in my judgment.

Chairman Walsh. One minute, Mr. O'Connell, have you the tentatative suggestions supplied by yourself?

Commissioner O'Connell (addressing the witness). If you will take one of these.

Chairman Walsh. Let Mr. White have one of those and give us his opinion, and any suggestions that he has to make concerning it.

Commissioner O'Connell. Just take it with you.

Chairman Walsh. A proposed new law.

Mr. Busiek. I have given that to the Chinese consul. I will give it to Mr. White this afternoon.

Mr. White. Very well.

Chairman Walsh. We ought to have plenty of those.

Commissioner O'Connell. We had a lot of them, but we kept giving them out. I have given all I had out, but Mr. Weinstock, at San Francisco, has plenty of them.

Chairman Walsh. We will see that one gets into your hands; and as quickly as you can, I wish you would give us your comment on it.

Mr. White. Yes.

Chairman Walsh. Do it freely; don't have any notions that we have a preconceived idea. We want you to go over it and tell us just what you think about it.

Mr. White. Yes; very glad to do it. Now, there is one thing, gentlemen, in connection with Mr. Tape that seems to me to be very peculiar, and it may be it brings that matter up just as you mention it. In 1911 there were, I think, about nine certificates stolen from the office, Chinese certificates.

Commissioner O'Connell. Yes; I heard about that. Explain that to us.

Mr. White. Well, those certificates were taken, and it was one year after that that the report of their theft was made to the bureau. I don't know why. I don't know why that delay. But, of course, it is just like you steal a horse, if you want to report it, if that horse is found in somebody else's hands, you get it back. That ought to be the same with these certificates. Some Chinaman using these certificates, they would be taken up.

Commissioner O'Connell. Mr. Tape was called in and told about that, and he went out and got some of them?

Mr. White. Mr. Tape was called in, so Mr. de Bruler told me, the other commissioner—Mr. Tape was called in and talked to about it, and he stated he would get them if he was allowed—or he would have to conceal the identity of the Chinaman that gave him the certificates. He was allowed to do so, and he got three or four of them. Two of them, I think, had been in Portland, and they never asked anything further.

Mr. Busiek. Monroe went along with him, didn't he?

Mr. White. Yes.

Mr. Busiek. At that time?

Mr. White. Yes.

Mr. Busiek. Now, how long after the loss of those certificates was reported to Mr. de Bruler, was the department at Washington notified of their loss?

Mr. White. Mr. Stewart told me—he is the inspector—that he discovered those certificates in January or Feburary, 1911, and the records show that they reported the loss of them in February, 1912.

Mr. Busiek. Was that over a year after the loss was reported?

Mr. White. It was at least a year.

Mr. Busiek. Is there any further question?

Chairman Walsh. No; that is all. Thank you very much, Mr. White. You seem to have been doing a good job out here.

Mr. WHITE. Well, I would like to clean it up. But, gentlemen, the trouble with the administration end, in my judgement, is that there is not enough latitude to the different districts. It is too much confined to bureaus.

Chairman WALSH. The authority looks very much scattered. Easy to dodge responsibility.

Mr. WHITE. Absolutey so; absolutely so, and it destroys initiation—destroys individual responsibility.

Chairman WALSH. What could you suggest with reference to the fixing of the responsibility in a way that would minimize the selling of favors, etc.?

Mr. WHITE. It seems to me this—I don't know, but I have felt this—I thought that if I allowed Tape to continue in the service as he was and didn't know what his income was, and a man would come here from Washington and investigate, and find out what he was doing, and make that report and show that I hadn't done anything with the matter, that I ought to be fired. In other words, I believe we ought to hold the man in charge responsible for what is done under him, and not alone the man who does the unlawful act.

Commissioner GARRETSON. On the other hand, let us take the other side of that, Mr. White. Assume that the man who holds this power to discharge is the crooked fellow, what can you do to the honest man that stands against him to block his game under that situation?

Mr. WHITE. Well, I should say——

Commissioner GARRETSON. He can weed every honest man out.

Mr. WHITE. I appreciate that. Assume that the commissioner in this district is the crooked one. He, then, is responsible to the bureau, and if the bureau don't ascertain that and fire him they ought to be fired. In other words, there ought to be minute investigations. Those investigations should be known, should be carried on without the men in the field knowing; and when they come here they should make a careful investigation of the man in charge, and hold him responsible up to the extent that he can be fired for not doing his duty or for sins of omission as well as commission, because it strikes me that there is more graft in the department by reason of not doing a thing than there is by reason of doing them.

Commissioner GARRETSON. Sins of omission are as great as sins of commission.

Mr. WHITE. But that is not true as I see it in this service. As I see it in this service we simply go along. If a man gets better results by reason of his salary—as I see it in this district—those that have done the least have gotten the increase in salary over those that have been active. And that is the way I have seen it. I don't know, I may be wrong about it.

Chairman WALSH. What are Taylor's headquarters?

Mr. BUSIEK. Washington.

Chairman WALSH. You have his history in the record here, have you?

Mr. BUSIEK. Yes.

Commissioner O'CONNELL. We have got his special investigation.

Mr. WHITE. He is in Los Angeles now.

Mr. BUSIEK. He left here just before I got here.

Chairman WALSH. Could you wire him and get him up here?

Mr. BUSIEK. I think we might.

Chairman WALSH. All right. Much obliged, Mr. White. Very much obliged. We may want to see you a little later.

Mr. WHITE. Yes.

Mr. BUSIEK. I will furnish you with a copy of that right after lunch.

Mr. Bonham.

TESTIMONY OF MR. RAPHAEL P. BONHAM.

(The witness was not sworn.)

Mr. BUSIEK. Take that chair. Mr. Bonham, before we proceed, have you got a wire from the department?

Mr. BONHAM. No; I have not. I just wired them five minutes ago asking them to rush their answer.

Chairman WALSH. I want to make a little statement. I have taken this matter up personally, as well as Commissioners O'Connell and Weinstock, with the department and Secretary Wilson, and we have a general understanding of cooperation, you understand, an absolute one.

Mr. BONHAM. Yes.

Chairman WALSH. Now, of course, this matter of yours has come up, as many others have, as we go around, you see. We have been in Boston. We have had our investigators, and we have succeeded every place in not crossing lines anywhere. Now, this is the only thing that we are doing in executive session, and as I have said here to the others, to Mr. White, and as we were compelled to explain in Boston where a removal was made during the time of our session of the commissioner there, why this is not only confidential so far as the public is concerned, but it is confidential so far as the individuals are concerned who are connected with the Government. So you see if there is anything in here now that you subsequently may believe would affect your investigation or affect your relations with the department or anything, why you have our pledge that it may be withdrawn, you see, and expunged from the record. We have to have the cooperation of every person. Now, you are the first one we have met that has been so active in the thing, you know, or that really has turned up so much. Now, much of our private investigation has met your lines, and we are going to supplement what you do, perhaps, you know, involving persons considerably higher up, and it all comes to this, that we would like you to be just as free as you can with your information, understanding that you have the commission's pledge, and my pledge representing the commission—I am the chairman of the commission—that if there is anything afterwards that you think will interfere with the investigation, why we are going to take you for it individually and you can take us, and take it out of this record.

Commissioner GARRETSON. Or that will interfere with your tenure of office.

Chairman WALSH. Yes; or that will interfere with you personally.

Mr. BONHAM. Gentlemen, my tenure of office does not bother me as much as it does some people. Of course, if this commission comes to an end and I am stranded somewhere, I can go back on the farm if it is necessary.

Chairman WALSH. That is all right. I want you to know that so far as you are concerned now, any information that you consider might involve you in any way that you give to us from which we might pick up a thread at some other place away from here, why you can be sure that subsequently if there is any question raised about it, it will be expunged from our records and given back to you, that is all.

Mr. BONHAM. It is not my own fate that makes me have any reluctance, it is simply that I was sent here directed to make a confidential investigation. Now, it is more a matter of etiquette with me. I think it would be much better if the department would instruct me to give you every assistance.

Chairman WALSH. Yes.

Mr. BONHAM. And I wired them.

Chairman WALSH. You see how they can't do that. They don't know all of our investigators, for instance, and you see what you have run into here, people you would be guided to as being absolutely worthy of confidence, you see, so that it is impossible for persons as far off as they are in Washington not to have that sort of sustaining proviso, that it will not hurt your work?

Mr. BONHAM. My work is finished here, so that I don't see how it can possibly hurt it.

Chairman WALSH. You can go on with perfect freedom, as I say, and be sure if you want it taken out of this record, we will do so.

Mr. BUSICK. The only limitation put upon Mr. Bonham testifying under the wire from Commissioner Caminetti is: It should not be incompatible with public interests.

Chairman WALSH. There is nothing we are doing that is incompatible with public interests.

Mr. BONHAM. That telegram does not apply to me. It applies to Mr. White and his subordinates; I am in another district.

Chairman WALSH. You can go the whole length with this commission; we are going further than you can possibly do, or Mr. Caminetti can possibly do.

Mr. BUSICK. Please state your full name.

Mr. BONHAM. Raphael P. Bonham.

Mr. BUSICK. How long have you been with the immigration department?

Mr. BONHAM. Since November 30, 1908.

Mr. BUSICK. Where are you now stationed?

Mr. BONHAM. Portland, Oreg.

Mr. BUSICK. When did you come to Seattle?

Mr. BONHAM. I think it was the night of the 16th of last month.

Mr. BUSICK. Did you come pursuant to orders from Washington to make a certain investigation here in Seattle?

Mr. BONHAM. Yes, sir.

Mr. BUSICK. And that investigation was of Mr. Tape?

Mr. BONHAM. Yes, sir.

Mr. BUSICK. Prior to that time had you ever made any other investigation of any other officer in the service?

Mr. BONHAM. I only recall of one. The inspector in charge of the district of Oregon, where I am stationed, made a trip to China, leaving about the 30th of December, being gone three months. During his absence I had charge of the Oregon district, and I had an occasion during his absence to investigate Inspector Riley, of Astoria, whom I had directed to arrest a certain Hindu who had surreptitiously entered from Canada. This inspector reported he could not find this Hindu. I found the Hindu was still in the neighborhood and got hold of him and eventually I learned that the inspector had found him and released him for $200. I finally, after 11 days' persuasion, induced the Hindu to confess his part in it and was able to corroborate those statements of his to a very remarkable degree. I know that Inspector Riley retained as his counsel Fulton Bros.—one of the Fultons is an ex-United States attorney—and when he came to Portland from Astoria and read the record he left me his badge and resignation and told me he didn't think the United States marshal would follow him to St. Louis where his home was, and he packed and left and didn't wait to hear the results from Washington. That investigation was completed a few months ago.

Mr. BUSICK. Did Mr. Riley make any proposition to you in regard to holding up the investigation, and if so, tell the commission just what that was and what passed between you.

Mr. BONHAM. Well, Mr. Riley did make a proposition to me. He suggested this, that inasmuch as I was the only Democrat in our district, and second in rank in the State, that if I would defer this investigation until the inspector in charge returned from China, which he said would give him a fighting chance, then in case the inspector in charge did not drop the investigation, he would in turn prefer charges against the inspector in charge, on whom he had, or thought he had, some unpleasant matters, if they were exposed, and in the event he went out he would take him with him and leave me a clear field, and in the event he could not take him with him—in the event the inspector in charge dropped the proceedings, then I would be in a very secure position, because I would have it on both of them, as it were.

Mr. BUSICK. Then his proposition to you was that you should hold up the charges against him, Riley, until such time as Barber got back from China, and in the event he had enough on Barber, I think that is the way he put it, was it not, that he had enough on Barber to take him with him?

Mr. BONHAM. Yes, sir; he said he had, and said what he lacked in evidence he would manufacture.

Mr. BUSICK. But you say you completed your investigation of him and made your report, and he turned in his badge?

Mr. BONHAM. Yes, sir; he was dishonorably dismissed from the service. He had taken the examination, and I understand passed the examination for pure-food inspector, and that was his secondary line of defense. He thought he could force the acceptance of his resignation in case he became involved in our office. He was going ahead with his graft and keeping that open as a retreat, and he thought he could so involve others—his object in the service seemed to be to get some indiscretion on some one else, particularly his superiors, and then if he was called to account he would put the screws on them and force them to let him resign, and then he had this pure-food inspection proposition that he intended to fall back on. In my report to the department I suggested that his becoming pure-food inspector would be of very doubtful benefit either to the Government or to the public. I felt I would have to quit even catchup or things of that sort.

Mr. BUSICK. Did you report to the Government in full the facts about his taking this money from the Hindu?

Mr. BONHAM. Yes, sir; I substantiated it with very complete, convincing, and circumstantial evidence that I believe would have convicted him in any court of law.

Mr. BUSICK. Did the department ever institute criminal proceedings against him?

Mr. BONHAM. No, sir.

Mr. BUSIEK. Have you ever known of the department instituting criminal proceedings against anybody for aiding—for conspiring in smuggling Chinese or corrupting officers who have been accepting graft?

Mr. BONHAM. I have no personal knowledge of their taking such action against any of our own men.

Mr. BUSIEK. Have you ever known of them taking action—the department itself instituting proceedings against any man who was found guilty of aiding and abetting smuggling of Chinese and Hindus other than the one incident here in Seattle, which I will come to later?

Mr. BONHAM. No, sir; I haven't any personal knowledge of it.

Mr. BUSIEK. Have you ever heard of it?

Mr. BONHAM. I can not recall of any case.

Mr. BUSIEK. Have you ever had instructions from the department yourself to cooperate with the district attorney in cases where you had clear cases of smuggling?

Mr. BONHAM. No, sir.

Mr. BUSIEK. Now, you made this report on Riley how long ago?

Mr. BONHAM. I beg pardon.

Mr. BUSIEK. How long ago was it you turned in this report on Riley?

Mr. BONHAM. I can't give you the exact date.

Mr. BUSIEK. What month, approximately?

Mr. BONHAM. It was in February or March.

Mr. BUSIEK. Of this year?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. Then, when was it you were detailed to make this Seattle investigation of Mr. Tape?

Mr. BONHAM. I was detailed to make the investigation—I think the letter arrived in Portland about July 3. I had left that day with pack horses on a fishing trip, and they could not get in communication with me, and they had to wait until I got back 10 days later.

Mr. BUSIEK. You came up here then?

Mr. BONHAM. Then I came up here about the 16th of July.

Mr. BUSIEK. What assistance did the department furnish you in making this investigation? Did they outline the scope and give you any leads of any kind that you could follow up?

Mr. BONHAM. They simply told me to make a confidential investigation. I don't know just what they made by that. Before I got here the papers were full of the fact that Tape was under charges and that I was to make an investigation, so that the fact that I had been assigned was not confidential. I hadn't seen a reporter at that time or since, and I don't know where they got the information.

Mr. BUSIEK. Were you furnished with any sources of information by the department or any official thereof?

Mr. BONHAM. They instructed Commissioner White, of this district, to furnish me with a copy of the letter which he had addressed them, asking for the removal of Tape, in which he had set forth the reasons and grounds for the request.

Mr. BUSIEK. And did you have any assistance from one Richard Taylor in making this investigation?

Mr. BONHAM. No, sir; I didn't; certainly, although in fairness to Mr. Taylor I must say I didn't ask him to become my coworker in my mission.

Mr. BUSIEK. Why not?

Mr. BONHAM. That is a difficult question to answer. In the first place, my instructions were to make a confidential investigation, and I wouldn't for that reason have asked him, except I did suggest to him if he knew anything I would appreciate it if he would give it to me unofficially, and he said if he did know anything he would.

Another reason was that the letter, which I had a copy of, written by Commissioner White to the Commissioner General, asking for Tape's removal, contained a paragraph in which he strongly objected to the assignment of Taylor to the investigation of Tape on the ground they were very strong personal friends.

Mr. BUSIEK. Did Mr. Taylor substantiate that they were strong personal friends?

Mr. BONHAM. He spoke about their being friends, and I know they were associated together. When I went down to call on Mr. Taylor he was out, and I

waited for him at his hotel, the Rector Hotel, and he finally came in Mr. Tape's machine. He said he used Mr. Tape's machine because it saved the Government expense and enabled him to get over the country rapidly, and he had every confidence in Tape.

Mr. BUSIEK. Did he say he had means of knowing whether Tape was straight or not. Did he ever tell you about having investigated him or having investigated the Seattle office and found Tape was O. K.?

Mr. BONHAM. I think he mentioned once having investigated Tape in St. Louis and having found him all right.

Mr. BUSIEK. You knew Mr. Taylor had investigated the Seattle office, didn't you?

Mr. BONHAM. I knew he had made investigations up here; I didn't just know the scope of them.

Mr. BUSIEK. Your inference was that Mr. Taylor thought Mr. Tape was all right. Was that a fair inference from your conversation?

Mr. BONHAM. Oh, he said so very plainly.

Mr. BUSIEK. Did he tell you what he expected your findings would be, whether favorable or unfavorable?

Mr. BONHAM. No, sir; he didn't intimate at all.

Mr. BUSIEK. Did he ever attempt to justify anything concerning Tape? For instance, Tape's expenditures; did he ever attempt to explain to you where Tape got the money?

Mr. BONHAM. As I recall it, I wouldn't want to be positive, but, as I recall it, he said he had always understood that the money came from his wife, and that the statements as to his expenditures he thought had been largely exaggerated; as to Mrs. Tape's fine clothes and employment of a maid, and all that, he seemed to think it was not justified by the real conditions.

Mr. BUSIEK. Did Taylor ever speak to you about Tape's relations with these women he has lived with? Did you ever discuss that with Taylor—mention the fact that Tape was living in adultery, or had been, with women?

Mr. BONHAM. I have no recollection of having done so. I never discussed the matter with Mr. Taylor very freely, for the reason that my mission was confidential, and I didn't feel I should discuss matters with him which the bureau might not approve, and then possibly his attitude made me a little reluctant to be as free as I might otherwise have been.

Mr. BUSIEK. Mr. Taylor, of course, knew you were here making an investigation?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. Did he ever try to sound you out and find out what progress you had made?

Mr. BONHAM. Mr. Taylor never called upon me at any time. I called upon him once at the Rector Hotel, and I met him once for a few minutes at the immigration station.

Chairman WALSH. I believe we might shorten this by having Mr. Bonham state the substance of any conversation he had with Mr. Taylor with reference to Mr. Tape or any other Chinese matter.

Mr. BONHAM. I don't believe the commission would be particularly interested in any conversation had with Mr. Taylor, because, as I have related, I didn't feel Mr. Taylor was taking me into his confidence, and I didn't take him into my confidence for that reason.

Chairman WALSH. You did not have any conversations bearing on Tape's honesty or dishonesty, or the condition of the affairs of the department, so far as Chinese were concerned, or the smuggling of them, or the handling of Chinese; is that correct?

Mr. BONHAM. I think, as I recall it, Mr. Taylor asked me if my investigation so far had connected Tape up with smuggling of Chinese, and I told him I had nothing at that time definite on that subject.

Chairman WALSH. When was that, that that conversation took place?

Mr. BONHAM. I think I can give you the date, if you will wait a minute. I think that was on the 23d of July that I called on Mr. Taylor at the Rector Hotel.

Chairman WALSH. The 23d of July of this year?

Mr. BONHAM. Yes.

Chairman WALSH. Then you have never taken any written statement from Mr. Taylor?

Mr. BONHAM. Oh, no.

Mr. BUSIEK. You have investigated Mr. Tape's bank account, I believe?

Mr. BONHAM. As far as I was able to do it.

Mr. BUSIEK. And found that within the last year he has deposited and drawn out something over $9,000?

Mr. BONHAM. That is correct.

Chairman WALSH. When you took the matter up with Mr. White?

Mr. BONHAM. Yes.

Chairman WALSH. Have you or have you not received the cooperation of Mr. White in your endeavors to uncover the real facts?

Mr. BONHAM. The fullest cooperation.

Chairman WALSH. You have worked with him as far as you could?

Mr. BONHAM. Mr. White has given me every assistance that it was possible for him to do.

Chairman WALSH. Did he have the details of the bank account of Tape?

Mr. BONHAM. The United States attorney had the monthly statement for 12 months.

Chairman WALSH. And have we those in our files?

Mr. BUSIEK. Yes.

Chairman WALSH. He verified those?

Mr. BUSIEK. Yes.

Chairman WALSH. And you did not verify those?

Mr. BONHAM. I accepted them to be correct.

Mr. BUSIEK. These are copies prepared by the bank?

Mr. BONHAM. On subpœna.

Chairman WALSH. You did not go any further than that?

Mr. BONHAM. I did this; I took this and checked the copies of deposits, and tried to trace some of the checks and trace them through the clearing house, and then I tried to trace them from the clearing house back to the payee to see with whom he was dealing, but it was a very difficult process.

Chairman WALSH. Were you able to find any specific cases where he received money corruptly from any Chinese or others?

Mr. BONHAM. Nothing that I could prove through the check. There was one case where we traced a $50 check to the First National Bank, and went through their records and found that on that day they had charged the account of Charles Yuen, a Chinaman, $50, and by a system of elimination we concluded that none of the other men that have dealt with Tape were anything but white men, business men here in the city. So I got Charles Yuen down here. He was up in a cannery, and he told me he had never paid Tape a check, but he claimed that he had paid Billy Dong a check on or about that time, and that Billy Dong may have transferred this check to Tape.

Mr. BUSIEK. Billy Dong was generally supposed to be a collector?

Mr. BONHAM. I have the direct testimony of Chinese that Billy Dong in many cases has collected money that Tape has extorted and exacted from Chinese, and he is generally known as one of Tape's collectors.

Chairman WALSH. A Chinaman?

Mr. BONHAM. A Chinaman.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon, at 12.30 o'clock p. m., Monday, August 17, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTERNOON SESSION.

Chairman WALSH. The commission will come to order.

Mr. BUSIEK. I would like to recall Commissioner White for just one question.

TESTIMONY OF MR. HENRY M. WHITE—Recalled.

Mr. BUSIEK. Mr. White, I want to ask you whether or not you ever had any conversation with Mr. Taylor in which you called attention to the fact that he had been successful in detecting opium smuggling but had gotten no results in Chinese smuggling?

Mr. WHITE. No; not just that way. The first conversation I had with him relative to opium smuggling was in my office out at the station. He there stated that he knew all the opium smugglers in this district, and would be able in the course of two weeks to run down and capture all opium smugglers; that he had the information on them at that time. I remarked to him and said that it was our practice if he had such information to turn that information over to the Treasury Department, the collector of customs here, in con-

nection with that. And he remarked to me, he said, "Before I do that they will come through with some Chinese dope. I will trade, but I won't give it to them." And then later than that—that is the conversation you had reference to, was it?

Mr. BUSICK. Yes.

Mr. WHITE. Then later than that, walking down Cherry Street, between Third and Waterfront, he told me that he was then in possession of the facts as to all opium smuggling. He said he knew every opium smuggler in this district, knew where they hung out, knew them by their first names, and just a week previous to that time he knew of their loading a boat with opium in Vancouver, and its coming over here, and where they docked and unloaded their stuff. He had all of those facts. That conversation came up in connection with the matter that I asked him if he was sure that this man Bing was a Chinese smuggler, but wasn't he rather an opium smuggler. He said, "No; he was not," and then went on to tell me what he knew about the opium smugglers.

Mr. BUSICK. Did he make a single capture of Chinese smugglers during the time he was at work?

Mr. WHITE. No, no; and gave us no information upon which we could work, whatsoever.

Mr. BUSICK. That is all.

Chairman WALSH. That is all.

Mr. WHITE. Then I can be excused?

Chairman WALSH. That is all.

TESTIMONY OF MR. RAPHAEL P. BONHAM—Recalled.

Mr. BUSICK. Now, Mr. Banham, if you will resume. Now, Mr. Bonham, I think the last question before we adjourned was in regard to the intermediaries between Frank Tape and Chinese with whom he did business. You started out to tell about some direct testimony that you had on that subject.

Mr. BONHAM. You asked me whether I had had any success in tracing a check, and I was relating the nearest I came to the tracking of that check.

Mr. BUSICK. Well, getting off of the subject of the check, did you have any direct testimony of any kind as to Tape's receiving money from Chinese?

Mr. BONHAM. Yes; I have a considerable amount of direct testimony given by Chinese who under oath have themselves declared that they through stress of circumstances have been compelled to pay Tape money themselves, many of them, and some of them, through others.

Mr. BUSICK. In what amounts?

Mr. BONHAM. Various amounts, I think $100 and $300 seem to be the prevailing amounts. It seems very frequently he would demand a larger amount and then would compromise on $50 or $100 less than the first demand. Possibly he would demand $150 and take $100, and demand $250 or $300 and finally accept $200.

Mr. BUSICK. For what would he demand this money?

Mr. BONHAM. He claimed, so they testified, that it was within his power to expedite and cause the landing of friends and relatives in whom they were interested, or, on the other hand, to cause their rejection and deportation, that it lay with him and he had the power to either help them or injure them.

Mr. BUSICK. Did you find any instances of where he caused the rejection of proper persons because they refused to pay?

Mr. BONHAM. I did. Several witnesses testified that because they refused to pay him money that he exacted from them, he misinterpreted the testimony; browbeat the witnesses, and caused their final and ultimate rejection and deportation to China.

There was a man who just returned from China recently who related a case where about two years ago he brought his wife; he was landing as a merchant, and went to a store in Chinatown waiting for his wife's case to be passed on, and Tape came to him four different times and demanded money, and he stood upon his rights as a bona fide merchant and the fact that the woman was his genuine wife and refused to pay. The woman was finally deported and the case was appealed to Washington. This man alleged that Tape deliberately misinterpreted her statements; created discrepancies in the record, and the record went to Washington on appeal and upon the reviewing office there having the cold discrepancies in the record, it passed upon them and sustained the office here who had rendered an adverse decision.

Mr. BUSIEK. It is possible, in fact easy, for any corrupt official as an interpreter, is it not, to make a record that will cause any certain result to be reached, either approval or rejection?

Mr. BONHAM. I would say it was possible for an interpreter to impose upon an inspecting officer occasionally in that way without the inspector's knowledge. It is rather remarkable a man would be able to continue a practice of that kind for years without the knowledge or connivance of an examining inspector.

Mr. BUSIEK. In what other ways would Tape extort money, as disclosed by your investigation, other than causing the rejection of bona fide residents?

Mr. BONHAM. I have some testimony, not as conclusive as some of the other, that he would go to Chinese who were smuggled into the country, telling them he knew they were smuggled in and exacting tribute from them for his protection.

Mr. BUSIEK. Did he ever get money from Chinese for the purpose of admitting improper cases?

Mr. BONHAM. I am well convinced that he did, but the Chinese who testified before me, you must remember, are Chinese who did not get value received, or feel they did not. They were aggrieved. Those who were not entitled to admission and whom he helped get in for a consideration are fearful of deportation and arrest, and there is no incentive or reason for them testifying. The Chinese are fearful of reprisals. They have testified to me that there is a report circulated that he has remarkable influence with the department and that it is impossible to get him out, and that later they will be punished as well as all that had anything to do with the exposure of his corruption.

Mr. BUSIEK. He has also been charged in court here, has he not, of having extorted money under such circumstances?

Mr. BONHAM. That I can't say. I have heard that in one case his honesty was questioned in court, but I have never seen the record.

Mr. BUSIEK. Has Inspector Monroe's name been linked with his in these charges?

Mr. BONHAM. Frequently.

Mr. BUSIEK. What have you found out as to their working together?

Mr. BONHAM. Mr. Monroe is in charge of the Chinese division, reviews the reports of the other officers, prepares the briefs and arguments in the cases that go to Washington. And the Chinese have testified that frequently when they would be asked or required to give Tape money they would complain of the amount that he demanded, and he would frequently answer that it was not all for him, that he had to divide with the immigration men in this district, sometimes naming Monroe, I think, and I think in only one instance has the name of any other inspector been named in any testimony that I have. And the reason of that may be that it would give Tape an excuse for demanding more money. It would naturally prevent a Chinaman who felt aggrieved, and that his case was just, from going to the inspector over the interpreter and complaining, because if he believes that that inspector is involved he would be stopped from going over the interpreter's head. And then again it might be true. But it would probably be said by the interpreter in collecting this money, whether or not it were true; he would probably so allege to the Chinaman for his own benefit and protection.

Mr. BUSIEK. Have you ever taken the matter up with Monroe and told him that these rumors—or that Tape had made these statements?

Mr. BONHAM. Why, it has been mentioned in conversation. Mr. Monroe has not seen any of the testimony that I have secured. Mr. Monroe has mentioned the fact to me that he did not doubt that he would be accused, and he mentioned that in a personal communication to me months ago on another case where charges were first started openly in this district, as far as I know, against any specific extortion on the part of Interpreter Tape.

Mr. BUSIEK. Has that made any difference in the social relations to Tape that you have been able to observe, the fact that Tape has drawn him into this?

Mr. BONHAM. Well, I know absolutely nothing as to their social relations through observation. I have been told that Mr. and Mrs. Monroe and Mr. Tape and the supposed Mrs. Tape have been frequently in company together, as late as last Decoration Day, when they spent the holiday together at some resort, but I know nothing of that of my own knowledge, just talk among the men here in the service who have discussed this case to me unofficially since I have been here.

Mr. BUSIEK. The point I was trying to get at is this: Since Monroe knows that Tape——

Chairman WALSH. Let me suggest, he said he had not had personal observation, and we have already had that testimony. We can get it through others. He has not been in a place where he could see Tape and this man.

Mr. BONHAM. No; I know nothing about that.

Chairman WALSH. One minute, before I forget it. Where are these affidavits, the result of your investigation? Have they been sent in to the department?

Mr. BONHAM. No, sir; I have just completed the taking of testimony here and have some more to take in Portland, Chinese down there that have had to pay him money, I am told, in certain cases.

Chairman WALSH. How many affidavits have you? How many instances have you dug up?

Mr. BONHAM. I would have to just estimate it. I suppose a dozen, maybe; possibly not a dozen who have themselves handed him money, but a dozen who have been asked to give him money, or who have given him money by either their own hand or through the hand of another.

Chairman WALSH. When do you think you will have that ready to send to the department?

Mr. BONHAM. I would say that I ought to have it completed within a week.

Chairman WALSH. Within a week?

Mr. BONHAM. Yes.

Chairman WALSH. And you will then send it direct to Washington?

Mr. BONHAM. To Washington.

Chairman WALSH (to Mr. Busiek). Make a memorandum and get that as soon as he sends it to Washington and add it to the record here.

Commissioner LENNON. Who do you direct it to at Washington?

Mr. BONHAM. The Commissioner General of Immigration.

Chairman WALSH. Have you got copies of the affidavits?

Mr. BONHAM. Why, they were not in the shape exactly of affidavits. I simply swore the witnesses and took it in the form of question and answer. I believe it is much better than an affidavit.

Chairman WALSH. Have you any objection to giving us for record here the names of the witnesses?

Mr. BONHAM. I would have no objection.

Mr. BUSIEK. Mr. Bonham, have you had any conversation with Tape in regard to these charges?

Mr. BONHAM. I have.

Mr. BUSIEK. Have you given him an opportunity to explain these suspicious circumstances?

Mr. BONHAM. I wired the bureau and requested them to specifically authorize me by wire to call upon Mr. Tape for an explanation concerning his marriage and his revenues and his expenditures. I said they had caused unfavorable comment to the department, the service; and the bureau wired me, told me to call upon him, and in case of his refusal to notify them.

I did call on Mr. Tape at the immigration office and told him, asked him to make a statement, and he made a statement finally, refusing, however, to state when and where he was married to the woman with whom he now lives, but alleging that he was a married man only, giving me no information so that I could verify his bald statement. I asked him if he was married to a woman with whom he lived in Portland while he was there, called Pearl, and he refused to answer, admitting, however, that he lived with her, admitting in his statement to me that he lived with this woman here in 1910 and 1911, and he admitted, as the court records show, that she was not divorced from her husband until February, 1912.

Mr. BUSIEK. I have got the record.

Mr. BONHAM. And then, when I called upon him for an explanation of his expenditures, he declined to make the explanation if it were to be shown to the immigration officers here. I told him that I would transmit it direct to Washington and would not show it to them, if he would proceed with his explanation, and that statement has never been seen by anyone.

His explanation, I told the bureau, I considered a preposterous fabrication and an explanation that did not explain, and advised them that, in my opinion, his immediate suspension was proper. They came back very promptly and suspended him. I advised them that his suspension would expedite my investigation; that Chinese were afraid to testify. I found that condition exis-

[illegible] They were afraid to testify because they thought Tape would be in a position later to punish them; he might be exonerated and protected by some sinister and powerful influence; they did not know just where it was, but some thought it was in Washington and some thought elsewhere. And they were afraid, also, some of them, that the fact that they had paid Tape would be held against them by the office here. And, as I have said before, those that had any—they got value received and had no incentive to testify, and only those that felt aggrieved have been willing to testify.

Mr. BUSIEK. How did Tape account for all the money he got?

Mr. BONHAM. He said he was a gambler and won it at gambling. I asked him to enumerate the men from whom he won it, and he said he could not do that without their consent. However, he named one attorney here, whom I took a statement from, and this attorney said he never gambled with him but once in his life, and practically no money changed hands. He said that about half his gambling was with Chinese and half with whites, that he won about equally as much from one as the other, and that he never kept any accounts, but approximately $3,000 a year, he thought, would be about the amount that he won annually gambling. And he alleged then he withdrew money from the bank to gamble on, and then the next day he put it back, and in that way his account showed heavy withdrawals and heavy deposits on a very small amount of actual money.

Mr. BUSIEK. Did he tell you he had gotten any money from his wife or that his wife had a big income?

Mr. BONHAM. He declined to answer questions touching on his wife's finances.

Mr. BUSIEK. Did you make any investigation of his wife's income?

Mr. BONHAM. I took a statement from a gentleman in this city with the understanding that that statement should not be used until his attorney gave his consent. The statement was written up by my stenographer, submitted to the attorney, and the attorney having heard these rumors as to his influence in the department, and telling me he felt it was not unlike a confidential communication, and that it was not unlikely that this communication, although we assured him it would be a confidential matter, might get into the hands of some one who would in turn put it into the hands of Tape, and he wrote a letter to the Commissioner General, telling him if the Commissioner General would assure him it would be confidential and given to no one but the Secretary and the Assistant Secretary and then returned, he would consent to it being transmitted. The attorney holds that statement. This man that made the statement is a man of affairs in this city, a man of wealth, rather, and he has known this woman and her husband, Peter Sutherland, for years; I think he knew her people, and has personal knowledge that she has no funds, so he testifies, and his knowledge of this woman is, I say, intimate, very intimate. He claims she has blackmailed him for large sums, hundreds of dollars; but he has a wife and is afraid if this statement gets back into the hands of Tape and his wife—he says this woman is desperate enough and he has no doubt—he is absolutely sincere in his conviction; you can tell that from his demeanor—she would not be beyond coming down and shooting him or breaking up his family, and for that reason he is very loath that this information be put in a place where it may eventually get back to Tape.

Mr. BUSIEK. Was she awarded any alimony in the divorce proceeding?

Mr. BONHAM. I haven't the record, but Commissioner White has examined it, and says there was none.

Chairman WALSH. Have you the record there?

Mr. BUSIEK. I haven' it here, but I have it. There was no alimony.

Mr. BONHAM. You can get a copy of the record yourself. You can get a copy of the findings and decree, and it shows in the record there was no property. I think the grounds were desertion and nonsupport. I went to the attorney and asked him if there was any property interests that did not appear in the record, and he said there were none. It is generally known, as I understand, that she had no money. Only Saturday I was in conversation with the credit man of Frederick & Nelson's, th elargest department store here, and he told me that when she went under the name of Sutherland her credit was poor, but when she became known as Mrs. Tape she was granted much more extensive credit. I think in the year 1912 her bill at this one store was over a thousand dollars.

Mr. BUSIEK. Now, all these things you have testified to have been general knowledge around Seattle, or people have made these accusations pretty generally, have they not?

Mr. BONHAM. I wouldn't limit it to Seattle. They have been more or less general from the northwest border to the southwest border on this coast. They are more or less generally known among our officers in California and Oregon as well as Washington.

Mr. BUSICK. I believe that is all I care to ask.

Commissioner O'CONNELL. What is Tape's nationality?

Mr. BONHAM. He is a full-blooded Chinese, born in San Francisco.

Commissioner O'CONNELL. What is yours?

Mr. BONHAM. American citizen.

Chairman WALSH. Does your report give a pretty full history of where he has lived, and with whom?

Mr. BONHAM. Will it?

Chairman WALSH. Yes, sir.

Mr. BONHAM. No, sir; I shall confine my report to what this investigation here has developed. That is submitting the direct testimony, and I have also taken the statements of a number of inspectors here, showing their distrust of him for years, and a number of attorneys, who have testified to me that their clients for years have come to them, in the confidential manner that clients come to their attorneys, and complained of graft that has been exacted of them at the hands of Tape. That evidence and the statement of the inspector, who shows that he has had remarkable authority granted him out here. That he has had every opportunity to do the things that the Chinese witnesses say he has done, and the fact that his morals or immoral acts—it was not my idea to dwell upon them only in as it has affected his income through this woman.

Commissioner O'CONNELL. Do you know a Chinaman named Seid Gain?

Mr. BONHAM. Yes, sir; I know him, I think, quite well.

Commissioner O'CONNELL. Do you think he is reliable?

Mr. BONHAM. I know of only one Chinaman who—well, I should not say it that way. I do; yes, sir. I have great confidence in our interpreters in Portland, and Seid Gain was an interpreter in Portland before Tape. Tape was there a few months as interpreter. I was at Astoria when he was stationed there. I know he did not have the confidence of the Portland office at that time. He was only there a few months, that was back in 1907 or 1908. Seid Gain, while he was interpreter, was never under suspicion by any of us, and I would trust him, and in fact I went to him——

Commissioner O'CONNELL. Do you think he has information in connection with the San Francisco situation that would be valuable to us?

Mr. BONHAM. If he hasn't I believe he would be glad to assist in getting such information.

Commissioner O'CONNELL. He is thoroughly acquainted with the affairs at San Francisco?

Mr. BONHAM. Yes, sir; and I think he could bring powerful influence to bear among the Chinese. I went to him when I was assigned to make this investigation here and asked him if he could not come up here to serve as my interpreter. I have such confidence in him myself that I asked him to do that. His wife was in the hospital, and he could not come.

Commissioner O'CONNELL. He is a man of some wealth himself?

Mr. BONHAM. He is the only son, and his father is very wealthy, made a great deal of money contracting in the early days in railroad contracting, but in recent years in hops.

Commissioner LENNON. Does the Government ever employ American interpreters?

Mr. BONHAM. In Chinese cases?

Commissioner LENNON. Yes.

Mr. BONHAM. Why, I think Mr. Gardner, in San Francisco, is half American.

Mr. BUSICK. He is just half.

Commissioner O'CONNELL. He is half and half, I understand.

Commissioner LENNON. One of the court cases in the East involved both—both the interpreters were American.

Mr. BONHAM. It is very difficult to get Americans who can speak Chinese. In Portland I know of one or two men, white men, who speak Chinese, but I think our past experience has been that they are just about—they need as much watching as anybody else.

Commissioner O'CONNELL. Do you know Gardner personally?

Mr. BONHAM. No. I may have been introduced to him once. It seems to me I met him, but I wouldn't know him if I saw him on the street.

Commissioner O'Connell. You have heard rumors of his getting wealthy down there?

Mr. Bonham. Yes, I have. I know nothing about that, however. I have been told he was worth $300,000 and had to borrow his fare to come to San Francisco, but I don't know anything about it, absolutely. I would be very glad to tell you if I did. You asked me a good many questions about Mr. Taylor here, and I want you to understand that, because I think Mr. Busick possibly in questioning me, did not realize that I knew nothing. It is not from any disinclination to tell you. I would tell you everything I knew. I am absolutely frank with you, but I only had this conversation with him, and as there had been so much said I wasn't very frank with him and he wasn't very frank with me. Consequently, there wasn't anything said of consequence.

Possibly inasmuch as Mr. Barber's name has entered into the record, and Inspector Riley, his dishonesty was proved—made the proposition if I would continue the investigation, that it would be taken out of my hands and put into this other man's hands, he would, if he couldn't force Mr. Barber to drop the investigation and in turn prefer charges against him, I want to say that in so far as Mr. Barber's standing with the department is concerned, I think he stands very high and is a very capable officer. But Riley is absolutely unscrupulous, and would, as he said, if he lacked anything, he would manufacture it. He went to my interpreter in Astoria, the man I had used, and offered him $200 to get some information against me. The same thing you will find with a great many officers, and the reason a great many officers who investigate fall and whitewash people is that people have found something against them, they have been vulnerable, there has been something improper, some dishonest act, and they will hold that over them and cause them to whitewash them. Riley demanded of this interpreter that he go out and get affidavits against me, but he failed.

So that he had nothing, he just had a fighting chance against Mr. Barber when he came back. He had given me up, and he wanted me to continue it and let him have this fighting chance against Mr. Barber. And that he made this proposition was not a reflection upon Mr. Barber's integrity.

Commissioner Lennon. What proportion of the Chinese in the United States do you think are illegally here? Did you ever give that matter any thought?

Mr. Bonham. Oh, that would be just a wild guess.

Commissioner Lennon. We have had men guess at it in several places.

Commissioner O'Connell. In Boston they told us that practically one-third of the Chinamen in the United States were there illegally.

Mr. Bonham. I am inclined to think that is putting it too strong. There is a large per cent of them undoubtedly, but you must bear in mind that they would remember these fraudulent cases. They forget about the hundreds that are here lawfully. A few—and there are only a few—but the crooked cases would stamp themselves, being themselves before their attention; and they possibly would exaggerate on them; people are possibly likely to do that. But there is a very large amount of them.

Commissioner O'Connell. It seems that there is a general tendency, it might be called a policy, on the part of the employees of this department, where one is charged with some offense or other, to immediately set forth to discredit the party who charges him?

Mr. Bonham. Yes; undoubtedly.

Commissioner O'Connell. On up to the commissioner there seems to be an effort as soon as any charge is started, that then the other side starts to discredit the fellow that makes the charge, by countercharges.

Mr. Bonham. Yes; it is very true. And sometimes a man, an honest man, might unconsciously put himself in an embarrassing position. The Chinese are great to give presents; and while there is a circular against it, I believe it is not lived up to. A Chinaman will give an inspector a present one year, and next year he will give him a little better one, and the following year a little better one; and it is possibly hard to draw the line. And the first thing he knows he has received a present which, if he stops to think, he would realize that they would not have given him if it had not been that he occupied that peculiar position which he did. And I have been told that that was one of the troubles here.

Commissioner O'Connell. And they are frequently giving dinners?

Mr. Bonham. Yes, sir. I don't think, however, that that would influence any man. Of course, a Chinese inspector should keep himself above suspicion; but the fact that he went to a Chinese New Year's banquet, I think—I have

been to two in my life—I don't think that that should really be held against him. It might cause criticism. But this is the practice, that a great many distinguished men in the State go to these banquets, men who are absolutely, I think, above suspicion, so that I don't think that circumstance is against them.

Commissioner O'CONNELL. Do you know any of the principal Chinese chop suey places or other establishments, business establishments in San Francisco that are patronized fairly frequently by officials of the department—inspectors?

Mr. BONHAM. No, sir; I am not acquainted with the conditions in San Francisco intimately. I have never been there but twice in my life, and I have never gone through Chinatown but once. And when I was sent here to make this investigation I didn't know where Chinatown was in Seattle. I didn't know who to go to. I had to feel my way. And I found that the people had to find where I stood before they were willing to be frank with me. They seemed to think that possibly I was an emissary of Tape's, to see who was testifying against him. I felt that I was under suspicion, and I was rather a stranger here. Would not have had that trouble in my own State. It necessarily made my investigation slow at first. I seemed to have to establish my own position and standing before I could proceed with any success.

Commissioner O'CONNELL. They are intensely suspicious of everybody that comes around for any cause whatever?

Mr. BONHAM. Oh, yes; they are very much so.

Commissioner O'CONNELL. Do you suppose that there is a continuous grafting on these people after they are in here, is there continuous grafting then, or a threatening that they will give up on them unless they pay more, and keep them contributing constantly?

Mr. BONHAM. I think they are embarrassed in a certain way in that they have to work for less wages for the contractors who use them. I think it is a general rule that Chinese contractors who employ smuggled Chinamen pay them less, they have to work for less. There are two men who were recently arrested in Portland by Inspector Fisher of this district, who, I am told, were known to Interpreter Tape here, and Interpreter Tape went to them and demanded money from them or he would report them. And I am hoping when I get back to Portland to be able, through their attorney, to get these men to make statements. And other Chinese who have testified before me have told me that Tape has come to men who were unlawfully in here, who have been smuggled in, and told them that they had to pay him or that they would be turned in to the immigration office.

There is one matter that you may have had brought to your attention that, I think, is worth mentioning, and that is that in our exclusion law we have a very un-American restriction which requires a Chinese laborer lawfully in this country to have a thousand dollars, or a wife and children here, property that is worth a thousand dollars, before he can go back to his own country on a visit, and then he must return within a year. He is not allowed to bring his wife and children, so it is very seldom that they avail themselves of that ground. And they come into our offices all over this coast and all over the United States, and they bring a man with them—and we encourage them into this practice—they bring this man with them, and they say, "I loaned that man ten or eleven hundred dollars on a certain day, and he has not paid me. I have that much money coming to me." And we ask that man, "Did this man loan you that money as he says?" And he says, "He did." And then we give that man the right to go to China on the ground that he has property in this country, or debts, in the amount of at least $1,000. And we know just as well as I know when I am sitting here that they are lying, and we won't let them go to China and visit their own country unless they tell us that lie, and then they can only stay a year.

Yet a merchant can go to China and stay over a year. Well, it is very difficult for the Chinaman to tell when he should and when he should not lie to us. We encourage him to lie to us in one case, and in the other case if he comes in and swears he has been in that store a year and we find it is not true we reject him and turn his case down. And in one case here, in the case of Lee Wing you subpœnaed, we indicted him. But in the other cases we drive them to commit perjury.

Chairman WALSH. What suggestion would you have, if any, as to any amendment that could be made to the law or any new law that could be en-

acted that would remedy this matter? It seems impossible to guard the border, does it not?

Mr. BONHAM. It is very hard; yes.

Chairman WALSH. Yes.

Mr. BONHAM. These men who are lawfully here as laborers and who can show their credentials, their certificates of residence, I would say ought to be allowed to go to China and they ought not to be required to have any amount of property. That is un-American. They should be allowed to go and stay as long as they please. The would teach them not to disrespect our laws and our oath, and it would also remove the occasion for a great many of these fellows going into a mercantile establishment when they didn't belong there and claiming that they were merchants so that they could go over to their own country and stay there 12 months. If they could go there and stay there 12 months as a laborer, they would do it, a great many of them, and would not come in and assume a false mercantile status which would then allow them to bring back a family and children if they got away with it, as an exempt can do.

And then another thing, if a merchant to acquire an exempt status were required to show conclusively that he was a merchant for at least, say, three years instead of one, then it would not be profitable for them to bring a man in for a few months and get a lot of white witnesses to swear that he had been in there for 12 months, because it would be much more difficult for them to show, to concoct, a fraudulent case if they had to be merchants for three years. And that would not affect any real, genuine merchants, because a Chinese merchant, once a Chinese merchant, is nearly always one. But they will go out and bring in these laborers and have them around the store doing janitor work and giving cigars to two or three white men, and then have these white men come in and testify that they are bona fide merchants, and have them go back to China to stay as long as they please, and when they come back, bring in some relative. If they had to establish their mercantile status for three years instead of one, and then the inhibition against laborers going over and staying more than one year were removed, it would benefit that greatly, I think, and remove the incentive for dishonesty and would establish much more cordial relations.

Chairman WALSH. Mr. O'Connell, will you please submit your proposition. You have it in mind.

Commissioner O'CONNELL. All right. We have tentatively before us a proposition looking toward the wiping of the slate, as it were, of all Chinamen who are in the United States now, giving them a clean card of citizenship or residence. And then taking six months after that for them to go and register and get a proper certificate of residence in the United States. At the end of that time any Chinaman that is found in the United States without one of these new certificates—the organization of a police board, if you want to call it such, some board that would have authority to make investigations, have a sufficient number of them to make investigations ever so often, as frequently as they pleased, and any Chinaman they catch without one of these certificates must be deported without question, unless it is proven that he has been detained by some illness or some disease so that he could not register at the proper time; but at the end of six months after this law went into effect, any Chinese without a certificate should be deported. What is your idea on that?

Mr. BONHAM. Well, that would have its advantages and disadvantages.

Commissioner O'CONNELL. What would be the disadvantages?

Mr. BONHAM. To make it really valuable you would have to include in that American-born Chinese who are citizens of this country, of course, because if you did not, then when you went to round up and pick up your loose ends every one of these fellows would claim American citizenship.

Commissioner O'CONNELL. That would be taken care of. Citizens, Chinamen born in this country, would be entitled to citizenship, or at least residenceship.

Mr. BONHAM. You would have to include them in such registration.

Commissioner O'CONNELL. That would be provided for. Do you think it would have the effect of making it easier for the resident or citizen Chinaman to bring in relations than before, or easier for the fellow who smuggles to impose upon the law to the effect of bringing in relations?

Mr. BONHAM. That objection would be removed largely, you see, if you would require him to be exempt for at least three years instead of one, because it will pay a man who is not a bona fide exempt to go in and assume that status if he can do it in 10 or 12 months. But if you require him to do it for three years it is not going to be such an easy matter, if you register those that are here——

Chairman WALSH. Did you get those copies?

Mr. BUSIEK. I have given them to Commissioner White.

Chairman WALSH. Well, now is the time and here is the place to have them if we are going to use them.

Commissioner O'CONNELL. Suppose you furnish Mr. Bonham a copy of the proposed idea for his criticism, not for your affirmation, Mr. Bonham, but your real criticism.

Chairman WALSH. Very well.

Commissioner O'CONNELL. And send it to us at San Francisco. We will be there next week and the week following.

Mr. BONHAM. The Chinese merchants, unless this is presented to them diplomatically, will be, a great many of them, against it, because they have a natural disinclination to be subjected to something that other people are not. But, really, it will be their protection if handled properly.

Commissioner O'CONNELL. Well, we have one Chinese association in Frisco that has gone on record in favor of the idea, and another that is opposed to it. Of course there are two different plans. We would like you to take that. Mr. Busiek will see that you get a copy of it. Give it your severest criticism. We do not care how much you tear it to pieces; the more the merrier. We prefer you to simply say what you think of it.

Mr. BUSIEK. Would it not have the effect of giving a great many of the Chinese who are now in this country, who are afraid to go and make application and show themselves at immigration offices, wouldn't it enable those to bring in wives and children?

Mr. BONHAM. It would unless you amended the present 12 months' requirement during which a man acquires a mercantile status because many of those fellows then would go in there and colorably acquire a status of that kind, and then immediately their wife or their minor children would come, and that would revert back to the old order.

Commissioner O'CONNELL. I think your idea of the mercantile end of it is a very good one. I think the time is entirely too limited.

Mr. BONHAM. Yes, sir; a man does not change his vocation every 12 months between that of laborer and merchant.

Commissioner O'CONNELL. Mr. Busiek will see that you get a copy of that.

Chairman WALSH. That is all.

TESTIMONY OF MR. FRANK H. TAPE—Recalled.

Chairman WALSH. Mr. Tape, will you be sworn again? Do you solemnly swear that the testimony which you are now about to give before this commission in the matter of the investigation of alleged smuggling of Asiatics into the United States will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. You were asked to produce your bank book at 2 o'clock. Have you that book?

Mr. TAPE. I would like to request that my attorney be present at this hearing if possible.

Chairman WALSH. Do you refuse to answer any question unless your attorney is present?

Mr. TAPE. I will gladly answer all questions concerning smuggling; gladly help you in any way I can, but with the advice of my counsel I will refuse to answer any questions personally concerning myself.

Chairman WALSH. On what grounds?

Mr. TAPE. The advice of my counsel.

Chairman WALSH. Do you claim that any answers to those questions might tend to incriminate you?

Mr. TAPE. Yes, sir; they might; but as to smuggling I will gladly tell you whatever I know in my six years here.

Chairman WALSH. Have you personally received any money from men to smuggle Chinese into this country?

Mr. TAPE. No, sir.

Chairman WALSH. Have you collected money from persons under threat that if they did not pay it you would expose the fact that they had been smuggled into this country?

Mr. TAPE. No, sir.

Chairman WALSH. You may proceed with your questions along that line, growing out of that. Cross-examine upon the question as to whether or not he received any such money.

Mr. BUSIEK. Do you know a Chinese in the city by the name of Woo Gen?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. What business is he in?

Mr. TAPE. He is a merchant here in the Wau Chung Co. on King Street.

Mr. BUSIEK. Has he a partner who is interested in any case that came through your office recently?

Mr. TAPE. I haven't been in the office for—I haven't worked out in the office, I think, for the last three months.

Mr. BUSIEK. Have you ever had any conversation with Woo Gen about the admission of any Chinese within the last year?

Mr. TAPE. Why, while I was in the office out there they came out and asked me about alien Chinese going and coming. I had been making out the outgoing papers and naturally they came and I would make out all certificates of Chinese entry, certificates of identity. They came and talked to me about those things; that was my official business.

Mr. BUSIEK. Did you ever demand of Woo Gen's partner $100 or any other amount of money for the admission of this man's son?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever have any conversation with Woo Gen about it?

Mr. TAPE. No, sir.

Mr. BUSIEK. About any such?

Mr. TAPE. About money, you mean?

Mr. BUSIEK. About money.

Mr. TAPE. No, sir.

Mr. BUSIEK. Do you know a Chinese by the name of Loo Wing at the Shanghai Bazaar?

Mr. TAPE. I do.

Mr. BUSIEK. I believe you filed charges against him?

Mr. TAPE. I did not.

Mr. BUSIEK. Who did?

Mr. TAPE. I don't know.

Mr. BUSIEK. Don't you know charges are pending against him?

Mr. TAPE. Only what I read in the newspapers.

Mr. BUSIEK. Did you ever receive from Loo Wing $200?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever have any conversation with him about any money to be paid for the admission of two Chinese boys destined to Pittsburgh?

Mr. TAPE. Never. Just a minute. I would like to say in the Loo Wing case the record at the immigration office will show that I have fought against that man since I have been here. He is trying to bring in Chinese boys claiming to be other men's—claiming to be fathers of Chinese who were here.

Mr. BUSIEK. Any more you want to say about him?

Mr. TAPE. I was just trying to think. Now, this last case—this big case we have fought, but I can't think of the name of the case just now, where the boy was deported and the record will show it at the immigration office.

Mr. BUSIEK. And he is now indicted for conspiracy in that case, is that true?

Mr. TAPE. No, sir; not in that case. I had nothing to do with that case that he is indicted in. I knew nothing about that case.

Mr. BUSIEK. Did you appear before the grand jury in the case in which he is now indicted?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did Inspector Monroe?

Mr. TAPE. I don't know.

Mr. BUSIEK. In 1911 there were nine certificates—Chinese certificates—disappeared from this office. Do you remember the circumstances of their disappearance?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you recover some of them?

Mr. TAPE. Yes, sir; I did.

Mr. BUSIEK. From whom did you recover them?

Mr. TAPE. I recovered—I don't remember how many were recovered, but I got them through another party.

Mr. BUSIEK. Who was the other party?

Mr. TAPE. I wouldn't care to give his name; he was an informer I had working for me.

Chairman WALSH. I would like to have his name.

Mr. TAPE. Well, I wouldn't care to give his name at this time.

Chairman WALSH. Well why not?

Mr. TAPE. I wouldn't want to bring the man into trouble—have his name brought into this, because he is a prominent man and he did it as a favor to me.

Chairman WALSH. When was that?

Mr. BUSIEK. 1912, I think, he recovered it.

Chairman WALSH. What date was it?

Mr. TAPE. I don't know just now; the record out there will show it. Everything is in the record out there. I made a trip to Portland——

Mr. BUSIEK. Who was along with you when you went to Portland?

Mr. TAPE. Mr. Monroe.

Mr. BUSIEK. Was he present when you recovered the certificates?

Mr. TAPE. No, sir.

Mr. BUSIEK. You know, of course, that the mere fact you wouldn't want to involve this man's name is no excuse for you refusing to give his name to this commission. Are you aware of that?

Mr. TAPE. When I promise a person I wouldn't tell, when he does me a favor, I don't think it is right I should tell on the man; he trusted me.

Chairman WALSH. Was this a white man or a Chinese?

Mr. TAPE. Chinese.

Chairman WALSH. Was he the thief? Had he stolen them?

Mr. TAPE. No, sir.

Chairman WALSH. He obtained it from the thief?

Mr. TAPE. No, sir; he got them through—the certificates were passed by other Chinese wanting to go into the canneries, and this cannery man, I gave him the number of these certificates, and I told him if they run across them—I gave them to several Chinese contractors—in case they run across the certificates to let me know.

Chairman WALSH. To whom did you deliver the certificates after you obtained them?

Mr. TAPE. Mr. Monroe or Mr. de Bruler, the commissioner.

Mr. BUSIEK. Did you show them to Monroe down at the place where you got them?

Mr. TAPE. I believe I did.

Mr. BUSIEK. Did you travel with Mr. Monroe down there?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you make any arrest or cause anyone to be arrested who had been in possession of these fraudulent certificates?

Mr. TAPE. No, sir.

Mr. BUSIEK. Why not?

Mr. TAPE. Never got the party.

Mr. BUSIEK. Why didn't you get them?

Mr. TAPE. The party that gave me the certificates wouldn't tell me who they were that had them.

Mr. BUSIEK. Did you ask him who they were?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you ever present the matter to the grand jury?

Mr. TAPE. I took it up with my superior, my boss; I don't know if he did or not.

Mr. BUSIEK. Who was that?

Mr. TAPE. Mr. Monroe; he was my superior.

Chairman WALSH. You made a full report to him, did you?

Mr. TAPE. Yes, sir; and Mr. de Bruler also.

Mr. BUSIEK. Do you remember when there were some other papers stolen out there, I think it was in 1912, and a watchman was discharged because of their loss?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever go down in the basement of the building out there and find some papers, you and Monroe, some papers that had disappeared from the office?

Mr. TAPE. I believe we did one time. I believe we did.

Mr. BUSIEK. What were the circumstances of that?

Mr. TAPE. There was an interpreter employed out there at that time that had some case fixed; I have forgotten now.

Mr. BUSICK. Who was the interpreter?

Mr. TAPE. Frank Lewis. I don't remember the case exactly, but it came—the information came to me that there were some papers stolen; they were thrown down the toilet. We found out that the—we went down there and looked, because we knew the toilet was an open toilet, the sewer went down in the house, and we found the papers down in the sewer.

Mr. BUSICK. The loss was discovered on Saturday?

Mr. TAPE. The loss was discovered on Saturday, if I am right.

Mr. BUSICK. Didn't you tell Inspector Wilkes that you suspected that they might be down that sewer?

Mr. TAPE. I don't remember ever speaking to Wilkes about it.

Mr. BUSICK. Will you say that you did not speak to Wilkes about it?

Mr. TAPE. No; I wouldn't; but it is so long ago; it is longer than 1912.

Mr. BUSICK. Didn't you and Monroe go there the next day on Sunday and find those papers?

Mr. TAPE. I don't remember what day we were there, but he and I did go there one day, and we found those in the basement; it is down in the sewer.

Mr. BUSICK. Isn't it a fact Wilkes told you the next Monday that he had gone down that Saturday night and hunted for them himself, and they weren't there?

Mr. TAPE. I don't remember, sir, if I ever talked to Wilkes about it.

Mr. BUSICK. You knew a Chinese by the name of Chin Teong?

Mr. TAPE. No; I don't.

Mr. BUSICK. Now in Hongkong——

Mr. TAPE. How do you spell it?

Mr. BUSICK. Chin, C-h-i-n; the last name Teong, T-e-o-n-g, now in Hongkong, China, formerly here?

Mr. TAPE. No; I don't recall the name. He might have another name I know him by. Chinese have three or four different names.

Mr. BUSICK. Do you know any Chinese by the name of Chih Loy?

Mr. TAPE. Yes.

Mr. BUSICK. Who is he?

Mr. TAPE. He is a merchant down there. I also know another one that is a cannery man.

Mr. BUSICK. That is what?

Mr. TAPE. That is a cannery man.

Mr. BUSICK. Are you well acquainted with that merchant?

Mr. TAPE. I know him, not well acquainted with him no more than I am with any others.

Mr. BUSICK. Don't you frequently go to his place of business in your machine?

Mr. TAPE. No; I haven't been in that place for six months.

Mr. BUSICK. Does he frequently come out to the immigration station to see you?

Mr. TAPE. No, sir.

Mr. BUSICK. Do you know a Chinese by the name of Lee Dong, called Billy Dong?

Mr. TAPE. I do, sir.

Mr. BUSICK. What is his business?

Mr. TAPE. He runs a little store, restaurant, and interested in several restaurants here.

Mr. BUSICK. Do you frequently see him?

Mr. TAPE. I do at times.

Mr. BUSICK. Does he come out to the station to see you?

Mr. TAPE. I don't know. Very seldom ever comes to see me. Mr. Monroe sends for him to come out there on business. He worked out there on different times.

Mr. BUSICK. What does Monroe send for him for?

Mr. TAPE. I don't know, sir.

Mr. BUSICK. Are you not there when he is?

Mr. TAPE. He goes into Mr. Monroe's room and I don't know what he does or says.

Mr. BUSICK. Doesn't he have dealings with you?

Mr. TAPE. He comes out there around the place.

Mr. BUSICK. Have you ever heard it charged that Billy Dong and Chin Loy claim to collect money for you?

Mr. TAPE. Since I have been investigated, I have heard it; yes.

Mr. BUSHEK. Have you taken up the matter with either one of the two?

Mr. TAPE. I have not; I have not seen Chin Loy for six months or more.

Mr. BUSHEK. You are sure about the fact you haven't seen him for six months?

Mr. TAPE. Yes, sir; I don't remember of seeing him for six months.

Mr. BUSHEK. Did you bring the copy of the contract which the commission requested this morning?

Mr. TAPE. I did; but my lawyer has it.

Chairman WALSH. Do you refuse to produce it?

Mr. TAPE. With the advice of my counsel, I do; yes, sir; being it is my personal business.

Chairman WALSH. Have you any other reason except the advice of your counsel?

Mr. TAPE. No, sir; I am going by his advice.

Chairman WALSH. What is this man's name—Lee Dong? Did Lee Dong ever pay you any money?

Mr. TAPE. That's my personal business, and I refuse to answer.

Chairman WALSH. You refuse? On what ground do you refuse to answer?

Mr. TAPE. That has got nothing to do with this investigation.

Chairman WALSH. Do you refuse to answer on the ground that it might tend to incriminate you?

Mr. TAPE. Through advice of my counsel, I refuse to answer that question.

Chairman WALSH. You do not claim, then, it might tend to incriminate you?

Mr. TAPE. It might, being—it might since the way I hear this investigation—the man investigating has been going around and doing.

Chairman WALSH. We might as well have an understanding. Counsel is not coming in here, and you have no right to refuse to answer a question, except on the ground that it might tend to incriminate you; otherwise, you will be compelled to answer.

Mr. TAPE. I believe it might.

Chairman WALSH. Then you refuse to answer the question as to whether or not you ever received any money from Lee Dong, alias Billy Dong, on the ground it might tend to incriminate you?

Mr. TAPE. Yes.

Chairman WALSH. Go ahead, then, on some other question.

Mr. BUSHEK. Have you ever received any money from Chin Loy?

Mr. TAPE. No, sir.

Chairman WALSH. What did you say?

Mr. TAPE. No, sir.

Mr. BUSHEK. Never?

Mr. TAPE. No, sir.

Mr. BUSHEK. Did you ever go to a Chinese by the name ow Woo Gem and ask him not to give Inspector Benham any information respecting yourself?

Mr. TAPE. No, sir.

Mr. BUSHEK. Has Mrs. Tape any independent income?

Mr. TAPE. I refuse to answer.

Mr. BUSHEK. On what ground do you refuse to answer?

Mr. TAPE. That it is Mrs. Tape's business and not mine.

Chairman WALSH. The reason we are asking these questions now is to discover whether or not you accepted any money for smuggling Chinese into this country, and that is pertinent. I say to you that that is a pertinent question.

Mr. TAPE. I don't think that has—that Mrs. Tape's income has anything to do with my smuggling in Chinese.

Mr. BUSHEK. Has she ever given you any money?

Mr. TAPE. I refuse to answer.

Mr. BUSHEK. On what grounds?

Mr. TAPE. That it has nothing to do with this investigation.

Chairman WALSH. That is not a sufficient answer. I advise you, sir, that the only ground upon which you can refuse to answer is that it might tend to incriminate you.

Mr. TAPE. Well——

Chairman WALSH. We are not going——

Mr. TAPE. I am willing to answer all questions, but when it comes to my personal business or Mrs. Tape's personal business, I will refuse to answer through advice of my counsel.

Chairman WALSH. That is not a sufficient reason. The only reason you can refuse to answer is that it might tend to incriminate you. Unless that is your reason, we shall compel you to answer.

Mr. BUSIEK. I will ask you whether or not you received any money from Mrs. Tape?

Mr. TAPE. I will refuse to answer.

Chairman WALSH. On what ground? On what ground do you refuse to answer?

Mr. TAPE. That it is my personal business.

Chairman WALSH. Now, just for the record, let the record show that the witness was advised that that is not a legal ground for refusing to answer the question. The only legal ground for refusing to answer the question being that it might tend to incriminate him. What do you say as to that? The question is, Would or would not, in your opinion, an answer to that question tend to incriminate you?

Mr. TAPE. It might.

Chairman WALSH. It might tend to incriminate you?

Mr. TAPE. Yes, sir.

Chairman WALSH. Go ahead with some other question, then.

Mr. BUSIEK. Who pays the bills incurred by Mrs. Tape at the department stores?

Mr. TAPE. I refuse to answer.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. That it is Mrs. Tape's personal business and not mine.

Mr. BUSIEK. Do you pay her bills?

Mr. TAPE. I refuse to answer also.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. Well, through advice of my attorney.

Mr. BUSIEK. Well, you are instructed——

Chairman WALSH. We will not continue going over this all the time. Would or would not the answer to that question tend to incriminate you?

Mr. TAPE. I want you to explain to me. You say "tend to incriminate me." I don't exactly understand what that means.

Chairman WALSH. That means this: That if you gave an answer that might furnish a circumstance or a link in a chain of circumstances that might convict you or tend to convict you of some offense against the law, that is the only ground upon which you can refuse to answer this commission; that is, whether or not in your opinion it might tend to incriminate you. Do you understand that now?

Mr. TAPE. I think I have got it through my head. I didn't understand from what you said just exactly what you meant. Well, on that ground, I refuse to answer that.

Chairman WALSH. That it might tend to incriminate you?

Mr. TAPE. Yes.

Chairman WALSH. You understand, then, you have the personal right?

Mr. TAPE. I haven't got it in my mind exactly right.

Chairman WALSH. I have explained to you that if in your opinion—the law compels us to leave it to you—if in your opinion an answer might tend to either convict you of an offense, or furnish a circumstance, or a link in the chain of circumstances that might lead to your prosecution or conviction of some offense against the law, that then you have the personal right to refuse to answer on that ground alone. That is the only ground upon which you can refuse to answer a question to this commission. Do you understand it? That it is your personal privilege to interpose that in order that no advantage will be taken of you?

Mr. TAPE. I think I understand you.

Chairman WALSH. So that if you refuse to answer the question it will not do to simply say it is on the advice of counsel or that it is personal business. I have stated to you the only ground upon which you can refuse to answer a question before this commission, and you have to interpose that.

Mr. TAPE. Yes.

Mr. BUSIEK. You were asked the question whether or not you paid any of Mrs. Tape's bills at the various department stores. Will you answer that question now?

Mr. TAPE. I will decline to answer on the ground that it might tend to——

Mr. BUSIEK. Incriminate you?
Mr. TAPE. Incriminate me.
Mr. BUSIEK. Did you tell Inspector Bonham you won considerable money at gambling?
Mr. TAPE. I also refuse to answer that question.
Mr. BUSIEK. On what ground?
Mr. TAPE. On the ground it might tend to incriminate me. Is that the way?
Mr. BUSIEK. Yes.
Chairman WALSH. Did you win considerable money?
Mr. BUSIEK. Did you win considerable money?
Mr. TAPE. I also refuse to answer.
Chairman WALSH. On what ground?
Mr. TAPE. It might incriminate me.
Mr. BUSIEK. You worked with Inspector Taylor here for some time, did you not?
Mr. TAPE. I did, sir.
Mr. BUSIEK. For how long?
Mr. TAPE. I don't remember the dates. I think it was——
Mr. BUSIEK. How many weeks?
Chairman WALSH. Mr. Busiek, I wish you would get where he was born, the name of his father and mother, where he has lived, the various positions he has occupied, where he was educated, and the complete history of him down to this date.
Your name is Frank H. Tape?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Where were you born and when?
Mr. TAPE. Born in 1878; November 6; San Francisco, Cal.
Mr. BUSIEK. What is your father's business?
Mr. TAPE. My father is in the bonding business now.
Mr. BUSIEK. What business has he been in in the past?
Mr. TAPE. Prior to that he was in the teaming business.
Mr. BUSIEK. What is your father's name?
Mr. TAPE. Joseph Tape.
Mr. BUSIEK. And your mother's name?
Mr. TAPE. Mary.
Mr. BUSIEK. Are they Chinese?
Mr. TAPE. Both of them.
Chairman WALSH. Native Chinese?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. Where were you educated?
Mr. TAPE. In California.
Mr. BUSIEK. At the public school?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. How long did you attend?
Mr. TAPE. I only went through the grammar school.
Mr. BUSIEK. You went through grammar school?
Mr. TAPE. Yes.
Mr. BUSIEK. Did you graduate?
Mr. TAPE. No, sir.
Mr. BUSIEK. Ever go to high school?
Mr. TAPE. No, sir.
Mr. BUSIEK. Have you had any special education in any way?
Mr. TAPE. No, sir.
Mr. BUSIEK. In any academy?
Mr. TAPE. No, sir.
Mr. BUSIEK. What occupation have you had since you left school?
Mr. TAPE. I went to work for my father in the teaming business.
Mr. BUSIEK. At the time that you worked for your father did you ever get into trouble about some money being abstracted from a trunk that you were hauling to the docks for a Chinaman? Do you remember the instance I refer to?
Mr. TAPE. No, sir.
Chairman WALSH. Let me ask the witness a few questions. I just want to get his personal history.
What school did you go in, Mr. Tape?
Mr. TAPE. I went to the—I have forgotten, the first primary school.

Chairman WALSH. Public school?
Mr. TAPE. Public school in San Francisco.
Chairman WALSH. At what age did you leave school?
Mr. TAPE. What age?
Chairman WALSH. Yes.
Mr. TAPE. About 15 or 16 years old, I think I was.
Chairman WALSH. Where was the first place you worked?
Mr. TAPE. For my dad.
Chairman WALSH. And how long did you work for your dad?
Mr. TAPE. About five or six years.
Chairman WALSH. In what business?
Mr. TAPE. Teaming business.
Chairman WALSH. What part of the work did you do?
Mr. TAPE. I drove team.
Chairman WALSH. And after you left the service of your father where did you go?
Mr. TAPE. Worked for the railroad company.
Chairman WALSH. What railroad company?
Mr. TAPE. Southern Pacific.
Chairman WALSH. In what capacity?
Mr. TAPE. As guard and handling Chinese traveling under bond through the United States.
Chairman WALSH. How long did you work for the railroad company?
Mr. TAPE. I don't remember exactly, around two or three years.
Chairman WALSH. Where next did you work?
Mr. TAPE. Then I went to work for the Chinese concession in the St. Louis fair, and I worked there about six months, and then I entered the Government service, the Immigration Service.
Chairman WALSH. At what point?
Mr. TAPE. St. Louis.
Chairman WALSH. Did you take the civil-service examination?
Mr. TAPE. No, sir.
Chairman WALSH. At whose recommendation did you go into the Government service?
Mr. TAPE. James R. Dunn, inspector in charge in St. Louis.
Chairman WALSH. Had you known Mr. Dunn before?
Mr. TAPE. Yes, sir.
Chairman WALSH. Where?
Mr. TAPE. San Francisco.
Chairman WALSH. In San Francisco?
Mr. TAPE. Yes, sir.
Chairman WALSH. And who did you first work under in St. Louis?
Mr. TAPE. Mr. Dunn.
Chairman WALSH. How long did you work in St. Louis?
Mr. TAPE. Four—five—six—I think three or four years.
Chairman WALSH. And were you investigated at any time while you were there?
Mr. TAPE. I was, sir, after I left there.
Chairman WALSH. After you left there?
Mr. TAPE. Yes, sir.
Chairman WALSH. Who was the investigator?
Mr. TAPE. I don't know, sir. I have never been told.
Chairman WALSH. What was the result of the investigation?
Mr. TAPE. I have never been told, sir.
Chairman WALSH. What were you charged with?
Mr. TAPE. I don't know. I have never had—they never notified me of the charges.
Chairman WALSH. Where did you go from St. Louis?
Mr. TAPE. To Portland.
Chairman WALSH. What year did you go to Portland?
Mr. TAPE. I think it was 1907.
Chairman WALSH. You went into the service as an interpreter, didn't you?
Mr. TAPE. Yes, sir.
Chairman WALSH. Was it a new appointment or were you transferred from St. Louis?
Mr. TAPE. Transferred.

Chairman WALSH. At your own request or the request of some one else?

Mr. TAPE. No, sir; the department transferred all the Chinese interpreters all over the United States.

Chairman WALSH. How long did you stay in Portland?

Mr. TAPE. I think I went there in October or November, and I left there the next April or May, some time around there, I don't exactly remember.

Chairman WALSH. What were the circumstances of your leaving there; were you transferred or discharged, or did you resign?

Mr. TAPE. I went South working on special work—smuggling on the Mexican border.

Chairman WALSH. Who had you sent to the South to investigate smuggling on the Mexican border?

Mr. TAPE. The bureau.

Chairman WALSH. What particular individual recommended you, if you know?

Mr. TAPE. I don't know, sir.

Chairman WALSH. How long did you remain in the South investigating smuggling?

Mr. TAPE. I went down there—I don't remember—I think it was right after I left Portland, and I stayed there until somewhere around in the last of October or the first of November of that year.

Chairman WALSH. At what point or points?

Mr. TAPE. I worked in Los Angeles, San Diego, and on the border down there.

Chairman WALSH. Under whose immediate supervision did you work?

Mr. TAPE. Mr. Taylor's.

Chairman WALSH. Did you know Mr. Taylor before you came to Portland?

Mr. TAPE. No, sir.

Chairman WALSH. Where did you become acquainted with Mr. Taylor?

Mr. TAPE. The first time?

Chairman WALSH. Yes.

Mr. TAPE. In San Francisco when I was sent down there.

Chairman WALSH. When you were sent down there on this special work?

Mr. TAPE. Yes, sir.

Chairman WALSH. Who sent you down there?

Mr. TAPE. It was the bureau; I don't remember now just who it was.

Chairman WALSH. You don't remember the individual?

Mr. TAPE. No, sir; I don't.

Chairman WALSH. What is Mr. Taylor's full name?

Mr. TAPE. R. H.—Richard.

Chairman WALSH. Richard H. Taylor.

Mr. TAPE. Yes, sir; I don't know what the other is. I believe I was in San Francisco on a vacation when I got that detail. Now, I am not sure. I believe I was in San Francisco on a vacation when the bureau detailed me to work with Mr. Taylor.

Chairman WALSH. Did you meet Mr. Taylor before you went South?

Mr. TAPE. No, sir. The first time I met him was in San Francisco when I got that detail to go to work down there.

Chairman WALSH. Well, you met him before you went off on your detail?

Mr. TAPE. Yes, sir.

Chairman WALSH. To the South?

Mr. TAPE. Yes.

Chairman WALSH. What were the circumstances under which you met Mr. Taylor?

Mr. TAPE. I just met him in the immigration station offices there.

Chairman WALSH. Accidentally?

Mr. TAPE. No, sir; I went up there and inquired for him.

Chairman WALSH. You inquired for him?

Mr. TAPE. Yes, sir.

Chairman WALSH. Now, how long did you stay in the South?

Mr. TAPE. I don't remember the exact months; it was from the time I left Portland until——

Chairman WALSH. April to October?

Mr. TAPE. Around May or June until October, I think.

Chairman WALSH. What year was that?

Mr. TAPE. Nineteen——

Chairman WALSH. Six years ago?

Mr. TAPE. 1908, I think it was.

Chairman WALSH. 1908?
Mr. TAPE. Yes, sir.
Chairman WALSH. Now, when you came back from the South, where did you go?
Mr. TAPE. Came back to Seattle.
Chairman WALSH. Came back to Seattle?
Mr. TAPE. Yes.
Chairman WALSH. You were ordered here by whom?
Mr. TAPE. The department in Washington.
Chairman WALSH. Well, did Mr. Taylor order you here, then?
Mr. TAPE. No, sir.
Chairman WALSH. Have you been under the direct supervision of Mr. Taylor ever since?
Mr. TAPE. No, sir.
Chairman WALSH. How long did you continue this investigation as to smuggling Chinese?
Mr. TAPE. Just the time I was working with him down there.
Chairman WALSH. Now, when you came to Seattle, in what capacity did you come here?
Mr. TAPE. As a Chinese interpreter.
Chairman WALSH. As a Chinese interpreter?
Mr. TAPE. Yes, sir.
Chairman WALSH. You have been here ever since that time?
Mr. TAPE. I have, sir.
Chairman WALSH. As Chinese interpreter?
Mr. TAPE. Yes, sir.
Chairman WALSH. Have you had any financial transactions with Mr. Taylor?
Mr. TAPE. No, sir.
Chairman WALSH. Has he ever paid you any money?
Mr. TAPE. In what way?
Chairman WALSH. Any way, on account, whatsoever?
Mr. TAPE. I loaned him—we were in Jamaica in 1911, and I loaned him $100—I think it was $100; as I came away from Jamaica before he did and we didn't get our checks, and I loaned him $100 at that time, and he returned it to me after he came back here.
Chairman WALSH. When was that?
Mr. TAPE. 1911, in November or December we went to Jamaica and came back. I came back in February, 1912, and he returned the money when he came back, some time in March or April. That is the only time.
Chairman WALSH. Have you ever paid him any money?
Mr. TAPE. No, sir.
Chairman WALSH. Has he ever paid you any money on any account whatsoever?
Mr. TAPE. That was the only time he ever did.
Chairman WALSH. Is that the only financial transaction you ever had with Mr. Taylor?
Mr. TAPE. Yes.
Chairman WALSH. All right, Mr. Busiek.
Mr. BUSIEK. You worked with Mr. Taylor during the time that you were under charges, did you not, and up to the time of your suspension?
Mr. TAPE. Yes, sir.
Mr. BUSIEK. You were in pretty constant communication with him, were you not?
Mr. TAPE. I was.
Mr. BUSIEK. Did you receive a telegram from Mr. Taylor during that time?
Mr. TAPE. Mr. Taylor was here all the time.
Mr. BUSIEK. Did you ever get a wire from him from Buffalo or from Washington?
Mr. TAPE. An answer from one I sent him; yes, sir.
Mr. BUSIEK. What was the purport of that wire?
Mr. TAPE. I don't remember the exact words just now.
Mr. BUSIEK. Well, the substance of it, your wire to him and his to you?
Mr. TAPE. I wired him that they were investigating me, and what should I do.
Mr. BUSIEK. And what else?
Mr. TAPE. And he wired me back to demand a written statement of the charges, I believe it was.

Mr. BUSHEK. And what else?
Mr. TAPE. I don't remember what else was in it now.
Mr. BUSHEK. Did he tell you that he would stand by you?
Mr. TAPE. No, sir.
Mr. BUSHEK. Are you sure of that?
Mr. TAPE. I am. I didn't see anything in his telegram that said that.
Mr. BUSHEK. What other wire did you receive from him?
Mr. TAPE. I received no other wire from him.
Mr. BUSHEK. Did you receive a letter from him following that wire?
Mr. TAPE. Official letter; yes, sir.
Mr. BUSHEK. To what effect?
Mr. TAPE. Telling me what I should do and the work that I was detailed to do.
Mr. BUSHEK. Did he tell you that he would stand by you in this matter of the investigation?
Mr. TAPE. No, sir.
Mr. BUSHEK. How long were you working——
Chairman WALSH. Did he tell you in that telegram to stand pat? Did he use that expression? Be careful, now, and remember.
Mr. TAPE. I don't remember. I am not a great one at using slang.
Chairman WALSH. How is that?
Mr. TAPE. I don't remember if he said that or not.
Chairman WALSH. Have you that telegram still in your possession?
Mr. TAPE. I may have. I don't know if I have or not.
Chairman WALSH. When was it received?
Mr. TAPE. Some time in May or June.
Chairman WALSH. Did you receive that reply on the same day that you wired him?
Mr. TAPE. No; I don't remember that.
Chairman WALSH. You wired him at Buffalo, or Washington, or where?
Mr. TAPE. I don't remember if I wired him at Buffalo or Washington.
Chairman WALSH. Where did you get his wire from?
Mr. TAPE. From Buffalo.
Chairman WALSH. From Buffalo?
Mr. TAPE. Yes, sir.
Chariman WALSH. How did you know where he was?
Mr. TAPE. Mr. Taylor and I are personal friends, and we always—we corresponded every once in a while.
Chairman WALSH. You have personal correspondence outside of your official correspondence?
Mr. TAPE. Only a few letters a year sometimes.
Chairman WALSH. Has Mr. Taylor ever visited you in your home here?
Mr. TAPE. He has a few times.
Chairman WALSH. With anyone else present?
Mr. TAPE. Mrs. Taylor.
Chairman WALSH. How many times has he visited you here?
Mr. TAPE. On this last trip?
Chairman WALSH. Yes.
Mr. TAPE. Maybe about three times.
Chairman WALSH. Well, prior to this last trip how many times did he visit you at your home here?
Mr. TAPE. Once.
Chairman WALSH. Was Mrs. Taylor with him on all those occasions?
Mr. TAPE. Yes, sir.
Chairman WALSH. Has he ever been at your home when Mrs. Taylor was not with him?
Mr. TAPE. No, sir.
Chairman WALSH. When did he first visit your home?
Mr. TAPE. When he came here last year.
Chairman WALSH. 1913?
Mr. TAPE. Yes, sir.
Chairman WALSH. Did he ever visit you in your home at Portland?
Mr. TAPE. No, sir.
Chairman WALSH. When was the occasion of these last three visits to your home?
Mr. TAPE. When were they?
Chairman WALSH. Yes, sir.

Mr. TAPE. I don't remember the dates.
Chairman WALSH. Approximately when were the dates?
Mr. TAPE. I could not tell you.
Chairman WALSH. Were they this year?
Mr. TAPE. Oh, yes; this year, during the month of July.
Mr. BUSIEK. All three visits during that month?
Mr. TAPE. Well, he got here on the 28th or 29th, I think it was, when he arrived here.
Mr. BUSIEK. Of July?
Mr. TAPE. Of June, I think it was.
Mr. BUSIEK. He has been out at your house since these charges were filed against you, has he not?
Mr. TAPE. I haven't seen any charges filed against me at all.
Mr. BUSIEK. Or since you have been under investigation?
Mr. TAPE. No, sir; he hasn't been to my house.
Mr. BUSIEK. How long was it you were under investigation?
Mr. TAPE. I was suspended the 30th of July. I received it the 31st of July.
Chairman WALSH. Were all these visits of Taylor and his wife prior to the time you were suspended?
Mr. TAPE. Yes, sir.
Chairman WALSH. How far were they apart?
Mr. TAPE. Oh, maybe a week.
Chairman WALSH. Was Mr. Taylor there in the nighttime or daytime?
Mr. TAPE. I think he visited us in the evening three different times.
Chairman WALSH. How long did he stay on each occasion?
Mr. TAPE. Two or three hours.
Chairman WALSH. Was there any person else present besides Mr. Taylor and his wife?
Mr. TAPE. Mrs. Tape and myself.
Chairman WALSH. No one else except you four?
Mr. TAPE. No, sir.
Mr. BUSIEK. Do you visit back and forth with Inspector Monroe?
Mr. TAPE. At his home, you mean?
Mr. BUSIEK. Have Inspector Monroe and Mrs. Monroe ever been at your house?
Mr. TAPE. They have.
Mr. BUSIEK. When was the last time?
Mr. TAPE. Over a year ago.
Mr. BUSIEK. When was the last time you were together as a party?
Mr. TAPE. Some time in May.
Chairman WALSH. Now, you say the last time you were there was over a year ago?
Mr. TAPE. At Mr. Monroe's house.
Chairman WALSH. When was the last time he was at your house?
Mr. TAPE. Over a year ago.
Chairman WALSH. How many times has he been at your house altogether?
Mr. TAPE. I don't think he has visited us over four or five times.
Chairman WALSH. Covering what period of time?
Mr. TAPE. Ever since I have been in Seattle. We have been out riding together.
Chairman WALSH. Who all?
Mr. TAPE. Mr. and Mrs. Monroe and Mr. and Mrs. Tape.
Chairman WALSH. How frequently?
Mr. TAPE. Oh, maybe three or four times a year.
Chairman WALSH. Covering how many years?
Mr. TAPE. Since I have had the automobile, the last three years.
Chairman WALSH. The last three years?
Mr. TAPE. Yes, sir.
Chairman WALSH. I take it from your mentioning Mrs. Tape that you are a married man?
Mr. TAPE. Yes, sir.
Chairman WALSH. Had you ever been married before?
Mr. TAPE. No, sir.
Chairman WALSH. How recently have you been married?
Mr. TAPE. I decline to answer.
Chairman WALSH. On what grounds?
Mr. TAPE. On the ground it might incriminate me.

Chairman WALSH. I will ask you the direct question of whether or not Mrs. Tape ever went out riding with you prior to your marriage?

Mr. TAPE. I refuse to answer.

Chairman WALSH. On what grounds?

Mr. TAPE. The same ground, it might incriminate me.

Chairman WALSH. Where were you married?

Mr. TAPE. I refuse to answer that question, but I will say I was married and have documentary evidence.

Chairman WALSH. I asked you where you were married.

Mr. TAPE. I also refuse to answer that question.

Chairman WALSH. On what grounds?

Mr. TAPE. Might incriminate me.

Chairman WALSH. Have you a certificate of marriage?

Mr. TAPE. I have.

Chairman WALSH. Where is it?

Mr. TAPE. In my possession.

Chairman WALSH. In your pocket?

Mr. TAPE. No, sir.

Chairman WALSH. Where is it, then—what place?

Mr. TAPE. I have it at home.

Mr. BUSIEK. Will you present that to the commission?

Mr. TAPE. Not without the advice of——

Mr. BUSIEK. And exhibit it to the commission?

Mr. TAPE. Not without the advice of my lawyer.

Mr. BUSIEK. Is that the only ground you have?

Chairman WALSH. Have you any other ground for your refusal to present your marriage certificate to the commission except you want the advice of counsel?

Mr. TAPE. No, sir.

Chairman WALSH. Very good. Then let the record show that.

Mr. TAPE. I said a few minutes ago, though, it might incriminate me later on.

Chairman WALSH. You refuse to do it on the advice of counsel, and on the further ground it might tend to incriminate you?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you ever live with a woman by the name of Pearl in Portland?

Mr. TAPE. I refuse to answer that question.

Mr. BUSIEK. On what ground?

Mr. TAPE. Upon the same ground; it might tend to incriminate me.

Chairman WALSH. Does Mr. Taylor know a woman with whom you lived in Portland, whose first name was Pearl?

Mr. TAPE. No, sir; I never knew Mr. Taylor when I lived at Portland.

Mr. BUSIEK. Did you ever live at the Hotel Calhoun here?

Mr. TAPE. I did.

Mr. BUSIEK. Did Mrs. Sutherland live at the Hotel Calhoun at the same time you did?

Mr. TAPE. I refuse to answer that also.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. It might tend to incriminate me later on.

Mr. BUSIEK. How much rent did you pay at the Hotel Calhoun?

Mr. TAPE. I refuse to answer that question.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. It might tend to incriminate me later on.

Mr. BUSIEK. Getting back to Taylor, how many arrests did you make while you were with him this last time?

Mr. TAPE. None at all.

Mr. BUSIEK. How many weeks did you put in on that work?

Mr. TAPE. About six weeks.

Mr. BUSIEK. You had a motor boat?

Mr. TAPE. Under his orders.

Mr. BUSIEK. And you had another inspector helping you?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And you didn't catch a single smuggler?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you get any opium?

Chairman WALSH. I wouldn't ask him about that.
Mr. BUSIEK. That is all the questions I want to ask.
Chairman WALSH. Now, Mr. Tape, you will be excused until to-morrow morning at 10 o'clock to appear here without further notice, remembering you are under the same subpœna. You will be excused until 10 o'clock to-morrow morning.
Mr. TAPE. All right.
Chairman WALSH. Call your next.
Mr BUSIEK. Mr. de Bruler.

TESTIMONY OF MR. ELLIS DE BRULER.

Chairman WALSH. Will you please be sworn? Do you solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?
Mr. DE BRULER. I do.
Mr. BUSIEK. Please state your full name.
Mr. DE BRULER. Ellis de Bruler.
Mr. BUSIEK. You are now a practicing lawyer in Seattle?
Mr. DE BRULER. Yes, sir.
Mr. BUSIEK. What was your occupation prior to that time?
Mr. DE BRULER. From September 1, 1900, to November 16, 1913, I was commissioner of immigration at the port of Seattle.
Mr. BUSIEK. And at that time you had under you as Chinese interpreter Frank Tape?
Mr. DE BRULER. Yes, sir.
Mr. BUSIEK. Mr. de Bruler, to get right at the matter, Mr. Frank Tape has been under a cloud here in Seattle, and the commission would like to know what you know about his activities?
Mr. DE BRULER. Now, you mean for me to tell that in my own way, I suppose?
Mr. BUSIEK. Yes, sir.
Mr. DE BRULER. When I went into the service I found that Mr. Tape as interpreter was not very well liked by the officers. It was suspected that he was the confidential agent of the Commissioner General at that time, Commissioner General Keefe, and he was not popular. Later he bought an automobile, and it was a matter of conjecture as to where he got the money to buy the automobile. He told me that he got the automobile through his father. Different ones told me at different times that his father was a wealthy man, and that he later married a woman that had some money, some income. At different times different inspectors would mention the fact to me that they suspected, or conjectured, that he was getting money other than from his salary, and whether or not his father was furnishing him money or whether or not he was getting it through his wife, or how he was getting it, was a matter of conjecture from time to time. At no time, however, was there anything like proof established or sufficient evidence to base any action upon, consequently no action against Tape was ever taken while I was commissioner.
Chairman WALSH. Did you ever inquire of him personally as to these rumors and as to the sources of his income?
Mr. DE BRULER. Nothing further than to inquire of the inspectors from time to time what they knew about him, and I told them at different times when they spoke to me about it, that if they could find anything leading or pointing to where we could discover he was getting anything illegal, to let me know and we would investigate it carefully.
Chairman WALSH. Did you ever talk with Mr. Taylor about it?
Mr. DE BRULER. I never did; any further than I would recall he told me in a general way about his father giving him the automobile.
Chairman WALSH. I didn't catch that.
Mr. DE BRULER. Nothing further than he told me his father gave him the automobile, and I inquired as to his father's income or wealth, and they said he had a wealthy father.
Chairman WALSH. Did you ever inquire of Mr. Taylor? Ever talk to Mr. Taylor about this subject?

Mr. DE BRULER. No, sir. Mr. Taylor came out here just as I was going out of the service.

Chairman WALSH. And you never had any conversation with him about Tape?

Mr. DE BRULER. I think Mr. Taylor asked me how Tape's work was, and I said his work, as far as his work was concerned with me, was very good. Tape is a good interpreter and a good detective, as far as that is concerned. As an officer he makes a good officer, I mean a good interpreter. His general work was all right, no complaint.

Mr. BUSIEK. Did you ever have any complaints about him misinterpreting cases?

Mr. DE BRULER. Not directly. Mr. Monroe, who handled the Chinese work and who reports to me those things directly, spoke to me, I should say, in three or four different cases where I think attorneys complained that Tape had misconstrued—misinterpreted the statements made by Chinamen, but in those particular cases they were cases where his interpretation was in favor of the Government and against the Chinamen.

Chairman WALSH. Were you aware of the personal intimacy between Tape and Mr. Monroe?

Mr. DE BRULER. Yes, sir; I knew Mr. Tape and Mr. Monroe were together as officials every day, because Mr. Monroe used Mr. Tape as interpreter.

Chairman WALSH. Did you know that they visited back and forth at each other's residence and were out riding together, and there was social intimacy between them?

Mr. DE BRULER. That was reported to me only.

Chairman WALSH. Did you make any inquiry as to that?

Mr. DE BRULER. I made no investigation of it.

Chairman WALSH. Did you know whether Tape was a married or a single man?

Mr. DE BRULER. I only knew he was reported as a married man.

Mr. BUSIEK. Did you ever hear reports that he was living in adultery with a woman, or had at Portland?

Mr. DE BRULER. No, sir; I don't recall I ever heard that until I went out of office.

Mr. BUSIEK. Didn't Inspector White tell you he lived at a hotel here in Seattle at the same place Tape and Mrs. Sutherland were, and that Tape was living with Mrs. Sutherland in adultery?

Mr. DE BRULER. Mr. White never told me anything of the kind that I have the slightest recollection of.

Mr. BUSIEK. Didn't you discourage officers under you in coming to you and giving expressions to their suspicions about other employees in the service? Didn't you forbid them to discuss any other member of the service with each other?

Mr. DE BRULER. I don't know that I understand you—that question.

Chairman WALSH. Let me ask the question. Did you issue any instructions to the officers under you as to discussing any shortcoming or alleged offense within their knowledge?

Mr. DE BRULER. I issued instructions at one time that officials knowing or learning of anything against each other should either report it to some one in charge or otherwise not discuss it, so that there would be no mere tattling, but I always told the officers they were free to come to me and discuss any matter that they might see fit.

Mr. BUSIEK. Were those instructions in writing?

Mr. DE BRULER. Yes, sir.

Mr. BUSIEK. I will hand you this and ask you if that is a copy of the order, with the underscoring and all.

Mr. DE BRULER. Yes, sir; that is correct. I recall that that is correct. I will explain how that came about. I found there was more or less trouble arose between officers by mere whispering, talking about each other without it being a matter of sufficient importance to report. It should be reported to some officer in charge, that it might be brought to my attention. This was simply to prevent tattling and the trouble that so often arises among officers; that was all.

(The paper so presented reads as follows:)

No. 3201. DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE, OFFICE OF COMMISSIONER,
Seattle, Wash., February 7, 1911.

To all officers:

Should any official misconduct on the part of any officer in this service and this district be brought to the attention of any other officer, the misconduct should be reported to the officer in charge but should not be communicated to any other officer or person. In no instance should one officer call the attention of another officer to any unfavorable allegation or remark made concerning him by any other officer of this service. This is tattling and is highly detrimental to the service.

Any misconduct on the part of any officer is either grave enough to be brought to the attention of the officer in charge or too insignificant to mention.

Should any officer feel aggrieved at anything said of him he should discuss it *only* with the officer in charge.

An officer who violates either the letter or spirit of this circular will be reported to the bureau with appropriate recommendation.

Respectfully,

(Signed) ELLIS DE BRULER,
Commissioner.

EDeB-S.

To _____

Chairman WALSH. Had there been any discussion at or prior to the time of the writing of this letter as to the domestic or professional relations of Frank Tape?

Mr. DE BRULER. That circular had nothing to do whatever with any discussion in regard to Frank Tape.

Chairman WALSH. I am asking you whether or not it is a fact that prior to the time of the writing of this letter there had been any discussion in regard to the domestic or official relations of Frank Tape?

Mr. DE BRULER. I wouldn't like to say. I can't remember that now. There was so many things took place I can't remember, and I wouldn't want to testify to a matter unless I remember about it.

Chairman WALSH. Do you recall a discussing—or whispering, as you call it—in regard to any particular officer or upon any particular subject at or immediately prior to the writing of that letter?

Mr. DE BRULER. No; I don't recall anything in particular.

Chairman WALSH. All right. Go ahead.

Mr. BUSBEY. Mr. de Bruler, early in the year 1911, in January—January, 1911—there were nine Chinese certificates lost from your office, and that matter was reported to you at that time by Inspector Stewart, was it not?

Mr. DE BRULER. Inspector Monroe, as I recall it.

Mr. BUSBEY. And the records show that no notice was sent of this—of the disappearance of these certificates—to Washington until the following February, or February the year after. Do you remember that circumstance?

Mr. DE BRULER. I remember the circumstances distinctly of them being lost, and I remember of ordering Inspector Monroe to make a very careful investigation of this and try to get those certificates back, and I remember a number of them were returned—the number of them I don't remember. I do not remember the date of the discovery of their loss, nor do I remember how long after the discovery before they were reported. My report to the bureau, I presume, indicates and states about when they were presumed to be lost, but I could not say as to the dates now. I wouldn't want to try to because I might not be correct.

Mr. BUSBEY. Granting that the record shows that the loss was reported in January, 1911, and that no report was made to Washington until February, 1912, could you give any reason for the delay in writing to Washington?

Mr. DE BRULER. There was no reason excepting that in every case that arose I always tried to make a careful investigation and make a full report if I could, before I made any report at all.

Mr. BUSICK. Wouldn't it have been a good idea to have put the officers all on their guard to watch out for those numbered certificates? Wouldn't that have been the right thing to do under the circumstances?

Chairman WALSH. He says he don't recall.

Mr. DE BRULER. Now, I don't recall. I don't——

Chairman WALSH. One moment. I will make it short, if you will allow me to:

If such an interval did elapse, assuming that such an interval did elapse between the loss of that papers and the report, have you any reason now to give therefor?

Mr. DE BRULER. I don't remember now what it was, why it was not reported sooner. I can't recall.

Chairman WALSH. These were returned by Frank Tape, were they not?

Mr. DE BRULER. They were.

Chairman WALSH. In company with Inspector Monroe?

Mr. DE BRULER. Yes, sir; they were.

Chairman WALSH. Did he tell you who he got them from?

Mr. DE BRULER. No, sir; excepting that he recovered them from some Chinaman, and I remember in that case—let me make a detailed statement of that right here now. I tried to get Tape to give me the name of the Chinaman through whom he was getting his information as to where the certificates were and what he knew about them. He said that before he could get any information himself he had to state to the Chinaman, through whom he got his information, that he would not divulge his name under any circumstances, and for that reason the Chinaman would not come and present himself to me. I asked him at different times, if possible to get this Chinaman to come to me, that I wanted to talk with him, but he said he had first promised the Chinaman he wouldn't do it, and before I made the final report to Washington or reported to Washington, Frank Tape was called off by the bureau to join Dick Taylor in investigating smuggling in Porto Rico, I think, and when Tape returned I again asked him if it would not be possible for me to get to the Chinaman, and he then said the Chinaman, during the time of his absence, had gone to China.

Chairman WALSH. Did you ask Tape whether he stole the papers himself or not?

Mr. DE BRULER. No, sir; I didn't ask him whether he stole them himself or not.

Chairman WALSH. Did you have any suspicion he might have been the culprit or in league with them under those circumstances?

Mr. DE BRULER. It was a mere speculation as to who took them. Only certain officers had access to the vault.

Chairman WALSH. Who were they?

Mr. DE BRULER. And these I forgot.

Chairman WALSH. Did Monroe have access to the vault?

Mr. DE BRULER. I think he did.

Chairman WALSH. And Monroe and Tape went together to hunt for the papers?

Mr. DE BRULER. Yes, sir.

Chairman WALSH. And Tape came back with the papers?

Mr. DE BRULER. Tape came back—not all at once, these papers were returned at different times.

Chairman WALSH. He brought some back with Monroe?

Mr. DE BRULER. At one time they went to Portland and brought some back.

Chairman WALSH. Did you ever report to the district attorney or attempt to set on foot a prosecution?

Mr. DE BRULER. No, sir; I reported to the bureau. I always report all facts to the bureau.

Chairman WALSH. Did you report that Tape had recovered part of them and refused to divulge the name of the man from whom he obtained them?

Mr. DE BRULER. I don't remember what my report to the bureau contained; that would speak for itself.

Mr. BUSICK. Do you remember the instance of some 95 students being admitted to Adelphia College here in the year 1910?

Mr. DE BRULER. I do.

Mr. BUSICK. And it is true, is it not, that all these 95 students deserted Adelphia College and scattered around here in Seattle and around in the country, is it not?

Mr. DE BRULER. The 20 students, as I recall it, were at Adelphia College but a few months, and upon trying to get track of them, I was unable to do so.

Mr. BURNETT. How much of an investigation did you make of that case, or how thorough? Did you find out who brought them over?

Mr. DE BRULER. Yes, sir; it was a Mr. Stevens brought them over.

Mr. BURNETT. Mr. Stevens was the sponsor, was he not?

Mr. DE BRULER. As I recall it; yes, sir.

Mr. BURNETT. What was Stevens's explantion?

Mr. DE BRULER. That whole matter has been reported to the bureau some five or six times, and my reports are on file, and I would prefer to refer to that, because I might forget. It has been so long ago that I might make misstatements. My reports are on file.

Chairman WALSH. In those reports you undertake to give all the facts within your knowledge?

Mr. DE BRULER. All the facts within my knowledge.

Chairman WALSH. Did Tape have anything to do with the investigation?

Mr. DE BRULER. I don't remember at this time. I do remember that Tape was rather opposed to the admission of these Chinamen in a general way, I don't remember what way.

Chairman WALSH. Did Monroe have anything to do with the investigation?

Mr. DE BRULER. Oh, yes; Monroe and Tape, as I recall it, handled the case.

Chairman WALSH. They handled the whole matter?

Mr. DE BRULER. Those Chinamen were not let in until it was reported to the bureau at Washington, or in fact before they were approved by the bureau at Washington, then they were let in.

Chairman WALSH. Then, after the scattering of the Chinamen, what was done?

Mr. DE BRULER. I asked for a report from time to time as to where they were, but I was unable to find them.

Chairman WALSH. Who was the one who made that report—Mr. Monroe?

Mr. DE BRULER. Mr. Monroe was the one that was to get that report; I am not positive about it.

Chairman WALSH. And Tape?

Mr. DE BRULER. I don't remember whether Tape was detailed on that; I have no recollection of that.

Mr. BURNETT. Did you ever make an investigation as to Stevens, as to his financial means before and after these students came in?

Mr. DE BRULER. As I said before, yes; and all the investigation I made was at the request of the bureau and reported to the bureau.

Mr. BURNETT. Did you ever take this matter up with the district attorney?

Mr. DE BRULER. Not that I recall of, at least, I never did.

Chairman WALSH. Was it your custom to report known violations of the law to the Federal officers in the district?

Mr. DE BRULER. My custom was to report everything to the bureau.

Chairman WALSH. Not report direct in any instance?

Mr. DE BRULER. I may have reported direct in some instances to the district attorney, but I don't recall it now. My general practice was to report all facts to the bureau, and let any action be taken from there.

Mr. BURNETT. Do you remember the case of some students coming through Seattle destined to Ashburnham, Mass., to Cushing Academy, some 24 students, and some correspondence which your office subsequently had with the Boston office in regard to that?

Mr. DE BRULER. There were several bands of students came through; I don't remember that particular band of students now.

Mr. BURNETT. Did you ever know some Chinese by the name of May J. Bing and Sarah H. Bing, his wife, running an old medical company in Seattle, and did you ever call on them and inquire of them as to a bunch of students which they took over to Ashburnham, Mass.?

Mr. DE BRULER. I don't recall, really. About when was that?

Mr. BURNETT. 1911.

Mr. DE BRULER. They came through Seattle?

Mr. BURNETT. Yes, sir.

Mr. DE BRULER. There were several bands came through.

Mr. BURNETT. These students, Mr. de Bruler, entered here in the summer of 1911—in the fall of 1911—and got to Ashburnham, Mass., in November, 1911, and there were 20 of them, and they escaped within three weeks, and the Boston office then took up a search for these students, and the Boston officers

tell us they had some correspondence with your office in regard to Moy J. Hing and Sarah E. Hing, his wife, this Mrs. Moy J. Hing having represented herself as a Y. W. C. A. and W. C. T. U. worker and teacher in China.

Mr. DE BRULER. I have a general recollection of that, but I don't remember particularly.

Mr. BUSHEK. Mr. McCabe succeeded in locating Moy J. Hing and Sarah E. Hing, his wife, in Seattle, and our information is he requested you to take appropriate steps to bring Moy J. Hing and his wife to answer for bringing these students in and furnished you with such evidence as he had. Do you remember ever taking any active steps?

Mr. DE BRULER. Our records will show just what I did. I don't know just what I did.

Chairman WALSH. You have recollection of the details of the Moy J. Hing matter?

Mr. DE BRULER. No, sir; I do not. Our records would show what I did, and that is all I know.

Chairman WALSH. Are you personally acquainted with Moy J. Hing?

Mr. DE BRULER. No, sir.

Chairman WALSH. Are you personally acquainted with Mrs. Hing?

Mr. DE BRULER. I may have met them, but I have no recollection of it. I wouldn't say I haven't met them or talked with them, but I don't now recall it.

Mr. BUSHEK. What is your personal opinion of Frank Tape, as to his honesty and fitness for the service?

Mr. DE BRULER. I don't know just—I scarcely know how to answer that. As an interpreter he is an able interpreter; as a detective he is a good detective; as to whether or not he is dishonest, I am going to give him the benefit of the doubt until he is proved otherwise.

Chairman WALSH. What was the general reputation of Frank Tape in the service—when were these charges brought?

Mr. BUSHEK. July, this year.

Chairman WALSH. What was the general reputation of Frank Tape in the service prior to July, 1914, as to honesty and morality?

Mr. DE BRULER. As I have said several times several of the inspectors at times questioned his honesty.

Chairman WALSH. You know what general reputation is?

Mr. DE BRULER. Yes, sir.

Chairman WALSH. It is what people generally think of a man and say of him.

Mr. DE BRULER. The general reputation; his general reputation among the inspectors as a rule was not very good.

Chairman WALSH. That is all.

Mr. BUSHEK. Did you ever give orders that he be checked up by having the other interpreter follow him in interpretations unknown to Tape?

Mr. DE BRULER. In, I think, two or three cases we did that.

Mr. BUSHEK. Didn't you find discrepancies in every instance where you sent the other interpreter?

Mr. DE BRULER. I don't recall that we did. It wasn't reported to me, if so.

Mr. BUSHEK. Didn't you tell Assistant Commissioner Sargent just before you severed your connection with the service that you didn't have any confidence with Tape, and that if any trouble arose during the new regime that Tape would cause it?

Mr. DE BRULER. I talked the matter of Tape over with Mr. Sargent at different times, and we discussed the fact that he was more or less under suspicion, but always deferred doing anything because we were not able to get any evidence against him.

Mr. BUSHEK. Well, did you ever try to get any evidence against him, did you ever try to substantiate a single charge that you heard against Frank Tape?

Mr. DE BRULER. I told every inspector, sir, and talked to him on the subject, that I wished, if possible, he would bring me something to act upon against Tape, that there was talk from time to time, but I never could get anything on which to base any action or make any report. I want it distinctly understood that the inspectors were free to talk to me about Tape, and I would have been only too glad for them to have gotten any evidence any time if they could have produced it.

Chairman WALSH. Did Tape ever offer you a present large or small?

Mr. DE BRULER. Tape never did, and I want the commission here to distinctly understand that I didn't accept presents from anybody while I was in the service.

Chairman WALSH. Large or small?
Mr. DE BRULER. Large or small, from anybody.
Mr. BUSICK. That is all.
Chairman WALSH. That is all.
Mr. DE BRULER. If my honesty is under question here I want to know it.
Chairman WALSH. Your honesty is not under investigation at all.
Mr. DE BRULER. I probably have made some mistakes. I am human, and presume that I did. But I always acted with what I regarded as the best under all circumstances. And I have no apology to make to any living man as to my conduct during the time I was in the Immigration Service.
Mr. BUSICK. Thank you. Inspector Monroe. Just be seated, Mr. Monroe. First, be sworn.
Mr. BUSICK. Inspector Monroe. Just be seated, Mr. Monroe. First, be sworn.
Chairman WALSH. Be sworn first. You do solemnly swear that the testimony which you are about to give at the hearing now ending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?
Mr. MONROE. I do.

TESTIMONY OF MR. HENRY A. MONROE.

Mr. BUSICK. Please state your name in full, Mr. Monroe.
Mr. MONROE. Henry A. Monroe.
Mr. BUSICK. And your business?
Mr. MONROE. I am an inspector in the Immigration Sevice.
Mr. BUSICK. How long have you been in the Immigration Service?
Mr. MONROE. Ten years or more.
Mr. BUSICK. Where were you born, Mr. Monroe?
Mr. MONROE. Born in Canada.
Mr. BUSICK. How long ago?
Mr. MONROE. Fifty years ago.
Mr. BUSICK. How long have you lived in this country?
Mr. MONROE. Thirty-two or three years.
Mr. BUSICK. What occupations have you followed?
Mr. MONROE. I have only been in the Government service.
Mr. BUSICK. And you have been in the Government service how many years?
Mr. MONROE. Since I was 21 years of age.
Mr. BUSICK. And in what departments?
Mr. MONROE. In the Post Office Department in St. Paul, Minn., and between 10 and 11 years in the Immigration Department out here.
Mr. BUSICK. And how long——
Chairman WALSH. At Seattle all the time?
Mr. BUSICK. How long have you been in Seattle?
Mr. MONROE. Seven years.
Mr. BUSICK. Where were you before you came to Seattle?
Mr. MONROE. Port Townsend, Wash.
Mr. BUSICK. And did you serve in any other offices?
Mr. MONROE. I served for a short time at Anacortes up near Port Townsend.
Mr. BUSICK. You are in charge of the Chinese work here at this port, are you not?
Mr. MONROE. Yes, sir.
Mr. BUSICK. How long have you been in charge of the Chinese work?
Mr. MONROE. About eight years.
Mr. BUSICK. And how long has Frank Tape been interpreter here?
Mr. MONROE. Between five and six years.
Mr. BUSICK. Have you another interpreter here?
Mr. MONROE. Yes.
Mr. BUSICK. But Frank Tape is the chief interpreter, is that it?
Mr. MONROE. No; the interpreters are of equal standing; equal salary.
Mr. BUSICK. Whom do you use more?
Mr. MONROE. Beg your pardon?
Mr. BUSICK. Whom do you use the most?
Mr. MONROE. They are used about equally, or have been, I mean.
Mr. BUSICK. Mr. Monroe, are you familiar with the case of the 98 students that were admitted to Adelphia Academy in 1910?
Mr. MONROE. I am.

Mr. BUSHEE. These students, how long were they detained before they——

Chairman WALSH. Let us have a brief history of that entire transaction first in Mr. Monroe's own language, please, from beginning to end, as briefly as you can tell it.

Mr. MONROE. I do not know where to start.

Chairman WALSH. Well, the starting place would be when your attention was first called to the desire of any person to locate such students.

Mr. MONROE. Oh, yes; I get it now.

Chairman WALSH. The very first of the transaction.

Mr. MONROE. Before leaving for China with the idea, apparently, of bringing in a few students or assisting some local Chinese in having their friends brought here as students, Mr. Stevens, a lawyer of this city, called at our office.

Chairman WALSH. What is his first name?

Mr. BUSHEE. Claude E.

Mr. MONROE. Claude E. that is right; Claude E. Stevens. He got a copy of the law and made some inquiries on the subject. He did not go into it very extensively and did not reveal the fact at that time that he intended to bring in a number of students. He was going over there on a trip and stated that there were a few friends in Seattle who had retained him to look after some boys on the way back. Three or four months later——

Chairman WALSH. With whom did he have this conversation, Mr. Monroe?

Mr. MONROE. Myself.

Chairman WALSH. I wish you would state in substance the entire conversation.

Mr. MONROE. I have very nearly told you all he said.

Chairman WALSH. Very good. Very well.

Mr. MONROE. It was a small affair.

Chairman WALSH. That is all you recall?

Mr. MONROE. Yes; some time—some four months later I learned of his having arrived at the port of San Francisco with 44 students for Adelphia College.

Chairman WALSH. Where is Adelphia College?

Mr. MONROE. It is a college here in Seattle situated on the boulevard out near the university district.

Chairman WALSH. Give us a brief description of it. Is it a nonsectarian school?

Mr. MONROE. I think it is connected with the Lutheran Church organization, but I am not sure.

Chairman WALSH. Describe how large a college it is, if you know.

Mr. MONROE. I have only driven past the buildings. There are two large brick buildings.

Chairman WALSH. About how many students?

Mr. MONROE. I have no idea.

Chairman WALSH. Had there been any Chinese there to your knowledge prior to that time?

Mr. MONROE. Some five or six, I understand.

Chairman WALSH. Proceed.

Mr. MONROE. It was two students out of this college that went back with Mr. Stevens and acted as his secretaries and interpreters on the trip. Their names were Paul M. Lewis and Mark Ging. These boys are still in Seattle. I know nothing of the San Francisco 44, except that they were finally landed under bond and that subsequently the bond was canceled and they were landed outright. They came to Seattle and started to attend this college. Some weeks or a month later, about 62 students arrived at this port, the balance of the party. We held them up and submitted the matter to Washington.

Chairman WALSH. Just describe what you did in holding them up.

Mr. MONROE. We examined them.

Chairman WALSH. Who?

Mr. MONROE. Myself and Mr. Marqua and Mr. Stewart, the other inspectors around the office.

Chairman WALSH. What interpreters?

Mr. MONROE. We probably used both interpreters.

Chairman WALSH. Do you recall?

Mr. MONROE. I don't know. The records in our office would show.

Chairman WALSH. Go ahead.

Mr. MONSON. The matter was submitted by me to the commissioner, Mr. de Bruler, and we decided to hold them up, as we thought the movement had a commercial feature to it, and it was submitted to Washington.

The department at Washington directed that we land them under bond if bonds were tendered. Mr. Stevens and the parties interested in the movement objected to giving bond, and after some delay the department directed us to land them outright. And they were so landed. Those boys all went to Adelphia College.

Chairman WALSH. When you made the investigation did you hold them all under the department at Washington? Did you make investigation and make any report to Washington upon which this action was founded?

Mr. MONSON. I don't recall, but I think our report went to Washington prior to the arrival of the students.

Chairman WALSH. And after the arrival of the students, after you concluded they should be held up prior to the time that the order was made from Washington, did you conduct an investigation?

Mr. MONSON. We conducted investigations ourselves—that is, we had Prof. Schmidt, of the college, and Mr. Ericsson, of the board of directors, or whatever his title might be, before our office.

Chairman WALSH. Any other that you recall?

Mr. MONSON. Mr. Stevens.

Chairman WALSH. Did you examine the Chinamen themselves?

Mr. MONSON. The Chinamen were all questioned.

Chairman WALSH. All questioned?

Mr. MONSON. Yes.

Chairman WALSH. And was all of that investigation put in a report and sent to Washington?

Mr. MONSON. No. When Mr. de Bruler's night message which he sent, it set forth that the college was a reputable institution, and as I recall it was in a position to carry out any agreement that they might enter into with those students.

Chairman WALSH. Did you find anything in your investigation; anything that might tend to show that those men were not—the boys were not bona fide students?

Mr. MONSON. We only had our suspicion, and it was because of that suspicion that we submitted it to Washington.

Chairman WALSH. When you discovered from your examination of the students and of the officers of that college and of Mr. Stevens—that tended to prove that they were intended to be used as laborers in this country?

Mr. MONSON. No.

Chairman WALSH. What sort of report did you make to Washington, if you know?

Mr. MONSON. Eventually, you mean?

Chairman WALSH. Any time before they were finally——

Mr. MONSON. We made no report before final action was taken other than a telegram which was sent. I might explain here any Chinese desiring to come to this country as a student must first secure a certificate from the proper Chinese official in China. They then take the certificate to the American consul's office, where there is an officer who will make the investigation, and when a student comes forward with his section 6 paper it will be visaed by our consul or officer over there, and we are required to admit them on identification unless there is something showing that fraud was perpetrated on the consul's office over there.

Mr. BUSBEY. When did you first hear, or how soon after they entered Adelphia College did you first hear of desertions from Adelphia?

Mr. MONSON. Oh, a month, probably, afterwards.

Mr. BUSBEY. And did that tend to confirm the suspicion that you had had originally that these were smuggled laborers?

Mr. MONSON. No. The Chinese claimed that the college did not live up to their contract, but the contract was, I think, that—I think that the boys did not expect to pay anything at all in the way of board or for rooms; they expected the money that they had already advanced for tuition to pay their total expense, as I understand it.

Mr. BUSBEY. Did you talk to any of the boys that left?

Mr. MONSON. I am not sure whether I did or not.

Mr. BUSIEK. Did you afterwards go out to the college and talk to any of the boys that stayed out there?

Mr. MONROE. I never have been to the college.

Mr. BUSIEK. Where did you get the idea that those boys were dissatisfied?

Mr. MONROE. The local Chinese who were interested in the boys.

Mr. BUSIEK. Did you confine your investigation to those local Chinese who were interested in the boys?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. Did you deem that sufficient under all the circumstances?

Mr. MONROE. It is about the only source of information open to us.

Mr. BUSIEK. Couldn't you have taken an interpreter and gone out to the boys and interviewed the remaining ones?

Mr. MONROE. The boys under those circumstances will not talk.

Mr. BUSIEK. Did you make any effort to find the boys who had escaped, through other local Chinese sponsors and friends?

Mr. MONROE. Yes; we did. And Mr. Eriesson had their board of directors' permission of it at the time and he appeared before the office and made a written statement which is in our files, that he would notify us of any boy leaving, and would furnish the address and where he was going to.

Chairman WALSH. At this point we will now adjourn until to-morrow morning at 10 o'clock.

Mr. Monroe, will you please resume the stand at that time?

(Whereupon, at 4.30 o'clock p. m. Monday, August 17, 1914, an adjournment was taken to the following day, Tuesday, August 18, 1914, at 10 o'clock a. m.)

SEATTLE, WASH., *Tuesday, August 18, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Lennon, O'Connell, and Garretson. E. H. Busiek, Esq., examining counsel. W. O. Thompson, Esq., counsel.

Chairman WALSH. The commission will come to order.

TESTIMONY OF MR. HENRY A. MONROE—Continued.

Mr. BUSIEK. At the conclusion of the hearing yesterday you were speaking about interpreters and whether or not it would be possible to check one interpreter by having an interpretation made by another one following him, and unknown to the first.. Is that system practiced?

Mr. MONROE. It is practiced very seldom. I have done that myself a few times when I thought there might be some mistake in the first interpretation.

Mr. BUSIEK. Did you find any discrepancy?

Mr. MONROE. I one time found a slight discrepancy in a case.

Mr. BUSIEK. How often have you done that, would you say?

Mr. MONROE. I would not say over three or four times.

Mr. BUSIEK. We were talking about the admission of students to Adelphia College. Has it been a practice to require students to give bond insuring their bona fides?

Mr. MONROE. The department has such a regulation—such a requirement in the present regulations. It has never been done in this district.

Mr. BUSIEK. That is known as Circular 220, is it not?

Mr. MONROE. Circular 220 is simply covering a form for general admission under bond, and does not pertain to students especially.

Mr. BUSIEK. Were any bonds required of the students admitted to Adelphia College?

Mr. MONROE. The department at first directed we should land them under bond; afterwards they withdrew that requirement and landed them unconditionally.

Mr. BUSIEK. Have you a copy of the telegram which you sent to the department in regard to these students?

Mr. MONROE. I have.

Mr. BUSIEK. Will you read it?

Mr. MONROE (reading):

"IMMIGRATION BUREAU,
"*Washington, D. C., December 6, 1911.*

"Fifty-six students arrived December 2, destined Adelphia College, Seattle; apparent between 12 and 20 years; can not speak English, but give evidence of

having been students in China; claim to be sons of business men. Have from $300 to $350 gold each; college reputable, and in fact is of the highest integrity; arrangements for reception of students perfected, rumored but not proved that certain local Chinese will benefit financially through understanding; Attorney Stephens, instructor Adelphia, went to China and acted as adviser, he being paid his expenses and reimbursed for loss of time and business here by students; certificate regular; investigation complete; apparently seem to have met law's requirements; am satisfied to admit, but owing to possible commercialism suggested by a rumor and large number shall appreciate bureau's advice.

"(Signed) DE BEULER."

Mr. BURNETT. Now, what is your file number on that?

Mr. MONROE. 28023.

Mr. BURNETT. What reply was received to that wire?

Mr. MONROE (reading):

"IMMIGRATION SERVICE,
"*Seattle, Wash., December 7, 1911.*

"Bonds under Circular 220 should be exacted in cases 56 students. Group 40 students collected by same parties, destined same college, admitted under bonds at San Francisco last month.

"(Signed) CABLE."

Mr. BURNETT. Who is Cable?

Mr. MONROE. At that time he was Assistant Secretary, Department of Commerce and Labor, Washington.

Mr. BURNETT. What became of these students? Did you exact bonds?

Mr. MONROE. We notified Mr. Stephens that bond would be required, and under date of December 11, four days later, this telegram was received from Washington [reading]:

"IMMIGRATION SERVICE, SEATTLE, WASH.

"Referring further your telegram 6th instant, land 56 students without requiring bond.

"(Signed) CABLE."

Chairman WALSH. There was no bond at any time required of those?

Mr. MONROE. No.

Mr. BURNETT. Does your correspondence show what influences were brought to bear or who interceded for those Chinese with the department in Washington?

Mr. MONROE. Later on the bureau forwarded this office copies of different letters it had written to Senators Jones and Poindexter, and Congressman Humphreys.

Mr. BURNETT. Those letters are all in this same file number?

Mr. MONROE. They are; yes, sir.

Mr. BURNETT. The students were then ordered admitted?

Mr. MONROE. Yes.

Mr. BURNETT. And what was the next you heard of them, then?

Mr. MONROE. Some time later one Jones, of this city, a lawyer in the New York block, took up the matter with the bureau, and maybe the Department of State, of having other students admitted to Adelphia College. And the bureau asked us for a confidential report as to our experiences with those that had been admitted—had heretofore been admitted.

Mr. BURNETT. In brief, just tell us the substance of your report to the bureau.

Mr. MONROE. September 9, 1912, that report is dated; and in substance it was to this effect, that about a dozen of the boys admitted, left the school at the end of the first month, about the same number the second month, and so on during the year, until at the close of the school year the following June there were but 21 remaining to take the final examination.

Mr. BURNETT. Did the 21 return the following year?

Mr. MONROE. Not one of the 21 returned the following year.

Mr. BURNETT. Did you communicate that experience to the department at Washington?

Mr. MONROE. I did.

Mr. BURNETT. Did you tell the department that you understood that Stephens had profited financially for his part in bringing these students over?

Mr. MONROE. I told him that from Chinese sources such information had been received.

Mr. BUSHEK. You told whom that?

Mr. MONNOE. The bureau.

Mr. BUSHEK. Did they request any further investigation along that line?

Mr. MONNOE. Shortly thereafter I received a request from the consul at Hongkong requesting a report as to the standing of Mr. Jones and as to what had become of the 100 students admitted the year before to enter Adelphia College. We reported all the facts to Mr. Anderson at Hongkong. I believe on that report Mr. Jones was unable to secure any students to come to this country.

Mr. BUSHEK. What has the consul at Hongkong got to do with it?

Mr. MONNOE. He investigates every student application for a section 6 certificate. He must pass it before the boy can proceed to America.

Mr. BUSHEK. Have you a copy of those instructions from the department in regard to section 6 certificates?

Mr. MONNOE. I have; yes, sir.

Mr. BUSHEK. Will you read that to the commission?

Mr. MONNOE (reading):

"SEPTEMBER 15, 1911.

"*To commissioners of immigration, San Francisco, Seattle, Boston, New Orleans, Montreal, San Juan, P. R., and to inspectors in charge Honolulu, San Diego, Portland, New York, and Jacksonville.*

"An arrangement has been consummated with the Department of State under which Messrs. John B. Sawyer and Joseph X. Strand, former agents and inspectors at Portland and San Francisco, have received an appointment as deputy consuls general and clerk and have been assigned to duty at the consulates general at Hongkong and Canton, respectively. They will reach their station about November 1 and will thereafter investigate all applicants presenting section 6 certificates for visé. The certificates will be visaed by the consuls general as heretofore, but the two officers mentioned will indicate that such visé is based upon an investigation conducted by them by placing their initials upon the certificates in each instance. Certificates initialed and visaed in the manner described should be accepted as practically conclusive evidence, and the applicants presenting same should be landed promptly upon identification and the asking of only such questions as are necessary for that purpose and for the purpose of creating a brief record for possible future reference with regard to the members of their immediate families. No such applicant should be rejected unless some fact or circumstance exists which raises a serious doubt regarding his identity or shows clearly that a fraud has been perpetrated.

"(Signed) F. L. LARNER,
"*Acting Commissioner General.*

"Approved.

"BENJAMIN CABLE,
"*Acting Secretary.*"

Mr. BUSHEK. Now, under those instructions I take it you merely take their declarations as to whether or not they are to become students and trust to the investigation which was made in China?

Mr. MONNOE. That is correct.

Mr. BUSHEK. As to their status?

Mr. MONNOE. That is correct.

Mr. BUSHEK. Did you ever make an investigation as to the profit which Stephens made out of the transaction?

Mr. MONNOE. I questioned Mr. Stephens himself on that subject when he arrived here with the students, and he admitted having all his expenses paid, of himself and wife who accompanied him. But I am not sure as to a third party. He admitted that he received compensation for his loss of time and law practice in Seattle.

Mr. BUSHEK. Did he say in what amount?

Mr. MONNOE. He did not.

Mr. BUSHEK. Did you ever make an investigation?

Chairman WALSH. Did you ask him what he would receive?

Mr. MONNOE. I doubt if I did, Mr. Walsh.

Mr. BUSHEK. Do you know of his financial condition before he went over to China, or did you ever investigate to see what that was before he went?

Mr. MONNOE. I never have investigated his financial standing.

Mr. BUSHEK. Did you know that before he went to China he was a teacher in Adelphia College and had no law practice?

Mr. MONROE. I understood that he was a teacher in Adelphia College part of the day, and kept open a law office at the same time.

Chairman WALSH. What is the date of that Larned letter?

Mr. MONROE. The circular letter is dated September 15, 1911.

Chairman WALSH. When were the Adelphia students brought in?

Mr. MONROE. They were admitted December 12, 1911.

Chairman WALSH. And the Ashburton students, when were they admitted? Was that in 1911 also? In November?

Mr. MONROE. That is right.

Chairman WALSH. Mr. Busiek, there were how many that came in?

Mr. BUSIEK. Ninety-six.

Chairman WALSH. Well, your first figures I thought made 100.

Mr. BUSIEK. Frisco, 40; and Seattle, 56.

Chairman WALSH. And how many at the other place?

Mr. BUSIEK. Twenty.

Chairman WALSH. Mr. Monroe, what is a smuggled Chinaman worth in this country?

Mr. MONROE. I don't know. We have rumors that a Chinaman will pay, to be successfully smuggled into the country, all the way from $300 to $500.

Chairman WALSH. We heard at Boston that he was worth $500.

Mr. BUSIEK. Five hundred to seven hundred and fifty dollars.

Mr. MONROE. That depends upon the class.

Mr. BUSIEK. Now, have you located any of these students that escaped from Adelphia?

Mr. MONROE. At the time the boys were admitted Mr. Ericsson, chairman of the board of directors of Adelphia College, which, by the way is a Baptist institution and not a Lutheran, as I testified yesterday, promised to furnish us with the addresses of the boys as they left the school. He was unable to fulfill his agreement, and we have no information as to the whereabouts of these boys to-day except some five who are here in Seattle.

Mr. BUSIEK. What are they doing?

Mr. MONROE. Well, those five seem to be students.

Mr. BUSIEK. Where are they attending school?

Mr. MONROE. At the present time I could not tell you.

Mr. BUSIEK. Did you ever send out your interpreters to try to run them down?

Mr. MONROE. We sent out an inspector and interpreter.

Mr. BUSIEK. Who?

Mr. MONROE. Either Mr.—I have gone myself sometimes.

Mr. BUSIEK. Did you ever go out to Adelphia?

Mr. MONROE. I have never been to Adelphia College.

Mr. BUSIEK. Did you ever send down for any of the remaining boys to try and question them?

Mr. MONROE. No; we have not questioned the boys themselves.

Mr. BUSIEK. Each boy has to have a sponsor, does he not, under the department ruling? That is, that he must be assigned to some one's care—the care of some one who looks after him?

Mr. MONROE. The present regulation or requirement is that he shall be consigned to or assigned to some institution of learning. That was not required at the time these students were admitted.

Mr. BUSIEK. Didn't they have some friend or sponsor at that time?

Mr. MONROE. Not in this country.

Mr. BUSIEK. Has the matter of requiring bonds from students been abolished?

Mr. MONROE. Secretary Norville abolished it shortly after the Adelphia College experience, but it has been reinstated in the present regulations, but I don't know of it ever having been put into effect.

Mr. BUSIEK. Do you take bonds now?

Mr. MONROE. We would require bonds of any parties coming in at the present time.

Mr. BUSIEK. Will you read Secretary Norville's communication in regard to bonds?

Mr. MONROE. April 6, 1912 (reading):

"Memoranda in the case of Chinese students, Adelphia College:

"In this case, after full consideration with the assistant secretary, it has been concluded to release the bonds. They were accepted because they were offered. If they had not been offered perhaps some of the persons interested

might not have been admitted, but be that as it may, our conclusion is that the bond system has no proper application in the case of students. The treaty gives them the right to come and go and we must respect that right without subjecting the students to anything that might be construed into embarrassment or burden. In the last analysis the responsibility rests with the Department of State, and we are bound to respect the certificates issued by its representatives unless we find that fraud has been practiced. This does not mean that bonds may not be taken while the question of admission or rejection is under consideration."

Chairman WALSH. As an expert in this department, I would like you to just state what you would consider fraud to be.

Mr. MONROE. Fraud in cases of that character usually consist in an altered certificate. For instance, they will sometimes erase the name and put in the name of another person.

Chairman WALSH. I mean now in the case of students, what would you think was a fraudulent act?

Mr. MONROE. That is what I am describing, is really the only fraudulent act that we have come in contact with. They will take and bleach the photograph on the certificate white, take a new photograph printed on a transparent film and paste it over the top of it—a very clever thing—and the wrong boy will come forward with the certificate.

Chairman WALSH. What is the use of the wrong boy coming, if they just come in that way? Why don't the wrong boy start in? All he would have to do is to say he wanted to go to school, and convince the consul over there that he desired to go to school, and come over and get in for a day and walk out and get a job in a laundry in Seattle. That would be the practical working of it, would it not?

Mr. MONROE. No.

Chairman WALSH. Did you grab any of them that went through this college in this way and try to send them back—I don't mean you, did any of them?

Mr. MONROE. There have been a few arrested and taken before the commissioner on the charge of entering the country unlawfully. But let me go back to the getting of certificates. It is a very hard undertaking in China to get a section 6 certificate in that it costs anywhere from three to ten hundred dollars Mex. to grease the way to get that certificate, and a certificate is of much value to a Chinaman in China, who has an exempt status. The certificate is issued on the status of the man in China. A man who has an exempt status, or has a boy who has an exempt status, will get this certificate for his boy, change the photograph and sell it to some other boy who didn't have a status on which he could get the paper.

Commissioner O'CONNELL. That is the greasing of it?

Mr. MONROE. That is what I mean.

Commissioner O'CONNELL. What is the law on the matter?

Mr. MONROE. The law on the matter is that the Chinese for the purpose of exclusion from the United States shall be divided into two classes, laborers and exempts. Laborers can not come to this country at all, but exempts can come on securing this certificate.

Chairman WALSH. Where is John B. Sawyer now?

Mr. MONROE. At Hongkong.

Chairman WALSH. And Joseph Strang?

Mr. MONROE. At San Francisco. He has been succeeded at Canton by a man by the name of Weber.

Chairman WALSH. Did you know Sawyer at Portland?

Mr. MONROE. I know him personally.

Chairman WALSH. How long has he been inspector there?

Mr. MONROE. Well, anywhere from about eight years possibly.

Chairman WALSH. He is still there?

Mr. MONROE. He is still there.

Chairman WALSH. Is he a friend of Mr. Taylor's, too?

Mr. MONROE. I think not.

Chairman WALSH. Does he know Mr. Taylor to your knowledge?

Mr. MONROE. He might have a passing acquaintance.

Chairman WALSH. Is he a friend of Mr. Tape's?

Mr. MONROE. No.

Chairman WALSH. Did Tape ever work with him?

Mr. MONROE. Tape worked in that office during the time Sawyer was there. Mr. Sawyer, in my opinion, is a very able, conscientious man.

Chairman WALSH. How is that?

Mr. MONROE. I say Mr. Sawyer, in my opinion, is a very able, conscientious man.

Chairman WALSH. While we are on the subject, what is your opinion of Mr. Tape?

Mr. MONROE. I don't think he is honest.

Chairman WALSH. What has been the reputation, the general reputation in the department for honesty and morality of Mr. Tape during the past five or six years?

Mr. MONROE. By department, you mean locally?

Chairman WALSH. Locally, certainly, among the other officials, inspectors, and interpreters.

Mr. MONROE. Mr. Tape came to our office between five and six years ago, holding a special commission from the Commissioner General. At that time we understood he was a trusted employee of the department. After he had been at our office a year or two rumors began to come in connecting him with irregular work. And during the past two years these rumors have been most persistent, and have led to more or less quiet investigation. About six or eight months ago Commissioner White started an investigation which has shown conclusively that he has been collecting money from the Chinese.

Chairman WALSH. But my question was—I will limit it, say, to the past three years—what has been his reputation in the department? You know what reputation means, the way he is generally held by the other officials, what his general reputation has been during the past three years for honesty and morality.

Mr. MONROE. I think three years ago there was quite a suspicion that he was dishonest, and that has grown until it has been all controlling, I think, the past year or more, that he is dishonest.

Chairman WALSH. His general reputation, then, you say, for the past three years for honesty is bad?

Mr. MONROE. I would, yes.

Chairman WALSH. Now, as to morality?

Mr. MONROE. Well, we didn't know much about his morality within the past six months. We now know.

Chairman WALSH. Would you say that his reputation until within six months from now was good?

Mr. MONROE. I could not say that.

Chairman WALSH. Could you say whether it was good or bad?

Mr. MONROE. Well, as a matter of fact, I don't know.

Chairman WALSH. Go ahead, Mr. Budek.

Commissioner O'CONNELL. Just a minute, do you know Mr. Edsall, of Frisco?

Mr. MONROE. I do, yes.

Commissioner O'CONNELL. And have you known him any length of time?

Mr. MONROE. Ten years or more.

Commissioner O'CONNELL. Been associated with him?

Mr. MONROE. I have.

Commissioner O'CONNELL. What is your opinion of Mr. Edsall?

Mr. MONROE. I think he is a very able Government officer.

Commissioner O'CONNELL. Do you know anything about the differences that are going on now between Ainsworth and Norville?

Mr. MONROE. I know only what I have seen in the public press, and Mr. Edsall was in this city about one month ago, and he told me more or less of the trouble.

Commissioner O'CONNELL. You only know then what he told you?

Mr. MONROE. That is all I know.

Mr. BUDEK. Do you know a Chinaman by the name of Moy J. Hing?

Mr. MONROE. I do.

Mr. BUDEK. And Sarah Hing, his wife?

Mr. MONROE. I do.

Mr. BUDEK. What business are they in?

Mr. MONROE. I talked to them in the anteroom yesterday, and found they are now located in Ellensburg.

Mr. BUDEK. Did you know them in Seattle?

Mr. MONROE. Just slightly.

Mr. BUDEK. What business were they in in Seattle?

Mr. MONROE. Moy J. Hing was running a little Chinese medicine establishment.

Mr. BUSIEK. Did he hold himself out to be a Chinese doctor?

Mr. MONROE. I think he did, but he may have only been selling proprietary medicines, I would not be sure of that.

Mr. BUSIEK. Now, May J. Hing and Sarah Hing took a bunch of 20 students to Cushing College, at Ashburnham, Mass.

Mr. MONROE. Yes, sir; they were admitted through the port of Vancouver in November, 1911.

Chairman WALSH. I want to get the date of admission of the Adelphia students, both bunches.

Mr. MONROE. I haven't the date of the San Francisco bunch. The boys at Seattle were admitted December 12, 1911.

Chairman WALSH. Isn't there some reference in the files in regard to the admission of these boys in San Francisco?

Mr. BUSIEK. They were admitted in October, 1911.

Mr. MONROE. About one month prior to these at this port.

Mr. BUSIEK. You were notified, were you not, that Sarah Hing and Moy J. Hing had brought these students to Cushing College and they stayed about three weeks and all the students had left, were you not?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. Did you call them into your office, or go to see them in regard to this matter?

Mr. MONROE. About one year ago Mrs. Hing came to our office and said she felt greatly aggrieved over all the reports which had reached her about these students she had brought in through Vancouver having not been bona fide students. She had in her hand the names and addresses of each one of the students and said she was prepared to show us that all had remained members of the exempt classes and she wanted us to look into it, and she said she was taking the matter up herself with the Commissioner General. She claimed they sent the Vancouver office all the records in this case and conducted an investigation. That is, we sent their records of each boy to the inspector in charge of the district where she gave the boy's present address. That took a long time, but we finally checked them all up and found that one or two of them had remained students, a few more were found around laundries and stores, and the remainder of them could not be located.

Mr. BUSIEK. Would your correspondence show what Mrs. Hing had held herself out to be in China? Did you ever hear she was a worker in the Y. W. C. A. and W. C. T. U.?

Mr. MONROE. She claimed to me in conversation that she had been a teacher of Chinese boys in China.

Mr. BUSIEK. Did she ever claim to you she had been engaged in religious work?

Mr. MONROE. I don't recall such a statement.

Mr. BUSIEK. Did you ever hear from any other office?

Mr. MONROE. I have not.

Mr. BUSIEK. Did you ever present the matter of this Cushing Academy to the district attorney? Is Vancouver under your jurisdiction here?

Mr. MONROE. No, sir.

Mr. BUSIEK. Did you ever, or did Mr. de Bruler ever present the matter of the Adelphia College to the district attorney for investigation?

Mr. MONROE. No, sir.

Mr. BUSIEK. Have you ever presented any matters of smuggling to the district attorney?

Mr. MONROE. We have one case pending at the present time.

Mr. BUSIEK. That is the only one in how many years?

Mr. MONROE. In my experience.

Mr. BUSIEK. Haven't you come across the trail of smugglers often before, or people who were bringing Chinese in by fraud?

Mr. MONROE. The policy of the bureau, as I understand it, has been simply to deny these suspicious cases admission, and return them to China.

Mr. BUSIEK. And it has never been the policy of the department to actively seek out the conspirators in these cases and punish them?

Mr. MONROE. No, sir; I think not. There is a little difference between those that are applying for admission and those that we catch occasionally being smuggled in. Those, of course, all go before the court.

Mr. BUSIEK. For instance, where you catch a man in a boat, catch him with the goods, you bring him into court?

Mr. MONROE. To the court; yes, sir.

Mr. BUSHEE. As an experienced immigration officer, don't you think it would have a salutary effect if you would bring some of these conspirators before the court and convict them?

Mr. MONROE. I made one mistake. I recall now of our having taken the question of the indictment of Mark Ten Suey of this city before the United States attorney's office some six or seven or eight years ago. The case failed, however, when we took it before the grand jury. This last year we have had one Loo Wing of this city indicted on a charge of conspiracy, and that matter is now pending before the court here. I think that action will have a very salutary effect upon the Chinese.

Chairman WALSH. When was that?

Mr. MONROE. The indictment was secured maybe three or four months ago.

Commissioner LENNON. This man Stevens that brought the students to Adelphia College, if it was proved he was paid for this, has he violated the law?

Mr. MONROE. I would hardly think so. He is an attorney, and I think he could charge for his services.

Commissioner LENNON. Supposing it was proven at the same time they were not bona fide students?

Chairman WALSH. That they were intended to go into labor?

Mr. MONROE. If you could prove a charge of conspiracy and that he violated the law, then you could get into court.

Chairman WALSH. You could prove it by the fact that he got the money and never did anything like that before, and that they brought them back, and that they never left the place there where they were laboring. Would you consider that circumstantial evidence that there was fraud intended when they were brought over here, and the fact that money was paid to have it done? Would that be a violation of the law?

Mr. MONROE. I certainly would think so.

Chairman WALSH. You wouldn't think so?

Mr. MONROE. I would think so.

Chairman WALSH. Whose duty is it in behalf of the United States Government at this point to present such matters to the law?

Mr. MONROE. All these matters are reported to the bureau as they arise.

Commissioner LENNON. The bureau at Washington?

Mr. MONROE. By the bureau I always mean Washington.

Chairman WALSH. And it is intended by the office out here that the bureau take action, if any?

Mr. MONROE. The bureau always directs where they wish action taken.

Chairman WALSH. Suppose Stevens wasn't a lawyer and he disappeared, and you saw him with his grips waiting for a train, would you arrest him or would you send to the bureau?

Mr. MONROE. We would send it to the bureau because we would have nothing on which to arrest him.

Chairman WALSH. Even if you had the evidence that he got the money; that the alleged students came in and immediately scattered out among Chinese laundries, and that he was starting away; that would be reported to the bureau at Washington?

Mr. MONROE. It certainly would.

Chairman WALSH. And you wouldn't arrest him or call the attention of the district attorney to it?

Mr. MONROE. Oh, we might suppose a hypothetical question so raw we would have to do that.

Chairman WALSH. It would have to be awfully raw?

Mr. MONROE. Yes; because we have no authority within ourselves.

Chairman WALSH. Yes; I see.

Mr. BUSHEE. Have you ever got any instructions from Washington not to bring cases without first presenting them to the bureau?

Mr. MONROE. I don't think we have. It is just a practice that has grown up.

Mr. BUSHEE. This Chinaman Loo Wing, who is now indicted, did he not through his attorney make charges against Inspector Tape and yourself some time prior to this?

Mr. MONROE. I don't understand he ever did.

Mr. BUSHEE. You know nothing of any such occurrence?

Mr. MONROE. I know, of course, practically everything that has been developed in this special investigation by Mr. Bonham, who appeared here on the stand, and I am now told that Mr. Loo Wing has made a statement to Mr. Bonham in which he says Mr. Tape collected money for me. I myself prevailed upon

Mr. Loo Wing's attorney to get Mr. Loo Wing to make a statement, and he finally succeeded in doing it.

Mr. BUSHEK. Had you ever heard that before, that Tape was collecting money saying that part of it had to go to you?

Mr. MONNOE. I have heard rumors to that effect prior to this past year. This past year I have heard it quite often.

Mr. BUSHEK. Did you ever run any of those rumors down?

Mr. MONNOE. I have more or less.

Mr. BUSHEK. What did you find?

Mr. MONNOE. I found it was simply talk among the Chinese, and never could find anyone who had paid money.

Chairman WALSH. When did you first hear that?

Mr. MONNOE. I think anywhere from six months to a year ago.

Chairman WALSH. And where did you hear it?

Mr. MONNOE. Possibly in the office.

Chairman WALSH. In your office?

Mr. MONNOE. Possibly sometimes when I might be down town looking up a Chinese matter, some Chinaman who was talking to me might make such a statement.

Chairman WALSH. When did you first hear the first rumor of that sort?

Mr. MONNOE. That is difficult to answer, Mr. Walsh.

Chairman WALSH. Could you approximate how long ago it was?

Mr. MONNOE. I would think maybe a year ago; that might be six months off either way.

Mr. BUSHEK. Did you ever take that up with Tape?

Mr. MONNOE. I have never accused Mr. Tape of collecting money for me.

Chairman WALSH. No; but did you ever ask him if he had said that to anyone?

Mr. MONNOE. I don't think I did. I reported the matter to Mr. de Bruler, the commissioner.

Mr. BUSHEK. Mr. de Bruler was commissioner when you heard that rumor?

Mr. MONNOE. Yes, sir.

Mr. BUSHEK. That would make it longer than six months ago?

Mr. MONNOE. Mr. de Bruler has been out of office about eight months.

Chairman WALSH. Did you report the first one to Mr. de Bruler?

Mr. MONNOE. I reported to Mr. de Bruler my first suspicion.

Chairman WALSH. Did you report every time you heard it?

Mr. MONNOE. No, sir; I could not say that.

Chairman WALSH. Did you report in writing to him or orally?

Mr. MONNOE. Orally.

Mr. BUSHEK. You have worked with Tape yourself, have you not—that is, used him as your interpreter when you would go out on any special mission?

Mr. MONNOE. I have used him a good deal, but not so much as other boys in the office, because I have done very little examining myself in the past three years or so.

Mr. BUSHEK. Tape has been allowed a very wide latitude in your office—almost doing the work of an inspector. He has had access to the files and can request the holding up of a case and it is held up at his request, is that not true?

Mr. MONNOE. That is a little overdrawn. He has had no access to the files for the past three years. He can not hold up a case, although he could report to the inspector, examining a case, that he had confidential information that this man was not all he claimed to be and that report would bring about a delay pending further investigation.

Mr. BUSHEK. The inspector would hold the case until Tape was ready to report?

Mr. MONNOE. Well, that is hardly correctly stated. The inspector would hold the case and make an investigation himself.

Mr. BUSHEK. That would make it possible, if Tape were corrupt, if the inspector acted upon his request, to hold up a Chinaman until Tape would have a chance to go around and collect his money, would it not?

Mr. MONNOE. That is true.

Mr. BUSHEK. Tnd Tape could then come to the inspector and say his information was a false scent?

Mr. MONNOE. He could do that.

Mr. BUSHEK. And the Chinaman would then be passed?

Mr. MONNOE. If everything else was all right.

Mr. BUSBEE. Did you ever have a suspicion that that was going on?
Mr. MONROE. I have had; yes, sir.
Mr. BUSBEE. Did you ever make an investigation?
Mr. MONROE. Yes, sir.
Mr. BUSBEE. What aroused your suspicions, and tell us about the investigation.
Mr. MONROE. Some two or three years ago Judge Humphreys, of this city, telephoned me one day and said there were two Chinamen in his office making charges against Tape. I hurried down to his office and interviewed two men there, and their statement was to the effect that a certain man was being held up by Tape. I returned to the office and reported the matter to Commissioner de Bruler. He detailed Mr. Mangles and myself to make the investigation. We arranged to meet the Chinamen at the Stephens Hotel and tried to lay a trap for Tape. The Chinamen seemed perfectly willing to help us at that time, but in a few days they said they could not do anything, and the matter dropped for want of evidence.
Commissioner LENNON. Was your suspicion reported to the department at Washington?
Mr. MONROE. I don't know whether that experience was or not.
Chairman WALSH. You would have a file of that here?
Mr. MONROE. I would have a file of everything.
Chairman WALSH. I wish you would let us know, when you are excused from the witness stand, whether or not that incident of Judge Humphreys calling your attention to the matter, the investigation you made, and the information you received was communicated to Washington, or exactly what file you have in the office now.
Mr. MONROE. I will try to do that.
Commissioner LENNON. To whom do you address matters of report that go to Washington?
Mr. MONROE. They are addressed to the Commissioner General of Immigration, regardless of who is on duty there.
Mr. BUSBEE. Did you have any other suspicions concerning Tape's activities along these lines?
Mr. MONROE. There have been numerous causes for suspicion this last year or two.
Mr. BUSBEE. Well, let's get back of this last year.
Mr. MONROE. Something a little over two years ago we lost out about——
Chairman WALSH. I want to ask you, from what Judge Humphreys told you and the general looks of that, did you think Tape had been after those two Chinamen and somebody had afterwards gotten to them and got them to lay down from divulging it? How did it look to you?
Mr. MONROE. At that time I wasn't so positive in my convictions as I am to-day.
Chairman WALSH. How did it look to you at that time, though?
Mr. MONROE. It looked bad.
Chairman WALSH. You were setting a trap and thought you were going to catch him?
Mr. MONROE. We tried to.
Chairman WALSH. And the only reason that kept you from doing it was that the Chinese laid down on you?
Mr. MONROE. They quit on us.
Chairman WALSH. Judge Humphreys thought it was so?
Mr. MONROE. No doubt about it.
Chairman WALSH. And they had made statements to Judge Humphreys as to the details of the crime?
Mr. MONROE. Yes, sir.
Chairman WALSH. Judge Humphreys had communicated that to you?
Mr. MONROE. Yes, sir.
Mr. BUSBEE. Had Loo Wing's attorney ever made complaints of Tape at that time?
Mr. MONROE. No, sir.
Commissioner LENNON. Do you know whether the judge in such a case would have to make a report to the legal department in Washington, or would his duty be fulfilled in reporting to the office here?
Mr. MONROE. He only did that as an interested citizen, that is all.

Mr. BUSHEK. I had asked you the question what other suspicious things you had seen prior to the last year and that you have inquired about or investigated.

Mr. MONROE. I was saying between two and three years ago we discovered the loss of nine certificates of residence out of our files. That is, we accidentally discovered the loss of one, and that led us to a checking of all our files and we found nine missing. I reported the matter to Mr. de Bruler, and it was our opinion at that time that Mr. Tape was possibly the guilty person.

Mr. BUSHEK. Did Mr. de Bruler concur with you in that belief?

Mr. MONROE. He did.

Mr. BUSHEK. Do you remember any specific expression he may have made?

Mr. MONROE. No, sir; I don't.

Mr. BUSHEK. But he did express himself?

Mr. MONROE. He did.

Mr. BUSHEK. That he thought Tape was the man who had done it?

Mr. MONROE. Yes, sir.

Mr. BUSHEK. On the theory that Tape was the only man who could successfully dispose of them, and who had access to the files?

Mr. MONROE. No, sir; it was just simply due to our growing suspicion that he might be irregular.

Mr. BUSHEK. His reputation at that time warranted you in believing he might take those certificates?

Mr. MONROE. He might have.

Mr. BUSHEK. That was back in 1911 in January, was it not?

Mr. MONROE. I don't believe I can give you that date, I think it is later in 1911.

Mr. BUSHEK. Some of those certificates were subsequently recovered?

Mr. MONROE. Yes, sir; three of them.

Mr. BUSHEK. What action did Mr. de Bruler take toward the recovery of those certificates?

Mr. MONROE. Mr. de Bruler made a personal investigation of the matter, issued orders at that time that no one but the file clerk should have access to the records, and considered the matter as he thought advisable.

Mr. BUSHEK. What orders did he give to Tape looking toward the recovery of those certificates?

Mr. MONROE. He interviewed Mr. Tape, and I have been led to believe he practically charged him with taking the certificates.

Mr. BUSHEK. On what do you base that statement that you were led to believe that?

Mr. MONROE. Well, incidental conversation with Mr. de Bruler.

Mr. BUSHEK. All right. Go ahead.

Mr. MONROE. Later on he stated—took the matter up with Mr. Tape and, I believe, told him it was up to him to recover the certificates. By way of explanation, I might say that Mr. Tape came to our office with the reputation of being a sort of detective. He had a personal detail from the Commissioner General to investigate conditions in our district and report confidentially to him. He also had been assistant to Special Agent Taylor for many years. So we regarded him as a confidential man from the bureau with detective ability. So Mr. de Bruler stated that he expected him to recover those certificates. In time Mr. Tape located one of the certificates in Seattle, stating that this certificate had been peddled in Chinatown by some employee of the office.

Mr. BUSHEK. Name him.

Mr. MONROE. He described a watchman that we thought might be Watchman Lewis. He stated that this man from whom he secured the certificate had paid $25 for the same, and that he personally had given a $10 reward for turning it in. Mr. de Bruler pressed Mr. Tape very hard for the name of the Chinaman and insisted on his bringing him to the office. But Mr. Tape claimed the Chinaman departed for parts unknown and was never able to bring him to the office so that we might question him. Later on we learned from Tape that some of the certificates were in Portland. Mr. de Bruler detailed me then to go to Portland and take Tape along to see if we could recover any of the certificates there. I went with Mr. Tape to Chinatown a few times, but he always talked with the Chinese in his own language, so I don't know what was said. He claimed, however, that he traced two of them to some country town and claimed to have telephoned to the parties in that town and had them

brought back to Portland—had the certificates brought into Portland. Two of the certificates were then turned over to me by Tape.

Commissioner LENNON. Did Tape get them in your presence?

Mr. MONROE. No, sir.

Mr. BUSHEK. Did you ever run down the man who had them?

Mr. MONROE. In Portland—out in the country town?

Mr. BUSHEK. Yes.

Mr. MONROE. No.

Mr. BUSHEK. Did you ask Tape to produce them there?

Mr. MONROE. I don't think I did.

Mr. BUSHEK. Did Commissioner de Bruler?

Mr. MONROE. I don't know.

Mr. BUSHEK. No prosecution was set on foot with regard to it?

Mr. MONROE. None whatever.

Mr. BUSHEK. Did Tape's description of this watchman cause him to fall under suspicion?

Mr. MONROE. I can't say that it did.

Mr. BUSHEK. Tape's say-so could not hurt anybody after that, is that the idea?

Mr. MONROE. No, sir.

Mr. BUSHEK. Have you any personal or social connection with Frank Tape?

Mr. MONROE. No, sir; I have ridden around in his automobile, around the boulevard, and ridden down town.

Mr. BUSHEK. Have you visited at his house?

Mr. MONROE. I have been to his house twice, I think, in my life.

Mr. BUSHEK. How long ago was that?

Mr. MONROE. Maybe two years or a year and a half the last time.

Mr. BUSHEK. That was the last time?

Chairman WALSH. Has he visited your house?

Mr. MONROE. He has called at the house on the way to the office.

Chairman WALSH. Did he ever visit your house with his wife?

Mr. MONROE. He has brought his wife to the house.

Chairman WALSH. Have you visited his house with your wife?

Mr. MONROE. Yes, sir; when he bought his new house, he invited us over to see the house, and we went there. I also went there a second time to meet his mother and sister.

Chairman WALSH. I want to ask you a few questions: Now, the Chinese look upon the purchase of favors in their own country from Government officials as a sort of everyday proposition, do they not?

Mr. MONROE. It is an incident of their everyday life, as I understand.

Chairman WALSH. It is an incident of their everyday life, and their conception of that is entirely different from ours?

Mr. MONROE. I believe it to be.

Chairman WALSH. That is, the standard of honor among the Chinese is that they purchase a Government favor and the favor is delivered?

Mr. MONROE. Yes, sir.

Chairman WALSH. And the Chinaman who is in a position to purchase it considers that he has been done quite an honor by the Government official, even though he pays for it?

Mr. MONROE. He does.

Chairman WALSH. And that is an understood thing among Chinamen and among those of you who deal with Chinamen?

Mr. MONROE. I believe it is.

Chairman WALSH. That is a fact, isn't it?

Mr. MONROE. I believe it to be true.

Chairman WALSH. And they have a Chinaman among them that they have some Chinese name for—I have heard it, mowchow, or something of that kind—that means the big man, the man with the big pull.

Mr. MONROE. I never heard it.

Chairman WALSH. Well, I have. I thought maybe you had. They have a man among them, at any rate, that is supposed to be the man with the big pull with the officials. That is right, isn't it?

Mr. MONROE. Well, as I said a moment ago, I haven't heard of it.

Chairman WALSH. You haven't heard that there was a sort of recognized go-between; that is, the man that approached the official, that transacted the business with him for the mass of the Chinamen—you say you don't know that that is a fact?

Mr. MONROE. I know that in case of these students coming to this country.

Chairman WALSH. No, I am trying to get——

Mr. MONROE. That they go to a store and there is a go-between at that store who does business between the students and the Government officials.

Chairman WALSH. I don't mean the Government officials here; I mean in China.

Mr. MONROE. I meant in China.

Chairman WALSH. In China?

Mr. MONROE. Yes, sir. Let me explain this, Mr. Walsh. The Chinese moral law is different from ours. A Chinaman thinks it is wrong to injure a man in his person, his family, but it is not wrong to tell a lie in a matter affecting our business. It is not wrong to pay a man for a personal service.

Chairman WALSH. No. For a personal service; for an official favor.

Mr. MONROE. An official favor.

Chairman WALSH. Which may be an official favor?

Mr. MONROE. Yes; which may be an official favor.

Chairman WALSH. Now the way that Tape could exploit Chinamen, the ways are various. For instance, he could interpose and make it difficult for them to get in, and misinterpret and have apparent contradictions, and then go to the man that represented them and get money to smooth things out, isn't that correct?

Mr. MONROE. That is correct. Mr. Tape occupied a most favorable position.

Chairman WALSH. Position for graft?

Mr. MONROE. For graft.

Chairman WALSH. And he could also keep track of men that were engaged in smuggling and get money from them to keep from exposing them?

Mr. MONROE. I believe that to be true.

Chairman WALSH. And he could keep track of the smuggled Chinamen and make their economic situation very difficult?

Mr. MONROE. Yes.

Chairman WALSH. Yes; they would have to pass him money, or he could get them work with people that he favored that would pay him, and they would work cheaper, or be exposed as being smuggled Chinamen?

Mr. MONROE. Let me interject.

Chairman WALSH. Yes.

Mr. MONROE. I think——

Chairman WALSH. That all could be done; that would be a way.

Mr. MONROE. That can be done.

Chairman WALSH. Yes.

Mr. MONROE. But I think most every interpreter can do that more or less.

Chairman WALSH. Yes.

Mr. MONROE. Tape is simply an unusual man among Chinese interpreters.

Chairman WALSH. Yes. And on account of this extra power he had and on account of the belief that you folks had that he was a detective, and on account of, as it has been testified here by Mr. de Bruler, that he was supposed to be a confidential man of Mr. Taylor's, or other things, he had unusual facilities for that, and what he needed was to have it strongly impressed upon the Chinamen that he was a great man.

Mr. MONROE. Let me interpose again.

Chairman WALSH. Well, is that correct?

Mr. MONROE. That is correct.

Chairman WALSH. I am trying to figure this out in my mind.

Mr. MONROE. I can help you a little. He came under circumstances that I have stated, with this great reputation. Every time anyone came from Washington, such as Frank Larned, or anyone from the Secretary's office, he always had his machine at their disposal and he would take them around the boulevards and show them the city, and take them to the Butler Café for dinner.

Chairman WALSH. That was very impressive to the Chinamen, too, wasn't it?

Mr. MONROE. That was very impressive to the Chinamen. It was the thought I was going to give you.

Chairman WALSH. Yes.

Mr. MONROE. On that, and then when Mr.——

Chairman WALSH. Well, I happened to have that, so go ahead.

Mr. MONROE. And then when Mr. Taylor came here he and Mr. Tape were inseparable, so that not only we in the office, but the Chinamen and everybody else who knew anything about the service, felt, of course, that Mr. Tape drew a great deal of water.

Chairman WALSH. Now, then, what are your exact powers? You are the head of the department, so far as Chinese smuggling is concerned here?

Mr. MONROE. I will explain. Our office is organized with a commissioner and an assistant commissioner, who attend to all the executive and administrative matters. Below those two officers there is a man who attends to the general immigration, and myself, who attends to the immediate work of the Chinese immigration. I have no authority of any kind except that I supervise the direct handling of the cases each morning. I look after the mail, look after all the incoming or outgoing cases, apportion them to the other inspectors, handle all the appeal cases, and look after the public who come to the office for any purpose. I have no authority, so far as administration goes.

Chairman WALSH. Well, any time that—take your specific case. I don't want to be offensive about it, but I want to apply this. Any time these Chinamen saw you riding in the automobile with Tape, that strengthened the idea that Tape was a big man here with the Chinamen. You were a white man and an official and all that, didn't it?

Mr. MONROE. I think it gave him prestige in the office.

Chairman WALSH. In the office? It gave him prestige with the Chinamen that paid the money, didn't it?

Mr. MONROE. Well, that is another way of expressing it.

Chairman WALSH. Yes.

Mr. MONROE. It made them think that Tape was an influential, important man in our office.

Chairman WALSH. Yes; now, how many smuggled Chinamen have you caught here in the—how long have you been here?

Mr. MONROE. Ten years.

Chairman WALSH. In the last 10 years?

Mr. MONROE. I don't handle the smuggling part of the work at all.

Chairman WALSH. How many smuggled Chinamen were caught during the last 10 years here, could you approximate?

Mr. MONROE. I can give you the figures. These are Chinese who were either arrested coming in from Canada or in the city here. It does not include rejected Chinese applying for admission and does not include stowaways found on steamers. The last five years there were 41 arrests under the exclusion law, of which 27 were deported and 14 released. Under the general immigration law there were 15 arrests, 14 of whom were deported, and in 1 case the warrant was canceled.

Chairman WALSH. Now, then, is there any systematic way, any system by which you try to hunt out smuggled Chinamen in Seattle and vicinity?

Mr. MONROE. You mean Chinese unlawfully in the city?

Chairman WALSH. Unlawfully in the city.

Mr. MONROE. We made it a practice each year, when we have the time to spare, to visit the different laundries and places and check the Chinese therein.

Chairman WALSH. How many have you found during the last five years that were here illegally when you checked them up?

Mr. MONROE. I can't give you those figures apart from my total, but practically all these were found that way—I mean those taken before the commissioner.

Chairman WALSH. Then there were none found to be actually smuggled in? Those are all found afterwards?

Mr. MONROE. Those that were found to be smuggled in are what we generally secure department warrants for. I might explain our procedure. The original exclusion law provides that any Chinaman unlawfully in the country might be arrested and taken before the commissioner. And that was the practice until recent years. The department found a way of applying the immigration law to Chinese entering surreptitiously, the same as applies to other aliens. So, now we find a Chinaman coming, and we always issue a department warrant for surreptitious entry of an alien without inspection without regard to his nationality. The two procedures before the department are much simpler before a United States commissioner. For instance, in 15 arrests under the immigration law we got an order of deportation in 14 and 1 was canceled for some—the warrant was canceled in one instance for some cause. While before the commissioner, out of 41 we lost 14 on hearing.

Chairman WALSH. Can you divide these Chinamen that you caught during the five years actually being smuggled into the community from those that were

found upon inspection afterwards in these laundries and other places that you have testified to?

Mr. MONROE. Only approximately. I believe those 15 were probably caught either on the water or coming down the railroad track from Blaine or Sumas toward Seattle.

Chairman WALSH. Of the 15, then, none of those were found afterwards on an inspection working in laundries that had been smuggled in a month or a year before?

Mr. MONROE. We did not know, Mr. Walsh, how long they had been in if we found them afterwards.

Chairman WALSH. How many did you find afterwards? That is what I am trying to get at.

Mr. MONROE. Well, I take it that those who were arrested under the exclusion law, 41 must have been so found.

Chairman WALSH. But you have no accurate data upon that?

Mr. MONROE. No; I have not.

Chairman WALSH. When was Commissioner Caminetti in Seattle?

Mr. MONROE. He was here about November last year.

Chairman WALSH. About November of——

Mr. MONROE. 1913.

Chairman WALSH. You met him here?

Mr. MONROE. I did.

Chairman WALSH. Where did he stop here?

Mr. MONROE. He stayed at the Frye Hotel.

Chairman WALSH. The which?

Mr. MONROE. The Frye Hotel.

Chairman WALSH. Did he meet Tape when he was here?

Mr. MONROE. He certainly did.

Chairman WALSH. Who introduced him to Tape?

Mr. MONROE. I would have no idea.

Chairman WALSH. You did not?

Mr. MONROE. No.

Chairman WALSH. Was Tape at the hotel where he stopped?

Mr. MONROE. No; Tape lives out in the residence district.

Chairman WALSH. The story has been told some place that Tape acted as a sort of doorkeeper at the Frye Hotel of the apartment in which the commissioner was staying while here.

Mr. MONROE. Mr. Tape, through some one, I do not know whom, placed his automobile at the disposal of Commissioner Caminetti when he was here; and during all of the time he was here he took him back and forward to the hotel or to the club where he met the chamber of commerce committee and different places.

Chairman WALSH. In his automobile?

Mr. MONROE. In his automobile.

Chairman WALSH. Now, Mr. Caminetti was a new official, of course?

Mr. MONROE. Yes.

Chairman WALSH. And probably did not know Tape for all you know?

Mr. MONROE. I wouldn't know, although Mr. Tape comes from San Francisco and is well known down in that country.

Chairman WALSH. Was Mr. Taylor here at the time Commissioner Caminetti was here?

Mr. MONROE. Taylor left before Caminetti came in.

Chairman WALSH. And did any one notify Commissioner Caminetti, to your knowledge, as to these rumors and deep suspicion surrounding Tape as a grafter?

Mr. MONROE. I wouldn't know the source——

Chairman WALSH. Did you tell him?

Mr. MONROE. I had no conversation with Caminetti.

Chairman WALSH. You did not?

Mr. MONROE. No.

Chairman WALSH. Is the manager of the Frye Hotel related to Tape?

Mr. MONROE. I understand the former manager of the Frye Hotel——

Chairman WALSH. Nixon?

Mr. MONROE. Nixon.

Chairman WALSH. Was he manager at the time Caminetti was there?

Mr. MONROE. I think he was.

Chairman WALSH. What relation is he to Tape?

Mr. MONROE. Well, I have understood that Nixon married an adopted sister of Mrs. Tape's. Since we started this investigation of Mr. Tape, we have come to the conclusion that Nixon's wife is a full sister of Mrs. Tape.

Chairman WALSH. Of this present Mrs. Tape?

Mr. MONROE. Yes.

Chairman WALSH. And you heard Tape lived with a woman in Portland, named Pearl?

Mr. MONROE. I heard that since Bonham came here to make this investigation.

Chairman WALSH. You had not heard it before that time?

Mr. MONROE. No, sir.

Chairman WALSH. Did you know when Tape married this woman that he is living with now?

Mr. MONROE. No.

Chairman WALSH. When did you first call upon him?

Mr. MONROE. I first called upon them when they asked—invited us to the house to meet his mother and sister from San Francisco.

Chairman WALSH. I say the time, I am asking the time, not who was there.

Mr. MONROE. Oh.

Chairman WALSH. Yes; the time.

Mr. MONROE. That would be—that is possibly the fall of 1911. Or it might be some time in the first part of 1912.

Chairman WALSH. Was he married then?

Mr. MONROE. He was living with this woman.

Chairman WALSH. It is considered in this community—I am asking for information—is it considered a respectable thing for Chinese and whites to intermarry?

Mr. MONROE. Well, there are quite a number of such marriages.

Chairman WALSH. And are they received into respectable society?

Mr. MONROE. I don't think they are received into society generally.

Chairman WALSH. Generally?

Mr. MONROE. No.

Chairman WALSH. In some places it is considered like intermarrying with an Ethiopian, marrying a Chinese, that a white woman who consorts with a Chinaman, or lives with one, it is a sort of a notification that everything is not all right?

Mr. MONROE. I would like to make this sugestion.

Chairman WALSH. Yes.

Mr. MONROE. The people of this city as a whole—I mean the business men—are very, very friendly to the Chinese. Mr. Tape is American born and thoroughly Americanized and associates altogether with whites. And I know from what I have heard—I have not seen it—that Mrs. Tape and Mrs. Nixon are fast friends.

Chairman WALSH. They are sisters.

Mr. MONROE. And travel around a great deal together.

Chairman WALSH. Sisters?

Mr. MONROE. They are supposed to be sisters. But while I don't think a Chinaman is usually, even Mr. Tape, accepted socially with whites, yet he probably comes as near to it as any Chinaman can.

Chairman WALSH. Did he ever tell you when he was married or where he was married?

Mr. MONROE. The only thing I know about his marriage is this: I heard him say one day in the office that he had a wife in San Francisco from whom he was separated. Might I speak without the record for a moment?

Chairman WALSH. Yes.

(After conversation between Chairman Walsh and witness.)

Mr. MONROE. I am willing to tell you everything I know. Some time later, I think in the spring of 1911, he requested a leave of absence one day, saying that he wanted to meet—he wanted to secure housekeeping rooms, that his wife was coming from San Francisco; that his mother had insisted upon his living with her; and he was going to try it again here in Seattle. He professed great respect for his mother, and stated he did not like to live with his wife because she had inherited some money after their marriage and was inclined to lord it over him. So later on I found that he had secured rooms in the Calhoun Hotel, and was living there with his wife, as I presumed. I

knew nothing about that at that time, until some months later they moved into an apartment house on Capitol Hill, a respectable section of this city. While there he invited myself and Mrs. Monroe to meet his mother and a baby sister. We went there and met this mother and sister, and found the mother a remarkable woman. She is intelligent and accomplished——

Chairman WALSH. I do not care for you to go into her personal attributes.

Mr. MONROE. I was just going to show how this developed.

Chairman WALSH. Yes.

Mr. MONROE. The mother and sister used this present Mrs. Tape in a very cordial manner that evening. So I have been satisfied until this investigation started now that this present Mrs. Tape was the original wife in San Francisco. I, of course, now know she was the woman he picked up here in Seattle.

Chairman WALSH. Say, did Tape always seem to have plenty of money?

Mr. MONROE. He did not seem to have very much money the first year.

Chairman WALSH. Well, after that.

Mr. MONROE. The second year he bought a launch, a gasoline launch, and placed it on Lake Washington, and I heard him remark that it cost some five or six hundred dollars; that either his father or mother had sent him the money.

Chairman WALSH. I do not care for his explanation of where he got the money, but did he after that appear to have a good deal of money?

Mr. MONROE. Well, that was the thing that caused it to appear to me that he had money.

Chairman WALSH. What was his salary?

Mr. MONROE. Thirteen hundred and twenty dollars.

Chairman WALSH. Did he have any other source, any apparent source of income except his salary?

Mr. MONROE. He always held it out everywhere that his parents were rich; that he could get money from home any time he wanted it; and that his wife had an independent income.

Chairman WALSH. So that all there was was what he said about it?

Mr. MONROE. That is all.

Chairman WALSH. That is all. Was he engaged in any business that you know of?

Mr. MONROE. None.

Chairman WALSH. Did anybody—were you in the office with him a great deal?

Mr. MONROE. Well, we have four or five rooms. I have a private office. He is in the main office.

Chairman WALSH. Did you ever see any remittances that he received from his parents, or any checks coming from an estate, or anything of that sort?

Mr. MONROE. None at all.

Chairman WALSH. Did he wear diamonds?

Mr. MONROE. He wore one diamond.

Chairman WALSH. He wore a diamond and had a launch and after that got an automobile?

Mr. MONROE. He sold the launch and bought the automobile.

Chairman WALSH. You could tell that he was a man apparently spending $5,000 to $10,000 a year?

Mr. MONROE. He made no secret of the fact that he was spending all this money.

Chairman WALSH. Did he tell you also that he made money gambling?

Mr. MONROE. Yes; and in betting on elections and horse races. He would often come to the office and say he put up so much yesterday and took a 10 to 1 shot and cleaned up so many hundred dollars.

Chairman WALSH. Were you out riding with him on Decoration Day of this year?

Mr. MONROE. I was.

Chairman WALSH. Where did you go?

Mr. MONROE. We went to Union City.

Chairman WALSH. Did you celebrate there?

Mr. MONROE. No; went on a fishing trip.

Chairman WALSH. Oh, on a fishing trip. In his automobile?

Mr. MONROE. His automobile.

Chairman WALSH. Who all were present?

Mr. MONROE. Myself, Mrs. Monroe, Mr. Tape, Mrs. Tape, and the chauffeur.

Mr. MONROE. Yes; he always had a white chauffeur.
Chairman WALSH. What was his name?
Mr. MONROE. I don't remember.
Chairman WALSH. That was Decoration Day in 1914?
Mr. MONROE. Nineteen hundred and fourteen.
Chairman WALSH. Was there anything else that you wish to say?
Mr. MONROE. I wish to make an explanation covering this fishing trip this spring. It was made after—I went with him on that trip after conferring with Commissioner White. He was under investigation at that time, and I confess I went along to observe his conduct and to note how much money he spent. I made a report to Mr. White upon my return.
Chairman WALSH. Do you know how much money he spent on that fishing trip?
Mr. MONROE. On that trip?
Chairman WALSH. What did he spend?
Mr. MONROE. Well, we just figured generally, tried to estimate the expense of the trip. That was all.
Chairman WALSH. That is all. Thank you.
Mr. BUSIEK. Mr. C. E. Stevens.
Chairman WALSH. Mr. Stevens, you do solemnly swear that the testimony you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?
Mr. STEVENS. I do.

TESTIMONY OF MR. CLAUDE E. STEVENS.

Mr. BUSIEK. Please give your name in full.
Mr. STEVENS. Claude E. Stevens.
Mr. BUSIEK. What is your profession?
Mr. STEVENS. Attorney.
Mr. BUSIEK. How long have you practiced law, Mr. Stevens?
Mr. STEVENS. About five years.
Mr. BUSIEK. How long have you lived in Seattle?
Mr. STEVENS. About 10 years.
Mr. BUSIEK. Prior to living in Seattle where were you?
Mr. STEVENS. Boston, Mass.
Mr. BUSIEK. Where did you study law?
Mr. STEVENS. Boston University Law School.
Mr. BUSIEK. When did you graduate?
Mr. STEVENS. In 1904.
Mr. BUSIEK. And came out to Seattle at that time?
Mr. STEVENS. That summer.
Mr. BUSIEK. What business were you in after coming out here?
Mr. STEVENS. Telephone business.
Mr. BUSIEK. You worked for the Pacific Telephone Co.?
Mr. STEVENS. Independent Telephone Co.
Mr. BUSIEK. Independent Telephone Co.?
Mr. STEVENS. Yes.
Mr. BUSIEK. In what capacity?
Mr. STEVENS. Service manager.
Mr. BUSIEK. And when did you first become connected with Adelphia College?
Mr. STEVENS. In 1910.
Mr. BUSIEK. In what capacity?
Mr. STEVENS. As head of the commercial department.
Mr. BUSIEK. You taught commercial——
Mr. STEVENS. Commercial subjects.
Mr. BUSIEK. You taught commercial subjects?
Mr. STEVENS. And some other subjects also.
Mr. BUSIEK. Were you practicing law at that time?
Mr. STEVENS. I was not.
Mr. BUSIEK. And did you have any office down town?
Mr. STEVENS. I established an office in the fall of 1910, I think; I am not quite sure of just the date.
Mr. BUSIEK. How did you come to make a trip to China, Mr. Stevens?
Mr. STEVENS. With a view of having a number of Chinese students return to America, and some of them to enter Adelphia College.

Mr. BUSIEK. What put this idea into your mind?

Mr. STEVENS. A client; a Chinese client of mine came to the office one day and said that he had a relative that he would like to have come to America, but the State Department would not give them a certificate, and asked if I would assist him. I had not had any experience in Chinese matters, and needed some time to look the matter up. So I told him to come back again in a few days, which he did, and I told him that I did not think I could help him any until they arrived here. If he had any difficulties here there might be something I could do.

He came in in a few days, and he said there were several boys there who desired to come over, who had relatives here, but it was necessary for some American to assist them there, that they were not given the proper treatment by the authorities unless there was some American to assist. And he wanted to konw if I could help them. I told him that I didn't think I could; I didn't think I could do anything. I didn't think that what I could do would be of any effect, and dismissed the subject. But he came in again and wanted to know if I would go over there.

Mr. BUSIEK. When was this that all this was going on?

Mr. STEVENS. This was about December, 1910, or January, 1911. I told him I would investigate.

Do you want all this?

Mr. BUSIEK. Who was this Chinese—perhaps we can get at it quicker.

Mr. STEVENS. That was Paul Lewis.

Mr. BUSIEK. Paul Lewis.

Mr. STEVENS. It would take me about five minutes to tell the whole story.

Chairman WALSH. Tell the whole story, then.

Mr. BUSIEK. All right.

Mr. STEVENS. I told him that I would look the matter up, and for him to come in later—to give me two or three weeks. So, in the meantime, I read up the law relative to the incoming of Chinese, and I talked with 8 or 10 of our leading attorneys of the city relative to the ethics of the practice, and talked with some of the immigration officials, and finally I interviewed some of the Congressmen. Everybody said that there was no—couldn't see any wrong for bona fide students coming here and our assisting them. I also interviewed several—two women who had brought students in before.

Mr. BUSIEK. Who were they?

Mr. STEVENS. Mrs. Greenlee and the other lady I don't remember.

Mr. BUSIEK. Miss Ober?

Mr. STEVENS. Yes; I think that is the name. Mrs. Greenlee, I remember especially. They all informed me that there was nothing, they did not see anything wrong with the practice, and finally I got in touch with the State Department, and asked their advice in the matter. The result was that the State Department finally gave me a letter to the American consuls in China, asking them to—informing them that I was coming there for the purpose of bringing back some students, and to assist me in any proper way that they could.

Mr. BUSIEK. Let me interrupt you. Had you told the State Department how many students you wanted to bring?

Mr. STEVENS. I don't think that I had. I had told one Congressman that I wanted to bring in 40 or 50.

Mr. BUSIEK. What Congressman?

Mr. STEVENS. That was Humphreys. And finally I concluded to go over. In the meantime a number of relatives had heard that this Chinese with whom I was identified was going over for that purpose, and they wrote letters from different cities all around the country, from different cities in the United States, to the effect that they had boys over there, nephews or cousins that they wanted to come over, and asked us to bring them over. When I went over it was generally believed there would be a crowd of about 60 that would want to come back. When I got over there I found they had about 150 that desired to come back. Shall I go on with the experience there?

Mr. BUSIEK. Well, I take it you took the students before the consul at Canton and made arrangements, had them examined, and had certificates issued, is that right?

Mr. STEVENS. That is correct. But there is a little evidence just preceding that, that I would like to introduce.

Mr. BUSIEK. All right.

Mr. STEVENS. When I arrived there, I told those that were interested in the matter that under no circumstances would I have anything to do with bringing in a boy that was intending to come here to enter any other pursuit than that o fa student; that I wanted to know absolutely; that I wanted their promise that they would not attempt to bring anyone that was not a bona fide student. And with that in view, I had them assemble the students from time to time, looked them over myself, and talked to each one; and I had some assistance there. Then I had a talk with the American consul, Mr. Berghols, relative to the matter. I told him that under no circumstances would I have anything to do with bringing in a boy that was not a bona fide student, and if he had any misgivings in the matter that they might not be, I would appreciate the fact if he would say so, and if there was any students that were brought before him that he did not think were bona fide students, that I would be very glad if he would instruct them if there was any doubt whatever.

Mr. BUSIEK. You did get 96 students to pass muster?

Mr. STEVENS. One hundred, just an even hundred.

Mr. BUSIEK. An even hundred?

Mr. STEVENS. Yes.

Mr. BUSIEK. How many did you take through Frisco?

Mr. STEVENS. Forty.

Mr. BUSIEK. How many through Seattle?

Mr. STEVENS. Fifty-six.

Mr. BUSIEK. What became of the other four?

Mr. STEVENS. The other four had not—never came over, to my knowledge.

Mr. BUSIEK. And what arrangement did you make for compensation to yourself? Did you get so much a head or so much for the whole crowd?

Mr. STEVENS. There wasn't a definite arrangement made relative to that. The only thing that was definitely agreed upon was that if the undertaking succeeded, they came through, they were to pay my expenses and pay me for what I would lose in my practice. And I had some legal work, quite considerable legal work at that time, which I had to hire done by other attorneys. They were to compensate me for my trouble, with the understanding it would not take us over ninety days to make the trip.

Mr. BUSIEK. Did you have to put up your own expenses?

Mr. STEVENS. I put up my own expenses at first. I had $800 in money with me.

Chairman WALSH. Who was to compensate you?

Mr. STEVENS. Beg pardon.

Chairman WALSH. Who was to compensate you? Did you make this agreement that you have spoken of—was it with Paul Lewis?

Mr. STEVENS. My agreement with him with reference to a certain number of students—I overlooked that. There was another Chinese in the city came to me and asked me if I would bring over some of his friends, belonging to another family.

Mr. BUSIEK. Who was that?

Mr. STEVENS. Mark Ging.

Mr. BUSIEK. Mark Ging?

Mr. STEVENS. Mark Ging.

Mr. BUSIEK. Both Paul Lewis and Mark Ging were connected with the Adelphia Academy?

Mr. STEVENS. They had been attending the academy; yes.

Chairman WALSH. Well, Mr. Stevens, who was to determine what your losses would be from your practice?

Mr. STEVENS. That was left indefinite, no——

Chairman WALSH. Well, was it to be fixed up after you came back?

Mr. STEVENS. Yes.

Chairman WALSH. What fee did you receive for the whole job?

Mr. STEVENS. As a matter of fact my expenses were paid in driblets from time to time and I never kept an account of it. I have never kept a cash account of my own business, I am frank to say, until a month ago I started in, and I never kept those items.

Chairman WALSH. Could you approximate how much compensation you received?

Mr. STEVENS. I can; yes. I received for my services I think between $2,500 and $3,000.

Chairman WALSH. And the expenses amounted to how much?

Mr. STEVENS. And the expense is very indefinite. I would rather not approximate it. The expenses were quite heavy.

Chairman WALSH. Did you receive any more than your actual expense on that account?

Mr. STEVENS. No; only—well, my wife was with me, and it was understood that her expenses would be paid, too. I wasn't willing to leave her here. I told them I would not go without her, and both of our expenses were paid.

Chairman WALSH. Any one else; any other person who went along?

Mr. STEVENS. No; only excepting the two mentioned.

Chairman WALSH. Was your payment contingent upon your success?

Mr. STEVENS. Largely. I was to be reimbursed to an extent if I—if we didn't succeed, but mostly depending on the success of it.

Chairman WALSH. Did you make any statement, now, to these clients, to these two men as to the amount that you lost from your practice while you were there?

Mr. STEVENS. Never.

Chairman WALSH. Or did you just fix a lump sum?

Mr. STEVENS. I never made a statement. I have never received anywheres near what I expected to receive for it, and never had occasion to make a statement. After the expenses were accumulated here and there I have asked them for some money, and they would give me some.

Chairman WALSH. Do you know Mr. Taylor, of the immigration office? What is his name?

Mr. BUSIEK. Richard Taylor.

Chairman WALSH. Richard Taylor.

Mr. STEVENS. I don't know him. The name is familiar. I don't know him.

Chairman WALSH. Were you acquainted with the commissioner here?

Mr. STEVENS. Mr. de Bruler?

Chairman WALSH. Yes.

Mr. STEVENS. I was not prior to that time. I knew who he was.

Chairman WALSH. Were you acquainted with Mr. John R. Sawyer, the inspector, or the deputy consul general that you met in China?

Mr. STEVENS. I never met him.

Chairman WALSH. Sir?

Mr. STEVENS. I never met him.

Chairman WALSH. Did you meet him in China?

Mr. STEVENS. No; he wasn't there at the time I was there.

Mr. BUSIEK. Now, you sort of stood sponsor for these boys, did you not?

Mr. STEVENS. You mean after arriving here?

Mr. BUSIEK. Yes; that is, you agreed with the immigration authorities that they were going to be under your charge at Adelphia College; that you would look after them; that you had collected them; and that you know who they were and what their intentions were; and that you would notify the department in the event that any of them left and were not bona fide students? Didn't you make such an agreement with Mr. Monroe?

Mr. STEVENS. No.

Mr. BUSIEK. Did you not tell them that you were assured of the bona fides of these students?

Mr. STEVENS. That I was sure?

Mr. BUSIEK. Yes.

Mr. STEVENS. That I felt myself positive? Yes; I did that.

Mr. BUSIEK. And did not you tell them that you were going to look after them at Adelphia College?

Mr. STEVENS. You mean tell Mr. Monroe or Mr. Bergholz? I don't understand.

Mr. BUSIEK. Either one of them.

Mr. STEVENS. My understanding with the State Department there was that I would bring them over here and request that they all stay in Seattle for at least one year in order to become acquainted with the American manners and customs.

Mr. BUSIEK. Now, you were dean of the Chinese department?

Mr. STEVENS. Yes, sir.

Mr. BUSIEK. And shortly after your arrival the first batch of them left; that is true, is it not?

Mr. STEVENS. I beg your pardon.

Mr. BUSIEK. Shortly after——

Chairman WALSH. A little louder, Mr. Busiek.

Mr. BUSIEK. Shortly after your arrival in Seattle the first batch of those students escaped at night, did they not, and left the school?

Mr. STEVENS. No.

Mr. BUSIEK. Within a few weeks?

Mr. STEVENS. No.

Mr. BUSIEK. How long did they attend before any of them left?

Mr. STEVENS. Why, I think about three months.

Mr. BUSIEK. Did you make any investigation as to where they went?

Mr. STEVENS. Yes, sir.

Mr. BUSIEK. What did you find out?

Mr. STEVENS. We weren't able to find out anything. There were possibly half a dozen out of the first 30, or something like that, that left; that we found their whereabouts. The others we could not find.

Mr. BUSIEK. What was the nature of the investigation that you made?

Mr. STEVENS. Inquiries through Chinese where they might go, where they might have gone.

Mr. BUSIEK. Now, they were all consigned to relatives here, or you got them, as you say, on behalf of relatives here in Seattle?

Mr. STEVENS. Not all of them; no.

Mr. BUSIEK. Well, how did you get the rest? What prompted you to get others when you weren't asked?

Mr. STEVENS. Relatives in China.

Mr. BUSIEK. And how did you happen to get in touch with those relatives in China?

Mr. STEVENS. I didn't get in touch with them, personally.

Mr. BUSIEK. Who did?

Mr. STEVENS. The Chinese, Paul Lewis and Mark Ging.

Mr. BUSIEK. And they brought these to you and said, "Here are some more boys that want to go with you"; is that the idea?

Mr. STEVENS. That is the idea.

Mr. BUSIEK. And you had no idea of getting those until you got over in China?

Mr. STEVENS. I had no idea of getting them; I didn't have the names of any of those who were coming prior to my going to China.

Mr. BUSIEK. Well, did you——

Chairman WALSH. One minute. How many did you think when you started over that you were going to bring back?

Mr. STEVENS. Sixty is the limit.

Mr. BUSIEK. Didn't you have an agreement with Prof. Schmidt and Mr. Ericson that you were to bring over 10 or 12?

Mr. STEVENS. No.

Mr. BUSIEK. Didn't they have a meeting at which you were present, and took down the proceedings in minutes; wasn't it then decided that you should bring 10 or 12 students?

Mr. STEVENS. No.

Mr. BUSIEK. Isn't it a fact that when you came back with this great number of students they held a special meeting and that everyone present expressed surprise at the fact that you had brought so many, and there was some question as to whether or not they would accept those that you brought, and that it was then finally decided to create a Chinese department to take care of those students? Isn't that a fact?

Mr. STEVENS. Practically correct.

Mr. BUSIEK. Do you say you had no understanding that only 10 or 12 were to be brought over?

Mr. STEVENS. No.

Mr. BUSIEK. Did you tell Dr. Schmidt that you were going to bring over 60, or intended to bring over 60?

Mr. STEVENS. I don't remember telling Dr. Schmidt the number that I intended to bring in.

Mr. BUSIEK. You had no understanding at all with him about the number?

Mr. STEVENS. The fact that it was not intended that all the students I should bring should attend Adelphia College. And they were all to be given the option of whether or not they were to attend Adelphia or some other school in Seattle. I was insisting that they all attend some school in Seattle for at least one year, and then if they had relatives in different parts of the country to whom they wanted to go, we could probably arrange for their going to them.

Mr. BUSICK. Now, when these students left, did you go to their relatives, who had prevailed upon you to bring them over, and charge them with bad faith?

Mr. STEVENS. I went to the Chinese with whom I had dealt, and asked them to give us the address, and I went to several others and got the address of relatives of some of the boys with a view to finding out where they had gone.

Mr. BUSICK. And you never found one?

Mr. STEVENS. I never—we found where some were, yes; but we didn't get any back.

Mr. BUSICK. Did you ever take this information that you had before the district attorney and make any complaint?

Mr. STEVENS. No; I didn't think that was necessary.

Mr. BUSICK. Didn't you feel that you had been imposed upon by these Chinese who requested you to bring boys over here, and then these boys escaped; didn't you feel you had been imposed upon?

Mr. STEVENS. I felt that sincerely; yes, sir.

Mr. BUSICK. Well, what did you do about it?

Mr. STEVENS. I tried to get in touch with the boys, as I have said before.

Mr. BUSICK. But you didn't get in touch with them.

Mr. STEVENS. I didn't succeed.

Mr. BUSICK. And you took no action against those who had imposed upon you and who had been guilty of this fraud against the immigration law?

Mr. STEVENS. The immigration office had the names, and were looking after that, and I supposed that was sufficient.

Mr. BUSICK. How many interviews did you have with the immigration authorities?

Mr. STEVENS. I can't say how many I did have. I should say a half dozen, perhaps.

Mr. BUSICK. And Mark Ging or this Paul Lewis, how much did they get out of that?

Mr. STEVENS. I haven't any idea.

Mr. BUSICK. They showed sudden prosperity after they came back here, didn't they?

Mr. STEVENS. No; they did not.

Mr. BUSICK. Did they ever make any statement to you of having received any money out of this?

Mr. STEVENS. No.

Mr. BUSICK. Mr. Stevens, what independent means did you have before you went over to China? Did you have more than the $800 which you took over there?

Mr. STEVENS. You mean in money?

Mr. BUSICK. Yes, or property?

Mr. STEVENS. Yes. Yes; I had property here.

Mr. BUSICK. What did that consist of, real estate?

Mr. STEVENS. Real estate mostly, and I had quite a few owing me—a considerable amount owing me from clients.

Mr. BUSICK. I thought you had no practice prior to that time.

Mr. STEVENS. I beg your pardon.

Mr. BUSICK. Didn't you just tell us that you hadn't established any office until 1910 and didn't practice until that time?

Mr. STEVENS. I had been practicing about a year, I think.

Mr. BUSICK. When did you buy your farm, Mr. Stevens?

Mr. STEVENS. In 1912.

Mr. BUSICK. And how much did you pay on that at that time?

Mr. STEVENS. I paid $2,000.

Mr. BUSICK. I believe that is all.

Commissioner LENNON. Are there any questions?

That is all, Mr. Stevens.

Mr. BUSICK. Thank you.

TESTIMONY OF MR. FRED LYSONS.

Mr. BUSICK. There is the stand, Mr. Lysons. We will wait for Mr. Walsh.

Chairman WALSH. Be sworn. You do solemnly swear that the testimony you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. LYSONS. I do.

Mr. BUSIEK. Mr. Lysons, I gave you a copy of a proposed bill prepared by the Chinese Chamber of Commerce, or the attorneys for the Chinese Chamber of Commerce in San Francisco, and providing—which bill provides for the registration of Chinese under certain conditions. And I asked you to examine it and submit it to your clients, among whom is the Chinese consul, and to talk it over with them, and to appear before this commission and give your views concerning this bill. Have you looked over this bill and examined it?

Mr. LYSONS. I have; yes, sir.

Mr. BUSIEK. Now, just enter into a discussion of that, Mr. Lysons, and tell the commission what you think of the proposed law.

Mr. LYSONS. I think the enactment of such a law by this country would be the height of folly. And as a matter of statesmanship I think it would be the most short-sighted step this country could take with reference to immigration matters generally.

We have with China a safeguard that we have as to no other country. We have the exclusion law, absolutely excluding or prohibiting Chinese immigration, except as to certain specified and limited classes. That law probably is not absolutely prohibitive, as no prohibitive law on any subject is, but it seems to me that the law is entirely effective for the purpose of keeping out of this country undesirable Chinese.

The greatest objection, probably, to such a law is the fact that this country is looking—or, at least, it should look—to China for the extension of our commercial business and interests. China offers, in my judgment, the greatest and most promising market that is open to the world to-day.

Now, in face of the exclusion law that we have with China, which we have with no other country, to add to that—to those people the additional humiliation of requiring them to register, to tag themselves and mark themselves as a condition of the few—comparatively few that are here remaining in this country, would be, in my judgment, as I have said, the height of folly. And I think that if this country enacts any such a law we might just as well bid good-by to any prospect of extending our trade and commercial relations with China.

Mr. BUSIEK. Do you know of any Chinese taking this proposed law up with their Government in China?

Mr. LYSONS. I don't know that they have done that. I know the feeling of the Chinese here with reference to it, it is somewhat a matter of indifference with them. The Chinese population of this country is comparatively small; it is constantly decreasing. In the course of a few years, under our present law, there will be practically no Chinese here. Those who are here feel that if this country is going to maintain exclusion laws and prevent others of their race from coming here, that they had just as well return to China and carry on their business and commercial relations with other countries, and the matter of this law or any law of this sort is a matter largely of indifference with them.

Among my clients here I have talked with a number of Chinese and endeavored to get them to come before the commission and express their views upon it, and that is the way they have expressed themselves with me. I finally did get one Chinese by the name of Woo Gen, who, I think, has been subpœnaed here as a witness, is one of the pioneer Chinese merchants of this city, and he agreed to express his views on it.

The Chinese consul and his secretary refused to express their views, partly, of course, because they are in the diplomatic service and didn't regard it as proper to make any suggestions to this country as to its policy and enactment of laws.

Mr. BUSIEK. The proponents of the bill claim this for it: They say that the Chinese who are now in this country—many of them would have difficulty in establishing their status and right to be here—are constanly menaced and harassed even though they have a right to be here, and it is hard to prove it, and that they are open to extortion by dishonest and corrupt officials and by blackmailers of their own race; that if this bill was passed no Chinaman who is now in this country lawfully need be uneasy. They don't think it a harsh requirement that he register so as to assure himself security for all time, and it would be a great protection to the Chinese who are lawfully here and would enable the Government to check up closely on such Chinese as might come here after the period of registration.

Now, have the Chinese considered these advantages?

Mr. LYSONS. The conditions you enumerate may be true to some extent, but the Chinese here, I believe, take—and certainly those who are of my acquaintance take—a broader view of the subject than the individual rights of the comparatively few Chinese who are here. Such a law may protect some Chinese who are here lawfully, but with difficulty in establishing that lawful right. Certainly it seems to me it would protect the Chinese who are here unlawfully. But the advantage that it would be to the few individual Chinese who are here would be no comparison to the resulting ill effects it would have on the trade and commerce of this country with China by reason of making the Chinese—individualizing the Chinese nation in regard to our treatment of them and making marked men of the Chinese as distinguished from the immigrants from any other country.

Mr. BUSICK. Then, the only objection that the Chinese have to this proposed bill is that it provides a different manner of treatment for them than is provided for any other class of people in this country, so that there is just an added regulation to those that already exist?

Mr. LYSONS. Well, that would overshadow other objections that they have to it, anyway.

Mr. BUSICK. What other objections have they, Mr. Lyons?

Chairman WALSH. I think Mr. Lysons has stated the broad general objections to it.

Mr. LYSONS. Yes, sir; I undertook to.

Chairman WALSH. That it would be a violation of true statesmanship to do it on account of the general proposition involved in dealing with China commercially and otherwise?

Mr. LYSONS. Yes, sir.

Chairman WALSH. Those are the large things?

Mr. LYSONS. Yes, sir.

Chairman WALSH. And individually, it is explained by the application of the registration to the local Chinese, it would go back and exert its influence in their own country and exert its influence here. Is that about the general idea?

Mr. LYSONS. Yes, sir; that is about it.

Commissioner O'CONNELL. On the other hand, what effect would it have on the large number of Chinese who are in this country illegally, and who are being chased from pillar to post, if those men were given cards showing that their residence in the United States was official and that they had a right to be here?

Mr. LYONS. Of course, as to those Chinese it would make them immune from trouble. I am of the opinion that the Chinese whom that would benefit and who need it, are comparatively few.

Commissioner O'CONNELL. Have you any general idea or estimate as to what Chinamen there are in this country illegally?

Mr. LYSONS. It would be hard for me to estimate that. Any statement I would make would be only an estimate.

Commissioner O'CONNELL. Oh, yes.

Mr. LYSONS. I believe that 10 per cent of the Chinese of the total Chinese population of this country would cover the Chinese who are here unlawfully.

Commissioner O'CONNELL. You say you think the population of the Chinese in the United States is decreasing?

Mr. LYSONS. Yes, sir; I do.

Commissioner O'CONNELL. What is your estimate of the number of Chinese in the United States?

Mr. LYSONS. The only basis——

Commissioner O'CONNELL. First, how many Chinese do you believe there are in the State of Washington, coming nearer home?

Mr. LYSONS. The only considerable number of Chinese in any one community is here in Seattle, and the total Chinese population of this city, I believe, does not exceed 1,000.

Commissioner O'CONNELL. Would that be doubled in the State?

Mr. LYSONS. Beg pardon?

Commissioner O'CONNELL. Would that be doubled in the State?

Mr. LYSONS. I believe that would be a full estimate of the number in the State, double that. I would state from my knowledge of the conditions here and in Portland and throughout the Northwest my only—my basis, of course, for estimating the Chinese population is the United States census figures. That shows, as I recollect it, that in the last 20 years the Chinese population has decreased about 30 per cent. I know that within that time the population

here in this city and in Portland, Oreg., has decreased fully that much; and in these communities in the Northwest with which I am familiar the decrease has been fully that great.

Commissioner O'CONNELL. Now, in your criticism on the tentative idea we have on this matter, on which you have offered criticism, have you anything in a constructive way to offer this commission?

Chairman WALSH. Any change in the law, any recommendation you think should be made?

Mr. LYSONS. I don't believe, gentlemen, that I would recommend any change in the law. I believe that the exclusion law as to Chinese laborers under present conditions, anyway is a wholesome law. I believe the time is coming when this country will realize that the Chinese will be entitled to the same treatment and equal privilege of admission here as other foreigners, certainly as other orientals. The Chinese as a people and as a country are advancing and progressing quite rapidly. When I speak of China, by the way, and the relations between China and this country, I refer to southern China.

Now, we have never had in the past and haven't now any extensive immigration or commercial relations with northern China. Of all the Chinese who have come here a very few thousand would cover those who have come from as far north even as Shanghai. Practically the whole Chinese population of this country has come from the southern Provinces, Qwong Tong Province chiefly, of which Canton is the capital city. That is the section of China which is advancing and progressing so rapidly, and so much more rapidly than other sections of China. That advancement and progress in my opinion being chiefly due to the influence of Chinese who have been educated and modernized in the United States, Australia, Canada, and other foreign countries, and have returned to China carrying western civilization back with them.

Commissioner LENNON. Do you believe the present law is reasonably effective in preventing smuggling?

Mr. LYSONS. I believe it is as effective as any law can be, and in comparison with prohibitive laws in other directions is entirely effective.

Commissioner O'CONNELL. Well, you understand this situation that has arisen out of bringing students here in the last few years?

Mr. LYSONS. Yes; I understood something of it.

Commissioner O'CONNELL. Where more than 100 were brought in and in a few weeks they were gone, and no record of them at all—left the college?

Mr. LYSONS. I heard of the occurrence—just one important occurrence of that kind.

Commissioner O'CONNELL. There seems to be a lack of efficiency in carrying out that portion of the law.

Mr. LYSONS. You must remember that that was probably the first instance, and I believe the last and only instance of that kind, certainly the only instance of such magnitude.

Commissioner O'CONNELL. We have three or four instances before us.

Mr. LYSONS. I didn't know of any instance of anything like that magnitude. That student question is, of course, quite an important question in the administration of the Chinese exclusion law. I know something about it because I took an interest in a project of that sort on behalf of the Chinese merchants of this city and some merchants of Portland, Oreg. For some years there has been, oh, an insatiable desire among the Chinese to educate their children and relatives abroad especially in the United States. That desire became widespread and well known, and I believe that the public and foreign knowledge of that desire was the principal thing that resulted two or three or four years ago, whenever it was, in some people connected with the Adelphia College of this city sending to China, or going to China, and bringing in a crowd of Chinese ostensibly as students. I don't know enough about that project to characterize it, but I think likely an advantage was taken of that situation and the desire of the Chinese to send their younger children here for educational purposes. At any rate I have understood—it is largely hearsay with me—I have understood a crowd of about 100 was brought over here, consisting to a large extent of horny fisted laborers, who entered school—entered this school—and in the course of a few months none of them were to be found here. As a result of the agitation that that incident stirred up the Government—the Chinese Government of the Province of Qwong Tong—has joined with the American officials over there in safeguarding the admission of Chinese to this country as students. The experience of the Chinese mer-

chants of this city, with which I had personal knowledge by reason of my connection with their project to bring some students over here, I think is typical and will illustrate to this commission the means that are being taken and the safeguards that are being thrown around the admission of Chinese to this country as students.

I made a trip to China last year for these Chinese merchant clients of ours, primarily for the purpose of investigating the general relations, commercial and immigrant, between this country and China, and with the view also of assisting in carrying out their desire to bring to this country some of their relatives, young boys whom they desired to educate here. I found that, whether as a result of this Adelphia College incident or not, that at any rate since that time a Chinese applicant for a certificate which would enable him to go out of that country and be admitted to this country as a student, has to submit to an examination by the Chinese officials. That examination is under the charge of the Chinese commissioner of education, and the Chinese commissioner of foreign affairs. Those two officials whom I met over there, Chung Wing Quong, being commissioner of education for Qwong Tung Province, and Pan H. Loo, being commissioner of foreign affairs, I found to be according to my estimate of them, very high-class men.

Pan H. Loo, being a graduate of Harvard University, and Chung Wing Quong being a graduate of some foreign school, I have forgotten now which one.

Chairman WALSH. European?

Mr. LYMAN. I believe so. He was connected, by the way, with the college in Canton, the Canton Christian College, a nondenominational institution, which I think is doing quite a good work there.

These applicants must pass the examination of this educational commissioner and the commissioner of foreign affairs. This commissioner of foreign affair exacts a bond from the parents or relatives or other sponsor of these applicants for these students' certificates, guaranteeing to the Chinese Government the good faith of their application. Such of these applicants as are passed by these two Chinese bureaus then are required to pass the muster of the vice consul, the American vice consul at Canton, an official who I understand has been put there comparatively recently for the purpose of passing on immigrants' applications.

Accompanying me on this trip was one of the Chinese merchants of this city. He undertook among his relatives and friends there who desired to send their boys here for educational purposes, to secure their admission here as students. I was in China two months or more, and while I gave no attention to the details of arranging for the admission of these students while I was there, this Chinese representative of these merchants had not succeeded in getting a single applicant past these three examining officials. It is my opinion from my experience and personal knowledge of the situation and from what I have learned and heard from other sources of information, that the present law and regulations give an entirely effective method of preventing abuse of student privilege under the exclusion law.

Chairman WALSH. Mr. Lyman, have you any knowledge directly or through any source that you think is reasonably authentic to the effect that there is smuggling of Chinese in this district?

Mr. LYMAN. I have no knowledge even through hearsay of anything approaching an organized smuggling of Chinese. Occasionally I hear of the arrest of some Chinese who has been smuggled in. There is occasionally the arrest of some one, Chinese or American, charged with smuggling in Chinese, but it is my opinion that those are simply individual instances.

Chairman WALSH. Have you any knowledge, either direct or hearsay, of any improper practice on the part of any official of the Government or anyone connected with the Immigration Department with reference to this subject of the smuggling in of Chinese?

Mr. LYMAN. I don't know as I understand exactly what you are getting at in your question.

Chairman WALSH. Do you know of any employee of the Government here who has accepted money for the purpose of allowing Chinese to come in, or close their eyes on violations of the law with reference to that subject, or anything of that sort; that is what I mean.

Mr. LYMAN. Well, for a long time past I have had reports brought to me of the acceptance of money and grafting by the interpreter here at the local

station, Frank Tape. I don't think I have heard reports of grafting except through that source.

Chairman WALSH. Do you know of any person connected with the Government, who has to do with the exclusion law, whose reputation, general reputation for honesty is bad—general reputation in the community; that is, among your Chinese clients and the community generally, outside of this one individual, I take it, that you have heard that his reputation is bad?

Mr. LYSONS. No, sir; outside of this one individual I don't believe there is.

Chairman WALSH. Do you know of any person in the Government service, any official, which has to do with the exclusion act, whose general reputation in the community for morality is bad?

Mr. LYSONS. Aside from this man I have mentioned I do not; no, sir.

Chairman WALSH. Is there any suggestion you desire to volunteer to the commission, Mr. Lysons, with reference to this subject, of any sort?

Mr. LYSONS. I might say this, that while it is hearsay and has come to me from clients, through the relation of attorney and client, the connection of Tape with the service as interpreter has been a matter of criticism among the Chinese here for some time past.

Chairman WALSH. That is all.

Mr. LYSONS. Another source of graft of which my clients complain, and of which there is a general knowledge, I think, in the immigration service here, which likewise exists, of which I know only through hearsay, that is the medical examination service at Hongkong.

Chairman WALSH. Now, that wouldn't touch the matter of smuggling Chinese, would it—or would it? If it does not, of course, we don't care to hear it.

Mr. LYSONS. I don't know that it would.

Chairman WALSH. You have read our law and we are limited to this one subject.

Mr. LYSONS. Yes, sir.

Chairman WALSH. You don't think that would affect the smuggling of Chinese?

Mr. LYSONS. No, sir; it is briefly this: These Chinese applicants for admission, whether applications for admission in the first instance or returning domicile Chinese, complain that they are grafted there by those medical examiners, required to take treatment, and I believe it is true—and this may affect the immigration matter here within the scope of this law—I believe it is true that applicants for admission or readmission are frequently passed by this examining board over at Hongkong by these examining physicians as being free from disease—passed after treatment by these physicians for which they receive a consideration when in fact they are not cured.

Commissioner LENNON. Are these diseases venereal diseases or general?

Mr. LYSONS. No, sir; the only diseases, I think, that give any trouble or that they pay particular attention to are trachoma and hookworm, the ill effects of those, in my opinion, being magnified greatly.

Commissioner LENNON. Are you the attorney that represents the Chinese in this district in most of their court cases, or are you just the attorney for some individual Chinese?

Mr. LYSONS. I am not attorney for any association of Chinese here, I am attorney for individuals.

Chairman WALSH. I guess that is all. That is all. I thank you. Call your next.

Mr. BUSIEK. Woo Gen.

TESTIMONY OF MR. WOO GEN.

Chairman WALSH. Do you solemnly swear the testimony which you are about to give in the hearing before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. WOO GEN. Yes, sir.

Mr. BUSIEK. Mr. Gen, please state your full name.

Mr. WOO GEN. Woo Gen.

Mr. BUSIEK. What is your business?

Mr. WOO GEN. Chinese wholesale merchant.

Mr. BUSIEK. You are interested in what business?

Mr. WOO GEN. What?

Mr. BUSIEK. What store are you interested in?

Mr. WOO GEN. Wa Chung Co.

Mr. BUSIEK. This commission is sent from Washington to make an investigation in matters of Chinese smuggling and the unlawful methods adopted, if any, by Government officials, and we are sitting here in executive session—this commission is—and no one is admitted—this is a secret session, and the commission wants to get from you what you know about the unlawful practices that have prevailed here in Seattle.

Now, are you acquainted with Frank Tape? Have you had any business dealings with him?

Mr. WOO GEN. Well, during the last year, about September, my partner had a son, that is, a minor son, come through. And he come to me, he says, "His father told me to come and ask you for money, for some money. He promised to give me some money."

Mr. BUSIEK. That is, Tape came to you?

Mr. WOO GEN. Yes, sir. I says, "How much?" He says, "$200." "Well," I says, "Great God, what is the matter with you?" I says, "You might as well rob the man." I says, "He is a regular merchant, been in the store ever since, they can't prohibit him because he is a merchant, and that is his really son—have to give money to?" I says to him, I says, "I don't think that is right, you to ask money for that son, that boy admitted." "Yah," he says, "His testimony and his father's testimony, it is not corresponding, and I have that fixed, and it costs money to have that fixed, so as to make it correspond the father's and the boy's." And then I phone up to his father. I says, "Did you promise to give him money?" He says, "Yes, I did." And I says, "Shall I give it to him?" He says, "Yes; better give it to him." And after awhile then, Mr. Monroe come up to see me; he says, "Where is that boy?" I says, "He is here in my store." He says, "Oh, well, him and his father's testimony all mixed up, but anyhow I know the old man, he is a real merchant, and the boy looks like him. I have everything what I believe that is his own boy. No doubt that is his own boy." That is why I know Tape is taking that money himself.

Chairman WALSH. You didn't give the money to Tape then?

Mr. WOO GEN. I did give him the money.

Chairman WALSH. You did give him the $200?

Mr. WOO GEN. Yes.

Chairman WALSH. When did you give him this $200 with reference to the time you had this conversation with Mr. Monroe?

Mr. WOO GEN. Well, I think some time in the—I believe it was in the same day Tape came there first, and Mr. Monroe came in the evening.

Commissioner O'CONNELL. You gave the money to Tape first?

Mr. WOO GEN. Yes.

Commissioner O'CONNELL. Then Mr. Monroe came and told you the boy was all right?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. Now, did you give it to him in currency?

Mr. WOO GEN. I gave it to him either in currency or gold, that is.

Chairman WALSH. Yes.

Mr. WOO GEN. The both kinds, I have forgotten, it is a long time.

Chairman WALSH. Where did you get the money; did you have it in your store, or did you have to draw it from the bank?

Mr. WOO GEN. Well, I had it in my store. His father had some money deposited there in my place.

Chairman WALSH. When was that?

Mr. WOO GEN. I think it was sometime in September last year.

Chairman WALSH. Last year?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. That is the only circumstance of that kind you know of?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. That will be all, then.

Mr. BUSIEK. It is common talk in Washington, isn't it, that Tape does that all the time?

Mr. WOO GEN. Well, that is the way——

Mr. BUSIEK. I want to ask you one more question: Did Tape ever come to you and speak about when Inspector Bonham got onto the job?

Mr. WOO GEN. He didn't tell me about Bonham, but he told me about Taylor. He says, "Taylor will come around and inspect this matter. I wish you would

kind of help me out." And I didn't answer him, because I got mad on him on that matter.

Chairman WALSH. Did you get his place of business, where his place of business is?

Mr. BUSIEK. 719 King Street is your address?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. And he is a merchant, is he?

Mr. BUSIEK. Yes.

Commissioner LENNON. Have the Chinese any societies in this city?

Mr. WOO GEN. Yes; we have.

Commissioner LENNON. Does Tape belong to any of those societies, so far as you know?

Mr. WOO GEN. No, sir.

Commissioner LENNON. You don't think he does?

Mr. WOO GEN. I don't believe he belongs to either one. He don't recognize himself as a Chinaman.

Chairman WALSH. Pretends to be an American?

Mr. WOO GEN. Yes, sir.

Commissioner O'CONNELL. You think Mr. Tape is pretty well off financially?

Mr. WOO GEN. Well, I heard about his father is pretty well off.

Commissioner O'CONNELL. Well, about himself.

Mr. WOO GEN. About himself I don't know about his finances.

Commissioner O'CONNELL. Do you know of any other Chinamen that said they gave him money?

Mr. WOO GEN. Well, I don't know; that is the only thing.

Commissioner O'CONNELL. That is the only thing you know of?

Mr. WOO GEN. That I know of.

Chairman WALSH. That is all; thank you, Mr. Woo Gen.

Mr. BUSIEK. Thank you.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock.

(Whereupon, at 12.35 o'clock p. m. on this Tuesday, August 18, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

The commission met pursuant to adjournment. Present as before.

Thereupon the following proceedings were had:

Mr. BUSIEK. Just resume the stand, Mr. Lysons.

TESTIMONY OF MR. FRED LYSONS—Recalled.

Mr. LYSONS. There are some conditions which I found in China which have a very material bearing on our treatment of the subject of Chinese immigration and exclusion that I think every department of our Government should know about. Now, we have always heard of China as a country of the most congested areal conditions, that there is not land enough for the people to squat down upon. I found over there acres, acres and miles of fertile, uncultivated land given over to graves of deceased ancestors. Ancestor worship is a great institution in China, and to the extent to which they carry it, in my judgment, it is the curse of China. I was taken on an ancestor worship pilgrimage by an old Seattle client, a friend of mine, and permitted to photograph their ceremony. [Witness hands photographs to Chairman Walsh.] I would like to introduce these pictures in the record, if you care for them.

Chairman WALSH. All right, Mr. Lysons.

Mr. LYSONS. Those pictures are interesting in an inquiry of this sort probably, as showing the extent of that land that is given over for that purpose.

Chairman WALSH. What is this place they seem to be worshipping in?

Mr. LYSONS. That is a grave.

Chairman WALSH. Just one grave?

Mr. LYSONS. That old gentleman's grandfather. That grave is constructed of cement at a great expense. Some distance over you will see—maybe 50 yards, you will see another grave. Now, there is all that space taken up for single graves.

(The photographs referred to were submitted, but are not printed.)

The only way that China will get away from that is through the introduction of western education and civilization. As an accompaniment of that ancestry worship proposition, of course, is the necessity for descendants to worship those

graves, and that accounts for the overpopulation of the country. The introduction of western education and western civilization, in my judgment, will overcome that evil to a great extent; at least will reclaim practically all of that land that is now given over for that purpose, and there will be, for generations to come, plenty of room in China for all of their inhabitants, speaking still, of course, of southern China, the part that concerns us.

The advance of progress in China in recent years has been very great, particularly in the matter of wages. That is another matter that should be taken into consideration in our policy with regard to Chinese immigration.

It has not been many years since wages in China averaged probably 3 to 5 cents a day. This old man shown in those pictures is a man who has built a railroad over there, Chin Gee Hee, from Seattle. He went over there and built a railroad in his own old home district. He told me that the commonest sort of labor on his railroad gets 30 cents a day, and the ordinary railroad work averages probably upward of 50 cents a day.

Yee Gee, a former resident of this city, who was some years ago interpreter in our Government customhouse and who has gone over there and has now become a leading building contractor at Hongkong, he built the post office there, the Government post office, and the municipal waterworks, and other public improvements. He told me he pays his laborers upward of 50 cents a day, and that is for unskilled laborers. His skilled laborers get from $1 to $2 a day. Chinese of foreign education, who can talk English or other foreign languages—English chiefly is the concerns in Hongkong, get from $300 to $400 a month. It has been simply astonishing the advancement in industrial conditions in China in the last few years. A number of Chinese acquaintances of mine corroborate those statements.

So that there is not the demand now, it is not the desire among the Chinese to come to the United States or go to other foreign countries that there was before these improved labor and industrial conditions over there, and the desire to go abroad now is actuated chiefly by the fact that the work over there is menial and degrading. They would not have to work so hard here. That is the matter that is concerning them now.

One day I dropped into a manufacturing place where they were sawing up jade stones, taking an old-fashioned bamboo saw, a saw with a bamboo frame and working very hard at it, and one of them asked the interpreter with me if I was an American, and he said yes. He then wanted him to ask me if the Americans could not get up some sort of improved saw for that sort of work. Everywhere I saw the cry for improved conditions in labor and industry and methods and machines.

By the way, I have recalled to mind an instance of alleged graft in this office, but whether it was graft or not, it will have a bearing on the general subject of the administration of our laws. A couple of years or so ago a young man of this city, a young Chinese named Chin Sue Yen, about 20 years of age, went to China to get married. He came back a couple of years ago with his young wife. At the immigration station here he was admitted as a native born, as he had been a number of times before. His wife was rejected. He told me that Interpreter Tape had demanded graft of $100 as a condition of so interpreting the case that his wife would be admitted. He refused to pay and his wife was rejected. This young man when he went over there, he was a very bright young business fellow, and he had connected himself with a concern that was putting in or getting ready to put in a motor-bus line on a military road leading out of Canton. He had come here as a representative of that concern with funds to purchase the equipment. On his wife's rejection he was obliged, of course, to accompany her back to China. Which reminds me of another regulation they have here.

They have a regulation here, by the way, denying the Chinese of the right to remarry on our shores. A Chinaman will bring his wife here, and if the marriage is doubtful for any reason, he is not permitted to have another ceremony here. An immigrant of any other nation is. Every week there are upon the arrival of any oriental steamer numerous Japanese marriages performed here. This right is denied the Chinese. This young man was obliged to accompany his wife back to China and have the ceremony performed there. As a result of the treatment and rejection of his wife he has not returned to this country. As a further result, this equipment he intended to purchase here has been purchased abroad, in Germany, I believe.

Whether this result of rejection was the result of graft or honest administration of our law, it is one instance, and typical of a number of instances

upon which I formed my judgment and gives me my opinion that that exclusion law should be more liberally interpreted as to the privileged classes.

With the fact that there are only about, not to exceed, 2,000 new Chinese admitted to this country annually, I can not see what harm would come from admitting the wives of those who are lawfully here. I think, in fact, that should be the policy of this country. I think the admission of wives and children should be extended to the laboring classes. Now, I am speaking in the interest of this country and the commerce of this country, not in the interest of the Chinese. For, as I said, they don't care, they are indifferent to what this country does. But speaking now exclusively in our interests, extending our commercial interests, I believe that our present law should be more liberally construed.

Chinese who have been here and absorbed our civilization are friendly disposed toward this country. That man Chin Gee Hee, who is the head of that railroad, buys all of the equipment in this country that he possibly can. I found on that railroad some German locomotives. I learned that at the time he had to buy those locomotives in 1904 or 1905, was the time the Chinese were boycotting this country, and his directors would not permit him then to buy in this country. He was obliged at that time to buy those few locomotives in either Germany or Glasgow. But with the exception of that he gives preference, as do all the Chinese who have been here, to this country.

I found in Canton a Chinese tailor, Yee Gee—no; Gee Hee. He still maintains a place of business in Seattle. He went on a visit to China about three years ago, and he observed the demand there for the American style of clothing. He opened a tailoring establishment in Canton, and when I saw him there a year later he had more than 40 workmen employed making American style clothing.

Chairman WALSH. For native Chinamen?

Mr. LYSONS. For native Chinese; yes; right in the heart of that Chinese city of Canton. I found department stores there in Canton managed by Americanized Chinese. They get their stock cheaper in other countries than the United States because they haven't the opportunity to buy here that they have in other places. I found that they were stocked largely on goods from Japan, Germany, and England. And it does seem to me, gentlemen, particularly under the present condition where all the foreign countries are engrossed with their own troubles, that with the degree of statesmanship which we all believe our Americans are capable, that the United States now, by the proper treatment of China and her subjects could build up a commerce with China that would be simply astounding in its proportions.

Chairman WALSH. Much obliged, Mr. Lysons.

Call your next witness.

Mr. BUSIEK. Mrs. Hing.

TESTIMONY OF MRS. SARAH E. HING.

Chairman WALSH. Be sworn, please. Do you solemnly swear that the testimony which you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Chinese into the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HING. I do.

Mr. BUSIEK. Please give your name in full.

Mrs. HING. Sarah Elizabeth Hing.

Mr. BUSIEK. Where do you live, Mrs. Hing.

Mrs. HING. I live at 410 North Pine Street, Ellensburg, Wash.

Mr. BUSIEK. Your husband is Moy E. Hing?

Mrs. HING. Moy J. Hing.

Mr. BUSIEK. Moy J. Hing?

Mrs. HING. Yes, sir.

Mr. BUSIEK. And he is a Chinese?

Mrs. HING. Yes, sir.

Mr. BUSIEK. How long have you been married, Mrs. Hing?

Mrs. HING. I was married nine years ago.

Mr. BUSIEK. Where?

Mrs. HING. New York City.

Mr. BUSIEK. To Mr. Hing?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Is he a native-born Chinese?

Mrs. HING. No, sir. He is born in Portland, Oreg.

Mr. BUSIEK. He was born in Portland, Oreg.?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Is he of pure Chinese descent?

Mrs. HING. His parents are; yes.

Mr. BUSIEK. What business was Mr. Hing in when you married him?

Mrs. HING. In the restaurant business.

Mr. BUSIEK. In New York?

Mrs. HING. In Detroit, Mich.

Mr. BUSIEK. In Detroit, Mich.?

Mrs. HING. Yes, sir.

Mr. BUSIEK. And when did you then go to China?

Mrs. HING. I went to China in 1908, I think it was—yes, 1908, in November.

Mr. BUSIEK. On what mission?

Mrs. HING. I went to China as a missionary.

Mr. BUSIEK. Sent out by whom?

Mrs. HING. We went independently.

Mr. BUSIEK. You went independently?

Mrs. HING. I am from the Baptist Church, but the board does not pay Chinese to do missionary work in China.

Chairman WALSH. A little louder, please.

Mrs. HING. The board does not pay missionaries, not for Chinese missionaries; that is, the Chinese themselves, they don't pay the Chinese for doing mission work in China.

Mr. BUSIEK. Were you sent out with credentials from the Baptist Mission Board?

Mrs. HING. No; they knew I was going. Dr. A. C. Ward, of the Temple Baptist Church——

Mr. BUSIEK. Dr. who?

Mrs. HING. A. C. Ward.

Mr. BUSIEK. From Atlanta, Ga.?

Mrs. HING. I lectured with him all around America at that time.

Chairman WALSH. You lectured with him?

Mrs. HING. Yes.

Mr. BUSIEK. On what subject?

Mrs. HING. On the China subject, during the Boxer war.

Mr. BUSIEK. Had you been in China before?

Mrs. HING. I had been in China before.

Mr. BUSIEK. Under the auspices of whom?

Mrs. HING. Of the First Baptist Church of Augusta, Ga. This is my second marriage.

Mr. BUSIEK. I see. And what was your name then?

Mrs. HING. My name then was Lee. I married a Lee, and went to China. He had a wife there, and, of course, I had the marriage annulled, and came back to America.

Mr. BUSIEK. You went by the name of Sarah Elizabeth Lee?

Mrs. HING. Lee; yes, sir.

Mr. BUSIEK. And did you have credentials from the board at that time?

Mrs. HING. At that time the board sent me from the Baptist Church; yes, sir.

Mr. BUSIEK. In what year was that?

Mrs. HING. That was in 1886, 1887 or 1889, I think something along in between those two years.

Mr. BUSIEK. When you went there in 1908, then, you say you went independently?

Mrs. HING. Yes.

Mr. BUSIEK. You were not connected with any——

Mrs. HING. No, sir.

Mr. BUSIEK. Missionary board?

Mrs. HING. No, sir. I was not.

Mr. BUSIEK. Who paid your expenses in China?

Mrs. HING. I paid it myself. I taught school to support myself while I was there.

Chairman WALSH. What did you teach?

Mrs. HING. I taught English. I had a private school of my own and went out teaching. We teach by the hour from the different schools. But I taught in private families, mostly, and had my own school.

Mr. BUSIEK. That was in what city?

Mrs. HING. I had a school in Hongkong, and afterwards in Canton.

Mr. BUSIEK. Do you speak Chinese?

Mrs. HING. Pretty good.

Mr. BUSIEK. What gave you the idea of bringing students to the United States?

Mrs. HING. That was merely for a favor at that one time, is the only one time I have ever even insinuated such a thing to anybody that I wanted to bring any Chinese here at all. At that time they asked me as a favor, some of the boys, they had got up a club together and wanted to come to school, and I was coming back to America to see my mother, she is old and has nobody to support her, look after her, and I came back to see her, and they asked me if I would just merely come with them and see that they got through. I did it as a favor.

Mr. BUSIEK. I should have asked you; where were you educated, Mrs. Hing?

Mrs. HING. Well, in Peoria, Ill.

Mr. BUSIEK. And did you have an education which fitted you for teaching?

Mrs. HING. Well, teaching Chinese; yes. I can teach in the lower grades. Of course, I have educated myself mostly since I became a woman. I never graduated from any school.

Mr. BUSIEK. Not from ward school?

Mrs. HING. From the common schools, yes, but not from the high schools. I went to the summer school in Peoria, Ill.

Mr. BUSICK. Not from ward school?

Mrs. HING. Why, through a—I read in a magazine of Mr. Cowell, and I thought I knew him, and asked him if he would take these students, and he said he would. They asked me to find a school for them, and I took them there. They paid me for taking them, but I told the inspectors when I came over that I would give up all responsibility of them after I had landed them in America. I didn't intend at all to take them. I didn't even want to, but they asked me a favor and I could not do anything else but grant it for them.

Chairman WALSH. Who paid you, you say, for taking care of them?

Mrs. HING. Nobody paid me. They gave me the money to pay for their schooling for three months, I believe it was, each student at Cushing Academy. And I thought that I knew Mr. Cowell, and I was trying to do him a favor, you understand, by putting them in that school. And I thought it was a better place for them to be educated at than a whole lot of other schools, because there were more foreigners there than they have at any other college here in America. And after I left, Mr. Monroe can tell you I came back to America apurpose afterwards to try to get those boys back in that school again, and I did all in my power to get them back.

Mr. BUSIEK. Did you ever write Principal Cowell that you were connected with the W. C. T. U. of China?

Mrs. HING. I was organizing the W. C. T. U. in China at that time; yes, sir.

Mr. BUSIEK. Did you have any correspondence with the national officers of that organization in America?

Mrs. HING. No. In Shanghai.

Mr. BUSIEK. Were you also organizing—or with whom did you correspond in Shanghai?

Mrs. HING. Now, I can't tell you that. I have the letter at home. A lady, she is.

Mr. BUSICK. Will you furnish the commission with a copy of that letter?

Mrs. HING. Yes. I will look it up.

Mr. BUSIEK. All the correspondence. Were you also connected with the Y. W. C. A. in China?

Mrs. HING. No; I will tell you how it is. In China, in the interior, they don't allow you to open churches there. You know what I mean. In some of the villages they are against it, and I opened schools and Y. M. C. A.'s called it that merely, to get to open churches, religious work there through the interior. And that is the only way we could do it by you known, calling it a Y. M. C. A. or W. C. T. U. But they told me, now I have my Christian Endeavor badges, and things that I can use. I didn't have it at that time.

Mr. BUSIEK. Did you have any correspondence with the central officers of the Y. W. C. A. in China?

Mrs. HING. No, no; I will tell you what I had. At the Y. M. C. A.—we belong to that, my husband and I do, and we pay so much a year. But they

don't allow you to organize a society under them there. Of course they run that by themselves. They are very peculiar about such ideas.

Mr. BUSIEK. Well, in a letter to Mr. Cowell, under date of August 19, 1911, I will ask you if you did not sign yourself as "S. H. Hing, organizer of the Chinese Y. W. C. A. and W. C. T. U."?

Mrs. HING. Yes; the Young Ladies' Christian Association and the Womens' Christian Association.

Mr. BUSIEK. But you were using——

Mrs. HING. I was organizing myself under that; Mr. Bergholtz told me I could organize any Christian society I wished to; I could do that.

Mr. BUSIEK. Mr. Bergholtz was——

Mrs. HING. He was American consul at that time.

Mr. BUSIEK. At Canton?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Now, how many studeents did you bring over?

Mrs. HING. There were 21 boys came, one was a traveler and 20 were students.

Mr. BUSIEK. How much money per head did they pay you?

Mrs. HING. There was $25 apiece to pay to the school for three months' tuition. That is all they gave me. And they paid their own ticket money, that is, I interceded for them to get it, and that is all that I saw of their money.

Mr. BUSIEK. Did you ever get in touch with the friends or relatives to whom they were destined here in the United States?

Mrs. HING. There was some of them sent letters through me and I gave them to Mr. Bergholtz, letters they would support those boys, and I think they should be made to do it.

Mr. BUSIEK. You paid $25 apiece, then, to Cushing Academy?

Mrs. HING. Yes, sir; I have the receipt at home for it.

Mr. BUSIEK. That is all the money you ever got out of any of those boys?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Did they have any money besides that?

Mrs. HING. Some of them did, and some of them didn't. Their parents or or whoever their guardian was here, was to support them in the school.

Mr. BUSIEK. What was the first intimation you had that these students were deserting the Cushing Academy?

Mrs. HING. I got a letter from Mr. Caldwell stating some of the boys had left. I was back in China, and I came right back to America.

Mr. BUSIEK. You came back where?

Mrs. HING. To America, and I have been working ever since to get the boys in school, or send them back.

Mr. BUSIEK. I didn't understand where you say you came back to.

Mrs. HING. I came back to America, to Seattle. I lived here until last January, then I went to Ellensburg.

Mr. BUSIEK. Did you know those boys before you brought them over?

Mrs. HING. Some of them I did and some I didn't.

Mr. BUSIEK. Did anybody assist you in bringing them?

Mrs. HING. No, sir; nobody at all.

Mr. BUSIEK. Did you and Mr. Hing ever live in Chicago?

Mrs. HING. Yes, sir.

Mr. BUSIEK. What business was he in?

Mrs. HING. None at all. We lived there before we went to China; we lived there only two or three weeks.

Mr. BUSIEK. What was your address in Chicago?

Mrs. HING. We stopped at a rooming house.

Mr. BUSIEK. You stopped where?

Mrs. HING. We stopped at a rooming house; I am trying to think of the number now and the street. I can't think of the number, but we stopped at a girl's that is married to a Chin company there. It was on Fourth Avenue, Plymouth Place then; it has changed hands.

Mr. BUSIEK. Did you ever live in St. Paul?

Mrs. HING. No, sir.

Mr. BUSIEK. Or Minneapolis?

Mrs. HING. No, sir.

Mr. BUSIEK. Did you stop there?

Mrs. HING. I have been through there; I never stopped off there.

Mr. BUSIEK. What were your movements after you left the East, after having placed those boys in Cushing Academy?

Mrs. HING. I went home to Peoria to see my mother; that is what I came here for. I stopped there a month, and my husband went to Duluth and opened a store and placed two of his cousins there, and we went back to China, where I had my school, and I could not leave it.

Mr. BUSIEK. What was Mr. Hing doing?

Mrs. HING. He was interpreter in the school.

Mr. BUSIEK. He was what?

Mrs. HING. Interpreter.

Mr. BUSIEK. He was acting as your interpreter?

Mrs. HING. Yes, sir; interpreter.

Mr. BUSIEK. What business are you in now?

Mrs. HING. We are the O. & O. Medicine Co.—Oriental and Occidental.

Mr. BUSIEK. Who else in that firm?

Mrs. HING. We have four people besides. I don't know the names of his men. We have one Dr. Wong.

Mr. BUSIEK. Dr. who?

Mrs. HING. Dr. Wong.

Mr. BUSIEK. W a n g?

Mrs. HING. W-o-n-g. You will have to ask my husband those names, he can tell you better than I can.

Mr. BUSIEK. Is he a practicing physician?

Mrs. HING. He is in China, but not here. We don't sell only patent medicines. We don't examine people, or such as that.

Mr. BUSIEK. Where do you get the medicines?

Mrs. HING. We get them from China and America; we use both.

Mr. BUSIEK. Who makes the medicines—who compounds them?

Mrs. HING. My husband does; the doctors.

Mr. BUSIEK. Through what port did you bring these boys?

Mrs. HING. I came through Vancouver, right straight through. I was to have landed at Seattle, but they stopped us at Vancouver, and made us go over the Canadian Pacific Railroad Co.

Mr. BUSIEK. How many immigration officers have come to see you—that is, come to see you in regard to these students?

Mrs. HING. Nobody but Mr. Monroe.

Mr. BUSIEK. Did Mr. Monroe come to see you, or did you go to see Mr. Monroe?

Mrs. HING. I went to see Mr. Monroe, and he came to me and told me I must find those boys.

Mr. BUSIEK. How many of them did you find?

Mrs. HING. I haven't found a good many of them. We have them all by number. I don't know a lot of their names, and my husband writes and we try to find out, and by the time we get there some of them have gone. Two or three of them have stated that owing to the war their father has become poor, and they had to work in the summer to go to school in the winter. I don't know how true it is. If I had the money I would go and find them.

Mr. BUSIEK. How long were the students detained at Vancouver?

Mrs. HING. Three or four days.

Mr. BUSIEK. Did you have the money for them, or did the boys have it themselves?

Mrs. HING. They had to send to Chicago and different places a telegram. I think you will see that registered, to get their money to pay their railroad fare on.

Mr. BUSIEK. Any questions by the commissioners?

Commissioner O'CONNELL. Are you and your husband the owners of this O. & O. Medicine Co.?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. These people that are there work for you?

Mrs. HING. Yes, sir; that is, they are in business with us, we have them as partners. We put up shares together and opened that, and I am getting all the Chinese to go together and patent their medicines and register it in Washington and try to do the American way.

Commissioner O'CONNELL. You say you don't examine patients at all?

Mrs. HING. No, sir; we are not allowed to do that; that would be against the law.

Commissioner O'CONNELL. You sell medicine to cure any ill they complain of?

Mrs. HING. They have never made complaint of any case we have doctored.

Commissioner O'CONNELL. If I would go to you for medicine you would ask me what I wanted it for?

Mrs. HING. Yes, sir; we would ask you; we would have to ask you that or we could not sell it. You will excuse my expression, I don't mean to be impertinent, but if we would sell toothache medicine for some inside complaint we would do ourselves injury and the patient, too. We have to ask.

Commissioner O'CONNELL. They tell you what is wrong and you simply judge by that?

Mrs. HING. If they are very sick we call in a consulting physician.

Commissioner O'CONNELL. You advertise your medicine to cure a great number of things?

Mrs. HING. No, sir; we claim we can cure any curable disease at all. We don't cure anything that the other doctors say they can't cure.

Commissioner O'CONNELL. You attempt to cure tubercular patients?

Mrs. HING. They have had success in certain cases of that kind. Like consumption, they can't cure that, or cancer, or such things as that they don't profess to cure it.

Commissioner O'CONNELL. Have you a stipulated price for the medicine?

Mrs. HING. Yes, sir; a dollar and a half for certain medicines and a dollar for others. Of course we have to warm the medicine. Every day the patient has to come and drink at the house. It is a herb root medicine, and anybody can come and see us cook it. They come there right to the house and drink it.

Commissioner O'CONNELL. How much medicine do you sell?

Mrs. HING. Not sell very much; the business very quiet.

Commissioner O'CONNELL. Do you sell a hundred dollars a week?

Mrs. HING. Nothing like that now. We did a while back; but, of course, the doctors have objected, and we don't try. We don't advertise or anything any more.

Commissioner O'CONNELL. Your place is down the street?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. I see three or four windows with large signs painted on them; that is your place?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. There is considerable advertisement on those windows.

Mrs. HING. Yes, sir; we are going to take that off. We have registered and we have patented our medicine.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all; thank you.

Mr. BUSICK. Moy J. Hing.

TESTIMONY OF MR. MOY J. HING.

Chairman WALSH. Do you solemnly swear that the testimony which you are about to give in the hearing now pending before this commission, being an investigation as to the alleged smuggling of Chinese into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HING. Yes, sir.

Mr. BUSICK. State your name in full.

Mr. HING. Moy J. Hing.

Mr. BUSICK. Moy J. Hing?

Mr. HING. Yes, sir.

Mr. BUSICK. Please speak out so that the commissioners can hear you. Where were you born?

Mr. HING. At Portland, Oreg.

Mr. BUSICK. When?

Mr. HING. Thirty-nine years ago.

Mr. BUSICK. Thirty-nine years ago?

Mr. HING. Yes, sir.

Mr. BUSICK. And where were you educated?

Mr. HING. Why, in Portland.

Mr. BUSICK. In the common schools of Portland?

Mr. HING. Yes, sir.

Mr. BUSICK. How long did you attend?

Mr. HING. I attended there four years.

Mr. BUSICK. And how old were you when you quit school?

Mr. HING. I quit school when I was 16.

Mr. BUSIEK. Then what did you do?
Mr. HING. I was working around.
Mr. BUSIEK. Working in laundries?
Mr. HING. No, sir; as cooking and working in Chinese bazaars or something like that.
Mr. BUSIEK. How long did you work as a cook?
Mr. HING. I worked as cook three years.
Mr. BUSIEK. How long did you work in bazaars?
Mr. HING. Different times—five or six years.
Mr. BUSIEK. Then what did you do?
Mr. HING. Well, then, I got married at New York; and then I went about—kept Chinese restaurant in Detroit for a while, and then I go to China.
Mr. BUSIEK. Whom did you marry in New York?
Mr. HING. Sarah Lee.
Mr. BUSIEK. You say you were 16 when you quit school and you cooked three years until about 19, and then you worked in the bazaars six years; that would make you about 25 when you were married; is that right?
Mr. HING. Yes, sir; something like that.
Mr. BUSIEK. How long have you been married?
Mr. HING. It is over 10 years; I can't remember. I remember I married in New York on February 11, but I forget the year.
Mr. BUSIEK. Mrs. Hing says she has been married to you nine years; that would be about right?
Mr. HING. She must be right.
Mr. BUSIEK. Did you do anything else—have any other occupation than that of cook for three years and working in bazaars about six years?
Mr. HING. Yes, sir.
Mr. BUSIEK. What else did you do?
Mr. HING. And the rest of the time when in America before——
Mr. BUSIEK. I mean before you were married.
Mr. HING. Yes, sir; and waiting on table in Chicago and those places.
Mr. BUSIEK. You waited table in Chicago?
Mr. HING. Yes, sir.
Mr. BUSIEK. How long did you put in at that?
Mr. HING. Why, I think at different places for a few years.
Mr. BUSIEK. How many years?
Mr. HING. I can't tell you exactly.
Mr. BUSIEK. About how long?
Mr. HING. About four or five, something like that.
Mr. BUSIEK. In Chicago?
Mr. HING. Yes, sir.
Mr. BUSIEK. What places?
Mr. HING. In Chicago, on Twelfth Street, and Detroit, and Cleveland, Ohio, and Buffalo.
Mr. BUSIEK. Who was the Chinese inspector at Chicago when you were there?
Mr. HING. I don't know.
Mr. BUSIEK. Who was the Chinese inspector at Cleveland?
Mr. HING. At Cleveland we haven't—you mean Chinese or American?
Mr. BUSIEK. The inspector of Chinese, the immigration inspector?
Mr. HING. I don't know them at all.
Mr. BUSIEK. What restaurant did you work at in Cleveland?
Mr. HING. Hongkong.
Mr. BUSIEK. Didn't you know a man by the name of George Cullen there at Cleveland?
Mr. HING. No, sir; I don't believe I did. Maybe if I saw him I know him.
Mr. BUSIEK. What were you doing in New York when you married Mrs. Hing?
Mr. HING. I wasn't living in New York; I just passed through to marry her, is all.
Mr. BUSIEK. Where did you meet Mrs. Hing?
Mr. HING. I met her in Chicago.
Mr. BUSIEK. What was Mrs. Hing doing at the time?
Mr. HING. She was attending some Sunday school there in Chicago.
Mr. BUSIEK. Were you attending that same mission?
Mr. HING. Yes, sir.
Mr. BUSIEK. What church was that?

Mr. HING. That is the Baptist.
Mr. BUSIEK. Baptist Church?
Mr. HING. Yes, sir.
Mr. BUSIEK. And where was that—what year was it?
Mr. HING. That is the year I was in Chicago, I don't know; 1902 or 1903.
Mr. BUSIEK. When did you go to China, what year?
Mr. HING. Six years ago I went to China.
Mr. BUSIEK. In 1908?
Mr. HING. Yes, sir.
Mr. BUSIEK. Had you ever been in China before?
Mr. HING. No, sir; that is the first time.
Mr. BUSIEK. How did you come to go to China?
Mr. HING. Well, she wanted to go, and she made up our mind to go, and that is all I know. I not intend to go and don't at that time.
Mr. BUSIEK. Where did you get the money to go?
Mr. HING. We both kept a place in Detroit and both worked together and saved the money.
Mr. BUSIEK. What kind of place?
Mr. HING. We kept a restaurant, I forget the man's name, in LaFayette Avenue in Detroit, over a saloon.
Mr. BUSIEK. What was the name of your restaurant?
Mr. HING. I go under the name Fook Hing.
Mr. BUSIEK. What did you do after you got to China? Where did you go in China?
Mr. HING. First we arrived at Hongkong, and then we went to the country for two months, and then came back to Hongkong.
Mr. BUSIEK. What did you do in the country?
Mr. HING. Didn't do anything.
Mr. BUSIEK. What did you go for?
Mr. HING. I never had been there and I go to see how the country is, and we come back to Hongkong and open a school to teach English.
Mr. BUSIEK. What Province did your people come from?
Mr. HING. Canton.
Mr. BUSIEK. Canton?
Mr. HING. Yes, sir.
Mr. BUSIEK. And where did you go after you left Hongkong?
Mr. HING. Go to Canton.
Mr. BUSIEK. And your people live there?
Mr. HING. Yes, sir; about 22 miles from there.
Mr. BUSIEK. And your father and mother lived there?
Mr. HING. Just my mother.
Mr. BUSIEK. Your mother?
Mr. HING. Yes.
Mr. BUSIEK. And you went back to visit her?
Mr. HING. Yes.
Mr. BUSIEK. Where is your father?
Mr. HING. My father is dead.
Mr. BUSIEK. When did he die?
Mr. HING. He died in Portland, Oreg. It is a long time ago.
Chairman WALSH. Speak a little louder, Mr. Hing.
Mr. HING. Yes. My father he died at Portland, Oreg., and I forget the year.
Chairman WALSH. How old was he when he died?
Mr. HING. I think about 12 or 13 years old.
Chairman WALSH. How old was he, I say, when he died?
Mr. HING. I don't know.
Chairman WALSH. How old were you?
Mr. HING. About 12 or 13.
Chairman WALSH. Were you born in China?
Mr. HING. No.
Chairman WALSH. What school did you go to in Portland?
Mr. HING. The public school.
Chairman WALSH. What school?
Mr. HING. That is in Second—I forget the school's name.
Chairman WALSH. Where did you live when you went to school in Portland?
Mr. HING. I lived in Mary Street.
Chairman WALSH. Where?

Mr. HING. Mary Street.
Chairman WALSH. What is the number of the house?
Mr. HING. That is between the Second and Third. I can't tell you the number of the house.
Chairman WALSH. What business was your father in?
Mr. HING. I don't know.
Chairman WALSH. Who did you live with after your father died?
Mr. HING. I lived with my uncle.
Chairman WALSH. Was your mother in Portland when your father died?
Mr. HING. Yes.
Chairman WALSH. How long had you been there?
Mr. HING. I don't know.
Chairman WALSH. When did your mother go back to China?
Mr. HING. That is, at first she go back, first she go back about—let us see—I forget when she first go back.
Chairman WALSH. Did you have any brothers and sisters?
Mr. HING. No.
Chairman WALSH. Has your right to be in this country ever been in question?
Mr. HING. Yes.
Chairman WALSH. Where?
Mr. HING. I don't know what you mean, "right."
Chairman WALSH. Have you ever been charged with having been smuggled into this country, yourself?
Mr. HING. No; I never. This first time I ever been in courthouse, I think.
Chairman WALSH. This is the first time you have ever been in the courthouse?
Mr. HING. Yes.
Chairman WALSH. Go ahead, I don't want to interrupt you.
Mr. BUSIEK. Do you know the name of your school-teacher at Portland?
Mr. HING. No.
Mr. BUSIEK. How many school-teachers did you have?
Mr. HING. Well, I tell you, on that time when I go to school, I can't understand much even now; I can't understand very much. I don't know the name.
Mr. BUSIEK. You don't know the name?
Mr. HING. No.
Mr. BUSIEK. Well, what did you do for four years, didn't you even learn the name of your teacher?
Mr. HING. Yes; but you see since I was away so long, maybe that time I forget. I know. Now, I forget.
Mr. BUSIEK. What did you do in Canton after you got there?
Mr. HING. Well, I help my wife teach a little English for the Chinese, what I know.
Mr. BUSIEK. How many students did you have?
Mr. HING. We generally have—some schools had over 50 in number; some months go more and some months go less.
Mr. BUSIEK. How much did you charge per student?
Mr. HING. If we open the place ourselves, we charge $5 a month for each student, but some away out and go teach him is a different price. They pay $30 a month for each one.
Mr. BUSIEK. You say you charge $5 a month for students?
Mr. HING. Yes.
Mr. BUSIEK. But where you went to their place you charged sometimes as high as $50?
Mr. HING. I mean there is people hire out to teach by themselves.
Mr. BUSIEK. How long did you stay in China?
Mr. HING. We stay in China, first time, we stay over four years, I guess.
Mr. BUSIEK. And how did you come to bring those boys over here to Cashing Academy?
Mr. HING. Well, them boys come over that time; I didn't know it, and everything she fix; and we got ready to Hongkong; and she told me she got some boys with her to bring over.
Mr. BUSIEK. You never heard of these boys until you got to Hongkong?
Mr. HING. No.
Mr. BUSIEK. Didn't know that she was going to bring them over?
Mr. HING. No.
Mr. BUSIEK. And how much did they pay you for bringing them over?

Mr. HING. They don't pay me nothing; I don't know them.
Mr. BUSIEK. How much did they pay her?
Mr. HING. I don't know.
Mr. BUSIEK. Haven't you ever asked her?
Mr. HING. Well, no.
Mr. BUSIEK. Didn't she ever tell you?
Mr. HING. No.
Mr. BUSIEK. What did she say about bringing them over and getting pay for it?
Mr. HING. When she got to Hongkong, she says she has them boys to bring over, and I asked her what you done it for; and she say she done it for favor; that is all she told me.
Mr. BUSIEK. Did you ever write any letters to Prof. Cowell?
Mr. HING. No; I never wrote to him myself.
Mr. BUSIEK. Who wrote the letters to Prof. Cowell?
Mr. HING. If anything was wrote, they must be wife.
Mr. BUSIEK. Did you sign any letters to Prof. Cowell yourself?
Mr. HING. I don't believe I did.
Mr. BUSIEK. I will read you this:

"Moy J. Hing, care of Wu Hing, 18 First Street.

"WEST DULUTH, MINN., *January 22, 1912.*

"Mr. COWELL.

"DEAR FRIEND: Please excuse my delay in answering yours of the 11th, but as I just received it I am not responsible. I am sorry my boys have been dissatisfied with the school that I chose for them and feel sure it is in every way an advantage. Why they did such a thing to leave where I paid and taken the trouble, as you know it wasn't very little, to give them the best. I will try to find out what was the trouble and let you know. But, as to their going to work, I am sure they will not do that, as I have the best authority in regard to their going to school. Probably they think the expenses too high for beginners, as some of their guardians so informed me."

Chairman WALSH. You are reading that so fast I can't understand it, and I don't think he can.
Mr. BUSIEK (continuing):

"I will try to find out what was the trouble and let you know. But, as to their going to work I am sure they will not do that, as I have the best authority in regard to their going to school. Probably they think the expense was too high for beginners. Some of their guardians so informed me. As to that I will try and get a report and send same to you as early as possible, as I receive it myself by the above address.

"Now, Mr. Cowell, I want to thank you for all that you have done for me and my people, and also wish to assure you that I will do all in my power to get the boys to return. I can't do more. Until then I wish to remain, ever your most sincere friend,

"Moy J. HING."

Mr. HING. Yes, that letter I wrote; but she wrote, wife. On that time she is sick in Duluth. Then I keep that Wu Hing Chinese grocery store there, and she write that, and I copy in the typewriter.
Mr. BUSIEK. Mrs. Hing wrote it?
Mr. HING. Yes.
Mr. BUSIEK. And you copied it?
Mr. HING. Yes, sir.
Mr. BUSIEK. Why didn't you send the one that she wrote?
Mr. HING. Well, because she is sick that time, I tell you she is sick, and she can't write it, and she just a little scratched that out, and I copied that in the typewriter and sent it to him.
Mr. BUSIEK. Did you ever write any other letter to Prof. Cowell?
Mr. HING. No.
Mr. BUSIEK. Didn't you write another one from Duluth in February?
Mr. HING. If anyone wrote, she must wrote it.
Mr. BUSIEK. And signed your name to it?
Mr. HING. Yes, sir.

Mr. BUSIEK. What business are you in now?
Mr. HING. I am in the Chinese medicine business now.
Mr. BUSIEK. Who else is in that business with you?
Mr. HING. Well, there is at present—it is Wong Quan.
Mr. BUSIEK. How do you spell his name?
Mr. HING. I don't know how he spells.
Mr. BUSIEK. Wong Quan?
Mr. HING. Yes; Wong Quan.
Mr. BUSIEK. W-o-n-g?
Mr. HING. Yes, sir; I guess it is.
Mr. BUSIEK. Q-u-a-n?
Mr. HING. Yes.
Mr. BUSIEK. Or Q-u-o-n?
Mr. HING. Q-u-a-n, I think.
Mr. BUSIEK. And what does Wong Quan do?
Mr. HING. Wong, he has charge in Seattle place now.
Mr. BUSIEK. Who else is in business with you?
Mr. HING. That is Ju Wing Wah.
Mr. BUSIEK. Ju Wing Wah?
Mr. HING. Yes, sir.
Mr. BUSIEK. And what does he do?
Mr. HING. He stay in Seattle in charge of this place.
Mr. BUSIEK. And who else have you?
Mr. HING. That is all.
Mr. BUSIEK. Who is the doctor?
Mr. HING. That is Wong.
Mr. BUSIEK. Where did he study medicine?
Mr. HING. In China.
Mr. BUSIEK. And what do you know about the medicine?
Mr. HING. Well, I learned in China; I was in there and I learned some of them, and now I learn what I know from him.
Mr. BUSIEK. You learned how to cure people and make medicine in the four years that you were over there in China?
Mr. HING. I learned some of them; yes.
Mr. BUSIEK. Or the three years. Who is the doctor at your Ellensburg office?
Mr. HING. Well, I intend to send another one from Oakland but he has not come yet. I am staying there myself, that is all.
Mr. BUSIEK. Is there anyone in your company by the name of Chin On?
Mr. HING. Chin On?
Mr. BUSIEK. You know him, don't you?
Mr. HING. Yes; I know him.
Mr. BUSIEK. Isn't he connected with your company?
Mr. HING. Chin On; well, that is two Chin Ons. That is, one is at Portland; he is not connected with it at all. That is another Chin On that is talking about it and trying to get some shares in the business.
Mr. BUSIEK. Well, now, this Chin On, he is a member of the On Hing Co., at No. 66 Second Street, Portland, Oreg., he has got an interest in your business, has he not?
Mr. HING. No.
Mr. BUSIEK. He did have?
Mr. HING. No.
Mr. BUSIEK. Never was around your place at all?
Mr. HING. No.
Mr. BUSIEK. Do you know him?
Mr. HING. Well, yes; I know him.
Mr. BUSIEK. Where did you meet him?
Mr. HING. I met him at different places.
Mr. BUSIEK. What business is he in?
Mr. HING. Well, I know him that time, he is working around, he is a cook at that time, I know, but I don't know where he is now.
Mr. BUSIEK. Did you ever hear that he was in the smuggling business?
Mr. HING. No.
Mr. BUSIEK. Never heard of that?
Mr. HING. No.
Mr. BUSIEK. Is he connected with the Portland Fish Co.?
Mr. HING. That I don't know.
Mr. BUSIEK. What kind of medicine does your concern make?

Mr. HING. Well, it is most any lines.
Mr. BUSIEK. You have medicines for coughs?
Mr. HING. Yes.
Mr. BUSIEK. And medicines for colds?
Mr. HING. Yes.
Mr. BUSIEK. Medicines for consumption?
Mr. HING. Yes.
Mr. BUSIEK. Medicines for cancer?
Mr. HING. Yes.
Mr. BUSIEK. And medicines for anything that a man may have wrong with him?
Mr. HING. Yes.
Mr. BUSIEK. Well, who tells the man what kind of medicine to take?
Mr. HING. Well, he come—generally the people come up there and he tell what is the trouble by himself—and the doctors will give him what he needs.
Mr. BUSIEK. The doctor does?
Mr. HING. Yes.
Mr. BUSIEK. You have no doctor at Ellensburg. Who tells him what he needs there?
Mr. HING. Well, that is—the Dr. Wong he used in there with me, but he just come back here last three weeks ago.
Mr. BUSIEK. The people who have been coming in the last three weeks, who tells them what they need?
Mr. HING. Well, he come up, he tell me what he want, rheumatism medicine, I give him that; if he want any other medicine I give him the other.
Mr. BUSIEK. You have a good many women come there, too?
Mr. HING. No.
Mr. BUSIEK. No women at all?
Mr. HING. Well, occasionally there is some old lady. If the womans come up it was some ones knowing us.
Mr. BUSIEK. I believe that is all I care to ask. I do want to ask one more question, beg pardon. Did you talk to any Chinese inspector about this business at Ashburnham, about these boys escaping from Ashburnham?
Mr. HING. Well, since I came back here Mr. Monroe has been—went up to the house couple of times and tried to find out what those boys were at.
Mr. BUSIEK. Did Monroe ever ask you about your personal history?
Mr. HING. No.
Mr. BUSIEK. Or try to find out who you were or where you were from or anything about you?
Mr. HING. No.
Mr. BUSIEK. Any other inspectors besides Monroe ever come out to see you?
Mr. HING. No; that is all. I did help him write Chinese letter for him for everyone of them, but I have few of them answer, but the rest of them I no receive any answer.
Mr. BUSIEK. That is all.
Commissioner O'CONNELL. Do you know Frank Tape?
Mr. HING. Yes.
Commissioner O'CONNELL. Is he interested in your firm or company?
Mr. HING. No.
Commissioner O'CONNELL. Did he ever put any money in your business?
Mr. HING. No.
Commissioner O'CONNELL. Has he ever visited you in any way in connection with Chinamen coming in here?
Mr. HING. No. He come up there couple of times, but every time he come up with Mr. Monroe together.
Commissioner O'CONNELL. He and Mr. Monroe?
Mr. HING. Yes.
Commissioner O'CONNELL. He never talked to you alone?
Mr. HING. No.
Commissioner O'CONNELL. Did you ever go to his place, his house?
Mr. HING. No; I don't know what you mean.
Commissioner O'CONNELL. How much business does your firm do?
Mr. HING. Well, it don't do very much now. Every month in Seattle average about $250 a month in Seattle.
Commissioner O'CONNELL. Two hundred and fifty dollars a month?
Mr. HING. Yes.
Commissioner O'CONNELL. Now?

Mr. HING. Yes.

Commissioner O'CONNELL. What was the highest business you have done there?

Mr. HING. Well, the highest, that is four months ago, I been take in $320 and something; that is the highest I been.

Commissioner O'CONNELL. How long has the business been running?

Mr. HING. That is last June.

Commissioner O'CONNELL. Last June?

Mr. HING. A year ago last June.

Commissioner O'CONNELL. How much business do you do in Ellensburg?

Mr. HING. In Ellensburg, that is about $80 or $90 a month.

Commissioner O'CONNELL. Have you got any business any place else?

Mr. HING. No.

Commissioner O'CONNELL. Just those two places?

Mr. HING. Yes.

Commissioner O'CONNELL. How many share in that amount of money, who do you divide with?

Mr. HING. Well, I got four shares.

Commissioner O'CONNELL. Four share?

Mr. HING. Yes.

Commissioner O'CONNELL. Divide equally?

Mr. HING. Yes.

Commissioner O'CONNELL. Each one gets the same amount?

Mr. HING. Yes.

Commissioner O'CONNELL. Divide up each month?

Mr. HING. Yes. If we make any we might divide each month, but last few months we have——

Commissioner O'CONNELL. What is your expense?

Mr. HING. Expense in Seattle about $70 month in Seattle.

Commissioner O'CONNELL. And your expense at Ellensburg?

Mr. HING. Yes; in Ellensburg, I think, $55.

Commissioner O'CONNELL. If you take in $280 a month and your expense a $70 a month, you clean up $210 a month?

Mr. HING. Yes.

Commissioner O'CONNELL. What does it cost you to make this medicine?

Mr. HING. That is, suppose people have cough, fever, something like that, 16 cents make up one dose.

Commissioner O'CONNELL. About 16 cents?

Mr. HING. Sixty to make.

Commissioner O'CONNELL. To make one bottle?

Mr. HING. Yes.

Commissioner O'CONNELL. You sell that for what, $1.50?

Mr. HING. Yes.

Commissioner O'CONNELL. The other bottles you make up run about the same?

Mr. HING. No. The others, the tonics, they can't tell. According what kind tonic. Some one bottle cost, maybe, $2, $5; some, maybe, altogether $10 or $15.

Commissioner O'CONNELL. How many bottles of your medicine do you make out of that?

Mr. HING. I just talk about one bottle.

Commissioner O'CONNELL. One bottle costs $16?

Mr. HING. Yes.

Commissioner O'CONNELL. What do you sell it for?

Mr. HING. I sell it for $20 or $25, maybe $30.

Commissioner O'CONNELL. One bottle of medicine; how large a bottle?

Mr. HING. Sixteen ounces.

Commissioner O'CONNELL. Sixteen ounces?

Mr. HING. Yes, sir.

Commissioner O'CONNELL. Cost you $16?

Mr. HING. Yes.

Commissioner O'CONNELL. Do you bring that from Canton?

Mr. HING. The roots; yes; the roots.

Commissioner O'CONNELL. The roots?

Mr. HING. The roots we send from China, but we cook them in these country.

Commissioner O'CONNELL. You prepare it here?

Mr. HING. Yes.

Commissioner O'CONNELL. And you have it prepared, and that costs $16 for a 16-ounce bottle, a dollar an ounce?

Mr. HING. Yes.

Commissioner O'CONNELL. Expensive medicine.

Mr. HING. Yes; it costs in here some.

Commissioner O'CONNELL. How many different kinds of bottles of medicine do you make up?

Mr. HING. That is only two size; that is, the 6-ounce and 16-ounce.

Commissioner O'CONNELL. Same medicine?

Mr. HING. Yes.

Commissioner O'CONNELL. Do you sell that same medicine to cure all the different diseases?

Mr. HING. No; got some medicine for everything.

Commissioner O'CONNELL. How many different kinds do you have?

Mr. HING. Well, that is—I can't tell you how many different kinds exactly, but we have got medicine for colds, we got medicine for toothache——

Commissioner O'CONNELL. For toothache?

Mr. HING. Yes. Yes. And we got medicine for kidney trouble and all kinds of aches. I got about 15 or 20 different kinds.

Commissioner O'CONNELL. And the one bottle of medicine you sell, for instance, for a cough or cold, that is of the same kind of medicine, is it not?

Mr. HING. No.

Commissioner O'CONNELL. Different medicines?

Mr. HING. Yes.

Commissioner O'CONNELL. And for consumptives you have a different medicine again?

Mr. HING. Yes.

Commissioner O'CONNELL. That is all.

Mr. BUSICK. You may be excused.

TESTIMONY OF MR. LEW WING.

Mr. BUSICK. Mr. Wing, will you take that stand?

Chairman WALSH. Will you be sworn? Do you solemnly swear that the testimony that you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WING. Yes, sir.

Mr. BUSICK. Please state your name in full.

Mr. WING. Lew Wing.

Mr. BUSICK. How do you spell it?

Mr. WING. L-e-w W-i-n-g.

Mr. BUSICK. I want to state by way of explanation, Mr. Wing, that this is the United States Commission on Industrial Relations, who have been charged by Congress to inquire into the smuggling or other illegal entry of Asiatics; and for the purpose of getting complete information about conditions, the commission is holding secret hearings, so as not to embarrass the witnesses who appear before it. And we do that for the purpose of getting frank statements; and we would like for you to be perfectly frank with this commission as if you were talking with your attorney.

Now, Mr. Wing, you know Frank Tape, do you not?

Mr. WING. Why, I know him, not personally know him; but I know him; yes.

Mr. BUSICK. You have had some business dealings with Tape, have you not?

Mr. WING. Why, the business, is not exactly business, but because I have been here longer than Tape here, you know I been in business here quite a while, and he's interpreter of this port, and all these men are not much personally acquainted.

Mr. BUSICK. Well, to get right down to what we want, you have paid Frank Tape $200, have you not?

Mr. WING. Yes; two—twice.

Mr. BUSICK. Just tell the commission what the circumstances of that were?

Mr. WING. On that partner of mine he son is business man of the Wing Co., 1100 Third Avenue, Third and Spring. That time about, in 1911—that time the partner of mine his boy get more educated. For that purpose the boy starts

to school now, but in vacation time, not in school, but he is taking the vacation. And at that time the partner of mine, Lew Tun is his name, a case investigated by the immigration official down here this port. And case, took it up, everything all right, you know, before that boy admitted, of course. The witnesses, the amount of business in this city, knowing Lew Tun has been a business man in this city. So finally case, before the boy made it, only day or two before the boy made it Tape come up to me, and he asked me about that case, and he said he want some money on that case. I say, "Why?" "Oh," he said, I want money for the case. If not I spoil the case. I sent boy back," something like that. So finally I told what Tape told me, and I tell the boy's father. His boy's father thought he would think it over and over, you see, and I have nothing to do with it, but leave it with him, what Tape told me, what he asked me, I present to his father, the boy's father. So the boy's father think it over. He said he might harm the case, he couldn't do, he couldn't do any good, but he can hurt the case, the boy's father said. He said, "Better give him to save trouble, he send boy back, and the boy little boy, don't want him to suffer from the seasick, long ways off and give it to him, so he be done with him," something like that. So his father give me the money, and then Tape come around again, so I gave it to him.

Chairman WALSH. The boy's father gave you $200?

Mr. WING. No; $100.

Chairman WALSH. One hundred dollars to give to Tape?

Mr. WING. Yes.

Chairman WALSH. You gave Tape $100?

Mr. WING. Yes.

Chairman WALSH. Where?

Mr. WING. In a store.

Chairman WALSH. In your store?

Mr. WING. Yes.

Chairman WALSH. In the city of Seattle?

Mr. WING. Yes.

Chairman WALSH. And what date was that?

Mr. WING. I forget exact the date.

Chairman WALSH. And when was it?

Mr. WING. I think about September of 1911.

Chairman WALSH. 1911. Now, then, did the boy's case come up after that?

Mr. WING. The boy's case came up a day or two, and he made it.

Chairman WALSH. He was admitted?

Mr. WING. Yes.

Chairman WALSH. Did you have anything to do with any other person connected with the immigration department?

Mr. WING. Not a bit; not at all.

Chairman WALSH. Didn't you see Mr. Monroe?

Mr. WING. No; I haven't seen Mr. Monroe.

Chairman WALSH. He never spoke to you about that case?

Mr. WING. No.

Chairman WALSH. You say you never paid him something at some other time?

Mr. WING. No; that was in other case.

Chairman WALSH. What case was that?

Mr. WING. One more case. That is case of the—this case here, $200, two different times, one each time, $100.

Chairman WALSH. Each time $100?

Mr. BUSICK. Two boys, two sons.

Mr. WING. Two boys.

Mr. BUSICK. Came in at different times.

Chairman WALSH. When did you give the next $100?

Mr. WING. Next hundred, that is on the other store, the Pacific Coast Dry Goods Co., 1428 Third Avenue, over here.

Chairman WALSH. Now, what was that $100 for?

Mr. WING. The same thing, the same story.

Chairman WALSH. The same boy?

Mr. WING. No; other man.

Chairman WALSH. This man had a son coming over here?

Mr. WING. His son is here.

Chairman WALSH. How long were you here—what did Tape say to you at that time?

Mr. WING. Tape said, told the same thing, want to scare us, scare the father, and so his father gave me money, I guess more like grafter.

Chairman WALSH. Did he give the money direct to this man Tape?

Mr. WING. No; the man simply give to me; he come to my store because I am manager of that place.

Chairman WALSH. Did you see the boy's father when you paid the money over?

Mr. WING. No.

Chairman WALSH. How much was it?

Mr. WING. One hundred dollars.

Chairman WALSH. And when was that?

Mr. WING. That is in September, on the last part of September or October; I have forgot which.

Chairman WALSH. Of what year?

Mr. WING. Of 1911.

Chairman WALSH. Of 1911?

Mr. WING. Yes.

Chairman WALSH. When did you first tell anyone about the payment of this money?

Mr. WING. I have never told anyone.

Chairman WALSH. Didn't you tell Mr. Bonham?

Mr. WING. Yes; I told Mr. Bonham.

Chairman WALSH. Is he the first one?

Mr. WING. First man, yes.

Chairman WALSH. Have you ever at any time talked with Tape about the $100 since?

Mr. WING. No; never anything to do with him. So, finally after that I found out myself; I know better than that, so I don't want to bother with him, and I know we have a right, business men have to pay no money to anyone, so I found out myself; I got more experience. So I have nothing to do with him.

Commissioner LENNON. Have you ever heard of any other merchants paying him any money?

Mr. WING. I heard lots of it; all grafter; I heard of lots of down-town Chinese, but I don't go down town much.

Mr. BUSICK. What was the name of the boy that you paid the first $100 for?

Mr. WING. Ben King.

Mr. BUSICK. Ben King?

Mr. WING. Yes.

Mr. BUSICK. And what is his father's name?

Mr. WING. Lew Tun.

Mr. BUSICK. How do you spell that?

Mr. WING. L-e-w T-u-n.

Mr. BUSICK. What was the name of the second boy?

Mr. WING. Second boy is Lee Gim Wing.

Mr. BUSICK. The fathers, I believe, of these boys are bona fide merchants?

Mr. WING. Yes; all merchants.

Mr. BUSICK. These were their sons?

Mr. WING. Their own sons, yes.

Mr. BUSICK. That is all; thank you.

TESTIMONY OF MR. GEORGE NELSON.

Chairman WALSH. You do solemnly swear that the testimony you are about to give before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. NELSON. Yes.

(Mr. Nelson, the witness, was accompanied by William D. Downey, deputy United States marshal, in whose custody Mr. Nelson was, as a prisoner of the United States, Mr. Downey remaining in the room during the testimony.)

Mr. BUSICK. I wish to tell the commission that Mr. Nelson has made a statement before the grand jury, and that any statement which Mr. Nelson makes before this commission will not be used against him by the district attorney's office, and that therefore, so far as Mr. Allen is concerned, he may make a frank and complete statement.

Please state your name in full.

Mr. NELSON. George Nelson.

Mr. BUSIEK. Please speak up so these gentlemen can hear you. You are now in jail in this city.

Mr. NELSON. King County; yes.

Mr. BUSIEK. King County Jail?

Mr. NELSON. Yes.

Mr. BUSIEK. Why are you there?

Mr. NELSON. Smuggling Chinamen from British Columbia across the border.

Mr. BUSIEK. How did you do that, Mr. Nelson?

Mr. NELSON. Why, I went and I got a letter from some certain Chinaman in Seattle here, took the letter to a certain number in Vancouver, and went and got the Chinaman from that party, and smuggled him down in the locomotive.

Mr. BUSIEK. How many Chinese did you smuggle that way?

Mr. NELSON. Well, I couldn't say exactly, but about 14 or 16 I should imagine.

Mr. BUSIEK. What was your business?

Mr. NELSON. Fireman on the Great Northern.

Mr. BUSIEK. Fireman for the Great Northern?

Mr. NELSON. Yes.

Mr. BUSIEK. How would you smuggle them across in the locomotive?

Mr. NELSON. Put them in the tool box in the tender of the engine.

Mr. BUSIEK. And through what border towns does the Northern Pacific run?

Mr. NELSON. Great Northern, it is.

Mr. BUSIEK. Or the Great Northern.

Mr. NELSON. Blaine.

Mr. BUSIEK. Who is the inspector up at Blaine?

Mr. NELSON. Why, there are several inspectors there. I have forgotten their names. I have even forgotten the man's name that found the Chinaman.

Mr. BUSIEK. Forgotten the man's name that did what?

Mr. NELSON. That found the Chinaman the day I was caught.

Mr. BUSIEK. Was he a Government inspector?

Mr. NELSON. Government inspector.

Mr. BUSIEK. From the Blaine office?

Mr. NELSON. Blaine office?

Mr. BUSIEK. And you say you put the Chinese in the tool box and then in the tender?

Mr. NELSON. On the tender; yes.

Mr. BUSIEK. On the tender?

Mr. NELSON. Yes.

Mr. BUSIEK. All right. Go ahead.

Mr. NELSON. There is a big wooden box running the width of the tender. We used it for chains and jacks and such things as that. There is room for two men in it, in the box, at one time.

Mr. BUSIEK. How often would these inspectors look into your tool box—into this box on the tender?

Mr. NELSON. About once every two months.

Mr. BUSIEK. And would they make a thorough examination at those times?

Mr. NELSON. No. When they did look, they might look into the sand box, look into the tool box on the tender, merely give it a glance, that would be all.

Mr. BUSIEK. Has that practice been generally carried on by the railroaders?

Mr. NELSON. I believe so.

Mr. BUSIEK. And how much is paid per head for these Chinese that are smuggled across?

Mr. NELSON. From $125 to $150 per head.

Mr. BUSIEK. Now, you say you got an address from—there is a certain party here in Seattle that gave you the address of some one where?

Mr. NELSON. Some one here in Settle always gave me a letter just to take to Vancouver to a certain place, and then I would get the Chinaman and turn him over—he was turned over to me in Vancouver in the evening.

Mr. BUSIEK. And you would take them down to the railroad yards or to the roundhouse?

Mr. NELSON. And put them in the box.

Mr. BUSIEK. Now, did employees around the roundhouse see that or know that was going on?

Mr. NELSON. No; up there there are only about two or three men working at nights, and they generally sleep because there isn't much to do there, especially in the morning—1, 2, or 3 o'clock in the morning.

Mr. BUSIEK. Were you pulling a freight?

Mr. NELSON. No; firing a passenger run.

Mr. BUSIEK. Do you mind giving the commission the names of the people here in Seattle who were engaged in that?

Mr. NELSON. Why, I was in with a fellow by the name of Clifford Joslin (Johnson).

Chairman WALSH. A fireman?

Mr. NELSON. A fireman of the Great Northern, runs a hotel near Interbay, and a fellow by the name of Price, he is—I forget his first name—he is manager in that hotel on account of the fact that Mr. Joslin (Johnson) is on the road quite often. Joslin (Johnson) came to me; I was out of work seven months and a half, six; and when I did start to work there I was quite a bit in debt; so he asked me if I had any objection to taking down some Chinamen for him. I said all right, I would take them down. So he gave me a letter to a party in Vancouver, 26 Canton. I went up there and I got a Chinaman from this party and brought him.

Chairman WALSH. How many?

Mr. NELSON. Two.

Chairman WALSH. Who was this party up in Vancouver?

Mr. NELSON. Why, I have forgotten the man's name.

Chairman WALSH. You mean you have forgotten it for to-day? Have you given it to the district attorney?

Mr. NELSON. I believe the district attorney has got that from a man in Vancouver. I have forgot what his name is. I found out what the man's name is from—he is a Chinaman that runs the store——

Commissioner O'CONNELL. Do you know where the store is?

Mr. NELSON. Yes; 26 Canton Street.

Mr. BUSIEK. Did these people ever tell about how many other men they had bringing Chinese over?

Mr. NELSON. No—beg pardon.

Mr. BUSIEK. Did Mr. Price or Mr. Johnson or this Chinaman up in Vancouver ever tell you about anyone else bringing Chinamen over for them?

Mr. NELSON. No.

Mr. BUSIEK. Did they make any remark about bringing Chinese over by boat?

Mr. NELSON. No; not by boat.

Mr. BUSIEK. Did they say that they had been engaged in this work before?

Mr. NELSON. Well, they hinted at that; they had been in the opium game before.

Mr. BUSIEK. Where did you deliver these Chinese?

Mr. NELSON. I would take them to Interbay, and then they would come after them at Interbay.

Chairman WALSH. Take them where?

Mr. NELSON. To Interbay, the roundhouse of the Great Northern.

Chairman WALSH. Who would come after them?

Mr. NELSON. The Chinamen or whoever they were supposed to be delivered to. We left Joslin (Johnson) and Price handle that up there. I had nothing to do with that.

Chairman WALSH. Who was it handed you the money?

Mr. NELSON. I didn't get any, because they never paid me.

Mr. BUSIEK. They were to pay you $125?

Mr. NELSON. One hundred and twenty-five dollars apiece.

Mr. BUSIEK. You brought over about 14 or 16?

Mr. NELSON. Yes; but not for them people, though.

Mr. BUSIEK. Whom did you bring over the others for?

Mr. NELSON. Well, I brought them over for a certain Chinaman in this town.

Mr. BUSIEK. What is his name?

Mr. NELSON. It is a certain party down here in Washington street.

Mr. BUSIEK. Who is he? Just give the commission his name. The commission wants to get at the bottom of this.

Mr. NELSON. I believe his name is Sing; he is called Sing, Charlie Sing.

Mr. BUSIEK. What is his address?

Mr. NELSON. I have forgot his address.

Mr. BUSIEK. What store is he in?

Mr. NELSON. It is underneath the Union Hotel, at Third and Washington.

Mr. BUSIEK. Underneath the Union Hotel, at Third and Washington?

Mr. NELSON. Third and Washington.

Mr. BUSIEK. What business is he in; what kind of a place does he pretend to run?

Mr. NELSON. Chinese merchandise store.

Mr. BUSIEK. Where did you get those Chinamen?

Mr. NELSON. The same place, Vancouver.

Mr. BUSIEK. Did this fellow Sing pay you?

Mr. NELSON. He paid me; yes, sir.

Mr. BUSIEK. How much?

Mr. NELSON. One hundred and fifty.

Mr. BUSIEK. And you brought over about 14 for him, you say?

Mr. NELSON. About a dozen. Him and a fellow from Bremerton was in together at that time, Sam—they called him Sam. He had a store in Seattle, or was manager of some laundry or something.

Mr. BUSIEK. And who was this fellow at Bremerton?

Mr. NELSON. From Bremerton, his name is Sam. That is the same party, but he had a store in town, but afterwards shifted to Bremerton.

Mr. BUSIEK. The same people up at Vancouver gave you these last ones you were caught with?

Mr. NELSON. Yes; it is a kind of an agency up there.

Mr. BUSIEK. Do you know Frank Tape?

Mr. NELSON. No, sir; I don't believe I ever met the gentleman.

Mr. BUSIEK. Have you ever heard of him?

Mr. NELSON. Yes, sir.

Mr. BUSIEK. Through whom did you hear of him?

Mr. NELSON. I heard of him through Harry Toy. He is serving a sentence in jail for white slavery.

Mr. BUSIEK. What did he tell you?

Mr. NELSON. He says, "When you go up to the trial you better have your own interpreter in case they are using the two Chinamen against you as witnesses, because," he says, "one interpreter is all right, a kind of fat fellow." I says, "What is his name?" He says, "Tape." He said, "He will do the right thing by you, but the other party," he says, "the chances are will testify too much in behalf of the Government," he says.

Mr. BUSIEK. Did these Chinese with whom you do business ever speak about Frank Tape?

Mr. NELSON. Never.

Chairman WALSH. What was said to you, if anything, about the inspector, the Government inspectors?

Mr. NELSON. Never said anything about the inspector.

Chairman WALSH. Did you ever meet any of the Government inspectors?

Mr. NELSON. Yes, I met several of them.

Chairman WALSH. While this was going on or afterwards?

Mr. NELSON. Yes, in the meantime, when this was going on.

Chairman WALSH. Where did you meet them?

Mr. NELSON. Well, I met them in Vancouver. As a rule they come up on one train and they get a few hours' leeway at Vancouver and then stop there and inspect the train that leaves Vancouver.

Chairman WALSH. Did they ever look into your engine?

Mr. NELSON. Very seldom, about once every two months.

Chairman WALSH. Did you ever have any talk with them?

Mr. NELSON. Yes, I talked with them a few times. They knew I was smuggling all right, I think.

Chairman WALSH. What makes you think they knew you were smuggling?

Mr. NELSON. Because they told me I was.

Chairman WALSH. Who were the inspectors?

Mr. NELSON. Frank Hughes is one, and then Beale.

Chairman WALSH. Who?

Mr. NELSON. Beale was on up here at that time, but I understand he was dismissed from the service later on.

Chairman WALSH. Beale?

Mr. NELSON. Beale; yes.

Chairman WALSH. What conversation, if any, did you have with Mr. Hughes about it?

Mr. NELSON. Why, Hughes says he knew I was smuggling, but he says as long as he didn't catch me at it, why he couldn't find anything, but he says if he caught me at it, of course, he would have to take me.

Chairman WALSH. Who did catch you?

Mr. NELSON. The immigration inspector up there. I forget what that man's name is. Mr. Downey, I believe, knows.

Chairman WALSH. How long had it been going on when you were caught?

Mr. NELSON. Oh, I had been smuggling for two years.

Chairman WALSH. Did you talk to any other inspector except this one which you have mentioned?

Mr. NELSON. No. That is, I have spoken to them, but merely "How do you do," something like that, speak about the weather, or something like that.

Chairman WALSH. Are you acquainted with Mr. Monroe?

Mr. NELSON. No.

Chairman WALSH. Never talked to him?

Mr. NELSON. I don't believe I have.

Chairman WALSH. I think that is all.

Mr. BUSICK. Thank you, Mr. Nelson.

Chairman WALSH. Much obliged to you, Mr. Downey.

TESTIMONY OF MR. SEID GAIN OR BACK, JR.

Chairman WALSH. You do solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GAIN. Yes, sir.

Chairman WALSH. Take that chair.

Mr. BUSICK. Please state your name in full.

Mr. GAIN. Seid Gain, better known as Seid Back, jr., in Portland.

Chairman WALSH. Seid what?

Mr. GAIN. Seid Back, jr.

Mr. BUSICK. What business are you in?

Mr. GAIN. Attorney at law by profession; Chinese merchant and contractor by trade.

Chairman WALSH. Are you a native of this country or a Chinaman?

Mr. GAIN. I am a native of this country, born in the city of Portland.

Mr. BUSICK. Where did you receive your education, Mr. Gain?

Mr. GAIN. Principally in Portland, Oreg.

Mr. BUSICK. And what schools did you attend there?

Mr. GAIN. I attended the—at first I had private tutors. Afterwards attended a military academy for two years. After that I attended the law department of the University of Oregon.

Mr. BUSICK. Your father is a hop grower, I believe?

Mr. GAIN. He is a Chinese merchant principally. Lately he has engaged in the hop-raising business.

Mr. BUSICK. Were you ever connected with the Immigration Department of this Government?

Mr. GAIN. Yes, sir; I was six and a half years in it.

Mr. BUSICK. And where were you stationed during that time?

Mr. GAIN. For five years in Portland, and a year and a half traveling throughout the country as chief interpreter.

Mr. BUSICK. And why did you sever your connection with the service, or how did that come about?

Mr. GAIN. It has been in my mind that, I think, I have touched on matters in connection with various interpreters that I believe were dishonest, and I was detailed—my principal detail originally was supposed to be that of an investigating officer instead of an interpreter. Nevertheless I was detailed up to Sumas, Wash. There I was put for several months. I was so disgusted, that I just left voluntarily.

Mr. BUSICK. Resigned?

Mr. GAIN. Resigned.

Mr. BUSICK. During the time that you were making investigations of other officers, whom did you investigate?

Mr. GAIN. My first case was that of Frank Tape.

Mr. BUSICK. What kind of a report did you turn in on Frank Tape?

Mr. GAIN. He was charged with extortion and blackmailing. The charges were brought in St. Louis.

Chairman WALSH. When was that?

Mr. GAIN. That was in 1907.

Mr. BUSIEK. They were preferred by whom?

Mr. GAIN. The Secretary, Mr. Straus. That was my first case assigned to me.

Mr. BUSIEK. What finding did you make?

Mr. GAIN. In that particular case it was so fixed up that I reported favorably; that is, I reported that the charges in that particular case were gotten up as a scheme against Frank Tape.

Commissioner O'CONNELL. He says he was so fixed up. Why?

Mr. BUSIEK. You say it was so fixed up. Explain that to the commission.

Mr. GAIN. There were two or three Chinese combined themselves and brought these charges, but the statements were so ridiculous that I reported that those charges were concocted.

Mr. BUSIEK. Did you make any further investigation of Tape?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Tell us about that.

Mr. GAIN. I have known Frank Tape years before that, and I have always heard that he was very dishonest. In the first place he went to the St. Louis fair in 1903 as an interpreter for the Chinese concession, and somehow he got into the Immigration Service. So while I was told to investigate his character and integrity, reports came to me from different sources that he was extorting money from several Chinese there who were unlawfully in the country. Statements by these people were given me, and notes were taken by a stenographer I employed, but coming down to signing these statements these people refused to do so. So for my own protection, naturally, I could not—I would not have been able to substantiate the statements. However, I believe I still have those notes and copies made from them.

Mr. BUSIEK. Did you ever take the matter up with Tape and he agreed to resign?

Mr. GAIN. Yes, sir; in 1908, I believe it was, I was told to examine him as to his competency as a Chinese interpreter, he knowing that he was incompetent, that the best way to get out of it would be to resign. Taking him to be a man of his word, I reported to the bureau that I saw no reason at that time to investigate his competency, and that I would drop the matter. Subsequently, after I left the service, somehow he got back in the service.

Chairman WALSH. When was that?

Mr. GAIN. That was in 1908—no; 1907.

Chairman WALSH. Are you acquainted with Mr. Taylor?

Mr. GAIN. No, sir; I am not. I have heard of him, but I never had the pleasure of meeting him.

Mr. BUSIEK. Did you ever work with Harry Etzold?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Where?

Mr. GAIN. At the port of Sumas, where I stated a little while ago.

Mr. BUSIEK. Did Etzold get into any trouble up at Sumas?

Mr. GAIN. Yes, sir. I think it was after I left the service that there was a report in the newspapers that he smuggled some cloth over from Canada, and in that article it gave the news that he was hung in effigy.

Mr. BUSIEK. By whom?

Mr. GAIN. By the citizens of Sumas.

Mr. BUSIEK. Where is Harry Etzold now?

Mr. GAIN. He is assistant commissioner of Immigration Service, stationed at San Francisco.

Mr. BUSIEK. Do you know a Chinese interpreter by the name of Chin Hing?

Mr. GAIN. Henry Chin Hing; yes, sir; I do.

Mr. BUSIEK. Where is he stationed, do you know?

Mr. GAIN. Up to recently he was at British Columbia, at Vancouver; but I know he is down at Seattle now.

Mr. BUSIEK. That is the fact. I will state for the information of the commission that he has just been detailed here to take Frank Tape's place.

What is Chin Hing's reputation as an interpreter among the Chinese?

Mr. GAIN. At the time of my investigation of his ability I found that he was somewhat—not fully capable of holding that position. However, he ex-

plained that he was associating with American people, so that he somewhat forgot his Chinese language. When I was examining him he was in a college town by the name of Jefferson City, Tenn., and I could not find very much of his record; but I was told by Mr. W. H. Baker, a clerk of the Treasury Department in Washington, that he would give me assurance that Henry Ching Hing's character was good. On that recommendation, I think, I made a favorable report on his application.

Mr. BUSIEK. What is his reputation now among the Chinese?

Mr. GAIN. I have since learned that he has been very harsh in examining—in interpreting for the applicants. He would make threats; he would use harsh words; that will naturally scare a newcomer somewhat.

Mr. BUSIEK. Is it a fact he also has a reputation of taking money, just like Frank Tape?

Mr. GAIN. That is what I have heard.

Mr. BUSIEK. Is that his general reputation or do you just hear rumors?

Mr. GAIN. That is his general reputation.

Chairman WALSH. Who is it sends them here?

Mr. BUSIEK. Why, Taylor. Taylor just wired White that he had wired Henry Ching Hing that he was assigned to this office vice Taps.

Do you know a Chinese interpreter who goes by the name of Dr. Gardner?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Where is he located?

Mr. GAIN. Dr. John Gardner is stationed at San Francisco. He acted more as inspector than as interpreter while I was there.

Mr. BUSIEK. What is his reputation—his general reputation?

Mr. GAIN. His general reputation is very bad; known to be the slickest crook ever existing.

Mr. BUSIEK. Did you ever make an investigation of Dr. Gardner?

Mr. GAIN. No, sir. I wish I had authority, but I was only examining the interpreters, so that I did not touch upon his official position.

Mr. BUSIEK. Did you have any information as to Gardner and Etzold owning property in common?

Mr. GAIN. Yes, sir. Friends told me that. I would like to say in this connection that just before he entered the Government service, which was about 10 years ago, I should judge, he came from Victoria, British Columbia, borrowing his passage money. He at that time was some sort of preacher. Now, I understand, he is worth at least $300,000.

Mr. BUSIEK. I believe that is all I want to ask.

Chairman WALSH. That is all.

Commissioner LENNON. What is your business now, did you state?

Mr. GAIN. Yes, sir; I am with my father engaged in general Chinese merchandise business.

Commissioner LENNON. Here in Seattle?

Mr. GAIN. In Portland.

Commissioner LENNON. That is all.

Mr. GAIN. May I add something?

Chairman WALSH. Yes; certainly.

Mr. GAIN. I might just as well. While I was acting as interpreter at large there was a commission authorized known as the immigration commission, the head of which was Prof. Jinks. Several of the applicants I reported adversely were appointed by that commission. I desire to call your attention to one particular instance which was sustained; that was the case of Holin Shak. He originally was a Portland man; that is where I knew him full well. He was a heavy opium smoker. While I was investigating his case he was at Los Angeles. I found him one day in a gambling house playing the Chinese fantan game. I reported that fact to the bureau, and I still have a copy of my report. I might say here that all my reports to the bureau I kept the carbon copy. Somehow he was appointed.

Chairman WALSH. What was his name?

Mr. GAIN. Holin Shak, and he was killed recently in St. Louis. So I submit these facts for your consideration.

Commissioner O'CONNELL. Let me ask you this, do you know a man by the name of Lola?

Mr. GAIN. No, sir; I do not.

Mr. BUSIEK. Or Garland or Otis or Gray?

Mr. GAIN. No, sir; I do not.

Commissioner O'CONNELL. Do you know the man that made the investigation for the commission?

Mr. GAIN. No, sir; I don't. Charlie Key——

Mr. BUSIEK. Do you know the man Charlie Key worked for?

Mr. GAIN. No, sir; I don't recall, but Key himself did not bear a very good reputation.

Mr. BUSIEK. He was killed in Seattle?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Last year?

Mr. GAIN. Yes, sir.

Commissioner LENNON. Are there any Chinese societies in Seattle?

Mr. GAIN. Yes, sir; some Chinese societies here, on the coast here.

Commissioner LENNON. Are part of the things we see in the papers from time to time about what we call the Highbinders—is there any truth in what we see in the newspapers about such societies?

Mr. GAIN. Yes, sir.

Commissioner LENNON. Lawbreakers?

Mr. GAIN. I would hardly say that. There are two different kinds of tongs or societies. One is formed lawfully for the protection of their own clansmen. In other words, a beneficial association among the clans. Chinese are very clannish. The other is formed principally by gamblers or men that live off of the earnings of women; those societies naturally are unlawful.

Commissioner LENNON. Is there a constant antagonism between these societies?

Mr. GAIN. Not lately. Chinese usually settle their disputes among themselves. If they can't settle them peacefully they like to fight it out.

Mr. BUSIEK. There has been a peace agreement signed recently between the two tongs, has there not?

Mr. GAIN. Yes; peace societies have been formed throughout the United States and many tong wars have been averted.

Commissioner LENNON. What do you know or what do you believe as to the number of Chinamen in the United States who are here contrary to the law? What per cent of them do you believe are here contrary to the law?

Mr. GAIN. I suppose about 10 per cent.

Commissioner LENNON. How many Chinese are there in Washington—the State of Washington?

Mr. GAIN. In th State of Washington there could not be more than 500—no; I would say more than that. Throughout the United States I think there are about 50,000 now.

Commissioner LENNON. The testimony in some places shows that the number of Chinese in certain cities is increasing; is that true of Portland and Seattle?

Mr. GAIN. No, sir. We are in the contracting business, and we have been having trouble in getting Chinese labor to fulfill our contracts.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. Thank you.

(The members of the commission conferred together.)

Chairman WALSH. Well, I guess we will stand adjourned to meet in Portland at 10 o'clock day after to-morrow morning.

(Whereupon, at 4 o'clock p. m. of this Tuesday, August 18, 1914, the executive session of the commission was closed, and an adjournment was taken to meet in the city of Portland, Oreg., on Thursday, August 20, 1914, at the hour of 10 o'clock a. m.)

(The hearing in Portland, Oreg., was on the subject of general industrial conditions and relations in Portland and will be found in a previous part of this work.)

SAN FRANCISCO, CAL., *Friday, September 4, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, Lennon, O'Connell, and Commons. W. O. Thompson, counsel; R. H. Busiek, examining counsel.

Chairman WALSH. We will now go into executive session. Mr. Busiek, did you have some matter that you wanted to bring up?

Mr. BUSIEK. Mr. Hayes.

TESTIMONY OF MR. J. P. HAYES.

Mr. BUSIEK. Please state your name in full.
Mr. HAYES. J. P. Hayes.
Mr. BUSIEK. You are manager of the Western Union Telegraph Co. here?
Mr. HAYES. Chief clerk.
Mr. BUSIEK. Chief clerk.
Mr. HAYES. Yes, sir.
Mr. BUSIEK. You were served with a subpœna to produce a certain telegram from R. H. Taylor to Frank H. Tape, transmitted from Buffalo, N. Y., June 4, 1914. Have you that telegram in your possession?
Mr. HAYES. I have a copy of it, sir.
Mr. BUSIEK. Will you produce that copy?
Mr. HAYES. If the commission please, I submit that the telegraph company should not be required to produce this message, inasmuch as a telegram is considered a privileged communication.
Chairman WALSH. This commission is appointed by the Congress of the United States and is given by statute full power to compel the introduction of documents of that character. Let a formal order be made upon the Western Union Telegraph Co. that this telegram be produced at this hearing.
Mr. BUSIEK. I will ask that this copy be marked as an exhibit.
(The telegram reads as follows:)

BUFFALO, N. Y., *June 4, 1914.*

FRANK H. TAPE,
1618 Thirty-fourth Street, Seattle, Wash.

Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for.

TAYLOR.

(Rubber stamped:) Duplicate of telephoned telegram.

Mr. BUSIEK. That is all. Thank you, Mr. Hayes.
Mr. HAYES. I will get a copy of that, will I—of that order?
Mr. BUSIEK. Yes.
Chairman WALSH. Where is the original?
Mr. BUSIEK. The original is in Buffalo, N. Y.
Chairman WALSH. Oh, yes.
Mr. BUSIEK. Mr. Coggins, please take the stand.

TESTIMONY OF MR. J. P. COGGINS.

Mr. BUSIEK. Your name in full, please.
Mr. COGGINS. J. P. Coggins.
Mr. BUSIEK. What position do you occupy with the Postal Telegraph Co.?
Mr. COGGINS. Manager.
Mr. BUSICK. And have you in your possession a copy of a telegram purporting to have been sent by one Frank Chew to Seattle, Wash., to R. H. Taylor, Buffalo, N. Y., under date of June 3, 1914?
Mr. COGGINS. I have.
Mr. BUSIEK. Will you produce that copy?
Mr. COGGINS. On the order of the court.
Mr. BUSIEK. I ask for a ruling.
Chairman WALSH. The same ruling will be made in the case of the production of this telegram as was made in the one introduced by the preceding witness.
Mr. BUSIEK. I ask that this copy be marked as an exhibit and introduced in evidence.
(The telegram reads as follows:)

SEATTLE, WASH., *June 3, 1914.*

R. H. TAYLOR,
Castle Inn, Buffalo, N. Y.:

Boss request written statement my financial standing, monthly income, what house cost, and machine. Wife refused make statement as to income; personal reasons. Charge me with grafting. I have no fear; asked for investigation myself. The questions are personal. Shall I stand pat and not tell? I have

interest in canneries with Chinese—shall I disclose it—which brings good income? Will do as you say. Have written full particulars.

FRED CHAW.

Mr. BUSIEK. That is all.

Mr. Taylor.

TESTIMONY OF MR. RICHARD H. TAYLOR.

Mr. BUSIEK. Take the stand, Mr. Taylor, please.

Chairman WALSH. Be sworn, please, Mr. Taylor. You solemnly swear that the testimony which you are about to give in the hearing now pending before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAYLOR. I do.

Mr. BUSIEK. Your name in full.

Mr. TAYLOR. Richard H. Taylor.

Mr. BUSIEK. What position do you occupy?

Mr. TAYLOR. Inspector, United States Immigration Service.

Mr. BUSIEK. Is that a civil-service position?

Mr. TAYLOR. It is excepted. I was appointed under an Executive order.

Mr. BUSIEK. When?

Mr. TAYLOR. In 1907.

Mr. BUSIEK. By whom?

Mr. TAYLOR. President Roosevelt.

Mr. BUSIEK. Have you served continuously since?

Mr. TAYLOR. Why, I will explain just how I entered the service, and that will make it probably shorter. In 1907 I was employed in the United States Secret Service, and at that time we made investigations for all departments, by assignment. I was requested in July, 1907, to make investigations for the Immigration Service. I was assigned for three months. That is a temporary appointment, which is the practice.

I was again reappointed at the expiration of three months. That led to a request for my permanent employment. And that was followed by an Executive order which gave them permission to employ me continuously. I remained in the service then for 1908. I was out for three months at the request of the War Department, investigating the Plaquemine Locks, La. I then went back into the Immigration Service, and in 1908, the latter part, I again went back to the Department of Justice to investigate the Oklahoma land frauds, the Gov. Haskell land frauds. That kept me out about three months. In the fall of 1910 I resigned from the Immigration Service, and at the request of the Chief of the Secret Service, took charge of the New York division of the Secret Service during the absence of the chief, who was made deputy chief police commissioner of New York.

Mr. BUSIEK. Mr. Flynn?

Mr. TAYLOR. Mr. Flynn. I remained in charge there until he resigned and came back.

Chairman WALSH. How long was that?

Mr. TAYLOR. That was about seven months. And when that work was finished the department requested my return, and I returned to the service and remained until the last election, when I resigned and went back to the Secret Service.

Chairman WALSH. Who requested your return at that time?

Mr. TAYLOR. The Commissioner General of Immigration, Mr. Keefe. I went back to the Secret Service at the last election, and went with Mr. Wilson from the time he was elected until he was inaugurated. And then on the 1st of July following I returned to the service, and have been with it ever since.

Chairman WALSH. How did you happen to return to the service, Mr. Taylor?

Mr. TAYLOR. At what time?

Chairman WALSH. This last return?

Mr. TAYLOR. At my own request.

Chairman WALSH. And by whom was the order made?

Mr. TAYLOR. For the return?

Chairman WALSH. Yes.

Mr. TAYLOR. There was no order made. Under the civil-service rules an employee is eligible for reinstatement any time within a year.

Chairman WALSH. And you applied for reinstatement, did you?

Mr. TAYLOR. I applied for reinstatement; yes, sir.

Chairman WALSH. And it was granted by the department?
Mr. TAYLOR. It was granted by the department.
Chairman WALSH. And you have remained—could you have remained in the Secret Service?
Mr. TAYLOR. At a smaller salary; yes, sir.
Chairman WALSH. At a smaller salary?
Mr. TAYLOR. At the salary I went over, I might have stayed with the Secret Service. The salaries are not the same as the Immigration Service.
Chairman WALSH. You get $3,000 per year in the position you are in?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And did anyone have your place while you were gone?
Mr. TAYLOR. No, sir.
Chairman WALSH. Did you confer with anybody while you were gone as to the conduct of the affairs of the office?
Mr. TAYLOR. Any of the immigration officials?
Chairman WALSH. Yes.
Mr. TAYLOR. No; I was out of touch with the immigration officials.
Chairman WALSH. Entirely out of touch and out of touch with those that had been under you prior to that time, prior to the time you entered the Secret Service during the Wilson campaign?
Mr. TAYLOR. As far as I recollect it, I did not work at all for the service. I might state that we are not allowed to do work for any service where the compensation is fixed by the sundry civil bill, a bill that creates the appropriation for the Secret Service. There is a prohibitive clause in it.
Chairman WALSH. Now, what is the nature of the work that you have been chiefly engaged in since you have been connected with the Bureau of Immigration?
Mr. TAYLOR. Criminal and civil investigations of all kinds, conduct of officers, smuggling of aliens, handling of criminal cases, instructing officers as to criminal procedure, and work of that kind.
Commissioner GARRETSON. I would like to know right there, how many convictions have there been of members of the department during the period that you have been in the service, on information furnished?
Mr. TAYLOR. Well, now, inspector in charge at Chicago, Mr. Davies, I investigated him and found that he was submitting false accounts. He was dismissed. The matter was submitted to the district attorney for criminal prosecution, and he decided that dismissal was sufficient punishment. He was an old man. It was in connection with taking deports from Chicago to New York.
Mr. BUSICK. We do not care about the details of the case, Mr. Taylor; but have any immigration officers been convicted under the United States laws?
Mr. TAYLOR. Inspector in charge at Albuquerque, N. Mex. I convicted him for participating in Chinese smuggling, together with the conductor and brakeman of a train running from El Paso to Albuquerque.
Commissioner GARRETSON. That is Col. Green?
Mr. TAYLOR. Yes.
Commissioner GARRETSON. Right there I want to ask a question. All plead guilty, didn't they?
Mr. TAYLOR. Plead guilty; yes, sir.
Mr. BUSICK. Mr. Taylor, just give the commission, tell the commission what offices——
Chairman WALSH. Please finish any convictions that were had; Green, of Albuquerque.
Mr. TAYLOR. Green, of Albuquerque, was one; was sent up for a year and a day, if I remember correctly.
Chairman WALSH. Was there any other?
Mr. TAYLOR. The inspector in charge at Galveston I found engaged with the Chinese in smuggling. He was not convicted; dismissed from the service.
Chairman WALSH. Is that the one you mentioned first?
Mr. TAYLOR. No.
Chairman WALSH. What was the first one?
Mr. TAYLOR. The first one was Davies, inspector in charge at Chicago.
Chairman WALSH. Then the Albuquerque case. What was the next one?
Mr. TAYLOR. Holman, inspector in charge at Galveston, Tex.
Mr. BUSICK. Any others?
Mr. TAYLOR. Inspector at—you want simply the investigations?
Mr. BUSICK. No; the convictions.
Chairman WALSH. The conviction of any person.

Mr. TAYLOR. That is the only conviction of an officer.

Mr. BUSIEK. Now, tell the commission the men reported adversely by you and who are now disconnected from the service as the result of such reports?

Mr. TAYLOR. Well, the inspector in charge at Cleveland.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. I can't call his name.

Mr. BUSIEK. Cullom?

Mr. TAYLOR. Cullom.

Mr. BUSIEK. Isn't it a fact that Cullom is now with the service?

Mr. TAYLOR. He was not at the time Davies took charge; in and out four times. Last time I left Buffalo he came in and bid me good-by and said he had quit forever.

Mr. BUSIEK. Had he quit or was he discharged?

Mr. TAYLOR. He resigned.

Mr. BUSIEK. He resigned?

Mr. TAYLOR. Yes.

Mr. BUSIEK. That was the cause of each severance from the service, that he resigned?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And was then reinstated under the civil-service rule because he had severed his connection from the service without delinquency or misconduct. Isn't that true?

Mr. TAYLOR. That is true. We permitted him to resign and reinstated him under the regulations; we reduced him as the cause for his first resignation.

Mr. BUSIEK. What had he done?

Mr. TAYLOR. Why, excessive drinking.

Mr. BUSIEK. Wasn't it a fact also that he would go to Chinese and have them cash worthless checks?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And that was reported by you, was it not, Mr. Taylor?

Mr. TAYLOR. Yes; that was reported by me—his general misconduct. If I remember correctly, he was making a Chinaman do his laundry for nothing.

Mr. BUSIEK. You reported adversely?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And he was allowed to resign?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Subsequently?

Mr. TAYLOR. Yes; he was allowed to resign. He was reduced and ordered transferred, if I remember correctly, to Detroit from $2,520 to a lesser figure—I forgot what—and he resigned rather than to accept the transfer.

Mr. BUSIEK. And he resigned rather than accept transfer?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And then later on and within a year he was reinstated in the service, certified by the department that the severance from the service had been without delinquency and misconduct, and he was reinstated in the service?

Mr. TAYLOR. I presume that would be the procedure.

Chairman WALSH. As a matter of fact he did have a rotten record, didn't he?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did you have to make any recommendation with regard to him?

Mr. TAYLOR. If I remember correctly, I did not. There was some question at that time about any investigating officer making recommendations. That has been reversed periodically, and I do not know if it was in effect at that time or not.

Mr. BUSIEK. What other investigations of officers did you make that resulted in their severance from the service?

Mr. TAYLOR. The commissioner of immigration at New Orleans. I won't say positively that he has been dismissed, or what has happened, except what I have read in the papers since I left Washington, that he had been demoted and ordered transferred and resigned—was going to resign on the 1st of July, according to the newspaper article.

Mr. BUSIEK. Is that the usual procedure in the department, Mr. Taylor, that when a special investigator makes an adverse report on any officer, that he is given an opportunity to resign rather than be put out of the service?

Mr. TAYLOR. No, sir; that is not the rule. That is within the discretion of the department. We can simply make a recommendation—the Commissioner Gen-

eral makes a recommendation to the Secretary. The Secretary has absolute charge of all appointments, reductions, and transfers.

Mr. BUSIEK. If a man resigns the Secretary has nothing to do with that?

Mr. TAYLOR. If it comes through the Commissioner General, he either approves or disapproves of the resignation. If a man was under charges he probably would not permit him to resign until it was decided whether the charges were sufficient to warrant his dismissal.

Mr. BUSIEK. Are there any other officers now who, because of your activity or reports, have been demoted or taken out of the service, peremptorily discharged?

Mr. TAYLOR. Why, yes, sir; the inspector in charge at Los Angeles. In 1910 I investigated the southern district and found that he was absolutely incompetent and the affairs in the district were unsatisfactory.

Mr. BUSIEK. In what regard?

Mr. TAYLOR. What is that?

Mr. BUSIEK. In what regard were they unsatisfactory?

Mr. TAYLOR. Why, the way I put it, I thought the man was a little out of his mind.

Mr. BUSIEK. Who was that—Inspector Emke?

Mr. TAYLOR. No, sir; you mean Engleke?

Mr. BUSIEK. Inspector Engleke?

Mr. TAYLOR. No, sir; I had nothing to do with his dismissal. That was Ridgeway. He was inspector in charge at Los Angeles under Inspector Weddell, who took Engleke's place at San Antonio. Weddell was entirely in charge of the southern California district. I found Chinese smuggling operations were rampant. I went down in Mexico and came up through with them, and took a Chinese with me, and we immediately started getting the smugglers and I made the recommendation as I found them in that district.

Chairman WALSH. You did what?

Mr. TAYLOR. Made a report of conditions just as they were found, and then the district was put under charge of the supervising inspector, Capt. Connell being put in charge of the entire southern California district, and Ridgeway was demoted to $1,380, I think it was, and resigned.

Mr. BUSIEK. Up to that time southern California had been in the San Francisco district, had it not?

Mr. TAYLOR. No, sir; it was in the San Francisco district up to the time that the Immigration Commission made an investigation, and it was then taken away and a man named Weddell was put in charge of southern California. It was a separate district, and in July, on my recommendation, the bureau put it under the supervising inspector at El Paso.

Mr. BUSIEK. And southern California, or all of California up to about 75 miles south of San Francisco, is under the El Paso jurisdiction now, is it not?

Mr. TAYLOR. Under the El Paso jurisdiction, with subheadquarters at Los Angeles.

Mr. BUSIEK. And the northern portion of this district is 1,500 miles by rail from El Paso, is it not?

Mr. TAYLOR. About that.

Mr. BUSIEK. Did you ever investigate the southern California district; that is, prior to this Immigration Commission?

Mr. TAYLOR. Why, that is just about the time that I made an investigation. I was then working for the Secret Service, and I made an investigation. About that time, if I remember correctly, reports were circulated that smugglers were operating there. I took up the work and I found there was a man working under the name of Garland, whose right name was Greenhall, a man whose record we had, and found it was very bad. It subsequently developed he was in the employ of the Immigration Commission, and that the acts he was committing were presumably for the purpose of getting evidence.

Mr. BUSIEK. Did you investigate John Canfield, and a man named Agard and Engleke at that time?

Mr. TAYLOR. I investigated Agard, in connection with Garland, and found he was working with Garland, and so reported. Engleke I did not investigate, except as to the Chinese smuggling at that time, which did not amount to very much. There were about 10 or 12 Chinese coming to Ensenano—that is, our distributing point. When they come to Ensenano we are satisfied they are en route to the United States. They were catching a reasonable number of these Chinese and smugglers.

After the district was changed I paid no further attention to it other than to get reports of Chinese coming to Ensenano. I found frequently they were coming in large numbers. That resulted in my then taking up the investigation in Mexico. I took an interpreter and went to Mazatlan and put him in with the smugglers, came up on the boat with them, and he stayed for two weeks in Ensenano with the smugglers, and in that way found out what was going on, which was the start of the break-up.

Mr. BUSIEK. Did you investigate Canfield?

Mr. TAYLOR. Canfield? I think not.

Mr. BUSIEK. Just search your memory, Mr. Taylor. Isn't it a fact that you did report that Canfield was not involved in smuggling according to your best judgment?

Mr. TAYLOR. Oh, yes; indeed, I did. He was working with me.

Mr. BUSIEK. And it subsequently transpired that Canfield was one of the ringleaders of smuggling operations?

Mr. TAYLOR. No, sir; it subsequently transpired that I got the smugglers that brought the Chinese over that Canfield was charged with assisting. Or, in other words, I believe the charge was that he was having them brought over for the purpose of catching them to make a record.

Mr. BUSIEK. Are you sure about that, now, Mr. Taylor, that that was what he was charged with?

Mr. TAYLOR. Well, that is my recollection. I know that was the charge at the time this man was working for the commission. He stated that in fact he tried to get a man to sign an affidavit to that effect, that he was paid to bring Chinese over for—so Canfield could catch them.

Mr. BUSIEK. Well, have you ever looked into the record of Canfield to see what were the actual charges and what he was finally found guilty of?

Mr. TAYLOR. No; I can't say that I have.

Mr. BUSIEK. Have you never heard that he was found guilty of active participation both in doing the work and in sharing the proceeds?

Mr. TAYLOR. No, sir; I haven't.

Mr. BUSIEK. Of the smugging.

Mr. TAYLOR. No, sir.

Mr. BUSIEK. You haven't learneed that yet?

Mr. TAYLOR. No, sir.

Chairman WALSH. This is the first information you have received, is it?

Mr. TAYLOR. That he was actually charged with bringing them over?

Mr. BUSIEK. Assisting in bringing them over, and found guilty?

Mr. TAYLOR. He was found guilty by the commission.

Mr. BUSIEK. And because of the findings made by the commission on their recommendation he was dropped from the service?

Mr. TAYLOR. He was dismissed; yes.

Chairman WALSH. But you still don't believe he was guilty?

Mr. TAYLOR. No, sir; I don't. Because the smugglers stated to me—and their confessions are on record in the bureau.

Chairman WALSH. Did the commission that investigated that have those confessions that you received?

Mr. TAYLOR. I presume so; they were sent in the regular way.

Mr. BUSIEK. Mr. Taylor, you have devoted a great deal of time to investigating offices throughout the country, have you not?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. Recommending betterments and changes, investigating the officers and reporting back to Washington confidentially as to their ability, and so on?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. It was on your recommendation that more territory was given the El Paso office?

Mr. TAYLOR. Yes, sir. Southern California.

Mr. BUSIEK. That is a reflection, is it not, upon the administration of affairs by the San Francisco office?

Mr. TAYLOR. I would not say that it is a reflection. It was done for the best interests of the service, for the reason that most of that territory has to be watched for contraband Chinese, Chinese that have been smuggled across from Mexico. The work is so closely interwoven that it can be better handled by officers in southern California, because otherwise the work would interlap. I recommended that the southern California district, administrative district, conform to the judicial district, so that a man arrested in one administrative

district would not have to be tried in another judicial district, and for the further purpose that the inspector in charge of southern California is the best investigating officer in the service.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. Capt. Connell. He is an old peace officer, and since he has been in charge, as evidence of his work, he has sent out of that district 1,400 contraband Chinese and has mowed down at least three or four crops of smugglers, and also has captured or put out of commission 12 smuggling crafts, launches, and so on.

Mr. BUSIEK. Couldn't he work to better advantage with the San Francisco district, Mr. Taylor, in so far as the chief smuggling in the San Francisco district would be by water, and El Paso is away inland, and many of the boats come up as far as San Francisco, do they not, with smuggled Chinese?

Mr. TAYLOR. Why, they have in the past. The only information that we have—the last information that we have was that a load was coming up here, but what became of them we don't know.

Mr. BUSIEK. How long ago was that?

Mr. TAYLOR. On the 20th—on the 18th of July a boat left Pointe Grande with Chinese on board. It is a boat that changed the name of some other boat to the boat *New Orleans*. The inspector in charge at San Diego wired the commission here. I have a man in charge of smuggling in Monterey, but they were afraid they might miss him, so they wired both places. Now, that wire was sent on the 18th of July. On the 20th of July all the papers in this section published the information, published the name of the boat, and we have heard nothing further from it.

Mr. BUSIEK. How did that information leak out?

Mr. TAYLOR. I don't know. It does every time. Therefore I have given instructions not to send information of that kind until I can make arrangements to have some particular person have the handling of information in the northern district.

Mr. BUSIEK. Have you suffered in the past from too much publicity—advance publicity?

Mr. TAYLOR. Yes, sir; it has occurred practically every time. Now, in justice to the officers here, they say that they give this information to the Revenue-Cutter Service, and are therefore not responsible for what becomes of it. It is rather discouraging, however, to see information of that kind published the second day after it is sent out, especially when men have worked 10 or 15 days and nights watching for it, and then have it go up in that way.

Mr. BUSIEK. What, in your judgment, Mr. Taylor, is the extent of the smuggling operations around this coast?

Mr. TAYLOR. The California coast?

Mr. BUSIEK. Yes.

Mr. TAYLOR. Up until, well, during the past fiscal year we had 83 cases of smuggling, and we sent out 700 contrabands. That was larger than usual, for the reason that the Pacific Mail and the Japanese lines brought a large number of transients and took them to Mazatlan, put them right across the line, and they came back in large numbers.

Mr. BUSIEK. Wasn't it also due to the fact that during the disturbance down in Mexico many of the resident Chinese wanted to get back to China and just crossed the border into the hands of the officers, so that they would be deported free?

Mr. TAYLOR. No. We stopped that some years ago—probably four years ago. We were sending Chinese back to China whenever they wanted to go. I happened to be in Tucson when we had 45 that we were then sending, took them all before the United States commissioner to send them back to China.

I wired for authority to take them on departmental warrants, each having admitted having come from Mexico. I wired for authority to take them on departmental warrants. When we got a sufficient number we sent them to Mazatlan, Mexico. We held them in detention at Tucson until, I think, we had probably 90, but without their knowing what we were going to do. We sent them all back on the Secretary's warrant to Mazatlan, and that put a stop to them coming over simply for the purpose of having their passage paid to China. There isn't really Chinese smuggling along the Mexican border to amount to anything.

Mr. BUSIEK. In speaking of the town of Ensenano, about what is the Chinese population of that town?

Mr. TAYLOR. There is a floating population there of from two to three hundred. The permanent population would not exceed, the last time I was there, which was probably four years ago—would not exceed 200. They don't stay there very long. They know that we are watching them in Ensenano, and therefore they keep them there. They have to keep them under cover for fear we will recognize them if they are subsequently arrested. They are gotten out as quickly as possible after they come into Ensenano.

Mr. BUSIEK. They are there for but one purpose; that is, to be smuggled into the United States?

Mr. TAYLOR. That is all the purpose.

Mr. BUSIEK. You say that there is a floating population of about 300 Chinese there constantly?

Mr. TAYLOR. Yes.

Mr. BUSIEK. How long do they stay on an average in the town?

Mr. TAYLOR. Why, I should say about two weeks.

Mr. BUSIEK. Two weeks?

Mr. TAYLOR. Yes. The last time I was there—that is probably four years ago—that was the case, and I presume the same methods are followed out.

Mr. BUSIEK. That would make about 25 shifts of 300 each in the course of a year?

Mr. TAYLOR. Well, easily. They were coming out when I made this last recommendation. I think it is one month that we had probably close onto 200.

Mr. BUSIEK. That is, that you caught?

Mr. TAYLOR. No; that we didn't catch.

Mr. BUSIEK. Oh, that you didn't catch.

Mr. TAYLOR. They were not catching them then; that is, between the time it was made a separate district and the time it was put onto the El Paso district.

Mr. BUSIEK. How did you catch most of those—coming across the border or coming up in a boat?

Mr. TAYLOR. The first we started when this man I left in Ensenano reported that they were walking over at that time. I stationed men along the roads, up the trails up in the mountains day and night. Probably the first—well, within two weeks—within a week we caught the first outfit walking. They walked up the Tecule way and down over the trails. It was reported by my man in Ensenano, and that smuggler was killed. One of the smugglers in that case opened fire on the officers, and one of our officers killed him.

Within about a week afterwards the second outfit arrived there, which was under way, and they had the same trouble, but they did fire on our officers, and the fire was returned, and our officer who was going to kill him didn't, because of having killed one the week before, and he decided not to. We subsequently got him, sent him up for assault and attempt to commit murder.

Mr. BUSIEK. What officer was that?

Mr. TAYLOR. Conklin. They then started their boat smuggling, and that has been going on ever since. We have caught 12—we put 12 boats out of commission of all kinds.

Mr. BUSIEK. What is your best judgment as to the number of Chinese crossing or coming up from Mexico in the last year, say, that you did not get?

Mr. TAYLOR. Well, I should say probably 150.

Mr. BUSIEK. One hundred and fifty?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Well, now, I don't want to argue with you, but I want to get those figures.

You say there is a floating population of about 300 Chinese in Ensenano?

Mr. TAYLOR. I mean by floating population—you probably misunderstood me—that is, in addition. I would put 150 regulars, and that would make ours about 150.

Mr. BUSIEK. Now, if 150 get out every two weeks, and a new shift comes in——

Mr. TAYLOR. Yes. We caught, I say, about 700 in the last year.

Mr. BUSIEK. Well, but if those came in there, that would make about 4,000 going out and 700 caught?

Mr. TAYLOR. How do you mean, 4,000?

Mr. BUSIEK. Well, if there was, taking your figures, 150 that change approximately every two weeks, that would make 26 changes in a year, wouldn't it?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Twenty-six times 300.

Mr. TAYLOR. I will modify that. At that figure, 300 coming in every month, we would have had 300 a month coming into Ensenano. At the highest estimate I have had it was about 200 a month. And that has been cut down. If I remember correctly that was about the time that we made the change.

Mr. BUSIEK. Isn't it a fact that the Chinese population of Ensenano is larger now to-day than it ever was?

Mr. TAYLOR. Well, probably so. There are probably a lot of Chinese from near-by places in there.

Mr. BUSIEK. Now, that is just Ensenano alone. Now, the Mexican border is pretty long, and there are smuggling operations carried on all along the border, aren't there?

Mr. TAYLOR. Well, we have——

Mr. BUSIEK. From Beaumont, Tex., to the Gulf of California?

Mr. TAYLOR. Oh, no; we have practically broken up the smuggling east of Yuma.

Mr. BUSIEK. East of Yuma?

Mr. TAYLOR. Yes, sir; we used to; they are stragglers now. When I first went on the border that was their regular route, through El Paso, in box cars. Every means known was used. Well, we have broken up, we have discovered every means practically that they have employed. The last they were driven over to Eagle Pass, and we got three that went out there and attempted to go through there. El Paso is the only place where they are coming across in amount to anything east of Yuma. You understand that they can't get away. We have every train moving in that section inspected; and the Chinamen can't travel on those trains unless he has permission from some officer at El Paso. If I remember correctly that was about the time that we made the change. We give him a certificate, and send a copy up the road to our inspector who inspects the train, and if he hasn't got the certificate he is taken off.

Mr. BUSIEK. Well, now, that accounts for Mexico. How about smuggling in from Canada?

Mr. TAYLOR. To the extent that that is carried on, smuggling in from Canada is just a little better now than the Mexican border was when I first took charge of it. They are smuggling in from Canada at all times.

Mr. BUSIEK. How?

Mr. TAYLOR. Every conceivable way.

Mr. BUSIEK. Is there considerable boat smuggling along the Pacific coast?

Mr. TAYLOR. Why, no. The smuggling on the Pacific coast is not as great as one would imagine. Now, I have investigated the coast here. I put a man in with the smugglers, had him with them for three months, and with the results we were satisfied that they were not coming across in the number we would imagine. It developed that they were not, for this reason, they wanted to get East. If they are smuggled across in the vicinity of Seattle or anywhere—well, anywhere west of the International Falls, they have then got to run the gantlet of our inspectors clear through to the eastern point, in addition to being smuggled across. They can go in Canada to Buffalo or Toronto. Toronto is the headquarters, and they go to Toronto, and they only have one difficulty and that is getting across. Once they are across they are close to their final destination. Our trains going through Chicago and Toledo are periodically inspected. If we see a Chinaman on there we take him off, and for that reason they figure when once they get across in the vicinity of Seattle they have to take a chance to get East, which accounts for it. I was myself rather surprised at the result of the investigation.

Now, they were smuggled across in small numbers in the vicinity of Seattle. A great many more aliens of other races are being smuggled over, and we are using the same method, or intend to, to apprehend those. I don't mind stating that we had—at least I had the head smuggler—my man got in with the head smuggler in Vancouver, and he would have come over with him—the lay was he insisted on his coming over with opium. Of course, we don't do that, it is not our business, we simply report it. He could have come over as his partner and we would have caught him and caught the smuggler, but I would not permit anything of that kind to be done in the Seattle district for the simple reason that there is too much newspaper notoriety there. We have a new district attorney and we have a new commissioner. Of course, the commissioner is inexperienced in work of this kind, and while the Supreme Court of the United States, as you probably know, says it is perfectly proper for an investigating officer or detective to join a conspiracy after once formed, and even assist, for the purpose of apprehending the criminal, and in fact it is the only way a conspiracy can be exposed——

Mr. BUSHEE. Why, then, were you afraid to take it up with the commissioner at Seattle?

Mr. TAYLOR. I would have taken it up with the commissioner, I would have taken it up myself, but I didn't want them to—I didn't want to have to answer criticisms in the newspaper. There is some one there who makes a habit of publishing everything in the papers, and as I put it up to the bureau, they would probably charge us with smuggling Chinese in if I permitted an officer to come over, and for that reason under the present circumstances I would not permit an officer to take any part in working with the smuggler. He developed the smuggler and he came over and developed the Chinese in Seattle; he had a conference with him; he got letters from him to the smuggler's Chinese man in charge of Vancouver, and vice versa. He got their methods, and in that way he, in addition to that, developed the fact that smuggling is not being carried on as extensively as we thought.

Now, they were bringing them across in the tool box of the engine, probably two at a time. This man stated that that had been stopped; that they could not do that; and that he was trying to arrange to have some brought over in a boat, but that he could not get more than two or three at a time, that they wanted to go each rather than to come across in that way. The smuggling by the trains, I think, has been stopped. I went to Blaine and to Sumas and went through the trains, and showed the officers just exactly where they had been found in the past, and we have found them in every conceivable part of the train.

Commissioner WEINSTOCK. Brake beams?

Mr. TAYLOR. Brake beams, under the hood over the vestibule, and in the boxes of the diner, under the food boxes. At El Paso they would put two Chinamen in this box, which is about that square and as long as a man, at, we will say, 11 o'clock at night in the yards. That diner would remain there until 11 o'clock to-morrow, and then be put into a train leaving at 1 o'clock, and taken to Chicago. That man would remain in that position for that time.

Commissioner WEINSTOCK. Without food?

Mr. TAYLOR. Except the little crackers and water that they put in with them.

Commissioner WEINSTOCK. What would they do to respond to the laws of nature? How would they relieve themselves?

Mr. TAYLOR. Right where they were. We caught one by relieving himself over the hood. This little hood is about that high, you know, over the vestibule where it slopes down. This is the top of the car, there is a little space there, and they take off a panel inside and shove him in there, and put that panel back. They would stay there three days in that place.

Commissioner WEINSTOCK. How could smugglers do that without the train crew knowing it?

Mr. TAYLOR. The train crew, those are the ones we have to contend with.

Commissioner WEINSTOCK. The train crew?

Mr. TAYLOR. Yes, sir. That car was put in the yard, which has a high fence around it, and it is almost impractical, because they are all smugglers, there is no trouble finding the smuggler. We can go out in El Paso and shake hands with them on every corner, but you have to catch them. I have put an officer in there and it developed on that box car—the dining car, I got a strange officer and put him in as a helper. He worked there and finally got up to be foreman of a gang, which gave him an excuse for going around the yards. But there are very few officers we can use in that way, because they will very soon tell you that they didn't come in the service to handle trucks and things of that kind in the freight yards, they don't get sufficient pay.

Commissioner GARRETSON. In the investigation on that border didn't it develop that there was another matter of train handling?

Mr. TAYLOR. On——

Commissioner GARRETSON. On the Mexican border?

Mr. TAYLOR. On the Mexican border?

Commissioner GARRETSON. Yes.

Mr. TAYLOR. Oh, yes.

Commissioner GARRETSON. Didn't it develop that gangs were marched across the border, the trains stopped 7 or 8 miles from the border, and the Chinamen loaded into a baggage car?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. And brought away in?

Mr. TAYLOR. Every conceivable——

Commissioner GARRETSON. In the investigation of that what I would like to know is this: Did responsibility for that kind of action rest solely with the train crew or were there officers of the company implicated?

Mr. TAYLOR. That is to say the company?

Commissioner GARRETSON. Of the railway company?

Mr. TAYLOR. Why, nothing higher than the engineer or conductor that we have ever been able to get.

Commissioner GARRETSON. What makes me ask—bear in mind I have some knowledge of train movement.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. The way that was done, according to my information, it could not have been done by the conductor and engineer without the collusion of superior officers.

Mr. TAYLOR. Well, they have never been able to trace it to them.

Commissioner GARRETSON. Well, you have never been able to find a trace of it?

Mr. TAYLOR. No, sir.

Commissioner GARRETSON. What makes me ask, no conductor or engineer—I am speaking from years and years of practical knowledge——

Mr. TAYLOR. Yes.

Commissioner GARRETSON. Can follow that method, and that was very prevalent, if I am not misinformed, on that border, without both knowledge and authorization.

Mr. TAYLOR. Well, now, I don't know just the particular instances you refer to, but what I have in mind was a Santa Fe train was sometimes stopped right out of El Paso and just——

Commissioner GARRETSON. Well, I am not referring to that at all. I am talking of trains that cross the line on the other side. They bring them to within a few miles of the border, and then they were taken in squads—the Chinamen—and marched across the border on foot.

Mr. TAYLOR. Yes, sir.

Commissioner GARRETSON. And camped on the other side probably until a train was due, another one following, a later train. Then they were flagged from anywhere from 1 to 5 or 10 miles on this side of the border—the men loaded in the baggage car; that is, the Chinamen—and carried off.

Mr. TAYLOR. No, no; I don't——

Commissioner GARRETSON. You found no record of anything of that kind?

Mr. TAYLOR. No; I don't just understand about—you say they came up on a train?

Commissioner GARRETSON. Yes.

Mr. TAYLOR. I will tell you; they all come to Juarez.

Commissioner GARRETSON. Came where?

Mr. TAYLOR. Come to Juarez; that is the same there as Ensenano is here.

Commissioner GARRETSON. I know; I am perfectly familiar with Juarez.

Mr. TAYLOR. Then they are smuggled over the river as best they can.

Commissioner GARRETSON. How about the El Paso & Southwestern; that crosses the line?

Mr. TAYLOR. Where?

Commissioner GARRETSON. From Douglas, and comes into El Paso on this side of the line.

Mr. TAYLOR. Yes, sir.

Commissioner GARRETSON. The Southern Pacific lines from Benson south.

Mr. TAYLOR. Those are the ones they use.

Commissioner GARRETSON. Well, there is the class of train that I am talking about.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. A train that crosses the border itself. What road was Green on?

Mr. TAYLOR. The train doesn't go into Mexico.

Commissioner GARRETSON. The El Paso & Southwestern does.

Mr. TAYLOR. Where?

Commissioner GARRETSON. What?

Mr. TAYLOR. Where?

Commissioner GARRETSON. Crosses the border and goes south below Douglas.

Mr. TAYLOR. Into——

Commissioner GARRETSON. Goes down this way on a loop into old Mexico [indicating].

Mr. TAYLOR. You mean the new road?

Commissioner GARRETSON. What?

Mr. TAYLOR. The new road, you mean?

Commissioner GARRETSON. Why, it is not very old; it has been there for 8 years or 10.

Mr. TAYLOR. And goes from here to El Paso through old Mexico?

Commissioner GARRETSON. No. It goes from El Paso down to Douglas, right down the Matazara country, and then comes up to Benson.

Mr. TAYLOR. I don't——

Commissioner GARRETSON. That is the Phelps-Dodge road.

Mr. TAYLOR. You mean the branch that runs to Nogales?

Commissioner GARRETSON. There is a branch that crosses into Neco.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. But it is right on the border and loops below it in one place. Look at a railroad map, it will show you that.

Mr. TAYLOR. I don't——

Commissioner GARRETSON. The line extends from El Paso north, the old El Paso & Northwestern, up to Santa Rosa.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. It goes south to Douglas and Benson?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. With a branch across at Nakazara and Neco?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. And it falls below the line for a number of miles?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. It forms a very convenient loading place. What road was Green on?

Mr. TAYLOR. Green was on the Santa Fe.

Commissioner GARRETSON. Santa Fe. He only approached the border, he didn't cross it?

Mr. TAYLOR. He had nothing to do with the border at all.

Commissioner GARRETSON. No?

Mr. TAYLOR. He was simply inspector in charge.

Commissioner GARRETSON. I know he was in the service of the Government at the time of his conviction.

Mr. TAYLOR. Everybody had—they were to pass through and inspect them and take them off the train, that he was supposed to.

Commissioner GARRETSON. That phase of it is what interested me.

Mr. TAYLOR. Well, now, they can't get by, because we open all their cars and inspect all the trains.

Commissioner GARRETSON. Oh, yes; but you can readily understand that having stood the inspection and proceeded north in our territory the Chinamen will be loaded 5 miles from where the inspection took place.

Mr. TAYLOR. It is in our territory where we inspect them. We inspect them 100 miles from the line.

Commissioner GARRETSON. Absolutely. They don't run that far.

Mr. TAYLOR. What is that?

Commissioner GARRETSON. They could carry them in before that.

Mr. TAYLOR. They can't get away, though. The Chinamen can't get out of anywhere in that vicinity of the Mexican line along there without being inspected. We have all those little towns, we have a man there that goes through all the trains. That is what resulted in breaking up this—you are speaking now of box-car smuggling?

Commissioner GARRETSON. I am not speaking of the box cars, I am talking about baggage cars and the passenger trains.

Mr. TAYLOR. Well, we have got them in the passenger trains, but we have never got them out along the line of the railroad where the train was flagged.

Commissioner GARRETSON. Bear in mind, I am talking of the preinformation of a man that rode a train on both sides.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. I was in the Mexican service myself for a good long time.

Mr. TAYLOR. Well, we have caught them in every conceivable part of the train.

Commissioner GARRETSON. That is all that I wanted to know on that.

Mr. BUSICK. Mr. Taylor, you have made several investigations here in San Francisco, have you not, of the personnel of the force?

Mr. TAYLOR. Yes; I have investigated; I guess I have investigated one man about periodically every year or two, that is the chief interpreter here.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. Dr. Gardner.

Mr. BUSIEK. John E. Gardner?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. Have you ever made any adverse recommendations?

Mr. TAYLOR. Never have; no, sir.

Mr. BUSIEK. Have you found Gardner all right?

Mr. TAYLOR. Every time; yes, sir.

Mr. BUSIEK. What were the bases of the charges, Mr. Taylor?

Mr. TAYLOR. Well, I think about the first one was that he and a man, Inspector Kennah, took $300 from a man in a case. Some one was here from the department and made an investigation. They produced a witness who told them that he had paid them; that he was head of the cannery; that he hired men for the cannery here; that he had paid him $300. I took it up and found that this man was an 18-year-old boy. There was never any such case as they referred to at all, and he had no connection whatever with the cannery. The address he gave this officer was some white section over in Oakland. A Chinaman had never been near it. Absolutely no case.

Mr. BUSIEK. Did you ever find the boy?

Mr. TAYLOR. No.

Mr. BUSIEK. You never found the witness?

Mr. TAYLOR. No.

Mr. BUSIEK. That has generally been the case in all investigations of Gardner, hasn't it, that you can't find the witnesses who make the original statements?

Mr. TAYLOR. No; I found the woman that produced him, and she stated that she didn't produce him, that she simply acted as an interpreter. And she herself I found to be a little prostitute. It didn't amount to 2 cents.

Mr. BUSIEK. And what was the basis of other charges against Gardner?

Mr. TAYLOR. Why—well, I don't know any particular—let's see, they were all along the line of his landing. Yes; one instance was that we had a report that he was landing women here.

Mr. BUSIEK. That is a very persistent report.

Mr. TAYLOR. Yes.

Mr. BUSIEK. In regard to Gardner, is it not?

Mr. TAYLOR. Well, now, the only way I could figure on handling that properly was to get the women. So I went out here and picked up 16 women, prostitutes, raided—took them all in, and there wasn't a one that Dr. Gardner could have helped in any way, shape, or form to get in, or the President of the United States couldn't have kept them out.

Chairman WALSH. What did he say—what was that last about the President?

Mr. TAYLOR. Couldn't have kept them out.

Chairman WALSH. The President could not?

Mr. TAYLOR. No one. They simply get the young boys, native sons, to go over to China and marry a woman Chinese fashion and bring her back here as his wife. Well, she has just as much right to come in as your wife or my wife.

Mr. BUSIEK. But if she turns prostitute the President of the United States couldn't keep her in, could he, under the law?

Mr. TAYLOR. If she turned prostitute within a certain time, we could probably send her back if the court would let us; but she is the wife of an American citizen, and you can readily understand her status. She is really permitted to do as she pleases, except sometimes we get by with it. We take her and charge her with being a prostitute prior to entering. You see, we have got to show she was a prostitute prior to her marriage.

Mr. BUSIEK. Well, did you ever see the report made by Assistant Commissioner Edsell on Gardner?

Mr. TAYLOR. I didn't; no, sir.

Mr. BUSIEK. Did you ever hear of it?

Mr. TAYLOR. Yes; I understand that—in fact, I believe it is common knowledge that Edsell intended to sift him to the bottom. He went after him with his mind made up that he was guilty of everything that he was charged with. And I understand he worked day and night for a long time, but finally had to say that he was in the clear in every respect. Now, that is only——

Mr. BUSIEK. You think from your investigations that Dr. Gardner is above report as an official?

Mr. TAYLOR. I do. I have used him with every clan. There is not an officer here who will go further against them. Now, who is he doing business with? He will take a Li as quick as a Moy. And I never come here but what he has something for me against some of these people, and there is no one left for him to do business with. Now, he is not in a position to land Chinese.

Mr. BUSIEK. You would not interfere in any way with any investigation that the Government was making in regard to him, would you?

Mr. TAYLOR. About Dr. Gardner?

Mr. BUSIEK. Yes.

Mr. TAYLOR. Indeed, I would not.

Br. BUSIEK. That is, you would not advise him to withhold anything, or take any action, you would just let the department go after him, wouldn't you?

Mr. TAYLOR. I would go after him quicker than anybody in the service.

Mr. BUSIEK. If anybody in the department at Washington started after him, you would not advise him to withhold information, or anything of the sort?

Mr. TAYLOR. I certainly would not.

Mr. BUSIEK. You would feel that if he did that and he was guilty, that you could be—well, charged with criminality yourself?

Mr. TAYLOR. I can't conceive of my taking——

Mr. BUSIEK. Giving any advice that would retard the movements of any other officials?

Mr. TAYLOR. I don't. I would not. I would assist the other officials.

Mr. BUSIEK. Yes.

Mr. TAYLOR. Unless I found that there was something wrong.

Mr. BUSIEK. You would not undertake to defend him when he was under charges, would you, or advise him, or anything like that that would have a tendency to circumvent the efforts of the department?

Mr. TAYLOR. No, sir; I would not.

Mr. BUSIEK. You have never done such a thing?

Mr. TAYLOR. I never had occasion to that I know of.

Mr. BUSIEK. Mr. Taylor, you made a general investigation of the San Francisco office some time ago, and turned in a report, didn't you, around about the 1st of March?

Mr. TAYLOR. Why, not exactly a general investigation. I made general observations and made a recommendation for an investigation.

Mr. BUSIEK. And what did your observations lead you to believe about the smuggling situation here in San Francisco?

Mr. TAYLOR. That they are not paying any attention to it whatever. And I have now had it taken out practically from under the San Francisco office and put in charge of a man at Monterey who works under my direction with instructions to call on the San Francisco office for any help that he may need.

Mr. BUSIEK. How did you have that done?

Mr. TAYLOR. At request from the—recommendation through the Commissioner General.

Mr. BUSIEK. To Mr. Caminetti?

Mr. TAYLOR. Yes.

Mr. BUSIEK. When was that?

Mr. TAYLOR. Why, I took charge of it on the 3d of April.

Mr. BUSIEK. Of this year?

Mr. TAYLOR. Third of April.

Mr. BUSIEK. And when did you make that request?

Mr. TAYLOR. Some time prior to that.

Mr. BUSIEK. And your request was granted?

Mr. TAYLOR. I have been put in charge of all the Chinese smuggling; on the 3d of April.

Mr. BUSIEK. And you are in charge of all the Chinese smuggling now?

Mr. TAYLOR. In charge of all the Chinese smuggling, under the bureau, since the 3d of April, and officers are instructed to report direct to me, and I handle the work under, of course, the bureau. And I make them submit to me their daily reports whenever I can, and that is what I am on now. I am making a trip of inspection arranging those matters. I started in at Buffalo, and I might say that since that time, since I have taken charge of it we have captured 41 smugglers and, I think, about 140 contraband Chinese directly connected with the smugglers. I am not speaking of those we picked up simply for being illegally here.

Chairman WALSH. You think, then, the work is being done very well?

Mr. TAYLOR. It was never in a better shape than it is now, and we will probably be able to do more because immigration has let up and we will have men.

Chairman WALSH. About how many have you caught in the San Francisco district since you took charge, how many smugglers?

Mr. TAYLOR. Haven't caught any.

Chairman WALSH. Are there any here?

Mr. TAYLOR. Why, I haven't found them yet.

Chairman WALSH. You can't find them. Did you ask Dr. Gardner if he had noticed any?

Mr. TAYLOR. No; I haven't seen Dr. Gardner.

Chairman WALSH. You haven't seen him?

Mr. TAYLOR. I haven't been here since. This is the first time I have been here. I want to state that we have not experienced criminal investigators. We have got to make them. We have here, as you know, a commissioner, and, of course, we could not expect him to go out and catch smugglers or dig into them. I don't know of an officer here who has had experience as a criminal investigator. But you have got to investigate smugglers; that is, you have got to use criminal methods.

Chairman WALSH. So the officer ought to be a man, then, in charge that had experience in the investigation of criminal matters?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. He ought to be in complete charge?

Mr. TAYLOR. He ought to know what constitutes evidence.

Chairman WALSH. And he ought to be in supreme command?

Mr. TAYLOR. No, sir; my idea is this—my recommendation shall be that a man be put in charge here of the smuggling and criminal work.

Chairman WALSH. Yes.

Mr. TAYLOR. In addition to the man who is handling it now from Monterey. The smuggling all comes up from the south, but once they get here, they are safe. Now you can see, 1,400 sent out of southern California the last four fiscal years; they scarcely ever pick up a Chinese in San Francisco. Now, there was a circular issued which practically prohibited molesting the Chinese. I found that—in other words, I ran across it at every turn. "Why don't you pick up contraband Chinese like we do on the Mexican border and southern California?" "Why, in Circular 83 it says, if you molest a Chinaman, you will lose your job." The last regulation had a clause inserted that all circulars were revoked.

Chairman WALSH. Who did you have do that?

Mr. TAYLOR. In drawing the new regulations we went over it together.

Chairman WALSH. Who?

Mr. TAYLOR. Why, Mr. Parker and I did practically the detail work, and others in the office.

Chairman WALSH. Who else?

Mr. TAYLOR. We have issued a new circular.

Chairman WALSH. And who else? You and Mr. Parker, and who else in the office went over it?

Mr. TAYLOR. Mr. Parker and myself really did the drafting of it.

Commissioner WEINSTOCK. Who is Mr. Parker?

Mr. TAYLOR. He is the law clerk.

Commissioner WEINSTOCK. At Washington?

Mr. TAYLOR. Yes, sir; the man who knows more about the regulations and law than any man in the Government service.

Commissioner WEINSTOCK. Who finally approved of that order?

Mr. TAYLOR. It was approved by the Commissioner General and the Secretary. It was a revision of the regulations, the laws, rules, and regulations. We took the laws and rules and regulations and all the court decisions.

Commissioner WEINSTOCK. Did Mr. Larned work on it?

Mr. TAYLOR. No, sir; he did not.

Commissioner WEINSTOCK. Did you confer with him about making it up, making the regulations?

Mr. TAYLOR. Probably talked it over with him.

Chairman WALSH. Have you suggested anybody to fill the place?

Mr. TAYLOR. No, sir; I have not.

Chairman WALSH. Have you anyone in mind?

Mr. TAYLOR. I am going to ask for Inspector Strand.

Chairman WALSH. You are not an applicant yourself? You wouldn't take it yourself?

Mr. TAYLOR. Why, I have charge of the whole work.

Chairman WALSH. And your answer, then, I gather from that is, that having charge of the whole work you would not accept this place yourself, even though it was offered to you?

Mr. TAYLOR. I don't see how. I would not want to be demoted and put into a subordinate position. I wouldn't ask for that.

Chairman WALSH. Then, am I to gather from that, you mean you wouldn't take the place?

Mr. TAYLOR. Why, be reduced, you mean—an inspector?

Chairman WALSH. I understood you, Mr. Taylor, to say you recommended the creation of a place here?

Mr. TAYLOR. No, sir; I am recommending the detail of an officer to take charge of smuggling work here under my instructions.

Chairman WALSH. My question was—and I guess you can answer it yes or no—would you take the place yourself?

Mr. TAYLOR. No, sir.

Chairman WALSH. Voluntarily?

Mr. TAYLOR. No, sir. My answer was I wouldn't want to be reduced to——

Chairman WALSH. All I wanted to know is whether you would or not.

Mr. BUSIEK. Is Strand's record good in the service?

Mr. TAYLOR. As far as I can learn; he has had experience on the Mexican border, and there is where we train investigators.

Mr. BUSIEK. Hasn't he been charged and investigated as to complicity in Chinese operations, smuggling?

Mr. TAYLOR. Any officer who handles Chinese cases will sooner or later be charged with that. That is a common occurrence, I might say, and my opinion is it is a recommendation.

Chairman WALSH. Where were you born, Mr. Taylor?

Mr. TAYLOR. Staunton, Va.

Chairman WALSH. How old are you?

Mr. TAYLOR. Forty-four the 8th of this month.

Chairman WALSH. Where were you educated?

Mr. TAYLOR. In the public schools of Virginia, the Naval Training School at Newport, and then I took one year at the National Law School.

Chairman WALSH. Were you ever admitted to the bar?

Mr. TAYLOR. No, sir.

Chairman WALSH. What time did you leave school and go into business?

Mr. TAYLOR. I left school when I was—well, I went in the Naval School when I was 14 years old, and I stayed there until I was 20.

Chairman WALSH. What was the first position you occupied for pay; what was the first business you were in?

Mr. TAYLOR. The first business I was in was clerk in a real estate office.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. Washington.

Chairman WALSH. How long were you clerk in a real estate office in Washington?

Mr. TAYLOR. I was there probably a year.

Chairman WALSH. What real estate office?

Mr. TAYLOR. A. M. Gorman was the name.

Chairman WALSH. A. M. Gorman?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go from there?

Mr. TAYLOR. Went into the real estate business.

Chairman WALSH. For yourself?

Mr. TAYLOR. In partnership with a man by the name of Gibbs.

Chairman WALSH. What was the firm name?

Mr. TAYLOR. Gibbs & Taylor.

Chairman WALSH. How long did you remain in partnership with Mr. Gibbs?

Mr. TAYLOR. I remained there until right after the panic of 1903.

Chairman WALSH. 1903?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Then I went into the brokerage business, stock brokerage.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Washington.
Chairman WALSH. In what lines?
Mr. TAYLOR. Stock brokerage.
Chairman WALSH. How long were you in that business?
Mr. TAYLOR. I was in that business for practically a year, I guess.
Chairman WALSH. About a year?
Mr. TAYLOR. Yes.
Chairman WALSH. Where was your office?
Mr. TAYLOR. 1421 F Street.
Chairman WALSH. What building is that?
Mr. TAYLOR. It is an old office building; I don't know the name.
Chairman WALSH. Just an old office building?
Mr. TAYLOR. Yes.
Chairman WALSH. What was your firm name?
Mr. TAYLOR. R. H. Taylor.
Chairman WALSH. And what stocks did you handle there?
Mr. TAYLOR. Everything that came along.
Chairman WALSH. Were you a member of the stock exchange?
Mr. TAYLOR. No, sir; we handled through different exchange houses.
Chairman WALSH. You were a broker in that business at 1421 F Street for a year?
Mr. TAYLOR. For about a year.
Chairman WALSH. Was it a profitable business?
Mr. TAYLOR. No, sir.
Chairman WALSH. Had you accumulated any property before you left there?
Mr. TAYLOR. Had I accumulated any?
Chairman WALSH. Yes.
Mr. TAYLOR. No; except the money I had made; I lost it in that.
Chairman WALSH. You lost it in this venture?
Mr. TAYLOR. Yes.
Chairman WALSH. Was anyone connected with you in that venture?
Mr. TAYLOR. Not actively.
Chairman WALSH. When did you go out of business?
Mr. TAYLOR. The latter part of 1894.
Chairman WALSH. Of 1894?
Mr. TAYLOR. Yes.
Chairman WALSH. And what did you do next?
Mr. TAYLOR. Then I went to Savannah, Ga. I was connected with the Southern Transportation Co. up until——
Chairman WALSH. That is 1904, isn't it, not 1894?
Mr. TAYLOR. No.
Chairman WALSH. 1894?
Mr. TAYLOR. Yes; I was married in 1894.
Chairman WALSH. You did what?
Mr. TAYLOR. I was married in the fall or summer of 1894 and went to Savannah, Ga., and was there with the Southern Transportation Co. We ran steamers on the Savannah River.
Chairman WALSH. I didn't understand you—how old are you now?
Mr. TAYLOR. I will be 44.
Chairman WALSH. You will be 44 soon?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And you graduated from school at 20 and you were a clerk in a real estate office for a year?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Then you were two years in business for yourself?
Mr. TAYLOR. I was in——
Chairman WALSH. In business as Taylor & Gibbs then?
Mr. TAYLOR. Yes.
Chairman WALSH. Then you were one year in the——
Mr. TAYLOR. About one year.
Chairman WALSH. Brokerage business in 1894?
Mr. TAYLOR. Yes.
Chairman WALSH. Then you went to Savannah?
Mr. TAYLOR. Yes.
Chairman WALSH. What did you do in Savannah?
Mr. TAYLOR. With the Southern Transportation Co.
Chairman WALSH. How long did you remain in that business?

Mr. TAYLOR. I was there probably a little over a year. My wife died, and I went back to Washington, and went in the building, real-estate business; went in the real-estate business there, built some houses.

Chairman WALSH. How long were you in that business?

Mr. TAYLOR. I was in that business then—I built a row of houses.

Chairman WALSH. How long—I don't care what you did, but how long were you in the business?

Mr. TAYLOR. I should say a year probably.

Chairman WALSH. And then where did you go?

Mr. TAYLOR. Then I went with a brokerage firm.

Chairman WALSH. What firm?

Mr. TAYLOR. Porterfield & Co.

Chairman WALSH. How long were you with Porterfield & Co.?

Mr. TAYLOR. I must have been with them until 1898, I think it was.

Chairman WALSH. Until 1898. In what capacity?

Mr. TAYLOR. I was general investigator. I traveled for them; they had a string of offices throughout the South.

Chairman WALSH. What did you investigate?

Mr. TAYLOR. Managers and their firms.

Chairman WALSH. You left there in 1898?

Mr. TAYLOR. 1898.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Washington.

Chairman WALSH. In what business?

Mr. TAYLOR. In the real-estate business.

Chairman WALSH. From 1898 until when?

Mr. TAYLOR. 1900.

Chairman WALSH. Until 1900. Were you in with a firm or for yourself?

Mr. TAYLOR. I was, I think, alone. I probably had men with me at different times. I was building.

Chairman WALSH. Where was your office?

Mr. TAYLOR. I was at six—I don't just recall, corner of Eighth and F; it is right across from the trust company.

Chairman WALSH. And you remained there until 1900, in the real estate business?

Mr. TAYLOR. I remained in that office until—I wouldn't say—1900, and then I went in for myself and was up on Thirteenth and F.

Chairman WALSH. How long did you remain in the real estate business during this period now, in Washington?

Mr. TAYLOR. Was in it until I went in the Government service.

Chairman WALSH. Which was then?

Mr. TAYLOR. The fall of 1901, I think.

Chairman WALSH. Where was your last place of business before you went into the Government service?

Mr. TAYLOR. 620 Thirteenth Street.

Chairman WALSH. When you first went into the Government service how was it?

Mr. TAYLOR. I was appointed at the request of Col. Sanger on my naval record.

Chairman WALSH. On your naval record?

Mr. TAYLOR. Yes. I went to a friend of mine; he took me to him, and he looked up my record and asked the Assistant Secretary of the Treasury to give me a trial.

Chairman WALSH. Who was that friend who went?

Mr. TAYLOR. John B. Jones, of Utica, N. Y.

Chairman WALSH. Of Utica, N. Y.?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That was in 1901?

Mr. TAYLOR. That was in 1901.

Chairman WALSH. Who gave you your appointment?

Mr. TAYLOR. The Secretary who was ahead of Shaw.

Chairman WALSH. Do you remember who was Secretary of the Treasury when you were appointed?

Mr. TAYLOR. Alles was the man that had charge of the work.

Chairman WALSH. You don't recall the name of the Secretary?

Mr. TAYLOR. I know it as well as I know my own. He is out here now at Port Loma in charge of the——

Chairman WALSH. Well, now, what was your first—first I will ask you had you accumulated any property at that time?

Mr. TAYLOR. Had I accumulated any property? No; nothing except in and out. I had built and sold.

Chairman WALSH. Did you have any property at the time you went into the Government service?

Mr. TAYLOR. No.

Chairman WALSH. Now, what was your first work for the Government?

Mr. TAYLOR. The first thing I did was being assigned to Mr. Roosevelt for a bodyguard.

Chairman WALSH. How long did you continue to do that?

Mr. TAYLOR. On and off for probably three years.

Chairman WALSH. Off and on. How much were you on as Mr. Roosevelt's bodyguard?

Mr. TAYLOR. Why, nearly all the time. Then they got to sending me out for work between times. That is the way I drifted away from it.

Chairman WALSH. How is that?

Mr. TAYLOR. That is the way I drifted away from it. He would send me out on investigations?

Chairman WALSH. Who would?

Mr. TAYLOR. The President and the chief.

Chairman WALSH. The President and the chief?

Mr. TAYLOR. Yes; and the Secretary.

Chairman WALSH. You were kept as Roosevelt's bodyguard, or under his direction or the direction of the chief on some special investigation for how long?

Mr. TAYLOR. Well, 1904, I think. I haven't been with him since.

Chairman WALSH. What was your salary?

Mr. TAYLOR. I started in at $3 a day.

Chairman WALSH. What was it when you left?

Mr. TAYLOR. Worked to six.

Chairman WALSH. Who made the suggestion for the raises?

Mr. TAYLOR. No one.

Chairman WALSH. The chief just simply raised you?

Mr. TAYLOR. I never asked for promotion in my life.

Chairman WALSH. What was the highest you were allowed to get?

Mr. TAYLOR. The highest I got there was $10 and $4—$14 a day.

Chairman WALSH. Was that before you left the service of President Roosevelt?

Mr. TAYLOR. No; I had charge of the New York district.

Chairman WALSH. New York district?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You had left the President then, had you?

Mr. TAYLOR. Oh, yes; I left the President in 1904. I will explain what I mean by leaving.

Chairman WALSH. You quit as the bodyguard of President Roosevelt in 1904, did you?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. I think I went with Prince Fushima.

Chairman WALSH. How long did you stay there with the Prince?

Mr. TAYLOR. I was there about two months.

Chairman WALSH. About two months?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Then I took up——

Chairman WALSH. Did you ever go back as the bodyguard of President Roosevelt after you went with the Prince?

Mr. TAYLOR. Yes; I think I did.

Chairman WALSH. I want to cover the period in point of time that you acted as bodyguard for President Roosevelt before going off on special detail, how long was that?

Mr. TAYLOR. I don't believe I was back at the White House after the summer of 1904.

Chairman WALSH. After the summer of 1904 you never went back. Now what did you do?

Mr. TAYLOR. I came out here to San Francisco and took charge of the naturalization frauds here.

Chairman WALSH. Of what?

Mr. TAYLOR. Naturalization frauds.

Chairman WALSH. Naturalization frauds?

Mr. TAYLOR. I was here for over a year.

Chairman WALSH. At what salary?

Mr. TAYLOR. I don't know whether it was $5 and $3 or $6 and $3.

Chairman WALSH. Either $8 or $9 a day?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That was the first time you were brought in close contact with the Chinese business, wasn't it?

Mr. TAYLOR. I had nothing to do with the Chinese business then.

Chairman WALSH. You were out on naturalization matters?

Mr. TAYLOR. I was out here on steamboat officers—a report was sent in by the harbor here that a great many of these officers on the coast had fraudulent naturalization papers.

Chairman WALSH. Did you meet Dr. Gardner then?

Mr. TAYLOR. I think not.

Chairman WALSH. Were you in the immigration office that had to do with the Chinese?

Mr. TAYLOR. No, sir; I had nothing at all to do with it. This was for the Department of Justice.

Chairman WALSH. Where did you go after you concluded that investigation?

Mr. TAYLOR. I stayed here until the earthquake.

Chairman WALSH. That was in 19—what year?

Mr. TAYLOR. 1906.

Chairman WALSH. 1906?

Mr. TAYLOR. April, 1906.

Chairman WALSH. And working for the Department of Justice all the time?

Mr. TAYLOR. I was under assignment for the Department of Justice. I got 134 captains and masters and engineers and other officers who were running on these Pacific coast steamers who had fraudulent naturalization papers.

Chairman WALSH. The question I asked you was if you were here, not the details of what you did, but you were here for the Department of Justice until the earthquake?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Then I went from here to Salt Lake and received orders there, that the collector of customs at Gateway was under suspicion of smuggling Chinese. I went there and worked in that vicinity for probably three months. I got the deputy collector of customs——

Chairman WALSH. I want to try a avoid the details, if possible. You remained with the Department of Justice for how long?

Mr. TAYLOR. I remained with the Department of Justice until the earthquake.

Chairman WALSH. But I thought we had left the earthquake, and you were detailed to Salt Lake?

Mr. TAYLOR. That is what I am explaining. I wasn't detailed by the Department of Justice to Salt Lake.

Chairman WALSH. You were not?

Mr. TAYLOR. No, sir.

Chairman WALSH. By whom?

Mr. TAYLOR. The Treasury Department, to investigate the collector of customs at Gateway.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Gateway, Mont.

Chairman WALSH. Where did you go after you got through with that job?

Mr. TAYLOR. Hawaiian Islands.

Chairman WALSH. Still for the——

Mr. TAYLOR. No, sir; for our service, or I presume for our service. I was instructed by our service, but when I got there I was instructed to take up with the War Department——

Chairman WALSH. How long were you at the Hawaiian Islands?

Mr. TAYLOR. Until the following June.

Chairman WALSH. What year?

Mr. TAYLOR. 1907.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Came back to the States, and was immediately assigned to investigate either Dr. Gardner or some one else here, which was then the Department of Commerce and Labor.

Chairman WALSH. Then what?

Mr. TAYLOR. Department of Commerce and Labor.

Chairman WALSH. That brought you back to San Francisco?

Mr. TAYLOR. Yes, sir; that brought me back to San Francisco.

Chairman WALSH. Was that the first you had to do with Chinese matters?

Mr. TAYLOR. No, sir; when I got the deputy collector of customs at Gateway for smuggling Chinese in.

Chairman WALSH. How long were you detailed on that job?

Mr. TAYLOR. I could not say offhand; probably three months, I think, at that time.

Chairman WALSH. When did you first meet Frank Tape?

Mr. TAYLOR. Probably 1908 or 1909, I think.

Chairman WALSH. Was he your interpreter at Gateway?

Mr. TAYLOR. No, sir.

Chairman WALSH. Who was your interpreter at Gateway?

Mr. TAYLOR. I didn't have any. I had a negro smuggler there who was acting as informant.

Chairman WALSH. Was he an interpreter?

Mr. TAYLOR. No, sir.

Chairman WALSH. I don't understand why you tell me about a negro smuggler you had as informer there.

Mr. TAYLOR. You asked me if I had an interpreter working with me. You understand if I have an interpreter working with me I have him acting as informant.

Chairman WALSH. He was an interpreter?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. So that the negro was an interpreter?

Mr. TAYLOR. No, sir; he was an informer.

Chairman WALSH. It don't work around both ways?

Mr. TAYLOR. No, sir; unless he can speak Chinese.

Chairman WALSH. Will you try to follow me, please?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And not go away on anything, and if you can answer my question, do it.

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Tape was not your interpreter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Who detailed you to go into this Chinese business?

Mr. TAYLOR. Mr. Wilkie, Chief of the Secret Service.

Chairman WALSH. Who was President at that time?

Mr. TAYLOR. Mr. Roosevelt.

Chairman WALSH. I suppose you being the bodyguard of the President gave you touch with all of these officers and gave you a good deal of influence?

Mr. TAYLOR. No, sir.

Chairman WALSH. How did you get raised to $14 a day so quickly?

Mr. TAYLOR. I didn't get raised quickly. I got raised in about 10 years by working day and night and always making good.

Chairman WALSH. I thought it was while you were bodyguard for the President your pay got to $14 a day?

Mr. TAYLOR. No, sir.

Chairman WALSH. What was the highest it got while you were bodyguard of the President?

Mr. TAYLOR. Probably $5. I was hired at $3 and remained a probationary period of six months, and I think then was raised to $4, and at that time $5 in the Secret Service was almost the highest.

Chairman WALSH. Were you in the Secret Service when you were sent to San Francisco on the Chinese business?

Mr. TAYLOR. I was in the Secret Service.

Chairman WALSH. Were you in the civil service?

Mr. TAYLOR. I was in the Secret Service.

Chairman WALSH. But you had never taken a civil-service examination?

Mr. TAYLOR. For what?

Chairman WALSH. For anything.
Mr. TAYLOR. No, sir.
Chairman WALSH. Have you ever since?
Mr. TAYLOR. No, sir.
Chairman WALSH. You got into the Chinese service through the Secret Service?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Now, you went from the Department of the Treasury to the Department of Commerce and Labor?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. You were just transferred?
Mr. TAYLOR. No, sir; I resigned from one and was appointed to the other.
Chairman WALSH. Who appointed you in the Department of Commerce and Labor?
Mr. TAYLOR. Mr. Straus, I think it was. Mr. Sargent was Commissioner General.
Chairman WALSH. Who recommended you?
Mr. TAYLOR. I don't think I was recommended.
Chairman WALSH. Did Secretary Straus just discover you in the Treasury Department and——
Mr. TAYLOR. The Secretary asked the Secretary of the Treasury for a man to make an investigation.
Chairman WALSH. Who was the Secretary of the Treasury then?
Mr. TAYLOR. That was probably Mr. Shaw.
Chairman WALSH. And who was the Secretary of Commerce and Labor then?
Mr. TAYLOR. Mr. Straus. You understand prior to that time we investigated for every department.
Chairman WALSH. I understand.
Mr. TAYLOR. The law since then has prohibited it. I had to report to my Chief of the Secret Service department, but got my pay through the other department.
Chairman WALSH. Yes; I understand that. Now, then, your first work after you got into the Department of Commerce and Labor was what?
Mr. TAYLOR. My first work, I think, was investigating Dr. Gardner.
Chairman WALSH. How long did you remain in San Francisco at that time?
Mr. TAYLOR. That I could not say; probably three months.
Chairman WALSH. About three months?
Mr. TAYLOR. No, sir; not in San Francisco three months, but up and down the coast here.
Chairman WALSH. That was when? When did you make that investigation of Dr. Gardner?
Mr. TAYLOR. That was probably the fall or summer of 1907.
Chairman WALSH. The summer of 1907?
Mr. TAYLOR. That was the first work I did after I came back from the Hawaiian Islands, and the first work I ever did for the Immigration Office.
Chairman WALSH. I don't care about that; just try to keep your mind on the time.
Mr. TAYLOR. Very well.
Chairman WALSH. In 1907 you made an investigation of Dr. Gardner, and that is the only thing you were doing; you were not doing general investigating?
Mr. TAYLOR. No, sir.
Chairman WALSH. After you got through with Gardner's investigation what did you do?
Mr. TAYLOR. I think I took up the Mexican border.
Chairman WALSH. Smuggling?
Mr. TAYLOR. Smuggling.
Chairman WALSH. At whose request?
Mr. TAYLOR. Request of the Commissioner General then.
Chairman WALSH. Who was the Commissioner General?
Mr. TAYLOR. Mr. Sargent.
Chairman WALSH. Who was Commissioner General when you started work on the Gardner case in San Francisco?
Mr. TAYLOR. Mr. Sargent.
Chairman WALSH. Then Sargent sent you down to the Mexican border?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. How long did you stay down there?
Mr. TAYLOR. I was there probably two or three months.

Chairman WALSH. Investigating smuggling?
Mr. TAYLOR. Investigating smuggling.
Chairman WALSH. Then where did you go?
Mr. TAYLOR. I think it was then I was called off and sent to Louisiana to investigate the Plaquemine lock frauds.
Chairman WALSH. Now, you had made an investigation in San Francisco and investigated on the Mexican border, and prior to that time you had made the Gateway investigation, and then you were taken away altogether?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And how long were you on this work?
Mr. TAYLOR. Probably three months.
Chairman WALSH. Then where did you go? Under whom did you make that investigation?
Mr. TAYLOR. Well, all those investigations I am speaking of now were made under the direction of Chief Wilkie.
Chairman WALSH. Yes; but was it under the Department of Commerce and Labor or some other department?
Mr. TAYLOR. No, sir; under the War Department.
Chairman WALSH. You were away from the Department of Commerce and Labor three months?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Then where did you go?
Mr. TAYLOR. I went back to the department.
Chairman WALSH. How did you come to go back; do you know?
Mr. TAYLOR. At their request.
Chairman WALSH. Who requested it?
Mr. TAYLOR. Whoever—probably the Secretary.
Chairman WALSH. Was Mr. Sargent the Commissioner General at that time?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Was Mr. Larned in the office at that time?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. What was Mr. Larned's position at that time?
Mr. TAYLOR. He has always been assistant commissioner.
Chairman WALSH. Assistant commissioner?
Mr. TAYLOR. Yes, sir; Assistant Commissioner General.
Chairman WALSH. Was any of your business with Mr. Larned?
Mr. TAYLOR. Only when he was Acting Commissioner General.
Chairman WALSH. Now, when you went back after investigating these frauds in Louisiana, what did you do next?
Mr. TAYLOR. I probably took up then southern California. That was in 1906.
Chairman WALSH. The smuggling business?
Mr. TAYLOR. The smuggling business. I think I went back at that time when the commission—the Immigration Commission—had their men there. I believe that is what I was assigned to.
Chairman WALSH. And that was under Roosevelt?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Was that under Roosevelt or Taft?
Mr. TAYLOR. Under Roosevelt; he appointed the commission.
Chairman WALSH. How long did you remain down there then?
Mr. TAYLOR. Probably two or three months.
Chairman WALSH. Probably two or three months; and when did you meet Tape?
Mr. TAYLOR. I think it was around 1908.
Chairman WALSH. Had you met Tape before you went down on this investigation?
Mr. TAYLOR. No, sir; he was sent here or to Los Angeles, I think, it was.
Chairman WALSH. Had you heard of Tape before you met him?
Mr. TAYLOR. Yes, sir; I investigated him some time before that.
Chairman WALSH. Whereabouts?
Mr. TAYLOR. In St. Louis.
Chairman WALSH. For the Department of Commerce and Labor?
Mr. TAYLOR. Yes.
Chairman WALSH. When was it you investigated him; what was the date of that investigation?
Mr. TAYLOR. I could not tell you off hand. It was some time prior to that.

Chairman WALSH. Approximately, when was it?
Mr. TAYLOR. It must have been around 1907.
Chairman WALSH. Now, then, that must have been—how long were you in St. Louis?
Mr. TAYLOR. Not more than a week probably.
Chairman WALSH. Were you there just to investigate Tape?
Mr. TAYLOR. I think so, at that time. I have been there so often——
Chairman WALSH. What was he charged with?
Mr. TAYLOR. Charged with discriminating——
Chairman WALSH. Grafting?
Mr. TAYLOR. Grafting, accepting money from the Chinese, fighting the Chinese, I believe.
Chairman WALSH. Did your report exonerate him?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Was that after you had made the Gateway investigation, the investigation of Dr. Gardner, the investigation of the Mexican border, and then the investigation for the War Department into the frauds in Louisiana?
Mr. TAYLOR. That must have been in the meantime.
Chairman WALSH. It was in between there some place?
Mr. TAYLOR. As to the exact date, I can't fix it in my mind. It was undoubtedly in there. It was only a short run up there.
Chairman WALSH. You can't give the date. Would you say it was before or after you made the investigation in Louisiana?
Mr. TAYLOR. I could not honestly say.
Chairman WALSH. You heard of him in San Francisco?
Mr. TAYLOR. I heard of him?
Chairman WALSH. You knew of Tape before you were sent to investigate him?
Mr. TAYLOR. Only probably by name.
Chairman WALSH. Now, you investigated him in St. Louis and exonerated him?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. When did you meet him next?
Mr. TAYLOR. I never met him at that time.
Chairman WALSH. You didn't meet him while conducting the investigation. When did you meet him?
Mr. TAYLOR. It must have been 1908. He was sent to southern California to work with me, I think, in 1908.
Chairman WALSH. When did you meet him?
Mr. TAYLOR. That is what I say. I think it was the fall of 1908.
Chairman WALSH. And where did you meet him?
Mr. TAYLOR. Either here or Los Angeles. I don't know if I was here and went to Los Angeles, or whether he was sent to Los Angeles to join me there.
Chairman WALSH. Did he begin to act as your interpreter then?
Mr. TAYLOR. He acted not as interpreter so much as investigator.
Chairman WALSH. Was he an interpreter in St. Louis?
Mr. TAYLOR. He was an interpreter in St. Louis; yes, sir.
Chairman WALSH. Was there anything in your investigation that might lead you to believe Tape was a dishonest person?
Mr. TAYLOR. No, sir.
Chairman WALSH. The charges you found to be wholly unfounded?
Mr. TAYLOR. Yes, sir; and they admitted they were.
Chairman WALSH. They admitted to you they were?
Mr. TAYLOR. They admitted to me they were. Congressman Dyer is the man who started them, and he said he didn't know what he was doing, that he was acting as attorney and got paid for it.
Chairman WALSH. Did you see the witnesses or fail to see them?
Mr. TAYLOR. I saw the witnesses and saw there was so much cause as they made him believe there was. He very politely told me it was a frame-up, and he was sorry.
Chairman WALSH. Congressman Dyer?
Mr. TAYLOR. Ex-Congressman now. I didn't know then who it was, but I discovered when I got there.
Chairman WALSH. What was your own detail when you first met Tape?
Mr. TAYLOR. Investigating smuggling in southern California.
Chairman WALSH. Were you detailed to some particular place?

Mr. TAYLOR. I don't think so.
Chairman WALSH. By whom?
Mr. TAYLOR. All my details are by the Commissioner General.
Chairman WALSH. When did you begin to operate as general investigator of Chinese matters alone?
Mr. TAYLOR. I never have. I have charge of them now, but I have also everything else that is wrong.
Chairman WALSH. Who placed you in charge?
Mr. TAYLOR. The Secretary?
Chairman WALSH. What Secretary?
Mr. TAYLOR. Secretary Wilson.
Chairman WALSH. And prior to being placed in charge by Secretary Wilson you were in charge——
Mr. TAYLOR. I was doing the work. I will explain that very quickly.
Chairman WALSH. No; my question is, Prior to being placed in charge by Secretary Wilson, had you served four years under the prior administration?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And in this same line of work?
Mr. TAYLOR. In this same line of work; yes, sir; but let me explain.
Chairman WALSH. Just try to note it and explain afterwards, will you?
Mr. TAYLOR. All right.
Chairman WALSH. When did you get to be bodyguard for President Wilson?
Mr. TAYLOR. When he was elected; the day after he was elected.
Chairman WALSH. And at that time what was your compensation?
Mr. TAYLOR. With him?
Chairman WALSH. At the time you were detailed with him as bodyguard, what was your compensation?
Mr. TAYLOR. Six dollars a day, and $4—$10 a day.
Chairman WALSH. Before you went to work as bodyguard for the President?
Mr. TAYLOR. No, sir; when I went to him.
Chairman WALSH. When you went to him you were making general investigations into Chinese affairs?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. What was your compensation?
Mr. TAYLOR. Three and five.
Chairman WALSH. You were making $3 a day?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Where did you work?
Mr. TAYLOR. Everywhere.
Chairman WALSH. Who detailed you to act as bodyguard for President Wilson?
Mr. TAYLOR. Mr. Wilkie asked me. You understand, there was no provision for a bodyguard for him.
Chairman WALSH. Did you speak to Mr. Wilkie about it?
Mr. TAYLOR. I did.
Chairman WALSH. You did?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Where were you when you spoke to Mr. Wilkie about it?
Mr. TAYLOR. In Washington.
Chairman WALSH. How long had you been there?
Mr. TAYLOR. That I could not say.
Chairman WALSH. Did you go there for that purpose?
Mr. TAYLOR. Oh, no.
Chairman WALSH. How did you happen to speak to Mr. Wilkie about it?
Mr. TAYLOR. Because I always felt I was under Mr. Wilkie. Mr. Wilkie made me, and I said, "Whenever you want me at anything, at any figure, send for me, and I will come with you."
Chairman WALSH. Did you go there with the idea of getting acquainted with the new President?
Mr. TAYLOR. No, sir.
Chairman WALSH. And thus be enabled to continue, in so far as you were doing it, to control the Chinese situation?
Mr. TAYLOR. No, sir; I did not control it.
Chairman WALSH. Had you ever met President Wilson?
Mr. TAYLOR. I probably had.
Chairman WALSH. Now, you served all the way through President Roosevelt's administration and served all the way through President Taft's adminis-

tration, and then went to Washington and asked Wilkie to have you assigned as bodyguard for President Wilson?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. You asked Wilkie to have you assigned as bodyguard for President Wilson?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. I thought you said so awhile ago.

Mr. TAYLOR. I said Mr. Wilkie approached me about it.

Chairman WALSH. Mr. Wilkie approached you about it?

Mr. TAYLOR. We were talking, and I asked him what he was going to do. He says, "I do not know what I can do; I have not got any man that wants it."

Chairman WALSH. You asked him what he was going to do about what?

Mr. TAYLOR. About detailing a man with the new President.

Chairman WALSH. You asked him what he was going to do?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You were a friend of Wilkie's, of course?

Mr. TAYLOR. Yes, sir; Mr. Wilkie made me.

Chairman WALSH. Mr. Wilkie made you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did you know him before you went into the service?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. You asked him what he was going to do about having a bodyguard for the President?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was it difficult to get a bodyguard for the President?

Mr. TAYLOR. Yes, sir; it is.

Chairman WALSH. What did he say?

Mr. TAYLOR. Well, I don't know what his first reply——

Chairman WALSH. What was his second reply?

Mr. TAYLOR. "Would I go." "Would I go for a reduction in salary?" And I told him I would go for anything he would give me. I would go for nothing.

Chairman WALSH. That was on account of your devotion to Mr. Wilkie?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Not that you cared to be bodyguard for the President?

Mr. TAYLOR. Well, I don't think I would care for that.

Chairman WALSH. You didn't go there for the purpose of also knowing the next President who came in intimately and well?

Mr. TAYLOR. No, sir; I had no necessity for that.

Chairman WALSH. You said your wife died there some time, I believe, in your statement. When did you become a widower? I thought you said some time that your wife died.

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And when you went to the White House were you a widower?

Mr. TAYLOR. When I went to the White House?

Chairman WALSH. Are you the gentleman that married the stenographer of the President?

Mr. TAYLOR. I married the governor's private secretary.

Chairman WALSH. You knew her before you went to act as bodyguard at the White House?

Mr. TAYLOR. I did not. President Wilson introduced me to her.

Chairman WALSH. At the White House?

Mr. TAYLOR. No, sir; at the executive mansion in Trenton.

Chairman WALSH. Did you go to act as bodyguard after the election and before the inauguration?

Mr. TAYLOR. After he was elected and before he was inaugurated.

Chairman WALSH. You went to Trenton, and how long after going to Trenton were you married?

Mr. TAYLOR. I went in September and married the following April.

Chairman WALSH. At Washington?

Mr. TAYLOR. No, sir; Trenton.

Chairman WALSH. You acted as bodyguard for President Wilson during what period of time?

Mr. TAYLOR. From the time he was elected until he was inaugurated. I brought him to Washington.

Chairman WALSH. After he was inaugurated, what did you do?
Mr. TAYLOR. I resigned from the service.
Chairman WALSH. Resigned from the Secret Service then?
Mr. TAYLOR. Yes, sir; resigned from the Secret Service.
Chairman WALSH. You were well acquainted with the President?
Mr. TAYLOR. Well acquainted with him, yes, sir. We were both from the same town, and I went back there with him.
Chairman WALSH. But you didn't know him prior to the time you received the assignment?
Mr. TAYLOR. I knew of him, and I think I had met him in Princeton.
Chairman WALSH. You probably knew of him. You think you had met him in a personal way in Princeton?
Mr. TAYLOR. I am under the impression I went there with Mr. Roosevelt one time.
Chairman WALSH. You don't remember definitely whether you met him at Princeton or not?
Mr. TAYLOR. I could not say definitely.
Chairman WALSH. When you resigned from the Secret Service what appointment did you receive?
Mr. TAYLOR. I didn't receive any until the following July.
Chairman WALSH. What appointment did you receive then?
Mr. TAYLOR. Back to the same position I was.
Chairman WALSH. Who appointed you?
Mr. TAYLOR. Mr. Keefe recommended me.
Chairman WALSH. Who?
Mr. TAYLOR. Mr. Keefe asked me to come back.
Chairman WALSH. What were you doing before you were asked to come back?
Mr. TAYLOR. I was with Mr. Wilson up to the time I resigned.
Chairman WALSH. Then you didn't do anything until July, when you were appointed?
Mr. TAYLOR. I was already appointed. It didn't take effect until the 1st of July.
Chairman WALSH. You were appointed at once?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Who made the appointment?
Mr. TAYLOR. Secretary Wilson.
Chairman WALSH. At whose request?
Mr. TAYLOR. Well, when I left there and went back to Washington with President Wilson the Commissioner General asked me to come over and go to work for him. I told him——
Chairman WALSH. Then you went at the request of the Commissioner General without any other request by any other person whatever?
Mr. TAYLOR. I went at the request of the Commissioner General without any request by any other person.
Chairman WALSH. Did you apply for it?
Mr. TAYLOR. Just let me explain, and I will tell you how it was.
Chairman WALSH. Did you apply for it?
Mr. TAYLOR. After that I made formal application.
Chairman WALSH. Did you apply for a position under the Commissioner General before he sent for you and asked you to go to work again?
Mr. TAYLOR. No, sir.
Chairman WALSH. After he sent for you and asked you to go to work again you made formal application?
Mr. TAYLOR. And told him I could not go to work for him——
Chairman WALSH. Then you made formal application?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. How quickly after you went over there did you make this formal application?
Mr. TAYLOR. Probably two or three weeks.
Chairman WALSH. And that application was for what position?
Mr. TAYLOR. Reinstatement.
Chairman WALSH. Into——
Mr. TAYLOR. The Immigration Service.
Chairman WALSH. Without any connection, then, with the Secret Service Department?
Mr. TAYLOR. No, sir.
Chairman WALSH. But under the Department of Labor?

Mr. TAYLOR. Yes, sir.
Chairman WALSH. Who made the appointment?
Mr. TAYLOR. Secretary Wilson.
Chairman WALSH. Did he make any investigation before he made your appointment that you know of?
Mr. TAYLOR. Not that I know of.
Chairman WALSH. Who recommended you to Secretary Wilson?
Mr. TAYLOR. The Commissioner General.
Chairman WALSH. Who was he then?
Mr. TAYLOR. Mr. Keefe. My request for reinstatement was indorsed by the President.
Chairman WALSH. Then you went in under Secretary Wilson on an application indorsed by Mr. Keefe and recommended by the President?
Mr. TAYLOR. Approved by the President.
Chairman WALSH. And that is what you are working under now?
Mr. TAYLOR. Yes.
Chairman WALSH. Now, I want you to begin at the beginning and give the commission your connection with Frank Tape, your first connection with Frank Tape; what he ever did for you; what work you were doing while he was with you; as concisely and briefly as you can.
Mr. TAYLOR. My first work with Tape was in southern California. I took him there and put him in jail with four Chinese——
Chairman WALSH. How is that?
Mr. TAYLOR. My first work was here. I put him in jail with four Chinese as contraband. They were brought across, I think, in the vicinity of Mexicala, and one of the smugglers was supposed to have been murdered and shot. I put him in as contraband to find out from them what happened.
Chairman WALSH. Say, do you know how he quit being an interpreter and became a man that you put in as contraband, an inspector, investigator?
Mr. TAYLOR. He has never quit being an interpreter.
Chairman WALSH. He is still an interpreter?
Mr. TAYLOR. He is.
Chairman WALSH. You put him in, do you?
Mr. TAYLOR. As what?
Chairman WALSH. As a detective?
Mr. TAYLOR. I have used him as a detective.
Chairman WALSH. Did anybody else ever use him as a detective that you know of?
Mr. TAYLOR. Why, he was used continuously in the service.
Chairman WALSH. Are all interpreters used as detectives?
Mr. TAYLOR. Whenever we can use them.
Chairman WALSH. It is the practice of the department whenever you can use an interpreter as a detective to do so?
Mr. TAYLOR. If we can; yes, sir, I ask the interpreter—I ask for an interpreter——
Chairman WALSH. I don't care for any other case. I just want to know if that is the custom.
Mr. TAYLOR. Yes.
Chairman WALSH. And you put him in jail; you had some alleged smugglers. Go ahead.
Mr. TAYLOR. He worked with me then for probably three months. We raided——
Chairman WALSH. Where?
Mr. TAYLOR. In southern California; San Bernardino—through that section.
Chairman WALSH. All right. He worked in general work, detective work, uncovering smugglers. Where did you meet him again?
Mr. TAYLOR. The next time I met him was in the fall of 1911.
Chairman WALSH. Whereabouts?
Mr. TAYLOR. In New York City.
Chairman WALSH. What was he working on there?
Mr. TAYLOR. I asked for an interpreter to join me there to go to Jamaica.
Chairman WALSH. Did you ask for him?
Mr. TAYLOR. Why, no; I think I asked for Chin Toy, another interpreter.
Chairman WALSH. You sent for an interpreter?
Mr. TAYLOR. Yes.
Chairman WALSH. I understand that is a matter of record.
Mr. TAYLOR. Yes.

Chairman WALSH. You didn't send for Tape, that he might go with you to Jamaica?

Mr. TAYLOR. No; I couldn't send him. We have to ask the Commissioner-General——

Chairman WALSH. You didn't send for him, then?

Mr. TAYLOR. No; I didn't have any authority. I can't send for a man.

Chairman WALSH. And then where did you first meet him in connection with your trip to Jamaica?

Mr. TAYLOR. In New York.

Chairman WALSH. In New York?

Mr. TAYLOR. He joined me in New York.

Chairman WALSH. How long did you stay in New York?

Mr. TAYLOR. A couple of days.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Went to Kingston, Jamaica.

Chairman WALSH. What was your general business there, at Kingston, Jamaica?

Mr. TAYLOR. A large number of Chinese were going to——

Chairman WALSH. Your general business?

Mr. TAYLOR. To find out whether Chinese were coming over from Jamaica into the United States.

Chairman WALSH. Very good. You had Tape there with you?

Mr. TAYLOR. Had him with me; yes.

Chairman WALSH. How long were you in Jamaica?

Mr. TAYLOR. We were there probably two months.

Chairman WALSH. Then where did you go from Jamaica?

Mr. TAYLOR. Habana.

Chairman WALSH. How long were you there?

Mr. TAYLOR. Just about a month.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Mexico.

Chairman WALSH. Was Tape with you up until the time you went to Mexico?

Mr. TAYLOR. Oh, no; he left ahead of me.

Chairman WALSH. He left you at Habana?

Mr. TAYLOR. He left me at Habana.

Chairman WALSH. Where did he go? Do you know?

Mr. TAYLOR. Up home.

Chairman WALSH. Where did you go to?

Mr. TAYLOR. Went to the frontier, Mexico.

Chairman WALSH. How long did you stay in Mexico?

Mr. TAYLOR. Three weeks.

Chairman WALSH. When did you see Tape again?

Mr. TAYLOR. Last winter, I think it was.

Chairman WALSH. Is Tape a friend of yours—a personal friend?

Mr. TAYLOR. Why, I like Tape; yes.

Chairman WALSH. Is he a personal friend of yours?

Mr. TAYLOR. Why, I don't know just how to answer.

Chairman WALSH. Do you visit in his family, go riding with him, and everything?

Mr. TAYLOR. He is friendly; yes, sir. I like Tape; always have liked.

Chairman WALSH. I know you like him. Is he a personal friend, an acquaintance? Do you visit back and forth?

Mr. TAYLOR. Why, I probably been in his house; I think I was in his house twice.

Chairman WALSH. Have you met his wife?

Mr. TAYLOR. Oh, yes; I have met his wife.

Chairman WALSH. Has he met your wife?

Mr. TAYLOR. Yes.

Chairman WALSH. Has his wife met your wife?

Mr. TAYLOR. Yes.

Chairman WALSH. How frequently?

Mr. TAYLOR. Why, quite often.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Seattle.

Chairman WALSH. Did you go driving with them?

Mr. TAYLOR. Yes.

Chairman WALSH. It's common, isn't it, for Chinamen to graft off of each other?

Mr. TAYLOR. For Chinamen to graft off; yes.

Chairman WALSH. Very common?

Mr. TAYLOR. Yes; universal.

Chairman WALSH. It is universal. The way they are inclined to do is, when they see a big official out with some one, they think he has the pull with the official. Isn't that it?

Mr. TAYLOR. Why, no; I wouldn't say that.

Chairman WALSH. They wouldn't do it that way? Did you ride publicly with Tape in Seattle?

Mr. TAYLOR. Yes.

Chairman WALSH. And all those Chinamen knew you were a man in general charge?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Of this sort of business?

Mr. TAYLOR. Yes.

Chairman WALSH. Did you know Tape was a grafter?

Mr. TAYLOR. No, sir; don't know it now.

Chairman WALSH. Do you think he is a good man still?

Mr. TAYLOR. If Tape has got any money from Chinese, I have got to—I am from Missouri, and I hope everybody else will be who handles his case.

Chairman WALSH. You are very anxious that Tape should be—that the investigation should be very careful?

Mr. TAYLOR. Be square; that is all.

Chairman WALSH. Should be square. Up to this time you have no thought but that Tape was an innocent man?

Mr. TAYLOR. I have no evidence whatever one way or the other.

Chairman WALSH. Have you received a letter from him in the last week?

Mr. TAYLOR. Yes.

Chairman WALSH. Have you got that letter with you?

Mr. TAYLOR. No.

Chairman WALSH. Will you produce the letter?

Mr. TAYLOR. I don't think I have it. I know I haven't.

Chairman WALSH. Where is it?

Mr. TAYLOR. Tore it up.

Chairman WALSH. Why did you tear it up?

Mr. TAYLOR. Wasn't anything to keep.

Chairman WALSH. Didn't he tell you what he was asked before this commission in executive session?

Mr. TAYLOR. No; he didn't tell me what he said.

Chairman WALSH. Do you swear on your oath that he didn't tell you that he went before this commission in executive session and refused to answer its questions on the ground it might tend to incriminate him?

Mr. TAYLOR. He said he didn't answer any questions.

Chairman WALSH. Didn't tell you he refused to answer on the ground it might tend to incriminate him?

Mr. TAYLOR. Yes; probably used that language.

Chairman WALSH. Did you advise him?

Mr. TAYLOR. No.

Chairman WALSH. What to do?

Mr. TAYLOR. No.

Chairman WALSH. Did you write back a letter to him?

Mr. TAYLOR. No.

Chairman WALSH. Did you send any telegram?

Mr. TAYLOR. No.

Chairman WALSH. What was the communication you had with him before you received that letter?

Mr. TAYLOR. Not a word.

Chairman WALSH. How did he happen to write to you and tell you that he had refused to answer the commission's questions on the ground that it might tend to incriminate him?

Mr. TAYLOR. He sent a clipping.

Chairman WALSH. Did he look on you as a sort of adviser—sort of a friend?

Mr. TAYLOR. No.

Chairman WALSH. And you knew that this commission was appointed by Congress to investigate thievery and graft, didn't you?

Mr. TAYLOR. I didn't know that; no.

Chairman WALSH. You didn't know that?

Mr. TAYLOR. It wouldn't have made any difference if I had. I certainly didn't give him any advice.

Chairman WALSH. You didn't give him any notice, didn't give him any advice that he was under investigation?

Mr. TAYLOR. No; if it was an honest investigation, if anybody was investigating who had no right, I would certainly advise him of his rights.

Chairman WALSH. You would?

Mr. TAYLOR. But not of this commission.

Chairman WALSH. What do you call an honest investigation of Tape?

Mr. TAYLOR. What do I call it?

Chairman WALSH. Yes.

Mr. TAYLOR. Facts.

Chairman WALSH. Facts?

Mr. TAYLOR. Anything that can be proved.

Chairman WALSH. You would advise him, then, no matter whether it had authority from the Government or not, if you didn't think it was honest, that the facts were not being properly gathered, then you would advise Tape in regard to the matter, so that he could take care of himself?

Mr. TAYLOR. I would advise him if some one did the investigating who wasn't authorized.

Chairman WALSH. Has anybody ever investigated Tape to your knowledge who has been unauthorized?

Mr. TAYLOR. Not that I know of; I don't know anything about it.

Chairman WALSH. Tell me if you ever had in your mind, if you have in your mind now any case in which any investigation was made of Tape by any unauthorized persons.

Mr. TAYLOR. I don't think I have.

Chairman WALSH. You don't have any?

Mr. TAYLOR. No.

Chairman WALSH. But you don't feel—or do you feel that your intimacy is so close with Frank Tape that you ought to advise him in any way of an investigation that was made into his conduct?

Mr. TAYLOR. Why, yes; I would advise him, I should say, to go before this commission and tell the facts, not anything you hear, but you tell the facts.

Chairman WALSH. Was that in writing?

Mr. TAYLOR. No.

Chairman WALSH. Did you write him a letter?

Mr. TAYLOR. No; I did not.

Chairman WALSH. Where did you have your talk with him?

Mr. TAYLOR. Not when he was being investigated.

Chairman WALSH. Did you go out to see him for that——

Mr. TAYLOR. No; I did not.

Chairman WALSH. Had you ever given him any money?

Mr. TAYLOR. Did I ever?

Chairman WALSH. Yes.

Mr. TAYLOR. No.

Chairman WALSH. Did Tape ever give you any?

Mr. TAYLOR. Every give me any?

Chairman WALSH. Yes; ever give you any money which was the proceeds of money that he had collected from Chinamen.

Mr. TAYLOR. No; he did not.

Chairman WALSH. What property have you now?

Mr. TAYLOR. I haven't—$21 in my bank and my salary coming to me.

Chairman WALSH. Do you have a bank account in any bank?

Mr. TAYLOR. I have an account in a bank in San Francisco—Los Angeles.

Chairman WALSH. What bank?

Mr. TAYLOR. The National Bank of California.

Chairman WALSH. What other banks have you accounts in?

Mr. TAYLOR. I haven't any account in any other bank.

Chairman WALSH. Is that the only bank?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. How long have you had an account in that bank?

Mr. TAYLOR. Probably two years.

Chairman WALSH. For probably two years. Where have you lived for the past year?

Mr. TAYLOR. On the road probably half of the time.
Chairman WALSH. What do you call your home?
Mr. TAYLOR. I haven't any.
Chairman WALSH. Why do you make your deposits in a bank at Los Angeles?
Mr. TAYLOR. I happened to be down there, and a friend of mine was in the bank. I went to the hospital about two years and a half ago, and had no bank to place my money in, and opened an account.
Chairman WALSH. Have you an account in any other bank?
Mr. TAYLOR. No. I did in a bank at Princeton, but it is closed.
Chairman WALSH. You have no account there?
Mr. TAYLOR. No.
Chairman WALSH. Have you your bank book with you?
Mr. TAYLOR. I believe I have. I have $21.70.
Chairman WALSH. Will you produce your bank book at 2 o'clock this afternoon?
Mr. TAYLOR. I certainly will; yes, sir.
Chairman WALSH. We will now stand adjourned until 2 o'clock sharp. Please return at that time, Mr. Taylor.
(Whereupon at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Friday, September 4, 1914.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.
Commissioner GARRETSON. Are you ready?
Chairman WALSH. Yes; we will proceed.
Commissioner GARRETSON. The commission will be in order.
Chairman WALSH. I think when we adjourned here I had asked you to produce your bank book.
Mr. TAYLOR. Yes; I have here, fortunately, a full abstract.
Chairman WALSH. I just want to see the bank book.
Mr. TAYLOR. Well, it is right here. I have a new bank book. I left the other one in Trenton, so here is a full statement of the account. That is a duplicate book. There is my first deposit of $602, when I opened the account.
Chairman WALSH. You have no other bank account except this?
Mr. TAYLOR. Except the one I had in Princeton.
Chairman WALSH. And you have no account in that bank at the present time?
Mr. TAYLOR. I have no account there. I never had anything to amount to anything there, and it is overdrawn. There is the rest of the deposits; you will see that they are simply a small checking——
Chairman WALSH. I want to give this to Mr. Busiek; he will want to check that over.
Mr. TAYLOR. Now, I also brought Mrs. Taylor's accounts, so if you——
Chairman WALSH. Well, that was very good of you.
Mr. TAYLOR. I infer from your remarks that somebody has said that I have been grafting, and that is the first time I have ever heard anything of that kind.
Chairman WALSH. Now, if you will just direct yourself to these questions.
Mr. TAYLOR. Yes; that is all right.
Chairman WALSH. And leave out the inferences.
Mr. TAYLOR. All right, sir.
Chairman WALSH. This is——
Mr. TAYLOR. This is Mrs. Taylor's account; yes, sir; and where it is changed since we were married.
Chairman WALSH. That is down to August 22, 1914?
Mr. TAYLOR. Down to August 22, 1914.
Chairman WALSH. Well, you can just keep that. We just wanted to see that.
Mr. TAYLOR. Well, we bought two little houses with this, paid $1,400 on them. That is the extent of our belongings.
Chairman WALSH. Now, where do you stop when you are in Los Angeles?
Mr. TAYLOR. For years I have stopped at the Colonial. The last time I was there I had a bungalow out in Hollywood.
Chairman WALSH. Have you an office in Buffalo?
Mr. TAYLOR. An office; yes, sir.
Chairman WALSH. Where is your office in Buffalo?
Mr. TAYLOR. We have two in Buffalo; one at Black Rock, and this last time I was there I engaged a room in the post-office building.
Chairman WALSH. Where do you live when you are in Buffalo?

Mr. TAYLOR. Castle Inn.

Chairman WALSH. That is a hotel, is it?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. It is right on Niagara Square.

Chairman WALSH. When was the last time you saw Tape?

Mr. TAYLOR. The 30th, I think it was, of July.

Chairman WALSH. The 30th of July?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When had you seen him prior to that time?

Mr. TAYLOR. I had not seen him—I discharged him, or he was taken from me on the 22d of July.

Chairman WALSH. What year?

Mr. TAYLOR. Last year.

Chairman WALSH. When did you see him prior to July 22 last year?

Mr. TAYLOR. He was working with me from about the 29th of June until that time.

Chairman WALSH. Now, prior to the 29th of June where had he been?

Mr. TAYLOR. In Seattle, as far as I know.

Chairman WALSH. And had he been working with you prior to that time?

Mr. TAYLOR. I was not there until that time. He was working under my instructions.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Seattle.

Chairman WALSH. Had he been staying at Seattle for some length of time?

Mr. TAYLOR. As far as I know, he had been there ever since he made the trip to Jamaica with me. I had not seen him in the meantime.

Chairman WALSH. When had you seen him prior to the 29th of June?

Mr. TAYLOR. When I left him in Cuba two years before.

Chairman WALSH. And you hadn't seen him in the meantime?

Mr. TAYLOR. No, sir.

Chairman WALSH. Had you visited him in Seattle?

Mr. TAYLOR. In the meantime?

Chairman WALSH. Yes, sir.

Mr. TAYLOR. No, sir; I had not been to Seattle.

Chairman WALSH. You had not been to Seattle and had not seen him?

Mr. TAYLOR. No, sir; I had not seen him at all.

Chairman WALSH. Hadn't seen him any place in the United States?

Mr. TAYLOR. No, sir.

Chairman WALSH. For two years prior to the 29th of June you hadn't seen him any place in the United States?

Mr. TAYLOR. I saw him while I was in Seattle last winter. I went to Seattle last fall and stayed there three weeks and left there and then went back. He was not working for me, however.

Chairman WALSH. When did you first meet his wife?

Mr. TAYLOR. Then, last fall.

Chairman WALSH. Did you say anything to Commissioner General Caminetti about Tape. Did you tell him Tape was a good man?

Mr. TAYLOR. Probably did; I have told everybody that.

Chairman WALSH. You told him he was a reliable man?

Mr. TAYLOR. Told him he was thoroughly reliable as far as I knew.

Chairman WALSH. Were you at Seattle at the same time Commissioner Caminetti was there?

Mr. TAYLOR. No, sir.

Chairman WALSH. Where was Commissioner Caminetti when you told him Tape was a good and reliable man?

Mr. TAYLOR. I can't say positively I told him that.

Chairman WALSH. Did you tell him. I want you to say positively.

Mr. TAYLOR. I can't say positively. If I ever had a conversation with him about him, I did, but I can't say I ever had a conversation with Commissioner Caminetti about him.

Chairman WALSH. When did you see Caminetti prior to the time he went to Seattle?

Mr. TAYLOR. At the time I left Washington, probably two months prior to that.

Chairman WALSH. Did you have a conversation with him about Tape, and did you tell him Tape was a thoroughly reliable man, and was one of the men you would have see him when he went to Seattle?

Mr. TAYLOR. No, sir; I did not. I didn't mention having anyone see him.

Chairman WALSH. Did you have any conversation with him about Tape, that you recall?

Mr. TAYLOR. I would say positively prior to that I hadn't.

Chairman WALSH. Prior to what?

Mr. TAYLOR. Prior to the time he went to Seattle, and I am almost able to say that positively I never mentioned Tape personally to Mr. Caminetti one way or the other.

Chairman WALSH. Did you carry on a correspondence with Mr. Tape back prior to the 29th day of June for the two years you hadn't seen him?

Mr. TAYLOR. Why, he would probably write me occasionally.

Chairman WALSH. Personal letters?

Mr. TAYLOR. Mostly; yes, sir.

Chairman WALSH. Were they about official business? Did they refer to official business?

Mr. TAYLOR. He wrote me one letter that the Chinese interpreter in Philadelphia—that he did not believe that he was right.

Chairman WALSH. Didn't think he was honest. Just wrote you one letter he though he had discovered another——

Mr. TAYLOR. I am talking about the ones that were official, and I think he wrote me after I was there last fall that Chinese students—that he heard Chinese students were going to college, and I investigated that.

Chairman WALSH. Any other letters?

Mr. TAYLOR. Those are the only ones that I recall that were official. He did write me about—oh, I should say probably he has written me half a dozen letters.

Chairman WALSH. Personal letters?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Have you those letters?

Mr. TAYLOR. No, sir; I never kept them.

Chairman WALSH. What did you do with them?

Mr. TAYLOR. Tore them up.

Chairman WALSH. Do you tear up all your personal letters?

Mr. TAYLOR. If they amount to nothing, I do.

Chairman WALSH. You considered these amounted to nothing?

Mr. TAYLOR. Absolutely.

Chairman WALSH. You were never connected with him in any business enterprise?

Mr. TAYLOR. I certainly was not.

Chairman WALSH. Did you know what he was doing in Seattle prior to the 29th of June, when you say you met him there, after two years?

Mr. TAYLOR. I said I met him last fall the first time after we returned from Cuba. I was there three weeks.

Chairman WALSH. How long were you with him in the fall?

Mr. TAYLOR. I was there three weeks.

Chairman WALSH. Were you in any business enterprise with him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did he tell you he was a gambler and making large sums of money that way?

Mr. TAYLOR. No, sir; he did not.

Chairman WALSH. Would you have stood for that as a Government official and interpreter?

Mr. TAYLOR. I would have reported it.

Chairman WALSH. You would have reported it forthwith?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Didn't he tell you he was winning large sums gambling?

Mr. TAYLOR. No, sir; he told me that the last time.

Chairman WALSH. When was that?

Mr. TAYLOR. After the investigation was started.

Chairman WALSH. After the investigation started?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When was it he told you that?

Mr. TAYLOR. Just about the time he quit work for me.

Chairman WALSH. About the time that he was suspended?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. That was the first time you knew it?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. When you were driving around with him and calling on him and he calling on you, didn't you have any discussion about what he was doing privately?
Mr. TAYLOR. No, sir. It was generally understood, the general impression throughout the service, that he married a woman with money.
Chairman WALSH. That is all you knew?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. You never knew he was doing anything dishonest, if he was?
Mr. TAYLOR. No, sir.
Chairman WALSH. And if he was in the gambling business or any business you didn't know it?
Mr. TAYLOR. No, sir.
Chairman WALSH. And you had no concern in it?
Mr. TAYLOR. None in the world.
Chairman WALSH. Now, in any of these letters that he wrote you during that year, did he refer to any business proposition that he had, gambling or otherwise?
Mr. TAYLOR. No, sir.
Chairman WALSH. You are sure of that?
Mr. TAYLOR. I am sure of that.
Chairman WALSH. Your recollection is clear on that?
Mr. TAYLOR. Yes.
Chairman WALSH. And he never told you about any?
Mr. TAYLOR. No.
Chairman WALSH. Now, you say that he told you he had been gambling when the investigation started. Who made the investigation?
Mr. TAYLOR. A man by the name of Bonham.
Chairman WALSH. Where was he from?
Mr. TAYLOR. Portland.
Chairman WALSH. What was his business? Was he a Government official?
Mr. TAYLOR. He is an inspector; he is an investigator; this is the man that has been making this investigation. He is under investigation now.
Chairman WALSH. This same man?
Mr. TAYLOR. Yes.
Chairman WALSH. Bonham?
Mr. TAYLOR. That is the first time any question ever occurred to me about where he got his money. He never told me that his wife married—I heard that.
Chairman WALSH. You just heard that?
Mr. TAYLOR. I heard that, common talk.
Chairman WALSH. Did you ever learn that this woman that he married, he had lived with her before he married her, and that she was the wife of another man?
Mr. TAYLOR. I learned that just before I left Seattle, from Commissioner White.
Chairman WALSH. From Commissioner White?
Mr. TAYLOR. I want to state right here personally I would not believe Commissioner White under oath.
Chairman WALSH. Yes. You wouldn't believe him under oath?
Mr. TAYLOR. No.
Chairman WALSH. Yes. You would not believe him under oath.
Mr. TAYLOR. That is——
Chairman WALSH. Well, now, one minute, I am going to say this to you, that we didn't ask Commissioner White for his opinion of you.
Mr. TAYLOR. Well—
Chairman WALSH. And we are not going to let you put anything in the record reflecting on him at this time.
Mr. TAYLOR. Well, I don't want to. I am just stating that he is the only man——
Chairman WALSH. You just omit your personal opinion of anyone I mention here.
Mr. TAYLOR. All right, sir.
Chairman WALSH. Now, who was this Mr. Bonham?

Mr. TAYLOR. He is an inspector from Portland?
Chairman WALSH. An inspector in what department?
Mr. TAYLOR. Our department.
Chairman WALSH. And how long has he been out there?
Mr. TAYLOR. He came probably a week before I left.
Chairman WALSH. Did Tape know him?
Mr. TAYLOR. I believe Tape knows him.
Chairman WALSH. And when was it you left, what was the date?
Mr. TAYLOR. On the—about the first.
Chairman WALSH. First of what?
Mr. TAYLOR. First of August.
Chairman WALSH. First of August?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And when had you been there prior?
Mr. TAYLOR. I left on the 8th of August.
Chairman WALSH. And when had you been there prior to that time?
Mr. TAYLOR. Last fall; last October.
Chairman WALSH. And what was the occasion of your visit?
Mr. TAYLOR. General inspection.
Chairman WALSH. Just general inspection?
Mr. TAYLOR. Yes.
Chairman WALSH. Was Tape with you at that time?
Mr. TAYLOR. No, sir.
Chairman WALSH. And you didn't go into any of Tape's business, gambling or otherwise, at that time?
Mr. TAYLOR. No, sir.
Chairman WALSH. Or he didn't write you anything about it?
Mr. TAYLOR. No, sir.
Chairman WALSH. What was the occasion of your going up there when you were there, leading up to the 8th of August, that last business?
Mr. TAYLOR. I was sent there by the Commissioner General to make a report on Chinese smuggling operations, as to what should be done, the same as I am making in my trip of the borders.
Chairman WALSH. You didn't go there for the purpose of helping Tape in any way?
Mr. TAYLOR. I didn't; no, sir.
Chairman WALSH. You knew nothing about his business?
Mr. TAYLOR. Knew nothing at all.
Chairman WALSH. His private business, you had no interest in it whatsoever?
Mr. TAYLOR. None at all, except that he had been a friend of mine, so to speak, the same as other officers.
Chairman WALSH. Yes.
Mr. TAYLOR. Had worked with me and had done what I told him.
Chairman WALSH. But he had never told you about his business or anything of that sort?
Mr. TAYLOR. No, sir.
Chairman WALSH. Now, did you know—how long had you known Bonhain?
Mr. TAYLOR. I doubt if I ever met him. He said that he was in the office when I passed through Portland, but I don't recall. If I did he was just introduced to me.
Chairman WALSH. You knew he was there making an investigation of Tape?
Mr. TAYLOR. Yes, sir; he came to me. I talked with him.
Chairman WALSH. And there was no doubt about the authenticity of his investigation?
Mr. TAYLOR. None whatever, sir.
Chairman WALSH. He was a Government official?
Mr. TAYLOR. Certainly.
Chairman WALSH. And you were a Government official?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And if you had known anything about Tape's affairs, why, you would have told him?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. That might have thrown any light upon the charge of grafting?
Mr. TAYLOR. I certainly would.

Chairman WALSH. And you would not throw anything in the way, of course, of making a proper investigation?

Mr. TAYLOR. I think Mr. Tape—I says, "You go to Benham and give him the facts."

Chairman WALSH. Give him everything?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And do you know whether he did that or not?

Mr. TAYLOR. I don't know. He examined him.

Chairman WALSH. If Tape didn't do that—if Tape didn't give him all the facts and lay everything before him—then it was in violation of your instructions?

Mr. TAYLOR. Yes, sir; as far as—I can't say they were instructions.

Chairman WALSH. Well, your suggestion?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You knew that what they were investigating was Tape's grafting off of the Chinese, didn't you?

Mr. TAYLOR. Yes, sir; that is what they told me.

Chairman WALSH. And what those men were there for was to find out where he got all this money?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Whether he really got it from his wife. And you have made investigations of that kind often, haven't you?

Mr. TAYLOR. I have; yes, sir.

Chairman WALSH. And you know that Government officials have a pretty hard time getting at the facts if it is a shrewd fellow, don't you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You have run many of them to earth?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You yourself have run many of them to earth. How many aliases did Tape have while he was with you?

Mr. TAYLOR. Why, I only know his Chinese name is Charley Chew, I think it is.

Chairman WALSH. Charley Chew?

Mr. TAYLOR. It is the family name. Probably when I put him in jail I probably put him in under an alias.

Chairman WALSH. But you say when you came out there you didn't come out to help him?

Mr. TAYLOR. No, sir; I didn't.

Chairman WALSH. Had he written you any letters asking for your help or anything of that sort?

Mr. TAYLOR. He wrote me that the commissioner had questioned him about, and intimated that he was grafting from the Chinese, and I either wrote or wired him.

Chairman WALSH. When did he tell you that?

Mr. TAYLOR. That was before I went out there.

Chairman WALSH. That was before you went out there?

Mr. TAYLOR. Yes.

Chairman WALSH. Did he write that to you, or did he——

Mr. TAYLOR. He wrote it or wired me, I forget now which.

Chairman WALSH. And what did he say?

Mr. TAYLOR. That the Chinese were trying to put up a job on him, and that the commissioner was taking statements, or something of that kind, from the Chinese, that he had been fighting, and I either wrote him or wired him to sit down and make an application or request for a full and complete investigation, which I understand he did.

Chairman WALSH. Now, have you got that letter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Have you got the reply that you wrote to him—oh, I believe you say you don't know whether that was a letter or a telegram.

Mr. TAYLOR. I think it was a telegram.

Chairman WALSH. Did you keep a copy of it?

Mr. TAYLOR. No.

Chairman WALSH. Now, he said—what was it that he said in his letter?

Mr. TAYLOR. That the commissioner had demanded an explanation from him as to his income, or words to that effect, and that the Chinese were making statements against him.

Chairman WALSH. Yes.

Mr. TAYLOR. That is the purport of it.
Chairman WALSH. And then——
Mr. TAYLOR. I instructed him——
Chairman WALSH. Was the commissioner his superior out there?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And what was it you wrote back to him?
Mr. TAYLOR. To make application for a full investigation.
Chairman WALSH. That is, for a full investigation of all of his conduct?
Mr. TAYLOR. Absolutely, sir.
Chairman WALSH. And did you tell him to give the commissioner all the information that he could?
Mr. TAYLOR. No, sir; I didn't tell him to give it. I told him to make a request of the bureau for an investigation.
Chairman WALSH. Substantially that is what you told him, simply to make a request of the bureau for an investigation?
Mr. TAYLOR. No. For an investigation.
Chairman WALSH. For an investigation. And do you know whether or not he asked for the investigation?
Mr. TAYLOR. He, I think, showed me a copy of a letter that he had written, and if I am not mistaken a reply from the bureau, but I would not say that I got a reply.
Chairman WALSH. Was that afterwards?
Mr. TAYLOR. After I went up there.
Chairman WALSH. Now, prior to that time you haven't heard made any charge against him, against his honesty.
Mr. TAYLOR. No, sir.
Chairman WALSH. You hadn't heard that there was any investigation on foot charging him with grafting?
Mr. TAYLOR. Not until he wrote me.
Chairman WALSH. And you say that you said when you wrote or wired him, if you wrote or wired him was to demand a full investigation from the department?
Mr. TAYLOR. Yes, sir. I say that when I was there last fall I talked to the commissioner——
Mr. TAYLOR. When I was there last fall I asked Commissioner White about Tape, and he told me he was one of the best officers he had. I also asked him——
Chairman WALSH. Read the last question, please. [Question read.] Why do you volunteer to this commission the information that Commissioner White said you Mr. Tape was a good man?
Mr. TAYLOR. I didn't say Commissioner White said so.
Chairman WALSH. Who did you say?
Mr. TAYLOR. I said when I went there last fall the commissioner of the bureau——
Chairman WALSH. And he told you he was a good man?
Mr. TAYLOR. Yes.
Chairman WALSH. I didn't ask you that, did I?
Mr. TAYLOR. You asked if I knew anything about this work, and I was explaining it.
Chairman WALSH. I didn't ask whether you knew anything about this work. You heard what the stenographer read?
Mr. TAYLOR. Yes.
Chairman WALSH. Why do you volunteer information to this commission now unsolicited that somebody told you that Tape was a good man?
Mr. TAYLOR. Just to show I knew absolutely nothing about him until I went there.
Chairman WALSH. Just to show that you knew absolutely nothing until you went there.
Mr. TAYLOR. About any charges.
Chairman WALSH. When you went there, did you ask Commissioner White to detail Tape along to make some investigation that you had to make?
Mr. TAYLOR. I wired before——
Chairman WALSH. Did you ask him after you got there; did you ask Commissioner White to detail Tape to make an investigation with you?
Mr. TAYLOR. No, sir.
Chairman WALSH. Now, prior to that, to your getting there, did you wire him anything to that effect?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What did you wire?

Mr. TAYLOR. Wired to detail Tape to investigate a man by the name of Walloy, who was suspected of smuggling Chinese, about when I received information when I was there before.

Chairman WALSH. What was the date of the telegram, do you know?

Mr. TAYLOR. April 9.

Chairman WALSH. Did you know that he had been charged? Had he been charged with graft then?

Mr. TAYLOR. Not that I know of.

Chairman WALSH. Now, did you have a conversation with Commissioner White after you returned to Seattle and after you had heard from Tape and after you had advised Tape to call for a full investigation?

Mr. TAYLOR. About Tape?

Chairman WALSH. About Tape.

Mr. TAYLOR. I probably talked with him.

Chairman WALSH. Did you tell him Tape was a good man, a reliable man?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Has Tape's reputation in Seattle for the past two years, at least, been that of a grafter?

Mr. TAYLOR. I have never heard it until this came up.

Chairman WALSH. Didn't you ever hear that his general reputation was that of a grafter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you have any other communication with Tape except this telegram that he sent you, in reply to which you advised him to call on the department for a full investigation?

Mr. TAYLOR. Not that I recall.

Chairman WALSH. Isn't it a fact that what Tape told you was that they were looking into this matter; that he asked for a full investigation; and you told him not to say anything, but to make them tell exactly what they wanted, and not to give up anything until they did?

Mr. TAYLOR. No, sir. I advised him to make application, or write to the Commissioner General and ask for a full investigation.

Chairman WALSH. All right. Now, I will read a telegram to you and ask you whether or not you received this from this man:

"SEATTLE, WASH., *June 3, 1914.*

"To R. H. TAYLOR,

"*Castle Inn, Buffalo, N. Y.:*

"Boss request written statement my financial standing, monthly income, what house cost, and machine. Wife refuse make statement as to income; personal reasons. Charge me with grafting. I have no fear. Asked for investigation myself. The questions are personal. Shall I stand pat and not tell?"

Mr. TAYLOR. I think that is the telegram the way you read it.

Chairman WALSH. What does he mean by stand pat?

Mr. TAYLOR. Stand pat? I presume he means that he won't tell them there anything.

Chairman WALSH. Wouldn't tell the boss?

Mr. TAYLOR. Until he was charged. He had a right to do that.

Chairman WALSH. You think he had a right to do that?

Mr. TAYLOR. Certainly.

Chairman WALSH. Do you think he would have a right to refuse to answer our questions on the ground that it would tend to incriminate him? You still think he is right in that refusal?

Mr. TAYLOR. No, sir; I don't. If he is in the clear, he has got nothing, no way of being incriminated.

Chairman WALSH. Wasn't this Mr. Bonham, and these other Government officials, weren't they right in line, Bonham had a right to make the investigation?

Mr. TAYLOR. I told him to tell Bonham everything that he knew. Mr. Bonham was authorized to investigate.

Chairman WALSH. All right.

"I have interest in canneries with Chinese, shall I disclose it, which brings good income. Will do as you say. Have written full particulars.

"FRED CRAW."

That was he?

Mr. TAYLOR. Yes.
Chairman WALSH. Did he write full particulars?
Mr. TAYLOR. I don't think he ever wrote about what he has in any cannery there.
Chairman WALSH. Didn't you get a letter following this?
Mr. TAYLOR. Yes; I got a letter from him.
Chairman WALSH. Just as he said he would write?
Mr. TAYLOR. Along that line.
Chairman WALSH. What did you do with that letter?
Mr. TAYLOR. Tore it up.
Chairman WALSH. And you knew that the Government was making an investigation and you knew that he was charged with grafting, and he had asked you—that is the language used by dishonest people; that is what the criminal says, "Shall I stand pat"; he either stands pat or he spills, I believe they call it?
Mr. TAYLOR. Yes.
Chairman WALSH. That is used in that way?
Mr. TAYLOR. Yes.
Chairman WALSH. Now, he wires you that the boss wants a written statement of his financial standing; that he was charged with graft; that he had asked for an investigation, and asked you whether he would stand pat or tell, and whether or not he would disclose his interest in certain canneries; and then he wrote you a letter about it?
Mr. TAYLOR. Yes.
Chairman WALSH. Did you reply to that letter?
Mr. TAYLOR. I think not. I believe I got one shortly after.
Chairman WALSH. You think you got one shortly after. You tore up the letter?
Mr. TAYLOR. Yes.
Chairman WALSH. Now, with your experience as an investigator of criminals, didn't it occur to you that if this man told a different story about where he got that money, that that would be proof positive that he lied and that you had it in writing? Didn't that strike you?
Mr. TAYLOR. No.
Chairman WALSH. Didn't strike you?
Mr. TAYLOR. No.
Chairman WALSH. And you an investigator, and you tore that up, that letter in which he told you he had interest in canneries?
Mr. TAYLOR. No.
Chairman WALSH. And you tore up the only written evidence that you had from Chew, this Chinaman?
Mr. TAYLOR. Yes.
Chairman WALSH. There is no doubt you got that telegram?
Mr. TAYLOR. None in the world.
Chairman WALSH. He told you that he had this matter up, that he was charged with graft, and wanted to know whether or not he should stand pat?
Mr. TAYLOR. If I remember correctly I told him to stand pat. I didn't use that language, but my advice to him was in substance to——
Chairman WALSH. One minute, I want to ask you a question right there, because I want to get it into the record. Before you started to volunteer that answer, I walked up to within 2 feet of you with a tissue-paper copy of a telegram in my hand, did I not?
Mr. TAYLOR. You have it there.
Chairman WALSH. And you looked at me, and you said then, I did tell him to stand pat, didn't you?
Mr. TAYLOR. I can't see what was on the paper you have.
Chairman WALSH. No; but you saw the tissue-paper copy, and you knew you were about to be confronted with a copy of a telegram you sent?
Mr. TAYLOR. Yes.
Chairman WALSH. You are not a sucker, you are an investigator of criminals. You say for the first time, "I believe I did tell him to stand pat," didn't you?
Mr. TAYLOR. No, sir; I think I told you this now; I told him not to answer, to demand a full investigation.
Chairman WALSH. You never said you told him to until you saw me walk up with that. Hadn't you sworn over and over that is what you told him to do, to demand a full investigation?
Mr. TAYLOR. Yes.

Chairman WALSH. A complete investigation?

Mr. TAYLOR. Yes.

Chairman WALSH. And when you saw me come up with this tissue copy in my hand, you remembered, didn't you, that you did give him that advice to circumvent the investigation of the Government?

Mr. TAYLOR. No; I did not.

Chairman WALSH. You do not?

Mr. TAYLOR. No.

Chairman WALSH. Do you remember what you told him?

Mr. TAYLOR. Do I remember what I told him?

Chairman WALSH. Yes. You told him to stand pat, didn't you?

Mr. TAYLOR. I probably told him not to tell—to first demand an investigation, not to tell Commissioner White—I don't know if I used those words, but not to tell Commissioner White anything until he was charged, and upon investigation.

Chairman WALSH. You don't remember, then, just what you said to him?

Mr. TAYLOR. No.

Chairman WALSH. And the truth of the matter is you want to help all you can to cover that up, don't you?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you know what his down-town canneries was?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you know whether he had a down-town office or not?

Mr. TAYLOR. No, sir; I don't know it now.

Chairman WALSH. You don't know it now?

Mr. TAYLOR. No, sir.

Chairman WALSH. Now, the truth of the matter is you have had a lot of dealings with Tape, haven't you, honestly?

Mr. TAYLOR. No; I haven't; and I defy anyone in the world to show I have.

Chairman WALSH. You know that this is a Chinaman?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. He is married to a white woman?

Mr. TAYLOR. Yes.

Chairman WALSH. And that is not considered respectable, is it, among white people?

Mr. TAYLOR. I don't know about the respectable part. It is not, in my opinion, proper.

Chairman WALSH. It is not proper?

Mr. TAYLOR. No, sir.

Chairman WALSH. And you said before luncheon that you knew the way Chinese grafters got their pull was putting their brother Chinaman in terror in some way?

Mr. TAYLOR. In the terror of the law; that is one way.

Chairman WALSH. And they get it that way; isn't that what you said?

Mr. TAYLOR. Why, I don't just understand I said anything about putting them in terror.

Chairman WALSH. Well, how do they get the money out of Chinamen?

Mr. TAYLOR. Why, one Chinaman may go to another Chinaman and say, "Give me $500 and I will have your friends landed."

Chairman WALSH. Take Tape, for instance. Suppose, now, it was Tape, and that he was getting money; what would he do?

Mr. TAYLOR. If he was getting money?

Chairman WALSH. If he was grafting, how would he do it? Give us the various ways in which he would do it, in extenso.

Mr. TAYLOR. He would probably have a go-between; some one who would call for the money.

Chairman WALSH. Yes.

Mr. TAYLOR. Of course, if he was smuggling, I don't know; he would have to have some one, unless he was doing it himself.

Chairman WALSH. Anything else?

Mr. TAYLOR. That is the only way it could be done unless he wanted it himself.

Chairman WALSH. That is your explanation of how a Chinaman gets money out of another Chinaman if he is a grafter?

Mr. TAYLOR. I am telling you instances how they have done.

Chairman WALSH. I want you to tell me just how Tape would graft if he was a grafter; if he was an interpreter, if he was an investigator—he knew everything about it; you know everything he did?

Mr. TAYLOR. Yes.

Chairman WALSH. Tell us just how Tape would get the money.

Mr. TAYLOR. He would have a go-between, a man that would go to a Chinaman and say: "You give me so much money and I will give it to Tape and Tape will have your son or your brother and he will have him landed."

Chairman WALSH. Yes.

Mr. TAYLOR. And he would give him the money. That is the way it is done. I have investigated dozens of cases of that kind.

Chairman WALSH. You are posted; you are well posted. Any other way? Any other way that it is done?

Mr. TAYLOR. Unless he could go to a man who was in detention and say, "Give me $500 after you are landed, and I will see you are landed."

Chairman WALSH. Any other way? You seem to have overlooked the only way it is said Tape did it. Don't they do it this way: That when a Chinaman wants to land, that the interpreter, if he is a crook, pretends that there is a discrepancy between the statement of the man and his relatives, and it is held up until the crooked interpreter gets through direct to the Chinaman's relatives and get the money before it is straightened out. Isn't that the common, ordinary way?

Mr. TAYLOR. That is just what I say, he has a go-between.

Chairman WALSH. No, you didn't say it at all. He gets the go-between, but it is done by misinterpreting their language.

Mr. TAYLOR. He gets it as he pleases if he is crooked.

Chairman WALSH. Don't you hear of this thing being done just as I have described, or are we the first to discover it?

Mr. TAYLOR. I guess you discovered it.

Chairman WALSH. We discovered it? And you have been hunting crooked Chinese and interpreters and all that kind of matter, and you have never heard about this until I asked you about it now myself?

Mr. TAYLOR. I have heard that could be done, and I have always watched for it.

Chairman WALSH. And this is the first instance you have heard of?

Mr. TAYLOR. You don't tell me; you ask if it could be done.

Chairman WALSH. I am asking if it is a common way?

Mr. TAYLOR. We haven't had sufficient cases to——

Chairman WALSH. You haven't had a sufficient number of cases?

Mr. TAYLOR. They could do it, of course.

Chairman WALSH. They could do it?

Mr. TAYLOR. That is what——

(By direction of the chairman the answer was stricken out.)

Chairman WALSH. Now, I will ask you, Did you write a letter to Tape on the same day that you sent the telegram?

Mr. TAYLOR. That I couldn't say positively, whether I did or not; I may have.

Chairman WALSH. How is that?

Mr. TAYLOR. I couldn't say positively whether I did or not.

Chairman WALSH. Was it on this subject?

Mr. TAYLOR. If I wrote it, it was—yes, sir. I had no other dealings then with Tape.

Chairman WALSH. No interest in him except as a friend?

Mr. TAYLOR. No interest in him except as a friend, a man who had been faithful to me in every undertaking that I had with him.

Chairman WALSH. You still recommend him to the Government as a loyal, efficient person, and one upon whom some mean job might be put up by a dishonest Chinaman, do you? You still do it to-day?

Mr. TAYLOR. Recommend him as one of the best investigators. I am not talking about interpreter. But if I sent him out to find a man, he will find him for me.

Chairman WALSH. He is a good man hunting up other men?

Mr. TAYLOR. That is what I used him for.

Chairman WALSH. That is about as far as you will go now, then?

Mr. TAYLOR. That is all the work he has done for me.

Chairman WALSH. You recommend Tape now to the Government as an efficient, honest man?

Mr. TAYLOR. I don't recommend him as an honest man, because they tell me he is not.

Chairman WALSH. They tell you he is not?

Mr. TAYLOR. Yes. If he is, I will recommend him—as I stated just now, for getting information, and as far as I have known—I have never had—there are only two interpreters that I can rely on in the service, and he is one of them.

Chairman WALSH. And you would still rely on him?

Mr. TAYLOR. Not until he is cleared of this charge.

Chairman WALSH. He must be cleared of this charge?

Mr. TAYLOR. Certainly he must.

Chairman WALSH. You have also shown the way he might do it if he was misinterpreting the language, what they said, could get money that way?

Mr. TAYLOR. There are many ways that he could do it, but I don't think he could do it that way without the officers finding him out very shortly.

Chairman WALSH. I think they have got him. Unless some one high in authority helps him and told him to suppress information; that would help him, wouldn't it?

Mr. TAYLOR. No; he couldn't suppress——

Chairman WALSH. If you were starting to conduct an investigation by the Government, or somebody under you, and another official advised this man you are investigating to suppress, give information that would aid, you would report the man to the Government and ask that he be discharged?

Mr. TAYLOR. If I was making——

Chairman WALSH. Suppose you were making an investigation of a man and you discovered that another official had told him to suppress evidence, wouldn't you notify the Government that that man be discharged?

Mr. TAYLOR. I certainly would, if I was authorized to make an investigation; I certainly would.

Chairman WALSH. Do you draw a distinction between one who might be authorized and one who might be unauthorized?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was there some one authorized to make an investigation of Frank Tape?

Mr. TAYLOR. I don't know.

Chairman WALSH. Who was he?

Mr. TAYLOR. I don't know.

Chairman WALSH. Did you ever know of an unauthorized person ever undertaking it?

Mr. TAYLOR. Have I ever heard of it?

Chairman WALSH. You know the head of a department would have a right to make an investigation?

Mr. TAYLOR. Why, there is a question in my mind whether he would not be justified in refusing to answer questions.

Chairman WALSH. Suppose this particular case: Suppose that Mr. White, at Seattle, had been appointed commissioner of immigration at the port of Seattle, and that he believed that Tape was a thief, and conducted an investigation, do you believe that any other officer of the Government would be authorized to tell a man who was suspected of being a thief not to answer the questions of Commissioner White? There is a concrete case for you.

Mr. TAYLOR. Well, that would depend entirely on whether he was authorized to make the investigation.

Chairman WALSH. You are an expert—you are an expert investigator yourself?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And here is a commissioner of immigration, and here is an interpreter working out of his office. Do you mean to say the condition of your department is in such shape that one Government official should advise another one under Commissioner White not to give his full access to any information he had if he was investigating himself; that is, if Commissioner White was investigating?

Mr. TAYLOR. If he qualifies it by telling him to put it up to the department, his superior officer, and knew that the man that made the investigation had been thoroughly authorized.

Chairman WALSH. But you deny the right of Commissioner White when he went to the port of Seattle to make a thorough investigation of Tape, whom he suspected of graft?

Mr. TAYLOR. Without reporting to the department and having charges filed against him. My reason for that is in all cases charges would naturally follow. They did. Would it be fair—it was not in my mind—for an officer to go to a man and get a statement from him about a certain thing, and then go to

another man and say, "Well, did you do such and such or such and such at such and such a time," and then have an investigating officer come along and go over it again and put those together. You can build up a case against anyone in that way.

Chairman WALSH. Isn't that the way you build up all your cases against anybody?

Mr. TAYLOR. No, sir. I never have built up a case against any man in my life, and I never will.

Chairman WALSH. Do you mean to tell me when you go out and investigate a case you don't go to the persons whom you think have the information, and don't you go to the person you think committed the illegal act and try to find out whether it was true or not?

Mr. TAYLOR. I certainly do, but I don't take advance statements from men and try and trip him into it.

Chairman WALSH. Do you know Commissioner White?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And I am going to ask you the specific question: Do you know of any attempt on the part of Commissioner White to trick Tape into anything?

Mr. TAYLOR. Not that I can state.

Chairman WALSH. You have no personal knowledge of it?

Mr. TAYLOR. No, sir.

Chairman WALSH. The fact of the matter is your relations were so close with the Chinaman that you wanted to help him in this investigation and against the Government, is that true?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did he write you a letter following that telegram, a second letter answering the letter you wrote him following the sending of this telegram?

Mr. TAYLOR. I can't say that he did. I think he followed his telegram with a letter.

Chairman WALSH. And you have torn up all letters you got from Tape?

Mr. TAYLOR. All except as I have said, some time ago that had something official in them.

Chairman WALSH. You didn't keep any of the letters you got from him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Regarding this investigation, your advice to him, the charge that was made against him and all about it?

Mr. TAYLOR. Why, I had nothing about——

Chairman WALSH. Did you tear them up?

Mr. TAYLOR. I tore up everything I had from him.

Chairman WALSH. You tore up everything you had from him?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Have you got the original telegram that he sent you?

Mr. TAYLOR. Why, I think not; no, sir.

Chairman WALSH. What has become of it?

Mr. TAYLOR. I probably tore it up; I don't know. I don't say I have, but I had no reason for keeping it.

Chairman WALSH. Did you keep a copy of the telegram you sent him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you keep a copy of the letter you sent him?

Mr. TAYLOR. No, sir.

Chairman WALSH. I will ask you if you sent him this telegram:

"Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for"?

Mr. TAYLOR. Probably; yes, sir.

Chairman WALSH. You wanted that held up?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Until he heard from you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. "Regarding particulars written me"?

Mr. TAYLOR. Write me?

Chairman WALSH. No. "Regarding particulars written me. Write me what down-town office is used for"?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did he have a down-town office?

Mr. TAYLOR. No, sir.

Chairman WALSH. What did you mean by saying that? Was that some code between you and him?

Mr. TAYLOR. No, sir.

Chairman WALSH. What did that mean?

Mr. TAYLOR. It meant I had instructions from the bureau to ascertain what use was made of the down-town office in Seattle, and I asked him to notify me what it was used for.

Chairman WALSH. Had you had any correspondence with him before?

Mr. TAYLOR. About that?

Chairman WALSH. Yes, sir.

Mr. TAYLOR. I had not.

Chairman WALSH. So that the first request you have is this "Write me what down-town office is used for," and that was an inquiry for an investigation that you were supposed to be making for the Government in regard to the down-town office?

Mr. TAYLOR. No, sir; as preliminary.

Chairman WALSH. This was preliminary?

Mr. TAYLOR. I had a request from the bureau to know what it was used for and I wired——

Chairman WALSH. Was the request in writing?

Mr. TAYLOR. I think so.

Chairman WALSH. Have you a copy of the request?

Mr. TAYLOR. I haven't it with me; it is on file in the bureau. I made a report on it.

Chairman WALSH. He wired you on June 3:

"Boss request written statement my financial standing, monthly income, what house cost and machine. Wife refused make statement as to income; personal reasons. Charge me with grafting."

He had been charged with graft, hadn't he?

Mr. TAYLOR. That is what he said.

Chairman WALSH. "Charge me with grafting. I have no fear; asked for investigation myself." Was that after your communication?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you write and tell him?

Mr. TAYLOR. I wrote or wired him. I either wrote him or wired him at that time.

Chairman WALSH. "I have no fear; asked for investigation myself; the questions are personal. Shall I stand pat and not tell? I have interest in canneries with Chinese—shall I disclose it—which brings good income. Will do as you say."

Did you know that was a lie?

Mr. TAYLOR. I don't know it is now.

Chairman WALSH. You have no reason to disbelieve Mr. Tape? If he would say he owned canneries, you would believe him still?

Mr. TAYLOR. He told me, I think, that he made $1,000——

Chairman WALSH. On canneries?

Mr. TAYLOR. On canneries, and that no Seattle Chinese were in it. I told him to tell Mr. Bonham that statement.

Chairman WALSH. "Have written full particulars."

I am going to ask you if you didn't sent this telegram in reply to that:

"Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for."

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You say that this was meant to find out from Tape what the down-town office was used for?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What down-town office was it, and where was it?

Mr. TAYLOR. An office in the Hoke Building. We formerly had an office out on the dock, and Inspector Fisher, I think it was, some way rented an office and had an office in a building down town, an additional office, at $35 a month. I had a request from the bureau asking me to find out what it was used for and the necessity of it, and I asked him to let me know what the down-town office was being used for.

Chairman WALSH. And you hadn't written him about it, and that is the first request and only request you ever made in your life to Tape in regard to that

matter, and that was in reply to a telegram telling you he was accused of graft, and in which you replied not to tell anything until he could confer with you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And you want us to believe that, do you—you want the Government to believe that?

Mr. TAYLOR. That is the first and only request I made about the office, and as far as the telegram is concerned, of course I sent it.

Chairman WALSH. Have you made a report on the San Francisco office?

Mr. TAYLOR. When?

Chairman WALSH. When was that report?

Mr. BUSICK. About March 1.

Mr. TAYLOR. Yes, sir; about that date. I would not say just when it was.

Chairman WALSH. And in that report you reflected on Edsell—you reported against Edsell's conduct?

Mr. TAYLOR. I think so.

Chairman WALSH. And Ainsworth?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And who else—Backus?

Mr. TAYLOR. I will state I made a separate report on Ainsworth which resulted in charges being filed.

Chairman WALSH. And Edsell and Backus?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. They are the ones in charge at San Francisco?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You intended to recommend who for it?

Mr. TAYLOR. For what?

Chairman WALSH. For the place. Did you have some one you intended to recommend for the place?

Mr. TAYLOR. No, sir. I can't recommend anyone.

Chairman WALSH. You can't recommend anyone?

Mr. TAYLOR. No, sir. The only thing I recommended was cutting out the red tape and simplifying the work, and I think one statement was that the commissioner ought to run the office instead of the assistant commissioner.

Chairman WALSH. And that you thought some man experienced in criminal matters ought to have charge of this whole smuggling proposition?

Mr. TAYLOR. Certainly; yes, sir.

Chairman WALSH. Now, isn't this a fact, I am going to put to you right straight: That you got into the department—you are a real estate man—you got into the department under President Roosevelt and got very close to President Roosevelt by being his personal attaché; that you came back and you served all during the Roosevelt administration and got into the Secret Service that way, and then served during the Taft administration, and then you had Chief Wilkie assign you so that you could get an early pull with President Wilson; that you got an acquaintance with President Wilson, the new administration; you immediately secured reappointment on the recommendations you had from the department and on the indorsement of the President; that you came out here and you have reported against all the San Francisco officers, and that you intend that they should be removed and that some one person would be placed in charge of all these criminal matters. Wasn't that your conception of the whole thing?

Mr. TAYLOR. No, sir.

Chairman WALSH. That might look like how it would work out?

Mr. TAYLOR. I don't see why.

Chairman WALSH. If Tape was a dishonest man, and if there are such grafters in the department, and if they had a pull with an authority as high as you, that would be an ideal way to work it, wouldn't it?

Mr. TAYLOR. No, sir.

Chairman WALSH. You protected Tape right up to the last minute, didn't you?

Mr. TAYLOR. No, sir. There is no possible chance anyone could profit by any connection I have with the service.

Chairman WALSH. Could Tape profit by driving through Chinatown with you in an automobile, with his wife, and the Chinamen knowing that you were in full charge of the Chinese smuggling and of Chinese matters; could he or not?

Mr. TAYLOR. Not unless he was crooked.

Chairman WALSH. But if he was a crook, that is the ideal way, isn't it?

Mr. TAYLOR. Yes, sir.
Chairman WALSH. To show he was close to the man high in authority?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. This man was a member of an Asiatic race, and he was living with a woman for two years and you didn't know whether they were ever married or not, of any of your own personal knowledge, did you?
Mr. TAYLOR. No, sir; no one else does, as far as I know.
Chairman WALSH. And still you kept up friendly relationships in the presence of the Chinese people of Seattle?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And if he was a crook and grafter, that was the way for him to get the money?
Mr. TAYLOR. I don't believe I ever went in Chinatown with Tape but once in my life and that was to get some firecrackers.
Chairman WALSH. I am going to ask you just one question now: I will ask you whether or not the following telegram was received by you at Buffalo, N. Y.:

SEATTLE, WASH., *June 3, 1914.*

R. H. TAYLOR,
Castle Inn, Buffalo, N. Y.:

Boss requests written statement my financial standing, monthly income, what house cost, and machine. Wife refused make statement as to income, personal reasons. Charge me with grafting; I have no fear; asked for investigation myself; the questions are personal. Shall I stand pat and not tell? I have interest in canneries with Chinese—shall I disclose it—which brings good income. Will do as you say. Have written full particulars.

FRED CHEW.

Mr. TAYLOR. Yes, sir.
Chairman WALSH. And did you answer that telegram in this way:

"FRANK H. TAPE,
"*1618 Thirty-fourth Street, Seattle, Wash.:*

Is that where he lived?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Did you have his address?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Where did you have it?
Mr. TAYLOR. I have been to his house?
Chairman WALSH. How is that?
Mr. TAYLOR. I have been to his house.
Chairman WALSH. Did you remember the number?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. Say, have you a book in which you keep memorandas of your visits to these various places?
Mr. TAYLOR. To a house like that?
Chairman WALSH. Well, as to the work you do in various places?
Mr. TAYLOR. No; I submit a report of anything I do.
Chairman WALSH. And have you got any memorandas at all, any memoranda book that you carry covering passing things that you haven't made reports upon yet, suspended matters?
Mr. TAYLOR. No, sir.
Chairman WALSH. Well, I will ask you, then, if you replied to that telegram in this way:

"FRANK H. TAPE,
"*1618 Thirty-fourth Street, Seattle, Wash.:*

"Insist on statement in writing, giving reasons for request your financial standing, and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for.

"TAYLOR."

Mr. TAYLOR. Yes, sir.
Chairman WALSH. Where were you when you got his telegram?
Mr. TAYLOR. In Buffalo.
Chairman WALSH. Were you in the hotel?
Mr. TAYLOR. I could not say.
Chairman WALSH. And what time did you send the telegram to him?

Mr. TAYLOR. I could not say. Probably night message.
Chairman WALSH. The same night?
Mr. TAYLOR. Night message, I presume.
Chairman WALSH. You think it was a night message?
Mr. TAYLOR. I don't know.
Chairman WALSH. Was his a night message?
Mr. TAYLOR. I couldn't say.
Commissioner O'CONNELL. Will you ascertain why he knew him as Chew instead of Tape?
Chairman WALSH. He says it was an alias that he used.
Mr. TAYLOR. That is his Chinese name, I might explain.
Chairman WALSH. It is his Chinese name?
Mr. TAYLOR. Tape is simply an American name.
Commissioner O'CONNELL. Everybody seemed to know him as Frank Tape, and his dealings with everybody were as Frank Tape, but in his telegram there it was Chew.
Mr. TAYLOR. He always used the name of Chew, nearly always he used it, I guess every time he has ever been working with me he had been working under the name of Chew.
Chairman WALSH. Say, didn't every letter that you ever received from this man on official business, wasn't it signed Frank Tape?
Mr. TAYLOR. On official business?
Chairman WALSH. Yes.
Mr. TAYLOR. I don't know that I ever received any on official business.
Chairman WALSH. Did you ever receive a letter from him signed any way except Frank Tape?
Mr. TAYLOR. I don't believe I ever received one from him signed Frank Tape. I think it was either Chew or Fred.
Chairman WALSH. Now, then——
Mr. TAYLOR. Now, I would not say.
Chairman WALSH. You got a letter from him following that, didn't you?
Mr. TAYLOR. That would indicate it; yes, sir.
Chairman WALSH. And you answered the letter?
Mr. TAYLOR. Yes, sir; if I did.
Chairman WALSH. And you didn't keep any copy of your answer?
Mr. TAYLOR. No, sir.
Chairman WALSH. And you tore up the letter he wrote to you?
Mr. TAYLOR. Yes, sir.
Chairman WALSH. And it was on vital business connected with the Government, the investigation of this man himself?
Mr. TAYLOR. No, sir.
Chairman WALSH. All right, that is your interpretation.
Commissioner O'CONNELL. He is known officially on the Government roll as Frank H. Tape?
Mr. TAYLOR. Yes, sir.
Commissioner O'CONNELL. Or Frank Tape.
Mr. TAYLOR. Frank H. Tape; yes, sir.
Chairman WALSH. That is all. You are excused.
Mr. TAYLOR. All right.
Chairman WALSH (indicating papers). I want to keep these and check them over. We will return them to you before you leave the city.
Mr. TAYLOR. I am going—will you send them to me?
Chairman WALSH. Yes; if you will give Mr. Busiek your address.
Mr. TAYLOR. All right, sir. Here is the remnant of that (indicating), the other deposits, and you have the book there.
Chairman WALSH. Give Mr. Busiek the whole business. You say you had more deposits there?
Mr. TAYLOR. No; it is in the bank; that is, the balance now.
Chairman WALSH. Where do you want these mailed?
Mr. TAYLOR. Care Bureau of Immigration.
Chairman WALSH. Washington, D. C.?
Mr. TAYLOR. Washington, D. C.; yes, sir.
Chairman WALSH. Call Mr. Edsell.
Mr. TAYLOR. I am excused, then?
Chairman WALSH. You are excused now.
Mr. TAYLOR. All right, sir.

Chairman WALSH. You will please remain in attendance, Mr. Taylor. You are not excused finally. Just wait; we may recall you.

Mr. TAYLOR. Well, I have through transportation to Washington to-morrow?

Chairman WALSH. To what?

Mr. TAYLOR. To Washington City to-morrow morning. I had transportation and I had to cancel it on account of waiting for this.

Chairman WALSH. Well, now, couldn't you wire them and tell them this investigation is going on and we may want you?

Commissioner GARRETSON. Better detain him on formal subpœna.

Mr. TAYLOR. I am perfectly willing to stay.

Chairman WALSH. Well, just stay here, then.

Commissioner GARRETSON. Well, that furnishes justification.

Chairman WALSH. We expect to be through by to-morrow evening. That is our intention. We may want to call you any time in the meantime.

Mr. TAYLOR. Well, I am to remain until I am excused. There is a separate charge for canceling transportation.

Chairman WALSH. Is there? I didn't know.

Mr. TAYLOR. I got through transportation from Los Angeles and back this way.

Chairman WALSH. Well, it will be an excuse that you were kept here in attendance on this hearing.

Mr. TAYLOR. Every time you cancel, they charge you. It only comes out of the Government.

Chairman WALSH. I am sorry.

Commissioner GARRETSON. The Government will have to stand the money.

TESTIMONY OF MR. HARRY EDSELL.

Commissioner GARRETSON. Give your name and address.

Mr. EDSELL. Harry Edsell.

Chairman WALSH. You solemnly swear the testimony you are about to give in the investigation now going on before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EDSELL. I do.

Mr. BUSIEK. Your address.

Mr. EDSELL. 974 Asbury Street.

Mr. BUSIEK. Mr. Edsell, how long have you been connected with the Government service?

Mr. EDSELL. About 12 years.

Mr. BUSIEK. And prior to that what business were you in?

Mr. EDSELL. Newspaper enterprises.

Mr. BUSIEK. And where were you engaged in the newspaper business prior to the time you went into the Government service?

Mr. EDSELL. At the time I was appointed I was city editor of the Evening Telegram of Portland, Oreg., and publisher of the Pacific Drug Review of the same city.

Mr. BUSIEK. And at what posts have you served, Mr. Edsell?

Mr. EDSELL. I entered the service as a Chinese inspector at Port Townsend, Wash., in July, 1903. In December, 1904, I was promoted to the position of Chinese inspector in charge at Sumas, Wash. I remained there until June, 1909, when I was made Chinese inspector in charge of the enforcement of the Chinese-exclusion act on the Canadian border, with headquarters at Montreal. I was subsequently transferred to Washington, but before the transfer actually took effect—I mean while being occupied in the field as an investigator of personnel and smuggling rumors—I was transferred to San Francisco for the purpose of investigating the station, and was subsequently left here as assistant commissioner.

Mr. BUSIEK. How long have you been assistant commissioner, Mr. Edsell?

Mr. EDSELL. Since November, 1910.

Mr. BUSIEK. Mr. Edsell, I asked you informally last week to make a compilation of the number of Chinese entering the country for the last number of years. Have you done that?

Mr. EDSELL. I have.

Mr. BUSIEK. And also the number of applications as merchants, number of applications as students, the number of return applications, the number of ap-

plications to come in as sons of merchants. You have made compilations of that, have you?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Will you just hand them to the stenographer, so that they may be filed with the commission? (See Edsell exhibit.) Mr. Edsell, to what extent has smuggling of Chinese been carried on in this district? We want your estimate as closely as you can give it, and what is the manner?

Commissioner GARRETSON. Better get the confines of that district.

Mr. BUSIEK. Just give us the geographical boundaries of this district.

Mr. EDSELL. The present geographical boundaries are northern California and the State of Nevada, the line being the same in northern California as that of the judicial district. I don't believe I can tell you the exact outline of it myself now, but it conforms to the line of the judicial district.

Commissioner GARRETSON. What is the last port?

Mr. EDSELL. Well, it is an irregular line running from a point some distance north of Santa Barbara on the coast in a northeasterly direction until it comes out at one point within about 75 or 80 miles of San Francisco and then strikes almost directly east.

Commissioner GARRETSON. Well, the coast line is what I want.

Mr. EDSELL. Yes.

Mr. BUSIEK. Mr. Edsell, what are the various methods by which Chinese are smuggled in here?

Mr. EDSELL. In this district?

Mr. BUSIEK. Yes.

Mr. EDSELL. There are many of them. One, by means of incoming ships, as stowaways, usually with the connivance of the Chinese crew men on board the ships, and at times with the connivance of others on the ship. Also by means of small boats from Mexico coming up the coast, coming into this bay, coming into Monterey Bay, Half Moon Bay, those places that afford good landing places. Then indirectly into this district by means of the southern border, and freight cars coming northward, the ultimate destination being points within this district, and the unloading taking place within this district.

Mr. BUSIEK. What is the extent of smuggling, in your judgment?

Mr. EDSELL. Directly into this district I don't think that it runs into any very large number per year, but it is very difficult to estimate.

Mr. BUSIEK. What would you say about the southern California district, from your knowledge?

Mr. EDSELL. I think large numbers are smuggled from the Mexican border and into southern California by way of the water from Mexico.

Mr. BUSIEK. The handling of smuggling cases is now under Inspector Taylor, I believe?

Mr. EDSELL. Yes.

Mr. BUSIEK. And he has complete charge of that?

Mr. EDSELL. Yes.

Mr. BUSIEK. How long has that been?

Mr. EDSELL. Since—according to my best recollection, by the departmental order issued—since last March.

Mr. BUSIEK. How many men has he caught since that time in your district?

Mr. EDSELL. Only one that I have knowledge of.

Mr. BUSIEK. And how many men have been assigned from this district to him to assist him?

Mr. EDSELL. Permanently one, Inspector Chadsey, but at times as high as five and six.

Mr. BUSIEK. And what has been the occasion for such details of five and six?

Mr. EDSELL. When there were rumors of the northcoming of a boat from Mexico, telegraphed us from the southern jurisdiction, or telephoned us by the former inspector at Monterey, who is now under Inspector Taylor.

Mr. BUSIEK. And then you would send out men to watch the proposed landing places; is that the idea?

Mr. EDSELL. Yes; usually assigning them to temporary service under—directly under Mr. Taylor.

Mr. BUSIEK. Mr. Edsell, without going into the records, but where you have records of these transactions if you will indicate them so that we can later check them up, I want to inquire into the *Colima* incident, a boat which I believe has been seized by officers under you. How many Chinese were smuggled in on that boat?

Mr. EDSELL. My recollection is twenty some.

Mr. BUSIEK. And did you get the Chinese who were brought in?

Mr. EDSELL. Two of them.

Mr. BUSIEK. And the rest escaped?

Mr. EDSELL. Yes, sir. We caught the two several days after they entered, caught them as they were trying to get north on the train.

Mr. BUSIEK. Your office had knowledge of the coming of that boat, did it not?

Mr. EDSELL. Yes. The episode was the subject of correspondence for some time prior to the actual coming of it?

Mr. BUSIEK. Who was handling the *Calipso* case?

Mr. EDSELL. Who was?

Mr. BUSIEK. Yes.

Mr. EDSELL. The officers of the southern jurisdiction.

Mr. BUSIEK. Under Inspector Taylor?

Mr. EDSELL. No; before Inspector Taylor came.

Mr. BUSIEK. Before Inspector Taylor came?

Mr. EDSELL. Yes.

Mr. BUSIEK. Was there a man by the name of Mahin?

Mr. EDSELL. Main.

Mr. BUSIEK. Dave Mahin or Main; how do you spell his name?

Mr. EDSELL. M-a-i-n.

Mr. BUSIEK. A man by the name of Dave Main concerned in that?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. I will ask you whether or not it is a fact that Dave Main went down there for the purpose of pointing out the Chinese to the Fox Bros., the owners of the *Calipso*, and assisting in bringing them on to the *Calipso*?

Mr. EDSELL. That is our information.

Mr. BUSIEK. You got that information from confessions of the men who were caught?

Mr. EDSELL. Fox and Pittinger, who were connected with the transaction, who were captured and tried for the offense.

Mr. BUSIEK. Now, their confessions are to the effect, are they not, that they didn't know where these Chinese were but that Main did know, and that he was going to lead them to the Chinese or the Chinese to the boat?

Mr. EDSELL. That is my recollection of it; yes.

Mr. BUSIEK. Isn't there further evidence in their confessions that they would have abandoned this scheme had it not been for the fact that Main importuned them after they had promise of other employment, and kept importuning them until they agreed to go into the deal and go through with it?

Mr. EDSELL. Mr. Busiek, I am not sure just where that came to us, whether it came in the confession of Fox Bros., or whether Inspector Ainsworth got it from other sources and laid it before Commissioner Backus and myself, but it is in the official records as a statement—an official statement.

Mr. BUSIEK. What is Main, or who was he, before he got into the Government service?

Mr. EDSELL. I know very little about him.

Mr. BUSIEK. Well, he was known as a notorious smuggler, was he not, or had that reputation?

Mr. EDSELL. That is my impression, but I knew very little of the details of the *Calipso* matter up to the time that the controversy arose between the bureau and the San Francisco office, as to Inspector Ainsworth's status, and that brought out some things that brought more prominently to my attention some things that would not have come to my attention prominently otherwise.

Mr. BUSIEK. Mr. Edsell, isn't it a fact that Main and his crowd landed about 20 Chinese—or Main's crowd landed about 20 Chinese—while they were waiting for the *Calipso* to come up?

Mr. EDSELL. I scarcely think that would be accurate. My understanding of it is that prior to the time that Main engaged himself with the Government officers he was associated with a man named Garibaldi and another one named Bruner, my recollection is. And after Main became associated with the Government officers his efforts were directed toward allying himself with the Fox Bros. and their ambitions in the promotion of smuggling, then Bruno or Bruner and Garibaldi, while Main was engaging himself with Fox Bros., pulled off this other trick and successfully landed a bunch of Chinese in the southern district.

Mr. BUSHEE. Mr. Edsell, is it not true that the charge is frequently made, and probably not without foundation, that men like Main and other inspectors, and inspectors of like caliber, actually do help hatch conspiracies that result in bringing contraband Chinese into the country, and then turn on the Chinese they have conspired with?

Mr. EDSELL. That charge has been made at least four times to my knowledge.

Mr. BUSHEE. Has it ever been the basis of an official investigation by the bureau?

Mr. EDSELL. I can't say that.

Mr. BUSHEE. Has it been reported to the bureau?

Mr. EDSELL. Yes, sir.

Mr. BUSHEE. Give the names of the inspectors who were supposed to have been involved, Mr. Edsell.

Mr. EDSELL. I don't think I can do that at this time. I have a vague recollection of circumstances that were laid before the court in Detroit incident to some case that was before the court.

Mr. BUSHEE. Well, I know that case myself. Is there any other instance?

Mr. EDSELL. Another was one wherein an officer on the witness stand before the district court in Spokane, Wash., involved himself in such an undertaking, and my recollection is that the court ordered his arrest before he left the witness stand.

Mr. BUSHEE. Are there any cases pending recently, Mr. Edsell, that you have knowledge of?

Mr. EDSELL. Subsequently last January came the *Coalpeo* matter in which at the time the arrests of Main and the Fox Bros. and Pittinger—or rather one of the Fox Bros. and Pittinger—took place, we received just meager intimation that Main was not to be disturbed, he was not to be prosecuted. We don't know why; were not advised why, but gather from the situation which was laid before us that he was in good standing with the officers in some way. Finally we learned that he was actually in the employ of the Government, and then subsequently all of these other details to which you have referred, came out. Lately we have been called upon—well, to lay the foundation for this I will say that when Mr. Taylor was placed in charge of the smuggling investigations, we were admonished to extent him the fullest cooperation so that in pursuance of that admonishment whenever we were called upon of course we give him everything that we can. Well, lately we have been called upon to assign an inspector to meet a man named McFadden who came up here under Mr. Taylor's auspices from Monterey to expose certain circumstances in connection with a smuggling enterprise.

We assigned an inspector named Peabody to the duty, and under the information that we had he was to meet this McFadden, who was to present an official badge. Each inspector is provided with an official badge. And this McFadden was to carry one of those official badges and by it be recognized. Our inspector met him and was taken by him to meet a Chinese in Chinatown, and was told that he must represent himself as an owner of a big automobile that could probably carry 10 Chinamen; that a party—the idea was that a party of Chinese were to land at Monterey, and that this McFadden and this inspector were to lead these Chinamen to believe that they were going down with their machine to get the Chinese and bring them to San Francisco, and that, as a matter of fact, McFadden would play false with his associates and arrange for the arrest of the Chinese while they were en route from Monterey to San Francisco. Well, the morning following the filing of this assignment by Inspector Peabody, he protested against the assignment, and when the commissioner and myself understood his impressions of what he was to do incident to that duty, we agreed with him that it was improper that he should represent himself as a smuggler and play into the smugglers' hands and agree to participate in receiving of Chinese and making arrangements for receiving them. The commissioner and I talked the matter over and felt so keenly the position that we telegraphed the bureau and told them the situation, and that we were unwilling to assume the responsibility for such a policy unless the bureau itself absolutely directed it. That was about five or six days ago. We have had no reply to our telegram up to this time.

Mr. BUSHEE. Mr. Edsell, I want to get down right now to administrative problems there at the station that might affect Chinese smuggling. How many interpreters have you?

Mr. EDSELL. About 10 Chinese interpreters.

Mr. BUSHEE. And are interpreters under civil service?

Mr. EDSELL. No; not as a rule.

Mr. BUSIEK. How are they appointed, Mr. Edsell?

Mr. EDSELL. We have one interpreter and inspector, a combination position that is under civil service. That is Dr. Gardner.

Mr. BUSIEK. And how are the other appointments made?

Mr. EDSELL. Merely on proof of—well, merely on qualification and our recommendation for the appointment.

Mr. BUSIEK. Your recommendation; that is, the recommendation of Gen. Backus or yourself?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Have you the free power to remove incompetent interpreters?

Mr. EDSELL. No, indeed.

Mr. BUSIEK. You say no, indeed. Have you tried to remove any interpreters and been blocked?

Mr. EDSELL. Repeatedly.

Mr. BUSIEK. What interpreters, Mr. Edsell?

Mr. EDSELL. Well, for instance, Whoe Tong—W-h-o-e T-o-n-g.

Mr. BUSIEK. Any others?

Mr. EDSELL. Well, soon after I came here and during my investigations of the entire force, I succeeded in having one removed.

Mr. BUSIEK. Embert Lee?

Mr. EDSELL. No. Chan On.

Mr. BUSIEK. C-h-a-n O-n?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Have you ever tried to have any other officers removed and been blocked in the attempt?

Mr. EDSELL. Absolutely so.

Mr. BUSIEK. What influences held them their positions, Mr. Edsell?

Mr. EDSELL. Well, in instances I know that they had the influence of Congressmen and Senators.

Mr. BUSIEK. Mr. Edsell, what can you say about the Chinese inspectors of your district—the morale of them—is it good or bad in your judgment?

Mr. EDSELL. Well, I would say that the morale of the Chinese inspectors——

Mr. BUSIEK. Of the Chinese interpreters, I should say.

Mr. EDSELL. Oh, Chinese interpreters. I would say that there are several of them who are not at all desirable as inspectors, as interpreters. They don't speak good English. They are not of a class that I would choose for interpreters. But it should be understood that many of them have been in the service for years; in fact, I don't think that we have but two or three interpreters in the service at Angel Island who were appointed during my time here.

Mr. BUSIEK. Well, isn't it a fact that the longer a Chinese is in the service the more firmly he becomes entrenched and the more power he has among his countrymen in the event that he is dishonest?

Mr. EDSELL. There is no question about that.

Mr. BUSIEK. Now, Mr. Edsell, what is the pay that these interpreters receive, maximum and minimum?

Mr. EDSELL. Twelve hundred to fifteen hundred for exclusive interpreters. Of course, Inspector and Interpreter Gardner——

Mr. BUSIEK. He gets $6 a day, doesn't he?

Mr. EDSELL. He gets $6 a day for his unusual qualifications as a translator and interpreter.

Mr. BUSIEK. Now, Mr. Edsell, isn't it a fact that one of your interpreters by the name of Parks, Ed Parks, has two automobiles, one of them a Winton Six?

Mr. EDSELL. I know he has one. I don't know of the other.

Mr. BUSIEK. Isn't it a fact that it is current rumor and report and that you have heard it frequently and even had it brought to you when you were making an investigtion of Dr. Gardner that Ed Parks was mixed up in the Chinese slave traffic and that he was guilty of extortion?

Mr. EDSELL. There were charges made against him anonymously and perhaps under fictitious names as to dishonesty. I don't recall.

Mr. BUSIEK. Didn't Miss Cameron, just to refresh your recollection, tell you that she had heard of some things about Parks that she had heard about, namely, that he was interested in bringing over Chinese girls?

Mr. EDSELL. I believe she did.

Mr. BUSIEK. Yes. And haven't you heard a great deal about Parks being guilty of extortion. Isn't that current among the Chinese?

Mr. EDSELL. More about Parks than any other interpreter in the station.

Mr. BUSIEK. How about Chin Jack?

Mr. EDSELL. Some about Chin Jack, but not so much.

Mr. BUSIEK. Chin Jack is also generally known as partner in a lottery, isn't he; a Chinese lottery?

Mr. EDSELL. I can't say that he is generally known, but I don't think he himself would deny it, because it is too palpably true.

Mr. BUSIEK. Have you ever reported Chin Jack to Washington in that connection?

Mr. EDSELL. No.

Mr. BUSIEK. Chin Jack owns considerably property, does he not?

Mr. EDSELL. Appears so.

Mr. BUSIEK. And he appears to be quite a spender.

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Have you ever heard these stories about Whoe Tong?

Mr. EDSELL. Whoe Tong has disturbed me for a long time as to his tendencies and the probability that he was not playing altogether fair, but repeated complaints to the bureau were fruitless.

Mr. BUSIEK. Mr. Edsell, isn't it a matter of fact that it is practically impossible to get any Chinese to directly give testimony of corrupt dealings with an interpreter?

Mr. EDSELL. It is very difficult to get them to testify and more difficult to get them to make a statement which will show consistency one with the other.

Mr. BUSIEK. Mr. Edsell, you investigated Dr. Gardner, did you not?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. And you spent almost two years in that investigation?

Mr. EDSELL. A year and a half.

Mr. BUSIEK. Or a year and a half at least.

Mr. EDSELL. A year and a half.

Mr. BUSIEK. And there is no man in the service who has been so persistently the subject of attack as Dr. Gardner; isn't that true?

Mr EDSELL. I think that is unquestionably true.

Mr. BUSIEK. And he has been the subject of attack for some twenty-odd years that he has been connected with the United States Immigration Service, and was the subject of attack when he was connected with the British service; is that not true?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. And the nature of the complaints is the same in all instances, is it not; that is, the same general category of crime?

Mr. EDSELL. I found it to be the same story practically from 1883 to 1912.

Mr. BUSIEK. You investigated his record in Canada, did you not, and found that as a matter of fact the Dominion Government was so convinced of his guilt of dishonest practices and yet felt that his tracks had been so artfully covered that they could not make proof, so that they abolished the station at which he was employed for a short period of time just to get him out of the service, and then when he had gotten out of the service they reestablished the station; is that not true?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. And you found, did you not, that when he was in the service in Victoria that the newspapers, or a newspaper, made an attack on him, charging him with extortion, charging him with accepting bribes, charging him with being a member of the Highbinder Society and forming a criminal conspiracy, charging him with opening a rescue home for Chicago prostitutes, and that after he would get them into his rescue home he would sell them out to other houses of prostitution, and that those things were all published, and that Gardner never brought any action for libel either civil or criminal; isn't that true?

Mr. EDSELL. With some little amendment.

Mr. BUSIEK. Well, if I have forgotten anything, put it in.

Mr. EDSELL. The charge as to his handling these girls was he married them off to Chinese in the United States.

Mr. BUSIEK. Who used them as wives or put them into——

Mr. EDSELL. Yes.

Mr. BUSIEK. Into houses of prostitution?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Now, wasn't he also charged up there with—well, I will leave that, because that is a long time ago. Now, he came down to the United States

and got into the Immigration Service here in San Francisco ultimately. He was a member of—did you not find that he was a member of the Chinese Baptist Church?

Mr. EDSELL. Yes, sir; assistant pastor, I think.

Mr. BUSICK. Of the Chinese Presbyterian Church?

Mr. EDSELL. Yes, sir.

Mr. BUSICK. And did you not find that he was expelled from the church, or that action was taken compelling him to leave the church because the Chinese had said he was engaged in assisting in placing Chinese girls in houses of prostitution and other crimes of like nature?

Mr. EDSELL. Those were the charges made, although my investigations did not disclose any record evidence that he was actually dismissed. There were many statements made to the effect that he was dismissed, but it was unquestionably true that his parting with the church transpired after the filing of the charges and apparently as a result of that.

Mr. BUSICK. And such charges as I have detailed?

Mr. EDSELL. Yes, sir.

Mr. BUSICK. Isn't it true that that is practically the same story with the Chinese Methodist congregation here and his connection therewith?

Mr. EDSELL. The same.

Mr. BUSICK. Isn't it true that a Miss Cameron, who ran a Chinese Presbyterian home here and takes care of wayward Chinese girls and has a school, that she was Dr. Gardner's friend for many years, but ultimately became convinced he was engaged in assisting Chinese prostitution, and so told you when you made your investigation?

Mr. EDSELL. Yes, sir; she gave formal testimony to that effect.

Mr. BUSICK. And said she knew of a number of cases; that is, where she had been told that by the girls themselves?

Mr. EDSELL. She furnished some witnesses and pointed to others, some of whom I made a most earnest effort to get to testify and was not successful.

Mr. BUSICK. Isn't it a fact you interviewed many of the leading Chinese here of San Francisco, and that without exception they all mentioned or they all testified that Dr. Gardner's reputation was bad; that he was engaged in the Chinese slave traffic; that he had to be paid or was paid money in many instances for allowing Chinese to land; that he was a partner in crime with a noted smuggler; that he had frequent dealings with a noted Chinese gambling-house keeper?

Mr. EDSELL. Yes sir; he was frequently pointed to as an ally of a man named Woo Wai, who, while the investigation was in progress, was under indictment for conspiracy to smuggle Chinese. He was subsequently convicted and stands convicted to-day under a—according to my recollection—two years' sentence and $5,000 fine, and his case is on appeal. He was the most frequently mentioned in connection with Dr. Gardner, and, as you have said, there were many, many prominent Chinese who would tell of such a connection informally, but some of them would not testify. It is very difficult to get a prominent Chinese to testify at all.

Mr. BUSICK. Isn't it a fact, Mr. Edsell, he was also stated to have a connection with one Yee Mee, a noted gambling-house keeper here?

Mr. EDSELL. Yes, sir. Yee Mee is at the present moment an applicant before our office for indorsement as a native citizen of the United States, and we are fighting him to the utmost.

Mr. BUSICK. Wasn't he landed through Dr. Gardner's help, as a native born?

Mr. EDSELL. I am not able to say that.

Mr. BUSICK. Hasn't that been brought to your attention—Yee Mee's case?

Mr. EDSELL. I believe such a statement was made.

Mr. BUSICK. Mr. Edsell, did you find a single reputable Chinaman who didn't give Dr. Gardner the same name that he has been given in these questions? Did you find a single decent or reputable Chinaman who would have a good word to say for Dr. Gardner?

Mr. EDSELL. Well, I think there were some who did say that they had always been treated fairly by Dr. Gardner, and that they didn't have any thing to say, but their statements were rather negative than affirmative.

Mr. BUSICK. Isn't it a fact that Dr. Gardner's name and his supposed power strikes terror to every Chinaman in San Francisco?

Mr. EDSELL. They have fear of him, there is no question about that.

Mr. BUSIEK. Isn't it a fact that to-day there is not a Chinese in San Francisco who will dare operate openly against Dr. Gardner for fear of retribution that they feel he is able to bring upon them?

Mr. EDSELL. He has a remarkable reputation for reprisal, and it is unquestionably well founded, for the reason that throughout his history from 1883 to this day are to be found the corpses of official reputations.

Mr. BUSIEK. Of men who have dared——

Mr. EDSELL. Of men who have dared to oppose him.

Mr. BUSIEK. That is true not only in the United States, but also in Canada, is it not?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Isn't it a fact, Mr. Edsell, that in your investigation you took the testimony of probably as many as 50 witnesses, which you transmitted to the bureau at Washington, and that with the exception possibly of one or two men, every one of these witnesses spoke in no unmeasured terms of Dr. Gardner's corruption; of his participation in the slave traffic, and his friendship for Chinese of the Woo Wai and Yee Mee type, and that many of the Chinese gave specific instances of alleged cases of where he received money, running up into probably two dozen cases. Is that not true?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. And that record was transmitted by you to Washington?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. If that developed the fact that in your report you called attention to the many many discrepancies in corroborating testimony?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. These discrepancies concerned rather the time and place of payment rather than the amount involved or the chief particulars of the case, did they not?

Mr. EDSELL. Yes, sir; yet the discrepancies were so substantial that it was apparent that there was something wrong about the testimony. No two persons could have had real knowledge of the facts that they claimed to have knowledge of, and yet be so widely apart in their statements.

Mr. BUSIEK. Are not the discrepancies, or could not they be accounted for in taking this as a typical case: A Chinese by the name of Louis Quong, I believe, testified he had loaned a partner of his $400 to pay Dr. Gardner; that the money was paid under his very eyes at a certain time, and that he had a record of that transaction and kept it in an account book and produced the book; that when you went to his partner for verification, he admitted paying the $400, but said he didn't hand it to Dr. Gardner personally, but handed it to another man who took Dr. Gardner out and came back later and said that he had given it to Dr. Gardner. Now, the Chinaman knowing he had committed a crime by bribing Inspector Gardner, wouldn't it be expected that the Chinaman would try to shoulder the actual paying of the money off onto some one else who is now off in China. Wouldn't that be the way?

Mr. EDSELL. That is, yes, sir.

Mr. BUSIEK. Are not those discrepancies just such things as might be accounted for by such hypotheses? That when the man who did the bribing was brought before you, he generally admitted he paid the money, but said some one else had come to him and said it could be fixed and that he gave him the money and didn't know where it had gone to, but he had heard it got to Dr. Gardner?

Mr. EDSELL. Yes, sir. In one instance there was no substantial discrepancy, but the Chinese who told the story was of such disreputable association that it was difficult to reach a verdict of guilty on that one case alone. That was the case of Wong Yee Yen, the old Chinese doctor.

Mr. BUSIEK. Is he also known as an opium smuggler?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. But that Chinese kept an account book in which he had entered he paid Pah Wah Johu——

Mr. EDSELL. That means White Talk.

Mr. BUSIEK. That is Gardner's alias in Chinatown?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. He had that entry that he had paid him $250 on that date?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. And that entry was made in an account involving the bringing in of Chinese prostitutes, is that not true?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Did you satisfy yourself that it was not an afterthought or insertion?

Mr. EDSELL. That would have been almost impossible from the context in the book.

Mr. BUSIEK. Did you take a photograph of the page and transmit it as an exhibit?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Then there was another instance, was there not, of a Chinese who testified to having seen a noted Chinese character known as a smuggler and an opium dealer, hand Gardner a handful of $20 gold pieces over in Oakland one night; is that not true?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Did you find any discrepancy or anything that militated against that statement, except the man's reputation who made it?

Mr. EDSELL. That story had no confirmation or substantiation at all. That simply was his story and was to be accepted for what it was worth.

Mr. BUSIEK. But didn't that rather confirm the stories that had been going the rounds and been so persistent that Dr. Gardner used to go over to Oakland and do his collecting?

Mr. EDSELL. Yes, sir; it would have a tendency to confirm the alleged situation which existed.

Mr. BUSIEK. Mr. Edsell, what is the effect of Gardner's connection with the service upon the Chinese population of San Francisco, as to whether or not it makes it easy for any dishonest or corrupt Chinese interpreter to graft?

Mr. EDSELL. The Chinese have often said to me: "Why don't the Government get rid of Inspector Gardner?" And my uniform answer has been: "Why don't the Chinese furnish proof for what they allege is true?" Well, that is the only answer that can be made.

Mr. BUSIEK. They made a supreme effort in the case of the investigation you made, didn't they?

Mr. EDSELL. Yes, sir; or rather I made a supreme effort to get it.

Mr. BUSIEK. And the information which you got was not the information of people who had a grudge against Gardner, which they were volunteering, but was rather information you had to go after and wring out of them, is that not a fact?

Mr. EDSELL. In some instances, and in other instances it was quite apparent there was some animus.

Mr. BUSIEK. Can you remember any specific instance of any witness that had apparent animus?

Mr. EDSELL. I don't feel that Louis Quong felt kindly toward Dr. Gardner, yet I am not able to say why. I discovered no such animus behind the testimony of Wong Yee Yin.

Mr. BUSIEK. Or Tom Way?

Mr. EDSELL. Or Tom Way. There was no animus behind his testimony, he was honestly desirous of being able to do anything he could to help me in my investigation, purely for the benefit of the service, in which he felt some interest by reason of his former connection with it.

Mr. BUSIEK. Mr. Edsell, does Inspector Gardner have the grading and rating of Chinese interpreters at this station directly under his control?

Mr. EDSELL. Well, there never has been any grading or rating but once.

Mr. BUSIEK. Well, who made that?

Mr. EDSELL. Dr. Gardner.

Mr. BUSIEK. And Gardner, of course, is conceded to be an A No. 1 Chinese student and scholar, is he not?

Mr. EDSELL. Yes, sir; I don't think there is any doubt but that he is the peer of anybody in the United States in his knowledge of Chinese, both colloquial and written.

Mr. BUSIEK. Mr. Edsell, I would like you to give the commission some idea about the reliability of Dr. Gardner.

Mr. EDSELL. Dr. Gardner is a capable, polished suave official. He is a most pleasing personality, and employs that attribute to the very best advantage in making friends, but he undoubtedly possesses the cunning and designing tendencies of the oriental. He is unforgiving in his dislikes, and given to reprisal in every instance where his ambitions are opposed. He has visited many persons with various forms of reprisal, and I have every reason to believe he was

planing reprisal against me when I was making my investigation. He has the capability and experience and knowledge to be one of the most valuable men in the service.

Mr. BUSIEK. Well, is he valuable to the service, with his reputation?

Mr. EDSELL. That was what I felt it was up to the department to judge. I worked hard, worked conscientiously and I hope I worked fairly to try to get before the department everything that would lead to an intelligent judgment of whether he should remain in the service. I was charged with the investigation of and recommendation on certain specific charges involving integrity. I investigated those specific charges and went a great deal farther in reaching out as to correlative charges that were made on his integrity—against his integrity. I could not get positive proof that he had been guilty of dishonesty, but incidents I presented could have been the basis for any kind of administrative action which they wanted to take, and in that record which was furnished I would not have been one bit surprised if they had summarily dismissed him from the service as an administrative expedient.

Mr. BUSIEK. Well, in fact, were you not surprised that they didn't?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. Mr. Edsell, have you ever heard of any man who has ever had as much hurled at him as that who was entirely innocent? If an innocent man, wouldn't his record be unique and absolutely unparalleled?

Mr. EDSELL. Well, of course, that is placing me in a pretty hard position, to give an opinion on that point. The record was a very bad one.

Mr. BUSIEK. Mr. Edsell, to get off onto an entirely different subject: You are familiar with the proposed bill Commissioner Weinstock took up with you, which would reregister the Chinese, a bill designed to enable the easy identification of Chinese now in the country, and also to enable easy identification of Chinese who may subsequently come in and come in unlawfully, enabling the Immigration Bureau to effect their deportation. I want you to briefly discuss with the commission your ideas of the proposed bill. I have asked you to formulate your ideas, but you can tell them in your own way now.

Mr. EDSELL. I do not believe I have seen the bill as it was finally prepared. Did I, Mr. Weinstock?

Commissioner WEINSTOCK. I am not altogether sure of that, Mr. Edsell. I have never seen Mr. Harrington's draft. Well, it is a bill, I have got an abstract of the salient paragraphs here. You have a copy of it, haven't you, Mr. Busiek?

Mr. BUSIEK. Mr. Edsell, the things we discussed were the feasibility of reregistration, whether or not under the law the Chinese would reregister if given that opportunity, or whether or not they could be compelled to reregister.

Commissioner WEINSTOCK. Sections 5 and 5½ of the proposed amended bill [handing paper to Mr. Edsell]. You can run it over and comment upon it as you go along, if you like.

Mr. EDSELL. I do not believe it would be possible for me to express an intelligent opinion of this proposed bill without a careful consideration of every phrase on it.

Commissioner WEINSTOCK. The idea, Mr. Edsell, if you will pardon the interruption, is not so much to get your opinion as to phraseology, but to get your opinion on the salient points, whether the method in mind in your judgment is a good or bad one: First, the idea of reregistration, making it compulsory on all laborers, voluntary on all members of the privileged classes; second, the idea of having inspection squads, which I think you will recall was your suggestion, to check up the Chinese all over the country at stated periods after the period of registration has expired. Those are the two points we would like to discuss. The mere phraseology would be a question of getting a trained attorney to work it out.

Commissioner O'CONNELL. The details could be worked out afterwards?

Mr. EDSELL. Yes. Of course, in glancing over it I see such things as "Not less than $500 as bail bond."

Commissioner O'CONNELL. That is a detail.

Mr. EDSELL. That does not involve phraseology, but it involves a knowledge of what would happen with a $500 bond. It doesn't amount to that [snapping fingers]. It should not be less than a thousand.

Commissioner WEINSTOCK. I see. The details we can take up later. First, we want to get at the weak spots, if any, in the salient points.

Mr. EDSELL. As to the proposal for the reregistration of the Chinese, I was particular in the discussion of the matter to be—to observe several very serious difficulties in the way. Reregistration would be of no value unless you could secure practically unanimity of action on the part of the Chinese. The difficulties in the way of securing unanimity of action are: That you have the native Chinese to deal with, and also the Chinese members of the exempt classes. It is quite apparent that you could not force the native to register unless it be through a police measure, and the exempt, while he might be forced to register, some of them would not register if it was merely left to their own election. I think, therefore, to secure reregistration, or to pass a reregistration act, to make it successful, you must have the power behind it which will secure practically unanimity from the Chinese; otherwise, it would be a lot of effort and money for nothing.

Commissioner WEINSTOCK. While you are on that point, Mr. Edsell, let me invite you opinion on this phase of it: Granting that if there was no compensation attached to reregistration, but those that belong to the privileged classes would have no incentive to register, and as a rule, perhaps, would not register, and in view of the fact that there is a compensation attached to reregistration on the part of the privileged classes, is it or is it not likely that the privileged classes as a rule would avail themselves of the privilege of reregistration. The compensation, as I take it, is this: Under the present system a privileged Chinaman leaving or returning to this country is subjected to more or less annoyance, delay, and vexation by the authorities. Once registered he is furnished with a certificate, which, without annoyance or delay or vexation, permits him to travel to and fro as does any citizen of the country. Will not that compensation be a very great inducement for the members of the privileged class voluntarily to register?

Mr. EDSELL. I think it would unquestionably. I do not mean to say that if you were to give to the Chinese such compensation as you have pointed to, but make it fully and thoroughly understood among them that those compensations were offered them for reregistration, I do not mean to say that they will not register, but I merely mean to say that unless you did secure unanimity of registration it would not be a success. I really believe that if you were to offer the Chinese that freedom of movement that would come with that registration and the privilege of departing and returning to the United States unhampered, except as to the presentation of the certificate, the compensation is a great one, and would undoubtedly prove attractive to them. Then if those compensations were coupled with a real effort on the part of the men who did the reregistering, to make it thoroughly understood, carefully understood, so that they would not get erroneous ideas of it, as you know they are prone to get, I have no doubt that reregistration could be accomplished.

Commissioner WEINSTOCK. Did you see the communication that Ng Poon Chew sent me in that connection?

Mr. EDSELL. Not the last one. I heard about it, though.

Commissioner WEINSTOCK. For your information, let me read it, as it may throw additional light upon the situation. You will recall, Mr. Edsell, that at our last conference held in my house at which you, Dr. Chew, and I were present, the program was that this matter was to be submitted to the representative of the Chinese companies, the Chinese Chamber of Commerce, and that he was to explain it to them, and that we were to send him a draft of the amended proposition, which amended proposition was sent [reading]:

"Your favor inclosing proposed act was duly received and carefully noted. I have had also several pleasant discussions with Judge Harrington on the same subject.

"The draft of the bill is agreeable to me, and I think it ought to be adopted and agreed upon by the Chinese people. The whole thing is now in the hands of Mr. McNab, and the Chinese people will not discuss about it until a report is had from Mr. McNab. I am sorry that I shall not be here at the time of the discussion by the Chinese people, but I think it will be favorably received when it does come back to them for action."

Mr. EDSELL. That makes it apparent that the Chinese can be won over if they thoroughly understand it as Dr. Chew does now. And you will also recall that he was prone to get misunderstandings of the purpose.

Commissioner WEINSTOCK. No. He didn't have a misunderstanding of it. He understood it perfectly, but he was opposed to the feature which made registration on the part of the privileged classes. When that objection on his part was removed——

Mr. EDSELL. He fell in with it.

Commissioner WEINSTOCK. He favored it, as you see. Now, the other idea that the proposed legislation covers is the one of having inspection crews, who are to check up at regular intervals throughout the country. We would be glad to get your judgment on that point. For your further information, it should be stated that Mr. Taylor in testifying this morning frankly admitted that a Chinaman once in the country is practically safe, because there is no effort to check them up. And I gather further from his testimony that instructions had been received from headquarters that they were not to be molested in any way, the Chinese generally were not to be molested in any way, which practically means that once here they are here for keeps.

Commissioner O'CONNELL. That is the information we have got.

Commissioner GARRETSON. Was it headquarters, or issued locally in this territory?

Mr. BUSIEK. I do not know of any order. It is done, all right.

Commissioner O'CONNELL. It has been admitted by all who have come before us in connection with this question in all the cities we have held the hearings, that once a Chinaman gets in, there is practically no way to get him out.

Mr. EDSELL. That is a condition, not an instruction. There is no instruction to not arrest Chinese, nor to not check them up. There have been instructions at various times which could easily be interpreted to mean that.

Commissioner GARRETSON. It is evidently a different interpretation then, because the statement was made here, under oath this morning, that on coming into this territory that he had been confronted with an executive order, I think was the phrase he used, not to disturb Chinamen, and that it was formally withdrawn afterwards by an order which was framed by him and another person named, and received after that the approval of the Commissioner General. Am I quoting him correctly?

Commissioner WEINSTOCK. I think so.

Commissioner GARRETSON. In general terms.

Mr. EDSELL. The San Francisco office has no knowledge of any correspondence or orders.

Commissioner WEINSTOCK. But the fact remains, does it not, that the Chinaman once in this country is reasonably safe and his chances of deportation are remote?

Mr. EDSELL. Yes. If you would like to see, I have here, I am quite sure, a report we made three or four years ago to the bureau on the conditions which existed in that direction.

Commissioner WEINSTOCK. You could file a copy of your report with us, Mr. Edsell.

Mr. EDSELL. It is not long.

Commissioner O'CONNELL. Give us the number and we can get it.

Mr. EDSELL. Just a paragraph in a letter.

Commissioner WEINSTOCK. That is all right.

Mr. BUSIEK. Mr. Edsell, I would like to ask you one question. Should the Chinese be allowed to reregister, what would be the effect upon the number of applications for admission as sons of merchants?

Mr. EDSELL. Well, it would undoubtedly tend to increase.

Mr. BUSIEK. Markedly or otherwise?

Mr. EDSELL. The number of such applications by reason of the fact that it would legalize the residence of some of those who are afraid to come forward now.

Mr. BUSIEK. Thousands of them, isn't that true, Mr. Edsell?

Mr. EDSELL. Well, I am not able to say, but there would undoubtedly be quite a number. But it must also be remembered that those very men who now—who would come in under that reregistration are now accomplishing much the same purpose by other subterfuges—or by subterfuges such as becoming merchants, and after a couple of years they come forward as merchants and qualify. Others come forward and try the native game, fix their status as natives. But, of course, beyond that there are undoubtedly a considerable number, how large I can not say, who have not had the temerity to come forward and make any claim at all. They are satisfied to rest quiet and say nothing.

Commissioner GARRETSON. What is the status——

Commissioner WEINSTOCK. What would happen to them if they were followed up by a checking-up crew?

Mr. EDSELL. Well, there would be a number of things happen. First, if the Chinese who are now in the United States were kept constantly moving, the value of their residence would drop. A man could not keep his employment. He must be undisturbed to keep his work going, and unless he can keep his work going he can't pay for his smuggling, and if he can't pay for his smuggling, down goes the price of smuggling. You let an arrest crew visit Chinese communities unexpectedly, not periodically but unexpectedly, let them jump from one district to another, let it not be known where they are going next.

Commissioner GARRETSON. Outrun the methods of transmission that maintain among the natives.

Mr. EDSELL. Yes, in some way; and let them quietly go around and check up Chinese. They don't have to go through it completely, because the very fact that they were doing it at all would render the residence of all who were there unsafe and uncertain.

Commissioner GARRETSON. Yes.

Commissioner WEINSTOCK. You mean so far as the contrabands are concerned it would create a reign of terror?

Mr. EDSELL. Yes, exactly. They would move. That is their way of doing. They get out bag and baggage. They don't merely go into hiding some place, they get out, get clear out. Well, that course of procedure would render their employment unsteady, would render their incomes unsteady, and would ultimately do away with the incentive to Chinese smuggling.

Commissioner GARRETSON. Take the profit out of the business.

Mr. EDSELL. That to-day is the profit that there is in it. You can have an army on the border, but you can't keep them out.

Commissioner GARRETSON. What is the status of the penny merchant to-day, the Chinaman in the country, does that affect him in any way, is he as a merchant any more free to remain than a laborer?

Mr. EDSELL. Oh, absolutely, absolutely safe.

Commissioner WEINSTOCK. Now, this thought comes to me, Mr. Edsell. Isn't it a fact that the instances are very rare where a Chinaman of his own volition would attempt to smuggle himself into the country, that as a rule it is handled as a business by professional smugglers to make a profit out of it?

Mr. EDSELL. Always.

Commissioner WEINSTOCK. Very well.

Mr. EDSELL. There are rare exceptions.

Commissioner WEINSTOCK. The science lies in taking away the profit; that if the profit could be taken out of the game the smuggling would die. Now, with that end in view, this further suggestion was made by an attorney who had had a good deal of experience in Chinese matters in Boston, that the contraband Chinaman when caught should be penalized. He pointed out that now all that happens to him is that he is deported, and if in addition—but if before deportation he was subjected to imprisonment, that that would have a further important deterring and restraining influence. If the Chinamen understood, as they would very quickly, that an attempt at smuggling themselves into the country meant all of these things—first the physical hardship and privation; second, the expense; third, the uncertainty of being permitted to remain here; fourth, the certainty that if they are caught they will not only be deported, but also imprisoned in advance of their deportation; that that combination of penalties would tend to in time wipe out the whole industry?

Mr. EDSELL. Yes; perhaps imprisonment would have an additional fear for them.

Commissioner O'CONNELL. Now, Mr. Edsell, will you take the proposition as we have it there and give it close analysis and criticism and write us your opinion upon it based upon your experience, and in addition give us your opinion of the present laws and what remedies might be made of the present laws—regardless of this idea—the present immigration law?

Mr. EDSELL. Yes; you mean Chinese law?

Commissioner O'CONNELL. Chinese; oh, yes; exclusively Chinese. So that we would have both your opinion on that and your opinion on the other. We have had some suggestions as to the present law outside of this, as to what might be done to straighten the present method of conducting the business. If you will do it at your leisure and send it to headquarters in a brief time, I think the commission will be grateful.

Mr. EDSELL. Very glad to.

Commissioner O'CONNELL. I want to get into the record Mr. Gardner's nationality.

Mr. BUSICK. We have that in the form of a report.

Commissioner O'CONNELL. Well, I want it in the record. What is his nationality?

Mr. EDSELL. Dr. Gardner is the fruit of a marriage between a half-breed Chinese woman and a white father.

Commissioner GARRETSON. Do you know what race the father was?

Mr. BUSICK. He was an American.

Commissioner GARRETSON. American?

Mr. BUSICK. Yes.

Mr. EDSELL. He was an American allegedly descended from an old family of Salem, Mass.

Commissioner GARRETSON. The marriage took place in China?

Mr. EDSELL. Yes, sir.

Commissioner GARRETSON. The woman was what was known in that country, in the East as an Eurasian.

Mr. EDSELL. Yes.

Commissioner WEINSTOCK. Half-breed.

Commissioner GARRETSON. Half blood; that is, child of a white father and a native woman.

Mr. EDSELL. Yes; that is right. She was the fruit of a marriage between a German and a Chinese. And she is living here in San Francisco to-day.

Commissioner WEINSTOCK. Does she live as a Chinese woman—follow the habits and customs of the Chinese?

Mr. EDSELL. No; not now.

Commissioner WEINSTOCK. She dresses European fashion?

Mr. EDSELL. Yes, sir. I never saw her until on the occasion of Dr. Gardner's daughter's wedding about—well, in June.

Commissioner O'CONNELL. I want to get in the record for purposes of precedent——

Commissioner GARRETSON. You might as well make it complete. Is he wedded to a white woman?

Mr. EDSELL. Yes, sir. He married a British Columbia lady.

Commissioner GARRETSON. Is there any other matter? Have you any further requirements from Mr. Edsell?

Mr. BUSICK. No.

Commissioner GARRETSON. You will be excused from further attendance.

The commission will stand adjourned until 9 a. m.

Commissioner WEINSTOCK. Nine a. m?

Commissioner GARRETSON. Yes.

Commissioner WEINSTOCK. Sharp?

Commissioner GARRETSON. Yes.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until the following day, Saturday, September 5, 1914, at 9 o'clock a. m.)

SAN FRANCISCO, CAL., *Saturday, September 5, 1914—10.15 a. m.*

Executive session continued per adjournment. Present, as before.

TESTIMONY OF MR. FRANK H. AINSWORTH

Chairman WALSH. You may proceed, Mr. Weinstock.

Commissioner WEINSTOCK. Have you received a copy, Captain, of the proposed——

Chairman WALSH. Have the captain state who he is.

Commissioner WEINSTOCK. I think the reporter has got that.

Mr. AINSWORTH. Frank H. Ainsworth, inspector in charge, Immigration Service, San Francisco.

Commissioner WEINSTOCK. Have you seen a copy, Captain, of the proposed changes in the Chinese immigration law that has been submitted to this commission?

Mr. AINSWORTH. Why, I saw a draft which was somewhat of an elaboration upon a draft that I made and which was introduced by Mr. Baker, known as House bill 2183, and the draft which I have seen embraced a part of that bill and also a number of changes.

Commissioner WEINSTOCK. Well, the two important changes in the proposed amendments are these, first, that all the Chinese in this country be called upon to reregister.

Mr. AINSWORTH. Yes.

Commissioner WEINSTOCK. Allowing them, say, six months' time to so reregister, this reregistration to be compulsory on the part of Chinese laborers and optional on the part of the exempted and privileged Chinese.

It further provides that at the end of six months there shall be inspection crews appointed by the Secretary, each crew to consist of an inspector, interpreter, and stenographer; that those crews are to specialize on checking up Chinese all over the country; under the direction of the Secretary, they are to drop into communities at unexpected times, and to follow up every case of a Chinese laborer who is unable to show his certificate.

It has been pointed out that the weak spot in that proposition lies in the fact that it is made optional with the privileged classes to register, and since, under the law, it is not possible to make it compulsory that that might leave a wide-open door. The answer to that criticism has been that the compensation, the inducement for the privileged members to register are such that there is very little likelihood that they will, as a rule, not register, because the possession of the certificate will make it possible for them to leave this country and to return without delay, without inconvenience, without expense, without the annoying and vexatious conditions that now surround their going and coming. Those are the two prime proposed changes, having in view the minimizing of smuggling; with the further suggested amendment that in addition to deporting the contraband when caught, they should be imprisoned as well, so as to make the conditions so that there would be still greater restriction imposed on the part of the contraband to attempt to enter the country.

Now, the commission will be very glad to get your criticism of those proposed changes and to get such other suggestions as you may have that would still further minimize the possibility of smuggling.

Mr. AINSWORTH. The matter of dealing with smuggled aliens is of course an administrative matter, and inasmuch as the law prohibits the admission of certain classes of aliens, I may say, parenthetically, that it is evidence pointing to the integrity and effective administration of the Immigration Bureau that this law is so well administered that they have had to have recourse to smuggling—that is, surreptitious entry. Smuggling is a lucrative employment by reason of the amount of money that, especially Chinese, are willing to pay to be landed into the United States, and the ease, owing to natural conditions, with which it may be accomplished. There is no great physical difficulty in bringing a group of men from Mexico, where it is legal for Chinese to be, to the United States by water. I know of a man who went in a rowboat from Ensenano to San Diego. The water was comparatively smooth and he had no trouble with the elements, so that we have that incentive. I think that the Chinese themselves in China contract to pay as much as $1,000 for safe delivery in the United States, and I believe that the commercial attractiveness of it, as far as the smuggling into the United States is concerned, is very high. I remember on one occasion we captured a boat at Half Moon Bay, a boat about 50 feet long, that had on board 40 Chinese. We have at this harbor two steamers, the *Yale* and the *Harvard*, and I venture to say that the trip of this boat was more profitable to the owner than any trip of the *Yale* or the *Harvard*, because I understand that they received about $300 apiece; that would be $12,000 for that one transaction. It is true we captured the owner and master and engineer, and they received imprisonment of about a year each, and they lost the boat.

Commissioner WEINSTOCK. What was the value of the boat?

Mr. AINSWORTH. I was going to say, taking the value of the boat at $2,500 and taking a year's imprisonment in the Alameda County Jail, at the end of the year—I don't think they greatly suffered by the year's imprisonment; they were hardy seafaring men that did not have the standing in the community that the imprisonment bothered them much—at the end of the year they were ahead eight or nine thousand dollars on that transaction. That makes it an attractive feature, and as long as that attraction exists it seems to me there will be a constant effort on the part of those who are waiting to make a little easy money, if I may use the term, to resort to Chinese smuggling.

This bill I referred to provides for the registration of all Asiatics in the United States, laborers and nonlaborers.

Commissioner WEINSTOCK. This printed bill you have before you?

Mr. AINSWORTH. This is the bill that is already before the House.
Commissioner WEINSTOCK. When was it submitted?
Mr. AINSWORTH. It has been submitted.
Commissioner WEINSTOCK. When was it submitted to the House?
Mr. AINSWORTH. Introduced in the House April 10, 1913.
Commissioner WEINSTOCK. That is a year and a half ago.
Mr. AINSWORTH. Yes, sir; I would be glad to furnish a copy.
Commissioner WEINSTOCK. Can you conveniently locate the paragraph in regard to registration?
Mr. AINSWORTH. Yes, sir.
Commissioner WEINSTOCK. Will you read it?
Mr. AINSWORTH. Section 18, page 32, line 9. House bill 2138, Sixty-third Congress, first session. I read:

"That upon the passage of this act the Secretary of Labor shall direct the Commissioner General of Immigration to cause a registration of all Asiatic laborers now residing in the United States and issue to them a certificate of residence irrespective of the time or manner of their entry into the United States."

That gives them a blanket—all these people are blanketed.

"He shall further cause a registration of all Asiatic persons now in the United States other than laborers and issue to such other persons a certificate of residence irrespective of the time and method of their entry into the United States. Asiatic residents of the United States who are not eligible to citizenship thereof may return to their native country for purposes of business or pleasure without being compelled to show property interests"—I will say that that relieves a condition which we—a hardship—which we now believe exists in that a laborer must shown a thousand dollars' worth of property, which frequently he does not do and it is rather an incentive to perjury—"and under such regulations as the Commissioner General may from time to time promulgate for the purpose of their proper identification. All Asiatics found within the United States and to whom certificates of residence shall be issued under the provisions of this act may be joined by their wives and minor children 16 years of age."

That is the registration provision. That is followed by a provision of deportation which is an elaboration of and supplemental to the present deportation provision.
Commissioner WEINSTOCK. By whom has that been introduced?
Mr. AINSWORTH. By Congressman Raker.
Commissioner WEINSTOCK. What are the Congressman's tendencies; are they pro or anti Asiatic?
Mr. AINSWORTH. Congressman Raker?
Commissioner WEINSTOCK. Yes.
Mr. AINSWORTH. I think Congressman Raker is anti-Asiatic.
Commissioner WEINSTOCK. Anti-Asiatic?
Mr. AINSWORTH. Anti-Asiatic.
Commissioner WEINSTOCK. Well, now, digressing for a moment, how could he under that proposed provision compel the native-born American Chinese or the privileged classes to register?
Mr. AINSWORTH. I don't think it contemplates native-born. They are citizens of the United States, and this refers to Asiatics.
Commissioner WEINSTOCK. Well, how can he, under the treaty, compel the privileged classes to register?
Mr. AINSWORTH. I doubt very much if they can be compelled.
Commissioner WEINSTOCK. They have certain treaty rights that must be respected.
Mr. AINSWORTH. I will say this: I have heard that the exempts object to registration. As a matter of practical experience, they register all the time. I will say that substantially all the exempts that we have to deal with in San Francisco, merchants, scholars, teachers—all come to us for a certificate of residence, or certificate of identity, which is registration.
Commissioner WEINSTOCK. Exactly. Now, you don't apprehend, then, any difficulty in getting the privileged classes under the proposed amendment that had been suggested to this commission, you don't apprehend any difficulty in having them register?
Mr. AINSWORTH. I think they in a very short space of time, on their own motion, would be glad to be registered.

Commissioner WEINSTOCK. And that the legality of their registering when it is left optional with them would be even greater than if it is made compulsory?

Mr. AINSWORTH. I think that is very true.

Commissioner WEINSTOCK. Then does the idea of registration meet with your approval?

Mr. AINSWORTH. Unqualifiedly; without qualification.

Commissioner WEINSTOCK. You are in favor of it?

Mr. AINSWORTH. Yes, sir.

Commissioner WEINSTOCK. Now, are you in favor of the idea of these inspection crews?

Mr. AINSWORTH. As you have outlined it, for administrative reasons, with certain limitations. For instance, here is a jurisdiction under the commissioner of immigration at the port of San Francisco which takes the State of Nevada and a portion of the State of California north of what they call the Tehachapi. I believe that any activity in immigration matters should be properly under the commissioner of immigration at this port, for the reason that in the crew that you have outlined there is one very important element lacking, and that is taking care of the case after he has been arrested and the writ issues.

We find in San Francisco that in almost every immigration case, and especially Chinese cases, there is an application for a writ of habeas corpus when the Secretary has ordered deportation. Of course, the Supreme Court has held that when the Secretary has passed upon those cases, they are closed to the court except it can be shown that there has been an unfair hearing or there has been an abuse of discretion. Well, that is so wide that very frequently judges feel, they feel at least that they must enter the application for the writ. And even if they don't, I have now in my desk 75 cases where deportation has been ordered, and application has been made for writ of habeas corpus, the district court has denied the application, and appeal has been taken to the United States Supreme Court or the circuit court of appeals, and those things go on for two or three years. So that in the crew that you refer to, unless that crew was a component part of the administrative entity of this particular jurisdiction, there would be apt to be confusion and some lost motion, I think, in their work.

Commissioner WEINSTOCK. Well, now, the details under this proposed amendment are left to the Secretary. This amendment simply outlines a general scheme, and the rest is left to the Secretary to carry it out in accordance with his best judgment and with his experience, so that it would be a matter for the department to determine, you see. It was not deemed wise and expedient to have the bill cover every possible contingency and every possible detail. We had sufficient confidence in the department to believe that they could work that out better than we could for them.

Mr. AINSWORTH. That would have this effect: It would have the effect of rendering unsafe any man who in China had contracted to pay $1,000, or whatever the sum might be, for his delivery in the United States after that delivery could have been accomplished, and these arresting crews would render his tenure unsafe, and that would go a long ways toward preventing smuggling. But this situation has been growing for years, and I have thought in order to deal effectively with it, that is only one character of work that is necessary to stop it. I think that there are three elements involved: First, the safety of the man when he gets here; second, a reasonable supervision of the method by which he comes, and I think that that probably is not altogether a function of a peace branch of the Government. We have an institution called the Revenue-Cutter Service, and when the collector of the port calls upon—finds any violation of navigation laws he calls upon the Revenue-Cutter Service to assist him in correcting it.

I think that the Revenue-Cutter Service has the same relation to the other branch of the Government. If a vessel should come from China, Australia, or any place, any large steamer, the immigration people would not be expected to take the matter up; because, first, there is the quarantine laws, the health laws, all under the administration of the collector. And as a matter of technical fact the Chinese who may come on a steamer do not come in violation of law until they are attempted to be landed. So that I think some supervision of the means by which they come in would be also necessary to work in hand with these arresting crews after they get here.

Commissioner WEINSTOCK. Now, will you formulate that in the nature of written suggestions, Captain, and let us have it?

Mr. AINSWORTH. I should be glad to do so; yes, sir.

Commissioner WEINSTOCK. And what other suggestions occur to you in this suggestion that you think would be helpful to the commission?

What is your judgment on the suggestion that has been made to the commission that contrabands after having been caught shall not only be deported but shall also be imprisoned?

Mr. AINSWORTH. I don't think I would favor that. Deportation is pretty salutary. I can't help, in my position as an officer, I can not help but having some humane feeling for those people. Those people are not at all times here because of their own wishes. They are very frequently the victims of exploiters, people in China holding out glowing accounts of things to present to them, of their roseate future in the United States, and I think that deportation is pretty severe. I have noticed a great many aliens, and I have seen they fear deportation more than they do a short imprisonment. I believe that deportation is as far as we ought to go with Chinese unless they commit some crime against the peace.

Mr. BUSIEK. Mr. Ainsworth, will you please tell the commission about the efforts that are being made in this district to stop smuggling of Chinese by water?

Mr. AINSWORTH. At the present time?

Mr. BUSIEK. Yes.

Mr. AINSWORTH. At the present time the efforts are largely confined to Insp. Taylor and his assistant, Mr. Chadney. Up to along in March or April of this year the smuggling of Chinese was under the direct care or supervision of the commissioner of immigration. But at about that time there was a change in administrative order, and Mr. Taylor was placed in practical charge of that character of work. We cooperate with him; where we hear of any Chinese smuggling we notify Mr. Chadney. We do not usually have Mr. Taylor's address, but Mr. Chadney is stationed at Monterey, and we promptly advise him of any information of that sort, and we also notify the bureau, the collector of customs, and the commanding officer of the Revenue-Cutter Service, the tribunal where the smuggling is supposed to be by water. And I think since Mr. Taylor has had charge of the work here the only arrest and deportation that has been accomplished is upon information furnished by the commissioner's office in San Francisco, in case of a man who came in and who was captured at Vallejo.

Mr. BUSIEK. To what extent in your judgment is smuggling carried on by water?

Mr. AINSWORTH. Very extensively.

Mr. BUSIEK. What in your judgment is the best way to stop it?

Mr. AINSWORTH. As I have said to Col. Weinstock and the commission, I do not think that any one plan will completely deal with the situation. But I do think that rendering the tenure of a man after he is here unsafe is one method.

Mr. BUSIEK. My question had reference to the present law, under the present law.

Mr. AINSWORTH. Under the present law?

Mr. BUSIEK. Yes.

Mr. AINSWORTH. I am greatly in favor of calling the public to the assistance of the bureau, because of our experience, and if I may illustrate that I will recite two instances.

About two years ago I was called up on the telephone at my office by a man who asked me if I was Mr. Ainsworth. I said, "Yes." He said, "I read some time ago in the paper about a smuggling enterprise in the Morning Star. Now, I and my father drove over to Half Moon Bay from Redwood City to have a little fishing and camping, and last night on the beech we saw a boat come in and a number of Chinese land, and we believe that they are smugglers." I says: "What is your name?" He says: "I don't want to give you my name, because I am employed in the city, and I don't want to be entangled in it." I sent some men down there and they found a boat called the *Earl K*, which had brought in 40 Chinese on the night that this man stated. We captured but two. We captured the boat and the master and the engineer and the Chinese who was engaged in the smuggling, and they were all convicted and the boat seized and sold. Now, the information in that instance came from a man whose only knowledge of the situation had been on account of publicity.

Another illustration: Some of our officers in Eureka came across a Japanese junk which had come all the way from Japan with a bunch of 10 or 12 Japanese; a little, small boat. We gave it the greatest publicity. It so happened

that the steam schooner *Henry T. Scott* was sailing early in the morning, and the captain told me afterwards that he bought two or three papers and he did not have time to read them until after he got out at sea, and then he sat down and read this account. He said that afternoon he was some miles north of Point Race and saw a peculiar looking affair, and he said he thought it was a Japanese junk, and he sent me a wireless message from sea, saying there was a suspicious craft north of Point Race and giving the location, and I sent inspectors there, and they got there about the time the Japanese got on the beach, and found it was another Japanese junk from Japan that had come across the Pacific, and we captured them all and got the boat.

Commissioner WEINSTOCK. Japanese are not prohibited from entering the State?

Mr. AINSWORTH. Oh, yes; without they come with passports.

Commissioner WEINSTOCK. Subject to deportation?

Mr. AINSWORTH. Subject to deportation under the immigration, not under the Chinese, law. In this community there is substantial antipathy to Asiatic laborers, and I believe if the public is kept informed of the activity and efforts to bring in Asiatic laborers, they will respond as they always have done, and if that is the case we would have all over the State a body of people who every time they saw a suspicious action or suspicious automobile load of Chinese, or suspicious boat, they would sent the information in. I don't believe that would be altogether applicable to the State of Washington, where the people are in sympathy with them and where they get pay for letting them in. I think another method would have to be used there. I think publicity in this particular location and making their remaining here unsafe, and activity by revenue cutters and gasoline boats in the southern Pacific would tend to stop Chinese smuggling.

Mr. BUSIEK. Any other questions? I believe that is all.

Commissioner WEINSTOCK. Thank you very much.

Mr. BUSIEK. Lee Tin Yat.

TESTIMONY OF MR. LEE TIN YAT.

Commissioner GARRETSON. Do you solemnly swear that the testimony which you will give will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. LEE. I do.

Mr. BUSIEK. What is your name in full?

Mr. LEE. Lee Tin Yat.

Mr. BUSIEK. How long have you lived in San Francisco?

Mr. LEE. Since 1901.

Mr. BUSIEK. And what is your present occupation?

Mr. LEE. Newspaper reporter.

Mr. BUSIEK. What paper?

Mr. LEE. Chung Sai Yat Po.

Mr. BUSIEK. That is the paper of which Mr. Ng Poon Chew is president?

Mr. LEE. Yes, sir.

Mr. BUSIEK. That is a Chinese daily newspaper?

Mr. LEE. Yes, sir.

Mr. BUSIEK. In connection with your work have you ever had occasion to make an investigation of any of the Chinese interpreters at Angel Island?

Mr. LEE. You mean have I any connection with it?

Mr. BUSIEK. Have you ever looked them up? Looked up their record and found what they were doing?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What ones, for instance?

Mr. LEE. You mean the interpreters?

Mr. BUSIEK. Yes, sir.

Mr. LEE. Well, I often heard it talked——

Mr. BUSIEK. What is said about Ed. Park?

Mr. LEE. Well, they say he accepts bribes.

Mr. BUSIEK. The people say Ed. Park accepts bribes?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What is Ed. Park's financial standing in regard to money? How much money does he seem to have?

Mr. LEE. I could not tell. He owns a good many automobiles, two houses and lots, and big diamonds, and his wife dress very elaborate.

Mr. BUSIEK. What kind of automobile has he got?
Mr. LEE. He has one Winton Six, and Studebaker, and I heard he had a Buick.
Mr. BUSIEK. Where is his real estate?
Mr. LEE. In Berkeley.
Mr. BUSIEK. What other interpreter have you heard anything against?
Mr. LEE. Chin Jick.
Mr. BUSIEK. What have you heard about him?
Mr. LEE. Well, the Chinese said that he always tried to extortion the Chinese merchants in some way. I don't know what way, but they say he always tried to extortion the people.
Mr. BUSIEK. How is he fixed for money?
Mr. LEE. I could not tell you, but I always see he has plenty of money, couple of thousand dollars in his belt.
Mr. BUSIEK. He wears a money belt, does he?
Mr. LEE. Yes, sir.
Mr. BUSIEK. Have you ever heard anything about his connection with gambling houses?
Mr. LEE. Yes, sir; men told me he is the treasurer of one of the houses on Washington Street.
Mr. BUSIEK. What kind of a house is that?
Mr. LEE. Gambling house.
Mr. BUSIEK. And is Chin Jick married?
Mr. LEE. Yes, sir.
Mr. BUSIEK. How many times?
Mr. LEE. Men told me he has a wife in China and that he had one out here.
Mr. BUSIEK. Has Chin Jick any automobiles?
Mr. LEE. No, sir; he hasn't.
Mr. BUSIEK. Does he live in the same house one Embert Lee lives in?
Mr. LEE. Yes, sir.
Mr. BUSIEK. Embert Lee is a former interpreter for the Government, who was discharged for dishonesty, is he not?
Mr. LEE. Yes, sir; he used to be up at Seattle and San Diego.
Mr. BUSIEK. And have you ever made any investigation of Dr. Gardner?
Mr. LEE. Yes, sir; I did.
Mr. BUSIEK. Tell me first what is Dr. Gardner's reputation here in San Francisco among the Chinese?
Mr. LEE. Well, as far as I see, he has no friend of the intelligent people—I mean the first-class, honest people, they are not friendly with him at all.
Mr. BUSIEK. What do they say that Dr. Gardner does?
Mr. LEE. He imports slaves, divides partners with a Chinese—two Chinese named, one Woo Wai, and another by the name of Woo Jick Ting, and another Chinese, Yee Mee.
Mr. BUSIEK. What does Yee Mee do?
Mr. LEE. He is nothing but gambler.
Mr. BUSIEK. What gambling house does he run?
Mr. LEE. Siberia, on Ross Alley.
Mr. BUSIEK. How does that compare in size to the other gambling houses?
Mr. LEE. The biggest in the city.
Commissioner WEINSTOCK. Is gambling allowed in the city?
Mr. LEE. Not just now.
Commissioner WEINSTOCK. How long has it been stopped?
Mr. LEE. I think about six months, but still they have some stealing—I mean they go quietly. If the police know it, they went to raid them.
Mr. BUSIEK. He is very friendly with Yee Mee?
Mr. LEE. Yee Mee and Woo Wai.
Mr. BUSIEK. How long has this been going on, these rumors about Dr. Gardner?
Mr. LEE. I think about 1905, before the earthquake.
Mr. BUSIEK. And do you know of these rumors ever having been called to the attention of the officials out at Angel Island? Have they ever heard about this talk that is going around, to your knowledge?
Mr. LEE. Yes, sir; Mr. Edsell has took my statement once.
Mr. BUSIEK. And did you help Mr. Edsell get other statements?
Mr. LEE. Yes, sir; I did.
Mr. BUSIEK. And did you help him get hold of a book which has some transactions in it?

Mr. LEE. I didn't help him get the book, but I heard he could get the book.

Mr. BUSIEK. I will hand you this book and ask you to tell the commission what it is, or whose it is first.

Mr. LEE. It is a book for three or four years for the Hop Yick Co.

Mr. BUSIEK. What kind of transactions are recorded in that book? What are the nature of the transactions recorded in that book? What do they deal with, Mr. Lee?

Mr. LEE. Some of opium, tobacco, lotteries, borrowing account, lotteries, opium, borrowing, medicine, opium.

Mr. BUSIEK. Just to get the thing out shortly. You have gone over this book with me, have you not?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And you have found that it is filled with incidents of opium-smuggling accounts?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And with lottery accounts?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And with smuggling operations or other operations of other kinds where Chinese crew men bring things off the ships?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And I wish you would tell the commission about this account, and what does this account deal with—these two pages in that book.

Mr. LEE. This is a two-partner society——

Mr. BUSIEK. Mutual benefit society.

Mr. LEE. That is the heading of that account. That means only two men in the partner society.

Mr. BUSIEK. And what does the amount relate to, and what does it deal with generally, the whole account?

Mr. LEE. Railroad fare, telephone expense, lawyer fee [reading from book], telephones, dinner, car fare, and comes one item here. "Pay for the girl dinner $1," the next column, "Pay for Pak Wah Jon $250."

Commissioner O'CONNELL. That $250, what is that?

Mr. BUSIEK. What is that item of $250 there, and who is Pak Wah Jon?

Mr. LEE. You know, in Chinatown they call Gardner Pak Wah Jon. You take everybody on the street, ask him who is Pak Wah Jon at the bureau; yes, they know what it is.

Commissioner WEINSTOCK. That is his Chinese name?

Mr. LEE. Yes.

Mr. BUSIEK. What does that mean in Chinese, Pak Wah Jon?

Mr. LEE. Means he speaks Chinese.

Commissioner WEINSTOCK. Interpreter?

Mr. LEE. Yes; it means he speaks Chinese.

Mr. BUSIEK. And that is paid to Pak Wah Jon there, $250?

Mr. LEE. Paid to Pak Wah Jon $250.

Mr. BUSIEK. Now, what is the next item?

Mr. LEE. The next item is pay care fare, 50 cents.

Mr. BUSIEK. Now, show the commission item that is, pay to Pak Wah Jon—between those two marks.

(The book produced by the witness was handed to the commissioners and inspected by them.)

Mr. BUSIEK. I want you to notice that it is not an insertion.

Mr. LEE. You see, I can make this character individually and show you plainly [illustrating with pencil] two—hundred—five—ten dollars—there is two—hundred—five—ten—dollars—that means $250.

Mr. BUSIEK. Now, the whole two pages deal with the admission of a Chinese prostitute, does it not?

Mr. LEE. Yes.

Commissioner WEINSTOCK. Chinese what?

Mr. BUSIEK. Chinese prostitute.

Mr. LEE. Prostitute.

Mr. BUSIEK. And at the end there is an adding up of all the expenses paid out and a dividing of the profits, is there not?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What were the profits in that case?

Mr. LEE. Two hundred ninety dollars seventy cents.

Mr. BUSIEK. Apiece?

Mr. LEE. Apiece.

Mr. BUSIEK. How much did they receive for the whole transaction?
Mr. LEE. It says profit, it states the profit $1,397.
Commissioner WEINSTOCK. Well, what were the gross receipts; how much money did they get altogether?
Commissioner GARRETSON. The total.
Mr. BUSIEK. Before they began deducting the expenses.
Mr. LEE. One thousand six hundred and seven dollars and seventy-eight cents.
Commissioner WEINSTOCK. What were the expenses?
Mr. LEE. This is cost, but don't say what cost; cost $1,007.78.
Commissioner WEINSTOCK. Sixteen eleven?
Mr. LEE. One thousand six hundred and seven dollars and seventy-eight cents.
Commissioner WEINSTOCK. That is the money that came in?
Mr. LEE. This total paid, $1,130.35; then items paid, $1,070.75, equal $477.50.
Mr. BUSIEK. That was evidently mixed.
Mr. LEE. Yes; maybe so.
Commissioner WEINSTOCK. What I want to get at are the gross receipts and the gross disbursements so that the difference would show the profit. I want to verify those figures.
Mr. BUSIEK. The account doesn't balance. I have had this translated twice, and the thing does not balance.
Mr. LEE. It says total paid.
Commissioner WEINSTOCK. Their science of bookkeeping is very thorough, and they usually make it work perfectly.
Mr. BUSIEK. But not in this instance.
Mr. LEE. Balance on hand $375.50
Commissioner WEINSTOCK. What were the expenses?
Mr. LEE. This is an item, cost $1,000.78.
Commissioner WEINSTOCK. One thousand six hundred dollars and seventy-eight cents is what they paid out?
Mr. LEE. Yes.
Commissioner WEINSTOCK. How much did they get in?
Mr. LEE. They get in cost them $170.75.
Commissioner WEINSTOCK. One hundred and seventy dollars and seventy-five cents?
Mr. LEE. Yes.
Commissioner WEINSTOCK. That would leave a profit of $1,430.03, wouldn't it? If they got in $1,600.78, and paid out $170.75, that would be a difference of $1,430.03, which would be profit?
Mr. LEE. Yes. But they don't balance right here at all.
Commissioner WEINSTOCK. It does not?
Mr. LEE. This is each share equal $698.
Commissioner WEINSTOCK. How many shares were there?
Mr. LEE. Two.
Commissioner WEINSTOCK. That shows then a difference of $54 unaccounted for.
Mr. LEE. Each share.
Mr. BUSIEK. You are the one who first told me about this book, are you not?
Mr. LEE. Yes.
Mr. BUSIEK. And in whose possession was this book?
Mr. LEE. Wong Yee Jim.
Mr. BUSIEK. How did you come to hear about it?
Mr. LEE. Mr. Yon Kay, my son-in-law, he told me.
Mr. BUSIEK. Yon Kay, son-in-law of yours, told you about it?
Mr. LEE. Yes.
Mr. BUSIEK. At my request you got this book this time, is that true?
Mr. LEE. Yes.
Mr. BUSIEK. You brought this book here because I asked you?
Mr. LEE. Yes.
Mr. BUSIEK. Do you know how Mr. Yon Kay got the information concerning this book; that it was in existence?
Mr. LEE. I think he told me that Mr. Edsell and him went over to this man's place and just happened when his nephew coming over from China, and then that is the only chance to get the book. Mr. Edsell promised this man that he will help him and his nephew if he give up the book, but I do not know how Yon Kay or Mr. Edsell know he has the book.

Commissioner WEINSTOCK. What year did that take place?

Mr. LEE. I think about 1908; 1908 or 1909.

Commissioner WEINSTOCK. Is there nothing in the book to give the year?

Mr. LEE. Kwong Sin 34. That is the end of the year of the old Government.

Commissioner GARRETSON. That year lapsed on our year, they are not exactly the same in their starting and ending, the Chinese year and the calendar year?

Mr. LEE. No.

Commissioner WEINSTOCK. Going back to the $1,000 received, will you tell us how that money was received, from what sources?

Mr. LEE. First time paid the girl——

Commissioner WEINSTOCK. That is an expense, don't you see?

Mr. BUSIEK. Does the book show where the money came from?

Commissioner WEINSTOCK. The $1,000 that they received?

Mr. LEE. Received from Yi Fook.

Commissioner WEINSTOCK. Yi Fook paid $1,000?

Mr. LEE. One thousand and seventy-seven dollars and fifty cents; they operate partnership.

Commissioner WEINSTOCK. That is not quite clear. What I want to get at, from whence did they derive their revenue?

Mr. BUSIEK. Who paid the money that they got that they divided?

Mr. LEE. About this way. You see Chinese—suppose we both go in partner, we all put money quietly first.

Commissioner GARRETSON. No record of that.

Mr. LEE. No record of that.

Commissioner GARRETSON. Just make a jack pot of all.

Commissioner WEINSTOCK. They paid this money to get this girl, and out of the money that they paid in they handed Gardner $250?

Mr. LEE. Yes; beginning received $300.

Commissioner WEINSTOCK. Received from whom?

Mr. LEE. Did not mention.

Paid for railroad $31.50; pay for expense dollar and a half; pay for attorney, railroad fare, $30; pay for clothing, $15; pay for Yik Fuy, $30; pay expense, $2.

December 27. Pay attorney fee, $50; pay attorney, railroad fare, $35; pay three time telephone, $2; pay Lo Toy, expense $2; pay car fare twice, $1; pay attorney fee, $20; pay expense fee, $1; pay girl buying eating stuff, $1; pay Pak Wah Jon, $250; pay Lo Toy, car fare, 50 cents; and pay car fare, 50 cents; and pay car fare twice, 50 cents; pay buy cigar, $1.50; pay car fare, 30 cents; pay Los Angeles attorney, $100.

Commissioner WEINSTOCK. Well, now, that shows how the money went out?

Mr. LEE. Yes.

Commissioner WEINSTOCK. What is there there to show how the money came in?

Mr. LEE. I don't know how. That is the whole thing here. You see all the Chinese they do this thing. Suppose I go out and go back Chinatown and get Chinamen buy a whole lot of opium, "Well, let's go together." "All right." He give me hundred dollar. I put hundred dollar, and then we go make the deal. And we just mark it down. We pay out so much.

Commissioner O'CONNELL. And what is left they divide up?

Mr. LEE. Yes.

Commissioner COMMONS. Well, but when you sell the opium over here, don't you put down who pays for the opium over here?

Mr. LEE. No.

Commissioner COMMONS. And how much you get for it?

Mr. LEE. No. You see we are afraid we make trouble for the party who bought our stuff.

Commissioner WEINSTOCK. You mean you don't put the names in the books?

Mr. LEE. No.

Commissioner COMMONS. You put the amount down that you get for selling?

Mr. LEE. Yes; sure.

Commissioner COMMONS. Well, that is what you get. What is the amount that you got for selling the girl?

Mr. LEE. Perhaps for landing the girl—there is no item shown sold the girl yet.

Commissioner WEINSTOCK. Then all that you have been reading to us is simply the moneys that they have paid out?

Mr. LEE. That is the whole thing paid out.

Commissioner WEINSTOCK. There is nothing to show there how much money came in?

Mr. LEE. No.

Commissioner WEINSTOCK. Or where it came from?

Mr. LEE. No.

Commissioner COMMONS. Only by inference on that show-up of profits—two profits of a hundred dollars each.

Commissioner GARRETSON. That shows the account is closed.

Commissioner COMMONS. That shows they have an account there and you add that to the expense.

Commissioner O'CONNELL. There was a division and temporary closing at least.

Mr. BUSIEK. Mr. Lee, did you give Assistant Commissioner Edsell any information which would lead him to find a Chinese who had seen an actual cash transaction?

Mr. LEE. Yes; I did.

Mr. BUSIEK. Between a smuggler and Dr. Gardner?

Mr. LEE. Yes.

Mr. BUSIEK. Who was this man that you took over there, or did you take Edsell over to see him?

Mr. LEE. I didn't took Edsell over to see him. I brought him to Edsell. I told Edsell about it. Edsell asked me to ask him whether he would not come down and make a statement to him, and I went back there and asked him, and he said, "Yes, sure; I be glad to."

Mr. BUSIEK. And what did he tell Edsell about having seen?

Mr. LEE. He told Edsell that he saw Fung Hing.

Mr. BUSIEK. Who?

Mr. LEE. Fung Hing.

Mr. BUSIEK. F-u-n-g H-i-n-g?

Mr. LEE. Handed about $200, he says not exactly—maybe a little more, maybe a little less—in gold to Dr. Gardner at Oakland.

Mr. BUSIEK. And he testified to that effect to Edsell?

Mr. LEE. Yes.

Mr. BUSIEK. When Edsell was making the investigation?

Mr. LEE. Yes.

Mr. BUSIEK. Did you furnish Edsell with any information as to Dr. Gardner's frequent trips over to Oakland?

Mr. LEE. Yes; I did.

Mr. BUSIEK. And when did these trips take place, Mr. Lee?

Mr. LEE. Now, I could not tell you exactly the year—there is three of us, Mr. Sid Gain and Mr. Yun Kee and myself—we were over to Oakland; it was the Methodist convention, Methodist Church convention, and we came back on the boat leave Oakland I thing about 5 minutes to 10—yes; 5 minutes to 10 that night, and three of us standing there in the waiting room at the Mole; you know where I mean.

Mr. BUSIEK. Yes.

Mr. LEE. And I think either Mr. Yun Kee or Mr. Sid Gain said, "Here comes Dr. Gardner." "Oh," I says, "he often comes over to this part of town to visit Woo Wuy." Then I think it was Mr. Sid Gain said, "Let us follow him." "Oh," I say, "what is the use, he knows you and he knows me, he knows Yun Kee. If you follow him he never will go into the place where he goes."

Mr. BUSIEK. Who is Woo Wuy?

Mr. LEE. He is one of the slave importers.

Mr. BUSIEK. And is it a fact that Edsell was furnished with information that on the night of the arrival of all ships from China, that Gardner would go over to Oakland and talk to Woo Wuy?

Mr. LEE. That is what I heard, but I never got direct information, see?

Mr. BUSIEK. And Woo Wuy is known as a slave trader and has been convicted as such in fact, has he not?

Mr. LEE. Yes; I think up North. Not in this city; I think up North.

Mr. BUSIEK. Do you know anything about Gardner's troubles with the Chinese people in church work?

Mr. LEE. No; that is before I came out here. Before. I used to live in Sacramento.

Mr. BUSIEK. I see.

Mr. LEE. I know this gentleman sitting there [indicating Commissioner Weinstock]. We often go in his store.

Mr. BUSIEK. Did Mr. Edsell ever tell you anything about the evidence which he had on Dr. Gardner, whether or not he had a good strong case against him or anything like that?

Mr. LEE. Yes; the night we came back from Oakland he took me and Lee Wing, the man who saw this money transaction, and he went over there and described the place—I mean Lee described the place to Mr. Edsell, and when he came back from Oakland he was sitting on the lower deck. He says, "I wish I could get a book that shows that you have been paying money to Dr. Gardner, but I will get him." He says, "Chin On, he is a hard nut to crack, but Dr. Gardner is still harder." But, he says, "I got on Chin On about 2 inches space of an affidavit, but Dr. Gardner, it is very hard, he is very slick."

Mr. BUSIEK. Well, did he finally tell you that he had enough to hang Gardner on?

Mr. LEE. Well, he told me he had some good stuff, but he never told about the book or anything.

Mr. BUSIEK. Well, you didn't know that he had gotten that book?

Mr. LEE. I didn't know.

Mr. BUSIEK. I see. I believe that is all the questions I want to ask.

Commissioner GARRETSON. Have you anything further, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Are you familiar, Mr. Lee, with the proposed amendments to the exclusion law that have been suggested to this commission, and which this commission has submitted to the Chinese Chamber of Commerce and the Six Companies, for their criticisms?

Mr. LEE. I was there that evening and heard you—the speech; also Mr. Li, the secretary.

Commissioner WEINSTOCK. Well, you know there have been certain changes made since that evening, that is as the suggestions were presented that evening it provided for compulsory registration of all Chinese. That has since been modified so that now it provides for compulsory registration of Chinese laborers and voluntary registration for those who are native born or who are exempted under the treaties and under the laws of the country. Now, what criticism have you to make on these proposed amendments and what suggestions can you offer to the commission that you think will be helpful?

Mr. LEE. I haven't done anything about that yet since that meeting. I was awful busy during this war, corresponding, and Mr. Chew is away for three months; he just came back yesterday.

Commissioner WEINSTOCK. Yes.

Mr. LEE. But still I have had my hands full.

Commissioner WEINSTOCK. Did he ever discuss the matter with you?

Mr. LEE. No; he did not.

Commissioner WEINSTOCK. You don't know what his opinions are?

Mr. LEE. No; I don't.

Commissioner WEINSTOCK. Have you discussed it with other Chinese?

Mr. LEE. Well, only the night when you went to the chamber of commerce.

Commissioner WEINSTOCK. Yes.

Mr. LEE. You made the speech and I favored it myself very much in my opinion, in my own opinion.

Commissioner WEINSTOCK. Then you think it would lessen smuggling if that law prevailed?

Mr. LEE. You see it is this way; if the inspector and the interpreter they are doing their real duty——

Commissioner WEINSTOCK. Yes.

Mr. LEE (continuing). There could not be smuggled a flea in this country.

Commissioner WEINSTOCK. Could not?

Mr. LEE. Could not, really.

Commissioner WEINSTOCK. The weak spots are the inspectors and the interpreters?

Mr. LEE. Yes, sir.

Commissioner WEINSTOCK. Well, you see, under the proposed law the idea is to have the Secretary of Labor appoint crews. A crew would consist of three parties, the inspector, the interpreter, and the stenographer. They would have a half dozen crews, more or less, and they would be sent to different cities at different times. Nobody would know when they are coming, and the crews themselves would not know where they were going until they were ordered by the Secretary. And they would check up. They would not have to go to every

Chinaman in the community; they would get information that would lead them to the proper locations.

Mr. LEE. There is one thing, now, this immigration office, they know this commission is taking up this matter.

Commissioner WEINSTOCK. Yes.

Mr. LEE. And a party told me yesterday he saw Dr. Gardner jump on the Sacramento street car from the ferry 10 o'clock at night, night before last, and going toward Chinatown. And I told him, I say, "I was in Chinatown about 10 o'clock, right on the spot of Sacramento and Grand Avenue. I didn't see him coming up." "Well," he says, "I could swear that I saw him on the car."

Commissioner WEINSTOCK. Well, what would that have to do with it; supposing he did go up to Chinatown, what of it?

Mr. LEE. Well, there is a man named Woo Wuy on Carney Street on Clay, and he thinks that Gardner goes there again.

Commissioner WEINSTOCK. Well, what would that have to do with this matter, supposing he did go there?

Mr. LEE. Well, you see, this smuggling and importing, they suppose Gardner knows every point. They will tell the Chinamen to favor, and they will tell the Chinamen, "No favor."

Commissioner WEINSTOCK. Oh, you mean that Gardner could influence the opinions of the Chinese. You see, this commission, while it is ready to invite the criticism of the Chinese, it does not follow that because the Chinese would oppose it, that this commission would not recommend it, because this commission might not agree with the Chinese in their opinons. The Chinese may say it is very bad, but unless they could prove to the commission that it was bad the commission would pay no attention to their criticism, you see. We will only accept the criticism of the Chinese if in our judgment it is an honest criticism. If we think it is a manufactured criticism or a dishonest criticism or a selfish criticism we pay no attention to it. Have I made that clear?

Mr. LEE. Yes, sir.

Commissioner WEINSTOCK. Now, I believe that whatever criticism you would give here would be an honest criticism. We might not accept it, but I think it would be honest, you see, and therefore it would carry more weight with us than if we thought it was a dishonest criticism. We would pay no attention to it at all then. Now, have you any suggestions to make? Can you point out any better way?

Mr. LEE. I haven't looked into this matter very thoroughly yet, you see, but if the time permits me to study it over I could give you a better answer.

Commissioner WEINSTOCK. Well, have you got a copy of the proposed law?

Mr. LEE. No; I haven't.

Commissioner WEINSTOCK. This is a copy of the proposed law, and we would be glad to have you look it over, and if you see any weak spots in it, anything that strikes you as not being good, or if you can improve on it, we would appreciate it if you would write the commission what your views are in the matter [handing paper to the witness].

Mr. LEE. All right.

Mr. BUSICK. That is all. Who is out there in the hall?

Mr. LEE. Chin Jack and Ed Park.

Mr. BUSICK. Send in Ed Park.

TESTIMONY OF MR. EDWARD LEON PARK.

Mr. BUSICK. Just take the chair, Mr. Park.

Commissioner GARRETSON. You solemnly swear that the evidence which you shall give before this commission will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. PARK. Yes.

Mr. BUSICK. Just be seated, Mr. Park.

Mr. PARK. Yes, sir.

Mr. BUSICK. State your name in full, please.

Mr. PARK. Edward Leon Park.

Mr. BUSICK. Where do you live, Mr. Park?

Mr. PARK. I live in Berkeley.

Mr. BUSICK. And how long have you lived in Berkeley?

Mr. PARK. Twelve years.

Mr. BUSICK. Where are you employed?

Mr. PARK. At the present time?
Mr. BUSIEK. Yes.
Mr. PARK. U. S. Immigration Service.
Mr. BUSIEK. How long have you been with the U. S. Immigration Service?
Mr. PARK. I think about nine years.
Mr. BUSIEK. And in what capacity?
Mr. PARK. As an interpreter.
Mr. BUSIEK. Who examined you for your qualifications as interpreter?
Mr. PARK. Dr. Gardner.
Mr. BUSIEK. Dr. Gardner examines all the applicants?
Mr. PARK. I don't know.
Mr. BUSIEK. Don't you know that Dr. Gardner made a rating of the interpreters over there, giving all them examinations, and you have a record of that; your record is there?
Mr. PARK. I know he examined me.
Mr. BUSIEK. Don't you know he examined all the others?
Mr. PARK. I couldn't say all the others. I was not present when he was examining them.
Mr. BUSIEK. Haven't you seen his report; haven't all the interpreters out there got a report which Dr. Gardner made which shows how well they speak English, what dialects they speak in Chinese, and so on?
Mr. PARK. I see records that show what dialect different interpreters speak. I never see any other report.
Mr. BUSIEK. That was made by Dr. Gardner, wasn't it?
Mr. PARK. Yes.
Mr. BUSIEK. It is on Dr. Gardner's report and recommendation that a man is hired; that an interpreter is hired?
Mr. PARK. I suppose so.
Mr. BUSIEK. Dr. Gardner is the judge of the ability of any Chinese interpreter?
Mr. PARK. So far as I know.
Mr. BUSIEK. Mr. Park, have you any other business besides acting as interpreter?
Mr. PARK. No, sir.
Mr. BUSIEK. Any other source of income?
Mr. PARK. At the present time I have.
Mr. PARK. What?
Mr. PARK. I have an automobile for rent.
Mr. BUSIEK. Where did you get the money for the automobile?
Mr. PARK. My sister financed me.
Mr. BUSIEK. And where is this? Is there any record of that transaction, Mr. Park?
Mr. PARK. No; there is no record.
Mr. BUSIEK. What kind of a machine was that?
Mr. PARK. A Studebaker.
Mr. BUSIEK. Limousine?
Mr. PARK. No.
Mr. BUSIEK. Where do you have that machine for hire?
Mr. PARK. In Chinatown.
Mr. BUSIEK. Does that bring you a good revenue; does that bring in any large amount of money?
Mr. PARK. No; average about $80 to $100 a month; that is, expenses not taken out.
Mr. BUSIEK. Expenses not taken out. You have another machine, have you not, a Winton Six?
Mr. PARK. I have; yes, sir.
Mr. BUSIEK. And you are buying a Buick, are you not?
Mr. PARK. I am not. I am trying to trade my machine for a Buick.
Mr. BUSIEK. Which one?
Mr. PARK. Winton.
Mr. BUSIEK. Where did you get the money to buy this one—Winton?
Mr. PARK. I had money saved up in my business before entering the service.
Mr. BUSIEK. What business were you in?
Mr. PARK. I was in the grocery, fruit, and vegetable business.
Mr. BUSIEK. How long were you in that business?
Mr. PARK. Two years with a store, and about three years I had wagons out.
Mr. BUSIEK. How many wagons?

Mr. PARK. I had five wagons.
Mr. BUSICK. How many did you have when you went into the Immigration Service, how much money?
Mr. PARK. I had about between $7,000 and $8,000.
Mr. BUSICK. Where did you have it?
Mr. PARK. I had it at home.
Mr. BUSICK. In gold lying around the house?
Mr. PARK. No; in paper.
Mr. BUSICK. In paper?
Mr. PARK. Paper money.
Mr. BUSICK. Did you ever deposit in any bank?
Mr. PARK. No.
Mr. BUSICK. Any of it in notes?
Mr. PARK. No.
Mr. BUSICK. Just had it in currency and gold?
Mr. PARK. Currency and gold; yes, sir.
Mr. BUSICK. Hid away in the house?
Mr. PARK. Yes.
Mr. BUSICK. Between $7,000 and $8,000?
Mr. PARK. Yes.
Mr. BUSICK. And you accumulated——
Mr. PARK. Not at the time I went in the Immigration Service. That is the time I sold my store.
Mr. BUSICK. How much did you get for the store?
Mr. PARK. I got $2,500.
Mr. BUSICK. From whom?
Mr. PARK. From Smith & Jones.
Mr. BUSICK. Smith & Jones?
Mr. PARK. Yes.
Mr. BUSICK. Where are they now?
Mr. PARK. They are in Berkeley.
Mr. BUSICK. And they gave you $2,500 cash, did they?
Mr. PARK. Let's see. I sold some of the stock out before; I sold some. They didn't want all of the stock. I had several carloads of potatoes and all that, that I sold to other people for seeds and that all amounted to $2,500.
Mr. BUSICK. When did you first start into business—what year?
Mr. PARK. 1906.
Mr. BUSICK. You started into business?
Mr. PARK. Yes; in the store.
Mr. BUSICK. And how much were you worth before you went into the store?
Mr. PARK. About $5,000.
Mr. BUSICK. Where did you get that?
Mr. PARK. That I always had with me when I was in the newspaper business.
Mr. BUSICK. How long were you in the newspaper business?
Mr. PARK. About four years.
Mr. BUSICK. What newspaper?
Mr. PARK. Sai Gai Yat Po.
Mr. BUSICK. You were there about four years?
Mr. PARK. Yes, sir.
Mr. BUSICK. What had you done prior to going into the newspaper office?
Mr. PARK. Prior to going into newspaper office—that's long before the fire.
Mr. BUSICK. Don't you know what work you were in before you went into the newspaper office, Mr. Park?
Mr. PARK. I was working in the cannery for a while, I think.
Mr. BUSICK. In the cannery?
Mr. PARK. In the cannery.
Mr. BUSICK. As a laborer?
Mr. PARK. Yes.
Mr. BUSICK. What work were you engaged in prior to that?
Mr. PARK. Prior to that I was in the Navy.
Mr. BUSICK. In the Navy?
Mr. PARK. In the Navy; yes, sir.
Mr. BUSICK. And prior to that?
Mr. PARK. Prior to that I was working for Consul Beach.
Mr. BUSICK. Was that your first employment?
Mr. PARK. Yes, sir.

Mr. BUSHEK. Now, did you save anything when you were in the consul general's office?

Mr. PARK. I had about $800.

Mr. BUSHEK. How much was he paying you?

Mr. PARK. Twenty-five dollars a month.

Mr. BUSHEK. How long did you work for him?

Mr. PARK. About three years.

Mr. BUSHEK. That would make about $900 that you received in that time and you only spent $100 of it?

Mr. PARK. I had nothing to spend for. I eat there and they clothed me and everything.

Mr. BUSHEK. Then you went to the Navy?

Mr. PARK. Yes, sir.

Mr. BUSHEK. And how long were you in the Navy?

Mr. PARK. I think I was in the Navy about—not all in the Navy—under the Geographic Survey for about three or four years.

Mr. BUSHEK. How many years?

Mr. PARK. Altogether, I think, about six years.

Mr. BUSHEK. And what were your wages with that arm of the Government?

Mr. PARK. The first three years about $25 a month, and the last two years about $45 a month.

Mr. BUSHEK. And how much did you have when you finished your connection with the Geological Survey?

Mr. PARK. About fifteen hundred dollars.

Mr. BUSHEK. About fifteen hundred dollars, and you say you saved about $700 then in the Survey. You had $800 to start with and you saved about $700 more?

Mr. PARK. Yes, sir.

Mr. BUSHEK. Then you went to work with this Chinese inspector?

Mr. PARK. No, sir; I went in the Navy; that is, two years, then. I was in about five or six years altogether.

Mr. BUSHEK. Now, I asked you how much you made there?

Mr. PARK. Made in the Survey?

Mr. BUSHEK. How much did you make in the Navy then?

Mr. PARK. Made about twelve or thirteen hundred dollars altogether.

Mr. BUSHEK. In the Navy?

Mr. PARK. In the Navy?

Commissioner GARRETSON. Was that the Geological or Geodetic?

Mr. PARK. Geodetic.

Mr. BUSHEK. What was you doing in the Navy? What was your rank?

Mr. PARK. I was captain's cook.

Mr. BUSHEK. What were your wages?

Mr. PARK. I think almost $40, I think, with the rations and all.

Mr. BUSHEK. About what?

Mr. PARK. About $40.

Mr. BUSHEK. Then you say you saved in two years' time about $1,500?

Mr. PARK. No, sir; altogether, with the Geological Survey and the Fish Commission—I was with the Fish Commission for two years. That is considered to be the Navy at that time. That was during the Spanish-American War.

Mr. BUSHEK. That is all included in the six years you have been talking about?

Mr. PARK. Yes, sir; about $1,200.

Mr. BUSHEK. Let us get it this way: How much did you say you saved in the whole six years?

Mr. PARK. About $1,200.

Mr. BUSHEK. And then you went to the newspaper?

Mr. PARK. Yes, sir.

Mr. BUSHEK. And how long were you with the paper?

Mr. PARK. About three years.

Mr. BUSHEK. And how much were you receiving then?

Mr. PARK. Thirty dollars a month for about a year and a half, I think.

Mr. BUSHEK. Did you have any other business at the same time?

Mr. PARK. Yes, sir; I had a pigeon farm and I had a chicken farm.

Mr. BUSHEK. Where?

Mr. PARK. Over at Berkeley.

Mr. BUSHEK. How many chickens did you have on your place?

Mr. PARK. About 500.
Mr. BUSIEK. How many pigeons?
Mr. PARK. About 1,000.
Mr. BUSIEK. What was your income from those?
Mr. PARK. I could not say—about $300 or $400 a year.
Mr. BUSIEK. Did—has that continued up to the present time?
Mr. PARK. That continued all the time while I was living in Berkeley; that is, for the first six years I lived in Berkeley.
Mr. BUSIEK. And that continued to run at just about that rate, did it?
Mr. PARK. Yes, sir.
Mr. BUSIEK. Now, you could not live on the $30 a month, could you, that you got from the newspaper?
Mr. PARK. Yes, sir; I could.
Mr. BUSIEK. You could not save anything on it?
Mr. PARK. Oh, no; I could not; no, sir.
Mr. BUSIEK. So that you didn't save any money while you were with the paper?
Mr. PARK. Well, that money was put toward the feed of my animals while I was working with the newspaper.
Mr. BUSIEK. Put to the feed of what?
Mr. PARK. Feed of the live stock.
Mr. BUSIEK. So that your income was practically what you got from the sale of your live stock, and you said you made $400 or $500 a year off of that; is that right?
Mr. PARK. Yes, sir.
Mr. BUSIEK. So that up to the time that you went to the Immigration Service you had saved about $1,000, or up to the time that you went into the store you had saved about $900; am I right in that?
Mr. PARK. No, sir; I have about three years in the peddling business before I went into the store.
Mr. BUSIEK. How much did you make in the peddling business?
Mr. PARK. In the peddling business, about $150 a month.
Mr. BUSIEK. A hundred and fifty dollars a month in the peddling business. How old are you?
Chairman WALSH. What did he peddle?
Mr. PARK. Fruits and vegetables.
Chairman WALSH. How many wagons did you have?
Mr. PARK. I had five wagons running all the time.
Commissioner GARRETSON. How long was he in the store after the three years in the peddling business?
Mr. PARK. About two years.
Commissioner GARRETSON. Did he go from the peddling business directly to the inspectorship or interpretership?
Mr. PARK. No, sir; the store was still running for about a year, I think, when I went into interpreting work.
Commissioner GARRETSON. There was a year's interim between when you were in the store and when you went in as interpreter?
Mr. PARK. Yes, sir.
Commissioner GARRETSON. How long have you been interpreter?
Mr. PARK. About nine years.
Commissioner WEINSTOCK. How old are you?
Mr. PARK. Thirty-two. I started to work when I was 9 years old.
Commissioner GARRETSON. You have accounted for 27 years.
Commissioner WEINSTOCK. Then you must have started when you were 5.
Mr. BUSIEK. What was the first position you ever held?
Mr. PARK. The first position, I was working for Consul Beach.
Mr. BUSIEK. You held that how long?
Commissioner COMMONS. What year?
Mr. BUSIEK. What year was that, do you remember?
Mr. PARK. I can't remember now. I was about 9 years old then.
Mr. BUSIEK. You worked for him how long—three years you said?
Mr. PARK. Two or three years.
Mr. BUSIEK. Which is it, two or three?
Mr. PARK. It is likely two, I think.
Mr. BUSIEK. Then you went where?
Mr. PARK. Then I worked in the canneries.
Mr. BUSIEK. For how many years?

Mr. PARK. About three years.

Mr. BUSICK. Three years in the canneries. Then you went to the Geodetic Survey?

Mr. PARK. Yes, sir.

Mr. BUSICK. For how many years?

Mr. PARK. About three years.

Mr. BUSICK. Then you went to the Fish Commission?

Mr. PARK. About two years—two years or two years and a half, it is somewhere along six years altogether.

Mr. BUSICK. Then you went into the Navy?

Mr. PARK. No, sir; that is included in the Navy.

Mr. BUSICK. So that instead of three years in the Geodetic Survey and two years in the Fisheries, you say you stayed about six years in the two of them?

Mr. PARK. Yes, sir.

Mr. BUSICK. From there you did what?

Mr. PARK. Newspaper work.

Mr. BUSICK. How many years?

Mr. PARK. About three years.

Mr. BUSICK. Then you did what?

Mr. PARK. Then I was in Berkeley.

Mr. BUSICK. Well, what business were you in? You had these wagons about three years?

Mr. PARK. I had these wagons out. I raised chickens and pigeons.

Mr. BUSICK. How long?

Mr. PARK. I raised them right along from that time up to the time I was running the store.

Mr. BUSICK. You worked with the wagon about three years?

Mr. PARK. Yes, sir.

Mr. BUSICK. And ran the store for two years?

Mr. PARK. Yes, sir.

Mr. BUSICK. Then laid off for a year?

Mr. PARK. No, sir; I think I went to the World's Fair for a year.

Mr. BUSICK. And you have been working about 9 years for the Government. That makes 29 years. Mr. Park, how much did your Winton Six cost you?

Mr. PARK. I think it is $1,650.

Mr. BUSICK. New or second hand?

Mr. PARK. Second hand.

Mr. BUSICK. Whom did you buy it from?

Mr. PARK. From Mrs. Wright.

Mr. BUSICK. Who is Mrs. Wright?

Mr. PARK. I don't know; some lady in Berkeley.

Mr. BUSICK. Did you pay her cash?

Mr. PARK. Not all cash.

Mr. BUSICK. Where does Mrs. Wright live in Berkeley?

Mr. PARK. I don't know the number now.

Mr. BUSICK. On what street?

Mr. PARK. I don't know—Cedar Street, I think. I could not remember the number.

Mr. BUSICK. You bought it from her at her home?

Mr. PARK. Yes, sir.

Mr. BUSICK. Between what streets is it on Cedar Street?

Mr. PARK. It is between Euclid—above Euclid.

Mr. BUSICK. What did you pay for your Studebaker?

Mr. PARK. $1,100.

Chairman WALSH. Did you know Mrs. Wright before you bought this machine?

Mr. PARK. No, sir.

Mr. BUSICK. What property do you own over in Berkeley?

Mr. PARK. A house and a lot.

Mr. BUSICK. How many houses?

Mr. PARK. One.

Mr. BUSICK. Haven't you got two houses over there?

Mr. PARK. I have not.

Mr. BUSICK. Did you ever have a house and sell it?

Mr. PARK. I did. That is the first house where I raised my chickens and pigeons.

Mr. BUSICK. You say you haven't got two houses over there?

Mr. PARK. I have not.
Mr. BUSIEK. Who owns the second house you are supposed to own?
Mr. PARK. I have no second house now.
Mr. BUSIEK. Did you ever at one time have two houses?
Mr. PARK. I said I had one house and I sold it.
Mr. BUSIEK. At one time you had two houses, but you have sold one of them?
Mr. PARK. Yes, sir.
Mr. BUSIEK. When did you sell that?
Mr. PARK. I think about a year before last.
Mr. BUSIEK. And how much did you get for the house?
Mr. PARK. Oh, I could not say how much; I traded.
Mr. BUSIEK. Traded it for what?
Mr. PARK. Traded it for a ranch.
Mr. BUSIEK. Where?
Mr. PARK. Up in Yolo County.
Mr. BUSIEK. What do you hold the ranch worth?
Mr. PARK. I don't really know what it is worth.
Mr. BUSIEK. Well, what did you put in the valuation at when you made the trade?
Mr. PARK. Put in the valuation at about $2,500.
Mr. BUSIEK. For your house?
Mr. PARK. For my house.
Mr. BUSIEK. What is the house worth you are living in?
Mr. PARK. Three thousand dollars.
Mr. BUSIEK. That is what you hold it at?
Mr. PARK. Yes, sir; that is the price I paid for it.
Mr. BUSIEK. What is the number of it?
Mr. PARK. 1743 Cedar Street.
Mr. BUSIEK. How long have you had this machine, this Winton Six?
Mr. PARK. A little over a year.
Mr. BUSIEK. And where do you keep it?
Mr. PARK. I keep it across the street from me.
Mr. BUSIEK. In a garage?
Mr. PARK. Well, it is a shed.
Mr. BUSIEK. Where do you keep the Studebaker?
Mr. PARK. It is in Berkeley now.
Mr. BUSIEK. How did you come to buy this machine from Mrs. Wright?
Mr. PARK. I think through an advertisement.
Mr. BUSIEK. Do you know the number on your motor?
Mr. PARK. I do not.
Commissioner GARRETSON. Who drives the Winton?
Mr. PARK. I do.
Commissioner GARRETSON. Yourself?
Mr. PARK. Yes, sir.
Commissioner GARRETSON. You keep no chauffeur?
Mr. PARK. No, sir.
Commissioner GARRETSON. Do you keep a chauffeur for the other machine, the Studebaker?
Mr. PARK. The other machine, my nephew was driving it.
Commissioner WEINSTOCK. Are you a native of California?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. Where were you educated?
Mr. PARK. San Francisco.
Commissioner WEINSTOCK. Public schools?
Mr. PARK. Yes, sir.
Commissioner GARRETSON. The Winton has never been in livery service for hire; I mean since you owned it?
Mr. PARK. Well, do you count that for hire if I take out some people that pay me so much for taking them out on a trip. Do you call that for hire?
Commissioner GARRETSON. If you drive it yourself and are employed, how much time have you to act as chauffeur?
Mr. PARK. Oh, just evenings is all; take people out for a little ride.
Commissioner WEINSTOCK. What do you consider yourself as worth to-day? If you wanted to sell out everything you had and put it into money, how much would you realize?
Mr. PARK. I think about $8,000.
Commissioner WEINSTOCK. Have you a family—are you married?

Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. How large a family have you?
Mr. PARK. Wife and two children.
Commissioner WEINSTOCK. What does your living cost you a month?
Mr. PARK. About $30 or $35.
Commissioner WEINSTOCK. Altogether?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. Just show us how you arrive at that $35. What do you pay for rent?
Mr. PARK. No rent.
Commissioner WEINSTOCK. Why?
Mr. PARK. I live in my own house.
Commissioner WEINSTOCK. What does it cost you for food?
Mr. PARK. For food, about between $15 and $20.
Commissioner WEINSTOCK. For the family?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. You have two children, you say?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. A family of four, and it costs from $15 to $20 for food a month?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. And clothing?
Mr. PARK. Clothing, about an average—children's clothing, I think, comes to about, I should judge, about $10.
Commissioner WEINSTOCK. A month. And your wife's clothing—does your family dress in European fashion—American fashion?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. What does it cost to dress your wife a month?
Mr. PARK. I don't know, she makes all her own clothes.
Commissioner WEINSTOCK. She has to buy the material, and shoes and hats and all that sort of thing?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. About how much is the cost of that, if you can estimate it?
Mr. PARK. She don't buy clothes very often. I could not estimate that. She very seldom goes out.
Commissioner WEINSTOCK. It does not cost a thousand dollars?
Mr. PARK. No, sir.
Commissioner WEINSTOCK. It costs more than a dollar a month?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. Give us some idea about how much it costs.
Mr. PARK. About $5, I should say.
Commissioner WEINSTOCK. About $5 a month. What does it cost you for your clothes on an average a month?
Mr. PARK. I think about $30 a year.
Commissioner WEINSTOCK. For clothes?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. How many suits of clothes do you have a year?
Mr. PARK. I don't get but one suit of clothes a year.
Commissioner WEINSTOCK. You have one suit you have all the time?
Mr. PARK. No, sir; I have two suits, but my uniform I leave at the office, and I wear one suit, is all.
Commissioner WEINSTOCK. The whole year?
Mr. PARK. Maybe two suits, I could not say for sure.
Commissioner WEINSTOCK. What does that cost you?
Mr. PARK. Costs me $12 for my uniform.
Commissioner WEINSTOCK. And your business suit?
Mr. PARK. Business suit costs me $30.
Commissioner WEINSTOCK. Now, you have shoes and hats and shirts and necktie and collars. What does that cost you on an average?
Mr. PARK. You mean per month?
Commissioner WEINSTOCK. Yes, sir; on an average, or for a year, if you prefer it.
Mr. PARK. I could not say to that, maybe $10 or $20.
Commissioner WEINSTOCK. A year?
Mr. PARK. A year. I don't buy but two pairs of shoes a year.

Commissioner GARRETSON. That would be $5 a month for the three items, uniform, other clothing, and furnishings.

Commissioner WEINSTOCK. Now, you operate over on Angel Island, don't you?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. You have car fare coming and going every day?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. That is 10 cents a day. That is $2.50 a month for car fare?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. You don't go home at noon for lunch?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. Where do you get your lunch?

Mr. PARK. I don't eat any lunch.

Commissioner WEINSTOCK. Now, you have amusements in the course of the year?

Mr. PARK. I don't go to any theater.

Commissioner WEINSTOCK. Your family never goes to a place of amusement?

Mr. PARK. They might go to a nickelodeon or so once a week.

Commissioner WEINSTOCK. You have a machine?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. What does it cost to keep that up, tires, and fuel and upkeep?

Mr. PARK. I could not say that, how much it is going to be. All I have is gasoline and oil and tires.

Commissioner WEINSTOCK. How many miles a month do you run with your machine?

Mr. PARK. I only run every Sunday is all, and night time probably one night out of the week.

Commissioner WEINSTOCK. Will you average a thousand miles a month?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. Five hundred miles a month?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. How many miles a month, about?

Mr. PARK. About 300 miles a month at the most.

Commissioner WEINSTOCK. How is your machine taken care of? Where do you keep it?

Mr. PARK. I keep it across the way from me.

Commissioner WEINSTOCK. In a garage?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. What do you have to pay for the garage a month?

Mr. PARK. Two dollars and a half a month.

Commissioner WEINSTOCK. Well, it is estimated the cost for tires and fuel per mile is about 3 cents. That would be $9 a month for your tires and fuel and $2.50 a month for the garage; that is $11.50; and then you have to keep your machine in repair when it breaks down, and things of that sort. I suppose $15 would be very little.

Commissioner GARRETSON. I would like to learn how to do that.

Commissioner WEINSTOCK. So would I. Let us figure it conservatively. Then, according to your own figures we have $57.50 a month there. You said it cost you about $30 or $40.

Mr. PARK. No, sir; about $30.

Commissioner GARRETSON. On the question of upkeep of the machine, I have two machines almost exactly the same power as the two you drive. If you can run a six-cylinder machine of the Winton type, running, as you say, 300 miles a month——

Mr. PARK. At the most.

Commissioner GARRETSON. At most?

Mr. PARK. Yes, sir; and sometimes maybe I don't run 100 miles a month.

Commissioner GARRETSON. Some other times you will do 200 miles on Sunday?

Mr. PARK. Never run that much. Fifty miles is about the most. As far as I go is Haywardson.

Commissioner GARRETSON. Do you get along without any upkeep repairs besides gasoline, oil, and tires?

Mr. PARK. I had my carbon cleaned out.

Commissioner GARRETSON. Adjuster and spark plugs?

Mr. PARK. No, sir; never had changed.
Commissioner GARRETSON. You have no cost of that kind?
Mr. PARK. No, sir.
Commissioner GARRETSON. No garage bills?
Mr. PARK. I have the garage rent.
Commissioner GARRETSON. No garage repair bills?
Mr. PARK. No, sir.
Commissioner GARRETSON. And for the Studebaker?
Mr. PARK. Nothing to be paid on it; it is guaranteed for the year.
Commissioner GARRETSON. Oh, I know; I have tried about four of them.
Mr. PARK. So far there is no charges.
Commissioner GARRETSON. How long have you had the Studebaker?
Mr. PARK. About a month.
Commissioner GARRETSON. How long have you had the Winton?
Mr. PARK. A little over a year.
Commissioner GARRETSON. It came to you as a second-hand machine without any guarantee on it?
Mr. PARK. The Winton?
Commissioner GARRETSON. Yes. What do you get per gallon of gasoline; how many miles?
Mr. PARK. Between 8 and 10.
Commissioner GARRETSON. Pretty good Winton if it will go above 8.
Commissioner WEINSTOCK. Do you have any help in your family?
Mr. PARK. No, sir.
Commissioner WEINSTOCK. Your wife does all the work?
Mr. PARK. Yes, sir.
Commissioner WEINSTOCK. How old are the children?
Mr. PARK. Three and five.
Commissioner O'CONNELL. Do you have a bank account in any of the banks?
Mr. PARK. No, sir.
Commissioner O'CONNELL. You don't run any bank account at all?
Mr. PARK. No, sir.
Commissioner O'CONNELL. You have your money at home around the house?
Mr. PARK. Yes, sir.
Commissioner GARRETSON. Your reputation among the men you associate with is strictly in accord with the statement of expenditures on the monthly account; you are not classed as a good spender?
Mr. PARK. No, sir; I never go out at night. There is no chance to spend any money anyway.
Commissioner GARRETSON. You never acquired the habit of spending it in the daytime?
Mr. PARK. No, sir; no chance during the daytime, either.
Commissioner GARRETSON. Do you gamble?
Mr. PARK. I could not say. I might buy a lottery ticket once in a while.
Commissioner GARRETSON. Do you drink?
Mr. PARK. Very little.
Chairman WALSH. What do you drink when you do drink?
Mr. PARK. Beer.
Mr. BUSICK. That is all.

TESTIMONY OF MR. JOHN L. McNAB.

Mr. BUSICK. You are ex-United States district attorney for this district, are you?.
Mr. McNAB. Yes, sir.
Mr. BUSICK. And you are now counsel to the Chinese Six Companies?
Mr. McNAB. Yes.
Mr. BUSICK. Mr. McNab, you have gone over and discussed with your clients and made a study of a certain tentative bill, having in view the reregistration of Chinese and the deportation of those who fail to register. Will you just discuss with the commission your views of that bill?
Mr. McNAB. Is that the bill, Mr. Weinstock, that you were courteous enough to submit to me?
Commissioner WEINSTOCK. I take it, Mr. McNab, that you got the latest corrected amendment, which provided, in contradistinction to the first draft, for the compulsory registration of laborers and the voluntary registration of the members of the privileged classes.

Mr. McNAB. I am not altogether sure whether I saw that, Mr. Weinstock, after it was revised, but I think I did. I think it was shown to me by some one who is working on it at your suggestion, Judge Harrington.

Commissioner WEINSTOCK. Judge Harrington.

Mr. McNAB. Yes, I believe I did. At any rate the essential principle of the bill, as I recall it, was that all Chinese in this country should be required within a given time to register.

Commissioner WEINSTOCK. Yes.

Mr. McNAB. And that in default of registration they should be subjected to deportation; and that after a given date any person not found to be in a certificate of registration was a subject of deportation.

Commissioner WEINSTOCK. Except the privileged classes.

Mr. McNAB. Except the privileged classes.

Commissioner WEINSTOCK. That would only——

Mr. McNAB. I think the amendment gave to the privileged classes the option of registration. That last amendment, to a certain extent, made it less vicious, if I may use the expression, than it was before, because I regard it as an absolutely vicious bill. It is vicious in this particular: There is no question in the world that Americans have an absolute right to insist that the Chinese coolie shall not flood this country and corrupt its labor. And I do not think that the Chinese Government or the Chinese people as a mass now insist that this or any other country shall receive its coolie labor, because it recognizes that they can labor under conditions which will prevent other countries from competing.

As a matter of fact the Chinese-exclusion law as originally passed was passed in defiance of the treaty. However, it is now one of the accepted principles of American legislation, and nobody is quarreling with it except in its enforcement. The ordinary intelligent Chinese will meet you and will say that he has no quarrel particularly because America does not receive his coolie, but he insists that the privileged class be exempt, the merchant, the banker, and the journalist shall be received in this country as any other person who is permitted to come to this country should be received; instead of being received, however, at the immigration stations as a person who is entitled to come to America he is taken by the throat and treated as a criminal.

The banker who comes here and who could assist in our commerce, who could invest his money, and who could develop trade with the Orient, is simply taken by the throat and sent to the immigration station and generally put in the quadrangle or cell and kept there like a criminal under suspicion. Just so long as that sort of administration is continued, just so long will the commerce between the Orient and this country remain as it is to-day—practically stationary. This bill requires them to register. I do not believe, as a matter of principle, any country has a right to require that of one country to the exclusion of another, but we have that——

Commissioner WEINSTOCK. Are you referring now to the amended proposal?

Mr. McNAB. Yes.

Commissioner WEINSTOCK. I want to remind you that the amended tentative proposal exempts that class from registration.

Mr. McNAB. Yes, I understand it; that the amended proposal exempts all the merchants, bankers, journalists, and so on, and requires only the laborers to register. That is, coolies are presumed to have been in this country previous to the time that the Chinese exclusion act went into effect, or they have come here illicitly. That is the contention of the Government.

I think it is impracticable to compel them to register, because it is going to create a practical revolution among their ranks; they resent that constant domination of one Government over another, which compels them to come here, and it doesn't make for peace. This country ought to be able to keep out the coolie, but this provision which compels these people to carry a registration certificate about him is not in my opinion a good provision. I think the United States Government is big enough and powerful enough to take care of that proposition. The Chinese exclusion law, as it is, is a very strict, rigid enactment. If it is enforced they can't come here, and the United States is big enough and powerful enough a Nation to see that they don't come here. If they do come here surreptitiously, as occasionally I suppose they do as they will come into any country where they have an opportunity to make a living, I think it is the duty of the Government by safe provision to keep them out, but I do not think the whole Nation ought to be humiliated by compelling them to stand up and register and to carry a registration certificate around with

them. But the more vicious part of that is this: That if you do register them, the act practically provides, as I understand it, for what is called an arresting crew, or at least some trained person who will go around to see that these people all have their proper registration certificates.

Now, laying aside any question of corruption among officers that exists to-day, take it as a plain question of human nature, an arresting crew is an element of graft in any service. They are dealing with ignorant people that are afraid of our laws; they are terror stricken; they have been exploited by their own people and they have been exploited by our people. And wherever you send out an arresting crew you are going to send out a band of men that sooner or later are going to subject them to all sort of petty trials and annoyances that eventually will do just exactly what a number of the immigration officers are doing throughout the country to-day, yield to the temptation to bribe. There is no use blinking the fact, that while here and there are immigration officials who are of the highest standard and caliber, who could not be corrupted by gold, there are men who will yield to that thing, and they do yield to it every day; otherwise we would not have Chinese being yanked out of their bunks on railroad trains, their doors broken open, their private residences invaded, their personal property stolen in ways that are reported every week all over the State, all over every corner of this State. If you have an arresting crew, you have a hostile crew. They feel that they have got to make good with the Government at Washington; that they are expected to make a record. They think if they don't report a number of arrests within a month that during that month they have been doing nothing, and that the Government at Washington will take the job. They think, on the other hand, that if they are making the arrest they are doing their duty and are making good with the Government at Washington, and the only way in which they can make good with the Government at Washington, they think, is simply to arrest, annoy, and harass. It is vicious in its principle, and it will be vicious in its practice, Mr. Weinstock, and there is not any way from it.

Commissioner WEINSTOCK. Let me ask you, Mr. McNab. We will assume that this law has prevailed and that reregistration takes place.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. What chance is there for a member of this arresting crew to graft on a Chinaman if he has a certificate?

Mr. McNAB. What chance is there to graft?

Commissioner WEINSTOCK. Yes. That man has a certificate.

Mr. McNAB. The same opportunity that is exercised by him to-day. They now have the right to apply for a certificate of identity. I could produce to you in the course of time numerous instances in the southern district of California where they have arrested and rearrested men who have their certificates of identity, have taken those certificates of identity away from them, and have held them for an indefinite period of time. And they can do the same thing with the certificates of identity under this new act. Plenty of instances might be brought up—take Bakersfield—where an overzealous immigration official broke into a house and took away a certificate and said, "I will give you a receipt for this." He did not give a receipt for it, forwarded it to Washington, and all the diplomatic channels had to be appealed to to get it back. Why did he keep it during this time? On the ground, he said, possibly it was a fake registration certificate; that it did—although it did appear to be regular on its face, he was suspicious of it; did not believe that it was. Why couldn't you do the same thing with a new registration certificate?

Commissioner WEINSTOCK. Well, if you put it upon the theory that an official will rob a Chinaman of his certificate, I can understand how the Chinaman may have trouble. There is a provision in here which enables the Chinaman, if he has lost his certificate, to get a duplicate very promptly.

Mr. McNAB. You have got the same provision now, but he can't get it, Mr. Weinstock. It is not that the law is at fault, but you know in the great big ponderous machinery such as we have in the Government there are many things in the great bureaucracy at Washington which cause the wheels to move very slowly, and it will work that way in this matter.

Commissioner WEINSTOCK. It reads that if a person charged had previously secured a certificate of registration which has been lost or destroyed or stolen——

Mr. McNAB. Yes.

Commissioner WEINSTOCK. The proceeding shall be suspended for a reasonable time to enable him to secure a duplicate thereof from the Commissioner General, which shall be issued upon request.

Mr. McNAB. Yes; that is practically the rule of the Immigration Department now.

Commissioner WEINSTOCK. Well, now, the only people who could get possession of the certificate and rob the Chinaman of it would be a member of this crew?

Mr. McNAB. Not necessarily. You mean if he should prove to be without one? Of course it might be taken up by somebody else.

Commissioner WEINSTOCK. Well, but your theory was that the Chinaman could be exploited and that graft could be created by the members of this crew, practically robbing the Chinaman of this certificate, and then levying blackmail on him?

Mr. McNAB. Yes.

Commissioner WEINSTOCK. Well, the only ones that could get that would be an official or an individual who had the authority to demand it.

Mr. McNAB. Possibly that is true. But it is not true, as a matter of fact, because there are a great many people that exploit the Chinese other than immigration officials. Plenty of people go to them with stars and demand all sorts of things from them.

Commissioner WEINSTOCK. Now, do you think that any of the members of the crew could make a practice of doing that sort of thing without getting tripped up very quickly?

Mr. McNAB. Possibly not, yet it is astonishing what a long time it takes to dislodge a man who has been engaged in that business, Mr. Weinstock, and beyond question—by this commission or anybody else—the rank and file of every department are as honest as men can be. The exception will occur, but before you can get at him it is a long, long time during which he has been doing damage.

Chairman WALSH. How many new officials of that sort have you provided?

Commissioner WEINSTOCK. I think the bill says not to exceed 10 crews. Is it 10 or 5?

Mr. BUSBEY. Six crews.

Commissioner WEINSTOCK. Six. How many members?

Mr. BUSBEY. Three members to a crew.

Commissioner WEINSTOCK. Three; you see that would be about 18 as a maximum.

Commissioner GARRETSON. Mr. McNab, isn't it a fact from your own experience—this is an opinion, of course——

Mr. McNAB. Certainly.

Commissioner GARRETSON. Because you have expressed an opinion in regard to that feature of the bill, these arresting crews—isn't it a fact that exactly that quality and that effect is apparent every day in every police force of every city on this continent?

Mr. McNAB. There is not any question about that.

Commissioner GARRETSON. And that it develops in this way: In a country village put a decent citizen in as village marshal and in a year you have got a corrupt man in nine instances out of ten?

Mr. McNAB. I am sorry to admit it.

Commissioner GARRETSON. I am talking from my own knowledge of men.

Mr. McNAB. I am sorry to admit it. There is something peculiar, because that man necessarily is compelled to supervise the morality of a district. The moral people are not going to attempt to corrupt him, but the immoral, by a thousand devious ways, are going to approach him. He is not going to sink all at once, but he is going to be constantly surrounded by the importunities of friends and by the threats of enemies and by the inevitable desire to make something, and sooner or later he is corrupted; I don't know why it is.

Commissioner GARRETSON. It is the sort that makes the policeman on every beat take a banana off the Italian's pushcart and a handful of nuts from the next old woman selling on the corner.

Commissioner WEINSTOCK. Well, now, coming back to the proposition under discussion, Mr. McNab, these are the facts as the commission sees them. I think that the commission is morally certain that there is smuggling going on.

Mr. McNAB. You mean bringing in of Chinese?

Commissioner WEINSTOCK. Yes; contraband Chinese.

Mr. McNAB. I don't think that is to be disputed.

Commissioner WEINSTOCK. Very well.

Mr. McNAB. It is taking place for the same reason that if you and I were in China and our countrymen wanted to come in we would consider that we were doing a service to our countrymen if we got them in.

Commissioner WEINSTOCK. Exactly. Very well. Now, we have also—we are also morally certain that that traffic is conducted largely by white men with Chinese cooperators, and it is conducted not for the love of getting a Chinaman into the country, where he will fare better than he does in his own country or in the country from which he happens to come, but for profit, pure and simple.

Now, this commission is further satisfied that the way to minimize that smuggling is to cut out the profit, make it unprofitable. And the commission has thus far not been able to find any suggestion that is likely to be more effective along the lines of minimizing this smuggling than by making the business so precarious and so uncertain and so hazardous as to make it unattractive; and it has been pointed out to the commission that by the proposed plan the contraband Chinaman sooner or later will discover this fact, first, that to get into this country he must be prepared to subject himself to whatever physical hardships are involved. He must be prepared to pay the smuggler's price. He must be prepared to live with a sword suspended over his head by a slender thread. He knows to-day that if he can plant his foot on American soil and get in with a crowd he is lost in the shuffle.

Mr. McNAB. Not at all.

Commissioner WEINSTOCK. And that the chances are—we have the testimony here of the authorities on the subject, who admit it—that the moment he gets into this country he is safe, and there is not one chance in a million of his being deported.

Mr. McNAB. What do they say in response to the conditions that obtain in every immigration district, where deportation is going on every week? Do they admit that they can't catch them when they boast that they do?

Commissioner WEINSTOCK. We have had men who are supposed to be the keenest men in the profession, men who have had years of experience, and they admit, sitting right on the same chair that you occupy, that a Chinaman, once landed here, is practically safe.

Mr. McNAB. Strange.

Chairman WALSH. All along the coast, Boston and Seattle, they say that once they get in——

Commissioner GARRETSON. Yes; if he is 3 miles on the land line——

Commissioner WALSH. They may pick them up accidentally, but there is no effort.

Mr. McNAB. Strange thing that those same men used to tell me that they could walk into a Chinese laundry and pick out a strange Chinaman every time by his looks, and nine times out of ten they never made a mistake.

Mr. BUSICK. But did they pick him out? That is the point.

Commissioner WEINSTOCK. That is not exercised, because the fact remains that the only Chinamen deported, I suppose, are the exceptional cases where they are informed upon or where they happen to catch them in their attempt to get into the country.

Mr. McNAB. All right. Now, you say that is the only remedy, Mr. Weinstock. What does the United States Government spend in effective measures to prevent their entry, except in immigration ports? Of course, you don't expect a contraband Chinese to come in here on the *Persia* and *Chio Maru* and land at the dock here. You don't expect that. What has the Government done to patrol this coast? When I was United States attorney we had the prosecution of several of these men who sail the sea and considered it a fine thing to bring in a boatload of Chinese, sometimes in a launch 30 feet long, stuffing 30 men underneath and battening down the hatches and nearly killing them before they got them here. They all went to jail, every one of them. They have served their time. I do not know whether they are back at the game or not. But what has the Government done to assist us? Not one thing. They landed at Ensenano Bay and the collector of the port down there got his $10 or $15 graft for putting them on board the ship. They come up here and they landed them anywhere along the coast. There wasn't even a revenue cutter to assist us in stopping them. If the United States Government would provide a revenue cutter along the coast from San Diego down, you would not have a boatload of Chinese coming into this country, not one.

Commissioner GARRETSON. How about on the Atlantic coast, where they are provided?

Mr. MCNAB. I don't know what provision they have made over there. I am not informed as to conditions over on the Atlantic.

Commissioner GARRETSON. I am informed that there is far more Chinese landed by those methods on the Atlantic coast, especially the north Atlantic coast, than there is on this.

Mr. MCNAB. That may be true.

Commissioner WEINSTOCK. Transferred from the West Indies?

Commissioner GARRETSON. Canadian ports, largely.

Mr. MCNAB. Most of them, I think, come from Canada.

Commissioner GARRETSON. And there is a revenue service that is used largely—that stands there for other purposes that is utilized to a considerable degree in that direction, but it does not stop them.

Mr. MCNAB. Where does your testimony show the most of them come from, Mr. Garretson?

Commissioner GARRETSON. I am not talking to you about the testimony on the subject at all. I am talking about conditions from personal knowledge, because I wasn't present at the hearings on that coast; but I know that the conditions exist.

Mr. MCNAB. Well, I am talking only as to those conditions concerning which I have any knowledge, and that is the Pacific coast. We had no assistance whatever. We had some vigilant inspectors, and that was the only assistance that we had.

Commissioner WEINSTOCK. Do you think this smuggling ought to be winked at and ought to be permitted to go on?

Mr. MCNAB. Certainly not. There is only one answer to that. If the law is passed in this country and it is the policy of this country to keep out Chinese, of course it ought to be enforced like any other law. And if it is not a proper law, repeal it.

Commissioner WEINSTOCK. If this Nation gave you full power to act, what would you do?

Mr. MCNAB. I would have an honest immigration service that would honestly treat every man that came to this country, and discover whether he belonged to the exempt class or not. I would appeal to the Chinese Government for co-operation by treating them as they have a right to expect to be treated, as a great Government with an overflowing population that some day the rest of the world will have to reckon with. I would not permit them to say that the Chinese-exclusion act is enforced as it is in this country to-day, where the rich merchant and the banker and the scholar and the student is taken like a criminal by the throat and locked up over some immigration station until he can prove that he is not a criminal. I would start, in the first place, by honestly enforcing the law, and when I got honest enforcement of the law there, you are going to have it elsewhere, and you are going to get cooperation with the Government in China.

Commissioner WEINSTOCK. Well, now, I think that this commission is in perfect sympathy with you, Mr. McNab, on the point of extending courteous and proper treatment to the privileged classes of Chinese that are permitted to enter this country; and if you can bring specific cases to the notice of this commission where merchants and bankers and students have been mistreated, I think I voice the sentiment of the commission when I say we will be very vigorous in bringing the attention of the authorities to those abuses.

Mr. MCNAB. I have always believed that.

Commissioner WEINSTOCK. Yes, on that score—on that point—we are in perfect sympathy with you.

Mr. MCNAB. And I have taken the opportunity to try to get into touch with the commission long before it came to this coast. I had long and favorably heard of Mr. Walsh and of certain other members of the commission, because of their disinterested and patriotic services, and I knew that their intention was to devote themselves to a remedy of these evils. And I have tried to get into touch with them, but, owing to the fact that it wasn't fully organized, it was sometimes a difficult thing to do. And I did what was the next best thing—I went over the head of the Immigration Service, right to the big man in the White House, and I got my relief, as I know I always will get relief when I go there with a just cause.

Now, I interrupted you, however, Mr. Weinstock.

Commissioner WEINSTOCK. Well, I was going to say that on that part of the situation we are as one with you and we are ready to cooperate with you.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. We are ready to do all that lies within the power of this commission to right these evils.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. Because I appreciate with you that they are evils, and serious evils.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. They injure the Nation in the estimate of a friendly nation whose good will we want, whose business we want. But, coming back to the other proposition, granting that whatever existing evils may now prevail at our stations, granting that those were corrected, your plan still would not prevent the smuggling.

Mr. McNAB. Well, that is perfectly true, not wholly—not wholly—although a vigilant service can do a great deal to prevent it. But no one can suggest any remedy for that sort of thing except the vigilance which will keep anybody else out of the country. And you ought to have cooperation with the Government of China, with Mexico, and with Canada. You have the cooperation—possibly the evidence may show that some come from the British possessions to the southeast—cooperation with Great Britain. Canada is pretty strict in regard to its immigration questions. It is to-day face to face with the Hindu question, more keenly than the United States Government. It ought to be able to cooperate as far as that boundary line is concerned and as far as the ports are concerned. Mexico some day, with a revolution of new ideas, will be willing to cooperate. Up to this time it has been impossible to get any cooperation with Mexico, because Mexico has just simply been a succession of one grafting clan after another, and it simply depended upon which particular clan happened to be in power as to who should do the grafting. And by cooperation with Mexico, with Canada, with the British Government, and with the cooperation which you have a right to expect and practically demand from China under its treaty obligations, provided she is treated fair, I think that thing can be stopped.

Commissioner GARRETSON. Hasn't it been true in the past, Mr. McNab, speaking of the two Governments on the sides of us, that heretofore there has been—that is, going back into what we might call the settled days in Mexico—there has been no friendly cooperation, possibly, on the part of the Mexican Government, largely owing to the fact that the Chinaman in Mexico is received as a social and industrial equal, and there was no sentiment against him, nor could they understand why we take the attitude that we have.

Mr. McNAB. No; they considered it a friendly act to help foist him into the country.

Commissioner GARRETSON. In other words, they were a partisan of the Chinaman?

Mr. McNAB. Yes.

Commissioner GARRETSON. On the north has not this been true: The Canadian population as a class had no personal interest whatever, except to see that they passed through, until the Hindu problem arose on their hands, which has given the western Provinces of Canada an interest that they have never had before, and that is absolutely lacking yet, is it not, in the eastern Provinces?

Mr. McNAB. Yes; I don't understand——

Commissioner GARRETSON. Immigration isn't on in the eastern Provinces of Canada at all.

Mr. McNAB. No more than the hatred of the Chinese had penetrated the East at the time it was a menace to California.

Commissioner GARRETSON. But I am speaking of the Canadian side of the line.

Mr. McNAB. Yes.

Commissioner GARRETSON. It never spread there. Have you ever seen any indication that it did spread there?

Mr. McNAB. I think not; but it is a very live issue in Canada to-day.

Commissioner GARRETSON. Oh, sympathetically with British Columbia.

Mr. McNAB. And British Columbia; and very soon the grain-growing countries of the center are going to urge the Ottawa Government, and there is going to be the very strictest surveillance over immigration. Now, if Canada is going to become an anti-Hindu, anti-Japanese, and anti-Chinese country, you have got foundation of the finest kind of cooperation. If Mexico is going to be

eventually brought to the place where it can be made to understand that this country will be displeased with that kind of immigration, you are going to get cooperation.

Commissioner GARRETSON. I doubt—I must express the opinion—I doubt that condition ever arising in Mexico.

Mr. MCNAB. Well, that is possibly true.

Commissioner GARRETSON. There I am speaking as a man who was a resident.

Mr. MCNAB. Yes.

Commissioner GARRETSON. For a reasonable period.

Mr. MCNAB. Well, it has nothing in its present condition to lead you to hope very much.

Chairman WALSH. It is a difficult question, isn't it, Mr. McNab?

Mr. MCNAB. I beg your pardon?

Chairman WALSH. I say, a difficult question in its essence.

Mr. MCNAB. It is not an easy question.

Commissioner WEINSTOCK. Mr. McNab——

Chairman WALSH. What sort of men—excuse me; I would like to get down to it—what sort of men would they be that would form these crews? Have they got to be white men, with interpreters and all that, much the same sort of staff that you have now?

Commissioner WEINSTOCK. Just a moment.

Commissioner O'CONNELL. It would be an inspector and an interpreter; probably a stenographer, or secretary, or something.

Commissioner WEINSTOCK. I think it specifies here.

Commissioner O'CONNELL. That is an incident, however?

Commissioner WEINSTOCK. It would be men——

Mr. MCNAB. It is contended by the Immigration Department that they should be specially trained men.

Commissioner WEINSTOCK. Yes.

Mr. MCNAB. Yes; for that service; but I assume that their qualifications would be nothing in addition to that of the active and vigilant immigration inspector of to-day.

Commissioner O'CONNELL. Like most any ordinary sensible man.

Chairman WALSH. Say, the point was suggested, Mr. Weinstock, that one of the great difficulties in administering an act of this sort would be this difficulty of the exempt class, one might be picked up inland some place four or five hundred miles away from the United States commissioner and have to come to prove his right as an exempt citizen.

Commissioner GARRETSON. There is no indemnifying clause whatever?

Mr. MCNAB. Would you pardon an intrusion just at that point? That condition exists to-day in many parts of this State. Let me give an illustration, if you will permit it. United States attorney has the authority to designate the United States commissioner before whom the testimony shall be taken in deportation cases. A Chinese is arrested in Bakersfield. There is a United States commissioner at hand, I think at Hanford, or possibly Bakersfield. The mere matter of the appointment of a United States commissioner is merely a matter of a judge of the district court signing his name. The United States district attorney immediately designates the United States commissioner at Los Angeles, 200 miles away. This Chinese, perhaps a poor man, has to go, together with his witnesses, to Los Angeles, at an expense that is sometimes absolutely prohibitive, and there, in a strange city and surrounded by strange circumstances and away from his own environment, giving his testimony. The result has been in many cases men, rather than face the expense or unable to face the expense, have been compelled to submit to deportation when practically they had good defenses. The same would be true in regard to the question which the commissioner has just suggested, if some one in Colorado, for example, were to be arrested, and yet he were a member of the exempt class, might be asked for a certificate, although the commissioner might suggest it was a fraudulent certificate. He could be taken to a distant point and could be prosecuted. The prosecution failed, and he is then stranded in a foreign country, practically, and has no indemnity against the proposition, and must return to his own country in his own way.

Commissioner GARRETSON. Let me ask if that don't grow largely out of this fact, that if the trial was held in the man's environment, that on account of his relations with the number of Chinese in that locality, he was able to present, and in many instances he did present, manufactured evidence, and it was to counteract that to a certain degree that this practice grew up?

Mr. McNAB. That may be the excuse given by the Government.

Commissioner GARRETSON. Is it an excuse or a reason?

Mr. McNAB. I don't think it is a reason, and I will tell you why I don't think it is a reason. The United States Government is a big, powerful machine, and it is equipped with expert and trained men who haven't hesitated to go any length in order to present evidence, and they ought to be at least presumed to be capable of solving that question.

Commissioner GARRETSON. And yet it is sworn to here—I won't go further than right here——

Mr. McNAB. Yes, sir.

Commissioner GARRETSON. That with this power of the Government, visible power, that it has been demonstrated time after time that the power of the United States Government could not remove an interpreter that was notoriously corrupt, on account of the invisible influence?

Mr. McNAB. Are the Chinese to blame for the influence?

Commissioner GARRETSON. I haven't any doubt whatever that the influence is nonracial. That if what the Chinese desire falls in with the desire of great interests that are non-Chinese, that they will avail themselves of the services of each other.

Commissioner WEINSTOCK. I want to point out to the commission that the alleged weak spot in the proposed amendment, to the effect that under it a member of a privileged class living 500 miles away from a populated center would be subjected to annoyance and expense and indignity and all that sort of thing—that that alleged weakness is greater under the plan proposed by Mr. McNab than under the plan we have before us, for this reason: Under the proposed plan a Chinaman living 500 miles away from a center can get a certificate which protects him absolutely, unless the inspector robs him of it. Under your plan this man could not get a certificate to-day to prove his identity, and if your plan was carried out and the law was effectively prosecuted, you would have Chinamen all over the country, members of privileged classes, being dragged to these populated centers with their witnesses in order that they might establish their identity. Therefore this plan proposed is a very great protection to just such cases as you have in mind or have been suggested by Mr. Busick.

Mr. McNAB. What is there in this bill that prevents a repetition of the thing that is constantly going on here, of that certificate being taken up on the ground that it is fraudulent? That immigration officer, or whoever it is, hasn't any power to issue a receipt that will protect him. He issues a so-called receipt and then fails to turn back the certificate.

Commissioner WEINSTOCK. The victim in that case would always have the redress as afforded by this law, to get a duplicate.

Mr. McNAB. In the meantime he probably has been arrested and taken off to some distant port.

Commissioner WEINSTOCK. Granting that this is true, and granting that it is an imposition and hardship and burden upon the victim, but under your plan the chances for doing that would be far greatly increased, because not any of these men might be in a position where they happened to be found and located to prove to the satisfaction of the inspector that they were entitled or that they were members of the privileged class?

Mr. McNAB. I can't see it in that light.

Commissioner WEINSTOCK. Have I made that clear to you?

Commissioner O'CONNELL. Suppose we ask Mr. McNab to take one of these and write his criticism on it. Look it over at his leisure carefully.

Mr. McNAB. I would be glad if I can be of any service to the commission.

Chairman WALSH. I understand Mr. McNab says it is wrong in principle and wrong in practice, and indefensible from any standpoint.

Commissioner O'CONNELL. In addition to that, if the idea don't appeal to you at all, you might give us some suggestion along that line.

Mr. McNAB. That is all, is it?

Chairman WALSH. Yes; thank you. Very much obliged to you.

Mr. McNAB. I want to express my appreciation of the commission even discussing that situation, because you will understand we haven't had an opportunity to present these matters before anybody, and we are profoundly grateful to you for an opportunity to explain them. I wish I had an opportunity to look over this bill and explain it intelligently.

Commissioner WEINSTOCK. You can see it is not the purpose of this body to act arbitrarily.

Mr. McNAB. Anybody who had any common sense wouldn't assume it was. It was not appointed for that purpose, and the character of the men on the board shows it wouldn't. We are very profoundly grateful to you.

Chairman WALSH. We will now adjourn until 2 o'clock.

(Whereupon, at 12.45 o'clock p. m. Saturday, September 5, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Met pursuant to adjournment. Present as before, Commissioner Garretson presiding.

Acting Chairman GARRETSON. The commission will be in order.

Mr. BUSICK. Will you please be sworn, Mr. Fong?

Acting Chairman GARRETSON. Do you solemnly swear that the evidence you are about to give before this commission in the matter now under hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FONG. Yes, sir.

TESTIMONY OF MR. M. Q. FONG.

Mr. BUSICK. Please give the commission your name in full.

Mr. FONG. My name is M. Q. Fong.

Mr. BUSICK. And you live here in San Francisco?

Mr. FONG. My home is in Oakland; business, San Francisco.

Mr. BUSICK. What business are you now in?

Mr. FONG. In the drug line.

Mr. BUSICK. What positions have you held—positions of trust and honor, Mr. Fong?

Mr. FONG. During the time after the earthquake in 1906, in the month of July, I entered the service of the Chinese consulate at San Francisco and remained there for about three years. Then I went East with a special commission representing the treasury department of China, studying into the bank-note paper manufacture, and took up that line in the eastern mills for two years. I then returned to San Francisco and departed for China with some American engineers, when the Chinese revolution broke out, and that has kept me here up to this date.

Mr. BUSICK. What position do you now hold, Mr. Fong?

Mr. FONG. I am the president of the Republic Drug Co.; secretary of the Chinese Six Companies, also known as the Chinese Consolidated Benevolent Association; assistant secretary Chinese chamber of commerce; second secretary of the Yeong Wo Association. While I was East I spent a little time in Washington with the legation and had some special work for Wu Ting Fang.

Mr. BUSICK. Mr. Fong, you have seen and considered a proposed bill which was laid before the Chinese chamber of commerce by Commissioner Weinstock which provides in general for reregistration of all Chinese in this country and giving them a status and provides for the checking up periodically of Chinese by Government officials. The original draft of the bill, as you know, has been amended so as to make this reregistration, or this registration, permissible on the part of the privileged classes of Chinese and compulsory on the part of the laborers. I wish you would tell the commission what the attitude of the Chinese organizations of this city has been toward that bill.

Mr. FONG. Mr. Steger, the attorney for the Chinese chamber of commerce, in the latter part of February phoned to me. He said, "Now we have an Industrial Relations Commission created by Congress, and I think it is best for us now to draw up some ideas how the Chinese are treated, and I would like to compile all the grievances so we can present it to Hon. Weinstock when he comes to San Francisco." I said, "Mr. Steger, all right, go ahead." "Well," he said, "it would take some time and possibly some money, too, possibly, to compile such a big volume of work which may incur a little expense which your chamber of commerce would not stand for." I said, "It would not be very much." He said, "Not very much." And I took that up in our regular directors' meeting and they said, "Sure, if Mr. Steger is going to compile something how the Chinese are treated and their general conduct and so on, tell him to go ahead." So I did. So that then a few days after that he called me up. "Now, Mr. Fong, will you kindly let your chamber of commerce know that Mr. Weinstock would like to speak to that audience on the evening of March 12." I said we would gladly do so, so I reported that to the directors at their

meeting and a meeting was held to receive Hon. Mr. Weinstock, at the meeting on the night of Wednesday, March 18.

On that evening I was supposed to do the interpreting of Mr. Weinstock's speech. However, owing to my cold, Mr. Li and another one did it for the directors and for the chamber of commerce. On Monday, prior to the meeting, I asked Mr. Steger. I said, "Now, what will Mr. Weinstock talk about or lecture to us about?" "Well, he is going to touch on that proposed bill that I have drawn up for him." I said, "In what way?" "Well, you remember, I have talked to you through the phone that I was also to write a bill." But, for my part, I didn't know that plan—that this bill was to be one thing for Mr. Weinstock to address us.

And so I said, "Now, where is that bill?" "Why, I sent it up to one of your members." I says, "I haven't got it. I would like to know what it is," I said, "so that we can be prepared to listen to Hon. Weinstock when he addresses us." "Well, you had better call up your member." I got it either Tuesday afternoon or Wednesday morning, and that hardly gives me enough time to look over the thing; and so—well, when the evening came and the meeting of all the members were called and the Hon. Weinstock and Mr. Steger and Judge Harrington were there at about a little after 7, and Mr. Steger addressed the members and then introduced the Hon. Weinstock, and the Hon. Weinstock took up the matter, part by part, of the new law or new proposed bill, and also stating that the purpose of the commission was to suppress the smuggling through the borders, and that he understood that some thousand a month were coming in through the borders. And he read it very carefully, and at the conclusion he stated, "Now, do not take immediate action; think this over very carefully. This is not a small matter, but it is a great matter, and you should give it consideration."

After the meeting the whole members—most of the members—jump up on the president. "Well, how is it that you arrange for a meeting to read a bill to be submitted for our voting—although we can't do it to-night—that we know nothing about? How is it we haven't got this bill before us? And let us discuss it and see whether it will meet with our approval, instead of taking Hon. Weinstock's time, and to go over it part by part when we do not know a thing about it." It was a very pleasant surprise to me. I called up Mr. Steger the following day and said: "Mr. Steger, you have done a fine thing to us. In the first place, you should have come up with that bill and read to the directors and let them pass on it, and if they think it should go to the whole membership of the Chinese chamber of commerce we would have taken it up with that part, and after it should go to them we arrange to have Hon. Mr. Weinstock go over with us, but as it is the whole thing is new to us and we are all up in the air." I says, "What are you doing this?" He says, "I spoke to one or two of your members and they seemed to approve it." I says, "That isn't the thing; we should have this beforehand, and discuss it so that it would not be new matter to all members."

In the meantime—I was not secretary at that very particular moment for the Six Companies. They had hardly heard of this matter that night than they gave the chamber of commerce Hail Columbia. They says, "How is it you have such a bill or you folks have got up such a bill?" They understood we have got up the bill for Mr. Weinstock to address and for the Chinese action. And they have a meeting and Mr. McNab was there, and the president of the chamber of commerce was requested to appear before that body and give reasons why is it that such important matter the Chinese chamber of commerce go ahead and have it drawn up by your attorney and not let the Chinese know about it. It is a tremendous question; why should you go in such a tremendous hurry without letting us know about it? The president says he don't know nothing about this bill. We know Hon. Mr. Weinstock is coming to address us, and we are very happy and think it is a great privilege to receive a representative of President Wilson. He did not have any idea he was taking up with us such important subject and we had no idea. So that after hearing from the president they were much pacified, and said if that is the case we will take up the matter with Mr. Weinstock through Mr. McNab and the secretary, Mr. Gee Gee Hong. I don't know exactly what has taken place with Mr. McNab or the secretary.

Commissioner GARRETSON. Is Mr. McNab counsel for the Six Companies?

Mr. Fong. At that time.

Commissioner WEINSTOCK. Is he still counsel?

Mr. Fong. He is reelected and will continue until next July.

Commissioner WHITSTOCK. Is he still——

Mr. FONG. He is really elected. He will continue until next July.

Mr. BUSICK. Just give the commission the action that was taken on that by the Chinese chamber of commerce and the Chinese Six Companies.

Mr. FONG. The Chinese chamber of commerce on that very night—the merchants, especially—we represent nobody but the merchants. They disapproved the way in which the bill was formerly. They say, "Here we were merchants in the former time, 20 years ago, the last registration, and we don't have to register." Although in the very beginning, I believe, the bill was not amended, it read as if everybody had to register. Of course, that gives more trouble than there would have been before. Suppose, we will say, last year or six months in China, although the provision provides so, he then thinks it is such an awful thing, why should we have to be registered any more than any other merchant? The treaty and the law of the immigration provides under certain statutes we be exempted from this law, and the immigration law had nothing to do with us, or the exclusion law. We are merchants; we don't want any more extra work to be done than necessary. Now, suppose we were to register. That means to say we would be under burden of certificate; and if we don't possess the certificate we would be simply like the laborer at the present time—harassed by the inspector all over. "Here, have you a certificate?" If you say, "Yes," "Show it to me." Sometimes it may be in a trunk; sometimes it may be in some other belongings, or valise, or drawer; and sometimes they may take it out and dig it up, and sometimes they may say in such a place they have forgotten exactly where it is. "I guess you didn't have it. I don't think you ever had a certificate." Then he would simply be hauled to the nearest station to be questioned and locked up, and we would be under the same condition as those laborers; we would not be any better off; it would be no protection to us.

And not only that, it would make it worse than nothing, from the laborer's standpoint. Of course, that would take in the students, travelers, natives as well as under the original draft of the bill. Of course, the native protested very strongly. "Why, we were never requested to do anything else outside"——

Mr. BUSICK. Let me interrupt you there. Under the amendment to the bill the native does not have to register. Of course, that is a privilege that he has. It will save him embarrassment.

Mr. FONG. I wish to express both views of it; that is, the former view and the after view. In the former view they say, "If we were to register, why, something—I think it is great humiliation we call it. We were born here under the American flag, under the American Constitution, and why should we have to do it?"

Commissioner GARRETSON. You feel it is an indignity needlessly placed upon the exempt class?

Mr. FONG. The exempt class. Of course, after that clause is stricken out they can do it if they please; but that is no guarantee to us, anyway. Suppose if we don't have one, why, the bill would be this way: All would have to register, with the exception of the exempt class, and they can do it if they so pleased. All right.

If your honorable commission—if you only knew how the Chinese was treated here, that bill would do the Chinese more damage than good. The Chinese here would have to testify every time that they were legally here that they are legally here. The inspector always tries to make you a guilty party unless you can prove that you are innocent. If this bill goes through—and I am explaining this from the view of the exempted class—if this bill goes through, the laborer would have to be reregistered. Now, some of us would probably like to. So those who don't care to they don't think we ought to be subject to this new way.

Inspector comes along. "Well, have you a certificate?" "No." "Why? There was a registration law not long ago. Why didn't you get one?" "I don't have to have one." "Can you prove it?"

He would have to get a great burden to prove why it would probably last a month. I have seen the thing done for the present time, not to say any of the future. At the present time is the same way, the same old story goes on. So the Chinese feel that if this thing is ever presented to Congress and passed by them it means more trouble to the Chinese in general. They feel this way.

Now, the honorable commission representing President is to do the work and try to stop smuggling. Well, now, it is in our opinion that there are more or

less people smuggled through. There is no question about it. Now, isn't it a fact that they go through the eyes of the immigration officials? How can they ever pass through a border without being seen? Is it possible? Now, the honest Chinese feel that if the immigration officials at the border were carrying out their sworn duty this smuggling would be automatically stopped, if it was rigidly enforced, if there was no crooked work of any kind ever going on, they believe that they can watch them close enough, you know, without having them pour in as exaggerated by the reports which wasn't so. And also at the sea ports. Now, they think the only remedy can be done is to have these inspectors so discharge their duty, you know, that they would be strict at the borders and see that no immigration gets in, no smuggling comes in. They can't feel by having such a law, that would stop the smuggling. Now, this is the view of the law, to stop smuggling, and they think that this law works double, works a hardship on the Chinese themselves and yet won't do the work as it is represented to do.

Commissioner GARRETSON. Their viewpoint is that that law works a hardship on every innocent man to catch a guilty one?

Mr. FONG. Sure. Most surely. And works it on the guilty one, too

Commissioner GARRETSON Oh, yes; but of course that would be logical.

Mr. FONG. Logical, yes; but of course you know it is a very hard thing to do for a person to have those certificates of registration. Now, for instance, if a person is traveling from Los Angeles to San Francisco at the present time, an inspector is at Bakersfield and Fresno. At Bakersfield he boards the train. "Mr. Conductor, is there any Chinese on this train?" "Yes." He immediately comes to the berth. "Have you got a certificate of residence or any kind of a certificate showing that you have a right to be in this country?" Well, he either have to show it or there is something doing. And the same way, if he shows that certificate, "All right, go on." Either at midnight or at any time. And then he proceeds up to Fresno and another one comes. "Have you a certificate?"

Commissioner O'CONNELL. Have the Chinese recently held a large meeting on this matter?

Mr. FONG. What, on which matter? On the matter of this?

Commissioner O'CONNELL. On this bill, yes.

Mr. FONG. The Chinese Six Companies did have one, but that is right after the lecture given by Mr. Weinstock. They did have one.

Commissioner O'CONNELL. Haven't you had a recent meeting where there were several hundred Chinamen present?

Mr. FONG. No; not under my time. I was in office the 1st day of April.

Commissioner O'CONNELL. Wasn't there a meeting held a couple of weeks ago?

Mr. FONG. On this subject?

Commissioner O'CONNELL. Yes.

Mr. FONG. Well, not to my knowledge. I don't seem to recall. A meeting was held—let's see, two weeks ago, a couple of weeks ago?

Mr. BUSHEE. Yes.

Mr. FONG. Not exactly on the bill, but a meeting was held on the general principle, that is on the general treatment of Chinese, you know. We were prepared to get statements on the status, you know, so we can present it at any time.

Commissioner O'CONNELL. Didn't this matter come up at that meeting in some way?

Mr. FONG. Not very strongly. Of course in all the Chinese meetings this bill had been a black eye to them.

Commissioner O'CONNELL. Wasn't there some question about the attorneys who had been representing this matter and representing some of your associations or organizations?

Mr. FONG. Why, I don't know as they stated it openly. Of course I wasn't at all the meetings, you know.

Commissioner GARRETSON. Could you discuss——

Commissioner O'CONNELL. You better ask him.

Commissioner GARRETSON. Could you discuss the status of the Chinamen at the present time; that is, in a body of Chinamen, without this tentative bill naturally weaving itself into it?

Mr. FONG. What do you mean?

Commissioner WEINSTOCK. It means, if you had a meeting discussing these questions, that this bill would naturally bob up.

Commissioner GARRETSON. Naturally, in view of the discussion of the results that might come from its passage.

Mr. FONG. Oh, not necessarily, unless we discussed the immigration subject.

Commissioner GARRETSON. Well, what appealed to me was this: Could you take a view of the Chinese status as it is——

Mr. FONG. Yes.

Commissioner GARRETSON. Without taking into consideration the immigration laws existing and proposed?

Mr. FONG. Yes.

Commissioner GARRETSON. Wouldn't they naturally weave themselves together, one being a part of the other?

Mr. FONG. Why, I don't quite get hold of your question, sir.

Commissioner GARRETSON. Well, I don't know whether I can make it clearer or not.

Mr. FONG. I don't quite get hold of the idea.

Commissioner GARRETSON. If you were going to discuss the relation of the Chinese here——

Mr. FONG. Yes.

Commissioner GARRETSON. That is, to the Government of this country.

Mr. FONG. Yes.

Commissioner GARRETSON. Wouldn't it be part of the consideration of that question, not only the existing law of this country, under which they had come in or been born here——

Mr. FONG. Yes.

Commissioner GARRETSON. As well as the proposed law which might go into effect and change that status in any degree? Wouldn't they all be considered together? Could you cover the subject without discussing all of them?

Commissioner WEINSTOCK. It is an immaterial point, anyhow.

Mr. FONG. I don't know as I understand that clearly.

Commissioner GARRETSON. Go ahead. Let it go.

Commissioner O'CONNELL. Wasn't there some question as to the attorneys of your merchants' association, Mr. Steger—and Kennedy, is it?

Mr. BUSIEK. Mr. Kennah.

Commissioner O'CONNELL. Kennah.

Mr. FONG. Well, Kennah is a partner of Steger, but Steger does our work; does our work for the chamber of commerce.

Commissioner O'CONNELL. Hasn't your chamber of commerce taken some action in connection——

Mr. FONG. With this bill?

Commissioner O'CONNELL. Yes.

Mr. BUSIEK. With Steger's activity in it.

Commissioner O'CONNELL. With Steger's activity in it?

Mr. FONG. Well, the chamber of commerce disapproved of this thing entirely.

Mr. BUSIEK. Well, did you take up that subject with Steger?

Mr. FONG. Mr. Wong authorized me to tell Mr. Steger, "Don't bring anything like that without first presenting it to us. This thing was not absolutely within our idea of reason." We spoke to Mr. Steger officially on this point.

Commissioner WEINSTOCK. Now, coming back to the merit of the bill itself, you have just explained that even as it is now under the present law——

Mr. FONG. Yes.

Commissioner WEINSTOCK. That you have seen Chinamen held up and papers demanded, and subjected to annoyance and all that sort of thing. Well, now, let us see how it works out under the present law: Are you a native of California?

Mr. FONG. I am a native of California.

Commissioner WEINSTOCK. All right. Supposing you should find yourself in Detroit, or in Attleboro, Mass., or in Austin, Tex., or in some place away from your home. Your home, I take it, is in San Francisco, is it not?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. All right. Your friends are all here. Supposing you were in Austin, Tex., to-day, and I was an inspector, and I came along and I said: "Your papers, please."

Mr. FONG. Yes.

Commissioner WEINSTOCK. And you would have no papers.

Mr. FONG. No.

Commissioner WEINSTOCK. All right. He would say to you, "I think you are a contraband"?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. "And you have got to prove to me you are not"?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. "Or I will have you arrested." Now, what could you do to-day?

Mr. FONG. Well, I would simply have to get the burden of proof from San Francisco.

Commissioner WEINSTOCK. You would either have to send for your papers to San Francisco, or bring your witnesses from San Francisco—or—well, I don't know what else you could do.

Mr. FONG. I don't know either.

Commissioner WEINSTOCK. You would be in a very bad position.

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Utterly helpless?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Because here in San Francisco you would have means of proving your identity?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Away from San Francisco you would have no means of proving your identity?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Are you aware of the fact that under the present law—the law has simply been lying dormant, but under the present law all of these things you dread in the new law are possible?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. So that, under the old law, away from home you are utterly helpless, and under the new law, with this certificate in your pocket, nobody could molest you?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Therefore, does it not seem reasonable, in your own interest, as a native citizen who wants to travel about, that this new law would be in the nature of a great protection? Let us see if I am right or wrong: To-day, if you want to go back to Europe or China or anywhere else outside of the United States, you are subjected to delay, are you not, in getting passports?

Mr. FONG. Sometimes.

Commissioner WEINSTOCK. And if you are unknown—happen to be in a community where you are not known, where you don't know the authorities, who look upon you with suspicion, you not only would have delay but annoyance?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. And vexation of spirit and trouble. Whereas the moment you register under the new law and get your certificate, you could go and come just as easily as I could go and come without restriction?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Therefore, from the standpoint of a native citizen, does it not seem that the new law affords you a protection you can not get to-day?

Mr. FONG. Well, the way I look at it, even if we have this new bill passed, I wouldn't subject myself and get one of these certificates. I would rather be subjected myself to all these annoyances and show to the Government whether there is not any other remedy before I subject to it. Why should I subject to a law, to get a passport, something that can be burned up, something that can be lost. Why should I?

Commissioner WEINSTOCK. You don't have to, if you don't want to.

Mr. FONG. But I don't see why I should subject to such indignity which no other national born under the United States flag would have to, outside of the Chinese.

Commissioner WEINSTOCK. You might say if you wanted to go to Turkey as a native-born American citizen, why should you subject yourself to the indignity of getting a passport, but you would have to get it if you wanted to go to Turkey. You would have to get it if you wanted to go to Russia, and that is not regarded as an indignity.

Mr. FONG. I don't think that would be equal—parallel.

Commissioner WEINSTOCK. Why not?

Mr. FONG. Now, the Turkish Nation treats all other nations as a whole, you know that. Turkey not only expects for you, but expects every other nationality to go in the same way.

Commissioner GARRETSON. Does Germany do precisely the same thing?

Mr. FONG. I don't know.

Commissioner GARRETSON. She has a passport system only where they become residents.

Commissioner WEINSTOCK. No; there are only two countries that demand passports, Russia and Turkey.

Commissioner GARRETSON. I knew they both did, but I was under the impression that to save considerable trouble in both Austria and Germany you would have to have them.

Commissioner WEINSTOCK. No; I have been all over those countries, and never had them.

Mr. BUSIEK. As I understand Mr. Fong, he takes this position, that the Chinese do not object to doing anything that is required of everybody else. If he wants to go to Turkey, and he had to take out passports, he wouldn't object, because everybody else has to. But the native-born Chinese object just as strongly to having to take out a certificate in Austin, Tex., as I would object to it. That is the point.

Commissioner WEINSTOCK. The United States Government has seen fit, whether good or bad, or right or wrong, or wisely or unwisely, it has seen fit to discriminate against Chinese coolies.

Mr. FONG. Yes, sir; certainly.

Commissioner WEINSTOCK. As I understand it, the intelligent Chinese don't blame the Government for that.

Mr. FONG. I don't blame them myself.

Commissioner WEINSTOCK. They realize that if the bars were let down, the millions of Chinese coolies would come over to this country like so many grasshoppers and eat us up, and therefore they don't blame the Government for having established a restriction law against the coolies. Now, they have been told there must be some way to differentiate and identify the preferred from the nonpreferred classes, and you can't do it by appearances, because there are many merchants who don't look like merchants and many coolies who do look like merchants. Therefore you can't be guided by appearances pure and simple. There must be some method of identification, and the human mind thus far has not been able to devise any better method than by certificates, unless you want to brand a man and identify him that way. Therefore, so long as there is an exclusion law, there must be a way of identifying between the privileged and nonprivileged classes, and if you can suggest a better way than the certificate we would be mighty glad to hear it. It is not the purpose of the commission and not the purpose of the Government to needlessly humiliate those who are entitled to come here under the treaties and Constitution and remain under the Constitution, and it is not the purpose and spirit of this commission to do it. The only purpose that this commission has is to carry out and perform the duties that have been imposed upon it by Congress, with the thought before us that there is an exclusion act that we can't escape.

Now, you admit and it has been admitted here by authority—by men who know, whose business it is to know—that there is a great deal of smuggling going on and that thus far all the efforts that have been made on the part of the authorities to prevent it have not been successful. Now, the commission realizes that the best way to minimize this smuggling is to take out of it the profit. The white man who is a smuggler of Chinese, he does not smuggle them in because he wants to see them have a better time than they would have in Mexico or China, but because there is profit for him to do it. If we can take away that profit, or make that profit very small, we kill the business, and the best plan that has thus far been submitted to this commission is to carry out the provisions of this bill, and if you can suggest a better plan you are the man we are looking for; we will take off our hats to you.

Mr. FONG. I know this much; how it will work out I don't know, but I know it created great hardship.

Commissioner WEINSTOCK. Will it create a burden—will it create a hardship if the present law was rigidly enforced and you were held up whenever you could not show the certificate, which they have a right to do to-day?

Mr. FONG. It seems to me a greater hardship. Now, with an extra appropriation, you see, if that arresting crew is situated in a position to do that thing or not, now they have to do it when they have extra time. Under the new law, we say there is a patrol duty. I don't see how it can do anything else than work a great hardship.

Commissioner WEINSTOCK. That is not exactly the spirit of the law. In the first place, the Government could not afford to have patrols in every city all the time. They probably would visit a city twice a year, if they understood their business, and the law provides that only men shall specialize on it, men shall be trained for it, they could easily locate contrabands without canvassing every Chinaman in the community, and there would be other means of getting that information.

Mr. FONG. I should say if these gentlemen who are working under the present law, if they were sincere and honest with the United States Government, I don't think this condition would exist; I doubt it would exist.

Commissioner WEINSTOCK. But we have got to take the conditions as we find them, and we know it does exist and has existed, and is likely to continue to exist.

Mr. FONG. Now, if these inspectors of this bureau were to be permitted under the new one, I think they have more chance of doing wrong than good. They have done so now, and this has given a little better circle to go about. I don't know where it is going to end, sincerely, I don't.

Commissioner WEINSTOCK. We are open to a better plan if you can present it.

Mr. FONG. Of course, it is up to Congress to pass any harsh law, and up to the Chinese to fight it the best way they know how. Of course, if the citizen can't do anything they simply have to appeal to the country. It makes it hard for many Chinese. Here they say, "Here under the law existing in the United States, why are the Chinese treated quite different from all other nationalities?" I can assure you many people of wealth and opportunity prefer to live in China under these bandits and other things rather than stay in the United States.

Commissioner WEINSTOCK. Isn't it a fact, Mr. Fong, that the United States is not the only country that has an exclusion law? Australia, New Zealand, and Canada have it, and there I don't think they have the privileged classes. I think every Chinaman must pay a large sum, I think about $500, to get admission; isn't that true?

Mr. FONG. In Canada I believe there is a $500 per head, but the Chinese now can say—it is far better to be in Canada than to be in the United States, because once you pay your $500 you are through. You don't have to be bothered by anybody. When you are inside the country, those who come over here, who would not be allowed in this country, outside of smuggling——

Commissioner WEINSTOCK. Isn't it true in Australia—in Australia and New Zealand, while I was there, I got some information; I did not investigate thoroughly, but my recollection is that also in Australia and New Zealand that every Chinaman, regardless of his status, must pay a head tax of $500.

Mr. FONG. Yes; but they were not molested after they got in.

Commissioner WEINSTOCK. No; they are not molested.

Mr. FONG. As I say, the Chinese prefer to know something definite, prefer to do something definite.

Commissioner WEINSTOCK. The purpose of this bill is to minimize the possible molestation to-day. Wherever you travel throughout the United States you are subject to molestation; you are subject to be held up and pay a tax unless you can prove your identity, and we want to give you the protection, we want to make it possible for you every minute to say you are free.

Mr. FONG. What are you going to do? This registration can not go on from year to year, say last 1 year or 2 years or 10 years, what are you going to do with people coming after, registering legally? They would not have a certificate.

Commissioner WEINSTOCK. Yes; they are furnished with a certificate immediately if they ask for it. The law provides any Chinaman who is entitled to get it can get it on demand, and if he has lost his he can get a duplicate on demand.

Mr. FONG. Mr. Weinstock, the law at the present time states that if a man loses a certificate of registration—present certificate of registration—it is not much of a burden as requested by law—but he shall give it; he should have it returned to him—a duplicate from Washington. I know a case now that has puzzled me, more than puzzled me; and I don't know why, unless of some crookedness somewhere. There is a man who has a cut in his face—no two persons alike. He had a certificate; he went to China three times. He had a laborer's certificate, and he couldn't have gone to China unless he had the certificate, and come back on his labor certificate. His certificate was destroyed on the ranch. Let us see, I believe he was living at Hanford. He was in another place and he was burned out there, and then he was burned out again. He was arrested

st year or the early part of this year and demanded to show his certificate. I haven't got one." "Where did it go to?" "Destroyed by fire." Well, they ok testimony. "Did anybody know that this place was on fire one time?" Yes." Took the statement of witnesses; witnesses said his certificate was robably burned in fire outside Hanford, where he had stated it was burned at anford. What difference does it make to the immigration people that it was rned, as long as it was destroyed?

They are going to try and deport that man. I know he can't be deported. hat man has a certificate and they have got to admit it, because he was so ecorded at the immigration office of San Francisco every time—three times.

Now, they make it hard for that man—try to arrest a person having a certifi- te, and go to all those troubles. I don't know, I firmly believe that those mmigration people—I will have the same old hard time as this gentleman would. his gentleman passed through three times, recorded at the immigration office t San Francisco. All they have got to do is simply to ask him if he ever pos- essed one, and if he did, all right. Suppose the man was a liar? Suppose Washington issued a duplicate, it can't be used by another fellow. If Mr. Weinstock is photographed, it can't possibly be used as a photograph of some ne else, unless a member of the immediate family who had a great resem- lance—it is almost impossible, photographing it so exact. What does it mean o Washington, anyhow, but issuing another? That man had absolutely had his rned, and simply through the testimony of one witness saying it was burned one place, and he had said it was burned another place, they say a discrep- ncy is there and we can't give it to him. I think one reason so much of this rouble occurs, I will say, is due to the men who carry out the law. I can't mpress it too hard upon you, gentlemen, this point. It is the men that enforce the w that makes it hard for the Chinese—or makes it hard for the United States overnment in having Chinese escape through the border and elsewhere. I on't believe it is the law itself. I think the law is good enough, and as Chinese ould not complain, I don't believe, if everything was honestly carried out.

Here is another case at Los Angeles: Not long ago when I was carrying on n investigation for the Chinese Six Companies an inspector down there had een to a laundryman for four different times and demanded his certificate. On he fifth time he saw the same party about 25 miles away from Los Angeles. "Where is your certificate?" "Oh, say, what is the matter with you? I show ou four times. Why you want it again?" "Well, I can see it any time I lease; better show it to me." Make the man the trouble to go back to Los ngeles 25 miles away to show his certificate. That is the way how the thing as operated. That why to an extent one man possesses a certificate. And what protection has he got? I don't see any. I see a lot of hardship.

Mr. BUSICK. In talking about an honest enforcement of the law, what is the eal truth, Mr. Fong, about the officers who are enforcing the present law?

Mr. FONG. Now, I should say, although I was not myself at any time engaged n seeing anybody off or in; but in my official capacity that seemed to be the eneral rumor, that this smuggling, if it is done at all, must be through and with he aid of some inside information man or somebody. It can't be done with the Chinese, you know, with some one else go right straight through. But it seems o me, through the whole business there must be something wrong, radically wrong, with this whole immigration machinery. There must be some graft going on somewhere. That is the general rumor. I haven't seen that as an eyewitness—I was never doing it—but it seems to me the general feeling. It must be possibly only by that.

Commissioner WEINSTOCK. Tell me, isn't it a possibility that a vessel can be loaded at some Mexican port, without the immigration officials knowing anything about it, and a vessel can come up and land anywhere along the coast where there are no immigration officials, and unload there? Isn't it possible to do that without an immigration officer having anything at all to do with it?

Mr. FONG. It is, I would say, very possible; but it is not very probable, though it is very possible. It, I say, is possible, but you know no Chinese dare travel; take the coast of California, not so very familiar with it, but you can't go very far with a strange face without some one knowing it every time. Every time there is a move they know it.

Commissioner WEINSTOCK. Do you know of that—what was the name of that vessel that was caught here recently?

Mr. BUSICK. The *Calipso*.

Commissioner WEINSTOCK. With 30 or 40 Chinese, and they all escaped, and nobody ever has done anything; and they have traveled over the State, no doubt, unmolested.

Mr. FONG. That is something very remarkable.

Commissioner WEINSTOCK. But that is a fact.

Mr. FONG. I can't say those things can't occur very often; it may be.

Commissioner WEINSTOCK. They caught the captain of the ship, they caught the smuggler, the white man smuggler and the Chinese smuggler, but the passengers themselves escaped—about 30 or more of them.

Mr. FONG. I know, but in connection with this what you mention with the new bill, that doesn't prevent those people going and doing that; that doesn't prevent that.

Commissioner WEINSTOCK. That is true. You are right. They could do that under the new bill just as they can do it under the old bill, with this difference: That those 30 or 40 Chinamen are likely to be held up any time and the certificate demanded.

Mr. FONG. They are likely now.

Commissioner WEINSTOCK. No, they are not likely now; that is, the law provides for it now, but the machinery is not there, it is not enforced. It simply means the enforcement of the present law, that is all.

The inspection—the fact of this proposed law calling for an inspection is no different from what the law provides at this minute, only that this makes provision for its enforcement, and the present law is so construed that it is not enforced. Aside from the reregistration is the enforcement of the present law by inspection; that is all, with this difference, that under the present law if that inspection is enforced, you, and thousands of others like you entitled to be here, native citizens, if you happen to be away from home would be liable to annoyance and inconvenience and humiliation where under the new law it would be possible for you to protect yourself thoroughly.

Mr. FONG. Now, Col. Weinstock, I think if you were in my place, I don't know, but if you would happen to be a Chinese citizen and look at it from a Chinese view, my view—I wouldn't quote this as a view of Chinese at large, but my personal view is to let the Chinese know, the Government hear about it, anything to be remedied; let them remedy it through the diplomatic source rather than have a new law, law, law all the time. I am personally in this favor of the law all the time. If the law they have would be enforced, I think of they are enforcing the immigration law, they are enforcing it more worse than any other law they have in Congress now.

Commissioner WEINSTOCK. Let me ask you this: Do you believe existing laws ought to be enforced?

Mr. FONG. As far as smuggling is concerned I should say so.

Commissioner WEINSTOCK. I would tell you what would happen if the existing law was enforced. There would be a great deal of injustice done, because if the crews, if the inspection crews were sent out to-day to check up they would find untold numbers of Chinaman legally entitled to be here, but utterly unable to prove their rights because, many of them, their papers were destroyed in the San Francisco fire. Under the law they would be deported. It is because of that possible injustice that might arise that this has been established, has been suggested, reregistration, so as to wipe off the slate and legalise every man that is here, right or wrong, making it impossible to deport a man legally entitled to be here, to cure that situation.

Mr. FONG. It would take a great deal to convince me, though. On the face of it it sounds good, but different when we try to study and analyze it, it doesn't—I rather see Congress enforce the law and do as much injustice they don't want it to do; I would prefer to have Chinese hear of it in that light, in that manner, rather than have another law. I am not in favor of new law. Every time when there is a new law passed it seems to give to the Bureau of Immigration that much more power—every single time it seems to put new blood into their veins all the time; always has been, and I think it always will be.

Commissioner WEINSTOCK. That is all. Thank you.

TESTIMONY OF MISS HORAN K. BANKS.

Mr. BUSICK. Please take the chair, Miss Banks.

Commissioner GARRETSON. Take the oath: Do you solemnly swear that the evidence that you will give in this matter before the commission is the truth, the whole truth, and nothing but the truth, so help you God?

Miss BANKS. I do.

Mr. BUSIEK. Please state your name, Miss Banks.

Miss BANKS. Norah K. Banks.

Mr. BUSIEK. I will ask you to speak out so that all these gentlemen can hear you.

Miss BANKS. Norah K. Banks.

Mr. BUSIEK. What is your position?

Miss BANKS. I am Miss Cameron's assistant in the Presbyterian Chinese Home in this city.

Mr. BUSIEK. And Miss Cameron is so sick that she can not come before this commission at this time?

Miss BANKS. She is.

Mr. BUSIEK. That is true. How long have you been Miss Cameron's assistant?

Miss BANKS. For two and a half years.

Mr. BUSIEK. And prior to that time you were where?

Miss BANKS. I have been working among the Chinese for over 20 years in Los Angeles and San Francisco.

Mr. BUSIEK. Miss Banks, to get right to the meat of the matter, some years ago an investigation was made into the Immigration Department here at San Francisco. At that time, as I have taken it up with you and with Miss Cameron, Miss Cameron gave some testimony to Mr. Edsell concerning conditions which she had discovered in the Immigration Bureau here; namely, that girls who were brought over here as prostitutes were brought over by the aid of certain interpreters and inspectors in the bureau, and Miss Cameron mentioned names, giving chief among those Dr. Gardner. And her testimony, which I asked you to verify with her, was to the effect that for a great many years she had thought that Dr. Gardner was a sincere and earnest Christian, but the persistent reports which she had heard had ultimately caused her to change her mind, and she knew of specific instances in which he had had a hand in importing Chinese slave girls. That is true, is it not?

Miss BANKS. It is.

Mr. BUSIEK. And do you know of any instance that has come to your observation since that time of Dr. Gardner's participation in such business?

Miss BANKS. Yes; I do; of one case in particular. There have been a number of girls in the home, rescued slave girls, who have stated at different times that they had heard it reported in Chinatown that Dr. Gardner was engaged in this business and did help to land slave girls, but this girl to her own knowledge knew that Dr. Gardner came one night to the house of her owner, or her owners—I think she was owned by a certain family, or more than one man, as they often are—and he told this man, she heard him tell him that a certain raid was to be made by immigration officers, on information that they had received, on a certain slave house. And Dr. Gardner gave this man the information in order that he might have the girls out of the way, and she was one of the girls that were to be removed from that house before the immigration officers got there. And she said that Dr. Gardner was in frequent communication with those men.

Mr. BUSIEK. Did you satisfy yourself as to the truth of this statement; did you believe it yourself?

Miss BANKS. I did; because she was—though she was a rescued slave girl, she was a very truthful girl, and she had no object whatever in telling us different. She did it voluntarily one night when we were speaking of the conditions of slave girls, and she said how she had to work, that if she hadn't been rescued she would have had to work that much longer in order to pay back the money which that cost her owners.

Commissioner WEINSTOCK. Did this girl speak English?

Miss BANKS. No.

Commissioner WEINSTOCK. Do you speak Chinese?

Miss BANKS. I understand a little, but Miss Wu was with me.

Commissioner WEINSTOCK. Did she act as interpreter?

Miss BANKS. Yes; but I could understand almost everything that she said.

Mr. BUSIEK. Now, there are, then, three cases of which Miss Cameron and you have satisfied yourselves as to the truth of the matter. In addition to that, it is one of the most persistent and most common reports in Chinatown, is it not, that Dr. Gardner shares or extorts money from incoming Chinese and assists in landing prostitutes?

Miss BANKS. Yes; it is. It is commonly reported and believed. I have heard these reports myself of my own knowledge for nearly 20 years since I became interested in rescue work.

Commissioner GARRETSON. And they are seldom if ever combatted by the natives?

Miss BANKS. Oh, no. It is the general belief, but nobody has the courage to testify to that.

Mr. BUSICK. There are two or three other interpreters, are there not, who are involved in the same kind of charges?

Miss BANKS. Well, this girl mentioned another interpreter. She could not describe him as clearly as she did Dr. Gardner. She said that they called him Ah Joe, and we were not able definitely to place him. She said that he was an American and that he spoke Chinese very well. He was one of those at that time in the service; a white man who spoke Chinese.

Commissioner WEINSTOCK. How old was this girl?

Miss BANKS. She was about 23.

Commissioner WEINSTOCK. She was used for immoral purposes?

Miss BANKS. She had been kept; yes; by this family, and she said that her master and her master's relatives were friends of Dr. Gardner's. She was rescued by Miss Cameron.

Commissioner WEINSTOCK. I don't quite understand. She was a domestic servant in the family?

Miss BANKS. No; she was a prostitute.

Commissioner WEINSTOCK. Used for immoral purposes?

Miss BANKS. Yes; owned by this family.

Commissioner WEINSTOCK. And lived right in with the family?

Miss BANKS. No; she was kept in one of these houses; but she was in this man's store or house at the time, I understood, that she heard the conversation between Dr. Gardner and these men.

Mr. BUSICK. Now, Chin Jack, one of the interpreters, and Ed Park are also supposed to be doing that same kind of work, are they not?

Miss BANKS. I had never heard anything about Chin Jack. I have no knowledge. But we feared that Mr. Park was.

Mr. BUSICK. Now, Dr. Gardner was a member of the church and took active part in the work which you are now performing for many years, did he not?

Miss BANKS. For a great many years, and Miss Cameron at that time trusted him implicitly; would as soon have thought, I think, of doubting herself as she did him, and he professed a great interest in the home and appeared to give a great deal of help to it at that time.

Mr. BUSICK. And how was his connection severed with that congregation or with that work?

Miss BANKS. I am not acquainted with those facts. I don't know.

Mr. BUSICK. You are not?

Miss BANKS. No.

Mr. BUSICK. I believe that is all, unless the commission has something.

Commissioner GARRETSON. Anything further, Mr. Weinstock?

Mr. BUSICK. Oh, yes; I want to ask you this one question: In the written examination taken by Miss Cameron, in which Miss Cameron gave her statement to Mr. Edsell, she said that she could furnish him with the names of two men who would testify to actual transactions with Dr. Gardner, men whom she said had the courage to come forward. And I asked you to take that matter up with Miss Cameron and ask her whether or not Mr. Edsell ever required of her that she furnish the names of those men or asked for her assistance in procuring statements from them.

Miss BANKS. She could not remember, Mr. Busick, whether she ever did give the names or not. She didn't think that she had given the names, but she did give him the names of two notorious Chinese men who were importers of slave girls that she knew were connected with Dr. Gardner a long time.

Mr. BUSICK. Those were Woo Wai——

Miss BANKS. And Yee Mee.

Mr. BUSICK. I believe that is all.

Commissioner GARRETSON. Thank you.

TESTIMONY OF MR. LEE SONG.

Mr. BUSICK. Mr. Fong, will you please take the oath as interpreter, first?

Mr. FONG. Yes.

Commissioner GARRETSON. I will swear the witness first. Do you solemnly swear that the testimony which you will give before this commission—one moment; I will swear you first [addressing the interpreter]: Does he understand the oath?

Mr. FONG. He understands the oath. I can repeat it in Chinese.

Commissioner GARRETSON. That is the reason I was going to swear you first, so you can repeat it to him. I will swear you as interpreter first.

Mr. FONG. Yes.

Commissioner GARRETSON. Do you solemnly swear that you will truthfully interpret in every particular as between the commission and the witness in this matter now before the commission?

Mr. FONG. Yes.

Commissioner GARRETSON (addressing the witness). Do you solemnly swear that the testimony which you will give in this matter now before the commission is the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESS. Yes.

Mr. BUSICK. Have the witness take the chair. Now, Mr. Fong, caution the witness to answer nothing but the question that is put to him and answer it directly.

Mr. BUSICK. What is your name?

Mr. LEE. Lee Song.

Mr. BUSICK. Where do you live?

Mr. LEE. In this city.

Mr. BUSICK. What is your business?

Mr. LEE. In the firm of Wint Ti Lung, general merchandise—merchants.

Mr. BUSICK. Do you know Dr. Gardner?

Mr. LEE. I know him.

Mr. BUSICK. Did you ever see any transaction between Dr. Gardner and any other Chinese person, which would lead you to form a conclusion as to Dr. Gardner's honesty?

Mr. LEE. I have.

Mr. BUSICK. Where was that and when?

Mr. LEE. In the year of the earthquake—that was 1906—I saw Dr. Gardner have some relations with Fong Hing, in Oakland.

Mr. BUSICK. What was Fong Hing's business?

Mr. LEE. Fong Hing's business prior to the earthquake was in the cigar business, but after the fire he attended to these immigration cases or looked after the immigration cases.

Mr. BUSICK. And ask him whether or not Fong Hing accumulated a great deal of money?

Mr. LEE. It was known that he had a lot of money when he went to China.

Mr. BUSICK. Ask him whether or not Fong Hing did not have the reputation as being a smuggler and importer of Chinese prostitutes and was not in fact known as such among the Chinese?

Mr. LEE. He is known to me, and in general that he looked after all cases, all immigration cases, whether women or men or anyone else.

Mr. BUSICK. Whom did he look after them for?

Mr. LEE. Any particular person; any person that happened to come and call on him to transact the business, or any look after my immigration case, he does it for him.

Mr. BUSICK. He don't work, or he didn't work, with any particular lawyer at all?

Mr. LEE. He had no one attorney in particular, simply worked with one attorney one day and another attorney another day who have as their business general immigration practice.

Mr. BUSICK. Was Fong Hing a highly educated Chinese, and could he talk English fluently?

Mr. LEE. He is an educated fellow and speaks English very fluently.

Mr. BUSICK. What was this transaction you saw take place?

Mr. LEE. This incident was in an evening about 8 o'clock—over 8 o'clock. One night on Webster Street, between Fourth and Fifth, he saw Mr. Fong Hing, and he says, "It is a warm night, simply I am waiting for a person." He, Lee,

stepped aside and walked along and saw Gardner come along and saw Fong Hing hand the money over to Dr. Gardner.

Mr. Bushee. How much money did he have?

Mr. Lee. I know they have a lot of money, because he held the money in his hand while he was waiting for this party.

Mr. Bushee. What kind of money was it?

Mr. Lee. It was in gold.

Mr. Bushee. Did Fong Hing give any explanation of what this money was or why he gave Dr. Gardner this money?

Mr. Lee. Yes, sir; he says, "I am regularly in touch with Dr. Gardner, and of course I handle cases, and if a case wasn't any good, why for that sum, $200 or $250, he can generally straighten it out for me." That was Fong Hing told me after I asked him whether he have any relation with Dr. Gardner.

Mr. Bushee. Was any proposition ever made to you that Gardner would take cases for you?

Mr. Lee. Well, he said just prior to his departure for China, he says, "I am sorry my time is somewhat limited; I would like very much to make you acquainted with Dr. Gardner and put you there as my personal friend and confidential friend; it would enable you to carry on my job or my business the same that I have been doing."

Mr. Bushee. Ask him what Gardner's general reputation is.

Mr. Lee. It has been a general rumor that I know of that Dr. Gardner generally looked after these cases that wouldn't pass otherwise, but Dr. Gardner wouldn't accept generally except through a few hands.

Mr. Bushee. What was that answer? He wouldn't take the money?

Mr. Lee. He wouldn't take the deal except through particular hands.

Mr. Bushee. He had to have some go-between?

Mr. Lee. Some go-between; a particular person he can trust or confide in.

Mr. Bushee. Who were these persons?

Mr. Lee. I know definitely Fong Hing was one of them; but as to the others, of course, I have heard Dr. Gardner was very careful, only a few persons. I heard this, but I don't know who the other party was, outside of Fong Hing. I know Fong Hing was one of them.

Mr. Bushee. Didn't the transaction take place near Woo Wai's house over in Oakland?

Mr. Lee. I do not know. I only know that—I know now Woo Wai lives in Oakland, but not after the fire, because I went to San Jose and happened to come up to collect some insurance and went over to Oakland and happened to be walking down Webster Street and met Fong Hing.

Commissioner Garretson. You have established the residence as being there, from other sources?

Mr. Bushee. It is established in the record.

Commissioner Garretson. Is that all?

Mr. Bushee. That is all.

TESTIMONY OF MR. WONG TONG.

Commissioner Garretson. Do you solemnly swear that the testimony which you will give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Wong. Yes, sir.

Mr. Bushee. Mr. Wong, we are going to conduct this through Mr. Fong, so that we can get along faster, that is all.

Mr. Wong. Yes, sir.

(The examination of the witness Wong Tong was from this point conducted through Interpreter Fong, and the answers recited by him.)

Mr. Bushee. Your full name?

Mr. Wong. Wong Tong.

Mr. Bushee. What is your business?

Mr. Wong. General merchandise.

Mr. Bushee. How long have you been in San Francisco?

Mr. Wong. I was born in San Francisco.

Mr. Bushee. What connection have you with the Chinese Presbyterian Church?

Mr. Wong. I am a member and baptised in the Presbyterian Church over 25 year ago.

Mr. Bushee. How long have you known Dr. Gardner?

Mr. WONG. About 20 years.

Mr. BUSIEK. What was Dr. Gardner—was Dr. Gardner engaged in the work of your church at that time?

Mr. WONG. Yes, sir.

Mr. BUSIEK. What was the cause of the separation of Dr. Gardner from your church?

Mr. WONG. While he was preaching for us in the church he was at the same time in the Immigration Service as Chinese interpreter, and general rumor has developed that he had accepted money and possibly helped along things that should not be helped, and was antagonistic to the Chinese in some way, so that they feel a man preaching the gospel and being in the Immigration Service and doing these things, it is not good to them, and for that reason they think they would be better off to have some one else, because he is going to cling to such kind of service.

Mr. BUSIEK. Was one of the reports you based your action on that Dr. Gardner was aiding in bringing in Chinese prostitutes?

Mr. WONG. That was part of the rumor for removal, that he helped or aided in the bringing in of prostitutes.

Mr. BUSIEK. Did the board finally take action which resulted in his being put out of the church?

Mr. WONG. After the rumor the brethren of the church on this side and the branch over in Oakland signed a petition to Rev. I. M. Condit, then the superintendent of the Presbyterian Mission of the Pacific Coast, requesting that he would so inform that Dr. Gardner should resign. Dr. Gardner, upon showing him these signatures of the brethren that you ought to sever your connection with the church, he refused, and shortly after that he wrote a letter and had it registered to Dr. Ng Poon Chew, stating that Dr. Ng Poon Chew was morally wrong before he married, and Dr. Chew was very indignant and put that letter to Rev. I. M. Condit; and Dr. Condit says it is about time for us to have some kind of a meeting, and he called a meeting of the different Presbyterian doctors, you know, the board persons, and finally requested him to leave the church.

Mr. BUSIEK. And that resulted in his being severed from the church?

Mr. WONG. Yes, sir; severed the connection.

Mr. BUSIEK. Now, isn't it a fact that the Chinese themselves, who knew Dr. Gardner best, were satisfied that these reports were true; that he was extorting money; and that he was engaged in assisting in the landing of Chinese prostitutes?

Mr. WONG. Although I am unfortunate that I never was involved in it so as to give you my personal knowledge, but it is the general belief and rumor of Chinese at large that Dr. Gardner is not treating his Government straight or the Chinese straight.

Mr. BUSIEK. Has Dr. Gardner had the same experience with the Methodist congregation in this city that he had with the Presbyterian after he left the Presbyterian?

Mr. WONG. I was in China during the time when he went to the Methodists and was driven out from the Methodist Church, but for what reason I do not know, but I know he entered into the Methodist Church and left the Methodist Church, undoubtedly for precisely the same reasons, but I was not here to know the exact particular cause of his removal.

Mr. BUSIEK. That is all.

Commissioner GARRETSON. That is all; thank you.

TESTIMONY OF MR. CHIN JACK.

Commissioner GARRETSON. Do you solemnly swear that the evidence which you will give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. What is your name?

Mr. CHIN. Chin Jack.

Mr. BUSIEK. Where were you born?

Mr. CHIN. China.

Mr. BUSIEK. When?

Mr. CHIN. T. G. 6.

Mr. BUSIEK. What is that according to our calendar?
Mr. CHIN. 1876.
Mr. BUSIEK. And when did you come to this country?
Mr. CHIN. K. S. 8.
Mr. BUSIEK. And what is that according to our calendar?
Mr. CHIN. 1873.
Mr. BUSIEK. Just a minute.
Mr. CHIN. I mean 1868.
Mr. BUSIEK. That is when you were born?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. And you came here in 1873?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. With your parents?
Mr. CHIN. With my father.
Mr. BUSIEK. When did you enter the Immigration Service?
Mr. CHIN. In 1904.
Mr. BUSIEK. Who examined you for the position?
Mr. CHIN. Sid Gain and Dr. Gardner.
Mr. BUSIEK. And did Dr. Gardner examine you first?
Mr. CHIN. I was in the service temporarily, and then he examined me then before giving me the regular appointment.
Mr. BUSIEK. Dr. Gardner examined you before he gave you the regular appointment?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. You have served ever since?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. Where do you live?
Mr. CHIN. 725 Stockton Street.
Mr. BUSIEK. Who else lives there?
Mr. CHIN. Nobody but my family.
Mr. BUSIEK. Does Embert Lee live there?
Mr. CHIN. Embert Lee was down there living on the lower floor.
Mr. BUSIEK. Embert Lee used to be with the service, did he not?
Mr. CHIN. I only heard about it.
Mr. BUSIEK. Well, you knew he used to be with the Immigration Department, didn't you?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. You know he was dismissed from the Immigration Department on account of dishonesty, do you not?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. And what business is he in now?
Mr. CHIN. I don't know exactly; I think he represents some Chinese case.
Mr. BUSIEK. He represents Chinese in immigration cases, does he not?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. Are you and Lee pretty friendly?
Mr. CHIN. No, sir.
Mr. BUSIEK. Isn't it a fact you and he visit back and forth together and are seen considerably on the streets of Chinatown together?
Mr. CHIN. No, sir.
Mr. BUSIEK. That is not a fact?
Mr. CHIN. No, sir.
Mr. BUSIEK. Have you any other business or do you do any other work besides working for the Government?
Mr. CHIN. No, sir; I have some business interests; that is all.
Mr. BUSIEK. Have you any business interest in the Eye Yit Gar Co.?
Mr. CHIN. No, sir.
Mr. BUSIEK. At 820 Washington Street, in Oakland?
Mr. CHIN. No, sir.
Mr. BUSIEK. What company is that?
Mr. CHIN. I have some business interest with Wing Chong & Co., 115 Waverly Place.
Mr. BUSIEK. What kind of concern is that?
Mr. CHIN. That is a wholesale liquor house.
Mr. BUSIEK. How much of an interest have you in that place?
Mr. CHIN. Only have a small interest—$500.
Mr. BUSIEK. Five hundred dollars?
Mr. CHIN. Yes, sir.

Mr. BUSICK. Have you any other business interest?
Mr. CHIN. Yes, sir; I have some business interest in Seattle.
Mr. BUSICK. What are those?
Mr. CHIN. General merchandise.
Mr. BUSICK. What concern?
Mr. CHIN. What is it?
Mr. BUSICK. What is the name of your firm?
Mr. CHIN. Rice and tea.
Mr. BUSICK. The name of the firm?
Mr. CHIN. Quong Tuck Co.
Mr. BUSICK. Quong Tuck Co.?
Mr. CHIN. Yes, sir.
Mr. BUSICK. How much interest have you in that concern?
Mr. CHIN. My father's interest—about $500—is turned over to my bhother now.
Mr. BUSICK. You say your father's interest was $500, and that was turned over to your brother?
Mr. CHIN. Five years ago it was under my name, but now it is under my brother's name. He has grown of age now.
Mr. BUSICK. Your father is old?
Mr. CHIN. Yes, sir.
Mr. BUSICK. You say the interest now appears in your brother's name—your interest?
Mr. CHIN. During the last 10 years under my name. Five years ago under my brother's name.
Mr. BUSICK. I don't understand that. You say during the last 10 years it is under your name?
Mr. CHIN. It is already 15 years. Ten years under my name and five years under his name.
Mr. BUSICK. Have you an actual interest in that business, no matter whose name it is in? Have you still got an interest in that company?
Mr. CHIN. Not since I left Seattle to San Francisco.
Mr. BUSICK. You don't draw any dividends out of it?
Mr. CHIN. No, sir.
Mr. BUSICK. You have no money coming from it?
Mr. CHIN. No, sir.
Mr. BUSICK. Where is that concern located?
Mr. CHIN. 906 Washington Street, Seattle.
Mr. BUSICK. Have you any other business interest?
Mr. CHIN. Yes, sir; I have some. I have $500 on Quong Hop Sing, 1151 Grant Avenue, San Francisco.
Mr. BUSICK. What is the business of Quong Hop Sing Co.?
Mr. CHIN. That is an American grocery.
Mr. BUSICK. That is an American grocery?
Mr. CHIN. Yes, sir.
Mr. BUSICK. What other business interest have you?
Mr. CHIN. That is all.
Mr. BUSICK. Haven't you got an interest in the Ti Loy Co., of Oakland?
Mr. CHIN. No, sir. Some time I have $1,000 interest, but I sold out three years ago.
Mr. BUSICK. Isn't it a fact you have told members on—I will ask you first whether or not you have not now an interest in a Chinese lottery or lotteries?
Mr. CHIN. Not at the present time.
Mr. BUSICK. Wasn't you treasurer of the Eye Yit Gar Co. at 820 Washington Street, Oakland?
Mr. CHIN. No, sir.
Mr. BUSICK. You mean to say you never heard of that company?
Mr. CHIN. I heard about it.
Mr. BUSICK. Do you know what it is?
Mr. CHIN. I know what it is.
Mr. BUSICK. Have you ever been in the premises there?
Mr. CHIN. No, sir.
Mr. BUSICK. You don't know who runs it?
Mr. CHIN. I know who runs it.
Mr. BUSICK. Who runs it?
Mr. CHIN. Chiu Yun Tee.

Mr. BUSIEK. You never had any talk with him about that business?
Mr. CHIN. No, sir.
Mr. BUSIEK. You never had anything to do with it at all?
Mr. CHIN. No, sir.
Mr. BUSIEK. The only lottery you ever had anything to do with was the Ti Loy lottery?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. And that was three years ago?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. And you never had any interest in any lottery since?
Mr. CHIN. Not any since.
Mr. BUSIEK. How much did you sell your interest for?
Mr. CHIN. I sold for $1,000.
Mr. BUSIEK. You paid $1,000?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. Isn't it a fact you have admitted to officers over at the immigration station within the last year that you are still interested in a lottery?
Mr. CHIN. No, sir; not since during the last year. I sold out May 10, 1912.
Mr. BUSIEK. What is your salary as interpreter?
Mr. CHIN. One hundred dollars a month.
Mr. BUSIEK. How much of a family have you got?
Mr. CHIN. Only myself, wife, and son.
Mr. BUSIEK. How old is your son?
Mr. CHIN. My son is 15.
Mr. BUSIEK. Have you any property?
Mr. CHIN. Yes, sir.
Mr. BUSIEK. Where?
Mr. CHIN. In Seattle.
Mr. BUSIEK. How much is that property worth?
Mr. CHIN. I take in there $30 a month.
Mr. BUSIEK. When did you buy that property?
Mr. CHIN. I buy that in 19—1907. I foreclosed the mortgage.
Mr. BUSIEK. How much of a mortgage did you have?
Mr. CHIN. Twenty-six hundred dollars.
Mr. BUSIEK. Yes.
Commissioner O'CONNELL. How much cash did you put in?
Mr. BUSIEK. What?
Commissioner O'CONNELL. How much cash did you put in?
Mr. BUSIEK. How much?
Mr. CHIN. Twenty-six hundred dollar mortgage and cash.
Commissioner O'CONNELL. Twenty-six hundred dollar mortgage and cash. How much money did you put with the mortgage to buy it?
Mr. BUSIEK. No; he foreclosed the mortgage. He had a $2,000 mortgage.
Commissioner O'CONNELL. Oh, he had a mortgage on it.
Mr. BUSIEK. Yes.
Mr. CHIN. Yes.
Commissioner O'CONNELL. He foreclosed the mortgage.
Mr. BUSIEK. Mr. Chin Jack——
Mr. CHIN. Yes, sir.
Mr. BUSIEK. Have you ever heard the rumor around Chinatown that certain officials in the immigration department, Chinese inspectors, received money for the landing of Chinese?
Mr. CHIN. No, sir.
Mr. BUSIEK. You have never heard that rumor?
Mr. CHIN. No, sir.
Mr. BUSIEK. You have never heard anyone's name connected with it?
Mr. CHIN. No, sir.
Mr. BUSIEK. You haven't even heard that there were any investigations on foot in regard to that?
Mr. CHIN. No, sir.
Mr. BUSIEK. You never testified in regard to any Chinese interpreter out there?
Mr. CHIN. No, sir.
Mr. BUSIEK. Never been consulted by Mr. Edsell?
Mr. CHIN. No, sir.
Mr. BUSIEK. In regard to Dr. Gardner, for instance?
Mr. CHIN. No, sir.

Mr. BUSIEK. And you never knew until I told you right now that any Chinese interpreter was ever suspected of receiving money out of that?

Mr. CHIN. I had never heard anything until to-day, what you asking me about.

Mr. BUSIEK. And who did you hear that from?

Mr. CHIN. I never heard anything before until you asked me.

Mr. BUSIEK. Until I asked you that question?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. There is no general talk about that kind of stuff down in Chinatown, is there?

Mr. CHIN. No, sir.

Mr. BUSIEK. None at all.

I believe that is all.

Commissioner GARRETSON. That is all.

Mr. CHIN. Thank you.

TESTIMONY OF MR. WILLIAM H. CHADNEY.

Mr. BUSIEK. Please be sworn.

Commissioner GARRETSON. Do you solemnly swear that the evidence which you give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHADNEY. I do.

Mr. BUSIEK. Please state your name in full, Mr. Chadney. Just be seated.

Mr. CHADNEY. William H. Chadney.

Mr. BUSIEK. And what is your position?

Mr. CHADNEY. Immigrant inspector.

Mr. BUSIEK. Where?

Mr. CHADNEY. The station is Monterey.

Mr. BUSIEK. Under the Los Angeles jurisdiction?

Mr. CHADNEY. No, sir; there has been a new arrangement.

Mr. BUSIEK. I mean under the San Francisco?

Mr. CHADNEY. No, sir; under Mr. Taylor.

Mr. BUSIEK. I see.

Mr. CHADNEY. Rather a special commission.

Mr. BUSIEK. How long has that been in existence?

Mr. CHADNEY. Since April of this year.

Mr. BUSIEK. And is Monterey in the—ordinarily was Monterey in the San Francisco district?

Mr. CHADNEY. Yes.

Mr. BUSIEK. How long have you been with the Government, Mr. Chadney?

Mr. CHADNEY. About seven years.

Mr. BUSIEK. Then you have been engaged in Chinese work during that time?

Mr. CHADNEY. Yes.

Mr. BUSIEK. Mr. Chadney, just give the commission some idea of the smuggling that goes on by boat.

Mr. CHADNEY. There is approximately 50 Chinamen a month brought in from Ensenano into the southern district by boat and then transported north by automobile and wagon.

Commissioner GARRETSON. Right there let me ask a question that has never been touched on here, at least, while I was present: Is there any of that done on the gulf?

Mr. CHADNEY. The Gulf of California?

Commissioner GARRETSON. Yes.

Mr. CHADNEY. No, sir; we have no record of that down that far.

Commissioner GARRETSON. That is all. Go ahead.

Mr. CHADNEY. Just recently since the trouble with Mexico there has not been the influx of Chinese that we had before. The Chinese previous to that time used to come by steamer to Mazatlan or some other port below, and then come up by coastwise steamer to Ensenano and wait there until proper arrangements had been made by them with their cousins or friends in the United States. The Chinaman in Mexico—wants to be secured before he allows the men to come north. He has to pay a certain amount of the expense before they start, and the stores interested must secure him against any loss by being caught, and so forth. We had an instance here not so long ago, they captured the *Caligeo*, quite a large boat, brought up 16 Chinamen and 68 cans of opium. He caught the men, but we didn't get the Chinamen or the opium, on account of not

having proper facilities. But the Chinamen coming here now are principally those who went through the United States in transit to Mexico by way of Mexicali. They have become tired of working down there and are working over toward Ensenano and then coming north.

Commissioner GARRETSON. What is the exact milenge from Ensenano to the border?

Mr. CHADNEY. To the border, 90 miles, and it is a much quicker trip and much safer trip by launch than it is overland. There are so many people looking for Chinamen coming overland, and it is a long, dreary trip from Calexico to any large city in the northern part of the country.

Mr. BUSICK. How did these Chinese happen to get away from the *Calipso*?

Mr. CHADNEY. The deal, or scheme, as you might call it, had been started in southern California. I was attempting to operate with other inspectors in the southern district in the capture of the *Calipso*, which was to make a landing at Moss Landing. Moss Landing is about 14 miles north of Monterey proper. So I got a launch and another inspector and went to Moss Landing and anchored there for two or three nights—the 15th, 16th, and 17th of January of this year. The *Calipso* came up, but could not make a landing on account of the heavy water; the water was breaking right over the pier, so I afterwards learned from these smugglers themselves, that the Chinamen in charge of the party told them to make a landing in Monterey. "We can't stay here all night; we will be found out at daylight." They went to Monterey, landed, and they telephoned to Watsonville for an automobile, and they came down and took the party away.

On account of the weather I decided to leave Moss Landing about 2 o'clock in the morning and come to Monterey, and when I got there the *Calipso* was there at anchor. I took the *Calipso* and the smugglers—seized them—and then started to search for the contraband that had been landed. We were successful in arresting but four, I believe, of the contraband Chinese that came in on the *Calipso*. But we did not get any of the opium, and we did not get all of the smugglers. One of the men, Mr. Fox, got away, and we have not yet located him. Neither have we found the Chinaman who was in charge of the deal. He refused to pay the smugglers or to pay anybody for the trouble. He took the opium and went away, and it is presumed he has gone back to China.

Mr. BUSICK. Were any of the Government people in on that deal?

Mr. CHADNEY. The southern district have in the past issued 90-day appointments, or at least have been responsible for 90-day propositions. Men will come to an inspector in charge there and give certain information regarding smugglers, and if they think if he is of any value at all they will hire him for 90 days, at approximately $3 a day. If he gets results within that time, why, all right. If he doesn't, why, he is discharged. On the trip an ex-smuggler by the name of David Main was with the party when we arrested them.

Mr. BUSICK. He helped out the whole deal, did he?

Mr. CHADNEY. Yes; he was one of the prime movers.

Commissioner GARRETSON. In fact he was one of the framers?

Mr. CHADNEY. Yes; to the best of my knowledge, he was.

Mr. BUSICK. Did David Main help you apprehend or make any effort to apprehend these contraband who had escaped?

Mr. CHADNEY. No. He submitted to arrest. That is all.

Mr. BUSICK. Is it not a fact that while you were waiting for the *Calipso* to come up that the same crowd that David Main was in actually did land another bunch?

Mr. CHADNEY. That is what I understand.

Mr. BUSICK. Some 20?

Mr. CHADNEY. About 20 men—20 Chinese were landed.

Mr. BUSICK. They were not caught?

Mr. CHADNEY. No, sir.

Mr. BUSICK. Who is responsible for this arrangement of hiring smugglers to help in these transactions?

Mr. CHADNEY. Well, Mr. Taylor is in charge of the smuggling work; he has direct charge now.

Commissioner GARRETSON. Is he the originator of the 90-day idea, so far as you know?

Mr. CHADNEY. So far as I know, yes.

Mr. BUSICK. How does the record of captures made by you since Taylor has taken charge compare with the record for a like period of time before?

Mr. CHADNEY. On this coast you mean, north of Monterey, in this jurisdiction?

Mr. BUSIEK. Yes.

Mr. CHADNEY. There has not been a capture in the northern district since Mr. Taylor took charge, and there has not been a capture of contraband Chinese in the southern district by water since Mr. Taylor took charge; but the——

Mr. BUSIEK. The Chinese that have been captured since Mr. Taylor took charge are part of a crowd that were landed at San Francisco here and allowed to go by rail to Mexico under arrangement with the Pacific Mail?

Mr. CHADNEY. Yes, sir.

Mr. BUSIEK. And then attempted to return to this country overland; is that true?

Mr. CHADNEY. Yes, sir; Mr. Busiek.

Mr. BUSIEK. The southern district has made quite a record of captures of that bunch, hasn't it?

Mr. CHADNEY. Yes, sir. Now, I would like to explain that proposition a little if you will allow me.

Mr. BUSIEK. Certainly.

Mr. CHADNEY. I have accompanied a party of the men who were sent down—Chinamen who were sent down to Mexicali on one trip representing the Government—and the Chinese, after they got down to Mexicali, were not received as they thought they should have been. And quite a number of them turned around and came back; that is, they came across the line with their trunks and their blankets.

Commissioner GARRETSON. Openly?

Mr. CHADNEY. Came right across the line, and we have, as our records will show—had to have special arrangements for their baggage. They brought their trunks and their blankets back with them that they took down south. So I wouldn't attribute that as being much of a capture.

Commissioner GARRETSON. You wouldn't think it would take a very artistic sleuth to get them?

Mr. CHADNEY. No, sir; not after the experience I had along the border.

Commissioner GARRETSON. Mexicali is just below San Diego, isn't it?

Mr. CHADNEY. No, sir; it is directly across from Calexico, just a small river dividing; a creek.

Mr. BUSIEK. What methods are you now pursuing, under Mr. Taylor's direction, looking toward the capture of contraband Chinese, what is the system or method?

Mr. CHADNEY. The system is to act upon information furnished wherever we might secure it, however we may secure it.

Mr. BUSIEK. Hasn't there been a remarkable growth of working in connection with stool pigeons?

Mr. CHADNEY. Most of our information comes that way.

Mr. BUSIEK. Since Mr. Taylor took charge, has there or has there not been a growth of the practice of Government employees insinuating themselves into the confidences of smugglers, and Government employees who were ex-smugglers, and men who formerly bore bad characters, and intrusting to them to furnish you the information?

Mr. CHADNEY. That is our principal source of information, from men of that character.

Commissioner GARRETSON. Has it grown since Taylor's administration more than it had before?

Mr. CHADNEY. Well, Mr. Taylor has had charge of the smuggling operations for some time, some two or three years.

Commissioner GARRETSON. Does your experience go back of Mr. Taylor's day?

Mr. CHADNEY. Yes, sir.

Commissioner GARRETSON. Since he has dominated it, then, whether actual control or otherwise, has it grown in that time to a greater degree than it existed prior to that time?

Mr. CHADNEY. It has; yes, sir.

Mr. BUSIEK. Are the present methods as effective as those used prior?

Mr. CHADNEY. No, sir.

Mr. BUSIEK. Explain the system that you used to use.

Mr. CHADNEY. We would patrol the border and watch the trails out of Mexico, two different points of Mexico. I was formerly stationed at Tia Juana with Mr. Conkling, and we would patrol the border, watch for the different crowds to pass. We would get information a party had started, and it was up to us, then, to get them and get the smugglers, and that meant a lot of night

riding. The class of smugglers that we caught there were men that were heartless. They would kill you on sight. They would get away with you if they possibly could. I don't say this in any boastful spirit, but I speak from practical experience. I found that night riding and stern methods with smugglers, that is, treating them as they would treat us, did more to stop smuggling than anything else before or since.

Commissioner GARRETSON. How far is Tia Juana from the border; is it actually on the line?

Mr. CHADNEY. Right on the line.

Commissioner GARRETSON. I thought it was. How far is Calexico and the other town opposite?

Mr. CHADNEY. Directly across, just a small street dividing the two. The Department of Labor instructed me to submit a plan of operation to more successfully handle this smuggling of Chinese in this district. And I submitted a plan, which was to disregard all information that we might get from any source, as we had been getting in the past from smugglers, to ignore them entirely and to form an arresting crew composed of an inspector, interpreter, stenographer, and watchman. And to go to places where there were a number of Chinese employed, say different canneries and different potato fields, and ask the Chinamen to produce their documentary evidence of right to be in the United States. Those that could not produce would be given an examination. Upon the outcome of the examination we would arrest or not as we saw fit. For instance, if a man had been here 10 years, had no papers, that case would be passed up, and as long as we had men who had just come from Mexico, the young men who could not show any papers of any kind. But no action has been taken on that matter. But the principal place the Chinese try to get is as far as San Francisco. They come in here and this seems to be their mecca. But no effort has ever been made in the northern district of California to apprehend contraband Chinese. What I mean by contraband Chinese are persons who are here illegally.

Mr. BUSIEK. Have you always worked along the southern border?

Mr. CHADNEY. Until about three years ago; yes, sir.

Mr. BUSIEK. And then you moved up here?

Mr. CHADNEY. I was transferred to San Francisco.

Mr. BUSIEK. You have never worked along the Canadian border?

Mr. CHADNEY. No, sir.

Mr. BUSIEK. Mr. Chadney, aren't you working on a case right now in connection with the San Francisco office to detect a party of about 20 Chinese who are supposed to come in here?

Mr. CHADNEY. Yes, sir.

Mr. BUSIEK. Just give the commission the plan of that that you are working on.

Mr. CHADNEY. At Monterey a certain policeman with whom I am quite friendly came to me and said that a chauffeur had given him certain Chinese letters and had asked him to keep those letters and give them to the Chinaman whom he would meet at Gaivota, where this chauffeur was to go and get a party of Chinese who would be landed there by boat. So I brought—at least I mailed these two letters to Dr. Gardner, who is our official interpreter. I prefer Dr. Gardner's translation to any of the other interpreters. I think he is the most competent officer there and the most faithful, and there is no leaking, one thing that we have to guard against. And these letters, by the way, I have a translation right here.

Mr. BUSIEK. Just give the general purport.

Mr. CHADNEY. I will just give the note. It is a little note that a man was to give to the Chinaman at Ensenano to know that he is O. K. They are very, very short, Mr. Busiek.

Mr. BUSIEK. All right.

Mr. CHADNEY. This is a Chinese letter translated by Chinese Inspector and Interpreter John E. Gardner at the request of myself:

Mr. TAM TSUN KWING.

DEAR SIR: The 34 sticks sent up are already all right. As previously set forth clearly. Now, 7 more sticks are desired as follows: Lum Ying Mo (?), Lum Duck Yung, Lum Shew Yow, Lum Shin Ying, Chin Dai Mu, Ng Tu Jee (?), Lau Wan. These, with the former ones, make 21 sticks. Please let that party bring them along. Don't have any doubts or misgiving. The rest of them are set forth in the letter. On the next occasion, when mistakes are well ascertained, will put it through again.

The Los Angeles goods will have to wait until the next occasion, also. Please bear that in mind, and it will be all right.

The compensation for you and others will be sent as per account without fail. It will be just as you say.

Respectfully,

AH CHEE YIP, *Wong Yun Shan.*

JULY 28.

This is the translation of one of the letters as it was given to me by the policeman.

Then I followed Mr. McFadden. Mr. McFadden was the name of the chauffeur in this case, and asked him to cooperate with me in arresting the Chinese: "You have shown your good faith in giving this letter to this police officer. The police officer gave it to me." And he said he would be glad to help me. And I then advised him to go to San Francisco and see what could be done, which he did. He came up to San Francisco, and then I asked the San Francisco office to detail an inspector to watch him to see where he went; that is, into what stores he went, and to see who he was stopping with. The inspector met the Chinaman who had given McFadden the letter in the first instance, and he was introduced by McFadden to this Chinaman as a man who had another automobile, and who would help in bringing the Chinese from Gaivota. Then, of course, the Chinaman unburdened himself and told the whole arrangement. But there was some hitch in the money matters and the deal has not as yet gone through, and I am under the impression it won't go through now under the original arrangement, because it has dragged along too long.

Commissioner GARRETSON. Bets are off.

Mr. CHADNEY. This deal is lost. But the fact that those men have been guaranteed means that they are here, that they will be here, and if they don't come that route they will come another. The store is putting up the money, at least guaranteeing the money, don't care which party handles them, they want the men here, and they will get them, and give any amount necessary to get them here.

Mr. BUSICK. What is the current price for smuggling in a Chinaman?

Mr. CHADNEY. Two hundred and fifty dollars now; that is, to land them in San Francisco, per head. Each boat will bring about an average of 25, not more. Sometimes they make a larger load, but very seldom. The trip can be made in about six days back and forth.

Commissioner GARRETSON. I want to ask one question. I do not know whether it is something you are dodging or whether—I don't mean you [Mr. Chadney] dodging, but I mean the investigator. I have not heard it asked here from anybody. Are the Chinese Six Companies, or any one of them connected with the smuggling of Chinese, or is it private enterprise for gain only, in your opinion?

Mr. CHADNEY. The individuals of the Six Companies might be interested, but not the Six Companies as a body.

Commissioner GARRETSON. What brought that to my mind was some occurrences, some testimony that has been given here, not in response to a question of that kind at all, but I wanted to know myself what the attitude of the companies was toward that question as a body, or of its component parts.

Mr. CHADNEY. Yes.

Commissioner GARRETSON. That is all.

Mr. BUSICK. Just this question.

Commissioner GARRETSON. One minute.

Mr. BUSICK. From your experience with the Six Companies, is it or is it not your impression that the Six Companies itself as an organization tries to keep its hands clean in all transactions with the Government?

Mr. CHADNEY. With the Federal Government, yes; but not with Highbinders' affairs. That is a different matter again.

Commissioner GARRETSON. You mean that their attitude toward questions of national law as affecting the interrelation of the Chinese and the Americans, they try to keep their hands clean, but they are nothing for the criminal code?

Mr. CHADNEY. That is the idea, yes; that is right.

Commissioner GARRETSON. That is all, thank you.

Mr. BUSICK. That is all.

Commissioner GARRETSON. The commission will stand adjourned.

(And thereupon, at 4.30 o'clock p. m. Saturday, September 5, 1914, the hearings of the commission in San Francisco were adjourned.)

EXHIBITS.

EDSELL EXHIBIT.

Applications for return certificates.

1911-12.

	Number.	Granted.	Denied.	Application sustained.	Application dismissed.	Pending and withdrawn.
Natives	824	748	55	6	18	21
Exempts	756	627	41	7	8	80
Laborers	341	313	10		1	19
Total	1,921	1,687	109	13	27	130

1912-13.

	Number.	Granted.	Denied.	Application sustained.	Application dismissed.	Finally granted.	Finally refused.
Natives	922	871	51	4	13	873	47
Exempts	777	740	37	2	8	742	35
Laborers	350	346	4			346	4
Total	2,049	1,957	92	6	20	1,963	86

1913-14.

Natives	1,025	951	53	6	22	957	68
Exempts	871	819	37	2	14	821	50
Laborers	272	269	3			269	3
Total	2,168	2,108	93	8	37	2,047	121

	1911-12	1912-13	1913-14
Total number of Chinese applications for admission	3,634	3,530	3,882
Students:			
Admitted	321	201	245
Rejected	24	6	3
Returning merchants:			
Admitted	858	708	945
Rejected	20	13	14
Section 6 merchants:			
Admitted	119	81	121
Rejected	4	17	3
Merchants' wives:			
Admitted	91	84	72
Rejected	4	3	3
Merchants' children:			
Admitted	413	345	447
Rejected	79	66	89
Wives of natives:			
Admitted	92	80	79
Rejected	6	7	4
Children of natives:			
Admitted	297	327	400
Rejected	68	90	90
Total:			
Admitted	2,121	2,221	2,508
Rejected	205	191	203
ARRESTS.			
Before commissioner	37	44	9
Departmental warrant	82	80	33
DEPORTATIONS.			
Commissioner	20	22	6
Departmental warrant	35	45	17

THE COLORADO COAL MINERS' STRIKE

(For exhibits under this subject, see Volume VIII, pages 7241 to 7425.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, *Wednesday, May 27, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, and Garretson.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Is Mr. Taggart here?

Mrs. MALINDA SCOTT. Mr. Chairman, we hear a great deal about the war in Colorado, but we can not get the true reports in the newspapers. We have here two of the miners' wives, who have come straight from Ludlow; and I would ask your permission to give them a hearing just now, as they have to leave for Boston at noon. Would you please hear them?

Commissioner HARRIMAN. Mr. Chairman, haven't we already adopted a resolution that we would investigate conditions in Colorado, and we are going there.

Chairman WALSH. Yes.

Commissioner HARRIMAN. Wouldn't it be a better chance to get first-hand information to hear these ladies? I think, as representing the women and children of the country on this commission, I would like these women to have an opportunity for a hearing.

Chairman WALSH. Of course we passed a resolution at the inception of our work setting out the mining industries of the United States as one of the subjects of inquiry. I had supposed that we would not go into the mining question until we got to Denver, but I am willing to take the wish of the commission upon it.

Commissioner HARRIMAN. Mr. Chairman, I would like to direct your attention to the fact that I have a telegram from Miss Jane Addams saying that these ladies were going to Washington, and asking if the commission would give them a hearing; and that was—I didn't know they were coming to New York at all, so I did not say anything to you about it.

Commissioner GARRETSON. Mr. Chairman, I move that we give them a hearing.

Chairman WALSH. Mr. Garretson moves that we give these ladies a hearing. Is there a second?

Commissioner BALLARD. I second the motion.

Chairman WALSH. It has been moved and seconded that we hear these ladies this morning—that they be given a hearing out of the regular order, on the mining branch of our inquiry. All in favor of that signify by saying "aye"; contrary "no." The ayes have it.

Chairman WALSH. Now, you have heard the statement, Mr. Thompson, with reference to the necessity of these ladies getting away. Can you so arrange your program that we can hear them right now?

Mr. THOMPSON. I think Mr. Taggart will give way. Are you willing to, Mr. Taggart?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. I think we can very well hear them now. There are a number of our witnesses here that I think should be cautioned to remain.

Chairman WALSH. All witnesses on the regular program will please remain in attendance. We will take the other matter up as soon as we dispose of this.

Mr. THOMPSON. Mr. Stenographer, I wish you would give this a separate caption from the rest of our hearing—write it up in that way. We don't want to get it interlarded with the hearing on the subject of building trades.

The REPORTER. Under what heading?

Chairman WALSH. Heading, "The Colorado coal miners' strike."

TESTIMONY OF MRS. PEARL JOLLY.

Mr. THOMPSON. Will you please give us your name?

Mrs. JOLLY. Mrs. Pearl Jolly.

Mr. THOMPSON. Where do you reside?

Mrs. JOLLY. At Ludlow, Colo.

Mr. THOMPSON. And are you married, of course?
Mrs. JOLLY. Yes, sir.
Mr. THOMPSON. Your husband living?
Mrs. JOLLY. Yes, sir.
Mr. THOMPSON. A miner?
Mrs. JOLLY. Yes, sir.
Mr. THOMPSON. What is your age?
Mrs. JOLLY. Twenty-one.
Mr. THOMPSON. Have you any children?
Mrs. JOLLY. No, sir.
Mr. THOMPSON. How long have you been married?
Mrs. JOLLY. Just a year.
Mr. THOMPSON. Where did you live before you went to Ludlow?
Mrs. JOLLY. Well, I have spent my life in Colorado. Just before I went to Ludlow I left the Minnequah Hospital. I was there as a nurse.
Mr. THOMPSON. Where were you born?
Mrs. JOLLY. I was born in Crested Butte, Gunnison County, Colo.
Mr. THOMPSON. How long has your husband been a miner?
Mrs. JOLLY. I could not tell you just how long; but he has been a miner ever since I have known him, and I have known him for two years.
Mr. THOMPSON. Has he always worked in Colorado as a miner?
Mrs. JOLLY. My husband was born in Scotland.
Mr. THOMPSON. In Scotland?
Mrs. JOLLY. Yes, sir; but came to the United States when he was just a little baby, and has been in Colorado for about——
Mr. THOMPSON. How old a man is he now?
Mrs. JOLLY. Twenty-two.
Mr. THOMPSON. You may proceed with your story.
Mrs. JOLLY. I want to take up just as little time as I can, so I will tell this story of the strike.
Chairman WALSH. Tell it in your own way, taking up as little time, but giving all the details that you think are pertinent.
Mrs. JOLLY. Yes, sir. Well, a week previous to the strike my husband went to Trinidad to do a little shopping down there. When he came back from Trinidad he put on his clothes and went to the mine on the following morning. They asked him where he had been. He told them to Trinidad.
Chairman WALSH. Who asked him?
Mrs. JOLLY. The superintendent. They wanted to know what his business was in Trinidad. He told them he was down there on private business. They asked him if he was a delegate to the convention at Trinidad that the United Mine Workers had held before there. He said no. They told him that they did not need him there any more; that he was to get out of camp. I think it was 15 minutes that they gave him to move his furniture and everything and get out of camp. He moved. I went down to a farmhouse below and spent the week there, until the Ludlow tent colony. On the 23d day of September the strike was called and we all moved into the tent colony. From my first experience in the Ludlow tent colony the gunmen would come there and would try in every way to provoke trouble. They were trying to cause a battle between the miners and the gunmen, but we knew that and we did not want to have any trouble. At one time the gunmen came to the Ludlow tent colony, just as near as they could get, fired two shots into the tent colony. Our men took their rifles and went to the hills, thinking that by so doing they would lead the fire that way and keep them from firing on the colony, where the women and children were. There was no way to protect the women and children. After that our men took and dug pits under the tents, so that if the same thing should happen again there would be some means of escape for those women and children. Following that, the militia came into the field. When the militia came in there we made them welcome; we thought they were going to treat us right. They were escorted into the camp with a brass band. They attended all of our dances. They came down and took dinner with us two or three different evenings, but when they were in there two or three days they turned, and we could see that, but we did not want to have any trouble with them. One of the women, I believe, told them that they could not be on two sides at once. So following that they would come into our tent colony and searched about once a week or more. When they came there our arms were all turned over to the militia.
Chairman WALSH. What is that?

Mrs. JOLLY. Our arms and ammunition. They told us they would disarm the others, but instead they took the arms and ammunition that the strikers had and turned them over to the mine guards. Then we were searched; our tent colony was searched about once a week or more. When they came they would bring axes, picks, shovels, and such things with them. They would search in all the little drawers about this big [indicating] looking for things. Anything they could get hold of to carry away without being seen they would take it. They would take the axes and cut up the floors so that the union would have to buy new lumber in order to rebuild the floors. Our men had to stand for that.

Finally it got so that every one of the women who went out of the grounds they would meet with insults, abuse, called vile names, anything that was possible. One time myself and three or four different women started for the post office one Sunday morning. When we got about half way there a detail got up in front of us and fixed their bayonets and their guns and told us we couldn't go any further. I asked them why. They told me not to ask any questions, using profane language when they were telling me this. Not to ask any questions or they would shoot my head off. We turned and went back to the tent colony. That afternoon we went to the post office. While we were there they went to search the Ludlow tent colony. This happened in December, in real cold weather, snowing at the time. One of the women with us had a baby six months old in her arms. When we started back they would not let us go into the homes. I don't know why. They were already in the camp searching. They told us we could not go in there. They put a detail in front of us and kept us out in the field in the snow. The baby was screaming, it was so cold. She told them she was going in her house anyway, and had her baby in her arms, going in and warm her baby, that she would not keep them out and let them freeze to death. One man held a revolver right on her and hit her and told her to move another step and he would shoot her. Following that every man who would go out of the boundary line from Ludlow tent colony, they would come back with black eyes. They were beaten up. Threatened if they went back to work they would be all right, but if they did not they would be beat up.

On April 19 we had a baseball game. The militia had always been in the habit of attending the baseball games, but never before had they attended with their rifles. On April 9 was a Greek holiday, Sunday, and they thought perhaps that they would be drinking, and those men, if they were to go down there with their rifles, would be able to stir up some trouble. They stood right in the diamond with their rifles. One of the men asked them if they would please get out of the diamond. He told them if he wanted to watch the baseball game it was not necessary to guard them, to put their guns to their side. They became indignant and made their threats what they could do and what they would not do. One of the women said to them, in a joke, "Don't you know if a woman would start toward you with a BB gun you would all throw away your guns and run." He says, "That is all right, girls, you have your big Sunday to-day, but we will have the roast to-morrow. It would only take me and three or four men out there to clean out all the bunch"; and they cleaned out the bunch on the following day. They tried every way they could before they left the baseball ground to create trouble. They would call the different players and want them to come over and talk and when they refused they said, "Come on, we will take you to the guardhouse and talk to you." They left the baseball game. Sunday night they came into the tent colony, but they would not go up to speak to any of our leaders in the camp at all. When the leaders would start toward them they would go right away, so they concluded they were trying to blow up the camp. They had made their threat and told about how they had previously torn down the Forbes tent colony.

They put guards in our camps Sunday night to take care of the camp, but nothing happened. On the following Monday morning, about 9 o'clock, the same five militiamen who had been at the baseball game on Sunday came to the Ludlow grounds. They had a paper and they sent in for Louis Tikas, a Greek and the leader; they handed him this slip of paper, and it had some foreign name on it of some man that was not in the tent colony. They told him they wanted to take the man out of the colony; they asked him if they had a warrant or had been sent there by the civil authorities. They said no, they had been sent there by the military authorities. They said, "I understand the military commission is out now." He says, "I would like to talk to Manager Hamrock," who was in command. So they left the Ludlow tent colony with

a threat that they would be back again. When they met Louis Tikas they went and called up Manager Hemrock and asked him if he would see him and talk to him. He said he would. They met at the C. & S. depot. I don't know what the conversation was at the depot, but I know when Louis Pikas came back he told us the machine guns and everything were set ready to wipe the tent colony. The next thing we observed was Louis Tikas coming from the depot waiving a white handkerchief. There was about 200 tents in the tent colony and about 1,000 inhabitants, about 500 women and 500 children. We were all in front in large groups. He was waiving this white handkerchief, I suppose, for us to get back. While he was running toward us and waiving the white handkerchief they fired two bombs. Following that they turned the machine gun into the tent colony and started to firing with rifles. Our men decided if they would take the hills, take their rifles and go into the hills, that they would lead fire from the tent colony into the hills and thus protect the women and children in the tent colony. There was just 40 rifles in the Ludlow camp. They will tell you there was 500 or so. There was 40 in there, and I would swear to that before any jury in the United States. The men who had rifles went to the hills, and the others, too, so that there would not be any men in the camp, thinking in that way they would attract the fire away from the women and children. Then if no men were there they would not fire. They did not follow the men into the hills; they were too cowardly; they wanted to fight with the women. They kept the machine guns turned on the camp all day, more or less. The women and children, too, could run out of the camp, but there were so many women there expecting to become mothers, and also many that had such a large family of small children that they could not possibly get out. I had been the nurse in the tent colony. Louis Pikas came to me and told me if I was not afraid he wanted me to stay in the camp and take care of the wounded and the women and children.

When they kept continually shooting into the camp the women asked me to put a white dress on with red crosses. I was afraid to do it, but I did it and went out to the front and pinned a red cross on each arm and one on my chest; they could not help but see it. When I got out there they took it for to be a good target and shot at me as hard as they could. I started to run for protection, and one of the bullets took the heel off my shoe. I thought at first it had shot my foot off. A little while later I went into my tent. There was four men in the tent—Louis Tikas and three others. Those were laying on the ground and had slipped in the tent and taken the telephone out through and had it on the ground and were sending messages to Trinidad, trying to get help, reinforcements. They asked if I would stay in my tent and make some sandwiches. The firing was all coming from this way. Just opposite the door I had a dresser with a large mirror on it, and I think they could see my reflection in the mirror going into the kitchen. They opened fire on the tent and they were pretty good marksmen, because pretty near every time they hit the works. Soon I lay on the floor, supposing that they would think I was dead and quit shooting. When I finished my sandwiches and started to give them to the men they saw me again and started shooting at the tent next door. The men said, "For God's sake, stay away from here; you are a hoodoo." They thought it would be better if I would go home and take off the red crosses, because they could see me better.

Another time that day there was a wounded man in the camp, and I was trying to get to the dispensary to get some dressing for him. I couldn't get there at first, because the bullets were coming in there like hail. The second time they decided that if Louis Tikas would go with me and unlock the door quick I could get in there quick. He went out, and they saw us when we got about half way and opened fire. There was a small coal pile there, but that was no protection for even one man, but we both dodged behind it. We lay still for two or three minutes and thought they would stop, and they did stop, but they started again; but they were setting the machine gun on us, and we didn't have sense enough to know it. In about three minutes there were three men lying there with us back of the coal pile. We were laying there flat on the ground behind this little coal pile. They kept the machine gun on us I don't know how long, but it seemed like an awful long time, but I think it was about an hour steady. The bullets were hitting just about a foot on the other side of us. They did not have the range right. I don't understand how we ever got out of there alive at the time the machine gun was trained on us. There was a little 12-year-old boy shot in the tent colony. The father came out to tell us. When he came out he took the machine gun off of us long enough to chase him back

to the tent, and that is how we made our escape, through that. From about 3 o'clock on it was worse than ever.

They got the machine gun set better and at better range, for it was terrible how those bullets came in there; it does not seem possible to tell how they were coming in. They would say if the bullets were coming in like that, why were there not more shot? Simply because the caves were there and the dogs and chickens and everything else that moved were shot. Between 5 and 6 o'clock they set fire to our tents. When they set fire to our tents we decided that we would go from cave to cave as fast as we could. They could see us going through, and we had to dodge their bullets. We were going from cave to cave, getting the women and children together, and let them out, and took chances on being shot. We had about 50 together when we saw one little Italian woman, and who came with us to Washington, but she was simply grieving herself to death. She is not sane, I don't think. She is killed, they say. Her three children were killed out there. We knew and her three children were in the cave. We could not understand how they got the three and herself there, but we afterwards moved into the hills. So Louis Tikas told me that if we would get them together and lead them down the arroya—we didn't know that there was any man there—we thought it was she and her children. While he was on his way—the screams; I believe you could hear them for a mile. The screams of the women and children—they were simply awful. When he was on his way to the cave they captured him and took him prisoner. After they took him prisoner, they couldn't decide for a little while how they wanted to kill him. Some contended to shoot him; some contended that he should be hanged. Finally, Lieut. Linderfelt went up and hit him over the head with a rifle, broke the butt of the gun over his head, and then made the remark he had spoiled a good gun on him.

They stepped on his face. We have a photograph. I don't believe we have it here, but it shows plain the prints of the heel in his face. After he fell, he was shot four times in the back.

These were three of our men captured and murdered while they were trying to rescue these women and children. Two out of the three did not have revolvers. One of the men had a rifle. He had been out and came back and got his wife and family out. At the time this fire broke out our men quit camping altogether. They thought I had made a run for the tent—meant to get the children out—and I made my way leading to this farmhouse. When this little boy was shot, his mother said they had not had a bite to eat that day. None of us had any breakfast that morning. Yet, not one-half of the people in the tent colony were up and dressed. If we were planning a battle like they say we were, it is most certain that the women would have been dressed and ready to get out. Those little children run around without shoes and stockings and half of them were without clothes.

Mrs. Snyder had six children, and none of them had anything to eat. At 5 o'clock the firing ceased, so she came up out of the cave and brought her children. She had two tents, a kitchen and bedroom. She threw the children in the last corner and set them all in a bunch till it would be possible for her to get something for them to eat. She had been there about two minutes when the oldest boy, 12 years old—he was turned with his back to the firing, he was just over like this in an effort to carress his little sister when the top of his head was blown off, and his brains were pattered over all the little children in front of him. The mother had to take the five little children into the cave, and they had to look at that sight until 12 to 1 o'clock at night. She said even though the boy had not been dead, there would not have been any chance to have done anything for him. They had to leave him laying there riddled. Between 12 and 1 o'clock they came to her tent. She said she would rather be shot than burned to death. She threw the cellar door open and hollered, "For God's sake, come and help me. I have a dead boy in here." They made a reply that it was too damned bad they were not all dead.

And they went to the cave to tell them to get out of there, and if they wanted to get out, to get out quick—only that is not the language that they used; but they told them to get out of there in a hurry. She asked them if they would please help her out of there, and she says one of the men drew his revolver and held it in her face while he gave her his hand to help her out, and she said that she thought that if her husband came out last maybe it would protect him; and then they ordered him to come out, and he came out, and they grabbed him by the shoulder there and threw him on the ground, and they says, "There is one

of the red necks we are looking for," and told him, when the mother begged him not to shoot him on account of the dead boy, and one of them turned around and pointed at the little boy and said, "Well, you can take that damned thing and get out of there." They said that of his dead boy. They said, "We will let you go." He said that he thought if he could get some one to help him carry this boy to the depot that would be protection, and they would not shoot him on the way to the depot. He asked him to please help him with the body of the boy, and they told him no; he could do it himself; and he took his boy over his shoulder and took his baby over in the other arm and started away to the depot. And pretty nearly every 5 yards there would be a gun pointed toward him and they would tell him they were going to kill him. And he had to stay there under that condition until 6.30, when a train came through there that he could get to Trinidad. I got away from there between 8 and 9 o'clock and got to a farmhouse in that neighborhood on Tuesday morning about 2 o'clock. And along about 4 o'clock there was an automobile drove up to this house and stopped, and two doctors in it came to see if anybody was wounded. And they immediately opened fire on the farmhouse. And the bullets would go through and through that house. Most of their bullets that they used were explosive shells. Every one I seen was. I seen one steel jacket that they had taken and split and notched it this way and then across this way again, so that when it hit it would explode.

They opened fire about 5 o'clock on this morning—Tuesday morning. And there was an old man ill there; he had pneumonia; and there was a telephone in this farmhouse, and I couldn't find out who was dead or what had happened or anything, so we decided we would eavesdrop over the telephone—not a very nice thing to do, but they tell me that at a time of war everything goes. So we eavesdropped over the phone, and we heard Dr. Curry's wife and the superintendent's wife having a talk. Dr. Curry is a doctor for the Victor Fuel Co., and at that time he was wearing a militia uniform; and his wife was talking over the telephone to the superintendent's wife. And she says to her, "Why, what do you think of yesterday's work? Wasn't that fine?" Then she mentioned about them killing this old man Foller. He was an old, gray-haired man, 55 or 60 years old. He was our financial secretary in the camp, and he had went back into the camp to get the money. I think there was $300 of it he had in there that he had in his tent. And he went in there and got the $300, and had the sack, and while he was making his efforts to escape a bullet went through the back of his head and came out, taking his face with it—an explosive bullet—and you never in your life seen anything like that. So she says, "They got that old Jim Feller and they got Louis, the Greek.' And she says over the phone, "Wasn't that fine?" She says, speaking now of the time of the burning of the tent colony, "We burned down that dirty tent town, and [illegible] there are 28 of the dirty brutes roasted alive in it." That was as much as I could stand. I think when she said that there were 28 of them roasted in there alive she knew what she was talking about. We got only 13 out; but I think if the coke ovens around there could tell their story, there would be a much clearer story.

We made our escape that night from the farmhouse; we didn't have anything to eat in the farmhouse. This Frank Bays owned the farmhouse, and he thought if he would take a Continental Oil wagon and get out of there that they would not shoot him. He drove this oil wagon, and he took the oil wagon and went out and he was afraid they would shoot at him, but they were too busy and they didn't notice him going out. But when he came back in, about 5 o'clock, they opened fire on him and shot one of his mules that he was driving, and it made them mad and more furious than ever because they could not shoot him. Then we left that house and went back. So Mrs. Bays went to the telephone and asked for and called up Sheriff Gresham and asked him, and he said he couldn't do nothing, that he had nothing to do with those men down there, but to call up one of the captains. So she called up one of the captains of the militia and asked him his name, and he would not tell. And I don't blame him for that. I would not have told it, either. She says, "Can't you protect or guarantee us some protection down here?" And he said, "I don't see why I should," and she said, "There is nothing down here but women and children," and he says, "Well, that is not my men shooting down there; that is the red necks." She said, "I know better, because they are in uniform and they are coming toward us," and he said, "I will see what I can do; but the best advice I can give you is to lay low, because anything that is seen moving will be shot at."

We took his advice and lay low until it got dark, and then we made our escape out of there that night. And after we had made our escape they went to this farmhouse and looted it, and took everything, and before they left they left a note on the table and it read, "This is what you get for harboring strikers. Cut it out or we will get you." And it was signed with the initials of the Baldwin-Felts detectives and the National Guard. We made our escape that night from the farmhouse and went to another house about 5 miles below and got there Wednesday morning, and they took this old man and the baby that had the pneumonia to the hospital in Trinidad there when we got to Trinidad. And they wouldn't let anyone go down there to get these bodies in the tent colony. They turned the dead wagon back as fast as it started to go there. So we got permission from Gov. Ammons and the secretary, and went out as Red Cross and started and we were met about halfway, when we met about 35 men—half of them in uniform and half in civilian's clothes, and I never in my life was abused like they did. I never was slandered like I was that day, and I never heard the language used that they used that day. And they escorted us into the tent colony and took us to one certain cave there, and there were the bodies of 11 little children and 2 women in this cave. There was one 12-year-old child and the rest of them was from 1 month to 4 years. They told us that was all the dead that was in the camp; but would not let us go around and see for ourselves. We were under guard; we were allowed to go only certain places.

While we was there there was an automobile going through the prairie and they turned up their machine guns on the automobile, and one of them come up and he says to them, "That is all right, old boy, you have got them stopped. We have wiped them off the face of the earth like we did the day before." And another one says, "You see, when we get after them we get them. But the very means of escape have proved to be their death traps." And they would try to frighten us, and they would shoot dogs or chickens while we were there, trying to frighten us. Sometimes I don't think they would shoot at anything, but they were just trying to frighten us to death. And there was one woman there, when she left the cave she had her two children—three children—and they would shoot at her feet as she was taking her three children and went out of the burning tent to get to the other cave, and a man in uniform called to her and told her to hurry up, and all the time these men were shooting around to scare her, and she went into this cave where these bodies were all in there, and they never went to try to rescue any of them, and we could hear them screaming, all of us. Never in my life have I heard such screams. And she got in there and had her little 6-months-old baby in her lap, and she was sitting as close to the door as she could trying to get away from the smoke so she would not be suffocated. And she says that on the following morning the next thing she knew when she came to her three children were lying on the floor dead. And her baby was lying there, too. She says she went over to her little boy and touched his hand, and it was cold, and she knew he was dead, and that is the last she could remember. She lost her mind right then. She don't know how she got out of the cave or how she got to the depot or anything of the kind, or who put her on the train or how she got into Trinidad. We had her in Washington with us to give information to these Senators, and she was telling her story and some of those Senators broke down and cried. I couldn't tell it as pitifully as she did. She was grieving herself so that we had to put her on the train and send her back home.

On Wednesday they told me that they found 700 guns—and it is just such outrageous stories as that they tell on the miners in this case, and you have simply got to judge them yourselves. They told me they had 700 guns and 10,000 rounds of ammunition in John R. Lawson's tent. And one of the first tents to burn down on Monday was the Lawson's. Now, that is the story told. Now, if there had been 700 guns in that tent, gentlemen, I tell you here, there would not have been quite so many have come through that day—that is, the militia. If our men had had 100 guns they could have protected us and there would not have been so many women and children slaughtered. But they did not have nothing, and they couldn't get anything. The militia had taken up all our guns and given them to the mine guards. They had, every one of their men—we speak of the guards as scabs—with their guns and revolvers two weeks before, and had them at the mines there. And this corporation there, they were taking these men out, these strike breakers, and taking them to Trinidad and giving them commissions allowing them to carry a revolver; and at the time of this battle these men all had commissions and were armed, and

our men didn't have anything and couldn't get anything. I think that is about all my experience; but Mrs. Thomas can tell just a little bit more.

Chairman WALSH. Wait one moment. Some of the commission may want to ask you some questions.

Commissioner HARRIMAN. Mrs. Jolly, do you know how many of the strikers are Greeks? That is one statement made, that they were nearly all Greeks and that a great many of the men had been soldiers in the war.

Mrs. JOLLY. Why, I think if I was giving my own judgment about it, I should say probably about one-fourth of them were Greeks. We had 21 different nationalities in the Ludlow tent colony. Now, you can imagine how many Greeks out of those; and there was about 1,000 inhabitants, I should say, probably one-fourth of them Greeks. And I want to say right here that I never in my life met a finer bunch of men than these Greeks, and never knew a better and cleaner bunch of men, and I never seen in all the time there one of those Greeks that was drunk nor heard one of them utter a profane word; and that is more than I can say for the English or Americans. Never heard them utter a profane word, and they were a fine set of men. At one certain time there were two girls found in our camp that went over to the militia or civilians' tent; and when these girls came back from the tent these Greeks themselves went in a bunch and told them they would not stand for anything like that, and if they were going to do anything like that they must leave, because these people were trying to get something to slander this town with, and they wouldn't stand for it; that they wanted this town to be the first on the map in the matter of character and morals, and they wouldn't allow these girls to go away. They had be in there at a certain hour, and we were not allowed only to do certain things, to keep them from saying such things as that. These Greeks are good fighters, and if we could have had our arms and had them to give to the men there would not have been so many dead women and children to-day.

Commissioner LENNON. Did or did not a number of the gunmen and guards fill up the ranks of the militia as the militia went home?

Mrs. JOLLY. Yes; they did.

Commissioner LENNON. You are confident that is true?

Mrs. JOLLY. Yes, sir; I am confident. They admit that themselves.

Commissioner LENNON. When they searched your colony what did they do, so far as you know, outside of the arms and ammunition? Did they take money or jewelry?

Mrs. JOLLY. I know of their taking money, and I know of their taking jewelry from the tent colony. At one time there they came into our tent colony and searched, and after the search there was complaints made so many different times that they had robbed people in there, and one day they had a fine officer with them and he says, "Well, I will hold up my men now and you may search them so you can see"; and among those men that were searched there was jewelry and money and little things—just little souvenirs the people had that were taken from the pockets of these militiamen right in front of the officer.

Commissioner LENNON. Do you know who fired the first shot after the 22d day of September, when the strike began? Have you ever been informed so you believe you know as to who really fired the first shot. You said here in one place that shortly after September 30 the first two shots were fired. Do you know who fired those shots?

Mrs. JOLLY. They were fired from an automobile that was going by the tent colony.

Commissioner LENNON. Can you explain just where it was?

Mrs. JOLLY. In this automobile was this—I suppose you have heard of him—Belcher and a fellow called Lindsay and two or three other men. And as they went across there were two or three shots fired from the automobile into the tent colony.

Commissioner LENNON. That was the first of the fighting, so far as you know?

Mrs. JOLLY. That was the first, because I had been there all the time.

Commissioner LENNON. Did the officers of the militia as well as the rank and file of the militia insult the women when they were outside of the tent colony?

Mrs. JOLLY. Yes, sir; they did.

Commissioner LENNON. That is all.

Commissioner HALLARN. You spoke of Louis Tikas as leader of the strikers?

Mrs. JOLLY. Yes, sir.

Commissioner HALLARN. Was a Greek also?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Were most of the Greeks married or single?
Mrs. JOLLY. Not one of them married.
Commissioner BALLARD. All single men?
Mrs. JOLLY. Yes, sir; all single men.
Commissioner BALLARD. Was Louis Tikas himself a miner?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. Had he been working in the mines up to the time of the strike?
Mrs. JOLLY. He came in there from Denver. Up to the time of the strike he had been working for the mines at Louisville—Louisville, not working in our vicinity, but in the northern mines.
Commissioner BALLARD. And he came down from Denver to help the strikers?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. What did he do in Denver?
Mrs. JOLLY. He had previously worked in the mines, and at one time was, I know, in the insurance company; but just before the strike he had worked in the mines there.
Commissioner BALLARD. Well, just before he came down to the strike colony, what had he been doing in Denver? What was his business in Denver?
Mrs. JOLLY. I couldn't tell you. I think he came from one of the mining camps just the other side of Denver—Louisville—no; Frederick.
Commissioner BALLARD. Did he and his brother have a saloon in Denver?
Mrs. JOLLY. I don't think so. I never heard of it if they did. I don't know.
Commissioner BALLARD. You were in the tent colony the day of the battle, and what day was that; do you remember?
Mrs. JOLLY. That was the 20th of April.
Commissioner BALLARD. You were in the colony at the time of the fire?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. Did you see anybody with torches yourself?
Mrs. JOLLY. I did not; no. Not that day. On Tuesday morning I did, but Monday I did not, because I was too busy. But one of our women seen one man who did, Mrs. Snyder; talk with him and gave me his name. I went to school with the man myself. She gives his name.
Commissioner BALLARD. The tent in which you were, was that burned on the day of the battle, or Monday, or Tuesday either?
Mrs. JOLLY. Yes; burned.
Commissioner BALLARD. What can you tell us about that?
Mrs. JOLLY. I left the camp before it was burned. I don't know if it was burned that Monday night or the next day. The fire in the camp was all night and never went out. It was a very large camp and there was so much furniture in there; and that fire lasted about three days before the smoke or anything was gone.
Commissioner BALLARD. Were any of the tents burned down on Monday, the day you were there?
Mrs. JOLLY. They started between about 5.30 and 6 o'clock. There was about one-half of them burning when I left the town.
Commissioner BALLARD. You didn't see anybody set them afire?
Mrs. JOLLY. No; I did not, because I was not at the front.
Commissioner BALLARD. You say the financial secretary was an old man?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. He was killed that day?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. What was his name?
Mrs. JOLLY. James Feller.
Commissioner BALLARD. You said he came back to the tent to get about $300?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. Where did that $300 come from?
Mrs. JOLLY. It was the money they allowed them in the camp. Saturday was pay day in the camp, and this money had been left there, and as the railroad had been sent back, he had not had any chance to send back any Monday morning; and it was money that was left there in the tent, because Saturday was pay day.
Commissioner BALLARD. They paid every Saturday, then?
Mrs. JOLLY. Yes.
Commissioner BALLARD. Did he pay all the striking miners that were there?
Mrs. JOLLY. Yes, sir.
Commissioner BALLARD. What did he give every miner, if you know?

Mrs. JOLLY. Yes. The men got $3, each woman $1, and for every child 50 cents.

Commissioner BALLARD. Where did he get the money to pay them if they were not working?

Mrs. JOLLY. Why, it was sent in by the United Mine Workers of America.

Commissioner BALLARD. Where from?

Mrs. JOLLY. Why, I don't know the different men. The union is holding them up.

Commissioner BALLARD. The union is holding them up?

Mrs. JOLLY. Yes; they are supporting them.

Commissioner BALLARD. And then this money came in there every Saturday, then, and the miners were all paid just the same as though they were at work?

Mrs. JOLLY. Yes, sir; every Saturday.

Commissioner BALLARD. That is all.

Chairman WALSH. Any other questions? That is all. Thank you, Mrs. Jolly.

TESTIMONY OF MRS. MARY HANNAH THOMAS.

Mr. THOMPSON. Give us your name.

Mrs. THOMAS. Mrs. Hannah Thomas.

Mr. THOMPSON. And your address.

Mrs. THOMAS. Ludlow.

Mr. THOMPSON. Is your husband living?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. Is he a miner?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. How old are you?

Mrs. THOMAS. I am 25 next birthday.

Mr. THOMPSON. How long have you been married?

Mrs. THOMAS. I have been married eight years.

Mr. THOMPSON. Have you got any children?

Mrs. THOMAS. I have got two children.

Mr. THOMPSON. How long has your husband been a miner?

Mrs. THOMAS. He has been a miner—he is now 32. He started mining when he was 24 or 25.

Mr. THOMPSON. How old is he?

Mrs. THOMAS. He is 32.

Mr. THOMPSON. Of what nationality are you?

Mrs. THOMAS. I am Welsh, but my husband was born in America.

Mr. THOMPSON. How long has he been in the mining work out in Colorado?

Mrs. THOMAS. About 10 months. Well, we were in this country two months before the strike started. He was born in America, but was raised in Wales.

Mr. THOMPSON. And came back to this country from Wales about two months before the strike started?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. How long were you in Colorado before the strike started?

Mrs. THOMAS. Two months.

Mr. THOMPSON. When did the strike in Colorado start—what date?

Mrs. THOMAS. In September.

Mr. THOMPSON. When did this shooting that has been spoken of by Mrs. Jolly take place?

Mrs. THOMAS. Which—the first battle?

Mr. THOMPSON. Yes; at Ludlow.

Mrs. THOMAS. On the 20th of April, this last massacre.

Mr. THOMPSON. You may tell your story now.

Mrs. THOMAS. Ten months ago I came from Wales, thinking we would like to come to see the country where my husband was born. I had a business there and was doing pretty well, and was very well situated in Wales. I sold everything and bought everything that I needed there and came over to this country—and brought $1,500 with me and 156 wedding presents, being very, very well known in the place I came from because I had been born and raised in that place from which I came. I had a silver tea service that was presented to me by the society I was a member of there when I got married, and things that I couldn't exactly mention. But I had a tremendous lot of valuable things that—I had a beautiful gold bracelet that had been given to me on the day that I got baptised, that I was taken a member into the church, and several other things that I can't mention. I had a Bible that was presented to me, a very

beautiful Bible, by the church there that I had been a member of since 12 years of age. I also had that in Ludlow where it has been taken or burned, but which was presented to me by the church that I was a member of. They made a concert for me the night before I left there, and when I reached here we went straight to Colorado. When we were going up in the hack someone asked my husband where he was hailing from, and he said he came from Wales. He says, "I guess you belong to a union?" He said, "Yes;" and he pulled out his card, and the man said, "For God's sake, put that back, because if they see that card on you you will go down sooner than you came up." That means he had to play he was not belonging to the union at all. When we were in this union mine or this mining camp he put this card up, and from that time had to play he was not belonging to any union at all, when we were in this mining camp. It was a nonunion mine and we found the rules there were very very much different from what they were in the union, and not one man could speak for himself. If there was $90 coming to a man on pay day, and if they gave him $60, he would have to be satisfied. They would say he was short weight on his coal; but they never had a check weighman for the miners, always the operators. No man ever saw his coal weighed. There was two men there telling me they had been to work one morning and the fire boss told them to go to work at a place, and when one of them went to work at that place he could see that the top was almost coming down; and he said that he could not work there; it was not safe. They handed him his money and told him there was no other work there; that he could go and not come back again. And when he came and told me about this, on that very day, that very place fell in, and then he went to ask for some work, and they said no. And he had to go out of that mining camp.

And when the strike started we all went down to the tents and the men—when we were going down to these tents, these gunmen just would stand a few yards from us and would point their revolvers at us as we were going down to Ludlow, and if anyone dared say a word, he would have been shot there; and that was the very first time I ever had seen a gun. I never saw any kind of a gun before until I came to America. When we went to Ludlow there was only four small tents there and one large tent; and the C., F. & I. operators they had delayed the tents, so we would be without any homes whatever, and all our furniture and everything else was out on the prairie there that week, and it was snowing and terribly cold and awful wet. It was terrible weather at that time. But we determined to stick together there because we had put up with such a lot and believed we would rather suffer anything than go back to work under the conditions that they had been working. When the militia came in we greeted them, as Mrs. Jolly explained. We greeted them and invited them down. Several had supper in my tent. And we danced with them, and one night they came into the tent colony, some of them did, and we refused to dance with them; and one of their officers came down there and he says, "How is it you don't dance with our men?" And I says, "Because you can't be on two sides and we much prefer, if you respect us, in keeping away." "Oh, that's just what I wanted. I don't want these men to come down here at all." So from that time on they kept away from there. And they started some dirty tricks against us. Then they had me—one day when I was going to Trinidad, they had a parade protesting against Mother Jones being in jail. And I had lost my train, and there was an automobile passing with three men in it. And I had some important business to do there that day and I wanted to go badly, so I asked if they could give me a ride down. They said, yes. As soon as I got in they asked me who I was and if my husband was a miner and different questions, and they said how sorry they were for these miners that were there starving and there was plenty of work up in the canyons for them. I says, "No man there will go back to work unless they get better conditions." Then they saw, although they kept on asking questions, they couldn't get the answers out of me that they wanted, so, finally, this man turned around and he never spoke to me any more. But when we reached Trinidad, on the square where the Columbian Hotel is, he jumped out before the car stopped and ran in through one door of this hotel—and what my opinion was, that they were operators. They told me they had been up to the mines. They could have run in through this door and pointed me out through another door or through the window.

So I wanted to go down the street and I could see the parade and everything there and that everything was coming back—they had had a parade; and after the ride down I thought I had better go to my friend's house to wash my face,

as I felt dirty; and I went up four steps there, there was a flight of steps, and I went up four steps there, and one of the militiamen caught me by the collar and pushed me to the floor, and I got up and he knocked me down again, and I got up and he knocked me down again, and I asked him what it was for three times, and everybody around there started shouting, "Shame," and got quite indignant; but no man dared to say a word, because he had his bayonet fixed, and he was waving that around as if he would use it." So when I said that I did not like that, someone jumped up and said, "Arrest that woman," and two of them caught me and marched me down to the first place, and they got me there with 50 militiamen around me there, and they had their revolvers and fixed to shoot, and after I had been there about 10 minutes, when Gen. Chase came along, and one of these men told him, "This is Mrs. Thomas from Ludlow." He says, "Oh, that is her, is it. Well, you keep her here until I give you further orders."

And they kept me there for four hours, until I was almost fainting, and then they took me up to the jail—to the original county jail, took my description and size and weight and the color of my eyes and the color of my hair—and they couldn't decide what color my hair was; and they asked me what color would I call that, and I said pale blue. So he put me up in a cell that I was to have, and I went—and when I saw in this cell it was the most filthy thing I ever was in. And two other women had been arrested in the parade, and he had these women there, and they were released that night; and I thought I was going to be released, so I put my things on, but they never came to fetch me, and the jailer says, "I guess you will have to be satisfied here," so I got into bed, and it was the most filthy place, and when I got in bed these rats were running around like horses, and it was the most—I can not describe the filthiness of that place. Then I wanted to get my children down there. I told them I wanted my children down. So they said they were going to send the militia to fetch them; and I put a note out of the window, pushed it out through the bars, trusting someone would pass it to my husband, and someone did. And in that note I told him not to give his children out of his charge until he came to me with them.

I would not have trusted my little girls in the hands of any of those dirty militiamen, knowing what they were doing. And he brought the little girls down to me, and the jailer said he could not come there to see me; that I was a military prisoner, and to be kept incommunicado, and he says, "I am going to take these children to her; and if I don't, I can't give them to anybody," and he says, "You can't do it." So he was going to turn away with the children. "Well," he says, "I better let you go," so he brought him up and the jailer folded his arms, and he said, "Mrs. Thomas, I have got to hear your conversation." "All right," I says. So we spoke Welsh and so he couldn't understand it. And he left me stand there for about three to five minutes, then he ordered my husband away; and then after I got my children in with me for about three or four days they were crying something terrible. They would throw the food in to me as if I was a dog and leave it on the floor, and they gave them little children the same kind of food as the worst criminal in America. And they were unable to go out of there and they could not eat anything and they complaining and kept on asking me, "Mamma, why do they have these bars?" And they wanted to put on their hats and coats dozen of times and would try to run out when the jailer opened the door and he would push them back just like dogs. And when I had been in there for about four days and was breaking my heart to see the children in there and crying so much to get out, I sent a letter to Gen. Chase and asked him what did he have me in there for and what was the charge against me, and if he would give me a trial I could prove that I had never done anything that was wrong. So he never heeded my letter and kept me in there until he felt like letting me out and he kept me in there 11 days; and then he released me without any trial whatever, and I don't know even yet what I was confined in there for.

Another time there were 20 of our men going out for a walk; and it was a very fine day, and there was a regiment of these militiamen ahead of them, and they took them up to the mining camp at Berwind, and then when they got them there they gave them an offer to go to work there, and they said, "No, they would not go." And they said if they didn't go to work they would be put in jail. And they said they would rather that than go back to work; that they would not go back to work under the conditions down there. And they beat these men and they were bruised something bad; and then they gave them again an offer to go to work there; but they would not, and they kept

them until the next day without any food in a dark cell; and the next morning they beat them up, and lined them up against the wall and put a cannon before them, and gave them to understand they were going to shoot them, and gave them an offer again if they would go back to work; and they said, "No, they would not." And those men were as white as death, for they did think they were going to be shot, because these militiamen were capable of anything. And when this cannon was before them and they enticed them to go back to work, and they would not, and they beat them up again and drove them back with whips right back to Ludlow. They were on their horses and had whips. They whipped them right back to Ludlow. And before the congressional committee they said they only did that for fun—put that cannon before the miners—and that they were only joking.

Another time they took a man off the street and put him in jail and never let him know what he was in there for; and they gave him a chance to go back to work, and he would not go, and they made that man dig a piece of ground there and gave him to understand that it was his grave, and that he was to be shot the next day. And he asked if he could not see his wife and children before he would get shot. They said no, they could not grant any privilege whatever. So they gave that man to understand that he was to be shot; well, he got very ill, and they had to send for the United Mine Workers to get him out, and then they had him out, and then this man said he had had a horrible experience. And there was another man there they put in jail, and it was in a damp cell, and they kept him in that damp place until he died of heart trouble, and he died within four days. That was a healthy man before he went in there. And the women that have been insulted in Ludlow—it is terrible. It can not be stated. It can not be stated—the insults the women have had to undergo. And since these militiamen have been there there's dozens of young girls who have had to go to homes expecting to become mothers. There is one woman there—a German woman—and two militiamen came down there, knowing that her husband was away, and they came down to the tent colony and tried to get her to drink some whisky with them, and she says she would not; and they told her they were going to arrest her and take her up to their tents——

Chairman WALSH (interrupting). Mrs. Scott has just informed me that your time is up, and that if the commission should wish to ask you any questions will have to ask them now, because you have to leave on the train at a certain time. Are there any questions you would like to ask, Mrs. Harriman?

Commissioner HARRIMAN. No; I think not.

Commissioner BALLARD. When did your husband come to the mines to work at Ludlow?

Mrs. THOMAS. It was in July.

Commissioner BALLARD. And the strike occurred in September?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. So he had been working there about three or four months?

Mrs. THOMAS. About two months; something like that.

Commissioner BALLARD. Do you remember how much wages your husband made a month?

Mrs. THOMAS. Yes.

Commissioner BALLARD. During that three or four months?

Mrs. THOMAS. Yes.

Commissioner BALLARD. About how much?

Mrs. THOMAS. About $70 a month.

Commissioner BALLARD. And he had been a miner in Wales?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. What did he make over there?

Mrs. THOMAS. He made about $40 to $50 a month; but we could live on half the wages in Wales. If I could have that wages in Wales I could save half of it. But when we were in Colorado I could save nothing, because it all went to the company store.

Commissioner BALLARD. Were you compelled to trade in the company store?

Mrs. THOMAS. Yes, sir; we were compelled to trade in the company's store—made to buy everything there—and most of the men were in debt there, so that they did not see what was the color of money; did not know what was money, only taking their check from the company—only a slip of paper from the mine when they were having a pay day, and they would have to take that slip of paper right to the store and then deduct anything that the man owed.

If he owed $70 and he only had $60 coming to him, they would take the whole $60 and wouldn't give him any money.

Commissioner BALLARD. Did you have to pay in the company store more than in the ordinary stores in Trinidad and Ludlow?

Mrs. THOMAS. Yes. In these company stores they would give you scrip and they would say on the scrip—it would say you could purchase anything in the company's stores in the mining camp; but not at the same store belonging to the same company at Trinidad, because in Trinidad they had to compete with other stores.

Commissioner BALLARD. Cheaper in Trinidad than up at the mines?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. This day that you went to town, was it Pueblo or Ludlow where you were arrested?

Mrs. THOMAS. Trinidad.

Commissioner BALLARD. And that day there was trouble?

Mrs. THOMAS. Yes, sir

Commissioner BALLARD. What was this parade?

Mrs. THOMAS. They were protesting against Mother Jones being in the San Juan Hospital without any charge whatever.

Commissioner BALLARD. That is all; thank you, Mrs. Thomas.

Chairman WALSH. Call your first witness, Mr. Thompson.

NEW YORK CITY, *Thursday, May 28, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Harriman.

Chairman WALSH. The commission will please be in order. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Mr. Boughton.

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON.

Mr. THOMPSON. Mr. Boughton, will you please give us your full name and spell it?

Mr. BOUGHTON. Edward J. Boughton.

Mr. THOMPSON. And your address?

Mr. BOUGHTON. Denver, Colo.

Mr. THOMPSON. Your occupation or profession?

Mr. BOUGHTON. Attorney at law.

Mr. THOMPSON. How long have you been practicing law and where?

Mr. BOUGHTON. In Colorado wholly; at Cripple Creek, Colo., and at Denver, Colo., since August, 1899.

Mr. THOMPSON. 1899?

Mr. BOUGHTON. Fifteen years next August.

Mr. THOMPSON. And wholly in Colorado?

Mr. BOUGHTON. Wholly in Colorado; yes, sir.

Mr. THOMPSON. How old a man are you?

Mr. BOUGHTON. Thirty-five years old.

Mr. THOMPSON. You have some position, have you not? First, are you a married man?

Mr. BOUGHTON. I am, sir; I have a wife and three children.

Mr. THOMPSON. Are you an American citizen?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. Born in this country?

Mr. BOUGHTON. In this State—New York State.

Mr. THOMPSON. How long have you been in the State of Colorado?

Mr. BOUGHTON. Since 1892.

Mr. THOMPSON. Do you have some position with the Militia of the State of Colorado?

Mr. BOUGHTON. I hold a commission in the National Guard of Colorado.

Mr. THOMPSON. What is that commission?

Mr. BOUGHTON. Major of infantry.

Mr. THOMPSON. How long have you been a major of infantry of the State of Colorado?

Mr. BOUGHTON. Since the 10th of September, 1910, before which I held a commission as captain of infantry. I have been connected with the National Guard

of Colorado intermittently since 1903, just preceding another industrial conflict where the militia was used in that State.

Mr. THOMPSON. That was the industrial conflict at Cripple Creek?

Mr. BOUGHTON. At Cripple Creek; yes, sir.

Mr. THOMPSON. Where, at that time, were you practicing law in Colorado?

Mr. BOUGHTON. I chanced to be practicing for a short interval in the northern part of the State at a small town.

Mr. THOMPSON. What was the name of the town and where was it with reference to Cripple Creek?

Mr. BOUGHTON. Its name was Loveland. That is about 50 miles north of Denver, where Cripple Creek is about 75 miles south of Denver. This was an agricultural community from which I came.

Mr. THOMPSON. When did you first practice law in Cripple Creek?

Mr. BOUGHTON. About a year after the conclusion of the strike in 1903.

Mr. THOMPSON. That is, 1904 you commenced practicing law in Cripple Creek?

Mr. BOUGHTON. Yes, sir; in the spring.

Mr. THOMPSON. Prior to that time you had acted with the militia in the struggle at Cripple Creek?

Mr. BOUGHTON. Yes, sir; and then I returned to Loveland, and was there part of the year, and then from there to Denver, and from there to Cripple Creek, where I stayed until I moved to Denver quite recently.

Mr. THOMPSON. Where were you stationed at that time as a member of the militia?

Mr. BOUGHTON. My actual service did not extend beyond a couple of months. The company was returned to its home station.

Mr. THOMPSON. What position did you occupy with the militia at that time?

Mr. BOUGHTON. I was a captain, sir.

Mr. THOMPSON. When you finally returned to Cripple Creek about a year later and opened up a law office there, if you can tell and if you remember, whom were your clients there?

Mr. BOUGHTON. Well, I had a general practice there.

Mr. THOMPSON. Did you specially take up the question of mining law?

Mr. BOUGHTON. Yes, sir. Yes, sir; that has been my pursuit almost exclusively in Colorado.

Mr. THOMPSON. In your practice as a lawyer and making a specialty of mining laws you deal mostly with the mine owners or their representatives, do you not?

Mr. BOUGHTON. Yes, sir. My own peculiar practice has been rather confined to the mine owners of Cripple Creek. That, however, is the gold-mining law. The gold-mining law and gold-mining practice and gold-mining clientele is altogether distinct from any other clientele.

Mr. THOMPSON. The industrial struggle at Cripple Creek was a very severe one, was it not?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. And caused a great deal of comment in Colorado, did it not?

Mr. BOUGHTON. Oh, naturally.

Mr. THOMPSON. And throughout the country?

Mr. BOUGHTON. Yes; I believe so.

Mr. THOMPSON. During that struggle a large number of labor men were deported without the State, were they not?

Mr. BOUGHTON. Yes, sir; in 1904. That was after the military occupation was over, you know. It was after the 6th of June, 1904, the day of the riot at Victor. On that day a considerable number of nonunion men were destroyed by an explosion at the Independence depot. The citizenry of that community then rose, and while they had the cooperation of the National Guard unit at that point, still the expulsion of the remaining union mining men was carried forward by the citizenry itself largely.

Mr. THOMPSON. You say by the citizenry itself largely. What are we to understand by that answer?

Mr. BOUGHTON. It was their initiative. They organized, as I recall it now—though I was not there at the time.

Chairman WALSH. If he was not there, please don't go into that.

Mr. THOMPSON. I was assuming he was there.

Chairman WALSH. Well, I had that idea, too; but he says——

Mr. BOUGHTON (interrupting). I served about two months actually at Cripple Creek in 1903, and then opened an office about a year later, you know.

Mr. THOMPSON. And before you came to Cripple Creek?

Mr. BOUGHTON. And before I moved to Cripple Creek I was in Loveland and Denver.

Mr. THOMPSON. In regard to the late trouble in the State of Colorado, did you serve with the militia in any districts where trouble had occurred, for instance, at Ludlow?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. How long did you stay there, and when did the service end, and in what capacity did you serve?

Mr. BOUGHTON. On the 28th of October, 1913, his excellency the governor of Colorado issued an executive order calling out all troops of the National Guard to the occupation of the disturbed regions of the State. That order was executed on the 28th of October by the sending of an incomplete brigade of the State troops to the southern fields where they occupied a line of about 120 miles long through the counties of Las Animas and Huerfano, with expeditions into other and remote fields of the State. That occupation continued until the 14th of April, 1914. During all of that time I served in the field with my command, and later I detached from my command as judge advocate of the military district, which the commanding general established by order of the governor.

Chairman WALSH. When did that service begin and when did it end? Or are you still detailed.

Mr. BOUGHTON. I am still in the service at this time.

Chairman WALSH. How long have you been continually in the military service?

Mr. BOUGHTON. Since the 28th of October, with one short furlough.

Chairman WALSH. In 1913?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. For how long was the furlough?

Mr. BOUGHTON. A week, I think.

Mr. THOMPSON. Where first did you take the field when you were called out in October?

Mr. BOUGHTON. I entrained at Denver and proceeded to Trinidad in Las Animas County, where I arrived on the 29th of October early in the morning. I remained in Trinidad until the 20th of November, at which time I was detailed as judge advocate, when the judge advocate's department was created. From that time, with headquarters at Trinidad, I moved about the whole district in the discharge of my work, in the conduct of my investigations and accumulation and accretion of evidence and information to be submitted to the military commission, or for the compilation of the reports to the governor. That was the work of the judge advocate.

Mr. THOMPSON. What would these investigations that you would make, as judge advocate, cover? What kind of trouble? What manner of trouble?

Mr. BOUGHTON. At first, in factions, interfering with a solution of the peace problem. I can illustrate that perhaps vividly in this way: It would be reported that at one of the detached posts, of which there were 32 over that line of 120 miles, an incipient riot had occurred, which was produced by a speech, we will say, of some individual connected with one side or the other of the industrial conflict. The evidence concerning that episode would be taken. The utterances of the man in question would be ascertained, all of that would be submitted to the commission, by whose collective judgment it would then be determined whether it was wise or necessary to detain that individual for a while as a peace measure. Afterwards, of course, we had assignments from the governor, where we were required to investigate and report to him the facts of particular assigned instances.

Mr. THOMPSON. Were you requested by the governor to examine into the causes of the battle at Ludlow?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. On Monday, April 20?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. Of this year?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. In what capacity did you act there? In the same capacity?

Mr. BOUGHTON. In the same capacity.

Mr. THOMPSON. Did you have with you a board?

Mr. BOUGHTON. Yes, sir; a board of officers.

Mr. THOMPSON. Of whom did that board consist? How many and what kind of people?

Mr. BOUGHTON. It consisted of Capt. W. C. Danks, a practicing attorney of Denver, a member of my judge advocate's office, and Capt. Phillip S. Van Cise, a practicing attorney, who, however, was not a member of the judge advocate's office, but in command of his company. That board proceeded to Ludlow, within a few days after the episode inquired into. It made an exhaustive examination of the militia, of all those who took part in it, examining them under oath. The examination of citizens and noncombatants in the neighborhood; the examination of prisoners that had been participants; the examination of the coroner, and reviewed all of the evidence furnished to the coroner's jury, and arrived at a conclusion of fact, which it forwarded to the governor, and which was published in Colorado. Editorial comment upon all sides of the industrial conflict was that it was a fair and honest relation of the actual occurrence which, perhaps, had been distorted by each side of the industrial conflict up to that time.

Mr. THOMPSON. Where did Mr. W. C. Danks, who was one of your board, where did he practice law?

Mr. BOUGHTON. In Denver.

Mr. THOMPSON. Do you know how long he had been practicing law there?

Mr. BOUGHTON. Not accurately. He has been there for a number of years. He is an ex-supervisor of the city and a very highly respected gentleman.

Mr. THOMPSON. How long had Mr. Phillip S. Van Cise?

Mr. BOUGHTON. He is a young man.

Mr. THOMPSON. Where is he practicing law?

Mr. BOUGHTON. He has not been practicing, I should not say, over three or four years at the most.

Mr. THOMPSON. Where?

Mr. BOUGHTON. At Denver.

Mr. THOMPSON. Now, Mr. Boughton, I would like you to make a statement to the commission of the Ludlow incident—as you know of your own information and as a member of this board.

Mr. BOUGHTON. Yes, sir; as we discovered it to be.

Chairman WALSH. Were you personally at Ludlow?

Mr. BOUGHTON. At the time the incident occurred?

Chairman WALSH. Yes.

Mr. BOUGHTON. Oh; no, sir.

Chairman WALSH. Proceed.

Mr. BOUGHTON. But I have the evidential, demonstrable authentication of anything I state to be the facts that was derived, as I say, from an official examination under oath of the participants and noncombatants.

Chairman WALSH. Before what body?

Mr. BOUGHTON. Before the board of officers appointed by the governor for that purpose.

Chairman WALSH. And you were what on it?

Mr. BOUGHTON. I presided over that board.

Chairman WALSH. Then, as briefly and concisely as you can, give us the facts in connection with the Ludlow matter.

Mr. BOUGHTON. Yes, sir. May I ask leave to use a drawing which I have which will expedite, perhaps, the explanation I can make of the incident?

Chairman WALSH. Just give it to the stenographer and he will mark it.

(Blue print of drawing received, but not printed.)

Mr. BOUGHTON. This drawing was prepared by the engineers.

Chairman WALSH. Have you two of those drawings?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. You might pass one to the commission for them to examine.

Mr. BOUGHTON. Only one-half of the drawing is the map of that vicinity. At the point Ludlow, on the point of the Colorado Southern Railroad, which is the artery of commerce north and south between Trinidad and Denver, the two canyons converge at that point and enter the plains or prairies. That is where the hills end and the plains begin. Up those two canyons are the largest coal mines of the State. At the point where the canyons converge and the wagon roads from each cross the railroad tracks was located the Ludlow tent colony. That point is commonly called in that vicinity the "crossroads." Across the railroad track and to the west, about 550 yards away from the tent colony, was established a detached post of the militia where there had been in the field a couple of companies of infantry and a troop of so-called mounted infantry.

On the 14th of April all of these militiamen were withdrawn, together with all other militiamen all over the State, except that there were left to do police duty merely at that immediate point of Ludlow 34 men. Of that 34 men there were 12 who occupied the tents that I speak of across the railroad track from the tent colonies, the other 22 occupying a detached camp about a mile and a half away and out of sight of the two groups of tents. The tent colony was inhabited by a good many hundred people, among whom there were 22 languages used, indistinguishable and not understood one of another.

Sunday, April 19, was, according to the Greek Church, the Greek Easter; it did not come when our Easter comes. It had been anticipated that so soon as the troops were withdrawn some sort of disturbance would occur by reasons of a clash between the remaining militiamen and the occupants of some tent colony, not particularly this one. The clash occurred within one week after the withdrawal of the troops. We learned from certain prisoners of war, using that term for want of another one, who were inhabitants of the tent colony, that the attack had been planned for Sunday, the Greek Easter. It was postponed, however, until the next morning. This tent colony had been searched by direction of the governor for concealed arms four different times, each time with increasingly angry resentment of the inhabitants of the colony, quite emphatically expressed.

It was not supposed, Mr. Thompson, it was not known to contain any arms whatever at the time the troops were withdrawn. On the morning of April 20, a Monday morning, there came to the tents of the commander of the National Guard a woman who claimed that her husband was detained against his will in the tent colony and asked help to obtain his release. At that time there were occupying the five remaining tents of the militiamen only the 12 men of whom I spoke, of whom 10 were absent on ordinary camp duty, some were quartering their horses at a considerable distance from the camp, almost a mile, and others were upon the train detail. The train detail is a detail of three or four men who are kept constantly at the depot to protect incoming and outgoing passengers upon the trains against a police infraction by the inhabitants of the tent colony. There were only two men, the commanding officer, Maj. Hamrock, and a cripple, in the tent at the time the woman called and for some considerable time afterwards and until after the battle, so called, started. The commanding officer telephoned to his train detail at the depot to go to the tent colony and ask for the woman's husband, which was done.

Each nationality in the tent colony had its own leader, but the Greeks of the colony were the force of that population. We learned that a considerable portion of them had returned from service in the Balkan wars; they were regarded, perhaps, by their fellows as men of experience and heroes. At any rate, the head of the Greek contingent was the head of the colony. His name was Tikas, commonly called Louie the Greek in that vicinity. He it was who was killed afterwards in the day. The Greek leader answered the train contingent that he understood the troops had been withdrawn from the field and asked him if he had a civil warrant calling for the production of any prisoner that they might have. There were some words passed, heated words between the soldiers, enlisted men, and Tikas, and I think it safe to say that the militiamen said to Tikas, "We will come back later in force and get that man. We know you have him."

The train detail returned to the depot and telephoned to the commanding officer of the tents that they were unable to get the man and that Tikas denied having him and denied the right of the militia to make a search for him. Maj. Hamrock then telephoned to Tikas himself and asked Mr. Tikas to come to his tent—that is, the tent of the National Guard, which Tikas, for the first time, flatly refused to do. It had been a matter of daily occurrence for Tikas to come to the tent of the commanding officer of the guard or the commanding officer to go over to his tent and discuss the peace problem.

I may say for this Tikas that his presence in the tent colony was for good. He was a restraining influence among his own people.

Chairman WALSH. How old a man was Mr. Tikas?

Mr. BOUGHTON. That is hard to say. I should judge him to be about 40 or 45 years of age, but he was a man, rather dark, sallow complexion, and hard to judge his age.

Chairman WALSH. That is all right.

Mr. BOUGHTON. He was not a coal miner. He lived in Denver and was at one time the head of a combination of bootblacks of that city.

Chairman WALSH. Had he never been a coal miner?

Mr. BOUGHTON. He testified before the commission that he had done some coal mining at one time in the northern part of the State for a short interval, but at the time the strike broke out——

Chairman WALSH (interrupting). There was a lady here yesterday testified that he had been a miner in another place.

Mr. BOUGHTON. Yes; in Louisville; that is correct.

Chairman WALSH. All right.

Mr. BOUGHTON. After Tikas declined to come to Maj. Hamrock's tent, Maj. Hamrock telephoned to his detachment at Cedar Hill, the 22 men, and directed that they should proceed to a hill in plain view of the tent colonies and the military camp, and they drew there. That had been done a great many times before. It was a moral move, having troops in sight when we knew that we were going to have to insist upon some determined position with the tent-colony people. The detachment, except four men, at once came to this hill, marked on the map "Water Tank Hill." In the meantime, it seems, that, according to a preconceived design, the Greek inhabitants of the tent colony to the number of 35 had armed themselves inside the colony, with the avowed intention of attacking the camp. The evening before at a near-by nonunion mine 2 of those 35 Greeks, afterwards engaged in the battle, visited a cousin of theirs who was at work, a nonunion man, and advised him confidentially that this attack would be delivered the next morning and that upon the wiping out of these soldiers, the attack would proceed against the property where he was at work, and urging him to be absent on that day. The information was at once communicated to the superintendent of the mine by the employee so advised, and it was afterwards communicated to Maj. Hamrock. It seemed that while Louis Tikas was talking with Maj. Hamrock over the telephone, in the intervals of two conversations that he had——

Chairman WALSH (interrupting). Did you ever meet Mr. Tikas personally?

Mr. BOUGHTON. Oh, yes; I knew him quite well. We had him before the commission a number of times.

Chairman WALSH. Go ahead.

Mr. BOUGHTON. It seems that he was arguing with his armed Greeks, his armed compatriots, urging them to refrain from this intended attack. He finally got so far that he said they promised that they would refrain from any overt act until he had seen Hamrock.

Chairman WALSH. Who testified to that matter before your commission as to the conversation between these Greeks and Mr. Tikas?

Mr. BOUGHTON. I don't know that I can recall the names.

Chairman WALSH. Who testified to that, now, before the coroner's jury as to the conversation between the Greeks and Mr. Tikas?

Mr. BOUGHTON. I don't know that I can recall the name.

Chairman WALSH. Well, did some of the Greeks testify to it?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Go ahead.

Mr. BOUGHTON. After the major had telephoned for his detachment to come to the hill, Louis Tikas then called the major up a second time, after having the promise of his Greeks to refrain until he could call Maj. Hamrock. It is supposed that the conversation was overheard by somebody in the tent colony, for it is a known fact that all the wires in that vicinity are so tapped as that conversations over them are quite generally heard. I may pause to say here that that accounts for the episode, perhaps related to you by one of the tent-colony inhabitants here, that she heard telephone conversations between other people. She, of course, has determined for herself who those people were and what the conversation was. But, at any rate, at the close of the conversation between the commanding officer and his detachment, Louis Tikas called up the major and asked to see him at the depot, a neutral position, which was accepted; and Maj. Hamrock and Louis Tikas were in the depot talking; and Maj. Hamrock had with him a woman, who was complaining of the imprisonment of her husband, and Louis Tikas, upon seeing who the woman was, said that he recognized who she was and now knew who was meant by her husband; that he had been in the colony the day before but was not there then. About that time the commanding officer of the detachment coming from Cedar Hills rode up to report the arrival of his detachment on Water Tank Hill to the commanding officer at the depot. He was returned to his detachment. But he had gone but a verry little ways when he hastily returned to the major inside of the depot, saying, "My God, Major! I wish you would look at those men" [indicating an easterly direction], and added, "We are in for it for sure." Thereupon Tikas and the major and

the officer came out of the depot and discovered the rest of the Greeks whom Tikas had left in the tent colony crossing the open space between the colony in an easterly direction to a railroad cut indicated upon the map. (Here witness indicates.) The chief cover in that country for any infantry report. It was told to us, and believe it to be true, that after Tikas left the tent colony to call upon Maj. Hamrock the appearance of the troops in plain view on Water Tank Hill so excited them that they forgot their promise to their leader to refrain until his return, and simply filed out. Tikas remarked to Maj. Hamrock as he left the depot, "I will call them back." And he ran toward the colony waiving his arms to his Greeks to return, and saying with an oath, "What fools they are." He was unable to accomplish anything in that direction. The Greeks continued to cross the plains to the cut. Tikas evidently seeing that he could accomplish nothing further by way of restraint then went into the colony, where he was plainly seen shortly afterwards emerging with a gun in one hand and a field glass in the other. From that time forward he joined his compatriots and became a combatant in the day's events. During the crossing of the Greek contingent from the tent colony to the railroad cut, they were in plain view of the troops on Water Tank Hill. The troops there almost rebelled against their officers who were holding their fire. They vociferously urged that the Greeks, armed as they were, ought not to be permitted to take the cover of the railroad cut before the militiamen were permitted to open their fire upon them. However, they were successfully restrained. We get that from all sources. In the interim, and while the defiling was being made into the railroad cut, Maj. Hamrock called a second time to Cedar Hill, to the force that remained, ordering that they change their command to Water Tank Hill and bring along with them the machine gun that was kept at Cedar Hill. There had been constructed a couple of crude dynamite bombs. It had been arranged that these would be exploded if an attack of this kind was made as a signal to inhabitants of the coal-mining towns up the canyons that the attack had begun, in order that they might prepare themselves for what would follow.

Those bombs were exploded as they signaled, and that was the first explosion of the day. Almost at once, after the explosion of the bombs, the Greeks having obtained cover, opened fire upon the camp of the militia. During the crossing of the Greeks to the railroad cut the women and children from the tent colony were seen leaving the colony and hastening to an arroyo in the rear of the colony indicated upon the map. In our country that word means a dry creek, a dry deep creek. It is what ought to be a creek, but never is; it has not any water in it at all at any time of the year. This was from 10 to 20 feet deep at places, and 20 to 30 feet wide. Under the protection of the arroyo, the women and children of the colony were able by following the arroyo out to the plains to reach farmhouses and other places of safety at a great distance away. Armed men in large numbers were seen at the same time also seeking the cover of the arroyo. After the opening of the attack by Greeks in the railroad cut upon the soldiers, at once the whole arroyo in sight delivered a fusillade of shots. Those were answered by the 12 men in the tent and by the 22 men on Water Tank Hill, together with the machine gun at that place. From that time the history of the battle, so called, is a history of the advance of the 22 men on Water Tank Hill along the line of the railroad after dislodging the Greeks in the cut, without which, of course, the advance could not be begun. The advance of the 22 along the railroad passed the colony to the capture of the steel bridge over the arroyo and the taking of the arroyo. That was not accomplished until evening.

Early in the day three sorties were made by four men each from Water Tank Hill, in an effort to dislodge the Greeks in the cut. In one of the sorties a private soldier was wounded. When a sortie retreated, as it had to do, they tried to carry with them the wounded comrade. They had to abandon him under the cover of a bush. They were not able again to retrieve that ground.

Commissioner O'Connell. What do you mean by the private soldier?

Mr. Boughton. A private soldier of the National Guard, one of the troop on Water Tank Hill. They were not able to recover that ground until afternoon. In the meantime the Greeks from the country had themselves made sorties against Water Tank Hill, and had arrived on two different occasions at about the spot where the private soldier had been left, the wounded soldier had been left. In the afternoon when this soldier was discovered he was found dead, his arms broken, his face mashed, and otherwise horribly mutilated.

In the afternoon the Greeks were dislodged from the railroad cut and the advance on the arroyo was commenced. That advance was covered by the

machine guns. The machine guns were not used against the tent colony. There is no fact better established than that. The tent colony has in front of it several wooden structures, a blacksmith shop, chicken coops, fences and posts, no one of which exhibits any shots from a machine gun, or from any other weapons, so far as that goes; whereas the fences along the railroad right of way, the water tanks, other buildings, are riddled with machine-gun bullets. The machine gun was used along the right of way of the railroad to cover the advance of the troops.

About 7 o'clock at night the advance had so far proceeded as to arrive at the crossroads, that is to say, at the tent colony itself. At that time the impact of a bullet with some high-explosive material inside one of the tents caused the tent to catch fire. The first was accidental in its origin. I shall show you afterwards that it was deliberately spread by members of the National Guard. Three tents exploded high in the air. Afterwards we took several thousand rounds, 19,000 rounds of ammunition out of the tent marked "Headquarters, John R. Lawson." The fire being under way, and our men having arrived close to the tent colony, it was then discovered by the officers that the tent colony contained women and children; screams were heard from inside the colony. You must know, gentlemen, ladies and gentlemen, that in front of the colony on all sides were located carefully constructed earthworks, rifle pits, constructed in such a position as that any return of the fire from them was drawn right into the colony.

Having taken the children and women over to the arroyo early in the morning, and discovering these rifle pits being used against us and drawing the fire of all of the troops into the tent colony itself, it could not be supposed that any women and children were in it, but upon our discovering that there were, and the tents having begun to burn, the officers of the National Guard made several passes into the colony for the purpose of removing them, in which they were successful. They removed in that way 36 women and children; reluctant in the doing of that rescue work the officers were constantly under fire from the arroyo and from the rear of the tents. Notwithstanding which, and the reluctance of the women and children to come out, 36 of them were removed. A great part of these were removed from cellars or dugouts constructed beneath the tents. One dugout in particular, that is depicted on the map accurately, was not discovered until Wednesday morning. It was almost sealed, hermetically sealed, and the entrance to it was concealed by furniture in the room. In that place, on Wednesday morning, there were removed, with one exception to be presently noted, the only people who died in the colony, the 2 women and 11 children who were found suffocated. There was not a mark on their bodies. They were not shot; they were not burned, or even charred, and the position of the bodies in the remote corner of the dugout, and not in the entrance, evidenced that at the time they died they were not making any effort to crowd out into the air. Expert testimony before the board of officers is to the effect that the oxygen in this chamber was not sufficient to support the lives of 13 people, 2 of them adults, for more than two hours. They died probably early in the day. So later this morning, in almost every paper in New York there appears reiterated the assertion that women and children were killed, were burned, were shot, using all of those words, in the Ludlow tent colony. That is not a fact. It is common with some of those who have appeared before you, and whom I heard in Washington and in New York, at public gatherings, to use the word massacre, variously pronounced by the witnesses, and the impression that there was a massacre——

Chairman WALSH. I don't understand what you mean by variously pronounced massacre.

Mr. BOUGHTON. I think one of them pronounced it massacre.

Chairman WALSH. That would not affect anything except probably the lack of educational advantages of the ladies, would it?

Mr. BOUGHTON. I want it to be understood.

Chairman WALSH. Have you any feeling against her?

Mr. BOUGHTON. No, sir.

Chairman WALSH. Why do you call attention to her lack of education?

Mr. BOUGHTON. I wanted to call your attention to this fact——

Chairman WALSH. You thought we might be misled by the pronunciation?

Mr. BOUGHTON. I want to emphasize the particular word, because to me it seems important. There was no such thing as the Ludlow massacre. Nobody

was massacred at Ludlow. Nobody was killed at Ludlow in the tent colony or burned, with the one exception of a small child by the name of Snyder, who during the day, according to the statement of his father, made at the time he was holding the body of the dead child in his arms to officers of the National Guard in large numbers, was that the child had gone out of his tent in the afternoon, had faced toward the arroyo for a private purpose, and was shot in the forehead from the direction of the position of the tent colonist combatants; that he was not shot by the troops of the State. At that time the father's resentment seemed to run against the Greeks, who had precipitated the struggle in which his child was slain. A collection was taken up among the officers of the guard for this one man, who was destitute of all means of arriving at Trinidad, with a large family of children, and by that means he was enabled to take the train and go to Trinidad and not to walk over the hills as the other refugees did.

Chairman WALSH. How much did the collection amount to?

Mr. BOUGHTON. Eighteen dollars. After the rescue work had progressed and the women and children had been removed to places of safety——

Chairman WALSH. Major, were you present when the body of this child was taken away?

Mr. BOUGHTON. No, sir.

Chairman WALSH. From the colony?

Mr. BOUGHTON. No, sir. I have already answered that I was not present at all.

Chairman WALSH. You know of it?

Mr. BOUGHTON. No, sir; I am giving you a résumé of the testimony from all sources we have got it.

Chairman WALSH. Was there any testimony to the effect that the father carried the child on his shoulder?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That is the way the child was removed, was it?

Mr. BOUGHTON. From the tent colony to the depot, I think so.

Chairman WALSH. Is there any contradiction of that?

Mr. BOUGHTON. I think not.

Mr. THOMPSON. I would like to ask at that point, Major, from whom did you get the testimony at your hearings?

Mr. BOUGHTON. I beg your pardon?

Mr. THOMPSON. From what kind of people, from whom did you get your testimony?

Mr. BOUGHTON. From all of the officers of the National Guard, from all of the enlisted men, privately examined. That is one out of the presence of the others, so that we could get all of the stories without their appearing any agreement or convention as to what should be told, and we discovered a great many things by that means. From the inhabitants of the town of Ludlow, who were in the main sympathizers with the colonists in their struggle industrially; from certain of the inhabitants of the tent colony; from the coroner and the transcript of the testimony adduced before his jury; from a physical examination of the field itself. I think that exhausts an enumeration of the means.

Mr. THOMPSON. In other words, there were no strikers or union representatives appeared or were heard at those inquests—at those inquiries?

Mr. BOUGHTON. As a matter of fact, there were none. We made every effort to obtain a number and that effort is progressing still. We urged the appearance of Mr. Lawson and Mr. McClinnon, in Denver, after our return, to tell what they knew or they could obtain for us. We urged the cooperation of their head man in Trinidad, who promised us that we should have it, but reconsidered his determination. A personal interview with Mr. McClinnon and Mr. John R. Lawson in Denver by one of our number, Gov. Danks. A personal request made of them was answered by their attorney in their presence—Mr. Harris N. Hawkins—that the official of the United Mine Workers must decline to supply us with any information they possessed, upon the ground that our hearings were not conducted in public.

Chairman WALSH. Are your hearings only adjourned now, Major?

Mr. BOUGHTON. Upon this feature they are closed; but it was a part of the recommendation of the board of officers, who did not feel itself constituted to determine the guilt or innocence of individuals, that a court-martial be organized and try all of the officers involved for every crime of which they had been accused in the newspapers, and that court-martial is progressing, ordered by the governor under our recommendation.

To resume: After the rescue work had progressed, which was attended with a number of incidents displaying real heroism—I do not hesitate to make that assertion on the part of some of the officers of the National Guard—and the tents being on fire the Greek leader, Louis Tikas, was taken personally, together with another officer of the local union by the name of Fyler about the same time. Then another person whose name I have not. These three prisoners were taken to the crossroads, where were a group of soldiers and unorganized enlisted men in civilian clothing, from the camp up Hastings Canyon. The cry went up from that group numbering 40 or 50.

The cry went up, "We have got Louey." It was proposed to hang up. And that proposition was so far carried into effect that a rope was obtained and thrown over a telegraph pole. At this point, at this time, a lieutenant of the guard, the one who is being particularly assailed, Lieut. K. E. Linderfelt, arrived. He said, "There will be no hanging here." He had to fight with his men in order to prevent, or to successfully prevent, the hanging of Tikas. He did not get into an altercation with Tikas himself. What they said is unimportant excepting—unless you would like to know it.

Chairman WALSH. Was anybody there except his own troop and Tikas?

Mr. BOUGHTON. Oh, yes. It so transpired that there are a number of officers in the National Guard who do not like Linderfelt, who happened to be in this group and who were ready to tell from an anti-Linderfelt standpoint all the incidents that occurred.

Chairman WALSH. Were there any of the Greeks there, any of Tikas's companions, or was he alone with Linderfelt and his soldiers?

Mr. BOUGHTON. No, sir. These three prisoners were there with their 40 or 50 captors; yes, sir.

Chairman WALSH. Then there were 3 prisoners and 40 or 50 soldiers?

Mr. BOUGHTON. Yes, sir. I am going now to an incident which is quite indefensible on the part of any National Guardsman. In the altercation between Tikas and Linderfelt, Linderfelt hit Tikas over the head with a Springfield rifle. It is true that it broke the stock of the rifle. This was shortly after. I believe that I owe this to Lieut. Linderfelt, to add at this point, that this was shortly after Lieut. Linderfelt had repeatedly risked his life by exposing himself to the fire of the adversaries in the rescue of their women and children. He did more in that respect than any other officer.

Chairman WALSH. Well, you say that in justice to him or in justification for him hitting Mr. Tikas?

Mr. BOUGHTON. That is all.

Chairman WALSH. Why do you mention it at that point; I just want to get your viewpoint?

Mr. BOUGHTON. Because, I think, having made the assertion that Lieut. Linderfelt's act in striking a prisoner of war is wholly indefensible, and having emphasized that at that place I think that it is just to Linderfelt to make mention at the same time of something that redounds to his credit.

Chairman WALSH. Now, at this point, what did you do with Linderfelt? What was the result of your trial of your body?

Mr. BOUGHTON. He is being court-martialed now for that.

Chairman WALSH. A decision has not been reached yet?

Mr. BOUGHTON. No, sir; I think the case is concluded on Linderfelt.

Chairman WALSH. But no finding on the court-martial?

Mr. BOUGHTON. It is part of military law you know that the findings of a court-martial can not be made public until they are approved by the reviewing authority; that is, the governor.

Chairman WALSH. Is it proper to state the findings have been made but not approved?

Mr. BOUGHTON. They can not state what the findings are.

Chairman WALSH. But is it proper for you to state now that findings have been made without stating what they are?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Findings have been made?

Mr. BOUGHTON. Yes, sir; that is my understanding; the findings have been made. This occurred since I left Colorado, within the last few days.

Chairman WALSH. Proceed, then, from the point where you left off.

Mr. BOUGHTON. After Tikas arose from the blow—he dropped to his knee, and after he arose from the blow Lieut. Linderfelt then carried Tikas and Fyler, the other prisoner, over to a noncommissioned officer, giving him strict

injunctions as to their safety, telling him that he would hold the noncommissioned officer responsible for Tikas's life.

Chairman WALSH. Where did Linderfelt get this rifle that he struck Mr. Tikas with?

Mr. BOUGHTON. Using it all day long, sir.

Chairman WALSH. He had been using a rifle himself?

Mr. BOUGHTON. Yes sir; we had so few men there that the officers had to get on the firing line. He then returned to the depot in the discharge of his duties, sir. After the departure of Lieut. Linderfelt you are to observe now that we are at the crossroads opposite the tent colony. That is where the incident occurred that I have just related. After the discharge of the lieutenant Tikas and Fyler, the other prisoner, were slain between the railroad track and the beginning of the tents. The evidence is conflicting, and we had so to report to the governor, as to how they came by their death. According to some, Tikas attempted to escape after a fire had been opened up from the rear of the tent colony upon the group at the crossroads, the group failing to the protection of the railroad bank; that when the fire started up there Tikas and the other prisoner made a dash into the tents and were caught between the fire of the troops and their adversaries and so killed. Another statement is that Tikas at least was compelled to run into that fire; that he was shoved over the embankment into the crossfire between the National Guard and their adversaries and so slain.

Chairman WALSH. Who testified to that?

Mr. BOUGHTON. Some—one officer that I know of and two or three enlisted men.

Chairman WALSH. Of your own troops?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Those were the ones that were prejudiced against Lieut. Linderfelt, were they?

Mr. BOUGHTON. That had it in for him.

Chairman WALSH. Those were the ones prejudiced?

Mr. BOUGHTON. No; I don't know that they are the same. I can explain that conflict quite easily. One of the enlisted men said that as he dropped to the ground behind the railroad bank——

Chairman WALSH (interrupting). As who, Mr. Tikas?

Mr. BOUGHTON. As he, the witness, dropped to the ground behind the railroad track he saw the man in charge of Tikas shove him over the bank. Others testified that as they dropped Tikas ran over the bank and that his captor, his custodian, made a grab for him to pull him back. That might easily be the same movement, but the evidence is so conflicting that we could not arrive at what the real fact was.

Chairman WALSH. The theory, then, of the testimony of one side, the witnesses's, was that Tikas was trying to escape under those circumstances?

Mr. BOUGHTON. Yes, sir; he was making a dash. It is only a short way, some 50 yards at most.

Chairman WALSH. To where?

Mr. BOUGHTON. Into the tents, to his own people.

Chairman WALSH. Was the fire going on at the time? Was it on fire?

Mr. BOUGHTON. Yes, sir; among the first of the tents.

Chairman WALSH. At that time of day was it?

Mr. BOUGHTON. Some time between 7 and 9 o'clock. We have great hardship in fixing the time.

Chairman WALSH. What date was it?

Mr. BOUGHTON. The day of April the 20th. Continuing, at any rate, the fact remains that these three men were killed between the railroad tracks and the beginning of the tents and that one of them was shot in the back and one was shot in front as they ran from the direction of the bank to the tent. Fyler was shot in front and Tikas shot in the back. The only piece of ammunition that was discovered in Tikas's body was of a kind not used by the National Guard; but that is explainable, because there were in the group of National Guardsmen at that time civilians from the coal-mining villages up the canyon, who had come to their assistance.

You must remember, gentlemen, that at the time this fight began it was 350 to 34.

Chairman WALSH. At the time of this fight where Mr. Tikas and the other two men were killed?

Mr. BOUGHTON. At the time of the beginning of the battle in the morning it was a 10 to 1 proposition. There were 350, at least, by a conservative estimate, of the adversaries armed. There were 34 militiamen, but during the day the militiamen were reinforced. They were reinforced from Trinidad with another machine gun, also placed on Water Tank Hill.

Chairman WALSH. How many were there of the National Guard at the time Mr. Tikas lost his life?

Mr. BOUGHTON. Of the National Guard and their allies, over 100. After the episode of the killing of Tikas, the battle proceeded to the taking of the steel bridge over the arroyo and the clearing of the arroyo; and that ended the engagement. The troops, about 10 o'clock at night, then returned to the tent colony, partially destroyed by fire. A brisk wind was blowing from the west, but the enlisted men and civilians—I will have to explain that term "civilians," because they also were enlisted but not organized as militia—entered the tent colony and deliberately spread the flames from one tent to another. That the whole tent colony would have been destroyed at some time during the night by fire unless efforts were made to put it out is quite apparent. But it was expedited by carrying flames from one tent to another.

Chairman WALSH. Where was this tent—where was, with reference to where the fire started, the tent in which the bodies were found upon the following day?

Mr. BOUGHTON. It is in the second or third row as it faces the county road. The county road is the road that crosses the railroad track at right angles, nearly—in the second or third row and near to the railroad track. In other words, it is in the corner of the tent colony made by the angle of the county road and the railroad.

Chairman WALSH. What did the testimony show, if anything, as to the time that tent was burned, with relation to the time that you say that the soldiers went down and spread the fire?

Mr. BOUGHTON. We could not ascertain at the coroner's jury in Trinidad—could not ascertain that. It is hard to determine just when any one tent was burned—particularly as that tent had no significance until discovery a couple of days later.

Commissioner O'CONNELL. What was the total number of tents in the camp?

Mr. BOUGHTON. Sir; I haven't that data.

Commissioner O'CONNELL. Approximately?

Mr. BOUGHTON. Oh, approximately, 100 tents; a large colony. It housed 1,200 people at one time; perhaps 800 there then.

Chairman WALSH. Proceed.

Mr. BOUGHTON. If I may be permitted now to explain the attitude of the National Guard, which throws considerable light upon this episode—the National Guard is composed of the small farmers, tradesmen, professional men of all sorts, artisans, and craftsmen, for the most part—citizens of the State of long standing. It has served under the call of the governor since the 28th of October, the men and officers abandoning their professions and their trades—ruining them. The men and officers have served out of sheer citizenship at a tremendous sacrifice to themselves, incurring the dangers of a peculiar kind of combat. They have not been paid this year. In large numbers of instances their service has been attended with downright suffering at home in their own affairs. They are engaged in keeping the peace endangered by a quarrel that is not theirs—that is wholly impersonal to them; and the governor of the State, at least, feels it due to that body to assert now by whatever means he can find to do it that he did not deliberately burn or murder or kill women and children at Ludlow, or at any other place, but on the contrary their chief efforts were directed, so far as women and children are concerned, to the saving of them from the flames, under the fire of their own people.

Chairman WALSH. Is that all, Mr. Boughton?

Mr. BOUGHTON. That is all, sir.

Chairman WALSH. Are there any questions anyone wishes to ask?

Commissioner O'CONNELL. Now, about this citizens' soldiery there; they are private—in the employ of the coal company?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. Did the military take jurisdiction over those people when they went on the ground?

Mr. BOUGHTON. Yes, sir; as well as they could. I will have to explain to you, sir, upon the withdrawal of the troops upon April 14, it was felt that the

inhabitants of the coal-mining villages ought to have some sort of protection. The village of Hastings and the village of Delagua, lying up these canyons, had been shot up prior to the coming of the troops in October. Thousands of holes are exhibited in the dwelling houses around the mines at those places, which are a couple of miles away from the Ludlow tent colony. To leave those people utterly defenseless upon the withdrawal of the troops was thought improper. The general, therefore, enlisted the permanent inhabitants of those towns—because they are almost towns——

Commissioner O'CONNELL. How about the guards and watchmen of the coal companies?

Mr. BOUGHTON. I think, without exception, all those inhabitants of those towns were employees of those coal-mining companies.

Commissioner O'CONNELL. The question of citizenship, then—of a guard or watchman, for instance, who had been brought in to guard a mine or to watch for a coal company, the question of his citizenship, in the State of Colorado, for instance, was that questioned by your military powers?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. And if he was found to be a noncitizen of the State——

Mr. BOUGHTON (interrupting). He was not enlisted or accepted.

Commissioner O'CONNELL. But all the guards and watchmen may not have been enlisted, then?

Mr. BOUGHTON. Oh, that is true; some were and some were not.

Commissioner O'CONNELL. They were what you call the undrilled forces of the Army, as it were?

Mr. BOUGHTON. Yes; they were enlisted about the 14th of April. So recently were they organized that they had not been equipped with uniforms; they had not been equipped with arms; they had not elected their officers. There wasn't anything done but to take their oaths at the time that this occurrence came along on the 20th.

Commissioner O'CONNELL. What number of men were enlisted from such forces as that—this citizenry?

Mr. BOUGHTON. The membership of Troop A must be close to 100; but a part of that troop were recruited and enlisted in the same way and for the same reasons from other camps in that portion of the State. So that Troop A is divided up among three or four different camps there. There were 40 of them, I think—there were approximately, who came down the canyon to the assistance of the organized troops in this melee.

Commissioner O'CONNELL. In this melee in which these miners were killed?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. How many of the citizen soldiers were engaged in that struggle?

Mr. BOUGHTON. About 40 or 50.

Commissioner O'CONNELL. Outside of your regular enlisted men that were there with you when you came there?

Mr. BOUGHTON. About 40 or 50. Oh, I must not have got your question, sir.

Commissioner O'CONNELL. There were 80 of the troops, regularly enlisted Colorado troops there?

Mr. BOUGHTON. Thirty-four; sir.

Commissioner O'CONNELL. And in addition to that, how many privately enlisted men, or men that you picked up while you were there?

Mr. BOUGHTON. About 50.

Commissioner O'CONNELL. So there were a larger number of the companies' employees who had been enlisted in that struggle than regular troops?

Mr. BOUGHTON. Yes; during the day.

Commissioner O'CONNELL. At the time these three men were shot?

Mr. BOUGHTON. Yes, sir; that is correct.

Commissioner O'CONNELL. A larger number of citizens had not been in the military before that, before they were engaged in that battle?

Mr. BOUGHTON. Yes, sir; no doubt about that; sir.

Commissioner O'CONNELL. And all were employees of the coal companies?

Mr. BOUGHTON. I think they were; sir; I think they were.

Commissioner BALLARD. You spoke of the coroner's jury making an investigation.

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. That coroner's jury, how was it selected?

Mr. BOUGHTON. It was selected by the coroner of Trinidad—of Las Animas County, in the usual way under the statute. He issues a subpœna or a summons to jurors, and assembles them.

Commissioner BALLARD. Was it accepted as a fair jury?

Mr. BOUGHTON. Sir, to answer that question, I will have to tell you that things in Colorado are variously accepted. They are accepted by one side or the other of the industrial conflict and the result would appear. But that coroner's jury sat under very, very trying circumstances in Trinidad. After the 20th of April the refugees went to Trinidad and established a tent colony at San Raphael Heights, a mile out of Trinidad, which had been the site of the militiamen. They paraded the streets of Trinidad with guns on their shoulders in large numbers, by the hundreds. Telegrams to the governor, which I have with me from scores of people of Trinidad, official and unofficial, tell the story of the terror under which the citizens of that town were laboring at that time and for days. Afterwards 183 armed men, by actual count, left San Raphael about 1 o'clock in the morning and marched 7 miles to Forbes and committed 9 murders and destroyed 57 mules wantonly by fire; destroyed the property and returned the 7 miles to Trinidad, paraded the streets of Trinidad with the guns upon their shoulders.

A few days after Ludlow, on the morning of the 3d or 4th, there was issued over the signatures of the leaders of these people a call to arms, which was published in the newspapers of that State widely. It urged the unions of all crafts and trades throughout the State to organize themselves into companies, to provide themselves by the union funds with arms, to send to W. T. Hickey, at a central office in Denver, the names of their captains—calling them captains—chosen by those companies with the number of available men that they could throw into the field to resist the militia of the State—frankly saying so. That call to arms was made in violation of an act of the Colorado Legislature of long standing, which prohibits the organizing of military companies in the State except only the National Guard. It was responded to; the call was responded to not only in Colorado but in Wyoming; the leaders each day published telegrams responding to the call in the Denver papers, from Wyoming, together with responses in about this language, that so many companies and so many men had volunteered for service against the troops in the State, that no further need was required from men in Wyoming.

Chairman WALSH. Is that actually the situation in Colorado?

Mr. BOUGHTON. That is actually the situation.

Chairman WALSH. At that time?

Mr. BOUGHTON. That was actually the situation. There was organized rebellion in the State to the sovereign authority of the State.

Chairman WALSH. So Colorado, as a matter of fact, is now in a state of open warfare, and if it was not for the Federal troops, why, the war would be going on; is that correct?

Mr. BOUGHTON. I personally am of the opinion that the war would not now be going on; that it would be suppressed by this time, even with the use of the State's own troops.

Chairman WALSH. So that you do not think it was necessary to have sent the United States troops in there?

Mr. BOUGHTON. Well, sir; that is a question that as an officer of the militia I am not at liberty to answer. That has been determined by the President of the United States.

Chairman WALSH. But, I mean, as a matter of fact you think that contest would be over now, if I understand you?

Mr. BOUGHTON. I think so; that it would.

Chairman WALSH. If the United States troops had not been sent in?

Mr. BOUGHTON. I feel so; that is, the military contest. I do not refer now to the industrial conflict which seems to be irreconcilable, sir.

I will refer now to a copy of the Rocky Mountain News of Thursday, April 21. This paper has a wide circulation throughout Colorado and the West. On page 2 of that paper, under the leaded type heading, "State unions armed to defend Ludlow," is the following quoted language addressed to "every labor organization in the State of Colorado." "Organize the men in your communities in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving in the guise of the State militia. Gather together for defensive purposes all arms and ammunition locally available. Send name of leader of your company and actual number of men

enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of the State federation of labor. Hold all companies subject to order. All people having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists to send them to the State federation of labor."

The call to arms, or to raise companies, is signed by John R. Lawson, John McLennan, K. L. Doyle, John Ramsay, W. T. Hickey, Earl Hoops, C. M. Moore, Clarence Moorhouse, Ernest Mills, who by the way is the secretary of the county organization of metalliferous mine workers.

Chairman WALSH. And the others are all union officials?

Mr. BOUGHTON. Yes, sir; and by George N. Taylor.

Commissioner BALLARD. You said that this tent colony had been searched and that on one of those occasions you found 19,000 rounds of ammunition; is that admitted by all sides as being true?

Mr. BOUGHTON. Oh, I think it must be; I never heard it disputed by anyone.

Commissioner BALLARD. In these various searches made, did you find guns?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Did you find many?

Mr. BOUGHTON. No; I can explain that particular question very shortly. When the troops went into the field they went in under a very friendly feeling of the union people on strike. Troops in Colorado have been used, you know, deliberately in the past, apparently favoring each side of the affair. That is, under Gov. Waite, the troops were frankly used to aid the union people in their strike. Under other governors they have seemed to be used in another way. The union people——

Commissioner O'CONNELL. Did that apply in this case?

Mr. BOUGHTON. I am telling you what the history is to explain to you the attitude of the union people and the others.

Commissioner O'CONNELL. I say, would that apply in this case?

Mr. BOUGHTON. Oh, I think not, sir. Oh, I think it is a signal exception. When we went into the field the union people told us that they had the arms in their possession because of the mortal fear that they were in of aggressions by mine guards, similarly armed; that if the militia disarm the mine guards first, they felt they could persuade their people to surrender their arms. On the 1st of November all the mine guards were disarmed and sent out of the State, their places being taken by the troops themselves.

The disarmament of the mine guards proceeded very promptly and completely. A parade was then made of the troops, at the request of Lawson, at Ludlow, for the purpose of receiving the arms of the strikers as promised. Instead of the hundreds, and not thousands of arms that were to be turned over to the militia at that time, there were delivered only 28 rifles, almost all of them of obsolete manufacture; and the humor of that situation, I can describe it in no other way, was capped off by including a child's toy popgun. From that time, while a great many arms had been discovered and taken, I think in all 1,700 by the militia, it has been a game of hide and seek. Information would come that at a certain farmhouse there were concealed so many arms. A search would be made—perhaps arms would be discovered, perhaps not; and in so small a quantity the arms ran up to the number of 1,700 which were gathered.

The troops of the United States are having a similar experience. It is known that a very much larger quantity of arms is possessed by somebody in that part of the country than have been surrendered to the United States under the proclamation of the President.

Commissioner BALLARD. When you say that the militia had found and captured 1,700 rifles, more or less, what do you mean?

Mr. BOUGHTON. During the occupation, from October to April.

Commissioner BALLARD. And the 19,000 rounds of ammunition; what became of it?

Mr. BOUGHTON. That was incident to Ludlow——

Commissioner BALLARD. Where were they taken from?

Mr. BOUGHTON. The ammunition that could be used by the men similarly armed; that is, the civilians from Hastings and unorganized militia, there was distributed a great part of it which was received, and some part received merely as souvenirs as examples of the kind of ammunition which was being used, some of which I have. The greater part of it was destroyed; that is an invariable military rule. Such ammunition as you receive and can not use you destroy it.

Commissioner BALLARD. What became of the 1,700 rifles?

Mr. BOUGHTON. They are all accounted for by the Quartermaster's Department. A receipt is given in each instance where the gun is voluntarily given up.

Commissioner BALLARD. You spoke of the militiamen being friendly with the strikers; they went to their dances?

Mr. BOUGHTON. Not to their dances. That is a misstatement. They played ball with the men, but they did not frequent their dances.

Commissioner BALLARD. They did not?

Mr. BOUGHTON. No, sir; they were on friendly terms with them, exceedingly.

Commissioner BALLARD. Who built that camp?

Mr. BOUGHTON. Which camp?

Commissioner BALLARD. The one known as the Ludlow camp colony.

Mr. BOUGHTON. That was constructed by the union to house their people.

Commissioner BALLARD. Do you mean the United Mine Workers of America?

Mr. BOUGHTON. Yes sir.

Commissioner BALLARD. Where did the tents come from?

Mr. BOUGHTON. I don't know where they purchased them. They were all purchased and erected by the union out of the union's funds.

Commissioner BALLARD. Where did the union's funds come from?

Mr. BOUGHTON. It developed before the commission that the United Mine Workers of America have 420,000 members, each of whom is assessed 50 cents a month, except those on strike. Where there are no strikes you will see that that provides a revenue of $210,000 per month, besides which they have a reserve fund, as testified to before us, by their leaders in the Indianapolis banks. Indianapolis is their international headquarters.

Commissioner O'CONNELL. You say they have a reserve fund of how much?

Mr. BOUGHTON. I don't know the amount, sir. It was stated before the commission at one time, about in January, perhaps, that the reserve fund amounted to over $1,000,000.

Commissioner BALLARD. One of the witnesses yesterday testified that she was kept in jail, I think in the Ludlow jail, for some considerable length of time, perhaps 10 to 12 days, and her children were taken also with her in jail?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Did anything come before your commission about that?

Mr. BOUGHTON. Yes, sir; that is a fact.

Commissioner BALLARD. Why were they in jail?

Mr. BOUGHTON. The children were not in jail.

Commissioner BALLARD. She said her children were in jail.

Commissioner HARRIMAN. No.

Commissioner GARRETSON. She said that she sent for them.

Commissioner BALLARD. Why were they kept there without any apparent right or authority?

Mr. BOUGHTON. That is quite a story. I think that is the Thomas case, is it not?

Commissioner BALLARD. Yes.

Mr. BOUGHTON. A Mrs. Thomas had been a disturber of the peace in Trinidad before the arrival of the troops in the field. Her husband was requested, upon complaint of Robert Uhlrich, early in October; Robert Uhlrich at that time was the head man of the union of Trinidad. An account of that incident was published in the Trinidad Advertiser. Coming to the defense of her spouse and resenting the account of his apprehension and detention by the civil authorities, Mrs. Thomas visited the Advertiser, announced that she came to destroy the editor, who was out, but that she would return, which she did. The editor returned in the meantime, obtained police protection, and Mrs. Thomas created a disturbance upon her arrival, armed with a gun to attack the editor. Other small infractions we were advised of by the civil authorities at the time, and that we came into the field to preserve the peace. At the time of what is known as the Mother Jones riot, about the 15th of January, this woman, who had been under surveillance for some considerable time, seemed to be the ringleader of the mob of women who precipitated that riot. For that reason, and for the acts that she committed upon that day, such as using her hands and fighting with the umbrella and the signs that they carried against the troops, she was taken. She had been cautioned before. She was taken as a police measure, as a peace measure, and detained in the city jail for about a dozen days I think. The city jail in Trinidad has a woman's ward.

It is a new structure, not over a couple of years old, and the place of Mrs. Thomas's confinement is not at all as I heard her describe it the other night in Washington.

Commissioner BALLARD. This battle, as I gathered, occurred on April 20. Was that the night that the tents were entirely destroyed? Or were they destroyed on Tuesday?

Mr. BOUGHTON. I am satisfied that all the destruction of the tents was accomplished that one night because the men expected a renewal of attack the next day, and early in the morning of the next day before dawn were posted at remote places of vantage far from the tent colony where they remained the greater part of the day.

Commissioner BALLARD. You say that those 1,700 rifles and 19,000 rounds of ammunition were taken from the various strikers at various times. How did those rifles get there? Were they sent there from the outside or did the miners take them in?

Mr. BOUGHTON. You have a mistaken impression about the 19,000 rounds of ammunition. That is only part of the ammunition recovered by the National Guard that day. That was all recovered on this one particular day at Ludlow. From time to time during the whole occupation we recovered other ammunition in large quantities. I can not give you any estimate. I haven't the data to do that.

Commissioner BALLARD. The question is, how did these arms and ammunition get there? Who brought them there, took them there, or sent them there?

Mr. BOUGHTON. That is something I haven't specific information on, for the reason that we have not been able to get it. The United States grand jury sitting at Pueblo indicted 20, I think, of those prominently connected with the movement for a conspiracy in restraint of trade, and evidence introduced before that grand jury, which was not available to us, as you know, is said by the United States attorney, from whom I have it, to reveal the source of the purchase of these arms. I do know that there is a law of the United States by which arms, Springfield, high-powered Springfield rifles, may be sold to gun clubs by the United States directly, and it is very easy to organize a gun club anywhere, whereupon you can get all the arms you want directly from the United States Government.

Commissioner BALLARD. Just one other question. You spoke of going to the tent colony because there was some man that had been confined there. I did not quite understand that. Did you use that expression?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Confined by whom?

Mr. BOUGHTON. By the inhabitants of the colony. That may seem strange to you, sir, but it is not without precedent. Before the troops went into the field one of the reasons for the coming into the field at all was that men were taken and detained in the colony as prisoners, and when the sheriff would go after them he could not serve his process except with a fight and with a battle. That was the representation that the sheriff made to the governor.

Commissioner BALLARD. You mean nonunion men from the mines?

Mr. BOUGHTON. Yes. You see the tent colony is so located as to command the entrance to these two canyons. The workmen coming in and out, the people coming off the train from either direction, or getting on the train, must of necessity appear before that large tent colony population. Now, in Colorado we have a law that prohibits picketing. It is a broad statute. It makes it a crime, a misdemeanor, to threaten, intimidate, or persuade any workman to quit his employment. The tent colonies throughout the district—and there are quite a few of them—are all located in such particular positions that they command the ingress and egress into and from the mines.

Commissioner BALLARD. Well, who could have organized these tent colonies? Who got them up and established them?

Mr. BOUGHTON. They were all organized by the unions, the United Mine Workers of America, without exception. They are not a private enterprise by any means. They are organized.

Commissioner O'CONNELL. Did they live in company houses before that?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. Were they put out of company houses by the company?

Mr. BOUGHTON. I think they voluntarily left, sir. I think that has been testified to before the congressional committee.

Commissioner O'CONNELL. You are not sure of that?

Mr. BOUGHTON. I am not, sir. I am not clear about that. I have no concern with the industrial feature of the thing at all. I would like to add, if I may, to the version here of the awful Ludlow, the assertion that when the troops of the State were called out to go back into the field after Ludlow, after the organizing and arming of these companies of men to assist the troops of the State, then one leader at least, Mr. E. L. Doyle, sent out a warning of the coming of the troop train, whose language appeared to us to be rather irresistible. In the Denver Post of April 23 the telegram is contained under heading in leaded type, "Strikers send out warnings of the coming of the troop train. Addressed to Robert Holton, United Mine Workers, Trinidad; Charles Hunts, United Mine Workers, Wilsonburg; Thomas Scott, United Mine Workers, Florence. Three hundred and fifty militiamen left here on special train about 12.25 for strike district. Gen. Chase had command of the men at the depot. He is believed to have taken the 12.15 train, special, coming over Colorado Southern; consists of nine coaches, three baggage cars, one supposed to contain ammunition, and two machine guns. Engine 628. A Denver report says that a flat car with gatling guns will be placed in front of engine; also that men will detrain before reaching scene of conflict. In order that these militiamen with their two deadly machine guns may not repeat the horrible Ludlow massacre of women and children, we urge you to watch for their approach across country from the Hunter or by ordinary route. E. L. Doyle."

You must remember at this time that these companies everywhere had been organized, and this was a warning to the companies of the approach of the troops, of the approach of the troop train, describing it with its engine number and urging that it be intercepted and prevented from occupying the territory of the disturbed region, as I interpret the telegram. Now, in order to be quite sure that that telegram was authentic, I personally found the reporter of the Denver Post, a man by the name of Morris, who handled the story. He told me, and afterwards, I think, testified before the grand jury in Boulder to the same effect, that Mr. Doyle had handed him that telegram early in the morning of the 23d. The troop train did not leave until 12.25; that the hour for the departure of the troop train was in blank when he received it, and that he was requested by Mr. Doyle to give the telegram as wide publicity as he could and to insert in it when he knew the hour of departure of the troop train, the hour that should go in that blank. Upon that and other testimony a number of these gentlemen have been indicted for murder by the grand jury, civil grand jury, in Boulder. Indictments have been returned, you know, gentlemen, by the civil grand jury in Las Animas and Huerfano County and Boulder County and by two United States grand juries for various phases of this conflict. I am speaking now only of the political and military conflict, not at all of the industrial conflict.

Commissioner BALLARD. You appreciate that our commission has been appointed by Congress to inquire into the industrial unrest and try to make some recommendations therefor?

Mr. BOUGHTON. That is my understanding.

Commissioner BALLARD. Now, in a fair, honest, man to man way, do you think, as a man, as an individual, that the mine owners have given their miners the fair, honest treatment which the miners were entitled to before this strike last September?

Mr. BOUGHTON. Are you asking me now, sir, my personal opinion?

Commissioner BALLARD. Yes, sir.

Mr. BOUGHTON. I fell that at that time, from the facts that have come to my knowledge, and having no interest whatever in the industrial conflict, but from the facts that have come irresistibly to me, I feel that at the time the strike was called the miners enjoyed every one of their demands except one, recognition of the union, and of that there can be no doubt in the world. That that condition has not always been true, covering a period of the last 10 years, is equally beyond question. But at the time the strike was called, and possibly for a year or so before that time, the striking miners had received each one of the demands that they made except the first. It was because of that, sir, that the governor and the Secretary of Labor, Mr. Wilson, in conference in Denver, proposed to each side, at one time of the industrial conflict, that the operators yield the seven demands and that the workmen yield the one demand of recognition of the union. That proposal was accepted within the hour by the operators, but denied by the strikers. I have that correspondence of the governor here with me in the room to-day.

Commissioner BALLARD. I would like, Mr. Chairman, if you have your report of your commission, Mr. Boughton—was it published, your investigation down there, this committee of three; was that published?

Mr. BOUGHTON. It was published in the Rocky Mountain News and in the Denver Post, but so far as I can discern was not published in the East except in the Waterbury, Conn., Republican.

Commissioner BALLARD. I would like, Mr. Chairman, to have that filed with the commission.

Chairman WALSH. We have it in our report by our investigator. Did you care to ask some questions, Mrs. Harriman?

Commissioner HARRIMAN. I would like to ask the major the name of the lady who went to see the President last week, I think it was, or the beginning of this week, and said that conditions had been grossly exaggerated?

Mr. BOUGHTON. Yes, madam. That is Mrs. Helen L. Grenfel.

Commissioner HARRIMAN. Who was she speaking for?

Mr. BOUGHTON. I think on that mission she spoke for a society of women in Colorado, formed as a sort of expression of indignation against the conceived injustice of treatment of militia and of the State.

Commissioner HARRIMAN. Then do you consider that what she had to say was authentic? Do you agree with most of her statements?

Mr. BOUGHTON. Knowing that she is an officer of the State and that she has been in touch with Gen. Chase, I am pretty well satisfied that she has the facts to judge from; yes, madam.

Commissioner HARRIMAN. Didn't I understand from her testimony that she thought it would be very dangerous to withdraw the Federal troops, and asked the President to let them remain there?

Mr. BOUGHTON. That may be so; I think she did; I think that is the attitude of everybody in Colorado. That is the point upon which I have asked to be excused for expressing an opinion, don't you know?

Commissioner HARRIMAN. But you think that if the Federal troops had never gone in there that trouble would have been over by now; settled?

Mr. BOUGHTON. I think so—I have so much confidence, Mrs. Harriman, in the efficiency of the National Guard of Colorado that it is my personal opinion that had that guard remained in service that by this time that violence would have been suppressed, and a sullen, resentful peace, such as we had from October to April, would be reestablished by this time; but it would require, of course, the continued presence of the National Guard as it will now require the continued presence of the United States troops—one or another—in order to do that.

Commissioner HARRIMAN. Mrs. Grenfel made the statement, I think, that there were 500 guns or rifles in the tents. One of these women here yesterday said that they never had more than 40. I mean, the day of the battle, or whatever you call it?

Mr. BOUGHTON. Yes, madam.

Commissioner HARRIMAN. Which statement do you consider nearest the truth?

Mr. BOUGHTON. Oh, I am convinced that there were between three and four hundred stands, rounds, standard arms used by the colonists that day; whether they were inside the colony or were concealed in that arroyo and dug out for use that morning is a thing that I have no means of determining. They were used by the colonist inhabitants that day in that number.

Commissioner HARRIMAN. The day of this trouble the tent colony people fired the first shot?

Mr. BOUGHTON. Yes, madam.

Commissioner HARRIMAN. They were the aggressors?

Mr. BOUGHTON. Indubitably; yes.

Commissioner GARRETSON. Maj. Boughton, you referred to the fact that the formation of these military companies was in violation of the Colorado statutes?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And that men have been indicted in connection therewith?

Mr. BOUGHTON. Yes, sir. We have this difficulty, sir, if you will permit me: Our Constitution, as it stands, defines treason—it defines, rather, what treason is not, saying that it consists only in the levying of war against the State or by adhering to its enemies, giving them aid and comfort. Supplemental to that we have no criminal statute defining treason or imposing a penalty for

it. We have a statute, however, that the common law of England, as it existed in the fourth year of the reign of James the First, shall be the common law of Colorado, where it is not repugnant to Colorado's constitution and laws.

Commissioner GARRETSON. The statute laws?

Mr. BOUGHTON. Yes. Now, of course, you know that the pains and penalties of treason as they existed in the reign of James the First are so atrocious, consisting of quartering and beheading, and exhibiting the head, and all that——

Commissioner GARRETSON. Drawing and quartering?

Mr. BOUGHTON (continuing). That it offends our constitution and customs. Consequently, we appear to have no penalty in Colorado, no enforceable penalty, for treason, so the indictments have been for murder.

Commissioner GARRETSON. According to some of the testimony that was given here yesterday, are you aware of the fact that drawing and quartering would have been mild in comparison with some things that are alleged to have been done?

Mr. BOUGHTON. Yes; I can easily understand that.

Commissioner GARRETSON. Coming back to the former question in regard to the forming of these military committees and this violation of the Colorado act, is it not true that the mine owners actually maintained military companies for a very considerable period, but did not pay any attention or send for the names or list of captains, but didn't they have an army of those maintained in the State?

Mr. BOUGHTON. Not organized; no, sir.

Commissioner GARRETSON. No?

Mr. BOUGHTON. No, sir; not in the sense——

Commissioner GARRETSON. What were these Baldwin men?

Mr. BOUGHTON. I am in a position to answer that question. During the entire time of the strike in Colorado there have been all told, in the entire State, 16 Baldwin-Phelps men, and no more. I have——

Commissioner GARRETSON (interrupting). How many outside of those?

Mr. BOUGHTON. I have made that investigation, and am able to state, because that point has been emphasized a great deal.

Commissioner GARRETSON. How many other gunmen?

Mr. BOUGHTON. That is another thing, sir. I have not been able to get anybody to define for me what they mean by gunman. If they will do that, I will try to answer the question.

Commissioner GARRETSON. A man who totes a gun for hire; put it that way.

Mr. BOUGHTON. In that sense the whole National Guard are gunmen.

Commissioner GARRETSON. For a private employer; I will go that much further.

Mr. BOUGHTON. An armed watchman or guard of the property?

Commissioner GARRETSON. The coal companies have had during, as I understand it, during the time that there were no militia in service in the State large numbers of such employees, whose functions were to guard their properties, and who were armed for that purpose. Any indictments for the maintenance of such armed guard as that? Have there been any such indictments of the mine owners?

Mr. BOUGHTON. No, sir; not that I am aware of. They were not organized into companies, sir, and they were not employed off the companies' own property.

Commissioner GARRETSON. Isn't it a matter of rather common acceptance in Colorado that the mine owners in any mine counties absolutely dominate the peace officers of those mine counties very largely?

Mr. BOUGHTON. That is a matter of popular belief, sir.

Commissioner GARRETSON. I mean of common acceptance.

Mr. BOUGHTON. No; I would not say common acceptance. I know it is one of those political cries that have persisted for years.

Commissioner GARRETSON. Don't you find it right, when you go up against the citizens of Colorado in that territory, that that is a common acceptance of that idea?

Mr. BOUGHTON. That there is in that territory?

Commissioner GARRETSON. Yes.

Mr. BOUGHTON. No, sir; it is indignantly repudiated down there among the better class of citizens, who have no community of interest with the workers at all. We found that to be so.

Commissioner GARRETSON. But, nevertheless, it is accepted by a very large element of the Colorado population who also have no connection with them?

Mr. BOUGHTON. A very large portion of the population of Colorado have that belief.

Commissioner GARRETSON. And they don't hesitate to express it, do they?

Mr. BOUGHTON. No. That thing has been made the political football for arguing aggressive points for years.

Commissioner GARRETSON. Doesn't the average labor man, union and non-union, look on the Colorado National Guard as a mine constabulary?

Mr. BOUGHTON. I think they do so. I think that unfortunate view of the National Guard is largely responsible for the awful results that have ensued.

Commissioner GARRETSON. And don't they regard the guards of the State as being an appendage to the mine owners, very largely?

Mr. BOUGHTON. No, sir; I can't say that they do; no, sir; they don't.

Commissioner GARRETSON. Don't they?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Did they give any expression—a large portion of the population of Colorado—to such a belief after the famous Supreme Court of Colorado evicted the men in 1904, taking them outside the lines of the State?

Mr. BOUGHTON. I know of no decision of the Supreme Court of Colorado evicting or seeking the eviction of the men.

Commissioner GARRETSON. Well, the State is badly slandered outside, then?

Mr. THOMPSON. It is, sir; there is no doubt of that in the world.

Commissioner GARRETSON. In that connection you said—you stated a little while ago that you were still on detail service of the National Guard?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. That is part of your mission here?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Sent by whom?

Mr. BOUGHTON. The governor of the State and my commanding general.

Commissioner GARRETSON. For what purpose?

Mr. BOUGHTON. For the purpose of testifying, as I am testifying before you to-day; of availing myself of every opportunity, by interviews with representatives of the trades or otherwise, in getting out the facts of he military occupation in Colorado, being careful to avoid a controversial attitude, and being careful, also, to avoid a discussion of the industrial situation.

The governor feels, and the general does, that he is under a duty to his own State and to other States to let the fact be known. He has supplied me with the means of demonstrating them and sent me forth to do what can be done in the way of correcting false impressions.

Commissioner GARRETSON. He thinks that is a military mission?

Mr. BOUGHTON. Well, you are asking me what the governor thinks. I am trying to tell you what the mission is.

Commissioner GARRETSON. To whom are you accredited, Major?

Mr. BOUGHTON. To whom?

Commissioner GARRETSON. Especially accredited to anybody?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Have you been in conference with any of the representatives of the mining interests here?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. The Colorado mining interests?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Have you had any conferences with the representatives of the owners of the mines?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. At 26 Broadway, for instance?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Or of the other Colorado——

Mr. BOUGHTON (interrupting). Before you pass that, sir—before we pass that let me say this——

Commissioner GARRETSON. I mean Broadway instead of Wall Street.

Mr. BOUGHTON. I have letters of introduction which I gathered up previously from all sources I could get in Colorado to all sorts of people—financial, political, journalistic, for want of any other term—anybody whom I thought could by introducing me further open the doors of publicity to the facts that I had to exploit.

Commissioner GARRETSON. You have had the same difficulty that the ladies yesterday complained of, that they could not get in the papers?

Mr. BOUGHTON. An audience; yes, sir; I suppose so.

Commissioner GARRETSON. You have been against the representatives of the Colorado Fuel & Iron Co., of course, among the others?

Mr. BOUGHTON. Sir, I really don't know which company it is that is concerned with it.

Commissioner GARRETSON. Well, their representative here, Mr. Ritter——

Mr. BOUGHTON. I don't know him.

Commissioner GARRETSON. Gates?

Mr. BOUGHTON. I don't know him.

Commissioner GARRETSON. Green?

Mr. BOUGHTON. I know Green.

Commissioner GARRETSON. Mr. Rockefeller, jr.?

Mr. BOUGHTON. I don't know him at all.

Commissioner GARRETSON. The Victor-American Co.?

Mr. BOUGHTON. I don't expect to see them.

Commissioner GARRETSON. The South Canyon Coal Co.?

Mr. BOUGHTON. I never heard of it.

Commissioner GARRETSON. The Utah Fuel Co.?

Mr. BOUGHTON. I don't know that company.

Commissioner GARRETSON. Mr. Jeffrey is the president of that company.

Mr. BOUGHTON. Jeffrey?

Commissioner GARRETSON. Yes; of the Denver & Rio Grande for several years.

Mr. BOUGHTON. I know of him; I don't know him.

Commissioner GARRETSON. Then it has been wholly the Colorado Fuel & Iron Co. that you have come in contact with?

Mr. BOUGHTON. It has been wholly with Mr. Green.

Commissioner GARRETSON. Have you seen any of the mine workers, any of the officers of the United Mine Workers in your mission East?

Mr. BOUGHTON. No, sir; not yet. I suppose, sir, that I have presented since I have been here half a dozen letters out of 50 that I have.

Commissioner GARRETSON. Have you any to the officers of the mine workers?

Mr. BOUGHTON. No, sir. In the nature of things, how could I have?

Commissioner GARRETSON. In the nature of things, why should you have to the other side? Are they both factors in the situation?

Mr. BOUGHTON. I am not concerned, sir, with the industrial conflict at all. I did this, I went to the meeting at the Murray Hill Lyceum here, I have attended their meetings in Washington. I do carry a letter, let me change that, I do carry a letter to a prominent member of the United Mine Workers of America, but not in New York, in Washington.

Commissioner GARRETSON. Do you carry it to him in his capacity of a prominent member of the mine workers or as a cabinet minister?

Mr. BOUGHTON. I think as a cabinet minister.

Commissioner GARRETSON. I judge that he is the most prominent member of that organization in Washington?

Mr. BOUGHTON. I think he is.

Commissioner GARRETSON. What was the cause of the creation of this investigating board of which you are chairman, Major?

Mr. BOUGHTON. The governor himself.

Commissioner GARRETSON. What compelled that action, or what impelled that action?

Mr. BOUGHTON. The statements in the Denver and other Colorado press that seemed to be inflaming the public mind. If the statements were false, the governor desired to be apprised absolutely of the fact in order to determine his future conduct.

Commissioner GARRETSON. Was it in any degree because of the fact that the public mind had already accredited a large part of the statements and it became necessary to take some such action?

Mr. BOUGHTON. Oh, no; I think not.

Commissioner GARRETSON. This committee was composed wholly of military?

Mr. BOUGHTON. It was composed of three officers of the State, sir, of the State's troops.

Commissioner GARRETSON. To investigate the militia?

Mr. BOUGHTON. To investigate the acts of the militia and the citizens and the colonists, to ascertain the facts.

Commissioner GARRETSON. If there were to be a real investigation of all those agencies, how does it come that only the one agency was represented thereon?

Mr. BOUGHTON. I don't—I am afraid I do not grasp your idea.

Commissioner GARRETSON. If you were going to investigate the acts, not only of the militia, but of the strikers, of the citizens, how did it come that strikers and citizens were not represented on the investigating committee?

Mr. BOUGHTON. Why, sir, we did not regard the matter as a controversy between a governmental and a State function, expressed through its National Guard, and either side of an industrial conflict.

Commissioner GARRETSON. It was an effort to allay, nevertheless, the inflamed mind of the public?

Mr. BOUGHTON. Was it, sir? It had that result.

Commissioner GARRETSON. It had?

Mr. BOUGHTON. But whether it was designed for that, I am not able to say. It is my opinion, personal opinion, that that was not the controlling reason for its appointment.

Commissioner GARRETSON. The public mind in Colorado is now perfectly serene, is it?

Mr. BOUGHTON. As to what? As to Ludlow?

Commissioner GARRETSON. As to the matters covered by that investigating committee.

Mr. BOUGHTON. I think the public mind of Colorado, if by that you mean the intelligent, mature mind of a majority of the people, is at rest as a result of that investigation.

Commissioner GARRETSON. Then the mission of Judge Lindsay, of Denver, a rather prominent Colorado citizen, is nothing but an expression of the riff-raff? It is not of the sober-minded citizen that he is representative?

Mr. BOUGHTON. I would like to be excused from answering that question. I have a strong personal feeling, but feel I ought not to answer the question.

Commissioner GARRETSON. We waive the question.

Mr. BOUGHTON. Thank you.

Commissioner GARRETSON. Before this examining board—I believe I am not misquoting you when you say that statements were made before it by many commissioned officers?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. By enlisted men?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And I think in some instances by members of the communities, but none by the interested faction on the other side?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. The strikers?

Mr. BOUGHTON. Yes, sir. But let me add to that that McLennan, the president of the State federation of labor, in an interview which was published in the Rocky Mountain News, which has been the organ, of late—which has been the organ in that State expressing the views of the union people—stated that the report was a fair, honest, intelligent ascertainment of the truth, and that the State should be commended upon the discretion and evident nonpartisan effort of the officers made in arriving at their conclusions.

Commissioner GARRETSON. If Mr. McLennan—that is the name?

Mr. BOUGHTON. That is the name.

Commissioner GARRETSON. If Mr. McLennan had appeared before that board in an opposite form, the statements, for instance, would it have had more credence; would more credence have been given to Mr. McLennan's testimony than that of, we will say, one of the commissioned officers, or as much?

Mr. BOUGHTON. As much, I think.

Commissioner GARRETSON. As much?

Mr. BOUGHTON. Yes, sir. And Mr. McLennan was invited to appear, sir; was asked, urged to appear.

Commissioner GARRETSON. That might be. What would have been the status of the testimony of, for instance, Mrs. Jolly and Mrs. Thomas before that board? Would it have been received as worthy of credence?

Mr. BOUGHTON. It would have received, sir, in the light of the series of experiences that we have had with them. For instance, it would not have been believed that a number of women and children were concealed in a well 150 feet deep, so deep that they could not hear the approach of a freight train, and that they were removed from that well and taken under cover of the freight train to another place of safety while the freight train was passing. That, sir, is incredible. I know the well that is spoken of; I know the physical situation of it. That part of it would not be believed. There are other parts of the

story that would not be believed, if the testimony had been what I heard the lady state—not, however, under oath.

Commissioner GARRETSON. For instance, take the finding of 19,000 rounds of ammunition under the tent marked "Lawson."

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Would it have been possible to have made a plant there?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Utterly impossible?

Mr. BOUGHTON. No, sir; and besides that I do not believe Mr. Lawson denies that he had the ammunition.

Commissioner GARRETSON. I don't know whether he did or did not. Is it possible it could have been made there?

Mr. BOUGHTON. No, sir. He has given interview after interview telling how many arms he has got and how he has arranged for supplying the ammunition.

Commissioner GARRETSON. I have seen it. But would it have been possible to have made a plant under like conditions?

Mr. BOUGHTON. No, sir; it would not have been possible.

Commissioner GARRETSON. Because a thing like that might readily have been like the statement about the well, which I will confess I have not heard before. Simply on its face it might have borne its own——

Mr. BOUGHTON. Its own refutation.

Commissioner GARRETSON. Own refutation and reasonable doubt?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. You spoke of the fact that this officer called his 22 men together on to Water Tank Hill?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And performed a drill there——

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Were the Greeks armed and hitting for the railroad cut to take advantage of the railroad situation in a moral measure?

Mr. BOUGHTON. Now that you have the facts, you are as able to draw the conclusion as I am.

Commissioner GARRETSON. I want to know if, in fact, they were not immoral instead of moral?

Mr. BOUGHTON. That is a matter of opinion for you to arrive at from the facts that I gave you.

Commissioner GARRETSON. I have arrived.

Mr. BOUGHTON. I have, too, sir. I can see now no morality, sir, in any situation that will bring about the fighting of private individuals, particularly when 90 per cent of them are not citizens of the United States, against the lawful defenders of a sovereign State, or lawfully armed, and about their lawful avocations.

Commissioner GARRETSON. I would not differ with you on many of the statements. I can not argue the cause with you, Major.

Mr. BOUGHTON. I do not want to argue, but you are asking me for a controversial statement, and that is the statement.

Commissioner GARRETSON. Now, in regard to the devotion that was shown by the militiamen, how long were you in the field?

Mr. BOUGHTON. From the 28th of October until the 19th of April.

Commissioner GARRETSON. Of 1918?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. You have abandoned your private business?

Mr. BOUGHTON. I have a partner, sir, but like every other officer and man in the guard, my practice had to shift for itself.

Commissioner GARRETSON. You were in the service of a mining company, under a retainer?

Mr. BOUGHTON. Yes, sir; but not coal.

Commissioner GARRETSON. Are not all the mining industries, whether metalliferous, gold and silver, do not all those constitute the mine owners' association of Colorado?

Mr. BOUGHTON. Not at all. There is no such thing.

Commissioner GARRETSON. When did it pass out of existence?

Mr. BOUGHTON. They are not correlated at all.

Commissioner GARRETSON. When did the mine owners' association pass out of existence?

Mr. BOUGHTON. I don't know. There was an association of ores at Cripple Creek, a corporation.

Commissioner GARRETSON. I don't know whether it was a corporation.

Mr. BOUGHTON. It was.

Commissioner GARRETSON. At one time it was an association, voluntary in its character.

Mr. BOUGHTON. There was a voluntary association called, I think, the Cripple Creek District Mine Owners' & Operators' Association. That is an entirely different thing.

Commissioner GARRETSON. To paraphrase the language of the president, is there such an invisible association still existing?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Their morals have improved?

Mr. BOUGHTON. Well, sir, that is a matter of comment. I am testifying.

Commissioner GARRETSON. Which one of the mining companies are you retained by, Major?

Mr. BOUGHTON. All of them at Cripple Creek in the sense they are members.

Commissioner GARRETSON. Then it is the association at Cripple Creek that you are in the service of?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner LENNON. Under an annual salary?

Mr. BOUGHTON. A small retainer. The problem there is altogether different from any problem that the coal mining people have. It is a problem merely to suppress the theft of high-grade gold ore by the employees and that crops out in the courts there, and when it comes I take care of it, but that is all. In a very minor way am I related to the gold mining people, but it is a part of my practice.

Commissioner LENNON. Major, how soon after the arrival of the militia in the strike zone were arrests made without civil warrants?

Mr. BOUGHTON. Such arrests as have been made by the militia, and they have been made frequently and many, have all been made without civil warrants, and that extended from the very first of the occupation, on the 21st of October, up to the withdrawal of the troops in April.

Chairman WALSH. Were there some on the 28th of October? Commissioner Lennon's question was, upon what date after the time you came in was the first arrest made, without civil process?

Mr. BOUGHTON. Oh, sir, the first day or so.

Commissioner LENNON. The first day or so?

Mr. BOUGHTON. Yes, sir. I can not tell you which.

Commissioner LENNON. Were there from the appearance of the militia there not only arrests but charges made without hearing, or without the civil process of the law being complied with?

Mr. BOUGHTON. Oh, yes. You see the occupation was made, if you will allow me to answer the question fully, the occupation was made because the civil authorities, and only because the civil authorities had represented and certified to the governor the failure of civil process and their inability to accomplish anything by the usual means.

Commissioner LENNON. By what authority were the civil processes put out of business and the militia authorized to take this matter in hand themselves; by warrant of the governor?

Mr. BOUGHTON. Yes, sir. The executive order of the governor and the ordinary rules of law obtainable in such cases, as expressed by the courts of Colorado and other States, including the Supreme Court of the United States in the opinion of Justice Oliver Wendell Holmes in the 212 United States Report.

Commissioner LENNON. Has it ever else been made by people who were arrested to ascertain the reasons of their arrest and that have not been informed?

Mr. BOUGHTON. Oh, no.

Commissioner LENNON. Simply discharged without——

Mr. BOUGHTON. Oh, no. Let me tell you. The military commission was formed largely as a humane agency for the purpose of determining speedily who ought not be held as military prisoners. You can well understand that the commanding general, who is the only one who has authority to arrest or to release, having so much to do in a front 120 miles long, it often would transpire that he would not get around to an investigation, a personal investigation of the case of his prisoners for days and days. Now, to expedite the release of

those prisoners in cases of where their release was proper was the chief and the first reason for the establishment of the military commission.

Commissioner LENNON. Did this commission, when people were discharged, inform them as to the reasons for their arrest and why they were discharged?

Mr. BOUGHTON. Yes.

Commissioner LENNON. Was martial law declared down in that district at the time in the ordinary sense that that term is used?

Mr. BOUGHTON. It was not declared in so many words. In West Virginia they have a statute requiring a proclamation of martial law before the ordinary rules of martial law go into effect. They have no such statute in Colorado. The troops in the field under such an executive order as the governor made, a qualified martial law follows as an incidental matter, and the proclamation or notification that it so exists adds nothing to the fact, as pointed out in the opinion of Mr. Justice Steele.

Commissioner LENNON. On whose land was the Ludlow tent colony located?

Mr. BOUGHTON. On the land of an old gentleman who lives near the depot, and also of his daughter, I think her name is Oakley.

Commissioner LENNON. By what authority did the miners or the tent colony reside on that land?

Mr. BOUGHTON. The United Mine Workers of America hired the land for a year at the rental of $150.

Commissioner LENNON. That, then, was their temporary home at any rate?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. After having been rented?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. Upon the arrival of the militia in the southern district shortly after or immediately after you began the disarmament of the strikers——

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. Very soon thereafter?

Mr. BOUGHTON. Yes, sir. We had disarmed the mine guards; yes, sir.

Commissioner LENNON. Were the mine guards disarmed with the same impartiality that you bestowed upon the miners who were on strike?

Mr. BOUGHTON. No, sir. The mine guards were completely disarmed. The strikers were not disarmed at all, sir. It was not our fault. It was our inability.

Commissioner LENNON. Did not those mine guards or a goodly number of them, afterwards become quasi members of the militia or real member of the militia, to a large extent?

Mr. BOUGHTON. No, sir. In a dozen instances, exactly, when the mine guards were disarmed and discharged from their employment and sent out of the country, there were found 12 who, by reason of service in the United States Army or in the National Guard or of that or other States or in the Marine Corps, and whose discharge papers were of the right character, it seemed wise to enlist in the National Guard. Those 12 men were taken into the guard and distributed around among the companies.

Commissioner LENNON. At the time of the Ludlow difficulty were not the militia made up more of men who had been taken in in the strike zone down there than originally went from their home localities to that section of the country? Were not there more members of the militia on that day that had enlisted in that neighborhood or been taken into the militia than had gone from their homes?

Mr. BOUGHTON. No, sir. But this detachment that was left was composed of regular members of the militia from various companies. We tried when withdrawing the troops to avoid unnecessary hardships. We would ascertain, therefore, in each company those who were willing to remain, who, perhaps, had no wife and family at home to take care of, and such as desired to remain were all transferred, and constituted those 34.

Commissioner LENNON. You spoke of the demands made by the miners. I understood you to say that all of the demands were being complied with when they struck, except one. Do I remember you correctly?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. How about the checkweighmen; was that being carried into effect?

Mr. BOUGHTON. That is my information, sir. There were no checkweighmen. You are now touching something that I am not expert about, but I am giving you such information as I have. The checkweighman was not in actuality

with every man. But the possibility of a checkweighman—I understood everywhere was a possibility.

Commissioner O'Connell. They were not there?

Mr. Boughton. They could have been there, had the men elected.

Commissioner Lennon. Where was Tikas and Fyler and the other men when they were arrested? Where were they located as to your men?

Mr. Boughton. They were arrested; Tikas was arrested at a small shed which contains a pump, called a pump house, between the crossroads and the steel bridge. Fyler was arrested near the steel bridge, between it and the pump house.

Commissioner Lennon. And the other men?

Mr. Boughton. I haven't the exact point of his arrest. It is in that vicinity somewhere.

Commissioner Lennon. Did you see the body of Tikas at any time after his death?

Mr. Boughton. I did not, sir. My information as to the physical condition of his body is from the coroner, who was put under oath and examined before our body.

Chairman Walsh. Does the report of the coroner's jury materially differ from that of the military board that made an investigation on the matter?

Mr. Boughton. Not in the essentials. As to the events of the day, of course, there is a variance. As to what we found the facts to be, there is a variance with the facts as related by some before the coroner's jury.

Commissioner Ballard. I want to ask you, if you please: You have been sent East by the governor and the military authorities and others to represent, to a certain extent, the side of the State in the East?

Mr. Boughton. Yes, sir.

Commissioner Ballard. And your expenses are being paid for that purpose?

Mr. Boughton. Oh, by the State.

Commissioner Ballard. You perhaps know that some ladies appeared before us yesterday—Mrs. Thomas and Mrs. Jolly—who are making a statement here also?

Mr. Boughton. Yes.

Commissioner Ballard. Do you know who is paying their expenses?

Mr. Boughton. No, sir, I don't. My mission has nothing to do, of course, with the propaganda they are carrying on. In fact, I did not know they were on the way until I encountered them in Washington. I do not know them, and would not know them now, and do not believe they would know me if they saw me on the street.

Commissioner Ballard. That is all.

Commissioner O'Connell. Was Mrs. Jones—generally known as Mother Jones—during your jurisdiction there arrested?

Mr. Boughton. Yes, sir; she was detained as a police measure for a considerable length of time in Trinidad.

Commissioner O'Connell. How long was she detained, and under what circumstances?

Mr. Boughton. You mean the reasons for her detention, or just the circumstances of her imprisonment?

Commissioner O'Connell. Her detention?

Mr. Boughton. She was taken to San Raphael Hospital, which is a large hospital operated under the conduct of the Roman Catholic Church, and there detained in the care of the sisters, with, of course, military guard, during the whole time of her incarceration in Trinidad.

Commissioner O'Connell. She was taken out of that county in which Trinidad is to Denver by the officers of your militia?

Mr. Boughton. No, sir. She was advised repeatedly that she was at liberty whenever she desired to leave that county; but we did not undertake to compel her to leave. So long as she remained in the disturbed regions, where her presence was a disturbing factor, in the opinion of those whose opinion controlled—I mean, the governor and the general—so long as she remained there she was detained in this hospital.

Commissioner O'Connell. Wasn't she accompanied to Denver by officers who represented the militia?

Mr. Boughton. Yes. The time came when she expressed a desire to end her imprisonment in such way as that she might save her own face. She resented very much that she was not thrown into jail instead of being held in the hospital.

Commissioner O'Connell. And she returned again to Trinidad and was again arrested?

Mr. Boughton. Yes, sir.

Chairman O'Connell. And she is now——

Mr. Boughton (interrupting). When we withdrew the troops, then, of course, her imprisonment ended, and then she never—she didn't seem to want to return as long as there were no troops there; and she went to Washington instead.

Chairman Walsh. At this point the commission will adjourn until 2 o'clock this afternoon, in this room. Please return at 2 o'clock, Mr. Boughton.

(Thereupon at 2.45 p. m., Thursday, May 28, 1914, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON—Continued.

Chairman Walsh. The commission will please be in order. Maj. Boughton, was there some statement you wished to make or some little correction in your testimony?

Mr. Boughton. Yes.

Chairman Walsh. You may do so now.

Mr. Boughton. I wish to amplify an assertion of this morning that I feel I ought not to permit to stand and the possible inference that might be deduced from it. I had no letter of introduction to Mr. Green. Availing myself—a stranger in a strange land—of all possible approaches and publicity I called upon Mr. Green, after some difficulty in obtaining access to anyone there, and set forth my errand, asking him if he had the means of aiding me to a hearing. His reply was that he had not the means, but that the settled policy of the office in New York was one of noninterference with the officers of the concern in Colorado, and that he did not feel it proper to depart from that policy. The conversation was quite short, and I came away, and that incident was closed. I have not returned and am not going to return. I answered the question of Mr. Commissioner Garretson as to whether I had letters of introduction to any of the union leaders in New York, that in the nature of things I could not have. I meant by this: The men from whom I could have obtained any such letters at all in Colorado, as officers of the United Mine Workers, are in open armed rebellion to the constituted authorities of that State. It is my errand here, on behalf of the State to undeceive the public, if I can, as to the facts which are felt to have been deliberately misrepresented by those from whom alone I could have obtained any such letters. On the 23d of April, Mr. Lawson, who is the chief officer of that organization in Colorado, gave an authorized interview to the press in which he stated: "It has now become a war of extermination. We now have the sinews of war, backed by guns and ammunition and the faith, loyalty, and financial support of every union labor man in the country, and we propose to carry the fight for recognition of the union and have the rights to fair treatment required in the law of the land respected."

That is the attitude of mind of those from whom or to whom I have to look for any such letters, Mr. Garretson. Here in New York the other night, if it is correctly reported in the New York papers, a man by the name of Lord, speaking as an officer of the same organization, announced that there were at this time 2,000 armed men in Colorado, and that when the militia returned there would be 50,000 for the purpose of resisting them in the enforcement of the peace—now, those words, of course, are not here; but in the performance of their duties. I take it, however, that all organizations of organized labor are not in rebellion against the constituted authority. I feel sure of that, and if I can obtain from any source, and perhaps from Mr. Garretson, any letters of introduction or other means of approach to the labor journals of this country, or if, as a commissioner, perhaps Mr. Garretson does not feel that he ought to do that, if he can in any way put me upon the track where I can get a channel for the facts, I shall be very grateful to him, as will also the governor, and we will take immediate advantage of any such introduction.

Commissioner Garretson. You state, Major, that these men are in armed rebellion, and consequently you could not avail yourself of their courtesies?

Mr. Boughton. I could not get it. It would be futile.

Commissioner GARRETSON. What do you suppose that the English said about one G. Washington at a certain stage of the proceedings?

Mr. BOUGHTON. I think they said that he was in rebellion against the British Crown. I have no doubt of that—that they said that; yes.

Commissioner GARRETSON. Now, is it possible that the men who are—and I want to say to you, and I will say it not only as a commissioner but as a union man, that I have never seen or heard of the issuance of any matter on this subject from the mine workers or from any other source; and I can say that for a rather large union.

Mr. BOUGHTON. You have not been in Colorado; that is perfectly apparent.

Commissioner GARRETSON. Oh, I am speaking of the country over, because you read from Mr. Lawson's statement that every union man in the country was pledged——

Mr. BOUGHTON (interrupting). That is what Mr. Lawson said.

Commissioner GARRETSON. Sure; but I say, for one craft, that no such communications, no communications on that subject, have been received by that craft, unless it may be in Colorado. There I have not made investigation.

Mr. BOUGHTON. I think he means in Colorado.

Commissioner GARRETSON. But if those men are as firmly convinced that the laws of Colorado have been prostituted for the purpose of forcing what they believe is slavery upon them, may they not have equal justification to what our rebels had in 1776? Now, isn't that true?

Mr. BOUGHTON. Well, sir, now that is not for me to determine, sir.

Commissioner GARRETSON. Nor for me.

Mr. BOUGHTON. As a military man, as one engaged and pledged and under oath to support the constitution and laws of the State of Colorado, it is my duty only to preserve that State and constitution against aggression however justified, whether right or wrong, against the authority—the constituted authority of the State of Colorado—whether it is justified or not is not for me, situated as I am, to determine, sir.

Commissioner GARRETSON. Nor is it within your province to finally determine whether or not the laws and the constitution of the State of Colorado have been applied or outraged by the dominant government?

Mr. BOUGHTON. Not at all. That does not concern my mission. I am to defend those laws and that constitution.

Commissioner GARRETSON. As to the attitude of the citizenship of Colorado, in one form or another, what was the report of the women of the Colorado Peace League when they had some people on the ground and investigated by them? Did they say the practices of the State government, or did they say the laws had been misconstrued?

Mr. BOUGHTON. Add me in determining which committee of ladies that was.

Commissioner GARRETSON. Well, the one who appears before the court-martial to-day—that lady.

Mr. BOUGHTON. Mrs. Lafferty?

Commissioner GARRETSON. Mrs. Lafferty.

Mr. BOUGHTON. No; it is my understanding that that particular committee of ladies condemned the militia and some of the officers of the State, I think, including the governor.

Commissioner GARRETSON. I thought so.

Mr. BOUGHTON. That was their viewpoint.

Commissioner GARRETSON. And it can not be claimed that the women of Colorado are not citizens in any sense?

Mr. BOUGHTON. They are citizens; that is true.

Commissioner GARRETSON. The fact is that their condemnation extended personally to a very large number of officers in the field and enlisted men in the field?

Mr. BOUGHTON. I don't know how large a number. I know that one was singled out for especial condemnation, and that is this Lieut. Linderfelt, by this committee composed as it was.

Commissioner GARRETSON. Yes. They went on the ground, and they hold that the attitude of the mine workers was justified?

Mr. BOUGHTON. You see—let me explain that to you. Men and women alike in Colorado on a question of this kind divide. One group is in sympathy with one side or the other of the industrial conflict. They form an organization, and they give it some such name as the peace league, or something—what is the name of the other one opposed to that?

Commissioner GARRETSON. I will give it up.

Mr. BOUGHTON. Well, there is another such name. Each side conducts its own investigation for itself, and finds facts such as their constituents anticipate that they will find. Now, it is the truth, sir, they carry from the Indies only the wealth that they take to the Indies. That is one reason why the governor directed this official nonpartisan investigation of its board of officers, a board composed, as he felt, of those who would command the confidence of the public, and in which, I think, he is not disappointed, as the report has been received by all sides and all classes in Colorado.

Commissioner GARRETSON. It has been received?

Mr. BOUGHTON. It has been received; the report has been received by all sides and classes in Colorado.

Commissioner GARRETSON. Well, in parliamentary phrase, when a report has been received, it is just before the body. So that your report, do you mean, is just before the public?

Mr. BOUGHTON. Yes.

Commissioner GARRETSON. Therefore, what have they decided in regard to the fact after they have considered this report? That is what I am trying to find. A body receives and expresses——

Mr. BOUGHTON. Judging from the expression of opinion concerning the report as contained in the newspapers, in the press, from all sides of the industrial conflict, from the people at large—and that is the only means I have of judging, I will say, sir, that it seems to have been received by the Colorado public as a final, nonpartisan, conservative expression of facts.

Commissioner GARRETSON. Do you mean to tell me that the people of Colorado—you referred to the report that was made by this examining board, of which you were chairman, consisting of yourself and Van Cise and Capt. Danks?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Do you mean to leave the idea with this commission that that commission was nonpartisan, when composed wholly of military officers?

Mr. BOUGHTON. Decidedly so; decidedly.

Commissioner GARRETSON. Well!

Mr. BOUGHTON. In fact, in the common parlance, perhaps, we leaned over backward so far as it concerned the militia in the greatest effort toward fairness and justness to all concerned.

Commissioner GARRETSON. In having the belief, or desiring to leave the impression with the commission, is that a tribute to the——

Mr. BOUGHTON. Personnel of the board.

Commissioner GARRETSON. No—the childlike confidence of the board, or what?

Mr. BOUGHTON. No, sir; it is not a tribute at all; it is the statement of a fact.

Commissioner GARRETSON. Then it is a fact that the statements in regard to the situation there are wholly dependent on what the personal opinions of the individuals making the statements may be. For instance, a statement made by you is a reflection of the belief of yourself and the belief of those with whom you come into intimate contact; while the statement made by Mrs. Lafferty, for instance, is a statement of the belief of Mrs. Lafferty and those with whom she is in sympathy and comes in contact?

Mr. BOUGHTON. I see what you mean; yes, sir. The findings of the peace league committee reflected the opinion of that committee, founded upon facts they had before them to judge from.

Commissioner GARRETSON. The findings of a similar committee appointed by those who did not feel in the same way reflected a similar judgment from the facts that they had to go from?

Mr. BOUGHTON. Yes. The one was, as we found, as wide of the mark in some instances as the other. I think I can confidently say for myself and associates upon the board of officers, the greatest care having been taken by us to avoid all influences that seemed to have actuated these other committees who are so far apart in their findings, that our findings were not influenced or colored by either desire or instinct or training or belief.

Commissioner GARRETSON. What do you think Mrs. Lafferty would say?

Mr. BOUGHTON. We were all trained, I hope—at least, we were all attorneys, and I hope we were in some sort trained to discern the facts, true facts, and we set them down regardless of how they militated, sir.

Commissioner GARRETSON. Then you hold the opinion that the legal mind is trained to ascertain facts and to make them effective and never to utilize quibbles of law or technicalities in the conduct of its affairs?

Mr. BOUGHTON. I don't say that the legal mind does not oftentimes resort to it, but I do say that the legal mind, if it is such a thing, ought to be trained to the discernment of the facts.

Commissioner GARRETSON. Don't you believe that Mrs. Lafferty, if placed here upon the stand, would probably follow the same lines of reasoning when defining as to the facts that she and her associates had before them upon which their conclusion was based and as to the number of people in the State of Colorado who are in sympathy with their report as against those who were in sympathy with your report of your commission?

Mr. BOUGHTON. I don't find it within my province to criticise Mrs. Lafferty, the honesty of her judgment is not to be impugned, and I do not impugn it.

Commissioner GARRETSON. That is to say, your commission or Mrs. Lafferty's committee is in the position of the three tailors who came together and passed a series of resolutions: "We, the people of England," they were headed. Which is the people of England in this case, your commission or the element that Mrs. Lafferty represents?

Mr. BOUGHTON. You are asking me a question that can not be answered.

Commissioner GARRETSON. It is a question of numbers.

Mr. BOUGHTON. The commission that was constituted by the governor was a governmental agency and the other was a volunteer committee.

Commissioner GARRETSON. Now, here, Major——

Mr. BOUGHTON (interrupting). Just a minute, sir, if you will permit the interruption.

Commissioner GARRETSON. Yes.

Mr. BOUGHTON. Do not get the impression that any member of the board of officers are out of sympathy with the organization of labor in Colorado, so far as their strike was concerned. The hostility of any of us to that organization is only concerned with the organization coming in open rebellion and armed resistance to the constituted militia of the State.

Commissioner GARRETSON. Major, I will have to draw your attention to your own testimony as to personal belief.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And that was as to the industrial conditions that preceded the strike.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. On that testimony alone——

Mr. BOUGHTON (interrupting). Well, what was it, sir? I don't know what you are referring to.

Commissioner GARRETSON. I am referring to the statement that you made that immediately preceding the strike and for, possibly, two years prior to that——

Mr. BOUGHTON (interrupting). Yes, sir.

Commissioner GARRETSON. Every demand of the strikers was granted except one, recognition of the union.

Mr. BOUGHTON. I think that is a fact, sir; that has been determined by my commanding chief, the governor.

Commissioner GARRETSON. That being the case, was your opinion—you expressed that as a personal opinion?

Mr. BOUGHTON. That is a fact.

Commissioner GARRETSON. That being the case, it is difficult indeed to arrive at a conclusion that at least one member of your commission had prejudged the industrial question that was connected therewith.

Mr. BOUGHTON. I don't see it so, sir, at all.

Commissioner GARRETSON. Well, that is my conclusion.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Well, now, that is my conclusion.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Therefore, it takes—it becomes a question of personal conviction, Major. Have the people of Colorado, in general, ever expressed in any great numbers, or the press expressed, on their behalf, the belief that the commission was appointed for the purpose of covering up some of the things that were inflaming the public mind?

Mr. BOUGHTON. No, sir. May I have your aid, Mr. Garretson?

Commissioner GARRETSON. What is that?

Mr. BOUGHTON. May I have your aid, if I am here in New York, in the direction that I intimated?

Commissioner GARRETSON. Frankly, Major, if there is any individual man in the labor movement that I know that you want a letter of introduction to I shall be very glad to give it.

Mr. BOUGHTON. Thank you, sir.

Commissioner GARRETSON. But I want to qualify that with this: I will make it perfectly apparent at the same time that I do not subscribe to the opinions that you hold, nor to some of the information that you furnish.

Mr. BOUGHTON. Yes, sir. If I can get the avenues of publicity for the facts, I will let the people judge.

Commissioner GARRETSON. I won't give you a clean bill of health.

Mr. BOUGHTON. That is to be expected, Mr. Garretson, perhaps.

Commissioner HARRIMAN. Who owns the land where the mine camps are located?

Mr. BOUGHTON. In the instances of the three largest cases, the companies do. That is my understanding. The coal-operating companies.

Commissioner HARRIMAN. Well, now, what is the form of government in those camps?

Mr. BOUGHTON. They are unorganized; that is, they are not organized into towns under the towns and cities act. They are just groups of houses without streets, usually clustering around the public road that leads through the canyon.

Commissioner HARRIMAN. Well, they really have no organized form of government?

Mr. BOUGHTON. No.

Commissioner HARRIMAN. By whom are those mine guards employed?

Mr. BOUGHTON. By the mine companies.

Commissioner HARRIMAN. By the companies?

Mr. BOUGHTON. Yes, Madam, as a watchman is employed.

Commissioner HARRIMAN. What authority have they in the way of making arrests and keeping order?

Mr. BOUGHTON. I am informed that in the early stages of the strike, in the southern field and before the coming of the militia, almost all of such guards held commissions from the sheriffs of the county as deputies.

Commissioner HARRIMAN. From the sheriffs of the county?

Mr. BOUGHTON. Yes, Madam.

Commissioner HARRIMAN. What has been the attitude toward the entrance into the mining camps of agents and peddlers?

Mr. BOUGHTON. The attitude of the guard—the entrance to the property after the calling of the strike and the departure of former workmen was, as I understand it, very much restricted, Mrs. Harriman. Every person coming up the canyon was examined.

Commissioner HARRIMAN. Well, did that hold good as to State officials?

Mr. BOUGHTON. Well, yes, it did, in one or two instances that I know of. It did in the instance of a labor commissioner who appeared with an Italian by the name of Frank Manchini. That is all testified to before the congressional committee, and that is where I get my information. Frank Machini was deputized also by the commissioner of labor and his work, at least, that is the way the operators explain it, was to talk to the unionized Italian workers in the mine, and persuade them to cease work. When he appeared with other members of the commissioner's office, they were refused entrance to the property.

Commissioner HARRIMAN. Well, the union organizers, they are treated the same way, that same attitude, the guards have the same attitude?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. Well, are the rights of the people living in the camp similar to those living in incorporated towns?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. They have the same rights?

Mr. BOUGHTON. Yes, Madam.

Commissioner HARRIMAN. Has there ever been any complaint that the company guards interfered with the rights of the miners or their families?

Mr. BOUGHTON. To quite work?

Commissioner HARRIMAN. Yes.

Mr. BOUGHTON. Well, there has been a good deal of complaint. The complaint was made—we haven't had so much of that the last few months, but for a while the complaint was made almost every day that the nonunion employees desiring to quit work were compelled to remain at work in violation of the Federal act.

Commissioner HARRIMAN. That is the only way they interfered, was with the miners and their families, was where they wanted to quite work, the miner wanted to quit work?

Mr. BOUGHTON. I have not said, Mrs. Harriman, that that was true. You asked if there were complaints.

Commissioner HARRIMAN. I mean, would you think that that was true?

Mr. BOUGHTON. Well, the evidence is quite conflicting. There is a great mass of it introduced before the congressional committee on both sides.

Commissioner HARRIMAN. I see. Well, would you think that the presence of these guards in the camps has been the cause of irritation, some of the cause?

Mr. BOUGHTON. It undoubtedly has been a cause of irritation, and yet it has been hard to see how they could be dispensed with, how the dispensing with them could be complete, except by supplanting them with the State militia.

Commissioner HARRIMAN. That has always been the case before this trouble broke out, too?

Mr. BOUGHTON. Yes.

Commissioner HARRIMAN. The present trouble?

Mr. BOUGHTON. Yes. The guards, I think, were employed only upon the breaking out of the trouble—the strike, that is.

Commissioner HARRIMAN. Would you think that any peace is likely to be permanent where the industrial condition, the industrial conditions, where the only representatives of law are men in the pay of the company?

Mr. BOUGHTON. Not if that condition existed.

Commissioner HARRIMAN. Paid also by the company?

Mr. BOUGHTON. Not if that condition existed; I should say not.

Commissioner HARRIMAN. Isn't that what does exist—these guards?

Mr. BOUGHTON. At this time, Mrs. Harriman, there are no guards there now.

Commissioner HARRIMAN. In don't mean now.

Mr. BOUGHTON. Nor were there at any time during the occupancy of the region by the militia, but when there was no militia, no United States troops, then the guards were maintained on the property.

Commissioner HARRIMAN. That is what I mean; not before the occupation by the militia. You say, then, as I understand, the only means of keeping order was through these mine guards, and these guards are employed, aren't they, by the companies?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. Well, do you think it is likely that there will ever be any permanent peace while the only representatives of the law are men employed by the company?

Mr. BOUGHTON. Not while there is a strike present in the immediate vicinity—large group of men.

Commissioner HARRIMAN. I mean before the strike took place at any time?

Mr. BOUGHTON. There were no guards before the strike, Mrs. Harriman.

Commissioner HARRIMAN. But before the trouble. I don't mean the strike. I mean the acuteness, when they had what they call the massacre or war?

Mr. BOUGHTON. On April 20, you mean; this last episode; in the interregnum between the presence of troops?

Commissioner HARRIMAN. I mean the winter.

Mr. BOUGHTON. There were no guards during the winter.

Commissioner HARRIMAN. Not all winter?

Mr. BOUGHTON. Not after October 28, when they were disarmed and sent away by the militia.

Commissioner HARRIMAN. They were there before that?

Mr. BOUGHTON. Yes; from September, when the strike was called, and these large colonies of strikers were organized at the entrance to their canyons. Then the companies employed these armed guards upon their properties under the theory of protection against aggression at the point.

Commissioner HARRIMAN. Well, when they withdrew the troops the idea would be there would be no longer any armed guards there?

Mr. BOUGHTON. Well, if the troops are withdrawn, Mrs. Harriman—if there are no troops in the field—and the strikers remained in immediate proximity to the properties, the chances are the companies will reemploy mine guards; and that it is true it breeds trouble; there is no question about that, because they dislike each other very intensely.

Commissioner HARRIMAN. Well, that comes right back to the same question again. Do you think there is likely to ever be any peace as long as the only representatives of the law are these mine guards?

Mr. BOUGHTON. No, sir.

Commissioner HARRIMAN. Well, that is what I want to get.

Mr. BOUGHTON. So long as the strike continues.

Commissioner HARRIMAN. Well, isn't the strike likely to continue as long as that attitude is taken by the company?

Mr. BOUGHTON. I can't say.

Commissioner HARRIMAN. Of employing these men to——

Mr. BOUGHTON (interrupting). No; the guards are likely to continue as long as the strike continues. The strike is not likely to continue as long as the guards continue. It is the other way around.

Commissioner HARRIMAN. Is it likely there will be any permanent satisfaction on the part of the mine workers with their régime, where the inhabitants of the town are concerned, or whatever you call it, by men who are in the employ of the companies—the mine owners?

Mr. BOUGHTON. Lately we have not discerned any instances of claimed peonage. The claim was made, weekly and hourly almost, before the congressional committee met. When the congressional committee came to Colorado that mass of testimony was offered to it, but upon the adjournment of the committee we have not heard any more of it, for some reason or other, and the claim has not been made.

Commissioner LENNON. Before there was any contention in the district, say, two years ago, were not the sheriffs and the coroners and such peace officers as there were there employees of the companies, ex-employees of the companies, or people who were amenable to company influence?

Mr. BOUGHTON. Other than to say, sir, that there was a supposition used recurrently in every political campaign by some that that was true; I could not state the fact.

Chairman WALSH. I have a few questions to ask you Was the inquiry which your board conducted a public or a private inquiry?

Mr. BOUGHTON. It was a private one, sir, for this reason: It was felt that we could not get the facts at all unless in a great number of instances we gave assurances to those that we had to depend upon for the facts that their names would not be exploited. There are inhabitants of that little place down there in between those two groups of combatants, and it was as much as their lives were worth to appear to tell anything to use about at—as seeming to take sides with one or the other.

Chairman WALSH. So that it was conducted in private for those reasons?

Mr. BOUGHTON. It was conducted in private; yes, sir.

Chairman WALSH. Now, in your testimony this morning you make this statement: "Tikas was shot in the back. The only piece of ammunition that was discovered in Tikas's body was of a kind not used by the National Guard, but that is explainable because there were in the group of National Guardsmen at that time civilians from the coal-mining villages up the canyon who had come to their assistance."

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, I will ask you, as Tikas ran or stumbled or was in a position in which he was when he was shot, who was behind him in a position that could have fired bullets into his back? First, how many men of the National Guard were there?

Mr. BOUGHTON. I think they were all members of the National Guard.

Chairman WALSH. How many——

Mr. BOUGHTON (interrupting). Forty or fifty.

Chairman WALSH. Now, do you make any distinction between the civilians from the coal-mining villages up the canyon and the National Guard?

Mr. BOUGHTON. Yes, sir. By those terms I refer to the ununiformed and merely enlisted men that I described this morning.

Chairman WALSH. How many civilians were there from the coal-mining villages up the canyon behind Mr. Tikas at the time he lost his life?

Mr. BOUGHTON. Forty; between 40 and 50, sir, has been estimated.

Chairman WALSH. And how many National Guardsmen?

Mr. BOUGHTON. About a dozen.

Chairman WALSH. So that there were about 54 or 55 people behind Mr. Tikas?

Mr. BOUGHTON. In that general direction; yes, sir.

Chairman WALSH. Now, these men were also members of the National Guard that you mentioned here as the civilians from up the canyon, were they?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And they were also armed?

Mr. BOUGHTON. Yes; they were armed, but not with the militia arms, sir.

Chairman WALSH. So that the inference that we are to draw from this is perhaps that one piece of ammunition which you say was discovered in Mr. Tikas's body may or may not have come from a weapon in the hands of one of these ununiformed men that you call in your testimony civilians from the coal-mining villages?

Mr. BOUGHTON. Yes, sir; that is true, sir. The word "civilian" is, of course, inaccurate. I used it for want of another. Those were men in civilian clothes.

Chairman WALSH. But they were all National Guards?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Some with not as much experience as the others?

Mr. BOUGHTON. Yes.

Chairman WALSH. And a dozen of them, then, were what you call National Guardsmen and the others were the employees of the mining companies.

Mr. BOUGHTON. Yes, sir. Now, you ought not to infer too much in that direction, because the other wounds——

Chairman WALSH. Well, just a moment. I was just coming to that. Just let me ask you the question. I was just going to ask you. You don't want to leave that impression in that piece of testimony that there were not other wounds in his body?

Mr. BOUGHTON. No, sir; not at all.

Chairman WALSH. As a matter of fact, there were two bullet holes that went entirely through his body?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And made by such weapons as your 12 men had?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And most of these wounds were sufficient to have caused his death?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Either one of them?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That is correct?

Mr. BOUGHTON. Yes, sir; and that is what I was going to explain.

Chairman WALSH. You were going to explain when?

Mr. BOUGHTON. In this examination of mine.

Chairman WALSH. And in this examination you were going to explain that?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, did Dr. Beshour testify before your commission?

Mr. BOUGHTON. No, sir; he testified before the coroner's jury.

Chairman WALSH. Now, in the testimony before the coroner's jury, in the trial or inquest held by the coroner, did you refuse to permit the military witnesses to testify under the examination of the district attorney of that county?

Mr. BOUGHTON. No, sir. I suggested to the sheriff that it seemed wise—inasmuch as the district attorney was accompanied by the attorney for the United Mine Workers of America—that the coroner himself conduct the examination, and we would open the doors to them and supply them with all the men they wanted to have.

Chairman WALSH. And did the sheriff communicate that to the coroner?

Mr. BOUGHTON. I communicated it to him in person.

Chairman WALSH. I thought you said you told the sheriff?

Mr. BOUGHTON. I said that to the coroner. If I said "sheriff," it should be corrected to "coroner."

Chairman WALSH. Were you there in your official capacity as major?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. In your military capacity?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And how many soldiers did you have with you at that time?

Mr. BOUGHTON. I believe the coroner's jury came up to the camp at Ludlow after the expedition to Fremont County had left, which would mean that there remained some four or five companies of infantry, two troops of cavalry, and a portion of the field artillery, with the signal corps.

Chairman WALSH. How many soldiers were present when you made the suggestion to the coroner that the district attorney—was the district attorney regularly elected by the people?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, how many soldiers did you have right there with you when you suggested to the coroner that inasmuch as the district attorney was accompanied by the attorney of the United Mine Workers of America that the coroner should ask the questions?

Mr. BOUGHTON. None; as I remember, none.

Chairman WALSH. Was it in your camp?

Mr. BOUGHTON. Yes, sir; in the headquarter's tent. They were all present in the camp.

Chairman WALSH. How many soldiers were in your camp?

Mr. BOUGHTON. About 400.

Chairman WALSH. Was the coroner a civilian?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Armed or unarmed?

Mr. BOUGHTON. Oh, I could not tell you that.

Chairman WALSH. He adopted your suggestion?

Mr. BOUGHTON. It was a request. Well, judge what it was—I might say I made it as a suggestion. I remarked, "I suggest, Mr. Coroner, that you conduct this examination yourself. I will supply you with all the men you want"; and the coroner's jury there took part.

Chairman WALSH. Did you give the coroner any reason why you did not want the district attorney to ask the questions?

Mr. BOUGHTON. Mr. Chairman, the district attorney acquiesced in the suggestion with the statement that he felt the propriety of it.

Chairman WALSH. My question, however, Major, was—you probably missed it—was whether or not you told the coroner the reasons which you have given to the commission here why you did not——

Mr. BOUGHTON (interrupting). Yes; and I added to it——

Chairman WALSH (interrupting). That answers the question.

Mr. BOUGHTON (continuing). I added this, too, Mr. Chairman: I told him that it was at least unusual for a coroner's jury to investigate the military arm of the State concerning the deaths of those slain in battle, and told him that nevertheless we desired to afford him every facility for inquiry, but suggested that he do it himself.

Chairman WALSH. Up to that time had the district attorney examined other witnesses?

Mr. BOUGHTON. I could not answer you, sir.

Chairman WALSH. Was the district attorney undertaking to examine one of your witnesses at the time you made this statement?

Mr. BOUGHTON. I think not, sir. I think it preceded all examinations.

Chairman WALSH. Had you ascertained from any source that the district attorney of the county had been conducting any inquiry or examination of any witnesses up to that time?

Mr. BOUGHTON. I think not. I assume that that is it.

Chairman WALSH. Did you have any information upon which you grounded your assumption?

Mr. BOUGHTON. No; except it was the ordinary course for him to do it.

Chairman WALSH. You mean the ordinary course in Colorado where there had been conflicts between the workingmen and the militia?

Mr. BOUGHTON. No; not that. It is the ordinary course with every coroner's jury, in ordinary times of peace, when the peace officers of the county have not been superseded, for the district attorney to conduct the coroner's jury investigation.

Chairman WALSH. For the district attorney to conduct it?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. After you made that statement or request of the coroner, did the district attorney withdraw from the investigation at that time?

Mr. BOUGHTON. I believe that he did. I believe that he acquiesced then very graciously.

Chairman WALSH. Did he go away?

Mr. BOUGHTON. And shortly went away. He walked around—he and I walked around together—he and I and the attorney for the union. We walked around the camp together.

Chairman WALSH. You stated, I believe, that after a certain time upon that day that Mr. Tikas, the deceased, became a combatant—briefly state it as possible—what was the act that he committed?

Mr. BOUGHTON. The ascertained fact was that he went from the colony with his gun and his field glass and joined the Greeks in the railroad cut. When he was taken prisoner he had no rifle, but his pockets were full of ammunition.

Chairman WALSH. Is there any other act that you noticed upon which you based the statement in your direct examination that he had become a combatant?

Mr. BOUGHTON. I think not, sir; I don't recall any.

Chairman WALSH. What prisoners of war informed your officers that an attack had been planned for Easter Sunday? What were their names?

Mr. BOUGHTON. Sir, those are foreign names. I will be very glad to supply them to the commission if I can. They are not on the tip of my tongue at present.

Chairman WALSH. Was it William S-n-y-d-e-r?

Mr. BOUGHTON. I think he was one. He did say something of that kind; yes, sir.

Chairman WALSH. Can you remember any other person who said it?

Mr. BOUGHTON. Oh, yes. Yes, I can recall them—I visualize them quite plainly as they were telling their story.

Charman WALSH. Well, the numbers, if you can approximate?

Mr. BOUGHTON. Oh, some three or four.

Chairman WALSH. Were you present when they told you this?

Mr. BOUGHTON. Yes.

Chairman WALSH. It was at the hearing, was it?

Mr. BOUGHTON. Yes.

Chairman WALSH. Now, was anyone else present except the three members of the commission?

Mr. BOUGHTON. In one instance that I recall there was an interpreter, but we found that we could not use him and that we could understand the witnesses ourselves better than with the interpreter.

Chairman WALSH. The strikers at that time were contending that a murder had been committed in the case of Louis Tikas and that a massacre had occurred in the Ludlow tent colony, were they not?

Mr. BOUGHTON. Yes; yes, sir.

Chairman WALSH. And among those accusers was a man named William Snyder?

Mr. BOUGHTON. I think not, sir.

Chairman WALSH. Was William Snyder the same man that the testimony showed carried his dead boy away on his shoulder?

Mr. BOUGHTON. Oh, I see what you mean now, sir. After the lapse of two or three days, so we are informed in the columns of the press, two different stories were told by him which did not agree with each other nor with the one he had told our officers that night.

Chairman WALSH. Well, what I was asking you was—getting to was—was William Snyder one of these men that was before your commission of three and made a statement that an attack had been planned for Easter Sunday?

Mr. BOUGHTON. No, no; he had gone to Trinidad, whither we were not permitted to go—the three of us—or rather did not dare to go. It would have been suicidal to go at that particular time. We relied upon testimony, singly examined, of the officers to whom we talked together at the time.

Chairman WALSH. When did William Snyder state to you that an attack had been planned for Easter Sunday?

Mr. BOUGHTON. He did not state that to me. I never saw Snyder that I know of.

Chairman WALSH. When did he state that to your officers?

Mr. BOUGHTON. I told you, Mr. Chairman, that it was my impression that he was among the number who made such a statement. I am not clear upon that now.

Chairman WALSH. Did you get from the same source of information later afterwards that Mr. Snyder said that he had been cursed and threatened by the soldiers; that he was in great fear of his life and very anxious to propitiate the militia at that time; and that he told what was not true and thereupon denied it?

Mr. BOUGHTON. I never heard that statement before, sir.

Chairman WALSH. It may not be correct. I am just asking you the question as to whether it is within your knowledge.

Mr. BOUGHTON. No, sir.

Chairman WALSH. Did you hear the testimony of a physician at the coroner's inquest, or did you read the testimony of a physician at the coroner's inquest, to the effect that the blow received upon the head by Mr. Tikas might have been sufficiently severe to have caused his death?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Even if he had not been wounded by the bullets?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That was the blow that was struck by whom?

Mr. BOUGHTON. It may have been the blow struck by Linderfelt, and I may say that it is my opinion that it was. But there was considerable testimony before us that other blows were struck at Tikas.

Chairman WALSH. By other members of the militia?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Was he on the ground when he was struck or standing up?

Mr. BOUGHTON. Standing up.

Chairman WALSH. Did the testimony show you, upon which you based your conclusions this morning, that this man had been shot running or when he was lying down?

Mr. BOUGHTON. I don't know that we have any concrete evidence that would determine that or indicate which it was.

Chairman WALSH. Did the testimony show that the two bullets which went entirely through the body of Mr. Tikas entered the back at a point higher up than they emerged at the front of his body?

Mr. BOUGHTON. Yes.

Chairman WALSH. Which way was it—higher up or lower down?

Mr. BOUGHTON. Higher up, as I recall it, sir—higher up—shooting down from the embankment. He was a small man, Mr. Chairman—quite small.

Chairman WALSH. Quite small and unarmed?

Mr. BOUGHTON. At that time; yes, sir.

Chairman WALSH. You testified that only 16 Baldwin-Felts detectives were imported?

Mr. BOUGHTON. I did not say imported, sir. I don't know where they got them.

Chairman WALSH. Did I understand you to say that there were only 16 Baldwin-Felts detectives on this ground during the strike?

Mr. BOUGHTON. During the entire strike. In the course of my duties it became significant for me to ascertain that, because if it were true that that detective agency was supplying armed men from the purlieus of the large towns of this country, it would have been incumbent upon me to have stopped it. I went to the agent of that detective agency, A. C. Felts, who made an affidavit to that effect.

Chairman WALSH. Made an affidavit to what effect?

Mr. BOUGHTON. That only that number of men were employed by his agency at any time, and the same number of men at all times.

Chairman WALSH. Did he tell you when he made that affidavit, when you talked with him, that he made a distinction between employing them and gathering them up and sending them out to the mine owners who employed them?

Mr. BOUGHTON. I know he made this distinction: He said, "This does not include about as many more who are secret-service men, who are not armed at all, who are employed, perhaps, in the mines at work, and things of that kind, whose identity I don't want to disclose unless I have to"; and I could not see any reason why he should.

Chairman WALSH. Now, Mr. Felts said that to you?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, isn't that fact that during this trouble that Mr. Felts would go to Denver and other cities and send men to the mines where they would be employed by the operators so that they might say they were not Baldwin-Felts detectives?

Mr. BOUGHTON. No. It is true, however, as well as I can ascertain, that Felts was used by the coal operating companies to drum up men from the police departments of the large cities—ex-policemen and other men whose characters seemed to justify their employment in that capacity, according to their lights, and send them to the operating companies in some instances.

Chairman WALSH. How many of such men were sent in there, if you know?

Mr. BOUGHTON. I can not tell you, sir. He tells me himself——

Chairman WALSH (interrupting). Who tells you?

Mr. BOUGHTON. A. C. Felts.

Chairman WALSH. Did he tell it in your own inquiry?

Mr. BOUGHTON. No; he did not come up——

Chairman WALSH (interrupting). Well, as I understand it, you are not confining your statements to information from that source, but wherever you learned it?

Mr. BOUGHTON. No; I am trying to answer you. No; he told me that he had done that for the companies in quite a number of instances; but that, as compared with the total number of the mine guards employed, he had to do with only a small portion of them.

Chairman WALSH. Did you read the testimony given before the congressional committee by Mr. Felts?

Mr. BOUGHTON. I don't know that I read it. I heard about it.

Chairman WALSH. Did you read the statement from the testimony before the congressional committee to the effect that while there were only 16 of the Baldwin-Felts men on the ground, that most of the mine guards had been selected by Mr. Felts by going around to the different cities of the country and engaging them for service, or arranging them for service, and then sending them into Colorado to be employed by the mine owners?

Mr. BOUGHTON. I don't recall that, sir; but that testimony was given before the employment of the guards the last time, you know.

Chairman WALSH. I see. Now, in the association of metalliferous miners, for which you have been and are still an attorney, are any of the companies located at Creede in that organization?

Mr. BOUGHTON. Not at all; not one.

Chairman WALSH. You don't represent any of those?

Mr. BOUGHTON. No, sir.

Chairman WALSH. Do you know W. P. Ward, of 15 Broad Street, New York, director of the Colorado Fuel & Iron Co.?

Mr. BOUGHTON. I never heard of him.

Chairman WALSH. Is the Last Dollar Gold Mining Co., of Cripple Creek, one of your companies for whom you work?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Did you never hear that W. P. Ward was president of the Last Dollar Gold Mining Co., of Cripple Creek, Colo.?

Mr. BOUGHTON. No; but I would not know the president and officers—particularly if they do not reside in Colorado—of those companies. You see there are some 200 companies there in Cripple Creek, all holding a membership in this central organization formed for a quite limited purpose. Now, my dealings are with the association as such.

Chairman WALSH. What individual employs you as attorney?

Mr. BOUGHTON. The corporation known as the mine owners' association.

Chairman WALSH. Read that question.

The REPORTER. What individual employs you as attorney?

Chairman WALSH. For this corporation? What human being makes the contract?

Mr. BOUGHTON. The president, Mr. E. A. Colburn. He is also president of the Ajax Gold Mining Co., one of the constituent members.

Chairman WALSH. And is your compensation paid by check or currency?

Mr. BOUGHTON. It is paid by check.

Chairman WALSH. And does it come from the treasurer of that association in Cripple Creek or elsewhere?

Mr. BOUGHTON. In Cripple Creek, sir; from the organization, signed by the president and secretary.

Chairman WALSH. Do you know who the directors of the large constituent companies are who are in your organization at Cripple Creek?

Mr. BOUGHTON. Oh, I know some, but a very few, sir.

Chairman WALSH. Do you know any of the directors or officials—general officials, or general officers—of the Cripple Creek companies that are also officers of companies in the field where this controversy is going on?

Mr. BOUGHTON. Not one, sir. I was under the impression that there were some.

Chairman WALSH. If it is a fact that W. P. Ward, of 15 Broad Street, New York City, is a director in the Colorado Fuel & Iron Co., and also president and director in the Last Dollar Gold Mining Co., of Cripple Creek, which you say is one of the constituent members of the association which employees you, are you aware of it?

Mr. BOUGHTON. Not aware of it, sir; and it would have no significance.

Chairman WALSH. That is all, thank you, Major. Oh, I want to ask you another question. Now, this hearing was rather precipitate, as the ladies came here yesterday and wanted to be heard, and we thought it was fair to hear you also in behalf of the militia and the people whom you represent. And we will, of course, make a full and deeper investigation into these facts. Now, how long do you expect to be in New York?

Mr. BOUGHTON. I hope to be able to accomplish something in the direction of my errand within a week.

Chairman WALSH. Within a week. Now, during that week, will you be at your present address at the Waldorf?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Would you be kind enough, if it is not too much trouble, to give to Mr. B. M. Manly, as our director of public hearings, your card so he may get in touch with you and get the names of all witnesses whom you think would make competent witnesses as to the facts when we get to Colorado?

Mr. BOUGHTON. Yes, sir; yes, sir; gladly.

Chairman WALSH. Who is the president of the mine owners' association?

Mr. BOUGHTON. E. A. Colburn, of Denver.

Chairman WALSH. That is all, Mr. Boughton, thank you. Mr. Manly will communicate with you, Major, and we are very much obliged.

Judge LINDSEY. I can answer that publicly or privately.

TESTIMONY OF JUDGE BEN B. LINDSEY.

Mr. THOMPSON. Now, just for the purpose of making our record, I will ask you a few preliminary questions. Your name?

Judge LINDSEY. My name is Ben B. Lindsey.

Mr. THOMPSON. Your address?

Judge LINDSEY. Denver, Colo.

Mr. THOMPSON. And your profession or——

Judge LINDSEY. I am a lawyer, a judge on the bench, and have been for 15 years or thereabouts, in the city of Denver.

Mr. THOMPSON. Now, you may go on with your story.

Judge LINDSEY. I will try, Mr. Chairman, to make my story as connected as possible; but unless I should be misunderstood, I first wish to make a statement as to the statement made by the gentleman who has preceded me, which I think is a good illustration of much of the misunderstanding which grows out of an unfortunate situation like that which you are asked to hear some evidence about.

He read from a newspaper saying that a Mr. Lord, representing the miners, had stated that there were 2,000 men, miners, and if necessary there would be 50,000 more ready to resist the militia. The gentleman did not state what Mr. Lord said, neither did the newspapers that he read from state what Mr. Lord said. Mr. Lord said, for I was present when he said, that if the tactics pursued by certain men in the militia that brought about the murders, as he expressed it and claimed, of women and children were repeated in Colorado that there were in that case 2,000 men who had red blood enough in their veins to resist that sort of encroachment under whatever name it might be called, and that there were 50,000 men in this country who were willing to join.

Now, that is an entirely different statement from that which the gentleman read and the statement which he would have this commission to believe is true. I merely mention it as a good illustration of how Mr. Lawson could have been misquoted and misrepresented by the paper from which he (the witness Boughton) read.

I have talked personally with Mr. Lawson within the last fortnight or so, just before I left Denver. I have talked with Mr. Lawson in the presence of men of the most radical type, who proposed or suggested things that I have heard Mr. Lawson fight against and talk against, and the statements made to me by Mr. Lawson are quite contradictory of the statement the gentleman read from the newspaper purporting to be made by Mr. Lawson. Since I left Denver and since I have been in this city I have found myself misquoted on several different occasions and things put into my mouth that I never said, things put into my mouth that I could not have said; and I wish to state to this commission, because of this fact of which I am a witness, having heard Mr. Lord, that it go very slow in accepting statements made in the newspapers. I have a statement in the Pueblo Chieftain of May 2 that I could offer to this commission,

two or three columns, in which it is stated that a certain prominent citizen of Colorado said that the thing to be done with men like myself was that they should be killed—k-i-l-l-e-d. I am not going to claim that those men who are making inflammatory statements of that kind are trying to stir up a sentiment among certain individuals that will bring about my own murder, yet that will be found in the Pueblo Chieftain of May 3, which is supposed to be the official organ, in so far as they have any official organ, of the Colorado Fuel & Iron Co. Now, so much for that.

I would like to state, or make some general statements, about the situation down there, or about my mission here. I came to Colorado when I was a small boy about 10 or 11 years of age. I have lived there for 30 years. I know the politics of our State. I know something of the industrial conditions of our State. I know the struggles in the legislature in our State, and I want to say this question in Colorado is a bigger question than a mere question of a strike. It has got beyond that. It is a great political and industrial struggle. It is not local; it is national. The symptoms may be local, like a boil which comes from the humor of the blood, working out that poison. It has broken out in Colorado at one time; it has broken out in Michigan at another time; in West Virginia at another time; in Pennsylvania at another time. It is going to keep on breaking out as long as we continue to put salve on the sore and do nothing to cure the humor in the blood. By that I mean you have got to go deeply into fundamental questions concerning rights of property and the rights of humanity. And I would like to give a few concrete illustrations, if I may with your permission, to explain to you why I am interested as a citizen in these questions and why I think I have a right to come to this commission from the people of Colorado and to the President of the United States and the people of the East.

In the first place, I have been judge of the children's court anyway 15 years. I have helped to establish those courts in this city and in nearly every city in this country. But I know how futile and absurd that sort of work is if it stopped there. For an example, this court deals with dependent children as well as delinquent children. Numbers of dependent children come to these courts every year—increasing numbers—and we are not going to help them by sitting on a bench and trying these cases. For instance, in Colorado the official report issued by the secretary of the board of charities and corrections, taken from the coal-mine inspectors' reports, showing that in the space of about four years, limited to three or four counties in the State of Colorado where coal is mined, nearly 700 little children were made orphans or fatherless and dependents because of explosions in these coal mines, a large number of which, if indeed not the greater number of which, might have been avoided had the ordinary safety appliances been employed that are employed in other countries, where such accidents are as 1 to 3 as compared with the number in this country. The testimony seems to be undisputed, as I understand, and there is much evidence to prove it if it is disputed, that about three times as many men are blown up in the coal mines of Colorado as are blown up in the coal mines in other States, and the claim of the men is that it is due largely to incompetence; that it is due largely to carelessness; that it is due largely to unwillingness to use the dividends, or rather to use the money, to purchase and install the safety appliances that ought to be installed and to the control of public officials or the refusal to permit public officials to inspect these mines.

I have talked with labor inspectors in Colorado. I have read their testimony, and I can say to you that they have been refused, and indignantly refused, the right to inspect some of these mines and that accidents have occurred and the fathers of children have been hurled into eternity because of this lawlessness on the part of the Colorado Fuel & Iron Co. And I want to say here publicly, knowing whereof I speak, and being familiar with the political conditions in Colorado, that there are no more lawless public-service corporations in the history of States than those in the State of Colorado, first fighting to the death every measure designed to aid social and industrial justice by every method within their power, seeking to blind the people to the necessity of these measures, if you please, by such men as E. A. Colburn, president of this miners' association, who is also president of the children's aid society, if you please, and president of the State board for child and animal protection, and who had been for many years. And the State board of child and animal protection, through its agents have fought to the death a child-labor law to take little children out of those mines and coke ovens, when at the same time they have arrested men in those mines for beating a mule. It is a mighty spectacular

thing to arrest a man for cruelty to a mule, and everybody approves and applauds that, but it is a different thing when Mr. Colburn's society for the protection of children and animals from cruelty does everything it possibly can through agents, as confessed in their own magazines, to defeat a law to take the little children out of the coke ovens and the mines in Colorado. That I assert and that I am prepared to prove. That is only one of the many, many facts that caused these men to have no respect for the men who prate about religion and philanthropy and charity and who are using that as a blind to cover up their fight against real constructive programs to get rid eventually of the kind of struggle we are having in Colorado. The situation in Colorado is not fully understood throughout the country. I could give you many illustrations from my own court records.

Here is a poor woman who is pounced on by the State bureau of child and animal protection and brought into my court in an effort to take away her children, and I find that her husband is killed in the mills, if you please, and she is supposed to live in a two-room house, and she takes a boarder, and because of these conditions they say it is an immoral condition, for she is not married to the boarder, and they must take the children away. It would be very nice for me to sit on the bench and aid in a plan to take away her children and send them off to a children's home, where they can be adopted out the next day and she will never know what became of them—no more right to know than a dog, a condition as bad as any in slavery times, when they took the children away from their mothers and sold them into slavery.

I say you have got to go deep, and I went deep into that case, sir, and the testimony taken at that time in my court shows that the railroad company paid that mother a few hundred dollars after her husband was killed in the smelter mill. And I wanted to know why the railroad company paid her these few hundred dollars, and I found out that her husband had worked in the smelter mills and worked there 16 years for 11 or 12 hours a day during the days when they had the eight-hour law. And I said, "How is it that the railroad company can pay you any money?" And up steps a man from the smelter mills and says in my court that is very simple. Under the eight-hour law, when that was passed it applied only to men working in mills and mines. It did not apply to a man working on a railroad. So we changed the pay roll of the men working on the slag piles from the smelter company to the railroad company, where they could work 12 hours, if you please, without violating the law. Do you think, my friends and gentlemen of this commission, that that sort of violence on the part of these companies, that has been going on there for years—and I have mentioned only a few specific instances of concrete details—is not going to arouse feeling? I stayed in the little home of one of these miners one night, and he turned to me and he said, "When I came to this State 25 years ago there was practically no development in those hills. I worked in those hills. My son worked in those hills. He lost his life in those hills, and I have been maimed in those hills, and all the wealth that comes from those hills, the energy that makes transportation and life and the comforts we have possible come out through my labor, and I bought me a little home, and I have lived here. And now the people of New York, who have the legal title under the Constitution and the laws to these mines, want to reduce my pay or want to refuse to give us certain demands that we think fair or want to control the public officials who want to bring about an inspection law so as to protect our lives that I may not lose another son or my own life in those mines. And they tell us that if we protest we can no longer work there, but have got to go out and work at something else. "Now," he says, "under the Constitution and the laws of property that seems to be a right, but," he says, "is it just and is it fair?" These men will point out to you the solidarity of capital and their rights under the Constitution, and they can come down on them like that, and they have no rights except in opposing solidarity that they call the union, if you please.

Now, Mr. Chairman and gentlemen and Mrs. Harriman of this committee, this thing is deep down, and this sore is the result of long years of lawlessness and oppression on the part of the utility corporations. I know whereof I speak, when I say to you that they have owned judges on the bench as they have owned their office boys; that they have owned judges on the supreme bench as they have owned their office boys; that they have controlled those judges; that they have controlled district attorneys; that they have controlled governors; that they have been in the most perfidious deals to control the agencies and officers of the law time and time and again, so

that they not only make the law to suit their own wishes, primarily—though it does not always do it—to protect property and stand against the rights of humanity; but when occasionally, as happens after a long struggle against every step of the way—for there is terrific opposition to get a law through for the protection of human rights—they control through the bipartisan machine in Colorado the agencies of the law and prevent the enforcement of those laws.

And now, members of this commission, what is that? It is violence. It is the most terrific violence in the world. It is the kind of action that raises the coal dust all over this country, and that thing is going to be exploded, if we don't correct it. That is our contention. Now we don't want it to be, but they are doing the thing, as much as the other people. And I am not saying that there is not fault on both sides, but my contention is this, that violence produces violence every time. That is the law of nature—as hate produces hate; and when through these conditions—not so bad, I am glad to say as they have been in the past, but I would not have you understand that our officers are all controlled by these forces. There are honorable men on the bench; there are honorable district attorneys; there are fearless district attorneys; there have been some fearless governors as there have been fearless judges. But those men have been fearless at terrific sacrifices as a rule, knowing all the time that they were doomed for slaughter, political or otherwise, if they attempted to call their souls their own. This has been the condition of terror which the industrial government of Colorado, backed by the industrial government of this country with its seat in New York City, has ever shown against the political government in Colorado, and, for that matter in this Nation, in a measure.

Now that, in the large, is the situation out there; and because of that condition, sir, they have permitted men to be recruited in this militia who are not the kind of men to be in any militia; they have permitted to be recruited in the militia mine guards, men employed and paid by the mine operators, if you please. They have permitted to be recruited irresponsible types of men, the men who are their own employees. I understand the gentleman who testified for you is an employee of the mine owners' association. It is the old game out there. It is the scientific method of corrupting, if your honors please, so that they do not dare call their souls their own. And I want to tell you, as much as I sympathise with them, that there is not a one of them can come down here and tell you an impartial, fair, and just story about this situation—I don't care who they are, unless there is a new kind of human nature working out in them. These men are human. The young lawyer knows he won't get business unless he stands in with these people. The young business man knows the banks he has to deal with——

Chairman WALSH (interrupting). You should know that this man did not testify that he was the attorney for that association where the trouble was had; but for the metalliferous miners of Cripple Creek.

Judge LINDSEY. However that may be, Mr. Chairman of the commission, if he is the attorney for men like Mr. Coleman, representing the mine owners, that way must be his sympathy. I can not blame him for that. That is the human nature in this case that you can not leave out of consideration, and these men represent, however much they may deny it, the solidarity of capital. Everybody knows that that has lived in that State, and that uses their brains and minds at all in thinking about the thing.

Now, Mr. Chairman, I have talked to many of these witnesses of the Ludlow horror, to come back to that, as one of the moving causes that produces hate. I have read the affidavits, and I have the testimony here before the coroner's jury. I have affidavits here that I have read and pored over and gone over, and in those affidavits and in that testimony, it is shown here, an indifference, with a brutality, with a cruelty, the like of which I never heard of outside of savage warfare, militiamen, officers or men, gave the orders to destroy and burn up this tent colony. And I am here on the strength of this testimony, assuming it to be true, and assuming also there may be testimony to the contrary, to say that a case to that effect, a prima facie case, has been made out that certainly demands some very strong testimony to refute.

There is the testimony of the stenographer before the military commission, who says that he heard the order given to burn up this tent colony, and it was given by one or two—one or two of these officers whom he knows, and here is the testimony of an unbiased, unprejudiced man who drove an automobile, who was held up on the road by the soldiers and compelled to deliver over his automobile, in which there was a machine gun that mounted a hill

overlooking Ludlow, and that that machine gun, with a brutality and cruelty, the like of which has never been equaled, so far as I know, was turned on these defenseless women and children, their tents, that are their houses and their habitations—residence, if you please—so that it was either an alternative of these women and children going into these pits that had been prepared for them through a foresight for which I think they are to be commended, or else being stricken down by the bullets of these men who could not have been responsible, for it is not an act of civilized warfare, if you please, to turn machine guns and rifles upon a tent colony in which it is known by those who are responsible and those who do the deed that there are defenseless women and children.

I have heard the stories of some of the people who were there. I have read the testimony of men who were on the railroad train, who say that they saw militiamen—I have read the testimony of other who say they saw militiamen put the torch to the homes of these people. That is here, sworn to and taken down, and can be supplied to this committee if you wish it supplied.

Now, my point is this: That they are irresponsible. It is practically confessed and shown by the governor of the State, when he had to call on the President and send for the Federal troops, confessing his impotence to control the situation. It has created a terrific hatred in our State, and it has put it in the minds and hearts of these men and women down there in Ludlow to believe that they need not have any respect for that sort of authority, and if they had not respect for authority, don't forget this, please, members of this commission, that it is not altogether their fault, however much they may be to blame. We have to have charity, I am frank to say, for both sides in this controversy. I believe the whole thing is due to certain conditions that concern our laws of property that are all wrong but when you attempt to change those laws, as has been the history of Colorado for 20 years, it is met by the defiance through graft, through bribery, through all the means and methods known to power that comes from possessing money and property, and in the end, time after time, defeated, and when you get the laws on the statute books, that the same thing continues so far as it can with the occasional exception of honest men doing their duty, to defeat the law that is passed. So that my point is, and I wish to make it clear, that that is not a matter merely of the present strife. It is bigger than the question of the present strife. For, however important it is, Mr. Chairman, to settle that strike, and it is important, and I was sent here by a great number of citizens of Colorado to help bring about the settlement—it is only temporary; it is only one of the lulls to the storm that is ahead in this country, unless the men who benefit through these laws of property and who are gradually gaining to themselves the natural resources of this country, are willing to see that they have certain duties and responsibilities that are not altogether impersonal, and are willing to share with these men. But that they have not done. They have recurrently refused to treat with them. They have said there was not anything to arbitrate; but in saying there wasn't anything to arbitrate, they are falsifying, for there is much to arbitrate, and I think that will be shown by the congressional investigation that has been going on in our State for some time.

It is well for the people of this country to know the violence of capital, the violence of corporations, that is silent, if you please, and not noisy like the violence they promote. I think, therefore, that they owe it to our people to consent to the appointment by the President of a board of arbitration, who will go out there and investigate those conditions and listen to both sides, and both sides being willing, assuming, of course, the board is fair and just and acceptable to both sides, to abide by the decision they may come to. And I think a great mistake is being made by the powers that control the industrial government of this country, the seat of which is here in New York, and is as superior to the President of the United States, unless he is willing to exert himself in spite of it, as the boss over the employee in a factory. That is my view of it. And being in that position, knowing that they have said, or claimed, to have the Constitution back of them, certain laws back of them that were primarily designed for property, they owe it to our people to concede, to give, if you please, some of this terrific power by consenting to this board, and letting them, so far as it is possible, at least, for temporary purposes, to adjust the difficulties up there and to relieve our people of the passion into which they have been plunged, but the fact that when these Federal troops were withdrawn, if they are, because of this condition that has grown up for years and years, beginning with the corporations themselves, and

their own lawlessness, will be too much, and there is a possibility of the repetition of Ludlow unless the President will keep the Federal troops there, and to bring about any sort of settlement, go a step further and appoint this industrial commission, and if both sides do not consent to this arbitration, then it is our contention, in the interests of peace, because of the military necessities of the case, because a republican form of government, with the confession of the governor of the State, has broken down in Colorado and the Constitution says the Federal Government shall guarantee us a republican form of government, that he would be justified in taking some means, even though they be forcible, to compel those who refuse to arbitrate to consent to arbitration.

Now, that is the feeling of many of our people, and I speak that feeling. I am not here to speak on behalf of the militia, I am not here to speak on behalf of the mine owners. I am not here to-day to speak on behalf of the mine workers. I am simply here to voice my feelings, after years of experience, being down in the midst, knowing both sides, understanding their viewpoint, to make clear to you, as an industrial commission, in a general way, some of the conditions that have existed in our State and that exist in other States, that have brought about these results, in order that, in time if not now, there may be one result—an investigation like this, and that will begin to tackle conditions and tackle causes that make for these effects, and I would feel false in my duty to the children of my State and the children of this country if I did not take a bigger opportunity for this problem than merely sitting behind a desk and trying the immediate troubles of children. I have done that for 14 years, and I have looked into the faces of these children, and I have tried to think and find out why do boys do bad things? Why do girls do bad things? And I think I have found out. And I look at it and then I ask myself, why do men do bad things? And the reason in the one case is largely the reason in the other; it is the condition, in a large measure, not altogether, say, the environment, their viewpoint.

My plea is for a better understanding of these questions. Therefore I thought if I came over to New York after the President of the United States had given us a most courteous hearing, that Mr. Rockefeller himself would be willing to see me and permit me to present this phase of the situation. But after a courteous request for that privilege he has refused, not only to see me, but while I am of no particular consequence perhaps, I think it is of great consequence that he should have heard the miners' wives whom you courteously and kindly and considerately heard here yesterday, whom the President of United States heard, because, I contend that when men receive profits or have possessions that promise profits, they haven't any right to take the impersonal view that he takes, and deny any responsibility. Kings have gone down among their people, even in the days of the old feudalists, or even in modern conditions, we have known of kings going among their people and lending them succor and help and not being so impersonal and above them that they would not listen to their woes and troubles and miseries, and be willing to lend something of themselves to really find the cause of these things, and help to solve them, and surely Mr. Rockefeller is no bigger than the President of the United States. He isn't any bigger than kings, who have done it. But in the new feudalism that exists in Colorado, where towns are built up and owned by private corporations, if you please, these men refuse any present relation to conditions like these, refuse—those at the top—to listen to the wails and pleas and explanations and the facts which might be presented by these women. And I say that that attitude of such men is doing more to produce lawlessness and talk about confiscation and what they call anarchy than all the anarchists I know, and the men who stand for that sort of thing in the opinion of some of us who have studied these industrial conditions, if they are ever injured and harmed, and I pray God they never will be, they can damn nobody but themselves, because it is simply a new and novel method of committing suicide, and the President ought to grab men like that and save them from jumping into the river, like the policeman would grab the poor devil on the street who attempted to jump in the river, because that is the way they are going, and I think he ought to do it.

I hope I may be one of those to bring this to the attention of Mr. Rockefeller from down in the midst, where I have seen the struggle of these people, and I think his heart would be touched if he could see and hear it. I believe if he would show the personal attitude that was shown in the old days, before corporations grew up in this country and when there was a better understanding between employer and employee, we could settle this difficulty, at least, tem-

porarily, in Colorado, and I am here to tell you I was absolutely refused any help in anything like that.

I am here also to answer any questions that you have to ask me, after making this general statement, that you wish to ask.

Commissioner O'CONNELL. The gentleman who just preceded you made the statement that all of the demands of the miners had been conceded up there sometime prior to the strike with the exception of one. A similar statement appeared from Mr. Rockefeller in the papers sometime ago, and a contradictory statement appeared from the officers of the miners. What is your knowledge of that situation?

Mr. LINDSEY. Only what they tell me. Seeing that it is necessary to have a board of arbitration to find out definitely, I can only state from hearsay, namely, what the men tell me, the wives of the men tell me, that they have no respect for the law. For instance, that forbids the employer to refuse to employ a man simply because he has been in the union. We have laws in our State forbidding blacklisting. They claim that these companies refuse to respect that law. The men claim that when they protest against the dangerous conditions in the mines, that when they insist upon their protest, that they are fired at once.

I have talked to the labor inspectors out there, and they tell me that they have been refused the opportunity to investigate some of these mines notwithstanding the laws on the statute books. They tell me that the company stores are conducted in such a way that they are forced, practically, to trade at those stores, and they have many grievances in this regard that they want adjusted. I could mention others, but these occurred to me, Mr. Commissioner, that I have heard.

And on the question of wages, according to the testimony that has been furnished me, an average of between $2 and $3 a day is as much as a miner can hope to make. They claim there have been discriminations among the men as to the places that they shall work and the opportunities they shall have to work, and, indeed, I have heard so many complaints from men that have been down there, from the wives of men who have been down there, and things I have read in testimony and from matters that I think you will find on record before the investigating committee, that for these men to make a contention of that kind is certainly unjustified by the fact, or at least what purports to be the facts, and that, if you please, Mr. Commissioner, is to my mind one of the very reasons why they should consent to submit these matters to a board of arbitration. If it is true, then they have everything to gain and nothing to lose by submitting this to arbitration. I am here primarily in the interests of the best of our people out in Colorado. I want to say, however, that this feeling does not stop with the mine workers and the men only; it is percolating up and down into all classes of society, throwing people at each other's throats when they get to discussing this unfortunate controversy, and it does no good to the peace and well-being of a State, and is a condition, a poisonous condition, that is producing this miasmatic effect, you might say, socially and politically in our State.

Commissioner O'CONNELL. Judge, the law creatng this commission instructs them to seek and find the underlying causes of industrial unrest and report a remedy. What do you think the commission should do with reference to that situation in Colorado or that it should report to Congress as a result of your instruction?

Judge LINDSEY. It is a mighty big question, Commissioner, to go into details. Still, I think you will have to report to Congress that there has got to be some great big changes made in the laws of property in this country, or the possession of property, or the private ownership in coal mines or other great public necessities must be changed entirely, because there must be some power that can settle disputes that are going to continue right along. Now, just what the detail of that might be would take us into all sorts of sociological discussions.

Commissioner O'CONNELL. Would it mean compulsory arbitration, or would you——

Judge LINDSEY. No; I don't say that. But I do believe that in the case of the Erdman Act, recently amended providing for voluntary arbitration, and the working of that came through one of your commission, Mrs. Harriman, largely, and the work we appreciate, and I feel that the public sentiment is so powerful that in a case like this, that if we have a law in Colorado such as you have in the Erdman Act, with reference to transportation companies, that if we had a law in Colorado in reference to our coal-mining property, or with

reference to any of the other natural resources that provided for voluntary arbitration, sir, in a case like this right now, the high degree of public sentiment and public opinion in our State is so strong that neither party would dare to refuse to submit their side of this controversy to such a board.

Commissioner O'CONNELL. Would you extend the authority of that law, then, to cover mines and mining?

Judge LINDSEY. Yes, sir; I think it should be, and I think the Government, Federal Government, should pass a law refusing to give title to any more lands that contain natural resources like coal, but should provide a leasing system, if you please, where the title remains in the Government, and with the right of the Government, if you please, always to settle disputes of this kind when they menace the peace and happiness of a whole State or any part of the Nation.

Commissioner GARRETSON. Did you hear the reply of your predecessor upon the stand to the question as to whether or not the inflammation of the public mind had been in any great degree allayed by the report of the military inquiry board, of which he was chairman? Did you hear the reply thereto?

Judge LINDSEY. Why, that board, in our State, among most of the people, was regarded as a huge joke.

Commissioner GARRETSON. Then public sentiment was in no sense changed by that report?

Judge LINDSEY. Absolutely none, but more or less indignation that men get together and pass judgment on themselves.

Commissioner GARRETSON. It was regarded, then, in exactly the sense that the question—one of the questions carried—that it was a case of the militia rendering a favorable report upon the acts of the militia?

Judge LINDSEY. Yes, sir.

Commissioner GARRETSON. Is there any difference of interest or action between the different classes of mine owners of the State of Colorado; that is, metalliferous or coal?

Judge LINDSEY. No; but with unions and possessions, they represent a solidarity when it comes to these questions.

Commissioner GARRETSON. Applies equally to the time when they had a universal association?

Judge LINDSEY. Absolutely; just as strong as ever.

Commissioner LENNON. Judge, what has been the power of political domination in Huerfano and Las Animas Counties by the coal companies as to the election of sheriffs, coroners, prosecuting attorneys, and the other officers?

Judge LINDSEY. As a rule, with a possible few exceptions, and I can recall no exceptions now, they have been absolutely the State, absolutely the State. The sheriffs and officers of that kind were, with a few exceptions, at different times when they broke through the lines, no more than their office boys. Not as much so, because an office boy can quit, and there is difficulty even if they could quit if they wanted to.

Chairman WALSH. That is all, Judge. You will be excused. Thank you.

Judge LINDSEY. I wish to thank the commission for the privilege of appearing before you.

DENVER, COLO., *Wednesday, December 2, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will meet each morning at 10 o'clock, be in session until 12.30, adjourn for lunch until 2, and be in session each day until 4.30, including Saturdays. The commission will now be in order.

Gov. Ammons.

Mr. BLOOR. Before the commission proceeds with its business, I was subpœnaed to be here this morning. I see Gov. Ammons here, and I want to know if I may be excused; I can come back at any time upon phone message and be here in 10 minutes.

Chairman WALSH. Mr. Dower will attend to that matter. We can accommodate you and any other witnesses who will speak to Mr. Dower, and we will arrange as closely as we can and notify you by telephone.

Mr. BLOOR. I would like to testify to-day, if you gentlemen can arrange it, as to-morrow I will have to be in court. So I would like to be called either to-day or some other day subsequent to to-morrow.

TESTIMONY OF GOV. ELIAS M. AMMONS.

Chairman WALSH. Will you be kind enough to state your full name, Governor?

Gov. AMMONS. Elias M. Ammons.

Chairman WALSH. You are the governor of Colorado?

Gov. AMMONS. Yes, sir.

Chairman WALSH. When did you take office, please, Governor?

Gov. AMMONS. The 14th of January, 1913.

Chairman WALSH. Prior to that time had you held any official position in the State of Colorado?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Please state what positions you held.

Gov. AMMONS. All of them?

Chairman WALSH. Yes, sir. Beginning with your first service to the State.

Gov. AMMONS. To the State itself?

Chairman WALSH. Yes, sir.

Gov. AMMONS. I was a member of the house of representatives, a member of the State senate, a member of the live-stock inspection board and of the State board of agriculture.

Chairman WALSH. How long did you serve in the State legislature in the lower house?

Gov. AMMONS. Four years in the lower house.

Chairman WALSH. And how long in the senate?

Gov. AMMONS. Four years.

Chairman WALSH. How long in the State board of agriculture?

Gov. AMMONS. I think four years before I became governor. I am a member of that yet.

Chairman WALSH. Were you a member of that while you were in the house and in the senate?

Gov. AMMONS. No, sir; I was in the house from 1891—I was elected in 1890 the first time. I was there four years.

Chairman WALSH. What had been your business, Governor?

Governor AMMONS. I am a ranchman.

Chairman WALSH. What part of the State have you lived in?

Gov. AMMONS. Southwest of Denver until a couple of years ago, and in Middle Park.

Chairman WALSH. How long have you lived in the State of Colorado?

Gov. AMMONS. Next March it will be 44 years.

Chairman WALSH. Now, at the time of your induction into the office of governor, were there any laws which had been passed, or any proposed laws, that had to do with the industrial situation?

Gov. AMMONS. Oh, I think so, but I would not want to attempt to recite those. I would have to do it by memory, and there are others that can look that up.

Chairman WALSH. I would like you to begin and state to the commission, if you please, what your first introduction was to the coal situation after becoming governor.

Gov. AMMONS. Well, my first introduction was before I became governor.

Chairman WALSH. Begin at the beginning and give us your history of it.

Gov. AMMONS. Well, Mr. Walsh, I would like you to ask me just what you want to know, because there is so much of this. The first thing I heard of it Mr. Lawson told me about the 1st of December, after election——

Chairman WALSH. Who is Mr. Lawson?

Gov. AMMONS. John R. Lawson, of the United Mine Workers.

Chairman WALSH. What position did he hold?

Gov. AMMONS. He was international member of the board. About the 1st of December—I don't recall the exact date—1912. I was told that very likely there would be a strike during my administration; that it might not come during that time.

Chairman WALSH. Did you get that information in some official way; did he call on you because you were governor elect, or was it just casually told you?

Gov. AMMONS. No; he casually told me that. He said a strike would be called whenever they thought it was opportune, or something to that effect.

Chairman WALSH. Did you have any conversation with anyone else in regard to the coal situation between the time you had that conversation with Mr. Lawson and the time you became governor?

Gov. AMMONS. I do not recollect that I did—I know that I did, but I do not recall any specific facts. I will say that I tried to inquire into the situation after I had this conversation with him to see if anything could be done to prevent a strike.

Chairman WALSH. Was that prior to your entering the office of governor?

Gov. AMMONS. Yes; I went into office the 14th of January.

Chairman WALSH. After you went into office, with whom did you have your first conversation with regard to the coal strike? When did you have your first official conference with any person with regard to coal troubles after going into office?

Gov. AMMONS. I think I should say this: In my inquiries I was told there were a good many complaints on the part of the miners about past conditions and that the laws were not sufficient; and that a law had been passed at the preceding session of the legislature which, for some reason, had been vetoed, attempting to cover this situation, and that others would be introduced into the nineteenth—that was the present general assembly—to cover those matters. I tried to inquire into measures proposed and assist in whatever way I was able to during the session of the general assembly to secure the passage of a law regulating the operation of coal mines, hoping thereby to eliminate some of the matters about which there seemed to be complaint, or rather I should say disagreement.

Chairman WALSH. Do I understand that the legislature was in session at the time you took your office?

Gov. AMMONS. It was the 14th day of the session.

Chairman WALSH. Do you recall whether or not that legislation had been introduced at the time?

Gov. AMMONS. No; I don't know just when it was introduced. I know legislation was introduced, but I don't remember just when, nor do I recall the bills. There was one bill in particular that was considered throughout the session.

Chairman WALSH. What was the general subject of that bill?

Gov. AMMONS. The operation of coal mines.

Chairman WALSH. What, in a general way, did it have to do with the matter?

Gov. AMMONS. Covered the entire subject.

Chairman WALSH. The question of hours?

Gov. AMMONS. Well, I think the entire subject was covered, and I read the bill very carefully, but not recently. The bill is in the session laws, and you can get it there.

Chairman WALSH. Now, was that bill passed in that legislature?

Gov. AMMONS. Yes. There was some disagreement between the houses. I think it passed—if I recollect right, it passed the house first and went to the senate; and in the senate it developed that there was a difference of sentiment, at least, between the houses, though not officially. That is, there was a difference of sentiment in the senate—some matters of disagreement up there—and this disagreement was finally adjusted by a conference between the operators, I will say, or the people representing them, and the miners, and an agreement was reached, both sides expressing themselves to me as being entirely satisfied with the measure and saying, as I recollect it, that it was the best law of the kind in the country.

Chairman WALSH. You took office, you say, on the 14th day of January?

Gov. AMMONS. Yes, sir; that is my recollection.

Chairman WALSH. Now, on what day was the strike called?

Gov. AMMONS. Twenty-third, I think, of the following September.

Chairman WALSH. Now, I wish, before you go ahead, Governor, that you give us what you might call the significant things that occurred, so far as you were concerned, prior to the calling of the strike—the general lines of any efforts that were made, in which you took part, to avert the strike, for instance.

Gov. AMMONS. When this measure I refer to passed the legislature, it did not take effect until some months afterwards; I think about the 1st of October; I am not positive of that; about that time.

Chairman WALSH. Did you have any conferences with the leaders of the union before the strike was called?

Gov. AMMONS. Yes. Let me answer it in this way.

Chairman WALSH. Yes.

Gov. AMMONS. I say I think this new law would take effect about October—along the 1st of October, possibly the 4th of October, if I recall aright. If I find that is incorrect, I want to correct it, because I am going by memory——

Chairman WALSH. Yes; I know it is difficult——

Gov. AMMONS. After the adjournment of the legislature—during that time my time was occupied very fully and until the bill—90 days had expired for passing on bills that were passed by the legislature. I had hoped at that time that this new law covering the operations of mines would be put into effect, and that it would be the means of heading off any strike—that is, its operation.

Sometime afterwards—I don't recall just when, but in the summer—Mr. Frank J. Hayes, representing the United Mine Workers of America came to Colorado. My recollection is that Mr. Lawson brought him up to the office and introduced him. He said he had come out to try and adjust some of the differences between the miners in the southern coal field and the operators.

Chairman WALSH. Was there any person else in the conference besides you and Mr. Hayes?

Gov. AMMONS. I do not recall, but it is possible there were two or three of the officers; I am not sure whether Mr. McLennan and Mr. Doyle were there at that time or not; but at most of the conferences there were generally three of them or all four. I do not recall. My recollection is this is the first time I had met Mr. Hayes.

Chairman WALSH. That was prior to the time, was it not, that a circular letter was sent to the coal operators by the miners?

Gov. AMMONS. Yes; this is when he first came out.

Chairman WALSH. When he first came out. Did you see him any more, have any other conferences with them at all, before this circular letter was sent to the coal operators?

Gov. AMMONS. I do not recall about that, but I had numerous conferences with them; I have forgotten exactly how many; but they wanted me to try and arrange conferences for them. But that I could not do.

Chairman WALSH. You did not?

Gov. AMMONS. I did not.

Chairman WALSH. You did not feel that you could undertake to do that?

Gov. AMMONS. No.

Chairman WALSH. But you did not?

Gov. AMMONS. No. I wish you wouldn't ask me that question that way.

Chairman WALSH. Did you or did you not seek to have a conference between——

Gov. AMMONS. Yes; tried to get conferences.

Chairman WALSH. Sir?

Gov. AMMONS. Yes, sir; I tried to get conferences.

Chairman WALSH. Excuse me. I thought you said you did not, and that is the reason I asked it that way. Was that effort made in writing or did you just call upon the operators to come to your office?

Gov. AMMONS. I had very little letter writing in the whole proposition, the whole matter, unless there was some special reason.

Chairman WALSH. What effort did you make, Governor, to have a conference?

Gov. AMMONS. I do not know how many; I made a great many.

Chairman WALSH. Whom did you call upon on the side of the mine operators?

Gov. AMMONS. I do not recall, but I think there were most of the—I had conferences on this matter—I think most of them were with Mr. Welborn, Mr. Osgood, and Mr. Brown, who from the beginning to the present time have rather represented the operators' side of the question as Mr. Lawson, Mr. McLennan, and Mr. Doyle have represented the other side.

Chairman WALSH. Was there any time during this effort——

Gov. AMMONS. I will say I have talked to a great many other operators probably. At one time I think I met some thirty-odd of them in one conference over this matter. That was along, I think, after the strike was called, when there were so many of them together.

Chairman WALSH. Where was this conference held, Governor?

Gov. AMMONS. I think down at the Brown Hotel.

Chairman WALSH. And in that conference was this same committee included, do you recollect?

Gov. AMMONS. I think so. I think they were all there. I do not recall definitely.

Chairman WALSH. Did these efforts continue down to the time that the miners' convention met in Trinidad?

Gov. AMMONS. It continued long after that.

Chairman WALSH. And they continued up to that time, did they?

Gov. AMMONS. Yes; right along after that.

Chairman WALSH. I believe that was the convention that voted in favor of this strike?

Gov. AMMONS. I think they had two conventions. My recollection is they had one, and then one a little later that declared—no, did not declare a strike, but fixed a date; I am not sure about that. I think they had two meetings, though, whether it was the convention called at Trinidad that called the strike, I think the first one, if I recall correctly, was where the operators were invited to meet with them.

Chairman WALSH. Were the facts this way: That the miners' convention met and voted in favor of the strike, and then took an adjournment for one week?

Gov. AMMONS. It is something of that sort; I have forgotten the exact detail.

Chairman WALSH. After the strike was declared, did you have a conference?

Gov. AMMONS. I think that—yes; this is going back, before you ask that.

Chairman WALSH. Yes.

Gov. AMMONS. When I took up the matter of conference with the operators, their statement to me was—the reason they declined the conference was that it was an attempt to secure recognition for the organization known as the United Mine Workers of America; that they were willing at any time to take up any matter of grievance with their own men, but that this organization did not represent them, and that their main object in wanting this conference was to secure that much of recognition for their organization; that they maintained from the beginning to the present time.

Chairman WALSH. Now, do you recall the date that the strike was declared, Governor?

Gov. AMMONS. It was the 23d of September, is my recollection.

Chairman WALSH. And what was the date the troops were called out?

Gov. AMMONS. About 30 days later, the night of the 27th and the 28th of October.

Chairman WALSH. Now, immediately following the strike, what was the first request—at what time was the first request made upon you to call out the troops?

Gov. AMMONS. Oh, I do not know. It was some time—I do not recall; lawlessness began almost immediately down there.

Chairman WALSH. Would you prefer that I ask you the specific questions, Governor, or would you rather detail what you have to say?

Gov. AMMONS. If I see anything that I can help you in there I will do so; but I would rather you ask what you want, and I can tell you. There are matters I know that I could spend a week on here, and probably be of no advantage to anybody.

Chairman WALSH. Very good. Following the calling of the strike, when was the first demand made upon you to call out troops, and by whom?

Gov. AMMONS. I can't tell you just when it was. It was by the local authorities—the sheriff. I was urged by people down there to call out the troops right away, even before the strike was called—that they thought it would be dangerous.

Chairman WALSH. What people?

Gov. AMMONS. People down there, and different other classes of people that did not want me to do it. It was quite a contest all the time. It was on the phone, letters, but generally on the phone, constantly that that question was up from the beginning, even in advance of the day on which the strike began.

Chairman WALSH. Between the time that the strike——

Gov. AMMONS. And I want to say this: The general condition was bad from the beginning; that the operators wanted protection and demanded protection for their property, and the United Mine Workers were just as insistent that they were not needed, and that they ought not to be called on. The people there that did not belong to either side were at first somewhat divided, but before the troops were called out I think they were practically unanimous, because a great many of them who had in the first place advised me it would not be necessary, changed their position entirely the last few days before we called the troops out and urged that it should be done. And before they were called out the requests had been made officially from all of the county authorities, or the local authorities, except the district attorney. I do not recollect that he joined in it. Both Las Animas and Huerfano Counties, all of them having declared their inability to control the situation.

Chairman WALSH. Where did the first act of violence occur after the calling of the strike, if you recall, Governor?

Gov. AMMONS. My recollection is that it was when the town marshal up there was shot.

Chairman WALSH. At what place?

Gov. AMMONS. I think—I forget what town it was—right near Trinidad.

Chairman WALSH. How many specific acts of violence were there prior to the calling out of the troops?

Gov. AMMONS. They were constant almost, a great many of them; I couldn't tell you how many.

Chairman WALSH. In what portion of the State?

Gov. AMMONS. Well, in Las Animas and Huerfano Counties.

Chairman WALSH. Had there been any criminal prosecutions started in those counties against individuals prior to the calling out of the troops?

Gov. AMMONS. At what time? Of what kind?

Chairman WALSH. Of any sort that you know of—that is, growing out of this industrial dispute?

Gov. AMMONS. Well, there was one shooting down there, and I suppose that would be included; that probably never would have occurred had it not been for the strike. That was just before the strike was called, as I recall it.

Chairman WALSH. How many requests were there? Were any requests from the judges that were presiding in the courts of those counties, that you recall?

Gov. AMMONS. Well, there was just one judge, one district there.

Chairman WALSH. Did he join in the request?

Gov. AMMONS. I am not—I do not recall for certain whether he did or not, but I think so.

Chairman WALSH. You say the district attorney did not join in the request?

Gov. AMMONS. My recollection is that he did not. I am not positive about that; I do not recall his name as being used.

Chairman WALSH. Were the requests from the sheriff in writing?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And are on file, I suppose?

Gov. AMMONS. Yes, sir; and mayors and everybody else, nearly—county commissioners; all the authorities joined, unless it was the district attorney. I am not sure about that; my recollection is that he did not.

Chairman WALSH. Were there any organizations of the citizens that made any demand one way or the other?

Gov. AMMONS. Well, I told you that in the first place the citizens were somewhat divided on that, but at the present, so far as I know, they are practically unanimous.

Chairman WALSH. But what I mean, Governor, is were there any organizations——

Gov. AMMONS. I don't know.

Chairman WALSH. Were there any organizations formed in which the action was taken by the citizens?

Gov. AMMONS. I do not know about that. There were a great many petitions filed.

Chairman WALSH. Were there any executive orders issued by you in reference to the situation in the coal fields prior to the time that the militia were ordered out?

Gov. AMMONS. I think so. Those are all matters of record. I would be glad to have the commission get any fact there is in my office; get it in its own way.

Chairman WALSH. Your recollection is that it was some—that there was some act of violence prior to that time?

Gov. AMMONS. Probably there were, but I do not recall just what they were.

Chairman WALSH. But, of course——

Gov. AMMONS. The strike is on record there, and everything is at your disposal.

Chairman WALSH. Of course all orders calling the troops out are on file in your office?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Did it or did it not contain instructions to the military officers?

Gov. AMMONS. No, sir. But there were instructions issued additional, in an additional order to Gen. Chase.

Chairman WALSH. When were the instructions issued with reference——

Gov. AMMONS. At the time—immediately afterwards—next morning—this call—this proclamation calling out the troops was probably 1 or 2 o'clock in the morning, after having been there several days and nights conferring, trying to secure a settlement between the operators and the United Mine Workers. I thought I was going to get a settlement, and during those last, probably 50, hours there was constant fighting going on down there, and two towns were virtually surrounded at all times, day and night, and several people were killed; two children were shot in bed. I had constant appeals over the phone from women in those two towns of Tabasco and Berwind for protection, to get the troops there.

Chairman WALSH. You say there were conferences being held and going on down to the time——

Gov. AMMONS (interrupting). Indirect conferences. I could not get direct conferences, and I got indirect conferences.

Chairman WALSH. I understand. There was no time, I understand, Governor, when the operators and the mine workers, or any portion of them, met together.

Gov. AMMONS. Not to my knowledge. No, sir. I could not get them together.

Chairman WALSH. Now, these conferences you held were held with the separate sections?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Where were they held?

Gov. AMMONS. At my office.

Chairman WALSH. And were the mine operators represented by this same committee?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And the mine workers by the same individuals you have mentioned, practically?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Now, after the calling out of the militia, where was the first conflict between the troops and any other persons in the State?

Gov. AMMONS. There were no conflicts between the troops after they were called out, until the Ludlow affair. There was some rioting, which they were able to handle very nicely. It was a large territory. The troops went down there, I think, about the 28th of October.

Chairman WALSH. What was the date of the Ludlow affair?

Gov. AMMONS. Twentieth of April. They went down about the 28th of October. Now, during that time, notwithstanding rioting and the bad condition that was found when the troops went down there, there was not a single striker shot. There were two men shot by the militia—by the National Guard. One of them was a nonunion miner, a negro, who had shot a town marshal, I think, up somewhere in the Hastings neighborhood. I am not sure, but he had shot him twice and it was supposed to be fatal, and he was trying to get away; and, on request of the local authority, I believe, four or five of the National Guard were detailed to try to apprehend him. He saw them coming when they were looking for him, before they saw him, and opened fire on them, and he fired 28 shots at them before they killed him. There was another, a nonunion miner, tried to break through the picket line one night, and it was dark, and the young fellow on guard on the picket line tried to prevent his coming through, and not knowing whether the man was trying to take advantage of him or not, had cocked his gun, and he prodded him with his bayonet and perhaps touched the trigger, probably, and in some way the gun was fired, and it killed the fellow. Those were the only two.

Chairman WALSH. At the time the proclamation calling out the troops was issued, Governor, and the instructions given, will you please state whether or not those instructions covered the question of the bringing in of strike breakers?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And the general nature of the order was that strike breakers should not be brought in?

Gov. AMMONS. Well, now, I will answer that in this way: I thought I was very close to a settlement the night the troops had to go out. I had, in fact, a feeling that there was such a fair prospect of settlement I had delayed sending the troops probably a couple of days longer than I should. Finally things got so bad I could not postpone that any longer; but I felt that I had gotten so close to a settlement that I would be justified in straining the law and I

held things in abeyance for a time until I could make further efforts. So I instructed them, until further orders, that no strike breakers should be brought in, but that those that wanted to go to work down there should be protected in that right. I continued my efforts at a settlement, being delayed from one cause or another, until along probably past the middle of the month—following month.

Chairman WALSH. That order——

Gov. AMMONS (interrupting). Just a moment, please. Then I learned that Secretary of Labor Wilson was going to be in the West, or was in the West, and I asked him to come here; and I asked President Wilson to send him here, feeling that as a member of the United Mine Workers of America—and I had been so informed—he would be of great assistance to me, and being in that official position, he could be of great assistance in promoting a settlement of the strike. He consented to come. He was here about 10 days. During that time a conference was secured between three of the operators and three of their former employees in my office, and at their request I presided. Secretary Wilson was there except at one session. They discussed all—or part of the matters in dispute; I think all but two. There was an understanding—or I had the understanding in the beginning, and I am sure Secretary Wilson did, that in this conference the question of the recognition of the union was not to be brought up. I think, Mr. Chairman, that one thing I omitted to say prior to the strike was that, in my opinion, there never was any other question that could not have been easily overcome in the disputes between them than the question of the recognition of the union, and that without that the strike would have been called off—that it would not have been called, or if it had been called it would have been easily settled. I think that has been true from the beginning.

It was understood by myself when this conference was secured that this question of recognition was not to be mentioned and it was not until the very last thing when the points of difference between the operators and the miners were discussed in a very friendly and free manner. There is a complete stenographic report of those proceedings, and I have a copy of it, if the congressional committee has returned it; there have been so many of these investigations, and I have loaned a good many papers and documents.

Chairman WALSH. Mr. Stenographer, please make a note to call for that copy later on.

Gov. AMMONS. I think I can undoubtedly find it; I think it has been returned from the congressional committee. I have all of the records in my office, I think, if they have all been returned. After the discussion on each point, I myself called the roll of the six men to see whether they agreed individually after they had talked over the matter in a tentative way, and every point was agreed upon down to the question of—the question of wages was discussed a little, but it was not serious, and it has never been in any of the conferences that have come to me direct or otherwise. And the question of settlement of future disputes. Those are the two things left that Secretary Wilson thought ought to be taken up. One of the men—and I have forgotten their names—I have them downstairs—representing the miners, then raised the question of recognition of the union, whether in express terms I do not know, but Mr. Brown stated that they had come here with the understanding that they were not to discuss that question, and if we were going to discuss it then the conference was at an end, and after a few words that was dropped, and it was agreed that I should suggest to both sides—that I should write a letter suggesting a settlement on the lines of the discussion at this conference, which I did. I prepared it and went over it with Secretary of Labor Wilson, who approved it, and I put it exactly along the lines of their discussion. I did add one thing, and I don't know but another little matter that was not discussed fully, and that was the right of the men to board and trade where they pleased; and I think there was one other—some other little matter that had come up in a great many talks I had had with miners, and with the representatives of the United Mine Workers of America, and I prepared this letter and submitted it to both sides.

At that time Secretary Wilson and myself both felt pretty close to a settlement. Secretary Wilson then suggested that a settlement would not amount to much unless there was something to take care of the matter in the future, and he said that he thought—he said that he could make a certain suggestion that might help that matter, and I asked him to prepare that. I had prepared the other matter. He wrote a letter suggesting arbitration of some sort; I have

forgotten just what the detail is. We have the letter down here, and you can get that—on this point of wages and the adjustment of future differences—and this letter we also submitted to both sides. My recollection is that he joined with me in signing the first letter—that is, my letter—and that I joined with him in signing the second one.

Immediately objection was made to the second one on the ground that until the other was passed upon it would be useless to present that, and Secretary Wilson suggested that we withdraw the second letter pending action on the first.

The operators accepted the first, and the United Mine Workers rejected it. Secretary Wilson spent about two days with me in conferences, some of which were in my office and some of which were down town, and came in and said that it was useless to attempt further; that at that time nothing could be accomplished and that he would return to Washington—this was not far from the 1st of December—and that if he could be of any use later he would return.

At the close of this conference between the operators and the miners I had a talk with the three miners, in which they told me that when they came up here—I refer to this question of recognition of the union—they told me when they came up here they had been instructed to accept nothing but recognition of the union.

Chairman WALSH. Did they state, Governor, what they meant by "recognition of the union"?

Gov. AMMONS. No; those three men did not.

Chairman WALSH. Was that ever discussed in your conferences—what they meant by "recognition of the union"?

Gov. AMMONS. That conference did not take up that question; that conference was held with the understanding that it was not even to be mentioned.

Chairman WALSH. When they stated to you that their instructions were to take up the question of recognition of the union, as I understand you, they did not state what they meant by that?

Gov. AMMONS. No; I thought it was understood. As to myself, I understood all the time it meant the closed shop, unionized closed shop, with the check-off system and everything that went with it.

Chairman WALSH. Your understanding was, whenever that term was used, "recognition of the union," that it meant closed shop and everything that went with that?

Gov. AMMONS. Yes, sir; I never heard that disputed in all the discussions. Secretary Wilson, however, said there might be a modified form of that, in one of his talks to me, and it was not necessary to go that far; but there was never any conference or talk to me, in which I did not have that understanding of the term.

Chairman WALSH. And so far as you know, of course, that was the understanding of the employers as well?

Gov. AMMONS. Yes, sir. I never heard it discussed by either side when I had any other understanding of it.

Chairman WALSH. Prior to the conferences that you had, and in which Secretary Wilson took part, had there been any modification of the first order you gave with reference to the bringing in of strike breakers?

Gov. AMMONS. No; that was continued as long as I saw there was any hope of settlement; that is, I tried to hold everything right were it was, although the law permitted the operators to employ anyone if he knew there was a strike on. I felt that the situation was much more serious than people generally supposed, and I felt warranted under the circumstances in going to rather an extreme measure to bring about a settlement if possible, believing that almost any sort of a settlement was better than a continuance of the struggle. We were hoping—not expecting to do it so long. We were hoping—in fact, I held everything in abeyance as long as possible trying to bring about this settlement, until I came to the conclusion that nothing could be done in the immediate future, and at that time—as soon as Secretary Wilson had advised me of his intention about this, I issued an order to Gen. Chase, calling his attention to what this law was and asking him to enforce it rigidly, and that all other laws, whatever they were, should be absolutely and rigidly enforced. I gave testimony a moment ago of the laws I thought might throw some light on that situation. In following out this I suggested to the General that he try to see everyone that came into the district who wanted to go to work. During this time there was a coal shortage and prices went up. There was quite a good deal of unrest about it, and I was very severely criticised for not permitting men to

go to work who wanted to, or to allow the operators to put men in to supply the coal. When I called out the troops I had no money available to pay them. I made an attempt to raise money from independent sources to take care of these expenses.

The old law prior—years ago during the time of all the difficulties they had—permitted the payment of 6 per cent interest on certificates of indebtedness. Our constitution provides means for quelling insurrection. I want the commission to understand that at the time I called out the troops, and for some time prior thereto, the local authorities were wholly unable to administer—to take care of the situation in those two counties. They had been asking me for a good while to take charge of it; arrests could not be made; nothing could be done to control the situation.

When I began to fear that I might not get this settlement or saw the possibility of not being able to get this settlement and that there was only one thing that could be done and that was to call out the troops, the only constitutional remedy that I had, I inquired into the financial situation and found that there were no funds, but that I could issue certificates of indebtedness. In some of the disturbances we had had in past years there was considerable criticism about the way it was handled then and so I undertook to raise funds from absolutely independent sources for the State. I consulted officers and members of the Clearing House Association in Denver about taking these certificates in case I should have to issue them, and finally I had a conference with members representing all of the big banks in Denver, I think, and possibly some of the smaller ones, I don't know the exact number, but there must have been 20 or 25; I invited the auditor and the treasurer to this meeting, and I explained to these bankers that I wanted to be absolutely independent of these contending forces, and that they would probably have to carry these certificates for about a year; that the rate of interest was small and times were hard, but it was absolutely the only way I knew of to control the situation. The auditor notified them that he did not believe that the troops were necessary yet, and he would determine whether he would issue the certificates of indebtedness when they came to him. They asked for my room for a little bit to hold an executive meeting, which they did. At the end of this meeting they told me they would give me the amount of money I wanted for the first 90 days. I was still hoping that in 30 days' time I might get this thing settled and would not need any further money. That was $150,000 at par at 4 per cent, provided the auditor would sign the certificates of indebtedness. I think this was on Sunday before I called out the troops on Monday or Tuesday.

Failing in the settlement and conditions being so bad down there, I could not delay any longer, and I had to take my chances on the auditor, and I called out the troops. I had great difficulty in buying supplies for the men under those circumstances, and the auditor finally took advice from his attorneys that he did not need to sign these certificates, or that he had no right to, or that he did not have to sign them, and I had to take that matter to the supreme court, which decided for the State. But that made it extremely difficult. However, some business men came to the front and furnished supplies and took their chances.

After the first month was up and nothing had been accomplished and a settlement looked further away than ever, I got authorization from these few banks and at Pueblo and Colorado Springs and some others for another $100,000, and afterwards I got a little bit more; but there was constant threat that it would not be paid, and they were afraid to furnish money, and we ran in debt to a very large amount, so that I took the troops out as soon as I felt it was at all safe.

I had ordered Gen. Chase to get the arms from both sides, and when they were not delivered up I told him to find them if he could and get them. It was always represented to me that the arms had been given up. I did not believe along the 1st of April that there would be any further serious trouble, and so I had reduced the troops considerably at that time and I ordered the balance of them out. I was taking them out gradually.

We had a conference of western governors on the 9th——

Chairman WALSH. On the 9th of what month, Governor?

Gov. AMMONS. Of April, and an irrigation conference at the same time which was called by Secretary Lane. We had 9 or 10 western governors here. I had been wanting, for a long time, to take this strike matter up with the Federal authorities, especially with the congressional committees at Washington. We

had at the same time a controversy between the Federal Government and the State over rights of way for irrigation power plants in the San Luis Valley particularly, and other places in the State, and we had been endeavoring to get an agreement with Secretary Lane for a friendly suit to determine the rights of the State. The governors wanted a committee to go down there in the matter of the general leasing system, and a program was formed in regard to that, which was unanimously agreed upon.

I did not say anything about what I was going to Washington for except on matters relating to the governors' conference, but the other things I wanted to go into pretty fully while there in my own way. I was appointed on the governors' committee, and I left here on Friday night, I think the 17th of April, and all the troops I had intended should be out of the field before I left; but just before I left, on the solicitation of a lot of people, not on either side of this controversy, I left 38 men, including a cook and a doctor and his assistant, at Ludlow and Cedar Hill for a few days, those people saying that if they were not left there they would be afraid to stay; they were afraid there would be a little trouble just at the time of the change, and I was led to believe that if these men were left there for another week that the whole thing would be over as far as any violence which the local authorities did not control was concerned.

I took with me down to Washington the attorney general and the State engineer, to take up our irrigation matter with Secretary Lane. I arrived in Washington Monday morning, I think about 8.30. I heard during the afternoon some indefinite reports about some trouble at Ludlow. I forgot to say that I left instructions requesting that the acting governor, Lieut. Gov. Fitzgerald, and with Gen. Chase, that if there was no trouble, that the balance of the National Guard, 38 in number, should leave on the following Wednesday or Thursday, either the 22d or 23d of April.

I never got to take these matters up except individually with Dr. Foster and other members of the House committee with whom I had got acquainted during the congressional investigation here and some Senators; I got no chance to make arrangements with committees. I kept one or two or three of the engagements that I had made on other matters, and we did not get our conferences at all. On Monday afternoon I got some indefinite reports—telegrams—about the trouble at Ludlow. We stayed up nearly all night, and did not get anything very definite. It was Tuesday night before we got anything like reliable information, and I got most of that through newspaper men—one in particular that was with me; that I got through Pueblo. As soon as I learned how serious it was I started for home—breaking all of the balance of my engagements and getting back here as soon as I could. I realized that we had no money, that I could not raise any more, that our indebtedness then was probably $600,000, and half of it was unprovided for. I started out and got some of my congressional friends to start a movement for me to get assistance from the Federal troops, if we discovered the trouble was as bad as it appeared to be from the dispatches I then had. I did that on my way home, or as soon as I started. I had telegraphic requests from Colorado suggesting that, after I had started, within a few hours—first, I think, from the operators. Over the wire I agreed that a special session of the legislature should immediately be authorized, to show that we could raise some money for the troops, but asked Acting Gov. Fitzgerald not to specify what should be in the call until I got home. That was done. The troops had not been paid for the last two or three months of their service. They had not had decent clothing, while, at the same time, they were being terribly abused by the press, and notwithstanding that fact, about 650 of them responded to the call of Acting Gov. Fitzgerald and returned down there after the Ludlow affair against those many thousands of armed men who had found the guns that they had said they had given up and did not have, and who were in open insurrection against the State. There were a great many dreadful things done during that time, in which there was a good deal of loss of life. There was a good deal of loss of life prior to the Ludlow trouble and prior to the time the troops went out. There was loss of life not only after the troops got down there but before they got in that particular field, at La Veta, where five men were ambushed and four of them killed.

I called a special session of the legislature; the call is a matter of record. There had been a great deal of criticism for attempting to police the district with the National Guard. I inquired into systems in other States and thought I would ask of the special session authorization for a trained police force, with strict civil service, simply to keep order, realizing that that could be done much cheaper than it could be done by the National Guard. But the newspapers

made a campaign against that, misrepresenting what was wanted, and that was defeated. I asked for permission to prevent the sale and use of firearms, which was granted. I asked permission to close the saloons in the disturbed district without declaring full martial law, and that was granted. When I first called out the troops down there I directed that the saloons should be closed and kept closed, but we did not have men enough in the territory to do that. Gen. Chase made arrangements with individuals in particular localities to get them to close the saloons, and he said that very generally that was complied with and the promises by the saloon keepers were kept. I asked the legislature at the special session for a million dollars to take care of the expenses of the strike up to that time and for any that we might have in the future.

President Wilson, in granting my request for the troops, did so with a good deal of hesitancy and with the understanding from me that as soon as we could raise funds to take care of the situation in the future the Federal troops would be withdrawn. I had great difficulty in disposing of bonds. This war came on, and that interfered with selling anything at a reasonable rate of interest. The fact of the matter is that while our Sate bonds would have sold, and the ones we did sell sold on the basis of 4 per cent a couple of years ago, now we could not sell them on the 4 per cent allowed by the act. And while we were a long time trying to dispose of these bonds and to make some arrangement by which they could be exchanged—a provision which occurred in the bill authorizing that—I have made arrangements for the disposition of sufficient bonds to take care of future expenses and have so informed the President; and I expect at any time that he may take out the Federal troops and turn the matter back over to the State. I have no definite information from him about when this shall be done.

Chairman WALSH. When was the first order modified? If you stated it, Governor, why, I haven't——

Gov. ARMOND. About 30 days—during the time we were trying to bring about this settlement. It was extended longer than I expected. I thought I would get this settlement in a week or 10 days, but these conferences back and forth always dragged out longer than I figured; and then when I attempted to secure the assistance of Secretary of Labor Wilson that delayed matters a few days until he should arrive here and we got this conference between the operators and their employees; and I was very anxious and thought that might bring about a solution, and so by the time they adjourned and Secretary Wilson had made his further investigations about 30 days had elapsed. At that time I went directly upon the law-enforcement basis. I want to say, because there has been a great deal of misrepresentation on this point, that before the strike was called I had notified the leaders of the United Mine Workers that I wanted to do everything I could to prevent a strike, and I told the leaders on both sides that if I could not get them together and settle the matter, the only thing that I could do was to assume an impartial attitude and enforce the law. I recollect one circumstance in particular, when I was trying to urge upon the leaders of the United Mine Workers that the people of Colorado had been having rather bad financial years for two or three years, and they were rather hanging on by their eyebrows, as I think I expressed it; that they would be very much opposed to any disturbance at that time and unable to stand it very well financially. And I spoke to them, urging them that they should allow me the opportunity of trying to enforce the laws of the State before they called a strike. They said that the laws never had cut any figure down in this southern field. I told them I didn't know anything about that, and that I was not responsible for it, but that I did feel that, as we had just got a new law regulating the operation of coal mines, that a strike such as was proposed called in anybody's administration would surely ruin it; and I felt that I had a right to ask them that they give me the opportunity to enforce these laws before they called a strike; that if they would help me I thought I could, and if I failed, then I would have nothing to say.

They told me at that time that if they got recognition of the union they could control those matters very largely themselves, and that is what they wanted. I suggested to them that they had a population down there of people of a great many nationalities who spoke different languages, who understood little of our laws and customs, and that if a strike was started they would be hard to control, and that there might be such disturbances that the local authorities could not control them, and the State would have to go in; that the State could do nothing only to keep the peace. If it kept the peace, the mines might be

filled up and they would lose their strike. But their contention was that they could not get enough men to man the mines at that time without any strike, and that the men would go out on a strike and they would have to make terms with them, and that they would therefore win the strike. That is the mistake they made, just as the operators made a mistake when they thought that very few of their men would go out. A good many of them did go out—not as many as has been reported generally in the press, but a great many more than they thought would go out.

Chairman WALSH. Now, when you adopted this policy of enforcing all the laws, that included the protection to those operating the mines in bringing other men to take the place of the strikers, did it, Governor?

Gov. AMMONS. Provided those men were entitled to go to work under the law.

Chairman WALSH. Now, when were the first ones brought in?

Gov. AMMONS. I can not tell you. There were not a great many brought in anyhow.

Chairman WALSH. Was it in the month of December?

Gov. AMMONS. Well, you see, it was about the last of November that I modified this order. Let me see—at the end of about 30 days from the time the troops went in there; I don't recollect the exact date. It is on file down there. That is the best evidence, because the order is there.

Chairman WALSH. During the time the first order was in effect, was it respected by the operators?

Gov. AMMONS. So far as I know; yes, sir.

Chairman WALSH. So far as you know. Now——

Gov. AMMONS (interrupting). We had complaints—always had complaints both ways. I tried to look into every one. For instance, one of the first things I heard was—and right here I want to say that I had the same charges against the militia from the beginning almost—right after the first week or two, anyhow. For instance, I had this sort of a complaint, that the National Guard was filled with Baldwin-Felts detectives. Now, I had made quite an examination and I couldn't find any at any time. When that complaint was later again made, I offered a reward of $100 if they would show me one. I tried every way in the world I could. This contest was very bitter. I don't know where the bitterness began. Of course, Mr. Chairman, when I came into office there had been a strike in the northern field up here just north of Denver for more than two years—possibly three; I don't know exactly. But I knew nothing of the merits of that controversy because that had been in my predecessor's administration. There had been previous strikes down south, and there are lots of people on both sides better capable of telling you what those difficulties were than I; but I always thought this strike in the northern field here was the incubator out of which the other was hatched.

Chairman WALSH. Now, after you adopted your definite policy——

Gov. AMMONS (interrupting). I adopted my definite policy in the first place before the strike was called, but I varied it during this one month—about 30 days—believing I could secure a settlement, by so doing, of the strike. Now, that is the only variation I ever made from my policy, and I did it then feeling that I was justified in even straining the law in order to bring about a settlement.

Chairman WALSH. Now, what difficulties, if any, did you encounter growing out of the laws themselves in reference to the governor exercising any definite policy with respect to the controversy?

Gov. AMMONS. Well, I experienced most of my difficulties in that way.

Chairman WALSH. Well, I would like you to take up, if you will, please, Governor, what features there were of divided power in the State departments, if there were such, or anything of that kind, that you considered an embargo in your efforts to carry out any policy?

Gov. AMMONS. Well, I have referred to one.

Chairman WALSH. That was in the matter of the issuance of securities by the State——

Gov. AMMONS (interrupting). Yes, sir; and if it had not been for the supreme court I would have been made absolutely helpless there. That cost this State a great deal of money, because it was very difficult, indeed, to buy supplies under a situation of that kind, as you can readily imagine. Even when I got banks to agree to take some of these certificates there was somebody, I don't know who it was, went to them and warned them that they would not be paid; and some were canceled. In this State we have not only

all of the State officers elected independently of each other, but there are some of the other departments, executive in nature, which are not under the governor—among these the labor department.

Chairman WALSH. Briefly state, will you, Governor, how that is constituted?

Gov. AMMONS. I will do that.

Chairman WALSH. Yes.

Gov. AMMONS. The labor commissioner, under the statute, is the secretary of state, but the real labor commissioner, I believe, is designated by the statute as the deputy labor commissioner. He is the real labor commissioner. He is a man appointed by the secretary of state. He was a partisan in this matter. I did not know that to begin with——

Chairman WALSH (interrupting). Does the secretary of state have full authority——

Gov. AMMONS (interrupting). Well, I will tell you—I would rather he would testify to that because I don't want to go into that.

Chairman WALSH. Has it been questioned——

Gov. AMMONS (interrupting). But his deputy, the deputy labor commissioner, is appointed by him, and that deputy commissioner is the acting labor commissioner in this State. This department—I sought in looking up the laws and in trying to accomplish something toward the settlement and control of this situation, I sought to call in his assistance. Immediately the operators said, "Why he is a partisan on one side. We won't have anything to do with him. He is a member of"—I don't know; I think they said of organized labor; anyhow that he was partisan, I recollect that, and I could not use that office. And not only that, but that officer, Mr. Brake, the acting deputy commissioner down there, was, so far as I know, and I know most of them were in active opposition to everything that I tried to do. They made inflammatory speeches—one of his deputies came with a committee up to me to tell me that if I did not do certain things, including the withdrawal of Gen. Chase or the troops from the field, I believe, within five days, they would start a recall petition. He came into my own office and told me that. I had absolute harmony from one State official and had his assistance; and while I could not say that we agreed on every little detail of policy, yet he was a man whose legal advice I valued, and who was of great assistance to me and very loyal from beginning to end. That was the attorney general, Fred Farrar. I had some others in the building who were friendly but who took no active part, or at least little. The situation under such circumstances as we had here is beyond anything I can describe. Everything that is done in this State in an executive way the governor is held responsible for. I had no more control over the labor department of this State than I had over the labor department in the State of New York; and had not only no assistance from it, but the most active opposition.

Chairman WALSH. Any other department, Governor, that you conceive to have had to do with this situation?

Gov. AMMONS. I don't care to say anything about the others. There was no active opposition save from those two departments—the one under the advice of his attorneys who, I understand, were at the same time the attorneys for the United Mine Workers.

Chairman WALSH. In what way, Governor, did the labor department hinder you in carrying out your policy, or was there any other means except such as you have mentioned, making speeches and——

Gov. AMMONS (interrupting). Well, I recollect that long before I understood the situation very thoroughly, I was asked for permission by two men in that department—I don't know who they were now. I don't know whether I could find the names any longer—to send men down there on perfectly legitimate purposes in connection with their department. They went down there, and the next thing I discovered was that when they went into the mine—it was after the strike was called—they began to try to persuade the men working in the mine to leave it; and, of course, I couldn't grant any further permits of that sort.

Chairman WALSH. Did or did not the labor department refuse to carry out any orders that you issued to them?

Gov. AMMONS. I had no right to give them any orders.

Chairman WALSH. Well, did you attempt to secure——

Gov. AMMONS (interrupting). Well, they never waited for me to try very much, but they started right out in opposition. And then, after this one man

appeared in my office to tell me that I had to do certain things within five days or he would begin a recall—start a recall petition against me—he came in the next morning I think and said he was trying to help me.

Chairman WALSH. During the time of this conference, when Secretary Wilson was present and the question of the recognition of the union came up, did or did not Secretary Wilson advise these employees to waive the question of recognition?

Gov. AMMONS. I have forgotten what the language was; but the understanding was, by both Secretary Wilson and myself—he expressed great surprise when this thing was ever brought up—that it was not to be mentioned in the conference, because we could not have gotten the conference with any understanding of that sort.

Chairman WALSH. Well, toward the close of the conference did Secretary Wilson tell them that they should waive the proposition of recognition of the union and see if they could not settle it along the other lines?

Gov. AMMONS. I have forgotten what his language was, but he rather warned these men that they should not ask too much; and he told them a story to illustrate his point. I don't mind repeating the story if you want to hear it, because it explains the situation very fully.

Chairman WALSH. Well, if it is illustrative and pleasant——

Gov. AMMONS (interrupting). He said, while they were all standing at my table in front of my desk—the Secretary said it reminded him of the story of a man that hunted monkeys in South America. He said the monkeys were up in the trees, and the hunter would take rather small-mouthed bottles and fill them partly with nuts and fasten them securely to the foot of the trees. Then the hunter would go away and the monkeys would come down and put their hands down in the bottle and get them full of nuts, and then they could not get their hands out and they would not drop any of the nuts, but just squeel and hold onto those nuts until the hunter would return and get the monkey.

Chairman WALSH. Now, Governor, is there any other statement that you desire to make of your own—any voluntary statement?

Gov. AMMONS. I don't know of any; I don't recall anything. Of course, if there is anything you want, and I haven't it here, I have it in my office.

Chairman WALSH. If there is anything we will ask your secretary here, and also as to those letters.

Gov. AMMONS. Yes; my secretary will furnish anything in the office that you want; and if there are any of these matters come up later before you are through that you want to ask me about, I will be very glad to furnish any information I have, Mr. Chairman.

Chairman WALSH. Commissioner Lennon asks me to ask you whether you have any knowledge as to any want of any enforcement of the laws, particularly enforcement of existing laws, in coal territory at the time you came into office and prior to the time you came into office, Governor.

Gov. AMMONS. No, sir. I had had complaints—I know I have heard in a general way that there had been a good deal of dispute over those conditions down there because of the strike and things in the past; and I recall those only as I read them in the newspapers as any other citizen would.

Chairman WALSH. You have no first-hand knowledge?

Gov. AMMONS. No. I did desire earnestly to enforce these laws as all others, and asked these gentlemen when they were talking about the strike to give me an opportunity to enforce those laws before the strike should be called. I tried to secure the enforcement of those laws. The enforcement of this present law, you know, depends upon receipts from a tax put upon the output of mines for its enforcement. We have been hampered a little bit in putting the new law into effect, but we are putting it in as fast as we can; and the man at the head of that department is a member of organized labor, and I think he has tried to be very efficient as far as I know. I know he has been earnestly endeavoring to put that law into effect. I know he has been charged with a little prejudice because he has been a member of that organization, but he has always expressed to me his very earnest desire to put the law into effect, and I have given him every assistance that I could with what means we have had with which to work. And while probably it is not perfect yet, and perhaps the law itself is not perfect yet, I think it is making great progress and that conditions are a good deal better than they were.

Chairman WALSH. Have you given any thought, Governor, so that you may make suggestions as to any amendments in the law that would make for industrial peace?

Gov. AMMONS. In this State?

Chairman WALSH. In this State.

Gov. AMMONS. Not in that law. Here is one thing I do want to say, Mr. Chairman, and I almost forgot it. That is that this is not a local fight. If it had been I think we could have settled it. This strike was not called, and it was not financed within this State, really. That is, the causes, the main purpose for which it was called, were not local entirely; and it has been controlled and financed from outside of the State, partly on one side and almost wholly on the other. And the recommendation I have, above all other things, is what I went to Washington for. If I had been permitted to carry out my mission, it was to urge upon Congress the absolute necessity of legislation regulating national matters of this kind by national law. I can see how it is an utter impossibility for any of these weaker States here, without bankrupting themselves and bringing about a bitterness over such contests as this, that are bound to last for years and have a bad influence upon industrial and business conditions in these Western States. To illustrate this, Colorado is not a district of the mine workers' organization by itself; but I think Colorado, Utah, and New Mexico form one district, none of them unionized; and the fight started to unionize these three States; but it was not started in all three States, but started in one State at one time by a national organization with headquarters in the East, with the purpose that, if it was won in Colorado, then they would take it up in New Mexico and Utah, or vice versa. It is therefore an interstate matter.

Now, both sides to this controversy, so far as we are concerned, are wealthy. Both sides are powerful. Both sides have been financed, one of them partly and the other almost entirely, from outside of our boundaries; and locally it is an utter impossibility, no difference how hard we try to control this situation, to do so. It seems to me the most imperative duty of Congress to take charge of these great national organizations with hundreds of thousands of members, and organized capitalists on the other side, if you please, and provide some legislation that will at least assist the States in controlling such controversies in the future. Now, I am more concerned about the future than I am about the past. That is over. It has been an awful bad dream for us here. The only satisfaction I have got is that with what little knowledge I had of strike conditions from my own experience I have tried to handle it in the best way I could under the circumstances; and I realise that our States are going to be helpless in the future if this situation is not met squarely by Congress and if some legislation be not enacted by Congress to control it. I am in favor, in our own State, after having looked up what laws I could find in the country and in other countries, of a mediation act something along the line of this railway employees' act passed a year or two ago and with which doubtless you are all acquainted, and perhaps of the law in Wisconsin. That seems to suit our situation better than any other.

But, I want to say this, that during the time of the special session of the legislature I was asked to enlarge my call for compulsory arbitration, and I could not find where we could make that effective, because we could not make the awards effective. I could not find anything else that would fit our particular case here where the strike was to unionize the State. When this matter was called to my attention by a committee of the legislature, I called them to come down and talk the matter over with me, and I said to them, "Now, you find something that will settle this situation here, and I will enlarge my force, if I am permitted to do so, and if not I will call the legislature directly back on leaving town and put it in effect," but they, I imagine, upon investigation were in the same position that I was, they could not find anything. And to this day I am not prepared to offer anything more than I have just now, except this. Finally, I want to say that the greatest of all is violence. I do not know anything to stop strikes, and I do not know that they should be stopped. I don't know any way to stop lockouts. I can not discover any way to compel these people to get together and force a settlement. But it does seem to me that our laws should be strengthened very much to prevent any sort of violence by either party to a dispute of the kind, and I can not understand why there should not be some way worked out by those who are experts in this matter under which industrial disputes would be settled by lawful means in the courts as well as any other kind of disputes. If we are to go upon the other basis that they are to be settled by intimidation or threats or violence that either side of the controversy can control, then it is only a question of

the strongest arm, and by a union of either side, either capital or the other, in this country, there certainly might come such a conflict, the results of which we would not want to contemplate.

And there is one other thing, Mr. Chairman, that I think is vital, and that is the press agency. I do not believe that the coming of such men as George Creel and Upton Sinclair and John Reed and Rev. Atkinson, and perhaps some others, to Colorado for their magazines was an accident. The greatest difficulty that I found here at the time after that Ludlow affair, was that; and if you have any doubt about that I hope you will go into that very fully from those on the ground.

Chairman WALSH. You wish us to go into the attitude of the press?

Gov. AMMONS. Just one or two more sentences on this. The greatest difficulty I had was the absolute misrepresentation of everything in the public press; and we were powerless either to correct it or to get the facts stated to the public, and the public excitement was simply tremendous here, and even an appeal to arms couched in crafty language that could not be prosecuted, but was understood just as well as though made in the most violent language in the world, was published by our leading papers, and apparently everything was done to excite the public; and the country was thoroughly misinformed, and is yet, for I have just been East and I find the same opinion still exists as to conditions here, and the only object that I could find in that, was creating sympathy for the purpose of raising funds to support the war.

Chairman WALSH. Anything else?

Gov. AMMONS. I don't think of anything else. If you want to ask me any questions, I will be glad to answer them.

Chairman WALSH. Is there anything else?

Gov. AMMONS. I do not think of anything else. If you want to ask me anything, I am willing to answer it.

Chairman WALSH. That is all, thank you.

Gov. AMMONS. If I think of anything Mr. Chairman, before you adjourn, I will communicate with you. I will be glad to come again if you wish.

Chairman WALSH. We will be very glad to have you do so. You may be excused; thank you.

Mr. Osgood.

TESTIMONY OF MR. J. C. OSGOOD.

Mr. OSGOOD. Shall I be sworn?

Chairman WALSH. No; we do not swear the witnesses. State your name, please.

Mr. OSGOOD. John C. Osgood.

Chairman WALSH. What is your business?

Mr. OSGOOD. I am engaged in operating coal mines.

Chairman WALSH. And what is the name of your company, or the names of your companies?

Mr. OSGOOD. The Victor-American Fuel Co.

Chairman WALSH. Are you connected as an official, director, with any other coal company?

Mr. OSGOOD. No, sir; I am not.

Chairman WALSH. How long have you been connected with that company?

Mr. OSGOOD. Well, that company under its present name, was organized, I think, in 1909, and predecessor companies under similar names prior to various reorganizations in connection with them date back to about 1901.

Chairman WALSH. How long have you been connected with the coal industry in the State of Colorado?

Mr. OSGOOD. About 33 years—32 years.

Chairman WALSH. With what companies have you been connected during that time?

Mr. OSGOOD. I organized the Colorado Fuel Co. in 1882. In 1892 it was consolidated with the Colorado Coal & Iron Co., forming the Colorado Fuel & Iron Co. I was connected with that company from 1892 until 1903, when I retired.

Chairman WALSH. Until 1903. And since that time, what companies have you been connected with?

Mr. OSGOOD. The Victor-American Fuel Co.

Chairman WALSH. Now, I would like you, if you will, please—have you given personal attention to this business since 1892?

Mr. Osgood. I was engaged in the coal business long before that, before coming to Colorado.

Chairman WALSH. Whereabouts?

Mr. Osgood. My coal business prior to coming here started in 1870, in Iowa; and I was interested in coal mining operation in Illinois and Iowa until 1892, and also for a portion of the time after I came to Colorado, I still retained some of my interests in Iowa and Illinois.

Chairman WALSH. Since 1882 have you maintained your residence in Colorado?

Mr. Osgood. I think that I have maintained my legal residence in Colorado since 1882. I have been away a great deal. I have lived to some extent in New York, and to some extent abroad during the years that have elapsed.

Chairman WALSH. Have you had an office or place of business here during all of that time?

Mr. Osgood. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. Osgood. Well, I think that my—always in Denver.

Chairman WALSH. Always in the city of Denver?

Mr. Osgood. Yes; so far as the office is concerned.

Chairman WALSH. I wish, if you will, Mr. Osgood, you would give a historical sketch of the troubles that have arisen, and that have existed in the coal mining industries in Colorado, beginning with the time that you had first-hand knowledge of it.

Mr. Osgood. The history is comparatively brief.

The first strike of anything more than of local importance or that lasted more than a few days or a week, some local disturbance, was the strike which occurred in 1893, the so-called Debs strike, a sympathetic strike that grew out of the labor disturbances that were spread all over the country. There were no particular demands made by the coal miners of Colorado. They simply stated that they struck out of sympathy for the men that were on strike in other parts of the country. The next strike——

Chairman WALSH. How extensive was that strike, Mr. Osgood?

Mr. Osgood. It was not at all complete. Some mines were out entirely, some mines none of the men went out, some of them worked throughout the period of disturbance and others of them were entirely closed down. It was not a complete strike, although it was quite general in different sections of the State.

Chairman WALSH. I was going to ask you, did it take in the northern and southern fields, both?

Mr. Osgood. I had no interest in coal mining in northern Colorado, and I do not recall at this time whether there were any mines in northern Colorado that went out. My impression is that there were not. I was then with the Colorado Fuel & Iron Co., and we had mines in almost every other section of the State, and some of these mines worked throughout the strike, and in some mines the men went out.

Chairman WALSH. Historically, Mr. Osgood, do you know anything about the strikes of 1884, 1885, and 1886, the Knights of Labor troubles?

Mr. Osgood. You mean in the East, or out here in this country?

Chairman WALSH. Out here.

Mr. Osgood. I don't know of anything, except local strikes. I don't know anything that was State wide, or general strike here in those years.

Chairman WALSH. Now, in the strike of 1903, was there an organization in the field, a labor organization?

Mr. Osgood. No, sir.

Chairman WALSH. It was just a sympathetic strike?

Mr. Osgood. A sympathetic strike called on the A. R. U. This growing out of the so-called Debs strike.

Chairman WALSH. Were the militia called out in that strike?

Mr. Osgood. Federal troops were in some cases.

Chairman WALSH. Were there fatalities, collisions between the military forces and the miners?

Mr. Osgood. Not to such an extent that they have impressed themselves upon my memory. There may have been one or two, but it was not general.

Chairman WALSH. After the strike came on, was there any effort on the part of any organization, any labor organization, to organize the miners?

Mr. Osgood. Not at all, at that time.

Chairman WALSH. Not at all. And you say that there were no specific demands made, that it was purely a sympathetic strike?

Mr. Osgood. A sympathetic strike.

Chairman Walsh. How long did it last?

Mr. Osgood. Well, on that I am not clear in my mind, but it seems to me it was all over within 60 days; but I may be wrong about that; that is my best recollection.

Chairman Walsh. Now, when was the next strike?

Mr. Osgood. The next strike occurred in 1903, in the fall of 1903, and terminated in June, 1904.

Chairman Walsh. Was there any organization in the field at that time?

Mr. Osgood. There was no organization, so far as I know, that had any contractual relations with the coal operators. There was an organization which was attempting to unionise the men.

Chairman Walsh. What organization?

Mr. Osgood. United Mine Workers of America.

Chairman Walsh. That was in the fall of 1903 until June, 1904?

Mr. Osgood. Yes, sir.

Chairman Walsh. That was in the fall, was it? How extensive was that trouble?

Mr. Osgood. Why, it was State wide. There may have been mines that did not go out, but if so they were very few. It was a strike that in many respects was very similar to this strike of 1913–14. Demand was made that the operators should sign a contract with the United Mine Workers of America and operate their mines as closed shop—on the closed-shop principle. And the men who were called out went out just about as they did at this time. Some of the mines, most of them remained—some of the men—and at others none of them remained. They established camps, and violence was started from the very inception of the strike, and troops were called out, and the strike was finally called off in June of 1904. That was under the presidency of John Mitchell of the United Mine Workers of America.

Chairman Walsh. Do you recall who was governor of Colorado at that time?

Mr. Osgood. Gov. Peabody.

Chairman Walsh. Was there an attempt at that time to bring the operators and the coal men together in a conference?

Mr. Osgood. I do not recall at this time what efforts may have been made in that direction. I presume that there were, but I have no recollection of the details of it.

Chairman Walsh. Did your company attend a conference? Did you send a representative—the Colorado Fuel & Iron Co.?

Mr. Osgood. No; I was not with the company at that time, and I had not commenced any active work with the Victor-American. And in the inception of the strike I was not in Colorado. I was in Europe. And it would be true that with the inception of the strike there would be many of the details that I would not be familiar with?

Chairman Walsh. Yes.

Mr. Osgood. The strike was gradually fading away when I returned in about January or February of that year.

Chairman Walsh. Do you recall that the demands that were made at that time——

Mr. Osgood. No.

Chairman Walsh. I have it here and I will call your attention to it to refresh your memory, from the records at Washington.

Mr. Osgood. Yes.

Chairman Walsh. The demand at that time was for an eight-hour day, semi-monthly pay day, abolition of scrip, 20 per cent increase on contract and tonnage, 2,000 pounds to constitute a ton instead of 2,400 as formerly, same wages per eight hours as for the hours that then existed, better supply of pure air as is prescribed by the State law at that time.

In a general way were those the demands that were made?

Mr. Osgood. I do not doubt that that is correct, but I could not recall them myself.

Chairman Walsh. Now, that was without result at all. The same general conditions existed that existed during this strike, the militia were called out, there were altercations, violence, and gradually it faded away?

Mr. Osgood. Yes.

Chairman Walsh. Now, when was the next trouble?

Mr. Osgood. As an outgrowth of the strike of 1903–4, the group of mines in northern Colorado, which field produces about 15 per cent of the coal pro-

duced in the State, signed a contract with the union and were operated for a year or two as union mines.

Chairman WALSH. When was that, Mr. Osgood?

Mr. Osgood. That was in—they probably signed it along in 1904, the early part of the year.

Chairman WALSH. After this strike was declared off?

Mr. Osgood. No; before the strike was declared off. The operators in the rest of the State refused to sign contracts, but the other companies in northern Colorado, a company which controlled the largest part, the largest number of mines in that district——

Chairman WALSH. Well, what were those companies?

Mr. Osgood. Well, that was the Northern Co. It was owned very much—the larger portion of the mines in the district——

Chairman WALSH. What company was that?

Mr. Osgood. The Northern Colorado Coal Co. They signed a contract with the union. It was a company controlled by one of the bankers of Denver, Mr. Kountze, and they had not had previous experience in the coal business, and they wanted to try the experiment to see if they could work under a union contract; and I think that they had strike troubles from the beginning, the very start, which continued on for a period of about six years, as long as they signed up. Then they refused to sign contracts any further, and the strike occurred all over their district, in all of their mines, which has never been called off to this day, although the mines after a few months were filled up with nonunion men or the men who were willing to work under nonunion conditions, and they have been operating that way ever since. The strike is still a strike in name, and a great many of the men who quit work at that time are still staying around the mines in northern Colorado supported by the United Mine Workers of America, whose conduct undoubtedly had more or less to do with the beginning of this strike.

Chairman WALSH. That has existed since 1904?

Mr. Osgood. No. I should say the strike that this is the outgrowth of was in 1910.

Chairman WALSH. In 1910?

Mr. Osgood. It commenced.

Chairman WALSH. Did this condition you have mentioned exist since 1904?

Mr. Osgood. Yes, sir.

Chairman WALSH. And certain of the men are still there?

Mr. Osgood. About six years in which they were trying to work in the northern field under union conditions, and they had more or less local strikes all over the field during that period, and there was a great deal of trouble.

Chairman WALSH. Yes; but this condition about men remaining there and being supported?

Mr. Osgood. That existed since 1910.

Chairman WALSH. Now, please state generally the occurrences of 1910 that changed the condition. In 1910 did I understand that they cut off all relation with the United Mine Workers of America?

Mr. Osgood. Yes. They refused to sign a contract. Soon after that the properties were sold by the Northern Colorado Coal Co. to the Rocky Mountain Fuel Co., who now operate them. There have always, I think, been some smaller mines operated under union contract during that period, but 90 per cent of the mines, I should say, were operated under nonunion conditions.

Chairman WALSH. Now, Mr. Osgood, I wish you would state as concisely as you can the history of the Victor-American Fuel Co. with respect to strikes and labor troubles.

Mr. Osgood. The Victor-American Fuel Co., or its predecessor companies—that I was not connected with until 1901, and not actively connected with until 1904—I had an interest in it in 1901, but I was not actively connected until 1904. This is the only strike that I have had any personal part in. I have known since I have been with the Victor Co. of the strike of 1904—it was partially over—was conducted by the then officials of the company; and while I advised them I did not take an active part in it.

Chairman WALSH. In the strike of 1904, did this company attend any conferences—the reason I am asking is I notice some companies, the record in Washington shows, attended conferences with the miners. Did the Victor-American?

Mr. Osgood. I don't recall that they did.

Chairman WALSH. Now, then, this would be the first strike in which your company had any part under your management?

Mr. Osgood. Yes.

Chairman WALSH. Under your direction?

Mr. Osgood. Practically so; yes.

Chairman WALSH. Now, at the time this strike was called, which seems to be September 23, 1913, was there any organization of mine operators in existence?

Mr. Osgood. No, sir; there was not.

Chairman WALSH. There has been testimony given here of a committee of mine operators. I wish you would please detail the formation of that committee.

Mr. Osgood. The delegate convention of the miners, the so-called delegate convention—I think it met on the 16th of September and voted to call the strike on the 23d. Some time in the week between the calling of the strike and its actual going into effect the coal operators of the State were invited, I think by myself, and perhaps by some other operators in Denver, to meet in the office of the Rocky Mountain Fuel Co., and discussed the situation brought about by the proposed strike. And there was a large attendance. I should say—I think the figures were taken at the time—that it represented practically 85 per cent of the coal mined in the State. We discussed the strike, what our attitude should be toward it, and the opinion was unanimous, there was not a dissenting voice that we should not agree to the unionization of our mines, or the signing of contracts with the United Mine Workers of America; and all of the operators present agreed that they would not sign contracts unless their financial condition was such that they could not longer hold out, and then they would notify the other operators of their inability to keep up the struggle.

It was suggested that the committee which was named, Mr. Welborn, Mr. Brown, and myself, should take the lead in doing what we thought was necessary in the interests of all in conducting the publicity as to our position in regard to the strike, and as to any general matters, matters of general interest that might come up. And from that time on we had almost daily meetings with each other during the most or more serious portion of the strike, mostly in my office.

Chairman WALSH. Who presided over this first conference?

Mr. Osgood. I think Mr. Brown, as a matter of courtesy, occupied the chair and acted as chairman, so far as there was a chairman.

Chairman WALSH. And it was out of that conference that this executive committee was selected—that first conference?

Mr. Osgood. Well, we did not form an organization then. There were no signatures. There was a viva voce vote at the time when these names were suggested, and the men were asked as to their approval of this choice. After that the proceedings were always informal, the meetings were held in my office, and usually Mr. Brown, Mr. Welborn, and myself being present, and other operators would come in when they were in town when they felt like it. In the early part of the strike there were always a good many of them coming in and talking over developments; as it got to be a more settled condition of affairs, settled condition of trouble, why, they gradually ceased to come; and throughout the strike and until, I should say, about the time the congressional committee came out here, we had these daily meetings, and then afterwards they were dropped and we met occasionally.

Chairman WALSH. What provision was made for finances?

Mr. Osgood. The statement was made at the first meeting that there would be expenses and that all the operators should bear their share of them on a tonnage basis, and that was agreed to, whether by actual vote, or by consent that came from silence and apparent assent. The expenses have actually been borne by the three larger companies, and they have never been participated in or divided up with the other companies.

Chairman WALSH. Those are what companies?

Mr. Osgood. The Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and the Victor-American Fuel Co.

Chairman WALSH. Were the expenditures made by resolution of the board of directors of the various companies, or were they called upon by the officers?

Mr. Osgood. I can not answer for either of the other companies. As far as our company was concerned, they were made by the executive officers of the company without any action by a board of directors.

Chairman WALSH. And the funds were placed in the hands of this executive committee?

Mr. Osgood. No. Each company paid some of the bills, just as a matter of convenience—paid them in the course of a month. A bill for inserting some

advertising we put in the papers in trying to state our case to the public. We did it mostly by advertisements. When the bill came in I would pay it. We kept account of the expenditures of that character, and quite recently we have divided them up, and the three companies have each borne their share of them in an equalizing way.

Chairman WALSH. What expenditures were there outside of expenditures for publicity?

Mr. OSGOOD. The three companies had certain expenditures in connection with guarding their properties that they did not consider belonged to the whole body of operators; that they were local to themselves. The three companies have mines adjacent to one another and acted in some of the matters jointly in the questions that related to the protection of properties.

Chairman WALSH. In addition to the expenses of the executive committee, what other expenses were met by the executive committee that were borne by these three companies afterwards?

Mr. OSGOOD. All expenditures that I say, expenditures for publicity, those expenditures that were for the three companies for protection of property; those were essentially all of the expenditures. Then we sometimes—I think once or twice, to gain special information or for some special purpose, we may have sent a representative to Washington. There was such an expense as that that was borne where we wanted to call the attention of authorities to some facts or trying to correct some wrong impressions of the conditions.

Chairman WALSH. Was presentation of the demands by the United Mine Workers presented individually to your company or to you prior to the calling of this strike?

Mr. OSGOOD. The demands that were made the basis of the strike were formulated at the meeting of the 16th of September. Prior to that there were no formulated demands. The governor stated to us that the only demand was for the recognition of the union. That was the only thing that was specifically put before us until the convention, the delegate convention of September 16. Then those demands we saw at once in the press, and I think they mailed us a copy of the demands.

Chairman WALSH. Now, when that demand was made for recognition of the union, were specifications given as to what they meant by them?

M. OSGOOD. There was never any specification in writing, and as we did not confer with the United States Mine Workers, we only knew what recognition meant from previous relations with them and from the relations of other operators with them, and our understanding throughout was that the recognition of the union carried with it the signing of a contract. In fact, I think some of the operators who did sign up showed us copies of the contract, and we knew from that what the recognition meant. The signing of a contract meant making the mine a closed mine, and requiring a check-off, and the various regulations that are usually introduced in those contracts.

Chairman WALSH. Your understanding was that recognition of the union meant closed shops?

Mr. OSGOOD. We all knew it meant a contract with this organization, which contract would include an agreement for the check-off and closed shop.

Chairman WALSH. The idea was never given to you by any representative of the United Mine Workers, or the idea was never presented to you that there was any such construction of the recognition of the union, but simply dealing with committees of your employees or any of the men?

Mr. OSGOOD. Never.

Chairman WALSH. Without regard to their affiliation with the labor union?

Mr. OSGOOD. No.

Chairman WALSH. That was never presented to you?

Mr. OSGOOD. No. Pardon me. You have spoken of an executive committee. It has not—we never had any title.

Chairman WALSH. Well, it is this committee?

Mr. OSGOOD. Yes.

Chairman WALSH. Yes.

Mr. OSGOOD. Yes; it is all right to call it anything you want.

Chairman WALSH. But we have to call it something now, because we are going to talk about it. You can call it anything you like.

Mr. OSGOOD. Just a committee.

Chairman WALSH. A committee of operators.

Mr. OSGOOD. A committee of operators.

Chairman WALSH. I wish you would state what is the average wage scale in your mine.

Mr. OSGOOD. I can very readily get it for you. I can not tell you off-hand the wages that are paid to the different men—the different classes of men. The miners are paid by the ton, and the price per ton varies with the thickness of the vein and the ease with which it can be mined. The price of mining in Colorado varies from 55 cents a ton, in some of the thicker veins, to $1 a ton in some of the thinner ones. It can not be stated in any one general statement. The wage scale, I happen to remember some of the wages, the wage scale of some of the more important of the inside men is $3.10 a day. I can't tell you from memory the detailed wages of the different classes of labor.

Chairman WALSH. But you can give us that?

Mr. OSGOOD. That can be furnished. I can, or some other witness will be glad to.

Chairman WALSH. I wish you would do it for your company.

Mr. OSGOOD. Very well.

(See Gove Exhibit No. 1.)

Chairman WALSH. How is that wage scale determined?

Mr. OSGOOD. Well, it has been a growth for 30 years, I think it has been. When I came out here I found a certain scale of wages in effect, and gradually from time to time they had been advanced. I do not think there has ever been a reduction.

Chairman WALSH. When was the last advance made?

Mr. OSGOOD. The last advance was made in April, preceding the strike.

Chairman WALSH. April, 1913?

Mr. OSGOOD. April, 1913.

Chairman WALSH. What was that advance?

Mr. OSGOOD. Approximately 10 per cent.

Chairman WALSH. How was it determined? Who was it determined by?

Mr. OSGOOD. Well, I don't know who first suggested it. It was brought up when there was a good deal of talk of the high cost of living, when advances in wages had been given in various industries in other parts of the country, and some one of the officials of the other companies suggested to the others that probably it would be a good time for us to reconsider the scale and to give an advance.

Chairman WALSH. Had any demand——

Mr. OSGOOD. We talked it over and decided on giving this advance.

Chairman WALSH. Had any demand been made upon you as president of this company by individual workers in the mine for increased wages?

Mr. OSGOOD. None whatever.

Chairman WALSH. Had any demand been made by individual workers in the mine, so far as you know, prior to the time the increase was made upon any other officer of your company?

Mr. OSGOOD. I don't think there was. There was apparently no movement on the part of the men to secure an increase in wages at that time.

Chairman WALSH. So far as you were advised the men were perfectly satisfied with the wages they were getting?

Mr. OSGOOD. Yes, sir; so far as I knew.

Chairman WALSH. Was that true with respect to the other conditions of the labor?

Mr. OSGOOD. We had no knowledge of any dissatisfaction whatever.

Chairman WALSH. Up to the time that increase was made there had been no demand for it on the part of the employees? Had there been any efforts from individual employees as to the number of hours that they were working?

Mr. OSGOOD. No; I do not think the men at our mine were ever deeply interested in the eight-hour day. Some months before the strike was called we put the eight-hour day in effect. The law had been passed by the legislature after a long struggle against the eight-hour law which would go into effect after the strike was—some time after the strike was called, I can not recall the exact date, but we put it into effect at once before the time stated in the law. That was done without any demand on the part of the men.

Chairman WALSH. Leading up to that time, my information is that that increase was made in the latter part of 1912; is that correct?

Mr. OSGOOD. Well, Mr. Welborn is here and he can correct me if I am wrong.

Chairman WALSH. Was it 1912 or 1913?

Mr. OSGOOD. When was the advance of 10 per cent?

Mr. WELBORN. In 1912.

Chairman WALSH. That was my information. Now, prior to that time, had there been any complaints from the individuals working in your mines as to other conditions under which they were working?

Mr. OSGOOD. None whatever.

Chairman WALSH. None whatever? To whom would those complaints come if there were such?

Mr. OSGOOD. They would naturally go, in the first instance, to the superintendents of the mines, and we had our ear pretty close to the ground all of the time and would know whether there was any dissatisfaction among the men, because since the United Mine Workers were organized in northern Colorado they almost always had organizers in the districts where our men were in the south, and we were aware that they were attempting to bring about an organization of our men and we were very anxious to know, as were our superintendents and our general managers and others, what the attitude of the men was so that by all means that were possible we were trying to keep in touch with the disposition of the men working in the mines and of the conditions in the mines.

Chairman WALSH. Do you recall any complaints that came from individuals working in the mines with reference to wages, hours of labor, and conditions under which they worked?

Mr. OSGOOD. No, sir; I don't.

Chairman WALSH. Now, excuse me if I didn't get what you said, because I was thinking of something else. How did the change to eight hours come about in your mines?

Mr. OSGOOD. I think that suggestion first came without any consultation at all. I think the C. F. I. Co., as a matter of courtesy, notified the company I was connected with that they were going to put the eight-hour day into effect before the law required it, so that if we felt——

Chairman WALSH. When did this law go into effect?

Mr. OSGOOD. I have been trying to think of the date, but I haven't got it accurately so that I can tell you.

Chairman WALSH. But you put it into effect in your mines?

Mr. OSGOOD. At the same time.

Chairman WALSH. Prior to the time the law——

Mr. OSGOOD. Prior to the time the law went into effect.

Chairman WALSH. Covering what length of time was there an agitation for eight hours as a workday?

Mr. OSGOOD. I should say it was agitated for a number of years, but the agitation was all outside our mines. As far as I could ascertain, there was no general desire among the miners for an eight-hour day. The day men would always have been glad of an eight-hour day and two hours less work with the same pay, but there was no agitation in regard to it. The agitation was on the part of the labor leaders, and usually before the legislature at each session of the legislature an attempt to secure the passage of an eight-hour law, which we contested. Personally, I was strongly opposed to it and contested it as hard as I could.

Chairman WALSH. What legislature was it that passed it?

Mr. OSGOOD. I can not give you, I do not think, the exact dates. The history of it—in the first instance, an eight-hour law was passed which was immediately almost declared unconstitutional by the supreme court. That was the first move, and it may have been as far back as 1910, or even a little earlier than that.

The law was declared unconstitutional, but I think the decision pointed out how it could be made constitutional; at least, it was apparent from the decision that a constitutional amendment would make the law constitutional, and a constitutional amendment was proposed and carried by the people, which empowered the legislature to limit the hours of labor in occupations considered dangerous to life, and where that protection the legislature deemed necessary, and the session which followed the adoption of that constitutional amendment discussed and finally adopted an eight-hour law. The operators contended that the law should be confined strictly to what the constitution seemed to provide for, and that was to limit the operation of the law to such occupations as were in direct contact with dangerous gases. In effect the law which the legislature passed—and both sides were heard—was a law which made it an offense to work more than eight hours where there were noxious gases or gases dangerous to life or health, and was construed to limit it simply

to the miners working at the face of the coal and not drivers on the mine entries where the air was distributed nor to any men on the outside of the mine. That law went into effect, and so far as the companies were concerned they were not charged with the responsibility of carrying it out beyond the fact—I don't know that it is so stated in the law, but they notified their men and put up notices that men working at the face of the coal only would be limited to working eight hours. I might say parenthetically that as a rule the men that worked by the ton, the contractors that worked at these rates, by the ton, prior to the eight-hour law had gone into the mine and quit practically as they chose, coming out early in the afternoon if their work was completed, but going in at about the same time. Beyond notifying them that the law required them to work only eight hours a day I do not think the operators paid any further attention to it.

Chairman WALSH. What character of occupation is affected by the eight-hour law?

Mr. OSCOOD. Simply miners working at the face of the coal. No other labor. That law at the next session of the legislature—our sessions are two years apart, and I might not have gone far enough back—in 1910 there was another law passed which is practically the present law, which covered all inside labor in the mines and about the coke ovens. That law was passed and was referred under our referendum and initiative, which made the law inoperative until it was voted on by the people and that deferred its operation for two years. And at the same time it was referred a law similar to one then in effect was submitted to the people, and in the election following both laws were adopted by the people. They are more or less contradictory in their character, one providing that—applying only to men working at the face and the other to all men working underground. The supreme court finally put the one law that is now in effect in force, but we had put it in effect before the case was decided, and it became effective later.

Chairman WALSH. During the agitation leading up to the constitutional amendment—prior to that time was there any attempt made by your employees?

Mr. OSCOOD. No.

Chairman WALSH. Made by any of your employees to take part in any agitation that was had in the State?

Mr. OSCOOD. No, sir; I don't think so.

Chairman WALSH. Did any of your employees send any petition to the legislature or appear before any legislative committee?

Mr. OSCOOD. No; I do not think any of them did.

Chairman WALSH. So they made no request upon you and took no active part in the passage of the law?

Mr. OSCOOD. None whatever.

Chairman WALSH. Now, approximately, how many men do you employ in your mines when you are running full?

Mr. OSCOOD. About 1,500.

Chairman WALSH. And it ranges down to what?

Mr. OSCOOD. Why, I think that—that at the present time we have something in the neighborhood, I think, of about 1,000 men.

Chairman WALSH. How many did you have at the time this strike was instituted—the present strike?

Mr. OSCOOD. I should say in the neighborhood of 1,200 men.

Chairman WALSH. Now, what were the nationalities of those men?

Mr. OSCOOD. There were about 25 per cent, I have been told by the officers of the company, who have looked the matter up, who are so-called English-speaking people, and about 75 per cent of a variety of nationalities—Italians, Austrians, and various Slavic nationalities, Montenegrins, Greeks, some Mexicans, and some Japanese; but I should say that the largest percentage would be Italians and Austrians. The Greeks came in more recently.

Chairman WALSH. Prior to—that is, at the time of the strike of 1903—what was the predominating nationality in the mines? The point I want to get at is a little historical sketch as to the disappearance of what you might call American miners and the entrance of those of northern Europe?

Mr. OSCOOD. I don't think they have disappeared, but the coal business has grown from 1882 or 1883. The State was then producing about 1,000,000 tons of coal a year, and the production reached as high in 1911 as about 12,000,000 tons. The class of men we had at work in the early years did not disappear, but other men came in to supply the increased demand for labor in the mines, and the only source of supply was foreigners immigrating to this country, and we had to take them. In the first instance, they were Italians;

later on Austrians came in, and in more recent years the Greeks. They drifted from the seacoast out through the different mining States to Colorado, without any effort on our part, except to create such conditions in the State as would draw labor to the State.

Chairman WALSH. Aside from the times of industrial disputes—when such disputes were going on—how were the mines equipped with labor? How did you get them? Did you have employment agencies?

Mr. OSGOOD. I think we have always had—we always had in the Colorado Fuel & Iron Co.—some man we call labor agent, and we were operating both steel works and mines, and when there was a demand for labor—I don't think we ever imported labor, except at the time of strikes, in any large quantities, but he would go around among the men and urge them to write their friends in the East and get them to come out, and the mine superintendent might do the same; and the saloon keepers knew the men, and they acted as employment agents in writing to other cities where they had friends and inducing men to come in. We never had any considerable machinery. When there was a demand for labor it was gradually forthcoming. We were often short of men at first.

Chairman WALSH. When did the first Mexicans come to work in the mines?

Mr. OSGOOD. Those are the Mexicans that have always lived in this country. This part of the country has a large Mexican population, and also throughout Colorado there have always been more or less Mexicans working in the mines since early days.

Chairman WALSH. Your company, the Victor-American Fuel Co., has not maintained any agencies any place else in the United States, or dealt with agents to supply labor at any other places in the United States?

Mr. OSGOOD. Except at the time of strikes, and then we maintained no agencies. We have our office in Denver, and one in Trinidad, and sometimes in Pueblo. Those are labor centers, and those offices would be on the lookout for men. They would go to labor agencies in those cities.

Chairman WALSH. In the strike f 1904, what would you say was the proportion of English-speaking men employed in your mines at that time?

Mr. OSGOOD. I should say it was not much greater than it is to-day.

Chairman WALSH. It was not much greater than it is to-day?

Mr. OSGOOD. That is correct.

Chairman WALSH. That is about 25 per cent?

Mr. OSGOOD. Yes.

Chairman WALSH. In 1904—the strike of 1904 was conducted by whom; that is, was it conducted by the English-speaking workers, or non-English-speaking workers, the foreigners?

Mr. OSGOOD. When you speak of "conducted," it was conducted by the United Mine Workers of America, and not by our employees, except such of them as went out on strike and joined the union.

Chairman WALSH. How many of your employees went out on strike and joined them?

Mr. OSGOOD. I can not recall; at some mines none went out, and at some mines all went out, and at other mines a portion went out.

Chairman WALSH. What nationality went out?

Mr. OSGOOD. I do not think I could tell you at all. I think they went out from all nationalities, both English speaking, and the Italians and Austrians.

Chairman WALSH. Have the mine companies to your knowledge, ever maintained agencies at New York or New Orleans for the purpose of deflecting immigrants this way?

Mr. OSGOOD. No, sir; we have not. We looked into the matter a good many years ago, when I was with the Colorado Fuel & Iron Co.; we sent a man down to New York to find out if we could get any immigrants at first-hand when they landed and we were informed that such a small percentage of the men that came were unconsigned—that is, did not have their destination already determined beforehand—that it was useless to attempt to get men, and that until they had gone to their destinations as they originally intended to go, they could not be induced to go elsewhere, and we never made any attempt to get any men by any agent or representative at the seaboard.

Chairman WALSH. When was that?

Mr. OSGOOD. I should say 15 years ago.

Chairman WALSH. At that time you found those laborers that were coming over here had definite destinations?

Mr. Osgood. Yes; that they had definite destinations and could not be diverted to any other destination until after they had gone to their first intended destination. Most of the labor that we have obtained has drifted through from the seaboard—to a large extent voluntarily—through the mining States of the East, until reaching Colorado.

Chairman WALSH. I believe you say the means you had for acquiring new labor was to have those already here write to their friends and relatives in other parts?

Mr. Osgood. Yes, sir.

Chairman WALSH. And would they write home, also?

Mr. Osgood. Yes; they could do so.

Chairman WALSH. That is, to get men of their own nationality, or others, to come out by stating the conditions here?

Mr. Osgood. Yes. We, of course, used these centers of labor here in Colorado, like Pueblo, Trinidad, and Denver, and the labor agencies in the larger towns of Colorado, letting them know our need for men, and taking the most suitable for our needs.

Chairman WALSH. Now, who would attend to that besides the labor agent and mine superintendent?

Mr. Osgood. Some one in the office—the general manager's chief clerk, perhaps.

Chairman WALSH. You mentioned the saloon keeper in the locality doing it. The saloon keeper is usually a man of the nationality of a large number of the men?

Mr. Osgood. Yes, sir; and a man of large acquaintance and who knows men in other camps.

Chairman WALSH. Who was in touch with the saloon keeper?

Mr. Osgood. The mine superintendent.

Chairman WALSH. Have immigrants been preferred to other workers in the mines in the last 10 or 15 years?

Mr. Osgood. No, sir; never.

Chairman WALSH. What record do you make when a man is employed, when a miner is employed?

Mr. Osgood. Of what character do you mean?

Chairman WALSH. When a man comes into the employ of a mine, is there a record made of him, his name, his nationality, his former place of residence?

Mr. Osgood. No, sir; I think they just take his name and enter it on the pay roll; no pedigree is taken.

Chairman WALSH. No record made in detail that you know of?

Mr. Osgood. No, sir.

Chairman WALSH. Simply his name and what else?

Mr. Osgood. His nationality would appear from his name—as a rule, I don't think they even put that down.

Chairman WALSH. Now, who discharges the miners?

Mr. Osgood. Why, I suppose, finally, the superintendent of the mine. There might be a superintendent under the superintendent who directly hired the men who would be authorized to discharge them.

Chairman WALSH. Kindly state, in as concise a way as you can, the formation of your organization in the mine, beginning with the miner, and who directly above him, up to the president.

Mr. Osgood. I can go down a little easier.

Chairman WALSH. All right. Do so.

Mr. Osgood. Our company has a vice president and general manager in charge of all the mines and their operation. He appoints the superintendents of each of the mines.

Chairman WALSH. Which is that?

Mr. Osgood. This general manager appoints the superintendent of each mine, and he consults with the superintendents about the appointment of the other men under them. The next man under the superintendent in charge of the mine would be the pit boss, the man in charge of the underground workings. There are a great many other employees, who I do not think—I do not think any of the others than those two would have anything to do with the discharge of the men. There might be, on the coke ovens, the coke boss could discharge them.

Chairman WALSH. The pit boss would be the first-hand man and the superintendent above him?

Mr. Osgood. Yes.

Chairman WALSH. Has your company adopted any rules to provide for complaints on the part of the miners, that they have been unjustly discharged, or is that left entirely to the pit boss?

Mr. OSGOOD. It is left entirely to the pit boss and superintendent.

Chairman WALSH. So, no appeal comes to yourself or the general manager?

Mr. OSGOOD. I have never known of any, no appeal comes to me. W. J. Murray is general manager, with headquarters in Denver.

Chairman WALSH. State were your mines are located.

Mr. OSGOOD. We have eight mines in Colorado, four in Las Animas County, two Huerfano County, and two in Fremont County.

Chairman WALSH. You say you know of no instance where a complaint has been made by a discharged employee, a discharged miner, that he was discharged unjustly?

Mr. OSGOOD. Not to me; I don't know about Mr. Murray. Mr. Murray visits the mines frequently, and the men on the ground probably would speak to him.

Chairman WALSH. Who is Mr. Murray?

Mr. OSGOOD. Our vice president and general manager.

Chairman WALSH. Where is his office?

Mr. OSGOOD. At Denver.

Chairman WALSH. And you say he visits the mines?

Mr. OSGOOD. He is more than half of his time going around among the mines. We also have division superintendents who go around as his representatives when he is not able to go. We have two division superintendents.

Chairman WALSH. The division superintendent is at Denver?

Mr. OSGOOD. We have one located at Trinidad and one in Fremont County.

Chairman WALSH. And they have the same general duties as Mr. Murray, under him?

Mr. OSGOOD. Yes.

Chairman WALSH. Does your company keep any written record of the discharge of miners?

Mr. OSGOOD. I presume a record is kept at the mine.

Chairman WALSH. Have you that with you?

Mr. OSGOOD. No, sir.

Chairman WALSH. Who would know about that, connected with your company?

Mr. OSGOOD. The superintendent at the mine would know. He would have the record.

Chairman WALSH. We will take our recess at this point.

Mr. OSGOOD. You will be excused to return here at 2 o'clock.

(The hour of 12.30 p. m. having arrived, a recess was taken until 2 o'clock at the same place.)

AFTER RECESS—2 P. M.

Chairman WALSH. You will kindly resume the stand, Mr. Osgood. I think you had finished your answer to the last question.

Mr. OSGOOD. May I correct two of my statements. I have been given information that enables me to correct my memory. The eight-hour law was put into effect—I don't know the date, but it was put into effect before its passage by the Colorado Legislature, but while under discussion. I said before that it went into effect by its terms, but it was before it was actually passed.

The other correction is, you asked me what record was kept of the men who were employed. I am informed that for three or four years past we have kept a complete record showing the nationality, the number of children, the place from which a man came—I do not mean where he worked last, but the country from which he came, and a good deal of miscellaneous information.

Chairman WALSH. Where is that record?

Mr. OSGOOD. That is kept at the mines.

Chairman WALSH. Would you be kind enough to furnish us with specimen copies of those records?

Mr. OSGOOD. I will be very glad to.

Chairman WALSH. Take say five at the beginning when they were first made, and then five, we will say, per year, leading down to the present day.

Mr. OSGOOD. May I leave that with Mr. Gove?

Chairman WALSH. Yes. Mr. Gove will see we are supplied then?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. Now, following the strike of 1904, was there any general policy on the part of your company to displace men that were found to belong to unions?

Mr. OSGOOD. No, sir; there was not.

Chairman WALSH. Therefore I take it there was no order of that sort issued?

Mr. OSGOOD. No order of that sort issued.

Chairman WALSH. Was there a large number of men discharged following the strike of 1904 on the alleged ground that they belonged to organizations?

Mr. OSGOOD. No, sir; not to my knowledge.

Chairman WALSH. Has your company forbidden its employees at any time to belong to fraternal organizations?

Mr. OSGOOD. It has not.

Chairman WALSH. Does your company forbid men to belong to labor organizations?

Mr. OSGOOD. It has never done so.

Chairman WALSH. To your knowledge have men been discharged from your company for belonging to any such organization?

Mr. OSGOOD. They never have been. I don't think the men are ever asked whether they belong to a labor organization or not.

Chairman WALSH. Is there a system by which communication is had between the different companies as to whether or not men belong to labor organizations?

Mr. OSGOOD. There is no such system.

Chairman WALSH. Do your mines conduct company stores?

Mr. OSGOOD. We do; that is, they are conducted by an auxiliary company, but we own the company, so it is practically the same thing.

Chairman WALSH. Are those stores all run in the form of a corporation?

Mr. OSGOOD. Yes; one corporation—the Western Stores Co.

Chairman WALSH. Is it a corporation under the laws of Colorado?

Mr. OSGOOD. Laws of the State of Colorado.

Chairman WALSH. Who fixes the prices charged at the stores for the commodities?

Mr. OSGOOD. Under the supervision of the general manager of the stores; but changes can be made by the local store manager as necessity arises.

Chairman WALSH. Please state as precisely as you can the form under which those stores are run; the form of management, I mean.

Mr. OSGOOD. There is a general manager who has charge of the entire field—management of the stores. He has charge of the purchases and charge of the employment of store managers and general supervision over the operation. He visits the stores constantly, keeps in touch with the prices, and confers with the men, and either with his advice or on their own motion they can make changes—either themselves or with his consent or by his cooperation.

Chairman WALSH. What is the capitalization of the general Western Stores Co.?

Mr. OSGOOD. I think it is $300,000; no, $410,000 at the present time. It has been growing more or less as the business grew.

Chairman WALSH. Approximately, what have been the earnings of the company?

Mr. OSGOOD. I think the company has earned about 20 per cent on its capital.

Chairman WALSH. During all the years it has been run?

Mr. OSGOOD. I should think it would average that.

Chairman WALSH. How long has the company been operating?

Mr. OSGOOD. Well, under that title, it has been operating about, I should say, six years; but before that—it was simply a change of name. It was named after its former manager the Hensley Supply Co., and when he left our employ to go into other business we changed the name.

Chairman WALSH. Please describe the hospital service of your company.

Mr. OSGOOD. May I at this point say something more in reference to this matter of the stores?

Chairman WALSH. Certainly; and when you are on any subject, if you desire to amplify and explain it you may do so.

Mr. OSGOOD. I would like to explain in regard to the store making a good profit. It does make a good profit in the store business, but it don't make as much profit on sales as ordinary stores. We turn over our stock about six times a year, and the ordinary store only about twice. I have conferred with

a good many merchants in country stores I have visited in Colorado and their usual rule is that their stock is turned twice a year; but by the uniform character of our business and the known volume we will have we are able to turn our stock over about six times, so that at a less rate of profit on the dollar of sales than is usually made we make a much larger profit on our capital.

Chairman WALSH. Now, does this same company operate saloons or sell liquor?

Mr. OSGOOD. No; we do not.

Chairman WALSH. Not in any of the places?

Mr. OSGOOD. Nowhere in Colorado.

Chairman WALSH. Now, will you kindly tell me the organization of your hospital service?

Mr. OSGOOD. We have a surgeon in chief, Dr. Espey, in Trinidad. He is one of the well-known physicians and surgeons of the State and a man in general practice. He has charge of the selection of doctors at the camps and general supervision of them, and visits the camps frequently and consults with the doctors; and in case of any emergency he goes to the camps to consult with them. He also has charge of the patients sent to the hospital. We have no hospitals of our own, but make arrangement with the Sisters' Hospital in Trinidad to take charge of our patients. And at each camp we have a doctor under direction of the surgeon in chief. We furnish all the medicines and furnish the attendance to the miner—the employee—and his family. There is no charge of any kind for any service except in case of childbirth.

Chairman WALSH. Is there any charge made to the employee for the service, any deduction from his pay?

Mr. OSGOOD. Yes; $1 a month.

Chairman WALSH. Does that apply to all employees?

Mr. OSGOOD. All employees.

Chairman WALSH. And does that regard the term of the employee's service?

Mr. OSGOOD. I think that where a man works less than half a month—half a month or less—we only charge one-half of the amount, 50 cents.

Chairman WALSH. Did I understand you to say that that gives free service to the employees and all of the members of his family except his wife in childbirth?

Mr. OSGOOD. That is correct. They are furnished medicines without any charge, hospital service for an unlimited time if they are obliged to go to a hospital.

Chairman WALSH. How long has that manner of conducting your hospital existed?

Mr. OSGOOD. Ever since I have been connected with the company. I think very similar arrangements prior to the time I was connected with it and all through my connection with the Colorado Fuel & Iron Co.

Chairman WALSH. Has the charge always been the same, $1 a month and 50 cents for a half month?

Mr. OSGOOD. It has always been the same ever since I have been out here and started in the mining business, about 30 years.

Chairman WALSH. Approximately, we will say for the last 10 years, how much has been collected in that account?

Mr. OSGOOD. It would be very difficult to tell you that offhand.

Chairman WALSH. Could you approximate it by years?

Mr. OSGOOD. I could not. I think the fund has never been, at least of recent years, sufficient to meet the expenses by any means; we have always had to put up, had to contribute.

Chairman WALSH. Perhaps you could tell us how much you had to put up?

Mr. OSGOOD. Twelve thousand dollars last year.

Chairman WALSH. And the year before, approximately?

Mr. OSGOOD. I can't tell because I have not looked at it recently.

Chairman WALSH. By whom are charges for powder and blacksmithing determined in your mine?

Mr. OSGOOD. Why, the blacksmith charge is a matter almost of unwritten law—custom—all over the State—a certain amount is charged. I think it is 50 cents a month for sharpening the tools. The charge for powder has varied more or less in our plants. When complaints have been made that the charge was too high, it has been reduced, if the reduction seemed justified, and we always tried to ascertain whether our neighbors are charging the same as we are, and if we find they are charging less, we reduce our price, and they

usually, if they find we are charging less, they reduce their charge. There have been no advances in price that I know of at any time.

Chairman WALSH. From whom did complaints come, if complaints were made, regarding the charges for powder?

Mr. OSGOOD. We would learn from the superintendents at the mine that the men were complaining that they could buy powder at other mines cheaper than we were selling it.

Chairman WALSH. How often has that occurred within the past two years?

Mr. OSGOOD. I don't recall any instance at all.

Chairman WALSH. Does your company rent houses to their employees?

Mr. OSGOOD. We do.

Chairman WALSH. And how are the rents for the houses determined?

Mr. OSGOOD. We charge $2 per room per month. That also is a charge that is general throughout the State. It has practically been our custom for all the years I have been in business, and gradually other operators have asked what our charges were and it has become a custom everywhere, I think.

Chairman WALSH. What are the sizes of the houses?

Mr. OSGOOD. They vary according to what the men want, from a two-room house for "batching," purposes where a man has no family and just wants a place to sleep, to a four-room house for a larger family, and even an eight-room house where they want to keep boarders.

In that connection you suggested I could add anything I wished. These houses, four-room houses, cost about between $700 and $800, and the income, if it was occupied all the time, would be $96 a year. But the houses are pretty badly used, and with the repairs, and the painting of them frequently, and the supplying of water, why, the investment of houses yields us not over 6 per cent as interest on the investment.

Chairman WALSH. It yields 6 per cent all the time?

Mr. OSGOOD. Just about 6 per cent.

Chairman WALSH. On all of the houses?

Mr. OSGOOD. On all of the houses.

Chairman WALSH. How old are the oldest of those houses?

Mr. OSGOOD. I think that there must be houses at the Hastings mine—that mine has certainly been in operation for 27 years—there are houses that were built 27 years ago.

Chairman WALSH. Do you receive complaints from occupants of the houses as to their conditions, etc.?

Mr. OSGOOD. Never have. We keep them in very good repair and we keep them painted frequently. And I don't think we have ever had complaints about the character of the houses.

Chairman WALSH. Who has charge, for your company, of the keeping of these houses in repair?

Mr. OSGOOD. It is under the general supervision of the superintendant at the mine, but as a rule the town marshal acts as a sort of health officer in the care of the houses, and when a house is given up, before it is occupied again, he looks after its being put in order to be occupied; and if there are any repairs to be made while it is occupied he reports them to the superintendent.

Chairman WALSH. The rent is uniform for all of them?

Mr. OSGOOD. Yes, sir. But there is another class of houses at our mines that we have nothing to do with and that we have tried to do away with, but without success. There are certain of the foreigners who want to build their own shacks. We have absolutely refused to give them ground for them; and then we found we could not retain their services, for they felt they were being deprived of their liberty. So at most of our mines they are built on a portion of the land that is hidden away. We found we had to let them have the ground, and they built these shacks, which are just shacks like those you see in squatters quarters in any large town, around the outskirts of Chicago and New York, and in Colorado. They are made of bits of waste material and usually with dirt floors, and are often occupied by the sheep or the goats that go in with the family. They say this is the way they live at home, and they are going to live that way here.

Chairman WALSH. Do you charge them rental for the ground?

Mr. OSGOOD. I think there is a charge, but just what it is I do not know. I have an impression that it is a dollar a month, but I do not know.

Chairman WALSH. A dollar a month for the ground where they build the shack?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. Heretofore you say the company has endeavored to change——

Mr. OSGOOD. Repeatedly to get rid of them, but the men, when they found that they could not build shacks out here at our mines would go somewhere else, and they would leave us and go where they could live as they wished. We have had the matter investigated frequently. The men are some of the very best we have who prefer to live that way.

Chairman WALSH. Do the local authorities interfere with that mode of living in any of these places?

Mr. OSGOOD. No. We look out for the health conditions. We look very closely after the sanitary conditions and they seem to be healthy, and seem to be healthy in that way of living, and we have ceased paying any attention to it.

Chairman WALSH. Have you observed how many of them live in these shacks as to the air space and such things as that?

Mr. OSGOOD. No; I have not. I could only speak of them from the general health conditions of the men. We have a comparatively small percentage of illness there. The men are healthy and well, and I should imagine that the people living in these shacks probably get a little more air than the people living in the houses, maybe more—crevices.

Chairman WALSH. Do you maintain an inspection on the part of your company of your houses?

Mr. OSGOOD. Yes.

Chairman WALSH. As to the number of inmates that they shall contain, etc.?

Mr. OSGOOD. I do not think that that is limited by us. I think that with some of the foreigners keeping boarders it is left largely as a matter of their personal right to them, the number of people in the house they wish to have.

Chairman WALSH. Have you observed the numbers that they have per room in any of your houses?

Mr. OSGOOD. I have not. I want to say that of late years I have not gone to the mines a great deal.

Chairman WALSH. Who connected with your company would have that data, if anyone?

Mr. OSGOOD. I think that the general manager would know about it or the superintendents at the mines would know; the division superintendent would know; they are the men who are constantly around the mines.

Chairman WALSH. What sort of claim department have you had that handles the personal injuries that occur in the mines?

Mr. OSGOOD. Our legal department looks into that, takes care of it.

Chairman WALSH. The legal department is located where?

Mr. OSGOOD. Here in Denver.

Chirman WALSH. Who is the head of that?

Mr. OSGOOD. Caldwell Yeaman.

Chairman WALSH. Have they claim agents who go out on the ground when an injury occurs?

Mr. OSGOOD. Unless in some special case in which the attorney wishes to send and get the information which he does not receive from the formal reports which are made. Every injury is reported I think by—they get a report from the man who is injured, if possible, from the superintendent of the mine and from the doctor in charge, and if that discloses information which is not complete it is quite possible that the legal department may ask for further information, or may even send some one to obtain it.

Chairman WALSH. Is it the policy of the company to settle those cases with the men that are injured?

Mr. OSGOOD. The policy of the company, where they feel that there is any liability, is to settle the case. Where they feel there is no liability under the law on the part of the company, they do not do so.

Chairman WALSH. Do they settle them directly with the injured person, as a rule?

Mr. OSGOOD. As a rule they try to settle them always with the injured party.

Chairman WALSH. In the case of any employee, then, the matter would be between some person in your legal department and the employee.

Mr. OSGOOD. Yes; the legal department consults very frequently with the general superintendent who is as familiar as they are probably with the facts of every injury, because it is a matter he watches very closely.

Chairman WALSH. How many directors has your company?

Mr. OSGOOD. Nine, I think we have.

Chairman WALSH. Where are they located; their place of residence?

Mr. OSGOOD. Practically all—we are incorporated under the laws of Maine—no, there is not any director in Maine; we have to have a clerk in Maine. I think all the directors are in Denver. I might say, to simplify matters, it is a very close corporation. I own practically all of it. There is a very small holding of stock outside of mine.

Chairman WALSH. What percentage of stock is held away from you, Mr. Osgood?

Mr. OSGOOD. I and my family have about—over 90 per cent of the stock.

Chairman WALSH. Do the superintendents have any power to fix wage scales at the mines?

Mr. OSGOOD. No; they do not.

Chairman WALSH. That is determined by yourself; is it?

Mr. OSGOOD. No; it is not a matter that ever comes to me. The wage scale has been a growth. It was in the early days; there were only two or three companies in the coal business out here, and when a new mine was started new operators came into the field, they ascertained what those already in business were paying and they agreed to pay the same wages. Where advances have been made, and it has been known by the different operators, they have always tried to keep their wages uniform.

Chairman WALSH. Who fixes the compensation of your superintendent or pit bosses?

Mr. OSGOOD. Why, with offices of that character there may be some man of exceptional ability that we want and we hardly call that a matter of wage scale where it is a matter of superintendence. Our pit bosses all receive practically the same wages, but the superintendents vary according to the extent of the mine. Some of the smaller mines, their salaries would be fixed by the general manager.

Chairman WALSH. By the general manager. Are their salaries made with reference to the cost of mining?

Mr. OSGOOD. No; it is regulated by him absolutely.

Chairman WALSH. Either directly or by bonus?

Mr. OSGOOD. No; we have no bonus system.

Chairman WALSH. The superintendent gets a fixed salary?

Mr. OSGOOD. The superintendent gets a fixed salary.

Chairman WALSH. Per month?

Mr. OSGOOD. Per month.

Chairman WALSH. Where payment for dead work exists, who determines the amount of the payment?

Mr. OSGOOD. The pit boss would be the man.

Chairman WALSH. Does your company employ detectives or spotters in the business to ascertain whether or not agitation is going on or anything of that sort?

Mr. OSGOOD. We have from time to time employed men.

Chairman WALSH. When there was no trouble?

Mr. OSGOOD. Yes; we have tried to keep track of whether there was any undercurrent of dissatisfaction by employing men whom we thought could give us that character of information.

Chairman WALSH. Say, during the years down from 1904 to date, about how general has that been? How many have you kept on your pay roll?

Mr. OSGOOD. I don't think we have kept any regularly. There have been periods when we have had none. Any time any intimation of anything of the kind, any rumor that there was anything in the way of dissatisfaction, we have tried to ascertain, by means of detectives, as to what the sentiment of the men was in the mine.

Chairman WALSH. I wish you would state all of the purposes for which these men are employed?

Mr. OSGOOD. I should say that that is practically all of the purposes, to know the state of mind of the men, whether there is any real dissatisfaction, any agitation going on that might lead up to some serious trouble and try to know in advance whether the men have grievances and what the character of the grievance is.

Chairman WALSH. Do these men work right along with the other men and ostensibly are workmen?

Mr. OSGOOD. Usually that is the case.

Chairman WALSH. Have any of those men, under the pay of the company, joined labor organizations in the past?

Mr. Osgood. Not directly under the pay of the labor organization. We have never had any men under our pay who have belonged to labor organizations.

Chairman WALSH. Any of these detectives who went into the mine for the purpose of ascertaining conditions, still paid by your company, did they join any of these organizations, or proposed organizations?

Mr. Osgood. That I couldn't say.

Chairman WALSH. Were directed to do it, or expected to do it?

Mr. Osgood. Not to my knowledge.

Chairman WALSH. Does your company maintain a system of cost accounting by which the cost of each process of mining is determined?

Mr. Osgood. Yes, sir.

Chairman WALSH. Are the mine superintendents shown the accounting statements from other mining companies, and required to explain why their costs are higher than those of other mines?

Mr. Osgood. I think that the general manager keeps very close supervision over the cost, and calls their attention to any of the costs which have increased, and asks for an explanation. The conditions vary so much at the different mines that the cost at one mine would not be a criterion for another. I am not sure that they get the cost sheets for all the mines, but where there is more than one mine in the same working district, working under the same conditions, the superintendents are informed as to the costs at the other mine working in the same district, working under similar conditions.

Chairman WALSH. The object being, of course, to try to hold them down to the minimum cost of operation?

Mr. Osgood. Certainly; yes, sir.

Chairman WALSH. Have you found that that custom might be an incentive to superintendents to overspeed the men and not treat them properly?

Mr. Osgood. No, sir; I don't think so. Take it as a whole, in Colorado, in all the years that I have worked here there have been always at every season of the year a scarcity of men. We have had to get men if we could. A superintendent is held quite as accountable for his ability to keep his men as he is for costs, because whatever it costs we have got to have men to mine the coal.

Chairman WALSH. What detective agencies have been employed by your company from 1904 down to date to perform the services that you mentioned in your answer to the last question?

Mr. Osgood. We have employed the Thiel Agency, the Pinkerton, the Baldwin-Felts, and I do not know, there may have been some minor ones.

Chairman WALSH. They all have offices in Denver?

Mr. Osgood. Yes, sir.

Chairman WALSH. All of those agencies?

Mr. Osgood. Yes, sir.

Chairman WALSH. You do not recall any others?

Mr. Osgood. I do not recall any others. I think there was the Burns agency at one time—we may have had some from the Burns agency.

Chairman WALSH. Was Albert C. Felts employed by your company during the year 1910?

Mr. Osgood. No, sir.

Chairman WALSH. Was he employed by the Coal Operators' Association, if you know?

Mr. Osgood. I do not know what year he was employed, but the companies, a good many of them, not all of them by any means, entered into an arrangement with the Baldwin-Felts people, within the last year or two. I think perhaps it may have been a year before the strike.

Chairman WALSH. Now, for what purpose was he employed?

Mr. Osgood. He was employed to give us information of conditions at the mine, complaints that might be made whether the men were satisfied or not, whether there were any men who were attempting to agitate and create trouble in the mine.

Chairman WALSH. Did he or did he not report to you at different times?

Mr. Osgood. We have a great many reports from him; yes, sir.

Chairman WALSH. And were the men discharged upon those reports?

Mr. Osgood. I do not think he ever reported anybody by name. I never knew of his doing so. It was something as to conditions rather than as to individuals.

Chairman WALSH. You do not recall any case in which he reported men as agitators, stirring up trouble, which was followed by the discharge of the men?

Mr. Osgood. I do not know of any such cases myself.

Chairman WALSH. Was the employment of Mr. Felts—did it contemplate anything different than the employment of these other detectives that you have mentioned, during the years?

Mr. OSGOOD. No, sir; it did not.

Chairman WALSH. Was any part of his duty to hire to correspond with other sections of this country and hire men to come into the mine?

Mr. OSGOOD. No, sir; not at all. I don't think they ever acted as employment agents.

Chairman WALSH. What firearms and ammunition were in the possession of your company, or its representatives, prior to September 23, 1913.

Mr. OSGOOD. I do not think we had any at all. I don't know of any.

Chairman WALSH. If there was any in your possession you do not know it.

Mr. OSGOOD. No, sir.

Chairman WALSH. What arms and ammunition have been purchased by your company since September 23, 1913?

Mr. OSGOOD. That I couldn't tell you from memory. After the trouble started and we put guards on, we had a maximum of 100 guards at our mines.

Chairman WALSH. That was prior?

Mr. OSGOOD. No; after the strike started. We had, I believe, about 100 guards, all of whom were armed, and we probably purchased arms and ammunition for those men. In October, along toward the middle of October, there had been a great deal of violence, and the sheriff of Las Animas County advised he could not give us protection, and we joined with other companies and purchased eight rapid-fire guns.

Chairman WALSH. What guards, camp marshals, and other persons, charged with the protection of property, the maintenance of order, were employed prior to September 23, 1913, by your company?

Mr. OSGOOD. We had at each mine a man who was called a camp marshal. He usually carried a commission as deputy sheriff. His duties were more particularly of a sanitary character, looking after the sanitary condition of the camps, looking after the houses, and preserving peace when it was necessary.

Chairman WALSH. Now, you say that after the strike you put out how many of these men?

Mr. OSGOOD. Altogether a hundred.

Chairman WALSH. What is the highest number that you had at any time since September 23, 1913?

Mr. OSGOOD. About 100 men.

Chairman WALSH. Did not exceed that?

Mr. OSGOOD. I do not think it would exceed that.

Chairman WALSH. From what source were those men obtained?

Mr. OSGOOD. Very largely, I should say 80 per cent of them, anyway, from ranchmen, who have been known for a great many years by our superintendents out in the vicinity of the mines, ranchmen and their sons belonging around in the neighborhood.

Chairman WALSH. And where were the other 20 per cent employed?

Mr. OSGOOD. Well, I think that some of them may have been employed on the recommendation of peace officers, but in the other towns, like Denver, Pueblo, or Trinidad, wherever we could get information of some men we thought were of a suitable character for the work.

Chairman WALSH. Who had charge of the employment of these men for your company?

Mr. OSGOOD. It was under the general supervision of our general manager, usually the superintendents at the mine were told to get a certain number of guards, and they selected the men.

Chairman WALSH. Was there any definite qualifications fixed by the company for these men to possess that were hired as camp marshals and guards after the strike?

Mr. OSGOOD. We tried to get men of good character, men we knew something about, men, as far as we could, who lived in the community and who were men of some standing locally; men who were accustomed to a life that would make them self-reliant and coolheaded, and, of course, we avoided taking men who we felt would not have proper nerves if they had to protect, if it came to an emergency.

Chairman WALSH. How many men would you say were employed as mine guards, camp marshals, protectors of property, to preserve order, to maintain this number of 100 you say between September 23 down to the present time?

Mr. OSGOOD. How many different ones?

Chairman WALSH. Yes; how many?

Mr. OSGOOD. I don't know. I think that we had very few changes that had to be made, and I think it was largely the same force of men that were working until the Federal troops went into the field.

Chairman WALSH. Did Mr. Felts have charge of the employment, the hiring of these men?

Mr. OSGOOD. No, sir; not at all.

Chairman WALSH. He employed none for your company, did he?

Mr. OSGOOD. No, sir.

Chairman WALSH. Now, did the employees of your mine—you stated, I believe, that the employees of your mine had never complained as to conditions?

Mr. OSGOOD. No.

Chairman WALSH. Did they ever complain as to the alleged violation of any of the laws of the State of Colorado in the mine?

Mr. OSGOOD. No; I have never heard any complaint of that kind. But if it is a proper time, I would like to make a little statement with regard to that.

Chairman WALSH. I would like to have it.

Mr. OSGOOD. It would be improper to say that there never was any violation of law. I have never known of any willful violation of law by our company or others. The laws all carry heavy penalties. Some of the penalties for the violation of some of these laws is the loss of the charter of the company. Many of the penalties are fines or imprisonment. To my knowledge I have never known of a case where there has been a charge in court of a violation of any of these laws by the companies, although we are mining in 8 or 10 counties in the States. It has been claimed that these prosecutions were not brought because in 2 of the counties of the State the companies had such power that prosecution would be unavailing; but there were 8 other counties in the State where mining was carried on by these same companies and where it has never been claimed they were in any such control, and in none of these counties has any prosecution been brought against the companies for violation of these laws, and I have not heard a word. There was no feeling, so far as I know, among the men that we were violating these laws.

Chairman WALSH. Did you find it necessary, at any time, to issue any written orders to your superintendents with reference to your upholding of the laws of the State; any of the laws?

Mr. OSGOOD. I think our men have always been supplied with a copy of the existing mining law, which is the law relating to the safety regulations of the mines. They always had copies of those laws, particularly of the new law which was adopted but did not go into effect until after this strike was called.

Chairman WALSH. I will shorten this by asking if you will turn over to the agent of the commission, Mr. West, copies of any written orders that you have made at any time since 1908, with reference to the laws of the State of Colorado.

Mr. OSGOOD. If I can, and I imagine that I can. Will you make a note of that [referring to some one in the room]? I do not know of any myself.

Chairman WALSH. If there are none, when Mr. Gove goes on the stand he may make an explanation.

Mr. OSGOOD. Two of the laws, two of the principal laws that we have been charged with violating did not go into effect until after the strike was called; that is the eight-hour law and the general mining law, so that we could not have violated them before the strike was called. And I have never known any specific charges of violation of any laws that have been referred to that have ever been called to the attention of any of the courts, and if the local district attorneys did not do their duty there is the attorney general of the State, who has the right to go into any of the counties and prosecute cases of that kind.

Chairman WALSH. Is there not a State mine inspector supposed to look after those things?

Mr. OSGOOD. I think his duties are confined to the enforcement of the mining law proper, the law relating to the safety conditions in the mines.

Chairman WALSH. Then, it is claimed that his duties don't extend to looking after the enforcement of the eight-hour law?

Mr. OSGOOD. I don't think they would. I think that if we were violating the law that any employee of ours or any member of the United Mine Workers could bring a specific instance to the notice of the district attorney, and if he wouldn't pay any attention to it, to the attorney general of the State, and have the company prosecuted for those violations.

Chairman WALSH. I would like to get, approximately, Mr. Osgood, if I could, the number of agents or detectives that you have employed, we will say during the years prior to September 22. I do not want to go into the details of it, but was it a dozen or a half dozen?

Mr. OSGOOD. Oh, heavens, no. I do not think we ever at one time had more than two or three. I do not know that we had that number, but I know we never had them continuously.

Chairman WALSH. Well, then; would you say you had about two or three during all of the year prior to September 23, 1913?

Mr. OSGOOD. I think that is quite possible.

Chairman WALSH. And the year before that, about the same number?

Mr. OSGOOD. I should say, taking the different mines into account, different parts of the field, not all at the same time, but at different times during the year, there may have been a time when there were two or three men employed.

Chairman WALSH. Were they all English-speaking men?

Mr. OSGOOD. I never saw any of them, and I do not know. I imagine they were not. I imagine some of the men were men who could speak the languages of the people, the nationalities that were employed in the mines.

Chairman WALSH. Who of the company had direct charge of employing these men?

Mr. OSGOOD. The orders are always given by the general manager.

Chairman WALSH. Mr. Murray?

Mr. OSGOOD. Yes.

Chairman WALSH. What grievances or dissatisfactions, if any, on the part of the employees were reported to your company by these men during the year prior to September 23, 1913?

Mr. OSGOOD. I could not discover there were any grievances or dissatisfaction. The men were entirely satisfied. I do not know of any grievance that they had.

Chairman WALSH. Were there any for the year before that?

Mr. OSGOOD. I don't know of any at all.

Chairman WALSH. Do you recall any that were reported at any time?

Mr. OSGOOD. I do not.

Chairman WALSH. Then, so far as the operations of these detectives were concerned, there were no reports of grievances to you, and there were no reports of agitators or disturbers made that were conceived to be dangerous?

Mr. OSGOOD. Not to my knowledge.

Chairman WALSH. Was any action taken at any time prior to September 23, 1913, upon the reports made by these men?

Mr. OSGOOD. Not that I know of.

Chairman WALSH. You say when your mines run full force that there were about 1,500 jobs in the mine?

Mr. OSGOOD. Inside and out.

Chairman WALSH. Inside and out?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. How many men ordinarily did you have to hire in a year to keep your force up to 1,500, if you can approximate it for us?

Mr. OSGOOD. Well, our experience is of the miners themselves that nearly 20 per cent are idle all the time. It has run as high as 30 per cent of them, and that 1,500 includes all of the men necessary to keep the mine running; that is, there are not 1,500 working every day out of, roughly estimating, that 60 per cent of the full force are miners and 40 per cent daymen; out of 900 men there are usually 20 per cent of them that will be idle each day.

Chairman WALSH. That is because of no work?

Mr. OSGOOD. No, sir; because they don't want to work.

Chairman WALSH. You have to keep a full force of 1,500 to get 1,200 employees to rely upon for each day?

Mr. OSGOOD. The daymen work much more steadily than the miners do. The miners are the ones who are apt to stay out. Usually a man will stay out anyway one day in the week and sometimes more than that.

Chairman WALSH. Could you approximate the number of men that you hire in a year to keep the force up to 1,500, whether they are all working steady each day or not?

Mr. OSGOOD. Well, I think 1,500 has been our maximum number to keep the number up to that that was necessary to produce the coal that we have been getting out.

Chairman WALSH. I mean new men.

Mr. Osgood. Oh, I could not tell you. The men are changing. All the mines are comparatively close together, and the men are constantly finding that they have a friend from the old country in some other mine, and they go to that mine. I suppose out of 1,500 there may be easily 100 men in a month that are leaving to go elsewhere, and 100 new men coming to take their places.

Chairman WALSH. That would make approximatetly 2,700 men to 3,000, double the number of men to keep a force of 1,500.

Mr. Osgood. Not that number are employed at one time.

Chairman WALSH. I understand; but from time to time?

Mr. Osgood. From time to time.

Chairman WALSH. During the year, to keep that force of 1,500, you employ about 3,000?

Mr. Osgood. I would hardly put it as strong as that.

Chairman WALSH. Say, 2,700?

Mr. Osgood. The daymen don't move around in the same way. If they get a job they usually remain for a considerable length of time—the weighmen, the dump hands, the drivers, and the track men; but the miners themselves, say 900 out of 1,500, those men are constantly changing. The same man may go away and come back again; it may not be different men.

Chairman WALSH. I understand; but you hire 100 men per month?

Mr. Osgood. I should say very nearly that.

Chairman WALSH. As I understand you, to keep up a force of 1,500. Now, take the industry of mining; in an ordinary year how much work does the miner have in your mine?

Mr. Osgood. I have a statement here, if you care, the average for the year 1913, carefully compiled—that would be the fiscal year preceding the strike.

Chairman WALSH. Let us have it.

Mr. Osgood. The mines averaged 274½ days that year.

Chairman WALSH. Do the saloons that operate in your mining camps pay anything other than rental for the privilege of operating?

Mr. Osgood. No; they pay rental.

Chairman WALSH. Who rents them the building?

Mr. Osgood. We rent them the building.

Chairman WALSH. Who determines the amount of rental?

Mr. Osgood. I think the rental is based on the number of men who are employed?

Chairman WALSH. The rental of the saloon?

Mr. Osgood. Yes.

Chairman WALSH. Take a typical case; take your largest mine; which is that?

Mr. Osgood. The Delagua.

Chairman WALSH. How many men are employed there?

Mr. Osgood. I would say there were between 300 and 400; perhaps 350 men.

Chairman WALSH. How many saloons were there?

Mr. Osgood. At Delagua I think there is but one.

Chairman WALSH. But one saloon. What sort of a building is it in?

Mr. Osgood. It is a pretty substantial frame building.

Chairman WALSH. What is the rental of the saloon?

Mr. Osgood. I can't tell. I have no recollection of it. I do not know that I ever saw it.

Chairman WALSH. Who checks up the amount of rent; that is, the number of men—the charge to be made to the saloon keeper.

Mr. Osgood. I suppose that the mine clerk sends in each month the number of men that were working. It is based on a per capita.

Chairman WALSH. What is the per capita—how is it collected, by the month?

Mr. Osgood. Yes.

Chairman WALSH. From the saloon keeper.

Mr. Osgood. Yes.

Chairman WALSH. And a statement is made by the mine clerk as to the number of men that are employed that particular month, and the charge is made to the saloon keeper upon that?

Mr. Osgood. That is my understanding. I have never seen these charges; never seen any of the statements of them, but that is my understanding of them.

Chairman WALSH. Has there been a change at any time; that is, in the amount?

Mr. Osgood. I do not think there has. I do not know that there has.

Chairman WALSH. What is the per capita at Delagua?

Mr. Osgood. I can't state. I could investigate and find out.

Chairman Walsh. Will you be good enough to ascertain and let us have that information?

Mr. Osgood. All right, sir.

Chairman Walsh. Could you not even approximate it offhand?

Mr. Osgood. I don't know what it is.

Chairman Walsh. How many of your men went out during the strike this last spring?

Mr. Osgood. Why, I should say about 50 per cent of our men went out on strike—of our company.

Chairman Walsh. Are miners who are paid by the ton limited to eight hours or can they work longer if they desire?

Mr. Osgood. They could not work longer, and it is for that reason I have already opposed an eight-hour day, that it worked a hardship on the men and on the company. The business being a seasonal business there are times of the year when there is an urgent demand for coal, and men by working a little additional time could make better wages, the company could have more coal to sell, and with the idle time that they would have in dull seasons of the year they would have a fair average of work throughout the year. For the added reason that under the strict regulations of the mining law with regard to firing shots, etc., if a man happened to be a little slow with some of his work and couldn't get the shot ready in time before quitting he would come under our law under the penalty of this and he might lose an entire day's work because if he can't finish up and leave his room so that the shot could be fired by the shot firer he would have no coal to load the next day that he was there, and have a handicap by a fixed legislative regulation. The miners never have worked in any mine I have known eight hours a day. I do not believe they have averaged six hours a day. They usually work in couples, and after the bulk of the heavy work of the mining is done one man almost always would go out early in the afternoon and leave his buddy, his partner, to complete the loading of the coal. I think their hours on the average were much less than eight hours a day. I think there is quite a serious disadvantage both to them and to the operator in having this legislative prohibition against their working after a fixed hour in the day.

Chairman Walsh. When had there been an increase in your wage scale prior to the 10 per cent increase of 1912?

Mr. Osgood. I can't recall that exactly, but when we gave, or established, the eight-hour day, we practically gave an increase of 25 per cent in wages, because we left the wages the same for an eight-hour day that they were for a 10-hour day previously.

Chairman Walsh. Did you or did you not find that as much was accomplished in the eight hours as had been accomplished in the longer time before?

Mr. Osgood. By the miners. The miners produced as much coal in the eight hours, because, as I say, they work six hours; probably were in the mine longer hours after the eight-hour day was established than before. As far as the production of the mine was concerned, it was reduced; the production of the ordinary miner was not materially affected.

Chairman Walsh. Outside of the hours, had there been another increase in the wage scale except the 10 per cent increase in 1912 and also in 1904 down to that time?

Mr. Osgood. I can not tell you from my own recollection. I think that there had been. I have since refreshed my memory and now answer that an increase of approximately 9 per cent was made January 1, 1907.

(See Osgood Exhibit No. 1.)

Chairman Walsh. The demand in 1904 was for an increase of 20 per cent?

Mr. Osgood. Yes. You read it to me. I have no recollection other than that was correct.

Chairman Walsh. Have you ever figured to ascertain the comparison between the increase in wages from 1904 until 1912 and the increase in the cost of living?

Mr. Osgood. I have never made any such calculation.

Chairman Walsh. Have you made a calculation, or the company ever made a calculation, as to the increase of cost of products sold at these stores from 1904, these company stores, down to the present time?

Mr. Osgood. No, sir; I have not.

Chairman Walsh. I noticed in the testimony of Gov. Ammons this morning it was stated that a portion of the financial support of the operators came from elsewhere than Colorado. Where did it come from?

Mr. Osgood. In what way do you mean, financial support?

Chairman WALSH. I did not understand it exactly. A note was made, and I should like to understand it. I understood the governor to say that a portion of the financial support of the operators came from outside of the State, and the financial support of the miners——

Mr. Osgood (interrupting). Well, I think he meant the capital engaged in the business in Colorado, that part of it was local and part of it from out of the State. I think I recall what he said, and that was the meaning that I gathered. That is undoubtedly true that some of the capital engaged in coal mining is from out of the State. In my company the stock capital, you might say, comes from the State, but the bonds we have sold have largely been sold in the East, and that capital comes from away from the State.

Chairman WALSH. What is the bonded indebtedness of your company?

Mr. Osgood. The bonded indebtedness is four and a half million dollars.

Chairman WALSH. Four and a half million dollars?

Mr. Osgood. Yes.

Chairman WALSH. What is the taxable value of it in the State of Colorado?

Mr. Osgood. I can not recall those figures; I can not tell you.

Chairman WALSH. Can you give it approximately?

Mr. Osgood. No; I could not.

Chairman WALSH. What is the capitalization of the company?

Mr. Osgood. Nine million four hundred thousand dollars.

Chairman WALSH. Nine million four hundred thousand dollars, and that is based upon what?

Mr. Osgood. Upon an estimate of the value of the property, the coal lands, the equipment, and the cash investment—the capital.

Chairman WALSH. The capital is exclusive of the bonds?

Mr. Osgood. Yes.

Chairman WALSH. Do you consider Federal legislation advisable to meet conditions such as you have had here in Colorado, Mr. Osgood; have you given that matter any thought?

Mr. Osgood. No, sir; I have not, in detail, and I could not answer it without knowing what special legislation you had reference to.

Chairman WALSH. Well, I am following the thought expressed by the governor here this morning, if you heard that. If not——

Mr. Osgood (interrupting). No; I did not hear it in detail.

Chairman WALSH. What system of checkweighmen have you in your mine?

Mr. Osgood. We have none.

Chairman WALSH. Who does the weighing?

Mr. Osgood. A weighmaster employed by the company.

Chairman WALSH. Now, that has been a point of dispute, has it not?

Mr. Osgood. I think it is one of the very difficult points. The complaint with regard to weights I have never heard except in times of strike as a reminiscence of something they claimed aggrieved them before the strike, but at the time the grievance occurred I have never heard any complaints from any of our mines that we were not giving correct weights. It is just as difficult as it is for the housewife, and a little more so, perhaps, to make sure that she gets the correct weight from her grocer or butcher. The miner, if he wants to think so, or if some one puts the thought into his mind, can believe that he is being robbed in his weights. The law provides that the miners, if they desire to do so, can have a checkweighman, and that they must pay him. He must be selected by them. I think that has been the law for quite a long time. So far as the company's interest is concerned, and their desire, they would be glad to have the miners appoint a checkweighman in every instance, and relieve them from any suspicion in any instance that the miners were not getting the correct weight, and pay; but it is very difficult for them to agree on the checkweighman. Sometimes when they have a checkweighman, they get tired of paying him his wages, and do not think that they get enough advantage to justify them. In a small mine the wages of a checkweighman amounts to a considerable; in a large mine it would not be so severe a tax. Then they have so many nationalities that they distrust their own man if he is of another nationality. If an Italian is appointed checkweighman the Austrians and the Greeks may think he is not doing justice to them; and vice versa. So it is not an infallible method by any means for preventing difficulty. When the men themselves have shown any desire to put it in force—it has been done—the company has no right to insist that they shall have a checkweighman. The law simply says they can have a checkweighman if

they want one—that they shall be permitted to have one if they wish. And that facility has always been extended to them.

Chairman WALSH. What remedy would you propose for the checkweighman difficulty? You say it arises whenever disputes arise? Now, did it arise in this dispute?

Mr. OSGOOD. It came afterwards as a complaint that during the time the men were at work they had been robbed; and there was evidence before the congressional committee—that is, men stated their opinion or belief that they had been robbed in their weights—and before one or two of the investigations held here in Denver, locally, men would make the statement that they believed they were being robbed. It is a subject we have given a good deal of thought to, and it is a very difficult subject to know how to handle in order to satisfy the men that their weights are honest. The companies pay the men by the weights that are taken on a scale weighing the pit car on top of the dump. Then they weigh their coal after it is dumped and put into a railroad car, to sell it to their customers. Now, we have examined our weights, and so have most of the larger companies, and it is a very close approximation—the amount of the coal we are paid for, and the amount of coal we pay the miners for; just as close an approximation as there could be in the use of two scales—one weighing the coal for the miners and the other for the public. There is a very slight difference one way or the other. We have suggested that some bureau or inspector of mines or the governor or some officer should require sworn statements of the amount of coal we sell as compared with the amount of coal we pay our miners for, so as to insure our miners that they are getting paid for the coal that we are selling our customers, and that the miner is not paid for less. Now that does not meet the entire difficulty of the situation.

The other difficulty is that there is always a possibility of petty dishonesty by the weighman in favor of some friend. A pit car with some man's coal in weighs, say, 3,000 pounds. Now the way the coal is loaded in the mine it may vary from 2,500 pounds to 3,200 pounds or 3,500 pounds. If there is a great deal of fine coal in the car, it is heavier than if there are a great many chunks and a great many coarse interstices. A man can not tell, even if he thinks he can, what weight he loads on a car in the mine. He may think he loads all his cars loaded in the mine alike, but when he comes out at night he finds out that one car weighed 2,500 pounds and one car 2,800, and another 3,200, and it is human nature to think that the 3,200 pounds is right, and that the others are wrong, and that somebody has taken the weights improperly. The weighman can, if he is dishonest, and in collusion with some one else, when he weighs a car and finds it weighs 3,000 pounds, credit the man with 2,500 pounds and give some friend of his credit for 500 pounds on some of his cars. The only thing you can do to prevent that is to try to have honest weighmen; and also a checkweighman would prevent that to some extent, because there would have to be collusion between the checkweighman and the company weighman to permit anything of that kind to be done. But I think the checkweighman, I don't know of but one mine in the State that has continuously had checkweighmen. If a man absolutely inspired the men with confidence, and they believed him all right and square, why, they would keep him on for a long time.

Chairman WALSH. Will you be kind enough, please, to pass up that statement, as I understand we may have that statement.

Mr. OSGOOD. Yes. May I give you some further data that is on it?

Chairman WALSH. Yes.

Mr. OSGOOD. It is a statement made up of wages paid for the year ending June 30, 1913, average day's work, total day's work, total amount paid, total amount average per day. The average per day was $4.01 at all our mines for an average of 274 days. The average yearly wages were $1,100.75.

(See Osgood Exhibit No. 2.)

Chairman WALSH. Does a miner employ a helper?

Mr. OSGOOD. No, sir. They usually work two men at a time; but each man runs a separate check and is credited for his share of the coal, so each of those [referring to the items handed up] represents an individual miner's work and not with an assistant.

Chairman WALSH. Mr. Garretson has a question or two that he would like to ask.

Commissioner GARRETSON. In the strike of 1894, Mr. Osgood, you made the statement that the Federal troops were assigned on account of the strike of the miners——

Mr. Oscoon (interrupting). I don't think so. The Federal troops were in the field.

Commissioner GARRETSON. Isn't it a fact that the only Federal troops in the coal field were assigned to protect the tracks of the Santa Fe Railway west and south of La Junta?

Mr. Oscoon. No; there were some troops that were sent up to El Moro to protect the property of the Union Pacific, Denver & Gulf road. It was in the hands of the receivers at the time.

Commissioner GARRETSON. It was to protect the movement of trains.

Mr. Oscoon. The troops were in the field at that time. I did not mean to convey the idea that they were in the field in connection with the coal mines; but those troops were in the field in connection with the general situation.

Commissioner GARRETSON. In fact, the only place where the Debs strike was declared was on the railways outside of the Pullman works?

Mr. Oscoon. I have been trying to refresh my mind as to the details of the Debs strike; yet it is a fact that we had some strikes in our mines sympathetic with the Debs strike. Now, I can not recall——

Commissioner GARRETSON. Isn't it a fact that there wasn't an officer aside from the railway union, which was the Debs organization, or anything but railway men?

Mr. Oscoon. Oh, they were not connected with the mines. There was no union that I know of connected with the mines.

Commissioner GARRETSON. You spoke a moment ago that after the putting in of the eight-hour day the product of the individual miner was probably as great as it was before, but that still the product of the mine was reduced?

Mr. Oscoon. Yes.

Commissioner GARRETSON. With the same number of men employed, how would you reconcile those two statements? You might need more daymen for the shorter period, but the miners are none of them daymen—that is, the coal diggers, are they?

Mr. Oscoon. No; they are not daymen. I simply take the fact as it is shown that taking the average tons produced per man—it may be that we have less men working; but the average tons produced per man has not varied very much in the last year. I looked at this recently, but the average production at the mine, as I have investigated it, by the law of averages, that is so, that if you have just as many men and they produce the same amount per man——

Commissioner GARRETSON (interrupting). And, therefore, there would be none of that attributable to the eight-hour day, but only to the fluctuation in the number of men?

Mr. Oscoon. Of course, that is so, so far as taking out the coal was concerned it would take more men and take more time. Now, our daymen work more hours than the miners. Our daymen are not affected by this law, and the miners are.

Commissioner GARRETSON. They still work 10 hours?

Mr. Oscoon. No; in our mines they work nine hours. They work half an hour before and half an hour after the miners quit their work.

Commissioner GARRETSON. In regard to the hiring of guards—you spoke of that. Where did your supplies come from? Mr. Felts testified before the congressional committee that he hired from 40 to 75 men without any investigation. Your company did not use any of the men he hired?

Mr. Oscoon. I don't remember that testimony of his. His testimony was that at no one time did he have over 18 men in Colorado.

Commissioner GARRETSON. The digest of his testimony that I have makes that statement. Now, bear in mind——

Mr. Oscoon (interrupting). Now, let me perhaps correct both you and myself. Mr. Felts was employed in northern Colorado, where the strike occurred in 1910, before he was in southern Colorado; and so he may have had charge of the guards, and I think perhaps he did. But there was about 15 per cent of the coal produced there, and there was about 68 per cent of it in the southern field, and the most of my remarks have left northern Colorado out of mind, and in southern Colorado he had nothing to do, to my knowledge, with employing guards.

Commissioner GARRETSON. And then none of those men were utilized by your company?

Mr. OSGOOD. No, sir.

Commissioner GARRETSON. You spoke of the fact that no complaints had ever come to you in regard to the men wanting a change of condition or an increase of pay or complaints of injustice by officers lower down. Has there ever been a belief among the men that a man who indulged in anything of that kind would be marked as an agitator?

Mr. OSGOOD. I never heard of that except during this strike. Possibly the same talk was made during 1904. I was not here a good deal of that time. That talk has been made considerably since the strike, but before the strike I never heard that.

Commissioner GARRETSON. But you don't know whether or not that was their feeling on the subject?

Mr. OSGOOD. No; but I think I would have known. Our superintendents, our pit bosses, all of the men over these men down there have grown up from miners themselves and they have a good deal of sympathy and a good deal of fellow feeling. They are drawn from the same people. Our general manager is a man who worked in the mine as a boy and he knows a large percentage of our men at the mines. He goes to the mines frequently and meets the men and I think they talk with him with absolute freedom. I don't think they think he is an unjust man and I don't think they hesitate to tell him if they think a pit boss or a foreman is not treating them right. I think the superintendents themselves are interested to prevent injustice and dissatisfaction on the part of the men. There has been such a demand for labor throughout all these years in our industry that men could always find work. It is not such a great hardship for them to make a change. They can go across the hill and get a job, if they think they are not fairly treated. Consequently the superintendents have been on their good behavior to try to keep these men. They try to keep the men. If they have a good miner they want to keep him and see that he is justly dealt with. The superintendent has that strong incentive to try to deal justly with the men. I do not believe when a strike is not in progress that there is any such feeling. There are men of course who are constant fault finders and grumblers and make themselves very disagreeable and I think they have some justification perhaps for feeling that the superintendent is getting tired of them and says, "You had better go."

Commissioner GARRETSON. If that feeling did exist, that in itself would explain why complaints did not come, would it not?

Mr. OSGOOD. Yes; but I have no reason to believe it did exist.

Commissioner GARRETSON. You spoke of a certain set of proceedings in the State and that you had sent to New York to find whether or not you could deflect immigrants to your employ here and you found it was not practicable because they had a fixed destination before sailing?

Mr. OSGOOD. Yes.

Commissioner GARRETSON. Your experience in that line—did it lead you to believe that the contract-labor laws of the country were being effectively applied?

Mr. OSGOOD. I think they were. We went further than that. We felt that our industry was growing very rapidly here, and there were times when it was difficult to get all the men we wanted promptly in the winter season when the demand for coal was heavy; and we were looking around to find out if we could get the best class of mining labor, and we sent, I think, about this same time, a representative to Washington to ask the Commissioner of Immigration—I don't know who he was at that time—if it would be a violation of the labor laws if we sent a representative to Europe with information about coal mining in Colorado without specifying the mine or mines, but with photographs of mines and statements of the general conditions of mining and the scale of wages paid and general conditions and circulated those in a mining district in Europe, leaving it for that to interest the men voluntarily to come to this country and when they did come to this country they would be coming for mining work and would come to Colorado. He said that that would be a violation of the law, but he suggested at the time that it could be done by the State superintendent of immigration—that if the State did it it would be proper; but not for companies or individuals. And afterwards I think a decision was rendered that even the State should not do it, and I think that was in some case involving the State of Georgia.

Commissioner GARRETSON. Didn't it occur to you, now, that this fixed destination that the immigrant must go to had anything to do with a contract implied or actually entered into before he started?

Mr. Osgood. Oh, not at all; simply that these men did not come haphazard, but if they were coming they came at the instigation of some friend, or after inquiring and concluding that New York was a good place to go to or Pennsylvania was. And when I said destination, I did not mean necessarily destination of employment, but simply a locality; that they were destined to a certain locality, and that you could not change them when they landed and ask them to come out here to Colorado or Illinois if that happened to be the State in need of them.

Commissioner GARRETSON. You could only get a second chance at them?

Mr. Osgood. That is about all.

Chairman WALSH. Commissioner Weinstock would like to ask you a question.

Commissioner WEINSTOCK. Gov. Ammons, this morning, in his statement, among other things, said that a great deal of misrepresentation had gotten abroad and a great many statements had been made by interested parties perhaps, and through the press, that were not true. Now, it would seem to me that, in the interest of fair play to both sides, their witnesses ought to be afforded every opportunity to contradict or to deny the charges that had been made pro and con; and with that end in view I have some statements here that have been made by witnesses on the other side at previous hearings, to which I would invite your answers. In order that I may better understand the situation, Mr. Osgood, I would like to inquire whether the mine owners have an association among themselves?

Mr. Osgood. We have never had any occasion until possibly 60 days ago, when we organized an association called—it is not completely organized yet, which we called the Coal Miners' Welfare Association. The objects of the association are specified in its charter, to promote the welfare of the employees of the members, to assist in the enforcement of the mining laws of the State, and to take such steps as could be taken to devise means of securing the accurate weighing of coal at all the mines of the State. This organization was organized in conformity with various suggestions made from time to time that made the operators feel that working independently that they were held responsible as a body for perhaps the actions of a single individual, and if they could join together in an effort to see that the laws were enforced, as it was claimed they had not been enforced, that we could try, as we always wanted to, to devise means to satisfy the men as to weights, and in other ways to contribute to the welfare of the men, and if we could do that it would be a good movement. Prior to that there was no association.

Commissioner WEINSTOCK. If I remember rightly, in your testimony, you made the statement that seven machine guns were bought and the cost prorated among the companies?

Mr. Osgood. No; the three companies that were acting together. Three of the larger companies have acted together throughout this strike, the Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and the Victor-American Fuel Co.

Commissioner WEINSTOCK. How many companies are operating in Colorado?

Mr. Osgood. There are some 60 companies operating mines that ship coal. I understand there are 30 or 35 small mines that are running intermittently, called wagon mines, that have no railroad tracks.

Commissioner WEINSTOCK. Then out of these 60 companies only 3 have acted collectively?

Mr. Osgood. That is hardly right. On the questions of publicity and general policy in dealing with the strike this meeting, which was never a formally organized meeting, and did not meet again, authorized a committee, and that committee was selected to represent the entire body in dealing with matters of publicity, and in placing their case before the public.

Commissioner WEINSTOCK. How many companies took part in that gathering?

Mr. Osgood. I think between 40 and 50 of them; perhaps 90 per cent of the active companies in the State.

Commissioner WEINSTOCK. And they appointed a joint committee to represent them?

Mr. Osgood. That committee consisted of Mr. Welborn, Mr. Brown, and myself.

Commissioner WEINSTOCK. And you three gentlemen represented the entire group in that respect?

Mr. Osgood. Yes; with no authority to represent them in any other way.

Commissioner WEINSTOCK. What is the answer to the charge made on the other side, that the answer made to them as to their right to organize collectively for their common good was a denial of that right to the workers?

Mr. Osgood. The answer, in the first place, is that we do not deny that right to the worker; he has the right if he wants it. We claim the right to refuse to do business with any organization that we may have serious objection to, that we believe unfair, and that does not live up to its contracts and that is not of advantage to its members. We claim a similar right to choose who we shall deal with.

Commissioner Weinstock. Then the fact of the companies refusing to recognize different organizations that may have existed among the men was not due to the fact that you objected to the men organizing, but due to the fact that you did not want to recognize that particular organization?

Mr. Osgood. There has been but one organization among the coal miners, and that is the United Mine Workers of America, and we do very strongly and unanimously feel that it is an organization that we do not want to do business with.

Commissioner Weinstock. Then I understand you do not object to dealing with organized labor, but do object to dealing with that particular organization of labor?

Mr. Osgood. I would cross that bridge when I came to it; there might be some other organization I objected to, but so far as this case was concerned, there was but this organization.

It had no membership to speak of. It had about 3,000 mine workers in the three States of Colorado, Utah, and New Mexico.

Commissioner Weinstock. I have before me a digest of the testimony given me by Mr. John R. Lawson before the congressional investigating committee, and among other things I read the statement that 95 per cent of the employees went out; does that statement correspond with your knowledge of the facts?

Mr. Osgood. There is absolutely no justification for that statement, not the slightest.

Commissioner Weinstock. What were the facts, as you know them?

Mr. Osgood. The State mine inspector's report—and the State mine inspector is a member of the United Mine Workers of America—shows that the average number of men working in August, 1913, prior to the strike, was 12,059, and in September, 12,246. The strike was called on the 23d of September; the average number of men working in the State in October, 1913, was 7,696, or only about 4,500 men less than the months before. There were nearly 60 per cent remaining in the mines.

Commissioner Weinstock. There were nearly 60 per cent remaining in the mine, and only short about 40 per cent went out instead of 95 per cent?

Mr. Osgood. Yes, sir; 4,500 men went out at that time. The statistics of the railroads in the towns where the mines are located show that a very large number of the men who left the State, that they were forehanded and left the State to get away from the strike, and it is my belief that not over 2,500 men were engaged in the strike. The figures show—from the State mine inspector's office—that while there were 7,696 men employed in October, in November there were 8,216, an increase of 520, and no men were brought from outside of the State, and these were men that went out on the strike who returned, and in December there were 9,000 men, or 2,000 more men than were at work in October—right after the strike. Some men were brought in, but the maximum number brought in from outside of the State was 800 men—that was in December and January. These were men that came back from the strike field, and in January there were 12,375 men working. In February there were 10,036 men working. In March the number fell off—as it always does in the springtime, when the trade falls off and men begin to go out into outdoor occupations—to 9,208, in April to 9,059, and then came the Ludlow incident, and the fight at the different mining camps, and the number fell to 8,348, and in June it was 7,892.

The production of coal shows even better figures in percentages; the production of coal in September of this year was 97 per cent. The month after the strike was called it was 56 per cent of the same month of the year before.

Commissioner Weinstock. Are we to understand that the 7,696 men at work in September, 1913, were men who declined to go out on strike?

Mr. Osgood. Yes.

Commissioner Weinstock. They were not replacements?

Mr. Osgood. No, sir.

Commissioner Weinstock. This testimony of Mr. Lawson's makes the further statement that formerly organizers took their lives in their hands if they talked unionism in southern Colorado, and some organizers were shot.

Mr. Osgood. I do not think any such case happened. I remember the case clearly and the cross-examination, and in the cross-examination it seemed to be brought out clearly that this was a reference to the shooting of a man in a saloon, who was an organizer, but was wholly unconnected with any labor disturbance, and the shooting was done by a man who had been ejected from the saloon because of a disturbance in the saloon—it was simply Mr. Lawson's assumption that it was done in connection with the strike. It seems to me that his case was lost completely on the cross-examination and the testimony that was given in rebuttal.

Commissioner WEINSTOCK. He further stated that in 1903, 6,000 men were discharged, that the firing has continued since, with many men discharged, and some driven away by gunmen. What about that?

Mr. Osgood. I think he had no justification for any of those statements; he had no proof of them, and they were not statements of fact in the slightest degree.

Commissioner WEINSTOCK. He also said that the men accused of killing the miners were acquitted by hand-picked juries; that a union man was tried by a jury, including 11 Mexicans, who could not speak English, and was convicted of manslaughter, and the witness was told the verdict before the case was tried.

Mr. Osgood. I heard his testimony at the time, and it certainly carried no conviction to me, and the cross-examination seemed to disparage all of his statements, and showed that they were simply statements of his opinion and not corroborated by any actual facts.

Commissioner WEINSTOCK. He made the further statement that the larger companies will not allow the smaller companies to settle strikes with the United Mine Workers of America.

Mr. Osgood. There is absolutely nothing in that. Several of the smaller companies have signed up contracts with the union in this strike, and the larger companies have no control over them at all.

Commissioner WEINSTOCK. You deny that, absolutely?

Mr. Osgood. Yes; I deny that, absolutely.

Commissioner WEINSTOCK. The further statement is made that three of the larger companies claim to control 95 per cent of the output of the State, but that they produce less than 50 per cent; what about that?

Mr. Osgood. Both of his statements are absolutely unwarranted, and a reading of his testimony, some of which I read last night, would clear that matter up in your minds.

Commissioner COMMONS. What percentage of the coal is produced by the three companies?

Mr. Osgood. Sixty-three per cent—the Colorado Fuel & Iron Co. 40 per cent, the Victor-American Fuel Co about 15 per cent, and 12 per cent by the Rocky Mountain Fuel Co.—about 67 per cent is the total. The operators never at any time stated that they produced 95 per cent of the coal mined in the State. The attorneys for the miners attempted to show that they made that statement in an advertisement. That was some advertisement in regard to the strike that was made, and it was signed by Mr. Welborn, Mr. Brown, and myself, representing the operators in the State mining 95 per cent of the coal, and they tried to distort it into a statement that those companies mined 95 per cent of the coal.

Commissioner WEINSTOCK. He made the further statement—in brief for the striking miners prepared by E. P. Costigan, James H. Brewster, and H. N. Hawkins, the statement is made that of 12 court decisions cited by the miners the only one holding that the United Mine Workers of America is unlawful is the decision of Judge Dayton, district judge of the United States for the northern district of West Virginia, and this decision has been reversed by the circuit court of appeals. I think the claim was made by the mine owners that the United Mine Workers had been declared an illegal body by the courts of the country, and that is the answer made by the workers; is that answer substantially correct?

Mr. Osgood. Not being an attorney, and not being familiar with the things, I do not know whether any opinion of that kind has been handed down; I know of the opinion of Judge Dayton.

Commissioner WEINSTOCK. Do you know that this decision has been reversed by the circuit court of appeals?

Mr. Osgood. No, sir; I don't.

Commissioner WEINSTOCK. Furthermore, the brief goes on to say that the opinion of the courts in other States regard the United Mine Workers of America as a responsible, lawful organization; what would you say about that?

Mr. OSGOOD. I have a very wide acquaintance with coal operators all over the United States, and there is not a single coal operator of my acquaintance where union men are employed that is at all satisfied with conditions and does not feel that it is a matter of force that he is compelled to work under such conditions. I do not know of a State in the Union where conditions are so bad as they are in the State of Illinois, in which State the United Mine Workers of America have control. I am told that there is not a solvent operator in the State outside of the railroads; and I have talked with operators in Kansas and Wyoming, and States all over the country, and it is to the same effect.

Commissioner WEINSTOCK. This brief goes on further to say that the open-shop of the Colorado operators is a shop closed against union labor. Some men claim that union men work in Colorado mines, but they remain only just as long as their unionism is inefficient, and the closed shop against the union has been obtained by the use of immigrant labor; that the immigrant, through necessity, has to accept any condition imposed by the employer—that there are three kinds of shops, one known as the union shop, which is practically closed, another which is known as the open shop, where union and non-union men work side by side, and another known as a nonunion shop where only nonunion men are employed; how are the coal mines classified, as union, open, or nonunion?

Mr. OSGOOD. I could classify them myself as nonunion, but we never ask the men whether they are union or not; it is generally understood that the mines in Colorado are not working under unions. Every miner who comes here knows that the United Mine Workers of America are not operating these mines; he knows he is coming to a nonunion mine and we do not ask him whether he is nonunion or not. We have hundreds of men who have been at one time or another members of the United Mine Workers of America; how many of those men are voluntary members, I don't know. In some places men that work in mines that are unionized take out union cards, and when those men come out here they tear up their cards and throw them away; others keep them. They are union men in union States because they have to be, and they are nonunion men in our State, because they don't want to pay their dues and it is of no value to them, and they pay no further attention to it.

Commissioner WEINSTOCK. Do you care to make any answer to this statement in the brief that goes on to state that while union men may apply for work and be employed they remain only as long as their unionism is inefficient?

Mr. OSGOOD. I think without a union contract, his unionism is ineffective, just the same as an Odd Fellow would be in a town where there was no lodge of his order; he might be an Odd Fellow in heart and would cooperate when he got where there was a lodge.

Commissioner WEINSTOCK. This brief goes on further to claim that the showing made by the operators of wages at the Rouse mine is based upon the month just preceding the strike, when conditions were the most favorable in order to show the best figures possible?

Mr. OSGOOD. The incorrectness of that statement is apparent as shown by the statement I have handed your chairman which covers that matter. When we made our statements of wages we gave a number of different months at the different mines; then at the request of the governor we threw our books open to a committee of auditors, who took the mines and months haphazard throughout the entire year, and at the request of one of the newspaper editors a statement was made up by Mr. Upton.

Commissioner WEINSTOCK. Then this represents the average throughout the year?

Mr. OSGOOD. In our mines.

Commissioner WEINSTOCK. Not for one particular month?

Mr. OSGOOD. No; the entire year.

Commissioner WEINSTOCK. Then these gentlemen were in error in their brief?

Mr. OSGOOD. Yes.

Commissioner WEINSTOCK. Furthermore, this goes on to say that relative to alleged violation of contracts by mine owners, that in the case of one Bettis, the discharge of the man in question was in itself a violation of the contract, which requires that the party involved should remain at work pending an adjustment; that this case could have been adjusted easily, but that Bettis was looking for trouble. Are you familiar with that?

Mr. Osgood. I heard the statements of the witness at the time, and I have talked with Bettis.

Commissioner WEINSTOCK. Did this case happen in connection with your mine?

Mr. Osgood. No, sir; and I am not familiar with it at first-hand, but I am familiar with the case from hearing Bettis testify.

Commissioner WEINSTOCK. This brief goes on to answer the charge made by the brief presented by the attorneys for the owners in which they charge organized labor with violence and in which they state that the operators ignored instances of violence unfavorable to their side, one the killing of Lippiatt, a union organizer, by Belcher, a detective, and the shooting at Walsenburg of union men, and the killing of one and injuring of another for life, and that the operator's brief does not state the casualties to the strikers and women and children at Ludlow, April 20; are you at all familiar with those cases, and can you throw any light on them?

Mr. Osgood. April 20 was long after the congressional hearing; I don't know how they got that into their brief. The hearing was held in February, and I don't know that that had any place in the brief, but I do know about the Lippiatt case, and that is a rather difficult one to testify about, except in a general way, because one of the parties involved is under indictment, and I do not suppose it would be proper to give testimony as to the defense, but I can say briefly that Lippiatt was a trouble breeder in northern Colorado, and went down there for the purpose of making trouble, and it has been shown that Belcher fired in self-defense and it was not an attack of Belcher on Lippiatt, but of Lippiatt on Belcher.

So far as the shooting in Walsenburg is concerned, that has been tried, and the evidence showed that an attack was made by the strikers on the guards and the guards fired in defense of their own lives. Those cases are all—they have been heard by the grand jury, as far as they occurred in Las Animas County, with the result that over 300 men have been indicted for murder in connection with that difficulty, and all of those men are United Mine Workers of America or strikers.

Commissioner WEINSTOCK. What county is Walsenburg in?

Mr. Osgood. Huerfano County.

Commissioner WEINSTOCK. How do you deal with injured workers? How are they compensated, if at all, under the existing conditions?

Mr. Osgood. We have no system; we have no regular plan of compensation; we have no compensation law in this State.

Commissioner WEINSTOCK. If a worker loses his life, are his dependents compensated in any way?

Mr. Osgood. Not necessarily. In some cases they are and in some not.

Commissioner WEINSTOCK. If he is crippled for life is there any compensation?

Mr. Osgood. No, sir; there is none.

Commissioner WEINSTOCK. Have any steps been taken to compensate injured workers or their dependents for injuries received?

Mr. Osgood. No. Among those a certain number of them belong to certain organizations of their own that they contribute to, but so far as my company is concerned, we have no organization which attempts to pay for these injuries. In specific cases we have paid. In cases where we thought we were legally liable we had attempted to settle without a trial.

Commissioner WEINSTOCK. In other words, the burden of the injury falls upon the worker and his dependents?

Mr. Osgood. Yes, sir.

Commissioner WEINSTOCK. The question is suggested as to whether their pay goes on if they are injured; during the period of their injury?

Mr. Osgood. It does not.

Commissioner WEINSTOCK. Then the whole burden in thrown directly upon their shoulders?

Mr. Osgood. Yes, sir.

Commissioner WEINSTOCK. The industry bears none of it?

Mr. Osgood. No; the industry bears none of it.

Commissioner WEINSTOCK. This brief goes on further to make the statement that the evidence of violence is conflicting and that the mine troubles were precipitated by attacks of guards at Forbes and Walsenburg; there is testimony to show that the first shooting of October 7 was done by the Baldwin-Felts detectives.

Mr. OSGOOD. On October 7?

Commissioner WEINSTOCK. On October 7; yes.

Mr. OSGOOD. As I have already stated, all of these cases are in the courts now, and before the grand juries, and there is an abundance of testimony that will show within a few months. Some of these cases are up for trial in two months that will show pretty clearly who the guilty parties are. There is no fear in my mind what the result will be. The claims made in that brief I do not think have any justification from the facts given before the commission. You are asking for my opinion, and that is as much as I can give you. I could go into a great deal of detail about it, but I do not think, unless you want it, it would be particularly helpful now.

Commissioner LENNON. Are you acquainted with Frank Peabody, operating in Illinois?

Mr. OSGOOD. No.

Commissioner LENNON. With Harry Taylor?

Mr. OSGOOD. Yes; I met him here within a week or two.

Commissioner LENNON. You know that their testimony is unquestionably to the effect before the commission that the general conditions of the mining industry, under contract with the United Mine Workers of America, with all the objections they have raised, is better than without the contract?

Mr. OSGOOD. I have not heard their testimony. I happened to talk with Harry Taylor the other day, and I know that his views are exactly my views in regard to it.

Commissioner WEINSTOCK. In the matter of injured workers, Mr. Osgood, is it the opinion of the mine owners that the present situation, throwing the entire burden of the injury upon the worker, that that situation is an equitable one?

Mr. OSGOOD. It is a situation that has continued for 50 years, as long as I have known anything about the business—for 40 years. Until the agitation for employers' liability laws it has been, I think, the rule everywhere, that a corporation employing men only paid where they were legally liable.

A vast number of the accidents in coal mines are due not to carelessness, but to recklessness. It is a great difficulty which we have to contend with, that a man will take a chance in that inherent spirit there is in human nature to gamble and take chances and run the risk of receiving injury that is entirely unnecessary. It is pure and simple recklessness and I would be glad to give you an illustration of what I mean. As a question of humanity, and taking care of people, a question of charity, the question you speak of is a hard one. As a question of absolute abstract right and wrong, until some law is passed that will protect the company against such conditions we will have to pursue the present course. We had a recent case where a man was killed. Under the eight-hour law the work stops promptly at 5 o'clock, and the men are supposed to work inside until the quitting time. This day happened to be pay day. Some young drivers who wanted to go out left their work before quitting time and went to the bottom of the slope and were stopped there by the man put there to prevent men from going up the slope while trips were going up and down, and they were told that they could not go up and that they would take their lives in their hands if they did so against orders. The men waited there with their mules, and the leader said, "We are going up, anyway." They said, "We can get out of the way if a trip does come down." The man who was put there for that purpose tried to stop them by force and he was knocked down and the men drove their mules up the slope. The three of them met the trip coming down, and two of them got out of the way, but a mule was thown off the track and into the other man and killed him. As a matter of humanity that man's dependents suffered just as much as if the man had been careful and the accident was caused by our fault. The accidents that do occur in coal mines, I do not think it would be practical, under existing conditions, to take care of these cases unless we had some employers' liability law that fixes liability not liable to change or excessive verdicts of juries, but a fixed liability that could be insured against, and in that way take care of these cases, but as those things are now I do not think we can do anything other than where we feel we are legally liable.

Commissioner WEINSTOCK. This commission has been instructed by Congress to find out the underlying causes for industrial unrest, and we have discovered, thus far in our investigation, that one of the underlying causes—and it is not the least among the causes for industrial unrest—is industrial accidents; therefore, we have become very much interested in the question of work-

men's compensation, and, so far as this commission has been able to ascertain, in the States where that has been introduced it is rapidly wiping out that cause for industrial unrest, and where workmen's compensation prevails, in the cases you cite of willful misconduct, the burden falls on the workmen.

Mr. Osgood. The consequences are the same.

Commissioner WEINSTOCK. In the State of California there have been only two accidents this year where willful misconduct has caused them. Those laws minimize the possibility of willful misconduct.

Mr. Osgood. I am not arguing against the law; I am a strong believer in the expediency of such a law; but I still maintain that the recklessness of men—I don't know whether you can carry it to the point of willful misconduct or whether it would come within the law, but it would open the door to a great deal of litigation even under the employers' compensation law, because so many cases of accidents are caused by the recklessness of men willing to take chances. A considerable percentage occur from the falling of roofs which should be supported. The man who is new and inexperienced will take every precaution because he is afraid of the danger; but the old, seasoned miner who knows the danger will take a chance. He will say, "I will load this car out and take a chance," and he gets killed. You can hardly call that willful misconduct; it is recklessness which seems to be ingrained; it starts with the small boy that runs out in front of an automobile in the street to see how close he can come to it without being run down.

Commissioner WEINSTOCK. The fact remains that employers in other States have taken the initiative, realizing the inequity of the situation if not the iniquity, and have taken the initiative to have those laws passed. Have the employers of this State done anything of that kind?

Mr. Osgood. I have been for four years a member of a commission of this State to formulate such a law. This last year I have done very little, but two years ago we made a report to the legislature; however, we were not ready at that time to suggest a specific law. We finally requested some financial assistance. The first two years I paid all the expenses myself, the second two years I did not feel like doing it, and we asked for money, but it was not forthcoming, and nothing has been accomplished so far by this commission except the benefit the individual members derived from reading a great mass of literature and getting some more clear ideas as to the intricacy of the subject. I am a believer in such a law.

Commissioner WEINSTOCK. Did all the employers then drop the matter, or exercise energy to have it brought about?

Mr. Osgood. I can not answer for any other employer than myself. We have an association acting in matters of that kind. I called attention at the first meeting of this association to this matter and stated it was a matter that should have their first consideration, I prepared a paper, and I think they are interested in the subject, but I can not say that they are ready to do everything in their power to bring about the law—with many of them it is a new subject.

Chairman WALSH. Mr. O'Connell says that he would like to ask a question.

Commissioner O'CONNELL. Just as I came in you were saying that your company would not deal with the United Mine Workers of America, and probably if there was some other organization they might not deal with them. Have you in mind some sort of organization of miners that you would deal with?

Mr. Osgood. No, sir; I have not. My position is simply that there is no possible question of the right of the men to organize and to demand that they shall deal collectively, but there is just the same right on the part of the employer to say that he prefers to deal with men who will deal individually—so long as he can find plenty of men of that state of mind to operate his business I think he has that privilege. I do not think we take the position at all that these men have not the right to organize. I have strong views in opposition to the United Mine Workers of America, which I think are well founded, and I do not want to do business with them, and I won't do business with them. If I have to do business with them I will quit. I quit twice in Iowa; I gave up property worth $400,000, because I could not work under their regulations and I would do the same thing in Colorado.

Commissioner O'CONNELL. You have given some thought to the question of the individual miner dealing with a large corporation, for instance, such as your own?

Mr. Osgood. I think there is a good deal of misunderstanding and misapprehension about this idea of collective dealing. The individual employee, or the

individual miner, can select and does select the mine and employer he will work for; he knows his terms and the character of his reputation, and he applies to the man for whom he wants to work; he is his own selector of the position, and I do not see why he can not protect himself. If he does not want to work under the conditions in Colorado, he can go to Wyoming or Kansas and work under union conditions. The wages are higher in Colorado than anywhere, except in Wyoming. If he looks at the other conditions, he may think they make up for advantages which he may consider go with the union contract, just as he can in buying his goods. No store is considered a first-class store where a man can go in and bargain as to what prices he shall pay. The man has his chance, in individual action, in trading with one merchant or another, and of going where he thinks he can buy his goods at the best prices, and he can do the same with his employer, and go to the man that has the reputation for the most fair dealing. That is one thing I claim in regard to this whole trouble, that these men who wanted to work in union mines had plenty of places where they could go. The whole thing was an attempt by force of arms to require us to deal with this organization and put all our men, whether they wanted to be members or not, under their rules, and take the management of the mines out of our hands.

Commissioner O'CONNELL. The matters of conditions of employees and hours of labor you think should be set by the employers?

Mr. OSGOOD. Yes, sir; just as the merchant fixes the prices on his goods; if he sets them too high, he will find no purchasers; if the employer of labor sets his wages too low, he will get no employees.

Commissioner O'CONNELL. The employee has no say as to wages or hours?

Mr. OSGOOD. Yes, sir; absolutely, because of he can do better anywhere else he has a right to go there; he has no right to work for me except on the terms that I am willing to pay, and I think I am the best judge of what I can afford to pay. If I can not afford to pay enough, he will probably find some other employer, and I will be without employees and out of business.

Commissioner O'CONNELL. Then, as an individual bargainer, with you, his bargain is simply to take the job or not?

Mr. OSGOOD. Yes, sir; just as when you go to a store, if you buy you must pay the price at which the goods are marked, but you are not forced to buy there.

Chairman WALSH. Commissioner Garretson says he has another question.

Commissioner GARRETSON. Do these mines in the States, which you say have signed up agreements with the miners—were those agreements signed before or after the declaration of the strike in southern territory?

Mr. OSGOOD. Afterwards.

Commissioner GARRETSON. Were any of those mines originally opposed to union contracts?

Mr. OSGOOD. Yes; three or four of them; the operators of those mines were in the meeting.

Commissioner GARRETSON. What has been their relation to that association since that time?

Mr. OSGOOD. The association never continued; that was the only meeting it ever had. The individual mine owners, after that meeting, came around if they wanted to ask about what was going on, and that is the extent of that association.

Commissioner GARRETSON. This one you perfected within the last 30 days?

Mr. OSGOOD. I think the most of those men were in the initial meeting of this association.

Commissioner GARRETSON. The last one?

Mr. OSGOOD. Yes.

Commissioner GARRETSON. And some of them signed up?

Mr. OSGOOD. Yes.

Commissioner GARRETSON. The fact that they signed up has not affected their relations with those that took the opposite course?

Mr. OSGOOD. Only to this extent: There was a strong feeling on the part of those bearing the burden of the strike that some of those who signed up did so to take advantage of the market conditions during the trouble, and we did not have a warm feeling for them. Some of the men made excuses that they had to do it; that they could not afford to stay out on strike; that they had debts to meet. Others made no excuses, but took advantage of the conditions to make money while we were idle. We have no sympathy for the men

that did that, but we have for the men that were forced because of their financial condition; but those who did it to take advantage of the troubles of the others, I do not think there is any warm feeling toward them.

Commissioner GARRETSON. You feel toward them like the average union man feels toward the fellow that goes back to work at a reduced rate? [Applause.]

Chairman WALSH. Ladies and gentlemen, you can understand, and I will tell you now once for all, and I hope it will last all the time, that in a matter of this kind where sympathies are naturally deep, and prejudices also, it makes distinctly for disorder to exhibit any outward manifestations of approval. We are going about the country trying to do these things logically, and in a sensible manner, and you may be sure that if something is said that stirs your sympathy and calls your applause, that something will be said later on the other way, and it is impossible to keep any semblance of order unless we have the cooperation of all present; please, therefore, give no manifestations of your feelings.

Commissioner GARRETSON. You spoke of the feeling of the Illinois mine owners toward unionism. Is the commission to understand that the men representing the mine owners of Illinois have testified before the commission as to what they consider desirable relations with the organized miners—are we to consider that the testimony that they gave in that direction is valueless?

Mr. OSGOOD. I don't know who gave testimony before you, Mr. Garretson, and I don't know every mine operator in Illinois. I do say, and I repeat it, that all the mine operators I do know, and I know a good many—I do not know one of them who does not believe that the conditions under which he is now working are unfavorable to his business. It is possible there are operators who believe in the United Mine Workers' organization. There may be, only I don't know them. I do know a good many operators whom we have wanted to come here and testify in regard to this matter, but who, because they did not care to strain their relation with the organization that they feel that they must do business with, have declined to do so, although they are perfectly willing in private conversations to express themselves freely. Now, it may be that I have done Mr. Harry Taylor an injustice, but as long as I have, I can repeat it again——

Commissioner GARRETSON. I am not referring to Mr. Taylor at all. You spoke a moment ago about your abiding faith about what the verdict would be in certain trials that were pending, as demonstrating the guilt or innocence in certain cases, referring to some trials in Huerfano County.

Mr. OSGOOD. Yes.

Commissioner GARRETSON. Has it ever been asserted that in that county the mining companies, without singling out any one of them, exercised undue influence over civil or criminal process in those counties?

Mr. OSGOOD. I want to say before I answer that question, that I do not refer to Huerfano County, but to all the counties. The trials taking place to-day are taking place in Fremont County. Another trial is taking place by change of venue from Huerfano County to Pueblo County; and those charges have been made. I don't think they have ever been substantiated in the slightest degree. It is like any community where they have a strong partisan majority. The other side is going to declare that there is fraud in that particular county. And it comes from the Republican side just as strongly as from the Democratic side, that the sheep are voted there. They say the miners are voted—and it is simply charge and countercharge and there has never been any proof of it. And the last time a State senator was elected from one of those counties down there on the Republican ticket he was seated by the vote of the Democratic legislature—by the vote of an adverse interest. Now, anybody can make a charge of that kind, but there has never been any proof of it.

Commissioner GARRETSON. But it has existed a great many years?

Mr. OSGOOD. Yes; and it has existed about certain wards in Denver during all that period of time, and about certain counties in the State; and I guess it is so elsewhere. I was told so by different members of the congressional committe—that in almost all of the counties of their own States they had such conditions.

Chairman WALSH. Have you any memorandum of any kind of the documents we have asked you to present?

Mr. OSGOOD. Well, I have been depending on Mr. Gove to take that down. I don't know whether he did or not.

Mr. GOVE. I have made a note of it.

Chairman WALSH. You have got a note of those documents?

Mr. GOVE. Yes, sir.

(See Gove exhibits.)

Chairman WALSH. All right. You will be excused, Mr. Osgood.

Call Gov. Carlson to take the stand.

TESTIMONY OF GOV. GEORGE A. CARLSON.

Chairman WALSH. What is your name, please?

Gov. CARLSON. George A. Carlson.

Chairman WALSH. What is your profession?

Gov. CARLSON. Lawyer.

Chairman WALSH. How long have you lived in Colorado?

Gov. CARLSON. Since 1880.

Chairman WALSH. How long have you practiced your profession in this State?

Gov. CARLSON. Since 1905 in this State.

Chairman WALSH. You are the governor-elect, I believe, of this State at the present time?

Gov. CARLSON. Yes, sir.

Chairman WALSH. And you assume the duties of your office on what date?

Gov. CARLSON. I think the 8th day of January; I am not sure.

Chairman WALSH. Now, prior to your election had you held official position in Colorado?

Gov. CARLSON. I was district attorney of the eighth district from 1908 until the present time. I have not yet resigned.

Chairman WALSH. That includes what counties, please?

Gov. CARLSON. Boulder, Laramie, Weld, and Jackson.

Chairman WALSH. And in your duty as district attorney have you had to deal with some of those industrial disturbances or alleged crimes growing out of them?

Gov. CARLSON. I have had to deal with crimes.

Chairman WALSH. But you have not been in any other touch with the situation?

Gov. CARLSON. Not any further than trying to exercise or help the police officers to maintain peace in times of trouble.

Chairman WALSH. Have you or have you not taken part in any conferences that were had to bring about a settlement of the controversy between the mine operators and the miners?

Gov. CARLSON. No; I have not taken part in any conference trying to effect a settlement of any.

Chairman WALSH. Have you made a study, Governor, of the existing statutes to ascertain whether or not they are effective in conferring proper authority on the officers of the State, or ineffective, with a view to suggesting improvements in them?

Gov. CARLSON. I have; yes, sir; to some considerable degree.

Chairman WALSH. I wish you would state to the commission, if you will, the situation that you find the law itself in—that is, the statute law, which makes it difficult or impossible for the administrative officers effectively to discharge their duties?

Gov. CARLSON. Now, I am not referring to the coal mining code or other laws, many of which I regard in themselves as very excellent laws. I would not go so far, Mr. Walsh, as to say it was impossible for them to administer their duties. There are certain things in our system of administration that I think greatly hamper the executive, not only in dealing with a crisis, but in dealing with a condition at the period of the inception of a crisis, and which also prevent the public from obtaining accurate information in regard to the exact situation. Indeed, I could go on in different general criticisms which are justly placed, I think, against our system.

Chairman WALSH. Well, sketch it concisely and generally, but give us what you consider the limitations of the present laws as they have actually worked out.

Gov. CARLSON. Now, in the first place the responsibility of the administration in the enforcement of law finally is upon the chief executive of the State. I think that our system wherein certain administrative and executive officers are placed under a coordinate executive department, like, for instance, the appointment of the labor commissioner and other officers of that type by the secretary of state, is a mistake. I think that that appointment should originally be with the governor.

I also believe that the division of forces between a number of independent officers is also a mistake. I think the administration of all the laws relative to employer and employee should be through one board and that board closely coordinating with the executive of the State. Now, take, for instance, this situation: Suppose a coordinate officer—in the first place, where there is a responsibility fixed you get the best service. Again, an officer that is largely ministerial should never have the duty—should not have imposed upon him an executive duty. That particular officer, if unfriendly to the executive, may embarrass the executive. And so one thing I have found in the study of the different laws over the country that I think would do us here is the system of a single board—such a system as they have in effect, for instance, in Wisconsin and also other States. I like the Wisconsin system the best on that.

Chairman WALSH. Have you given attention to the details of the attempted concentration laws affecting industry particularly, Governor?

Gov. CARLSON. Why, we have for a long period of time—for instance, take in the field where there were certain differences and there was certain information that should be brought to the chief executive, and it has seemed to me that it should be brought there by certain ministerial officers, that on going to the chief executive for that information we find that he does not have that particular detail, and apparently those officers were not coordinating with him at all nor working with him. Now, at that time, or about that time, I began to make a study of the weakness of our system. And it would seem to me that the first thing we must have is centralization of power in some competent board.

Now, I believe that board should not be the representatives of either labor or capital; that is, partisan representatives, the original board; and that board should have under it a number of experts controlled in their appointment by that board. For instance, at the time of the inception of a strike there is a certain period before the time of the crisis; now, when we find ourselves practically in this situation, that we haven't any competent board to go right in there at the time of the very inception. We have to wait until the legislature meets. Then, for instance, an investigating committee is appointed. That investigating committee is not, perhaps, acquainted with the employers and employees; does not know the business; may not know the specific point of controversy, and they will have spent a good deal of time, for instance, getting acquainted. They have to learn where, for instance, the mine is located; they have to learn the business; they have to learn the details of the controversy; and by that time they are expected to report. Now, during that period the strike has probably been declared and bitterness has been engendered, and their report does but little good. And then after they do report, the public begins to inquire who they are, and wants to know about their wisdom and fairness, and whether this interest or that interest dictated their appointment, and how much they know about the situation.

Now, I think, for instance, this, that if we had a board that was a nonpartisan board, a board that was fixed, and as to the selection of the board and the way it may be made nonpartisan, I think that can be arrived at; and if they were closely in touch with the particular problems, if the public was acquainted with that board as a nonpartisan governing board, and if immediately upon the very inception of difficulties they should appear there and go over the situation, knowing the employers and knowing the employees and knowing the particular problem—they have got their influence as governmental officers and their suggestions at that time and their influence, particularly if they had the power of investigation—I think they should have the power of investigation as to both sides; that is, in the way of requiring witnesses to appear before them—that they could do effective work. They are acquainted with the situation at the time and place of the crisis and they are in a position to act. Now, they are coordinated with the governor, with the executive, and he is at once furnished with accurate information as to the entire situation. That sort of a commission, acting in that way, I believe would help. Now, then, in case either or both of the parties refused to pay attention to the suggestions, the information of that body sent to the public would be dependable. The public would rely upon it. Then there are other functions.

Chairman WALSH. Have you given attention to the subject of safety in industry and sanitation?

Gov. CARLSON. Yes; and along that line it seems to me that we have gotten to this place in government, when the active business forces and the active

laboring men must take a stronger part in the conduct of governmental affairs. Now, in respect to the workings out of the problems of safety particularly, I think that in working out those problems something of the method adopted in Colorado, as I understand, in drawing up the coal-mining code is good. In the first place the code that was drawn up was upon a basis drawn up by the employers and employees largely, so I understand. I don't know the details. That subsequently there was a conference between the employers and employees, and that they worked together for some period of time, and as the result of that conference they drew up our present coal-mining code, which, my information from both sides is, is a good one. Now, that same system, I believe, is in vogue in Wisconsin. They have an advisory board of employers and employees working in conjunction with each other. And in regard to the rules of safety under which the employer must conduct his business and under which the employee is to work, they work those up. In regard to that advisory commission I understand that in the original selection of that nonpartisan board they went to both the representatives of the employers and of the employees and requested that they put upon it the strongest and biggest men they had in the State; that they worked together for a number of months and worked out their methods and their safety appliances. Now, as a result of that the employers and employees united and agreed. They adopted the rule that there would be no rule adopted which would have the force and effect of law unless by unanimous agreement; and they fought it back and forth and finally adopted a basis of rules which, upon going to different people there, and I went to both classes as much as I could and asked them about it, I found was uniformly satisfactory to employer and employee.

Now, it seems to me that is one thing we must get to and that is the system that they adopted there of asking representatives of both classes to serve absolutely without pay and without expense, thus getting the most patriotic men to devote their time to it. Now, it seems to me the strong men of the State must actively connect themselves with the business affairs of the State; that when we have a problem, instead of standing off and away from it or instead of leaving it to some one who knows nothing about it, we must get to dealing with that problem the active and strong men upon both sides. Now, as the result of that, they have furnished certain statistics showing that their whole object has been largely accomplished. They say there are certain inevitable accidents, but that they have been able to prevent many others, and they show the percentage of prevention—some 30 per cent, I think. Now, their whole effort along that line, or at least their main effort, is the proposition of prevention. Now, I don't know, but it seems to me that we are acting on the principle that the interests of labor and capital are adverse. Now, I don't want this discussion——

Chairman WALSH. Go ahead, Governor.

Gov. CARLSON. It seems to me the interests of labor and capital are identical; that we must go upon that theory instead of upon the theory of stirring up differences and disrupting those two forces; and we must adopt a system of law whereby they will necessarily work together. Now, in the first instance, in order to accomplish that, we can not have a partisan representation of either side. Now, a partisan representative of the laboring classes is fatal to them because that immediately gets them into politics; and a partisan representative of the other side is fatal also to them. A partisan representative on either side does not have the confidence of the other side. In a matter that is so spirited and where the conditions are so vital you can not get it. But the system they have adopted there of having a commission of men that are nonpartisan, and truly so, and who, instead of working upon the proposition that labor and capital are necessarily opposed one to the other, believe in the proposition that their interests are united and identical, and work right along that line, such men get the benefit of the representatives of the employers and of the representatives of the laborers. They get the benefit of this antagonism and this discussion, and out of it they work and cooperate and get acquainted with each other and become more definitely identified with the government. And it seems to me that there is something along that line that is worthy of the consideration, and the serious consideration, of the laboring people and of the employers in this State.

Now, I do not believe, for instance, in taking a law from another State and bringing it here. We have our own problems and we have our people who know our problems. We have many employers here who are seriously endeavoring to solve this question; and it seems to be that the thing which we should

do is to give them that opportunity of solution—something along that line—and they can accomplish a great deal. And then another thing. Take and read the different reports that you get, for instance, in regard to any strike and it seems like the two sides do not understand each other, either that, or there is an attempt on the part of one or both to misrepresent a great many facts. But if there was a representative body working in conjunction with the Government, there would not be any reason for a misunderstanding of those facts; and that is the reason that I think you can accomplish a great deal, and I think it is in the way of obtaining better safety appliances in this State.

Chairman WALSH. Have you paid any attention, Governor, to the question of workmen's compensation and placing the burden of the increased cost of the employees upon the industry as a whole?

Gov. CARLSON. I have. And I think a great deal of our waste, I put it, not only upon that ground, but upon the ground of elimination of a great deal of waste. For instance, there are the delays and the expenses of the courts which I think can largely be obviated; and I believe that there is a great deal of work that can be done along this line, and I think there should be every effort made along this line.

Chairman WALSH. Are you aware of the fact testified to by the last witness that there is a commission which has existed in the State of Colorado for something like four years and which is supposed to be working upon this subject?

Gov. CARLSON. I am aware of that now, and I think I heard of that before; but I was aware of it before the time of this witness's testimony.

Chairman WALSH. Have you studied the workmen's compensation acts of other States and made any inquiry into the operation of the same?

Governor CARLSON. I have.

Chairman WALSH. Have you some definite ideas as to what is desirable in that respect?

Gov. CARLSON. I have.

Chairman WALSH. If so, state them.

Gov. CARLSON. Well, I think that there should be—that the workmen's compensation act should be administered through such a body as I have designated, and that that is a matter that should be worked out by employers and employees, first, by way of investigation, and finally in the drawing up of an act. I think in the very drawing of the act that the employers and employees should cooperate to get one that is fair, and that eliminates the waste and expense and gives adequate and prompt remedies to those who are injured and properly protects the employers.

Chairman WALSH. Do I understand that you have made a first-hand investigation of the Wisconsin industrial council? You have been there, have you?

Gov. CARLSON. Yes, sir.

Chairman WALSH. Have you any other suggestions that you could make to the commission that you think might tend to do away with such controversies as exist in the State on account of their interstate character, as you heard suggested by Gov. Ammons this morning?

Gov. CARLSON. Well, in regard to certain parts of the controversy I have definite ideas——

Chairman WALSH (interrupting). I wish you would state those, Governor.

Gov. CARLSON. I just want to say one word in respect to the question of violence. I think this: I think that all officers and all people and all organizations should be united upon the proposition that violence is not justifiable by either labor or capital, and that upon that question there should not be any difference of opinion. Now, that is a proposition that I believe the people of Colorado are absolutely determined upon; and I think if all the officers—while they may differ in regard to the merits of an industrial dispute and may have different solutions in regard to that—there can not be any difference upon that one question; and so that part of it of course is a serious part and prevents us from getting anywhere. It has cost us three-quarters of a million dollars and many lives on both sides. That is a matter on which there should be no difference and on which everyone should unite. Now, if we are not united upon that proposition and if we seek to go to the original merits of the question when violence enters into it, I think we are making a mistake, just the same as I think we ought not to go and talk about the cause of a fire when a house is on fire. Now, that is all I have to say upon the question of violence, and I have simply to say this, that I believe that among our officers connected with such a situation there should not be any dispute or difference when it comes to the ex-

ecution of laws and the prevention of violence, and that labor and capital under no circumstances should justify it; and that if either or both do, the public should not tolerate it at all. Now, that is the only way we are going to sustain the Government. I don't think there should be any division one way or the other on that.

Chairman WALSH. Excuse me, please. At this point we will stand adjourned until to-morrow morning at 10 o'clock. Will you kindly resume the stand to-morrow morning at 10 o'clock?

(Thereupon, at 4.30 o'clock p. m., the proceedings were adjourned until the following morning, Thursday, December 3, 1914, at 10 o'clock.)

DENVER, COLO., *Thursday, December 3, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will please be in order.

Gov. Carlson.

TESTIMONY OF GOV. GEORGE A. CARLSON—Continued.

Chairman WALSH. Now, Governor, is there anything further that you desire to state?

Gov. CARLSON. I think not, Mr. Walsh.

Chairman WALSH. Very well. You will be excused, then; thank you.

Call Mr. Dalrymple.

TESTIMONY OF MR. JAMES DALRYMPLE.

Chairman WALSH. State your name, please.

Mr. DALRYMPLE. James Dalrymple.

Chairman WALSH. What is your occupation?

Mr. DALRYMPLE. State coal-mine inspector.

Chairman WALSH. How long have you been State coal-mine inspector?

Mr. DALRYMPLE. Four years.

Chairman WALSH. Who has the appointment of the State mine inspector in the State of Colorado?

Mr. DALRYMPLE. The governor.

Chairman WALSH. You are an appointee of the present governor?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. What was your business prior to holding your present position?

Mr. DALRYMPLE. I was deputy inspector for 15 months.

Chairman WALSH. And prior to that time what was your business?

Mr. DALRYMPLE. Well, coal mining.

Chairman WALSH. Coal mining?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. How long have you been in that business?

Mr. DALRYMPLE. Well, I have been engaged in mining for nearly 40 years.

Chairman WALSH. In what States have you pursued your vocation?

Mr. DALRYMPLE. Pennsylvania, Colorado, New Mexico, and Washington.

Chairman WALSH. How long have you lived in Colorado?

Mr. DALRYMPLE. Since 1885.

Chairman WALSH. What length of time have you lived in the other States which you have mentioned?

Mr. DALRYMPLE. I lived three years and nine months—well, I have been absent from Colorado about two years since 1885. Prior to coming to Colorado I spent three years and nine months in Pennsylvania.

Chairman WALSH. How long were you in Washington?

Mr. DALRYMPLE. Six months.

Chairman WALSH. I wish you would state as briefly as you can the nature of your duties as State mine inspector.

Mr. DALRYMPLE. Well, the nature of our duties is to attend to the sanitary and safety conditions in coal mines. That is about as brief as I can make it.

Chairman WALSH. I wish you would explain how the general conditions of the coal mines of Colorado compare with the coal mines of other States as to accidents and means to prevent accidents?

Mr. DALRYMPLE. Well, I have not compared Colorado with any particular State with relation to fatal accidents or nonfatal accidents.

Chairman WALSH. How do they compare generally, if you can make a comparison?

Mr. DALRYMPLE. The only comparison I have made is comparing Colorado with United States as a whole.

Chairman WALSH. Give us the result of that, if you please.

Mr. DALRYMPLE. Here is Table 4 of the 1913 report of the State inspector of coal mines, showing the number killed per thousand employed and per million short tons mined and production per death, short tons.

Chairman WALSH. A little louder, if you please, Mr. Dalrymple, and not quite so fast.

Mr. DALRYMPLE. Showing the number killed per thousand employed per 1,000,000 short tons mined and production per death short tons for the years 1910, 1911, and 1912. That is as late as I could get it in the United States. Now, in the year 1910 in the United States they killed 3.92 per 1,000 employed, and they killed 5.66 per 1,000,000 tons produced, and the production per death of short tons mined for the same year was 177,000. In 1911 they killed 3.73 per 1,000 employed, 5.48 per 1,000,000 tons produced, and the production per death of short tons for that year was 183,000. In 1912 they killed 3.15 per 1,000 employed, 4.29 per 1,000,000 tons produced, and 233,000 tons per life lost.

Now, this table for the State of Colorado is for the years 1911, 1912, and 1913; that is the comparative table for the State of Colorado. The one I have just read is for the years 1910, 1911, and 1912. The comparative table for the State of Colorado shows for the year 1911 they killed 6.35 per 1,000 employed, 8.92 per 1,000,000 tons produced, and they produced 122,360.20 tons per life lost. In 1912 they killed 7.065 per 1,000 employed, they killed 8.90 per 1,000,000 tons produced, and they produced 112,417.84 tons per life lost. For the year 1913 they killed 8.60 per 1,000 employed, 11.86 per 1,000,000 tons produced, and they produced 84,263 tons per life lost.

Chairman WALSH. Where did you get the figures for Colorado? Did you get them at first-hand?

Mr. DALRYMPLE. I took them from the records of the office.

Chairman WALSH. Of your office?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. And gathered by your assistants during the time you have been in office, and by other employees of the State government during that time?

Mr. DALRYMPLE. Those are my figures.

Chairman WALSH. Have the State laws in Colorado affecting coal mines been enforced by the companies?

Mr. DALRYMPLE. Well, by some of the companies they have been enforced to a very great extent.

Chairman WALSH. Well, I would like you to give the conditions, then—just what companies have enforced them, and what companies have not enforced them, and in what respects they have not been enforced.

Mr. DALRYMPLE. Well, it is impossible for me to sit down and memorize each individual company; there are too many companies in this State to memorize those things. All I could give you would be in a general way. Now, with the largest of the companies we have very little trouble in having them comply with the law. They cooperate with us to a great extent in carrying out the law. The greatest trouble we have is with the small fellows.

Chairman WALSH. In what way have the laws not been carried out with the small ones?

Mr. DALRYMPLE. Well, in a great many ways. For instance, in a great many cases we find the mine foremen, even men who have been in the mines all the time, men who are considered very careful and good as mine foremen, yet they are negligent. They give their duties very little consideration; and then the conditions under which we work have not been satisfactory. We have been handicapped to such an extent that I have not felt justified in taking the action against some of those people that should have been taken, because the department has not complied with the law itself.

Chairman WALSH. In what respect?

Mr. DALRYMPLE. Our new law says that all men taking the position of mine foremen or mine foreman assistant, or fire boss, or mine examiner, shall be certified men, and that the board of examiners shall arrange to have three ex-

aminations to give those fellows that want to take them chance to qualify. Now only one of those examinations has been held; the other two have not been held. Consequently, there are a great many men in the State holding those positions who are not qualified because they have not had the opportunity. I have not felt justified in asking for the removal of anyone because they have not had the chance to qualify.

Chairman WALSH. Where does the fault lie for the failure to have these men qualify?

Mr. DALRYMPLE. Well, the fault lies because we haven't got the funds. The department is maintained by a tax on the coal produced. The production has decreased and the revenue has decreased and we have not had the money to hold those examinations. We have not had any help from the State.

Chairman WALSH. What is the reasonable likelihood of getting the money?

Mr. DALRYMPLE. Well, that depends upon the production. Under present conditions I would not want to commit myself as to what the outlook is.

Chairman WALSH. Is there any outlook for any change in legislation to give you the revenue?

Mr. DALRYMPLE. Not that I know of.

Chairman WALSH. Is there any effort being made by any person to bring about such results?

Mr. DALRYMPLE. In my report here I recommend that the law be amended; and that was one of the things I had in mind.

Chairman WALSH. Is there any body of men in this State—any committee—that speaks for the miners, the working miners, before the legislature on subjects of this character affecting their welfare?

Mr. DALRYMPLE. There isn't any, to my knowledge, only what has been done toward getting the present law. I think there was Mr. Lawson and myself and Mr. Duce appeared before the State senators and representatives.

Chairman WALSH. How do you account for the failure to bring about a decrease in the number of accidents in the mining industries of the State? There seems to be quite a movement throughout the nation and a very fair result being obtained in reducing the number of accidents. Why, in your opinion, is that not true in the State of Colorado in the mining industry?

Mr. DALRYMPLE. Well, the coal-mining industry in the State of Colorado has been given very little, if any, consideration by the State. That is the reason, in the drawing up of this new law, that the financial burden was placed on the operators instead of the State of Colorado. The force has been entirely inadequate. They have no authority—well, we have got some authority, but we are working with the same force now that we did before the new law became a law. We are working with three deputies instead of five. The territory is entirely too big. We can not do justice to ourselves or to anyone connected with the industry.

Chairman WALSH. Generally speaking, how are the employees in the mines in Colorado with reference to nationality?

Mr. DALRYMPLE. Well, I couldn't tell you only prior to the calling of the strike; and at that time the English-speaking, I think, was between 31 and 32 per cent, and there are 30 per cent Italian, and the balance in the different nations.

Chairman WALSH. When these foreigners come into the mines are they, as a rule, men who had experience in coal mining elsewhere?

Mr. DALRYMPLE. Well, that I couldn't tell you, only from my own personal observation.

Chairman WALSH. That is a good way to tell it.

Mr. DALRYMPLE. Yes; but, then, I haven't seen enough of them. There are a good many of them that, in my opinion, never were in a mine. Then, again, I have seen some good miners among them.

Chairman WALSH. What nationality have you seen good miners among?

Mr. DALRYMPLE. Well, I have seen good miners among the French and among the Italians and the Germans; I have seen good miners among all of them, I believe.

Chairman WALSH. Does the employment of men unable to speak English increase the number of accidents, in your opinion?

Mr. DALRYMPLE. By employing men that speak English?

Chairman WALSH. Yes; by employing men who do not speak English, does that increase the number of accidents?

Mr. DALRYMPLE. Oh, increase the number of accidents?

Chairman WALSH. Yes.

Mr. DALRYMPLE. Yes; I think so, especially with the superintendents.

Chairman WALSH. Well, superintendents and bosses are all English-speaking people are they, as a rule?

Mr. DALRYMPLE. Yes, sir; there may be one or two exceptions.

Chairman WALSH. Does the number of inexperienced and non-English-speaking miners seem to decrease or increase?

Mr. DALRYMPLE. Well, I dont' know what they are at the present time. The last information we had, as I told you, was when this new law was passed; there was a provision in there stating that the vital sections of the law shall be printed in the necessary foreign languages; and in order to find out what languages they would have to be printed in we sent out a circular letter to each employer in the State asking for information as to different nationalities of employees, and I haven't had any information along those lines since.

Chairman WALSH. When did you send that out?

Mr. DALRYMPLE. That was prior to the strike.

Chairman WALSH. Did you get all that information at the time?

Mr. DALRYMPLE. Yes. I have got it down in the office worked out in percentages.

Chairman WALSH. What is that?

Mr. DALRYMPLE. I have got it down in my office worked out in percentages for the different nationalities.

Chairman WALSH. Will you please turn it over to our secretary, Mr. Dalrymple?

Mr. DALRYMPLE. Yes.

Chairman WALSH. Is it in such shape that it can be turned over?

Mr. DALRYMPLE. I think so.

Chairman WALSH. We will be pleased to have you do that.

(See Dalrymple exhibit.)

Chairman WALSH. Now, have you made a study so that you can give us the comparative production of coal in this State during years in the past?

Mr. DALRYMPLE. Well, I believe that my report——

Chairman WALSH. That is, in the State as a whole, first?

Mr. DALRYMPLE. The State as a whole?

Chairman WALSH. Yes.

Mr. DALRYMPLE. In 1913 the production amounted to 9,268,989; in 1912, 11,016,948; in 1911, 10,197,595.

Chairman WALSH. What was the production during those same years in Huerfano and Las Animas Counties? Have you that there separately?

Mr. DALRYMPLE. I do not believe that is in this report for 1911–12, I don't believe we have got the production by counties.

Chairman WALSH. You have not the production by what?

Mr. DALRYMPLE. By counties in the biennial reports for the years 1911 and 1912.

Chairman WALSH. Could you get that from the figures which you have in your office?

Mr. DALRYMPLE. I could get it; yes.

Chairman WALSH. Would you be kind enough to do that and give it to us before we adjourn, before the latter part of next week?

Mr. DALRYMPLE. Yes; if you will make a note of what you want and give it to me.

Chairman WALSH. That is the production for the same years which you have given for the whole State—give it to us for the counties of Huerfano and Las Animas.

Mr. DALRYMPLE. You want the production for each individual county for the year?

Chairman WALSH. The same years that you gave us for the whole State.

Mr. DALRYMPLE. All right, sir.

(See Dalrymple exhibit.)

Chairman WALSH. In your opinion, Mr. Dalrymple, is collective bargaining between organizations of employees and operators necessary or desirable from the standpoint of prevention of accidents and enforcement of the mining laws?

Mr. DALRYMPLE. I think it is advisable.

Chairman WALSH. What are your grounds for that conclusion?

Mr. DALRYMPLE. Well, my ground is my own personal experience in going through life at the mines. I find in the majority of cases where you have only got—where you have got your fellow man behind you that it is useless to make

complaints. An individual making a complaint does not very often accomplish anything.

Chairman WALSH. Have you any other reason?

Mr. DALRYMPLE. Yes. In relation to accidents I think if the man was allowed to appear before his employers collectively, or by representative to represent them, that it might be the means of saving some of our disasters. It does not matter how competent a mine foreman or anybody else might be, there are none of us see it all; and I think in order for to cut accidents down to a minimum it is necessary to have the cooperation of everyone engaged around the mines.

Chairman WALSH. Have you any other suggestions that you would like to make to the commission, or any testimony that you would like to volunteer to us, growing out of your experience, as an official in the mines, which might tend to bring about any better conditions in the prevention of accidents, better relations between the employers and the employees, anything that would be conducive to the good of the industry?

Mr. DALRYMPLE. Well, I think that if a condition could be brought about whereby a man entering a coal mine would have to serve an apprenticeship the same as in a machine shop or barber shop, it would be the means of cutting the accidents down materially.

Chairman WALSH. Mr. Weinstock would like to ask some questions.

Commissioner WEINSTOCK. What powers and authorities are given to you under the law, in the matter of inspections?

Mr. DALRYMPLE. Well, wherever we consider a mine, or any part of a mine dangerous to the life or health of the employees, we have authority to shut it down.

Commissioner WEINSTOCK. Have you authority to introduce safety devices and safety machines?

Mr. DALRYMPLE. As far as the law goes on those things; yes, sir.

Commissioner WEINSTOCK. How far does the law go?

Mr. DALRYMPLE. Well, it goes quite a long ways. There are a great many improvements, safety machines, safety devices included in this new law that we did not have before.

Commissioner WEINSTOCK. Are your powers broad enough to permit you, legally, to insist on the introduction of certain safety devices, if in your judgment they are essential?

Mr. DALRYMPLE. Well, I say yes, as far as the law goes.

Commissioner WEINSTOCK. Well, then, you substantially have the same powers that the State safety departments have in other States?

Mr. DALRYMPLE. I don't know; I am not familiar with that authority. But it is just as I told you before, there are many things in law that are not carried out. I do not feel justified in taking action against the men I consider responsible for them not being carried out because of the fact that the State has not given those men a chance to qualify. If they were certified officials and they deliberately violated the law then I would have a ground for appealing to their employer to remove them. But as I told you, those people have not taken examinations, the examinations have not been held, and consequently there are a great many mine officials that are not certified men; they have not been given the opportunity to qualify.

Commissioner WEINSTOCK. Are any steps contemplated to remedy those weak spots?

Mr. DALRYMPLE. Not any more than I recommended, in my reports, that the law be again amended; and I have made a record of a few sections that I have thought ought to be amended; and I think it is absolutely necessary if the department is to be run with the force mentioned in this report—it is absolutely necessary that the funds be increased.

Commissioner WEINSTOCK. What is your opinion of the virtue and the necessity for a workmen's compensation act in the State of Colorado?

Mr. DALRYMPLE. I think it is very necessary.

Commissioner WEINSTOCK. You think it is very necessary?

Mr. DALRYMPLE. Yes, sir.

Commissioner WEINSTOCK. Can you explain why, in the face of the fact that nearly 25 States in the Union have adopted and are now living under workmen's compensation laws, Colorado has not come into the list?

Mr. DALRYMPLE. No; not any further than—it is not any further behind in that respect than in a great many other things.

Commissioner WEINSTOCK. Do you know of any activity that is going on along the lines of arranging to put into effect a workmen's compensation law in this State?

Mr. DALRYMPLE. I think it was in 1911 that the general assembly appropriated $1,000 and appointed or elected a commission for the purpose of drawing up a compensation law.

Commissioner WEINSTOCK. That was three years ago?

Mr. DALRYMPLE. Yes, sir; and I think we met four or five times.

Commissioner WEINSTOCK. Well, in view of the fact, as I state, that 25 States—24 or 25 States—are now successfully operating under the law, why should it take three years' time in which to prepare a law, when the laws of these other States are in existence?

Mr. DALRYMPLE. I don't think you can select any of the compensation laws now in existence that would apply to the State of Colorado.

Commissioner WEINSTOCK. But with the experience of these 24 or 25 States before you, it ought to be a very simple matter to draft a law that would fit.

Mr. DALRYMPLE. But we never got that $1,000, it was put back into the fourth or fifth class, we never had it, and we did not draw up any compensation law; we made a report to the following assembly, but what was done with it I don't know.

Commissioner WEINSTOCK. Were you a member of that commission?

Mr. DALRYMPLE. Yes, sir; we have a great many small operators in Colorado, and if we were to pass a compensation law and hold each operator individually responsible for his actions, in my opinion such a law would not work in the State of Colorado, because if one of those small operators was to have a large accident they would not be able to bear the compensation, and the people interested would not be benefited and it would put that small operator out of commission.

Commissioner WEINSTOCK. That is true, but in most of the States where the compensation law prevails, a system of insurance relieves them of that burden. They simply pay an annual premium and the insurance carrier takes up the loss.

Mr. DALRYMPLE. I think the paramount question is to avoid accidents. If you do not draw up a compensation law with that in view it is not going to accomplish what it was intended to.

Commissioner WEINSTOCK. No; as a rule the compensation law of the various States have several departments, a service department and a safety department, which are for the express purpose of minimizing accidents.

Mr. DALRYMPLE. If you pass a compensation law and hold the industry responsible for each accident, you are going to tax mine owner who is giving his men due consideration and care; you are going to tax him up with the actions of the fellow who is negligent and careless.

Commissioner WEINSTOCK. That is true, but the safety department I have mentioned can compel that man to put in safeguards to protect his people.

Mr. DALRYMPLE. Well, that may be true, if you have an adequate department and have the funds to do the work; but, hampered as we have been for funds and help to do the work, it is difficult. I know that in a great many cases the supervision of the mine officials has been increased; I know we have made a greater effort to cut down the rate of accidents—still we have not succeeded.

Commissioner WEINSTOCK. This commission, in its investigation in the various States, has found that the enactment of a workmen's compensation law has tended very materially to minimize one of the causes of industrial unrest. It is found that industrial accidents are one of the prominent causes for industrial unrest, and it would seem to me that if the miners and the people of Colorado wanted to minimize industrial unrest, one of the first actions that should be taken is the enactment of a workmen's compensation law. We have found that one of the prime causes for poverty is industrial accidents which annually have thrown untold numbers of people below the poverty line, which is a menace to society and that the operation of a workmen's compensation law keeps those people from being dropped below the poverty line and is therefore a safeguard to the welfare of the Commonwealth. It would therefore seem that the authorities and the miners of Colorado should give that matter very serious consideration if they are earnest in their efforts to diminish industrial unrest.

Mr. DALRYMPLE. I think that should be done, but I think such a law should be made to apply to not only the mining industry, but to all other industries.

Chairman WALSH. Commissioner Lennon would like to ask a few questions.

Commissioner LENNON. Did the commission of which you are a member make a report?

Mr. DALRYMPLE. Yes, sir.

Commissioner LENNON. Will you furnish this commission with a copy of that report?

Mr. DALRYMPLE. I don't know whether I can or not.

Commissioner LENNON. Make an effort and give us a copy of that report.

Mr. DALRYMPLE. I will call up the secretary of that commission and find out if he has a copy of that report and submit it.

Commissioner LENNON. Who is the secretary?

Mr. DALRYMPLE. Senator Harvey E. Garman.

Commissioner LENNON. You made a statement something to this effect, Mr. Dalrymple, that if a great accident occurred that it would put out of business some of the small companies under a compensation law?

Mr. DALRYMPLE. Yes, sir.

Commissioner LENNON. Well, it is possible that the people of Colorado consider the continuance of a business of more importance than human life?

Mr. DALRYMPLE. Well, I don't know.

Commissioner LENNON. Well, do you? What is your view of it?

Mr. DALRYMPLE. No; I don't so consider it; I look at the matter like this: I have always been inclined to take the little dog's part, and I think that if it is necessary to protect life to put the little fellow out of business, then he ought to be put out as quick as we can put him out.

Commissioner LENNON. If that is the case, then you want to get into the harness in trying to work for a compensation law.

Mr. DALRYMPLE. I have more work otherwise than I can attend to without going into compensation laws.

Commissioner LENNON. Are the mines of Colorado naturally more dangerous than they are in other parts of the United States?

Mr. DALRYMPLE. Well, I believe there is more danger connected with coal mining in Colorado than there is in the East. I don't know that there is much more danger in Colorado than in New Mexico or Montana, unless the dust might be a little more inflammable, but I think there is a little more danger connected with coal mining in Colorado than in Iowa or Kansas or Missouri.

Commissioner LENNON. What feature of danger is greater here than in Illinois or Iowa?

Mr. DALRYMPLE. Well, I think we are operating at a higher altitude and our atmosphere contains less moisture, and consequently our mines are drier than in a great many places. We have no water in the mines, and at some places they have to take it in in barrels up an incline for the mules to drink.

Commissioner LENNON. What effect has that on the extra hazardous condition of the mine?

Mr. DALRYMPLE. It has a tendency to dry out—carry the dampness out of the mines in the winter months because of the fact that the temperature of the air in the mines is higher and as the air becomes heated its capacity to carry moisture increases and as it leaves the mine it leaves a deposit of moisture.

Commissioner LENNON. You do not make clear how this high altitude affects the danger of working in the mines.

Mr. DALRYMPLE. That is what I am trying to tell.

Commissioner LENNON. What happens?

Mr. DALRYMPLE. Well, it leaves a dry condition which may be the cause of dust explosion.

Commissioner LENNON. And in Illinois, where I live, they complain of the large amount of money they have to spend trying to keep the mines dry.

Mr. DALRYMPLE. They have not got the dust to contend with which we have. Our dust in the southern field is very inflammable.

Commissioner LENNON. Do you believe the extra hazardous condition of mining in Colorado is sufficiently more than the hazardous condition of mining in Illinois or Iowa to warrant in any way, shape, or manner the great difference in the number of deaths from accidents that occur here?

Mr. DALRYMPLE. No; I don't think it is.

Commissioner LENNON. What, in your opinion, has been the principal cause of this increased amount of accidents in the mines of Colorado over the United States in general?

Mr. DALRYMPLE. Well, as I told you, we have increased our efforts and in a great many places the mine foreman has given a great deal of attention to it, but the accidents have increased. There are two reasons that I can mention why they have increased, and one is that the workmen, generally speaking, are becoming more incompetent.

Commissioner LENNON. The miner is becoming more incompetent?

Mr. DALRYMPLE. Yes, sir; and as I told you we find in a good many small mines where they have a practical mine foreman, that he is negligent in his duty. We find some of them who apparently care about nothing else than to sit and see that the coal is coming out all right; very little attention is given to the men working under them. Now, a great many accidents are caused by the falling of the roofs, and the roofs throughout the south are very treacherous, generally speaking, and this new mining law says that a system of timbering shall be made to meet the approval of the coal-mining department, and I don't think there is to-day a mine in the State where we have found the maximum distance between the timbers, and the distance between the last timber and the working face. Another section of the law says the mine foreman shall direct and see that is carried out in making his daily visits. If he visits your place this morning and he finds it is not timbered according to what he thinks is necessary, he can make you do that timbering or suffer the penalty, but he is only held responsible to the extent of the time he is making his visits. But there are so many mines that he can not spend more than two or three minutes a day in each place and consequently the individual is dependent on his own knowledge for protection 90 per cent of the time.

Commissioner LENNON. If the miners are less competent, is that not a greater reason for the enforcement of the law than if the miner is a trained, skilled miner?

Mr. DALRYMPLE. Necessarily so.

Commissioner LENNON. Now, does the new law give you the power to set aside any of its features?

Mr. DALRYMPLE. Well, we have got discretionary powers in a few instances.

Commissioner LENNON. Well, in this instance, you stated that because of lack of opportunity for examinations you have not requested the discharge of the foreman in mines even though they were not living up to the provisions of the law?

Mr. DALRYMPLE. Yes.

Commissioner LENNON. Does the new law give you that power?

Mr. DALRYMPLE. Well, the new law gives me the power of asking the employer to remove his mine foreman if it is proven that he is incompetent or negligent, but there is a provision of the law that after a certain date no man shall hold that position but a certified man; but that date has passed and no one has been given a chance to certify.

Commissioner LENNON. Is it your duty to call attention to the fact that the mines are not complying with the law?

Mr. DALRYMPLE. I don't think there has been a case where miners have been negligent where we have not reported it to the different coal operators of the State.

Commissioner LENNON. Have you insisted that they remedy any of the defects found?

Mr. DALRYMPLE. We have recommended that those defects be remedied wherever we find a dangerous condition, and that it be remedied at the earliest possible moment.

Commissioner LENNON. Do you insist on it and go the limit in insisting that it be done?

Mr. DALRYMPLE. We have gone the limit as far as our force would allow us.

Commissioner LENNON. Do you travel out along the mines of Colorado to a greater or less extent?

Mr. DALRYMPLE. Yes, sir.

Commissioner LENNON. How are the living conditions of the miners here as to housing, the conditions of schooling for their children, and those things, as compared with Iowa or Illinois?

Mr. DALRYMPLE. I could not tell; I am not in a position to make a comparative statement. I never was in Illinois.

Commissioner LENNON. How does it compare with the State of Washington or the State of Pennsylvania?

Mr. DALRYMPLE. Well, I don't know that. I haven't got any time. When I go around the mines I give all my attention to the inside of the mines and

the machinery that is operating the mines, and I have very little time for anything else. I know we have some camps that have built up in the last seven or eight years that have very good living quarters with stone or concrete buildings, while some of the older camps have a great many shacks.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Who were on this commission that was appointed by the legislature or the governor to draft a compensation law?

Mr. DALRYMPLE. There was John C. Osgood, president of the Victor-American Fuel Co.; Platt Rogers who, I think, was then chairman of the bar association; Senator Harvey M. Garman; Senator John F. Pierson; and myself.

Commissioner O'CONNELL. How many meetings did that commission have?

Mr. DALRYMPLE. Four or five.

Commissioner O'CONNELL. In the three or four years——

Mr. DALRYMPLE. Two years—about 20 months.

Commissioner O'CONNELL. Was there any real effort made on the part of that commission to draft a compensation law?

Mr. DALRYMPLE. Yes; I think up until the time we made our report to the legislature we had every compensation law in existence; they were sent for, and all the different laws of the different States and the different nations were sent to us and a great many features of the different laws were taken up and debated on by the commission.

Commissioner O'CONNELL. Was there an apparently unanimous opinion on the part of the members of the commission that a compensation law would be a good thing?

Mr. DALRYMPLE. Yes, sir; generally speaking, I think the commission as a whole was in favor of a compensation law that would cover all industries.

Commissioner O'CONNELL. What was the real reason why some law was not prepared in that time?

Mr. DALRYMPLE. Because there was too much work for the time allowed us. The commission was composed of men—Mr. Osgood was a man who was gone a good deal of the time on his own private business. Mr. Rogers was gone a great deal of the time and I had more than I could do without being on the commission. The result was that the question did not get the attention it was entitled to, possibly.

Commissioner O'CONNELL. Has there been any legislation introduced in the Colorado Legislature on a compensation law?

Mr. DALRYMPLE. I don't know; I understood there was a measure to be presented at the last assembly, but I don't know whether it was introduced or not.

Commissioner O'CONNELL. Was there not a bill introduced a few years ago that passed the house and that was not reported by the senate?

Mr. DALRYMPLE. I don't know; if there was, I don't remember.

Commissioner O'CONNELL. In the figures you gave, as I now recall them, as to the number of deaths per 1,000 miners in the United States, that of course included the State of Colorado—the total number—and in comparison with Colorado it would indicate that the deaths per 1,000 in Colorado were about double the average of all the States in the United States.

Mr. DALRYMPLE. That is true.

Commissioner O'CONNELL. How do you account for that great increase?

Mr. DALRYMPLE. I think it is principally due to the different conditions, and I don't see any reason, other than as I say, a poor class of workmen and probably some negligent officials.

Commissioner O'CONNELL. Does your department keep track of the number of accidents in the mines?

Mr. DALRYMPLE. It does.

Commissioner O'CONNELL. What, for instance, was the number of accidents in the mines for the latest year you have—the number per 1,000 men?

Mr. DALRYMPLE. We had 110 fatal accidents in and around mines.; in 1913 we killed 104 men.

Commissioner O'CONNELL. I am speaking of accidents.

Mr. DALRYMPLE. In 1913 we had 354 nonfatal accidents that incapacited the injured persons for five days or more; that is the report. We get those reports from the operators every month with their production and the number of days worked and the number of men employed, etc., together with the number of nonfatal accidents. We had 354 nonfatal accidents for the year 1913, which was quite an increase over the year previous, but I believe the increase was due to a great extent to the fact that they were compelled to report all accidents that

incapacitated the injured person for five days or more, while they were not previous to that time.

Commissioner O'CONNELL. Is you department authorized under the law to bring prosecutions?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. Have you brought any prosecutions during the past year?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. What number?

Mr. DALRYMPLE. Well, I couldn't tell you. We had four cases in Greeley. We have had four or five cases in the south.

Commissioner O'CONNELL. What was the result of this prosecution?

Mr. DARYMPLE. Well, in Greeley we had four operators arrested for violations of the law, and they were found guilty.

Commissioner O'CONNELL. What was done in their cases?

Mr. DALRYMPLE. Fined. They were fined—in other words, they got off by paying the costs.

Commissioner O'CONNELL. Sort of a Scotch verdict?

Mr. DALRYMPLE. We interceded for leniency—I did, and the deputy inspector of the district did.

Commissioner O'CONNELL. You prosecuted them and then intervened for leniency in their cases?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. For why?

Mr. DALRYMPLE. Because we thought that the small fine would be just as effective as a large one. All that we wanted was to show the other operators in that district that if they did not comply with the law they could be prosecuted.

Commissioner O'CONNELL. Is there any particular district in which these prosecutions have taken place more than in any other district?

Mr. DALRYMPLE. Well, we had four in the northern district, and I think we had three or four in the southern field, Trinidad and Walsenburg.

Commissioner O'CONNELL. Are they small operators or large?

Mr. DALRYMPLE. One of the operators was a very small fellow and another was one of the mine foremen working for the Colorado Fuel & Iron Co., and four or five miners arrested for violation of the law.

Commissioner O'CONNELL. Did you hear Mr. Osgood's testimony yesterday?

Mr. DALRYMPLE. I did not.

Commissioner O'CONNELL. On the matter of dealing with men collectively or individually, his position was he did not care to deal with them collectively.

Mr. DALRYMPLE. I didn't hear his testimony.

Commissioner O'CONNELL. That if a man comes he takes the job or leaves it——

Mr. DALRYMPLE. I did not——

Commissioner O'CONNELL. That the job was there, and he could either take it or leave it under the conditions he found.

Mr. DALRYMPLE. Yes.

Commissioner O'CONNELL. What is your opinion as to what would get the better results from the men collectively dealing with their employers with a view to bring about improved conditions of employment, bring about a lesser number of accidents, as a result of collective understanding, as against individual dealing; that is, the individual leaving the job or taking it under the conditions he finds?

Mr. DALRYMPLE. Well, I think wherever there is collective bargaining it shows the two sides are closer together than where there is no collective bargaining. As I said some time ago, I think in order to minimize accidents it is necessary to have cooperation with everybody interested.

Commissioner O'CONNELL. Do you think it is possible for an individual man, a miner, to bring about an increase in his wage rate, or whatever the rate is per ton, individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to do that?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to bring about a reduction of working hours individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to bring about improved working conditions individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. How must he go about to do it?

Mr. DALRYMPLE. He must combine with his fellow men.

Commissioner O'CONNELL. Then, if he does not do that, he is apparently at the mercy of his employer; if he be good, well and good. If he be bad, he suffers accordingly.

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. Commissioner Garretson wishes to ask you a question.

Commissioner GARRETSON. Mr. Dalrymple, where an accident occurs in a mine, and the responsibility is seemingly placed upon the management of the mine, is it within the province of your department to prosecute?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. It is not?

Mr. DALRYMPLE. No, sir. At least, we have never considered it so. We investigate all fatal accidents, and if we think from the evidence given and from personal observation that the company is responsible for that accident we state so in our report on the accident.

Commissioner GARRETSON. Do you make any prosecutions?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. Nor is it considered that it is within the province of your department to do it?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. Does the law place within the hands of any State authority positive instructions in regard to such prosecutions?

Mr. DALRYMPLE. For those accidents?

Commissioner GARRETSON. Yes.

Mr. DALRYMPLE. I don't know; I am not aware of it.

Commissioner GARRETSON. Were you here yesterday?

Mr. DALRYMPLE. I was in the building. I was up here two or three times—twice—about five minutes each time.

Commissioner GARRETSON. Testimony was given here to the effect that a large portion of the accidents which occurred in a mine was due to the recklessness or negligence, or, I think the exact language was, to the taking of chances by the individual miner. Does your experience indicate that any greater burden in this direction rests upon the men as an average than does upon the management?

Mr. DALRYMPLE. Well, wherever there is negligence, wherever I find a man that I think is reasonably competent of taking care of himself, wherever I find that the timbers are not up, as I stated some time ago, to agree with our contract, or our agreements with the companies—if I find a man is negligent in timbering—to make the thing clear, the mine foreman is supposed to visit each place in the mine every day. He may visit you at 9 o'clock to-day and may not visit you again until to-morrow afternoon at 3 o'clock. Now, if a man is reasonably capable of taking care of himself, if he understands what is said and knows the law and that the mine foreman is held responsible for the conditions at the mine and the lives of those employed, when he understands these things he should, without being asked by the mine foreman, keep those timbers up as agreed upon, and if he thinks there is some abnormal condition he ought to space them closer.

Commissioner GARRETSON. Isn't the negligence of the individual employee, if condoned by the company official, does not that transfer the charge of negligence to the management and make them particeps criminis?

Mr. DALRYMPLE. Wherever I think the man is competent I say yes, but where a man is not capable of understanding what has been said to him or he is not reasonably competent as a miner I say no. I say that nobody should be allowed to go in a mine and work by himself or work with another incompetent person unless he is reasonably competent.

Commissioner GARRETSON. And only the company could bar the utterly incompetent from the mine——

Mr. DALRYMPLE. Sir?

Commissioner GARRETSON. Only the company could bar it. Is that not true?

Mr. DALRYMPLE. I don't understand you.

Commissioner GARRETSON. Why, one can not bar another, who may be an incompetent miner, from working by the side of him on account of the risk?

Mr. DALRYMPLE. No.

Commissioner GARRETSON. Only the foreman can do it?

Mr. DALRYMPLE. That is all.

Commissioner GARRETSON. Therefore the responsibility for the incompetent men rests upon the company through its foreman?

Mr. DALRYMPLE. Well, our law says that he is held responsible to see that this timbering agreement is carried out, but he is not held responsible for the time between his visit at 9 o'clock this morning and 3 o'clock to-morrow afternoon. I say the man is held responsible for his own protection for the time from 9 o'clock this morning until 3 o'clock to-morrow afternoon. If the man is responsible, I don't think the mine is responsible. If the man is not competent, I think he has no business there. I think the State is responsible.

Commissioner GARRETSON. Then you don't hold the company responsible?

Mr. DALRYMPLE. No; not the company, but the department——

Commissioner GARRETSON. Who is responsible if the man is not and the company is not?

Mr. DALRYMPLE. Why, the State is responsible for allowing such conditions to exist. [Laughter.]

Chairman WALSH. Please be in order, ladies and gentlemen. There should be no outward demonstration.

Commissioner GARRETSON. Under your system of payment, if the production is low enough your department would be absolutely crippled?

Mr. DALRYMPLE. Sir?

Commissioner GARRETSON. Under the system of raising funds for the support of your department, if the production was low enough—the pay of your department is based on production?

Mr. DALRYMPLE. Yes, sir; and if the production stops the pay stops.

Commissioner GARRETSON. And if the production is low enough your department can be absolutely paralyzed?

Mr. DALRYMPLE. If there is no production, there is no pay.

Commissioner GARRETSON. No production; no department?

Mr. DALRYMPLE. That is so.

Commissioner GARRETSON. That being the case, isn't it devised on a system such that when it is most necessary it is unavailable—the inspection and the department? In other words, when there is only a limited number of men, and those largely inexperienced, if that condition continued long enough it would do away with inspection altogether at the time when it was most necessary?

Mr. DALRYMPLE. Well, yes. The poorer the efficiency of the individual, why, they need just that much more inspection. They need better supervision.

Commissioner GARRETSON. What has been the attitude of the mining corporations of the State toward the enactment of what is sometimes classed as humanitarian legislation—safety and sanitation, and so on?

Mr. DALRYMPLE. And—well, you mean the laws?

Commissioner GARRETSON. Have they advocated the passage of such laws or have they objected?

Mr. DALRYMPLE. Well, I don't think I know of any of them advocating them.

Commissioner GARRETSON. That is all.

Chairman WALSH. One moment, Mr. Dalrymple. Commissioner Weinstock has another question he wants to ask.

Commissioner WEINSTOCK. In your statement, Mr. Dalrymple, among other things, you called attention to the fact that the accidents were steadily increasing?

Mr. DALRYMPLE. Yes, sir—that is, up until the first of the present year. There has been a steady increase up until the first of the present year.

Commissioner WEINSTOCK. Up until the first of the present year. Well, what has led to the decrease?

Mr. DALRYMPLE. Since that time?

Commissioner WEINSTOCK. Yes.

Mr. DALRYMPLE. I am not going to say that there has been a decrease.

Commissioner WEINSTOCK. There has been no decrease?

Mr. DALRYMPLE. I am not going to say there has. I can not say that there has been a decrease, nor can I say there has been an increase.

Commissioner WEINSTOCK. I see. You haven't the reports?

Mr. DALRYMPLE. Well, we have reports up to the 1st of November.

Commissioner WEINSTOCK. How long has your department been in existence?

Mr. DALRYMPLE. You mean the State coal mining inspector's department?

Commissioner WEINSTOCK. Yes.

Mr. DALRYMPLE. I think since 1883.

Commissioner WEINSTOCK. Well, I take it you, in common with the rest of us, believe that the test of the value of a service is the net results. Now, if, despite the existence of your department, accidents have been steadily increasing——

Mr. DALRYMPLE (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Of what practical value is your department?

Mr. DALRYMPLE. Well, the increase might have been double what it is if the department had not been there.

Commissioner WEINSTOCK. That is just simply an assumption.

Mr. DALRYMPLE. Yes; that is an assumption.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. I just have a question or two to ask you. Is it true that in a number of the mines in southern Colorado many of the provisions of the 1913 law were in force from one to three years before the passage of that law?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. What were they, please?

Mr. DALRYMPLE. Well, now, I couldn't enumerate them, but a good many things contained in this law were in practical use——

Chairman WALSH. Well, can't you enumerate one of them?

Mr. DALRYMPLE. Oh, yes, I could enumerate one. I could mention radiators.

Chairman WALSH. Anything else?

Commissioner DALRYMPLE. And in some cases, mine ways whereby the man was not required to travel haulage ways in going or coming.

Chairman WALSH. Any others?

Mr. DALRYMPLE. Well, yes, several others; but I could not mention them on the impulse of the moment.

Chairman WALSH. Have or have not the operators in the southern fields been diligent in the enforcement of the law since its passage?

Mr. DALRYMPLE. A good many of them.

Chairman WALSH. What of them have not?

Mr. DALRYMPLE. Well, as I told you before, 85 per cent of our trouble is with the little fellows, and they are the ones that are squealing all the time and think they are being unduly prosecuted and everything of that kind.

Chairman WALSH. That is all, Mr. Dalrymple.

Mr. DALRYMPLE. You people wanted me to give you some data. Would it be possible to give me a memorandum of what you want?

Chairman WALSH. Very good. We will have the clerk give you a memorandum.

Senator Patterson.

TESTIMONY OF HON. THOMAS M. PATTERSON.

Chairman WALSH. Please state your name, Senator.

Senator PATTERSON. Thomas M. Patterson.

Chairman WALSH. What is your profession, please?

Senator PATTERSON. I am not following any now. I have been a practicing lawyer.

Chairman WALSH. You have been an attorney at law by profession?

Senator PATTERSON. Yes, sir.

Chairman WALSH. And the publisher of newspapers?

Senator PATTERSON. Yes, sir—a journalist?

Chairman WALSH. And a member of the Senate of the United States?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Have you had anything to do with the coal industry of Colorado?

Senator PATTERSON. Yes.

Chairman WALSH. In what way?

Senator PATTERSON. I have been a part owner in one small mine for quite a number of years, and for the last 10 years, perhaps, a part owner in two small mines.

Chairman WALSH. How long have you lived in Colorado, Senator?

Senator PATTERSON. Forty-two years; came here in 1872.

Chairman WALSH. I wish you would state your experience, both as a citizen and as a public officer, in the industrial troubles in Colorado, giving a historical sketch going back as far as your first-hand experience will bring you, and coming down to date.

Senator PATTERSON. I have had some controversy as a newspaper publisher with the different labor organizations that as a publisher I was required to deal with. As a citizen and an onlooker and naturally feeling an interest in such subjects I gave a good deal of attention at a very early day to the labor troubles in the State that were of some magnitude. I recollect in the early eighties there was a very considerable labor trouble in Leadville between the miners and the mine owners. Later a trouble of great magnitude in Cripple Creek between the miners and the mine owners. There have been smaller industrial troubles here in Denver which did not extend beyond the limits of the city, but which for a time were very acute in Denver and created a great deal of feeling, and, so far as agitation was concerned, a great deal of trouble. In several of the cases, notably in the first Leadville trouble, to which I have referred, and later in the Cripple Creek trouble, what is called the Cripple Creek strike, and, again, in the strike in the coal fields that commenced about four years and a half ago—and is yet on—in the northern fields—to these I gave very considerable attention, simply the attention that an interested citizen will give to such occurrences—such an interest as one who is engaged in public life will give to troubles of that character. Following the Cripple Creek strike, I acted as an attorney for a number of men who were prosecuted for troubles connected with that strike; and the result of it was that I obtained more information perhaps than the ordinary citizen who has but little time to give to matters of this character, and who depends upon others to look after the welfare of the State. I would rather you would propound questions directly.

Chairman WALSH. Very good. What were the general characteristics, as you might say, of the Leadville trouble, whether or not the militia were called out?

Senator PATTERSON. Yes, sir. The militia was called out at the Leadville trouble; but the trouble was soon accommodated, the militia were out for but a short time. It was while Gov. Pitkin was governor of the State. Perhaps a week or two covered the entire period during which the militia were in the field, at the end of which time or before the troubles were accommodated between the workers and the mine owners.

Chairman WALSH. Do you recall the general nature of that trouble at Leadville? Was there a demand made upon the part of any organization, do you know?

Senator PATTERSON. My mind is not very clear about that, but I am inclined to think, my memory serves me in that respect, it was a controversy between the mining organization and the operators, and that it was over a matter of compensation more than anything else.

Chairman WALSH. Now, coming down, we will say, Senator, to 1904; were you reasonably familiar with the troubles that occurred at that time?

Senator PATTERSON. Do you refer to the Cripple Creek troubles?

Chairman WALSH. Yes; the strike of 1904.

Senator PATTERSON. Yes, sir. I took a great deal of interest in that trouble. As a journalist I was compelled to take notice of it; I felt that it was my duty to inform myself, as best I could, as to the controversy and as to the course of procedure, both by the striking miners and the mine operators.

Chairman WALSH. I wish you would give us the general characteristics of that trouble, please.

Senator PATTERSON. It was a general strike in the Cripple Creek district, I think, that practically all miners that worked in the district were members of the Western Federation of Miners, and following demands for increase of wages, which were not granted, the miners went out on a strike. Almost immediately after, some violence had happened, State troops were sent up to the district.

Chairman WALSH. Who was governor at that time?

Senator PATTERSON. Gov. Peabody, I think. And as is the case in such struggles, both sides acted with a great deal of firmness and resolution. There was violence, the destruction of property, men were killed, and there was an attitude upon the part of the mine owners of unyielding determination not to submit to the demands made by the miners, and ultimately to make no settlement whatever, but to get rid of the miners and get rid of the Western Federation of Miners. Militia went there, and they took complete command of the field. They established local prisons, familiarly denominated "bull pens." Raids were made at stated intervals by detachments of the troops; men arrested in large numbers and brought and imprisoned in these "bull pens." It naturally resulted in intense feeling and a disposition at retaliation by the men who were arrested and confined. For a long time it might truly be said

a "reign of terror" existed in the Cripple Creek district. The attitude of the military, during that time, might be well illustrated by an incident in my own experience. I went up to Cripple Creek partly for the purpose of getting an interview with the mine owners' association committee which directed and carried on the mine owners' and operators' side of the strike. I discovered in that case that so far as the militia was concerned, the governor himself had practically abandoned all interference with their operations. The unqualified control and direction of the troops were surrendered to Gen. Chase, the present adjutant general of the State.

The committee of the mine owners' association were really in command of the district. I am quite convinced I had every reason to believe at that time, and do so yet, that the mine owners' association, through the committee, really directed the operations of the troops; and their wishes were carried into effect by the commanding general. I had every reason to believe that with some slight modifications of the rigor of the military rule that the whole strike would be speedily settled; and I visited Leadville for the purpose of holding an interview with the mine owners' committee to see if I could not bring that about. I realized——

Chairman WALSH. Cripple Creek?

Senator PATTERSON. Cripple Creek? I realized that if the mine owners' committee would agree to modifications of the rigor of the military rule that the troubles could be ended, and I was very anxious to see that they were ended. There had been habeas corpus proceedings in the cases of two or three of the men who had been arrested and confined in the "bull pens" by the militia. Mr. Seeds was district judge. He was to render his decision that morning. I left the hotel, which was just one block removed from the block in which the court was being held—it was in a private building; they had no public courthouse at that time; the members of the militia were stationed on the roof of the hotel, on guard, watchful for an outbreak, as they believed, or as they professed to believe. At the intersection of two streets just a half block from the court room there was a cannon, just what character I do not know, stationed with five or six militia about it. I suppose it was the gun squad ready to take action. I crossed the street to the block in which the court room was, and as I stepped on the sidewalk a soldier drew his gun down and I was right in contact with the bayonet, when an officer rushed up and told him to allow me to pass. I went down to the other—that is, about 10 o'clock in the morning, between 9 and 10 o'clock in the morning—I went down to another street crossing, and there I had the same reception, a bayonet in my breast and an officer coming up and giving directions to allow me to pass.

I started to go up the stairs to the room in which the court was being held, and again I was met the same way—with the bayonet of a soldier—but I was allowed to pass. The decision to be rendered—I did not know, of course, what it was—but I was very anxious to know, and I went to the court room. In the court room I found the inside of the railing that divides the court room into what is called the bar proper and the audience part lined with soldiers, seated, extending from one side of the room to the other, just leaving the gate through which the attorneys entered open. I went in and sat down. The judge's chamber was in a room in the rear of the court room and there was a door from his chamber into the court room. Suddenly, Gen. Chase arose and gave the command, in a military way, "Attention!" and immediately the entire row of soldiers arose. The command was given, "Present, arms!" I then discovered that the judge had emerged from his chambers and was walking toward the bar to take his seat upon the bench. As he entered within the bar the command was given, "Present, arms!" The soldiers presented arms as the judge walked through the bar to take his place on the bench. Then the command was given, "Order, arms!" or something of that kind, and the soldiers were seated, and the judge proceeded to deliver his opinion. At the close of his opinion he ordered the release of the arrested men, when immediately Gen. Chase rose, marched to in front of the judge, and in a very respectful but in a very firm way informed the judge that he was sorry to say that, observing the commands of his superior officer, the governor, that he must decline to comply with the request of the court; and he ordered the guard that was inside the bar to continue their arrest of the men and to take them out as prisoners. The wife of one of the men fainted and there was quite a little scene, a good deal of commotion, and that ended that incident.

I simply refer to that as a matter that fell under my own observation, that you may understand how completely the militia were in control of and ruling

the camp. There was no pretense whatever that the court might not be safely held; there was no pretense that the orders of the court, except at the hands of the militia, would not be obeyed; no pretense that the grand jury might not be empaneled.

Chairman WALSH. How long did that strike last, Senator?

Senator PATTERSON. Oh, it must have been three or four months, if not longer. I know it was one continuous——

Chairman WALSH. The result of it was what?

Senator PATTERSON. The result of it was that the militia—I do not know who gave the orders, nor do I know who was quite responsible for it—suddenly rounded up the miners of the camp—some three or four or five hundred of those who were accessible—loaded them on two trains. One train was taken to Kansas and the other down in New Mexico, and the men unloaded in Kansas and New Mexico. I do not know that they were unloaded at any town or at any station. As to this, I have the newspaper statements of the occurrences, and they were warned to keep away from the State. That is the way it ended.

Chairman WALSH. Senator, will you please give the commission, in your own way, a statement of the causes leading up to the present strike?

Senator PATTERSON. Well, as I have them in my mind—I simply know of them as they have come to me and as I have concluded they were from observation. I think that up—well, when you speak of the present strike, Mr. Chairman, the present strike did not commence last September or October a year ago; it commenced four and one-half years ago. The strike in the mines in the southern field occurred a year and a half ago; but to me it seems that it was but a continuation of the strike that commenced in the northern fields four and one-half years ago. My impression is that the demands that were made by the miners through their representatives were those of compensation or wages. Two or three of the large mining companies, particularly the company of which the Rocky Mountain Fuel Co. is the successor—I do not just recall its name—made up their mind to resist the demands of the miners and immediately took steps to protect their property, surrounding them with high wire fences, and, I suppose, employing guards, and otherwise presenting a very firm front to the mine union. There was considerable violence and some shooting; perhaps there may have been one or two deaths, but the governor managed to get along in the strike in the northern field without calling out the troops.

Chairman WALSH. Who was the governor?

Senator PATTERSON. Gov. Shafroth. There was in Boulder County, which was the principal scene of the strike, a sheriff that, in my opinion, was of splendid capacity and good judgment and courage, who did not hesitate to make arrest, to visit the camps or the mines and warn the miners, and otherwise performed the duties to the best of his ability as a peace officer. And I felt that while great pressure was brought to bear upon Gov. Shafroth to call out the troops—the demand by the operators was strong and insistent—that he pursued the wiser course, and following his own head and his own judgment—he did pursue the wiser course in refusing to call out the militia. The courts of Boulder County were open; the county officials were willing to perform their duties; and there was not much more violence there than you would naturally find where a large number of men bent on a common purpose that was resisted by those from whom the grant of what they wanted had to come.

Gov. Shafroth, I know, felt that to put the militia in the field would but accentuate the troubles and extend the disturbances, and that the wiser and the safer and the better course was to let the strike wear itself out, or to have the parties to either side of it bring about some accommodations. The result of it all was that after a number of arrests the commencement of some prosecutions, and the firm front presented by the mine operators, the violence gradually and substantially subsided.

A strike at best is an act of violence. A strike is instituted, as I understand it, as a coercive measure to compel, it may be by loss of or injury to business, or by interference with industry, the success of which depends upon uninterrupted running—by these means to coerce the operator or employer into submission to the demands of the strikers, or to bring about conferences that may ultimately result in accommodations of the troubles, and it is not a very long step between a strike inaugurated for that purpose and actual violence.

Mr. Koontz and Mr. Sheedy, two of my acquaintances and friends, men of wealth, were—Mr. Koontz was the president of the Colorado National Bank; he was largely interested in the mines in the northern field that resisted the

demands of the strikers. Mr. Sheedy was a stockholder in the bank—a large stockholder—and the principal owner of a large department store, the Denver Dry Goods Co. As a part of the plan of campaign during its progress, boycotts were declared against Mr. Koontz, his bank, and against the Denver Dry Goods Co., things that are recognized by the law, perhaps, but I think are barbarous and coercive. And thus it went.

I am quite convinced that, say within six months of the commencement of that strike, both the miners and the operators in the southern field commenced preparation for the extension of the strike in the northern field. The unions felt that with that field unmolested, the operators felt that by reason of their close associations with the large companies in the south, that the miners should attempt to extend the strike to the southern field, and the operators made up their minds that they should do everything in their power to resist and prevent it. I have not any question but that upon the part of the unions they did their best to install union men in these mines; and I have no doubt but that just as soon as those in charge of the working of those mines discovered that there was a union man there he was discharged, not giving as the reason that he was a union man; but for some other reason they were gotten rid of. And the operators down in the south felt that they had the situation well in hand by the continuation of obstruction to employment of union miners, and the elimination of them as rapidly as they were discovered, that the unions could not get a sufficient foothold there to control the body of miners at work. It was a sort of armed neutrality, if I may use that term, for a couple of years—the union endeavoring to get a foothold in the southern mines, the operators foiling that effort.

The men who went out on a strike in the northern fields were on what is called the strike-benefit list or something of that kind, the national organization giving certain compensation to the men who are on the strike, so much per man, so much for a wife, so much for each child—very expensive. And I imagine that the national organization finally concluded that they must include the southern field in the strike, and so proceeded along that line. For several months before the strike in the south was actually brought on, I think they were unusually active, and they succeeded in installing a larger number of union men than they had previously been able to do, so that it was estimated, I think, that they had 20 or 25 per cent of the employees members of the union. I know that the operators felt that whenever the miners or whenever the union men had 20 or 25 per cent of the men that the danger line had been reached. It was their effort to keep down that number. I knew for some time that the strike was going to be called. I recall very well Mr. White, Mr. Hayes. I think it was, were in the city, and they called up at the News office, of which paper I was then the publisher, and, without saying so, I gathered that their visit to Denver was in connection with the strike. I had a talk with both of them, either one or both. I can not state which. I simply know that the conversation occurred, and occurred in my office, and either one or both were present, and I sincerely hoped that the strike would not be called. I called their attention to the fact that Denver had been suffering for a long period of time from depressed business, and that the merchants and business men generally were suffering from business conditions, and that a move at that time toward a strike would be very unpopular and bring down very generally condemnation by the business part of the State upon those who were responsible for the strike. Little was said in reply, neither affirmance nor denial that the strike was going to come. But I realized I had not had much effect. Ultimately there was a convention called in the south; the miners had brought Mother Jones into the State, and we can not shut our eyes to the fact that she was here for a purpose, hoping that through appeals, the arousing of sympathy, graphic portrayals of the alleged wrongs under which the labor people generally were suffering, to bring recruits to the union miners who were then in the employ of the company, and by such methods to obtain the numbers that were necessary to call on the strike. It was called.

Those were the general features that attracted my attention during the preliminary days of the strike.

Chairman WALSH. Well, coming down to the time of the strike and immediately prior thereto, did you take part in any efforts to procure a settlement, or to avert the difficulty?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Please detail them.

Senator PATTERSON. Troubles commenced almost immediately on the calling out of the men. The mine operators were fixed in their determination not to yield to the demands of the miners. That was very evident. The result of it was they brought in, or perhaps employed at different points in the State, guards. I am told they got a number of men from Denver, and through the agency of one of the great companies—detective companies—that had been operating for mine operators down in the West Virginia field—they brought in what they were pleased to term "mine guards;" what the strikers called "gunmen;" men, I suppose of recognized courage and intrepidity and fearlessness in handling bodies of men who were striking. They signalized their advent into the field down at Trinidad, I think the very day of the arrival of the first group, by one of them shooting and killing a striking miner on the streets of Trinidad. The impression that I gathered was that there was little or no provocation for that act. However, the striking miners immediately denounced it as a cold-blooded and unwarranted murder. The operators and their agencies immediately undertook either its defense or palliation, and I think that incident did more to develop immediate bitterness and ill will and a disposition to retaliate than anything else that occurred for quite a time after the strike was announced.

Sufficient to say that a great deal of violence was immediately developed in the south, the miners tracing it all to the provocation offered by the gunmen; the operators, and those who represented them, charging it all upon the malice and ill will and the desperate character of those who went out on the strike, claiming that the national representatives and the State representative of the unions were responsible for the trouble. Of course there came emphatic and unqualified denials of such things from the other side. Trains were interfered with; small bridges and culverts were burned. It is unnecessary to go into the details of that kind. All I know is that that was the general state of affairs in the south when, perhaps three or four weeks after the strike had been on, Gov. Ammons came to me at my office and told me that he was compelled to call out the troops, and he was going to call them out. "But before I call them out," he said, "Senator, I am going to make another strong and great effort to bring about a settlement, an amicable settlement, and I want you to help me." The suggestion was that by reason of my supposed relations with laboring men generally, and my attitude toward them, I would be influential with the labor people in bringing about a settlement. I told him that as a matter of course I would be very glad to give him any assistance I could, and that he could command me. He requested that I should stop in at the statehouse the next morning, as I was going to my office from my house, and that we would talk the matter over. And I did. And I want to say that that was the first occasion upon which, in connection with the strike, Gov. Ammons had asked my counsel or advice or assistance, and was the first time I tendered it, and it was at his request. The next morning I stopped in at the statehouse.

Do you adjourn at 12 o'clock?

Chairman WALSH. No, sir; we will run until 12.30 and then adjourn until 2.

Senator PATTERSON. I will have to be excused for a little while.

Chairman WALSH. Very good. I will put on another witness and then you can resume.

Senator PATTERSON. Just three or four minutes, or five, in all.

Chairman WALSH. That is all right. We will take a recess for five minutes. (At 11.58 a. m. a recess was taken until 12.02 p. m.)

AFTER RECESS.

Chairman WALSH. The commission will please be in order now. Please be seated, ladies and gentlemen.

You may proceed now, Senator.

Senator PATTERSON. As I was stepping out I was stopped by Mother Jones, whom I discover is here, and she stated, "I was not brought here by the miners; I came here of my own volition, because I wanted to." I simply want to make that statement because Mother Jones made it to me. In other words, she releases the unions from whatever there may be in the statement that she was brought here. I did not mean that literally, because I did not know; I simply know she was here; she was down at the meetings to which I refer.

Resuming where I left off. Gov. Ammons and I that morning held a consultation, and very early, perhaps on that visit, I found that Mr. White, Mr. Hayes of the national organization, Mr. Lawson the president of the State organization of the miners, and, perhaps, Mr. McLennan, although I am not certain about that, were in one of the governor's rooms, and the governor and I went into the room where they were. They were told briefly what we were going to do to try to bring about a peaceable settlement of the strike. They expressed a very great desire that it should be done, and that, so far as they were concerned, they would do everything in their power to have it settled, and that they would make every reasonable concession that could be asked of them to have it settled. And shortly afterwards the governor called up the mine operators and told them that he would like to see them. They told him they would come up immediately, and they came, as I recall it now, Mr. Osgood, Mr. Welborn, and Mr. Brown. The governor told them that he was very, very anxious to bring about a settlement and that he had requested me to help him in bringing it about and he wanted to know what could be done. Of course, it is impossible for me to give consecutively what was said by the one or the other. I can only give the general nature of the conversation with some of the details. We told the operators of the talk we had had with the representatives of the union, and that they were willing and very anxious to have the matter settled. The operators said they were also anxious to have it settled, but they soon gave us to understand that they would not meet with the miners—I mean with White, Hayes, and Lawson. They said, "We are willing to talk with the men themselves, any man whom the men will select from among the workers—the miners, we are willing to confer with them—but we will not have any conference with Mr. White, Mr. Hayes, or Mr. Lawson." We had several conferences, one, perhaps, again that afternoon, and then the next day—all to the same effect.

Between two of these interviews with the operators' committee, we understanding that Messrs. Osgood, Welborn, and Brown represented the body of the operators, we had a talk with Mr. White, Mr. Hayes, and Mr. Lawson, and possibly Mr. McLennan, in which, in substance we told them that there had to be some concrete proposition made; we told them of the attitude of the operators and that, unless they could give us an opening to proceed with the efforts, they would have to stop, and finally, Mr. White—I think it was Mr. White, it was either Mr. White or Mr. Lawson, I am quite certain it was Mr. White—made this statement, addressed to the governor and myself: He said, "We have this to say: That if the operators will but grant us a conference we know that this strike will be settled. All we want to do is to have a conference with these men so that we can understand each other, and if they will but grant us a conference we know that this strike will be settled." I said to them: "Gentlemen, do you understand the import of your language? You know that the operators will not recognize the union. It is generally understood that you will insist upon recognition of the union as a sine qua non of a settlement. Now, the fair inference from your language is that you are willing to reach a settlement upon some other basis than the recognition of the union." Mr. White replied: "Whatever the import of our language is, I reiterate that if the operators will confer with us we know there will be a settlement." Gov. Ammons and I felt that in view of that statement there was some hope, and we called up the operators very promptly and they shortly came. The same gentlemen met us and I put the matter before them. I said: "Gentlemen, I believe that a settlement can be reached. These men say that if you will but grant them a conference they know that the strike will be settled. Now, that must mean that they will surrender their demand for the recognition of the union, and, I think, you ought to grant them a conference. They are right out here in the adjoining room—there was but a brick wall separating the operators, the governor, myself, and the representatives of the miners." They said: "No; we will not hold any conference with them." And they indulged in some very, very bitter language in talking—referring to these men. They said they were merely interlopers, they were intermeddlers, they had no business here, they did not live in this State, and then some bitter names were applied to them that placed the responsibility for the violence that had occurred in the south upon their shoulders, and for that reason they would not meet them. I said: "Gentlemen I don't think that you have a right to regard them as interlopers or intermeddlers; they are the officers of the national union of which the local unions are a part; it is their duty and their right to visit the different unions of the national organization in the

different States wherever they may be; it is their duty and their right to give advice and to ask for information, and if the striking miners wish them to help them it is their duty to help them. They can't be stigmatized under those circumstances as interlopers or intermeddlers, and I do not think that your objections are well taken." "Well," they said, "to confer with them would be recognition of the union—practical recognition." I said: "That is foolish, gentlemen. A conference with them simply gives you the opportunity of learning whether you can meet upon common ground or not. If you find you can't, that ends the matter, and you are just as far from the recognition of the union then as you are now. These men have a right to be represented in conference by men of their own selection, and it requires men of experience and knowledge to meet such gentlemen as you and properly represent the men." One of the gentlemen remarked: "If they were to come into this room now we would go out. We won't be in the same room with them."

I protested, and so did the governor, tried to reason the matter, but upon that one proposition they were absolutely fixed and unrelenting, they would not meet nor they would not confer with the men. I want to say right now that I believe, as I believe and know I am sitting here, that if they had but granted a conference that they would have reached a settlement of the strike, no matter to what extent the representatives of the unions had to withdraw their claims. And to my mind the violence and whatever else has followed the continuation of the strike rests right there—the absolute refusal upon the part of the operators to even meet with the men. I then suggested a subterfuge to try and bring the operators and the men together in this way: I said, "Gentlemen, suppose Gov. Ammons will write you a letter in which what we believe to be the crux of the situation will be set forth and the essential matters upon which the miners are to be given assurances, and that in conjunction with that we prepare what will be an answer from you to Gov. Ammons, using Gov. Ammond, as it were, as the stalking horse," although I did not use that term, "by which the views of each will be indicated to the other. Let us see if we can not reach it that way. Now," I suggested, "we will prepare that communication and prepare the letter from the governor and prepare the answer that we think should be written by you and we will submit them to you for such amendments as you will propose; and when the contents of these letters are agreed upon, then they will be signed, the one by the governor to you, and the agreed letter will be signed by you to the governor. Let us see if we can not reach an understanding that way?" We agreed that there would be nothing in these letters that referred to a recognition of the union. They said, "Very well; we will consider that correspondence if you will prepare it."

As soon as they left we called in, I think it was, the governor's stenographer. I am quite certain we used his stenographer. And we dictated what was to be the letter from the governor to the operators in which he set forth in much detail, calling attention to the particular sections of the statute that the striking miners claimed they were interested in having observed and enforced. And then with reference to the men who were out on the strike this suggestion was made in this letter from the governor: "You will name the men that you will not take back into your employment." We had some little conversation about that before we separated—that feature. They talked about the amount of violence that had occurred and property destroyed and things of that kind. I suggested that it could not be satisfactory to simply say—that is, in this correspondence—and it would not have its effect that we hoped it would have simply to let the proposition be that the operators should exclude anybody from their employment to whom they objected and whom they merely suspicioned. We thought it would be a good idea that they should simply name the striking miners that they objected to taking back into their employment, and that feature was incorporated into the letter that was to be written by Gov. Ammons. We then prepared what was to be the reply to that letter, in which a statement was made as to the objection or the claim by the miners as to checkweighmen, and the necessity for it, and that it was not granted, something like this: "That as to the matter of checkweighmen we agree, if the strike is ended, that the men shall have the right to employ their own checkweighmen; with reference to trading at company's store, we agree, if the strike is ended, that no employee shall be required to trade at the company store. With reference to company script, we agree that so far as that grievance is concerned, we will not require or ask the men to receive pay in company's scrip." And so we went on with a list of grievances, and every one of them

was covered by a section of our statutes or sections in our State's legislation intended to afford protection to the men.

Gov. Ammons, when the letter was prepared, was very much delighted with it—very much pleased with it. It was plain and simple, and that correspondence they either sent and got, or we sent it to the operators, with the request that we might hear from them as soon as possible. I don't think we heard from them until the next morning, and then they sent back the letter that was to be signed by the governor and their substituted answer. I read the answer, and the governor, or at least I, was quite satisfied that that did not fill the bill. The answer was along this line: It went on and named the different provisions of the law that we had in mind and to which we referred in the Ammons letter, and was a general statement that they would observe the law, eliminating every statement of the proposition that if the strike is ended they will not be required to accept company scrip, and that if the strike is ended they will not be required to deal at the company's store, and various matters of that kind. And then they changed very radically and in very important particulars the clause of the letter of the governor that referred to the men who should not be taken back. I said: "Gentlemen, I am satisfied that this letter will not meet the approval of the representatives of the miners." They wanted to know why. "Well," I said, "because you are simply reiterating in writing what you are always saying that you are law-observing mine operators, that you always observe the law, that you always will observe the law. You could not say anything else. But the trouble is, that leaves you to interpret the law. You do not say how that law is going to affect your action with reference to these particular things—simply generalizations—and you can afford, in order to bring about a clear understanding, to make these declarations that we have suggested in that letter." But they simply would not do it.

The last interview we had with them upon that subject was at night. We commenced perhaps at 9 o'clock; I know we did not get through until midnight. Another gentleman joined them—Mr. Perry, making the four of them. And the controversy was long and serious, but it ended, and we were compelled to go back to the men and let them know that nothing could be done. They had seen the correspondence before we gave it or before we sent it to the operators. We wanted to know that our efforts in that direction would not be in vain and that if we got the operators to agree along the lines proposed it would be with their approval. They did not give any affirmative statements that it would be satisfactory to them, but I think both Gov. Ammons and I felt we had every reason to believe that if those letters were signed by the parties they were intended to be signed by the trouble would be ended.

Chairman WALSH. Excuse me, Senator. We will taken an adjournment at this point, and you well be excused until 2 o'clock.

AFTER RECESS—2 P. M.

Chairman WALSH. You may resume the stand, Senator. You may proceed now, Senator.

Senator PATTERSON. Before I continue I wish to make one or two slight corrections. I gave it as my opinion that the Cripple Creek strike occurred—that it grew out of dissatisfaction with the wage schedule, but I am inclined to believe that that was considered at that time in its origin, largely a sympathetic strike. There was a strike, as I recall it, in the Colorado City mills, which had to do with the reduction of the Cripple Creek ores, that became quite acute, and in connection with that perhaps the principal motive behind the Cripple Creek strike, in its origin, was to aid the strike of their working colleagues at Colorado City.

If, in my statement this morning—I am told that I said that Gen. Chase was adjutant general—that was also a mistake, because Sherman Bell was at that time adjutant general, and with regard to the episode that I narrated, the court scene with the military, where the judge took his seat on the bench to a "Present arms," etc., Gen. Chase, I am quite satisfied, was there, and in command of the troops, the 16 or 20 soldiers that were inside the bar; and he politely informed the judge that under the command of his superior officer, whether he mentioned the name of Sherman Bell I do not know, but he informed him he could not comply with the order to discharge the prisoner.

Now, I want to recall briefly, unless this detail is unnecessary or burdensome to the court.

Chairman WALSH. Just proceed, Senator.

Senator PATTERSON. I want to recall part of the discussion that was had between the governor and me upon the one side and the operators upon the other during these efforts for a settlement. The operators were simply standing by their legal rights—under no obligations to the strikers in any way. I suggested to them and impressed it very strongly, as strongly as I could, that there were other parties to the strike than the operators and the miners, that the general public was largely interested and that all parties to a great industrial conflict of that kind, having in mind the deep interest that the general public had in such a controversy, should be willing to make concessions, and that they should be quite willing, for the sake of the general public, if they felt under no obligations to the miners, to pocket their pride and to give way in some of their own beliefs as to what their rights, if not their duties, were, and illustrated by the debt that would be piled upon the taxpayers of the State, and the troubles and the violence, all of which affected the general public, but that had no weight with them. I gave it as my opinion that if the operators had before consented to a consultation or interview with the miners that the strike would have been settled.

Of course, that carries with it something of a conclusion upon my part, that the officers of the union would have waived the question of the recognition of the union by the operators, and, although they did not say in terms anything to the effect that they would waive the recognition of the union, while we were discussing that, and I was endeavoring to get them to waive the question of recognition, Mr. White, I think it was, said a settlement—that was Mr. White and Mr. Hayes and Mr. Lawson—all of them talked about it—a settlement with our organization does not necessarily involve a recognition of the union, and to emphasize that they cited the settlement in the West Virginia strike and called attention to the fact that their organization was a party to a settlement in West Virginia in which there was no recognition of the union—that there could only be an inference there was any participation in it by the union except as a party to the settlement—any question about the recognition of the union. It was such a conversation as that given with the positive assurance that if there was a conference granted, they knew the strike would be settled, that gave me the first belief, both then and now, that if they had agreed to a conference there would have been a settlement. I was also convinced, as a result of interviews with the miners, or their representatives, Mr. White, Mr. Hayes, and others, that while they would not directly give their assent to the calling out of the troops, that to have them called out would be a relief to them. For instance, they gave both the governor and I clearly to understand—perhaps I ought not to say clearly, but my fair inference was that the men out on the strike had gotten, or were getting, beyond their control, that they were moved by a feeling of that kind; that was impressed very strongly upon my mind.

Before we adjourned this morning I referred to the correspondence that we had hoped to have perfected, signed by the parties as a subterfuge for actual interview between the operators and the miners. I have not got that correspondence, but I am quite convinced that the operators have, because I have no recollection of the letter that I prepared, and which they were asked to sign, having been returned with the substitute, and I would like exceedingly well if the commission would call for that correspondence. And then again——

Chairman WALSH (interrupting). One moment, please. Give a description of that correspondence to the clerk.

Mr. HERRINGTON (attorney for the operators). I think we have it here.

Senator PATTERSON. Have you got it?

Mr. HERRINGTON. Yes.

Senator PATTERSON. Will you please let me have it?

Mr. WELBORN. I should like to present it when I am on the stand.

Chairman WALSH. Mr. Welborn, I would suggest that it would just save us sending for copies if you will let us have it.

Mr. WELBORN. All right. What letters do you want, Senator Patterson?

Senator PATTERSON. I want the letter that was to have been signed by the governor and the letter we sent to them that was to be signed by the operators. [Here several papers were handed to the witness.] May I read these?

Chairman WALSH. Certainly.

Senator PATTERSON. The letter that I prepared, which was addressed to Mr. Welborn, Mr. Osgood, and Mr. Brown under the circumstances mentioned was as follows:

"DEAR SIRS: With the hope of bringing to a conclusion the unfortunate strike which now exists among some of the coal miners of this State, I venture to address you to present the following suggestions:

"After numerous interviews with parties representing the coal miners of this State who are now on strike and yourselves, I discover that, aside from the recognition of the United Mine Workers of America, what are claimed to be the differences between your companies and the miners now out on strike are really provided for by the statutes of the State, and if the miners and you are willing to be governed by the statutes every substantial difference will be obviated.

"I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. Nevertheless, there are others who insist that you have not been so governed. Without attempting to determine which is right, I now suggest, irrespective of what may have been the practice in the past, that the following statutes particularly should be faithfully observed by you and all others engaged in coal mining:

"1. Section 3925, Revised Statutes, 1908, with reference to the rights of the men to organize and belong to unions.

"2. Section 113 of the coal-mining act of 1913, providing for the employment of a checkweighman.

"3. Section 6089, Revised Statutes, 1908, making it unlawful to use or employ directly or indirectly the so-called 'truck' or 'scrip' system in the payment of men.

"4. Chapter 95 of the Session Laws of 1913, regulating and limiting the hours of employment in all underground mines to 8 hours within any 24 hours.

"In addition to the foregoing it already appears to me that all employees should have the absolute right, without coercion of any character, to trade at such stores or other places as they see fit, and that they should be left absolutely free to buy whatsoever they desire, wheresoever they will, and that all men should have a semimonthly pay day in accordance with the practice which I understand now prevails substantially throughout the State. Furthermore, in the event of the termination of the strike now existing throughout Colorado, all employees who have suspended work or gone on strike should be given employment except where their places have been filled, or where they have been guilty of violence or other unlawful acts.

"Hoping that you will assist me in bringing about a termination of existing conditions and inform me in writing that you accede to these suggestions, I am,

"Very truly, yours"—

No signature, but that was the letter to have been signed by the governor. That letter we prepared and forwarded to them, which they were asked to sign, and in response to the letter this was received [exhibiting letter]. [After reading:] This is not the letter that I have reference to. The one that was prepared and sent to the operators; it was to be signed by them and addressed to Gov. Ammons, and in reply to the letter that I just read.

Chairman WALSH. We will get it elsewhere. Gov. Ammons says he has the original, so we will get it from him, Senator.

Senator PATTERSON. This letter [holding letter in hand], I am not familiar with it except that it may be a letter that I found in the files of the governor's office when I was endeavoring to get this correspondence for use in the recent campaign. If I could have that letter—I think it is of some importance—the original of the letter that I sent.

Chairman WALSH. Give the description to the clerk, Mr. Dower, and he will go downstairs and try to get it.

Mr. GOVE (attorney for the operators). Gentlemen, if you will pardon me, I think I can save some time here.

Senator PATTERSON. I would be very glad to.

Mr. GOVE. Senator, the letter which you now hold in your hand is the letter which you sent to the operators, and the letter which you have read and commented upon favorably, I think, is the letter which the operators wrote and said they would agree to.

Senator PATTERSON. Well, now, this is——

Mr. GOVE. That long letter is the letter that you wrote.

Senator PATTERSON. Now, then——

Mr. GOVE. And there was some objection to it, and the other letter which you have read is the letter which we drafted ourselves.

Senator PATTERSON. I think perhaps you are right. Let me ask you this question so that I will get it absolutely straight: I prepared a letter to be signed by the operators.

Mr. GOVE. That letter was never received nor delivered.

Senator PATTERSON. Oh, it's absurd!

Chairman WALSH. We will have the letter, so we will not get in any controversy.

Senator PATTERSON. The original letter?

Chairman WALSH. Yes; the original letter.

Mr. Dower, go downstairs—just describe the letter which you want to get from the governor, Senator, and Mr. Dower will take down your description. Describe it to him right here, and what the letter is you wish brought from the governor's office.

Senator PATTERSON. Perhaps—what did I do with it?

Chairman WALSH. The stenographer took that letter you read.

Senator PATTERSON. Let me have. Let me have it for the time being—the one I just read. I have been a little confused about these letters myself, and I am glad to have an opportunity to straighten it out. They said that this is the letter that I wrote that was to have been signed by Gov. Ammons. I had better read this now.

"DEAR SIR:"—

This is addressed to Welborn, Osgood, and Brown, Denver, Colo.—

"DEAR SIRS: With the hope of affecting a settlement of the unfortunate strike that now exists among some of the coal miners in this State, I venture to address you and present suggestions as the result of various interviews I have had with you and others.

"I discover that, aside from a recognition of the United Mine Workers of America"—

I find that this is interlined in pencil, "aside from the recognition of the United Mine Workers of America"; it is not in my writing, and I do not know who put it there.

"I discover that what are claimed to be the real differences between your companies and the miners out on the strike are really provided for by the statutes of the State, and that if the miners and yourselves are willing to be governed by the statutes, every substantial difference will be settled.

"In presenting the matters in my mind, I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. While this is so, there are others who insist that you have not been. Without attempting to determine which is right, my suggestion is that the things provided in the statute and that seem to be closely connected with the differences shall be definitely stated and that you agree that your companies will faithfully observe the statutes and do everything in your power to see that they are faithfully and definitely enforced. If you shall agree to that I will then take the matter up with the representatives of the men out on the strike and see if I can not get them to accept that as the basis of a final settlement.

"1. The statutes with reference to the right of the men to organize and belong to unions is found in section 3925 of the Revised Statutes of 1908. This provides 'it shall be unlawful for any individual, company, or incorporation, or any member of any firm, or agent, etc., to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, etc., or to coerce, or attempt to coerce, employees by discharging, or threatening to discharge, them from their employ.'"

I find here that three or four words are interlined over "etc.," the word "all" in brackets. How they came there I don't know.

"Therefore, the operators will agree that their miners may form or unite with such union or unions if they desire, and that there shall be no discrimination or action whatsoever on your part to influence or intimidate them from so doing, and the miners"—

Now, then, there is interlined following what I have just read—

"and the miners shall not use intimidation or coercion to induce others to join the union."

That was not in the original letter.

"2. That hereafter at each coal mine with which you are associated, there shall be employed at the option of the majority of the miners working therein one or more checkweighman whose wages shall be paid by the miners therein employed. That said checkweighman shall run coal check and shall deduct a sufficient and equal amount from each ton of coal weighed to guarantee to them the wages agreed upon between the said checkweighman and said miners and that the duties of the said checkweighman shall be to see that all coal mined in

the mines in which they are employed is correctly weighed and accredited and for that purpose every mine owner shall give to such checkweighman access to all the scales and weights used for that purpose and to all books wherein the weights of the coal mined by the miners of said mines are recorded, and that the mine owners shall in connection therewith do everything required of such owners by section 113 of the Session Laws of 1913 of 'An act concerning coal-mine inspectors.' Commencing on page 162 of said session laws:

"3. That section 6991 of the Revised Statutes of 1908 concerning truck orders, scrip, etc., shall be fully recognized and that no attempt shall be made to settle or pay the wages or debts of the miners other than in lawful money.

"4. That the companies agree to pay the miners and workmen in and about their mines the wages that they earn every 15 days in lawful money of the United States or in checks on banks convertible into cash on demand at their full cash value, and that such wages shall be due and payable and be paid by your companies on the 5th and 20th day of each calendar month unless for the convenience of the operators some other two days in each month shall be agreed upon between the companies and the men, and that your companies will follow substantially the provisions of section 6981 of the Revised Statutes of 1908.

"5. That eight hours shall constitute a day's work for all miners and other workmen doing manual labor in and about your mines, and that the provisions of the statutes concerning the eight-hour day labor shall be faithfully followed and observed.

"6. That there shall be no compulsion or persuasion used to induce the miners to trade at what are known as 'company stores,' but that they shall be left absolutely free to buy whatsoever they desire wheresoever they will.

"7. That any other laws on the statute books that have to do with the operation of coal mines and the relation of miners to the mines or the operators shall be faithfully observed.

"8. That so soon as the strike is declared off, if it shall be, the men will be returned to work without discrimination.

"Hoping that you will help me to bring about a permanent settlement by informing me in writing that you accede to these suggestions, I am,

"Very truly, yours"—

I think that is the letter that I dictated. The letter that I read first is, as stated by Senator Gove, a substitute letter for this one that was to be accepted by the governor as the one written by him. I was fully of the impression that we prepared an answer to be signed by the operators and that they brought a substitute answer other than the one we had prepared. It may be that we sent but the one letter and that this is the substitute letter that I had in mind, when it is really a substitute for the one that was prepared in Gov. Ammons's office and sent to them. You see, it is much shorter than the one I have just read.

Now, then [reading from the substitute letter]:

"With the hope of bringing to a conclusion the unfortunate strike which now exists among some of the coal miners of this State I venture to address you to present the following suggestions:

"After numerous interviews with parties representing the coal miners of this State, who are now on strike, and yourselves I discover that aside from the recognition of the United Mine Workers of America what are claimed to be the differences between your companies and the miners now out on strike are really provided for by the statutes of the State, and that if the miners and you are willing to be governed by the statutes every substantial difference will be obviated.

"I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. Nevertheless, there are others who insist that you have not been so governed. Without attempting to determine what is right, I now suggest, irrespective of what may have been the practice in the past, that the following statutes particularly should be faithfully observed by you and all others engaged in coal mining:

"1. Section 3925, Revised Statutes, 1908, with reference to the right of the men to organize and belong to unions."

Now, the substitute for this short paragraph, this is the one that was in the long letter sent by the governor:

"1. The statutes with reference to the right of the men to organize and belong to unions is found in section 3925 of the Revised Statutes of 1908. This provides: 'It shall be unlawful for any individual, company, or incorporation, or

any member of any firm or agent, to prevent employees from forming, joining, or belonging to any lawful labor organization, society, union, etc., or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ.'"

The proposed substitute for No. 2 is in this language:

"2. Section 113 of the coal-mining act of 1913 providing for the employment of a checkweighman."

The second as we sent it, and as they amended it in this substitute, is as follows:

"2. That hereafter at each coal mine with which you are associated there shall be employed, at the option of the majority of the miners working therein, one or more checkweighmen, whose wages shall be paid by the miners therein employed. That said checkweighmen shall run coal check and shall deduct a sufficient and equal amount from each ton of coal weighed to guarantee to them the wages agreed upon between the said checkweighmen and said miners, and that the duties of said checkweighmen shall be to see that all coal mined in the mines in which they are employed is correctly weighed and accredited, and for that purpose every mine owner shall give to such checkweighmen access to all scales and weights used for that purpose and to all books wherein the weights of the coal mined by the miners of said mines are recorded, and that the mine owners shall, in connection therewith, do everything required of such owners by section 113 of the Session Laws of 1913 of 'An act concerning coal-mine inspectors, commencing on page 162 of said session laws."

The third section in the letter—the original letter that we prepared—is this:

"3. Section 6991 of the Revised Statutes of 1908 concerning truck orders, scrip, etc., shall be fully recognized, and that no attempt will be made to settle or pay the wages or debts of the miners other than in lawful money."

For that they substitute "section 6980, Revised Statutes of 1908," making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

The fourth in the original letter:

"That the companies agree to pay the miners and workmen in and about their mines the wages that they earn every 15 days in lawful money of the United States, or in checks on banks convertible into cash on demand, at their full cash value, and that such wages shall be due and payable and be paid by your companies on the 5th and 20th days of each calendar month, unless for the convenience of the operators some other two days in each month shall be agreed upon between the companies and the men, and that your company will follow substantially the provisions of section 6961 of the revised statutes."

Now, for that they substitute the following:

"4. Chapter 95 of the Session Laws of 1913 regulating and limiting the hours of employment in all underground mines to 8 hours within any 24 hours."

That is the whole of that.

Five, in the original letter:

"That eight hours shall constitute a day's work for all miners and other workmen doing manual labor in and about your mines and that the provision of the statutes concerning the eight-hour day labor shall be faithfully followed and observed."

They have no substitute for that at all. They omit that in their substitute letter—any reference to it. Then 6 in the original letter:

"That there shall be no compulsion or persuasion used to induce the miners to trade at what are known as company stores, but that they shall be left absolutely free to buy whatsoever they desire wheresoever they will."

Covering that they have this:

"In addition to the foregoing it clearly appears to me that your employees should have the absolute right, without coercion of any character, to trade at such stores or other places as they see fit and that they shall be left absolutely free to buy whatsoever they desire wheresoever they will, and that all men should have a semimonthly pay day, in accordance with the practice which I now understand prevails substantially throughout the State."

Seven in the original letter:

"That any other laws on the statute books that have to do with the operation of coal mines and the relations of the miners to the operators of the mines shall be faithfully observed."

There is no substitute for that and no reference to it in the substituted answer.

Eight in the original:

"That so soon as the strike is declared off, if it shall be, the men will be returned to work without discrimination."

For that they have this:

"Furthermore, in the event of the termination of the strike now existing throughout Colorado all employees who have suspended work or gone on strike should be given employment except where their places have been filled or where they have been guilty of violence or other unlawful acts."

It may be, and in view of this letter and accepting Senator Gove's word, that it was over this original letter to be addressed by Gov. Ammons to the mine operators and the substitute that the controversy arose. If that was the case, I objected to Mr. Welborn and to Mr. Osgood and the other gentlemen that they ought not to substitute it; that all their letter amounted to was an asseveration that they would observe the laws, while the details that would tend to give satisfaction to the miners and that were particularly enumerated in the original letter ought to be accepted by them because there was nothing in those clauses but a statement of the particular sections of the law that we were interested in and an assurance on their part that the things that were provided for would be observed. To that they made answer that to accept this letter from Gov. Ammons would be a practical admission that they had been violating the laws. I replied that such was not the case and that their substitute letter was but a promise on their part to obey the laws where they had been probably violating them before. I tried to convince them that that was not a logical conclusion, and that in view of the very, very grave interests at stake and the possibility, if not probability, that this correspondence might result in the ending of the strike that they should accept the original letter in its fullness. To that they absolutely refused to accede—to accept this original letter—but insisted upon their substitute. Now, the answer that I am under the impression we prepared—I may be mistaken; maybe we simply talked about what their answer was to be, because things were happening in pretty rapid order at that time, and we were jumping from one thing to another, and I preserved no copy of the correspondence. I simply have had the general subject and object in mind. But at any rate it was there that this effort to bring about a settlement of this strike, so far as Gov. Ammons and I were concerned, ended. We never got beyond that. They would not confer with the men. They knew they were in the adjoining room all the time ready to confer, and they would not agree to this substitute for a personal interview, and there the matter came to an end.

We read this proposed substitute to the miners, and they said that they simply could not accept that as a basis of settlement; that it simply iterated what they had always been iterating—that they were a law-abiding and a law-observing corporation and that they were willing to abide by the law and be bound by the law, and there was no such assurance in this substituted letter as they wanted to settle the strike.

It was pretty late at night—must have been nearly midnight—and Gov. Ammons sent for Adjt. Gen. Chase. I think he also was in waiting, because he came almost immediately. They then proceeded with the document necessary to call out the troops. While Gov. Ammons was engaged in preparing the order, or about that time—perhaps shortly before—I said to the governor, "I think that in issuing this order calling out the troops you should accompany it with an order to Gen. Chase to this effect: That the troops were to be used, first, to afford protection to all property; second, to afford protection to all men who were then at work; third, that if any of the men who were out on the strike desired to return to work the troops should be used to afford them all necessary protection to return to work and while they were engaged in work, but that under no circumstances should the troops be used to aid in the installation of strike breakers as distinguished from men who had been at work and the men who might want to return to work. It was the claim of the mine operators that if coercion from the union was removed and the men out on the strike should receive protection a vast number of them would immediately return to work, and it was for that reason that I suggested to the governor that one of the purposes of the troops should be to afford protection to all who should desire to return to work. I suggested to the governor that to use the troops for the installation of strike breakers was to turn the use of the troops over to one of the parties to this great industrial conflict and that the State militia should be kept absolutely neutral and that they should not be used to aid one side or the other in gaining the strike. The governor, without any hesitation, acceded to those propositions—thought they were just

exactly right, and, as I understood it, he gave just that sort of an order to Gen. Chase in connection with his order to call out the State troops.

I then suggested to the governor that the public ought to know the purposes for which the State troops were to be used, in calling them out. There was intense excitement in the State. The partisanship was bitter, and that it was but due to the public that it should know the use that was going to be made of the State troops, and for that reason I suggested it would be well for him to have an interview prepared for publication in the morning newspaper, which would be the first paper to give notice of the course to be taken. He entirely agreed with me, and I telephoned to the office of the News to send up a reporter. In the meantime I had dictated something in the shape of an interview to his own stenographer and I think had it ready by the time the reporter came, and in that interview the purposes for which the troops were to be used, first, to protect all property; second, to protect all men who were at work; third, to protect all who might desire to return to work; and fourth, the troops were not to be used for the installation of strike breakers. These were clearly set forth in the interview. After it was dictated and extended it was read carefully to the governor, and he approved every word of it. Then it was given to the reporter and that was published in the morning paper—this interview—together with the action of the governor calling out the State troops.

Whether the troops—my recollection is that the troops did not get under way, any of them, until perhaps late the next night—this must have been pretty early in the morning. In any event I recall with great distinctness that the telegraphic reports published of the reception of the militia, when they went into the strike field, indicated that they were received with genuine pleasure by the strikers. My recollection is that the newspaper accounts published in the papers were that the strikers cheered the first militia as they were disembarking from the trains, and I think I can safely say that there was the best of feeling between the militia and the strikers, so far as outward exhibitions were concerned from that time for the next several weeks—somewhere in the neighborhood of three weeks. They were playing baseball together, and football, and things of that kind.

At the end of about three weeks the newspapers were filled with details of violence. I made inquiry and then I learned for the first time, and much to my astonishment, that the orders that he had given to Gen. Chase as to strike breakers had been called, or changed, and that State troops were then being engaged in inducting strike breakers into the mines. You can call them employees or miners or whatever you will. I think miners were brought from without the State and under the protection of State troops were sent to the different mines. And things occurred under those circumstances, as I labored under the impression they would occur, because the history of all strikes is that where operators undertake to supply the places of striking miners, it is met with resistance. From that time things went from bad to worse, crimination and recrimination, the operators insisting that all violence was committed by the miners, and the miners insisting that there was ample provocation for whatever violence they resorted to. It seemed to me that the absolute management of the strike territory had been turned over to Adjt. Gen. Chase. We heard daily of large numbers of men being arrested and put in jail; we heard that men were arrested without charge on mere suspicion and were kept incommunicado; that they were refused the visits of friends, the right to consult with counsel, or to do anything else in the way of taking charge of and looking after their own interest and welfare, such as is usually granted to the commonest of criminals. Mother Jones was arrested and put in jail and kept, as I understand it, absolutely incommunicado for several months. These men who were arrested merely on suspicion were kept, many of them, for weeks and weeks. All of that was done under a decision of the supreme court of the State that arose out of the Cripple Creek strike, called the Moyer case, the substance of which decision was that wherever the State troops were, whether martial law had been proclaimed or not, but wherever they were for the purpose of restoring peace or preserving the peace, that there all civil law might be suspended at the will of the commanding officer and the military law take its place. This was a decision that, in my opinion, up to that time, had no precedent except in the Philippine Islands, and I think that was the only case directly in point that the court relied on. It was a decision against which every lawyer naturally rebelled and under which the will of the military officer in command of the troops in such localities was the law.

Things of that kind are no justification for violence, or for the destruction of property or the taking of human life, but there is a tremendous amount of provocation in things of that kind. Here are the men whose experience leads them to regard themselves as a class distinguished from the other class, the employers. They feel that they are the underdogs in all of these industrial struggles; they feel that simply because they are engaged in these struggles—the part of the mass that goes out on a strike—because they may express their views about the strike in their particular locality, they are deprived of all their civil rights, that they may be arrested and are arrested and cast into jail without any charge being filed against them and without any opportunity for a hearing. I think that decision has done more to demoralize both the social and industrial elements in these great industrial disturbances—in Colorado—wherever these industrial disturbances have arisen—than everything else combined, for I want to say that when you subject the citizens of a great community to the will of a mere soldier, who has had no training in civil government, who has been taught and realizes that the will of the soldier is the law of the community, that the rights of persons and the rights of property are all at his will, it is a mighty dangerous thing, and the soldier is next to an angel that does not abuse it, and grossly abuse it. I think it is a tremendously grave mistake in any governor to turn over the government of any section of any of the States of this Nation to a military officer, exercising his duties and powers as commander in chief not only to keep a strong hand on the military, but as well to rule the citizenry, and keep himself within the limits of the law.

While talking with Mr. Hawkins, attorney for the miners, I spoke to him about the violence that was going on down in the strike field, impressed as I was with the feeling that the violence could not be justified and was not warranted, although there might be provocation from the conduct of the military. He came back with this sort of an argument, and I can understand how it is in the breast even of the foreign miners in this country, he said, "Patterson, you don't know how these men feel; they are arrested without charge, simply on suspicion, and they are cast into jail. Their fellows know how they are treated and they are conscious that they are guilty of no violation of the law, but simply exercising their right to strike—women arrested." He said, "It is mighty hard, and while I know this is no justification, I want to tell you there is provocation and the law recognizes the doctrine of provocation, because provocation mitigates the degree of crimes against persons," and I could not gainsay it. I believe one of the first things that should be done in the State is for the supreme court to recall this decision. I have said that a hundred times, and I must continue to say so.

Well, things moved on and finally I suppose there was comparative peace, and I think the governor caused the great body of the State troops to be called home, and some authority authorized the enlistment or the filling up of companies by mine guards or men who were under obligations to the mine owners. There is no question in the world but that that act itself—the presence of these men in the State militia, who had no business there, and who should not have been permitted under any circumstances to associate themselves with the State guard, intensified the strikers' feeling very much. The governor went East and while he was East I think such troops as were left in the field—mostly these enlisted mine guards and other mine employees—were at Ludlow. I do not know anything about the right or wrong of that conflict, I do not know who brought it on. I do not know who ought to be charged with the responsibility of it. I simply know it was a horrible affair, but I do not believe it was within reason that that entire tent colony could have been accidentally destroyed by fire, that is what I think. There were 10 or 11 children burned or suffocated, not burned, but suffocated, and two women, as I understand it. They were down in a pit under one of the tents. I believe the pit had been ordinarily used as a cellar. On this occasion it was used as a place of refuge for these children who were in this tent colony, and for the two women. I have never believed that the militia was aware of that fact; I can not believe that any member of the militia was aware of that fact; I can not believe that any human being who claims to be an American citizen and who was fit to be a member of the National Guard, could have known that in a pit covered by one of these tents used as a home were a lot of children and two women. In my opinion, I want to say, that as far as that tragedy being willful, or the soldiers having knowledge of the presence of women and children in that pit, I don't believe that any member of the State militia or even

the employees of the mine operators who became members of the two companies were aware of it.

I know that following the inflammatory accounts of this Ludlow tragedy that were published in the Denver papers the whole working population of Denver was terribly excited; they were in a frame of mind that bordered on desperation; I don't mean the miners, but the members of all trades. I know that about—some place about noon following the first accounts of it, I was called up on the phone from the miners' headquarters and I was told that they were determined to have a great public mass meeting in Denver the following Sunday, and they wanted me to agree to make a speech. I said that I would come down when I got through with some business I was engaged in, and I went down to the headquarters, and I found in the outer rooms several hundred men, frenzied, and in the interior room 40 or 50 representatives of different Denver trades-unions, and they were engaged in making speeches, which were perhaps the most inflammatory speeches I ever listened to. They indicated the almost frenzied state of mind under which they labored, and they were talking about this great Sunday mass meeting. I was asked to say something, and I got up without any hesitation and protested against the mass meeting. I said to them, "You are in no frame of mind, and the people are in no frame of mind to get together in a public meeting to make speeches and resolve about the question because you are in ignorance of all the real facts." I begged them to delay because the object of everybody should be to preserve peace and not to add to the excitement—instead of increasing it, the effort should be to allay it—but I might as well have talked to the winds; their minds were in such a state and their convictions were such that they felt the only way they could give expression to their views was in public, and that there ought to be a public expression of them.

The next day I went to a meeting of the chamber of commerce. I found there that the minds of the sedate members of that body were in an equally inflamed state. It was one of the clearest evidences of class consciousness that I ever saw. Speeches were made there that were quite incendiary in their character on the other side, and I felt called upon to protest against it and stated that the adoption of the resolutions which they proposed should be suspended until an investigation should be had. I secured the appointment of a committee to make an investigation and report, which never investigated and never reported, but it was appointed and it allayed the trouble there. I said that Gov. Ammons had gone East and that these things occurred in his absence. Following the Ludlow affair, the acting governor, Lieut. Gov. Fitzgerald, called out the militia again to send them into the field in the south. A great many of the people were disturbed and they thought there would be more violence than ever—with the minds of both side in such a state—that greater violence than ever would be committed; but on the intervention of citizens a promise on the part of the acting governor to use his influence for the calling of an extra session and certain other promises, the militia then on the way to the neighborhood of Ludlow were arrested before they got there, and after a while the governor got home.

Of course, as after all great storms of that kind, there came a lull. Then came the question of the calling of an extra session. After the governor had issued his call for the troops—and I want to say this in connection with that act of Gov. Ammons, I do not believe any man or any State official was ever more earnest or sincere in his efforts to secure an amicable settlement of that trouble or of any trouble. Assailed by bitter partisans on both sides, he said, "I can not depend on what either side says, both sides have lied to me," and he was quite as indignant against the operators as against the representatives of the miners. The governor came back and then the question of the calling of the extra session was up. I had not talked with him from the time he called out the troops, as I now recall, until he returned from New York. He had not consulted with me in any way about his change of policy or anything else, and I never intruded my views upon him. I think I got a request from him, through some of his friends, that he would like to talk to me and I went up and he talked to me about the extra session and what he should include in his call. The first and what he considered the most important thing was necessary provision to meet the expenses of the militia which had been piling up, as is usual under those circumstances. There was also something in his mind about putting it in the power of the governor to prohibit the sale of liquor in strike districts by proclamation. I suggested to him that he ought, in connection with the calling of the extra session, to include something remedial in its character,

and I suggested he ought to include in his call the necessary legislative action to submit to the people of the State an amendment providing for compulsory arbitration. After some demurrer he included it in his call. The legislature met and I prepared either the bill that passed the house providing for submission to the people an amendment providing for compulsory arbitration or one almost similar, and the one I prepared was introduced and passed the house by a decided majority. It went to the senate, and it was water-logged. Constitutional amendments must pass both houses of the legislature by a two-thirds vote, and in the senate it lacked two votes of the necessary two-thirds, and we never did get the other two votes, and the legislature adjourned without any action of that kind.

Following the Ludlow affair the feeling became almost universal for the presence of Federal troops. I recollect I sent a dispatch to the President urging him to send Federal troops, but I gave it as my opinion in that dispatch that two or three companies would answer every purpose, that I thought soldiers wearing the uniform of the United States to the extent of two or three companies would be sufficient and would secure absolute peace. That was my judgment, but the President sent several regiments. I suppose he wanted to take no chances for the reason that if he made a mistake by sending too few he would be open to censure, and since he had ample troops to spare he sent them out, but I think that two or three companies of United States troops would have served every purpose that the number of troops that came here have accomplished.

Now, I am pretty nearly through.

Chairman WALSH. Have you any recommendation or suggestion, Senator, as to how such a conflict might be prevented in the future?

Senator PATTERSON. Much to my astonishment, when I came to learn the influences that had prevented the passage of the amendments for compulsory arbitration I found that labor representatives, as well as the representatives of the corporation themselves, had both fought it. I was very much astonished at this. I suppose the unions went upon the theory, and yet go upon the theory, that in ordinary conflicts they have got the power to bring about what they desire without the intervention of an arbitration board. When they can get an advance in wages that they wish, or improved conditions of labor without submitting the matter to the uncertainties of a board or judges or juries, I imagine they prefer to do it that way. I think the great body of employers would be very much pleased with a compulsory arbitration law, but the great corporations like, take Mr. Osgood's company and the C., F. & I., and the Rocky Mountain Fuel Co., they feel that probably singly and alone they are able to fight in a contest of this kind, and by the wearing-out process defeat the demands of their men to get better wages or improved conditions; but I believe that the great body of business men and the great body of small manufacturers would take it almost as a Godsend if they had some tribunal into which they could bring the workmen or the unions they belong to to have their differences settled with power in the courts to enforce awards. I believe the great body of the workingmen would be delighted if some such tribunal as that was created, but the great employers, the ones with unlimited thousands behind them, they and the labor officials, I believe, would rather take their chances for winning the conflicts than be brought before a tribunal which was impartial to have the matter adjudicated for them. The big companies and the men who represent them in the legislature and the leaders of the unions were the influences that worked against the submission of that amendement to the constitution to the voters of the State.

I don't know of any other practical or available plan for protecting communities from these grave industrial troubles. Many years ago we had some such body provided for by the statute, as Gov. Carlson suggested yesterday—an arbitration board, I think, comprised of three members, everyone of them representative citizens and impartial and able men and, I think, they succeeded upon investigation and advice in settling quite a number of controversies, but it fell into disuse and ultimately that law was repealed. I recollect that ex-Gov. Grant was one of the members of that board for quite a while. I think that he was a very able, a very impartial, far-seeing, and humane man, and I think his calm, good judgment went far toward warding off many grave conflicts that were threatened.

Chairman WALSH. At the beginning of your testimony you referred to a conversation you had with Messrs. White and Hayes, leading up to this entire controversy. Do you recall the approximate date of that?

Senator PATTERSON. No; except it was possibly two or three or four weeks before the strike was actually inaugurated.

Chairman WALSH. It was before the meeting at Trinidad that called the strike?

Senator PATTERSON. Yes, sir.

Chairman WALSH. And you think three or four weeks before that?

Senator PATTERSON. I think so—about that.

Chairman WALSH. What are the relations of your own mining companies and those you are interested in toward the labor unions—toward the United Mine Workers of America?

Senator PATTERSON. We have always worked union labor. I am frank to say that I prefer that in industries in which I am connected shall be operated by union men, by union organizations. Those are my leanings, my decided preference. Yet, in the operation of the News, I have had many serious conflicts with the union. Unions are quite disposed to be arbitrary and exacting; this results in much friction and much dissatisfaction from what is very often the arbitrary character of their demands, and I have been compelled upon several occasions to meet them fully and frankly and say, "Gentlemen, I can not accede to your demands," but we have always got them settled—always. I have always believed in the rights of men to be represented by men of their own choosing in controversies with employers. I think it is a very grave mistake when employers decline to accede to that desire on the part of their men, and, therefore, no matter what the provocation seemed to be, I have always, without any hesitation, met whoever the unions I have had dealings with asked should represent them. Sometimes they have brought their high officers out from the East, and, as a matter of course, without any hesitation, we met them, and I think it is a grave mistake on the part of any employer not to allow their men their choice of negotiators for terms of settlement when these controversies arise.

So far as the little mines I am interested in are concerned, which have been losing concerns for the last 10 years, we never had any controversy with the miners. Not so long ago the union sent us notice that they were going to insist upon a raise in the wages of the surface men, and said they were going to insist that pay days should be changed to suit them. We met with them and protested and said that the raise was unwarranted. It did not affect the body of the miners, but surface men not connected with the actual mining of the coal. But they were insistent and it did not amount to much and we yielded. All the other independent mines yielded to their request.

Chairman WALSH. You have contracts now, Senator, with the United Mine Workers of America?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Commissioner Weinstock would like to ask a few questions.

Commissioner WEINSTOCK. I take it, Senator, that you are an advocate of compulsory arbitration?

Senator PATTERSON. Yes, sir; as the best available immediate relief for the present conditions of things.

Commissioner WEINSTOCK. Will you tell us, approximately, how many miners are employed in the State of Colorado?

Senator PATTERSON. I do not know. I have to take the word of just such men as Mr. Osgood.

Commissioner WEINSTOCK. Approximately, how many?

Senator PATTERSON. As I understand, fourteen or fifteen thousand; that is, coal miners.

Commissioner WEINSTOCK. Coal miners?

Senator PATTERSON. Yes, sir.

Commissioner WEINSTOCK. Suppose you had compulsory arbitration in Colorado and these fourteen or fifteen thousand miners collectively refused to submit to the decision of the court; how would you penalize them?

Senator PATTERSON. You can not penalize them. That is certain. But this has seemed to me to be quite within the reach of the powers of the State. I do not want to group fourteen or fifteen thousand men together. Let us take a thousand men by way of illustration, or five hundred; that is within the grasp of the possibility of the numbers that may be handled. Either the employer or the representative of the men make it known to the board that there is a serious controversy that may result in a strike and violence. The board serves notice upon the other side to be represented there. Both sides appear

at the time mentioned, and they enter into an investigation. Both sides are given the widest latitude. Everything that is to be understood and comprehended to enable something like a just decision of the controversy is put before the board, and the board makes its finding. If it is a question of wages, they decree that there shall be a certain raise in wages, or they decree there shall be no raise in wages. Either the employers are dissatisfied or the men are dissatisfied. If it is the employer, the board, by the process of the court, will say "If you continue your operations, you will comply with this decree." To the unions or the men they will say, "While we can't compel you to work, yet we shall decree that this strike shall end; if you do not want to work, you will cease operating together as a body; you shall not be engaged in a strike any longer. If you do, you are in contempt of the order of the board. You have had your day in court," and I imagine, since they would have the right to quit work if they did not want to comply with the decree of the board and they would not want to be in contempt of a board that had the powers of the State behind them, and, while they might not go to work on the new wage scale that would be decreed, they would find it to their interests to quietly submit.

Commissioner WEINSTOCK. Supposing that 15,000, acting as a unit, refuse to submit, to disorganise?

Senator PATTERSON. I take it, if the board please, that there is a wide difference between what an employing corporation declares it will do and will insist upon, and what the decree of a constitutional and organized body or court will do when it has the powers of the State behind it. Of course, in all such cases it is easy to conjure up an extraordinary condition of things that would present very, very grave questions; and I am rather inclined to believe in the efficacy of the law after all, when a court having authority to enforce the law and to enforce its own decrees is behind it.

Commissioner WEINSTOCK. Do you think, Senator, that the plan that you have just outlined would be more efficient and more effective and less likely to break down than a plan similar to the one now in operation in connection with the mediation board—Federal Mediation Board—that deals with railroad labor troubles?

Senator PATTERSON. That is the new board that has been named by the President that you have in mind?

Commissioner WEINSTOCK. No, no. I have in mind the railway-mediation board that has been in existence now for two or three years under the Newlands Act.

Senator PATTERSON. Yes. With any ordinary body of men, with any ordinary corporation, I care not what its wealth and what its power may be, the views of a President of the United States, or the suggestions or decrees of a board comprised of able, wise, patriotic citizens, recognized as such, would have a wonderful effect. But will you—well, I don't want to say that, but I can easily imagine such a body of men as are represented by the operators here being absolutely impervious to anything that such a board would say or decree—absolutely impervious.

Commissioner WEINSTOCK. You think, then, that the Newlands Act would fail in a case such as this?

Senator PATTERSON. I haven't any doubt about it, because there is nothing compulsory about it. It is only advisory, and it has only the moral force of such a body of men as those behind it. Why, you take the great railroad strikes that were recently averted through the efforts of this board and through the interposition of the President of the United States. After the representatives of the men and of the companies got to Washington and talked with the President, they said, "Yes; let us have this investigation made"; and they proceeded to make the investigation and they went back to work. Thus was averted a strike that was within 48 hours of being brought on. But do you think that these gentlemen would do it? [Laughter.]

Chairman WALSH. Now, we must have perfect order. Please do not give way to your feelings.

Senator PATTERSON. They believe in the divine right of their legal rights, and they say we are not going to be swerved from the assertion of our legal rights.

Commissioner WEINSTOCK. From the testimony you gave this morning, Senator, I want to be sure that I understood you correctly.

Senator PATTERSON. Yes, sir.

Commissioner WEINSTOCK. Is this commission to understand that you place the burden of responsibility for the continuation of violence and strike directly

upon the shoulders of the operators for their refusal to confer with the representatives of labor?

Senator PATTERSON. I don't think that that states it exactly. I believe that if the operators' committee had agreed to a conference that that would have resulted in a settlement of the strike. I have a very, very strong conviction upon that subject. Now, I do not want to say that the responsibility is on one side or on the other. I am simply giving you the efforts that the governor and I made to bring about an amicable settlement; and the unqualified refusal of the operators to even confer with the representatives of the men, which I believe was absolutely, in view of the modern conviction about these great labor troubles, was absolutely inexcusable. Now, they may justify it themselves. I can well understand, Mr. Commissioner, how a man like Mr. Osgood—I clipped out from the News a verbatim statement of his testimony yesterday, and in this connection I would like to read it, because it will tend to illustrate what I mean:

"Regarding the question of recognition of the union Commissioner O'Connell asked Osgood, 'When you say you will not recognise the union, do you have any particular organization in mind?' 'No,' replied Osgood. 'Personally, I do not want to do business with the United Mine Workers, and I will not do business with them. I quit in Iowa when they came there, giving up properties which cost $400,000, and I shall do the same here, if necessary; but I will not treat with them.'"

Now, imagine if you can, any more absolute and perfect and complete barrier to the settlement of controversies than the strong personality of Mr. Osgood uttering sentiments of that kind. It is a conviction with him. I have great respect for Mr. Osgood. Osgood is a very intelligent man. Ordinarily he is a humane man, I think. I think he is a man of good purposes. But this idea of the rights of property and the rights of employers has become—I don't know what to denominate it. It is just simply a conviction deep rooted that you can not fense; and I can well understand. I felt that there must be some such thing as this interfering with our efforts to bring about a settlement which met with such absolute failure—a deep conviction upon the part of this man that he ought not to do it and he would not do it.

Commissioner WEINSTOCK. Was the Trinidad incident of the killing of the striking miner that you touched upon the first act of violence that took place in this strike?

Senator PATTERSON. I am not certain, but I think it was the first—well, the first tragedy. There may have been fisticuffs and things of that kind. I don't think there was any property destroyed; I don't recall it. There might possibly have been, but they were small occurrences as compared with this homicide.

Commissioner WEINSTOCK. Have you any knowledge of the circumstances which led up to that tragedy?

Senator PATTERSON. No, sir. I simply recall in a general way that this man may have said something—I think the usual pretense is set up that he made a motion of some kind to his hip pocket. That always occurs, you know, when a man is killed. That is the nearest to anything like an excuse I can now recall having been given.

Commissioner WEINSTOCK. Was the case investigated by the authorities?

Senator PATTERSON. That I am not prepared to say.

Commissioner WEINSTOCK. Seemingly, from your testimony——

Senator PATTERSON (interrupting). I think he was let out on bail.

Commissioner WEINSTOCK. Yes; seemingly, from your testimony, mistakes were made on all sides by the operators, by the workers, and by the State administration?

Senator PATTERSON. I don't think there is any question about it.

Commissioner WEINSTOCK. Now, could you, for the information of this commission, because we are very anxious to find out where mistakes are made in these labor disputes, so that we can make some recommendations to prevent a repetition of them—will you, for the information of this commission, give what, in your opinion, were the mistakes of the three different factors?

Senator PATTERSON. The whole strike system is a mistake. I think it is barbarous. The strike system is based upon violence. That is what it means. It does not require that blows should be struck or property burned or men killed; but the theory of a strike, as I understand it, is this, that we will bring the employer to our terms through interference with his property; through

interference with his business; and I think a man's business is as much property as his house or his horse. And when a strike is inaugurated its purpose is to cripple his business—to bring him to terms—a species of intimidation.

Commissioner WEINSTOCK. Do you think, then, that labor made a mistake in striking?

Senator PATTERSON. No; I don't say that, because I go upon the theory that the strike is the only available means that labor has of enforcing its demands. Now, for illustration, during the last interview that Gov. Ammons and I had with these operators this sort of a controversy arose. They engaged in very, very bitter denunciations of unions. I said, "Yes, gentlemen, strikes are marked all along their course with murder and arson and other degrees and qualities of violence, none of which is ever justified or can be justified. But yet, when you will array upon one side the benefits that have been brought to the great mass of workingmen through the agency of strikes and on the other side the violence that has occurred and that has marked their course, the benefit to society is largely on the side of the strikers.

Commissioner WEINSTOCK. What, then, do you regard as the mistakes of labor in this case?

Senator PATTERSON. To undertake to name their mistakes—if they made mistakes—is to affect a knowledge of the underlying causes for it, which I have not.

Commissioner WEINSTOCK. Well, then, while you believe that they made mistakes, you are not in a position to name them, is that it?

Senator PATTERSON. Now, if I say I am not in a position to name them, I would be, rather, classifying the acts of violence that have been committed with simple mistakes, and then not being able to say that they were mistakes. As a matter of course, no one can justify violence to the person or the destruction of property. The law and its officers take the place of private redress of wrongs. That is the theory.

So far as that really can be, it ought to be made effective. There is no question about that. But while there is no justification, there is very often provocation. There may have been provocation during these various disturbances—to the mine guards to shoot and kill. There may have been some provocation for the miners to have committed the violence that they are charged with. I can not undertake to pass upon the right or the wrong of any particular thing that has been done, except to decry in the most positive manner any act of lawlessness that has been committed by either side. And, then, when it comes to decreeing the punishment, the condemnation that it is to receive, to find out—was there provocation or was it wanton and malicious—I am not in position to pass upon those things. I can hardly say that they are mistakes. Of course, it depends largely upon the viewpoint. You take the workingman, associated with his union, he has not any question about both the necessity and the justification of the strike that they engage in. And the law—maybe this mistake is in the law—the law has progressed so far that strikes are now legal. It is not so long ago when to strike was an illegal act. It was a misdemeanor under the law. Where two or three men went out from work as a result of an agreement, a deliberation, it was a misdemeanor at common law. And yet, by force of public opinion or some other force working upon the minds of judges and the administration of the law, that had to be modified; and the courts themselves first commenced to modify it by taking away from the mere act the criminal aspect of it that existed before, until we have now almost uniform decisions of the courts that the strike is not unlawful, and there is hardly a legislature that has not legislated upon the subject of strikes and legalized them. As I said before, the strike itself is not far removed from violence. The strike means, and the primary purpose of a strike is to injure the employer. I haven't any question in the world about the necessity for it, because I go upon the theory that there are mighty few employers that voluntarily raise wages. There are very few employers who voluntarily improve working conditions. I think it requires—and that is the reason I suggested, fully and completely, the necessity for the thing that I think is really a barbarous method of righting wrongs—for want of a better method, mark you, that it was absolutely necessary that men should have the right to unionize; that men should have the right to be represented in negotiations, especially where large numbers are employed; should have the right to negotiate with their employer, one for all, and have some power, through the force of the organization, to enforce the agreement that they get.

It is a sad mixture of right and wrong in groping for these remedies that within the past few years have been thrust upon the different communities. They are simply laboring men and are availing themselves of the best means within reach to accomplish what they conceive to be a good end. And I go upon the theory that all sides are doing the best they can, availing themselves of such instrumentalities as they have. I think that our civilization is advancing in this country—not in Europe now, but gradually there will be evolved from all of this trouble and turmoil and violence a system that will come nearer doing justice to both employer and employee and to society than any we have yet. But I have not been able to evolve that system. I have done some thinking about it and I discover that in putting any system into operation that has to deal with men, with all of their weaknesses and their vanities and their pride and their selfishness and their unwillingness to submit to dictation, even their wrongs, we are in a tremendous maze, and I can not work it out, and I do not believe any man can work out a system that will meet with the approval of the great body of the people. There must be a species of coercion about any plan or system that is adopted, and that is the reason I stand in favor of compulsory arbitration which will take the one side and the other and say, "Gentlemen, for the sake of the general public, without regard to yourselves, although we have your good in mind, you have got to do this, and you have got to do that."

Commissioner WEINSTOCK. In passing, I might say, Senator, it may be some comfort to you to know——

Senator PATTERSON. What is that?

Commissioner WEINSTOCK. I say, in passing, it may be some comfort to you to know that I have discovered that the world is searching for the same missing link you are searching for—between capital and labor.

Senator PATTERSON. And they are as far apart and have not found it, I suppose.

Commissioner WEINSTOCK. Will you tell us, Senator, what you regard as the mistakes of the operators in this case?

Senator PATTERSON. I think the fundamental mistake of the operators, I can put my finger on that, was in refusing to even confer with the leaders whom the strikers selected to represent them. I think that that is inexcusable. That is my viewpoint.

Of course, when you go to Mr. Osgood, he talks about the man who was seeking work, having the power and the right to select his employer, and if he don't like one he can go to another, and that a man may do with his own as he wishes. He puts labor upon the same footing, so his testimony clearly discloses, with the purchase and the sale of property, live stock or dead property. He justifies himself and I think he honestly does it, and from his viewpoint, but I think it was the one great fundamental error; perhaps the original error was in the strike, perhaps it was not justified. I don't know. I don't pretend to say. But after the strike was on and after—through chastening influences of that conflict the representatives of the miners were in a mood to make many concessions, even to the yielding of their desire for recognition—as I said, I think that the fundamental error upon the part of the employees was to refuse to even confer with the leaders. I don't think there is any excuse for that attitude upon the part of any employer.

Commissioner WEINSTOCK. Now, what do you regard as the mistakes of the State administration in this case?

Senator PATTERSON. Oh, I wouldn't criticise the State administration. I don't want to do that. I think that Gov. Ammons made a mistake when he changed the policy [laughter]——

Chairman WALSH. We must have perfect order, please.

Senator PATTERSON. Or use to which the militia should be put. I think he made a very, very grave mistake. You discover when the President came into the field, when practically he had to listen to the almost universal demand for Federal troops, that he saw to it that the Federal troops were not used by either side. He said, "Protect property"—just as the governor did, when he originally called out the troops—"protect men at work, allow residents to go to work, protect them in work," but not using the short and very expressive term "strike breaker;" don't protect anything of the kind, don't take sides; in other words, try to treat both sides alike, and while the Federal Government was in command here, as it was possible for him to do. I think it was a very wise undertaking on his part and absolutely justifiable.

Commissioner WEINSTOCK. I gather from what you have said, Senator, that you believe that collective bargaining is in the interests of the greatest number?

Senator PATTERSON. How is that?

Commissioner WEINSTOCK. I gather that you favor collective bargaining?

Senator PATTERSON. Oh, undeniably it is, if you are going to talk about the workmen being upon a par with the employer. When I say collective bargaining I mean when we have great bodies of workmen. I do not think there is any necessity for anything of that kind, for instance, in the ordinary store, or with the ordinary small manufacturing establishment, whether he is running a personal business or whether it is run by a private corporation. It is better there that the employer should be in close touch with the individuals of his force, and, if he can, settle with each one. But where it is insisted upon and where there is organization—labor organization—whether you have many men of that organization in your employment or not, and the organization says, "Now, we want to make a contract with you for all your workmen that are within our jurisdiction," I think that it ought to be respected; without any hesitation it ought to be done.

Commissioner WEINSTOCK. What is your opinion, Senator, on the workmen's compensation?

Senator PATTERSON. I think it would be an economy as well as an act of justice to enact a general compensation law. Now, I will briefly tell you why. Ordinarily, or at least in late years, in case of deaths, the statute fixes the limit of liability in some sum, ordinarily $5,000, for the death of a father, the husband, or a son, or any other upon which the family is dependent. And then it is left to the uncertainty of a jury trial as to what that amount within the limit would be. In some instances, where they may have had a perfectly clear case, they get $100; in others they would get the full $5,000.

Commissioner WEINSTOCK. Five thousand?

Senator PATTERSON. Five thousand dollars, dependent upon the skill of the lawyer largely, the power of his argument and eloquence, absolutely devoid of justice as to the amount, as a rule, except in so far as the largest amount could not be said to be unjust, but as to the amount that would be fixed in each individual case, many cases unjust because it did not depend upon the inherent rights or wrongs of the case. I think so it is with suits for personal injuries. I recollect when I was practicing law I tried a case up in Cheyenne, and my client—I think he had lost a leg—was employed by a railroad company, and I got a verdict for $20,000, which the court very promptly set aside. But I could readily imagine that the same, identical case tried under other conditions—I was going to say by some other attorneys, but that would be an exhibition of vanity such as I will not indulge in, but yet I might say he would get perhaps for the loss of a leg $2,500. Now, that whole system is unjust; it depends so much upon chance. We have a jury of 12 men, and one may be deeply prejudiced in favor of the plaintiff or deeply prejudiced in favor of the defendant, and that one man either raises the amount or cuts it down to an unconscionable amount, either unconscionably large or unconscionably small. Of course in the settlement of these disputes in court the public and the courts are doing the best they can. This jury system is the best system and the most satisfactory system that is available.

But when it comes to a compensation act, I think it is quite well enough to go upon the theory that a man or a woman will use at least ordinary caution in protecting themselves, either from death or great bodily harm. Of course they do not do it; they have not always got in mind due caution, but I think it might be quite well enough for the legislature and courts to go upon the theory that that is sufficient incentive to act; that in each case there is fault in the employer and sufficient fault to make him liable, and then fix the compensation, so that if a father or a husband or a son got killed, or maimed, the loss of an arm, the loss of a leg, the loss of an eye, they could go to the statutes and see just what compensation should be awarded. They would not have to go to a lawyer and enter into agreements to give them a third or a half or what they might recover, with the chances against their recovering anything, which is pretty hard on the lawyer as well as on the litigant. A reasonable sum, a moderate sum—I do not pretend to say what would be reasonable or what would be moderate, but I believe it would be a wise law under all of the circumstances. It would be economical in the end. And particularly the employer who now under the insurance systems that we have in vogue guards himself at a reasonable expenditure against loss from that cause. That is the way I look at it.

Commissioner WEINSTOCK. Do you know any reason, Senator, why, with a sisterhood of about 25 States now living under workmen's compensation, and with the experience of those 25 States, do you know of any good reason why Colorado should not promptly join that sisterhood of States?

Senator PATTERSON. No, sir; I think it ought to.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. In those letters that you drew up, Senator, you and the governor, to be sent to the mine operators, I note you specify in there a number of laws that you request they shall agree to live up to?

Senator PATTERSON. Yes, sir.

Commissioner O'CONNELL. As the basis of the adjustment?

Senator PATTERSON. Yes, sir.

Commissioner O'CONNELL. Are we to infer from that that they were not living up to those laws?

Senator PATTERSON. No, sir. On the contrary, this was the situation as to that: The men, the representatives of the union, were claiming that they were not living up to them, while the operators claimed they were. So we felt that if we could get a clear and distinct declaration upon the part of the companies, specifying the items in which these laws would be observed, that we could use that as the basis of settling the whole controversy.

Commissioner O'CONNELL. Would you care to express your personal opinion as to whether these laws were being lived up to or not?

Senator PATTERSON. No; I wouldn't care—I mean I am quite willing to express my opinion. I do not hesitate to express my views about it.

Commissioner O'CONNELL. I will be very glad to have you do so.

Senator PATTERSON. Well, I don't think they were. Now, take the law with reference to discrimination against members of unions. I was talking to the operators and one of them had to smile when they were insistent that they were. They said they were. But there is no question but what this was going on constantly. Mr. Osgood dropped an expression which is an explanation of it. He spoke about not keeping agitators. Most anybody comes under the head of an agitator that has an independent expression upon any subject that affects industry. Now, there is no question in the world but that for years the member of the union that could his way into those mines—take, for instance, the mine of Mr. Osgood—if it was discovered that he was a member of the union and lisped upon the subject of the union, they found a way to get rid of him. That was not the reason that they gave, but there is no doubt in the world about that being the reason. But they got rid of him.

Let me suggest another thing. During our controversy these strikers were denounced as a lot of foreigners, ignorant fellows, lawless men, without any appreciation of the benefits and the goodness of American labor conditions, easily led; and yet I could not help thinking, and I suggested that everyone of these people had been brought into the State by the companies themselves.

Let me tell you what occurred. I believe it has been the practice of a number of the mines to employ non-English-speaking foreigners and to get them into their mines. It has been publicly stated in the press, and not denied, that I have seen, that in the mine of the C. F. & I. there are 22 different dialects spoken. I was talking with a very reputable citizen and a business man in Denver about a month or six weeks ago about this trouble. He made this statement; he said, "Senator, I know that there has been a deliberate policy upon the part of the C. F. & I. to fill their mines with foreigners, and with foreigners of different countries." And then he made this statement: He said, "Twelve or fourteen years ago I was furnishing them men"—that is not so long ago; it is in the century 1900—"and when I would get the orders for men frequently I would get them in writing, and they specified the number of one nationality and the number of another nationality—all speaking different languages—and no English-speaking nationality. And I got them." It, to my mind, shows a very deliberate and well-fought out system by which they would get good workmen that would cause them as little trouble as possible. I go upon the theory that in this country when you get English-speaking men together, or though they may be non-English speaking, as they learn the systems of the country and the rights of our citizenship in the country, and things of that kind, they just naturally get together and naturally get to talking about their own welfare and what they will do about it. It may be an improvement in working condition or it may be the getting of better wages, or something of that kind. I believe if what I said is true; that is, the statement that was made to

me, it seems to me that the purpose of that was to keep down as much as possible the cooperation of the men toward any given end—to get men in their employ who would be quite content to go to work in the morning, work during the length of time the law permits, go to their homes, go to bed, get up and go to work again without giving serious thought to the advancement either of their own individual comfort or the advancement of their class.

I think there is another reason, and, frankly, I intended to say something about that, if you will pardon me. The men employed by these great mining companies have been used as great political powers. It is the deliberate purpose, no doubt about it in the world, of these great companies to control the officials of the counties in which they are operating to have a very great influence in the selection of judges and in determining the constitution of the courts.

Commissioner O'Connell. Have they succeeded in doing that in this State?

Senator Patterson. Yes, sir. If anybody will take the trouble to read the election returns from two or three of the counties of this State where these large operating companies are, they will find that returns of elections from the precincts in which these mining camps are located are, as a rule, nearly unanimously in favor of either the men or the initiated measures that the companies favor, it makes no difference of what party candidates may happen to be. They may select someone in one party, a Democrat, or someone in the Republican Party. They know whom they want elected. They do not hesitate, judging from the results, to make it known, and somehow or other they have the means, the power to get from these precincts the vote just as they want it.

Commissioner O'Connell. Now, if they have actually power to that extent, what influence or power do they carry in the controlling of the small operator of the State—the managing of his business for him?

Senator Patterson. Well, I can't say. Now, Mr. Osgood spoke about the mine owners, the mine operators' association which has just lately been formed. I haven't any question but that the purpose of that as he gave it could be readily extended into having a great deal of unanimity as to everything that may be desired in the operation of the mines. But what influence the large mine owner might have over the small mine owner I don't know.

Commissioner O'Connell. Is he in position to force better treatment because of being a larger shipper than the smaller man?

Senator Patterson. I don't want to pass upon that. I know we have had a lot of trouble in days gone by with our little mine not getting what we—not so much lately; not so much in the last five or six years, but previously to that time, we happened to have a whole lot of trouble in not getting what we considered fair treatment from the railroads. That is all I could say about it.

Commissioner O'Connell. The laws of the State require that they shall pay their employees twice per month?

Senator Patterson. I think so.

Commissioner O'Connell. Has that been done?

Senator Patterson. So far as I know, it has been. I do not know anything to the contrary.

Commissioner O'Connell. Is there a law which says they shall not compel the employees to patronize company stores, or they shall not operate company stores?

Senator Patterson. I think so. No; not prohibit the operation of company stores. I am not certain about that.

Commissioner O'Connell. But that was provided for in your letter to the employers?

Senator Patterson. Yes; surely; and we referred to the section of the law. I think it refers to the section of the law—I think there is a section. That is my judgment about it.

Commissioner O'Connell. Are they operating company stores?

Senator Patterson. I do not think that they are operating them in the name of the coal mining companies. That would be my judgment.

Commissioner O'Connell. Have you been in some of the larger mining camps yourself?

Senator Patterson. Very, very seldom.

Commissioner O'Connell. But you have been there at some time?

Senator Patterson. Yes, sir; but not with the view of education along any line.

Commissioner O'Connell. Wouldn't you know then where there was a number of stores in a mining camp, or just one big store?

Senator PATTERSON. Not from observation; no. I wouldn't know.

Commissioner O'CONNELL. It would be evident if there was only one large store there, even though it may not be absolutely necessary for the men to patronize that store, there would be no other store there for them?

Senator PATTERSON. My understanding is that many of these mines are in what you might call isolated sections of the county or the State, and the big companies have a great area of territory, and they absolutely control the business within thousands of acres that they are owners of. I can well understand how it would be a tremendous inconvenience for the miners under such circumstances not to trade at the company stores, because they would not have facilities to trade elsewhere, and I think the companies aim to make their stores an item of considerable profit. For instance, I think Mr. Osgood stated that they made an average profit of about 20 per cent, and they turned over their stock five or six times a year. I think he made some such statement as that. That shows a pretty active business and a pretty large profit. That is a considerable item, and it is to the interest of the companies to have all the trade they can control in their stores, and they would like to have it. But now to what extent they go to bring it about, I do not know.

Commissioner O'CONNELL. Do you know of the scrip payment provided for in this communication?

Senator PATTERSON. Not much. I have no personal knowledge at all. I simply know of the fact.

Commissioner O'CONNELL. Senator, I am going to ask you for a voluntary contribution as an attorney.

Senator PATTERSON. Yes.

Commissioner LENNON. I would like if you would furnish us with a copy of the decision of the supreme court that you mentioned, in which the court decided that wherever the military were they have control.

Senator PATTERSON. Yes.

Commissioner LENNON. And give your reasons for dissent from that decision. Furnish it to us, say, a month from now.

Senator PATTERSON. I will tell you what I will do. I will furnish you with the volume of the reports in which the decision is contained. I will then furnish you with a copy of the dissenting opinion of Judge Steele.

Commissioner LENNON. Oh, that is the case you referred to?

Senator PATTERSON. That is the decision I referred to, in which the whole matter is very distinctly and graphically set forth.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. In speaking of compulsory arbitration, Senator, you stated that a tribunal of this character clothed with the sovereign authority of the State would be accepted, by the men at least, as of great weight? Did I misunderstand you?

Senator PATTERSON. I don't think so; I give you that as my opinion.

Commissioner GARRETSON. Provided the laboring men of the State, regardless of unionism or nonunism, become imbued with the idea that that tribunal was dominated by the same influences that they might believe that some of the other State agencies were dominated by, would that sovereign authority cut any figure?

Senator PATTERSON. I will give you my views about that. The administration of all laws must be through human agencies. Those agencies are either elected or appointed, and no human agency can be perfect. For the settlement of controversies between citizens, or between citizens and great corporations, or between great corporations, the law compels them to come into court, or it gives to either side the right to bring them into court. I may involve millions, that controversy, or thousands, or tens of thousands, or hundreds of thousands. The decisions may be very imperfect and very unfair; but once they have passed the final tribunal they are the law, and all the power of the Government is brought to enforce them. Now, we have got to go upon the theory that the appointing power, if he is at all responsive to public opinion, will, in the selection of such agencies, use his best judgment to get as good men as it can. The people, if they elect, have got to do the same thing. We must have judges, whether they are appointed or elected; both the electors and the appointing power may make very, very grave mistakes, and yet litigants have got to submit themselves to it. Now that illustrates my idea.

Commissioner GARRETSON. Well, now, let us give it a practical parallel. I assume, then, that your opinion is—or am I to assume that your opinion is

that the militia of the State of Colorado have the universal respect and their actions the approval of the citizens of Colorado in the past year?

Senator PATTERSON. No, sir; you are not to assume that.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock to-morrow morning.

(Thereupon at 4.30 o'clock p. m. the further proceedings were adjourned until the following day, Friday, December 4, 1914, at 10 o'clock in the morning.)

DENVER, COLO., *Thursday, December 4, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will please be in order.

Senator, will you please resume the stand? Commissioner Garretson had not finished last night; he has some more questions.

Senator PATTERSON. I had not finished my answer.

Chairman WALSH. Very good. I thought you had, or I would not have stopped when I did last night, so you may proceed with your answer now.

Senator PATTERSON. I would like the stenographer to read the question and my answer as far as given.

The STENOGRAPHER (reading):

"Commissioner GARRETSON. Well, now, let us give it a practical parallel. I assume, then, that your opinion is—or am I to assume that your opinion is that the militia of the State of Colorado have the universal respect and their actions the approval of the citizens of Colorado in the past year?

"Senator PATTERSON. No, sir; you are not to assume that."

Senator PATTERSON. That answer needs some modifications that I was about to give when the adjournment was announced. I do not know of anybody in the State who does not recognize both the wisdom and necessity of a well-regulated militia. It is in times of stress one of the chief arms of the executive power, and when the necessity requires it should be used unflinchingly. The question might be construed, as applied to the action of the militia at all times during the recent troubles in the southern part of the State, and it was with that possible view that my answer was made. There is a very large body, very respectable people, very honorable people, who heartily approve of everything, so far as I know, of what was done by the militia under the command of its officers. But there is also a very large number of people that do not approve of what was done by the militia in the late troubles—at least it does not command the universal respect and confidence of the people.

Commissioner GARRETSON. Is the second body—you used the term in describing the first section. Is the second body of citizens as respectable an element as the first?

Senator PATTERSON. I think so—absolutely as respectable, although they represent what might be called different classes of occupation. I think the commercial class, with many exceptions, of course, and those who are intimately either in business or otherwise, associated with the big corporations of the State do not hesitate to indorse everything that was said and done, and give it to be understood that force is the only remedy; that is, the laws must be executed, must be upheld. That is their general statement. And it follows as a corollary to that, that whatever the militia does is right and is to be commended. While there is another large body of equally respectable men and women who are not engaged in commercial pursuits, who might be more closely allied with the working element, the trades of all kinds and manual occupations, and I think what might be called the student or thinking class. They go upon the theory that the militia may become quite lawless, use unnecessary violence, and go to such extremes that it is neither authorized by the law nor contemplated by the law or sound judgment; and that by reason of excesses in that direction it can not be said that the militia, as it is at present managed, command the universal respect and esteem of the people.

Now, one other matter. Things, according to general repute and published statements in connection with the militia, have recently occurred that are causing a great deal of comment—adverse comment—so far as I have heard any comment upon the subject. Apparently in anticipation of the time when the General Government will recall its troops, the militia is being, in a sense, reorganised, the companies filled and things of that kind, upon the theory, I suppose, that they may be required to take the field. A large number of enlist-

ments have recently occurred in the southern field; and according to common report—public statements that are not denied—new companies have been organized, or old companies filled, with employees of the coal operators in the south to the number of some 400 and over.

Now, I have no hesitation in saying that if the Federal troops should be recalled and the State militia be compelled to take the field, that to use such men, if these reports are true, as members of the militia in that field, would be a great blot upon the escutcheon of the State militia and the State officials who are responsible for that character of enlistments, because when men who are employed by one of the sides to a great conflict like this are enrolled in the militia it is utterly impossible for them to act in anything like an impartial and a fair spirit toward the bodies of men who it is presumed are going to violate the law. They would be mere partisans, and I can hardly conceive it possible that under the circumstances the militia of this State should be enlarged or reorganized with a body of any such men.

Commissioner GARRETSON. In your opinion, Senator, is the sentiment, the condemnatory sentiment you have described as that of a large body of citizens based on the fact that they believe the State militia was used as an instrument in favor of one side, or was it not?

Senator PATTERSON. Yes, sir; I think you have reached the crux of the adverse sentiment I have referred to—a conviction in the minds of that great body of people that the militia was used in a partisan way to overcome the strikers.

Commissioner GARRETSON. Now, for the parallel: If that belief is existant in regard to as great a branch of the State government as the militia, does not the opposition to the men and the board to decide questions under compulsory arbitration lie in the belief that that same dominance would govern that board?

Senator PATTERSON. No, sir; I think I would be compelled to answer that, to be literally correct, yes and no. The fear of both sides—of certian elements only of both sides—is that they may not be able to secure from such a board a full meed of justice from their standpoint—might not be able to obtain all the wages they thought they ought to have or all the protection in life and life-saving apparatus; on the other side they feel they would be compelled to pay wages they ought not to pay or have to go to the expense in affording proper protection to life and health that they can not afford to go to. I don't have in mind other elements; that is, the view of the other elements. When I stand for compulsory arbitration I think I am representing the sentiment and the firm conviction of the great body of both sides in controversies of this kind.

Commissioner GARRETSON. If that view represents the consensus of opinion of the great body, how is it that on this continent no legislative body has made it effective?

Senator PATTERSON. That has been the wonder to me, but I will tell you why, in my opinion. When a legislature meets, or even before, those two elements that interest themselves in legislation of that kind in securing or preventing it become exceedingly active and solicitous, while the great body give little or no attention to the legislation.

Commissioner GARRETSON. Is it not a fact that one of these elements that represent organized labor in that activity, is only carrying out the command, in set terms, of the great body of the men that they represent?

Senator PATTERSON. Of course, that is difficult for me to say. I have no doubt but that the leading influential labor leaders, here and elsewhere, have considered this proposition, because it is one that they have been compelled to consider; and, I think, they reached the conclusion that they can better effectuate the ends they are seeking through either popular opinion or the coercive measures they are able to apply through the strike and other things that are associated with it. And they would rather take their chances—now those are the influential people, I do not think it is the command or the desire of the great body of those different organizations. To my mind, the few, as is usually the case in organizations of that kind, lead, direct, and control the many. The body of those—of the organization—well, I will not make the criticism I was going to make, because it can do no good. But when this question of compulsory arbitration was being discussed in Denver and in the State—now, I think I am a very good judge of public opinion, and I think I am able to judge how far the expressions of those who discuss such matters will represent the views of the great body—there was an almost general

expression in favor of the law for compulsory arbitration—the amendment to the constitution.

The lower house of the legislature more nearly represents popular opinion, and, as a rule, is left more untrammeled by the elements who are engaged in manipulating legislation and molding and controlling it. They neither spend their exertions nor their time, as a rule, beyond the ordinary solicitation in trying to mold, guide, or control legislation of this character in the more popular body. So it is with Congress. The House is much more free to respond to public opinion than is the Senate—at least it has been in the past.

Now, take this compulsory arbitration proposition. It passed the house very soon after the legislature met, and, I think, it passed the house in response to a recognized popular opinion demanding it. But when we got to the senate there we found members—representatives of labor who were distinctly and largely elected by reason of their close affiliation with the labor element, and, perhaps, members of organized labor—opposing the measure.

On the other hand there were members, who, quite honorable, I suppose, listened and were inclined to listen to the wishes of the great interests—and yet in the Senate, under those circumstances—with the more or less active efforts of labor leaders, some of them were opposed to it, and the influences that the great interests brought to bear upon those whom they could reach—it had a majority in the senate, and came, as I understand, the record was made, within two votes of getting the two-thirds vote necessary to submit that proposition to the people. I believe if that was put before the people, even with the active opposition, if that amendment had been adopted and submitted to the people, I believe that with the active opposition of the great interests and the active opposition of the labor people, it would have carried and been made a part of the constitution by an overwhelming majority.

Commissioner GARRETSON. Could it have been done at any time except when the country was suffering from the present policies?

Senator PATTERSON. I think so. I think that there is a general widespread opinion among the plain people and men in moderately small businesses, whether it is commercial or manufacturing; and the great body of the working people, not only at times of great stress, but at all times when the matter is brought up, that believe that compulsory arbitration would be a genuine boon to the State.

Commissioner GARRETSON. How do you reconcile your estimate of the attitude of union men to the fact that their leaders, when you take into consideration that every scrap of Federal legislation that has been passed looking to the adjustment of industrial trouble, has had its inception with those same men, for instance, the Edman Act and the Newlands Act?

Senator PATTERSON. In the first place, I do not know whether it would be within the power of Congress to enact a compulsory legislation law that would reach the great body of the business of the country. Of course, it could only intervene in the case of businesses that were interstate.

Commissioner GARRETSON. Interstate?

Senator PATTERSON. But I think that the great body of the legislation that the labor leaders, both Federal and State, have been attempting to secure meets the approval of the great body of the laboring people, because all of it, they believe, and I think they are just in the conclusion, is calculated to and intended to advance the interests of the laboring people and ameliorate their conditions. But I do not think that that condition which you refer to has much to do with the phase of it that I was presenting.

Commissioner GARRETSON. Are you familiar with the compulsory investigation act of Canada, known as the Le Mieux Act—compulsory investigation, not compulsory arbitration?

Senator PATTERSON. No; I am not very familiar with it. I have heard it discussed. I have never read the law. I have read some magazine articles upon the subject.

Commissioner GARRETSON. Are you aware of the fact that the Crown ministers themselves admit the impossibility of bringing about conformity to it—that it is openly disregarded?

Senator PATTERSON. No, sir; I was not aware of that.

Commissioner GARRETSON. Assuming, for a moment, that that is their attitude, and that it has been admitted before this committee——

Senator PATTERSON. Yes.

Commissioner GARRETSON (continuing). Is it policy to pass laws which, it is admitted from your own standpoint yesterday, the remedy can not be applied for

violation thereof, and thereby breathe in men universally the idea of being law-breakers.

Senator PATTERSON. My idea is that the experiment would be well worth trying, because I have an abiding faith in the disposition and the purpose of the great body of the American people to obey and abide by the law; and I would like mighty well to see the experiment honestly and seriously tried of compelling two such bodies as we have had here—the union, upon the one side, represented, it might be, by their national organization, and the great operators upon the other. They would not be compelled, according to my idea, to bring the case before the arbitration board; but, like litigants where claims are presented and urged, either side desiring arbitration might, upon proper notice, bring in the other. If the other refused to respond, whether it was the labor unions or the employers, then proceed against them as in default, as you would in court, after proper notice; make as impartial an investigation and as thorough an investigation as such a body could, and then render the decision, and then put it up to the authorities to enforce it.

Commissioner GARRETSON. Is or is not compulsory arbitration in itself a misnomer?

Senator PATTERSON. Sir?

Commissioner GARRETSON. Is or is not compulsory arbitration in itself a misnomer? The moment it becomes compulsory it ceases to be arbitration and becomes another form of court.

Senator PATTERSON. Well, to a certain extent it is a misnomer; but it is simply a term, for the want of a better term, that is applied to convey the idea of the remedy. That is all it is.

Commissioner GARRETSON. But arbitration is, in essence, voluntary?

Senator PATTERSON. Not necessarily. I think that the sides to a great controversy can be brought in and made to submit their disputes to the arbitration of a proper board upon which has been conferred ample and proper authority.

Commissioner GARRETSON. Of their own free will?

Senator PATTERSON. Sir?

Commissioner GARRETSON. If they come of their own free will?

Senator PATTERSON. Yes; if they will come. But I believe in the power of the law, and I believe the law when it is upon the statute books ought to be enforced.

Commissioner GARRETSON. But you recognize the right of the other man to oppose it being made a law?

Senator PATTERSON. Oh, yes, indeed; yes, indeed. That has got to be discussed and thrashed out. It is a matter of public opinion. There would have to be a public opinion behind it that would coerce the legislation.

Commissioner GARRETSON. A law without public opinion behind it is valueless, is it not?

Senator PATTERSON. Yes, sir.

Commissioner GARRETSON. Mr. Osgood spoke of the right of the employee the other day to choose his employer.

Senator PATTERSON. Yes, sir.

Commissioner GARRETSON. Has a man, in your opinion, with children who are hungry, any right of election?

Senator PATTERSON. There is no real power of election there; and it is a sarcasm, it seems to me, to suggest that a poor man—such as coal miners—has a real untrammeled power of selection. If he wants to earn a living for his family he has got to take work where he can get it.

Commissioner GARRETSON. He is under the duress of necessity?

Senator PATTERSON. Yes, sir; he is. I think there has been a tremendous advance in healthy public sentiment in this country and in other countries that recognizes the helplessness of the average workman and of at least those engaged in the commoner manual employments; and therefore the law comes to his assistance with the right to organize—the right to a certain extent upon the part of the organization to regulate the business of the employer in the matter of carrying on the industry.

Commissioner GARRETSON. One other question, Senator: In the testimony that was given before this commission here yesterday or the day before the attitude seemed to be taken that this matter was purely between the employer and the employee, and that the public did not have a right—they might have an interest, but not a right to dominate. You spoke a moment ago of the majesty or the supremacy of the law. The law is nothing but the enacted

will of the people. Do you hold that the people have a right in these controversies—the public?

Senator PATTERSON. There isn't any doubt about it; and refusing to recognise the interests of the public, as I think, was the great blunder of the operators in this controversy. They commit a very grave offense against the public. Now, I will tell you why I think so. Very shortly after this strike was called the operators succeeded in raising the price of coal—almost doubling it. Whether that was done as a coercive measure upon public sentiment, to create the impression that it was by reason of the strike and the arbitrary action of the men in going out that the great public had to pay twice as much for its coal as it had been paying, I don't know; or whether it was the result of necessity or of the law of supply and demand, I don't know. I think perhaps there was a little of both in it. But the general public was the party that had to submit to that tremendous increase in one of the necessaries of life. The militia was called out. Here were some of the great corporations coming to the governor and demanding that he shall call out the militia and protect them in carrying on their business. They are entitled to have the protection of the law, but here is a most unusual and extraordinary condition, and they are going to impose upon the taxpayers of the State an unusual and extraordinary burden. I think that in that case the parties to that conflict should always take into consideration the interests of the third party, and that was one of the reasons I gave to the operators in urging upon them to forgo their actual, naked, legal rights. They had the legal right to say "We will not meet or confer with those men." It is their actual, legal right, if they can get the kind and character of workmen that they desire, to do so; but when it comes to the public, there is not an employer of labor in any great quantity that should not at all times, in the event of serious controversy that may lead to serious consequences, take into consideration the welfare of the public and say to himself, "Must not I give and take for the benefit of the great body of the public before I put them to tremendous expense and the other inconveniences I am going to put the public to?"

Commissioner GARRETSON. The pound of flesh was the extreme of legal right, was it not?

Senator PATTERSON. Yes.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask a question. One moment, please; Commissioner Lennon would like to ask a question.

Commissioner LENNON. Senator, do you believe that labor is entitled to a controlling voice in industry so far as their wages, their hours, sanitation, and the conditions under which they have to work is concerned, and that such rights should be protected by law?

Senator PATTERSON. A controlling voice?

Commissioner LENNON. Well, a potent voice?

Senator PATTERSON. There is no question about it, I think they ought to have a potent voice, but not a controlling voice.

Commissioner LENNON. And do you believe that such rights should be protected by law?

Senator PATTERSON. I do, and I think ultimately we are going to have it. The legislation of the country is trending in that direction, and it is not by reason of the power and influence and strength of the laboring people, but I think it is the result of the sense of common justice that is gradually penetrating and finding lodgment in the public mind.

Chairman WALSH. Commissioner Weinstock would like to ask a few questions.

Commissioner WEINSTOCK. The question of mediation, conciliation, voluntary arbitration or compulsory arbitration is of the keenest and deepest interest to this commission. We are seeking all the possible light we can get in order that we may be able to present to Congress a workable plan that will have behind it the support of public sentiment. Now, in the matter of compulsory arbitration, as outlined by you, I find that you at this time are in the frame of mind that I was in several years ago. At one time I was just as pronounced an advocate for compulsory arbitration as you are, until unusual opportunities were afforded me to study the problem in the industrial countries of Europe, and Australia and New Zealand, where compulsory arbitration has been in operation for a number of years, and I have had that notion kicked out of my mind completely. The conclusion has been forced upon me that compulsory arbitration will not fit into our American institutions. That thought has become emphasized since the success of the Newlands law has been so pro-

nounced. That is a law for voluntary mediation and conciliation and has demonstrated that it is possible to apply voluntary methods and that the results are far better than when coercive measures are used and penalties are attached. If that is true, does it not seem wiser, Senator, to at least try some plan similar to the Newlands measure and reserve the extreme measure of compulsory arbitration to be used in this country when it is found that some measure similar to the Newlands law shall have failed?

Senator PATTERSON. Now, I ought to say that in advocating compulsory arbitration I do not in anywise decry the great benefits to be derived from conciliation, and, under the guidance of some committee provided for by the President or Congress, attempted friendly settlements of all these controversies. And it would be preferable rather than to resort to compulsion in every case. So far as I am concerned I should hail the enactment of every such law and the legalizing of every such body as another step toward the settlement of these great industrial, social problems. But, Mr. Commissioner, you take this case—a concrete case. Take the attitude of Mr. Osgood, who, to my mind, is really the strong mental factor and the controlling influence in the body of operators who are on the other side of this controversy. He says, "No; I will not put myself upon equality, nor permit my company to be put upon an equality with the head men of the opposition. I will not, either directly or through agents, enter into a conference with these people. I simply decline to follow or heed the advice, or the suggestions or the requests of any body of men." What are you going to do? Don't you believe that is a fit case for compulsory arbitration?

Commissioner WEINSTOCK. The State under those circumstances might be justified in taking over the enterprise? [Loud applause.]

Chairman WALSH (rising). If there is a repetition of that, I will have to ask the sergeant at arms to escort them from the room, because it is impossible for us to keep this under the tone that it ought to be kept if these outbreaks take place. I see the people that did it, and I am sure that they gave way to their emotions, but if it occurs again the sergeant at arms will have to escort them out of the room. Please bear that in mind and give us your cooperation in maintaining perfect order. If you are allowed to express your approval of something, directly some one will express their disapproval, and you understand, all of you, I know, that that makes for disorder.

Proceed.

Senator PATTERSON. The State could only take over an enterprise under the exercise of the war power, or in amendment to the constitution—and I would doubt the constitutionality under the Constitution of the United States, of a State constitution that would authorize the State to enter into the possession of an industry of a citizen, because the citizen refuses to enter into conciliation with his employees.

Commissioner WEINSTOCK. Is it not a fact, Senator, that the State, the municipality, and the State and the Nation, so far as I know, reserve the right to take public utilities and dissolve them and operate them? Is there not an agitation in this country for public, national ownership of railway, telegraph, and telephone companies?

Senator PATTERSON. Of course, they have the right, under the doctrine of eminent domain, to condemn public utilities, and take them over, but it is questionable whether they may declare any industry to be a public utility; probably, under a proper constitutional amendment, coal mines might be treated as a public utility and that utility subject to the legislative will. But there are limitations. It is not everything that can be declared a public utility.

Commissioner WEINSTOCK. Well, haven't the people of the United States, and if they have made it can they not remake it if necessary?

Senator PATTERSON. Oh, there is no doubt about that. There is absolutely no question about the power of the people if they have the opportunity to exercise their legal rights, their will in a legal way, no doubt about it, that they can remake our Constitution.

Commissioner WEINSTOCK. Under the Newlands Act applying to public utilities and to mines and to large undertakings—under an act of that character which depends upon voluntary action—would not the fear on the part of the owners of large undertakings, the fear that if they refused to live up to the spirit of that act, might end in public ownership, would that not have a powerful restraining influence on their part and prompt them not to stand absolutely upon their legal rights and to yield to public sentiment?

Senator PATTERSON. The mental vision of some of these so-called great captains of industry is exceedingly limited, and I doubt if you could convince a whole lot of them that there was any danger of that thing occurring; and in any event they would realize that there was a chance for a good big fight and try to defeat it. I do not think that any consideration of that kind would reach the sense of duty of a lot of people.

So far as compulsory arbitration is concerned, if I had had the same opportunities that you have had, Mr. Commissioner, here and elsewhere in this country perhaps, if my range of reading has been as wide as yours, perhaps my views as to its efficiency would undergo the same change that yours have undergone.

I am not one of those who labor under the impression that something that I conceive is an infallible panacea for public ills. We have got to form opinions, and we have to forsake them. We have to realize that a human mind has its limitations. And in speaking in behalf of compulsory arbitration, while it might be ineffectual in many ways, it is a belief that I entertain, and by reason of my relations and close intimacies with the great body of business men and the great body of workingmen that it would do a vast amount of good. And the very fact that one side could bring the other before a commission and compel it to spread out its hand and let the public know what the facts from its side were, would prevent many an industrial trouble.

And then, the fact that if one side felt its cause might be unjust, or that the commission might rule unjustly against it, that would deter many of them. But, of course, I have never had the opportunity to see compulsory arbitration tried, but I can not help but believe it would be a splendid good thing for some State to try the experiment, to just take both sides to some of these controversies that distract the public and destroy business and otherwise interfere with social and industrial relations and enjoyments—just to be able to take them right by the nape of the neck and compel them to yield to the judgment of a body of wise and impartial men.

Commissioner WEINSTOCK. In your testimony yesterday, Senator, I understood you to say that you were interested in certain coal mines, and that those coal mines have not been very profitable, and that you had employed exclusively union labor. Now, is it merely a coincidence, or is there any relation between the facts of employing union labor and the mines being unprofitable?

Senator PATTERSON. No, sir. I think that the difference in the wages paid to union labor and those that are paid to nonunion labor is so slight that it would make little or no difference in the success of a coal mining enterprise.

Commissioner WEINSTOCK. Have you any information, Senator, as to the degree of efficiency of union men employed in your mine and nonunion men employed in other mines—how does the efficiency compare, so far as you know?

Senator PATTERSON. No, sir. I have not studied that question. Let me say in that connection that I have never been able to give that close personal attention to—this is a mere incident in my business, my interests in these two mines—but let me suggest this: I have no doubt you have had it before your mind, there are, in my opinion, very, very serious evils connected with unionism; not with unionism, but the present system of unionism, and the things that, as a rule, unionism enforces.

One of them is the limitation, by arbitrary rules, of the number of learners or apprentices in the business that the members of the union are engaged in. I think that that is caused by the natural inborn selfishness of men with power. They want to limit the number of workmen in their particular calling in order to make the demand for labor in that particular calling greater, and thereby to be able to get better compensation for themselves.

Commissioner WEINSTOCK. You mean, Senator, that in common with the rest of us, they are opposed to all monopolies except their own?

Senator PATTERSON. I think that is a very happy expression of it. Then this is another matter—the limitation of the amount of work that unions impose upon their members. Now, I have had some experience with the typographical union, an organization that is really one of the most conservative and at the same time the most exacting of labor organizations that there is in the United States. But the policy of the union here, and I am inclined to think it is the general policy, is to limit the amount of work that the men will do in a day for their employers. In other words, the tendency is to make the standard of accomplishment that of the least capable and skillful of their members; to require compensation to the skilled and unskilled—relatively speaking, of

course—alike. They have their economic ideas for a policy of that kind—it is to give employment to the greater number of their membership; but, at the same time, I think all rules of that kind have a great tendency toward minimizing the things that many of the men could accomplish in advancing their own individual welfare—men with power of initiation and accomplishment, energy, and skill. Those are simply the lesser evils. I do not mention them for the purpose of decrying unionism as a proposition, but some of the weaknesses of it and some of the injustices in it that need readjustment in some way.

Commissioner WEINSTOCK. Are we to understand, then, Senator, from your statement that unionism carries with it certain disadvantages and certain evils and nonunionism likewise carries with it certain evils and certain disadvantages; but that, comparing and balancing the two, the advantages, in your judgment, are in favor of unionism?

Senator PATTERSON. Oh, overwhelmingly. If it had not been for unionism, Mr. Commissioner, our civilization—and I use the term in a very broad sense—would not be nearly so greatly advanced, because the degree and the quality of civilization depends very, very largely, indeed, upon the worldly conditions, you might say, of the great body of a community. It is not the few; it is not the few great artists or the few great philosophers or the few great scientists that constitute the civilization of a country. It is the mental acquirement and the degree of comfort and the state of achievement, the quality of the aspirations of a country or any community that fixes its degree of civilization. And if it had not been for the weapon which unionism is, members of the labor element would not commence to be getting the compensation that they receive for their labor. It has been the coercive power of the union that has added most largely to the increase in compensation of labor. And it is only through the cooperation of the individuals that constitute the great body that this lamentable condition that we read about of a century ago—two centuries ago—has been changed and improved. Better wages, better conditions for labor, better housing, better food, better education, a higher position in the social scale of the great body of workingmen and working women—these are due more largely to the union, with all of its weaknesses and all of the things that in it are subject to criticism, than any other single agency.

The unions in forcing up the wages for their men fixed a standard of wages in their work for nonunion workers. I remember very well when I was a boy a carpenter got a dollar a day, and a plasterer or a bricklayer who got a dollar and fifty cents a day was considered fortunate, at least, in the country town where I was raised, and their household comforts were few, as compared with what they have now under anything like steady employment. All of those things have been bettered. The benefits from unionism are not confined to unions themselves or the members of the unions, but they extend everywhere; they fix a standard of wages that the nonunion men and women get the benefit of; perhaps not as high, but so close that very, very many people do not see any necessity for becoming members of unions. They prefer to get the advantages of unionism without any of the disadvantages and discomforts and exactions, and so they go.

Chairman WALSH. Unless there is something else you wish to say that has occurred to you, you will be excused now. Thank you, very much.

Mr. Sergeant at Arms, is Mr. John McLennan in the house?

SERGEANT AT ARMS. Yes, sir.

TESTIMONY OF MR. JOHN McLENNAN.

Chairman WALSH. What is your name?

Mr. McLENNAN. John McLennan.

Chairman WALSH. Please pitch your voice a little higher, Mr. McLennan; the people in the audience would like to hear what is going on. Where do you reside?

Mr. McLENNAN. Denver.

Chairman WALSH. How long have you been a resident of Denver?

Mr. McLENNAN. About five years.

Chairman WALSH. Prior to that time where did you live?

Mr. McLENNAN. I lived in Colorado Springs.

Chairman WALSH. How long did you live there?

Mr. McLENNAN. About 12 years.

Chairman WALSH. Does that comprise all your residence in Colorado? If not, how long have you resided in Colorado?

Mr. McLENNAN. I have lived in Colorado about 19 years.

Chairman WALSH. Prior to that time where did you live, Mr. McLennan?

Mr. McLENNAN. In Scotland.

Chairman WALSH. What is your age?

Mr. McLENNAN. I am close to 40.

Chairman WALSH. Did you come direct from Scotland to Colorado?

Mr. McLENNAN. I did.

Chairman WALSH. What has been your business in life?

Mr. McLENNAN. I have followed coal mining all the time that I have been in Colorado—practically all of the time.

Chairman WALSH. What business did you follow before you left Scotland?

Mr. McLENNAN. I worked at mechanical engineering a part of the time. I was about 20 years old when I came to Colorado.

Chairman WALSH. So that your business has been that of a coal miner ever since you have been in this country?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. And your experience has been confined in that business entirely in the State of Colorado?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. How long have you been connected with the United Mine Workers of America?

Mr. McLENNAN. I have been a member for 15 years.

Chairman WALSH. Now, I wish you would proceed. I take it at the beginning you were a working miner when you joined?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. State how long you continued to work at your business as a working miner after you joined, and then, in detail, give us, please, the different official positions you have held with the United Mine Workers of America or with organized labor generally.

Mr. McLENNAN. I worked for years after becoming a member of the United Mine Workers.

Chairman WALSH. Where about?

Mr. McLENNAN. In El Paso County, Colo. After the strike of 1904 I was elected district secretary of the United Mine Workers, which position I held until 1909. I was elected, at that time, president of the State federation of labor, and in 1913 I was elected president of the district of the United Mine Workers.

Chairman WALSH. What does that district comprise?

Mr. McLENNAN. Colorado, New Mexico, and Utah.

Chairman WALSH. What positions do you hold at the present time?

Mr. McLENNAN. President of the district, and president of the Colorado State Federation of Labor.

Chairman WALSH. I am going to ask you to outline, as briefly as you can, the history of the coal-mining industry of Colorado, so far as labor trouble is concerned, and I will ask you first, to please give us, as briefly as you can, the causes that led up to the strike of 1904, from the beginning, and a brief history of that strike.

Mr. McLENNAN. The first trouble in the mines that we have a record of was in 1876, when the miners of Fremont County struck against a 15 per cent reduction.

Chairman WALSH. Does your history show what the pay of the miner was at that time?

Mr. McLENNAN. Yes; I believe that about that time the miners were being paid $1.25 a ton for mining coal and $3 a day for daywork. The next we have a record of was in 1884, when the miners——

Chairman WALSH (interrupting). Pardon me, the first one was when?

Mr. McLENNAN. 1876.

Chairman WALSH. Proceed.

Mr. McLENNAN. The next was in 1884, when the miners of Fremont County again struck against a reduction.

Chairman WALSH. What was the result of the first strike?

Mr. McLENNAN. The result of the first strike was that the miners lost.

Chairman WALSH. In 1876?

Mr. McLENNAN. Yes. In 1884 there was a satisfactory agreement reached between the miners and the operators.

Chairman WALSH. Now, the first strike—does your history show that the military power was called upon?

Mr. McLENNAN. No; I don't remember that the military was called.

Chairman WALSH. Then we come to the strike of 1884.

Mr. McLENNAN. The strike of 1884 was settled satisfactorily to the miners.

Chairman WALSH. Was there an organization in this field at that time?

Mr. McLENNAN. There was, I believe. The most of the miners belonged to the Knights of Labor at that time.

Chairman WALSH. In a general way, what was the basis of the settlement of the strike of 1884?

Mr. McLENNAN. The miners went back on the same conditions; that is, they were not compelled to accept the reduction that the operators demanded of them.

Chairman WALSH. What were the hours of work per day in 1876?

Mr. McLENNAN. They were working 10 hours at that time.

Chairman WALSH. And in 1884?

Mr. McLENNAN. The same.

Chairman WALSH. Was there any question of hours involved in the controversy of 1884, or does your history show that the strike was purely on the question of reduction of wages without the question of hours?

Mr. McLENNAN. Our record does not show anything except the reduction of wages.

Chairman WALSH. Very good. How long did the strike of 1884 last?

Mr. McLENNAN. Six weeks.

Chairman WALSH. Did the men that went out on the strike, generally speaking, go back to work on the old conditions?

Mr. McLENNAN. Yes; I believe they all went back to work on the old conditions.

Chairman WALSH. Unless there is something else you wish to state about that, proceed to the next difficulty.

Mr. McLENNAN. The next was in 1894. The miners of Fremont County again—about 700—struck and marched to Las Animas and Huerfano Counties, urging the men in those two counties also to come out on a strike.

Chairman WALSH. Was there an organization in the first-named county—the county from which the 700 came?

Mr. McLENNAN. A partial organization, but not a complete organization.

Chairman WALSH. What organization was in the field then—of workers?

Mr. McLENNAN. There were some members of the United Mine Workers. The United Mine Workers had just commenced organizing in the West at that time.

Chairman WALSH. Did the national body take part in that strike—the national body of the United Mine Workers of America?

Mr. McLENNAN. No. That was, I believe, the time that the first general strike of the United Mine Workers of America occurred; they had a strike in the Eastern States at that time.

Chairman WALSH. Give us the characteristics, as you have it in your history, of the strike of 1894; that is, the contention between the parties, any violence that may have occurred, the characteristics of it, and the outcome.

Mr. McLENNAN. The record we have of that strike states that the militia was called out at that time, but that there was no violence or no trouble with the State troops. The Colorado Fuel & Iron Co. agreed to settle their differences with the miners if they returned home. They did return home, but the coal company went back on its promises at that time.

Chairman WALSH. What was the culmination of the strike?

Mr. McLENNAN. The Santa Fe Coal Co., I understand, settled with the miners, while the Colorado Fuel & Iron Co. refused to make any settlement.

Chairman WALSH. Did or did not the men go back to work for the coal companies?

Mr. McLENNAN. A great majority of them went back to work.

Chairman WALSH. Was there any gain on the part of the workers by their going out on a strike in 1894?

Mr. McLENNAN. I understand they did not get any advance in wages.

Chairman WALSH. What was the contention, what was the demand at that time?

Mr. McLENNAN. I understand they asked at that time for an advance in wages, although we have not got a copy of their demands, no copy has been preserved.

Chairman WALSH. Will you try to find that for the commission?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. You will continue your effort to find it?

Mr. McLENNAN. Yes, sir.

(Mr. McLennan in letter dated December 11, 1914, said: "I have been unable to find data requested, but the most reliable information at hand is that the miners struck for an eight-hour day.")

Chairman WALSH. The next trouble occurred when, Mr. McLennan?

Mr. McLENNAN. In 1903.

Chairman WALSH. I wish you would give us the causes of that strike—were you in the field at that time?

Mr. McLENNAN. I was.

Chairman WALSH. Give the causes of that strike, that led up to it, and give us a history of the strike of 1903.

Mr. McLENNAN. In the summer of 1903 the district president of the United Mine Workers of America wrote a letter to Gov. Peabody stating the conditions that existed in the mines; the grievances, among which were that they were compelled to trade in the company's store; that the ventilation laws were not enforced; that they were prohibited from holding meetings; that they were prohibited from being members of a union. This communication urged the governor to appoint a commission to investigate into the conditions that existed in the coal fields, and, if possible, to take some action that would guarantee the rights of the miners. One of the grievances stated at that time was that the coal operators were importing foreigners from southern Europe and displacing the English-speaking miners. I mention this fact because the statement has been repeatedly made since the commencement of this strike by the operators and by their agents that the men on strike were foreigners, evidently with the intention of casting reproach on the men who are on strike. I have talked to a number of men who are on strike now and before the strike commenced. They have told me that the Colorado coal companies have bills circulated and pamphlets circulated in Europe—in Italy and other southern European countries—painting in glowing terms the opportunities that await miners in Colorado, and that is no more than a year ago and two years ago.

There was no result came from the communication to Gov. Peabody at that time. A convention was called in September of 1903 and a scale of demands was drawn up for presentation to the operators. It was, of course, turned down.

Chairman WALSH. They turned that down. The demands included——

Mr. McLENNAN (interrupting). The demands included the demand for an eight-hour day, checkweighmen, 20 per cent advance, the abolition of the scrip system, and some others which I do not recall at this time.

Chairman WALSH. Those were the essential demands?

Mr. McLENNAN. Those were the essential demands.

Chairman WALSH. Proceed.

Mr. McLENNAN. The strike was called on November 9, 1903. There was a general shutdown practically in the three States—or two States and a Territory, as it was at that time. The operators then, as now, had a large number of gunmen. They immediately started abusing the men who were on strike. The particular feature of that strike was that they made a specialty of assaulting union men. Almost every official in the strike was at one time or other assaulted, some men to such an extent that they have not recovered from their injuries yet.

Chairman WALSH. Well, who, for instance?

Mr. McLENNAN. William Warjohn was one; William Mooney, William Furley, and a number of others whose names I do not recall at this time.

Chairman WALSH. Where were you at the time?

Mr. McLENNAN. I was in El Paso County.

Chairman WALSH. And did you hold a position with the union at that time?

Mr. McLENNAN. No; I was on strike.

Chairman WALSH. You were a striking miner?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. I have a copy of a letter, if the commission would wish it introduced, to show the methods employed by the gunmen in that strike. It was written to W. H. Reno, who was the chief of the Colorado Fuel & Iron Co. guards at that time, and who, I understand, is still in the employ of the Colorado Fuel & Iron Co.

Chairman WALSH. Proceed.

Mr. McLENNAN (reading):

TRINIDAD, COLO., *February 10, 1914.*

Mr. W. H. RENO.

DEAR SIR: Joe Mosco I drove out of town, also Rosario Dolce and his family. Nic Oddo refused to vacate and there was no way for me to get him out so I told Thompson to arrest him on the charge of vagrancy. That night he was taken before the justice of the peace and the case nolle prosequi. That was about 8 o'clock. I had Gordon, Barret, Smith, and King wait for him down by the bridge and they "kangarooded" him and the last I heard of him he was in the hospital, and he will not attempt to come back to Hastings.

It seems that the only way to get these agitators out of the camp is to "kangaroo" them and when they are all gone, I am satisfied the boys will go to work.

In regard to Jim Poggini, president of the union, I will say that he seems to be a very smart man. I tried to get him at his house on the 9th, but he slipped away from me and is camping somewhere below the company property. I left word before I left to arrest him on sight and pass him through the kangaroo and I will guarantee you it will be a cold day when he gets back in camp.

I left word with Gordon when I left not to show any favorites, and if anyone trespassed to send them to the undertaker. A lesson or two like that will teach them something and stop all the trouble, I think.

Nothing else at present. I will write you later on.

Yours, truly,

B. L. MARTELL,
Chief Secret Service for the State of Colorado.

Chairman WALSH. Now, where do you say that letter came from?

Mr. MCLENNAN. That letter was written to W. H. Reno. It came from his office.

Chairman WALSH. That is not the original letter you have here?

Mr. MCLENNAN. We have the original letter. This is a copy. We have the original letter on our files.

Chairman WALSH. Proceed. Mr. Weinstock says to ask you to state how you obtained the original letter.

Mr. MCLENNAN. I am not in a position to state because it was obtained before I was an official of the organization. I might be able to let the commission know how we obtained it later.

Chairman WALSH. Are you acquainted with Mr. Martell's signature?

Mr. MCLENNAN. No; I am not.

Chairman WALSH. Will you submit the original letter to the inspection of the commission?

Mr. MCLENNAN. I will. We have it on file.

Chairman WALSH. You may proceed, then. What does the term "kangarooing" mean?

Mr. MCLENNAN. According to the actions of the gunmen they appeared to use the word for assaulting men—beating them up.

Chairman WALSH. You may proceed. You were giving the characteristics, I believe, of the strike when you stopped for that letter.

Mr. MCLENNAN. There were at that time hundreds of men arrested without any warrant or without charge.

Chairman WALSH. Do you know approximately how many men were arrested during the whole course of the strike?

Mr. MCLENNAN. I don't believe that I do. Arrests were so common that we may not have kept an accurate account of the number of arrests that were made.

Chairman WALSH. Has it ever appeared in any governmental report that you know of, or any report that the State of Colorado, or any report to the legislature, or anything of that sort?

Mr. MCLENNAN. I don't know. I believe that the history of that strike has been contained in some reports, but I don't remember at the present time just where.

Chairman WALSH. Will you look up the matter and see whether or not you can refer us, Mr. McLennan, to any place where authentic figures can be obtained as to the number of arrests made?

Mr. MCLENNAN. I will be glad to do so.

(Under date of December 11, 1914, Mr. McLennan wrote the commission: "I am unable to get authentic figures in this connection.")

Chairman WALSH. Proceed, then.

Mr. McLENNAN. In March of 1904 the militia was called out. They were, so far as the abuse of the miners is concerned, if anything, worse than the guards. They started the system of deportation. A number of men were deported over the line into New Mexico. Homes of the miners were entered at all hours of the day and night ostensibly for the purpose of searching for arms.

Chairman WALSH. What weapons were in the possession of the miners at the beginning of the strike of 1904?

Mr. McLENNAN. There were no weapons in the possession of the miners at that time except the ordinary number of weapons that would be found amongst any number of workers.

Chairman WALSH. Approximately what would that be and what would the character of the weapons be, if you can tell us?

Mr. McLENNAN. I don't recollect of hearing of any weapons at that time except occasional revolvers and shotguns.

Chairman WALSH. What became of the weapons? You say searches were made to find them.

Mr. McLENNAN. The militia confiscated whatever weapons they found. What became of them after that no one appears to know.

Chairman WALSH. Well, that is all I care to know. They were taken by the militia?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Was there any effort made to disarm any of the miners who had weapons prior to the coming in of the militia?

Mr. McLENNAN. I believe there were a number of the men arrested on the charge of carrying concealed weapons; and that was the only effort made prior to the coming in of the militia, in the beginning.

Chairman WALSH. You may proceed with the details of the strike of 1904, please.

Mr. McLENNAN. There is little that I know of in regard to it, excepting the actions of the militia.

Chairman WALSH. Then what was the result of the strike of 1904?

Mr. McLENNAN. The result was that the strike was abandoned.

Chairman WALSH. How long was it from the time it was on until it was finally abandoned?

Mr. McLENNAN. About 11 months.

Chairman WALSH. Was there any general increase in wages between that time and 1913?

Mr. McLENNAN. Yes; there was an increase in 1908 in the northern mines; and the southern mines, I believe, followed suit by giving what they claimed was a voluntary increase.

Chairman WALSH. How much was that increase in 1908?

Mr. McLENNAN. I believe it was 5 per cent.

Chairman WALSH. Now, was there any other increase down to 1913?

Mr. McLENNAN. In 1912 the operators announced that they had given a 10 per cent increase.

Chairman WALSH. Now, you had nothing to do, as an official or as a member of a committee, with any negotiations or attempted negotiations during the strike of 1904?

Mr. McLENNAN. No, sir.

Chairman WALSH. How long were you out on strike yourself?

Mr. McLENNAN. About 13 months.

Chairman WALSH. And what did you do after the strike?

Mr. McLENNAN. I was elected district secretary at the close of the strike.

Chairman WALSH. Have you worked as a miner since that time?

Mr. McLENNAN. No, sir.

Chairman WALSH. I wish you would give now, briefly, Mr. McLennan, the history of the negotiations with the mine companies preceding the present strike. Did you make any attempt or personal effort with the operators to have them accept the interposition of your organization?

Mr. McLENNAN. There were practically no negotiations between the operators and any officials of the union because of the fact that they always refused to recognize that there were any union men in their mines, or that there was any considerable number of union men in their mines, and they refused to do business with any official of the union.

Chairman WALSH. What formal exchange of communications did you have with the operators, if any, prior to the calling of the strike?

Mr. McLENNAN. On August 20 the policy committee of the United Mine Workers sent a communication to every operator in the State, which was as follows:

"DENVER, COLO., *August 26, 1913.*

"DEAR SIR: For many years the miners of Colorado have been desirous of working under union conditions, and, as you no doubt know, have made this desire known on innumerable occasions, a large number of them being discharged because of their wishes in this respect.

"While we know your past policy has been one of keen opposition to the union, we are hopeful at this time that you will look at this matter in a different way and will meet with us in joint conference for the purpose of amicably adjusting all points at issue in the present controversy. We are no more desirous of a strike than you are, and it seems to us that we owe it to our respective interests, as well as the general public, to make every honest endeavor to adjust our differences in an enlightened manner.

"It ought to be evident to yourself and associates that Colorado can not stand alone in opposition to our movement. The operators of Wyoming, Montana, Washington, Oklahoma, Kansas, Arkansas, Texas, and Iowa, embracing all the important coal-producing States west of the Mississippi, have been working under contracts with our union for years, and it goes without saying that the operators in the above-mentioned States who once held the same opinion concerning our union that you now seem to hold are at this time well satisfied with our organization and we are much pleased over the security and stability given to the industry through the medium of the trade agreement. Why oppose us here, spending millions of dollars in an industrial conflict for no good purpose? Why is it not possible and practical for you to do in this State what the operators in all the neighboring States have already done?

"We feel sure you appreciate the gravity of this situation and will do your part to meet it at this time, when no sting will be left behind, which is always the result of a strike settlement.

"Let us meet now as friends and proceed to settle this entire controversy, with honor to ourselves, with credit to our people, and with faith in each other.

"Hoping you will favor us with a prompt reply, we beg to remain, sincerely, yours."

Signed by the policy committee of the United Mine Workers.

Commissioner LENNON. Read the names there, please.

Mr. McLENNAN. Frank J. Hayes, John R. Lawson, E. L. Doyle, John McLennan, policy committee representing Colorado Mine Workers.

We received no answer to that communication with the exception of two small operators who made reply. The next communication we addressed to the operators was on September 8, 1913, in which we notified the operators that there was a joint convention called to meet in Trinidad on September 15, and invited them to meet with us. [Reading:]

DENVER, COLO., *September 8, 1913.*

DEAR SIR: We hereby notify you that there will be a joint convention of miners and operators of this State at Trinidad, Colo., next Monday, September 15, at which time we hope to see your company represented.

We are making this last endeavor to settle our differences peacefully and with the hope of preventing a strike.

If you will kindly come to this joint convention we feel sure that we can adjust all points at issue between our respective interests in a satisfactory manner.

Anticipating the pleasure of meeting you at Trinidad on the above-mentioned date, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN McLENNAN,
E. L. DOYLE,
Policy committee representing Colorado Mine Workers.

There were no operators met with the miners at that convention.

Chairman WALSH. And what was the result of that convention so far as the strike was concerned.

Mr. McLENNAN. The result of that convention was that a strike call was issued after first drawing up their demands and with instructions to submit

them to the operator. The strike call was issued to take effect on September 23 unless the operators would agree to go into conference with the representatives of the miners.

Chairman WALSH. Were the demands issued—how were the demands presented?

Mr. MCLENNAN. I believe that they were sent to the different operators.

Chairman WALSH. And no reply received?

Mr. MCLENNAN. And no reply was received.

Chairman WALSH. Was there any opportunity given for reply?

Mr. MCLENNAN. There was.

Chairman WALSH. What time?

Mr. MCLENNAN. About a week.

Chairman WALSH. Now, I wish you would detail any attempts within your knowledge that were made by the executive committee of the union, by operators, or by public officials, to settle the strike during its early stages.

Mr. MCLENNAN. The executive committee at all times announced that they were ready to meet with the operators, or that they were ready to submit their differences to any fair-minded commission or committee that would be appointed to settle the strike. The operators made no attempt that I am aware of to settle the strike.

Chairman WALSH. Were you in conferences that were had with the State officials—Gov. Ammons?

Mr. MCLENNAN. I was in some of the conferences.

Chairman WALSH. I wish you would briefly sketch the details of those conferences.

Mr. MCLENNAN. There were so many conferences with Gov. Ammons—I believe that the governor made many efforts—sincere efforts—to settle the strike in its early stages; but he always announced that he was absolutely unable to do anything with the coal operators.

Chairman WALSH. I wish you would give a brief history of any other attempts that were made by State, Federal, or other agencies to bring about a settlement of the strike?

Mr. MCLENNAN. The first Federal agency that attempted to bring about a settlement was when Ethelbert Stewart from the Department of Labor came here and visited the miners. We furnished him all the information we had at hand. He visited the operators and made many attempts to get them to confer with the miners. He failed, and when he left Colorado the coal operators issued a statement condemning Mr. Stewart as being partial and unfair. Secretary of Labor Wilson himself came to Colorado to try and settle the difficulty. Secretary Wilson had a proposition for a settlement drawn up ready to submit to both sides, but after he found out the attitude of the operators he withdrew the proposition and left the State. The operators also condemned Secretary Wilson as being unfair and partial. I would say that during the time that Secretary Wilson was here the operators induced both Gov. Ammons and Secretary Wilson to submit to the miners a proposition that they had some time before submitted to the governor. The governor showed us that proposition. He said he did not want to give it to us as a basis of settlement; he was ashamed to submit it to us, but he would let us read it. It simply consisted in a statement to the effect that the operators would obey the law. We recognized when this other statement was submitted to us that it was practically the same as the original operators' proposition. The miners turned it down unanimously. It was submitted to the miners more out of respect to Secretary of Labor Wilson than because there was any idea that the miners would have accepted it.

The next attempt was the congressional committee, which made a thorough and complete investigation of the conditions in Colorado, and I believe sustained all the charges that had been made by the miners. While their report is not yet submitted, I am satisfied that the evidence presented to that committee was sufficient to convince the commission that the charges made were true.

Chairman WALSH. Well, was there any effort made at that time to bring about a settlement by any person while that congressional committee was here?

Mr. MCLENNAN. There was another—there were several representatives here at that time from Washington, but there was another committee sent by Secretary of Labor Wilson.

Chairman WALSH. Who were the individuals composing that committee?

Mr. MCLENNAN. Mr. Fairley and Mr. Hywell Davies.

Chairman WALSH. Now, what effort was made through that committee?

Mr. MCLENNAN. That committee interviewed both the miners and the operators and after the investigation made a report to the Secretary of Labor, I believe containing a recommendation as to what could be done in regard to the settlement of the strike. The operators, I might say, have also condemned this committee.

Chairman WALSH. Now, were there any other agencies that undertook a settlement—negotiations for a settlement?

Mr. MCLENNAN. The Colorado Legislature appointed a committee which has not yet made its complete report.

Chairman WALSH. Any attempt made to bring about any adjustment through that committee?

Mr. MCLENNAN. There was.

Chairman WALSH. Who were the individuals who took part in that attempt?

Mr. MCLENNAN. Senator Burris was chairman of that committee; Senator Stephen, I believe, was another member. I don't remember the full committee.

Chairman WALSH. What was the outcome of that effort?

Mr. MCLENNAN. It failed.

Chairman WALSH. Briefly, what were the details of the attempt? Did they wait upon the operators and the miners?

Mr. MCLENNAN. They waited upon the miners several times. I am not aware of what negotiations they had with the operators.

Chairman WALSH. Was there any submission of a proposed plan of settlement made to this committee by the miners, or by the committee to the miners?

Mr. MCLENNAN. There was a proposed plan submitted.

Chairman WALSH. What was the policy of the United Mine Workers as to the arming of its members at the beginning of this strike?

Mr. MCLENNAN. There was no policy adopted by the organization as to the arming of its members.

Chairman WALSH. Was violence foreseen by its officers, or discussed?

Mr. MCLENNAN. Violence was foreseen because of the fact that one organizer had already been killed before the strike commenced; also because of the fact that the Baldwin-Felts Detective Agency had been employed in the strike district a good many months prior to that. The officials and members of the union were well aware of their history in West Virginia, which is a record of violence.

Chairman WALSH. Was there any discussion at the beginning of the strike by the officers of the United Mine Workers as to the arming of its members or the securing of arms or weapons?

Mr. MCLENNAN. There was not, so far as I know. There probably were a number of individual miners who bought guns of their own accord, at the beginning of the strike. But there was no discussion amongst the officers that I am aware of.

Chairman WALSH. Any organized effort, so far as you are aware of, on the part of the officers or individual members of the union to secure arms at the beginning of the strike?

Mr. MCLENNAN. There was not.

Chairman WALSH. Please give us the history of the legislation affecting the conditions in the coal mines in Colorado—what laws were passed first.

Mr. MCLENNAN. The first law passed which affected the trouble in the mines is the law giving the workers the right to belong to a union and which makes it a criminal offense to discharge a man because of his membership in a union. There was an antiscrip law prohibiting the use of scrip; and scrip is still used by one of the companies in the south of Colorado.

Chairman WALSH. What company?

Mr. MCLENNAN. The Victor-American Fuel Co.—or it was testified it was used during the time of the investigation by the congressional committee.

Chairman WALSH. Well, do you know what the fact is at the present time as to whether it is used or not?

Mr. MCLENNAN. No; I have not seen any since the meeting of the congressional committee.

Chairman WALSH. Well, what other law?

Mr. MCLENNAN. The checkweighman law providing that the miners may have a man to watch their coal being weighed. An eight-hour law, providing for eight hours work on the part of the miners in the mine. All of those laws have been absolutely ignored by the coal operators in the coal-producing districts.

Chairman WALSH. Did these laws and the nonenforcement of them, as you have stated, bear any relation to the strike? If so, what was it?

Mr. McLENNAN. Five of the demands of the miners out of seven were for the enforcement of State laws. Practically most of the grievances complained of by the miners were the violation of the laws or the nonenforcement of the laws.

Chairman WALSH. How many due-paying members had the United Mine Workers of America in the southern Colorado coal field on the 1st day of January, 1913?

Mr. McLENNAN. I am not in position to give the membership.

Chairman WALSH. Can you approximate it?

Mr. McLENNAN. The reason that I do not know the membership is that we have not got a record of it in our district office because of the fact that the coal operators were making a special effort at that time to find out who the members of the United Mine Workers were. There were no records sent to our district office. The matter was entirely under the charge of the national office in Indianapolis.

Chairman WALSH. From whom could the commission get that information; from what official?

Mr. McLENNAN. I believe it would be possible to get it from the international secretary-treasurer.

Chairman WALSH. Who is that?

Mr. McLENNAN. William Green.

Chairman WALSH. Where is his office?

Mr. McLENNAN. In Indianapolis.

Chairman WALSH. Have you any record of the number of due-paying members in the organization on September 1, 1913, or does your answer, just given, apply to that question also?

Mr. McLENNAN. My answer covers that also.

Chairman WALSH. Were all of the delegates to the Trinidad convention of the United Mine Workers held in September, 1913, bona fide delegates elected in accordance with the rules of your organization?

Mr. McLENNAN. They were all bona fide delegates. They were not all selected in accordance with the rules of our organization, because of the fact that in the mines of southern Colorado no meetings of any kind were allowed to be held by the miners. Any man who was found or caught attending a meeting of any kind, either fraternal or union, was immediately discharged and run out of the camp. So it was impossible to hold open meetings in those camps that were guarded by the companies' gunmen; but in the rest of the State, in northern Colorado and camps where there were no guards to prohibit the holding of meetings, open meetings were held and delegates elected.

Chairman WALSH. How many miners responded to the first call for a strike?

Mr. McLENNAN. According to the records, or the reports received at headquarters, there were 11,252.

Chairman WALSH. Were there acts of coercion or intimidation used to influence any of the miners who came out on the strike?

Mr. McLENNAN. There were none. There were no officials of the United Mine Workers visited any camp during the interval between the calling of the strike and the time it went into effect. The miners simply responded to the strike call. And I want to say in this connection that if they could have been intimidated by a mere strike call that they would have long ago been intimidated by the mine guards and the militia into going back, because that appeared to be the whole attitude of the mine guards, to intimidate the miners in going back to work.

Chairman WALSH. What was the first act of violence in the present strike?

Mr. McLENNAN. The first act of violence was the killing of Gerald Lippiatt on the streets of Trinidad.

Chairman WALSH. By whom?

Mr. McLENNAN. By two of the Baldwin guards, Belk and Belcher.

Chairman WALSH. At any time did the officers of the United Mine Workers decide to purchase arms and ammunition?

Mr. McLENNAN. The officers—not as an organization, not in concert—but at various times different officers bought guns and ammunition on the request of the miners. But so far as I know there were no guns bought by any of the officers until after the machine guns were shipped into southern Colorado.

Chairman WALSH. And about what was the date when the decision was first made to purchase arms?

Mr. McLENNAN. I don't recollect. But, as I stated, there was no meeting at which this decision was made. It was simply decided by the officials in the different district offices.

Chairman WALSH. Your—to your knowledge, what kind of arms were purchased; and give a description of them, please?

Mr. McLENNAN. I have no personal knowledge.

Chairman WALSH. Could you approximate it to the commission?

Mr. McLENNAN. No; I could not. I haven't any knowledge as to the number of arms that were purchased in the various district offices.

Chairman WALSH. You could not give us the approximate amount of them?

Mr. McLENNAN. No. But I could get a report from the various offices and furnish it to the commission.

Chairman WALSH. Will you get a report from the various offices and furnish it to the commission before we leave here?

Mr. McLENNAN. I will.

Chairman WALSH. Very good.

Now, I wish you would state briefly the early history of the strike, before the arrival of the militia. Describe, for instance, the methods of picketing the mines.

Mr. McLENNAN. There were a great many arrests made for picketing.

Chairman WALSH. By whom were the arrests made?

Mr. McLENNAN. By the mine guards.

Chairman WALSH. What authority did these mine guards have?

Mr. McLENNAN. They were deputized by the sheriff as deputy sheriffs, commissioned as deputy sheriffs.

Chairman WALSH. Was there any knowledge on the part of the public that men were to be commissioned, and the individuals known before the commissions were issued?

Mr. McLENNAN. There was not. In fact it has been a common custom in those two countries for the sheriff to give the officials of the coal companies signed commissions, leaving the name blank for the operators to fill in the name of the deputy sheriff.

Chairman WALSH. Were there protests made by citizens at any time against the practice?

Mr. McLENNAN. There has been general protests. I do not know of any specific protests. These facts have been made public in the press and elsewhere. A few months prior to the strike we got a list of the number of deputy sheriffs in those counties, and I believe [paper handed witness]—I have got a list here in Huerfano County. We have also got a list for Las Animas County. And there are close to a thousand men deputized in those two counties. That included the companies' gunmen, a great many of their bosses and a number of their employees.

Chairman WALSH. At what date were there a thousand men so deputized in those counties?

Mr. McLENNAN. The lists that we have got cover possibly two or three years, so that we could not say that all of them were still in the employ of the companies. But those lists were secured about probaly three months prior to the strike.

Chairman WALSH. Were you down in the field yourself, Mr. McLennan, after the strike was called?

Mr. McLENNAN. Part of the time.

Chairman WALSH. What was your personal observation with reference to the conduct of the deputy sheriffs or mine guards, and also the conduct of the pickets of the union?

Mr. McLENNAN. The union pickets, all of them that were arrested in the southern Colorado field—I saw 75 of them brought in one day to Trinidad, with a machine gun behind them, and several men armed on each side, and a few men in front.

Chairman WALSH. When was that with reference to the calling out of the militia?

Mr. McLENNAN. That was about three weeks or so before the calling of the militia.

Chairman WALSH. Is there an antipicketing law in the State?

Mr. McLENNAN. There is.

Chairman WALSH. What experience of a personal nature did you have there?

Mr. McLENNAN. Prior to the strike?

Chairman WALSH. Prior to the strike; yes.

Mr. McLENNAN. I went to Trinidad in December, 1911. When the United Mine Workers decided, at the request of the miners of that section, to take up actively the work of organizing, an official of the Colorado Fuel & Iron Co. visited the business men of Trinidad and requested them—or the members of the chamber of commerce called a special meeting. At that meeting this official, as I understand, urged the business men to prevent us from staying in the town of Trinidad. The chamber of commerce refused to accede to the quest of the coal companies. It was at that time, on January 1, that the Baldwin-Felts men were first deputized in Las Animas County.

Chairman WALSH. Now, did you have personal experience in the field after the militia were called out?

Mr. McLENNAN. I was just going to recite a few instances that occurred, to show the actions of the guards during the year prior to the strike. The coal operators started immediately to discharge every man who they thought belonged to the union. During the year 1912 there were approximately 1,200 men discharged because they were suspected of belonging to the union. On March 17 of that year the St. Peter's Servian Society, a fraternal order, was holding its meeting in Delagua when two companies of mine men broke into their meeting and ordered them to take their charter off of the wall. They took their charter off of the wall and took it from Delagua to Ludlow, and the next day every man who attended that meeting who was working in Delagua was discharged. One of the superintendents of the Colorado Fuel & Iron Co. made it a practice of holding up men at the point of a gun, who applied for work, and searching them for cards.

Chairman WALSH. Who was that?

Mr. McLENNAN. That man's name was Graham.

Chairman WALSH. His first name?

Mr. McLENNAN. Robert Graham. Men who applied for work were sent to the superintendent's office. When they got inside of the superintendent's office somebody pulled a gun on them and told them to hold their hands up, and another man searched them to see if they had a card. One of the mine workers' sympathizers, Mike Laboda, was sleeping in the room of a friend at the Ravenswood mine in Huerfano County, and he was taken out of bed at midnight and mercilessly beaten and shots fired around him, and he was told to leave the city or they would kill him, and he recognized two of the officials of coal companies as his assailants and two guards. I would say that one of the officials whom he recognized has since been promoted by the Colorado Fuel & Iron Co. The district attorney absolutely refused——

Chairman WALSH (interrupting). Who was the man?

Mr. McLENNAN. Charles Keiser, the man whom he identified as his assailant. The district attorney absolutely refused to prosecute in that case. We took the matter up with the governor, and he instructed the attorney gentrel to prosecute, but the matter has never come to prosecution yet. Those are some of the occurrences that happened during the year prior to the strike—simply a few of them.

Chairman WALSH. Did the society that was broken up discuss labor matters at all or have anything to do with industry? Commissioner Lennon requested me to ask that.

Mr. McLENNAN. They did not.

Chairman WALSH. What, generally speaking, nationality belonged to it?

Mr. McLENNAN. The Montenegrins.

Chairman WALSH. And how general was it throughout the mine neighborhood?

Mr. McLENNAN. I believe that nearly all the Montenegrins in this State at that time belonged to that society.

Chairman WALSH. What was the general nature of it?

Mr. McLENNAN. A fraternal, beneficial organization.

Chairman WALSH. Did it have an insurance feature?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. And charitable features?

Mr. McLENNAN. Yes; it was charitable.

Chairman WALSH. Proceed now, if you have any others, and if not I would like to direct your attention to the time after the militia was called in, as to any personal experience you may have had in the field.

Mr. McLENNAN. I had very little personal experience with the militia, except that I was arrested by them a few times.

Chairman WALSH. Give the circumstances of your own arrests.

Mr. McLENNAN. The first time I was arrested was two days after the Ludlow affair. I got in communication with Denver and stated that the militia absolutely refused to allow any Red Cross nurses to go to Ludlow, or any other outsider except the militia, and we were anxious to find out whether there was still anyone alive in those pits. We thought that women might be lying wounded there, and that we ought to at least be allowed to go and make an investigation. The matter was brought to the attention of Lieut. Gov. Fitzgerald, who was then acting in Gov. Ammons's place, who was out of the city, and he called me up in Trinidad and stated that certainly we would be allowed to go to Ludlow to make arrangements with the Red Cross. He requested me to call up Maj. Hamrock, who was in command at Ludlow at that time, and inform him what the conditions were. I did so, and the following day another load, that is, seven altogether, went out under a Red Cross flag.

When I got to Ludlow I was walking around with the rest of the members of that party, when two militiamen came and arrested me and searched me and marched me down to the depot, and I was held there a considerable time until they received orders from Maj. Hamrock to release me.

Chairman WALSH. How long were you held there—any considerable time?

Mr. McLENNAN. That day possibly three hours. Two days after that I was coming from Walsenburg to Trinidad——

Chairman WALSH (interrupting). Did you demand to know the accusation against you?

Mr. McLENNAN. They did not make any accusation.

Chairman WALSH. Did you demand to know the reason for your arrest from the individual who arrested you?

Mr. McLENNAN. No, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. Two days after I was traveling from Walsenburg to Trinidad, and when the train stopped at Ludlow the militiamen came into the train and told me to get off. I got off and was turned over to Lieut. Linderfelt at that time, who proceeded to search me and took all the papers that I had. He searched my grip and took all the papers away. I was held in the depot all night.

Chairman WALSH. Were these papers returned to you?

Mr. McLENNAN. They were.

Chairman WALSH. They were, you say?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. The following day I was taken to the militiamen's camp and held there until the governor ordered my release. I would say that during the day the members of the militia, who, I was told by my guard, were mine guards, made repeated threats to shoot me.

Chairman WALSH. What language was used?

Mr. McLENNAN. Very vile, foul language.

Chairman WALSH. Where were you at the time?

Mr. McLENNAN. I was in the cookhouse of the militia.

Chairman WALSH. Was there any other prisoner there?

Mr. McLENNAN. No, sir; I would say that there were prisoners around there, but not where I was.

Chairman WALSH. Not in this cookhouse?

Mr. McLENNAN. No, sir.

Chairman WALSH. What did the guards say to you? Just use their language, what did they say?

Mr. McLENNAN. Well, one man said: "You son of a bitch, I would like to take a shot at you right now." He had his gun in his hand at the time.

Chairman WALSH. Proceed.

Mr. McLENNAN. That was practically all the actual experience I have had with the militia.

Chairman WALSH. Did you have anything personally to do in the conferences that were had prior to the ordering out of the militia? Were you a member of any committee that protested against the calling out of the militia?

Mr. McLENNAN. I was.

Chairman WALSH. When was it with reference to the time the militia was called out?

Mr. McLENNAN. I believe I was one of the party that met with Gov. Ammons about half an hour before the militia was ordered out—protesting against the sending out of the militia.

Chairman WALSH. Now, when the militia went into the field, what was the attitude of the strikers toward the militia, and what was the conduct of the militia toward the strikers?

Mr. McLENNAN. The attitude of the miners was friendly toward the militia, particularly friendly.

Chairman WALSH. What was the attitude of the militia toward the men at the beginning?

Mr. McLENNAN. The attitude of the militia was friendly toward the miners for some time.

Chairman WALSH. What was the beginning of the bad feeling that afterwards seems to have existed?

Mr. McLENNAN. The bad feeling started when it became generally known that the militia were assisting in the importation of strike breakers in violation of the State law; also when it became known that they were recruiting the militia from the mine guards.

Chairman WALSH. Was that a fact? Did they recruit the militia from the mine guards?

Mr. McLENNAN. It was.

Chairman WALSH. To what extent?

Mr. McLENNAN. I believe that testimony has been produced that they enlisted as many at 20 in one bunch.

Chairman WALSH. When the militia arrived in the field did they call for the arms and ammunition that was in the hands of the strikers?

Mr. McLENNAN. They did.

Chairman WALSH. Was it turned over to the militia?

Mr. McLENNAN. So far as I know, the most of it was turned over to the militia.

Chairman WALSH. The strikers arrested—the strikers that were arrested before the militia came into the field, did the United Mine Workers of America take any means to defend those men?

Mr. McLENNAN. They did. They retained attorneys to defend them.

Chairman WALSH. Who were the attorneys?

Mr. McLENNAN. The chief attorney is Horace Hawkins, of Denver. Trinidad got Mr. Clark.

Chairman WALSH. What did you find the relations to be between the civil and military authorities of Las Animas and Huerfano Counties?

Mr. McLENNAN. So far as the miners were concerned there was absolutely no relations. The military authorities displaced the civil authorities.

Chairman WALSH. Prior to the calling in of the militia, were the arrested strikers given prompt hearing and protected in their constitutional rights?

Mr. McLENNAN. Prior to the calling in of the militia?

Chairman WALSH. Yes; those arrested charged with picketing, and other charges.

Mr. McLENNAN. The 75 men, who were arrested, were discharged.

Chairman WALSH. Were there any others arrested, do I understand, than these 75?

Mr. McLENNAN. Yes; there was a number of men who were arrested outside of the 75.

Chairman WALSH. Were the men arrested for other offenses than picketing prior to the calling in of the militia in those two counties—Las Animas and Huerfano Counties?

Mr. McLENNAN. Yes.

Chairman WALSH. How great numbers? Approximately how many were arrested?

Mr. McLENNAN. There were not many; I can not remember the numbers.

Chairman WALSH. What were the charges against those who were arrested?

Mr. McLENNAN. I don't recollect the charges; in fact, there have been so many of them arrested without any charges being preferred against them.

Chairman WALSH. How long were the 75 retained in custody?

Mr. McLENNAN. I think it was about a week.

Chairman WALSH. Was there any charge placed against them in any court?

Mr. McLENNAN. No; the matter never came to court.

Chairman WALSH. Were they arraigned in any court?
Mr. MCLENNAN. They were not that I know of.
Chairman WALSH. Were they arrested upon warrants?
Mr. MCLENNAN. Not that I am aware of.
Chairman WALSH. And what was the outcome of it; they were just simply discharged?
Mr. MCLENNAN. They were discharged.
Chairman WALSH. Where were they confined during the time they were in custody?
Mr. MCLENNAN. In the county jail.
Chairman WALSH. By what order were they released from custody?
Mr. MCLENNAN. I am not aware; I believe it was simply on order of the sheriff.
Chairman WALSH. Of the sheriff himself?
Mr. MCLENNAN. Yes.
Chairman WALSH. On what order were they arrested, if you know?
Mr. MCLENNAN. On the order of the sheriff.
Chairman WALSH. I believe you say they were brought in in a whole squad, and were you present at the time they were brought in?
Mr. MCLENNAN. Yes, sir.
Chairman WALSH. Was the sheriff personally in charge of the officers—in command of the officers that had them in custody, and had this machine gun?
Mr. MCLENNAN. No, sir; he was not.
Chairman WALSH. Who seemed to be in command?
Mr. MCLENNAN. The Baldwin-Felts guards.
Chairman WALSH. Did you know the individuals who were the Baldwin-Felts guards?
Mr. MCLENNAN. I knew some of them; I knew Mr. Felts and Belk and Belcher and Mr. Cunningham.
Chairman WALSH. Were those individuals in the party that arrested these 75 men?
Mr. MCLENNAN. Belk was there.
Chairman WALSH. What relation did he have to the Baldwin-Felts Detective Agency?
Mr. MCLENNAN. He was one of their chief representatives.
Chairman WALSH. How many men, officers and others, were in charge of these 75 men?
Mr. MCLENNAN. There were probably seven or eight, all mine guards. There were no county officers there that I know of.
Chairman WALSH. Well, you were personally acquainted with the sheriff, were you?
Mr. MCLENNAN. Yes, sir.
Chairman WALSH. At this point we will take an adjournment until 2 o'clock.
(At this point an adjournment was taken until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. McLennan, will you please resume the stand?

TESTIMONY OF MR. JOHN MCLENNAN—Continued.

Chairman WALSH. I think you had finished the answer to the last question I had put to you when we adjourned.
Mr. MCLENNAN. Yes.
Chairman WALSH. Will you please give us a brief account of what is known as "The Mother Jones case"?
Mr. MCLENNAN. Mother Jones came to Colorado some time prior to the convention of September 23.
Chairman WALSH. At the request of any person, or of her own volition?
Mr. MCLENNAN. Of her own volition, absolutely. She stayed here for some time.
Chairman WALSH. Generally speaking, who was Mother Jones? What had her activities been in the past?
Mr. MCLENNAN. Mother Jones has devoted her entire life toward the uplifting of the workers, not particularly to the miners, but all trades-unions.

Chairman WALSH. Was she considered in a friendly and affectionate—did the workers have a friendly and affectionate attitude toward her, or otherwise?

Mr. McLENNAN. They have. They considered her, as all workers consider Mother Jones, as their friend, their benefactor. She came back to Colorado on January 4 from El Paso, Tex. I happened to be in Trinidad the day she arrived. She got into Trinidad about 2 o'clock in the morning; was met by a detachment of militia, taken to the Columbian Hotel, and held there until the Colorado Southern train arrived about 9.30. She was placed on the train by the militia and deported out of Trinidad. She came back to Trinidad again on January 12, I believe. She was arrested and taken to the San Rafael Hospital and held there for nine weeks. No one was permitted to see her except her attorney.

Chairman WALSH. Who was her attorney?

Mr. McLENNAN. Harris N. Hawkins.

Chairman WALSH. Her attorney was provided by your organization?

Mr. McLENNAN. Yes, sir. Steps were taken to have her released, by suing for a writ of habeas corpus. And as soon as the matter reached a condition where a court was liable to act on the proposition she was released. She was arrested again when she returned to the South some time in March and at that time was taken off the train; she was not allowed to continue to her destination. She was taken off the train and placed in jail in Walsenburg in the basement of the courthouse there, and kept until April 8, after the supreme court had issued a writ of habeas corpus, citing her to appear, or citing the military authorities to bring Mother Jones before them on a certain date. Instead of bringing her before the court they released her. That is practically all in regard to Mother Jones during this strike.

Chairman WALSH. Have you any first-hand knowledge—first, did Mother Jones demand a hearing at any time while this was going on?

Mr. McLENNAN. Mother Jones demanded a hearing, but, so far as the officials of the union are concerned, she was never able to communicate with any official of the union after she was arrested. No union official was permitted to see her or to talk to her. The first time, when she was deported, I was at the Trinidad depot. There was a troop of cavalry there and a company of infantry guarding the depot. I went there purposely to see Mother Jones, and intended to go on that train part of the way. I was stopped by the militia from going on the platform. And I knew one of the officers, Col. Davis, and told him I intended to go on the train. "Well," he says, "In that case, all right; go ahead." I went to the ticket office for the purpose of buying my ticket. Mother Jones was there in custody of two militiamen. I shook hands with Mother Jones and started to talk to her, when some officer of the militia called out, "Don't let him talk to her." The men who had Mother Jones in custody told me, "You can not talk to Mother Jones." So I did not buy a ticket and did not go on the train, realizing I would not be allowed to talk to her even on the train.

Chairman WALSH. Have you any first-hand information—any personal information—as to the personnel of the National Guard that were on strike duty? That is, personal knowledge of the individuals who constituted it?

Mr. McLENNAN. No; I am not personally acquainted, with the exception of some of the officers.

Chairman WALSH. Have you any personal knowledge—did you make any personal investigation of the situation at Ludlow?

Mr. McLENNAN. The first information I received of the Ludlow affair was from the women who were waiting at the Ludlow depot on the morning of the 21st. I was on the train that went through the day after the Ludlow affair. They told me that their camp was deliberately attacked.

Chairman WALSH. I thought I tried to confine your testimony to any personal knowledge which you had, Mr. McLennan? In this particular case I do not call for hearsay.

Mr. McLENNAN. I was not in Las Animas County on April 20.

Chairman WALSH. And you did not get off the train there at any time that day?

Mr. McLENNAN. No.

Chairman WALSH. Were you in Ludlow at any time afterwards?

Mr. McLENNAN. I was in Ludlow on the 22d.

Chairman WALSH. For the purpose of making some sort of an investigation?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Who accompanied you?

Mr. MCLENNAN. I was with probably about—I think probably about seven persons accompanied me. One was the Rev. Dr. Cook, of Trinidad.

Chairman WALSH. Did you make any investigation there?

Mr. MCLENNAN. The purpose of my visit to Trinidad was—or to Ludlow, rather—was to find out, along with the members of the Red Cross Society, whether there were any people in the camp who were wounded and needed assistance, and also to find out how many were dead in that colony.

Chairman WALSH. Now, you may state briefly the result of the personal investigation you made.

Mr. MCLENNAN. Before I was arrested I had an opportunity to go into what we now term the "black hole" of Ludlow, and I saw 11 women—the 11 children and 2 women in that cellar.

Chairman WALSH. When was that?

Mr. MCLENNAN. That was the 23d of April.

Chairman WALSH. The corpses had not been removed at that time?

Mr. MCLENNAN. They had not been removed. The militia had refused permission to remove them. In fact, when the undertaker's wagon went out there they turned the machine gun on the wagon and they had to turn back, and it was not until the orders by the governor that anyone was permitted to go into Ludlow.

Chairman WALSH. What further, if anything, did you observe there, Mr. McLennan?

Mr. MCLENNAN. I did not have an opportunity to observe any more because of the fact I was under arrest most of the time.

Chairman WALSH. What were the circumstances of your being under arrest? Oh, this was the instance to which you have referred?

Mr. MCLENNAN. The first time I was arrested; yes.

Chairman WALSH. When were the corpses of the children removed and who removed them?

Mr. MCLENNAN. They were removed that day—on April 23.

Chairman WALSH. Who removed them?

Mr. MCLENNAN. They were removed by the Hall undertaking establishment, who were working for the organization.

Chairman WALSH. For your organization—the United Mine Workers?

Mr. MCLENNAN. Yes.

Chairman WALSH. Now, before I get too far away from that subject, does Mother Jones receive compensation from the unions in these places to which she goes?

Mr. MCLENNAN. At the present time she is receiving an organizer's salary and expenses from the United Mine Workers of America.

Chairman WALSH. How long has that situation existed?

Mr. MCLENNAN. I don't know just exactly, but it has been for several years.

Chairman WALSH. She was an organizer of the United Mine Workers at the time she came here then, Mr. McLennan?

Mr. MCLENNAN. She was.

Chairman WALSH. What is her compensation?

Mr. MCLENNAN. Four dollars a day and expenses.

Chairman WALSH. Is that the compensation of all of the organizers of the United Mine Workers?

Mr. MCLENNAN. With the exception of the international board members.

Chairman WALSH. Did she receive any other or further compensation at the time she was in the field in Colorado than what you have mentioned?

Mr. MCLENNAN. No, sir; and I would suggest in that connection that during the time that Mother Jones was in the custody of the militia that she did not accept any salary or expenses.

Chairman WALSH. From your experience, Mr. McLennan, in these difficulties can you suggest any plan by which the State militia can be used to maintain peace and protect property without prejudicing the rights of either party to the controversy?

Mr. MCLENNAN. I believe that if the militia would enter a strike zone in the same open-minded spirit that a policeman goes on his beat that the rights of neither party would be prejudiced. If the officers and the men of the National Guard would preserve that impartiality which characterizes the ordinary peace officers there would, in my opinion, be no infractions of the law, other than the ordinary violence that exists in the average community.

Chairman WALSH. There have been constant complaints that the peace officers favored one side or the other from the peace zone. From your observation, is that or is it not a fact?

Mr. McLENNAN. It is a fact. In fact, the office of the sheriff of Las Animas and Huerfano Counties after the strike was declared was turned over entirely to the coal companies. The peace officers were the Baldwin-Felts detectives. They were all commissioned by the sheriff. I think there were about 700 of them in the field right after the strike was declared. The office of sheriff in those two counties has been used entirely for the benefit of the coal operators and against the miners.

Chairman WALSH. Why does that situation exist, if you have observed? Why should they favor one side or the other?

Mr. McLENNAN. The reason, in my opinion, why they favored the coal operators is because they depend now and have depended for 10 years upon the coal operators for their election to office.

Chairman WALSH. Are these miners that are there citizens of the United States?

Mr. McLENNAN. A great many of them are; they are not all.

Chairman WALSH. Well, in what way has that control which you claim been expressed?

Mr. McLENNAN. The coal companies have exercised absolute political control over their employees. They have ordered them to vote for certain candidates. They have controlled the elections in those two counties by every method that is known to the corrupt politician; and the independent miner, the man who would express an opposition to any of the coal companies' selections for office would immediately be discharged from those coal mines.

Chairman WALSH. Have you with you, Mr. McLennan, the correspondence which passed between your office and the national headquarters of the United Mine Workers with reference to the calling of this strike?

Mr. McLENNAN. There was no correspondence that I know of between our office and the national organization.

Chairman WALSH. Would you be aware of it if there had been such correspondence?

Mr. McLENNAN. I would be.

Chairman WALSH. What is the method by which money for strike benefits was raised by the national organization and sent into Colorado?

Mr. McLENNAN. It was raised by an assessment of 50 cents per member on the entire organization.

Chairman WALSH. Just one assessment of 50 cents?

Mr. McLENNAN. Fifty cents per month.

Chairman WALSH. Oh, 50 cents per month. What was the amount of weekly benefits extended to the persons on strike?

Mr. McLENNAN. Three dollars per man, $2 for a woman, and 75 cents for a child in part of the district.

Chairman WALSH. Per week?

Mr. McLENNAN. Per week. There was a difference in the rest of the district because of the fact that in southern Colorado the organization furnished a doctor and coal and every other necessity outside of the actual money for relief.

Chairman WALSH. How many strikers—what was the total number of strikers throughout the entire strike to whom benefits have been paid?

Mr. McLENNAN. The reports, as I stated, that we received at headquarters were that 11,282 were on the relief at the inception of the strike. Now, what the number has been at various times since then and now the secretaries of the organization would be in the best position to furnish.

Chairman WALSH. You mean the national secretary?

Mr. McLENNAN. The district secretary.

Chairman WALSH. The district secretary?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Would you please get that information, or request the secretary to transmit it to our clerk?

Mr. McLENNAN. I will.

(In a letter dated December 11, 1914, Mr. McLennan submitted figures as follows: At beginning of strike, about 11,200; at present, approximately 5,700.)

Chairman WALSH. Could you tell us the total amount of benefits that have been paid up to date, since the beginning of the strike?

Mr. McLENNAN. No; I have not got the figures at hand.

Mr. WALSH. Could you approximate it?

Mr. McLENNAN. I believe it is somewhere around $3,000,000 since the strike was called in 1910 in the northern field. I haven't got the figures with me at all.

Chairman WALSH. Could you furnish those figures to us?

Mr. McLENNAN. I can furnish those figures exact.

(Mr. McLennan, in a letter to the commission, dated December 11, 1914, gave the following information: "Exact figures as to total amount of benefits up to date since beginning of strike, to and including November 29, 1914, $3,718,769.84.")

Chairman WALSH. What salaries were received by officials of the union in charge of the strike? Begin with the first one and go right down.

Mr. McLENNAN. International Vice President Hayes received $2,500 a year—did receive that amount when the strike started. Since then the salary has been increased.

Chairman WALSH. To what amount?

Mr. McLENNAN. I believe it is $3,300, I think; I am not certain.

Chairman WALSH. Now, the other officials?

Mr. McLENNAN. All the organizers and officials outside of the national board members receive $4 a day and expenses.

Chairman WALSH. Did you pay strike benefits to nonmembers of your organization that went out on strike, the same as to members?

Mr. McLENNAN. There were no nonmembers. We consider that every man who struck was a member of our organization, whether he was in good standing or not at that particular time.

Chairman WALSH. What was the total amount that was paid out for arms and ammunition during the strike on the part of the workmen?

Mr. McLENNAN. We have no record of the total amount.

Chairman WALSH. Could you approximate it?

Mr. McLENNAN. No, sir.

Chairman WALSH. How were they purchased?

Mr. McLENNAN. They were not purchased by any individual in the organization.

Chairman WALSH. Has there been any effort made by yourself or any other official that you know of to ascertain the exact amount of arms and ammunition that were purchased and where they were purchased?

Mr. McLENNAN. There has been an effort made by our office to furnish to the congressional committee the exact amount of money that was spent for arms and ammunition. We have furnished that amount as near as we were able to the committee after they left here.

Chairman WALSH. Have you acquired any additional information since you furnished that to the congressional committee?

Mr. McLENNAN. We have not.

Chairman WALSH. Could you submit to us the same information that you did to the congressional committee?

Mr. McLENNAN. We can.

Chairman WALSH. Will you hand it to the clerk, please?

(In a letter to the commission dated December 11, 1914, Mr. McLennan gave the amount spent for arms and ammunition as approximately $7,100.)

Please state what, if any, action your organization took after the Ludlow affair?

Mr. McLENNAN. There was no action taken by the organization.

Chairman WALSH. Was there any change in the attitude of your organization after that time so far as the purchase of arms and ammunition was concerned?

Mr. McLENNAN. There were probably more arms and ammunition purchased immediately after Ludlow than at any other time during the strike.

Chairman WALSH. To what extent did it increase, if you know?

Mr. McLENNAN. I am not in a position to state to what extent.

Chairman WALSH. It has been stated that your organization received telegrams and letters offering assistance in forcible resistance to the authorities. Have you any such telegrams?

Mr. McLENNAN. There are no telegrams——

Chairman WALSH. Have you letters?

Mr. McLENNAN (continuing). Offering assistance to resist the authorities. There were probably telegrams offering to assist in defending the miners and their wives and children from the attacks of the guards and the militia.

Chairman WALSH. From whom were those telegrams received?

Mr. MCLENNAN. I am not in a position to answer that question, but that information can be furnished to the committee. In fact——

Chairman WALSH. A great deal of it has been published in the public press.

Mr. MCLENNAN. Yes; it has.

Chairman WALSH. Have you all of the correspondence, letters, and telegrams upon that subject, at your headquarters?

Mr. MCLENNAN. I believe that all of the correspondence can be found in headquarters.

Chairman WALSH. Will you allow our clerk to have access to that so that copies can be made for our record?

Mr. MCLENNAN. We will.

Chairman WALSH. Was there any correspondence passed between you and the national headquarters of your union in regard to the arming of the strikers?

Mr. MCLENNAN. There never was any communication on that particular purpose.

Chairman WALSH. There are none such in existence that you know of?

Mr. MCLENNAN. No; there is not.

Chairman WALSH. How many men did you say went out on the strike?

Mr. MCLENNAN. Eleven thousand two hundred and thirty-two.

Chairman WALSH. How many remained in the mines?

Mr. MCLENNAN. There were approximately—there are, I think, 15,000 men working in the State; that is, including the men who work in and around the coke ovens.

Chairman WALSH. I suppose you can tell us offhand, just put it in the record here, what was the list of demands that the convention of Trinidad made prior to the strike?

Mr. MCLENNAN. I have got the list. First, we asked recognition of the union, which we characterize as a State law, but not enforced.

Chairman WALSH. I wish you would define the different understandings, if there are different understandings, as to the meaning of the term "recognition of the union"?

Mr. MCLENNAN. Recognition of the union, as I understand it, is their recognition by the employers of the right of the workingmen to bargain collectively for the sale of their labor.

Chairman WALSH. Now, what does that involve? Does it involve a closed shop and the check-off system, or not?

Mr. MCLENNAN. Not necessarily.

Chairman WALSH. Would the permission not to discriminate against members of the labor union, and to allow the employees of a particular industry to organize a grievance committee to present the claims for wages, hours, and conditions and such like to the employers, be called a recognition of the union? Has it been so considered?

Mr. MCLENNAN. It would to a certain extent be a recognition of the union.

Chairman WALSH. And is that involved, that sort of system which seems to obtain in some industries, would that be construed and has it been construed as a recognition of the union?

Mr. MCLENNAN. It would be.

Chairman WALSH. That is, not to discriminate against men on account of belonging to unions, and to allow the formation of grievance committees in that particular industry, it has been construed by your organization and other labor organizations as a recognition of the union at times, has it?

Mr. MCLENNAN. It has.

Chairman WALSH. So that when the demand for recognition of the union is spoken of it does not necessarily entail the closed shop and the check-off system?

Mr. MCLENNAN. It does not.

Chairman WALSH. What are the initiation fees and dues in the United Mine Workers of America?

Mr. MCLENNAN. The initiation fees, except where a special dispensation is granted, is $10 per member to the United Mine Workers of America.

Chairman WALSH. Was there or was there not a dispensation granted in this field?

Mr. MCLENNAN. There was.

Chairman WALSH. Is there a dispensation usually granted when an extra effort is made to organize men?

Mr. McLENNAN. There is.

Chairman WALSH. And particularly prior to a strike?

Mr. McLENNAN. Yes.

Chairman WALSH. What are the dues of the organization?

Mr. McLENNAN. The dues vary in different districts. In this district——

Chairman WALSH. What are they in this district?

Mr. McLENNAN. Fifty cents per member per month.

Chairman WALSH. Fifty cents per member per month?

Mr. McLENNAN. Yes; that is, during the continuation of this strike, 50 cents assessment added to this.

Chairman WALSH. Is there a fining system in your organization, a system of fines?

Mr. McLENNAN. There is no particular system of fining. But there is a provision in our constitution where members can be fined for a violation of our by-laws or a violation of our agreement with the operators.

Chairman WALSH. Please state your entire disciplinary machinery; that is, what machinery you have for assessing punishments of any kind against members for infractions of the rules and violations of contracts?

Mr. McLENNAN. In some districts we have a provision in the contract that members shall be fined, in some cases $5, and in some cases $10, if they are found guilty of being a party to closing down a mine in violation of our contract.

Chairman WALSH. What has been the policy of the United Mine Workers of America in reference to keeping and maintaining contracts made with employers?

Mr. McLENNAN. Our policy has always been to live strictly to the provisions of our agreements with the operators.

Chairman WALSH. Now, unless there is something that I have omitted, or that you desire to volunteer, Mr. McLennan, I——

Commissioner BALLARD. I did not get quite clearly what he meant by "recognition of the union."

Chairman WALSH. Mr. Ballard would like you to explain what is meant by "recognition of the union." Will you give your own definition of it?

Commissioner BALLARD. When you made reference to the complaints to the operators, the first demand was recognition of the union. I did not quite understand what you meant by that.

Mr. McLENNAN. We meant recognition of the United Mine Workers, in our original request.

Chairman WALSH. I believe I did not follow up all the demands. Commissioner O'Connell would like to ask you a few questions.

Commissioner O'CONNELL. Are those companies operating the companies' stores yet?

Mr. McLENNAN. They are.

Commissioner O'CONNELL. Where are they being operated? In what towns or mining camps?

Mr. McLENNAN. They have a store in nearly every mining camp in southern Colorado—the Colorado Fuel & Iron Co. and the Victor-American Co. Also the Colorado Fuel & Iron Co. has a store in Trinidad.

Commissioner O'CONNELL. Is that a violation of the State law?

Mr. McLENNAN. I don't know that the running of a store is a violation of the State law, but it is a violation of the State law to compel their employees to trade at those companies' stores.

Commissioner O'CONNELL. Are there other stores in the places where these companies' stores are located?

Mr. McLENNAN. There are not.

Commissioner O'CONNELL. Would it be possible for a man to go into one of these towns and open, for instance, a grocery store or a clothing store?

Mr. McLENNAN. It would not be possible.

Commissioner O'CONNELL. Couldn't find buildings, for instance? Why wouldn't it be possible?

Mr. McLENNAN. Where the towns are incorporated, the coal companies have absolute control of the town. The mayor of the town, the chairman of the school board, etc., is usually the superintendent of the mine.

Commissioner O'CONNELL. The mayor of the town?

Mr. McLENNAN. The mayor of the town is the superintendent of the mine. We have an instance in one of the Victor-American Fuel Co.'s towns where a barber owned his own place of business in Delagua. After the strike was

called he was accused of being in sympathy with the strikers. He was ordered to leave the town, and so far as I know he has not been able to get back yet.

Commissioner O'CONNELL. Do the companies operate other businesses than these stores? For instance, are there saloons in these towns?

Mr. McLENNAN. Yes.

Commissioner O'CONNELL. Who operates the saloons?

Mr. McLENNAN. My understanding is that the saloons are rented to outside individuals.

Commissioner O'CONNELL. By whom?

Mr. McLENNAN. The coal companies.

Commissioner O'CONNELL. Are the licenses taken out by the coal companies to operate these saloons?

Mr. McLENNAN. No; the licenses are taken out in the name of the saloon keeper, as a rule, but my understanding is that they must be acceptable to the coal companies; that is, the operator decides who is going to run that saloon, and the operator can get a license for anyone, no matter who it is, so long as he is acceptable to the operators.

Commissioner O'CONNELL. From whom can we get the information as to just how that is carried on? Who would be the proper person to know about that saloon matter?

Mr. McLENNAN. I do not know. You could not get any information that would be derogatory to the coal operators from the average peace officers in Las Animas or Huerfano Counties.

Commissioner O'CONNELL. You could not get any information from anybody in these counties that would be derogatory to the coal companies?

Mr. McLENNAN. From the average peace officers; you could from independent citizens not in sympathy with the actions of the coal companies.

Commissioner O'CONNELL. Well, from the judges, or courts, or whoever grants licenses, for instance? Who grants the licenses?

Mr. McLENNAN. The county commissioners.

Commissioner O'CONNELL. Well, the county commissioners, would not they give us reliable information as to how these licenses are granted?

Mr. McLENNAN. I don't believe they would, because the county commissioners have been for years, practically, you might say, employees of the coal companies.

Commissioner O'CONNELL. Are they elected by the citizens of the community?

Mr. McLENNAN. They are supposed to be.

Commissioner O'CONNELL. There is an election held, at least?

Mr. McLENNAN. Yes; there is an election held.

Commissioner O'CONNELL. And all these peace officers and all these officers holding positions of authority otherwise are employed by the coal companies?

Mr. McLENNAN. Practically all.

Commissioner O'CONNELL. Do you know anything as to the prices that are charged in these stores, as compared with Denver or other cities in this vicinity of the State?

Mr. McLENNAN. I don't know at the present time what the prices are, but from investigations that were made several years ago we concluded that they were charging about 30 per cent more than the average stores.

Commissioner O'CONNELL. In the case of deaths, accidental deaths, how are the coroner's juries impaneled and what are usually the decisions of the coroner's juries?

Mr. McLENNAN. The coroner is usually, or has been for the last 15 years, in league with the coal companies in these particular counties. There is no particular method of impaneling a jury. Some of these coroner's jurymen have been on the jury for about 20 years—as long as they lived. The coroner's jury usually is the same during his entire term. Usually the juries are composed of officers of the coal companies.

Commissioner O'CONNELL. And what is usually their verdict?

Mr. McLENNAN. The verdict is always—there have been only one or two exceptions—the verdict has been that the company has been exonerated from all blame.

Commissioner O'CONNELL. What is the opinion of yourself and the other officers of the miner's organization as to the causes of these deaths?

Mr. McLENNAN. Our opinion is that these deaths are due, in a great many cases, to the neglect of the companies to enforce the mining laws; in other cases to the hiring of inexperienced miners. I believe that those are the two

greatest contributing causes to the deaths that have occurred in the mining regions of this State.

Commissioner O'CONNELL. Is there an apparent effort to keep about a certain percentage of the various nationalities employed all the time? In other words, to keep 25 per cent of one language and 25 per cent of another, and so on? To keep that conglomerated state of different-speaking nationalities employed? Is there an effort to keep that separation?

Mr. MCLENNAN. The coal companies have never concealed the fact that that was their intention. They place an Italian working alongside of a Greek, a Croatian working alongside of an Austrian, and so on down the line of 22 or 23 different nationalities. Their purpose is that no two of them shall get together and discuss their grievances.

Commissioner O'CONNELL. Do the men in charge, the foremen and superintendents speak these various languages?

Mr. MCLENNAN. They do not.

Commissioner O'CONNELL. By what method are the men scientifically managed and the business handled? How are the directed? Are they just turned in and let loose?

Mr. MCLENNAN. They are turned loose to do the best they can. In some cases they have a member of the different nationalities who can speak some English, but the chief requirement of a pit boss or superintendent, up until this recent mining law was passed, was that he was able to handle a gun. I mentioned to one of the officers of the Colorado Fuel & Iron Co., when that law was in process of enactment, that if that law was passed, their superintendents would have to carry something else besides a gun, and he said, "What is that?" I said, "A certificate of competency as a miner." The chief power that was necessary for a mine boss for a good many years has been the ability of the mine boss to bulldose men, and, when necessary, pull a gun on them. There has been absolutely no law in southern Colorado for 10 years except the law of the coal operators, and that has always been administered at the muzzle of a gun.

Commissioner O'CONNELL. Do the laws of Colorado require that the miner shall be paid semimonthly?

Mr. MCLENNAN. They do.

Commissioner O'CONNELL. Are they paid semimonthly?

Mr. MCLENNAN. I believe they are now since the strike, and some time prior to the inauguration of the strike, but the law was enacted about 10 years prior to that and there was absolutely no attention paid to that law.

Commissioner O'CONNELL. In answer to a question from the chairman regarding the salaries paid to your organizers and Mother Jones and others and your general executive board, and those you enumerated—those salaries are paid by the entire membership of the United Mine Workers of America and not by the district organization?

Mr. MCLENNAN. They are paid by the organization at large in the United States and Canada.

Commissioner O'CONNELL. They are paid by the national organization and not by the Colorado organization?

Mr. MCLENNAN. They are.

Commissioner O'CONNELL. All these salaries and organizers' expenses?

Mr. MCLENNAN. Yes, sir.

Commissioner O'CONNELL. And your board members' salaries are all paid by the national organization and not by the Colorado district organization? I want to get that into the record.

Mr. MCLENNAN. That is right.

Commissioner O'CONNELL. Were these mines being operated under the eight-hour law in accordance with the requirements of the law, prior to the strike?

Mr. MCLENNAN. They were not.

Commissioner O'CONNELL. Were the three companies commonly known as the three large mines, operated under the eight-hour law?

Mr. MCLENNAN. They were not. I can state in regard to the eight-hour law that there was an eight-hour law enacted in 1905. Mr. Osgood, before the congressional committee, testified with a whole lot of pride that he and not Senator Guggenheim emasculated that eight-hour law. The operators have always fought to the extent of their ability the enactment of every law that was presented by organized labor in this State. The eight-hour law of 1905 was changed to the extent that it applied only to the men who were mining coal; if left out the company men, the mule drivers, machine men, etc.

The coal companies, when that law went into effect, complied with it for possibly a couple of weeks; after that was over they paid no more attention to it, and have not complied with it until the law went into effect in 1913.

Commissioner O'CONNELL. Then they were not complying with even what they thought the law applied to at the time the strike occurred?

Mr. MCLENNAN. At the time the strike occurred they were making an attempt to comply with some of the law.

Commissioner O'CONNELL. At the time, then, when your demands were made?

Mr. MCLENNAN. At the time we started organizing or started a campaign to organize in 1912—January, 1912. The miners in April of that year were demanding that the national organization assist them in financing a strike. They were ready to strike in 1912, in April.

Commissioner O'CONNELL. Well, if the laws were not being carried out, the laws as to these stores, the laws as to the discharge of union men for being union men, and the eight-hour law, and these mine investigations and all that, if these laws were being violated, what effort was made to get the proper officials to enforce the laws, and why were they not enforced?

Mr. MCLENNAN. We took the matter up several times with the governor of Colorado and he stated that he was absolutely powerless to enforce the laws in those counties unless he could get some assistance from the civil authorities in those respective counties. Since that time, however, there has been a decision by the Supreme Court of Colorado to the effect that the attorney general can go into any particular county and act as prosecutor.

Commissioner O'CONNELL. When was that decision rendered?

Mr. MCLENNAN. I believe it was about two years ago.

Commissioner O'CONNELL. Well, has he proceeded under the law, then, in the cases?

Mr. MCLENNAN. He has proceeded to prosecute the miners. I have no knowledge of him prosecuting the operators.

Commissioner O'CONNELL. What was the case in which that decision was rendered, and who were the judges that gave that decision?

Mr. MCLENNAN. I haven't got—I don't recollect the particular instances. How I recollect that such a decision was rendered was when one of our organizers was assaulted and almost killed in Huerfano County by men whom we recognized as two deputy sheriffs and one superintendent and another assistant superintendent of the coal companies. I went personally to the district attorney at that time and urged him to prosecute the case. He did not refuse to prosecute. If I remember correctly, he said he would take it up with his deputy in Walsenburg. The deputy in Walsenburg told the organizer that he could not do anything for him, that he had no right to be there. We took the matter up with Gov. Shafroth, and he instructed the attorney general at that time to make an investigation, and if he found it necessary to institute a prosecution; but the case never has been brought to a prosecution that I know of.

Commissioner O'CONNELL. In your chronicling the number of strikes which had taken place in the State of Colorado, I notice you mention one particular county where nearly all these strikes have occurred—away back.

Mr. MCLENNAN. Yes, sir.

Commissioner O'CONNELL. What was that county?

Mr. MCLENNAN. Fremont.

Commissioner O'CONNELL. Fremont County. What was the particular reason for these strikes all starting in Fremont County? Were the mines located there in the early days?

Mr. MCLENNAN. In those early days the largest number of mines were located in Fremont County—in those early days.

Commissioner O'CONNELL. Do you know the history of the United Mine Workers' organization, as to its organization, its claimed date of birth, and so on? I am speaking now of the international organization.

Mr. MCLENNAN. Yes.

Commissioner O'CONNELL. Do you recall the time that it is claimed to have been first organized as an international organization?

Mr. MCLENNAN. I believe it was organized in 1890.

Commissioner O'CONNELL. Yes; I think you are correct. In the testimony given by Mr. Osgood, now, without going into this thing in detail—this stenographic report here—I have in answer to a question from me to Mr. Osgood as to whether there were any particular kind of organization that he would recognize, he having said that he would not deal with the United Mine Workers of America under any circumstances, and that more than 30 years ago he had left

Iowa because of a similar refusal or trouble he had, and had sacrificed $400,000 or more because of trouble he had with them there. The point I want to ask you is, Was the United Mine Workers of America in existence 30 years ago as an organization?

Mr. McLENNAN. It was not. I would like to say in reference to Iowa that I believe Iowa has not had a strike in 14 years. In fact, I don't believe they have had any trouble in Iowa since Mr. Osgood left there.

Chairman WALSH. Any other questions? If there are no questions, that is all; thank you, Mr. McLennan. You will be excused.

Mr. James H. Blood. Oh, Mr. Blood is in court, I believe. Mr. Curtis; will you please take that chair, Mr. Curtis?

TESTIMONY OF MR. W. W. CURTIS.

Chairman WALSH. State your name, please.

Mr. CURTIS. Walter W. Curtis.

Chairman WALSH. What is your business?

Mr. CURTIS. I am an engineer by profession and am president now of the Rapson Coal Mining Co.

Chairman WALSH. Where are the mines of that company situated?

Mr. CURTIS. We have two, one situated in Las Animas County, just across the Huerfano County line, the railroad station being at Rugby; the other is at Colorado Springs.

Chairman WALSH. How many men are employed in those mines?

Mr. CURTIS. Variable, of course, with the weather. We have now, I should say, at Rapson No. 1, which is at Rugby, 140 or 150 men. At Colorado Springs we have only about 75 at the present time.

Chairman WALSH. How long have you been engaged in the mining of coal?

Mr. CURTIS. If you refer to the company, about 14 years. If you refer to me, only directly in active mining during the last year and a half. I have been a stockholder six or seven years, but only actively engaged in the management of it for the last year and a half.

Chairman WALSH. Have you had any interest in or anything to do with coal mines in other States than Colorado?

Mr. CURTIS. No, sir.

Chairman WALSH. I have been informed that you are working under an agreement with the United Mine Workers?

Mr. CURTIS. We are.

Chairman WALSH. When did you first sign an agreement with the United Mine Workers of America?

Mr. CURTIS. Well, I think we first signed an agreement with them 8 or 10 years ago, but the conditions under that were so unsatisfactory that very shortly—I can not say how shortly, but after a year or two—it was abandoned. The present agreement was made following the strike of September, last year.

Chairman WALSH. Now, what were your reasons for entering into this agreement, Mr. Curtis?

Mr. CURTIS. Necessity.

Chairman WALSH. What was the necessity?

Mr. CURTIS. Our Colorado Springs mine has but a short life left in it. It is on leased ground and the ground is pretty thoroughly worked out, and it has but a couple years of life left in it. We did not feel that we were justified in engaging on a long and expensive fight for the amount at issue. Then some of our competitors in the Springs showed a disposition, and announced their determination, to sign the contract, and we felt obliged to follow suit.

Chairman WALSH. Could you give us a concise statement of the terms of your agreement with the union?

Mr. CURTIS. Oh, I would not attempt to. We will file a copy of it, if you would like. It is the same agreement that is in existence, I think, with all the mines that are operating under union conditions.

Chairman WALSH. Well, we have that already.

Mr. CURTIS. Yes.

Chairman WALSH. Has your mine been operated successfully or unsuccessfully under the union agreement?

Mr. CURTIS. We have managed to make money, if that is success.

Chairman WALSH. Do you consider it possible to mine coal successfully in Colorado under the conditions contained in the agreement with the United Mine Workers of America?

Mr. Curtis. We have done so during the past year, and I see no reason why it should not be done, provided those conditions could be lived up to and enforced.

Chairman Walsh. Are they being lived up to and enforced?

Mr. Curtis. They are not.

Chairman Walsh. In what particular is the failure found?

Mr. Curtis. Well, the difficulty that we have to contend with is the peculiarities, to put it mildly, of the men in the mines. Now, I told you we had two mines. In Colorado Springs we have a good class of men, a number of men who have been with us a great many years. We had two mines there, one operated by a different company—the Curtis Coal Mining Co.—up until two years ago, when it was destroyed by fire. The consequence is that we have a large force there of men who have been with us for a great many years and who have been picked. They are good, faithful men, who make no trouble for us, for themselves, or for anybody else. In the southern field we have a different and an inferior class of labor to contend with. There we have had a great deal of difficulty in the way of minor annoyances from the men in the interference of the pit committee with the operation of the mine. However, usually we have managed to keep the committee under control.

In the Colorado Springs mine there has never been a complaint come to me or any appeal come to me from the men until, oh, perhaps a month or two ago, when the pit committee wanted to present some matters to me, which I took up with them. But there has never been during the past year any difficulty in that mine in the way of conflicts between the miners and the superintendents or the pit boss which necessitated appealing to me. This one which came to me a month or two ago was simply a request of the men for some modifications of the conditions of the contract which existed between us and the United Mine Workers. Most of these requests I refused, because they were in violation of their own agreement, and there was no difficulty whatever about it. In the south I have never had any appeal made to me by the men. You will perhaps remember, if you have looked over the contract between the union and the operators, that that contract provides for the settlement of disputes between the pit boss and the individual miner through the pit committee and the superintendent or the pit committee and the boss first. If they are unable to reach an agreement, then it is supposed to go to the local officers and the superintendent. In case of failure to get satisfaction there, it goes to the district officers, I believe, and the owners of the mine—officers of the company. Now, I never had a case come to me. There was one case where Mr. McLennan, representing the union, and I got together on a point, but that really was not an appeal, or at least I did not consider it so, and we settled it without any difficulty.

I want to say, by the way, that so far as the officers of the union are concerned we have had no complaint whatever to make. Mr. McLennan has always shown himself ready and willing to consider anything brought to him and to do what he could to see that we got fair treatment and that the miners properly performed their part of the contract. However, we have had a great many cases of interference in the southern mine on the part of the pit committee, and that has recently eventuated in a matter which may compel us to sever our connection altogether with the union.

I have some papers here which I would like to submit, because I think if this commission is going into this question and if union labor in this field is to be a success it can only come about by the maintenance of the rights of both parties to the contract and absolute fairness on the part of both sides to the contract. Now, incidentally, I want to show what kind of men we have had to deal with. I have here——

Chairman Walsh (interrupting). I will ask you right there, before you start on that, Mr. Curtis, what proportion of English-speaking miners have you in your mines?

Mr. Curtis. Practically all speaking English to a greater or less degree. I counted up some months ago, took the pay roll and went through the names, and judging by the names, which is not always a safe criterion, I figured that probably 50 per cent of our miners were foreign born, and probably pretty near that per cent represented men with—well, relatively little knowledge of English. Now, that last is an assumption on my part, which I have never verified, but a large per cent of our miners are foreign born. Probably all can speak English to a greater or less extent; some of them, however, very little.

One of the real difficulties—the real and sole one we have—is in the individual irresponsibility of the individual miner and the apparent inability of the union to control the miner. Now, I have a report here from the mine clerk of the southern mine, in which he says:

"I find on inquiry that the union, since October 15, 1913, have had six checkweighmen, and at one time, when one of them was sick, the president of the pit committee took it, and they kicked worse than ever. They said he robbed them. They have had, as near as I can find out, 14 presidents. No one will keep it, as they are supposed to butt into everybody's business. I was told by one that he took it, thinking he could hold them down, but he gave it up in a month as a bad job. The present one is anxious to get out, as I understand."

Now, I speak of that because I think it illustrates the difficulty of an operator in his attempt to deal with men of that character. They can not even keep peace among themselves. Now, the incident I want to call attention to is this: On November 20 in the daily report there was a note to the effect that "There was a man killed at the Rugby mine"—the Rugby mine is an adjoining mine working nonunion—"last night, and some of our men went to see him. The consequence was that the pit committee would not let them work to-day because they went to see a scab."

I immediately took that matter up. I first wrote to Mr. McLennan, calling his attention to the fact, and advised him that we could not permit any such interference with the operation of the mine. If the pit committee was to determine who was to work and who was not to work, and if they were to prevent our using men and getting the service out of them because of their visiting some poor fellow who had been killed or going to see his remains, I was done with that pit committee, and I proposed to discharge them; but before discharging them I wanted him to make an investigation, and if he had any protest to make or any reason to give why those men should not be discharged to let me know it. Mr. McLennan wrote me after a few days that he had been away and had taken the matter up by phone and had advised the men if my information was correct they were entirely unjustified in their interference, and he is to advise me further. In order that there might be no question of this, I have made some additional inquiries. I have a report from the general superintendent of the mines, who was there that day. I also have a letter here, or a paper, which reads as follows:

"On November 18, 1914, a particular friend of ours was killed at the Rugby mine. We went to see the corpse. Next day when we returned to work at the Repson mine the pit committee notified the drivers not to give us the cars to load coal for the reason of going to see this man who was killed."

It is signed by 13 men. Now, if we have got to let the pit committee run our business, we are going to fire the pit committee and everybody connected with that and responsible for that. We are responsible for that mine and for the operation of it, and I don't propose to have the pit committee exercising any authority there.

Another little matter may be of interest. Here is a notice, one of several of which was posted at the mine, dated November 25, 1914: "There will be no work to-morrow, except for," and so forth.

I have no reason to suppose that the union will support the pit committee in any such proceeding as that. Whether they will agree with me that these men should be disciplined by discharge I do not know. That I will find out. Now, the feeling on the part of the men is that orders of the pit committee go. With the exception of such interference as those which I have cited instances of, and this is the worst one that we have had, we have had no serious difficulty. The other things have simply been annoyances which we have been able to overcome, which exercise and tax our patience. I realize fully that we are dealing with an ignorant lot of men—an ignorant class of men. They have not any conception of what the rights of the public or the rights of the operator may be, and they haven't had power in their own hands long enough to be schooled by it, but it is a little hard on the operator.

Chairman WALSH. How long have checkweighmen been employed at your mine?

Mr. CURTIS. I don't know.

Chairman WALSH. Were they employed at your mine prior to this year?

Mr. CURTIS. I think so; yes. I think they were employed—my recollection is they were employed some time prior to the strike.

Chairman WALSH. Under what sort of an organization did the men agree on a checkweighman at that time?

Mr. CURTIS. Well, if I am correct in that—I wouldn't be positive of it, because I am not sure—it was simply by their selection.

Chairman WALSH. I was going to ask you if there is any difference in the proportionate tonnage for which you pay miners, whether it has been increased after the employment of the checkweighmen.

Mr. CURTIS. No. There is a lot of talk—loose talk—about the miner not getting pay for the coal he mines. I am not prepared to make any statement for anybody's mine but my own, but I know that the trouble with us is to get the coal sold and on the books for which we pay the miners. As a general proposition there is a shortage at the end of the month, instead of a surplus. We have a check on that. We know how much coal we send to the bunkers; we know how much we sell the miners locally; we have our car weights—we also have the pay roll itself. The troublesome thing that bothers me is to find the coal I paid the miners for and not to find the surplus.

Chairman WALSH. What is the difference between your wage rate and the wage rate of nonunion mines?

Mr. CURTIS. I do not know what the wage rate in nonunion mines is. We pay for men underground, $3.45. My understanding is that the present scale for the most of the nonunion men is $3.20; but I haven't any personal information to that effect.

Chairman WALSH. Can you give a comparison of the wages paid to other classes of men?

Mr. CURTIS. Such as what—inside and outside men?

Chairman WALSH. Yes.

Mr. CURTIS. No; I do not know what they are. I could not give you any personal information; I haven't the knowledge.

Chairman WALSH. Do you believe it is practical to maintain checkweighmen without organization?

Mr. CURTIS. Yes. I don't see any reason in the world why they should not be so maintained.

Chairman WALSH. Well, how would they select their checkweighmen?

Mr. CURTIS. Just as they do now—by vote.

Chairman WALSH. They would have just to take——

Mr. CURTIS. Take a vote of the workmen as to whom they want for checkweighman.

Chairman WALSH. Well, if the matter turns out the way you say it does when they have a checkweighman, and if there is a basis for the contention on the part of the miners that they ought to have this checkweighman, and there seems to be some restlessness because they don't have them, there is no reason why that should not be accorded in all mines, is there?

Mr. CURTIS. Why, absolutely none. The State law calls for it. If the State can't enforce its own laws, it better get another administration that can.

Chairman WALSH. How were your earnings in the past year compared with former years when you operated under nonunion conditions?

Mr. CURTIS. Well, I can't give you very satisfactory information on that. I will give you what I can.

Chairman WALSH. Please do.

(See Curtis exhibit.).

Mr. CURTIS. The reason I say that is this: Ours is but a small mine at the best. We are mining now in our southern mine about 8,000 tons a month. We could produce 16,000 in a month if we had a market for it. But during this last year we have been able to operate with a reasonable force all during the year. In past years we have generally found it necessary to shut down for two or three months in the spring and early summer, because of the fact that we could not mine and sell coal at the prices at which it was being marketed during what is known as the early storage period. Then, for two years prior to last fall—that is, the fall of last year—we were seriously embarrassed by two things which handicapped our production: One was the inability to secure cars in which to make shipment. The other was in the inability to secure miners. In each of those years we had in the beginning of the fall-winter season a reasonably good number of miners, but we were unable to get cars with anything like reasonable service. And the consequence was we lost many of our miners who went to other mines, where, for some reason or another, the railroads were a little more free in distributing the cars. The consequence was that during those two years, 1911 and 1912, we operated the southern mines under very unfavorable conditions. We were short of men, we were short of orders, and short of cars; when we had plenty of orders, we had

as cars. All of that affects not only the earnings of the men, but it affects also their production.

Now, in anticipation of the possibility of some such question as you have asked, I have looked over some of our pay rolls for preceding years and attempted to pick out months when the tonnage made the figures approximately comparable. I noticed that in December, 1910, at Rapson No. 1 mine, 40 miners earned for the month $82.15 apiece, average. That was their gross earnings. Their net earnings were $68.35. I also notice, however——

Chairman WALSH. What is the difference between gross and net?

Mr. CURTIS. Sir?

Chairman WALSH. What is the difference between gross and net, what constitutes the difference?

Mr. CURTIS. From the gross earnings are deducted the amounts which are charged to the men during the month, either for powder and oil, or for rent, or for coal we furnish them, or for orders given them on stores to buy supplies. Now, that really means nothing unless you know what the deduction represents. But simply as a matter of information, that shows that those 40 miners averaged a net, after deduction of everything that was charged to them, whether it was powder and oil or whether it was orders on stores for groceries and meats, $13.35 at the end of the month, net. I noticed also that 10 of those men averaged $130.27 as gross earnings. I have selected the 10 highest-paid miners on the list. Those men are paid by the ton. I do that for this reason, that the average earnings of the miners is misleading. Some miners are good miners, and some are bad. Some are dissolute and unsteady, and some are steady men. Taking of the 40 miners the 10 highest-paid men for the month, the maximum pay was $170.55, while the average, as I said, was, for the 10 men, $130.27, showing what men could do if they wanted to.

Now, we paid at that time to drivers, and I presume to practically all men working inside the mine, $2.95 a day for nine hours; outside men were paid $2.10 per day, and two or three boys we paid $1 a day. Those were small, half-grown boys, doing a boy's work. The average production per man for that month was 79.7 tons. That is another thing that if you take into consideration must be taken with an understanding of the conditions of the mine. We have thin veins of coal. They run from some places less than 3 feet to 2½, and very rarely over 4 feet. The consequence is we have a great deal of rock work to do. The entries all have to be, of course, higher than is represented by the thickness of the vein, and the consequence is we have to take out a great deal of rock and have a great deal of narrow work, which is expensive. The 79.7 tons of coal at the mining rate would represent materially less than the men earned, because in addition to the pay they received for the coal they produced they also were paid for their yardage and rock work.

In the first half of September, 1913, that was the first 15 days preceding the strike, we had 33 miners at that time in that mine. The average wages of these 33 miners was $68.80 for the half month. That would make $76.60 for the full month, at the same rate. Twelve miners, however—12 out of the 33—averaged for the half month $61.96, which would have made their wages at the same rate approximately $124 for the month. I haven't here anything which indicates the net wages; that is, the net earnings. Those were the gross earnings.

Now, at that time we were paying for inside men $3—for certain inside men, $3.12; and other men inside, 30 cents per hour; outside men we were paying $2.20 a day; and picker boys, $1. At the present time—I have taken the last half of October of this year—the first 50 men on the roll, all but 9 of whom were miners, the balance being company men, and not salary men, would, on the average, get $50.80 for the half month. That would be $101.60 as their monthly earnings. Their net earnings were $45.96, on the average; that is, after deducting all orders given, charges against them for powder and for oil, and their union dues, and their doctor, and everything else, their average net earnings were $45.96. I have selected out of that 50, 14 miners whose average earnings were $65.42 for the half month.

Now, I haven't anything representing here the average deductions, but I have made a memorandum of the total amount charged up for the half month for stores. Stores with us represents that which we sell the men—powder and oil; practically nothing else. There were 94 miners, and the total stores charged against them was $126.95. That is very much less than it was in December, 1910, and the reason for it was that last spring I got sick of having coal all shot to pieces in violation of the State law. When spring came along we had a great many more miners than usual, and I issued orders that there

men were to mine their coal. It has been a case of mine their coal or get out. Consequently many of these men produced a large tonnage without spending a dollar's worth of powder; don't use any powder; mined it instead.

I may add to that that this October, 1914, statement shows that for the last half of the month the miners have reached 45.9 tons per man. That is in addition——

Chairman WALSH. What is that last?

Mr. CURTIS. The average amount of coal mined per man for the last half of October of this year, 45.9 tons per man. That is, as I said before, an entirely misleading fact, unless it is borne in mind, first, that it represents the average—not even the average does not give the net average for all the men—and, second, that those wages correspond to the amount of coal mined, which is supplemented by the rock and narrow work they have done.

Chairman WALSH. Will you have that written out and handed to the clerk?

Mr. CURTIS. I will.

(See Curtis exhibit.)

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. There are some figures which I have here, and I will look at them.

Chairman WALSH. What is your conclusion, Mr. Curtis, if you have any, as to the comparison of your earnings under these union conditions and nonunion conditions?

Mr. CURTIS. Average of our earnings?

Chairman WALSH. Yes, sir.

Mr. CURTIS. Well, I haven't any conclusions to offer as to that.

Chairman WALSH. Have you any as to your output and the earnings of the men?

Mr. CURTIS. I don't know whether I quite understand your question.

Chairman WALSH. Could you summarize now your conclusions as to the output and earnings of the men under union and nonunion conditions?

Mr. CURTIS. I understand that some of the men complain that they do not make as much now as they did under the old conditions. My own opinion is that that is not justified by the facts. In 1910 we paid 60 cents a ton for mining coal, and in 1913, prior to the strike, we paid 63 cents a ton for all coal 3 feet and over in thickness and 66 cents a ton for all under 3 feet. Under these conditions, if the men do not earn more, it is because of the fact that they then worked nine hours a day and are now working eight hours a day. That has nothing to do with the union conditions, except the State law forbids us to work more underground for more than eight hours a day.

Commissioner GARRETSON. I want to ask one question. In regard to what you state was the arbitrary attitude of the pit committee, that is the way you described them?

Mr. CURTIS. Yes.

Commissioner GARRETSON. If those men have been working for 10 years in a nonunion mine when they first started in the other, is it not very likely that their arbitrary attitude was due in some measure to their intoxication caused from their first effort to put in operation a successful measure?

Mr. CURTIS. I think that has a great deal to do with it; I think those men are intoxicated with the little success they had.

Commissioner GARRETSON. Responsibility has not cooled them?

Mr. CURTIS. That is it. And I feel that I am doing an absolute injustice, and would be doing an injustice, to the union if I did anything else; that I am doing an absolute justice in disciplining these men, and if the union does not want to back me up in it, I have no further use for the union.

Chairman WALSH. Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. You have operated under nonunion conditions and also under union conditions?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. I gather that while you may have found some disadvantages in operating under nonunion conditions you seemingly have discovered that operating under union conditions is not all beer and skittles. Now, summing up the advantages and disadvantages under both conditions, under which of the two conditions would you say the advantages are in the ascendency to the operator?

Mr. CURTIS. Under nonunion conditions absolutely.

Commissioner WEINSTOCK. Under nonunion conditions?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. Then you operate under union conditions not from choice but from necessity?

Mr. CURTIS. From compulsion.

Commissioner WEINSTOCK. And what do you find to be the disadvantages of working under unionism that makes nonunion conditions the preferable conditions?

Mr. CURTIS. Well, I want to say, as a preface to my answer, that so far as I know we have never been accused, either by the men or by anybody else, of ever doing other than treating our men absolutely fair. Our men have stayed by us and they come back year after year. We have never been accused of short-weighing the men or treating them unjustly. We are operating in a dangerous business. You can not get away from the fact that a man who mines coal and who operates a coal mine is in a dangerous business, and you must have discipline in the mine or you are likely to blow up the mine and property and ruin both. We have these constant interferences with discipline in the mine when we are operating under union conditions. Whether that will continue indefinitely I don't know. From testimony given me by people who have operated in other union fields for years, those things will always continue under union conditions. I think that is perhaps a little extreme; I think we may all learn wisdom, but it will be after you and I are dead. These are some of the respects in which we are suffering and will suffer.

I told you that we have not been able in the past year to make money. That is true, but it has been largely because of the abnormal conditions which have been in existence in this field. Whether I shall be be able to make any money next spring, when the storage season comes on, I do not know. There is more coal now than there is a demand for, and I very much doubt it. We have to pay out more money in many cases without any return to the employers. As an illustration, we used to pay the boys, and we only have one or two of them on the outside picking coal in cars, etc. We paid them $1 a day for nine hours, and we now pay them $2.05 a day for eight hours. They are not worth any more, but we have to pay them that whether they are worth it or not. In our Colorado Springs mine we had a man that went on duty at the close of the regular hours for the day engineer, and he stayed there all night. All he had to do was to put a little coal in the boiler, and practically his whole function was that of watchman. That was a job that was very much sought after, and we used to pay him $2.50, where we pay $5.60 now. We have to put on two men that work eight hours. It is not a State law, but is a union law. And those two men do the work, but do not do it any better than the one man used to for $2.50. I do not consider that any benefit to the public, or the operator, or anybody else; it is a waste of money.

Commissioner WEINSTOCK. Do we understand you to say you are paying $2.05 now for service you only paid $1 for?

Mr. CURTIS. I think that is the correct figure.

Commissioner WEINSTOCK. You mean $1 a day or $1 a ton?

Mr. CURTIS. One dollar a day. That is a boy whose sole work is to stand over the coal and pick out the occasional pieces of rock.

Commissioner WEINSTOCK. What difference is there in the selling price of the coal now, when you are paying $2.05 a day for the service, compared with the selling price of the coal at the time you paid $1 a day for that service?

Mr. CURTIS. It is lower than it was at some periods and higher than at others.

Commissioner WEINSTOCK. Strike an average, if you please, Mr. Curtis.

Mr. CURTIS. The selling price of that coal is not based on the cost of production of the coal, but on what you can get.

Commissioner WEINSTOCK. At what period were you paying this $1 a day; how far back?

Mr. CURTIS. Up to the time of the strike.

Commissioner WEINSTOCK. How long ago?

Mr. CURTIS. That was in September, 1913.

Commissioner WEINSTOCK. Prior to that you paid a dollar?

Mr. CURTIS. I think a dollar a day for the boy.

Commissioner WEINSTOCK. Now, you pay more than double for the service?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Will that same increase in wage hold good all up and down the line?

Mr. CURTIS. By no means. We were paying $2.95, I think, for labor inside the mine—work we are now paying $3.45 for.

Commissioner WEINSTOCK. Could you briefly give us the present wage and the wage before the strike for the different functions? Say, the boys got $1 a day against $2.05 now?

Mr. CURTIS. I could not give you that with certainty.

Commissioner WEINSTOCK. Will you be good enough to read off the comparative figures, if you have them?

Mr. CURTIS. My recollection is that we paid $2.95 prior to the strike for all labor inside the mines.

Commissioner WEINSTOCK. And how much now?

Mr. CURTIS. $3.45 we pay now; that is the best of my recollection.

Commissioner WEINSTOCK. An increase of about 16 or 17 per cent?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Have you any other figures there?

Mr. CURTIS. We paid—where are those memoranda I had?

Commissioner WEINSTOCK. Will you be good enough to furnish the commission with the wage list before and after the strike?

Mr. CURTIS. Yes, sir.

(See Curtis exhibit.)

Commissioner WEINSTOCK. How has the selling price of coal ranged since the strike? Take an average as compared with a corresponding period before the strike.

Mr. CURTIS. I can tell you better than the average. We have sold none of our lump coal since the strike at less than $2.75 a ton at the mine, because we could not produce it for less.

Commissioner WEINSTOCK. Since the strike?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Prior—what?

Mr. CURTIS. We sold it at $2.25 at a loss.

Commissioner WEINSTOCK. What is the cost of production; what is the cost to land a ton of coal?

Mr. CURTIS. I do not know that I am obliged to answer that question.

Commissioner WEINSTOCK. No; you are not, if you do not wish to do so.

Mr. CURTIS. I would not have any objection to giving it to the members of the commission, but there are too many coal men around here.

Commissioner WEINSTOCK. You are not obliged to answer any questions that would embarrass you. You went on to say that the selling price since the strike has been $2.75?

Mr. CURTIS. No; that was only a part of my answer, which I did not complete. We have not sold lump coal since the strike at less than $2.75, nor can we produce it at a price which would permit us to sell it at a less price; that is, lump coal. The storage price for two or three months this last summer was $2.40, but I would not sell at that price, because I could not produce it at that cost.

Commissioner WEINSTOCK. Give us a little summary of the prices as they have advanced here in this country.

Mr. CURTIS. The storage prices are held low in order to induce the dealers to buy coal during the time of the year when they do not need it, and thus permit us to operate. As the season advances the price usually increases. In August, I think, our price was $3 a ton for lump coal; in September, $3.25; and since then and now our price is $3.50 for lump coal.

Commissioner WEINSTOCK. Will you, for the information of this commission, be good enough, at your early convenience, to present a statement with the following comparable figures: The average wage 12 months before the strike—for the period of 12 months before the strike—and 12 months after the strike; the average selling price of your coal for a period of 12 months before the strike and a period of 12 months after the strike?

Mr. CURTIS. You want the average wage?

Commissioner WEINSTOCK. Yes; the average wage and the average selling price before and after the strike. Will you do that for us, Mr. Curtis?

Mr. CURTIS. Yes, sir.

(See Curtis exhibit.)

Commissioner WEINSTOCK. In the matter of wages, of course, we want the actual wages paid.

Commissioner O'CONNELL. Not the average scale; you want the actual wages?

Commissioner WEINSTOCK. Yes. Now, summing up, I gather that the disadvantages you find in working under unionism are primarily that of friction and the loss of discipline in your organization?

Mr. CURTIS. That is correct.

Commissioner WEINSTOCK. Are there any other disadvantages?

Mr. CURTIS. Well, I think the excessive wages we are required to pay to certain men is a distinct disadvantage.

Commissioner WEINSTOCK. Would that be a disadvantage if those wages were common wages?

Mr. CURTIS. Yes; I think it is a disadvantage to pay any man more than his time and work are worth, based upon a comparison of the work he does with the work other men do and the price at which they do it. In other words, when I am obliged to pay a boy, who can fill the job the minute he has passed the legal age at which he can work at all, $2.05 a day, I conclude that the public is throwing money away.

Commissioner WEINSTOCK. What is the age of that boy?

Mr. CURTIS. My recollection is that it is 16 years; but I may be mistaken about that.

Commissioner WEINSTOCK. That is the minimum age?

Mr. CURTIS. I think there are others who can answer that question better than I, but I think 16 years is the minimum age; I am not positive about that, however.

Commissioner WEINSTOCK. How much can such a boy earn a day at other occupations?

Mr. CURTIS. When I started to work I earned $4 a week; that was some years ago.

Commissioner WEINSTOCK. That would be about $12.00 a week?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. About $50 a month?

Mr. CURTIS. Yes, sir.

Chairman WALSH. Commissioner O'Connell will ask you some questions.

Commissioner O'CONNELL. Does the criticism you offer apply to both your mines, as to the general criticism?

Mr. CURTIS. Yes. I do not want to be understood as criticising the conditions we have in the mines at Colorado Springs to the same extent as in the south. At Colorado Springs we have little of it.

Commissioner O'CONNELL. That is what I want to know, if your criticism, in answer to Commissioner Weinstock, applied to your general dealings with organized labor or whether you were distinguishing between your two mines.

Mr. CURTIS. I do not think I was distinguishing between them in answer to the first question; I think the answer applies to both, but I think it affects us in varying degree at the two mines.

Commissioner O'CONNELL. What do you think is a remedy for that friction and loss of discipline?

Mr. CURTIS. I will have to throw up my hands I don't know.

Commissioner GARRETSON. You have not found it yet?

Mr. CURTIS. No. I am a thorough believer in the idea that we are obliged in this country to have union labor; theoretically, I think it is correct; practically, I have no use for it. I will make myself perfectly plain—that is, based on my experience with union labor.

Chairman WALSH. Commissioner Lennon has a question or two to ask you.

Commissioner WEINSTOCK. Just one more question, please. What is your opinion about the workmen's compensation? How do you feel about it?

Mr. CURTIS. Well, I feel this way. It is a grief to me when I see men injured and killed. Fortunately, I have not had any killed in recent years. It is a grief for me to see men who suffer injury and death to whom there can not be some compensation made. We have not any means of doing it. Our men have the services of a physician, which includes hospital. We are called upon often times to contribute to the support of their families, which we do willingly. But there is no provision for a man who has been injured or perhaps killed and leaves a family. The profits of the business do not warrant it. I carry insurance that costs me a good deal of money; that, however, is not for the protection of the men, but the protection of the mines against suits.

When you ask about compensation laws, I have not studied the compensation laws which have been enacted in this country, the subject generally, so I have no opinions to offer you which would have any value whatever.

Commissioner WEINSTOCK. Which of the two conditions do you think would be the more equitable, that the burden for injuries and accidents shall be borne

by the worker and his dependents, or that that burden should be placed upon the industry?

Mr. CURTIS. You mean the fatalities and the injuries which are not fatal, which are the inevitable result of labor?

Commissioner WEINSTOCK. Industrial accidents.

Mr. CURTIS. Those should be borne by the industry, but they must be borne by the industry in some way that will not put all the small representatives of the industry out of business.

Commissioner WEINSTOCK. Exactly. Now, this further question, Mr. Curtis: Supposing legislation should be devised whereby you and other mine operators, for example, could get insurance at actual cost in connection with workmen's compensation, what would be your attitude toward workmen's compensation?

Mr. CURTIS. If it was insurance at actual cost, which must be borne by the individual operator for the losses incurrend in his individual mine, it would not be worth a snap of your fingers, because that loss might wipe him out any minute. Now, I carry insurance up to a limited amount, in other words, perhaps $15,000 represents the limit of loss which the insurance company is carrying on any single accident in my mine; if there is a loss above that amount, I must bear it. If your proposition of having it at cost means that the individual operator must bear the individual cost resulting from accidents in his individual mine, it is not any good at all. If you spread it over——

Commissioner WEINSTOCK (interrupting). Exactly. The idea would be to have the industrial accident insurance on the same plane it is to-day—that is, each policyholders to pay his premium, but the loss is distributed over all. Now, with that system in operation, what would be your idea?

Mr. CURTIS. I would rather have that than the conditions that exist to-day. One qualifying clause I put in my answer; I specified that was to apply to accidents which were due to unavoidable conditions, it does not apply to unnecessary accidents which are the fault of the individuals hurt. Now, during the last three or four years I do not think we have had more than one death in either of our mines; we have had few at any time. That one occurred three or four months prior to my taking charge of this company. We had two men working, one in the main entry and one in the back entry. The one in the back entry put in a shot which failed to go off, and he took it out and then had some curiosity as to why that shot failed to go. So he took the fuse out and looked at it, and then went back to the fire crescent and called the man who was working in the main entry back to him, and they discussed the difficulty with that fuse, as to why it had failed to go off. They were not satisfied with their examination of it and cut it open, and then to further determine to their own satisfaction why it had not gone off, one took his lamp and lighted it. Well, powder burns pretty quickly, and it burned his fingers. So he tossed it to one side into a can of powder that he had left there, and that man was buried. I do not know why I should pay, or any operator should pay, for that man's loss.

Commissioner WEINSTOCK. If a piece of machinery in your plant is broken by accident or through the stupidity of some one, who pays for it?

Mr. CURTIS. Unfortunately, I do.

Commissioner WEINSTOCK. Exactly; the industry has to bear it.

Mr. CURTIS. Yes; but that is accident, and not carelessness.

Commissioner WEINSTOCK. Then should not the same principle apply to the human machine?

Mr. CURTIS. Yes; theoretically I agree with you absolutely; the only thing is to work out some scheme which is equitable and will not kill the small operator. What we are trying to do in this day is to cultivate the little fellow, and not put him out of business, and I do not know any quicker way to put him out of business than to perpetrate a law which would be an unjust compensation law.

Commissioner WEINSTOCK. Under which of the two conditions have you found a greater number of accidents, working under unionism or nonunionism?

Mr. CURTIS. My answer to that would be under unionism, but that may not be a fair statement to the union workers. These accidents are spasmodic. The old theory is that we have three in succession, and we have had three. We have had but one during this year that I have been satisfied, from the reports given me, were not due to the carelessness of the man hurt. One was an accident to a man by a pocket rock dropping out of the roof, which he could have prevented if he had taken the proper precautions. The most of them

are due to absolute carelessness on the part of the workmen and disregard of the orders of the pit boss. The pit boss would tell him to put up a prop and he would do it when he got ready.

Commissioner WEINSTOCK. In summing up, what answer would you make to the question?

Mr. CURTIS. To the best of my knowledge and belief we have had more accidents under union working than nonunion, and I think that is not due to any deterioration in the class of the men, but deterioration in the discipline of the mines.

Chairman WALSH. Commissioner Lennon has a question or two to ask.

Commissioner LENNON. The instances that you mention are apparently faults of the individual rather than faults of the unions, these instances of friction in your mines; you do not intimate that they were instances caused by any action or any direction of the unions?

Mr. CURTIS. We think they were absolutely, and they were for this reason: I do not charge it up to the officers of the union in Denver; they have not had anything to do with it. I charge it up to the local members of the union. Now, we are not hiring McLennan or Doyle or Hayes; they are not working in my mine; the men working in my mine are the men down at the mine. If you have an organization in which they have to have 14 different presidents in 13 months there is something wrong with the union in that locality. I do not charge it to the United Mine Workers of America as a class, but I charge it to that particular portion of it.

Commissioner LENNON. Is there anything wrong with the union or something wrong in the individuals composing it?

Mr. CURTIS. We are only dealing with the individuals composing the union.

Commissioner LENNON. Who selects the men that work in your mine?

Mr. CURTIS. We do, to the best of our knowledge, as they appear.

Commissioner LENNON. Is the union responsible for the selection made of the men you employ in your mines?

Mr. CURTIS. The union would like to be, but they won't. That question was brought to me recently in which the request was made by one of our Colorado Springs miners that the checkweighman should keep a list of the men applying for work and we should take the men in the order that the work was promised them, and I said, "We will stop that, because we will promise none of them work"; but the proposition was to take the men in the order that they applied and we won't do that.

Commissioner LENNON. Was that ordered by the district union of Colorado?

Mr. CURTIS. No; it was the request of the local union. I simply refused it and said it was a violation of our contract, and they were sensible enough to drop it.

Commissioner LENNON. How do you compare the quality of the men employed in the mining industry now with a number of years ago?

Mr. CURTIS. My experience is of recent years, and I am not qualified to answer that question.

Chairman WALSH. Commissioner O'Connell has one more question.

Commissioner O'CONNELL. Have you joined this new association that was formed of the operators?

Mr. CURTIS. No, sir; but I probably will. I made a motion that a committee be appointed to do something of that kind, but I was out of town on the occasion of their meeting and so far have not joined it and have not seen their by-laws or whatever they prepared as a result of that day's work.

Commissioner O'CONNELL. You do not know anything about the association?

Mr. CURTIS. No, sir; except by hearsay.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. From the testimony of the last witness I became slightly confused as to what is the meaning of "recognition of the union." What do you understand by "recognition of the union"? What do you understand that to mean?

Mr. CURTIS. My understanding of the meaning of "recognition of the union" is to contract with the United Mine Workers of America.

Commissioner BALLARD. You think that is the general acceptation of the term?

Mr. CURTIS. Yes.

Chairman WALSH. Commissioner O'Connell would like to ask another question.

Commissioner O'CONNELL. To do what, for instance? What does that agreement require you to do?

Mr. CURTIS. It requires us to use their men—hold on, I won't say that. The best answer to that question is to take their contract and read it as to what it requires us to do.

Commissioner WEINSTOCK. Are you not at liberty, under your contract, to employ nonunion men?

Mr. CURTIS. Yes, we can employ nonunion men; but God help the man that goes into that mine who does not join the union.

Commissioner WEINSTOCK. But so far as you are concerned, there are no restrictions on them?

Mr. CURTIS. Oh, no; no restrictions placed on them by us.

Commissioner WEINSTOCK. And the matter of the membership of the men rests with themselves?

Mr. CURTIS. Rests with themselves.

Commissioner WEINSTOCK. Does it absolutely rest with them, or are you required to send to Indianapolis their dues?

Mr. CURTIS. We are not required to send them to Indianapolis, but we pay them——

Commissioner WEINSTOCK (interrupting). You keep a list——

Mr. CURTIS. We take his dues out of his wages.

Commissioner WEINSTOCK. So, if you hire a nonunion man, that moment he becomes a union man because you take out his dues and give them to the union?

Mr. CURTIS. I have not had enough curiosity about that to find out.

Commissioner WEINSTOCK. You know, as a matter of fact, Mr. Curtis, whether your organization is all union or only partly union?

Mr. CURTIS. Oh, our men are all union.

Commissioner WEINSTOCK. All union?

Mr. CURTIS. Yes, sir.

Chairman WALSH. Commissioner Garretson wishes to ask you some questions.

Commissioner GARRETSON. I would like to ask you for an expression of opinion, pure and simple, Mr. Curtis, if you feel free to give it, because this is only touching the human side. You have been through both sides. You were nonunion and now you have been regenerated, and you know both sides of the matter. Isn't the greatest objection that the average employer has to dealing with the union the sense of surrendering his last word in the control?

Mr. CURTIS. I think that is very largely true; yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. Ballard has some questions.

Commissioner BALLARD. Mr. Curtis, as Mr. Garretson says, you have been both nonunion and a union man, but some years ago you changed to union labor?

Mr. CURTIS. Yes.

Commissioner BALLARD. And several years ago you discontinued them?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. I didn't quite understand the reasons you discontinued.

Mr. CURTIS. I did not go into that at length, because that was before my active connection with the company, and I would be giving you only hearsay evidence. I am perfectly willing to go into it at length if you wish hearsay evidence.

Chairman WALSH. We will be glad to have you go into it, as we do receive hearsay evidence when it seems to be of value.

Mr. CURTIS. The reason for discontinuing was the arbitrary and high-handed action of the union. They were, as I understand, interfering radically and seriously with the operation of the mine, and treating even the men unfairly, and were fining some of them excessive amounts, which they were asking this company to deduct from their wages. And it was because of that failure of the union to measure up to its duties and obligations and its possibilities that their use was discontinued.

Commissioner O'CONNELL. Was that the present organization?

Mr. CURTIS. I think so; yes.

Commissioner O'CONNELL. How long ago was that?

Mr. CURTIS. Mr. McLennan could tell you that better than I can. I should say it was 8 or 10 years ago.

Commissioner O'CONNELL. Were the miners then not connected with the Western Federation of Miners?

Mr. CURTIS. Well, I don't like to answer questions that I am not positive about. My understanding is that it was then the United Mine Workers of America; but I don't know how I——

Commissioner WEINSTOCK. How often, Mr. Curtis, do you make agreements with the union, annually or biennially or——

Mr. CURTIS. Well, we made one in September, last year. That was supplemented by a new one made somewhere around September of this year, which is supposed to run for two years.

Commissioner WEINSTOCK. Well, if disputes arise during the life of the agreement, how are those disputes adjudicated?

Mr. CURTIS. There is no method, I think, provided for that.

Commissioner WEINSTOCK. You have no machinery for that?

Mr. CURTIS. Well, I would rather look at the contract and find out. That is the best evidence. If there is any, it is recited in the contract.

Commissioner WEINSTOCK. You have joint grievance committees?

Mr. CURTIS. No.

Commissioner WEINSTOCK. So you have no machinery to deal——

Mr. CURTIS. The machinery is this: As I stated in the beginning of my testimony, if the pit committee and pit boss fail to agree, then it goes to the local officers and the superintendent. If they fail to agree, then it comes to the district officers and to me as the president of the company. If we do not agree, then there is a strike.

Commissioner WEINSTOCK. You have no clause in your agreement providing arbitration in case of not being able to reach an understanding?

Mr. CURTIS. I think not; I think not, sir.

Chairman WALSH. Unless you have some statement that you wish to volunteer, Mr. Curtis, that will be all.

Mr. CURTIS. No; I believe not.

Chairman WALSH. Thank you. You are excused.

Mr. Welborn.

TESTIMONY OF MR. J. F. WELBORN.

Chairman WALSH. State your name, please.

Mr. WELBORN. J. F. Welborn.

Chairman WALSH. And you reside in Denver, Mr. Welborn?

Mr. WELBORN. I do.

Chairman WALSH. And what is your business, if you please?

Mr. WELBORN. I am president of the Colorado Fuel & Iron Co.

Chairman WALSH. How long have you been president of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Almost eight years.

Chairman WALSH. And prior to that time, what was your business?

Mr. WELBORN. I have been with the company almost 25 years in various capacities.

Chairman WALSH. I wish you would begin with the first and just state the various capacities in which you have been engaged with the company.

Mr. WELBORN. I commenced as a clerk in the sales department. I filled the various——

Chairman WALSH. In Denver?

Mr. WELBORN. Yes.

Chairman WALSH. Has all that 25 years been passed in Denver?

Mr. WELBORN. Entirely; yes. I have been employed in the various places in the sales department, up to the office of the vice president, in charge of sales and traffic; and from that I was elected president in the early part of 1907.

Chairman WALSH. How long has the Colorado Fuel & Iron Co., under its present organization, been in existence?

Mr. WELBORN. Twenty-two years.

Chairman WALSH. It is a corporation of what State?

Mr. WELBORN. Colorado.

Chairman WALSH. I wish you would state, as briefly as you can, Mr. Welborn, and in your own way, if you will, the history of the Colorado Fuel & Iron Co., to your knowledge, during the past 25 years, in respect to strikes and labor troubles. Begin with your first knowledge of the first one.

Mr. WELBORN. I think the first strike of which I have memory, after I came with the company in 1890, occurred in 1894. That was the strike that has been referred to a number of times. It was a sympathetic strike, as I understand it. I am quite sure no demands were made in Colorado, but at the time a strike existed in Pennsylvania and perhaps other parts of the East. The men here were called out in sympathy with the workmen in the East. Several hundred men marched from Fremont County—one witness has placed the number at 700—until they reached the southern part of the State—Huerfano and Las Animas Counties. I think the men, or practically none of them in those counties, left their work; but as soon as this large army of men from the northern county put in their appearance the men—at practically a number of mines, anyway—in the south left their work. I don't remember how long that strike lasted. I had no direct connection with the conduct of it or the company's side of it.

Chairman WALSH. Do you recall, as a matter of history, what means were taken to protect property and preserve business in the strike zone?

Mr. WELBORN. My impression is that means somewhat similar to those employed in the present strike.

Chairman WALSH. That is, the militia was called out?

Mr. WELBORN. As to that, no; I think the militia were not called out. The first steps taken were those of employment of guards or deputy sheriffs, or whatever they might have been at that time. You will recall that one witness said or spoke of the Federal troops having been brought into Colorado at the time. I think that was directly in connection with the railroad strike occurring at the time, but they served indirectly as protection to the coal properties in souther Colorado, for the reason that so many of the coal mines are very close to Trindad and other central points at which the Federal troops were stationed.

Chairman WALSH. Did that strike have any noticeable effect on the conditions in your industry, either as to wages, hours, or conditions, or anything else?

Mr. WELBORN. It had no effect, I think, on wages or hours, because, as I said a moment ago, there were no demands; there was nothing to adjust. As to business, it naturally affected it very materially, but just to what extent——

Chairman WALSH. That is, while the strike was on, you mean?

Mr. WELBORN. Yes.

Chairman WALSH. But did not affect the industry, so far as the relations of your company to its men were concerned?

Mr. WELBORN. No, sir.

Chairman WALSH. Was there any considerable number of men—or do you know that—that finally were left out of employment on account of that strike at that time?

Mr. WELBORN. I don't know, but I am quite sure no considerable number were left out.

Chairman WALSH. Well, unless you can think of some characteristics of that strike that might be significant to our inquiry you may proceed now to the next labor trouble.

Mr. WELBORN. The next labor trouble was the one that occurred in 1903 and 1904. It was called November 9, 1903, and called off by John Mitchell, president, and W. B. Wilson, secretary of the organization, June 2, 1904.

Chairman WALSH. It was called off then?

Mr. WELBORN. Called off; yes. My memory does not serve me as to the demands that were made at that time.

Chairman WALSH. Well, we have them practically agreed upon here by the witnesses, so you may leave that out.

Mr. WELBORN. I don't know—I think I would rather answer what questions you care to ask me.

Chairman WALSH. Very well. The militia were called out in that case?

Mr. WELBORN. I believe they were, some time after the strike was called, in the early part of 1904.

Chairman WALSH. What knowledge have you of the deportation of men at that time?

Mr. WELBORN. I have none.

Chairman WALSH. Any first-hand knowledge?

Mr. WELBORN. No; none whatever.

Chairman WALSH. Did your company have anything to do with it through direct request to have this done?

Mr. WELBORN. I am very sure it did not.

Chairman WALSH. I wish you would give us a brief statement of the organization and operation of the Colorado Fuel & Iron Co., as regards the determination of labor conditions and the control of their labor force. How has your company organized to handle the labor situation?

Mr. WELBORN. There is no special organization in our company for the purpose of handling the labor.

Chairman WALSH. Well, how are the men employed?

Mr. WELBORN. Generally speaking, they are employed by the men at the mines—the superintendent and his pit boss, perhaps. In other cases they may be employed by the division superintendent located at Trinidad.

Chairman WALSH. I wish you would go down from the president, which I take, of course, to be the head of the company, and give me the names of the operating officers.

Mr. WELBORN. Well, the chief operating officer in the fuel department is Mr. Weitzel, manager of the fuel department. Immediately under him in authority is the assistant manager, P. J. Mattison. In the largest district we have what we call a division superintendent, located at Trinidad, J. P. Thomas.

Chairman WALSH. What does he have jurisdiction over?

Mr. WELBORN. Mines in the Trinidad district.

Chairman WALSH. Are there other division superintendents?

Mr. WELBORN. No; we have no other division superintendents. The other mines are enough nearer to our main office, of the department at Pueblo, to make it unnecessary to have a division superintendent there.

Chairman WALSH. Follow on down, then, if you will, please, Mr. Welborn.

Mr. WELBORN. Next after the division superintendent comes the mine superintendent, and then the pit boss, so called, who has immediate charge of the men underground.

Chairman WALSH. Give me a general description of your property in the counties in Colorado in which they are located.

Mr. WELBORN. The names of the mines?

Chairman WALSH. Yes, sir.

Mr. WELBORN. We have in Las Animas County the Marley mine, immediately south of Trinidad; Starkville mine, also south of Trinidad; Engleville mine, very near, which has been idle for a few years; Sopins mine; Tercio; Primera; Frederick; Segundo coke ovens; Berwind mine; Tabasco mine and coke ovens; all of those properties are in Las Animas County.

Chairman WALSH. In Las Animas County?

Mr. WELBORN. Yes. In Huerfano County we have the Rouse mine, the Lester, Ideal, Cameron, Walsen, Robinson, McNally, Pictou. In Fremont County we have Rockvale, Coal Creek, Fremont, and Nonac. In Gunnison we have Crested Butte.

Chairman WALSH. What is that?

Mr. WELBORN. Crested Butte bituminous mine, and an anthracite mine called Floresta. In Pitkin County, the Gulch mine. In Garfield County, the Marian. That constitutes our mining properties.

Chairman WALSH. What is the total number of men employed in your mines when running at full capacity?

Mr. WELBORN. We have had about 8,000 men, in the mines and coke ovens together, and when the mines were running full and the coke ovens had the same.

Chairman WALSH. How many miners have you in your mines now?

Mr. WELBORN. The last figures I saw showed a little over 4,000. That is for the month of October.

Chairman WALSH. How many did you have on September 1, 1913?

Mr. WELBORN. Approximately, 5,500; I should say somewhat less.

Chairman WALSH. When the strike was called on September 23, 1913, how many of your men went out?

Mr. WELBORN. I think somewhere from around 40 per cent of our men went out.

Chairman WALSH. Was there any particular change in the number between the 1st of September and the 23d, when the strike was called?

Mr. WELBORN. I think not.

Chairman WALSH. Was there any considerable number left anticipating a strike?

Mr. WELBORN. A few left immediately before the 23d, and of those who responded to the strike call for various reasons did not leave on the 23d; some

stayed on until the end of that week and then left, and most of them claimed because of the threats that had been made against them.

Chairman WALSH. Well, how many went out on September 23?

Mr. WELBORN. I can't tell. I would have to approximate that very roughly, because we have made no figures, kept no records to indicate just what were in our employ on the 23d of September and what number the next day after, we will say.

Chairman WALSH. I am trying to find out, if I can, how many went out immediately upon the call, and how many went out which you conclude went out on account of being threatened and intimidated?

Mr. WELBORN. Well, there were several hundred, according to my advice, who left because of the threats made against them. Some of them might have left immediately before the 23d. At our Primera mine from April 20 until the 26th of that month, as I remember it, 106 men, I believe, or something over a hundred, left our employ. They were mostly Austrians, and practically all of them, either directly or indirectly, had said to our superintendents and to our other officers whom they had met that they were going to remain at work; they did not believe in the strike; that they were satisfied with the conditions, making good wages, and that they were going to remain. Later they came to the superintendent, singly and in small numbers, and with quite an apparent regret stated that they would have to leave; either they had been threatened, or the family had, or some immediate friend had been threatened, and they requested to tell the friend to go. That condition to some extent existed in practically all the mines.

Chairman WALSH. When was the present wage scale of your company adopted?

Mr. WELBORN. April 1, 1912.

Chairman WALSH. How was that wage scale determined?

Mr. WELBORN. It was determined by an arbitrary advance over the previous immediately preceding scale.

Chairman WALSH. When had a scale been fixed prior to that time?

Mr. WELBORN. January 1, 1907.

Chairman WALSH. And when had one been fixed prior to that time?

Mr. WELBORN. In October, 1902.

Chairman WALSH. There was no advance, then, after the strike of 1904 until 1907?

Mr. WELBORN. None; no, sir.

Chairman WALSH. And what was the advance of 1907?

Mr. WELBORN. The advance of 1907 was an arbitrary of 5 cents per ton at, I think, not all of the mines, but practically all of them—an arbitrary increase of 5 cents per ton, which approximated 10 per cent.

The advance of 1902 had been 5 cents in some mines and 10 in other districts, and materially exceeded 10 per cent increase.

Chairman WALSH. The testimony——

Mr. WELBORN. May I not give you the later advance?

Chairman WALSH. Yes; certainly.

Mr. WELBORN. The one of 1912 was also an advance of about 5 cents per ton, possibly 5 cents at everyone of the mines, and it has amounted to approximately 10 per cent. The percentage of increase in the mining rate in the three advances over the scale existing prior to October, 1902, was 32 in the Trinidad district and something over 40—between 40 and 45—in the next largest district, that in Huerfano County.

Chairman WALSH. Now, by whom was the increase of 1912 determined?

Mr. WELBORN. By the managing officers of the company. It came up in discussion, the advisability of it, I think, first between Mr. Weitzel and myself; no demand had been made for it; no suggestion so far as that is concerned of dissatisfaction of the then existing wages.

Chairman WALSH. What increase was made in the day rates?

Mr. WELBORN. Our day rates, if I remember correctly, were in the most important employments $2.95, and were increased from $3.15 to $3.25. Those rates applied to the timbermen, trackmen, drivers, and blacksmiths.

Chairman WALSH. You say no request had been made by any of the employees?

Mr. WELBORN. No. It has always been our policy to have our wages at such a point, as well as the conditions, general conditions at the mine, that requests, or certainly demands, would not be made upon us.

Chairman WALSH. And prior to the increase of 1912, had there been any individual demands by employees for increase in wages?

Mr. WELBORN. I am very sure there had not been; to my knowledge there had not been.

Chairman WALSH. Why was the increase made?

Mr. WELBORN. Increases generally in wages were being made over the country. Our scale had always been higher than the scale in the union districts with which we were competing; and it was our purpose to keep it higher as long as we could do so and make both ends meet in a business way.

Chairman WALSH. Upon what basis was this increase made?

Mr. WELBORN. Our scale has always been an even number of cents, at an even number of cents per ton—40, 45, 50, or 55. Whenever advances have been made, they have been almost without exception at the rate of 5 cents per ton. There was no particular reason for that, but it was an easy way to make the advance, and usually is approximately 10 per cent.

Chairman WALSH. At this point we will take an adjournment until to-morrow morning at 10 o'clock.

(At this time, 4.30 o'clock p. m., the further proceedings were adjourned until the following day, Saturday, December 5, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Saturday, December 5, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

TESTIMONY OF MR. J. F. WELBORN—Continued.

Chairman WALSH. We will proceed. Mr. Welborn, how was the amount of the increase of 10 per cent determined by your company?

Mr. WELBORN. I stated that the increase approximated 10 per cent.

Chairman WALSH. Approximated it.

Mr. WELBORN. It was our practice to make the increase a given number of cents per ton. In almost every instance it was 5 cents per ton.

Chairman WALSH. How was it determined, so far as the persons who received it, the employees, were concerned? What did you consider with reference to them, if anything?

Mr. WELBORN. We felt very sure that the employees, having made no complaint about the wages they had been receiving, would be very well satisfied with an increase of 5 cents per ton, approximating 10 per cent.

Chairman WALSH. Well, did you take into consideration in making the increase the profits that the company was making or the increased cost of living of the employees and matters at that time that might be called social?

Mr. WELBORN. The profits that we might have been making or thought that we ought to make were not a factor in any sense of the word. The general increase in the cost of living was considered by us.

Chairman WALSH. What had been the increase in the cost of living between the two increases?

Mr. WELBORN. Which two?

Chairman WALSH. The increase of 1907 and the increase of 1912.

Mr. WELBORN. I think the increase in the cost of living had not been equal, on a percentage basis, to the increase we made in our wages.

Chairman WALSH. Did you undertake to determine that in some more or less definite way?

Mr. WELBORN. No; we did not.

Chairman WALSH. I wish you would describe what the conditions are in your mines as regards improvements for safety, ventilation, and so forth.

Mr. WELBORN. We have attempted—and, I think, with success—to keep in advance of the law in the matter of safety appliances. In fact, the last law passed in Colorado governing coal mining incorporated many of the practices that had been in vogue in our company for some years. As to improvement, we have not only met the requirements of the trade, but the proper consideration that should be given to the safety of the men.

Chairman WALSH. How are conditions as regards safety and sanitation determined by your company?

Mr. WELBORN. By our experts immediately connected with the operation of our properties.

Chairman WALSH. Just describe the sort of staff of experts you have upon that subject.

Mr. WELBORN. The manager of our fuel department himself is an expert in every feature of coal-mine operation. His assistants, many of them, at least, might be classed, I think, as experts. They have the practical knowledge of the requirements in a coal mine.

Chairman WALSH. Describe—pardon me——

Mr. WELBORN. I was going to say that most of our coal-mine superintendents commenced as coal diggers or in other employment about the mine of a miner character.

Chairman WALSH. Describe the facilities which you have for first-aid service to injured persons in your mines.

Mr. WELBORN. I can't describe in detail our first-aid facilities. One of the witnesses who is to follow me, Mr. Weitzel, can give you that information in detail.

Chairman WALSH. On whose recommendation and for what reason was the change to an eight-hour day made?

Mr. WELBORN. Before I answer that I should like to follow a suggestion just made to me in connection with our operators, and that is——

Chairman WALSH. Very good.

Mr. WELBORN (continuing). That we have in addition to the usual operating staff an inspector whose sole duty it is to examine mines with respect to safety and ventilation.

Chairman WALSH. When was the change to an eight-hour day made in your mines?

Mr. WELBORN. The change to an eight-hour day was made in the early part of 1913.

Chairman WALSH. On whose recommendation and for what reason was the change made to an eight-hour day?

Mr. WELBORN. It was made after a consultation between Mr. Weitzel and other officers of our company. Up to that time an eight-hour day had been in effect for a number of years as to coal diggers only. That applied to something like 60 per cent of all the employees, probably 75 to 80 per cent of those working underground. The law which was passed at the last session of the legislature and which became effective, in fact I think it was—I know it was—passed after the establishment of the eight-hour law and included in addition to coal diggers all other workmen underground.

Chairman WALSH. What had been the attitude of the Colorado Fuel & Iron Co. to the eight-hour law prior to that time?

Mr. WELBORN. We had taken no decisive position in recent years against the passage of an eight-hour law applying to men underground. At the same time, we believed that certain employees might just as well work a little longer with no great danger to themselves.

Chairman WALSH. How are these men employed? Just describe the entire modus operandi for employing workers.

Mr. WELBORN. They make application in the usual way as anyone would seeking employment, usually to the superintendent or pit boss of the mine. They may be employed by either the pit boss or the superintendent. In other cases they are employed by officers higher in rank, the division superintendent at Trinidad, if he happens to know that a certain mine is in need of men of a particular class he will act on his own knowledge and make the employment himself.

Chairman WALSH. What is the reason for the high percentage of the non-English-speaking men working in the mines of the Colorado Fuel & Iron Co.?

Mr. WELBORN. I do not admit that that is true.

Chairman WALSH. I was assuming that on account of what had been said heretofore. Please give us the percentages yourself, then.

Mr. WELBORN. Our last figures show almost 30 per cent of English-speaking people employed in all of our mines. In one important district, or at one or two mines comprising a subdistrict at Walsenburg, the percentage of English-speaking people is 45. I think that will compare very favorably—I am sure that it will—with other coal-mining districts of importance in the United States.

Chairman WALSH. What is your idea that the reason of 70 per cent of them being non-English speaking, regardless of comparison with other people?

Mr. WELBORN. The coal-mining industry in the United States has increased more rapidly than the inclination or desire of English-speaking people to take up that work.

Chairman WALSH. Are immigrants preferred by the companies to residents?

Mr. WELBORN. Most decidedly not.

Chairman WALSH. What record do you make when a man is employed?

Mr. WELBORN. We make a general record of his age, his nationality, take account of the place where he was last employed——

Chairman WALSH (interrupting). On a printed form?

Mr. WELBORN. Yes.

Chairman WALSH. Have you one of those?

Mr. WELBORN. I have not; but I think Mr. Weitzel can furnish you one when he comes on the stand, if you desire it.

Chairman WALSH. Is Mr. Weitzel here now?

Mr. WELBORN. He is. I will ask him to obtain a copy for you before he comes on. Have you one now, Mr. Weitzel?

Mr. WEITZEL. I have none with me now.

(The blank record referred to was subsequently submitted in printed form.)

Chairman WALSH. Please produce one, Mr. Weitzel.

By whom are your men ordinarily discharged?

Mr. WELBORN. By the pit boss or superintendent under whom they are working.

Chairman WALSH. What appeal does the miner have if he thinks he is unjustly discharged?

Mr. WELBORN. He may go as far up the scale in the official list as he desires, and occasionally does, from the division superintendent to the manager or assistant manager. Not infrequently I have complaints myself.

Chairman WALSH. How many did you have, say, during the year 1914, that came to you directly, Mr. Welborn?

Mr. WELBORN. Comparatively a small number; I should say 10 or 12, possibly 15, maybe twice that number.

Chairman WALSH. During the year 1913?

Mr. WELBORN. I have not charged my memory with that, but I should say a similar number.

Chairman WALSH. Did the men come directly to your office?

Mr. WELBORN. Sometimes they did, and other times they have written.

Chairman WALSH. Do you keep a record of those that come to your office?

Mr. WELBORN. No.

Chairman WALSH. When an appeal of that kind is made, what do you do?

Mr. WELBORN. I listen to all the man has to say if he comes to my office and I immediately take the matter up with Mr. Weitzel unless some one else is more available. A very complete investigation of his complaint is made, and if they are justified we correct his——

Chairman WALSH (interrupting). Do you recall any cases where you have reversed the action of Mr. Weitzel and restored a miner to work?

Mr. WELBORN. I have not reversed the action of Mr. Weitzel, because I have never had any complaint of Mr. Weitzel's treatment of the men. Complaints that have come to me have not been taken up with Mr. Weitzel, but for reasons known to the complainants they have come to me first.

Chairman WALSH. Do you recall any case where you have reversed the action of whoever discharged the men and reinstated them?

Mr. WELBORN. There have been instances; I do not know that I can tell the names or the mines at which they occurred. When this condition has developed, or it has been found necessary to reverse the mine employees, the bosses, or whoever they may have been, Mr. Weitzel has taken care of that.

Chairman WALSH. You do not recall any case where you directly ordered the miners back?

Mr. WELBORN. No; Mr. Weitzel would issue that order.

Chairman WALSH. What record is made by your company when a man is discharged?

Mr. WELBORN. I can not tell you in detail. The card which is filled out when he is employed is probably marked with some notation of the discharge.

Chairman WALSH. Was there a large number of your men discharged during the strike of 1904?

Mr. WELBORN. No, sir.

Chairman WALSH. On the ground that they belonged to the union?

Mr. WELBORN. No, sir; they were not.

Chairman WALSH. Are the superintendents of the mine instructed to discharge union men?

Mr. WELBORN. They are not. They are instructed on the contrary not to discharge men because they may belong to the union.

Chairman WALSH. Are they instructed to discharge men whom they consider as agitators or otherwise undesirable?

Mr. WELBORN. That would depend on the extent to which the men were undesirable—were disturbing the working conditions at the mine or the peace of the men at the mine.

Chairman WALSH. Now, that is determined, of course, entirely by the pit boss.

Mr. WELBORN. Not entirely; no. Very probably in an aggravated case he would communicate not only with the superintendent, but that officer might go to Mr. Weitzel or some other general officer in that department.

Chairman WALSH. How many men were discharged on the ground of being agitators or disturbing the peace of other employees following the strike of 1904; say during the year?

Mr. WELBORN. I haven't any record of that, but I should say a comparatively small number; and within my knowledge during the past eight years I can not recall an instance of a man being discharged for that cause. I should not say there had been none, because I assume there have been.

Chairman WALSH. When they are so discharged, are other mining company superintendents or other mines notified?

Mr. WELBORN. If a man is not a desirable employee in one mine, the other mines in our company are usually informed of the fact.

Chairman WALSH. Do you inform the other mining companies?

Mr. WELBORN. No; we do not.

Chairman WALSH. Your company, I believe, has 13 directors?

Mr. WELBORN. It has; yes.

Chairman WALSH. Six reside in Denver and seven in the city of New York?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And where are the meetings of the board of directors held?

Mr. WELBORN. Meetings of the board may be held in New York or in Denver.

Chairman WALSH. Where are they usually held?

Mr. WELBORN. We very rarely ever have a board meeting, or have had very few board meetings except at the time of our annual stockholders' meeting. We have an executive committee composed of five members, four of whom reside in Denver. That committee acts upon most of the important matters that might otherwise come before a board; and their actions are later approved by full meeting of the board.

Chairman WALSH. My question, Mr. Welborn, was where are the meetings of the board of directors usually held?

Mr. WELBORN. I think I answered that.

Chairman WALSH. If you did, I did not hear it.

Mr. WELBORN. They may be held in Denver or New York, and are held in both places.

Chairman WALSH. Well, how many meetings of the board of directors have you had in Denver during the past year?

Mr. WELBORN. During the past year I think we have had but one meeting of the board of directors, and that at our annual meeting in October.

Chairman WALSH. How many meetings have you had in the city of New York during the past year?

Mr. WELBORN. I think no formal meetings of the board in the city of New York.

Chairman WALSH. Last year how many meetings did you have in New York of your board of directors?

Mr. WELBORN. I don't know that we had any.

Chairman WALSH. And last year, how many meetings did you have in the city of Denver of your board?

Mr. WELBORN. I know of one; I don't remember others.

Chairman WALSH. And the year before that, how many meetings of the board of directors did you have in the city of New York?

Mr. WELBORN. I don't recall any; I don't say we had none; we may have had.

Chairman WALSH. How many in the city of Denver?

Mr. WELBORN. The usual meeting at the time of the stockholders' annual meeting, and possibly others.

Chairman WALSH. What was the date of your meeting in the city of Denver in the year 1913?

Mr. WELBORN. About the 20th of October. Our annual meeting day is the third Monday in October.

Chairman WALSH. And last year how many meetings did you have in the city of New York with reference to the business of the company in Colorado?

Mr. WELBORN. I don't know that. I have had until very recently practically no communications with anyone in New York with respect to our business. The chairman of our board, Mr. Bowers, lives in Denver, and he has carried on most of the correspondence with the New York office.

Chairman WALSH. Well, now, who does he correspond with in the New York office?

Mr. WELBORN. Mr. Rockefeller, I think, usually.

Chairman WALSH. Mr. Murphy—do you have any correspondence with Starr J. Murphy?

Mr. WELBORN. I have on occasions corresponded with him.

Chairman WALSH. Any with Jerome Greene?

Mr. WELBORN. Some letters have passed between us; yes.

Chairman WALSH. Have you had any letters or telegrams from Mr. Jerome Greene during the past two weeks?

Mr. WELBORN. I think not. I wouldn't say positively. I have had none of material importance.

Chairman WALSH. Have you had any during the past month?

Mr. WELBORN. I should have to look in my records before I can determine that.

Chairman WALSH. Will you please look at them and let us know after the noon recess?

Mr. WELBORN. Yes.

Chairman WALSH. Have you had any communications, by wire or letter, with Mr. John D. Rockefeller, jr., during the past month?

Mr. WELBORN. Yes; I remember receiving a letter from Mr. Rockefeller a few days ago.

Chairman WALSH. Referring to this trouble here?

Mr. WELBORN. Not at all. If you wish to ask whether or not I have had correspondence with New York concerning this here, I can say I have not.

Chairman WALSH. Have you had any correspondence with Mr. John D. Rockefeller, jr., with reference to the industrial conditions in Colorado during the past month?

Mr. WELBORN. I have not.

Chairman WALSH. Have you had any with Mr. Murphy or Mr. Greene?

Mr. WELBORN. My impression is that during the past month any communications received, such communications as I may have received from them, have not dealt directly with, as you call, the industrial situation.

Chairman WALSH. Well, what do you mean by saying directly?

Mr. WELBORN. Well, I rather assume that when you speak of the industrial situation you have in mind the disturbance here?

Chairman WALSH. Yes.

Mr. WELBORN. Our business is an industrial corporation, and communications might have referred generally to our business, without having any direct reference to the strike situation.

Chairman WALSH. Well, I would like you to explain that a little further, so that I can draw the distinction, and the commission can determine whether or not they desire to see that correspondence themselves.

Mr. WELBORN. I would like to bring the correspondence for your inspection, and you can determine then whether or not——

Chairman WALSH. I wish you would. I hand you a telegram, and I want to ask you whether or not you received it [handing telegram to witness]?

Mr. WELBORN (after reading telegram). I assume that is the telegram published in last night's paper.

Chairman WALSH. It is the one I saw published in all the papers.

Mr. WELBORN. Yes; I received it—I think I recognize that telegram.

Chairman WALSH. How many telegrams have you received from Mr. Rockefeller?

Mr. WELBORN. I would like to call your attention to the fact that this is dated April 30. It has no direct connection with the last question you asked.

Chairman WALSH. What was that?

Mr. WELBORN. About the last month's correspondence.

Chairman WALSH. No; it has no connection with it. I did not intend to give it any such connection, if it appeared to you that way.

Mr. WELBORN. It did not necessarily to me, but I wanted the record to show.

Chairman WALSH. How many telegrams have you received from Mr. John D. Rockefeller, jr., since that time?

Mr. WELBORN. I don't know. I should say I have received several.

Chairman WALSH. A very great number?

Mr. WELBORN. No; not a great number, unless you would call more than 15 or 20 a great number.

Chairman WALSH. Will you please bring those telegrams after the noon recess?

Mr. WELBORN. Do you want to see all of them?

Chairman WALSH. Yes.

Mr. WELBORN. Whether they relate to this matter or not?

Chairman WALSH. If they relate to the business of the Colorado Fuel & Iron Co.

Mr. WELBORN. I would be very glad to show you all of the telegraphic correspondence that I have had with Rockefeller.

Chairman WALSH. If it does not refer to this matter, it will not be introduced in evidence.

Mr. WELBORN. I should not object to your looking it over and reading it, but there might be correspondence that I would not care to have published as that telegram was published last night.

Chairman WALSH. If it does not refer directly to this inquiry, of course, we do not care for it. Do you communicate with any person else in New York with reference to the business of the Colorado Fuel & Iron Co. except Mr. Rockefeller, Mr. Murphy, Mr. Greene, and Mr. Gates.

Mr. WELBORN. Yes. We have other directors, one of whom is Mr. John H. McClements. I occasionally communicate with him.

Chairman WALSH. Any other persons?

Mr. WELBORN. I have on occasions, but very infrequently, communicated with Mr. Gould concerning our affairs. I think not recently, however.

Chairman WALSH. Mr. George Gould?

Mr. WELBORN. Yes.

Chairman WALSH. Have you had any communications with Mr. Gould within the past three months?

Mr. WELBORN. I have not——

Chairman WALSH. Have you had any communications with Mr. Gould——

Mr. WELBORN (continuing). Other than possibly to send to Mr. Gould some formal monthly reports, without comment. But I think I have not even received acknowledgment of those. Certainly no letter relating to our business.

Chairman WALSH. Now, have you received any telegrams or letters from Mr. Jerome D. Greene within the last six months referring to this matter?

Mr. WELBORN. I have had some telegrams from him and some letter, but just what——

Chairman WALSH. I will save time by asking you to bring the letters and telegrams you have received since April 30, or, we will say, April 1.

Mr. WELBORN. Yes.

Chairman WALSH. 1914 down to date, any letters or telegrams that may have passed between your company here, or yourself, and Mr. Jerome D. Greene, Mr. Starr J. Murphy, and Mr. John D. Rockefeller, jr.

Mr. WELBORN. Very well.

Chairman WALSH. Do you have a system of company stores in connection with your mines?

Mr. WELBORN. Yes; we have.

Chairman WALSH. Are they operated by the Colorado Fuel & Iron Co. or another company?

Mr. WELBORN. Directly by the Colorado Supply Co., all of the stock of which is owned by the Colorado Fuel & Iron Co.

Chairman WALSH. That company is a corporation of what State?

Mr. WELBORN. Colorado.

Chairman WALSH. By whom are the prices charged at these stores of the Colorado Supply Co. determined?

Mr. WELBORN. In the main and in a very general way by the store managers.

Chairman WALSH. What is the capital stock of the company?

Mr. WELBORN. Slightly less than $700,000.

Chairman WALSH. And what are the earnings of the company on $700,000 worth of stock?

Mr. WELBORN. They have been around 20 per cent per annum.

Chairman WALSH. Around 20 per cent.

Mr. WELBORN. Yes.

Chairman WALSH. Has it been more or less than 20?

Mr. WELBORN. Frequently less, and sometimes more. I should say that in the last few years they have averaged close to 20 per cent. But I should like to say in that connection that the Colorado Supply Co. is doing a very important wholesale business, selling goods to merchants in Colorado and New Mexico, as well as supplying our retail stores with their goods. We keep a wholesale department at Trinidad and Pueblo, and in that way our retail stores are able to almost always obtain better prices and better deliveries than if we depended upon the usual jobbers.

Chairman WALSH. Do you have competition in any of your camps?

Mr. WELBORN. We have very active competition in something over half of them; yes.

Chairman WALSH. And in the other half, what?

Mr. WELBORN. In the other half there is no direct competition through the existence of competitive stores. But almost all of our camps are located very close to some important town, and peddlers have access to such camps, to all of our camps, in fact, and they are particularly active in the camps that have not competitive stores.

Chairman WALSH. Do you discourage competition from outside stores in any way?

Mr. WELBORN. I should say that every man in business discourages, unconsciously, if not otherwise, competition; he is inclined to do all the business he can; to put the best foot forward.

Chairman WALSH. How do you do it in your camps? How do you discourage the solicitation by outsiders?

Mr. WELBORN. We do not discourage solicitation except by——

Chairman WALSH. Well, discourage competition, then.

Mr. WELBORN. I suppose it is the same. But we discourage buying from competitors by furnishing our patrons with at least as good a quality of goods as they can obtain from anyone else at at least as low a price.

Chairman WALSH. Do your employers ask them not to trade with outsiders?

Mr. WELBORN. Not that I know of, sir. I think I shall answer that more positively—that they do not.

Chairman WALSH. Have you ever heard of a man being discharged for trading with outsiders?

Mr. WELBORN. No; our men are not discharged for trading with outsiders.

Chairman WALSH. By whom are the charges made—you have a hospital service, I believe?

Mr. WELBORN. Yes.

Mr. WALSH. Just describe its constitution, will you, please—how it is organized and run?

Mr. WELBORN. Our hospital is located at Pueblo.

Chairman WALSH. Do you own the building yourselves?

Mr. WELBORN. Yes. We have an investment of something like $300,000 in it. It is second to none in the West, and I would almost be willing to apply that to the whole of the United States, so far as appointments and service are concerned.

Each camp, each mining camp, has a doctor, who devotes his time almost if not exclusively to our employees. Every employee pays a dollar a month, which entitles him and his family to whatever medical attention is required; and when the hospital service is found necessary they are sent to the hospital without charge and returned to their former place of employment without charge. They are not sent from the hospital until they are able to go to work.

Chairman WALSH. Does that treatment apply to all character of injuries and illnesses on the part of employees and the family?

Mr. WELBORN. No; it does not. I think Mr. Osgood cited an instance, and this is the same.

Chairman WALSH. The same exception applies to your company?

Mr. WELBORN. Yes.

Chairman WALSH. By whom were these charges determined?

Mr. WELBORN. The charge of $1 per month has been the practice since the hospital department was organized in about 1903. I believe it is a common charge——

Chairman WALSH. It is taken out——

Mr. WELBORN (continuing). It is a common charge among employers of labor and railroads and others who have a hospital department.

Chairman WALSH. It is taken out of the wages of the men, monthly?

Mr. WELBORN. Yes; taken out of the wages of the men, monthly.

Chairman WALSH. Have you had complaints from men working in your mines as to this hospital charge?

Mr. WELBORN. No. The men seem to express a great deal of satisfaction with the hospital service, a greater satisfaction than almost anything else in connection with our operation.

Chairman WALSH. Is there a charge for a portion of a month?

Mr. WELBORN. Yes. If a man came in for half a month or left before the expiration of half a month, he would be charged 50 cents.

Chairman WALSH. How does your hospital service come out, financially?

Mr. WELBORN. It breaks even, or about that. In a few years a nominal profit has been shown, not enough to more than take care of needed improvements. In a number of years the departments have lost. In our last fiscal year the department lost money.

Chairman WALSH. How much did it lose in the last fiscal year?

Mr. WELBORN. A few thousand dollars, I should think; I do not know.

Chairman WALSH. And the year before that?

Mr. WELBORN. The year before that, I think it broke about even; but I am not sure.

Chairman WALSH. How do the past 10 years show?

Mr. WELBORN. During the past 10 years I should say that the profits, if any, were purely nominal, and it is not improbable that there was a slight loss; not material.

Chairman WALSH. Does that include payment of interest on the investment that you spoke of?

Mr. WELBORN. No; it does not. We charge no interest on the investment against the hospital department.

Chairman WALSH. By whom are charges for powder and blacksmithing determined?

Mr. WELBORN. The charge for blacksmithing is 50 cents per month, and I think is a custom about as old as the business in Colorado. The charge for powder is based on our cost. A good deal of the time that returns us a loss rather than a profit; in other words, the miners are obtaining the powder at our wholesale cost to us, plus the handling charge.

Chairman WALSH. You rent houses to your employees, do you?

Mr. WELBORN. Yes; we do.

Chairman WALSH. I wish you would describe the houses, if they are uniform, if not, the different grades of houses?

Mr. WELBORN. Our houses are not uniform in size; but, generally speaking, they are uniform as to the size of the rooms and the general accommodations. The usual house or the house most commonly in use is composed of four-room houses about 25 feet square. Other houses——

Chairman WALSH. What proportion would you say are those four-room houses of the whole?

Mr. WELBORN. I should think that more than half of our houses have four rooms each. A few of them have a less number of rooms; others are what might be termed terraces, two or three room terraces; while other houses have six or eight rooms. And in such cases the occupants usually keep boarders.

Chairman WALSH. Is there any restriction by the company on the number of boaders they may keep in these houses?

Mr. WELBORN. I think not; except that if it were found that there were so many people being housed in one building as to endanger the health of the occupants and establish very bad insanitary conditions, then objection would be made to it.

Chairman WALSH. Who inspects those houses?

Mr. WELBORN. Our men at the mine are charged with, we might say, daily responsibility for inspecting them.

Chairman WALSH. Who is that?

Mr. WELBORN. The superintendent, in a general way, and at such points as we employ camp marshals they are particularly charged with looking after the sanitary conditions and the general order of the houses. The general officers, the division superintendent, Mr. Weitzel, exercised more or less care, attention, and supervision over those houses.

Chairman WALSH. How many of these four-room houses would you say your company owns?

Mr. WELBORN. Several hundred; but I can not tell you exactly.

Chairman WALSH. Five or six hundred?

Mr. WELBORN. I should think it closely approximates 500, certainly.

Chairman WALSH. How old are the oldest?

Mr. WELBORN. Some are probably rather old, if you date them from the original time of erection rather than from the time they may have been repaired and remodeled; but in the main our houses are comparatively new, less than 10 years old.

Chairman WALSH. Well, how old are the oldest?

Mr. WELBORN. I imagine we have houses that are nearly 30 years old.

Chairman WALSH. How many would you say you have that are 30 years old?

Mr. WELBORN. We may have 50 or 60—closely approaching 100.

Chairman WALSH. How many have you 20 years of age?

Mr. WELBORN. Very few 20 years of age that are not also 30.

Chairman WALSH. Fifteen?

Mr. WELBORN. I should say the same as to that.

Chairman WALSH. How many 10?

Mr. WELBORN. Well, the houses that are 10 years—from 10 years down to 1 year old, constitute the main number and probably run from 600 to 700.

Chairman WALSH. What does it cost to build those four-room houses?

Mr. WELBORN. The cost of building those four-room houses is something like $700.

Chairman WALSH. What do they rent for?

Mr. WELBORN. Two dollars per room per month.

Chairman WALSH. What return do you get on your houses as a whole—the net return?

Mr. WELBORN. About what one would term a fair interest return on the investment—6 or 7 or 8 per cent.

Chairman WALSH. Which is it, 6 or 7 or 8 per cent?

Mr. WELBORN. Well, I don't know. I must estimate that figure, because I have not got it in my mind. I know that our houses bring us only a fair return. They are not considered a good investment, and they are not a losing investment.

Chairman WALSH. Could you tell whether it was 6 or 7 or 8 per cent?

Mr. WELBORN. Yes; I suppose I could; it might require some little time for our accounting department.

Chairman WALSH. Have you figured it out so you can tell offhand?

Mr. WELBORN. No, sir; I am not relying on my memory.

Chairman WALSH. I wish you would have it done if it is not too much trouble; figure out the return on the investment.

(In a letter dated December 11, 1914, Mr. Welborn stated: "The return on our investment in houses last year was 6.7 per cent, and the year before 7.7 per cent.")

What do you figure the land at?

Mr. WELBORN. We do not include the value of the land in our investment in the houses—just the cost of the houses.

Chairman WALSH. Have you any shacks on your property put up by the men themselves?

Mr. WELBORN. I think we have none; there were a number a great many years ago, and whenever opportunity offered, whenever one was vacated, we wrecked it.

Chairman WALSH. Who determines the amount of compensation to be paid to injured persons in case of accident?

Mr. WELBORN. That is a matter usually of general consultation, usually between our attorney, Mr. Herrington, and myself with the advice of Mr. Weitzel, or others more or less familiar with the man and the conditions under which he was injured.

Chairman WALSH. Do you ever deal with any representative of the injured man?

Mr. WELBORN. I beg pardon?

Chairman WALSH. Do you have any representative of the injured man at these consultations?

Mr. WELBORN. Yes; very often he has an attorney, or, in case where he is a foreigner, the foreign consul intercedes in his behalf.

Chairman WALSH. Do you have personal-injury suits brought against your company in Huerfano and Las Animas Counties?

Mr. WELBORN. I do not recall but two or three personal-injury suits brought against us in any county in the last half dozen years. It has been our practice to settle with all injured employees.

Chairman WALSH. How many employees have you altogether?

Mr. WELBORN. We have now not over 8,000.

Chairman WALSH. When you are running full-handed how many would you have?

Mr. WELBORN. From ten to twelve thousand.

Chairman WALSH. From ten to twelve thousand?

Mr. WELBORN. Yes.

Chairman WALSH. How many men do you have employed during the year to keep up your full labor equipment?

Mr. WELBORN. A comparatively small number of absolutely new men.

Chairman WALSH. Whether they are new men, or they go from one camp to another, how many do you employ or have reemployed?

Mr. WELBORN. It would be almost impossible to calculate the number of men—the number of employees to-day that we reemploy at different camps during the course of the year. I think that we have employed 10 or 15 or 20 men in a day and not one of them are new men. They shift about. A man at one camp concludes that he would rather go to another where some of his friends are working. And the same shifting between camps that takes place with our company exists between the various camps in the coal-mining districts.

Chairman WALSH. How many men would you say you employ per month in all of your mines when running ordinarily full-handed, whether they are reemployments, or whether they come from other camps of your own or other companies? How many men do you employ each month?

Mr. WELBORN. I think—I will answer that if you wish, but when Mr. Weitzel comes on I think he can give you a much more accurate idea of it.

Chairman WALSH. Very good.

Mr. WELBORN. I will give you my opinion, if you want it.

Chairman WALSH. If you do not feel that it would be reasonably accurate, I will wait.

Mr. WELBORN. It might not be.

Chairman WALSH. Very good. It has been stated, I notice, in various places that there has been no personal-injury suit brought against your company in Huerfano County for 20 years; is that true?

Mr. WELBORN. I can not remember of one.

Chairman WALSH. Do you recall any suit brought against your company in Huerfano County in the last 20 years?

Mr. WELBORN. I will have to correct the last answer by saying that I do know that some suits have been filed, personal-injury suits. I have in mind Las Animas County——

Chairman WALSH (interrupting). In Huerfano County, I was asking about.

Mr. WELBORN. I am not so sure about that either way.

Chairman WALSH. You have heard it repeated over and over that the reason of that is that the men who are hurt do not apply to the courts, because they have the impression that your company elects the officers that select juries as well as the judges at times?

Mr. WELBORN. There is not only no ground for that charge by the people who have made it, but in my judgment that feeling does not exist among the men. I think they know as well as we the purpose of the charges, and they are false.

Chairman WALSH. Does it exist among the legal profession?

Mr. WELBORN. I should say that it does not.

Chairman WALSH. My attention has been called to a speech alleged to have been made by Mr. Northcutt, now of your counsel, delivered at Lamar, Colo., I believe, in which he made some charges of that kind; are you familiar with that speech?

Mr. WELBORN. I have heard of it; I never read it. I never have been in politics. Mr. Northcutt has been for a great many years. I have understood that men in politics are apt to say a great many things in the heat of a campaign that are not easily proven or that can not be proven at all. Sometimes they go to the extent of being false.

Chairman WALSH. Is it true that there are election precincts in Huerfano County that are completely surrounded by barbed wire fences erected by your company?

Mr. WELBORN. That is entirely possible now. We erected some barbed wire fences to inclose our Walsen and Robinson mines when the strike came on. We did it as a matter of protection to our property and employees in those mines.

Chairman WALSH. After the barbed wire fences were put up, did the county commissioners regrecinct the county in such a way as to put whole precincts in your private property?

Mr. WELBORN. Not to my knowledge; I am quite sure it was not done.

Chairman WALSH. Did you observe the result of the election in precincts thus sequestered?

Mr. WELBORN. No; I did not. I have only in a general way observed the result of the last election in different precincts.

Chairman WALSH. Is there basis for the claim that in those precincts that were on your private property, or that were inclosed by these barbed wire fences, that the vote was unanimous for certain candidates regardless of party?

Mr. WELBORN. There is no basis for that charge just made. There is basis for the statement that the employees in certain of our precincts in our camps recognized the importance to their welfare of electing certain law-and-order candidates in the last election in the last campaign. I think in some precincts, not only where we had coal mines but elsewhere, the vote was almost unanimous for Mr. Carlson and Mr. Farrar, the Democratic candidate for attorney general.

Chairman WALSH. Now, was there any compulsion used by your company to bring about that result in those places?

Mr. WELBORN. Absolutely none; not even suggestion. We did not have to do that, Mr. Walsh. We could not have compelled them to vote otherwise.

Chairman WALSH. How have those results been in those election precincts when elections were heretofore held?

Mr. WELBORN. They have been variable. In the election of 1912 I recall that all our precincts in Huerfano County—I think it came out in the congressional investigation—voted about 10 per cent of the total vote of the county.

Chairman WALSH. Then you say that there is no basis in the charge either that your company influences or seeks to influence the election of officials?

Mr. WELBORN. No; there is no basis for that charge.

Chairman WALSH. In those counties in which your mining properties are situated, do employees of your mines hold political positions?

Mr. WELBORN. One of our employees, a man who is now store manager and for years has been one of the store managers of our company, is, I think, a member of the legislature. Aside from that I recall no employee who is even a precinct committeeman.

Chairman WALSH. Is that the only employee that you recall that holds any official position?

Mr. WELBORN. That is the only one that I recall now.

Chairman WALSH. Now, you say, Mr. Welborn, that the charge is not usually made that your company does control the political situation in those counties by other than interested persons. Is that the way that I understand you?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And the publication that is given to it simply comes from those persons?

Mr. WELBORN. From the interested persons; yes.

Chairman WALSH. Now, what classes do you include in the term "interested persons"?

Mr. WELBORN. I don't know that I can specify them.

Chairman WALSH. You mean those that are engaged in the conflict like, for instance, the union leaders?

Mr. WELBORN. The union leaders——

Chairman WALSH (interrupting). And attorneys?

Mr. WELBORN. And attorneys who have been employed by them, and certain candidates for office who have for years been associated with them and their labor organizations as attorney and in other capacities. Those men have always sought to gain an advantage by placing us in the light of controlling the politics of the two southern counties.

Chairman WALSH. Now, you say you did not see this speech that was attributed to Mr. Northcutt?

Mr. WELBORN. No; I did not. A portion of it, I think, was read before the congressional committee.

Chairman WALSH. I think that is the reference I have to it here. Were you present when that was read?

Mr. WELBORN. Yes; I think I heard a part of it, but I don't remember.

Chairman WALSH. And you say that the condition described by Mr. Northcutt—did Mr. Northcutt say at that hearing that he made that speech?

Mr. WELBORN. I don't remember whether he did or not.

Chairman WALSH. I don't know from my memorandum whether it is admitted by Mr. Northcutt, and therefore I do not want to ask you about it unless I know that it is. I have nothing except——

Mr. WELBORN (interrupting). Yes; well, I can not say that he did admit having made the speech.

Chairman WALSH. What information did you furnish the stockholders or directors regarding the labor conditions in your industry?

Mr. WELBORN. I have made it a point to inform our directors and inquiring stockholders very much in detail as to the labor conditions at our properties. I have taken a good deal of pleasure in saying what I am sure is true, that the conditions under which our coal miners work are better than they will find in almost any other mining district in the United States.

Chairman WALSH. What communication did you have with your New York directors, if any, immediately prior to September 23, 1913, when this strike was called?

Mr. WELBORN. None

Chairman WALSH. Did you notify them that a strike was threatened?

Mr. WELBORN. I think I did not. It is entirely possible that I called attention in some letter to the fact that agitation was pretty active and that a strike had been threatened.

Chairman WALSH. To whom was the letter addressed?

Mr. WELBORN. I can not say. I say it is entirely possible that I did so write some one.

Chairman WALSH. Will you look up and see if you have a copy of any such letter?

Mr. WELBORN. Yes.

Chairman WALSH. What action, if any, have your stockholders ever taken at the annual meetings, or otherwise, regarding labor conditions?

Mr. WELBORN. I don't think labor matters specifically have come up at the annual meetings of stockholders.

Chairman WALSH. Has Mr. Greene ever been on the ground in Colorado?

Mr. WELBORN. He has not.

Chairman WALSH. Has Mr. McClement?

Mr. WELBORN. Yes; Mr. McClement visits Colorado frequently. He is very much interested in the operations of the company. He first became connected with it about 12 or 14 years ago, and since then has manifested a very lively interest in its affairs.

Chairman WALSH. What other business is Mr. McClement in?

Mr. WELBORN. Mr. McClement, I think, is in the general brokerage or bond business in New York.

Chairman WALSH. When was he in the coal field last?

Mr. WELBORN. He was in Colorado last month.

Chairman WALSH. In the coal fields?

Mr. WELBORN. No; he did not go to the coal mines.

Chairman WALSH. He was in Denver?

Mr. WELBORN. Yes; he was in Denver.

Chairman WALSH. Now, when was he in the coal fields last?

Mr. WELBORN. I don't remember. He has, whenever it was possible to go—possible for me to go and him to take the time, he has visited, when in the West, our coal properties and steel works, some portion of the operations.

Chairman WALSH. Have you had any communication with him by mail or telegram since the strike was called, or immediately prior thereto?

Mr. WELBORN. Yes; I have communicated with him on a few occasions.

Chairman WALSH. In regard to labor troubles?

Mr. WELBORN. In regard to the strike.

Chairman WALSH. Will you please include that in your correspondence to be furnished?

Mr. WELBORN. Yes, sir.

(The letter referred to is printed in the subsequent testimony of Mr. Welborn.)

Chairman WALSH. Has Mr. George J. Gould ever visited the field?

Mr. WELBORN. Yes; but not in recent years.

Chairman WALSH. How long ago?

Mr. WELBORN. I don't think Mr. Gould has been in Colorado since I was made president of the company.

Chairman WALSH. And that was how long ago?

Mr. WELBORN. That was early in 1907.

Chairman WALSH. Mr. Starr J. Murphy, has he ever visited the field?
Mr. WELBORN. No; I think not.
Chairman WALSH. Mr. E. T. Jeffrey?
Mr. WELBORN. Mr. E. T. Jeffrey was for many years, while president of the Denver & Rio Grande Railroad, located in Colorado, and was, of course, very familiar with coal-mining conditions here; but he has not been in Colorado in recent years.
Chairman WALSH. How long since Mr. Jeffrey has been here?
Mr. WELBORN. I think six or seven years.
Chairman WALSH. And Mr. Willard P. Ward; has he ever visited the field?
Mr. WELBORN. Yes; Mr. Ward was in Colorado last about a year ago, I think—about two years ago.
Chairman WALSH. And Mr. John D. Rockefeller, jr.; has he ever visited the coal field?
Mr. WELBORN. Yes; but not in very recent years.
Chairman WALSH. How long since?
Mr. WELBORN. I think Mr. Rockefeller's last visit to Colorado was in 1908.
Chairman WALSH. Do the superintendents have any power to fix the wage scales in the mines under their jurisdiction?
Mr. WELBORN. They have not, except with the approval of Mr. Weitzel.
Chairman WALSH. Have they ever undertaken to fix, or fixed, a wage scale at any particular mine—the superintendent?
Mr. WELBORN. No; they have not fixed it in the sense you mean in putting the question. They may have suggested it, and Mr. Weitzel may have approved the suggestion.
Chairman WALSH. Have the wages been fixed always as you have indicated this last wage scale was fixed by conference between Mr. Weitzel, yourself, and this other man?
Mr. WELBORN. The wage scale of 1907 was fixed at a similar conference, but Mr. Weitzel was not then connected with the company.
Chairman WALSH. But the officer——
Mr. WELBORN (interrupting). But the officer who was in that position.
Chairman WALSH. Is the compensation or pay of the superintendents proportioned in any way to the production of the mine—the pit bosses and superintendents?
Mr. WELBORN. No; it is not.
Chairman WALSH. Is it understood that they get increases in salaries with reference to the cost of the mining?
Mr. WELBORN. No, sir.
Chairman WALSH. Or promotions in the service?
Mr. WELBORN. No.
Chairman WALSH. What detectives or other like men have you employed whose duty it has been to secure information with reference to the attitude of the men toward the company or toward the wages or toward anything of that sort from 1904 until this date?
Mr. WELBORN. We have occasionally employed detectives, as I think every large employer of labor does, and as the city administrations and our Government does, to not only get or detect anyone who may be working for us ostensibly and who is actually working against us, but to determine what the sense of sentiment of the men is toward the superintendent or the method of conducting the operations of the particular mine. That has not been done very often.
Chairman WALSH. How many of such men would you say that you had in your employ for the year prior to the calling of the strike?
Mr. WELBORN. I don't know that we had any such men immediately prior in that year.
Chairman WALSH. And the year before?
Mr. WELBORN. May have had none, and may have had two or three, possibly.
Chairman WALSH. From what agency do you employ these men, or do you employ them directly?
Mr. WELBORN. They are more often employed directly than through an agency. I have known of Pinkerton Agency men being employed for that work. I think years ago we had some of the Thiel Agency men.
Chairman WALSH. Did you employ any of the Baldwin-Felts men?
Mr. WELBORN. We have not employed the Baldwin Co. in any capacity until after the strike was called. We then found it necessary, after exhausting all other means of securing efficient protection for our employees, to avail our-

selves of the services of that organization, which was then on the ground and serving some of the other companies, and which could, without materially increasing their forces, also serve our interests somewhat.

Chairman WALSH. Did your company or you have anything to do with bringing them into Colorado?

Mr. WELBORN. No; it did not.

Chairman WALSH. What individual for your company selected these men when they were employed directly?

Mr. WELBORN. Mr. Weitzel has selected those men in the last few years.

Chairman WALSH. What would you say has been the cost to your company since the strike of 1904 for the employment of detectives under these circumstances; that is, before the strike proper started?

Mr. WELBORN. Before this strike——

Chairman WALSH. Yes, sir.

Mr. WELBORN. Only nominal. I would not attempt to estimate an amount; but in many months and for frequent long periods of several months we have had no men so employed.

Chairman WALSH. When these men were employed, did they go into the mines as ordinary workmen and pretend to be ordinary workmen—miners and so on?

Mr. WELBORN. That probably depended on the particular service we desired they should perform.

Chairman WALSH. Did they at times?

Mr. WELBORN. Very probably; yes, sir.

Chairman WALSH. Have you, during those years, or from this time running back to the strike of 1904, employed detectives who became members of the United Mine Workers for the purpose of giving you information.

Mr. WELBORN. I don't know. They may have become members of the United Mine Workers.

Chairman WALSH. And did they make reports to your company where they did so?

Mr. WELBORN. I don't remember to have seen any such reports. It is possible they did so report.

Chairman WALSH. Have you at any time employed men or paid money to men who were in the United Mine Workers for the purpose of giving you information?

Mr. WELBORN. Not to my knowledge. We have employed, as I said a moment ago, men to do certain detective work, and some of these men may possibly have been members of the United Mine Workers.

Chairman WALSH. And who, did you say, did that employing?

Mr. WELBORN. I think most of it has been done, and possibly all, by Mr. Weitzel.

Chairman WALSH. And so any information that there was upon that subject would be in the hands of Mr. Weitzel?

Mr. WELBORN. Very probably, especially anything that related to the coal-mining industry.

Chairman WALSH. Does your legal department have anything to do with it at all?

Mr. WELBORN. No; except possibly in the consulting capacity.

Chairman WALSH. What firearms or ammunition were in the possession of your company or its representatives prior to September 22, 1913?

Mr. WELBORN. Practically none, we will say prior to September the 20th, anyway, or 22d.

Chairman WALSH. What arms have been purchased by your company since September the 23d?

Mr. WELBORN. We have purchased several thousand dollars of arms and ammunition.

Chairman WALSH. Did you purchase it all from the same company?

Mr. WELBORN. No. At times we have had to purchase it and get it from every source possible in order to provide ourselves with the necessary means of protection.

Chairman WALSH. How much of it would you say you have purchased, then, since September 22, 1913, and give us, if you please, the general character of the arms and ammunition?

Mr. WELBORN. We have purchased somewhere between twenty-five and thirty thousand dollars' worth of arms and ammunition since we learned that the strike leaders themselves had purchased and shipped into the district a considerable

quantity. We made no purchases until after we learned of a purchase of a considerable amount at Pueblo by one of the strike leaders. That was done on September 12, before the convention which called the strike.

Chairman WALSH. You mean your purchase of September 12, or the purchase of the strike leader?

Mr. WELBORN. Purchase of the strike leader.

Chairman WALSH. And when did your purchase of a large amount of ammunition take place after that time?

Mr. WELBORN. About September the 20th or possibly 22d. Monday was the 22d.

Chairman WALSH. And where was that ammunition purchased?

Mr. WELBORN. Various places; some at Denver; some Trinidad; some Walsenburg.

Chairman WALSH. You say it was purchased on September 20?

Mr. WELBORN. A comparatively small amount—that is, a small proportion of the total.

Chairman WALSH. Any machine guns?

Mr. WELBORN. No; no machine guns were purchased until in October, after our mines had been——

Chairman WALSH (interrupting). What date?

Mr. WELBORN. About October; I should say around October 10.

Chairman WALSH. Who purchased the ammunition for your company—what individual?

Mr. WELBORN. Various individuals. Our purchasing agent himself bought a portion of it; our managing officers in the strike district bought some.

Chairman WALSH. Who gave the order for your company for the purchase of ammunition?

Mr. WELBORN. I don't know that specific orders were given except in a few cases; but I am willing to assume responsibility for the orders or for the purchase of all of it.

Chairman WALSH. Was there any person other than yourself with the company authorized to purchase ammunition?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Just give the names, if you please, of all the individuals connected with your company that could purchase the ammunition and their orders be honored by payment by your company?

Mr. WELBORN. I don't know that any officers or individuals were specifically authorized to make the purchases. When the necessity for purchases developed I am not sure but that Mr. Weitzel called my attention to it over the telephone, and I said, go ahead and buy what is necessary, or buy whatever amount he thought was necessary; possibly he mentioned the amount. In other cases our purchasing agent was directed to make the purchases of specific amounts that I might have thought necessary, or that Mr. Weitzel might have made requisition for.

Chairman WALSH. Were there any other persons connected with your company except your purchasing agent and Mr. Weitzel who actually purchased any?

Mr. WELBORN. It is not improbable that Mr. Weitzel's assistants—Mr. Mattison is his first assistant, and Mr. Thomas—in fact, I am quite sure that both those gentlemen directly made some purchases at different times during the trouble.

Chairman WALSH. What is the name of your purchasing agent?

Mr. WELBORN. Pierson. His name is on the memorandum you have there.

Chairman WALSH. What guards, camp marshals, and others, charged with the protection of property or the maintenance of peace in your camps, were employed prior to September 23, 1913?

Mr. WELBORN. Prior to September 23 we had at our 22 operating properties seven camp marshals.

Chairman WALSH. No deputy sheriffs?

Mr. WELBORN. Well, some of them, I think, were deputy sheriffs.

Chairman WALSH. Well, did you have any persons who were not camp marshals connected with your company who were deputy sheriffs?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. How many employees did you have prior to September 23, 1913, that had deputy sheriff commissions in Huerfano County?

Mr. WELBORN. I don't know that any of our camp marshals in that county had deputy sheriff's commissions.

Chairman WALSH. Any other employees?

Mr. WELBORN. And I don't know of any other employees who had.

Chairman WALSH. Do you know of any instances in which the mine superintendents and pit bosses were also deputy sheriffs?

Mr. WELBORN. No; I do not.

Chairman WALSH. You don't know of any instances of that kind?

Mr. WELBORN. No.

Chairman WALSH. What guards, camp marshals, and others charged with the protection of property and the maintenance of peace were employed by your company since September 23, 1913?

Mr. WELBORN. I think at one time we had about 250 men so employed.

Chairman WALSH. Is that the largest number that you ever had so employed?

Mr. WELBORN. That is the largest number that I recall, or the largest number that I ever checked up.

Chairman WALSH. And the smallest number since September 23, 1913?

Mr. WELBORN. We had reduced our guards and watchmen to something like 100 just before April 20. Since then I imagine we have made some increases. I know we increased all we could during the 10 days following April 20. It was necessary to use every means possible to protect our employees. The mines—certain mines at Aguilar that were practically without protection were wrecked, employees were killed, and owners of the property forced into the mine and the opening sealed by explosives. We were unable to secure enough men who would act as watchmen or guards to protect us, and at that time we repurchased, or purchased, a considerable number of rifles, having been disarmed some months before, and placed these guns in the hands of the workmen. Our actual protective forces at Walsen, the point where the most serious attack was made on our property, at that period was composed of the miners and other workers in the mine. A hundred and sixty of our men at the Walsen and Robinson mines at different times during a week attack took up arms—rifles and other arms—in the protection of themselves and the property.

Chairman WALSH. How many of such men have you employed now?

Mr. WELBORN. I can not tell you. The number may possibly have been reduced to—the mine guards we have now are only nominal in number. But we have a good many watchmen about the buildings since the Federal troops came in.

Chairman WALSH. Well, any persons, whether you call them watchmen, camp marshals, or deputy sheriffs—any persons of that kind in your employ protecting life and property, or endeavoring to maintain peace?

Mr. WELBORN. Mr. Weitzel can give you that information more accurately than I can. I would like to say, however, that it is my understanding that none of our watchmen now are armed.

Chairman WALSH. By whom was the fitness of men employed as guards determined?

Mr. WELBORN. Almost all of us took a part in that—as much of a part as we could. My instructions were—and I know Mr. Weitzel gave similar instructions—to those who might pick up men and employ them at the mines that their effort should be used to secure men who did not drink at all, certainly not to employ drunkards; not to employ men who could be regarded as under the general term of "gunmen." We wanted men qualified as you would expect a policeman to be, to behave themselves under trying circumstances, and yet with courage enough to protect the lives of our employees.

Chairman WALSH. The attention of the commission has been called to the alleged fact that Mr. Albert C. Felts has testified before the congressional committee that he employed between 40 and 75 guards for the companies without any investigation whatever as to their characteristics. Do you know anything about that?

Mr. WELBORN. I do not—in a general way I do. There were times when Mr. Felts was called upon to furnish some men quickly if he could get hold of them. In the period immediately preceding the calling out of the State militia, which was described more or less by Senator Patterson, our mines were under attack; and on the morning of the day that we had the conference with the governor at which Senator Patterson was present and which, by the way, was not called by Senator Patterson or suggested by him, our mines at Berwind and Tabasco were in a state of siege, and we called upon Felts at Trinidad, in connection with the sheriff—our call was directly upon the sheriff—to furnish some men to go to the protection of the men at those properties. The women and children with very few exceptions, had been sent out of the camps, and the men who remained were in danger of massacre; and on that occasion Mr.

Felts picked up some men, and so did the sheriff at Trinidad, without any very careful examination being made of them.

Chairman WALSH. Have you stated all the measures which you personally took, Mr. Welborn, to see that these men were qualified?

Mr. WELBORN. Yes, I think I have.

Chairman WALSH. Will you please furnish the commission, Mr. Welborn, copies of all orders issued by your company since 1908, with regard to the enforcement of the various laws of the State of Colorado relating to the mining industry and labor conditions generally?

Mr. WELBORN. Yes, sir. It may be necessary for that to come on with Mr. Weitzel. I mean, many of the orders were issued from his office; most of them, in fact.

Chairman WALSH. Will you please take the matter up with Mr. Weitzel——

Mr. WELBORN (interrupting). I will do so; yes.

Chairman WALSH. And have him deliver them to us all at once, if he can?

Mr. WELBORN. Yes. That is to say, all orders issued to our employees with reference to the observance of the mining laws.

Chairman WALSH. Of the mining laws.

Mr. WELBORN. The laws of Colorado——

Chairman WALSH (interrupting). Referring to your own industry.

Mr. WELBORN. Yes. I will be very glad to furnish them.

(The orders referred to were presented by Witness Weitzel on Tuesday, Dec. 8, and are printed in his testimony.)

Chairman WALSH. Now, you have a law here, I believe—a section of the statute which reads as follows—well, I will not attempt to read it; it would be a little too long. But the statute with reference to the payment of wages.

Mr. WELBORN. Yes.

Chairman WALSH. This law was put into effect by your company at what time?

Mr. WELBORN. Well, I think—I don't quite understand your question?

Chairman WALSH. I mean it was put into practice——

Mr. WELBORN (interrupting). You mean the law with respect to paying wages twice a month?

Chairman WALSH. Yes.

Mr. WELBORN. Oh——

Chairman WALSH. And in cash.

Mr. WELBORN. We have always paid in cash.

Chairman WALSH. You never paid in scrip?

Mr. WELBORN. No, sir.

Chairman WALSH. At any time in your history?

Mr. WELBORN. No.

Chairman WALSH. And did you observe that law as soon as it was passed?

Mr. WELBORN. I think not—that law was passed—that semimonthly pay law was passed before I became president of the company, and some good while after I came into the office, the question of its legality came up, or my attention was called to the law through some statements concerning it, published statements concerning it which appeared in the press, and I found it had not been regarded as constitutional. Whether or not it had been passed upon, I don't know, but we established the practice of complying with the spirit of the law—not with the letter strictly, because it says, I think, that you must pay on the 5th and 20th of each month, which is impracticable. That is impracticable in a big operation; but we put the semimonthly pay practice into effect early in 1913; I am not sure of the date, and it is still in effect. Prior to that we had been paying semimonthly at the steel works for some time.

Chairman WALSH. Now, when was that law passed?

Mr. WELBORN. I don't know, sir.

Chairman WALSH. And when did you put it into effect, did you say?

Mr. WELBORN. In 1913.

Chairman WALSH. February 1, 1913, I believe it has been testified here.

Mr. WELBORN. That may be; very early in that year.

Chairman WALSH. Now, I understand you that scrip has never been used by the Colorado Fuel & Iron Co.?

Mr. WELBORN. No; I said scrip was not used in the payment of wages.

Chairman WALSH. Oh! Well, now, how was scrip used by the Colorado Fuel & Iron Co.?

Mr. WELBORN. Scrip was in use for a great many years at the stores of the Colorado Fuel & Iron Co. Well, they are not run in the name of that company, but they practically compose a part of the Colorado Fuel & Iron Co.

Chairman WALSH. I wish you would state, if you please, in detail what use was made of the scrip?

Mr. WELBORN. If a man before pay day desired to draw upon his wages earned, but not yet due, an order was given him—or he gave an order to the store on the coal company. I have forgotten just the exact form that took, but for such an amount as he wanted. If it were $5, he took that order to the store, and in the event he chose on that occasion to purchase but $3 worth of supplies, he was given by the store $2 in scrip.

Chairman WALSH. Is that what is called "the truck system"?

Mr. WELBORN. Well, it has been called by a good many terms that do not sound very good. In practice, it was very desirable to the miners.

Chairman WALSH. I know; but is that what it was called?

Mr. WELBORN. I suppose that is what some people mean by the truck system.

Chairman WALSH. Well, is that what the State called it? Is that what it was called in the statute?

Mr. WELBORN. I don't know.

Chairman WALSH. Go ahead.

Mr. WELBORN. The $2 in scrip which the man received from the store he could use the next day or at any other later time that he saw fit for the purchase of such goods as he wanted.

Chairman WALSH. Now, when was that practice discontinued?

Mr. WELBORN. That practice was discontinued in the early part of 1913; I think January 1, but I am not sure of the date.

Chairman WALSH. Now, had that been forbidden by the law prior to January 1, 1913?

Mr. WELBORN. It had not been as conducted by us. The law had prohibited, as I understand it, the payment of wages in scrip or anything but cash; and I repeat what I said a moment ago that we never did pay our men their wages in anything but cash.

Chairman WALSH. There was a statute covering the payment for coal before screening, I believe. Are you familiar with that statute? [Reading:]

"All the coal mined shall be weighed in the car or other receptacle in which it is removed from the mine before it is screened, or before it passes over, or is dumped upon any screen or any other device which may let, or be capable of letting, a portion of the coal drop through screen or device, and the miner shall be paid for the mining of such coal according to the weight so ascertained at such price per ton of 2,000 pounds as may be agreed upon by and between such owner and miner or miners who mine the same," etc. Are you familiar with that statute?

Mr. WELBORN. Yes; in a general way I am familiar with it.

Chairman WALSH. Has that law been observed by your company?

Mr. WELBORN. Yes. If my memory serves me correctly, though, we awoke one day to find that we were screening the coal at one mine before paying the men for it. We were paying them for the lump on a basis which was perfectly satisfactory to them. We then changed the practice at that mine and adopted the same there and at others of paying the men after screening the coal and paying them one price for lump and another for screenings. That was an inducement to them to mine the largest possible amount of lump coal. Almost every year in Colorado there is a surplus of slack that has to be dumped on the ground and frequently is completely destroyed. By the adoption of that practice our men in one district very materially increased the percentage of lump coal and their own earnings.

Chairman WALSH. Was that in violation of this law?

Mr. WELBORN. No. Our practice as it is pursued now is not in violation of this law.

Chairman WALSH. But prior to that time it was?

Mr. WELBORN. I think we were technically violating it unintentionally. I don't know how it had got into practice.

Chairman WALSH. Now, how long did that continue? Down to what time did you continue that practice?

Mr. WELBORN. I don't know. It may have been practiced but a few months for all I know. We corrected it several years ago.

Chairman WALSH. What was the last mine at which that practice obtained?

Mr. WELBORN. I don't know.

Chairman WALSH. Was it at Rockvale?

Mr. WELBORN. That practice, which might be called a technical violation of the law, was not in effect at Rockvale.

Chairman WALSH. It was not?

Mr. WELBORN. No.

Chairman WALSH. Well, just what was it—I didn't catch——

Mr. WELBORN. Well, as I stated a while ago, that was the practice at only one mine, as I remember it.

Chairman WALSH. What was the last mine at which that practice was carried on, which you say is a technical violation of that statute?

Mr. WELBORN. I don't remember, now, which the mine was, Mr. Chairman. Mr. Weitzel can probably tell you.

Chairman WALSH. Was it carried on until August, 1913, in any of your mines?

Mr. WELBORN. No, sir; it was not.

Chairman WALSH. What was the latest date that that technical violation of the law was committed?

Mr. WELBORN. Several years ago.

Chairman WALSH. None down as late as 1913?

Mr. WELBORN. No.

Chairman WALSH. There is a statute, I believe, in this State covering the interference with the membership of employees in unions or societies?

Mr. WELBORN. Yes.

Chairman WALSH. You are familiar with that statute?

Mr. WELBORN. Yes.

Chairman WALSH. Has that statute always been observed by your company?

Mr. WELBORN. So far as I know, it has. I know absolutely that in recent years it has been observed.

Chairman WALSH. Say, since 1904 have any men been discharged from your service for union membership?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. Or for activities in organizing unions?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. Did you hear the testimony with respect to breaking up of a fraternal society—the meeting of a fraternal society?

Mr. WELBORN. Yes; I think I did. I think I know what you mean.

Chairman WALSH. Was that statement correct, or do you have any knowledge of it?

Mr. WELBORN. My memory is not clear as to just what the man said in connection with that.

Chairman WALSH. Why, he said there was a society called the St. Peter Servian Society, and that employees of your company just came in and ordered them to dissolve and take the charter down from the wall?

Mr. WELBORN. Do you remember the man?

Chairman WALSH. I would not like to quote any further; I would not be sure.

Mr. WELBORN. Well, I can deny it specifically unless I know that the charge was made against our company.

Mr. HERRINGTON. The Delagua.

Mr. WELBORN. That was not our mine.

Chairman WALSH. Has your company in any way interfered with the organization of the men employed in the mine into unions?

Mr. WELBORN. No; it has not. We have some mines at which an organization has existed as far back as I can remember. I think as long—almost as long as an organization has been in vogue in Colorado.

Chairman WALSH. With respect to the employment of checkweighmen, has that practice been in use by your company?

Mr. WELBORN. Not in a general way, only intermittently, entirely through the fault of the men themselves.

Chairman WALSH. Is it desirable to have a check weighman so far as the company is concerned?

Mr. WELBORN. Very desirable.

Chairman WALSH. And is it desirable to have them so far as the men are concerned?

Mr. WELBORN. I think nothing is gained by the men except possibly the satisfaction—that is, a satisfied feeling that they are being paid for what they produce. The material result is not changed in any sense.

Chairman WALSH. But it is a situation that causes dissatisfaction at times unless they are permitted a checkweighman?

Mr. WELBORN. Yes; and we have used every means that we thought proper to induce the men to select their checkweighmen. We have refrained from urging it, feeling that the motive might be misunderstood, but recently, the first of this month, a checkweighman was employed by our workmen at the Sopris mine, one of the largest we have. At that mine a checkweighman was also employed a short time before the strike, and worked, I think, less than three days, when he chose to give up his employment.

Chairman WALSH. As far as you are concerned, you have no knowledge of any exercise of influence on the part of the company to prevent the use of checkweighmen by the men under the statute?

Mr. WELBORN. I know that for the past 10 years the exercise of influence has been in the contrary direction, in the direction of having them employ checkweighmen.

Chairman WALSH. You know that a statute has been in effect in this State since 1905 with reference to blacklisting?

Mr. WELBORN. I am not familiar with that, but we are not engaged in the practice of blacklisting, and we are not bothered by that.

Chairman WALSH. It is unlawful for any employer to blacklist employees or notify other employers of blacklisted employees. You are familiar with it in a general way?

Mr. WELBORN. Yes.

Chairman WALSH. Does your company keep a list or catalogue of persons that used to be employed, which you circulate among your own mines?

Mr. WELBORN. No; not as you have stated it. As I said a while ago, in connection with the employment of our men, something of a description of the employee is made and his reasons for leaving our employment are given when he does leave. If he has left because he is an objectionable workman at one mine, he is apt to be objectionable at other of our properties, and we so inform our men.

Chairman WALSH. Are men placed upon that list who have been discharged, for the reason they have disturbed the peace of other workmen, or are agitators?

Mr. WELBORN. I do not know. I should say that if they have been very objectionable, no matter what the character of the disturbance was, it has been so recorded.

Chairman WALSH. Where is that list kept?

Mr. WELBORN. If there is such a list, it is probably kept in Mr. Weitzel's office, or rather in the district office in the south.

Chairman WALSH. Mr. Weitzel would have the information in regard to that?

Mr. WELBORN. Yes; he can give you more detailed information about it than I.

Chairman WALSH. Is there a copy of it kept at each mine?

Mr. WELBORN. I do not know as to that.

Chairman WALSH. What means do you have of imparting this information, as I understood you to testify to this morning, that if a person is objectionable as a workman, your other mines are advised of that fact?

Mr. WELBORN. They might notify them through the district office.

Chairman WALSH. Did I understand you heretofore in your testimony to mention a card this record was kept on?

Mr. WELBORN. Yes.

Chairman WALSH. Is there more than one card made?

Mr. WELBORN. I don't know.

Chairman WALSH. Have you ever examined the card yourself?

Mr. WELBORN. Not in detail. I have seen the card; yes, sir; that is, I examined for what record it was and got a general idea what they were.

Chairman WALSH. Are all cards, or a copy of all cards in existence kept at the general office in Denver?

Mr. WELBORN. No; none are kept here.

Chairman WALSH. How many men have you employed to take the place of strikers since the strike began?

Mr. WELBORN. Comparatively few. We brought no new men into the State until early in December, then practically all companies joined in that movement. My recollection is that approximately 900 came in during December.

Mr. Lawson, before the congressional committee, stated that he thought his organization secured five or six hundred of those and that may account for the large number that they have on the relief list.

Chairman WALSH. That is, that the men you brought in were surreptitiously placed in their ranks?

Mr. WELBORN. Yes; surreptitiously or otherwise; they unionized them and converted them to their organization.

Chairman WALSH. Was that before or after they came in?

Mr. WELBORN. After they came in.

Chairman WALSH. Then they did not bring them into the State?

Mr. WELBORN. No; but they kept them from going into our employ after they came into the State. That is his statement; I do not know how correct it is.

Chairman WALSH. How are these men secured you have brought into the State to take the place of the strikers?

Mr. WELBORN. We sent men into the eastern district, more particularly the labor centers, such as Pittsburgh, and through local employment agencies informed applicants for work as to the conditions in Colorado, and what wages they could secure in the coal mines. The result was with great ease all of the men we cared to bring out were quickly obtained.

Chairman WALSH. What pay do they receive?

Mr. WELBORN. The miners, of course, are paid by the ton. The rate in the Trinidad district is 55 cents per ton, except where the vein is thin, I think 4 feet or less in thickness.

Chairman WALSH. How does their pay compare with the pay of the men that went out on strike?

Mr. WELBORN. The same.

Chairman WALSH. Is there any bonus paid the men to come into the State?

Mr. WELBORN. No.

Chairman WALSH. How do you pay the men that get them to come into the State?

Mr. WELBORN. Those men are employed by us by the month.

Chairman WALSH. At what salary?

Mr. WELBORN. Varying salaries. We take such men as we feel—we took such men as we felt were best qualified to do that work.

Chairman WALSH. What was the lowest and highest salary?

Mr. WELBORN. I should say the lowest salary was probably $75 a month.

Chairman WALSH. What was the highest?

Mr. WELBORN. My impression is that we sent one or two men—one engineer who probably earns $200 a month.

Chairman WALSH. Were these men all in your employ prior to the strike, or were they employed afterwards?

Mr. WELBORN. Such men as we sent ourselves, or as went under our direction, had been in our employ before the strike, the most of them, I think, for years.

Chairman WALSH. Now, though you did not send yourself, what did they consist of?

Mr. WELBORN. Some of the other companies sent men, and, so far as I know, they had been in the employ of the companies who sent them.

Chairman WALSH. Did you employ any persons to obtain these men that made a business of employing persons while strikes were on?

Mr. WELBORN. No; we did not.

Chairman WALSH. These men you brought in, how are they housed and fed?

Mr. WELBORN. As our other men were taken care of. In some cases we had Mr. Kelley arrange boarding facilities until their families came with them, but they had the same accommodations that our older employees had.

Chairman WALSH. How many of these men have voluntarily left the service of the company since the beginning of the strike?

Mr. WELBORN. I don't know.

Chairman WALSH. Could you approximate it?

Mr. WELBORN. No. It is a fair presumption that no greater number of those have left than the older employees. The natural shifting about of that class of workmen would take a number of them out of this camp.

Chairman WALSH. But, regardless of why they left—have you got a record of how many left the company?

Mr. WELBORN. No; I doubt if we have, Mr. Chairman.

Chairman WALSH. You can not state how many left voluntarily, or how many were discharged?

Mr. WELBORN. No.

Chairman WALSH. At this point we will take a five-minute recess.

AFTER RECESS.

Chairman WALSH. The commission will please be in order. The house will be in perfect order now, as we want to resume.

At the recess I was asked to ask you the direct question whether or not in fixing on this wage scale the men that were working for you and were to receive the wages were ever consulted?

Mr. WELBORN. They were not. The reason for it, I think, I stated before.

Chairman WALSH. I thought you had.

Mr. WELBORN. My attention has been called to the fact that when I said in normal times we employed from ten to twelve thousand men, that I did not make it clear that that number included our steel-works employees and those that are iron-works employees.

Chairman WALSH. I didn't catch that.

Mr. WELBORN. My attention was called to the fact that when I stated that we employed from ten to twelve thousand men in normal times, that I did not make it clear that that included our employees at the steel works and iron mines.

Chairman WALSH. How many were in the fuel department and how many were in the steel department?

Mr. WELBORN. Never more than about 6,000 in the fuel department.

Chairman WALSH. Now, when these men were brought in to take the places of the strikers, you say board was furnished until they brought their families?

Mr. WELBORN. Boarding facilities.

Chairman WALSH. Boarding facilities?

Mr. WELBORN. If that was necessary in some cases; yes, sir.

Chairman WALSH. Did you charge them for the board, Mr. Welborn?

Mr. WELBORN. The way in which we provided the boarding facilities was to find some one willing to board them at the usual rate.

Chairman WALSH. At the usual rate?

Mr. WELBORN. Yes.

Chairman WALSH. Then there was no housing or food furnished free to the men that were brought in?

Mr. WELBORN. No.

Chairman WALSH. Now, I want to direct your particular attention to the bulletins that have been issued by the committee of coal-mine managers, series 1. You are familiar with them, of course?

Mr. WELBORN. Yes.

Chairman WALSH. I would like to take that one, please, because I want to call your attention to some things contained in it. Who was the committee of coal-mine managers?

Mr. WELBORN. The committee of coal-mine managers referred to here, and generally meant, when that term is used, included Mr. Osgood, Mr. Brown, and myself.

Chairman WALSH. And, as stated in that, you gentlemen assumed the responsibility for the statements contained in the bulletins?

Mr. WELBORN. I think I ought, in justice to the other gentlemen, to say that these bulletins have been gotten out under my general direction and without always consulting them, and I should be willing myself to assume responsibility for any mistakes that might have crept in rather than to divide the responsibility for the mistakes with the other two gentlemen.

Chairman WALSH. Who selected this committee of coal-mine managers?

Mr. WELBORN. Primarily, the committee itself; that is, it was a self-assumed or self-appointed committee. We had a meeting a short time before the strike was called, at which it was suggested—the meeting was informal, I should say—at which it was suggested, I think by practically everyone there, that we three—and if I am not mistaken, one or two other gentlemen—be regarded as an executive committee. But, if my memory serves me correctly, formal action was not taken. We did not regard it as a formal meeting and we did not become active until it became necessary to do something in the protection of our property and employees.

Chairman WALSH. Who prepared the bulletins?

Mr. WELBORN. They were prepared by various people. The material for them—the material for most of the bulletins, I think, was taken from various statements of mine made specifically for this purpose, or in connection with other matters.

Chairman WALSH. Did you do the actual writing or dictation of it?

Mr. WELBORN. I did a part of it. It will be seen, in going through this, that quotations are taken from certain letters that I have written.

Chairman WALSH. What other persons dictated any part of this bulletin; this series 1?

Mr. WELBORN. No one connected with the coal-mining industry, and no one except those acting under my direction—employees.

Chairman WALSH. Who furnished the copy to the printer; what individual?

Mr. WELBORN. I will tell you his name if you desire it, but he is a gentleman who is employed in general publicity work and who is in the employ of another company——

Chairman WALSH. What is his name?

Mr. WELBORN. And whose connection with this or with any work outside of his own company he would rather not have made known publicly at this time.

Chairman WALSH. We are very desirous of having his name, because there are some matters in it—I want to be perfectly frank with you—that have been seriously questioned, to which our attention has been called, in which the claim is made that it has caused a great deal of dissatisfaction, and anger in some instances.

Mr. WELBORN. Yes.

Chairman WALSH. And we would like to get the responsibility definitely fixed.

Mr. WELBORN. I will do just as you say is necessary to do; but suppose we leave it this way until such time as it becomes necessary for me to shift the responsibility upon some one, that I am not willing to assume the responsibility for what may be criticised here and want to turn it over to some one else; then I will, if you insist, furnish the name. But I would rather not have to make it public now.

Chairman WALSH. Very good. We will reach that as we get to it, then.

Mr. WELBORN. Yes.

Chairman WALSH. I mean we will reach the name. There was one man furnished the copy to the printer?

Mr. WELBORN. Yes.

Chairman WALSH. That went into this series 1?

Mr. WELBORN. Yes; there was one man.

Chairman WALSH. Now, did yourself, Mr. Osgood, and Mr. Brown examine that copy before it went to the printer?

Mr. WELBORN. Some of the copy I examined. I don't think either of the other gentlemen examined any of it.

Chairman WALSH. Well, I will wait until we get to the specific matters and ask what you did examine. How much has been paid for the publication and distribution of the bulletins?

Mr. WELBORN. I think we paid out something over $12,000. Whether that includes only this or some subsequent bulletins, three of which have already been issued, or not I can not tell.

Chairman WALSH. What steps were taken by the committee of coal-mine managers to make sure that only the exact facts were published in these bulletins? Tell us all of the steps that were taken to insure accuracy and truth.

Mr. WELBORN. I requested the gentlemen whose duty it was to prepare this matter to make sure that facts only were stated, and when there was any question about a fact to consult some of us who were—myself or some one else—was in a position to state positively what was and was not true. Some of the matter, I think, has been taken from newspaper statements—publications that have not been denied. Such matter as was taken from any of my statements, letters sent out, or statements made for public use, received no correction, I think, not checked up.

Chairman WALSH. Where it was based upon newspaper articles that were not denied, were any means taken to ascertain the accuracy of the matter contained in the newspaper articles, or was it assumed to be true because not denied?

Mr. WELBORN. I don't know as I can state in every case.

Chairman WALSH. Who would know that?

Mr. WELBORN. I might be able to determine; as we go through I might be able to say whether or not certain matters had been checked up.

Chairman WALSH. Now, how many of those were sent out of this series 1?

Mr. WELBORN. About 40,000, I think.

Chairman WALSH. And to what classes of people were they sent?

Mr. WELBORN. Sent to educators and newspaper people and publishers of other periodicals; to ministers and business people.

Chairman WALSH. Government officials?

Mr. WELBORN. Yes.

Chairman WALSH. Members of Congress?

Mr. WELBORN. I think generally the aim was to reach them as well as members of State legislatures.

Chairman WALSH. Have you any newspapers or have you had any newspapers that were subsidized?

Mr. WELBORN. No, sir.

Chairman WALSH. Paid money?

Mr. WELBORN. No, sir. If you mean by the payment of money the loaning of money, or something of that sort, that they are subsidized, then I could not answer no. We have not, as I understand the term, as I interpret the term, subsidized the newspapers.

Chairman WALSH. Now, have you any newspapers that are under obligation to you for money paid for publishing your matter?

Mr. WELBORN. No.

Chairman WALSH. Alleged facts?

Mr. WELBORN. No.

Chairman WALSH. Have you any newspapers to whom you have loaned large sums of money, or any sum of money, Mr. Welborn?

Mr. WELBORN. We have loaned some money to certain newspapers—a certain newspaper.

Chairman WALSH. Were any of these newspaper articles that were afterwards published under this designation, "Facts concerning the struggle in Colorado for industrial freedom," this series 1, taken from that newspaper or the newspapers to whom you had loaned money?

Mr. WELBORN. No; they were not.

Chairman WALSH. Have you paid newspapers—any newspaper—money for publishing the alleged facts concerning that controversy as news notices?

Mr. WELBORN. You mean this [indicating pamphlet]?

Chairman WALSH. No; any facts as news notices.

Mr. WELBORN. Well, we have put out the facts—no; we have not. We put out facts as advertising matter, for which we have paid the regular advertising rate. We have not put out facts as news items and paid newspapers for it.

Chairman WALSH. Were those facts always marked "advertising" when they were so published?

Mr. WELBORN. So far as I know. They were presented in advertising form and as an advertisement.

Chairman WALSH. Did you pay any newspaper for the publication of news notices?

Mr. WELBORN. No.

Chairman WALSH. Were the alleged facts in newspapers for which you paid advertising rates signed by some person connected with your company, with the committee of which you are a member?

Mr. WELBORN. I would not say that they were signed by us in all cases, but the term, the name "coal operators" may have been used in place of that of individuals, some term which would tend to indicate the responsibility for the advertising was used.

Chairman WALSH. If any misstatement of fact or substantial inaccuracy should be proved to exist in this bulletin, what steps will the committee of coal managers take to correct this statement?

Mr. WELBORN. I think we ought to take the proper steps to correct it.

Chairman WALSH. Have you preserved the mailing list containing the names and addresses of all persons——

Mr. WELBORN. I think we have a mailing list; yes, sir.

Chairman WALSH (continuing). To whom you sent this 40,000?

Mr. WELBORN. Yes; I think we have a mailing list of them.

Chairman WALSH. Where is that mailing list?

Mr. WELBORN. Part of it is at our office; I do not know but all of it. We have employed certain mailing agencies, using their lists in getting out this matter.

Chairman WALSH. Refer to page 6, paragraph 2. I am going to call your attention to those things that have been presented to the commission, alleged to be either misstatements or inaccuracies?

Mr. WELBORN. All right, sir. Page 6, you say?

Chairman WALSH. Yes.
Mr. WELBORN. All right.
Chairman WALSH. The second paragraph reads as follows: "When the present strike was called, the employees of the Colorado Fuel & Iron Co. had on deposit at interest with the company $500,000. And it is a notable fact that, notwithstanding the strike, less than 20 per cent of these savings deposits have been withdrawn."
Mr. WELBORN. Yes.
Chairman WALSH. I desire to ask you, Were those deposits made entirely by employees in the fuel department of the company, or does some part of this deposit belong to employees at the steel mills, iron mines, or quarries?
Mr. WELBORN. A small portion of the deposits was made by the employees at the steel plant, and other operations other than of the coal properties.
Chairman WALSH. How much of the $500,000 was—would you say was deposited by employees in the fuel department?
Mr. WELBORN. Seventy-five per cent would be my estimate.
Chairman WALSH. Seventy-five per cent?
Mr. WELBORN. Yes.
Chairman WALSH. Were those deposits made by wage earners, or was any part of the deposits made by salaried employees in the fuel department?
Mr. WELBORN. A part of the deposits, a small part, was made by salaried employees.
Chairman WALSH. Of what character, we will say?
Mr. WELBORN. Superintendents, clerks, pit bosses.
Chairman WALSH. Salesmen in the sales department?
Mr. WELBORN. I think no salesman have ever—I should like to use—say that in using the term "deposit," I am willing to use it only as a convenient term. The money practically possibly was deposited; actually it was loaned to the company. There is very little distinction, perhaps, if I deposit money in the bank, I really loan it to the bank; the bank gives me a certificate of indebtedness to me. But we use, instead of a certificate of deposit, a note in regular form, a promissory note.
Chairman WALSH. Did that apply to all of the funds that were deposited with the Colorado Fuel & Iron Co.?
Mr. WELBORN. Yes.
Chairman WALSH. There was no drawing account, then, you say?
Mr. WELBORN. Oh, no; no drawing account.
Chairman WALSH. On the part of the employee?
Mr. WELBORN. No.
Chairman WALSH. All of it was represented by notes given by the fuel company to the employee to the amount he deposited?
Mr. WELBORN. I think all such notes were issued by the Colorado Supply Co., as a matter of convenience. The employees have more ready access to the stores in the mines, or the store rather is accustomed to handle the cash, and the money was deposited with the store department rather than with the Colorado Fuel & Iron Co.
Chairman WALSH. What length of time do the notes run?
Mr. WELBORN. They vary. Some were demands—demand notes, and others were on time.
Chairman WALSH. What portion of the whole $500,000; we will say that 25 per cent now of that came from the fuel department, that would leave $375,000 on deposit?
Mr. WELBORN. Twenty-five per cent came from departments other than the fuel company.
Chairman WALSH. That would leave $375,000. How much of the $375,000 would you say was from salaried employees?
Mr. WELBORN. That would be purely an estimate. Certainly much over $300,000 was deposited by employees other than salary.
Chairman WALSH. By wage earners?
Mr. WELBORN. By wage earners, what you term wage earners.
Chairman WALSH. That was all in notes given by the Colorado Supply Co.?
Mr. WELBORN. Yes.
Chairman WALSH. Which operates the stores?
Mr. WELBORN. Yes.
Chairman WALSH. To the persons who deposited and turned over the money?
Mr. WELBORN. Yes.

Chairman WALSH. Now, how much of that was in demand notes, and how much of that was represented by time notes?

Mr. WELBORN. A comparatively small amount in demand notes.

Chairman WALSH. How much of the $300,000?

Mr. WELBORN. I checked that up at one time, and if you will give me a moment to refresh my memory I will give it to you.

Chairman WALSH. Certainly. I do not want even to appear to be cross-examining, but I want to get the facts, Mr. Welborn.

Mr. WELBORN. My impression is that about 20 per cent of these notes are demand; the others interest-bearing notes.

Chairman WALSH. Then there was $240,000 in interest-bearing notes. How long did those notes have to run?

Mr. WELBORN. Usually one year.

Chairman WALSH. Then there was $240,000 in notes that had ordinarily one year to run?

Mr. WELBORN. Yes.

Chairman WALSH. And you say bore interest at what rate?

Mr. WELBORN. Four per cent.

Chairman WALSH. Was there any demand made upon you for payment of those notes prior to their maturity by any of the men?

Mr. WELBORN. Occasionally a demand is made, or a request for payment of the money, and it is always acceded to.

Chairman WALSH. Was that true before the strike?

Mr. WELBORN. Oh, yes; it has always been true.

Chairman WALSH. So there was $60,000 only of this $300,000 in demand notes?

Mr. WELBORN. That is my estimate.

Chairman WALSH. That is, of the actual wage earners?

Mr. WELBORN. Of the actual wage earners at the coal properties.

Chairman WALSH. Now, how much of that $60,000 was withdrawn between the 23d of September—what date was this issued, please——

Mr. WELBORN. This was issued——

Chairman WALSH. I see it is dated September 23, 1914.

Mr. WELBORN. This is the date.

Chairman WALSH. Then how much of this $60,000 represented by demand notes was drawn out between September 23, 1913, and September 23, 1914?

Mr. WELBORN. I should say about the same proportion of the demand as of interest-bearing notes.

Chairman WALSH. How much of the demand notes—first, I will come to the interest bearing, and later——

Mr. WELBORN. That is getting into detail that I can not attempt to give, except in a very rough way. I can say to you in connection with that—while the statement is here that less than 20 per cent had been withdrawn, during the period, but anyway I think our deposits, I know they never got below $400,000. I want to note one point.

Chairman WALSH. Please.

Mr. WELBORN. In the Rockvale district, where the men have for years been unionized, that belong to this organization of the United Mine Workers, and where all of them ceased work, the withdrawals were made at least as slowly, if not more slowly, than in the working districts. Just why, I do not know. But they allowed most of their money to remain for months and months.

Chairman WALSH. Now, if you will refer to my original question—will you please approximate what percentage of the demand money was drawn in one year?

Mr. WELBORN. Well, I can not do better than say 20 per cent. That is the best estimate I can make. I would like to ask our auditor to check me on my estimate, if I may, as he may remember the amount.

Chairman WALSH. That would be all right.

Mr. WELBORN. Of demand notes, I am inclined to think now it was only 10 per cent.

Chairman WALSH. There would be no objection to that.

Mr. WELBORN. Do you remember [addressing Mr. ———]? Mr. ——— says that out of the $500,000 total deposits, but $90,000, approximately, were demand notes.

Chairman WALSH. I was trying to get this down to the amount of demand notes of wage earners?

Mr. WELBORN. Yes.

Chairman WALSH. I am separating it. Let us get that amount. Has he got that?

Mr. WELBORN. No; he would not have that amount.

Chairman WALSH. Then I will go back to your estimate. It is hard to examine on details, if you can do that——

Mr. WELBORN. I only want to correct that one estimate. It is less than 10 per cent, rather than 20 per cent, demand notes.

Chairman WALSH. You say, then, there was less than 10 per cent due of demand notes?

Mr. WELBORN. Yes.

Chairman WALSH. Of the money represented by demand notes?

Mr. WELBORN. Yes.

Chairman WALSH. Withdrawn between September 23——

Mr. WELBORN. Less than 20 per cent of the total original deposits were in demand notes. To get down to the $375,000 total——

Chairman WALSH. Deposited by wage earners?

Mr. WELBORN. That we estimated had been deposited by coal-mine workers, and then we estimated over $300,000 of that amount represented deposits of the wage earners.

Chairman WALSH. Yes.

Mr. WELBORN. Now, then, it was assumed that not over 10 per cent of that, or $30,000, 10 per cent of the $300,000 were demand notes. That will correct all of the mistakes.

Chairman WALSH. That is a very important correction.

Mr. WELBORN. Yes.

Chairman WALSH. Now, of the $300,000 that was on deposit and was held by your company?

Mr. WELBORN. Yes.

Chairman WALSH. Being the property of wage earners being represented by demand notes, how much of that money, that $30,000, was withdrawn between September 23, 1913, and September 23, 1914?

Mr. WELBORN. I should say that that same proportion, about, and of the interest-bearing notes, that would be 20 per cent.

Chairman WALSH. Twenty per cent?

Mr. WELBORN. Yes. There has been no distinction, when a man wanted his money, between interest-bearing notes and demand notes, made by us.

Chairman WALSH. Nevertheless, of course an interest-bearing note, if it was not a demand note, was subject to your will, whether you would pay or not?

Mr. WELBORN. Legally, yes.

Chairman WALSH. Legally, you could refuse?

Mr. WELBORN. Yes. But the men knew we would not refuse.

Chairman WALSH. But it was so stated upon the face of the note.

Mr. WELBORN. Yes, I presume so.

Chairman WALSH. So about the same amount of time interest-bearing notes, money represented by time interest-bearing notes, were withdrawn, about 20 per cent, is that correct?

Mr. WELBORN. That would be my judgment, my estimate, Mr. Chairman.

Chairman WALSH. Now, refer to page 7, "At some of the mines"—second paragraph—"At some of the mines the men expressed these sentiments"— I think I had better go back to the beginning of the sentence. Take page 6, it is in the paragraph headed, "Why the men were satisfied."

Mr. WELBORN. Yes.

Chairman WALSH. And that concluding paragraph reads as follows: "The expressions of satisfaction with conditions and opposition to a strike on the part of the miners became the strongest during that period of agitation immediately following the arrival of Hayes, vice president of the international organization, in August. At some of the mines the men expressed these sentiments before the strike took effect in signed statements, the number so expressing themselves running from 90 to 99 per cent at certain mines." Were those statements made voluntarily by the men in the mines at the request of some employee of the company?

Mr. WELBORN. They were made voluntarily in every sense of the word.

Chairman WALSH. Did they have meetings?

Mr. WELBORN. No. I think they did not have meetings.

Chairman WALSH. How were the expressions gathered and by whom?

Mr. WELBORN. The expressions were gathered by some employee, some one or more, perhaps a number taking statements and presenting them to the men and asking them if they would wish to express themselves in writing as they had frequently done by word of mouth.

Chairman WALSH. Now, then, who drew up the statements?

Mr. WELBORN. I think it was possibly suggested—the form of it was very simple—by Mr. Weitzel. I think I can quote it.

Chairman WALSH. Very good.

Mr. WELBORN. "We, the undersigned employees at ——— mine are satisfied with conditions of labor and pay and opposed to the strike."

Chairman WALSH. Now, who drew that.

Mr. WELBORN. I think it was drawn by Mr. Weitzel, and suggested as a proper form for such superintendents as saw fit. There was no request. It was left very largely to their option or their judgment as to whether or not they cared to present such a statement to the men for their signature.

Chairman WALSH. Was the statement given to the superintendents?

Mr. WELBORN. No; I think that the superintendents—I think very probably the superintendent prepared the statement for his own—each one at his own mine.

Chairman WALSH. But the form was given by Mr. Weitzel?

Mr. WELBORN. I would say yes.

Chairman WALSH. And was the form presented to the employees in each one of your mines?

Mr. WELBORN. No; my impression is that it was not presented at all of the mines.

Chairman WALSH. In how many cases did the superintendent fail to present this statement for signatures?

Mr. WELBORN. I can't say that the superintendent failed. It may not have been presented at all of the mines, but I think to most of them; in fact, I don't know of any to whom it was presented or suggested, if you please, who concluded not to offer it to the men.

Chairman WALSH. So far as your knowledge goes, every superintendent to whom one of these suggestions was made by Mr. Weitzel presented it to the men under him? Now, give me a mine, for instance, of your company in which 90 per cent of the men signed it.

Mr. WELBORN. The Rouse mine.

Chairman WALSH. Give me one in which 90 per cent of the men signed it.

Mr. WELBORN. My impression is that 90 per cent of the men at a number of the mines signed it.

Chairman WALSH. Give me the name of, say, three.

Mr. WELBORN. I won't attempt to name any of them. I will defer that until after recess, if you please. The one at which 90 per cent signed it impressed itself on me. But out of the 20 properties——

Chairman WALSH (interrupting). How many were employed in the Rouse mine?

Mr. WELBORN. Between two and three hundred, I think.

Chairman WALSH. You would prefer to refresh your memory in some way for the 90 per cent?

Mr. WELBORN. Yes.

Chairman WALSH. Please pick out three and state that after recess.

Mr. WELBORN. All right.

Chairman WALSH. How many men went out on strike from the Rouse mine?

Mr. WELBORN. Somewhat more than 1 per cent.

Chairman WALSH. Please give me the number?

Mr. WELBORN. I can not give the numbers, but I should say that probably 30 men left our employ at the Rouse mine.

Chairman WALSH. You had on September 23 how many men working in the Rouse mine, if you know?

Mr. WELBORN. I do not know. I prefer—unless Mr. Weitzel happens to have the figures.

Mr. WEITZEL. I can give you the figures.

Chairman WALSH. I am going to suggest something that will save us all time. Please prepare that data and give it to me after recess. I want you to take three mines at which 90 per cent signed this statement, and then the number that went out from those particular mines.

In any of the mines of the Colorado Fuel & Iron Co. did 90 per cent of the miners remain at work after the strike was called?

Mr. WELBORN. I think not.

Chairman WALSH. Now, refer please——

Mr. WELBORN (interrupting). The largest percentage of the men who remained at work at any of the mines were the Morley, Primero, Sopris, and Rouse, but a great many men at these mines, as well as other properties, who had expressed themselves as not only satisfied with conditions but determined to resist the demands of the strikers had not courage enough to remain under this intimidation, that in some cases preceded September 23 and in others immediately followed it.

Chairman WALSH. So there was no mine of the company at which 90 per cent of the men remained?

Mr. WELBORN. No.

Chairman WALSH. They either went out voluntarily or were intimidated at the time by some sort of compulsion placed upon them?

Mr. WELBORN. Yes.

Chairman WALSH. Please refer to the paragraph entitled "Strike convention," on page 7, a portion of which reads as follows: "The so-called convention, held at Trinidad September 15, at which a vote to strike was taken, was composed of delegates chosen entirely by officers of the organization." Is that true?

Mr. WELBORN. Yes; substantially.

Chairman WALSH. In what way is any part of it not substantially correct, I will say?

Mr. WELBORN. I suppose it is possible that in some camps, a form of vote—some mining camps, a form of vote was taken for the selection of delegates to the convention. We have reason to believe that that was done and that it may have been done at our Rockvale and Coal Creek mines, which are mines at which the union has been in existence a great many years. At our other properties we know no delegates were selected by the workmen. The delegates claimed to represent—the delegates claiming to represent certain of our camps were, outside of the two exceptions named, in many cases employed but a few days at the mines at which they represented themselves to be delegated.

Chairman WALSH. What knowledge have you as to who did select those men, or as to whether or not they did not just walk in and assume——

Mr. WELBORN (interrupting). We have a great deal of knowledge with respect to this strike and the calling of it that is not susceptible of proof. Much of it is based on what legally you might call an impression, but I am convinced in my own mind that that is true. We know that the convention was composed mainly of men from northern Colorado who had been on strike for three and one-half years. We know that certain men were represented as delegates—a certain one man was represented as a delegate to this convention who was at work the two days the convention was in session.

Chairman WALSH. That was either a misstatement or a mistake as to his presence at all?

Mr. WELBORN. Yes, sir; either a misstatement or a mistake, is to put it rather mildly.

Chairman WALSH. I do not wish to put it mildly, but wish to differentiate, if I possibly can, the case of a false report, putting it as strongly as you can, that a man was a delegate who was not a delegate, and the statement here that every delegate was chosen by the officers of the organization. Have you any substantial basis that you can give the commission that all of those delegates were chosen by the officers of the organization? If so, state what the facts are.

Mr. WELBORN. No; I should say that that might probably be subjected to a little qualification, and yet that may be absolutely true, sir.

Chairman WALSH. Do you know whether it is true or not?

Mr. WELBORN. No; not of my own personal knowledge.

Chairman WALSH. Who passed upon the question of putting that statement just in the words it is in? That they were entirely chosen by the officers?

Mr. WELBORN. I did not; but I am not prepared to say that I will shirk the responsibility for it.

Chairman WALSH. Without attempting to fix the responsibility, who is the individual that did that?

Mr. WELBORN. That is the gentleman whose name I prefer to retain for a little while.

Chairman WALSH. Now, you spoke as to the miners' delegates that went from your camp. You say that in possibly two camps they were selected by a vote of the miners?

Mr. WELBORN. Yes.

Chairman WALSH. Have you the information, accurate information, as to how they were selected in the camps of other companies?

Mr. WELBORN. No; except I have the general statements of the officers of the other companies.

Chairman WALSH. Might any of the delegates have been selected by a vote of the workmen in those camps, so far as you know?

Mr. WELBORN. It is possible, but not probable, sir; that was not the method employed, Mr. Chairman. We know that they recorded as delegates at this convention men who had worked two or three or four days or a week at our mines, who were not regular employees and were not chosen as delegates by our men. Some had left our employ a week or more before the convention was called.

Chairman WALSH. Might those men not have assumed, without any person directing them or asking them, to represent their fellow miners in your employ, and just go to that convention and have their credentials accepted?

Mr. WELBORN. That is entirely possible, but not at all probable.

Chairman WALSH. So far as your knowledge goes, have you the name of any delegate you can give this commission that was in that convention that was appointed by the officers of the organization?

Mr. WELBORN. To say that, and express a knowledge of the actual form of appointment, or actual appointment by them, I can not do it.

Chairman WALSH. Can this gentleman, to your knowledge, who wrote this give that information?

Mr. WELBORN. I doubt if he can.

Chairman WALSH. Did he ever undertake to give you the information?

Mr. WELBORN. No; he is not in Denver or Colorado, by the way.

Chairman WALSH. Has he ever been?

Mr. WELBORN. Yes.

Chairman WALSH. Was he a newspaper man?

Mr. WELBORN. At one time.

Chairman WALSH. What did he get for writing this?

Mr. WELBORN. He has not been compensated.

Chairman WALSH. What is he going to get?

Mr. WELBORN. I don't know.

Chairman WALSH. You don't know what his expectations are?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. How large a bill will your committee approve for him, if that is a businesslike question?

Mr. WELBORN. When he finishes his work, his publicity work, I expect I will have to pass on the bill myself, and possibly our company all of it. I am inclined to think that he and I will agree without difficulty on the amount of it. How large an amount it will be I do not know; it will depend largely upon the extent of the work.

Chairman WALSH. I am going to ask you, do you know whether or not the nomination and election of the delegates to the miners convention were made upon petitions circulated, just as the mine officials circulated their statements as to the satisfaction of the men with their employment?

Mr. WELBORN. I know that such could not have been done without our knowledge in the camps, and I will say that—I will say that I know no such form of selection was employed at any of our camps.

Chairman WALSH. Now, going back to this compensation, did the gentleman—did you have a written contract with the gentleman who wrote this series?

Mr. WELBORN. No.

Chairman WALSH. Who made the contract of employment with him?

Mr. WELBORN. That was made—there was no contract made.

Chairman WALSH. Verbal?

Mr. WELBORN. But an oral understanding was had with him that he would undertake this work and that the compensation for it would be determined later when we saw what amount was necessary, what amount of work was done; and he is not through. He is still preparing data for us.

Chairman WALSH. Can you give us the substance—that conversation was had with you, was it, Mr. Welborn?

Mr. WELBORN. No; it was not had with me.

Chairman WALSH. With whom was it had?

Mr. WELBORN. It was had with one of our eastern—one of our other directors, Mr. Bowers, and possibly some other, but I am not sure. Mr. Bowers had a conversation with the gentleman in the East in June, I think.

Chairman WALSH. That was Mr. Jerome Greene?

Mr. WELBORN. He may have talked to Mr. Greene, I don't know.

Chairman WALSH. Then the substance of this verbal contract, or this oral contract, was communicated to you by whom?

Mr. WELBORN. The substance of it I have got more or less from the gentleman himself who is doing the work.

Chairman WALSH. Then he had his conversation with somebody in the East?

Mr. WELBORN. Yes.

Chairman WALSH. Then he came to see you, did he?

Mr. WELBORN. Yes.

Chairman WALSH. Did he tell you the substance of the conversation and with whom he had the conversation in the East?

Mr. WELBORN. No; only from time to time as the work—as he has taken up the work with me.

Chairman WALSH. But you are the gentleman connected with the company, Mr. Welborn, who will finally pay this man for his services, and you are the one that had the final understanding with him as to what he was to do for his money?

Mr. WELBORN. No; I may not pay him. The company may not pay him. I don't know. Some one else may see fit to compensate him for this. That has not been determined certainly yet.

Chairman WALSH. Do you know whether or not the man knows who is going to pay him?

Mr. WELBORN. No; but I feel sure he is satisfied he will get his money.

Chairman WALSH. Who do you think will pay him, Mr. Welborn?

Mr. WELBORN. I don't know. I am honest in that in every particular. I don't know whether the company will pay him or some one interested in the company.

Chairman WALSH. At this point we will take an adjournment until 2 o'clock. Please resume the stand at that time, Mr. Welborn.

(The hour of 12.30 p. m. having arrived, a recess was taken until 2 o'clock, at the same place.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Stenographer, I wish you would please identify this telegram and copy it in the record.

(Telegram so offered is as follows:)

[Western Union telegram. Received at 1112 to 1118 Seventeenth Street, Denver, Colo. W26TCH WB 221 E EX subject to correction. Duplicate of telephoned telegram. Telephone No. Main 1867. 222. Telephoned to Welborn. To be delivered. Rush.]

AX. NEW YORK, N. Y., *April 20, 1914.*

Mr. J. F. WELBORN and Mr. L. M. BOWERS,
Colorado Fuel & Iron Co., Boston Building, Denver, Colo.:

Referring to my telegram of this morning repeating telegrams from and to Dr. Foster, the letter of Gov. Ammons of November 27 to the operators and miners shows that at that time the only obstacle to a settlement was recognition of the union. He then suggested a solution covering all points except recognition, and the operators accepted his suggestion and invited their employees who had not been guilty of disorder and other unlawful acts to return on the terms mentioned by him, and assured him and their former employees that they would conform in good faith to all his suggestions. It seems to us that the operators should call Dr. Foster's attention to these facts and reiterate their willingness to accept this settlement. By so doing they will place themselves in a very strong position before the public, in that it would be evident that all disorder since November 27 has been due to the refusal of the unions to accept the settlement which was then proposed by the governor and accepted by the operators but rejected by the miners, unless in the meantime there has been an important change in the situation. As stockholders and directors, we strongly advise that the operators make reply to Dr. Foster along these lines.

JOHN D. ROCKEFELLER, Jr.

Chairman WALSH. Did you succeed in getting the names of the 90 per cent?

Mr. WELBORN. Yes; they were Morley, Tercio, and Primero.

Chairman WALSH. Tercio?

Mr. WELBORN. Yes.

Chairman WALSH. Now, how many men went out at Morley?

Mr. WELBORN. I can't tell you exactly. I didn't have time to get that.

Chairman WALSH. Will you please ascertain, and then I will not take up that subject until you do?

Mr. WELBORN. Yes. You may be able to find—we will have that information for Mr. Weitzel to give you.

Chairman WALSH. I wish you would, and if Mr. Weitzel has it, you will not have to be recalled after you leave the stand.

Now, when we adjourned, I think we were on the question of the compensation of this gentleman that actually wrote this matter?

Mr. WELBORN. Yes.

Chairman WALSH. Now, what were his duties?

Mr. WELBORN. Well, he was charged with the responsibility, with the preparation of the material used for the bulletins.

Chairman WALSH. Have you with you here all of the bulletins that have been issued; there have been several, I believe you have stated, some after that?

Mr. WELBORN. Yes. We have issued three bulletins since that pamphlet was gotten out. One of the bulletins was composed of extracts from my annual report, which you have; the other two bulletins were made up from Dr. Berle's article, a copy of which I have here and will be glad to furnish you if you desire.

Chairman WALSH. We would like to look at it.

Mr. WELBORN. If it is not here, it will be with another bunch of papers.

Chairman WALSH. Are you acquainted with Dr. Berle?

Mr. WELBORN. I met him when he was in Colorado.

Chairman WALSH. Did he have a letter of introduction to you from anyone?

Mr. WELBORN. No. A mutual friend introduced him.

Chairman WALSH. A mutual friend in Denver?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Did Dr. Berle state whether or not he came here at the request of any person?

Mr. WELBORN. No. He stated that he came here—I think he was then on his road from California——

Chairman WALSH. Did he state——

Mr. WELBORN. He came to attend the chautauqua then being held at Boulder.

Chairman WALSH. Did he tell you that he had had a conversation with Mr. Jerome Greene?

Mr. WELBORN. No. But I am very sure he had not had a converation on this subject with Mr. Greene.

Chairman WALSH. On any subject, immediately prior to coming out here?

Mr. WELBORN. On the subject of the strike—my impression is that he had not seen Mr. Greene for some time. In fact, Mr. Greene's name was not mentioned in the one interview that I had with Dr. Berle.

Chairman WALSH. You say that he was introduced to you by a mutual friend?

Mr. WELBORN. Yes.

Chairman WALSH. Did any person request him to go into the coal fields?

Mr. WELBORN. I can't say as to that.

Chairman WALSH. Was any data furnished to Dr. Berle from your office?

Mr. WELBORN. I think not; I am very sure there was not. He was in my office quite awhile, and we went to luncheon together with a mutual friend, who was Mr. Charles Lockridge, and I am very sure I gave him no data from my office.

Chairman WALSH. Is Mr. Lockridge connected with the Colorado Fuel & Iron Co.?

Mr. WELBORN. No; he has absolutely no connection.

Chairman WALSH. Had Dr. Berle's attention been called by any person, so far as you know, to the situation in the coal fields of Colorado, prior to that date?

Mr. WELBORN. So far as I know, it had not been called to his attention by anyone in Colorado except possibly Mr. Lockridge. I think they came a part of the way from California on the train together.

Chairman WALSH. Did Dr. Berle state whether or not it had been his intention to visit the coal fields of Colorado upon this western trip before leaving Massachusetts?

Mr. WELBORN. I think he said that it was his intention, if he found the time, to look into this question. Whether he stated specifically that he intended to visit the coal fields or not, I can't say.

Chairman WALSH. Did he state that he had talked to any person connected with your company before coming out here?

Mr. WELBORN. No; he did not.

Chairman WALSH. To your knowledge had he spoken to this gentleman who wrote the matter in these documents before he came out here?

Mr. WELBORN. He did not know the gentleman and I am very sure he does not know him now.

Chairman WALSH. Now, who gave this gentleman the material from which to write the extracts from Dr. Berle's investigation?

Mr. WELBORN. He had Dr. Berle's article as published.

Chairman WALSH. Who gave it to him, if you know?

Mr. WELBORN. I do not know whether I sent him the identical copy that he used; I sent him some copies of the article.

Chairman WALSH. Dr. Berle's article?

Mr. WELBORN. Yes; but I imagine he had the article before I received it.

Chairman WALSH. You sent that in a letter, did you; Dr. Berle's article?

Mr. WELBORN. I may or may not. I may have simply transmitted a number of them with a brief note of transmittal; or possibly they were mailed without any comment.

Chairman WALSH. Will you please add to your other correspondence that you are to produce here any copies that you have written of any letters that you wrote to this publicity man inclosing the article of Dr. Berle?

Mr. WELBORN. Yes.

Chairman WALSH. That is, if you did so.

Mr. WELBORN. Yes; I will be very glad to.

Chairman WALSH. Is this gentleman in the State now? I believe you stated he is not in the State at the present time?

Mr. WELBORN. No; he is not.

Chairman WALSH. You are in communication with him, I suppose?

Mr. WELBORN. More or less; yes.

Chairman WALSH. Do you direct what he is to publish and what he is not to publish?

Mr. WELBORN. No. I think I might say we confer frequently, or usually.

Chairman WALSH. My reference is to the gentleman who is writing the matter for you. You so understood that, did you?

Mr. WELBORN. I so understood you.

Chairman WALSH. It was a little bit obscure, and you may have thought I meant Dr. Berle. When did you see him last?

Mr. WELBORN. I saw him last at the end of September when I was East, immediately after—I saw him in New York immediately after I visited Washington.

Chairman WALSH. When did you first see him in Denver?

Mr. WELBORN. I think it was in the month of August.

Chairman WALSH. And was that the time you had this engagement with him to conduct the publicity for your company?

Mr. WELBORN. No; he had taken up the work in accordance with an understanding with another gentleman connected with this company, and I think had been engaged in it a month or two at that time.

Chairman WALSH. That is August of this year, August of 1914?

Mr. WELBORN. Yes.

Chairman WALSH. What was the data with reference to the situation before you met him?

Mr. WELBORN. I am not sure whether these bulletins are dated or not.

Chairman WALSH. This first seems to be dated September 23.

Mr. WELBORN. This is a consolidation of several bulletins, the first 15 bulletins.

Chairman WALSH. I will ask you this, to shorten it: Did this gentleman write any other matter for your company prior to the first bulletin which appears in this series of bulletins in this publication?

Mr. WELBORN. Yes; he had written some others prior to the time I saw him.

Chairman WALSH. They do not appear here?

Mr. WELBORN. Oh, no; none that appear here.

Chairman WALSH. I was asking, did he write any that don't appear in this document here before us?

Mr. WELBORN. No; he did not.

Chairman WALSH. What were his duties? What was he to do in getting publicity? Was he to do anything besides write the matter?

Mr. WELBORN. Yes; he is a man of very wide experience in that work. His ability is recognized by very important interests in the East, railroad interests and others, and to him was left the question of determining what distribution the bulletin should have as well as the general form that they should take.

Chairman WALSH. Was it left to him to determine the matter, the subject matter that was to go into the bulletins?

Mr. WELBORN. Yes; in the main; always, of course, with the understanding that that was to be—the matter was to be taken from statements or data on file in our office or elsewhere that he could obtain it.

Chairman WALSH. In other words, it was either to be obtained by him from the data you already had passed upon or you were to pass upon it before it was published?

Mr. WELBORN. Yes.

Chairman WALSH. Now, was it any part of the understanding that he should endeavor to secure data for publication that might be——

Mr. WELBORN. No; there was no understanding upon that point.

Chairman WALSH. Does he do that?

Mr. WELBORN. I do not know of his having attempted to secure any other than what he obtained from our records here.

Chairman WALSH. Have you seen anything published, or has there been anything published, in any of these bulletins except what was gathered from your data at Denver here?

Mr. WELBORN. In a general way, I should say no, although it is entirely possible that certain facts were obtained directly from our data. If you have any particular number of bulletin in mind, I would be glad——

Chairman WALSH. I have none in mind; I am just asking the question.

Mr. WELBORN. I do not know where any of them were not taken from our matter.

Chairman WALSH. Please refer to page 8, the second paragraph, which reads as follows: "As Colorado's coal-mining scale was already about 20 per cent higher than the scale in districts with which the Colorado coal competes, the granting of the second request for an increase in wages would have been little short of business suicide." With what districts does Colorado coal compete?

Mr. WELBORN. Colorado coal competes with the coal in what is termed the southwestern district, comprising Arkansas, Oklahoma, Kansas, and Missouri. It competes with Iowa and Illinois coal, and in certain sections and in a very small way in Wyoming, but that is hardly a competing product.

Chairman WALSH. Now, by whom was this statement furnished?

Mr. WELBORN. I can't say specifically. That may have been taken from some matter that the coal managers' committee had previously made public. We have been very active in publicity work in putting our situation before our friends and others, and this may have been prepared before the particular form of publicity work about which you are now inquiring was undertaken.

Chairman WALSH. Please refer to page 10, under the heading "Protecting mines," and to this language [reading]:

"The operators had, in view of what was obviously to be the program of the strike leaders, employed at all of their more important properties from half a dozen to fifteen armed guards to protect the mine equipment and defend the workmen against the assaults of the strikers.

"The operators were compelled to employ these men; it was not of their choosing, the necessity for it being daily demonstrated. Their right to do so was not denied. And at this point it should be made as positive as language can make it that these so-called company guards were selected with the utmost care, after an investigation as to their former experience, habits, and efficiency as peace officers."

Was that matter furnished by you?

Mr. WELBORN. I should say it was, in the main; not that language, but the facts on which that statement were based were undoubtedly furnished by me.

Chairman WALSH. And did these guards include the ones that were employed by Mr. Felts, about which you have spoken previously, where you thought that the necessity was so great for their employment that they were selected without regard to their record being looked into?

Mr. WELBORN. The data with respect to the general employment of guards, of course, was prepared, you might say, at the beginning of the strike. The incident to which I referred in connection with our accepting the service of Mr. Felts in the protection of our properties occurred October 27.

Chairman WALSH. What year?

Mr. WELBORN. Of 1913. And that was more or less, or to a very great degree, a temporary employment. All those particular men——

Chairman WALSH. How long were they employed, the men that were selected by Mr. Felts; how long did they remain in your employ?

Mr. WELBORN. I suppose that some men selected by Mr. Felts were employed for many months.

Chairman WALSH. How many?

Mr. WELBORN. It is entirely possible that some are still in the employ of some of the companies—not a very great number. I do not know that we have any Baldwin-Felts men in our employ now. But I do know that at times we had some of their men who were very carefully selected.

Chairman WALSH. Well, this language as I read it applies to all of the men employed by you after the strike commenced.

Mr. WELBORN. Well, that is very true. And it in a general way is literally correct, although there were a number of occasions during the first year of the strike when we were compelled to act and act very quickly, and when we had no time in which to select or to determine as to the character of the men or the particular quality of firearms that we should employ with which to protect ourselves. I want to have you understand the situation that existed at Berwind and Tabasco from April 25, or from October 25 to October 28, inclusive, during a part of which time we were in conference with the governor, with Senator Patterson present. Coal mines in the Berwind Canyon, two belonging to ourselves and two or three to other companies; two mines belonging to the Victor American Fuel Co. in the adjoining canyon were under attack by from 300 to 500 men stationed on the hills at points which gave them a decided advantage over those in the canyon. They were shooting into the houses. They killed a number of men, wounded two children while they were in bed. On the morning of the 28th of October the situation became so intense that the mine superintendents directed that all of the women and children be sent out. Many of them went as early as Saturday and some the following day and some stayed, insisted on remaining as long as their husbands stayed there, and in that situation we did everything and anything we could do to provide those people with the means of saving them from absolute massacre. An example of what the men acting under the leadership of the officers of this union would do was given us on April 29, when they marched on Forbes mine and killed nine men. There was no protection at that property.

Chairman WALSH. What was the date of that?

Mr. WELBORN. April 29. That was while a truce was then in effect between the governor and Mr. Hawkins, attorney for the United Mine Workers, and being observed by the governor. It was because of his observance of the truce that the militia were kept at Ludlow instead of being sent to Forbes to protect those people. The situation was very much the same in October. As I say, we provided every means within our power to protect our people to whom we had promised protection if they wished to remain at work.

Chairman WALSH. If my memory serves me, Mr. Osgood testified none of these men that were employed by Felts as mine guards were used by his company?

Mr. WELBORN. I don't remember what he testified.

Chairman WALSH. What I was going to ask you is were all of these 40 or 45 men that Mr. Felts says he employed without investigation, were they or were they not employed by your company?

Mr. WELBORN. No; they were not all employed by our company directly. My impression is that Mr. Osgood said that at the beginning of the strike there were employed no guards provided by Mr. Felts. I may be wrong as to that, but that is my impression.

Chairman WALSH. Do you know how many of those men employed by Felts without investigation went into the service of your company?

Mr. WELBORN. No; I do not.

Chairman WALSH. Do you know how many of them were afterwards discharged by you?

Mr. WELBORN. No; I do not.

Chairman WALSH. Were any of them afterwards discharged?

Mr. WELBORN. No; I haven't been able to keep acquainted with those individuals or their employment or the details of their employment and discharge.

Chairman WALSH. Have you undertaken to keep track of the detail of the employment of any of the men employed by Mr. Felts?

Mr. WELBORN. No; Mr. Felts employed men in which we were interested only on a few occasions, except in the case of individuals—single individuals—that he may have employed for us at the request of Mr. Wettiel. Such men were always very carefully looked into.

Chairman WALSH. Page 12 contains a copy of a communication signed by John R. Lawson and others, the heading of which contains the words, "A call to rebellion." Was it intended to be understood that that was the heading of this document when sent out to the miners?

Mr. WELBORN. I don't know. That is what it is. That was the effect of it.

Chairman WALSH. I know; but that was intended to be a literal copy of the call. Was that contained in it, or was that the designation of the writer?

Mr. WELBORN. I don't know; I should imagine that was the designation. Yes; I will claim that as our designation.

Chairman WALSH. And it was not intended to be a part—to convey to the reader that it was a part of the original document?

Mr. WELBORN. No. Those words, so far as I know, are not a part of the original document.

Chairman WALSH. Well, they might apparently be taken that way. That is the reason I marked it that way, to ask you about it.

Mr. WELBORN. Well, it is entirely possible.

Chairman WALSH. Is the balance of it a correct quotation?

Mr. WELBORN. So far as I know. I have not made a comparison. It sounds familiar.

Chairman WALSH. It was publicly circulated, and you have read it many times?

Mr. WELBORN. Yes.

Chairman WALSH. Can you call my attention in there to the reference to Mrs. Grenfel, please?

Mr. WELBORN. All right; page 42, I think.

Chairman WALSH. It is on page 42. It is referring to the occurrence at Ludlow and headed "No massacre of women and children at Ludlow, Bulletin No. 8." It is stated there, in connection with occurrences at the battle of Ludlow, and especially concerning the report that women and children were ruthlessly killed, Mrs. Grenfel's statement to the President says—and it contains quite a long statement following that.

Mr. WELBORN. Yes.

Chairman WALSH. Is Mrs. Grenfel regarded by the operators as one whose personal knowledge of the occurrences at Ludlow is full and complete?

Mr. WELBORN. I understand Mrs. Grenfel has made some very careful investigations of the conditions. I don't know the lady. I don't know of any other of the operators who is acquainted with her.

Chairman WALSH. Are your mine managers convinced that Mrs. Grenfel is personally acquainted either by direct knowledge or personal investigation with all of the facts stated in this statement that follows your reference to her?

Mr. WELBORN. Mrs. Grenfel is a lady whom I am sure would not make statements about so serious a matter without having her facts. I have not recently read this, and I do not recall just what it says; but I am sure that she is well within the facts in all that she said in the statement quoted.

Chairman WALSH. Well, then, you are convinced, are you, that Mrs. Grenfel was acquainted either by personal knowledge or personal investigation with the facts set out in that statement?

Mr. WELBORN. Yes, sir; I am quite convinced of that.

Chairman WALSH. Page 48, it is said that the managers feel that any submission to such a plan as the check off was unjustifiable and was an imposition on their employees, who had the right to receive the whole of their wages without interference by anyone?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And "check off," as I understand, means a deduction from their salary by the union?

Mr. WELBORN. Yes, sir; as required under the contracts with the union.

Chairman WALSH. Yes; and I think the testimony here was that it was 50 cents per month.

Mr. WELBORN. Ten dollars initiation fee and 50 cents a month for special strike assessment. And then there are dues and fines, other amounts, variable.

Chairman WALSH. Do the miners in Colorado, as a matter of fact, ever receive the whole of their wages free from deduction?

Mr. WELBORN. They do; free from deductions except those made with their consent—perfectly voluntary on their part.

Chairman WALSH. Just indicate what those deductions are.

Mr. WELBORN. In our companies, the one as to hospital, the deduction for smithing, the deduction for powder—something they have bought—the deduction for supplies bought at the stores.

Chairman WALSH. And do you have a conference with them—with the employee—as to the amount that shall be charged?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Or do you just fix it?

Mr. WELBORN. At the time when the employee comes into our service he is informed of those practices as a part of our rules, and we have found they all very readily accept them.

Chairman WALSH. Please refer to page 67. In the first paragraph I see there you have, "Frank J. Hayes, nine weeks' salary, $4,052.92; Frank J. Hayes, nine weeks' expenses, $1,667.20; total for salary and expenses, $5,720.12. Frank J. Hayes was thus paid over $90 a day, or at the rate of over $32,000 a year. For this same period of nine weeks John McLennan received for salary $2,683.55 and for expenses $1,469.55, or $68 a day. John R. Lawson received for nine weeks' salary, $1,773.40. Mother Jones, whose sole duty was to agitate, received $2,068.62 as salary for the same period—$42 a day. Colorado miners, with their high wages, evidently offered a glittering prospect to the treasury of the United Mine Workers of America." Please state where those figures were obtained.

Mr. WELBORN. They were obtained from newspaper publications which came out in the early part of 1913, I think.

Chairman WALSH. What newspaper publication?

Mr. WELBORN. I don't recall. I saw the statement published in a number of papers, some in Trinidad and some in Pueblo and elsewhere.

Chairman WALSH. Did you give that statement to the publicity man that actually wrote the matter?

Mr. WELBORN. I did not specifically give it to him. He took that, along with a lot of other information that I had that was taken from my files, in connection with the difficulty at that time.

Chairman WALSH. Is that one of the statements that you accept personal responsibility for the truth of, Mr. Welborn?

Mr. WELBORN. I accept the same responsibility that I would as to any published statement that had gone undenied and to which, as in the case of this one, I referred before the congressional committee without a denial having been entered as to its correctness.

Chairman WALSH. I heard Mr. McLennan testify that his salary during this time was $4 per day. If that turns out to be the truth, have you some means to correct the misstatement that occurred here?

Mr. WELBORN. I doubt if there is any means of determining whether or not that is true. I would just as soon believe these figures as true as the others.

Chairman WALSH. Will you please indicate the newspaper from which you got those figures?

Mr. WELBORN. I can not. It was published in a number of papers, and I may not have the clipping myself at this time. But I want to call your attention particularly to the fact that before the congressional committee I referred to this particular advertisement as to the amount reported to have been paid to these gentlemen for the nine weeks' service, and there no denial was entered as to its correctness.

Chairman WALSH. Was that in an advertisement in a newspaper? Was it in the nature of an advertisement that you saw it in the newspaper?

Mr. WELBORN. No; not that I know of.

Chairman WALSH. I thought you mentioned advertisement.

Mr. WELBORN. I don't remember. It may have been an advertisement.

Chairman WALSH. May have been an advertisement originally published by your company?

Mr. WELBORN. It was not an advertisement originally published by our company.

Chairman WALSH. Or by any other coal company?

Mr. WELBORN. So far as I know, it was not.

Chairman WALSH. Could you state about the date of the [illegible]per in which that publication was made?

Mr. WELBORN. It was in the early part of 1913. My impression is that the statement was made a very short time before the congressional committee arrived in Colorado, and that was the 7th of February, I believe, 1914, I should say.

Chairman WALSH. Was this data turned over to the gentleman that wrote your publicity in August of this year?

Mr. WELBORN. No, sir. This was taken by him or some one representing him—a gentleman representing him that came out here in June.

Chairman WALSH. Did you see a refutation of the claim as to the amount that was paid these individuals in the Chicago Tribune?

Mr. WELBORN. No; I did not.

Chairman WALSH. Did you read the Chicago Tribune?

Mr. WELBORN. I do occasionally.

Chairman WALSH. Did you see a refutation of it in the labor paper published in Denver?

Mr. WELBORN. No; I did not.

Chairman WALSH. Do you read that carefully?

Mr. WELBORN. I do not.

Chairman WALSH. Did you see a refutation of it in the Labor Herald of Kansas City, Mo.?

Mr. WELBORN. I did not.

Chairman WALSH. Did you see a refutation of it in the national publication of the American Federation of Labor, called the Federationist?

Mr. WELBORN. I did not.

Chairman WALSH. Do you read that?

Mr. WELBORN. I do not.

Chairman WALSH. Did you see a refutation of it in the St. Louis Republic?

Mr. WELBORN. No; I did not.

Chairman WALSH. Do you read that paper?

Mr. WELBORN. Rarely ever.

Chairman WALSH. Well, Mr. Welborn, if I may ask, did you look any place for a refutation of this after you saw it in the first publication—this advertisement as to——

Mr. WELBORN (interrupting). I did not. I have had a good deal to do besides looking for a denial on the part of the other people of statements made concerning their affairs. I gave them the opportunity to deny it before the congressional committee, and it was not there denied.

Chairman WALSH. Did Mr. Lawson appear before the congressional committee?

Mr. WELBORN. He did.

Chairman WALSH. And testify in your presence?

Mr. WELBORN. He did.

Chairman WALSH. And Mother Jones appeared before the congressional committee, did she?

Mr. WELBORN. I understood she appeared in Washington.

Chairman WALSH. Did you read her testimony?

Mr. WELBORN. No; I did not.

Chairman WALSH. Well, how do you know that she did not deny it?

Mr. WELBORN. Well, I did not say that she did not deny it there. I am speaking of the investigation that took place in Colorado.

Chairman WALSH. I have been asked to ask you this question by a gentleman who signs himself "Miner": Is it not true that the operators' association, through its publicity bureau, furnished the material regarding salaries of officers published always in the first instance in the newspapers, from which you afterwards took it, after its publication?

Mr. WELBORN. It is not—absolutely.

Chairman WALSH. Now, Mr. O'Connell states he wishes to ask you a question or two in relation to that.

Commissioner O'CONNELL. In the beginning I read this paragraph—it states that the report of the secretary-treasurer of the general organization from which these figures have been taken—not from a newspaper clipping, as I take it.

Mr. WELBORN. Well, this—the newspaper which published this statement gave that as the authority for the figures, as I remember it.

Commissioner O'CONNELL. Yes; but the reading of this would indicate that these figures were taken and published as being taken from the general secretary-treasurer of the national organization.

Mr. WELBORN. Well, if the newspaper statement was correct, no violence has been done to anyone by the statement in the form in which it is made. If the newspaper statement is not correct, then, of course, that is not correct. As I have stated two or three times before, there has been opportunity for denial of the correctness of these figures given to the people, some of whom are quoted here.

Commissioner O'CONNELL. Well, the reading of the matter indicates that these amounts—these sums of money—have been paid for nine weeks and indicates that the figures are taken from the report of the secretary-treasurer of the general organization for the period ending November 3, 1913.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Now, this is the report of the secretary-treasurer of the national organization for that period.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Mr. William Green, general secretary-treasurer, and these are his figures for the year ending November 30, 1913—not for the nine months or nine weeks, as indicated in this.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. And I find these same figures for these gentlemen covering the entire year of the period ending November 30, 1913, as are quoted in this statement here, indicating that they have taken the salary and expenses of these men for the entire year from Mr. Green's report, the national secretary, and made them read nine weeks, as I will quote the figures.

Mr. WELBORN. I would have to know what the activities of these gentlemen were before the strike commenced in Colorado.

Commissioner O'CONNELL. They are employed annually by the organization, and their salaries go on whether they are in Colorado or some place else. They are paid by the national organization. There are some discrepancies in the figures when they come to be tabulated, but I notice some of them are so accurate by cents as to indicate that for the year's period it would be highly impossible for the two to be exact just to a cent in the expenses of a man traveling over the country, as, for instance, in the case of Mr. Frank Hayes, for the 12 months reported by Mr. Green, his expense was $1,067.20, the exact figures quoted for the nine weeks in that published statement of expense.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Now, it is hardly possible, it seems to me, that that same figure of expenses would carry year after year, year after year.

Mr. WELBORN. Of course, I have not had access to the reports of William Green, and I have no information whatever as to the source of information of the newspapers for this article.

Commissioner O'CONNELL. Well, they quote this document as authority for it.

Mr. WELBORN. I recall now that Mr. McLennan said yesterday that Mr. Hayes's salary had been $2,500 a year and from that increased to $3,000 or $3,500.

Commissioner O'CONNELL. The period indicated here, Mr. Hayes drew in that year, ending November 30 of that year, as salary, $2,365.72. That is the general secretary's report of the amount of salary paid Mr. Hayes.

Mr. WELBORN. Twenty-three hundred and what?

Commissioner O'CONNELL. Ninety-five dollars and seventy-two cents. And his expense is the same as quoted, $1,067.20 for the 12 months instead of the 9 weeks.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. And so the figures run as to all the parties. The expenses mentioned are correct, but a little slight difference in the salaries.

Mr. WELBORN. Well.

Commissioner O'CONNELL. For the year; I simply made these statements so as to get it in the record as a denial, if you will, for the first time, be it, as to the figures taken from the report quoted.

Mr. WELBORN. Would it be out of order here to call attention to the statement Mr. Hayes made at Trinidad, or which was reported in the newspapers to have been made by him September 15 of this year, to the effect that the strike had already cost $2,044,000, and in connection with that call attention to the fact that the maximum number of men who left our employ when the strike was called was 4,050; that immediately a considerable number left the

State; that within 30 or 40 days they commenced to return to work at the coal mines; that to-day there can not be over a thousand men in southern Colorado, if over a thousand in the State, on strike who originally worked in our mines. I don't think the average number of former employees—I am sure that the average number of our former employees who have drawn relief from the United Mine Workers has not exceeded 3,000. They state that the amount of relief is $3 per man, $1 for the wife, and 50 cents for each child per week. If the $3,000,000 had been distributed, even allowing a liberal amount for management expenses, at the rate even of $4,000 for nine weeks, and been distributed equitably among the strikers, the real strikers not those who had been brought in, to make a show of number and lead in the violence, the men would have been drawing a very fair wage—the strikers—something approaching $1,000.

Commissioner O'Connell. That would be the impression on my mind of this article. They may have taken that view of it.

Mr. Welborn. I don't affirm those facts. That is my view of it.

Commissioner O'Connell. I haven't any desire to discuss this further, because I imagine we will have Mr. Hayes on himself later on during some part of our hearings, and we can get his phase as to whether he does or does not handle money outside of his——

Mr. Welborn (interrupting). I am just calling your attention to some figures that represent the number of men who actually left the employ of all the mining companies.

Chairman Walsh. Well, we will leave that, then, for the present.

Mr. Welborn. Very well. I have no desire to continue it.

Chairman Walsh. What has been your experience with trades-unions.

Mr. Welborn. I have never had direct experience with trades-unions.

Chairman Walsh. What has been your experience with the United Mine Workers of America?

Mr. Welborn. I have never had direct experience with the United Mine Workers of America—that is, in a contractual relationship.

Chairman Walsh. Have you ever at any time made personal investigation of the operation of these agreements between operators and organized miners in any other mining fields?

Mr. Welborn. Yes. All my business life I have known more or less of the relations between coal operators and the United Mine Workers of America, where contracts existed between them. In the last few years I have learned a great deal from operators in northern Colorado and in other States. I know a good many men in the coal business in Kansas, Missouri, Illinois, Pennsylvania, and some in other States. Many of those men, as a matter of expediency, or for other reasons, have been obliged to enter into contract with the United Mine Workers of America. That is the only organization that represents coal-mine employees. I have yet to hear the first man say that he was satisfied with the relationship. Without exception, they have said, "Welborn, don't go into it. Don't allow yourself to be tied up with them. You surrender all of your rights to conduct your business, and you had better spend millions of dollars than to join hands with the United Mine Workers of America. They will dominate your business from the day the contract is signed."

Chairman Walsh. Do you know of the agreement in force between the operators of the mines in the anthracite coal mines of Pennsylvania?

Mr. Welborn. I know there is such an agreement; yes, sir.

Chairman Walsh. Are you familiar with it?

Mr. Welborn. I am not. I recently had a discussion with a gentleman in Philadelphia who, I think—I know he is an anthracite operator, but I learned very little concerning its operation.

Chairman Walsh. Would an agreement without the closed-shop feature and the check-off system conflict with the operating policy of your company?

Mr. Welborn. It would conflict with the operating policy of our company or any other company attempting to do business in a legitimate way if it were conducted—if the labor organization were conducted as it has been in Colorado.

Chairman Walsh. Do you believe in the underlying principle of collective bargaining?

Mr. Welborn. I think that subject is open to discussion. My thought in connection with it has all been concentrated around my own experience. I know that no form of collective bargaining that exists in coal-mining operations to-day would tend to create a better condition for the workmen than exists with our employees, and certainly it would work a great injury—it has in most cases, anyway—on the operator.

Chairman WALSH. Do you have in mind any conditions under which you would put collective bargaining in operation in your own industry?

Mr. WELBORN. I consider we have something approaching very closely collective bargaining in our own industry now. Our men are free to and do come to officers of the company—to my own office and to that of the general manager and to others—with their grievances or with their suggestions. There is in each camp one or more men who are always closely in touch with the sentiment of the men—men who can and do convey to us the impressions, adverse and otherwise, of our workmen. Through that we are able to get at evils occasionally without or before complaints are actually made. We have taken up a great many matters on the suggestion of some of our workmen—not always by an individual. I think if two or three men go to a superintendent or a manager with suggestions or with grievances, whatever you may call them, that are not wholly individual they, in a way, represent collective bargaining.

Chairman WALSH. Does your company have claims at the present time against the State of Colorado for board and supplies furnished the militia?

Mr. WELBORN. No; I don't know. I believe all our bills have been paid by the certificates of indebtedness mentioned.

Chairman WALSH. To what extent, if any, did yourself and other officers of the company cooperate with the adjutant general of the State and the other officers of the National Guard?

Mr. WELBORN. We cooperated in the same way that I think that every law-abiding citizen, who was deeply interested, did.

Chairman WALSH. Well, just briefly and in detail state.

Mr. WELBORN. I do not know just exactly what you want to get at.

Chairman WALSH. Did you exchange ammunition?

Mr. WELBORN. They took our ammunition and guns when they came into the field and they have not brought them back, and, that being the case, I should say that there was no exchange. [Laughter.]

Chairman WALSH. Please preserve order.

To your knowledge, did your mine guards at any time use any ammunition belonging to the State militia?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. To your knowledge did the State militia at any time use the ammunition which they had taken from your company?

Mr. WELBORN. I have been told that they did.

Chairman WALSH. The principal inquiry was, Did they use the machine guns of your company after they took them?

Mr. WELBORN. I was informed they did on occasions.

Chairman WALSH. Have you any first-hand knowledge of it?

Mr. WELBORN. No.

Chairman WALSH. Do you have any knowledge of any of the mine guards employed by your company joining the State militia?

Mr. WELBORN. I have been told that some of our mine guards did.

Chairman WALSH. Do you know how many?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. Did any of them join under orders from you?

Mr. WELBORN. None joined under orders from me.

Chairman WALSH. Or under request from you?

Mr. WELBORN. Nor under request.

Chairman WALSH. Or under the request or order of any other officer of the Colorado Fuel & Iron Co., to your knowledge?

Mr. WELBORN. To my knowledge, no.

Chairman WALSH. Have any of the officers of the National Guard, not employed in the operation of your mines, received compensation or any favor of any sort from any member of your company at any time, to your knowledge?

Mr. WELBORN. No; they have not; except that after the militia were taken out of the field we employed some of them, and I think the number possibly included officers. We employed them as watchmen, or guards, if that term may be preferred. They were still officers of the militia, but not officers in active service.

Chairman WALSH. They were employed as guards for the protection of the company's property?

Mr. WELBORN. Yes; that was after the militia were almost entirely taken out of the field, in the early part of April, but several were taken out even at a later date than that.

Chairman WALSH. About how many were thus employed?

Mr. WELBORN. I do not know; not a very great many, because on April 20, maybe before April 20, our total number of guards had gotten down to about 100.

Chairman WALSH. I believe you stated you had now more than sufficient men to operate your mines?

Mr. WELBORN. Yes; we have 22 mines. Twenty-two were operating when the strike was called; seven of these have not been started up since because of poor business. We are now operating 15, at which we are employing as many men as the same mines employed before the strike. There is a very fair prospect of our being obliged to close some of these mines; in fact, we will have to do so unless there is an immediate improvement in business. That is a condition that has never confronted us before at this season of the year.

Chairman WALSH. Aside from violence, if your property is protected and peace maintained in the strike zone the matter is at an end?

Mr. WELBORN. Yes; the matter is at an end. If the strike was called off we would not open another property this winter.

Chairman WALSH. We have heard the history of this mining field told, and you have been here for a great many years yourself, and there have apparently been recurrences of trouble every year for the last 40 years. I want to ask you if you believe that industrial peace brought about and following through all of the agencies that have been at work here in Colorado will be permanent?

Mr. WELBORN. Do you mean the industrial peace that we have had?

Chairman WALSH. Yes; you say it is all over, and if nothing else is done.

Mr. WELBORN. It would be permanent just so long as the laws are lived up to, as long as the workmen are sure that the laws will be enforced. As long as the agitators and strike leaders know that they won't be permitted to violate the law without having to answer.

Chairman WALSH. But, as I understand you, recurrences are likely to occur if agitators come into the field in sufficient numbers at any time.

Mr. WELBORN. If men are allowed to arm themselves—men who never lived in Colorado; first, if men are allowed to come into the State from the outside again and strike, and it is possible to bring millions of dollars from other States in here to conduct that strike; if those foreigners, or others, who may be willing to carry a gun and conduct that sort of a campaign, are allowed to be brought in here and work against the citizens and the authorities of the State, you can not prevent violence, you can not conduct industrial operations in a peaceful way.

Chairman WALSH. I gather it is your opinion that peace can not be maintained as long as people come in from the outside and arm themselves and commit violence?

Mr. WELBORN. I do not mean to say that violence may not be initiated at home, but I want to impress on you that this violence started from influences from the outside.

Chairman WALSH. I am trying to get at something in the future, if I can.

Mr. WELBORN. If the agitators, the leaders of this particular labor organization, will behave themselves and allow the men to work as suits themselves, and the operators continue to behave themselves as they have done for years—pay the men good wages, and better wages than the men earn elsewhere, I do not see why industrial peace should not continue indefinitely.

Chairman WALSH. You mean by "behave themselves," to comply with the laws of the State?

Mr. WELBORN. Yes; comply with the laws of the State and not interfere with men of other coal operators and our employees who are conducting our affairs in a harmonious way.

Chairman WALSH. You mean interfere with you in a legal manner?

Mr. WELBORN. No; not in a legal manner; as this interference occurred.

Chairman WALSH. I am speaking entirely of the future. Is it your idea that peace will be maintained in this field permanently unless violence is used by some person within or without the State?

Mr. WELBORN. I know of no reason why it should not.

Chairman WALSH. What has been the total cost of the strike to date to your company, including all expenses, loss of revenue, publicity, and everything else?

Mr. WELBORN. Our loss of revenue incident to the strike and the direct cause of the strike last year was something less than $1,000,000. There was a much greater decrease than that in our earnings, but we actually lost more

money, as compared with the previous year's operations, in our steel department as a result of poor business than we did on account of the strike.

Chairman WALSH. In your opinion, what amount should be charged as a loss growing entirely out of the strike, if you can approximate it?

Mr. WELBORN. I should say $900,000.

Chairman WALSH. What would you say was the total cost to the entire coal industry of Colorado?

Mr. WELBORN. I do not know of a better way to establish that than to multiply it by three. Our production is about a third of the total.

Chairman WALSH. That is about one-third of the total?

Mr. WELBORN. Yes.

Chairman WALSH. I believe it was stated that your three companies produce 66 per cent of the entire output of coal, and that your company produced 40 per cent of the 66 per cent; is that correct?

Mr. WELBORN. That statement was not correct if made in that form. Our company produces about one-third of the output of the State, in which we use 40 per cent in our steel operations. Our proportion of the consumption of the whole steel or competitive business is about 20 per cent. But our relation, so far as the strike is concerned, to the total cost—our cost relative to the total cost is about 1 to 3.

Chairman WALSH. What was the cost of the strike of 1904 to the Colorado Fuel & Iron Co.?

Mr. WELBORN. I do not know as to that.

Chairman WALSH. Could you approximate it?

Mr. WELBORN. No; I think I could not. It did not last as long as this strike. My impression is that the indirect cost was greater because trade conditions were more prosperous at that time, and the interference with our steel operations was more marked.

Chairman WALSH. Does that relation apply to all of the coal companies as it does to yours?

Mr. WELBORN. No; I should say that other companies must have lost less in the strike of 10 years ago than ourselves.

Chairman WALSH. Has there been any considerable concentration of the coal companies in recent years?

Mr. WELBORN. No; on the contrary, there has been a considerable increase in the number of coal companies and a corresponding decrease in our own proportion to the total produced.

Chairman WALSH. Have you a memorandum of the documents which you agreed to produce this morning when you were on the witness stand?

Mr. WELBORN. I think some one else of our people will have it; it is being looked up.

Chairman WALSH. When may we expect to get it?

Mr. WELBORN. I think I can give it to you Monday or even this afternoon, late perhaps—certainly by Monday.

Chairman WALSH. I would like very much to get it this afternoon if I could, but I do not want to rush you on it.

Mr. WELBORN. I should like to go over this correspondence.

Chairman WALSH. There is some of it that we agreed with you should not be produced publicly if it was not germane to the issue here, and if you can have that correspondence here at 4.30 o'clock the commission will undertake to go over it with you, so that it can be introduced Monday morning.

Mr. WELBORN. We will try to do that.

Chairman WALSH. Is there any statement you would like to make voluntarily, Mr. Welborn, or any explanation you wish to make of any testimony heretofore given? If so, you may do so at this time.

Mr. WELBORN. Yes; there are a few statements I would like to make. A few wrong impressions probably gained from false statements heretofore made I would like to correct.

In connection with the discussion just had with respect to collective bargaining and the United Mine Workers of America, I would like to read into the record a letter of the secretary of the association of Bituminous coal operators addressed to Patrick Gilday, district president of the United Mine Workers of America. It is dated last December—no; December, 1913. It reads:

"DEAR SIR: The executive board of the Association of Bituminous Coal Operators of Central Pennsylvania held a meeting here to-day, approved and directed that the following communication be forwarded to you at once."

Chairman WALSH. To whom was that directed?

Mr. WELBORN. To Patrick Gilday, the gentleman just appointed on the mediation board. This was a letter sent by W. H. Roberts, secretary of the bituminous coal operators' association of that district. It continues as follows:

"Whereas the Association of Bituminous Coal Operators of Central Pennsylvania, hereinafter called the Operators, entered into an agreement bearing date April 20, 1912, with the United Mine Workers of America of district No. 2, hereinafter called the Mine Workers, for the purpose of governing their relations as to wages, general rules; and

"Whereas this agreement was consummated and entered into by the Operators on the expressed assurance that this contract would be faithfully kept and performed by the Mine Workers, and that the officials of your organization guaranteed the full performance of this contract on the part of the Mine Workers; and

"Whereas rules 12 and 13 of said agreement provide, 'should differences arise between the Operators and Mine Workers as to the meaning of the provisions of this agreement, or about matters not specifically mentioned in the agreement, there shall be no suspension of work on account of such differences, but an earnest effort be made to settle such differences immediately: First, through the management of the mine and the mine committee; second, the first method failing, the matter shall be referred to the Operators' commissioner and the Mine Workers' commissioner, and in the event of a failure of such commissioners to reach an agreement, then to be referred to a permanent board of arbitration, whose decision shall be final, nevertheless the year 1913 has resulted in an absolute disregard of these covenants on the part of the Mine Workers; and

"Whereas notwithstanding th fact that rule No. 15 provides 'the right to hire and discharge, the management of the mine, and the direction of the working forces are vested exclusively in the Operators, and the United Mine Workers of America shall not abridge that right, the Mine Workers have absolutely disregarded this rule in that they have at numerous times served notices on substantially every Operator belonging to our association that unless all of the employees working for such operator should become members of the union on or before certain dates mentioned in said notices that they, the Mine Workers, would close or shut down the Operators' respective mines, and in many instances did close the mines for this reason and refused to return to work unless such nonunion employees were discharged. This conduct is in direct violation of your contract and specifically interferes with and abridges the right of the Operator to hire and discharge, of the management of the mine, and of the direction of the working forces; this conduct and violation of contract on part of the Mine Workers, as well as that mentioned in the preceding paragraph, has resulted in more than 100 strikes during the life of our scale agreement; and

"Whereas notwithstanding the fact that the Operators appealed to you as president of the United Mine Workers of America of district No. 2 to enforce and carry out your contract, and your repeated admissions that the Mine Workers were not living up to their contract, but that you individually were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date; and

"Whereas notwithstanding the fact that the Operators have appealed to John P. White, national president of the Mine Workers of America, for the performance of this contract on part of the Mine Workers, and that he has replied that full authority has been given to you to deal with the situation, still such conduct continues down to date; and

"Whereas these violations of contract have become so notoriously defiant and continued that the membership of this association have frequently and determinedly notified its executive board that unless this conduct ceased at once they would withdraw from this association on the ground that it was useless to contract with a body that absolutely refused to carry out their contract and with no person sufficiently in control of the Mine Workers to enforce the performance of the same: Be it therefore

"Resolved, That the Operators enter into a vigorous protest against the line of conduct hereinbefore mentioned, and demand of Patrick Gilday, president, and the executive board of the Mine Workers of this district, an immediate cessation of the conduct hereinbefore recited, and that they strictly enforce on the part of the Mine Workers their covenants contained in said

contract, and in event of the failure to cease such conduct within the next 10 days, that the president and secretary of the Operators' association shall call a special meeting of the members thereof for the purpose of considering the final dissolution of its association on the specific ground that it is useless to enter into contract obligations with a body that steadfastly refuses to fulfill the same and which no official apparently has power to enforce.

"Yours, truly,

"W. R. ROBERTS, *Secretary.*"

Chairman WALSH. What is the date of that?

Mr. WELBORN. December 12, 1913.

Chairman WALSH. Will you please hand that to the messenger?

Mr. WELBORN. Yes, sir. In connection with that, I would like to say that so far as I know no important steel operator is dependent—or which produces its own coal and coke, has the United Mine Workers of America as a partner in its coal operations. The details recited there would soon result, if we were compelled to operate with the union, and experience similar trouble, in closing down our steel plants. It is impossible, impracticable at least, to carry more than a few days' supply of fuel on hand. If we are to be—if a steel operator had to be subjected to the shutting down of the coal properties supplying it with fuel for weeks or months, or for a year or two, it would place it in a very weak condition in comparison with its competitors. I do not know whether I have convinced you gentlemen that our wages are higher than are paid in other sections of the United States in unionized districts or not.

Chairman WALSH. Have you a document there on that?

Mr. WELBORN. No; but I have that pretty clear in mind.

Chairman WALSH. My information on that subject is not at all exhaustive, and if you have anything else to give us I wish you would state it.

Mr. WELBORN. Illinois reports show that the average earnings of coal miners in that State are a little above $600 per year. The average earnings of the coal miners employed by us approximates $1,000 per year—slightly less, perhaps. The scale of the day men is universally higher in Colorado than in any sections in the East with which I am acquainted.

Commissioner O'CONNELL. Give it to us at the per ton. You spoke in there somewhere there was not the same number of tons.

Mr. WELBORN. The scale per ton is not susceptible of comparison. That is all covered by the thickness of the vein and its general character. The scale in—we have 4 or 5 scales in southern Colorado alone, and probably 10 or 20 different scales in the State. And I think there are probably mines at which the smallest scale is paid that makes it possible for the men to earn more than they can in those paying the higher scale.

Commissioner O'CONNELL. Do I gather, then, that your men who are working the same number of hours per month would approximate—or per year would approximate around $400 greater in Colorado than in Illinois?

Mr. WELBORN. It is possible that the men in Illinois do not work as many hours per year or as many days per year. I am not clear as to that, but the figures may be in my office. But I am quite sure that they do not work as many days per year as our men, but I am sure they do not make as much per day when they work as our men. We have a great many men, and it is true of all operators in the State, who earn from $125 to $175 per month, and the average is around $4—more than $4 in most mines.

Chairman WALSH. State anything else you wish to state upon that subject, because I do not want to interrupt you.

Mr. WELBORN. Have you gentlemen—have you covered the question of houses and stores and other conditions at the mines as much as you wish?

Commissioner LENNON. Tell us about the relations of the saloons—the rent. Do you furnish the fixtures put in the saloons or do you own the saloon buildings?

Mr. WELBORN. We own three buildings, possibly four. I think we have one in western Colorado at a small mine, but we own three buildings in the coal district of the State in which saloons are located. We charge a monthly rental based on the cost of the building. We have nothing to do with the fixtures. We have nothing to do with anything else except that we exercise a form of regulation over the conduct of the saloons. We require that it shall close at an early hour in the evening and that it shall close on occasions of special excitement.

Commissioner LENNON. I understood one of the witnesses—I have forgotten just who it was—that the rental was based on the number of men employed in the mine.

Chairman WALSH. That is the Victor-American Fuel Co.

Mr. WELBORN. That is not so with our company.

Commissioner LENNON. Do you deduct bills owing saloons from the pay of the men when presented?

Mr. WELBORN. No; we do not.

Commissioner BALLARD. May I ask a question?

Chairman WALSH. Yes, sir.

Commissioner BALLARD. From some questions of the chairman I was a little uncertain about the charge of $1 per month for medical attendance; is that universal in all mines everywhere?

Mr. WELBORN. I said I think it is a pretty common practice, where a hospital service is operated by a large employer, whether a railroad or some other company. In Colorado I know of only two or three companies that have in connection with their operations the hospital service; but in all these I believe the charge is $1 per man per month.

Chairman WALSH. Does that include medical treatment for the family itself?

Mr. WELBORN. Yes.

Chairman WALSH. With the exception of the one instance; that is, the wife in childbirth?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Have you got all the data with you close at hand on the statistics of wage scales?

Mr. WELBORN. I have here a report, but before reading that my associate has suggested that I possibly left it open to inference that there were many other saloons in our camps than those operating in our three buildings. There are some in certain camps, but there are a number of camps with saloons, and it is our purpose at the earliest date possible to establish clubrooms at these points where there are saloons in our buildings or in the buildings belonging to other people. We have plans all but complete for a number of club buildings.

Chairman WALSH. I was going to ask you if you would please furnish us with all the statistics you have in your office with reference to wages, say, for the past five years.

Mr. WELBORN. You would like the various scales?

Chairman WALSH. The various scales, as well as all the statistics you have upon the wage question, and our statisticians then can make their own comparisons.

Mr. WELBORN. I want to refer to a report of two auditing committees, one appointed by the governor and another by a committee of newspaper men for the purpose of investigating wages in our—in the mines of the Colorado company. At the beginning of the strike we advertised in detail the earnings of our miners at a number of mines. I think all of them averaged more than $4; that is to say, the average at each mine was more than $4, and in the case of each mine that included all employees, all coal diggers. Those particular advertisements were investigated by one of these committees, and another one went over the records of several companies for the period of a year, taking mines at random. They proved the average wage to be $4.53 at the Victor Fuel Co. mines, $4.82 at the Rocky Mountain Fuel mines, and $3.76 at the Colorado Fuel & Iron Co. mines, and they proved the correctness of particular advertisements which had shown other averages above $4. I will not take the time to read those. I will submit something on that point, though.

Chairman WALSH. You can furnish all the statistics you have, and we will make our own comparisons.

Mr. WELBORN. It has just been suggested that we refer to the record of the proceedings before the congressional committee, if you happen to have it; at page 2544, I think, the advertisements commenced, and here is my copy if you would care to look at it.

Chairman WALSH. We have one.

Mr. WELBORN. At page 2544. When Mr. Hayes came to Colorado in August, 1913, he almost immediately called upon the governor and within a comparatively short time, I think, had a number of conferences with the governor. He stated that the miners had a great many grievances which they had—which his organization came in here to redress. No mention was made at that time of the intention to demand an increase in wages. He mentioned all the other demands, I think, included in the formal circular afterwards prepared. Gov.

Ammons called on me after the first meeting and told me something of the interview. I told the governor how I felt about the gentleman's purpose, and I believed he was here for no other reason than to organize the Colorado mines and force the operators to make contracts with them. The governor then told me that Mr. Hayes had said that unless recognition could be secured a strike would be called. He admitted at or before that time that the operators had somewhat anticipated his demands, but claimed that the State could not enforce the laws except through the assistance of the United Mine Workers' organization. I said to the governor that we would not recognize the union, explaining to him what recognition meant; that as to all of the other points which Hayes had brought up he—the governor—might—or had my consent to make inspection and inquiry at our mines and pass final judgment as to whether or not we were complying with the conditions; that we would abide by his recommendation. I think the governor will be very willing to affirm that.

I do not know whether we have covered the composition of that convention of September 15 sufficiently.

Chairman WALSH. If you have any statement you want to make, please do so.

Mr. WELBORN. I am convinced that the convention, practically speaking, or the delegates to the convention, practically speaking, were selected by the United Mine Workers of America. Their purpose was very plain. Their actions in southern Colorado, the various talks that Hayes had with the governor, all indicated one thing, and one alone would satisfy them, and that was the recognition of the union.

The result of the convention was just as we all anticipated. The strike was called. One of our first investigations—the first investigation made of the affair, a so-called investigation, was by Ethelbert Stewart, who was appointed by Secretary of Labor Wilson and called at our New York office offering his services as mediator before the convention of September 15. September 15 occurred on Monday. He called at our New York office the week before. At that time the convention had been called, but Mr. Hayes, Mr. Lawson, and others, according to our press reports, were stating that they did not know whether or not there would be a strike, that that would depend entirely upon the actions of the men, as they claimed, not the delegates to the convention. Mr. Stewart notified Mr. Murphy. I think he told him that the matter was being handled in Colorado. Mr. Stewart came to Colorado and devoted a great deal of time and attention to the United Mine Workers, and after being here 10 days or two weeks, through Gov. Ammons, asked for an interview with the coal operators. The interview was short, and a statement from him concerning it appeared in the next morning's paper. I want to read what was said on that occasion and had published. It is as follows:

"At the invitation of Gov. Ammons, made at the request of Ethelbert Stewart, J. F. Welborn, D. W. Brown, and J. C. Osgood met Mr. Stewart at the governor's office Thursday evening, October 9, Gov. Ammons being present at the interview.

"In view of the fact that Mr. Stewart has seen fit to make public a statement regarding the interview which is misleading we deem it proper to make the following statement:

"In the course of the conversation Mr. Stewart stated that he came to Colorado as a representative of Secretary of Labor Wilson, of the President's Cabinet; that he was appointed prior to the calling of the strike; that he came to act as mediator in connection with the differences which had not arisen when he was appointed, and that his appointment was made at the request of the United Mine Workers of America.

"He stated, in answer to an inquiry, that he was not a member of a labor organization, but to an inquiry as to whether he could act as mediator with an open and unprejudiced mind he made no answer.

"Mr. Stewart stated that as he came to Colorado at the request of the officers of the United Mine Workers of America he had spent most of his time with them.

"The operators present stated they would be glad to furnish him with any information he desired or to answer any inquiries he wished to make with regard to conditions and the causes which led up to the strike from their point of view, but Mr. Stewart said he did not care for any information from them upon that subject.

"Mr. Stewart then asked if the managers of the mining properties involved in this dispute would hold a formal, official conference with the officers of the miners' organization at any place the operators might suggest, or whether they would meet the officers of the miners' organization with the governor and himself in a purely informal way to talk over the matter, such meeting to be unofficial.

"To this the operators answered that they would not meet the officers of the miners' organization, either as officers or as individuals, or have any business relations with them of any kind. That they held Mr. Hayes, vice president of the organization, and his associates, as responsible for the present strike, for the violence and disorder that exist in the coal-mining district of the State, for all the efforts that were being made against the peaceable working of their properties, and to prevent the men now working from continuing at work. That there was no question now involved but the right of the coal companies of the State to operate their properties, be protected from violence, and that their employees should be protected from violence and intimidation.

"Mr. Stewart then asked if the operators had any proposition that they would like to have him submit to the miners, to which they answered that they had none.

"Mr. Stewart then stated he would make a report to the Secretary of Labor in Washington, which would include a recommendation that a congressional investigation should be held.

"To this the operators replied that they had been informed at the inception of his visit that the purpose of his visit was to lay the basis for such an investigation; that they courted an investigation by Congress and so long as such investigation was fair and not for political purposes, but simply to arrive at facts, they would welcome it.

"J. F. Welborn.
"D. W. Brown,
"J. C. Osgood."

Somewhat later than that Mr. Wilson came here. The governor referred to the conferences between the coal operators and three of their former employees, at which Mr. Wilson was present. Mr. Wilson participated in the latter part of that conference and in every sense of the word, as I think the governor stated, approved the governor's conclusions, which were later reduced to writing and a recommendation to both sides. We held then, as we always have, that we were willing to meet our employees on any question. We confirmed that declaration by meeting even the former employees who were then on strike.

You are familiar with the investigation by the congressional committee, and the fact that it has made no report. I want to say in connection with that, that witness after witness perjured himself. Witnesses were put under oath who perjured themselves on the stand, and in a number of cases the perjury was proven while the witnesses were on the stand without so much as a reprimand being administered by the chairman.

Our last investigating body before you gentlemen came was composed of Messrs. Davies and Fairley. Fairley, whom you doubtless know or have heard—if not now, he was recently of the United Mine Workers of America. He was announced as an impartial investigator. I never saw Fairley but once. Davies told us it was his purpose to confine his investigations to the operators' side of the question. He very early told us that he found conditions here much more favorable to the men than he had anticipated. Their general living conditions and wages were far better than he had been accustomed to seeing in Kentucky. I think he said the wages were about 50 per cent higher than the wages paid in Kentucky. He went so far as to say to me that he had been informed by Secretary Wilson, when he left Washington, that he would find conditions here satisfactory in the Colorado Fuel & Iron Co.'s properties, and that we were well in advance of the law in some of our practices. He may have told other companies the same thing, and probably did; I know there is justification for the statement.

We rather anticipated—I did personally—a report from Mr. Davies that would be consistent with the facts. He said to us that if he made a report or recommendation he would submit it to us before it was sent to Secretary Wilson. I was therefore very much surprised when the truce proposal came from the President to find that it was almost identical in form and substance—absolutely the same thing that had been reported from Trinidad as having been prepared by the United Mine Workers. The communication came from

the President in the first week of September. It was in the last week of July that certain representatives of the United Mine Workers announced in Trinidad that they were preparing a report from Messrs. Davies and Fairley, which those gentlemen would submit to Secretary of Labor Wilson, and which in turn would be presented to us as a basis for a settlement of the strike. I am calling attention to that to show the absolutely unfair and prejudiced method or character of investigation conducted by Davies and Fairley, who apparently are still at work, though not in Colorado.

I do not know whether the fact has been brought out that all of these tent colonies were established at strategic points, commanding the entrance to canyons in which the most important coal properties were situated.

Chairman WALSH. I think not in this hearing, Mr. Welborn.

Mr. WELBORN. That is a fact. The Ludlow tent colony commands the entrance—the public road passes right by it—to two canyons in which are located a total of six very important coal properties in Colorado. It was impossible for workmen or our own employees—the mine workmen or our superintendents to travel on the country road within a day or two after the strike was called.

When the increase in the number of mine guards was made, on account of the violence which started the day following the strike, we assured the governor that the guards would be kept on company property. That assurance was lived up to in every sense of the word, except that they were allowed to act as escorts to the superintendents or other employees going from our Berwind and Tobasco mines over the station at Ludlow; that was understood by the governor. Other colonies were located in equally important positions.

Some witnesses have stated that the strikers of to-day were the strikebreakers of 10 years ago. I want to say in the most positive terms that that is not true.

I do not believe in applying the term strikebreaker to the men in our employ 10 years ago, as they were in every sense of the word workmen coming here and remaining.

I think that in the natural sifting process a very small percentage of our employees in September of last year were men who came at the time of the former strike, though some of them undoubtedly were. Many of our men have been with us 20 years; some few 30 years, but the so-called strikebreakers of 10 years ago were not the strikers of to-day. And Senator Patterson criticised us for referring to those who were committing the violence in October as "foreigners." He stated that we had brought them here. That, in every sense of the word—that is, the statement that we had brought them here—is, in every sense of the word, false. That those who were guilty of the most of the violence were strikers I believe is true. But I claim that they were not our former employees. In fact, I know that they were not, in the main. Veterans of the Balkan war found the strikers' ranks a very desirable place to go, and many of them were employed, or went there and really led in the raids made on the mining properties. They forced many of the so-called, many of the actual strikers to accompany them, yet I doubt if very many of our former employees engaged in this serious part of the violence. They were in the raids and made a show of numbers, but I do not think a large number, a large proportion of them engaged in the attempts to destroy our property and kill our people.

On one occasion, within two or three months, the Ludlow tent colony, all that district there in which the strikers in large numbers, so-called strikers, are now living—was practically without Greeks on account of their having gone to work, those who had formerly been there, returned to work. I think at one time they got down to 10 or 15, or something like that. In a very short time the number of Greeks increased to a very substantial figure, and the Greek ranks are now composed of men who were not formerly employed in the coal mines.

Mr. Osgood read some figures into the record the other day showing the number of men, of English-speaking men, immediately after the strike was called. In October, immediately after the strike was called, 7,696. In the following month, November, 8,016 were at work; 8,016 represented about 65 per cent of the original number, the number employed just before the strike.

As I stated awhile ago, no men were brought in until December, and then less than a thousand, and a considerable number of those joined the strikers' ranks. I think not over 500 or 600 of the new men—700 at the outside—went to work. Yet, in December the total number working had increased to 9,005,

and in January it was over 10,000. There are now 11,446 working, 900 less than when the strike was called. Those men are working shorter time than has usually been the case at this season of the year. Nine thousand men in Colorado would to-day produce all of the coal that the market will take.

It may not be out of order here to give some figures, which, from one point of view, cause no pride on my part, but they are figures which serve to indicate that we are doing about as we can for our workmen.

In 11 years our company has paid $960,000 in dividends on a capital stock of $36,000,000. In the same time we have paid somewhere between $90,000,000 and $95,000,000 in wages.

Commissioner WEINSTOCK. Will you repeat those figures?

Mr. WELBORN. Nine hundred and sixty thousand dollars we have paid in dividends.

Commissioner WEINSTOCK. Which would be about $90,000 a year?

Mr. WELBORN. Yes; but practically all paid in one year.

Commissioner WEINSTOCK. On how much capitalization?

Mr. WELBORN. Thirty-six million dollars; about 2.7 per cent.

Commissioner WEINSTOCK. Two and seven-tenths on——

Mr. WELBORN. In 11 years; not that per cent per annum.

Commissioner WEINSTOCK. It would be about one-quarter of 1 per cent a year?

Mr. WELBORN. Yes; something about that.

Commissioner WEINSTOCK. On the investment?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Does that reasonably represent actual investment or water?

Mr. WELBORN. I know of no water in it. I say it represents actual investment. The worth is there.

Commissioner WEINSTOCK. With that kind of a showing, if I may be permitted to ask at this point, how did you get capital to invest?

Mr. WELBORN. Well, unfortunately for the capitalist, we had it, and after it was there he had to allow it to remain. We have not taken in any new capital in the last 10 or 12 years. He has lived in hope—some of them have had hopes, I know—but he could not get it back after it was put in the business.

Commissioner WEINSTOCK. You say that this $900,000 dividend was paid largely in one year?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. What year was that paid, if I may ask?

Mr. WELBORN. Paid for 1912–13. That represented a part of cumulated dividends. I think that represented part of the cumulated dividends on preferred stock and was paid very slowly out of the cumulated surplus.

Commissioner WEINSTOCK. What is the market value of that stock at the present time?

Mr. WELBORN. Just at the moment I fear it has no market value to speak of. Immediately prior to the war and the closing of the stock exchanges it was selling around 30, perhaps a little under 30, the common stock. There is a small preferred issue of $2,000,000.

Commissioner WEINSTOCK. Pardon the interruption.

Mr. WELBORN. That is all right. I would be glad to answer you. I much prefer you did it.

Commissioner BALLARD. Any bonds?

Mr. WELBORN. Yes; we have outstanding something over $41,000,000 in bonds. We have been enabled to pay the interest on our bonds, and that is about all. I should like to refer to a report which I read not long ago of Dr. Atkinson.

Chairman WALSH. What is the total capital stock?

Mr. WELBORN. Thirty-six millions and a little more—I will give you the exact figures—of common stock. Thirty-four million and a fraction of common. I will give you the exact figures while we are at it: $34,226,500 common and $2,000,000 preferred. We have an issue of a little over $45,000,000 of bonds, something over $4,000,000 of which are in the treasury.

Chairman WALSH. How many acres of land have you?

Mr. WELBORN. About 300,000 acres.

Chairman WALSH. Was any of this stock given as bonus to bondholders?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. How much cash was invested?

Mr. WELBORN. Oh, I don't know. You see this company is the result of the consolidation of two other companies in 1892. Since then the stock has been increased, not only the stock but the bond issue, from time to time, to provide additional coal operations and the steel plant.

Chairman WALSH. What valuation do you place upon the land?

Mr. WELBORN. Well, we have no arbitrary valuation per acre placed on all of the land. Some of our land is worth two or three hundred dollars an acre, and we have some worth five or ten dollars an acre.

Chairman WALSH. How much land have you that is not being worked?

Mr. WELBORN. Most of our land is not being worked, only a very small portion of our land.

Chairman WALSH. How much of it is out of use entirely?

Mr. WELBORN. Well, it is quite proper to say we have a good deal in use in connection with coal operations, the ground immediately under the shaft, or immediately ahead of the existing operations.

Chairman WALSH. How much of it is arable land that you have?

Mr. WELBORN. Practically all is arable.

Commissioner LENNON. How much of the land; how large a proportion is subject to irrigation?

Mr. WELBORN. A very small proportion.

Commissioner BALLARD. Subject to cultivation, what?

Mr. WELBORN. No; I didn't catch that question. I meant it was not subject to cultivation. Most of it is not subject to cultivation because of being high and dry.

Chairman WALSH. Not arable, then?

Mr. WELBORN. No.

Commissioner LENNON. Did you purchase any out of the school lands from the State?

Mr. WELBORN. No. We have one lease from the State, a little less than—exactly 800 acres; one tract of 640 acres and another tract of 160 acres.

Commissioner LENNON. Could you get a copy of the lease from the secretary?

Mr. WELBORN. We can give you copies of the leases. They are on the basis that we pay 10 cents per ton royalty. We operate almost continuously at both properties, and I say for the record that both are actively being operated. We have already paid the State, according to my testimony before the congressional committee—that will show it exactly—but I think over $70,000 in royalties on the one tract.

(See Welborn Exhibit No. 1.)

Chairman WALSH. Do any of your bonds pay less than 5 per cent?

Mr. WELBORN. No; none of them less than 5 per cent.

Chairman WALSH. Some of them 6?

Mr. WELBORN. A very small portion 6 per cent.

Chairman WALSH. What does the preferred stock pay?

Mr. WELBORN. It has a dividend rate of 8 per cent, but——

Commissioner GARRETSON. Is that before any dividends are paid on the common?

Mr. WELBORN. Yes. There are accumulations now of, I think, 48 per cent preferred dividends on that stock.

Commissioner WEINSTOCK. That are unpaid?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Accumulated?

Mr. WELBORN. That is accumulative stock; yes.

Commissioner WEINSTOCK. Stock or bonds?

Mr. WELBORN. No; that $2,000,000 preferred stock is cumulative.

Commissioner WEINSTOCK. Preferred stock?

Mr. WELBORN. Yes.

Chairman WALSH. Commissioner Garretson would like to ask some questions on that point.

Mr. WELBORN. Very good.

Commissioner GARRETSON. You said a moment ago that there had been no stock issued as bonuses to stockholders.

Mr. WELBORN. I said none to my knowledge.

Chairman WALSH. Bonds?

Commissioner GARRETSON. Bonds or stock, either one. Has any bonds or stock been issued to stockholders?

Mr. WELBORN. Not to my knowledge.

Commissioner GARRETSON. The C. F. & I. is the sequel to certain other properties?

Mr. WELBORN. Yes.

Commissioner GARRETSON. That came together?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Was the capital stock at the time of the combination of those properties in excess of the individual amount of capital stock of the properties consolidated?

Mr. WELBORN. My impression is that it was. Yes; I find my impression is correct.

Commissioner GARRETSON. You referred to the amount that you paid in dividends and the amount you paid in wages. What relation has the amount paid in dividends to the amount paid in wages?

Mr. WELBORN. Well, that is——

Commissioner GARRETSON. One is operating cost; the other is profit. Does not operating cost always take precedent over profit?

Mr. WELBORN. Yes, it does. But how long can that operating cost be continued unless the man is responsible, unless the body of men responsible for the operation—that is, those who put up the money—can get some profit?

Commissioner GARRETSON. Can dividends or profit ever come until operating cost is disposed of?

Mr. WELBORN. It can not. The operating cost ought to be kept down to such a point as to make it possible to run a little profit to the investor.

Commissioner GARRETSON. Has an enterprise a right to exist that can not meet its operating cost?

Mr. WELBORN. I question whether this community, and the men employed here, would be any better off if the property were closed down, rather than continue to operate and pay the employees somewhat smaller wages than they are now receiving, that the stockholder might enjoy a small return on his investment, and be justified in continuing to keep it up.

Commissioner GARRETSON. If the same amount of consumption took place?

Mr. WELBORN. The closing down of our industry would mean a portion of the consumption would cease.

Commissioner GARRETSON. Well, I was going on the assumption that in a necessity which coal is——

Mr. WELBORN. Well, I might say this, Mr. Garretson, if we paid the wage that is paid in a number of the unionized districts, we would have a little money left for the stockholder, a little to lay aside as a prospective dividend some day, rather than practically nothing.

Commissioner GARRETSON. I did not apply the question of operation—operating cost and profit—to coal mining alone, but to any proposition, any commercial proposition.

Mr. WELBORN. I am applying all of my figures to my own industry, for the purpose of calling attention to the fact that the workman has had a large share of it, practically speaking, and the stockholder has had nothing.

Commissioner GARRETSON. Well, if the workman was not entitled to all of it, should he have it?

Mr. WELBORN. He should have what he is entitled to; yes. I do not mean to imply that he should not, sir. I claim that he is to-day in Colorado getting more than he is entitled to, based on the assumption that the men who initiate the business are entitled to some little return on their investment.

Commissioner GARRETSON. As an ethical proposition under the present business system, the workman is not really a partner in the speculative end of the venture?

Mr. WELBORN. I would not admit that, entirely.

Commissioner GARRETSON. If so, he is the silent partner, then?

Mr. WELBORN. Not entirely.

Commissioner GARRETSON. That is all.

Mr. WELBORN. Did I give you the percentage of the English-speaking men employed at our mine this morning? I think I did.

Chairman WALSH. I think you told me this morning there was 30 per cent.

Mr. WELBORN. Just a little bit less than 30 per cent at all of our properties. I think it is necessary, in justice to myself and friends, and to the public interests, that certain statements of Senator Patterson, which were so wide of the truth, should be answered.

Commissioner LENNON. You mentioned Mr. Atkinson.

Mr. WELBORN. Yes. Mr. Atkinson had an article in a recent issue of Leslie's Weekly on the Colorado situation. He expressed himself for publication in May, I think it was, in New York, in a manner which to an extent condemned the attitude of the operators. He came out here, I don't know whether for the purpose of investigating the situation or not, but while here he did investigate it. He made a report and wrote something for Leslie's Weekly which I would like, if you have not got it, to have the privilege of turning in a copy. You may have a copy of it.

The Senator spoke of a conference——

Chairman WALSH. Pardon me, my attention was diverted. What were you trying to give us there?

Mr. WELBORN. I do not mean Atkinson, either, I mean Dr. Seligman. I can't recommend that you read Atkinson's report.

Commissioner GARRETSON. Somebody else will.

Mr. WELBORN. Doubtless. Senator Patterson——

Chairman WALSH. You have that article there?

Mr. WELBORN. I will get it, if you want it.

Chairman WALSH. I wish you would.

Mr. WELBORN. I thought you might be familiar with that. If not, I will be glad to send it in to you.

(An article entitled "Colorado's civil war and its lesson," by Edwin R. A. Seligman, professor of political economy, Columbian University, New York, from Leslie's Weekly, November 5, 1914, was later submitted in printed form.)

Senator Patterson referred to a conference between the governor and ourselves and the three coal operators, at which he was present, and stated that it followed a conference between he and the leaders of the United Mine Workers, and was brought about by his suggestion.

The facts with regards to that conference are these: On Sunday evening, October 26—in fact, it was late in the night of that day—we had been pressing the governor very hard for over 24 hours to call out the militia and save our mines, those that I have referred to before; several of them were under serious attack. He called me up at the Denver Club and asked me if I would—he said that he thought the strike leaders and the strikers would waive recognition and increase of wages, and if the operators could see their way clear to do some small thing it might help him out. He said he was tired and sick and ought to be in bed. I told him I thought of nothing that we could possibly do, and certainly no concession to make to that element to cause it to cease its murderous attack on our people. I did say to him, however, that if he chose to write the operators a letter, setting forth the points in the demands of the strike leaders which were covered by the law, and ask us whether or not we would obey them, that we would gladly answer in the affirmative. I must say that we were not disobeying those laws. But I told him he might make the letter strong enough so that our acceptance of it would carry the statement that we would assist him in seeing that the laws were enforced. He then asked if he might have a meeting with us that night. I told him that one of the gentlemen had gone home about half sick, and I didn't want to call him, but that we would see him early in the morning. We went to his office early next morning, about 8 o'clock. Before making the appointment he asked if I would object to Senator Patterson being with us, being present at the meeting. I asked him in what capacity he desired that the senator should be there. He said solely as his friend, because he was in that worn-out condition. I gave my consent to Senator Patterson's presence at the conference.

We met the next morning, as I say, at 8 o'clock. I think the best way to cover the meeting is to read a letter which we sent to Senator Patterson on October 14 of this year. It not only serves to recite some of the details of the conference, but it calls attention to some other things that the Senator omitted the other day.

Perhaps I had better read the Senator's letter to us. I will leave it for the record. It is not so material, and I do not care to take your time.

(The letter so referred to is as follows:)

DENVER, COLO., *October 5, 1914.*

Mr. J. F. WELBORN, Mr. JOHN C. OSGOOD, and Mr. D. W. BROWN,
Denver, Colo.

DEAR SIRS: You will remember that in October, 1913, with Gov. Ammons, we had a number of interviews with you, having in view reaching common ground for you and those representing the striking miners as the basis of a settlement of the then existing strike. You gentlemen, as we understood it, refused to have

any communication whatever upon the subject with Messrs. White and Hayes, or any other officers of the union residing out of the State, upon the subject of a settlement. To bridge that impediment over it was suggested by me and Gov. Ammons that Gov. Ammons would write you a letter purporting to set forth the things of which the miners complained, which would not contain any reference to the recognition of the union, and that he would also prepare, to accompany the letter I have referred to, the copy of a letter which you were to prepare and sign and return to the governor, giving an answer to each item of the suggested complaints in Gov. Ammons's letter to you. As I recall it now, you were unwilling to adopt the letter which you were to sign if you approved it, and prepared and addressed to Gov. Ammons in lieu thereof a letter of your own as a substitute for the one prepared and sent you by the governor, which was the subject of some little controversy between you gentlemen on the one side and Gov. Ammons and me on the other.

I went to the governor's office to-day to get that correspondence. The governor is out of the city and will not return until the end of the week. The only letter of the correspondence the clerk could find was that of October 27, 1913, which was the letter direct from Gov. Ammons to you. I have no doubt you have all the correspondence. I would consider it a favor if you would send me copies of your proposed substitute for the letter which you were to address to Gov. Ammons which accompanied his letter of October 27; and also a copy of your substitute for that letter. As I recall it, the objection that was made to your substituted letter was that it did not make specific answer to each one of the complaints made by the miners, with a promise to observe the statutes, etc., upon which their complaint was based, but in effect grouped all the complaints with reference to sections of the statute together and in effect said that the operators had always obeyed the law, and that you would continue to do so and would obey the specific laws referred to. However, the letters, that of Gov. Ammons directly to you, and the letter which you were asked to sign and return to Ammons, together with your proposed substitute letter, will tell the entire story. I should like very much to have a copy of the entire correspondence, and I hope you will not consider I am asking too much to be supplied with it.

Will you kindly address me a note stating whether you will furnish me with these copies or not and when it can be done?

Hoping to have a favorable reply, I am,

Very truly, yours,

T. M. PATTERSON.

We acknowledged receipt of it:

"We are in receipt of your letter of October 5. There is some misunderstanding on your part with regard to the correspondence referred. We will have the matter looked up and advise you again within a day or two."

It was more than a day or two, various matters came up that prevented us from writing. We sent this letter:

"Referring again to your letter of October 5, 1914, our first impression that your recollection was at fault with regard to interviews and correspondence with Gov. Ammons on October 27, 1913—which correspondence you found missing from the governor's files—is confirmed by conference with the other parties present at the interview and memoranda made at the time.

"We had three interviews October 27, 1913, with Gov. Ammons at which you were present. These are the only interviews we had at any time with the governor at which you were present.

"At that time we were not asked to meet Messrs. White and Hayes or other officers of the union, and, therefore, did not at that time decline to do so.

"The suggestion that Gov. Ammons should write a letter did not, as you state, come from Gov. Ammons and you, but that suggestion was made by the operators, and no suggestion was at any time made that Gov. Ammons should prepare a letter for us to sign in answer to a letter he was to write.

"As no such correspondence as you refer to in your letter ever existed you undoubtedly could not find it in the governor's files and we can not furnish you copies.

"Notwithstanding that on October 7, 1914, we answered your letter of October 5 stating, 'There is some misunderstanding on your part with regard to the correspondence referred to, but we will have the matter carefully looked up and advise you again within a day or two,' we find from a stenographic report of your address at Pueblo the following day, October 8, that you made a state-

ment reiterating and enlarging on the statements made in your letter of October 5.

"On that occasion you read to the audience a letter addressed to us and purporting to be signed by Gov. Ammons, setting forth certain conditions looking to a termination of the coal strike, which letter you stated was prepared by you and Gov. Ammons with a view to securing our approval of the suggestions which it contained. In your speech you commended the conditions set forth in the letter, asserting that the coal operators refused to accept the same. As a matter of fact, the form of letter, which you read, was not written by either you or Gov. Ammons, but, on the contrary, at his request, was prepared by us as a substitute for one suggested by him. Instead of refusing to accept the conditions proposed they were, as a matter of fact, conditions suggested by us.

"In the interviews of October 27, 1913, you strenuously objected to the form of this letter and stated that you would advise the strike leaders not to accept it. We are very glad to know that the conditions which you once severely criticised now receive your commendation.

"The form of letter which you read at Pueblo was handed by us to Gov. Ammons on the evening of October 27, 1913, and was never signed by him nor sent to us by him. At the time we handed it to him we stated that if he sent us such a letter we would promptly acknowledge it, accepting the conditions proposed.

"Although you stated that you would advise the strike leaders against accepting this form of letter, Gov. Ammons said he would present it to them and do the best he could. We were later informed that the strike leaders refused to accept this form of letter and that the governor had ordered out the troops.

"We had repeatedly assured the governor verbally of our intention to fully comply with all the laws of the State relating to coal mining and to assist him in every practicable way in their enforcement; but, in order that there might be no question with regard to this, we, on November 5, 1913, addressed a letter to him substantially to the same effect as the letter which you read to your Pueblo audience.

"You will recall that on October 27, 1913, when the interviews referred to were had and for two days preceding an armed body of from five to six hundred strikers was engaged in an attack on our mines in Delagua and Berwind canyons in an attempt to destroy our property and to kill and injure our employees and their families, and that during these attacks they did kill three of our employees and wounded a number of others, including two little children.

"During these interviews you did not utter one word of condemnation of these acts of violence, and when asked whether you approved them your answer was, 'In all great movements for industrial reform, violence and bloodshed, and lots of it, are bound to occur.'

"No such conversation as that related in your Pueblo speech about our meeting the union leaders occurred at the interview of October 27, 1913. Our reasons for not meeting them were fully set forth in a statement published in the daily press, so that your misrepresentation of our reason is entirely uncalled for.

"Sincerely,

"THE COLORADO FUEL & IRON CO.,
By J. F. WELBORN, *President.*
"THE ROCKY MOUNTAIN FUEL CO.,
"By D. W. BROWN, *President.*
"THE VICTOR-AMERICAN FUEL CO.,
"By J. C. OSGOOD,
"*Chairman of the Board.*"

Mr. WELBORN (continuing). One of our objections to the letter proposed by the governor—really proposed by the Senator; at least he claims to have prepared it—was that in quoting a certain statute, the one regulating or prohibiting interference with men joining the union, he left out the word "unlawful," which materially changed the meaning of the section or provision, and then amplified the quotation by giving his interpretation of its meaning.

Chairman WALSH. I did not catch that, Mr. Welborn.

Mr. WELBORN. I say, one of our objections to the letter which Senator Patterson prepared and sent as the governor's proposed letter—mind you, the governor said to us, "I will forward you a draft of a letter." He telephoned

me, in fact, that it was ready and being sent down, or I could send up for it. He says, "It has been written hurriedly and I want your cooperation in reframing it if it does not quite suit you in form."

So we went to work. We were pretty busy that day receiving communications from our terror-stricken people in those canyons, and trying to provide additional means for protection if we could; and we did not get to a conference until late in the day—another conference.

Chairman WALSH. Pardon me, I still do not understand.

Mr. WELBORN. Well, I did not finish, I see. The Senator had quoted a certain statute relating to the right of the men to belong to a union. He left out the word "lawful." The statute reads something like this——

Chairman WALSH (interrupting). Well, that took place when—in the testimony?

Mr. WELBORN. No; in that suggested letter that he prepared for the governor. Then he amplified the quotation by giving his interpretation of its meaning. We objected to that and to some other things. We preferred to either quote the statutes or the particular sections in full, or to simply refer to them by numbers.

Commissioner WEINSTOCK. If I may be permitted at this point, I may be in error, but my recollection is that in his testimony Senator Patterson made a statement to the effect that he and the governor alone had worked out this plan of preparing a letter from the governor to you gentlemen and a proposed answer from you gentlemen to the governor.

Mr. WELBORN. That is what he said, and it is my purpose to correct that as well as some other false statements of his.

Commissioner WEINSTOCK. I see. I gathered from what you said a little while ago that he alleged that you were present at this conference when it was understood that the governor was to write you a letter, and you in turn would reply, and that both letters would be prepared in the governor's office.

Mr. WELBORN. The preparation of such a letter was suggested by me. I do not like to claim too much personal participation in that, but it was at the request of the governor that we do some little thing which he hoped would enable him to secure concessions from the strike leaders that would result in the calling off of the strike. My suggestion was that he, the governor, prepare a letter calling attention to these several demands in the strikers' schedule of demands, which were really covered by the law, and ask us if we were willing to say in writing that we were willing to live up to the provisions of those particular sections. I told him if he did write such a letter we would immediately answer in the affirmative. He then said, "May Senator Patterson be present at the conference?" We were going to meet the following morning to discuss the principal sections and general form of the letter. I asked him in what capacity was the Senator to be with us, and he said as his friend, to which I offered no objection. We met in the morning. We went over the sections of the statutes that were to be incorporated in the letter, and thought we had a clear understanding as to what was to be stated concerning it. In a short time after going to our office I received a telephone message from the governor saying the letter had been hurriedly prepared and was ready for us, and that he would be glad to have any suggestions as to any change that might occur to us. We were unable to get to work at it and make our suggestions until in the evening. And this particular failure—the failure to quote this particular one section correctly—caused the first objection on our part. When we called attention to that omission the Senator showed some little feeling and said we were quibbling, although the omission of that word and his amplification of the particular statute clearly changes its meaning.

The Senator also apparently tried to convey the impression that recognition of the union did not mean the making of a contract under the terms of which none but members of that union should be employed by the operator, and that provided for the check off. There is no other possible interpretation to be put on the term "recognition of the union" as it is understood in the West and as it has been practiced in the past. I think Mr. Curtis's testimony yesterday very clearly showed what "recognition of the union" means. The Senator also said that the strikers, at the time of that conference, had gotten beyond the control of the leaders, or that the leaders claimed they had. One of the leaders, Mr. Lawson, down in the vicinity—at and in the vicinity of Ludlow on Saturday, the 25th, and Sunday, the 26th, and this came up at the governor's request on Monday, the 27th—the day we had our conference with the governor. Later, after the militia was called out, current rumor in the south is

hat Lawson telephoned to the leaders out in the hills, or sent messages to them ut in the hills, to come in. We know there was a very quick response to some equest or some influence, for firing on our properties was stopped almost in- tantly—did not cease gradually. No action, however, was taken by any of the trike leaders to bring about a cessation of the attack on our people while this onference was in session.

The Senator had something to say about the influence of the coal operators in olitics in southern Colorado, and the control by the coal companies of the officers nd of the elections, and so on. There is absolutely no foundation for anything hat he said on that question—on that subject.

The Senator—I will have to use the word "Patterson," I guess—Mr. Patterson estified that after the outbreak at Ludlow on April 20 and the calling out of he militia we had everything quieted down. The facts are that the greatest mount of violence in all this strike occurred after the militia were sent into he field the second time, and while they were acting under this truce estab- ished between the governor and Hawkins, to which I referred a little while go. It was during the existence of that truce that the men were killed at 'orbes, and in the attack on our mines at Walsenburg. Property was destroyed, doctor killed, and a number of people injured. There was absolutely no ttention paid apparently to the truce by one side. The Senator said that at he special session of the legislature he found that representatives of the cor- orations themselves as well as labor representatives had fought the proposed ompulsory arbitration law. As to the Colorado Fuel & Iron Co., I can say hat we had absolutely nothing to do in a lobbying way or any other way with he extra session of the legislature. We opposed no bills and favored none, penly or in any other form. We may have had our views, but they were not xpressed.

Senator Patterson stated that he went on the theory that few employers vol- ntarily raised wages. I have called attention to our voluntary advances made n wages during a period of 10 years, slightly less than 10 years. The Senator lso charged us with violating the law, saying that we smiled when we denied hat we violated them. There isn't any warrant for that statement. I suppose man might be allowed to smile when he denied a false charge, even though it id not strike him as being very funny. But the main point is that there was o violation of the laws, so far as I know, on the part of the three operators, nd I can speak for myself positively.

Commissioner LENNON. He may have meant a smile as they use it in Ken- ucky.

Mr. WELBORN. Well, we could not do that while we were in the governor's ffice—while we were there. The governor is a total abstainer, I think.

The Senator contends, I know, that it has been the deliberate policy of the . F. & I. to fill their mines with foreigners of different countries. They have ade this statement that 12 or 14 years ago—he speaks of some one else who 2 or 14 years ago said that he was furnishing us men, and that when he got n order it was in writing, and frequently specified the number of various ationalities. There has been no purpose, either direct or indirect, no move- ent on our part, to fill our mines with foreigners. It is not improbable that n times past we have, when desiring men at a certain point, specified Italians or ustrians, or something of that sort, depending entirely on boarding-house facili- ies. It might be that they were Italian or Austrian boarding-house keepers. ut during the past 10 years we have not found it necessary to go outside for mployees. The difficulty with us has been to furnish employment to the men pplying for work.

That is all I have to say about the Senator's statement, I think.

Chairman WALSH. At this point we will stand adjourned until Monday morn- ng at 10 o'clock when you will please resume the stand, Mr. Welborn. In view f the fact, Mr. Welborn, that you have been on the stand continuously you may roduce those papers then, if you will.

Mr. WELBORN. Rather than this afternoon?

Chairman WALSH. Yes.

Mr. WELBORN. Very well; that will give me a chance to get them up.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned ntil Monday, December 7, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Monday, December 7, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Weinstock.

Chairman WALSH. The commission will please be in order.

TESTIMONY OF MR. J. F. WELBORN—Continued.

Chairman WALSH. Did I ask you close to the close of your testimony Saturday evening whether or not you would have produced all of the orders that you have given with reference to the enforcement of the laws of Colorado in your industry?

Mr. WELBORN. That was suggested. I think you asked me for that sometime during the investigation, and I stated that Mr. Weitzel would bring that, because he has issued those orders.

Chairman WALSH. Has it ever been a practice in your company, Mr. Welborn, to discount this scrip that has been given to the men at the time it was given to the men?

Mr. WELBORN. Never; no.

Chairman WALSH. Do you know it to be a fact that storemen have ever been in the habit of directing the men to places where it might be cashed at a discount?

Mr. WELBORN. I have no such knowledge, but am quite sure they have not done it. If we had learned of such a practice, we would have immediately stopped it.

Chairman WALSH. You have no knowledge of any such practice?

Mr. WELBORN. No.

Chairman WALSH. There is a statute passed in 1908, I see, as follows: "No employee, agent, superintendent, manager of business, or number of employees of any company, corporation, or person carrying on mining, or manufacturing, or railroad operations, in any precinct shall be appointed judge or clerk of election." Has that law been violated, to your knowledge?

Mr. WELBORN. To my knowledge it has not. I confess to never having heard of the law before; I do not recall having heard of it.

Chairman WALSH. Is it a fact that your employees in what are known as closed camps do act as judges and clerks of election?

Mr. WELBORN. It may be that our employees in any and all of our camps do that; I am not sure.

Chairman WALSH. You have never—this is your first knowledge of this law?

Mr. WELBORN. Yes; the first time that it has ever been called to my attention.

Chairman WALSH. And has your company, so far as you are concerned, made any effort either to have your employees judges of election or to prevent them from being appointed judges of election?

Mr. WELBORN. I have instructed that our employees, or those who might be considered officers of our mines, should not serve as clerks or judges of election if it were possible to secure the right kind of people for those places from other sources. I have not gone to the extent of interfering with the rights of those men, but I have suggested that in my judgment they should not serve in that capacity if it could be avoided.

Chairman WALSH. I believe you stated Saturday that so far as you knew there was no compulsion used or influence brought upon the men with respect to the exercise of the election franchise in these closed camps?

Mr. WELBORN. Yes, sir; I stated that.

Chairman WALSH. Have you observed the result of the last election, with reference to the election of candidates for office, as well as constitutional amendments?

Mr. WELBORN. I have had the result called to my attention in a number of precincts where coal operations were conducted, as well as elsewhere. I think I learned of this result on the night of election. I had a point where returns were received and I was impressed with certain figures.

Chairman WALSH. There was an amendment called No. 11 on the ballot which submitted the question as to whether or not workmen employed in industries in Colorado should be relieved from the present common-law rule of assuming the risk, the ordinary risks of injury and death in their employment; are you familiar with that?

Mr. WELBORN. I know that such an amendment was up.

Chairman WALSH. Is it a fact that in the closed camps, or in certain closed mps, the vote upon that amendment was practically unanimous on the part the workmen not to be relieved from the assumption of the risks for their juries or deaths?

Mr. WELBORN. I do not know that was the result.

Chairman WALSH. Have you observed the result of the vote on amendment . 11 as it compared with the vote on the candidates for office?

Mr. WELBORN. No, sir; I have not.

Chariman WALSH. I believe I asked you to produce some papers, Mr. Welrn?

Mr. WELBORN. Yes. There were some figures——

Chairman WALSH (interrupting). First, the telegrams that passed between urself—your company—and Mr. Rockefeller?

Mr. WELBORN. I would like to correct some figures given on Saturday—estiates as to the number of houses we have. I have forgotten what figure I ve, but I have found that the number, large or small, is 1,755.

Chairman WALSH. Do you remember what you stated about it Saturday?

Mr. WELBORN. No, I do not. I simply want to put the correct figures in. My tement was based on memory before.

I also stated, in answer to a question as to the return on our investment in uses, that it would probably run 6 or 7 or 8 per cent. You asked me to termine which of those figures was correct. I find that in one of the t two years they earned 6.7 per cent, in the other 7.7 per cent, without preciation being charged off for houses that had long been out of use, and obably could not be repaired at much less than their original cost.

Chairman WALSH. Please state what items of cost—but first as to the cost. es that apply to the four-room house which you said cost $700?

Mr. WELBORN. About $700.

Chairman WALSH. Does that apply to brick as well as frame houses?

Mr. WELBORN. Yes—concrete rather than brick. We build no brick houses, t we do build, and have particularly within the last few years, of concrete cks.

Chairman WALSH. Please give me the items that go into that. What do u charge in that? Do you charge for the architect's charge?

Mr. WELBORN. We have no architect. Our own engineer—I think, as a le—draws the plans, for which no charge is included in the item put up ainst the cost of the houses. In a great many cases—perhaps most of the ses—the houses were built under contract, and the contract figure, together th painting, or other small items that we might put on later, represents the ok cost of those houses.

Chairman WALSH. Are the houses let to competitive bidding—the building the houses?

Mr. WELBORN. Yes, when contracted, if competitive bidding can be secured.

Chairman WALSH. Now, how much does it cost to build a three-room house, ch as are occupied by your men?

Mr. WELBORN. I should think about the same per room as the four-room use; probably lessen it about one-fourth less for a three-room house. That uld be my estimate. I haven't in mind the exact figures.

Chairman WALSH. And a two-room house?

Mr. WELBORN. I should say our two-room houses probably cost about half what—about half the amount.

Chairman WALSH. Take the camp at Delagua?

Mr. WELBORN. Well, that is not our camp.

Chairman WALSH. Which is your oldest camp?

Mr. WELBORN. Our oldest operating camp is now Walsen.

Chairman WALSH. Walsen?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Now, take the houses which are the oldest—say, 30 years.

Mr. WELBORN. We have a few at Walsen; something like 20, I believe.

Chairman WALSH. And are the figures you have given the consolidation based on the valuation of $700 for all of the houses regardless of the length of time hich——

Mr. WELBORN (interrupting). No; as to those houses, the figure of $700 would t apply. My impression is that those houses were taken into our accounts at me nominal figure at the time of the consolidation of the two old companies

in 1892. I know much of the equipment which came over with the Walsen mine was returned at a very low figure.

Chairman WALSH. Now, was there something else you had there?

Mr. WELBORN. Nothing relating to that; no.

Chairman WALSH. Well, if you will kindly give me the papers spoken of.

Mr. WELBORN. Here is a file that contains the telegrams—that contains the correspondence, rather, which started with the telegram that was read into the record on Saturday, or, in reality, started with one that preceded that a few hours, from Mr. Rockefeller, addressed to Mr. Bowers and myself. That first telegram I will be glad to read, if you——

Chairman WALSH. Well, I would like to see all of them.

Mr. WELBORN. Very well. I will turn them all over to you. I will say what this file consists of, then, if you please.

Chairman WALSH. Yes, please.

Mr. WELBORN. That was a telegram from Mr. Rockefeller to Mr. Bowers and myself repeating a message which he had received from Dr. Foster, in which Dr. Foster stated that William Green, secretary and treasurer of the International Mine Workers, had made a public statement that recognition of the union would be waived.

Chairman WALSH. A moment. Let me ask you a question. Does that file you have in your hands contain all the telegrams which passed between you and John D. Rockefeller, jr., pertaining to the business of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Between what dates?

Chairman WALSH. Between April 30 and the present day.

Mr. WELBORN. No; this file does not. This is a distinct file on another subject; that is, a particular subject, the one initiated by Dr. Foster's telegram to Mr. Rockefeller, which I have just referred to.

Chairman WALSH. What I would like you to do is to have you turn all those telegrams over to the commission.

Mr. WELBORN. Well, there are a good many telegrams that do not relate to the question.

Chairman WALSH. Do they refer to the business of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Some do, and some are probably personal.

Chairman WALSH. We will not ask for any of a personal nature, of course; but any that refer in any way to the business of the Colorado Fuel & Iron Co., we have to ask for.

Mr. WELBORN. I understood you that you wanted telegrams that related to the subject under discussion, you said.

Chairman WALSH. Yes; but I think I asked you—I intended to ask you—for all of the telegrams, and then those that we considered germane, we would have you introduce in the record, and those that we did not, of course, we would not.

Mr. WELBORN. Well, I should say—there is correspondence other than that contained here, which I will be very willing to show you and go over with you.

Chairman WALSH. That is what I intended to do.

Mr. WELBORN. That will have to be done out of session, probably, because it is voluminous in character.

Chairman WALSH. Very good, and we will be glad to give you the time—I probably did not make myself clear—to do that, so that we can make a complete record of all that we consider germane.

Mr. WELBORN. Yes; very good; and then file those, and we will let it rest until that time.

Chairman WALSH. Let it rest until that time, and I will take the matter up with you personally with the commission, and we will determine what we think is germane. Now, any other correspondence?

Mr. WELBORN. Well, I was influenced in gathering other correspondence by the same understanding.

Chairman WALSH. Very good. Then we will consider it all together.

Mr. WELBORN. Very good.

Chairman WALSH. There was certain correspondence, for instance, with Mr. Murphy as to which Mr. Herrington made some suggestions, and which I will take up with you in the same way.

Mr. WELBORN. Yes; very good. You asked particularly—but that may be included in the other correspondence, possibly—about a letter that I stated I had received from Mr. Rockefeller recently. You asked if I had recently re-

ceived a letter from him, and I said in reply that I had in the last two or three weeks; and if you prefer I will let that go with the other.

Chairman WALSH. Yes; and if it is satisfactory to you, Mr. Welborn, I will take that matter up with you at 4.30 sharp, upon the adjournment of the commission.

Mr. WELBORN. Yes; that will be very satisfactory.

Chairman WALSH. Now, is there any further suggestion that you desire to make, or any testimony which you would like to volunteer, about which you have not been asked, that you consider germane to this subject?

Mr. WELBORN. I think of nothing specifically that probably will not be covered in possibly a better way by other witnesses to follow, and I want to avoid repetition. In a general way, I want to say that the charges made by the witness McLennan against the Colorado Fuel & Iron Co. that you gentlemen might consider, or any fair-minded man might consider, if true, properly subjected us to severe criticism, at least, are all untrue. I will not attempt to detail, but all charges that he made against the Colorado Fuel & Iron Co. indicating unfair practices toward its men or others are untrue.

Chairman WALSH. Now, there is just one other matter that I recall now; I submitted to the entire commission the question of calling for the name of a man that wrote this publicity, and the commission unanimously decided that they should have it.

Mr. WELBORN. That they should have the name?

Chairman WALSH. Yes; please give us his name and address.

Mr. WELBORN. I would like to say this, sir, that that gentleman was employed in this work with the distinct understanding that his name should be not made public, or not made use of in any way. My word is out on that. I am responsible for the pamphlet which he prepared as much as I would be for a letter which a stenographer wrote at my dictation.

Chairman WALSH. Then as I understand you decline to give the name of the man that wrote these?

Mr. WELBORN. I submit to you the understanding I have with the gentleman and my willingness to assume rather than to say I am responsible for that pamphlet.

Chairman WALSH. Well, without undertaking to give you the reasons for the commission's actions, which seem compelling to me, of course we will have to insist that that is no proper reason, so far as the law is concerned, for declining to give his name.

Mr. WELBORN. It is probably out of order to argue—to assume to argue the question with you—I mean out of order for me to do that, but it seems to me that the gentleman in question has some rights which ought to be respected, and since he is not personally responsible for anything except the detailed preparation of the matter and submission of it for publication I beg of you to consider further before demanding his name.

Chairman WALSH. As I said, the matter has been submitted to the entire commission, and if you shall decline to give the name here, then it is for the commission to take such action as they deem necessary.

Mr. WELBORN. Rather than go on record as declining absolutely to give the name, I should like to reserve the decision until I can consult with our counsel on that matter. I consider it a very serious one.

Chairman WALSH. Very good. We will give you opportunity to consult with your counsel. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. You probably understand, Mr. Welborn, this commission is theoretically composed of nine members—three representing the employers, three representating the workers, and three representing the general public. I think I voice the sentiment of my associates when I say that this commission, on the whole, feels that what is of far greater import than the interest of the workers, on the one hand, or the interest of the employers, on the other hand, is the interests of the people generally—the common good. And that I believe to reach the facts, whatever the facts may be, regardless of whether the facts are for or against one side or the other, in order that we may be able to intelligently make a recommendation which will be helpful. I make this preliminary statement so that I may not be misunderstood in asking my question. The questions I propose to ask are to simply get at the facts, whatever they may be.

Mr. WELBORN. I will answer that preliminary statement, if you please, in this way: That I recognize the work your commission is engaged in—a very commendable one, of a constructive nature—and it has been my purpose since I

was called to the stand to furnish you the facts in my possession that would aid you in any way, whether in response to questions or not, in your work, and I am still here for that purpose.

Commissioner WEINSTOCK. I hope we appreciate that, Mr. Welborn.

Mr. WELBORN. I want you to.

Commissioner WEINSTOCK. I found on my desk a pamphlet entitled "Twenty-second Annual Report of the Colorado Fuel & Iron Co. for the Year Ending June 30, 1914." This seemingly is a report to the stockholders. I take it this report also was generally issued to those who asked for it?

Mr. WELBORN. We never have—we always keep ourselves in position where newspaper or others interested might have copies. Usually when the report goes out to the stockholders some one hands it to the newspapers, and it is published.

Commissioner WEINSTOCK. It is intended for publication?

Mr. WELBORN. No; it is not intended for publication, but there is no means of preventing publicity. It is intended for the use of the stockholders.

Commissioner WEINSTOCK. Now, in this report there is a story of the strike?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. From the standpoint of the company?

Mr. WELBORN. Well, I—the company wrote it—I as president of the company wrote it. I am not willing to say that it is necessarily our standpoint. The story of the strike as told there is correct, in my judgment.

Commissioner WEINSTOCK. Now, a copy of this having been placed in my hand and probably in the hands of my fellow commissioners——

Mr. WELBORN (interrupting). I took no steps to see that you had them, except to say to Mr. Weitzel when he was here—to hand him a copy and say he might show it to the commissioners, and they might have other copies, if desired. How it came to your desk I do not know.

Commissioner WEINSTOCK. Now, in this report there are statements made which, if correct, would brand the strikers as law brekers and outlaws and most undesirable citizens. Now, of course, it is self-evident to me, Mr. Welborn, that this commission can not accept in any form or in any published statement the uncorroborated statements of either side. They must be substantiated in order that we may be sure that they are right. Now, I take it that these statements were not published in this report unless the company was in position to substantiate the statements, and, therefore, I would ask if you can see your way clear to corroborate the charges that are made here?

Mr. WELBORN. Please read the particular one.

Commissioner WEINSTOCK. The first one reads:

"Hundreds of these men"—

Referring to your employees before the strike—

"came to our superintendents expressing regret at being forced to leave, and declaring their intention of returning when they could safely do so. Many of them showed written evidence of the threats of death and violence to themselves and families that prompted and justified their actions."

Again it says:

"Before the convention of September 15 it became know that a large quantity of arms and ammunition had been brought and shipped to the southern coal fields by strike leaders. This was but the beginning of an almost continuous movement of firearms into the district, and within a short time after the strike took effect from 1,500 to 2,000 of the strike element were fully armed in that part of Colorado.

"Anarchy in its worst form, in which dynamite was frequently used, was in control of this coal area with a population of 45,000 people."

Again:

"Men known to have been in the employ of coal companies were ambushed and killed without being given any chance to defend themselves."

Again, later, it says:

"At Ludlow it is well known that hundreds of men were included in the strikers' ranks who had never worked in Colorado coal mines. These were very largely veterans of the Balkan War of various nationalities. The result of their attacks, made on mining properties and workmen from distant hills, bear evidence of their skill as trained marksmen.

"With the arrival of the Federal troops May 1 order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia.

The strike element surrendered a considerable number, but retained in hidden-away places many hundreds—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

Finally, it says:

"While preparing this report word comes to me from sources, the reliability of which can not be questioned, that one of the officers of the United Mine Workers of America and a leader among the striking forces, recently said at Trinidad, in effect, that as soon as the Federal troops are withdrawn the strikers will attack the State militia, if recalled, and the property of the mining companies; that in preparation for such an event union men in the neighboring States to the number of 3,000 have been reorganized, drilled, and armed, and are in readiness to move when called upon."

It must be very plain to any reader that, if these are facts, that the strikers are a very serious menace to the hopes and welfare of this Commonwealth, if not the United States, and it is very important, to my mind, for the American people to know absolutely whether these are facts.

Mr. WELBORN. I feel the same way.

Commissioner WEINSTOCK. Therefore, I am sure this commission would be very much interested if it is possible for your company to substantiate these charges.

Mr. WELBORN. We probably could not substantiate these charges with documents. We have all the time had men in the district in which the strike has been so vicious who were in touch with the conditions; some of them probably knew that arms were hidden. Collectively our superintendents knew pretty well that the so-called strikers at Ludlow were not strikers entirely, but composed largely, as I have stated here, of an element that never had worked in our mines.

I should much prefer that you take those paragraphs up section by section. I can tell you in some cases how I came by the information and convince you it is true.

Commissioner WEINSTOCK. The first is:

"Hundreds of these men"—

Referring, I take it, to employees of the company?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK (continuing):

"came to our superintendents expressing regret at being forced to leave and declaring their intention of returning when they could safely do so. Many of them showed written evidence of the threats of deaths and violence to themselves and families that prompted and justified their actions. Sixty-two per cent of all the men remained at work, and the number working was never smaller than this."

Mr. WELBORN. I should say that nearly every superintendent was informed by a considerable number of employed strictly in accordance with that statement—that he had been threatened—that their employees had been threatened either by word of mouth or anonymous letters—most always anonymous communications—and collectively the men who so reported to the superintendents represented several hundred.

I stated on Saturday that at the Primera mine something over 100 men left our service immediately before and immediately after September 23 who had previously, either directly or through some one representing them, stated to the superintendent that they were going to remain at work regardless of the strike; that they were satisfied with conditions and would remain at work. Mr. Wetzel recited one case to me on an occasion which concerned an Austrian, I think, who had charge of the powder house. He came to the superintendent very early one morning before the mine opened and was crying and begged the superintendent then, at that very moment, to take the keys of the powder house. He said his life was in danger and that he must get out. The superintendent tried to reassure him, but without success, and the old gentleman left.

The Rouse is another mine. I had to go over that and recall a great many that have specifically made report of the condition I recited to me through Mr. Weitzel. There are very few letters in evidence; very few letters were ever written. Immediately after September 23 there was no time at the coal mines or at my office for the writing of letters. We were usually engaged in telephonic communication or sitting around waiting for some expected unpleasant news.

Commissioner WEINSTOCK. Of these few words, Mr. Welborn, I want to remind you: "Many of them showed written evidence of threats of death and violence to themselves and families."

Mr. WELBORN. Yes. I said a moment ago that anonymous communications were shown, but I think in no case of a man who was threatened did the man who received that threatening communication leave it with the superintendent. The very communicaton may have said, If you disclose this information or do not destroy the letter, you will be killed whether you leave or not; such was the purport of a number of threats.

Commissioner WEINSTOCK. I see. There would be no way then that you could substantiate——

Mr. WELBORN. I do not say that no such communication could be secured. I will ask Mr. Weitzel when I leave the stand, and we may find a few; but they were left only by the most courageous amongst the workmen.

Commissioner WEINSTOCK. The next statement is that:

"Before the convention of September 15 it became known that a large quantity of arms and ammunition had been brought and shipped to the southern coal fields by strike leaders. This was but the beginning of an almost continuous movement of firearms into the district, and within a short time after the strike took effect from 1,500 to 2,000 of the strike element were fully armed in that part of Colorado."

Mr. WELBORN. The first purchase of arms by the strike leaders of which we had knowledge took place September 12. Evidence of that purchase is contained in the congressional report. The merchant at Pueblo who made the sale to a local hardware company at Walsenburg, the arms for which were selected by Adolph Germer, testified before the congressional committee his name is Holmes.

Commissioner WEINSTOCK. That purchase was made on September 12, and the strike took place when?

Mr. WELBORN. The strike convention was called September 15, and the strike actually took place September 23.

Commissioner WEINSTOCK. So that the purchase of those arms took place about 10 days——

Mr. WELBORN. Eleven days, exactly, before the strike went into effect.

Commissioner WEINSTOCK. There is a record——

Mr. WELBORN. There is a record of the purchase. Now, the movement within a few days after that, as I state there, became general; the knowledge was common, almost as common as the knowledge that there was a strike or that the strike had been called.

Commissioner WEINSTOCK. I see.

Mr. WELBORN. And most of the estimates made by the people on the ground, the collective estimates of superintendents and others in the southern part of Colorado, indicated from 2,000 to 3,000 men fully armed. I attempted to be somewhat more conservative. I am sure that statement is well within the facts.

Commissioner WEINSTOCK. Let me make sure that I have got my dates right. These arms were supposed to have been purchased on September——

Mr. WELBORN. September 12.

Commissioner WEINSTOCK. And the convention too place on September 15?

Mr. WELBORN. September 15.

Commissioner WEINSTOCK. And the strike on September 23?

Mr. WELBORN. Twenty-third.

Commissioner WEINSTOCK. May I ask, Mr. Welborn, at what date did your company secure the services of these armed guards?

Mr. WELBORN. I do not know whether we put any at work prior to September 23 or not. It is very probable that a very few were put to work, for the reason that for a long while prior to the strike we had employed only 7 camp marshals at our 22 working properties. The workmen, as soon as they learned there was to be a strike, insisted that protection should be furnished. In many cases they said, "We won't work unless we know there is enough protection here for us. We know what is going to take place." Some of them had been through strikes; many of them had talked with the strike leaders or the militant element among the workmen intending to strike. And we provided the first guards—I do not know, but I might say practically all of them, as much at the request of the workmen as in accordance with our own views. In fact we promised—I made known, or Mr. Weitzel did, to the men, by posted circular, that those who wished to remain at work would be protected. The only means

of active protection was to employ men, watchmen or others, who could resist an attacking force.

Commissioner WEINSTOCK. Then, as I understand it, in normal times, practically all the guards employed were about seven?

Mr. WELBORN. Seven. They should not be classed as guards. They are camp marshals, and in some instances they were constables forming the——

Commissioner WEINSTOCK. Doing police duty?

Mr. WELBORN. Doing police duty, primarily, in the camps. In addition, they took care of the sanitary conditions.

Commissioner WEINSTOCK. This normal staff of seven was reinforced beginning at about what date?

Mr. WELBORN. Within two or three days before the strike took effect, I should say September 20. I do not say that some one or two or three were not employed prior to that date in order to have a man of that capacity at each mine.

Commissioner WEINSTOCK. According, then, to the evidence that you say was presented to the congressional committee, you did not do that until some eight or nine days after the strikers had been supplied with arms and ammunition?

Mr. WELBORN. After they had commenced supplying them.

Commissioner WEINSTOCK. They had the——

Mr. WELBORN. They were in every sense of the word.

Commissioner WEINSTOCK. Your next statement is that "Anarchy in its worst form, in which dynamite was frequently used, was in control of the coal area with a population of 45,000 people"?

Mr. WELBORN. Yes. Certain houses of men who remained at work—they were in most instances—in each case where houses were belonging to some one other than the company, and was outside of the property line or where it could be easily, we will say, dynamited. In the town of Walsenburg, where prior to the strike I think most of the men who worked for us at mines nearby lived, houses were dynamited. In the attacks made on our property, particularly the Berwind and Tabasco mines, that are located near Ludlow, dynamite bombs were rolled down near the coal-washery, toward the power house, and to other places where the damage desired could be done if the bomb exploded. Those mines are situated in a deep canyon. The men lined themselves upon the hills on both sides and were within very easy rifle range. It was at that point where two children were shot one morning, the morning of October 23, if I am not mistaken, while in bed. And at that point a number of our men were killed. One of the miners, who carried a rifle to help protect himself and other employees, was killed. A number of those were doing exclusive guard duty, and almost without exception they were on our property. I might be justified in saying that there was no exception to their being on our property.

The first act of that kind which took place occurred on September 24, the day after the strike took effect, and occurred at Segundo. There three or four of the strikers were found engaged in tearing down a footbridge across a little stream that passed through the camp. The marshal went to stop their work. He was riding his horse and directed these men ahead of him toward the office of the justice of the peace, where he proposed to swear out a warrant against them. One of their number was concealed in an idle coke oven, within easy range, and when the marshal came in front of the coke oven he was shot from his horse and died immediately; had no opportunity to offer resistance.

I do not know whether I need give you anything more as indicating anarchy reigning and that dynamite was used or not.

Commissioner WEINSTOCK. Were any of these strikers who had committed these criminal acts arrested and tried?

Mr. WELBORN. I think—in most all of them—at that time most all of them got away. There are a great many, however, now under arrest for acts committed at that time. Some are out on bond; have been arrested, and some are out on bond and others are in jail.

It may not be out of order to tell the case of a man ambushed up at La Veta. It is not one of our properties, but it is in the neighborhood a little ways from Walsenburg. It occurred on November 8, soon after the militia went into the field, but before they had actually taken possession of that small district. One of the employees of the mining company who has properties situated a few miles from La Veta had gone into town for some personal reason, and while there was surrounded by an armed body of strikers. He finally got into the telephone office. In the light of later events it looked as though they purposely allowed him to go in there. He telephoned to the mine for protection,

for resistance. They sent down an automobile with four men. The driver of the automobile was a young mechanic attending college at Colorado Springs, the college of which Dr. Slocum is president. He was working his way through college. The other three were men, I am told, of a high character. I know the father of one of them, who is a fine man, and who lives in Denver, Capt. Bryan. They went to La Veta, got the man who had been stopped, that made five of the party, and started on their return to the mine. Near a bank which helped to make a reservoir and near which the road passed, they were fired upon from ambush, ambushed in every sense of the word, railroad ties or timbers had but recently been placed there to form almost a complete protection for these men. The driver of the car was almost immediately killed, and all of the other men were shot; two of them died on the ground; the third was brought to our hospital for treatment. His arm was shot off, or practically so, by a mushroom bullet. Had the shot been fired with the ordinary bullet, it is probable he would not have lost his life. But at any rate, the strike element, the element in sympathy with the men who ambushed these workmen, immediately prevented doctors going to the rescue of the men who had been wounded. I am told they had been kept away a couple of hours. Finally such counsel prevailed as to permit the doctors to go, and in that connection I ought to say that according to the best evidence that we have been able to secure, and which is unquestionably reliable, the people in the town of La Veta, when these men left, or a considerable number of them, went to the top of one of the houses near, apparently that they might easier attack.

Another case of dynamiting just called to my attention is that of a man at Piedmont, near our Sopris mine. It was the man working, living in the house at the time it was dynamited, and in a miraculous way he escaped death. The house was almost completely destroyed.

Other cases of dynamiting were railroad bridges, burning of a bridge near our Primera mine, dynamiting our water line between Primera and the Segunda coke oven.

Commissioner WEINSTOCK. Have any of these men been yet brought to trial?

Mr. WELBORN. The men who committed the murders at La Veta which I have just referred to were, or some of them, some seven or eight, were almost immediately arrested and, according to the published statements at the time; they are now under trial, I believe.

Commissioner WEINSTOCK. No trial as yet?

Mr. WELBORN. They are under trial now.

Commissioner WEINSTOCK. Their trials are going on at this time?

Mr. WELBORN. Yes; I think so. I think it would be improper for me to comment further on that.

Commissioner WEINSTOCK. The next statement is that:

"At Ludlow it was well know that hundreds of men were included in the strikers' ranks who had never worked in the Colorado coal mines. These were very largely veterans of the Balkan War of various nationalities. The result of their attacks made on mining properties and workmen from distant hills bear evidence of their skill as trained marksmen."

Mr. WELBORN. The deaths which I referred to a moment ago that occurred in our Berwind and Tabasco Canyons and the killing of the children there are some of the evidences of their marksmanship. Many other of similar character occurred in other camps belonging to companies with which I am not connected. I know that in the immediately adjoining camp in which Delagua and Hastings mines are located—it is a canyon, by the way—and marshals and others were killed during October and the last days of September.

Commissioner WEINSTOCK. What evidence is there that these men were not ex-employees?

Mr. WELBORN. It was not difficult to tell after citizens of Trinidad, superintendents of the coal mines, and others acquainted with the population in that country had an opportunity to pass Ludlow or see the occupants of the village, that there were a large number of foreigners of a class that were not generally employed. There were at one time recorded 200 Greeks in Ludlow. It was the collective information of the superintendents to which I referred a few moments ago to the effect that most of these men had never worked in the mine.

You must know that with 10 or 12 or 15 mine superintendents in that vicinity they know pretty well the workmen employed in their mines, and they could very easily determine, after they had had a chance to see the men a few times,

whether or not the Ludlow colony, so called, was composed of men formerly employed by them.

Commissioner WEINSTOCK. Then the evidence on that point is largely a matter of information on the part of those who made these observations you speak of?

Mr. WELBORN. No; I wouldn't admit that. I think the men were quite competent to pass accurate judgment on that, and I am also very sure that they were correct.

Commissioner WEINSTOCK. (reading):

"With the arrival of the Federal troops, May 1, order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia. The strike element surrendered a considerable number, but retained in hidden-away places many hundred—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

Now, on what is this statement based; what knowledge did you have that such were the facts?

Mr. WELBORN. I suppose the most reliable knowledge we had on that point came, from time to time, from Army officers—friends of mine in the Army who were not engaged in the work down there—telling me what their brother officers had told them. It is an open secret, Mr. Weinstock, in southern Colorado that the strikers did not turn over their arms. The statement later quoted in that with respect to the 2,000 men being in preparation to make an attack confirms that from the other side.

Let me say, as I understand it, the Army officers had no authority direct, either, to search for arms.

The proclamation which was issued by the President, as I stated there, was immediately complied with by the coal operators; the strikers did not comply on the same date. They were given two or three extensions of time in which to bring in their guns. And within a few days did turn over, as I say, a considerable number, according to all reports.

Commissioner WEINSTOCK. Furthermore, this says:

"While preparing this report, word comes to me from sources, the reliability of which can not be questioned, that one of the officers of the United Mine Workers of America and a leader among the striking forces recently said at Trinidad, in effect, that as soon as the Federal troops are withdrawn the strikers will attack the State militia, if recalled, and the property of the mining companies; that in preparation for such an event union men in the neighboring States to the number of 3,000 have been organized, drilled and armed, and are in readiness to move when called upon."

Will you give to this commission the name of this leader among the striking forces who made that statement?

Mr. WELBORN. Diamond.

Commissioner WEINSTOCK. His initials?

Mr. WELBORN. I do not know whether William—William Diamond.

Commissioner WEINSTOCK. Is he a local man?

Mr. WELBORN. I think he has been in charge locally. I understand he is not in the district now.

Commissioner WEINSTOCK. You have reason to believe at this very moment men are ready to attack the mines and their employees should the militia be recalled?

Mr. WELBORN. Yes; I am very sure. I know they are ready to attack. I do not admit, however, that they would move except under the direction or suggestion, direct or indirect, of the leaders. They are the men responsible for the actions of the strikers.

Commissioner WEINSTOCK. I gathered from your testimony given the other day, Mr. Welborn, that your statement is that you are now producing all the coal for which there is a market?

Mr. WELBORN. Yes; that is correct.

Commissioner WEINSTOCK. If the strike was declared off this moment you would not see your way clear to put on any additional men?

Mr. WELBORN. We could not put on any additional men except a few at a time where vacancies might occur in the mines.

Commissioner WEINSTOCK. Well, then, if you are in a position to operate fully and completely, the strike is practically lost?

Mr. WELBORN. Absolutely lost. It has been for four months.

Commissioner WEINSTOCK. Now, digressing from that line of questioning——

Mr. WELBORN. I should like to say there the thought has just come to me that the calling off of the strike and the removal of the Federal troops without disarming the strikers would place us in a worse position than we have been in at any time since the strike was called. We have been disarmed twice. First, by the State militia, who kept our arms, and the second time by the Federal troops, both voluntary; the disarmament took place voluntarily, so far as we were concerned. But we are without any means of protection to-day. We would be at the mercy, still at the mercy of this army. It is a small one compared to what it was 10 months ago, but we would be at the mercy of that small body of men, with arms easily available, unless they were disarmed or ours returned to us.

Commissioner WEINSTOCK. Now, before I pass from that question, there is one other that just occurs to me. As you know, of course, there has been a great deal of conflicting testimony as to which side assumed the initiative in these acts of violence?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Will you tell the commission your point of view?

Mr. WELBORN. The facts are, Mr. Commissioner, that the first acts of violence, if not most of them—practically all of them, I think, in fact—took place on company property. Strikers had previously left and established themselves at Ludlow and in other tent colonies. Violence as in a case of that which existed at Berwind could not possibly have been initiated by the coal company men on our ground, well within our property lines; children in bed were shot. We could not have initiated an attack on men that would have brought that about. They had no business on our property. They came there for the purpose of driving the workmen out, and killing such as were unwilling to go. In that instance, or during that period of attack which covered three days immediately preceding the calling out of the militia, I think over a hundred families—that is, the women and children of over a hundred families—had been sent out of the camps. Part of them went in one night—most of them, I think, one night—by wagon over the hills, that were covered with snow.

Commissioner WEINSTOCK. Will you tell this commission, Mr. Welborn, what your opinion is about collective bargaining?

Mr. WELBORN. Collective bargaining can be objectionable, in my opinion or judgment. It is objectionable primarily because of the methods employed in the collective bargaining. My study or thought of that question has been confined mainly to the industry with which I am connected and in which I have spent all my business life. I know our workmen receive better wages, better attention all around, than the workmen in the mines represented by the collective bargaining established and pursued by the United Mine Workers of America. To that form of collective bargaining I am absolutely opposed.

Commissioner WEINSTOCK. Now, is this condition, this relative wage condition that you speak of, Mr. Welborn—the fact that your workers are earning a better wage than the workers employed in the so-called union mines—is that a recent condition or is it the normal condition?

Mr. WELBORN. It is the normal condition. It has been the policy of the company ever since I have been connected with it, and Mr. Osgood was the president of the company, or its head, for a number of years after I was employed in the company; it was the policy of the company at that time. It has been our very active policy ever since I became president, and even before.

Commissioner WEINSTOCK. Now, speaking not as the president of your company, Mr. Welborn, but as a citizen of the Republic having its general welfare at heart—for we know that the public can not prosper if the great body of the people do not prosper——

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. We know that the general well-being of the main body is the well-being of all?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. We are aware that the highly efficient man, the man with the brains and ability, needs no protection. He gets to the front some time, sooner or later. He needs no advantage. But taking the average man, or the man perhaps below the average, what can you suggest, under our system of industrialism, with few employers and very many workers, what method can you suggest better than that of collective bargaining to enable the average man or the man below the average to better his condition?

Mr. WELBORN. Well, I have not attempted to plan a method that would take the place of collective bargaining except in our own industry. We are doing it very successfully; I mean successfully from the standpoint of the worker as well as of the employer. The efficient man, as you very correctly say, needs no protection. He can get ahead and he does get ahead at our properties. The inefficient, the man well below the average, is small in number, we find in our properties. The average man is a man who earns $4 a day digging coal, and more, and there are not so many who earn materially less than that.

Commissioner WEINSTOCK. Now, sooner or later, Mr. Welborn, this commission will have to make a report and will have to make certain recommendations; and I, for one, and I think in that respect I am no different from my associates, am very anxious to be educated on the point as to whether collective bargaining is or is not a good thing for all concerned. We have had a great deal of evidence come before this commission from employers themselves along the lines favorable to collective bargaining——

Mr. WELBORN. I am sure of that.

Commissioner WEINSTOCK (continuing). Now, if there are reasons why collective bargaining is a bad thing, I want to know it, and I am asking your opinion, not as president of your coal company, but as an employer with broad experience and opportunities for seeing things that many of us do not have.

Mr. WELBORN. Well, I don't claim breadth of experience; and I stated in answer to your question when it was first propounded that my thought and observation——

Commissioner WEINSTOCK. Please forget your own enterprise.

Mr. WELBORN. I don't know that I can. My opinion is based on my own experience, practically. I do not believe collective bargaining by the United Mine Workers of America—as conducted by the united mine workers—is beneficial as a whole. It is claimed by that organization that it has 400,000 members. That represents about one-half of the coal-mining population, or coal-mining employees, of the United States. I do not know of a district in which the business is conducted under contract with the United Mine Workers of America where the men earn more or as much as they do in Colorado at our properties. Now, I must admit that the treatment of the men even in the case of collective bargaining depends to a considerable extent upon the character of the employer, and I do not mean to say that with any idea of implying that we treat our men better than other employers do; but the men are more or less at the mercy of the employers, more particularly where there is no collective bargaining.

Commissioner WEINSTOCK. Now, we are dealing with opinions pure and simple at this stage of the game?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And we value your opinion on these points because of your experience and knowledge. As you know, political economists take the grounds that in industrialism it is the worst employer who sets the pace; that the unfairest employer who sets an unfair wage compels the fair employer either to follow his example or go out of the business. Now, is that so from your experience?

Mr. WELBORN. Well, no; I should not admit that is entirely true.

Commissioner WEINSTOCK. You think not?

Mr. WELBORN. No.

Commissioner WEINSTOCK. Well, now, if your competitor pays half the wage you are paying and could get men to work at half the wage because there was an abundance of labor, wouldn't that enable your competitor to undersell you?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And wouldn't you have to meet his price, which is unprofitable, or go out of business?

Mr. WELBORN. My experience is that very often our competitor pays lower wages than we and very often undersells us in the market. We do not meet his prices or wages or conditions that he establishes for his men. We do not always meet his competitive selling prices. Much depends on the strength of the other man.

Commissioner WEINSTOCK. Then, how can you exist alongside of him, if he undersells you, and if to meet his price would mean a loss to you?

Mr. WELBORN. Well, there are other conditions always in connection with the article sold than the mere price. The man who undersells you when he needs business will oversell you when there is a heavy demand—when the demand is a little greater than the supply; and the buyer is going to be influenced more or

less by his treatment—the treatment he receives from the seller 12 months in the year.

Commissioner WEINSTOCK. You mean the question of service enters?

Mr. WELBORN. Yes; service and quality of goods.

Commissioner WEINSTOCK. And that your only hope, then, alongside of the price cutter, is better service and better goods?

Mr. WELBORN. Uniform price as nearly as possible.

Commissioner WEINSTOCK. Is it your claim that this has enabled you to successfully compete with a man who pays a lower wage than you pay?

Mr. WELBORN. I do not mean to imply that that question of lower wage by our competitors is a habitual practice, but it has frequently been done; but we have by various means most of the time held our own, and never by meeting conditions that he established for his workmen.

Commissioner WEINSTOCK. Just one more point in that connection, Mr. Welborn. The figures you presented the other day showed that the stockholders of the company have become lean and hungry in the way of dividends. Now, is that the condition also with your competing concerns? Is that a common condition or is that condition exceptional with your company?

Mr. WELBORN. I don't know as to that. Most of our competing companies are close corporations, and as to their financial conditions I know nothing. Their stock is not on the market, so you can not know whether they pay dividends or not.

Commissioner WEINSTOCK. I see. Then you have no means of knowing whether your experience is the common experience?

Mr. WELBORN. No; I have not. They all claimed they were hard up, and did before the strike.

Commissioner WEINSTOCK. Just one more line of questioning and I am through, Mr. Welborn.

Mr. WELBORN. Very well.

Commissioner WEINSTOCK. Will you give this commission your opinion of workmen's compensation laws?

Mr. WELBORN. That is a pretty broad question, too; but we have necessarily thought a good deal about it. I think a workmen's compensation law on fair lines—in fact, I know it is just and right. It seems to me, however, that the workmen ought to contribute to the fund which is going to compensate their families for their death and injury. I don't mean that they should bear all the burden, but they should contribute.

Commissioner WEINSTOCK. May I point out, then, Mr. Welborn, for your information and for the information of others who are interested in a workmen's compensation law in Colorado that in California, where we have a compensation law—and I happen to be a member of the commission, so I can speak with authority——

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And there the worker does contribute. He contributes, in the first place, a loss of two weeks' wages. His compensation does not begin until the fifteenth day after the injury. He contributes a loss of one-third of his wage during the period that he is incapacitated and receives 65 per cent of his wage while he is disabled; and on top of all that he contributes the pain and the suffering. And it would seem to me that that is a reasonable contribution to the cause.

Mr. WELBORN. I can not help thinking of the large army of men engaged in clerical work who die as the result of automobile accidents or other unforeseen circumstances. They have to provide, or have in the past at least, their own insurance. They pay out monthly or annually a premium which serves to provide a fund for them in case of accident or death, or both. Would it not be right that, we will say, the man classed as a wage earner should similarly contribute to his own later protection? I do not mean in any large degree.

Commissioner WEINSTOCK. May I ask this question, Mr. Welborn: To what do you charge the wear and tear and the accidental injuries of your machinery?

Mr. WELBORN. That naturally is charged to earnings, if you have any, or profit and loss. In our case it has been charged to loss.

Commissioner WEINSTOCK. It is part of the overhead expense of the trade?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. And is added onto the cost of operation?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. As a legitimate part of the cost of those operations?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Why should you draw the line at the human chine?

Mr. WELBORN. If you had a law universal over the United States, I don't know t you should draw a line. Then it surely would fall upon the public—go to r price. But if we have a severe workmen's compensation act in Colorado our competitors in Kansas and in New Mexico and other near-by States e no workmen's compensation law, they will be in a position to take our iness away from us.

Commissioner WEINSTOCK. That is true. Your point is well made, Mr. Wel-n; but this should be borne in mind, that that point was argued very stren-sly when the first State in the Union adopted a workmen's compensation act. ce then I think 25 States have joined the sisterhood, and it is only a matter time when every industrial State joins. Now, if every fellow says, "Wait il the other fellow does it," it never would be done.

Mr. WELBORN. I don't mean that. I think we should move in that direction fast as we can. We are not going to oppose a workmen's compensation if a fair one is introduced in our next legislature. And, in that connec-n, I would like to say that in our own business we have felt that we were mpensating, not liberally, perhaps, but as generously as the conditions l permit, in cases of accident and death. We have never stood on our let legal rights in that connection—in connection with that question.

Commissioner WEINSTOCK. May I ask whether your company carries in-rance?

Mr. WELBORN. No; we do not. We carry our own insurance.

Commissioner WEINSTOCK. Is that the custom among all the coal com-nies?

Mr. WELBORN. I think it is not; but it has always been our practice. We re thought in such matters that we ought to treat with the men, our own ployees, rather than that, perhaps, a more cold-blooded corporation—in-rance company—should treat with them.

Commissioner WEINSTOCK. Now, do you set aside a fund for that purpose? you have a regular fund?

Mr. WELBORN. No; we do not. We charge it up as it comes.

Commissioner WEINSTOCK. Have you any well-defined policy as to how to deal h injured workers?

Mr. WELBORN. No; not one to which we stick rigidly.

Commissioner WEINSTOCK. Then, you exercise your judgment in each case?

Mr. WELBORN. Yes; we take up each particular case.

Commissioner WEINSTOCK. And legislate on it?

Mr. WELBORN. Practically, yes; and I think I am justified in saying that compensate more individuals where there is not a legal responsibility on r part than we do where there is.

Commissioner WEINSTOCK. You have the employers' liability act in Colorado, re you?

Mr. WELBORN. Yes; there is some statute law; I don't know exactly its ovisions.

Commissioner WEINSTOCK. Then, if I understand you, if one of your work-n gets injured, he has a right to bring suit against you under the common w?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Are there many instances in which your com-ny has been sued under the common law?

Mr. WELBORN. I don't know. We might have been sued two or three times; t there is no case where judgment—to my memory no case in the last 10 15 years—has gone against us. We have settled them all.

Commissioner WEINSTOCK. Has the employer in Colorado the usual three fenses in damage cases of that kind—that is, the defense that the worker ew the risk he was assuming when he entered the employ of the employer, d the other defense that it was due to negligence on the part of his fellow rker, and so on? Has the employer those defenses in this State?

Mr. WELBORN. I am inclined to think he has; I am not sure on those points.

Commissioner WEINSTOCK. That is all.

Mr. WELBORN. I should like to say that I am not here to speak for Mr. good; but I am sure that he gave the wrong impression as to his practice th respect to injured employees the other day. The understanding I ob-ined from his answer was that he never compensated except in case of gal liability on the part of the company. When he was with the Colorado

Fuel & Iron Co. the practice was very much the same as it is now—which I have just recited; and I am reasonably sure that all the other companies, including the Victor-American Fuel Co., practice that policy more or less.

Commissioner LENNON. I want to ask one question. Mr. Welborn, will you furnish us with a statement of the last 25 cases of either injury or death occurring in your mines, the character of the injury, and the amount of compensation paid?

Mr. WELBORN. Yes; I will be glad to.

(See the Welborn Exhibit No. 2.)

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Welborn, does the liability law of Colorado include all of the three defenses of the employer: Fellow servant, assumption of risk, and contributory negligence?

Mr. WELBORN. I don't know as to that. We have not been governed in our treatment of injured employees, as I said a while ago, by our legal responsibility. We have been controlled more by the facts and circumstances of each case.

Commissioner GARRETSON. Has there been repeated attempts to enact legislation to abolish those defenses as they have been abolished largely in other communities?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. How is it, if conditions and pay are so much better, as you state, in your mine than in the mines that are unionized that when union men drift into employment here from those union mines who are perfectly familiar with the conditions there and become so with the conditions here, they insist on unionizing here, if it injured them?

Mr. WELBORN. That is not a fact.

Commissioner GARRETSON. Isn't it?

Mr. WELBORN. No, sir.

Commissioner GARRETSON. What do they do?

Mr. WELBORN. I don't know what they do. Many of them are more than glad to tear up their union card, I am told, when they leave the other fields, and when they learn of the very favorable conditions under which they can work here.

Commissioner GARRETSON. Your company don't have any place to deposit those cards they want to get rid of?

Mr. WELBORN. No. We have no use for those cards.

Commissioner GARRETSON. Then the men who, in the various Colorado strikes, have endeavored to unionize those mines were, as a rule, not union men from other localities?

Mr. WELBORN. I do not quite catch the question.

Commissioner GARRETSON. I say, that in the various efforts that have taken place to unionize the mines they have not been participated in by union men who came from other mines?

Mr. WELBORN. Those activities during the last two years have initiated with men on the outside, not among men on the inside; I mean the demand to reorganize. Take the present strike, it attempts to reorganize Colorado; that initiated and is conducted by men from outside of the State. There were some local officers who lived in Colorado.

Commissioner GARRETSON. The local rank and file, who have been union men, took no part in it?

Mr. WELBORN. No; beyond a small part. I would like to state something about it.

Commissioner GARRETSON. Go to it.

Mr. WELBORN. We have three mines in the Canyon district where a lodge of the United Mine Workers has been in existence for years. I do not know what percentage of the men belong to it, but I do know, almost as far back as I can remember anything about the coal business, that has been recognized as a union camp. The expression of satisfaction with the conditions, in opposition to this strike, were the strongest from that district.

Commissioner GARRETSON. Was that an expression of satisfaction with their own conditions or the conditions at other places?

Mr. WELBORN. Their own conditions.

Commissioner GARRETSON. That is union, is it?

Mr. WELBORN. It is union in the sense that the men belong to the union; there is no recognition of the union.

Commissioner GARRETSON. That don't apply when under one contract?

Mr. WELBORN. No; they work under the same conditions our men do in southern Colorado.

Commissioner GARRETSON. If the 400,000 men, who are members of the mine workers' union, were not members of that union and aggressive in fixing rates of wages and conditions of service, what would probably be your conditions of service and rates?

Mr. WELBORN. The same as they are now.

Commissioner GARRETSON. On the question of the first purchase of arms that you covered with Mr. Weinstock, I gathered from your testimony that the purchases of arms were made by the union men before they were made by the companies.

Mr. WELBORN. You did; that is correct; before they were made by my company.

Commissioner GARRETSON. What became of the arms that your company possessed back in the movements of 1904, I think it was?

Mr. WELBORN. I think, in the main, if not entirely, they were loaned to some of our friends in southern Colorado, who still had use for them when the strike was called. None of them were taken back, as I remember.

Commissioner GARRETSON. Had any been recalled prior to this time of purchase?

Mr. WELBORN. No.

Commissioner GARRETSON. When did the general disarmament of miners take place by the militia?

Mr. WELBORN. There was no general disarmament of miners by the militia.

Commissioner GARRETSON. Was there an effort?

Mr. WELBORN. Yes, sir; a small effort.

Commissioner GARRETSON. Did the militia at the same time make an effort to disarm your men?

Mr. WELBORN. They took our guns and we discharged the men. We desired, in looking after certain people or certain camps, where they were not able to place a squad of militia, that a few men should be left. Let me say something else right here for fear that I forget it.

Commissioner GARRETSON. All right; do so.

Mr. WELBORN. Reference has been made to the treatment of the strikers by the militia, and I want to say that the most friendly relations existed between the strikers and the militia until the governor issued his order, the early part of December or the latter part of November, I have forgotten which, permitting the employment of men outside of the State. As soon as the men from the outside of the State commenced to arrive, and the militia prevented the interference on the part of the strikers with those men going to work, the feeling by the strikers toward the militia immediately changed.

Commissioner GARRETSON. Well, is it not a fact that statements have been made repeatedly that that feeling only grew up when the feeling originated on the part of the strikers that the militia was not a nonpartisan agency? Are not both statements equally credible?

Mr. WELBORN. I do not say that the militia were partisan. They were there to preserve order. If it was right for men coming from Pennsylvania to work in Colorado, and it was, it was perfectly right for the militia to protect them from the strikers, as well as our property and our men.

Commissioner GARRETSON. Then, if one man's code of ethics held it to be proper to bring the men from the outside, and another man's code of ethics did not, their opinion would differ as to a variety of actions?

Mr. WELBORN. It is not a question of code of ethics, but a question of what is legally right, and what is fair to the men who want to work.

Commissioner GARRETSON. We have had some differences of opinion expressed as to what was legally right. Your report to your directors reported a state of anarchy; witnesses on the stand on the other side have stated there was no law in certain counties except the will of the company. What is the difference between the two forms of expression? They both mean absence of law, do they not?

Mr. WELBORN. In one case the statement is an absolute falsity, and on the other it is based on the facts.

Commissioner GARRETSON. What is the difference between the credibility of the two men that make the statements in a court of law?

Mr. WELBORN. I leave that to you.

Commissioner GARRETSON. I want to know your standpoint.

Mr. WELBORN. I don't know that they are even on an equality.

Commissioner GARRETSON. Well——

Mr. WELBORN (interrupting). I am not attempting to establish a record for myself here, as far as that is concerned, it is a purely impersonal question.

Commissioner GARRETSON. Are two men not entitled to equal credence unless their testimony is utterly discredited?

Mr. WELBORN. Perhaps so; I do not know as to that. I should like to make another suggestion.

Commissioner GARRETSON. All right.

Mr. WELBORN. You want to get at the facts with regard to the anarchy, with regard to control by the coal companies, by the officers in southern Colorado and elsewhere and would suggest that you bring on the stand a number of men now at work who worked throughout the violence, and the extent of which they know. You could learn a great deal from the men who have worked all the time, and others who could not who have since returned.

Commissioner GARRETSON. And possibly testimony would be given by men not directly connected with either side, but who have put in years in this territory as citizens.

Mr. WELBORN. I am sure of that.

Commissioner GARRETSON. You referred a while ago, on one subject, to the fact that common knowledge was a factor in determining the truth or falsity of a statement, you referred to it in connection with the purchase of arms?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Is this same knowledge, or this same matter of common knowledge, common report, of equal value in all questions to which it may be applied?

Mr. WELBORN. I don't know; that is a pretty broad question.

Commissioner GARRETSON. If common knowledge that arms were purchased is proof that they were, is common knowledge that elections were corrupt equally proof of that fact?

Mr. WELBORN. If there is such common knowledge; but there is not.

Commissioner GARRETSON. It has been testified here that it was common knowledge.

Mr. WELBORN. I am obliged to say that testimony is absolutely false. I disagree with you. I know as a matter of fact that the company has not exercised the control over the officials that has been charged here.

Commissioner GARRETSON. I think you mistook my statement; what I said was that it had been testified here by men who reasonably would be expected to know of political conditions fairly well, that such was a case.

Mr. WELBORN. That would not alter the facts as I know them.

Commissioner GARRETSON. I am not dealing with the facts, but with the testimony.

Mr. WELBORN. I am trying to deal with the facts.

Commissioner GARRETSON. Facts and testimony differ.

Mr. WELBORN. Yes; that has been proven here.

Commissioner GARRETSON. In regard to this law, as to judges of election, has it not been a common matter of newspaper comment for years—the application of this law to elections in this State?

Mr. WELBORN. I think not; if it had been I am quite sure it would have come to my attention. If that law does exist I am surprised it has not been called to my attention; I am sure that it has not.

Commissioner GARRETSON. You spoke of the fact in your testimony Saturday as to—not universal—but the common practice of perjury before the congressional investigating committee?

Mr. WELBORN. I said that a number of witnesses committed perjury, and in some cases the perjury was proven while the witness was on the stand.

Commissioner GARRETSON. Yes; I think that is the exact language. Does that apply to witnesses on one side alone?

Mr. WELBORN. I don't know of any witnesses testifying for the operators who so perjured themselves. I do know a number on the other side, and one, very early in the proceedings in this room, committed the perjury such as I have described, and the perjury was proven while he was on the stand. Dr. Foster himself said to me that he could not do anything, that he would just have to let them go.

Commissioner GARRETSON. Then all instances of it were confined to one side?

Mr. WELBORN. So far as I know.

Commissioner GARRETSON. You spoke of the unfairness of Messrs. Davies and Fairley?

Mr. WELBORN. Yes.

Commissioner GARRETSON. The Government mediators.

Mr. WELBORN. I don't know that I expressed myself in just that language.

Commissioner GARRETSON. I think the record will show that the statement was they were unfair in that they had agreed to show the operators their report before making it?

Mr. WELBORN. No; the record won't show that. The record may show the statement by me that they were unfair; whether it does or not, I am willing to say they were unfair, in my judgment.

Commissioner GARRETSON. That is the word that was used, and I gather in that connection that the unfairness referred to the fact that while they had agreed to show their report to the operators, instead, when it came out you found it was a report prepared by the leaders of the miners?

Mr. WELBORN. Yes; the unfairness rested in the fact that they presented the said truce proposal, the authorship of which was claimed by the United Mine Workers of America.

Commissioner GARRETSON. If they had carried out what I assume to be this proposition to submit it to the operators, and allowed them to inspect it without allowing the others, would that not have been just as unfair?

Mr. WELBORN. I never had any correspondence or any conference with Mr. Fairley in connection with this matter. Mr. Davies was very outspoken in his expressions of satisfaction with the conditions in the Colorado coal mines and in his approval of the course we had taken against the United Mine Workers of America, the aggressive members of that organization, to force us under its domination. He further said voluntarily—it was not a promise, and no favor we asked of Davies—he said, "If I prepare a report, I don't know whether I will or not, but if I prepare one I am going to submit it to you gentlemen first for correction and general approval." I do not care particularly now that he did not do it.

Commissioner GARRETSON. My notation shows that the testimony was in regard to Mr. Davies alone, but as it concerned both I inserted both names in the question.

Mr. WELBORN. Mr. Davies made it clear to us that he alone would confer with the operators.

Commissioner GARRETSON. Would you consider a mediator fair who conferred with only one side, even if that side was the operators?

Mr. WELBORN. Certainly not.

Commissioner GARRETSON. In regard to the hospital charges in your mines, you made the statement that all railroads in the territory paid a similar rate, that is, all the men, as yours?

Mr. WELBORN. No; I said that railroads, or other large employers of labor that had hospital departments, did render that service at some arbitrary charge.

Commissioner GARRETSON. I think a similar charge?

Mr. WELBORN. Yes; a similar charge.

Commissioner GARRETSON. Do you know the charge on the railways entering the territory?

Mr. WELBORN. I do not know of my own knowledge; I have been told that with some it is a dollar, others 75 cents, and I have been told of hospital charges in excess of a dollar in some cases.

Commissioner GARRETSON. They are graduated on a scale of salary, are they not?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. Is it not a fact that every railroad entering the territory, but one, charges 50 per cent, or less, of the charge made by you?

Mr. WELBORN. I do not know; I would be very much surprised to find it was so.

Commissioner GARRETSON. I think there is only one railroad entering the State that makes your charge.

Mr. WELBORN. Do the railroads keep a doctor at all central points whose exclusive time is devoted to its employees?

Commissioner GARRETSON. Not exclusive time, except at the hospitals. At all points where employees are congregated a man is designated whom the employees call upon if they desire service.

Mr. WELBORN. Does the railroad company in such cases pay all the bills of that doctor in attending to the families of the men?

Commissioner GARRETSON. Their practice varies in the way of what is carried on the line; they are all subject to a joint supervision.

Mr. WELBORN. Do they care for the families of the employees?

Commissioner GARRETSON. I think they furnish medicine, but not hospital service.

Mr. WELBORN. The record shows we take care of all of them.

Commissioner GARRETSON. You can do that; the others are scattered all over. A great deal of comment has been made as to the character of international officers, as to their being interlopers and intermeddlers; is the officer of an international or of a national organization located in Indiana any more of an interloper than the President of the United States, located in the District of Columbia?

Mr. WELBORN. I do not think they are on a parity at all.

Commissioner GARRETSON. Are they not both equally citizens?

Mr. WELBORN. I do not mean to say that an officer of the organization of the International Mine Workers has not a right to come to Colorado, and if there is a condition that calls for the supervision of that order in the interests of the workmen, or the workmen as a whole demand the supervision of that order, then I should say, perhaps they ought to come in. The condition was just the reverse in Colorado.

Commissioner GARRETSON. Is it not a common thing for employers to incite the officers of these international organizations against their own men?

Mr. WELBORN. Yes; they have done it in cases where contracts have been in vogue between the operators and those organizations and frequently have failed to secure—not only to secure justice, through the interference of those officers—the case I read into the record of the central Pennsylvania organization Saturday that had more than 100 strikes in 20 months of its operation. This letter was addressed to Patrick Gilday, and they had appealed to John P. White, without success, to secure redress of their grievances against the organization.

Commissioner GARRETSON. Is it not possibly the case in these various organizations that where there was one violation alleged there were 50 instances where they secured the aid of those officers in the way desired?

Mr. WELBORN. I could not admit that; I have no personal knowledge of it. But there are statements that have been made to me by gentlemen who have been compelled to operate under contract with this organization that assure me the assumption you have just made is not correct.

Commissioner GARRETSON. I am doing just exactly what you asserted a while ago you had to do, drawing on my experience.

Mr. WELBORN. What is your experience with the United Mine Workers of America?

Commissioner GARRETSON. I don't know about the United Mine Workers of America having that experience, but I know of some others where I have had that experience.

Mr. WELBORN. I have not had experience, but I have a number of friends who have, much to their regret.

Commissioner GARRETSON. I am like—in speaking of the allegations that were made as to the condition of affairs that existed in some of the counties of the State, I think your attitude is that those assertions were made by politicians and the officials of the miners and their attorneys.

Mr. WELBORN. I do not recall the instance to which you refer.

Commissioner GARRETSON. It was in regard to the conditions existing in Huerfano and Las Animas Counties.

Mr. WELBORN. Do you mean working or political conditions?

Commissioner GARRETSON. Political conditions.

Mr. WELBORN. I think I made some such statement.

Commissioner GARRETSON. That is not a close quotation, but conditions—contains the sense I gathered from your statement. These attorneys that are mentioned—it is the attorneys' opinions and utterances?

Mr. WELBORN. I don' know.

Commissioner GARRETSON. If it is, would the same thing be true of attorneys in general or those employed by the miners' association?

Mr. WELBORN. I would not like to pass on that.

Commissioner GARRETSON. Going back to the question of the report for a minute, in regard to how men are voted. The assertion was made here on the

stand, I think the first day, that in a certain county they voted sheep; is that a matter of common report?

Mr. WELBORN. No; I should not say so.

Commissioner GARRETSON. Then, it has no value?

Mr. WELBORN. There are sayings that are just as unreliable as that that come into general use without anyone taking them seriously.

Commissioner GARRETSON. That was testified to here, though.

Mr. WELBORN. I don't remember what the witness—what witness it was, but I can not believe he gave that testimony seriously.

Commissioner GARRETSON. It was in reply to a question as to how employees of these two corporations were voted in those two counties.

Mr. WELBORN. Are the gentlemen qualified to give that?

Commissioner GARRETSON. I don't know.

Mr. WELBORN. Who was it?

Commissioner GARRETSON. Mr. Osgood.

Mr. WELBORN. He did not say he voted sheep?

Commissioner GARRETSON. No; he referred to another county, not to those two.

Mr. WELBORN. I think his statement that it—was that it had been reported that sheep were voted in other counties; was not that his observation?

Commissioner GARRETSON. He referred to a county where they voted sheep over there.

Mr. WELBORN. That was not made seriously, you must know.

Commissioner GARRETSON. The other statements I gathered from the testimony of some of the other witnesses are seriously made.

Mr. WELBORN. Some of them are, I think. The local officers of the United Mine Workers for years have stated to the public, and apparently for the purpose of influencing the workmen, that they were being robbed, and that various other unsatisfactory and outrageous conditions existed that could only be carried on through the operation of the United Mine Workers of America. The statements have not been correct by any manner of means, but they have been pretty generally made when those officers had opportunity to practice on the public.

Commissioner GARRETSON. How does it come, unless there is something in an agency of that character, that the almost unvarying testimony before this commission, made by people who are not in any way affiliated with unions, but who are administering the labor laws, is that labor laws are only well administered where there is a strong organization?

Mr. WELBORN. I can not account for any testimony you may have received from other sources. I understand that the labor laws in Colorado are being enforced as well as laws are any place.

Commissioner GARRETSON. The statement has been repeatedly made here before the commission as to the thoroughly satisfied state of mind of the employees of this industry in this territory; that a large number of men, in instances running as high as 90 per cent, had assured the superintendent, directly or indirectly, that they were satisfied; that there was no tendency on the part of the men themselves to take the initiative in the betterment of their conditions. Are we to gather from that, as a commission, that their is no place on the continent where there is no industrial unrest?

Mr. WELBORN. You can gather from that that in Colorado the only reason for industrial unrest in the coal fields is due to the presence of the lawless element brought here by the United Mine Workers of America, and the activities of that organization.

Commissioner GARRETSON. If it was not for that—that as far as this immediate territory is concerned, the idea underlying the attempts of the commission to ascertain what caused industrial unrest, is absolutely unnecessary?

Mr. WELBORN. Yes.

Commissioner GARRETSON. What other locality and interest has spent the blood and the money in strife growing out of industrial unrest that has been poured out in this immediate territory?

Mr. WELBORN. I know of no similar case; I thing this is one of the worst, if not the very worst. If our laws had been enforced—I have no intention to criticise public officials—if the military arm of the State government had been asserted in a vigorous way we would not have had the large amount of bloodshed that has occurred.

Commissioner GARRETSON. May not performance of the law and conformance thereto be the greatest of evils?

Mr. WELBORN. It is a pretty safe thing to follow.

Commissioner GARRETSON. Was it followed in 1776?

Mr. WELBORN. I don't know as to that.

Commissioner GARRETSON. In 1861?

Mr. WELBORN. I do not think we ought to bring that into this case.

Commissioner GARRETSON. Is it conformance to the law that is embodied in both those cases?

Mr. WELBORN. I do not think that even you—I am sure you would not approve of a failure to conform to the laws in Colorado in the least.

Commissioner GARRETSON. I do not.

Mr. WELBORN. No.

Commissioner GARRETSON. On the part of anybody.

Mr. WELBORN. No; you are right about that, and when you have the facts before you—you may not get them all without securing testimony from a large number of witnesses—you may not be convinced of the facts until then. I would like to have your judgment.

Commissioner GARRETSON. We will try to get them. I think every member of the commission is strictly in accordance with the statement made by Mr. Weinstock. Have the employees in your mills in Pueblo always been paid by your paymaster?

Mr. WELBORN. I do not know what you mean by that, sir.

Commissioner GARRETSON. Were the employees of the steel mills ever paid by a railway company?

Mr. WELBORN. Not to my knowledge, although, before I became engaged with this company, the steel operations—that is, in the very early days of this industry in Colorado—the steel operations were conducted in connection with the Denver & Rio Grande Railway Co.

Commissioner GARRETSON. Is it not a fact that for a number of years the employees of the steel mills were paid by the paymaster of some railroad instead of the C. F. & I.?

Mr. WELBORN. At what time?

Commissioner GARRETSON. I can not designate the years, but, say, 10 years ago, and possibly a little further back.

Mr. WELBORN. It is not true at any time since 1890, I can say from personal knowledge.

Commissioner GARRETSON. Not since 1890?

Mr. WELBORN. No; an associate of mine connected with the company since 1881 says that it is not true since that time.

Commissioner GARRETSON. At no time?

Mr. WELBORN. No.

Commissioner GARRETSON. Good. You made the statement that the company did not ask for the deportation of miners. When was it the deportation of miners took place, in 1904?

Mr. WELBORN. Yes; I think so.

Commissioner GARRETSON. At whose initiative was the deportation made?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. The miners did not ask for it?

Mr. WELBORN. The miners might have asked for it.

Commissioner GARRETSON. The miners working?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Did they have any trouble in making their wants known to you?

Mr. WELBORN. No; but the sentiment of the miners can be secured without the organization.

Commissioner GARRETSON. In that event would the employers have acted as their mouthpiece?

Mr. WELBORN. I do not know as to that; they might or might not. In this case, so far as the company I was connected with was concerned, we did not act as a mouthpiece of the men as to deportation.

Commissioner GARRETSON. You did?

Mr. WELBORN. Did not.

Commissioner GARRETSON. In regard to the dissemination of information in the bulletins that were sent out—in that one referring to the amount of money that was paid to the union men—the union officers and Mother Jones: If it became apparent to your committee in the issuance of bulletins that the information was not well founded, would you issue a bulletin to the effect that your information had been wrong?

Mr. WELBORN. If I could determine that the information published in that bulletin was substantially incorrect, and that an injustice had been done as a result of its being sent out, I should be perfectly willing, even glad, to correct it.

Commissioner GARRETSON. Could you do this?

Mr. WELBORN. Could I do what?

Commissioner GARRETSON. Less than to acknowledge your error?

Mr. WELBORN. I have never had a desire to do anything else.

Commissioner GARRETSON. If you were convinced, would it not be incumbent upon you to give it the same publicity as your former publication?

Mr. WELBORN. I stated that when the commission commenced as to that bulletin I would be very glad to correct any inaccuracies of myself.

Commissioner GARRETSON. Has there not been great criticism of sending out information—even criticized by one side or the other as misinclination to the discredit to the State—has that not been a great factor in these matters?

Mr. WELBORN. I do not catch that question.

Commissioner GARRETSON. Well, the newspapers would publish a story; statements would go out from the mine workers; statements would go out from the mine owners; was there a tendency to criticise the printing of such things, or information, as detrimental to the good name of the State?

Mr. WELBORN. Yes; I think so.

Commissioner GARRETSON. And yet the truth came out regardless of what effect it had on the name of the State?

Mr. WELBORN. Yes; but untruth should not be published broadcast.

Commissioner GARRETSON. And the question of whether it was one party or another who circulated the condemnation ought to go where it belongs, or the commendation ought to go where it belongs?

Mr. WELBORN. Yes.

Commissioner GARRETSON. In naming the amounts that were paid, and the rate of pay that was figured out from the data furnished, have you any objection to stating what the pay of the general officers of your company is?

Mr. WELBORN. If it is a material point in your investigation, I am willing to do so. I am willing to give you a general idea of the salaries.

Commissioner GARRETSON. That is it.

Mr. WELBORN. All important officers engaged in the management of the affairs of our company, their salaries range from $7,000 to $12,000 a year. That eliminates the executive officers. I do not care to state my compensation.

Commissioner GARRETSON. That being the case, is it any more a greater sin—I am trying to find the word I want—is it more reprehensible for an officer of a labor union to draw a salary of a certain amount than it would be for an officer of a corporation?

Mr. WELBORN. I think not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. WELBORN. Will you permit me at this point——

Chairman WALSH. Yes.

Mr. WELBORN. It is in direct line with something that Commissioner Garretson asked me. I have copies of the bulletins of the so-called policy committee of the United Mine Workers of America, with a number of passages marked. I have also a pamphlet of Walter H. Fink, with a number of statements marked, and I would like to present these to the commission with the suggestion that some one be questioned about certain of the statements. I think everything that is marked is pertinent to this question.

Chairman WALSH. Who is Mr. Fink?

Mr. WELBORN. He was director of publicity, District 15, U. M. W. of A.

Chairman WALSH. He has been subpœnaed, but I am—I will examine them.

Mr. WELBORN. Mr. Hayes, Lawson, McLennan, and Doyle signed as a policy committee.

(Papers so referred to handed to Chairman Walsh.)

Chairman WALSH. Commissioner O'Connell would like to ask a few questions.

Commissioner O'CONNELL. I want to get some information for the commission, and for myself in particular. Will you give some reason why the accidents, the injuries, and deaths, as per the statistics furnished, are in Colorado double that of other States of the United States?

Mr. WELBORN. They are not double that of other States, as your question might imply. They might be double that of some States, but less than in others.

Commissioner O'CONNELL. The statistics given us by the chief of the bureau was as 8 to 4 between the United States and Colorado.

Mr. WELBORN. That means 4 represents the average of all other States. For what period is that?

Commissioner O'CONNELL. I think 1912; it may have been 1912.

Mr. WELBORN. The year 1910 was the most disastrous in Colorado coal mining. In that year there were three very serious calamities—explosions—in which—each of which—a large number of men were killed. That question can better be answered by Mr. Wettnal, who is an expert on coal-mining operations and more or less of a geological expert. The geological conditions have much to do with the accident feature in Colorado, and Mr. Wettnell will, I am sure, be glad to tell you about it.

Commissioner O'CONNELL. Had your company entered into contracts with the Baldwin-Felts people for a period of time when the strike was ordered?

Mr. WELBORN. No; we did not.

Commissioner O'CONNELL. Did you enter into a contract at all with them?

Mr. WELBORN. No; we did not. As I stated Friday or Saturday, we availed ourselves of the services they were able to offer in southern Colorado on a number of occasions, and more or less continually after a certain time—a certain period in the strike.

Commissioner O'CONNELL. Do they operate established offices in this section—in Denver, for instance?

Mr. WELBORN. I understand that they have had an office in Denver for some years.

Commissioner O'CONNELL. Were they here themselves during the strike?

Mr. WELBORN. Some member of the firm has been here more or less. I occasionally saw him. My understanding is that that detective organization has been employed by the coal operators in northern Colorado to a certain degree for several years, or since the strike started, some time in 1910.

Commissioner O'CONNELL. Well, is there an established rate or price of payment for services of some kind rendered for the men they furnished to you? The men furnished you have some rate of payment?

Mr. WELBORN. If they furnish us a man, we would compensate them for his services at the rate agreed upon. We have no schedule established, or anything of that sort.

Commissioner O'CONNELL. What would be the compensation for the Baldwin-Felts people for services rendered? Is it an annual compensation or monthly?

Mr. WELBORN. No.

Commissioner O'CONNELL. Just explain to us what the arrangement has been with these people?

Mr. WELBORN. Their arrangement was made with other operators, as I said, some time in 1910. We engaged their services either the latter part of 1913 or early in 1914 only in an intermittent and indefinite way. As we found it necessary to call upon them for help we did it. There is no basis established—any arbitrary basis of compensation between them and ourselves.

Commissioner O'CONNELL. Well, there is a price you pay; this company must get some compensation somewhere to maintain their business.

Mr. WELBORN. We do compensate. They may get it out of the figure we pay them for the services of the individuals employed by us.

Commissioner O'CONNELL. Now, give us some idea of what the compensation is you do pay for individuals?

Mr. WELBORN. If we were to employ from Pinkertons, we would not be asked to pay anything but $4 or $5 a day, or whatever their charge was, and my impression is that our payments to Baldwin-Felts would range from around $100 to $180 a month per man; in some cases with expenses, depending upon the character of service the man performs.

Commissioner O'CONNELL. You pay the Baldwin-Felts direct for the men they furnish you, or do you pay the men individually?

Mr. WELBORN. We have paid them direct for certain men who are regularly in their employ, engaged for special service. At one time they picked up some men, I don't know how many of them we had, or whether or not all of the men employed on that occasion were in the service of all of the operators. Those men—they were, as I remember it, placed on the pay rolls of the different companies.

Commissioner O'CONNELL. Do you furnish these guards with the firearms, or does the Baldwin-Felts furnish them?

Mr. WELBORN. I don't know. I presume that generally we furnish them with firearms, although I have no doubt that in many cases the men coming, if they

are regularly employed by Baldwin-Felts, they have their own firearms, especially their side arms.

Commissioner O'Connell. Does your company buy guns from the Baldwin-Felts or from others?

Mr. Welborn. No; except that in the case that we purchased some machine guns, in October, the Baldwin-Felts obtained some for us in West Virginia. We had made other purchases of machine guns from the representatives of the manufacturing companies. But they picked, they knew of some that were available, or for sale, by the West Virginia coal operators, and they bought them. My impression is that our voucher was made direct to the company from whom the guns were purchased.

Commissioner O'Connell. And not the Baldwin-Felts?

Mr. Welborn. I find that is the correct impression.

Commissioner O'Connell. The testimony before the congressional committee, I notice by reading through that there were four field guns, or whatever their proper title might be, that were purchased by the Baldwin-Felts people and brought from West Virginia.

Mr. Welborn. I don't think the testimony shows exactly that, sir.

Commissioner O'Connell. I may have read it hurriedly.

Mr. Welborn. But my company made voucher for those West Virginia guns, and my associate here confirms my impression that we paid for them direct.

Commissioner O'Connell. Were not the Baldwin-Felts people the purchasers of them?

Mr. Welborn. Only as an agent.

Commissioner O'Connell. They acted as the agent, then?

Mr. Welborn. Hardly that. Felts said, "I can get these guns for you at a certain figure," and I think the direction was that they ship them immediately to some one of our officers in southern Colorado. Then the bill came, whether through Mr. Felt's office or direct from the coal operators, I don't know; but the bill was sent to us and made in the name of the coal operators from whom the guns were purchased.

Commissioner O'Connell. Where are those guns now?

Mr. Welborn. Either with the militia or the Federal troops, or both.

Commissioner O'Connell. Has your company been compensated in any way for them?

Mr. Welborn. No; we have not.

Commissioner O'Connell. Has any bill been presented for them?

Mr. Welborn. No. You understand these were turned over, along with rifles and ammunition, in response to the proclamation of the President and the request from the commander of the State troops made earlier, that we surrender our arms.

Commissioner O'Connell. What is the opinion as to the finality of their ownership?

Mr. Welborn. I am a good deal in doubt. I fear we won't get them back and that other arms will be left in the hands of the strikers.

Commissioner O'Connell. What is the largest number of men that you had employed, as far as you know, those involved in this strike, employed through the Baldwin-Felts people?

Mr. Welborn. Do you want to know the largest number of men?

Commissioner O'Connell. As I understand it, you were one of a committee of three?

Mr. Welborn. Yes.

Commissioner O'Connell. That was the advisers, or the committee handling the strike in Colorado?

Mr. Welborn. Yes.

Commissioner O'Connell. Now, what was the highest number of men furnished you by the Baldwin-Felts company?

Mr. Welborn. I don't know. I should say around 40 or 50. My memory does not serve me on that, but very naturally when the Baldwin-Felts were appealed to to furnish us some additional protection, the sheriffs in the various counties were appealed to in a very similar way and we took what they were able to supply to us without—able to supply us at the moment; and some of them stayed a day, some of them weeks, and others may possibly be in our employ now, although I think we have no Baldwin-Felts man now in our employ.

Commissioner O'Connell. Was there any question as to their citizenship in Colorado?

Mr. WELBORN. The employment was made with the understanding or request—was made with the understanding that the laws should be complied with when they were furnished.

Commissioner O'CONNELL. Was there any checking up of them to ascertain if the law had been complied with?

Mr. WELBORN. There was a checking up in the men that were employed regularly for that service—the men we employed at the beginning of the strike, not through Baldwin-Felts, but through other means, we were very careful as to that. But I will say that on Monday morning, October 27, when the sheriff started toward Ludlow in order that he might get into Berwind Canyon and give relief to the besieged there, men were picked up at Trinidad without regard to their former experience or citizenship. A man who was willing to go up there, to walk, and willing to go and carry a gun, to get these women and children, was taken, and no other questions asked.

Commissioner O'CONNELL. The Baldwin-Felts people have a national reputation of handling mine strikes, have they not?

Mr. WELBORN. I don't know very much about them; very little.

Commissioner O'CONNELL. They were engaged in connection with the West Virginia strike?

Mr. WELBORN. I have seen a great deal in the newspapers to that effect. I know they have an office in West Virginia.

Commissioner WEINSTOCK. One more question, Mr. Welborn.

Mr. WELBORN. Very good, sir.

Commissioner WEINSTOCK. I think it was Mr. O'Connell who asked the question why it is that the number of killed and injured in the Colorado mines was twice as great as in other States, and if I recall your answer it was that that was not true?

Mr. WELBORN. Yes; that was not true. I understood his question to imply that twice the number were killed in Colorado than were killed in any other State; when he qualified that by saying that twice the number, the average in other States of the United States outside of Colorado I can not question those figures. I know that the record of our company in the past year or so compares favorably with most of the other States.

Commissioner WEINSTOCK. Now, in these bulletins, Mr. Welborn, that you handed to our chairman, signed by the policy committee of the United Mine Workers of America, these statements appear:

The total men in Colorado in 1910: In that year 14,762 men were employed; 319 were killed, or an average of 21.6 per thousand.

The average number of killed in the whole United States in that year was 3.82 for every thousand men employed, or one-seventh of the average number of fatalities in Colorado.

In 1911, out of the 14,315 employed, 91 Colorado miners lost their lives, or an average of 6.35 for every thousand men employed.

In 1912 there were 13,000 men at work in Colorado; of these, 95 lost their lives, or 7.31 for every thousand men employed.

This was twice the average number of men killed in the United States. Now, can you, for the information of this commission, discredit these figures?

Mr. WELBORN. The figures as to 1910 are explained by a statement I made to the other commissioner to the effect that there were three most unusual fatalities—catastrophes—at coal mines in that year.

Commissioner WEINSTOCK. That was in 1910?

Mr. WELBORN. Yes, sir; also the record of no other year approaches that in its horribleness, I will say, because the conditions were truly horrible, that there were three very bad explosions in that year. The last year's figures, I am inclined to think, present a very good showing. As I stated——

Commissioner WEINSTOCK. When you say "last year," you mean 1913?

Mr. WELBORN. Yes; 1913.

Commissioner WEINSTOCK. Calendar year?

Mr. WELBORN. Calendar year, from the State coal mining inspector's report.

Commissioner WEINSTOCK. What are the records, as you know them?

Mr. WELBORN. I don't recall them. His report came out very recently, but Mr. Weitzel will be able to give you more accurate information on that point than I can when he goes on the stand.

Commissioner WEINSTOCK. Does that report give the comparative figures in other States as well?

Mr. WELBORN. I do not happen to know whether it does or not. Yes, it does, Mr. Weitzel tells me.

Commissioner WALSH. Has he the report convenient?

Mr. WELBORN. I had a copy of that Saturday, but I forgot to bring it in my papers. I will see that you get one immediately after luncheon.

Commissioner WALSH. It is quite essential in this investigation to this commission to know whether these are the true facts as stated.

Mr. WELBORN. I am not in a position to dispute that statement as to the number of men killed in 1910. It was very large, I know. I should like to express it as my opinion, however, that the number killed was not caused by the fact that the United Mine Workers of America were not in control of the mining operations here.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. Mr. Welborn, perhaps you have heard a witness say that labor unions had never bought or shipped any arms or ammunition into the strike district?

Mr. WELBORN. Yes.

Commissioner BALLARD. Is that true, so far as you know?

Mr. WELBORN. I can not tell as to that. It is entirely possible that it is true. The arms and ammunition went into the district often times to union headquarters, according to the best information obtainable, and it is fair to assume that if not an official, some one with the knowledge of the official, made purchases and shipments of the arms.

Commissioner BALLARD. Did the striking miners pay for them, or were they paid for by the union officials?

Mr. WELBORN. I can not give any information on that; but the striking miners were drawing only $3 per week benefits, and it is hardly probable that they were able, unless they did it from their savings while at work, to spend much money for guns.

Commissioner BALLARD. Well, as I have understood from the testimony, these tent colonies were established about the time of the strike or very soon after.

Mr. WELBORN. Yes.

Commissioner BALLARD. In perhaps strategic and commanding positions between the railroad stations and your mines?

Mr. WELBORN. Yes.

Commissioner BALLARD. So that everything had to pass them. Who established these tent colonies?

Mr. WELBORN. The general assumption is that it was the mine workers' organization. Those men were not in a position individually to establish them, and there will be some direct statements to the effect that the United Mine Workers' organization established them.

Commissioner BALLARD. Now, Mr. Welborn, as one of the commissioners told you, our work is to find the real fundamental causes of industrial unrest. Your companies in Colorado seem to have made a firmer stand than any other part of the United States to resist unionization of their mines by the United Mine Workers. Now, what, in a general way, are your objections to having your mines unionized by that organization?

Mr. WELBORN. The experience of other operators, as recited to me time after time, is that where operators are working under a contract with the United Mine Workers of America the organization absolutely dominates the business. It indirectly, if not directly, controls the men that you may employ and discharge. The statement of the Central Pennsylvania Coal Operators' Association, which I read into the record the other day, is one point or one proof of that general information that comes to me. We have had nearer at home the experiences in certain districts, more particularly northern Colorado, of operators who could not conduct their business and live under the union domination. In this last strike we were influenced, in addition to the reasons that I have given, by the fact that our men themselves did not belong to the union and did not want to. However willing we might have been to join forces with the United Mine Workers of America, we could hardly have done it and have forced our employees to join the organization or leave Colorado.

The fact is that I think we would have lost a great many men had we complied with the request of the officers of this organization, and entered into a contract with them, such as is universal where they operate. It is fair to assume that hundreds, perhaps thousands—undoubtedly thousands—of the coal miners in Colorado came here because of the open-shop conditions. It is not at all unusual for the new workmen who come in to express dissatisfaction with the union districts in which they may have worked, or with the union

conditions, rather, under which they may have been working, and to make bold announcement that they never will have anything more to do with it. Sometimes the inquiry is made by the applicant for work as to whether or not they will be permitted to stay in our employ and outside of the union.

Commissioner BALLARD. That is all, Mr. Welborn.

Mr. WELBORN. The officers—I would just like to add to that, though it was included in another statement—the officers of the organization in Colorado have made it their practice for years, whenever they were before an audience, to tell of the horrible things the operators did to the men, and the large amount in coal that they robbed the men of, and in other ways have attempted to set us in an unfavorable light—place us in a most unfavorable light—not only before the workmen, but before the public. Unfortunately a good deal of the public, or a considerable portion of the public, has believed a good many of those statements.

Commissioner BALLARD. That is all.

Chairman WALSH. You will be excused now, Mr. Welborn, with the understanding that after you have consulted counsel with reference to the statement of that individual, you may be recalled; but I will say, however, that inasmuch as we have an engagement to go over that correspondence at 4.30 this afternoon, you need not give it any more attention until that time.

Mr. WELBORN. I should like to defer it until that time. I have some work to do in the office.

Chairman WALSH. Very well.

At this point the hearing will stand adjourned until 2 o'clock this afternoon.

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please be in order.

Prof. James H. Brewster.

TESTIMONY OF PROF. JAMES H. BREWSTER.

Chairman WALSH. Please state your name.

Prof. BREWSTER. My name is James H. Brewster.

Chairman WALSH. And where do you reside?

Prof. BREWSTER. I reside at Boulder, Colo.

Chairman WALSH. How long have you resided in Boulder, Colo.?

Prof. BREWSTER. Since June 6, 1910.

Chairman WALSH. What is your profession?

Prof. BREWSTER. My profession is the law; I am a lawyer.

Chairman WALSH. Do you hold a position with the University of Colorado, the State university?

Prof. BREWSTER. At present I am filling a vacancy in the law faculty of the University of Colorado. The vacancy was caused by the sudden death, by drowning, of Mr. Pease. And I was on the ground and had been familiar with the work—my work at the University of Michigan had made me familiar with some of the subjects that he taught, and I was asked to take his place at the beginning of this year, this academic year. So I am, as they say, acting professor of law in the University of Colorado, teaching real property.

Chairman WALSH. When were you admitted to the bar, Professor?

Prof. BREWSTER. I have been admitted to the bar of New York, of Michigan, and of Colorado. In New York in 1881; Michigan, 1883; and Colorado, I think, in 1911 or so, on motion.

Chairman WALSH. I wish that, first, you would state what, if any, study you have given to the industrial situation of Colorado, when you began, and the circumstances under which you took it up.

Prof. BREWSTER. My attention was first directed to the industrial conditions in Colorado in 1904; that is, first actively and personally. I was introduced to the subject—then on a three months' visit here just after the strike of 1903–4 in the metalliferous and coal mines. Before that I had always taken an interest in industrial matters, so far as a lawyer in practice and in teaching law could have time to do so. In 1904 I was here on a three months' visit. And what particularly impressed and interested me then was the complacency with which very many of my friends viewed what seemed to me as a lawyer and as a citizen the wholly unconstitutional, unlawful acts that had been resorted to by both sides in the so-called Cripple Creek disastrous strike. And I made them as earnest a study as I could of that subject. I followed it by correspondence

with my brother later, and in coming here in 1910, expecting at that time to die within two months, I took an interest in the local strike just to keep myself interested in something alive—the strike that was then going on in Boulder County. And curiously, as many people have done who have come to Colorado, I disappointed both myself and friends, and lived. And my study continued, and it furnished a means, I think, of my recovery, because it gave me something to live for. That is the way I became interested in industrial conditions in Colorado, if you ask me.

When the strike of 1913–14, this present southern strike was instituted, I was not occupied with other things and had sufficient health to devote my attention to a citizen's duties, and I began then to think, in spite of the history for 34 years of Colorado, that there might be some chance of peace in the future. So among other things, not to make a long story of it, in October, 1910, I was one of a committee from the Boulder Commercial Association to come in and interview the striking miners, or their representatives, the United Mine Workers of America, and the operators, and in that interview I learned, of course, great deal more than I had before.

In the first week in October this committee called upon the United Mine Workers of America at their offices; we called upon Mr. Brown and Mr. Shumway, of the Rocky Mountain Fuel Co., at their offices, as they were more especially interested in the northern coal fields, and that was what interested our particular committee more at that time than anything; and we also called upon the governor.

In that investigation we were in then it was very evident that there were at least two sides to this question, and some of us were impressed with the fact that there was an important third side to it. While we were at Mr. Brown and Mr. Shumway's office, and while we were talking with the governor, it was impressed upon us that all citizens should take a greater interest in this matter, and we were asked, if we had any suggestions to make, to make them. I therefore took the liberty, on the 10th of October, 1913, to address a letter to Mr. Shumway, to Mr. Welborn, whom I did not know, to Mr. Osgood, whom I did not know, and I sent copies of my letters to the governor, suggesting that as other strikes had been settled upon what is known as the basis of "the preferential union shop," notably the cloak makers' strike in New York in 1910, that it might be possible to settle this strike upon that basis. Besides writing to the operators, I wrote the same kind of a letter, practically in the same words—though each letter was dictated from notes, and there are slight variations in each letter—I wrote the same letter to the United Mine Workers of America. I then had a very slight acquaintance with the officials—Lawson, McLennan, and Doyle, of that organization—having met them at this previous interview at their office when we were in a few days before.

I received a letter from the governor, in which he expressed his satisfaction at the suggestion made, and his appreciation of the fact that we were taking an interest in that matter, and he wanted to know what Mr. Shumway replied. As a matter of fact, Mr. Shumway never replied at all, but Mr. Welborn and Mr. Osgood wrote me very courteous letters. I ought not to try to give the substance without giving——

Chairman WALSH. I was going to ask——

Prof. BRANDEIS. I have copies of all that correspondence, but it may not be worth while now, as it has been in the past; but it is here.

Chairman WALSH. Will you please hand it to the commission so that we may look it over.

Prof. BRANDEIS. The substance of their communications was that if—Mr. Osgood said that he was too busy to attend to the matter, and Mr. Welborn, in substance, said that if we could get rid of Mother Jones and Mr. Frank Hayes there would be no trouble.

I do not know whether you care for this now, Mr. Chairman; perhaps some of you know the principles upon which the cloak makers' strike——

Chairman WALSH. We would like to see how you presented it.

Prof. BRANDEIS. Very well. This is dated October 10, 1913, Boulder, Colo.:

"Mr. E. E. SHUMWAY,

"*President Rock Mountain Fuel Co.,*

"*Foster Building, Denver, Colo.*

"DEAR SIR: I am one of the Boulder people who called at your office the other day. I understood you and Mr. Brown to say that you would be pleased

if any suggestion could be made which would lead toward more peaceful conditions in the coal camps. Permit me to call your attention to the following:

"In 1910 the very bitterly contested strike in the cloak-making industry was adjusted in New York with subsequent gratifying results to both employers and employees. In that case, after some preliminary negotiations had been had through the mediation of disinterested parties, the stumbling block was found to be 'recognition of the union,' the manufacturers insisting upon an open shop and the employees insisting upon a closed shop. When a treaty was finally made the Manufacturers' Protective Association had 123 firms as members and the employees numbered 15,000, and now number, I am told, between forty and fifty thousand. Among the latter were thousands of recent immigrants of divers nationalities. That wasteful strike was finally adjusted by the adoption of the principle of 'the preferential union shop.' In the adoption of this principle there need be no sacrifice on either side of independence or of what the parties view as basic principles. In order that there may be an effective treaty of this kind there needs to be an association of operators. This, I believe, you already have. There also needs to be some organization among the miners, in order that their representatives may agree to the treaty. I call this general agreement a treaty to distinguish it from contracts which may be made a particular mines supplementary to the general agreement and in conformity therewith. Let this treaty provide for a general scale of wages and for other conditions of work. Then let one section of the treaty provide as follows: 'Each member of the operators' association is to maintain a union mine, and by a "union mine" is understood one where union standards as to working conditions, hours of labor, and rates of wages as herein stipulated prevail, and where, when hiring men, union men are preferred, it being recognized that since there are differences in degrees of skill among those employed in mining, the operators shall have freedom of selection as between one union man and another and shall not be confined to any list nor bound to follow any prescribed order.

"'It is further understood that all existing agreements and obligations of the operators, including those to present employees, shall be respected. The operators, however, declare their belief in organization of employees and their belief that all who desire the benefit of organization should share in its burdens.'"

Prof. Brewster. That is, I will say in parenthesis, taken from the cloak makers' treaty or protocol. [Continuing:] "This treaty should then provide for a grievance committee and for a board of arbitration, on which latter board it would seem the general public might be represented. In the event of any dispute it should be agreed that no strike or lockout because of the matter in dispute should occur until that matter has been considered by this board of arbitration. Of course there are other details necessary to such an agreement, but if this fundamental proposition is agreed to they can all be worked out easily.

"I am informed that the results accruing from the treaty made three years ago between the cloak manufacturers and their employees have been wholly satisfactory. Now, can not something like this accomplish good here? Surely what man has done man can do. I remain,

"Very truly, yours,

"_____."

I wrote a similar letter to Mr. E. M. Doyle, secretary-treasurer, District 15, to Mr. Welborn and, as I say, to Mr. Osgood. I took the liberty of introducing myself to Mr. Osgood in this way. The substance of the letter is the same, but I said:

"Please pardon my seeming intrusion, but being one of the committee recently appointed from this city to see if it were not possible to bring about an amicable adjustment of the affairs in the coal camps, and being also deeply interested as a citizen in the welfare of Colorado I venture to remind you of the following facts."

Then practically going on the same way as to the suggestions for the protocol and the special treaty. I wrote to Dr. Corwin because I had friends who knew him, and I introduced myself in that way. I also wrote to Mr. Welborn.

Chairman Walsh. Who is Dr. Corwin?

Mr. Brewster. Dr. Corwin is the very efficient head of the somewhat celebrated Colorado Fuel & Iron Co.'s hospital at Pueblo. And I had friends—among them my wife—who knew Dr. Corwin, and I knew he was a gentleman of the highest type of character and, feeling that every means should be taken to bring about a settlement, I introduced myself in that way to him.

Now, I sent a copy of the letter to Gov. Ammons, as I say, with just a note saying that when some of us were in from Boulder—

"We called upon you the other day, and you said you would be glad to receive any suggestions which would seem to lead toward an adjustment of the troubles in the coal camps. I therefore venture to inclose a copy of a letter which I am sending to Mr. Shumway, which I trust you will take time to read. Permit me to say that experience seems to show that where controversies of any kind have reached a certain stage it is impossible to get the parties to talk with one another; but at the same time it does not follow that it is impossible for some third party to obtain concessions from each without telling the other just what concession he has obtained, and then, before the parties realize it, bring them together. I believe it is the duty of every good citizen to assist you in every way he can; and this is my sole reason for addressing you now upon this matter. I remain,

"Very respectfully, yours."

I received a letter from Gov. Ammons in which he says:

"DEAR SIR: I thank you very much for the suggestion made in your letter to Mr. Shumway, and, if not inconsistent with his wishes, would be obliged if you would let me hear any suggestion he makes in reply.

"Very truly, yours,

"E. M. AMMONS."

Mr. Osgood wrote as follows:

"DEAR SIR: I am in receipt of your letter of October 11, and appreciate your interest in the strike situation, and your courtesy in writing me in regard to it. If I was not so busily engaged with matters growing out of the strike which occupy practically all of my time, I would be very glad of an opportunity to discuss with you the questions raised in your letter. To my mind there is but one question at issue at present, and that is the right of the men who are now working at the mine, comprising more than 50 per cent of the full force, to continue to work peaceably and to receive protection against violence and intimidation on the part of the strikers.

"Sincerely,

"J. C. OSGOOD."

Mr. Welborn wrote as follows:

"DEAR SIR: I am in receipt of yours of the 11th instant addressed to me, as well as one of the same date addressed to our chief surgeon, R. W. Corwin, Pueblo, which has been referred to me. In the next to the last paragraph of your letter to me, you say"—

This was a slight variation from the other letters. I did say, "Can not Colorado settle her own affairs of this kind without a congressional investigation or other intrusion by outsiders?" I put that in my letter hoping that would appeal to his sense of loyalty—

"there is but one answer to make to this question, which is that Colorado ought to be and is able to handle matters of this kind without any outside interference. This could have been accomplished at the inception of the trouble, which practically dates from the arrival of the outsiders, headed by Hayes and Mother Jones, if these people had been directed by proper authority to either stay outside of the State's borders or cease inciting riot and insurrection, which was their purpose, and which has been accomplished by them. Or failing in that course, peace could and would be quickly restored by the calling out of the militia and the disarming of the rioters in Colorado. On the arrival in Colorado of Hayes, Mother Jones, and the other agitators from the East, peace and harmony prevailed in the coal-mining districts of the State with the exception of disturbances that have been in progress for sometime in Boulder County. All mine workmen were well satisfied with the conditions or labor"—

I think he means "of labor"—

"and wages, and so freely expressed themselves. They enjoyed all of the privileges or advantages that the agitators professed to want to secure for them, and even more, and honestly resisted the efforts to bring them into the United Mine Workers' organization. They knew and freely said that recognition of the union by the operators, which involved forcing all coal-mine

employees to join that union whether they wished to or not, meant greater expenses to the miners without any increase whatever in earnings.

"Yours, truly,

"J. F. WELBORN."

Mr. Doyle wrote, if you care for it:

"Your letter of the 10th instant at hand and contents noted. Permit me to say that I am much pleased with the interest you have taken in this industrial conflict and believe that if more of our citizens would give some attention to these matters the labor problem could be solved without causing so much suffering among those not only directly engaged in the warfare, but the people at large.

"As to the suggestion made, I desire to say that the officers of the United Mine Workers of America would be very willing to meet with the coal operators of this State for the purpose of discussing this matter or any other plan or suggestion that they or other interested parties might desire to offer. I am of the opinion that the present strike in northern Colorado would not have been had the operators continued in conference with the miners' representatives, but be that as it may, I see no reason why an agreement could not be reached if a conference were had at this time. I am positive that the final settlement of the coal strike in this State will be made through a joint conference of operators and miners' representatives; and that being the case, I can not see why a conference should not be had at an early date. It has been clearly demonstrated in the strike that has now pended more than three and one-half years in northern Colorado that the miners can and will continue to strike until their right to form themselves into an association has been conceded by those now opposing it.

"If you have not sent a copy of your letter to the operators, I would suggest that you do so, and in the event that they are agreeable, I am sure the officers of the mine workers would heartily consent to meet them at any time or place they may name.

"Thanking you for your efforts to bring about the settlement of this strike, and hoping that your suggestion will result in bringing both sides together, and that the outcome of such conference will be a settlement of the present coal strike, I remain,

"Yours, very truly,

"M. L. DOYLE, *Secretary-Treasurer.*"

I might say, Mr. Chairman and gentlemen, right here, that in this matter I propose, if I may be allowed to go on, to set aside all personalities, either concerning myself or other people. The issues at stake have been and are too great to warrant me in suppressing on my own account anything that may seem to be an intrusion like this into other people's affairs. They also warrant me in saying nothing, if I can help it, against other people who may differ from me, which will be of a personal character. I speak of that for this reason. This seems something like butting in, but I am no longer a boy. I have been engaged in this kind of thing for over 35 years, and I don't propose to live in a community without doing my share of work as a citizen, humble though it may be, to bring about a better state of affairs. And that is the only reason that I shall refer to personal matters as to myself or as to anyone else; and I wish to say now that if I refer to names or to anyone else I shall do it absolutely without the slightest personal feeling in any way, and simply to aid in eliciting the truth. That is all I have in mind.

Chairman WALSH. Do those letters which you have read include all the replies which you received?

Prof. BRANDEIS. That is all I received. Mr. Shumway and Mr. Brown, whom I knew personally, never answered. I will say this, that we had had a committee consisting of people of varied interests; there was Mayor Armstrong, of Boulder; there were the county commissioners; there were business men and others of divers views. I had opposed the calling out of the militia in Boulder County, and successfully opposed it, because I knew what it meant, and it had not been necessary. And for that reason I was supposed to be in sympathy with the miners, and I perhaps was the only member of that committee who was supposed to be in sympathy with the miners; but I will say this, that when I left Mr. Brown's office, just when I was going out among the last, Mr. Shumway—although we had talked very decidedly and very firmly, Mr. Shumway said to me this, and I shall never forget it, because it seemed to me worth bearing in mind for my future guidance. He said to me, "Mr.

Brewster, you seem to be a man who can see two sides to this question." I told him that I could, and that I saw their side perfectly. At that time I did, and I have become still better acquainted with it, and I see the operators' side exactly, just as I see the miners' side.

Nothing came of that and nothing came of anything, except there was shooting, there was rioting, of which we read in the papers, and on the 22th—about—of October the troops were called out.

The next event of any importance, as I now recall, was a meeting of the State federation of labor on the 10th of December or the 17th of December, 1913. Shortly before that I had prepared a paper comparing arbitration laws—the law of New Zealand, the law of Canada, the Newlands-Erdman bill, and had read a paper at the scientific society at the University of Colorado. I determined to see if there was not some means at that time of evolving a law in this State on some of those lines, and Gov. Ammons had been urged to call a session of the legislature, which he declined to do. I was then studying the question in order, if possible, to help some of my friends in the legislature in evolving a reasonably fair and just arbitration law. That is why I had that briefed at the time. Nothing, however, came of the suggestion to call a special session of the legislature at that time. If it had been called, I venture to say that much of the subsequent trouble would have been obviated; and the almighty dollar, which is so important here in Colorado, would have been saved for better purposes.

The next event, however, of any importance is December 14, or about the middle of December, when the State federation of labor met. I saw the announcement, and I came in from Boulder and went to the place of meeting. I supposed, of course, that an outsider would not be allowed in. I asked the doorkeeper, however, if nonunion people and nonmanual-labor people or nonworking people were admitted. He said they were very welcome. I sat through every meeting of that session of the convention, and one very interesting and noticeable fact was that while it had been well advertised and was pretty well reported in the papers, I could not recognize and I did not see a banker, a lawyer, a minister, or any other than what we would call the union working people there. I was practically alone as a citizen outside of the union people. I sat in the back part of the hall and sought no acquaintance with anyone. I listened attentively to the exercises of that meeting, and I was amazed—having attended many deliberative assemblies of lawyers, business men, doctors, and been in politics and attended conventions—at the intelligence and acuteness shown in their debates. It was, to my mind, one of the most educative influences I ever had. I heard "Mother" Jones speak several different times. While she deplored the evils which existed in our industrial conditions, I heard her positively and most emphatically discourage anything approaching violence, drinking, or anything of that kind. One phrase of her's was fixed upon my mind, "Boys, no booze and no violence"; and one time—there was a bar down below at this place where the meeting was held; I think their clubrooms down on Larimer Street, or somewhere downtown—one or two of the men came in drunk, and "Mother" Jones got up on the platform and had those men put out. There was another time during the convention—I speak of this as showing the temper of the convention—when they were discussing the militia and what they thought had been the abuses of the militia. There was one time when a lot of hot-heads started from one quarter of the room—there were several hundred there—and they started to the door. "Let's go to the governor now," they said, "and demand the recall of the militia or the removal of certain men from the militia." They started for the door. Mr. William Green and other leaders got up and in a few quiet words restrained them and kept them there and asked them what they were about, in running about without knowing exactly what they were going to do. I speak of that as showing the divers interests and characters that make up such a convention as that.

On the whole, as I say—and I speak from my experience in conventions—I never saw a convention of lawyers that handled their business better than they. I never saw any convention, political or otherwise, that handled their business with such fineness of debate, in some cases with such choice language and oratorical ability, as they handled theirs. I thought to myself, that is a most encouraging sign.

They passed resolutions about the militia; they had a meeting in the adjoining room here with the governor—the hall of representatives here; the governor was there. But before they came to that meeting one or two persons had told their stories before this convention as to the facts of what they considered abuses of the militia. Mrs. Gerner told of her arrest and of being insulted by

Maj. Townsend. I saw the temper of the convention, and, having met the governor before, I left hurriedly and came up to him, and I said—I did this at the suggestion of a man who knew the governor well and was a well-known citizen, and he asked me, as I told him the story, he asked me as I had been at the convention and seen it and knew its temper, he asked me to come and speak to the governor about this one matter which I am now going to speak of. That was the immediate suspension or removal with right of subsequent trial and appeal of Maj. Townsend; and I came up to the governor and approached him as well as I could, politely and courteously, and I said, "Governor, now there is a chance to do something to show the working people that the government is at least going to be fair." I said, "There has been a prima facie case made out of gross abuse of constitutional privileges, of loss of a sense of manhood, of insult to a woman, by Maj. Townsend, a lawyer who ought to know better." I said, "There is no question about it. I have inquired myself from others besides the woman involved; and I ask you now to order the immediate suspension of Maj. Townsend, and direct that he have, in some form, a trial as soon as possible." He said, "I can not condemn a man unheard." I said, "I don't ask you, Governor, to condemn him. I ask you to do what is done in the United States Army, in the Navy, and in every large employing establishment, when a prima facie case is made out against a man of gross abuse of duty to suspend him at once from duty and give him a trial as soon as possible." He said, "I can't do it. I can not condemn a man. I can not injure a man without hearing him." At that very time, Mr. Chairman and gentlemen of the commission, there was man after man imprisoned in Trinidad without a hearing, without a trial, some of whom were afterwards discharged; and they were imprisoned upon the order of the governor and Gen. Chase. I put that up to him. I said, "Have these men had their constitutional hearing? The courts are sitting." He would not listen to anything. I put it up to him as a question both of principle and of policy, both of principle and of policy because both are proper to be applied in the conduct of affairs of life. He would not listen to it at all.

So the convention adjourned and met in this adjoining hall. The governor then heard the stories of these people. Then he saw there was something possibly in it. Then he directed them, or requested them, to appoint a committee to investigate the militia. He said he would cooperate in every way with any committee that might be appointed by this convention to investigate the alleged abuses of the militia. The committee went back. They passed resolutions condemning the militia; they made some other recommendations; among them they left in the hands of an executive committee a possible recall of the governor and various other things. No action was ever taken upon that recall. It was, in a way—I am merely guessing here—a sort of sop thrown out to the radicals that something might be done later on; I don't know. I went home to Boulder. That was, I think, Thursday of that week. On Saturday morning I was very much surprised to get a telephonic message from the office of the United Mine Workers asking me if I would act on the committee suggested by the governor. I got this telephone from McLennan, I think, whom I knew slightly, just as I knew the others. "Why," I said, "Mr. McLennan, of course you know I am not a union man." "Well," he said, "We would like to have you act on the committee." I said, "I will think it over." I said, "Who is the chairman of the committee"? He said, "Mr. Lawson will be chairman of the committee." I said, "I will think it over, and I possibly will come in and see you to-morrow." I did think it over, and I went in Sunday afternoon and went to see Mr. McLennan, and I saw with him, Mr. Lawson. I said, "I will accept a place on that committee only on one condition, and that is that you understand that I do not at present believe these charges against the militia—that is, the charges as put in the extreme by you. I will accept, however, a position upon that committee if you understand distinctly that I am to go right through with it in my own way and make my own report, whether it agrees with you union men or not." McLennan and Lawson said, "That is all right; do that."

Monday I came in again from Boulder, and we had a meeting with the governor. It was a very fair, fine meeting. The governor said, "I hope you will investigate fully. I will give you all the assistance I can." We then asked him in writing, so as to have no mistake about it—we asked him in writing, and I have copies of the letters here. In fact, they are all contained in a report that afterwards was printed. In view of the controversies that might arise we asked him to assure this committee that any member of the

militia would not suffer or that no other citizen, so far as he, the governor, was concerned, would in anywise suffer if he told the absolute truth to this committee. He gave us that letter. It is a short letter—no; he gave us a letter addressed to Gen. Chase, in which he said—but I never think it prudent to say what a man says in a letter without reading the letter. I will read you the letter if you care for it. It is all in print, however, and you can have copies of it.

Chairman WALSH. Please let us have the printed copies of the report.

Prof. BREWSTER. I shall give you printed copies of our report and the whole thing. I myself have tried to make it a point when important matters are concerned to get things in writing, so that I will not have to make general charges of "lying and perjury" unless I can sustain them. I will read the copy of that letter addressed to Gen. Chase.

Prof. BREWSTER. The governor gave the committee a letter dated December 22, 1913, which is as follows:

"TRINIDAD, COLO.

"Gen. JOHN CHASE, *Adjutant General.*

"DEAR GENERAL: In response to my suggestion President John McLennan, of the State federation of labor, has appointed Mr. John R. Lawson, Mr. James Kirwan, Mr. James H. Brewster, Mr. Frank Minar, and Mr. Eli M. Gross a committee to investigate the charges made by the convention against certain alleged misconduct on the part of the members of the National Guard.

"I understand this committee desires to leave Denver to-night for the southern coal field to pursue this investigation. You will please give this committee every assistance within your power to the end that they may secure what information they desire. Please have them furnished with any information you may have or direct that anyone who has information shall give it to them.

"I will appreciate it if you could, if they so desire, send some one with them wherever they want to go.

"Very truly, yours,

"ELIAS M. AMMONS, *Governor.*"

We went to Trinidad. Gen. Chase could not see us on the 23d, but did on the 24th. On the 23d we made some preliminary investigation, and I, as I did throughout the investigation, made a great many private investigations that these union men knew nothing about. Before they knew who we were I talked with some privates on the street, for instance, and I had a talk with union men and saw it was a fine opportunity to find out if my friends in Denver and the north had been correct in their statements to me that there were no grievances among the men and that they had been forced out by union men. I talked with privates in the National Guard before I saw Gen. Chase, and it is worth while to note a conversation I had with two privates on the streets of Trinidad.

I met one fellow and I said, "It is too bad you are down here away from home; it is going to spoil your Christmas." And he said, "I could not go home anyway." And I said, "Why?" He said, "I live too far away." I said, "Where do you live?" He said, "In England." I said to him, "What are you doing in the National Guard of Colorado?" "Oh," he said, "I was here, and I wanted the money and I wanted the fun, and that is why I am in the National Guard of Colorado." Of course I don't know that fellow's name. If I had thought all this was coming up, I would have taken his name. I spoke to Gen. Chase, however, about having Englishmen in the National Guard, and he said he knew the law as well as I, and we had some words about it.

I met another private and I said something of some sort to introduce the subject. I said, "I suppose you don't like this kind of work very much, do you?" And he said, "I don't know; it is just as easy to loaf here as anywhere." I said, "You don't like to be called a 'tin willy,' do you?" And he said, "That is just what we are." That was rather interesting. He said, "We are not real soldiers." And that was one of the points that impressed me afterwards in talking with some of the others.

There are many real soldiers, fine men, in the militia, privates and officers—fine men. There are many of our students at the University of Colorado in the militia. There are many fine officers, men who will absolutely speak the truth. They have spoken the truth privately. They can not always speak the truth

publicity, owing to the military aspect of the matter and the possibility of court-martial, and the fact that a man does not want to speak, as a subordinate, of his superiors. I shall come, however, to more specific matters before I get through. I am speaking now absolutely irrespective of personal considerations, either for myself or other people, and I propose to state what certain captains of the militia have told me, possibly without mentioning their names, unless I get their permission. What I want now to emphatically say is this: That there are as fine men, young men and boys, noble young fellows, in the militia as will be found in any body of soldiers anywhere. But the trouble with certain people is just what now is troubling Europe; it is military megalomania, and that is at the root of the trouble in our National Guard, and that is what is ruining Europe, and I can demonstrate it and do not propose to argue, but state plain facts. I can even demonstrate it to any body of operators, or of fine ladies whose hands have never reached across the bridge table or elsewhere, to help a fallen sister, and who yet will abuse Mother Jones. I can demonstrate this, however, that while the militia, or many of them, are fine men, there are some of the worst scoundrels in the militia who have ever lived anywhere; that is incontestable.

We continued our investigations. An interesting fact, by the way, happened after this committee got to Trinidad. We had the first day we were there learned of the riotous conduct in saloons and houses of ill fame of many of these young militiamen, and knowing some of the fellows who were in the guard, I thought to myself, what an association that is for some of these good boys; how would I like to have my son associating with some of these men whose conduct is incontestably what it is shown to be?

But an interesting fact happened. About the time we got there and began to learn these facts, a general order was issued, General Order No. 12, I think it was, "Military district of Colorado," forbidding all saloon keepers there to sell militiamen drink. I thought to myself that is one good effect, at least, this committee has had, because it was the effect of the committee's visit. We learned the first day so much, and some of the things we learned were reported to the officers that that is the result I have no doubt, and Gen. Chase will say the same thing undoubtedly, and Maj. Boughton will, that that was the cause of the issuance of that order, and it prevented the saloon keepers from selling to these young militiamen who had gone down there to fight, selling this fire water that caused some of the acts that have been committed.

We had a conference with Gen. Chase. Now, certain things transpired there that unless Gen. Chase gives me his permission to speak of I will not mention, because they reflect upon his ability as commander. They reflect upon his temperament. He and I agreed that the matter was over. It was all taken down stenographically, and he promised a full stenographic report of our communication and his talk with us and our talk with him, but we tried several times to get it and it was never obtainable. We did not want to be put in the hole by his publishing what had not been said and done there; we wanted that for our own use. He promised it to us, and we went for it several times, but he never gave it to us.

We had this conversation with Gen. Chase, and the particular thing I can speak of is this: He said he did not care for the governor's letter, that we could not talk with a private—that we could not talk with a private and that we could not talk with an officer; that we must get all our information from him and his office alone. I said, "General, I think the way to get at the truth will be to take, for instance, any one of these charges, where we know who some of the men are who are charged with offenses—let us see the militia and get their story; let us judge, and I assure you they will be as fairly treated as it is possible for any body of men to treat another body of men." He said, "No, sir; you can not talk to any of our officers or any of the militia or any private." I showed him the governor's letter where it was distinctly stated, and that is what we had in mind. I personally did not believe the stories and wanted to investigate one or two from the militia's point of view—"You will please give this committee every assistance within your power to the end that they may secure what information they desire. Please have them furnished with any information you may have or direct that anyone who has information shall give it to them." The governor commanded the adjutant general to direct anyone who had any information to give it to us. We wanted—at least I earnestly wanted—to get the absolute truth from the militia's point of view. We were not allowed to talk, after it was known who we were, with any officer or any private of the militia.

I haven't any doubt myself but that some of them could have cleared up—in my mind, at least—some of the charges against them. I have talked privately with some of them since, and things have been admitted and other things have not. We were not allowed, as I say, to talk. We began our investigation. We examined 168 witnesses, at least one-third of whom were in no way connected with the union at all. Going down, as I did, without any ideas that any charges were true, I was simply astounded to find that the charges as made at the convention of the federation of labor were mild. As time went on I was made nearly ill with the seriousness and the gravity of the situation.

If our constitutions mean anything at all—I mean our paper constitution—and if the history of Anglo-Saxon liberty means anything at all, it must make any man who loves constitutional liberty and who loves his country ill to learn what he learns from an investigation of some of the acts done in the south.

Chairman WALSH. Will you please sketch some?

Prof. HAYWOOD. We have the usual constitutional provisions. Among other things we have just the general constitutional provision in this State which prevails in every other State that the military shall be at all times in strict—"always" or "at all times," I have forgotten the precise words—in strict subordination to the civil power. We have the usual constitutional civil-rights provisions that no man shall be deprived of life, liberty, or property without due process of law. We have the usual constitutional provisions that there shall be no unreasonable search or seizure. We have the provision in that connection as to particulars about the warrants that shall be issued; anyone who has looked into the law at all knows that you can not search ordinarily without a warrant, but the particulars of the warrant must be carefully looked into; probable cause upon oath or affirmation must be shown before you can search a man's house. Various provisions of that kind, as we all know, the result of centuries of work to preserve constitutional liberty. We have all the common constitutional provisions.

Among other things, in the course of these violations of the plainest constitutional provisions, where union men were not concerned, was the search of Mrs. Hall's house. I will put that just as briefly as I can. In the middle of the afternoon Mrs. Hall, the wife of an undertaker who had performed undertaker's services for various union people who had needed them—Mrs. Hall was at home with her two little children and a hairdresser. She was a newcomer to that particular neighborhood and was not known very well to her neighbors. So the particular circumstances that surrounded this search were all the more mortifying. Sixteen soldiers surrounded the house. The officer—the captain or lieutenant, I forget which; I don't suppose he was captain; that is, I don't know whether he was captain or not; I haven't his name, and it isn't material—in the most gentlemanly way entered the house without knocking and told her he must search the house for arms. The children were frightened. She asked him why he must search the house for arms. He said because he was ordered to. As far as I can find out he was strictly polite in his behavior, but he made a thorough search. She told him in the first place that the only arms they had was an old rifle standing in the corner of the closet, and she pointed it out to him. It was one her husband had had for 10 years. They had been married 8 years, and it had always stood in the houses they had lived in, in somewhat similar places, conspicuously.

By the way, we have a provision in our constitution, of course, providing that people may bear arms for the protection of their homes and property. That, of course, justifies the operators in having their machine guns. And Mr. Blood has some interesting testimony as to how far it will justify a man in shooting another who invades his premises. Of course the proposition is familiar to any reader of English history that an Englishman's house or an American's house is his castle. Well, they searched. Two neighbors called, or two visitors called—in an automobile, by the way—and were denied admission the house. Mrs. Hall looked out at the window, and all the neighbors about were watching the house, surrounded by these soldiers—militiamen. The man insisted that he must search the cellar, and went down there. He found one place that was not cemented over or floored over, and he told Mrs. Hall that now he had it. And so he stuck his bayonet or sword in the soil all around looking for arms buried in the soil. They stayed there about an hour and left. And all this time the children were greatly frightened.

Now, that seems—the courts were open, so that search warrants could be issued—all the courts of Las Animas County were open, the circuit court—the district court rather—other magistrate's courts, the justice courts, were all open at that time. If there had been any probable cause for believing arms

were there, a warrant could have been sworn out in constitutional form, describing the property and premises. Now, it does not need a lawyer to tell anyone that such a thing as that is simply and shortly and plainly a gross outrage. I would say so anywhere. I would say so surrounded on a dark night by thugs like Linderfelt, and he could beat me over the head with his Springfield rifle, as he did his prisoner, Tikas, if he wished to; but I say it. It is an outrage that must be spoken of anywhere and everywhere by any American citizen, and must be protested against if we propose to preserve our liberty; that is one thing that was done, and it was comparatively a small matter.

The week before they had searched her husband's undertaking establishment, taking down the coffins, opening them up for arms. For justification for that the explanation given may not be true, or it may be true.

The explanation given is that Mr. Hall had had the audacity to bury union people, and had shown his sympathy in that way and other ways with the working people and with the unions. Another explanation is, which I don't take so much stock in, but it is nevertheless there—there is some evidence for it—is that he had taken some business at different times away from another company, and in that company there was then owned or had been owned some of the stock by one of the minor officials of the Colorado Fuel & Iron Co. There is some evidence to that effect. It is comparatively a small matter and does not make much difference one way or the other, to my mind. It is the act or the commission without special reasons for the motive that I protest against. Men were arrested down there at different times without any pretext of a crime.

Gov. Ammons says himself, in a communication to the congressional committee, that many of the men were arrested in the hopes of securing evidence or in order to secure evidence.

We have a clause in our constitution that provides that no imprisonment of that kind shall be held to secure evidence whatever; that no one shall be held as a witness, except just so long as he may be taken before a magistrate to make his deposition. That is a constitutional provision of extreme importance. Men were arrested and held for various lengths of time—40 days, some 53 days, 55 days, and some were discharged without any charge ever having been made against them.

Chairman WALSH. How many did you say have been arrested without warrants, without any charge being made?

Prof. BREWSTER. I did not count them all up.

Chairman WALSH. Could you approximate it? I will have to ask you to go along a little more hurriedly.

Prof. BREWSTER. Well, I don't know. There was a dozen men at one time, I think, perhaps more, without any warrant or charge. One man I saw arrested, and a doctor testified that he died by reason of exposure in the damp jail. That is Gus Marcus. I might go on and talk on the line of these constitutional provisions at some length. Besides that class of higher violations of law, there are many of the vulgar violations of law, like plain robberies. That is hardly necessary to go into, as long as there is no law upon this point that——

Chairman WALSH. If you could briefly, without giving the details of each one?

Prof. BREWSTER. What?

Chairman WALSH. I wish you would give instances of plain robberies—just briefly.

Prof. BREWSTER. One robbery made a great impression upon me—robbery of an Italian man Brogatti, a naturalized citizen, who was robbed of $300. He was at Segundo. He told us there very graphically how his trunk had been opened and the militiamen had entered it, while he was just shortly away, and some $300 taken from a little box that he and his wife had placed it in just before and locked the trunk. Maj. Lee told me yesterday that he investigated the case and there is no doubt the man was robbed. That is what Maj. Lee told me yesterday.

Chairman WALSH. Who is that?

Prof. BREWSTER. Or Col. Lee, I think he is.

Chairman WALSH. What is he colonel of?

Prof. BREWSTER. He is a colonel in the State militia—National Guard. He said there is no doubt but that the man was robbed. He said he investigated the case, but could not find out who robbed him. I just want to call your attention, as I wish to show you the difference between the methods employed at some camps——

Chairman WALSH. On what particular point; what was the evidence from the inquiry that he was robbed by a militiaman?

Prof. BREWSTER. There was a militiaman seen to go in there. This man was told about it when he returned just a short time afterwards.

Chairman WALSH. Without going into the details, what other instances of robberies were there?

Prof. BREWSTER. Why, they are all reported here in this printed report. You can get it.

Chairman WALSH. Very good.

Prof. BREWSTER. When I went into it—there was a book of 700 pages of testimony at the time—each matter was investigated and we did what we could to examine witnesses carefully. There appeared to have been no collusion or preparation between these witnesses, because some came in just unexpectedly and suddenly. I practiced law 17 years and have been accustomed to investigating matters, and in no instance that we have noticed there was there any indication that there was a preparation of testimony or falsification of facts. I believe there was one case—I can not now recall it—somewhere, either during the congressional investigation or during this investigation that I was satisfied had been made up, and it is barely possible, of course, human nature being what it is, that some of these were fabrications. But in speaking to Capt. Van Cise of the way, the method he used in searching the southern camps—Capt. Van Cise was at Ludlow with Company K—he said he had taken particular pains always when he ordered a search to have not only the searchee—that is, the person whose trunk was being searched—present, but, if possible, two members of the National Guard present, so that there could be no question as to what was done. The practice at Segundo, as in other places, as the coal operators' friends will admit, was to drive the people out of the room, and one man generally examined these poor Italian and Slavic people's trunks and took what he could find.

Chairman WALSH. You mean took for his own use, appropriated for his own use?

Prof. BREWSTER. He certainly did not turn it over to Gen. Chase, Capt. Lieut. Col. or Maj. Boughton, or Smith, or any of the officers—I do not know any one, to my knowledge, who charges these men with stealing. No one has ever charged the reputable members of the militia with stealing, but that the disreputable fellows, like the Canterbury brothers, and like plenty of others—Judge Northcutt could perhaps tell you about them and Mr. Weitzel knows some of them, probably—they will tell you that there were scoundrels there who were perfectly capable of robbery. My judgment is that they were acting as officials, and that as they were acting as officials of the State the State owes it to those people, that money, and it ought to be paid back sometime. We had, during the congressional investigation, these cases and other new cases, and the committee did not care to hear any more for this reason, that the scope of their inquiry was such that they did not consider that it came within their purview to examine in detail the minor offenses of robbery. They were looking for other things, the violations of Federal law, etc.

Chairman WALSH. One minute. What about this man in the undertaking establishment of the C. F. & I. Co., an employee, who was a stockholder, that you referred to awhile ago?

Prof. BREWSTER. That is testimony that was given somewhere before the congressional committee. I don't say he was then. He had been at some time.

Chairman WALSH. Do you recall his name?

Prof. BREWSTER. Mr. Weitzel will remember, and he can give it to you. He will recall the circumstances.

Chairman WALSH. Do you recall the name of that stockholder?

Prof. BREWSTER. No. It was admitted that at some time that man had been connected——

Mr. WEITZEL. He hadn't been with them for eight years.

Chairman WALSH. Please let us have no interruption. I have asked you a question.

Prof. BREWSTER. I know that testimony, 3,000 pages, pretty well, but I can not remember that name.

Chairman WALSH. It, then, will appear in the testimony in this brief of facts you have given us?

Prof. BREWSTER. No; I think not. I don't think it appears in our brief.

Chairman WALSH. Well, then, we will pass that.

Prof. BREWSTER. It was just a minor incident; I never took much stock in that. The fact was shown, however, that some member of either the Victor-

American or the C. F. I. had been a stockholder of a rival corporation. As I say, I personally never took very much stock in that, as a motive for searching, myself. I remember perfectly everything that was said, but I don't remember the name, and don't care who he was; I merely mentioned that as one of the allegations of a probable cause. As I stated, also, I do not take any account——

Chairman WALSH. Well, we will leave that subject, then. Proceed where I interrupted you.

Prof. BRUWSTER. Now, there were many cases of minor robberies of different kinds. I don't remember the names; I have got the testimony here.

Chairman WALSH. Does that brief of yours in regard to this testimony give the names?

Prof. BRUWSTER. The names are not all given, but, by the way, the testimony was all accessible to anyone who cared to look at it. It contained 761 pages, and, as it is stated in here, anyone who wishes to look at that testimony, and is of good standing, can look at it at any time. The names are all there stated. We stated some names, but we did not attempt in making our report to the governor to give the names, because we handed him this typewritten testimony with our report.

Chairman WALSH. Where is the record of the evidence?

Prof. BRUWSTER. Here is a copy of it. I can turn to anything you care to hear.

Chairman WALSH. No; please hand it up.

Prof. BRUWSTER. I haven't tried to carry all of this in my mind. There have been some important things I merely carry. Also I want to say this, that there are 760 pages of testimony given by over 163 witnesses, taken stenographically. Each one I watched carefully, and conscientiously examined, and I can't now recall any single bit of testimony that did not impress me with its truth, after seeing the witness on the stand. For instance, there were little instances that happened that carry conviction either one way or the other as to perjury, lying, or the truth on the other hand. This man Brugato described how he came in and how his wife and himself found their trunk broken open and the $300 taken. He says, "She fall down dead." And I said, "Why, dead?" "Yes, dead. She fell down dead." He meant she was so shocked she fainted, which we drew out afterwards. He told, gave a graphic description, of the way that he put the money in there. They had $310, as I now recall it, and they took $10 out for spending purposes and locked the rest in the trunk, and had been away but a short time when the neighbors told that these militiamen had entered the house and broken open their trunk. There was—I saw Col. Lee, and he said "There is no doubt the man was robbed," but he says he did not know who did it.

Now, there was a little incident of a man that was robbed of $55. One detail of this just comes to my mind. This was rather interesting. I forget the details—the man's name. It is in here somewhere, of course, and I can find it if necessary. He said that he went to Gen. Chase and spoke to him that very afternoon, and Gen. Chase took out his notebook and made a note of the circumstances, and if we had ever had an opportunity of cross-examining Gen. Chase, which he never gave us an opportunity to do, because he avoided testifying before the congressional committee, it was my purpose to bring out a number of these points and ask him what he did in that particular case to investigate, because he assured us and other officers have assured us that they investigated.

But when I find out how they investigate—and I will speak of that presently in a perfectly convincing and satisfactory way—I shall show you how they investigate, how incomplete some of their investigations are. I wanted to get at the method of the details of his investigation, because when the Rev. Randolph Cook went to Gen. Chase early in the period while the militia was down there, and protested against certain things, he was charged with——

Chairman WALSH. I think that is in this record here.

Prof. BRUWSTER. Yes.

Chairman WALSH. "Attempting to besmirch?"

Prof. BRUWSTER. "Besmirching" him. That is the word, besmirching the uniform of a soldier, because he made the charge that a militiaman had abused young girls in Trinidad, and he wanted the matter looked into. Gen. Chase said that he was besmirching the uniform of the soldier. And the trouble with Gen. Chase was, and unquestionably, as I discovered, military megalomania. He thinks he is a soldier and he thinks that they were there on a soldierly duty instead of police duty, and he thinks that there was war when

there was no war, but riots. He thinks all these things, and he can't help it, because he is built that way. He meant it. He meant it all. He honestly thought—Gen. Chase honestly thinks that he is a soldier.

Chairman WALSH. We must have perfect order, ladies and gentlemen.

Prof. BRYWSTER. He is unquestionably honest in that belief. But ask some of his captains, they will tell you the truth—ask them. We asked in here, by the way, as a final conclusion for the removal of Gen. Chase, Maj. Boughton, Maj. Townsend, and Lieut. Linderfelt. And when I told a captain of the militia that those were the men we had asked for the removal of, this captain of the militia told me, "You have got the right bunch." I don't think he will deny it. He is a man of standing, and I do not believe that he will deny it. I presume I ought not to mention his name until I get his permission. I have not been able to see him since he told me that. But that is what he told me. Another captain of the militia told me, one that there is no question about, of the incompetency of some of the higher officers. It is no reflection upon their moral character. If I hire a locomotive engineer, if I am going to hire a man as a locomotive engineer, and he is color blind, it is no reflection upon his moral character for me to say that I won't accept him because he is color blind. If I hire a man as adjutant general and he is blind to the plainest constitutional privileges, and he is prejudiced against all working people, and especially union men, it is no reflection upon his moral character to say he is not fitted to be an adjutant general, the commander of an armed force. When I speak of Linderfelt I don't hesitate to say that his moral character is bad, and that he is such a brute, as officer after officer will tell you, that he is totally unfit to be in the company of anyone.

Now, I will take up Linderfelt. Linderfelt managed the machine gun before he went into the militia at Berwind. This is K. E. Linderfelt. K. E. Linderfelt has two brothers who are quite reputable; don't confuse them. A captain of the militia told me yesterday that Linderfelt was known to be a brute, this Linderfelt we are speaking of. But he was whitewashed by a court-martial. Linderfelt was manager of the machine gun at Berwind before he went into the militia. He went into the militia, and he made threat after threat against the Ludlow tent colonists, and especially against Louis Tikas, the leader of the Greeks. Louis Tikas was a graduate of the University of Athens, was a peacefully disposed man, was a power for good, as Capt. Van Cise will tell you, and has told me—says he will tell it anywhere—he was a power for good. But Linderfelt, with his mine-guard experience, knew that it was his business to make trouble. Men of Company K, the so-called "student company," if they will tell you the truth, will tell you they had heard Linderfelt make threats against the Ludlow tent colonists and against Louis Tikas.

On December 31 I was at Ludlow. There was a search for arms going on, because one negro in a domestic broil or some turmoil had shot another the day before. Tikas had walked up to this man, unarmed, as Tikas generally was, had arrested him, and surrendered him to Van Cise as the nearest officer to whom he could surrender him. He had surrendered him to Capt. Van Cise. They made a search on December 31. Company K and, I think, another infantry company searched the camp, and the Ludlow tent colony was surrounded by cavalry. At short intervals the horses were placed. The railroad track slightly rises there above the tent colony. Linderfelt was there with the machine gun, and Linderfelt's evident glee in showing me and another how that machine gun could sweep that whole tent colony was in itself, under the circumstances, a mark and evidence of brutality. He seemed to rejoice in the handling of that instrument of death. I watched him there. I saw that morning a small Greek boy that Linderfelt had abused the night before, and whose head was split open, a Greek boy, a small fellow, who could not speak English, who had a ticket from Ludlow to Trinidad, and who had been attacked in the station at Ludlow as he was about to take the train—attacked by Linderfelt. Then witnesses testified to those facts, among them people who were in no way connected with the colony. Mrs. Holleran and others heard this racket and knew the boy was beaten. That same evening, December 30, Linderfelt seized Tikas by the throat, and one of Linderfelt's own men separated them before Linderfelt could do some serious damage to Tikas.

Chairman WALSH. What date was that?

Prof. BRYWSTER. December 30. Tikas is the man that Linderfelt afterwards admitted he broke his Springfield—the butt of his Springfield rifle over his head when he was a prisoner, spoiling, as Linderfelt said, a damn good rifle—something like that—over the head of Tikas.

Now, I will say this much: Linderfelt's justification for that beating of the Greek boy and the seizure, or the apparent justification—his excuse for the seizure of Tikas was that that evening one of his men had tripped on a barbed-wire fence. We investigated the matter very carefully early the next morning, and the facts were that the wire had not been stretched across the road, as Linderfelt asserts, not the slightest evidence of it, but the man himself had driven slightly off of the road. You know the prairies, how they are; you can drive all over; and he had driven his horse against the wire hanging down, and that had tripped him. But Linderfelt, with the usual method of many of our militiamen, had beaten up and punished before he had investigated.

Well, the next day they searched, and Linderfelt had his machine gun trained upon the tent colony. There was a school-teacher, a young lady from Missouri, there, who was going to the post office with a young fellow by the name of Bryan Orff. They were sent back; they were walking on the track; they had nothing to do with the union; they were going from above the tent colony to the post office. They were sent back with abusive language by one of the militiamen stationed near the track. This was while the search was going on.

Another militiaman heard it, and thought that the treatment they had received was unworthy, was not proper. So he asked Orff to go with him to Linderfelt, and he would have it fixed up. They went to Linderfelt where the man was with the machine gun. And Linderfelt swore at this fellow, and said to this young boy who was brought down, said that the man would have done right if he had split your head open; that he had been right if he had knocked you with his rifle. He said, "I am Jesus Christ, and my men on horses are Jesus Christs, and we have got to be obeyed." I was a short distance away. I did not hear those words myself, but another member of our committee heard them, and he immediately reported them to me. I said, "This is going too far, after all we know about Linderfelt. And we will send a telegram to the governor at once." I drafted a telegram to the governor, saying that we did not intend to report to him until later, but we asked him for the immediate suspension of Linderfelt. I thought it right to do that, because I foresaw that Linderfelt's retention in the militia, with the spirit which he then showed, would surely lead to bloodshed.

In my judgment, gentlemen, and I speak most solemnly, it was the fact that Linderfelt, on that terrible April 20, took that same machine gun to Water Tank Hill overlooking Ludlow that caused the so-called Ludlow massacre, and that caused that feeling that led to all those horrible subsequent events. And I want to say this, that Americans who have been down there and found out some of these things, have said that it is not the Greeks that are so bad, or anything of that kind, but that if they had been Americans they are not wholly to blame; that if they had been Americans they would have done a good deal worse.

You have taken hearsay, much that is hearsay, and while that is hearsay, that is what has been told. I am not attempting to justify what happened after Ludlow, but I say this, that it is perfectly explicable; it is as easily understood as any fact of history can be understood. If a small stamp tax on tea justified the Boston Tea Party—and we glory in it, some of us, as an act of violence and destruction of property that was well warranted—some things that happened before—the week following the Ludlow, I mean—almost justify the acts of destruction that occurred.

We asked for the removal of Linderfelt. The governor paid no attention to it. On January 20, when we met the governor again, we went over the matter in detail with the governor and urged him then, and that was long before, curiously, April 20—January 20, February, March, April—three months before Ludlow, and if on January 20, when we had asked for the removal of Linderfelt, he had then been removed, "Ludlow" would not have occurred.

It was Linderfelt with the machine gun on Water Tank Hill—they called it the "baby"; Maj. Hamrock telephoned to Linderfelt to bring the "baby" with him—the baby was the machine gun—that was what caused "Ludlow."

Now, there is Linderfelt, and is he a brute or is he not? As the captain told me yesterday, the captain of the militia, that he was a brute, is that captain wrong, and am I wrong? Is he one of our "noble boys" that these people talk about in the militia that we must not insult? I say, and I say it with all the deliberation that is possible and with every sense of responsibility, that if we continue to have such men in our militia this State will never thrive, this State will never prosper, and there never will be peace. And yet Linderfelt was tried after Ludlow, and after all these things are shown, how there at Ludlow he committed the act of breaking the stock of his Springfield rifle over the head

of a prisoner, and they say it was conduct, I suppose, "unworthy of a gentleman," but there were "exonerating circumstances," and they let him off, and he will probably be promoted, and that is our National Guard. Now, is that right, gentlemen, or is it wrong? Is my language too emphatic? So much for Linderfelt. I won't say what happened to Linderfelt up here while he was here; that is a matter of police court record. That may be true or may not be; I won't speak of that; you can find it out elsewhere.

Commissioner WEINSTOCK. Does that have any relation to the strike?

Prof. BREWSTER. It has a relation to the strike as showing Linderfelt's character, that is all, while he was up here awaiting the court-martial. It is simply another matter going to illustrate the character of the man; that is about all.

Commissioner WEINSTOCK. If that has any relation to the strike, I would like to hear it.

Prof. BREWSTER. Well, the only bearing it has is upon the character of some of our militiamen. I do not know personally of the story. I have heard it on good authority.

Chairman WALSH. Is that a matter of court record?

Prof. BREWSTER. I think it got into the court. The reporters can tell you.

Chairman WALSH. We will go elsewhere, then.

Prof. BREWSTER. It is just what you might expect from such a man, perhaps.

Chairman WALSH. Let us not speak about it unless we have specific facts.

Prof. BREWSTER. No; it is not necessary.

Chairman WALSH. Unless you can do that, proceed to something else.

Prof. BREWSTER. Now, there is a difference of opinion—of course, no difference of opinion exists about robberies. Lieut. Gen. Boughton and Gen. Chase, and all the rest of the upper-class militiamen will agree that there is no question about robberies. They are all wrong. They have court-martialed a great many men and found a great many guilty. Capt. Frost tells me so. There is no question about that. There is a difference of opinion, however, about these things, these other things that are based on constitutional privileges. That is a matter that could only be gone into properly if a man made a long, extended legal argument upon constitutional rights and upon the celebrated Moyer decision. In my judgment, the Moyer decision, I submit, after some consideration of that and other decisions upon military matters, does not justify many of the violations of the Constitution which it has been thought to authorize. The case was a peculiar one. It was contrary to the weight of authority at the time it was made, in 1905. There have been lawyers who have criticised it over and over again. But even admitting that it authorizes some unconstitutional acts, it does not authorize a great many that have been done. There is nothing, for instance, in it to warrant unlawful searches and certain seizures. There is great difference in the circumstances of that case and this. I will just mention that there is a declaration there of "insurrection and rebellion" by Gov. Peabody. Gov. Ammons has not declared the southern counties to be in insurrection or rebellion, so far as I can find out. I may be mistaken about that; I have not seen it anywhere in his declarations.

There is another important consideration there to be borne in mind as bearing on the authority of the militia. Gen. Chase has created a "military district of Colorado." The "military district of Colorado" is coterminous with the State of Colorado. The military district of Colorado is not confined, in Gen. Chase's judgment, to Las Animas, Huerfano, and Fremont Counties, where there might be riots; but he claims the right to arrest anyone at any place in the State at any time. He has done it in one instance, at least; gone out of those counties and arrested persons without charge. The same warrant which he has for arresting them outside of those particular riotous counties would justify him in coming to Boulder and arresting the president of the university if it was his arbitrary will to do so. He can do anything he wishes, under his view of military dictatorship. If American constitutional government is to live, then that can not live with it. There is no question about it. I do not speak as a lawyer; I speak simply as a citizen. It is too manifest for anything. That he did establish this military district, and that it extended beyond those riotous counties is the boast of his friends.

For instance, in the Chronicle-News, owned and edited by my friend Judge Northcutt, there is a statement that one man is arrested—I have it here—that this is now an illustration of Gen. Chase's theory that he has and justifies a power to arrest anywhere in the State. He has done it in this case, and this shows what he can do.

On November 15, shortly after the militia entered the field, Gen. Chase issued an order which he served upon all the civil authorities—upon the Las Animas and possibly on the Huerfano County authorities, I don't know about that, but certainly upon those of Las Animas County. You will find it in the exhibits, Exhibit No. 71 in the congressional investigation, in which he says that the arrest and the trial and the disposition of the cases shall be under the orders of the military, and no other, until further notice. At that time the courts were in session.

Now, they never really tried a man and executed him or imprisoned him, I think, who was not a military man, tried by court-martial, under that order; but it shows what they thought and what they intended they could do. They did not do what they did in West Virginia; they did not try people and send them to jail by a military commission. They did not do that. I really think that Lieut. Col. Boughton is too good a lawyer to have allowed that to be done; but they did other things almost as bad. They threatened to arrest the district attorney. Lieut. Col. Boughton, in addressing the court in one habeas corpus case, said to the court, "It is a matter of indifference to Gen. Chase whether men arrested and held by him are guilty or innocent of crime." Think of that, gentlemen, in a constitutional government. "It is a matter of indifference to Gen. Chase whether men arrested and held by him are guilty or innocent of crime." The arbitrary will of a man set up in a peaceful community above the constitution, above the law, above everything, where we have the ordinary American privilege of trial by jury, and where we have the general rule that you must know the law beforehand, that it must not be confined secretly in a man's head, issued when he says it shall come out, but where everyone must know what the law is before he can be held to it—"the general laws," the fundamental, old principle of the Anglo-American law. There, if you want the relation of the civil to the military authorities, there you have it. There is no room for argument.

The arrest of Mother Jones without warrant, without any suspicion of crime, was one of the greatest outrages upon civilized American jurisprudence that has been perpetrated. The excuse given was at one time by Gen. Chase that she was going to the tent colonies to keep the union men in the tent colonies. Is that a crime? Then, I am guilty of a crime, because at Ludlow, after finding that men were there of their own free will, by talking with them in groups and singly I advised them to stand by the union; and every man who has looked into the conditions in the south will advise them to stand by the union; every man will who has looked into it fairly and impartially. It is their only hope from serfdom. She advised them, so Gen. Chase said, or she was going to advise them to stand by the union and stay in the camps; and that is her crime. Afterwards that was slightly modified, and it is said that she made, as Gen. Chase said in his report to the governor, profane and vulgar speeches, of which he has verbatim copies. Now, his stenographer introduced a copy before the congressional committee which is probably—and we have a right to assume it is—the worst copy they could find of her speech, because they certainly would introduce the worst they could find. I find it here among the exhibits, and I will respectfully submit that any man who can read it and say that it is capable of the characterization that Gen. Chase gives her speeches in his general report to the governor must be crazy.

Commissioner WEINSTOCK. What is the name of the witness?

Prof. BRANDEIS. The name of the witness who introduced that is McDonald. I will give you, if you wish, a reference. I have an index here which I spent five weeks in preparing. Mother Jones's speech is referred to in our briefs, by the way.

Commissioner WEINSTOCK. R. J. McDonald?

Prof. BRANDEIS. Yes, sir. The speech is published in full. There was an interesting thing about that that I never quite understood, but I think it was explained in some way. The speech was a carbon copy. It was all in one carbon until you came to a certain part that is a little worse than the other parts. In that she says what they did in West Virginia, and that is of a different type. I don't say that it was inserted. If I were arguing a case before a jury, I could have made a very strong point and have convinced the jury pretty well that that was not in the original speech, or at least that there had been some modification of it. But however that may be, the worst part is on that page, and there she speaks of the fact that when they found in West Virginia that they were getting no protection whatever from any of the authorities they exercised their constitutional privilege of buying arms, and they bought up the arms

that they could find in Charleston. That is the worst thing there is in the speech. I think you will find that so. And that is what any person ought to do in self-protection, of course. If I find that I am not being protected in my home, I propose to buy arms and protect myself under my constitutional privilege; and I think every other American citizen will do the same. Her speech is offered in evidence on page 1911 of the record, and among the exhibits it will be found printed in full on page 1872. I think you will find it there in full. No; I am mistaken. It is referred to, I see, in several different places. It may be page 2006, I think, that the speech is published in full.

Commissioner WEINSTOCK. No.

Prof. BRYWSTER. Well, I have not looked at it for some time. I can find it readily for you. I will find it now. I find a copy of my testimony here. What I say is that it is probably the worst that they could find of hers, that they had verbatim reports of the rest, and I submit there is nothing very bad in the whole speech. The speech is offered at page 1911.

Commissioner WEINSTOCK. It refers here to Exhibit 105, but it does not give the speech.

Prof. BRYWSTER. Exhibit 105, speech of Mother Jones, page 2006.

Commissioner WEINSTOCK. No.

Prof. BRYWSTER. May I look at that a moment?

Commissioner WEINSTOCK. Yes; come right around here.

Prof. BRYWSTER. Well, it must be a typewriter's error. Of course, the exhibits are in the last volume. Now, I will find it in just a moment. There it is, "Address of Mother Jones, delivered before the convention in Trinidad, Colo., on Tuesday, the 16th day of September, A. D. 1913," page 2630. They got the figures wrong here, you see.

I am reminded here, in looking at this index, of another interesting violation of constitutional rights, that it is not necessary to dwell much on, and it is the deprivation of the delivery of mail to the prisoners. Registered letters sent to Mother Jones, at San Rafael Hospital, were not given to her. We carefully looked into the matter of law and there is no warrant for any military authority to refuse to deliver mail to prisoners. Much other mail was not delivered to other prisoners—and things of that sort.

Among the interesting arrests made were some of women; for instance, during the parade in Trinidad. There was a parade. They arrested there Mrs. Thomas and kept her 11 days in jail at Trinidad, and she had to send for her little children to live there in jail with her. There was no charge against her, except that when a soldier was pushing her—I think the militiaman was pushing her on the streets of Trinidad—I believe she hit him with her muff or something of that sort. The evidence was all recorded in the congressional investigation.

Then there was the arrest of Stromberg—a business man of 20 years' standing in Trinidad. He was standing in his shop on a Saturday evening, and the street was crowded, and he was arrested. To be sure, he was only detained a few hours.

There was arrest after arrest down there, of course. The merchants of Trinidad will tell you all about them, if they will speak their minds out, of course. You must understand, gentlemen, that a great many people in Las Animas and Huerfano Counties dare not, or have not dared at least—they may after a while dare—to speak their minds out. I saw one man who begged me not to have him subpœnaed as a witness. He knew things, but he could not tell, it would hurt him in his business. They stand, many of them—I mean many otherwise intelligent and brave people—stand in fear of what may happen to them in a business and social way if they say a word against the—what they call "the company." Of course there are large masses of people who would be afraid of anything, and there is a large population there which is so given to drink and so unfortunately afflicted with venereal disease (I am told by a man that lives there and has lived there a long while), that their minds are seriously affected, and they stand, of course, in constant mortal fear of the higher authorities.

Commissioner WEINSTOCK. Where is that?

Prof. BRYWSTER. In those two lower counties. It is a curious thing that there are people there of 20 years' residence, who can hardly speak English. They do not call themselves Mexicans. They want to be called, I think, just Americans; that is, they consider themselves a sort of native American, but they are of Mexican antecedents. They have schools there, but many of them can not speak English. Some of these people are on the various juries that

try cases in which working men may be involved, and obviously it takes but very little influence—a glance from a deputy sheriff in a court room toward the jury—a prearranged signal—fixes that jury.

There was some doubt in the minds of the congressional committee as to whether these stories, half of them, were true; and as a matter of fact, Congressman Keating tells me he can not get people in Washington to believe half of the stories of political conditions in these counties, because they seem so incredible. There was some doubt in the minds of the congressional committee as to the situation down there, so we looked up the record of one particular trial, and it is worth while illustrating to you—I am speaking somewhat off-handed without any preparation, but I think I have the names and dates right; it is worth while to illustrate that case. There was a deputy sheriff there under Jeff Farr, in Walsenburg, by the name of Miller. On January 4, by the way, while Mother Jones was being deported—this is a slight digression, I was there at Walsenburg, and I arrived just after Miller, a tall, stalwart man, with many notches in his gun, I am told, to indicate the people he had killed, but I did not see his gun with the notches. I arrived at the corner where Miller had just knocked into the gutter a small union boy, and I thought I would follow Miller and ask him why he had attacked that small union boy; that is, I say smaller—17 or 18 years old and a small lad, and this Miller was a tall fellow. And I told one of the committee who was there with me that I was going to speak to Miller about it. "Why," they said, "don't do it; he will shoot you up to night as sure as can be," and I thought that was a safe thing to avoid and I did not speak to him. But I followed him, and he carries a gun, as everyone will tell you that knows him, this way [indicating], always with his hand in his pocket and the gun sticking out this way [indicating]. I saw it myself, following him. He does not carry it in here openly or in his belt as any other man would, but carries it this way [indicating]. Miller attacked a man by the name of Ball, and broke his jaw. Ball was not very big, and Miller was a big man; he broke Ball's jaw, and he was tried just before the congressional committee sat. Miller was a deputy sheriff, and he was tried in the court and before a jury of 12 men, with 7 or 8 other deputy sheriffs, friends of Miller's and a brother of a city assessor or city treasurer, I forget which, but in Chief Farr's particular circle, and, of course, Miller was acquitted. We did not try the case over again, but I found some interesting testimony, and they had a particular militiaman by the name of Shelton, who testified that this small boy Ball had been the aggressor in a fight and had attacked Miller and that Miller had broken his jaw in self-defense. But a Mr. Crier, a reputable business man down there, told the congressional committee that he saw the whole thing and that Miller attacked Ball without apparent provocation and hit him until he broke his jaw; and Miller was acquitted by a jury composed largely of deputy sheriffs. That is the kind of justice that they administer in what is called the "Kingdom of Jeff Farr," in Huerfano County. Jeff Farr is a good fellow to meet, a stout fellow, and a pleasant chap. Farr runs a wholesale liquor business, and liquor men who do not buy of Jeff Farr often find their houses closed as disorderly places—and so it goes.

Now, if you want something as to the political conditions, you will get nothing better than the addresses of Judge McHendry and Judge Northcutt. Judge McHendry is the present district judge; Judge Northcutt is the present general attorney for the coal operators' combination, and in the campaign of 1912 spoke at Lamar. We have verbatim copies of their speeches, the authenticity of which has never been denied, and there they give the grave condition of the political situation. We quote them in our brief and it is not necessary to quote them now, and I suppose, of course, Judge Northcutt will not deny that he made the speech, and that the conditions were such as he said they were. He said, for instance, among other things, in speaking of the way the slate is made; he said, "You know how it is, so and so, five men get together and they say, 'Let us put up so and so for county clerk.' 'Oh, no,' says another, 'he may have had some trouble with some pit boss and we don't want to put him up.'" And he says, "So, gentlemen—when speaking to the voters—that is the way it goes. A man is not chosen for his ability or for his integrity, but is he satisfactory to the companies?" That is Judge Northcutt's speech, and he won't deny it; he will tell you about all that. And Judge McHendry says this: That a few men in Denver get together, and with Osee Herrington, who is known to be the political agent—I have not his exact words; Judge Northcutt's description was so graphic, and I was so closely connected with him, that his words carried

more weight. Judge McHendry I do not know personally and I do not know his exact words, but they are quoted in our brief. It is a matter, gentlemen, of common historical knowledge, common knowledge in Colorado, everyone admits it, everyone knows it. How it can be said that the coal companies have not exercised political domination in Huerfano and Las Animas Counties—how that can be said—is one of the amazing things in this amazing strife. How Mr. Welborn can for a moment have persuaded himself to believe that, among other things that he says, is more than I can understand. If Mr. Welborn believes, as I believe he does to a great extent, if Mr. Welborn believes a small part of what he says is true, he is the most unsophisticated business man I have ever met in my life.

Now, this is much hearsay. You have taken hearsay. You should go, if you have the time, over the ground yourselves. You should see, as I saw, the miners, and I don't believe—I was told by my friends the miners of the south have no grievances, and I thought probably they were right, so when I was down on the military commission I thought I would talk with the miners, and I sneaked away from my union friends time and again and talked with the miners. They were not under the domination of any agitator, because—while I am an agitator and propose to be one the rest of my life, agitating for truth and justice, I was not that kind of an agitator with these particular men; that is, I was not influencing these men at all, because I was not especially predisposed at that time toward the union—I was not asking them; that is, not in a persuasive way, but I went up to one fellow at Segundo, I remember, while they were having a union meeting upstairs, and he was a nice-looking fellow that looked to me to be an Austrian, a handsome young fellow, and I supposed he was disgruntled—a disgruntled, compulsory member of the union, so to speak, because he was not attending the union meeting upstairs, so I thought, now, I will have a chance to show my friend Lawson how unions dominate and terrorize these men, and I went up to him and spoke to him about the weather, and he said the weather was "all they had," and I asked him why he was not upstairs, and he said, "I don't want to go upstairs; I have heard all that before." I said, "You don't care for the union, do you?" he said, "Care for the union? What can we do without the union? We want our freedom, and we can not have it without the union." "Well," I said, "how do you mean?" He said, "We can not ask for anything without the union backs us." I said, "What do you want to ask for?" He said—and that is the first time I had heard especially of short weights; this was before the congressional investigation when I was called into it—he said, "I want my weights right." I said, "What do you mean?" He said, "I get my coal cut and I don't get my right weights." I said, "Tell me about it in particular." He says, "How would you like to have a car weighing 3,800 or 4,000 and get only 3,200 for it?" I said, "Does that happen?" He said, "It happens all the time." Now, I didn't believe it. I didn't believe it, but when I found—I honestly didn't believe it; when I found that man after man, and not a poor Slav or a poor Greek or some man they say you can not believe; but when I found that these Englishmen and Scotchmen and men with names as good as any of our names, told us time after time that there were short weights—that they knew it was short weight, and they told us how they knew it was short weight—a coal miner measures by his arm and knows the size of his car and the amount of tonnage there should be in it—and it was "short weight all the time," one man said. Specific instances were given of short weight—I was compelled to believe they had that grievance at least among the southern miners. I do not charge now, and never have, that the operators were deliberately—I mean men like Osgood and Welborn and Brown—deliberately directing there should be short weights, but I charge the pit boss, and in some cases the superintendent, with short weighting the men, in order to make a record for his mine, and it is too evident and too clear for any contradiction.

Commissioner WEINSTOCK. Will you permit a digression at this point, Professor?

Prof. BARNETT. Yes; I ought to stop. I could go on for weeks.

Commissioner WEINSTOCK. May I ask a question on a somewhat different line?

Prof. BARNETT. Yes, sir.

Commissioner WEINSTOCK. Referring to the address of Mother Jones, delivered to a convention in Trinidad, Colo., on Tuesday, the 16th day of September, A. D. 1913, you characterized it as containing nothing that would incite unlawful action.

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Prof. BREWSTER. I thought so when I read it. Of course, opinions may differ.

Commissioner WEINSTOCK. What do you say as to this language used by her on that occasion: "The time is ripe for you to stand together, men, and make the operators come through, and if you don't, who, by the eternal God, will? This thing of standing slavery in this country is going to end, I want to tell you, my friends, and if you men are too cowardly, there are enough women in this country to come in and beat the hell out of you." And again: "I called a committee and I said, 'Here, take this document into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees. We have got no kings in America. Stand on both your feet, with your head erect' said I,"——

Prof. BREWSTER (interrupting). May I interrupt? That is in respect to the governor of West Virginia?

Commissioner WEINSTOCK. Yes. "'And present that document to the governor' and they said, 'Will we wait?' and I said, 'No; don't wait and don't say your honor,' said I, because very few of those fellows have any honor and don't know what it is.

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves and buy every gun in Charleston.' There was not a gun left in Charleston, and we did it openly, no underhand business about it, for I don't believe in at all. We simply got our guns and ammunition and walked down to the camps and the fight began."

Prof. BREWSTER. Taken from the whole speech extracts of that kind—and that was on that peculiar page that was typewritten a little differently from the others—such clauses are susceptible of being criticised as somewhat incendiary and disrespectful, but I maintain it is a proper practice to take the whole speech together. Now, the worst part of that is the buying of arms and the suggestion that they should buy arms, but you notice that she puts that in connection with the facts that when they found they were not going to get protection in any way they bought arms and then she says the fight began. Now, I take it, and that is the way I read it, that it was not necessarily a fight with the arms but a prolonged contest for protection. That is the worst thing in that speech. If you will read the whole speech, and I trust you all will, you will see how she deplores anything in the nature of a contest if it can possibly be avoided. Now, for my part, so far as she speaks disrespectfully of others, that is wrong in a way, and yet when she says, "Don't say your honor, because very few of them have any honor," while that is slightly an exaggeration, I nevertheless think it is quite true of very many, not only governors, but other politicians, who have taken high office and become influential. It seems to me that that is not such an awfully bad thing. I say opinions will differ; tastes will differ. I should, under the provocation they had in West Virginia, and I think I should if I had been a miner, under the provocations I have learned of in southern Colorado and been told of on what seems to me the most reliable authority, by sober-minded men, I should have done worse things than some of the miners have done. I should have said worse things than Mother Jones said, myself.

The time has come, there is no question about it, when something has got to be done. I prefer peaceful methods. We have got to have peaceful methods. But when the operators obstinately reject a simple request for a conference without knowing what that conference might lead to, when they will not sit in the same room with McLennan, Doyle, Hayes, and Lawson, who are every whit as good men as they are or as any of us, when they reject the urgent appeals of the governor, then it is time that Mother Jones or someone else did say something pretty decided has got to be done.

You asked, Mr. Commissioner, this morning a question of Mr. Welborn, and this illustrates one of the fundamental troubles in the whole business. I think it was you, Mr. Weinstock, who asked Mr. Welborn, "We are anxious to discuss collective bargaining," etc., and asked him for his opinion as a citizen, and Mr. Welborn says, "I can not forget my own enterprise." And that is the trouble. Mr. Welborn is the type of the man who puts what he calls his business before his citizenship, before society's rights, before his men's rights, and before any rights. He said on the congressional investigation, when he was asked on cross-examination: "Do you not think that society has some rights in this—that is, your business?" He says, "I am very sure it is my business, and I am going to manage my business in my own way." And see what he has done. He has managed his business in his way, and it has brought disgrace upon a great State and upon a Nation. Now, that is plain

language; that is like Mother Jones's language; and make treason of it if you will. There it stands, and I stand by it.

Chairman WALSH. At this point we will take an adjournment until 10 o'clock to-morrow morning.

Prof. BREWSTER. Not through with me?

Chairman WALSH. No; please resume the stand at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following morning, Tuesday, December 8, 1914, at 10 o'clock.)

DENVER, COLO., *Tuesday, December 8, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please be in order.

Prof. Brewster, will you kindly resume the stand?

TESTIMONY OF PROF. JAMES H. BREWSTER—Continued.

Prof. BREWSTER. Mr. Chairman.

Chairman WALSH. Was there something you desired to say before any questions were asked?

Prof. BREWSTER. I wish to say this, to make a possible correction. I have not seen my testimony, but just a few minutes ago Col. Lee came to me and said I had misquoted him. I asked him in what particular. He said that I said that he told me that Brugato at Segundo was robbed, and that he investigated the case and was satisfied that he was robbed, and that he was robbed by a militiaman, but he did not know by whom. As far as I can recall, I said no such thing. If I did, it is a mistake.

Chairman WALSH. The record will show that you stated the Italian was robbed and colonel said he knew he was robbed, but not by whom.

Prof. BREWSTER. That is the only point.

Chairman WALSH. There was no charge made in the record that he was robbed by a militiaman. You may proceed. Commissioner Weinstock has a question to ask you.

Prof. BREWSTER. I wanted to have that correction made.

Chairman WALSH. The record is correct on that.

Prof. BREWSTER. I didn't say Lee said that he admitted he was robbed by a militiaman.

Chairman WALSH. No, sir.

Now, Commissioner Weinstock would like to ask a question.

Commissioner WEINSTOCK. Upon whose shoulders, Professor, do you place the responsibility for the alleged abuses on the part of the militia?

Prof. BREWSTER. There are two classes of abuses. There are what I call the vulgar abuses—such as robberies; those belong to the individuals who committed them. The greatest abuses, as many of us conceived them to be, of constitutional rights, I place upon the shoulders—place upon Adjt. Gen. Chase and his immediate advisers, the initial adviser being—the best informed man probably being—Lieut. Col. Boughton. He is a lawyer, and he was through the Cripple Creek matter to some extent, and I believe, though I am not—he has never told me—but I understand he is attorney for the mine owners' association, or has been recently—that is, the metalliferous mines, not the coal operators' association.

Commissioner WEINSTOCK. As the result of your investigation, about when did these alleged abuses on the part of the militia begin and about when did they end? How long a period of time did they cover?

Prof. BREWSTER. At different camps they began at different times. At some camps they never began. For instance, Company K, under Capt. Van Cise, while at least it was composed, made up, of fine young college fellows, never committed any of these robberies, nor as far as I know did Van Cise ever authorize any unconstitutional arrests, or anything of that kind, unless he did it under a command of his superior officers; and I have no evidence of that. At Segundo and Valdez, apparently very soon after the entry of the militia into the field there were these robberies and I can not place the first date; it was along within two weeks or so after the militia went into the field, that it would seem to be unwarranted arrests were made. How long they lasted I can

not now remember, but it is admitted that certain classes of arrests were made under the plea of military necessity and kept up continually for some time.

Commissioner WEINSTOCK. Well, the militia was called out some time around October 7, were they not?

Prof. BREWSTER. No; October 28, as I remember it now. The order was given October 27, I think, but I think it shows the governor said October 28.

Commissioner WEINSTOCK. I have here a chronology of the Colorado coal strike, under which it says: "October 7 to 9, disorders nears Ludlow; local militia in command and, under sheriff, moved to maintain order."

Prof. BREWSTER. That is in a sense another proposition. There was a local company, I forget the name, at Trinidad—I forget the number or letter. That was called out to assist in quelling the riots and trouble that had occurred by various shootings October 7 and 9 at Ludlow.

Commissioner WEINSTOCK. I see the National Guard had not yet been called out?

Prof. BREWSTER. Not the general National Guard.

Commissioner WEINSTOCK. Then, here under October 27 it reads: "Clash of guards and strikers at Forbe's tent colony; tents riddled; boy hurt by machine gun." Had the National Guard been called out then?

Prof. BREWSTER. Not the general militia.

Commissioner WEINSTOCK. The militia was called out about October 23?

Prof. BREWSTER. No; I think they went into the field October 28—October 26 to 29.

Commissioner WEINSTOCK. It reads: "Shooting near Ludlow; strikers alarmed over invasion of militia with armored train; October 26, Gov. Ammons called out all troops of the National Guard."

Prof. BREWSTER. He may have given the order then; I think they got to the field October 28.

Commissioner WEINSTOCK. As a result of your investigation how soon after October 26 did these abuses begin, that you speak of?

Prof. BREWSTER. Early in November there were some robberies at Segundo and Valdez, and I have to speak of that with great caution, about the dates at that time, as to the arrests, but I think they occurred soon after the militia went into the field.

Commissioner WEINSTOCK. And how long did these abuses continue or what day did they cease?

Prof. BREWSTER. Well, so far as certain classes of abuses are concerned, there was evidence during February, at the hearing of the congressional committee, of very recent robberies.

Commissioner WEINSTOCK. Let us forget, Professor, these individual cases.

Prof. BREWSTER. Well.

Commissioner WEINSTOCK. Let us simply deal with the cases where the authorities were responsible.

Prof. BREWSTER. Of course, that is better. The only charge that we make as to the others is a neglect to investigate promptly, and, as it seems, justly. The charges—the arrests—I don't know that I have the dates in mind, and I don't know that I have the dates at all of the precise arrests.

Commissioner WEINSTOCK. Well, just approximately. I am not particular about specific dates. I just want to know these three points in my mind——

Prof. BREWSTER (interrupting). Well, there were some going on in December—early in December. Whether there were any arrests in January and February of 1914, I can not now recall.

Commissioner WEINSTOCK. Was there a protest made by anybody—that is, by any body of reputable citizens to the governor of the State, or to the officer in command of the militia—any protest against these alleged unconstitutional things?

Prof. BREWSTER. Why, yes——

Commissioner WEINSTOCK (interrupting). How soon after they took place?

Prof. BREWSTER. I don't suppose a great many people will call union miners reputable citizens, of course; but they protested early in the stage. Mr. Doyle was arrested early in December, and his arrest was protested against by all his union friends; and, if I remember rightly, he was released upon a telephonic order by the governor—from the governor. He must have been arrested before the middle of December, because I remember of speaking in public of it, and of being ridiculed for protesting against his arrest. That was on December 16 that I spoke of that, and it was, perhaps, the week before that that he was arrested and jailed without the slightest pretext that he had

committed any crime, except the crime of being a union man or a union official.

Commissioner WEINSTOCK. Summing up, your view is that Gen. Chase and his immediate advisers are responsible for these abuses of constitutional rights?

Prof. BARNETT. Yes. I should place the responsibility a little higher up were it not that Gov. Ammons, who would ultimately be responsible, was wrongly informed on a great many points; was not well; is almost blind; and I do not think he ought to be blamed entirely. The blame lies in the mental attitude of Gen. Chase, who believes that there is a war when there is a riot; and, of course, there is a great difference between a war and a riot. He believes that a riot suspends, as a war does, all law, and that he becomes absolutely dictator. He practically said so in our first interview. He told me so; and there is where we had our first little dispute, that in war all laws are suspended. That is true, but there was no war; there is no war when the courts are open. There is no war when there is a riot. The Gordon riots in England at the time of the Catholic disputes there, those severe riots were not war. There was not even declared to be a state of war by anyone. Gov. Ammons never declared Las Animas and Huerfano Counties in a state of insurrection and rebellion as Gov. Peabody, in Teller County, for instance, did in 1904. There were riots; there was unjustifiable shooting on both sides, early in October. There were wicked murders, but the first murder was the Lippiatt murder by Belcher—Lippiatt, the organizer. Mr. Welborn spoke of the murder of Lee. I carefully investigated, so far as I could, the murder of Lee, a mine guard. It appears that Lee was a plucky, brave, courageous man, related, I believe, to the Lees of Virginia, but when he was drunk he was very bad. Certain Greeks whom he had abused——

Commissioner WEINSTOCK (interrupting). Was Lee a militiaman?

Prof. BARNETT. No; he was a deputy sheriff, I think. Now, I speak with caution there. I think he was a mine guard, but I believe he was a deputy sheriff, a mighty good fellow in many ways; but he had incurred the enmity of certain Greeks; and after Lippiatt was killed, and just the day after the strike was called—but, as I am informed by several reputable citizens of Trinidad, not as connected with the strike—he was shot, owing to a private grudge that these Greeks had. I think they were Greeks. They skipped; they ran away. They never have been found. They murdered him, deliberately shot him, as Mr. Welborn says, from his horse.

Commissioner WEINSTOCK. Is that the first offense?

Prof. BARNETT. The first shooting was the shooting of Lippiatt on the streets of Trinidad by Belcher.

Commissioner WEINSTOCK. Who was Belcher?

Prof. BARNETT. Belcher was a Baldwin-Felts detective. Afterwards he was—I think Belcher was shot afterwards.

Commissioner WEINSTOCK. Is that the first act of violence in the strike—the very start?

Prof. BARNETT. That was a little before the strike.

Commissioner WEINSTOCK. A little before the strike. Did your committee investigate that particular case?

Prof. BARNETT. No, no. That particular committee I was on first was looking into special——

Commissioner WEINSTOCK. Looking into what?

Prof. BARNETT. Looking into especially the abuses of the militia, or alleged abuses. We were not investigating the strike at that time. The strike I investigated on by own hook; whenever I could get away from these union men I investigated the strike on my own hook.

I want to say here, by the way, because it has a bearing, I think, upon this whole matter of my statement, that at the time I was acting as a member of the committee investigating the militia I was under no obligations whatever to the United Mine Workers of America. I was not in their pay. I was doing what I thought was the duty of a citizen independently of anyone. When I was retained as special counsel I was paid. When I finished my last brief I ceased my connection with the United Mine Workers in any way. I am under no obligations now to the United Mine Workers. I have not seen them for some time. I hate to rake up any of the past, except as it may have a bearing, by teaching us something from past experience as to what we should do in the future. That is the only reason.

Commissioner WEINSTOCK. Do you hold the operators responsible for any of these alleged acts on the part of the militia?

Prof. BREWSTER. Only in this way, that Maj. Boughton, now Lieut. Col. Boughton, was in constant, almost daily, communication with the operators; that Judge Northcutt, their attorney, was in constant communication with Gen. Chase; that they were there, as two members of the congressional committee told me when they learned the facts, not to preserve order, but to break the strike. The breaking of a strike, bad as a strike is, is not the duty of the State National Guard. The breaking of a strike is for the operators and society to attend to, and for the people who furnish the money from the East. Let them break the strike.

Commissioner WEINSTOCK. Well, how do you connect the coal operators with the abuses of the militia?

Prof. BREWSTER. I don't connect them with it, except that they were—no, I think the operators will admit that there were gross abuses of the militia, that they did not authorize or warrant, except as it tended to break the strike. So, the militia is one thing, the operators are another, and society is another.

Commissioner WEINSTOCK. If you were an officer in command, Professor, how would you deal with men or women who resorted to incendiary language in the strike zone?

Prof. BREWSTER. If I saw the man or heard or knew the man, or had probable cause to believe that the men or women were resorting to incendiary language in the strike zone, I would, as a military man, assist the civil authorities by acting as a policeman, arresting them, and turning them over just as soon as possible to the civil authorities to be dealt with.

Commissioner WEINSTOCK. Would you deport them?

Prof. BREWSTER. No; I would not deport them. Why should I deport them, any more than I should deport L. M. Bowers, who was a resident of Binghampton, or anybody else?

Commissioner WEINSTOCK. If martial law had been declared?

Prof. BREWSTER. There is no martial law, Mr. Weinstock. There is no such thing as martial law. Martial law can only be declared by the legislature. And martial law, as we all know, is the absence of all law. It is a misnomer. Martial law may be called, if you will, "martial rule," but martial law is only existent in time of war.

Commissioner WEINSTOCK. Hasn't the commander in chief the right to declare martial law?

Prof. BREWSTER. No, sir; not in America! And in no civilized country, except possibly one or two continental countries where they have a peculiar thing they call "declaring a state of siege." In England no commander can; only Parliament can declare martial law. There is no such thing as martial law. It is more than a misnomer, it is martial rule that exists in war as a necessity of war, and places in the hands of all people, military and civil—I mean places the lives and existence of all people in the arbitrary control of the military commander as an absolute war necessity.

Commissioner WEINSTOCK. In the case of Mother Jones, Professor, if you had been the officer in command and you believed that she had been guilty of resorting to incendiary language, what would you have done with her?

Prof. BREWSTER. Incendiary language?

Commissioner WEINSTOCK. Language likely to lead men to acts of riot.

Prof. BREWSTER. First, I should go and talk with Mother Jones or have her come to me; if I was commander I would have her come to me. I should tell her that free speech did not justify the inciting of riots. If she persisted in actually inciting riots and not merely in keeping union men in the camps, or speaking disrespectfully of property as compared with humanity, I think I should arrest her and try to find some charge upon which I could hold her as a criminal in the ordinary courts of the State or the county. But the precise specification is a difficult one to meet, as to what would be done, until it is ascertained exactly what is meant by incendiary language. For instance, I just want to say one word, and I will try not to talk too much. The I. W. W.'s much as I despise their general methods, have a right to speak their minds out. Why, we boast of our free speech, and we must have it. But the direct incitement to even riot must be stopped. It would depend upon the emergency, upon the circumstances. But, first, certainly I should have a talk with Mother Jones, and in talking with her I would find—as I have found in talking with her and in talking with other people who have used strong language—I have found that you can reason with them and persuade them; but you can not educate people by fighting them nor falsely imprisoning them; nor can you persuade persons by shaking your fist in their faces. Now, speaking there upon the evi-

dence, you may ask Gen. Chase, if he comes on the stand, how many times he has shaken his fist in people's faces simply because they have dared to differ—men and women—men and women dared to differ with him upon points of opinion. You might ask him, further, if he can conceive of Lee or Grant or any real soldier shaking his fist in the faces of women and men because they disagreed with him upon constitutional questions.

Commissioner WEINSTOCK. Coming back to the point, then, if Mother Jones, for example, had resorted to language that you, as commander, regarded as incendiary in character, you would have arrested her and turned her over to the civil authorities?

Prof. BRANDEIS. I would have, first, talked with her, told her to stop, that it must not occur again; and if she persisted I would have arrested her and turned her over to the civil authorities, on the doctrine that the militia in such cases—the National Guard in such cases—is simply acting as police officers and not as commanders in a war zone.

Commissioner WEINSTOCK. Returning to Mother Jones. Your contention is that the speech which she delivered on the 16th day of September was not incendiary in character?

Prof. BRANDEIS. Taken as a whole—taken as a whole, I think it can be demonstrated to any body of people that that is not incendiary in character—taken as a whole.

Commissioner WEINSTOCK. You have read the speech, of course, of Mark Antony over the dead body of Cæsar, in Rome, more than 2,000 years ago? Could you find——

Prof. BRANDEIS. It seems 2,000 years since I read it.

Commissioner WEINSTOCK. Could you find one direct word in that speech that was incendiary in character, and still did it not arouse men to action and to bloodshed?

Prof. BRANDEIS. Very true.

Commissioner WEINSTOCK. Now, is there anything, for example, in that speech, which is famous for its marvelous suggestive powers, and for the rare skill which the speaker exercised over his hearers, and with the tremendous effect that it had upon the listeners, so that it led to one or the greatest civil wars that Rome ever had; could you find anything in that speech that is more direct than this. Let me repeat. This page 2631 of the congressional committee's report:

"I want to say, my friends, when the Star is writing these letters, he ought to take into consideration that he is probably well paid for this article by the mine owners—for sending this article down here. The time is ripe for you to stand together, men, and make the operators come through, and if you don't, who, by the eternal God, will? This thing of standing slavery in this country is going to end, I want to tell you, my friends, and if you men are too cowardly, there are enough women in this country to come in and beat the hell out of you."

Then, on page 2632:

"I called—

Referring, I think, to some circumstance in West Virginia——

Prof. BRANDEIS. Yes.

Commissioner WEINSTOCK (continuing):

"I called a committee and I said, 'Here, take this document into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees. We have got no kings in America. Stand on both your feet, with your head erect,' said I, 'and present that document to the governor,' and they said, 'Will we wait?' and I said, 'No, don't wait, and don't say, "Your honor,"' said I, 'because very few of those fellows have any honor and don't know what it is.'

"When we adjourned the meeting and saw we were not going to get any help, I says, 'We will protect ourselves and buy every gun in Charleston.' There was not a gun left in Charleston, and we did it openly, no underhand business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camps, and the fight began."

Can you think of anything more suggestive?

Prof. BRANDEIS. It is certainly suggestive; it is in my judgment, wrong. I don't believe, however, that it violates free speech, that it goes beyond our rights of free speech.

Commissioner WEINSTOCK. Is this not a factor, Professor, if you will pardon me, that the tests as to whether a speech is legal or illegal in character—as to whether a speech comes under the head of a free speech, or under the head of

treason, that the test is the result; that whatever you and I might say in public, if it leads to violence, it is treason, and that if it does not lead to violence, no matter what it is, it is not treason? It is judged by the results?

Prof. BRANDEIS. It is a matter of long argument, but I believe you are going too far in saying that even what leads to violence is treason. I do not believe that all violence is treason, even insurrection or rebellion. As a matter of law, I do not, of course, justify violence. Violence will seem to some people the only remedy they have just as long as we have the gross inequalities before the law that we have now.

Commissioner WEINSTOCK. May I ask this further question for my information: Do you have in the State of Colorado the initiative and referendum and recall?

Prof. BRANDEIS. Yes.

Commissioner WEINSTOCK. Well, with the initiative and referendum and recall, what justification can there be for violence, when the power rests absolutely in the hands of the voters?

Prof. BRANDEIS. There are never justifications for violence, but there are explanations for violence. There is never any real justification in the sense that you justify, except self-defense—that we justify violence. There is an explanation of violence, there is an excuse for violence in some cases. There is no justification, in my judgment, for violence. The purpose of the recall and the initiative and referendum is good, and it is more rapid than the old style of representative government, but it is pretty slow. We had an illustration this last election. Several very good things had been initiated, and suggested, by the legislature; people were advised by intelligent persons to vote "no," on all because they had been initiated, because they had been referred to the people, and so they did vote "no" on most of them. That is, the idea was this: They did not have time to study them; they were told—they were advised that, in a general assembly in Boulder, by intelligent lawyers who were posted to some extent in the initiative and referendum—they were advised to vote "no" on everything; now, you can not get the recall of these laws to work rapidly. Do not misunderstand me a moment; I do not justify violence; I do not want violence, I have, with John R. Lawson, urged the men, he has urged them in my presence, we have urged them together, to be patient, but infinite patience, almost godlike, would be required to stand some of the things that some people have had to stand.

Commissioner WEINSTOCK. Are we to understand, Professor——

Prof. BRANDEIS (interrupting). I think that language you want to come right down upon; that language is very unwise. If I had had the power I would have persuaded Mother Jones to keep her mouth shut, so far as such language as that is concerned. At the same time she spoke the truth in many ways. We know that those men have very little honor where she says they have no honor.

Commissioner WEINSTOCK. Are we to understand that if you and I, in a group, have real or fancied grievances, and we have the privilege of the initiative and referendum and recall, that because the machinery embracing these three privileges is slow, that therefore we have the right to resort to quick action?

Prof. BRANDEIS. No; I did not say that, I think.

Commissioner WEINSTOCK. Did you not say that inferentially?

Prof. BRANDEIS. No; it explains violence. It has been, I think, almost impossible, as far as I can learn, to obtain anything like justice in Huerfano and Las Animas Counties for a poor man; it is pretty generally so throughout the United States, in my judgment, after considerable experience and reading. The rich man who has stolen enough on rebates is fined, the poor man is inflicted and imprisoned. That is the history. We will take a specific instance. I am not making these as accusations, they come right to me. The C., F. & I. and the Santa Fe were both criminals, according to the decision of the court, in 1906—that is, before Mr. Welborn became the president—when they accepted rebates. They had taken what is estimated at from $1,000,000 to $2,000,000—that was probably the beginning of "the struggle for industrial freedom" in Colorado—they had taken from $1,000,000 to $2,000,000 from the people and their competitors. They were fined in June, 1906, as criminals, $15,000 apiece; that is a matter of record.

Now, if the working man does anything anywhere approaching that, what does he get? Is he fined and fined proportionately to the amount at all that he has stolen? We know that he is not. It is this inequality before the law, that it makes outlaws of men, and outlaws will commit violence; and it is in

the hope that the future may be better than the past that I say these things, and for no other reason whatever. It is the truth. We are not willing to go where the truth leads us. Even clergymen who follow, or profess to follow, the man who said, "I am the way, the truth, and the life," will deliberately—I say it with deliberation—will deliberately and grossly misrepresent facts in a case like this, and then, having done that, they will preach from their pulpits upon the topic, "How to get the masses to come to church." And they will ask the question, "Why does the workingman not come to church?"

Yet remember what their Master said or taught. "The truth shall make you free." And what do they do? Disregard the truth. They are afraid to go where the truth will lead them. That is the absolute truth, and we know it.

We have in this country a piece of metal. Between the spread wings of the eagle is the motto, "In God we trust." But we do not trust in God; we trust in the metal. If we trusted in God and believed the motto, would we be shooting up each other about the production of coal? Would we lie about each other? Would we have this bitter feeling? These gentlemen sit and laugh at me when I talk this way. They are laughing now. They may laugh. They have laughed for 34 years in this State and repressed the workingman, and never a man in official position has brought forward a constructive program of an industrial court or anything like it that has been effective at all, until Gov. Carlson comes on with his program, which is one of the most hopeful signs for the future—getting it largely from Prof. Commons and his work in Wisconsin. These words seem earnest. It seems to some people as if I had a personal feeling in the matter. Absolutely not at all. I can see the justice from some points of view of those operators' position. They must protect their property. They must look after the rights of their stockholders. But they must look after the rights, also, of the producers who form 75 per cent of the cost of the production of coal. They must consider the rights of society as well. They have disregarded two of these elements and remembered but one thing—"their business."

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask you a question, Professor.

Commissioner LENNON. Did the committee of which you were a member make any investigation as to whether there were gunmen and guards who were not citizens of Colorado who were enlisted in the militia at any time?

Prof. BRYWSTER. Why, the congressional committee did to some extent.

Commissioner LENNON. I know, but I asked you if your committee——

Prof. BRYWSTER (interrupting). The first committee? That is, that committee that was investigating the militia, appointed by the State federation of labor? Do you mean that?

Commissioner LENNON. Yes.

Prof. BRYWSTER. Why, to some extent. To some extent, but not fully. We went into it a little more fully at the congressional investigation. It was gone into a little more fully. For instance, if you care for it, I could mention the names of some——

Commissioner LENNON. I am familiar with what is in the congressional committee's reports.

Prof. BRYWSTER. Yes. No; we were looking after—we didn't go so much into that, as I now recall it. It developed, however, that there were men, but we could not get at the truth about that. There were the Kinnies from New Mexico who were not citizens, who were mine guards and sworn into the militia. There were the Schwatnels, father and son, who were citizens of New Mexico, I think, who were mine guards and members of the militia. There is no question about that, of course. The militia has contained mine guards, some of whom have not been, in the proper sense of the term, citizens of Colorado. They may have recently become residents with the intention possibly as long as it paid to be citizens or residents of this State.

Commissioner LENNON. Have you made any investigation as to any details regarding the death of Frank Tikas?

Prof. BRYWSTER. Of Louie Tikas?

Commissioner LENNON. Of Louie Tikas, I should say.

Prof. BRYWSTER. No; only what has been admitted by the militia. No; I did not—I have never investigated personally Ludlow except indirectly.

Commissioner LENNON. That is all I care to ask.

Prof. BRYWSTER. I knew Tikas well, and the circumstances of Tikas's death are admitted

Chairman WALSH. Commissioner O'Connell would like to ask you a question.

Commissioner O'CONNELL. Professor, there are more methods to be considered incendiary than the matter of language. Things may be done in which words are not used which are incendiary, for the purpose of exciting people. Did you make any investigation of the burning in effigy of the State auditor?

Prof. BREWSTER. That occurred on Thanksgiving Day, and I believe at the camp at which Gen. Chase's headquarters were. I am not sure about that. I did not make any special investigation. It was an admitted fact, and I made no special investigation of that. That was a generally known fact that owing to the auditor's idea that all men should not be paid, or I think that some horses should not be paid for, or something like that, or, at least, the pay should be held up until some matters were solved; just what they were I don't know. There was a feeling against him on the part of a great many of the militiamen and they burned him in effigy.

Commissioner O'CONNELL. Didn't that occur in front of the commanding officer's headquarters?

Prof. BREWSTER. I did not personally investigate to see just where it was. I don't know whether he knew about it or not. It was right there where, as the commanding officer, he should have known about it, if he did not. I understood it was in the camp, but I did not personally investigate that. I am speaking altogether from what I have heard afterwards about it. I considered it a very small matter compared with some other things.

Commissioner O'CONNELL. On Tahnksgiving morning?

Prof. BREWSTER. Yes; I believe it was Thanksgiving Day.

Commissioner O'CONNELL. Would an act of that kind have the purpose of inciting the miners—the strikers—to some act that might give the militia opportunity of action?

Prof. BREWSTER. Why, of course, those things, being known, incite the miners. If anyone will talk with the miners, he will see what will incite them. When they hear of threats—either they tap the wires or otherwise—that certain people are going to do up certain others connected with the miners, that incites them. When they see a public officer burned in effigy by the preservers of law and order, it does not set them a good example of law and order, obviously.

Commissioner O'CONNELL. If, as Commissioner Weinstock has read from the speech of Mother Jones, she told what the women might do, in a language somewhat strong, was incendiary, wouldn't the burning of the State official in effigy by the State militia be on a par with such actions?

Prof. BREWSTER. It would be very much like it, only it would not be in language. Oh, there were lots of such things done—that is, the spirit shown by certain members of the militia toward the miners, and their actions were far worse than any words that Mother Jones has ever uttered that I have been able to get at, and I have heard her make about five speeches, and briefly speak many a time. Actions speak louder than words in many cases.

Commissioner O'CONNELL. In this pamphlet, "Militarism in Colorado," the pages referred to by numbers here are the pages in your full report, are they?

Prof. BREWSTER. They are pages in the typewritten report taken down stenographically of the statements of witnesses whom we examined at the time.

Commissioner O'CONNELL. These figures given here are the pages in the stenographic report?

Prof. BREWSTER. Yes, sir.

Commissioner O'CONNELL. Have you that here?

Prof. BREWSTER. I put that in so that anyone could——

Commissioner O'CONNELL. Just take it a moment. I want to refer to it.

Prof. BREWSTER. Of course, you must remember that no written statement conveys [offering the typewritten document to the commission]——

Commissioner O'CONNELL. If you will just hold it, I will ask you some questions.

Prof. BREWSTER (continuing). Conveys the impression as to the character of the witness as does the witness on the stand.

Commissioner O'CONNELL. I am reading from your report: "A major offers to release an arrested union man if he will work in the mine, page 735." Will you just read that?

Prof. BREWSTER. What is it you wish?

Commissioner O'CONNELL. It says, "A major offers to release an arrested union man if he will work in the mine."

Prof. BREWSTER. Yes.

Commissioner O'CONNELL. What is the testimony on that?

Prof. BRYWSTER. Here it is—let me say, it is some time since I read it. Of course, I may have to read a page here. Let me see. This was apparently Mr. Townsend—that may have been Maj. Townsend [reading]:

"Mr. Townsend, he say, 'You fellow talk English?' 'No; I don't understand much English.' 'Well, if you don't understand English, you stay here for too long time. When you talk English you go home.' Question. If you can't talk English you stay here a long time? Answer. 'If you don't talk English.' Question. If you don't talk English? Answer. Keep me a long time. Question. If you can talk English you can go home soon. Answer. I say, 'I can't talk English.' He say, 'You understand what I am talking to you? If you fellow want to go to work, I turn you loose.' Question. 'If you want to go to work, I will turn you loose.' Answer. I say, 'No, sir; I can't work.' He says, 'Look at this fellow here'—just one Italian—'this fellow he belong to the union, he going to work. I going turn him loose. He go to Cameron. You want to go to Cameron mine?' 'No, sir. Question. He turned to another union man who was in the room. Answer. Yes. Question. And he says, 'This man is going to work in the Cameron mine.' Answer. Yes, sir. Question. 'And I am going to turn him loose?' Answer. Yes. Question. 'And if you want to work in the Cameron mine you can be turned loose?' Answer. Sure. Well, I say, 'I can't go to work.' Well, he say, 'What you do for the union; you get $3 for a week, you get much hungry.' 'Yes, I get much, but not too much. I don't like to go.' Question. You get much hungry, but not too much? Answer. Yes. He say, 'You fellow get much hungry, you can't live on $3,' chew rag: 'I get hungry, but not too much.' Question. You wouldn't go to work? Answer. Yes, I don't like to go to work. Monday morning, he say, 'Well, put this fellow to work; don't give him nothing to eat, and Sunday all day.' The Monday he give me something to eat."

Then it is about putting him to work shoveling coal and snow for the militia.

Commissioner O'CONNELL. Who was the major?

Prof. BRYWSTER. I supose it was Maj. Townsend, because his name appears here. I can't remember now. I will try to find it in a minute. The idea was that one man had been turned loose because he had gone to work; and this man would be turned loose if he would go to the Cameron mine.

Commissioner O'CONNELL. Now, begin with this same paragraph, Professor——

Prof. BRYWSTER (interrupting). I want to find—there is a reference to him here all through as Mr. Townsend. I think he is identified as Maj. Townsend. Maj. Townsend was one of the most arbitrary officers of the militia. He resigned, or I understood he resigned, shortly afterwards, rather—well, he resigned.

Commissioner O'CONNELL. Now, let me read again from this report. "The militia have tried to persuade strikers to go back to work, in some instances threatening and abusing them at the same time, pages 137, 141."

Prof. BRYWSTER. Here is 137. This was through an interpreter (reading):

"Question. Ask him what happened when they met the soldiers. Answer (the interpreter). He says they stopped him. They took him about—they made him come back about 15 feet, and then they surrounded them; that is, the soldiers got them in the middle. Question. What did they do. Answer (the interpreter). The soldiers asked them where they had been and what they had been doing. Question. What did they say? Answer (the interpreter). He said they told the soldiers that they were coming about their business and coming back home, and while they were talking the soldiers kicked them. Question. Tell us what the soldiers said to you there and what they did. You (the witness) tell us that. Answer (the witness). He said 'What place you work before?' 'I work in Tabasco.' He said, 'What's the matter you no work in Tabasco?' I say, 'No work in Tabasco; I got down in the tent.' 'Sure, you go work in Tabasco. 'No, sir; I no go work in Tabasco. I go down in my tent.' Question. Then what did he do? Did he do anything then, or say any more to you? What did you have with you when you met the soldiers, from the store? Had you bought anything at the store—any shirts or hats or anything? Answer. Sure. Question. Did the soldiers let you go by then and let you come home? Did they say 'All right; go ahead; go home?' Answer. No. Question. What did they say? Answer. He say, 'You go back work in Tabasco.' 'No, sir; I no go to work in Tabasco.' Question (addressing the interpreter). Charley, you ask him what did the soldiers do when he refused to go back to work at Tabasco. Answer (the interpreter). He says when he

refused to go back to work in Tabasco they kept kicking him. Question. They started to kick him? Answer. Yes, sir; that is what he says. Question. Where did they hit you—strike you in the face, did they? Answer. Five or six times on the back and on his face. Question. What did they strike him with? Answer. Kicked him. Question. They kicked him with their feet? Answer. Yes."

Then those questions had been asked by—you will notice these questions are informal and not by a lawyer. These were often asked by Mr. Lawson, the chairman of the committee. The poor men that we were investigating in many cases were people who speak sometimes little English, sometimes through an interpreter; but I believe that they are as capable of telling the truth as English-speaking people. And I asked him then—it says [reading]:

"By Mr. Brewster: Question. Did they kick him in the face? Answer. They got him to sit down on the ground and kicked him on the back and on the face."

And so it goes on.

Commissioner O'Connell. And all those other numbers referred to here are testimony taken on that line, then?

Prof. Brewster. Testimony taken in that way, and, so far as I can make out, each bit of testimony sustains—if you believe the people, that is the point—sustains the allegations made in that blue-covered pamphlet which you have, which is our report to the governor.

Commissioner O'Connell. Just one other reference [reading]: "A mine superintendent to have given orders to militiamen as to who should travel the public road, page 749."

Prof. Brewster. This is a Dr. Green [reading]:

"Question. Give us a brief statement, Doctor, as to your experience with the militia. Answer. On the 14th of December, on my way back from the Alliance mine, the liveryman started and drove me through the town of Oak View. We drove through the town, followed by Dr. Lamme and Captain—I don't know his name—the captain. Question. Military captain? Answer. Military captain—lieutenant or captain, whoever was in charge. We drove through the town, passed the last house, when we were called by the militia from the hotel or store, I dont' know which, and told to come back. We went back and the militia stood, two on each side of the road, and commanded us to go to headquarters. We went to headquarters. They told us there that there would be a couple of men there soon who would take care of us. The two men appeared, after an hour and 30 minutes or over, on horseback, with guns in their hands. The captain then delivered his message in the following words: 'You will go back over the road you came in on, and you are never to drive through this town,' or 'camp,' I believe it was he said, 'camp any more.' At this point the liveryman, Mr. Earnest Eggleston, asked the lieutenant or captain, whichever it was, for the privilege of driving home that once over the road we had started over, because the other road was so drifted with snow we could hardly get over it. He said, 'It was Mr. Jones's order that you go back over the line and not drive through this camp any more. I will let no one go through unless he says so.' The two militiamen then escorted us out of the camp, behind us, back into the road that runs down the D. & R. G. That is the amount of it."

"By Mr. Kerwin: Question. What position does this Mr. Jones hold that you mentioned? Answer. He was superintendent of the mine, general manager, John D. Jones."

Now, that was about a doctor; that is all there was to that. He was not one of these ignorant strike breakers, nor ignorant miners. That warrants that assertion, I think, that the military obey the orders of the superintendents as to who shall travel over the public road.

Chairman Walsh. Anything else?

Commissioner O'Connell. No.

Chairman Walsh. Mr. Garretson would like to ask you a question.

Commissioner Garretson. Professor, can there not be a subversion of law that is far reaching in its effect and its results with a more deadly form of incitation to violence than any language could be?

Prof. Brewster. Why, Mr. Commissioner, I have always maintained that slow, insidious poison in the body politic, just as in the human body, is quite as fatal as the dagger's thrust; and if we have the corrupting influence which exists in my native State by the New Haven road over the legislature for years, we will have the results that come with that. And when we speak

about unions, why do we forget the bad directorship of the New Haven road? It is this slow poison of the body politic that is ruining this country. It is far—if you ask me the question—it is far more fatal, in the long run, than the quick dagger thrust, because it is a slow death with torture.

Commissioner GARRETSON. Has it not always been the case that the supremacy of the law was preached by the people that subverted the law?

Prof. BRANDEIS. Supremacy of the law. Oh, it is an old story. This law and order business is nothing new. It has been the cry of the privileged classes always and forever—law and order, irrespective of truth and justice.

Why, I would like to read you what a bishop of the Middle West wrote me: He said the Scribes and Pharisees—this is from a bishop—and high priests are generally on the wrong side, on the side of vested interests and against truth and justice—vested interests vested by law.

Commissioner GARRETSON. You were present at the congressional investigation held in this matter?

Prof. BRANDEIS. At every session, and I examined a great many of the witnesses.

Commissioner GARRETSON. You have heard the charge of general perjury that is made against the men that testified there?

Prof. BRANDEIS. Not general perjury. I believe it was Mr. Welborn on one——

Commissioner GARRETSON. Who testified on one side?

Prof. BRANDEIS. I understand. And I am exceedingly sorry that Mr. Welborn ever brought that matter up. I understood Mr. Welborn to say that there was perjury on the part of the witness on behalf of the striking miners. I heard him also say that there was no perjury on the part of witnesses produced by the operators. I wish to say that, in my judgment, there was some perjury on both sides. But weighing the testimony, considering the poor people from whom Mr. Welborn's perjury—they are the people who gave what Mr. Welborn calls perjured testimony. I say that the perjury on the side of the operators far exceeded—and I can demonstrate it—that of the striking miners.

I wish to speak further on that, by the way, since it has come up. I did not bring it up, and I would never have brought it up, and I should have supposed that Mr. Welborn would have shrunk from bringing it up. Who were the perjurers on the side of the miners? Poor strike breakers, most of them, brought in to drive out the union miners. Poor men like that, who denied the writing of their own names, when perhaps they had written it and perhaps they had not. The circumstances of many of those cases, the details are now out of my mind; but I think there was one man—I wish to say, though, before charging people with perjury, perjury is a serious offense. It includes that willful perversion of the truth which is not merely accidental forgetfulness, something of that sort, or the result of ignorance. Here were one or two poor men, who were brought in there by the miners partly to show the committee the character of citizenship that was being brought here—men who were being brought in here to this State to supersede the union miners. There was one man, if I remember right, by the name of Adams, who could not say whether he signed his own name to a Pittsburgh contract, in which he admitted that he had been told that there was a strike on in Colorado. We have an antideception act. The story is a long one. My impression was at that time that the poor fellow was lying. So, as he was under oath, I presume it was perjury.

There was another man, a poor Valenti, who kept saying he could not remember this and could not remember that. He had enlisted in the United States Army. He was another strike breaker. My impression was at the time that that poor fellow was lying, and as he was under oath he was committing perjury. I would say that at that time I was alone in the case with no help. There were six counsel against me, and I had as much as I could do to simply examine witnesses without talking with them before. Whenever I saw, during the investigation, anything like lying I tried to stop it so far as I could.

Now, when you come to perjury let me ask this: If these gentlemen, and especially Mr. Welborn, remember with satisfaction and pleasure the testimony of that spy, Langowski, a man who was in the pay of the C. F. & I. while receiving union benefits? He perjured himself as plainly as could be.

Let me ask them if they remember with complacency the testimony of the C. F. & I special agent, Mr. Kahn? He was a special agent hired to watch everything about arms in Trinidad, and who never in his investigation, as he

testified, saw the C. F. & I. armored car, nor a machine gun, but who always saw the miners' guns.

Let me ask them if they remember the testimony of the mine doctor, Dr. Curry, who for 14 years was a mine doctor and who had never in 14 years in Colorado heard in his dealings with the men of a single complaint, even of an imaginary grievance, though he knew that the miners in Pennsylvania and Ohio had complaints.

Let me ask them if they remember the testimony of that lying militiaman, who admitted that he lied, Private Smith.

Let me ask them if they remember the testimony of Kennedy, who admitted that he perjured himself to join the Army of the United States when he swore at 18 that he was 22, when he joined the British Army, and swore falsely again? He was the man who commanded the machine gun at Forbes on the fatal day of October 17.

Why—let us speak of perjury? I might go through with witness after witness of perjured testimony. But there is something back of this. A gentleman's word ought to be as good as his oath. And while it is not technically perjury for a gentleman to lie, it is something that comes very near it to send out bulletins over this country containing lie after lie, headed with a lie, headed this way with this title: "The Struggle for Industrial Freedom in Colorado." The more appropriate title would have been: "The Struggle for Industrial Serfdom in Colorado."

Now, when was Mr. Welborn telling the truth? Was he telling the truth when, on page 530, he says that in February only—page 530 of the record—he says that in February only one-third of his men, of his old employees, were at work? Or, is he telling the truth when he sends out a bulletin saying that 75 per cent of his men were at work? Now, the testimony is there under oath. It is to this effect: Six thousand men was the normal number of employees in the coal digging establishment of the C. F. & I. In February, when Mr. Welborn testified, he said there were 3,000 men at work. Of these 1,000 or 1,200 were strike breakers; that leaves 1,800 to 2,000 of his old employees, which is 30 to 33 per cent of his old employees.

This is a long statement, and yet he has sent out bulletins over this country, and he has sanctioned the issuance of other bulletins saying that 95 per cent of the men were at work, and in others that 75 per cent of the men were at work. Don't let us talk of perjury. It ought to be in the background. He brought the matter up.

Commissioner GARRETSON. Was it commonly known, while the militia were in the field, that officers of the militia were under retainer fee as lawyers for corporations or associations similar in character to that of the mine owners?

Prof. BREWSTER. I do not know whether it was commonly known or not; I can not say whether that is so or not.

Commissioner GARRETSON. Is the act of Colorado of 1905, in regard to qualifications for judges of election, a matter of common knowledge, or is it not known?

Prof. BREWSTER. It is supposed to be pretty well known, but I suppose there are lots of people do not know it. It is the general assumption that every man has knowledge of the law, that—but that is not always so.

Commissioner GARRETSON. Was it at the time of its passage, and has it been since that time, the subject of newspaper comment in the State?

Prof. BREWSTER. I do not remember. I have read a great many newspapers, unfortunately, and I can not remember whether it has been the subject of much newspaper comment or not.

Commissioner GARRETSON. Do you agree, after personal investigation of the territory to a certain extent, that there is no industrial unrest in the portion of Colorado covered by the late strike?

Prof. BREWSTER. There is unrest, and I should judge that it has been industrial unrest, at periods for 34 years in this State. The militia has been called out 11 times.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all, Professor.

Commissioner BALLARD. I would like to ask a further question of the professor.

Professor, the question was asked you about Tikas, and I understood you to say you knew him well, the Tikas that was killed; was he a striking miner?

Prof. BREWSTER. No; I think he never worked in the mines. He was brought in to try to guide the Greeks. I asked him about that, and he told me his pur-

pose was to try to raise the Greeks. He was a peaceably disposed man; there is no question about that. He was a somewhat educated man; his English was not very good, but his choice of language was good although his pronunciation was poor. He said that his purpose was to try to raise the men of his nationality.

Commissioner BALLARD. Was he brought in from Denver?

Prof. BREWSTER. I think he had lived in Denver; I don't know.

Commissioner BALLARD. What was his business in Denver?

Prof. BREWSTER. I don't know. I only knew him after he had been at Ludlow. I got pretty well acquainted with him there. I never inquired, and I do not know what his business was.

Commissioner BALLARD. You spoke, Professor, yesterday in your direct testimony with regard to the protocol which exists in New York as being perhaps one method of avoiding industrial unrest, and as being a method that might be peaceful and tending to produce, perhaps, kindly relations between employee and employer. That protocol, as I recall it, allows any person to work, whether belonging to a certain union or not. Do you believe that the United Mine Workers of America would have been willing to accept such an agreement and such recommendation as obtained under such a protocol, or do the United Mine Workers of America, when they insist on unionizing the men, do they not present an agreement which they themselves have prepared and which they demand the mine owners shall sign?

Prof. BREWSTER. All I know about that is when I suggested that matter that had been adopted in the cloak industry in New York State, they were willing to confer about it and would allow the open or preferential union shop. They do, I think—I am not sure about how it is in other States where under the shop agreement there is the provision that the men in the mines shall belong to the union, but apparently here they were willing to consider "the preferential union shop," hoping, I suppose, to ultimately lead to the union shop.

Commissioner BALLARD. Of course you know that there is a union, that Mr. Garretson controls, which is considered probably the best in the world?

Prof. BREWSTER. I don't know that; I did not know that he belonged to any union.

Commissioner BALLARD. Yes; and it is considered the best in the world; and I am told that the United Mine Workers do present an agreement which they demand shall be signed by the operators, and you feel that the United Mine Workers would have been willing, perhaps, to have made some agreement other than the one they generally present?

Prof. BREWSTER. They were willing to confer about it; but they know about that, and they will tell you better than I can. I do not know all that they were willing to do. They were willing to confer about that matter, with the hope of adjusting difficulties.

Commissioner BALLARD. They have different forms of agreement in different States, the United Mine Workers of America?

Prof. BREWSTER. Oh, yes; I think so.

Very much has been said about the check-off system as an essential feature of this whole thing. The check-off feature, as I understand it from talking, is not absolutely an essential feature, although it is a convenient matter and it may be said of course that if the check-off system is convenient for the C. F. I. to adopt in creating its hospital which they decide is beneficial to the union, it is equally convenient for the men to have it when they choose to have it. It is one of those cases where it is a poor rule that will not work both ways. The check-off system supports a beautiful hospital at Pueblo. An elegant affair, a fine thing, but it is supported by the men. Every one of the 12,000 employees of the C. F. & I. contributes his dollar a month on the check-off system. Not only that, but the check-off system was used to collect in some mining camps the poll tax. It was used, in some camps at least, to pay the Sisters of Charity that did work there, in church work, etc. Why, the check-off system, which is so obnoxious, has been used by the operators wherever they decided it was best for the men. I am not one to decide—the men want to decide, naturally, for themselves what is best for them.

Commissioner BALLARD. Who got the benefit of the check-off system at the Pueblo Hospital?

Prof. BREWSTER. Why, the men who were hurt in the steel works, and other places were undoubtedly benefited, there is no question about that, but many men would work for a long time without being hurt, and never got any benefit, but they were contributing by the check-off system.

Commissioner BALLARD. Who would get the benefit of the check-off system, if it was put into effect?

Prof. BREWSTER. The operators would get the benefit by peace; society would get the benefit, and the union would undoubtedly in case it ever became necessary to strike.

Commissioner BALLARD. Is not that taxation without representation, on the part of the miners?

Prof. BREWSTER. Not if they confer and agree to it, it seems to me.

Commissioner BALLARD. That is all.

Prof. BREWSTER. I would like——

Chairman WALSH (interrupting). Is there something you wish to say further?

Prof. BREWSTER. There have been a number of things said. I made some notes of a few things. For instance, Gov. Ammons said that many lies had been circulated over the country and that a great harm had been done to the cause here and to Colorado, generally, through not telling the truth through the press agencies, and he mentioned George Creel and Dr. Atkinson, and John Reed. In the July number—I do not wish to show any disrespect to the governor—but in the July number of the North American Review, the governor himself had an article which shows plainly his bias, and it contains what, if he had correct information, if he had sought to obtain it, would have shown him that it contained some misstatements. For instance, he said "the mine guards were disarmed and sent away" and he has made that claim repeatedly. Now, mine guards were enlisted in the militia in considerable numbers. There were 14, for instance, taken in at Sopris; there were 4 the next day. We got this testimony, not from miners, but from superintendents and operators' people. Supt. Cameron does not even deny that he knew of at least six Baldwin-Felts men in the militia. Now, we did not attempt to show on the congressional investigation a large number of mine guards in the militia, but there is enough to show that the evil existed; and yet on the advice of Gen. Chase, Gov. Ammons—and others who are assumed to know, says that "the mine guards were disarmed and sent away," and he publishes it in the North American Review, with other misstatements, and then he complains of press agencies which circulate falsehoods.

There are many such instances, and there are some upon both sides. John Reed's article in the Cosmopolitan was wrong. I do not know that the mine workers got him to write it, but he was here and wrote it, and I do not think that he told the truth.

The lies have been upon both sides to some extent, but so far as I can find out, the lies upon the part of the mine workers—the union people—have not been authorized by any of the officials of the union. On the other hand, we have statements quoted in their bulletin signed by leading educators and citizens of this State, Dean Hart and Bishop Olmstead and President Slocum and the dean of the University of Denver which contain absolute misstatements, and they were warned before they published it in the open letter to Secretary Wilson—they were warned before they published it—that it contained misstatements but they, without consulting with the miners—I mean the mine workers and not the officials, but the mine workers and diggers—published them. How, then, is it proper for people in official positions and in high business offices to speak of lies that have been circulated by the miners over the country, when equally pernicious lies have been circulated by them? Let us speak the truth.

If there is any question now as to any point that these operators can suggest they may ask me whether I have ever sanctioned a lie, or Mr. Costigan has, and let them ask me now.

Their brief contains misstatements of this character, for instance: Six learned gentlemen prepared a statement of this kind showing the coal production for the State of Colorado. The total that they showed, the coal production, differs from the total introduced by Mr.—or during Mr. Rockefeller's examination in Washington—one year by over 1,000,000 tons, another year, by nearly a million tons, and another year, by half a million tons, and that for the C. F. & I., alone. Now, at one point it was their purpose to show a smaller production, at another point it was not their purpose in their report to their stockholders to show a favorable production. I say this to show simply that all of the lies are not on one side. They cited in their brief what they knew, or should have known, as lawyers, was an overruled decision. They have circulated that brief all over. Judge Dayton decided one thing, and three judges of the circuit court of appeals overruled him on every point. Mr. Weinstock asked Mr. Osgood about that

point. Mr. Osgood is not a lawyer, but he has some of the cleverest lawyers in Colorado, and if they did not know that that case had been overruled, then they were careless, they neglected their business, they were not up to date. If they did know it was overruled, and still cited it as authority, I leave you gentlemen and others to decide what it is.

Talk about lies; there are lies, gross lies. I can point out lies on the part of the union, many of them, but in the long run they are not as pernicious, as far reaching, as the operators' lies, and I could demonstrate it to any fair body of people, or to any unfair body, because they would have to see it.

Now, does it indicate, because I say these things, that I think these operators are brutes and villains? Not by any means. They have the hearts and souls of men, and have good qualities in them; they can be appealed to.

What we need is some remedial legislation of different sorts and then conscientious public officials who will enforce the laws; that is all. But Colorado can not have peace—it is manifest to everyone—if a constant policy of repression—and repression only—goes on without listening to the complaints, real or imaginary, of the working people.

You asked me if I had anything further to say. By the way, there is one point that comes to me without any note. Mr. Welborn said, in justification of the issuance of the bulletin stating that mine—union mine officials were paid $42 a day, and $90 a day, and $60 a day; he said in justification of that, that that had been introduced at the congressional hearing and had never been denied. The only place it was introduced was when it was referred to during Mr. Welborn's examination, when, in speaking of the high wages that men got, counsel asked him if he did not get pretty high wages and then he said, "But I don't get $90 a day," or something like that.

Chairman WALSH. I do not recall that.

Commissioner WEINSTOCK. He does not refer to the hearing before this commission.

Chairman WALSH. I beg pardon.

Prof. BREWSTER. I said to him then, "Do you believe that story?" and I supposed at that time, from the general tenor of things, he always admitted that he did not believe it, because no one else believed it. The truth was accessible; the accounts of the United Mine Workers of America are all audited, and while it was not specifically denied, because no denial seemed to be necessary, we did introduce the constitution in two places, in exhibits of the United Mine Workers, which shows the salaries paid. It shows also that there is an auditor who audits the accounts, and let me say further——

Chairman WALSH (interrupting). That was in the congressional hearing?

Prof. BREWSTER. Yes, sir. Besides, that was repeatedly denied. That was repeatedly denied in the press, and I had no idea, as counsel in that case, that Mr. Welborn—and I still have no idea—that Mr. Welborn believed then, or believes now, that Hayes gets $60 a day, or whatever it is, or that Mother Jones gets $90 a day, or whatever it is. It was all a matter of easy proof.

I wish to tell you, by the way, of a specific case of denial and what was incident to it. My brother wrote here from the western slope, saying he had seen that editorial in his local town paper. His character and reputation and his position, are such that whatever he said, would carry some weight. He asked me to investigate the matter—this was in January, or so, and report to him what the absolute truth was. I got the auditor's accounts, and I wrote him, and he wrote a letter to his local paper. He took it to the local paper. They delayed its publication, he wondered why. A man in the office, just who the man was I do not know, whether he was the proprietor or bookkeeper or what, said that the reason it was delayed—he said, "You know the miners don't pay for these things." Now, one may draw his inference from that. That is a fact, that is all. The fact is that the operators have been large advertisers, the miners have not advertised as extensively in the press.

The people of the State of Colorado have not ascertained the facts in regard to the original grievances. Everyone here sees now all the trouble, all the horrible events that occurred after Ludlow. We learn that Tikas was killed as a prisoner, and that 11 women and children have been killed. Who on hearing such things as that—what body of men, can be restrained, then it is too late; the time was long ago. Why has not this State spent one-quarter of the energy and money that it has spent on the militia—why has it not spent one little bit of it in providing some form of industrial court so that the truth could be heard? Some form of arbitration, some form of investigation?

Lest it should be said that something has been said by some one that I should have denied because of my familiarity with the matter, will you permit me to look over my notes just a moment?

Chairman WALSH. Yes, sir.

Prof. BREWSTER. Mr. Commissioner Weinstock, during Mr. Welborn's examination, brought out, among other things from Mr. Welborn, that 62 per cent of the men remained at work. I called your attention to his testimony where it shows that from 30 to 33 per cent of his old men remained at work.

As to the dynamite that Mr. Welborn speaks of, I wish you would glance through Langowiski's testimony. He was employed by the C. F. & I. to tell about things and he shows how he and five or six others took dynamite out to raise trouble and make a noise. He was under the guardianship and protection of Massingale, a mine guard of the militia who had not been "disarmed and sent away" as others were! But, there is much that should be corrected. I have taken already too much of your time. I wish to say that I should have avoided. I should have run away rather than testify on these past matters if it did not have a bearing upon the future. There is much that might be said.

Mr. Welborn says, for instance, that all operators have told him of the unsatisfactory conditions. The congressional testimony shows letter after letter from operators in Iowa who have dealt successfully and prosperously with the union, and when I asked Mr. Welborn if he had ever heard of John R. Commons, and I quoted an eloquent passage from John R. Commons's economic book, which shows that where formerly there was war and bloodshed, now there is peace and harmony, he ridiculed the idea, and said, "That sounds like Lawson." That is a compliment to Lawson, of course, because Mr. Commons has made a study of this whole situation, and he saw it was possible for men to agree in collective bargaining. But Mr. Welborn's dismissal of the subject is with this language, "This is my business; I usually know my business."

Now, we recommend in our brief 12 matters of legislation. I should add to them now a wider application of the Newlands bill, and I should advocate in this State not only the adoption of the compensation act—we were not considering local legislation with the congressional committee—but the adoption of something like the Wisconsin Industrial Commission act, which will enable employees and workmen to be brought together with the industrial commission, which may act in cases of dispute sometimes as a conciliatory board, and as a board of arbitration.

Comparing, however, the New Zealand and the Canadian and the Newlands-Erdman Act, there is no question, or ought to be no question, as to which is the preferable method, as to whether compulsory arbitration or some other, there ought to be no question about that.

Senator Patterson is quite mistaken in thinking that compulsory arbitration is the first remedy. It should be the last, the last resort. The first remedy is voluntary, of course, and all the New Zealand experience shows, and every modification or amendment made to the New Zealand law is leading toward more voluntary action on the part of workers and employers. You know all that, of course.

Chairman WALSH. Is there anything else?

Prof. BREWSTER. I think of nothing further.

Chairman WALSH. You may be excused.

TESTIMONY OF MR. J. F. WELBORN—Recalled.

Chairman WALSH. Mr. Herrington advised me at the assembly of the commission this morning that the situation with respect to the gentleman that wrote that publicity matter was such that you had no further objection to giving his name and address.

Mr. WELBORN. Yes. After we talked with you last evening, at the close of the afternoon session, I received a telegram, quite a long telegram, and I will be glad to read it into the record.

Chairman WALSH. Very good. Do, please.

Mr. WELBORN (reading):

"There is no reason why there should be any mystery about the method of preparation of the bulletins and pamphlet last June."

This is not punctuated and I may have to back up sometimes—

"Mr. John D. Rockefeller, jr., stated to me that the public had by reason of the very inaccurate information spread abroad by the United Mine Workers

of America, conceived a wholly wrong impression of the facts of the Colorado strike. Mr. Rockefeller said that he felt it to be his duty to use his influence to the end that the public receive a full statement of the operators' side of the case that then the public could judge for itself as to who was right. He asked if I could advise with the operators in getting the essential facts before the public. I advised very strongly that full and frank statement should be made upon the responsibility of the operators and that steps should be taken to get that statement before the public. The operators then placed in my hands the available printed information and from it I called"—

Called, but it reads called—

"such matter as seemed significant. Great care was taken as far as possible to pick out statements of facts which had been made by disinterested observers. This material was then prepared in the form of bulletins, and the bulletins with the approval of Mr. Welborn as chairman of the operators' committee, were sent out to the public by the committee, and on its responsibility no element of personal authorship attached to any of the bulletins or to the pamphlet as the whole represented as compilation of material which was already a matter of public knowledge, the statement as to the salaries paid to union officers was taken from an advertisement widely published"—

The word is "and advertisement," but I am sure it is a misprint—

"widely published some months before, which so far as I had known had not been contradicted. It is gratifying"——

Chairman WALSH. I didn't catch it. It was from what?

Mr. WELBORN (continuing reading:)

"was taken from an advertisement widely published some months before, which so far as I had known had not been contradicted. It is gratifying to learn from the published reports of the hearing that the pamphlet contained no other inaccuracies that the few to which attention has been called which had not in any sense violated the essential facts set forth in the numerous documents issued. Mr. Rockefeller had nothing to do with the preparation of any of the bulletins, his whole desire being that the facts should be made plain and his arrangement being that the contents of the bulletins should be subject to the approval of the Colorado operators. Every statement in this bulletin was made in the utmost good faith and was sent to the public by and with full authority of the operators concerned. The whole was done frankly and openly in the belief that the public was entitled to know authoritatively and fully the operators' viewpoint concerning a matter which had been grievously misunderstood by the public. As my relationship was purely that of compiler I had nothing whatever to do with the direct responsibility for this material. I asked that my relationship should be regarded as confidential. To my mind the only mistake the operators made was in not taking the public into their confidence long before they did, and that they should not stop now, but should continue to take steps which would keep the public informed of the facts of their position especially with reference to the stand for a principle which the operators have made. You are entirely at liberty to give this statement to Mr. Walsh's committee, and if they desire to spread it upon their record I shall be very glad to have them do so. Of course, if this matter is mentioned openly at all, the whole of this statement ought to go into the record.

"IVY L. LEE."

Chairman WALSH. What is Mr. Lee's address?

Mr. WELBORN. Mr. Lee's address is Philadelphia.

Chairman WALSH. Do you have his particular address?

Mr. WELBORN. His title is——

Chairman WALSH. His home address, I mean.

Mr. WELBORN. I don't happen to know that, sir; but his title is executive assistant of the Pennsylvania Railroad.

Commissioner GARRETSON. Is he not publicity agent of the Pennsylvania Railroad?

Mr. WELBORN. I can't say as to that. I am giving you his title. I do not know what his duties are. From other information I have had from him, obtained through personal interviews, I am sure that the Pennsylvania Railroad had absolutely nothing, in any sense of the word, to do with Mr. Lee's work in connection with our publicity campaign.

Chairman WALSH. How long had you known—had you known him before this matter came up?

Mr. WELBORN. I had not.

Chairman WALSH. And you accepted him on the recommendation of Mr. Rockefeller, who had known him before?

Mr. WELBORN. Yes.

Chairman WALSH. Ivy L. Lee is his name?

Mr. WELBORN. Yes.

Chairman WALSH. Now, there are some letters that I will have to interrogate you about, Mr. Welborn, which I have here.

Mr. WELBORN. Very well.

Chairman WALSH. And others that you know the subject of, and unless you care to read them at length, we will not do it. I will make this just as short as I can. I am going to ask you to start with, when did you meet W. L. Mackenzie King?

Mr. WELBORN. In the last week of September.

Chairman WALSH. And where did you meet him?

Mr. WELBORN. Of this year? I met him in Mr. Rockefeller's office.

Chairman WALSH. W. L. Mackenzie King is the chairman of the organization committee of the Canadian Association for International Conciliation, and his place of residence is in Ottawa, Ontario, I believe?

Mr. WELBORN. I understood, when I met him, that his former residence—perhaps right up to that time—had been Ottawa.

Chairman WALSH. He is the gentleman who is Sir W. L. Mackenzie King, and was the minister of labor of Canada for some years?

Mr. WELBORN. I do not know what his title was in connection with the labor department, but I was told he was connected with it.

Chairman WALSH. And is he the author of what is known as the Canadian industrial adjustment and investigation act?

Mr. WELBORN. I am not sure as to that, sir.

Chairman WALSH. They say he has not been knighted, that he is called Mr. Mackenzie King. Did you have any other business in New York except to meet Mr. King?

Mr. WELBORN. I went to New York direct from Washington after having an interview with the President in connection with the truce proposal presented by him to the Colorado operators.

Chairman WALSH. Was there any person else present at this conversation between you and Mr. Mackenzie King?

Mr. WELBORN. Well, there was no conversation between Mr. King and myself of any significance, that I recall. I was introduced to him in an office where there were several gentlemen—three or four, perhaps more.

Chairman WALSH. Do you recall who else was present?

Mr. WELBORN. Mr. Rockefeller was one of the gentlemen, Mr. Rockefeller, jr., Mr. Starr J. Murphy, Mr. Jerome D. Greene, Mr. Fred T. Gates, and Mr. Ivy L. Lee.

Chairman WALSH. All except yourself and Mr. Lee are trustees of what is called the Rockefeller Foundation, are they not?

Mr. WELBORN. They may be, although at that time I think Mr. Mackenzie King had not connected himself with that organization.

Chairman WALSH. But the others were all trustees?

Mr. WELBORN. Well, I can not say as to that. I know that certain of them are, but I am not sure as to the entire number.

Chairman WALSH. Do you know, in a general way, what the Rockefeller Foundation is?

Mr. WELBORN. Well, my information is not at all extensive on that subject.

Chairman WALSH. How is that?

Mr. WELBORN. I know only in a very general way.

Chairman WALSH. Well, it is a fund of $100,000,000 for the purpose of bettering mankind, the general purpose being for the betterment of mankind, incorporated under the laws of the State of New York, is it not?

Mr. WELBORN. Yes; I understand that is its purpose.

Chairman WALSH. Did you understand at the time you met Mr. Mackenzie King that—growing out of the conversation that was had there that day—an inquiry was to be begun, headed by Mr. King, into the industrial relations existing in the United States and other parts of the world?

Mr. WELBORN. No; I did not.

Chairman WALSH. Was there anything said in that conversation about the employment of Mr. Mackenzie King?

Mr. WELBORN. Nothing in that conversation. Though in a later one with Mr. Rockefeller, I was informed that Mr. Mackenzie King had been employed

by or had gone into the service of the Rockefeller Foundation, or was ready to—I am not clear as to whether he was then in their employ or was going to be within a few days.

Chairman WALSH. In the first conversation which you had, you did not understand that Mr. Mackenzie King was then in the employ of the foundation?

Mr. WELBORN. No; I did not.

Chairman WALSH. When was anything said about it at that first conversation?

Mr. WELBORN. I am sure nothing was said at that first conversation.

Chairman WALSH. Did you talk the Colorado situation over with him?

Mr. WELBORN. No; except as the situation here was discussed among all of the gentlemen.

Chairman WALSH. Yourself, Mr. Rockefeller, Mr. Greene, Mr. Starr J. Murphy, and Mr. Gates discussed the situation that was existing at that time in Colorado as between you and your men?

Mr. WELBORN. In but a very general way, we did. I think Mr. Mackenzie King was a silent listener.

Chairman WALSH. How many times did you meet Mr. King in New York?

Mr. WELBORN. I took luncheon with him and the other gentlemen that day. I think it was that evening that I spent with him at Mr. Rockefeller's house. I met him the following day.

Chairman WALSH. Did you discuss the Colorado situation at Mr. Rockefeller's house?

Mr. WELBORN. In a very general way; yes.

Chairman WALSH. Who was present besides yourself and Mr. King at Mr. Rockefeller's house when the Colorado situation was discussed?

Mr. WELBORN. Mr. Rockefeller, sr., and Mr. Lee.

Chairman WALSH. Then, had you been told at that time that Mr. W. L. Mackenzie King was to be employed by the Rockefeller Foundation to inquire into the causes of industrial unrest, or industrial relations, rather?

Mr. WELBORN. I think it was at that meeting the following morning that Mr. Rockefeller told me Mr. King was to enter the employ of the corporation, but I do not recall that it was specifically stated the character of work he was to take up.

Chairman WALSH. Was the first time that you heard that W. L. Mackenzie King was to inquire into the industrial relations—I believe you said that you did not know what it was—the first time that you heard that Mr. Mackenzie King was to be employed by the Rockefeller Foundation there was present John D. Rockefeller, sr.?

Mr. WELBORN. John D. Rockefeller, jr.

Chairman WALSH. And Ivy L. Lee and yourself?

Mr. WELBORN. No. I think, to be absolutely correct, that the information came to me from Mr. Rockefeller, jr., on our way down town the following morning. I sat in the automobile with him, and in the front seat with him, and it was my impression that he informed me on that ride.

Chairman WALSH. Was John D. Rockefeller, sr., present at the time he informed you?

Mr. WELBORN. No; he was not when I heard of him.

Chairman WALSH. Was John D. Rockefeller, sr., present at the house, or junior——

Mr. WELBORN. Yes.

Chairman WALSH. The night before you were informed of the employment of Mr. Mackenzie King, then, and the Colorado situation was discussed at the home of John D. Rockefeller, jr., by yourself, John D. Rockefeller, jr., John D. Rockefeller, sr., were Mr. Ivy L. Lee and Mr. King present?

Mr. WELBORN. Yes.

Chairman WALSH. That is correct?

Mr. WELBORN. Yes.

Chairman WALSH. Then, going down in the automobile the next morning you were informed by Mr. John D. Rockefeller, jr., that Mr. King had been employed by the Rockefeller Foundation; but he did not state to you, as you now recall, what his duties were to be with that corporation?

Mr. WELBORN. That is correct; yes.

Chairman WALSH. Now, did you have another talk—this was at the office, I understand, at 26 Broadway, New York?

Mr. WELBORN. Yes.

Chairman WALSH. The conversation at the residence of Mr. John D. Rockefeller was at what place?

Mr. WELBORN. Tarrytown.

Chairman WALSH. At Tarrytown. Now, after you got down to the office, who else was present at any time when you had any conversation—any discussion—on the Colorado situation?

Mr. WELBORN. I don't recall of any other gentlemen that were present until on Saturday. This evening's engagement at Mr. Rockefeller's house was on Thursday. I met Mr. Neil, former labor commissioner, and Mr. Davies, with Mr. Murphy, I think, at Mr. Murphy's office, 26 Broadway.

Chairman WALSH. And there was present in that conversation, then, Mr. Charles P. Neil, former labor commissioner—what is his business now?

Mr. WELBORN. I believe he is connected with the American Smelter & Refining Co., known as the Guggenheim Smelter.

Chairman WALSH. Now, then, there was Mr. Charles P. Neil. Who was the other gentleman?

Mr. WELBORN. Mr. Davies—Hywel Davies.

Chairman WALSH. And who else?

Mr. WELBORN. Mr. Murphy.

Chairman WALSH. Who else?

Mr. WELBORN. Myself.

Chairman WALSH. And yourself?

Mr. WELBORN. Yes.

Chairman WALSH. Was the Colorado situation discussed at that time?

Mr. WELBORN. Yes; it was.

Chairman WALSH. The details of it?

Mr. WELBORN. No; I could not say the details.

Chairman WALSH. The occurrences?

Mr. WELBORN. The question that was discussed primarily at that time was the interview with the President, the correspondence that brought about the interview with the President.

Chairman WALSH. Have you had any conversation with Mr. King since that day, or at any time with any person else when Mr. King was present?

Mr. WELBORN. No; I have not.

Chairman WALSH. You have had some correspondence with them; I believe a letter passed between you?

Mr. WELBORN. Yes.

Chairman WALSH. That is all the correspondence that you have had with Mr. King?

Mr. WELBORN. That is all I have had; yes, sir.

Chairman WALSH. You have presented it here to the commission?

Mr. WELBORN. Yes.

Chairman WALSH. Now, I have had you present a number of letters here, correspondence which you have been kind enough to present here.

Mr. WELBORN. Yes.

Chairman WALSH. Between yourself and John D. Rockefeller, jr., or between yourself and Mr. W. L. Mackenzie King; between yourself and Mr. Starr J. Murphy, and between yourself and Mr. McClement—what are his initials?

Mr. WELBORN. J. H.

Chairman WALSH. And Mr. J. H. McClement. Now, I will ask you, if you will, please, to take this correspondence, handed to you by Mr. Dower, and just describe so that it may go into the record and be identified, beginning with the first date; for instance, the first letter will be dated Ottawa, Ontario, October 3, 1914, from W. L. Mackenzie King to J. F. Welborn. Just describe it in that way, and I will have it identified, and then later I will ask you particular questions and try to avoid reading all that I can.

Mr. WELBORN. Very good.

Chairman WALSH. Just describe them into the record and then hand them to the stenographer.

Mr. WELBORN. The first is a letter from W. L. Mackenzie King, dated Ottawa, Ontario, Ocotober 3, 1914, addressed to J. R. Welborn.

The reply is dated October 9, 1914, addressed to Mr. W. L. Mackenzie King, and signed by J. F. Welborn.

(Said correspondence is as follows:)

[Canadian Association for International Conciliation. W. L. Mackenzie King, chairman organizing committee. Address: The Ronborough, Ottawa, Canada.]

OTTAWA, ONTARIO, *October 3, 1914.*

J. F. WELBORN, Esq.,
President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: My brother's address is 1001 Poplar Street, Denver. It was extremely kind of you to say that you might drop in and have a word with him when riding in that direction. I am sure he will more than welcome this kindness, which will be a kindness to me as well.

It was a real pleasure to me making your acquaintance in New York. While our spheres of work are different, I feel from the talks we had together we have much in common, and I look forward to the pleasure of seeing you off and on, and of corresponding occasionally through the years to come.

With kind regards, believe me,

Yours, very sincerely,

W. L. MACKENZIE KING.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 9, 1914.

MY DEAR MR. KING: I am very, very glad to have your letter of the 3d instant giving me your brother's address, and assure you I shall very soon take the opportunity of calling upon him.

I reciprocate your feeling of satisfaction at making my acquaintance, and shall welcome the time when we have an opportunity of meeting frequently, for I know that it will be worth much to me to have the benefit of your views and experience in connection with the work of cooperation between ourselves and our employees, which I recognize must become an important feature of our future operations.

Nothing of moment has developed in connection with our affairs since I left you in New York. I have a strong feeling, however, that Washington is not going to press the truce proposal any further without some material modification.

Personally, of course, I hope they will not ask us to consider that particular plan in any modified form.

Arrangements have been made for winter quarters for the Federal troops and their horses, and in my judgment there is no reason to fear the withdrawal of the troops in the near future.

After you reach New York I have no doubt you will be able to keep more or less in touch with our matters in which you may be particularly interested, yet I hope you will feel free to write me concerning any phase of the matter about which you may desire information.

With kind regards and best wishes,

Yours, sincerely,

Mr. W. L. MACKENZIE KING,
Chairman Canadian Association for International Conciliation,
Ottawa, Ontario.

Mr. WELBORN. The next is a copy of a letter dated June 9, 1914, at Denver, addressed to Mr. John D. Rockefeller, jr., signed by J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 9, 1914.

MY DEAR MR. ROCKEFELLER: Mr. Bowers has forwarded me the letter received from you, written by Mr. John P. Brockway, of Denver, which I inclose herewith.

I have no comment to make on Mr. Brockway's proposition other than to say that the property in which he attempts to interest you is headed for six or seven hundred thousand dollars, which under existing conditions is, I imagine, two or three times its actual value. The policy of Mr. Schaffer's Denver papers, particularly with respect to the Ludlow outbreak and the incidents immediately following it, has unquestionably further decreased his popularity in Colorado. The space in these papers occupied by the larger

Denver advertisers has grown noticeably less, and it is a matter of common report that both papers are losing money rapidly.

Yours, very truly,

Copy sent to L. M. B.

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Letter addressed to J. F. Welborn, August 3, 1914, signed by John D. Rockefeller, jr. The reply dated August 19, 1914, addressed to John D. Rockefeller, jr., signed by J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, August 3, 1914.

DEAR MR. WELBORN: Inclosed please find a letter just received from Mr. Gerry S. Lawrence, first lieutenant, Troop B, Colorado National Guard. This letter is of such a character that I should be glad to have your advice as to what, if any, reply to make.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. A. WELBORN,
President Colorado Fuel & Iron Co.,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 19, 1914.

MY DEAR MR. ROCKEFELLER: Since the receipt of your letter of the 3d instant, inclosing one from Gerry S. Lawrence, first lieutenant, Troop B, Colorado National Guard (herewith returned), I have been endeavoring to secure some information that would justify the charges made by Mr. Lawrence, but so far have been unsuccessful.

I have seen Mr. Lawrence only once, and that was on the occasion of his coming to my office to secure cash on his State warrant after the appropriation had been made by the extra session of the legislature. I had a few moments' conversation with him at that time, when I took occasion to congratulate him on the good work he had done, and unless I am mistaken, he expressed satisfaction at the treatment he received at the hands of our employees in the district where he was stationed. He did not refer to the subject covered by his letter to you, and I doubt the correctness of his statements.

I would be glad, however, to have an opportunity to talk with him about the matter, as possibly in a personal interview he would be somewhat more specific in his charges than he was in the letter. Therefore, if you can see your way clear to do so, I would suggest that in your reply to his letter you advise him to call on me, giving him the assurance that I will make a thorough investigation of his complaint.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. Letter dated November 10, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated November 13, 1914, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

In connection with the subject matter of those two letters there is a copy of one dated November 13, 1914, addressed to E. H. Weitzel, manager of the fuel department of the Colorado Fuel & Iron Co., signed by J. F. Welborn.

The fourth letter of that file is dated November 17, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr.

(Said correspondence is as follows:)

26 BROADWAY,
New York, November 10, 1914.

DEAR MR. WELBORN: You may be interested to read the inclosed letter from William Park Athey, Holly, Colo., and if you have any suggestions to make as to a reply I will be glad to have your advice.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 13, 1914.

MY DEAR MR. ROCKEFELLER: I return herewith letter of William Park Athey, received with yours of the 10th instant.

We have found it necessary to cash a good many of the certificates of indebtedness issued to members of the State militia, or have considered it advisable to do so, and if this young man's circumstances are as he has stated them I believe we should accommodate him.

I suggest, therefore, that you refer him to me, and by the time he receives your reply I will have learned enough about him to know whether or not we are justified in taking up his certificates.

These certificates are exchangeable for State warrants bearing 4 per cent interest.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 13, 1914.

Mr. E. H. WHITEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: Mr. Rockefeller has written me about a young man, William Park Athey by name, who claims to have been in the militia from Holly, Colo., and to have two certificates of indebtedness amounting to $41 which he desires to have cashed. He claims to be the support of a mother and two sisters and to be in straitened circumstances.

Did you know the young man, or can you learn anything about him? Also, do you know of any reason why we should not cash his certificates?

Yours, very truly,

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26 BROADWAY,
New York, November 17, 1914.

DEAR MR. WELBORN: I have your letter of November 13 returning the letter of William P. Athey, and have written him as per the inclosed copy.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter dated June 9, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, Jr. Reply dated June 16, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

NEW YORK, *June 9, 1914.*

DEAR MR. WELBORN: Mr. Elbert Hubbard, of East Aurora, you probably know by reputation and by his writings. On May 3 Mr. Hubbard wrote me as follows:

"DEAR MR. ROCKEFELLER: I have been out in Colorado and know a little about the situation there. It seems to me that your stand is eminently right, proper, and logical. A good many of the strikers are poor, unfortunate, ignorant foreigners who imagine that there is a war on and that they are fighting for liberty. They are men with the fighting habit, preyed upon by social agitators.

"I am writing something on the subject a little after the general style of my article on 'The copper country,' in the Fra Magazine for May. I mail you a copy of the Fra to-day. I believe you will be interested in what I have to say about the situation in northern Michigan.

"Just now it seems very necessary that some one should carry on a campaign of education, showing this country, if possible, that we are drifting at present in the direction of I. W. W. socialism.

"Are you interested in distributing a certain number of copies of the Fra containing my article on the Colorado situation?

"Also, what do you think of the inclosed booklets? I have distributed these on my own account up to the extent of nearly a million, but I have not the funds to distribute a million more, as I would like to do.

"Any suggestions from you in the line of popular education will be greatly appreciated.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

To which I replied on May 7 as follows:

"MY DEAR MR. HUBBARD: Your letter of May 3 is received. I thank you for your words of approval in connection with my stand on the question of the rights of the independent worker.

"I have looked over the May number of the Fra which you have sent me with interest, and shall be glad to see the article which you are proposing to write regarding the Colorado situation.

"Very truly,"

He wrote me again on May 27 as follows:

"DEAR MR. ROCKEFELLER: On May 3 I sent you a copy of the copper country number of the Fra Magazine. Our friends up north have distributed a large number of these, sending the magazines out from here duly blue-penciled.

"I have upward of a million names of members of boards of trade, chambers of commerce, advertising clubs, rotarians, jovians, school-teachers, all judges, Members of Congress, etc.

"It seems to me that we could well afford to circulate a certain number of copies of the Fra containing a judicious and truthful write up of the situation in Colorado. The price of extra copies of the Fra is $200 a thousand.

"I expect to be in New York City next week and will call on you and talk this matter over in detail if it is agreeable to you.

"Just here I can not refrain from expressing my admiration for the advertising genius displayed by those very industrious, hard-working people, Bill Haywood, Charles Moyer, Mother Jones, Emma Goldman, Lincoln Steffens, and Upton Sinclair. They are continually stating their side of the controversy. I believe if we would state ours, not, of course, in the same way or with the same vehemence, that we would be benefiting the world to a very great degree.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

I replied on May 30:

"DEAR MR. HUBBARD: Your letter of May 27 is received. I have read various of your writings from time to time with interest.

"The matter of publicity in connection with the Colorado situation is very properly being handled by the operators in Denver. Any suggestion, however, which you have to make I shall be glad to receive and pass on to them.

"I note that you are to be in the city within a few days and that you will call at my office.

"Very truly."

Since which time I have received a letter from him under date of June 8, as follows:

"DEAR MR. ROCKEFELLER: Your kind letter of May 30 received.

"I expect to be out in Denver within a few weeks, and I wish you would send me the name of the publicity man to whom your letter refers. I will then get in touch with him direct.

"I had a delightful game of golf with your father on Saturday. How fine and brown and well and strong he is.

"With all kind wishes ever, I am,

"Your sincere,

"ELBERT HUBBARD."

And have written him to-day as follows:

"DEAR MR. HUBBARD: Your letter of June 8 is received. I note that you are to be in Denver within a few weeks.

"In answer to your inquiry for the name of the publicity man representing the coal operators, I would suggest that you see Mr. Welborn, president of the Colorado Fuel & Iron Co., who is the chairman of the committee of operators in charge of publicity matters.

"Father has spoken of your visit to Tarrytown the other day and of the good game of golf which you had together. He is, indeed, in the best of health.

"Very truly."

I am also inclosing a copy of "A message to Garcia," which will show you Mr. Hubbard's style if you have not happened to see any of his writings of late.

I have spoken to Mr. Lee about Mr. Hubbard. His advice is to give Mr. Hubbard every facility for seeing and learning whatever he may care to know about the coal situation, and to have it distinctly understood that he is making this study entirely on his own initiative and at his own expense. If, after he has produced his article and you have read it, it seems to you something worth distributing, an arrangement for such distribution can be made with him.

I have not seen Mr. Hubbard nor given him any encouragement in this matter, other than as set forth in the above correspondence.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

DENVER, COLO., *June 16, 1914.*

MY DEAR MR. ROCKEFELLER: I have yours of the 9th instant quoting correspondence had with Mr. Elbert Hubbard, of East Aurora, respecting his proposal to publish something in his Fra concerning the coal strike.

Through Mr. Henry M. Porter, one of the pioneers and successful business men of Colorado, I recently learned of Mr. Hubbard's intention regarding our strike. Mr. Porter is one of the substantial men of Colorado who has been saying a good word for our cause wherever and whenever he could, and has rendered some substantial financial assistance in certain desirable quarters. He was anxious to assist in distributing a thousand copies of the Fra which is to contain the Colorado article, as an encouragement to Mr. Hubbard, and for that purpose offered to contribute $50. Largely because of his interest in the matter, the coal operators agreed to contribute the remaining $150.

Mr. Hubbard's price for extra copies of his publication is, to my mind, high, although if, as I understand, the Fra has a wide circulation, it will in the natural course reach a great many people who are undoubtedly anxious to learn the facts concerning Colorado's strike troubles. I furnished Mr. Porter a good deal of data covering important facts in connection with the strike, to be forwarded to Mr. Hubbard, and we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution.

I am obliged to you for sending me a copy of "A message to Garcia." I read it at the time it was first published and have frequently quoted it since, but lost my original copy and therefore am especially glad to have a new one.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. Letter dated October 10, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated October 22, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 22, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 19th instant inclosing the letter written by Mr. Easley, of the National Civic Federation, which Mr. Lee forwarded to you and which I am now passing on to him. Mr. Easley's comments in connection with our situation are very interesting. I am not, however, able to believe in the sincerity of Mr. Davies as I once was, and therefore question whether or not the course of the President would have been any different if Mr. Davies had not been ill.

From the reference made by Mr. Easley to John Mitchell and Samuel Gompers I assume that they are not regarded as sympathizing with socialism. This may be true, yet in the general course of labor organizations I think these gentlemen and their followers act with the socialistic element.

Sincerely, yours,

To JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, October 10, 1914.

DEAR MR. WELBORN: Mr. Lee has sent me the inclosed letter of October 10 to him from Mr. Easley, secretary of the National Civic Federation, with the request that I pass it on to you, asking you to return it to him when you have read it. I know you will find the letter interesting, as we have.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN: Letter dated Seal Harbor, August 29, 1914, signed John D. Rockefeller, jr., addressed to J. F. Welborn. Reply dated December 2, 1914, addressed to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., August 29, 1914.

DEAR MR. WELBORN: I am in receipt of your letter of August 25, also the copies of the coal operators' brief and the union's brief, for which I thank you. I fully understand how difficult it was for those having to do with the former to remain absolutely temperate and judicial in their language. The provocation to do otherwise has been almost beyond human power of resistance, and I wonder that the brief was kept so temperate in language as it was. My suggestion was entirely from the point of view of the impression likely to be made by the document upon the court and public. They will receive it in cold blood and might be inclined to construe any expressions, even slightly colored, as indicating prejudice on the part of the operators. I am sure you did not misunderstand the spirit of my observations.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

SEPTEMBER 2, 1914.

DEAR MR. ROCKEFELLER: I am in receipt of yours of the 29th ultimo acknowledging mine of August 25, with which I inclosed copies of the operaters' brief and the union brief.

I assure you I fully understood the spirit of your former letter on certain passages in the coal operators' brief. Your observations were welcome, and all must admit were well made.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Copy of letter of August 29, 1914, addressed to John D. Rockefeller, signed J. F. Welborn. Reply of August 29, 1914, dated at Seal Harbor, Me., addressed to J. F. Welborn, signed by John D. Rockefeller, jr. Answer to the last letter, dated September 1, 1914, addressed to John D. Rockefeller, jr., Seal Harbor, Me., signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 20, 1914.

MY DEAR MR. ROCKEFELLER: I am in receipt of yours of the 11th instant inclosing extract from a letter of W. L. MacKenzie King, dated August 1, suggesting the adoption of certain machinery providing for easy access on the part of fuel company employees to its officers, and asking for an expression of my views on the subject covered.

Before considering Mr. King's suggestions, I want to outline, as briefly as possible, the relations existing between ourselves and our men for some years prior to the strike. We had, as you know, for years spent a great deal of time and money in improving conditions about our plants, and the men had come to realise that wages, living conditions, and general treatment accorded them by superintendents—in short, all working conditions at Colorado Fuel & Iron Co. mines—were not only better than they had found in other States, but were more favorable than at mines of other companies in this State. The result was that our mines were fully manned at times when there was a general shortage of coal-mine labor in the State. More attention had been given to the general character of mine superintendents and their treatment of the men under them than was the case in the earlier days of coal mining here, and the former arbitrary attitude assumed by some superintendents toward the men had been practically discontinued. In fact, so far as we know, there was in our employ at the time of the calling of the strike but one superintendent who was unnecessarily arbitrary or severe with his men. He had shown the disposition, as well as the ability, to improve, and because of his general fitness in other directions was retained in our service until recently. In an effort to popularise our mines as working places, our superintendents were in active competition with each other, as well as with superintendents of competitive companies. That the men working for our company appreciated all of this was shown by their expressions of satisfaction with working conditions and opposition to the strike agitation; by the fact that many of them went to the superintendents after they became convinced that a strike would occur, but before it was called, and gave notice of their intention to cease work and leave the State in order to avoid a participation in the trouble that they knew would take place; and by the further fact that hundreds of them who had declared their purpose of ignoring the strike call later freely advised their superintendents that because of threats made against them and their families they must leave, but would come back when the strike was over.

I do not mean to imply that absolute satisfaction existed at our camps, for among approximately 6,000 men employed at the coal mines and coke ovens, most of whom were foreigners, it is, of course, perfectly natural that some should be of the discontented class, almost never satisfied with anything, and that at times others perhaps had just grievances. We believe, however, that by the means employed for years the officers of the company were able to keep in close touch with the relations between the workmen and the superintendents and detect, very soon after it occurred, any failure on the part of the superintendent to strictly observe our regulations with respect to the treatment of the men. I am very sure that I am well within the facts when I say that the percentage of dissatisfaction was low in the extreme and not such as to make advisable at that time any system of arbitration.

This was the condition when the strike was called, and nothing that has occurred since then had made the men, except the comparatively small number out on strike, less friendly toward us. On the contrary, those who remained at work and withstood the threats and attacks of the lawless element have, I am sure, a greater feeling of loyalty toward the company than before the strike was called. This is very well shown by the freedom and, in fact, insistence with which they took up arms in protection not only of themselves but our property during the period of numerous attacks immediately following the outbreak at Ludlow on April 20.

I was very much impressed with Mr. King's thorough presentation of the merits of what might be termed a conciliation board, and have carefully reread his propositions a number of times. A plan somewhat similar in form was suggested by Secretary of Labor Wilson when he was in Colorado the latter part of November, and following the meeting between the three striking miners and

representatives of the operators, a part of which he (Wilson) attended. I have no doubt Mr. King's plan would be effective in cases of frequent disputes between the employed and employer, or where there was a general recognition of union labor without the "check off" and exclusive rights of the members of the union that are a part of the policy of the United Mine Workers of America.

It seems to me, however, that the adoption at this time by the Colorado operators of such a plan as Mr. King suggests would weaken us with our men; would tend to strengthen the organization with our employees not now members of it; and would, in the minds of the public, be an admission on our part that a weakness, the existence of which we had previously denied, was being corrected.

The strike of our coal miners was literally forced upon them against their wishes by people from the outside. I imagine that some people, more or less intimately connected with labor conditions in other parts of the United States, but uninformed as to our affairs, would accept this statement with a good deal of allowance, but I contend that it is absolutely correct as made, and that, being true, no arbitration or conciliation board operating between workmen and employers could have prevented the calling of this strike.

I am interested in what you say about the results of Mr. King's labors in Canada in connection with strikes, and hope to some time have the opportunity of discussing work of this character with him. It seems to be unnecessary, however, for him to come to Colorado at this time, for my opinion, as indicated above, is that it would be inadvisable to undertake a plan such as Mr. King suggests while the coal strike is in an unsettled state. We know there is no demand on the part of our men—at any rate, none of moment—for a board to arbitrate or handle possible differences between them and the mine officers. Whatever demand there may be of that character comes from the uninformed public and is an opinion, rather than a demand, based on misinformation as to conditions surrounding the Colorado strike.

I think that the views expressed by those from whom I have received letters inspired by the bulletins are somewhat significant, and practically all of these have, while commending the coal mine committee for setting the facts before the public, approved the general policy that the operators have pursued.

Mr. Bowers, Mr. Weitzel, manager of our fuel department, and I have considered the advisability of at some time inaugurating a plan to be represented by the proper committee, by which our men could, when they considered it necessary, reach the higher officers of the company on matters in which they were concerned. We were prompted to the consideration of this because of the charge frequently made during the past few months—which as to the C. F. & I. Co. is false—that the workmen could not reach the officers of the company on any matter without fear of discharge by the superintendent, and by the fact that this charge seemed to make an impression on some of those who were naturally favorably disposed toward our side of the controversy and toward our general policy. We have thought that whatever we do in this direction should be done after the strike is over and as a natural forward step from or development of our past liberal policy toward our men. Above all, it seems to me that we should avoid a course that would, in the minds of the public, justify the charge that we had been forced by the United Mine Workers of America into giving our employees something radically different and better than they had previously enjoyed. Mr. Lee is now working on some bulletins of an introductory nature, to be posted at our mines, from which we can work into a broader scheme of cooperation, as seems advisable.

In normal times we have considered that our interests were best served, generally speaking, by pursuing a course independent of the other operators. During the strike, however, there has been very satisfactory cooperation among all of the operators, except the few who signed up with the miners' organization; yet I do not feel that that cooperation should be extended to cover our plans, as herein outlined, to which many of them might object, and in the operation of which I fear good faith would not always be shown.

I have delayed answering your letter for the reason that I wanted to take time to consider the question presented in all of its phases. In expressing my views I have attempted to be as unprejudiced as circumstances would permit, and have tried to be governed by feelings that could not be considered arbitrary.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, *New York, N. Y.*

THE EYRIE,
Seal Harbor, Me., August 28, 1914.

DEAR MR. WELBORN: Your full and interesting letter of August 20 is received. We have never questioned the relations existing between the officers of the fuel company and the employees, both from statements made by the executive officers and the various official reports which have been issued. We have always believed that the fuel company stood out as conspicuous, because of the great care given this very question. I am sure you will understand, therefore, that no thought of criticism led to the suggestions made you in my earlier letter. I fully understand your point of view and quite agree with your conclusion that however desirable some such plan as suggested by Mr. King may be for future consideration, in order to give additional assurance that any just cause of complaint by an employee can be brought to the attention of the officers, it is not desirable to take the subject up at this time.

Mr. Greene, who has taken Mr. Gates's place in our office and who has no personal knowledge of the fuel company's properties, has for many months been desirous of going to Colorado to familiarize himself with the mills and mines simply for his own information. Mr. Murphy has also wanted to make this trip. Thus far we have felt that for any representative from our office to be known as visiting Colorado might be misconstrued by the public and used to our disadvantage or the disadvantage of the company. Do you think that would still be true at this time, or do you believe that Mr. Greene could go to Colorado quietly within the next month or two without prejudicing the situation? Please write me quite frankly your opinion. It is not at all vital that he should go, the sole value of the trip would be to give him a better knowledge of the properties owned by the company, so that he could take more helpful part in our councils.

Very sincerely,

JOHN D. ROCKEFELLER, JR.

Mr. J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

SEPTEMBER 1, 1914.

MY DEAR MR. ROCKEFELLER: I have your good letter of August 28 and am very much pleased that you agree with the views expressed in my letter of August 20 concerning the plan of cooperation between ourselves and our employees presented by Mr. King.

It never occurred to me that the suggestions in your former letter on this subject implied any criticism whatever of any of us on the ground, and I hope my letter of August 20 did not indicate such a feeling. I am sure that this question is large enough to justify consideration by all of us, and whether we agree or not I shall always value your suggestions.

Referring to the latter part of your letter regarding a proposed trip of Mr. Greene to Colorado for the purpose of familiarizing himself with our operations, I am sure that if certain of our Denver papers learned of Mr. Greene's presence in Colorado and at the same time knew that he was one of our directors from 26 Broadway, they would, for the purpose of encouraging the strikers, make it appear that Mr. Greene was very probably here to negotiate an adjustment of the strike. It is my opinion, however, that Mr. Greene could come to Denver and make a trip to our properties in the near future without his presence here or his connection with your affairs becoming generally known. Mr. Lee spent three weeks here without any comment being made about him through the press.

It is hardly necessary to say that I should like very much to see Mr. Greene in Colorado, and whenever he comes we will all take pleasure in assisting him to acquire the greatest possible information concerning our operations.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Another letter of August 19, dated at Seal Harbor, Me., addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 25, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., August 19, 1914.

DEAR MR. WELBORN: Please send me two or three additional copies of the coal operators' brief, also of the mine union's brief, if obtainable. I have just read the former with much interest. It is comprehensive, direct, and clear. I am wondering whether the brief would not have been just as forceful and perhaps more dignified if certain sarcastic expressions had been omitted, which seem to me do not add strength and might irritate; such clauses as on page 19, line 8, "that very estimable organization"; page 28, "causes of the strike," latter part of second paragraph; page 46, line 15, large type, "The dear people," etc.

I presume you have given Mr. Lee copies of both of these briefs. He should have them.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 25, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 19th instant and am forwarding to you, under separate cover, five copies of the coal operators' brief. I am unable at the moment to secure any copies of the mine union's brief, but have taken steps to secure two or three copies of this, which I think I will have within a few days and will forward as soon as received.

Mr. Lee has a copy of our brief, but so far we have been unable to obtain one of the others for him, though he says he can secure a copy in Washington; and it may be that I can obtain copies for you only through his efforts.

I think your criticism of certain passages in the coal operators' brief is fully justified, and I suppose the operators themselves might well be charged with responsibility for their appearance in the document. I took occasion to carefully read the first draft of the brief as soon as it was prepared, suggesting changes, and a few days later three members of the operators' committee and all of the attorneys interested went over it section by section. As a result of this a number of changes were made, more in language than in material points. Judge Northcutt, the real author of the brief, had devoted a number of days, including a substantial part of the nights, to the preparation of the brief, and I know there was some delicacy in suggesting corrections in language, although, as indicated before, we did it in a number of cases.

We should all have been sober-minded enough to have prevented anything that would savor of a lack of dignity finding its way into the brief, but so many things have happened during the strike to "upset" us or throw us "off from our feet," that I fear some of us may have become less dignified in our daily work than heretofore.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

FOOTNOTE (LATER).—I have just secured and am forwarding one copy of the original brief of the striking miners and two copies of their reply brief.

Mr. WELBORN. A letter of August 6, 1914, from 26 Broadway, New York, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 10, addressed to Mr. John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, August 6, 1914.

DEAR MR. WELBORN: In a recent letter from Mr. Greene, he speaks of the Rev. A. A. Berle, whom Mr. Charles Loughridge had met in Denver and had conversed with regarding the strike situation. In view of what you have recently written me about Mr. Berle, I think you will be interested in the following comment which Mr. Greene makes regarding him:

"Rev. A. A. Berle, to whom Mr. Loughridge refers, is a Boston minister, a Universalist, I think, of decidedly socialistic and cranky proclivities. He is not a man that I should want to have much to do with personally, but if he has reached conclusions of the sort intimated by Mr. Loughridge, it will be a good stroke for the operators, for his natural prejudices would be against us." Evidently Mr. Greene has known of Mr. Berle in Boston. This is only for your information.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 10, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 6th instant regarding the Rev. A. A. Berle, and note Mr. Greene's comments and reference to him.

We have met with so many disappointments in connection with the attitude of people of influence concerning the strike that I have ceased to be very optimistic as to anyone, yet if Mr. Berle expresses himself, through any of the eastern publications with wide circulation, in accordance with the opinions freely expressed to Mr. Loughridge and others while in Denver, we will have a right to feel well satisfied with his trip to Colorado.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. This file starts with letter dated August 7, addressed to J. F. Welborn, Denver, Colo., signed the Labor News of Colorado Springs. Letter of August 18, 1914, addressed to C. J. Haase, manager Labor News, Colorado Springs, signed by J. F. Welborn. Letter of August 7, from 26 Broadway, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 18, to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, August 7, 1914.

DEAR MR. WELBORN: I inclose herewith a letter from C. J. Haase, written on behalf of the Labor News of Colorado Springs. Why the Labor News should make this request of the Rockefeller Foundation, we are at a loss to know. Perhaps you can give us some light on the situation, together with your advice as to what, if any, reply should be made to the letter and the blank which is attached.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Labor News. Official organ Federated Trades Council, State Federation of Labor, and affiliated organizations.]

COLORADO SPRINGS, Colo., *August 7, 1914.*

Mr. J. F. WELBORN,
Boston Building, Denver.

DEAR SIR: We have been receiving your bulletins and have noted much of interest in them.

We are as anxious as you to have the truth known to our readers, but we haven't the cash to spread it as we would like to. Will you donate, say, $200 to aid us in publishing these bulletins or extracts from them, that our readers all over the Pikes Peak region, hundreds of them, may know the truth?

Very truly, yours,

THE LABOR NEWS,
C. J. HAASE, *Manager.*

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

MY DEAR MR. ROCKEFELLER: I have delayed answering your letter of the 7th instant, with which you forwarded a letter from the Labor News of Colorado Springs, and which I return herewith, until I could secure some information about the standing of the paper in the community which it seems to serve.

My investigation shows that the paper has a very limited circulation, even in Colorado Springs, where it is published, and practically no influence there or elsewhere with the labor element. It is looked upon by some people in Colorado Springs as a paper which, for a small consideration, frequently reproduces portraits and publishes articles of political candidates or others seeking popularity.

It does not seem probable that the paper has sufficient circulation or influence to justify us in paying it anything to publish our bulletins, and acting on that assumption I have declined a request similar to the one sent to you.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

Mr. C. J. HAASE,
Manager the Labor News, Colorado Springs, Colo.

DEAR SIR: In reply to yours of recent date, answer to which has been delayed because of a large accumulation of correspondence on my desk, I would state that while we appreciate your disposition to publish the facts concerning the Colorado coal strike and to use our bulletins as a basis, we can not see our way clear to pay anything for that service. All publication of this matter so far made by newspapers or periodicals has been gratis.

Yours, very truly,

Mr. WELBORN. Letter of July 21, from John D. Rockefeller, jr., written at Seal Harbor, addressed to J. F. Welborn. Reply dated July 27, addressed to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., July 21, 1914.

DEAR Mr. WELBORN: The inclosed article from the New York Times of Sunday leads me to ask what, if any, progress is being made looking toward the termination of the strike. As I understand it, the congressional committee, of which Dr. Foster was chairman, has not yet made its report. Is it expected soon, now that the briefs of both sides have been submitted?

What was accomplished by the visit of Messrs. Fairley and Davies? Is anything further expected as a result of that investigation? Is the committee of the Colorado State Legislature appointed to look into the strike doing anything? Do you expect any definite results from their labors?

Are there any other forces at work which you have reason to believe would be helpful in settling the strike? Do you see any prospects of its dying a natural death? I hope you are keeping well and holding your own against the severe and prolonged strain which you have been under these many months. You are frequently in our thoughts and always with warm and high regards.

Very sincerely,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 27, 1914.

DEAR MR. ROCKEFELLER: I am in receipt of yours of the 21st instant inclosing an article from the New York Times of Sunday the 19th, which quotes from the

reply brief of the United Mine Workers of America in the investigation before the congressional committee, of which Dr. Foster was chairman. It would seem fair to assume that Dr. Foster will make a report in the near future, yet when Attorney Gove, who has been working for the operators since the strike commenced, was in Washington some time ago he heard gossip tending to indicate that the congressional committee might make no report whatever.

Messrs. Davies and Fairley have not completed their investigation and seem to be disposed to move slowly. They were here about three weeks in May, during which time they talked to the mine organization officials and the operators, Fairley interviewing the former and Davies the latter. They also on that trip visited several of the most important mines in company with our mine manager and representatives of other companies. They returned East and did not come back until the latter part of June, when Davies took up with operators, in a formal way, the question of furnishing a mass of detailed information respecting our operations. So much time was required for the compilation of the matter asked for that they decided to again return to their homes and come back the latter part of this month. They have not as yet arrived, but I expect them most any day.

It will be comparatively easy for the small operators to furnish the information desired by Davies and his associate, but will require at least a month for us to prepare our figures. A few of the operators have seemed disinclined to comply with Davies's request, but I believe that the information which we would furnish in answer to the questions of Davies and Fairley would serve to make a record favorable to our interest, for surely the truth concerning our affairs is the best story that can be told about us. It may help no more than the good record that I consider we made before the congressional committee, yet to decline to furnish the information would in all probability subject us to criticism. Moreover, we have the assurance of Davies that the information furnished will be for his personal use in the preparation of his report to the Secretary of Labor and that our papers will not go to the Secretary of Labor unless we are willing they should. Davies came here apparently with a favorable impression regarding the Colorado Fuel & Iron Co. practices. He advised me that Secretary of Labor Wilson had told him he would find conditions in the Colorado Fuel & Iron Co. camps generally satisfactory, and that in many ways we were doing things for the men not required by law. After Davies's personal inspection of the properties he told me that he found conditions much more favorable for the men and wages much higher than was the rule in the East. He was especially well pleased with the hospital and the treatment accorded our men at that institution. Although there are some reports that tend to discredit Davies's declaration of personal interest in the operators' cause, I feel obliged to consider him as fairly disposed toward us. I am not, however, encouraged to believe that he and Fairley will make a report that will aid in bringing the strike to a termination, unless it should be so strong in our favor that Secretary of Labor Wilson would practically reverse himself and advise the United Mine Workers' officials to call the strike off.

The Colorado legislative committee made a general investigation, after which it presented a long list of suggestions to the leaders of the miners' organization and the operators looking toward a settlement of the strike. The officers of the United Mine Workers advised the legislative committee that they could not consider the proposals of the committee for the reason that they were negotiating with Messrs. Davies and Fairley, whom they termed a "mediation committee." We were able to accept about half of the committee's suggestions, which were comparatively unimportant, but were obliged to decline to act on the others for the reason that their acceptance would have eventually placed us in the hands of the United Mine Workers' organization. We have good reason for believing that four of the six members of the committee were disposed to act on a suggestion which I made to them, that they indorse the governor's general policy in the strike and practically confirm the suggestions for termination of the strike, made by him after the meeting of miners and operators at which he presided on November 26, 1913. Of the remaining two members of the committee, one is a prominent Progressive, a supporter of E. P. Costigan, attorney for the U. M. W. of A., for governor, and would make no report that Costigan would not approve.

The other one is a Democrat from Pueblo who has an ambition to be governor and who would not indorse the views of the majority. The committee has made no report, and I shall not be surprised if it makes none until the legislature convenes in regular session this winter, unless in the meantime there should be some development in connection with the strike of a serious nature. In any

event, I do not anticipate that its labors will result in bringing the strike to a close or assist in that accomplishment.

While realizing that there are no other authorized or organized forces at work to end the strike, I feel that there is an unorganized movement of very material force from practically all directions which in the end will accomplish a great deal of good through the dissemination of the truth. I am now receiving daily from the East more inquiries and requests for information concerning the strike than came to me in any one month prior to April, and in almost all of these communications there is an expression of deep interest in our cause and words of commendation as to our course.

Dr. A. A. Berle, who is chairman of the social service commission of Massachusetts, and connected with Tuft's College, spent about three hours with me Friday the 25th instant. The introduction was brought about by Mr. Charles Loughridge, of Denver, a friend of mine, who met Dr. Berle in California, and who is so deeply interested in the labor matters that he misses no opportunity to put our side of the case before people of influence. Dr. Berle is going to write an article on the strike situation for an early issue of the Bibliotheca Sacra, with which he is connected. He is lecturing before the Chautauqua at Boulder, Colo., this week, and I expect to see him again.

The prospect of the strike dying a natural death would, in my judgment, be good if the policy of the Government would permit the operators to freely employ such men as they require. That course would undoubtedly cause many of the old strikers, who are still good men and would be acceptable to us (and among whom there is a great deal of dissatisfaction over their treatment by the union), to forsake the strikers' colonies and return to the mines for work. We have good reason to believe that during the last week the question of change of policy of the Government has been under serious consideration. We know that the Army officers in charge have been asked for recommendations, and we think that their views harmonize with ours on this point.

I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Letter dated at Seal Harbor, June 27, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated July 3, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., June 27, 1914.

DEAR MR. WELBORN: The anarchists and I. W. W. people have been agitating the Colorado situation in the village of Tarrytown, N. Y., where my father's and my own summer homes are located. We have had Burns men keep in touch with them.

At a meeting held in Tarrytown last Sunday, John Brown, who calls himself "Gen. Brown," was one of the speakers; in conference in the train afterward, Brown said to one of these detectives the following:

"He told me that his main purpose of coming East is on behalf of the United Mine Workers to follow the trail of Mayor Boughton through the Eastern States, whom he claims is in the East on behalf of the State of Colorado, telling the people one end of the controversy.

"He is undecided where is going from here, or if he will speak in New York again. I asked him if he believed in the general strike and forceful ways of obtaining desired ends in labor troubles. He said he believed to do things at the expense of the other fellow. By this he explained that if he saw anyone coming after him he believed in defending himself by all means.

"He claims that $10,000 is the price put on his head by the mine operators in Colorado to keep him out of the mining district, but that they will have to 'go some' to get him, as he carries a gun with him all the time (without a permit), and the only way anyone could get it is smoking when they came after it. He explained that, being under indictment for murder, he is going to have the trial before the Federal courts, as one can always gamble that

their decision generally runs with the returns of last election; that if they were permitted to be tried by the State courts they would all be hanged. He seemed to be anxious for newspaper notoriety, and I promised to give him a big write up. He has a good line of argument as it will be seen from the attached statement, which undoubtedly has a great effect among certain classes.

"I asked him what he thinks of President Wilson's attitude in the matter. He said that President Wilson went as far as he could under the circumstances without interfering with the State rights, and that the next step they are desirous for him to do is to seize Colorado mines and operate them as Government-owned mines. I asked him if the Colorado settlement is anywhere near, and if they thought of winning the strike. He said he could not see the end of either questions, and that they may have the civil war in the State of Colorado over it."

I send this to you for what it is worth.

Very truly,

JOHN D. ROCKEFELLER, Jr.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 8, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 27th ultimo, quoting from a report made to you of a conversation had with "Gen. John Brown" at Tarrytown.

This man has been very active in the conduct of the coal strike and is believed to have participated, at least by specific advice, in some of the murderous raids made on coal properties and employees. He will not be able to have his case, under the indictments for murder, tried before the Federal courts, though he and others indicted with him may be able to secure a change of venue from Las Animas County.

His statement that the next step desired by his people on the part of the Government is that the mines should be seized and operated as Government-owned mines is in accordance with the statements generally made by strike leaders to the miners for the purpose of bolstering up the latter.

Our coal production is averaging a little better than it did immediately preceding the Ludlow outbreak of April 20, and with a smaller number of men. We attribute this, in large part at least, to the fact that since the Federal troops have come into the field the saloons in the mining districts have been closed, as a result of which the men not only work more continuously, but more efficiently while they are at work. A comparison of production during June with April shows an increase of about two-thirds of a ton per man per day. This means an average increase of 40 cents per day in earnings.

Yours, very truly.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Here is a file that starts with a letter of Starr J. Murphy, dated September 8, 1914, addressed to J. F. Welborn. A letter addressed to John D. Rockefeller, jr., dated September 10, 1914, signed by J. F. Welborn. Telegram dated September 12, 1914, addressed to Starr J. Murphy, signed J. F. Welborn. Next in the file is a sugested form of letter accompanying Mr. Starr J. Murphy's letter dated September 15, addressed to J. F. Welborn. Reply to the letter of September 15 is dated September 18, addressed to Starr J. Murphy, signed J. F. Welborn. Next is a letter dated September 18, addressed to J. F. Welborn, signed Starr J. Murphy. Reply to that dated September 19, addressed to Starr J. Murphy, signed J. F. Welborn. The next in the same file is a letter of October 5, 1914, addressed to J. F. Welborn, signed Starr J. Murphy. Copy of reply dated October 9, addressed to Starr J. Murphy, signed J. F. Welborn. Another letter, October 5, addressed to J. F. Welborn and signed Starr J. Murphy. Reply dated October 9, addressed to Mr. Murphy and signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, September 8, 1914.

DEAR MR. WELBORN: We have read with great interest the President's letter on the Colorado situation, which is printed in the morning papers. A copy of

which, they say, was sent to you among others. It so happens that Mr. Rockefeller, jr., was at Tarrytown to-day attending the golden wedding of his father and mother, but is returning to Seal Harbor to-night. I have just had a few minutes' conversation with him over the telephone, and he has asked me to write you on his behalf.

The fact that the President of the United States has suggested a plan of settlement and has given it out to the public produces a delicate situation which we have no doubt you gentlemen in the West will handle in the same careful and diplomatic way with which you have handled the whole situation thus far, avoiding on the one hand any entanglement with the labor union, and, on the other, an attitude which would arouse a hostile public opinion. We are, of course, greatly interested, and if you think we can be of any service in helping you to prepare a reply we shall be most happy to collaborate on any draft of one which you may send us.

Mr. Rockefeller asked me to repeat his former expressions of approval of the position which you have heretofore taken with reference to having any one from this end come to Colorado for conference. He merely wished me to say that if, in your view, the publication of the President's proposition changes the situation so that you would now desire to have us do so, either I or Mr. W. L. Mackenzie King, or both, would arrange to come if you request it. He wished me to make it clear that this is not by way of sugestion, nor do we in any way urge it, but he simply wishes you to know that while we feel, as we have always done, that this is a matter which can best be handled by the executive officers of the company, nevertheless we at this end shall at any time be glad to cooperate in any way in which you think we can be of service.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
President the Colorado Fuel & Iron Co., Denver, Colo.

SEPTEMBER 10, 1914.

MY DEAR MR. ROCKEFELLER: The uncertainties of railroad financing here have been so intensified by the war that I fear we are going to be almost without orders for rails during the last three months of this year. That period is always the one of lightest demand for rails, but heretofore we have been able, when the natural requirements would not keep us running during the last quarter of any calendar year, to secure orders from some of our railroad friends for shipment in that period in anticipation of their wants during the early months of the following.

I talked with Mr. Miller, late president of the Burlington, three weeks ago to-day in my office, and he agreed that as soon as he returned to Chicago from the trip he was then on into the Northwest, he would take the matter up and see if he could not give us a small order for early shipment. His unfortunate death, however, has placed this matter in the hands of other people, who very naturally are not disposed to act as quickly in our behalf as Mr. Miller had always been willing to do. I have taken the question up in about the same way with the Santa Fe and am hopeful of securing some order from them for shipment before January. Our sales manager, Mr. Chilberg, has gone to New York to see the Southern Pacific and Union Pacific people, but my hope of securing business from them for shipment prior to 1915 is not very strong. Mr. Bush, of the Missouri Pacific and D. & R. G., is, I know, disposed to help us with an order, but confidentially I think will not act until after the annual meetings of those roads.

For about three weeks we have been operating our rail mill on single-turn basis, which means a production of but from 12,000 to 15,000 tons per month, which is slightly more than 50 per cent of capacity. At this rate we can not keep the mill running more than three or four weeks longer. This is the most unfavorable condition of business that we have had at the rail mill for 15 years.

Conditions in the wire and nail business are happily much more satisfactory, yet at the best the sales in that department are not over 15 per cent of the normal output of the entire plant. Our wire and nails are shipped mainly into the agricultural States, and the trade that we have enjoyed this season fairly well illustrates the general prosperity with that class of trade. For the six months with August our sales of wire and nails were 10 per cent greater

than for the corresponding six months of last year, which was the best spring and summer business we had had in those lines.

As to coal production we show a small increase in August over July, which made it the largest month in point of production since the strike commenced. During the last two weeks a number of men have left the strikers' colonies and come back to work, with the result that yesterday we had a greater number of miners at work than at any time since the strike was called, and the production was correspondingly higher. If, as I fear, we are obliged to curtail our operations at the steel plant, we will have released enough coal and coke now going there to in all probability enable us to take care of the winter demand on us from coal customers, even though we do not materially increase our output at the mines.

The President's letter, which was addressed to Messrs. Osgood, Brown, and myself, with its three-year truce proposal, will engage our attention for several days. Except for formal acknowledgment, which will be mailed to-morrow, we will have to await a general meeting of the operators before complete answer can be made. The provision for reemployment of all strikers not found guilty of violation of the laws which, carried out literally, would involve the discharge of a good many faithful employees, and the condition calling for a mine grievance committee with the commission to be appointed by the President, which would virtually have charge of the conduct of our business, make it impossible to accept the President's suggestions. I hope the matter will take such a turn as to make it possible to secure a personal interview of satisfactory length with the President. I can not help but believe that he is not in possession of many of the important facts, and that if acquainted with all of the conditions he would lean less in the direction of the United Mine Workers' organization.

Prof. E. R. A. Seligman, of Columbia University, has been in Denver two or three days, and, at the suggestion of a mutual friend, called on me to-day for information concerning the strike. He showed every appearance of having an open mind in the matter, and was interested enough to ask questions on practically every important phase of it. Before he left he said he believed we would win and was convinced that we should. I regret that we haven't an opportunity of talking directly with more of the educators of the country who wield so large an influence in the formation of public opinion.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

[Telegram.]

SEPTEMBER 12, 1914.

STARR J. MURPHY,
26 Broadway, New York, N. Y.:

Your letter 8th, with suggestions and offer of assistance much appreciated. Am in telegraphic correspondence with Mr. Rockefeller concerning advisability of conference with President. It may be desirable for me to confer with you in New York. Would prefer that to your coming here for same reason that we thought it inadvisable for you to come some time ago.

J. F. WELBORN.

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26 BROADWAY,
New York, September 15, 1914.

DEAR MR. WELBORN: I have taken the liberty of sending to you, merely by way of suggestion, a draft of a proposed letter from you as president of the Colorado Fuel & Iron Co. to President Wilson, which embodies my personal view of what it would be proper to say in case it should seem wise for our company to make a separate reply to the President's letter. My understanding, based upon newspaper reports, is that a separate letter was addressed to you, president of the Colorado Fuel & Iron Co., and this would offer an occasion, if it seemed best, for a separate reply. I should personally feel pleased if the time had arrived when our company could act independently, and as this is a reply to a communication from the President, and not from the labor union, should think it might properly be made for our company alone, particularly as it does not involve any departure from the principle of united resistance to the attacks of the union.

My principal thought in drafting the letter is to give expression to the idea that the company is perfectly willing to put into effect the substance of the affirmative recommendations of the President's commissioners, but is not willing to enter into any negotiations with the United Mine Workers of America with reference thereto. The company puts the question of enforcing the law squarely up to the public authorities, and refuses to make a deal with the labor union in order to secure the protection which it is entitled to under the law. My first thought was that our acceptance of the President's suggestions should be conditional upon the calling off of the strike. My later view is that such acceptance should be without conditions, taking the position that so far as we are concerned the strike is won; that the only remaining question is that of preserving law and order; and that if the authorities will do that it is a matter of indifference to us whether the strike is called off or not. So far as the mechanism for establishing a means of communication between the company and its employees is concerned, the suggestion is broader than that of the President's commissioners, and is, as I understand, in accordance with the views of yourself and Mr. Bowers as expressed in recent correspondence.

Knowing that this matter is now being considered in Denver, I am sending this draft to you without taking time to first submit it to Mr. Rockefeller, but am sending him a copy; so please understand that this is merely my personal view, and in any event it is merely by way of suggestion without in any way indicating a desire to depart from the policy which we have steadfastly maintained of leaving the decision of these questions to the executive officers.

With kindest regards to Mr. Bowers and yourself, I am,

Yours, very truly,

STARR J. MURPHY.

President J. F. WELBORN,
Colorado Fuel & Iron Co., Denver, Colo.

MY DEAR SIR: Your esteemed favor of September 5, addressed to me as president of the Colorado Fuel & Iron Co., with reference to the present labor troubles in the State of Colorado, was duly received.

On behalf of the company permit me to thank you for the continued interest which you have taken in this matter and for your earnest endeavor to reach a solution of the difficulties. Individually and on behalf of the corporation I wish to express cordial sympathy with your feeling that this is a time when everything should be done that it is possible for men to do to see that all untoward and threatening circumstances of every sort be taken out of the life of the people of the United States.

With reference to the specific recommendations of the commissioners of conciliation in the draft of the tentative basis for the adjustment of the strike, which is included in your letter, the Colorado Fuel & Iron Co. replies as follows:

1. The company has always cooperated and will continue to cooperate with the public authorities in the enforcement of the mining and labor laws of the State of Colorado. The present statute, which is recognized by all to be a model of legislation looking to the protection of the lives and welfare of the workers, was drafted by a committee of which one of the principal officers of this company was a member. Mr. James Dalrymple, State inspector of coal mines in the State of Colorado, testified before the congressional committee that this statute crystallized into law many of the practices which had been previously adopted by the larger companies, and that the Colorado Fuel & Iron Co. ranked first in adopting these improvements in advance of the law making them compulsory.

2. The company already has in its employ all the men it can use, in view of the present business condition, and, if they were needed, it could readily get twice as many if it were not for the rules which you as Commander in Chief of the United States Army have established on the ground of military necessity, which forbid the company from giving employment to many who apply to it for work. The company can not, therefore, guarantee employment to former employees who are now on strike and who may hereafter apply for employment, but it will not discriminate against them provided they have not been guilty of violation of the law. The company will accept from such applicant his affidavit that he has not been guilty of violation of the law as sufficient proof of the facts therein stated unless the company has affirmative evidence to the contrary.

3. The company has never permitted intimidation of union or nonunion men, and it will use every effort to prevent any such intimidation in the future.

4. The company will print and post in each mine the current scale of wages and rules and regulations for that mine.

5. The company, recognizing, as it always has done, that the interests of its stockholders and employees are really one and that neither can permanently prosper unless the just rights of both are conserved, will at an early date invite its employees to unite with it in creating within the company a permanent and impartial body which, while preserving to its lawful owners the control of the corporation, shall provide a mechanism for enabling the different elements in the company to present their views and suggestions to one another, for the peaceful adjustment of any differences which may arise, for assuring to each workman the full benefit of his individual skill and devotion to the common interest, and while preserving to him the right to work on terms satisfactory to himself and his employer free from molestation from without, shall at the same time assure to him protection against any unfair treatment from within the corporation to which he might otherwise seem to be liable by reason of his independent position.

6. The company will not employ any mine guards other than necessary watchmen, except where its property or the safety of its employees is threatened.

The preservation of law and order and the suppression of armed rebellion against the State of Colorado are matters for the exclusive consideration of the State and Federal Governments and are not within the province of this corporation. The company demands from the public authorities protection against criminal attacks upon its property and its employees, and it will not purchase immunity therefrom by entering into negotiations with persons or organizations engaged in or contemplating such unlawful acts.

Should you desire a conference, I will come to Washington at any time that you may suggest.

Trusting that this statement will furnish a basis upon which you can secure that lasting industrial peace which in both the public and private interest is so greatly to be desired, I am,

Sincerely, yours,

President of the Colorado Fuel & Iron Co.

DENVER, *September 18, 1914.*

MY DEAR MR. MURPHY: I am very thankful for your kindness in writing me on the 15th instant and sending me draft of proposed letter to the President.

As you so well appreciate, it is an extremely difficult task to present a situation like ours so that it will command understanding and sympathy from the public; consequently all of the assistance we can have in this direction is most valuable.

Before receiving your letter, we had for several days—in fact, since Mr. Lee's arrival Monday afternoon—been engaged in the task of framing a letter which would, as tactfully as possible, set forth to the public our point of view. Mr. Lee tells me he sent Mr. Rockefeller last night a copy of the letter we drafted before your own arrived.

We have today very carefully gone over the whole subject, and have been glad to embody in our letter some of your suggestions. I think you will find that our letter, a copy of which I am inclosing, contains all of your ideas, with two exceptions. First, we thought it would be unwise to raise the question of mine guards, for it is one which it is impossible for the public to understand. If that particular point has impressed the President, I think I will be able to satisfactorily answer any question he may ask concerning it.

Your paragraph 5, page 2: We felt it advisable to treat this subject of your letter a little less specifically than you had done. We can develop this subject in detail in our talk with the President, as the discussion will undoubtedly have relation to this point.

But for Mr. Lee's presence here and the invaluable assistance he has rendered in the preparation of our reply, I should have gone to New York for consultation with you; and considering the probable public criticism of my presence at your office at the time when it would have been generally known that the answers to the President's proposal were being prepared, I think it very fortunate that we have been able to make reply direct from Denver, with the public fully informed as to my presence here.

Yours, very truly,

Mr. STARR J. MURPHY,
30 Broadway, New York City.

26 BROADWAY,
New York, September 16, 1914.

DEAR MR. WELBORN: I am sending you a further batch of editorial clippings. I am impressed with the frequency with which they make the point that the parties should either accept the President's plan or suggest some other. It seems to me clear that public opinion will demand either the acceptance of the President's proposition or some constructive suggestion from the operators. A mere refusal to do anything would be disastrous. It appears from the correspondence, that we have all been considering certain constructive suggestions, notably in the line of a plan for enabling the different interests in the company to exchange views with one another and to peacefully adjust any troubles that may arise. It has seemed wise to defer these during the pendency of the strike, lest any action should be deemed a concession to the union. In view, however, of the President's action ,and particularly in view of the fact that the plan which he suggests is stated in his letter to be tentative, I think the time has come for the operators to bring forward their constructive suggestions. It is not necessary to submit a perfected plan. That could hardly be done. Any plan which is proposed will, of course, have to receive the acceptance of our employees, and I am inclined to think that a statement like that suggested in my letter of yesterday—that we were intending to invite our employees to join with us in formulating such a plan—would be all that is necessary at present.

I notice the statement in the morning papers that the union officials have accepted the President's plan, subject to ratification by convention of the miners. This would seem to call for early action on the part of the operators.

I am sure you will not misunderstand my motives in writing. I think it is desirable that we should have a perfectly frank expression of opinion among ourselves, always with the understanding that you will merely consider our opinions for what they are worth and will decide the questions in the light of your fuller knowledge of the entire situation.

Sincerely, yours,

STARR J. MURPHY, Esq.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

SEPTEMBER 19, 1914.

MY DEAR MR. MURPHY: I appreciate your very thoughtful letter of the 16th instant, with suggestions for consideration in the event of its being necessary to propose some plan to take the place of that presented to us by the President.

I have been thinking along a line in harmony with your suggestions and shall carry your letter with me to Washington. Thanking you,

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have received a bill from Burrelle's Press Clipping Bureau for 224 clippings for September, at 3½ cents, amounting to $7.84. When you were here you suggested that the clippings be sent to Mr. Lee, which has been done. I am writing to ask whether, from his point of view, it is worth while to continue them, and I shall be glad to know also whether you desire to have them continued.

Very truly, yours,

STARR J. MURPHY.

DENVER, COLO., *October 8, 1914.*

MY DEAR MR. MURPHY: Replying to yours of the 5th instant regarding press clippings which you had subscribed for at my suggestion and have recently been forwarding to Mr. Lee, from my point of view it is unnecessary for us to continue these.

I was particularly interested in learning the sentiment of the press regarding the President's proposal before our answer was forwarded. Since then it

has been desirable to have expressions from the same papers to note the changes, but in my judgment the time is now passed when further comment on this particular matter will have any interest for us.

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

OCTOBER 5, 1914.

President J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: What would you think of the idea of having in each mine a mine committee consisting of representatives of the operators and representatives of the miners employed in that mine chosen by the miners from their own number, which should be charged with the duty of enforcing the statutes of the State and also the regulations of the company looking to the safety and comfort of the miners and the protection of the company's property?

Some years ago I visited the George Junior Republic, and was greatly impressed with the way that their plan of local self-government worked. The boys and girls who were there were mostly of the unruly class, and a good many were sent there after conviction in the criminal courts. They, however, made their own laws and enforced them, with the result that there was almost no infraction of the rules. Even the most unruly felt that if they themselves passed the laws and were charged with their enforcement, it would be undignified and foolish not to do so. The entire force of public opinion was in favor of law enforcement rather than against it. Would it not work the same way in our mines if a committee of the men themselves was charged with the responsibility of enforcing the rules?

Such a mine committee could also be a medium of communication between the employees and the operators on any matters of common interest, and would take the place of the objectionable grievance committees referred to in the plan which has been adopted by the President. Most of the adverse criticism arising from the operators' refusal to accept the President's plan in its entirety is based upon their apparent unwillingness to give the men any opportunity for an expression of opinion. I am afraid this criticism can not be met by anything except some organized means of such expression. While we ourselves may be perfectly sincere in our statement that at present the men have an opportunity to present their views to the higher officials, it is difficult to convince the public of that fact, and consequently public opinion is hostile. This public opinion is an important factor in the situation and has got to be reckoned with.

Please understand that again I am merely thinking out loud, and send this to you for what it may be worth.

Very truly, yours,

STARR J. MURPHY.

OCTOBER 9, 1914.

MY DEAR MR. MURPHY: I have yours of the 5th instant asking what I think of the idea of having at each mine a committee consisting of a representative of the operators and a representative of the miners, which should be charged with the duty of enforcing the statutes and the regulations of the company looking to the safety and comforts of the miners and the protection of the company's property.

I think such a plan, or a modification of it, might be employed to advantage. I have also considered with favor a suggestion you made when I was in New York, of paying a prize of a trip to Denver for efficiency in some particular line.

Yesterday and day before Mr. Weitzel, our manager of the fuel department, was in Denver, when he and I went over your suggestion last referred to and decided to perfect a plan along that line. It so happens that we also considered a part of the suggestion contained in your letter of the 5th, which had not then been received.

There are a number of things in connection with coal-mining operations much to be desired. Some of them are noted below:

Regularity in work; efficiency; general observance of rules and laws; care to guard against accidents; loyalty to the company's interests; cleanliness in the homes.

Mr. Weitzel and I thought that we might possibly develop a system of marking for efficiency in some of these lines, and offer a prize to the one who made the best showing in a year, or some shorter period if that seemed advisable. My first thought in connection with it was that the contest should take place at each mine independent of all the others.

We have already started on a plan, which was suggested by Mr. Lee, of getting at the complaints of the various men, in some cases through the doctors, and at one mine through the store manager, who maintains a most intimate relation with all of the workmen. We have started this at only four of the properties and will try it there before extending the plan any further. If it proves successful, we can work from it into something perhaps a little broader. But I think we must avoid now the appointment of a committee, as that would come too near one of the demands of the miners' organization, which has been frequently made and is expressed through their so-called truce proposal presented by the President.

I think, for the purpose of carrying out your idea of having a committee charged with the duty of enforcing the statutes and the regulations as to safety and comfort of the men, it might be well to have the manager make the appointment without there being any feeling that a part of the committee represented the company and the other part the workmen. There are some mines at which undoubtedly our manager could select three miners who would be glad, and could be safely depended upon to assume the responsibility suggested by you, and would in every sense of the word be safe. In considering this forward work, which I feel we must certainly keep in mind, I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent the same interest; in other words, that there is but one interest which is in every sense of the word common, yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one entirety of their own selection. I feel that the existing relations between ourselves and our workmen is such as to form a natural foundation for development along that line. I also feel that every step should be made with very great care, so as to avoid impressing the men with the feeling that we are alarmed or think that we ought to give them some representation which heretofore they have not had.

I want you to feel that your suggestions along that or any other line are most welcome, and whenever you wish to think out loud about matters that concern the company, I shall be glad if you will put your thoughts on paper and mail them. I shall hope before the winter is over to have an opportunity of talking with you again and reporting progress that we are making along the lines that seem to all of us important. With kind regards,

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter of November 12, addressed to Starr J. Murphy, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 12, 1914.

MY DEAR MR. MURPHY: I have forwarded to you a copy of the report for 1913 just received from the State coal-mine inspector.

At page 11, Table No. 1, the number of fatal accidents per thousand men employed is shown, and on page 13, Table No. 2, the production per fatality is given. The American Fuel Co. actually makes a showing of fewer deaths per thousand men employed than anyone else. This is presumably due, however, to the fact that that company operated only a small part of the year, and during the time but one of its employees was killed.

But for this exception, our showing in both tables is materially better than that of our competitors. I have no doubt that this is due to the watchfulness and constant interest of our mine superintendents and their superior officers.

I have taken steps to congratulate them and imbue them with the idea of exerting their best efforts to remain in the front rank.

Yours, very truly,

STARR J. MURPHY, Esq.,
26 Broadway, New York City.

Mr. WELBORN. Letter dated November 10, addressed to Mr. Charles O. Heydt, 26 Broadway, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER, 10, 1914.

MY DEAR MR. HEYDT: I have yours of the 5th instant inclosing a letter from Mr. John J. Carter, concerning charges that have been made that the coal mines of Colorado pay only $12,000 a year taxes to the State and Nation.

Mr. Carter asks for an official statement of the taxes paid in Colorado by all of the mines. I don't know whether I can secure this information or not, but will be able to tell him what we pay and what many of the other companies pay.

I assume you desire that I should make reply direct, and shall do so, sending you a copy of my letter.

Yours, very truly,

Mr. CHARLES O. HEYDT,
26 Broadway, New York City.

Mr. WELBORN. Letter dated November 24, addressed to J. F. Welborn, signed John D. Rockefeller, Jr. Reply dated November 6, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 6, 1914.

MY DEAR MR. ROCKEFELLER: According to the figures received to-day, which are practically complete, the plurality of Carlson, Republican candidate for governor, over Patterson is approximately 32,000. The plurality of Farrar, Democratic candidate for attorney general, over his next opponent, the Republican, is almost 38,000.

Farrar is the present incumbent in the office to which he has just been elected, and has been about the only reliable force for law and order in the statehouse. His reelection serves to emphasize the sentiment in favor of law and order, expressed in the election of the main part of the Republican ticket.

Mr. Farrar has been very actively engaged for several months in connection with the work of grand juries in various coal counties where indictments have been brought against those who participated in the rioting.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

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26 BROADWAY,
New York, November 24, 1914.

DEAR MR. WELBORN: I have just returned to the city, after an absence of several weeks in the South with my wife, and find your letter of November 6 regarding the gratifying plurality for Carlson for governor and Farrar for attorney general. It would seem that the election of this Republican governor and the reelection of this Democratic attorney general, both of whom have established clear records as to their strong stand for law and order, would indicate that the sentiment of the people of Colorado is for law and order, quite irrespective of party lines.

Very cordially,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Copy of letter, dated October 31, to Starr J. Murphy.
(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 31, 1914.

MY DEAR MR. MURPHY: I have yours of the 29th instant regarding charges made against certain of our employees at Sunrise, Wyo., by a lady living at that place. The name of the person signed to the paper which you sent me is the same as that of the minister at Sunrise, and I assume that she is the minister's wife.

At the time of the Ludlow affair the minister was very outspoken in his criticism of the coal companies, but seemed to regret his action when informed of the facts concerning that disturbance. He has socialistic tendencies, however, and I have been informed that his wife is a Greek, yet they may both be perfectly honest, and it is possible the charges made by the lady are true. At the same time it is rather hard to understand that such practices as the doctor is charged with could have been indulged in without our hearing complaints from other quarters, unless the mine superintendent and others in authority are in the conspiracy with him.

The matter is of such grave importance that I will have it investigated thoroughly at once, and of course will advise you of the results.

We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him, or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak.

The charges against the doctor rather overshadow those made against the foremen referred to, yet I shall investigate the latter quite as thoroughly as the former, and if I find that the charges against the foremen are correct, I shall not only put a stop to the practices, but dispense with the services of the men who have been guilty.

Yours, very truly,

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Letter of October 5, from Starr J. Murphy to J. F. Welborn. Letter, reply, dated October 9, 1914, addressed to Mr. Murphy, signed J. F. Welborn. On the same subject, copy of letter to E. H. Weitzel, signed J. F. Welborn. Mr. Weitzel's reply, dated October 12, addressed to J. F. Welborn. Copy of letter, October 21, to Mr. Murphy, signed J. F. Welborn. Copy of letter from Mr. Murphy to J. F. Welborn, dated October 26.
(Said correspondence is as follows:)

26 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,
President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I inclose a letter just received from A. C. McChesney, jr., camp pastor at Trinidad, Colo., asking Mr. Rockefeller to furnish him with an automobile. Will you kindly let me know what you think about it? If Mr. McChesney is in the employ of the Colorado Fuel & Iron Co. and an automobile is necessary, would the company feel like furnishing it to him?

Very truly, yours,

STARR J. MURPHY.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 9, 1914.

MY DEAR MR. MURPHY: I have yours of the 5th instant inclosing letter from Mr. A. C. McChesney, camp pastor.

I will look into his matter and let you hear from me later.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 10, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith letter from Mr. Starr J. Murphy, attached to which is a letter written by the Rev. McChesney to Mr. Rockefeller soliciting Mr. Rockefeller's help in securing an automobile.

As I understand the matter, Mr. McChesney is the gentleman who is holding services in the camps in the Trinidad district, and securing for his work $5 per camp per month, and that he is in no sense of the word an employee of ours.

No doubt his work is commendable, but I don't believe that either Mr. Rockefeller or the company ought to be asked to furnish him an automobile. To do so would probably open the way to a good many such contributions.

With returns of the inclosures kindly let me have your views.

Yours, very truly,

[The Colorado Fuel & Iron Co., fuel department, Pueblo, Colo. E. H. Weitzel, manager; B. J. Matteson, assistant manager.]

Personal.] OCTOBER 12, 1914.

Mr. J. F. WELBORN,
President, Denver.

DEAR SIR: I have your letter of October 10 inclosing letters from Mr. Starr J. Murphy and Rev. McChesney.

Sometime ago Rev. Gaddis represented to me that Mr. McChesney was a young man recently graduated from some theological school who was without a charge and was anxious to get into the character of work that our camps would furnish. Knowing Mr. McChesney's father, who is an attorney in Trinidad, and knowing that he comes from an excellent family I consented to guarantee Mr. McChesney $5 and necessary traveling expenses for each service he held in any of our camps. He takes up the collection at each service and deducts that from the $5 plus his traveling expenses and we make the payment once a month. I do not consider that he is an employee of the C. F. & I. Co.

Undoubtedly an automobile would assist him in traveling around the camps. An automobile would also be of great assistance to our superintendent of construction, Mr. Sutherland; our boiler inspector, Thomas; our superintendent of washeries; chief electrician; three traveling mine clerks; and our veterinary surgeon. All of these men are called on in emergencies and are required to report at different properties on as short notice as possible, yet none of them have asked for an automobile and for very good reasons we have not furnished any.

Mr. Gaddis has bothered me about an automobile for his use in the Walsenburg district, but as yet has been unable to make me see where we could be justified in furnishing him one.

The reason I have not recommended automobiles for the use of our important traveling men enumerated above is that when the average man has a company automobile he finds so many trips that are apparently necessary, and the automobile will travel hundreds of miles for which there is no real necessity. The motion-picture man, referred to in Mr. McChesney's letter, bought his own automobile, and we allow him toward its upkeep exactly what it would cost him to travel from camp to camp on the railroad train.

I can not see why Mr. McChesney can not reach all of the places he goes to in our service on regular railroad trains, and should he have a call for some special service at one of our camps I am sure that Mr. Thomas's office in Trinidad would arrange to get him there by automobile in very short notice.

Another thing, if Mr. Rockefeller granted a request of this kind they would soon become so numerous that the matter would become burdensome to him.

I return herewith two letters inclosed with yours of October 10.

Yours, truly,

E. H. WEITZEL.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 21, 1914.

MY DEAR MR. MURPHY: I return herewith the letter of A. C. McChesney written to Mr. Rockefeller, soliciting his assistance in the purchase of the automobile, which was received with yours of the 5th instant.

Mr. McChesney is the son of an attorney of some prominence living in Trinidad. He but recently graduated from a theological school and solicited work at our camps. We were very glad to assist him, and in connection with another mining company or two guaranteed such an amount per month at each camp (which amount includes collections taken at such service) as justified him in taking up the work.

It goes without saying that an automobile would be of assistance to him, but I could not advise Mr. Rockefeller to buy it, as Mr. McCresney suggests. The automobile used by the motion-picture man referred to by Mr. McChesney was purchased by this man with his own money.

We have a good many employees doing work of a general character in the coal district whose movements would be facilitated by automobiles, but we have not felt that we were justified in spending the necessary money to provide them.

The train service, in a general way, out of Trinidad to all the coal camps in that district is fairly satisfactory, and I am sure if it will accommodate the requirements of half a dozen or more of our employees doing general work it should take care of the minister.

Yours, very truly,

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, October 26, 1914.

DEAR MR. WELBORN: I have yours of October 21 with regard to the automobile which Mr. McChesney requested, for which please accept my thanks.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter from Jerome D. Greene, dated October 23, 1914, addressed to J. F. Welborn. Reply, dated October 10, to J. D. Greene. (Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER, 10, 1914.

MY DEAR MR. GREENE: When I received your letter of the 3d instant, accompanying proof of the Atkinson report to be issued by the Federated Council of Churches, I thought I would be able to make reply to certain specific charges within a day or two, but I found it absolutely impossible to do so.

Mr. Herrington, however, is going over the report carefully now, and by Monday I think I can send on an answer to the statements that we think it desirable to correct.

Yours, very truly,

Mr. JEROME D. GREENE,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, October 23, 1914.

DEAR MR. WELBORN: Will you be good enough to let me know whether it has seemed best to file an answer to the Atkinson report for insertion in the appendix of that report? The reason I ask is that while I should defer wholly to your judgment in the matter, I wish to make sure that our decision either

to answer or to ignore the report is made within the time allowed instead of allowing the matter to go by default. I am expecting momentarily to be asked by Dr. Macfarland what we have decided to do, and it is only because I have been the one in communication with him that I send this inquiry.

Very truly, yours,

JEROME D. GREENE.

Mr. JAMES F. WELBORN,
President Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.

Mr. WELBORN. Letter from Jesse D. Northcutt, dated September 19, addressed to Mr. J. F. Welborn. Copy of reply dated October 2, addressed to Judge Northcutt, signed J. F. Welborn. Also in the same file copy of a letter dated October 2, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

[Law office of Jesse D. Northcutt, Chronicle-News Building, Trinidad, Colo.]

SEPTEMBER 19, 1914.

Hon. J. F. WELBORN,
Boston Block, Denver, Colo.

DEAR MR. WELBORN: I am forwarding you under another cover copy of the mine workers' original brief just received from Dr. Foster this morning. Sorry I could not get more of these, but this is all he sent me.

Yours, truly,

JESSE D. NORTHCUTT.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 2, 1914.

MY DEAR JUDGE NORTHCUTT: I am much obliged for yours of the 19th ultimo, received while I was in the East, inclosing copy of the original brief for the striking miners, which you received from Dr. Foster.

Yours, very truly,

Judge JESSE D. NORTHCUTT,
Trinidad, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 2, 1914.

MY DEAR MR. ROCKEFELLER: Some time ago you asked me for some copies of the brief for the striking miners in the case before the congressional committee, but I was unable to send you as many as you wanted.

On my return from the East I find that Judge Northcutt has secured for me another copy of the brief, which I am inclosing herewith.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. Letter of June 3, 1914, addressed to J. F. Welborn, by John D. Rockefeller, jr. Copy of reply dated June 8, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, June 3, 1914.

DEAR MR. WELBORN: I send you herewith a letter which explains itself. I have made no reply. Please do what you think best with it.

Very truly,

JOHN D. ROCKEFELLER.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 8, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 3d instant, inclosing a letter from Des Moines, purporting to contain information of value concerning certain incidents in connection with the attacks on mines and employees last month.

I think it advisable to learn more about this, and will take immediate steps to do so.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter dated May 30, 1914, to J. F. Welborn from John D. Rockefeller, jr. Letter June 8, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, May 30, 1914.

DEAR MR. WELBORN: I am sending you under separate cover a copy of my testimony before the Committee of the House on Mines and Mining in Washington. Only recently have I been able to obtain a few copies of the testimony. If you already have a copy, or one is on file in your office, I would appreciate your returning this copy, since I have but two or three.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 8, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 30th ultimo advising that you were sending me under separate cover a copy of your testimony before the Committee of the House on Mines and Mining in Washington, and asking me to return same if we already have one for our office.

We have a copy in our legal department which will serve our purpose very well, and I have put off answering your letter, intending to return your copy as soon as it was received. It seems to have been delayed, however, as it has not as yet reached me.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter dated July 20, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 20, 1914.

MY DEAR MR. ROCKEFELLER: From the numerous letters of commendation that I have received, and the frequent requests for additional copies of the bulletins issued under Mr. Lee's direction, I am convinced that the work he has inaugurated is doing some good.

So far I have heard very little from the newspapers, but have had many letters from ministers, educators, and associations of manufacturers and chambers of commerce.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER,
26 Broadway, New York City.

Mr. WELBORN. Copy of letter dated June 8, signed by John D. Rockefeller, jr., addressed to Commander John H. Moore, Washington, D. C. Copy of reply

signed by John H. Moore, addressed to Mr. Rockefeller, dated Washington, June 1. Copy of another letter from Col. I. Lockett, at Trinidad, Colo., addressed to Commander John H. Moore. Also letter from John D. Rockefeller, jr., dated July 10, addressed to J. F. Welborn. Letter from E. H. Weitzel, dated July 16, addressed to J. F. Welborn. Copy of letter of July 22, addressed to Commander John H. Moore, Washington, D. C., signed J. F. Welborn. Copy of letter of July 22 to John D. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

JUNE 3, 1914.

DEAR SIR: Your letter of June 1, inclosing copy of a letter to you from Col. Lockett, together with several copies of your pamphlet, Information for Immigrants Concerning the United States, is received.

I note with interest the offer you make on behalf of your society to supply the mine operators of Colorado as many of your leaflets as can be used, and will gladly refer your kind offer to the committee representing the operators.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Commander JOHN H. MOORE,
The Wyoming, Washington, D. C.

WASHINGTON, D. C., *June 1, 1914.*

Mr. JOHN D. ROCKEFELLER, Jr.,
New York City.

DEAR SIR: Inclosed you will please find a copy of letter and marked copy of our Pamphlet No. 1, which I have received from Col. Lockett, commander Eleventh United States Cavalry, at Trinidad, Colo. By return mail I sent to Col. Lockett 3,000 copies of our different booklets and offered to supply him gratis with as many copies as he could use. I would call to your attention paragraph 5 of the leaflet marked by Col. Lockett.

It would give our society much pleasure to supply gratis to the mine operators of Colorado as many of our leaflets as they can use.

Yours, cordially,

JNO. H. MOORE.

Under another cover I am sending you samples of our three leaflets.

HEADQUARTERS ELEVENTH CAVALRY,
Trinidad, Colo., May 11, 1914.

Commander JOHN H. MOORE,
The Wyoming, Washington, D. C.

SIR: (1) Please send me copies of Leaflet No. 1, inclosed herewith, printed in languages, as follows: Five hundred, Mexican language; 500, Italian language; 250, Greek language; 250, Slav language, for such people as Montenegrins and Bulgarians.

(2) These leaflets have been recommended to me for distribution in this section, and it is understood that you furnish them free of charge.

(3) It is believed that much good can be accomplished in this troubled district by such distribution.

Respectfully,

I. LOCKETT,
Colonel Eleventh Cavalry.

THE EYRIE,
Seal Harbor, Me., July 10, 1914.

DEAR Mr. WELBORN: I inclose herewith copies of a letter from Mr. John H. Moore, chairman of committee on information for aliens, a letter to him from Col. Lockett, and my reply to Mr. Moore; also two copies of pamphlet referred to.

I am wondering whether the fuel company would care to use any of these pamphlets among its men?

No acknowledgment of this letter is necessary.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

[The Colorado Fuel & Iron Co., fuel department, Pueblo, Colo. E. H. Weitzel, manager; B. J. Matteson, assistant manager.]

JULY 16, 1914.

Mr. J. F. WELBORN,
President, Denver, Colo.

DEAR SIR: Referring to your letter of July 14 in regard to circular containing "Information for immigrants."

I believe we could use a number of these to good advantage, and would like to have about 1,000 printed in the Italian language, 150 Greek, and 1,000 Slavish. Do not believe that we will need any in English or Mexican.

Yours, very truly,

E. H. WEITZEL.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 22, 1914.

Commander JOHN H. MOORE,
Chairman Committee on Information of Aliens,
The Wyoming, Washington, D. C.

DEAR SIR: A few days ago I received from Mr. Rockefeller a copy of your letter to him of June 1 and received copy of his reply relating to a pamphlet gotten out under your direction for the information of aliens.

Prompted by your statement to Mr. Rockefeller that you would be glad to supply gratis to the Colorado mine operators as many of the leaflets as we can use, I will ask you to send addressed to me, Boston Building, Denver, Colo., 1,500 printed in the Indian language, 1,500 printed in Slavish, and 300 printed in Greek.

We can use most of [illegible] at our own mines, and I shall undertake to distribute the remainder among some of the other companies.

Thanking you for the opportunity to distribute this class of information, I am,

Yours, very truly,

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 22, 1914.

MY DEAR MR. ROCKEFELLER: Acting on the suggestion contained in yours of the 10th instant, I have ordered from Mr. John H. Moore, chairman of the committee on information of aliens, 3,300 copies of his pamphlet printed in various languages.

We will use most of these at our own properties and I will find distribution for the remainder through some of the other companies.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

Mr. WELBORN. Copy of letter, October 1, addressed to Starr J. Murphy, signed J. F. Welborn. Reply from Starr J. Murphy dated October 5.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 1, 1914.

MY DEAR MR. MURPHY: I inclose herewith clipping from yesterday's issue of the Pueblo Star-Journal, showing its editorial comment on one of our recent advertisements.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

[The Pueblo Star-Journal, September 30, 1914.]

CORPORATION OPENS UP.

One of the most interesting pieces of information which has come to the surface from beneath the censorship which most large corporations have

hitherto maintained over their business is a statement made public by the Colorado Fuel & Iron Co. recently. It is as follows:

That during the past 11 years Mr. John D. Rockefeller has received in the way of dividends from the Colorado Fuel & Iron Co. the sum of $900,000, and that during that same period of 11 years the Colorado Fuel & Iron Co. paid out in wages the sum of $92,817,000, or the sum of $100 paid in wages for each dollar paid in dividends.

The people of this State have begun to think a little since reading that statement. The Star-Journal has received a number of inquiries asking if the figures as printed were correct, and it should be known that the figures are correct as given, all of which may be verified by the books of the company. People who have cussed the oil magnate and his policy have been fair enough to state that the policy of the Colorado Fuel & Iron Co. in this connection is most surprising and a welcome addition to the volume of commendable facts which are here and there coming to the surface as the big corporations of the country take the lid off sufficiently to let the people know some of the things which they should know in connection with their business operations.

In fact, this fault is the real foundation of much of the criticism which is leveled at "big business," as it is termed. "Big business" has its virtues if it will only have consideration enough for its own welfare to let those virtues become known. When assailed from various angles the policy of most corporations is to remain silent, and thereby tacitly admit by their silence that the charges being made have some foundation.

The recent showing made by the steel works under the present management is a credit to those in charge of the corporation.

If John D. Rockefeller had only taken $1 in dividends out of the operations of the Colorado Fuel & Iron Co., for every $10 paid in wages, it would still have been a most generous policy, but the fact that he has taken $1 in dividends while paying his employees the munificent sum of $100 in wages stamps him more as a philanthropist than as a shrewd business man, as there are few other big corporations which would be satisfied to stay with any concern which brought such little financial return as the Colorado Fuel & Iron Co. has brought to Mr. Rockefeller, and through it all he has been maligned as few men have ever been.

While on this subject it is pertinent to ask what kind of a hole $92,000,000 would make in the business of Colorado if Mr. Rockefeller had given the word 9 or 10 years ago, after coming through much the same kind of a crisis he has been facing during the past year, to close up his interests in Colorado? "Some hole," to be sure; about eight and one-half million dollars in wages a year would have been the size of the vacuum every 12 months, not to mention the additional loss of business which the failure to operate Mr. Rockefeller's properties in Colorado would have caused to other lines of business. The actual size of the hole which the withdrawal of Mr. Rockefeller's entire interests in Colorado would create simply can not be estimated, but it is fair to state that not a man in Colorado would escape the pinch that would surely follow such a step on the part of the head of the Colorado Fuel & Iron Co. The fault which should be found with Mr. Rockefeller is that he has been content to sit idly by all these years and stand the gaff of criticism without taking the inside of his Colorado operations to the people. They are fair; the people are just and will give any man or any corporation a square deal which is not afraid to lift the lid and let the people know the truth, which the Colorado Fuel & Iron Co. now seems to realize is the proper thing for it to do.

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26 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,
President The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have yours of October 1 inclosing clipping from the Pueblo Star-Journal. This is fine and shows how effective intelligent publicity can be. I hope it will be kept up.

Very truly, yours,

STARR J. MURPHY.

Mr. WELBORN. Copy of letter dated June 22, addressed to Mr. L. M. Bowers, Binghamton, N. Y., signed J. F. Welborn. Copy of letter dated June 23, addressed to Starr J. Murphy, signed J. F. Welborn. Mr. Murphy's reply, dated June 27, addressed to J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 22, 1914.

MY DEAR MR. BOWERS: I am sending you a few copies of a special edition of the Boulder Camera. You will remember that Paddock, the editor, along with some of the military officers took up an educational campaign in northern Colorado some weeks ago. He has enough enthusiasm to be effective not only through his paper but in addressing an audience, and, while not a practicing prohibitionist, told me to-day that he believes in State-wide prohibition and thought there was a good chance of its carrying next election.

The beneficial results of closing the saloons in the coal-mining districts are a pleasing surprise to everyone. The average production per man since the saloons were closed has increased very materially; in fact, we are now producing fully as much coal as we did immediately prior to April 20, and our daily reports show about 10 per cent fewer men digging the coal.

Yours, very truly,

Mr. L. M. BOWERS,
Binghamton, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 23, 1914.

MY DEAR MR. MURPHY: I am sending you to-day a few copies of a special edition of the Boulder Camera, a daily paper with a comparatively small circulation, but wielding a good deal of influence in the State.

The editor is one of the most enthusiastic adherents of law and order and has, largely at his own expense, conducted some very profitable educational campaigns in northern Colorado, the most important agricultural district of the State.

I can hardly imagine your having time to look this paper over entirely, but thought that some one in conversation regarding our affairs might refer to this paper or the work of its editor and it would be desirable for you to have a copy on file.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, June 27, 1914.

DEAR MR. WELBORN: I have yours of June 23, and have also received the copies of the Boulder Camera which you have sent. I shall look over them at the first opportunity. Mr. Bowers forwarded to me your letter of January 22 on the subject. I am sending a copy of the paper to Mr. Rockefeller, jr.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter from Starr J. Murphy, dated June 20, 1914, addressed to J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, June 20, 1914.

DEAR MR. WELBORN: I duly received yours of June 16 and have to-day the copies of the Canon City Record and the statement of the "Strike situation in Colorado." The latter I had seen before, and am glad to have these extra

copies. The Canon City Record is interesting reading, and I am glad to see that the citizens of Colorado are taking action in defense of law and order.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Boston Building, Denver, Colo.

Mr. WELBORN. Copy of letter of June 16, addressed to Starr J. Murphy, signed J. F. Welborn. Copy of another letter of the same date addressed to Mr. Murphy, signed J. F. Welborn. Mr. Murphy's reply dated June 20.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 16, 1914.

MY DEAR MR. MURPHY: This will serve to introduce Rev. R. E. Chandler, pastor of the First Presbyterian Church, Trinidad, Colo.

Mr. Chandler is well acquainted with conditions in the southern Colorado strike district, and if you and Mr. Rockefeller can give him a few moments of your time he and the writer will appreciate it.

Yours, very truly.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 16, 1914.

MY DEAR MR. MURPHY: At the request of Mr. R. E. Chandler, pastor of the First Presbyterian Church, of Trinidad, Colo., I have to-day given him a letter of introduction to you, as he expects to make a trip to the East in the near future, and is desirous of seeing Mr. Rockefeller if possible.

Mr. Chandler has been a good friend of our company and is acquainted with conditions in southern Colorado, and I am told is decidedly in favor of law and order.

I don't like to burden you with calls from people in the West, and don't suppose you will learn anything from Mr. Chandler that you have not already heard from other sources, yet it is not always easy to decline requests of this character from people who have been particularly interested in our side of the controversy.

Yours, very truly.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, June 20, 1914.

DEAR MR. WELBORN: I have yours of June 16 with regard to the Rev. R. E. Chandler. I shall be happy to see him when he comes East, but do not believe he will be able to see Mr. Rockefeller personally.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Boston Building, Denver, Colo.

Mr. WELBORN. Copy of letter of June 9, 1914, to Starr J. Murphy, signed J. F. Welborn. Reply, dated June 12, to J. F. Welborn, signed Starr J. Murphy.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 9, 1914.

MY DEAR MR. MURPHY: The Pueblo Chieftain of the 8th instant contained a statement by Lieut. Bigelow, and in its issue of this morning has a statement by Lieut. Benedict, both of whom participated in the Ludlow outbreak of April

20. Although the Chieftain is now going to your office, addressed to Mr. Rockefeller, I am sending you, under separate cover, an extra copy of each of the issues referred to, as well as a blue-print map of Ludlow and vicinity.

I imagine you are frequently asked about this affair, and it occurred to me that the statements of those two military officers and the map might enable you to form a little more accurate opinion of the incidents and surroundings in connection with it.

I have just received copies of The Military Occupation of the Coal-Strike Zone of Colorado, and am sending one of these to you also.

Very truly, yours.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, June 12, 1914.

Mr. J. F. WELBORN,
President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have yours of June 9, and have also received the copies of the Pueblo Chieftain and The Military Occupation of the Coal-Strike Zone of Colorado and the blue-print map of Ludlow. I am greatly obliged to you for sending me these, particularly the statement of Lieuts. Bigelow and Benedict. These are the first statements I have seen from actual participants in the Ludlow affairs. They confirm in all essential particulars the statements made by Maj. Boughton, but are much more valuable, as they are from eyewitnesses. Eventually the truth is going to be known. With kindest regards, I am,

Yours, very truly,

STARR J. MURPHY.

Mr. WELBORN. Letter from Starr J. Murphy to J. F. Welborn, dated September 15.

(Said correspondence is as follows:)

26 BROADWAY,
New York, September 15, 1914.

DEAR MR. WELBORN: I inclose herewith the first batch of newspaper clippings of editorials with reference to the President's message on the settlement of the strike. I will forward you from day to day other clippings as they come in.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter of date of September 17 to J. F. Welborn, signed by Starr J. Murphy.

(Said correspondence is as follows:)

26 BROADWAY,
New York, September 17, 1914.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver Colo.

DEAR MR. WELBORN: I inclose herewith newspaper clippings which have just been received by me.

Very truly, yours,

STARR J. MURPHY.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock.

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Referring for a moment to the letter of June 9, written by yourself to Mr. Rockefeller, Mr. Welborn, who is John P. Brockway?

Mr. WELBORN. I don't know. He is some one who, if I remember correctly—his letter is not in my files. I suppose I returned it, although the letter to Mr. Rockefeller does not show that. He is some one who wrote to Mr. Rockefeller concerning the probable purchase of the Rocky Mountain News, or some portion of their bond issue.

Chairman WALSH. Do you know the details of the proposition?

Mr. WELBORN. No; I know it was very vague in form; more a suggestion than a proposition.

Chairman WALSH. Referring to the letter of William P. Athey——

Mr. WELBORN (interrupting). I don't know that I have that. I haven't all of the copies.

Chairman WALSH. I think that the letter of William P. Athey seems to be mislaid. It is not in the file——

Mr. WELBORN (interrupting). Yes; that was, I am quite sure, returned to New York.

Chairman WALSH. Well, I will read part of it [reading]:

"NOVEMBER 18, 1914.

"MY DEAR MR. ROCKEFELLER: I return herewith letter of William Park Athey, received with yours of the 10th instant. We have found it necessary to cash a good many of these certificates of indebtedness issued to the members of the State militia, or have considered it advisable to do so, and if this young man's circumstances are as he has stated them I believe we should accommodate him. I suggest, therefore, that you refer him to me," etc.

How many of those certificates of indebtedness did you cash?

Mr. WELBORN. I can't tell you just exactly how many we actually cashed, but we have, altogether, including those received for supplies sold the militia from our stores, something like $75,000 or $80,000 of the certificates, or rather the bonds that the certificates were exchanged for.

I should like to say that we cashed no certificates until after the appropriation had been made by the extra session of the legislature and the legality of the act established or approved, anyway to our satisfaction, by legal opinion.

Chairman WALSH. Referring to the letter from Mr. Rockefeller of June 9, quoting correspondence between himself and Elbert Hubbard, of East Aurora——

Mr. WELBORN. Yes.

Chairman WALSH. Did you contribute that $150 mentioned in that letter? Did you buy 1,000 of his papers?

Mr. WELBORN. We bought some number; if the figure is stated at $150 in the letter, that is the correct amount; yes.

Chairman WALSH. Is Elbert Hubbard quoted in these bulletins here?

Mr. WELBORN. I can not say positively whether he is or not. I never met Elbert Hubbard, and what he has written on the question of the Colorado coal strike has been purely voluntarily on his part and without suggestion from any of the operators, so far as I know.

Chairman WALSH. Now, you say that Elbert Hubbard's was purely voluntary?

Mr. WELBORN. Yes.

Chairman WALSH. And have you a copy of that bulletin there? I don't recall whether he was quoted in there or not.

Mr. WELBORN. You mean our——

Chairman WALSH (interrupting). Yes; your own bulletin.

Mr. WELBORN (continuing). "Facts," so-called. I am quite sure that there isn't anything in here taken from Hubbard's statements.

Chairman WALSH. This contains, so far as you know, all of the correspondence with Elbert Hubbard?

Mr. WELBORN. Yes.

Chairman WALSH. Have there been other publications in the United States that made similar propositions to you or conducted themselves in a similar manner—first wrote the stuff and then sent it to you with a request for pay for copies of the publication?

Mr. WELBORN. There may have been. In fact, it seems to me that some articles that have been published either by newspapers or magazines were used by us, but I am not sure as to that. I don't want to make the positive declaration either way on that question.

Chairman WALSH. I see that this letter reads as follows [reading]:

"Mr. Elbert Hubbard, of East Aurora, you probably know by reputation and by his writing. On May 8 Mr. Hubbard wrote me as follows:

"'DEAR MR. ROCKEFELLER: I have been out in Colorado and know a little about the situation there. It seems to me that your stand is eminently right, proper, and logical. A good many of the strikers are poor, unfortunate, ignorant foreigners, who imagine that there is a war on and that they are fighting for liberty. They are men with the fighting habit, preyed upon by social agi-

tators. I am writing something on the subject a little after the general style of my article on 'The copper country,' in the Fra Magazine for May. I mail you a copy of the Fra to-day. I believe you will be interested in what I have to say about the situation in northern Michigan.'"

Now, was that article sent you—an article in favor of the mine operators of the mine workers in Michigan?

Mr. WELBORN. I don't think I ever read the article on the Michigan question.

Chairman WALSH. Mr. Rockefeller did not send that to you, or if he did, you do not remember it?

Mr. WELBORN. If he did, I do not remember.

Chairman WALSH. I will continue reading from this letter:

"Just now it seems very necessary that some one should carry on a campaign of education, showing this country, if possible, that we are drifting at present in the direction of I. W. W. socialism.

"Are you interested in distributing a certain number of the Fra containing my article on the Colorado situation?

"Also, what do you think of the inclosed booklets? I have distributed these on my own account up to the extent of nearly a million, but I have not the funds to distribute a million more, as I would like to do.

"Any suggestions from you in the line of popular education will be greatly appreciated.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

Mr. WELBORN. That is supposed to be the first letter written by Elbert Hubbard on this subject.

Chairman WALSH. To which he replied:

"MY DEAR MR. HUBBARD: Your letter of May 3 is received. I thank you for your words of approval in connection with my stand on the question of the rights of the independent worker.

"I have looked over the May number of the Fra which you have sent me with interest, and shall be glad to see the article which you are proposing to write regarding the Colorado situation.

"Very truly,"

That letter was signed by Mr. Rockefeller, was it not, Mr. Welborn?

Mr. WELBORN. I presume so.

Chairman WALSH. The signature is not here.

Mr. WELBORN. Mr. Rockefeller, just above the letter you read, "To which I replied on May 7, as follows."

Chairman WALSH. On May 27 Mr. Rockefeller says he wrote him again, as follows:

"DEAR MR. ROCKEFELLER: On May 3 I sent you a copy of the copper country number of the Fra Magazine. Our friends up North have distributed a large number of these, sending the magazines out from here, duly blue penciled.

"I have upward of a million names of members of boards of trade, chambers of commerce, advertising clubs, rotarians, Jovians, school teachers, all judges, members of Congress, etc.

"It seems to me that we could well afford to circulate a certain number of copies of the Fra containing a judicious and truthful write-up of the situation in Colorado. The price of extra copies of the Fra is $200 a thousand.

"I expect to be in New York City next week and will call on you and talk this matter over in detail if it is agreeable to you.

"Just here I can not refrain from expressing my admiration for the advertising genius displayed by those very industrious, hard-working people, Bill Haywood, Charles Moyer, Mother Jones, Emma Goldman, Lincoln Steffens, and Upton Sinclair. They are continually stating their side of the controversy. I believe if we could state ours, not, of course, in the same way or with the same vehemence, that we would be benefiting the world to a very great degree.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

"I replied on May 30:

"DEAR MR. HUBBARD: Your letter of May 27 is received. I have read various of your writings from time to time with interest.

"The manner of publicity in connection with the Colorado situation is very properly being handled by the operators in Denver. Any suggestion, however, which you have to make I shall be glad to receive and pass on to them.

"I note that you are to be in the city within a few days and that you will call at my office.

"Very truly,"

That was signed by John D. Rockefeller?

Mr. WELBORN. Yes, sir.

Chairman WALSH (continuing reading):

"Since which time I have received a letter from him, under date of June 6, as follows:

"DEAR Mr. ROCKEFELLER: Your kind letter of May 30 received.

"I expect to be out in Denver within a few weeks, and I wish you would send me the name of the publicity man to whom your letter refers. I will then get in touch with him direct.

"I had a delightful game of golf with your father on Saturday. How fine and brown and well and strong he is.

"With all kind wishes ever, I am,

"Your sincere,

"ELBERT HUBBARD."

"And have written him to-day as follows:

"DEAR Mr. HUBBARD: Your letter of June 8 is received. I note that you are to be in Denver within a few weeks.

"In answer to your inquiry for the name of the publicity man representing the coal operators, I would suggest that you see Mr. Welborn, president of the Colorado Fuel & Iron Co., who is the chairman of the committee of operators in charge of publicity matters.

"Father has spoken of your visit to Tarrytown the other day and of the good game of golf which you had together. He is, indeed, in the best of health.

"Very truly,"

That was signed by John D. Rockefeller, jr.?

Mr. WELBORN. I assume so.

Chairman WALSH. Did Mr. Hubbard call upon you?

Mr. WELBORN. No; he did not.

Chairman WALSH. I am just going to ask you the question generally, as applying to publicity: Do you understand that the operators in the coal industry understand that publications coming that way, with the suggestion that there is a charge for extra numbers of the paper—do they consider that unpurchased publication, unpurchased publicity, and unpurchased opinion?

Mr. WELBORN. I should say, yes. I am speaking of this circumstance particularly, as it is the only one I can recall ever coming to us. The man had apparently determined upon writing an article, and decided also on the general—decided generally what he wanted to say. My impression is that he never came to Colorado in connection with that article. If he did, I did not see him. His article was no different from what it would have been if we had not heard of it until after it was published. Therefore I see no reason why the article should not be regarded as unknown by the operators.

Chairman WALSH. Do you believe that a person who was writing an article under those circumstances would or would not be influenced by the hope of the reward which he asked for in his letter, dealing with a person now of large means, like Mr. Rockefeller?

Mr. WELBORN. The reward he obtained from the Colorado operators was not very great.

Chairman WALSH. No; perhaps not; I will come to that later, as to what he really got; but if he addressed this letter to Mr. Rockefeller and told him his price for extra copies was $200 per 1,000, don't you believe when he wrote that article his writing would be biased by the hope of the reward he probably had in his mind at that time?

Mr. WELBORN. Taken in connection with the letters of Mr. Rockefeller to him that held out no encouragement whatever and suggested that he see me, which suggestion was not carried out or acted upon, I do not see any reason for assuming that he had any grounds at any rate for the hope of a reward.

Chairman WALSH. Then, it is your opinion, that publicity of that kind would be fair and honest publicity?

Mr. WELBORN. It is my opinion that that publicity was fair and honest.

Chairman WALSH. Outside of that publicity by Mr. Hubbard, would you consider that kind of publicity fair and honest?

Mr. WELBORN. Publicity that came about in the manner that this did, I should say was fair.

Chairman WALSH (reading):

"I am also inclosing a copy of 'A message to Garcia,' which will show you Mr. Hubbard's style if you have not happened to see any of his writings of late.

"I have spoken to Mr. Lee about Mr. Hubbard. His advice is to give Mr. Hubbard every facility for seeing and learning whatever he may care to know about the coal situation and to have it distinctly understood that he is making this study entirely on his own initiative, and at his own expense. If, after he has produced his article and you have read it, it seems to you something worth distributing, an arrangement for such distribution can be made with him.

"I have not seen Mr. Hubbard nor given him any encouragement in this matter, other than as set forth in the above correspondence.

"Very truly,

"JOHN D. ROCKEFELLER, Jr."

This letter is signed by John D. Rockefeller, jr.?

Mr. WELBORN. Yes.

Chairman WALSH. When and under what circumstances did you receive the copy of the Fra containing that?

Mr. WELBORN. I think that answer is set forth in my letter of the 16th—June 16—next attached in reply to Mr. Rockefeller, but I am not sure.

Chairman WALSH. I will read that, inasmuch as I have read the others; this is from yourself to John D. Rockefeller, jr., and dated June 16, 1914.

"MY DEAR MR. ROCKEFELLER: I have yours of the 9th instant quoting correspondence had with Mr. Elbert Hubbard, of East Aurora, respecting his proposal to publish something in his Fra concerning the coal strike.

"Through Mr. Henry M. Porter, one of the pioneers and successful business men of Colorado, I recently learned of Mr. Hubbard's intention regarding our strike. Mr. Porter is one of the substantial men of Colorado who has been saying a good word for our cause wherever and whenever he could, and has rendered some substantial financial assistance in certain desirable quarters. He was anxious to assist in distributing 1,000 copies of the Fra which is to contain the Colorado article, as an encouragement to Mr. Hubbard, and for that purpose offered to contribute $50. Largely because of his interest in the matter, the coal operators agreed to contribute the remaining $150.

"Mr. Hubbard's price for extra copies of his publication is to my mind high, although if, as I understand, the Fra has a wide circulation, it will in the natural course reach a great many people who are undoubtedly anxious to learn the facts concerning the Colorado strike troubles. I furnished Mr. Porter a good deal of data covering important facts in connection with the strike, to be forwarded to Mr. Hubbard, and we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution.

"I am obliged to you for sending me a copy of 'A message to Garcia.' I read it at the time it was first published and have frequently quoted it since, but lost my original copy and therefore am especially glad to have a new one.

"Yours, very truly,

"J. F. WELBORN."

Did you see the article after it was produced?

Mr. WELBORN. Yes. We purchased—we got our proportion to the 1,000 copies furnished.

Chairman WALSH. You say there, "And we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution." Did you go any further in enlarging its distribution; did you buy any more?

Mr. WELBORN. No. We bought no more than the number set forth in that letter.

Chairman WALSH. Was the $200 contributed to Mr. Hubbard before you saw the article?

Mr. WELBORN. No; it was not; I think Mr. Porter handed me a copy of it. He got an early issue of the magazine before I saw it or obtained it in some other source.

Chairman WALSH. I see a letter of October 22, 1914—October 19, 1914, "Dear Mr. Welborn"—this is a letter from Mr. Easley, secretary of the National Civic Federation.

Mr. WELBORN. I think the copy of that must be among the lot I have not yet received from Mr. West, but I think that will make no difference.

Chairman WALSH. Do you have Mr. Easley's original letter in your file?

Mr. WELBORN. I think not.

Chairman WALSH. Do you know what has become of that?

Mr. WELBORN. I think one of those letters was returned to New York by Mr. Lee. May I ask, before you go any further, that Mr. West furnish me copies of the letters that he copied, that he had copied.

Chairman WALSH. On the stand, you mean now?

Mr. WELBORN. Yes; so that I may have them before me when you read them. I think those were copies of some that have been copied at my office.

Chairman WALSH. Refer, please, to the letter of August 28, from John D. Rockefeller.

Mr. WELBORN. I may not have it, so proceed, Mr. Walsh.

Chairman WALSH. I want to get through here as hurriedly as possible, nevertheless, anything that you think requires an explanation or additional reading, please be free to do so. Sometimes an extract may leave something open to mistake, and we do not want to do that.

Mr. WELBORN. All right.

Chairman WALSH. This is a letter from Seal Harbor, Me., dated August 28, 1914, as follows:

"DEAR MR. WELBORN: Your full and interesting letter of August 20 is received. We have never questioned the relations existing between the officers of the fuel company and the employees, both from statements made by the executive officers and the various official reports which have been issued. We have always believed that the fuel company stood out as conspicuous because of that great care given this very question. I am sure you will understand, therefore, that no thought of criticism led to the suggestions made you in my earlier letter. I fully understand your point of view and quite agree with your conclusion that, however desirable some such plan as suggested by Mr. King may be for future consideration, in order to give additional assurance that any just cause of complaint by an employee can be brought to the attention of the officers, it is not desired to take the subject up at this time.

"Mr. Greene, who has taken Mr. Gates's place in our office and who has no personal knowledge of the fuel companies' properties, has for many months been desirous of going to Colorado to familiarize himself with the mills and mines simply for his own information. Mr. Murphy has also wanted to make this trip. Thus far we have felt that for any representative from our office to be known as visiting Colorado might be misconstrued by the public and used to our disadvantage or the disadvantage of the company. Do you think that would still be true at this time, or do you believe that Mr. Greene could go to Colorado quietly within the next month or two without prejudicing the situation? Please write me quite frankly your opinion. It is not at all vital that he should go, the sole value of the trip would be to give him a better knowledge of the properties owned by the company so that he could take more helpful part in our councils.

"Very sincerely,

"JOHN D. ROCKEFELLER, Jr."

Is the Mr. King referred to in that letter Mr. Mackenzie King?

Mr. WELBORN. Yes.

Chairman WALSH. What was the plan suggested by Mr. King for your future consideration?

Mr. WELBORN. Do you have attached to that correspondence a copy of my letter of August 20, 1914, referred to by Mr. Rockefeller?

Chairman WALSH. Yes.

Mr. WELBORN. I don't know whether this will give you an idea of Mr. King's plan or not, but I seem not to have a copy of it. I do not suppose I returned it to New York.

Chairman WALSH. This letter begins by saying—this is your letter—"I am in receipt of yours of the 11th instant, inclosing extract from a letter of W. L. Mackenzie King, dated August 1, suggesting the adoption of certain machinery providing for easy access on the part of the fuel company employees to its officers, and asking for an expression of my views on the subject covered."

Now, I do not want to go into that unless you do, but I want to find out the plan Mr. King suggested to you in its general aspects—substantially what plan.

Mr. WELBORN. The suggestion was not offered as expressing his views as to what would fit the Colorado situation, but he outlined, as I remembered it, a plan which he had found to operate successfully in some other cases. He had no personal knowledge of the Colorado conditions, and expressed himself as having, I think, little confidence in his plan, as to its being applicable to our situation, but only presented it for such consideration as we cared to give it. Whether or not my letter in reply will give a clear idea of the details of his plan or not I can not say at this moment.

Chairman WALSH. I will read your letter over.

Mr. WELBORN. It is a pretty long letter.

Chairman WALSH. I will read it over: "September 14th"——

Mr. WELBORN. That is not my letter. The one I wrote is the one preceding the one from Mr. Rockefeller which you have just read.

Chairman WALSH. I skipped through it, and I don't—did not gather anything more about the plan, except I was very much impressed with Mr. King's presentation of the matter, and especially with reference to the matter of the conciliation board. Do you recall anything further in regard to the plan suggested by Mr. King, except as to the conciliation board?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. Have you had any other communications with Mr. Rockefeller—of Mr. Rockefeller with Mr. King upon that subject?

Mr. WELBORN. I have not.

Chairman WALSH. Did you have any communications with Mr. Rockefeller with reference to the policy of the company in regard to this strike, other than by telegram and letter? In other words, did you telephone to him over the long distance telephone?

Mr. WELBORN. No, sir; I did not, and from the time the agitation commenced until last September I did not see Mr. Rockefeller. There was a period of about one year prior to September, 1914, when I did not see him.

Chairman WALSH. Have you any other correspondence with Mr. Rockefeller between those dates with regard to the strike?

Mr. WELBORN. No.

Chairman WALSH. This contains all of the correspondence?

Mr. WELBORN. Yes; this contains all of the correspondence.

Chairman WALSH. This just runs from April 30—I mean from September 23, 1913, to April 30. Did you have correspondence with him?

Mr. WELBORN. No; I had none. I had no correspondence with him. It so happens that the telegram which was read into the record on Saturday was really the first one—the first communication that I received from Mr. Rockefeller in connection with the strike.

Chairman WALSH. Did you have any communication from any other of the directors except Mr. McClement, Mr. Murphy, and Mr. Rockefeller?

Mr. WELBORN. No; not to my knowledge.

Chairman WALSH. Was there any person here that went back and forth between Colorado and New York during the controversy?

Mr. WELBORN. No.

Chairman WALSH. Any person charged with that particular duty?

Mr. WELBORN. No, sir.

Chairman WALSH. No other executive officer of your company?

Mr. WELBORN. No.

Chairman WALSH. No one from New York that came back and forth here?

Mr. WELBORN. No.

Chairman WALSH. Who is it from New York that has to do with coming out here and inspecting the properties, etc., if anyone?

Mr. WELBORN. The New York directors have not come out very often. Mr. McClement has been here twice in this year.

Chairman WALSH. Has any person for them come out?

Mr. WELBORN. No; no one, recently.

Chairman WALSH. Now, unless there is something you would like to call particular attention to by way of explanation of this correspondence, the commission will take it and read it at its leisure on account of its voluminousness.

Mr. WELBORN. I have nothing, I think, Mr. Commissioner, and yet, I think that in view of the suggestions and rather indefinite criticism passed on the

telegram which was read into the record here, the one from Mr. Rockefeller to me, it might be well to read the correspondence which immediately followed that, and which has direct bearing on the subject covered by that first message.

Chairman WALSH. Very good. You may go ahead and do that.

Mr. WELBORN. The message which was read into the record the other day was the second one received from Mr. Rockefeller, of April 30. The first one read as follows:

NEW YORK, *April 30, 1914.*

Messrs. J. F. WELBORN and I. M. BOWERS:

Following telegram received last night from Dr. Foster: "William Green, secretary-treasurer of the International Mine Workers' Union, makes public statement that mine workers will waive any recognition of the union or union-ising camps. Are you willing to enter into negotiations for settlement of strike on that basis and stop the killing of men, women, and children? I strongly urge you to do so and believe the strike can be ended without recognition of the union and all the other differences can be amicably settled. In my judgment it is your duty to do so." To which I replied as follows: "Your telegram last night is received. I am forwarding it to the officers of the Colorado Fuel & Iron Co. in Denver, who with the officials of the other mining companies in Colorado, are the only ones competent to deal with the question therein referred to."

JOHN D. ROCKEFELLER, Jr.

Commissioner WEINSTOCK. To whom was that telegram sent?

Mr. WELBORN. To Dr. Foster, chairman of the investigating committee that investigated us.

Commissioner WEINSTOCK. And that is in reply to a wire from Dr. Foster to Mr. Rockefeller?

Mr. WELBORN. Yes; which Mr. Rockefeller sent to me, and this reply was sent to Dr. Foster: The coal operators had a meeting that day, or a few of them, and sent this telegram to Dr. Foster, dated April 30, 1914:

DENVER, COLO., *April 30, 1914.*

Hon. M. D. FOSTER,
House of Representatives, Washington, D. C.:

Answering your telegram of last night addressed to Mr. John D. Rockefeller, jr., and referred to Colorado coal mine owners for reply. When on April 16 the governor withdrew all except a small detachment of militia from the field, law, order, and quiet prevailed in this State. There were employed by the operators of coal mines more than 10,000 apparently contented men.

On the morning of April 20 the striking miners in the Ludlow tent colony, 2 miles from the nearest coal mine, placed their women and children in what they considered places of safety and made an armed attack upon the militia encamped nearby. The fight continued throughout the day and several men were killed. During the battle the tent colony was destroyed by fire. Next day the bodies of 2 women and 11 children were discovered in a hole under a tent where the strikers had placed them when the attack upon the soldiers was begun. They had all been suffocated. None of these children and no woman was killed by rifle fire, nor did the soldiers know or have any reason to suspect the presence of noncombatants where the strikers had concealed them.

On April 23 Lawson, international board member, United Mine Workers of America and the leader of the strikers, in an interview published through the State, asserted that a war of extermination would thenceforth be conducted by the strikers, and Doyle, secretary of the U. M. W. of A., by wire, instructed the officials of local unions to watch for the approach of the militia, which had been again ordered back into the field. The meaning and purpose of such language was obvious.

Since that time the strikers, in armed bands varying in number from 50 to 400, have attacked the town of Delagua from the hills and killed three men. They have dynamited and burned the buildings and equipment of the Empire, Southwestern, and Green Canon mines, at Aguilar. They have driven men, women, and children into the Empire mine and sealed the entrance with explosives. After the declaration of a truce agreed to between the governor and Hawkins, attorney for the U. M. W. of A., they drove the postmaster and others away from the Sunnyside mine and took possession of it, as well as the Picton mine. They dynamited the tipple at the McLaughlin mine, and fired many shots into the buildings at Maitland. They forcibly entered the store building at

Rockvale and carried away guns and ammunition. They attacked the buildings and dwelling houses at the Chandler mine and kept up a merciless fire from the hills for nearly 40 hours, killed one man and finally took possession of the camp by slipping in a number of men under a white flag. They have burned, dynamited, and completely destroyed the McNally mine, in Huerfano County, kept up an almost continuous fire from entrenchments for 50 hours upon the Walsen mine, wounded one woman, killed and wounded four men and killed a surgeon wearing Red Cross insignia while attending wounded soldier on field. They viciously attacked the Hecla mine, in Boulder County, killed one and wounded three men and drove all employees and their families to cover for many hours. They attacked the Forbes mine, in Las Animas County, with a force of 400 armed men, killed seven miners, including four Japanese and burned everything in sight, including a stable and 33 mules.

In the prosecution of their campaign of extermination, the foregoing are some of the things these men have done during the past few days with the tacit consent, active cooperation, and under the personal direction and control of officers and paid agents of the United Mine Workers of America.

As before stated, the coal-mine operators of this State now have in their employ about 10,000 men who are satisfied with the conditions of their employment. We promised these men protection from personal violence when the strike was called, and they have stood loyally by their employers under most trying circumstances, disregarding the dangers and privations incident to the recent armed attacks of the strikers upon them and their homes. With these men we will always treat concerning matters affecting their welfare. But we can not enter into negotiations of any character with the officers and agents of the United Mine Workers of America, who alone are responsible for the terrible reign of disorder and bloodshed which has disgraced this State. Instead of it being our duty to do so, we conceive it rather to be the duty of the officials of the U. M. W. of A., who called the strike, to now call it off. They can do so if they see fit, and by so doing they will, within an hour, in a great measure restore industrial peace and prosperity to this State.

In no event will the American people, when fully advised, long permit twelve or fifteen hundred armed strikers to continue their unlawful efforts to prevent 10,000 law-abiding and industrious men from working for whom, when, and upon such terms as they see fit.

The Colorado Fuel & Iron Co., by J. F. Welborn, president; the Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co., by C. F. Bartlett, jr., vice president; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, general manager; the Primrose Coal Co., by H. B. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by S. S. Murphy, president; Fruth & Autrey; the Consolidated Coal & Coke Co., by C. L. Baum; the Routt County Fuel Co., by E. L. Prentiss, president; the Yampa Valley Coal Co., by P. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Empire Coal-Mining Co., by Marthens & Siple; the Southwestern Fuel Co., by J. W. Siple, president; National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; Moffatt Coal Co., by S. M. Perry, president; Leyden Coal Co., by S. M. Perry, president.

Commissioner WEINSTOCK. Addressed to Mr. Foster?

Mr. WELBORN. Addressed to Mr. Foster.

Commissioner WEINSTOCK. May I have that letter?

Mr. WELBORN. Yes; there are copies of it going into the record.

Chairman WALSH. Did you identify this as the others were identified?

Mr. WELBORN. You say will I?

Chairman WALSH. Have you?

Mr. WELBORN. No. You have a memorandum——

Chairman WALSH (interrupting). Well, will you do that and let it go into the record?

Commissioner WEINSTOCK. I want a copy of that for my personal reference. Will you furnish that?

Mr. WELBORN. Yes. I will furnish you this complete file.

Immediately after that telegram was sent out, we received from Mr. Rockefeller the suggestion contained in the message which was published and read the other day. I think I will read that again:

"Referring to my telegram of this morning repeating telegrams from and to Dr. Foster, the letter of Gov. Ammons of November 27 to the operators and miners shows that at that time the only obstacle to a settlement was recognition of the union. He then suggested a solution covering all points except recognition, and the operators accepted his suggestion, invited their employees who had not been guilty of disorder and other unlawful acts to return on the terms mentioned by him, assured him and their former employees that they would conform in good faith to all of his suggestions. It seems to us that the operators should call Dr. Foster's attention to these facts and reiterate their willingness to accept this settlement. By so doing they will place themselves in a very strong position before the public in that it would be evident that all disorders since November 27 has been due to the refusal of the unions to accept the settlement which was then proposed by the governor and accepted by the operators, but rejected by the miners, unless in the meantime there has been an important change in the situation. As stockholders and directors we strongly urge that the operators make reply to Dr. Foster along these lines."

We then, on May 1, wired Dr. Foster as follows [reading]:

"In connection with and as supplementing operators' telegram to you last night, permit us to call your attention to the fact that on November 26 last, in the governor's office, a conference was held between three of the operators and representatives of their former employees then on strike. It developed in the conference that the only obstacle to settlement was the strikers' insistence upon union recognition on November 27. The governor suggested in writing to those present at the conference a solution covering all points except recognition of the union. His letter was as follows:

"DENVER, COLO., *November 27, 1913.*

"*Messrs. J. F. Welborn, John C. Osgood, B. W. Brown, operators, and Messrs. T. E. Evans, Archie Allison, David Hammon, miners, Denver, Colo.*

"GENTLEMEN: Having listened to your conference throughout yesterday and believing from representations made that there is no material difference between you sufficient to warrant a continuance of the present difficulties, I desire to make a suggestion for the termination of the present industrial dispute.

"The only apparently insurmountable obstacle to a settlement was the recognition of the union, and almost every other material difference between you hinged about that question or is covered by existing law.

"There is no law compelling the operators to recognize the union nor to permit the employees to exact that recognition. The statute does provide, however, for the right to join a union, if the miners so wish, without coercion or interference. This law has been read to all the conferees and its provisions agreed to by each conferee. It reads as follows, and I suggest to you that its provisions be made the basis of a conclusion on this point:

"'It shall be unlawful for any individual, company, or corporation, or any member of any firm, or agent, officer, or employee of any company or corporation, to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, or political party, or to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company, or corporation because of their connection with such lawful labor organization, union, society, or political party' (Sec. 3925, Revised Statutes of Colorado, 1908.)

"Bearing in mind the discussion on the other points involved, I suggest the following as a satisfactory solution:

"The employment of a checkweighman as provided by law, giving the miners themselves the right to choose their own checkweighman.

"The carrying out in good faith the statute making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

"The enforcement of the law for an eight-hour day in all underground mines and coke ovens, as provided in chapter 95 of the session laws of 1913.

"That all employees shall have the right to buy where they will, without interference or coercion of any kind whatsoever.

"That all employees shall have a semimonthly pay day, according to the custom now prevailing in coal mines over most of the State.

"That all employees shall have the right to board where they please.

"The enforcement of all the provisions of the coal-mine inspection law of 1913, providing for the safety of the mines and the protection of the life and health of the employees.

"That all employees now on strike shall be given employment, except where their places have been filled or where they have been guilty of violence or other unlawful acts; and that where places have been filled, other work will be furnished as soon as practicable.

"Respectfully submitted.

"ELIAS M. AMMONS, *Governor.*"

The operators accepted the suggestions of the governor, and invited their employees to return to work upon the conditions named. Their letter of acceptance was as follows:

DENVER, COLO., *November 27, 1913.*

Hon. E. M. AMMONS,
Governor of Colorado.

SIR: We are just in receipt of your letter of this date, and hereby accept your suggestions for a termination of the strike of our former employees.

We invite them to return to work on the terms mentioned by you, and assure you and our former employees that we will conform in good faith to all the suggestions contained in your letter.

Sincerely,

J. F. WELBORN.
D. W. BROWN.
J. C. OSGOOD.

The strikers refused to accept the terms of settlement proposed by the governor, and approved by the operators, and all the disorder and bloodshed in this State, since November 27, has been due to this attitude of the officers and members of the United Mine Workers of America. We still consider the plan of the governor legally and industrially sound and have never retracted our formal approval thereof.

The Colorado Fuel & Iron Co., by J. F. Welborn, president; the Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co. by C. F. Bartlett, jr., vice president; the Routt County Fuel Co., by H. L. Prentiss, president; the Yampa Valley Coal Co., by P. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, general manager; the Primrose Coal Co., by H. B. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by S. S. Murphy, president Fruth & Autrey; the Consolidated Coal & Coke Co., by C. L. Baum; the Empire Coal Mining Co., by Marthens & Siple; the Southwestern Fuel Co., by J. W. Siple, president; the National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; the Moffatt Coal Co., by S. M. Perry, president; the Leyden Coal Co., by S. M. Perry, president; the Sunnyside Coal Mining Co., by W. F. Oakes, president; the Royal Gorge Coal Co., by E. C. Bettis, president.

Mr. WELBORN (continuing). Mr. Foster wired me—I did not read his telegram in answer to our first message. It was dated May 1:

Mr. J. F. WELBORN,
President of the C. F. & I. Co., Denver, Colo.:

Will you kindly tell the coal operators that I have read their telegram of yesterday, describing recent disturbances. Inform them that I am anxious for an arbitration regardless of who is to blame; national sentiment demands a settlement of the controversy; many causes for discontent are alleged to exist; the deplorable conditions set forth in their telegram should convince them that it is their duty to agree to submit the matter to a fair board of arbitration so as to stop the loss of life and destruction of property on both sides.

MARTIN D. FOSTER,
Chairman Committee on Mines and Mining of the House of Representatives.

The next day he wired in response:

[Telegram.]

THE COLORADO & WYOMING TELEGRAPH CO.,
Washington, D. C., May 3-3.

J. F. WELBORN:

Supplementary telegram received. I have always understood the reasons the miners refused to accept the suggestions of settlement of strike ordered by the governor was because they did not provide a means whereby the miners could present better grievances in the future. William Green, secretary-treasurer, of the United Mine Workers of America, in a signed and published statement, says that the question of unionizing the mines is not the issue. Why can not all other questions be now submitted to arbitration regardless of failure to adjust differences in the past?

M. D. FOSTER,
Chairman Committee on Mines and Mining, House of Representatives.

On May 1, he wrote me a letter, which was received May 4. That is as follows:

COMMITTEE ON MINES AND MINING,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 1, 1914.

Mr. J. F. WELBORN,
Denver, Colo.

DEAR MR. WELBORN: I am in receipt of a telegram from you and other operators in the Colorado coal fields, and beg to say in my interview with Mr. Rockefeller, he refused to arbitrate, saying there was nothing to arbitrate, except the recognition of the union, which he would not do.

I told him the strike in Pennsylvania in the anthracite region, and also in West Virginia, had been settled without the recognition of the union, and I believed he ought to make an effort to settle it in Colorado on some such basis.

I realized that men should have the right to work without belonging to a union, and that right is inherent in every man, and also that men should have the right of collectively bargaining their labor if they can do so peaceably.

I have not urged upon Mr. Rockefeller or the members of the Coal Operators' Association of Colorado that they must recognize the union, but I believe, according to the statement of Mr. William Green, secretary-treasurer of the International Mine Workers of America, when he said that the matter could be taken up and settled without recognition of the union, that was the time to take hold in this matter and induce Mr. Rockefeller, if I could, and through him the operators of Colorado, to see if it was not possible to select a nonpartisan, unbiased board of men who would carefully look into the matter, doing justice to both sides, and bring about peaceful settlement of this strike, which has resulted in such loss of life and has cost so much money.

I am very much disappointed in not seeing this brought about, and I assure you that my only interest is that the matter might be amicably settled with justice to both parties, and a still hope that such may be the case.

Assuring you that I devoutly hope for such a termination, I am,

Yours, truly,

M. D. FOSTER.

A telegram was sent to Mr. Foster in response to that letter, signed by Messrs. Osgood, Brown, and Welborn:

"DENVER, *May 4, 1914.*

"Hon. M. D. FOSTER,
"*House of Representatives, Washington, D. C.:*

"Your telegrams first and second letter first received. Secretary Wilson attended most important part of meeting in Gov. Ammons's office November 26, between three striking coal miners and three representatives of operators. He entered into discussion of form in which Gov. Ammons's proposal for termination of strike should be made to miners and operators, and we believed approved the ideas of the governor there expressed and which were reduced to writing in his joint communication of November 27."

Now, that was the communication I read a few moments ago.

"Gov. Ammons stated that he had been led to believe that if he could secure conference of miners and operators and an acceptance by the operators of such a proposition as he made to us, that recognition of the union would be waived and the strike called off. He was much surprised and considered it an evidence of bad faith that his proposition was not accepted by the strikers as it was by the operators. We believe that the influence of Secretary Wilson the strike can be brought to to a close, and that considering his participation in the conference with Gov. Ammons and the understanding between Gov. Ammons and labor leaders, he should use his efforts in that direction. Our miners have been perfectly free to and have presented their grievances to officials higher in rank than those directly in charge of the workmen, and those grievances have been given careful consideration. We always stand ready to confer with our men and they know it. Through the presence of Federal troops in the strike zone law and order have been reestablished; we have all of the men we can give employement to, and we can not honorably consider any course that would require the discharge of any number of our loyal workmen, and the employment in their places of those responsible for the destruction of our property and the killing of our men.

"J. C. OSGOOD.
"J. F. WELBORN.
"D. W. BROWN."

Subsequent to that the operators in Colorado other than the Colorado Fuel & Iron Co. sent on a telegram to the President:

DENVER, COLO., *May 4, 1914.*

To His Excellency the PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

In order that you may be more fully informed with reference to our position respecting these so-called United Mine Workers of America, we deem it proper and timely to advise you as follows:

We each operate independently of the other and of the Colorado Fuel & Iron Co. The aggregate production of our mines is between 60 and 70 per cent of the total annual coal production of Colorado. Neither John D. Rockefeller nor John D. Rockefeller, jr., nor any controlling stockholder, director, or officer of the Colorado Fuel & Iron Co. has any interest, directly or indirectly, financially or otherwise in our business. Our position with respect to the United Mine Workers of America is absolutely independent of that which has been or hereafter may be taken either by the Colorado Fuel & Iron Co., or by its officers or directors, or by Mr. Rockefeller or John D. Rockefeller, jr., although we heartily indorse the position they are now taking.

We deplore the unjust attacks upon Mr. Rockefeller. It is neither fair not just to him nor to us to place the burden upon, nor give him sole credit for the position we are maintaining. Independent of any stand he has taken or may take, we have endeavored to strive, and must continue to fight for the maintenance of fundamental principles of government and law.

In the present issue we are not opposing or waging a war against organized labor as such. We are, however, unalterably of the conviction that we can never recognize nor have any dealings of any kind with the organization purporting to be a labor union and calling itself the United Mine Workers of America.

Prior to September 23, 1913, Colorado, as to its coal-mining industry, was open-shop territory. The men in our mines were contented, industrious, and law-abiding citizens. For a number of years the United Mine Workers had made sporadic efforts to unionize the Colorado coal mines, but without success. For a few years prior to April, 1910, the operators in a small district in northern Colorado entered into contractual relations with this organization, but their experience was so disastrous they were forced to discontinue.

After having conducted an unsuccessful strike in the northern Colorado fields, since April, 1910, the national officers of the United Mine Workers determined in the summer of 1913 that the time was opportune to again inaugurate a campaign to force the Colorado operators to enter into a contract with it, and thereby require them to coerce their employees into becoming members thereof. To effect these purposes, they sent a large number of their paid labor agitators from other States into Colorado. The official member-

ship rolls of this organization in district 15, of which Colorado is a part, at that time contained the names of 2,048 out of a total of 25,000 men employed in the coal-mining industry in that district. The agitators mentioned and certain delegates of their selection met in a so-called convention at Trinidad in September, 1913, and called a strike of our workmen. By threats and intimidation, by incendiary and anarchistic speeches, and through fear of bodily injury or death, many of our employees were induced to go on strike. This strike was in its inception, and always has been, a strike for union recognition only. Other pretended demands formulated at the so-called convention at Trinidad were fully guaranteed by our statutes. The coal-mining code of Colorado is the most strict and comprehensive of that of any State, and was prepared and approved by a committee, one of whom was John Lawson, leader of the present strike, and another of whom was James Dalrymple, State coal-mine inspector, and a member of organized labor. Our statutes are enforceable and have been and are being enforced.

Since this strike was called certain of our former employees, under the leadership of the paid agents and officers of the United Mine Workers, supplied with guns purchased with moneys from its treasury, have in armed force openly and successfully defied our State government and have caused a state of insurrection and anarchy to prevail in this Commonwealth. They have burned our mines, driven law-abiding citizens and their families from their homes, and murdered our employees. They have denied to us and to our employees all rights and privileges accorded by the laws and Constitutions of the State of Colorado and of the United States. They have even presumed to refuse to comply with the demands of the United States Army officers without taking a referendum vote of all their members in Colorado to surrender to the military forces of the United States the arms with which they have committed these felonies.

We submit with all deference that we ought not to be asked to deal with an organization whose officers, leaders, and members have been guilty of these acts. Such sympathy as exists in their behalf is based either upon a lack of information or the mass of misinformation and misrepresentation contained in recent issues of the public press.

There are to-day employed by the owners of coal mines in this State more than 10,000 men. They and their wives and children live in villages, many of which have within 10 days sustained the rifle fire of about 1,500 members of the United Mine Workers of America. We can not remove our mines to other places, and we will not, unless forced to do so, close them at the behest of a comparatively few members of a lawless organization and set adrift the loyal employees now upon our pay rolls.

If the 2,000 members of this organization now militant in this State do not care to work in our mines it is their privilege to decline to do so and go elsewhere into unionized fields where conditions are more to their liking; and the officers of the organization to which they belong will once and for all settle the unrest which prevails here if they will expend some small portion of their funds to remove their dissatisfied members from this field instead of further increasing their lavish expenditure in the promotion of strife and bloodshed.

The issue in Colorado has ceased to be, if it ever was, one between capital and labor. In our judgment, no question of the rights of organized labor are involved. By the use of the vicious check-off system the leaders of the United Mine Workers of America have coerced thousands of industrious and law-abiding citizens into joining their organization, and these leaders, by precept and example, have converted these men into enemies of organized government. This organization, by force of numbers, by its control of labor, and by virtue of the millions of dollars in money forcibly collected from its members, has become so powerful that its leaders are now defying organized society to thwart its plans to rule or ruin.

By their criminal acts the leaders of the United Mine Workers of America have forfeited any claim that organization ever had to be considered a labor union, and have foreclosed any right it may have possessed as a pretended labor union to demand of us that we have business dealings with it.

We respectfully submit that the one and only question now at issue in this State is one of law and order, and the maintenance of the constitutional privilege of every man to work when, where, for whom, and upon such terms as he sees fit. Shall government prevail, or shall anarchy and lawlessness rule?

We are and at all times have been engaged in a lawful business, and we are conducting and have always conducted our business in a lawful manner. The

military forces of the United States are now in control of the strike districts in Colorado, and we earnestly and respectfully ask that law and order be made to prevail in this State to the end that we may operate our mines and conduct our business in that peaceable and orderly manner guaranteed to every law-abiding citizen, and that our workmen may pursue their lawful avocations and reside at their homes without the constant fear of death at the hands of lawless mobs.

The Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co., by J. C. Osgood; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, manager; the Primrose Coal Co., by H. E. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by C. S. Murphy, president; Cedar Hill Coal & Coke Co., by D. M. Harrington, president; the Routt County Fuel Co., by E. L. Prentiss, president; the Yampa Valley Coal Co., by E. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Empire Coal Mining Co., by Marthone & Siple; the Southwestern Fuel Co., by J. W. Siple, president; the National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; Moffatt Coal Co., by S. M. Perry, president; Leyden Coal Co., by S. M. Perry, president; Sunnyside Coal Mining Co., by R. F. Oakes, president; Royal Gorge Coal Co., by E. C. Battis, president.

Mr. WELBORN. That completes that file. I didn't know it was so long, or I would not have gone into it.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Mr. WELBORN. Very good.

Commissioner GARRETSON. Going back to that question of advertising, Mr. Welborn, if you received—now, I don't want to be guilty of sacrilege in a case like that of Fra Elbertus—if you received the same form of communication from a country editor that Mr. Rockefeller received from Fra Elbertus would you look on it as a touch or not?

Mr. WELBORN. I don't know that I would; not necessarily. Some country editors have written some very truthful things about the strike, and we have quoted some of the so-called country editors, I think, at times——

Commissioner GARRETSON. You have paid "the freight"?

Mr. WELBORN. The "freight" has not always been an item or necessary.

Commissioner GARRETSON. But where it has been drawn to your attention?

Mr. WELBORN. If it became necessary to ask the man to reproduce a considerable number of copies of his paper, we were quite willing to, and I think have, paid the cost of the reproduction. In other cases we have simply used a clipping from his paper; perhaps in our bulletin or in some other letter or by some other means quoted him.

Commissioner GARRETSON. What difference would there be between a proposition of that kind and this one?

Mr. WELBORN. I see no——

Commissioner GARRETSON (interrupting). I mean the one I am going to draw to your attention.

Mr. WELBORN. Oh.

Commissioner GARRETSON. Some time since, in a State that has the referendum, in which there was a measure referred to the voters that was of interest to the men I represent, the legislative committee of that State telegraphed me that a newspaper, a daily of very considerable prominence, had made them the proposition that if they would insert a page advertisement, worth $900, that they would comment favorably editorially for the passage of the law. I wired back there was nothing doing. The editorial columns the next day were strongly against the proposition. I interpreted that to mean that I could buy the editorial column by buying advertising space. Did you look on this proposition that way?

Mr. WELBORN. No, indeed. And I don't think there is any justification for taking that view of it. Mr. Hubbard, I think, did not know until after his article was published—had no reason for knowing, anyway—that we would take any considerable number or any number whatever. If you will recall the correspondence between him and Mr. Rockefeller, he mentioned the fact that

the Michigan operators had taken a million copies, whereas the Colorado Fuel & Iron Co. took one-thousandth part of that, or, in other words, 1,000.

Commissioner GARRETSON. In other words, you did not value his opinion as highly as the Michigan men?

Mr. WELBORN. We saw no reason to expend a large amount of money in the distribution of what he had to say of his views on the question. Besides, his price was high, as I stated in my letter to Mr. Rockefeller.

Commissioner GARRETSON. It is a matter of market?

Mr. WELBORN. Well, not entirely so; market and value of the property.

Commissioner GARRETSON. If the price had been less you would have taken more?

Mr. WELBORN. Not necessarily. I say it is a question of value and quality of goods.

Commissioner GARRETSON. Now, one thing further in regard to your publicity agent, Mr. Lee. Mr. Lee appears as the publicity agent of the Pennsylvania Railroad. That is his official position.

Mr. WELBORN. I am not prepared to say it is. I know his title is executive assistant.

Commissioner GARRETSON. Oh, yes; but it don't mention the direction in which his executive capacity is exercised.

Mr. WELBORN. No, sir.

Commissioner GARRETSON. Are you aware of the fact that that is his duty with that company?

Mr. WELBORN. I have understood that he did some work of that kind, although I am quite sure he does other work.

Commissioner GARRETSON. Are you also aware that he is publicity agent of the Eastern Association of General Managers of 53 eastern railways?

Mr. WELBORN. No; I am not.

Commissioner GARRETSON. Are you aware whether or not he is the publicity agent of the railway companies in the late efforts at rate increase before the Interstate Commerce Commission?

Mr. WELBORN. No; I am not.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you.

Commissioner WEINSTOCK. Just one question.

Chairman WALSH. Commissioner Weinstock has a question.

Commissioner WEINSTOCK. You were present, Mr. Welborn, when Senator Patterson testified?

Mr. WELBORN. Yes; I was.

Commissioner WEINSTOCK. You recall that among other things the question was put to him where in his opinion the three interested factors had made mistakes?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. The operators, the workers, and the State administration?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And in the matter of the State administration he expressed it as his opinion that the governor had made a mistake in changing his policy; that the original policy, as he understood it and as he testified before this commission, was that the militia were to be used only to protect the lives and properties of both parties?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. That they were to be nonpartisan?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. But that later, according to Senator Patterson's testimony, the governor had changed his policy, and had afforded protection to the strike breakers that were imported from outside, and that he felt that that was a serious mistake on the part of the administration.

Now, will you tell this commission in what respect the conditions are different to-day from what they were under the administration with the State militia of Gov. Ammons? Can you to-day, with the Federal troops protecting the lives and properties of parties, can you to-day import workers from outside of the State and secure for them protection at the hands of the Federal troops?

Mr. WELBORN. We could not import, in the manner that that term is used by you at this time, men, because that would be against—I think against the orders of the Federal troops. We are permitted now to employ any one who may come.

Commissioner WEINSTOCK. Regardless of from whence they come?

Mr. WELBORN. Yes; who may come and seek employment.

Commissioner WEINSTOCK. In other words, if I, as a miner, came from Pennsylvania, Michigan, or Illinois, and apply for work, and you have work to give me, you could employ me and I would be protected by the Federal troops?

Mr. WELBORN. We can do that and we are doing it every few days, if not every day in some place.

Commissioner WEINSTOCK. Well, now, if that would be the case with one applicant for employment, would it hold for 2 or 3 or 4 or for 10 applicants for employment?

Mr. WELBORN. Yes; it would.

Commissioner WEINSTOCK. Then, in what respect is the policy any different to-day under Federal protection than under State protection in Gov. Ammons's time?

Mr. WELBORN. It is not materially different, and I would like to say that the situation, so far as violence, so far as observation of law and order is concerned, is not materially different. There was no violence, Mr. Commissioner, between the time the militia actually took charge of the strike district and the time they were withdrawn.

Commissioner WEINSTOCK. Well, then, if the strikers seemingly, so far as we can judge, by publicity, do not look upon it as a grievance, on the part of the Federal troops to afford protection to any man who may apply to you, no matter where he may come from, what is the explanation of regarding it as a grievance when the same condition prevailed under the administration of Gov. Ammons with the State militia?

Mr. WELBORN. I have only an opinion on that. I will give it if you care for it. That is, that the leaders have advised their men not to offer resistance to the Federal troops, while the contrary advice was given to them in the case of the State troops, particularly after the State troops became or had practically all been removed from the district, the number remaining was small. been removed from the district, the number remaining was small.

Commissioner WEINSTOCK. You were present this morning when Mr. Brewster testified, Mr. Welborn?

Mr. WELBORN. Yes, sir; I was present through all of his testimony this morning.

Commissioner WEINSTOCK. You recall the question was put to the professor as to what he would have done had he been the commanding officer of the National Guard if Mother Jones had used incendiary language, how he would have dealt with her; his answer was that he would have turned her over to the civil authorities. Since Prof. Brewster testified information has come to me and to this commission, which I regard as coming from a reliable source, that the courts, the civil authorities and the courts in the strike district had broken down completely. Is that so or not, so far as you know?

Mr. WELBORN. I should not want to say that; no. I should not say that the courts had fallen down.

Commissioner WEINSTOCK. The courts were still in operation?

Mr. WELBORN. So far as I know, they were; yes.

Commissioner WEINSTOCK. And were prepared—all the machinery of the civil courts was operating as under normal conditions and could deal with these cases?

Mr. WELBORN. I don't recall that there was anything abnormal in the situation at the time—I mean so far as the courts in that district were concerned.

Commissioner WEINSTOCK. So far as you know they were in operation?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And the judicial machinery was running smoothly?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Then you differ from my informant on that point.

Mr. WELBORN. Yes; I would in the light of the information I have at the moment; yes.

Commissioner WEINSTOCK. Then Gen. Chase, for example, could have turned Mother Jones over to the civil authorities?

Mr. WELBORN. So far as I know he could; yes.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Welborn, I want to ask you a question.

Did you prepare that record of the last 25 accidents resulting in injuries to persons, or loss of life, that was asked for by Mr. Lennon?

Mr. WELBORN. I asked to have it prepared, and it was not prepared this morning; they were all devoting their time to copying those letters. And I did not go to the offices at noon; but you will get it.

Chairman WALSH. You will see that we get it, if you can, while Mr. Weitzel is on the stand. Was there something else?

Mr. WELBORN. I am not going to take up your time, gentlemen, but I just wish to refer to this correspondence, which is a letter to me from Charles O. Heydt, dated November 5, 1914, received November 9, 1914.

NOVEMBER 5, 1914.

DEAR MR. WELBORN: Mr. John D. Rockefeller, jr., has not seen the inclosed letter from Mr. Bart Quesnay, Alix, Ark., and I am simply sending it to you for such disposition as you think it may deserve.

Very truly,

CHARLES O. HEYDT.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

And a reply from Welborn to Heydt:

NOVEMBER 17, 1914.

MY DEAR MR. HEYDT: Referring to your letter of the 5th instant, with which you inclosed one from Bart Quesnay and my reply of the 10th.

I now have a letter from the gentleman in answer to the one I wrote him. He makes no specific charges, but instead indulges in the recital of what he considers are suspicious circumstances. He may or may not be justified in his suspicions. However, we will make such investigation as we can, and if I learn anything of interest will advise you further.

Yours, very truly,

Mr. CHARLES O. HEYDT,
26 Broadway, New York, N. Y.

And a letter from Welborn to Bart Quesnay, dated November 10, 1914:

Mr. BART QUESNAY,
Alix, Ark.

DEAR SIR: Your letter of the 2d instant to Mr. John D. Rockefeller, jr., has been forwarded to me.

If such practices as you charge exist at any of our camps, we are most anxious to put a stop to them, but it is difficult to make a complete investigation based on what you say. We try to be sufficiently on the alert to detect all unfair practices that may be started at our mines before they have been well established, and earnestly solicit the assistance of the workmen having knowledge of such practices.

If you have any information more specific than that contained in your letter to Mr. Rockefeller, I shall be very glad to receive and treat it as confidential.

Yours, very truly,

And a letter from Welborn to Weitzel:

NOVEMBER 10, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith letter from Mr. Bart Quesnay, written to Mr. Rockefeller and forwarded by his office to me.

The charges of grafting on the part of foremen are of the same vague character as many that we receive, but if you think of any way of making an investigation of the practices he claims exists, I shall be glad if you will do so.

A slip is attached showing his earnings for 10 days in September and 22 days of October. I also inclose copy of my letter to him.

Yours, very truly,

And also a letter from Welborn to Weitzel dated November 17:

Personal.] NOVEMBER 17, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith a letter just received from Bart Quesnay in answer to the one I wrote him on the 10th instant.

His charges are of the same vague character as those contained in his original letter to Mr. Rockefeller, yet it is, of course, possible that his suspicions are justified, and I believe that it would be well to make some investigation.

Yours, very truly,

Two letters of Bart Quesnay are not with this file, but will follow later.

Mr. WELBORN. Mr. Brewster referred this morning to some inconsistencies in figures that I had used at different times to represent the number of men who left in response to the strike call, or the number who remained at work. I think that the error into which he fell was very natural. At times I have referred to our own employees, the employees of the Colorado Fuel & Iron Co., to the employees of the coal-mining industry as a whole. The 62 per cent which has been used as representing the number of men who remained at work when the strike was called applies to the men in the coal-mining industry of Colorado. That figure, or percentage, is obtained from the monthly figures or computations based on the monthly figures furnished by the State coal mine inspector.

He stated that before the congressional committee I had stated that about one-third of our men remained at work—that is, one-third of the men of the Colorado Fuel & Iron Co. I have not referred to my copy of those proceedings, but I think the reference of the third was to the coal diggers alone. I stated on Saturday in answer to a question from one of the commissioners that about 40 per cent of our men left our employ when the strike was called. I think the exact figures which Mr. Weitzel will furnish at your request, Mr. Chairman, will practically confirm that.

I was taken to task by Mr. Brewster on a number of points, but there is no part of my testimony that I care to change.

After I left the stand yesterday a report of the Delaware & Hudson Co. for the year 1913 came to my desk, and from it I want to quote a paragraph—two of them rather, this is a report of their board of directors to the stockholders—coal-mining department operators:

"During the year 1913 this company mined 7,170,558 gross tons of anthracite out of a total of 69,060,628 tons, including the product of washers, produced in the region. This is 731,006 gross tons more than in 1912, the production of that year having been reduced by the suspension of mining from April 1 to May 21, inclusive, due to the strike."

The next paragraph is as follows:

"In the report for last year reference was made to an agreement between the mine workers and the anthracite operators for a period of four years to end March 31, 1916. Section D of this agreement provides in detail a method for adjustment without strikes or lockouts of all differences, including provisions for arbitrating matters not otherwise settled. The company has at all times observed both the spirit and the letter of this agreement. It is regretted that notwithstanding this agreement the employees continued to strike first and then invoke the intervention of the machinery provided to prevent strikes rather than remain at work and have the differences adjusted in the orderly manner provided by the agreement. During 1913 there were 10 different strikes in one or more collieries, the total loss being equal to the closing of one colliery for 491 hours, or 54.5 working days of nine hours each."

The anthracite districts of Pennsylvania is frequently referred to as a place where ideal working conditions are in effect between the operators and the United Mine Workers; and it was for that reason that I called attention to this statement of the railroad.

I would like also to draw the comparison between the nine hours as representing a day's work in that State and eight hours in Colorado.

Commissioner O'CONNELL. Mr. Welborn, before you retire, a fellow commissioner and I have disagreed as to the result of your testimony on one question. Commissioner Weinstock asked you if the same conditions prevailed as to the employment of miners under the present régime of the United States soldiers

as prevailed during the administration of the State militia. During the time of the State militia you were privileged to go to Ohio or West Virginia, or to any other State, to employ miners to come into Colorado and be protected by the State militia in their employment.

Mr. WELBORN. We were privileged to go and employ those men. The State militia, as I understand it, were instructed to protect them as well as to observe the instructions under which they went into the field. And I ought to say that they were also instructed to check up the men we brought in from other States, to find out—that is, to determine absolutely that those men had been informed that there was a strike on in Colorado, and had been fully acquainted with the conditions under which they were brought here.

Commissioner O'CONNELL. Yes. Now, that was the condition prevailing when the State militia was in the field?

Mr. WELBORN. Yes; during the month of December.

Commissioner O'CONNELL. Yes; but now can you go into Ohio and Pennsylvania, or have the employment agencies in those States employ men for you, and come here under the new administration prevailing?

Mr. WELBORN. Well, I want to say absolutely that we are not going in there, because we have all the men we want. Yet a great many men are coming to Colorado from other States——

Commissioner O'CONNELL. Yes; well, now, I don't want to haggle over it, but I want to get straightened out on that. Under the orders of the President of the United States——

Mr. WELBORN. As I remember it, sir, the orders, or rather the understanding which we have from the Army officers is to the effect that men shall not be brought in as strike breakers. That anyone who may seek employment for the purpose of making his home or remaining here a while may be employed without interference.

Commissioner O'CONNELL. But you can not go out to the adjoining States and seek men to come in here and work for you through this strike?

Mr. WELBORN. Well, I should not say that, because that particular proposition, or one in that form, has not been presented to the Federal soldiers, for the reason, primarily, that we don't need the men.

Commissioner O'CONNELL. That may be true; but if you needed the men?

Mr. WELBORN. I am not sure but that if we needed the men we could obtain them under those conditions.

Commissioner O'CONNELL. That you would be privileged to go to any State outside of Colorado and employ men, setting forth to them that there was a strike on, and that the soldiers were in there guarding the strikers, and so on? That you would have the right to employ men and bring them into Colorado and work in the mines under the protection of United States soldiers?

Mr. WELBORN. If we employed them, as we did in the other case, for permanent residents here.

Commissioner O'CONNELL. And you maintain that there is absolutely no difference between the privilege of employment under the régime of the State militia, and that which now prevails among the United States soldiers?

Mr. WELBORN. Practically not; I am sure I am right on that.

Chairman WALSH. Commissioner Garretson wants to ask you one question.

Mr. WELBORN. Very good. I will answer that.

Commissioner GARRETSON. One phase of your testimony before that interested me, and I am curious to know how you reconcile it with a certain existing condition; that is, the fact that so much capital has been made out of the man Hayes and others of the mine officers, as being interlopers and intermeddlers. That has been at various stages of the game, and in the testimony. Now, if those men are the representatives of the mine workers, and are interlopers because they do not hold residence in the State of Colorado, what is your publicity agent who resides in Philadelphia, or your other adherent whose document you used in complimentary copies, who lives in East Aurora, N. Y.?

Mr. WELBORN. Our publicity agent, so called, is acting in very much the capacity as that of a stenographer. As I stated yesterday, I am as much responsible for the matter which he has prepared and had published as I am for the letter dictated to my stenographer and presented to me in daily course of business.

Commissioner GARRETSON. Let me put it in another form, then, where there is no stenographer about it. Now, what relation does John D Rockefeller, jr., a citizen of New York, bear to it as an interloper, or the board of directors

which dominates the property, located in New York.

Mr. WELBORN. They have their money, those gentlemen have their money invested in the industry.

Commissioner GARRETSON. Haven't the United Mine Workers of America got their membership located in the industry?

Mr. WELBORN. Not the membership in Colorado.

Commissioner GARRETSON. Oh! They had.

Mr. WELBORN. No.

Commissioner GARRETSON. Never had?

Mr. WELBORN. Not to a material extent.

Commissioner GARRETSON. Oh! Just a minority?

Mr. WELBORN. A very small minority.

Commissioner GARRETSON. Has a minority a right of representation?

Mr. WELBORN. Oh, yes, indeed.

Commissioner GARRETSON. Yes. Well, then, what is the difference between Hayes—I am taking him as the highest officer——

Mr. WELBORN (interrupting). Let me go a little further on that question of the minority. They have the right to organize; they have the right to leave our employ; they have not the right to force the majority to leave our employ against their will.

Commissioner GARRETSON. That does not touch the officers question at all. Have they the right to demand of their officers—not of you, but of their officers—that they shall come here and represent them, just as the stockholders of the C. F. & I. or the Victor-American have the right to demand that you and Mr. Osgood represent them?

Mr. WELBORN. If the officers will come here to represent the minority of workmen belonging to the union in a lawful way, no one will question their right.

Commissioner GARRETSON. Who really determines whether the legally elected representative of a coterie of men, by whatever name they may be called, is representing them? Is it the stockholders usually that will say that word, or others?

Mr. WELBORN. I don't think I understand the question, quite.

Commissioner GARRETSON. Won't the stockholders in the C. F. & I. say whether you are properly representing them according to their desire?

Mr. WELBORN. I am sure they will; yes.

Commissioner GARRETSON. Won't the individual members of the miners' organization, then, be most competent to say whether Mr. Hayes is representing them in accordance with their desire?

Mr. WELBORN. I don't question the right of Mr. Hayes to represent the men belonging to the union. I don't question the right of the small number who belong to the union, or a large number, if it happened to be a large number, to select Mr. Hayes as their representative. I question the right of Mr. Hayes and his small minority to attempt to force us to recognize their organization as such, and to force the large majority of our men to join it.

Commissioner GARRETSON. Well, then, if he comes here in response to the demand of one of the stockholders, where does the "interloper" come in?

Mr. WELBORN. Well, he is not an interloper if he behaves himself.

Commissioner GARRETSON. Oh! That is all.

Chairman WALSH. That is all.

Mr. WELBORN. That suggests one statement that I would like to put in there. The statement was made this morning in connection with the interloper idea—that Mr. Bowers was not a resident of Denver, but a resident of Binghamton, N. Y. The facts are that he has resided in Denver, and the reports show him to have been a resident of Denver since 1907. Mr. Bowers is chairman of our board of directors.

Commissioner GARRETSON. Was that made this morning?

Mr. WELBORN. Mr. Brewster made that statement.

Commissioner GARRETSON. Well, that is one thing that I overlooked.

Mr. WELBORN. That is not surprising.

Commissioner GARRETSON. I am obliged for the information.

Chairman WALSH. Mr. Weitzel is the next witness. You will please take the stand, Mr. Weitzel.

Prof. BREWSTER. Mr. Chairman, may I make a statement?

Chairman WALSH. Mr. Weitzel is our next witness. We can hear you later.

Prof. BREWSTER. I will not be in again.

Chairman WALSH. You are going away?

Prof. BREWSTER. Yes.

Chairman WALSH. Just wait a moment, Mr. Weitzel. Just take the stand, Mr. Brewster.

TESTIMONY OF PROF. JAMES H. BREWSTER—Recalled.

Prof. BREWSTER. Mr. Chairman, my name is James H. Brewster. Mr. Chairman, in reference to what I said about Mr. Bowers, Mr. Bowers stated his own residence at the beginning of his testimony as "Binghamton, N. Y."; you will find it if you look in the beginning of the testimony. I have his own word for it under oath. I may be able to prove what I said.

There is one other thing that I wish to say. If you will read Capt. Nickerson's testimony, you will see how the antideception act of Colorado is observed at the orders of the governor. Capt. Nickerson was sent to La Junta, and there were 50 strike breakers there. They were nearly all asleep, and he took the word of four employees of the coal operators that they had been informed of the strike. That is the only investigation that was testified to by the militia, and that was stated to be the way all the investigations were made. I call your attention specially, therefore, to the testimony of Capt. Nickerson on the method of the militia examining whether strike breakers brought in were aware of the strike.

Chairman WALSH. Thank you, Professor, for your testimony.

Mr. Weitzel will take the stand.

TESTIMONY OF MR. E. H. WEITZEL.

Chairman WALSH. Now, if possible, Mr. Weitzel, those matters that need no explanation, that have been testified to by Mr. Welborn, we would like to omit. We understand from you——

Mr. WEITZEL. Yes; don't have any hesitancy in raising your hand, and I will stop.

Chairman WALSH. We don't want to limit anyone, but at the same time, there is no use of cumulative testimony where it don't add anything. What is your name?

Mr. WEITZEL. E. H. Weitzel.

Chairman WALSH. Where do you live?

Mr. WEITZEL. Pueblo.

Chairman WALSH. How long have you lived in Pueblo?

Mr. WEITZEL. Since about June, 1906.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. WEITZEL. Since April, 1906.

Chairman WALSH. Where did you live before you came here?

Mr. WEITZEL. Immediately before I lived in New Mexico; Dawson.

Chairman WALSH. Beginning with what you might call the start of your business life as a young man, please sketch briefly down to the present time what positions you have occupied.

Mr. WEITZEL. I began work as chainman in the office of Edlburn & Cooper, engineers, in Pittsburgh, Pa., in February, 1888. I worked for them seven years. The first year or two I naturally seemed to take to the mining work, and they did a lot of it—they were mining engineers for a lot of companies around Pittsburgh, and I drifted into that branch of the work, and for several years did practically nothing else. In 1895 I went to work for the New York & Cleveland Gas Coal Co. That was a subsidiary of the Carnegie Steel Co., located near Pittsburgh, and I was there until 1901.

Chairman WALSH. In what positions?

Mr. WEITZEL. As engineer. Then I went to Bellaire, Ohio, for the Empire Coal Mining Co., in 1901, and was engineer, I think, about a year, and then was appointed general superintendent. I came to New Mexico in 1903, due to my wife's health. Her health had failed, and for a short time I worked as a miner in the mines in Dawson, N. Mex., and from miner to clerk, and engineer, and superintendent. I was at Dawson about three years, and came to Trinidad and opened an office there at general engineering work, and was city engineer there, I think, the next spring. There I got acquainted with the C. F. & I. people. I began as engineer of the fuel department August 1, 1907, held that position until March 15, 1908, and then was appointed manager.

Chairman WALSH. And what has your experience been with the United Mine Workers in other fields in which you have worked, as concisely as you can state it?

Mr. WEITZEL. When I was general superintendent for the Empire Coal Co., at Bellaire, Ohio, I had experience with the United Mine Workers.

Chairman WALSH. Any other place?

Mr. WEITZEL. No, sir; that was all.

Chairman WALSH. How long were you there?

Mr. WEITZEL. I was there in that position, I believe, about 18 months. I am not just certain now what time I was promoted there.

Chairman WALSH. Please state the advantages and disadvantages, if any, that you observed in that field in the dealings with the operators with the United Mine Workers.

Mr. WEITZEL. The disadvantages that I found were a lack of enforcing discipline. It is impossible, or was impossible—I got along, I want to say, with the miners. I got along with the officials. They were very fair-minded men when you could get them. But sometimes when you had trouble on your hands they had their troubles, and it would be five or six days before they could get around to your trouble. I had a number of cases there of difficulty, but the president of the district always stood by me when he got to the job.

I found that while working under nonunion, as we had there immediately before we signed up, in case an accident of any kind occurred there it was very easy to make investigation. After the union came in you couldn't learn anything. You could have a man hurt, or a wreck, or a mule killed or injured and you might just as well sit in the office as to try to find out anything. It was there I first learned that the oath of the United Mine Workers bound a man not to disclose or give any information to the employer—to a boss. And I have found since in some of the constitutions and by-laws they fine a man $10 for giving information to anyone concerning a fellow member.

Chairman WALSH. Any information of any character, or just in cases of injury?

Mr. WEITZEL. Well, I believe I had better quote or read that.

Chairman WALSH. Yes; if you have it handy, I wish you would.

Commissioner WEINSTOCK. What are you about to read? Is that taken from the by-laws?

Mr. WEITZEL. Yes. It was put in evidence. I had the book and it was put in evidence before the congressional committee. What district is that?

Commissioner WEINSTOCK. This is district 15.

Mr. WEITZEL. Well, this is district No. 14.

Commissioner WEINSTOCK. Does each district have separate and distinct by-laws—constitution and by-laws—or are they uniform?

Mr. WEITZEL. I think they are different—their by-laws are different. I am not certain but what the constitution—I think the constitution probably is the same within certain bounds. But each district has at least their own by-laws.

Commissioner WEINSTOCK. What section is that?

Mr. WEITZEL. Section 8, article 10, revised constitution, adopted by the Fourteenth Annual Convention, district No. 14, U. M. W. of A., held at Pittsburg, Kans., March, 1912. Approved April, 1912:

"Any member or members found guilty of giving damaging evidence, either verbal or written, to the company's representatives in case of accidents without the consent of the State mine inspector, or his deputies or legally constituted authority, shall be expelled from the union and shall not become a member again for less than $100, and the local expelling him shall notify the district secretary and he shall notify all locals in the district."

Section 13, article 15: "Any member of the U. M. W. of A. found guilty of giving evidence against members of our organization without being called upon by the pit committee or district board shall, for the first offense, be fined $10 and for the second offense shall be expelled from the organization."

Commissioner WEINSTOCK. Can you submit that? [Witness hands pamphlet to Commissioner Weinstock.]

Chairman WALSH. Any other disadvantage that you found?

Mr. WEITZEL. I found that there were disadvantages to the men in some cases that came to my attention.

Chairman WALSH. What is that, Mr. Weitzel?

Mr. WEITZEL. Disadvantages to the men themselves.

Chairman WALSH. But first to the company. Any other disadvantages except lack of discipline?

Mr. WEITZEL. That was the principal one.

Chairman WALSH. Now, you say there were disadvantages to the men?

Mr. WEITZEL. Well, I don't know as I remember but one case there. I remember of a boy I had hooking cars at the bottom of the slope—coupling cars. He became 18 years of age and the pit committee called on me on his birthday and said he must receive a man's wages from that time. I said it was a boy's job and I would put another boy on, and it was their privilege to find him something else to do, and they took him away and tried to make a miner out of him. And first one man took him and then another, and no one was satisfied, and the boy was finally worked out of a job and thrown on the streets, and he was the only support of his mother and it caused a great hardship on the family.

Chairman WALSH. Any other disadvantages either to employers or employees?

Mr. WEITZEL. Well, there is a very good example to-day in eastern Ohio. As you probably know, the eastern part of the State is out on a strike and has been for eight months, which strike was brought about by the so-called mine-run law, passed through the Ohio Legislature through the efforts of Billy Green, national secretary. This law provides that all coal shall be paid for on mine-run basis, while eastern Ohio competes in lake trade with western Pennsylvania and West Virginia, who work on the lump-coal basis under union contract. It is putting the Ohio operator at a disadvantage—well, it is putting a straw on his back that he can't bear. They can not possibly operate at a profit, as I know from my experience there. This has thrown out, as first stated, about 40,000 men. I understand by newspaper advices that there are still 18,000 families that have been without work. It was brought about by Green's work in the legislature, and he has been greatly praised by the United Mine Workers for having that law passed, although it has worked very great injury to his own people.

Chairman WALSH. What advantages, if any, did you find from the operators' standpoint in working under the union agreement?

Mr. WEITZEL. I couldn't say that I found any.

Chairman WALSH. Are the mines of the Colorado district more dangerous, particularly in regard to falling roofs, than other districts in the United States?

Mr. WEITZEL. Yes.

Chairman WALSH. What is the reason of that?

Mr. WEITZEL. Well, as you know, all coal seams are formed level. They lie level as formed in the plastic state; and all our coal seams—practically all of them—I don't know of any place except right north of Denver here where they have not been disturbed by the upheaval of the Rocky Mountains, and the overlying strata have been badly broken. We have a great many what we call hidden slips, where there are fractures of the overlying strata that are not visible until the coal is mined; and it is from these that these breaks occur that often kill the miner. In the Eastern States, where the coal seams have not been subject to these upheavals, they do not have those difficulties.

But our greatest difference, to my mind, is the danger from dust in southern Colorado. Mr. Dalrymple went into that very briefly. Our coal in southern Colorado averages a little less than 1 per cent in moisture; that is, in Las Animas. As you come north in Huerfano County it gets up to 4 per cent; Fremont County, 6 and 8; and in the northern field about 16. Now, the coal in southern Colorado is very friable and breaks up into very fine dust. It is so light that it floats in the air. Our percentage of humidity—relative humidity—in the atmosphere is very low. Sometimes for months in the winter it will average about 15 per cent. As that dry air is taken into the mine as a means of ventilation it picks up the moisture; every available atom of moisture is picked up and carried out through the current of air, and some of our dust down there is so explosive that men have been burned in loading a car. That cloud of dust would be lit from their naked lamp. We have to resort to measures for safety in southern Colorado that are almost unheard of in the Eastern States on account of some of the difficulties.

Chairman WALSH. How does the cost of living for miners compare with the cost of living in other coal fields that you know of?

Mr. WEITZEL. Well, I should say it was higher in this country.

Chairman WALSH. Could you approximate the percentage of it?

Mr. WEITZEL. No; I could not, Mr. Walsh.

Chairman WALSH. What is approximately the average number of days per year for which a miner is paid in your mine?

Mr. WEITZEL. We have some mines that do not lose a day—the Fourth of July and Christmas, they are the two holidays—the mines that supply the

steel works, probably two or three of those. And the mines in the Trinidad district all work much more regularly than any other counties. The Huerfano County mines, especially the northern end of it, depend a great deal on domestic trade, as does the Canon City. I suppose I could look up the figures, but I should say about an average of 300 days for southern Colorado, and probably 220 or 230 in Huerfano County.

Chairman WALSH. How many months were the mines idle during the year 1912—any mines you have?

Mr. WEITZEL. I don't recall that we had any mines idle in 1912, except the Engleville mine for a couple of years.

Chairman WALSH. In 1911 how long were the mines idle?

Mr. WEITZEL. You mean continuously?

Chairman WALSH. No; altogether.

Mr. WEITZEL. I couldn't tell you. By looking up the records I could tell you how many days each mine was idle. It would hardly be right for me to make a guess.

Chairman WALSH. I wish you would just get that off for us. You don't need to give it on the witness stand, but submit it to our clerk, who will call for it.

Mr. WEITZEL. Well, sir, that is for 1911 and 1912?

Chairman WALSH. The length of time the mines were idle in 1910, 1911, and 1912, we will say.

Mr. WEITZEL. Yes, sir.

(The information called for was later submitted and is printed among the exhibits at the end of this subject as "Weitzel Exhibit No. 1.")

Chairman WALSH. What were the causes of the closing down of the mines—the principal causes at any time they were closed down?

Mr. WEITZEL. A lack of business.

Chairman WALSH. Nothing else?

Mr. WEITZEL. Nothing else.

Chairman WALSH. What employment agencies are used ordinarily to get miners? I don't mean in times of trouble.

Mr. WEITZEL. We have never used any since I have been with the company.

Chairman WALSH. What is your machinery for employing men?

Mr. WEITZEL. Men apply to the superintendent or mine foreman, but are always hired by the superintendent. They come to the mines.

Chairman WALSH. They go to the particular mine in which they work, do they?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Any means used for getting them there?

Mr. WEITZEL. Well, now there are times in Trinidad—we have a division superintendent's office in Trinidad, and sometimes men go there and apply to him, and he, knowing where a mine most likely wants men, might send them out to the mines.

Chairman WALSH. Any other place except Trinidad that that is done?

Mr. WEITZEL. Well, there are some men sent from my office in Pueblo that come in there and apply, but they are comparatively few.

Chairman WALSH. Did you ever indicate the nationalities of the men that you wished to employ?

Mr. WEITZEL. No, sir.

Chairman WALSH. You have heard it stated here that they are employed in different nationalities and located in the mine in such a way that one can not talk to the other; anything in that?

Mr. WEITZEL. I heard Mr. McLennan say that; but, Mr. Walsh, the men choose their own buddies. They work together, and the boss would not attempt to say to a man, "You must work with this fellow." If a man comes and asks for work very often he will say "Do you know anyone in the camp to work with or have you some one to work with you?" They always mate up themselves.

Chairman WALSH. What previous experience do you require a man being employed as a miner to have?

Mr. WEITZEL. Sometimes we do and sometimes we do not. When a man is hired who has not had previous experience it is a rule that he must find some one in the camp who is an experienced miner that will take him along, say, in the room with him. When we brought some men in in January of last year—in December of 1913 and January of 1914—when those men were distributed, I gave orders that one experienced miner for each 12 men went along and must be put in charge of those men until he was assured they were practical miners.

Chairman WALSH. Do you make any effort to get skilled men, Mr. Weitzel?

Mr. WEITZEL. We are always anxious to get skilled men; but since I have been with the company, up to the time of the strike, it has not been necessary for us to seek labor anywhere. It has all come to us, all we have needed.

Chairman WALSH. My attention has been called to your alleged testimony before the congressional committee in which you stated that the most intelligent miner is the hardest to handle, because he thinks he knows it all?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. And you are quoted as saying that the green miners are more careful often than English-speaking miners.

Mr. WEITZEL. Yes, sir.

Chairman WALSH. That you do not regard the ability to speak English as a factor in their employment?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Is that correct?

Mr. WEITZEL. Yes, sir. Let me give you an illustration of that: We purchased a mine down in Huerfano County. I think we took it over January 1, 1911. I had been through the mine twice at least during the preceding negotiations, and we were to take possession on January 1. I had noticed on my trips that the timbering was very poor; that in some of the rooms it was perhaps 30 or 40 feet back from the face. When we took possession that day, I gave orders to the superintendent and mine foreman that there should be no more coal loaded until all the rooms were securely timbered, and told the mine foreman to go in with his assistants and make a chalk mark where each timber ought to go and instruct the driver to give no man a car until all the timbers were set to correspond with the chalk marks. Along in the afternoon a bunch of men came out, all English speaking, who came to the office first and asked me if there was any danger of the C. F. & I. buying the Tioga mine. I told them I did not think there was, and I asked them why. They said if there is no likelihood of your buying that mine we want to work there. I says, "What is the trouble with you?" And the man who spoke his name was O'Neil, and he said, "I want you to understand I am a union man, and these boys with me, and we won't have any foreman come and direct us where we are to set our timbers. We have all been in the mines longer than your foreman has." That was one of my experiences to lead me to believe——

Chairman WALSH. Would the logic of that not be that it is preferable to hire men ignorant of the location of mines and non-English speaking?

Mr. WEITZEL. No; no; I would not say so. I found these members of the United Mine Workers the hardest to handle—the men who did not want to subject themselves to the discipline of the mines.

Chairman WALSH. Are checkweighmen employed at any of the mines of your company?

Mr. WEITZEL. Yes, sir. There is, I believe, only one mine at the present time employing checkweighmen.

Chairman WALSH. What is the reason that the others do not employ them?

Mr. WEITZEL. They do not want them.

Commissioner WEINSTOCK. Who does not want them?

Mr. WEITZEL. The miners do not want them.

Commissioner WEINSTOCK. What is a checkweighman?

Mr. WEITZEL. The man who checks the company's weighmaster to see that the men get proper credit for the weight of each car of coal. I have always favored checkweighmen and have urged our men time and again to put them on and tried to force the men at their meetings to have checkweighmen. I suppose you have seen the notice posted at our mines in regard to checkweighmen?

Chairman WALSH. No; please read it into the record.

Mr. WEITZEL. It is as follows [reading]:

PUEBLO, COLO., *April 11, 1913.*

All superintendents:

In order that our position on the checkweighing question may be fairly understood by all our employees, would ask that you post the following notice:

NOTICE.

The Colorado Fuel & Iron Co. has always been willing that its miners should have a checkweighman. This fact is well known to old employees, but for the

benefit of the new ones, this is notice that a checkweighman, selected by the miners from their fellow workmen, will be allowed at any of the company's mines.

THE COLORADO FUEL & IRON CO.,
E. H. WEITZEL, *Manager*.

Chairman WALSH. Why do you think a checkweighman is desirable?

Mr. WEITZEL. For the matter of satisfaction, it is desirable on the part of the company to have checkweighmen; it helps to keep the men satisfied as to their weights.

Chairman WALSH. Have you observed whether or not checkweighmen were employed at the mines generally where the United Mine Workers of America were installed?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Did they have checkweighmen?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Did they remain there steadily?

Mr. WEITZEL. Well, they are subject to a great deal of change, as you heard on the stand the other day, where they had had seven or eight checkweighmen in half that many months.

Chairman WALSH. In the places you have been, did they succeed in obtaining satisfactory ones?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. In the places where you have been did they change often?

Mr. WEITZEL. Not as often as was said.

Chairman WALSH. Now, Mr. Weitzel, is there any means under your present organization—have you been able to discover any means by which you can keep checkweighmen at work?

Mr. WEITZEL. Only at one mine; at the Starkville mine there has been one for 18 years steadily.

Chairman WALSH. What efforts have you made to keep checkweighmen at your mines?

Mr. WEITZEL. At any time that I have heard that men were dissatisfied with their weights I have always instructed the superintendent, "When you hear that complaint try to agitate the question of a checkweighman and have one put on." I remember a case at the Rouse mine a couple of years ago. The superintendent told me that some of the miners on an idle day had pushed a car on the tipple scale and weighed it and then took the coal out and put it in gunny sacks and hauled it to the store of one of their friends and weighed it; and I asked him to get the men together, if he knew them, and agitate the question of a checkweighman, and he did. At first they did not care to go outside of their own nationality—I think that is the Italians—but by my keeping after him he did finally get the men together, and they elected a checkweighman; I think they elected a checkweighman, but he either did not go to work or worked one day and said he didn't want to undertake the job at $5 a day.

Chairman WALSH. Have you ever suggested to the men that they organize a committee to look after that particular subject in the mines?

Mr. WEITZEL. I have not.

Chairman WALSH. Would you allow them to meet in the halls away from the mines and organize a committee for that purpose?

Mr. WEITZEL. Yes, sir; and would be glad to go myself, if I thought it would result in the election of a checkweighman.

Chairman WALSH. Please state the record of your company, as briefly as you can, with regard to the payment of the miners in scrip.

Mr. WEITZEL. The use of scrip in paying miners was entirely for the convenience of the miners and was only used to tide him over from one pay day to another. If he did not want to run an account at the store, or did not have credit, he could go to the mine office and get an order that was good for either goods or scrip at the store. I have always been against the system because I think it teaches the men improvidence, that he can draw his wages every day and spend them; I think they ought to be encouraged to wait until pay day; I think it is a poor system.

Chairman WALSH. Is the use of scrip discontinued now with your company?

Mr. WEITZEL. Yes, sir; either at the time or just about the time we put in two weeks pay it was abandoned; there was less demand for it when they were paid every two weeks.

Chairman WALSH. Please describe the methods used by your company during the strike to maintain order in the coal camps.

Mr. WEITZEL. At our Morley mine, Starkville, Sopris, Primero, Berwind-Tabasco is one, and Rouse; we had one marshal at each of these mines; the others were without marshals.

Chairman WALSH. Within the past three years have any of your mine superintendents, foremen, or other officers acted as peace officers?

Mr. WEITZEL. Not to my knowledge; I never knew of any of our superintendents or foremen having a deputy sheriff's commission. I won't say that they have not, but it has not come to my knowledge.

Chairman WALSH. In these camps that you have, what tax, if any, is paid by the miners for the maintenance of the local government?

Mr. WEITZEL. There is no tax that I know of.

Chairman WALSH. No personal property tax?

Mr. WEITZEL. I think not; that would be a matter with the county assessor. There might be and I not know it.

Chairman WALSH. Do you object to the presence in the camp of agitators?

Mr. WEITZEL. Yes.

Chairman WALSH. What means did you take to ascertain who were agitators?

Mr. WEITZEL. The reports of our men to our superintendents that a certain man was in camp and agitating and trying to make trouble.

Chairman WALSH. What would you do about him?

Mr. WEITZEL. Ask him to leave.

Chairman WALSH. Did you maintain any detective system or spy system for the purpose of finding out whether there were agitators in a camp?

Mr. WEITZEL. Prior to the strike?

Chairman WALSH. Yes.

Mr. WEITZEL. No, we did not have a single man in that capacity.

Chairman WALSH. Say for three years prior to the strike did you or did you not have a detective in your employ or detectives that worked as miners?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. To what extent did that obtain prior to the strike?

Mr. WEITZEL. I only recall one instance where I ever hired a man or had one put in in a mine to work as a miner, and it came about in this way: There had rumors come to my ears that the mine foreman in that mine was charging the men for places, either rental or selling them to them, and I had this man put in to test the fact out, and kept him for three months, and he talked with the men and reported that there was nothing in it, and I suggested that he try out the mine foreman himself, and he did; and he was walked out of the mine and had to leave the camp without securing his clothes, and that is the only instance that I hired a man to work in a mine with the miners to secure information.

Chairman WALSH. Who fixes the working conditions and adjusts grievances in your mine?

Mr. WEITZEL. The superintendent takes up matters that are complained about to him, on the part of the miners against mine foremen; sometimes they pass the superintendent and come to the division superintendents—district superintendent—and sometimes they come to me. Sometimes they come to my assistant and sometimes they come to Mr. Welborn; they write to him.

Chairman WALSH. How many did you have in the year prior to the strike that come to you?

Mr. WEITZEL. I don't know that I could tell you.

Chairman WALSH. Could you approximate it?

Mr. WEITZEL. Probably 12 or 15.

Chairman WALSH. One or more a month?

Mr. WEITZEL. Yes.

Chairman WALSH. In any case, did you reverse the action of the mine superintendent that discharged the men, can you recall?

Mr. WEITZEL. Yes; I can remember of a case of discharge. I don't remember that I entirely stood by the superintendent in any particular case. I think I nearly always made some little modification of his verdict.

Chairman WALSH. Do you have a sociological department connected with your company now?

Mr. WEITZEL. Yes.

Chairman WALSH. Who is in charge of it?

Mr. WEITZEL. The Rev. E. S. Gaddis.

Chairman WALSH. Has he any assistants?

Mr. WEITZEL. Yes sir; a couple of them; an evangelist—one a colored man under him and a white man, a preacher that assists him.

Chairman WALSH. In these closed camps I believe you have a circulating library, and you also send in newspapers and magazines?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. What magazines do you send in there?

Mr. WEITZEL. I could not name them now. I passed on them, I think, at the time they were sent in.

Chairman WALSH. Who passes on them?

Mr. WEITZEL. I pass on them, I said. I think Puck and Judge, Life, and the Saturday Evening Post, and the daily paper in the city, but I don't remember.

Chairman WALSH. Does the Express go in?

Mr. WEITZEL. The Denver Express?

Chairman WALSH. Yes.

Mr. WEITZEL. Not if I noticed it on the list. Did you see a Denver Express in the clubhouse on Sunday at Primero?

Chairman WALSH. No. Do you allow Harpers Weekly to go in?

Mr. WEITZEL. I don't know that we send it in; we have no objection to it.

Chairman WALSH. Do you allow the Masses to go in?

Mr. WEITZEL. I don't know it.

Chairman WALSH. Pearson's Magazine?

Mr. WEITZEL. It would be allowed.

Chairman WALSH. Do you send in any papers except those you have mentioned?

Mr. WEITZEL. There may be, but I can not remember the list of papers.

Chairman WALSH. Has Mr. Gaddis any authority to send in any papers that are not passed on by you?

Mr. WEITZEL. No; he would not, because I would pass on the question of anything that requires the payment of money.

Chairman WALSH. Who raises the question with regard to the papers that are sent in? Have you ever had any request from the men working in the mines for any particular paper?

Mr. WEITZEL. I have not; no, sir.

Chairman WALSH. Are any labor papers sent in there?

Mr. WEITZEL. Not that I know of.

Chairman WALSH. Please describe briefly the cost accounting system in use in your organization.

Mr. WEITZEL. It is divided into 8 or 10 different divisions. The first is the cost of mining; the second, I believe, is the cost of narrow work, and the third is the cost of machine work. The fourth is hauling, which includes that item, of course. The fifth item is the cost of dumping and loading. The sixth I have forgotten—well, there are steam costs and power costs, and timber and care of mine bottom, and so forth.

Chairman WALSH. Are these cost sheets sent from one mine to another by the superintendent in an effort to standardize the cost of the mines?

Mr. WEITZEL. Absolutely not. I have never indicated to any superintendent the cost of mining at another mine, except the one he was working at.

Chairman WALSH. Is the Hastings your mine?

Mr. WEITZEL. No, sir.

Chairman WALSH. That mine belongs to what company?

Mr. WEITZEL. The Victor-American Fuel Co.

Chairman WALSH. The Primero is your mine?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Has Primero one election precinct—the town of Primero?

Mr. WEITZEL. I don't just get what you mean by one election precinct.

Chairman WALSH. Has the town of Primero one election precinct itself?

Mr. WEITZEL. I think it has; yes, sir.

Chairman WALSH. Is it in an inclosure of your company, inclosed in a barbed-wire fence?

Mr. WEITZEL. There is a fence around the camp, but I do not think it takes in all of the election district; I am sure it does not.

Chairman WALSH. Is there any suggestions made to employees in a camp like Primero as to how they shall vote?

Mr. WHITSEL. Prior to the election that just occurred—it was the policy ever since I have been with the company to not only ask our men, but to instruct the superintendents and bosses that they must not take any part in election.

Chairman WALSH. Is it done? Is there anyone with the company that makes speeches, for instance, in the mining camp or town?

Mr. WHITSEL. Not to my knowledge.

Chairman WALSH. Did you notice the return from that mining camp just mentioned, Primero?

Mr. WHITSEL. No; I did not; I have not looked at the returns by precincts, except at my own in Pueblo, I believe, at any place in the State. I know in a general way the result—what the result was from the returns the night of election.

Chairman WALSH. You—to your knowledge was any suggestion made to the employees of your company as to the desires of the company in regard to the passage or defeat of amendment No. 11, which had to do with the assumption of risk of injury and death by the men in the State?

Mr. WHITSEL. It was not mentioned, to my knowledge, to any of our employees.

Chairman WALSH. Is a man of any political belief permitted to speak in the halls of these camps?

Mr. WHITSEL. So far as I know they are. I have not been at the camps during the campaigns.

Chairman WALSH. Democrats, Republicans, Progressives, or Socialists?

Mr. WHITSEL. They have had a number of political meetings in the schoolhouses.

Chairman WALSH. And the schoolhouses are controlled by whom?

Mr. WHITSEL. The schoolhouses are controlled by the school directors.

Chairman WALSH. Are the school directors usually men employed by you?

Mr. WHITSEL. In a closed camp; yes, sir.

Chairman WALSH. I notice that at Primero the school directors were all employees of yours, and one was the man that kept the saloon there; how are the school directors appointed?

Mr. WHITSEL. They are elected.

Chairman WALSH. How are they elected in the school districts?

Mr. WHITSEL. I do not know.

Chairman WALSH. You are not familiar with it?

Mr. WHITSEL. No.

Chairman WALSH. And these school directors have the absolute say so as to who shall use the school building?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. Now, what—do you have a saloon in each one of your camps in these times?

Mr. WHITSEL. No, sir.

Chairman WALSH. In what camps have you saloons?

Mr. WHITSEL. There were saloons in a few buildings on company property, only in four camps, I believe, before the strike, before the saloons were closed.

Chairman WALSH. Where?

Mr. WHITSEL. In Morley, Tercio, Primero, and I believe Spring Gulch; the other camps were either so located that the men could get to town or get to a saloon on some other property without traveling any great distance. Personally, I am against the saloon.

Chairman WALSH. Does your company charge a flat rental for their saloon buildings?

Mr. WHITSEL. The arrangements for saloon buildings were made before I came with the company, and I never made an arrangement with a saloon keeper for the privilege, and I have never seen the books or charges.

Chairman WALSH. Who makes them?

Mr. WHITSEL. They were made prior to my coming with the company, and there are only three places where there are saloons in a position that the saloon keeper would be expected to pay the company anything for the privilege.

Chairman WALSH. Who collects from the saloon keeper?

Mr. WHITSEL. The auditor.

Chairman WALSH. Take the case of Primero. You are familiar with that building?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. What would you say is the rental value of that building? You say it is a frame building.

Mr. WHITTEL. You say that I am familiar with it; I think I was in it once. I do not remember the size of it; but just looking at it from the boiler house I should say that building cost nine or ten thousand dollars.

Chairman WALSH. It cost nine or ten thousand dolars?

Mr. WHITTEL. Yes.

Chairman WALSH. It is a frame building?

Mr. WHITTEL. Yes, sir.

Chairman WALSH. To what extent does the company interest itself in private schools and churches in these closed camps?

Mr. WHITTEL. We are trying to do everything we can. We are trying to have the best schools we can have in the camps and trying to have them equal, and I think they are almost equal to the public schools in cities, except there are more grades in one room.

Chairman WALSH. Do the school directors select the teachers?

Mr. WHITTEL. They do; but we have a man—and have for some time—to ask the school directors before they employ them to consult with the man at the head of the sociological department, because he was better acquainted with the teachers and better able to assist them in getting men who were competent teachers.

Chairman WALSH. Who have you asked to do that?

Mr. WHITTEL. The superintendents. I believe I have a general letter that I wrote them on the subject that would interest you.

Chairman WALSH. Read that letter, please.

Mr. WHITTEL. It is as follows [reading]:

PUEBLO, COLO., *July 2, 1913.*

All superintendents:

Our company is very anxious that the camp schools shall be as efficient as possible to make them, and while we appreciate the efforts of our superintendents and other employees who have been serving as directors, we believe that the efficiency can still further be increased by some outside assistance.

Mr. Walter Morritt has been appointed supervisor of camp schools, and we feel that with his experience and large acquaintance with teaching fraternity he can be especially helpful in the selection of teachers, and it is requested that where teachers have not already been elected for the coming term the names of applicants be sent to Mr. Morritt at once; that in future years the selection of teachers be taken up with Mr. Morritt before an election is held.

Knowing the interest you all have in bringing our schools up to the highest possible standard, I feel certain you will cooperate with Mr. Morritt.

E. H. WHITTEL, *Manager.*

Chairman WALSH. That is a direct request from you?

Mr. WHITTEL. Yes, sir.

Chairman WALSH. You seem to recognise in that that the school directors in these camps are employees of your company?

Mr. WHITTEL. Yes, sir; that is directed to the places where they are employees of our company.

Chairman WALSH. Does your company pay any attention to the character of the men that are employed—sobriety, intelligence, morality, and such things?

Mr. WHITTEL. To the men that are employed?

Chairman WALSH. That are elected as school directors?

Mr. WHITTEL. No, sir.

Chairman WALSH. Please name the five largest camps in the State and the number of men employed in each.

Mr. WHITTEL. At the present time?

Chairman WALSH. Yes, sir.

Mr. WHITTEL. The record I will give you will be for October, 1914; I have not figures for November. Morley is——

Chairman WALSH. I believe I would prefer, if you have the time to go back, to give a typical month when you mined the most coal.

Mr. WHITTEL. Well, September, 1913, and October, 1914—I have both of them. Those are the only two I have available.

Chairman WALSH. September before the strike?

Mr. WHITTEL. September before the strike is as follows: Sopris—you want the three largest?

Chairman WALSH. Yes.

Mr. WEITZEL. Segeris, September, had 429 employees; Frederic, 410; Primero, 372. I believe those are the three largest.

Chairman WALSH. Has there ever been a political club in any of those camps?

Mr. WEITZEL. A political club?

Chairman WALSH. Yes; a political club—a young men's Republican club or a Jeffersonian club?

Mr. WEITZEL. I never heard of it.

Chairman WALSH. Is there any patriotic society that has been organized in those camps?

Mr. WEITZEL. There are a number of societies, benevolent societies, but I do not know of a patriotic society.

Chairman WALSH. Are there any social fraternities, church fraternities, or anything of that kind? Or young people's societies, such as the Christian Endeavor?

Mr. WEITZEL. We have church societies in all camps.

Chairman WALSH. Who selects the ministers for the churches?

Mr. WEITZEL. Mr. Morritt, I believe; Mr. Gaddis was selected by his predecessor, Mr. Morritt, or was recommended by him. The Rev. E. S. Gaddis, who is now in charge of the sociological department, selects the men working under his direction.

Chairman WALSH. So the ministers in these closed camps are selected by the company?

Mr. WEITZEL. That is true.

Chairman WALSH. Who has supervision over them? Who pays their salaries? The company, I suppose, pays their salary, but who passes on the amount of the salary of the minister?

Mr. WEITZEL. I could not say as to that. Mr. Morritt was on the job when I came here, and Rev. E. S. Gaddis was put on under his direction. I do not know his salary.

Chairman WALSH. Would the members of these camps be permitted to form political clubs if they desired?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Would they be permitted to form social organizations?

Mr. WEITZEL. There would be nothing to hinder them.

Chairman WALSH. Or organizations of the Industrial Workers of the World?

Mr. WEITZEL. We try to discourage them against organizing the Industrial Workers of the World.

Chairman WALSH. Do you believe, Mr. Weitzel, that the peace which exists in the camps to-day, brought about by the efforts that have been applied, would be permanent industrial peace? I am asking you this as a citizen outside of your connection with the company—a permanent industrial peace?

Mr. WEITZEL. That depends entirely upon the action taken by the labor organizers and agitators in the future. If they do not resort to means such as they have I think the conditions will be peaceful. The conditions were very peaceful in the early part of 1913, and until a month or so before the strike.

Chairman WALSH. Do you believe they would remain peaceful, for instance, if the United Mine Workers of the World employed clever talkers and influential people, and they were permitted freely to go into these camps and argue to these people the alleged benefits of this organization?

Mr. WEITZEL. You speak of the "United Mine Workers of the World?"

Chairman WALSH. I am referring now to the United Mine Workers of America; the time before I was referring to the Industrial Workers of the World.

Mr. WEITZEL. If they were allowed to go in and agitate them?

Chairman WALSH. To set forth what they claim to be the advantages of their organization freely and argue them?

Mr. WEITZEL. If they were disposed to stir up trouble they could. I do not believe there are any persons in the world that can not be excited; you and I can as well as coal miners.

Chairman WALSH. If the United Mine Workers of America employed clever talkers and used respectful language—if they were clever talkers and used peaceable arguments and they kept at it and were permitted to do that, do you think peace would continue to exist there?

Mr. WEITZEL. Yes, sir; if they talked peaceably; if they talked peaceably and advised the men to be peaceable, that would be possible.

Chairman WALSH. And also advised them to join the United Mine Workers of America?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. And would you have any objection, then, to them doing that, beginning now, and sending men in with that respectful and decent manner of speech?

Mr. WHITSEL. If it were not for the knowledge I have that there would be danger at a future time of their making trouble with these same men I could not see any objection.

Chairman WALSH. At the present time you do see an objection to them sending men in there, no matter how respectful the men may be to society or how decent they may be in speech?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. Now, there were certain documents that Mr. Welborn suggested you would bring in—I believe all the orders issued by your company during a certain interval?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. Regarding the observation of the laws of the State?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. Would you please describe them much in the same way that Mr. Welborn described those letters, except to give the gist of it, for instance, the date and what it was, with reference to what law. We will go over those in our digest.

Mr. WHITSEL. A great many of these did not refer to any laws. You understand we had a great many rules in force as to safety and matters of that kind prior to the passage of the 1913 law, that are contained in these circulars, that were not crystallized into the law until the law was passed.

Chairman WALSH. Could you assist me in shortening this inquiry by giving me the gist of each one?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. I wish you would.

Mr. WHITSEL. Well, on April 8, 1908, to all superintendents, calling attention to the mine explosion at Hanna, Wyo., and cautioning superintendents to be very careful in the selection of mine officials and urging the enforcement of rules.

August 12, 1908, asking superintendents to assist the local doctors in starting first aid to the injured work.

August 20, 1908, circular—this does not refer to any law; it is on the temperance question, and Sunday schools, and such things.

Chairman WALSH. I will ask you from what date to what date they run?

Mr. WHITSEL. They run from April 8, 1908, to November 20, 1914.

Chairman WALSH. Will you kindly introduce them in evidence?

Mr. WHITSEL. Yes, sir.

Chairman WALSH. These are the orders, as I understand, that have been issued from time to time by your company to employees of the company regarding observation of the laws of the State, and other matters?

Mr. WHITSEL. Yes, sir.

(The orders presented are as follows:)

Circular No. 401.) THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., April 8, 1908.

To mine superintendents:

The recent mine disaster at Hanna, Wyo., should awaken all who have mines under their care to a renewed sense of their responsibility.

A mine superintendent's responsibility does not cease with the care of the property, the output, and the cost. He is also the guardian of the lives and safety of the men who work in the mines. These men have the right to presume that the master has at all times assured himself of the safety of the working place.

To this end you can not be too careful in the selection of fire bosses and men under you, nor too rigid in enforcing the rules laid down for their guidance. No tie of personal friendship or of family connection should be strong enough to induce you to keep in one of these responsible positions a man whom you are not absolutely certain is at all times capable and energetic in the discharge of his duties.

With a view of bettering this branch of the service and increasing its efficiency, I would request specially that fire bosses be allowed to accompany our mine inspector on all his visits, and that his recommendations be promptly carried out, and also that when you are in need of a fire boss that you communicate with the inspector and ascertain whether he has a man whom he can recommend for the place.

This plan, I think, would result in getting better men for fire bosses, from the fact that the inspector in his travels over the State has many opportunities of becoming acquainted with men who have the qualifications for fire boss.

Will say, in conclusion, that any suggestion you can make at any time, looking to the improvement of this branch of the service, will be kindly received and considered at this office.

E. H. WEITZEL, *Manager.*

Circular No. 422.] THE COLORADO FUEL & IRON CO.
FUEL DEPARTMENT,
Pueblo, Colo., August 12, 1903.

All superintendents:

Believing that there are many cases of injury where, if intelligent methods were used by those first arriving, the suffering of the injured person could be very much alleviated, and in some cases, especially that of electric shock, death prevented, I have requested Dr. Corwin, chief surgeon, to have the camp physicians give lectures on the subject of first aid to the injured to those at the mines to whom it would most likely be beneficial.

I would like that each superintendent arrange with the local physician for these lectures, and would suggest that he have in attendance at least mine foremen, fire bosses, track layers, electricians, motormen, hoisting engineers, and boss drivers.

E. H. WEITZEL, *Manager.*

Circular No. 426. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., August 29, 1903.

To all superintendents:

For the purpose of collecting statistics in reference to the business and habits of employees, superintendents will please send in to this office answers to the following questions promptly. Where saloons are in company buildings or on company land, and in buildings owned by others, please explain fully:

1. How many saloons are there at your plant?
2. Give names of proprietors.
3. How many of them are on land or in buildings owned by the company?
4. At what time do they close up?
5. Do they keep open on Sunday?
6. Are there any wheels or gambling games run in the saloon?
7. Are your company men in the habit of visiting saloons at noon hour?
8. Do your miners lose much time from work due to drinking?
9. Are any of your foremen, track layers, engineers, or firemen teetotalers?
10. If so, which of them?
11. Do any of them drink to excess?
12. If so, which of them?
13. Do you consider a saloon at your mine a necessity?
14. Give reasons.

E. H. WEITZEL, *Manager.*

Circular No. 433. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 1, 1903.

All superintendents:

You have, no doubt, like myself, been accustomed since childhood to listen at intervals to the travelling temperance lecturer, who tried to point out to you the evils of using alcoholic stimulants. Many of these lectures were merely a tirade against the saloon keeper and brewer, with little or no argument based on scientific experiment. The tendency of the present day, however, is to subject all questions affecting the welfare of the human race to scientific investigation, and we are now able to get reliable information on the drink question, based entirely on scientific experiment.

Many valuable articles have appeared in recent issues of the various periodicals, and no wide-awake, thoughtful man can afford to neglect the study of this important subject, especially men who, like you, are anxious to get the maximum output not only from yourselves, but your subordinates.

The most recent article of this character and one of the best is that by Henry Smith Williams, in McClure's Magazine for October. Knowing that many of you are so situated that you can not conveniently reach a bookstore, I am having a copy of this magazine sent you to-day. Please do me the favor to read the article carefully and pass it on to some of your foremen.

Until a few months ago I thought I was one of the exceptions who could drink moderately without any ill effects. You may think this is true in your case. Rest assured it is not.

E. H. WEITZEL, *Manager.*

Circular No. 447.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 15, 1908.

All superintendents:

Please arrange at once to protect all machinery near which it is necessary for employees to pass, so there will be no danger of their being caught and injured.

Large parts of machinery, such as rope drives, large belt wheels, large gears, etc., should be protected by railing made of lumber or pipe of suitable size, placed about 3 feet from the floor.

Small gears should be protected by sheet-iron guards the full width of face of gears and so shaped as to be not over 1 inch from gear.

Please report when this has been done.

E. H. WEITZEL, *Manager.*

Circular No. 471.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., May 27, 1909.

All superintendents:

We are sending you to-day a few copies of a pamphlet printed by the sociological department, giving "Instructions in First Aid to Those Injured by Electricity," for distribution to your mine bosses, electricians, and others interested or who might be of assistance in case of accident.

Please ask your men to study these instructions carefully, as a knowledge of what to do and how to do it may be the means of saving a human life.

If you can use more copies of this pamphlet, would be glad to supply them.

E. H. WEITZEL, *Manager.*

Circular No. 505.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 27, 1910.

All superintendents:

Felix Mondragon, Mexican, height 5 feet 5 inches, weight 130 pounds, age 45, reddish hair and mustache, and his son, A. Mondragon, aged 16, and frail build, have been discharged for firing their own shots at Primero. Shot firer refused to fire these shots account unsafe, and they went into the mine and fired them themselves.

E. H. WEITZEL, *Manager.*

Circular No. 511.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., February 10, 1910.

All superintendents:

Frank Savoran, Tony Dolobloh, and Lawrence Snyder have been arrested, prosecuted in district court, fined, and discharged from Crested Butte mine for carrying matches into the mine.

E. H. WEITZEL, *Manager.*

Circular No. 544. Reissue of Circular No. 442.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., September 23, 1910.

All superintendents:

I have observed at our mines that the wiring is poorly taken care of, and in order to insure safety from fires caused by electric wires you will please see that the following instructions are carried out:

In the future you will have all wire lines inspected at least once a week and necessary repairs made.

Sufficient insulators of a type suited to the pressure on line will be used to keep line in place, depending on nature of entry and liability to be torn down. Glass or porcelain petticoat insulators only will be used on lines carrying 500 volts. No lines carrying more than 250 volts will be run on porcelain knobs. No porcelain knobs smaller than No. 3½ will be used on lighting or bell lines. Porcelain knobs or cleats will not be alowed on outside or exposed wiring for any votage.

Switches and fuses will be placed on all branch circuits.

All joints must be both mechanically and electrically perfect without solder. The joint must then be soldered and taped equal to the thickness of the insulation of the wire.

At all points where wires pass through stoppings they must be properly insulated with glass or porcelain tubes to insure freedom from grounds.

Wires should not be run in places which are not easily accessible for weekly inspection. No wires should be allowed to remain under falls of rock or coal, and every precaution will be taken to keep all wires in such condition that they will be safe both to persons and from fire risk.

After you have put your wiring in good shape you will please so advise me by letter, and report each week in future in your weekly letter the condition of your wiring.

E. H. WHITTEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
October 12, 1910.

DEAR SIR: If your mine is not so equipped that it can be thoroughly sprinkled to wet down the dust, please make requisition at once for pipe, fittings, and all supplies necessary to equip it for complete and thorough sprinkling.

This matter is important and I would like you to give it your immediate personal attention. Please advise when done.

Yours, truly,

E. H. WHITTEL, *Manager.*

Copy sent to Morley, Sopris, Tercio, Primero, Frederic, Berwind, Tabasco, Gulch, Marion, Crested Butte, Rouse, Walsen, Robinson, Pictou.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
October 12, 1910.

DEAR SIR: March 18, 1910, State Mine Inspector John D. Jones, issued the following rules to govern bituminous coal mines:

"1. Do not allow miners to take a larger quantity of powder into the mine than is needed for their use during one shift.

"2. Employ shot firers, who shall charge and fire all shots after all other employees have left mine.

"3. Do not allow the miners to carry or handle any blasting caps inside the mine. The caps should be in the exclusive charge of the shot firers, and all caps to be removed from the mine as soon as shot firing is completed and before the other employees reenter the mine.

"4. Keep all dry roads in the mine in a thoroughly humid condition, so as to keep down the dust in nongaseous as well as gaseous mines."

At that time we were advised by practically all plants that above instructions were being carried out. Please advise promptly whether any exceptions

have since been made at your mine. If so, advise fully in what respect they are not being carried out at the present time and the reason.

Yours, truly,

E. H. WEITZEL, *Manager.*

Copy sent to Morley, Starkville, Engle, Sopris, Tercio, Primero, Frederic, Berwind, Tabasco, Rouse, Heaton, Ideal, Cameron, Walsen, Robinson, Pictou, Gulch, Marion, Crested Butte.

Circular No. 549. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 19, 1910.

All superintendents:

Effective at once, when fire damp is found in your mines in places where it has not been previously discovered, or in unusual quantities in any working place or gobs, please notify manager immediately, sending copy of message to division superintendent.

Please acknowledge receipt of this circular.

E. H. WEITZEL, *Manager.*

Circular No. 550. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 25, 1910.

All mine superintendents:

It is desired that all mine-sprinkling systems be as nearly uniform as possible.

When ordering or installing any sprinkling apparatus please follow instructions shown in blue print X-286, which is inclosed herewith. If not thoroughly understood, we will gladly explain further.

Please acknowledge receipt of this circular.

E. H. WEITZEL, *Manager.*

Circular No. 553. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 25, 1910.

All superintendents:

At our meeting of superintendents and pit bosses at Trinidad, November 19, it was the consensus of opinion that our difficulty in keeping good fire bosses at the different mines was due to the fact that we did not pay them sufficient wages.

To remedy this it has been decided to increase the pay of the fire bosses to $110 per month instead of the daily wage of $3.25 per shift. This is done with the hope that you will be able to secure first-class men for fire bosses who will be of material assistance to the pit bosses.

These rates will become effective December 1, 1910.

E. H. WEITZEL, *Manager.*

Circular letter. THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 25, 1910.

All superintendents:

The mining commission recently appointed by the governor has asked us to furnish them with the information with regard to our system of mining and shot firing.

Below you will find a list of questions to answer. Please answer them fully on this sheet and return to this office promptly.

1. Kind if powder used?
2. System of shot firing?
   - A. By miner?
   - B. By shot firer?
   - C. Battery?
   - D. When fired?

3. Method of mining?
   A. Pick work?
   B. Machine work?
   C. Shooting off the solid?
4. Handling of powder and primers?
   A. Charging of shot?
5. Is electric power used for haulage or pumping or fan purposes?

E. H. WEITZEL, *Manager.*

Circular No. 554.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 9, 1910.

All superintendents:

In the past few months there have been a number of things reported to me by the mine inspector in the way of improvements, which were important but which the superintendents have apparently not wished to have done without orders from this office.

It will greatly facilitate matters and lessen the work of my office if you will promptly comply with these requests when made by the mine inspector. If the matter requested is something in which you can not agree with the mine inspector's views, I would ask that you take the matter up with the division superintendent or myself, or both, at once, and we will decide whether the work is to be done or not, but for all minor improvements that are necessary and can be done for the safety of the men and mine, I would greatly appreciate prompt action on your part.

Would also request that you take up with mine inspector before making any changes in ventilation of your mine.

E. H. WEITZEL, *Manager.*

Circular No. 559.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 9, 1911.

All superintendents:

We are inclosing blue print showing the details of a sprinkling car we have built and which we have found successfully sprinkles the side and roofs.

If you have need for one or more of these cars, please advise immediately, as we wish to put order in for all that are needed at one time and in this way facilitate their manufacture at the works.

E. H. WEITZEL, *Manager.*

Circular No. 564.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 24, 1911.

All superintendents:

Replies to our circular of December 29, 1910, inquiring as to the system of checking men in and out of the mine reveal the fact that we have a number of different systems in use.

We think it advisable to have uniform regulations in regard to this matter, and believe that the best system is to have employees take the brass check off the board as they enter the mine and hang it on as they come out. We think it advisable to keep miners on a separate part of the board from shift men, and would request that all superintendents immediately install such a system of checking men in and out.

Please advise this office when the system is put into use.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
February 27, 1911.

All superintendents:

The following shot firers have been discharged from Morley mine for using coal dust to make dummies for tamping:

Wenzel Redlick, an Austrian, about 33 years old, weighs about 135 or 140 pounds, light complexion, blue eyes, light mustache, speaks fairly good English, claims to be able to speak nine different languages fluently.

Joe Monologue or Malevoch, an Austrian, about 25 years old, weight about 175 pounds, brown mustache, light complexion, about 5 feet 8 inches in height.

E. H. WEITZEL, *Manager.*

Circular No. 570.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., April 3, 1911.

All superintendents:

Notwithstanding our former instructions in regard to care in not hiring boys under legal age, there have been several cases come to our attention in which superintendents were either deceived by the boys or neglected to comply with instructions.

The courts have ruled that the statement of a boy as to his age is no protection to the company hiring him, and that the statement of the parent is not full protection under some circumstances. We are, therefore, asking all superintendents to not hire boys under 16 years of age, except after first taking each case up with this office, giving reasons for wishing to do so. This is to apply not only to inside but outside the mines as well, and for all classes of employment.

We are asking the legal department to-day to furnish us with suitable blank forms to be signed by parents or guardians in case you have the least doubt as to the applicant for work being under 16, and would appreciate it if you, after receiving these blanks, will check over your employees and arrange as early as possible to do away with the service of those under 16, and have blanks filled out by parents or guardians in cases where there is any doubt in your mind as well as to use these blanks in all cases where boys are hired in the future.

Please acknowledge receipt; advise if you have any boys under 16 working and when their services will be dispensed with.

E. H. WEITZEL, *Manager.*

Circular No. 574.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 21, 1911.

All superintendents:

We had two small fires recently, caused by employees passing through small wooden doors in crosscut stopings with naked lights. Please arrange at once to either replace all such doors with iron doors or to cover the frames and doors themselves with sheet iron.

If doors are covered, No. 30 gauge would be suitable weight. If doors are made of iron, No. 8 gauge or heavier is the proper weight.

E. H. WEITZEL, *Manager.*

Circular No. 575.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 21, 1911.

All superintendents:

Under date of July 11, State Coal-Mine Inspector Jas. Dalrymple makes the following recommendation:

"In all cases where rooms or entries are driven to a fault or to their distance or land line, and where the pillars are to be left for any length of time, I recommend that crosscuts be driven at the faces of such rooms or entries."

If you already have not been in the practice of driving crosscuts at these points, please arrange to do so in all cases in the future.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., September 18, 1911.

All superintendents:

It has just been brought to my attention that the George W. Clayton School for Orphan Boys, located in Denver, is ready to be opened. It is the object of

this school to take white boys born in Colorado, between 6 and 10 years of age, to board and clothe them and teach them some useful occupation. The school was endowed by the man from whom it takes its name, and no charge is to be made for the service by the school. It is equipped to take care of 50 boys, and circular letters have been sent out notifying the county commissioners of each county in the State.

If you have boys eligible to enter this school in your neighborhood, would appreciate it if you would bring the matter to the attention of their mothers, and I will be glad to secure the necessary application blanks and furnish him with any other information you may need. Prompt action should be taken in this matter.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 2, 1911.

To the superintendents, doctors, first-aid and Helmet teams of the first division:

The excellent showing made by the first-aid and helmet teams at the Trinidad contest on September 28 is a source of great satisfaction to the management, and I am voicing the sentiment of Mr. Welborn, as well as all the other officials who witnessed the contest, in thanking you for your interest in this work, and in congratulating you on the manner in which you conducted yourselves at the contest.

It is our earnest desire that the work of training be continued until at least 25 per cent of all our mine employees have received certificates of proficiency in both first-aid and helmet work, and would request superintendents to send into this office, at once, the names and occupations of all helmet and first-aid men now at their respective mines, and in future send in the names of new men, who have completed the course of training each month. It is our wish to have a complete list of these men on file in this office at all times.

Trusting that you will continue the good work in the future with as much spirit and interest as in the past, and thanking you again, I am,

Sincerely,

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 3, 1911.

To superintendents of Walsen district:

The Government rescue car will be in the Walsen district within the next few weeks, and it is desired that interest in the helmet and first-aid work be revived. We want thoroughly trained helmet and first-aid men at every mine. Please arrange to renew your helmet training at once, so that a larger part of the time can be spent on first-aid work when the car is with you, and report to this office names and occupations of all men who attain proficeny in either branch of training at the end of each month.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 23, 1911.

All superintendents:

Please advise the number of men at your plant who have been trained in rescue work and the number that are now being trained. Also the number of helmet men who have trained in the use of helmets and the number that are now training. If you have any men at your camp who have received certificates of proficiency from the United States Government car, please let me have the number of these.

Would like this information at a very early date.

E. H. WEITZEL, *Manager.*

Circular No. 588.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 31, 1912.

All superintendents:

In reviewing the fatal accidents for the calendar year 1911, we find that there was a total of 22 in the fuel department. One of these occurred at the Tabasco coke ovens, and the other 21 at the mines, 20 underground and 1 outside. Of this 20, 7 occurred in the first six months of the year, and 13 in the last six months. With the exception of November (when no accidents occurred) the other months when we were free from acidents, or had less than 2, were all months of light production, indicating that effort to obtain the highest production has something to do with our fatal accidents.

Eleven of our mines escaped with no fatal accidents. These are as follows: Starkville, Sopris, Tercio, Primero, Frederick, Hesron, Cameron, Fremont, Coal Creek, Crested Butte, and Floresta. One fatal accident occurred at Gulch, but it is really not chargeable to the mine, and was caused by a boiler maker, who had no cause to go into the mine, jumping on an empty trip and riding in a short distance and jumping off, being run over.

Of the 20 fatal accidents chargeable to the mines 15 were from falls of rock and coal and 5 from other causes. All of these 15 could have been avoided by proper timbering or taking down loose rock or coal. Of the other 5, 2 were caused by carelessness and 3 were unavoidable. While the record is good compared with other years, we feel that the number of fatal accidents from falls of rock and coal can be materially reduced by still closer inspection, better discipline, and greater care on the part of both miners and bosses.

One year ago we authorized the putting on of special men, who were to look after timbering and loose rock, whose time was to be employed wholly in looking after safety measures. In acknowledging receipt of this letter we should like to have each superintendent advise how many of these special men are now employed at the property under his charge and the names of the men so employed. Should also like to have suggestions as to better methods for maintaining a stricter discipline among the miners. We are anxious to make a better showing in 1912 than in 1911 and feel that it can be done with the proper effort.

E. H. WEITZEL, *Manager.*

Circular No. 595.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., April 11, 1912.

All superintendents:

In order that our position on the check-weighing question may be fairly understood by all our employees, would ask that you post the following notice:

NOTICE.

The Colorado Fuel & Iron Co. has always been willing that its miners should have a check weighman. This fact is well known to old employees, but for the benefit of the new ones this is notice that a checkweighman, selected by the miners from their fellow workmen, will be allowed at any of the company's mines.

E. H. WEITZEL, *Manager.*

Circular No. 598.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 2, 1912.

All superintendents:

Our company is very anxious that the camp schools shall be as efficient as possible to make them, and while we appreciate the efforts of our superintendents and other employees who have been serving as directors we believe that the efficiency can still further be increased by some outside assistance.

Mr. Walter Morritt has been appointed supervisor of camp schools, and we feel that with his experience and large acquaintance with teaching fraternity he can be especially helpful in the selection of teachers, and it is requested that

where teachers have not already been elected for the coming term the names of applicants be sent to Mr. Morritt at once; that in future years the selection of teachers be taken up with Mr. Morritt before an election is held.

Knowing the interest you all have in bringing our schools up to the highest possible standard, I feel certain you will cooperate with Mr. Morritt.

E. H. WHITSEL, *Manager.*

Circular No. 500.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 6, 1912.

All superintendents:

We occasionally have reports that when schoolhouses are used for dances on Saturday nights they are left in poor condition for Sunday morning church services; chairs or desks are badly disarranged, and filth and refuse is left on the floor.

We believe that when the schoolhouses are used for Saturday night dances, the dances should stop at midnight and the building be cleaned out and put in the proper condition for church services. This should include the proper arrangement of the chairs or seats. It is, therefore, requested that where superintendents are members of the school board they take such steps as are necessary to insure the schoolhouses always being in proper condition for church services on Sunday mornings.

E. H. WHITSEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 18, 1912.

All superintendents:

I am inclosing copy of first-aid certificate which we expect to furnish to men who have completed the regular course of the first-aid training at any of our mines.

The blank lines in the certificate are intended to be filled in by the superintendents with any statement as to the man's occupation, his diligence, or other matter in the form of recommendation.

Please advise how many of these blanks you can use.

It is the intention to have the blank filled out at the mine, indorsed by the local doctor and the mine superintendent, and sent to Pueblo for manager's signature before delivering to the employee.

Would like also to have your opinion as to the advisability of issuing a similar certificate for helmet training.

E. H. WHITSEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 9, 1912.

All superintendents:

Please send to this office a list showing the code of bell signals used in connection with your haulage system.

We are figuring on ordering indestructible metal signal signs for use at the mines and would be glad to have the above information by return mail.

B. J. MATTESON, *Assistant Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 30, 1912.

All superintendents:

Replies to our circular of December 9 indicate that different mines have different signals for the same movement of trips. The following code has been arranged, and we would like to make this uniform at all C. F. & I. plants:

One bell, hoist.
One bell, stop if in motion.
Two bells, lower or back trip.

Three bells, man trip. If slope or tail rope, engineer will hoist trip 2 feet; men will then get in the cars and trip rider will give engineer one bell to hoist. If shaft, engineer will give return signal of one bell; men will then get on cage and cager will give one belt to hoist.

Four bells, run slow. After this signal give signal to hoist or lower as desired.

Seven bells, accident. Move trip or cage by phone orders only.

In addition to the above, signals to meet local conditions may be added, but they must not in any case conflict with the above signals.

Please advise promptly how many metal signs you will require with the above code printed on them for use at your mines and the points in the mine where you expect to post them.

B. J. MATTESON, *Assistant Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 17, 1913.

All superintendents:

I am inclosing statement of accidents occurring at our mines for the past three years.

It will be noted in this statement that a greater tonnage per fatal accident has been produced in each of the divisions in 1912 than in 1911, the best showing being made in the western slope division, Canon district being second, Trinidad third, and Walsen district fourth. The low average in the Walsen district for 1912 is largely due to one fatal accident each at Lester, Ideal, and Cameron.

In 1911 the following mines had no fatal accidents: Starkville, Sopris, Tercio, Primero, Frederic, Cameron, Coal Creek, Fremont, Crested Butte, and Floresta.

In 1912 the mines where no fatal accidents occurred are as follows: Sopris, Tabasco, Walsen, Coal Creek, Crested Butte, and Floresta.

While the report for 1912 is encouraging, we believe that with more care in inspecting the roof by mine foremen and assistants that the number of fatal accidents for 1913 can be reduced still further. Of the 20 fatal accidents in 1912, 15 were due to falls. In all these 15 cases the inspection after the accident showed that there was plenty of timber on hand to have protected the miner had he used them. In some cases reports indicate that the injured party was known to have been careless about his timbering, and the fact that he was hurt was due to the failure on the part of the mine foreman or his assistant to exercise the proper discipline.

It is requested that each superintendent call the attention of his mine foreman to the statements in this letter and endeavor to profit by last year's experience in enforcing a more rigid discipline in cases where miners show disposition to be careless about timbering.

E. H. WEITZEL, *Manager.*

Circular No. 609.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., February 19, 1913.

All superintendents:

Beginning with the month of Febuary, all plants of the fuel department will be paid twice each month, the first pay including the 1st to the 16th, and the second from the 17th to the last of the month.

Please advise all concerned.

This cancels Circular No. 608.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
Denver, Colo., February 20, 1913.

To all mine superintendents:

The officers of the Colorado Fuel & Iron Co. have for the past year considered the establishment of an eight-hour workday basis at its coal mines.

For several years the majority of our coal-mine employees have worked from seven to nine hours per day. For the purpose of equalizing the time of employment and establishing an eight-hour workday basis for underground men, effective March 1, 1913, the manager and his assistants will visit all mines during the next week to arrange the working details.

J. F. WELBORN, *President.*

Circular letter.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., March 28, 1913.

All superintendents:

The new mining law which will be passed within a few days requires assistant mine foremen to make a daily report, and in order that the mine inspector may know how many assistant mine foremen are employed would ask that you furnish us with this information at once.

If in your judgment it will be necessary to employ more assistant mine foremen to comply with the provision in the law that all working places must be visited during working hours, please indicate the additional number that you will have to employ.

The new law also requires that each underground employee, where practical, shall be furnished with a copy of the essential parts of the mining law in his own language. You will therefore please furnish us with the number of underground employees of each language, including English, so that the mine inspector may be advised as to the number we will require.

Would like to have information on these questions at your earliest convenience.

E. H. WEITZEL, *Manager.*

Circular No. 621.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., May 28, 1913.

All superintendents:

The State mine inspector's office will send you copies of the mining law printed in English within about two weeks.

Immediately upon receipt please advise number of copies you receive and amount of express, if any, you pay.

Please furnish promptly one copy to each underground employee who reads the English language and collect actual cost of same from him over pay roll.

We expect copies of foreign languages to follow soon, which will be handled in the same manner.

After you receive copies of the law if any underground man you hire has not a copy, give him a copy in a language he reads, if possible, when getting his card record, and charge to him on pay roll.

Take up with this office by letter for additional copies needed at any time.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., June 4, 1913.

All superintendents:

The new mining law requires that only enough powder for one day's use shall be taken into the mine on any one day. This includes permissible giant and black powder.

Permissible and giant powder must be kept in a box constructed of nonconducting material, and black powder must be carried into the mine in cans having a drop or screwed top.

The mine owners are to furnish these cans and boxes at cost to the employees. In order that we may be prepared to put this rule into effect would ask that you please send in at once the number of boxes for carrying permissible giant and the number of cans for carrying black powder that will be needed at your mine.

In cases where black powder is being used and where all employees are not using the lawful can, please furnish approximate number of cans needed to supply those not using them.

The law also requires that copper needles and tamping bars with copper tip of not less than 4 inches shall be used. Please advise the number of such needles and bars that will be needed at your mine.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., August 26, 1913.

All superintendents:

I inclose herewith a copy of 25 mine rules which we propose to have printed in large type, framed, and posted in conspicuous places around our mines.

Please note that in rule 7 we have left a space for instructions to be inserted to fit the practice at such mine. Wish you would kindly read over these rules carefully, fill in the practice at your mine under rule No. 7, and return inclosed rules with any suggestions as to changes or additional rules you would like to have included. We will then have corrected copies printed and mailed to you for posting.

Please attend to this at your early convenience.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 30, 1914.

All superintendents:

Pete Atanosoff, a Bulgarian, age 30, height 5 feet 11 inches, weight 190, dark complexion, black hair, dark brown eyes, has been discharged from Tabasco mine account drilling hole 12 inches on the solid, filling the 12 inches with powder, and leaving regular charge of powder at mouth of hole.

E. H. WEITZEL, *Manager.*

Chairman WALSH. At this point we will take an adjournment until 10 o'clock to-morrow morning.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until Wednesday, December 9, at 10 o'clock.)

DENVER, COLO., *Wednesday, December 9, 1914—10 a. m.*

Present: Chairman Walsh; Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. We will proceed now. Now, if you will, kindly submit the matter that you have on hand that was called for.

Mr. WEITZEL. The first is the scale of wages that you asked Mr. Welborn for, beginning with October 15, 1902, and showing the different changes up to the present time.

Chairman WALSH. Just hand it to the clerk. Mr. Dower, take this matter and hand it to the stenographer.

(See Weitzel Exhibit No. 2.)

Mr. WEITZEL. The second is a statement of the number of days worked at each of our mines during the years 1910, 1911, 1912, and 1913.

(See Weitzel Exhibit No. 1.)

Mr. WEITZEL. You asked some questions yesterday evening about the schools—the camp schools?

Chairman WALSH. Yes, sir.

Mr. WEITZEL. I have here a letter from the superintendent—the county superintendent of schools of Las Animas and Huerfano Counties—written to Rev. E. S. Gaddis, May 13, 1914.

Chairman WALSH. I will ask you to read it, as it is just a page or two.

Mr. WEITZEL (reading):

"Regarding the public schools located in the fuel and iron camps—first, as to the buildings, all the districts in which the C. F. & I. operates have sub-

stantial modern buildings, and well furnished and equipped for school work. There are seven districts in which this company operates. Those districts employ 26 teachers; 7 hold normal diplomas, 16 hold first and 3 hold second grade certificates.

"As to the efficiency of these schools, I wish to present the following statistics: Total eighth-grade graduates for the entire county in 1911, 48. Eighth-grade graduates C. F. & I. schools in 1911, 11. Total eighth-grade graduates for the entire county in 1912, 61. Eighth-grade graduates C. F. & I. schools in 1912, 28. Total eighth-grade graduates for the entire county in 1913, 64. Eighth-grade graduates C. F. & I. schools in 1913, 22. In other words 35.26 per cent of all the graduates for those three years were from those seven districts. Number of nonresident Las Animas County pupils now attending the Trinidad Hight School, 35. Number of those belonging to the above-mentioned districts, 17, or 48½ per cent. From 1908 to 1913 Starkville produced 31 eighth-grade graduates; average 6 plus for each year. Sopris produced 21 eighth-grade graduates; average 4 plus for each year. Larger numbers than any one other school in Las Animas County.

"JAMES E. KANE."

May 12, 1914, by C. D. Lesher, superintendent of Huerfano County schools. Under date of May 12, 1914, C. D. Lesher, superintendent of the Huerfano County shools, writes: "Regarding the public schools located in the Colorado Fuel & Iron Co. camps in Huerfano County, there are four districts in which this company operates. In these districts the buildings are modern and up to date, well furnished, and equipped for the very best of school work. There are 18 teachers employed in the four districts; 5 hold State normal diplomas, 8 hold first-grade certificates, and I want to state that these are not ordinary teachers, but teachers of the better class. In each of these districts all subjects are taught and any student completing the eighth grade from one of these schools will be admitted to any creditable high school without further examination. In the past four years we have a number of eighth-grade graduates from the so-called camp schools attending the various high schools in the State. Eighth-grade C. F. & I. camp-school graduates; 1910, 8; 1911, 6; 1912, 4; 1913, 4.

"C. D. LESHER."

Chairman WALSH. Did you get, Mr. Weitzel, a list of the last 25 settlements that your company made?

Mr. WEITZEL. Mr. Herrington, the attorney has got that information.

Chairman WALSH. Has he got it yet?

Mr. WEITZEL. I do not know. It is not in my department. He is here this morning.

Chairman WALSH. Has that been prepared yet?

Mr. C. E. HERRINGTON. A list of the last 25 settlements that the company has made?

Chairman WALSH. Yes, sir.

Mr. HERRINGTON. It is being made and will be here during the day. My brother is looking after that.

Chairman WALSH. Was there anything else that was called for, Mr. Weitzel?

Mr. WEITZEL. No, sir; I believe not; I do not remember.

Chairman WALSH. I do not recall anything. Is there anything you would like to volunteer, or any explanation of your testimony, or any amplification that you would like to make?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Very good; you may do so.

Mr. WEITZEL. You asked for the circulars relating to the enforcement of law. While the circulars that you have are complete, yet there were a number of other things done. We held a meeting before the passage of the law, of our superintendents and mine foremen, which I attended, and in which the matters of safety were gone into and discussed fully, as to the use of powder, and the use of shot firers; and in 1912 we organized in Colorado, or in Denver, here, the Rocky Mountain Coal Mining Institute, comprising the States of Colorado, Utah, New Mexico, and Wyoming. We organized chapters or branches in the coal-mining districts, at least in Huerfano and Las Animas Counties, and after the passage of this law meetings were held in Trinidad, at which a number of the members of this society were present, including mine foremen and superintendents, and the law was taken up section by section, and as I was one of the

subcommittee of the senate that revised the statute, I was there to explain my understanding of each difficult section, or what some of the difficulties to the miners or superintendents are. And I think the same kind of meetings were held in Walsenburg, and I believe the law was thoroughly understood by the officers.

Chairman WALSH. Now, is there anything else?

Mr. WEITZEL. You asked about the men having clubs and social life in the camps. Here is a letter from a workman at Berwind to Mr. Schenck.

Chairman WALSH. Mr. Weitzel, I am going to let you tell the substance of it, if you have read it.

Mr. WEITZEL. He tells about the religious services held in the schoolhouse once each month and a Catholic priest holds mass in their church in Tabasco. There is about a page of it and I can read it faster than I can tell you.

Chairman WALSH. Go ahead.

Mr. WEITZEL (reading):

"Union Sunday school each Sunday in the schoolhouse. The upper two rooms of the schoolhouse is divided by folding doors, upon being opened affords seating capacity for some 200 persons, has raised platform on one end. School seats are movable and ample folding camp chairs for seating the audience. Has ante and cloak rooms for lodge purposes, four of which hold regular meetings—Red Men, Pocahontas, Maccabees, and an Italian order. It is floored with hardwood flooring and a piano furnished for dancing, electric lighted, heated by furnace, and supplied with two antiseptic drinking fountains. Four exits.

"Prior to the late unpleasantness there was 'something doing' every evening. Card club, social, ball, lodge meetings, first-aid drill, and each Saturday evening moving-picture show, handled by the local officials of the Colorado Fuel & Iron Co. After these shows dancing was indulged in until midnight, music being furnished by local orchestra.

"Night mining school two evenings each week promoted and fostered by Mine Superintendent O'Neil.

"First-aid drill semiweekly by both the Tabasco and Berwind teams; this work was not only approved by the officials of the mining company, but was to a certain degree compulsory.

"Of course, at the present the first-aid teams are more or less disorganized, also the ball team. The lodges are still intact and hold their regular meetings. Also the moving-picture shows are given each week. There has not, to my knowledge, been a single outside moving-picture show in this canyon.

"During the summer we have merry-go-rounds and street carnivals."

I don't believe that there is anything there in the rest of it that you would care about.

Chairman WALSH. Anything else?

Mr. WEITZEL. You did not ask me about the first aid. You asked Mr. Welborn with reference to the first-aid and helmet work.

Chairman WALSH. Very good. Anything of that kind, now, that suggests itself to you—anything you may wish to discuss.

Mr. WEITZEL. In that bunch of circulars I gave you, you will notice when I tried to start the first-aid work. Well, a little later on we employed special men for that sort of drilling, and in 1911 we held a contest at Trinidad at the State fair, at which all our teams took part as well as those of a number of other companies. There were a number of prizes offered by the operators and some by the citizens. I told our different teams that if any of them should win a prize I would take the captains of those teams back to Pittsburgh and show them the testing station. There was a big meet held at Pittsburgh that year and I believe our teams won all the prizes. I believe that I had to take a number—or didn't have to, but I think I did take back to that meet four of those captains.

In 1909 the first agent representing self-contained breathing apparatus appeared in this district. I believe it was the first in use. We promptly ordered a set of the equipments, and they were delivered early in 1910. In order to use this equipment the men must be trained in the work. They can not put it on a man who is not familiar with it and go into a mine safely at the time of an accident. We decided the best way to do it was through a car, and we sent a special man around with the equipment to train men at each camp. This was done, and a few months later a Government official representing Dr. Holmes's department came out with the intention of selecting sites for training stations in the State, and he selected a site at Trinidad, but learned of

our car and went back to Washington and recommended rescue cars be used instead of stations, so they could travel all over the district; and the Government adopted that system.

The first-aid and helmet training has been kept up. We have continued to send the helmet car around except during the strike, and I might say that when the Government first came in the district they asked for our man, and he was put on, we were asked for our man to be turned over to them, and I think we turned over one other to go into another district. I believe we have been the leaders in Colorado.

I might say that in the use of permissible powder—this is a powder which I will explain if you are not familiar with it—after it has passed the test at the Pittsburgh testing station it is put on the permissible list; out at the arsenal ground there, they have an equipment for testing powder, which consists of a cannon and a long tube built of boiler iron, about 6 feet in diameter. The powder is placed in this cannon and rammed in with clay, so as to produce the same effect as a blown-out shot in the mine. It is exploded into a mixture of gas and dust at the highest explosive point; and it must be fired into this explosive mixture 13 times in succession without exploding the mixture, in order to be passed as permissible powder for use in coal mines.

The first test they made was about 1909. I received a circular from Dr. Holmes's department, and immediately ordered a shipment of powder to one of our mines. We began the use of the powder, began experimenting then, and within the next year we had introduced it into all of our mines in the two southern counties. It is quite extensively used in Colorado, and you will find by looking over Dr. Holmes's reports that in the union districts they have not generally adopted that powder. I have noticed newspaper statements of the difficulties the Pittsburgh operators had in trying to introduce permissible powder into their mines, on account of the opposition of the United Mine Workers. I might say, too, I believe that in the southern counties that about 90 per cent of the nonunion mines mine coal with permissible powder; while very few, probably not over 10 per cent of the union mines, if there are any—I don't know any union mines in the two southern counties that is using anything but the old black powder. It is forbidden by law, but they are still continuing to use it.

Commissioner WEINSTOCK. Why should the United Mine Workers object to the using of permissible powder?

Mr. WEITZEL. That is a hard thing to answer.

Commissioner WEINSTOCK. Is there any disadvantage to the use of the powder by the worker?

Mr. WEITZEL. Where a coal is mined on a lump-coal basis, it breaks up the coal more; but the disadvantage is more, I believe, to the operator than it is to the miner for that reason.

Chairman WALSH. Was there anything else?

Mr. WEITZEL. No, sir.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. What is the comparative cost of permissible powder and plain black?

Mr. WEITZEL. The plain black powder is sold at prices I believe ranging from $2.25 to $2.50 for a 25 pound keg. Permissible powder is sold to the miners at 12½ cents a pound. But a pound of permissible powder has a considerable greater force than a pound of black powder. I believe that the companies that use black powder make some profit at $2.50 a keg. We handle our permissible powder at cost to the miners. In fact we made the price a little too low. We have found that the cost of handling the powder, added to the cost laid down, does not quite keep us in the clear.

Commissioner GARRETSON. Is there any of the opposition of the union miner due to the fact that the company should bear the difference in cost?

Mr. WEITZEL. I don't know. I talked to one of the Government officials the other day about an attempt that had been made to introduce it in some mine in Montana, and the union officials and operators both said they thought it was a good thing, but after it had been taken up at the union meetings, the excuse was given "That we have a provision in our contract for powder at $2.50 a keg, and we don't care to change."

Commissioner GARRETSON. Unless the company bore the added cost.

Mr. WEITZEL. As a matter of safety to both life and property, black powder should not be used, except it is fired by an electric battery from outside the mine. I think that any operator should be allowed to use it in the mine, after

everybody is out, if he wants to take the chance of blowing the mine up, he ought to have that opportunity.

Commissioner GARRETSON. In regard to the desirability of a miner decreasing with his intelligence, as you testified before the commission, that when he became more intelligent he was a less desirable factor in that he was harder to control,

Mr. WEITZEL. I didn't say that.

Commissioner GARRETSON. What did you say?

Mr. WEITZEL. I said that when he was more experienced he was harder to control, that he did not have the dread of the danger.

Commissioner GARRETSON. Are you sure the record is not "intelligence?"

Mr. WEITZEL. No; I mean, I certainly did not intend to make that statement. I feel quite certain it is not that.

Commissioner GARRETSON. Well——

Mr. WEITZEL. I had a conversation with the mine inspector the other day about a case he had——

Commissioner GARRETSON. Either "intelligence" or "experience," let it go at either one rather than to take the time to argue which it is.

Mr. WEITZEL. That is a well-known fact.

Commissioner GARRETSON. Isn't it due to the fact that as he becomes more experienced, he not only becomes experienced in mining work, he becomes experienced in a knowledge of his own civil rights?

Mr. WEITZEL. Well——

Commissioner GARRETSON. And the nearer he gets to citizenship the less desirable he is as a miner?

Mr. WEITZEL. No; I wouldn't say that.

Commissioner GARRETSON. Well, is it not a fact that the standard of development, either of intelligence or experience, should apply exactly alike to the employees of an enterprise from the top to the bottom?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. It is not?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Show me.

Mr. WEITZEL. If I understood your question, it implied that as a man increased in intelligence he was a less desirable employee.

Commissioner GARRETSON. No; he is a better one?

Mr. WEITZEL. Oh, yes.

Commissioner GARRETSON. In intelligence and experience?

Mr. WEITZEL. Yes, sir; he produces more product. He is more efficient, but he is less careful of his own life.

Commissioner GARRETSON. He is more difficult to control?

Mr. WEITZEL. He gets familiar with the danger, and familiarity breeds contempt.

Commissioner GARRETSON. And he gets familiar with the restriction of his rights, and it produces contempt for restriction?

Mr. WEITZEL. Yes; if his rights are restricted.

Commissioner GARRETSON. The application of your theory, as you stated it, either would mean that the officers of the company, from pit boss up to foreman, are more desirable with experience, and the men below that are less desirable?

Mr. WEITZEL. No.

Commissioner GARRETSON. If that is not the case, is not your phrasing a little unfortunate?

Mr. WEITZEL. When I said desirable, in that sense I referred to his being an easier man to control in the way of setting timbers in his working place and obeying the rules of the mine as to safety; he is a more efficient man, or should be, the most experienced?

Commissioner GARRETSON. Are serfs more desirable than freemen for controlling purposes?

Mr. WEITZEL. I do not get just your meaning.

Commissioner GARRETSON. I will illustrate: I know two railroads that, prior to 1861, owned their brakemen; they were a little high colored, but they owned them. They were more easily controlled than now.

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is the difference between serfs and free men. You stated that you would be glad to attend committee meetings called for the purpose of electing checkweighmen?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. Would you be equally glad to stay away from them and let the committee itself elect checkweighmen?

Mr. WEITZEL. If I thought it would be successful I would. Anything at all that would result in the election of checkweighmen would be desirable to me.

Commissioner GARRETSON. What has been the fate of checkweighmen if they properly carried out their duties?

Mr. WEITZEL. The fate of the checkweighman is that some of the miners think that the checkweighman is favoring some other miner or nationality, and they object to it.

Commissioner GARRETSON. What happens if the company gets the idea that he is giving full weights? What is his tenure of service; would it be much longer?

Mr. WEITZEL. There is no objection to that. We want to give and do give our miners exact weights, so far as it is in our power to do so. As explained by Mr. Osgood, we check the weights of the miners with the weights of the shipments and they tally very closely.

Commissioner GARRETSON. As a matter of fact, is the miner responsible for shortages that occur between the pit mouth and the consumer, or is the company responsible?

Mr. WEITZEL. The company is held responsible by the railroads for losses between the tipple and the consumer; a great deal of coal is spilled, but the railroads do not assume that responsibility.

Commissioner GARRETSON. Should the miner?

Mr. WEITZEL. No, sir; the coal is weighed at the mine, on the tract scales at the mines; that is the weight that is compared with the tipple weights, and there is no chance for a loss between the dumping of the car and the railroad.

Commissioner GARRETSON. Only under those circumstances where it is admitted that the company did screen before weighing, or the circumstances where they screened without admitting it?

Mr. WEITZEL. You say "screened before weighing"; that is the law in Colorado to weigh before screening. There are a number of districts in the United States where the coal is screened before weighing and in some union districts.

Commissioner GARRETSON. That is where the contract provides for it?

Mr. WEITZEL. Yes; and the contract is always made higher so as to compensate for the whole product.

Commissioner GARRETSON. There is never an objection where it is a contract provision?

Mr. WEITZEL. There is an objection. There is a fight in Ohio. The passage of the law shows that. The United Mine Workers of America are against the lump-coal basis—I believe principally because it is a measure of skill and puts a premium on skill; the man that produces more lump coal gets more money. At one of our mines in Fremont County where we employ a sort of double standard, we weigh the coal on top, as mine run, then screen it and weigh the screened coal and pay a separate price for screened, and our mines earned premiums in two years of $25,000. I have a statement showing the increase of wages due to this system.

Commissioner GARRETSON. Skill is the outgrowth of experience?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. And if experience means that a man becomes more undesirable, is he not a fool then to develop skill and experience?

Mr. WEITZEL. Yes; he would be if that were true, but it is not.

Commissioner GARRETSON. Has your company developed a species of feudalism in which you furnish the brand of religion that your men enjoy and in which you direct the brand of social entertainments they will have and in which you direct the schools they shall attend, and the matter which they may read as furnished in your reading rooms? Is that feudalism or freemen's style?

Mr. WEITZEL. If it were true, it would be feudalism, but it is not true. Our miners attend what meetings they wish and get what literature they want. They may either buy it in the stores or have it sent to them through the post office.

Commissioner GARRETSON. Your camps are detached; how far would they have to travel?

Mr. WEITZEL. Not at all. They could get them through the mail. Some of our camps are connected by street cars with the city of Trinidad. All have

railroad connections and the miners come to Trinidad in large numbers; in fact, the town is supported largely by them.

Commissioner GARRETSON. They get religion, politics, etc., by parcel post?

Mr. WEITZEL. No, sir; I did not say that. If they do not want to attend the camp church, they can go to town, and some of them do. I called one of them on the phone last Sunday and he was in Trinidad at church.

Commissioner GARRETSON. I have heard it dwelt on, what absence there was of industrial unrest there was in your territory. Now, is the peace that prevails in that territory contributed to very largely by this process of weeding out agitators?

Mr. WEITZEL. Well, it might be said to be in a way; yes, sir.

Commissioner GARRETSON. In other words, there is no objection on the part of the employees, as a body, voiced, because everybody that objects is immediately gotten out of camp?

Mr. WEITZEL. No, sir; they are not. When a man objects, his objection is investigated, and if he has been wronged that wrong is redressed.

Commissioner GARRETSON. After the series of strikes that have occurred in that territory in the past years, and the methods of dealing with agitators that has been in vogue, does not the peace down there smack strongly of the peace in a cemetery?

Mr. WEITZEL. Oh, no; I do not claim——

Commissioner GARRETSON (interrupting). It is like the peace of God that passeth all understanding?

Mr. WEITZEL. I do not claim and never have that men are entirely satisfied. I never saw a man who was entirely satisfied; I am not, and I don't think that you are.

Commissioner GARRETSON. Sure not.

Mr. WEITZEL. A man when he is entirely satisfied is ready for the cemetery.

Commissioner GARRETSON. It has been testified here repeatedly that they are satisfied and that there is no unrest.

Mr. WEITZEL. Not by me.

Commissioner GARRETSON. No, I grant you not; do you believe there is unrest?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Is there anything else?

Mr. WEITZEL. Well——

Chairman WALSH. Mrs. Harriman has one or two questions that she would like to ask you.

Commissioner HARRIMAN. Mr. Weitzel, I would like to know how much you come in contact with the individual miners?

Mr. WEITZEL. I usually come home about Saturday noon, and sometimes Friday night. I am home until the Monday evening train, and between Monday and Saturday I am at the mines almost continually from one to another. I never go to a camp without talking to some of the miners.

Commissioner HARRIMAN. How readily can the individual miner have access to you, for instance, with a complaint?

Mr. WEITZEL. If he wants to speak to me, he can watch for me when I come to the camp, or he can write me a letter. I get lots of letters from miners voicing their complaints and often they are justified. I have discharged superintendents because I thought they did not deal justly with the miners, as a primary cause, and mine foremen, and have reversed the decisions of mine foremen and superintendents at different times. I could relate instances to you here from now until noon if you wished to listen.

Commissioner HARRIMAN. That is all.

Commissioner WEINSTOCK. Just one moment, please. In order to straighten out the record, and make clear a seeming misunderstanding, I find here, in yesterday's testimony, the statement made by a witness, going on to recite that he found some trouble in a mine purchased by his company in Huerfano County, in which, among other things, he said:

"I told them I did not think there was, and I asked them why. They said, if there is no likelihood of your buying that mine, we want to work there. I says, 'What is the trouble with you?' And the man who spoke, his name was O'Neil, and he said, 'I want you to understand I am a union man, and these boys with me, and we won't have any foreman come and direct us where we are to set our timbers. We have all been in the mines longer than your foreman has.' That was one of my experiences to lead me to believe——

"Chairman WALSH. Would the logic of that not be that it is preferable to hire men ignorant of the location of mines and non-English-speaking?

"Mr. WEITZEL. Oh, no; I would not say so. I found these members of the United Mine Workers the hardest to handle, the men who did not want to subject themselves to the discipline of the mine."

Nothing said about intelligence.

Commissioner GARRETSON. The commissioner is entirely in error. I quoted from the testimony before the congressional committee.

Chairman WALSH. Is there anything further?

Mr. WEITZEL. There has been some information asked for at different times during the sitting of the commission of which I made notes, and which the witnesses were not able to explain.

Chairman WALSH. I asked you if you had anything further; anything you have, please put it in.

Mr. WEITZEL. I believe Mr. Welborn told you of the nationalities. I find our English-speaking percentage has increased during the strike. Our census before the strike showed 21.6 per cent; our last census showed 29.8 per cent of English-speaking men. I told you last night the cost of the Primero saloon was about eight or nine thousand dollars. I based my valuation on what I knew the Tercio saloon building stood on the books $6,000, and it was much smaller. I looked it up and found that the Primero building, while twice as large, stands on our books at only $3,000.

Chairman WALSH. You charged the saloon keeper $1,500 a year for that saloon building?

Mr. WEITZEL. I don't know.

Chairman WALSH. You told me it was $1,500 a year. When was that saloon built?

Mr. WEITZEL. It was there when I came with the company in 1908.

Chairman WALSH. Then this saloon building that cost $3,000 had paid for itself in two years and you are making $1,500 a year off of the liquor sold the men?

Mr. WEITZEL. That is the case, but as I said yesterday, I am against the saloon business in any form.

Chairman WALSH. Have you authority to do away with that particular one at Primero?

Mr. WEITZEL. I think I will have now.

Chairman WALSH. Have you had?

Mr. WEITZEL. I did not have, but I closed that saloon up for a period. I did not close it for a period, but at a time when the saloons were open in Las Animas County on Sunday, I said no saloons on our property should run on Sunday and that one was closed, and our men went down to Old Segundo, and some of the men there built additions to their places of business. The men would go to Segundo, and when they went that distance they took more on than they could get home with, and I believe that as long as saloons are in existence in the near neighborhood, it is a matter of protection to have one on your own property.

Some questions were asked about the accidents in the State of Colorado. I have a statement here showing the accidents per thousand at our mines for the last three years.

In 1911 our accidents were 3.51 per thousand; in the balance of the State 3.00, and in the United States 3.73. We were 0.22 below the United States.

In 1912 our accidents were 3.4 per thousand; in the United States 3.15 and in the balance of the State of Colorado they were 0.05.

In 1913 the C. F. & I. accidents were 3.73 and in the balance of the State 11.19. I have not got the record for the United States for 1913. Here is the statement for the record.

(The document referred to is printed as Weitzel Exhibit No. 3.)

You asked Mr. Dalrymple about the accidents for 1914 when he was on the stand. I have gotten from his office the information that in the 11 months past there were 77 fatal accidents in the State. Last year—1913—there were 110 fatal accidents reported, but only 108 of those should actually be charged to the mines, as two occurred in coal washers. So, in 1914, the rate of accidents was 7 a month, and in 1913 it was 9.

Commissioner GARRETSON. In making those figures, what do you call accidents?

Mr. WEITZEL. Fatal accidents only.

Commissioner O'CONNELL. Have you given any attention to general accidents, as compared with United States statistics?

Mr. WEITZEL. Yes, sir; I said yesterday we had, undoubtedly, dangerous conditions here that did not obtain in any other mining district, unless it might be in New Mexico or some of the other Rocky Mountain districts on account of the disturbances. There is no question that in a number of our coal fields, at least, the coal seams thrown up and then subdivided, and that is the reason of a great many fractures of the overlying stratum.

Commissioner O'CONNELL. Does that not prevail in every Colorado mine?

Mr. WEITZEL. Yes, sir.

Commissioner O'CONNELL. Then why is that different showing?

Mr. WEITZEL. In three of the companies this fight is brought against, the percentage of accidents is low—the Rocky Mountain Fuel Co., the Victor-American Fuel Co., and the C. F. & I. In some of the years, I read, both the Victor-American and the Rocky Mountain Co. are below us, down to 2.82 per thousand, as the mine inspector's report shows it. I account for the three larger companies having a smaller ratio of accidents by their better discipline.

Commissioner O'CONNELL. I have here the figures of the State inspector put in the record the other day, and they are in around about as 4 to 8, 3.34 to 7½. Why is that extraordinary condition?

Mr. WEITZEL. I can only account for that by saying that the discipline is not enforced. For instance, in order to learn what the people who signed up with the unions were doing, and who were objecting in regard to the new law, I sent some of our men to visit some of the union mines in the State. There is a mine operated by the union in this State, and which has always been known as a union mine. They signed up as soon as the strike was called and have been in operation four years. And while the law requires that two openings shall be made to the mine within a specified time, they are still operating with only one, with a main shaft eleven hundred feet deep, where the men are sent down with no chance of escape if this deep shaft should cave in. That is operated on State coal land. They have made no effort to comply with the law.

In other union mines in Huerfano County as late as June I found that while there was lots of dust in those mines that no sprinklers were installed and that there was no telephone; also, that they were using wooden trapdoors, while the doors are required to be covered by noncombustible material, yet they had made no effort to do so.

Manways are required for the men to travel, and where manways are not in use you are required to cut a hole in the solid sides, and whitewash them, every 50 feet. None of that work had been done.

They were using black powder in some of those mines. One mine in Gunnison County operated by the same company that operates on State land in Fremont County, the most inflammable district in the State, is still using black powder, although prohibited by law.

One of these companies—I don't know all of the companies that have signed up with the union—it was claimed at the beginning of the strike it was necessary to have the union in order to enforce the law. The State mine inspector is a union man; all his deputies are union men; and they owe their appointments to the backing of the United Mine Workers. There is no question about that, and I don't think thy would deny it.

Here is the Alliance Coal Co., that has signed up with the United Mine Workers of America, and they killed 23½ men per thousand in 1913. The Amador Fuel Co. killed 20 per cent of their men in 1913—200 per thousand.

Commissioner O'CONNELL. Is that the result of some extraordinary condition?

Mr. WEITZEL. No; they had no explosion. And some of the others. I tell you this to show you that the union is not necessary to enforce the law, because it is the nonunion places that have the smallest number of fatal accidents. Here is the Baldy Coal Co., operated by the union, that killed 111 men per thousand in 1913.

Those are some of the things that help to make the high average for Colorado.

Commissioner LENNON. They are comparatively small mines, are they not?

Mr. WEITZEL. Yes, sir; and the matter of supervision should be easier.

Commissioner LENNON. Are you positive that the situation in Ohio, Illinois, and Iowa, where the average has been reduced, has been bettered since the joint agreement has been in effect?

Mr. WEITZEL. I think the average has been decreased in all of these States, but I do not think it is on account of unionism, but on account of better conditions.

Commissioner LENNON. What has been the influence on legislation—who has influenced the legislature the most to secure this legislation?

Mr. WEITZEL. In Colorado, the United Mine Workers of America.

Commissioner LENNON. And all over the country?

Mr. WEITZEL. I don't know. It was through the agency of the United Mine Workers that the law was first introduced in 1913. I will say for my company that there has been no change in the operation of its mine since the law was passed, as we had practically all the features of the new law in operation before it was passed.

The fact that these are small mines is no reason in my mind that the fatal accidents should increase, but that they should allow a better supervision than in the large mine.

We are the company that has been assailed most in the public press, and by the organizers up and down the State, as having horrible conditions in our mines, and being responsible for the large loss of life. In the State mine inspector's report, who, as I said before, is a strong union man, in 1911 he says, in his letter to the governor:

"I believe it is fair to give credit to those operators who have cooperated with this department in making improvements recommended beyond the requirements of the present mining law; and in acknowledging the concessions made by them, it must be further added that there is no authority embodied in the law by which these conceded improvements could have been enforced, no matter how essential they were to protect the life and health of employees. The Colorado Fuel & Iron Co. ranks first in making improvements not compulsory or demanded by the law."

Chairman WALSH. Was that Mr. Dalrymple?

Mr. WEITZEL. Yes, sir. I have a statement prepared here. It has been heralded about the country that on account of meanness and unwillingness to spend money for improvements these accidents occurred. I came with the company on March 15, 1908, and while I am not inferring that this sort of thing did not go on before, I have made this statement only since my connection with the company; from April 1, 1908, to January 1, 1913, we spent $161,720.89 in providing better ventilation, sprinkling, telephone system, manways, and rescue apparatus. In 1913 for labor for sprinkling, and operation of humidity boilers, to humidify the air, before it goes into the mine, we spent in wages in one county, Las Animas, $19,164.71. I want to say that my company has never denied me one dollar that I have asked for for an improvement that tended to create better conditions and safer conditions for the miner.

It has been charged that we do not pay for "dead work." That is one of the items in the miners' charge. I take this statement drawn off for the year ending June 30, 1914, where we paid for labor in dead work $219,601.45.

You asked me yesterday evening whether I would object to organizers going into our camps and holding meetings—organizers of the United Mine Workers—and I said I would. My objection to this organization is not to them as an organization or because it is an organization, but on account of the organization and the character of the people who represent it—not all of them. I am very good friends with some of the leaders in Colorado. But there is something fundamentally wrong in this organization, in the fact that it teaches class hatred. It teaches the employee that the employer is his enemy, and that he must keep away from him and have nothing to do with him.

Here is a circular that was posted in Trinidad for a meeting of the United Mine Workers, or calling people to attend their meeting, in which it says [reading]:

"The discrimination of the C. F. & I. Co. against organized labor; the crimes committed against the life and liberty of the miners, their wives and children; the control of the most important political, jurisdictional, and executive offices by this corporation; the outrages against the people which must lead finally to a general degeneration, as the many crimes committed lately show, can be stopped only by the State's ownership of the mines and the control of the State, counties, and cities by the working class."

In the speeches that you have quoted from——

Commissioner LENNON (interrupting). Do you know who wrote that?

Mr. WEITZEL. I don't know; I know it calls that meeting, and announces the speakers as John McLennan, president of the Colorado State Federation of Labor; and John R. Lawson, a member of the executive board, district No. 15. I will just leave this with you as an exhibit.

(The paper offered by the witness was in printed form.)

In the speech of Mother Jones, quoted by Mr. Weinstock yesterday, as an illustration dealing with class hatred, it says: "Fellow workers—I won't say 'Ladies and gentlemen,' for ladies and gentlemen are thieves, robbers, and highwaymen." And more stuff of an incendiary nature; but I guess I won't——

Chairman WALSH (interrupting). Is that the same speech?

Mr. WEITZEL. Yes.

Chairman WALSH. Well, we have that.

(The witness submitted the address referred to, and it is printed as "Weitzel Exhibit, No. 4.")

Mr. WEITZEL. Well, that is one of the objections I have to this organization. If it were conducted and handled as some of the other labor organizations, for instance, as Brother Garretson's, and was on a high order, there might be less objection to it. But there is abundant evidence to show that this organization teaches the members that they must not communicate with the boss. Those sections, taken from the district 14 by-laws, which fine a man if he gives evidence either to the mine official or to anyone else, fining him and expelling him, is the best illustration of that.

Commission LENNON. Who employs the miners that are employed by the Colorado Coal & Iron Co.?

Mr. WEITZEL. The Colorado Fuel & Iron Co. The superintendent, sir.

Commissioner LENNON. They are not employed by the United Mine Workers, are they?

Mr. WEITZEL. No, sir; if they were, our accident rate would not be so low.

Commissioner LENNON. If you employ miners, who make up the people who must compose the members of the miners' organization?

Mr. WEITZEL. Who make up the people?

Commissioner LENNON. Yes; if you employ the miners—the organization of the United Mine Workers of America being an organization—who is it that fixes the standard for membership in the miners' organization?

Mr. WEITZEL. There is no standard except the ability to pay dues.

Commissioner LENNON. In other words, if they want members at all they must take such men as you employ?

Mr. WEITZEL. Yes; but what I object to is their teaching these men, the principles——

Commissioner LENNON. We will get to that in a minute. Where are these people from that compose the employees of the mines? Where was their nativity in the main?

Mr. WEITZEL. Well, a large number of them are from Europe.

Commissioner LENNON. Southeastern Europe, southern Italy, and other parts?

Mr. WEITZEL. Yes; there are a great many southern Italians and a great many northern Italians, too.

Commissioner LENNON. What are the class standards in those countries—what have those people inherited as class divisions? When they come here, what ideas do they come to this country with, as to classes and class divisions?

Mr. WEITZEL. Well, I suppose they have pronounced ideas.

Commissioner LENNON. An organization, the foundation of which is laid by you in the employment, and they being the only ones the miners can admit as members, they coming from countries where classes have existed for generations—then you complain of class distinction taught by miners.

Mr. WEITZEL. And taught by the American citizens who are the organizers and at the head of this organization; not by the men who come from Europe. They take to that teaching, probably, very readily.

Commissioner LENNON. Let me ask this, with the same membership, and it could not be different, suppose Mr. Garretson was Mr. White, would you do business with him?

Mr. WEITZEL. If he taught the right kind of principles to the men, we might consider it.

Commissioner LENNON. Are you acquainted with Mr. White?

Mr. WEITZEL. No, sir; and I do not believe Mr. White is the worst man in that organization either, by any means.

Commissioner LENNON. That is all I care to ask.

Commissioner GARRETSON. I just want to ask one question. I have been shot into this thing personally, hypodermically, a couple of times. What I want to know is this, Mr. Weitzel, taking the example you have seen here

of the principle declared by the mine owners, as the underlying principle, do you believe that you would deal with me any quicker than you would with Frank Hayes?

Mr. WEITZEL. If the literature sent out by your organization and the published statements of the position of this union were on the right line, they might deal with you.

Commissioner GARRETSON. Take my utterances as a sample of the literature.

Mr. WEITZEL. I think I would get along with you all right.

Commissioner GARRETSON. He is a good Christian.

Mr. WEITZEL. My idea of this matter of labor and capital is the observance of the golden rule, "Do unto others as you would have them do unto you." That is the principle that I——

Commissioner GARRETSON. You don't take the Chicago version, "Do him first"?

Mr. WEITZEL. No, sir. Something has been asked about the miners being compelled to deal in company stores. So far as our company is concerned, there is no rule of that kind in existence. I have always insisted that a man had a right to spend his money where he pleased. When I was down at Primero last week with your Mr. McCusker, we were driving into Primero camp, and two wagonloads of goods were being hauled into the camp by storekeepers down in Segundo. I think there are no less than 12 merchants who go up into that camp and take orders and deliver goods in all of our camps. That is the common practice. I would discharge a boss if I ever heard of him trying to compel a man to deal in the company store.

I believe the prices in the company stores compare favorably with or are somewhat less than asked in others. The way prices are fixed in the company store, the manager, the local manager, will fix them in a way and have a copy of the price list sent into the general manager's office, the man who looks after the stores, and every time there is a change made in the price of any article a new price list is printed and a copy sent to the general office. So there is no opportunity for any store manager to charge outrageous prices, if he is so disposed. But the proposition is put up to him in this way: If you can get the business of the men in this camp it must be because you treat them well, because your prices and treatment are right. There is no other basis that they can get the business on.

You asked something the other day about the number of members in the United Mine Workers of America before the strike was called, and Mr. McLennan said he did not know. I have a list of the members, and I counted them up the other day. They had 106 members in the C. F. & I. camp, in the two counties, which represented 4.3 per cent. They had a total of 1,001, which represented in the two counties a total of 12.3 per cent.

Commissioner LENNON. Did you get that list from the roster of the union?

Mr. WEITZEL. Sir?

Commissioner LENNON. Did you get that list from the roster of the union?

Mr. WEITZEL. No.

Commissioner LENNON. That is all.

Mr. WEITZEL. Something else has been said about the character of the organizers of the United Mine Workers. I hold in my hand a letter written by one of the organizers of the United Mine Workers, offering to make a deal and sell out a list of the members and organizers. Strange to say, the man is still in the employ of the organization as an organizer, although this thing has been exposed.

Commissioner WEINSTOCK. Have you the original letter there?

Mr. WEITZEL. Yes, sir.

Commissioner WEINSTOCK. Will you read it?

Mr. WEITZEL [reading]:

TRINIDAD, COLO., *March 14, 1912.*

Mr. J. S. THOMPSON,
Superintendent Colorado Fuel & Iron Co.
Trinidad, Colo.

DEAR SIR: We, the undersigned, wish to present for the consideration of your company the following proposition: We are in possession as organizers for the United Mine Workers of America of certain information, as to the names and addresses of other organizers and members of local unions in this southern coal field, which we are willing to impart to you for a reasonable consideration, and hereby offer to do so, together with such other useful information

which we may possess. In return we shall expect cash payment of a sum to be later determined and which we should like you to suggest.

MIKE LIVODA.
PASQUINELLI SETTIMO.

Signed in the presence of—
G. B. PARKER.
S. S. DE LAPPE.

Commissioner BALLARD. What is the date?

Mr. WEITZEL. March 14, 1912.

Commissioner WEINSTOCK. How did the letter get in your possession?

Mr. WEITZEL. I think it was written and brought in.

Commissioner WEINSTOCK. Was anything done about it afterwards?

Mr. WEITZEL. I think a letter was written and signed afterwards wanting to hurry up the proposition. There might be some question about the signature on that here. We have some orders here with his signature on when he was working at the mine to compare with his signature on his letter.

Commissioner WEINSTOCK. You say the matter was exposed?

Mr. WEITZEL. Yes.

Commissioner WEINSTOCK. How?

Mr. WEITZEL. The letter was photographed and published in the papers.

Commissioner WEINSTOCK. What action did the union take in the matter?

Mr. WEITZEL. They said—John McLennan and I talked about it, and he said it is a forgery. He said, "We are going to prosecute somebody for it." I said, "There is nothing like exposing the truth; go to it. You should prosecute anybody that would try forgery of that kind." But the prosecution never was started, and Mike was continued as an organizer.

Commissioner WEINSTOCK. What is the name of the party?

Mr. WEITZEL. Mike Livoda. I saw him in the room the other day. I don't know whether he is here this morning or not. I do not see him.

Commissioner WEINSTOCK. Has there been any other instance of graft—attempted graft or real graft—on the part of union representatives?

Mr. WEITZEL. Not to my knowledge. I want to say in conclusion, you were asking something as to the number of men that quit and went out on a strike and asked Mr. Welborn to get the figures. Do you care for those now?

Chairman WALSH. Anything you have there that I have asked for that has not been put in, or anything that might suggest itself to you, Mr. Weitzel, if it has not been covered.

Mr. WEITZEL. In September, 1913, we had 5,760 men employed in the fuel department and produced that month 273,388 tons. When the strike was called 2,613 men went out on strike. During the next month, October—I haven't made the deduction to see how many went out, but we had, well, from 5,730 take 2,613, which leaves a remainder of 3,137. In October our ranks were still further reduced to 2,588. That was the number working in October. We produced 114,713 tons. In November we had 2,186 and produced 98,895 tons. December we had 2,915 and produced 121,528 tons. In January, 1914, we had 3,283; produced 164,863. In February we had 3,648 and produced 156,594 tons. March we had 3,521 and produced 180,190 tons. In April we had 3,450 and produced 154,844. In May we had 3,140 and produced 178,267.

You will notice April production is very low for the number of men at work. That was the time we had the trouble in the southern districts.

Commissioner WEINSTOCK. What is the effect of the reduced output on the price?

Mr. WEITZEL. I have nothing to do with the sales department. I haven't any idea whether there was a change made in prices or not.

In June we had 3,141 men at work, who produced 188,529. July we had 3,331 men at work; produced 185,878 tons. In August we had 3,376 men; produced 189,619 tons. September we had 3,584 men; produced 202,432 tons. In October we employed 3,965 men; produced 211,016 tons.

By the way, I think the street fight in Walsenburg has been mentioned. Now, here is the notice that was posted on the door of the man that——

Chairman WALSH. Just read it so we can hear it. Hand it to the stenographer.

Mr. WEITZEL. (reading):

"Warning Mrs. Dutch. If you don't move out of this neighborhood within 48 hours we will blow you out. Scabs can't live with white people. Your husband is scabbing. We mean business. The committee."

Chairman WALSH. Who was this lady, Mrs. Dutch? Was she a resident?

Mr. WEITZEL. She was a resident of Walsenburg, and her husband was working at the Walsen mine.

Chairman WALSH. That was put on the door of their dwelling?

Mr. WEITZEL. Yes, sir. The next day when the wagon went down to move her there was a mob surrounded the wagon; there was a noise and a fight ensued in which there were some men killed. Would you like to have this notice?

Chairman WALSH. A copy of this notice will be made and returned.

Mr. WEITZEL. And there [indicating] are some circulars with reference to the law that I forgot to give you last night. The law of 1913 required that mine foremen and fire bosses should take examinations and hold certificates. I began an educational program by appointing one of our men who is acknowledged to be the first man in the State in knowledge of mining, and especially the technical features of it, and we opened a correspondence school, sending out questions of the character that they would likely be asked at those examinations, and this man corrected the papers. These are circulars to the superintendents as to the organization of classes. We appointed our division engineers, men from his office——

Commissioner GARRETSON. Did you have a copy of the questions that were to be asked?

Mr. WEITZEL. No, sir. Of course not; the committee had not met. There were a large number of the men that responded to this invitation to take up the study, and at our meeting in Trinidad there were about 265 took the examination and a very large majority of them passed.

(The circular letters and list of questions were submitted and appear among the exhibits at the end of this title as "Weitzel Exhibit No. 5.")

I have some letters of intimidation. I don't suppose you care for them. I have thrown away almost all the stuff I had of that nature. There is nothing much——

Commissioner WEINSTOCK. I think they ought to be included in the record.

Chairman WALSH. Mr. Weinstock would like to have you read those.

Mr. WEITZEL. Addressed to Mrs. Jennie Genardi, Walsenburg, Colo. [Reads:]

DEAR SCABS This is to inform you that if you continue to be a dirty scab and be on the company's side because they let you go into their camp and sell your stuff to your friends, scabs and blacklegs, you will suffer, too, you big scab. If in five other days you continue to sell to the scabs we will blow your head up in the air. Signed by the union men, your enemies.

Commissioner WEINSTOCK. How did it get into your hands?

Mr. WEITZEL. It came to me through our superintendent. The lady brought it to him. That was written in Italian. I read the translation. The original letter is here.

(Said document is as follows:)

DECEMBER 30, 1913.

SCAB COMPANY: We have been waiting until now to see if you would come away and not scab up to the present. You have been cowards and we are now compelled to write you this letter. To-day is the 30th, and by the 4th of next month you and your company must be out of the camp, and if you are not out we have a brother G. that can go in the camp any time he pleases, and your house will be blown up in the air. Do you understand, you old coward? If you don't understand, we will make you understand. You understand well what we have said.

We are signing you enemies.

TRADUQUIQUENES.

(A second document presented reads as follows:)

You will have to pass your time. I will swear. You must be sure this is your destiny. On your first meeting with us you will be recompensated for what you are doing. Pray for us. The time is not far when this will be your bed. You will sleep eternally. Twenty-seven thousand are indorsing this. They want you dead or alive, just as you like. Surrender. Your time has arrived.

On the back there is a picture of sword and a pistol.

Commissioner LENNON. Do you charge that to the union?

Mr. WEITZEL. No. A large number of our men have received letters threatening them with death, or they have said, "We will get you or some of your friends. It may not be this year, or next year, or the year following, but we will surely get you."

These men sometimes brought the letters to the superintendent and read them and then would tear them up. The letters would say, "If you tell this to anyone you will be killed, or show it to anyone." Some of them would bring the letter in and read it. There was a large number of those. I had a number, but they have been destroyed. Some of them are very vulgar.

Chairman WALSH. Have you read all of them?

Mr. WEITZEL. I believe I have read all of the letters I have; yes, sir.

Mr. Brewster said a good many things that could be commented on. One thing he criticised was the heading of the circular sent out by the operators, "The struggle for industrial freedom, as they say it was a misnomer. I think that is exactly what this strike has been. And I believe that in time, as people learn the truth, the coal operators of Colorado will certainly be subject to less criticism than they are now. When the people of the country realize that 50 per cent of the tonnage is now under the union domination, and that the Colorado operators represent only 2 per cent of the tonnage produced in the United States, and that we have had the courage to resist the culmination of this gigantic labor trust, which had for its object the complete control of the labor producing a commodity that is essential to the operation of almost every industry, certainly to the well-being of every citizen; that if their object is ever accomplished, that the power will lie in the hands of one or two men to completely tie up all the railroads and the industries and affect the lives and you might say the well-being of every citizen in the Union; when they realize this, they will have at least much less unfavorable criticism of the Colorado operators.

Commissioner GARRETSON. Is it better, Mr. Weitzel, in your opinion, that the control should lie in the hands of one or two labor leaders than in the hands of one or two coal operators?

Mr. WEITZEL. It is not any better either way; it should not be.

Commissioner GARRETSON. Do you know a paper called the Public?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Have you seen a communication under date of November 17 published in the Public, directed to Mr. Welborn?

Mr. WEITZEL. No.

Commissioner GARRETSON. It is on this matter you have just testified on, industrial freedom, what you stand for. After saying certain things—it is signed "Celia Baldwin Whitehead," presumably responsible. It says this as the closing matter: "Awaiting your answer, I will hazard a guess. You mean that you want every man free to take any job you offer him, on such terms as you see fit, without any dictation from a labor union. Honestly, now, isn't that what you mean when you talk of a man's right to work?"

Mr. WEITZEL. Well, a man, of course, if we have work for a man and he wants to work for us, he is at liberty to take the job, if that is what it means.

Commissioner GARRETSON. Ah! Is there any choice or election——

Mr. WEITZEL. Sure, there is.

Commissioner GARRETSON (continuing). On an empty stomach?

Mr. WEITZEL. I say there is a choice or election.

Commissioner GARRETSON. Were you ever a Methodist?

Mr. WEITZEL. No; I am a Presbyterian.

Commissioner GARRETSON. Well, that is worse, in some ways. But you have never learned of the doctrine of free moral agency taught by the Methodist Church?

Mr. WEITZEL. Oh, yes.

Commissioner GARRETSON. Where a man has the right to accept salvation?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is free moral choice, as the church says, but if he don't accept it he will be damned?

Mr. WEITZEL. Yes.

Commissioner GARRETSON. There is as much free moral agency in this election as in the church, isn't there?

Mr. WEITZEL. I would say this about the church and the free moral agency. The union, any union, has no more right to say, because they claim certain benefits, that every man in their craft shall belong to their union than the people of the church have a right to say that everybody, that the whole world, everybody in the world, must joint the church.

Commissioner GARRETSON. Is there a church in existence that has ever taught anything else but that a man must accept its basic tenets or beliefs or suffer eternal condemnation?

Mr. WEITZEL. I think there is not a church but what teaches that.

Commissioner GARRETSON. Then the union and the church put up the same thing.

Mr. WEITZEL. I say this: The church does not compel you to contribute. If you contribute—you can contribute, become a member of the church voluntarily. There is none of us that will deny that our present civilization, the many good things we enjoy, are due to Christianity, due to the teachings of Jesus Christ, the doctrines taught by Jesus Christ and His followers. The preaching of His Gospel is the thing that has done the most for this world, but yet it is just as sensible for the Christian people to say "You must join the church and contribute," and for that reason, as it is for the union man to say "You must join our union." I am sure you would not say it was right to be asked and compelled to join the church and contribute to it, if you didn't want to.

Commissioner GARRETSON. Do you know anything——

Mr. WEITZEL. Know anything?

Commissioner GARRETSON. About one thing—I will admit there are several things you know—do you know anything about the severance of the pastoral relations?

Mr. WEITZEL. Yes.

Commissioner GARRETSON. Between Ferris, of the Episcopal Church in Trinidad, on account of his activities in going to Ludlow after the trouble there?

Mr. WEITZEL. I never heard of Mr. Ferris before, Mr. Garretson.

Commissioner GARRETSON. Do you know of any trouble in the Congregational Church there over the same thing?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Because those twq pastors went to Ludlow?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Never heard of that.

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Very well.

Mr. WEITZEL. In further support of my contention that the officers of this union teach the things that they should not teach and advocate the things that are wrong, I have the sworn statement here as follows [reading]:

"I, Leo J. Kahn, hereby certify that I was present at a meeting of the United Mine Workers' organizers held in the Packer Building, Trinidad, Colo., on or about July 25, 1913, and heard an address made by a man introduced to me as Mr. Wallace, editor of the United Mine Workers' Journal. During Mr. Wallace's address that evening he told the organizers to tell the men to arm themselves with the best rifles money would buy, get up on the hills and not be a damned bit particular who they picked off. The following morning in conversation with Wallace he told me that the methods advised by him the night before was the only way to do it."

(The document referred to is printed as "Weitzel Exhibit No. 6.")

Mr. WEITZEL. (continuing). He is the editor of the United Mine Workers' paper in America. I believe I will offer this United Mine Workers' Journal showing a miner with a pick on one shoulder and a gun in the other hand and "What shall he drop, the gun or the pick?"

Chairman WALSH. Was there any part of that that you wanted to read to the commission, Mr. Weitzel?

Mr. WEITZEL. No, sir.

Chairman WALSH. All right, just turn it over to the stenographer then.

Mr. WEITZEL. I believe there is an article in here by you, Mr. Walsh, or something you said—some speech you made somewhere.

Chairman WALSH. Well, is it something you wanted to introduce?

Mr. WEITZEL. No; just to show the cartoon.

Chairman WALSH. What did you mean by the suggestion that there is an article—is it something you take exceptions to——

Mr. WEITZEL. (interrupting). No, sir; no, sir.

Chairman WALSH. If there is, I am perfectly willing it should be read.

(The copy of the newspaper was submitted by the witness.)

Mr. WEITZEL. In the statements of production that I read I included only October, 1914. In November, 1914, we produced 180,385 tons. During that

month our mines in the Trinidad district were idle from one to eight days each, and we could have produced 28,254 tons more at the same rate of production if we had had steady work. We also dumped on the ground during that month, because we had no market in the Walsenburg district, 10,518 tons of coal.

(The statement referred to is printed as "Weitzel Exhibit No. 7.")

One other thing, and I think I am through. I have made a statement, or it has been made, that the United Mine Workers condone violence. In November of last year George Belcher was assassinated—shot to death on the public street corner in Trinidad. His assassin was arrested and in a confession within a day or two afterwards, he said that he had been promised $1,000 to commit this crime by A. B. McGary, a national organizer, and a man by the name of Carter; I don't know what his business is; but A. B. McGary is well known as a national organizer of the United Mine Workers. A. B. McGary has disappeared. I talked to the man who drove him out of town, and he said he told him to drive him below Trinidad in an automobile, and when they got down there he forced him to drive him on down into Kansas. This was the night following the assassination of Belcher. He drove him to Garden City, I believe. He has since been a fugitive from justice. Now, in the report of Mr. William Green, international secretary-treasurer of the United Mine Workers of America, December 1, 1913, to May 31, 1914, all of which period is after McGary is alleged to have hired this man to commit murder, McGary is shown on their pay roll, and that he drew $727.89 for that period.

(The witness here offered in evidence the report referred to, calling special attention to page 45. The report was submitted in printed form.)

I have here a number of clippings from the Free Press, a United Mine Workers' paper in Trinidad.

Chairman WALSH. Do you desire to read some of them?

Mr. WEITZEL. No; I desire to give them to you, and I ask you to summon the editor. They are marked with pencil—a number of libelous and false statements.

Chairman WALSH. What is the name of this editor?

Mr. WEITZEL. Adams. I have only clipped the editorials.

Chairman WALSH. Very good. If we have time, we will summon him, unless he has already been summoned.

Mr. WEITZEL. These are papers and editorials attacking the governor and other State officials and making false statements as to conditions.

(The papers and clippings so offered were all in printed form.)

I guess that is all.

Chairman WALSH. Some gentleman I noticed had a picture there which he evidently wanted to call your attention to.

(A framed photograph several feet long was here handed to the witness.)

Mr. WEITZEL. That is a picture of our first-aid teams, taken at the contest at Trinidad in 1912. That was the miners' day for the county, and most of the people from the mines came in. All of the teams except the one not in uniform are Colorado Fuel & Iron Co. teams, and the team that is not uniformed is the one that won the first prize and comes from the Victor-American Fuel Co.

Chairman WALSH. Have you got that on a reduced scale?

Mr. WEITZEL. No, I haven't, on a reduced scale.

Chairman WALSH. I would like to get it and put it in the record.

Mr. WEITZEL. I will have one made for you, though.

Chairman WALSH. Yes; it could be kodaked, or give us a copy without the frame and we will put it in the record.

(The photograph referred to was submitted.)

One moment, Mr. Weitzel. Some of the commissioners may wish to ask you something.

Mr. WEITZEL. Oh, pardon me.

Commissioner BALLARD. Just one question; that is, the question of checkweighman once more. As I understand it, the scales where the coal is weighed are outside of the mine, near to what you call the tipple?

Mr. WEITZEL. Yes, sir; on the tipple.

Commissioner BALLARD. Does the man who weighs that coal know whose coal he is weighing?

Mr. WEITZEL. Yes.

Commissioner BALLARD. Would it be possible to have that done by number, so that the weighmaster would not know?

Mr. WEITZEL. He does not know which it is when he is weighing. The weighmaster stands in the office, and the car is brought on the scales and he

gets the weight, and then the car is dumped, and there is a numbered brass check with a number stamped on it that hangs on a hook inside the car, and after it is once weighed this check is handed in to the weighmaster, and the weight is credited to that number.

Commissioner BALLARD. I understand that the appointment of a checkweighman is not made for the benefit of the mine operators, but for the men; that the weighmaster may transfer the weight to some other friend or person in the employ of the company?

Mr. WEITZEL. Yes, sir; if he knew the check number of a friend, he could do that very easily.

Commissioner BALLARD. And that is why they want a checkweighman to prevent that?

Mr. WEITZEL. Yes, sir. That is all, Mr. Chairman.

Chairman WALSH. Anything else? That seems to be all, Mr. Weitzel.

Mr. WEITZEL. I mentioned the C. F. & I. rescue car. Mr. Gove has just called my attention to the fact that the Victor-American also have a car equipped with rescue apparatus and used for training.

Chairman WALSH. Similar to this?

Mr. WEITZEL. Yes, sir. We have two of them now, although one of them contains fans and motors. Very often it happens at a mine explosion that the ventilation apparatus is destroyed. We built this second car a few years after the other and equipped it with all manner of tools, piping, and hose and put into it a fan that is portable and with motors that will operate on different voltages and with different characteristics of current, so now we are prepared to hook onto any power that is used anywhere in the State. And, of course, our car is at the service of anyone that is in trouble, and we have always taken it, and always do take it, wherever an accident happens, regardless of whose property it is, and we keep a man continuously on the car. It is connected with telephones, and we have an arrangement with the railroad in case of right of way is asked and an engine; that car is to be given right of way over all other trains.

Chairman WALSH. Anything else?

Mr. WEITZEL. No, sir.

Chairman WALSH. Thank you. That is all, Mr. Weitzel.

Rev. James McDonald.

TESTIMONY OF REV. JAMES McDONALD.

Chairman WALSH. Take that chair, please, Mr. McDonald.

Rev. JAMES McDONALD. Thank you.

Commissioner WEINSTOCK. Will you give your name and profession to the reporter?

Rev. JAMES McDONALD. James McDonald, Aguilar, Methodist preacher.

Commissioner WEINSTOCK. How long have you lived in the strike-zone district?

Rev. JAMES McDONALD. I went down there December four years ago—this month four years ago.

Commissioner WEINSTOCK. You were connected with the Methodist Church?

Rev. JAMES McDONALD. Yes, sir; north. Northern Methodist Church—the Methodist Episcopal Church.

Commissioner WEINSTOCK. When did you leave the zone district?

Rev. JAMES McDONALD. I am still living there.

Commissioner WEINSTOCK. Still residing there?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. What was your experience in the district before you became a minister?

Rev. JAMES McDONALD. I may say that in coming to Denver four years ago, I was sent down to the Hastings district by W. J. Murray, vice president of the Victor-American, to work as a mechanic, moving boilers from Delagua to Hastings.

Commissioner WEINSTOCK. In what camps or towns have you been a minister?

Rev. JAMES McDONALD. My first charge was Hastings, Delagua, and Barnes, which includes Ludlow.

Commissioner WEINSTOCK. And after that?

Rev. JAMES McDONALD. Aguilar and Hastings and Delagua until the strike, and since that time Curtis and Augusta.

Commissioner WEINSTOCK. What were your personal observations preceding the strike as to conditions in the camp as to freedom of speech and assembly, for example?

Rev. JAMES MCDONALD. Well, sir, the first evening I was introduced by the superintendent, who was a Scotchman like myself, Cameron, to another old Scotchman who kept or cleaned the lamps, and we took a walk, and he asked me if in Scotland I had been identified with any trade-union. I said, yes; that I had been a member of the United Engine Keepers of Scotland. "Well," he said, "I will give you a bit of friendly advice. Never tell anyone here that you have ever been identified with any organization—workmen's organization." I said, "Why?" "For the reason that some men here have already given up their life for it, and so may you if you do not keep quiet in that matter."

Commissioner WEINSTOCK. Who was this party that gave you this advice?

Rev. JAMES MCDONALD. I just forget his name. He at that time, four years ago, was the man who was responsible for the lamps—the lamp station of the Hastings mine.

Commissioner WEINSTOCK. Was he a unionist?

Rev. JAMES MCDONALD. Well, I never inquired as to that at all. I don't expect that he was; at any rate I never inquired.

Commissioner WEINSTOCK. Did you follow his advice?

Rev. JAMES MCDONALD. As long as I resided in that district.

Commissioner WEINSTOCK. That is, you told no one that you had ever been a union man?

Rev. JAMES MCDONALD. Well, I don't know that—for instance, the boss mechanic under whom I was working was well acquainted with the fact that I was a union man.

Commissioner WEINSTOCK. What did you find to be the conditions as to the social, political, educational, economic, and moral affairs?

Rev. JAMES MCDONALD. Well, I believe, sir, that the conduct of the strike has had the tendency for to take the minds of the people of Colorado away from what has been the real cause.

Commissioner WEINSTOCK. That does not answer my question exactly. The question was what did you find at that time or during the time you were in the camps to be the social conditions, the political conditions, the educational conditions, the economic conditions, and the moral conditions?

Rev. JAMES MCDONALD. I was just coming to that.

Commissioner WEINSTOCK. Oh, I thought you had finished your answer.

Rev. JAMES MCDONALD. No. I was saying that the conduct has taken the minds of the people away from what has been the real cause, and I believe the cause can be included in all these things—that they had all these grievances.

Commissioner WEINSTOCK. What was the cause?

Rev. JAMES MCDONALD. Well, I believe that the people there had a desire for freedom—freedom of speech—freedom to meet just when and how they pleased. I think it would be better possibly if I gave you my own personal experience in that matter. I found that in the Hastings camp there is what they call a town hall—a hall which 10 years ago had been built by the fraternities, I think it was the Knights of Pythias, and that since that time it has been taken over, or rather at that time it had been taken over by the Victor-American Fuel Co. There were no fraternities allowed to meet in that camp at all. And when I went there I found that this was the place which had been given for church services. The ladies themselves had to clean, repair, and do everything necessary. The operator, the Victor-American Fuel Co., did nothing toward making the place comfortable for the people. The people themselves had to purchase the seats, do all the cleaning, and all the repairs.

After I had been in charge there for some time there was an exception taken by the superintendent to the fact that there was a little choir of 30 to 50 children I was training in the evenings in singing, because I found that was one of the things that was entirely neglected in their schools; and the little folks had to pass from one door right to the other end of the hall, and in passing the superintendent claimed that they made so much noise that they disturbed the Italian boarders, who were living in the boarding house directly under the hall. I should have explained that this building is a three-story building; the bottom part is the town jail; the second was an Italian boarding house, and the third story was the town hall. He made conditions then that we would not be allowed to meet with the children in the hall——

Chairman WALSH. Where was that?

Rev. JAMES MCDONALD. Hastings—at any time during the week. He also made it compulsory that we should not have any social evenings with our

ladies' aid or other organizations of the church. When we approached him in the matter he told us that if we wanted a hall we could go to the hall that was used by other people, which was the one adjacent to the saloon—in the saloon building—only a door separating the hall from the bar. I then asked him if we could not have the use of the schoolroom for the training of the children. This also was refused, and the reason given that the children's books would be disturbed. Moreover, at the same time our people were given to understand by those who were in charge in that camp that if they did not stop attending church services they were to be fired—their husbands were to be fired—were to be put out of the camp. And I regret to say that while it is impossible for one just to give exact instances or prove the contention, nevertheless, it is a fact that our best—that the ladies who were our best workers in our church at Hastings, that their husbands were fired and no cause given for firing them.

Commissioner WEINSTOCK. What was the religion of the man who took this attitude toward you?

Rev. JAMES McDONALD. I could not say, sir. I suppose he would be a Presbyterian.

Commissioner LENNON. A mighty poor one.

Commissioner WEINSTOCK. From personal observations, Mr. McDonald, what do you know as to the feeling of the men in the camps toward the United Mine Workers, as to whether or not they willingly went on the strike?

Rev. JAMES McDONALD. I am thoroughly satisfied, sir, that the men were ready when the strike came to go out on the strike. That is to say, more than two-thirds were. I am satisfied that the evidence I have heard along these lines here these last few days is absolutely incorrect. Take our own district where I resided, Aguilar—the mines there, the Green Canyon, the Empire, the Royal, the Western, and the Jewel, were all closed down right away. The Jewel has never resumed work. The Western has gone on with a few men, and the Green Canyon just the same until the acute trouble we had in the Aguilar district.

Commissioner WEINSTOCK. Were you present this morning when Mr. Weitzel testified?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Do you remember that he read some figures to the commission saying that about 12 per cent only of the men employed in certain mines were unionists?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Are you in a position to controvert that statement successfully?

Rev. JAMES McDONALD. No, sir; I couldn't do that; couldn't do that. I would rather believe, from my own inquiries and coming in contact with these men; that is, the striking miners; I would rather believe that there might be some truth to that; that most of the striking miners just joined the United Mine Workers perhaps a short time previous to the strike, or perhaps when the strike was called.

Commissioner WEINSTOCK. What has been your personal experience as a minister as to the management of coal camps? Have you been free, for example, to prosecute your church work?

Rev. JAMES McDONALD. No, sir.

Commissioner WEINSTOCK. In what way were you hindered?

Rev. JAMES McDONALD. I have given one instance.

Commissioner WEINSTOCK. Now, whom do you hold responsible in that instance?

Rev. JAMES McDONALD. Well, I was just coming to give the rest of the story along these lines. I might say that this spirit that was felt, and more especially when the boss mechanic and engineer and some others were fired, whose wives were identified with our church work—that the other people who were directly under the superintendent stopped coming to our services. I may say the fact is that when I took up that work that I had been working with the men, and did work with them for 12 months, along with that, that when I took hold of the services——

Commissioner WEINSTOCK. When you say that you worked with them, you mean as a miner?

Rev. JAMES McDONALD. No; as a miner, sir, but as mechanic.

Commissioner WEINSTOCK. As mechanic?

Rev. JAMES McDONALD. Yes, sir; and worked around there; and the boys crowded out to the church in the evening, and we had always the building

filled. They would be sitting around—there wouldn't be seats enough and they would be sitting around as you have seen miners do, I suppose. They sat right around the sides of the building. But when this opposition started to our work from the superintendent and his family the miners were afraid then to come out lest they themselves would have to "go down the canyon," as they term it. And we had only the store people and the railway people—the C. & S. E. Railway runs through into Hastings and is owned, I suppose, by the Victor-American Co.—attending church. They were very regular—always there. And even they themselves were persecuted as far as it was possible to do so because of the stand they had taken. For instance, I think it was one Easter, that we had an arrangement made whereby the C. & S. E. was going to run the caboose from Hastings with our people to Delagua, so that we might have a combined service there, and the superintendent of the mine, as I understand, had wired into Denver here to the head officials to the effect that this train was run, taking exception to it, and trying to get the superintendent of the railway in trouble because of his helping out the church in this way.

When we heard of this opposition and the fact that we were not allowed to meet for social evenings or to carry on our choir work with the juniors and the grown people, we had a meeting for all the people interested and we agreed that we would build a little church in Hastings so that we could be entirely independent of the Victor-American people. We made inquiry as to what conditions a lease would be granted and we found that the first condition that was attached to the lease was this: That the building was to be completed before a lease would be granted at all. Meantime our workers had gone around the little coal town of Hastings and we had been promised donations that would have covered the little building that we had proposed to erect. We had all the plans and everything made, but I thought it would be very unfair; in fact, it would be very injudicious to take these working people's money—some giving as high as $25 and possibly they might not be in the camp another week. They had no security for their jobs at all, and I thought it would be very unfair to take these people's money and put it into a church under conditions which we knew nothing about. So we made inquiry again from Mr. Murray as to what the conditions of the lease would be, and it was this: First, that a 99-year lease was to be granted; secondly, the superintendent was to have the supervision; third—and this one we most objected to—that if during any consecutive six months services were discontinued in that church the building would revert to the company; fourth condition, that no money was to be asked; nothing in the way of financial aid was to be asked from the company, either for the support of the minister or for the raising of the building. Our people, considering the matter, thought it unwise to go on with the building, and so that work in Hastings had to be entirely dropped. I may say, gentlemen, that I understand that some years previous the Presbyterians had been in that same camp and found the same trouble and had to leave for almost identically the same reasons as the Methodists had to give up the work there.

Commissioner WEINSTOCK. Are we to understand, Mr. McDonald, that you were working as a mechanic and preaching at the same time?

Rev. JAMES MCDONALD. Yes, sir; for part of the time. I may say that I started to work in December four years ago. If I am right, I worked until November of the following year in the moving of the boilers from Delagua to Hastings and the raising of the boilers at Hastings and general mechanic work around there.

Commissioner WEINSTOCK. Now, these mines at Hastings belonged to the Victor-American Co.?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner WEINSTOCK. During the time that you were working as a mechanic, Mr. McDonald, did you make any attempt to organize the men or encourage them to join the union?

Rev. JAMES MCDONALD. No, sir; I never spoke to them along these lines at all. In fact, I felt it was dangerous or would be objectionable. It would be unfair for me to take advantage in that way.

Commissioner WEINSTOCK. Now, what was the motive which caused the mine officials to hinder you in your work? There must have been some motive. Now, what do you think was the cause or purpose?

Rev. JAMES MCDONALD. Well, I think from my observation I would be giving a correct idea if I say that it seems to me it is the desire of these operators to keep people in ignorance. We know the church has always been an educating force, and they were afraid of this force being given the men.

Commissioner WEINSTOCK. You heard the testimony of Mr. Weitzel, who preceded you?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. And you heard him talk of the methods of the company pursued in trying to educate and train their people through correspondence schools and church services?

Rev. JAMES McDONALD. Yes.

Commissioner WEINSTOCK. How do you reconcile those statements?

Rev. JAMES McDONALD. He is speaking of the C. F. I. camps. I speak of the Victor-American.

Commissioner WEINSTOCK. You believe then that the policy of the two companies differs?

Rev. JAMES McDONALD. To some extent.

Commissioner WEINSTOCK. That one company endeavors to educate its people and the other to keep its people in ignorance?

Rev. JAMES McDONALD. Not altogether. I think that while the C. F. I. is making an endeavor along these lines, that they do not go far enough.

Commissioner WEINSTOCK. That they do not go far enough, you say?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. In other words, their methods are efficient, but not sufficient?

Rev. JAMES McDONALD. Well.

Commissioner WEINSTOCK. How much further should they go, in your judgment?

Rev. JAMES McDONALD. Well, I believe—of course, I can not speak of the C. F. I. camps as I can of the Victor-American; but I think, for example, exception is taken to these uneducated foreigners. Now, I believe if these operators were to take and train these foreigners, first of all, in the English language, civil law, civil government, and then give them the training along the lines of the science of mining, and give the foreigners themselves the same possibilities that the English-speaking men have of rising to positions with the company, that something could be done.

Commissioner WEINSTOCK. The Hastings camp is under the control altogether of the Victor-American Mining Co.?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. What educational facilities, if any, does the Victor-American Co. offer?

Rev. JAMES McDONALD. Well, sir, in the first place I don't know just—I can't speak for the last year as to the conditions of the Hastings school; but I speak of a year ago. I was at the closing exercises a year ago, and I want to say and put it on record that I do not think that that was a building that is comfortable at all. The teachers complained very much. It was dilapidated, and was not at all where children's training could have its best advantages.

Then, moreover, four years ago when I went there, I found—I have three children who attended the Hastings school—two children who attended the Hastings school. Four years ago I found that there was a staff of four teachers there and the next year with approximately the same number of scholars, there were three, and the following year it was reduced to two, and visiting that school as I did frequently, I found that one of the teachers in the primary there, who is training children—I would say children 90 per cent of whom are unable to speak one word of English—and in that room there were 100 children for that one teacher; and she told me——

Commissioner WEINSTOCK (interrupting). An ungraded school?

Rev. JAMES McDONALD. Yes, sir; this room was ungraded; and she told me, I think, that there were something like 120 on the roll. And every little bench was seated with two and three. It was overcrowded entirely, and she could hardly get walking room around there. You can understand just what the situation was when the year previous there had been three teachers for what must have been the same number of scholars, and the year before that four teachers.

Commissioner WEINSTOCK. Who paid the salaries of the teachers there?

Rev. JAMES McDONALD. The school board, as I understand it.

Commissioner WEINSTOCK. Did the miners contribute anything to the school fund, or were they taxed in any way, or was the burden entirely on the company?

Rev. JAMES McDONALD. No; as I understand it, the only tax in these coal camps is what is called the poll tax.

Commissioner WEINSTOCK. The miners paid no taxes?

Rev. JAMES McDONALD. Except what is called the poll tax.

Commissioner WEINSTOCK. Then the burden for this was entirely on the mine owners?

Rev. JAMES McDONALD. Mine owners and railways and property owners.

Commissioner WEINSTOCK. What can you state from first-hand knowledge, Mr. McDonald, as to which side was responsible for the first acts of violence?

Rev. JAMES McDONALD. Well, I believe, sir, that would be very hard to determine, in this way: Suppose to-day that you and I had a little difference, and I then heard that you had gone down town and bought yourself a revolver and some ammunition. The most natural thing for me to think would be that you had bought that revolver and ammunition for the purpose of doing me some injury; and the natural man would arm himself. It would just be natural for me also to go and get arms, and perhaps we might meet in the street and I would just think you were looking at me wrong, and our guns would be whipped out and we would be firing at the head of each other. I think that was the situation down there.

Commissioner WEINSTOCK. That is, you would be inclined, at least, to hold morally responsible the side that first took steps to prepare for war?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Did you hear the testimony of, I think it was Prof. Brewster, when he was here yesterday and testified?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. I am not altogether sure that it was Prof. Brewster, but facts were brought out in the testimony yesterday that as shown by the report of the congressional investigation the miners bought arms on September 12, that the Trinidad convention took place on September 15, that the strike was declared on September 23. I think, according to the testimony of Mr. Welborn, the company had made no preparations—that they were still living under their normal conditions—no guards had been brought into the mines. Now, if those are the facts, would it not indicate that the strikers had been the first to make preparations for that war?

Rev. JAMES McDONALD. Yes, sir; it would give that indication, but it is not the facts.

Commissioner WEINSTOCK. What are the facts, as you know them?

Rev. JAMES McDONALD. In July, August, and September, 1912—that is, the year before the strike was called—there was quite a talk of strike. At that time I was holding services at Hastings. One of the services are held in the afternoon and the other in the evening—I was holding services at Hastings and Delagua. Sometimes it was necessary for me to walk to Delagua in the evening. On coming down from there I met, frequently, armed guards who stopped me between Hastings and Delagua; that must have been a year previous to the strike. I, myself, met them and talked to them previous to the strike. Moreover, while in the employment of the Victor-American, I heard a conversation of how there were so many guns from the last strike, the last struggle, had been buried under the floor of the Victor-American office in Hastings, and how some of them had been stolen when they went to get them.

Commissioner WEINSTOCK. When did the strike talk first begin among the men, so far as you know?

Rev. JAMES McDONALD. I believe that there has been a fear on the part of the operators since I first came of a strike; that there was going to be a strike.

Commissioner WEINSTOCK. When did you first hear it agitated among the men?

Rev. JAMES McDONALD. There was no visible agitation at all among the men. That is to say, I have seen crowds of these men going toward Ludlow on the Sabbath, and on making inquiry as to why they went down there they would tell me that there was going to be a miners' meeting, but in the camps there was no visible evidence of any agitation. If there had been, these men would have been put out of the camp at once.

Commissioner WEINSTOCK. Did you attend any of those miners' meetings?

Rev. JAMES McDONALD. No, sir.

Commissioner WEINSTOCK. Did you hear any discussion as to what took place afterwards?

Rev. JAMES McDONALD. No, sir. I made no inquiry, except that my curiosity was aroused to know why it was that on the Sabbath there were so many men going in twos and threes and fours down toward Ludlow.

Commissioner WEINSTOCK. At what period in your career did you give up your work as machinist and devote yourself to your religious duties?

Rev. JAMES MCDONALD. I must have taken up the religious duties in July.

Commissioner WEINSTOCK. July, 1913?

Rev. JAMES MCDONALD. 1911, I think it was, and I worked until November.

Commissioner WEINSTOCK. 1911?

Rev. JAMES MCDONALD. Yes, sir; then in December I devoted my entire time to church work. Then, at the end of December, some people there thought that there would be a better result if I still kept at work. The district superintendent came down and desired me to take the examination for the vacant ministry.

Commissioner WEINSTOCK. Before that you had been a lay preacher, I suppose?

Rev. JAMES MCDONALD. Yes; and did mine work while I was working for the Victor-American, and I would sit up until 1 or 2 o'clock in the morning, and just get a few hours' sleep, especially as I did visitation in the evening on the sick at Hastings and other camps.

Commissioner WEINSTOCK. How large a congregation did you have?

Rev. JAMES MCDONALD. I should have said that at the end of December there was a division among the people. Some thought it would be better if I continued working, and Dr. Mayo and the trustees and board of stewards advised me not to, that I was overstraining myself and was overdoing it; but desiring to help these people in the best way, I began work again and ran the engine of the power station at Hastings in January, February, and March of the following year.

Commissioner WEINSTOCK. How large a congregation did you have?

Rev. JAMES MCDONALD. At that time there must have been from 80 to 100.

Commissioner WEINSTOCK. From what ranks did they come, the membership?

Rev. JAMES MCDONALD. You could not say "membership"; there would be perhaps only 7 or possibly 10 members down in that district. You mean what nationality?

Commissioner WEINSTOCK. What nationality on the one hand, and what were their occupations generally?

Rev. JAMES MCDONALD. Oh, the miners, and the miners' wives, mechanics, and storekeepers, and the railway people. The railway people I found to be the best people.

Commissioner WEINSTOCK. Not many of the foreign element attended your services?

Rev. JAMES MCDONALD. Oh, yes; that is one of the strong features of my work down there; take my church at the present time, and there are Mexicans, Slavs, French, and Germans; I think we have almost all nationalities represented in our church and Sabbath school.

Commissioner LENNON. Do they all understand Scotch?

Rev. JAMES MCDONALD. They are coming to understand it; I believe it is quite difficult, as I think, some here to-day will admit, to understand the Scotch brogue; but if you will listen a little while I am sure you will get it.

Commissioner WEINSTOCK. What was your experience with mine guards and later with the militia?

Rev. JAMES MCDONALD. I have referred to the fact of meeting mine guards and of having conversations with them a year previous to the strike.

Commissioner WEINSTOCK. About how many mine guards, a year previous to the strike, were employed around Hastings?

Rev. JAMES MCDONALD. One in my position could not get at these facts.

Commissioner WEINSTOCK. Give us some approximate idea. If there were very few employed, you would have noticed it; and if there were a large number employed, you would have noticed it. I take it that there must have been more than 1 guard and less than 1,000.

Rev. JAMES MCDONALD. Oh, yes.

Commissioner WEINSTOCK. Well, about how many?

Rev. JAMES MCDONALD. When the strike question was acute, there were more.

Commissioner WEINSTOCK. I mean the year before the strike?

Rev. JAMES MCDONALD. I am speaking of that. They really expected a year previous to the strike that the strike would be called, and the time when the question was most acute they had a larger number of guards, and it gradually decreased—the number gradually decreased.

Commissioner WEINSTOCK. Could you identify a guard from a miner? Did they wear a uniform? Was there a way to distinguish them?

Rev. JAMES MCDONALD. No; but, as I say, I had conversations with them and they told me what they were doing and their business.

Commissioner WEINSTOCK. Approximately how many men do you think were employed by the company as guards at that time when they had the most in their service, the year before the strike? What would be the maximum number?

Rev. JAMES MCDONALD. I believe in the Hastings camp there might have been 10.

Commissioner WEINSTOCK. And what would you say would be the minimum number at that camp?

Rev. JAMES MCDONALD. Five; say from 5 to 10; I think that would be a fair estimate of the number.

Commissioner WEINSTOCK. What was your experience with the militia?

Rev. JAMES MCDONALD. I have not finished with the guards.

Commissioner WEINSTOCK. Your long pauses always lead me to believe that you have finished.

Rev. JAMES MCDONALD. I may say that in the Aguilar district—I was residing in that district when the strike was called, and there was one family there, the Waddell family, that I visited, some of them superintendents. I visited the union and nonunion men alike, and I had supper with mine guards at the home of Waddell, a superintendent, and I believe that, so far as these mine guards are concerned, they were attending strictly to their own business. There were some of them that had a little boasting tongue, but the others, I believe, were good boys, boys that attended strictly to their own business, which was looking after the mine. I do not know that I ever saw them doing anything else.

Commissioner WEINSTOCK. What about the militia? Were you talking about the militia just now?

Rev. JAMES MCDONALD. No, sir; about the mine guards.

Commissioner WEINSTOCK. What about the militia?

Rev. JAMES MCDONALD. When the militia came into the field, the company that was sent into Aguilar was a company from Fowler, and I found that these boys were, a large percentage of them, good Christian boys that attended church regularly and behaved themselves just splendidly; but unfortunately there was another element introduced into the militia before they were called off of the field, and there were some very disagreeable things happened in and around our little town and in our vicinity.

Commissioner WEINSTOCK. Things that happened under your personal notice?

Rev. JAMES MCDONALD. Yes, sir. For instance, there was one evening we had arranged, at the home of one of our members, to practice our special music for the Sunday evening service. A brother of mine who was going down there—I think a year ago this month, after the big snow, and the sidewalks were clear, and there must have been still 3 or 4 feet of snow out from the sidewalk. We had gone about two blocks when a man came running from the main street with his rifle. My brother and myself were going single file; I was leading; and the man yelled just like an insane man. I could not understand what he wanted, but my brother, he stopped. I went on. This fellow I heard cursing and blaspheming, and he had his rifle up at my brother's breast, and in his excited condition his hand was trembling on the rifle. And I came back and asked him what the trouble was, and he cursed me something awful; and I said, "I am the Methodist minister, and we are going down to have some music"; and he said, "If you are the Methodist minister you are going to have a funeral to preach before morning."

Commissioner WEINSTOCK. Who was he? What was he?

Rev. JAMES MCDONALD. I went to the home where we were going to have this practice, and I phoned up to Maj. Hamrock, who was in camp. I told him of the incident, and that we could not practice, we were so unstrung.

Commissioner WEINSTOCK. This was a militiaman?

Rev. JAMES MCDONALD. Yes, sir; and I talked the matter over with Maj. Hamrock. I did not follow the man, as he was going up the street. I don't know that anything was done about him at all.

In the streets of Aguilar we saw some of these militiamen with these fallen women conducting themselves in an unbecoming way on the open street. The guard was called down. This was under my own observation, also. Guards were called down, and these women, when the guards went to arrest the militiamen, would throw their arms around them and would not allow them to do so. There was a crowd gathered at each of the corners looking on at the incident.

And some of these guards who had been sent down to arrest the men were angry at these people looking on, seeing this incident that was happening. One of them threw off his coat and rolled up his shirt sleeves and went, with his bayonet fixed, running at some of these people that I seen, running them almost right off the footpath into the gutter. Then he went down the street almost a block, and everyone, even who had not been seeing the incident or doing anything at all—he used them brutally there.

Commissioner WEINSTOCK. Was he sober?

Rev. JAMES MCDONALD. Judge West and myself stood at the corner of the bank and saw the whole incident.

Commissioner WEINSTOCK. Was he sober?

Rev. JAMES MCDONALD. I take it to be that he was.

Commissioner WEINSTOCK. What was your personal observation as to the conduct of the strikers and other inhabitants of the tent colony as regards the discipline and morals and general character?

Rev. JAMES MCDONALD. Well, I can speak of the tent colony at Aguilar. I believe that since the strike has been called, out of that little colony there is at any rate 50 per cent of the people that attend church services. Their conduct has been splendid.

There was an incident or two—one incident early in the history of the strike, which I have never been able to get the full facts—that is, the John Church incident. But, taken as a whole, these people in the camps are good; their moral character is good.

Commissioner WEINSTOCK. What experience have you had at Aguilar or did you have immediately after the riot?

Rev. JAMES MCDONALD. You refer to the Ludlow trouble?

Commissioner WEINSTOCK. Yes.

Rev. JAMES MCDONALD. Well, I must say that I heard on Monday evening that the tent colony was being burned up; that the people were being slaughtered down there. I don't know what took place, going to bed early. On Tuesday morning I went into Main Street there, and some of these Greeks, I thought they were—might have been 15 or 25—armed, going up and down the streets. I found that these were the men who had been fighting over there in the Ludlow district with the militia. They were in Aguilar, and there was quite a little excitement.

I had a visit on that morning from the mayor. We talked over the situation. And afterwards I drove him down to the depot so we could send a wire to President Wilson telling him of the conditions and that the town was entirely out of the control of the town authorities. In coming back I saw away off on the foothills over toward Hastings quite a number of people; and on making inquiry—or rather the mayor made inquiry—of one Winberg, I think his name was—he used to be a pit boss at Hastings when I was there—I heard him ask him, "How many guns have you people here? How many guns have you?" He says, "That is the trouble; we have only seven." He says, "Only seven? Don't you know that Hamrock and these fellows are going to come in here with dynamite and put large guns on the hill, and they are going to clean us up to-night?

Now, it has been said the strikers were fully armed. But that part of the conversation between the mayor of Aguilar and that gentleman who used to be a pit boss—Winfield, I think his name is—he used to be a pit boss at Hastings while I was there—said that there was only seven guns in the crowd.

On Tuesday nothing had happened at all; but on Wednesday, about 11 o'clock in the morning, there must have been, oh, anywhere from 50, possibly, to 75 striking miners, as I took them to be, passed my home, passed the parsonage on that street, going toward Main Street; and I took it that they must have been coming from toward Delagua, possibly Hastings; I don't know which. They had not been long past, not more than an hour—possibly an hour and a half—until the disturbance started, a few hundred yards, say 500, past Aguilar, at the Empire mine. Hearing the shooting, I went to the door with my family, and I saw men going up these foothills toward the mine. I heard what I thought to be a Gatling gun fired from the mine. Very soon we heard that the superintendent, Mr. Waddell, had been killed, but nothing definite until late in the evening, about 7. Mr. King, who is part owner of the Southwestern mine, lived just the other side of the street, and he sent for me and said that he understood that his brother-in-law, Mr. Sipple, who was owner of the Empire mine, and the superintendent and others had been inclosed in the Empire mine, and he believed that, if I would, I could do something toward having these people got out by the striking miners.

This was about 7 in the evening. In company with the mayor, we went over and we discussed the matter with Mr. King; and we went down the street and I met what I thought must have been one of the organizers of the United Mine Workers; although I had never met him at all, something seemed to tell me that he was an organizer, and I asked him if he was an organizer and he said he was. I asked him his name and he told me his name, and I said that I understood that in the Empire mine there were women and children, and also a superintendent, Mr. Sipple, and others. While we were speaking I heard the blasting of dynamite in that direction, and I asked him, "Are these people blowing in the mouth of that mine?" He said he couldn't tell what they were doing. "Well," I said, "we can't stand for this at all; this must be stopped. There are women and children in there, as well as the mine foreman." I appealed to his manhood and to the fact he was a father.

Commissioner WEINSTOCK. That is, you were making your appeal to whom?

Rev. JAMES McDONALD. Mr. Gorman, or Mr. O'Gorman; something like that was his name.

Commissioner WEINSTOCK. What was his business?

Rev. JAMES McDONALD. He was an organizer of the United Mine Workers of America.

Commissioner WEINSTOCK. They were making an attack on the mouth of the mine?

Rev. JAMES McDONALD. That is what I thought they were doing. I could hear the sound of the blasting. Now, it has been said—I think it was the president of the C. F. & I. who made reference to this in his evidence—he said that the mouth of this mine was entirely sealed. Those were his words, I think. Now, that is not true. It is not a true statement. When I heard this blasting I appealed to that man, and he says, "Why, Mr. McDonald, what can we do?" I says, "I will tell you what I would advise. Get one of your most intelligent of each nationality, get them together, and let me appeal to them and tell them what we think we should do in circumstances of this kind." He said he would. In the meantime the mayor, John Allen, and myself went to the home of Mr. King again and we discussed the matter.

Commissioner WEINSTOCK. Who is he?

Rev. JAMES McDONALD. Mr. King was the owner, the part owner, of the Southwestern mine; a brother-in-law of Mr. Sipple, of the Empire mine.

Chairman WALSH. Excuse me; but probably there will be considerable detail to this, and if it is all right we will take an adjournment until 2 o'clock. Please then resume the stand.

AFTERNOON SESSION—2 P. M.

TESTIMONY OF REV. JAMES McDONALD—Continued.

Commissioner WEINSTOCK. Will you go on with your statement? We cut you short.

Rev. JAMES McDONALD. We told them about the efforts that had been made to get these people out of the Empire mine, and we discussed the best way in which they could be got out. We had this difficulty to face, that just an hour or two previous to the time to which I am now referring there had been two union men killed from rebel fire from the inside of the mouth of this mine; those who had taken shelter in the mine fired out from the mine, killing two striking miners, which made our task more difficult, and it was an intensely dark evening, and we thought there would be considerable danger for us to go forward to the mouth of the mine and hold even any communication with them at all; but after discussing the matter the mayor and myself and Mr. Allen, who is the owner of the Amadore mine, we agreed that we would make an effort to get in at the drift and get within speaking distance of where the people were, and possibly by crying to them we would be more safe than in going to the approach of the mine. However, we found that we could not get any lamps, and as the fan had stopped running we knew of the danger of going into the mine, which was a gaseous mine, with a light. And we went down the street and tried several places where we thought they might have a safety lamp, but we could not get one, and we went over toward the main street to see how affairs had gone with the striking miners regarding getting these people out, and we found that they were not at all unanimous in their desire to get them out. I might say that there were men there who had their children killed at Ludlow just two days previous; there were those there that had lost

their relatives, and it is almost impossible for anyone to appreciate the intense excitement that prevailed among these men; in fact, it would be almost right to say that some of them were insane in their grief.

We continued to reason with them. In the meantime, as I think I have explained already, I got them to send men to the Empire mine to have the blasting entirely stopped. They did that and we kept talking to them until well in the morning, and at last they stated at daylight they would go on and get these people out of the mine. For from 24 to 48 hours after the Ludlow trouble, we had women and children who had been out on the prairie from 24 to 48 hours in that cold night without any clothing, just as they had arisen hurriedly from their beds, when the trouble commenced. In one case there was one woman came in there to Aguilar 48 hours after the trouble who had given birth to a child that morning. She came there practically naked herself, and the little child entirely naked. They had been out on the prairie for 48 hours. My wife, myself, and some of the church ladies had to go around and get clothes and boots for these people. These were the human factors in the situation that made the intense feeling in Aguilar that I believe eventually resulted in the burning of the Empire.

Now, I think, it should be thoroughly understood, gentlemen, that the Empire mine—Mr. Welborn stated that the mine was entirely sealed; it was not. It was where the men had to come in and where the men had used their rifles. And they killed the two striking miners on the outside. The Empire mine was not sealed.

Commissioner LENNON. Have you personal acquaintance with other ministers in Huerfano and Las Animas Counties, where they have indicated to you that they have encountered the same kind of opposition that you have encountered in organizing your church? Ministers of any denomination?

Rev. JAMES MCDONALD. I will say, sir, that the Aguilar church, which the Methodists have there, is the only Protestant church between Trinidad and Walsenburg, 25 miles in one direction and 20 miles in another, with the exception of the fact stated by the last witness that the C. F. & I. has a minister that goes to Berwind and in that canyon once in from five to seven weeks. So, that it is really not until I come to the annual conference, I have been so busy in the work down there, that I have the opportunity of having a conference and hearing the opinions and views of men so far as preaching services are concerned.

Commissioner LENNON. Do you ascribe this lack of church organization to the opposition of the mine companies or to other reasons?

Rev. JAMES MCDONALD. I charge it to the opposition of the mine companies.

Commissioner O'CONNELL. To what do you assign the opposition of the mine companies to the church organization?

Rev. JAMES MCDONALD. Well, I believe, sir, it is to stifle the ambition of the men for liberty and freedom of thought and action.

Commissioner O'CONNELL. Would that indicate that the men coming together for any purpose, whether it be for the purpose of worship of God or other purpose, the mere fact of them getting together might have a tendency to cause them to seek to form an organization of some kind?

Rev. JAMES MCDONALD. No, sir; I would not put it that way; but I believe the operators down in that section recognize this fact, that the church in all times has been an agency for the uplift of mankind. I regret that at the present time it should be necessary for such organizations as the Socialists and others to come in and take up this work that the church ought by right to be doing.

Commissioner O'CONNELL. Then the fact would be that the operators do not want the men to attend church for fear they might become better educated and become better acquainted with their rights and grievances?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner O'CONNELL. And that if they came together for any purpose they might conceive some method of adjusting their grievances?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner O'CONNELL. Have the companies, through their officers, ever sought to suggest to you how you should conduct your church?

Rev. JAMES MCDONALD. No, sir.

Commissioner O'CONNELL. Or indicate what sort of sermon should be preached?

Rev. JAMES MCDONALD. Not in any case.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Ballard will ask you some questions.

Commissioner BALLARD. When you went to the mine first, years ago, was the superintendent or district boss a Scotchman?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner BALLARD. Was he a friend of yours?

Rev. JAMES MCDONALD. No, sir; that is to say, I did not know him until I met him in Hastings, although I learned that he came from the same town in Scotland as myself.

Commissioner BALLARD. Were he and his family all members of your church?

Rev. JAMES MCDONALD. In Hastings?

Commissioner BALLARD. I mean where you said you were not allowed to have Sunday school and singing and the church?

Rev. JAMES MCDONALD. No, sir.

Commissioner BALLARD. Was he a member of your church?

Rev. JAMES MCDONALD. No, sir.

Commissioner BALLARD. Were you and he friendly?

Rev. JAMES MCDONALD. Yes, sir; as far as two men could be. For the 12 months I refer to I was working, I was not under his superintendency at all.

Commissioner BALLARD. Is he an officer of the company—the officer of the company that forbade your having church?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner BALLARD. He was a fellow Scotchman and a citizen of your own town?

Rev. JAMES MCDONALD. Yes, sir.

Commissioner BALLARD. And he was the one that would not allow you to have church?

Rev. JAMES MCDONALD. Yes; but I think it is only fair to state that this opposition did not start with me, that the same thing existed at the time the Presbyterians were there; and the people down there told me how the Methodist preacher had been treated down there; that his wife had thrown some manure from her barn over him to show her disgust.

Commissioner WEINSTOCK. To what religious body, if any, did the foreign miners belong; that is, the Italians and the Slavs and the others employed around those mines?

Rev. JAMES MCDONALD. The Italians and Slavs, I believe, were mostly members of the Catholic Church.

Commissioner WEINSTOCK. Did the Catholic Church have services?

Rev. JAMES MCDONALD. Occasionally; yes, sir. They had a parish priest who came occasionally—every three or four weeks.

Commissioner WEINSTOCK. Were the services in any way discouraged or interfered with?

Rev. JAMES MCDONALD. I have no information along that line at all.

Commissioner WEINSTOCK. So far as you know, they were not in any way interfered with or discharged?

Rev. JAMES MCDONALD. No. I would say that they have a little church building, which makes all the difference.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Do any ministers go to these tent colonies that have existed down there since the strike—for instance, Ludlow—and hold church services?

Rev. JAMES MCDONALD. Not to my knowledge. I want to say that I had arranged with Mr. Lawson to hold service at Rugby and Ludlow tent colonies or the Ludlow colony. He had a large tent erected for that purpose, but had not the seats in it, when the trouble took place. I have visited there.

Chairman WALSH. In your ministerial capacity?

Rev. JAMES MCDONALD. Yes.

Chairman WALSH. You had services there, or prayer meetings?

Rev. JAMES MCDONALD. Not in Ludlow.

Chairman WALSH. Has any denomination been there at all?

Rev. JAMES MCDONALD. Not to my knowledge.

Chairman WALSH. Do you know of any reason why that has not been done?

Rev. JAMES MCDONALD. No, sir; I know of no reason. Of course, I want it understood that I have had the Aguilar and also the Rugby tent colonies and had services at the schoolhouse, which covers both. I will give an illustration just to show the conditions in these places: At the Curtis, which covers the Rugby tent colony and the Rugby mine, they have a Sabbath school. Three or four Sabbaths ago the superintendent had been a little late in coming, and when I went in there were five or six of the largest boys—from 12 to 16

years of age—that had got up onto the platform, and they were passing the time until Sabbath school started by having a game of cards. I took occasion then to ask these boys—these children—and there were some of them, I would say, 16 or 17 years of age, "How many of you have ever been in a Sabbath school until we started one here?" And I do not think that there were 3 out of the 35 who put up their hands that they had been in a Sabbath school or church.

Chairman WALSH. When was that?

Rev. JAMES MCDONALD. Three or four weeks ago.

Chairman WALSH. That is all, thank you, unless you have something you want to volunteer, or if you want to make some explanation or amplification of the testimony you have already given.

Rev. JAMES MCDONALD. I should say that one publication that has been put out by the operators referred to the congressional investigation in which I gave evidence; they say that I perjured myself in my answer to the question, "Are you an ordained minister?" And I maintain that the answer I gave at the congressional investigation was the only answer I could have given.

Chairman WALSH. What was the answer?

Rev. JAMES MCDONALD. The answer was that I was in the traveling ministry on trial.

Chairman WALSH. Is there anything else, Mr. McDonald?

Rev. JAMES MCDONALD. Yes, sir; I do not think that I just made it entirely clear in regard to the number of men who were members of the union at the commencement of the strike. I think it was put down that there was something like 12 per cent who were members of the union. I did not make it clear, which—I did not make it clear, just the reason why the other 88 per cent were not. I believe, gentlemen, that the reason was that these men were afraid to identify themselves with the organization, to come out openly, but were thirsting with the desire. I want, furthermore, to say that since the strike has been called, or just a little before the strike was called, I had a plan by which I intended to have a parsonage built at Aguilar, so there would be a place where the minister could reside, and from which he could work out in that great field that is down there. Well, Judge West wrote to all the operators for a donation, and he was turned down in every case. The striking miners have come forward and donated their work in that building. There is still an $800 deficit to cover; and I want to say that if there is any good-spirited person here that wants to help a good work he can do so by donating us $800.

I want to say, gentlemen, that the attitude of the Victor-American Co. has been entirely different to the C. F. & I. also with relation to the saloon. In the Victor-American camps we find that previous to the strike the Victor-American were receiving from 25 to 35 cents a month for each man who was on the pay roll.

Then, again, reference has been made by the different speakers—by Mr. Welborn—about different conditions, but Mr. Welborn did not tell it all. He spoke about the housing conditions down there, but I did not hear him tell the commission that they had one-room houses down there that were more like pigsties than anything else; I did not hear him tell the commission that in no case did we find the operators seeking to repaint or repair or clean out these residences. I did not hear him refer to the insanitary conditions in some of these camps. These are old things, gentlemen.

Chairman WALSH. Is there anything else that you have to state, Mr. McDonald?

Rev. JAMES MCDONALD. Not except that I should desire this be inserted in the record.

Chairman WALSH. In explanation of your testimony at the congressional investigation?

Rev. JAMES MCDONALD. No; my standing in the Methodist Church as a minister.

Chairman WALSH. Very good; that will go into the record.

(The matter so referred to and offered into the record by Rev. James McDonald is the following from the Year Book and Official Minutes of the Colorado Conference of the Methodist Episcopal Church, fifty-second session, held at First Church, La Junta, September 3-8, 1914, and is as follows:)

"Disciplinary questions: 6. Who have been continued on trial? (a) In studies of first year: Henry J. Catterall, Benjamin Hitelgeorge, John W. Fike, for only another year, 4. (b) In studies of second year: William H. Calfee, Edward G. Ratlow, Mark J. Field, John M. Flynn, Arthur W. Hall, Edward

G. Ingraham, John H. Ketchum, James McDonald, Ernest E. Tuck, Fred H. Zimmerman, 10."

Rev. JAMES MCDONALD. I will say, gentlemen, that when this trouble started, the fact that I had the fortitude to come forward here and also before the congressional committee and others and tell the conditions down there has caused all kinds of threats to be made against me.

Chairman WALSH. Just sketch the threats made against you, if you will, please?

Rev. JAMES MCDONALD. During the Ludlow trouble, Lieut. Benedict, a lieutenant under Maj. Hamrock, sent word that one of the first ones he would get when he came in was the minister, and his nest was to be burned.

Chairman WALSH. Were there any other threats?

Rev. JAMES MCDONALD. Yes; too numerous to mention. I think I will make that answer the whole thing.

Chairman WALSH. That is all, Mr. McDonald; you will be excused.

TESTIMONY OF MR. JOHN MCQUARRIE.

Commissioner GARRETSON. State your name, please.

Mr. MCQUARRIE. John McQuarrie.

Commissioner GARRETSON. What is your residence?

Mr. MCQUARRIE. Trinidad, Colo.

Commissioner GARRETSON. What is your occupation?

Mr. MCQUARRIE. For the last three years special agent for the Colorado & Southern Railway.

Commissioner GARRETSON. Were you former under sheriff of Huerfano County, Colo.?

Mr. MCQUARRIE. Yes, sir.

Commissioner GARRETSON. How long did you serve in that capacity?

Mr. MCQUARRIE. From April, 1902, to April, 1900.

Commissioner GARRETSON. What was the attitude of the sheriff's office to the Colorado Fuel & Iron Co. and other companies?

Mr. MCQUARRIE. The sheriff's office and the Colorado Fuel & Iron Co. worked in conjunction, or with that company, in anything they wished politically or in any other way.

Commissioner GARRETSON. A friendliness then was shown between them by cooperation along the various lines of activity?

Mr. MCQUARRIE. Yes, sir.

Commissioner GARRETSON. Both politically and industrially?

Mr. MCQUARRIE. Yes, sir.

Commissioner GARRETSON. What was the method of selecting coroner's juries when accidents occurred at their mines?

Mr. MCQUARRIE. When an accident occurred in a mine, the coroner was generally notified by the superintendent of the mine; the coroner then notified the sheriff's office and the sheriff then sent a deputy with the coroner to serve the summonses and subpœnas that were issued by the coroner.

Commissioner GARRETSON. What instructions were given to the deputy in that instance, in those instances?

Mr. MCQUARRIE. The instructions were to serve the papers. The coroner would then consult with the superintendent of the mine and select a jury and fill out the summonses for the jury and give it to the deputy to serve, and the deputy would serve it and also select the one who would serve the subpœna and make his return on the subpœna. The juries were always selected by the coroner and the superintendent of the mines as a rule.

Commissioner GARRETSON. The injured man, if not killed, or his family if he was killed, were never consulted?

Mr. MCQUARRIE. No; and the verdict was always that he came to his death by his own carelessness, as a rule.

Commissioner GARRETSON. It was seldom varied from?

Mr. MCQUARRIE. It seldom varied.

Commissioner GARRETSON. There were instances where the company was held responsible, were there not?

Mr. MCQUARRIE. I don't remember of any.

Commissioner GARRETSON. Were the same individuals often used on coroner's juries in the same mines?

Mr. MCQUARRIE. In Huerfano County, no, sir. In Huerfano County the jury was selected from the mines—the different mines where the accident happened.

Commissioner GARRETSON. What I mean is, were the same individuals used in different cases?

Mr. McQUARRIE. No; not in Huerfano County; but that has been done, I believe, in Las Animas County.

Commissioner GARRETSON. What was the policy of the sheriff's office toward labor agitators or organizers who visit the colony?

Mr. McQUARRIE. Well, the labor agitators and labor organizers were kept out of the district, not allowed to come into the district, and kept out of the district, as much as possible, by the sheriff's office.

Commissioner GARRETSON. By the "district" you mean the mining district?

Mr. McQUARRIE. Huerfano County, the mining district.

Commissioner GARRETSON. Will you describe the arrest of John R. Lawson in 1906 or 1907?

Mr. McQUARRIE. Mr. Lawson was arrested by Sylvester Martine and one Magina, special officers of the town of Walsenburg. I was not present at the arrest; in fact, I was out of Walsenburg that night; but when I returned to Walsenburg that day I found Lawson in jail; he had been arrested the night before.

Commissioner GARRETSON. On what charge?

Mr. McQUARRIE. On the charge of carrying concealed weapons.

Commissioner GARRETSON. Was he convicted?

Mr. McQUARRIE. He was convicted; he had had his trial, and when I came back had been convicted, fined, and sentenced to jail.

Commissioner GARRETSON. For what period?

Mr. McQUARRIE. Thirty days, I believe.

Commissioner GARRETSON. Did Sheriff Farr ever ask you to get Lawson?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. Under what circumstances?

Mr. McQUARRIE. He wanted to get him. He wanted me to frame up and get him—slip a gun in his pocket and get him.

Commissioner GARRETSON. In other words, he asked you to frame it up?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. Why did you resign as undersheriff?

Mr. McQUARRIE. I had a racket with Mr. Farr, and I had been trying to get away for some time. I had a racket with Mr. Farr over the escape of a prisoner who had escaped from jail. He and I had a racket over it, and he told me he did not have any confidence in me and hadn't had for a long while and that we had better sever our connections. I went out, say, on the first of 1909, and his brother was going to take my place, and he was then game warden of the State, and so I remained with Jeff until April, so he would not have to break in two new men.

Commissioner GARRETSON. What was your next employment?

Mr. McQUARRIE. My next employment was with the Independent Coal & Coke Co., at Kenilworth, Utah.

Commissioner GARRETSON. Why did you quit that employment?

Mr. McQUARRIE. On account of a disagreement with the secretary-treasurer of the company. He made a disparaging remark in regard to one of my relatives, and he and I mixed.

Commissioner GARRETSON. Your usefulness was gone after that?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. What followed this in the way of your employment?

Mr. McQUARRIE. I took a position as captain of the guards for the Pinkertons at Lead, S. Dak., during the Homestake strike.

Commissioner GARRETSON. How long were you there?

Mr. McQUARRIE. Eight months, guarding property for the Homestake.

Commissioner GARRETSON. Why did you quit that employment?

Mr. McQUARRIE. On account of the Homestake people dispensing with the services of the guards and everything had quieted down.

Commissioner GARRETSON. Peace had been restored there?

Mr. McQUARRIE. Yes; peace had been restored.

Commissioner GARRETSON. What was the character of the men sworn in as deputy sheriffs to guard the mine here before and after the strike?

Mr. McQUARRIE. In Huerfano County?

Commissioner GARRETSON. Yes, sir.

Mr. McQUARRIE. In Huerfano County, during this strike I have not been up there but very little. In Las Animas County the men were gathered up from all over the country—everywhere, all classes of men.

Commissioner GARRETSON. Regardless of citizenship?

Mr. MCQUARRIE. Yes; regardless of citizenship. In fact, there were 45 men in one bunch shipped from El Paso, Tex., by a man by the name of Webster, and who were commissioned deputy sheriffs after their arrival here.

Commissioner GARRETSON. Without any qualification shown as to their character or citizenship?

Mr. MCQUARRIE. None whatever.

Commissioner GARRETSON. Were they examined as to their ability with firearms?

Mr. MCQUARRIE. I was not present, but that was one of the requirements, that they should be handy men with a gun.

Commissioner GARRETSON. You understood that was necessary anyhow?

Mr. MCQUARRIE. Yes, sir; it has always been understood in those cases of hiring men for that strike at that time.

Commissioner GARRETSON. What do you know regarding Robert Lee, the mine guard, who was killed by a striker?

Mr. MCQUARRIE. I knew Mr. Lee for 30 years. I was not present at the investigation of his killing. Mr. Hendricks can give you the full details of that.

Commissioner GARRETSON. What do you know of the type of man that he was?

Mr. MCQUARRIE. Bob was a brute.

Commissioner GARRETSON. How is that?

Mr. MCQUARRIE. Bob was a brutal man, very brutal.

Commissioner WEINSTOCK. Who was Bob?

Mr. MCQUARRIE. Bob Lee. He had been in various troubles, serious trouble, previous to this. In fact, a short time, about a year before he was killed, Sheriff Gresham had started a campaign against the saloon keepers to make those people comply with the Sunday-closing law. Robert Lee was the deputy sheriff at Segundo. On one Sunday he proceeded to get drunk and went to Frederic Valdes and insisted on going into a saloon owned and operated by an Italian. The family lived in the rear and the saloon was in the front. He went into the rear, into the living portion, and compelled the woman—the man was away at the time—to open the saloon and let him go in there and help himself and friends to drinks, which he did. Along toward evening he stepped out to the rear of the house—as he went around the house—in the meantime he had insulted the daughter of the house. As he went around the house he was struck on his head by an iron object—a mining drill, it afterwards developed—and rendered unconscious; was brought to the hospital at Pueblo, laid there at the point of death for a long while. After he recovered he came back. I had a talk with him and he promised he would leave liquor alone and would not pull off any more of those stunts. That is only one of a number of things he had done while he was marshal at Segundo. That had put the people down on him to such an extent that his killing was not a surprise to any of his friends.

Now, Earl Tucker, that is now at present special agent of the C. & S. in my place, told me no later than last Friday many of the inside stories of a like character. He said it was no surprise to him whatever that Mr. Lee had been killed as he was.

Commissioner GARRETSON. Temperamentally he was not thoroughly fitted as a peace officer?

Mr. MCQUARRIE. No, sir; he was not.

Commissioner GARRETSON. What had been his attitude toward miners and their wives and families?

Mr. MCQUARRIE. He had never hesitated to beat one up, knock them in the head, abuse them, and use them for his own conveniences.

Chairman WALSH. That is all, thank you, unless you have something to volunteer or explain or amplify your testimony as given. Is there anything else that you desire?

Mr. MCQUARRIE. I could sit here and talk probably until 6 o'clock, but I do not know but that it has already been put in before.

Chairman WALSH. A great deal has been put in before.

Mr. MCQUARRIE. It would be simply repetition.

Chairman WALSH. We are trying to confine to the points that might be said to be points of dispute, the larger points.

Mr. MCQUARRIE. I would gladly answer any question you would ask.

Chairman WALSH. I have no further questions to ask.

Mr. McQUARRIE. I would like to volunteer this much. Sitting here this morning I heard Mr. Weitzel read a letter purporting to come from Mike Livoda, where he desired to sell out to the coal company. I happened to know something in regard to that.

Chairman WALSH. Just state whatever you know in regard to the letter.

Mr. McQUARRIE. Mr. Lawson got wind that there was a letter of that kind being circulated, and he asked me if I could secure a copy of the letter. I got a copy of the letter through one of the detectives employed by the coal company. I also got the truth in regard to the matter. This was in 1913, previous—in 1912, previous to the strike. They were trying to discredit Livoda among his nationality, the Slavish and Slavic people, and this letter was written, framed up by W. H. Reno, detective employed by the Colorado Fuel & Iron Co., and a photographic copy made and given to each one of the camp marshals so that they could circulate them among these people and discredit Livoda and prevent him from organizing the people. As soon as the company found out that Mr. Lawson had a copy of that letter, knew the origin of it, everything was quashed and everything—all these copies were taken away from the deputies.

Chairman WALSH. That is all, thank you. You may be excused.

Mr. Patterson is the next witness.

TESTIMONY OF MR. JOSEPH H. PATTERSON.

Chairman WALSH. Take the chair, please, Mr. Patterson. Mr. Ballard will examine.

Commissioner BALLARD. What is your name?

Mr. PATTERSON. Joseph H. Patterson.

Commissioner BALLARD. Give me your address also.

Mr. PATTERSON. Walsenburg, Colo.

Commissioner BALLARD. Will you tell your experience as a mine official in the southern Colorado field.

Mr. PATTERSON. Why, I took charge of the Toltec mine, I think, in the fall of 1896. I came from Fremont County at that time, where I was in charge of the Fremont mine.

Commissioner BALLARD. What were the general conditions in the mine?

Mr. PATTERSON. The general conditions at Toltec mine at that time didn't amount to much. It was a small vein that we opened from the top vein to the bottom vein. We had only, I think at that time, something like 8 or 10 men working, so that I was not very familiar with the working conditions in southern Colorado at that time.

Commissioner BALLARD. Did the men have the right of free speech?

Mr. PATTERSON. So far as I knew at that time.

Commissioner BALLARD. Well, was that right subsequently denied?

Mr. PATTERSON. What is that?

Commissioner BALLARD. Was that right of free speech denied at that time?

Mr. PATTERSON. As far as I knew, they had it while I was in Huerfano County, where I was in charge of that mine.

Commissioner BALLARD. They have the right of free assembly and all of that?

Mr. PATTERSON. As far as I was concerned.

Commissioner BALLARD. Before you came to this mine, how long had you been a miner?

Mr. PATTERSON. I was raised in the coal mines, you might say.

Commissioner BALLARD. Where?

Mr. PATTERSON. In Scotland.

Commissioner BALLARD. How long have you been in this country?

Mr. PATTERSON. I have been in this country—I came to this country in 1869.

Commissioner BALLARD. When did you come to Colorado?

Mr. PATTERSON. I will have lived in Colorado 35 years to-morrow.

Commissioner BALLARD. Thirty-five?

Mr. PATTERSON. Yes.

Commissioner BALLARD. Well, what is the political condition generally in the coal mines? Have the officers in Huerfano County been men of high moral standing and of sufficient ability to discharge their duties impartially?

Mr. PATTERSON. In my opinion, they have not.

Commissioner BALLARD. Why not?

Mr. PATTERSON. Because they have not been able to carry out the provisions of the law.

Commissioner BALLARD. Well, tell us about the activities of the sheriff's office in controlling juries in criminal cases. Has that been the trouble?

Mr. PATTERSON. Yes, sir.

Commissioner BALLARD. Would you mind telling us about it?

Mr. PATTERSON. The law provides that the coroner shall call his own juries, but my experience in Huerfano County has been the sheriff's office has been naming the juries.

Commissioner BALLARD. Well, in criminal cases. In other than criminal cases the sheriff's office controlled the juries?

Mr. PATTERSON. Yes, sir; absolutely.

Commissioner BALLARD. In what way did they control them? Why did they control them?

Mr. PATTERSON. Because he had quite a number of Mexican people down there that he could handle, and he had the naming of all the jurors. If there was a special venire called, he went out amongst his friends and seen that they were the people that represented the juries if he was interested in the case.

Commissioner BALLARD. What was the motive of all this? Why did he do it?

Mr. PATTERSON. That is so they would be friends of his politically. That is the way I look at it.

Commissioner BALLARD. Well, were there many actions for damages on record?

Mr. PATTERSON. I have here a list. Shall I just read it off?

Mr. BALLARD. Yes.

Mr. PATTERSON. This is a list of actions for damages since the year 1891:

The first case, No. 452, tried October term, 1891, John Daut, plaintiff, v. The Colorado Fuel & Iron Co., defendants. That was tried by jury October 12, 1891. Verdict for defendants.

Case 508, filed October term, 1891, action for damages; John J. Weston, plaintiff, v. The Colorado Fuel & Iron Co., defendants; trial by jury, February 18, 1892. Verdict for defendants.

Case No. 559, filed October 4, 1892, action for damages; Margaret Renick, plaintiff, v. The Colorado Fuel & Iron Co., defendants; later retired from the docket.

It might be well to state here that in the district court, where I am deputy clerk now, there has been no index kept until we took charge in February, 1913. So that it was pretty hard to get at these cases.

Case 802, filed October term, 1895, action for damages; Sarah Gideon, plaintiff, v. The Colorado Fuel & Iron Co., defendants; settled by stipulation October 6, 1896.

Case No. 951, filed February 18, 1907, action for damages; Anna Springs, plaintiff v. The Colorado Fuel & Iron Co., defendants; retired from docket February 11, 1908.

Case 1283, filed October term, 1911, action for damages; Robert Templeman, plaintiff, v. George Fruth and James Authrey Coal Co.; set for hearing October 4, 1911; motion by defendants for cost bond sustained; motion of plaintiff to prosecute as a poor person denied; case was afterwards retired from the docket.

These were all the cases of damage actions in Huerfano County against any company, as far as I can find, for the last 23 years.

Commissioner BALLARD. In no case was damages awarded against the company?

Mr. PATTERSON. No, sir.

Commissioner BALLARD. Is the democratic form of government maintained in that section?

Mr. PATTERSON. Well, to answer that question, there is no form of government in Huerfano County. They call it the Kingdom of Farr. It has been declared by the majority of people down there to be not a part of Colorado; but they call it the Kingdom of Farr, through the influence of Colorado Fuel & Iron Co.; we don't recognize it as part of the United States.

Chairman WALSH. They don't what?

Mr. PATTERSON. They don't recognize it as part of the United States.

Commissioner BALLARD. Then the methods used to control politically do not meet the approval of the community?

Mr. PATTERSON. I think not, sir.

Commissioner BALLARD. Well, would you state briefly your experience with the Baldwin-Felts people who came to the district previous to the strike?

Mr. PATTERSON. I think the first thing I remember about that Baldwin-Felts was along about the 1st of September. I think it was the 3d. I noticed a great

many people going back and forth to the sheriff's office, and I wondered what was taking place. And along about the middle of it I found out he was deputizing deputy sheriffs for the Colorado Fuel & Iron Co. and other corporations.

Commissioner BALLARD. Did these men act in the capacity of peace officers, and were the citizens of Walsenburg treated with fairness and impartiality?

Mr. PATTERSON. They were not.

Commissioner BALLARD. Did he give preference to the company people?

Mr. PATTERSON. Yes, sir.

Commissioner BALLARD. Would you mind giving us some concrete examples?

Mr. PATTERSON. As far as deputy sheriffs are concerned?

Commissioner BALLARD. The Baldwin-Felts people, or any of those.

Mr. PATTERSON. I would—I could not as far as the Baldwin-Felts are concerned, until after what they call the Seventh Street massacre.

On the afternoon of the 24th of October, I was sitting in my office, and I heard quite a great commotion in the courthouse. I ran out and I saw Mr. Farr going to open the door that goes into the large court room, the district court room. That looks west, toward Seventh Street, where this trouble took place. I asked one of the parties what was the trouble, and they told me there had been a killing on Seventh Street. I went into the deputy prosecuting attorney's office, so I could see up the railroad track. About that time I could see some deputy sheriffs coming and running back and forth to the courthouse. When I went out then and locked my door, I think it was between 3 and 4. Perhaps a little after 4. I found out they were some——

Chairman WALSH. Try to pitch your voice a little higher.

Commissioner BALLARD. Talk louder.

Chairman WALSH. I am afraid these gentlemen can not hear you back here. I can scarcely hear you.

Mr. PATTERSON. I found out that two, three, or four had been killed up on Seventh Street. The next morning—I usually went to Neelley & Caldwell's hardware store and waited for the post office to open. The next morning, I think it was about 10 minutes past 8, I seen four Baldwin-Felts men come out of the courthouse and come down the front part of the courthouse and went down to the corner bank and went across the street to Neelley & Caldwell's and turned in behind the building. As soon as they were located there, three more came out of the courthouse door and made a start to where I was standing at the front door of Neelley & Caldwell's hardware store. I said, "What's going on here this morning?" But instead of coming across the sidewalk they took the street and came right over to the door. The first one came in, I learned was A. C. Felts. He asked if there was one of the proprietors of the store there, and Mr. Caldwell said, "I am." "Well," he says, "my name is A. C. Felts, of the Baldwin-Felts Detective Co. I am representing the sheriff's office this morning. I have come over here to search this place for a machine gun that was shipped in here last night by express." Mr. Caldwell asked where is Mr. Farr. He says, "It doesn't make any difference where Mr. Farr is. I am representing his office. I am going to search your place." I says to Mr. Caldwell, "You ought to ask what authority he has to search your place." This was before any insurrection. He says, "I don't require any authority." Mr. Caldwell says, "You ought to have a search warrant or something like that before I will allow you through here." He says, "No, sir; I am going through; I am going to search for it." So he went through the building and didn't find the machine gun. I think that was on a Saturday morning.

On Sunday, about noon, there was supposed to be two cases of rifles shipped to the Caldwell & Neelley Co. at that time. When I went home for dinner, where I live, I can see the freight house at the depot from the front gate. And I noticed one of the deputy sheriffs go up there, and there was four or five or six of the Baldwin-Felts people went up there also, and it seems they had got into the express office somewhere, they got two cases of guns, two—took two cases of these rifles, put them in the wagon, came from the courthouse, and they were taken back to the jail.

Commissioner BALLARD. What month was that?

Mr. PATTERSON. That was October 26.

Commissioner BALLARD. 1913?

Mr. PATTERSON. Yes, sir. Now, I was supposed to bring the verdicts of the jury. I have a copy of each of them.

Chairman WALSH. Coroner's jury.

Mr. PATTERSON. The records that were kept there.

Chairman WALSH. Are those verdicts of coroner's juries?

Mr. PATTERSON. They are the verdicts of the inquiries that have been held in Huerfano County in the last 10 years. That is as I was told to bring them.

Chairman WALSH. How many of them are there?

Mr. PATTERSON. That is all I could find in the records, 90.

Chairman WALSH. What is the usual form of them? Give a typical form.

Mr. PATTERSON. Shall I read some of them?

Chairman WALSH. Yes; read the typical ones.

Mr. PATTERSON (reading):

"An inquisition, holden at Pryor, in Huerfano County, State of Colorado, on the 15th day of January, 1908, before W. C. Hunt, J. P., acting coroner of said county, upon the body of D. L. Vigil, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: D. L. Vigil came to his death by car running over him and by his own carelessness."

It does not say where, or nothing about it. [Reading:]

"An inquisition, held at Pictou mine office, in Huerfano County, State of Colorado, on the 21st day of December, 1907, before S. Julian Lammie, coroner of said county, upon the body of Henry Thomas, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That accident was unavoidable and was caused by a windy shot We find the fault of accident lays with deceased."

They all run about the same.

Chairman WALSH. Is there anyone among them where the verdict found the person or company to be at fault in the death of the deceased?

Mr. PATTERSON. Here is one that will give an idea of the entire 90, I believe. This is the death of David Ferguson [reading]:

"An inquisition, holden at Rugby, in Huerfano County, State of Colorado, on the 22d day of November, 1905, before S. Julian Lammie, coroner of said county, upon the body of David Ferguson, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: David Ferguson came to his death on the 21st day of November, 1905, by a fall of rock in the third north entry of the Rugby mine. Death was due to his own negligence."

I believe that 85 out of the 90 will carry the language "his own negligence" or "his own carelessness.' There is only one verdict of the 90 that holds the management at fault. I can not find where it was filed with the district court. I will read that. I have it here by itself, some place. This is on the death of Pete Melhjo:

"That the deceased, Pete Melhjo, met his death in the Rocky Mountain No. 3 entry, first north, room 16, said mine, address McGuire, Colo., on March 18, 1907, at about 8.30 a. m., by a fall of rock due to the negligence of the management of said mine."

That is the only verdict out of 90.

I find that in the 90 verdicts there are 100 deaths; 27 of them were English-speaking people and 82 foreign-speaking people.

(See Patterson Exhibit No. 1 for complete list of verdicts referred to.)

Commissioner LENNON. Are all of the citizens of this county proportionately as careless as the men working in the mines?

Mr. PATTERSON. Why, I couldn't tell you that.

Chairman WALSH. Have you any other data that you brought with you?

Mr. PATTERSON. That is all I was asked to bring.

Chairman WALSH. Now, is there anything else that you think of that might enlighten the commission, or do you care to amplify or explain any of the testimony that you have given?

Mr. PATTERSON. Well, I think I could give you an account of how I was treated myself. That would not be hearsay; that would be straight goods.

Chairman WALSH. Very good. As concisely as you can, please give us a history of how you were treated.

Mr. PATTERSON. In the year 1903 I came back from Europe, where I went to be treated for stomach trouble. I was living in this town, and I went down to Walsenburg to see my son in that year, and I took a chill which caused this rheumatism that I have, and it was four years before I got on my crutches. In the month of April I stood an examination for to take the census of Walsenburg and passed, and did take the census of that town. Shortly after taking that, the council or board of trustees appointed me police magistrate, and I got along very nicely until fall. I thought to myself if I could be elected justice of the peace, between what I could get out of that office and what I could get out of

the police magistrate's office I could make a living. My hands were in bad shape. And I went to the man that had charge of the precinct. It was the sixteenth precinct at that time. I was told I would have to see Mr. Farr before they could put my name on the ticket. In a few nights after that I met Mr. Farr, and I asked him if it would be all right with him, if I would be allowed to put my name on the ticket. He said, "As far as I am concerned, I have no objection, only that if you are justice of the peace I don't want you to take any cases away from Mr. Hunt." Mr. Hunt had been justice of the peace for a number of years. I told him that as long as I got my share of what was going on in the town, as police magistrate, I didn't care about taking any of his justice's business; that if I was justice of the peace I could make a little money by making collections, or something to that effect. So he agreed that I could go on the ticket, and I was elected and qualified. During the entire two years I never was allowed to try one case, not a single case.

Sometime in the month of December, 1911—there are a number of Scotch people there, and I organized in that year what was called the Caledonian Club of Walsen. Mr. Farr, through some of his friends, got it into his head that I had organized this club as a political club. It was organized in the first place for mutual and social benefit among the Scotch people, and for to carry out the program of Burns day. That got me in very bad repute with what they called the Huerfano County gang. They thought it would be a detriment to the interest of Mr. Farr and his gang. They kept harping at that for some months. And finally I called Mr. Farr into my office one day and I says, "As far as the Caledonian Club is concerned, it is not a political club." "Well," I said, "That the Caledonian Club was principally built up of Republicans, but they couldn't stand for the Republicanism that was carried on in Huerfano County; that we as a body would like to have some say in nominating the candidates on the Republican ticket." I think, if I remember, once that I just said that we couldn't vote for a man like P. L. Sanchez. He was a man that kept two wives; two families in town. That I could not see my way clear to vote for such a man as that. There was another man who was county clerk that was keeping three families. I told him I could not afford to vote for such a man as that. In fact, I says, where I had been in Fremont, where I have been for years, people there had some say in nominating their ticket, but here you dominate the ticket and we have got to swallow it. I says, "I can tell you that the Caledonian Club is not going to stand for that kind of politics." That put me in worse.

I was told that there was a meeting of the gang called that afternoon. And from that on I got no more cases.

The police force was instructed to take all cases to the justice of the peace. So I went to the mayor and explained it to him. He said that if I could get up a specific case where the policemen were found not doing their duty to come to him and that he would fire him. There was a police officer there that was found arresting women and taking money and putting it in his pocket. There was a certain house where these two ladies were that had paid him $10 apiece, and I got their affidavit, and one of the policemen went with me. I took that to the mayor, and I says, "Is that good enough, now, to show you that there is crooked work going on in this police department?" I said, "You told me whenever I got anything good on that you were going to fire them." "Well, now," he says, "Patterson, I can't do anything for you." I says, "It is very peculiar, you are mayor of this town, that you can't have your police officers do the right thing." He says, "If Mr. Farr don't want you in this office there, you know the first thing they will turn your cases over to the police department and that ends you." I says, "You can do one thing, can't you?" "Certainly, what is it?" "You can wait here 10 minutes until I write my resignation." I went to the house, wrote my resignation, and took it and handed it to him. I have affiliated myself with the Republican Party all my life, voted the Republican ticket for over 30 years, took a very prominent part in politics in Fremont County for a number of years.

Maj. C. H. Coan, a veteran of the Civil War, and myself made up our minds that we could affiliate ourselves with the Democratic Party, and help the people of Huerfano County to get some relief. I appeared at the assembly and they asked me if I would take the nomination for county judge on the Socialist, Progressive, and other political parties combined, which I did, and we made up our minds to organize together as one political party, regardless of our national politics, so as to relieve the slavery of the people of

Huerfano County. I accepted the nomination, and the county central committee sent myself and Maj. Coan to stump, and we made a campaign of the county. And I was told that I was the first man that ever offered my services to go around Huerfano County, and they said, "Mr. Patterson, you are an old man now and you will get hurt before you get through." And I said, "I am going to canvass this county, no matter what the consequences are." And we started out and in every precinct—I will name one specific instance:

After the campaign was on in Walsenburg, Tulley Scott, who is now one of our supreme judges, was to speak the second night at La Veta, and I went up to act as chairman. Previous to our going up there we had sent a man to bill the town, and we also sent posters through the mail to the Oak View post office and to Alliance. When we reached La Veta that night, the judge and myself, we found that the bills we had had put up—some one had come along and pulled them all down. We found the posters sent through the mail had never been delivered. There were in the neighborhood of Alliance men that wanted to hear Tulley Scott speak. So when we got there we sent a man on horseback up to tell the boys that Tulley Scott was going to speak that evening and we had a pretty fair meeting.

This is to show you, gentlemen, that they were prohibiting people from collecting together so that we could speak to them. We went further on around the county, as I am going to tell you, and there were several other places where they did the same thing.

When we reached Malachite we found the county clerk was there the same day to speak, and he tried to rent the schoolhouse first—that was the place of our meeting. He found out that he could not get that and he rented another place and gave free drinks and a free dance—anything to keep the people from our meeting; and they kept at it every place all around, until we were billed at a place called Strong, or Sunnyside, and it was taken over at that time by the Oaks Co.—that is the man that operates the mine—and when we got down there we found that we could not get the hall. It was a hall that belonged to Manuel Sandoval, I think. And I asked them what was the reason I could not get the hall, and he said that Oaks came to him and said if they allowed anyone to talk in that hall, unless it was in favor of Farr, they would take away his license, and we could not speak there. There was an old Mexican man from another town that said: "If you can't get that, you make a date for another night and I will try and get a hall for you." And we made a date for another night at another hall. During the day of the night the speech was to come up Gov. Shafroth came into Walsenburg, and I said to the governor that we were going to have a meeting over at the Tioga coal camp, and asked him if he would like to go over there. He said, "It is up to you where I go." So we got some dodgers printed and they started out with them two or three hours ahead of the governor.

Chairman WALSH. I am going to ask you, Mr. Patterson, to dispense with these details, please, not that I wish to hurry you, but we have promised the out-of-town witnesses that we would get through here with the program to-day. Were you denied admittance into that hall?

Mr. PATTERSON. Yes.

Chairman WALSH. Why?

Mr. PATTERSON. Because we were going to talk against the interests of Farr.

Chairman WALSH. Who told you that?

Mr. PATTERSON. Mr. Sandoval.

Chairman WALSH. Who is he?

Mr. PATTERSON. He owns the hall and runs the saloon there.

Chairman WALSH. Who does he work for?

Mr. PATTERSON. He was running the saloon for himself.

Chairman WALSH. Was he a young man?

Mr. PATTERSON. He was a middle-aged man.

Chairman WALSH. Are there any other instances of that kind that you care to give?

Mr. PATTERSON. Yes, sir.

Chairman WALSH. I am trying to eliminate some of the details, because it is important to get through. Please give me just the large details of it. Were you denied admission to any other hall?

Mr. PATTERSON. Yes, sir; of all the Colorado Fuel & Iron Co. halls, except one, at Picton. When the chairman of our party went over there he was denied; and I went and seen Manley myself, and he said, "Yes; you can have

that hall," and we did have that hall afterwards, and that is the only hall we got. And every place we got in we carried the precinct.

Chairman WALSH. Is there anything else of that kind?

Mr. PATTERSON. There were others we could not get into—quite a lot of them. I was asked to testify in regard to last April. I have gotten away from that. Last April—I think it was on the 21st day of April—to show you how the citizens there were treated, Mr. John East, one of the young attorneys in town, came to my house about 6 o'clock and said, "Mr. Patterson, I would like to go over to the depot with you; I am looking for a friend of mine to come from Denver." And we went over there. When we heard the train coming we stepped out of the house. My house is about 200 yards from the depot. We went over there and were standing at the side of Russell Street, and after the passenger train had gone we saw a deputy sheriff of the name of Wright. He came down with his hand on his gun. East was standing here [indicating]; Jefferson Farr, jr., was on horseback over there; Lester was over here; and Mr. Miller, under deputy sheriff, came down and turned around to us and struck this young fellow and knocked him down and broke his pipe in his mouth before he said anything. He knocked East down—and I was a cripple and I could not do anything, and this other deputy sheriff was standing there ready to jump on me if I did anything—and he ran for the depot, but young Farr was between with his horse and tried to run him down, and Lester pulled his gun and ran toward him, and another deputy jumped off a wagon and said, "You little son of a ———." You know the rest.

On the Saturday following, on the 25th, I was going home and I turned into Mr. Hill's garage and was talking to Mr. Hill a few minutes, when Dr. Abdun-Nur came in. I was standing as close to him as this, talking to him, and along came the chief of police, and just as he came up he knocked him down, and called him all the names that ever was; the language is too strong to use here. And during the time he was doing this, he was putting these steel rings on his fingers. I said to Mr. Hill, "That is not a nice way to treat a brother Mason," and he called him a "red neck." That was on a Saturday night. On the Monday night—on the Monday morning following—that was the 27th, I think, I went into the hardware store and then went over to the post office at 8 o'clock along with Mr. Frolich, president of the State Guaranty Bank down there, but he has sold out his interest now. He and I went to the post office, and he was going out the post-office door ahead of me, and just as he got to the door there was a deputy sheriff, a stranger to me, who looked to me to be a Baldwin-Felts man, and this man Miller, and Miller hit him and knocked the blood out of his mouth, and he dropped his mail. After he got his mail, he hit him again.

Chairman WALSH. What was that date?

Mr. PATTERSON. On the 27th of April; and he picked up his mail and went straight across the street and into the bank. I found out afterward the reason for this, and all the reason I could ever find out was simply because he had rented one of his store buildings to the union for their headquarters.

This same Miller followed a young fellow up the street one afternoon and struck him over the jaw, and broke his jaw; that is the condition of things in Walsenburg previous to the regular soldiers coming there. Anyone that had any sympathy for the miners' union he was not safe to walk up and down that town. I have been told since that if I had not been an old cripple, an old gray-haired man, I would have been put out of business long ago.

These are the conditions and the true conditions at that time. This same Miller who broke this fellow's jaw was exonerated by a jury.

Chairman WALSH. He was tried in the criminal court, was he?

Mr. PATTERSON. Yes, sir.

Chairman WALSH. Is that all, Judge?

Mr. PATTERSON. If you will give me a little time.

Chairman WALSH. I don't want to hurry you, but I have three other witnesses this evening.

Mr. PATTERSON. I want to show, at some of the precincts, how we were treated at our election.

Chairman WALSH. Is it in writing?

Mr. PATTERSON. We have a town of 2,400 inhabitants at Walsenburg, and in the last spring election out of 2,400 there were 2,200 registered, and they voted 1,488 votes out of a population of 2,400. At that time there were 965 children, school children. There was 126 homesteaders came in from the

country, that started to build a new county road, and they brought these fellows there and voted them. We contested the election at a heavy expense, and filed our papers at the county court, and they refused to give us a hearing; this is the spring election. In the fall election, in the Tioga precinct, No. 30—it took in the Big Four mine and the Tioga mine. These two mines signed up with the union, and because they signed up with the union they had the precinct changed, and took the Tioga mine and the Big Four mine into the Badito precinct, and the poor devils had to go 18 miles to cast their vote.

In Oak Creek precinct four years ago we had two Democratic votes, and two years ago the Republicans had a majority of two votes—only that majority either way; but this fall it was going to go Democratic, and they changed it and the people had to travel 6 or 8 miles to vote.

Now, coming down to the town again, it has been the rule in Huerfano County, as well as all other counties in the State, that in each precinct they have two justices of the peace. This year, seeing that he could not elect Hunt justice of the peace in his own precinct, he connected three outside precincts to enable him to be elected justice of the peace.

Now, in 1913, the governor, by proclamation, declared it a city of the second class. They turned that down. I want to explain to you gentlemen how the power of politics goes in Huerfano County. In Walsenburg we have from 20 to 22 saloons; in the county we have from 20 to 22 saloons. These saloons are owned and controlled by Jefferson Farr and the Spanish Peaks Mercantile Co., of which he is president, and James B. Dick, our mayor. No one can get a license unless they buy their beer, cigars, and other things for their saloons from these parties, and that gives them a power in politics over all the saloons in this county, which is a great power in that county.

I heard Mr. Welborn testify there were no deputy sheriffs employed by him before the strike was called. From the 3d day of September to the 3d day of November I went down and took a list off, and I found 258.

Chairman WALSH. On the 3d day of what?

Mr. PATTERSON. Deputy sheriffs.

Chairman WALSH. What are the dates, I asked.

Mr. PATTERSON. From the 3d day of September to the 3d day of October. I think in all they deputized something like 600; between 500 and 600.

Chairman WALSH. That is 1913?

Mr. PATTERSON. Yes.

Chairman WALSH. How many were deputized between September 3 and September 23?

Mr. PATTERSON. I took the list myself, and I am only talking of what I took myself to make it sure. I went to the clerk's office and took from the 3d day of September to the 3d day of October.

Chairman WALSH. Do you have any idea of the number deputized between September 3 and September 23?

Mr. PATTERSON. I think 250.

Chairman WALSH. Is there anything else?

Mr. PATTERSON. I have a great deal of stuff. I have a list from the 3d to the 3d.

Chairman WALSH. Leave that here, or if you will kindly take it with you and put the dates of the appointments on from the record. I want just the date of appointment; you have the name of the deputy. You will be excused, Mr. Patterson.

(See Patterson Exhibit No. 2.)

TESTIMONY OF MR. JEFFERSON B. FARR.

Commissioner LENNON. State your name, please.

Mr. FARR. Jefferson B. Farr.

Commissioner LENNON. Where do you live?

Mr. FARR. In Walsenburg, Huerfano County, Colo.

Commissioner LENNON. What position do you hold in that county?

Mr. FARR. Sheriff's office.

Commissioner LENNON. How long have you been sheriff?

Mr. FARR. Fifteen years—a little over fifteen years.

Commissioner LENNON. Is there any limitation under the laws of the State of Colorado as to the continuation of county officials in office?

Mr. FARR. Not to my knowledge.

Commissioner LENNON. What property interests have you in Walsenburg, or in that county?

Mr. FARR. I have numerous property interests.

Commissioner LENNON. Enumerate them.

Mr. FARR. My property interest is stock and farming. I also hold stock in the bank there, and am a director. I own some liquor interests. I own some real estate and city property; that is about the extent of it.

Commissioner LENNON. What business did you follow before you became sheriff?

Mr. FARR. Stock business, cattle business, ranching, farming.

Commissioner LENNON. For how many years were you engaged in that business?

Mr. FARR. All my life.

Commissioner LENNON. How many deputy sheriffs were in commission in Huerfano County during the years 1905 to 1910; how many regular deputies did you have?

Mr. FARR. I could not tell you that. I have a list of deputies in my pocket that was called for on my subpœna when I was subpœnaed before you. My recollection does not run as to how many I had. I have brought here what I have.

Commissioner LENNON. What time does that list cover?

Mr. FARR. I will read the summons.

Commissioner LENNON. Do so.

Mr. FARR. It reads: "And bring with you a true and full copy of the list of all deputy sheriffs of Huerfano County, Colo., on and including the dates of January 1, 1913, September 1, 1913, and October 15, 1913." I have these lists prepared according to that.

Commissioner LENNON. Present the lists, if you will, please.

(See Farr exhibit.)

Commissioner LENNON. What number of deputy sheriffs have been in your employ since the date these lists were made out—since the dates to which this list refers?

Mr. FARR. Since October 15, 1913?

Commissioner LENNON. Yes.

Mr. FARR. Those names are all under appointment. I have not revoked them. Lots of them have left the country, but I have in actual service four men. When the Federal soldiers came in last spring they allowed me four men to discharge the duties of my office.

Commissioner LENNON. That is the number you have had since the incoming of the Federal soldiers?

Mr. FARR. Yes.

Commissioner LENNON. Were any of these deputies appointed without examination as to fitness in the way of character and competency and citizenship in this State?

Mr. FARR. I made no examination of any of them.

Commissioner LENNON. You made no examination of any of them?

Mr. FARR. No.

Commissioner LENNON. Were any of them employees of the coal companies?

Mr. FARR. Not at the time they were appointed.

Commissioner LENNON. Well, did they become employees of the coal companies while they were acting as deputy sheriffs?

Mr. FARR. I don't know; I employed them and sent them to other places—to the mines and other places in the county to protect property and enforce the law.

Commissioner LENNON. As sheriff, what was your attitude toward men who came into the community known generally as organizers—organizers of labor unions?

Mr. FARR. How is that?

Commissioner LENNON. Did you exercise any attitude toward those men in any way to prevent them from promoting their welfare in the community or seeing that they did not stay there?

Mr. FARR. It did not interest me one way or the other; I asked no questions.

Commissioner LENNON. You took no action regarding any such men who came into the community?

Mr. FARR. No, sir; I did not.

Commissioner LENNON. Tell us regarding the arrest of Mr. John R. Lawson; do you remember that case at all?

Mr. FARR. I do, sir. He was arrested by the city marshal, Martine, and his assistant, for carrying concealed weapons one night. I was at home. I came down town the next morning and found out that he had been arrested. Martine notified me that he was in jail, and that he had gone before the justice of the place and that he had sworn out a warrant and that he was tried and sent to jail for 30 days.

Commissioner LENNON. What custom prevails in Huerfano County as to the carrying of weapons?

Mr. FARR. I don't understand.

Commissioner LENNON. Do the men generally, in Huerfano County, carry weapons?

Mr. FARR. No, sir; not any more than they do anywhere else, I don't believe.

Commissioner LENNON. Mr. Lawson was tried and convicted; did he serve his sentence, or do you know as to that, Mr. Farr?

Mr. FARR. He appealed his case, is my recollection of it, and there was nothing ever done with it; it never came up in the county court. I think he employed Mr. Hendricks, an attorney from Trinidad; he came up in his interests, anyway.

Commissioner LENNON. What method is employed in your county for the selection of coroner's juries?

Mr. FARR. The coroner usually selects them.

Commissioner LENNON. The coroner selects the coroner's jury?

Mr. FARR. Yes, sir; he makes out the summons and hands it to the officer of the sheriff's office.

Commissioner LENNON. How are the juries selected for the trial of cases in the district court?

Mr. FARR. The regular panel is selected in this way: The county commissioners of the county select so many names—my recollection is that it is 300—from the tax rolls of that county. Those are placed in the hands of the clerk of the district court. Their names are written upon cards and placed in the jury box. A day is set and the clerk of the court draws the jury in my presence of 24 men.

Commissioner LENNON. Are any citizens eligible to service in the district court—jury service in the district court—that do not pay taxes?

Mr. FARR. Yes, sir; all citizens, as I understand, are eligible to jury duty.

Commissioner LENNON. You said they were taken from the tax list?

Mr. FARR. They are, the original jury; I did not get through. In the trial of a case where the regular panel is exhausted a special venire is usually placed in the hands of some officer, either the sheriff or some of his deputies, to fill that venire.

Commissioner LENNON. Is the statement that has been made before the congressional investigating committee and before this committee warranted in fact that in the selection of coroner's juries the superintendent of the mine where the accident occurred is consulted as to the personnel of that jury?

Mr. FARR. Not to my knowledge, sir. I do not think—I am trying to refresh my memory—but I do not believe I ever served a coroner's jury in Huerfano County myself. Not to my recollection; I don't remember a superintendent dictating a coroner's jury.

Commissioner LENNON. What, generally, are the qualifications you require of a deputy sheriff?

Mr. FARR. Well, I have what is called a complimentary appointment. Men who are merchants will come in and ask me for an appointment. Under our law we are not permitted to secure assistance without having a deputy sheriff's appointment. I have a number of that kind, but do not consider them active deputy sheriffs. The men I expect to do the work, I usually use all the precaution necessary to pick out a satisfactory fellow.

Commissioner LENNON. After the strike was inaugurated, did you appoint as deputy sheriffs any so-called gunmen, or the detectives of the Felts agency, or strike breakers, that were brought in from the outside?

Mr. FARR. I think maybe I appointed two or three of Felts's men—a man by the name of Walter Belt, who now holds my deputy sheriff appointment, and maybe one or two other men. There might be a number of Baldwin-Felts men; to be plain with you, I don't really know who are Baldwin-Felts men.

Commissioner LENNON. Did you make any inquiry at the time that they were appointed as to whether they were working for this agency?

Mr. FARR. I did not, sir.

Commissioner LENNON. What kind of duty were they appointed to?

Mr. FARR. They were appointed to duties to guard property around the mines and around the railroad depot and wherever I thought they were needed at.

Commissioner LENNON. Can you recall or make a statement regarding the first act of violence committed in your county as the result or outgrowth of this contest that is being investigated?

Mr. FARR. Of the strike?

Commissioner LENNON. Yes, sir.

Mr. FARR. I believe I can.

Commissioner LENNON. Just make a statement in regard to it.

Mr. FARR. If my memory bears me out, the first occurrence was about October 16. It was what we call the Oakview mine, 25 miles west of Walsenburg. One morning about daylight that mine was attacked from about half a mile away or distant on a hill. Somewhere from 300 to 500 shots were fired into the mine. I was notified of it, and I immediately notified the governor—wired him and sent him a letter—stating to him that from the conditions that then existed and what I thought a few days would bring about that I would not be unable to control the situation. I had no response from him.

Commissioner LENNON. What power has the sheriff to summon citizens to maintain the peace in a county?

Mr. FARR. I don't know.

Commissioner LENNON. Hasn't the sheriff the power to summon every citizen in the county and swear them in as special officers in order to maintain the peace?

Mr. FARR. Not to my knowledge. I never looked it up.

Commissioner LENNON. Well, I don't know as to Colorado; I know as to some other States.

Mr. FARR. I don't know, sir. If he has, my attention has never been called to it. I have never thought to look it up. I have consulted my attorney on those points, and he has never so advised me.

Commissioner LENNON. Was this disorder of which you speak now at this mine—it was prior to the arrival of the militia?

Mr. FARR. Oh, yes.

Commissioner LENNON. How long afterwards was it before the militia arrived?

Mr. FARR. The militia arrived in Walsenburg on the 29th of October, is my recollection, in the morning.

Commissioner LENNON. After the militia arrived, was there further violence immediately following the arrival of the militia?

Mr. FARR. Yes, sir.

Commissioner LENNON. You say yes?

Mr. FARR. Yes.

Commissioner LENNON. What was it?

Mr. FARR. There was a murder committed at La Veta; four men were killed in an automobile by a bunch of strikers from behind a railroad bank.

Commissioner LENNON. Did you see the men that did the killing?

Mr. FARR. I seen the men that were supposed to do the killing; that is, charged with the killing.

Commissioner LENNON. Have they been convicted?

Mr. FARR. They have not. They have been in my charge for about a year, in jail. They are now in Pueblo County.

Commissioner LENNON. It is not yet settled as to whether they did the killing or not?

Mr. FARR. No, sir.

Commissioner LENNON. What was the attitude of your office toward the strike as to sympathy with either side in this controversy down here?

Mr. FARR. My aim was to be neutral, to enforce the law, and to protect life and property. That is what I have done to the best of my ability.

Commissioner LENNON. And you have maintained that attitude?

Mr. FARR. Yes, sir.

Commissioner LENNON. Did you ever have or express your views as to the merits of the strike?

Mr. FARR. I don't remember of ever doing that.

Commissioner LENNON. You don't remember of having given expression to anything of the kind?

Mr. FARR. No, sir.

Commissioner LENNON. What was your policy as to cooperating with the militia, or cooperating with the Baldwin-Felts people, in connection with difficulties that occurred in the county?

Mr. FARR. My policy was to cooperate with anybody that would help me enforce the law and do the duties prescribed for me and laid down for me to transact.

Commissioner LENNON. Did you hear a statement by the last witness, that with a citizenship of 2,400 that 1,400 votes were cast in an election?

Mr. FARR. I could not hear him plain. I heard him say something along that line.

Commissioner LENNON. Well, have you any knowledge as to this matter—as to whether that statement is practically correct?

Mr. FARR. In which election did he refer to, and when?

Commissioner LENNON. My recollection is that it was last spring's election.

Mr. FARR. At last spring's election the population of Walsenburg was over 4,000, of all classes of people. Strikers had come in there from the time the strike was called, and every house—room—some houses had as many as four families in a four-room house. Never was before or since as at the time of that election so many people in our town of Walsenburg as then.

Commissioner LENNON. Were the people comparatively new arrivals?

Mr. FARR. Came in during the fall and winter for different reasons.

Commissioner LENNON. Were they entitled to vote in that community?

Mr. FARR. So held that way. I believe the laws of our State permit a person to vote where he has been a resident of the State a year, of the county 90 days, of the town 30 days, and of the precinct 10 days, and a naturalized citizen of the United States.

Commissioner LENNON. Do you know anything regarding the election, that it is claimed that the officers of the coal-mining companies conducted the nominations for county and town officers?

Mr. FARR. Not to my knowledge. I don't think—I have been in politics there, and been in office 15 years, as I have stated, and I have no recollection of any coal operator or superintendent or anybody connected with them ever controlling the nomination of anybody in our county.

Commissioner LENNON. Do you know whether the vote of the miners indicated, as to whether they had been in any way influenced as to how they should vote?

Mr. FARR. I don't know that.

Commissioner O'CONNELL. Is the sheriff of Huerfano County under an annual salary or is he paid by fees?

Mr. FARR. Paid by fees.

Commissioner O'CONNELL. What, for instance, for the year 1913, was the income of the sheriff's office in fees?

Mr. FARR. I do not carry that in my mind. We make our statements four times a year to the county clerk. I don't remember what the total income was or the emoluments of the office. I know what we drawt.

Commissioner O'CONNELL. For instance, what did you draw as sheriff?

Mr. FARR. I am entitled to $2,300 a year, and my undersheriff $1,500, and the jailer so much——

Commissioner O'CONNELL. Then it is a salaried proposition?

Mr. FARR. It is a salaried proposition, but the salaries must be made to come out of the fees and emoluments of the office. If you don't make it, you can't draw it.

Commissioner O'CONNELL. Then, if the sheriff—if there was not a proper amount of business done during a certain year to bring your fees up to that, you would not get the $2,300?

Mr. FARR. No, sir; you could not. You could not collect it.

Commissioner O'CONNELL. Do you feed the prisoners in the jail?

Mr. FARR. I do not feed them directly. I have a jailer that feeds them.

Commissioner O'CONNELL. Do you draw any compensation or emolument from the feeding of the prisoners?

Mr. FARR. Not a cent.

Commissioner O'CONNELL. You say you are interested in the liquor business in the city?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. Is that a wholesale business?

Mr. FARR. Mostly; yes, sir.

Commissioner O'CONNELL. Do the retailers go outside of your city to buy liquors?

Mr. FARR. I could not say as to that.

Commissioner O'CONNELL. Do you, in any way, as an officer of the county, use your position in the matter of the issuing of licenses?

Mr. FARR. I never have.

Commissioner O'CONNELL. Are the same men holding licenses now as have been for some years back?

Mr. FARR. Some of them. They sell, you know. They transfer their business and buy and sell from one to the other.

Commissioner O'CONNELL. Are you consulted in any way when a sale takes place?

Mr. FARR. Not without I am directly interested—a fellow who owes me something. Of course, if a man is indebted to our firm, or for some reason of that sort, I am usually consulted.

Commissioner O'CONNELL. Do all the retailers deal with your firm?

Mr. FARR. No, sir.

Commissioner O'CONNELL. How many of them do?

Mr. FARR. I think about 10 or 12 out of about 45; not to exceed 15.

Commissioner O'CONNELL. And what is the population of your city?

Mr. FARR. I judge between 3,500 and 4,000.

Commissioner O'CONNELL. And your county, how many?

Mr. FARR. Well, our census showed in 1910, I think, about 15,000. My judgment is now that our county—that the population of Huerfano County would be 17,000 people.

Commissioner O'CONNELL. How many licenses are there in the county altogether?

Mr. FARR. I could not tell you.

Commissioner O'CONNELL. Are there 40 licenses in the town?

Mr. FARR. I think altogether there are about 45 saloons in the town and county.

Commissioner O'CONNELL. In the town and county?

Mr. FARR. Yes; we also have another incorporated town in our county—La Veta. It was voted dry last spring; a year ago it had four saloons.

Commissioner O'CONNELL. How many licenses in the town of Walsenburg?

Mr. FARR. Somewhere from 22 to 23—somewhere along there. I don't remember exactly.

Commissioner O'CONNELL. With a population of 4,000?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. What is the license fee in this State?

Mr. FARR. It is $500.

Commissioner O'CONNELL. Does that cover all licenses?

Mr. FARR. That covers the city license and county. Of course, the city has jurisdiction, and the county has not. There is a State license of $50 a year, and a Government license of $25. That makes it $575.

Commissioner O'CONNELL. Now, do you own any of the houses in which these saloons are operated?

Mr. FARR. Yes; I control them through a stock company.

Commissioner O'CONNELL. How many houses occupied by saloons or which are rented to saloons do you control?

Mr. FARR. Two.

Commissioner O'CONNELL. What is the rent?

Mr. FARR. I get $45 a month from one of them, and $65 from the other.

Commissioner O'CONNELL. That includes the whole business, or just the saloon room?

Mr. FARR. That includes the saloon room—the whole building—that is, the part of the building that the saloon occupies.

Commissioner O'CONNELL. Now, are there any other tenants in that building?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. How many tenants?

Mr. FARR. Well, one of my saloon buildings is divided up, one part of it is the saloon, and the other part of it the light company; in the other building there is a barber shop in one corner of it—rented for a barber shop.

Commissioner O'CONNELL. How many pieces of property do you own in that town?

Mr. FARR. Walsenburg?

Commissioner O'CONNELL. Yes.

Mr. FARR. I personally, in my own name, don't own but three pieces of property, my home——

Commissioner O'CONNELL. In your own name?

Mr. FARR. Yes, sir; myself individually. What I own is in a stock company—outside of these three pieces.

Commissioner O'CONNELL. What stock company?

Mr. FARR. A real estate company called the Great Western Land and Investment Co.

Commissioner O'CONNELL. Do they sell land outright or hold land and build buildings on it?

Mr. FARR. We have done both. We have built some buildings and rented them, and we sell lots.

Commissioner O'CONNELL. Is it chartered under the State laws?

Mr. FARR. Yes, sir; an incorporated stock company.

Commissioner O'CONNELL. What is its capitalization?

Mr. FARR. My recollection is that it is $50,000—I don't call to mind right now.

Commissioner O'CONNELL. How long has it been organized?

Mr. FARR. About seven or eight years. I think it was organized in 1906 or 1907.

Commissioner O'CONNELL. How many pieces of property does that company own in that town or city?

Mr. FARR. It would be hard to say. I think we own in the neighborhood of 50 or 60 lots—on the outskirts of the city.

Commissioner O'CONNELL. Are the officials of the mine company interested in that company?

Mr. FARR. Not one of them.

Commissioner O'CONNELL. Any of the superintendents, pit bosses, or any others that hold stock in it?

Mr. FARR. No, sir; it is owned by Walsenburg people. I own the biggest part. I own one-fourth myself.

Commissioner O'CONNELL. What is the par value of the stock?

Mr. FARR. A dollar a share.

Commissioner O'CONNELL. And how many shares were issued—50,000?

Mr. FARR. That is my recollection—50,000. I don't carry it in mind.

Commissioner O'CONNELL. And you hold 25 per cent?

Mr. FARR. I hold a one-fourth interest in the company, this $50,000. I am almost positive now there was 44,000 shares of stock issued and still $6,000 of stock in the treasury.

Commissioner O'CONNELL. Do you declare dividends?

Mr. FARR. Haven't yet. Haven't been able to do it. We are in debt.

Commissioner O'CONNELL. Are the properties in which all these saloons that are not owned outright by you, are they owned by this company?

Mr. FARR. No, sir. This company owns these two buildings that I speak of. I don't own them individually.

Commissioner O'CONNELL. I thought you said you owned two outright yourself?

Mr. FARR. No; I do not. They are owned by the Great Western Land & Investment Co., of which I am a stockholder and president of the company.

Commissioner O'CONNELL. What method is necessary to secure a retail license in your city? What is the procedure?

Mr. FARR. You make your application to the town clerk and it is taken up with the town authorities.

Commissioner O'CONNELL. Is it necessary for you to have the signatures of a certain number of citizens?

Mr. FARR. No, sir; it is not.

Commissioner O'CONNELL. In the locality where the saloon is to be located?

Mr. FARR. That has not been the custom. If a man wants to open in a certain place, he goes and makes application to the town clerk, and at the next meeting night it is taken up—whenever the trustees of the town meet.

Commissioner O'CONNELL. I have heard it rumored in a number of instances since I have been in Denver that it is impossible to secure a license for the retail sale of liquors in that city unless your permission is secured. Is that true?

Mr. FARR. Absolutely not true, sir. If it was, there would be a lot of them that are there now that would not be in business. It is not the truth.

Commissioner WEINSTOCK. You made the statement, Mr. Farr, that at the time you telegraphed to the governor asking for assistance, you did not know

what your authority was and what power you had under the law. Did I understand you correctly?

Mr. FARR. Well, I guess that is right; that is, I felt this way about it; that my duty was to appeal to the governor, as he was my superior officer. That is the way I felt about it at the time.

Commissioner WEINSTOCK. Well, did you or did you not know that it was within your power to raise—I think the legal phrase for it is—a posse comitatus?

Mr. FARR. I did not know that.

Commissioner WEINSTOCK. That is, that you could call upon the citizenship to come to your aid?

Mr. FARR. I did not know that. And the country was in such condition that if I had done it it would have been impossible to have got anybody to come to my service.

Commissioner WEINSTOCK. Well, that was your opinion at the time?

Mr. FARR. Yes, sir; that was my opinion at the time.

Commissioner WEINSTOCK. You mean that the citizens generally were not in sympathy with the authorities?

Mr. FARR. Well, they were afraid; they were scared.

Commissioner WEINSTOCK. Afraid of what?

Mr. FARR. Afraid they were going to get killed.

Commissioner WEINSTOCK. By whom?

Mr. FARR. Why, by the people marching around there over the county in bands—armed people.

Commissioner WEINSTOCK. What were these armed people? Who were they?

Mr. FARR. Well, supposed to be strikers; I don't know.

Commissioner WEINSTOCK. You mean that the town was terrorized?

Mr. FARR. Yes, sir; and they were marching up and down the streets there, as many as 500 or 1,000 in a bunch.

Commissioner WEINSTOCK. What led you to the conclusion that they were the strikers? Did you know any of them personally?

Mr. FARR. Yes, sir; I did.

Commissioner WEINSTOCK. Did they carry arms exposed?

Mr. FARR. Not at the beginning they did not. They had six-shooters on; most of them had six-shooters.

Commissioner WEINSTOCK. Did you at any time endeavor to disperse them before calling upon the militia?

Mr. FARR. No; I did not. I only had four men at the time and didn't feel as though I was able. I knew the state and condition things were in it would be impossible for me to; that is the reason I didn't do it.

Commissioner WEINSTOCK. Did you know who the ring leaders were of these armed bodies?

Mr. FARR. I had an idea who they were.

Commissioner WEINSTOCK. Well, did you communicate with them in any way?

Mr. FARR. I did not.

Commissioner WEINSTOCK. You did not advise them to discontinue their threatening attitude?

Mr. FARR. I did not. I figured I didn't have much chance when the deputy sheriffs that came in out of each district—they would pick them up and disarm them and carry them off down to the tent colony and make them join the union.

Commissioner WEINSTOCK. Did they threaten you in any way?

Mr. FARR. No. Well, it was common talk on the street they were going to kill me.

Commissioner WEINSTOCK. How did it reach your ears?

Mr. FARR. From the public. Everybody—people came in and told me. Come in at nighttime and come into my office during office hours and tell me to look out, they were going to get me.

Commissioner WEINSTOCK. Well, were you subjected to any violence in any way?

Mr. FARR. Me?

Commissioner WEINSTOCK. Yes; during that period.

Mr. FARR. I didn't give them an opportunity.

Commissioner WEINSTOCK. Well, what did you do to avoid giving them an opportunity?

Mr. FARR. I attended to my own business and stayed around my office.

Commissioner WEINSTOCK. You mean, you did not needlessly expose yourself?

Mr. FARR. No, sir; I did not. If I had, I would not have been here.

Commissioner WEINSTOCK. Well, I understood from your testimony that you wired the governor and got no reply?

Mr. FARR. No. I then called him up on the telephone and the governor told me that he did not think the conditions were such as to justify him in sending out the militia.

Commissioner WEINSTOCK. Then what followed?

Mr. FARR. Within a few days afterwards we had a riot in the town of Walsenburg and there were four men killed, and he then that night ordered the militia into the field.

Commissioner WEINSTOCK. Who were the four men that were killed?

Mr. FARR. I don't remember their names. They were supposed to be four strikers.

Commissioner WEINSTOCK. They were strikers?

Mr. FARR. Supposed to be.

Commissioner WEINSTOCK. By whom were they killed?

Mr. FARR. They were killed by the officers.

Commissioner WEINSTOCK. How did the riot start?

Mr. FARR. There was a woman by the name of Wahlmeyer, who was living down in the town, and her husband was living in the Walsen mine, and for some reason unknown to me, at the beginning of the strike, she did not move into the mine. Her husband, I think, wanted her to, but she did not; and she afterwards decided she would go up there and move to the mine; and these wagons from the mine were dispatched down there to move her household articles up, and some guards sent with it; that is, deputy sheriffs. On approaching the house they started to load the furniture in the wagon. Then the strikers—supposed to be—the crowd, as the first article was put into the wagon—is my recollection of the testimony—opened fire, and then the fight started.

Commissioner WEINSTOCK. That is, the strikers opened fire on whom?

Mr. FARR. On the deputy sheriffs and those who were loading the furniture in the wagon. A man by the name of Foster is the man who fired the first shot?

Commissioner WEINSTOCK. Is Foster unionized?

Mr. FARR. So far as I know. He was around with that crowd.

Commissioner WEINSTOCK. He was a striking miner?

Mr. FARR. That is my information.

Commissioner WEINSTOCK. Did you say the deputy sheriffs were loading the wagon?

Mr. FARR. No; the teamsters were loading the wagon. The deputy sheriffs were there——

Commissioner WEINSTOCK (interrupting). Protecting them?

Mr. FARR. That was the intention—to protect them.

Commissioner WEINSTOCK. And this man Foster fired on the teamster?

Mr. FARR. He fired—of course, I was not there. It is my recollection of the testimony adduced at the trial that he fired at a deputy sheriff and shot him through the ear the first shot.

Commissioner WEINSTOCK. Then what happened?

Mr. FARR. Then, as I understand it, the fighting started.

Commissioner WEINSTOCK. And the result was that four of the strikers were killed?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. No deputy sheriffs were injured?

Mr. FARR. No, sir; except this one shot in the ear.

Commissioner WEINSTOCK. Any others injured?

Mr. FARR. No, sir.

Commissioner WEINSTOCK. Any arrests?

Mr. FARR. Arrested the deputy sheriffs next morning.

Commissioner WEINSTOCK. Arrested the deputy sheriffs the next morning?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. They were arrested by whom?

Mr. FARR. By me.

Commissioner WEINSTOCK. That is, you yourself arrested your own deputy sheriffs?

Mr. FARR. That is, my other officers.

Commissioner WEINSTOCK. And then what?

Mr. FARR. They were placed under bond and were tried for it here about a month ago and were acquitted.

Commissioner WEINSTOCK. What was the result of the trial?

Mr. FARR. Acquitted.

Commissioner WEINSTOCK. Acquitted on the ground of self-protection?

Mr. FARR. Self-defense; I suppose so.

Commissioner WEINSTOCK. And that night the militia came?

Mr. FARR. The militia was ordered out on the night of the 28th, and this trouble happened on the 24th, and two or three days elapsed there, and finally the governor made up his mind to send troops into the field; my recollection is on the 28th day of October, and they arrived there on the 29th.

Commissioner WEINSTOCK. And when they came into the field did they take possession of it? Did they supersede you there?

Mr. FARR. They came to the courthouse and surrounded me and disarmed me and all my men the first act they done.

Commissioner WEINSTOCK. Did they establish what is known as martial law?

Mr. FARR. Well, I don't know what the term martial law is. They took charge. I turned over to them; didn't do anything.

Commissioner WEINSTOCK. From that time you relinquished your authority?

Mr. FARR. I didn't so understand. They declared martial law, if I understand what martial law is.

Commissioner WEINSTOCK. You relinquished all your authority, did you?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. To the militia during their presence?

Mr. FARR. Yes, sir; and they made all arrests; for two or three months after that I didn't do anything. I furnished them the jail to put their prisoners in, and they would arrest them and hold them as military prisoners, and sometimes they would turn them over to me—to the civil authorities.

Commissioner WEINSTOCK. Who had control of the jail during that time?

Mr. FARR. A man by the name of Wright.

Commissioner WEINSTOCK. Whom did he report to?

Mr. FARR. He reported to me. That is, we had those—the commanding officer of the provost guard, I suppose you would term it, that handled these prisoners, issued to me what you might term a mittimus to hold them as military prisoners, and those were addressed to me.

Commissioner WEINSTOCK. Summing up, then, your statement is that the first aggressors in this trouble, the first act of violence, was committed by a striker?

Mr. FARR. Yes; that is my——

Commissioner WEINSTOCK. And whatever your men did was in the nature of self-defense?

Mr. FARR. That is the order—yes; that is right.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything else?

Commissioner GARRETSON. Just a few questions.

Chairman WALSH. Mr. Garretson wants to ask you some questions.

Commissioner GARRETSON. Has a deputy sheriff ever sat on a jury in Huerfano County in a criminal proceeding?

Mr. FARR. Yes.

Commissioner GARRETSON. Now, have men ever been used on a jury in criminal proceedings that could not understand English?

Mr. FARR. Many of them.

Commissioner GARRETSON. How long have you been sheriff, Mr. Farr?

Mr. FARR. A little over 15 years.

Commissioner GARRETSON. During that time, I would gather from your testimony that the business of the sheriff's office in Huerfano County has been conducted without any violation of law, in a strictly legal manner?

Mr. FARR. To the best of my ability I have tried to comply with the law. Does that answer the question?

Commissioner GARRETSON. In your opinion, how well have you succeeded?

Mr. FARR. All right, I think.

Commissioner GARRETSON. Completely?

Mr. FARR. I would not say as to that. Now, I can not be the judge.

Commissioner GARRETSON. That is all.

Chairman WALSH. What is the voting population of Huerfano County?

Mr. FARR. The voting population based on this fall—there was four thousand seven hundred and some odd votes cast this last election, and I should say 5,000.

Chairman WALSH. I notice on this list of deputy sheriffs appointed by you between January 10, 1913, and September 1, 1913, there appear 326 men. What was the reason for such a great number of deputy sheriffs that year?

Mr. FARR. On account of the strike.

Chairman WALSH. Then, that is between January 10, 1913, and September 1, 1913. Upon what date was the strike called?

Mr. FARR. Does that give the date? The strike was called on the 23d. The most of the list was appointed after the 1st of September, is my recollection.

Chairman WALSH. Between the 1st of September and——

Mr. FARR (interrupting). And the 23d.

Chairman WALSH. How is that?

Mr. FARR. Between the 1st of September and the 23d.

Chairman WALSH. The heading of it says, "List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1913, to September 1, 1913."

Mr. FARR. Well, that includes all that time, but my books will show that the majority of them were appointed after September 1.

Chairman WALSH. This just says up to September 1.

Mr. FARR. Well, they would be appointed in the latter part of August.

Chairman WALSH. You were expecting a strike, then, were you?

Mr. FARR. Yes; I was.

Chairman WALSH. Did you confer with the company officials about it?

Mr. FARR. I did. I talked with them every day.

Chairman WALSH. I see a great many foreign names here. How are these men as to citizenship and the length of time which they lived in your city and in your county?

Mr. FARR. The majority of the people I appointed deputy sheriffs were residents of Huerfano County.

Chairman WALSH. And those who were not residents of that county were residents of what counties?

Mr. FARR. Different parts of the State that applied to me for the position and I gave it to a number of them when they came in.

Chairman WALSH. I see a great many men of the name of Trujillo—seven of them.

Mr. FARR. They are all residents, those Trujillos are, of Huerfano County. They are Mexicans.

Chairman WALSH. Are they miners, or what are they?

Mr. FARR. Probably, as almost all those Mexicans work around the mines from time to time.

Chairman WALSH. How many of those 326 men worked for the mining company?

Mr. FARR. I couldn't say as to that.

Chairman WALSH. Who paid for these deputies?

Mr. FARR. I don't know that. The county of Huerfano never paid for them.

Chairman WALSH. Did you ever hear from them where they got their money?

Mr. FARR. They were paid. I didn't pay them.

Chairman WALSH. You never inquired?

Mr. FARR. No, sir.

Chairman WALSH. Would you turn your office over to a private party without knowing?

Mr. FARR. I supposed that the coal operators were paying for them.

Chairman WALSH. You know the coal operators were paying for them, do you not?

Mr. FARR. I don't know for certain, but that is my belief, and I am really satisfied, but I don't know it; never saw the checks.

Chairman WALSH. Did you ever ask any officer of the coal companies whether or not they were paying them?

Mr. FARR. I did not. At the beginning of this strike Mr. Matteson, of the Colorado Fuel & Iron Co., came to me after the strike was called and asked me if I would appoint or send out to the different mines some deputy sheriffs to guard the property. That is about the only conversation I ever had with him, and I proceeded to send the men out.

Chairman WALSH. Now, the mining convention convened at Trinidad on September 15, as I understand it?

Mr. FARR. Yes, sir.

Chairman WALSH. And when were these requisitions for deputies made upon you?

Mr. FARR. About that time.
Chairman WALSH. Were all these men armed?
Mr. FARR. All the deputies?
Chairman WALSH. All the deputies.
Mr. FARR. Yes, sir.
Chairman WALSH. Carried arms?
Mr. FARR. Yes, sir.
Chairman WALSH. Who furnished the arms?
Mr. FARR. They were furnished by the coal companies. [Laughter.]
Chairman WALSH. Now, do not give way to your feelings, please, ladies and gentlemen.
Mr. FARR. They were armed at the mines.
Chairman WALSH. You heard the testimony here, did you not, that the first arms were purchased September 12 by the strikers, and that prior to that time no arms had been purchased? You heard that testimony, did you?
Mr. FARR. I did not.
Chairman WALSH. You did not hear that?
Mr. FARR. No, sir.
Chairman WALSH. Then, that testimony was incorrect or mistakenly given, wasn't it, if there was such testimony?
Mr. FARR. Well, so far as my recollection is, it has been quite awhile ago, and I don't really remember just what did happen and when these men were first armed; I really can't remember.
Chairman WALSH. But all of them were armed, all of the deputies you had?
Mr. FARR. They were supposed to be.
Chairman WALSH. And their arms came from some place other than from you?
Mr. FARR. I furnished a good many of them.
Chairman WALSH. Where did you get the arms you furnished?
Mr. FARR. I had them around there.
Chairman WALSH. How many did you furnish to these 326 deputies?
Mr. FARR. I couldn't tell you, sir.
Chairman WALSH. Now, I see that after September 1 and up to October 15 you appointed 75 more deputies. Now, that is the list that you mean you appointed before the 23d, did you not?
Mr. FARR. Read that over again.
Chairman WALSH. "List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from September 1, 1913, to October 15, 1913," and there are 75 names following that. Are those the ones that were appointed mostly before the strike?
Mr. FARR. They were appointed between that time—between the 1st of September and October 15 they were appointed.
Chairman WALSH. Do you know when the greater number of those were appointed?
Mr. FARR. I do not.
Chairman WALSH. Were those men armed?
Mr. FARR. Must have been.
Chairman WALSH. They were all armed, were they not?
Mr. FARR. Must have been at the time; yes. My recollection why that number appears so large there is they were coming and going at the time of the Seventh Street riot. There were something like 75 to 100 deputy sheriffs in the county when——
Chairman WALSH (interrupting). What time was that?
Mr. FARR. Twenty-fourth day of October.
Chairman WALSH. All of these, now, were before September 1, these 326. Those were coming between January 10, 1913, and September 1, 1913; every one of them was before September 1?
Mr. FARR. They were quitting and becoming dissatisfied and leaving; some on their own account and some did not fill the bill and were discharged.
Chairman WALSH. What became of their arms, those that left, if you know?
Mr. FARR. I don't know.
Chairman WALSH. They were not surrendered to you?
Mr. FARR. No, sir.
Chairman WALSH. And didn't you ever talk to any officer of a coal-mining company as to whether or not these men were being paid?
Mr. FARR. That was my general understanding, that they were being paid.
Chairman WALSH. Do you know how much they were paying them?

Mr. FARR. My understanding is it was $3.50 a day, furnished; that is my knowledge.

Chairman WALSH. Who told you that?

Mr. FARR. Mr. Matteson, of the fuel company.

Chairman WALSH. So Mr. Matteson, of the coal company did tell you he was paying these men, and how much they were paying them?

Mr. FARR. That was at the beginning of this, as I stated before.

Chairman WALSH. Well, I didn't hear that before. Did you state that before, Mr. Matteson was paying $3.50 a day?

Mr. FARR. No, sir; I did not make that statement, but I told you that Mr. Matteson was paying the men and made arrangements with me to send him these deputy sheriffs.

Chairman WALSH. I am advised by the other members of the commission that you said you did not know who was paying them.

Mr. FARR. I said that at the beginning, but then I refreshed my memory and said I had had this talk with Mr. Matteson, and it was the only talk I had had during the strike about the payment of these men, and it was the only one—at the beginning of the strike; I think it was after it was called in Trinidad. I say, I understood at that time that I was to furnish these men, and I naturally supposed that they were getting their money from that concern.

Chairman WALSH. Now, do I understand you that you did not make any examination into the character of these men?

Mr. FARR. I did not, sir.

Chairman WALSH. And their qualifications. They could have got, so far as you were concerned, a murderer, a red-handed murderer, and given him one of your commissions?

Mr. FARR. So far as I know.

Chairman WALSH. So far as you know?

Mr. FARR. Yes, sir.

Chairman WALSH. But that was left to the company?

Mr. FARR. So far as I know.

Chairman WALSH. And the arming of the men was left to the company.

Mr. FARR. The arming of the men was either left to the men themselves or else to the company.

Chairman WALSH. And you just turned loose 326 of them on your community, and that was before there was any call for the militia or any cause for trouble. Did you not think that might cause disturbance in your county?

Mr. FARR. They were not turned loose. These men were stationed at certain properties to take care of them.

Chairman WALSH. Did you have charge of them yourself?

Mr. FARR. To a certain extent.

Chairman WALSH. To what extent did you have charge of them?

Mr. FARR. They were to report to me any violence.

Chairman WALSH. What is that?

Mr. FARR. They were to report to me any violence.

Chairman WALSH. Report to you any violence?

Mr. FARR. Yes, sir.

Chairman WALSH. How many reports did you get from Epifanio Castro?

Mr. FARR. I don't know the man.

Chairman WALSH. Or from Joseph Anchester?

Mr. FARR. I don't know him.

Chairman WALSH. Fernandez Atencio?

Mr. FARR. I don't know as I got any.

Chairman WALSH. W. M. Arnold?

Mr. FARR. W. M. Arnold is a ranchman out at the foot of Spanish Peak.

Chairman WALSH. Did you get a report from him?

Mr. FARR. I got a report from him after the Aguilar mines were burned, that a bunch of people had come up to his house afoot—walked up there and asked him for shelter.

Chairman WALSH. Was that at the time he was commissioned, or was that the time you commissioned him?

Mr. FARR. Oh, he is one of my usual officers; been commissioned before.

Chairman WALSH. J. B. Arigon?

Mr. FARR. Never got any report from him.

Chairman WALSH. Felix Abeyta?

Mr. FARR. Never got any.

Chairman WALSH. Where was he located?
Mr. FARR. Lives on a ranch 7 miles west of La Veta—a sheep man and farmer.
Chairman WALSH. Did you ever get any report from Ancio Martinez?
Mr. FARR. I don't recall him.
Chairman WALSH. Do you know him at all?
Mr. FARR. Ancio Martinez?
Chairman WALSH. Yes; Ancio Martinez?
Mr. FARR. I don't know the man; didn't know he was carrying a deputy sheriff's paper. I guess there must be some mistake in the name.
Chairman WALSH. You never got any report from him?
Mr. FARR. No, sir; not to my recollection.
Chairman WALSH. Well, did you ever get any from any of the Martinez you have on here—you have 10 on this page. Did you ever get a report from them?
Mr. FARR. I couldn't say, sir.
Chairman WALSH. Do you know where they were located?
Mr. FARR. I do not, without I heard the first name. If you call the first name, I probably could tell you.
Chairman WALSH. P. J. Martinez; where was he located?
Mr. FARR. I don't remember.
Chairman WALSH. J. C. Martinez?
Mr. FARR. I don't remember.
Chairman WALSH. Moyses Martinez; where was he located?
Mr. FARR. Well, now, he is 12 miles north of Walsen.
Chairman WALSH. Antonio Martinez; where is he located?
Mr. FARR. I don't remember the man.
Chairman WALSH. Have you any record in your office that would show where those men were located—what mines?
Mr. FARR. I have none.
Chairman WALSH. Did they report to anyone but you?
Mr. FARR. I could not say as to that.
Chairman WALSH. Do you know how many hours per day they remained on duty?
Mr. FARR. I do not.
Chairman WALSH. Do you know what specific orders were given them?
Mr. FARR. No, sir.
Chairman WALSH. After they got to those mines?
Mr. FARR. I do not.
Chairman WALSH. There were none given by you?
Mr. FARR. No, sir; there were orders given by me to those men to protect the property and report to me any violence. I gave them that order myself when they left my office.
Chairman WALSH. I think that is all. You may be excused.
We will now stand adjourned until to-morrow morning at 10 o'clock.
(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following day, Thursday, December 10, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Thursday, December 10, 1914.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Weinstock.
Chairman WALSH. The commission will please be in order.
Capt. Harold G. Garwood.

TESTIMONY OF CAPT. HAROLD G. GARWOOD.

Chairman WALSH. What is your name, please?
Capt. GARWOOD. Harold G. Garwood.
Chairman WALSH. Where do you reside?
Capt. GARWOOD. I reside in the city of Denver.
Chairman WALSH. How long have you resided in the State of Colorado?
Capt. GARWOOD. About 22 years, sir.
Chairman WALSH. What is your position in civil life?
Capt. GARWOOD. I am a surgeon.
Chairman WALSH. And how long have you been practicing your profession?

Capt. GARWOOD. Since 1904, sir.

Chairman WALSH. Are you a member of the Colorado National Guard?

Capt. GARWOOD. I am, sir.

Chairman WALSH. Just describe your company, please.

Capt. GARWOOD. I am a captain of a troop of cavalry located in this city.

Chairman WALSH. And what is your rank?

Capt. GARWOOD. I am a captain, sir.

Chairman WALSH. Were you detailed during the coal-mine troubles?

Capt. GARWOOD. I was ordered to go into the field; yes, sir.

Chairman WALSH. What field?

Capt. GARWOOD. The southern field.

Chairman WALSH. From whom did you receive your orders?

Capt. GARWOOD. Why, I received a telephone message about 1 or 2 o'clock in the morning—well, no, I think it was rather—it was after the cars had stopped, probably between 12 and 1 o'clock in the morning.

Chairman WALSH. What date?

Capt. GARWOOD. Of the night of October 28, I believe.

Chairman WALSH. 1913?

Capt. GARWOOD. 1913.

Chairman WALSH. How long were you in the field?

Capt. GARWOOD. Well, just about six months, sir.

Chairman WALSH. Please sketch as briefly as you can where you were during the six months.

Capt. GARWOOD. We went with the detachment first from Denver to Trinidad, and very soon after our arrival—in about three or four days—we were sent to Delagua from Trinidad; and from Delagua we were sent to Aguilar, and stayed in Aguilar about three months and left there on the 1st of February and went back to Trinidad; and stayed at Trinidad the rest of the time we were in the field, except for a short time that we were stationed at Ludlow after we were recalled.

Chairman WALSH. Were you among those that were in Denver at the time of the Ludlow incident?

Capt. GARWOOD. Yes, sir; I was here, sir.

Chairman WALSH. Did you personally, or your company, have any collisions with the contestants during the time you were in the field?

Capt. GARWOOD. By "contestants" you mean the strikers?

Chairman WALSH. Did you have any active service, you might call it; any fights?

Capt. GARWOOD. There was no firing by my company, or my troop, as a troop.

Chairman WALSH. There has been something said, Captain, about the use of mine guards in the militia. Were there any such in your troop?

Capt. GARWOOD. I think, if my memory serves me correctly, that there were enlisted in my organization perhaps 15 or 25 men who had been employed as mine guards.

Chairman WALSH. When did those men come into your troop?

Capt. GARWOOD. My memory does not serve me as to the dates exactly, but my first lieutenant was sent to Sopris to enlist some of these men when he was stationed at Aguilar; I don't know the exact date.

Chairman WALSH. When was it, approximately, with reference to the time you were called out?

Capt. GARWOOD. You mean called out from here?

Chairman WALSH. Yes, sir; called out in October, 1913?

Capt. GARWOOD. I judge it was about a month or six weeks after that time, but I am not positive because I have not my enlistment papers.

Chairman WALSH. Who was the first lieutenant sent to Sopris to enlist these mine guards?

Capt. GARWOOD. His name was Garry Lawrence, the first lieutenant of my troop.

Chairman WALSH. By whose order was he sent?

Capt. GARWOOD. He was sent by the order of Gen. Chase.

Chairman WALSH. How many men are there in a platoon?

Capt. GARWOOD. A platoon of cavalry?

Chairman WALSH. Yes.

Capt. GARWOOD. A troop of cavalry at the present time consists of about 70 enlisted men.

Chairman WALSH. Please describe for us, will you, the organization of the militia, just how it is organized from the top down, beginning with the author-

ity and going right down, and how they are subdivided into squads or platoons, and how it is.

Capt. GARWOOD. Do you mean in the cavalry or whole guard?

Chairman WALSH. Well, cavalry; well, give the whole business.

Capt. GARWOOD. Well, that varies in different States.

Chairman WALSH. Well, I mean from October 13, during the time you were in service.

Capt. GARWOOD. Well, there was taken from here—of course there were infantry, cavalry, and a battery of artillery taken from here, and a portion of the Second Infantry was sent from the southern part of the State. Now, this detachment from Denver, or the companies from Denver, the cavalry, artillery, and infantry were joined by a portion of the Second Infantry from the southern part of the State, sent to Trinidad, and a portion of the First Infantry; and a portion of the Second Infantry was sent to Walsenburg and divided. So a portion of the First Infantry and a portion of the Second Infantry were stationed at Trinidad, and a portion of the First Infantry and a portion of the Second Infantry were stationed at Walsenburg. One troop of cavalry was at Walsenburg and a battery of artillery and cavalry; two troops of cavalry were stationed at Trinidad; and after they had been there some time, my troop of cavalry was sent away, leaving one troop of cavalry stationed at Trinidad, with a portion of the First and Second Infantry and artillery.

Chairman WALSH. Now, describe the organization—how many men in a troop, how many men in a platoon, and how many men in a company, going into the minutiæ of it, as it was there.

Capt. GARWOOD. Well, some of the organizations did not have a full complement of men. My troop, when we left Denver, consisted of perhaps 80 men, and I don't know how many there were in the other troop that was sent there, probably about the same number; and I think the same number, probably, in the signal corps; and the battery, I think, had perhaps a larger percentage of men than I had; and the companies of infantry, I think, ranged from probably 25 to 30 or 40 men. Each one of these organizations, except the signal corps—the cavalry is divided into two platoons, if there is a sufficient number of men for that purpose.

Chairman WALSH. Consisting of how many men?

Capt. GARWOOD. Well, if they have a full troop of cavalry it consists of about 30 or 35 men to each platoon, which is commanded by a lieutenant, the first lieutenant commanding the first platoon and the second lieutenant commanding the second platoon; and then there are noncommissioned officers appointed as there are a number of men—as these men are desirable, men are appointed noncommissioned officers.

Chairman WALSH. What was the name of this first lieutenant sent to Segris?

Capt. GARWOOD. His name was Garry Lawrence.

Chairman WALSH. And how many men did you say he had enlisted that were mine guards, if they had been mine guards?

Capt. GARWOOD. I couldn't say positively, but, I think, 15 or 25.

Chairman WALSH. And were they afterwards under your command?

Capt. GARWOOD. A portion of them were, yes; those that we succeeded in getting to come to Aguilar.

Chairman WALSH. Do I understand this lieutenant was sent there for the express purpose of getting men who were mine guards?

Capt. GARWOOD. Well, I don't know that it was necessarily his mission to enlist mine guards; but it was of those men who—the way I understood it—who had been employed about the mines in different capacities, probably as mine guards; and on account of the fact that my troop was not up to its full strength, he was sent over there to get these enlistments.

Chairman WALSH. And he got how many, you say?

Capt. GARWOOD. Between 15 and 25, sir.

Chairman WALSH. That is all. You will be excused.

TESTIMONY OF CAPT. PHILIP S. VAN CISE.

Chairman WALSH. Please state your name.

Capt. VAN CISE. Philip S. van Cise.

Chairman WALSH. And what is your profession in civil life?

Capt. VAN CISE. Attorney at law.

Chairman WALSH. How long have you been practicing law?

Capt. VAN CISE. Since 1909.
Chairman WALSH. Where were you educated?
Capt. VAN CISE. State university.
Chairman WALSH. Colorado?
Capt. VAN CISE. Yes, sir.
Chairman WALSH. How long have you lived in the State?
Capt. VAN CISE. Since 1900.
Chairman WALSH. Are you a practicing lawyer in the city of Denver?
Capt. VAN CISE. I am.
Chairman WALSH. Were you connected with the Colorado National Guard?
Capt. VAN CISE. Yes, sir.
Chairman WALSH. Kindly state your connection with it.
Capt. VAN CISE. I was captain of Company K of the First Infantry.
Chairman WALSH. Upon what date was Company K called out?
Capt. VAN CISE. The 28th of October, 1913.
Chairman WALSH. I wish you would briefly state your experience to the commission, Captain, from the time you were called out until you retired from the field.
Capt. VAN CISE. I will refer to my report for my data.
Chairman WALSH. Begin with the date you were called out, where you were, and the service you rendered.
Capt. VAN CISE. What do you want, the facts that occurred down there?
Chairman WALSH. No; not the facts that occurred. I want you to keep in mind when you were called out and where you were sent.
Capt. VAN CISE. I was called out on the 28th of October. We reached Trinidad about midnight that night. I stayed in Trinidad until the 1st of November, when I was ordered to Ludlow. And I was at Ludlow from the 1st of November until the 13th of March. I was recalled from the field with my company on the 13th of March, and again sent into the field on the 23d of April; reached Ludlow the 24th, was allowed to return to Denver on the 25th, and returned to the field the night of the 25th of April; was there until the 30th of April, when I came back to Denver.
Chairman WALSH. Now, please state briefly all you experience as an officer during the entire strike.
Capt. VAN CISE. In what way do you mean, Mr. Walsh?
Chairman WALSH. Well, for instance, how you were received when you went there, whether or not any bad feeling grew up between the guards and the citizens or the strikers, and the incidents connected with it—in fact, your entire experience and observation while you were down there.
Capt. VAN CISE. We reached Trinidad about midnight of the night of October 28 and stayed in the railroad yards overnight. The next morning we found a large number of strikers in the depot grounds, who seemed to be favorable; there was no unfriendly demonstration by any of them, nor was there any unfriendly demonstration while we were in Trinidad. We went to Ludlow, reached there about noon of November 1. All the troops that were in the Trinidad district went up together—the artillery, the cavalry, and the infantry—and we marched past the Ludlow tent colony. The entire colony turned out to receive us. They lined both sides of the road with their band; the women and children had flags and were singing their union songs and gave us a very fine demonstration of good feeling.
My company was stationed at Ludlow about 800 or 1,000 yards from the Ludlow strikers' colony and about 600 yards from the depot.
Company L of the First Infantry was sent to Hastings and Delagua, and Company A of the First Infantry from Denver was sent to Berwind Canyon.
There was one company of the National Guard at that time, Company B, Second Infantry, which I understand was called out by the sheriff about two weeks before that to protect the mining properties. That was up the canyon at that time.
Our relations with the strikers were very friendly for some little time. We played football with them and seemed to be getting along all right. The day we reached Ludlow a demand was made for guns.
Chairman WALSH. What date was that?
Capt. VAN CISE. November 1.
Chairman WALSH. November 1?
Capt. VAN CISE. Yes; on that date a demand was made for guns. Capt. Dorn, of G Company, with his company were to receive the guns, while K Company stood out on the outside on guard. A few guns were turned over at that time.

Chairman WALSH. About how many?

Capt. VAN CISE. I will see if I have the list here. I do not know. I do not think there were very many—about 15 or 16 guns there—but I couldn't state of my own knowledge.

Now, our orders at Ludlow were to keep the union and nonunion men apart. Gen. Chase thought that would be the best way to avoid friction. And so our orders were to cover all trains with a detail, a sergeant and 10 men, and to allow no one on the depot platform except people who had legitimate business there, except we would allow three representatives of the strikers to be on the platform to see no strike breakers came in. If any of the strike breakers came in we were to arrest them and to hold them for disposition.

The 2d of November I made a demand on the colony for some more guns, and John Weinberger was in charge of the colony at that time, and he turned in 15 guns, most of them Winchester rifles, but one Army Springfield rifle. That afternoon we arrested a Mexican strike breaker, who was armed with a bowie knife, and sent him out of the district.

On Monday, November 3, on demand by myself, 17 more rifles were turned over by the colonists.

Chairman WALSH. From whose hands—Weinberger?

Capt. VAN CISE. Weinberger again; yes.

On Tuesday we took up two more from the camp on demand, and we searched the town of Ludlow itself. We took 11 guns and 7 revolvers from the town.

Chairman WALSH. Were they taken off the person of the individuals that had them or taken out of the houses?

Capt. VAN CISE. We searched the houses in most cases; we went to the houses and asked for the guns, and they were delivered over without any trouble. Search was made, while the owners of the houses were present, of various receptacles that the men looked into and no guns were found hidden except in the house of the Greek baker.

Chairman WALSH. Did you search all of the houses or just those in which you suspected arms were hidden?

Capt. VAN CISE. No, sir; our order was to search every one——

Chairman WALSH (interrupting). You use the term "gun." What do you mean by that term?

Capt. VAN CISE. A revolver, rifle, shotgun, or .22 rifle. And we were also looking for ammunition. We made a demand on an Italian storekeeper for guns, and he said that he did not have any. We made a search and found a .45 Colt hidden among some dress goods, and we searched, and in a refrigerator we found about a thousand rounds of ammunition and a Winchester rifle and one or two revolvers.

Chairman WALSH. Who was that?

Capt. VAN CISE. An Italian storekeeper. And we were informed that a Greek baker had a large amount of arms and ammunition in his place. He was not there when we went there, but there was an assistant of his there, and he said that there was nothing there.

Chairman WALSH. Was the presumption or general reputation in the neighborhood that both of these men were friendly to the strikers?

Capt. VAN CISE. We knew nothing about the Italian storekeeper, but the Greek baker was said to be friendly to the strikers. We searched the place thoroughly, and under the floor, after taking up some boards, we found about a thousand rounds of ammunition. And then we went upstairs into the loft and we found three or four guns hidden there, and we also found four or five revolvers, mostly new and high class.

When we were going through the bakery the baker's assistant was with us, and we opened the door of a dresser and found these revolvers I spoke of, and found about two or three hundred dollars in money; and we had the assistant count this money, and we did not touch it until the assistant had counted it. The claim was made that some of this money was stolen, but after making such claim in the Trinidad Free Press that the money was stolen he backed up and said the money was all right. That was the only complaint made at that time.

On Saturday, November 8, Mr. Fox, the foreman of the Victor-American Fuel Co.'s railway that operates from Hastings and Delagua to Trinidad, had engaged about 12 Mexican tracklaborers to work on the tracks. They got off of the train at Ludlow and started up the track toward Hastings, and as they started up the track toward Hastings I think every man in the Ludlow tent colony started out after them, and the colony swarmed like a beehive, and they ran toward

the track in order to intercept these men. Maj. Kennedy, who was stationed at Ludlow in charge of the district, ordered me to take a detail to head off the men from the colony, and I did so. The Mexicans had not gone more than four or five hundred yards up the track when some shots were fired at them from the hills. We tried to learn who fired them, but could not find out. On investigation it was found that these men were not strike breakers, but they were railroad workmen, and they were allowed to go to work.

Along about November 12 a negro strike breaker from Delagua quit work and wanted to go back to Denver, and went down to the station and claimed to have been intimidated by the strikers down there, and came over and begged for protection. I went over to the depot with him personally, and he was a little ahead of me, and he went around a corner of one of the cars standing there there were about five strikers there that attempted to assault him. There were five strikers in the group, but only one attempted to strike him. The others did nothing. I arrested that man and took him to camp.

On the 14th of November we were instructed to cover the Ramey mine of the Huerfano Mining Co., about a mile and one-half from Ludlow, and placed a detail over there, and that detail remained until some time in February, when it was released.

On the 25th day of November I received an order from Gen. Chase to allow no one to leave the Ludlow tent colony. A few days before Belcher had been murdered in Trinidad, and it was suspected that some of the men implicated were hiding in the colony. I took a detail of men down and surrounded the colony, and there was a great deal of excitement over the colony being surrounded. The men left their tents and had several meetings. Charles Costa, who was later killed in the battle of Ludlow, came up from outside and wanted to get into the colony. His wife was with him and both were quite violent in their language. We allowed them to go in; and those in the colony were very abusive. Then I went to the leaders and told them that no more threats would be allowed, and Louie, the Greek, did very effective work in getting the men quiet, and he cooperated with us.

Shortly after December, 1913, we received this order, General Order No. 17, as follows:

General Orders, No. 17.

HEADQUARTERS MILITARY DISTRICT OF COLORADO,
Trinidad, Colo., November 28, 1913.

The following is published for the information and guidance of all concerned:

Chapter 160, session laws 1907, page 488, Laws of Colorado: That it shall be unlawful for any person, persons, company, corporation, society, association, or organization of any kind doing business in this State by himself, themselves, his, its, or their agents or attorneys to induce, influence, persuade, or engage workmen to change from one place to another in this State or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State through or by means of false or deceptive representations, false advertising, or false pretenses concerning the kind and character of the work to be done or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike or lockout pending between employer and employee, or failing to state in any advertisement, proposal, or contract for the employment that there is a strike, lockout, or other labor troubles at the place of the proposed employment, when in fact such strike, lockout, or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.

By command of Gen. Chase:

A. H. WILLIAMS,
Major, Adjutant General's Department, Adjutant General.

Before that order was received no strike breakers were allowed to come into the district, or, if they did, they were promptly arrested and sent out, and before I received that order, except in the one or two instances I have mentioned, there had been absolutely no friction between the company and the strikers.

On the 30th of November Maj. Kennedy was in command of the district. On that date he was in Trinidad on other duty and I was in command at Ludlow. I was awakened that morning about 5.30 or 6 o'clock by Bernardo Verdi, the Italian leader of the colony, who came to my tent in a very excited condition and told me in broken English that there was a large trainload of strike breakers coming into the district and that they would not stand for it. He said, "If

those people come in, we kill them; if you protect them, we kill you." I told him the governor's orders were that no strike breakers should be allowed to come into the district, and he could be assured of that, and if they did they would be arrested and deported; and I also assured him that if they did come in they would be protected, and he left me with the threat that if we protected them in any way there would be trouble.

Under orders, we had been covering the depot with a detail of 10 men and a sergeant. That day there was a long string of coal cars on the track which completely hid the depot from the military camp. The railroad was up on a high embankment and the colony was concealed from our camp.

Chairman WALSH. At Ludlow?

Capt. VAN CISE. Yes.

Chairman WALSH. Where was your camp?

Capt. VAN CISE. Immediately west of the station.

Chairman WALSH. And what is known as the water tank is immediately south?

Capt. VAN CISE. Yes; and the strikers' colony was immediately north of the station. The sand cut that figured in the battle is almost east, and the Ludlow station is in the center.

The sergeant and the men went to the station about half an hour before train time. The sergeant phoned me that almost the entire colony was down at the depot spoiling for trouble. I at once ordered my first lieutenant to form the command under arms and took two sergeants and went to see what was the trouble. When I got to the depot it looked like every man and woman in the colony was there. They were swarming all over the tracks and depot grounds, and a large number of rocks covered the ground around there. Ludlow is an adobe country and there are no rocks there, but at this time there were a large number of rocks about the size of your fist that covered the road, and the women were all armed with clubs, a large number of which were baseball bats studded with spikes that bristled like maces. They had a lot of boards covered with spikes, and a number of limbs of trees with sharpened branches. I had the detail fix bayonets and we managed to clear the depot grounds and the tracks without much trouble. We drove them out rather easily. Then they lined up in the road east of the depot, and the women all formed in the front rank, with the men behind. The women were brandishing their war clubs and were very violent, but the men were generally quiet; the women were cursing in violent fashion.

Commissioner WEINSTOCK. In English?

Capt. VAN CISE. Yes. The situation looked like there was going to be trouble, and while we did not know that any strike breakers were coming in, there was a possibility that they might. I got the three leaders, Gus Weinburg, Tom Jones, and Bernardo Verdi, and told them they would have to take the people back to the colony, and they said they would not do so. Then I ordered one of my sergeants to draw a revolver and told the sergeant if anything happened to shoot them. I told the men I would hold them responsible for the actions of the strikers. The rioters did not like this, and a good many dispersed. Before the train came two-thirds of them had gone back to the colony.

Chairman WALSH. What did the leaders say they were doing there?

Capt. VAN CISE. That they came to get those strike breakers if they got off of that train.

Commissioner WEINSTOCK. How many of them were there?

Capt. VAN CISE. Five or six strike breakers. They were sent back on the same train to Trinidad.

Chairman WALSH. What was the date of that?

Capt. VAN CISE. The 30th of November. That afternoon, in abundance of caution, I brought the entire company to the depot and established a line about 150 yards north of the depot, between the depot and the colony, and allowed no one from the colony to come closer to the depot than that.

Then the blizzard began on the 2d of December, and I really believe that if the blizzard had not come at that time serious trouble would have happened that year; but the blizzard kept everybody shut up closely in their tents, and during that time the governor changed his order and allowed the strike breakers to come into the colony.

Chairman WALSH. How many men were in your company at that time?

Capt. VAN CISE. At the depot 10 men and 3 sergeants; all told in my company at that time I had about 90 men.

Chairman WALSH. How were these men—had these men in your company been recruited?

Capt. VAN CISE. Originally my company was composed almost entirely of college men—college graduates. At this time very few had been released, but I had a large number of other recruits. I went into the field with 47 men and 3 officers, and later 5 rejoined, and so, in my company I had 55 or 58 of the original members. Many of my men were business and professional men and had to leave, and I had to get others to take their places; so some of my men came back to Denver and opened recruiting agencies there. They were instructed to be careful in the class of men they got and to send the men down as soon as possible, and we took in a large number of recruits.

Chairman WALSH. Did any of your recruits consist of mine guards at that time?

Capt. VAN CISE. I did not know it at that time, but I found later that there were two mine guards in my company. One of them, Kohnescher, failed to pass a physical examination in Denver. He came down with a large number of recruits, and when he got there he had neither enlistment papers nor physical examination blank, and he said that they had evidently been lost. I enlisted him and I found he was almost blind and could not see across the street, and he was useless either as a mine guard or a soldier. I did not know that he was a mine guard until after he got back to Denver, and he behaved himself very well while in the field. The other man was a man by the name of Griffith, who had been working at Delagua. Two of my men knew him, and told me they had a friend at Delagua that they wanted to enlist, and asked me to enlist him. I asked them if the man was a mine guard, and his friends said no. I enlisted him and he stayed in the company about a month and then deserted. I found out afterwards that he was a mine guard. Those were the only two I had.

Chairman WALSH. Did you at any other time have any mine guards in your company?

Capt. VAN CISE. No, sir.

Chairman WALSH. Proceed, if you please.

Capt. VAN CISE. On the 12th of December I found that five of my new men had broken into a saloon belonging to Pete Montenell, of Rameyville, and robbed him of about $42 worth of liquor, cigars, and cigarettes. Afterwards we got all of the men and they were taken before a court-martial and tried, and two of the men were sentenced to serve terms in the county jail and stayed there until we left the field; the others were given fines and returned to duty.

Chairman WALSH. Were they Colorado men?

Capt. VAN CISE. Two were. Three of them were ex-Regulars. I found that one of them had been dishonorably discharged from the Army and served time in Leavenworth. Another had forged his discharge papers from the Army, and a third had a good discharge from the Army.

Shortly after Christmas our milkman, Pete Rey, informed me that he could not give us any more milk, because he was told by the leaders of the colony that if he furnished us milk they would not buy any from him, and he said that as we bought only 5 gallons and the colony bought 25 he could not give us any more milk. I phoned Gus Weinburger at the colony and asked him about it, and told him the relations between ourselves and the colony had always been pleasant and that no friction had occurred. Our men could go into the colony at any time, unarmed, either as individuals or in groups.

Chairman WALSH. Did they do so?

Capt. VAN CISE. At times; yes, sir. I asked him why they had taken this position about the milkman, and he said: "Your men have been abusing our women." I asked him for specific instances, and he was unable to give me any. He said: "Well, the policy of the union is that we are not going to help the troops out in any further way; and if we can prevent them from getting supplies, we will do so." I informed Gen. Chase, and he directed us to take all of the milk, and that was done.

On the 29th of December George Shepard, a negro in the colony, shot and killed Kid Morgan, another negro in the colony, with a .38 revolver. It was a cold-blooded murder, and he was sent later to the penitentiary by the civil authorities. As a result of that murder I found a large number of arms concealed in the colony, and I so reported to the general. As a result, on the 31st of December the general ordered a search to be made of the tent colony for arms. Several organizations of the troops took part in that, and we took up 35 rifles at that time. Lieut. Linderfelt's organization was stationed outside on

guard, but did not take part in the search. Most of these rifles we found in the section of the colony belonging to the Greek strikers, and all of them were concealed under the floor or between the tents or hidden outside in piles of ashes.

On the 4th of January the Victor-American Fuel Co. reported a case of one of their men being detained in the colony against his will, stating that the man wanted to return to work. I went to the colony and asked for the man and had a good deal of difficulty in finding him. In fact, three men were said to be held down there. I got them out and told them that if they wanted to stay out on strike they could, or if they wished to do so they had a right to leave the colony. One of them said he wanted to go back to work, and the other stayed in the colony. I sent a detail with the man that wanted to leave, and the men there were generally peaceable and quiet, but one threw a rock at this man, and I had him arrested and sent to the camp.

On the 6th of January Lieut. Linderfelt and a patrol of his men were riding past the colony when Corpl. Cuthbertson's horse stumbled over a barbed wire that was stretched across the road, and Corpl. Cuthbertson was thrown from his horse and his skull slightly fractured. The lieutenant claimed that the barbed wire had been stretched across the road by the strikers.

Chairman WALSH. What lieutenant?

Capt. VAN CISE. Lieut. Linderfelt. In fact, there had been no barbed wire across the road before. As the result of that all the barbed-wire fence around the colony was taken down by the lieutenant. The strikers also claimed that day there was a young Greek assaulted at the depot by Lieut. Linderfelt. One of the other officers in the camp investigated. So I know nothing about that.

Chairman WALSH. What officer investigated?

Capt. VAN CISE. Lieut. Doll, I believe, made the investigation. You see Maj. Kennedy was back at Ludlow in charge of the camp, so I had nothing to do with that.

On the 12th of January we arrested 11 strikers in the vicinity of the Huerfano mine. It was claimed they were creating a disturbance over there. The superintendent of the mine said they had been calling his wife a good many names and had been making threats; so they were arrested and brought to camp for investigation. On that same day the ranch of George Georgeoni, 9 miles northeast of Ludlow, was searched. The superintendent of the mine had his ranch house broken into and a lot of things stolen and asked me to investigate; and we went out and found tracks that led through the snow leading to this ranch. We went out to the ranch, but could not find the stolen property. We found several guns out there—took up six guns and two pistols.

On the 15th of January a detail found four guns and a large amount of ammunition cached at Forbes Junction. They found them hidden in a dugout in one of the arroyos.

On the 18th of January Jim Calovi, while sitting on the railroad track in a drunken condition, was killed by the Colorado & Southern engine, and the strikers made that the occasion of a big parade and demonstration in Trinidad a few days later.

The same date Frank Garcia, a Mexican, was shot and killed by Arthur Lyons, a miner at Tabasco. They were both nonunion men. He was arrested by the military authorities, sent to Trinidad, and tried in the district court there.

Chairman WALSH. What was the result of that trial?

Capt. VAN CISE. He was acquitted.

On the 22d of January some ranch houses were searched for guns and nothing discovered. Same day five shots were fired near Bacchi's saloon, but we were unable to find who fired them. That evening an order was received from Trinidad to allow no one to leave the tent colony for Trinidad. About 25 men were turned back from the station.

On the 26th of January we had a very severe wind storm; blew down 11 tents in the camp and 70 tents in the tent colony.

On the 30th of January we removed our detail from the Huerfano mine.

On the 1st of February Maj. Kennedy and his staff removed to Fremont County, and from that time Maj. Hamrock was in command of the district.

Chairman WALSH. Was Maj. Hamrock a saloon keeper?

Capt. VAN CISE. Yes.

Chairman WALSH. How many saloons had he?

Capt. VAN CISE. One in North Denver. I want to add a word about Maj. Hamrock. To my mind he has been very much maligned. Until the battle of Ludlow no one said worse about him than he had been a saloon keeper. Pat is absolutely honest, fair, and square.

On the 6th of February Company L was relieved from duty at Hastings and Delagua and sent to Trinidad, and those camps were put under charge of my company.

On the 8th of February I went to Hastings and Delagua to look after the situation, and when I got to Delagua I found one of the saloons was in operation. That was on Sunday. I went into the saloon and asked the saloon keeper if he knew that by the State law that saloon should be closed on Sunday. He told me that he was a justice of the peace in the camp, and that they didn't pay any attention to such a law as that in Las Animas County. I told him it was our duty to enforce all laws there and he would have to close the saloon, which he did. And I instructed the camp marshal to see that it was kept closed and told my detail to see that it was kept closed.

On the 14th of February we searched the Ludlow tent colony a second time. It was claimed that a large number of high-power rifles had been shipped into the camp. We were unable to find the rifles. Only two rifles and two revolvers had been taken up. A count of the strikers that day disclosed 347 men in the colony. Lieut. Linderfelt took no part in this search, but was on the roads patrolling with his company.

On the 19th of February the congressional committee visited the strikers' colony and the camp. At our camp the questions they asked the men were as to length of service in the guard and occupation and residence—particularly anxious to see if any mine employees were in the company.

On the 24th of February 17 men were arrested by Company B, Second Infantry, for picketing on Water Tank Hill.

Chairman WALSH. I did not catch that, Captain, please. What was that last?

Capt. VAN CISE. On the 24th of February 17 men were arrested by Company B, Second Infantry, for picketing on Water Tank Hill.

On the 3d of March we took a census of the tent colony, simply of the men; took the men's names and residences—that is, residence when the strike broke out—former occupation, and how long they had been coal miners. That showed a total of 270 men in the colony on that date. There were 148 tents in the colony then. About the same time a school census was taken by the school officials, which showed 42 girls and 27 boys of school age in the colony.

On the 4th of March Company B, First Infantry, was relieved from duty at Forbes, about 5 miles south of Ludlow, and I was directed to take charge of that camp in addition to the other mines in my charge, and I placed a detail of a sergeant and four men at Forbes.

On the 8th of March Mr. Nichol, manager of the Forbes mine, made complaint that numerous assaults had been committed upon his men at the mine by residents of the Forbes tent colony. He claimed that when his men went by the Forbes tent colony they were intimidated, and some were beaten up by the strikers in the tent colony. My sergeant was ordered to take a detail the following day and go to the colony and take witnesses along and arrest those whom the witnesses claimed had committed the acts and bring them to camp. I was there that night, I guess, about 11 o'clock, and as I left Forbes I overheard some negroes talking about going to Suffield, south of there. They said they were afraid to go there; they might get beaten up. The next morning my sergeant went to the tent colony to find out about these men, and he found out a man had been killed on the railroad track leading to Suffield. A negro's body was found, and there were two stories told about that—one that he had been killed by the strikers and his body placed upon the track to be struck by the train, and the other that he had been run into by the train while drunk on the track. My sergeant claimed to have found tracks leading back into the colony, and he arrested three men, whom he brought to camp.

Chairman WALSH. What was the name of that sergeant?

Capt. VAN CISE. Sergt. Halston. Later some troops went up from Trinidad and arrested all the men in the Forbes tent colony, and they were taken to the Trinidad camps.

On the 13th of March we returned to Denver.

This order was posted in my guard tent and was called to the attention of all my officers and men, following out the order from Gen. Chase that no strike breakers should be allowed in the district:

"Whenever any strike breakers come to the depot the senior noncommissioned officer of the guard will ask them the following questions:

"(a) Were you told before you came here that a strike was on in this district?

"(b) Do you know that the strike is on at present?

"(c) Are you willing to go to work knowing that a strike is in progress?"

There was an order that the strike breakers should be allowed to go to work if they complied with the law. The above questions were asked of all the strike breakers. When they came in they saw the Ludlow tent colony. It was pointed out to them, and I think nearly all the time three representatives of the strikers were on the platform. They were also there when the questions were asked and saw that we tried to fully comply with the law.

Our relations with the operators were very pleasant, except at the Ramey mine, of the Huerfano Mining Co. The owner of that mine, from the time we first placed a detail in his camp, did nothing whatever to aid the troops in any way. At the boarding house the price charged the troops was greater than that charged civilians. The troops had to pay $28 a month and civilians $25 a month. They seemed to take delight at that mine in going after the troops whenever the opportunity arose.

Chairman WALSH. When did you first observe the change of attitude of the people in the tent colony toward the soldiers?

Capt. VAN CISE. Well, the attitude, except for these instances that I gave, of the colony toward my company was very friendly. Weinberger was hostile toward any soldiers all the time.

Chairman WALSH. In between these incidents that you speak of, pleasant and cordial relations existed between the members of your company and the people—the men and women?

Capt. VAN CISE. Yes. In fact, when we left there many of the strikers came over to say good-by to us. At all times we could go in there, except when these various incidents arose. We could go in the colony without arms.

Chairman WALSH. Was Linderfelt in your company?

Capt. VAN CISE. No.

Chairman WALSH. In the other company?

Capt. VAN CISE. Yes; he was in the other company.

Chairman WALSH. Did you observe anything, in so far as he was concerned, with reference to his relations with these people up to this time that you recollect?

Capt. VAN CISE. Yes.

Chairman WALSH. How were they?

Capt. VAN CISE. They were unpleasant. The colony had a violent hatred of Lieut. Linderfelt. He had been a mine guard in Berwind Canyon before the troops went into the field, and had engaged in some battles there, and they were particularly hostile toward Lieut. Linderfelt. The feeling seemed to be mutual.

Chairman WALSH. How did it manifest itself on the part of the strikers?

Capt. VAN CISE. The strikers told me very many times that they intended to get Lieut. Linderfelt. They said they were going to get even with these men. In fact, I think I have specific instances here.

At the time Lieut. Linderfelt had 17 men arrested on Water Tank Hill, while these men were being detained at Berwind, young Filer, the son of James Filer, who was killed in the battle of Ludlow, phoned to me and told me that Lieut. Linderfelt had his father and a lot of other men from the colony up there, and that he had better turn them loose, because "We are going to get them." That is the statement that he made to me over the phone.

Chairman WALSH. What was Lieut. Linderfelt's attitude toward the strikers?

Capt. VAN CISE. Hostile.

Chairman WALSH. Hostile?

Capt. VAN CISE. Yes, very.

Chairman WALSH. Did you hear him make any statements to them or about them?

Capt. VAN CISE. Yes.

Chairman WALSH. Just detail them as well as you can remember them, Captain.

Capt. VAN CISE. Well, I think Lieut. Linderfelt had a different attitude of mind toward the strikers than some of the other guardsmen. He did not sympathize at all with the strike. He did not believe that the strikers had any merits in their claims. He thought that they had committed all the violence in the district, and he thought that they should be removed from the district.

Chairman WALSH. Did he state that?

Capt. VAN CISE. Yes.

Chairman WALSH. Did he, at any time, state that in the presence of the people in the tent colony?

Capt. VAN CISE. I couldn't state that positively, no.

Chairman WALSH. Did you hear him use any threats or violent language toward the people in the tent colony or to any individual?

Capt. VAN CISE. I don't remember any individual case in which he did in the presence of the strikers.

Chairman WALSH. You may proceed.

Capt. VAN CISE. I have here itemized the charges that were made against my men by the strikers at various times. I told you as to the Greek baker who claimed that the men had stolen some money from him.

The leaders of the colony made it a practice to always telephone us at Ludlow and let us know any charges that they had to make against my men or the men in the vicinity and they were promptly investigated.

They complained one time that one of my men had been in the camp—had insulted one of the women in the colony. In fact, that complaint was made by Mrs. Jolly, one of the women of the colony. She came to the camp and claimed one of the men had been in the colony the night before and had asked to come into her tent. I asked her if he had made any improper proposal, and she said no, that he told her he was cold and wanted to come inside. I then asked her to identify the man. I lined up the company, and she did not find him there. She went around the camp and finally found the man she claimed had been in the tent. I investigated this and asked him where he had been the night before. He gave me an account of his whereabouts. He claimed he had been with two men who were at that time over on the Ramey mine detail. So I got in touch with those men without those men having time to see him, and found out that he had been in this tent with these men continually that night—had not left there because they had all been playing cards until about 10 or 11 o'clock in the evening.

I came to the conclusion that her complaint was groundless, especially as I found later she had been making threats against him because he had been one of the men who had been down at the depot the day we had our little mix-up with the strikers at that time, and that he had made her stop her talking at that time and threatened to arrest her if she would not.

One complaint I found was well founded was made by Mary Petrucci. She was the wife of a striker living near the Ramey mine. She claimed that one of my men had gone to her house and had made an improper proposal to her. So I had a summary court held. I had Bernardo Verdi, the then leader of the colony, come up and bring Mrs. Petrucci and her husband. This man was fined $30 and sentenced to 30 days in the guardhouse. She testified before the congressional committee in regard to this, but she didn't know the man's name or wasn't sure of the particulars; but the fact occurred as she stated.

Then during the first search of the colony a Mexican claimed he had been robbed of $50—that it was taken from his trunk—claimed the men had taken $50 in bills from his trunk. I had him held by the men while we went to his tent to investigate. The men misunderstood my order and let him come to the tent. He said something to his wife in Italian or Mexican. I had him taken away so he could not do any more talking. I asked her, and she said, yes, $50. I asked her what kind of money this was in. She said it was in silver money. I asked her where it was when she had seen it last, and she showed me one place. I had her taken away and had him brought in, and asked him where it was, and he said it was in an entirely different part. And he still continued to claim it was in bills and in another place from his wife. So I came to the conclusion that the story was false, and he later admitted it to be so.

Chairman WALSH. Those were all of the charges that were made against your men, or to your knowledge, at least?

Capt. VAN CISE. So far as I know.

Chairman WALSH. How long after April 20 was it before you returned to Ludlow?

Capt. VAN CISE. I think it was the night of the 22d that I got an order to return—the night of the 22d I got the order to return, and we left here on the 23d of April.

Chairman WALSH. The battle of Ludlow——

Capt. VAN CISE. Was on the 20th.

Chairman WALSH. Occurred on the 20th?

Capt. VAN CISE. Yes.

Chairman WALSH. Will you please describe to the commission what you learned there regarding the details of the battle, immediately upon your return?

Capt. VAN CISE. Immediately upon my return to the field?

Chairman WALSH. Yes.

Capt. VAN CISE. I got to Ludlow on Friday about 2 or 3 o'clock in the afternoon.

Chairman WALSH. Friday, what date?

Capt. VAN CISE. Twenty-fourth. Shortly after I got off the train I was told by a few soldiers and some of the civilians of the town about what happened at the battle. They seemed to tell a unanimous story that the—well, I guess my report that the board of officers made would tell what happened.

Chairman WALSH. Just please detail to us—sketch it as briefly as you can.

Capt. VAN CISE. As I understood from these civilians and soldiers—of course, they did not know all the facts that we got later in the report—all I got from them was that the strikers ran out of the tent colony with their guns early in the morning, and shortly after a detail had been down to the colony. The detail had gone down there to demand a man who was alleged to be held by the strikers. Louie, the Greek, who was in charge of the colony, had refused to give him up, and the detail had gone back and reported to Maj. Hamrock. He had phoned Louie and asked him to come up to the military camp to meet him. Louie refused, for the first time that he had ever done so, and then later phoned the major that he would meet him at the depot. The major went to the depot to meet him, but before doing so telephoned Lieut. Linderfelt that they would have to go down to the colony to get this man and to bring his troops over.

Chairman WALSH. That is Louie Tikas?

Capt. VAN CISE. Yes. Lieut. Linderfelt sent Lieut. Lawrence and a few soldiers ahead of him and then Tikas met Maj. Hamrock at the depot. At the depot Louie recognised the wife of this man who was held in the colony, and said, "Oh, yes; we have that man; he is a cripple; we don't want him." And the thing seemed to be settled all right. He said, "I will get him for you." Lieut. Lawrence reported at the depot and Maj. Hamrock told Lieut. Lawrence it would not be necessary to get him. Lawrence started on horseback up the street toward Berwind and got a little ways when he saw a large number of strikers running out of the colony with arms in their hands. He galloped back to Maj. Hamrock and told him these men were running from the colony. The major asked Louie what was up. Louie said, "I will stop it." Louie ran down the street toward the colony waving his handkerchief at the men. But the men ran over and took their positions in a sand pit and opened fire. Lieut. Linderfelt and his men had arrived on Water Tank Hill about that time, a few minutes before the battle started up there. Then two or three dynamite bombs were set off by the military camp to warn the men in the vicinity, the mine employees, to protect themselves and come to the aid of the company, and the battle was under way.

Chairman WALSH. Proceed and give us all you heard about it when you went back there.

Capt. VAN CISE. I was told that the troops managed to dispose of the strikers in the sand pit, that they found other strikers had taken possession of the steel bridge immediately north of the colony, and that during the fight upon the colony three prisoners were taken, Louie the Greek, James Filer, and a striker whose name we were unable to get. We thought it to be Rubino, but we don't know his name, and I was told by these men these prisoners had been killed.

Chairman WALSH. How far was the camp proper away from the pump house, how far to the station, the railroad station?

Capt. VAN CISE. The military camp?

Chairman WALSH. Yes, sir.

Capt. VAN CISE. It was about 600 yards from the station, about 500 yards from the colony, and about the same distance from the water tank. The pump house was about 100 yards farther on.

Chairman WALSH. And due west?

Capt. VAN CISE. The pump house was due north.

Chairman WALSH. And your camp?

Capt. VAN CISE. From the colony?

Chairman WALSH. Yes.

Capt. VAN CISE. It would be southwest.

Chairman WALSH. Southwest?

Capt. VAN CISE. On a diagonal; yes.

Chairman WALSH. Now, where was Water Tank Hill?

Capt. VAN CISE. From the military camp?

Chairman WALSH. The tent colony.

Capt. VAN CISE. From the colony it is almost due south.

Chairman WALSH. Almost due south. Did you understand that there were any men at that place that morning?

Capt. VAN CISE. On Water Tank Hill?

Chairman WALSH. Yes.

Capt. VAN CISE. The soldiers came from over the hill immediately after Lieut. Lawrence, who was going ahead in military formation—what is called a point—a few men preceding the balance of the troops two or three hundred yards. So they arrived on Water Tank Hill about the time Lieut. Lawrence reached the major at the Ludlow station.

Chairman WALSH. Up to that time there had been no trouble, as I understand it?

Capt. VAN CISE. No.

Chairman WALSH. No shots had been fired?

Capt. VAN CISE. No shots had been fired. There had been friction in the colony between the detail and Louie over the refusal of Louie to turn over the man.

Chairman WALSH. When were these bombs exploded?

Capt. VAN CISE. I couldn't tell you the exact time, but some time about the time the firing began.

Chairman WALSH. About the time that the firing began?

Capt. VAN CISE. Yes. You see, of course, this is all hearsay as far as I am concerned.

Chairman WALSH. I understand this is what you learned after you got back there.

Capt. VAN CISE. What I was told.

Chairman WALSH. You say, I believe, there seemed to be a general agreement among the citizens that were there and the leaders as to that?

Capt. VAN CISE. Yes.

Chairman WALSH. Did you know the man that ran the pump house for the railroad there, Mr. Low?

Capt. VAN CISE. I didn't know him at that time. I met him after we went out later, a few days later.

Chairman WALSH. You don't know whether he was there that day when you went down or not?

Capt. VAN CISE. No.

Chairman WALSH. I mean you didn't recognize him?

Capt. VAN CISE. No. He told me a few days later that he had run to the arroyo with his little girl as soon as the fight started; that his little girl came running in to him and said, "Papa, they are running from the colony; there is going to be a fight." He took his little girl and a few of his things and ran to the arroyo, and finally went out on down the arroyo.

Chairman WALSH. Where did you find that the shots were fired from? Did you understand that the first shots were fired by the strikers?

Capt. VAN CISE. Yes.

Chairman WALSH. When were they fired with reference to the setting off of the bombs?

Capt. VAN CISE. Shortly before.

Chairman WALSH. What steps, if any, did you take to secure an investigation down there, Captain?

Capt. VAN CISE. Why, when I heard these three prisoners had been killed, it looked to me like a serious proposition. There had been a tremendous amount of talk in the papers about the alleged murder of the women and children. I was absolutely convinced that was an accident—everyone was down there—but I thought that the stories about the murder of the prisoners were very serious and should be investigated. So I called upon a captain in the guard, who was a very close friend of mine, and we talked it over, and we decided that we would talk to Gen. Chase about the matter. We went to Gen. Chase and spoke to him, I guess about 9 o'clock in the evening, 9 or 10 o'clock in the evening, and told him that——

Chairman WALSH. Where was Gen. Chase at that time?

Capt. VAN CISE. In the station at Ludlow; told him it looked like murder had been committed there, and that the murder should be investigated. But Gen. Chase was very busy with matters there, and he did not take it up at that time at all.

Chairman WALSH. When was that that you asked the general to take it up?

Capt. VAN CISE. That was the night of April 24. I was going to be married the next evening, April 25, so I was very anxious to get home. In fact, I did not want to go back to the field at that time, and Gen. Chase very kindly allowed me to return to Denver that night.

Chairman WALSH. The 24th?

Capt. VAN CISE. Yes. Told me if conditions were quiet down there, I could stay away a few days; use my own judgment, and if it got serious to come back again. When I got back to Denver I believed the situation in regard to these three prisoners was so serious it should be presented to the governor. So I called up Capt. Danks, who had been assistant judge advocate in the field and who was a prominent member of the Democratic Party and who had not been called into the field this last time. He came to my office and we talked the matter over, and I thought it should be presented to the governor. So he phoned the governor and the governor said to come right up. We came up and talked the matter over with the governor.

Chairman WALSH. What date was that?

Capt. VAN CISE. That was Saturday morning at 10 o'clock; the 25th.

Chairman WALSH. April 25?

Capt. VAN CISE. The governor was very much disturbed that morning; the capitol was full of people. There were wild rumors going around as to what had happened down there. We talked the matter over with the governor. I was quite insistent that some action should be taken, because it was my opinion that if murder had been committed it should not be concealed; it should not come out from the bottom, but it should be smashed from the top.

Chairman WALSH. What is the duty of a soldier in protecting the lives of prisoners?

Capt. VAN CISE. When a prisoner is taken his life is to be held inviolate, and it can only be taken by the consent of a proper tribunal. No matter what offense these men might have committed, they should have been held prisoners and turned over to the proper authorities. The troops would have been justified, in my opinion, in taking no prisoners in the first place, because they were outlaws against the State; but once prisoners their lives should be held inviolate.

So after our talk with the governor I returned to my office, and Maj. Boughton came to call on me and he wanted to know if I would serve as a member of a committee to go down and investigate this. I told him that I did not want to do so; that I was going to be married that evening and did not want to return to the field. He said, "Would you object to going down on the committee to be composed of Capt. Danks and myself?" meaning Maj. Boughton. I said, "I would have no objection to Capt. Danks, but I would prefer somebody else rather than Maj. Boughton." And after discussing things a while he said that I need have no fear on his score; that he would do all he could to aid the investigation. I tried very hard to get out of it. I did not want to go. But he said it looked like I would receive an order to go.

That evening about 6 o'clock Maj. Boughton phoned me and told me that the governor had appointed me on the board of officers to go down and investigate the Ludlow matter, and that I would leave at 11 o'clock. So I left for Ludlow that night with Maj. Boughton and Capt. Danks.

Chairman WALSH. How was the investigating committee formed?

Capt. VAN CISE. That night I got a telephone message from Maj. Boughton that the governor had ordered me to return to duty that night at 11 o'clock.

Chairman WALSH. Was the investigation made upon the ground?

Capt. VAN CISE. Yes.

Chairman WALSH. Well, then, what I meant was, how you organized?

Capt. VAN CISE. What went on in that committee I would be unable to state to you gentlemen because an oath was taken by the board of officers that the proceedings before us should only be reported to the constituting authority, except only to a court of justice, so that our report is the public record of what went on.

Chairman WALSH. Well, you mean by that that there is an oath required by your regulations?

Capt. VAN CISE. I am not sure whether the oath is required or not. It is quite customary for the oath to be taken for a board of inquiry.

Chairman WALSH. Who suggested that the oath be taken?

Capt. VAN CISE. I couldn't tell you anything that went on in the commission, because we were under oath, unless the governor or Gen. Chase, or both, would release me from the oath.

Chairman WALSH. Gen. Chase, is it all right for Capt. van Cise to go ahead and state what occurred?

Gen. CHASE. Why, most certainly.

Chairman WALSH. Did you speak to the governor before you were subpœnaed—I understand you are at perfect liberty to testify as to the proceedings?

Gen. CHASE. It is true the oath is required and is customary.

Chairman WALSH. There is no objection to his making a statement here now?

Capt. VAN CISE. Just a moment. I am not quite sure whether I was appointed by the governor or Gen. Chase. Major Boughton told me the night of April 25, when he gave me the order, that the governor had appointed me. When we reached Ludlow, he said Gen. Chase had appointed me. Hence I don't know which story to believe; and I would much prefer to get the governor's permission straight.

Chairman WALSH. Sergeant at Arms, will you please step——

Capt. VAN CISE. I would like to go down with the sergeant at arms.

Chairman WALSH. Please step down one minute with the captain and tell the governor that the captain has some scruples about testifying on account of his oath, but that Gen. Chase is present before the commission and says there is no objection whatever to him stating what took place before the commission. You may make the statement yourself, Captain.

(At 11.20 the witness left the stand, accompanied by the sergeant at arms.)

Chairman WALSH. We will take a recess of five minutes.

(At 11.21 a recess was taken until 11.30.)

Chairman WALSH. Before this investigation started, Captain, did you have any conversation with the other members of the commission, either Capt. Danks or Maj. Boughton, as to the way in which the investigation was to be held and the witnesses that were to be called?

Capt. VAN CISE. I think not, until we met as a board. Capt. Danks and I went around trying to look up some evidence so that we could bring it before the board.

Chairman WALSH. What evidence did you discover before the investigation started?

Capt. VAN CISE. Practically none, Mr. Walsh.

Chairman WALSH. Practically none?

Capt. VAN CISE. We were looking in new fields other than those I had been to before the commission was appointed.

Chairman WALSH. I will ask you this question: Did you have any conversation with Capt. Danks and Maj. Boughton after you got into the investigation room with reference to the witnesses that were to be called?

Capt. VAN CISE. Whatever went on in there would be covered by my oath, Mr. Walsh.

Chairman WALSH. And you do not feel that you can answer on account of the oath you took when you went in there?

Capt. VAN CISE. That is correct.

Chairman WALSH. You have not been released from your oath by the governor?

Capt. VAN CISE. I have not.

Chairman WALSH. Now, how long did that investigation last?

Capt. VAN CISE. We commenced our session on Sunday and continued, I think, until Wednesday night.

Chairman WALSH. You construe your oath to be—I have never seen it—do you know whether or not it is a part of the military regulations?

Capt. VAN CISE. I believe it to be; yes, sir.

Chairman WALSH. And you understand that that covers anything that took place?

Capt. VAN CISE. Yes.

Chairman WALSH. Whether in the way of testimony or conversations between the officers or anything else after the investigation began?

Capt. VAN CISE. I believe so; yes, sir.

Chairman WALSH. That would include the witnesses called or the witnesses that you failed to call?

Capt. VAN CISE. Yes, sir; everything that transpired before us in any way, shape, or form.

Chairman WALSH. Was Mr. Low called, the man that was at the——

Capt. VAN CISE. I wouldn't be able to tell you who was or who was not called.

Chairman WALSH. On account of your oath?

Capt. VAN CISE. Yes.

Chairman WALSH. Was the finding of the body, the final finding of the body, so far as you were concerned, a fair and honest finding?

Capt. VAN CISE. It was absolutely so.

Chairman WALSH. In your opinion——

Capt. VAN CISE. I would have refused to sign anything I did not believe to be the truth or that did not state absolutely the facts. I think it was as thorough an investigation as we could make. I want to add—just a moment—I want to add one thing with regard to that, a few days after I got back to Denver, Mr. McLennan, the president of the miners in this State, met me on the street and he told me that that was the fairest report that would ever be written of the Battle of Ludlow.

Chairman WALSH. Have you that report with you?

Capt. VAN CISE. I have; yes, sir.

Chairman WALSH. Just read it into the record.

Capt. VAN CISE. It is quite a long report.

Chairman WALSH. How many pages?

Commissioner WEINSTOCK. Just read the findings.

Capt. VAN CISE. The conclusion really is at the first part of the article.

Chairman WALSH. Please pass that up and let us look at it. I want to get an idea of it.

Capt. VAN CISE. That is a newspaper copy. But I have checked it through and know it to be correct.

Chairman WALSH. Read the part you think would give us the heart of the thing, simply the conclusion, and then you can submit the balance for the record.

(The witness here read certain portions designated at the request of the chairman.)

(For full text of report, see Van Cise Exhibit No. 1.)

Capt. VAN CISE. That was the summary of the report.

Commissioner WEINSTOCK. I think that is all.

Chairman WALSH. What was the character of the men composing the National Guard units at Ludlow on April 20?

Capt. VAN CISE. I was not there on April 20.

Chairman WALSH. You knew who were? You know who were there?

Capt. VAN CISE. Company B of the Second Infantry was there under command of Maj. Hamrock.

Chairman WALSH. Who was Maj. Hamrock?

Capt. VAN CISE. He was major of the First Infantry.

Chairman WALSH. What was the personnel of the other officers that were left there on the 20th?

Capt. VAN CISE. Three lieutenants.

Chairman WALSH. Who were they?

Capt. VAN CISE. Lieuts. Linderfelt, Lawrence, and Bigelow.

Chairman WALSH. What was the personnel of the men who were with them, if you know?

Capt. VAN CISE. They had 32 men. Of the 32, I think 16 or 18 were men who had been transferred from other organizations to this company. These transfers came from Company A, First Infantry, Company A, Second Infantry, I think Company C of the Second Infantry, and a few from Company L of the First Infantry.

Chairman WALSH. Had any of them been mine guards or deputy sheriffs prior to this time?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. How many of them?

Capt. VAN CISE. I don't know; quite a few.

Chairman WALSH. Could you approximate of the 32?

Capt. VAN CISE. Not from personal knowledge, no, Mr. Walsh.

Chairman WALSH. Have you heard from any source within the military as to how many there were, mine guards or deputy sheriffs?

Capt. VAN CISE. Yes, sir; it would simply be hearsay. I was told by an officer that there were 17 enlisted on the 1st day of November, when we went into the district.

Chairman WALSH. I mean in those 32 that were at Ludlow on the 20th.

Capt. VAN CISE. Somewhere between 5 and 10.

Chairman WALSH. How were the troops paid, sheltered, and provisioned after the State funds were no longer available?

Capt. VAN CISE. Well, all the time we were down there in the field we received food and shelter. The pay was very late in coming to us, but we finally got it after returning to Denver.

Chairman WALSH. Was there any line drawn between the time the State funds ran short and the end of the service?

Capt. VAN CISE. When we were in the field first we were paid with certificates of indebtedness, which we immediately cashed at bank. Later, we got certificates of indebtedness and had to place them wherever we could, because there was no money to meet them.

Chairman WALSH. Did the troops at Ludlow, or elsewhere, to your knowledge, use machine guns or other weapons owned by the mining company?

Capt. VAN CISE. I think every machine gun that belonged to the coal operators was taken up at the time we took up the arms from the mine operators. The mine operators turned in, as I understand it, every gun, and the rifles and pistols were sent to Trinidad and the machine guns were sent back to the company from which they procured them.

Chairman WALSH. Did any machine guns remain in the field, or come into the field again after they had been taken from the mining companies?

Capt. VAN CISE. There were only two machine guns that I saw, one at Aguilar and one at Berwind Canyon.

Chairman WALSH. Have you ascertained any facts as to the fire at Ludlow since your investigation as a military committee?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. Please detail them.

Capt. VAN CISE. Why, the facts corroborated the story of the fight as we gave it in our report.

Chairman WALSH. What new and additional facts did you gather?

Capt. VAN CISE. Simply in regard to the killing of these three prisoners.

Chairman WALSH. What were these, please—those that you gathered after your investigation?

Capt. VAN CISE. Why, they all pointed to a murder of the prisoners.

Chairman WALSH. Do you feel free to state why you did not subpœna Mr. Low, the pump man at Ludlow?

Capt. VAN CISE. Why, I guess it would be a fair answer to that question, that Mr. LOW—I am pretty certain Mr. Low was called before us.

Chairman WALSH. You are pretty sure he was called before you?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. Did you subpœna any other railroad men that were there at that time?

Capt. VAN CISE. I don't believe I can tell you in regard to that, Mr. Walsh.

Chairman WALSH. Your committee, or your commission—the commission consisting of yourself, Maj. Boughton, and Capt. Danks did not make any finding holding any particular person responsible for the murder of these prisoners, if it was a murder?

Capt. VAN CISE. No. The only finding we made was that Lieut. Linderfelt hit Tikas over his head with a rifle; and we said the evidence before us was conflicting as to whether these men were compelled to run or were shot while trying to escape.

Chairman WALSH. Were the homes of the mine officers in any instances searched for arms when the miners' houses were searched?

Capt. VAN CISE. Of the mine officers?

Chairman WALSH. Yes, sir.

Capt. VAN CISE. You see, in the early part of the strike I did not have command over any coal company camps, so I could not state.

Chairman WALSH. Well, I will ask you in the searches you made did you search any localities in which superintendents or other mine officers resided?

Capt. VAN CISE. No; I did not. I searched only the town of Ludlow and the colony of Ludlow.

Chairman WALSH. Did you make any searches except under order?

Capt. VAN CISE. Yes; I searched one, not under orders. When I went out to investigate the alleged robbery of a farmhouse, I followed the tracks to this Greek ranch, about 10 miles east of Ludlow; and in searching for the other stolen goods I found these rifles and revolvers.

Chairman WALSH. Were there any houses at Ludlow in which mine superintendents or pit bosses lived?

Capt. VAN CISE. No. You see Ludlow is just a railroad hamlet. It is a shipping point for the coal companies that have their camps in the vicinity.

Chairman WALSH. I wish you would state what you observed as to the social and political conditions of the mining towns and camps in which you were located with your company in the strike down there?

Capt. VAN CISE. I had Hastings, Delagua, Forbes, and Rameyville, those four camps under my immediate control at some time or other. I observed Aguilar, the Southwestern mine, and the three camps up Berwind Canyon. The camps of the Victor-American, at Hastings and Delagua, I believe, were by far the best camps in that neighborhood. The houses seemed to be better, the canyon was more open, and they seemed to be much cleaner. With the exception of the C. F. & I. camp at Berwind, most of the houses were frame. In Berwind they had concrete houses that seemed to be very well built, and a superior class of house. In Delagua about half the houses were brick. They impressed me as the ordinary type of miner's houses, except at Forbes. Forbes is a pretty narrow, dirty canyon, and a place where they have to look around very carefully to find a location for a house. The living facilities, I should say, on the whole, were fair. The school facilities are at least good. I believe that in the coal camps the real cause for complaint of the miners is the un-American conduct of the closed camps; that is, the camps are absolutely closed to anybody but the people that the companies wished to have in the camp. Consequently there is very little freedom of action.

Chairman WALSH. Were English-speaking strikers in the town or in the camp in the tent colony?

Capt. VAN CISE. There might have been a few strikers in Ludlow town; I don't know of any. Nearly all of them were in the colony itself.

Chairman WALSH. That included both English-speaking and non-English-speaking strikers?

Capt. VAN CISE. Yes; and when we took a census of the men in the colony, we took the names of all the men in the colony; and I think that out of 270 men we found only about 5 Americans. The rest were foreigners.

Chairman WALSH. Could a good many of the foreigners speak English or not?

Capt. VAN CISE. I should say about half of them could.

Chairman WALSH. I wish you would state anything else you observed as to the political and social phenomena that existed in these camps. When I interrupted you you were speaking of the closed condition of the camp being a source of irritation to these men, as they expressed it to you.

Capt. VAN CISE. After I got back from the field I wrote an article for my own files, so I have memoranda available, and I will read you an extract or two from that, as to my views:

"On the merits of the strike much can be said on both sides. A premise to any fair statement must be that there is little law in Las Animas and Huerfano Counties, where operators and miners are participants. Personal injury cases against operators are doomed to defeat. The sheriff's office is the employee of the corporation, and representative government exists only on paper. The coal mines are in narrow, barren canyons, almost devoid of water, on lands owned or leased by the companies. The houses in the main are good, the majority electric lighted, and the rents are reasonable. The company stores sell at the same price as the same goods sell in Trinidad, and carry stocks far larger and more diversified than do the independent traders adjoining the coal camps. The school facilities are at least average, and the school building is the usual place for the moving-picture shows, dances, and other entertainments of the camp; but it is not open for any assembly of men to discuss social welfare, wages, or law enforcement, nor are the men allowed to go there for that purpose. The employment of mixed nationalities also keeps the men from gathering."

My general impression down there, Mr. Walsh, was that in regard to violence the strikers had more to gain from violence than the operators. The operators have to risk having their mines burned up, their properties destroyed, and their men run off, whereas the strikers had little to lose. And in a great majority of the cases the violence indulged in by the strikers was before I arrived in

the field, but I find from observation that in nearly every canyon the situation was different. In one place you would find a mining company that was very good toward its men, and toward the strikers in the vicinity; that is, the mine guards stayed on its own property and behaved themselves. At the very next canyon you might find where the mine guards had gone out and precipitated trouble, and in one place you would find that the strikers had started the trouble. It seemed to be pretty nearly six of one and a half dozen of the other. Later, it seemed like the strikers had more of an ascendency and were trying to push on their advantage.

After the Battle of Ludlow, however, there was hardly an instance in which the strikers were not the aggressors. The case I know of personally, and the only case I know of personally, was the Battle of Forbes. The night before the Battle of Forbes we were in camp at Ludlow and reliable information was received that the Forbes camp would be attacked by the strike breakers at dawn. Several of the officers went to the officer in command of the camp and begged for permission to take their company down and protect the camp; and we were told that under the orders of the governor no troops could go south of Ludlow. The next morning about 4 o'clock we were awakened by the rattle of small arms and a machine gun. That was very audible, coming from the direction of Forbes, about 5 miles away. The fighting was quite intense for a while and then died down. We could not go to the rescue of that camp. That resulted in an immense amount of dissatisfaction among the men in the camp. Our companies all felt that they were being condemned as cowards by the people there, and the Rocky Mountain Fuel Co. felt that they would be murdered and no effort made to protect them in any way, shape, or form.

Chairman WALSH. I want to ask you this question: Is it your opinion that the employment of guards led to violence on the part of the strikers, or that violence on the part of the strikers led to the employment of the guards? In other words, which was the cause and which the effect?

Capt. VAN CISE. I was not down there, of course, until the 28th of October. All that happened before that is simply from hearsay and from what I tried to find out. It looked like the situation or condition in nearly every canyon differed. In some canyons it looked like employment of the guards had precipitated trouble, and in other canyons it looked like the procuring of rifles by the strikers was the cause of the trouble.

Chairman WALSH. Do you know what the political and social powers of the mine superintendent in the various camps are?

Capt. VAN CISE. Well, the mine superintendent was the absolute boss of the closed camps. The camp marshal carried out his orders, was the police force, the health officer, and could arrest various parties and bring them before the justice of the peace; and I always thought that the strikers had a just complaint on being ordered out of the canyons. Of course, it was coal-company property, private property. But they had practically no rights, once they got on the private property of the coal operators.

Commissioner WEINSTOCK. Will you repeat that, please? I did not catch that.

Capt. VAN CISE. I said I thought that the strikers had a just complaint on the closed camps of the operators. When you get in a closed camp you are either allowed to own no property, or if you own any your rights in the camp are absolutely subject to the coal companies. Now, the coal companies are in some cases, of course, tyrannical, and in other cases they are fair—very fair; but it makes a very bad situation. If any person is in the camp where the company owns it, if he doesn't do as wanted he can be ordered out of the camp. I always thought that the strikers had a very just grievance in the un-American operation of the coal camps.

Chairman WALSH. Are the employees permitted to maintain their lodges and other societies?

Capt. VAN CISE. There was one lodge of Montenegrins at Berwind. I never made any investigation, but I know one lodge was maintained there, or had been.

Chairman WALSH. I am going to ask you a general question: In your opinion, did constitutional democratic government exist in those camps in which you were located, as you understand it from your days at school and from your observation since you have left school?

Capt. VAN CISE. It did, except that the sheriff, as nearly as I could judge, was absolutely dominated by the coal companies in Las Animas County. I was not in Huerfano County, and could not say. The sheriff was absolutely friendly

with the company and hostile toward the strikers. Of course, he gave for his excuse for that that the strikers had been continuously assaulting his deputies. But in a coal camp it don't exist in the full sense of the term, because the men are not free to act as they see fit.

Chairman WALSH. I will ask you the question: If the civil or property rights of the individual, as known in the other parts of the United States, exist in those closed camps?

Capt. VAN CISE. I do not believe so. I do not believe that property was sold to any of the employees.

Chairman WALSH. Please state what you know, if anything, about the treatment of prisoners by the military authorities.

Capt. VAN CISE. I know nothing, except the prisoners that I actually had.

Chairman WALSH. And your treatment of those prisoners was proper, as you describe it?

Capt. VAN CISE. I think so. We compelled them to work, of course.

Chairman WALSH. Do you know by hearsay or by any means whether or not what is commonly known in police circles as the "third degree" was ever administered to prisoners that had been arrested and charged with crime, in an effort to force them to confess?

Capt. VAN CISE. There has been all sorts of assertions on both sides of that, that I have heard; but nothing I would express an opinion on.

Chairman WALSH. Nothing you think of sufficient credit to detail to the commission?

Capt. VAN CISE. No; I have heard so much on both sides. There has been a lot of talk on both sides. I know nothing from my own personal knowledge in any way, shape, or form.

Chairman WALSH. Were you ever directed to recruit mine guards for your company?

Capt. VAN CISE. No, sir.

Chairman WALSH. You will be excused.

(Mr. van Cise submitted an article entitled, "The Colorado Strike Situation," which is printed as "Van Cise Exhibit No. 2.")

We will call Maj. Danks.

TESTIMONY OF MAJ. WILLIAM C. DANKS.

Chairman WALSH. State your name, please.

Maj. DANKS. William C. Danks.

Chairman WALSH. What is your business?

Maj. DANKS. Attorney at law.

Chairman WALSH. How long have you lived in the State of Colorado?

Maj. DANKS. About eight years.

Chairman WALSH. Are you a member of the Denver bar?

Maj. DANKS. Yes, sir.

Chairman WALSH. How long have you resided in Denver?

Maj. DANKS. Eight years.

Chairman WALSH. Were you ever a member of the National Guard?

Maj. DANKS. Of Colorado?

Chairman WALSH. Yes, sir; of Colorado.

Maj. DANKS. Yes, sir.

Chairman WALSH. What is your connection with the guard? What is your rank?

Maj. DANKS. Well, I have been a member all the way from private up to major.

Chairman WALSH. Did you go out with the first troops that were called out by the governor?

Maj. DANKS. In the last strike?

Chairman WALSH. Yes.

Maj. DANKS. Yes, sir; I did.

Chairman WALSH. Was that your first service in a strike region?

Maj. DANKS. Well, I would hardly say so. I was in the Spanish-American War, and, in fact, have been connected with the National Guard of Illinois and of Colorado ever since 1898.

Chairman WALSH. Well, confining it to Colorado, was that your first experience in the industrial disturbance?

Maj. DANKS. My first experience; yes, sir.

Chairman WALSH. Where were you detailed to go?

Maj. DANKS. Hastings and Delagua.

Chairman WALSH. I wish you would state briefly your opinion as to the cause of feeling that came up between the National Guard and the strikers leading up to the trouble at Ludlow.

Maj. DANKS. I don't know that I am in a position to say much on that subject.

Chairman WALSH. Have you any opinion of what caused the feeling between the strikers and the National Guard?

Maj. DANKS. I have some opinion, but it would be based entirely upon what others have told me. My duties did not bring me in contact with the mine guards nor with the militia in the field at all.

Chairman WALSH. What were your duties?

Maj. DANKS. I was assigned to the judge advocate's department and spent part of my time at Trinidad and part at Walsenburg, so really I did not have a chance to associate with other—with either of the elements as they came in contact with each other.

Chairman WALSH. To your knowledge, were there any mine guards, strike breakers, or other employees of the operators in the National Guard?

Maj. DANKS. I think it is generally understood there were a few.

Chairman WALSH. Was protest made by yourself or any officer of the National Guard against the enlistment in the National Guard of mine guards, strike breakers, or other employees of the operators?

Maj. DANKS. There was none by me.

Chairman WALSH. Did you hear of any being made by anyone else?

Maj. DANKS. I could not say that I did.

Chairman WALSH. Were you acquainted with the personnel of the National Guard units at the Ludlow on April 20?

Maj. DANKS. No, sir; I was not.

Chairman WALSH. Did the troops at Ludlow use the machine gun owned by the Colorado Fuel & Iron Co.?

Maj. DANKS. Our investigation disclosed that they did.

Chairman WALSH. Have you ever been asked to accept mine guards, strike breakers, or other employees of the operators for enlistment in your company?

Maj. DANKS. Not that I know of. I did not have charge of my company. I was relieved and never went back to the company.

Chairman WALSH. To your knowledge was anyone ever requested to accept guards or strike breakers for enlistment in any company you are familiar with?

Maj. DANKS. That is entirely foreign to me—it was at that time—and I am not advised.

Chairman WALSH. Did you know anything of an armored automobile owned by the Colorado Fuel & Iron Co. that was said to have been used by officers of the Colorado National Guard in the strike zone?

Maj. DANKS. I understand that the automobile used by the judge advocate's department that I was assigned to was at one time an armored car. There was no indication of it, but I have understood it generally.

Chairman WALSH. Were you acquainted with Lieut. Linderfelt?

Maj. DANKS. Yes, sir.

Chairman WALSH. What sort of a man was he—Lieut. Linderfelt—E. K. Linderfelt?

Maj. DANKS. So far as I have known him, he is a well-educated man, quite an intelligent-appearing man. He had had considerable experience, I think, in Mexico, and I think was quite well posted in guerilla warfare and the like of that.

Chairman WALSH. What were his personal characteristics, if you know.

Maj. DANKS. Personally, so far as I know anything about him by being in contact with him, he was a gentleman in every respect. At times he would use profane language, but there may have been provocation.

Chairman WALSH. Did you ever protest to the general that Lieut. Linderfelt was not a proper man to be in a position of authority in the National Guard?

Maj. DANKS. Not in those words; no. I did at one time take it up with Col. Boughton—I took up with him to the effect that, not knowing whether Lieut. Linderfelt was guilty of charges made or not, yet for the good of the service it might be well to eliminate him for the good of the service.

Chairman WALSH. When was that?

Maj. DANKS. Long before the Battle of Ludlow. That is, when we were in the field.

Chairman WALSH. How is that?

Maj. DANKS. It was when we were in the field; it was quite a while before the Battle of Ludlow.

Chairman WALSH. Approximately how long before the Battle of Ludlow was it?

Maj. DANKS. That I could not state; it was while I was there at Trinidad and about the time of the newspaper comment. I formed no opinion as to his guilt or innocence, but felt that for the good of all concerned it might be well to eliminate him.

Chairman WALSH. Please state whether or not any third-degree methods were used by the officers or agents of the military to extract confessions or information from the strikers or others under arrest?

Maj. DANKS. Not to my knowledge. I had immediate charge of Mr. Ulich myself.

Chairman WALSH. Who?

Maj. DANKS. Robert Ulich.

Chairman WALSH. Please state the circumstances about Ulich.

Maj. DANKS. I don't know that it would bear on the subject only my knowledge as to the fact would be with that particular prisoner.

Chairman WALSH. What were the circumstances of the treatment of that particular prisoner?

Maj. DANKS. Now, I don't know what he says about it. He was in there and I personally took books and things over to him.

Chairman WALSH. In where was he?

Maj. DANKS. In the jail at Trinidad.

Chairman WALSH. What was he charged with?

Maj. DANKS. We filed no charges against anyone; we just put them in jail and detained them.

Chairman WALSH. Why did you mention his name?

Maj. DANKS. I spent the most of my energies and time in trying to see that the governor and the military did nothing but what was upheld by the law of the land, and in the case of detention I was careful to see that that alone was carried out and that no punishment inflicted, but that they were simply detained.

Chairman WALSH. And, so far as you were concerned, you did not apply any unlawful methods, or any force or violence to any prisoner?

Maj. DANKS. No, sir.

Chairman WALSH. Or do you know of any prisoner that did?

Maj. DANKS. No, sir; and in my visits to the jail I came in contact with other prisoners and observed nothing.

Chairman WALSH. Did any of them make any complaint to you that they had been improperly treated in attempting to extort confessions from them?

Maj. DANKS. No complaints to me.

Chairman WALSH. No complaint to you?

Maj. DANKS. No, sir. I think some affidavits were made, but they did not come under my control?

Chairman WALSH. Who made the affidavits?

Maj. DANKS. I think it was Mario Zena.

Chairman WALSH. To whom were the affidavits given?

Maj. DANKS. That I could not say; they were probably given to Mr. Lawson or some——

Chairman WALSH. This name which you mentioned, I wish you would briefly state why you mentioned that name; I do not understand why you mentioned it.

Maj. DANKS. I mentioned it—I mean to say that he was the only prisoner I had immediate charge of, and that to my knowledge there were no—nothing bordering upon third-degree tactics in any instance.

Chairman WALSH. And no claim that any such treatment was accorded anyone?

Maj. DANKS. I never heard of it.

Chairman WALSH. Or this man you speak of?

Maj. DANKS. No; he is an able man and very fluent, and he would have stated it if there had been anything of the kind.

Chairman WALSH. That is all; thank you, Major; you will be excused.

TESTIMONY OF GEN. JOHN CHASE.

Chairman WALSH. State your name, please.

Gen. CHASE. John Chase.

Chairman WALSH. What vocation do you follow in civil life, General?

Gen. CHASE. Physician.

Chairman WALSH. How long have you been connected with the National Guard of the State of Colorado?

Gen. CHASE. I joined in 1888—1887 or 1888—and served for a few months and then resigned and returned to the service in 1895, and, with the exception of about three months, have been in the service ever since.

Chairman WALSH. Please state how long you have held the office of adjutant general.

Gen. CHASE. Since April, 1909.

Chairman WALSH. Please state as fully as you can, without going into detail, your experience as manager of the troops in the strike zone, Gen. Chase.

Gen. CHASE. Please ask me specific questions.

Chairman WALSH. When did you first act as manager of the troops in the strike zone of Colorado?

Gen. CHASE. In 1903 at Colorado City.

Chairman WALSH. How long did that strike last?

Gen. CHASE. Twenty-three or twenty-four days.

Chairman WALSH. How many troops were in the field at that time?

Gen. CHASE. About 400.

Chairman WALSH. Did they engage in any battles?

Gen. CHASE. No, sir.

Chairman WALSH. None whatever?

Gen. CHASE. No, sir; a few shots were fired.

Chairman WALSH. Were any persons killed by the troops, or any militia killed by the others?

Gen. CHASE. No, sir.

Chairman WALSH. That was when?

Gen. CHASE. In March, if I remember, 1903, at Colorado City.

Chairman WALSH. Were you in the——

Gen. CHASE (interrupting). I was not adjutant general then.

Chairman WALSH. Were you in any other strike preceding that, in any capacity in the militia?

Gen. CHASE. Yes, sir.

Chairman WALSH. Where was that?

Gen. CHASE. At Leadville.

Chairman WALSH. When?

Gen. CHASE. In 1896 or 1897.

Chairman WALSH. How long were you in the field at that time, General?

Gen CHASE. I think continuously about six weeks.

Chairman WALSH. What was your rank in the military at that time?

Gen. CHASE. First lieutenant of cavalry.

Chairman WALSH. Were there any casualties in that strike?

Gen. CHASE. I do not think so.

Chairman WALSH. You do not recall any?

Gen. CHASE. No.

Chairman WALSH. Did you have any battles?

Gen. CHASE. No, sir; there was a battle before we went in there in which a large number of men were killed.

Chairman WALSH. Sir?

Gen. CHASE. I say, there was a battle before we went in there in which a number were killed.

Chairman WALSH. But none in which the militia was engaged?

Gen. CHASE. No, sir; we had several skirmishes and were fired on several times.

Chairman WALSH. How many men were in the field at that time?

Gen. CHASE. About 800 would be the maximum.

Chairman WALSH. About 800?

Gen. CHASE. Yes.

Chairman WALSH. Were you engaged in the strike area when men were deported during the strike?

Gen. CHASE. That was at Cripple Creek later.

Chairman WALSH. Were you in the field at that time?

Gen. CHASE. They were not deported while I was in command.

Chairman WALSH. Do you know anything personally about that?

Gen. CHASE. No, sir.

Chairman WALSH. When did you first assume charge of the strike zone in the present strike?

Gen. CHASE. October 28, 1913.

Chairman WALSH. Describe the situation as you found it when the National Guard first went into the strike zone.

Gen. CHASE. I found in a territory 100 miles long a condition of turmoil and terror, each side of the controversy being in mortal fear of the other and each side welcoming the arrival of the troops and recognizing the absolute failure of the civil authorities to preserve peace.

Chairman WALSH. Please state the attitude of the strikers to yourself when you first went in there.

Gen. CHASE. Suspicious at all times.

Chairman WALSH. What was their conduct toward your company?

Gen. CHASE. Four days after we arrived there they murdered four men at La Veta, and a few days after we came there was another murder at Aguilar, and they blew up property up Purgatoire River in two or three places.

Chairman WALSH. When was that?

Gen. CHASE. A few days after we came, and burned the Southwestern tipple.

Chairman WALSH. What was their conduct toward yourself and the troops?

Gen. CHASE. Always suspicious.

Chairman WALSH. What was their outward manifestation of it? Were they hostile and used bad language?

Gen. CHASE. Yes, sir. On Saturday night after we reached there——

Chairman WALSH (interrupting). What was the day you went there?

Gen. CHASE. I think probably Friday—no; it was Sunday we were called out. I think we got down there about Monday or Tuesday.

Chairman WALSH. What were your orders as to disarming the mine guards and strikers in the strike zone and also——

Gen. CHASE. In some cases we disarmed both the mine guards and the strikers—in some places some of each, and in other places none of each. In Starkville 200 guns were in the hands of the strikers, and they were registered, with Capt. Frost in command—a description of the guns registered. When we thought that the men were not telling the truth their houses were searched and the guns taken.

Chairman WALSH. How were the orders given as to the search for guns, say—would that apply to the houses of mine officials as well as mine workers?

Gen. CHASE. Yes, sir.

Chairman WALSH. Go ahead, General.

Gen. CHASE. In some districts the guns were taken entirely out of the operators' hands; in others, registration was made of them.

Chairman WALSH. How many guns were turned in to your troops, General, first, by mine guards?

Gen. CHASE. I will have to see the record to tell that.

Chairman WALSH. Could you approximate it? We are just trying to get a more or less general idea.

Gen. CHASE. I removed 82 mine guards from Berwind Canyon. When we went up there they all had guns and they were all taken up, and the same thing from Hastings and Aguilar—in the neighborhood of 200 guns in that one district in the hands of mine guards.

Chairman WALSH. How many from the other districts?

Gen. CHASE. Well, we had something over 2,000 guns in our possession, and I think three-fourths of them were from the mine guards and the operators. I could not tell exactly except by looking over the list.

Chairman WALSH. I did not get the figures exactly that you gave.

Gen. CHASE. About 2,000 guns in our possession, and about three-fourths of them from mine guards and operators.

Chairman WALSH. And about how many from the mine guards and operators?

Gen. CHASE. About three-fourths of them.

Chairman WALSH. How were those arms—how would you describe them—as guns or rifles or revolvers?

Gen. CHASE. I could not state the proportion; no, sir.

Chairman WALSH. Please state when it became necessary to organize a military commission.

Gen. CHASE. The date of the order will show that better.

Chairman WALSH. Was this commission appointed to investigate the conditions at Ludlow?

Gen. CHASE. No, sir.

Chairman WALSH. What was it for?

Gen. CHASE. A commission to assist me in examining the prisoners. There were so many I could not do it all; that was a military commission and not a court.

Chairman WALSH. Who served upon that commission? Who was appointed on it?

Gen. CHASE. I can give you a copy of the order if you want it for the record.

Chairman WALSH. I prefer that. Where they can be obtained; we have copies of all of the orders.

Gen. CHASE. I have not published them; we have the originals.

Chairman WALSH. Will you have copies made and turn them over to us?

Gen. CHASE. Yes, sir.

Chairman WALSH. Then I will not ask you some questions which I had intended to.

(See Chase exhibit at the end of this subject.)

To what extent did the military commission in the Trinidad district supersede the civil authorities in trying men accused of unlawful acts?

Gen. CHASE. They never authorized or never tried the men.

Chairman WALSH. Were persons arrested by the military?

Gen. CHASE. Yes, sir.

Chairman WALSH. You say yes?

Gen. CHASE. Yes, sir; and the commission—the military commission examined them and made a report to me, Mr. Walsh, as to their judgment as to whether or not the particular man was guilty or it was necessary to detain him. The action was taken by myself; they were simply an advisory board.

Chairman WALSH. And, following the recommendation of the commission, the matter was presented to the civil court?

Gen. CHASE. To me, and I would act. Some were returned to the civil court and some released and some held.

Chairman WALSH. Those returned to the civil courts—did you have any further—exercise any further authority over them?

Gen. CHASE. I don't think I had occasion to.

Chairman WALSH. Were any persons deported or told to leave the district?

Gen. CHASE. None by my approval; I would have stopped it if I had heard of it.

Chairman WALSH. You say some were held—those were held without trial?

Gen. CHASE. Yes, sir.

Chairman WALSH. About how many altogether?

Gen. CHASE. I can give you a copy of the judge advocate's report on that.

Chairman WALSH. Approximate it, please.

Gen. CHASE. About 175 were tried—examined by the commission, as I remember it. Now, your question was how many were held?

Chairman WALSH. Yes; how many were held that were not turned over to the civil authorities?

Gen. CHASE. Some were held for a brief period and turned away. I don't recall any, except like Zancanelli, who murdered Belcher. He was turned over to the civil authorities for trial.

Chairman WALSH. What were the regulations in regard to the men belonging to the National Guard on the strike service as to their change? Did the personnel of the men on strike service change?

Gen. CHASE. Yes, sir.

Chairman WALSH. Why?

Gen. CHASE. Because many of our men are the sole support of families and others occupied positions of great authority, and it has always been the practice in this State to relieve those men as rapidly as possible and get other suitable men in their places.

Chairman WALSH. Were there any mine guards, strike breakers, or employees of the operators enrolled in the National Guard in the strike zone?

Gen. CHASE. I would have to look at the papers. We made no effort to get these men, but I know that some served in the guard that was afterwards found to have been such. I can get it from the record.

Chairman WALSH. Where do you keep those records?

Gen. CHASE. In my office.

Chairman WALSH. In this building?

Gen. CHASE. Partly in this building and part in the brigade headquarters in the Majestic Building.

Chairman WALSH. Did you finally analyse your enlistment?

Gen. CHASE. No, sir; I had no occasion to.

Chairman WALSH. How did you find out they were employed as mine guards?

Gen. CHASE. When the special session of the legislature convened it was a question they went into very deeply in regard to the personnel of Troop A and Company B, Second Infantry, and I made a careful analysis of those men when my attention was directed to it, and there must have been enlisted 11 mine guards in Troop A, as I remember it. We had about 2,000 men in the field at various times.

Chairman WALSH. Was that report to the legislature?

Gen. CHASE. Yes.

Chairman WALSH. Does it appear in the legislative proceedings?

Gen. CHASE. Yes.

Chairman WALSH. Was it printed?

Gen. CHASE. Yes, sir.

Chairman WALSH. That is the one you referred to?

Gen. CHASE. Yes, sir; those two organisations.

Chairman WALSH. Did you make any analysis of any of the others?

Gen. Chase. No, sir.

Chairman WALSH. Would it be possible to do so?

Gen. CHASE. Yes; but it would be difficult, because many of the men in this western country are floaters. This analysis I made of the two organisations required my whole office force of all kinds for two days to get the facts about it.

Chairman WALSH. How did they happen to be enlisted?

Gen. CHASE. Who do you mean?

Chairman WALSH. The mine guards and strike breakers.

Gen. CHASE. When they were thrown out of employment they were seeking employment. Being relieved at the mines, many would come in for recruiting.

Chairman WALSH. Was there any compensation paid them other than was paid by the State?

Gen. CHASE. With the exception of those mine guards who worked at Sopris, who when they filled out their commission returned and the men that took part the next afternoon in the battle of Ludlow; I have been told they were paid by the mines just as others were paid by business houses.

Chairman WALSH. Was there any objection made to the enlistment of men who had been mine guards, in the National Guard?

Gen. CHASE. I can not think of any; not because they were mine guards.

Chairman WALSH. It was on account of their personal characteristics then?

Gen. CHASE. Yes.

Chairman WALSH. Please state how troops in the strike zone were paid; the soldiers and officers?

Gen. CHASE. Some have not been paid yet, of whom I am one. The first the governor arranged for was for $150,000; that was to pay for horses and the men as far as it would go. That $150,000 was finally paid. I think all of the men were paid their wages.

Chairman WALSH. Did the mine companies advance any money to take care of these things?

Gen. CHASE. Do you mean to individuals?

Chairman WALSH. Yes.

Gen. CHASE. Yes; for some services, I am told.

Chairman WALSH. They did not pay any money direct to the State for that service, then?

Gen. CHASE. No.

Chairman WALSH. I am requested to ask you why the legislature, if you know, selected the two companies you named for analysis?

Gen. CHASE. That is because they were in the field not uniformed and not officered at the time. Troop A was not, and the charge was made that they were entirely made up of gunmen, but there was no truth in it.

Chairman WALSH. Did you or your other officers consult with the mine companies over questions of policy concerning the policing of the strike zone?

Gen. CHASE. I had complaints, lots of them, but there was no consultation with anyone except the governor of the State.

Chairman WALSH. Did your troops use the machine gun or other weapons owned by the mine companies?

Gen. CHASE. Two guns used in the Ludlow fight were those of the mine companies.

Chairman WALSH. Did you use any of the ammunition that was taken from the mine companies or the strikers?

Gen. CHASE. Not that I know of; it would not have fitted our guns. Our ammunition is made by the Frankfort Arsenal.

Chairman WALSH. You did not use any of their ammunition in your guns?

Gen. CHASE. No, sir; not that I know of.

Chairman WALSH. Were any complaints made to you by soldiers or officers as to Lieut. Linderfelt, General?

Gen. CHASE. You mean while he was in the service?

Chairman WALSH. Yes; in the strike zone?

Gen. CHASE. No; a soldier does not complain of his superior officer. There were no charges filed against him. There was a great deal of criticism brought against him by the people, papers, and strikers.

Chairman WALSH. What did you state about a soldier not complaining about his superior officers?

Gen. CHASE. Soldiers do not complain to their commanding general about the habits of their superior officers.

Chairman WALSH. How do you get the complaints?

Gen. CHASE. File charges against him and have a court-martial and have it brought up.

Chairman WALSH. There were no charges filed against him, charging him with brutality or anything of that kind?

Gen. CHASE. By soldiers; no.

Chairman WALSH. By officers?

Gen. CHASE. No.

Chairman WALSH. Did you have any investigation made by any officers of his conduct of your own volition?

Gen. CHASE. Yes, sir.

Chairman WALSH. What officer?

Gen. CHASE. Maj. Hamrock had my order to investigate the incident of tripping a horse by the barbed wire and the alleged striking of a boy on the Ludlow station platform.

Chairman WALSH. Did you have any further investigation made by any other officer?

Gen. CHASE. Yes, sir.

Chairman WALSH. By whom?

Gen. CHASE. I think I went myself.

Chairman WALSH. Sir?

Gen. CHASE. I think I went up myself.

Chairman WALSH. You went up yourself?

Gen. CHASE. Yes.

Chairman WALSH. Does the adjutant general, under military ethics, take any action when charges are not filed—when written charges are not filed?

Gen. CHASE. I was not in the field as adjutant general. It seemed necessary for me to command the troops, and I could not command as adjutant general. The governor directed in his order that I should assume command of the troops.

Chairman WALSH. What was your rank?

Gen. CHASE. I was brigadier general by virtue of the office.

Chairman WALSH. A witness on the stand, Mr. Brewster, stated that you were—Prof. Brewster stated that you were in constant communication with Judge Northcutt; is that correct or not?

Gen. CHASE. He is the one particular man that disturbed us in the first two weeks down there more than any other, striker or operator.

Chairman WALSH. Who was that?

Gen. CHASE. Mr. Northcutt.

Chairman WALSH. Did you take any orders from him?

Gen. CHASE. Not from Mr. Northcutt.

Chairman WALSH. What did his disturbance consist of?

Gen. CHASE. Always telling me what to do and how to do it.

Chairman WALSH. Did you carry out his instructions as to what to do?

Gen. CHASE. I should say not.

Chairman WALSH. We will now take an adjournment until 2 o'clock. Please be back at that time, General.

(A recess was here taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will be in order. Gen. Chase will resume the stand.

Commissioner Weinstock has marked some testimony of another witness here, General, and said he thought, in justice to you, I should ask you the questions right from that record, which I will be glad to do [reading]:

"We had a conference with Gen. Chase. Now, certain things transpired there that, unless Gen. Chase will give me his permission to say, I will not mention, because they reflect upon his ability as a commander. They reflect upon his temperament. He and I agreed that the matter was over. It was all taken down stenographically, and he promised a full stenographic report of our communication and his talk with us and our talk with him, but we tried several times to get it and it was never obtainable. We did not want to be put in the hole by publishing what had not been said and done there, but we wanted that for our own use. He promised it to us and we sent for it several times, but he never gave it to us."

Do you know to what that refers, General?

Gen. CHASE. Yes, sir. There was a pretty sharp difference of opinion between Prof. Brewster and myself regarding the legal status of the military in these controversies, and we discussed it in rather a sharp manner. I withdrew a statement I made and directed the stenographer to extend it in the notes; and I was talking pretty rapidly, both before and after, and the stenographic notes—it was a good many days before the notes were extended. As a matter of fact, I don't know whether they were ever fully extended. There was nothing that might not have been published, but what he might have had a copy of.

Chairman WALSH. Do you remember the gist of it so you can say substantially what it was?

Gen. CHASE. After he testified the other day, I tried to remember the subject. I think it was connected with the legal status of the military, and in that connection he made some incendiary remarks, and I told him that if he talked on the street as he was talking in the room I certainly would be compelled to lock him up. That is as I remember it. And then I withdrew that remark. I told him, "I don't think you will do that," and I withdrew the remark.

Chairman WALSH. Then there is another [reading]:

"We have the usual constitutional provisions that there shall be no unreasonable search or seizure.

"We have all the common constitutional provisions, the result of centuries of work and effort to preserve constitutional liberty.

"I want to say that in the course of these violations of the plainest constitutional provisions, where union men were not concerned, was the search of Mrs. Hall's house."

Do you know that circumstance?

Gen. CHASE. Yes.

Chairman WALSH. And if so, we would like you to make a statement as to that.

Gen. CHASE. We heard reports from three reputable citizens that arms had been taken into the home of Mrs. Hall, and I sent a detail of men to find out, and if so to gather the arms.

Chairman WALSH. Were you present yourself?

Gen. CHASE. No, sir.

Chairman WALSH. It was a search without a warrant or anything of that kind?

Gen. CHASE. Oh, yes—yes, sir.

Chairman WALSH. I think there are a number of questions here now upon this matter of search warrants, and I want to see if I can not frame one question that will clear that up.

Commissioner WEINSTOCK. Yes.

Chairman WALSH. You differed, then, from Prof. Brewster as to your legal status.

Gen. CHASE. He differed from me.

Chairman WALSH. He differed from you?

Gen. CHASE. Yes.

Chairman WALSH. Briefly state your own position and his.

Gen. CHASE. I think, to be fair to him, as nearly as I can remember, his position was that he considered the military arm simply as a local police force, and

having the powers of a posse comitatus. And I stated very clearly what I understood our powers to be.

Chairman WALSH. He says that there is a constitutional provision that no imprisonment shall be held to secure evidence, and that no one shall be held as a witness except just so long as he may be taken before a magistrate to make his deposition. That is a constitutional provision of extreme importance. Men were arrested and held for various lengths of time—40 days, some 53 days, 55 days, and some were discharged without any charge ever having been made against them. Is that correct?

Gen. CHASE. Yes, sir.

Chairman WALSH. There were some held as many as 55 days?

Gen. CHASE. I presume so.

Chairman WALSH. Do you know how many?

Gen. CHASE. No, sir. Of course, we held those under what we deemed the law of our State and of the land, as stated in the Moyer decision.

Chairman WALSH. He seemed to make a point on the Moyer decision—that it was based, in part, at least, on the fact that the governor had declared that an insurrection had taken place in the territory.

Gen. CHASE. I think, Mr. Walsh, that was the subject of our controversy, now that I recall it; and I remarked to him that the proclamation of martial law was simply the enunciation of the fact. That is what excited him.

Chairman WALSH. He stated that when charges were brought to you that you did not entertain them, and he cites a case where a militiaman was charged with abusing young girls in Trinidad, and that the Rev. Randolph Cook went to you and that you in a very forcible manner—or, that he said he wanted the matter looked into, and that you in a very forcible manner said he was attempting to besmirch the uniform of the soldiers and would not listen to him.

Gen. CHASE. The Rev. Cook came to me with the complaint that young girls were being ruined by the soldiers. I at once called for the names of the soldiers and the time when it occurred, or even any conversations, but he did not know any names or any time. He knew nothing except the wildest rumors from people whom he was unwilling to name. I told him then in plain terms that if his own heart was not crooked or nasty he would not bring such stories to me without some foundation.

Chairman WALSH. I see here marked this:

"When I speak of Linderfelt I don't hesitate to say that his moral character is bad, and that he is such a brute, as officer after officer will tell you, that he is totally unfit to be in the company of anyone."

To your knowledge, was the reputation—was the character of Lieut. Linderfelt bad?

Gen. CHASE. I have known Linderfelt's family; his mother and two brothers for 20 years. His ancestors came over from the old country and became American citizens of pure, clean home life.

Chairman WALSH. What is his reputation for morality?

Gen. CHASE. Good.

Chairman WALSH. And peace and quiet?

Gen. CHASE. Good.

Chairman WALSH. Again, Prof. Brewster says:

"I saw that morning a small Greek boy that Linderfelt had abused the night before, and whose head was split open, a Greek boy, a small fellow, who could not speak English, who had a ticket from Ludlow to Trinidad, and who had been attacked in the station at Ludlow as he was about to take the train—attacked by Linderfelt. Ten witnesses testified to these facts, among them people who were in no way connected with the company. Mrs. Hollearin and others heard this racket and knew the boy was beaten; that same evening, December 30, Linderfelt seized Tikas by the throat, and one of Linderfelt's own men separated them before Linderfelt could do some serious damage to Tikas."

Do you know anything about that?

Gen. CHASE. Yes; I believe a report was made to me and is printed in full in my report on my occupation, a copy of which has been furnished you.

Chairman WALSH. Was that the same thing about which the investigation was had?

Gen. CHASE. That is.

Chairman WALSH. Both instances?

Gen. CHASE. Really, the matter was connected with one incident, the tripping of a horse with barbed wire.

Chairman WALSH. That was the barbed-wire incident?

Gen. CHASE. Yes, sir.

Chairman WALSH. And did these facts appear in the barbed-wire incident, as the statement by Prof. Brewster shows in the record?

Gen. CHASE. No, sir; did not.

Chairman WALSH. That he hit the Greek boy?

Gen. CHASE. The Greek boy said it didn't hurt him a bit. He was sent down to our general surgeon after the complaint had been made, and the surgeon found no injury.

Chairman WALSH. Was it charged that he seized Tikas by the throat?

Gen. CHASE. Yes.

Chairman WALSH. And put his hands on him and got him by the collar?

Gen. CHASE. Tikas denied the incident, and the boy said that Tikas knew him, and the testimony was of Linderfelt that he shook him, didn't strike him.

Chairman WALSH. Seized him by the collar?

Gen. CHASE. By the collar; the testimony was that he seized him by the collar.

Chairman WALSH. "There is another important consideration"—I am quoting from Prof. Brewster—"there is another important consideration there to be borne in mind as bearing on the authority of the militia. Gen. Chase has created a military district of Colorado. The military district of Colorado is coterminous with the State of Colorado. The military district of Colorado is not confined, in Gen. Chase's judgment, to Las Animas, Huerfano, and Fremont Counties, where there might be riots, but he claims the right to arrest anyone at any place in the State at any time."

Gen. CHASE. Yes, sir; that is correct. You might modify the words "at any time" to read "during military occupation."

Chairman WALSH. Did you tell Prof. Brewster that you believed rioting suspends all civil law just the same as war does?

Gen. CHASE. No, sir.

Chairman WALSH. Perhaps I better quote this to you. I tried to brief it [reading]:

"I should place the responsibility a little higher up were it not for Gov. Ammons, who would ultimately be responsible, was wrongly informed on a great many points, was not well, was almost blind; and I do not think he ought to be blamed entirely. The blame lies in the mental attitude of Gen. Chase, who believes that there is a war when there is a riot; and, of course, there is a great difference between a war and a riot. He believes that a riot suspends, as a war does, all law, and that he becomes absolutely dictator. He practically said so in our first interview."

Did you have an interview with Prof. Brewster in which you stated substantially what I have read?

Gen. CHASE. No, sir; no.

Chairman WALSH. What were the circumstances, so far as you are concerned, Gen. Chase, connected with the arrest and detention of Mother Jones?

Gen. CHASE. She was met at the train the first time she came to Trinidad, after the troops got in there, having purchased a ticket which terminated at Trinidad. She was asked by the officer, under my direction, if she desired to remain in Trinidad or go farther. After a moment's hesitation she said she was going to Denver. So she was taken care of, given her breakfast, taken to the train, allowed to proceed to Denver.

The second time she came into the district she was under—it was after discussion about whether or not she would be arrested. The governor had stated clearly his ruling in regard to the matter. And when she appeared in Trinidad she was arrested and taken to the hospital on the hill and given a room and kept there until such time as she signified her wish to go to Denver, which was some weeks.

Chairman WALSH. How long was she kept there?

Gen. CHASE. The record will show, I think, perhaps five weeks.

Chairman WALSH. Why was she not turned over to the civil authorities?

Gen. CHASE. Because, in my judgment, she was a person who was dangerous to the peace of the community, and the civil authorities, in my judgment, were not capable of handling the case.

Chairman WALSH. Now I am quoting further from Prof. Brewster's testimony:

"Now, speaking there upon the evidence, you may ask Gen. Chase, if he comes on the stand, how many times he has shaken his fist in people's faces simply

because they dared to differ—men and women dared to differ with him upon points of opinion."

Gen. CHASE. I don't think I ever shook my fist in anybody's face. I do gesticulate sometimes with my closed hand, and I suppose that is what he referred to.

Chairman WALSH. "You might ask him further if he can conceive of Lee or Grant, or any real soldier, shaking his fist in the faces of women and men because they disagreed with him upon constitutional questions."

I take it you can not imagine Gen. Lee or Gen. Grant shaking their fist that way.

Gen. CHASE. No, sir.

Chairman WALSH. Had the civil authorities shown their inability to maintain the machinery of the law?

Gen. CHASE. Yes, sir.

Chairman WALSH. Did you inquire any into the way the civil authorities administered the law in Huerfano and Las Animas Counties?

Gen. CHASE. When—prior to our coming?

Chairman WALSH. Prior to your coming; yes.

Gen. CHASE. Yes.

Chairman WALSH. What did you ascertain?

Gen. CHASE. That they were unable to protect life and property.

Chairman WALSH. Prior to the strike did you have any knowledge, or did you acquire any knowledge as to the way the law was administered there, as to the selection of juries, I mean, ordinarily?

Gen. CHASE. No, sir.

Chairman WALSH. You have no knowledge of that personally or by direct hearsay?

Gen. CHASE. No.

Chairman WALSH. That is all, thank you, General.

Gen. CHASE. May I make a correction of the statement that Capt. van Cise inadvertently made this morning, in that where he referred to Lieut. Linderfelt as commanding this Company B at the time of the Ludlow fight he was not? He had been relieved from the command of that company on April 8, but he was in the district visiting when the fight broke out. The company was commanded by Lieut. Gerry Lawrence.

Chairman WALSH. When had he been relieved?

Gen. CHASE. April 8.

Chairman WALSH. And it was commanded by whom?

Gen. CHASE. Lieut. Gerry Lawrence. He and his wife were visiting in Berwind Canyon at the time the fight broke out.

Chairman WALSH. Do you know who they were visiting?

Gen. CHASE. I think Mr. Neal, I am not certain.

Chairman WALSH. Who was Mr. Neal?

Gen. CHASE. He is one of the employees of the C. F. & I.

Chairman WALSH. What was his occupation?

Gen. CHASE. Superintendent, I think.

Chairman WALSH. Do you know how long he had been there?

Gen. CHASE. I think he came up the day before. He was on duty in another part of the district.

Chairman WALSH. Where was he on duty?

Gen. CHASE. Reporting at Trinidad. He had been, and after I left the district he reported to me by telephone.

Chairman WALSH. When did he go to the vicinity of Ludlow to visit?

Gen. CHASE. I think the day before, if I remember correctly.

Chairman WALSH. Had he his wife with him?

Gen. CHASE. Yes. May I make a part of your record an extract from the Statutes of Colorado regarding picketing?

Chairman WALSH. Yes; I would be glad to.

Gen. CHASE. I would like to offer it. That is why there was so much trouble in these colonies; they were all picketed.

(See Chase exhibit at the end of this subject.)

Chairman WALSH. In what form was the picketing manifested?

Gen. CHASE. By proposals to the men going to and from work.

Chairman WALSH. Have you a copy of that letter?

Gen. CHASE. I will provide it.

Chairman WALSH. Very good. At any time soon.

Maj. Boughton, will you take the stand?

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON.

Chairman WALSH. State your name, please.
Lieut. Col. BOUGHTON. Edward J. Boughton.
Chairman WALSH. And what is your profession in civil life?
Lieut. Col. BOUGHTON. I am an attorney at law.
Chairman WALSH. A member of the Denver bar?
Lieut. Col. BOUGHTON. Yes, sir.
Chairman WALSH. How long have you been a member of the Denver bar?
Lieut. Col. BOUGHTON. Of the Colorado bar, I presume you mean?
Chairman WALSH. Of the Colorado bar; yes.
Lieut. Col. BOUGHTON. Since 1890.
Chairman WALSH. And how long of the Denver bar?
Lieut. Col. BOUGHTON. A little over two years.
Chairman WALSH. Where have you lived in the city of Denver; where have you lived in the State of Colorado other than Denver?
Lieut. Col. BOUGHTON. I have lived in the northern part of the State for a year or so. Afterwards, again in Cripple Creek and Victor; then, again in Denver this last time.
Chairman WALSH. Are you now practicing law in Denver?
Lieut. Col. BOUGHTON. And Cripple Creek. Yes; we have offices in both places.
Chairman WALSH. What is the name of your firm?
Lieut. Col. BOUGHTON. Boughton & Alter.
Chairman WALSH. Please state what rank you held in the National Guard of Colorado during the recent strike.
Lieut. Col. BOUGHTON. I was major of Infantry.
Chairman WALSH. Please state how many cases of men being arrested were investigated and passed upon by the military commission.
Lieut. Col. BOUGHTON. Mr. Commissioner, there were some 173 cases investigated, if you are going to count by the individual——
Chairman WALSH. I mean investigated——
Lieut. Col. BOUGHTON. But not all of them by the military commission.
Chairman WALSH. How many of them were investigated by the military commission?
Lieut. Col. BOUGHTON. Perhaps 40 or 50. I have not the exact figures.
Chairman WALSH. What was done with the other cases?
Lieut. Col. BOUGHTON. The other cases were examined before the office judge advocate, either by myself or by one of my officers, and not considered of sufficient importance to bring before the military commission, so——
Chairman WALSH. Pardon me.
Lieut. Col. BOUGHTON. So with the consent of the commanding officer they were discharged without being called to the attention of the military commission.
Chairman WALSH. Please state the varying lengths of time and the numbers in the cases of men that were held in jail without a hearing, or until such time as they had a hearing.
Lieut. Col. BOUGHTON. That is a little hard to answer, Mr. Commissioner, without knowing what you mean by a hearing.
Chairman WALSH. I understood you to say that all of those that were examined by the judge advocate, by yourself, I believe, or by an officer, were discharged, or else were deemed of sufficient importance to send for further investigation before the commission.
Lieut. Col. BOUGHTON. Yes.
Chairman WALSH. Is that correct?
Lieut. Col. BOUGHTON. That is correct, sir.
Chairman WALSH. How long were those men, the 40 or 50 that you mentioned, held in jail before they were given a hearing? I do not want to take each individual case, but if, for instance, you can say there were probably 8 or 10 held 20 days, 8 or 10 held 5 days, or whatever the case might be, that is what I am trying to get at without the detail.
Lieut. Col. BOUGHTON. I can't answer that without explaining to you what sort of a hearing they had.
Chairman WALSH. Very good. Explain what sort of a hearing they had.
Lieut. Col. BOUGHTON. The commission was formed upon the order of the commanding general, with the approval of the governor, for two purposes. It

was not formed to try for any accusation of crime, nor was it formed to determine any punishment for crime. It was formed only as an advisory body to the commanding general to aid him, as a matter of convenience, in determining what should be done with those who were apprehended. He was not bound by their advice. It was formed for the purpose, in the first place, of relieving the commanding general of inquiring into each individual case himself, which he had not time to do, of course.

In the second place, and this is given a good deal of consideration, it was formed for the humane reason of substituting for the will and discretion of one man the collective wisdom of a good many high-class officers. And while it was true, as a matter of law, that the commanding general was not absolutely bound by their advice, yet it had great persuasive force. Now, we did outline the function of the commission—with that outline of the function of the commission—each one upon a separate order of the commanding general, submitting the case to the commission as soon as the commission could hear them. In some instances, of course, the commanding general did not seek the advice of the commission nor require them to—to answer your question largely, I should say that a week at the outside would cover the time that, in any instance, elapsed between the time of apprehension and the time of examination by the commission, when an examination was ordered.

Chairman WALSH. How long, at the longest, were men held in jail in your jurisdiction as judge advocate, before a civil charge was lodged against them in the courts, where that question was subsequently taken?

Lieut. Col. BOUGHTON. I could not answer that, Mr. Commissioner. We were not concerned, as Mr. Brewster said here—our position always has been that we were not concerned with any civil charge—any specific accusation of crime. It might happen that those that were held were guilty, or accused of being guilty of some specific crime under the civil law. It often did happen—so it likely happened, I suppose, frequently—that no specific accusation of a civil crime was or could be charged against whom we held.

Chairman WALSH. Were there a number of men arrested in that jurisdiction and held in jail—now, this is regardless of any action you may have taken——

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. For 50 or 55 days?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. Without a hearing?

Lieut. Col. BOUGHTON. Yes; there were.

Chairman WALSH. How many?

Lieut. BOUGHTON. I think, perhaps, that that is the limit. I think that perhaps that is as long as we held anyone. But a great many were held for a month or two.

Chairman WALSH. Well, approximately how many?

Lieut. Col. BOUGHTON. Oh, 20 or 30; perhaps more. I have not the data.

Chairman WALSH. Any women?

Lieut. Col. BOUGHTON. No; I know of one woman that was held for 11 days.

Chairman WALSH. Do you have a record any place as to the number of men that were so held and the length of time they were held in jail?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Where can it be found?

Lieut. Col. BOUGHTON. I can make up tabulated information about that for you.

Chairman WALSH. What data have you to make it up from, Major?

Lieut. Col. BOUGHTON. I have the reports of the judge advocate's office, the card indexes, showing the arrests, the time that they were incarcerated, the time that they were released, if they were, the time they were turned over to the civil authorities, if they were.

Chairman WALSH. Do you have that in your private possession, or is it in the adjutant's office?

Lieut. Col. BOUGHTON. I have it in my official possession.

Chairman WALSH. I mean as distinct from the adjutant general's office?

Lieut. Col. BOUGHTON. It is not in the building at the present.

Chairman WALSH. Well, you have it in your official possession, but at your own office, or where is it?

Lieut. Col. BOUGHTON. I think it is in my own office; I think that particular thing is at the office.

Chairman WALSH. I will not stop to get it now. I will ask if you will please turn it over to Mr. Grant.

Lieut. Col. BOUGHTON. I think it would be well, if you will permit the suggestion, the information that you desire in that respect is rather scattered, and if you would like I will make up a tabulated statement.

Chairman WALSH. I wish you would. Our investigator will be here a week or so after we leave, and I wish you would let him have the whole matter, if you will.

Lieut. Col. BOUGHTON. If you will permit me, Mr. Walsh, the trend of your inquiry causes me to ask permission to volunteer an explanation.

Chairman WALSH. Very good.

Lieut. Col. BOUGHTON. I think——

Chairman WALSH (interrupting). I will say this, to begin with, of course, you will be entitled to make any explanation of any answer that you may make, but we are trying to confine this to answering the questions that are laid out before us.

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. In your own case, of course, having testified before the commission before, we do not desire to go into all of it.

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. But still if there is anything you think needs amplification, you will, of course, have an opportunity of doing that.

Lieut. Col. BOUGHTON. I question whether the commission has had—I know it has not had so far here in Denver—any explanation or exposition of the theory upon which these arrests and detentions were made. Of course, to the ordinary citizen the mere assertion that a man is arrested and denied counsel, held for a long length of time without any hearing, without any charges, is in itself, to say the least, unusual, and perhaps, to a good many, shocking.

It has been determined by the supreme court of this State and by the supreme court of every other State where the question has arisen in recent years, except only in the State of Kentucky, which has a peculiar statute, that the forces of the State, the military forces of the State, when called into service of this kind, have not only the power, but they have the reciprocal right and duty of causing the arrest of persons who impede the solving of the peace problem; and who, in fact, impede that problem is something under this decision that is to be determined, first, by the governor; or it may be deputed by him to his chief commanding officer in the field. As pointed out by the opinion in the case of this State, which is the much-discussed in re Moyer decision reported in the 35th Colorado, as pointed out by Mr. Justice ——— in the opinion it would be a mere idle parade to send the militia into the field to restore peace if they have not the power to arrest and detain those who were not only violating the peace, but were announcing that they intended to continue to do so until the insurrection be suppressed or the constitution and the laws of the State were reestablished. The same words are found in the opinion of Oliver Wendell Holmes in the Supreme Court of the United States. They are found in Pennsylvania, in re Mother Jones in West Virginia, and in a recent case in West Virginia of ——— against Graham, in a very recent case in Montana in re McDonald, in a recent case in re Boyle, in Idaho. The one departure from the general doctrine is this case of Franks against Smith, in Kentucky, which has been determined since the Moyer case. That case holds that the governor of Kentucky is restrained by a special statute from doing aught else than to place the military power of the State at the disposal of a mayor or sheriff. We haven't that statute in this State, and they haven't it in any of the other States that I have mentioned.

Acting under these decisions, which are the supreme law of the land, of the country, and of this State, and with due apologies to Prof. Brewster that there is no such thing as martial law, the Supreme Court of the United States unanimously, and the supreme court of this State, with one dissenting opinion, have determined flatly otherwise.

Under these decisions, I say, the commanding general, always tying back to the authority of the governor, caused the arrest and detention of those who, in the judgment of the executive, or of himself as the commanding officer in the field upon the orders of the governors were delaying or thwarting the purpose for which the commission went into the field at all. They were not arrested because they were neither guilty or accused of any crime.

I was here the other morning when Prof. Brewster called the attention of your body to an assertion that I made myself in one of the habeas corpus proceedings—that it was a matter of profound indifference to Gen. Chase whether his prisoners were or were not guilty of crime—of any specific crime—under the

civil law. I made that statement. The language is not mine. It is the language of more than one of those decisions I have just quoted—that whether or not the party apprehended was accused of crime was not the point; that that was a matter of great indifference. With the exception that I used the word "profound" instead of "great," what I said was a quotation from those who are constituted to declare what the supreme law is. I think at that time Mr. Brewster and his co-counsel failed to recognize the quotation. That is the theory upon which we proceeded.

Chairman WALSH. Is it true that you and the judge advocate general of the military commission used an automobile belonging to the Colorado Fuel & Iron Co.?

Lieut. Col. BOUGHTON. I never knew who the automobile did belong to. I used an automobile that did not belong to myself. I knew, or had reason to believe—I don't believe I inquired—that it belonged to one of the operating companies.

Chairman WALSH. By whom was it turned over to you?

Lieut. Col. BOUGHTON. I don't know that I can tell you that, Mr. Walsh. It was simply at our disposal, and we used it in that connection.

Chairman WALSH. Did anybody use it except you and your staff?

Lieut. Col. BOUGHTON. Oh, yes; everybody used it; but this particular automobile that you speak of—that I know you must refer to—was one that was put at the disposal of the judge advocate's office. It was used to convey prisoners from the jail to the commission room or to the judge advocate's office and return them there to the jails again, or other official errands.

In that connection, however, let me say that when some criticism arose over the use by the militia of an automobile owned by the coal-operating companies, Gen. Chase, early in the campaign, represented to the strike leaders and, I think, to Mr. Lawson, if I am not mistaken, that the militia had camps a hundred miles apart, covering a hundred miles of front of ground; that the camps were far in some instances from railroad transportation; people had to get there, and they had no money with which to buy automobiles, or even to rent them, and they availed themselves of what they could get; and I think at that time—yes, I know at that time—Gen. Chase told the strike leaders that if they would put at his disposal one or two of their cars he would turn back one or two of the cars that were being used and that belonged to the operating companies, and this car was one of them.

Chairman WALSH. My question is, Who placed this at your disposal? What individual gave you the car?

Lieut. Col. BOUGHTON. I can't tell you that, Mr. Walsh. I think the general assigned the car to me here.

Chairman WALSH. You have no recollection?

Lieut. Col. BOUGHTON. That is my recollection.

Chairman WALSH. You have no recollection specifically of how the car came into your possession?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Where was it when you first saw it?

Lieut. Col. BOUGHTON. In Trinidad; on the streets of Trinidad.

Chairman WALSH. You don't recall who told you you could use it?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. How long did you use it?

Lieut. Col. BOUGHTON. Oh, we used it through the entire campaign—as long as we were held—as I remember it.

Chairman WALSH. Please state whether a clergyman was ever sent for to appear before the military court for writing a letter to the secretary of the State humane society.

Lieut. Col. BOUGHTON. That is an instance I never heard of.

Chairman WALSH. Please state whether or not any forcible means were used to extract confessions from persons that were under arrest or charged with crime against the laws of the State, or impeded or thwarted the progress of the militia in the conduct of their affairs.

Lieut. Col. BOUGHTON. By whom?

Chairman WALSH. By any member of the military.

Lieut. Col. BOUGHTON. I am unable to say. I can say positively that no such means were used by the office of the judge advocate, either by myself or any of my officers.

Chairman WALSH. Do you know, either of your own personal knowledge, or have you heard, that means were used, such as keeping a man from sleeping at night in a cell—such things as that?

Lieut. Col. BOUGHTON. I have heard that accusation made, Mr. Commissioner. I know that that accusation is not true. What troubled me a moment ago in answering your question was that other accusations have been made against other officers of the guard that some certain confessions in certain cases that occurred before I was assigned as judge advocate had been obtained by means of threats or intimidation. I have heard that said by the strike leaders. Whether that is true or not, I can't tell you, sir.

Chairman WALSH. You have no personal knowledge of any violent or forcible means being used to extract confessions from anyone?

Lieut. Col. BOUGHTON. I have personal knowledge; I know that they were not used.

Chairman WALSH. I said by anyone; you have no knowledge of anyone using any such means; you say that they did or did not do it?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And I then asked whether you have personal knowledge of it being done by anyone?

Lieut. Col. BOUGHTON. I have no knowledge of any kind of its being done by anyone.

Chairman WALSH. Where were you at the time of the Ludlow incident on the 20th of April?

Lieut. Col. BOUGHTON. I was in Cripple Creek.

Chairman WALSH. Had you returned to your home to return to your ordinary business?

Lieut. Col. BOUGHTON. Yes. We had all been relieved from duty except the thirty-four or five that were at Ludlow, you know, four days prior to that accident.

Chairman WALSH. Now, when did you start back from Cripple Creek to Denver, if you did start back?

Lieut. Col. BOUGHTON. I think I finished my case that I was trying at Cripple Creek either that day or the next morning and returned to my Denver office. I returned during that week. The 20th was Monday.

Chairman WALSH. When did you go down again in that country?

Lieut. Col. BOUGHTON. I went down on the evening of Saturday of the same week.

Chairman WALSH. And do you know when you got into Denver—what day you got into Denver?

Lieut. Col. BOUGHTON. Oh, that must have been Tuesday or Wednesday.

Chairman WALSH. Tuesday or Wednesday?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Now, why did you not go down sooner?

Lieut. Col. BOUGHTON. I was not ordered.

Chairman WALSH. When were you ordered to go down?

Lieut. Col. BOUGHTON. When I went down in that week it was upon official service, the service that I told you about, when I was examined in New York City before your commission.

Chairman WALSH. That is, to go on the investigating body?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. But what I asked you was, when did you go down?

Lieut. Col. BOUGHTON. Saturday evening.

Chairman WALSH. Saturday evening. And when were you ordered to go down?

Lieut. Col. BOUGHTON. That day.

Chairman WALSH. By whom?

Lieut. Col. BOUGHTON. If you care, I will relate the incident, the occasion of my going on that day.

Chairman WALSH. We would be very glad to have you do so and save me asking you so many questions.

Lieut. Col. BOUGHTON. The call to arms had been made on Thursday. The troops had gone into the field on Thursday. The general was at Ludlow.

Chairman WALSH. Gen. Chase?

Lieut. Col. BOUGHTON. Yes. There is only one general in this State in the National Guard. He was either in Ludlow or attempting to reach Ludlow. The condition of the public mind was very bad. It was hard to get accurate or truthful information of just what happened at Ludlow. And that condition remained for some time—I think until the report of the board of officers that went and found out and made public their findings. The papers here in Denver and elsewhere throughout the State were filled with very wild statements of

what was supposed to have occurred there. They were being filled then with news items from all over the State and outside the State that the volunteers, new companies of volunteers, were to appear in the southern zone in resistance to the militia of the State. Public mind was very uncertain. On the morning of Saturday of that week, Capt. Danks came to my office here in Denver. I was not with the judge advocate's office, neither was Capt. Danks or any one of my officers with the judge advocate's office. He was quite perturbed. He said that he had had a talk with Capt. van Cise; that the captain had met him as he, Danks, was about leaving Denver on an outgoing train on some private matter, I understand, and had taken him off the train and had told him a great many horrible tales of abuse and inhumanity and misconduct on the part of the militia at Ludlow the Monday before.

Chairman WALSH. Who was that?

Lieut. Col. BOUGHTON. Maj. Danks; he was then Capt. Danks; he is now Maj. Danks.

Chairman WALSH. May I ask you to go back over the details of that?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And restate the incident. Pardon me for the interruption.

Lieut. Col. BOUGHTON. I said Capt. Danks, now Maj. Danks, came to my office on the morning of that Saturday, about 9 or 10 o'clock.

Chairman WALSH. In Denver?

Lieut. Col. BOUGHTON. In Denver. And told me that he had had a talk with Capt. van Cise, who had been down to Ludlow and had returned; that Capt. van Cise had taken him, Dank, off of a train, an outgoing train from Denver, where he was going upon some business of his own, and had told him a series, a long series, he said, of horrible atrocities committed by the militia at Ludlow. He said, "This thing is entirely unbelievable." But he said Capt. van Cise—this is Mr. Danks talking to me—is younger than you and me; he is very much shocked; he is assuming that everything he has heard is true, and he is proposing to go at once, this morning, to the proprietors and editors of the large daily journals and give as his statement, what he has heard by way of atrocity, burning of women and children at Ludlow, the commission upon children of great brutalities—he is proposing to give those stories to the press with his sanction. And he proposes, likewise, to go for aid to Mr. Costigan, who is and was then, an attorney of this bar, who was the retained counsel of the United Mine Workers of America.

Maj. Danks and I discussed the matter, and deplored what we considered the hotheadedness of our fellow officer. We thought right at that particular time, in the then inflamed state of public sentiment, that it was a very unwise thing for Capt. van Cise to do. And between us we determined to prevent its being done, if we could, in that way.

We know Capt. van Cise. We knew that it was rather difficult to argue him out of his preconceived notions. I think it was I who suggested to Capt. Danks the propriety of taking it to the governor and suggesting to the governor that if there was any foundation of truth in the stories which Capt. van Cise brought home, we ourselves should know it, know it quickly, publish the facts, and punish the offenders as far as we could. We suggested to the governor—we called upon the governor and suggested——

Chairman WALSH. Who, you and Capt. Danks?

Lieut. Col. BOUGHTON. Yes. It was very delicate. We were trying to do the best that our judgment dictated for the State and all of its people. I suggested to the governor the appointment immediately of a committee to investigate all charges against the militia to find out what did occur there.

A great many other committees were being appointed. The people of the State were being divided in their beliefs. There was then nothing available but beliefs. There were no facts to be ascertained. Then people were being divided into two camps of hostile sentiment. The unions, I think, appointed a committee, churches and fraternal orders appointed committees, the governor, I think, appointed a committee, and I think the chief justice of the State volunteered to go down and try to find out what the facts were. We discussed this possibility. We were all keenly anxious to find out the truth, including the governor. We discussed the possibility of our not ever being able to ascertain what the real facts were, if these partisan committees from both sides of the industrial conflict went first and molded into a crystallized form the stories that the soldiers and the inhabitants and the combatants would tell to them. We thought the time was ripe to make a military nonpartisan investigation of our own.

I suggested to the governor the appointment of a committee and of putting Mr. van Cise upon it. He had been to Ludlow. He had made some inquiries himself. He said that what he knew was told to him by other officers and men at Ludlow, and between us, either the governor or Capt. Danks, or myself, I can not recall—perhaps all of us—talked Capt van Cise out of what we conceived to be his foolish notion of giving out at that supreme moment, with the rebellion in full swing, such a story to the press before it could be investigated and the truth ascertained. I then went to the adjutant's office after receiving the approval of the governor to that scheme—suggestion—and I tried to get Gen. Chase over the telephone. I of course was powerless to act without authority. I was not upon duty. I was volunteering my suggestions, as was Capt. Danks. I tried to get the general on the telephone, and was unable to do it. I then wrote out a telegram to him and tried to tell him in as few words as I could, the telephone service being interrupted, what the danger was.

Chairman WALSH. One minute right there. Has that telegram ever been published any place?

Lieut. Col. BOUGHTON. Not that I know of.

Chairman WALSH. Has it ever been in any investigation?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Did you learn within the last few days that this committee had subpœnaed the telegraph operator at Ludlow to produce the telegram?

Lieut. Col. BOUGHTON. I heard so this morning.

Chairman WALSH. Go ahead.

Lieut. Col. BOUGHTON. I have a copy of the telegram if you want it.

Chairman WALSH. I have the original. Go ahead.

Lieut. Col. BOUGHTON. Of course the telegram, Mr. Commissioner, was a confidential telegram to the commanding general from his legal adviser, the divulging of the contents of which is perhaps a crime in this State, but at any rate——

Chairman WALSH. One minute. I would like to hear that. There is a statute against it?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Please refer me to it.

Lieut. Col. BOUGHTON (addressing Capt. Smith). Captain, will you be kind enough to get me the revision of 1908?

Chairman WALSH. Is it the statute which refers to a confidential communication between attorney and client?

Lieut. Col. BOUGHTON. No, sir. This statute refers expressly and specifically to the divulging of the contents of a telegram by a telegraph operator or any other person. I suppose I may proceed and refer to that when the captain brings the statute.

Chairman WALSH. If you have a copy of it, we will dispose of that now. Have you the copy?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. Where did you get this copy, Colonel?

Lieut. Col. BOUGHTON. I made this copy in my office.

Chairman WALSH. From what?

Lieut. Col. BOUGHTON. From a lead-pencil copy I made at the time in the telegraph office—the Western Union telegraph office. I just took the notes of it.

Chairman WALSH. The original is here. Just take the copy, please.

Lieut. Col. BOUGHTON. I have another.

Chairman WALSH. The original reads as follows:

DENVER, COLO., *October 25—2 p. m.*

Gen. CHASE, *Ludlow:*

Many investigation committees appointed, including chief justice. Have suppressed Van Cise story. Do your own investigating and publish real facts before any others. Suggest detail Danks, Van Cise, and self. Leave at once; serious; act quickly. Governor approves. Will telephone.

BOUGHTON.

Lieut. Col. BOUGHTON. That is correct.

Chairman WALSH. That was the original telegram?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. That you sent your commanding general, Gen. Chase, who was your commanding officer at the time?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And the general in the field?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Who was the chief justice at that time?

Lieut. Col. BOUGHTON. Chief Justice Musser. He is chief justice now.

Chairman WALSH. Elected by the people?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Now, the charges that were given to you by Capt. van Cise were that he had been told by numerous people that great atrocities and brutalities had been committed by the militia.

Lieut. Col. BOUGHTON. Numerous people—not numerous people—he said he had been told that and that he believed the great body of the story.

Chairman WALSH. That he believed the great part of the story?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And the charge was against the militia?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And against the men with whom you had gone down there?

Lieut. Col. BOUGHTON. No; I don't believe you can say that. I didn't know any of them, Mr. Walsh.

Chairman WALSH. What relation did Capt. Danks bear to these people that were charged with the atrocities?

Lieut. Col. BOUGHTON. None, other than that we all belonged to the National Guard. You see he didn't say—I don't say that Capt. van Cise holds that any particular person was charged with atrocities.

Chairman WALSH. I thought you said Capt. van Cise said that the militia was charged?

Lieut. Col. BOUGHTON. The militia; yes.

Chairman WALSH. Charged with the atrocities that had happened there?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Such as the story he had heard of this character that the militia were charged?

Lieut. Col. BOUGHTON. Yes; 34.

Chairman WALSH. They were being charged by strikers and persons in the vicinity?

Lieut. Col. BOUGHTON. I didn't speak to Capt. van Cise as to the source of his information until afterwards, Mr. Walsh.

Chairman WALSH. Who did he say gave him the information?

Lieut. Col. BOUGHTON. I have told you that Capt. Danks came to me and told me that Van Cise had told him—very much agitated——

Chairman WALSH. Did Capt. Danks tell you who was alleged to have given this information to Capt. van Cise?

Lieut. Col. BOUGHTON. I think he told me then that van Cise had told him that he got his information from the men.

Chairman WALSH. What men?

Lieut. Col. BOUGHTON. The strikers and other people down there.

Chairman WALSH. And the combatants, as you call them, were the militia on the one side and the strikers on the other?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. If I may ask, what was your objection to the chief justice of the State making an investigation at once where the charge was against the militia which were in the field and was being made by strikers other than the militia?

Lieut. Col. BOUGHTON. There was no objection. I never did object in any way. You will understand, Mr. Walsh, that the chief justice was offering his good services as a citizen. It was not a part of his duty as chief justice to——

Chairman WALSH. Except that he might have had experience, I take it, as an investigator of facts and a knowledge of the law.

Lieut. Col. BOUGHTON. Such experience as is common to all lawyers of his ability and standing; yes, sir.

Chairman WALSH. He was a lawyer of ability and standing?

Lieut. Col. BOUGHTON. Without doubt.

Chairman WALSH. I have been asked to ask you this question by Mr. Garretson, as to the making up of a nonpartisan committee: Would you consider the make-up of a nonpartisan commission—would you consider a nonpartisan committee to investigate on the part of the union consisting of Lawson, Hayes, and Doyle?

Lieut. Col. BOUGHTON. I mean one not controlled, not interested in either side of the industrial conflict.

Chairman WALSH. I want to go through with the question the commissioner asked. I will ask all the question. He wants to know if you would consider a nonpartisan commission to make an investigation of the mine owners, composed of Messrs. Osgood, Welborn, and Brown?

Lieut. Col. BOUGHTON. Well, Mr. Commissioner, that question carries its own answer.

Chairman WALSH. I see. Your answer would be "No"?

Lieut. Col. BOUGHTON. Why, certainly.

Chairman WALSH. Then, I want to ask you if you would consider a commission to investigate the militia nonpartisan, one consisting of Messrs. Boughton, Danks, and Van Cise?

Lieut. Col. BOUGHTON. Yes, sir; I would answer that question. I think I answered very fully in New York.

Chairman WALSH. Commissioner Garretson asked the same question?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. I didn't remember.

Lieut. Col. BOUGHTON. And it was usually the statement in this State—has been so received—and the facts reported by that court of officers, however, have since become known to be the unquestionable facts.

Chairman WALSH. Commissioner Garretson suggests another question. You were the legal adviser to the adjutant general?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And don't you know that you were the legal adviser to the Metalliferous Miners' Association of Cripple Creek?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And that some of those metalliferous mine owners by which you were employed at Cripple Creek were also on the directorate of some of the coal mines in the district in which you served as a militiaman?

Lieut. Col. BOUGHTON. Yes, sir; certainly. I think it will save some time, Mr. Garretson—all those questions have been asked by you and answered and are in the record taken in New York.

Chairman WALSH. What was that last remark; I didn't quite catch it?

Lieut. Col. BOUGHTON. Mr. Walsh, I remember being asked that question in New York, and I stated I didn't know.

Chairman WALSH. Have you ascertained since?

Lieut. Col. BOUGHTON. I have not ascertained beyond the fact that Judge Lindsey suggested in New York City, I think, first by note to one of the commissioners before the question was asked me, and afterwards in his testimony, that somebody connected with one of the mines—one of the 100 mines that formed the association that I represented in Cripple Creek—owned some stock in one of the coal companies. I did not even know the man and didn't know anything about it, and I answered so in New York City.

Chairman WALSH. Now, I think I interrupted you, Colonel, to ask this specific question about this telegram. Do you recall at what point you were in your testimony?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Then proceed.

Lieut. Col. BOUGHTON. I sent this telegram. It was a very disturbing time, as you can well conceive. The general was, I think, engaged that day or had been the day before in the relief of Aguilar, the raising of the siege at the Empire, Southwestern, and Green Canyon mines, the reinforcement of his men at Ludlow. I think it was that day that the insurrection broke out in Fremont County. The general hastened, I think, that night—possibly the next day—over there. I sent this telegram, not as has been said somewhere—I don't remember where—to give a military order to my superior officer, but to give legal advice as I felt myself in conscience bound to do. The telegram bears this construction and no other. Here are partisan investigating committees being appointed by the score, each one with an interest to make the facts appear as they desire.

Chairman WALSH. Would that apply to the chief justice of the supreme court?

Lieut. Col. BOUGHTON. No; no; not at all. The chief justice was simply offering his good offices to the governor. He derived what usefulness he had from the same source that we did—from the governor. I think he volunteered.

if I am not mistaken, to the governor, to use his good offices for that purpose, and I think the governor accepted his offer.

Chairman WALSH. The governor accepted the offer of the chief justice of the State to go down and investigate this at the time you got there?

Lieut. Col. BOUGHTON. That is my recollection; but something occurred afterwards, and I don't believe the chief justice ever went.

Chairman WALSH. Well, was it anything except that you convinced the governor that he ought to let it be investigated by yourself and these other officers?

Lieut. Col. BOUGHTON. Oh, no; that had nothing to do with it, Mr. Walsh, at all. I don't believe the chief justice was mentioned in the conversations I had.

Chairman WALSH. Where did you acquire the information contained in the telegram to the effect that the chief justice was one of those?

Lieut. Col. BOUGHTON. I can't tell you, sir; I can't tell you. The chief justice was going; all kinds of other investigating committees were going, many of them partisan, some of them perhaps not. I don't remember. I felt that the general and the governor owed it the State to go among our own men, who would tell us the truth sooner than they would tell anybody else, and certainly sooner then, perhaps, than when they, by the experience of half a dozen investigations, had been influenced, perhaps unconsciously, one way or the other; and I advised Gen. Chase that it seemed to me legally a wise thing to do, and that the governor approved the suggestion. I afterwards got the general on the telephone—perhaps within an hour of the sending of this telegram—and I said then in full what I could only sketch in the telegram, and received his approval of it; had Mr. Danks—Capt. Danks—Capt. van Cise, and myself placed upon the committee, and we left that night.

Chairman WALSH. When you went into this investigation, did you suggest to the other members, and claim it as a right to so suggest, as the ranking officer, that they should not subpœna any witnesses before that commission that worked for the railroad?

Lieut. Col. BOUGHTON. Oh, no; no, sir. Positively no, sir.

Chairman WALSH. Did you tell the other two members of that commission that you would subpœna certain witnesses and, after the taking of testimony began, refuse to subpœna those witnesses?

Lieut. Col. BOUGHTON. No, sir. I think I can answer two or three questions at once, Mr. Walsh.

Chairman WALSH. Yes.

Lieut. Col. BOUGHTON. Capt. van Cise, who is a well-intentioned man——

Chairman WALSH (interrupting). He is a lawyer, too, I think.

Lieut. Col. BOUGHTON. Yes, sir. Had it thoroughly in his head that the greater part of these charges were true. Perhaps unconsciously to himself, Capt. van Cise came reluctantly to the conclusion that we all reached upon investigation. Capt. van Cise seemed to have a feeling of responsibility for sustaining the impression that he had given us when he came to Denver; and I think I do him a compliment in saying that he was very assiduous in producing before that commission all the witnesses that were possible to be found substantiating the things which the captain said he had heard. There came a time, however, when Capt. Danks and I discovered that, in his well-intentioned ardor, Capt. van Cise was producing before the commission—the board of officers—witnesses he had discovered to sustain the stories that he had brought up to Denver that occasioned the appointing of the commission wherever he could discover them; but wherever he had discovered those whose testimony went to negative or disprove those stories he was not producing them. Capt. Danks and I found ourselves simply sitting in a tent and permitting Capt. van Cise to bring up all discoverable witnesses of one kind and not any other. So I took it upon myself——

Chairman WALSH. What kind was he bringing up?

Lieut. Col. BOUGHTON. Those that would substantiate the stories that he had told Capt. Danks in Denver.

Chairman WALSH. That is, to the effect——

Lieut. Col. BOUGHTON. That the atrocities had been committed——

Chairman WALSH (continuing). Had been committed?

Lieut. Col. BOUGHTON. Yes, sir; that is what I mean.

Chairman WALSH. Then what did you do?

Lieut. Col. BOUGHTON. I took it upon myself, after consultation with Capt. Danks, to make an order in no way restricting the inquiry, but directing that when a witness was to be examined—when he was to be hunted up, if necessary—all three of us would go and make the examination. So that we, Capt.

Danks and I, as well as Capt. van Cise, should have at least means of determining whether what he told us—the witness told us—was important or material or enlightening; and that from that time was done.

Chairman WALSH. Is that order verbal or in writing?

Lieut. Col. BOUGHTON. Why, I think we made some notes of it. Where they are I don't know, sir.

Chairman WALSH. But that was the substance of it, that no one member of this commission was to produce a witness unless you all went out and found him?

Lieut. Col. BOUGHTON. Well, not quite that, Mr. Walsh.

Chairman WALSH. Well, what was it?

Lieut. Col. BOUGHTON. The order was that any witness that we could possibly discover would be examined, but the examination would be in the presence of all of the board. I may say that Capt. van Cise at first demurred, not understanding the order. He first demurred on the ground that it tied his hands, because he did not feel himself at liberty to hunt in the highways and byways for available witnesses.

Chairman WALSH. Had he been doing that before that?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And did you make the order as major?

Lieut. Col. BOUGHTON. Yes, sir; as his senior officer.

Chairman WALSH. On the other two?

Lieut. Col. BOUGHTON. After consultation with one other officer.

Chairman WALSH. So then——

Lieut. Col. BOUGHTON. If you will permit me, so I can conclude——

Chairman WALSH. One moment. Let me make a note of that. I want to come back and ask you something about that.

Lieut. Col. BOUGHTON. Yes. After the order was made——

Chairman WALSH (interrupting). One moment please, until I finish.

Lieut. Col. BOUGHTON. It was explained to Capt. van Cise, after he made his objection, that it was not intended to restrict and would not restrict, in the fullest sense, any kind of inquiry; that we simply wanted to be present to judge of the availability and materiality of the evidence with him when any witness was examined. With that explanation Capt. van Cise very graciously acquiesced in the order. You see, otherwise—you see this was the straight of it——

Chairman WALSH (interrupting). One moment please [writing].

Lieut. Col. BOUGHTON. Otherwise it left to but one member of the board to determine for the board what evidence was material and enlightening and what was not, because one officer of the board could simply say, "I will take Witness A before the board, but I will not take Witness B." With the board as constituted of three members, we might think that Witness B's testimony was very material. It substituted the judgment of one officer for the collective judgment of the three, which was what was intended by the governor and by all of us when the order was made to undo that mischief. And was acquiesced in by Capt. van Cise, and we proceeded from that time on very nicely.

Chairman WALSH. At that time, how many witnesses, if any, did he have on hand and ready to introduce before the entire commission, if you know?

Lieut. Col. BOUGHTON. Oh, he had none at that time. I remember the scene very well.

Chairman WALSH. He had none at that time?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Prior to agreeing to go upon this commission did he say to you that he would not go on if you intended to use your rank as major to make orders while serving on the investigating board?

Lieut. Col. BOUGHTON. I don't recall any such statement as that. I don't think it is possible. That was not the spirit of this board at all, Mr. Walsh.

Chairman WALSH. But you made this order as major?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And as major you had a right——

Lieut. Col. BOUGHTON (interrupting). Simply——

Chairman WALSH (interrupting). Pardon me a moment.

Lieut. Col. BOUGHTON. Simply to insure the ascertainment of all facts by all three of us. I wanted the same facilities of inquiry that Capt. van Cise had.

Chairman WALSH. You claimed the right then as ranking officer to make orders that would be binding upon the other two members upon the commission with you?

Lieut. Col. BOUGHTON. Why, certainly, sir.

Chairman WALSH. Did you make any other orders that you now recall, except that one?

Lieut. Col. BOUGHTON. Possibly—oh, that I now recall?

Chairman WALSH. Yes.

Lieut. Col. BOUGHTON. Oh, the usual orders, the orders directing the men to appear—our own men.

Chairman WALSH. Did you make an order—or did you answer that question—did you make a general order on the investigating board to the effect that no person connected with the railroad should be witnesses?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. Or no persons that were on a certain railroad train that were there at a certain time?

Lieut. Col. BOUGHTON. Oh, no; no. No, sir.

Chairman WALSH. Commissioner Garretson hands me a question to ask you. He says, "Why is it that Capt. van Cise was bound by his military oath not to divulge any of these proceedings of the commission, while you seem to be absolutely free from such restrictions?" and wants to know whether you took the same oath at the same time?

Lieut. Col. BOUGHTON. The answer to the question is that Capt. van Cise is not bound by his oath. The oath that was administered—I couldn't help being amused by the claim, when Capt. van Cise claimed that this morning. The oath that was administered was the usual oath that is administered to every board of officers.

Chairman WALSH. Is it here?

Lieut. Col. BOUGHTON. I can tell you the purport of it for the purpose of this question.

Chairman WALSH. Yes; go ahead.

Lieut. Col. BOUGHTON. That was the oath that nothing that transpired in the board should be revealed unless the members of the board were called upon to reveal it before a court of competent jurisdiction. I take it that under the empowering part of the act of Congress your commission is a court of competent jurisdiction.

Chairman WALSH. Were you told before you went upon the stand—did you refuse to go upon the witness stand except upon the condition that Capt. van Cise should be first examined?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Were you told before you went upon the witness stand that Capt. van Cise would be first examined and would not be called in rebuttal?

Lieut. Col. BOUGHTON. I didn't know, Mr. Walsh, this morning whether Capt. van Cise was going upon the stand before or after me, or whether he would be recalled in rebuttal; and I don't know now, sir.

Chairman WALSH. You say you were not told that by any person?

Lieut. Col. BOUGHTON. I was not told what?

Chairman WALSH. You were not told by any person that Capt. van Cise would be called first and would not be called in rebuttal?

Lieut. Col. BOUGHTON. Yes, sir; I was told by Mr. West this morning that Capt. van Cise would be called first, and he was then upon the stand.

Chairman WALSH. Sir?

Lieut. Col. BOUGHTON. I was told by Mr. West, your officer, that he was then upon the stand.

Chairman WALSH. And that he would not be called in rebuttal?

Lieut. Col. BOUGHTON. I never had any conversation with Mr. West about his not being called in rebuttal, or anybody else.

Chairman WALSH. Have you at any time received any money as fees as attorney from any of the coal operators?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. For services rendered—legal services rendered, or any services rendered—during the present year?

Lieut. Col. BOUGHTON. I never have; and I should like very much, Mr. Walsh, for the benefit of the whole militia, to explain that answer. It was said here by Mr. Brewster the other day that it was quite apparent that the officers of the militia—particularly the higher officers of the militia—were deeply in sympathy with the coal operators during this strike. That has been the impression that has been, I think, deliberately spread, and for some considerable time. The truth is that neither Gen. Chase nor himself, nor any

officer of the National Guard that I am aware of save one, a lieutenant who happened to be an employee in some minor capacity of one of the coal companies, an employee for years and an officer for years—but that connection long antedated this trouble—has any interest or connection, social, financial, industrial, or political with any of the coal operators. Speaking for myself, I don't believe that I ever was in the office of any of the coal operators until after our final withdrawal from the field, unless it might have been during that week at Ludlow in search of information—telephonic information, reports of the superintendents as to what was happening to our men, etc. And so far as that imputation from the truth, that in the conduct of operations in the field, so far as the general and I were concerned, there were almost as many disagreements between the military arm of the State and the operators as there were between the military arm of the State and the striking miners.

In this connection I recall quite distinctly that when the committee of Congress came into this room and opened its inquiry, the chairman, the Hon. Mr. Foster, announced that he would permit the sides to the conflict to be represented by counsel. Counsel were announced. Gen. Chase then arose and said that he apprehended that the military arm of the State would play some part in the investigation, and that it would be represented by myself, with his permission; this was granted.

During the examination of the first witness before the congressional committee that at all concerned the militia, I asked leave to cross-examine. The chairman advised me that I should have the right to cross-examine, but that I must consult with the attorneys for the coal operating companies, and that but one of us—the operators and the militia combined—but one attorney would be permitted to examine any one witness. That gave me great concern. After consultation with the general and, I think, with the governor, at that time I advised the general, and we subsequently acted upon that advise, that we could not be forced into the position of making a common cause with either side to the industrial dispute. We declined from that time on to examine witnesses except upon the invitation of the committee itself. I withdrew from the inquiry, and all that we did from that time was as a matter of comity to furnish one of our officers in attendance upon the committee for their convenience and use. All through the inquiry by the congressional committee we had requests from the coal operating companies to hunt up a soldier or an officer to produce him before the committee to establish some point that they desired to establish. In every single instance these requests were denied, and the coal operators as well as the strikers were compelled to get any of our men by subpœna from the congressional committee itself.

I state this merely as an instance of the relation of the coal operators toward the military. It is not true in any sense that I was in daily consultation, or in consultation at all, with the legal department of the coal-operating companies during the occupancy of the field. Their theories did not accord at all with our theories, as I have subsequently discovered, and as I knew then—for instance, with respect to this matter of detention.

In West Virginia the military arm assumed, and there is some language in the cases which I have collected from the West Virginia Supreme Court to support the contention that at a time of trouble, or at the time of the existence of martial law, the military arm have not only the power to arrest and detain until the danger of insurrection or the immediate danger is past, but that they had the right to punish. The judge advocate of the West Virginia National Guard, Lieut. Col. Wallace, whom I know quite well, insists up to this day that that is a sound doctrine. I know that some of the counsel for the coal-operating companies felt that that was sound doctrine.

Chairman WALSH. When did they consider that?

Lieut. Col. BOUGHTON. During the trouble, the strike—the military occupation. I want to say that I never was able to see that.

In Montana recently the military authorities have fallen into the same error that they did in West Virginia, and the recent case decided on the 8th of October of this year In re McDonald in Montana, points out clearly and distinctly that punishment does not belong to the military arm; that they have a right to arrest and a right to detain, but no right to punish; and if that decision of October 8 had been made by one of my officers it could not have more clearly expressed the views and theories upon which we proceeded in the field.

Chairman WALSH. You, however, in your report that was read here about Lieut. Linderfelt found that he had broken his gunstock over the head of a prisoner?

Lieut. Col. BOUGHTON. Yes, sir; there is no doubt about it.

Chairman WALSH. I am asked to ask you these questions: Did you try to secure his punishment for this?

Lieut. Col. BOUGHTON. The report that was made by the committee you have been asking about, contained as its first recommendation this one sentence, if you will permit me: "Feeling that this board of officers was not constituted to determine the possible guilt or innocence of anyone, we recommend that a general court-martial be appointed to try all officers and enlisted men participating in the unjust treatment and killing of prisoners and the burning and looting of the tent colony." I signed that report and made that recommendation.

Chairman WALSH. What was Lieut. Linderfelt's punishment?

Lieut. Col. BOUGHTON. Lieut. Linderfelt was subsequently tried by a court-martial.

Chairman WALSH. What was their finding?

Lieut. Col. BOUGHTON. The court-martial sat while I was in the East—at the time I appeared before you before—and he was—I have no more information of this than anybody else has now.

Chairman WALSH. Well, did you see it in the record?

Lieut. Col. BOUGHTON. As I recall it the recommendation——

Chairman WALSH. If you recall it.

Lieut. Col. BOUGHTON. Yes; I recall it in substance.

Chairman WALSH. Well, what was it?

Lieut. Col. BOUGHTON. The recommendation of the court was that Lieut. Linderfelt has been found guilty of the specifications, but owing to the mitigating circumstances he was not guilty of the charge. Now, to a layman, and even to a lawyer, that may see a little conflicting. I can say to you, however, gentlemen, that it is the exact form of an approved verdict in the United States Army—a stereotyped form often used and having the approval of the Judge Advocate of the United States. I happen to know that. I was curious myself about that verdict and I looked it up.

Chairman WALSH. Well, what was his punishment?

Lieut. Col. BOUGHTON. He was found not guilty of the charge, sir. There was no punishment.

Chairman WALSH. What was he found guilty of?

Lieut. Col. BOUGHTON. The specifications.

Chairman WALSH. What specifications?

Lieut. Col. BOUGHTON. The specifications were that he had broken his gun over the head of Louis Tikas. The charge was that of some form of assault—assault to kill or assault with a deadly weapon or something of that sort.

Chairman WALSH. Was the effect of it that he did it in self-defense, or something of that kind?

Lieut. Col. BOUGHTON. I have not read the mitigating circumstances that the court-martial referred to, and, in fact, I don't believe I know them.

Chairman WALSH. I thought I read in some publication some place that there was a certain punishment inflicted upon him, or that he was reduced in rank, or that he had some——

Lieut. Col. BOUGHTON. I think not. I think not, Mr. Walsh. You will understand that the judge advocate's office has nothing whatever to do with courts-martial.

Chairman WALSH. I understand that. Where is that verdict of that court-martial—in the adjutant general's office?

Lieut. Col. BOUGHTON. I think so. It received as all verdicts—as all verdicts of courts-martial must receive—the approval of the general and governor before publication.

Chairman WALSH. Can martial law be declared in this State in any way than by proclamation—act of legislature?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. How can it be done?

Lieut. Col. BOUGHTON. Martial law can exist without being declared in this State; and martial law can be declared in this State without existing. I will explain that if you wish.

Chairman WALSH. How was it down there? Proceed.

Lieut. Col. BOUGHTON. Martial law exists, under the decision of the Supreme Court of the United States and of the supreme court of this State, whenever troops are in the field on such an errand as this. That is the fact of martial law. In some States, Mr. Walsh, a proclamation is made necessary before that can come into existence as a fact; for instance, West Virginia. But that is not

true in this State. But it is true of the United States. That was an act of the First Congress under George Washington.

Chairman WALSH. Why did you not, then, if you were under martial law, institute a military court?

Lieut. Col. BOUGHTON. There is much confusion, Mr. Walsh—an unfortunate confusion—in the use of the words "martial law." It is a confusion of nomenclature. There are two kinds of martial law. We call it martial law for want of any other term. You will understand that this particular branch of the law is only referred to occasionally; comes only to the notice of courts once in a while. And even courts of great respectability have, I fear, fallen into the error of applying to one sort of martial law rules and theories that are applicable only to the other.

In the case of the Commonwealth *v.* Shortall, 206 Pennsylvania State Reports, in that case the expression was first used "qualified martial law." In the case of In re Boyle, 6th Idaho, the expression is used "martial law to a limited extent."

Until we find a term that will differentiate the absolute martial law that is applicable to the covering of a foreign territory invaded by our armies from the qualified martial law which is coming now to have its regularly and clearly defined rules, we shall always be in danger of confusing the two.

The qualifications are largely this, that in the martial law under which we were occupying the territory in the southern part of Colorado the courts were open, as Mr. Brewster says. If there had been absolute martial law, the courts would have been closed. For all administrative purposes of justice, wherever the courts did not touch the peace problem, they continued. Men tried questions of promissory notes, and I suppose divorces and other things as heretofore. But there still remained power in the governor, and in the commanding general even, to close the courts, if in their judgment it became an essential thing to do for the preservation and safety of the existence of the State. Another qualification is that under absolute martial law the military commander acting in the field is responsible to no one save his military superior. While under qualified martial law, under which we acted, the military commander is to-day responsible to any one whom he has imprisoned or detained either maliciously or by an abuse of any kind of the sound discretion that is lodged in himself and in the governor; and the people that are to determine whether there has been any such abuse of discretion are the jury of fellow citizens of the parties after the military jurisdiction has ceased.

Chairman WALSH. Have there been any civil suits brought against Gen. Chase?

Lieut. Col. BOUGHTON. Not yet that I am aware of. There could be. He stands ready to respond for any abuse of discretion or malicious activity in that behalf.

Chairman WALSH. Do you know Lieut. Gerry S. Lawrence who, I believe, was in command down there that morning at Ludlow?

Lieut. Col. BOUGHTON. Yes, I know him.

Chairman WALSH. Is he still in Denver?

Lieut. Col. BOUGHTON. I think that he is—I couldn't say, Mr. Walsh; I think not.

Chairman WALSH. What is his business in civil life?

Lieut. Col. BOUGHTON. I don't know that, sir. I am merely acquainted with the man from knowing his as lieutenant.

Chairman WALSH. Did you ever hear of his making complaints as to anyone's conduct at Ludlow that morning, or at any other time?

Lieut. Col. BOUGHTON. No; I think I remember Lieut. Lawrence's testimony before that board of officers. I don't think, Mr. Walsh, as I remember it, that it included any complaints.

Chairman WALSH. The reason I want to get at it is this: In some correspondence that was submitted here by Mr. Welborn under a subpœna duces tecum as follows:

"Inclosed please find a letter from Mr. Gerry S. Lawrence, first lieutenant Troop B, Colorado National Guard. This letter is of such a character that I should be glad to have your advice as to what, if any, reply to make.

"Very truly, yours,

"JOHN D. ROCKEFELLER, JR."

And the answer of Mr. Welborn was as follows:

"Since the receipt of your letter of the 3d instant inclosing one from Gerry S. Lawrence, first lieutenant Troop B, Colorado National Guard (herewith

returned), I have been endeavoring to secure some information that would justify the charges made by Mr. Lawrence, but so far have been unsuccessful."

And then he suggests that he only saw him once when he came to have cash advanced on a warrant.

Lieut. Col. BOUGHTON. Whose letter is that?

Chairman WALSH. This is the letter of Mr. Welborn.

Lieut. Col. BOUGHTON. I never heard of the incident.

Chairman WALSH. You never heard of any complaint that Mr. Lawrence had made to anybody?

Lieut. Col. BOUGHTON. No, sir. No, I am quite clear about that.

Chairman WALSH. That is all, thank you, Major.

Lieut. Col. BOUGHTON. Oh, I have been advised this morning——

Chairman WALSH. Oh, yes; that statute that you referred to about the telegram. There is the Revised Statutes on the desk.

Lieut. Col. BOUGHTON. This section—well, there are two or three sections here bearing upon it—section 1909 of the revision of 1908, which is the official revision in this State—Colorado Statutes, revision 1908, reading:

"It shall be a misdemeanor, punishable with a fine not exceeding a thousand dollars, or imprisonment not to exceed one year, or both, in any employee of a telegraph company, or any other person, to willfully divulge the contents or the purport of any message, or part thereof, sent or intended to be sent over the telegraph line; and the offender shall be liable for damages in a civil action."

Chairman WALSH. That is all. Thank you, Major.

Lieut. Col. BOUGHTON. If you please, Mr. Walsh, I was asked this morning to call something to the attention of this commission. I was called on the telephone and asked for——

Chairman WALSH. One moment please [writing]. You may proceed.

Lieut. Col. BOUGHTON. And I was asked if I would supply to Mr. Weitzel—he called me on the telephone—an affidavit which I have concerning the happenings at the Southwestern mine, an affidavit of Mr. Siple, who was imprisoned in the mine near Aguilar; and consonant to our settled policy, I told him that I could not give to him the affidavit, but that I would call it to the attention of the commission; and if the commission desires to have it, it will be supplied.

Chairman WALSH. If you will hand it to our clerk, and this gentleman is not present before the closing of the hearing, I will have it read.

Lieut Col. BOUGHTON. Very well. And may I substitute a copy for the original?

Chairman WALSH. Very well. That was his testimony that was given before your investigating commission, was it?

Lieut. Col. BOUGHTON. No; this had nothing to do with that.

Chairman WALSH. The commission want to have it.

Lieut. Col. BOUGHTON. Mr. Siple was one of those imprisoned in the mine at Aguilar [handing document to chairman].

Chairman WALSH. All right. Thank you. I told Mr. Welborn that we would try to get this witness here.

Mr. Dower, will you please take that, and in case Mr. Siple does not appear, we will have it read.

Mr. M. G. Low.

TESTIMONY OF MR. M. G. LOW.

Chairman WALSH. What is your name, please?

Mr. Low. M. G. Low.

Chairman WALSH. And what is your business?

Mr. Low. I am a pump man for the C. & S. Railroad Co. at Ludlow, Colo.

Chairman WALSH. Pump man?

Mr. Low. In the water service; yes.

Chairman WALSH. Did you testify before the military commission of which Maj. Boughton was a member?

Mr. Low. No, sir.

Chairman WALSH. You are the pump man at Ludlow?

Mr. Low. Yes, sir.

Chairman WALSH. And do you have a water tank there?

Mr. Low. Yes, sir.

Chairman WALSH. Did you testify before the congressional committee?

Mr. Low. No, I never testified.

Chairman WALSH. Have you ever testified in regard to this matter any place?

Mr. Low. The only testimony I ever gave—and I don't know whether that was testimony, exactly—this Capt. van Cise—is that his name?

Chairman WALSH. Yes.

Mr. Low. He came to the pump house, and him and some other officers—I should judge he was—and he asked me what I knew about the facts, and I just told him what I knew about it.

Chairman WALSH. You told him all you knew about it?

Mr. Low. Yes, sir.

Chairman WALSH. Did he ask you about the conduct of the militia before the fight?

Mr. LOW. No; he didn't ask me about the conduct of the militia.

Chairman WALSH. Just asked you what you knew about the fact?

Mr. Low. Yes, sir.

Chairman WALSH. And you were not ordered to appear or requested to appear before his committee?

Mr. Low. No, sir.

Chairman WALSH. Now, how long have you lived in Ludlow?

Mr. Low. I have been in Ludlow—it will be a year—I came down a year the 27th of last June—or August, I should say.

Chairman WALSH. Where did you live before that?

Mr. Low. In Trinidad.

Chairman WALSH. Now, how long did you live in Trinidad?

Mr. Low. Very near nine years, I think.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. Low. Well, I have been here about 41 years.

Chairman WALSH. And where did you come from?

Mr. Low. Came from Ohio.

Chairman WALSH. Native of Ohio?

Mr. Low. Yes, sir.

Chairman WALSH. What general businesses have you followed in the State of Colorado?

Mr. Low. Well, I was with the Continental Oil Co. 22 years, or a little over.

Chairman WALSH. In what capacity?

Mr. Low. Well, I was foreman of the warehouse at Trinidad and, in fact, all branches of it.

Chairman WALSH. Are you a married man?

Mr. Low. Yes, sir.

Chairman WALSH. Do you live at this place where your water tank is located?

Mr. Low. Yes, sir.

Chairman WALSH. I wish—I see Gen. Chase coming in. Will you please retire for a moment. I want to ask him a couple of questions.

TESTIMONY OF GEN. JOHN CHASE—Recalled.

Chairman WALSH. I have been asked to ask you, Gen. Chase, a couple of questions. I am sorry to bring you back, but I didn't get them, or notice them, until after you had left.

Gen. CHASE. Very well.

Chairman WALSH. Did you ever receive while in the field, General, any telegrams containing suggestions from Mr. Welborn, the president of the Colorado Fuel & Iron Co.?

Gen. CHASE. You mean suggestions on the campaign?

Chairman WALSH. Suggestions about anything from Mr. Welborn.

Gen. CHASE. I don't think I ever did. I don't think I have one on record. No, sir; I don't remember any.

Chairman WALSH. Did you receive any telegrams while you were in the field from any officer or agent of any of the mining companies making suggestions as to your conduct in the field?

Gen. CHASE. No, sir.

Chairman WALSH. Is it true that while in the field——

Gen. CHASE (interrupting). Mr. Walsh, I think there was one telegram sent down in regard to 12 Japanese that had been allowed to go to work—promised work—old hands at the Ramey mine—prior to the governor's prohibition to bringing in strike breakers. I was told to let them in. I think the owner of

the mine sent me word they would leave on a certain day. Lawson was notified of that.

Chairman WALSH. What mine was that?

Gen. CHASE. The Huerfano mine.

Chairman WALSH. It was not a mine of the Colorado Fuel & Iron Co.?

Gen. CHASE. No; I think Murphy is the owner.

Chairman WALSH. Is it true that while you were located at Trinidad you were in the habit of referring newspaper men who inquired for news of the militia to Mr. Guy Lacost, press agent for the operators?

Gen. CHASE. No, sir. Guy Lacost and the newspaper men came to the office daily. They all came there, and I gave them all the news there was to give out.

Chairman WALSH. Then you never referred any of the newspaper men to Guy Lacost in regard to news of the militia?

Gen. CHASE. I think on three or four occasions I probably told him the news first, and then when the others came afterwards I told them I had given Lacost all the news there was and then I would go to bed.

Chairman WALSH. There was nothing further than that?

Gen. CHASE. No, sir.

Chairman WALSH. That is all, General.

Mr. Low, you may resume the stand.

TESTIMONY OF MR. M. G. LOW—Recalled.

Chairman WALSH. Where is your house located with reference to the water tank?

Mr. LOW. Well, I guess it must be about 150 or 200 yards north of the water tank.

Chairman WALSH. Have you a well there?

Mr. LOW. Yes, sir.

Chairman WALSH. Where is the well with reference to your house?

Mr. LOW. North of my house, I should judge, about 30 feet.

Chairman WALSH. About 30 feet north of your house?

Mr. LOW. Yes, sir.

Chairman WALSH. Please give me a general description of your house.

Mr. LOW. The house is like pretty nearly all along the C. & S., a box car set off to one side and an addition built onto it, making three rooms.

Chairman WALSH. And in that you live with your family?

Mr. LOW. Yes, sir

Chairman WALSH. Consisting of what?

Mr. LOW. My daughter and my wife. I have three sons, but they are not at home much of the time.

Chairman WALSH. How old is your daughter?

Mr. LOW. Five years old, going on six.

Chairman WALSH. Where was your house located with reference to the tent colony?

Mr. LOW. The Ludlow—the old colony was south and a very little east of my place, perhaps maybe just about the same distance from the tank. I judge about 200 yards to the first tent.

Chairman WALSH. Where was the place known as Water Tank Hill?

Mr. LOW. That is south of the C. & S. Railroad depot.

Chairman WALSH. How far south?

Mr. LOW. From the depot or my place?

Chairman WALSH. From your place.

Mr. LOW. Well, it must be about—it is a mile, anyhow.

Chairman WALSH. Where was the camp of the militia from your house?

Mr. LOW. The camp of the militia was very near west and possibly a little south of my house, and about between three and four hundred yards from the water tank; west and a little south.

Chairman WALSH. Were you there when the militia came to Ludlow?

Mr. LOW. Yes.

Chairman WALSH. What was the attitude of the strikers toward the militia when they first arrived?

Mr. LOW. I was not acquainted with any of them except Company K, I believe it was.

Chairman WALSH. When did you first see Lieut. Linderfelt?

Mr. LOW. I could not say exactly; I saw him a good many times. It was Company K, was the company down at Ludlow.

Chairman WALSH. When did he come there with reference to the 20th day of April, 1913, the day of the trouble?

Mr. LOW. I did not see him on the day of the trouble.

Chairman WALSH. No; but, I say, how long before that trouble did Linderfelt come into the neighborhood, Lieut. Linderfelt?

Mr. LOW. I don't know; I heard of him, off and on, ever since the militia was first sent down there.

Chairman WALSH. Please tell whether the attitude of the strikers toward the militia changed at any time, and if so, if you knew the reason why.

Mr. LOW. Well, it did. When the company first came to Ludlow they were friendly to the union men and everybody else, and they were nice men. I don't belong to any union and was neutral; I didn't have any cause to take part with either side, and the boys in Company K treated me like a gentleman, and they were friends with the miners and with me and apparently with everybody else around there.

Chairman WALSH. When did you first notice any change in the attitude of the militia toward the strikers, we will say, first?

Mr. LOW. I could not say exactly; it came on kind of gradual, and must have started after they had been down there, I suppose, maybe six weeks or such a matter.

Chairman WALSH. Just describe the conduct of the militia toward the strikers after their attitude changed.

Mr. LOW. Well, I should tell you—they abused them when any of them would go to the depot or any place, and they would run them off. I saw them kick men off of the platform down at the depot and saw them run them away with guns, men who were attending strictly to their own business.

Chairman WALSH. How frequently did you see that?

Mr. LOW. Two or three times a week; and sometimes I would go down to the depot every night.

Chairman WALSH. As to any language out of the ordinary that you heard used by the militia toward the strikers, I wish you would state.

Mr. LOW. No one could have used any worse language than was used to those men.

Chairman WALSH. What was the attitude of the militia with reference to sobriety?

Mr. LOW. Well, I don't know. I should judge, after the battle there, the way the whisky bottles was scattered up and down the track and around the place, none of them could have been sober.

Chairman WALSH. Describe the attitude of the strikers toward the militia.

Mr. LOW. Well, it is just like this: You take an animal and drive him into a corner and he is going to fight.

Chairman WALSH. How did they act as to language toward the militia?

Mr. LOW. They have always treated me and my wife and family all right.

Chairman WALSH. What can you say as to the feeling of the strikers toward the officers in charge of the companies that remained in Ludlow after the major portion of them were taken away?

Mr. LOW. I can't say. From what little I heard I can't say they were in any way in love with them. They seemed to be kind of restless and scared all the time for fear something was going to happen.

Chairman WALSH. Were you present when the fight at Ludlow started?

Mr. LOW. I was.

Chairman WALSH. Please describe the beginning of the fight, briefly.

Mr. LOW. I was in my boiler room. My wife had gone to Trinidad that morning on the Colorado & Southern road and the little girl was with me alone. She was outside of the boiler house and she came running in and said, "Take me, daddy, there is going to be a fight," and I picked her up in my arms and I said to her, "I guess you just saw some militia riding around that has kind of scared you." She was deathly afraid of them. And she said "No; there is going to be a fight." And just at that time a bomb exploded.

Chairman WALSH. Did you hear any shot before that bomb exploded?

Mr. LOW. No, sir; not before that bomb exploded. The bomb was the first explosion I heard, and that was over toward where Company K had their camp when they first came down.

Chairman WALSH. Had you ever heard a bomb explosion of that kind before while you were down there?

Mr. LOW. They got dynamite over in the camps when they were searching for guns and the dynamite was confiscated and they took it into the hills and exploded it every once in awhile up there, and I could hear the explosion.

Chairman WALSH. Proceed.

Mr. Low. When I heard the explosion I stepped to the door of my boiler house and looked over to the west and saw dust in the air. I thought nothing of that then because I thought maybe they were exploding some of this dynamite, and the little girl was still in my arms, and she said to me again, "Take me out of here, daddy, there is going to be a fight." And I said, "Keep quiet, you are scared." And I just got in and turned around, and it could not have been over three or four minutes between the two explosions when the second bomb exploded, and then I went to the door and looked, and they were running from the tent colony in all directions. Women were coming toward my place and toward the arroyo and scattering out. Then I didn't think so much of it and I went back and was working on my boiler with the little girl in my arms and I heard a rifle discharged, and it must have been a minute afterwards when there was a general volley all along Water Tank Hill. The shots were coming in that direction; several went through the top of my building. They went high. There were 100 bullets hit the boiler house and the house I lived in; 7 hit the head of the boiler and 2 went through and penetrated the boiler.

Then I took my little girl—it got to be about a quarter past 10. I took my little girl in my arms and there were still some women and children around there and around the well. The steps down into the well were very unsafe and were kind of rotten, and I said to them, "Be careful going down those steps, you might as well be shot as drown." The well was nearly 100 feet deep. And I got them quiet and they went down in the well. And I took my little girl and went down to the big arroyo, and as I went past the boiler house a bullet fanned my ear. If I had had my little girl in my right arm she would have been killed, but she was in my left arm. I went down to the arroyo and then the firing became general, and I went on down to Bayes ranch and stayed there that day.

Chairman WALSH. Did you have an interview with any of the military officers in regard to the fight at the boiler house?

Mr. Low. Mr. Hamrock came over to see me, I think just a week from the time they had the fight, and he says to me, "Are you the man that runs this pump station?" and I said, "Yes, sir." He said, "Where were you during the fight?" I said, "I stayed here until about 10 or a quarter past 10."

Chairman WALSH. What time did the first firing begin?

Mr. Low. It was quarter after 8 o'clock; it must have been 8 and quarter past 8.

Chairman WALSH. You are sure it was not as late as half past 8 or 9 o'clock, are you?

Mr. Low. It might have been possibly half past 8; I didn't look at my watch. It was some time along there, from the time I had been working on my boiler. Mr. Hamrock said—I told him—I said, "I stayed here until about 10 or a quarter past 10, then I made my escape; I got out of the way." Shall I tell the language he used toward me?

Chairman WALSH. Yes; tell us the exact language.

Mr. Low. He said, "Yes; it is a God damned good thing for you that you did." And I said, "I am well aware of the fact." He said, "Do you know Louie Tikas?" I said, "I am not intimately acquainted with him, but I know him and speak to him when I see him." He said, "Was he in your boiler shop that morning?" I said, "No, sir; he was not in the boiler shop that morning unless he came in after quarter past 10. There was no one in here when I went out." He said, "Where did this fire first start?" And I said, "The first shot was on Water Tank Hill or in that direction." He said, "By God, that is all I want to know of you," and he turned around and rode away.

Chairman WALSH. You say that you were not summoned before that investigating committee?

Mr. Low. No, sir; I was not.

Chairman WALSH. You say that Capt. van Cise talked to you about it?

Mr. Low. Yes, sir.

Chairman WALSH. Capt. van Cise, if I remember the testimony correctly, said you were before that investigating committee.

Mr. Low. That is wrong; this is the first time I was called by any investigating committee.

Chairman WALSH. Were any threats made by any persons against you?

Mr. Low. I heard almost directly that Mr. Linderfelt had given his men instructions that if anything started they were to kill that old son-of-a-bitch that run that pump station.

Chairman WALSH. Had you any trouble with Linderfelt?
Mr. LOW. No, sir; I never had a word with him.
Chairman WALSH. Had you had any trouble with any of the military officers or members of the militia while you were there?
Mr. LOW. No, sir.
Chairman WALSH. No words of any kind?
Mr. LOW. No words at all.
Chairman WALSH. You say you were not a member of a union?
Mr. LOW. I am a member of no union.
Chairman WALSH. Had you ever been?
Mr. LOW. No, sir.
Chairman WALSH. Did you answer all questions put to you by Maj. Hamrock as well as you could?
Mr. LOW. I answered all of the questions he asked me; I just gave him good, straight answers, and the conversation was very short between us.
Chairman WALSH. When Capt. van Cise talked to you, what did you tell him?
Mr. LOW. I don't know as I can tell you the exact language, but he wanted to know of me—asked me if there was men around my place or down to the bridge, this big steel bridge up this side of my place across the arroyo, and I told him there was men there. He said, "Did they have civilian clothes on?" And I said, "I can't tell exactly whether they did or not." And he wanted to know if I thought they were union men, or words to that effect, and I said, "I don't know, I was in a hurry to get out and I didn't have time to take any notice." They might have been mine guards and they might have been union men and they might not, because I saw lots of mine guards in civilian clothes walking up and down guarding the track.
Chairman WALSH. Is this a large well connected with your tank?
Mr. LOW. It is between 95 and 100 feet deep and 22 feet across.
Chairman WALSH. Now, you stated you gave some people there some advice about going down there?
Mr. LOW. Yes, sir.
Chairman WALSH. How many people did finally go down?
Mr. LOW. Well, I should judge there must have been 70 or 75 women and children in the well.
Chairman WALSH. How long did they stay down in the well?
Mr. LOW. Well, they came out of there between 6 and 7 o'clock in the evening. I was not there when they came out, but I was down to the ranch below when they came down. There was a train pulled in on the C. & S. road going south, and the train stopped right there close to the pump house, and the soldiers was on the other side of the train and the well was on that side, and they saw a number get out of there and go down in the arroyo.
Chairman WALSH. What time did they get out?
Mr. LOW. It must have been about 7 o'clock.
Chairman WALSH. In the evening?
Mr. LOW. Yes, sir.
Chairman WALSH. So the 75 women and children were in your well all day?
Mr. LOW. Yes, sir; they were in the well all day.
Chairman WALSH. There were steps going down into the well?
Mr. LOW. Yes, sir.
Chairman WALSH. And platforms?
Mr. LOW. Yes, sir; four different landings with steps to each landing.
Chairman WALSH. Is the well covered?
Mr. LOW. Yes, sir.
Chairman WALSH. Had the entire 75 women and children gone into the well before you left there?
Mr. LOW. Well, I think they had. I think a few came afterwards, but I didn't know when they came.
Chairman WALSH. Had you ever been in the tent colony prior to that time?
Mr. LOW. Since the tent colony has been there I don't believe I have been over there over a dozen times.
Chairman WALSH. Prior to this time had the people dug pits or cellars?
Mr. LOW. Well, there was lots of tents had cellars under them.
Chairman WALSH. How were they, just dug into the ground?
Mr. LOW. Yes, sir; dug into the ground and a floor laid over the top of them.
Chairman WALSH. Just as any man would dig under his house?
Mr. LOW. Yes.

Chairman WALSH. And boards over them?

Mr. Low. Yes.

Chairman WALSH. And this place where the women and children were found dead, where was that with reference to the tents, what part of the tent colony was that in?

Mr. Low. Well, it is very near to the west end, the west end of the tent colony.

Chairman WALSH. Were you there when the fire broke out?

Mr. Low. No, sir; I was down at Bayes's ranch, a mile below; I saw it about the time it started.

Chairman WALSH. When did you come back?

Mr. Low. I came back—my wife and I went that night to a ranch about 5 miles away, and the next morning I took her and the little girl up to Augusta and sent them to Pueblo, and I went to Trinidad on the freight.

Chairman WALSH. What time did you come back to your house at Ludlow?

Mr. Low. I think it was on Friday; I believe it was.

Chairman WALSH. How far was this place where Louis Tikas and Fyler were killed from your house?

Mr. Low. Well, it is right close to the water tank, right east of the water tank about 200 yards.

Chairman WALSH. Right east of the water tank about 200 yards?

Mr. Low. Yes, sir; from my house.

Chairman WALSH. In what direction?

Mr. Low. Very near south; it may be a little west of south, but I don't think it is.

Chairman WALSH. How close was it to the camp?

Mr. Low. East.

Chairman WALSH. How close to the tent colony?

Mr. Low. Where they were killed?

Chairman WALSH. Yes.

Mr. Low. It could not have been over 50 feet from where the first tent was.

Chairman WALSH. Not over 50 feet?

Mr. Low. No.

Chairman WALSH. Where is this camp—where was this camp where the soldiers were?

Mr. Low. West of my water tank, west of the tent colony.

Chairman WALSH. You saw the place where the body of Tikas was said to have been found, and Fyler?

Mr. Low. Yes, sir.

Chairman WALSH. How far was that from the camp of the military, of the militia?

Mr. Low. Well, let's see, that military camp must be about—it can't be over about 450 or 500 yards of where he was killed.

Chairman WALSH. About 500 yards of where Tikas was killed?

Mr. Low. Yes; I should judge that.

Chairman WALSH. What side of the railroad track was he killed?

Mr. Low. On the east side.

Chairman WALSH. You say he was within about 50 feet of the first tent?

Mr. Low. Yes.

Chairman WALSH. And about 250 yards, did you say, from the camp of the militia?

Mr. Low. No, sir; it was worse than that—it was about 450 yards from the camp of the militia?

Chairman WALSH. About 450 yards from the camp of the militia?

Mr. Low. Yes, sir.

Chairman WALSH. Did you observe—oh, you were not there that evening?

Mr. Low. No.

Chairman WALSH. Were you there when the incident of Lieut. Linderfelt's horse being caught in a barb wire took place?

Mr. Low. I was not there and did not see it, but I know they took and cut up all the barb wire there was and threw it into a well where the union people got water from, but I don't know whether they cut it up because the horse ran into it.

Chairman WALSH. They did what, you say?

Mr. Low. They cut up the barb wire and took it and rolled it up and threw it into a well that was there where the union people used to get lots of water from.

Chairman WALSH. Where was that well they got the water from?
Mr. LOW. It was right south of the camp on the wagon road.
Chairman WALSH. Was it east of the railroad track?
Mr. LOW. Yes, sir; just about; maybe 125 feet east of the railroad track.
Chairman WALSH. Was it an old well?
Mr. LOW. Yes, sir; it was an old well.
Chairman WALSH. It had been there before these people made their camp there, the tent colony?
Mr. LOW. Yes, sir.
Chairman WALSH. Did you see them when they cut up the barb wire and threw it down there?
Mr. LOW. I didn't go down there, but I saw them when they was cutting it up and saw them take it over and throw it down in the well, and after they had gone I walked down there and saw the wire in the well and saw the wire after the union men pulled the wire out of the well.
Chairman WALSH. How long did it take them to haul it out of the well?
Mr. LOW. Not a great while. I don't think it was over 50 or 75 pounds of wire that was thrown in the well, but that makes quite a string.
Chairman WALSH. When was that with reference to the 20th of April, the day of the difficulty?
Mr. LOW. The cutting of this wire?
Chairman WALSH. Yes.
Mr. LOW. Oh, it was quite awhile before that. I could not tell you exactly how long before.
Chairman WALSH. Did you ever see or hear any altercations between Louis Tikas and any military officer or soldier?
Mr. LOW. I never did. He had the reputation of being a very quiet man.
Chairman WALSH. Was he or was he not frequently around the depot and the water tank?
Mr. LOW. He used to be around the depot. He never came over to my pump station. I don't suppose he was over there more than two or three times all the time I was there.
Chairman WALSH. What was your feeling before this Ludlow difficulty, so far as the militia was concerned and so far as the strikers were concerned?
Mr. LOW. I was neutral. The militia when they first came in there—I will say Company K—they were gentlemen. After they had been there awhile things got kind of muddled up a little, but they were a nice lot of men, a fine lot of men, and they seemed to get along nicely with the union when they first came down.
Chairman WALSH. Did this feeling of neutrality on your part exist during the entire stay of the militia?
Mr. LOW. Yes, sir; I have never taken sides with either side.
Chairman WALSH. And have not yet?
Mr. LOW. No.
Chairman WALSH. You undertook to give Capt. Hamrock a fair and honest statement of what took place just as you saw it?
Mr. LOW. Yes, sir; I told him just as I saw it.
Chairman WALSH. And told him about it in a respectful manner?
Mr. LOW. Yes, sir; in a gentlemanly way.
Chairman WALSH. Did you answer all questions put to you by Capt. van Cise in a similar manner?
Mr. LOW. Yes, sir; I answered him in the same way.
Chairman WALSH. Thank you, Mr. Low; that is all. You will be excused.
At this point we will take an adjournment until to-morrow morning at 10 o'clock.
(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following morning, Friday, December 11, at 10 o'clock.)

DENVER, COLO., *Friday, December 11, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please come to order.

H. C. Farber.

TESTIMONY OF MR. HARRY C. FARBER.

Chairman WALSH. Your name?

Mr. FARBER. H. C. Farber.

Chairman WALSH. Where do you reside, Mr. Farber?

Mr. FARBER. Ludlow, Colo.

Chairman WALSH. How long have you resided at Ludlow, Colo.?

Mr. FARBER. About 18 months.

Chairman WALSH. What is your business?

Mr. FARBER. Agent for the Colorado & Southern Railway.

Chairman WALSH. You are the gentleman, I believe, who produced the telegram from Maj. Boughton to Gen. Chase, which was offered in evidence yesterday?

Mr. FARBER. I am, sir.

Chairman WALSH. What were the circumstances under which you produced it?

Mr. FARBER. By request of the committee——

Chairman WALSH. Did you produce——

Mr. FARBER (interrupting). On summons.

Chairman WALSH. Did you produce that upon a subpœna duces tecum, and a written resolution of this commission demanding you to produce it?

Mr. FARBER. I did; yes, sir.

Chairman WALSH. How long have you been station agent at Ludlow?

Mr. FARBER. Eighteen months.

Chairman WALSH. Were you there during the difficulty on April 20, 1914, at Ludlow?

Mr. FARBER. I was; yes, sir.

Chairman WALSH. You have been there 18 months?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did you observe the militia around your station prior to the occurrence of this trouble, and their conduct and the conduct of the striking miners in the same neighborhood?

Mr. FARBER. Why, personally, as far as the office was concerned, and the property, it was not molested by either the strikers or the militia.

Chairman WALSH. That is, the railroad property?

Mr. FARBER. Yes, sir; we always got along with them—with both sides.

Chairman WALSH. Did you see a boy on the station platform who had been struck on the head?

Mr. FARBER. I did; yes, sir.

Chairman WALSH. Did you have any conversation with him soon after he was wounded?

Mr. FARBER. I was out—I went outside to one of our local trains, and as I went out the boy was there on the platform and had his head—I could hardly tell how bad, but it was—well, I should say, pretty badly cut.

Chairman WALSH. Was he bleeding at the time?

Mr. FARBER. Yes, sir; I particularly noticed his face and asked him questions. I went to bring him in and I met Linderfelt at the depot—at the door of the depot.

Chairman WALSH. That is, Lieut. Linderfelt?

Mr. FARBER. Yes, sir; and he asked me what I was doing with that man, and I told him I was taking him in the office to give him some kind of assistance. He informed me that he was a military prisoner and took him in charge and kept him prisoner under guard until after our train had left. That was, I should remark, about 20 or 25 minutes that he held him prisoner there at the office.

Chairman WALSH. Do you recall the date of that?

Mr. FARBER. No; I can not; but it was the date that they had that kind of wire-cutting proposition up there where the wire was across the road.

Chairman WALSH. That a horse stumbled over?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did you hear upon that occasion, or upon any other occasion, any officer of the National Guard use profane language in the presence of women on your premises?

Mr. FARBER. I heard Linderfelt, that evening.

Chairman WALSH. Was that the only time?

Mr. FARBER. I think it was the only time.

Chairman WALSH. Did or did not Lieut. Linderfelt have any controversy with Louis Tikas that afterwards lost his life there?

Mr. FARBER. Tikas showed up at the office a few minutes after I found this young gentleman on the platform that was assaulted, and just about the time he showed up he was at the ticket window buying a ticket to Trinidad, and Linderfelt came in and took this man Tikas outside of the waiting room, and I heard some awful loud language outside, but I didn't go out to see what it was, because I didn't think it concerned me.

Chairman WALSH. What do you say was said?

Mr. FARBER. Why, he was taken outside.

Chairman WALSH. Who was taken outside?

Mr. FARBER. Tikas, by Linderfelt.

Chairman WALSH. Did you hear any of the conversation?

Mr. FARBER. I could hear it but could not understand the words; it was very loud and abusive.

Chairman WALSH. On both sides?

Mr. FARBER. Tinkas was denying the charge that he had placed the wire across the road; he claimed that he knew nothing about it whatever.

Chairman WALSH. And you say you could not hear what Lieut. Linderfelt said to him?

Mr. FARBER. I did not try.

Chairman WALSH. Do you know whether or not any of the militiamen at Ludlow, just before the fight of April 20, were mine guards?

Mr. FARBER. I knew they were; yes, sir.

Chairman WALSH. How did you know that?

Mr. FARBER. Well, they had been mine guards before the strike was called. I was personally acquainted, I believe, with two of the gentlemen.

Chairman WALSH. Are any of the men whom you knew and observed as militiamen at Ludlow immediately prior to April 20 at the present time acting as mine guards in the mines near Ludlow?

Mr. FARBER. Two of them I know of.

Chairman WALSH. At what mines?

Mr. FARBER. One is the mine guard at the entrance to the Berwind Canyon. Well, the two of them are stationed there—mine guards at the entrance of the Berwind Canyon.

Chairman WALSH. Are they the same two that were there before, or others?

Mr. FARBER. The same two that were stationed there.

Chairman WALSH. Did you hear any person or persons say anything about the destruction of the tent colony?

Mr. FARBER. Indirectly, I did. It was my understanding that as soon as they got there it would be burned.

Chairman WALSH. You mean that day?

Mr. FARBER. Yes, sir; the day of the battle—April 20. It was my understanding—well, it was everyone's understanding at the time—that as soon as they reached there, it should be destroyed.

Chairman WALSH. Well, was there any fire in the tent colony at the time you heard that?

Mr. FARBER. Any fire? No, sir.

Chairman WALSH. Any tent had been set fire yet?

Mr. FARBER. No, sir; but it never was heard by me, but was just the general understanding there.

Chairman WALSH. You never heard that from anybody?

Mr. FARBER. No, I did not; but I knew it was coming just as soon as they got there.

Chairman WALSH. Well, then, that was merely a suspicion, in your mind, Mr. Farber?

Mr. FARBER. No, it was not a suspicion; I couldn't say that, because I was positive just as soon as they got there it would be burned.

Chairman WALSH. But you have nothing to base that on?

Mr. FARBER. No; only just the heretofore proposition as to what had occurred.

Chairman WALSH. How do you know that anyone else held the opinion, Mr. Farber? You say everyone thought so.

Mr. FARBER. Well, the controversy of the men employed at the depot.

Chairman WALSH. Did you see Louis Tikas and Maj. Hamrock at the depot the morning before the Ludlow battle?

Mr. FARBER. I saw them there the morning of the Ludlow battle.

Chairman WALSH. Did you hear any conversation between them or have any conversation with them, or either of them?

Mr. FARBER. I had with Maj. Hamrock.

Chairman WALSH. What was the substance of the conversation?

Mr. FARBER. He and I were on awful friendly terms, and I asked him, "What seems to be going on?" Well, he made the remark, he said, "I am awful afraid there is going to be something doing."

Chairman WALSH. Was Mr. Tikas there at that time?

Mr. FARBER. No; he was going up the road toward the tent colony waving a handkerchief at the men crossing the field at this time.

Chairman WALSH. How far was the tent colony from your station?

Mr. FARBER. I should think about a quarter of a mile.

Chairman WALSH. Now, you say, at the time Maj. Hamrock said something was going to happen, Mr. Tikas was going up waving a handkerchief?

Mr. FARBER. Yes; to the men that were crossing over the field toward the cut.

Chairman WALSH. Well, when you refer to the men, you mean the striking colonists that were in the tent colony?

Mr. FARBER. To make it entirely clear, the men of the tent colony were crossing the field. Just about that same instant the militia, or some of them, came from toward the military camp, and they said a few words to Maj. Hamrock, and they all gave a halloo and they started down the road toward the Water Tank Hill, hallooing, and horses on a run. I should judge there was 8 or 10.

Chairman WALSH. Now, you referred to some men that were running. Which direction were they running in?

Mr. FARBER. Well, they were running from the tent colony across toward the embankment where they were later—where they held their fortifications, there where the main fire was.

Chairman WALSH. Now, they were running toward the east or southeast?

Mr. FARBER. The east and south of the Ludlow depot.

Chairman WALSH. East and south of the Ludlow tent colony?

Mr. FARBER. No, sir; east and south of the Ludlow depot; it was also east and south——

Chairman WALSH. Of the tent colony?

Mr. FARBER. Yes, sir.

Chairman WALSH. And the militia were upon Water Tank Hill; that was still farther south upon quite an eminence?

Mr. FARBER. Yes, sir.

Chairman WALSH. And apparently were the men going in a way that they would be going if they intended to make an assault upon that hill or try to take that hill?

Mr. FARBER. Both sides were.

Chairman WALSH. Both sides were going?

Mr. FARBER. Yes; the militia were going one way and the strikers the other. That is just the way it appeared to me.

Chairman WALSH. The strikers were making some detour around to the southeast and the militia were going straight south?

Mr. FARBER. No; the strikers—yes; they were going from the tent colony directly across to the hill, the embankment there, the cut.

Chairman WALSH. Were there any militiamen on the hill at that time?

Mr. FARBER. I couldn't see, but witnesses claim that there was, a number of eyewitnesses.

Chairman WALSH. You did not see them?

Mr. FARBER. No; I did not see them.

Chairman WALSH. The men from the strikers' colony that were running, were armed, were they—had guns?

Mr. FARBER. From the distance we were, we couldn't tell.

Chairman WALSH. You couldn't say whether they had guns or not?

Mr. FARBER. No; you couldn't say from the depot whether they had guns or not.

Chairman WALSH. About how far away were you from them?

Mr. FARRER. Oh, they were, I presume, just about a quarter of a mile.

Chairman WALSH. Did you see any of them before they got out of range so you could ascertain?

Mr. FARRER. They were just about the same distance all the way.

Chairman WALSH. All the time you saw them?

Mr. FARRER. Just about the direction they took, about the same distance.

Chairman WALSH. They afterwards were shown to have been armed, were they—they were armed, as a matter of fact?

Mr. FARRER. When they reached the cut they were armed.

Chairman WALSH. They were armed?

Mr. FARRER. Yes.

Chairman WALSH. Now, did the militia reach Water Tank Hill that left the depot there?

Mr. FARRER. Yes, sir.

Chairman WALSH. How many of them were there?

Mr. FARRER. As I remember correctly, about between 8 and 12.

Chairman WALSH. And how many of these men that ran from the other direction; how many strikers were there?

Mr. FARRER. Between 20 and 25.

Chairman WALSH. Between 20 and 25?

Mr. FARRER. Yes, sir; somewhere like that; I am explaining it just what I know.

Chairman WALSH. Now, did you see what became of any of the women and children that were in the camp?

Mr. FARRER. No—until—well, you refer to the morning or evening?

Chairman WALSH. In the morning.

Mr. FARRER. Well, there were a few down on the ball ground playing ball, and some of the boys and some of the men and a few of the women were down there.

Chairman WALSH. Did you observe any women and children any place about the tent colony at this time that you saw the militia and the strikers both headed for Water Tank Hill?

Mr. FARRER. Well, there seemed to be excitement—intense excitement—at the tent colony. We were quite a distance, and you can't tell very much without you see them grouping up, and they were in groups and kind of seemed like they were trying to get somewhere and didn't know where they were getting.

Chairman WALSH. How far was your station from the house of Mr. Low, the pump man for the railroad company?

Mr. FARRER. About between eight and nine hundred yards; possibly a little farther. I couldn't say; I never measured the distance.

Chairman WALSH. Are you north or south of the pump house?

Mr. FARRER. We are south.

Chairman WALSH. Did you see the militia; could you observe the militia when they got to Water Tank Hill?

Mr. FARRER. Well, when they went down the road, as I remember, they went under the hill—there is a hill there right beyond the water tank; the water tank is located on the hill right off beyond; there is a low place, and they went right in, down below the hill, and went around toward the east. I couldn't see them after they went under the hill, but I could tell where they were from the firing.

Chairman WALSH. Was Maj. Hamrock in the party?

Mr. FARRER. No; he was not.

Chairman WALSH. Where was Maj. Hamrock?

Mr. FARRER. After arriving at the depot, after he had appeared there, after I had the little trouble with him he went over to the military camp.

Chairman WALSH. And that was——

Mr. FARRER. That was to the west.

Chairman WALSH. And north of your station?

Mr. FARRER. Almost west; just a little north.

Chairman WALSH. Was there anyone with him when he went over there?

Mr. FARRER. He was by himself.

Chairman WALSH. Could you tell where the first shots were fired from?

Mr. FARRER. The first shots I heard were the two bombs that were fired from the military camp—at the military camp—in that vicinity.

Chairman WALSH. Were both shots fired from the military camp, which was due west from your station?

Mr. FARRER. That is the direction that I figured they came from. I couldn't see them fired; I just heard them.

Chairman WALSH. Now, Water Tank Hill would be south and east of the camp?

Mr. FARBER. South and east of the military camp; well——

Chairman WALSH. It was about a mile south of the tent colony—Water Tank Hill?

Mr. FARBER. I should hardly think it was about that far; about three-quarters of a mile from the colony.

Chairman WALSH. About three-quarters of a mile?

Mr. FARBER. About, to be more accurate.

Chairman WALSH. That is called Water Tank Hill because it has a water tank on it?

Mr. FARBER. Yes.

Chairman WALSH. And the tank has nothing to do with the railroad?

Mr. FARBER. No, sir.

Chairman WALSH. It is a water tank that is used——

Mr. FARBER (interrupting). By the individuals.

Chairman WALSH. By the public?

Mr. FARBER. Yes, sir.

Chairman WALSH. Now, after you heard these two bombs go off, could you tell where and when the next firing commenced; where it came from?

Mr. FARBER. I couldn't tell exactly, as just about this time there was a number of women and children at the Ludlow property that I was getting under cover. And the firing opened up, it appeared to me from the sound and things just about instantaneously from both sides, although I couldn't say as to which fired the first shot after the two bombs were fired.

Chairman WALSH. What is that?

Mr. FARBER. After the two bombs were fired.

Chairman WALSH. With reference to the time the two bombs were fired that you started to try and protect the women and children that were at the station?

Mr. FARBER. Just about the time that the bombs were fired.

Chairman WALSH. And was that before the other shots commenced from both sides?

Mr. FARBER. It was; yes, sir.

Chairman WALSH. Why were you trying to get the women and children out of the way?

Mr. FARBER. Well, I saw that the militia were going one way and the strikers the other, and Maj. Hamrock told me there is something doing and he was going the other way.

Chairman WALSH. So that you were doing this at the inception of the battle?

Mr. FARBER. Just for the sake of the people, yes, sir.

Chairman WALSH. Did you afterwards see the men on Water Tank Hill?

Mr. FARBER. Yes, sir; you could see them.

Chairman WALSH. After the battle began?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did they have their machine gun in action?

Mr. FARBER. They had one.

Chairman WALSH. How do you know that the machine gun was in action? Could you see it in operation?

Mr. FARBER. I could hear it. You couldn't very well see it at first, but you could hear it distinctly.

Chairman WALSH. Could you tell the difference between the firing of a machine gun and the ordinary rattle of the artillery?

Mr. FARBER. Yes, sir.

Chairman WALSH. In what direction were they firing?

Mr. FARBER. They were firing north and east.

Chairman WALSH. Could you see the strikers at this time?

Mr. FARBER. Yes, sir.

Chairman WALSH. How many could you see?

Mr. FARBER. About—you could only see about 8 or 10, possibly, at a time.

Chairman WALSH. Were they firing upon the militia?

Mr. FARBER. They were; both sides firing.

Chairman WALSH. Where did you first see Lieut. Linderfelt on the day of the battle?

Mr. FARBER. The first I saw of him he was coming up from the steel bridge. The bridge I refer to is close to the water tank, directly south of the station. It is a steel bridge. He was coming up through the—it is a kind of a cut

there and he was coming up through the cut, with, I should think, he had following with him about 12 or 15 of the militia in uniform.

Chairman WALSH. Where was that you say? Where were they?

Mr. FARRER. They were coming from the steel bridge, in the vicinity of the steel bridge, toward the Ludlow depot.

Chairman WALSH. Was that while the battle was going on?

Mr. FARRER. That was while it was going on. They were firing as they came.

Chairman WALSH. Which way were they firing?

Mr. FARRER. They were firing toward the men that had intrenched in the cut. That was north and east also.

Chairman WALSH. Did Lieut. Linderfelt get into the depot on that day?

Mr. FARRER. He was there practically all day after he—I should think when he reached there about 10.30 or 10 o'clock—in between there, in between 10 and 10.30—he was there until in the evening about 6 o'clock.

Chairman WALSH. Could he fire upon the opponents at the depot?

Mr. FARRER. Yes.

Chairman WALSH. That is what they were doing there?

Mr. FARRER. Yes.

Chairman WALSH. That is what they were engaged in?

Mr. FARRER. In other words, they made the depot a barracks.

Chairman WALSH. Were they inside the depot?

Mr. FARRER. They were; yes, sir.

Chairman WALSH. How many were in there?

Mr. FARRER. There was about some—different numbers, ranging from 10 to 3 or 4, and then they were also firing from the outside, behind some of the lumber that was piled up on the platform, and the dwellings around there.

Chairman WALSH. After the battle started how many men were engaged in it on the side of the strikers?

Mr. FARRER. I should think those that I seen ranged from 25 to 30.

Chairman WALSH. But you could not see all of them, evidently?

Mr. FARRER. I could not. I am just giving what I saw.

Chairman WALSH. Yes.

Mr. FARRER. Just as I saw it.

Chairman WALSH. Well, from the firing, the sounds that came, could you tell there were a good many more than that engaged in the battle—you could, could you not?

Mr. FARRER. The firing was not so intense from either side. They were just firing; kind of picketing; kind of sharpshooting.

Chairman WALSH. All day? Where was Maj. Hamrock during the day?

Mr. FARRER. I don't know, but I found out; I didn't know at the time, but I found out that he was at the west of the station coming down the arroyo.

Chairman WALSH. At what time did the reinforcements reach Ludlow?

Mr. FARRER. Between 4 and 5 p. m., or in that vicinity, just as I remember; about 5 p. m., I should say.

Chairman WALSH. How many came that you saw?

Mr. FARRER. In the neighborhood of between 50 and 100, I should think, right along in there. It is not positive.

Chairman WALSH. Where did they go to? Did they go to Water Tank Hill?

Mr. FARRER. No; as I understand, they did come around up by the Water Tank Hill, but they came up under the steel bridge to the depot—the Ludlow station.

Chairman WALSH. How long were they in getting to Water Tank Hill after they got there?

Mr. FARRER. I believe they got off of the train, they came up on a train as far as—well, below, I think a mile or two, possibly; I don't know just how far they came; I didn't go into the details of that. But they got off, and they marched across from where they got off the train; some of them, I believe, went around by the Water Tank Hill and the balance came right on up to the station.

Chairman WALSH. Did they afterwards engage in battle? Was there firing?

Mr. FARRER. Yes; there was firing.

Chairman WALSH. Was there much firing?

Mr. FARRER. Yes; it was intense. The machine gun was covering the advance of the militia at this time. What I mean by covering is they were firing in advance. And it was awful dry and calm and they were trying to keep the strikers from seeing them, and keep down the fire.

Chairman WALSH. Where were the majority of the women of Ludlow during the battle?

Mr. FARNER. In the cave. They had a large cave there that held about 14 of them. And there was another cave that held about 8, and these caves were full up all day from about 9 o'clock or 9—between 9 and 9.30 until 6.25 the next morning.

Chairman WALSH. Were you in a position where you could see how many of them went into the well at the pump house of the railroad?

Mr. FARNER. No; you could not.

Chairman WALSH. Do you know whether there were any in there?

Mr. FARNER. Not until afterwards.

Chairman WALSH. Is the country surrounding the camp free of woods—free of trees?

Mr. FARNER. It is.

Chairman WALSH. Did you see Louis Tikas after he left the station?

Mr. FARNER. Well, the last I saw of him he was going up the road waving his handkerchief and trying to get the strikers to go back to the colony; that is what I figured he was trying to do, because he was going up the road waving at them.

Chairman WALSH. Were you well acquainted with Tikas?

Mr. FARNER. I was; yes.

Chairman WALSH. What sort of a man was he, as to characteristics?

Mr. FARNER. Personally, Tikas was a very quiet sort of a fellow, and as far as I was concerned, and the company, he was always on the square. I have got my first time to ever see him do any dirty kind of a trick, or even break his oath. That is my own personal knowledge of him.

Chairman WALSH. Did you testify before the military commission that was held shortly after the occurrence, in which Maj. Boughton was the head of the judges?

Mr. FARNER. Maj. Boughton came there. I heard what this committee was before it reached there. Maj. Boughton came to the office and requested myself and the employees there—the men under me, that are four in number—and asked us to make a statement. We refused to do so. We were not subpœnaed or anything; he just asked us if we would make a statement.

Chairman WALSH. Have you testified before any other body except this commission?

Mr. FARNER. I have been asked to make at least a dozen different statements, but I have refused to make any. This is the first ever I have told, or any of the men, to my personal knowledge, of anything that occurred at the depot, or from the depot.

Chairman WALSH. Have you stated the occurrences briefly, as they occurred there that day, or do you think of anything else that might be of significance to state to this commission?

Mr. FARNER. Well, in the position we are held there, I think I would rather be confined to any questions that might be asked.

Chairman WALSH. Commissioner Ballard would like to ask you a few questions.

Commissioner BALLARD. You say you have several men employed there in the station. Who is the telegraph operator?

Mr. FARNER. We had at this particular time—we had three operators. Do you want the names of all of them?

Commissioner BALLARD. No. As to this telegram you produced on the demand of the commission—had that telegram ever been given out by any of your operators before?

Mr. FARNER. Not that I know of. I am a telegraph operator, and I copied the message myself personally; I was working at the time.

Commissioner BALLARD. Then how did anybody know about that message?

Mr. FARNER. The first I knew of it was when one of the papers of, I believe, Trinidad, just before I started up here, had the statement that I would be called on to produce the message. Now, there might be some question——

Chairman WALSH (interrupting). The commission does not raise any question about that telegram. The reason I asked was Maj. Boughton read a statute which forbade the divulging the contents of a message.

Commissioner BALLARD. My idea was, and is, that if telegrams are sacred and belong only to the persons who send them and receive, I do not know how, generally speaking, telegrams should become public property.

Chairman WALSH. The way it became public property in this case was that it had been reported in the public press that telegrams had passed between the parties that never came out, and that is why I had the commission adopt a resolution to bring it in.

Mr. FARBER. I might throw some further light on it. It seems that just before this there had been some controversy or misunderstanding between some of the different militia after the Ludlow battle, or on or about that time, and I was asked on one or two occasions to produce that certain message before—that is, for individual use—but I informed the parties that it was prohibitive for us to divulge the contents of any message received or sent, consequently I refused to do so; but I took it up before I produced the message, with my superior officers, to see whether I should bring the message up here after the subpœna had been served.

Chairman WALSH. Commissioner Weinstock would like to ask you——

Commissioner WEINSTOCK. Do you know Mr. Low, the pump man?

Mr. FARBER. Yes, sir.

Commissioner WEINSTOCK. Is he under your direction?

Mr. FARBER. No; he is in the water service.

Commissioner WEINSTOCK. You have no control over him?

Mr. FARBER. I have not—well, indirectly, if there is any occurrence or anything regarding that service, he reports the matter to me, and I usually handle it.

Commissioner WEINSTOCK. You say Maj. Boughton came to you and wanted you to testify before his committee?

Mr. FARBER. Asked us to make statements.

Commissioner WEINSTOCK. And you declined?

Mr. FARBER. We did; yes.

Commissioner WEINSTOCK. When you declined, did you represent your subordinates at the same time?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. Well, you used the word "we." Whom do you mean by "we"?

Mr. FARBER. Not at the time, the men and myself, we had talked the matter over.

Commissioner WEINSTOCK. Whom did these men include; just give their names?

Mr. FARBER. Let's see. There was W. R. Chamberlain, was one—Chamberlain; Cooper—V. C. Cooper, H. H. Sammons, and J. L. Sammons.

Commissioner WEINSTOCK. Was Mr. Low one of the group who discussed the matter with you?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. Then you had a little conference and agreed that you would not testify?

Mr. FARBER. No, sir; each one was called individually. We had had considerable of these investigation committees, and as far as we could see there had never been anything, so far as we could understand, nothing gained by it.

Commissioner WEINSTOCK. Maj. Boughton had invited everyone of these men to testify?

Mr. FARBER. He asked us to make a statement.

Commissioner WEINSTOCK. And everyone, in turn, declined?

Mr. FARBER. Yes, sir.

Commissioner WEINSTOCK. You don't know anything about Mr. Low?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. He had never discussed the matter with you?

Mr. FARBER. I don't believe while the committee was there—I don't remember whether Mr. Low was there.

Commissioner WEINSTOCK. Have you ever discussed the question with Mr. Low, the question of his testifying or being asked to testify?

Mr. FARBER. No; I never did.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Were you requested to make a written statement to the commission of inquiry headed by Maj. Boughton, and requested to appear before the commission and testify?

Mr. FARBER. He requested us to make a statement.

Commissioner GARRETSON. Isn't it a fact that under the present system of the transmission of telegrams, any telegraph operator in a country office at any waiting room could take or receive the message as it was sent or received?

Mr. FARBER. He could; yes; if he was a telegraph operator.
Commissioner GARRETSON. Either at the sending or receiving office?
Mr. FARBER. At either point.
Commissioner GARRETSON. That is all.
Chairman WALSH. That is all; thank you, Mr. Farber.
Lieut. Linderfelt.

TESTIMONY OF LIEUT. KARL E. LINDERFELT.

Chairman WALSH. What is your name, please?
Lieut. LINDERFELT. Karl E. Linderfelt.
Chairman WALSH. Where do you reside, Mr. Linderfelt?
Lieut. LINDERFELT. In Denver.
Chairman WALSH. What is your business, please?
Lieut. LINDERFELT. My business is mining.
Chairman WALSH. How long have you been engaged in that business?
Lieut. LINDERFELT. About 21 years.
Chairman WALSH. You are a native of what State?
Lieut. LINDERFELT. Wisconsin.
Chairman WALSH. How long have you lived in Colorado?
Lieut. LINDERFELT. Twenty-one years; practically 21 years.
Chairman WALSH. Has your business been that of mining during all of the time you have been in this State?
Lieut. LINDERFELT. Except when I have been in the service.
Chairman WALSH. How long have you been a member of the Colorado National Guard?
Lieut. LINDERFELT. Off and on since 1898.
Chairman WALSH. I wish you would begin at the very commencement of your career and state all the experience you have had as a military man, not only here but any place—all of your military experience.
Lieut. LINDERFELT. Well, as a young boy in Wisconsin I belonged to various cadet companies and a zouave company; and in 1898 I enlisted in B Troop, First Squadron of Cavalry, National Guard of Colorado. Afterwards transferred——
Chairman WALSH. That was what date, Mr. Linderfelt?
Lieut. LINDERFELT. I think the 28th of April, 1898. And we were transferred then——
Chairman WALSH. Lieutenant, I am going to ask you to pitch your voice a little high. It is difficult for this last gentleman on the end here to hear. I know it is difficult for you to do it, but pitch it as high as you can, and I may have to ask you occasionally——
Lieut. LINDERFELT. We were afterwards transferred into B Troop, Second Regiment, Volunteer Cavalry, Torrey's rough riders. I served with them until we were mustered out. Our principal service was in Jacksonville, Fla., and I was taken sick there at that time with dysentery, and finally the regiment was mustered out in the latter part of October; and I reenlisted in B Troop, Fourth United States Cavalry, December 5, 1898. I served in the Presidio, Cal., for a few months. Half of the regiment at that time was serving in the Islands. The troop which I belonged to was ordered over to the Islands in the early spring of 1899. I served in the Islands 19 months with the Fourth Cavalry, in that command.
Chairman WALSH. What island?
Lieut. LINDERFELT. Philippine Islands, taking part in, I think, all the engagements, skirmishes, and battles that the troop took part in, and possibly five or six more, because I was in the scouts and participated in those fights as scouts, which the troop did not participate in.
After I was discharged at Manila I went into the Quartermaster's Department—it was not an enlistment, but I served with them, and was in Taku, China, with the Quartermaster's Department. When I returned from Manila I went, I think—I don't remember the exact date, but I returned to the United States in 1901. I did not serve a full enlistment—full three years—with B Troop, Fourth Cavalry. My father had died while I was over there in the Islands, and I was discharged by way of favor.
In 1903, in August, I believe, I enlisted or reenlisted in my original troop, B Troop of the First Squadron of Cavalry, National Guard of Colorado. I served with that and was transferred—let's see, I served with that—I have my discharges in my pocket. I can give you the exact dates.

Chairman WALSH. All right, please do it. What is your age, please?

Lieut. LINDERFELT. Thirty-eight. I enlisted on the 29th day of April, 1898, in Troop B, First Squadron Cavalry, National Guard of Colorado. I was discharged from that—my discharge is dated the 13th day of June, 1898, "by reason of his having enlisted in B Troop, Second United States Volunteer Cavalry." Is there anything else—character, or anything else you wish from this?

Chairman WALSH. I wish you would read it all into the record, please.

Lieut. LINDERFELT (reading):

STATE OF COLORADO.

To all who shall see these presents, greeting:

Know ye, that Karl E. Linderfelt, a private of Captain Wm. G. Wheeler's company, Troop B, of the 1st Squadron of Cavalry, National Guard of Colorado, who was enlisted the 29th day of April, A. D. 1898, is hereby discharged from the service of the State, this 13th day of June, 1898, by reason of his having enlisted in Troop B, Second U. S. V. Cav.

Said Karl E. Linderfelt was born at Janesville, in the State of Wisconsin; is 21 years of age, 5 feet 9 inches high, fair complexion, blue eyes, light hair, and by occupation when enlisted a miner.

Given at Denver, Colo., this 13th day of June, A. D. 1898.

LEWIS BARSUM, *Adjutant General.*

Character: Excellent.
Per G. O. No. 72.

No. 19455—$76.92 travel allowances allowed Feb. 9, 1901.

O. H. T.

Enlisted at Ft. Logan, Colo., Dec. 5, 1898, for the 4th Cav., by M. D. Cronin, 1st Lt. Adj. 25 Inf. R. O.

Know ye, that Karl E. Linderfelt, a private of Troop 13, of the Second Regiment of United States Volunteers Cavalry, who was enrolled on the first day of May, one thousand eight hundred and ninety-eight, to serve two years, or during the war, is hereby discharged from the service of the United States by reason of telegraphic instruction, dated Washington, D. C., A. G. O., October 15, 1899.

No objection to his reenlistment is known to exist.

The said Karl E. Linderfelt was born in Janesville, in the State of Wisconsin, and when enrolled was 21 years of age, 5 feet 9 inches high, fair complexion, blue eyes, light hair, and by occupation a miner.

Given at Jacksonville, Fla., this 17th day of October, 1899.

ARTHUR L. R. DAVIES,
Capt., 2d U. S. V. Cav., Commanding the Troop.

Countersigned.
JAY T. TOBEY,
Col. 2d U. S. Vol. Cav., Commanding Reg't.

(On the back of No. 19455:)

MILITARY RECORD.

Noncommissioned officer: No.
Distinguished service: None.
Battles, engagements, skirmishes, expeditions: None.
Wounds received in service: None.
Remarks: Service honest and faithful. Absent on furlough; entitled to travel pay.
Character: Excellent.

ARTHUR L. R. DAVIES,
Capt. 2d U. S. V. Cav., Commanding Troop B.

MANILA, PHILIPPINE ISLANDS.

Paid in full, Oct. 15, 1900.

JAMES CANBY,
Major and Addl. Paymr., U. S. V.

$47.96.

Know ye, that Karl E. Linderfelt, a private of Troop B, of the Fourth Regiment of Cavalry, who was enlisted on the fifth day of December, one

thousand eight hundred and ninety-eight, to serve 3 years is hereby honorably discharged from the Army of the United States by reason of Par. 3, S. O. No. 197, A. G. O., August 22, 1900.

The said Private Karl E. Linderfelt was born in Janesville, in the State of Wisconsin, and when enlisted was 22 years of age, 5 feet 7¼ inches high, w., fair complexion, blue No. 12 eyes, l. brown hair, and by occupation a miner.

Given under my hand at Naic, Luzon, P. I., this twelfth day of October, in the year of our Lord one thousand nine hundred.

GEO. G. GALE,
Captain 4th Cavalry, Comdg. Post.

Character: No objection to his reenlistment is known to exist.
Character: Excellent.

S. M. P. RUTHERFORD,
1st Lieutenant, 4th Cavalry, Comdg. Troop B.

(On the back was written:)

MILITARY RECORD.

Previous service: Served in Troop B, 2d Vol. Cav., May 1st to Oct. 15, 1898.
Noncommissioned officer: Never.
Marksmanship: No record.
Battles, engagements, skirmishes, expeditions: Campaign against Filipino insurgents in Luzon, 1899–1900. Rio Grande-de-Pampanga River Expedition. Northern Luzon. Oct. 11 to Dec. 19, 1899. Southern expedition, Jan. 3 to Feb. 5, 1900.
Wounds received in service: None.
Physical condition when discharged: Good.
Married or single: Single.
Remarks: Service honest and faithful.

S. M. P. RUTHERFORD,
1st Lieutenant, 4th Cavalry, Commanding Troop B.

Battles, engagements, and skirmishes:
Rio Grande de Pampanga campaign—San Matio, August 12; Santa Ana, October 3; Arayat, October 12; San Isidro, October 20; near Santa Rosa, October 23; Talavera, October 31; night attack on Talavera, November 7; Punkan, November 9; Carringlan, November 0; Santa Cruz Mountain, November 23; Dupax, November 28; Bayambang November 31; near Sibul Springs, December 10; Biac No Bato, December 12; San Matio, December 19. Southern campaign, 1900—Muertinlupa, January 6; Binang, January 6; Silang, January 7; Indang, January 7; Naic, January 9; San Pablo, January 14; Taiong, January 14; near Taiong, January 15; Siriagoa, January 20; Tayabas, January 21; Lucban, January 22; Magdalena February 7.

Special Orders, No. 197.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 22, 1900.

EXTRACT.

* * * * * * *

3. By direction of the Assistant Secretary of War, Private Karl E. Linderfelt, Troop B, Fourth Cavalry, Manila, P. I., will be discharged from the Army, by way of favor, by the commanding officer of his station. This soldier is not entitled to travel pay.

By command of Lieut. Gen. Miles:
[SEAL.] H. C. CORBIN, *Adjutant General.*

M. T. GUNNELL,
Attorney at Law, Colorado Springs, Colo.

STATE OF COLORADO,

To all who shall see these presents, greetings:

Know ye that K. E. Linderfelt, first sergeant of Lieut. J. R. Galloway's Troop A of the First Squadron Cavalry of First Brigade, National Guard of

Colorado, stationed at Telluride, Colo., who was enrolled the 4th day of September, A. D. 1903, is hereby discharged from the service of the State of Colorado, this 18th day of April, A. D. 1905 by reason of Special Orders, No. 27, adjutant general's office, dated at Denver, Colo., April 11, 1905.

Character: Excellent.

DESCRIPTION.

Said K. E. Linderfelt was born in Janesville, in the State of Wisconsin, is 29 years old and has blue eyes, brown hair, medium complexion, and is 5 feet 8 inches high, and by occupation when enlisted a miner.

MILITARY RECORD.

Five months Troop B, Second United States Volunteer Cavalry; one year and eleven months Troop B, Fourth United States Cavalry; transferred from Troop B First Squadron of Cavalry, National Guard of Colorado, to Troop A of the First Squadron of Cavalry, National Guard of Colorado, February 16, 1904.

Given at Telluride, Colo., this 20th day of December, A. D. 1905.

JOHN R. GALLOWAY,
First Lieutenant, First Squadron Cavalry, N. G. C.

Maj. ZACK. T. HILL, *Commanding Troop A,*
Commanding First Squadron Cavalry, N. G. C.

Chairman WALSH. That is the entire record, is it, as shown?

Lieut. LINDERFELT. No, sir; it is not. I can't read Spanish, but here is a discharge from Madero, of the Mexican Army.

Chairman WALSH. Just state in substance what it is in English.

Lieut. LINDERFELT. Accepting the resignation of Capt. K. E. Linderfelt and gives my service, and promoted from second lieutenant, for merit, to first captain, and discharged from Juarez the 10th of May 1911.

Chairman WALSH. Commissioner Garretson requests that you let him see that.

(The document here handed to Commissioner Garretson was as follows:)

"Siento en el tener que aceptar su renuncien al mando de la compañia Americana y su baja de las filas de las fuerzas Libertadoras. Sus servicios datan desde el febrero 14 como capitan segundo y fué promovido a capitan primero por merito de guerra el 17 de abril de este año.

Coronel José GARIBALDI.

Al Capitan Primero K. E. LINDERFELT,
Juarez, 12 mayo 1911.

Lieut. LINDERFELT. Now, my record—there is another enlistment in K First and K Second Infantry in Colorado, and we were transferred, I think, from K Second to K First. I was first sergeant, corporal, and so on; and then I was promoted to second lieutenant and served as second lieutenant and resigned; but I have no certificate of that service; it is on the record in the adjutant general's office.

(Lieut. Linderfelt subsequently submitted the following:)

STATE OF COLORADO.

ADJUTANT GENERAL'S CERTIFICATE OF SERVICE.

This certifies that First Lieut. K. E. Linderfelt, a first lieutenant in Company K of the First Infantry, National Guard of Colorado, was enlisted on the 26th day of September, 1905, at Victor, Colo., by Capt. Hoag, for a period of one year, and that he was discharged on the 2d day of June, 1907, at Victor, Colo., by reason of resigned from the service.

DESCRIPTION.

Said K. E. Linderfelt was born in Janesville, in the State of Wisconsin; at the time of enlistment, September 25, 1905, was 29 years old, had blue eyes, light brown hair, fair complexion, was 5 feet 9¼ inches high, and by occupation when enlisted a miner.

MILITARY RECORD.

Enlisted Company K, Second Infantry, National Guard of Colorado, September 26, 1905; sergeant, October 21, 1905; first sergeant, October 24, 1905; elected second lieutenant, March 29, 1906. Transferred and assigned to duty with First Infantry, December 28, 1906; first lieutenant, December 28, 1906, as shown by the records of the adjutant general's office of the State of Colorado.

Given under my hand, at the city of Denver, this 11th day of December, in the year of our Lord one thousand nine hundred and fourteen.

[SEAL.]

JOHN CHASE,
Adjutant General.

Chairman WALSH. What was your employment immediately before you were called out with your company at the time of this last strike?

Lieut. LINDERFELT. I was working at the El Paso mine at Cripple Creek.

Chairman WALSH. That is a metalliferous mine?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. What company were you working for?

Lieut. LINDERFELT. El Paso.

Chairman WALSH. In what capacity?

Lieut. LINDERFELT. I had a contract in the shaft.

Chairman WALSH. Just briefly describe what is the nature of those contracts.

Lieut. LINDERFELT. Sinking the shaft and timbering it up. It is a little peculiar contract, because they had driven a raise up there and allowed the raise to fill up, in removing the rock and timber in the shaft.

Chairman WALSH. How long were you at Cripple Creek, or had you been at the time you were called out?

Lieut. LINDERFELT. Well, I have been in Cripple Creek off and on since 1894.

Chairman WALSH. Were you a deputy sheriff or mine guard at any time prior to the evolutions of the militia in the field?

Lieut. LINDERFELT. Yes; I was a deputy sheriff, but not a mine guard.

Chairman WALSH. Where were you deputy sheriff?

Lieut. LINDERFELT. I was deputy sheriff at Ludlow.

Chairman WALSH. How long prior to the time the militia was called were you deputy sheriff at Ludlow?

Lieut. LINDERFELT. I haven't that here—about two weeks.

Chairman WALSH. About two weeks?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. By whom were you commissioned?

Lieut. LINDERFELT. By Sheriff Gresham.

Chairman WALSH. By whom were you paid for the two weeks' service?

Lieut. LINDERFELT. By the county.

Chairman WALSH. During that two weeks was there any trouble of any kind at the place where you were located?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Were there any altercations with the strikers?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Give the general nature of it, please. I do not care for the details, just the general nature of the matter. Were you assaulted or did you assault anyone, or how was it?

Lieut. LINDERFELT. I was sent out there to Ludlow to take charge of a detachment of county deputies at Ludlow station, or section house, which is directly south of Water Tank Hill.

Chairman WALSH. How many men were in the detachment?

Lieut. LINDERFELT. When I got out there there were about 20, and there was a detachment at Chicosa, just about 8 miles from there, which I also had command of.

Chairman WALSH. Just describe, beginning at your first appearance there, down to the end of your service as a deputy sheriff as to any trouble that took place.

Lieut. LINDERFELT. My instructions, when I went out there, was to arrest anyone who started any trouble, whether strikers or mine guards. Gov. Ammons, Mr. Lawson, I believe, John Lawson, Sheriff Gresham, and Col. Lee were at the Cardenas Hotel, and the sheriff agreed to send out a detachment of deputies in charge of some one who would see who started the trouble, and I was sent out in command of those deputies.

Chairman WALSH. Placed in command by whom?

Lieut. LINDERFELT. Sheriff Gresham. I went out there to Ludlow, at the section house, where we were stationed, and took command of it. I found, when I got out there, that there seemed to be more or less feeling between the deputies—among themselves—as toward the mine guards. Some of them did not want to have anything to do with the mine guards, and thought they were in the wrong, and some thought the striking miners were in the wrong and would discuss that; but I explained to them that their duty was simply to preserve the peace and arrest whoever violated the peace.

They were going to the depot and meeting the trains at that time—about 20 men; previous to my arrival there they had taken some of these men and sent them over to Chicoea, I think about 12. I cut the patrol down to meet the train, and just about got things started, getting the men lined up in some kind of order and having the horses shod in shape, and I was over at Chicoea; on my way back, about halfway from the station house, I heard firing in the direction of the section house. It was about train time. Four men had gone to the train, and as they came to Water Tank Hill they were fired on from Ludlow. They were between Ludlow and the steel bridge—in the cut—there is a big heavy cut there that the railroad goes through and the sand is thrown up making quite a good-sized mound, and they were fired on from that place, I think. I immediately spurred up my horse and started over to the section house; but before I had gone very far, heavy firing broke out from Water Tank Hill toward the section house.

There is a large bank, a railroad bank, that runs in this direction [indicating] and turns under the steel bridge going to Ludlow. Below the steel bridge is the section house. The road follows this railroad track. On the side nearest Water Tank Hill, as I was riding there, I observed some heavy firing from the hill and dismounted and got behind the railroad bank with two men and returned the fire. I worked around this railroad cut, on the opposite side of the road, which gave me protection toward the station.

I found the deputies that were there were driven back from all points except a few around the station house. Then, a lot of men came down from Berwind Canyon and joined in with us and we drove them from Water Tank Hill, and about 4 or 5 o'clock, I think, the fight was over.

At 2 o'clock that morning a heavy snowstorm had set in and all these men from Berwind Canyon had gone back and the situation at the station house was absolutely unmilitary for protection, and we abandoned that—that station. I, in the meantime, had phoned Gen. Chase.

Chairman WALSH. Excuse me, what date was that?

Lieut. LINDERFELT. Well, now, I think I have a copy of a telegram that would give me that. It was the Saturday before the troops came in.

Chairman WALSH. The Saturday before the troops came in?

Gen. CHASE. I can give you that date.

Chairman WALSH. What was the date?

Gen. CHASE. Saturday, October 25, 1913.

Chairman WALSH. Was that the date, October 25, as you remember it?

Lieut. LINDERFELT. It was the Saturday before the troops came in.

Chairman WALSH. How many deputies were engaged in that fight?

Lieut. LINDERFELT. Why, I should think we had about 23 or 24 regular county deputies.

Chairman WALSH. And were there any other persons engaged in it outside of the regular county deputies on your side?

Lieut. LINDERFELT. Except these men that came down from Berwind; whether they were deputies or who they were, I could not state.

Chairman WALSH. About how many of them were there?

Lieut. LINDERFELT. About 60, I think.

Chairman WALSH. I interrupted you, when you said you got a telegram from Gen. Chase.

Lieut. LINDERFELT. That was to fix the date.

Chairman WALSH. Can you give us any better information, Lieutenant, as to who these 60 men were?

Lieut. LINDERFELT. I think possibly they were storekeepers, miners, mine guards, watchmen. They came to our assistance, and if they had not come to our assistance we would have been wiped out.

Chairman WALSH. How many of them were there on the other side?

Lieut. LINDERFELT. Who were firing at us?

Chairman WALSH. Yes.

Lieut. LINDERFELT. From the volume of firing I would estimate them in the neighborhood of 150 or possibly 200, possibly less.

Chairman WALSH. What arms were used on both sides?

Lieut. LINDERFELT. Well, we had—most of the men that were with me had 30-30 carbines, small saddle guns.

Chairman WALSH. Where were they obtained?

Lieut. LINDERFELT. The sheriff gave them to them.

Chairman WALSH. Those that came to your rescue, how were they armed?

Lieut. LINDERFELT. Indiscriminately.

Chairman WALSH. Now, did you have any other experience before the militia was called out?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Just describe that.

Lieut. LINDERFELT. Prior to this time, while I had been down there, I had been phoning Gen. Chase not what I heard but what I saw—absolutely what I saw without any bias one way or the other, just simply as I saw things in Trinidad and the district. I phoned him or wrote him. I don't remember whether I wrote him at that time; but after this fight at Ludlow on October 25 I phoned Gen. Chase from the station house exactly what had occurred and that I was going to abandon the station house and go into Berwind Canyon; there was no other place I could go—no place I could defend myself at all.

I also—there was a commissary, a man in charge of the commissary by the name, I think, of Wilkins—a man by the name of Wilkins or it may have been Wilson—who was in charge of the commissaries and a kind of fiscal agent for the sheriff. I had him phone Sheriff Gresham exactly what had occurred. We had one man killed. We phoned for the coroner, and Sheriff Gresham said he was going to reinforce us as quickly as possible.

Chairman WALSH. Were there any wounded?

Lieut. LINDERFELT. What is that?

Chairman WALSH. You say you had one killed; were there any wounded?

Lieut. LINDERFELT. What wounds there were were mere scratches.

Chairman WALSH. What were the casualties upon the other side?

Lieut. LINDERFELT. I don't know.

Chairman WALSH. You never heard anything about that? You never heard whether there were any killed or wounded?

Lieut. LINDERFELT. I don't know anything about that.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. We went to Berwind Canyon about 2 o'clock in the morning and took what county property we could and provisions, and we went to the pump house—not pump house, but hoisting plant; anyway it is the power house at Berwind Canyon—and slept there.

I was on my way to have breakfast and a man came up to me and told me they were coming. I said, "Who?" and he explained the striking miners were coming up on the hills to attack the canyon. I gathered, I think, about 20 men and started up on the left-hand side of the canyon, because of the military importance of the crest of those hills. Just as I arrived at the crest I think there was, from the volume of fire, about 25 or 30 men opened up. They were within 10 yards of us in the rocks and shrub trees. It was very difficult to see. There are big, heavy rocks in that country some 10 or 12 feet high. We replied to the fire, and some of the men left. In fact, quite a number left that were with me.

There was a dump from the washer. The conveyer ran up in this direction [indicating] and dumped the waste from the washer, making a slide or dump of very fine material, and they could jump off the cliff 10 feet high and strike this slide and go right down into the canyon, and some left that way and some fell back down the hill.

We fought them about an hour in that immediate place. I was in a position between two rocks, and I had a dog with me, and every time one of us would show a head or anything we would be fired at, so it was almost suicide to raise my head, and so I could not notice what was going on up the canyon. I could see up the canyon, and they were firing along the ridge into the entire canyon until you come to the power house, where the canyons branch. One goes in this direction and in in this direction [indicating]. Beyond where the branch was I could not tell whether anyone was firing up there.

Finally some—a detachment from the power house got up on the hill at the power house and came down across the nose of the canyon toward the position I was in and flanked these people out of there and they left. There was one

man of mine, a man by the name of Wilkins, I think, who was killed. I could see these men and hear them talking and firing. I was within 15 to 20 yards of the body. Of course his body had been looted; his revolver and his rifle, his watch and money had been taken from him and his body had been shot into seven or eight times after death, and his face mashed with butts of guns. We got the body down. I sent some telegrams to Gen. Chase at that time, probably three or four.

Chairman WALSH. Have you copies of them there?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Introduce them into the record, please.

Lieut. LINDERFELT. This is a copy o fa telegram I sent the next day:

BERWIND, *October 27.*

The ADJUTANT GENERAL:

There has been a continuous battle for 40 hours. We have no expectation of ever receiving any help from Sheriff Gresham. Too damned much politics to do anything from Trinidad. We must have ammunition and high-power rifles to hold this place and protect women and children. The guard who was killed yesterday was robbed and shot into after death five or six times. The only solution to this is troops, and at once. No help can be expected but from troops.

LINDERFELT.

This, I think, is the answer to the telegram:

DENVER, *October 27.*

LINDERFELT:

Sheriff Gresham phoned 8.30 this morning a sufficient force of deputies about to leave Trinidad to relieve you. They should be in contact with strikers at 10 a. m.

JOHN CHASE.

Then the following day I sent this message:

The ADJUTANT GENERAL:

Mounted man from Tabasco reports special with deputies and soldiers driven back. I don't question report. Large body of men leaving Aguilar to reenforce. Rebels at Ludlow openly make statements they are going to clean up Berwind and Hastings. Situation looks hopeless. No hope can be expected only from troops, as there is nothing left to hope for.

LINDERFELT.

Here is one dated October 29, 1913:

BERWIND, *October 29, 1913.*

GEN. CHASE:

The situation is desperate here. There has been all kinds of leaks on the phone wire. Every man is all in. What we need most is fresh men to help out and service ammunition. Get 50 men in here before daylight over the hill road in machines. It is an impossibility to keep the gun on the hill all night. Wire will be cut to-night.

LINDERFELT.

Then I sent this message to the adjutant general by phone. This is a copy of the phone message I sent. Unfortunately, I did not make copies of my phone messages until at the last:

The ADJUTANT GENERAL,
Statehouse, Denver, Colo.:

Unable to get ammunition in. When will troops get into Berwind? Phone line in possession of rebels. Many deputies refuse duty. Answer over wire.

LINDERFELT.

Then here is a second message:

COMMANDING OFFICER, *Camp Berwind:*

Can actually see no more than 8 or 10 rebels in their camp at Ludlow. Am keeping sharp lookout. Will remain in present positions until further orders. Have scouts well out and excellent view of front and both flanks.

SCOTT, *Lieutenant.*

Messenger sent 8 a. m.; received 8.00 a. m.

LINDERFELT.

This is a message from Lieut. Scott, whom I placed in command of the hill.

Chairman WALSH. What hill was that?

Lieut. LINDERFELT. That is what is called Battle Mountain at Berwind.

Then I sent the following telegram to Acting Sergt. Casey:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.
To: Acting Sergt. Casey (Battle Mountain).

You will return to quarters with your men and machine gun. Sergt. Davis will give you what help needed to get the gun down.

LINDERFELT.

Then here is a telegram from me to Sergt. Davis:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.
To: Sergt. Davis, Company A, First Infantry (Battle Mountain).

If at 8 a. m. no signs of the enemy can be seen, you will send the guard detailed for 24 hours to their regular posts. The rest of the guard under your command will remain at their present stations until further orders.

LINDERFELT.

That message was sent by foot messenger.

Then here is another message sent by foot messenger to Sergt. Davis:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.
To: Sergt. Davis (Battle Mountain).

You will take what men you have and help bring the machine gun down the hill.

LINDERFELT.

Then here is a message to Sergt. Casey:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.
To: Acting Sergt. Casey, M. G. (Battle Mountain).

If nothing can be discovered on the hills of the enemy, you can let two of your men come down to eat, and relieve the other two when they return, so they can breakfast. Aside from that, hold your present position until further orders.

LINDERFELT.

Then here is message No. 3, to commanding officer Camp Berwind, October 29, 1913:

Message No. 3.

OCTOBER 29, 1913.

COMMANDING OFFICER, *Camp Berwind:*

About 50 rebels counted came from under steel bridge 400 yards north of rebel camp on C. & E. at one time back to their camp. Rebels still observed at bridge. Tent colony is now seen to be alive. An occasional shot, numbering 25 now, heard far away, apparently north of rebel camp.

LINDERFELT.

Received 10.22. Messenger sent 10.30.

SCOTT, *Lieut.*

Then here is a message from Lieut. Scott, No. 5, dated October 29, 1913:

Message No. 5.

OCTOBER 29, 1913.

COMMANDING OFFICER, *Camp Berwind:*

Your order relative mounted scouts at 10.24 a. m. received at 11.45. Same has been complied with.

SCOTT, *Lieut.*

Foot messenger: Time 11.55; received 11.12 a. m.

LINDERFELT.

Then here is another message from Lieut. Scott, dated 7.45 a. m., October 29:

OCTOBER 29—7.45 A. M.

COMMANDING OFFICER, *Camp Berwind:*

Get splendid view of strikers' tents with field glass, and can see no strikers and but three fires giving smoke.

SCOTT, *Lieut.*

Received 7.03 a. m.

Then here is a message dated October 30, 1913, to me from Lieut. Scott:

Message No. 1.

October 29, 1913.

Lieut. Linderfelt, *camp Berwind:*

No need for any alarm here just now. Rebels parading in regular formation around their camp. Great cheering. Autos, etc., going in and out occasionally from their camp.

Scott, *Lieut.*

Foot messenger; 11.15; received 11.22.

Linderfelt.

Then here is message 6, October 29, 1913, from Lieut. Scott:

Message No. 6.

October 29, 1913.

Commanding Officer, *Camp Berwind:*

Three hundred rebels counted are observed in Ludlow Camp. Keeping close observation on them. Do not anticipate leaving their camp this afternoon.

Scott, *Lieut.*

Foot messenger; 3 p. m.; received 3.14 p. m.

Then here is a message from Sergt. Hooker:

10.30

Capt. Linderfelt:

The miners are all leaving their camp and are concentrating on that knoll where they fired on us Monday, and there is a train coming. Their forces are all gathering in front of their tents. The hill along the D. & R. G. track is lined with them. Send me instructions.

Sergt. G. F. Hooker,
Commanding Outpost.

Received 10.36.

Then here is a message from Lieut. Scott:

Message No. 2.

November 1.

Rebels have halted about 700 yards southeast of camp. Head of our infantry and cavalry are seen marching toward rebels toward Berwind east of Ludlow.

Scott, *Lieut.*

Foot message, 10.15.

Chairman Walsh. Excuse me. I was asked to ask a question by Commissioner Weinstock. What time did the troops come into the field?

Lieut. Linderfelt. They relieved me on November 1.

Chairman Walsh. So that all of this was during the time you were a deputy sheriff under Sheriff Gresham?

Lieut. Linderfelt. No, sir; I was acting after that first fight at Ludlow as a military officer entirely.

Chairman Walsh. As a lieutenant in the National Guard of Colorado?

Lieut. Linderfelt. Yes, sir.

Chairman Walsh. After the first fight?

Lieut. Linderfelt. Yes, sir; this fight I have just explained.

Chairman Walsh. Were you commanding the troops at that time or commanding deputy sheriffs?

Lieut. Linderfelt. Deputy sheriffs. To explain, I can go on there—well, after this fight Saturday I had retired to Berwind Canyon; we had a small skirmish, as I explained, Monday—or Sunday morning, rather. I think one of those telegrams—some of them I have misplaced. I probably have them, but in my hurry I did not gather them all up, possibly.

Chairman Walsh. You can supply any afterwards.

Lieut. Linderfelt. But I wired—the telephone line was cut. You see they had taken possession of this station—the section house—and were intercepting our wires—the telephone wires—which were on the same line. They would holler and make a noise or something, so that we could not get telephone com-

sages out, and finally burned the section house that Sunday afternoon. In doing that, destroyed our telephone communications and also our communications with Trinidad. So I had to get these out over the Berwind wire.

Well, the Sunday that I received the telegram from the general that I submitted, saying that I would be relieved by a sufficient force of deputies, and they would come in contact with strikers about 10 o'clock that morning. They did, and it was not until about 3 o'clock that afternoon. They had gathered up what men they could by orders of Gen. Chase, in Trinidad, belonging to B Company, Second Infantry, which company has been in existence there for quite a while; I don't know how long; five or six years, I imagine. They were composed principally of Mexicans.

They managed to get together about 15 of these men. There were 3 sergeants detailed there as instructors to that company—Sergt. Hooker, Sergt. Taylor, and Sergt. Arnold. They were living in the armory under the pay of the State, as I understand it—no; I am not positive about this, but they were, I know, living in the armory and the State was paying for their meals, and I think they received pay. They were guarding the armory because there was quite a bit of property in there. I should imagine 60 stand of rifles, boxes of ammunition, and equipment that goes with the company.

Sergt. Hooker was the ranking sergeant. Gen. Chase instructed him to report to Sheriff Gresham with his command, as many as he could assemble, and the 17 reported under command of Sergt. Hooker. They got into a special train with the machine gun that the sheriff sent. Now, I can't say whether the sheriff sent that, because I don't know whether he did or not, but anyway a machine gun came out with them. They went out to Ramey siding and were driven back by strikers. We could see the fight from the hills very plainly. The rebels were along at Green Ranch and Water Tank Hill, and, in fact, as far over as Ramey. The soldiers and deputies were driven back from there. There was, I think, about 50 deputy sheriffs in this train and 17 soldiers. Well, they went back to Forbes Junction, detrained there. They had five men slightly wounded, but none of them seriously. It was principally the soft-nosed bullets would strike the steel cars, and flying to pieces, splintering, and it was the pieces of lead and the pieces of the steel jacket that had wounded these men; none of them but what they could march over the hill. They came up over the hills and came into the upper end of Berwind Canyon that evening. I think they left two men that were serious—a little more serious than the others. One was shot through the arm, but no bone broken; I think it was a piece of steel jacket that went through his arm. I saw him later. They got in there about evening.

At that time Charles Neal, the superintendent whom I was working with, and I had taken military control of the whole situation at that time as far as I could. I found some National Guardsmen working at these places, and I immediately placed them on duty. One of them was Lieut. Scott. They came in there. Sergt. Hooker reported to me. Sergt. Hooker and 16 men reported to me for duty as military officer from—there that evening. I found one man whose rank was a first sergeant in C Company, Second Infantry, a man who had had an immense amount of experience, being over in the Islands with me. I placed him in command of the machine gun. I took possession of the machine gun at that time. The machine gun was a 7-millimeter, Colt's automatic.

That night—let me see; wait a minute—I understood in my conversation that night which I had from Gen. Chase over the phone that I was to take military control of the situation and that martial law had been declared. Now, that was Sunday night. I did so, so far as 17 men and guardsmen whom I found working in the mine, and reported to me from time to time, until I had about 20 or more National Guardsmen, who, of course, were not in uniform and not with their equipment. I took possession of this detachment anyway. That night Mr. Neal phoned, I think, Mr. Welborn—at that time I didn't know who he phoned, but it was to the "big boss," he said, and he told him that we had done enough and to get those women and children out of there if we could not hold them. We held a council of war that night to decide what to do next morning. A. C. Felts was there, who, I think, is a member of or manager of the firm of Baldwin-Felts. Mr. Felts had some men with him, deputy sheriffs. Whether they were regular deputies or where they came from I didn't know the men, and don't know but few of them to this day. Some of them, I think, are still serving as regular deputy sheriffs that he brought with him. We decided—or in that conference that evening,

we decided—about what we ought to do that night, what we were to do the next morning to protect ourselves, the women, and children, the property, etc. We decided that the scheme of occupying the hill with the machine gun and the 17 Springfield rifles that the soldiers had, and a carbine which I had—they were the only real high-powered guns we had—that we would occupy that hill long before daylight, which we did, and we were entrenched, had our trenches with screens in front of the trenches long before daylight, and the men were all in position at daylight.

Felts was to take what men he had and clear the hills around the canyon. He was to do this under the cover of the machine gun and the Springfield rifles. I think it was about 2 o'clock in the morning when we reached this conclusion; and I think at 3 o'clock I moved out and occupied the position which we did. At daylight we had three, I think, power glasses; Lieut. Scott had one, I had a pair, and there was a pair that some man had that was with the machine gun.

Just at daylight we could see them coming across to the canyon on the hills on the other side of the canyon—Berwind Canyon. We were on this hill here [indicating], the canyon was here, with the houses and women and children and stores—the miners lived in these canyons, and the other hill across was where they were coming over. I did not fire. And I held my fire, because it would expose our position as soon as we fired, and I waited for an absolute certainty that they were attacking, and firing, before I fired.

They got into position around the hill, and, in fact, we were on a higher hill than they were. Our side of the canyon was higher, and they were coming down to this rim rock across an open space about 100 yards where there were no trees, just simply bunch grass; taking up a position along this rim rock we could see them very plainly coming down in this direction, and then they were about—about half past 6 or a quarter to 7 they opened up fire into the canyon. They kept working up the canyon, some men kept showing up, more men showing up and working up the canyon until they were opposite the power house, and it was that detachment that shot the two children in bed in the house above the power house. Now, I think they fired for 30 minutes—that these men were moving.

Chairman WALSH. How many strikers were there?

Lieut. LINDERFELT. At that time?

Chairman WALSH. Yes.

Lieut. LINDERFELT. Well, they were continually arriving until I think about 400 were immediately around Berwind.

The men wanted to fire, but it was not a proper thing to do at that time, until they got into a position where, if I had fired on them, they could not slip over the ridge and down the other side, and then that would have been an end to it. Coming down the hill, getting a position in the rim rock, I could control it with the Springfields, and I could use a plunging fire on them with the machine gun.

About 30 minutes after the shooting—after the first shooting—they opened up on these men who were firing from the houses and stores in the canyon. Then I opened up. I gave the order, "Clip fire," and "Two clips," "Machine gun," until "Cease fire," was given. The men were in their shelter trenches, opened up and gave them two clips a piece, and about 200 or 150, I should say, shots out of the machine gun. Then we ceased. Then this fire from the rocks, from above the canyon, absolutely stopped at that time. I don't know whether it was a surprise or whether it was——

Chairman WALSH. What do you mean by two clips?

Lieut. LINDERFELT. Two clips—a service rifle holds a clip of shells in the loading at one time of five shells, so that two clips would be 10 shells.

Then I gave the order for picket shots to Sergt. Arnold and Sergt. Taylor, both of them, expert rifle shots and qualified at the range. I knew of them. There were two Mexicans in the command who had served in the Regular Army. One of them had shown me his papers as a sharpshooter. I gave orders for them to fire. The machine gun was to fire single shots only, which fire we kept up all day, either by a volley, complete volleys, or individual fire when we could see an object to fire at, from both the machine gun and the men. That went on until about 10 o'clock. We saw them from the hills opposite us. I think it was about 10 o'clock a snowstorm started up and it was a very heavy wet snow and squally in between times, the clouds—there would be rifts in the clouds, the clouds came right over us, we could see a rift in the cloud and see across the canyon occasionally. When we saw them we could see these men moving up or down across the canyon. The firing had almost

entirely ceased. I think what firing they done then was when there was a rift in the clouds, they would fire through the rifts.

At 12 o'clock the fight was entirely over with. Now, what the results of that fight was, about that, I don't know. We found a great many pools of blood up there, and I think thousands of empty shells. The bullets we picked up that were given me were every one soft nosed 30-30 and some 25 Remington rimless.

Chairman WALSH. What were the casualties upon your side?

Lieut. LINDENFELT. The only casualties on our side were the three children, or the children hit. There had been men scraped, but no disabling wounds.

Chairman WALSH. Commissioner O'Connell wants to know what was the minutiæ or the form that was gone through to change your status from a deputy sheriff to an officer of the militia.

Lieut. LINDENFELT. I had been an officer of the militia for two years or more.

Chairman WALSH. Yes; but was there any action taken by any superior officer that changed your status?

Lieut. LINDENFELT. Exactly; yes, sir.

Chairman WALSH. What was that?

Lieut. LINDENFELT. It was from Gen. Chase to take military control of the situation.

Chairman WALSH. To take military control of the situation?

Lieut. LINDENFELT. Yes, sir.

Chairman WALSH. By what authority did you declare martial law, or a state of insurrection, or whatever you did?

Lieut. LINDENFELT. I understood at that time that martial law had been declared by the governor. Anyway, whether it was or not, it was simply—I understood from Gen. Chase, and consequently it was my order. The first order I issued was——

Chairman WALSH. At that time the governor had not ordered out the troops?

Lieut. LINDENFELT. No, sir; except the 17 men at Trinidad.

Chairman WALSH. Where did you have your communications with Gen. Chase, from where—where was he?

Lieut. LINDENFELT. He was at the statehouse.

Chairman WALSH. In Denver?

Lieut. LINDENFELT. I don't know how it was arranged, but I could get him on the phone immediately, and if the phone was not working I could get a wire to him at once.

Chairman WALSH. Proceed.

Lieut. LINDENFELT. We followed from that time—after that fight I kept the machine gun on the hill, and from the troops at night I would throw heavy outposts on the farther hills to protect the camp and give us an alarm and give us time to get into position before they arrived there. I had informed Gen. Chase of everything that had taken place. On the 1st of November, Col. Davis came in, with, I think, about four companies, a battalion of troops.

Chairman WALSH. What was the seeming purpose of the strikers in making the attack?

Lieut. LINDENFELT. Destruction of the canyon.

Chairman WALSH. That is, the property in the canyon, you mean?

Lieut. LINDENFELT. The property and the men working there.

Chairman WALSH. Proceed.

Lieut. LINDENFELT. Yes. Col. Davis came in on the 1st of November. I was not in uniform; had no uniform with me; took my detachment down to the steel bridge at Ludlow and reported to Col. Davis. He ordered my company back to Berwind to stay there. They started in from the mouth of the canyon and disarmed every man who had a gun, and made a search, taking guns. The miners, mine guards, mechanics, storemen, superintendents, and foremen turned over their guns. They did not turn over the machine gun, because I had taken possession of that myself.

Chairman WALSH. Whose machine gun was that?

Lieut. LINDENFELT. I don't know who it belonged to. It either belonged to the coal companies, or the Baldwin-Felts; it might have belonged to the sheriff. We got it from the sheriff, because I saw the gun previous to that in the sheriff's office.

Chairman WALSH. It was not part of the military equipment of the State?

Lieut. LINDENFELT. No, sir; we are not supplied with machine guns. They disarmed everyone in the canyon, even to taking the rifles from the stores, and the ammunition. In fact, I believe he gave orders to disarm men, everyone,

and they disarmed me—some sergeant who didn't know me, not in uniform, disarmed me. Of course, I explained and got my arms back at once. They took possession of all the guns, took all those extra guards—they wouldn't go into a town without protection, and I think they took them out that evening—yes, I know they took them out that evening, into Trinidad where there was—we had—the general had ordered out the troops that night to protect them, because these strikers were going to take them out and hang them, when they were in the corridor of the hotel. I was in town that evening and had procured my uniform, so that I remember that very distinctly, because I was on duty practically all night. Then I had to report to the general.

Now, I found in Berwind quite a number of ex-soldiers; I do not mean hundreds of them, but 8 or 9 or 10, good, clean-looking men; so I enlisted them on November 1. Some men had four years in the Navy, some men had served an enlistment in the Army, and some had more. One had been first lieutenant in the Virginia National Guard; and they were very desirable men and soldiers, so I enlisted them at that time into B Company, Second Infantry. Capt. Hardiger, Company A, First Infantry, was stationed at Berwind, and so was B Company, Second Infantry—my company. We remained a permanent garrison there at Berwind.

Chairman WALSH. I have been asked by Commissioner Lennon to ask you what was the occupation of these men that you enlisted at the time of their enlistment or prior thereto?

Lieut. LINDSKEVELT. Why, some of these men were working around the mines.

Chairman WALSH. What were they, mechanics or miners or mine guards?

Lieut. LINDSKEVELT. Some were deputy sheriffs. There were none I enlisted, as I remember, were mine guards at that time, although there were four or five or six—six, I think—who enlisted in my detachment that were deputy sheriffs—regular deputy sheriffs, paid by the county. Well, then, from November 1 on, why, it was the same occupation—military occupation of that district I was in command of.

Chairman WALSH. When were the troops called out by the governor?

Lieut. LINDSKEVELT. Sir?

Chairman WALSH. When was the order made by the governor for the troops to go into the field; what was the date?

Lieut. LINDSKEVELT. I think the 22th of October; but I was relieved November 1.

Chairman WALSH. I wish you would state now, as briefly and concisely but as fully as possible, your experience with the strikers during the early part of the occupation by the militia after the governor's call.

Lieut. LINDSKEVELT. You mean the general relative conditions between——

Chairman WALSH (interrupting). At the early stage——

Lieut. LINDSKEVELT (interrupting). The military and strikers?

Chairman WALSH. Yes; during the early occupation.

Lieut. LINDSKEVELT. Well, we were patrolling; of course, being cavalry, we were mounted shortly afterwards, but we did practically all the patrolling in that vicinity. We used to patrol as far as Aguilar and Forbes and Chicosa and Black Hills, and back over on the mesa back of Hastings and Delagua, and in that country. There was a company stationed at Hastings, L First and K First at Ludlow depot, and I used to do most of the patrolling for that vicinity on account of being mounted. I had about—we tried to keep up about 80 men, but I think our general average was about 57 or 58. I am not in command of that company, and so I haven't the morning reports of it.

The relations at that time between the National Guard and the striking miners I should say were particularly friendly, with the exception of a few individuals. At that time I was searching for arms frequently, and of course they were hid and I had quite a bit of difficulty in getting them, and I came into contact more or less with them; and there were two or three searches of the tent colony. We were particularly unfortunate to incur the enmity of the strike leaders almost at the outset, principally, I think, due to the fact that we had been in that fight of the 20th, I think it was—yes; Monday, the 20th of October—with these Mexicans. Now, these Mexicans who were with me were, as far as their military ability goes—I would not want better men than they were—obeyed orders better. But they were immensely useful in many ways. They could gather information from all over the country, and they did, which was a very valuable thing for a military commander to have. They knew practically all of these first miners in the tent colony—these first people that were in the tent colony—the Americans, the Mexicans, the few Greeks,

and Italians that were then there. They were repeatedly told that they had better quit that National Guard or they would get them as soon as they left, but we did not pay much attention to that. But at that time, at the first, when they first started to really search the tent colony for arms, merely going in and looking through the tents, the different organizations were ordered in from different parts of the field to surround the tent colony and take charge of it. I think principally where my first great difficulty, or great difficulty, arose was from the fact that I was not properly backed up by some of my superior officers, not to—for instance, Maj. Kennedy and Capt. van Cise would lay blame onto me or my command when it should be some one else, or where no blame should have been laid.

One time there was an old man about 65 years old had come in to visit his daughter at Hastings, and between the Ludlow depot and the corner of the Ludlow tent colony he was assaulted by one or two individuals—I don't know who they were, but they were from the tent colony—and badly beaten up. I was at the depot at that time with a detachment on patrol. Maj. Kennedy told me to go and arrest that man or those men that beat this man up. There was only one way for a soldier to obey a military order of that kind—to get the man; and the only way to get him was to go after him. So I started in with the tent colony. I took about 18 men. There was another detachment, a patrol, came to the depot a minute or two after I was sent—Maj. Kennedy's men—and they reported to me. I went up there and detailed a sergeant and seven men to go to one end of the tent colony and have every man in the tent colony come down to the other end of the tent colony. Then I had them go one at a time across the road to the other side of the tent colony where this old man could identify them. When I was half way through I was told by these men in there that the man was gone that I wanted; but I kept on until we were all through, but we did not find the man. I reported to Maj. Kennedy that I could not find the man. He asked me what I had done and I told him, and when I went back up to Ludlow I found Capt. van Cise's company assembled under arms. And two or three days afterwards some of these—two men that I was talking to at the tent colony told me that Capt. van Cise and Maj. Kennedy said I had no authority to do anything of that kind; that it was absolutely wrong, and they were going to have me taken care of by the general for that. It was that kind of talk that placed the blame on me, where it should not have been. There was no blame there. It was the proper and only thing to do.

Then this feeling gradually increased, and the fact was reported at the tent colony that we were all Baldwin-Felts thugs and murderers—oh, well, there is no use of going into that; it has been published broadcast—but the fact was that when they found I had not been imported from Texas or West Virginia, or wherever it was, or had not made my living by a gun, and came from this State of Colorado and had lived here 21 years, then these men that I had with me were Baldwin-Felts thugs.

Well, we had more or less trouble—in January I went away on a personal matter, and I had leave of absence, I think, for 10 days; and in my absence Lieut. Lawrence was placed in command of the company——

Chairman WALSH. By the way, where is Lieut. Lawrence now, do you know?

Lieut. LINDENFELT. I think he is in the south, somewhere; in the south field somewhere.

Chairman WALSH. In this State?

Lieut. LINDENFELT. I am not certain of that.

Chairman WALSH. Proceed.

Lieut. LINDENFELT. But he had more or less trouble with the Mexicans, and finally they decided they would relieve them from duty and would enlist other men. At that time there were many of the men in the National Guard—well, not many—but enlistments expired, and these men would go home to Denver or wherever they lived and write me; I had many letters from them asking if they could serve with me if they would reenlist. I said, come down here and I will enlist you. Quite a number came to me that way. I think our second enlistment in the National Guard is for one year; Sergt. Hooker, Sergt. Taylor, Sergt. Cullen, and several enlistments expired at that time and I immediately enlisted them in the second. Men were transferred from other commands to me, assigned to duty with me or transferred; and these Mexicans had been relieved and we filled up the company as much as possible that way, but never over 30 or 35 men, although we had 50 equipments—50 horses. Lieut. Bigelow, I think, when his company was relieved, reported with six men

from his company; reported for duty with B Second; and when I went home, the first organizations were relieved, and as the organizations were relieved from time to time men were assigned to my command, men that wished to stay. There was no work here in Denver at that time. They had received only one payment from the State and they had three or four months coming, some of them, and probably some of them two. They couldn't get their money and the only thing to do was to remain in the service, and they asked to be assigned to my command, or were assigned to my command by orders; but most of them asked to be assigned to my command.

Those men—the personnel of the command from the 1st of November until the troops were withdrawn from the southern field was changed entirely—practically every man in it. Now, soldiers or men that I knew, I had written away for—to join me—men that I knew would make good sergeants and possibly good officers and lieutenants. One man who had served with me in Mexico had joined me and I made him sergeant in my troop, and that is what the troop is composed of. Now, then, if orders—the first principle, the fundamental principle of a military organization is blind, absolute, implicit obedience to orders without question. I hope I have been taught that as a soldier. I hope I have been taught that and I try to do it.

Chairman WALSH. What was your military title at that time?

Lieut. LINDSKEFELT. Where?

Chairman WALSH. I am speaking of now.

Lieut. LINDSKEFELT. Oh, I was in command.

Chairman WALSH. Yes.

Lieut. LINDSKEFELT. My rank is first lieutenant, battalion adjutant, Second Infantry. I am battalion adjutant to Maj. Reeves, commanding First Battalion, Second Infantry. I am not a company officer.

Chairman WALSH. Proceed.

Lieut. LINDSKEFELT. It looked to us at Berwind, and it does more so now than ever, that any real work that they did not care—Maj. Kennedy or Capt. van Cise did not care to do was forced on me. Anyway, I was pushed—I and my command were pushed into the limelight. I don't remember the exact date of that barbed wire business, but it is all contained in the adjutant general's report to the governor.

Chairman WALSH. Well, briefly sketch it, if you will, as something has been said about it.

Lieut. LINDSKEFELT. I had gone to Aguilar with the detachment, and we split the detachment, and sent one detachment to Barnes and the other detachment was going to Aguilar. Maj. Hamrock was at Aguilar, and Maj. Kennedy at Ludlow in command. The detachment split as we passed the tent colony. Before it split I found a barbed wire entanglement stretched across the road and from the position of the wire and the way it had been placed I thought it had been placed there just a few minutes previous to our arrival there, probably from the time they saw us up at the top of the hill, or leaving Ludlow station. I took the barb wire up. I dismounted myself and I think Sergt. McDonald, and I picked the barbed wire up and threw it back across over the road. I went on to Aguilar, and the other detachment went to Barnes.

Coming back—I think Sergt. Taylor was in command of the detachment; and coming back Corpl. Cuthbertson was riding as advance guard, or you might say, an advance individual, or advance point to a small party of that kind. It being dark he struck the same wire, or not the same wire, but a double strand of wire stretched across the road from post to post. Whether it was fastened or loosely tied or not, I don't know, but the wire was there. Cuthbertson's horse stumbled, he fell, and his horse stepped on him here [indicating in the lower part of the chest], and I thought he was very badly hurt at that time. I had come back from Aguilar, not around by the tent colony, but across through the foothills and then down into Ludlow. When I got to the depot Sergt. Taylor immediately reported what had occurred. While I was standing there one of Capt. van Cise's men said: "I can show you the man who put that wire there—who done that." I said: "You bring him here," and he brought a young man over there. I says: "Did you stretch that wire?" Now, I am not saying varbatim what I said, because I don't remember. Possibly I used—I swore. When one of your men is badly hurt and your horse is cut—I probably did not use my best judgment in regard to language. If there were any ladies there, I did not know it—at the time I swore I don't know about it. I did not intentionally swear in front of them. I asked this man why he stretched that wire there. He said he didn't do that.

I said: "Where are you from?" He said: "The tent colony. Louie know me." I said: "I will bring Louie." So they brought Louie Tikas up, and I said: "Do you know this man?" He said: "No; I never saw him before." "Well," I said, "he says he knows you." "Now," I said, "Louie, what do you know about this wire business?" And Louie said: "I don't know anything about it; don't know anything about it at all." I said: "Oh, yes, you do. Some one knows about that wire business, because that is twice within an hour that it has been placed there. Now, somebody knows about it. And if you are going to stretch barb-wire entanglements across the road and have our horses killed, I am going to get every bit of wire around your fence—around that tent colony—and take it away from there." Louie said he didn't know.

And finally the boy thought, I suppose, that he was going to be in bad repute for lying, so he said: "Why, you know me; I am so-and-so, and live in tent so-and-so." I don't recall the number of the tent and so on. And finally Louie said: "Yes, I am acquainted with him." I said: "Now, you lied to me, and now you are lying about that wire." And I turned to the sergeant there and I said: "Place both of the men"—I placed both of them under arrest immediately—one at a time; not at the same time, but immediately; and I said: "Take these men over to Capt. van Cise's company." And I had some argument with Lieut. Dahl at that time. At that time he was Maj. Kennedy's adjutant. I don't know whether he was right then or later. He was acting at that time, if he was not. Now, we had some argument about the way I was being treated. I felt, and do yet, that Maj. Kennedy, Lieut. Dahl, and Capt. van Cise were with the—I don't say in sympathy with them, but they worked with them, done everything they possibly could for them, to throw all this blame onto me so they would be clear; and I don't know whether it is from intense ignorance of military affairs on their part, or something worse, but anyway I was to blame for all this fuss.

We had some argument, and I said: "Turn these men over to the depot guard and I will put charges against them in the morning." Mr. Farber, station agent, says: "What did you hit that man for?" I said: "What man?" He said: "That boy" that I had struck; that he was cut on the head, and he was going to take him into the depot. Now, he was a military prisoner and we have surgeons of our own. It is 200 yards from the depot to Capt. van Cise's camp or Maj. Kennedy's camp, and is a very usual matter to have surgeons of our own; and we don't call anyone else only in extreme cases where we have no surgeons, or no medical officers with us, to dress wounds and bother with anything of that kind. I looked at the man, and the man was not, to my notion, hurt, but he may have been struck. Farber said I struck him. Well, I did not strike him. I asked the boy; I said: "Do you say I struck you?" He said: "No, you didn't strike me." I didn't strike the boy. I don't know who did and didn't see anyone hit him.

Chairman WALSH. Was there any other military officer there at the time?

Lieut. LINDENFELT. At what time?

Chairman WALSH. At the time of this controversy?

Lieut. LINDENFELT. That he was cut.

Chairman WALSH. Did you hear from any person what drew the blood on his face?

Lieut. LINDENFELT. That he was cut.

Chairman WALSH. Do you know who hit him?

Lieut. LINDENFELT. No, sir.

Chairman WALSH. Did you inquire there at the time who struck him?

Lieut. LINDENFELT. Yes; I did inquire at the time who struck him, and I couldn't, in the time I had—that boy was not a military—I didn't have him a prisoner, as I recall it now. He had gone around the depot and he had talked with Farber in the meantime. Then he came back and told Louis Tikas where he lived and what his name was and all about it; and it was either at that time—but at the time I was talking to him or that I was there, I saw no one strike him, nor did I strike him.

Chairman WALSH. How long was he out of your sight from the time you saw him go more until the time you saw him hurt?

Lieut. LINDENFELT. Oh, five or six minutes, I should say.

Chairman WALSH. How old was the boy?

Lieut. LINDENFELT. The boy was 18 or 19.

Chairman WALSH. What was your theory or your opinion as to who struck him?

Lieut. LINDERFELT. Well, my real theory of the matter is that one of my men hit him on account of this barbed wire matter, because they thought by him being pointed out by Capt. van Cise's man that he was the man that put this barbed wire up.

Chairman WALSH. Did you hear by hearsay or ascertain by hearsay or otherwise who the man was that did hit him?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Or what he hit him with?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Well, proceed, then.

Lieut. LINDERFELT. Well, I turned these two prisoners over to the depot guard. In the meantime Lieut. Dahl had either gone or sent for Maj. Kennedy.

Chairman WALSH. Well, I understand, then, you did not turn him over as a prisoner until after his head was bleeding—after he had been struck?

Lieut. LINDERFELT. No; I placed him under arrest when I was talking with Louie Tikas.

Chairman WALSH. You placed him under arrest then, did you?

Lieut. LINDERFELT. Yes, sir; either at that time or immediately after, and I turned him over to the depot guard, and they took him over to the camp, and between the camp and the depot Maj. Kennedy released him. He phoned Gen. Chase that I had arrested Louie the Greek and he had let him go and I had no right to do it. Well, Gen. Chase phoned him to rearrest that man immediately until he had time to find out what charges I had against him, which he did. Now, that barbed wire—that was the second time——

Chairman WALSH. One moment. Before we leave that, Commissioner Weinstock wants to know, had he been struck when you first talked to him?

Lieut. LINDERFELT. No, sir; I don't think so. Now, I couldn't say whether he was or not, not knowing how he got the cut, but he showed a mark here [indicating on the head]—a slight mark. Now, that wire business there was—two or three or four times after that we would find loose wire strung across the road. It is a county road, by the way, this road; it is the road used from the depot—and of course there was a whole lot of feeling. Then there was a lot of feeling between individuals—the striking miners got to know us as individuals and we got to know them as individuals, and some I talked to; and some they would tell me, well, they were going to get me, and they were going to do this and going to do that "to that Berwind bunch." And I have heard them down there in the tent colony when we were searching the tent colony for arms or men, I heard them tell or curse the troops and C troopers because they wore yellow hat cords like we did, and of course the feeling gradually got bad; it is bound to between two armed bodies, even if one has their arms laid out.

But then in this searching of the tent colony—now, for instance, this: One day there Mrs. ——, a woman; I didn't know her name then, but I know now—it was Mrs. Thomas—told me—I was standing there holding my horse while the search was going on—told me a very long, lengthy, weird, wild tale about what I had done to her just a few minutes before that, or tried to do, or attempted to do to her. Of course she didn't know that I was Linderfelt. And so I asked her finally—I said, "Do you know him?" "Oh, yes." "Do you know him well," I said. She said, "Oh, yes," and she went into details and told quite a number of incidents that had taken place. I said, "Do you know who I am?" And she said, "I think you are from Trinidad, aint you?" I said, "No; I am not from Trinidad, but my name is Linderfelt, and I am in command of the Berwind bunch." Well, she didn't believe it, and she asked Capt. van Cise about it, what I had told her, or Lieut. Fisher, or some other officer standing there, who I was. Since then I have not heard Mrs. Thomas tell any more of these stories, or I haven't heard about them. But the women in the colony would take these little children and line them out when we were searching, "Now, tell them what they are, after me," and I have heard an American mule skinner in the Philippine Islands drive eight head of mules, but I never heard anything equal to it. Now, the men would not do that. They knew better than that. We would not allow a man to do it; but a woman or a little baby that can just fairly lisp, you can't do anything with them; but just imagine what they are coming to when they grow up.

This feeling, of course, gradually got stronger and stronger and stronger. Of course, now, I want to say that when I first went down to the zone there, and they had been sending these reports, Gen. Chase for one, at Ludlow, and knowing these deputies, I was in sympathy with the strikers. I am a miner myself,

although I am a quartz miner, and I thought the abuse of the mine guards, that they were deliberately shooting up these camps, and that John D. Rockefeller was paying so much a shot for it, or so much a man killed, or something else, was the kind of idea that I had of what was coming off there. But when I saw the treachery, the absolute lies that they published, the twisting of the truth which they have done—they have the best press bureau on earth. Any man could be elected President of the United States if he had the press bureau that they have, if he was absolutely unknown.

That Forbes fight—I mean that Ludlow fight, now, I have since found out from men in these fights, men I have talked to and know they told me the truth. I have heard it from both sides. I have talked with the strikers in this tent colony, Americans, that have told me the truth; and I have talked with ranchmen that have had to cow at night and swear by all that was holy that they were dead against us, but they told me at night, and when I got them off somewhere—I have actually had to arrest men and take them up to Berwind Canyon to have them tell me something. They were afraid it would be repeated to that tent colony—for fear of their lives.

These men told me that this fight was published in the papers, that fight at Ludlow on the Saturday before the National Guard came in there, that we attacked that tent colony. Why, it is the dirtiest falsehood that ever happened. We were attacked. We were sent down there by Lawson—not by Lawson, but by Sheriff Gresham, by the request of Lawson, the request of Diamond and the United Mine Workers' official there, to see who started these fights and arrest them. I know who started the fight now. I know who started that fight at Berwind Canyon when that man Wilkins was killed on the hill, and I know who started the fight when I was on the hill with 17 soldiers of the National Guard of Colorado.

Chairman WALSH. Who started the fight?

Lieut. LINDENFELT. Those strikers in the tent colony, reinforced from Walsenburg, Aguilar, Trinidad, and all over the district. At the same time we were fighting for our lives at Berwind they were fighting some at Hastings. There must have been, at all times, from the volume of fire, from 1,500 to 1,600 men engaged on their side.

Now, of course, my feelings in this matter, as I saw things, as I looked at these people, I didn't see and don't see United Mine Workers. I don't see a striker or a miner, but I see a man who is taking up his gun to defy the authorities of the county, of the State. I don't see him as a striker. He is not a striker. You can not consider him a striker. He is in rebellion and sedition against the statute laws of this State and of the United States, the Constitution of which every soldier in the National Guard is sworn to protect and obey.

Of course, I had a feeling against these men; but if we could have settled it down there, and they would have turned over their arms like men, it would have been all right. There is no peace in this State of Colorado if there are armed men, no matter whether they are strikers or mine guards or who they are. The people in this State should have enough respect for the law to let the law judge these things, and when the strong arm of the law is thrown in—the National Guard of Colorado—you can not go at it with kid gloves; you have to get results and stop those things.

Chairman WALSH. Commissioner O'Connell asked me to inquire of you why you did not report to Sheriff Gresham instead of Gen. Chase at the beginning?

Lieut. LINDENFELT. I did both, but first to Gen. Chase; my duty was to the State first.

Chairman WALSH. You may proceed.

Lieut. LINDENFELT. Well, I am trying to explain this feeling that existed at that time, accurately.

Gradually, it got worse; from time to time it got worse; and these people were in those tents in the dead of winter, in that big storm, and were getting only $3 a week to live on, and were suffering untold hardship. The women and children were up against it, you might say, and it wore on them and wore on us, and this constant, constant grinding and picking on a man will finally get him where he should not be; and he is not as calm as he should be; and it wore on both of us.

Then these people were brought in there, and every time there were some men brought in there—strike breakers—it was the Berwind detachment that had to go down and quiet those people.

Chairman WALSH. Why were you picked out?

Lieut. LINDENFELT. Because I was mounted, and they put all of it on me. The papers here in Denver at that time were all working on this same thing.

Chairman WALSH. Who was responsible for the orders; what individuals?

Lieut. LINDERFELT. The orders were all right; I don't question the orders.

Chairman WALSH. I mean for sending your detachment; the Berwind people, who were always sent down, as you say?

Lieut. LINDERFELT. Maj. Kennedy was my superior then and sent me orders. I don't know where he got his orders. If he was not there, Capt. van Cise was. I am a first lieutenant and Capt. van Cise ranks me.

Chairman WALSH. So you were usually sent by Maj. Kennedy or Capt. van Cise?

Lieut. LINDERFELT. Yes, sir; on direct orders from them.

Chairman WALSH. Was it your detachment that did the principal part of the enforcement of the antipicketing law of the State?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Were you the ones that had to go out and order the strikers to desist from picketing?

Lieut. LINDERFELT. Water Tank Hill has an old water tank on it and was not used by the railroad company, but there was an old water tank up there, and we called it Water Tank Hill.

Chairman WALSH. Simply because there is an old water tank up there used by individuals that own the land?

Lieut. LINDERFELT. Yes, sir; that hill has command of the military situation around Ludlow.

Chairman WALSH. What experience did you have with the pickets of the strikers when you attempted to enforce the law?

Lieut. LINDERFELT. The pickets would get on this hill. At first they used to have drinking parties up there; 8 or 10 or 15 of them would get a small keg of beer and go up there and drink it, and when one would pass up and down Berwind Canyon or around the railroad track they would stop them—scabs and lots of others—and the companies and the people complained, and whenever a man came out they would ask him where he was going, and he would answer, "Going to work." And they would tell him, "You keep drifting."

I had instructions—I think I reported at first what they were doing, and I was instructed by Maj. Kennedy to arrest anyone I found on that hill, and I did. Every man in our detachment was instructed, when they found anyone on the hill, to arrest him. I told Maj. Kennedy to explain to those people over there that they must stay off of that hill, and I told the men when I first arrested them that they must stay off of that hill; that they were picketing; that they had no business there, and I had orders to arrest them. Sometimes I took them to Ludlow and turned them over to Capt. van Cise, and he would hold them a day or two, and I think he worked them unloading coal or making walks around his camp, or I would take them to my camp.

Chairman WALSH. How many did you have under arrest in that way?

Lieut. LINDERFELT. Sometimes 10 or 12 Greeks, sometimes 10 or 12 Italians, and sometimes that many Mexicans and sometimes that many Americans, but seldom were they mixed.

Chairman WALSH. Did you treat them as prisoners of war?

Lieut. LINDERFELT. I took them up to my camp and had three or four of them helping the cook, and I gave them the best I had—T-bone steaks, generally, and the best cuts we had, and almost every time when I released men four or five or six would come to me and ask me if we would not hold them prisoners; that they liked eat the grub, but they wanted to be still connected with the tent colony.

Chairman WALSH. Did any of them complain about being arrested in that way?

Lieut. LINDERFELT. Oh, yes; lots of them, but that was their scheme.

Chairman WALSH. Were any complaints made about being arrested that way?

Lieut. LINDERFELT. Not to my men.

Chairman WALSH. About how many men were arrested in that way during the occupancy by the military?

Lieut. LINDERFELT. Oh, some I would give supper and let them go that night.

Chairman WALSH. You arrested them upon orders, always?

Lieut. LINDERFELT. That was a standing order.

Chairman WALSH. To arrest them for picketing?

Lieut. LINDERFELT. Yes, sir; picketing, under my orders, constituted being on Water Tank Hill.

Chairman WALSH. Whether there—whether they said anything or not, did you consider that as picketing; whether the men on Water Tank Hill said anything or not?

Lieut. LINDERFELT. Oh, they said it, I know, for I have seen men released from duty upon that hill, and found out that, and it was reported to me that

they were picketing, and when I would get there with a detachment they were gone. But the work part of it—they didn't object to work; they didn't care about it. We treated them like men, and I would talk to them. I flatter myself that I made quite a number of friends, for many times after that when they would let me know things they were going to do, or if things were coming up they would let me know anything they thought would help me. Some of these men, I believe—I knew dozens of them went up on that hill there—Italians, especially, and when I would get them they would say to me, "I would like to get out of the tent colony; I am afraid." And they would give me often the names of their brother or cousin or wife, and asked if I could not get them out, and I would say, "The best thing for you to do is to go to Trinidad and then come up here on the train." And I would ask them if they had any baggage, and if they said yes I would ask them if I should get it out, and if they said yes I would get a little out at a time. If they had trunk, it was a difficult matter; and I would report to Maj. Kennedy or Capt. van Cise that those certain men would like to get out, and give them the name or a letter, if I received one; but usually if I knew their name, like Louie the Greek, they didn't want to go.

Chairman WALSH. At this point we will take an adjournment until 2 o'clock. Kindly resume the stand, Lieutenant, at 2 o'clock.

AFTERNOON SESSION—2 P. M.

TESTIMONY OF LIEUT. KARL R. LINDERFELT—Continued.

Chairman WALSH. Lieut. Linderfelt.

I believe when we interrupted you at the recess that you were just detailing the manner in which you attempted to get persons out of the tent colony who desired to leave. You recall that, do you?

Lieut. LINDERFELT. Yes.

Chairman WALSH. You had just stated that if they had a trunk it was a difficult matter; and that you would report to Maj. Kennedy or Capt. van Cise that those certain men would like to get out, and give them the name or a letter, if you received one, or if usually you knew their name, like Louie the Greek, they didn't want to go. Had you finished on that?

Lieut. LINDERFELT. I would give this man's name or his friend's name that wanted to go out to Capt. van Cise or Maj. Kennedy, and they would let Louie the Greek or somebody, whoever was in charge, know. I think that mostly was at the first—would tell them that these men wanted to go and to let them go. These men would be brought in front of the officer, and they would say they didn't want to go. But then, of course, my supposition is that they were afraid to declare themselves.

Chairman WALSH. Your point was that it was your interpretation, your idea was the way it should have been done was to take them out without making any investigation—without giving notice to anybody else?

Lieut. LINDERFELT. Yes, sir; certainly.

Chairman WALSH. When Capt. van Cise was mentioned, or any one of these other men, such as Tikas or somebody else, the objection would be made and influence would be brought to bear upon the man so they would not go?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Have you anything else in that line?

Lieut. LINDERFELT. Why, several times I have sent detachments down there, a patrol under a noncommissioned officer, to wait at a certain place, a specified place that we had agreed on, and these men would come out with suit cases, and we would escort them up the canyon, if they wanted to go, to Tabasco or Berwind inside our guard lines, anyway.

Chairman WALSH. Now, please state the principle or theory upon which you acted in dealing with the strikers as to what might be called respecting their civil rights in case there was no trouble. Do you get what I mean?

Lieut. LINDERFELT. That is, in allowing them to come and go?

Chairman WALSH. Or insisting that they should stay, or insisting that they should go, or anything like that; the different ways, in other words, in which you would handle these men from what you would ordinarily handle citizens; suppose you had been a civil officer and no trouble going on or no martial law declared.

Lieut. LINDERFELT. If you were a civil officer, you would not have authority as a martial officer.

Chairman WALSH. I am trying to strike the difference, the way you claim you had to treat them as compared with how you would have, or how they would have been treated, had martial law not been declared, or had you been exercising the function of a civil officer in times of peace.

Lieut. LINDENFELT. Martial law is the will of the commander.

Chairman WALSH. Now, while martial law was declared, you were, from your standard, in your rights by ordering the men to come and to go, take them under custody without formal writ or charge, and such things as that?

Lieut. LINDENFELT. Yes; I had a perfect right to do that.

Chairman WALSH. Did you deport any strikers or order any of them out of the neighborhood?

Lieut. LINDENFELT. You mean run them out?

Chairman WALSH. Run them out; yes.

Lieut. LINDENFELT. No, sir.

Chairman WALSH. Did you threaten any of them with deportation?

Lieut. LINDENFELT. No, sir.

Chairman WALSH. Tell them they ought to be deported, or run out, or anything of that sort?

Lieut. LINDENFELT. I made this statement, which has been misconstrued many times: That it was my theory on handling an armed insurrection as it existed down there——

Chairman WALSH. You can state your theory just in your own way and the reasons you had for it.

Lieut. LINDENFELT. Well, in a case as it existed down there, of armed rebellion against properly constituted authorities—insurrection, a condition of anarchy—I had this theory, and have advanced it to numerous people, but I could not mention who I did: That any man that was guilty of taking up armed force against the properly constituted authority of the State or county and the authorities for the enforcement of laws should be, if he is an American citizen, tried for treason or sedition and sent to the penitentiary. If he is an alien that has not taken out his papers that the old alien law—alien and sedition law of 1805 and 1804, when we had the trouble with the French—I do not know the technical term for the names, but I think those laws are the alien and sedition laws—should be revived, and every undesirable alien should be deported back to the place from which he came. I did not say because a man was a union man or because a man belonged to the United Mine Workers. I did not say that, nor do I mean that; but I mean any man that is engaged in anarchy, insurrection, or rebellion should be punished for it according to our Constitution of the State and Government.

Chairman WALSH. And where, under your theory, was that to be determined—the guilt or innocence of an individual so suspected?

Lieut. LINDENFELT. I could not determine that.

Chairman WALSH. I say where was your idea, under your theory, where it should be determined—by the military officers or in the courts of the country?

Lieut. LINDENFELT. If that should be determined it should be determined in the civil courts.

Chairman WALSH. Please state your experience with the strikers immediately preceding the Battle of Ludlow, if there was anything significant about your conduct or your relations with them.

Lieut. LINDENFELT. Well, it was practically the same as it had been.

Chairman WALSH. Down to that time?

Lieut. LINDENFELT. Only this general feeling between all National Guard officers and men and——

Chairman WALSH. The feeling had become bitter upon both sides?

Lieut. LINDENFELT. On both sides. The striking miners had been told by their leaders and properly understood—because I have talked to many of them about it—that we were not—especially the detachment that was left there of 24 men when the balance of the command withdrew—that we were not regular militia; we were mine guards; that the martial law was off, and we had no business there; that we were simply mine guards dressed in uniform.

Chairman WALSH. You told that to whom?

Lieut. LINDENFELT. I told that to no one; no, sir. They have been told that.

Chairman WALSH. They had been told that by their leaders?

Lieut. LINDENFELT. By their leaders; yes; their leaders and others.

Chairman WALSH. As a matter of fact there were 25 of you still regular members of the National Guard left there?

Lieut. LINDENFELT. About 25 or 26, somewhere in there; yes, sir.

Chairman WALSH. Were you located in the same camp?

Lieut. LINDERFELT. No; my command was left at Berwind. As I stated, the personnel of the command had changed; many men had been sent home for business reasons, physical reason, and unfitness for service; and the command was made up of men that had been assigned to duty, transferred, and reenlisted in the company.

Chairman WALSH. Had you returned to Denver at all?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Were you still there on duty?

Lieut. LINDERFELT. I was still there on duty; yes, sir.

Chairman WALSH. I do not know where I received the information, but it seems in the evidence some place some person stated you had retired, and when the battle broke out were visiting Mr. Neal with your family, something like that?

Lieut. LINDERFELT. Well——

Chairman WALSH. Is there anything in that?

Lieut. LINDERFELT. I was on duty, but I was stopping at the Columbian Hotel. On Sunday morning preceding the battle I was at Hastings, looking up storehouses at Hastings for State property. And while in Hastings there was that A Troop had been organized, and I was at Hastings principally to look up that armory or the storehouse. That evening I was going to—I was going in—I had certain duties of that character, like Hastings to perform at that time; was acting under orders, indirectly from Gen. Chase, but directly under Maj. Hamrock. I was to go up to Tercio and Segundo and different places on that same mission.

Along in the evening of Sunday, Sunday evening, I think that was the 19th, I think the 20th was Monday—there was a Greek Easter, I believe it was that day; anyway they had quite a celebration in the tent colony. But I thought nothing of it, none of us thought anything of it, only they have dances and general enjoyable times down there in the tent colony before that. But Sunday evening I got a report from Maj. Hamrock that there was a big consignment—they had just got a big consignment—arms had been shipped into Aguilar that night, and that we probably would go up there and confiscate them in the morning. Now, I didn't go in that evening. Lieut. Lawrence was in command at Berwind at that time. Then Monday morning—the train leaves Ludlow at 6 or 6.32, along in there very early in the morning, and I was going in there on that train. Well, in the meantime, in the evening, Maj. Hamrock said we would not go to Aguilar; this detachment at Cedar Hill was not all at Cedar Hill; there were 8 men out of these 34, 5 or 6, whatever it was—I don't recall just at this time—there was 8 men, and Maj. Hamrock and Lieut. Benedict, at Ludlow. The balance were at Berwind, at Cedar Hill, rather, which is the foot of Berwind Canyon.

At about 8 o'clock in the morning, I think it was, the phone rang, and I answered the phone. That evening I had got a letter from a woman up in Berwind, whose name I don't remember, saying her husband was down there in the tent colony and that they would not let him out. I sent Corp. Patten down the first thing in the morning before I received this message to Maj. Hamrock with this letter. He called up Louie Tikas and told him to come over to the camp, he wanted to talk to him. Louie said he would not come. It was a rather strange thing, the way that he always had come, when he had been called by Maj. Hamrock. He finally agreed to meet Maj. Hamrock at the depot. Well, they agreed to meet there. Well, he had said he would not come the first time. When he phoned Maj. Hamrock, Maj. Hamrock phoned to me; I answered the phone, and he said, "You better bring your detachment down onto the hill." This hill I speak of is the military key to the situation. So I had the men to saddle up, leaving a guard there, a cook, and several more. A few minutes afterwards the phone rang again and some one else answered it and called to me as I was going to start, "Major says to bring the machine gun"; so I had the machine gun put in the wagon we had, and the mules hitched up, and relieved guard, called the cook on to duty, and we started down the hill.

I said to Lieut. Lawrence, "Take the men on the gallop and occupy the hill," which we always done. This was not that morning alone, but it was done every day that we moved out onto that hill with the Ludlow detachment that acted as advance guard to that hill as a point. The reason that we did that was that that hill controlled the road, the minute we got out from under the railroad tracks on the road to Ludlow. If that hill had been occupied at any time by an enemy they could have wiped us out as soon as we got out into

the open, consequently we always sent an advance guard to occupy the hill. The trouble was, when I first started there, with new men not moving quickly or rapidly. Consequently their orders were to gallop until they reached the hill, which they did. I followed with the machine gun and the balance of the command.

Chairman WALSH. What time was that?

Lieut. LINDERFELT. That was about, I should judge—it didn't take us over 20 minutes after I got the order to leave.

Chairman WALSH. That was what time?

Lieut. LINDERFELT. I think it was about 9 o'clock, or about 8 o'clock.

Chairman WALSH. Just one other question. When you occupied that hill, did you always have a machine gun on the hill?

Lieut. LINDERFELT. Not every day; no, sir. I have taken it down; oh, probably in six months, 30 times. Sometimes we would set it up and sometimes it was left in the wagon.

Chairman WALSH. The time you are speaking of now is the day of the battle?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Sometimes we left the machine gun in the wagon, and sometimes left the wagon upon the hill with the guard. Sometimes we took the machine gun with us, according to what it was for. Maj. Kennedy repeatedly—not repeatedly, but once or twice, possibly three times—had ordered me to take the machine gun and set it up right up on the corner of the road and the railroad, which I did. And this morning when I got on the hill, the minute I looked over the hill before—sitting on my horse, moving at a walk, I wondered what had become of Lieut. Lawrence and his command. And there was only one or two there, and they seemed to be very much excited. I immediately looked to see what made them excited.

Now, where these Ludlow striking miners used to play ball is across the road and behind some houses from the depot, a little to the north and east of the depot. They said they were playing ball. Possibly they were; I don't know; but if they were playing ball at that time, at this ball ground at that time, every man that was playing ball had a rifle with him. That is something I had never seen before. When we appeared on the hill there was this bunch of men at the ball park; they started toward the C. & S. E. cut, which is directly east of the depot. It is a cut through a little sand ridge there. There was these men—my men on the hill reported to me all these men had arms. I took my glasses and could see very plainly that they had rifles. We went from the road, and in a position on the hill. The minute I saw that I gave the orders to have the machine gun to come back; they had moved up pretty well; the wagon moved pretty well up toward the railroad track. I had them moved back, going through the fence and into an arroyo or little gulley there leading down from the hill to the south, and took the machine gun out and set it up behind the railroad track, which we did. I had the men dismount, leave their horses in this cut. About that time I noticed Lieut. Lawrence coming back from the depot on a gallop; that the most of his men were with him, except one or two that was on the ridge. These strikers were running from the ball park to the sand cut of the C. & S. E. Railroad. They were leaving the tent colony.

Chairman WALSH. Which was—which way was the sand cut from the ball field?

Lieut. LINDERFELT. Directly east. They were leaving the tent colony in large numbers—leaving the houses——

Chairman WALSH. How close did the sand cut come to the foot of the Water Tank Hill?

Lieut. LINDERFELT. The range was exactly 675 yards. The men were leaving in large numbers. I saw them going from the tent colony, from the ball park, from buildings, barns, and outhouses back of the depot—all armed. The women and children were leaving in large numbers to the arroyo, and on a [illegible]road that comes down there, to some ranch houses north and east of the tent colony. There was men with them, and there were large numbers of women and children. My men that were on the skirmish line along the track begged me to allow them to fire.

Chairman WALSH. What was this date?

Lieut. LINDERFELT. April 20. They begged me to allow them to fire. I told them no; that they could not fire until they were fired on, which were the in-

structions that I had received sometime before, probably when I first went into the field, when the command went down there; I think it was along the second or third day that we were not to fire unless we were fired on—to defend ourselves.

Now, Lieut. Lawrence passed behind me at a gallop, with his men. I said to Lieut. Lawrence to get out there on the left, on that right flank, as quickly as he could; and he did, dismounted, and I think took four men and left one man holding the horses. He headed up over there. A few minutes after he had got over there and these people had got into the sand cut before the firing, or before they fired; they were in a position in this cut lying along there. Afterwards I found they were new rifle pits.

Chairman WALSH. What?

Lieut. LINDERFELT. New rifle pits. The pits concealed them. Lieut. Lawrence had gone over on the right. I sent Lieut. Bigelow over with two or three men to take up a position between Lawrence and Water Tank Hill, but didn't specify the position, just simply pointed. I said, "See if you can get into that end of the sand cut before they do." About that time, after he had started, he had not gone over 50 or 60 yards, I saw them raise up from the sand cut and fire on Lieut. Lawrence, or I suppose where he was. The men said, "They are firing on Lawrence." I said, "Now, just wait a moment, we will be certain about this." They fired probably 10 or 15 shots, none of them coming in our direction. The only reason that I know they were firing first was, I think, I saw the first man that fired. He raised up from the sand pit—I could see from his waist up, I saw the kick of the gun and heard the report.

Chairman WALSH. Where was that sand pit with reference to where those men were intrenched—where was the sand pit where the men were intrenched with reference to the tent colony?

Lieut. LINDERFELT. That tent colony—that sand cut is south and east of the tent colony, about 725 yards by actual scale measurement, from the depot to the end of the cut.

Chairman WALSH. That would put the tents where now, with reference to the line of the fire?

Lieut. LINDERFELT. That would put the tents about 45 degrees north—directly north—and they were from the sand—let me see—the tent colony was in that direction [indicating] directly north, and they were from the sand—here was the Water Tank Hill [indicating] and there [indicating] is the tent colony, and here is the sand cut [indicating], and over there in that direction, about an angle of 45 degrees from north to the east.

Chairman WALSH. Point on your arm where the southwest part of the tent colony was, where, I understand, the fire took place—the first fire.

Lieut. LINDERFELT. Right over here [indicating]; right alongside the railroad track.

Chairman WALSH. I know, but was it to the east or to the west of the tent colony?

Lieut. LINDERFELT. It was the southwest corner.

Chairman WALSH. The southwest corner. The tent colony, wouldn't that be toward your shoulder rather than toward your hand?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Hold your arm that way so I can get the proper idea. That is the cut over there [indicating].

Lieut. LINDERFELT. Here is the sand cut [indicating] and here is Water Tank Hill [indicating].

Chairman WALSH. Yes.

Lieut. LINDERFELT. And here is the tent colony lying off square in this direction. The fire started on the southwest corner. I was looking through my glasses when I saw this shooting from the sand pit. About that time, just as I was about to give the order to fire, oh, I guess, 50 or 60 shots whistled around and ricocheted over us right where we were, and I gave the order to commence firing, which the men did. The machine gun opened up on them, on the cut, and the rifles all opened up on this cut. Then we were firing about 10 minutes when the first bomb went off.

Now, these bombs were made by myself a short time previous. The balance of the troops were withdrawn from the field, and when I knew they were leaving—we were to have a small detachment at Ludlow—I took eight sticks of 40 per cent giant powder, tied them up with heavy binding twine, with a primer in the center stick, and about 2½ feet of fuse. I timed the fuse until I found just what kind of a fuse it was. I think I allowed a minute to the fuse. That

was taken down and put in a tent—three of them—with instructions that when any firing started, or fighting, or trouble, or anything else started, they were to fire those three bombs immediately. They were to take them over on the other side of the track and explode them so that they would not hurt the cookhouse, and so on. There was nothing around the bombs except this binding twine, so the explosion would not throw anything except this little dirt it stirred up. They were fired, but I do not know by whom. I think Lieut. Benedict fired them about 10 minutes after the first shot was fired. These three shots went off about intervals of 45 seconds to a minute.

Chairman WALSH. One minute. Commissioner Weinstock is under the impression, and I am not quite sure, that Gen. Chase testified you were not at the battle of Ludlow. My recollection is that he has testified that you were not in charge of the militia at the battle of Ludlow. How was that?

Lieut. LINDERFELT. Maj. Hamrock was in charge; the ranking officer.

Chairman WALSH. You were present, as you have stated here?

Lieut. LINDERFELT. I was next in rank. Lieut. Lawrence had been detailed in command of my troop. But when the fight started I assumed command of the troop.

Chairman WALSH. And before you assumed command Lieut. Lawrence was in command?

Lieut. LINDERFELT. Yes, sir; I assumed command when I gave the first order that morning.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. These bombs were fired, and there has been some report that they were a signal to commence the attack. They were nothing of the kind. They were an alarm by me, that I made for the purpose of warning the Cedar Hill detachment that they needed help at Ludlow with that small detachment of men. It was simply a military precaution that any military commander would take. Some would have a secret buried wire, or a heliocope, or something else that they could flash a signal with. This was a very easy and effective way of warning the detachment at Cedar Hill. I was firing at the time when these bombs went off. I had previous to that determined absolutely they were firing on the town of Ludlow. I had given my commands to commence firing and then had taken a position here, and was firing at the time these bombs went off. We fought from that position for some time. I think about 10 o'clock, or along about there, I saw a movement from the tent colony of men going toward that arroyo. It was a military problem that then presented itself there; that if they moved up that arroyo to Hastings it would be absolutely in concealment to where I was at Water Tank Hill. Lieut. Bigelow had fallen back and reported it was too heavy for them. Lawrence reported that Pvt. Martin had been wounded—shot in the neck. I asked him where he was. He said they could not carry him back, but they had left him in a small hole, where he was safe, and had put a first-aid bandage on him. Along in the afternoon, late in the afternoon, when the final advance was made in that direction, Pvt. Martin was found, with the first-aid bandage torn off, his face beat in with the butts of guns—stamped in. One eye was out of his head; one of the men shoved it back in with his fingers. His body had been riddled with bullets. I think it was the next day I examined the place thoroughly myself, and I found where they had stood over him with a Mannlicher 8-millimeter rifle and fired down through his chest and through his mouth, and pieces of bones and flesh were on the ground where he had lain, with the bullet holes. I dug up the bullets, and I found they were the Mannlicher. I found the clip, with the empty shells lying beside him.

Commissioner WEINSTOCK. What was the name of that man?

Lieut. LINDERFELT. Pvt. Martin. Lieut. Bigelow reported Pvt. Purcell shot in the shoulder.

Chairman WALSH. Was Martin otherwise mutilated—otherwise than you have described?

Lieut. LINDERFELT. Yes; he was otherwise mutilated.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. Pvt. Purcell was wounded. Lieut. Bigelow and one man had to carry him. He left two men to protect their retirement, one man firing and the other retiring, and then the other firing and allowing the other to retire back to our position. They were extended out as far as we could go with the men we had and the amount of fire to contend with, and I counted 73 men going to that sand cut from the tent colony, the bull ground, and those buildings, and then did not get them all, but would estimate there was from

120 to 140 going. Those were not all the men that Lieut. Lawrence and Lieut. Bigelow had to contend with in that direction. There were other men over there that Lieut. Lawrence found that had been on the D. & R. G. track, which was more than a half a mile, and they could not have gotten there by the time they started from the tent colony until he got over there; but they were in force and position when he got over there. I turned the command over to Lieut. Lawrence on the hill and took 8 or 10 men down the railroad cut, because I could see their movements toward the arroyo and Hastings to cut us off in that direction or attack the Hastings Canyon. I took a few men. I received information that Maj. Hamrock and a few men were in or under the steel cars directly west of the military camp, firing in the direction of the arroyo, back of the colony and the steel bridge. There were large numbers in force. I think I sent two men over to—just after the first of the fight, along about half an hour—to report to Maj. Hamrock. He kept one and sent the other back, and said he had been able to inform Gen. Chase—that he was trying to or had informed Gen. Chase of all that was occurring. Maj. Hamrock was at the depot previous to this, talyking with Louie the Greek, as they agreed to meet at the depot. Lieut. Lawrence was there at that time.

Chairman WALSH. When had they agreed to meet at the depot?

Lieut. LINDERFELT. Probably a little before 9 o'clock, a little before the fight started. And Lieut. Lawrence said, "Look here, Major, what is this coming off?" And the major looked over and saw the men with arms, and he turned to Tikas and said, "What does this mean?" Tikas said, "I don't know"; he was shaking and excited. He said, "I don't know." "Can you stop it?" Louis said, "Yes; I will stop it." "All right," Maj. Hamrock said, "go down and stop it; do the best you can, or some one is going to get hurt." And he started. Lieut. Benedict was looking through the field glass. He was at the military camp west of Ludlow station, and he saw Tikas go into a tent.

Chairman WALSH. Could he get the range or view with the field glass of the house of the pumping station of the railroad?

Lieut. LINDERFELT. Yes; they were artillery glasses and so powerful that you can hardly hold them steady to your eyes without resting.

Chairman WALSH. So, from the camp you could get a view of the pumping apparatus and the little shack or converted freight car in which the man at the pumping house lived?

Lieut. LINDERFELT. Yes, sir; that was exposed. If he could not see it on account of the water tank he could have moved a few yards and seen it.

Chairman WALSH. Where was the arroyo?

Lieut. LINDERFELT. On the north of the tents.

Chairman WALSH. Was it between the camp and the tent colony?

Lieut. LINDERFELT. What is that?

Chairman WALSH. Yes; was the arroyo between the military camp and the house of the pumping station? The house of the pump man?

Lieut. LINDERFELT. No, sir; the railroad tracks was all. There was some grade there.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. He saw Louis go in and come out of the tent with a pair of field glasses and a rifle. By that time the situation had gotten beyond his control and he could not stop it, and possibly did not want to. That was the time, at that time or about that time there was a strong movement—no, you could not see anyone for quite a while after the fire started. You could see the—a high-power rifle don't give any smoke, but it kicks up the dust in front of the rifle from the concussion, and you can locate rifles if you look very close to the ground—high-power rifles—that way. I could see them firing from the pits and from the tents on the south and east. They had thrown up a lot of dirt a short time previous to that around the end of the tents, and could punch a hole in the canvas and have protection against rifle bullets.

Then I noticed this movement toward Hastings, up toward the arroyo, and saw at that time quite a number of men in and around the pumping station and at the steel bridge. I gathered up 8 or 10 men and started down the railroad track with an advance formation. I took the tracks and the men kept the fire down from the railroad cut by cart-wheel formation, and we got down to the depot. There we had a flank fire down this sand cut. We also extended our front—our left it was then; it was our left, then, but afterwards became our front—along the railroad track, under the protection of the railroad track only from the direct fire across the arroyo and a little from the steel bridge, and the men would be under cover from anything that would come from the east.

We worked down to the edge of the cut. We were short of ammunition. We worked down to the edge of the track, I mean. As I say, we were short of ammunition and we could not advance properly according to a military idea of advance. We didn't know that we were going to get any more ammunition, so I left a detachment there under command of T. C. Linderfelt and R. J. Linderfelt, captain and first lieutenant. I left them there and went back to the depot.

We fired from the depot and from the lumber piles and around in the buildings on this cut to drive them out with a flank fire so that an advance could be made on our right to Lieut. Lawrence, and we finally drove them out of there, but did not take possession because it was 700 yards across, or 725 yards, from there to the depot, and we had driven them back then from the railroad cut toward the barns and the ranch houses directly east or north from there. I think it was about 4 o'clock in the afternoon—no; first I tried to get military headquarters on the phone and found Maj. Hamrock talking on the line, and I cut in and told him exactly what I was doing and what I intended to do; and he said, "Hold your position, reenforcements are coming and will be there about 8 o'clock. How much ammunition have you got?" I said, "I am getting pretty shy of it," and I said, "Will we get any more?" And he said, "Yes; five boxes are coming." That was approximately 6,000 rounds.

So about 4 o'clock I heard a pretty heavy firing off on my right, from the right of our line, and suspected that the reenforcements had arrived. About half past 4 Lieut., or Capt. Carson came with a detachment of A Troop, about 40 or 45, or it might have been more or less, but in that neighborhood, and he reported to me—he was ordered by Maj. Hamrock to report to me, which he did; and I asked him what ammunition he had altogether, and broke open a case he brought down with him and distributed to what men I had there, and told him to go up the track and report to Capt. Linderfelt, and advance and clear that arroyo and steel bridge, now that we had ammunition; and I sent some one up to report to Maj. Hamrock. Well, I told him he would be covered by the machine gun, that is what I told him. And I sent a man up to report to Maj. Hamrock, and informed him what my disposition was of Capt. Carson and his men, and to cover him all he possibly could with machine-gun fire from that hill. Capt. Carson reported to me also that he had a 30-40 machine gun with him, and that was in action at that time. I could hear it very plainly from the depot.

About 5 or 5.30, I was firing from the freight door—it is not the regular door of the depot—to the southeast corner of the tent colony. I could see with my glasses very plainly 8 or 10 rifles from trenches in that vicinity and through the tents and out of the windows of the tents. I think I had a sergeant with me who was firing out of the north—northeast door of the depot, the freight depot—at the same place I was. Finally he said to me, "What is that fire down there?"

Chairman WALSH. What time was that?

Lieut. LINDERFELT. About 5.30. And I said, "It looks to me like a big fire somewhere; it looks like the tent colony is going up." So I went out across the depot and looked down the track, and they were firing up the track from the steel bridge at that time, the pumping plant and from these pits around the depot; all around the tent colony were firing as soon as I ran across there, and I saw, I think it was, the third tent in the second row from the southwest corner burning. There was but very little wind at that time; it was going right straight up, not in a heavy, black smoke, but seemed like it was the canvas burning.

Chairman WALSH. Where was that tent with reference to the tent where the bodies of the children were found?

Lieut. LINDERFELT. I do not know just exactly; you could not locate it afterwards, after the colony was destroyed you could not locate it, but it was within that vicinity, within one or two or three tents, possibly, from it.

I went back into the depot and told the men there——

Chairman WALSH. Was the burning tent east or west of that tent where the bodies were found?

Lieut. LINDERFELT. Could not say definitely just where it was. You see that is a plain flat, so when a man stands here [indicating] and looks toward that tent colony he don't see any tents above or below. You have to estimate about which tent it was in that place.

About dark it was—7.20 I think the train comes in—it was about half past 6, and there was a fairly heavy wind blowing at that time, and the whole

southwest corner of that tent colony was burning. At half past 6, just about dark, I made an advance up there as far as the road. I didn't go clear to the road, because I saw some officer—I don't remember who it was, whether Lieut. Bigelow or Lieut. Linderfelt or Capt. Linderfelt or Lieut Connor, or who it was—but anyway, I asked him how far they had gone, where their positions were, and they told me they were at the corner of the water tank and that Ted—that is, Capt. Linderfelt—that Ted and Morse—Lieut. Bigelow—were under the water tank firing at the steel bridge. They were at that time about 60 yards from the nearest tent—the tent that started burning—50 or 60 yards.

Chairman WALSH. In what direction?

Lieut. LINDERFELT. At that time they told me they had advanced at that time about 150 yards. The main column with Ted and a few more men had been up as far as the road. Since then I have asked him where they were when that tent colony started to burn and he told me they were from 50 to 60 yards from the nearest tent, or nearest building. The nearest building was not a tent but a sheet-iron store building—that they were within 50 or 60 yards of that when the first fire started.

The fire got pretty hot when the wind blew up. There were vast quantities of ammunition going off that was hidden under the tent floors, and that threw sparks up in the air which were carried by the wind onto the other tents and every now and then a giant would explode with a heavy explosion and throw sparks 50 or 75 feet in the air and they were carried by the wind in all directions.

The first time that I noticed any women in the tent colony, or there could have been any there, was when we started up with the advance—it was long after train time.

Chairman WALSH. When was train time?

Lieut. LINDERFELT. 7.20. We started up to drive these people out of the arroyo and the steel bridge. Capt. Linderfelt went out there with a detachment and drove them out, but misunderstood my orders, and instead of holding the bridge came back and reported that he had driven them out, and they immediately came back and he advanced again and drove them out. We were directing a heavy fire at that time at the steel bridge and pumping plant and those trenches and holes they were firing from from the arroyo. Then I formed the men that I had to make a charge on the trenches, to wipe them out of the trenches, out of the arroyo. The steel bridge had been taken care of, and was, from rifle pits. I left some men to cover our advance by rifle fire. The tent colony was all—the southwest and practically the west end of it was burning at that time. The big tent was burning, and that was the first time that I believed anyone was in the tent colony. We advanced with our rush and, of course, according to tactics and according to war as troops charge, we yelled and immediately there rose up the most awful wail I ever heard in my life, because I realized immediately what it was. Capt. Carson acted like a crazy man. He said, "My God, Monte, there are women and children in there; listen to them," and I said, "Get them, and get them quick." And we rushed in there and got a lot of them out. Some of them thought they were going to be murdered by us and had been told that undoubtedly. Some of them wanted to stay and some wanted to bring a trunk or something like that, but that they could not do, and we took them out, and got between 30 and 40 women and children altogether. While we were doing that anyone could see very plainly, and if a man had been on Water Tank Hill with a field glass he could see what we were doing. We were subjected to a heavy fire from the pits back of the tent colony, not 60 yards away from us, and the arroyo. The steel bridge was held by a part of a detachment of our men. That was the first idea any of us, including myself, had that there were any women or children up in the tent colony, after the fight started. We got out all we possibly could.

The next morning, I think, Mrs. Halloran, the postmistress at Ludlow, told me in the depot that one of those women told her there were some women hiding in the cave; and I said to her, "Mrs. Halloran, you go down and tell them I sent you down, and tell these people to come out, and that we won't hurt them. Tell them to come out and come in the depot," and she went. We took those women and children over to the military camp and took care of them that night. Some of them did not want to go there and some went to the depot. I think there were a few men among them. There was one man and his wife, I remember, and they had a couple of children; and there was a man by the name of

Snyder, I think it was, who had a little boy that had been shot in the head. He said he was shot about 5 o'clock. He told my men that he had gone out to attend to a call from nature and a bullet had hit him in the head. From the looks of the wound it must have been a soft-nosed bullet, because at that range our bullets did not make wounds of that kind. I talked to Snyder—I think his name was—this man, and asked him how this thing started, and he said that yesterday was the Greek Easter, and they were going to battle on Wednesday, but when they saw this detachment on the hill and when Maj. Hamrock called them up, that gave them an inkling that we knew something about the attack and that some one had given them away, and they thought it was better not to lose their arms and go into an unprepared fight, and they had better tackle us right there, and they did.

Chairman WALSH. Where was Snyder when he told you this?

Lieut. LINDENFELT. In the depot.

Chairman WALSH. Who else was present?

Lieut. LINDENFELT. Oh, there was Sergt. Casey.

Chairman WALSH. Was he under arrest?

Lieut. LINDENFELT. Who?

Chairman WALSH. Snyder.

Lieut. LINDENFELT. No, sir.

Commissioner WEINSTOCK. Who was Snyder?

Lieut. LINDENFELT. He was the man whose boy was killed.

Chairman WALSH. Was he allowed to remove the corpse of his boy at once?

Lieut. LINDENFELT. I think I saw that man before any other soldier did—before we made an advance on that tent colony, I think. I was the first man that saw him, because I was out working across that prairie as close as I could to locate these rifle pits, and I heard some one coming up the road, and immediately got over there and saw this man carrying his boy, this Snyder boy, and I said something to him like "What have you got there?" And he said, "This is my boy; he is dead." And I told him, "You had better go right down to the depot." And his wife said, "You won't kill him, will you?" I suppose meaning her husband. And I said, "No; we won't do anything like that; you take the boy down to the depot," which they did. So far as refusing to get that boy out of there, I don't know anything about that.

Chairman WALSH. Proceed.

Lieut. LINDENFELT. When the men got the people out of the tent colony I—I don't remember the time just now, but we were preparing for another advance on this arroyo after getting these women and children out—we were going to do it from the pumping plant and the bridge. About that time Louis Tikas was brought before me a prisoner.

Chairman WALSH. What time was that?

Lieut. LINDENFELT. Along about 9.30.

Chairman WALSH. Who brought Mr. Tikas in?

Lieut. LINDENFELT. I don't know who it was; I don't remember; but we were in formation there in a bunch.

Chairman WALSH. How close was that to the southwest corner of the tent colony?

Lieut. LINDENFELT. That was about 30 feet west of the crossing of the Hastings road and the C. & S. track.

Chairman WALSH. Thirty feet west?

Lieut. LINDENFELT. Yes, sir; about that.

Chairman WALSH. Was he brought in alone?

Lieut. LINDENFELT. Yes, sir; as far as I know. Of course, I did not see the other two men.

Chairman WALSH. Proceed.

Lieut. LINDENFELT. Tikas—some one hollered, "We have captured Louis Tikas"; so I went down there. I got right up from my position and went right over there, and I said to Louis Tikas, I said, "I thought you were going to stop this," and he told me—he called me a name that no man will take and I struck him with my gun.

Chairman WALSH. Had he ever called you any name before?

Lieut. LINDENFELT. Yes, sir; several times.

Chairman WALSH. Was he a vicious man?

Lieut. LINDENFELT. I would not say that Tikas was a vicious man. He was a shrewd man. I think he knew more in five minutes than Lawson or anyone else knew about handling the foreigners in that tent colony.

Chairman WALSH. What was his size?

Lieut. LINDERFELT. He was a man about 5 feet 5 or 6 or 7.

Chairman WALSH. What did he weigh, about?

Lieut. LINDERFELT. One hundred and fifty or one hundred and sixty pounds; in there somewhere. As I struck him with the gun he threw up his arm and it snapped the stock of my gun. It was not necessarily a hard blow, and I didn't knock him down, and immediately when I struck him these men wanted to shoot and lynch him, and I told them no, they could not do anything like that; and I turned him over to the sergeant to take charge of him, and then I went out to get some men to work across the flat to help drive these people out of the arroyo.

Chairman WALSH. What kind of a gun did you strike Tikas with?

Lieut. LINDERFELT. A Springfield service rifle.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. I got up to the depot——

Chairman WALSH. Just at that point, who else was present when that occurred?

Lieut. LINDERFELT. What?

Chairman WALSH. The striking of Tikas?

Lieut. LINDERFELT. A sergeant and two or three more noncommissioned officers. The men had got around us in a bunch by that time, and we got a pretty stiff fire, and in the crowd, and in the excitement of the moment, and in the fight, I could not remember who was there exactly, but probably Capt. T. C. Linderfelt was there and Lieut. Bigelow was there—if not right there, within 50 yards of there. They may have been firing at something at that time or may have been in the crowd, but one or two men I remember were there. I went on up to the depot and got a bunch of men together to rush across the flat and started back to the depot and saw Sergt. Taylor and Taylor said: "Say, Louis and some more of those fellows tried to get away, and they shot them." That is all of that part of it I know.

Chairman WALSH. Did you see his body afterwards?

Lieut. LINDERFELT. I saw it in the dead wagon.

Chairman WALSH. Did you examine it?

Lieut. LINDERFELT. No, sir; I did not examine it. He was in the dead wagon at that time.

Chairman WALSH. I am asked to ask you if a soldier is justified in striking a prisoner for calling him an improper or vile name?

Lieut. LINDERFELT. Anyone is justified in it, whether he is a lawyer or a soldier; that is a personal matter. When a man says that to me, he means something. I never use it unless I wish to fight and wish to insult a man beyond anything else; then I use a word of that kind.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Then, I think it was that evening—no, it was the next evening, we finally drove them out of the arroyo. Every time a train came in from half a dozen to 15 men would drop off that had come from different places. Capt. Nickerson got in from Colorado Springs, I think, the next day, with 10 or 12 boxes of ammunition, and other officers and men came in with ammunition. It was indiscriminate outpost duty at that time, and we finally drove them back into the Black Hills around there, and the reinforcements of men that came from all over the country, Denver and different places, that were sent down, joined them in the Black Hills up until the time Gen. Chase came in with the commands, and from then on it was more outpost duty than anything else.

I remember when they had this investigation of Capt.-Maj. Boughton, Maj. Danks, and Capt. van Cise, and they called me in off of the line several times to ask me questions.

Chairman WALSH. Was there a wound on the head of Mr. Tikas?

Lieut. LINDERFELT. Not that I know of. The coroner, I think, could give you all that information about his wounds.

Chairman WALSH. You did not examine the body close enough to ascertain where he was wounded?

Lieut. LINDERFELT. The only time I saw the body of Tikas was in the dead wagon—in that dead wagon, with five more men piled in one on top of another. Tikas, they said—I have seen reports about the man being robbed and looted and his puttees taken off. At that time he had them on.

Commissioner BALLARD. What are puttees?

Lieut. LINDERFELT. They are brown leather leggings—well, they need not necessarily be brown; they are leather leggings.

Chairman WALSH. Had you or any other member of the guard made threats that you would destroy the tent colony?

Lieut. LINDERFELT. No, sir; not that I know of or heard of.

Chairman WALSH. Were you aware, prior to the time of this battle, that any of the strikers in the colony were armed?

Lieut. LINDERFELT. Yes, sir; I knew they were armed; certainly I knew they were armed.

Chairman WALSH. Why was no effort made to disarm them prior to the fight of April 20?

Lieut. LINDERFELT. Repeated threats were made. John Lawson and the rest of them told Gen. Chase that if they would disarm the mine guard first they would turn in their arms which they had consisting of 16 rifles and a gun. They hid their arms. We found evidences after this fight where they had hidden their arms. It was in the north slope of that sand cut where they had taken up their position.

Chairman WALSH. State whether or not you gave orders during or after the battle to shoot everything that moved in the tent colony?

Lieut. LINDERFELT. Verbatim?

Chairman WALSH. Yes.

Lieut. LINDERFELT. No.

Chairman WALSH. What did you say about that?

Lieut. LINDERFELT. I gave orders to fire, directed the fire wherever I wished it.

Chairman WALSH. Did you direct the fire into the tent colony?

Lieut. LINDERFELT. I did, along about 6 o'clock.

Chairman WALSH. Was that before—that was before the fire, was it?

Lieut. LINDERFELT. During the fire. The colony was afire and probably during the afternoon I and one or two men with me at that time did fire into the tent colony at the southeast corner. From where we were in the depot we could not see the western part of that tent colony on account of the Snodgrass store in between us.

Chairman WALSH. A statement has been made that a ranchman named Bayes had stated that militiamen visited his home and looted it on the day following the fight at Ludlow and left a sign stating, "This is to pay for harboring strikers," and signed "C. N. G." Do you know anything about that?

Lieut. LINDERFELT. I only know it was published in the paper.

Chairman WALSH. Do you know whether there was any basis of fact in it?

Lieut. LINDERFELT. I think absolutely none.

Chairman WALSH. Have you any knowledge of it whatever?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. How many women and children were in the tent colony immediately prior to the time of this battle, say a day or two before?

Lieut. LINDERFELT. I could not remember authentically; I could not state definitely how many, but there have been accounts of that made at different times which should be available and which I do not have possession of.

Chairman WALSH. Could you approximate the total population of that tent colony?

Lieut. LINDERFELT. You see when the strikers first started the tent colony there was an immense amount of Americans in there with their families, women and children, there were lots of them, and as this went on longer and longer, those people moved away, and probably went to other places or probably to the homes of their friends out of the district and went to work. These men were replaced—not replaced, but more men came in, single men who were principally Greeks and veterans of the Balkan War. They took great pride in showing their certificates of service. I understood from Capt. van Cise that at one time there was an epidemic of smallpox; I was not in the colony at that time; and there was compulsory vaccination in the tent colony, and at that time they questioned a number of people in there and examined their papers, I believe. That is required by the health form. And they were asked and they stated they had been in the Greek Army or in a Balkan Army, and would probably show their discharge and their date of landing, which was after the date of the calling of the strike. These men I have inquired about very carefully since then to find out whether they were imported by the United Mine Workers to fight. They all told me they were getting more money than $3 a week. Some of them told me they were getting $3 a day—that they were

fighting men, and they showed me some papers which I could not understand, but which were official looking and which looked like an army discharge from that vicinity of Europe.

Chairman WALSH. That was before the 20th of April?

Lieut. LINDERFELT. Yes.

Chairman WALSH. What did you do with those that confessed they were simply there as fighters and not as workers? What was done with them?

Lieut. LINDERFELT. We could not do anything with them; I mean, we could not arrest them; if we had, we would have taken I think a hundred, and Capt. van Cise told me, I think, that 137 or 167 of them——

Chairman WALSH (interrupting). You mean to say you could not arrest them because you had no orders to arrest them, or why?

Lieut. LINDERFELT. They were in the tent colony, they were not disturbing the peace.

Chairman WALSH. But if they said they were there avowedly for the purpose of fighting and not as miners, would you not feel, as an officer of the State, that you should have apprehended them?

Lieut. LINDERFELT. I certainly would, but my instructions were not to do so.

Chairman WALSH. From whom?

Lieut. LINDERFELT. From Maj. Kennedy, I think, possibly—I don't recall who it was, but it was reported and I knew I could not arrest them for that. It may have originated from Gen. Chase. Probably the governor would order Gen. Chase to do it; I don't know who would not allow it.

Chairman WALSH. Is it the policy of the militia to refrain from arresting men who are mere fighting men and not workers?

Lieut. LINDERFELT. That tent colony previous to that fight in Ludlow was not composed of 10 per cent of workers.

Chairman WALSH. As I understand it, the theory of not disturbing those who were not disturbed is that they were not at the time committing any violation of the law, and that they were in that tent colony because they had left their homes at the time of the strike and simply occupied that as a temporary home.

Lieut. LINDERFELT. That was their home then.

Chairman WALSH. I want to get at it; I don't want to cross-examine you about it, but I want to get at, if I possibly can, the real attitude of the militia. Now, I suppose, according to your construction, that was treason against the government of Colorado and the United States Government?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Suppose that, say, 125 or 150 men came to you and told you they were pickpockets or other violators of the law, what would you have done?

Lieut. LINDERFELT. I would watch them; I don't believe I could arrest them.

Chairman WALSH. Wouldn't you have arrested them?

Lieut. LINDERFELT. I don't believe I could. This is a comparison between civil and military law. I mean like this, if I could arrest a man with the idea that my charges would go through on a court-martial against this man, or he would be fined for doing what he was arrested for, why, I would arrest him. But it would be useless to arrest him and have him turned loose by some one my superior.

Chairman WALSH. Please state the causes of arrests of these persons who were arrested and detained by the militia.

Lieut. LINDERFELT. Causes?

Chairman WALSH. What were the causes of the arrests of those who were arrested and detained by the Militia from time to time?

Lieut. LINDERFELT. Well, the causes of the arrest are the will of the military commander. It is his will that a man is arrested. For instance, if a saloon had a fuss in it or a fight or disturbance in it, we closed them up, maybe a week or 10 days, or 2 weeks, or so on; or if there was one man—now, there was one man, a negro, shot a Mexican there in Tabasco. I placed him under arrest for—I didn't say murder; I simply made a report on what he had done and sent the report in to the general with the prisoner.

Chairman WALSH. Maj. Boughton was the head of the military court?

Lieut. LINDERFELT. Judge advocate.

Chairman WALSH. Judge advocate?

Lieut. LINDERFELT. Yes.

Chairman WALSH. Before whom prisoners were brought?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Now, did you have the same idea he had as to authority and propriety of arresting persons which, without undertaking to quote him, I may not do it exactly——

Lieut. LINDERFELT. I am afraid I don't understand clearly what you mean.

Chairman WALSH. Maj. Boughton said that persons brought before him were not necessarily persons who had committed crime, but persons who had impeded or interfered with the militia in the district. Was that your understanding of it?

Lieut. LINDERFELT. Well, I knew that anyone who committed a crime and was brought before that military commission—now, I don't know anything about the civil law at all, only as a layman does on the outside.

Chairman WALSH. You did not arrest these men that told you they were not workers, but mere fighting men, veterans of the Balkan War and European war, and who came in there to fight? Your understanding was that those men were not to be arrested?

Lieut. LINDERFELT. Why, I could have arrested them, but it would not have done and good; they would have been released.

Chairman WALSH. Were any such arrested and were any such released?

Lieut. LINDERFELT. What? For being fighting men?

Chairman WALSH. Yes; for being mere fighting men, and not miners or striking workmen connected with the mines?

Lieut. LINDERFELT. Oh, I have arrested men for raising a disturbance in Berwind that were not in the Ludlow strike, or anything of that kind; but I don't know of a case in which a man's being an ex-soldier in some power or other than our own was cause of arrest.

Chairman WALSH. No; the distinction I am trying to make clear is that if a man was a former soldier, and had announced to the military officers that he was there simply to fight against the State of Colorado, and not to find a place on account of being——

Lieut. LINDERFELT. Oh, yes; but they never got that strong. They said they were up here—that they were fighting men—to look the mine guards up; they told us repeatedly and repeatedly and repeatedly that as soon as we left they were going to wipe out those miners.

Chairman WALSH. And they told you, some of them, that they were getting $3 a day instead of $3 a week?

Lieut. LINDERFELT. Just as they are telling the Regular Army troops down there now that if we ever get back there they are going to get us. So far as that goes, they repeatedly say those things. Now, whether they mean it—I think they do, of course, naturally. For instance, like when I was excused here this morning one gentleman said, "Well, we will get Linderfelt yet." Of course, that is immaterial. I have heard that repeatedly. It don't worry me any. If I am gotten, why, I am gotten. I expect I will be shot in the back of the head like some more of them have been shot. That part of it is mere nothing, and when these threats—these bravados that they make about what they are going to do, it was so common we paid little attention to it.

Chairman WALSH. You were frequently threatened?

Lieut. LINDERFELT. Oh, Louie Tikas has told me that. Some days I would pass him on the street and say, "Hello, Louie," and he would smile and say, "Hello, Monte," or "Hello, Linderfelt," or "Lieutenant." "I'll see you some day." And he would hold up his fingers. And I would say, "All right, let her come." That was just a common expression between Louie Tikas and myself; but he has told me that when I got that uniform off I would be a dead man. He has told me that and others have told me that. They have continually threatened about it. They have threatened Gen. Chase and others the same way, but, of course, I am more interested in the case of threats against my own life. I have been called up by telephone—called up by Fyler, son of the Fyler who was killed at Ludlow, called up about my authority when he was arrested for being on Water Tank Hill, and they told me they would get me before 24 hours; and they—and I was called up from Aguilar, and they told me what was going to happen to me; not only that, but real nice details of what was going to happen to me. I have received letters and Gen. Chase has received letters and phone calls and everything else. It is a common intimidation, if possible.

Chairman WALSH. I have some questions here that I have been requested to ask by the other commissioners. If you were not a company commander, but a staff officer, how could you directly command the men?

Lieut. LINDERFELT. Because I was assigned to command B Company, Second Infantry. I think that order was published November 1, 1913.

Chairman WALSH. Is this the first opportunity that had been offered you publicly to state your side of your story before any authorized tribunal?

Lieut. LINDENFELT. Or any other place—or in the newspapers or any other place; yes, sir.

Chairman WALSH. This is the first time you have stated your side of the story in detail?

Lieut. LINDENFELT. Yes, sir.

Chairman WALSH. Had the civil courts and the other civil machinery in your district been suspended while you were in command?

Lieut. LINDENFELT. Absolutely; yes, sir.

Chairman WALSH. Can you have corroborated the statement made by you that martial law had been legally declared and that you had been ordered to enforce it?

Lieut. LINDENFELT. Now, there is a question that comes up in this place. As I said before, the fundamental principles of martial course are blind, absolute, implicit obedience to orders. I was so told martial law, or understood it. I am told now by Capt. van Cise that martial law was never legally declared. My supposition was, and I never doubted it for a moment, that martial law never was legal or illegal, or anything else but martial law, existed in the southern fields from the time the troops went in there until they left there. I had no reason to dispute it. Capt. van Cise says instead of being a logical order, or an order of that kind, that it was not legally done. Well, now, I can't quibble over that, because I don't know anything about it.

Chairman WALSH. Capt. van Cise and Maj. Danks are both lawyers?

Lieut. LINDENFELT. Yes, sir; and Maj. Boughton, also.

Chairman WALSH. And Maj. Boughton, I think, was the legal adviser of Gen. Chase.

Lieut. LINDENFELT. Yes, sir.

Chairman WALSH. And in your position you took no legal advice or had no facility for it?

Lieut. LINDENFELT. I did not need any legal advice. My superior was in the field.

Chairman WALSH. Did Maj. Boughton tell you that martial law had been declared?

Lieut. LINDENFELT. Well, the only question about it was—I remember one time I asked him when this quibbling was going on about whether a paper had been read and a trumpet blown, or a doctor had been called in, or something else to make a martial law—I asked the major about it, and Maj. Boughton told me that the mere presence of the troops in the field was a declaration of martial law. He cited a lot of cases—or some; I don't say a lot, but ont case, a West Virginia case by the supreme Court, which I happen to remember.

Chairman WALSH. I am asked to ask you these questions. Some, I know, have been answered, but all of the commissioners don't seem to remember them the same. You were not a mine guard, but a deputy sheriff?

Lieut. LINDENFELT. I was a deputy sheriff, paid by the county of Las Animas, appointed by Sheriff Gresham, and taking my orders from Sheriff Gresham.

Chairman WALSH. What was the compensation of a deputy sheriff?

Lieut. LINDENFELT. I received $5 a day and expenses. I know I got my pay——

Chairman WALSH (interrupting). Whom were you paid by?

Lieut. LINDENFELT. The man that paid me was Sheriff Gresham.

Chairman WALSH. I have been asked to ask you about your service in Mexico. I don't understand Spanish, but Commissioner Harriman would like to have me ask you how you, a member of the National Guard, and engaged in contracting in a metalliferous mine, came to be a deputy sheriff.

Lieut. LINDENFELT. I think I have shown previously that my mission in the southern fields was to give the absolute truth to the adjutant general and the governor of this State. The governor himself told me that he could not—that one man—that the operators would come up to him and tell him that one thing was white, and the United Mine Workers' officials would come up here and swear it was black, and he couldn't determine the truth from anyone.

Chairman WALSH. Before you left Cripple Creek, were you requested by anyone to go to the southern coal fields?

Lieut. LINDENFELT. We were attending here, I think, at that time, either a rifle match or a school of instruction. I was held over here one day by Gen. Chase to go down into the southern fields. Then he said, "You better go on up the creek; the governor is not ready yet." In the meantime Morris Bigelow, Lieut. Bigelow, and Lieut. Al Chase were sent down there on this same matter.

Chairman WALSH. Was Lieut. Al Chase the son of Gen. Chase?

Lieut. LINDERFELT. No, sir; he was a nephew. They were sent down there on this same mission identically.

Chairman WALSH. And you were in Cripple Creek?

Lieut. LINDERFELT. In Cripple Creek; and I called up Gen. Chase several times about going down there, when at the Creek. I said, "It is about time to go now, isn't it? I would go—my affairs are all straightened up here," and I had heard that it looked like trouble down there, and I had all my stuff ready to move, and when I left I took my wife with me as far as Pueblo, and she went on to Denver, and I went on down there.

Chairman WALSH. Did you consult with Gen. Chase or the governor before you went down after you came in from Cripple Creek?

Lieut. LINDERFELT. No, sir; I went straight from there.

Chairman WALSH. And then, if I understand it correctly, you went on instructions that you had received that later you would be asked to go down there?

Lieut. LINDERFELT. I went on the instructions that the general had given me when I was here in Denver.

Chairman WALSH. Did you talk to any of the coal-mine operators when you went down there?

Lieut. LINDERFELT. I didn't know one from anyone else.

Chairman WALSH. After you got down there, did you apply to Sheriff Gresham?

Lieut. LINDERFELT. Yes; I talked to Sheriff Gresham.

Chairman WALSH. Did you tell him what you were down there for?

Lieut. LINDERFELT. Yes; and he phoned—I simply told him who I was and he telephoned Gen. Chase, and I suppose the general said I was all right, of course, because things—then I was ready to start out—I was ready to start out to this Ludlow business. And Gov. Ammons came down there and told Gen. Chase—I phoned Gen. Chase and Gen. Chase phoned me to wait there until Col. Lee came down in the governor's party. And I stood in the Cardenas Hotel with Gov. Ammons, a man who afterwards I knew to be Lawson, and I think McLennan and Diamond and a Mr. Weitzel and Mr. Murray, whom I knew later, but I did not know them one from another at that time. I was looking as common as I possibly could, so without attracting attention, I stood there. No one seemed to know—each, I suppose——

Chairman WALSH (interrupting). Where was this?

Lieut. LINDERFELT. In the Cardenas Hotel at Trinidad; and one side thought that I belonged to the other side, and they did not know who I was; that is all.

Chairman WALSH. When was that conversation in the Cardenas Hotel?

Lieut. LINDERFELT. I don't remember the exact date, but Col. Lee could tell you.

Chairman WALSH. Was it before the militia was there?

Lieut. LINDERFELT. Yes, sir; before the first fight at Berwind.

Chairman WALSH. Did you inform the other deputy sheriffs acting with you that you were a military officer and a member of the National Guard?

Lieut. LINDERFELT. Oh, well—I guess I did. I did; any man that saw service.

Chairman WALSH. Now, Commissioner Garretson has handed me some questions, and he has translated that Mexican paper. Who was the signer of this Spanish paper?

Lieut. LINDERFELT. That paper?

Chairman WALSH. Yes, sir.

Lieut. LINDERFELT. Gen. Garibaldi.

Chairman WALSH. That was during the reign of Diaz, was it not?

Lieut. LINDERFELT. No, sir; that was Madero's first revolution.

Commissioner GARRETSON. Wasn't that during the Diaz régime?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. And Madero's revolution was going on?

Lieut. LINDERFELT. Yes, sir; the first one.

Chairman WALSH. What side did you fight on?

Lieut. LINDERFELT. Madero.

Chairman WALSH. On the Madero side?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. And what was the rank of Garibaldi?

Lieut. LINDERFELT. Garibaldi was at that time graded a colonel—lieutenant colonel.

Chairman WALSH. Were you paid a salary as an army officer down there?
Lieut. LINDERFELT. Why, I was supposed to be paid a salary; yes, sir.
Chairman WALSH. How long were you there?
Lieut. LINDERFELT. I was with Madero. When I first joined Madero I think he had just gone across the river, and he had 62 or 63 men, and I joined him with 80.
Chairman WALSH. What was the name of your command?
Lieut. LINDERFELT. My command was the American Legion.
Chairman WALSH. American Legion?
Lieut. LINDERFELT. Yes.
Chairman WALSH. And your promotion as detailed there was from what to what? From segundo——
Commissioner GARRETSON. Yes; to first captain.
Lieut. LINDERFELT. Yes, sir.
Chairman WALSH. What are the equivalents of those ranks in the National Militia or in the Regular Army?
Lieut. LINDERFELT. You mean in——
Chairman WALSH (interposing). Yes; they call it first captain, and——
Lieut. LINDERFELT (interrupting). Well, first captain is about the rank of major; and they have then a major and they have a lieutenant colonel, who commands a regiment, and a colonel is more of a brigade commander. Their organization is entirely different from ours.
Chairman WALSH. Now, is there any other statement you would like to make voluntarily, Lieutenant, or is there any answer you have given that you have not had full opportunity to explain, or do you desire to amplify any answer that you have made?
Lieut. LINDERFELT. Well, of course—well, I don't know as I care about going into that, either.
Chairman WALSH. Was there any record kept, so far as you know, as to the actual number killed and wounded on both sides from the time the militia went into the field until the present time?
Lieut. LINDERFELT. We have absolute records in the adjutant general's office of every man that has been hit in the National Guard.
Chairman WALSH. Does that also include all that you were able to ascertain on the other side?
Lieut. LINDERFELT. No, sir; that would not be authentic, so I don't think any record was kept of it.
Chairman WALSH. Mr. J. J. Hendricks.

TESTIMONY OF MR. J. J. HENDRICKS.

Chairman WALSH. Please state your name.
Mr. HENDRICKS. J. J. Hendricks.
Chairman WALSH. And you are an attorney at law by profession, I believe?
Mr. HENDRICKS. Yes.
Chairman WALSH. You are a native of what State?
Mr. HENDRICKS. State of Missouri.
Chairman WALSH. And how long have you lived in the State of Colorado?
Mr. HENDRICKS. It will be 27 years on the 16th of next month.
Chairman WALSH. Were you admitted to the bar in this State?
Mr. HENDRICKS. I have been, but——
Chairman WALSH (interrupting). But you were admitted before you came here?
Mr. HENDRICKS. Admitted in Missouri; yes; at Lexington.
Chairman WALSH. Practiced law all the time during the time you have lived in this State?
Mr. HENDRICKS. Yes, sir.
Chairman WALSH. I think you were district attorney of what district?
Mr. HENDRICKS. Third judicial district of the State of Colorado.
Chairman WALSH. That includes what counties?
Mr. HENDRICKS. It includes the counties of Las Animas, Huerfano, Bent, Prowers, and Baca—five counties.
Chairman WALSH. Please describe briefly the duties of the district attorney.
Mr. HENDRICKS. The duties of the district attorney are to prosecute criminal cases when called upon, to attend grand juries, to conduct the examination of witnesses before coroner's juries, and as the general adviser of all county officers in the five counties of the judicial district.

Chairman WALSH. Let me ask you to state those counties again.

Mr. HENDRICKS. Las Animas, Huerfano, Bent, Prowers, and Baca, extending clear to the Kansas line.

Chairman WALSH. Do you have assistants under you?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. How many?

Mr. HENDRICKS. I have two in Trinidad, one in Walsenburg, one in Lamar, and one in Las Animas; no one in Baca.

Chairman WALSH. Are these assistants, except in the last instance, residents of the counties which you mentioned?

Mr. HENDRICKS. Yes, sir; they live in the counties where they perform their duties as assistants.

Chairman WALSH. Please state what steps you took to prosecute strikers or mine companies accused of violence prior to the arrival of the militia.

Mr. HENDRICKS. I took all the steps I thought necessary. Whenever complaint was made and I thought the evidence was sufficient, I prosecuted the case. If I thought it was not sufficient, I did not.

Chairman WALSH. Up to the time of the arrival of the militia, were all alleged acts of violence investigated and information lodged where found necessary in the ordinary course?

Mr. HENDRICKS. I think they were, generally; yes, sir; up to the time of the arrival of the militia.

Chairman WALSH. From your investigation in Huerfano and Las Animas Counties, what can you state as to who were the aggressors in the acts of violence?

Mr. HENDRICKS. I don't believe I would be in position to state that. There were conflicting statements on both sides, as always in a lawsuit.

Chairman WALSH. And there were acts of violence on both sides—claimed?

Mr. HENDRICKS. Claimed acts of violence on both sides, and each side anxious to have all on the other side arrested.

Chairman WALSH. What is the law briefly stated as to the authority of officials to deputize peace officers?

Mr. HENDRICKS. You mean the sheriff's authority to deputize?

Chairman WALSH. Yes; I guess he is the only peace officer in the county, isn't he?

Mr. HENDRICKS. Well, they have constables, a lower grade of peace officer.

Chairman WALSH. He is the chief peace officer?

Mr. HENDRICKS. He is the chief peace officer of the county. The sheriff has authority to appoint deputies. First, he has authority to appoint an undersheriff, who really acts as sheriff. Then he has authority, by and with the consent, as I understand, of the board of county commissioners, to appoint a limited number of deputies for the purpose of performing the duties of the sheriff, such as serving papers, and so forth. He also has power to call out a posse comitatus; and they have been exercising the authority of appointing large numbers of deputy sheriffs whenever an industrial trouble arises.

Chairman WALSH. Then, in other words, he has the general powers of sheriffs everywhere else?

Mr. HENDRICKS. I think he does.

Chairman WALSH. He can call out a posse comitatus at his own command, of citizens, in case of trouble?

Mr. HENDRICKS. Yes, sir; and it is made a crime by citizens to refuse to join a posse comitatus when requested by the sheriff?

Chairman WALSH. Has a posse comitatus ever been called out in your county or in Huerfano County?

Mr. HENDRICKS. Not that I ever heard of.

Chairman WALSH. Now, what are the facts, as you know them, as to the deputy sheriffs, mine guards, or detectives, as deputy sheriffs in any of those counties?

Mr. HENDRICKS. I only know in a general way, Mr. Walsh, that there were a large number of them deputized by an examination of the records as testified to by Mr. Farr. I think there were about three or four hundred, and about that many or more in Las Animas.

Chairman WALSH. His county is Huerfano?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. And there was a like number or a greater number——

Mr. HENDRICKS. A greater number in our county. I think—Las Animas.

Chairman WALSH. And did you observe it as it was going on—the appearance of the men?

Mr. HENDRICKS. Well, I would see those men that had been appointed deputies; yes, sir.

Chairman WALSH. Did they carry arms visibly?

Mr. HENDRICKS. No; not show them; generally had a belt around them with a six-shooter in it, and a belt of cartridges.

Chairman WALSH. Did you ever raise any question as to the character of the men or source of supply?

Mr. HENDRICKS. No, sir; I considered that beyond my jurisdiction; outside of my duties.

Chairman WALSH. What was your first experience with the military authorities and conduct of their office?

Mr. HENDRICKS. The first experience I had with the military authorities was on the day that they marched to the Ludlow tent colony. I had never met any of the gentlemen at all. I didn't know Gen. Chase. He was pointed out to me, and I made myself known to Gen. Chase. We had had lots of trouble and turmoil down there, and I assumed he was coming down there with his army for the purpose of assisting us in some manner; and after having made myself known to the general I told him I would like to see him some time at my office and go over the situation with him. He said that he would see me some time before he left the district. That is all he ever said to me at that time. And the next time I had anything to do with Gen. Chase was when he threatened to arrest me and my office force for doing what he said was a violation of his military orders, of which we had received no orders. I can explain that if you desire it explained.

Chairman WALSH. I wish you would, please. What was the alleged violation?

Mr. HENDRICKS. Four Mexicans had committed an assault on a young man by the name of Smith, I believe, at the McLaughlin mine. Mr. McLaughlin was a brother-in-law of Gov. Ammons and a man who frequently came into our office while these troubles were going on and seemed to be friendly to the office. A criminal complaint was issued by our office. I think one of my deputies wrote it up and lodged it with the justice of the peace, Bowers, and a warrant was issued for the arrest of these people. It seems as though at that time the sheriff could not be found to serve these papers, and Mr. McLaughlin had the military arrest these four defendants and bring them into town, and they were put in jail. Afterwards they were brought down before the justice of the peace and arraigned. They were brought down by the civil authorities, being in the county jail they were brought down by the sheriff or some of his officers. We appeared at this preliminary examination before the justice of the peace for the purpose of having the case set for trial, and a bond was fixed in the sum of $500 for each of these defendants over our protest, because we thought a bond of that character was too small for an offense of that kind; but the justice prevailed in the case and fixed the bonds at $500 each. The bond was given by these defendants and accepted and approved by the justice of the peace, and they were allowed to go on this bond until the day of trial. Of course, you gentlemen that understand criminal procedure will understand exactly what I mean when I say this. Gen. Chase heard of this it seems, immediately, and it made him very angry, and he proceeded to send out and to have these same men that had given the bond before the justice rearrested and thrown in jail; and that is when he called up my son, who is one of my deputies, at my house—my residence, my home—and cursed and damned him awhile.

Chairman WALSH. Over the telephone?

Mr. HENDRICKS. Yes, sir; and said he was a great mind to throw the whole damn bunch in jail, and did start two details of officers to my house for the purpose of arresting my son and Mr. Ralston. Fortunately I was not at home at that time. I was down in the east end of the district; but it seems as though some of his officers knew Mr. Ralston in the Spanish-American War. I can give you the names if you want them. They prevailed on Gen. Chase not to send that detail over there and arrest these people, so they were not arrested at that time. A day or two after that Gen. Chase came into my office when I was present with one or two of his officers, and I think some privates. He came in very angry and in a rude manner and stormed around and stated that the reason he did not arrest us on that occasion was because my son had apologized over the phone. I turned to the boy—he was sitting there—and asked him if he had apologized, and he said he had not, nor he didn't propose to. That seemed to make Gen. Chase pretty angry, and he got up and left the

office, and he has never been back since as far as I know. So from that time on I had nothing to do with Gen. Chase during this whole controversy.

Chairman WALSH. During the entire controversy were you seeking to carry out the duties of your office under the constitution and laws of the State?

Mr. HENDRICKS. I did the very best I could, sir; and I think the only reason that they were not carried out more fully was because of the attitude of Gen. Chase and his advisers, who said publicly in the courts, and to everybody else, as has been testified to since you have been here, that they considered themselves absolutely supreme down there in that military district, and their orders had to be obeyed. And they frequently made the statements in the courts—I have heard Mr. Boughton make it in the trial of habeas corpus cases that it was a matter of supreme indifference to him and the commanding general whether or not a man or woman or child was guilty or innocent of any crime. It didn't make any difference to them. That the commanding officer had the right and power to put him in jail and keep him there during his pleasure; and such was done.

Chairman WALSH. What was the attitude of the ordinary citizen in that neighborhood with respect to that situation—those that were not engaged in the industrial conflict?

Mr. HENDRICKS. The attitude of the citizen was to keep quiet and not say much, because they were liable to be thrown in jail; and prisoners that were thrown in jail down there were held incommunicado. No one wished to enjoy that distinction. They did not say much.

Chairman WALSH. So you say, as far as the citizens who were not concerned in the controversy, why, they were simply in a state of repression; they took no part?

Mr. HENDRICKS. I don't know of them taking any part. Of course, there was an intensely bitter feeling down there.

Chairman WALSH. That is exactly what I want to get at—what you might call the psychology that injected itself.

Mr. HENDRICKS. Yes; people expected any minute something to happen. There was a tenseness about the situation that was appalling.

Chairman WALSH. Do the people generally, like in other places, have knowledge of the ordinary process of civil government?

Mr. HENDRICKS. Yes, sir. The civil courts were open, and we tried cases, except where we were prevented. There was one other thing that it might be well for the commission to understand. I had an understanding, or my office had an understanding, with the military authorities, through Maj. Boughton, Capt. Danks, and Capt. Smith, who were conducting the office of the adjutant general. A great many people were arrested, and people would come to me and want them prosecuted. I would say, "All right, if I can get the evidence I will prosecute them." It was our understanding with the military authorities—of course, I didn't have this understanding with Gen. Chase but with the adjutant's office. They were taking the testimony of witnesses for a long time—several weeks—down there at public expense, with the understanding that I was to have this testimony of various witnesses as against various persons whom the militia had placed in jail for some supposed crime or some crime. I would go over after it occasionally, and would meet them on the street and inquire about it, and always got promises but never was able to get hold of that evidence, and never have been up to this day, except in one case, and that was the case of the People *v.* Zancannelli, who had killed George Belcher on the streets of Trinidad—a man against whom I had already filed criminal information and who is now in the Trinidad jail. I investigated that, and that is all the testimony I ever had.

Chairman WALSH. Were you acquainted with these parties? Belcher was a mine guard?

Mr. HENDRICKS. Belcher was a Baldwin-Felts detective. I don't know whether he was a mine guard or not. I saw him around Trinidad all the time he was there.

Chairman WALSH. Had he been in trouble before?

Mr. HENDRICKS. He came here from West Virginia—from the West Virginia trouble.

Chairman WALSH. Who was the defendant in the case—a miner?

Mr. HENDRICKS. He was a foreigner; I suppose he was a miner. I never saw him at the time, but I think he was a miner.

Chairman WALSH. Did the taking of this testimony by the judge advocate general and his staff in any way impede the ordinary operations of your office with respect to the prosecution of crime?

Mr. HENDRICKS. I think it did, sir, in this way, because we were never able to get that testimony. Now, I will state that, through the courtesy of Capt. Danks, I was invited before the military commission on one or two occasions, where I was allowed to participate in the examination of witnesses in a murder case. I afterwards tried that case. It was a case where one striker had killed another at Ludlow strike colony. I tried that case and sent that fellow to the penitentiary for murder. And one or two other cases I was permitted to assist in the examination of witnesses.

Chairman WALSH. The attorney general of the State has supervisory control over your office, has he, in this State?

Mr. HENDRICKS. I understand by virtue of a supreme court decision, he has a right to prosecute any criminal case wherein the district attorney could prosecute. I don't understand he has supervisory——

Chairman WALSH (interrupting). But his authority is——

Mr. HENDRICKS (interrupting). Concurrent. I would call it.

Chairman WALSH (continuing). Concurrent, as you would call it?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. What was the attitude of the judge advocate general or of the military commission, generally speaking, toward your office?

Mr. HENDRICKS. The attitude was to ignore it, I think, as much as possible, I think, Mr. Walsh.

Chairman WALSH. You are the chief legal officer for that district?

Mr. HENDRICKS. I am in that capacity; yes, sir.

Chairman WALSH. Did you consider that the acts of the military commission were beyond their proper authority down there in accordance with the statutes of Colorado and the constitution of the State.

Mr. HENDRICKS. I did. I consider them an absolute violation of the constitution of the State, which says that the military shall always be in strict subordination to the civil powers. That is what our constitution says. And they took the view that they were supreme. I took the view that they were not supreme. And I do not believe that they were, because after trying people and hearing all this testimony, I believe that they did not impose any sentences.

Chairman WALSH. Please state what investigation you conducted as to the fight at Ludlow?

Mr. HENDRICKS. I was not in that county at that time. I was in Lamar, Colo., about 140 or 150 miles east of there. When I arrived home I assisted in conducting coroners' inquests, as one of my duties.

Chairman WALSH. Upon the bodies——

Mr. HENDRICKS. Upon the bodies of Tikas, Fyler, and those two women and little children, I don't remember their names; I can't remember them.

Chairman WALSH. Did you arrive at any conclusion as to who were the aggressors at Ludlow on April 20?

Mr. HENDRICKS. Well, I wish to say that I was not allowed to complete the conduct of that coroner's inquest.

Chairman WALSH. Just state the circumstances, if you please?

Mr. HENDRICKS. We telephoned out to the commanding officer, I think Maj. Hamrock, and got permission to come out and look over the ground. Went out with Mr. Ripa, who was the coroner and looked over the situation and got some witnesses; went out later with a coroner's jury, which was selected in Trinidad, and examined quite a number of witnesses, citizens. We desired to examine some of the military officials. They did not want to come to Trinidad, so we thought we would conduct the examination out there, and it was agreed by Maj. Boughton that we might do so. We waited around there until late in the afternoon, and it was cold at the tent, and discussed the situation. Finally, Maj. Boughton thought it was rather an unprecedented thing that the civil authorities should come out there and examine military officers, and he requested that he be permitted to conduct that examination, that I retire; and I did retire from conducting the examination any further. What was done at that time, I don't know.

Chairman WALSH. Were you able to arrive at any conclusion as to who were the aggressors at Ludlow?

Mr. HENDRICKS. Why, I have my own opinion about that, but I don't think it would be worth anything to this committee.

Chairman WALSH. Were you able to get the attitude of the community generally?

Mr. HENDRICKS. Each side claims the other side started the fight. I don't know. I wouldn't like to express an opinion.

Chairman WALSH. You wouldn't like to express an opinion?

Mr. HENDRICKS. I don't know who started it.

Chairman WALSH. How is that?

Mr. HENDRICKS. I wasn't there, and I don't know who started it.

Chairman WALSH. Please state what steps you have taken to prosecute persons alleged to be guilty of homicides, arson, or other crimes following the Ludlow battle?

Mr. HENDRICKS. There was a grand jury called soon after that, in December, at which the attorney general of the State was present most of the time. A great many witnesses were examined, but very few indictments were filed, were found by this grand jury. There have been numerous informations, criminal informations, filed for all sorts of crime; the docket is full of cases, but most of them have been continued because the attorney for the defendant and the associate attorney for the prosecution in those cases have insisted that conditions were such that the cases should not be tried owing to the danger of public prejudice and public opinion.

Chairman WALSH. Are there special prosecutors in a majority of these cases, in these cases that grew out of the industrial disturbances?

Mr. HENDRICKS. I believe in all of them.

Chairman WALSH. Who is the special prosecutor?

Mr. HENDRICKS. Judge Northcutt is with me in those cases.

Chairman WALSH. And in all of the cases in this district?

Mr. HENDRICKS. I believe so, all that grew out of the industrial strike.

Chairman WALSH. What is the custom, the law about the appointment of special prosecutors in these cases?

Mr. HENDRICKS. They are not appointed.

Chairman WALSH. Is it just a matter——

Mr. HENDRICKS. It is simply a matter of courtesy.

Chairman WALSH. Upon the part of the prosecutor?

Mr. HENDRICKS. Take, for instance, Judge Northcutt's case. He is employed by the operators. They come to me and say, "I have been employed to assist you in this matter;" and I usually say, "I am always glad to get help in all cases of this kind." I very seldom say no.

Chairman WALSH. When the special prosecutors are allowed, what part is usually taken by the special prosecutor?

Mr. HENDRICKS. Well, I generally put as much work on him as I can.

Chairman WALSH. Has he the right at those times to open and close the case—make the opening statement and the closing argument?

Mr. HENDRICKS. In no case that I have been in with a special prosecutor has that ever been so.

Chairman WALSH. You do that yourself?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. Does he discover the witnesses?

Mr. HENDRICKS. I usually leave that mostly to them.

Chairman WALSH. And in examining witnesses, how is it?

Mr. HENDRICKS. That is divided. We divide that work up.

Chairman WALSH. Does that practice cause any prejudice on the part of the defendants or their friends or the people generally?

Mr. HENDRICKS. I think it does.

Chairman WALSH. Is it or is it not a source of irritation when these practices are going on?

Mr. HENDRICKS. I think it is as to those people.

Chairman WALSH. What has been your experience in prosecuting mine guards accused of murder and other crimes at Walsenburg?

Mr. HENDRICKS. Not been satisfactory.

Chairman WALSH. And what seems to be the trouble?

Mr. HENDRICKS. Well, they have generally been acquitted on the theory that they are officers and in the performance of their duty, and it has been hard to convict that class of people.

Chairman WALSH. How is the jury selected?

Mr. HENDRICKS. Well, the jury is selected—you mean, how are the challenges made?

Chairman WALSH. How is it selected; how is the panel selected?

Mr. HENDRICKS. Oh; the panel is drawn, the regular panel, by the county clerk of the district court in the presence of the sheriff out of a box from names that are put in there by the county commissioners.

Chairman WALSH. How many names?

Mr. HENDRICKS. Depending upon the number of people in the county.

Chairman WALSH. In Walsenburg?

Mr. HENDRICKS. I think about 300.

Chairman WALSH. Three hundred names?

Mr. HENDRICKS. I think it is 300. I have nothing to do with drawing the jury, no more than you have.

Chairman WALSH. Well, is the method of selecting the jurors—the panel of jurors—satisfactory in the main?

Mr. HENDRICKS. The theory is satisfactory, but in practice it has not been satisfactory.

Chairman WALSH. How many inhabitants are there in Huerfano County—how many legal jurymen—would you say?

Mr. HENDRICKS. I wouldn't be able to tell you that, Mr. Walsh; I don't know; two or three thousand, I suppose.

Chairman WALSH. There is a voting population of how many?

Mr. HENDRICKS. I should say four or five thousand.

Chairman WALSH. About 5,000, I think the sheriff said here the other day. Isn't that rather a small number of jurymen to place in a wheel to select a panel from—10 per cent of the qualified jurors?

Mr. HENDRICKS. Yes, sir; but we must do those things according to law.

Chairman WALSH. Is there a statute?

Mr. HENDRICKS. There is a statute which says how many you have got to put in, based on the population.

Chairman WALSH. Then a discretion is exercised by the county commissioners?

Mr. HENDRICKS. Just what names to put in?

Chairman WALSH. Yes.

Mr. HENDRICKS. I assume that is correct.

Chairman WALSH. Do any particular individuals or corporations have any influence in those counties, or any of them in the selecting of county commissioners?

Mr. HENDRICKS. Oh, I presume they do; yes, sir; like they do everywhere else at elections. I assume they know whom they want to elect.

Chairman WALSH. Do the mining companies participate in politics?

Mr. HENDRICKS. A great many times they do; yes, sir.

Chairman WALSH. Do the labor unions participate in politics?

Mr. HENDRICKS. Yes; they do.

Chairman WALSH. Do one side or the other at times have their friends on the board of county commissioners?

Mr. HENDRICKS. I think they do; yes, sir.

Chairman WALSH. How many county commissioners are there?

Mr. HENDRICKS. Three in each county.

Chairman WALSH. Well, then, if the county commissioners, with a small panel like that, under the law are the friends of either side, the trial of criminal cases can be practically controlled, can it not?

Mr. HENDRICKS. Not through that means so much as through the means of getting special venires.

Chairman WALSH. Tell us how that is done.

Mr. HENDRICKS. Well, when the regular panel is exhausted for any means, or any part of it, by challenge for cause or peremptory challenge, a special venire is handed to the sheriff for the new panel, and there is where the trouble comes.

Chairman WALSH. Does the sheriff have absolute control in the selection?

Mr. HENDRICKS. Absolute.

Chairman WALSH. Is the regular panel usually exhausted in these cases growing out of industrial disputes?

Mr. HENDRICKS. They are in capital cases; yes, sir.

Chairman WALSH. In practically all of them?

Mr. HENDRICKS. I think so; in most of them.

Chairman WALSH. Now, then——

Mr. HENDRICKS. That is, if you desire and think it is proper—we have 15 challenges on a side in capital cases in this State.

Chairman WALSH. Is it a matter of agreement for both sides?

Mr. HENDRICKS. No, sir; that is the statute.

Chairman WALSH. And what did you mean by saying "if you desire and think it is proper"?

Mr. HENDRICKS. Perhaps you won't want to use all of those challenges.

Chairman WALSH. But I say in case both sides exhaust the challenges, there is no other way to get jurymen except in this way that you have mentioned?

Mr. HENDRICKS. No way I know of, unless the court should order another panel drawn from the box, which I have never seen done in the 27 years I have practiced law in this State.

Chairman WALSH. Do you draw panels, or have panels been drawn in which a large proportion of them were non-English-speaking jurors?

Mr. HENDRICKS. Yes; practically all of them are non-English speaking in Hoerfano County.

Chairman WALSH. In Hoerfano County?

Mr. HENDRICKS. A great many of the terms. Some terms there are Americans.

Chairman WALSH. And has there been any case lately, or some cases, where it was said 11 of them were non-English speaking, of the jurors? I don't recall the name of the defendant.

Mr. HENDRICKS. That was the Seventh Street case, I believe, tried not long ago in Walsenburg.

Chairman WALSH. What was the charge in that case?

Mr. HENDRICKS. That was murder.

Chairman WALSH. Who was the defendant?

Mr. HENDRICKS. Oh, there were five defendants—five deputy sheriffs.

Chairman WALSH. What was the result of the case?

Mr. HENDRICKS. They were found not guilty by the jury.

Chairman WALSH. And how many of the jury were found non-English speaking?

Mr. HENDRICKS. Well, I will explain that. There were 11 Mexicans on the jury and 1 American. The case was tried through an interpreter. I don't know how many of those Mexicans spoke English, but there were 11 Mexicans on the jury and 1 American. Some of them perhaps understood some English, but you had to use an interpreter just the same.

Chairman WALSH. Are the jurors in this State instructed in writing?

Mr. HENDRICKS. Yes, sir; before argument.

Chairman WALSH. Before argument?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. And were those instructions in that case more or less voluminous?

Mr. HENDRICKS. Such as are ordinarily given in a murder case, the set instructions in this State.

Chairman WALSH. Are they all read by the judge?

Mr. HENDRICKS. They are read by the judge and interpreted by an interpreter to the jury.

Chairman WALSH. About how many instructions would be given in a homicide case?

Mr. HENDRICKS. There would be about 18 to 25 instructions, I think, in an ordinary homicide case.

Chairman WALSH. Those are read by an interpreter?

Mr. HENDRICKS. Read by the judge to the interpreter, and the interpreter interprets them to the jury.

Chairman WALSH. Now, how long was the jury out in this case where those five men were on trial?

Mr. HENDRICKS. Between two and a half and three hours, as I understand it.

Chairman WALSH. Was the community satisfied with the result of the case?

Mr. HENDRICKS. I don't think it was.

Chairman WALSH. What has been your experience as to the participating of coal-mining companies in politics in the district?

Mr. HENDRICKS. I have taken very little interest in politics myself, sir, and I only know in a general way what I have heard and read about that.

Chairman WALSH. Is this your first term as district attorney?

Mr. HENDRICKS. Yes, sir; the first term as district attorney, but it is not the first office I have ever held.

Chairman WALSH. What other office have you held?

Mr. HENDRICKS. I have held some minor offices. In 1890—24 years ago I think it was—I was a member of the eighth general assembly of this State. I was deputy district attorney on two occasions when I first came to the State in the early eighties, 1887, 1888, 1889, and along early in the nineties, and city attorney of Trinidad two years.

Chairman WALSH. Is there a feeling in the community—a general feeling in the community—that the courts of the States—the courts in these coal fields—

do not properly function in times when there are no industrial disputes going on, due to the fact that one side or the other has control of the officials?

Mr. HENDRICKS. That has been the charge, you sir; but I don't know whether it is true or not.

Chairman WALSH. You have observed the facts with relation to the bringing of personal-injury suits in these counties, have you?

Mr. HENDRICKS. Yes, sir; pretty closely.

Chairman WALSH. The district clerk read to us here the other day and also stated in that connection that there had been no recoveries against mining companies in Huerfano County for 23 years. Is that a fact that is generally known?

Mr. HENDRICKS. That is a fact generally talked of to be true.

Chairman WALSH. Is it commented upon?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. Do the people generally believe that the courts are fair?

Mr. HENDRICKS. I will state this, Mr. Walsh: The district judge that we had prior to the present judge was on the district bench of the third judicial district for over six years.

Commissioner WEINSTOCK. State or Federal?

Mr. HENDRICKS. State; and there never was a personal-injury suit went to the jury that I am aware of. I think I am absolutely correct in this—as long as he was on the bench. I have had some personal experiences of my own. I could never get one to the jury, and I don't think any other lawyer ever succeeded.

Chairman WALSH. Commissioner Lennon asks, did the court take them out of the hands of the jury by peremptory instruction?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. What state of mind, if you observed, has that produced among the people?

Mr. HENDRICKS. They just thought that it was useless to bring any suits of this character. Some of the attorneys would bring their suits in Denver or Pueblo in order to get away from those two counties wherever possible, if they could get service, in order to get them into court. That class of cases—I used to try a great many of them myself—that class of cases has practically vanished from the court dockets of those two counties, because the people think it is useless to bring them.

Commissioner GARRETSON. In the face of the conditions you have stated, Mr. Hendricks, do you subscribe to the statement that was made before this commission that there was no industrial unrest in that territory?

Mr. HENDRICKS. I do not. I think there is much unrest and has been for a long time.

Commissioner GARRETSON. Largely traceable to the very methods that you describe?

Mr. HENDRICKS. I think so; that is my opinion, sir.

Commissioner GARRETSON. In regard to men being held incommunicado. For how long a period were men held incommunicado during the period of military rule?

Mr. HENDRICKS. I understand all the time they were in jail. That has been testified to here as being from 40 to 53 days.

Commissioner GARRETSON. You are familiar with the Mexican law in regard to holding men incommunicado for a period?

Mr. HENDRICKS. I think it is two days.

Commissioner GARRETSON. Seventy-two hours.

Mr. HENDRICKS. Seventy-two hours; yes, sir.

Commissioner GARRETSON. Have you knowledge as to whether the State Department of this Government has protested time after time against the detention of American citizens for over that period?

Mr. HENDRICKS. I have a general knowledge through the public press, is all on the subject.

Commissioner GARRETSON. Is it lawful to hold a man in that manner under regular civil process here?

Mr. HENDRICKS. Well, if he is held incommunicado?

Commissioner GARRETSON. Yes.

Mr. HENDRICKS. I don't think so, although it is sometimes done, frequently done. I think a man put in jail has a right to counsel within a reasonable time and should be able to see his attorney if he wants one.

Commissioner GARRETSON. In these interpretations between the judge and the jury and between the witnesses and the jury has the accused a voice in the selection of the interpreter?

Mr. HENDRICKS. No, sir; the court appoints the interpreter the same as he does any other officer.

Commissioner GARRETSON. From your own experience, does it partake of the farcical to surround a jury with legal restrictions for a fair trial and then convey all the information to the jury through a channel that is not equally guarded?

Mr. HENDRICKS. It is a very cumbersome mode. In some cases we have two interpreters, one Italian and one Mexican, or probably a Jap or a Chinaman or a Montenegrin, and so it goes through two or three interpreters before it gets to the jury, and when it does get to the jury I don't think the jury knows what is said or anybody else.

Commissioner GARRETSON. Nor the accused does not know whether the testimony has been properly presented or not?

Mr. HENDRICKS. No, sir; I don't think so. It is very hard to get a translation made correctly, to get ideas conveyed through an interpreter from one language to another so as to get the thing intelligible.

Commissioner GARRETSON. Nor to make allowances for variations in vernacular?

Mr. HENDRICKS. Yes.

Commissioner GARRETSON. When you were allowed to appear before the military commission, or whatever it was, the inquiry——

Mr. HENDRICKS. The military commission.

Commissioner GARRETSON (continuing). And examine witnesses with reference to the crime charged against people they had in jail, were you, as district attorney—was it made apparent to you, you were allowed there as a right, or were you allowed there through courtesy?

Mr. HENDRICKS. I think it was through courtesy.

Commissioner GARRETSON. You considered it so?

Mr. HENDRICKS. I would consider it so.

Commissioner WEINSTOCK. Just one question. Who is the final judge as to whether the military in the time of labor disturbances is or is not supreme in Colorado?

Mr. HENDRICKS. The supreme court, I should say.

Commissioner WEINSTOCK. Has the supreme court rendered any decision on that point?

Mr. HENDRICKS. They have rendered a decision called "In re Moyer case," which the military authorities seem to think gives them absolute right in the premises to do anything they want to with reference to detaining people.

Commissioner WEINSTOCK. Are you familiar with that decision?

Mr. HENDRICKS. It has been a long time since I read it.

Commissioner WEINSTOCK. Can you give a reference to it?

Mr. HENDRICKS. Thirty-fifth Colorado Supreme Court Reports.

Chairman WALSH. We have it together with the dissenting opinion, and a very concise brief on the question.

Commissioner WEINSTOCK. As I understand it, Mr. Hendricks, the decision of the supreme court, until it is reversed, is the law of the land?

Mr. HENDRICKS. It is supposed to be the law of the State; yes, sir; it is the law of the State.

Commissioner WEINSTOCK. Under those circumstances that is the law, then, in Colorado?

Mr. HENDRICKS. Yes, sir; providing the facts of this strike situation bring it within the facts of that case, which is disputed. That is where the trouble has been in the case, whether there was a proclamation issued and signed by the governor declaring martial law in this case or there was not.

Commissioner WEINSTOCK. Your decision, then, is that martial law had not been legally declared by Gov. Ammons?

Mr. HENDRICKS. I am saying, Mr. Weinstock, that is the position of the one side, while the other side claims it was. I haven't taken any position on it, myself.

Commissioner WEINSTOCK. If the governor of the State had declared martial law, there certainly must be evidence of it, would that not be the fact?

Mr. HENDRICKS. Yes.

Commissioner WEINSTOCK. You say you have seen no evidence of the governor having declared martial law?

Mr. HENDRICKS. I didn't say that I had seen no evidence.

Commissioner WEINSTOCK. Then I misunderstood you. What is your position in the matter?

Mr. HENDRICKS. I say I haven't taken any position on that proposition, because it didn't concern me. But I say in this matter, when there was a habeas corpus proceeding where they had people in jail in Trinidad, Mr. Hawkins, who represented the mine workers' union, pleaded for a writ of habeas corpus, that these men were in there, and Maj. Boughton, who represented the military authorities, came in to defend and claimed it did not make any difference whether they were guilty or innocent, that they had a right to hold them and that therefore a writ of habeas corpus wouldn't be prevailing in this State under the Moyer decision.

Commissioner WEINSTOCK. There was a clean-cut issue between you, representing the civil authorities——

Mr. HENDRICKS. I didn't represent anybody.

Commissioner WEINSTOCK (continuing). And Maj. Boughton, representing the military?

Mr. HENDRICKS I didn't represent anybody in the case. I wasn't in the case.

Commissioner WEINSTOCK. But I understood you——

Mr. HENDRICKS. Mr. Hawkins, I say, represented the mine workers and handled that side of the case.

Commissioner WEINSTOCK. I understood you to say a little while ago that you withdrew from the case because Maj. Boughton objected. Didn't you testify to that effect within the last 15 or 20 minutes?

Mr. HENDRICKS. A coroner's jury. That was a coroner's inquest held at Ludlow, because he objected to the civil authorities examining military officers, claiming that we had no right to do it.

Commissioner WEINSTOCK. This commission is interested, I think, in knowing at this time whether or not the State of Colorado, or at least the strike zone, was or was not legally under martial law.

Mr. HENDRICKS. That is a question that is disputed by the parties engaged in this controversy and has never been settled.

Commissioner WEINSTOCK. How can that be determined to the satisfaction of this commission?

Mr. HENDRICKS. I think you will have to determine that yourself, or the supreme court of the State. I don't think anybody knows whether martial law was declared or not. I don't. I wired the governor two or three times, I have copies of telegrams asking plainly and explicitly to please to state to me, that I desired to know in my official capacity whether or not he had declared martial law in Colorado, and got back: "See Gen. Chase," on two different occasions.

(Mr. Hendricks later submitted copies of telegrams, military orders, and letters, which appear as "Hendricks exhibit.")

Chairman WALSH. We must have perfect order, ladies and gentlemen. Please preserve order.

Commissioner LENNON. In the case you spoke of, of the trial of five men, were there any deputy sheriffs acting as jurors in that case?

Mr. HENDRICKS. I don't know whether there was or not, sir.

Commissioner LENNON. Any mine guards?

Mr. HENDRICKS. Not to my knowledge, I did not intend to leave any on.

Commissioner LENNON. What is the situation in your district, particularly in Las Animas and Huerfano Counties, as to the constitutional right to exercise free speech and a free press—I do not mean while this fracas has been going on, but in the years gone by when there was no industrial conflict?

Mr. HENDRICKS. I think that has been allowed, sir. People could speak and write what they pleased without any interference; that is, in Trinidad. I do not know about those camps. I do not go to them; very rarely ever go to those camps.

Commissioner LENNON. What is known as union agitators—were they permitted to speek freely in Trinidad at any time they might come there?

Mr. HENDRICKS. I never heard of one speaking on the streets, except Mother Jones. I believe she spoke there. I never heard her, though.

Commissioner LENNON. Was she prevented from speaking more than one time?

Mr. HENDRICKS. I do not know that she ever was.
Chairman WALSH. That is all. You may be excused.
(At 4.35 p. m., Friday, December 11, the commission adjourned until to-morrow, Saturday, December 12, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Saturday, December 12, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please be in order.

It is due to the witnesses and the others who have been kept waiting this morning for us to say that the commission was compelled to hold an executive session, which has lasted longer than expected.

Robert Young.

TESTIMONY OF MR. ROBERT YOUNG.

Commissioner O'CONNELL. Give your name to the reporter.
Mr. YOUNG. Robert Young.
Commissioner O'CONNELL. And you reside where?
Mr. YOUNG. Walsenburg, Colo.
Commissioner O'CONNELL. Walsenburg?
Mr. YOUNG. Yes, sir.
Commissioner O'CONNELL. What is your business?
Mr. YOUNG. Miner.
Commissioner O'CONNELL. Miner?
Mr. YOUNG. Yes, sir.
Commissioner O'CONNELL. For what company are you now working?
Mr. YOUNG. I haven't worked none for any for two years.
Commissioner O'CONNELL. What are you doing now?
Mr. YOUNG. I ain't doing anything.
Commissioner O'CONNELL. What company did you last work for?
Mr. YOUNG. C. F. & I. Co.
Commissioner O'CONNELL. At what mine?
Mr. YOUNG. Walsen.
Commissioner O'CONNELL. Were you a pit boss then?
Mr. YOUNG. No, sir.
Commissioner O'CONNELL. Were you in a position of authority at all?
Mr. YOUNG. Not under the C. F. & I.
Commissioner O'CONNELL. Just pitch your voice a little higher. What other companies have you worked for?
Mr. YOUNG. I worked for the Victor-American and the Cedar Hill Coal & Coke Co.; I held positions under both of those companies.
Commissioner O'CONNELL. You have held positions under both of them?
Mr. YOUNG. Yes; mine foreman.
Commissioner O'CONNELL. Night foreman?
Mr. YOUNG. Mine foreman.
Commissioner O'CONNELL. Mine foreman?
Mr. YOUNG. Yes, sir. I owned a third lease in the Canyon Coal Co.; I superintended for the Black Canyon Fuel Co.; I leased from the Union Coal & Coke Co.
Commissioner O'CONNELL. How long have you lived in Colorado?
Mr. YOUNG. I came here in 1897.
Commissioner O'CONNELL. From where?
Mr. YOUNG. Ohio.
Commissioner O'CONNELL. Did you work as a miner in Ohio?
Mr. YOUNG. As a mine foreman.
Commissioner O'CONNELL. What class of workers are employed around the mines besides the miners?
Mr. YOUNG. Well, do you mean inside of the mine?
Commissioner O'CONNELL. All around; what other skilled workmen are employed?
Mr. YOUNG. Track layers, timbermen, drivers, machine runners, pumpers, and a few utility men.
Commissioner O'CONNELL. Who looks after the matter of securing the material for the men who put in the timbers and does that safety work around the mine?

Mr. YOUNG. As a rule, the mine foreman would during my time.

Commissioner O'CONNELL. Did you experience any difficulty in securing proper material to make the mine safe?

Mr. YOUNG. Sometimes I did when I was a miner.

Commissioner O'CONNELL. Just explain to the commission.

Mr. YOUNG. Well, in regard to getting the props of proper length, ties for laying the track with, and rails; it was sometimes very hard to get them the proper lengths, that is, the mine props, and sometimes very hard to get the rails to lay the tracks handily, and that caused lots of dissatisfaction sometimes.

Commissioner O'CONNELL. Did accidents occur because of not having an opportunity, or not getting material to put in props of the proper length?

Mr. YOUNG. Well, I would lay it principally to these conditions that existed. I might state right here that nearly all my experience was—that in all my mine experience as a mine foreman, both in the State of Ohio and the State of Colorado, I never had a man crippled in a mine or killed. I had two or three men get killed with runaway trips, but not with rock.

Commissioner O'CONNELL. Are you a member of a union?

Mr. YOUNG. I am not.

Commissioner O'CONNELL. Were you ever a member of the Mine Workers' Union?

Mr. YOUNG. I was; yes, sir.

Commissioner O'CONNELL. How long ago?

Mr. YOUNG. Seventeen years ago. I have never been a member of a union in Colorado.

Commissioner O'CONNELL. Have you had any dealings with organized labor, as a mine foreman?

Mr. YOUNG. Yes, sir; in Ohio, I had; it was all unionized labor there.

Commissioner O'CONNELL. Do you know anything about whether the men were prevented or stopped in any way from joining the union here in Colorado?

Mr. YOUNG. The unions?

Commissioner O'CONNELL. Yes; was there anything done to prevent a man from joining the union if he wanted to?

Mr. YOUNG. Why, my friend, if he was thought to be a union man, if he lit in any of the Colorado camps, it was good-by for that union man. He would have to move; they would not leave him light.

Commissioner O'CONNELL. What methods were adopted to keep track of the union men that came into the camp, as to whether they were or were not members of the union?

Mr. YOUNG. You take these big camps and there are always a lot of sleuths.

Commissioner O'CONNELL. That is, you mean detectives?

Mr. YOUNG. Evidence men, or whatever you call them, and if a stranger goes in there they get after him to find his business right away. I can cite you to one instance that happened to myself at the Walsen camp.

I had worked at the Robinson mine about a year, and I quit, and I am very well acquainted there. I had not been around the camp for about probably a month when a friend of mine and I, and I had a son, an electrician up there at that time. I was very well acquainted with the superintendent and the officers up there, and as I went up there, I was going over toward the power-house, and I seen a fellow coming from the office, and I said to this friend of mine, Turner, "Here is a fellow coming over to find out who we are." He was a stranger there, but a nice fellow, and he came over there and talked to us and asked us if we were acquainted there, and I kind of joshed him at first, and I said, "Yes." He said, "Do you work here?" "No, sir," I said, "but I have worked here." He said, "Who do you know?" I said, "Practically everybody here." There was an old gentleman in the power house by the name of Bail, who was sitting out on the porch, and he hollored over to me, "Hello, Bob," and I said, "Hello," and I left and went away from there, and after I left there I went to see my son—they were putting up a new transformer house, and he took me around and showed it to me. And when I left my boy, I think this man's name was Rennels, and he went to my boy and inquired all about me, but at that time I thought this Rennels was a perfect gentleman, he was a nice fellow. I met him several times after that.

Commissioner O'CONNELL. Did you leave the mine before the strike occurred?

Mr. YOUNG. Yes; I hadn't been in the mine for a year before the strike.

Commissioner O'CONNELL. Why did you leave the mine?

Mr. YOUNG. Why, sir; I got knocked out, as the saying is. I got in a place where the air was pretty foul, and I could not stand it. I was getting a little up in years at the time.

Commissioner O'CONNELL. Did you leave of your own accord?

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. You were not dismissed from the mine?

Mr. YOUNG. Oh, no; I never was dismissed in my life.

Commissioner O'CONNELL. You figured your health was affected by working in the mine?

Mr. YOUNG. Yes; to be honest about it, I have worked in some very foul air in my time in the mines. I have been in the mines for over 40 years.

Commissioner O'CONNELL. How did the condition of the mines in Colorado compare with the conditions under which you worked in Ohio in the mines?

Mr. YOUNG. Well, sir, the last mining work I did in Colorado here, the conditions have been improving and improving right along. The system—you can take the mines in Colorado—as a rule in these mines that I have been at, there is a pitch of anywhere from 6 to 10 per cent—the coal pitches. You take it back in western Pennsylvania and eastern Ohio, where I came from, the coal lies practically blanket, and it makes the mine more easy—that is, for producing coal there than it is in Colorado.

Commissioner O'CONNELL. Did you ever meet with an accident in the mine, yourself?

Mr. YOUNG. Why, yes; one time I was hit by a piece of rock; didn't hurt me much; no bones broken.

Commissioner O'CONNELL. You have not joined the union at all in its organization this last time in the mines?

Mr. YOUNG. No, I never did; no. In fact, ever since I have been in Colorado I haven't been doing very much digging of coal in Colorado. I was always in positions, practically; in positions of contract work.

Commissioner O'CONNELL. Contracting around the mines?

Mr. YOUNG. Yes; contracting in the mines.

Commissioner O'CONNELL. Are the miners usually allowed to take such periodicals and such papers and magazines as they please around the mines? Is any question raised?

Mr. YOUNG. I never was stopped from taking anything in my house around the mines. They don't, as a rule, have any reading rooms around the mine that I know of.

Chairman WALSH. Any what?

Commissioner O'CONNELL. Any reading rooms. Mr. Young, speak louder.

Mr. YOUNG. I understand before the strike they had a reading room, but I had left the town at that time. I lived in the town of Walsenburg—I left there in October.

Commissioner O'CONNELL. Was there any systematic method, that you know of, of examining the mail coming into Walsenburg to the miners, to ascertain what papers might be coming to them, and what literature they might be receiving?

Mr. YOUNG. I don't know any thing about that.

Commissioner O'CONNELL. What do you know about politics in your county there?

Mr. YOUNG. Huh.

Commissioner O'CONNELL. Have you been a politician?

Mr. YOUNG. How is that?

Commissioner O'CONNELL. Have you been a politician, so called?

Mr. YOUNG. Not very strong. I ran for the office of county commissioner in Huerfano Kingdom—Huerfano County, excuse me.

Commissioner O'CONNELL. What was the result of your experience?

Mr. YOUNG. Why, they claimed I was beat by 90.

Commissioner O'CONNELL. They claim you were?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. What do you claim?

Mr. YOUNG. I claim I was elected by 697 votes.

Chairman WALSH. Say! You will have to restrain your enthusiasm. That gentleman that started applauding there must not do that.

Commissioner O'CONNELL. Just state to the commission, then, where there is this difference of opinion.

Mr. YOUNG. Well, I never was in politics until this last fall—this last summer. Some of my friends in Huerfano County wanted me to run for county commissioner, the third commission district in the county. In the first place I used to belong to what they call the gang.

Commissioner O'CONNELL. The gang?

Mr. YOUNG. They have a gang down there, you know.

Commissioner O'CONNELL. Right there——

Chairman WALSH. One minute. Ladies and gentlemen, we must have perfect order. Please restrain your feelings.

Commissioner O'CONNELL. Now, will you just explain, before we get away from it, what the gang is?

Mr. YOUNG. It is the Republican Party, they claim. Now——

Commissioner O'CONNELL. That means you are not a Republican?

Mr. YOUNG. No; I want this commission to understand that I have voted the Republican ticket for 31 years in this country. I am a Republican, glad to say. But that kind of republicanism got so rotten down there that it did not suit me this last four years. And when they found out that I had went over to the other side, as they say, they began to hand it to me, and they were doing very strong.

But to get back to this last fall election. At the assembly I got the nomination by acclamation of both the Progressive ticket and Democratic ticket for commissioner of that district. And I made the campaign in the county pretty much all over, and there was some talk of not getting into any of the C. F. & I. coal camps. I am very well acquainted with pretty much all the superintendents and pit bosses that the C. F. & I. has got, with a few exceptions; also a good many of the mine clerks and storemen.

And I started out for to find out, to take a canvass or poll of these closed precincts, as they called them. I took a friend of mine, a Mexican by the name of Gonzales to talk Mexican to the Mexicans down there. The first camp we went to was Cameron, and we had worked that, made a house to house canvass, and found ourselves about dinner time; we ran across the superintendent, Mr. Kelzer, and I told him what I was doing. And we were friendly enough, and he said, "All right, Bob; go ahead." And we left then and went to Ravenwood, the American Fuel Co. camp. I knew the superintendent over there and knew the mine clerk and knew the marshal and all such people as that, also the store manager, and we started in to take the poll of that precinct at this—the Ravenwood—precinct. We was halfway through when Joe Watson, the camp marshal, and one of the civil engineers asked us what we were doing. I said, "We ain't doing anything wrong." I says, "We are just going around and taking the names of the legal voters that are in this precinct. That is all." And it was very hard to get at. There were seven or eight classes of people to contend with, and it was very hard to get at, to get how long they had been there, etc.

Commissioner O'CONNELL. Coming to the point, did they stop you finally?

Mr. YOUNG. No. But, as I am saying to you, these people thought well of me; they would say, "Bob, we like you all right," and all that, but they would say, "Look at the bunch you are with." So the commission will understand they were not men—I was the only man that was on the ticket that was ever connected with mining, and they would refer to the bunch I was with on that ticket and intimate that they were red necks. I have been called a red neck. The people that was with me were called red necks; they are under the dictates of Jeff Farr and that gang, and they would say that I was a red neck, and worse than that. I had nothing to do with this strike, no trouble, and there wasn't a man on that ticket along with me had anything to do with it, to my knowledge.

Commissioner O'CONNELL. Were you a resident in the district for which you ran as commissioner?

Mr. YOUNG. I don't know. They claim not. We have a contest there now up to the supreme court, at an early date, and I think that will be taken care of very well without lawyers.

Commissioner O'CONNELL. Will you explain to the commission as briefly as you can why you think you were elected by several hundred votes, and how you were counted out by a number of votes?

Mr. YOUNG. Well, the commission will understand, you take these precincts, take the nine closed precincts, we call them now, two years ago that county was sifted with a fine-tooth comb for votes for district judge, clerk for the district judge, and it was very thoroughly worked over. I worked for the district court at the election, and at that time all these same precincts, when everything was normal—there were 610 votes polled in them before there was any of this disturbance at all.

At this last election, in those nine, when there had been all this trouble, and these people had moved out, they polled 810 votes. I believe I got the strongest vote in those nine precincts, and my vote in the nine precincts was 75 or

76 votes. There was one of these precincts in which I did not get a vote. That was in the Ravenwood precinct.

Commissioner O'CONNELL. How do you account for that?

Mr. YOUNG. Well, sir, the people that are inside of these precincts was predominated over by the officers—I don't say the heads of these corporations, but the "little fellow."

Commissioner O'CONNELL. Who controls the political situation in your county?

Mr. YOUNG. Jeff Farr, absolutely, and the C. F. & I., and the Victor Fuel Co., and the Union Coal & Coke Co. officials—they will do anything that Jeff Farr tell them for to do, for the protection that he gives them in their mining ventures.

Commissioner O'CONNELL. Who selects these inspectors of election that counts these votes after they come in, and takes care of them while they are coming in?

Mr. YOUNG. You mean the official?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. The men who has charge of the election board?

Commissioner O'CONNELL. Yes; the men who have charge of the election during the day?

Mr. YOUNG. That is in the precincts, you mean?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. Now, I was at Cameron precinct this last election as a watcher. I went over there the morning of the election, found out where the election was held, and about 7 o'clock I went around there, and a fellow came around there that I knew he was going to be one of that board; I didn't know him, but he came around with some election literature under his arm—books—and went in and put them down, and I says to him, "Mister," I says, "where is your poll book?" He says, "I don't see that it is any of your damned business." I says, "Now, my friend, it is a little bit too early in the morning for me to get into any chewing match, but I want to see that poll book."

Commissioner O'CONNELL. A little early for what?

Mr. YOUNG. A little too early to get into a chewing match with him—rag chewing. I brought it up that way as a joke. And I put my hand in my pocket and showed him my credentials, and I was a member of the Progressive Party, but I had the credentials of the Democratic Party, and I pulled it out and showed it to him. He said: "If you had showed me that in the first place, maybe there wouldn't have been nothing to this."

Commissioner O'CONNELL. Now, who appointed this man as one of the election commissioners?

Mr. YOUNG. I don't know.

Commissioner O'CONNELL. Don't you know as a resident there and as a man running for office, and so on, by what method these inspectors or this election board was selected, appointed, or elected? What method—who authorizes them to act?

Mr. YOUNG. Now, to explain that, the chairman of the Democratic Party sent in so many names to the commissioners, I think. And that county has been so strong Republican for so long that they allowed one Democrat to sit on that board of election with two Republicans.

Commissioner O'CONNELL. Then, who selected them—the parties?

Mr. YOUNG. The chairman of the Democratic Party sent in that name, and if there were two names, why, the commissioners would designate which of them names——

Commissioner O'CONNELL (interrupting). Which one should act?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. Then the election board was selected by the commissioners?

Mr. YOUNG. Well, but I will let you understand, Mr. Commissioner, that we didn't get any names out of those closed camps, because we couldn't get in to get any names; so, consequently, the people in those camps made up an election board to suit themselves.

Commissioner O'CONNELL. Made up an election board to suit themselves?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. And were they recognized then by the commissioners as having the right to hold the election there?

Mr. YOUNG. Well, now, I don't know. The Cameron precinct, there was the office clerk—he was one of the clerks of election; and then a fellow by the name of Leppert, a young fellow, I don't know whether he worked in the store

or not. But that was the two clerks—Leppert, and, I believe, it was Roberts. And then Skinner was the store manager, and a man by the name of Campbell, and the barn boss—the man that takes care of the mules, a man by the name of—oh, I forgot his name—Custer. These were the five men that were in there. And I might state further that in the morning before that election, why, there was supposed to be three keys to each of these ballot boxes, and this man Custer—this man Campbell had a key; Custer was supposed to have a key, and Skinner. When it came down to the getting of the keys, why Campbell was the only man that had a key and Custer, he finally dug around and went down home and found his key. Mr. Skinner, he said that he had lost his key along with a bunch of the store keys; but before he came in with that to me, he had to consult Charley Ketner, the superintendent, about the loss of those keys and how to explain the loss of those keys to me; and he told me about losing the key along with 11 to the locks that belonged to the store. Well, I says, "Skinner, that store is liable to be robbed if"——

Commissioner O'CONNELL. What was the result of that election? How many votes did you get?

Mr. YOUNG. Myself, personally?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. I got eight.

Commissioner O'CONNELL. Out of how many?

Mr. YOUNG. About 60.

Commissioner O'CONNELL. Do you think you got all the votes cast for you in that precinct?

Mr. YOUNG. Oh, yes; I seen the vote counted.

Commissioner O'CONNELL. Do you know of any method used to influence votes, for instance, the use of money in elections?

Mr. YOUNG. I do; yes.

Commissioner O'CONNELL. Just state to the commission what you know about the use of money and the like of that.

Mr. YOUNG. Well, sir; all the time that I was pit boss in any of those places, I had a standing contract for $35 for every election.

Commissioner O'CONNELL. Standing contract?

Mr. YOUNG. Yes; when the election came around I just got $35.

Commissioner O'CONNELL. Whom did you get it from?

Mr. YOUNG. Well, I got it by several parties.

Commissioner O'CONNELL. Just explain how you got $35.

Mr. YOUNG. Well, sir; I was down there, foreman at the Midway mine, six years ago this last fall, and Charley Beuchat gave Mr. Gordon, he was superintendent, $70, and we split. Beuchat is general superintendent for the Union Coal & Coke Co.

Commissioner O'CONNELL. And who got the $70?

Mr. YOUNG. William Gordon.

Commissioner O'CONNELL. And William Gordon gave you $35 out of the $70.

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. What were you supposed to do with that money?

Mr. YOUNG. To blow it on the boose so Jeff could get his proportionate share of it.

Commissioner O'CONNELL. So who could get his share of it?

Mr. YOUNG. So Jeff Farr could get that—some of that back; blow it for boose down there.

Commissioner O'CONNELL. What were the instructions usually given out if you went around spending this money in Mr. Farr's places? What would you tell the people you would spend the money with?

Mr. YOUNG. Vote for the gang; go down the line for the gang.

Commissioner O'CONNELL. The money was supposed to be spent to encourage the citizens to vote for the gang, and the gang was who?

Mr. YOUNG. Jeff Farr; he is the king. He is the king of that outfit—absolutely.

Commissioner O'CONNELL. Well, supposing—did it ever occur that the election did not go just the way Mr. Farr and others wanted it to go there?

Mr. YOUNG. Well, sir, I can tell you a good joke that this Charley Beuchat told me when I was there during the time of this campaign, the time that Henry Wolcott ran for governor against Charley Thomas. The Victor-American Fuel Co., they were working for Thomas. D. M. Simpson was the chief engineer for the Victor-American at that time, and he was going down the line for Charley Thomas for governor. The Union Coal & Coke Co. done the same

thing; and while I was making this campaign I stayed all night with Charley Bouchat down at Pryor, and we got to joking about one thing and another, and finally the upshot of it was that the Union Coal & Coke Co. went down the line for Charley Thomas, and Jeff Farr took the precinct away; the next year there was no precinct there. Well, I says, "Charley, your precinct is gone to the dogs; and if Jeff ever knew I was sitting here," I says, "farewell to Pryor precinct."

Commissioner O'Connell. That is, the method on punishment, where the precinct did not vote the way Farr thought it ought to was to discontinue it?

Mr. Young. Yes. Two days after the election I went to Charlie and I said, "There is no danger, Charlie, of your losing your precinct this time." And he said, "Why?" And I said, "I got only three votes."

Commissioner O'Connell. Were there many men that received $35, as you did, during election time?

Mr. Young. There was always a few dollars to be had around about election time.

Commissioner O'Connell. Was you ever checked up to know whether or not you spent the $35 in the distribution of booze, as you put it?

Mr. Young. No, sir; my honesty was never questioned in that particular.

Commissioner O'Connell. Do you know anything about the Seventh Street shooting there?

Mr. Young. Yes.

Commissioner O'Connell. State to the commission what you know about it.

Mr. Young. Well, now, to begin with, I believe I seen the——

Commissioner O'Connell. Please tell us as briefly as you can.

Mr. Young. I don't remember the date that thing took place, but it was a nice day, and I and two other old cronies of mine were laying on the courthouse lawn passing an opinion about one thing and another, and directly there was three wagons passed, with four men in each wagon with rifles, and I think six horses with men on them with rifles. They came past the courthouse going east, a block below the C. & A. station, and I said to these friends of mine, "Here is where the war starts, boys." One said to me, "Dave Miller is killed, and let's go see what's going to happen. And I said, "Not me, I am fine where I am at." They turned and went around to the station to get some freight, and they came back down the street, running parallel with Main Street, a block, and comes out on Main Street, and there was an awful commotion in town with a lot of people, and I looked down—well, in fact, where I was laying I could look down Main Street. Jeff and a half dozen of his henchmen were standing on the veranda above the door of the courthouse, and Johnnie Wright, under sheriff, comes down and looks down the street, and Jeff hollers down to Johnnie and says, "What is going on down there?" And I didn't catch the words Wright said back to Jeff, but Jeff hollered back to Johnnie, "They had better not interfere with those boys," and right there I took a chill, because I knew what was going to happen.

I looked down and the procession started up Seventh Street, and the next thing I knew—I never moved from there, but I seen some people looking up the railroad track from the corner of the livery barn, and I said to Dave Miller there must have something happened, and I got up on my haunches and I saw 15 men coming back with rifles on a dog trot after that massacre; I considered it nothing but a massacre. If those men were justified in shooting, why did they run back and go into the courthouse?

Commissioner O'Connell. Was that what you call the battle of Walsenburg?

Mr. Young. I don't know whether it was a battle or not. I didn't see any more than I have told about. I saw them going and coming.

Commissioner O'Connell. Did you have any other experience there during any other shooting or killing?

Mr. Young. Well, sir, I will tell you what I did see one morning, the time that battle was raging that occurred on the hogback about 6 o'clock.

Commissioner O'Connell. What do you mean by hogback?

Mr. Young. Where this militia and the miners were supposed to have this battle.

Commissioner Lennon. A hogback is a low hill, foothills, isn't it?

Mr. Young. No, sir; a ridge like that [indicating]. This morning—I think it was the 28th of February, if I remember right—but, anyhow, my brother-in-law was there, and they were shooting all right, and the street I lived on runs parallel with the hogback—I judge between 500 and 700 yards from the hogback, this street running parallel with it. And my brother-in-law comes in and says:

"Bob, come out here and you will see Potts and Miller, two of Chief Farr's gunmen." The men were scattered up and down, and they were laying there, and I watched them, and they had white handkerchiefs around their arms, and they were laying there shooting toward the hogback, which brought the fire down past where we lived. Several houses—one the second house next to me—several shots went through them and several other houses around in that neighborhood. Those were the only men I saw with guns during that battle besides the men that went away in the wagon.

Commissioner O'CONNELL. How many saloons are there in Walsenburg?

Mr. YOUNG. I could not tell—22 or 23, I guess.

Commissioner O'CONNELL. Does Farr run saloons besides his wholesale business?

Mr. YOUNG. Well, now, I don't think Farr has any houses in his own name, but he predominates—if the commission will let me explain that——

Commissioner O'CONNELL. Go ahead.

Mr. YOUNG. I heard Jeff testify up here the other day about licenses. I own a saloon building in Huerfano County, unfortunately.

Commissioner O'CONNELL. You own a saloon building?

Mr. YOUNG. Yes, sir; I am sorry to say it, but eight years ago I thought I could make a saloon man out of myself, and I built me a saloon out at Maitland, or just over the line of the school land. I own 8 acres and that saloon and a little house, and I ran the saloon two months and found I was not cut out for a saloon man, and I sold the business to—I don't know his name now. But, anyhow, Jeff—the Spanish Peaks Liquor Co. had not been organized at this time, and shortly after that the Spanish Peaks Mercantile Co. was organized, and Jeff came after me for a lease on that building. I gave Jeff Farr a lease on that building for five years in his own personal name, and he put a fellow in there, and he re-leased that place to this fellow, between me and him, you understand, and I seen that lease. It was a lease to a man by the name of Charles Cista, and that man could not buy a box of cigarettes only through the Spanish Peaks Mercantile Co. Now, I didn't know this until the lease expired that this poor fellow was getting held up in that way. I took the lease away from Jeff Farr.

Two years ago Jeff Farr buys two lots over on the other side of the road. It is on the main county road where I have this building. Jeff Farr bought two lots, and they are on record in the county courthouse in Walsenburg. He bought them to put up a saloon building and told Charles Cista, the man who is in my building to-day, that he is going to build a saloon there and wanted him to move over there, and told him there would be no more licenses for that house of Bob Young; that he was going to put him out of commission.

Jeff Farr don't do these things himself. He does them through the other fellow. I will explain that to you. John S. Gardner, who is manager for the Spanish Peaks Mercantile Co.—John S. Gardner and William Rena, of the Rena Detective Agency, who is the detective for the C. F. & I.—that is where Rena makes his headquarters, and he is one of the organizers of the Spanish Peaks whisky trust, or whatever you call it. And it is through John S. Gardner that these things are done. Jeff Farr tells him to.

Commissioner O'CONNELL. Did he build a saloon opposite your place?

Mr. YOUNG. He did not.

Commissioner O'CONNELL. Is your place still in operation?

Mr. YOUNG. No, sir; it has been closed up since the beginning of this year.

Commissioner O'CONNELL. Who closed it? Did you close it voluntarily?

Mr. YOUNG. The militia did not close it up at that time, but they would not issue any more licenses, and the militia closed up all the saloons. I don't know just what date of the year it was.

Commissioner O'CONNELL. Were they all closed?

Mr. YOUNG. No, sir; they were not. The other saloons in the county outside of the town, they were supposed to run until their licenses were out, but saloons run open in Huerfano County without a license until the militia closed them up.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. You say you were a coal miner in Ohio?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. Did you work as a miner or mine foreman?

Mr. YOUNG. Both as a miner and mine foreman.

Commissioner BALLARD. Did you work in this State as a mine foreman also?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. And where you worked under the United Mine Workers of America and in this State under nonunion conditions, is there any material difference in the way the men were treated or liked their work?

Mr. YOUNG. Well, to put it this way: You take in Ohio, under union conditions; you know the men the mine foremen has the most to do with is company men, like timbermen, drivers, and such as that. Now, back in Ohio we had a mine committee there, and I am very proud to say right here I never had a word with the committee. In fact I never had any need for a committee. If I had a driver or track layer or timberman who was not doing his duty as I thought, I would go and talk to that man and tell him what was going to happen to him if he didn't do what I told him to. If he didn't do it, I would tell him, "When you quit work to-day you bring your tools out, and to-morrow you start in room so-and-so." I didn't prosecute a man and stop him from eating. The more coal a man dug, the more he made. In the first place, I never had anybody get fired back there.

In Colorado it is a different state of affairs; you get canned or fired, and I didn't understand that when I came out here. I would meet a man and ask him why he was not working, and he would say, "I got fired." And it is a phrase to this day about men getting fired.

The way I think these things ought to be done, if a man don't suit me in one place, try him in another; don't stop his meal ticket. That is where I consider a lot of this turmoil and dissatisfaction and everything else has turned out.

Commissioner BALLARD. You think if the mines in Colorado were unionized the conditions in Colorado would be better?

Mr. YOUNG. I don't believe in compelling a man to belong to a union, but one thing I do believe, and that is that the mining conditions that the miner has got in Colorado to-day is due to organized labor. I ain't scared to say it; that the conditions the miner has got in Colorado to-day is due to organization—due to the organization. I don't say whether it is the United Mine Workers of America or any other organization, but it is due to organized labor, the conditions that are here.

Commissioner BALLARD. You mean that the mine owners or operators have got good conditions here because they thought the organization of miners would come if they did not have?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. That is all.

Commissioner WEINSTOCK. One question, please.

Chairman WALSH. Mrs. Harriman has a question she would like to ask.

Commissioner HARRIMAN. Do you know, Mr. Young, if there is what is called a blacklist system in these camps?

Mr. YOUNG. Years ago there was.

Commissioner HARRIMAN. What about to-day?

Mr. YOUNG. I don't know.

Commissioner HARRIMAN. How do they work that blacklist system?

Mr. YOUNG. There was generally a list sent around of undesirable names.

Commissioner HARRIMAN. A list of them?

Mr. YOUNG. Yes.

Commissioner HARRIMAN. What were the men blacklisted for? Why were they considered undesirable?

Mr. YOUNG. As a rule, they were union men. A good many of the men blacklisted were union men.

Commissioner HARRIMAN. Would a man be blacklisted for objecting to the weighing of coal reported by the checkweighman?

Mr. YOUNG. No, sir; I don't think so.

Chairman WALSH. Commissioner Weinstock will ask you some questions.

Commissioner WEINSTOCK. In how many States have you worked as a miner?

Mr. YOUNG. I have worked in Pennsylvania, Ohio, Indiana, Illinois, Iowa, and Colorado, and, in the next place, I was in the mines from the time I was 10 years old. When I came to this country I was between 17 and 18.

Commissioner WEINSTOCK. Have you worked in all these various States at your trade?

Mr. YOUNG. Yes sir.

Commissioner WEINSTOCK. Having worked in all these States at your trade, I take it you are pretty familiar with the wages and the working conditions in these various States?

Mr. YOUNG. Yes.

Commissioner WEINSTOCK. How do the wages in Colorado compare with the wages in the other States in which you have worked?

Mr. YOUNG. Well, sir, you take it in Ohio, where I done the most of my coal digging, why, I drove entry considerable there, and at that kind of work I could make anywhere from $3.50 to $5 a day. That was 15 years ago or 20 years ago.

Commissioner WEINSTOCK. Are you familiar with the current wages and the current earnings of miners in all of these various States for the past two or three years?

Mr. YOUNG. I will say, right here in Colorado, that the wages to-day in the Walsenburg district that I am familiar with—I would be safe enough in saying that a dollar a day difference with the average miner—there is that difference from 17 years ago.

Commissioner WEINSTOCK. That is not answering my question, Mr. Young.

Mr. YOUNG. I didn't get it.

Commissioner WEINSTOCK. My question was, are you familiar with the current rates of wages paid in these different States, including Colorado, in the last two or three years?

Mr. YOUNG. No, sir; I am not. I have not been back there.

Commissioner WEINSTOCK. To the best of your knowledge and belief, what are the average daily earnings of the average miner in Colorado the last two or three years?

Mr. YOUNG. Well, sir, there are various classes of men, and there used to be only one class. You take the machine runner and his helper; they generally cut by the ton; and you take the pick miner, and he digs coal by the ton with a pick. Then you take the shooter and loader that shoots the coal down after it is cut with the machine; that is another class. And then the class that have the coal shot down for them, and they load it themselves; there are about four classes of men.

Commissioner WEINSTOCK. The operators, while on the stand, testified and gave facts and figures here to the effect that the average earnings of the average miner in Colorado was about $4 a day. Have you any reason to dispute that statement?

Mr. YOUNG. I have not. I believe that is a fair average for a miner; that is, a pick miner.

Commissioner WEINSTOCK. How does that pay compare, so far as you know, with the average earnings of miners in other States?

Mr. YOUNG. I don't know, Mr. Weinstock.

Commissioner WEINSTOCK. Do you think it is higher or lower?

Mr. YOUNG. Well, that is for a miner?

Commissioner WEINSTOCK. Yes.

Mr. YOUNG. No; I would not say it was any higher, and I will tell you why. The same coal I used to dig in western Pennsylvania and eastern Ohio I was paid from $1 to $1.10 a ton for it; and I dug the same coal for 60 cents, and I made $3 a day at 60 cents.

Commissioner WEINSTOCK. Are the miners in Colorado paid so much per day, in the nature of a wage, or would it be in the nature of contract work—so much per ton?

Mr. YOUNG. To the best of my knowledge, it is.

Commissioner WEINSTOCK. Practically piecework, is it?

Mr. YOUNG. Yes.

Commissioner WEINSTOCK. Therefore, if a man gets all that he earns, the more efficient he becomes the more money he will earn than the poorer worker?

Mr. YOUNG. Yes.

Commissioner WEINSTOCK. It is a question of individual merit?

Mr. YOUNG. Yes, sir. I would like to explain something—where I think a lot of this dissatisfaction comes from. For an illustration, you are a man who has been raised in the mines; that is your trade; that is your business. You are working in an entry, in a room of this entry, and I come along from southern Europe. I never saw a mine in my life before, while you have spent your life in that mine. You are working there, and that is all piecework, and I will come along and they will give me a job in the room next to you; and the driver who hauls the coal comes along and hollers into your room, "Here is car so-and-so; you come and get this," and this other fellow working next to you, he comes along and he hollers to this fellow, "Here is car so-and-so," and I am put on the same footing with you, who has made a life study out of this; and that is

where the trouble and a lot of this dissatisfaction comes from, and I consider that is what has driven the English miner out of the mines in this State.

Commissioner WEINSTOCK. A query at this point, Mr. Young: Are we to understand that the foreigner who can not perhaps speak the English language and who has had no experience in a mine, who has never before seen a mine, as you say, can go down in a mine and be as productive as an old and experienced miner?

Mr. YOUNG. Well, Mr. Weinstock——

Commissioner WEINSTOCK. Please answer that question.

Mr. YOUNG. I am going to put it this way: As a rule, two men work in these rooms, and the probabilities are that this foreigner has a friend, and this friend goes in there along with him.

Commissioner WEINSTOCK. You have not answered my question.

Mr. YOUNG. As a rule, they don't work singly.

Commissioner WEINSTOCK. Whether they work singly or double, the point I want to get at is this: Evidently I have not made myself clear to you. Can I, as an untrained and inexperienced man, who has never before seen a mine, go down into a mine and speedily produce just as much as you who have been reared as a miner?

Mr. YOUNG. No, sir.

Commissioner WEINSTOCK. I can not?

Mr. YOUNG. No, sir.

Commissioner WEINSTOCK. Therefore, the skilled miner, the experienced and trained miner can produce more than the untrained and inexperienced miner?

Mr. YOUNG. Provided he gets an opportunity to do it.

Commissioner WEINSTOCK. All other things being equal?

Mr. YOUNG. Yes.

Commissioner WEINSTOCK. The trained miner can produce more than the untrained miner?

Mr. YOUNG. Oh, yes; without a doubt.

Commissioner WEINSTOCK. In answer to questions put to you by Mrs. Harriman, you gave as your answers, that men were blacklisted in the mines if they were unionists, while the testimony that has come before this commission indicates that at least 12 per cent of the miners were unionists at the time of the strike. Now, how comes it that the operators permitted as many as 12 per cent of their men to be unionists and still permitted them in their employ if it was the policy of the mine owners not to employ union men?

Mr. YOUNG. I don't think there was 2 per cent in the Walsenburg district of union men two weeks before the strike. To make myself clear, I think they brought these intimidators, as I call them—these gunmen—I can cite you to the Big Four mine in the Walsenburg district owned by Peltier & Nesbit; for a week before the strike took place there was not a man in it because of men with rifles being there. That is what caused the men to join the union.

Another thing, at the Walsenburg mine, I have heard it told many times by the men that worked up there, that the week before it started—the week before the strike—there were men at the pit mouth with rifles when the men went down in the morning and came out again at night—a week before the strike.

Commissioner WEINSTOCK. Are we to understand from the statement you have just made that this alleged 12 per cent of union men became union men only a week or two before the strike?

Mr. YOUNG. Yes, sir.

Commissioner WEINSTOCK. And that prior to that there had been practically no union men employed?

Mr. YOUNG. None.

Commissioner WEINSTOCK. And that the reason why the men in the mines did not join the union was because of the gunmen that were employed by the operators?

Mr. YOUNG. Well, I would not say it in that way, Mr. Weinstock. They had plenty of time to belong to this union, but if there were gunmen there——

Commissioner WEINSTOCK. Yes.

Mr. YOUNG. If they would have felt themselves safe in belonging to the union, but, as I stated at the start, no union man could light in any of these camps in Huerfano County. If he did it was unknown to them.

Commissioner WEINSTOCK. Well, if the men were afraid to join the union for fear of losing their jobs, why did they join the union the last week or two, knowing that that meant the loss of their jobs?

Mr. YOUNG. This strike was coming. Anybody that was in this field or this State could see this thing coming. We did not need the convention in Trinidad

to call the strike; they could have called it through the daily papers and the men would have struck.

Commissioner WEINSTOCK. It was a secret, and everybody knew the secret?

Mr. YOUNG. Not that, but they were prepared to do anything.

Commissioner WEINSTOCK. In other words, it was an open secret that the strike was going to take place?

Mr. YOUNG. Yes, sir.

Commissioner WEINSTOCK. And was it the fact that this was an open secret that led the operators to employ these so-called gunmen?

Mr. YOUNG. Absolutely.

Commissioner WEINSTOCK. That is the reason why they employed them?

Mr. YOUNG. Yes, sir.

Commissioner WEINSTOCK. Did they employ them because the operators anticipated that the strike meant violence?

Mr. YOUNG. Well, I will tell you. In the first place, 10 years ago, they browbeat—beat up everybody——

Commissioner WEINSTOCK (interrupting). You say "they." Tell us who you mean.

Mr. YOUNG. Jeff; and I considered Jeff a portion of the C. F. & I.

Commissioner WEINSTOCK. Who is Jeff?

Mr. YOUNG. Farr.

Commissioner WEINSTOCK. Who is Farr?

Mr. YOUNG. The king of Huerfano County.

Commissioner WEINSTOCK. Who is the king?

Mr. YOUNG. The sheriff.

Commissioner WEINSTOCK. Just repeat that; I didn't quite fully understand what you said.

Mr. YOUNG. Please have the reporter repeat that.

The REPORTER (reading):

"Commissioner WEINSTOCK. You say 'they.' Tell us who you mean.

"Mr. YOUNG. Jeff; and I considered Jeff a portion of the C. F. & I.

"Commissioner WEINSTOCK. Who is Jeff?

"Mr. YOUNG. Farr.

"Commissioner WEINSTOCK. Who is Farr?

"Mr. YOUNG. The king of Huerfano County.

"Commissioner WEINSTOCK. Who is the king?

"Mr. YOUNG. The sheriff."

Mr. YOUNG. At that time you know there were not so many men in Huerfano County as there are to-day, and they handled them all right. I had charge of the mine at that time, and they handled them all right. The men that were in the field this time knew that they were going to be handled the same way, and they preceded it with this intimidation, and the way that they started to intimidate these people.

Commissioner WEINSTOCK. In place of saying "they," be good enough to use the names, so we will know who you mean by "they."

Mr. YOUNG. These gunmen; Jeff's gunmen.

Commissioner WEINSTOCK. You mean deputy sheriffs.

Mr. YOUNG. I don't know what they are. I guess they have deputy papers. I don't know; but they were there with their guns.

Commissioner WEINSTOCK. And you believe they were there with their guns because the mine operators anticipated violence on the part of the strikers?

Mr. YOUNG. Well, I couldn't say that, Mr. Weinstock.

Commissioner WEINSTOCK. Well, if they didn't anticipate any violence on the part of the strikers, what need to have men with guns?

Mr. YOUNG. Well, when they ran across you if you didn't look good to them they would hit you across the head with it. There was lots of that stuff done.

Commissioner WEINSTOCK. When you say, "I didn't look good to them," what do you mean by that?

Mr. YOUNG. What didn't look good, Mr. Weinstock?

Commissioner WEINSTOCK. You said, Mr. Young, that if I didn't look good to them they would hit me across the head with a gun. What do you mean? Just explain what you mean by not looking good to them.

Mr. YOUNG. If they thought you were a union man.

Commissioner WEINSTOCK. I see.

Mr. YOUNG. Or if they even thought you felt that way, it wouldn't make any difference. The day before this war started in Walsenburg I was looking for to get my poor old head worked over several times, because I didn't look right.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Ballard would like to ask you a question or two.

Commissioner BALLARD. You spoke of the men going out on strike. Was there any real underlying cause of dissatisfaction in the mines; were the workmen feeling they were badly treated, or what was the trouble?

Mr. YOUNG. Well, now, I'll tell you. You take the Robinson mine while I was there. There were some of the officials there pretty fine fellows, and there were some of them not so fine. I lay a good deal of the dissatisfaction and the hard feeling in this trouble down there to the men that were handling the men under them. They did not treat them right. They did not talk to them right. If a man, a foreigner, would get to talking a little bit of English—hadn't done the right thing—the mine foreman or the superintendent would curse him and abuse him. Consequently there was a great deal of hatred between the two. See?

Commissioner BALLARD. That is all.

Chairman WALSH. Thank you. You will be excused.

Mr. E. L. Doyle.

TESTIMONY OF MR. EDWARD L. DOYLE

Chairman WALSH. Please state your name to the commission.

Mr. DOYLE. Edward L. Doyle.

Chairman WALSH. Where do you reside?

Mr. DOYLE. 700 South Pennsylvania Street, Denver.

Chairman WALSH. What is your age?

Mr. DOYLE. Twenty-eight.

Chairman WALSH. How long have you resided in Denver?

Mr. DOYLE. Since February last. I have roomed in Denver up to that time. I got married in January and have made my home in Denver since.

Chairman WALSH. How long have you been in Denver since?

Mr. DOYLE. I have been working in Denver since April 1, 1912.

Chairman WALSH. Prior to that time, where were you?

Mr. DOYLE. Lafayette, Colo.

Chairman WALSH. Prior to that, where were you?

Mr. DOYLE. Spring Valley, Ill.

Chairman WALSH. How long have you been in Colorado altogether?

Mr. DOYLE. Since September 10, 1907.

Chairman WALSH. You are a native of what place?

Mr. DOYLE. Illinois.

Chairman WALSH. I wish you would sketch, as briefly as you can, what you have done in the way of work, labor, all your life, beginning at the first, but of course not confining it to the particular jobs, but the localities and the character of your employment?

Mr. DOYLE. I commenced work at the age of 12 in the mines of Illinois, in Spring Valley, Ill.

Chairman WALSH. In what capacity?

Mr. DOYLE. As trapper boy.

Chairman WALSH. And what does a trapper boy have to do?

Mr. DOYLE. He tends to the trapdoors. The current of air in a mine is controlled by doors, and also by canvas curtains; where the current is too strong, they use a door, and the trapper boys attend to those doors and permit the teams of coal to go through and act really as flagmen for drivers, etc.

Chairman WALSH. Underground?

Mr. DOYLE. Underground; yes, sir.

Chairman WALSH. How long did you work at that?

Mr. DOYLE. I should judge I worked at that—oh, about two years, when I was put on spragging.

Chairman WALSH. Do your parents live at this place in Illinois?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Was your father engaged in the same industry?

Mr. DOYLE. Yes, sir. My father first went to work in the mines in England when he was 9 years old, came to this country and worked the rest of his life, while he worked, in the mines.

Chairman WALSH. When you were a trapper boy was your father a miner?

Mr. DOYLE. No, sir.

Chairman WALSH. Was he living at that time?

Mr. DOYLE. He was disabled.

Chairman WALSH. Was he disabled in the industry?

Mr. DOYLE. Not exactly in the industry, but because of the hardship surrounding it, he lost his mind.

Chairman WALSH. Now, then, you went to work at the age of 12?

Mr. DOYLE. Yes, sir; 12.

Chairman WALSH. Had you been to school prior to that time?

Mr. DOYLE. Yes, sir; I was in school from 6 to 12.

Chairman WALSH. In the local school at that place?

Mr. DOYLE. Yes; the parochial school there.

Chairman WALSH. Parochial?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Now, then, sketch right along what your employments have been since you were trapper boy.

Mr. DOYLE. After trapping at this place I got to spragging. That is a position that boys of a little more experience than trappers are put to work on. I was put to spragging cars. That is what you call it; you might call it on a railroad, braking. I was spragging the wheels in order to keep them from running too fast, and to handle them, and so forth, from the places to the cage. After that I went to digging coal, mining coal with a brother of mine. First, with another party and then with a brother of mine.

Chairman WALSH. How old were you when you began digging coal?

Mr. DOYLE. I should judge 17. I was only getting a dollar and a quarter a day for spragging. I was very large for my age and wanted to drive a mule—which was paying $1.75. Not getting it, I thought I could make more money, I believed by working perhaps—not hard—at mining coal on the tonnage basis than spragging, and secured a job of mining.

Chairman WALSH. At the age of 17?

Mr. DOYLE. Yes, sir.

Chairman WALSH. What were your wages mining? What did you earn as a miner when you began?

Mr. DOYLE. Well, I don't remember exactly. I know that the biggest pay as a trapper I got, I could not make in a half month over $9.75.

Chairman WALSH. And then as a spragger?

Mr. DOYLE. As a spragger I made $1.25 a day.

Chairman WALSH. And as a miner?

Mr. DOYLE. As a miner we were paid 70 cents a ton, I believe. It was later increased to 82½ cents, if I remember correctly.

Chairman WALSH. Did you stay at Spring Valley all the time until you came to Colorado?

Mr. DOYLE. Yes, sir.

Chairman WALSH. And you worked in the mines in Spring Valley from the age of 12 until what age?

Mr. DOYLE. Well, I worked at the mining until about 18 or 19, when I went to driving a mule. And I practically drove a mule then until—oh, I should judge, a year, perhaps, when I was elected checkweighman by the miners at that mine. And then I drove again after that, after quitting the checkweighman.

Mr. WALSH. How long did you act as checkweighman?

Mr. DOYLE. About a year, if I remember correctly. We were elected every quarter, and I was elected four times.

Chairman WALSH. Proceed, sir.

Mr. DOYLE. Then I drove a mule again for a while and came out to Colorado in September of 1907.

Chairman WALSH. Now, did you belong to any organization in Illinois?

Mr. DOYLE. Yes, sir.

Chairman WALSH. At what time did you join the organization?

Mr. DOYLE. I joined the organization right after I commenced trapping. The organization existed, but all miners were not members there, having been beaten some few years before, and just shortly after I got the job of trapping I joined the organization.

Chairman WALSH. They took in trapper boys?

Mr. DOYLE. Yes, sir; they took everyone in and around the mine, and that included trapper boys, and they treated the boys under the age of 16, after a complaint was made, as half members. I was the committee appointed by the trappers to go to the mine committee of the union and demand that we be considered half members, or that the dues of the men be increased. The dues were

75 cents a month, just the same as the trapper's day's wages, and the dues was 75 cents a month for the men, and I demanded, representing the trappers, that the dues be made $1.75, a day's wages for the men, or else the trappers be reduced.

Chairman WALSH. Was that done?

Mr. DOYLE. That was done; yes, sir. That is, the trapper's dues was reduced; they did not increase the dues of the men.

Chairman WALSH. What was that organization at Spring Valley, Ill.?

Mr. DOYLE. The United Mine Workers of America.

Chairman WALSH. Before you came to this country, did you hold any official position with the organization?

Mr. DOYLE. I had been a vice president of the local union of which I was a member.

Chairman WALSH. Did you hold any office in the national organization?

Mr. DOYLE. No; I did not.

Chairman WALSH. Have you ever?

Mr. DOYLE. No, sir.

Chairman WALSH. Now, then, just detail what your activities have been since you came to Colorado—what was that date again, please?

Mr. DOYLE. September 10, 1907.

Chairman WALSH. September 10, 1907?

Mr. DOYLE. I came here on the 10th, and I believe I started to work on the 12th of September, that year. I had a brother driving a mule in a mine that had just been opened up, the Vulcan mine at Lafayette. They needed another driver, and that was my reason for going to work so soon. They were short of men at that time. I drove a mule there two weeks and was elected checkweighman at that mine. The men naturally, having known my brother before, and having known through talking to him that I had had previous experience at checkweighman, when they were about to select one, I was chosen, although driving a mule. That is the last work I done underground—that two weeks driving of that mule. I was glad that it was. The driving in this country was not similar to that of driving I had done in the East. I weighed coal there until the 15th of January, 1908.

Chairman WALSH. How long was that altogether?

Mr. DOYLE. From the 1st of October to the 15th of January. And during that time I had some experience that it might me pretty well for this commission to know, and that is pertaining to the weights of coal.

The reason these men demanded a checkweighman was that they claimed they were not getting full weight. This mine was operated by the Northern Coal & Coke Co.; the Rocky Mountain Fuel Co. are now successors to that company; and there were only 22 or 24 men in the mine mining coal, and still they believed it would pay them to contribute their share toward a special checkweighman in order to—that individual would pay himself by saving the coal that was being deducted from them.

The first two days I did not interfere with the scales—they were automatic scales—but took the total weights of coal as given me, as credit was given to the miners, and the total weights as was shown by the railroad scales. The mine was loading mine-run coal, and I compared those weights; and if I remember correctly it was something like 7 tons—I believe I can get the figures here—to about 14 tons per day the miners were losing at that mine. That is, of the total production of the mine. And about the third day I balanced the scales. And from that day on the way boss had continual complaints from the superintendents of the mine that the miners were getting more than was coming to them, when, in fact, they were getting only that which they were entitled to.

The second day I weighed, on the 2d day of October, when the weigh boss arrived that time, he said, "I have been over to the office last night to turn in my report, and the clerk remarked, if you and I get along as well every day together as we did yesterday there will be no complaint." I asked him, "How did we come out?" That is, in the comparison of weights between the total given credit to the miners and the total as weighed on the railroad scales, the weights for which the company sold the coal. And he said, "I don't remember exactly, but I believe it was 95 pounds difference." Well, I smiled to myself, and I made up my mind that he was either mighty ignorant or thought I didn't know anything about weighing coal, and I told somebody afterwards that if you were to weight two or three hundred tons of coal in a drug store and carried it across the street and weighed it again, the loss would be more than

95 pounds. So I knew the man was either very ignorant in the weighing of coal or endeavoring to mislead me; and for that reason I watched the man very closely.

So finally complaints were made by the company to this weigh boss that the parties whom they had sold this coal to were complaining that the reported tonnage on the car when it left the mine was not upon the car when received at its destination, and he would be compelled to make affidavit to the effect that it was there. And I watched them very closely, and I found that he was giving this weigh to keep himself a good fellow as he had already made himself by either deliberately weighing the coal 14 to 17 hundredweight more going out on the cars than actually went to the people the coal was sold to, and thus could credit certain ones with more than they actually got on the car, and therefore he didn't have any complaints. Thus he was giving more coal to the credit of the company than it actually came to, and they had to get the fellow to sign a paper to the effect that the coal was on the car when it left the mines.

Chairman WALSH. Do I understand that he could also control the railroad scales?

Mr. DOYLE. Yes, sir; he weighed the coal. Suppose a flat car of coal was loaded with mine-run coal, he weighed the car before it left the railroad scale to bill it.

Chairman WALSH. Then the railroad company did no weighing at the mine?

Mr. DOYLE. No; the railroad company took the weights of the mine company. In the last few years there has been what is called the Western Weighing Association, formed by these men sworn into that association, and those weights, if I understand correctly, are advocated by legal counsel of the Western Weighing Association, if questioned on arrival at final destination.

Chairman WALSH. How long did you act as checkweighman there?

Mr. DOYLE. Until the 15th of January.

Chairman WALSH. Then what did you do?

Mr. DOYLE. Why, that was the time of the panic, and the mine was compelled to lay off most of the force, and laid off all but eight miners, and there wasn't enough then to support a checkweighman, and there was a checkweighman wanted at an independent mine called the Strathmore, and I proceeded to weigh there. The committee sent for me, and I weighed there for about three weeks, when that mine also laid off a portion of its force. I had when I quit the Vulcan mine $15 more than my wages amounted to. My wages are paid by the miners, me deducting a certain percentage per ton, according to the tonnage allowed to each man for each half pay, and based according to the number of days I worked at $3 a day; and through an error—I always carried an account with the miners and adjusted it every two weeks, what I had on hand or what they owed me; and I had $5—there was always a little one way or the other—and I had $5 there, and by an error I also had $10, making $15 which was really due the miners. In fact, I checked off $15 more than was my wages up to the time I had quit. I held that, expecting that mine would start up again, and naturally I wanted to turn it over to the committee there to be used in paying the next checkweighman if it should be some one else than myself; and after I was laid off at the Strathmore mine because of the force being reduced the men—these eight miners—were complaining bitterly that they were being robbed. And they were loading the coal mostly for wagons, to be used around the town and on the farms, etc. And I told them that I had $15 and that if it was agreeable to them to test it out I would use the $15 and work five days. So it was agreeable. I thereupon——

Chairman WALSH (interrupting). Is the salarly received by a checkweighman $3?

Mr. DOYLE. That was at that time in that mine. If it is a bigger mine they can pay a little more; but $3 was the salary at that time. And I appeared upon the scene to weigh out the five days, and I got a very cold reception from the same weigh boss the first morning. And one of the boys called his attention to the fact that I had come down for a few days, and he, in a very angry manner, said he didn't care; it didn't make any difference to him. So when the first coal started to come out of the mine I noticed by looking at the bulletin of the day before that the weights had been greatly reduced—that is, the average weight—and this car was thirty-three hundred and some odd pounds at that mine, and the bulletin for the day before showed that the highest car was 2,900, and the average would run about 2,600. And I knew they were either loading cars much smaller since I had been gone, for perhaps a month and a half, or that there was something wrong with the weights. So I proceeded to

pay very close attention, and the first car—I should judge the first that came up—was what we call a car of slack, machine cuttings; they are wet; and it weighed 2,900, and the man's bulletin the day before showed he hadn't anything higher than 2,600, and I put it down 2,900, and the weigh boss stopped it and spoke of its being wet, and said that he would go to the superintendent. He says, "I am going down and tell the superintendent that they are purposely wetting their coal to-day to show that they ought to get more weight." And it was laughable, of course. But nevertheless we went along. And while they were changing railroad cars one car stood on the scales and weighed down 3,300 pounds. Now, there hadn't been 3,300 pounds on the bulletin for at least a week back, and I judge I looked at that many bulletins back. And it stood there while they were changing the railroad cars. And as it was dumped he said, "This man's coal weighed 2,000." I says, at the same time, "No; it didn't; haven't you any eyes to see?" He says, "Oh, well, he never allowed cars with 3,300 pounds." You know, each mine keeps a bulletin and each man carries a check. And he says, "I never put down 3,300." And he put it down 2,000. So at the noon hour we got to discussing it, and I says, "It is going to be 3,300, and that is all there is to it. It weighed 3,300 and the men are going to get 3,300." He says, "Well, it would not look so good." I asked him, "What have you been doing since I have been gone?" He says if a man loaded an extra big car he didn't get it put on that, and if he loaded a small car he added to it, so it wouldn't look like there was so much difference. I objected to that condition of affairs and insisted that the car be corrected to show that 3,300 pounds, and the men got full weight for that five days. What happened after that I don't know, but I presume he kept up his practice after that.

Chairman WALSH. After you left the mine where did you go?

Mr. DOYLE. After leaving there I went to the Strathmore and worked three weeks there weighing coal; and they did not have an automatic scale there, but they had two old beam scales; and I weighed the cars——

Chairman WALSH (interrupting). Say, Mr. Doyle, I believe I will get you first to state the different places where you were employed, and then take them up later on and go into details as to checkweighman. We have a separate line of questions on that.

Mr. DOYLE. I see.

Chairman WALSH. Now, just sketch for me, first, where you were employed and in what capacity and on down to the present time.

Mr. DOYLE. After leaving them at the Strathmore, I worked those five days at the Vulcan. I was then notified to do some checkweighing at the Standard mine at Lafayette, the former checkweighman being away on account of a death in his family. I weighed there 18 days, when I was called east on account of the death of my father. I returned to Colorado—that was in April, 1908, and I returned in May, 1908—and brought mother and the children with me; and I worked for a short while in a planing mill near Lafayette; I should judge two or three months, and then in September, on September 5, 1908, I commenced checkweighing at the Capitol mine, or what is known as the Rankin mine at Lafayette, operated by the Colorado Capitol Coal Co. I weighed there until April 1, 1910, the date of the northern coal strike. After the strike I took a trip to the western coast and worked there near Seattle at a mine four months. I worked there a few months running a hoisting engine, and returned to Colorado in August, 1910, and was on the strike since August, 1910, except what time I spent in jail for alleged contempt of court, until I was elected secretary of the miners, and I took the position April 1, 1912, in the Denver office, and have since been holding that position.

Chairman WALSH. You are the present secretary-treasurer for the United Mine Workers?

Mr. DOYLE. Yes, sir; secretary-treasurer for the district organization; not for the national——

Chairman WALSH (interrupting). When were you in jail for contempt of court?

Mr. DOYLE. The first time on December 23, 1910; and the second time July 14, 1911.

Chairman WALSH. How long were you in the first time?

Mr. DOYLE. Two months.

Chairman WALSH. And the second time?

Mr. DOYLE. Four months. Each time I was sentenced a year, and the second time it was a year and $500 fine.

Chairman WALSH. Briefly, in what did the contempt consist?

Mr. DOYLE. There wasn't any contempt. It was all a put-up job on the part of the judge and one of the companies, and they railroaded us——

Chairman WALSH. Where did this occur?

Mr. DOYLE. Occurred in Denver. We were on strike in Weld and Boulder Counties, and they secured an injunction from Judge Greeley Whitford in Denver County, an injunction that forbade us to do anything in fact, but eat or sleep. We couldn't fly banners, post notices, hold meetings, talk to a neighbor or to strangers, and if you would say a word about it he could pronounce you guilty, or find you guilty for anything you did or didn't do; and on the 17th of December, 1910, a fight was supposed to have taken place on the streets of Lafayette, which I believe did take place; and about the 20th 16 miners from Lafayette were arrested, charged with violating the injunction and brought to Denver for a farcical trial without a jury and were sentenced to jail after a two days supposed hearing.

Chairman WALSH. Has the law in Colorado been changed since that time with reference to the trial of contempt cases?

Mr. DOYLE. I don't think there has been any change in the law, but there has certainly been a change in the attitude of the people who attempt to use the courts for their purposes. They seem to have got enough of those injunction suits to leave us alone and quit misusing the courts to have them for a club to lick organized labor with.

Chairman WALSH. Briefly, what were you charged with in each of the contempt cases?

Mr. DOYLE. I was charged with being in a party that assaulted strike breakers on the night of December 17, when the fact was that I was not there. I did not know it had occurred until I heard it afterwards. And I was home eating supper with my mother and other members of the family. I was charged with it, but since I have learned from a man in a position to know that the company's attorney admitted that I was not arrested and jailed for being guilty of that, but for my attitude toward the court when he issued the injunction and my attitude as being the president of the Lafayette Miners' Union; I told the miners the day the injunction was issued not to obey it; that the judge had no right to make laws; that we were citizens and had a perfect right, as long as we were law-abiding, to exercise any right any other citizen had, although we were strikers; and that no man should pay any attention to the order issued by the court, but should exercise his rights and talk to anybody he wanted to or ought to talk to, or to perform any other function he saw fit so far as it was honorable, but not to consider the judge's injunction law, because it was not law. And they were attending a meeting, and I went there and told them that if the Baldwin-Felts detectives were deputized by Judge Greeley Whitford to serve the warrants for the alleged contempt—because we knew they were going to arrest us, or they never would have issued the injunction. The injunction was for the purpose of arrest. I told them that if the Baldwin-Felts detectives were deputized—they couldn't secure the deputy sheriffships from the sheriff of Boulder County—but if they were deputized by the judge to serve the alleged warrants for the alleged contempt, they should pay no attention to them but should resist arrest, because if they were placed under arrest they would be beat up between the place of arrest and Denver. We know from what we have seen and read in our official paper how the Baldwin-Felts men have beaten up others elsewhere in this country.

Chairman WALSH. Whereabouts had you read of that?

Mr. DOYLE. West Virginia particularly. And I was satisfied in my own mind that if they came to get these strikers and officers and arrested them and attempted to take them to Denver in an automobile that they would beat them up; that they would beat their heads in and then claim that they had to do it because they attempted to resist; and that they had better be beaten up at first than afterwards between their homes and the courthouse; and that they ought to fight them on their doorsteps. And I told them I knew that would be the result if the Baldwin-Felts men attempted to make the arrests. But at the same time I told the miners that if any regular sheriff or regular deputies came to submit; to come. And as the result of that the sheriff came to me and gave me the names and I called all the boys together and we beat the sheriff to the courthouse and gave ourselves up.

We didn't know what we were arrested for and couldn't find out until the day before the trial. We were released on bonds—$300 or $400—I think $300, I ain't sure—and when we returned to Lafayette there was a great crowd at

the station when we got back to welcome us, and that was used as evidence against us for being congregated at the depot. That was evidence in our trial.

We were placed on trial—I forgot to state in the beginning that the miners' organization did not appear and oppose the issuance of the temporary injunction, knowing that the judge would not consider such a thing under the circumstances; that he had his mind made up to issue it regardless of what opposition was made. So we didn't waste any time or money by appearing. And when we were set for trial the 16 of us were denied a jury and we were compelled to sit in the jury box—12 of them and 4 in chairs in front of the jury box—and we were compelled to be seated always in the same places in order that the witnesses could identify us and could tell who we were by a certain place——

Chairman WALSH. Did you have any attorney?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Who was your attorney?

Mr. DOYLE. Mullins & Waldron, I think, of Denver.

Chairman WALSH. Proceed.

Mr. DOYLE. And after two days of a farcical trial—it was a joke, as far as a trial was concerned—we were sentenced to one year in the county jail in the city of Denver. During that trial witnesses appeared on the stand that could not pick out their men that they said was there in the fight, or anything else. When we would change a seat in the jury box purposely so they would not know, the judge would tell us to get back and take our seat. We could understand the conspiracy as to the whole thing. We were convinced to our own satisfaction——

Chairman WALSH. That feeling, whether or not it was correct, did it cause a bitter feeling among the men involved in the strike and your friends?

Mr. DOYLE. It certainly did. And during the trial I might mention—I don't know whether any of the members of the commission are superstitious or not, but for the further information of any, if there are any such—during the trial—we were tried in the courthouse down here in Denver and the goddess of Justice is standing up there on the dome holding the scales of justice in her hand; this is the way she did it, showing one balance stood up close to the statute of justice and the other part down, and when we were sentenced to jail—after we were sentenced she throwed the scales on top of the roof and they are there yet.

During that trial the record will show that the judge overruled practically everything; it was absolutely ridiculous the way the judge overruled the attorneys for the miners. I tallied—I don't know, for about an hour and 10 minutes at one time; I think an hour and 10 minutes, or 2 hours and 10 minutes, I don't remember exactly, but I scored a while, being in there—on a piece of paper the number of matters overruled by the judge, on our side and the number on the other; and I had 111 matters on our side overruled and 11 on the company's side; and I mention that to show that there wasn't any chance during the trial at all. The facts were, as near as I could learn afterwards, that out of those 16 men 1 man was in the group that had the fight and 15 were not, and I later was, as I said before, put in for telling the men that I thought they ought not to obey the injunction, and advised them before any arrests were made.

In fact one man—his wife gave birth to a child, and he was at home for three days and not up town and didn't know there was any fight until I came to him and notified him that the sheriff wanted him. Yet he got sentenced.

Another man in the warrant was named as Frank Balek, and it didn't say whether it was Frank Balek, jr., or sr., and I told him about it, and he says, "Well, you mean my boy; I wasn't there at the time of that fight; I have been staying home; I was that night playing cards," etc. And I said, "Where is the boy?" He says, "Out of town." "Well," I says, "I guess there is nothing to it. The name is there, and there is just a framed-up job and can go anyhow. They have got to have a Frank Balek somewhere." And he was sentenced to jail for a year for his son, because he had the same name. And we went to jail on the night of the 23d of December, 1910—in fact, just one day between us and Christmas. We spent Christmas in there and the case was appealed to the supreme court; on the 23d of February we were haled before that court, and, after being given a severe lecture, we were released and told not to violate the injunction any more, etc.; and if I remember correctly our case was yet to come up in the supreme court, but it seems as though they were afraid to have it tested in the supreme court, and they let us out before our year was up.

Chairman WALSH. The same judge?

Mr. DOYLE. The same judge. He said things there when he scored us that were not correct or proper; and I for one would never have stood for it if it had not been for the others who would all have had to go back to jail on account of my being the president of the organization; but it was shameful the way that judge talked and the things which he construed to be true which were not. And while in jail, and after getting out, I wrote some letters to our official paper published at Indianapolis, Ind., called the United Mine Workers' Journal, and in those letters I told my honest opinion of the judge and what I thought about him. In July, 18 more miners were arrested. I was among the 18; again for alleged contempt of this so-called injunction.

Chairman WALSH. The same injunction?

Mr. DOYLE. The same injunction. But I am a little ahead of my story. On December 5, 1910, Jack Cassidy, marshal of Lafayette, was arrested for alleged violation of this injunction, and his crime, I understand, consisted as marshal of Lafayette in searching two Baldwin-Felts people, or trying to search them, for concealed weapons in an incorporated town. He was brought before the court, and he was pronounced guilty and sentence suspended from time to time, and he had to appear before that court at different dates set at different times until I think he appeared there 17 or 19 times from December up to July. But he was arrested with the rest in July, when these 18 were arrested. Of these 18, 3 were dismissed as, I believe, town officers, members of the council, or some technicality; I don't know what it was; and 15 were again sent to jail. I think 13 were fined $250 and costs and put in jail until paid; no bonds till appeal. One was sentenced for 12 months; that was my predecessor in office, Mr. William Crawford. He was sentenced to 12 months in jail, charged with having abused the judge and got into contempt of court by cursing him when he was living up in Lafayette and him—the judge—in Denver. And I was sentenced to one year in jail and fined $500. I was up on three charges of contempt at that time and, one of them was that I was supposed to have been in the mob that ran some people out of town. Another was to have led a mob to attack an old man's house who had afterwards deserted the organization and returned to work; and the other, if I remember correctly, was contempt of court by writing letters concerning the judge; and I was not charged with this latter before being brought to the court.

But this matter of attacking the old man's house—the man himself got on the stand and testified that I was a perfect gentleman at all times; and I knowed him, he said; and he had no knowledge of me being there or anything else, except to speak to me upon the street. And, of course, that was such an exposure of the bare-faced complaint that the judge could not very well sentence me on that, because—well, the papers had it, and he let me alone on that. But on this contempt there was a man I never saw in my life who stated I was in the mob that chased him out of town, when I was not any such thing; and while I was on the stand as a witness—respondents I believe they called us in that case—the coal company's attorney introduced the articles I had wrote or letters I wrote to the Mine Workers' Journal as evidence that I was in contempt; and not being charged with that, our counsel objected, and, as I mentioned before, the judge overruled it, and there was nothing to it. My attorney says, "He is not charged with contempt for writing letters." The judge says, "I haven't heard them. We will see what they are first, and see." Then he permitted counsel for the coal companies to read those letters in court to me—to the court—and let me answer whether they were mine or not. I was under oath and had to say yes or no. If I said no, because I was not charged with that, I was guilty of perjury. He had me going and coming. And if I said yes, then I was guilty of contempt for having admitted in the presence of the court that they were my articles, and they reflected on the judge; and he had me going and coming. And you might tell from that that they were simply putting the job up. After the letters were read, Jim Blood, the coal company's attorney—not the district attorney, but the coal company's attorney—was instructed to get out a warrant for me, and I was arrested at the recess of the court on another charge. That was contempt of court.

Chairman WALSH. On the charge growing out of the writing of these letters?

Mr. DOYLE. Yes, sir; and not for having written them, as I understand, but for having admitted on the witness stand that they were mine, and they were read in. As I understand, I did not commit any contempt in writing them, because they were published elsewhere than in the presence of the court; but that I did commit contempt in admitting in the presence of the court they were mine, after allowing them to be read over the objections of the attorneys

when I was not on trial for those charges. The contempt was in saying, "Yes; they are mine," when I would have been perjured if I had said "No," since they were allowed to be read; and I got a year and $500 fine and costs, and I was sent to the county jail on the 14th of July.

Thirteen of the fifteen sentenced the same day were released by the supreme court after they were in, I should judge, about 20 or 30 days; I have forgotten the date. They were released by the supreme court. Now, the 13th of November of the same year, there being only 2 of us left in there out of the 15, my predecessor and myself——

Chairman WALSH (interrupting). Did the supreme court pass upon your case?

Mr. DOYLE. No; they did not. They were to pass upon that later. On the 13th of November Mr. Crawford was released on parole by the judge to see his dying mother in Wyoming. So the judge, under the pressure, tried to in a nice way, as nice as he could, make it publicly; for the lawyers had talked to Mr. Crawford in the chambers of the courthouse and asked him to agree to apologize to the judge for his alleged contempt so that the judge would parole or would release him to go and see his dying mother, and the judge wanted an apology from him under those circumstances; and the man broke down and did not apologize on account of his condition and was released on parole, anyhow.

I was released on the 15th, but before being released—I have that somewhere, the exact conversation; I don't know if I have it here or not—but, however, before being released Judge Whitford sent down a message about two weeks—not two weeks, but about seven or eight days before I was released—he sent down one of the sheriffs with it, and the sheriff delivered it to the then warden of the jail to give to me, and asked if I would agree to apologise to the court for what I wrote about him, and he would give me two days to think it over; that if I would agree to apologise to the court he would suspend my sentence. And I was then in four months, and he wanted me to think it over. And I told the fellow I was ready to answer now if he would take me to the court. He says, "No; I will come back." And then two days later the warden of the jail had come back and asked me not to say anything about it, "but the judge says if you take back some little things you said about him he will let you out, but don't say a word to anyone." When he came back after the two days he asked me if I was ready to answer, and I said I was as ready as I was when he was there before. And he asked me if I had made up my mind to come up and apologize. And I said, "Tell Judge Whitford if he wants me to apologize let him take me out before the court and, as any citizen or court ought to do business not underhanded, but ask me openly before the public whether I will apologize or not." He says, "No; you must send your answer through a messenger. He won't have it that way." I says, "If that is the case, you go back and tell him I consider his request an insult, and that he ought to apologize to me and my mother; that he had insulted us; that he had considered she was a perjurer when she said I was at home; that my opinion now of him was worse than ever; and to say that I didn't have anything to retract; but to go back and tell the judge, "if he considers what I wrote to be contempt of his contemptible court, and desires to do so, he may sentence me to be hung, and I will extend to him an invitation to be present when it comes off." He never called me out to his court, and my sentence has not been retracted yet in my presence, and I haven't paid the fine, either. I wrote again after I got out, and he has not done anything about it.

Chairman WALSH. Did that cause much comment in the public press?

Mr. DOYLE. The press knew nothing about my dealing with the judge secretly, and nothing about the apology he wanted was published.

Chairman WALSH. Was it given out for publication in any way?

Mr. DOYLE. No; only I think I wrote a letter afterwards, again stating so that the readers of the Journal would know what the final outcome of it was; and I might have mentioned by the way there in that letter, if I remember correctly, of the attempt to have me to agree to this matter before he would bring me into the court, so that he would know what my answer was going to be before he called me before the public; and I think—I have always been under the impression; I don't know whether correct or not—that the reason for sending a written order to the jail to release me was that he was afraid I would tell him what I thought about him and tell some of it to the public, and the papers would publish what was coming up before the district court.

Chairman WALSH. I will ask you if that was the United States court or the Colorado State court?

Mr. DOYLE. It was the district court of this district, in Denver, a branch of it; I think it was the fourth division.

Chairman WALSH. The State court?

Mr. DOYLE. Division 4 of the district court.

Chairman WALSH. State court?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Your case was dismissed—your appeal was then dismissed by the supreme court of the State?

Mr. DOYLE. By the way, I am glad you asked me that question. My case was to come up on Saturday in the supreme court, and the judge released me on Wednesday when I would not apologize.

Chairman WALSH. So the appeal was dismissed on the ground that you had already been liberated?

Mr. DOYLE. I think it never was heard. I think it just fell by the way or something. I don't know yet whether I am dismissed or whether my sentence has been officially cut to four months or not, or whether my fine has been erased from the records; I don't know that yet.

Chairman WALSH. Was or was not wide publicity given in the case, and the details of this case, outside of these private details that you have mentioned?

Mr. DOYLE. Yes. The papers carried a great deal of it. There was a large meeting held. Organized labor protested against the misuse of the courts by corporations for the purpose of beating organized labor. A monster mass meeting was held in the city of Denver and speeches at the city auditorium. They marched around the statehouse and marched around the courthouse, and the judge, when releasing us—that was when we were first put in—when releasing us, referred to it as being a threat against a judge who was trying to do his duty, when he knew what the facts were. It was a protest similar to the tea party of old.

Chairman WALSH. Were public meetings held and were speeches made at these public meetings?

Mr. DOYLE. Yes, sir. The auditorium meeting. I guess there must have been fifteen or eighteen thousand marched in the parade, I understand, and the auditorium seats only twelve thousand and something, and as many as could get in there were there when the speeches were made.

Chairman WALSH. What effect did the whole matter have upon the minds of the working people generally, if you observed?

Mr. DOYLE. Well, if I am any judge, it only served to show them that the powers that be; that is, the corporations, as great as they are, that a judge will serve it; that the workmen as such need not expect any justice at the hands of courts that these people can get control of, and have control of, and you might as well not make any defense; and you may just as well, whether you violated the law or not, realize, if you are accused, you are guilty, and you have to prove yourself innocent instead of being innocent until you are proved guilty. And I believe the worst part of it was that way. Later this judge was charged with having been bribed to send the miners—a woman made the statement that she gave him $3,000—and he had the nerve to ask another district judge to get a jury to investigate his case, and yet he wouldn't give the miners a jury to hear their case.

Chairman WALSH. What is the feeling among the working people generally in Colorado with reference to the courts at this time?

Mr. DOYLE. Well, as far as I know, as far as labor is concerned as such, I think there is not very much feeling in certain parts of the State, because things have not got to that stage. But in certain counties and with certain members of the supreme bench I think labor believes it can not and will not get a fair deal.

Chairman WALSH. When Mr. Welborn was on the stand he handed me certain bulletins that had been issued by the striking miners, with the request that I should interrogate you upon them. I want to ask you some preliminary questions, such as I asked Mr. Welborn. What sort of a publicity department does your organization have or has it had during this strike?

Mr. DOYLE. Well, we have a press agent, a publicity bureau, at the headquarters here in Denver. A man that worked on a Denver paper that went out of commission has been employed by our organization to take care of the statements, and so forth, and any of the advertising work and things of that kind.

Chairman WALSH. What is his name?

Mr. DOYLE. Walter H. Fink.

Chairman WALSH. Have you any other publicity man than Mr. Fink?

Mr. DOYLE. No; not other than such other necessary clerical help, all of our staff, the editor of our staff, our official journal in the organization, published at Indianapolis, the United Mine Workers' Journal.

Chairman WALSH. What compensation does Mr. Fink receive?

Mr. DOYLE. I think $35 a week.

Chairman WALSH. Do you keep a record of it in the books of your organization?

Mr. DOYLE. Yes.

Chairman WALSH. Have you a committee that supervises in any way the matter that is sent out by Mr. Fink to the country?

Mr. DOYLE. No; we have no committee for that particular purpose. He often consults officers about matter, asks them about information or where he can secure information or anything of that kind.

Chairman WALSH. Mr. Fink being merely an employee in your organization, whom would you say in your organization was responsible for the matter sent out in the bulletin and other publications issued by Mr. Fink?

Mr. DOYLE. Well, that would be a matter, I think, of whether or not the organization authorized the issuances of any particular statement or officially signed it.

Chairman WALSH. Well, in case of the authorization of any particular statement or bulletin, who of your organization would authorize it?

Mr. DOYLE. Well, that would depend upon what it was. Finance, I have made statements; executive, Lawson or McLennan or Hayes. By the way, Hayes was officially designated as the man who should put out statements from the policy committee when the strike first commenced.

Chairman WALSH. And did Mr. Hayes continue to perform that duty all the way through?

Mr. DOYLE. Well, he never changed, so far as I know—his being authorized by the policy committee to do so, it has never been changed. The understanding was that he would be the fellow that would give any statements from that committee.

Chairman WALSH. Now, who were the policy committee, and how were they designated by your organization?

Mr. DOYLE. Well, the policy committee was formed—at the beginning of the strike was organized by Vice President Hayes, and consisted of Hayes, vice president of the national organization; Lawson, international board member of district 15; John McLennan, president of district 15; and myself, as secretary.

Chairman WALSH. Now, that committee is the one known as the policy committee, and which authorized Mr. Hayes to give out what publicity was desired?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Who actually employed Mr. Fink—what individual?

Mr. DOYLE. I think President McLennan.

Chairman WALSH. President McLennan?

Mr. DOYLE. Yes; if I remember correctly. The Denver Republican was a morning paper here, and went out of commission, and I think at the time it went out of commission Mr. McLennan knew Mr. Fink and talked about—talked about getting some one to take care of paper matters; that he had too much himself to do, and I think it was Mr. McLennan that employed him.

Chairman WALSH. I will now hand you certain documents containing the heading, each of them, "The struggle in Colorado for industrial freedom," and certain bulletins, numbers and dates also at the head thereof, and also a pamphlet or a book entitled "The Ludlow Massacre, by Walter H. Fink, Director of Publicity, District No. 15, U. M. W. of A.," these being the ones that were handed me by Mr. Welborn. And I will ask you whether or not those were all publications issued as they are purported to have been issued?

Mr. DOYLE. The bulletins have been issued by the organization, but the book has not.

Chairman WALSH. Have you, as requested, produced before this commission copies of all those documents which I handed you?

Mr. DOYLE. I have, I believe, all of those here, Mr. Walsh.

Chairman WALSH. Please hand them to the messenger there. I wish to ask you some questions.

Take the bulletins, which are as follows: Bulletin No. 1, August 12, 1914; Bulletin No. 2, August 20, 1914; Bulletin No. 3, August 24, 1914; Bulletin No.

4, August 28, 1914; Bulletin No. 5, September 8, 1914; and Bulletin No. 6, September 16, 1914.

Mr. DOYLE. I haven't got six.

Chairman WALSH. That is entitled "Character Assassins."

Mr. DOYLE. One of the boys will get it. I will have it.

Chairman WALSH. I have a copy of it here. Will you please look at the copy I hand you and state whether or not that is a correct copy of Bulletin No. 6?

Mr. DOYLE. Yes; I believe it is.

Chairman WALSH. Bulletin No. 7, dated October 15, 1914.

Mr. DOYLE. Yes.

Chairman WALSH. And what appears to be a conclusion to some bulletin?

Mr. DOYLE. I have No. 6 here. It was inside of another one.

Chairman WALSH. Oh, yes; thank you. A conclusion of a bulletin signed "Policy Committee, United Mine Workers of America, District 15." Frank J. Hayes, international vice president; John R. Lawson, international board member, district 15, U. M. W. A.; John McLennan, president, district 15, U. M. W. A.; E. L. Doyle, secretary-treasurer, district 15, U. M. W. A." the last being yourself, and also a book entitled "The Ludlow Massacre," by Walter H. Fink, director of publicity, district No. 15, U. M. W. A." Now, I want to ask you whether or not those were all of the bulletins that were issued by your organization during this difficulty in that form?

Mr. DOYLE. Yes; I believe seven was the full number. I think that seven was the last one we have issued, and that makes the complete list.

Chairman WALSH. At this point we will take a recess until 2 o'clock.

(At this point, at 12.30 o'clock p. m., of this Saturday, December 12, 1914, a recess was taken to 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Doyle, I will call your attention to Bulletin No. 1, dated August 12, 1914, and call your attention to the third paragraph from the bottom, which reads as follows:

"When, through criminal negligence, through disobeyance of the law, through improper management and inadequate ventilation, the mine owners of Colorado kill in their mines almost three times as many men per thousand employed as the average for the United States, and four times the average of States where operators recognize the United Mine Workers of America, we believe there is something to arbitrate."

What foundation have you for that statement?

Mr. DOYLE. Why, I think the records of the State coal mine inspector's office, as well as those of the United States Mines Bureau, will bear out those facts.

Chairman WALSH. You claim those are the facts, do you?

Mr. DOYLE. Yes, sir; to the best of my knowledge they are the facts. It may be a little worse than that for certain years.

Chairman WALSH. By whom was that information furnished to the man that wrote the bulletins?

Mr. DOYLE. I don't recollect, but I presume from the State mine inspector's report and the United States Bureau of Mines pamphlets.

Chairman WALSH. Take the next page of that same bulletin, and the last paragraph reads as follows:

"In that year 14,765 men were employed. Three hundred and nineteen were killed, or an average of 21.6 per thousand."

Where was that information obtained?

Mr. DOYLE. I believe from the State mine inspector's office.

Chairman WALSH. Who obtained it from the State mine inspector's office?

Mr. DOYLE. I presume our publicity agent.

Chairman WALSH. Are you prepared to say personally whether those figures are correct or not?

Mr. DOYLE. I will say that the percentage of death rate is correct. I remember reading it myself, but don't remember whether it was 21.6 or 22 or 20.6, but I believe that is the correct figure, and it can be corroborated by referring to the department of mines.

Chairman WALSH. Was this information handed to Mr. Fink by some individual or was he supposed to acquire the information himself?

Mr. DOYLE. He would look this information up; that was his duty, to hunt this stuff up and get reports and go over them, because I know that many times he had inquired for certain information or the source from which he could secure that information.

Chairman WALSH. But where it required the consultation of Government reports, or anything of that sort, do I understand Mr. Fink would go and get that himself?

Mr. DOYLE. Yes, sir; if they were not on hand.

Chairman WALSH. Now, was there any check made of the figures obtained by Fink, by any person on the policy committee, to ascertain whether or not they were correct?

Mr. DOYLE. I think not.

Chairman WALSH. You just left it to Mr. Fink after he received his general orders?

Mr. DOYLE. Yes, sir; that was his department; he was handling that.

Chairman WALSH. Mr. Fink, I believe, has been subpœnaed to bring all those things?

Mr. DOYLE. Yes.

Chairman WALSH. Now, take Bulletin No. 2, dated August 20, 1914, the second paragraph, referring to Colorado:

"She bows her head in shame to the mourning survivors of the 84 men, women, and little children whom she has allowed to be murdered and cremated through the complete domination of her executive, legislative, and judicial and military arms by the large corporate interests."

What foundation have you for that statement?

Mr. DOYLE. I believe that is true; I believe Colorado does bow her head in shame for the murders at Ludlow. I believe that every citizen of the United States that ever heard of that bows their head in shame, and I think for good reasons they all bow their heads in shame. I believe that the general assembly has been dominated by the coal companies. I believe that the chief executive of the State has been dominated by the coal companies; I believe that certain parts of the State have been dominated by the coal companies; and I think the military, beyond question. They are riding around in C. F. & I. automobiles, and their ammunition hauled in C. F. & I. wagons, and my impression is honestly and is emphatically to that effect, and I won't change my belief until I have positive information to the contrary.

Chairman WALSH. Now, I will ask you whether—first, where did you get your information with reference to the number that you claim to have been murdered and cremated?

Mr. DOYLE. I think there is 35 that have been killed in the State altogether; that is, on the side of the strikers—34 in Ludlow.

Chairman WALSH. When you used the words "murdered and cremated," is that intended to include—the cremation part—those people that lost their lives at Ludlow?

Mr. DOYLE. I believe that the only ones cremated were those killed at Ludlow.

Chairman WALSH. Were any of those killed at Ludlow cremated?

Mr. DOYLE. To the best of my knowledge, they were.

Chairman WALSH. Some portions of their bodies burned?

Mr. DOYLE. That is what I understand. I did not see them personally.

Chairman WALSH. What was your source of information as to any of the bodies being burned?

Mr. DOYLE. I had several reports; different parties came to the office and told of it, and I have heard it said by others that the bodies were burned that were in the hole.

Chairman WALSH. The statement has been made, and I suppose that that is the reason that this is questioned, that those who were found at Ludlow were smothered, and not otherwise wounded.

Mr. DOYLE. I do not think that is true, but I did not see them myself; but I prefer to believe the statement that they were not, because it would seem almost impossible to see how they were not.

Chairman WALSH. Where was this information obtained that any of the bodies were cremated and by whom was it obtained?

Mr. DOYLE. I don't know from what individual or source—from whatever source he would be able to learn it from.

Chairman WALSH. Who would be able to learn it from?

Mr. DOYLE. The man that wrote it.

Chairman WALSH. So you say your information is that some of those bodies, or all of those bodies were burned, and that the information in regard to that was gained by inquiry?

Mr. DOYLE. That is what I understand.

Chairman WALSH. Then, the next paragraph reads, "For wanton disregard and criminal negligence of life, the Colorado coal operators have long been known."

Mr. DOYLE. I think there is no question about that.

Chairman WALSH. What is your foundation for it?

Mr. DOYLE. The very fact that there are more casualties in the mines in Colorado than anywhere else per thousand employed; and you can take any average miner who has worked in those mines and he will practically give you the same idea of it.

Chairman WALSH. By whom was this information given to the person who wrote this bulletin, and who would you say was responsible for it; for the statement?

Mr. DOYLE. I would say that the party writing it was responsible for it, but I don't know what particular individual he got it from. I think that is usually understood to be the case in southern Colorado, and is, in fact, one of the things that has caused unrest and dissension, and has made the men join in the organization to help stop it.

Chairman WALSH. Do you or do you not stand by that statement as presented in that bulletin?

Mr. DOYLE. I do personally; I think it is right.

Chairman WALSH. The next paragraph is as follows: "Gerald Lippiatt, union organizer, was the first to pay the death penalty for fighting corporate greed in Colorado. He was murdered by George Belcher, a notorious Baldwin-Felts thug, on the streets of Trinidad, August 16, 1913."

What authority have you for that statement?

Mr. DOYLE. Why, he is dead and buried, and Belcher is arrested for his murder. And I learned it the next morning by press reports, and confirmed it by phone, later, that he was killed by that party, and I know I went to his funeral, and know that he was buried.

Chairman WALSH. Well, the statement that the deceased was a "notorious Baldwin-Felts thug." What is your authority for that?

Mr. DOYLE. Not the deceased, was it?

Chairman WALSH. No; I mean the man who killed Gerald Lippiatt?

Mr. DOYLE. I understand Belcher was one of the gunmen that participated in the outrages committed against the men in West Virginia, and came here; and I think that is a very appropriate title.

Chairman WALSH. What authority have you for the statement that he was in the employ of the Baldwin-Felts Detective Agency?

Mr. DOYLE. That is the general understanding; that he was brought here by them. I believe, if I remember correctly, that he testified to that effect himself.

Chairman WALSH. At what place?

Mr. DOYLE. I think before the congressional committee, that appeared here.

Chairman WALSH. Do you personally stand by that statement.

Mr. DOYLE. I think it is correct.

Chairman WALSH. Now, take the next statement:

"When, on September 23, 1913, 11,232 of their employees struck to obtain their political and industrial freedom by enforcement of then existing laws, the operators laid aside their former excuse that the murder of the men in the mines was 'accidental' and set about to willfully exterminate the strikers and their families."

First, were there 11,232 of their employees striking?

Mr. DOYLE. To the best of my knowledge, there were.

Chairman WALSH. Now, then, who is responsible for the statement that follows that: "The operators laid aside their former excuse that the murder of their men in the mines was accidental and set about to willfully exterminate the strikers and their families."

Mr. DOYLE. The language, the writer is responsible for. But I think it will be borne out by the facts. Mine guards deputized deputies to shoot into the tent colonies, turned the machine gun loose on them, that is certainly sufficient evidence to show that there was an attempt to exterminate strikers and their families after the strike was called.

Chairman WALSH. Now, then, do you accept responsibility for the statements contained in that paragraph?

Mr. DOYLE. I think that the language of it—I am not asked to accept the responsibility of the language; but I will say that to the best of my belief it is correct.

Chairman WALSH. That was written by Mr. Fink, was it?

Mr. DOYLE. Undoubtedly. He was the publicity agent at that time.

Chairman WALSH. The next paragraph reads as follows:

"More than 1,000 gunmen."

Were there more than 1,000 gunmen in the district?

Mr. DOYLE. That would be pretty hard to say. There were—whether there was more than a thousand, it looked like there was a great number; they were very plentiful.

Chairman WALSH. Whose estimate as to the number was that?

Mr. DOYLE. I really don't know.

Chairman WALSH. Who would be responsible for that statement?

Mr. DOYLE. Well, whoever made it. If anyone made it to the writer, I presume it would be him.

Chairman WALSH. That would be Mr. Fink?

Mr. DOYLE. Yes.

Chairman WALSH. Or whoever gave it to him?

Mr. DOYLE. Yes.

Chairman WALSH. The statement that more than 1,000 gunmen appeared in the State is made, and then it follows:

"Among these were many of the Baldwin-Felts detectives, who had manned the "Bull Moose special" in West Virginia and shot down men and women and babes at their mothers' breasts."

What is the foundation, if any, for that statement?

Mr. DOYLE. I understand that the Baldwin-Felts detectives—one of them had the charge of what was called the "Bull Moose special" in West Virginia, a train that went up through the striking miners' tent colony with bullets in an effort to drive the men into working without their organization; and, no doubt, as they testified, believe me—my belief is that these men—they brought men from that agency to the strike here, and I presume that is the ground that that is based on. I really don't know. I am not the author of it.

Chairman WALSH. The next paragraph, the second from the bottom:

"Fitted with a machine gun and manned by five imported murderers, this 'death special' was driven at top speed through the tent colonies, shooting among the women and children."

That refers to the matter in West Virginia, does it?

Mr. DOYLE. Well, I don't think so. I would imagine that they were referring to the armored automobile that was used here, because it says "five."

Chairman WALSH. I see. The paragraph just above that.

Mr. DOYLE. There would be more than five persons. The testimony before this senatorial committee that investigated the West Virginia situation showed that more than five persons were on that train. I would think from that that this would mean this one here, this special they had down here, the "death special," the armored automobile with the machine gun on it.

Chairman WALSH. How do you know it was manned by five imported murderers?

Mr. DOYLE. Well, I don't know about the five imported murderers. But I do know it was armed by a number of men, by gunmen known as Baldwin-Felts—at least some of them. I saw personally a few of them. I saw them that came to Forbes when they made their raid there.

The last paragraph——

Chairman WALSH. The last paragraph on that page:

"Matt Powell was killed October 9, 1913, when the gunmen attacked the Ludlow tent colony."

Is it or is it not a fact that Mr. Powell was killed by strikers?

Mr. DOYLE. Why, no. I understand he was killed by mine guards. I understand he was working on a ranch, and was riding through there—was after cattle or something—when the tent colony was attacked, and that he was killed; but whether it was intentional or otherwise I don't know; but my understanding of it is that the mine guards killed him.

Chairman WALSH. Where would we get the accurate information?

Mr. DOYLE. Well, I would think——

Chairman WALSH (continuing). Where did you get the accurate information?

Mr. DOYLE. My understanding of it is from talking to people down there at the office—reports they would get, for instance, on the phone. And I believe that the coroner's inquests that were held, witnesses that testified before the coroner's inquests and gave testimony, and got information sufficient to lead us to believe that was absolutely correct.

Chairman WALSH. On the following page:

"One of the most dastardly attacks made by these thugs was that at Forbes, October 17, 1913. The machine gun was trained on the tent colony. When the smoke cleared away, Luke Verhonik was dead and a boy had been shot in the leg nine times."

What is your authority for that statement, who is responsible for the facts as stated there, or the alleged facts?

Mr. DOYLE. Why, it is common knowledge down there, as far as I know, that the tent colony was attacked on the 17th of October, and this man killed, as referred to here, and this boy shot nine times in the leg. Since that I have been down there—right a short while after, I should judge—and I have had miners there tell me and explain to me the matter themselves; and would show me where this machine gun stood, and where this armored auto stood that had the machine gun complained of here, and I think they turned it on the tent colony. I looked over the furniture, and saw the tables and utensils, kitchen utensils, and one thing and another, all shot full of holes; and there was the tent of John Ure, that went all over the country from Ludlow and demonstrated what was really done. I believe it has 147, I think, holes, machine bullets, in that tent, was the number counted in it, and that has been shown across the country at different places, demonstrating it was there. But I understand this man was killed, and in fact was told he was; was shown the spot where he was supposed to be found laying; and this young boy that was shot in the leg—I never have seen the young boy I know of, though.

Chairman WALSH. Who is responsible, or do you know from whom Mr. Fink received the information upon which he based this?

Mr. DOYLE. No. A great many important facts—a great many had given facts, and I do not know what particular individual's statement he would decide on to use.

Chairman WALSH. The next paragraph reads as follows:

"On October 24, 1913, operators' gunmen, with their high-powered rifles, made an attack on the strikers in Seventh Street, Walsenburg, Colo. Three union men—Kris Kokich, Andy Auvinen, and Cisto Croci—were killed."

What authority have you for that statement?

Mr. DOYLE. My understanding is that that occurred down there; that those men were killed on Seventh Street; I don't know whether those names are correct or not, because I don't know the individuals, but I think I have here, if I can locate it, some testimony taken concerning that. It is quite lengthy. Do you want it?

Chairman WALSH. Where was it taken?

Mr. DOYLE. Wait until I find the heading of it. [Witness refers to papers.] The heading of this says, "Seventh Street shooting."

Chairman WALSH. Where was the testimony taken?

Mr. DOYLE. I believe in Walsenburg.

Chairman WALSH. By whom?

Mr. DOYLE. Evidence of Albert Zink. Doesn't say by whom. I don't know whether a coroner's jury took the evidence or whether it was in a private investigation. I have got it in the office, and I didn't know but what it might be desired here.

Chairman WALSH. I wish you would ascertain by whom that testimony was taken.

Mr. DOYLE. I will try to do so.

Chairman WALSH. And submit it, if you claim that that is the basis of the second paragraph.

Mr. DOYLE. I do not know that that is the basis of that particular paragraph. I ran across it, and thought it might be useful here.

Chairman WALSH. The next paragraph—who is responsible for the alleged facts contained in that second paragraph?

Mr. DOYLE. That is the one we are just speaking of?

Chairman WALSH. Yes; the Seventh Street incident.

Mr. DOYLE. Well, whoever gave him the facts in the matter.

Chairman WALSH. Well, does or does not the policy committee accept the responsibility for the alleged statement of facts?

Mr. DOYLE. The policy committee instructed him to get up these bulletins on these matters and directed him to get the information from whatever source he could, believing the information when secured.

Chairman WALSH. What instructions were given him as to the accuracy of any statements that were published?

Mr. DOYLE. I do not know as there was any particular written instructions given, but it was understood that he should seek every source to find proper information to get the facts to present them.

Chairman WALSH. The third paragraph, which reads as follows:

"But the most infamous attempt to exterminate the strikers was made on April 20, 1914, when two companies of the operators' gunmen, who had recently been enlisted into the Colorado National Guard, and under the command of Maj. Pat Hamrock and Lieut. K. E. Linderfelt, deliberately attacked the Ludlow tent colony."

What is the basis for that statement?

Mr. DOYLE. I think the various investigations—I do not know which particular one or which group of investigations he would base his decision upon in writing that paragraph. But my personal opinion or my personal idea of the matter is that it was—the colony was deliberately attacked and purposely set on fire. I understand that one of them—that about the second or third day, that would be the 22d or 23d of April, made the statement that he personally heard Maj. Hamrock give orders to burn the tents; and I have here a letter published in the Trinidad Free Press, printed at Trinidad, Colo., Thursday, October 29, 1914, coming from one who is accredited with having been a deputy sheriff, and present at the time of the Ludlow fire, which I think will throw some light upon it, if the committee wishes it read.

Chairman WALSH. Is it a long letter?

Mr. DOYLE. It is.

Chairman WALSH. Suppose you just submit it for the record, unless the commission wants it read.

Mr. DOYLE. It wout' take very long to read it.

Chairman WALSH. How is that?

Mr. DOYLE. I can read it, and you can take this copy of it, without trying to catch it, as fast as I read it.

Chairman WALSH. All right.

Mr. DOYLE (reading):

CHICKASHA, OKLA., *October 26, 1914.*

To the FREE PRESS, *Trinidad, Colo.*

DEAR SIR: As so many people have recently and still are asking me for a statement concerning the late affair at Ludlow on April 20 last, they knowing I was there in the interest of the sheriff's office, and having married and cast my lot with you people for some 15 years, and having the best interests and welfare of the community at large in both mind and heart, feel it my duty to give the public a statement of that awful affair.

Therefore I want to say in short that, as you know, my interest and sympathy through many years of training was not and is not yet with the organizer and agitator, so termed, but I also want to say to you that it is not with the murderous thugs, such as the Baldwin-Felts agencies produced, nor is it with your State militia, where men can belong to two militias in two different States within the same year, namely, West Virginia and Colorado, nor when its officers will accept and take money from any person or persons, corporation or corporations, to do their bidding, regardless of right or wrong, and all this, to my knowledge, has been done.

Now, back to the fight at Ludlow. I do not know of my own knowledge how the fight started, but I do know that when I got there the fight was going on, and after the strikers had been driven back to the hills an order came from Maj. Hamrock to burn the tents. I then went to Capt. Carson and later to Maj. Hamrock and asked that he let me go and get the women and children out of the tents. This they refused to do, saying that the women and children were no more than dogs, or they would not be striking and living in tents, and for me to tend to my own business. Further protests on my part invoked a threat to have me killed, and this they tried to carry out, just as they had Louis, the Greek, and two others killed while they were being held as military prisoners. But it is sufficient to say that after turning their machine guns loose on the tent colony they burned the tents under orders of Maj. Hamrock and led by Capt. Carson and Lieut. Linderfelt.

I want to state further that, anticipating something of this kind, knowing the bunch like I did, I went to Sheriff Grisham, in the presence of Attorney F. W. Clark, and pled with him to give me the authority to stop the fight and prevent the burning of the tents. This he refused to do. Later I was let out of the sheriff's office, accused of being a double crosser; and I want to say right here

that if protesting against the actions of such hell hounds is treacherous and double crossing, then I have been guilty of all they accused me.

Now, I want to say to my many friends and acquaintances, don't be duped in the coming election by the false promises and bribes of the old Republican gang, who have not only stood for, but have contributed to the many crimes that have been perpetrated upon the public in the past.

Respectfully,

O. C. EDGAR,
For 12 years Deputy Sheriff of Las Animas County, Colo.

I think that information that comes like that at different times is perhaps what that statement is based on.

Chairman WALSH. I see the next paragraph says:

"Machine guns had been placed in position two days before. Using them like garden hose the gunmen swept the tent colony filled with women and children from one end to the other."

What is the basis, if any, for that statement?

Mr. DOYLE. I do not know.

Chairman WALSH. The evidence here seems to be, the only evidence that I recall is that one machine gun was taken over there a short time before this occurred, and on the same morning.

Mr. DOYLE. I do not know. But I presume the committee will, before they go away, get some men actually from Ludlow, so that they can tell the real straight matter.

Chairman WALSH. I am confining it to the alleged facts now.

Mr. DOYLE. I see.

Chairman WALSH. And trying to ascertain where you get your information for your publicity.

Mr. DOYLE. Yes.

Chairman WALSH. Mr. Fink would know about that, would he?

Mr. DOYLE. I presume so.

Chairman WALSH. You don't know any more about it?

Mr. DOYLE. No.

Chairman WALSH. The next paragraph, "Louis Tikas, leader of the Greek strikers, and James Fyler were deliberately murdered while prisoners of the gunmen-militia."

What is your basis for that?

Mr. DOYLE. Whoever gave the information for it. It is my impression anyhow that that is correct.

Chairman WALSH. The information would have to be obtained from Mr. Fink, the source of that information?

Mr. DOYLE. Yes.

Chairman WALSH. Then the next paragraph: "That night the tent colony was set afire with oil-soaked torches and burned to the ground."

What authority is there for that statement?

Mr. DOYLE. I do not know from what sources as to all the statements he got his particular information; but some one did phone from down there, out here, right after the tents were burned, to the office, I remember, and saying that the tents were burned, but who it was, I don't recall. But I remember hearing that myself; some one phoned me that some one else had got that information.

Chairman WALSH. The next paragraph reads:

"Red Cross nurses who went to Ludlow to administer aid to the injured and take care of the dead were driven back by the gunmen-militia with explosive bullets."

Mr. DOYLE. I understand, and that is my impression that that is correct. I have been told or heard it several places, several different times.

Chairman WALSH. By whom?

Mr. DOYLE. Well, in talking to different men down there in the field, and on the phone. I was told on the phone, I think, or either got the information myself, got the statements by phone from down there that the Red Cross was driven back; or one of the newspaper people who was in our office using the phone to try to get corroboration of different statements.

Chairman WALSH. Did you give that information to Mr. Fink, the publicity man?

Mr. DOYLE. No; not that I know of. It was generally talked around the office; perhaps he got it from some one else.

Chairman WALSH. The second paragraph after that one:

"In one cave, the 'Black Hole of Ludlow,' were found the charred and distorted bodies of 11 little children and 2 women."

Mr. DOYLE. I think that that is all common knowledge.

Chairman WALSH. Where did you get the information?

Mr. DOYLE. My information is from common report, talking to various people. I believe that everything of it is correct. I have talked to a number of miners down there, and they say 2 women and 11 bodies of children were there. I don't think anybody disputes but what they were, and that they were dead. I have pictures of the caskets being in the funeral, on the wagon, and burying them all at one time.

Chairman WALSH. And your reply as to whether or not they were burned or cremated, is the same as your reply to that question when I asked you in regard to the other question?

Mr. DOYLE. Yes.

Chairman WALSH. On the next page is a statement of the names of these women and children, the dead persons—and on the outside it says, "Murdered and cremated by the gunmen militia in the Ludlow massacre, April 20, 1914." That would seem to indicate that all of the persons named, beginning with Elvira Valdez and ending with John Bartolett, were murdered and cremated.

Mr. DOYLE. I don't think that that is the intention of it, because I do not think everybody was cremated.

Chairman WALSH. Make your explanation of it.

Mr. DOYLE. My own explanation is that some of those were murdered and cremated; that is, I believe they were all murdered, but perhaps not all burned.

Chairman WALSH. And yet the way the matter is printed it is such that a casual reader not acquainted with the facts would believe that all of those persons had been cremated by the gunmen militia in the Ludlow massacre.

Mr. DOYLE. At first reading I believe it would.

Chairman WALSH. Following down, and beginning with the name Kris Kokich, Andy Auvinen, and Cleto Croci, murdered on Seventh Street, Walsenburg, October 24, 1913, when operators' gunmen attacked strikers; that is the same Seventh Street incident, is it?

Mr. DOYLE. Yes, sir; I understand that is.

Chairman WALSH. And your same answer would apply to that, would it not?

Mr. DOYLE. Yes; I would look that information up and see what witness's testimony that is that I have.

Chairman WALSH. The next paragraph:

"Gus Marcus, died in Walsenburg, January 5, 1914, from rheumatism, contracted through inhumanity of Colorado Militia."

What is the basis of that statement?

Mr. DOYLE. I believe that a doctor at Walsenburg makes the statement that that is a fact.

Chairman WALSH. Did he make the statement to you?

Mr. DOYLE. Why, I think he wrote it, and I think that it was accepted as the truth down there. I believe that that is where that came from.

Chairman WALSH. Do you know whether or not you gave the information to Mr. Fink?

Mr. DOYLE. I really don't know, but I could easily find out whether the statement is in our office or not or whether it is in the other office. I could find out the doctor's name.

Chairman WALSH. "Eugene Chaves, killed by gunmen at Hastings, March 14, 1914." Is it not a fact that he was killed by strikers?

Mr. DOYLE. I do not know.

Chairman WALSH. Do you know any of the circumstances of the killing of Eugene Chaves?

Mr. DOYLE. No; nothing except what I have read in the papers.

Chairman WALSH. Do you know where the alleged information was gained that is contained in that statement in this bulletin?

Mr. DOYLE. No; I do not. I do remember that name, but I don't remember the first name; I remember reading the last name in the paper of a man by that name being killed.

Chairman WALSH. Bulletin No. 3, dated August 24. There are a number of statements in the bulletin with reference to the governor of the State which I have been asked to interrogate you about. This bulletin was written by Mr. Fink, was it?

Mr. DOYLE. I presume so. I think all of them were.

Chairman WALSH. Have you read this over?

Mr. DOYLE. I don't remember whether I have or not. What is there about it particularly?

Chairman WALSH. It begins: "The writer of this bulletin was raised in Pennsylvania." Does the writer of that refer to Mr. Fink?

Mr. DOYLE. I think so; yes, sir.

Chairman WALSH. And do you know where Mr. Fink obtained the alleged facts that appear in this bulletin?

Mr. DOYLE. Let us see what they are first [reading]:

"Ammons is the person who, because he owns property in Routt County, tried to threaten and compromise both strikers and operators to effect a settlement of the strike in that section."

I do not know about the language, why he used this particular language, but I do know about the facts upon which that is based.

Ammons made the statement to me that if we did not permit the mines in Routt County to operate on the settlement that he had in mind, that somebody would be sorry for it. Mr. Prentiss, an operator in that county, made the statement to me, in the presence of Frank Garnier, of Lafayette, they could not sign up and recognise the union; that they would except for the pressure that the governor was going to bring upon them to try to have a settlement secured for that county, because of the particular circumstances surrounding the county.

I am satisfied that the governor used all that pressure that was possible in making his statement as strong as it was when he made the statement that the people responsible for not having a settlement in that county, which was to be a settlement without recognition of the union, would be sorry for it.

I think that is where he got the basis for the statement. I stand back of the statement that Ammons did make the statement that the people responsible for failure to settle without recognition of the union in Routt County would be sorry for it.

Chairman WALSH. Just go on through and state what ones of those allegations you claim to have any facts within your knowledge about; and if you do not have the facts, please refer the commission to where they may be obtained.

Mr. DOYLE. The second, the next paragraph. Do you want me to read it?

Chairman WALSH. Yes. That is, if you have the information.

Mr. DOYLE. I can state just where I can get that information. This is concerning the riding down of the women.

Chairman WALSH. Yes.

Mr. DOYLE. At Trinidad. I understand that Sarah Slater will be subpenaed before this commission, and I think that she can give the better information. I believe that is based upon her testimony before the congressional committee, as well as before the committee appointed by the Colorado State Federation of Labor, at the suggestion of Gov. Ammons.

The next one, with reference to the governor: "Ammons is the person who suggested that a committee of the State Federation of Labor"—he did suggest that, and my information is that when a wire was sent by that committee to the governor, asking the removal of Lieut. Linderfelt for slapping a boy, that such action was not taken. I think that statement was made by one of the committee themselves, and the record will bear it out. I think that is where he got that, from that investigating committee's report.

The next, I think, is correct. Based upon general information that Ammons is the person who set aside constitutional government in the strike district, and who denied free speech, the right of trial by jury, who allowed the notorious third degree to be used on military prisoners in an effort to incriminate officers of the strikers in matters in which they had no connection. I will say that I believe every word of that is absolutely true, and give my reasons for it. Men were thrown in jail without trial by jury. They were third degreed, and free speech was denied. Ammons, as the chief executive of the State, permitted by reason of the bringing of the military in the field, and letting them do anything they desired to do, and when you complained about it, would say, "I don't know. I will make an investigation." That is all I ever heard of it. I will state my own personal experience with the military in that connection, which goes to show that there is no form of control. They would throw you in jail and when they got ready they would let you out.

In November, 1913, after this commission had been bringing prisoners and others before them, I went to Trinidad to go to that city and to other camps to tell the miners that the commission was a self-appointed body—had absolutely no authority in the law—and that they should not answer a single, soli-

tary question; that they should tell the men that they should not answer a question. I went to Trinidad, and on the 25th of November addressed a large meeting of the miners in Trinidad in a hall, and told them I came for that purpose, and for them to pay no attention to the military authority; that they were just a police guard; that there was no difference between a policeman and these fellows, except that these fellows had rifles and the police had clubs and revolvers; that these fellows were here for that purpose, and that was all the military was for, for police service. That they could not cross-examine you, or anything else, and not to give them any opportunity, and to answer no questions.

The result was that the next morning about 10 o'clock Gen. Chase used deceit to get me to come to his hotel. He sent down one of his lieutenants, who told me that Gen. Chase wanted to know if he could see me at the hotel. I said, "Certainly, as soon as I get through with my work." I worked for about three-quarters of an hour, and went to the hotel with Congressman Kindel. Congressman Kindel was going out to investigate the facts and circumstances and conditions in the field. I had arranged for an automobile, had already ordered it to take him out; so this lieutenant, Congressman Kindel, and myself went to Gen. Chase's room. Gen. Chase had left there and gone into the commission's room. We sat down and got to talking about general things, and Mr. Boughton sat down and asked me some questions. I talked to him like I would to anyone else. He wanted to know if I didn't know that Zancanelli murdered Belcher, if I wasn't implicated in it. I says, "What do you mean? Are you questioning me as a matter of law, or commission, or what?" He said, "Yes." I said, "You can't do that with me, that's why I am down here, to tell these people not to do." Well, he did not seem to be pleased with that statement. He said [addressing chairman], Didn't you ask me about that?

Chairman WALSH. Yes, just give us the facts upon which you base your statement that there was no constitutional government down there?

Mr. DOYLE. I base it upon this, to show that there is not any constitutional government down there, when they can do those things.

Chairman WALSH. While you are on that point, without going into the entire matter any more than you can help, just state what was done, what was the result.

Mr. DOYLE. Well, the result was that after trying to frighten me into making any statement he wished me to make in connection with that murder he said, among other things, "If you are at all a patriotic American citizen, tell all you know about it, tell me the man's name, make a clear confession of that, and tell me everything about it." I laughed at him and told him that he could not work that kind of a gag on me.

Gen. Chase, in his cowardly way, leaned over the table and whispered into Boughton's ear. Boughton said to put him in jail until I was willing to answer questions. He did not tell me to go to jail. No. He asked me up there as a citizen to see him. Then Boughton immediately said: "Take this man and lock him in jail until he is ready to answer questions."

I tried to discuss the matter with him, and I says, "Is martial law declared here?" And he said, "Yes, sir." I says, "Do you mean to tell me that is to take place of the civil courts?" He said, "We will have no academic discussion. You will go to jail until you are ready to answer the questions." I said, "I am not in any hurry to go." I of course had to go——

Chairman WALSH. Where did you go to?

Mr. DOYLE. To jail; they locked me up in the city jail.

Chairman WALSH. Did anyone accompany you to jail?

Mr. DOYLE. Yes, two soldiers. And when I got out that night—the governor let me out, sent a special order down to Trinidad as the governor instructed to be done, and I went over to the district attorney the next morning, and I said, "Have you any charges here against me? If so, I will answer them. I want to appear if you have any." He has never had any, just a pretext—no constitutional government, simply taking a man and putting him in jail and keep him there for no reason at all. I suggested that the committee would not go any further with the negotiations until the governor released me.

Chairman WALSH. Were you going any further?

Mr. DOYLE. But to show there is no constitutional government: When this committee broke off negotiations with the operators, I was informed by a fellow who was informed by a private from Gen. Chase's office that Gen. Chase had ordered them to take me. That is the information I got, whether those are the words the general used or not I do not know. I came to Aguilar the

next morning. I spoke at a meeting and left that night and was going to come in at a certain time; but I had a lot of business to do, and I heard about this, and I cut across the country and caught a train to Denver. The soldiers—there was a detachment of soldiers at the outskirts of town at 6 o'clock when the automobile came in; they missed me and arrested and jailed all in the auto. So if that is constitutional government it is not what I call it.

Chairman WALSH. Without going over all that, state what the authority is for any statements you have made there, and unless you have the facts in your possession, tell who the commission can get that from.

Mr. DOYLE. Yes.

"Ammons is the person who, as the commander in chief, allowed the imported gunmen of the operators to be recruited into the Colorado National Guard."

If I remember correctly, mine guards testified before the congressional committee that that was a fact. One testified in particular that when he was sworn in as a mine guard he had the fingers off of one hand. One man called the officer's attention to it, who was doing the swearing in, to the fact that he had his fingers off one hand, and perhaps that was not according to law, and he should not be permitted to enlist. And the officer turned his head away and said, "I can't see anything wrong with his hand," and was not looking in the direction of his hand. I remember that distinctly. I think you can get that from the congressional committee's record.

"Ammons is the person who, when he did return, was too cowardly to meet the citizens of his State, some of whom he had slaughtered, who left the train 20 miles from Denver and sneaked into Denver under cover of darkness like a cowardly yellow dog."

The part about "too cowardly," I think, refers to getting off a train before coming to Denver. I think that was published in the press.

Chairman WALSH. The language there is the language of Mr. Fink?

Mr. DOYLE. Yes; undoubtedly.

Chairman WALSH. Was it submitted to your policy committee before it was published?

Mr. DOYLE. Not that I remember of.

Chairman WALSH. What was the date of that, August 24, 1914?

Mr. DOYLE. The bulletin?

Chairman WALSH. Yes.

Mr. DOYLE. Yes.

Chairman WALSH. Do you not think that the language used there was improper language and would tend to excite further irritation and would be mere abuse of the governor?

Mr. DOYLE. Well, I think that the language used is more in a figurative sense, to use the expression in itself, uncovering the means or methods used to return to the State, for fear he would be held responsible by the citizens of the State upon his arrival for what had occurred at Ludlow.

Chairman WALSH. Proceed.

Mr. DOYLE. This La Veta matter, referred to here, I have read of it in the press, and know that there is such a case.

Chairman WALSH. Where is that, please?

Mr. DOYLE. On page 3 or that same bulletin: "Four men were shot at La Veta, but none knows who did the shooting." That trial, I understand, is set for hearing. It is a fact that there is some such shooting and certain men charged with having done it. That comes up for trial in January in Pueblo.

Another of those—the names of the parties testifying before the State investigating committee and the congressional committee could be found in those records making statements that stuff could be based upon.

Chairman WALSH. Are there any alleged facts in that bulletin for which you will accept responsibility?

Mr. DOYLE. I would not accept responsibility for anything but what I knew was correct.

Chairman WALSH. And you have gone through all——

Mr. DOYLE (interrupting). I hastily glanced it over.

Chairman WALSH. That, however, you say was written by Fink also?

Mr. DOYLE. Yes; all of these were.

Chairman WALSH. Now, Bulletin No. 4, dated August 28, 1914——

Mr. DOYLE (interrupting). I might add before you get there that the doctor's name is Dr. Abdon Azure, of Walsenburg, who gave the committee of the Colorado State Federation information concerning the men who died because of the inhuman treatment in the jail at Walsenburg.

Chairman WALSH. Now, on the first page of Bulletin No. 4, dated August 28, 1914, the second paragraph from the bottom, it reads:

"Let us take, first, the political oppression of the miners. For years the Colorado Fuel & Iron Co. and other large corporate interests have absolutely dominated the politics of Huerfano and Las Animas Counties."

Briefly, what is your authority for that?

Mr. DOYLE. Again I do not know which particular case he based it upon, but from general information I personally believe it to be correct; and any citizen who has lived any length of time in those counties, and who is willing to tell the facts as they exist, will say the same. Of course, any member of a gang will not tell anything about it. It is notorious and known all over the country; in fact, the "kingdom of Huerfano" is referred to, and Farr is called the "king of Huerfano County;" and I have heard it said that they vote sheep down there. The Mexican senator from down there—Barella—I understood, in getting in some sheep early in the fall—some of them got out of the wagon, and some boys were herding them up—and some one said: "You are getting them in too early; the election is not until November." Everyone understands it; they are absolutely controlled by gangs for the benefit of the coal companies.

Chairman WALSH. It says here, "Those interests have placed in office whom they thought would serve them best." Do you know any men they have placed in office?

Mr. DOYLE. I think the majority of them were put in by the gang's work, and they served them well after getting them in.

Chairman WALSH. "They have influenced the courts and legislatures. They have made justice unknown to him who did not belong to their political gang. The Colorado Fuel & Iron Co. has for 30 years had the power to acquit or convict, to send its enemies to the penitentiary or to let its friends go free."

Mr. DOYLE. I think that is all true. I might state in that connection that while sitting before this commission as a witness that I have been advised by counsel to testify to nothing that could be used in the conspiracy charge under which I am now, just because it could be used; and there is no doubt that the power of the Colorado Fuel & Iron Co. and the Rockefeller interests can send anyone who testifies against them to the penitentiary if they made up their minds to do so.

The district attorney testified here how the men can not get justice for injury received in the mines, and the methods concerning the juries. In the case of the Seventh Street shooting there were 11 Mexicans and 1 American on the jury; and everyone knows that there were enough Americans to sit on a jury—to sit on that jury—it is common knowledge. It is like asking a man what air is. We all know what it is; we all breathe it. Of course, if most of us were asked to give a technical explanation of what it was we might not be able to do so, but we all know what it is. It is like asking a man what air is or what water is; all of us know it.

Chairman WALSH. The third paragraph from the bottom:

"And then let us take the matter of weights. Witnesses appearing before the congressional investigating committee testified that they had always been robbed of from 700 to 1,400 pounds of coal on every car they mined. When they complained to the superintendent they were either discharged or told that 'it was orders.'"

What basis have you for that?

Mr. DOYLE. The witnesses before the congressional committee.

Chairman WALSH. Was there such testimony?

Mr. DOYLE. I understand so; and my own experience in Colorado itself, while it is not in the southern field I have been working, yet what they do in the north they will do in the south, and I believe it is worse in the south than in the north, and it was bad enough in the north. I have been searching my files trying to find a letter from a superintendent to a man telling him that it is customary that the boiler coal be given free, and for him to see that sufficient coal is had without charge; ordering the man to steal enough coal to run the plant with. I have not been able to find the letter, but I know it exists. And I can tell my own personal experience.

Chairman WALSH. Have you any other experience upon which you base this, other than that which you detailed at the beginning of your examination?

Mr. DOYLE. Yes.

Chairman WALSH. State the facts you claim that is based on.

Mr. DOYLE. I will cite a case where the weights were robbed at the Strathmore mine. The company took or had a gain of 106 pounds a car over the miners on the tare weight of the mine car. I heard about this, and I examined the scale and found two little hand weights on the scale had been turned over and loaded. They make them heavier than they should be, and they grind them out on the bottom, and those holes that had been ground out were filled with lead and painted over. I want to get that case in the record.

Chairman WALSH. Where was that?

Mr. DOYLE. At the Strathmore mine at Lafayette, which is an independent mine; but there is no doubt that it occurs elsewhere.

Chairman WALSH. What do you mean by an "independent mine"?

Mr. DOYLE. A mine not run by the big companies like the Colorado Fuel & Iron or the Victor-American.

Chairman WALSH. Then this paragraph:

"A law forbidding the paying of men with scrip in lieu of lawful money, making it illegal to compel men to trade at the company stores or live at company boarding houses, was passed in 1899. Company men testified before the congressional committee that scrip is being used by the operators to-day. Men who refused to trade at the company store or live at the company boarding house were either discharged or given such a poor place in the mine that they were forced to leave on account of not being able to make a living."

What operators testified to that before the congressional committee, or what company men, rather?

Mr. DOYLE. I can not recall any particular names, but I believe they could be found by looking them up. I believe that must be based on that evidence, but I will say that I have some statements concerning the company stores, if you want it here in the record, showing that men saved $5 on $30 by coming to Denver to buy goods. One man did that, and he was fired after coming to Denver.

Chairman WALSH. How many cases of that kind have you?

Mr. DOYLE. Two.

Chairman WALSH. Give any statements that will tend to substantiate any portion of what is found in that paragraph.

Mr. DOYLE. I would prefer to give a full statement—make a full statement and hand it in to the stenographer.

Chairman WALSH. Very well.

Mr. DOYLE. I will do that.

(See statement of William J. Yount in subsequent testimony of Mr. Doyle.)

Chairman WALSH. The third paragraph from the top on page 3, which is the last page of the bulletin, is as follows:

"In that same year, 1899, another law was passed making it unlawful for an employer to prohibit his employee from joining a labor organization. When the strike of 1904 was called off, 6,000 miners who belonged to the United Mine Workers were blacklisted. Many of these men have never been able to obtain a job. It is common knowledge that whenever a miner was found to have joined the union or to even sympathize with its purposes he was not only sent 'down the cannon' but blacklisted, which meant that he could not obtain work in any coal mine in Colorado."

Mr. DOYLE. I believe that is all correct. I have heard Lawson say—and he has been in the field more years than I have—that 6,000 were fired; and Mr. Field, who has been here longer than I. And I have a document that I want to read into the record that shows that the coal companies, who say they permit their men to join the union but won't recognize it, are testifying falsely when they say they have always done that, and that three years after the law was passed making it a crime for anyone to prohibit a miner from belonging to a union, that document was still in print, and it was to this effect:

"The undersigned hereby applies to the Victor Fuel Co. to be employed by said company as ——— in its mines at ———, Colorado, and as a condition to being employed by said company, represents and promises that he will not form, or be interested in forming, or join or belong to any labor organization, union, or society, and that before entering into the employment of said company, and as a condition to being employed, he will withdraw from and renounce all membership in, and obligation or allegiance to, any and all labor organizations, unions, or societies, and especially the organization known as the United Mine Workers of America.

"Should said company employ me, it will be upon the conditions, representations, and promises herein contained, and if, after such employment, it should appear that said conditions, promises, or agreements, or any of them, have been

violated by me, or that the representations, or any of them herein made, are untrue, any and all claim or claims, or rights, which I might otherwise have, to be paid for coal mined or labor performed, and which remains unpaid for, shall be forfeited to said company, and said company shall be, and hereby is, released and discharged from all liability therefor.

"Dated this —— day of ———, A. D. 1900."

Chairman WALSH. Where was that obtained?

Mr. DOYLE. I have had it since I came to Colorado. I got it from a fire boss by the name of Carroll, who told me he had got it in southern Colorado, and that the men had signed it when they obtained employment. I understand that in late years, since they have become civilized, they have quit that, and they don't have the men sign this any more, but they use secret methods, and they all substantiate that.

I would like to read into the record a report—a letter written on a typewriter and signed "M" on the typewriter. It was sent from some detective agency in Denver to some employee in Fremont County, with reference to keeping men from belonging to the union. It reads as follows. It is addressed to No. 8. Some detective, probably, dated Denver, Colo., May 12, 1913:

"No. 8.

"DEAR SIR: Referring to your report in regard to Nick Gormacio, barber in Williamsburg, and who you stated was employed at the Rockvale mine, Mr. Weitzel informs me that he has no one by that name on his pay roll at the Rockvale mine. Please advise me by first mail, if possible, whether this is the way this man spells his name; also where he works, what he is doing, and give his check number, if possible; also give an accurate description of him, stating age, height, weight, complexion, whether smooth shaven or wearing beard or mustache, and any marks if he has any.

"Also advise whether or not he works regularly when the mine is running and, if so, who looks after his barber shop in Williamsburg while he is working. It is necessary that we have this information.

"In the future will be pleased to have you give all the information possible whom you report, stating where they work, what they are doing, check number, if possible, etc. It is necessary that we have this information, inasmuch as we do not always get the names spelled correctly, and matters of this kind is likely to be embarrassing.

"Yours, truly,

"M."

The "Denver, Colo.," on this letter was blotted out. That was sent to me by a member of our organization from that county, stating that the barber referred to was a man who ran a little barber shop, and also worked in the mine, and was assisting members of the union who were his friends, and it was evident they were attempting to blacklist him and get rid of him for working in the interests of the union.

Chairman WALSH. The last paragraph on that same page—have you finished, Mr. Doyle?

Mr. DOYLE. Yes; I guess that would be plenty to put in there; that is strong enough.

Chairman WALSH. The last paragraph on page 8 reads as follows:

"These and many other things created the gas and dust in the minds of the 11,232 coal miners, which the 'agitators' ignited into the greatest explosion of industrial discontent in the history of labor struggles."

Where did you get those figures, "11,232 coal miners"?

Mr. DOYLE. Right following the strike, the men were scattered all over the State—that is, all over the different camps—and by the time we got them all placed we missed quite a number in the first week's payment of benefits, etc., and had to double up on some and a large number who came out and took membership cards immediately asked for transfer and left the State. Figuring from what we paid for relief when the strike first began, and the number who left on request for cards, etc., we arrived at that figure.

Chairman WALSH. You claim that figure is correct?

Mr. DOYLE. It is, to the best of my knowledge, and I am the individual who figured it.

Chairman WALSH. Now, take Bulletin No. 5, dated September 8, 1914, that reads:

"When considering the relation of gunmen to the Colorado coal strike, it is well to remember that they received $239,045.96 from the operators for murdering 34 men, women, and children."

Commissioner WEINSTOCK. What was the number of that other bulletin you just read from?

Chairman WALSH. That was Bulletin No. 4. What is the basis for that statement I have just read to you from Bulletin No. 5?

Mr. DOYLE. I don't know where those figures as to money were got, but the 84 men, women, and children did not include the one man killed in the early part of the strike in northern Colorado. It was 34 there.

Chairman WALSH. The next paragraph:

"For 25 years the gunmen of industry, the hired armed guards of the corporations, have gone hand in hand with strikes, have, at wages of $3 to $7 a day, left nothing undone in their brutal, inhuman efforts to break the struggle of the workers and send them back to work broken in spirit to remain slaves to capital."

Where did you get the information upon which you based the statement that for 25 years this has been going on?

Mr. DOYLE. I don't know where he got it, but I would be under the impression that it was from various articles written on the subject. I read myself recently some article in Pearsons, I believe, purporting to give the history of the gunmen in the industry and attempting to break up unions; those are the only sources I would know.

Chairman WALSH. Mr. Fink would have to state the particular place where you obtained that?

Mr. DOYLE. I presume so.

Chairman WALSH. The fourth paragraph reads:

"The operators have always been determined that they would not obey the mining laws of the State. Realizing that their employees would soon strike to secure an enforcement of the statutes they began the importation of these so-called guards or detectives as early as January, 1913."

What basis, if any, have you for that statement?

Mr. DOYLE. I think it may be a little earlier than that, but I think that is based on reports from organizers from southern Colorado field partly, and partly upon the beating, in the month of January, 1913, of Robert Eulich, a miner, and Livoda—both were severely beaten by mine guards and robbed of their papers, because of the fact that they were union organizers.

Chairman WALSH. The next paragraph is marked again, that is about the Baldwin-Felts Detective Agency, but I see that has been covered in a similar paragraph in another bulletin about the "Bull Moose special," and I will not go over that.

Mr. DOYLE. Yes.

Chairman WALSH. Take the next paragraph:

"When the strike was called September 23, 1913, there were more than 1,000 gunmen deputy sheriffs in Huerfano and Las Animas Counties. These men were fully equipped with high-powered rifles and fully cognizant that they were employed not as guards of company property but as a guerilla band of thugs to 'clean out' the tent colonies, tyrannizing the strikers so persistently that they would be forced to leave the country."

Mr. DOYLE. I believe that is all correct. I believe the record of the sheriff's office in both counties will show that a thousand or maybe more were deputized, and I think everybody knows it; it is common knowledge that it was known. They were not there for the purpose of protecting property but to intimidate the men. The miners do not want to destroy property, the members of the union. Of course, there may be individual members in the union that do, but we are not responsible for them any more than the Government or the State is responsible for the individual action of some of the individuals that compose it.

They leave the impression that they have to have the guards to protect their property. The men are not striking against property but against injustice; they want——

Chairman WALSH. The next paragraph:

"Twelve machine guns were purchased by the mine owners and placed at points of vantage commanding the tented homes of the strikers."

Mr. DOYLE. I think that is based upon the congressional investigation. If I remember correctly, several parties testified as to bringing machine guns into the State, and no doubt the figure given is correct and made up by combining the number each one testified he had.

Chairman WALSH. Beginning with the next paragraph it reads:

"A. C. Felts, Colorado chief of these gunmen, constructed an armored automobile in the shops of the Colorado Fuel & Iron Co. It was taken into the strike

district, mounted with a machine gun, and manned by six thugs with high-powered rifles. By day this high-powered 'death special' was driven at top speed through the strike district, shooting into the tent colonies and maintaining a constant reign of terror.

"By night powerful searchlights were played on the strikers' tents, keeping them always in deadly fear of an attack that might come at any moment."

What do you say about those statements?

Mr. DOYLE. I will say that A. C. Felts himself testified, if I remember correctly, before the congressional committee that he had ordered the construction of the armored automobile at the Colorado Fuel & Iron Co. shops, that a machine gun was mounted on it and manned by six thugs. I personally saw the machine gun mounted on it, while they rode into the Forbes tents and broke furniture and tents, etc.; and more than 6 guards—52, if I remember the count—surrounded the tents, and 2 sat in the automobile. As to this death special being driven at top speed through the district, I have seen it traveling on the roads used by the men up there myself, and it, no doubt, did terrorize the people and put them in a position to know that it was used for no other purpose than to intimidate them.

The searchlights were played upon the tent colonists at various times. I myself, coming from Dawson—at the mine explosion at Dawson I went there the next day under orders from Hayes, vice president, to distribute some money to the widows of the miners killed.

Chairman WALSH. When was that?

Mr. DOYLE. In October, 1913.

Chairman WALSH. Where was that?

Mr. DOYLE. In Dawson, N. Mex. I went across there to help them, and when I got off of the train I was taken by armed men bodily and told to get off of the company's property, and men on horseback started to walk me 6 miles. I demanded the right to go to the post office, and these two men were on each side of me, and they walked me out and said, "The closest border line to this property is 6 miles," and they walked me out at night. I was picked up by an automobile, and went that night to Trinidad, over the mountains, and at every turn we made after we go to where the mountains were searchlights were thrown into our faces. It is a wonder that they did not kill men who were not concerned with the strike at all.

Chairman WALSH. Where did the searchlights appear to be located, and how did you know they were the searchlights of the operators?

Mr. DOYLE. Well, they were stationed on the company's property at their mines. I know a good many of the mines in a general way when I see them, what particular mine they call it, and these searchlights were over on a tipple or on a hill on a frame of their own, and I know it was company property, because I don't know of anybody else who would have the gall or impertinence to interfere with others on their own business other than the mine guards, with the backing of a powerful concern like the Colorado Fuel & Iron Co., and there were mine guards up on the hill with rifles on what I know was company property.

Chairman WALSH. The following paragraph contains the same figures alleged to have been paid out by the coal operators, $220,645.80, and I believe you said you did not know where those figures were obtained?

Mr. DOYLE. That is correct; I do not know.

Chairman WALSH. The last paragraph on that page is as follows:

"Men known to have been active in the union were waylaid, robbed, and beaten, their wives abused and their children tortured by these fiends in human form. Homes were robbed and destroyed."

What basis, if any, have you for that statement, Mr. Doyle?

Mr. DOYLE. Quite a number testified before the congressional committee, as I understand it; but I have a statement here about men being beaten, waylaid, robbed, and killed that I would like to introduce in evidence.

"1903. Homes of John R. Lawson, William G. Isaac, William Doyle, Evan R. Davis, John and James Doyle, local strike committee, were blown up with dynamite, New Castle, Colo., December 17, 1903."

That was in the other strike.

"Segmund Desantos, James Vilano, killed by guards near Segundo December 7, 1903. James Kennedy beaten up in Walsenburg, 1903."

Kennedy was an organizer.

"William Warjohn, national organizer, beaten up at Sargents, Colo., by Reno gang."

They run a detective agency.

"1904. John R. Lawson shot by Mine Owner P. C. Coryell May 28, 1904. William Maher, Henry Mitchell, local organizers, beaten up at Engleville by guards January 24, 1904. Charles Demolli beaten up in Pueblo in 1904.

"James Doneky, January, pounded up by McPherson, deputy sheriff, corner of Main Street and Commercial Street, Trinidad.

"William Fairley, James Mooney, beaten up by eight men on horseback 2 miles north of Trinidad in February, 1904."

That is the same William Fairley who was upon the conciliation board for the settlement of the present strike.

"Union miner killed by Bud Phalmer, deputy sheriff, February 24, 1904, at Dawson, N. Mex.

"Chris Evans, beaten up on a C. & S. train between the depot and the Santa Fe Crossing in Trinidad, 1904."

I think this is a repetition of the other one.

"Charles di Moll, beaten up in Pueblo on B Street, 1904.

"William Warjohn, beaten up by Reno's gang in city of Trinidad, February, 1904.

"Julian Gomez, district organizer, beaten up by deputy sheriff, Trinidad, March 1, 1904.

"Italian striker, killed in Prior, Colo., March 14, 1904, by deputy sheriffs, driven from his house for attempting to run away to save his life or while running away.

"John Faletti, district organizer, beaten up at Glenwood Springs by Reno's gang, March 30, 1904.

"John Faletti, district—oh, I just read that.

"Charles Demolli, national organizer, beaten up at Pueblo by Reno's gang, April 9, 1904." That is a different date.

"Joe Ratz, striker at Sunlight, Colo., was caught in the hills just back of camp by three masked men, tied and castrated; he was an old man close to 70 years old; he died in three days from the abuse received from the thugs in 1904, May 7, 1904.

"James Jordan, bound and gagged by thugs.

"1907. Joe Sharp was beaten up in the office of mine workers of Trinidad in the fall of 1907." He was a national organizer.

"Harry Doughtwaite was beaten up in Aguilar late in fall.

"1912. Mike Livoda was beaten up at Ravenwood in June, 1912."

There is others I have not a list of. Lippiatt was killed, and many others were threatened and got away.

Chairman WALSH. Did you furnish that information you have just detailed here to Mr. Fink for that publication?

Mr. DOYLE. I don't remember whether I talked to him or not, but the secretary-treasurer of the district at the time of the last strike in this State compiled a list and published it in one of the convention proceedings, and I have no doubt that is where he secured his information.

Chairman WALSH. The first paragraph on the last page of Bulletin 5 is as follows:

"Tourists have been treated with the same disregard as residents of the strike zone. Men and their families from other States, touring through the coal-mining section in automobiles, have been fired upon from the ambushes where these imported gunmen are wont to waylay strikers."

Mr. DOYLE. I think that is correct; I have heard miners state down there that outsiders have been interfered with by being shot at while passing on the public road.

Chairman WALSH. Do you recall who it was that told you that?

Mr. DOYLE. No, sir; I don't.

Chairman WALSH. Do you recall the specific instance?

Mr. DOYLE. I know it was down there at Ludlow while talking to the miners. Whenever I go there I get among the men and talk with them, and they tell us these things.

Chairman WALSH. Can you approximate the time the occurrences were said to have taken place?

Mr. DOYLE. Last fall, some time. My reason for remembering it being last fall is that Gov. Ammons tried to blame it upon the strikers, and I have some more to touch upon that later, if the commission will give me time.

Chairman WALSH. Do you accept such loose statements as facts, and give them publicity?

Mr. DOYLE. I think that if a miner told me that was true I would believe him.

Chairman WALSH. Did you know the miner?

Mr. DOYLE. I knew him just like I knew any other, if I met him a half dozen times and was a member of the organization on strike down there.

Chairman WALSH. The next paragraph reads:

"Persons alighting from trains in Trinidad, Walsenburg, and others of the picturesque towns of southern Colorado have been held up because they were suspected of being union men or union sympathizers. If they could not prove to these desperadoes of the operators that they were not interested in the strike they were often clubbed into unconsciousness or made to get back on the train at the point of a gun."

Mr. DOYLE. I have heard in a general way that that is correct. I do know of a man down there who came to the office one night and complained that he was badly treated by militiamen and mine guards, and he said he had no connection with the strike, and that he tried to get it in the press, and tried to call the governor's attention to it, but that there was no use. And I understand that if peddlers go down there they are immediately suspected and held up, and if they insist on going, they stop them by putting a gun in their faces. That is my general information. I presume that is where Fink got that information.

Chairman WALSH. Do you know of any instances where men were clubbed into unconsciousness by employees of the operators?

Mr. DOYLE. I have read a list here a while ago.

Chairman WALSH. And those were organizers or employees of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; the most of them.

Chairman WALSH. Did you read in the list the names of persons not connected with them who claimed to have been clubbed into unconsciousness?

Mr. DOYLE. No, sir; I think that this contains only members or officers of the organization. I don't know anything personally of an outsider being beaten up, but I think there is good reason to believe there have been, and it could be found out from some one down there who lived down there.

Chairman WALSH. Do you have any further basis for it than you have given the commission?

Mr. DOYLE. No, sir; I have not; but perhaps the writer has.

Chairman WALSH. The second paragraph after that is as follows:

"The coal miners are striking only for an enforcement of Colorado laws and a wage scale equal to that in force in the neighboring State of Wyoming."

First, what laws, if any, were the miners striking to have enforced?

Mr. DOYLE. The right, first, to belong to the labor organization without interference, a right that the law gives them; an eight-hour day for all classes of labor in and around mines, coke ovens, etc. This has been given lately. Just prior to the strike the big companies put an eight-hour law into operation and worked very hard—we had another eight-hour law passed by the legislature which the interests that were opposed to it gave out—got petitions out and had the matter referred. This law was referred—not only did they refer, but they initiated another measure known as the fake eight-hour law. They didn't want eight hours, although they say they gave it voluntarily. The facts are shown by the report of the votes from those various places where the miners themselves voted against their own interests in those coal camps; and when the vote on the real eight-hour law that I completed at the same time was counted, they both carried, and I think the supreme court decided upon request of the legislature, I believe—I may not be correct in that—that the one that had been passed by the legislature and referred was the one to take preference. We wanted an eight-hour law and we had not been able to get it. The fact is that they gave it, just before the strike, in some instances, just like you would give a child something bright to play with to stop its crying, and then when it stopped, take it away again.

We asked for checkweighmen at all the mines, and that is a State law, we have that right. That has been denied us.

Chairman WALSH. In what instances was that right denied?

Mr. DOYLE. There have been many instances where miners have been denied the right to have checkweighmen.

Chairman WALSH. Has it ever been denied by the Colorado Fuel & Iron Co.?

Mr. DOYLE. Not so the public could hear it, but the men that demand it and say they want a checkweighman don't last very long in the employment of the Colorado Fuel & Iron Co.

Chairman WALSH. What is the—what is your basis for that statement?

Mr. DOYLE. The report of the miners down there in their convention, and from the miners as individuals.

Chairman WALSH. How general was that?

Mr. DOYLE. Very general. It is a common known fact that if a man were to attempt to ask for it he might just as well leave the employ of the company.

Chairman WALSH. And how about the Victor-American Co.?

Mr. DOYLE. No difference whatever.

Chairman WALSH. Did they ever specifically deny that right to the miners, or any individual miners that you know of that asked for it?

Mr. DOYLE. They go so far as to post notices that you can have checkweighmen; they don't object. But the man that knows his business knows better than to try to have one, because he will be a goat. They don't fire men outright, but they tell them to get off the tipple. Joe Ray told me about it, and another man told me. He demanded a checkweighman a couple of times, and he got driven out.

Chairman WALSH. Might that not be mere suspicion on the part of those men, if the company posted a notice that they could have them?

Mr. DOYLE. No; it is well known; they can't have checkweighmen; and if they complain even about the weights they are considered agitators and they are discharged. I have here a statement concerning checkweighmen over at the mine, not of the Colorado Fuel & Iron Co., but where checkweighmen were attempted to be put on the tipple; here is the statement:

"In the spring of the year 1912, the men at the Oakview mine complained of the coal not weighing enough, so they called a meeting and elected a committee to ask the mine manager to allow them to elect a checkweighman and examine the scales. Mr. de Hart was elected chairman of the committee and acted as speaker; the mine manager refused to allow them to examine the scales and fired Mr. de Hart, made him leave camp, and refused to allow the men to put on a checkweighman, and told the men if they attempted to do this they would close down the mine. Deputy Sheriff Aleck Young, of La Veta, with others tried to stop the men from having a meeting."

Chairman WALSH. Any other law now that you claim was involved in the——

Mr. DOYLE (interrupting). And if we at any time get a checkweighman at all to go into those camps they have got to get out.

With regard to the right to buy at the company stores or where they pleased, we claim that the men have that right, and it is a legal right and they should be permitted to exercise it, but they are not.

Their force is not to tell him, "You must deal in the company's store." At least it is understood in a nice quiet way that if you do not spend a certain percentage there and do not deal there, why you are not as valuable an employee to the company as you might be. The man who does good work and is a good workman of course is valuable to us, but he can be valuable otherwise. He can leave what he makes in the company's store. That is the sum and substance of the understanding left with the miners in the camp. I know it is the same; I have been there. I have some letters here about that in a general way.

Chairman WALSH. Now, with regard to the wages paid in the neighboring—oh, was there some other law you claim was being violated upon which that statement in the bulletin was based?

Mr. DOYLE. The mining laws were never paid any attention to until recently. There has been mining law of one kind for years on the books, but no pretense of living up to it, any miner will tell you who has been here, for years and years, until this last law has been put through; and I think a good effort has been made to attempt to put some of its provisions into practice.

The laws were passed—I have a note or two here as to that. In 1899 a law was passed making it lawful to join a labor union.

In 1897 a law was passed making it unlawful to prevent a man from joining a union. Now, that is three years before the date of this ironclad here, where a man swears away everything but his soul.

Chairman WALSH. When was that?

Mr. DOYLE. In 1897.

In 1899 the eight-hour law was passed; also 1913. In 1897 the law as to checkweighmen, which is not allowed yet. In 1899 the truck system law was passed and later there was a law for semimonthly pay day. I don't know what the date of that is—the year for that. I didn't have time to get it up.

I find here a note among my other stuff that I didn't think of when I was talking a while ago when you asked me; in this bulletin here—Matt Powell

was killed October 9, 1913, by one of the mine guards. One of the mine guards was credited with having said, "We got one of them," when he was shot off his horse. I don't know from which person I got that, but that can be verified. Mrs. Matt Powell testified before the congressional committee herself and a good many facts could be brought out or found in her testimony.

Do you want me to go right on with other stuff?

Chairman WALSH. Yes. If there are any other laws, now, that you claim are the basis for this statement that the coal miners were striking only for an enforcement of Colorado law, you may state.

Mr. DOYLE. Well, one law that is not written in the statute—the ordinary law of decency and humanity toward one another, the right to be free and be a citizen with his fellow man, the right to talk to a man, the right to go, without going as if he was a convict on parole, or being questioned if he is a stranger and going into a camp, as to where he is from—" What is your business and where are you going and what is your name;" and if you don't tell, get a gun and kill you. That is the law of humanity, and it is the right of one man to be with another and be a citizen and being respected in a decent manner without being bully-ragged.

Chairman WALSH. Now, it follows up by saying that you are only striking for a wage scale equal to that in force in the neighboring State of Wyoming. Is that true that the wages are higher in Wyoming than they are here?

Mr. DOYLE. Yes; the demand of the miners was a scale practically the same as that of Wyoming—a day wage scale.

Chairman WALSH. What is the difference in them, briefly?

Mr. DOYLE. Well, say, take the mule driver. He would get $3.10 here and he was getting, I think, $3.45 there.

Chairman WALSH. What other difference?

Mr. DOYLE. Well, dead work is paid for in Wyoming and is not in Colorado except in a few instances. Here and there there is a local instance of it.

Chairman WALSH. Refer to the pamphlet entitled, "The Ludlow Massacre," please; you have that?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Is the illustration upon the front page a true picture of a bona fide scene at Ludlow, or not?

Mr. DOYLE. I understand so.

Chairman WALSH. It purports to show—purports to give the figure of Louis Tikas and James Flier—the bodies of Louis Tikas and James Flier lying in the foreground and Flier lying nearest to the gunmen militia who are gloating over their work.

Mr. DOYLE. I understand that is a photograph of the actual scene, and I have been down there and have had pointed out to me the positions these bodies were found in, and judging from the picture, I should say it was approximately the same place and would be actually a photograph. I think I have seen a picture of this kind before this picture.

Chairman WALSH. What basis have you for the information that a photograph was taken at that time with the militia standing round that telegraph pole and the dead bodies lying on the ground? Who took the picture?

Mr. DOYLE. Why, a man working for the newspapers took them. I have got a good many pictures that we would not have got otherwise. If a union man had attempted to take them he would have had his camera broken and perhaps his head; but the paper men took them, and we were able to secure them afterwards.

Chairman WALSH. Is this one of those pictures?

Mr. DOYLE. To the best of my knowledge it is.

Chairman WALSH. From whom did the picture come?

Mr. DOYLE. I think it is one of those that came from this press man. I don't know what his name is.

Chairman WALSH. Who received the picture from the press man? What individual?

Mr. DOYLE. I think McLennan agreed with him to take the entire set—District President McLennan.

Chairman WALSH. We are referring now to the outside picture on the cover of this pamphlet.

Mr. DOYLE. Yes, sir.

Chairman WALSH. I notice on the first page the following:

"The Ludlow Massacre, by Walter H. Fink, our publicity agent, is an authentic and interesting narrative of the sufferings of the Colorado coal miners, their wives, and children. Mr. Fink has been in active touch with the situation

since before the strike, and with his experience as our publicity agent there is none better able to write a story of the struggle."

What did he have to do with it before he became your publicity agent?

Mr. DOYLE. He was on a paper in Denver; he was on the Denver Republican and used to keep in touch with the office there for as much information as we would give him, and I remember that I called him down on the phone and told him I didn't have any time to waste giving him information when he was working on the other side. And that is the first acquaintance with him, and he was trying later to get all the information he could out of the strikers' organization.

Chairman WALSH. And did that include the time before the strike?

Mr. DOYLE. Yes; we had the northern strike on. I don't know how long he was on the Republican before we had a strike in the south. I remember he called——

Chairman WALSH (interrupting). Then follows: "We believe so thoroughly in the ability of Mr. Fink to write the real story of the strike that we have had him at work for the past eight months compiling a history of our fight in Colorado since 1876."

Mr. DOYLE. We have him writing a story; yes, sir; and we believe he will make a good job of it.

Chairman WALSH. Then that is signed, I notice, by yourself and Messrs. McLennan and Lawson?

Mr. DOYLE. Yes. This letter here is a letter to organized labor. This pamphlet is not the organization's; it is not gotten up by the organization. It is gotten up by Mr. Fink as an individual; and this letter in front, the introduction to it, is a letter to organized labor, which Mr. Fink wrote up to put in the front of the book, as is often done by people associated with the movement, and the book itself has no connection with the organization. You will notice the price, 25 cents, and the note at the bottom, copyrighted. He copyrighted that in his own name. It is his own affair, and we have absolutely no connection with it, or haven't sold it, or anything to do with it. It is for any individual who wants it or not, to buy it from Mr. Fink, and it is his own affair.

Chairman WALSH. Were the proceeds from this book, so far as you know, entirely the property of Mr. Fink?

Mr. DOYLE. Yes. In a number of instances post-office orders or checks were sent to me, or stamps, for the book—to buy the book, and in all instances I have turned the money over and accepted a receipt from him and informed the parties that I had no connection with the book.

Chairman WALSH. Now, did yourself, or to your knowledge, Messrs. McLennan and Lawson, read the proof of what was to go into this book, or rather read the matter, before you signed the introduction?

Mr. DOYLE. I don't recollect clearly whether we went into it or not, but I know that a number of times—Fink got it up in his spare time—and he mentioned a number that he was going to put into it, and just in a general way; but I don't recollect whether we went over it or not. We went over several matters he wrote, one particularly, the history he is writing now; and I guess we went over some portions of it that he is writing, a half a dozen or eight or ten times since he commenced writing it, at various times, when something new came in; but I don't know—he wrote this letter and brought it into the office and said he was going to put this letter in, and we paid little or no attention to it and said go ahead; we know you will put the best you can get into the book for the price.

Chairman WALSH. Now, I notice there are 91 pages in that book. Have you gone through that book since you were subpœnaed to produce it along with these other publications to ascertain what, if anything, in it was given out by yourself or Messrs. McLennan or Lawson?

Mr. DOYLE. No; I have not; I have been extraordinarily busy since this convention has been here on account of the convention of the strike and several other matters I have had on my mind, so that I have not even had time to properly prepare, as you see. When I was asked to come before you I intended to have a copy of everything so I could just give a copy of everything I have to your stenographer; but I have not had time and have been working even at night on other matters. I have not had time to go over that, and for that reason I couldn't tell you what particular things are in the book. Since it came out from publication I have read only something, some reference that was made or looked up; but to read the book right through, I have not done that even since it was published.

Chairman WALSH. I notice in going through here there is a great deal of it might be termed editorializing or argumentative.

Mr. DOYLE. Well, perhaps so.

Chairman WALSH. The commission thinks perhaps I had better take the marked places and ask you about them. I will take certain places marked in it by Mr. Welborn, who handed it to the committee. Now, take the first page headed "The Ludlow Massacre," and the first marked passage is this:

Commissioner WEINSTOCK. Just one point, Mr. Chairman.

(Here followed a moment's conference out of the hearing of the reporter.)

Chairman WALSH. What was the object of writing or signing the introduction that appears in the first part of this book?

Mr. DOYLE. Well, the same object there would be as a statement issued in any book—a matter of—Mr. Fink is not known except to those who know he was connected with the United Mine Workers a while; and it was simply to let it be known, in fact, that he was in a position here to get information or pictures or something of that kind.

Chairman WALSH. Was it intended to vouch, at least to the friends of your organization and to the public generally, for the authenticity of the alleged facts contained therein?

Mr. DOYLE. As much that, as I understand it, when he wrote the letter and brought it in; it was as much for his sales as anything else. He desired to sell.

Chairman WALSH. Was it your intention, in stating that it was an authentic and interesting narrative, that the public generally should accept the alleged facts contained in there at 100 per cent value?

Mr. DOYLE. I think so, as nearly as it could be gotten at; yes, sir.

Chairman WALSH. Well, we will take the first page, and the first marked passage is this: "John D. Rockefeller, jr., had just preached the word of God to his Sunday-school class in New York City." Do you know anything about that?

Mr. DOYLE. Why, I suppose he must have written that on Monday morning.

Chairman WALSH. Commissioner Ballard wants to know if you stand for this cartoon in here, "Gov. Elias M. Ammons, spineless tool of the coal operators"?

Mr. DOYLE. What page is that?

Chairman WALSH. Page 64.

Mr. DOYLE (laughing). I hadn't anything to do with it; but when I first saw it I was coming from the East, and I saw that cartoon in the paper. I thought it was pretty good in a figurative sense to show that he really was the baby of the coal operators; that he didn't have any mind of his own; and that they had to take care of him.

Chairman WALSH. Was it in some paper before it was published here?

Mr. DOYLE. I think so; yes, sir. I think I saw it in some paper.

Chairman WALSH. He means the statement under the picture, "Gov. Elias M. Ammons, spineless tool of the coal operators."

Mr. DOYLE. Well, I don't know the purpose of writing that, except the general impression. My impression is that he is and has been a spineless tool of the coal operators. I think his action and his failure to act demonstrates that he did not have courage to do what he ought. He would say: "I want to do what is right," and it was never done. It seems he did not have the courage to do it. And I presume the word "spineless" meant that he did not have courage, and being the tool would mean he served them in certain interests. Whether it was willful or not remains to be seen and found out as time goes on. But there is no question but what his acts tended to help the operators as against the miners, in my opinion.

Chairman WALSH. Now, Commissioner Weinstock would like to ask you one question on the topic, first, of this publication.

Commissioner WEINSTOCK. I am not sure whether this is a misprint. It may be in the nature of a misprint or an unhappy way of presenting a fact. In the introduction signed by Walter H. Fink, in the last paragraph beginning with the eighth line, it reads: "That men and women must forego their right of trial by jury and other injustices." Are we to understand by that that the writer regards a trial by jury as an injustice?

Mr. DOYLE. I don't know what that meant. Read it.

Commissioner WEINSTOCK. "That men and women must forego their right of trial by jury and other injustices."

Mr. DOYLE. Must be some mistake in that thing there, unless it is not punctuated.

Chairman WALSH. I think that phrase, as suggested by Mr. Lennon, would refer to the foregoing of trial by jury.

Mr. DOYLE. That they must forego the right of trial by jury.

Commissioner WEINSTOCK. Perhaps it is an unfortunate phrasing.

Mr. DOYLE. Perhaps it is. I never read it carefully before.

Chairman WALSH (reading):

"That men and women must forego their right of trial by jury and submit to other injustices."

Inasmuch as I have been requested to do so, and this has been marked, I will ask you these questions as to your responsibility for all this; that is, as to what you know about it and what you can——

Mr. DOYLE (interrupting). All right.

Chairman WALSH (reading):

"The Ludlow Massacre gives the workers of the country the first complete and authentic story of the Colorado coal miners' strike."

Does it?

Mr. DOYLE. I think that it gives the first complete story of it, and I believe it was the first story that was authentic so far as the actual Ludlow affairs have come out. In fact, I believe so now. I believe it could be made more horrid since the testimony came out before this commission, and yet be true. For instance, the burning of the tents. That has always been denied by them until it was given out here, and they were squealed on, as it were, by the fellow that knew and would not testify before.

Chairman WALSH. I find the following marked here [reading]:

"The cost of the eight months' industrial conflict is estimated at $15,000,000. The figures include $700,000, representing the State's expense in maintaining State troops in the field until the arrival of the Federal forces; an estimated cost of $6,925,000 to the union and a loss of 'several millions' claimed by the operators."

What does that mean?

Mr. DOYLE. I don't know, except some magazine writer; I don't know whether it was George Creel or not, or who it was, wanted some information as to the general cost, and I gave him a clipping that come from, I think, the Denver Post, putting it at fifteen millions, including the workers, the coal miners, the railroads, the companies, and all the relief, and all. I don't know whether that is the source it came from or not. And I presume the $700,000 to the State, I think, was got at that same way—from that same information, for the same party, from the State auditor's office.

Chairman WALSH. And then the estimated cost of $6,925,000 to the union, how was that figured?

Mr. DOYLE. I don't know how that was figured unless it was trying to figure what the union men might have earned, plus what benefits the union paid at the time.

Chairman WALSH. That is, what the miners would have earned plus the benefits that the union itself paid out?

Mr. DOYLE. What they would have got; yes.

Chairman WALSH. Yes; had they been at work?

Mr. DOYLE. Yes.

Chairman WALSH. Now, the next marked paragraph is this [reading]:

"It seems impossible that here in supposedly free America, men, women, and children must be slaughtered, mothers with babes in their arms must be ridden down and maimed by a man like Adjt. Gen. Chase, a pliant lickspittle of the operators; that the motherhood of the Nation must be submitted to robbery, abuse, and fiendish outrages; that men and women must forego their right of trial by jury and other injustices that they may force the capitalist-owned State and county executives to enforce the laws and reestablish constitutional government."

Have you anything else to say that you might have in mind as a basis for the statements made there other than what you have already given in reply to the questions asked you in regard to the same matter which I note appeared in the bulletins and which you have already been questioned about?

Mr. DOYLE. Well, I should say that the reference to the supposedly free America, that if the writers of our school readers would attempt to put in one-half of what is practiced in the name of government and patriotism, we would have a different set of institutions. I was raised up in the greatest and most glorious land of justice; but I have come to see that those exaggerated statements are not true, because men are not free, and justice is not done, and crimes are committed in the name of justice; and I think it is a shame and a ridiculous shame to the State to have it said that mothers and babies were slaughtered—and they were slaughtered at Ludlow, there is no question about

that in my mind; and it is also a ridiculous shame that a general of the State militia, with his troops, should ride down women and saber them, which was done down in Trinidad. I think "The lickspittle of the operators"—I don't know the technical definition of "lickspittle," but I think it is a very good term to apply to a man who would serve the interests of the operators, as verified to me, to my own satisfaction, as Chase has served them in Colorado. And I think the very act itself—I think motherhood has been abused. I don't know so much about the fiendish outrages except in the statements made before the congressional committee. Those witnesses could make them themselves. But I think the condition of some women in those camps and the excitement caused by the militia in a brutish way in bluffing or bad treatment of men in the immediate neighborhood, and coming to the ears of women under those conditions, certainly it is a disgrace and shame to have it occur in the State. In fact, on the night after the Ludlow affair women gave birth to children, I understand. In fact, one woman was killed and was picked up from that slaughter hole and gave birth to a child after she was three days dead, on a slab in an undertaking parlor in Trinidad. And I think it is a shame in any country to tolerate such a thing under a flag which we all would respect; and then to think such a thing would occur. I think it is a very good strong statement, and I think I would be a long time before I would be able to write one like that myself.

Chairman WALSH. Referring to the next page headed "The Ludlow Massacre," now the third paragraph. Now, this is the part of it that is marked [reading]:

"They were a happy, care-free audience of 21 nationalities, thinking of nothing but the freedom from industrial and political slavery that they were willingly purchasing by an incessant war with the elements, with the imported assassins of John D. Rockefeller, with the corporation-owned State and county officials of Colorado."

What basis have you for that statement? What is the basis of that, if you know?

Mr. DOYLE. Well, I would imagine that he wrote that statement on the basis that there were 21 nationalities. I think there are more. I don't remember the exact number, but I think there are more than 21 nationalities in the mines. I think they were making a fight for freedom from industrial and political slavery. I think if ever there was a fight made for such principles that was justified. I think that there was never a strike more justified than this one; and I think that that is plainly shown by the willingness of these people to go out from their huts, leaving their tents and go out on the prairie and not only endure the hardships that necessarily go with a strike, in the shape of the lack of proper necessities of life, proper clothing for their children, medical attention—for all that goes with a fight of that kind—in order that they may win this, that they may not be assassinated in the night while in their beds by the bullets from the guns of the mine guards who would stop at nothing, in my opinion, to drive them to work or drive them from the State in order that the slavery from which they are trying to be liberated might be fastened on them.

Chairman WALSH. The next paragraph contains a statement that these strikers had lived in hovels like hogs. What basis of fact is there for that statement?

Mr. DOYLE. Which paragraph is that, Mr. Walsh?

Chairman WALSH. The second one, there is a short one between that and the one I asked you about, the 21 nationalities.

Mr. DOYLE. I presume he has based that on written statements, upon statements made by miners. I have heard myself miners make statements in the convention about the terrific conditions that they lived under, the terribly bad condition of the shacks. They called them shacks. They were such that the wind used to blow the snow in through the cracks, and when there was no snow the sand would blow in. They said they had to burn up an awful lot of coal to attempt to keep warm. One side would roast, being next to the fire, while the other side would be freezing, and they would have to reverse the order once in a while to keep from freezing altogether. That in some instances they would have to burn more coal than would pay for a decent house, if there was one to be had.

Chairman WALSH. Commissioner Ballard asks to have one question asked. We are going to adjourn a little earlier this evening so that you can begin on

another part of the examination Monday which will be conducted by Commissioner Weinstock.

Mr. DOYLE. I have some other matters I should like to get into the record, and if it could be, I should like to take the stand and finish the job.

Chairman WALSH. You will be put on the stand the first thing Monday morning, as I understand it.

Mr. DOYLE. The reason I mention that, I would like to be put on and finish this matter and complete it.

Chairman WALSH. I was asked, of course, to examine you to begin with. Commissioner Weinstock is really going to conduct the main part of your examination.

Mr. DOYLE. That will be good.

Chairman WALSH. Mr. Ballard wanted me to ask you where you obtained copy of telegram, the original of which was afterwards produced, which was addressed to J. F. Welborn, signed by John D. Rockefeller, jr.?

Mr. DOYLE. Is it the telegram that brought this inside information out, the inside secret information, the communication between Welborn and Rockefeller, you mean?

Chairman WALSH. Yes, sir.

Mr. DOYLE. Dated April 20?

Chairman WALSH. Yes; April 20.

Mr. DOYLE. Why, I would state that the giving of that will undoubtedly cause some family to suffer. The man is a friend of humanity who gave it, and wanted to show what was going on, and if I name the source it would put the man in a position to lose his job, and his family suffer, and I do not want to tell it. I would not like to tell it for that reason. I would be perfectly willing to tell the source, or I could tell the members of this commission and trust them not to injure the man in any way.

Commissioner BALLARD. I do not wish you to state the name, but just state the source.

Mr. DOYLE. It would be possible for it to be traced to the man, but if a way could be found to get this man a position, in case he loses his present position, I will give it gladly, and I think he will consent.

Commissioner BALLARD. What I mean is, does your organization maintain, in the Western Union force, a paid spy who will give out telegrams that are sent from one party to another?

Mr. DOYLE. Absolutely not.

Chairman WALSH. Then it is not a paid man, whoever it is?

Mr. DOYLE. No, sir. It did not come from any paid source at all. It came from some one whose heart beat for the women and children of Ludlow, who knew that the great power of the Rockefeller interests was trying to crush them to earth. He gave it out, I believe, and he took the chances—he did not know me, whether I would protect him or not, but he took the chance of going to the open and losing his job and having his family suffer if I was not the one who would keep his confidence. I think that he simply wanted to let the world know what has been known since and has resulted in bringing out communications that show what the richest man on earth is doing to fight the humblest miner that they brought here. I think the man's purpose in giving it was only through the patriotic desire of an American-loving citizen, believing that he was doing his sole duty, even if he had to suffer for it.

Chairman WALSH. The commission will now stand adjourned until Monday morning at 10 o'clock.

Please resume the stand at that time.

(At 4.25 o'clock in the afternoon of this Saturday, December 12, 1914, the commission adjourned until Monday, December 14, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Monday, December 14, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Weinstock, and Harriman.

Chairman WALSH. You may proceed now, Mr. Weinstock.

Please resume the stand, Mr. Doyle.

TESTIMONY OF MR. E. L. DOYLE—Continued.

Commissioner WEINSTOCK. Are you ready, Mr. Doyle?

Mr. DOYLE. Yes, sir. But, first, I want to offer this testimony that I referred to Saturday. I was to find out where it was taken. It was taken at the coroner's inquest before the coroner's jury at Walsenburg.

Chairman WALSH. Is the date on it?

Mr. DOYLE. No; the date is not upon it. But it was taken the date the inquest was held. It was taken before a coroner's jury.

(The testimony submitted by the witness is printed among the exhibits at the end of this subject, under the title "Doyle Exhibit No. 1.")

Commissioner WEINSTOCK. You are the secretary-treasurer, Mr. Doyle, of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; I am the secretary-treasurer of district 15 of the United Mine Workers of America.

Commissioner WEINSTOCK. I take it that you are here in your official capacity as secretary-treasurer of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; both as an official and as a mine worker.

Commissioner WEINSTOCK. And also——

Mr. DOYLE (interrupting). And also, personally, as a laboring man and miner.

Commissioner WEINSTOCK. And also as a citizen?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Will you be good enough to explain specifically just what your duties are as secretary-treasurer of district 15 of the United Mine Workers of America?

Mr. DOYLE. I have not a copy of the constitution with me, but can very easily get a copy and make it a matter of record; but, in substance, it says that the duties of the secretary-treasurer shall be to take care of the official documents of the organization that affect that particular branch, and handle the finances and make reports, and do the ordinary clerical work in connection with the secretary's duties.

Commissioner WEINSTOCK. That is, all the correspondence, all the official correspondence, passes through your hands?

Mr. DOYLE. Yes, sir; all that affects the district as a district.

Commissioner WEINSTOCK. And you are the custodian, I take it, of all that correspondence?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. All letters that are sent out from your office are copied and the copies kept in your files, are they?

Mr. DOYLE. Yes, sir; that is, since I have been secretary.

Commissioner WEINSTOCK. How long have you been secretary?

Mr. DOYLE. I have been secretary since the 1st of April, 1912.

Commissioner WEINSTOCK. Then you have been secretary all through this recent trouble?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. As treasurer, I take it, that you also handle the funds of the union?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You handle all the receipts and all the disbursements?

Mr. DOYLE. Yes, sir; all that are handled directly through our office.

Commissioner WEINSTOCK. Are there any receipts or disbursements that do not come through your office?

Mr. DOYLE. It all comes through our office, but is handled in lump sums through the suboffice.

Commissioner WEINSTOCK. Do you have a regular system of accounting in dealing with your finances?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You keep a cashbook, ledger, journal, etc.?

Mr. DOYLE. Yes, sir; everything but the red-tape part; we keep the practical part.

Commissioner WEINSTOCK. Are your accounts ever audited?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. By whom?

Mr. DOYLE. By the international representatives, appointed by the international organization.

Commissioner WEINSTOCK. They go through your accounts and verify them and send in written reports?

Mr. DOYLE. Yes, sir; they report to the international officer; they are reported to the international officer.

Commissioner WEINSTOCK. I take it, Mr. Doyle, that you have been present at the greater part of these hearings, and have either heard or read the testimony of the witnesses who have preceded you?

Mr. DOYLE. No, sir. I have been here, outside of the time I have been on the stand, two days in all, made up of two half days and one full day.

Commissioner WEINSTOCK. You have heard the various charges and accusations brought by the operators and their representatives and their sympathizers against the United Mine Workers of America?

Mr. DOYLE. I have heard them a good many times, and I think they have nothing new to charge, and they simply made a repetition here of what they have been charging elsewhere.

Commissioner WEINSTOCK. Well, in the interest of fair play, the commission feels that it is only justice to your organization, the United Mine Workers of America Association, should have every opportunity to meet and dispute or refute the charges that have been made. And with that end in view I shall put these questions to you and would ask you to answer them as briefly as you can and to the point. Avoid digression, if it is possible to avoid digression.

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Does your union believe in the maintenance of law and order?

Mr. DOYLE. Yes; absolutely.

Commissioner WEINSTOCK. What is the attitude of your union in the matter of violence in labor troubles?

Mr. DOYLE. We are absolutely opposed to violence either in labor troubles or otherwise.

Commissioner WEINSTOCK. Has your union ever disciplined members for having resorted to violence in labor troubles?

Mr. DOYLE. We have never attempted to assume the position that we should substitute ourselves for the civil courts. We leave that to the operators to do.

Commissioner WEINSTOCK. I see. Is there anything in your by-laws or in your resolutions adopted by your union that states that the union as a union is opposed to violence?

Mr. DOYLE. I think the principles of the organization as stated in the preamble of its constitution would fully cover that matter in so far as there was any necessity of its being in any document of the organization, a copy of which I will introduce, if you wish.

Commissioner WEINSTOCK. I see. Well, any member who resorts to violence in labor troubles is breaking the law of your union?

Mr. DOYLE. And breaking the law of the land; yes, sir.

Commissioner WEINSTOCK. And also the laws of your union?

Mr. DOYLE. There is no particular law of our organization which says, "Thou shalt not kill," "Thou shalt not steal"——

Commissioner WEINSTOCK. But Mr. Doyle, your time is very limited and the time of the commission is limited, and we will appreciate it very greatly if you will confine yourself as nearly as you can to answering directly. If I, as a member of your union, having read your constitution and by-laws and having agreed to live up to them, should resort to violence—deliberately resort to violence in labor troubles—would I be violating my obligations to you? Would I be breaking the union rules?

Mr. DOYLE. First, as a citizen you would, and as a member of an organization that has no purpose in committing violence, you certainly would be doing that which is contrary to the principles upon which our organization is agreed, whether it is stated in writing in the constitution or not.

Commissioner WEINSTOCK. I would be a bad member?

Mr. DOYLE. You certainly would be.

Commissioner WEINSTOCK. If I should break any of the other rules of the organization, would you discipline me for it?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Then if you would discipline me for breaking the other rules of the union, I take it you would also discipline me for breaking that rule of the union?

Mr. DOYLE. Our organization would not—you want brief answers, but when you ask a question that is so general, I would take it that I have a right to explain it—that our organization does not, as an organization, guarantee to the assessor of the county that it will collect the taxes of anyone that is a member of the union; nor do we guarantee to the courts that we will see that a member is prosecuted for violating the laws of the State simply because he is a member of the organization.

Commissioner WEINSTOCK. Yes; I understand that perfectly, Mr. Doyle, that it is not your function to assume the police duties of the community.

Mr. DOYLE. That is what I say, Mr. Commissioner.

Commissioner WEINSTOCK. But if I break a rule of your union, isn't it the duty of the union to discipline me for having broken a union regulation?

Mr. DOYLE. Exactly the same as if you were a member of a fraternal order and broke a fraternal rule.

Commissioner WEINSTOCK. You tell me, then, that if I as a member of the union would break a rule—commit violence in labor troubles—that you do not sanction that?

Mr. DOYLE. It is absolutely against our principles.

Commissioner WEINSTOCK. What does the union do to bring those of the wrongdoers—those who break a union rule—what does the union do to discipline them?

Mr. DOYLE. We have in our organization for anyone that violates a rule of that kind—we have means, channels, and courts established, from the lowest court in the organization to the highest, to discipline that member. If a member commits a breach of the law of the State and that is against the principles which our organization stands for, we don't go into the private courts and prosecute that member. That is the duty of the State to prosecute him for that.

Commissioner WEINSTOCK. Evidently, Mr. Doyle, I have not made myself plain to you. Let me repeat my question again, succinctly, and I will ask you to answer it directly. You testified a few moments ago that a member of the union who commits violence is not only a lawbreaker in the eyes of the law, but is a lawbreaker in the eyes of the union—he has broken a union regulation, a union rule. You stated, further, that the union makes it a practice to discipline its members who break union rules.

Now, has your union ever disciplined any of its members for violations in labor troubles, for breaking the union rules by committing violence in times of labor trouble?

Mr. DOYLE. You are trying to take the matter up, and I want to state plainly as I can in the beginning. Are you asking the question—is it your assumption that our organization should take the place of the State and enforce the State laws, simply because they are members of our organization?

Commissioner WEINSTOCK. Certainly, no; your organization has not that province. I understand fully about that—that there is a State law which provides for that.

Mr. DOYLE. Your question would infer it.

Commissioner WEINSTOCK. No; but has your organization power to punish me, as a member of your union, by fining me or by dispelling me or disciplining me in some other way?

Mr. DOYLE. I will answer that by saying that if the member were an officer of the union or a delegate to a convention or a member of a union, and in an official act would cause the union to do something that was directly contrary, which would be contrary to our principle, of any particular branch, that particular branch would have to have the man come before that branch of the organization for its action as such. But the organization ought not and is not and should not be any more responsible for an individual violation of law than would the State be responsible for the individual action of one man who committed murder.

Commissioner WEINSTOCK. Evidently, Mr. Doyle, I am unfortunate this morning in not being able to make myself clear. The union stands for a minimum wage, does it not?

Mr. DOYLE. It attempts to.

Commissioner WEINSTOCK. What is done to a member who deliberately and knowingly works for a wage less than the minimum?

Mr. DOYLE. If a man works for less than the contract price, why, the organization takes it up, through its proper channels, with the employer and sees that the man is paid. I can cite individual cases, if you wish.

Commissioner WEINSTOCK. Please tell me, is that man disciplined for working for a wage below the standard wage?

Mr. DOYLE. As a rule he is.

Commissioner WEINSTOCK. All right; that is your answer. If you boycott a certain institution or a certain shop or a certain store, and I, as a union member, should knowingly and intentionally patronize that boycotted shop, am I disciplined by the union?

Mr. DOYLE. In a great many instances you are.

Commissioner WEINSTOCK. How?

Mr. DOYLE. A great many organizations fine their members for such a breach of the rules.

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. Some organizations do not. Our organization, even in this strike——

Commissioner WEINSTOCK. Yes.

Mr. DOYLE (continuing). Has failed to do so, or has just simply not done so. Even in cases of this kind, we have paid strike benefits to the strikers, and some of them have gone to work and taken those strike benefits and spent them in stores run by members of the citizens' alliance and some in stores run by the same interests against whom we were fighting in the coal business.

Commissioner WEINSTOCK. If a strike is called, Mr. Doyle, and I, as a member of your union, take a job at the place where the strike is, I become practically what is known in union terms as a scab. Am I disciplined by the union, or am I expelled?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. I am expelled because I have broken the union rules and union regulation, am I not?

Mr. DOYLE. Not only for breaking them, but for absolutely disregarding them.

Commissioner WEINSTOCK. Exactly. Now, you do discipline people, then, when they break the union rules and union regulations?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And you say that one of the rules of the union, then, is that the members are not to commit violence in labor troubles?

Mr. DOYLE. I told you it was a principle of our organization that we didn't stand for violence.

Commissioner WEINSTOCK. Very well. Now, you say that I, as a member of the union which does not stand for violence, if I abide by your rules and regulations, and despite the fact that your rules and regulations say I shall not commit violence in labor troubles, and I do commit violence and violate your rules and regulations, am I or am I not subject to discipline at the hands of the union?

Mr. DOYLE. If your act was committed in the name of the organization, you certainly would be expelled or disciplined by the organization.

Commissioner WEINSTOCK. Whether I do it in the name of the organization or whether I do it as a member of the union on my own responsibility, am I or am I not subject to discipline at the hands of the union?

Mr. DOYLE. I would only refer again to the acts of an individual citizen of the State. I do not think that we ought to be, though we are doing the work in many instances—I don't feel that we ought to be put in the light of doing that which the officers of the State ought to do.

Commissioner WEINSTOCK. Let me ask you this question. Let me put it in another form. I am not finding fault with you; I think the fault must be with myself, that I do not know how to present my questions that I may bring a straight answer. Does your union, for example, believe in accepting for membership, for instance, a burglar?

Mr. DOYLE. Our organization is humanitarian, and we accept a man whether he be black or white or colored, or whoever he may be.

Commissioner WEINSTOCK. If you knew that I was a professional burglar or a professional holdup man, would you accept me, knowingly, into your organization as a member?

Mr. DOYLE. If I knew or had proof of it, I would put you where you could not apply to any union. I would put you in the State penitentiary.

Commissioner WEINSTOCK. I would not be acceptable, would I?

Mr. DOYLE. Not to me; no.

Commissioner WEINSTOCK. Nor to your union, I take it?

Mr. DOYLE. Not if the organization knew you were guilty of that. You would certainly have to go elsewhere, because you would not be admitted.

Commissioner WEINSTOCK. Therefore your organization protects itself by not accepting or retaining, I take it, within its organization—pardon me a moment—people who are guilty of crimes; is that the fact?

Mr. DOYLE. If the employer employs a man, he becomes a member of our organization.

Commissioner WEINSTOCK. Regardless of the fact that he is a criminal?

Mr. DOYLE. We must not know he is a criminal. We must presume he is innocent until he is proven guilty.

Commissioner WEINSTOCK. Suppose he has a record?

Mr. DOYLE. If he has a record——

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. And he has evidently served the penalty, if the court has done justice itself toward this man and it has sent him to the penitentiary or fined him, he has already paid the penalty.

Commissioner WEINSTOCK. Then, you do not stop to examine the character of the man nor his qualifications?

Mr. DOYLE. We have no automatic machine by which we can test the conscience of any individual because he comes to us for membership in the organization.

Commissioner WEINSTOCK. Do you admit men regardless of character—are they eligible to membership?

Mr. DOYLE. A man may be accepted by the employer, may be a member of our organization, and if we did not admit such members to our organization the cry would go up by the employer that we were defeating the freedom of that individual member.

Commissioner WEINSTOCK. I see. Do you accept as members of your union men regardless of their moral character?

Mr. DOYLE. We do not inquire into the moral character of a man, for the simple reason that moral character had nothing to do with the right of the family to get bread.

Commissioner WEINSTOCK. Will you please explain to me, Mr. Doyle, this strange situation? According to what you have said in the last several minutes, character does not enter into membership; you simply take any man into membership who happens to be employed by the employer?

Mr. DOYLE. Our organization is built largely upon the same principles upon which our Government is built. Our Government don't go out and examine the conscience of any men who make application to become citizens.

Commissioner WEINSTOCK. I think we will save time if you will be kind enough to confine yourself to answering yes or no, as near as you can.

Mr. DOYLE. Let me tell you about that. You put questions that can't be answered by yes or no. For instance, if you should ask me if I had stopped beating my wife. If I say yes, then you ask me why I was beating my wife; and then if I say no, then you say—then you ask me why I don't stop.

Commissioner WEINSTOCK. That is true.

Mr. DOYLE. I can not say yes or no to every question.

Commissioner WEINSTOCK. Many of these questions I am trying to put ought to be answered briefly. Now, I want to get at the facts. I gather from what you say that the union is opposed to violence?

Mr. DOYLE. Certainly is.

Commissioner WEINSTOCK. I gather, further, that it is a fundamental principle of your union that there should be no violence in labor troubles?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. I gather, further, that when men violate certain rules and instructions——

Chairman WALSH. What was your answer to that last question?

Mr. DOYLE. "Yes."

Commissioner WEINSTOCK. And I gather, further, that when a man scabs, for example, breaking the union rules, he is expelled?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You don't wait for anybody else; you do it yourself?

Mr. DOYLE. Who else would do it?

Commissioner WEINSTOCK. I understand, further, that the union does not inquire into the character of applicants for membership; that the morals of a

man are not looked into. And, as I recall, Mr. Doyle, in your testimony last Saturday, you made the statement you would accept as a fact any statement made to you by a miner.

Mr. DOYLE. If a miner made a statement to me that a certain condition existed, I would take his word for it rather than the word of some one else that did not know about it.

Commissioner WEINSTOCK. Regardless of his character for honesty or integrity?

Mr. DOYLE. I think if you will take the average percentage of workmen and the average of employers, I think their moral standard of honesty and integrity and decency will average higher than the employer.

Commissioner WEINSTOCK. That is not in answer to my question, but is going off on a side issue. The fact is that men are taken into the union regardless of character, and the fact also remains that you testified Saturday that you would accept as a fact any statement made by a miner—that is all I want to know.

Mr. DOYLE. Pertaining to his wages; yes; but if he told me that he was not a married man when he was, why, that statement would not concern me.

Commissioner WEINSTOCK. Now, coming back to my original question: Can you give this commission any instance where any member of your union was disciplined for having broken the union laws in committing violence in labor troubles?

Mr. DOYLE. I know of no instance where a man has committed violence in the name of the organization, and I have no knowledge anywhere where the facts have been brought to the attention of the organization where a member deliberately committed violence against anybody. You must know——

Commissioner WEINSTOCK (interrupting). That answer is sufficient.

Mr. DOYLE. If you don't want my full answer, all right; if you want to stop me when you think I have said enough, you may do so, but I want to finish my answer; I want to explain.

Commissioner WEINSTOCK. Very well, you may do so.

Chairman WALSH. You may make any explanation you want to, Mr. Doyle.

Mr. DOYLE. I would like to have the stenographer read back the question asked me by Commissioner Weinstock and my answer as far as I had gone.

The REPORTER (reading):

"Commissioner WEINSTOCK. Now, coming back to my original question: Can you give this commission any instance where any member of your union was disciplined for having broken the union laws in committing violence in labor troubles?

"Mr. DOYLE. I know of no instance where a man has committed violence in the name of the organization, and I have no knowledge anywhere where the facts have been brought to the attention of the organization where a member deliberately committed violence against anybody. You must know——"

Mr. DOYLE. A great percentage of the public assumes that when there is a strike violence is committed by those who strike, when the facts are that in nine-tenths of the cases of violence it is not true. The fact is that when men go on a strike and there is violence they are immediately charged with the violence, while the facts will show, by records throughout the country, that the violence has come from the other side; that men have been paid to act as spies within the ranks of the organization and to commit violence, and when violence is committed by those paid spies the violence is charged to the strikers.

Commissioner WEINSTOCK. Your point is that employers will send in spies into the union; that one of the purposes of these spies, I take it, is to stir up the workers to acts of violence; is that right?

Mr. DOYLE. That is my understanding of it; yes, sir; my idea that I want to express.

Commissioner WEINSTOCK. Now, has your union ever expelled even those so-called spies?

Mr. DOYLE. In some instances, yes; and in some instances, no.

Commissioner WEINSTOCK. Can you cite any case during the past trouble where any such expulsions have taken place?

Mr. DOYLE. I can cite where some left themselves, and I can cite where the fact is stated by an operator himself that they have the spies in there, and we have not been able to catch them all yet.

Commissioner WEINSTOCK. But there has been no expulsion during the recent troubles, beginning, I take it, some time in 1913—there have been no expulsions in your union of members who were guilty of violence during this recent trouble?

Mr. DOYLE. I don't know of any member who has been guilty of violence—deliberately going out and committing violence.

Commissioner WEINSTOCK. And there have been no expulsions on that account?

Mr. DOYLE. Should be none if none were guilty of them, and it has not come to our knowledge.

Commissioner WEINSTOCK. Do you believe that unionists who resort to violence in labor troubles should be punished under the law?

Mr. DOYLE. I certainly do, whether unionists or operators or employers or strike breakers.

Commissioner WEINSTOCK. The charge has been made, Mr. Doyle, that unionists take the ground that when members commit acts of violence in labor troubles they are doing it in the interest of labor and hence that, right or wrong, organized labor should stand by them, should condone their criminal acts, and should defend them and in every way aid them to escape punishment. Is that so?

Mr. DOYLE. Who in the world makes such a charge? No; it is not so.

Commissioner WEINSTOCK. You say it is not so?

Mr. DOYLE. It is not so; no. Our organization is built on bigger and greater principles than such a thing as that, don't stoop that low.

Commissioner WEINSTOCK. The purpose of this commission, Mr. Doyle, as you doubtless know, is to locate the responsibility for acts of violence committed during the Colorado mining strikes.

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. It is our desire to determine, as far as we can, between cause and effect. What we want to find out, if we can, is who were the aggressors; was the violence which took place originally due to an attack first made by the hired mining guards on the strikers, or was the employment on the part of the miners—operators—of hired guards due to acts of violence first committed on the part of the strikers?

Mr. DOYLE. I will state in answer to that question that I believe that the violence commenced before the strike from the operators' side, not only by reason of the murder of Lippiatt, an organizer of the union, but also by the employing of guards and the extra activity—extraordinary activity—of the mine guards at the various mines just prior to the strike and for some time prior. But in connection with the matters of violence that may have occurred or may not have occurred in the State of Colorado during the recent strike, I think I made it clear Saturday that as to any particular case or matters affecting them directly, outside of generalities, I wish to have nothing to say before this commission, acting under advice of counsel, because of charges now up against me involving conspiracy to murder; and if I understand, as a matter of law conspiracy, can be construed to be anything from stacking a deck of cards to stealing an elephant; and I don't want to put them in a position to distort anything I say here.

Commissioner WEINSTOCK. Well, let me ask you this, Mr. Doyle: Are you in a position to furnish this commission with evidence—dependable, reliable, evidence—to show that the violence was begun by the operators?

Mr. DOYLE. I am satisfied that that is the case, and am satisfied that if a trial were had upon that general question we could produce a sufficient proof in the entire State to corroborate our statements.

Commissioner WEINSTOCK. Well, can you produce such proof to this commission?

Mr. DOYLE. If the commission will take up the matter, paying the expenses and of standing the examination, paying the counsel's services, and standing all expense of bringing them here, I will undertake to do so.

Commissioner WEINSTOCK. Were you present the other day, Mr. Doyle, when Lieut. Linderfelt testified?

Mr. DOYLE. Just a little while.

Commissioner WEINSTOCK. Let me read you some of his testimony on that very point [reading]:

"Question. Just describe, beginning at your first appearance there, down to the end of your service as a deputy sheriff, as to any trouble that took place.

"Answer. My instructions, when I went out there, was to arrest anyone who started any trouble, whether strikers or mine guards."

This occurred sometime around October 25, I think, before the militia was called out—yes.

"Gov. Ammons, Mr. Lawson, I believe, John Lawson, and Sheriff Gresham and Col. Lee was at the Cardenas Hotel, and the sheriff agreed to send out a

detachment of deputies in charge of someone who would see who started the trouble, and I was sent out in command of those deputies.

"Question. Placed in command by whom?

"Answer. Sheriff Gresham. I went out there to Ludlow, at the section house where we were stationed, and took command of it. I found, when I got out there, that there seemed to be more or less feeling between the deputies—among themselves—as toward the mine guards. Some of them did not want to have anything to do with the mine guards and thought they were in the wrong; and some thought the striking miners were in the wrong, and would discuss that; but I explained to them that their duty was simply to preserve the peace and arrest whoever violated the peace. They were going to the depot and meeting the trains at that time, about 20 men, previous to my arrival there; but they had taken these men and sent them over to Chicosa, I think about 12. I cut the patrol down to meet the train and just about got things started, getting the men lined up in some kind of order and having the horses shod in shape, and I was over at Chicosa; on my way back about the middle from the station house, and I heard firing in the direction of the section house. It was about train time. Four men had gone to the train, and as they came from Water Tank Hill were fired on from Ludlow. I was between Ludlow and the steeel bridge, in the cut; there is a big heavy cut there that the railroad goes through, and the sand is thrown up, making quite a good sized mound, and they were fired on, I think, from that place. I immediately spurred up my horse and started over to the section house, but before I had gone very far heavy firing broke out from Water Tank Hill toward the section house. There is a large bank, a railroad bank, that runs in this direction [indicating] and turns under the steel bridge going to Ludlow. Below the steel bridge is the section house. The road follows this railroad track. On the side nearest Water Tank Hill, as I was riding there, I observed some heavy firing from the hill and dismounted and got behind the railroad bank with two men and returned the fire. I worked around this railroad cut on the opposite side of the road, which gave me protection, toward the station. I found the deputies that were there were driven back from all points except a few around the station house. Then a lot of men came down from Berwind Canyon and joined in with us, and we drove them from Water Tank Hill; and about 4 o'clock, or 5 o'clock I think, the fight was over. At 2 o'clock that morning a heavy snowstorm had set in and all these men from Berwind Canyon had gone back, and the situation of the station house is absolutely unmilitary for protection, and we abandoned that—that station. I in the meantime had phoned Gen. Chase.

"Question. Excuse me, what date was that?

"Answer. Well now, I think I have a copy of a telegram that would give me that. It was the Saturday before the troops came in.

"Question. The Saturday before the troops came in?

"Gen. CHASE. I can give you that date.

"Chairman WALSH. What was the date?

"Gen. CHASE. October 25, 1913, Saturday.

"Question. Was that the date, October 25, as you remember it?

"Answer (by Lieut. Linderfelt). It was the Saturday before the troops came in.

"Question. How many deputies were engaged in that fight?

"Answer. Why, I should think we had, regular county deputies, about 23 or 24.

"Question. And were there any other persons engaged in it outside of the regular county deputies on your side?

"Answer. Except these men that came down from Berwind; whether they were deputies or who they were I could not state.

"Question. About how many of them were there?

"Answer. About 60 I think.

"Question. I interrupted you when you said you got the telegram from Gen. Chase.

"Answer. That was to fix the date.

"Question. Can you give us any better information, Lieutenant, as to who these 60 men were?

"Answer. I think possibly they were storemen, miners, mine guards, watchmen. They came to our assistance, and if they had not come to our assistance we would have been wiped out."

Now, were you at Ludlow at that time, Mr. Doyle, October 25, when this trouble arose between the mine deputy sheriffs and the workers?

Mr. DOYLE. Let me see just a moment [referring to a memorandum]. I know I was not at Ludlow on the 25th; but I may have been in the Trinidad district. I see I was in the Trinidad district on the 28d of October, at the time the militia broke up—or the Baldwin-Felts people, rather, broke up the furniture in the Forbes tent colony; but how long I remained there, I don't exactly know.

Commissioner WEINSTOCK. I see. To the best of your recollection you were not at Ludlow at the time this——

Mr. DOYLE (interrupting). No; I was not at Ludlow at the time of any particular trouble there. That is how I know that.

Commissioner WEINSTOCK. Well, now, you observed from Lieut. Linderfelt's testimony, according to his statement, that the deputies were assaulted, that the first fire came from Ludlow. Do you care to say anything as to that?

Mr. DOYLE. Well, only this: You must remember that it was, according to his statement.

Commissioner WEINSTOCK. Yes. Well, let me ask you this question, Mr. Doyle: If you were a juror and there were two witnesses brought before you, both of equal credibility, you had no reason to disregard either one, and one was an eyewitness and a participant and testified to what he saw and what he heard and what he did, and the other was not an eyewitness nor a participant. Which testimony should carry more weight with you as a juror?

Mr. DOYLE. That would be governed a good deal by the circumstances—the evidence of other witnesses and who also were eyewitnesses who no doubt would testify in the same case, and would be governed by the circumstances surrounding it. If the evidence from other witnesses and the facts shown and the instructions of the court showed me that that particular witness that you have named, evidence should be taken, it would be taken by me as a juror in that case and so considered. But taking this as a case you are now stating, there is only the evidence of one man, but after talking to these miners and at different times and talking to officers of the union and others and considering the occupation of the man whose testimony you have just read and the nature of his business in that field, I am inclined to believe as a juror that I would have considerable weight coming from other sources and other persons equally as great, if not greater, than his testimony given.

Commissioner WEINSTOCK. Well, are you in a position, Mr. Doyle, to discredit Lieut. Linderfelt's testimony on this point?

Mr. DOYLE. I talked a great deal to the miners down there, from general conversations with them—I don't think that the statement is correct. I don't think the miners could have been attacking anybody—the very looks of the thing; that tent colony itself is so far removed from the mines that it must have been the miners attacked and not the tent colony. It would seem to us that if the miners—strikers—were doing the attacking, it is natural they would go to the mines.

Commissioner WEINSTOCK. At this time, however, you are not in a position to offer any testimony to dispute that?

Mr. DOYLE. I was not an eyewitness.

Commissioner WEINSTOCK. You were not an eyewitness?

Mr. DOYLE. No.

Commissioner WEINSTOCK. I have a note here saying that Clarence Darrow, who is commonly regarded as the legal representative of organized labor, is credited with the statement that no great strike can be won on the part of labor without resort to violence. Does he voice the sentiment, so far as you know, of organized labor when he makes that statement?

Mr. DOYLE. No, sir; I don't know what his interpretation of that is, but I think that no strike can be won with violence.

Commissioner WEINSTOCK. You think that no strike can be won with violence?

Mr. DOYLE. That is my——

Commissioner WEINSTOCK (interrupting). You disagree, then, with the alleged statement made by Clarence Darrow?

Mr. DOYLE. As to what I interpret that, yes. I don't know what his meaning of his statement is, but my interpretation of that would be, I suppose, what you mean; and if that is the interpretation of it, I disagree with it.

Commissioner WEINSTOCK. It has also been said that organized labor takes the ground that a labor strike is war, and that everything is justified in war. Is that, so far as you know, Mr. Doyle, the attitude of organized labor?

Mr. DOYLE. No. A strike is really an upset of industrial conditions; there is no doubt about that—out of which war may grow as it did, I believe, in Colorado. But I don't think a strike itself constitutes war.

Commissioner WEINSTOCK. You don't think it constitutes war?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. Therefore you would not, speaking as an official, think that everything is justified in a strike?

Mr. DOYLE. No; I think everything honorable and lawful would be justified in a strike.

Commissioner WEINSTOCK. Do you believe that any power in this Republic other than the Government itself should be permitted to resort to war?

Mr. DOYLE. I don't think that anyone should be. I don't think God himself intended men should butcher one another. I don't think we ought to have war. No man has a right to kill. It has been said, "Thou shalt not kill." No man should have a right to kill, whether the excuse is war or anything else; even hanging or capital punishment is wrong.

Commissioner WEINSTOCK. Well, under those circumstances, of course, you feel, I take it, that no power in the Republic should be permitted to resort to war outside of the Government; and I suppose you would favor the Government going to war only as a defensive measure?

Mr. DOYLE. Only in case of invasion and taking of country from them.

Commissioner WEINSTOCK. Exactly. The charge has been made that organized labor the country over contributed to the funds of the Colorado mine strikers, which funds were used for the express purpose of buying guns and ammunition to be used in fighting the constitutional authorities of the State. Now, did organized labor contribute to the funds of the Colorado mine strikers, and were those funds used for the express purpose of buying guns and ammunition?

Mr. DOYLE. Organized labor contributed to the support of the Colorado strike. Further than that, as to what they were used for, I prefer to leave unsaid until such time as trials may be over with, or anything of that kind, for fear what I may say may be wrongfully interpreted to the jury or court. But if there is any information in that line that the commission may want after what trials I may be involved in are over, with permission of counsel, I would very gladly answer any question the commission might see fit to ask.

Commissioner WEINSTOCK. I see. But at this time you decline to state whether any of those funds contributed by organized labor throughout the country have been used for purchases of guns and ammunition?

Mr. DOYLE. At this time; yes, sir.

Commissioner WEINSTOCK. Have you any union officials in Colorado, Mr. Doyle, who advocate acts of violence in labor troubles?

Mr. DOYLE. Not that I know of.

Commissioner WEINSTOCK. Do you believe that unionists are justified in violating the law in an effort to establish the closed shop?

Mr. DOYLE. No, sir; but I have very fixed ideas on the closed shop, and which I would like to explain when the opportunity comes, but I do not believe they are justified in violating any law on that.

Commissioner WEINSTOCK. You mean that if you must choose between the closed shop on the one hand, and violating the law on the other hand, you would let the closed shop go, Mr. Doyle?

Mr. DOYLE. If it was necessary they would; if we were going to live up to the law.

Commissioner WEINSTOCK. I take it, Mr. Doyle, from the testimony that has been submitted to the commission by yourself and others, that the miners demand that they be permitted to exercise their constitutional rights to join a union for any reason or for no reason?

Mr. DOYLE. Yes; we demand the right to belong to a labor organization.

Commissioner WEINSTOCK. And if you are denied that right to join a union for any reason that is satisfactory to the employers, that your constitutional rights are being interfered with?

Mr. DOYLE. Well, I presume that would be——

Commissioner WEINSTOCK (interrupting). In other words, if I as your employer should say to you "I forbid you to join the union," would that not be an interference with your constitutional rights?

Mr. DOYLE. Yes; and in this State you would be violating a law of the State.

Commissioner WEINSTOCK. Exactly. I think we will agree that an employer has constitutional rights, will we not?

Mr. DOYLE. Undoubtedly.

Commissioner WEINSTOCK. And if it is a crime, as I take it it must be in Colorado from the law which you tell me exists, for an employer to forbid his worker from joining a union, and if that worker is to—if his rights are to be

sacredly preserved on the question of joining or refraining from joining a union, has not the employer equal constitutional right to employ union or nonunion men, as he may prefer, for any reason or for no reason?

Mr. DOYLE. An employer has a right to employ anyone he sees fit. Your question being a broad and general one, I would ask the privilege of making a statement in connection therewith, and that is the assumption that a man should have the right to work, as I understand your question, in any particular industry, simply because he had been so employed by the operator of that industry, without being compelled to join a labor organization; that while that is considered, talked of as a right, it is only considered upon the surface, and they never go below the surface to discuss that and have it out whether it is a right or a wrong. And I might say here that anyone that goes into an industry to work, if there is an organization in that industry, he should be compelled to become a member of that organization.

Commissioner WEINSTOCK. Then you would rob the employer of his constitutional right to employ a nonunion man for any reason or no reason?

Mr. DOYLE. Let me answer that question in my own way, and I think it will save a good many questions. I want to make a comparison. When this country was first started and there were only a comparatively few men in the Nation, we did not have the institutions that we have to-day—that is, the subdivision into cities and counties and States, etc.—but as the population increased it was necessary to have the form of government established that we have and recognize to-day. And the individual members of that society or government, whether they come from a foreign country or were born here, if they live in that society must abide by its laws or suffer the consequences, and not only must they abide by the laws and rules and regulations laid down, but they must contribute their support to the maintenance of those laws. They can not exercise the full freedom of liberty they had before when there were a comparatively few people living in this country, but they must sacrifice a portion of their individual freedom, as the Indians did, for the benefit of society. They recognize that condition, and the people as a whole forbid certain rights to the individual for the benefit of the whole, and they give up their personal rights and liberties to the extent of where their neighbors' rights begin, and they, as individual units of that society, in that way contribute to that society as a whole. The same thing existed in industrial life in the beginning, and the time was when the people individually raised cattle and butchered them, curing the hides and making their own boots and shoes, or, in other words, handled the raw material through all of its stages, from the first to the finished product; it was all done by the one individual; but now thousands of hands handle it from the time of the raw material up to the finished product; so that industry has evolved into the same complex stage as we find in the case of government, and that being the case, I say that each individual in that industry—in that industrial life—should be compelled to contribute to the support of decent conditions, fair hours, etc., just as the individual has done in society. Now, let us take an illustration; let us say that——

Commissioner WEINSTOCK (interrupting). If I understand you correctly, Mr. Doyle—my understanding from what you now state is that you would establish a law compelling them to join a union whether he was willing to or not.

Mr. DOYLE. Until some better system is found—until there is something found that will take the place of unions, as the unions are to-day, and protect all of the workmen as individual cogs in that machine—until something better is found, every man should be compelled to be a member, just as every man is compelled to pay his taxes.

If I started to keep pigs in a residence district of the city close to where you lived, you would have me stop, you would have me arrested; and I claim that in a mine where 500 men are working and an individual, say an American, comes in any says, "I will do as I please," and takes a naked light into the mine, or does anything that contributes to loss of life or injury to the men in that mine, he should be prohibited from doing that. It is the same as in the case of the pigs.

Commissioner WEINSTOCK. I understand your doctrine, then, to be this, and it is a new one to me and it is a revelation to me, that if you had the power—and I take it you are speaking officially, as you are here representing your organization—you would compel every workman to join the union, whether he wanted to or not?

Mr. DOYLE. I would tell him to do nothing in attempting to exercise his so-called American freedom—not to do anything that would jeopardize his fellow workman, but to do just the same as he would as a member of society.

Commissioner WEINSTOCK. You would compel every workman to join a union?

Mr. DOYLE. I would compel him to live up to the standard of decency and an American living wage, and to do nothing to injure a man——

Commissioner WEINSTOCK (interrupting). Well, now——

Mr. DOYLE (interrupting). Wait a minute. If there was a union in the industry in which he worked I would tell him to belong to it. If there was a substitute, something better, and the American people waked up to the fact that the same doctrine should apply in industrial life as in society, in the Government, it might take the place of the union.

Commissioner WEINSTOCK. Now, you have explained at full length what your ideas are——

Mr. DOYLE (interrupting). Not at full length. [Laughter.]

Chairman WALSH. Let us have order, please.

Commissioner WEINSTOCK. Well, you have explained at considerable length, and I take it that it is your idea—and ask you if it is not your idea—that if you had the power you would compel me, as a worker, to join a union whether I wanted to or not? Answer that yes or no.

Mr. DOYLE. I can not answer that yes or no; that would also depend upon circumstances.

Commissioner WEINSTOCK. What would be the circumstances?

Mr. DOYLE. One of them was, just as I mentioned to you a while ago, that if you could get the conditions—if there was a miracle worked—and there should be some other thing found to take the place of that which we are trying to use by organized labor to protect ourselves against those conditions in industrial life, I would not force you to join the union.

Commissioner WEINSTOCK. Take the conditions as we find them in the United States of America at this very hour, would you compel me as a worker to join a union and compel every other workman to join the union whether I or he wanted to or not?

Mr. DOYLE. I would compel him to join the union on the same principles that I would compel a man to join the society or the government or city or county or State where he lives—after the industry had reached that stage in its development where it became so complicated that the human part of the individual workman has been completely lost sight of. Something must be evolved.

If, as in the early days, you and I were working side by side as employer and employee, only the two of us, and I were to get hurt, you would show your human side and stop your work in order to personally assist me and give me aid; but if you employed 10,000 men and you were sitting in your office like Rockefeller in New York you would not run to my assistance. There must be something to take the place of that.

Commissioner WEINSTOCK. We are not speaking about any specific case or industry or locality but in regard to the principles involved.

Mr. DOYLE. That is what I am doing.

Commissioner WEINSTOCK. I want to make sure that I understood you rightly, and your attitude. And I have understood you, that if you had the power, and could make the law, you would establish a compulsory law compelling every wage earner to join a union. Is that right; yes or no?

Mr. DOYLE. I would not answer that yes or no for the reason that this is going into the record, and I do not intend my record to be shown to a man, who may never have gone into this thing as I have as an individual workman and not understand the actual conditions, and have him get on the stand and say, "His answers are unfortunate; they deny the workmen their proper freedom as an individual citizen," without having anything in that record to show why my answer was made, and to show that we believe that the great mass of people have not yet come to recognize that the same conditions should prevail in industrial life as in society and that what is good for us in our social relations is good for us in our industrial organizations in the treatment of the individual unit.

Commissioner WEINSTOCK. Where would you draw the line? Where would you compel a man to join and where would you refrain from compelling him to join, from your point of view, Mr. Doyle?

Mr. DOYLE. I think that the industry itself would answer that, according to the nature of the work. For instance, in the making of matches I believe they all ought to be organized, even though there were only five men they ought to belong to it.

Commissioner WEINSTOCK. And be made or compelled to belong to it?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. By law?

Mr. DOYLE. Either by law or by recognizing the principle.

Commissioner WEINSTOCK. How do you reconcile that theory or doctrine or philosophy with the doctrine that has been announced and pronounced by the American Federation of Labor, of which I take it you are a member in good standing, that the American Federation of Labor is opposed to any kind of compulsion? They don't want compulsory arbitration; they don't want compulsory inquiry; they don't want compulsory minimum wages. Now, if that voices the sentiment of organized labor of America, and I think it does voice that sentiment among the highest in intelligence of organized labor in America, how do you reconcile that with your statement that you would use compulsion?

Mr. DOYLE. I do not attempt to compare my intelligence with that of Samuel Gompers or any other great leader of American unions; but I do say that if the American people, and especially employers, are blind to the fact that the principles of government in this country should also apply to industrial life as well as union life, it ought to be shown to them that that should be the condition, and no employer ought to be afraid to practice in his industry what we practice in our governmental affairs.

Commissioner WEINSTOCK. With the sentiment of the representatives, the representative body of the American Federation of Labor, as I have just expressed it, you would still resort to compulsion?

Mr. DOYLE. The American Federation of Labor favors compulsion in the sense that I speak of it, for it has no objections, or never raised any, against the form of government under which we live, and we are all compelled as citizens—and if we are not citizens born we must take out our naturalization papers—to live up to those laws and obey them. Is not that compulsion? If we were birds flying in the air we would have absolute freedom, but as members of society we must forego certain liberties for the benefit of the whole; and the American Federation of Labor I never heard denounce that as a right theory.

Commissioner WEINSTOCK. Now, coming back to my original question, I want to make sure that I understand you rightly. I don't want to get a wrong impression of your attitude and your point of view. I have gathered from what has been said in the last 10 or 15 minutes that this is substantially your position, and I take it you are speaking officially; that the worker shall not only be permitted to exercise his constitutional right of joining a union, but that he shall be compelled by law to join a union, but that the mine owner on the other hand shall not be permitted to exercise his constitutional right in employing union or nonunion men as he prefers?

Mr. DOYLE. Are you through?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. I will make another explanation. The theory that most employers have and always begin on, and that the general public have always seemed to adhere to, is that we do have the right to work for whom we please and where we please and when we please and on what terms we please as free Americans; and that that is the only brand of freedom. I claim that that itself is not even freedom under the conditions as we find them to-day. We find wealth concentrated; we find the Rockefeller interests that are fighting us. They control every walk of life, industrial and social, in the Nation, and they say, if I understand your question, that we have the right as free Americans to work for whom we please and work where we please and when we please, and "Why interfere with that?" is the policy of the employer. I want to say that that right does not exist, but I want to say the wrong does exist that we have to work for the wages offered or starve to death.

Now, if I had the right to work for whom and where and when I pleased I would come to you to-morrow. I would resign as a member of a union and I would come to you to-morrow and demand to work in your office, as a lawyer, say, $5 a day, four hours a day, work every other day; that would be trying to put into practice the theory of American freedom—to work for whom and where and when you pleased. And the employers claim that unless you allow that right you are interfering with their rights. I can not see that at all.

Commissioner WEINSTOCK. As a good, law-abiding citizen, Mr. Doyle, I am sure you take the ground that every citizen ought to be permitted to enjoy all the privileges the law gives; is that not so?

Mr. DOYLE. I certainly do.

Commissioner WEINSTOCK. And does or does not the law give the employer the right to employ a union or a nonunion man as he prefers?

Mr. DOYLE. Yes; it does.

Commissioner WEINSTOCK. Then when you go to him and say, "You shall not employ a nonunion man," are you not robbing him of his right under the law?

Mr. DOYLE. Does not nature tell me I have a right to freedom? And am I not submissive to the law when I agree to surrender a certain part of my freedom for the good of society?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. If that is true, in order to obtain the highest degree of freedom that a man can have in this country, why should not the same principle of righteousness obtain in industrial and union life the same as applies there?

Commissioner WEINSTOCK. I do not understand you. You are talking in language that is not comprehensible to me. I asked you, does the law give the employer the right to employ union or nonunion men, and you say yes.

Mr. DOYLE. Yes; but——

Commissioner WEINSTOCK (interrupting). One moment, please. You say the law gives that right. I ask you if you are not robbing me of a privilege that the law gives me, and you make a statement that I can not reconcile with my question.

Mr. DOYLE. Speaking of a right, I would call it a privilege instead of a right——

Commissioner WEINSTOCK (interrupting). Pardon me; it is more than a privilege. It is a right, exactly the same as you say you have the right to join the union.

Mr. DOYLE. Was it right when the law gave employers the privilege of owning slaves in the South?

Commissioner WEINSTOCK. It was their right——

Mr. DOYLE (interrupting). No, sir, never; that never was their right.

Commissioner WEINSTOCK. At that time it was legal under the law.

Mr. DOYLE. Legal does not make it right, unless it is morally right.

Commissioner WEINSTOCK. That may be so, but the law gives you that privilege and the law gives you the right to exercise it.

Mr. DOYLE. I said it was a privilege; you said it was a right.

Commissioner WEINSTOCK. I have a right to stop at any hotel in Denver that I please, but if you or Jones or Brown or Smith comes in and says, "You can not stop here, you must stop somewhere else," I am robbed of that right.

Mr. DOYLE. Legality does not give a right, unless it is a moral right; that is my idea. If it was legal to hold slaves in the South, it was not a moral right.

Commissioner WEINSTOCK. Then, I understand, it is your idea that you and I should observe the laws with a string tied to it; that we should determine for ourselves whether a law is righteous or unrighteous, and that if we decide it is an unrighteous law we shall deliberately break it, because we think it is an unrighteous law, regardless of what the majority may think.

Mr. DOYLE. No, sir; we should suffer the consequences of any unrighteous law until it is broken.

Commissioner WEINSTOCK. You are right there; but so long as they are the laws am I to be robbed of my rights under that law?

Mr. DOYLE. No, sir; the people under that law ought to suffer for having tolerated the people that made that law.

Commissioner WEINSTOCK. We agree on that, exactly.

Mr. DOYLE. I am glad we agree once.

Commissioner WEINSTOCK. Now, since the law gives the employer to-day the right to employ a union *or* a nonunion man, would you rob him of that right he has under the law?

Mr. DOYLE. I would attempt to show him that while perhaps it was his legal right, that it was a moral wrong; and if I could not get him into a conference with me and get him out of his "I am holier than thou" attitude, I would go before the world, as I have, and endeavor to show them that that was absolutely wrong, and not only wrong, but that he should consent to a conference to adjust the matter.

Commissioner WEINSTOCK. If you and I disagree about the righteousness of a certain law, and I tried to convince you that you should abrogate your right, that you should waive it, and I failed to convince you, and you continue to feel that you are justified in exercising the right that the law gives you, am I to infer that by other measures, unfair measures, I should try to prevent you from carrying out what you believe to be your right under the law, simply because you and I can not agree about it?

Mr. DOYLE. Under those circumstances I would say that where the exercise of that legal right—we will call it legal privilege on your part—as an employer, causes loss of life, or stunts the growth of society, intellectual or physical, that I would go forth and preach the gospel and tell those men they must do everything to create influence against the ideas that you had such a right and compel you to release your hold on what was your legal privilege, as a matter of technicality, but which was a moral wrong.

Commissioner WEINSTOCK. We are at one on that; that is, if I can not convince you that it is wise and just and proper for you to abrogate the rights and privileges that the law gives you, I would be thoroughly justified in going out as a missionary and creating public sentiment by all legitimate methods to change the law and take that right from you; but pending the change of the law, however, have I any right to interfere with you in the exercise of your privileges under the law?

Mr. DOYLE. Your first question led up to that, whether I believed a man should be forced into a union, and I said—I answered that by referring to the theory of our government. Now you are coming down from generality to a particular case.

Commissioner WEINSTOCK. It applies generally, not to any particular locality or employer, but to all employers and all localities; it deals with the principle and not with any particular case.

Mr. DOYLE. All right; I think the principle is that everyone should be a member of that industrial—call it union, or fraternity, or whatever you want to call it—as we are in social life, and if not, then I think that all the findings of this commission will not solve the question.

Commissioner WEINSTOCK. Then, do you believe, in summing up, that so far as it is a law, and under that law the employer has a right to employ whoever he pleases, that he should be allowed to exercise his right under the law?

Mr. DOYLE. Yes; and I would say that to-morrow, if the operators of this State were permitted by their master, Mr. Rockefeller, to go into a conference with us as representatives of the miners, or some other man, if they are afraid of me—that if they were to go into a conference and make a settlement with the miners' representatives, that the men going to work as non-union men, and going into the same mine as the union man, it would not be long, whether it was a legal right or not, they would be for it, because they would see the justice of it. Haven't our men gone to work since the strike has been called off with those who have been at work while we were on strike?

Commissioner WEINSTOCK. May I ask this question, Mr. Doyle: Does the union demand as its right any privileges that it is not willing to grant to others?

Mr. DOYLE. Not that I know of.

Commissioner WEINSTOCK. In other words, your union demands no special favors, no special privileges?

Mr. DOYLE. I think not.

Commissioner WEINSTOCK. It is willing to give to others the same rights and the same privileges it demands for itself?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Furthermore, I take it, the attitude of your union is, you do not ask unreasonable things?

Mr. DOYLE. I think not. We can not get the reasonable, much less the unreasonable.

Commissioner WEINSTOCK. What would be the attitude of your union if this was to happen: If the employers should come to your organization and say to you, "Gentlemen, we are prepared to enter into an agreement with you, but we want to frankly tell you this: We anticipate that sooner or later we are liable to have trouble with you; there is liable to be a strike and liable to be violence. Now, in order that we may be able to protect ourselves at that time, we want you to agree to use your hands to make ammunition and to make guns for us, which we shall have at our command to use against you in the event of a strike or trouble." What would be the answer of your union to the employers if they made that demand on you and made that one of the conditions of agreement?

Mr. DOYLE. I don't quite get your drift. You mean they wanted the coal miners to cease mining coal and go into a munition factory?

Commissioner WEINSTOCK. Yes; and furnish them with ammunition and other instruments of defense and offense. Would you regard that as a reasonable demand on the part of the employer?

Mr. DOYLE. No; I think not, for the reason that the coal miners' union could not make a contract for a munition factory, since we take jurisdiction only around coal mines, and it might be there was an organization in a munition factory with whom the owners of that factory should make their contract.

Commissioner WEINSTOCK. In other words, I take it you would look upon it as a very unreasonable and very unfair demand on the part of the employers to ask the workers to put machinery of any kind, I don't care what it is, into the hands of the employers, knowing it would be used against the workers themselves in case of trouble?

Mr. DOYLE. I don't see that it has any connection.

Commissioner WEINSTOCK. To make the workers largely an instrument of their own possible destruction?

Mr. DOYLE. They are that a good deal now.

Commissioner WEINSTOCK. Suppose it was a stipulated condition on the part of the employer, would that be fair?

Mr. DOYLE. I think I can explain with an illustration, that if Congress was in session and some Congressman should introduce a bill to take over the railroads of the United States, or buy them over, and some man should come up and offer to amend it by making it unlawful for a druggist to sell turpentine in anything but pint bottles; there is no connection there at all; they don't associate one with the other so far as the industry is concerned.

Commissioner WEINSTOCK. Have you a copy of the contract or agreement that is submitted to the employers for their signature?

Mr. DOYLE. I have none with me. I think I furnished them to some of the officers of this commission; there may be some around somewhere.

Commissioner LENNON. There is an Illinois contract.

Mr. DOYLE. I think I can get one for you.

Commissioner WEINSTOCK. Perhaps I have one here.

Mr. DOYLE. I might make a correction here—they must be submitted, but there is no arbitrary submission of a particular contract.

Commissioner WEINSTOCK. Will you be good enough to look at this contract and tell me whether or not it is the sort of agreement usually submitted to employers for their signature?

Mr. DOYLE. Yes, sir; I think that is a copy of the last agreement entered into between the various independent companies who signed since the expiration of the last?

Commissioner WEINSTOCK. Right here in Colorado?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And that would be the agreement—the character of the agreement that you would expect the employers working nonunion employers to sign if they wanted to do business with the organization?

Mr. DOYLE. Provided they agreed to it, but not necessarily that one. If they came into conference with us, the whole substance of that or face of it might be changed before the agreement is entered into.

Commissioner WEINSTOCK. I find in article 4 of this proposed agreement this statement:

"The operators agree to check off all dues, initiation fees, fines, assessments from the miners and mine laborers, also checkweighmen fees, for which an order shall be signed by each miner or mine laborer, addressed to the operator, and shall be in the following form, to wit:

"To ———: I hereby authorize you to deduct, from time to time from whatever sum may from time to time be due me while in your employ, whatever sum may be due from me as dues, initiation fees, fines, and assessments to any local of the United Mine Workers of America to which I may belong as may from time to time be reported to you by the secretary of the said local, and to pay the same to the secretary of the said local; and also to deduct, from time to time while in your employ, such sum as may from time to time be due from me to the checkweighmen at the mine at which I am employed, and to pay the same to the checkweighman. It is understood that the checkweighman's wages shall have preference over other deductions. After powder, oil, and cotton are paid for the union deductions above provided for shall be made."

That is a correct reading, is it?

Mr. DOYLE. Yes, sir; I believe that is a correct reading of the form.

Commissioner WEINSTOCK. Will you be good enough to inform the commission how these fees, due fees, assessments from the miners, are used, how they are distributed, what different funds do they go into?

Mr. DOYLE. The dues, the dues that would be charged to any member, they are to go to the maintenance of the institution of which those people are members.

In our organization, under our rules, say 50 cents, the minimum dues are 50 cents, 25 cents——

Commissioner WEINSTOCK. Pardon me. What is the initiation fee?

Mr. DOYLE. That varies according with the districts.

Commissioner WEINSTOCK. What is it in your district?

Mr. DOYLE. It has been as low 50 cents.

Commissioner WEINSTOCK. Initiation?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And 50 cents dues?

Mr. DOYLE. Fifty cents minimum——

Chairman WALSH. Give the minimum and maximum in the district, Mr. Doyle, while you are at it, please?

Mr. DOYLE. Fifty cents is the minimum for dues.

Commissioner WEINSTOCK. What is the maximum?

Mr. DOYLE. Maximum, 65 cents——

Commissioner WEINSTOCK. Based upon what?

Mr. DOYLE. Cents per month.

Commissioner WEINSTOCK. I mean the initiation fee; what is the minimum initiation fee?

Mr. DOYLE. The minimum was 50 cents, regular.

Commissioner WEINSTOCK. What is the maximum?

Mr. DOYLE. Ten dollars.

Commissioner WEINSTOCK. Maximum?

Mr. DOYLE. Regular $10 initiation, ordinary; under dispensation it has been as low as 50 cents. But it has been placed in the constitution to be charged $25 for inexperienced miners, but I know of none ever having been collected at $25.

Commissioner WEINSTOCK. Now, be good enough to explain just how these funds are distributed.

Mr. DOYLE. The dues which are collected by the local secretary as shown there, 25 cents per capita per month forwarded to the international organization. In the summer months in this district 10 cents and in the winter months 25, when the dues are increased to 65—50 cents in the summer and 65 in the winter. Three cents, I think, to the State federation of labor, per capita, per month; and the balance in the local treasury; all initiations in the local treasury.

Commissioner WEINSTOCK. I see. Now, what proportion of that goes into your strike fund?

Mr. DOYLE. None, except such as may be authorized by the international executive board from the general treasury, the general accumulation of this 25 cents per capita tax.

Commissioner WEINSTOCK. That is, 25 cents a month?

Mr. DOYLE. Per member.

Commissioner WEINSTOCK. Twenty-five cents a month per man goes into the general fund?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. General strike fund?

Mr. DOYLE. Not general strike, general fund, for expenses, for organizers, officers, and everything.

Commissioner WEINSTOCK. Do the strike benefits come out of that general fund?

Mr. DOYLE. They come out of that, just the same as a man would pay strike benefits, unless an assessment was put on for special strike services.

Commissioner WEINSTOCK. There are special assessments levied for strike purposes?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Now, the purpose of this article 4 is to use the machinery of the employer to gather and to collect these moneys?

Mr. DOYLE. That wording that you just read is not the wording of the United Mine Workers; is not gotten up by the mine workers, but is a document written and put into the first agreement that it was put into in this State by the employers themselves for the purpose of having protection, as they said, each of the miners signing one of those; and they kept that for protection in case an individual wanted his dues back again, something of that kind.

Commissioner WEINSTOCK. Supposing an employer, basing it on article 4, takes the ground that he does not propose to use his machinery for the union, what is the attitude of the union?

Mr. DOYLE. We have no such power to force; we will probably try to get that, and if he will not agree to the check off, and we can not get him to do it, why, it will have to be dropped. We will have to work along without it. We have contracts of that kind.

Commissioner WEINSTOCK. That is, you have contracts where article 4 is entirely eliminated?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Have you any such contracts, for example, in the State of Colorado?

Mr. DOYLE. We have none as the one written up, but I think that the substance will be, the effect will be—at the settlement of this strike—we will have such contracts. Some of the independent operators, I understand, have now informed our president that they will continue along the same conditions as they have, as to conditions under which the contract pictured out or agreed to, and that there is some question as to whether some of them are going to collect dues off the men. If they do not, our members will have to pay their dues direct.

Commissioner WEINSTOCK. Then am I to understand that it is optional with the employer whether they will accept or reject article 4?

Mr. DOYLE. Undoubtedly. It is a voluntary contract and if he does not enter into it, he certainly has the right not to enter into it. We maintain this contract is an advantage to him—it will be advantageous to him to accept it with article 4 in—and believe we can show him by argument that it is.

Commissioner WEINSTOCK. But if you should fail to convince him that it is to his interest to adopt article 4, and to use his machinery of collection, would you insist upon it?

Mr. DOYLE. I believe that had the Rockefeller interests permitted their office boys here in the State to have gone into conference with us, and if the only thing at stake was article 4, and that alone was the thing that would prevent or cause a strike, there would have been no strike in Colorado.

Commissioner WEINSTOCK. Have there been any instances, to your knowledge, Mr. Doyle, where independent operators have objected to article 4, and it was insisted upon by the unions, and they had to subscribe to it?

Mr. DOYLE. I think not. I think the biggest objection by any of the independent operators was the question of price. They claimed that the bigger operators were going to put them out of business if they signed the union contract, and it would be hard enough financially for them to get along, without being embarrassed by any 10 per cent increase in wages.

Commissioner WEINSTOCK. I take it, then, that there has been no case, so far as you know, where an operator who is dealing with your union, has signed that contract under protest without article 4?

Mr. DOYLE. I do not remember of any single protest particularly over article 4. I remember some company did not want to sign a contract, would rather let it go without signing a contract until a general settlement, for fear that if they signed for two years, under the provisions of this contract, they would be held for two years, unless we agreed in writing that we would not, if the strike were settled upon any other general basis. But we told them our word was good, when we gave it, and it has been good since. They fell back to the old price.

Commissioner WEINSTOCK. Well, then, I gather, unless I misunderstand you, Mr. Doyle, that article 4, compelling the employer to deduct from the wages of every man in the mine a certain amount to be turned over to the union, is a purely optional matter with the employer, and that the organization—your union—does not insist upon that?

Mr. DOYLE. You can not force any employer to accept it unless it was stipulated, and when he gets a little bit of business intelligence into his head he will return to that and regret that he had not done it earlier.

Commissioner WEINSTOCK. Then do you say that there have been contracts without section 4?

Mr. DOYLE. It has been done in many instances.

Commissioner WEINSTOCK. In Colorado as well as elsewhere?

Mr. DOYLE. It is no doubt also in Colorado and elsewhere.

Commissioner WEINSTOCK. Has it been done in Colorado?

Mr. DOYLE. They do exist in Colorado.

Commissioner WEINSTOCK. When was this check-off system initiated in Colorado?

Mr. DOYLE. I am not certain. I came here in 1907.

Commissioner WEINSTOCK. Was it in operation then?

Mr. DOYLE. It was in operation then. But I think I could make a good guess at it, somewhere around 1904 or 1905, I should judge.

Commissioner WEINSTOCK. I suppose you have been cognizant, or a party to practically every contract that has been entered into since you have been secretary, signing it as an official?

Mr. DOYLE. Since I have been secretary, I have been, very closely.

Commissioner WEINSTOCK. Can you recall any one contract during your career as secretary where section 4, at the request of the employer, was eliminated?

Mr. DOYLE. I can't particularly mention any section 4. I do not know of any of them, but I can tell you that it is not so much article 4 as it is the fact of whether or not one can technically enforce them.

I might say in connection with that I do not remember any particular instance of No. 4, if such ever occurred with article No. 4, but I do know of instances, one in particular, where the organization permitted certain independent operators to operate under union conditions without even signing any article or agreement—the reason being that this independent operator had certain sums due from him to the bank, and the bank was so connected with the powers that be, that they would crush him immediately; and he was unable to produce coal until such time as we would reach a certain part of the mine, and until he reached that point, he had needed much of this money from this bank; and we permitted him to work under union conditions without ever signing a contract at all, in order that he would be saved from destruction by reason of pressure being brought to bear on the bank to make the bank call his note.

Commissioner WEINSTOCK. You misunderstand the purpose of the question. The point has been raised by employers that the union arbitrarily endeavors to compel the employer to use his machinery to collect the money from the workers to be used against the employer in a strike, and that the employer strenuously objects and protests to being a part of the machinery for his own destruction?

Mr. DOYLE. Well, the C. F. & I. and the Rocky Mountain Fuel, and the Victor-American Fuel Co. of this State have no such right to make any such claim of their own knowledge because they don't know it. They don't even know whether we grow horns under our hat; they have never met us in conference or anywhere else. Until they do meet us and find to their satisfaction, they haven't any authority or right to make any such statement; but they could have found out to their satisfaction before, had they entered into conference.

Commissioner WEINSTOCK. Then you think and you want to leave the impression that the union does not compel the employer to agree to article 4, unless it is entirely acceptable to him?

Mr. DOYLE. If they forced the strike upon the Colorado miners, which has just been called off, on the strength of article 4, they have done themselves an injustice as well as everybody else, and they should have been men enough to come to us and find out whether article 4 would be enforced.

Commissioner WEINSTOCK. You were present, you say, during part of the time that Mr. Linderfelt testified?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Then you may have heard the testimony to the effect that an agreement was reached between the authorities—I think it was between the militia and the strikers—to this effect: It was the purpose of the militia, as I recall it, to disarm both sides. The strikers, according to the testimony of Lieut. Linderfelt, agreed to turn in their arms if the operators would turn in theirs. Whereupon the militia gathered in all the arms and ammunition of the operators, but the workers only turned in a small fraction of their arms and ammunition, hiding the greater part of their arms and ammunition, and thereby not keeping faith—breaking their promise. What is the answer to that statement on the part of the miners?

Mr. DOYLE. I would state that I do not believe it is correct when they say that the operators turned in their arms and ammunition. I think that they kept out a good deal of it. I think that what they did turn in they turned in for the purpose of being used by their mine guards to be later enlisted in the militia. I do believe that the miners turned over a great deal of their arms, although I was not present in the southern field at the time, but some they didn't turn in, just as I wouldn't turn any over if I were——

Commissioner WEINSTOCK. If you promised to do so?

Mr. DOYLE. If martial law was in effect—if martial law had been declared and Gen. Chase and Boughton were to go to Denver and disarm the people in Den-

ver, and there was something going on and I was objecting to it; for instance, like this; I would never turn over my weapons of self-defense to guard my home when men like Gen. Chase and Maj. Boughton—I should hide them out and be ready to protect myself, not only from those whom they were pretending to protect me from, but possibly from some of the members of the institution of the militia that were proposing and pretending to protect my home.

Commissioner WEINSTOCK. Is it or is it not a fact, Mr. Doyle, that the strikers did agree to turn in their arms if the operators would turn in their arms?

Mr. DOYLE. That statement has been made.

Commissioner WEINSTOCK. Is it a fact?

Mr. DOYLE. It is a fact that it has been made.

Commissioner WEINSTOCK. Is it a fact that the strikers did not turn in all of their arms?

Mr. DOYLE. I would not doubt it. I think they were wise if they did not.

Commissioner WEINSTOCK. Then that promise was not made in good faith?

Mr. DOYLE. I do not know who made the promise. The organization, you will understand, would not be responsible if any man, a member of it, if he did not put milk in his coffee in the morning; neither would it be responsible for him if he did not do any of these other things.

Commissioner WEINSTOCK. But is it not a fact, Mr. Doyle, that in all these negotiations and understandings that the negotiations took place between the officers of the National Guard, on the one hand, and the officers of your union, on the other hand? I do not recall the names; I suppose Mr. Lawson, possibly; possibly yourself, possibly Mr. McLennan—that the negotiations were conducted with the properly delegated representatives of the strikers.

Mr. DOYLE. I think that is correct in so far as this: I believe that John Chase asked Lawson's assistance in asking the men to turn over their arms to him. I think that is correct. I don't think he asked me, because I never had any talk with him outside of the time he attempted to play the trick on me when he whispered into Boughton's ear to shut me in jail.

Commissioner WEINSTOCK. The statement was further made, as you may remember, by Lieut. Linderfelt that in taking a census of that camp—that is, the strikers' camp in Ludlow—due, I think, to some disease that had broken out—smallpox, I think——

Mr. DOYLE. There was an alleged disease; I don't know whether it ever occurred or not.

Commissioner WEINSTOCK. That they met there many men who were not strikers, who had been brought into the camp after the strike had been declared and who had not worked in the camp. That those men were Balkan veterans, largely Greeks; that those men made the statement that they were receiving from the organization $3 a day, and not $3 a week. What information can you give us on that point?

Mr. DOYLE. That statement is not correct. I think the fact was that no man was brought in to be put on as a striker, and no man received $3 a day for being a striker. I know that I can show you the amounts, if you want.

Commissioner WEINSTOCK. What was the maximum, Mr. Doyle, that was ever paid out in ony one week to the strikers? I suppose your records will show, but possibly you can give it from memory.

Mr. DOYLE. Well, I think possibly it would run from $35,000 to $37,000 a week.

Commissioner WEINSTOCK. From $35,000 to $37,000 a week?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. What were the amounts paid to strikers?

Mr. DOYLE. Three dollars per week to a man, $1 to a woman, and 50 cents to a child in the western slope, southern Colorado.

Commissioner WEINSTOCK. That is, in this strike zone here?

Mr. DOYLE. That is part of the strike zone. There were two different rates.

Commissioner WEINSTOCK. I see. I am asking primarily about the Ludlow district—Ludlow and Trinidad.

Mr. DOYLE. That includes the western slope; the southern includes the Ludlow district. That was the rate plus such coal and other matters as we could buy and furnish them. But in the northern field $1.50 for a woman and 75 cents for a child; but we did not furnish them any coal.

Commissioner WEINSTOCK. I see. Now, the individual—that is, the man without dependents—received $3 a week?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And the man with dependents received his $3 a week plus $1 for the wife and 50 cents for every child?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And I presume you have worked out the statistics on this thing and that you could tell what the average amount was paid each miner, married or unmarried, the general average?

Mr. DOYLE. Well, it is higher for the northern section. We always keep the two sections separate, because the northern section has been on a strike earlier.

Commissioner WEINSTOCK. Do you have it now altogether?

Mr. DOYLE. I don't know; but it would run somewhere in the neighborhood of $4.50 to $5 per man. That is what it would average, I think.

Commissioner WEINSTOCK. Four and a half or five dollars?

Mr. DOYLE. Just making a rough guess at it.

Commissioner WEINSTOCK. This $37,000 that you paid out weekly was for the north and south?

Mr. DOYLE. It was for everything, relief and all other expenses.

Commissioner WEINSTOCK. I wish you would state the details.

Mr. DOYLE. Included everything, for relief and everything.

Commissioner WEINSTOCK. Could you tell us or can you get from the books the details as to what proportion of that $37,000 was spent in the southern part of the State—Trinidad and the Ludlow district?

Mr. DOYLE. Well, speaking roughly, I could make a rough estimate; it would run, I think, from $21,000 to perhaps $24,000 per week for Fremont, Las Animas, and Huerfano Counties.

Commissioner WEINSTOCK. I see.

Mr. DOYLE. The three principal southern counties.

Commissioner WEINSTOCK. That, roughly speaking, then, would be at the rate of $5 a week that it averaged, for men married and unmarried?

Mr. DOYLE. It is only a guess; I have never figured it all up, and I am only making that guess.

Commissioner WEINSTOCK. Would not 4,800 men at $5 a week amount to $24,000 a week?

Mr. DOYLE. I haven't figured it.

Commissioner WEINSTOCK. Now, in your testimony on Saturday, Mr. Doyle, you spoke about, in bulletin 4, I think it is—let us verify that—have you bulletin 4 convenient?

Mr. DOYLE. I think so.

Commissioner WEINSTOCK. Will you just look up and see the number of men that it is claimed went out on strike? Here it is, the last paragraph in Bulletin No. 4. It says:

"These and many other things created the gas and dust in the minds of the 11,232 coal miners, which the 'agitators' ignited into the greatest explosion of industrial discontent in the history of labor struggles."

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Now, when that figure is used, 11,232, does that refer to all the strikers in the entire State of Colorado, or just the southern half?

Mr. DOYLE. Just as I testified to Saturday, it included everything.

Commissioner WEINSTOCK. Everything?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Roughly speaking, then, I should judge from those figures that there were 5,000 in the southern part of the State and possibly six in the northern part of the State?

Mr. DOYLE. You are off on your guess.

Commissioner WEINSTOCK. Well, perhaps I am.

Mr. DOYLE. I have here a tabulated list of the membership taken from my records on November 20, 1914, showing each local union or camp, the subdistrict in which it is located, the number of members, the total for the subdistrict, and the grand total.

Commissioner WEINSTOCK. Will you just tell us how these 11,232 were arrived at?

Mr. DOYLE. I told you Saturday.

Commissioner WEINSTOCK. I don't recall it.

Mr. DOYLE. I figured that, figuring right after the strike, the men had gone, scattered everywhere, wherever was most convenient. If a man had a friend that had an empty house in some camp that was convenient for him he went to that camp, and for a couple of weeks after the strike it was a very difficult

matter to keep track of them. Some we had to double up on, and we would get them mixed up. But, taking the figures as an average paid in each county and approximating the number that would ask for transfer cards, we arrived at the figure 11,232.

Commissioner WEINSTOCK. For the State?

Mr. DOYLE. Yes; for the State.

Commissioner WEINSTOCK. Out of that number what portion were southern strikers, strikers of the southern field, if you know?

Mr. DOYLE. I would not be able to more than guess at it. I think it should be—could be—located by taking the number of men being paid relief in the northern field prior to September 23, 1913, and finding the difference between that and the number who were paid in the northern field following the 23d who came out on strike, all that were striking, and adding to that the number of men who came out on strike in the western slope.

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. And we include the membership while we are on it.

Commissioner WEINSTOCK. I suppose we can get the exact figures from the record, of course?

Mr. DOYLE. Yes. I can submit these here if you want it.

Chairman WALSH. Commissioner Ballard thinks that had better be filed.

(See Doyle Exhibit No. 2.)

Commissioner WEINSTOCK. One of the witnesses one day last week, I don't remember the date——

Mr. DOYLE (interrupting). It was 7,917 members on the 20th day of November last.

Commissioner WEINSTOCK. One of the witnesses last week, I don't remember who it was, among other things made the statement that A. B. McGary, reported under date of May 31, 1914, committed some crime, I don't recall just what it was, and that he is a fugitive from justice, and that he was in the employ of the United Mine Workers. Can you give some information in regard to that case?

Mr. DOYLE. The only information I can give you, that I have any personal knowledge of, is that that alleged crime that is charged to McGary is the theory upon which Maj. Boughton and Gen. Chase attempted to attract notoriety to themselves by trying to invite me and get me to say statements that he had injured some one, that McGary did kill some one.

Commissioner WEINSTOCK. Is it a fact that McGary is a fugitive from justice?

Mr. DOYLE. I think not.

Commissioner WEINSTOCK. Where is he?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. Has there ever been an indictment issued against him?

Mr. DOYLE. Oh, yes; there are hundreds of men who have indictments against them, and if you commissioners will stay here about six months they will get you.

Commissioner WEINSTOCK. There is an indictment against McGary?

Mr. DOYLE. I understand there is.

Commissioner WEINSTOCK. Has a warrant been issued for him?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. And you don't know where he is?

Mr. DOYLE. No.

Commissioner WEINSTOCK. And you don't know whether he is a fugitive from justice?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. If you say there is an indictment issued against him, and you don't know where he is, what inference is left?

Mr. DOYLE. In this State, especially in Las Animas and Huerfano Counties, a man might be indicted and not be able to be found and yet wouldn't be a fugitive from justice, but he might be a fugitive from injustice.

Commissioner WEINSTOCK. But these two facts are not disputed, I take it: That the indictment was brought against him, and his whereabouts are unknown?

Mr. DOYLE. Unknown to me.

Commissioner WEINSTOCK. Was he an official of the union?

Mr. DOYLE. I don't know. He was an organizer in the union when he was here.

Commissioner WEINSTOCK. Whom do the organizers report to?

Mr. DOYLE. To the international office.

Commissioner WEINSTOCK. Where?

Mr. DOYLE. Indianapolis.

Commissioner WEINSTOCK. Are they sent out by the international?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. What are their relations, for example, with the secretary?

Mr. DOYLE. Why, none, with the exception of when they are broke they come to me for money.

Commissioner WEINSTOCK. How do they get their pay?

Mr. DOYLE. They are paid by the international.

Commissioner WEINSTOCK. That is, remittances go direct to them?

Mr. DOYLE. Yes; the same as mine.

Commissioner WEINSTOCK. And do not come through your office?

Mr. DOYLE. No. I am even paid that way myself.

Commissioner WEINSTOCK. You are not paid out of the local funds?

Mr. DOYLE. No; none of the international organizers.

Commissioner WEINSTOCK. You may have heard the testimony of Lieut. Linderfelt with reference to Pvt. Martin, who was killed in the battle of Ludlow?

Mr. DOYLE. Yes; I heard of it.

Commissioner WEINSTOCK. Mutilated by strikers?

Mr. DOYLE. I heard him state it.

Commissioner WEINSTOCK. Do you know anything about that case from your own personal knowledge?

Mr. DOYLE. No; I know nothing about it except what I have read about it and what he said on the stand here. A rumor reached me some time ago that it would be a good thing to ask Linderfelt if it was not a fact that the militia, or a certain portion of them, had Pvt. Martin under suspicion for dealing friendly with the union. What the rumor was based on I don't know, but it would leave the inference with me that he was not killed as is stated by the military men.

Commissioner WEINSTOCK. Now, in the very beginning of your testimony this morning, Mr. Doyle, you explained that your union is opposed—is in favor of law and order?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. That it is opposed to violence?

Mr. DOYLE. It is still, too.

Commissioner WEINSTOCK. Exactly. It believes in obeying the constituted authorities?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. I want to call your attention to a pamphlet issued by the coal-mine managers, series 1, under title "Facts Concerning the Struggle in Colorado for Industrial Freedom." On page 12 of that pamphlet the following appears:

A CALL TO REBELLION.

DENVER, COLO., *April 22, 1914.*

Organize the men in your community in companies of volunteers to protect the workers of Colorado against the murder and cremation of men, women, and children by armed assassins in the employ of coal corporations, serving under the guise of State militiamen.

Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of State federation of labor.

Hold all companies subject to order.

People having arms to spare for these defensive measures are requested to furnish same to local companies, and where no company exists send them to the State federation of labor.

The State is furnishing us no protection and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State and we expect to break no law; we intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

(Signed): John R. Lawson, international board member, district 14, U. M. W. A., also president State federation of labor; John McLennan, president district 15, U. M. W. A.; E. L. Doyle, secretary-treasurer district 15, U. M. W. A.; John Ramsay, national organizer, U. M. W. A.; W. T. Hickey, secretary State federation of labor; R. R. Hoage; T. W. Taylor; Clarence Moorehouse; Ernest Mills, secretary-treasurer, W. F. of M.

Commissioner WEINSTOCK. Now, what is not clear to me is this: You said a little while ago in your testimony that if there is a bad law, for example, on our statute books, that that law ought to be obeyed, and every effort should be made to educate and to agitate in order that the bad law may be changed into a good law?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. But that meanwhile the law should be observed?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. How do you reconcile that with this communication here, of which you are one of the signers, which calls upon the workers to arm, which is in violation of the law for men to organize and offer armed resistance to the constituted authorities.

Will you reconcile those two things?

Mr. DOYLE. I will state that my entire opinion of the matter is contained right there in the language of this document, and that I rest my case with it right there.

Commissioner WEINSTOCK. What document have you in your hand?

Mr. DOYLE. I will read that document.

Commissioner WEINSTOCK. That is a copy of this that I have just read?

Mr. DOYLE. Yes; it is the same thing except the heading they have here, "A call to rebellion."

Commissioner WEINSTOCK. That is not yours?

Mr. DOYLE. That is their own interpretation. And you should take your interpretation that is upon it also, or any other one who may read it, and I rest my case on it just as it is there.

Commissioner WEINSTOCK. Exactly.

Mr. DOYLE. That it is just what it says.

Commissioner WEINSTOCK. In other words, you do not care to make any comment on it; you prefer to let it stand just as it is?

Mr. DOYLE. Just as it is; it is in such language as I wish it.

Commissioner WEINSTOCK. I see. There is no denial then that this was issued by these officials of the union, and that it did call upon the men to organize in companies of volunteers to get together for defensive purposes all arms and ammunition legally available, and so on?

Mr. DOYLE. All I will say is that the language of it and the facts of it as it appears is what I stand by.

Commissioner WEINSTOCK. I have here a pamphlet called the "Twenty-second Annual Report of the Colorado Fuel & Iron Co. for the Year Ended June 30, 1914." Do you happen to have a copy of that, Mr. Doyle?

Mr. DOYLE. No; I have not.

Commissioner WEINSTOCK. Well, let me read it to you [reading]:

"The last day before the arrival of the Federal troops, while a portion of the militia, acting under the terms of the truce between the governor and the United Mine Workers, remained at Ludlow, a large body of men marched on the Forbes mine, 5 miles away (belonging to the Rocky Mountain Fuel Co.), which was unprotected, killed nine of its employees in cold blood and wantonly destroyed practically all property above ground, including over 80 mules."

Do you care to make any comment on that?

Mr. DOYLE. I know nothing about it, personally. At that time I was in Denver.

Commissioner WEINSTOCK. Well, do you know whether such a thing happened?

Mr. DOYLE. No; not of my own knowledge.

Commissioner WEINSTOCK. Do you know it from hearsay?

Mr. DOYLE. Know it from press reports, and all.

Commissioner WEINSTOCK. Has that ever been discussed in your union?

Mr. DOYLE. No; the organization has never had a discussion on it. I think we have had only two conventions since then, and that matter was not up.

Commissioner WEINSTOCK. Are we to understand, or do you dispute any of these statements? Do you believe that it is not true that a large body of men marched on the Forbes mine, which was 5 miles away and which was unprotected, and killed nine of its employees and wantonly destroyed all property above ground, including the 80 mules? Do you dispute that?

Mr. DOYLE. Why do you, in reading the question, leave "cold-blooded" out when you read it the second time?

Commissioner WEINSTOCK. I was simply giving you the heart of it.

Mr. DOYLE. I think the principal part of it is the "cold-blooded." I don't know just what occurred down there. There have been so many different

statements from different sources, and statements in the press and bulletins and telephone messages, and there is such a conglomeration of stuff, I don't know what the real facts are myself.

Commissioner WEINSTOCK. So far as you are concerned, then, as a State official, this charge is neither affirmed or admitted on your part, nor is it denied on your part?

Mr. DOYLE. Well, I would contradict any such charge as that coming from them, knowing how they have misstated the facts at different times and places to get the public sympathy; and until proof is given I would not consider it at all, only as one of their advertisements.

Commissioner WEINSTOCK (reading):

"With the arrival of the Federal troops, May 1, order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia. The strike element surrendered a considerable number, but retained in hidden way places many hundred—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

What comment, if any, do you care to make on that?

Mr. DOYLE. There it is again. I do not believe that the coal companies turned over all their arms to the Federal troops. I had one miner tell me in Walsenburg, I talked with a strike breaker in the Walsen mine, that he could tell me where three machine guns were hid and a considerable number of rifles after the Federal troops came in—hid by the companies; and if I would pay him for it he would tell me where they were.

Commissioner WEINSTOCK. What about the charge made by the operators as to the strike element?

Mr. DOYLE. I think the strike element gave up a good many of their guns; from the different reports I have heard, however, myself I don't believe they gave them all up, and again I don't think they would have been wise to give them up. I don't think, after what had occurred in southern Colorado, the attacks by the mine guards on the tent colony, the abuses they had to submit to, the Forbes outrages, and finally the Ludlow affair, that anyone could expect those people who—most of them—came from military countries and know that a gun means to kill, when they see a gun hanging on a man, you couldn't expect those men to go to work and give up their arms regardless of the uniform, and I don't think you yourself or even any of the employers, if they had been an actual striker, I don't think you would give your gun up without hesitating a long time, because they did not know but what they were going to get the same identical thing. We know the power opposing the miners, and which is fighting them is not the C. F. & I. Co. We are satisfied, and no doubt the commission will be before it gets through, that the power is the Rockefeller interests that control the entire country, and they have shown to the satisfaction of the miners that they control the State and the State troops, and with all that had been done, how did they know in advance they were going to get any justice from the military of the United States Government if the Federal troops were brought into the field? And in saying this about the military of the United States Government I don't want in that to include the President or officials of the United States Army, but I mean that all the acts and works of the military would depend upon the action and attitude of particular officers in the field, and if they were favorable to the miners they would get justice, and if they were against them the Lord pity the miners. And I don't think that any miner who held his gun down there and did not give it up could be blamed for it under the circumstances.

Commissioner WEINSTOCK. Are we to understand from the statement you have just made, now, Mr. Doyle, that it was your opinion and the opinion of the union and the opinion of the strikers that Mr. Rockefeller controlled the President of the United States and the Federal troops?

Mr. DOYLE. I did not say so. I said——

Commissioner WEINSTOCK. If the Rockefeller interests control the entire country, certainly that must include the President of the United States and the troops?

Mr. DOYLE. Please read it. There is no use of taking that statement.

Commissioner WEINSTOCK. Now, do you want that sweeping statement to stand in the testimony or would you rather modify it and qualify it? You say the whole of the country.

Mr. DOYLE. I meant to qualify it when I say I don't mean the Government as such and the President of the United States. I don't mean that the President would come out and shoot the miners down or say to Gen. Chase or whatever general might be in charge, "You will have full power with martial law to do everything you please, and your own dictates to be the martial law," but I mean the miners being in the state of mind they were, that they had no reason to know what was going to happen to them. They knew that a big and more powerful army was coming; no question about that when it became public in the press, but they didn't know, being in that state of mind, whether or not—what stand the military of the Nation would take.

I do not mean to say that President Wilson or the Secretary of War or those fellows would go to work and say, "Now, you do so and so and crush those people."

Commissioner WEINSTOCK. Now, when you use the words "whole country" you mean to eliminate the President and the Federal troops?

Mr. DOYLE. Meaning that he controls the President, why, no, sir; but I think he—the President—has done a good many things which show that they have not got him in their pocket, and while I believe that Wilson himself believes that the miners are right, I think he is such a technical man, such a constitutional man, that he can not find any way in a technical way to do something to show that.

Commissioner WEINSTOCK. Are we to understand, Mr. Doyle, in order that I may put my question more intelligently, I want to lay a foundation for it——

Mr. DOYLE. I see.

Commissioner WEINSTOCK. Take the strikers in their camp. Was each man a law unto himself or were they organized and did they have leaders?

Mr. DOYLE. Why, do you mean now as members of the industrial organization—industrial organization do you mean?

Commissioner WEINSTOCK. During the strike, while they were living in the camp, could every man go out and do whatever he pleased so far as handling the strike situation was concerned or were they organized, and did Mr. Lawson, yourself, Mr. McLennan, and the other strike officials of the order, who were guiding and directing the strike, have authority and did they obey your authority?

Mr. DOYLE. So far as the jurisdiction of the mine workers union was concerned, we had the authority of the different officers in the different positions; so far as it did not extend we have no control or authority.

Commissioner WEINSTOCK. I see. The strikers, then, recognized you as the proper officials, you and your associates—as the proper officials of the mine workers' union?

Mr. DOYLE. Certainly, so far as the affairs of the organization were concerned over which we had jurisdiction.

Commissioner WEINSTOCK. And these officials would issue orders, when these orders were required, to the strikers, and obedience was expected from the strikers?

Mr. DOYLE. They have been obedient and have always obeyed the constitution, I think, in any matter or in the rules laid down about the rules of the strike——

Commissioner WEINSTOCK (interrupting). Now, what is the attitude of your officials and of the strikers—what was your attitude when the announcement was made that the Federal troops were on the way here? Did you object to the Federal troops coming here or were they welcomed?

Mr. DOYLE. I don't know that anyone objected. The women of the city of Denver got together here and had a big meeting in the statehouse and appealed to the President to bring the United States troops here, and perhaps, that was the greatest pressure to bring them here—the miners did not oppose bringing them here, in fact. Some of our national officers, from national headquarters, in fact, urged that they be sent there long enough to stop the killing of our people. Now, I am not certain of that latter part; but we did not oppose them coming here. After they got here, the various branches' officers—I think Diamond, in the Trinidad district; and I don't know who was in the Walsenburg district at the time—but each executive man representing the national executive committee in those offices, handled the question in those counties where the troops landed.

Commissioner WEINSTOCK. Did you or your associate officials have any reason to believe that the authorities would do anything but what was right and square?

Mr. DOYLE. Speaking for myself, personally, I will say that I have had the greatest confidence in President Wilson and believe that his heart beats with the under dog. I believe that more so since he refused to shoot them up in Mexico to suit the jingoes in this country, and I think he would do that now to protect us from wrongs put upon us if he could do so and get away from that constitutional idea of his. So far as the troops are concerned, I, personally, don't think any working man will get what is a proper, square deal from any military-trained man. When I was 8 years old, I saw soldiers—I understand they were United States Regular Army men—shoot coal miners for playing cards under the oak trees in Spring Valley, Ill. That is imbedded in me, and, I think, that the training in the military is that obedience, regardless of justice, is the first thing, and that their tendency would naturally be that of siding in with established customs whether right or not. I am not speaking of laws, but of customs; and I, personally, do not think it is a good day for organized labor when the military of any description enters into the controversy; and it is, of course, a poor time when people think it is necessary for such.

Commissioner WEINSTOCK. Do you want us to understand, then, Mr. Doyle, that speaking for yourself, at least, you had no confidence in the fact that the Federal troops would give a square deal to all sides when they came here?

Mr. DOYLE. Personally, I feel, and I want you to understand that I feel, that they would not kill any of our people viciously—go out and shoot them down in cold blood—but that they would, if they could, stop anybody else from killing them. And I did not expect, and things that have transpired since have proved that I was right in my opinion, any justice, so far as the actual details were concerned, about the importation of men, etc., for instance, there was a proclamation that men should not be imported. I made a complaint to Washington that while that proclamation was in force, the men shipped into Weld County were strike breakers; and three or four weeks after—maybe five—I got back a report from the secretary, from the man who made the report to him, and he sending me a copy, which said that an investigation was made on so and so—and I will be as brief as possible—"And we find that the superintendent claims that the men were not strike breakers, but that they came to the mine and are now awaiting positions and we have affidavits from nearly all of the 40—37 of the 40—and each declares he is not a strike breaker, therefore, your information must be wrong." The practical result was that the strike-breaking men went in and worked in the mine while the strike was on, but technically they were not strike breakers by having made an affidavit that they were not. Now, I don't call that a square deal when the proclamation was that they should not be shipped in.

Commissioner WEINSTOCK. Well, let me repeat my question again, because I have not caught your answer. Did you or did you not have confidence in the Federal troops, when they came here, that you would get a square deal?

Mr. DOYLE. So far as the protection of life is concerned and property, yes; but not so far as the principles of the organization and the grievances of the miners and their rights to be strikers without being imposed upon or sided by other powers.

Commissioner WEINSTOCK. Did you believe when the order was issued by the Federal troops that both sides should give up their arms; that in the carrying out of that order the Federal troops would play any favoritism with the mine owners?

Mr. DOYLE. When you speak of the Federal troops I will speak of them as an organization. I don't think that the Army Department of the Government intends to be partial to anyone; but I do think that the prejudices, owing to the environment and training of officers, would naturally lead them to favor the operators as against the miners.

Commissioner WEINSTOCK. Do you think they did favor the operators as against——

Mr. DOYLE. I do, sir; the men and officers on the ground.

Commissioner WEINSTOCK. That they showed favoritism to the mine owners?

Mr. DOYLE. I think so.

Commissioner WEINSTOCK. Could you prove that to the satisfaction of disinterested jurors?

Mr. DOYLE. Well, if you want my conclusion, I can tell you; and if they were of the same mental attitude as I am they would be convinced, and if they were not against being convinced they would not be.

Commissioner WEINSTOCK. That is simply an impression or opinion of yours?

Mr. DOYLE. I gave it as my opinion.

Commissioner WEINSTOCK. What foundation have you for that opinion?

Mr. DOYLE. The case I have just given as to strike breakers; of shipping one bunch of 40 in that were practically strike breakers, but not in a technical sense.

Commissioner WEINSTOCK. The question was as to gathering up arms. My question to you was, as I remember, Did you believe that in carrying out the orders as issued, that both sides should give up their arms and ammunition, the Federal troops played favorites with the mine owners and permitted them to retain their arms?

Mr. DOYLE. No; I think the Federal troops were sincere in trying to get up all the arms.

Commissioner WEINSTOCK. You did believe they would gather up every possible piece of ammunition or gun they could find among the mine owners?

Mr. DOYLE. I thought they were sincere. I didn't know to what degree or effort they would go. They might make more or less strong efforts in trying to collect them.

Commissioner WEINSTOCK. Well, I take it that the reason why the mine workers, when the militia issued the order to give up their arms, the reason why they did not give up but a fraction of their arms was, as you explained, because they had not confidence in the militia or did not trust them and believed that they would not collect all the arms from the mine owners. Now, if when the Federal troops came here you had confidence—and I take it you are voicing the sentiments of your associates in that respect—if you had confidence that the Federal troops would carry out that order effectively with the mine owners, what reason was there for the mine workers to hold their arms?

Mr. DOYLE. The mine workers' union organization?

Commissioner WEINSTOCK. The strikers, I mean.

Mr. DOYLE. The individual striker would have to obey his own judgment about giving up his own arms. Our instructions from State officers were to give up their arms; and if he didn't see fit to obey those instructions because he thought his life might be taken by obeying orders, because he didn't have confidence in it himself, it would be up to him whether he would give them up or not. And the officials down there in those districts—all of them, as I understand—gave instructions to them to give up their arms.

Commissioner WEINSTOCK. Are we to understand that you officials had no control over the strikers?

Mr. DOYLE. That is putting the cream in the coffee again. We were simply instructing them so far as membership in the organization goes.

Commissioner WEINSTOCK. Isn't that part of the authority of the officials, to go to the strikers and say, "Give up your arms"? Isn't that a part of your duty?

Mr. DOYLE. No, sir; for this reason: The mine workers had nothing to say about any of its members being born into this life; and the very fact that they were born gives them the right to protect that life without any strings tied on it by an organization because they are members of that organization.

Commissioner WEINSTOCK. So your statement, then, is that when it came to the question of giving up their arms the officials had no authority with the strikers, but that the matter was left entirely to the individual judgment of the strikers; and if a striker, in his judgment, saw fit to disobey the orders of the Federal troops, the Federal authorities, to disobey the orders of the people of America, whom the Federal troops represented, that they could exercise that discretion and do as they pleased about it?

Mr. DOYLE. No; you make that wrong. You say left them to themselves to use their own judgment. I said that the officers down there did advise them to give up their arms—the local officers in the several districts; but if they didn't obey that, that is not the fault of the officers.

Commissioner WEINSTOCK. I see. Then up to that point they had no control? That is, they could not control. You, as an officer of the union, could, under these circumstances, come to me and say, "Mr. W., I advise you to give up your gun," and that is all you could do. If I saw fit to say, "No, I shall not give up my gun, I propose to retain it," you would be helpless in the matter?

Mr. DOYLE. As officers we did not go to each individual miner, but simply issued a statement to the different ones; and we did not know who had any guns or who did not; whether a man had given up his gun, or whether he had a gun or not.

Commissioner WEINSTOCK. Then the union officers made no effort to see whether the instructions they gave were obeyed?

Mr. DOYLE. The officers went out of their way and beyond their jurisdiction which they had as officers of a labor union in order to assist the government in going out and asking the miners to give up their arms. They did not, like the officers of the State, sit tight. They were willing, although you couldn't compel them to go out and ask them to give up their arms. But they didn't sit tight on the lid and stay there and say, "We won't say nothing," but went out like men and said, "Give up your arms." They went out beyond their jurisdiction and outside of the organization and spoke to them as citizens, because of their connection with the organization, and because of their names carrying some influence with them, and advised them. If they had been so disposed, they could have stood on their strict rights and could have taken the same stubborn and inconsistent position in the union as the operators did when they refused to deal with the miners' representatives.

Commissioner WEINSTOCK. Have you any idea, Mr. Doyle, what proportion of the arms were given up by the strikers and what proportion was retained?

Mr. DOYLE. No, sir; I have not.

Commissioner WEINSTOCK. You have no means of knowing that?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. You simply know that they gave up a fraction of their arms and retained the balance?

Mr. DOYLE. I know from reports that rifles were given up and guns were given up, and I know from reports that rifles were retained.

Commissioner WEINSTOCK. Have you any record to show, Mr. Doyle, how many guns were given up by the strikers?

Mr. DOYLE. No record or no reason for a record as to their private affairs, no more than I would take an inventory of how many hairpins a woman had on her dresser.

Commissioner WEINSTOCK. I see in the beginning you explained, Mr. Doyle, as secretary-treasurer of the union, you were the custodian of all the correspondence, of all the books and all the records of your union?

Mr. DOYLE. Of that particular branch.

Commissioner WEINSTOCK. I take it that you were also the custodian of invoices that may pass through the office for purchases of any nature whatever, as vouchers.

Mr. DOYLE. Everything is there that pertains to that particular branch.

Commissioner WEINSTOCK. I suppose during the past—let's see, the strike began——

Mr. DOYLE (interrupting). April 1, 1910, in the north, and September 23, 1913, in the south.

Commissioner WEINSTOCK. September 23, 1913, in the south, and it is about 15 months since the strike began?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. I take it that during that time there must have been a great volume of correspondence back and forth on the subject?

Mr. DOYLE. Not as much as one would think, because we were not being dictated to as to how to run the strike on the side of the miners from anywhere in the East, as were the operators, from Wall Street. We have a policy committee here that had control of the strike and handled the strike here.

Commissioner WEINSTOCK. But was there correspondence between the national organization and your local organization as to policy?

Mr. DOYLE. On matters of finance mostly, I think; but International Vice President Hayes was delegated by President White to assume full charge here and to organize this policy committee, and we handled the matter here. And if we had to have any extra money we tried to get it by wiring for it or writing them for it; and if anything of any importance came up in the nature of a convention, or anything of that kind should be taken up there, that was taken up.

Commissioner WEINSTOCK. Well, this commission asked the mine operators to bring before it all correspondence that related to the strike and which would throw light on the conditions and on the circumstances. We now make precisely the same request of you as the official representative. This commission asks you to bring before it at the next session, beginning at 2 o'clock, all the correspondence, all the invoices, all your books and records, showing receipts and disbursements of your union. We do not want to incumber our records

and we do not want to take up your time and the time of this commission, which is very precious, needlessly. So I will ask Mr. Grant, who is the representative of this commission, to go with you to your office as soon as we adjourn to look over the correspondence and pick out that part of it which, in his judgment, would be of interest to this commission, and bring it here with your records and your invoices at 2 o'clock; also telegrams, of course—anything and everything in the way of papers that is likely to be of interest.

Mr. DOYLE. I will state that that will be perfectly satisfactory for this commission to come down there or send a representative down there and go through all our files and all our letters and telegrams on the matter that are there; and, unlike the operators, you don't have to tell me to bring them here and pick out what I think I ought to, but you can come and pick them out and not give me a chance to hide any out like on the other side, because you can look over any receipts or bills or letters or anything down there, and we will give you, if you like, copies of them, so long as you do not give them to the operators so they can see how we are manipulating our policy.

Commissioner WEINSTOCK. Well, Mr. Grant, being the representative of this commission, is thoroughly familiar with this work, and would know better than you or even better than I know what kind of correspondence this commission should have, and we leave it to him to cull out such matter as we should have.

Mr. DOYLE. Did he or some one else go to the operators and go through their file or their books and everything for what you wanted?

Commissioner WEINSTOCK. I don't know. Mr. Walsh can answer as to that.

Chairman WALSH. They picked everything out. There was nothing done except what was done publicly here on the bench. They were not requested to bring in all their accounts, as I understand it, or all of their correspondence, but simply the correspondence covering a certain period between this company and John D. Rockefeller, jr., Starr J. Murphy, Mr. Gates, and Mr. McClement.

Commissioner WEINSTOCK. Yes. Charges, as you know, Mr. Doyle, have been made, as I quoted this morning, that union funds were used for the purpose of purchasing guns and ammunition; and it is essential for us to know whether that is so or not.

Mr. DOYLE. I have no objection, in answer to that, that you shall send your man down there; but the only thing I wanted to know was that—I am satisfied that they can take anything you want or any record you want down there, but I don't want you, as commissioners here, to send a man to my office and leave the impression in the record that I had to be watched and others could be trusted, because I can be trusted if anybody else can. I think that in my own mind if nobody else does.

Commissioner WEINSTOCK. Oh, there is no purpose in that of reflecting in any way upon you, Mr. Doyle, but to expedite the matter; and instead of bringing a voluminous correspondence here we want to cull out and reduce it to such parts as our representative in his good judgment thinks would be of interest to us.

Mr. DOYLE. Well, I think the argument makes it clear in the record here as to the reason why he is sent.

Commissioner WEINSTOCK. Yes.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock. At 2 o'clock please resume the stand.

(At this point, at 12.30 p. m., Monday, December 14, 1914, a recess was taken by the commission until 2 o'clock p. m. of the same day.)

64TH CONGRESS, 1st Session | SENATE | DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

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THE COLORADO COAL MINERS' STRIKE—Continued

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COMMISSION ON INDUSTRIAL RELATIONS.

AFTERNOON SESSION—2 P M.

Chairman WALSH. You may proceed now, Mr. Weinstock.

TESTIMONY OF MR. EDWARD L. DOYLE—Continued.

Commissioner WEINSTOCK. Are you ready, Mr. Doyle?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Will you tell the commission what were the conditions of the coal camps of Louisville, Lafayette, Superior, and Marshall, as to being inclosed before the strike.

Mr. DOYLE. You mean as a private property inclosed?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. Why, they were not closed, as I understand it. I believe in Lafayette it is within the corporate limits of the town, but it has been since inclosed.

Commissioner WEINSTOCK. But before the strike it was not inclosed?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Were men permitted to buy where they desired before the strike?

Mr. DOYLE. In the northern field?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. I think so. We had that article in the agreement, the operators agreed in writing to permit the men to buy, while they had a contract with the mine.

Commissioner WEINSTOCK. Were the towns located on company property?

Mr. DOYLE. Not Lafayette nor Louisville; I think not Superior; Marshall may have been; Erie was not; Puritan, I believe, is. Frederick, I think, is an independent town.

Commissioner WEINSTOCK. Were the men permitted a checkweighman in those districts?

Mr. DOYLE. Yes; where the organization—while they had a contract.

Commissioner WEINSTOCK. What were the wages paid in above camps?

Mr. DOYLE. Three-ten per day for company men, that is, the day workers.

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. Eleven cents, I believe, per foot, for machine runner and helper, divided 5 cents for the helper, and 6 for the runner; and a tonnage price from 34½, if I remember correctly, to 43½ for machine-mined coal, and I believe 62 to 68½ cents for pick-mined coal per ton.

Commissioner WEINSTOCK. Were those standard wages, Mr. Doyle?

Mr. DOYLE. They are what we consider the—the basic point was Louisville, Colo., where they received 39½ cents per ton for machine-mined coal; there were several mines that paid less than that. One of them was 3 cents, and two or more, anyhow two, 5 cents less than that per ton.

Commissioner WEINSTOCK. These, then, were the maximum wages?

Mr. DOYLE. As compared with other places in Colorado, I do not know what the tonnage price was in the various mines; I don't think there was any uniformity about it in the southern field; there may have been; but I personally never have worked down there.

Commissioner WEINSTOCK. You do not know any other field in Colorado where the wages were higher than these places?

Mr. DOYLE. I had heard it said a number of times that it was higher in southern Colorado. They paid 55 cents for loading coal, the way it is told, that they paid 55 cents per ton for loading coal, to the miner, that after they had paid all overhead costs and the coal on the car, that it has cost them only 55 cents; so you can imagine for yourself the size of the ton.

Commissioner WEINSTOCK. Can you tell us how many accidents they have had in the mines of these camps in the last 10 years?

Mr. DOYLE. No; I could not. I think that could be had from the records of the State mine inspector.

Commissioner WEINSTOCK. But you have no record?

Mr. DOYLE. I have no figures put up on that. I have some figures here on accidents just prior to and since the strike, and also some figures pertaining to injuries in the last report of the State mine inspector; but for particular camps, I have none.

Commissioner WEINSTOCK. Well, now, is it or not a fact that the strike in the northern part of the State has compelled companies to build towns which are inclosed towns?

Mr. DOYLE. I think not. I think that that was the procedure taken by the companies for the purpose of simply separating themselves from the men who were the residents of those towns, as a rebuke, as a punishment to those men who were citizens and who owned property in those towns, for daring to have the strike.

Commissioner WEINSTOCK. Well, does it seem reasonable, Mr. Doyle, that intelligent business men will go to a very great expense if there is no occasion for it?

Mr. DOYLE. Well, that has always been one of the problems in my mind, to understand why these men, whom I believe otherwise intelligent, should be so unreasonable and use such little reason in business affairs simply because they were perhaps controlled by their prejudices.

Commissioner WEINSTOCK. I take it, then, that you want this commission to believe that these mine owners in the north went to a needless and great expenditure simply out of a feeling of prejudice to some?

Mr. DOYLE. Prejudice, I think, is about the main reason. Perhaps there is a little greed in that, and maybe a little ignorance, but they could have accomplished the same results without having done so.

Commissioner WEINSTOCK. Tell us what opportunity would there be for greed to gain anything by that, to go to an expense, a needless expense.

Mr. DOYLE. Ignorance of the fact that organized labor is more profitable in the long run than unorganized labor. And being so prejudiced and narrow-minded that they did not intend to keep up with organized labor, or permit it to establish itself in this State, or let those men, if we call them that, control themselves. That is my judgment of the matter in this matter of a strike—and spending lots of money, and, in fact, I believe far more money than all the demands of the miners ever made against them would have amounted to in a number of years. For instance, Mr. Shumway testified before the legislative investigating committee that they normally employed a thousand men in those mines operated by their companies in the northern field, and that in a period of 12 months they had imported and employed—he didn't say imported all of them—but they had employed eight thousand seven hundred and some odd more men, changing the force nearly nine times in 12 months. I think it was all this waste of money, while other men who were not permitted to work were idle, and are still idle.

Commissioner WEINSTOCK. Are we to understand that it cost them more to inclose these towns, a great deal more than the cost would have been if they had accepted the terms of the union?

Mr. DOYLE. Not exactly the building of the fence; I don't mean that, but the expense of opposing the organization—that is, of the arming of the guards, the importing of men, the building of houses, the buying of machine guns, the hiring of detective agencies, and all of those things that go to fight an organization of labor.

Commissioner WEINSTOCK. What need was there for the mine owners to put fences around the mines, to buy guns and ammunition, and to employ guards? What need was there to go to all those expenses?

Mr. DOYLE. I think there was no need for it. As I stated here Saturday, the miners are misrepresented by the public—by those who oppose them—the statements getting out on the theory that they are the people who wish to destroy property; the statement given to the public by the owners that it is for protection of property. While the facts are that these miners did not destroy the property, do not want to destroy property, have sense enough to know that they need that property, especially if they have their homes in that particular community. I believe that all of that arming, etc., is as much for intimidation of the strikers as it is for anything else. I believe that the fences built around the company's property was not so much to protect the property, and to keep the men from getting to it that might destroy it, as it was to keep the man inside the property from getting out.

Commissioner WEINSTOCK. Had there been any actual violations committed in that territory before the town was fenced in?

Mr. DOYLE. I think not. I am not positive; I speak more of Lafayette, having that in mind, but as testified here, I have been away from Lafayette from the fore part of April until sometime in August; and when I had returned this structure was built around the Simpson mine in Lafayette.

Commissioner WEINSTOCK. There had been no——

Mr. DOYLE (interrupting). No violations that I know of.

Commissioner WEINSTOCK. But there is no question but that there had been no acts of violence committed in that district before the towns were fenced?

Mr. DOYLE. No; I never heard of any. I don't recollect them. But I did not say that was not the cause, because the operators that were there. The mine so fixed—Lafayette was fixed or put in great shape so far as mining methods go for a shutdown, or for working of work that could be done very easily by the less experienced men; which indicated to us all there that there was no doubt but what there was premeditation on the part of the companies that they were going to wipe out the organization in that field.

Commissioner WEINSTOCK. Have the American miners left those particular camps?

Mr. DOYLE. No; there are a good many of them there yet.

Commissioner WEINSTOCK. You have a census, have you, of the miners?

Mr. DOYLE. We have a list of members of our organization.

Commissioner WEINSTOCK. And approximately, how many members are there there?

Mr. DOYLE. I could give it to you from those figures submitted this morning; I don't know right offhand.

Commissioner WEINSTOCK. Approximately?

Mr. DOYLE. I should judge perhaps 1,200 miners in those.

Commissioner WEINSTOCK. Now, how many of those miners, approximately—of course, you can't give the exact number—how many of those were natives and how many foreigners?

Mr. DOYLE. I don't know. The northern field has been mostly American-speaking people, or people who have been here long enough to become Americanized; not a very large percentage of people who have recently come to this country.

Commissioner WEINSTOCK. That statement you gave us this morning, Mr. Doyle, gives the men out on strike in the northern coal field?

Mr. DOYLE. No; that statement this morning includes striking and working in union mines and under union conditions——

Commissioner WEINSTOCK (interrupting). Have you any figures showing how many are on strike?

Mr. DOYLE. Those can be had. We have the actual number we are paying relief to, which is reported week by week; and application is made by the local organization to the district organization for exemption on those that are themselves off, for other reasons, and those paying the per capita, as well as those who by the laws of the organization are permitted to vote, plus the payment on those that report they are working under union conditions and as having paid their dues. So the figures could all be given.

Commissioner WEINSTOCK. Can you tell us what you know about the shooting of the Hecla Heights?

Mr. DOYLE. I don't know anything about it other than what I had on the telephone that night, or conversations with the district attorney.

Commissioner WEINSTOCK. In the first place, will you tell us where the Hecla Heights is located?

Mr. DOYLE. Louisville, Colo.

Commissioner WEINSTOCK. In the northern part?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. When did this shooting take place?

Mr. DOYLE. I could give you the date, but I don't want to go into the discussing of it because I am charged with conspiracy to murder in the particular matter.

Commissioner WEINSTOCK. Well, I will not ask you any particular questions that would in any way embarrass you; but you can certainly tell us the date.

Mr. DOYLE. I will try and look my notes over [referring to a memorandum]. April 27, 1914.

Commissioner WEINSTOCK. That was this past April?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Was that before or after, Mr. Doyle, that the fences were put around these properties?

Mr. DOYLE. Those fences, I understand, were built in 1910.

Commissioner WEINSTOCK. 1910. Now, how many people were killed in this Hecla Heights trouble?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. You don't know?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. Were the militiamen in Louisville when the trouble started in the northern coal field?

Mr. DOYLE. That I don't know, either. Let's see if I have anything that will tell me that. I think they went up here—up north—on the 28th of April. I have a note here to that effect—1914.

Commissioner WEINSTOCK. This shooting occurred there on the 27th?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. That would make it the day after the shooting?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Was there any trouble after the militia arrived?

Mr. DOYLE. I don't remember of there being any.

Commissioner WEINSTOCK. Would your record there show?

Mr. DOYLE. No. I keep a dairy, when anything occurs to me and I am handy enough to mark it down, I generally do so for my own convenience; because I know conspiracies have been arranged that a man who is fighting coal operators and big powers, who is not careful to keep track of where he goes and if he had forgot the place where he had been at a certain time and a crime was committed, and if he couldn't tell where he was he would certainly be apt to be accused of that. And for that reason I try to keep notes, for a man who has as much to do with it as I have has to; and I might be able to learn.

Commissioner WEINSTOCK. Do you know whether it was common talk among the strikers in the northern field that they would get the militiamen when they returned?

Mr. DOYLE. I never heard of it.

Commissioner WEINSTOCK. You have heard nobody talk along those lines?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. Do you know that the strikers in that part of the State say to the Regular soldiers that they have not given up their arms and that they intend to use them in handling the militiamen when they return to the field?

Mr. DOYLE. I have never heard the statement.

Commissioner WEINSTOCK. Never heard the statement?

Mr. DOYLE. No.

Commissioner WEINSTOCK. Do you know what the production of coal has been in the northern field during the strike?

Mr. DOYLE. I think in the northern field that the last figures I saw were about 71 per cent of normal as compared with the same period of time for the year previous to the strike—to the best of my recollection.

Commissioner WEINSTOCK. That is the best of your knowledge and belief; there has been a decrease of 29 per cent in the production?

Mr. DOYLE. Or a failure on the part of the companies to increase it to normal production on account of the strike.

Commissioner WEINSTOCK. Do you believe that as a result of the strike, conditions in the northern fields have been bettered by creating the inclosed camps inside of the stockade?

Mr. DOYLE. That would be a question. Now, I would want a little clearer; that is, do you mean to ask me that while the strike was on or after the strike is over as it is now and things have become settled?

Commissioner WEINSTOCK. Well, take the conditions as they existed immediately after the strike was called off—I mean, before the strike was called off?

Mr. DOYLE. Well, I think that the conditions are worse in the stockades—"bull pens" we often refer to them as—than they were before the strike.

Commissioner WEINSTOCK. And the strike took place when?

Mr. DOYLE. April 1, 1910.

Commissioner WEINSTOCK. 1910—that is about four and a half years ago?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Well, then, what has the worker in the north gained by virtue of the strike?

Mr. DOYLE. The north itself has not gained by the strike. They have sacrificed to even up, and the south has been the gainer.

Commissioner WEINSTOCK. What has the worker in the south gained by the strike?

Mr. DOYLE. Well, we did not gain the demands we made at Trinidad, but there is one certain thing, and that, I think, is proved by the correspondence that this commission has had introduced before it, between the C. F. & I. officials here and Rockefeller and others—that the condition that obtained in Colorado previous to the strike will never again obtain in that field; that is, that the operators will have a little bit more regard how they treat the men. The bully policemen or mine guards will not be as vicious as they were. The operators have learned that the miners can and will strike, and know that there is a limit to what they will endure of abuse and oppression put upon them. And though the strike has been called off, the spirit of the men will never permit again such impositions to be heaped upon them as heretofore. You know the men will not stand what they stood before. And then again the company knowing that the men can and will strike will put them in the attitude—at least if they will not do it openly, in their contract drawing to be a little more humane, and to treat their men a little more decently; and the result will be that conditions will be better in those fields, in my opinion, than they have ever been heretofore.

Commissioner WEINSTOCK. Your point, then, is your benefits, whatever they may be, that have been derived by the workers are indirect rather than direct?

Mr. DOYLE. They are indirect for some reasons. If all of the publicity that has come out in regard to this matter right now, if that had been brought out six months ago, the end of the strike would have been called before. There is no doubt but that the language of the letter from Mr. Welborn to Mr. Rockefeller and others shows that they were in a state of mind of not knowing what to do, and not in touch with public opinion, and if the exposures brought out by that correspondence were known in the community, it would have put the operators in such a hole that they would have been compelled to recognize their deficiency, even though they were such a power. And I think that the public eye is focused on the State of Colorado, and although the operators refused to accept the proposition of President Wilson—in spite of that the union officials came here and called off the strike; and the sympathy of the world is with the strikers, and I think the operators know that, but will not admit it; and I believe that the grievances of the miners will receive more consideration, and, I believe, if they do not, that there is a public that has had enough of this matter and feel sure that it will have proper consideration by this commission appointed by President Wilson. Then, too, I do not think the coal companies want to go through anything more like this and will do something to be decent to the men.

Commissioner WEINSTOCK. You are one of those that believes, in the last analysis, it is public opinion that counts?

Mr. DOYLE. I think public opinion ought to be considered, and I think if the public could get the full facts on both sides in any controversy it would be settled before there was any strike. I think that the public is entitled to consideration, for that reason that our organization begged and pleaded for a conference before the strike, in order to avert a strike—which was refused; and I think that if such a conference was had the strike would have been averted, if for no reason than for the sake of the public.

Commissioner WEINSTOCK. You are one, then, who is of the opinion that the public sentiment is the last factor that tells?

Mr. DOYLE. Yes, sir; I think it is a decided factor.

Commissioner WEINSTOCK. Yes——

Mr. DOYLE (interrupting). If, however, an organization of labor had everything in its favor to win, if the public were against them, justly or not, the organization would fail.

Commissioner WEINSTOCK. The statement has been made, I heard it many times, and you have doubtless, that no lockout can succeed, no strike can succeed, unless public sentiment and public opinion are behind them.

Mr. DOYLE. Well, it can not succeed perhaps in the degree it ought to, but it depends upon the size of the lockout and strike.

Commissioner WEINSTOCK. I refer to a large strike, of course.

Mr. DOYLE. If it were a little, insignificant strike, it may be settled, perhaps, contrary to public opinion.

Commissioner WEINSTOCK. We are speaking of great strikes that command national attention.

Mr. DOYLE. I think strikes are usually settled by public opinion, when they reach such a stage as this one has. I think, after the strike has been called off, the public are with the miners, and were before it was called, and will be more after calling it off.

Commissioner WEINSTOCK. Then if these strikes in the north—in the northern field—that have failed and in the south were called off, would that not indicate that public sentiment was not behind the strike?

Mr. DOYLE. Not necessarily. Public opinion may be based upon something that was not correct. And while it may be that it caused the end of the strike, at the same time it would not indicate that the principles for which the strike was called were not correct, or that the demands were not reasonable or right. It depends upon the information the public had and what it formed opinion on.

Commissioner WEINSTOCK. Surely. There has never been a strike in this country where the public had a better opportunity to get information on both sides in regard to the strike because of the many investigations that have been made and the great amount of publicity given to the world.

Mr. DOYLE. That is a matter that brings up the question of financial strength, and we have no one with the possession of vast funds like Rockefeller who can put a hundred million dollars aside to create entertainment and to create a monument for himself, no matter how he got it. We know that they have more means to reach the reading public than the striking miners, who can only spare a few dollars from his monthly earnings. We can not spend the money to secure addresses and to hire literary men and men of highest talent in the country to take charge of our publicity and put it before the country in attractive form whether it is true or not, and we have to fight against that. For instance, "Peace reigns in the Sate of Colorado, and a strike is called regardless of the justice of it"; the people hear of the strike and think of the disturbed conditions that it caused, but do not think of the conditions that existed because of which the strike should be called; and then again when it comes to a matter of publicity, those in the union who have to do with it are those who have come up through hard knocks and who have no education, and they have to compete against those who are schooled until they are men 20 and 25 years old, and perhaps old enough to be the father of the workman or the official of the labor union when they left college. We have this disadvantage, that they have everything in their favor. We may have the right of a thing, but we may lack the command of language to tell what we feel and know, and we have not the money to buy the services of those to put that in convincing language and circulate it before the world.

Commissioner WEINSTOCK. In your testimony this morning, Mr. Doyle, your statement, as I now recall it, was that so far as article 4 of the proposed agreement between the mine owners and the mine union was concerned—that article which provides that the employer has to deduct from the wage of every worker a certain amount to be turned over to the union—your testimony, as I remember it, was to the effect that that was optional with the employer, that it was not imperative that he must accept that specific specification; did I understand you correctly?

Mr. DOYLE. I believe, in answer to that, I stated that we have contracts and have had contracts with operators in the country and even in this State that did not contain that clause.

Commissioner WEINSTOCK. And I gathered further that it was voluntary on the part of the employer either to accept or reject, and that some of the employers preferred it.

Mr. DOYLE. I believe I stated that after getting them into conference we endeavored to show that it was to their advantage to have it.

Commissioner WEINSTOCK. But if you failed in satisfying them, then they need not accept it; that was the impression I got. If I am wrong, I wish you would please correct me.

Mr. DOYLE. If you were to come to me and wanted to make a deal for a certain amount of grain in the field before it was cut, you would not start right off the reel and say to me that you would give me a certain amount, but you would begin to dicker with me to make the best possible terms. That is the way with it. We go into conference and we tell them that the check-off system is best for us, and best for them, and we ask for it for the reason that it it best for all concerned——

Commissioner WEINSTOCK. My reason in asking that question is to get at the facts. Here in this publication issued by the coal-mine managers, series 1, entitled "Facts Concerning the Struggle in Colorado for Industrial Freedom," on page 66, this appears [reading]:

"WHY COLORADO WAS ATTACKED.

"COLORADO MINERS ARE THE BEST PAID IN THE COUNTRY.

"'Recognition' of the United Mine Workers of America means, in effect, that every man in the mine must be a member of the union. Every mine is required to pay the union dues and assessments first out of the man's pay.

"In brief, 'recognition' of this union means submission to this system of 'checking off' union dues, fines, and assessments before any man can be paid the wages he has earned.

"These assessments may be made by the union's officers at any time and for any purpose. For example, out of the wages of miners in other sections of the country than Colorado had to be 'checked off' the funds to meet the expense incident to stirring up the strike in Colorado."

Now, according to this statement there is no option on the part of the employer, but he must submit to that proposition.

Mr. DOYLE. That is not correct. The operators have maintained the attitude they would not meet the representatives of the miners' union, because if they even met them at a dinner or anywhere else, or come close enough to them to find out they were actually human beings and stood on two feet, that would be a recognition of the union. Now, it came out in that pamphlet that the union makes collection of dues and assessments through their officers. Now, if that statement is correct, is the other correct? They can't both be correct——

Commissioner WEINSTOCK. Let us confine ourselves to the point at issue, and not wander off, Mr. Doyle. You heard me read this article?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Please be good enough to say whether or not that is a correct statement on the part of the operators?

Mr. DOYLE. It is not correct.

Commissioner WEINSTOCK. You deny the statement that the employer, when he enters into an agreement with the union, must deduct from the wages of every man in his employ a portion of their wages for that purpose and turn it over to the union?

Mr. DOYLE. That depends. There is recognition of different degrees. You may recognize the union and check off its dues, and so forth, and you may recognize the union and not check it off. You may recognize it to a certain degree. It is a question of degree.

Commissioner WEINSTOCK. If I, as a miner, may recognize the union and check it off, if I may do it, that is very different from saying I must do it; because "must" leaves no option; "must" is mandatory; "may" is optional. Now, I understand you to say that this statement published here is not a correct statement?

Mr. DOYLE. It is not.

Commissioner WEINSTOCK. That the employer is not compelled to deduct; he may have the choice of deducting?

Mr. DOYLE. That depends upon the contract. If he contracts in a conference and agrees to deduct, he does so. If he makes a contract that does not include that article, he does not deduct.

Commissioner WEINSTOCK. Exactly. Can you put in evidence a contract or mention a contract where the employer is not obligated to do that?

Mr. DOYLE. Have I not told you that the contract—that contracts formerly existed to that effect?

Commissioner WEINSTOCK. Will you give us the name of any employer operating under a contract with the union who is not compelled to deduct these sums from the wages of the men?

Mr. DOYLE. I think one contract of that kind exists in West Virginia now.

Commissioner WEINSTOCK. I am speaking of Colorado.

Mr. DOYLE. I did not say there were any at this time in Colorado. I said that one formerly existed in Colorado.

Commissioner WEINSTOCK. But, so far as you know, there is no contract in Colorado now existing where an employer does not deduct from the wages of the men and turn it over the union?

Mr. DOYLE. Working under contract with the union?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. None except one little place in Weld County, where the dues have not been deducted for months. There will be others.

Commissioner WEINSTOCK. I presume you have looked over this pamphlet?

Mr. DOYLE. I have seen it, but I don't know that I have read it.

Commissioner WEINSTOCK. You have read some of the publications issued by the employers?

Mr. DOYLE. Yes, sir; I have read some on the street cars as I would get time.

Commissioner WEINSTOCK. Would you want this commission to accept all the printed publications, printed by the employers, at their face value, that have been submitted to this commission?

Mr. DOYLE. I would want them to weigh well anything—be fair enough to weigh anything they may have published—and if in their conclusions they thought that certain statements, or parts of statements—I do not think they ought to take them as a whole—ought to be believed, to do so, and if their evidence was sufficient to overcome what was published, and it was seen to be not true, they ought to so consider it.

Commissioner WEINSTOCK. You pointed out that this particular statement I just read to you was not correct. Now, do you believe there are other statements contained in these publications that are not correct and should not be accepted?

Mr. DOYLE. There are others that are not correct, but without looking it over I can not tell you just what they are.

Commissioner WEINSTOCK. Are we to understand, Mr. Doyle, that you take the ground that all of the published official statements—and, of course, you are not responsible for unofficial statements—but that all of the official statements published by the union are correct and can be accepted at 100 per cent face value?

Mr. DOYLE. You must not forget which side I am on. I am on the miners' side, and for that reason I am not one of those "holier than thou" people that believe the laboring man can not err. There are no doubt statements in our publicity matter that have been written in there that are but conclusions of the writer or of the person with whom he may have conferred about the matter, and I would say—I would not say that everything the mine workers published was absolutely correct, either grammatically or any other way; but there is no doubt but that if you will take the full volume of stuff published by the operators and the full volume of stuff published by the organization and make comparison letter by letter, paragraph by paragraph and page by page for corroboration as to the truth of the statements, you will find, as compared with their statements, that ours are true in relation of 2 to 1.

Commissioner WEINSTOCK. Then, summing up, I am left in this frame of mind by your statement: That we should not accept a document like this at 100 per cent of its face value, but even the mine workers may have made errors in their published statements, and that they ought to be read very carefully and critically likewise?

Mr. DOYLE. We would all be angels if we did not make mistakes.

Commissioner WEINSTOCK. I do not have the facts—I do not have clear in my mind a statement you made this morning when I questioned you about this man Martin. I think he was a militiaman. During the recess I looked up the testimony to refresh my memory. Let me read it to you, and see if you care to comment on it. This is the testimony of Linderfelt. Linderfelt goes on to say:

"Lawrence reported that Pvt. Martin had been wounded—shot in the neck. I asked him where he was. He said they could not carry him back, but they had left him in a small hole, where he was safe, and had put a first-aid bandage on him. Along in the afternoon, late in the afternoon, when the final advance was made in that direction, Pvt. Martin was found with the first-aid bandage torn off, his face beat in with the butts of guns, stamped in, one eye was out of his head, one of the men shoved it back in with his fingers, his body had been riddled with bullets. I think it was the next day I examined the place thoroughly myself and I found where they had stood over him with a Mannlicher 8-millimeter rifle and fired down through his chest, and through his mouth, and pieces of bones and flesh were on the ground where he had lain, with the bullet holes. I dug up the bullets and I found they were the Mannlicher; I found the clip with the empty shells lying beside him."

Do you care to comment on that?

Mr. DOYLE. I don't know anything more about the matter than I stated this morning—that I was not down there at the time. If you want me to comment on it, all I can say is that if the statement made in that record is true, I would point, as a comparison, to the 2 women and 11 babies that were taken out of the hole at Ludlow.

Mr. WEINSTOCK. That is not in answer to my question; that is sidestepping it.

Chairman WALSH. You asked him if he cared to comment on it.

Mr. DOYLE. What comment do you want?

Commissioner WEINSTOCK. The question is, whether, from your own knowledge, you know whether that is a fact or not?

Mr. DOYLE. No; I don't know.

Commissioner WEINSTOCK. So far as you know it may be a fact?

Mr. DOYLE. Well, there is a good chance of it not being a fact. I understand he is dead.

Commissioner WEINSTOCK. If it is a fact, is it a manly action or not?

Mr. DOYLE. Manly? Can the act of any human butcher be manly? I should say not. It is just as horrible as the killing of anybody under any other circumstances, if he was killed or butchered. No man has a right to kill or butcher another, and no right to chop them up, as they are doing over in Europe now.

Commissioner WEINSTOCK. You deprecate that action on one side as well as on the other side?

Mr. DOYLE. Yes, sir; the man is a human being, and has a mother.

Commissioner WEINSTOCK. I have before me, Mr. Doyle, a digest of the brief of the coal mining operators, prepared by their attorneys for the coal-mine operators, and among other things this statement appears——

Mr. DOYLE. What brief is that, in what case?

Commissioner WEINSTOCK. This is a digest of the brief of the coal-mine operators, prepared by Fred Herrington, Frank E. Gove, J. V. Bickman, George G. Manley, Charles Hayden, and Jesse C. Northcutt, attorneys for the coal-mining companies. I take it that this was before the congressional committee.

Mr. DOYLE. I take it that is what it was.

Commissioner WEINSTOCK. Among other things stated here in this extract or digest is the following [reads]:

"REASONS FOR OPPOSITION OF OPERATORS TO MINE WORKERS' ORGANIZATION.

"(a) Unsatisfactory operation of union contracts in northern Colorado field.

"(b) Unlawful character and unbearable conduct of miners' organization.

"(c) Breaking of contracts—

"1. By striking without conference as required by contract (Bettis case).

"2. By repudiation of promises (Bettis case)."

Now, the one particular point I want to take up at this stage, Mr. Doyle, is the one where the charge is made that the unions are contract breakers. Will you give us your point of view on that?

Mr. DOYLE. Yes, sir. I want to first state that with reference to the case referred to there, called the Bettis case, that I am thoroughly convinced that Mr. Bettis did not sign up a contract with the union in good faith.

Commissioner WEINSTOCK. Will you please tell us who Bettis was?

Mr. DOYLE. Bettis operated a mine called the Royal Gorge, near Canon City, Colo.

Commissioner WEINSTOCK. He was a mine operator?

Mr. DOYLE. Yes; I guess he owned the mine. We sent out a letter which, if not already introduced into the record ought to be, to all operators of the State on August 26, 1913, asking for a conference, and if that has not been introduced in evidence I shall be glad to put a copy in, and asking for a conference. At about 9.30 the next morning—that was sent out about noon—I got a phone message from Bettis. I had never met the man before in my life and never had any organization dealings with him, and I don't know whether any of the others had. And he said that he would be very glad to sign up with union, and he signed up a contract on the 7th of the following month. I think it was, shortly after that. He broke the contract afterwards, as we can bring men down here who were in charge and show it. And it leaked out in a way, it was mentioned to us, that Mr. Bettis was in constant communication with Mr. Herrington, of the C. F. & I., just previous to the strike, and reported how the organization was handling men and having meetings and what they were saying in the meetings, and so forth, leading us to believe he was in the service of Herrington. And immediately on signing his contracts he made statements that the union was responsible for the raising of coal in order to get public sentiment against the union. Since then, however, he has leased his mine to others, and it is working under union contract.

Commissioner WEINSTOCK. Will you tell the commission how he broke his contract?

Mr. DOYLE. I have not the details, but before the congressional committee that matter came up. I believe that Dave Robb, national organizer, handled that matter and could give a fair statement of it.

Commissioner WEINSTOCK. You are not familiar with the details?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. I have in mind——

Mr. DOYLE (interrupting). Just before you go off that matter of breaking contract, they always state that we break contracts. We have an organizer all over the country in the Eastern States, and you never hear of it there. I have a letter from Ottumwa, Iowa, and I will read it into the record. I have not been able to look up another letter that I wanted to introduce into the record, showing that contracts are not violated, from the president of the operators of the association in the State of Iowa; but this is the only one that I could find; it was written to the secretary of the district. It is as follows [reads]:

WAPELLO COAL CO.,
H. L. WATERMAN, GENERAL MANAGER,
Ottumwa, Iowa, October 6, 1913.

Mr. JOHN GAY,
Sec. Treas. U. M. W. of A., Dist. 13, Albia, Iowa.

DEAR SIR: I am in receipt of your inquiry of the 2d instant as to which, in my experience, is the more beneficial to the mining industry, the employment of union or nonunion labor.

For nearly 30 years I have had charge of mines where from 500 to 700 men were employed, and during the past 13 years have operated under a joint agreement between the operators and the United Mine Workers of America.

While in the earlier years operations under the agreement were often accompanied with more or less friction, much of this has passed away, and under later agreements an honest effort has been made by all parties concerned to live up to both the letter and the spirit of contracts. And while the cost of production has increased through shortened hours and increase in day wages and price of mining, chargeable partly to the very perfect organization of the miners and partly to the advance in the cost of living, still I am satisfied that whatever advances are due to the former cause are more than offset by the greater stability given the industry by avoiding the losses which would inevitably occur through operating with unorganized labor, resulting in shutdowns and strikes.

Yours, truly,

H. L. WATERMAN, *Vice President.*

Commissioner WEINSTOCK. How many miners did that concern employ?

Mr. DOYLE. He says he has had charge of mines where from 500 to 700 men were employed.

Commissioner WEINSTOCK. I have here a clipping from the Coal Age, a publication issued somewhere in the East, under date of December 20, 1913, which contains—I will not read the whole thing, but will just take the heart out of it and you can answer it. It is issued by the Association of Bituminous Coal Operators of Central Pennsylvania, 801 Betz Building, and addressed to Mr. Patrick Gilday, president district No. 2 United Mine Workers of America, Morrisdale mines, Pennsylvania. Dated Philadelphia, December 12, 1913, and it says [reading]:

"DEAR SIR: The executive board of the Association of Bituminous Coal Operators of Central Pennsylvania held a meeting here to-day, approved and directed that the following communication be forwarded to you at once:"

And then it goes on through several whereases, and I will just deal with the one touching on broken contracts—

"Whereas rules 12 and 13 of said agreement provide, 'Should differences arise between the Operators and Mine Workers as to the meaning of the provisions of this agreement, or about matters not specifically mentioned in the agreement, there shall be no suspension of work on account of such differences, but an earnest effort be made to settle such differences immediately;'"

Then it goes on to say further:

"Whereas, notwithstanding the fact that rule No. 15 provides, 'The right to hire and discharge, the management of the mine, and the direction of the working forces are vested exclusively in the operator,' the United Mine Workers of America have absolutely disregarded this rule in that they have

at numerous times served notices on substantially every operator belonging to our association that unless all of the employees working for such operator should become members of the union on or before certain dates mentioned in said notices, that they, the Mine Workers, would close or shut down the Operators' respective mines, and in many instances did close the mines for this reason and refused to return to work unless such nonunion employees were discharged. This conduct is in direct violation of your contract and specifically interferes with and abridges the right of the Operator to hire and discharge, of the management of the mine, and of the direction of the working forces; this conduct and violation of contract on part of the Mine Workers, as well as that mentioned in the preceding paragraph, has resulted in more than 100 strikes during the life of our scale agreement; and

"Whereas notwithstanding the fact that the Operators appealed to you as president of the United Mine Workers of America of district No. 2 to enforce and carry out your contract, and your repeated admissions that the Mine Workers were not living up to their contract, but that you, individually, were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date."

Then it goes on to say:

"*Be it resolved, therefore,* That the Operators enter a vigorous protest and demand of Patrick Gilday, president, and the executive board of the Mine Workers of this district an immediate cessation of the conduct hereinbefore recited and that they strictly enforce on the part of the Mine Workers their covenants contained in said contract, and in event of the failure to cease such conduct within the next 10 days that the president and secretary of the Operators' association shall call a special meeting of the members thereof for the purpose of considering the final dissolution of its association on the specific ground that it is useless to enter into contract obligations with a body that steadfastly refuses to fulfill the same and which no official apparently has power to enforce.

"Yours, truly,

"W. R. Bossers, *Secretary.*"

Can you give this commission any information on that?

Mr. DOYLE. Do you know whether there is a district 20 check-off clause in there or not?

Commissioner WEINSTOCK. No.

Mr. DOYLE. I am of the opinion, if my memory serves me right, and that is one good argument to show the absolute necessity of a check-off clause in the contract. For instance, those men who violate contracts—I am not maintaining they don't—there are local violations, and the subcontracts referred to there could not be made in conflict with the main contract. Before they had the check-off system, which the operators in that field refused to give, it took the very means out of the hands of the officials of the union whereby they could discipline their members. For instance, in Illinois, when the men refused to work because of a fight between the checkweighman and the top boss, the district secretary came down and said to him, "You go to work or you will be fined and it will be taken out of your wages," and as a result we went to work. With the check-off system we can discipline the men.

Commissioner WEINSTOCK. Do you know what was the outcome of this controversy?

Mr. DOYLE. There has been no strikes in our official papers that has come to my attention since. I remember something about that appearing in the Coal Mining Review, published by an ex-international president of ours, but there has nothing serious happened over it.

Commissioner WEINSTOCK. Do you know whether or not the employers' association did call a special meeting and did or did not dissolve its association?

Mr. DOYLE. No; I do not know.

Commissioner WEINSTOCK. Do you know whether or not that association is to-day in existence?

Mr. DOYLE. No; I do not. I might add, in connection with that district, that it is practically agreed in all circles that if "Divine Right" Baer were alive to make the next contract he would include the check-off system in the contract.

Commissioner WEINSTOCK. If who were alive?

Mr. DOYLE. "Divine Right" Baer, George F. Baer, who said that certain men were born with the divine right to take care of the interests of the workmen.

Commissioner WEINSTOCK. My attention is called to a report printed by the authority of the Colorado State Federation of Labor. This report was published in 1914, and on page 18 of that report is the following [reads]:

"*Therefore be it resolved*, That this convention call upon Gov. Ammons to immediately turn over to civil authorities the so-called military prisoners, so that they may be placed in communication with their attorneys and friends.

"The convention further demands that Gov. Ammons remove from office Adjt. Gen. John C. Chase, Judge Advocate Boughton, Maj. Charles H. Townsend, and Capt. Householder; and, further, that he abolish the illegal military commission; and

"*Be it further resolved*, That if within five days Gov. Ammons fails to comply with the requests of this convention, representing all of the organized labor of Colorado, the executive board of the Colorado State Federation of Labor is instructed to at once circulate petitions to recall him from office; and

"*Be it further resolved*, That this convention declares itself in favor of a State-wide strike of every working man and woman in this State as a protest against, and to enforce a demand for the cessation of the abuses of human rights and liberties cited above; and

"*Be it further resolved*, That the date for the inauguration of this State-wide strike be left in the hands of the executive board of the Colorado State Federation of Labor, who are instructed to issue the call without notice of any kind whatever in their judgment the moment for action has arrived."

Commissioner WEINSTOCK. Did Gov. Ammons remove Gen. Chase and Maj. Boughton and Maj. Townsend and Capt. Householder?

Mr. DOYLE. Not that I know of. Let me ask a question. What is the date of that again? I thought you said 1914.

Commissioner WEINSTOCK. That is the inquiry——

Mr. DOYLE (interrupting). Is the resolution dated, may I ask? My reason for asking is whether it was this last December's convention. If it was, it is 1913. That is right, 1913. Now, that is printed there in 1914, by the executive act of the board, but it is the proceedings of the convention of December, 1913, 16, 17, 18, 1913, held in December——

Commissioner WEINSTOCK. Of November?

Mr. DOYLE. December.

Commissioner WEINSTOCK. December?

Mr. DOYLE. Yes; 1913.

Commissioner WEINSTOCK. Just about a year ago?

Mr. DOYLE. Yes, sir; I wondered where it came from in 1914.

Commissioner WEINSTOCK. Yes. Well, you say these military officials were not removed by Gov. Ammons?

Mr. DOYLE. No; they were not that I know of. I think they are still holding their positions.

Commissioner WEINSTOCK. Well, were petitions circulated to recall Gov. Ammons from office?

Mr. DOYLE. Now, I ain't certain of that. I know they were authorized to get them out, but I think they were not circulated.

Commissioner WEINSTOCK. Was there a general strike called?

Mr. DOYLE. No.

Commissioner WEINSTOCK. There was not?

Mr. DOYLE. No.

Commissioner WEINSTOCK. Then the resolutions provided for here were not carried out?

Mr. DOYLE. They put it in the judgment of the board to do it—not to call a general strike.

Commissioner WEINSTOCK. Simply the date is in the judgment of the board? It says [reading]:

"*Be it further resolved*, That this convention declares it is in favor of a State-wide strike of working men and women in this State as a protest against and to enforce a demand for the cessation of abuses of human rights; and

"*Be it further resolved*, That the date for the inauguration of this State-wide strike be left in the hands of the executive board."

That was the only discretion they had, was to fix the date; but the strike was to go.

Mr. DOYLE. Perhaps they have not fixed the date yet.

Commissioner WEINSTOCK. Well, then, evidently the entire resolution to recall Gov. Ammons was not carried out and the resolution to declare the State-wide strike has not yet been carried out?

Mr. DOYLE. No.

Commissioner WEINSTOCK. You have touched upon or referred, Mr. Doyle, several times in your testimony to the many acts—the many wrongful and unlawful acts said to have been committed by the State militia and by the mine guards and those sympathizing with or working under the mine owners. I have here a letter dated Denver, Colo., April 30, 1914, or rather a copy of a letter addressed to the Hon. M. D. Foster, House of Representatives, Washington, D. C. I take it that Dr. Foster was the chairman of the congressional committee that conducted the investigation in Colorado?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Now, this document is signed, as I recall it—I haven't the last page here, but I believe it was signed by very many of the coal operators. Among other things—oh, yes; here they are—by the Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and so on; there are 10 or more signatures. Among other things this communication makes this statement [reading]:

"On April 23, Lawson, international board member United Mine Workers of America, and the leader of the strikers, in an interview published throughout the State, asserted that a war of extermination would thenceforth be conducted by the strikers, and Doyle, secretary of the U. M. W. of A., by wire, instructed the officials of local unions to watch for the approach of the militia, which had been again ordered back into the field. The meaning and purpose of such language was obvious."

Is it a fact, Mr. Doyle, that you instructed by wire the officials of the local unions to watch for the approach of the militia?

Mr. DOYLE. That would all depend upon the interpretation placed upon it.

Commissioner WEINSTOCK. Well, that does not answer my question. I put a straight question to you that is easily answered.

Mr. DOYLE. Well.

Commissioner WEINSTOCK. Did you, by wire, instruct the officials of the local unions to watch for the approach of the militia?

Mr. DOYLE. I warned the miners and their families when the militia left here to take all the women and children away from within bullet distance of the train so these fellows would not be able to kill any more as they had been killed before.

Commissioner WEINSTOCK. Have you a copy of that wire?

Mr. DOYLE. I think my counsel has it down at the trial down there. It is being brought up, I think, in this trial at Canon, in defense of these people——

Commissioner WEINSTOCK (interrupting). Was that wire sent from Denver?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. To Ludlow?

Mr. DOYLE. No; I don't remember just who it was sent to, or the names put on it; but Attorney Hawkins has it.

Commissioner WEINSTOCK. I suppose copies of it were filed in the local telegraph office here?

Mr. DOYLE. Yes; I presume so.

Commissioner WEINSTOCK. And could be procured?

Mr. DOYLE. Yes; you can get a copy from him down there.

Commissioner WEINSTOCK. And the communication goes on to say [reading]:

"Since that time the strikers in armed bands, varying in number from 50 to 400, have attacked the town of Delagua from the hills and killed three men. They have dynamited and burned the buildings and equipment of the Empire, Southwestern, and Green Canyon mines at Aguilar."

Mr. DOYLE. I don't know anything about that personally at all.

Commissioner WEINSTOCK. Would you accept hearsay statements as a fact in this case?

Mr. DOYLE. No; the operators who are responsible for that document have pictured me as a murderer, anarchist—anything but a decent, law-abiding citizen; everything a man can name; and anybody picturing me that way, and I, of course, not agreeing with them that I am such, I couldn't very well agree with that part of the statements made by them. Pardon me, that mentions Lawson and says he said a war of extermination would take place?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. I don't believe Board Member Lawson ever made any such statement. Of course, when he gets on the stand you can find out from him directly. And in connection with all that you said about the State federation of labor and the resolution passed, I have a copy of the resolution that the convention passed

at that same convention that I would like to introduce as my record and leave the stenographer have it.

Commissioner WEINSTOCK. Is it very long?

Mr. DOYLE. Yes; it is about nine pages.

Commissioner WEINSTOCK. Can you give us the substance of it?

Mr. DOYLE. Why, it is outlining the outrages referred to in the other resolution.

Commissioner WEINSTOCK. That is a list of outrages alleged to have been committed by the other side?

Mr. DOYLE. General statements of things that have occurred, as giving reasons and the whereas why the governor could do something to prevent such; and it ends up by telling what they have done—how they let mine guards in the militia and held people incommunicado; and says they were trying to abridge the freedom of speech, and all that stuff, that I think would be interesting; and it calls upon the governor, I believe, to take some action to stop it. At that time the convention made an appointment with the governor, and marched up here to the statehouse and had him appear before the main body, which resulted in his suggesting a committee of investigation be appointed, which was appointed, and whose investigation, a verbatim copy in our office, from which I have made extracts, which I wish to incorporate at a later time.

Commissioner WEINSTOCK. Very well. You may hand that paper to the reporter to be made a part of the record.

(The resolution referred to appears among exhibits at the end of this subject, under the title "Doyle Exhibit No. 8.")

Commissioner WEINSTOCK (reading):

"Since that time the strikers, in armed bands varying in number from 50 to 400, have attacked the town of Delagua from the hills and killed three men. They have dynamited and burned the buildings and equipment of the Empire, Southwestern, and Green Canyon mines at Aguilar. They have driven men, women, and children into the Empire mine and sealed the entrance with explosives."

I will stop at every period to give you an opportunity to make comment, if you wish to.

Mr. DOYLE. I have no comment on that. Am I correct that that is the letter to Foster, or a brief?

Commissioner WEINSTOCK. That is a letter to Foster, written by the various coal-mine owners. [Continues reading:]

"After the declaration of a truce agreed to between the governor and Hawkins, attorney for the U. M. W. of A., they drove the postmaster and others away from the Sunnyside mine and took possession of it, as well as the Picton mine."

Mr. DOYLE. I have no comment.

Commissioner WEINSTOCK (reading):

"They dynamited the tipple at the McLaughlin mine and fired many shots into the buildings at Maitland."

Mr. DOYLE. I don't know anything about that.

Commissioner WEINSTOCK (reading):

"They forcibly entered the store building at Rockvale and carried away guns and ammunition."

Have you any knowledge of that?

Mr. DOYLE. I haven't any knowledge of any of those things. But if it is a matter of record you want, why not put it all in the record?

Commissioner WEINSTOCK. Well, there may be some statements here that you may wish to say something about.

Mr. DOYLE. Very well. If you have the time, I have.

Commissioner WEINSTOCK. I want to afford you the opportunity——

Mr. DOYLE (interrupting). Well.

Commissioner WEINSTOCK (reading):

"They attacked the buildings and dwelling houses of the Chandler mine and kept up a merciless fire from the hills for nearly 40 hours, killed one man, and finally took possession of the camp by slipping in a number of men under a white flag."

Mr. DOYLE. I have no comment on it.

Commissioner WEINSTOCK (reading):

"They have burned, dynamited, and completely destroyed the McNally mine in Huerfano County, kept up an almost continuous fire from intrenchments for 50 hours upon the Walsen mine, wounded one woman, killed one and wounded four men, and killed a surgeon wearing Red Cross insignia while attending wounded soldier on field."

Mr. DOYLE. No comment.

Commissioner WEINSTOCK (reading):

"They viciously attacked the Hecla mine in Boulder County, killed one and wounded three men, and drove all employees and their families to cover for many hours."

Mr. DOYLE. No comment.

Commissioner WEINSTOCK (reading):

"They attacked the Forbes mine in Las Animas County with a force of 400 armed men, killed seven miners, including four Japanese, and burned everything in sight, including a stable of 88 mules."

Mr. DOYLE. No comment.

Commissioner WEINSTOCK (reading):

"In the prosecution of their campaign of extermination the foregoing are some of the things these men have done during the past few days with the tacit consent, active cooperation, and under the personal direction and control of officers and paid agents of the United Mine Workers of America."

Mr. DOYLE. No comment.

Commissioner WEINSTOCK. Is it true, so far as you know as an official of the United Mine Workers, that such things were done with the tacit consent, active cooperation, and under the personal direction and control of officers and paid agents of the Mine Workers of America?

Mr. DOYLE. I think it is a lie of whole cloth.

Commissioner WEINSTOCK. You saw none of these things with your own eyes?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. You did not see the battle at Ludlow?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. You tell us though that from statements made to you by the miners at Ludlow, you believe that the military were the aggressors in the matter—that the military were the first to fire?

Mr. DOYLE. Well, I presume you call them military, which was left there, which really would be——

Commissioner WEINSTOCK (interrupting). National guardsmen under the direction——

Mr. DOYLE (interrupting). Yes; I believe they were the first to fire. I don't see what business they had down there at the homes of the miners of the tent colony if they were not there to fire. If they had been up there working at the mine, probably no trouble would have happened.

Commissioner WEINSTOCK. You believe that despite the fact that was hearsay and despite the fact that as you explained this morning when it came to members of the union character did not enter; that men of character and men of no character were permitted to join the union; and that if statements were made to you by the miners you would accept them in connection with matters of this kind?

Mr. DOYLE. Before answering, if you will give me the permission, I would ask whether you are a member of the chamber of commerce?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. Would you believe a member of the chamber of commerce who told you something he had seen and heard, and his character was not examined before he became a member of the chamber of commerce?

Commissioner WEINSTOCK. I would have to know the man before I could know whether or not to believe him as a member of the chamber of commerce. I tell you frankly I would not believe every member of the chamber of commerce.

Mr. DOYLE. Very well.

Commissioner WEINSTOCK. I will also tell you with absolute frankness that I would not believe every member of a labor organization.

Mr. DOYLE. Well, neither would I. I may have to use my judgment.

Commissioner WEINSTOCK. Then I misunderstood your testimony when you made the statement that if a man, a unionist, told you something, you would believe it.

Mr. DOYLE. I made a statement—in making a statement, a man who knew the manifold conditions, industrial conditions, in a strike district and was a party to it and who had some reason to know, and I had some reason to believe he ought to know from the position he was in, certainly I would believe him.

Commissioner WEINSTOCK. You would believe him because he was a miner?

Mr. DOYLE. No; because I thought he was telling the truth.

Commissioner WEINSTOCK. Well, you thought he was telling the truth, you said, because he was a miner?

Mr. DOYLE. No; I thought he was telling the truth not because he was a miner but because being a miner or being a member of the union or in a position to know about the conditions under which he worked, or about the conditions under which he was striking.

Commissioner WEINSTOCK. Exactly; and if in an affair like the Ludlow difficulty a miner told you something you would believe him?

Mr. DOYLE. That would all depend. If the miner was telling something, and I thought he was in a position to know, I would believe him.

Commissioner WEINSTOCK. Then I take it you want to qualify your testimony of, I have forgotten whether it was this morning or Saturday afternoon, where you made the blanket statement that where a miner told you anything about something you would believe it?

Mr. DOYLE. I told you if his position as a miner—if he was in a position to know the condition. I qualified that, but if you want to interpret it to suit yourself I will not object.

Commissioner WEINSTOCK. Then you mean to qualify that?

Mr. DOYLE. Yes; I did.

Commissioner WEINSTOCK. I thought that was a broad blanket statement, Mr. Doyle, and it made quite an impression on me, and I made a note of it at the time as being a very remarkable statement.

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Somebody gave me a clipping here, Mr. Doyle——

Mr. DOYLE (interrupting). Yes, sir.

Commissioner WEINSTOCK. It is headed "Walter Drew's view. The attorney for the employers' association protests against the closed shop. Walter Drew, the counsel for a joint committee for a large number of open-shop organizations, who was present at most of the hearings before the United States Commission on Industrial Relations, said yesterday that a very large percentage of the strikes of recent years have had for their purpose not the increase of wages or the decrease of hours but the establishment of a closed shop. The objection to the closed shop, Mr. Drew said, lies in the fact the workman holds his job by the power of the union and not by his merit."

Is that correct?

Mr. DOYLE. That is not correct. The closed-shop matter is necessary—I will be as brief in that as I can—just the same as sanitation is necessary in a community to keep health. And in order to keep conditions proper and properly protect the men, the matter of men holding their jobs merely by membership in the union, instead of by their ability to do certain work, or to perform certain work, is not correct. As to the matter of efficiency, there has been so much said, but if you want a statement on that subject I will be glad to make one. If not, I will be glad to let it rest, because you will agree with me, anyhow.

Commissioner WEINSTOCK. I understand, Mr. Doyle, that you take the position that men are not; that is, conditions are not established whereby men hold their jobs simply because of their union affiliation, regardless of merit?

Mr. DOYLE. Oh, no. I hold that they do not hold their jobs, as I understood that clipping to say, simply because they are members of the organization.

Commissioner WEINSTOCK. Yes; that is what the clipping said, that they held their jobs because they happened to be members of the association and not because of merit.

Mr. DOYLE. That is not correct, except where a man is fired for an unjust cause and the arbitration courts provided for in the agreement are appealed to and a decision rendered in favor of the man—if he was fired because of personal prejudice or something of that kind or because he did not belong to the right church or did not vote right or something of that kind, why, then, naturally, he would be defended by that organization; and we consider it a blessing that his rights would be protected, because he would be too weak to fight the employers himself and protect his rights in that respect.

Commissioner WEINSTOCK. You believe, then, that under the union conditions an employer has the right to exercise the right of dismissing a man who is inefficient?

Mr. DOYLE. Yes. If the man can not perform the work, he certainly has that right.

Commissioner WEINSTOCK. For my information, Mr. Doyle, will you be good enough to tell me whether in the State of Colorado you have the initiative?

Mr. DOYLE. Yes, sir; we have the initiative and referendum.

Commissioner WEINSTOCK. And you have the referendum?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. And you have the recall?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Now, charges have been made at various times before this commission and in other directions that the mining laws of Colorado were not enforced. Is that correct, Mr. Doyle?

Mr. DOYLE. Yes; that is one of the complaints—about the laws that affect the miners—as I testified to Saturday.

Commissioner WEINSTOCK. Now, if the mining laws were not enforced, and with the power at the command of the wage earners, who naturally largely outnumber the employers in the State, why did not the union institute prosecutions?

Mr. DOYLE. Perhaps for the same reason that though the people are at liberty to vote—the citizens in this country—they do not always elect the right man to public office. Many other factors enter into a thing of that kind. We had an eight-hour law passed here, and those interested in having it defeated secured petitions to have it referred and thus prevented it from becoming a law for two years, until it came up at the next election. In the meantime some interests initiated another eight-hour law contrary to this one—really a fake eight-hour law—and had both upon the ballot, one by being referred, and one by being initiated for the next election. As a result both carried. But the real eight-hour law, as passed by the legislature, as I understand it, was decided by the supreme court, upon request of the legislature, that it was the one that should take precedence over the other; and you can readily see the fairness where anybody could pay 10 cents a signature, or something, to people who misrepresented the facts, in presenting the petition, and had the petition to refer signed by telling them it was a petition for an eight-hour law, for instance, or a petition to get one, and then tried to confuse the voters into voting for what they believed they were voting for.

Commissioner WEINSTOCK. Are there any instances on record, Mr. Doyle, where the unions have instituted prosecutions for failure on the part of the mine owners to carry out the mandates of the mining laws?

Mr. DOYLE. No; the union, as such, can not sue.

Commissioner WEINSTOCK. Can not an individual member of the union bring suit?

Mr. DOYLE. Oh, yes.

Commissioner WEINSTOCK. Or prefer charges?

Mr. DOYLE. Oh, yes.

Commissioner WEINSTOCK. Has that been done at any time?

Mr. DOYLE. I know of no individual that has brought charges because of that. We have fought in a number of ways to try to get the right legislation passed, and have used all our influence, but the pressure brought by the coal companies, for instance, in opposition to any legislation affecting them shows that the voters are pretty well dictated to in the coal-mining camps. Now, here I would like to quote, if you will, from the abstract of the votes cast at the primary election held on the 5th day of November, A. D. 1912. This is a document gotten out by the secretary of state, James B. Pearce, in 1913, and it goes on to show here that for the fake eight-hour law that I referred to that was initiated the vote in Huerfano County for the fake eight-hour law was 905 as against 1,268, and the vote in Fremont County 1,351 as against 2,105. And on the house bill that had been referred by petition, the vote favoring that shows that in Boulder County in favor of it there were 3,587 to 1,511 against it; while in the same county in favor of it there were 2,011 votes and 2,650 votes against it. And in Huerfano County for the genuine eight-hour law there were cast only 984 votes for that law and 1,156 votes against it. While the fake law received 679 votes in Las Animas County and 1,370 votes against it, there was cast 1,658 votes for the genuine law and 1,201 against the genuine eight-hour law. It shows it has been manipulated. Take it for the genuine eight-hour law in Pueblo, where the C. F. & I. has its steel plant; there was 4,529 for the genuine law as compared with 1,904 against it; and then the fake eight-hour law received 422 votes in favor of it—for the passage of the fake eight-hour law—and against the fake eight-hour law only 2,623 votes. Now, surely those men would not intentionally go out and deliberately, after studying the proposition, go and vote against the eight-hour law, which was to affect themselves.

Commissioner WEINSTOCK. Why, that is entirely possible, Mr. Doyle. In the State of California we had a universal eight-hour law up before the people at

the last election, with the wage earners in a great majority, and that law was completely snowed under, and yet theoretically it was to the interest of the voters to vote in favor of the eight-hour law.

Mr. DOYLE. But you must remember that was a universal eight-hour law, was it not?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. But you must remember the different interests. For instance, the farmer who owns a particular farm or something of that kind naturally would vote against that. But these reforms must come in such shape that they will not frighten the general mass of people. The eight-hour law has operated successfully elsewhere. And, then, there would be——

Commissioner WEINSTOCK (interrupting). While it is to be admitted that your point is correct that the farmer is not going to vote in favor of a universal eight-hour law, yet there are many more farm hands than there are farmers, and hence it would be in the interest of farm laborers to vote in favor of that eight-hour law. Yet it was defeated, seriously defeated.

Mr. DOYLE. How long must a man be in your State before he votes?

Commissioner WEINSTOCK. I could not answer that offhand.

Mr. DOYLE. If there is a year requirement, are all farm hands, or are half the farm hands, in the same place so they may vote?

Commissioner WEINSTOCK. I could not answer that, Mr. Doyle.

Mr. DOYLE. I think that would enter into it.

Commissioner WEINSTOCK. That might—probably would. The mine owners claim, through documents that have been presented to this commission, and which I have not at hand at this moment, that the average wage of a miner is $4 a day in their mines. From your knowledge of the facts is that correct, Mr. Doyle?

Mr. DOYLE. In northern Colorado before the strike the average was from $480 to about $560 or $590 per year.

Commissioner WEINSTOCK. And how about the southern part of the State?

Mr. DOYLE. The southern part of the State was a little better, owing to the fact of having a little better grade of coal; but how much better I have not the figures.

Commissioner WEINSTOCK. What was the average earnings of the average miner, so far as you know, per year?

Mr. DOYLE. About $1.75 a day, I think, taking it the year through.

Commissioner WEINSTOCK. That is, the 300 working days of the year?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. That would be about $513 a year?

Mr. DOYLE. I think it was $1.71.

Commissioner WEINSTOCK. For the purpose of the record, I shall read into it an abstract from the same digest from which I have been quoting of the proof of the coal-mining operators, submitted, I take it, to the congressional investigating committee, as to alleged atrocities said to have been committed by the strikers, and you can, at your option, comment or not, as you choose.

Mr. DOYLE. Well, I might just as well state in the first place that there is no use of making any comment on them; and if you just want it as a matter of record, you may just as well hand it in, because we have got only another hour before adjournment, and I have got a lot of matters here I would like to introduce.

Commissioner WEINSTOCK. Well, I would rather read it over, for my own information. I have not had time to analyze it or go over it.

Mr. DOYLE. Well, go ahead.

Commissioner WEINSTOCK. This reads:

"September 23. Coal strike formally declared.

"September 24. Marshal Robert Lee, of Segundo, murdered by strikers. House of miner at Aguilar blown up by dynamite.

"September 25. Strikers held up Hastings hack at Ludlow.

"September 26. Strikers again hold up Hastings hack at Ludlow.

"September 29. William Smith, stable boss at Tabasco, beaten by strikers.

"September 29. Attack on Oakview mine and large number of shots fired into buildings.

"October 3. Powder house at Primrose mine blown up by dynamite.

"October 6. Strikers at Ludlow attack two Greeks, Erik Karis taken prisoner.

"October 7. Automobile of deputy sheriffs and others fired on by strikers on highway between Ludlow and Hastings.

"October 7. Automobile of John Farrish fired on by strikers.

"October 7. Dr. Curry, while traveling on highway near Ludlow, fired on by strikers.

"October 7. John Sherman, merchant, fired on by strikers while traveling on highway in automobile.

"October 8. Strikers fire upon Colorado & Southern train near Ludlow.

"October 9. Mack Powell killed by strikers in battle at Ludlow.

"October 13. Two Delagua women taken prisoners by strikers at Ludlow.

"October 14. Marshal R. E. Corey, of Segundo, beaten by strikers.

"October 17. Forbes mine fired on by strikers.

"October 25. Battle at Ludlow; Deputy Sheriff John Nimmo killed.

"October 26. Battle in Berwind Canyon; Deputy Sheriff Tom Whitney, killed.

"October 28. Deputy coroner and deputy district attorney fired on by strikers near Ludlow.

"October 29. Two children of Mrs. Frank Wootten, one 8 and the other 5, shot by strikers in Berwind.

"October 28. Angus Alexander killed near Hastings by strikers.

"October 29. State militia arrived in strike district.

"November 8. Armijo miner shot and killed by strikers at Aguilar.

"November 8. Luke Terry, W. H. Whitten, H. F. Bryan, and R. G. Adams ambushed and killed near La Veta.

"November 8. H. H. Smith, mine clerk at the Santa Fe mine, assaulted and beaten by strikers.

"April 10. Troops began leaving Trinidad district, and on the 18th of that month practically all of the troops left save a few guards stationed at Ludlow.

"April 20. Battle between strikers and militia at Ludlow.

"April 22. Empire mine burned; three mine guards killed by strikers in battle; strikers fire on Hastings and Delagua. Skirmish between militia and strikers in Black Hills. Southwestern mining camp captured by strikers.

"April 25. Truce was declared between the striking miners and the militia.

"April 25. While truce was still in force Chandler mining camp captured, buildings looted, and one man killed and one wounded.

"April 28. Lynn depot robbed of ammunition. Battle at Royal mine. Primrose and Rugby camps fired upon by strikers. Thirty people entombed in Empire mine.

"April 29. McNally mine captured; one man killed and a woman wounded.

"April 29. Strikers attack and capture Forbes mine, kill nine employees and burn buildings.

"April 29. Maj. Lester shot and killed near McNally mine in Huerfano County. (The officer mentioned was wearing a Red Cross badge at the time he was shot.)"

Commissioner WEINSTOCK. I take it you do not care to make any comments?

Mr. DOYLE. No.

Commissioner WEINSTOCK. Has Mr. Grant returned with any of the communications and documents from your office, Mr. Doyle?

Mr. DOYLE. I left him there with the stenographer and my assistant, going over them when I caught the car to come here at a quarter of 2.

Commissioner WEINSTOCK. You brought none of the records with you?

Mr. DOYLE. No; I left him, as I understood he was to attend to them.

Commissioner WEINSTOCK. Mr. Grant has not yet reported?

Chairman WALSH. He has not reported to me.

Mr. Dower, will you please ascertain whether or not Mr. Grant has returned from the office of the United Mine Workers?

Commissioner WEINSTOCK. What was the policy, Mr. Doyle, of the United Mine Workers, as to the arming of those members at the beginning of the present strike? Was violence foreseen by officers of that union, Mr. Doyle?

Mr. DOYLE. I do not desire to comment on that, giving the reasons given this morning, on advice of counsel.

Commissioner WEINSTOCK. Do you desire to comment on this question: "When did the officers of the United Mine Workers first decide to buy arms and ammunition for the men?"

Mr. DOYLE. That is the same as the first.

Commissioner WEINSTOCK. "When were the officers of the union first—when did the officers of the union first permit the strikers to carry arms?"

Mr. DOYLE. That is the same as the first.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon has some questions he desires to ask.

Commissioner WEINSTOCK. We have the documents, Mr. Walsh.

Chairman WALSH. Did you want to examine—go through those documents first?

Commissioner WEINSTOCK. It will be all right for you to proceed. We can look over these.

Commissioner LENNON. What is the jurisdiction as to membership claimed by the United Mine Workers? What does it embrace?

Mr. DOYLE. You mean in the declared principles of the organization?

Commissioner LENNON. I mean what workmen does it embrace.

Mr. DOYLE. Everyone in and around the mine.

Commissioner LENNON. That would be miners and all the mechanics and helpers that have to do with the production of coal?

Mr. DOYLE. Yes, sir.

Commissioner LENNON. Has the United Mine Workers any voice, or anything to do with the employment of any of these people that are eligible to membership in their organization?

Mr. DOYLE. In their employment?

Commissioner LENNON. Have anything to do with their original employment?

Mr. DOYLE. Absolutely not.

Commissioner LENNON. They are employed by the operators?

Mr. DOYLE. Yes, sir.

Commissioner LENNON. Then who is it that passes upon the matter of eligibility of miners to membership in your organization, the miners or the operators?

Mr. DOYLE. The coal operators choose all our members.

Commissioner LENNON. And you have no alternative except to take such as are hired by the operators?

Mr. DOYLE. Absolutely not.

Commissioner LENNON. You have been associated in the mining business practically all your life?

Mr. DOYLE. Yes.

Commissioner LENNON. Now, this check-off system. I want to ask you one or two questions as to the check-off system. How old an institution is that in the mining industry—for instance, hospital fees, rent, groceries, buying in company stores, and other matters wherever the miners have given authority to do so, and where they have not given authority to do so what has been the custom in the mining industry?

Mr. DOYLE. The custom of the operators to use the check-off system for their own benefit has been longer in the mining business, so long before I was born that I don't know when it happened. They used it when I was a lad in Spring Valley. They had the check off for everything, rents and water and company store——

Commissioner LENNON. Did they check off for the hospital fee? Let us be specific.

Mr. DOYLE. Yes; in different mining camps, hospital fees, for store, company store, powder, oil, groceries—there was another one I had in mind.

Commissioner LENNON. Well, rents?

Mr. DOYLE. Yes; rent, fuel, and water in some places.

Commissioner LENNON. In the matter of check off for dues or assessments or initiation fees, do you require that in the contract without the consent of the individual whose dues are checked off and paid to you?

Mr. DOYLE. The individual signs an order agreeing to that, for the protection of the coal company, when he becomes employed by that particular mine.

Commissioner LENNON. Is the miner or the lack of the checkweighman for the miners in the coal industry, largely the cause of industrial unrest among the miners?

Mr. DOYLE. Yes, sir. Oh, yes. Where there is no union there is usually no checkweighman and the man must take whatever is given to him or else leave the camp.

Commissioner LENNON. In the districts where no union prevails, or in the mines where no union prevails, does the checkweighman prevail to any extent? Are there checkweighmen where there are no organizations of the miners?

Mr. DOYLE. No. No checkweighmen unless there is a union; first, because the man who would dare to take a job as checkweighman would be soon losing his job, by reason of the men who would contribute to his pay being weeded out. There would be no wages for him, and he could not, of course, get a job again

with the company, and the men who pay his wages, who pay for the checkweighman, would soon be weeded out.

Commissioner LENNON. Well, can you suggest any way that it would be possible to elect a checkweighman and maintain the checkweighman satisfactory to the miners if they are not organized?

Mr. DOYLE. I don't know of a method save the union of the miners.

Commissioner LENNON. There has been more or less charge made as to the breaking of contracts by the miners. Those contracts are made covering districts, are they not?

Mr. DOYLE. Districts or group districts.

Commissioner LENNON. Do you know of any contract having been broken by the United Mine Workers covering a district where they have a district contract?

Mr. DOYLE. No, sir; I do not. I never heard of one.

Commissioner LENNON. The complaints, if there are any, rest upon some local union or part of local union, or something of that kind?

Mr. DOYLE. The individual or group of individuals. Oh, once in awhile a local makes a break, but very seldom, especially where in a field that is organized any length of time.

Commissioner LENNON. Do you happen to know anything about the action of the executive board of the Illinois district in two or three cases that happened in the Danville district where local miners broke their contracts?

Mr. DOYLE. No; I only know that there was a number of cases, but as to what the merits were or what action was taken I am not aware of it.

Commissioner LENNON. In these matters of violence that have been read to you, presented to you to-day, will you state whether or not the officers of the United Mine Workers in Colorado ever authorized any acts of violence?

Mr. DOYLE. They have never authorized any act of violence, and they have always counseled members to live within the law and to conduct themselves in a lawful, peaceful manner.

Commissioner LENNON. That is all I want to ask.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. I understood you to say just now, in answer to a question of Commissioner Lennon, that the coal operators choose all of your members?

Mr. DOYLE. They employ the men and then we take them in as members.

Commissioner BALLARD. Do the coal operators also choose your officers?

Mr. DOYLE. No; not unless they should have a secret spy system. In some particular locals they talked to them as to who should be boosted for these offices and manage to elect them in some way. I think that might happen.

Commissioner BALLARD. Did you ever hear of a secret spy system electing your officers?

Mr. DOYLE. I have seen instructions some time back, I don't know just where, telling them to instruct them to use their influence among the rank and file to see that certain people, a certain character of people, are elected on committees.

Commissioner BALLARD. You don't think the operators, through their secret spy system, elected the union officers that conducted the past strike, do you?

Mr. DOYLE. It don't look very much like they had; they did not in my election.

Commissioner BALLARD. Commissioner Weinstock read to you a resolution about a State-wide strike. I didn't understand you quite. Did you mean that that strike was authorized by the unions, to be put into effect only when certain officers should be instructed to do it?

Mr. DOYLE. In this State federation of labor; yes.

Commissioner BALLARD. They authorized the strike?

Mr. DOYLE. They favored such a strike, but left the setting of the date in the hands of the executive committee.

Commissioner BALLARD. A State-wide strike would be a strike of all the members of the industries of the State in which the coal industry was concerned, too?

Mr. DOYLE. I understand so; that the State-wide strike is State wide.

Commissioner BALLARD. Every industry in the State would go out on strike?

Mr. DOYLE. Yes.

Commissioner BALLARD. Do many of these industries have contracts?

Mr. DOYLE. Specific time contracts, I take it.

Commissioner BALLARD. And would a strike break those time contracts?

Mr. DOYLE. No doubt would, if a strike was had.

Commissioner BALLARD. Well authorized. You just said they favored a strike, and then they favored the breaking of time contracts, by that?

Mr. DOYLE. No. In each of the contracts or industries, according to whether craft organization or industrial organization makes its own contracts with its own employer or group of employers.

Commissioner BALLARD. Yes.

Mr. DOYLE. And the matter of a Colorado State Federation of Labor, any parent body which a labor organization will be affiliated with, if they declare in favor of a strike, can not force upon that organization a strike without action on the part of that organization. That is so with the State federation of labor.

Commissioner BALLARD. Then, am I to understand if the State federation chooses to order a general strike, a State-wide strike, that some organizations will obey and some will not, just as they choose to do?

Mr. DOYLE. Well, they could do so. That would all depend upon the circumstances surrounding them, and each organization would have to be consulted about that matter of the strike in the industry itself. That is my understanding.

Commissioner BALLARD. The question of whether they had a time contract might or might not influence their decision?

Mr. DOYLE. That, no doubt, would be considered.

Commissioner BALLARD. I do not want to interefere with Commissioner Weinstock, Mr. Chairman, if he has any more questions.

Commissioner WEINSTOCK. I have one. I understood you to say—perhaps this morning or perhaps on Saturday, I believe it was on Saturday—that a number of laws had been passed by the legislature in recent years, such laws as the eight-hour law, the checkweighman law, perhaps the cash pay law, and that the operators should make no distinction or prevent union men getting work, and a great many laws of that kind have been passed by the legislature in recent years. Were those laws desired by the operators or desired by the miners?

Mr. DOYLE. It is evident that they were not desired by the operators, or they would have been lived up to.

Commissioner WEINSTOCK. They were not desired by the operators?

Mr. DOYLE. I don't think so.

Commissioner WEINSTOCK. They were desired by the miners and presented to the legislature in such a way that the legislature passed them in the interest of the miners?

Mr. DOYLE. I would say that, when I say operators, I mean generally speaking, of course. There may be individual operators that would be in favor of laws; no doubt there are some who would be in favor of everything that was right if they didn't have certain strings on them.

Commissioner WEINSTOCK. I mean at the moment these laws favored by the miners themselves.

Mr. DOYLE. I don't think there is any miner but who would rather work 8 hours a day than 12, and who would not rather get paid twice a month than once, or any of the other things that have been proposed.

Commissioner WEINSTOCK. Then you do say, I understand it, that these laws were passed by the legislature and they were satisfactory and they were largely in the interest of the miner?

Mr. DOYLE. I don't know whether they were or not, but they were passed, and conditions would have been better, though, had they been properly lived up to, I am satisfied.

Commissioner WEINSTOCK. Then the legislature did pass these laws, and they were more or less satisfactory to the miners. Now, what I was trying to get at was this: That the miners had enough influence with the legislature, all the various legislatures in the past few years, or that such legislators were elected in the States, as would pass laws more or less at least favorable to the miners; that is what I want to get at.

Mr. DOYLE. I can see your point all right. I could see what you were driving at.

Commissioner WEINSTOCK. The point is the miners have influence enough in politics to get legislatures who will pass laws more or less favorable to the miners?

Mr. DOYLE. No; I don't think it was so much the influence of the miners. I think it is a good deal because they would think, oh, they will pass anyhow, and they will live on paper. They would say, if a man belonged to the organization in southern Colorado, if he had gone down there before the strike, if he would say I am a member of the union, I am going to be a member of the union, the C. F. & I. would say they have no objection to organization,

"We don't care whether you are a member or not, that is none of our business." But you would find water in your place the next morning or be moved to one that did have water in it, or you wouldn't get timber or your rails wouldn't be delivered, or something else, and you would finally pick up your bucket and go home. The individuals really have no protection. I think that the laws themselves were perhaps passed in a great many of them—we have the laws, but when a man comes and gets in the attitude "I am holier than thou," he will find a difference in them.

(Here a short consultation among the commissioners occurred.)

Commissioner WEINSTOCK. You made the statement, Mr. Doyle, a little while ago that things were made so unprofitable and uncomfortable for a union man that he very soon took his bucket and walked out?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. But the testimony has been submitted to this commission that at the time of the strike there were 12 per cent of the men who were unionized.

Mr. DOYLE. Do you know why?

Commissioner WEINSTOCK. No; I don't.

Mr. DOYLE. Of course, they were unionized secretly and the company couldn't find them out.

Commissioner WEINSTOCK. How did the company find out there were 12 per cent?

Mr. DOYLE. That is their guess; they guessed at it. But they claim that their men didn't want the union, but they struck just the same.

Then they made the excuse after they struck that they struck because of intimidation. They said to the governor that if he would give them troops they would agree to go to work. They got the troops, but didn't go back to work. It is only a guess on their part that there was 12 per cent, because if they found 1 per cent or one-half per cent it wouldn't be but a short time until they would have gotten rid of them—unless it might be, I will say, the Rocky Mountain Fuel Co.—I think there were some men working in some of their mines in Fremont County who were not discharged. I want to say that to their credit.

Commissioner WEINSTOCK. Mr. Grant, our representative, reports that your secretary has turned over to him a large volume of correspondence, and that he has not had time to go though and pick out of it such correspondence as is likely to be of interest to us. But he has handed me here the report of receipts of disbursements, under date of October 1, 1914, financial report of the secretary-treasurer of district 15, U. M. W. of A., from August 26, 1913, to March 31, 1914, inclusive. Now, I take it, Mr. Doyle, that you have vouchers for every penny that was expended, have you not?

Mr. DOYLE. No doubt about that.

Commissioner WEINSTOCK. You pay out no money unless you get a receipt?

Mr. DOYLE. They are all audited, and I have receipts.

Commissioner WEINSTOCK. The records show just how that money was used?

Mr. DOYLE. Everything is accounted for.

Commissioner WEINSTOCK. But we haven't got those details here; we have only got those totals.

Mr. DOYLE. Exactly.

Commissioner WEINSTOCK. Now, according to this report, there were total receipts for the southern district from August 26, 1913, to March 31, 1914, inclusive, of $835,286.65; and the total disbursements were $831,785.65; balance on hand, $3,500. Will you please give us how much of this disbursement was for arms and ammunition?

Mr. DOYLE. The record will speak for itself upon that. That would naturally come under the matter I am talking about, advice of counsel, and I don't want to say anything that would in any way be distorted.

Commissioner WEINSTOCK. In other words, you decline to answer that question?

Mr. DOYLE. Yes. I think other witnesses can testify to it who are not under indictment.

Commissioner WEINSTOCK. Are you the only official under indictment?

Mr. DOYLE. No.

Commissioner WEINSTOCK. Who are the others under indictment?

Mr. DOYLE. John P. White, William Green, Frank J. Hayes, Edgar Wallace, John R. Lawson, Thomas Scott, myself, William Diamond, and David Robb, and a number of others that I do not recall.

Commissioner WEINSTOCK. That includes really all the officials here, does it not?

Mr. DOYLE. No. President McLennan is not, that I know of.

Commissioner WEINSTOCK. Do you care to answer this question: Were any lump sums paid out to any employees or any officials of your union, with discretion on their part to spend without being obliged to render vouchers?

Mr. DOYLE. I do not care to make any statement in that connection on that matter. But if after this is through, and these other matters are over with, counsel advise me that I can answer, and if the commission will send me a list of questions, or send some person to examine me, I will gladly give whatever information I can.

Commissioner WEINSTOCK. At this time, then, you decline to answer the question as to whether lump sums were paid out to officials or to employees to be used as in their discretion was deemed best?

Mr. DOYLE. I want to testify to everything; I shall be very glad to do so. But that is my advice from counsel, and he is very good counsel, and I do not think I would be doing right by him if I was to break faith, and I would perhaps be putting more burdens on him; I don't want to do anything that could be distorted, and for that reason I don't think I should violate his confidence. I wish to say to you I want to give to the commission everything there is, and I will be glad at any later date if he will give me permission to do so.

Commissioner WEINSTOCK. That is all.

Mr. DOYLE. Do not allow those matters to get out publicly, please.

Commissioner BALLARD. I want to ask one or two questions following Commissioner Weinstock.

Do you believe in the right of private ownership of property?

Mr. DOYLE. Well, I believe in the right of private ownership of property in somewhat modified form. I am a single taxer, and you know what I believe so far as taxes are concerned. But I believe in the government ownership of public utilities; for instance, the street cars being owned by the city, and the water plant, electric light, and things such as that; when they become a public utility, they should be owned and operated by the public. I think these interstate matters ought to be owned by the Government—the railroads, for instance. I believe that telegraph lines and telephone lines, when interstate, should be owned by the Government. I know you will say that private enterprise could not compete with them if they wished to do so. I believe the successful operation on the part of the Government would be possible and there would be no desire on the part of private parties to operate it.

Commissioner BALLARD. Do you include Government ownership of mines and all of that?

Mr. DOYLE. Yes. Mines ought to be under Government ownership, but I am not prepared to say whether Federal or State; but I think Federal would be the better.

Commissioner BALLARD. Well, do you believe in the individual liberty where a man is allowed to go and work where he pleases and when he pleases and in the business that he pleases, you—those you speak of should be owned by the Government?

Mr. DOYLE. Yes.

Commissioner BALLARD. You believe in individual liberty?

Mr. DOYLE. Yes; I believe in a man exercising his individual liberties.

Commissioner BALLARD. Is a workman free when, in order to work in a mine he must join the miners' union?

Mr. DOYLE. Just as free as he is when he must comply with the laws and rules and tax regulations, etc., when he becomes a citizen of the community.

Commissioner BALLARD. You consider that the same thing?

Mr. DOYLE. I think that is the same thing. I think this: I think that industrial life has only developed to a certain extent. Suppose you take the social life—speaking now of the new country like the United States—and that we have the same regulations that have proven to be successful to handle this problem of human life, living in industrial centers, etc., that the system under which that is handled, which will make a man live up to the laws, obey the laws whether he wants to or not, make him pay taxes and contribute whether he wishes or not, ought to be applied to industries, and that he ought to be made to live up to certain rules and regulations whether he wishes to or not. That he should be compelled to pay his pro rata to maintain those conditions. If I went to work in a mine of 500 men, and I had been working 10 hours a day, and had established pretty good conditions, no man ought to

be allowed, not out of common decency, to come in and work 12 hours, or work under conditions that would force the operators to place upon me those same conditions; or even to refuse to contribute his mite toward the maintenance of those conditions that might have been accomplished because they are for the general happiness of the entire population, the industrial economic that are working there. I believe in that.

Now, I think your question has more to do with the so-called freedom, the right to work for whom, when, what, and where he pleases, that I referred to this morning. I don't think that is a right at all. I don't think that exists. If it does exist, it would be like I said this morning—that they would all be choosing the soap jobs, the short hours, and would really then take from the employer any freedom that he might have.

Commissioner BALLARD. Then, if the State under this condition was to compel union conditions, the State would also fix hours and wages?

Mr. DOYLE. I think that would be covered by the times and circumstances. I am one who believes that as the world progresses certain changes take place, because all things grow up out of the defects, the evils that we never dreamed of before. For instance, our Constitution; I believe that certain changes in that ought to be made, just as amendments were added from time to time. What might be true now, or proper, in my own estimation, would not perhaps hold for all time, because no thing ought to be just because it has been. It ought to be changed in the progress of the world and for the benefit of the whole of humanity and not for the special privilege of any few or class.

Commissioner BALLARD. Would not the question of hours and wages law be of some benefit?

Mr. DOYLE. I should think the matter of the maximum hours to be worked, and—for we have no better system now—the maximum might be regulated by law, and the minimum of the wage, so that the employer would have to employ—pay a certain wage which would guarantee a decent living. For instance, say, a department store; take a girl—why should a girl, because her father might be killed or disabled, go into a department store and work for $3 a week and not get enough food to eat, not get a good dinner, eat a doughnut and a cup of coffee or a glass of milk and a piece of pie. She is going to be a future mother of the country, and if she is she ought to be properly fed; and if the employer because of the competition will not provide for her I think the law ought to make some provision. I believe the law ought to protect those who can not protect themselves, and if there is no organization to do it, that the Government itself ought to do it, either by State or National legislation. It is true that the girl who goes out early in life to work has not the opportunity that she ought to have. The employer don't seem to care, not because he is not human, but it is the system and conditions under which he lives and exists.

Commissioner BALLARD. What about the million immigrants coming into this country every year?

Mr. DOYLE. Well, all of those immigrants, I think, remembering that this country is free—it ought to be remembered that those people that come here should not be allowed to intermarry, the southern European races and the yellow races, and so forth. But I believe that when an immigrant comes over here there ought to be a law, whether written or whether it is not written—for instance, if an American has been working and has established a standard of American living, and American workmen have been used to that—that the immigrant coming over should be made to take an oath that he will not work for less wages and longer hours, or do anything to draw back the progress that has been made. In other words, that if they are going to be made citizens, that they shall recognise a standard in life and that they should have an opportunity to develop and make better men and women and not permit them to be brought into this country and to be used as tools to bring down the standard to the level of the country from which they come.

Commissioner BALLARD. Suppose there are a great many unemployed, should they be permitted to come in and take the places of the unemployed?

Mr. DOYLE. Well, I think this, that the number of employed—that there is that number because of the policy that has been pursued. I believe this, that the invention of labor-saving machinery is put to misuse in this country. Labor-saving machinery. The name should indicate that it was to lessen the burden on the back of the toiler. If that is true, that is what it should be applied to and not to creating dividends and great profits and fortunes that we hear in this country about now, while other people starve; the device which the man has invented, if it is a labor-saving machine should go into use for the benefit

to which the Creator endowed the men with talent to invent it, that should be a help to humanity; hours ought to be reduced and wages increased and life made easier by using these inventions, the labor-saving inventions. That these labor-saving devices ought to be used for the benefit of the men; and that instead of the worker being thrown out of commission he should receive his proper benefit out of that same thing that his genius invented. I think that the system of taxes ought to be made so that the world would be open. The world at the present time, I think, is closed. The Rockefeller interests own 300,000 acres, I understand, down in the southern part of this State and New Mexico. Suppose they only owned, instead of 300,000 acres, they owned the whole State, you and I would be their slaves, and we would have either to move to some other State or do what they wanted, because you and I can only live on and from the land.

Now, you shouldn't be permitted to own the land by title in such shape that you could deprive another man born later from exercising the right of having the use of the land as the Creator intended. In other words, that is the system whereby we fine people for improving the earth. If I build a house of two rooms, no paint on it, I pay a certain amount of taxes. If next year I paint my houses, my taxes increase. If the third year I build another room, I increase my taxes, although I have done something for the benefit of my family and humanity. I claim that the man who holds vast tracts of land, often empty, keeping it away from the use of those who were born here and who it was intended should use it, he is the man who ought to pay a fine in taxes on the value of that land, and realise that every penny of increase from that land should go into the public treasury for the purpose of operating the railroads, etc. Take, for instance, the street railway system; they have a franchise in the city for 99 years. How ridiculous it would be, suppose I built a large building, a 20-story building, and I leased the elevator shaft for a period of years, and they would charge a half a cent per floor for everybody who rode in that building. You would say, I won't pay it. I ain't going to pay to ride vertically. If we don't pay to ride vertically, if we object to paying to ride vertically, why should we pay to ride horizontally? Of course, we do pay directly or indirectly for riding vertically, in one sense, but if it is ridiculous to pay to ride horizontally, and not only horisontally but pay on our own streets, which belong to the public, why should that be done? Why should that not go into the public treasury? Take land worth $50 years ago that is worth $50,000 now. If the value of this land has increased that much, with which increase he had nothing in the world to do, that should have gone into the public treasury. Naturally, on the street car they charge the individual a cash price to ride on the street car, yet we don't pay a cash price for our ride on an elevator in a building directly. You may think I have narrow notions on these things, and that because I have not had an opportunity to get out in the world or anything of that kind, I may not know these things; but, nevertheless, there must be something of that kind established. I don't think any man ought to be robbed of his birthright. I believe that the burden ought to be made lighter, no matter what else we do.

Another thing, a man who has worked for years and been a good citizen, and who has done his duty as a soldier in industrial life should not be permitted to sell newspapers or such as that on the city streets. I think those things should be changed if we are at all humane and endeavoring to do what is right. We take up a soldier who has been wounded and he gets a pension, or if he is killed his widow gets a pension, and his business has been that of destruction in many instances, not always that of defense; but the workman, a citizen whose business it is to raise his children to be good citizens and to have a decent family and enjoy the comforts of the world, is not pensioned, but when he reaches old age he is discharged into the scrap heap, because he can not do as much work as a younger man. The Government does not say to him, "You have been a soldier in industrial life; I will se that you do not suffer." They only think of him four days before Christmas and forget him four days after Christmas and do not think of him again until the next Christmas.

In our organization we have no objection to any creed, color, or nationality. We do not say to the Pole, the Frenchman, or the Russian, "You get out of here"; but we say, "Come in; ours is a humanitarian movement, and we will help you out of that rut you have been traveling in." It is not only an industrial movement claiming eight hours a day and fair prices, but it is an organization that is furthering a movement for the uplift of humanity; that is bringing out the best that is in the soul of every man that may toil. That is the purpose of it and we believe it can be done. We believe that those who fight us, fight us

because they are ignorant and do not understand. It is like those who crucified Christ; they would not have crucified Christ if they had believed he was Christ. If some one said to-day, "We will crucify Christ," wouldn't we think that he was ignorant? And it is the ignorance of employers to-day of our aims, let it be said, that has permitted them to get into the rut they are in at present. I think, for one, that unless the laboring movement is allowed to exercise its functions, its lawful and right functions—if it goes wrong and unlawful it ought to be chopped off; I do not say it is always right—but if it is it should be allowed to perform its functions and go through its life and exist. It is a reasoning institution; it is a gathering of human hearts beating for what is right, and if it is allowed to go on there is no doubt but that many of the conditions confronting us, which are creating so much of the unrest in the world to-day, will be removed. But if, on the other hand, such institutions as the Rockefeller interests can stand before the world claiming what they call their freedom to do business as they please and that labor organizations shall not exist, "We are going to wipe them out"—I do not say they can not be wiped out—that they can not wipe them out—for it is possible that they can, because they can put any man in the penitentiary or in his grave or any place they choose, and they may think it is best for the human race; and some of us may go to the penitentiary for telling our opinion of Rockefeller. But, as I started out to say, if the powers that be destroy organized labor, there is an indication that something else more radical will arise to take its place. Everyone wants to see this country prosper, and as a good citizen I do not want to see anything disastrous come to this country. I am called an anarchist once in a while, but I want to see wrongs righted in an orderly manner, and I repeat that if it is not done in my time it will be by those who follow me.

If we are not permitted to ease the pressure that is bearing down upon those who toil and do the world's work, I am afraid the day will come in this Nation that men will carry their heads under their arms by having them chopped off over night when they sleep. God forbid that it should come, and I don't want to see it come, for one. But why should men who have all the advantages of opportunity and who are raised until they are 25 years old in colleges—why should they not do something? I never was inside of a college until I was 15 years old and then, when I saw it, I thought the men came there for entertainment, until a friend who was with me told me they were going to school there and boarding there. I was working in a mine three years when I found that out. Why don't men who have all these advantages and the learning of the ages past do something to rectify these things? We need a Wendell Phillips or a George Washington to lead us out of the wilderness. Why don't some of those men put themselves in place of Wendell Phillips or George Washington—that have all those advantages? But they seem to forget and they notice nothing until the pressure underneath tries to rise, and then they wonder what is wrong, and then, when it rises, they say: "Something must be done to stop it"—not justice but, "Something must be done to stop it, to put it down," and the tighter they put it down, the faster they put it down, the higher it will go when it comes. They all recognize that. History, as little as I have read, shows that, in every age, when men have failed to recognize the signs of the times, when men have failed to recognize the crying out of those in silence, the general desires and prayers of the working people to better their conditions—that, unless it was heeded destruction took place and the nation fell. And when we called off our strikers in executive sessions, the statesmen of the Nation knew we were right and considered that we ought to have a voice in the labor conditions under which we worked—they knew we were right before—but, for some mysterious reason, none of them has said, "We know you are right and we will fight your battles." Let us do justice first. As I said in that convention, and say here—if these statesmen in the Nation will not help us to redress the wrongs imposed on labor, if the Chief Executive of the Nation can not see that there is something terribly wrong in the conditions as they exist, can not see that there is something boiling up which may break out at any time and ruin this country—if they can not see it, then it is up to organized labor; and I am conceited enough to say that it is organized labor that is the one thing that will prevent revolution in this country, and the only way to prevent it is to let organized labor proceed along in the way it has; if it errs, let us say that it is human, because there will be errors in every human institution; but let us overlook those errors and profit by them so as not to make the error the second time, and I think if that method is followed there will be less trouble. Let us each perform more of our duty to

society. We get up in the morning and we rush to our work, and go to a show in the evening, if we have the money, but what thought do we give to our duty in regard to the individual units of that society? Instead of that we think whether our rent is going to be paid next month; we think whether we can make so much money next month——

Commissioner O'Connell (interrupting). I have a list of questions I want to ask you.

Mr. Doyle. He asked me a lot of questions and I want to answer, and there are some other matters I want to submit.

Chairman Walsh. Commissioner O'Connell wants to ask you some specific questions and you can submit the other matter you have later.

Commissioner O'Connell. I want to straighten up the records some first.

Mr. Doyle. All right.

Commissioner O'Connell. In a part of your testimony this morning, while Mr. Weinstock was asking you regarding the laws of your organization——

Mr. Doyle (interrupting). Yes, sir.

Commissioner O'Connell. And as to the punishment of members for the violation of these laws and rules——

Mr. Doyle. Yes, sir.

Commissioner O'Connell. I have not the testimony before me, but I think you said there was a fundamental law or practice in the organization which might cover the question of violence; in other words, that violence might be be considered a violation of a man's obligation. I take it that you mean by that that a man obligates himself to be a law-abiding member of the organization, and that the laws of the organization require its members to be law-abiding, but I do not find anything in the preamble or articles of the constitution of your district No. 15, which is a portion of the international, of the United Mine Workers of America, nor in the preamble of the national organization; in other words, I do not find anything in either one of these constitutions that would excuse a violation of the law, but if a member went out on the streets and committed the ordinary crime of getting drunk or getting into a fight and locked up and being punished—doing any of the things that human beings do—that you would be no more required, as an organization, to fine, suspend, or expel members of your organization for doing these things on the public highway for which they are responsible to the courts of the land—that you are not concerned in these as an organization, nor does your constitution make any more provision for that than in the case of any other association in regard to its members; for instance, the bar association does not provide in its constitution that, if a member of that association commits some crime or violation of the law, the association shall punish him for it?

Mr. Doyle. No, sir.

Commissioner O'Connell. I want to read to you the objects of the United Mine Workers of America, and I take it these objects are the ones to which its members pledge themselves. I find in article 2 of the Constitution of the National United Mine Workers of America, in effect April 1, 1914, the following objects stated:

"First. To unite in one organization, regardless of creed, color, or nationality, all workmen eligible for membership, employed in and around coal mines, coal washers, and coke ovens on the American Continent.

"Second. To increase the wages and improve the conditions of employment of our members by legislation, conciliation, joint agreement, or strikes.

"Third. To demand that not more than 8 hours from bank to bank in each 24 hours shall be worked by members of our organization.

"Fourth. To strive for a minimum-wage scale for all members of our craft.

"Fifth. To provide for the education of our children by lawfully prohibiting their employment until they have at least reached 16 years of age.

"Sixth. To secure equitable statutory old-age pension and workmen's compensation laws.

"Seventh. To enforce existing just laws and to secure the repeal of those which are unjust.

"Eighth. To secure by legislative enactment laws protecting the limbs, lives, and health of our members; establish our right to organize; prohibit the use of deception to secure strike breakers; prevent the employment of privately armed guards during labor disputes; and such other legislation as will be beneficial to the members of our craft."

That is the entire purpose of the mine workers' organization as stated in their preamble?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. There is nothing in that that would indicate that because you have not punished some member of the organization for crimes committed during the recent strikes or strikes, in the northern coal fields, that your organization does not want to carry out the provisions of its constitution?

Mr. DOYLE. No, sir.

Commissioner O'CONNELL. A further correction of the record. [At this point a conference took place between the members of the commission out of the hearing of the reporter.] [To the reporter:] That is not for the record.

In further correction of the record, Commissioner Weinstock, when examining you, quoted as an authority—invited at least, your opinion as to a legal—a gentlemen of legal standing in the country—Mr. Darrow—as the legal representative of organized labor. Mr. Darrow, so far as I know, and I ought to know something, has never been, and is not, the legal representative of organized labor, has never represented, has never been compensated by and never employed in any capacity by the American Federation of Labor, which, I think, you will agree is representative of labor organizations in North America?

Mr. DOYLE. Yes, sir; I never heard of him being employed by the American Federation of Labor.

Commissioner O'CONNELL. A question as to the closed shop being unlawful; your interpretation of that interrogation by Commissioner Weinstock indicates that the mere making of an agreement requiring that all employees of a certain plant or factory or workshop or mine should be members of a union would be unlawful; you have no such thought in mind, have you?

Mr. DOYLE. Oh, no.

Commissioner O'CONNELL. The record, as it now stands, would tend to show that the American labor movement does not stand for anything compulsory. There are a number of things which I am sure you will agree that labor does stand for as requiring compulsion?

Mr. DOYLE. Yes; I enumerated one this morning.

Commissioner O'Connell. Let me cite some to you: At the recent convention of the American Federation of Labor held in Philadelphia, resolutions were adopted for compulsory minimum wage for women and children; for compulsory education, compulsory sanitary regulations, compulsory protection of machinery in the matter of safety of life and limb, the compulsory use of proper fire escapes, etc., and a number of other things that do not come to my memory. You agreed with Commissioner Weinstock this morning that organized labor did not stand for compulsion in some things. I think you said that without giving thought to the things I have enumerated.

Mr. DOYLE. He enumerated certain things and I agreed with him they did not stand for them, and I was not clear entirely on that, and I said they were in favor of compulsory upholding of the law.

Commissioner O'CONNELL. Does your position as secretary of district No. 15, in order that we may get this in the record straight—your position as secretary is only subordinate to the international organization, and you can do nothing so far as ordering a strike, or taking any action that will in any way involve the members in a matter that involves the constitution, without consultation with the international members; is that not true?

Mr. DOYLE. We are subordinate to them and can do nothing that is contrary to the constitution or rulings of the international organization, and can not do anything that would involve the organization as such in a strike, without it has been passed upon by the international body.

Commissioner O'CONNELL. In the office you hold of secretary-treasurer, are you a member of the executive board?

Mr. DOYLE. Of the district executive board by reason of that office.

Commissioner O'CONNELL. Have you a vote or are you just a member?

Mr. DOYLE. I have a vote and it has never been questioned or tested, and the constitution says, if I remember correctly, that an officer, by reason of his position, shall be a member of the executive board.

Commissioner O'CONNELL. You are not the executive of your district?

Mr. DOYLE. No.

Commissioner O'CONNELL. The president is the executive of your district, is he not?

Mr. DOYLE. He is, as to the district, but the international board is over him.

Commissioner O'CONNELL. Yes; but I wanted to get at the power of your local board. Your local board is made up of seven or eight members?

Mr. DOYLE. According to the number of districts in existence at the time.

Commissioner O'CONNELL. How many are there at the present time?

Mr. DOYLE. About eight.

Commissioner O'CONNELL. And does that include the president and secretary, or is it exclusive of them?

Mr. DOYLE. No; I think we have eight subdistricts, and that would be the president, vice president, and the secretary-treasurer.

Commissioner O'CONNELL. As secretary-treasurer you do not presume to issue orders of an executive character to apply to your district, do you?

Mr. DOYLE. No, sir.

Commissioner O'CONNELL. That is the function or duty of your presidents?

Mr. DOYLE. Unless it is in connection with finances or exoneration of membership.

Commissioner O'CONNELL. I am not talking about that, but matters of authority. Your district president, therefore, is the executive officer of your district?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. And any orders issued by your district to your membership would have to be issued by your district president to be official?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. Did your district president enter into an arrangement with the State militia, or with the mine operators, as to the disarming of the miners at the time that it is said an arrangement was made to disarm them?

Mr. DOYLE. I have no knowledge of it.

Commissioner O'CONNELL. Did he issue any general order in compliance with any arrangement he had made, as the executive officer of your district, to require the miners to disarm?

Mr. DOYLE. Not to my knowledge.

Commissioner O'CONNELL. I ask this because it is the general impression—I am sure it is the impression of Commissioner Weinstock—that your executive officers agreed that the miners should turn in their arms to the United States soldiers when they arrived.

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. I learned from you no such agreement was made, no such instructions were sent out by your executive officer, therefore the question—I understand you were advised in some way.

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. And there was no violation on your part, no bad faith on the part of your officers because they made no agreement as to the disarmament of the miners?

Mr. DOYLE. That is right.

Commissioner O'CONNELL. Did you know this man Tikas?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. It is the general rumor that Tikas was a man who had never worked in the mines, but that he was a saloon keeper in the city of Denver. Will you explain briefly whether Tikas was a miner, whether he worked in the mines or ran a saloon in Denver when you employed him?

Mr. DOYLE. My first connection with him was when he joined the organization. While he had been working as a strike breaker in the northern fields he came out on strike. Seeing he was an active fellow, we made him one of our interpreters through which to speak to the Greek population, and any translation we needed in Greek.

Commissioner O'CONNELL. And he was working in the mines?

Mr. DOYLE. Yes; in Weld County.

Commissioner O'CONNELL. As a strike breaker?

Mr. DOYLE. Yes, sir; as a strike breaker at the time he joined the union.

Commissioner O'CONNELL. He joined the union?

Mr. DOYLE. Yes.

Commissioner O'CONNELL. And you employed him as an interpreter among the Greeks?

Mr. DOYLE. Yes.

Commissioner O'CONNELL. Do you know whether he ever ran a saloon in Denver?

Mr. DOYLE. I don't know.

Commissioner O'CONNELL. Or any other place?

Mr. DOYLE. I don't know.

Commissioner O'CONNELL. How old a man was Tikas when he died?

Mr. DOYLE. I judge about 28 or 29; that is a rough guess.

Commissioner O'CONNELL. In this stockade in the north what were Mr. Tikas's habits? Was he generally a sober man, a peaceful man, a man of companionable character, or was he disagreeable?

Mr. DOYLE. Mr. Tikas was anything but a trouble maker. He was what I would consider a perfect gentleman. I understand that he had some college education in his own country, and I know he was very smart; I know that I never found him wanting in anything, and he was always upright and manly and stood for what was right, lawful, and honorable. Some party wrote a poem about him one time and I was so touched with the poem as being a description of him that, while not knowing the party, I wrote him and said that he did not make any mistake when he sang the praises of that dead martyr.

Commissioner O'CONNELL. Regarding this stockade in the north—are these miners left inside of this fence, this town inside, permitted to go and come as they please through the gates of this place into the world?

Mr. DOYLE. They are now, I think, but not in times past. We have a young man—a boy 19 years old—said he climbed over this fence in the dead of night, and that he had to face a gun and was told to go back to work.

Commissioner O'CONNELL. Did they build regular company houses in the little town inside this stockade?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. Did they have a schoolhouse?

Mr. DOYLE. I don't think there was any school inside.

Commissioner O'CONNELL. Was there any church?

Mr. DOYLE. No; just a pool room, a store, and a casino.

Commissioner O'CONNELL. Any saloons?

Mr. DOYLE. I don't think any saloon licensed, but I think it is not very dry.

Commissioner O'CONNELL. How many people inside that stockade, approximately?

Mr. DOYLE. I don't know the correct number. In the Simpson mine there are 200 men with their families. There are two fences there that the county road divides, and there are about two or three hundred.

Commissioner O'CONNELL. Two or three hundred men?

Mr. DOYLE. Yes.

Commissioner O'CONNELL. Are the miners usually married men?

Mr. DOYLE. Well, I presume they are about half and half.

Commissioner O'CONNELL. I suppose those that are married have the average family of four or five?

Mr. DOYLE. I think so. I am not very well acquainted with them.

Commissioner O'CONNELL. The State federation of labor is not purely a mining organization?

Mr. DOYLE. No, sir.

Commissioner O'CONNELL. It is an organization made up of delegates from all of the various organizations of the State?

Mr. DOYLE. Yes, sir; sort of a mother body for all labor bodies in the State.

Commissioner O'CONNELL. The State federation, however, has no power, even for the adoption of a resolution that tended toward a general strike of the order?

Mr. DOYLE. No, sir.

Commissioner O'CONNELL. The ordering of a strike involving members of other organizations would require the same action upon the part of these other organizations that would be required by the miners' organization if they wished to order a strike; that is, that they would have to conform to the laws of their own international organization first?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. Therefore, no State federation could order a strike, as that function is exerted solely by the international organization of each trade or calling, and no strike could be ordered in Colorado unless all of the international organizations scattered all over the United States first gave their consent to it?

Mr. DOYLE. That is my understanding of it.

Commissioner O'CONNELL. And no strike could be ordered even by the executive board of the State federation?

Mr. DOYLE. No, sir; not unless it went through the routine you mention.

Commissioner O'CONNELL. And that would require a time far beyond what this strike or any other strike would last?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. In the testimony given in the early part of our hearing here, Mr. Weitzel, the general manager of the Colorado Fuel & Iron Co.'s mines, gave some testimony to which I want to call your attention, and ask the position of the miners organization upon the same. He spoke about the use of permissible powder and black powder. Permissible powder is considered safety powder of some kind?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. Mr. Weitzel testified to this effect:

"I might say, too, I believe that in the southern counties that about 90 per cent of the nonunion mines mine coal with permissible powder, while very few, probably not over 10 per cent in the union mines, if there are any—I don't know any union mine in the southern county that is using anything but the old black powder. It is forbidden by law, but they are still continuing to use it."

Can you give any light upon that question? First, are the mines operating under your contracts, known as union mines, all using this black powder as against the permissible powder commonly understood as safety powder?

Mr. DOYLE. The matter of powder has no connection with the organization; that is, it would be inferred in that statement that because they were union mines that was the reason they were using black powder. That is not true. There is nothing in the contract forbidding the use of black powder. As I understand it, a large portion of the mines of the State, perhaps a majority, are using the permissible powder, and there are mines in the State that have been given permission by the State mining department, subject to their complying to other conditions named by the State mine inspector, to use black powder. The mines in which the coal dust would not be as liable to be set afire as it would be in other mines.

Commissioner O'CONNELL. Has the United Mine Workers as an organization—does your district as an organization or your local union attached to your district—has it by any action or the passage of a resolution or the adoption of any resolution—agreed not to use permissible powder?

Mr. DOYLE. Oh, no; our organization is not opposed to the use of permissible powder. We are opposed to nothing that tends to the safety of human life and limb. We are in favor of all that, and permissible powder tends to reduce the death rate and injury to the miners, therefore, we are in favor of it; but we do not believe, with the little wage received, that we should be made to stand the expense of the change. With other conditions equal, we are in favor of the change, but we believe that it should be at the same relative cost as if we were using black powder.

Commissioner O'CONNELL. In other words, the industry should stand the increased cost by reason of the change in powders, and not the burden be placed on the miner?

Mr. DOYLE. Yes, sir.

Commissioner O'CONNELL. What is the difference in the cost?

Mr. DOYLE. I don't know exactly. That would depend a great deal on the nature of the coal. If the coal was more brittle it would be more difficult than if it was chalky.

Commissioner O'CONNELL. Do you know anything about the conditions in the other States as to the use of permissible powder?

Mr. DOYLE. The only thing I know is that during the agitation for the use of it in the Eastern States I glanced over the records and found the position of the miners was against being compelled to stand the burden of the change; that they wanted permissible powder, but that they did not think they ought to be made to pay the price of it—but that it should be at the same relative cost to the miners.

Commissioner O'CONNELL. My recollection is that he testified that they used permissible powder—60 per cent in this case I have just read to you, as against 10—and the indication or the implication is that that was the cause of the union.

Mr. DOYLE. That is correct. The only thing that would govern it is the matter I referred to, the permission granted by the State mine inspector's department, and subject to other conditions that he might impose—I presume such as sprinkling, etc. It may happen so that those mines happened to have this; I don't know.

Chairman WALSH. If there was something else you desire to add, I wish you would do it as concisely as possible, as we are going to finish this evening with you.

Mr. DOYLE. I have a few papers here that I would like to hand in to the stenographer and have them placed in the records.

Chairman WALSH. Just offer them and hand them to the stenographer.

Mr. DOYLE. Here is an extract from the proceedings of the convention of miners held in Trinidad, September, 1913, showing the grievances enumerated by the miners who attended that convention:

WAGE SCALE ADOPTED BY SPECIAL CONVENTION, COLORADO MINE WORKERS, AT TRINIDAD, COLO., SEPTEMBER 16, 1913.

We, the representatives of the mine workers of district 15, after repeated efforts to secure a conference with the operators for the purpose of establishing joint relations and a fair wage agreement, and having been denied such a conference—the operators ignoring our invitation entirely—and believing as we do that we have grievances of great moment that demand immediate adjudication, we submit the following as a basis of settlement:

First. We demand recognition of the union. (State law on this subject, but not complied with.)

Second. We demand a 10 per cent advance in wages on the tonnage rates and a day-wage scale which is practically in accord with the Wyoming day-wage scale. (The present Colorado scale is the lowest paid in any of the Rocky Mountain States. Wage advance is justified.)

Third. We demand an eight-hour workday for all classes of labor in or around the coal mines and at coke ovens. (State law on this subject, but not complied with.)

Fourth. We demand pay for all narrow work and dead work, which includes brushing, timbering, removing falls, handling impurities, etc. (Scale for this work in all other States.)

Fifth. We demand checkweighman at all mines to be elected by the miners without any interference by company officials in said election. (State law on this subject but not complied with.)

Sixth. We demand the right to trade in any store we please and the right to choose our own boarding place and our own doctor. (State law on this subject but not complied with.)

Seventh. We demand the enforcement of the Colorado mining laws, and the abolition of the notorious and criminal guard system which has prevailed in the mining camps of Colorado for many years. (State laws on these subjects but not complied with.)

If you believe in the enforcement of law and a living wage, you will support the miners in this strike.

MINUTES OF SPECIAL CONVENTION OF DISTRICT 15, UNITED MINE WORKERS OF AMERICA, TRINIDAD, COLO., SEPTEMBER 15-16, 1913.

The CHAIRMAN. We will now have reports of the delegates from the various mines.

Delegate BEN SELLENS. The statements I wish to make are that the men have to push their own cars—they do not call them men, they call them *buronos*—five or six hundred feet; and if one man can not push the car he gets a partner, and if the two can't push it they are told to get out. Furthermore, when they need spikes they have to go around and pull them out of old ties. If they get a piece of track broken the company will not send a man to fix it, but the miner must fix it himself. They carry their own timber. We are charged $1 a month for hospital and 50 cents a month for a locker in the washhouse. Coal diggers get 55 cents a ton for their coal, but it has to be all coal before they get 55 cents a ton for it. A ton is 30 hundredweight. If there is any rock in the coal they dock you for it, and if they get a chance they charge you for dumping it. We can not get timber at the Morley mine; have to go outside after it and carry it 50, 75, and 100 feet to the mouth of the mine.

Lawrence Lobry (Segris). Conditions are outrageous against the miners. The boss has the privilege of changing a man every day from place to place, and he gives the good places to the fellows who put up the most money to buy him drinks. He came to me one day and said, "You are not going to work in this place to-day," so he pushed me out and put another fellow in my place. I know of another case where a man was pushed out of his place and a friend of the boss put in. He asked the boss one day why he never got a better place,

and the boss told him that he would get a better place the next time, but he worked there six years and never got a better place.

ALBERT GOSSEN (Graycreek). There is too much rock at the Graycreek mine. When I was working there I could not make my day's wages in the place I was in. Conditions are very bad. No pay received for turning a room or for crosscuts, and there is about 18 inches of rock for which we are not paid for handling.

ROBERT HADLEY. The conditions at the mine where I work are pretty bad. The miner turns his room, for which he receives no pay. He has to hunt his own ties, spikes, rails, and lay track. The miner is compelled to clean up all falls, and when cleaning them up sometimes about two cartloads of rock falls, and the boss makes him clean that up also for no pay. I tell you conditions are outrageous. Work 9 and 10 hours a day. I know of four men who asked for a checkweighman and were fired.

Delegate CHARLES COSTO. I am charged $5 a month for a shack; $2 a month for coal whether I burn coal or not. Men are fired as soon as it becomes known that they are members of the union, or have an inclination to be. Not paid for room turning or crosscuts. Have to pay for drinking water. House is in bad condition, and when it rains we have to get under the bed to keep from getting wet.

Delegate OMERA (Ramey mine). If a man goes to work at 8 o'clock in the morning he can make $3 a day, by reason of cleaning up rock before starting time. If a man goes to work at 7 o'clock he makes about $1.50, because all his time is taken up cleaning rock on the roads. Men who get there at 8 o'clock in the morning help themselves to the rails and spikes belonging to some other fellow who does come until 7 o'clock. Have very poor houses; would just as soon live in a stable. Pay $3 a month rent; $1 a month for water; $1 for lights; and $1.25 for doctor and hospital. Paid 40 cents a ton for machine work; $1 for brushing, but you have to load 10 tons before you get $1 for brushing. Pay $1 a month for water that is not fit to drink.

Delegate LAMONT (Cokedale). The company furnished carbide. It costs 3 cents per can and they charge us 5 cents per can for it. The company makes $5 or more profit a day on carbide. There is 4 feet of rock between this coal and we are paid $4 a month for handling it. Cars should weigh 5,500 pounds, but we can get only 3,800 and sometimes 4,000 pounds. Get 55 cents a ton for coal and every third car is docked. Pick work is docked every third car; machine work not so much. They watch the men very closely, and discharge all those who give signs of being members of the organization. I didn't work September 1—Labor Day—the first time in 24 years. A guard came in from the coal field and said to me: "Where the h—— have you been to-day? Where are you going now? Where the h—— is your home? What are you doing in Trinidad to-day?" I told him my home was in Cokedale. I had been working there about three months. I said I have been working all day and just came in to purchase supplies. I said you must have the wrong man. He followed me into the car and sat down beside me and began talking to some men. He was trying to corner me you know, so I moved into the next car with the ladies for protection. He waited for me to get off the car and watched me, and ever since he has been after me. The pit boss told me he would have to fire me because I was a strong union man. I told him I thought he was a mighty small potato if he fired a man for belonging to an organization, as everybody is a union man. They keep the men very close in the camps. I want to state that the miners who have been striking for almost four years are better clothed and better fed than those who have been working every day in the southern field. The little children go barefooted and are half clad.

JOSEPH MOSANT (Tobasko). Cars weigh 60 hundredweight. Have to go around and look for rails, spikes, timber, etc., before you can start to work. If you ask the boss why you don't get rails, etc., he will tell you to go around and look for them—go to Pueblo for rails, and go to the hills and get trees for timber. Sometimes you are in danger of being killed on account of a bad roof. I worked at the same mine for seven years. The miner has to go to the stable and get a mule and pull his own coal. Sometimes he is kicked and badly injured—sometimes killed—but the company doesn't care; it only cares for the mule, because the mule costs money; men cost nothing. One day a man was on a car and the mule ran away and smashed him to h——. He was taken to my home, and a few weeks later he died as a result of the accident. The mine inspector came to my house and made the statement that they were glad the

mule wasn't killed. Conditions are very bad. We do not get correct weight on cars. Only those who are favorites of the checkweighman get a fair weight. Can not make anything, because we have to go around looking for rails, timber, etc. Lots of gas in the mines every morning, and we can not stand it. Have to come right out again. A great deal of rock falls, and that has to be cleaned up, for which we receive no pay. Manway not fit for a man—not even fit for a horse.

One day a man was kicked by a mule, and they called the mule doctor. The mule doctor took some waste from the machines and applied it to the wounds and oil came out of his mouth. The doctor killed him by applying that dirty waste from the machines to the wounds. He was left lying in the mines three or four hours and had almost bled to death before anyone took him out. He died a few hours after he was taken out. When asked for damages the company said: "Well, I guess not. He had no business to wait until the mule kicked him."

Delegate HADLAN (Valdes). Generally have bad top, and when the top is bad we do the timbering for nothing. No pay for turning a room; no pay for crosscuts. Have to brush bottom for nothing. From 4 to 18 inches of rock between the coal. This rock is all handled for nothing in rooms and entries. We pay $1 a month for water and $2 a month for every room in the house. On idle days miners load empty cars, and load a car in turn for the driver as wages as the company does not pay him on idle days. They always told me in England that this was a free country, but I have found out that it is not a free country. When they tell a man that he has to keep still I think there is something terribly wrong. I worked at Valdes seven or eight weeks, and I want to say that conditions are unbearable.

Delegate DURAN (Bowen mine). Started to work at the Bowen mine last month. Working in a stump. Load one car of coal and shovel two cars of rock. Work long hours; start at 6.30 in the morning; have to leave home at 4 o'clock. Receive no pay for crossbars. Have docking system. I also worked for the Victor-American Fuel Co. Have six guards stationed around the mine. Never had any conversation with them. Never asked for a checkweighman because we would be fired if we did. Weight is very bad. Dock half of a car when a little impurity is found in the coal.

P. SHAW (Piedmont). Pay $1 a month for lamp; 25 cents for gauge. We have a doctor in Piedmont, and we have to pay him $1 a month. He makes one trip a day. Leaves Trinidad at 7 o'clock in the morning, and if he is needed later in the day, and is sent for, he refuses to go, and tells them that he does not intend to spend his time running out there, and that he makes his trip at 7 o'clock in the morning and doesn't intend to make any more. We pay more for rent than any other camp—$2.50 for one room. Work 10 hours a day.

FRANK BALLECK (Berwind). Start to work at 6.30 in the morning. Drivers get in 20 minutes to 7 and come out at 5 o'clock. At night about two or three minutes before quitting time they make you make another trip, which will take you about 15 or 20 minutes. Lots of men after they get through working eight hours go back at night and load coal on the roads. Men lay track for eight hours and fire shots at night. Supposed to fire shots after all the men are out of the mine and before the manway trip starts out. Many times you have a trip of coal, and the pit boss orders the coal to be hauled first. Work 10 hours and get paid for eight. I went up on the tipple one day and the boss had a warrant out for a man who dumped all the checks into one box. Some cars weigh 20 hundredweight, but they were all dumped into one box without marking down the different weights. Pay $1 a month for doctor and hospital and 50 cents a month for blacksmith.

JOSEPH SALVINA (Starkville). Have been working at Starkville for quite a while. The boss found out I was a union man, and every time he puts a bad place he puts me in it, and as soon as I get it cleaned up he puts me in another bad place. Work 10 and 12 hours a day. Have to carry timber, rails, and ties to all rooms. Pay 35 cents a month to company checkweighman. The boss puts him up there and we pay him. Do not get paid for room turning. Have docking system.

GEORGE BUSCOS. I would like to make a few statements to you in behalf of my people. Now, this delegate doesn't understand much English. He says that the company store charges him $1.50 for hospital and doctor fee. He is taxed 25 cents a month for school; even though he has no children to send to school he must pay just the same. He worked at the same mine about three years. The cars used to weigh 5,000 to 5,500 pounds, and at present

they weigh from 2,800 to 3,500 pounds. I have the same statement from a brother from the Bowen mine. He states that four years ago the cars weighed 2,000 to 2,500 pounds and they now weigh 2,800 to 3,000 pounds. Men have to carry timber, rails, and ties about 300 or 400 yards. The men are all unable to move. The Greeks can not stand conditions there any longer, but they are all going to stay and help fight the battle.

DELEGATE FROM OAKVILLE. Twenty-one men were fired from the mine at Oakville for refusing to work on Labor Day, and about 10 o'clock that night several detectives and deputy sheriffs marched us out of the camp and followed us for about 7 miles at the point of rifles. They followed us everywhere and watched every movement. We are compelled to trade at the company store.

Delegate KELLEY (Forbes). I worked at Forbes five months. Conditions there are rather bad. Cars are 6 feet long, 3 feet 4 inches wide and 2 feet 4 inches high. Paid 65 cents run of mine; 30 cents machine work. Machine runners work day and night. Paid $2.50 for entry work. Have to lay your own track, and must carry it from one entry to another and get no pay for it. Not paid for room turning; not paid for cleaning falls. If you ask that something be done, they tell you that those are the conditions, and that they do not intend to do anything to remedy them.

FRANK TALKMAN. Conditions are pretty bad. Receive no pay for room turning; no pay for rock; no pay for dead work at all. Crosscuts we are paid $1 a yard; timbering back entries 25 cents. We are charged 25 cents for lamp wicks. If you break a battery, you are charged $2.50. The cars hold from 4,000 to 4,200 pounds. They give us from 2,000 to 2,900.

R. WILKINSON (Prisoro). Work in 7-foot vein; 2 veins rock, 3 veins coal. About 20 inches coal in the bottom and 8 inches of rock and then 20 inches of coal. Paid 60 cents a ton for coal; nothing for rock. Paid 60 cents a ton for coal, and have to shoot it yourself. Paid $1 for brushing all the way from 18 inches to about 5 feet.

WILLIAM COLLINS (Rugby). Paid 60 cents a ton for pick work; 50 cents a foot for crosscuts; 25 cents a yard for bottom brushing. Lay your own track for nothing; make your own ties out of props. Entries are 6 to 10 feet wide. Pay $23 a month for board to company boarding house. Two sleep in a room, and the room is about 12 by 10.

J. MCDONALD (Kenneth mine). Receive no pay for turning a room; no pay for crosscuts. Men use on an average of 50 cents to $1 worth of powder to shoot down one day's coal. I don't want any more of it at 95 cents a can. You are docked 15 cents a car if any bone is found in the coal, and if the car is not filled up to the top you are also docked 15 cents. Receive no pay for dead work, and if you find a roll you have to cut through it. They charge from $6 to $8 for a two or three room house. I am now living at Cedar Hill and have been ordered out of the house several times. My son went to work at the Cedar Hill mine the other day, and, of course, if they ordered us out now they would be ordering out one of their own employees. I was renting a house from the C. F. & I. Co., and ordered some coal one day. They were very busy, and I was afraid they wouldn't get the coal delivered that month, so I managed to rake up a little slack, and when pay day came I had to pay $2 for the coal. I said: I guess because I wanted coal I have to pay for it. I was told that they always charge everybody renting a house $3 for coal, and that keeps them from stealing it. Well, some men may steal coal, but I felt like asking them what they did with the coal they stole from us.

Delegate FANTAGNINI. The conditions at Tollerberg are very bad. We can not travel through the manway and have to risk our lives going through the hutlegs way. We are not paid for room turning or rock or dead work. The cars weigh from 4,000 to 4,200 pounds, and we get credit for from 2,000 to 2,900 pounds.

Delegate LAWES. At the Tollet mine we are expected to trade at the company store, and we have to pay $1 a month for hospital and doctor. I asked several men why we couldn't get more pay. They didn't know, but said that since the union was not there the men had to settle on the third Saturday of each month as pay day.

Delegate DOMINGUEZ. When I went to work at the Tollerberg mine I asked the superintendent why it was that the large and small cars weighed alike, and he replied saying he forgot to tell me the scales were blocked. Every day we have from 700 to 800 pounds of coal stolen from us, and we do not get paid for laying track.

Delegate DOMINGUEZ (Walsenburg). The air course is not timbered, and it has to be watched very close for fear the roof will fall in and the air be shut off

from the miners. Another thing is the safety of the drivers, which I think should be looked after, for when a fall occurs they do not timber the road, and the drivers are compelled to pull coal under dangerous rocks. Do not pay anything for room turning or for rolls.

Delegate KOTSIMAN. In the Carbondale mine we have to shoot down our own coal. We are paid $1 for brushing from 16 inches to 2 feet. A great deal of rock falls frequently, and we have to clean it up. We are always promised pay for it, but we get nothing more than promises. Since the mine inspector visited the mine, which was some time ago, the company bought a fan, and it has not yet been installed. We are docked 200 or 300 pounds if we load busy coal, and the coal has bone at the bottom, center, and top. Besides this, we have to remove 4 or 5 inches of rock and do not get paid for it. We will have to strike for about 10 cents increase on the ton, for we have to have more money to live.

Delegate VELL. If a man wants a good room to work in at the Delagua mine he has to pay the pit boss from $25 to $30 cash for a good room, and anyone who refuses to pay the boss or refuses to buy him drinks has to give his room to some one who does. Everyone has to pay from $10 to $15 to the boss and buy the drinks for him on pay day.

Delegate RICHARD DONALD. At the Piedmont mine they do not weigh the coal. There is a seam of dirt in the coal ranging from 4 to 17 inches, and to make the miners believe they are being paid for this dirt they add 6 cents to every car of coal mined each month, which is very unfair, since the man with a large seam of dirt loads the least number of cars of coal, therefore receives less pay than the man who works in the place having a small seam of dirt.

Delegate FLOCKHART. I have been working at Oakview for seven years. If a man appears to be a union man he is fired. We are charged $1.20 a month for doctor and hospital; 25 cents for school tax, and 25 cents for water. The doctor visits the camp once a day, and that is at 10 o'clock in the morning, and if anyone should happen to need him after that trip they have to pay $5 for an extra trip. If he refuses to pay it the doctor gets $5 worth of scrip at the company's office, and the same is charged against the account of the man for whom the doctor was called. One man had his leg broken two years ago, and it is not well yet. The doctor did not set it right and he had to have it anchored by some one else at his own expense, which cost him about $200. If a man was dying, they would not have him taken to the hospital.

Delegate MILLER. The Routt County Fuel Co. have very large cars. The coal is not weighed and they pay 50 cents a car. The checks are hung on the outside of the car and if a load does not happen to suit the boss he will take the check off that car and the man does not get paid for loading it. It is then placed next to the engine and the coal used for firing. When they are in need of coal for the boilers they will stop a trip near the boiler room and unload coal off the miners' cars.

There is a company saloon, grocery store, and doctor by the name of Olds in that camp. This doctor has caused a number of people to be cripples. Some time ago a piece of rock lodged in my eye, and I had to go to the hospital, and when passing through the ward a patient asked the doctor what he expected to do with him. The doctor laughingly replied, "Well, he will be butchered up by the time he leaves here." I came out of the hospital minus this eye [indicating], and have talked to several doctors since, all of whom said that it was a crime to take the eye out. We are charged $1 a month for that doctor, and I have worked in Routt County for three years and have always contributed $1 each month toward the doctor's fund, and when leaving the hospital I was presented with a bill for $12.50 for medical supplies, and in a day or two I received another bill for $50 for the operation. I refused to pay these bills, and I think I done right in this respect. There are a good many cases similar to mine and some a great deal worse. Anyone going to that hospital comes out minus a limb, if he comes out at all, and the doctor only laughs about it, as though it were a joke.

Delegate KARL (Coal Creek). The fire boss says that his experience has been that the fire boss whose duty it is to care for the air in the mine does not have to keep it in good shape unless they have a union to back up the miners when making complaints.

Delegate FOURNOGUES. I have been sent here by my local and was instructed to say that we ought to have a strike, and have it quick. Don't give the companies any more time, for we will never get our grievances adjusted until we do so.

Delegate VAN LOO. I wish to say that the Brookside Local Union, No. 2548, at Florence, have sent me here with instructions to say that the members of that local union have kept the local union in good standing with the district and national ever since the 1903 strike, and have waited patiently all these years for our officials to call us together to meet the operators and demand justice.

Delegate GEORGE STEWART (Black Diamond mine). I worked at Black Diamond two months and find conditions pretty bad. The coal is 3½ feet high and we only receive 55 cents a ton for it. We pay $2 a room for house rent. Weight very poor. In my judgment we should get 2,400 pounds on the car and we only get from 1,700 to 2,000. We are compelled to push our loaded cars from the face.

NICK WILLE. You have to pay the boss from $35 to $50 for a good room; $20 cash and the rest taken out of your salary. The boss asked me for $30 and said he would give me a good room for it, but as soon as I ceased to pay him and buy him drinks he changed my place and put another fellow in it who promised to put up the money. If you want to keep a good place you have to pay the boss and buy drinks for him every day or he will put you out.

JOSEPH MADONA (Valdez). I asked the boss for a job and he gave it to me. I went in one night and the place was full of water, so I said to the boss, "That place doesn't suit me; there is too much water in it. He said, "Go along, and I will change you to day shift to-morrow." I worked there two more nights, and then spoke to the boss again, and he said, "You work there two more nights then I will change you." I worked there two weeks before I got another place. When I asked for track I was told to ask the driver for it, which I did, and was informed by him that I would have to secure my own track. I worked one day there for nothing. I had to go about seventeen or eighteen hundred feet to get rails. Had to wait half a day before they were brought to the entry. Could not get a car to haul them out. I asked the tracklayer if he was going to lay the track in these rooms, and he said, "No; everybody has to lay their own track." It took me one day to lay track. The cars are so large that it is necessary to have three chains in the body to prevent the sides from spreading. Get 55 cents a ton for coal. Never load by the ton, load by the acre. Cars weigh from 36 to 40 hundredweight. Ought to weigh more than 3 ton. Coal has two veins of rock; about 18 inches on the bottom. Some places 14 inches of rock; about 18 inches on the bottom. Some places 14 inches of rock; some places 8 and some 2 feet. Have to shovel rock for nothing. Turn an entry 12 feet wide for nothing. No pay for timbering. Insist that you do your own timbering, or they have your turns stopped as a penalty. When there is a fall on the road and the driver orders you to clean it up you must do so, as the driver has full power to stop turns when the miners refuse to do company work without pay. Pay $2.25 a room house rent, and a very poor house it is. Am charged 25 cents for blacksmith. Have $4.52 coming to me after loading seven box cars of coal. Have to go outside to get rails, and have to go in old rooms to get timber. It sometimes takes you half a day to find rails.

JOHN FARGO (Oakview). Worked at Oakview about eight months. Conditions are very bad. Get no rails, timber, or anything. Air in the entries is pretty bad. The roads in the mine are very dirty and you can not keep the cars on the track. Paid 40 cents a ton for loading machine coal; 56½ for pick work. Load small Santa Fe car and get about 2,800 pounds. Now, they have got up a little higher; get close to 4,000 pounds since everybody has commenced to move. Have docking system, and sometimes dock half a car. There was a lady out there running a rooming house, and the superintendent said to her one day, "What are you going to do when the strike comes on?" "Well," she said, "I'll not feed any scabs." He gave her two days to move.

TOM LITTLE (Aguilar). I was instructed by the men at Green Canyon to impress upon the minds of this body the terrible conditions existing at that mine. After cleaning up a fall the boss comes along and insists that they timber; all this without any pay. We have numerous grievances, most of them of the same nature as has been related here by other delegates. I want to say that if you will stand back of your officials, the fight will soon be won. It is essential for you to adhere to the organization.

T. EVANS (Fremont County). We have been blessed in Fremont County from what the situation in the southern field is. However, we have some grievances up there. If I had been in the southern field, I suppose I would have been dead by this time, because of all the evidence given I could not live under such conditions. I would be dead.

GEORGE COLLIER (El Paso County). I have been very much impressed by the testimony told in this conversation about conditions throughout Colorado. They are such that I believe we have all been made to blush to think that we have tolerated and maintained the system that has been shown prevails in Colorado. I think it is high time for us all to see what our duty is in this State. We can look to each and every State in the Nation and find conditions far superior than those we enjoy here. I hope that when we leave this convention we will go away from here with a different feeling than when we came. It gives me pleasure to observe the difference in organized mines and unorganized mines. We have already organized one mine in El Paso County, and in the last few days we have succeeded in organizing another. In the last few days this same mine has placed upon the tipple a checkweighman, which makes the second mine in El Paso County that has acknowledged that our demand for a checkweighman was a just one. The mine is thoroughly organized and is far superior to the other mines, but it is impossible for us to make any further advancement until all other mines are organized with us. It is optional to the mine boss as to the hours the miners work. He can keep them 8, 9, or 10 hours if he so desires. The sentiment in El Paso County is that there has never been anything done in that vicinity to try and organize those mines. My friends, I want to say that conditions have been such that any man who expressed his sentiments or complained about conditions he had to take his tools out the next morning. I do not care what your heart may be in trying to uphold the organization unless you have the officials of the organization at your back you are going to starve to death in Colorado.

Mr. DOYLE. And may I ask has the copies of letters that the miners sent to the governor been introduced into the record?

Chairman WALSH. No, sir; they have not been, according to my recollection.

Mr. DOYLE. Here is a letter sent to the operators, dated August 26, 1913:

UNITED MINE WORKERS OF AMERICA,
Denver, Colo., August 26, 1913.

DEAR SIR: For many years the coal miners of Colorado have been desirous of working under union conditions and, as you no doubt know, have made this desire known on innumerable occasions, a large number of them being discharged because of their wishes in this respect.

While we know your past policy has been one of keen opposition to our union, we are hopeful at this time that you will look at this matter in a different way and will meet with us in joint conference for the purpose of amicably adjusting all points at issue in the present controversy. We are no more desirous of a strike than you are, and it seems to us that we owe it to our respective interests, as well as the general public, to make every honest endeavor to adjust our differences in an enlightened manner.

It ought to be evident to yourself and associates that Colorado can not stand alone in opposition to our movement. The operators of Wyoming, Montana, Washington, Oklahoma, Kansas, Arkansas, Missouri, Texas, and Iowa, embracing all the important coal-producing States west of the Mississippi River, have been working under contracts with our union for years, and it goes without saying that the operators in the above-mentioned States, who once held the same opinion concerning our union that you now seem to hold, are at this time well satisfied with our organization and are much pleased over the security and stability given to the industry through the medium of the trade agreement.

Why oppose us here, spending millions of dollars in an industrial conflict for no good purpose? Why is it not possible and practical for you to do in this State what the operators in all the neighboring States have already done?

We feel sure you appreciate the gravity of this situation and will do your part to meet it at this time, when no sting will be left behind, which is always the result of a strike settlement.

Let us meet now as friends and proceed to settle this entire controversy with honor to ourselves, with credit to our people, and with faith in each other.

Hoping you will favor us with a prompt reply, we beg to remain,

Sincerely, yours,

_____,
_____,
_____,
_____,

Policy Committee Representing Colorado Miners.

Mr. DOYLE. Letter May 26, 1914, to joint legislative committee, appointed by the special session of the legislature in an effort to make a settlement of the strike:

DENVER, COLO., *May 26, 1914.*

To the joint legislative committee appointed by the special session of the legislature of the nineteenth general assembly, State of Colorado, Senator G. J. Burris, Chairman.

GENTLEMEN: Responding to the request made for information as to our position concerning you committee, and the performance of its duties, we take pleasure in stating that we are desirous of aiding the committee in every way in performing every duty devolving upon it by the resolutions adopted by the legislature. You may therefore call upon us for all of the information at our command, and we will cheerfully furnish it.

Concerning the further inquiry as to the committee sitting as a board of mediation to settle the strike, we beg leave to state that we have submitted the resolutions under which the committee was appointed to our counsel. He informs us that neither directly nor indirectly do the resolutions adopted by the legislature give to the committee any power whatever of mediation, the subject being in no way referred to either directly or indirectly. He informs us that your powers are that of an investigating committee, and that any award that you might make against the coal operators would be of no legal force or effect. In other words the legislature met and adjourned without taking a single step for the settling of the strike and without appointing any committee with power even to attempt to settle the strike.

We trust, however, notwithstanding this failure on the part of the legislature, that you will use your good efforts toward a settlement of the industrial conflict now existing and which every good citizen should desire to be brought to a speedy and proper end.

We submit to you that the proper way to bring about this settlement is to have a conference between the operators' representatives and the strikers' representatives. We feel confident that such a conference would result in a speedy settlement.

It must be plain and clear to all that no controversy can ever be settled until there is an understanding between the contending parties. We therefore respectfully suggest that you use your good efforts to arrange for a conference between the representatives of the employers and employees. We pledge to your committee that if such a conference is arranged, we will enter that conference in good faith and make an earnest effort to amicably adjust all difficulties, and we express to you our absolute confidence that such a conference will speedily bring to Colorado industrial peace.

_____,
International Board Member, District No. 15, United Mine Workers of America.

_____,
Secretary-Treasurer, District No. 15, United Mine Workers of America.

Mr. DOYLE. Call September 2, 1913, sent by the miners to the operators, by the policy committee calling the Trinidad convention, September, 1913, for a joint conference:

UNITED MINE WORKERS OF AMERICA,
Denver, Colo., September 8, 1913.

DEAR SIR: We hereby notify you that there will be a joint convention of miners and operators of this State at Trinidad, Colo., next Monday, September 15, at which time we hope to see your company represented.

We are making this last endeavor to settle our differences peacefully and with the hope of preventing a strike.

If you will kindly come to this joint convention, we feel sure that we can adjust all points at issue between our respective interests in a satisfactory manner.

Anticipating the pleasure of meeting you at Trinidad on the above-mentioned date, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN MCLENNAN,
E. L. DOYLE,
Policy Committee Representing Colorado Mine Workers.

Mr. DOYLE. Letter under date of November 12, 1913, to Gov. Elias M. Ammons in answer to his verbal proposition concerning a settlement, or effort to make a settlement, in Routt County:

UNITED MINE WORKERS OF AMERICA,
Denver, Colo., November 12, 1913.

Hon. ELIAS M. AMMONS,
Governor of the State of Colorado, Denver, Colo.

DEAR SIR: Having carefully considered the verbal proposition submitted by you on the 12th day of November, 1913, as a working basis upon which to have the mines in Routt County, Colo., resume operation, which you propose to both miners and operators, in substance, as follows:

First. That a 10 per cent increase in wages be granted.

Second. That no discrimination be made against the miners now on strike.

Third. The right of the miners to belong to a union, without interference on the part of the companies.

Fourth. The right to have a checkweighman, if the miners so desire.

Fifth. The right of the miners to board and trade where they choose.

Sixth. That the operators agree to meet a committee of their employees to settle disputes that may arise in or around the mines, and that, in the event of failure to settle such dispute, the miners to choose two of their number, the operators two, and Father Meyers, of Steamboat Springs, Colo., to act as the fifth person to constitute a board of five, whose decision shall be final.

Seventh. This arrangement to be in effect until March 1, 1914.

We desire to call your attention to the fact that the policy committee is extremely anxious to bring about a peaceful solution of this great industrial struggle. Realizing, as we do, that the public, who is always the innocent victim in any strike, is often the greatest sufferer. However, we are of the opinion that the policy committee has no authority to deviate from the instructions laid down by the convention of miners held in Trinidad, Colo., on September 15–16, 1913, to which every coal operator in the State of Colorado was extended an invitation to be present and participate in the deliberations, and therefore we can not agree to enter into any kind of a verbal arrangement or in any manner make any change in the wage agreement outlined by the convention without first calling a special convention of the miners of this State. Furthermore, any arrangement that is entered into with any operator in this State that deviates from our instructions by the convention would be unfair to the other independent operators who have signed our scale and who now employ about 1,500 miners. It is our opinion that instead of bringing about harmony and a peaceful solution of our strike it would have the opposite effect, for the reason that every operator would have the right to demand the same modification in his contract.

Assuring you of our appreciation of your sincere and untiring efforts, it is with deep regret that we are unable to accept on behalf of the miners of this State the proposition submitted by you, and we sincerely hope that with the cooperation of yourself and other fair-minded citizens a satisfactory solution of this problem will be found in the near future.

Yours, very truly,

_____,
_____,
_____,
_____,

Policy Committee Representing District 15, Mine Workers.

Mr. DOYLE. Copy of letter under date of November 13, written to Gov. Elias M. Ammons, by the policy committee, at his request that we submit a proposition for the purpose of reaching a settlement of the coal strike:

UNITED MINE WORKERS OF AMERICA,
Denver, Colo., November 13, 1913.

Hon. ELIAS M. AMMONS,
Governor of the State of Colorado, Denver Colo.

DEAR SIR: As per your request of a few days ago, wherein you expressed the desire to have the policy committee submit a proposition for the purpose of reaching a basis of settlement of the present coal strike, we beg to assure you that the United Mine Workers are and have always been ready to enter into a conference with the coal operators of this State for the purpose of adjusting the differences now existing between the miners and operators of Colorado.

Owing to the insistent demand on the part of the coal miners of this State, that the mine workers' union assist them in forming a union to protect their interests, to secure better working conditions and a just wage for their labor, and believing that unless something was done to relieve this condition, an industrial conflict would result, your attention was called to this condition of affairs several months before the strike was called, and we asked that you use your good offices for the purpose of bringing the miners and operators into a conference.

Later, many attempts by yourself to secure a conference with the gentlemen operating these mines having failed to bring results, the miners of the State continuing in their demand upon the organization, the international executive board of the United Mine Workers of America held a meeting at their headquarters in the month of July, 1913, in which they decided to answer the appeal of the Colorado mine workers and lend every effort to adjust their differences without a strike, and on August 1, 1913, the international president delegated Frank J. Hayes, vice president of the United Mine Workers of America, to take charge of the organization's work, with instructions to use all honorable means to effect an adjustment of the differences existing between the operators and miners.

The undersigned policy committee, which was organized at that time, realizing the seriousness of this situation, held several interviews with you, as governor of the State, in an effort to avert the threatened strike.

Your good offices again failing to secure a conference between the miners and operators, we extended the following invitation to the operators of Colorado:

AUGUST 26, 1913.

DEAR SIR: For many years the miners of Colorado have been desirous of working under union conditions, and, as you no doubt know, have made this desire known on innumerable occasions, a large number of them being discharged because of their wishes in this respect.

While we know your past policy has been one of keen opposition to the union, we are hopeful at this time that you will look at this matter in a different way and will meet with us in joint conference for the purpose of amicably adjusting all points at issue in the present controversy. We are no more desirous of a strike than you are, and it seems to us that we owe it to our respective interests, as well as the general public, to make every honest endeavor to adjust our differences in an enlightened manner.

It ought to be evident to yourself and associates that Colorado can not stand alone in opposition to our movement. The operators of Wyoming, Montana, Washington, Oklahoma, Kansas, Arkansas, Missouri, Texas, and Iowa, embracing all the important coal producing States west of the Mississippi River, have been working under contracts with our union for years, and it goes without saying that the operators in the above-mentioned States, who once held the same opinion concerning our union that you now seem to hold, are at this time well satisfied with our organization and are much pleased over the security and stability given to the industry through the medium of the trade agreement. Why oppose us here, spending millions of dollars in an industrial conflict for no good purpose? Why is it not possible and practical for you to do in this State what the operators in all the neighboring States have already done?

We feel sure you appreciate the gravity of this situation and will do your part to meet it at this time, when no sting will be left behind, which is always the result of a strike settlement.

Let us meet now as friends and proceed to settle this entire controversy with honor to ourselves, with credit to our people, and with faith in each other.

Hoping you will favor us with a prompt reply, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
E. L. DOYLE,
JOHN MCLENNAN,
Policy Committee Representing Colorado Mine Workers.

This failing to receive favorable consideration, and the demands of the miners becoming more insistent that a strike be called, we issued the following calls for a special joint convention of miners and operators, to meet in the city of Trinidad, September 15, 1913.

DENVER, COLO., *September 8, 1913.*

DEAR SIR: We hereby notify you that there will be a joint convention of miners and operators of this State at Trinidad, Colo., next Monday, September 15, at which time we hope to see your company represented.

We are making this last endeavor to settle our differences peacefully, and with the hope of preventing a strike.

If you will kindly come to this joint convention, we feel sure we can adjust all points at issue between our respective interests in a satisfactory manner.

Anticipating the pleasure of meeting you at Trinidad, on the above-mentioned date, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
E. L. DOYLE,
JOHN McCLENNAN,
Policy Committee Representing Colorado Mine Workers.

DENVER, COLO., *September 8, 1913.*

To all Local Unions of District 15, U. M. W. of A.:

REPORT OF SCALE.

We, the representatives of the mine workers of district 15, after repeated efforts to secure a conference with the operators for the purpose of establishing joint relations and a fair wage agreement, and having been denied such a conference, the operators ignoring our invitation entirely and believing as we do that we have grievances of great moment that demand immediate adjudication, we submit the following as a basis of settlement:

First. We demand recognition of the union.

Second. We demand a 10 per cent advance in wages on the tonnage rates, and the following day-wage scale, which is practically in accord with the Wyoming day-wage scale (inside):

Miners (working by the day)	$3.45
Timbermen	3.45
Tracklayers	3.45
Shot firers and shot inspectors	4.00
Machine runners	3.90
McGinty repairer and rope splicer	3.45
Machine runners' helpers	3.45
Drillers	3.75
Drivers	3.45
Inside engineer	3.45
Ripe riders	3.45
Greasers (boys)	2.05
Switch boys and boy coupling at partings	2.05
Trappers (boys)	1.60
Stablemen and barn men, inside	3.15
Inside laborers, not classified	3.30
Pump men	3.30
Motor men	3.45
Motor brakemen and tail-end riders	3.30
Gas watchmen	4.00

OUTSIDE DAY WAGE SCALE.

Engineers, $112.50 per month, based upon an eight-hour workday.

Firemen	per day	$3.15
Head blacksmith (in charge of one or more blacksmiths)	do	3.90
Other blacksmiths	do	3.50
Blacksmiths' helpers	do	2.80
Carpenters	do	3.50
Machinists	do	3.50
Machinists' helper	do	2.90
Teamsters	do	2.80
Box-car shovelers	do	3.05
Electricians (in and around the mine)	do	3.50

Roller makers	Per day	$4.00
Masons and bricklayers (in and around the mine)	do	3.50
Slate pickers (boys)	do	2.05
Pipe men	do	3.45
Miners taken from face	do	3.45
Box-car loader, runner	do	3.30
Night watchman (if performing work for which a scale is made)	do	2.80
Outside labor not classified	do	2.65
Greasers (boys)	do	3.05
Tipple men	do	2.80

We also demand a 10 per cent advance on the wages paid coke-oven workers and on all other classes of labor not specified herein.

Third. We demand an eight-hour workday for all classes of labor in or around the coal mine and at coke ovens.

Fourth. We demand pay for all narrow work and dead work, which includes brushing, timbering, removing falls, handling impurities, etc.

Fifth. We demand a checkweighman at all mines to be elected by the miners without any interference by company officials in said election.

Sixth. We demand the right to trade in any store we please, and the right to choose our own boarding place and our own doctor.

Seventh. We demand the enforcement of the Colorado mining laws and the abolition of the notorious and criminal guard system which has prevailed in the mining camps of Colorado for many years.

REPORT OF POLICY.

In view of the failure of our efforts to secure a peaceful solution of our differences, and in view of the fact that the operators have even refused to answer any of our invitations for a joint meeting, we hereby instruct that a strike call be issued by the district policy committee to all the mine workers in Colorado to take effect Tuesday, September 23, 1913.

We further recommend that any member who is discharged because of affiliation with our movement shall be promptly supported by the organization.

In conformity with the past policy of the organization, which has worked so successfully in other districts, we recommend that we sign up with all companies that agree to our demands, provided, however, that they agree not to furnish coal to fill contracts of companies on strike, and that companies that sign up must do so for all the mines they operate.

JOHN R. LAWSON, JOHN BUSSE,
PETE MILLER, GEO. COLLINS,
THOMAS DENNISON, CHAS. W. GOOCH,
JOHN SIBLE, JAS. NOON, JR.,
Policy Committee.

September 23 was the date set by the convention for the miners of the entire State to strike unless the operators agree to meet their representatives in conference on or before that date. Many efforts were made by yourself and others between the time of this convention and the date of the strike to bring both parties to this controversy into a conference, all of which failed, and on September 23 fully 95 per cent of the miners employed in the mines of this State responded to the strike call. Since that time a large number of independent mine operators have signed contracts with the miners' union in accordance with the policy adopted in the convention.

The strike situation continues to grow more serious from day to day, and if permitted to continue longer it might be the result of involving thousands of working men and women in our State. Realizing, as we do, that Colorado is facing the most critical period in its history, business is practically at a standstill, and the citizens who are not directly interested are the greatest sufferers in this industrial conflict, we desire to make it plain to you and to the people of this State that we stand ready and willing to do everything in our power to have this unfortunate condition of affairs settled. Therefore, we beg to submit the following proposition:

That the operators meet and confer with five representatives of the miners' union, as follows: Three striking coal miners and the following officials of the United Mine Workers' Union, who are citizens of the State of Colorado: John McLennan, president of district 15, U. M. W. of A., and John R. Lawson, member of the international executive board, for the purpose of arranging a basis

for a settlement. The basis agreed upon by this committee and the operators, to be submitted to a special convention of the miners of Colorado, for their approval or rejection.

Sincerely hoping that the above proposition will lead to an early adjustment of the coal strike, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN MCLENNAN,
E. L. DOYLE,
Policy Committee Representing District 15, Mine Workers.

Mr. DOYLE. Proposition submitted by the governor of the State, under date of November 27, 1913, to Messrs. Welborn, Osgood, Brown, operators, and Messrs. Evans, Allison, Hammon, miners, in an effort to settle the strike after having a conference with the miners:

DENVER, COLO., *November 27, 1913.*

Messrs. J. F. Welborn, John C. Osgood, D. W. Brown, operators, and Messrs. T. X. Evans, Archie Allison, David Hammon, miners, Denver, Colo.

GENTLEMEN: Having listened to your conference throughout yesterday, and believing from representations made that there is no material difference between you sufficient to warrant a continuance of the present difficulties, I desire to make a suggestion for the termination of the present industrial dispute.

The one apparently insurmountable obstacle to a settlement was the recognition of the union, and almost every other material difference between you hinged about that question, or is covered by existing law.

There is no law compelling the operators to recognise the union nor to permit the employees to exact that recognition. The statute does provide, however, for the right to join a union if the miners so wish without coercion or interference. This law has been read to all the conference and its provisions agreed to by each conferee. It reads as follows, and I suggest to you that its provisions be made the basis of a conclusion on this point:

"It shall be unlawful for any individual, company, or corporation, or any member of any firm, or agent, officer, or employee of any company or corporation to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, or political party, or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company, or corporation, because of their connection with such lawful labor organization, union, society, or political party." (Sec. 3025, Revised Statutes of Colorado, 1908.)

Bearing in mind the discussion on the other points involved, I suggest the following as a satisfactory solution:

The employment of a checkweighman as provided by law, giving the miners themselves the right to choose their own checkweighman.

The carrying out in good faith the statute making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

The enforcement of the law for an eight-hour day in all underground mines and coke ovens, as provided in chapter 95 of the session laws of 1913.

That all employees shall have the right to buy where they will without interference or coercion of any kind whatsoever.

That all employees shall have a semimonthly pay day according to the custom now prevailing in coal mines over most of the State.

That all employees shall have the right to board where they please.

The enforcement of all the provisions of the coal-mine inspection law of 1913, providing for the safety of the mine and the protection of the life and health of the employees.

That all employees now on strike shall be given employment except where their places have been filled or where they have been guilty of violence or other unlawful acts, and that where places have been filled other work will be furnished as soon as practicable.

Mr. DOYLE. Telegrams, replies received from the officers and committees of the various local unions in the State telling the district officers of the action upon that proposition just proposed and entered into the record:

TRINIDAD, COLO., *December 3, 1913.*

E. L. DOYLE,
303 German-American Building, Denver, Colo.:

Mass meeting of Piedmont-Sopris local unions voted down unanimously proposition offered as a basis of settlement.

A. J. KAWE, *Secretary.*

TRINIDAD, COLO., *December 3, 1913.*

E. L. DOYLE,
303 German-American Bank Building, Denver, Colo.:

Mass meeting of Starkville-Morley-Wootten local unions rejected unanimously proposition submitted as a basis of settlement.

PHILLIP SIPPIE, *Secretary.*

TRINIDAD, COLO., *December 3, 1913.*

E. L. DOYLE,
303 German-American Building, Denver, Colo.:

Mass meeting of Segundo-Valdez local unions unanimously rejected proposition submitted to us as a basis of settlement.

J. R. VASQUEZ, *Secretary.*

TRINIDAD, COLO., *December 2, 1913.*

E. L. DOYLE,
303 German-American Trust Co., Denver, Colo.:

Mass meeting of Cokedale, Grayscreek, Bowen, Suffield, and Trinidad local unions held this a. m. Attendance, 482. Proposition as basis of settlement voted down unanimously.

G. F. WILSON, *Secretary.*

WALSENBURG, COLO., *December 2, 1913.*

E. L. DOYLE, *Secretary,*
303 German-American Trust Building, Denver, Colo.:

The miners in mass meeting at La Veta unanimously rejected the governor's proposition and stand firm on the demands of the Trinidad convention.

ANDREW PACK, *Chairman.*
CHAS. MONSON, *Secretary.*

WALSENBURG, COLO., *December 2, 1913.*

E. L. DOYLE, *Secretary,*
303 German-American Trust Building, Denver, Colo.:

The miners in mass meeting at Pryor, Colo., unanimously rejected the governor's proposition and stand firm on the demands of the Trinidad convention.

N. H. TREW, *Chairman.*
JULIO MARTINEZ, *Committeeman.*
JOHN PLANEY, *Committeeman.*

WALSENBURG, COLO., *December 2, 1913.*

E. L. DOYLE, *Secretary,*
303 German-American Trust Building, Denver, Colo.:

At a mass meeting in Maitland, Colo., the miners stood firm on the demands of the Trinidad convention and unanimously rejected the governor's proposition.

M. CUMMINS, *Chairman.*
DUNCAN RUSSELL, *Secretary.*

WALSENBURG, COLO., *December 2, 1913.*

E. L. DOYLE, *Secretary,*
303 German-American Trust Building, Denver, Colo.:

The miners in mass meeting at Walsenburg unanimously rejected the governor's proposition and stand firm on the demands of the Trinidad convention.

B. F. THOMAS, *Chairman.*
ARCHIE ALLISON, *Committeeman.*
H. C. JOHNSON, *Committeeman.*

FLORENCE, COLO., *December 2, 1913.*

E. L. DOYLE,
303 German-American Trust Building, Denver, Colo.:

Mass meeting of the miners of Coal Creek, Rockvale, and Williamsburg was heard at Rockvale to-day when the proposition submitted to us by Gov. Ammons and M. B. Wilson was torn down by the men unanimously.

T. X. EVANS.

RUGBY, COLO., *December 2, 1913.*

EDWARD L. DOYLE,
Office 303 German-American Trust Building, Denver, Colo.:

At a special meeting of the miners of Rugby district, by a unanimous vote, we refuse to accept the operators' proposition submitted by the governor.

Witnesses:

JABOT STEFFEN,
THOMAS SHERRATT.
JOHN CADIGAN.

LUDLOW, COLO., *December 2, 1913.*

E. L. DOYLE,
303 German-American Building, Denver, Colo.:

By mass meeting held by the striking miners of the tent colony at Ludlow, Colo., at 1 p. m. this date, voted on the proposition offered by Hon. Gov. Ammons, was rejected by unanimous vote, and demanding "a full recognition of the union."

Signed by committee:

PETER CATSULIS,
JOHN CHURCICH.
JOE MARTINEZ.
BOSHKO LABUDOVICH.
GUILIO COPPA.
R. A. JOLLY.

BOWEN, COLO., *December 2, 1913.*

EDWARD L. DOYLE,
Secretary-Treasurer,
Office 303 German-American Trust Building, Denver, Colo.:

We, the striking miners of Bowen and Suffield, have had a mass meeting, voted unanimously not to consider any proposition proposed to us by the operators that does not include recognition of the union.

TONY DELASKY, *Chairman,*
BEN FREEMAN,
DAN GERMAN,
FRANK GWAK,
Committee.

FLORENCE, COLO., *December 2, 1913.*

E. L. DOYLE,
303 German-American Building, Denver, Colo.:

Special meeting of the men was held at Brookside in Florence to-day, at which place the proposition as offered to the men was turned down unanimously.

T. X. EVANS.

AGUILAR, COLO., *December 2, 1913.*

EDWARD L. DOYLE,
Office 301 German-American Trust Building, Denver, Colo.:

At a meeting of about 350 miners, Gov. Ammons's proposition was unanimously rejected and that we request our district officers to take any steps necessary to recall Gov. Ammons and Gen. Chase.

RALPH WALKER.
COLUF VUJACICH.
A. J. MCGUIRE.

Mr. DOYLE. Affidavit of Andrew Tronlitakis, under date of December 13, 1912, showing that he was compelled to buy a job in the mines in northern Colorado:

AFFIDAVIT.

STATE OF COLORADO, *City and County of Denver, ss:*

Andrew Tronlitakis, of lawful age, being first duly sworn, on oath deposes and says:

That on or about September 14, A. D. 1912, affiant met one Jeff Rhodes in Denver, Colo., and applied to the said Rhodes for work at the said Consolidated Coal & Coke Co., at Dacono, Colo., at which mine the said Jeff Rhodes was the pit boss; that the said Jeff Rhodes agreed with the affiant that he would secure work for affiant in consideration of affiant paying said Jeff Rhodes some money, the amount of which was not stated at that time; that thereafter and on, to wit, the 19th day of September affiant went to the said mine and was hired by the said Jeff Rhodes, and in consideration of such employment paid to the said Jeff Rhodes the sum of $20 in cash immediately upon said last-mentioned date.

That affiant continued in the employ of said coal company for a period of about two weeks until he received his first pay, which pay was received by affiant on the regular pay days of the company. That affiant was last paid on December 7, A. D. 1912, and on the 9th day of December, a few days after said pay was received, the said Jeff Rhodes came to affiant and demanded that affiant pay him some more money, which affiant refused to do. Upon such refusal by affiant to pay said Jeff Rhodes more money affiant was immediately discharged by the said Jeff Rhodes.

And further affiant saith not.

[SEAL.] ANDREW TRONLITAKIS.

Subscribed and sworn to before me this 13th day of December, A. D. 1912.

WILLIAM H. SCOFIELD, *Notary Public.*

My commission expires March 7, 1915.

Mr. DOYLE. Affidavit of J. R. Petty, under date of November 28, 1913, concerning an effort on the part of the members of the Colorado State Militia that he would agree to hold him up with the pay roll and split the money after he got away with it:

STATE OF COLORADO, *County of Las Animas, ss:*

Personally appeared before me this 28th day of November, A. D. 1913, J. R. Petty, who first being duly sworn according to law, deposes and says: On the 24th day of November, 1913, while taking out the Valdez pay roll to the striking miners for the United Mine Workers of America, I was held up by a squad of militiamen, in command of one Kennedy; while he was ordering the two parties who accompanied me searched, he walked up very close to me, and says: "What have you in there?" I answered, "A small bunch of money." He replied, "What is the chances of holding you up and splitting the pay roll with you," and I, placing my hands upon my revolver, told him there was nothing doing, and requested him to back off, and he did so.

J. R. PETTY.

Sworn to and subscribed before me this 28th day of November, A. D. 1913.

FRANCIS M. TIPTON, *Notary Public.*

My commission expires April 28, 1913.

Mr. DOYLE. Copy of affidavit of Mike Stoyanoff, under date of August 28, 1913, pertaining to his request that he act as checkweighman at the Mitchell mine at Lafayette, and he was driven out of the mine by reason of his request:

LAFAYETTE, COLO., *August 28, 1913.*

STATE OF COLORADO, *County of Boulder, ss:*

I, Mike Stoyanoff, having been employed at the Mitchell mine at Lafayette, Colo., operated by the Rocky Mountain Fuel Co., since August 5, 1913, did on this the 28th day of August, 1913, with a number of other men employed in said mine, make a complaint to the mine foreman about the weight received for coal mined, and not receiving a satisfactory reply, offered to act as checkweighman for my fellow workmen.

On hearing this the mine boss and Mr. J. C. Williams, the superintendent, refused to permit a checkweighman upon the mine tipple, and when I told him that for 45 cars one of the miners received only 41 tons, he said that the coal was light; at 5.30 o'clock p. m. John Thomas, the boss, came to my house with five guards and ordered me out of the house; they gave me only 10 minutes to get ready to leave, although I pleaded for more time; one of them phoned for a wagon, which came for my trunks, and I was compelled with others to leave at once.

MIKE STOYANOFF.

Be it known that on this the 26th day of August, A. D. 1913, personally appeared before me the above-named Mike Stoyanoff, who being by me duly sworn, upon his oath did depose and say that the foregoing statement of facts by him subscribed is in all things true of his own knowledge.

[SEAL.] JAMES MCCUNE, *Notary Public.*

My commission expires December 31, 1916.

Mr. DOYLE. Affidavit August 26, 1913, signed by five miners, certifying to the truthfulness of the previous affidavit:

LAFAYETTE, COLO., *August 26, 1913.*

STATE OF COLORADO, *County of Boulder, ss:*

We, the undersigned, employees of the Rocky Mountain Fuel Co., employed at the Mitchell mine at Lafayette, Colo., were present during the conversation between Mr. Mike Stoyanoff and the mine foreman and superintendent, J. C. Williams, when the latter denied the miners the right to have a checkweighman.

We were compelled by the mine guards to leave the company's property at the same time Mr. Stoyanoff left and were given no reason by the guards why we had to leave.

[SEAL.] GEO. CERETULIS.
[SEAL.] MIKE POULS.
[SEAL.] TOM. GRIGOROS.
[SEAL.] NICK EIGOROS.
[SEAL.] JOHN POWLOS.

Be it known that on this the 26th day of August, A. D. 1913, personally appeared before me the above-named George Ceretulis, Mike Pouls, William Grigoros, Nick Eigoros, John Powlos, who, being by me duly sworn, depose and says that the foregoing statement of facts by them subscribed is in all things true of their own knowledge.

[SEAL.] JAMES MCCUNE, *Notary Public.*

My commission expires December 31, 1916.

Mr. DOYLE. Copy of affidavit of Mrs. Frank Fitch, under date of January 7, 1914, describing how a mob broke up court proceedings in Routt County and drove the defendants from the court room and ordered them out of the county within 24 hours:

AFFIDAVIT OF MRS. FRANK FITCH.

STATE OF COLORADO, *County of Routt, ss:*

I, Mrs. Frank Fitch, of Steamboat Springs, Colo., being first duly sworn, on her oath doth say. That I was present in the court room in the county courthouse at Steamboat Springs, Colo., on the evening of January 2, 1914; that at said time in said court room Justice of the Peace O. E. Mallory was holding a preliminary hearing in a case where Martin Steinhardt and others were charged with rioting in Oak Creek, Colo.; that I was sitting in said court room just behind Frank Garnier and near to the said justice and to the defendants, between the hours of 9 and 10 o'clock on the evening of said January 2, 1914, when a body of men, among whom were George Salter, Hugh Monson, Dr. Cruikshank, Mr. ——— Welsh, first name to the affiant unknown, Dan Stuhey, H. C. Dodge, Harry Ratcliff, R. M. Smith, William Green, Mr. ——— Byers, first name to affiant unknown, came into the court room, and soon thereafter at the conclusion of the statement of the justice in making his findings and while the court was yet in session, one of their number asked the said court that Harry Ratcliff be allowed to speak; that thereupon said Ratcliff came forward to a place near the court and near to said Garnier, one Ferguson, and said Steinhardt and said substantially as follows:

"Speaking for this body of men and others who are the taxpayers of Routt County numbering about 1,000 men and from all parts of the county, from McCoy to Craig, I inform you that this body of men have determined that Frank Garnier, Martin Steinhardt, and J. L. Ferguson are undesirable citizens and must leave the borders of Routt County within 24 hours. Now, gentlemen, this order must be obeyed. This body of men mean business."

That thereupon said Ratcliff indicated by pointing his finger at the three men named; that at this instant Mr. A. A. Mann, who was acting as attorney for said Martin Steinhardt and the other defendants in said hearing, arose and attempted to speak to the court and to the said body of men, but was prevented by voices from said body of men saying "Sit down," "Shut up," and "Shut your mouth"; that the said body of men, including Harry Ratcliff, left the court room. Further affiant saith not.

Mrs. FRANK FITCH.

Subscribed and sworn to before me this 7th day of January, A. D. 1914.

[SEAL.] A. H. PHELPS,
Justice of the Peace.

Mr. DOYLE. Affidavit by Mike Livoda, under date of the 29th day of June, 1912, certifying as to how he was beaten up by a deputy sheriff in Huerfano County, taken out of bed at night and beaten up for being a union miner:

STATE OF COLORADO, *Las Animas County, ss:*

Mike Livoda, of lawful age, being first duly sworn, on his oath doth depose and state:

That he is, and on the 13th day of June, 1912, was a member of the United Mine Workers of America, and that for the past two years has been engaged in the business of coal mining as a worker in coal mines in Las Animas and Huerfano Counties, Colo.

That his home at the present time is at Trinidad, Colo. That on the 13th day of June, 1912, he went to the coal camp of Ravenwood, in the county of Huerfano, Colo., arriving at that camp at about 8.30 p. m. of said day, and went to the house of his countrymen and friends to visit them and intended to remain with his friends and countrymen during the night of the 13th of June. That he went to bed in the said home of his friends and countrymen about 10 o'clock p. m. on said night, and had gone to sleep in a room of said house with three of his friends and countrymen; that about 11.30 or 12 o'clock on said night, he was awakened by three men who had entered the room where affiant was sleeping, and that an electric light was turned in his face and he was ordered by said men to get up and dress; that after he had dressed he was told to hold up his hands, and one of the men went through his pockets and took from him his books, keys, and money, but afterwards returned to affiant his keys and money and kept his books; the men then said, "Come and go with us," and one of the men grabbed him by the belt, and as he was complying with their orders and was stepping out of the house one of the men struck him in the face and knocked him down and he began to cry for help; the men then put their hands over his mouth and said, "Shut up, you son of a bitch, or we will kill you"; while affiant was on the ground he was brutally beaten and kicked so that it was with great difficulty that he could walk; that his face was badly beaten and lacerated, and affiant became weak from loss of blood; that affiant was then picked up by said men and held up by his arms, one man having hold of each arm, and forced out of Ravenwood camp, and while being forced out of said Ravenwood camp he was kicked, beaten, and assaulted by said men, and affiant was told to leave the State of Colorado, and that if he did not leave the State at once they would kill him; and said men fired off their revolvers several times while making said threats.

That as a result of said brutal treatment and beating and kicking, affiant was confined to bed for one week and was unable to work, and that his back is badly injured as the result of said kicking and beating and that he still suffers great pain on account thereof.

That the names of said men who were present and assaulted and beat and robbed the affiant of his books and papers were James Farr, deputy sheriff at Ravenwood mine; John Nish, superintendent at Ravenwood mine; Joe Watson, guard at Ravenwood mine; Charles Kaiser, assistant superintendent at Walsen mine; and one Carr, whose first name is unknown, deputy sheriff at Walsen mine; all in Huerfano County, Colo.

Affiant further states that all of the above-named parties were acting in concert in assaulting, beating, robbing, and ordering affiant to leave the State of Colorado.

That affiant has applied to the proper authorities of Huerfano and Las Animas Counties and requested that warrants issue for the arrest of the persons who assaulted him, and offered to make and swear to criminal complaints against said persons, but that said authorities refused and still refuse to issue warrants or to prosecute said persons or either of them.

MIKE LAVODA.

Subscribed and sworn to before me on this the 29th day of June, 1912.

DAVID M. RALSTON, *Notary Public.*

My commission expires June 8, 1915.

Mr. DOYLE. Copy of affidavit of Gust Coucas, under date of December 14, 1912, pertaining to the buying of jobs at mines in northern Colorado:

FREDERICK, COLO., *December 14, 1912.*

STATE OF COLORADO, *County of Weld, ss:*

That affiant further states that he was in Dacono on or about the 22d day of November, A. D. 1912, talking to some union men in regard to joining the union, and that then and there the said Jeff Rhodes, pit boss, seen him talking to the said union men. That affiant went to work the next day, and was then and there discharged by the said Jeff Rhodes, pit boss. That the said Jeff Rhodes, pit boss, did not assign any reason for his discharge.

And further affiant saith not.

GUST (his x mark) COUCAS.

Subscribed and sworn to before me this 14th day of December, A. D. 1912.

J. E. DAVIS, *Notary Public.*

My commission expires August 17, 1913.

Mr. DOYLE. Statement of William J. Yount, pertaining to being fired in the northern fields for not buying his supplies at the company's store. That is a signed statement but is not an affidavit:

DENVER, COLO., *January 29, 1913.*

I, William J. Yount, have been in the employment of the Northern Coal & Coke Co.'s Industrial mine, located at or near the town of Superior, Boulder County, Colo., and afterwards at the Rex mine, No. 2, of the Rocky Mountain Fuel Co., located at or near Louisville, also in Boulder County, Colo. My term of employment for these two companies covered the period from May 26, 1910, to and including January 25, 1913. Prior to my employment with the aforesaid companies I worked for the Great Western Sugar Co., but was persuaded by letter through one Henry Berlyn, who at that time was employed at the Rex mine, No. 2, Northern Coal & Coke Co., to come and accept employment at aforesaid Rex mine, No. 2. When I arrived to commence work I was sent to the Industrial mine of the Northern Coal & Coke Co. I remained at the service of the aforesaid Northern Coal & Coke Co.'s Industrial mine from the 26th day of May, 1910, to the 16th day of August, 1911. I was then transferred to the aforementioned Rex mine, No. 2. I was employed first as fireman and then as second engineer at aforementioned Industrial mine, and when I was transferred to the Rex mine, No. 2, I was employed first as fireman and then as third engineer.

While employed at the Industrial mine I made my purchases for the necessaries of life from the store operated by the State Mercantile Co., which to my best knowledge is controlled by the Northern Coal & Coke Co. I went to Denver on or about the 6th day of July, 1910, to make some purchases, because I could buy considerably cheaper at independent stores than at the stores of the State Mercantile Co. Shortly after I returned from Denver I was met by a few of the workmen at the mine, and we discussed the question of the high cost of living. They asked me where I did my trading. I replied that up to the 6th day of July I had been doing it at the company's stores, but that I went to Denver and made some purchases there. They told me that I had better be careful or I would be running around looking for a job. Then I renewed my trading at the company store until the month of July, 1911. Then I borrowed $90 from a

brother in law of mine and went to Denver to make some purchases. I had been using a book at the company store, but when I made the purchases at Denver I had enough supply on hand to carry me over for a few weeks, which, of course, caused my book not to appear daily at the company store.

About two weeks after I had made this purchase at Denver I happened to be in the company store, and the clerk says to me, "Hello, Billy, where are you going? Denver, I suppose?" I replied, saying, "Yes; I thought I would take a run down." He asked me if I had bought any groceries in Denver, and I told him I had. He asked me if I could do better in Denver than at the company store, and I told him that I could, and that I had saved about $5 on a $30 order of goods that I had bought in Denver. About two weeks after I had this conversation with the clerk, the superintendent of the mine, J. J. McCormick, came to me and said: "Billy, I guess I will have to give you your time." I asked him what it was for, and he replied, "Damned if I know." I pressed him for an explanation, and he then said: "You don't seem to get along with the boys very good." The superintendent then told me that the master mechanic wanted to see me. I went to the shop to see said master mechanic, and he told me that he had a job for me, but we could not agree on the question of wages, he offering to pay me only $2.50 per day—I had been getting $3—and, besides, he told me I would have to be loyal to the company. This happened on or about the 16th day of August, 1911. On my way back home I secured employment at Rex mine, No. 2, as fireman.

After working several months as fireman I was put on as third engineer. I did my trading with the company store until I accumulated enough money to go to Denver to make my purchases there. Some time after I began to purchase at Denver I was told by the mine superintendent that I would have to take the job firing on the day shift, to which I replied that rather than take that job I would quit, and he replied "All right." It is my actual belief that the reason said mine superintendent, Tom Hilton, wanted to change me from third engineer to fireman on the day shift, which is considerably more disagreeable work, is because I did not do my trading in the company store. I quit and secured employment on the 15th day of January at the Hecla mine, located at or near Louisville, Colo. I worked at said Hecla mine as second engineer from January 15, 1913, to January 25, 1913, when I quit because of the work being intolerable. It was not my desire to quit suddenly and I gave the top foreman notice of my intentions to quit. J. C. Williams, general superintendent for the Rocky Mountain Fuel Co., told the top boss to come to me and tell me that if I didn't like the conditions under which I was working I could quit immediately, that I didn't have to work out any notice.

It is my honest belief that men have not been treated with honesty in respect to the weighing of the coal. Last fall the Bulgarians employed at the Rex mine No. 1 and Hecla mine refused to continue at work because, as they claim, they were defrauded in the weighing of the coal, and because, as they claim, they were being dishonestly treated at the company stores.

There is no system prevailing at these mines in respect to the number of hours the miners work. I have known them to go down as early as 5 o'clock in the morning and come out as late as 7 o'clock in the evening.

The Bulgarians at Rex mine No. 1 asked for a checkweighman at the mine to look after their interests in the weighing of the coal. To my best knowledge and belief the matter was settled by the company promising them correct weight and that they would sell them provisions at the company stores for the same prices as prevailing in Denver. I have heard and read of alleged abuses of and assaults on the nonunion men. In this respect I want to emphasize that I have moved around freely in the districts affected by the strike at all hours during the day and night, but was never molested by anyone, even to the extent of the use of abusive language.

I make this statement freely and of my own volition, hoping that it will be of value to the United Mine Workers of America in their efforts to improve the conditions that prevail in the nonunion mines and that those who are now outside of the ranks of said organization working in the nonunion mines will enlist in said organization for the common good of all those employed in or around the mines.

WILLIAM J. YOUNT.

Mr. DOYLE. Statement made by Andrew Colnar, under date of November 27, 1913, telling how he was forced to dig his own grave at Huerfano County by State militia.

STATEMENT MADE BY ANDREW COLNAR.

On November 27, 1913, I was in the Pryor tent colony, when I received word that one of my friends was working at Pryor. He wanted to quit work at Pryor and come down to the tent colony and join the union, but said he was afraid to do so because he had been scabbing. I wrote him a good, friendly letter and told him not to be afraid, that we would take him down to the tent colony, and promised him he would be treated just the same as the other brothers. I guaranteed him that there would be no trouble if he wanted to come down, and I signed my name to the letter and sent it to him by another man. He told the man, when he delivered the letter to him, that he did not want to go down—he was ashamed to. He said he was going to quit work and leave the State.

On November 28 two soldiers came to my house in the evening. I was out on the prairie, about 500 or 600 feet from my house, when they arrested me and told me to come with them. They took me to the Lester Midway mine, put handcuffs on me, and kept me in a soldier's room all night and had one soldier watch me. They asked me what religion I belonged to and I told them.

On the morning of November 29 Capt. Drake came into the jail and informed me that he wanted to give me a hearing. He asked me if I had written that letter, and I told him, "Yes, that I wrote it and signed my name to it," and he tried to make me write the same letter again, but I could not do it. I could not remember just what I said, but I wrote what I remembered. He got very angry and called me names because I could not remember it all, and he told me he was going to give me two weeks' time to write it.

On Saturday evening he took me in the jail. It looks like a cellar—dark and dirty. About 8 o'clock that evening I told the officer that I could not stand to sleep in that dirty place. He then took me back to the room where I was in the first night. He tied my hands and kept them tied all night and had a soldier with a bayonet watch me.

On the morning of November 30 they took me back to the jail, and they asked me how I felt. I said I felt all right, because the room I had slept in was better than the other room in the jail. He said, "Yes; I know you feel all right, but you will find out pretty soon what you are going to get." Between 8 and 9 o'clock on the last day of November one of the soldiers came to me and took me out of the house and gave me a pick and shovel. He took me out in the back yard about 30 or 40 feet from the house and showed me a space marked off on the ground about 2½ feet wide and 6 feet long, and he said, "You dig this hole 8 feet deep, and it must be done by noon." I started to dig, and just then two soldiers came around and asked me what I was digging, and I told them I did not know what it was. Two more soldiers came along, and one of them said to my guard, "What is that going to be? It looks like they are going to bury somebody in there." The guard who was watching me said, "Yes; the man who is digging the hole is going to be buried there. He is digging his own grave." I asked him if that was so, and he told me yes. After that some of them came along and they were talking between themselves. They were talking about what they were going to use—blankets or a coffin. Later on two soldiers came with an officer, and the officer said to my guard, "Take him out and bring him over there and put him in line with the other soldiers." He said, "Be ready," and he put me in the middle of the line, and the soldiers were practicing, and I thought they were going to shoot me. When the practicing was done he took me back to the jail. I was unable by that time to continue the digging, and he raised hell with me. He said, "Hurry up; this must be done by noon."

The soldiers' doctor then came along on horseback, and the guards said to him, "Doctor, will that be good enough?" The doctor said, "Yes; I guess it is all right." Another soldier came around and said, "Is that long enough?" Another one said, "Yes; it's 6 feet. He is not quite 6 feet." The other one said, "I guess it is all right," and some of them were talking about getting a priest. After awhile another soldier came without a gun or bayonet and my guard stopped him. He said, "Where are you going?" He told him he wanted to talk to that man, and my guard said, "You can't talk to that man." The soldier said, "I must; I have an order. I am going to talk to him in his own language." When he came close to the place where I was digging he asked me in the Polish language how I felt. I told him I did not feel very good, because the soldiers say I am digging my own grave. He said, "Yes; that is what I came over here to tell you. You are digging your own grave

and you are going to be shot to-morrow morning, the 1st of December." At that I dropped into the hole and the soldiers tried to make me dig again, but I could not do it. I was crying and asked him to give me a telephone and let me tell my wife and children good-by. He said, "Nothing doing." I then asked him if he wouldn't please give me a pencil and some paper and let me write a line to them before I died, and I was told I could not have it. A little before noon I was taken back to the dirty jail again, and they offered me a lunch, but I told them I did not want it. I said, "You just take that back, because I don't feel like eating in this kind of a time." He took it back and closed the door again and kept me there for a couple of hours. After that the officer opened the door, and when he saw me I had fallen down and was lying on the floor. He said to the other officer, "Is that fellow going crazy?" The other one said, "It looks like it."

After awhile Capt. Drake came to the office, called me out, and gave me a good lecture, and told me never to write any more letters. He said, "You go home, now, with your wife and children, and don't go out at all, because I will just give you five days. It may be after that I will come after you again." He then turned me loose.

Mr. DOYLE. Affidavit of John Moser, dated October 23, 1913, the mail carrier at Forbes, Colo., to be held up by mine guards in that county:

AFFIDAVIT.

STATE OF COLORADO, *Las Animas County, ss:*

John Moser, first being duly sworn on oath, deposes and says:

First. That he is employed by the United States as a mail carrier, and is engaged in carrying the mail to and fro between Forbes Junction, Forbes, and Majestic.

Second. That Joe Moraskey is the postmaster in charge of the post office at Forbes, Colo.

Third. That S. G. Cox is employed as a deputy sheriff and guard at Forbes, Colo., and that for several days prior to October 23, and on said date, said S. G. Cox was acting as postmaster in charge of said post office.

Fourth. That on October 23, about 9.30 in the morning, while affiant was in the course of his employment as mail carrier at Forbes, said S. G. Cox pointed a loaded and cocked rifle at affiant and threatened to kill him.

Fifth. That said action of said S. G. Cox was wrongful, unlawful, and wholly without cause.

In witness whereof I have hereunto set my hand at Trinidad, Colo., this 23d day of October, A. D. 1913.

JOHN MOSER.

Subscribed and sworn to before me this 23d day of October, A. D. 1913.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

Mr. DOYLE. Copy of a resolution passed by a few of the editors of papers in the State of Colorado, under date of November 13, pertaining to the settlement of the strike:

DENVER, COLO., *November 13, 1913.*

To the people, the press of Colorado, the coal-mine owners, and the coal miners of the State:

For the past two months a strike has existed in the coal-mining industry of Colorado. As a direct result of this strike human lives have been sacrificed, many thousands of laboring men thrown out of employment, property destroyed, business conditions have become depressed, the price of coal has been advanced, the reputation and credit of the State at home and abroad is being impaired, and the public at large is being made to suffer beyond accurate calculation. These unfortunate conditions are not in harmony with the peace, prosperity, and general welfare that is supposed to be guaranteed to all men and to all institutions alike under the Constitution of this State and of the United States.

For the purpose, therefore, of trying to arrive at a method of assisting in terminating this industrial conflict between the miners and the mine owners in

a manner which will be in accordance with the laws of Colorado, enacted to regulate the coal-mining industry, the newspapers of Colorado represented, acting on behalf of the general public, have met in Denver, and, after hearing the arguments and statements of representatives of the coal-mine owners, of the coal miners, of the United Mine Workers of America, and a statement from the governor of this State, and having given extensive consideration to each and every one of these statements, and having weighed their effect fully and carefully, the newspapers represented have agreed upon a general and united policy of action to be recommended to the press of Colorado with reference to the termination of this strike, based upon the authority of the existing State law.

Before stating our conclusions, we desire first to state the cause of the strike, viz, the demands made by the miners upon the coal-mine owners of Colorado, which are as follows:

The demands of the miners:

First. We demand recognition of the union.

Second. We demand a 10 per cent advance in wages on the tonnage rates and the following day-wage scale, which is practically in accord with the Wyoming day-wage scale.

Third. We demand an eight-hour day for all classes of labor in or around the coal mines and at coke ovens.

Fourth. We demand pay for all narrow work and dead work, which includes brushing, timbering, removing falls, handling impurities, etc.

Fifth. We demand checkweighmen at all mines, to be elected by the miners, without any interference by company officials in said election.

Sixth. We demand the right to trade in any store we please, and the right to choose our own boarding place and our own doctor.

Seventh. We demand the enforcement of the Colorado mining laws and the abolition of the notorious and criminal guard system which has prevailed in the mining camps of Colorado for many years.

First demand. Recognition of the union.

With reference to the first demand, we submit the following facts and conclusions:

The question of the official recognition of any labor organization or labor union by any employer or employers of labor is a question not reached or controlled by law, but must mutually be desired by both employer and employee to become a recognized reality. In other words, if employers do not desire to recognize a labor union as an organization in the employment of members of that union, there is no law upon the statute books which can or will compel them to do so.

We have come to the conclusion, therefore, that the first demand made by the miners is not one which can be arbitrated by any body of mediators, for the reason that, as stated above, it must be a matter mutually desired and agreed to by employer and employee.

However, so long as individual workmen in the employ of coal-mine owners desire to belong to the union they have a perfect right to do so. This right is guaranteed them by the laws of the State, and, therefore, this first demand for official recognition of the United Mine Workers of America, as such, should not be further pressed by the members of that organization in accepting a declaration on which this strike should now be terminated. However, the right of the miners to belong to a union under the authority of the laws of Colorado should be recognized and upheld, and should not be objected to by any employer of labor.

Second demand. A wage increase of 10 per cent.

Fourth demand. Additional pay for additional and varied work.

In our judgment, these two demands should be merged into a single demand, especially as both the second and fourth demands contemplate a higher net income in wages for the miners, and our conclusion is, therefore, that these demands should be consolidated and considered under one general proposition. With reference to this general wage demand, therefore, our conclusions are as follows:

The amount of money a miner can earn depends on the amount of work he can or is willing to perform. In a published advertisement over the name of the United Mine Workers of America, which recently appeared in the Denver newspapers, a statement was made to the effect that all the miners wanted was a living wage and the enforcement of the laws affecting the coal-mining industry.

The question very properly arises, therefore, as to what should be considered a living wage.

The average wage earned by the individual coal miners working in all parts of Colorado, as published in the advertisements of the coal-mine owners, we find to be approximately $4 per day—practically $105 per month—and working eight hours a day, or less if they choose. This is said to include the wages earned by good, bad, and indifferent miners.

The wages of some miners is said to run as low as $2.25 per day, while other miners individually earn over $7 per day.

A comparison of the average coal miner's wage for the entire State of $4 per day with the wages earned by other classes of laboring men in Colorado who are equally skilled with a coal miner shows that if the average wages of all coal miners in Colorado is $105 per month they are now being paid, in our belief, what has been referred to as a living wage; in fact, they are already being paid a wage entirely in keeping with the wages paid for other classes of labor in Colorado.

Therefore, taking the miners at their published word, we believe that their original demand for a 10 per cent increase over the present Colorado scale, and which is later modified in their advertisement to a demand for living wages, has already been met by the payment of the existing scale of wages for mining coal in this State, and which is higher in the net wages earned than in any other State. Therefore this, the second and fourth, demand upon the part of the United Mine Workers of America for living wages is now being given the miners by the coal-mine owners.

Third demand: Demand an eight-hour day for all classes of labor in and around the coal mines and at coke ovens.

This third demand is one which is guaranteed to miners employed in underground mines by the laws of Colorado. If the laws of this State have been disregarded in the employment of labor in the coal-mining industry, it is the duty of the governor to enforce this law, and in this he should be heartily supported.

Therefore our conclusion with reference to the third demand on the part of the miners employed in underground mines is that it should be guaranteed to them in accordance with the laws of this State.

Fifth demand: Checkweighmen at all mines.

This, the fifth demand, is another to which the miners are clearly entitled, and which is guaranteed to them under the law. If this law has not been enforced or if the miners have not taken advantage of their rights under it, it is the duty of the governor of Colorado to guarantee the enforcement of this law.

Sixth demand: The right to trade at any store.

This sixth demand also may or may not have been accorded the miners by the mine owners. It is a demand, however, which should be guaranteed to them, for the reason that the laws of Colorado provide that no coercion shall be practiced by any coal-mine owner against any miner in the buying of his household supplies. Therefore this sixth demand should also be guaranteed to the miners under the provisions of the laws relating thereto.

Seventh demand: General enforcement of Colorado mining laws, abolition of guard system.

This seventh and last demand upon the part of the miners is not open to discussion, so far as that portion of it which relates to a general enforcement of the Colorado mining laws is concerned, for, without question, the miners are entitled to receive the full benefit guaranteed to them under the mining laws of this State.

So far as the employment of police or mine guards is concerned, this practice during periods of peace is maintained solely as a matter of police protection against ordinary disturbances and against possible damages to property in times of petty brawls, which are of ordinary occurrence in many mining camps; and so long as these guards or police are maintained upon a company property for the purpose of preserving the peace and to protect that property there is no good or legal reason for their removal. With the exception of this portion of the last demand of the miners, our conclusion is that the seventh demand, for general enforcement of the mining laws of Colorado, is clearly right and should also be guaranteed to the miners by the full power of the laws of this State.

Therefore, after mature and careful consideration of all the factors in connection with this strike, we hereby make the following declaration:

That the strike which has prevailed in the coal-mining industry in Colorado should be called off under the following terms and conditions, viz:

First. That the miners should waive their first demand, which is for recognition of the union, on the ground that the recognition of any union must necessarily be a matter of mutual agreement and not of coercion, and not being covered by any law; and for the additional reason that the laws of Colorado guarantee to every miner the right to belong individually to any labor organization without prejudice or discrimination on the part of any employer of labor.

Second. That the miners should waive their second and fourth demands for an increase in wages, not only for the reason that the wages now paid to coal miners in this State are larger than in most other States, and are as large as paid in most other lines of industry in Colorado, but also for the reason that the modified demands of the miners, as published in the newspapers, asking for living wages, are, in our opinion, already met, being paid by them in cash, twice each month, by the coal-mine owners.

Third. That the miners are entitled to have granted their demands, in accordance with the laws relating thereto, designated as follows:

Third demand: For an eight-hour workday in all coal mines.

Fifth demand: For a checkweighman in all mines where they ask, to be selected from among the miners by the miners, to be paid by them, and without interference upon the part of the operators.

Sixth demand: The right to trade at any store.

Seventh demand: The demand for the enforcement of all laws relating to the coal-mining industry.

Also, that all competent striking miners who have not been guilty of violations of the law while on strike should be taken back by the coal-mine owners without prejudice.

Also, that any coal-mine owner has a legal right to employ any person without interference or threats upon the part of any other person or organization, as provided by law.

Also, that we declare it to be the duty of the governor of this State to compel the enforcement of the State mining laws, to which we pledge our earnest support and cooperation; and that, to obtain for the miners every right to which they are entitled under the law, the rigid enforcement of the State laws is alone necessary.

We commend Gov. Ammons for sending troops into one disturbed district of the State, and express our full confidence in the integrity of his purposes respecting the unfortunate industrial strike that exists there. However, we believe that troops should be adequate in number to become sole protectors of life and property in sections of the State where such strife exists or is threatened, and that the National Guard should be recruited to meet conditions as they may arise. That in our opinion that until such time as the National Guard may safely be withdrawn from the affected districts and law and order restored that all offenses and violations of law pertaining to the strike should be immediately tried before military courts.

We further request the governor to take such action as will prevent the importations of firearms into this State by any individual or any organization, because we believe that no one has a right to bear arms here except those legally authorized to do so under the laws of the State of Colorado.

Thus it will be seen that we have found in favor of the miners in four of the six general demands they have made and have recognized their right to work as a union.

That in declining to side with the miners in the other two demands, as stated, we have concluded that the miners are already receiving living wages, and have, at the same time, found for the miners in their first demand by insisting that one of the conditions under which this strike is to be called off is that all competent miners shall have guaranteed to them under the provisions of the laws of the State the right to belong to any organization without prejudice or discrimination on the part of any employer, which means their right to work as union miners on the open-shop plan.

Therefore, in the interest of the miners, of the coal-mine owners, and of the general public, we hereby declare that this strike should be called off under the conditions stated above, in order to insure the future developments of the coal-mining industry of Colorado and the peace and prosperity of its people.

In the carrying out of this policy by the governor of this State, we pledge the support of the editors and papers here represented and ask for the cooperation of all our fellow editors in Colorado, who could not conveniently come to this conference, in support of such policy.

Also that a copy of this declaration be furnished to the officials of the United Mine Workers of America, a copy to the coal mine owners, a copy to the governor of Colorado, and that copies be sent to the press of this State for the purpose of advising the people concerning what we believe to be a just and fair declaration under the terms of which this strike should now be immediately called off and industrial peace restored, and that we pledge ourselves to support this declaration, based on law enforcement, in the editorial columns of our newspapers.

JOHN C. SHAFFER.
FRANK S. HOAG.
H. E. BOWDEN.
L. C. PADDOCK.
FRED MARVIN.

Mr. DOYLE. Answer to same under date of November 15, by policy committee of the United Mine Workers:

DENVER, COLO., *November 15, 1913.*

GENTLEMEN: A copy of the resolution passed by 11 of the 231 editors of the State, 14 of whom were present at your meeting held in the Brown Palace Hotel, Denver, Colo., November 13, 1913, was handed to us, to-day, at 5.23 p. m., by Mr. H. E. Bowden, one of the gentlemen who has signed his name as a member of the committee appointed to draw up this resolution.

Your entire recommendation consists of advising the miners to accept the same conditions that have existed in the coal mines of Colorado for the last 10 years, and against which they were compelled to strike.

Since you have been charitable enough to admit that our strike is justifiable, in so far as four of the seven demands are concerned, namely: The right to have the mining laws enforced; the right to trade at any store; the right to choose our own doctor and board where we see fit; the right to have a check-weighman and the right to belong to the union of our choice. Inasmuch as these are State laws that have been violated by the operators for years, we feel grateful to you for your generosity.

In speaking of the demand for an increase in wages, you say: "The amount of money a miner can earn depends on the amount of work he can or is willing to perform." The inference that miners are not willing to work, we consider an insult to their intelligence, and is an indicaton that it came from a prejudiced mind. You state the average wage of a coal miner is approximately $4 a day. If this be true, why are we compelled to strike for a day wage of $3.45?

You also maintain that the wages paid to coal miners in Colorado are larger than in most other States. With very little effort you could have learned that the Wyoming day wage scale is from $3.30 per day, minimum, to $4 per day, and the cost of living in the two States is practically the same. You should at least make an attempt to be fair.

Upon the question of reorganization of the union, it seems to us that you are entirely ignorant of the absolute necessity of the miners' union being recognized if the laws of the State are to be enforced, to say nothing of the settling of grievances arising in or around the mines. This, we think, was made clear to you by the miners who made their statement before your meeting, and whose testimony was evidently disregarded, for, had it not been, surely you would have attempted to offer some excuse for not considering it.

Let the public look at the names of the editors appointed by the chairman to draft the resolution, and it can be readily seen why it fails to recognize the miners' rights. Frank S. Hoag, of the Pueblo Star; H. E. Bowden, of the Trinidad Advertiser; L. C. Paddock of the Boulder Camera; Fred Marvin, of the Pueblo Chieftain, are editors of papers that have bitterly opposed the miners' union ever since the strike was called. Therefore, on behalf of the Colorado coal miners, we positively refuse to consider your proposition.

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN MCLENNAN,
R. L. DOYLE,
Policy Committee Representing District 15, Mine Workers.

Mr. Davis. Summary of the Whitford impeachment evidence introduced by president and secretary of the Colorado State Federation of Labor:

To all whom it may concern:

Below is a summarized statement of the proceedings in the matter of the impeachment of Greeley W. Whitford.

On the 30th day of January, 1911, John McLennan, under his constitutional right as a citizen of the State of Colorado, filed his petition with the house of representatives, charging, among other things, that Greeley Whitford had "been guilty of oppression in office" and that he had been guilty of "conduct unbecoming a judge and such as to bring shame and disgrace upon the high office which he holds."

On the 6th day of February, 1911, the committee of the legislature, consisting of A. P. Anderson, chairman; H. A. McIntyre, of Pueblo; Newton, of Grand Junction; Hollenbeck, of Salida; and Bacon, of Cripple Creek, had its first meeting and began to take testimony on the charges filed.

Seventeen sessions of the committee were had, at which testimony both for and against Whitford was heard. Alexander M. Smith represented the petitioner and the Colorado State Federation of Labor at these hearings, with the exception of one day, when James J. Sullivan appeared for the petitioner on account of the absence of the regular attorney.

The respondent, Whitford, was represented by Messrs. Henry J. Hersey and Ralph Talbot in the early stages of the proceedings, Talbot being succeeded later on by Mr. E. C. Stimson. The petitioner, John McLennan, attended all the sessions of the committee, but the respondent, Greeley W. Whitford, never appeared or testified either in person or by affidavit.

THE EVIDENCE.

The evidence upon the matters contained in the memorial addressed to the house of representatives was most thorough and conclusive. Upon the charges of "oppression in office" the petitioner, McLennan, called as witnesses Dr. John E. Canning, a dentist, with offices in Denver, and Henry A. Hicks, formerly county judge of Gilpin County, and now a practicing attorney of Denver.

It appeared from this evidence that in the spring of 1910 one John E. Canning was committed to the county jail for the nonpayment of alimony to his first wife. After being separated and divorced from his first wife for two years, he married a young girl about 20 years of age, of good family. While Dr. Canning was in the county jail he was called at night by a voice over the phone, which promised the man his liberty provided he would come into court the next morning and have his second wife give up her diamond rings, but in no event was he or she to have their attorneys present.

Judge Hicks supported this statement with the testimony that the second wife did give up her rings, and that he, as her attorney, was not permitted to be present.

Charles O. Erbaugh testified that he was informed against for wrongfully obtaining the sum of $3.40. Whitford, while district attorney, had bitterly prosecuted Erbaugh, but Erbaugh was found not guilty. Whitford, then, as judge, sat in the subsequent trial of Erbaugh, after affidavits of respectable people had been filed as to Whitford's prejudice. Whitford ignored these affidavits, and sentenced Erbaugh to seven years at hard labor in the penitentiary for the $3.40.

THE MINERS' CASE.

Judge Whitford, on the 23d day of November, 1910, took jurisdiction of matters in Boulder County, overruling the miners' motion for a change of venue, and on a contempt charge sentenced 16 miners to the county jail for a period of one year. There was no evidence to show any guilt upon the part of a great number of these men. As to one of them, if the evidence against him was to be admitted as true, he only swore at a pit boss across the public road, and for this he received one year.

One of them was conclusively shown to have taken no part in the transaction at all, and he was given a similar sentence by Whitford. One of them showed that he had a new-born babe and that he could not have been present; another that he was at home both day and night with a sick baby and could not have been present.

One of the miners was shown to have been in the office of the justice of the peace at Lafayette, assisting to interpret the wants of a fellow country woman before the justice, and that he could not have been present.

The mothers, wives, and sisters of these men testified, but they received the uniform sentence of one year each.

IMMORAL CONDUCT OF WHITFORD.

In the hearing before the legislative committee, Ralph Talbot defied the petitioner, McLennan, to show by a respectable witness that Whitford had been guilty of immoral conduct, saying that if it were shown that he, Talbot, would withdraw from Whitford's defense and demand his impeachment before the house of representatives. McLennan called H. P. Gumaer, a highly respectable witness, who testified to having seen Whitford on Market Street at the hour of 1 o'clock in the morning with his arm around a prostitute. Both Whitford and the woman were in a drunken condition.

THE WEINBERGER INCIDENT.

Testimony was given before the committee to the effect that one Maurice Weinberger was charged in the West Side court, of which Greeley W. Whitford was the judge. Whitford visited the saloon of Weinberger while his case was pending in the West Side court and talked to Weinberger about the case.

CHARGES OF INFLUENCE USED ON WHITFORD.

John I. Mullins testified that before the conviction of the 16 miners, James H. Blood was seen in the private hours prior to the sentencing of the miners; five deputy sheriffs had to come to the court room for the purpose of taking the prisoners to jail. The evidence on behalf of the miners was not even concluded and the arguments of the lawyers had not been made. The judgment was therefore anticipated in advance and the sheriff's office notified to have the deputies ready there.

James H. Blood, counsel for the coal companies for years, testified under cross-examination that he didn't know whether the Northern Coal & Coke Co. was paying for Whitford's defense or not.

ARGUMENTS OF COUNSEL.

The case was argued before the legislative committee by John C. Lowis and Alexander M. Smith for the Colorado State Federation of Labor and by Henry J. Hersey and Edward C. Stimson for Whitford.

FINDINGS OF COMMITTEE.

A. P. Anderel, of Boulder County, recommended that Whitford be by the house of representatives impeached and tried before the Senate of Colorado.

H. A. McIntyre, of Pueblo, made a report recommending that the house of representatives censure Whitford for his actions as district judge of Colorado.

Hollenbeck, of Chaffee; Newton, of Mesa; and Bacon, of Teller County, recommended the exoneration of Whitford.

ACTS OF INTIMIDATION.

Various acts of intimidation have been resorted to by those representing Whitford and the office of the district attorney in Denver, who has openly allied himself with the Pinkerton Detective Agency and the Northern Coal & Coke Co. Threats charging conspiracy have been made and given to the public press. Pinkerton detectives have trailed Alex M. Smith, the attorney, to his office and about the city, even going out of the city with him when he went on professional business for his clients. They have shadowed his house in the evenings and on Sundays in an effort to intimidate him and his wife and child. To all this the district attorney, who has been in conference with the attorneys for the coal company, and E. E. Prettyman, of the Pinkerton Detective Agency, has apparently lent his encouragement and assistance. We submit that now for the American people and the citizens of Denver to prepare to do battle with such

officials at the polls and to eliminate them from public life and positions of honor and trust in the great State of Colorado.

Respectfully submitted.

THE COLORADO STATE FEDERATION OF LABOR,
By ——— ———, *President.*

Attest:

———, ———, *Secretary.*

Mr. DOYLE. Extract of evidence of ex-Sheriff M. P. Capp, of Boulder County, given before congressional committee investigation, showing attempt of certain parties in the interest of the coal operators to bribe him to use his office in the interest of coal companies:

M. P. Capp, ex-sheriff of Boulder County: My name is M. P. Capp. I live at Boulder. Have resided there nearly nine years, and have been sheriff of Boulder County for four years. My term of office expired this last January.

I am acquainted with Mr. G. M. Williams, formerly clerk of the district court up there. I understand that in the year 1910 he was the secretary of the mine operators' association. He spoke to me concerning a coming strike. This was before the strike occurred. It was some time before the strike started, on Monday or Tuesday. It was some time during the week prior to that. He said, "It looks as though we might have a strike," and he said that some of the other operators or representatives had spoken to him as to what my attitude would be in case they had a strike, and whether or not I would be fair—how I would stand on the matter. And that, as near as I can recollect, was some time during the week before the strike was actually called.

I knew a man by the name of Al. Baker. He held a position with the Northern Coal & Coke Co. shortly after the beginning of the strike. Had charge of the guards, as I understand it. I had a conversation with him about two months after. It was the last of May, the 30th day of May, 1910, at Superior. He called me up on Saturday afternoon. I do not know just what time it was, possibly 5 or 6 o'clock, and wanted to know where he could see me Monday. He spoke about my coming to Superior. I told him I would come down if he wanted to see me. I went down. He met me there. We went up on the hillside near the Industrial mine. He said, "You know the operators don't care anything for you or I, only what we are worth to them." And he said, "You know that the union men don't care anything for us, only what we are worth to them. I want to talk to you and tell you what you can do. You can get some money out of this thing." He said, "The operators say they will spend a million dollars to break this strike. Why don't you get some of it? You can get it as well as not." I said, "How?" He said, "They want some deputies. Wanted them bad and were willing to pay for them." That he could get a job out of it too, and I wanted to know what I would get per day for the deputies that I would appoint. He said, "They want a lot of deputies, and you can get a piece of money out of this thing. You can get 75 cents per day for all the deputies hired, and you can stay in the office." He said, "They could use 400," and told me how much money could be made out of the proposition. I asked how long it would take to break the strike, and he said 90 days. I said that would get near amount to what he was talking about, and he said, "You can get a dollar." I said, "Do you know about this," and he said "Yes; I know it can be done." He told me I could get some money besides that; that Mr. Struby and Mr. Blood would be out on the next car. I stayed there until the next car came. Mr. Struby and Mr. Blood came out to where we were. They invited me to go over the district with them in an automobile. They never said anything about it themselves at all. I told Baker that if it was right to go into it in that way, it was not right to charge them money for it and it would not be right anyway, and I left it just about that way. That is about the sum and substance of the conversation.

(Conversations.)

I have a record of arrests made by deputies and myself for the years 1910 and 1911 and 1912 growing out of the strike. I missed the record of some of the arrests where six or eight people would be taken up, and where on investigation, would be found only two or three to be connected with it. They would all be turned loose, but the record of all that went into court at all I have. I tried to get it complete, but I find it is not entirely so.

(Conversation.)

Q. Give the number of arrests growing out of the strike for the year 1910 and the year 1911.—A. One hundred and forty-three that I have any actual record of, cases that were actually handled and some disposition made of them in court.

Q. What number of those were union men?—A. About one-fourth or one-fifth. I have 200 all told that I could connect with these strikes more or less, and there were 30 of them union men that were brought to Denver and 38 union men that were handled in court over there. That would be 68 out of 200, and possibly some scattered cases, before 1912, that I did not separate. The rest were nonunion men.

For 1912, there were 77 nonunion men arrested; 38 union men. Besides there were 26 arrested at the Brooks-Harrison mine, of which we handled 12 in court; 77 nonunion men in all.

I think six or seven men have lost their lives on account of the strike. As near as I can recollect, on August 31, 1910, there was a killing near the Senator mine between two nonunion men. April 5, 1911, there was a union man killed by four Mexicans, nonunion. April 22, Deputy Sheriff Hockaday shot a nonunion man at Superior. May 7, 1911, a Mexican shot another Mexican on the hillside at the Capital mine, both nonunion. February, 1911, Gunn died in the hospital in Denver from wounds received on the streets at Louisville. He was nonunion. November 28, 1911, Searcy was shot at Superior. December 19, 1911, William Bashford, a mine guard at the Monarch, was shot and killed by Billy Adams, a nonunion man. And there might have been one or two more, but I think that is all.

There was a man found in Lafayette unconscious. We never knew who he was, apparently had been beaten; we never did find out how it happened. I think that is all. I have been inside of the inclosures at the mines at different times.

Q. State generally the character of the men that were brought in there?—A. Well, we have taken out a good many people for officers of other States and for officers of Denver; that is, men being accused of different crimes. It seems as though a great many of them were looking for trouble all the time. I will say that they were a class of people that have a great deal of trouble. A great many of them were arrested for different offenses, everything from common offenses up to murder. Don't know anything about their past histories only the ones I took for the different States that were accused of crimes and were fugitives from justice.

The lists of arrests given include arrests on warrants from justice courts, and in the killings the men were arrested and attempts were made to fix the blame. The first case, this man Cedar, we never did find him. We knew nothing of this killing for some little while; we never found him. I got pictures of him that were made here before they sent him to the penitentiary.

In the case of the Mexican, the guard told me he had the Mexican that cut his fellow up. I told him I could get there in 30 or 40 minutes, and when I got there I didn't get the fellow. In the case at Lafayette, we got the four Mexicans. The killing at Superior by the city marshal, I arrested him myself. The killing of Bashford by Billy Adams, he gave himself up to one of my deputies. At the time Mr. Hockaday shot Grover Mills, Hockaday was taken in on a stretcher. Mr. Hockaday was never arrested. At the inquest it was found that he was justified. They were all arrested, as far as we could get them. Those two men got away.

Q. Did any of these killings take place inside the fence around the mine?—A. At the Capital mine there was not any fence there. Never has been. It was at a camp down on the hillside that the Mexicans were stabbed, and at the Standard mine it was just outside the inclosure at a camp there. At the Monarch mine it happened in their grounds, but there is no inclosure there, and, of course, the other two were at the depot. Not all of them have these stockades. None of the killings happened inside of the stockades. Those others that I speak of were at the mine proper. They were not in any inclosure or any stockade.

Q. Would the operators give you any assistance in arresting nonunion men?—A. We never got any assistance from them. If we tried to arrest the men inside the stockade we had to show our warrant at the gate before we could get in. We could not get in with a John Doe warrant; we had to have the names of the men.

The guards were acquainted with me and my deputies.

Mr. DOYLE. Form of report on people employed, discharged, and having generally used by the Evans Coal & Land Co. by one of their employees:

THE CONDITIONS OF THE COAL STRIKE IN THE NORTHERN COLORADO COAL FIELDS AS I KNOW THEM WITHIN THE BULL PENS OF THE ROCKY MOUNTAIN FUEL CO.

While there have been a great many writings on the strike situation in northern Colorado, there has been nothing heard from one who has worked inside the bull pens for two years.

I started to work in the month of December, 1913, in the northern coal fields as a mine guard; or, in other words, scab herder at the Monarch mine, No. 2, of the National Fuel Co., at Denver, of all the guards who looted after the boarding houses and imported men to all the mines of the National Fuel Co.

After leaving southern Colorado I met the head guard, Hall, in Denver, on Market Street, between Seventeenth and Eighteenth Streets, at one of the employment agencies; being out of work, Mr. Hall approached me and asked me if I wanted to go to work; never having scabbed before, I hesitated when he mentioned the location. I saw him several days in succession; each time he urged me to take a position as guard at $3 per day and board. I finally consented to go, and Mr. Hall gave his brother, Orv. Hall, and me a transportation to the mine at Downer, Colo.

It seems that the Baldwin-Felts people, who had charge of the mine guards, had lost their contract with the National Fuel Co., and the guard work had been given to Mr. Hall just prior to the time I went there.

The Baldwin-Felts people did little but gamble—shooting craps, etc.—as I found out from Mr. Zook, mine superintendent at that time. He told me the guards would come on duty in the evening, and as soon as the men who were working in the mine had eaten supper, the guards would gather in the engine house of the mine and gamble until 1 and 2 o'clock in the morning. I want to say in fairness to Mr. Zook that he tried to stop it, but the camp being under the jurisdiction of the Baldwin-Felts people he could do little. The public knows what the Baldwin-Felts people are and what kind of a detective agency they run; ex-convicts and murderers are employed as guards, and the class they import as strikebreakers are worse than a cankerous growth on God's green earth; but it is this class that such a company as the Rocky Mountain Fuel Co. and others hire as the main tool to hire small tools to break up union labor.

To get back to the point of the conditions at the mine and camp, I found that the majority of the inmates of the camp were the low type of Bulgarians and Greeks, and a few English-speaking people. I think there were about 250 people in the camp at that time; about 20 per cent were English speaking. I found in some of the four-room houses as many as 25 people living and sleeping, among them being one to three women and some small children. The custom of the Bulgarian was to take as many boarders as he could crowd in with his family. I have seen as many as five beds in one room 12 by 14 in size, and the men wash and change clothes in these houses, as the wash house at Monarch mine, No. 1, was reserved for the men staying at the boarding house. Any intelligent person can imagine the fumes arising in a small room from cooking, steaming, soap water, and sweaty mine clothing.

A coal miner's work is dirty, yet in the homes of the better class of miners you will not find a cleaner set of working people anywhere, as he takes his bath every night and completely changes clothes from head to foot; but among the class that have been imported to northern Colorado I found the most insanitary conditions prevailing.

At the Downer camp there was no school at that time. There was one store, owned by the company, and the people had to trade there; the cost of living being about 40 per cent higher than in Denver or Boulder. They have what is known as the coupon book; when one gets an order at the mine office and takes the order to the store he gets a coupon book; if he needs any cash between pay days, as most do, he could get a coupon cashed for 75 cents on the dollar at the store. I know this to be a fact, as I was short of cash one time I had several coupons cashed. I found that the men were getting 200 to 500 pounds short weight to the car, compared to the time when there was a checkweighman of the United Mine Workers of America there.

The houses at this camp are simply shacks, as the company does not keep them in repair; the plaster had fallen off the houses that had been plastered, and the ceiling boards were broken and torn off the boarded ones; the glass

was broken out of many of them, and all were generally run down. But a splendid fireproof barn was put up for the company's teams and the grain. You know mules and feed cost the company money, but men—well, human lives are cheap.

I stayed at the Monarch mine about five weeks, as I found out after living there a few days that instead of $3 and board we were getting only $2.50 and board, because 12 had night work.

My family being in Denver and there not being an empty house in the camp, I quit there and went to the Industrial mine of the Northern Coal & Coke Co. at Superior, Colo.; the Northern Coal & Coke Co. not having sold out to the Rocky Mountain Fuel Co. at that time. Mr. F. J. T. McCormack was superintendent. I lived in the town of Superior for about a year, not moving inside the stockade until about the 4th of December, 1911; I will say right here that there were union men all around me and I was never insulted or bothered all the time I lived in the town of Superior and went to the mine one-half mile away through groups of union miners and was never molested.

I started to work in the mine as a miner, conditions at that time not being as bad as they became later; I was on pillar work, and having worked in the northern coal fields before as a union miner, I found that we were being robbed of about 500 pounds of coal to the car, the same or worse than I found at Monarch mine, No. 1; I found there was a great loss of cars to me through such as my check being taken off, and someone else putting their check on; to explain to those who do not know, each miner has a check number and when he starts as a miner or loader the weigh-boss gives him several iron checks, each stamped with a number; he hangs a check on each car he loads, and when his car reaches the top and is dumped, the dumper takes the check off and gives it to the weigh boss, who then marks the weight of the coal on the bulletin under his number; so it is easy to lose his cars because when they leave the place and are pulled to the parting, anyone can take his check off and put their own on and thereby receive credit for the loaded car. I lost nine cars one week and reported the matter to William Green, pit boss, and also to Pat Kilker, the weigh boss; they said they could do nothing; then I told Mr. McCormack, the superintendent, and he said he knew there was lots of stealing going on in the mine, but he could not prevent it; I suggested that he put the check hook on the inside of car as is done at several other mines, where it would not be so handy for these stealing cars, but he said it was too much bother for the dumper to take the check from the inside; of course it is no trouble for a miner to dig and load a 2,000 to 2,700 pound car of coal and then have some contemptible thief get his car. You may ask were these hooks not on the outside of car when the mine was being worked by union labor; yes; but there is a fine for the first offense and for second offense there is immediate discharge and loss of union card. Does the company discharge for that now? No; because I know of one case in particular where Mr. McCormack knew that a party had been stealing cars, but did he discharge the man? No; all he did was to take the number off of the thief's car and place it on the car of the loader.

If a man was heard to say he believed in unions or was in sympathy with them, he was immediately discharged and ordered out of the camp and sometimes beaten by the guards; this is true, as I have seen it done.

One guard named Tim Harvey, who was captain of the guards at the Industrial mine, was known as a notorious gunman, and was imported to the northern coal fields by the Baldwin-Felts people. Harvey had been a guard at Lead, S. Dak., and had earned a reputation of being a bad gunman and strike breaker, and it was such as he that was put in charge of the "bull-pens" to intimidate the men and women.

Life inside these places was almost as bad as being in prison; the gates were closed at 9 o'clock at night, and the order was to be in camp at that time; if one was out later than that, it was up to the jurisdiction of the guard on duty whether you could come inside or not; the guards at the mines were not invested with police power to commission of any kind, and yet they took on themselves, with the backing of the coal company, the authority of an officer of the law, and because they knew the company's money would come to the rescue; did things officers of the law would not do.

I started as mine guard at the Industrial mine on the night of November 20, 1911; during the previous night a nonunion miner was shot and killed by the night marshal of Superior; the facts developed at the trial were, that a nonunion man named Dude Seavey had quarreled with the union men of Superior,

and told them he would meet them at the depot that night and kill one of them before daylight; Night Marshal De Andy went to the depot as he had been doing for months past to meet the interurban cars; Dude Searcy was there also with his two brothers, Elmer and Jim; Dude started a dispute with the night marshal and pulled his gun; the marshal then pulled his gun and shot Searcy. The marshal was found not guilty, as he had killed Searcy in self defense; Searcy was found to be a fugitive from justice, having been picked up by one of the men who had been sent to Kentucky to inspect men; Searcy was then hearing from the sheriff of Kentucky. Most of the camps are made up of these kind of people.

After the shooting, the company hired two more guards, namely, Frank Gunnings and myself. Not caring to have my family in the town of Superior, I moved inside the stockade, or bull pen; I then began to see what the life of a scab was like in reality; we had to deal at the company's store, the same system being in vogue at the Monarch mine in regard to the coupon book, but the prices were even higher than at the Monarch mine. The company's store is known as the State Mercantile Co., and is owned and operated by the Rocky Mountain Fuel Co., said company having taken over the northern mines in November in the year 1911. If one refused to trade at the company's store, he would be discharged; a few people of the camp bought some groceries and dry goods in Denver, but had to steal them in, under cover of a trunk or suit case, and the guards had strict orders not to allow any peddler or vegetable men in the camp; in fact, anyone who had anything to sell that the company's store could supply, was refused admittance. The orders were given to me by Supt. McCormack, and we had to obey them.

Just a few weeks prior to the time I started to work as guard at the Industrial mine, the town board of Superior had taken the saloon license away from P. J. Keer on account of the trouble caused by the nonunion men in his place of business; these men would leave the stockade in groups and go to Keer's saloon, get drunk, and start back to the bull pen shooting, yelling, and cursing; it was almost impossible for the marshal and Sheriff Capp's deputies to do anything, and I want to say that Sheriff Capp should be highly commended for the way he handles the situation; if a nonunion man was arrested, he was taken before Supt. McCormack, and imprisoned or fined—McCormack was and still is the justice of the peace, also humane officer.

When the saloon was closed there was no trouble to speak of in Superior, but Mr. Keer bought a saloon in Marshal, because by doing so he could obtain a wholesale license which gave him the right to sell liquor in the camp; I have seen his wagon make five and six trips in one day carrying liquor.

Mr. Keer would allow a man as much liquor as he wanted provided he had money coming to him from the company's office, as it would be held out of his pay; I know a number of men who never drew a dollar on payday; all their money went for board and liquor.

At this time there were about 65 Bulgarians and Greeks, and about 100 Americans and Austrians in the camps; beer and whisky were sold in the camp without a license; men and women lived in polygamy, and Justice McCormack knew it.

About four months before I left, we had a new head guard, a man by the name of Robert Boykin, exconvict sent from Denver for robbery, murderer of the man who was killed sometime ago on Larimer Street; the same man herded scabs at Lead, S. Dak., and went to old Mexico with an expedition—but in reality to rob the churches as he told me; he was also known as the gambler. This is the character who was appointed as head guard of the camp.

Robert Boykin ran a poker game in his own home at the Industrial mine, and I have seen from 10 to 25 men in the bathhouse shooting craps from Saturday night until Sunday night, and poker games were being played in nearly all the batch shanties. Liquor was sold week days and Sundays. It was a common occurrence for a man to beat his wife. The guards would beat men with their guns. I have witnessed a man being kicked out of the mine office because of a mistake in his statement, said mistake being in favor of the company. I have seen a family—man, wife, and baby in arms—put out of the camp with but $3, and had to leave their furniture. Men were put out of camp for talking unionism. Vegetable peddlers were beat up for trying to find sale for their goods in the camp. A man had to borrow money to bury his dead baby, his money being tied up in the company's office unlawfully by Supt. McCormack. Men were urged by the guards to "smoke up" the union men's houses; one case I remember in particular, where a nonunion miner shot through the house of

Cooper Langagger with a 30-30 high-power rifle, he being furnished a gun and ammunition by Head Guard Jim Harvey. Harvey would tell the men to shoot through the guardhouse and blame the union men for it. These things were not unknown to Humane Officer, Superintendent, and Justice of the Peace McCormack.

I left the employ of the Rocky Mountain Fuel Co. in August, 1913, and since that time a number of the better class of people have left, conditions being so bad that they could not make a living.

God help you men of northern Colorado if you lose this strike and the company runs their mines "open shop"; you will lose your homes and will be worse than in peonage; you will have to live in the company's houses, having insanitary conditions, and pay high rents for same; you will have to trade at the company's stores; you will be owned body and soul by the company. You have put up a grand fight, and you will win if you stick, and the people of this great State will give you aid and sympathy, because you are fighting for what is right.

And you poor deluded scabs, why don't you get right while there is yet time to do so? You know you will have to go when the union wins their great fight, and win they will, because those in the right always win; it is only a question of time until the coal companies of the northern fields are through with you, and you will be thrown aside as a tool they have no more use for; you have seen it done in the past, and it will be done in the future. Will the company care whether you have a dollar or not? No. You and your families will have to go. You have seen how the companies kept their promise; you have seen men killed in the mine. Did the Rocky Mountain Fuel Co. bury them? Yes; but you paid the funeral expenses by taking up a subscription among yourselves and paid exorbitant prices for the same. Who had charge of these funerals? Was it the superintendent at the mine who paid it? Was it the company? No; it was you.

Can you get $1 of credit at the company stores if you do not have it in the office? No; you can not, and you know it. Then, don't you think it is time to help put your shoulder to the wheel and help make conditions better for yourselves and families and the coming generation, and not stay in slavery and put another there. I appeal to your manhood, if you have any, to help in this great fight. You know there is nothing on earth as contemptible as a scab; you still have time to get right; why not do it?

I have written this without compensation of any kind, because I want to try, in my crude way, to put before the people the true facts as I have heard them inside the "bull pen" and try and undo some of the wrongs I did while a scab, and to show the public the class that the companies have imported to take the place of men and women who are citizens of Colorado and who have by their hard work made homes for themselves and families. I believe it is due to organized labor to show these facts as I have found them.

CHARLES SNYDER.

(I have original.)

Mr. DOYLE. Form of report on people employed, discharged, and leaving generally used by the Evans Coal & Land Co. They were used pretty generally in the State, showing the effort to keep track of people:

EVANS COAL & LAND CO.,
Frederick, Colo., February 12, 1913.

Report on people employed, discharged, and leaving.

[Evans mine, Feb. 12, 1913.]

Name.	Register No.	Age.	Nationality.	Married or single.	Where family lives or his native home.	Where last employed.	Occupation.	Rate of wages.
Victor Edwardson	4-11	19	Am.	S.	Dakota	Slope	Water boy	$1.20

Report on people employed, discharged, and leaving—Continued.

DISCHARGED.

Name.	Register No.	Age.	Nationality.	Reason.	Instructions.

LEFT.

Name.	Register No.	Age.	Nationality.	Reason.	Instructions.

WILL FOX, Superintendent.

Mr. DOYLE. Statement pertaining to the methods used in the election in Huerfano County:

Vote in Huerfano tell of card system and holes in ballots. In the Walsen mine precinct, when some of the colored people came in to vote, the election judges would announce the names and hand them a ballot; this same thing occurred in practically all the nonunion camps; in Choco precinct, near Walsenburg, a Mexican woman came in and announced her name, and one of the judges told her that was not her name, and she voted under the name that the judge told her was her right name. In primary elections the printer scratches the dies which print the black spot on the ballot so that the judges are always able to tell whether a person votes on a Republican, Democratic, or Progressive ballot. Then the companies know who to work on before election day; if they are weak they can sway them the way they want them, and if they refuse to promise to vote the way the companies want them, they can fire them before election day and force them to move out of the precinct, so they will have no vote coming.

Mr. DOYLE. One statement and two letters pertaining to school tax, being checked off from the miners and not accounted for to the State superintendent of schools:

Statement of work done for the Alliance Coal Co., by Robert F. Lockhart, at Reliance mine, during month of August, 1913.

Deductions.		Earnings.	
Smithing		Tons at	
Doctor	$1.00	Cars at	
Collection, school	.25	10 days, at $3.13	$31.30
Hospital	.50	Days at	
Rent		Yards at	
Orders		Yards at	
Cash or check		Yards at	
Board		Room turnings at	
Powder and squibs		Coal checks	
Coal			
Coal check		Total earnings	$31.30
Subscription		Less total deductions	1.75
Total deductions	$1.75	Balance due	29.75

LA VETA, COLO., *October 16, 1913.*

MY DEAR FRIEND: I inclose my statement to show you that this school tax is no fake mind you if a man has 2 or more boys working the tax is the same 25 cts. each the doctor attends to the Railroad men for 50 cts. each but mind you he is also County Coroner with the usual verdict you no what that is we don' no where their are any hospital eather it is nothing more than a graft pure and simple.

Mr. Editor: The Kindom of Huerfano is going to make one of the greatest fights of its life to try and elect the Republican ticket as they see the hand writing on the wall the C. F. & I. and other coal co. is turning all their forces in Huerfano and Las Animas Countys as they see they are beat in all other Counties James B. Dick is not so strong as they thought with Park for Governor if you remember I. B. Dick was one of the senators that put Peabody in office over Adams and they are leaving no stone unturned to try and elect them so we will just do the best we can to deport them if their are an honest count of ballots they are beet and they no it well.

From an old timer

ROBT. F. LOCKHART,
La Veta, Colo.

I hipe to be able to see you when you get down here.

R. F.

Don't show the name on the statement without you have to.

R. F.

LA VETA, COLO., *November 29, 1912.*

Mr. JAMES DOYLE, *Denver, Colo.*

MY DEAR FRIEND: Your note of some time ago received would have answered it but I have been away trying to get something to do but failed as yet. Well I am about the school Tax the oakdale Coal Co. headquarters in Denver J. D. Jones Gen'l Mgr. 25 cts. from each empty in and around the mine school District No. 26 the Alliance Coal Co. Denver 25 cts. used to be $1.00 McDowel Gen'l Mgr. the same school District No. 26 the Big Four Coal and Coke Co. Mine at Fiega 25 cts. for single man 50 cts. for married men the no. of school district I don't no headquarters in Denver the Fiega mine at Sunnyside 25 cts. for single men 50 for married men their headquarters are in Denver I don't no the name of the management thier I will be down their this week and find out and get a statement from some of the men all the small mine are just the same when oakman was Governor the Victor American Co. and the C. F. & I. was called up before him and swore they did not no anything of this tax and when they were shone the statement they stopt taken it of and have never done it since but the small company has always done it and it amounts to several thousand dollars where it goes no one will tell I will inform you of the Doctors next time and say that they are unable to arganise the men in Huerfano to their has never been a district officer down here there are no use of a stranger going around here the companys things noes one when ever they see him and it is all off with him let them do their business right and they will come out all right get a man in here that no all the mines and the men and he will make this a union County before long there are no use of a stranger as he can do nothing as he is watched when ever he leaves the train.

Respectfully yours,

ROBT. F. LOCKHART,
La Veta, Colo.

Mr. DOYLE. Statement showing the death rate of miners, January 1 to October 1, 1913, also production of coal, number of men employed, number injured per thousand; also the same from September 30 to December 31 compared with the nine months preceding:

JANUARY 1 TO OCTOBER 1, 1913.

Number of men employed in the Colorado coal mines.	Number killed.	Number injured.	Killed per 1,000 employed.	Injured per 1,000 employed.
13,374	65	354	4.9	11.04

PRODUCTION JANUARY 1 TO OCTOBER 1, 1913.

Production of coal (tons).	Tons per fatal accident.	Tons per nonfatal accident.
7,[illegible],[illegible]	[illegible],[illegible]	27,711+

SEPTEMBER 30 TO DECEMBER 31, 1913.

Number men employed.	Number killed.	Number injured.	Killed per 1,000 employed.	Injured per 1,000 employed.
4,000	45 2 [1]135	100 2 [1]300	5.2+ 2 15.6	11.6+ 2 34.8

[1] For 9 months.

SEPTEMBER 30 TO DECEMBER 31, 1913.

Production (tons).	Tons per fatal accident.	Tons per nonfatal accident.
1,732,[illegible]	36,272+	17,324+

The coal-mine inspector has published his report for 1913, and on pages 5 and 6 will be seen the average number of coal miners employed in this State, the number of men killed in the mines, the number of widows and orphans left, the number of accidents to employees in and around the mines, and they are as follows:

Average number of men employed	12,871
Fatal accidents	110
Nonfatal accidents	354
Total	464
Widows left	51
Orphans left	108

Accidents resulting in personal injury and total amount of compensation paid to the injured and the relatives of the dead amounted to $33,502.62.

The above figures give a little more information than we were able to obtain under the old law, and it should be remembered that these figures are taken from the sworn annual reports of the mine operators.

If you work out the sum total of the compensation paid to the injured and to the representatives of the dead, it appears that John Doe and his associates have decided that the price to be paid for killing or injuring a coal miner averages about $72.40, which is the amount shown to have been paid for the 464 accidents.

Taking the average number of miners employed at the figures given, which is 12,871, and remembering that each of these men pay $1 per month for doctor and hospital, the yearly tax upon these miners amounted in 1913 to the sum of $154,452.

This sum was collected and administered wholly by the operators themselves. They employ all doctors (sometimes putting them as low as $75 per month), make all hospital arrangements, which arrangements (except in the case of the C. F. & I.) are entirely on paper.

No coal miner has anything to say about what doctor shall attend him; he has no voice in any such arrangement; his part begins and ends with paying his $1 per month.

Mr. DOYLE. Letters received from men working at various mines in southern Colorado prior to the strike and desires of men for organization:

DELAGUA, COLO., *Sunday, August 10, 1913.*

DEAR FRIEND: I got a job down here the only thing the Boss would was pick work with another fellow a Welchman. I guess it is the worst place in the mine. It is over two miles and a ½ from the mouth of the slop to the face. It takes nearly a hour to walk to work. They only pay 55¢ per ton and whair I am working the coal will not brake at all. It is the hardest pick work I ever done. It is nearly impossible to make anything at it. My Partner and the other three Welchman who are working here in the mine are going to Wyoming soone as they make a few more dollars. There is about four or five hundred men here. Outside men are mostly American. I think about 50 Japs. The rest are farmers such as Austrians, Slavish, and Mexicans, Greks and Italians, and they all no sava. Of all the places I ever was in my life this is the worst place I ever saw for an American to live unless he is a Boss.

I am sure I cant stand it here eny longer. In the first place I cant make wages. I and the three other Americans are bording at the Jap boarding house. Gee the Japs that swarm around here at night. The bath is a big squair box two ft. deep and 12 feet squair all the Japs, Greeks and Mexicans and all of us have got to wash in the same for they only fill the tub once. Last night one Jap with a lot of open sors on his body junped in the tub with the rest of us. Now I dont think a senceable white man would stand for this, do you.

N. B. after walking to Ludlow six miles, while I was writing this letter, I was watches By a man whom I think is a detective. I went out away from the buildings then one of the gards came around so I walked to ludlow. I dont know that am followed but will continue my letter and mail it here.

When I got to Trinidad I found the Victor fuel Co. office and asked if they needed eny miners. They said yes if I would go up I could get a job so up I went. When we got within a mile of Delagua a mounted Gard meet us and asked all of us a great lot of questions. Whair we were going and what for. Whair we come from. Whair we had worked. What our names are, if we could refer to our former employer.

AUGUST 27, 1913.

NUMBER FIFTY-TWO: Your letters of the 16th and 24th inst. received; have noted carefully what you have to say. Am kept very busy with the Denver end of the campaign.

I wish you would give the names of all whom you come in contact with, as well as postoffice address.

Guards are being placed on the mines at Lafayette, and all camps in the north, but it seems that the more guards they hire in the south, the more members the organization gains. Fremont County is doing splendid; El Paso County is securing new members; every camp in the south reports that the men are waiting for the call, but we advise against any out-brake on their part, until all efforts for a peaceful settlement have failed.

Help keep down any unnecessary strike call, and suggest to any whom you might hear talking such that they await the official call before making any brake.

I have not hear from "74" since I saw him in Trinidad.

Assuring you that everything looks bright, and thanking you for your promptness in reporting, I remain with kind regards.

Yours very truly,

"455."

TROGA, COLO., *August 24, 1913.*

4551.

DEAR SIR: I have got work at Big 4 Coal Mine. Started Weds. the 20th and doing fair but aint feeling extra good. The board isnt much good and the water is pumped from the mine. I could get board at a private house but the Super. said, or told my Partner that if we worked there we had to board at the Co. boarding house. We pay 28 per mo. The wash shanty could be kept cleaner. We have to lay our own rails. The cars we load look like two ton cards. We get 30 to 32. I believe we get 5.00 lbs short. The Boys say if you want to hold ajob here keep your mouth shut about union. It looks like

a man aught to free to talk about what he pleases & discuss any matter he wishes but I guess you cant here but all the Boys seem to be union men. Hoping that everything turns out for the best I remain respectfully yours

74.

TOLLAN, COLO., *August 30, 1913.*

DEAR SIR: Herewith I notify you that we arrived at this camp one of the "Rocky Mountain Comp" and got the work. We will start on Monday the 1st of september. We found out that five men were fired yesterday and they have to leave the camp today, because they were Union men and were talking about strike.

Yours truly,

82.

WALSENBURG, COLO., *August 24, 1913.*

No. 455: Will drop you a few lines today. Have been staying around Tioga the last few days and Big four also. Most all the mines layed of Sat. afternoon on account of Elks Convention at Walsenburg. In and around Tioga Camp unionism is quite openly expressed while same are quit and dont say much I should judge about 75 to 85 per cent are only waiting to be called out and are ready to lay down there tools. Most diggers claime they are getting very short weights. The Big four compel all single men to board at ther boarding house whitch is very bum most of the time. The dinner pail they dont fill is a poor lunch. Friday they only put in the dinner pail two fat meat sandwiches and a piece of poor rhubarb pie and a little green apple. All the Boys Kicked. But its take what they give you or leve the Camp. They worked 8 hours. The wash house is fair but not sanitary.

I dont know if the Boss will let me stay and got to Work Monday or not. He uses me very cool at times. I came down to Walsenburg to day to see if there is eny mail for me but I havent got a bit of mail sence I am down here. Perhaps none was sent to me. I will go back to Tioga tonight. Supose you better write me at Walsenburg if you have Occasion to. If you wire me, I will be at Tioga for a couple days. When I am in Walsenburg I stay at the Oxford Hotel. I got a letter from you two weeks ago in answer to Delago. Dont know or cant think of eny thing more of imporence.

With best wishes for success I am as ever

No. 52.

SUPERIOR, COLO., *September 18, 1913.*

DEAR SIR: The Conditions in the Mine are bad in turning a room there is not extra pay for it. Setting up timbers is the same thing. 6 cents per inch per running yeard for brushing in soap stone stone buttom, the cards weight from 20 to 26 cuts, there is always plenty of smoke in the mine, for the men shoot any time of the day they get ready, no air to speak of and in some places in the mine every time a man shoots about 2 feet of rock come down with the coal and no extra pay for loading it out. The men lay their own track and it is awful hard to get rails around this mine and in some parts of the mine the rooms are in 40 feet and not a timber in sight and when the boss comes around he never tells a man to set up a timber and the men wont do it because they do not like to do all that work for nothing and also along the entries the rock is loose and no timbers. The switches and frogs are not laid right and the loaders have to lift them on and when the driver gets a car of the track along the entry close to any rooms cuts of his mule and leaves the car there for the loaders to put on or not load any more. There is 21 Austrians here all ready when the word is said. Some of the men here can't make enough to pay up their board. The biggest part of the men here are ready also with the others. The Bulgarians are also kind of pulling for the right side. I happened to get into a conversation with one to-day that could talk our language pretty fair and he said there was 15 of his country men organized. Well as I have no more to tell you about the situation of the thing I will now end.

Yours truly,

No. 64.

WALSENBURG, COLO., *September 6, 1913.*

I am still hanging on to my job and doing fairly well.

The mine where I work has very poor conditions. The coal is about 3½ ft. high and solid shooting. There is about 2½ to 3 ft. of the main body and then there is a seam of dirt that runs from 10 to 16 inches thick and under that there is from 6 to 10 inches of coal. The miner has to handle all that rock the width of his place for nothing. They don't weigh coal at all. They pay 65¢ a car and the car must be level full or the miner is docked from 5¢ to 25¢ and if there should happen to be a little dirt in the car, he is docked for it. The allow 6¢ a car at the mouth end to every body for the rock they handle. So if a man has lots of rock and loads less coal he gets less pay for handling the rock. Where a man with a small seam of rock and loading lots of coal gets good pay for rock. A keg of powder cost $2.25 and it will knock out from 12 to 20 cars and they pay $1.00 a yd. for entry work and $1.50 per yd. for cross cuts.

I will inclose a few names of fellows I met while running around. Wm. Sheeley of Lafayette is at the Solar mine but his post office address is Walsenburg. Gene Thorne is at the Ravenwood his P. O. address Walsenburg.

WALSENBURG, COLO., *August 30, 1913.*

I am in WalsenBurg agan. left Tioga yesterday. I was at Big 4 working. Thursday night 2 thirds of the men at Big 4 and Tioga were about ready to quit on account of some reports they had got from WalsenBerg from some strange men who were there in the day some time. They told some body up there that the union is going to call every miner out the first of Sept. and that the Park and other ground had been leased here and that hundreds of tents were ready to put up. so I quit up there and come down. I got your letter and found out all I could and phoned up to some of the Boys and told them to stick to there jobs and not to get excited for there is still a good show for setteling up with the Company without being called out of course I was carefull how and what I said. I left Tom up there working. He running a machine. I had a poor job working in Black lamp a good deal but was to get $3.25 per day as they had Been paying for for day work when I got my time at the office. The Superintendent turned my time in at $3.00 per day. I was at the boarding house not quite 8 days and they charged me $3.25. When I called at the office for my time they—the clerk—gave me a time check but no statement. I told him I must have a statement. They seemed very much surprised and said if I must have one they would have to make one out. I insisted and they gave me one. Now I will send it to you. The 10¢ on the statement is for a little Book of Mineing Laws of Colo.

The diggers are complaneing of being robbed all the time. I am certain 74 wrote you last week or first of this week. I read your letter with much interest and will try to attend to all.

As ever,

No. 32.

Mr. DOYLE. Copy of letter dated October 9, written to Gov. Ammons pertaining to information received that machine guns were being imported into the State.

OCTOBER 9, 1913.

To his Excellency the GOVERNOR OF COLORADO.

HONORABLE SIR: It has come to the knowledge of the undersigned that four pieces of rapid-fire field artillery known as Gatling guns have been purchased by one of the coal-mining corporations, whose miners are now on strike. That these death-dealing engines of civil war are now on their way to the coal fields of southern Colorado. That the company above referred to has arranged to utilize the services of an officer of the Colorado State Militia, who is also an employee of the coal company, in the operation and use of these field guns. Now, Governor, inasmuch as the skill and training in the use of these guns possessed by this militia officer was given him by and at the expense of the State of Colorado, and by officers of the United States Army at public expense, therefore, we, the undersigned, do solemnly protest against the use of the skill by a private corporation to murder the citizens of this State on strike for their common rights of man, and for the privileges guaranteed them by the laws of Colorado. Such guns as these mentioned can only mean civil war by

private power; and we protest against the use of skill and training developed and paid for by this Commonwealth being used by modern representatives of the middle-ages private-warfare barons.

We ask you as governor of Colorado to insist that no private use of State paid for skill shall be tolerated in this industrial conflict. We ask you as governor of Colorado to insist that this is an industrial not a military conflict, and if the operators by the power of hunger can not starve into submission, they shall not with privately owned Gatling guns use State and Federal trained military men to destroy us.

Signed by,

POLICY COMMITTEE.

Mr. DOYLE. Copy of statement concerning the shooting of John Ure, Forbes, Colo.:

JOHN URE AND HIS TENT.

John Ure, of Scotch birth, 63 years of age, a miner for 33 years, was employed at Forbes mine, Forbes, Colo., at the beginning of the present strike, at which time he joined the strikers and moved into a tent furnished by the miners' union. While standing in front of his tent on the afternoon of October 17, 1913, a mine guard approached the tent colony, carrying a flag of truce with him. Upon arriving at the tent colony he was met by a group of men and he asked them if they were strikers. They informed him that they were. He stepped back and dropped the flag, at which signal the rapid machine gun, mounted on a steel-bodied automobile, on the public highway some 300 yards from the tents, commenced firing at the strikers. Shooting started about 2 o'clock p. m. and continued until 5 o'clock p. m. Ure took refuge under the cot in his tent, and it is a miracle that he was not killed, as the tent has 147 bullet holes in it, and the furniture—every dish and cooking utensil—bears evidence of the shots fired by this Gatling gun.

Mr. DOYLE. Document issued by the United Mine Workers at the time of the Whitford injunction cases, entitled "Put The Scales Back," pertaining to the scales falling from the courthouse when the miners were unjustly sentenced:

Why did the scales of justice fall from the hands of the goddess of liberty on the dome of the Denver courthouse and crash to the roof below just after the 16 miners were sentenced by Judge Whitford to one year in jail on December 23, 1910, for violating his injunction?

The right to trial by jury was denied by Judge Whitford, notwithstanding the following provision in the Revised Statutes of Colorado, 1908:

"*Provided*, That in all cases where the alleged contempt is not committed in the immediate view or presence of the court or judge, the person arrested may upon demand therefor be tried by a jury."

A civil contempt was held by the same judge to be subject to punishment by imprisonment.

The same statute provides: "Upon answer and evidence taken the court or judge or the jury in cases tried by the jury shall determine whether the person proceeded against is guilty of the contempt charged, and if it be determined that he is guilty of the contempt a fine may be imposed upon him not exceeding $500."

Upon whose affidavit were the respondents, the miners, brought into court for alleged contempt?

One of the affiants said that several of the names in his affidavit should not have been there, and he did not know they were there, and some of them were written in without his knowledge; Mr. James H. Blood, attorney for the operators, then stated that he drew the affidavits and was responsible for the allegations therein made and he only thought the affidavits were sworn to by the others.

John Cassidy is in jail with a $250 fine for contempt, because as town marshal of Lafayette he attempted to arrest A. C. Felts, of the Baldwin-Felts detective agency, who was imported from West Virginia to break the miners' strike.

Andrew Hart left Colorado November 15, 1910, for Iowa; returned to Colorado March 25, 1911; was never served with summons or the injunction writ. He is in jail and fined $500 for contempt for violating a writ when he was out of the State during all the time the proceedings were had.

The same is true of George Wiseman.

Edward L. Doyle is serving one year's sentence in jail for writing two articles published in the Mine Workers' Journal, the official paper for the United Mine Workers' organization. These articles were published March 2 and April 15, 1911. The contempt proceedings referred to had been disposed of in the supreme court and were not pending. Doyle said, "This judge, who refused us a jury trial, had the nerve to ask that a grand jury be appointed to investigate the charges of bribery made against him. He dared to ask for a jury trial, and but two months before had refused 16 men that right."

These articles were a criticism on a matter disposed of by the court and not pending, and also pertained to the impeachment proceedings.

From the evidence introduced at the proceedings the remaining respondents were sentenced because they belonged to a union and were loyal to the organization.

All of these respondents were compelled over their own objections to testify against themselves where they had been charged with a criminal offense.

"That no person shall be compelled to testify against himself in a criminal case." (Colorado constitution.)

The following words were used in a criminal case by attorney for the defense (The People v. Beckenstein) before Judge Whitford: "If your honor's ruling is the law, then it is not justice; it is barbarism, and no man can successfully defend himself, his liberty, or his good name when it is attacked in this way by the prosecution."

Among other grounds urged for new trial in the Henwood case, recently tried before Judge Whitford, the following are mentioned by Attorney John T. Bottom: "The bias and prejudice of Judge Whitford against all persons charged with crime make it impossible for him to give the defendant a fair and impartial trial."

One of the leading prosecutors in the district attorney's office for Denver stated in the presence of Judge Whitford, "O don't call Judge ——— to try a criminal case here, because we have to prove everything beyond a reasonable doubt before him." Judge ——— was not called.

In a former contempt case on December 23, 1910, Judge Whitford stated that the evidence was very conflicting, and evidently some one had not told the truth and proceeded to sentence the 16 union miners to a term in jail for one year on such conflicting evidence.

[Extracts from the Rocky Mountain News.]

Henwood to Judge Whitford:

"Judge Whitford, I am not surprised that I am here for sentence before you after the attitude you have taken toward me since this trial started.

I have seen criminals, innocent men, and others afraid to come before you, because you hold the reputation of being a prejudiced judge, a biased judge—a man with a mind for just one thing, and that is conviction. A man is guilty before he enters this court room in your estimation.

"My idea of a judge is that he is fair and just to both sides. I never had that justice from you. Judge Whitford, from my observation it does not make a bit of difference how young a life is or how old, whether man or woman, your one thought is and always has been conviction. You have been a prosecutor all your life and you know nothing else; it is like a kleptomaniac with you."

The court:

"The feeling concerning the man now on the bench—of course you are surrounded in jail with 14 men—miners—that I recently sent there and occasioned much public comment.

"The law is that it must be proven beyond a reasonable doubt that defendant is guilty of a criminal offense, and it seems that these miners were looked upon as criminals without the benefit of the rules of evidence."

The Daily Herald of Boulder (Republican) in a recent editorial said:

"Sticks and stones will break my bones, but words will never harm me." And continues by saying that the extent of the damage done to the coal company was measured by this verse, but that the damage to a judge's feelings was measured by one year in jail and $500 fines, aggregating $8,000 and costs plus jail commitments, until this "enormous balm of Gilead" for injured feelings could be paid.

The Boulder County Miner (Republican) is quoted from below, for the reason that heretofore this paper has been unrelenting in its attack on the union:

"Constituted as is mankind, it would be a cause for wonder were there not bitter, wordy disputes growing out of the present strike, and hot words often lead to blows, and no doubt in many instances during the present difficulty what was only a personal affray has been magnified into a riot, involving a battle between union and nonunion men. In such instances we believe that the officers, while doing all in their power to prevent clash, should deal impartially with the offenders, and only where deliberate violations occur or cowardly assaults are made should the offenders be punished to the full extent of the law. All honor to the many good men and true who, bearing the full share of the burden and believing in the righteousness of their cause, have persistently and consistently thrown the weight of their influence in favor of law and order."

The following is taken from the Daily Camera (Democrat) published in Boulder:

"Judge Greeley W. Whitford has become an instrument of good for the people of Colorado which can not be overestimated. The people were in doubt, and the interests were teaching them that recall of judges would be a bad thing; but the people have been reading reports of proceedings in Judge Whitford's court, and the more they read the more firmly are they convinced that judges need recalling, as well as any other officers who abuse their powers. As George III's obstinancy gave the world its greatest Republic, so some judges' services to the interests promise real rule of the people and freedom from judicial tyranny.

"In sentencing the miners now in jail Judge Whitford made use of the following amazing statements:

"'Idleness begets lawlessness. Here is organized refusal to work. Bitterness and animosity are in the breast of each against those who do the work. This must be remembered as a general condition in the place when we examine the evidence and determine the falsity or truth of the charges; declarations have been made by members of the union that they will yet win the strike, despite Judge Whitford's orders. The declarations have come from those high in the councils of the union.'

"From this it appears that it is a crime to strike and that the injunction writ was issued not to protect the property but to defeat the strike. The highest court in the State of New York held recently that a strike was legal; that organized labor was essential and had brought the laboring man from a position of degradation to one of honor, respect, and citizenship. If the injunction was made to defeat the strike, then has the court become the tool of the operator and the antagonist of organized labor.

"Proceedings of attachment have been issued by the Denver court against the homes of 13 of the imprisoned miners in lieu of the payment of the fine imposed upon them by Judge Greeley W. Whitford."

Mr. DOYLE. An appeal to the miners of district 15 just prior to the strike, but the policy committee of the organization quoting the law guaranteeing to them the right to be a member of that organization or any organization:

AN APPEAL TO ALL MINE WORKERS IN DISTRICT 15.

To the Mine Workers of District 15, U. M. W. of A., Greeting:

This is the day of your emancipation. This is the day when liberty and progress come to abide in your midst.

We call upon you this day to enroll as a member of the greatest and most powerful labor organization in the world, the United Mine Workers of America, an organization numbering more than 400,000 members, operating in all the coal fields of the United States and Canada.

This organization since its inception has increased wages more than 100 per cent, has established the eight-hour workday, secured better mining laws, and made it possible for its members to enjoy freedom and protection from corporate tyranny and oppression.

It has advanced the interests of its members in a hundred different ways and has brought sunshine and happiness into thousands of homes. This great movement now enters your district, which is the only one in the West yet unorganized, and we enter it with the firm determination of remaining here until every mine in the district is working under union conditions.

We feel sure we have your support. We know that for years you have op-

pleted to us to help you. Now we are answering your call with all the power and all the wealth of our great union.

We ask you to join or help organize a local union at once, if none exists in your locality. We ask you to help lay the foundation of the splendid movement we are building in this field. Do not delay a moment, but make haste to join your fellows and help win the victory.

The law of Colorado protects you in your right to belong to a labor union. It reads as follows:

"LABOR UNIONS.

"*Unlawful to interfere with or coerce.*—That it shall be unlawful for any individual, company or corporation, or any member of any firm, or agent, officer or employee of any company or corporation to prevent employees from forming, joining, or belonging to any lawful organization, society, or political party, or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company, or corporation because of their connection with such lawful organization, society, or political party." (Sec. 2801, vol. 3, M. A. S.)

"*Misdemeanor—Penalty.*—Any person or any member of any firm, or agent, officer, or employee of any such company or corporation violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $100 nor more than $500 or imprisonment for a period not less than six months nor more than one year, or both, in the discretion of the court." (Sec. 2801a, vol. 3, M. A. S. Sec. 1 is on 2801r.)

If you are discharged for exercising this legal right we will begin court proceedings against the offending company and will pay you strike benefits from the moment you quit work. For further particulars consult the men in charge of our offices at Trinidad, Walsenburg, Florence, and Aguilar.

Yours, for unionism,

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN MCLENNAN,
E. L. DOYLE,
Policy Committee Representing District 15, Mine Workers.

Mr. DOYLE. Copy of statement issued by policy committee to the press, under date of August 26, 1913, pertaining to statements being issued through the country that were not correct:

To the Press: AUGUST 26, 1913.

Many statements have been issued to the public, some of them utterly unwarranted and without foundation, to the effect that the miners are asking for an open shop in southern Colorado. This is so ridiculous that were the situation not so critical it would be a joke. The miners of southern Colorado have had what the operators term an open shop, for many years. They have had the open shop and the armed-guard system until it has become so unbearable to them that they have, after trying in vain for many years to have the statutes of the State lived up to, appealed to the United Mine Workers of America to assist them in gaining that which is the right of every free man in this country, the right to join the union of their choice; the right of free speech; the right of collective bargaining and the right to employ representatives to assist them in getting higher wages; better and more sanitary conditions; the right and opportunity of an education for their children; the privilege of demonstrating that the highest type of citizenship is not produced through espionage, by men, women and children being constantly placed under surveillance of ex-convicts and imported gunmen.

Statements have been made that the miners' representatives will not insist upon the recognition of the union and that they are only asking several unimportant concessions. This is absolutely untrue. Another statement has been made to the effect that Frank J. Hayes, international vice president of the United Mine Workers of America, who is in charge of the Colorado situation, has expressed views not held by other members of the policy committee. This is absolutely false. We desire to state that Mr. Hayes was sent to Colorado to take charge of the situation here upon our personal request and was

selected by us to act as the one member of the policy committee to give statements to the press, and every statement made by him reflects the sentiments of the committee and the Colorado miners.

Realizing as we do the sad necessity of a strike of the coal miners of Colorado at this time and that the public is oblivious, by virtue of their position, the greatest sufferers, also that the business interests must not be overlooked, and that the interests of the State should not be forgotten, we are determined to exhaust all honorable means in an endeavor to bring about a settlement before the strike order is issued.

We are for Colorado; we are for good citizenship; we are for the enforcement of the law; we stand for justice. We hope the situation may be cleared up without a strike and that the disgraceful scenes of years gone by that have placed a blot upon the fair name of Colorado will never be enacted in this State again.

Policy committee:

JOHN R. LAWSON,
International Executive Board Member.
JOHN MCLENNAN,
President.
H. L. DOYLE,
Secretary-Treasurer, District 15, U. M. W. of A.

Mr. DOYLE. Extract of advice given by myself pertaining to picketing in the northern Colorado coal fields:

[Extracts from advice given to officers and members of local unions No. 1248, D. 15, U. M. W. of A., Lafayette, Colo., by H. L. Doyle, secretary-treasurer District No. 15, U. M. W. of A., October 2, 1913.]

Sheriff Bonser being unable to attend this meeting to-night, as he had intended to, left word with the secretary of this local union to the effect that it was his desire that I explain his position relative to the orders issued from his office prohibiting members of this organization from picketing, and having a conversation with him in the Denver office to-day, I will state in a brief way his stand in this matter, after which I shall explain the position of the organization and advise you along the lines I think proper to follow during the life of this strike.

Mr. Bonser informed me that he is acting under the advice of Gov. Ammons, Attorney General Farrar, and District Attorney Curtose; they based this advise on the antiboycott law of the State of Colorado, which prohibits picketing of all forms. He further stated that his one desire was to serve the people as sheriff of Boulder County and prevent any lawlessness, and that he had learned that the only way to prevent trouble was to stop the parties meeting, especially with men who are shipped in to act as strike breakers; that if the miners or their committees had a right to go to work or to the mines to induce men to cease working, the fuel companies would insist that their guards be permitted to come to such places with arms to escort these men to work, and the consequence would be trouble. He said in substance:

"I am endeavoring to prevent such trouble, and if you people are of the opinion that this is denying you any rights as citizens, I wish you would have it decided in the courts; I am willing as sheriff of Boulder County to be governed accordingly."

This is practically the sheriff's position in the matter of picketing, and I think he wants to be fair and just to both sides, and in answer to this I told him that I expected to visit you people to-day, and that I would attend this meeting to-night, for the purpose of advising you as to how you should be governed with reference to your picketing committees; and while the sheriff no doubt believes that the advice given him is correct, I am of the opinion and will hold that opinion until ordered to do different by the courts; that our right to do peaceful picketing and use every peaceful and lawful means to prohibit men from taking our work at the mines, or to influence them to join the organization after they have secured work in the mines, is a right that we can not be denied; even a sheriff's or governor's office should not deny us that right, and if they deem to do so, as indications are they are going to, my advise is that we ignore their orders and exercise our rights as citizens to use all peaceful and lawful means to accomplish our desired end.

I am going to ask you men to-night to appoint committees, say, two or three men, to meet incoming trains and picket the various places where men can be

met and talked to, and to explain to these men why we are striking and the reasons why we are entitled to all that we demand; explain to them why it is necessary to have an organization and make every effort to have them assist our cause by refraining from working in these mines.

The deputy sheriffs, I understand, have already ordered our picketing committee away from the station and other places; if that is the case, they no doubt will endeavor to stop your committees, and if they do, my advice to you is to refuse to stop picketing, and if the deputy sheriff or the sheriff sees fit to arrest you for violating his instructions, submit to the arrest peacefully, notify the district office, and we will see that proper legal steps are taken to protect you in all your rights; do not be afraid to go to jail for a short time, if you have to, and in all cases refrain from using loud, boisterous, or profane language. Let reason be the weapon with which you fight.

The law under which the sheriff is now acting is the antiboycott law, which the legislature repealed at the last session and which Gov. Ammons vetoed. Aside from this there is a clause in the blacklisting and boycotting law of this State which says that you have a right to persuade men from taking your work by peaceful picketing; and even if this were not a law your natural right as a citizen, your right under the State and National Constitutions would permit you to do this. Again, in the case where the Rocky Mountain Fuel Co. made application for a Federal injunction in October last, Judge Lewis plainly said, in rendering his opinion and in denying the company an injunction, that you have a right to picket peacefully and persuade men to join your organization or refrain from acting as strike breakers. This decision was one of the most sweeping ever handed down from the Federal bench; even the newspapers of the country were silent, evidently afraid to make known to organized labor the decision of such importance to it. Now, in the face of the fact that a Federal court says we have this right, that a Constitution of State and Nation gives us this right, are we going to, as members of organized labor, submit to the wishes of either the district attorney or attorney general, or even the governor of the State, and comply with a law that even the legislature said should not be on the statute books and made an effort to repeal—a law that one man, the governor of the State, said should not be repealed? No; if you accept my advice you will exercise your rights and take the consequences. Every right that we as citizens of this country have was fought and paid for in the blood of the citizens of this country, and we should not permit any of these rights to be denied us even if we have to fight people to maintain them; this we do not want to do, therefore we will fight to the highest court of the land to protect that right, and it will be sufficient time to protect by war—civil war—when the last court of the land denies us the right guaranteed us by the Constitutions of the State and Nation.

I have hopes, however, that we will not have to go very far in the courts before our rights will be fully recognized.

Mr. DOYLE. List of districts in which the United Mine Workers are working, whether they have agreements in those districts or not:

The United Mine Workers of America, with a paid-up membership of 415,141 December 31, 1913, is divided into districts, as follows:

Pennsylvania; working under agreement.

District No. 2. Pennsylvania; working under agreements with the coal companies.

District No. 5. Pennsylvania; working under agreements with the coal companies.

District No. 6. Ohio; working under agreements with the coal companies.

District No. 7. Pennsylvania; working under agreements with the coal companies.

District No. 8. Indiana; working under agreements with the coal companies.

District No. 9. Pennsylvania; working under agreements with the coal companies.

District No. 10. Washington; greater part organized and working under agreements.

District No. 11. Indiana; working under agreement with the coal companies.

District No. 12. Illinois; working under agreement with the coal companies.

District No. 13. Iowa; working under agreement with the coal companies.

District No. 14. Kansas; working under agreement with the coal companies.

District No. 15. Colorado; greater part organized, and has a number of mines working under agreements with coal companies.

District No. 17. West Virginia; organized and working under agreements with coal companies.

District No. 18. British Columbia; organized and working under agreements with coal companies.

District No. 19. Kentucky; partly organized.

District No. 20. Alabama; partly organized.

District No. 21. Arkansas; organized and working under agreements with coal companies.

District No. 22. Wyoming; organized and working under agreements with coal companies.

District No. 23. Kentucky; partly organized.

District No. 24. Michigan; organized and working under agreements with coal companies.

District No. 25. Missouri; organized and working under agreements with coal companies.

District No. 26. Nova Scotia; partly organized.

District No. 27. Montana; organized and working under agreements with coal companies.

District No. 28. British Columbia; greater part organized, some mines working under agreement.

District No. 29. West Virginia; organized and working under agreement.

Mr. DOYLE. Copy of letter from the United Mine Workers' executive board that was sent here, dated December 1, 1914, or was, rather, brought here by a committee of that body, giving its reasons for advice to the miners pertaining to calling off the strike, which was called off on the 16th of this month:

INDIANAPOLIS, IND., *December 1, 1914.*

To the officers and Members of all Local Unions in Colorado, Greeting:

The President of the United States on September 7, 1914, submitted to us a proposition for the settlement of the Colorado coal strike and urged upon us its acceptance in the following letter:

"MY DEAR SIRS: I feel justified in addressing you with regard to the present strike situation in Colorado, because it has lasted so long, has gone through so many serious stages, and is fraught with so many possibilities that it has become of national importance.

"As you know, Federal troops have been in the State for the purpose of maintaining order now for a long time. I have been hoping every day during that time that some light would come out of the perplexities of the situation, some indication that the mine operators and the miners who are now on strike were willing to consider proposals of accommodation and settlement; but no such indication has reached me, and I am now obliged to determine whether I am justified in using the Army of the United States indefinitely for police purposes.

"Many things may come out of this situation if it is not handled with public spirit and with a sincere desire to safeguard the public as well as all others concerned; perhaps the most serious of them all—the feeling which is being generated and the impression of the public—that no one is willing to act, no one willing to yield anything, no one willing even to consider forms of accommodation.

"As you know, two representatives of the Government of the United States have been actively engaged in investigating the whole situation and in trying to reach a dispassionate conclusion as to what it is possible to do, in justice to both sides not only but also in the interest of the public. The result of their investigations and of their very thoughtful consideration in the matter has been the drafting of the inclosed 'tentative basis for the adjustment' of the strike. I recommend it to you for your most serious consideration. I hope that you will consider it as if you were acting for the whole country, and I beg that you will regard it as urged upon a time—I am sure you will feel—when everything should be done that it is possible for men to do to see that all untoward and threatening circumstances of every sort are taken out of the life of the people of the United States.

"Sincerely yours,

"WOODROW WILSON."

Our international officials sent the following reply to President Wilson:

"Hon. Woodrow Wilson,

"*President United States, Washington, D. C.*

"Dear Sir: With feelings of personal esteem, we reply to your favor of September 5.

"We have weighed well and thoughtfully both the sentiments expressed in your personal letter and the proposed tentative basis for the adjustment of the coal-mining strike in Colorado, the acceptance of which you urge 'with very deep earnestness.'

"We are profoundly impressed with what you say, and fully conscious of the fact that in submitting this basis of settlement you are actuated only by feelings of public concern and inspired by motives both lofty and patriotic.

"The organization which we have the honor to represent stands for industrial peace. We favor the establishment of right relations between employers and employees, to the end that strikes may be rendered unnecessary. Having proper regard for these aims, we sought in the beginning to avoid an industrial conflict in Colorado. We repeatedly asked for a meeting with the mine owners, with the object in view of entering into contractual relations with them, so that peace might prevail. Had this been done, we are confident that the awful industrial struggle which has been going on in Colorado could have been avoided; instead of bloodshed, bitterness, industrial strife, and economic waste, there could have been established throughout the coal fields peace, prosperity, and harmonious cooperation. It is our judgment that employers and employees, through their chosen representatives, ought to meet and settle their differences by mutual agreement. A direct working agreement, entered into in a friendly spirit, makes for abiding, permanent, industrial peace. This, we believe, ought to be done by the miners and operators of Colorado. However, we are mindful of the suffering and waste which this strike has thus far imposed, and the additional sacrifice which will be made if it continues.

"Feeling keenly therefore our responsibilities as the representatives of our organization, we accept your proposed basis of settlement of the Colorado strike, subject, of course, to the approval of the miners of Colorado. A convention of the representatives of the miners of Colorado will be held at Trinidad, Colo., Tuesday, September 15, at which time action will be taken thereon.

"We sincerely appreciate the personal concern which you have manifested in the Colorado strike. Speaking as you do in the name of all the people of our great Nation, we feel it our duty to respond to your earnest wish.

"We do so, therefore, as we trust in the true spirit of American citizenship."

In view of the President's earnest request that the strike be settled on the basis proposed by his mediators, and in accord with the sentiment expressed by us in the above letter, we immediately called a convention of the miners of Colorado, to meet in Trinidad, Colo., September 15, 1914, for the express purpose of permitting the men affected to pass. The delegates to this convention, by practically a unanimous vote, decided to accept the President's proposal, and the convention directed that the following telegram be sent to President Wilson:

"Trinidad, Colo., *September 16, 1914.*

"Woodrow Wilson,

"*President United States of America, Washington, D. C.:*

"The Colorado mine workers, in convention assembled, have carefully considered your proposal for a settlement of the Colorado strike, and after calm and deliberate thought have this day decided to accept the proposition you submit. The delegates to this convention convey to you their abiding faith in your integrity and your earnest and patriotic desire to be helpful in the present strike situation. Upon notice of acceptance of your proposition by the coal operators, we will immediately terminate the strike and return to work."

President Wilson immediately replied, as follows:

"Allow me to acknowledge the receipt of your telegram conveying to me the action of the Colorado mine workers, in convention assembled, and to express my deep appreciation. The action does honor to the convention, and the spirit in which the action was taken is a fine prophecy of the conclusion of the trouble.

"Cordially and sincerely, yours,

"Woodrow Wilson."

We were of the opinion that such action on our part would speedily terminate the strike, not thinking for an instant that the operators would refuse the President's plan of settlement, especially when this plan meant nothing more or less than the impartial enforcement of the labor and mining laws of Colorado and the appointment of an industrial commission by the President to see that such laws were enforced. In the refusal of the operators to accept the plan of settlement proposed by the President, and their insistence on a continuation of a system which stands for industrial chaos and anarchy, they forfeit the support, if they persist in maintaining this position, of every right-thinking, law-abiding American citizen.

When the operators refused to accept the President's proposal we entertained the hope that President Wilson would enforce his proposition by governmental action. After waiting for more than two months for some measure to be adopted by the President that would speedily terminate the strike, and receiving no definite word as to what his final action might be, we concluded to arrange a meeting with the President, and accordingly we met with him at the White House on Thursday, November 19. He informed us at that time that he was legally advised that he could not take over the Colorado coal mines and operate them under Government supervision and thus force a settlement of the strike in accord with the peace plan he had submitted. The President expressed deep regret that the operators had seen fit to disregard his wishes in the matter, and informed us he would do everything he could legally to bring about a settlement of the controversy. We requested that he make his position known as soon as possible, and so on December 1 we received the following communication from the President:

"The strike of the miners in Colorado which has now lasted for 12 months has attracted the attention of the whole country and has been accompanied by many distressing and tragical circumstances. The mediation of the Government of the United States was offered early in the struggle, but the operators of the mines were unwilling to avail themselves of it or to act upon the suggestions made in the interest of peace by representatives of the Department of Labor authorized by statute to serve in such cases. It became necessary to send Federal troops to the district affected by the strike in order to preserve peace; but their presence could of itself accomplish nothing affirmative. After long waiting, therefore, and the disappointment of many hopes of accommodation, I ventured, after taking counsel with representatives of the Government who had been on the field and made themselves thoroughly familiar with all the circumstances of the case, to propose a plan of pending agreement upon such terms and arrangements as might be made the basis for permanently satisfactory relations between them. The plan seemed to me obviously fair and sensible. The striking miners promptly accepted it; but the mine operators rejected it, saying in response to my earnest appeal that they objected to its most essential features—namely, the proposed arrangements by which differences might be settled by reference to a commission appointed by the President of the United States. I think the country regretted their decision and was disappointed that they should have taken so uncompromising a position. I have waited and hoped for a change in their attitude, but now fear that there will be none. And yet I do not feel that I am at liberty to do nothing in the presence of circumstances so serious and distressing. Merely to withdraw the Federal troops and leave the situation to clear and settle itself would seem to me to be doing something less than my duty after all that has occurred. I have therefore determined to appoint the commission contemplated in the plan of temporary settlement, notwithstanding the rejection of the plan by the mine operators, and thus at least to create the instrumentality by which the troubles and disputes may be amicably and honorably settled in the future, in the hope, the very earnest and sincere hope, that both parties may see it to be not merely to their own best interest but also a duty which they owe to the communities they serve and to the Nation itself to make use of this instrumentality of peace and render strife of the kind which has threatened the order and prosperity of the great State of Colorado a thing of the past, impossible of repetition so long as everything that is done is done in good temper and with the genuine purpose to do justice and observe every public as well as every private obligation.

"The Hon. Seth Low, of New York; Mr. Charles W. Mills, of Philadelphia; and Mr. Patrick Gilday, of Clearfield, Pa., have most generously and unselfishly consented, at my request, to serve as members of the commission. I owe to these gentlemen my own warm thanks not only, but also, I believe, the thanks of their fellow citizens throughout the country. They will place them-

selves at the service alike of the miners and the operators of the mines in Colorado in case controversy between them should in the future develop circumstances which would render mediation the obvious way of peace and just settlement."

This is the last word from the President, and in submitting this final proposition he emphasizes the thought that "both parties may see it to be not merely to their own best interest, but also a duty which they owe to the communities they serve and the Nation itself to make use of this instrumentality of peace and render strife of the kind which has threatened the order and prosperity of the great State of Colorado a thing of the past." In view of this urgent request, coming as it does from the Chief Executive of the Nation, we deem it the part of wisdom to accept his suggestion and to terminate the strike. In our opinion, to wage the strike further would not mean additional gain to our members.

We trust that this commission appointed by the President will meet with success and that all the operators in the State will come under its jurisdiction. The men who compose this commission are of national reputation and are citizens of high character and standing in their respective communities. If the operators reject the good offices of this commission, appointed in good faith by the President of the United States, upon their shoulders will rest the responsibility of any future trouble in the mining fields of Colorado. In taking this position and in terminating this strike, which has lasted for a period of almost 5 years in the northern coal fields and for more than 14 months in the southern coal fields of Colorado, we believe we are doing the best thing possible for the men on strike, who have suffered so long in order that justice might be done. We have spent an enormous amount of money in waging this struggle for justice and fair play in the mining fields of Colorado but have felt that it was spent in as noble a cause as it was ever given to man to espouse. We are not unmindful of the heroic struggle waged by the miners of Colorado since the strike began. It is with feelings of pain and sorrow that we recall the massacre of our men, women, and children at Ludlow. The sacrifices made, the privations endured, is without a parallel in the history of the labor struggles of America. Only those who have suffered grievous wrongs could endure such a prolonged conflict.

All lovers of liberty and believers in fair play between man and man must admire the heroic struggle of the Colorado miners against the great wealth and influence of Rockefeller and his associates. We believe that our people have not died in vain, and that the battle they have waged against such tremendous odds has aroused the conscience of the Nation, and that out of the martyrdom of our people will come the dawn of a better day for the suffering miners and their families in the coal fields of Colorado. May not this terrible conflict teach the citizens of Colorado and of the Nation that "government by gunmen" must cease? We express the hope that the President of the United States and the people of this Nation will see to it that constitutional government is enjoyed by the citizens in the coal fields of Colorado. We have made every overture for peace since the beginning of this conflict. We have repeatedly sought a conference with the mine owners only to be denied a hearing. We have repeatedly offered arbitration only to be ridiculed, and in the end 85 of our men, women, and children were murdered before the people of the Nation came to understand that the coal strike in Colorado was not a local or a State issue but a national issue of vital importance, involving civil as well as industrial rights. We feel that the President has so regarded it; that he has recognized the truth of the claims we have made; and that with the termination of this strike by the appointment of a permanent presidential commission of fair-minded men we shall find that the old-time oppression and tyranny will be no more, and that public opinion will compel the large operators of Colorado to deal justly with our people. And even though we now feel called upon to terminate this strike, due to untoward circumstances which surround us, we wish to say that our support and influence will ever be given freely to the mine workers of Colorado. We recognize no surrender and shall continue to propagate the principles of our humanitarian movement throughout the coal fields of Colorado. We advise all men to seek their former places in the mines, and those who are refused employment we shall render assistance to the best of our ability and shall provide every legal protection to those of our members who are being persecuted by the hirelings of organized greed.

In accordance with the above we recommend that a convention of the mine workers of Colorado be called to meet in Denver Monday, December 7, for the purpose of making known the meaning of the recent proposition of the Presi-

dent and for the further purpose of working out all the details in connection with the closing up of the strike; and, further, that a committee representing the international executive board shall attend the above-mentioned convention, and that they be given discretionary power to meet the exigencies of any situation concerning the termination of the strike that may arise.

Mr. DOYLE. Clipping from the New York Times of last week pertaining to the Rockefeller Foundation, which shows that they have on hand $100,000,817.

My reason for submitting that statement is because of the foundation which has been endowed by the same Rockefeller, whom the miners of Colorado have had to pay a greater price for the attempt to establish the industrial part of this—industrial liberty of this State.

"By the issuance of a statement it was announced at the Rockefeller offices yesterday, 26 Broadway, that Jerome D. Greene, secretary of the Rockefeller Foundation, had withdrawn temporarily from his activities as a member of John D. Rockefeller's personal staff and that Ivy L. Lee, executive assistant to the president of the Pennsylvania Railroad, would shortly take up his duties."

Of course, I read this to show that this is the same Ivy L. Lee who was press agent for the operators in the issuing of the recent bulletin, to get it into the record, to show that labor itself does not need to expect any benefits from the industrial relations benefit investigation that the foundation, I understand, proposes to make.

That the services of this man were used in Colorado at the direction of the Rockefeller interest for the purpose of thwarting justice in the industrial world in the State of Colorado, and that the services of such a man certainly could not be beneficial to labor in the outcome from an investigation in Colorado.

I also want to get into the record a statement concerning the Belgian relief work of the foundation that has been in the press from time to time. The Belgian relief work, which is no doubt done by that interest to get the public sympathy, while at the same time the interest from which this money was coming, or a great portion of it, was squeezed from those who work in the mines of Colorado; rung from the blood and sweat of the men, women, and children, even taken from the children too young to enter the mines.

That the Belgian relief work and perhaps a general investigation of the Colorado mine troubles would be taken up by this Rockefeller Foundation.

I would like to get it into the record, with the permission of the commission, that we don't expect to get any justice or any semblance of justice from any investigation that may be taken up by this foundation, because they are the same identical men who have taken from the miners and made them contribute to this investigation.

I find here in the list 140 names of different corporations in the United States where the bonds, notes, and stocks have been given as security or donated to the Rockefeller Foundation to be used in this Belgian relief work, so called. I find that among them there are $1,600,000 of the Colorado Industrial Co. convertible bonds, as I understand it, and as the Colorado Industrial Co. is one of the institutions of this State that is linked up with the C. F. & I. bunch, to claim that the $1,600,000 that is used to investigate a portion of it is used to investigate Colorado's industrial unrest, is simply an insult to the intelligence of the workers of this State.

I claim it is like a man being held up at night, and the robber meets him on the street next day and asks him to loan him the price of a meal.

I believe that it is not in sincerity that that foundation is going to investigate industrial relations. I think it is more to hide what has occurred than to do good for organized labor.

It refers here to John Rockefeller, sr., retiring from business activity. I want to mention that I read in the press the other day, during the investigation of this committee, that Rockefeller was present at Tarrytown some time last September, Rockefeller, sr., with others, and that he evidently has not retired from activity, and the investigation of the Rockefeller Foundation into labor conditions will not be such that we can expect any benefit from it.

I want to call your attention further that the hundred millions appropriated by Rockefeller for this Rockefeller Foundation, according to this report there were about six and one-half millions appropriated from that for service, and that after this appropriation being made, $3,930,817.19 is on hand now more than they had when it was endowed in the start. It would appear to me that even the accumulations, while I have not figured it out, have not had time to get up the figures, but according to the statement of the accumulated earnings

the interest on that $100,000,000 donated by the Rockefeller Foundation for this so-called uplift work would more than pay the increase asked by the miners of Colorado and thus have prevented the industrial unrest that existed in this State and would have prevented the loss of life on both sides which has taken place and which has brought disgrace to the State and Nation.

If we sincerely want to try to do what is right, and promote the well-being of mankind throughout the world, how can any association established by him who has brought so much on Colorado, how could he establish any kind of organization that was to promote the welfare of mankind throughout the world? How can he expect the world to believe this commission, or anybody to believe that he is trying to promote the welfare of mankind throughout the world, when he denies the simple justice to the men who toil in the bowels of the earth from morning to night? How can he expect——

Commissioner WEISSBROCK. I want to call attention to the fact that it is long past the time for adjourning, and we ask the gentleman just to confine himself to telling us what those documents are and let us read them for ourselves.

Mr. DOYLE. All right.

I want to offer in evidence a number of pictures.

(The photographs referred to were submitted by the witness, but are not printed.)

I want to offer in evidence first a picture of the funeral procession in the streets of Trinidad after the Ludlow massacre.

Another picture showing the caskets of the victims.

Another picture showing the C. F. I. wagon loaded with boxes of supplies, etc., to be delivered at the headquarters of the militia, showing that they worked in conjunction.

A picture of the machine gun used by the militia, showing the gun ready for action as was used in the month of April.

Picture showing the destruction of the tent homes of the miners who went on strike at Forbes, Colo., showing how their homes were ruined and torn down by the militia.

Picture of Ludlow before the fire, showing the tents clustered on the prairie.

Picture showing the ruins after the Ludlow fire.

Picture of the Black Hole, where the bodies of 2 women and 11 babes were burned up.

Picture of the armored automobile, containing machine gun and mine guards. This is the same automobile that traveled through the tented cities down there and created a reign of terror, shooting the people to death.

Black Hand letter received by Jack McQuarrie.

Picture showing the remains of Louie Tikas, the martyr at Ludlow, who was trying to maintain peace, and as the evidence has been given, was killed by the gunmen militia at Ludlow last April.

Picture of the remains of another miner, Robodino, I think his name is, killed on that day at Ludlow.

Picture of the remains of James Fyler, secretary Ludlow local union, also a martyr on that day, showing how his face was blown to pieces by reason of a bullet through the back of his head.

Picture of the little Snyder boy, 12 years old, who went out from the hole to get his mother a drink, and as the miners were in that locality, he was killed by a piece of lead. But had that been John D. Rockefeller, jr., when he was 12 years old, what a fuss would have been made in this country, and I claim that that boy who died that death is just as good as anybody, and that he to-day lies in an early grave.

Picture of a group of miners' children near the tent colony. These are the children who will be citizens of to-morrow, and unless the Nation's statesmen arise to the need of changing industrial conditions, at least realising them from the working people's viewpoint, that these children in years to come will be the strikers of Colorado or of this Nation.

Picture of the two boys, showing one of them in his father's overalls, having none of his own.

Picture of a mother and child, showing the anxious look on the mother's face.

Picture of two children.

I want to say that I appreciate, as one humble citizen, the opportunity of having this time before your committee, especially since the hour of adjournment has long past, because I feel I am speaking to the statesmen of the Nation, and I hope this commission will take such action to enact legislation that will

for all time to come stop such things as we have been going through with in this State of Colorado.

Chairman WALSH. At this point we will adjourn until to-morrow morning at 9 o'clock.

(At this point, 5.25 p. m., an adjournment was taken until to-morrow, Tuesday, December 14, 1914, at 9 o'clock a. m.)

DENVER, COLO., *Tuesday, December 15, 1914—9 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, and Harriman.

Chairman WALSH. The commission will be in order.

Is Mr. Snodgrass here? Take that chair, please, Mr. Snodgrass.

TESTIMONY OF MR. B. W. SNODGRASS.

Chairman WALSH. What is your name, please?

Mr. SNODGRASS. B. W. Snodgrass.

Chairman WALSH. What is your business?

Mr. SNODGRASS. I am superintendent of a coal mine.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. SNODGRASS. Since 1902.

Chairman WALSH. By what company are you employed now?

Mr. SNODGRASS. By the Victor-American Fuel Co.

Chairman WALSH. Please briefly state what you have been doing since you came to the State in 1902.

Mr. SNODGRASS. I came to the State when I was quite a young boy and went to school for a number of years.

Chairman WALSH. What was your first business?

Mr. SNODGRASS. I was employed three years in the Trinidad National Bank. After that I was employed for 10 years by the Colorado Fuel & Iron Co.

Chairman WALSH. In what capacities?

Mr. SNODGRASS. Well, most of the time in a clerical capacity. I worked at the coal mines for six years, and also worked in their general offices in Denver here for four years. I then went to the Victor-American Fuel Co. in 1905.

Chairman WALSH. In what capacity?

Mr. SNODGRASS. As clerk to the general manager. I worked in that capacity for a year and went then to the mines as assistant superintendent of the Delagua mine. That was in 1906.

Chairman WALSH. How long have you been superintendent?

Mr. SNODGRASS. I was assistant superintendent of the mine two years and have been since that time superintendent. I have been superintendent six years.

Chairman WALSH. Well, please state briefly your experience with the striking miners from the beginning of the strike until the battle of Ludlow.

Mr. SNODGRASS. Well, when the strike first began to be talked of I talked to nearly all of the men employed at that mine individually whenever I could talk to them. They did not seem to think there would be a strike. None of them seemed to want to have a strike. They did not want to go on a strike. They told me that they considered they were doing as well as they could do in the coal-mining business any place.

Chairman WALSH. How many did you talk to, would you say?

Mr. SNODGRASS. Oh, we had 500 men at that time and I talked to the greater part of them.

Chairman WALSH. You had 500 men at the Delagua mine?

Mr. SNODGRASS. Yes, sir. They seemed to be quite well satisfied with the conditions there, and up until three days before the strike became effective I do not believe—I did not believe that very many of them would leave us. I don't believe they were intending to leave. Two or three days before the strike some organizers or agitators came into the camp.

Chairman WALSH. What was his name?

Mr. SNODGRASS. Well, I am not positive, I did not see them. There were two or three, I was told, came in on Saturday night and stayed Saturday night and part of Sunday, and mixed around among the men, and on Monday returned, and when I saw some of the men I knew there was going to be a strike because they told me they were going to leave. They changed their minds very abruptly.

Chairman WALSH. How many went on strike from your mines?

Mr. SNODGRASS. About 200.

Chairman WALSH. Just about half that were there?

Mr. SNODGRASS. Yes—well, a little more than half, because during the last week before the strike probably 60 men quit; they did not wait for the strike; they did not want to be in it so they went away.

Chairman WALSH. What percentage would you say went out from the Delagua mine, what percentage of the whole, on account of the strike, went out immediately before, at the time or immediately afterwards?

Mr. SNODGRASS. Fifty per cent.

Chairman WALSH. Then it was just about half?

Mr. SNODGRASS. Yes; if you consider the number that quit a week or so preceding the strike.

Chairman WALSH. Now, then, after they went out at Delagua, what experience did you have personally?

Mr. SNODGRASS. Well, when they went out on a strike they went out very good naturedly; they were just as friendly when they were leaving as they had been previously, but when I met those men a week or two afterwards they had completely changed their actions; they were distant.

Chairman WALSH. How many of the men that went out from Delagua went to the Ludlow tent colony?

Mr. SNODGRASS. Nearly all of them went to the colony, went directly to the colony. Very few stayed at the colony; they did not like it there; and after they had been there a week or so, some moved to other places, to Trinidad, Aguilar, or other places where they could get houses; they did not like the idea of living in tents. I don't know just how many stayed at the colony, probably 50 out of the 250 stayed at the colony.

Chairman WALSH. Were you present when any violence took place on either side?

Mr. SNODGRASS. I was present when there was violence at our camp, at the Delagua mine.

Chairman WALSH. Just describe that, and please confine yourself to first-hand information, what you saw yourself.

Mr. SNODGRASS. All right, I will do so. We had trouble there on three different occasions.

Chairman WALSH. When was the first one?

Mr. SNODGRASS. The first occasion was on October 20, I believe; yes, on October 20.

Chairman WALSH. Just describe it, please.

Mr. SNODGRASS. The superintendent at the Hastings mine, which is located about 3 miles from our mine, telephoned me that there was a bunch of strikers coming up the canyon back of the camp from the Ludlow tent colony, presumably headed for our place, and I sent six men out to head those men off so they would not get to the camp. They came up the canyon to our reservoir——

Chairman WALSH (interrupting). Who were the six men you sent out? What official capacity, if any, did they have? Were they guards or sheriffs or what?

Mr. SNODGRASS. Yes; they were guards.

Chairman WALSH. Were they what were called mine guards proper or deputy sheriffs?

Mr. SNODGRASS. Deputy sheriffs.

Chairman WALSH. What date was that?

Mr. SNODGRASS. On the 20th of October.

Chairman WALSH. And you sent them where?

Mr. SNODGRASS. Over to our reservoir, which is about a mile and one-half from the camp.

Chairman WALSH. In what direction?

Mr. SNODGRASS. In a northeasterly direction.

Chairman WALSH. Proceed.

Mr. SNODGRASS. Before they got there these strikers had reached that point. We have a caretaker living at the reservoir with his family and he had seen the strikers coming. He had climbed up on top of the mountain to see if he could see any of our men around any place.

Chairman WALSH. Were the strikers armed?

Mr. SNODGRASS. Yes, sir.

Chairman WALSH. What did they have, small arms or rifles?

Mr. SNODGRASS. They had rifles. And when the caretaker got up on this prominent point the strikers saw him and began to shoot at him. He was not

armed. They shot at Mr. and also shot at his house and put several holes into his house where his family lived. When our men showed up on the scene there was a little shooting back and forth and the strikers went back down the canyon.

Chairman WALSH. Was there anyone hurt at that time?

Mr. SNODGRASS. No one seemed to be hurt.

Chairman WALSH. How were the guards armed?

Mr. SNODGRASS. With rifles.

Chairman WALSH. How many men were in the strikers' party, do you think?

Mr. SNODGRASS. I did not see them.

Chairman WALSH. How many were reported to you?

Mr. SNODGRASS. About 20.

Chairman WALSH. No one hurt that time and they went back up the canyon?

Mr. SNODGRASS. That is correct; nobody was hurt.

Chairman WALSH. Proceed.

Mr. SNODGRASS. Then, on October 28——

Chairman WALSH. October 28, 1913?

Mr. SNODGRASS. Yes; October 28, 1913, the strikers came up again. They came up from the same direction, and also a number came from the direction of Aguilar.

Chairman WALSH. How many were there that time?

Mr. SNODGRASS. There were about 150.

Chairman WALSH. Did you see them yourself?

Mr. SNODGRASS. I saw some of them.

Chairman WALSH. Your reports and all showed there was about 150?

Mr. SNODGRASS. That is what we thought, as far as we could see. They came within about three-quarters of a mile of the camp, and we had some men out to keep them from coming in. There was considerable shooting but nobody hurt.

Chairman WALSH. Did they come up a county road?

Mr. SNODGRASS. No; they did not follow any road.

Chairman WALSH. They came up the canyon?

Mr. SNODGRASS. Yes; they came up the canyon.

Chairman WALSH. How many men were engaged on your side in that shooting?

Mr. SNODGRASS. On that day? Twelve.

Chairman WALSH. Were they mine guards or deputy sheriffs?

Mr. SNODGRASS. Mine guards.

Chairman WALSH. How did you get the information that the strikers were coming up the canyon?

Mr. SNODGRASS. We had been telephoned the day before that they were coming and had been up all night getting telephone answers; and it was generally talked over the telephone from all sources—all night—that there was going to be trouble in the morning; that it was going to start at 5 o'clock, and it did start at 5 o'clock.

Chairman WALSH. Who, if anyone, directed or requested the deputy sheriffs to go down and meet them?

Mr. SNODGRASS. Well, I requested them to go.

Chairman WALSH. Who did you request, any particular one among them or all of them?

Mr. SNODGRASS. Well, I requested all of them to go.

Chairman WALSH. Now, then, was there anyone hurt in that scrimmage?

Mr. SNODGRASS. No, sir.

Chairman WALSH. You say it took place about three-quarters of a mile from your mine?

Mr. SNODGRASS. Yes, sir.

Chairman WALSH. That is, the Delagua mine?

Mr. SNODGRASS. Yes, sir; no one hurt.

Chairman WALSH. When was the next time?

Mr. SNODGRASS. The next time was on April 22; there had been fighting around Ludlow a couple of days.

Chairman WALSH. That was after the Ludlow attack?

Mr. SNODGRASS. Yes. They had been fighting at Ludlow from the 20th.

Chairman WALSH. You were not present at Ludlow then?

Mr. SNODGRASS. No, sir.

Chairman WALSH. Did you go there afterwards?

Mr. SNODGRASS. Not for several weeks afterwards.

Chairman WALSH. Tell us what took place on the 22d?

Mr. SNODGRASS. On the 22d of April we had been informed by a man in Aguilar that the strikers were coming up the canyon—that is, on the 21st we were told they were coming up the canyon and getting out onto the hills. I sent some men out on the hills to keep them from coming into the camp, and they stayed out all day on the 21st, and we changed them and sent some more men at night and they stayed out all night.

Chairman WALSH. The militia were there at that time, were they not?

Mr. SNODGRASS. Not there; there were none closer than Ludlow. We had about—we had 12 men out during the night of the 21st, and at——

Chairman WALSH (interrupting). Twelve guards?

Mr. SNODGRASS. Yes. And at 4.45 in the morning the strikers came up to within probably 100 or 150 yards of where some of our men were stationed.

Chairman WALSH. Within the canyon or on the road or where?

Mr. SNODGRASS. On top of the hill—no road at all.

Chairman WALSH. No road?

Mr. SNODGRASS. No, sir.

Chairman WALSH. Was it on your property?

Mr. SNODGRASS. Oh, yes; it was a mile inside of our land, where our men were stationed. A large number of strikers came up there and they engaged our men and there were several hundred shots fired.

Chairman WALSH. Were you present?

Mr. SNODGRASS. I was in the camp; I was not on top of the hill.

Chairman WALSH. How many men did you have there?

Mr. SNODGRASS. I had 12 on the hill that morning.

Chairman WALSH. Who were the 12 men you had there; do you remember their names?

Mr. SNODGRASS. I remember a number of their names.

Chairman WALSH. Were they the same 12 that went out before?

Mr. SNODGRASS. Some of them were the same.

Chairman WALSH. How many did you have altogether guarding the camp?

Mr. SNODGRASS. At that time we had 12 regular men, and then we had a number of men working in the mine who could be depended on to help in case it was necessary.

Chairman WALSH. How many?

Mr. SNODGRASS. We had 12 regular men; and then we had a number who were working in the mine on whom we call to help us in case of trouble.

Chairman WALSH. Now, were there any individuals among those men that were in command of the others, or did they all have the same authority, or how was that?

Mr. SNODGRASS. Well, of course, we had a man who was in command.

Chairman WALSH. Who was that?

Mr. SNODGRASS. His name was Vandevleur.

Chairman WALSH. Had any of these men, or how many, if any, had worked for your company before this trouble?

Mr. SNODGRASS. Before the strike?

Chairman WALSH. Yes; before the strike.

Mr. SNODGRASS. About half of them.

Chairman WALSH. In what capacities had they worked?

Mr. SNODGRASS. Some of them had worked in the store, some had worked at the mine as laborers or motormen and coal diggers.

Chairman WALSH. Who, if anyone, directed them to be commissioned, or asked them to be commissioned?

Mr. SNODGRASS. I asked them.

Chairman WALSH. Among the others, the other half that had not worked in the mines, where did they come from?

Mr. SNODGRASS. They were men that had come there to work in the mine. They came from different points; I don't know just exactly. Some lived on farms above the mine as ranchmen.

Chairman WALSH. Who hired these?

Mr. SNODGRASS. I hired them.

Chairman WALSH. And when you hired them, how did you get them commissioned?

Mr. SNODGRASS. We asked the sheriff to commission them.

Chairman WALSH. Who was the sheriff.

Mr. SNODGRASS. Mr. Gresham.

Chairman WALSH. And what direction or instructions did you give these men at the time you appointed them?

Mr. SNODGRASS. I simply told them we wanted them to protect the property; to stay on the property lines.

Chairman WALSH. What compensation did they receive?

Mr. SNODGRASS. They were paid $3.50 a day for their services, and when they worked in the mines they got the regular scale of wages paid in the mines. They were not always employed as guards. They were employed most of the time in the mines, but when we took them out for those services——

Chairman WALSH (interrupting). When did you employ the first ones?

Mr. SNODGRASS. We employed the first ones on the 22d of September.

Chairman WALSH. That was as soon as the strike was declared?

Mr. SNODGRASS. That was the day it was declared.

Chairman WALSH. And where did they get their arms?

Mr. SNODGRASS. We furnished them.

Chairman WALSH. What arms did they have?

Mr. SNODGRASS. Rifles.

Chairman WALSH. And where did you get the rifles? Were they at Delagua, or did they have to get them from some place else?

Mr. SNODGRASS. We got them from Trinidad or Denver, or——

Chairman WALSH (interrupting). Do you remember how long before the strike was called that you got them?

Mr. SNODGRASS. Oh, two or three days.

Chairman WALSH. You got them two or three days before?

Mr. SNODGRASS. Yes; we didn't have any arms before that.

Chairman WALSH. Who purchased the arms?

Mr. SNODGRASS. I presume the purchasing agent of the company purchased the arms.

Chairman WALSH. So far as you know, they came from Trinidad?

Mr. SNODGRASS. Yes; so far as I know.

Chairman WALSH. Just coming back to the third engagement you had there, the third trouble was on the 22d of April, was it?

Mr. SNODGRASS. Yes.

Chairman WALSH. Describe it, please.

Mr. SNODGRASS. When the strikers came up and engaged our men, our men had to leave because there were too many of them. Some of them came back; a couple were killed.

Chairman WALSH. You say some of your men were killed?

Mr. SNODGRASS. Yes.

Chairman WALSH. How many?

Mr. SNODGRASS. Two of those men that went up on the hill that morning were killed. Another who went up after the engagement started.

Chairman WALSH. What was the name of the first one who was killed?

Mr. SNODGRASS. His name was Chaves.

Chairman WALSH. And what was the name of the other?

Mr. SNODGRASS. Fred Dougherty.

Chairman WALSH. Both had worked in the mine before?

Mr. SNODGRASS. Yes.

Chairman WALSH. Were they men with families, or not?

Mr. SNODGRASS. Mr. Chaves had a family.

Chairman WALSH. How long had Chaves worked?

Mr. SNODGRASS. Worked for two or three years, off and on. He lived on a ranch above the camp and worked part of the season; part of the season he worked on the ranch.

Chairman WALSH. What was the other man's name?

Mr. SNODGRASS. Dougherty.

Chairman WALSH. How long did he work for you?

Mr. SNODGRASS. He had been there since December, 1913.

Chairman WALSH. Did you see the engagement in which they were killed?

Mr. SNODGRASS. Yes; I saw the engagement in which Dougherty was killed.

Chairman WALSH. How many men were with Dougherty?

Mr. SNODGRASS. Well, there were five of them started up the hill, four with Dougherty; but four of them got back. That is, they met these strikers, and it was too warm for them.

Chairman WALSH. Where did they meet the strikers?

Mr. SNODGRASS. Just at the top of the hill.

Chairman WALSH. And how far was that from the top of—from the mouth of the mine?

Mr. SNODGRASS. A quarter of a mile from the mouth of the mine. Dougherty was killed there. The other men got back.

Chairman WALSH. And this other man was killed?

Mr. SNODGRASS. Killed.

Chairman WALSH. That same day?

Mr. SNODGRASS. Yes; about an hour after the engagement started.

Chairman WALSH. That would be along about 6 o'clock?

Mr. SNODGRASS. I think it was along about 6 o'clock.

Chairman WALSH. Did the strikers continue to advance right down to the camp?

Mr. SNODGRASS. No; they came—some of them came within 200 yards of the mouth of the mine. They never got any closer than that.

Chairman WALSH. Describe that whole affair, please.

Mr. SNODGRASS. Well, when the shooting started I was asleep. I was called I got up. A lot of other people got up. We rustled up probably 10 or 15 men, gave them some guns, distributed them at different points about the camp.

Chairman WALSH. Rifles?

Mr. SNODGRASS. Rifles. And in about a half an hour the strikers showed up on a hill—on the top of a hill, about a quarter of a mile away. They were strung along the brow of the hill for about three-quarters of a mile—the length of the camp. They were shooting promiscuously into the camp, shooting at everybody they could see, so that our men shot at them whenever they could see them from the camp. Along about 5 o'clock the men started up to help the fellows who were on the hill; they got nearly to the top of the hill, but the strikers had got there first, so that they began to shoot at them and our men ran back, except the one who was killed.

Chairman WALSH. About how many strikers were there?

Mr. SNODGRASS. Well, we considered there were 250.

Chairman WALSH. What was the name of the man—your man—that was killed?

Mr. SNODGRASS. Besides the two I told you of?

Chairman WALSH. Yes; the last one you mentioned.

Mr. SNODGRASS. Karl Peterson was killed.

Chairman WALSH. Did he work for your people prior to this time?

Mr. SNODGRASS. Yes. And he was a noncombatant at the time.

Chairman WALSH. What was he doing?

Mr. SNODGRASS. He was a coal miner; and he was taking refuge behind a tree watching the affair. He left the hotel because the hotel was not protected. He was taking refuge behind a tree. He was more than 50 feet from me when he was killed.

Chairman WALSH. Were you engaged in the fight, yourself, were you armed?

Mr. SNODGRASS. I was armed. I was watching the thing.

Chairman WALSH. Had a rifle?

Mr. SNODGRASS. I had. Everybody was armed that could get anything, that could get a gun.

Chairman WALSH. Under whose command were your forces?

Mr. SNODGRASS. Well, I helped distribute the men, and after they were distributed, why, there was nobody in command of them. They were doing what they were told to do.

Chairman WALSH. Taking care of themselves?

Mr. SNODGRASS. Taking care of themselves; trying to keep these people out of the camp. There was another man killed, a noncombatant, Donovan, Dave Donovan, he was a carpenter—he was a man 70 years old.

Chairman WALSH. Working for your mine?

Mr. SNODGRASS. Yes.

Chairman WALSH. Where was he when he got killed?

Mr. SNODGRASS. He was on the street.

Chairman WALSH. Where was he with reference to yourself?

Mr. SNODGRASS. He was about a quarter of a mile from me. There were two noncombatants killed that morning. The shooting kept up until 9.30 in the morning, and during that time I had some one telephone to Hastings, to get some help. We did not have very many men, had only about 20 men armed, including those who were on top of the hill. We did not know where they were at that time. They had become scattered. About 9 o'clock the switch engine came up and brought some men from Hastings. I believe that some of those men were militiamen. And the Hastings people had phoned to Maj. Hamrock at Ludlow that the affair was on at Delagua, and he sent some men by rail. They came up within half a mile of the camp and got off the train and went up toward the hill. The strikers saw them coming and immediately retreated back in the direction of the militia.

Chairman WALSH. Did they have any fight with the troops there at all?
Mr. SNODGRASS. No; they left when they saw the troops coming.
Chairman WALSH. What other events occurred there that day, if any, or was that the end of it?
Mr. SNODGRASS. That was the end of it. The militiamen went over the hill to see if they could see anybody, and everybody had gone when they got up there.
Chairman WALSH. Was there any property destroyed at the Delagua mine?
Mr. SNODGRASS. No.
Chairman WALSH. What were you experiences, if any, after that? Did you have any other experience with them?
Mr. SNODGRASS. No; we had no more trouble after that.
Chairman WALSH. How many, if you know, of the men that went out on strike, returned?
Mr. SNODGRASS. Oh, about a hundred I know of.
Chairman WALSH. Was there any change in conditions at the mine September 23, after that strike was called, in any mine, so far as any conditions were concerned; were they paid any more or any less, or was there any change made in conditions?
Mr. SNODGRASS. None whatever; no change made.
Chairman WALSH. Now, is there anything else you care to state about the events that occurred around there that you saw that you think would enlighten the commission, Mr. Snodgrass?
Mr. SNODGRASS. There was very little else occurred at the Delagua mine. You see, we were 6 miles away from Ludlow, where the main trouble took place, and outside of these three engagements we had no particular trouble.
Chairman WALSH. How many men are there in your mine now that stayed in all the time?
Mr. SNODGRASS. I think there are 125.
Chairman WALSH. About 125?
Mr. SNODGRASS. Yes. Never went out at all during the trouble. There were some stayed part of the time; went away and came back again.
Chairman WALSH. How many new men have you that came in since the strike?
Mr. SNODGRASS. Well, we have now over between 475 and 500 men.
Chairman WALSH. Between 475 and 500?
Mr. SNODGRASS. Between 475 and 500.
Chairman WALSH. You are very near up, then, to your full equipment?
Mr. SNODGRASS. Yes.
Chairman WALSH. Your mine is running now, is it?
Mr. SNODGRASS. Yes, sir.
Chairman WALSH. Did you ever have a checkweighman in your mine?
Mr. SNODGRASS. We have two checkweighmen.
Chairman WALSH. Now?
Mr. SNODGRASS. Yes.
Chairman WALSH. How is he selected?
Mr. SNODGRASS. The checkweighmen who are employed—we have two weighmen, two places that we dump coal, two places that we weigh coal, consequently it is necessary to have two checkweighmen, if we have any. These men talked around among the miners and decided they wanted to have a checkweighman.
Chairman WALSH. When was that?
Mr. SNODGRASS. The two men went to the miners and said, "We would like to be checkweighmen." They circulated a petition among the miners in the mine where the men were working.
Chairman WALSH. When was that?
Mr. SNODGRASS. Oh, that has been two months ago. They circulated a petition; got the miners to sign the petition. When they had it signed they brought it to me, and, according to the law, it was necessary for us to allow them to have the checkweighmen. The law says that if a majority of the miners want a checkweighman they can have it. I simply took the petition, looked it over, counted to see if we had—if they had the majority of the miners.
Chairman WALSH. How are those checkweighmen paid?
Mr. SNODGRASS. You mean the amount of their salary?
Chairman WALSH. Yes.
Mr. SNODGRASS. They are paid $100 a month if the miners work steady, or at the rate of $100 a month if the miners work steady.
Chairman WALSH. Who pays them?

Mr. SNODGRASS. The miners pay them.

Chairman WALSH. How is the money collected to pay them? Is it taken out of their wages?

Mr. SNODGRASS. Yes. The mining laws state specifically how they shall be paid.

Chairman WALSH. How are they paid at your mine?

Mr. SNODGRASS. They are paid by deducting a certain amount from each ton of coal mined. They run a coal check, the same as a coal miner. They credit themselves with a certain tonnage each day to make their wages. That tonnage is deducted from the tonnage of the miners who send out the coal. There is no other way to do it and comply with the law. The law says that they shall do it in that manner, and that is the way they are being paid.

Chairman WALSH. Have you ever had a checkweighman in that place before?

Mr. SNODGRASS. No, sir.

Chairman WALSH. Did I understand you to say you never had a checkweighman before?

Mr. SNODGRASS. We never had a checkweighman before.

Chairman WALSH. Have these checkweighman worked steadily ever since the request was made upon you to appoint them?

Mr. SNODGRASS. Yes; they have worked all the time.

Chairman WALSH. Did you ever make a suggestion to the men that they get a check weighman?

Mr. SNODGRASS. No.

Chairman WALSH. Well, do they seem to want a checkweighman?

Mr. SNODGRASS. Well, it is hard to say. There are some of them whom I talked to, since the checkweighmen were put on, who state they would rather get along without one; but I don't know about the majority. I have not talked with the majority, but I think they are very well satisfied the way the thing is.

Chairman WALSH. Do you think it makes for better satisfaction among the men to have a checkweighman?

Mr. SNODGRASS. I believe in the long run they would be better satisfied.

Chairman WALSH. What have you observed with respect to the results of the checkweighman? Do they seem to get more tonnage—more weight or not?

Mr. SNODGRASS. No; it would be impossible for there to be any difference at all. They were getting what they sent out before, and they are getting that now. There is no difference. I have seen nobody who thought there was any difference in their weights.

Chairman WALSH. You say you saw nobody, what?

Mr. SNODGRASS. I say I have talked to nobody who thought there was any difference in the weights since the checkweighman went on. They seem to think they have got the same weights now as they always got from the companies.

Chairman WALSH. Has there been any other change at your mine except the installation of a checkweighman?

Mr. SNODGRASS. That is all.

Chairman WALSH. That is all. Thank you.

Mr. Gove, I understand those witnesses are not here, and I think you had something to put in. May we not utilize this time?

Mr. GOVE. Very good.

TESTIMONY OF MR. F. E. GOVE.

Chairman WALSH. Now, Mr. Gove, I believe there were certain documents that Mr. Osgood said he would have you present. One of them, I recall was—well, maybe I will not try to recall them. Just indicate what you have, and we will put them in the record.

Mr. GOVE. The commission asked Mr. Osgood to produce here, or have me state, the rental at the Delagua saloon. For many years the saloon at that point—and, by the way, there are two instead of one, as he stated—has been based upon 20 cents per man for the men employed at that mine. Just before——

Chairman WALSH (interrupting). Well, analyze that, will you please, Mr. Gove. Just tell us——

Mr. GOVE (interrupting). If there were 500 men employed at the mine, the saloon rental would be $100. That varied at different mines in times gone by. It has run from 20 to 30 cents per man in a small mine. The rental was based

upon 30 cents per capita allowance. There has been a good deal of criticism of that method, although it has always been in vogue, I think, in the State. And, from time to time, in recent years the different operators have changed that and put the saloon rental upon a flat basis. Then rental at the Delagua saloon from this time forward, and, in fact, the change was contemplated more than a year ago, will be upon that basis—$100 per month.

The commission asked that Mr. Osgood cause to be prepared a statement of the wage scale at the Victor Co. camps; and I have here a typewritten list of that character. It gives the daily wage of all the the company men—timber men, track layers, trappers, trip riders, firers, etc. Those wages run from $1.32 a day to $4.60 a day, the $1.32 being the trapper boy.

Commissioner O'CONNELL. And who is the $4.60?

Mr. GOVE. The $4.60 is the machinist. This statement also gives the men who worked eight hours and those who worked nine hours. In addition to that the price paid for mining coal appears, ad at the different Victor Co. mines that price runs from 55 to 95 cents per ton. In addition to this at two of the mines a bonus for increasing the lump produced by the miners—a bonus of 1 cent for every per cent increase in the lump.

(See Gove Exhibit No. 1.)

I think the chairman asked whether a record of any kind was kept of the names and family relationship of men who applied for work. Mr. Osgood stated there was not, so far as he knew. Well, there is and always has been.

He was asked—I think I corrected him at that time, and a request was made that sample pages of such record be produced here. The record is not kept exactly as I thought it was, but I have here a page or two from the record during the year 1911. It shows the date of employment, the name of the employee, his check number, age, nationality, married or single, and then a column with respect to his family and where they live. If you care, I will read just a few to show you how they run?

Chairman WALSH. Very well.

Mr. GOVE. Here were men employed on the 3d and 4th days of August, 1911. On the 3d of August at that mine seven men applied for work. They were given their check number. One was 26 years old, one 38, and one 53; a Greek, an Austrian, a Mexican, a Mexican, an American, a Mexican, a Mexican. Three were married and three were single; one had a wife in Greece, one a wife and two children in the old country—that was the Austrian—one a wife in Mexico and one 10 children in Mexico.

On the next day there were some 10 or 15 employed. Most of them are between 22 and 30 years of age; four or five Slavs, two Montenegrins, two Italians, and three Greeks; about one-half were married and half single; one has a child in Delagua, one a child in the old country, one 2 children at Delagua, one 2 children and a family in the old country, and that is the general character of those two pages.

(See Gove Exhibit No. 2.)

The next is two pages from the 1913 record. Now, it so happens that during that time there were only two or three men employed each day and the character of them is about the same; young men for the most part; one a Jap, an Austrian, a Mxican, a Slav, Italian, Austrian, Italian, Mexican, Greek, Mexican, Greek, Greek, Mexican, Mexican, Jap, Italian, Italian.

Chairman WALSH. Just offer that, will you please, Mr. Gove.

(See Gove Exhibit No. 3.)

Now, do you also have a record of men that were discharged?

Mr. GOVE. This is the only record we have, and does not show that.

I will say this, in 1914 a new book was started, a more substantial affair, a great, big, bound volume. These other records were kept in little informal books; but in 1914 this book was started, and it does show—well, I see I am wrong about that. My impression was that in the new record we had a column in it showing when the men were employed and when discharged; but it does not appear here. Either my recollection is wrong or they have omitted, in copying, that column. This is the 1914 record.

(See Gove Exhibit No. 4.)

Chairman WALSH. They have no further record of what men were discharged or what the discharge was for?

Mr. GOVE. No. I suppose the pay-roll record would show when they were discharged.

Chairman WALSH. Yes; but not the cause of the discharge?

Mr. GOVE. Not that I know of.

Chairman WALSH. Very good. Now, what else have you there, Mr. Gove?

Mr. GOVE. Mr. Osgood was asked whether there were any written orders sent to the superintendents of the mines with respect to law enforcement and efforts to prevent accidents and things of that kind, and I think he said not as far as he knew. I have been to Mr. Murray's files, and Mr. Murray is the general manager of the company, and I find that scarcely a day passes that he does not write a letter or circular of some character to the superintendents, and I have selected here, for a period of a few months prior to the strike and for a few months subsequent to its inauguration, a few letters of that character—I started in February, 1913, and it runs down practically to date.

Chairman WALSH. Well, just submit those, will you please, Mr. Gove?

(See Gove Exhibit No. 5.)

Mr. GOVE (continuing). And in one of those circular letters Mr. Murray referred to the superintendents a pamphlet or book which he was sending them, and asked that they be widely distributed among the men in the camp. He got this up himself. It is marked on the outside, "Suggestions as to how to avoid accidents to employees of the Victor-American Fuel Co." It is printed in a half a dozen different languages and has different headings in it. This is the English, and there are a number of rules for miners; a page for drivers, a number for trackmen, timbermen, trappers, and so forth.

Chairman WALSH. When was that issued?

Mr. GOVE. The letter transmitting it would show. There is no date here at all.

Chairman WALSH. Have you the letter transmitting it?

Mr. GOVE. Yes; here it is [referring to Exhibit No. 5].

(Booklet entitled "Suggestions as to How to Avoid Accidents to Our Employees," issued by the Victor-American Fuel Co., in six different languages, was submitted in printed form.)

Chairman WALSH. Returning for a moment to that saloon proposition: You say hereafter the rent will be $100 a month flat. Has the order been made?

Mr. GOVE. The order has never been made, because the decision was made shortly prior to the strike, and we have had no saloon since.

Chairman WALSH. Now, there is an amendment to the State constitution prohibiting the sale of liquor on and after a certain date in Colorado?

Mr. GOVE. That goes into effect, I think, the 1st of January, 1916; and there is a dispute as to whether it requires legislation to make it effective.

Chairman WALSH. What is the position of the company?

Mr. GOVE. The companies want to get rid of these saloons and always have been. They would be very glad if they could be wiped out.

Chairman WALSH. What is there to prevent them from closing the saloons in their own camp, or what is their policy with regard to it?

Mr. GOVE. Mr. Murray has tried a number of experiments in regard to his saloons. He has closed them entirely, with the result that then the men drift into Trinidad and never come back, or if they come back it is three or four days later. He has enforced a nontreating rule, which he found to be somewhat effective he thought, but it is a difficult thing to determine. He at one time tried cutting out all whiskey and strong drinks and confine the men to beer and wine, without any appreciable effect.

Chairman WALSH. Now, is there any other document there that we asked you to submit?

Mr. GOVE. I think nothing.

Commissioner O'CONNELL. Mr. Gove, will you explan why the men on the—I notice the machinists, blacksmiths, carpenters, engineers, etc., are marked nine hours on the list, as against eight for the men in the mines.

Mr. GOVE. The eight-hour law in this State is applicable only to underground men.

Commissioner O'CONNELL. Oh, I thought a later amendment made it applicable to all.

Mr. GOVE. No, sir; just underground.

Commissioner O'CONNELL. Just underground?

Mr. GOVE. Yes, sir.

Chairman WALSH. Briefly, what have been your duties with relation to the strike as attorney for the Victor-American Fuel Co., Mr. Gove?

Mr. GOVE. I am a member of the firm which has acted for many years as counsel for the Victor Fuel Co. Since this strike started my associate has been attending to his legitimate business and I have rather drifted into this strike matter, and have done very little else for the last year.

Chairman WALSH. Please state whether the company you represent has taken an active part in politics in the district where its mines are situated.

Mr. GOVE. It has not. Now, understand me about that; the people in Denver, the head officials of the company, have striven to keep out of politics. They have tried to keep their men out of politics, but it is utterly impossible; and I am not sure but what it is perfectly unfair to ask the men around these mining camps to give up their rights of citizenship and never mention politics in the local camps.

Chairman WALSH. Does your company contribute any money to either political party?

Mr. GOVE. It does not.

Chairman WALSH. Do they contribute any money, to your knowledge, to the election of any individuals in the districts in which their mining camps are located?

Mr. GOVE. It does not, to my knowledge.

Chairman WALSH. Does any other company, so far as you know?

Mr. GOVE. No; not so far as I know.

Chairman WALSH. Please state what part you have taken personally in supervising the publicity work for your company or for the operators generally.

Mr. GOVE. When we found that the newspapers and public press generally were printing what to us was most outrageous stuff we undertook to counteract that to some extent. The first effort at publicity was some time after this strike started. I wrote a statement, which we could not get the newspapers to print unless we paid them for it. That statement was printed in a number of papers in this State and paid for.

Chairman WALSH. Printed as an advertisement?

Mr. GOVE. Printed as an advertisement, and so labeled.

Chairman WALSH. Will you submit that, please, into the record?

Mr. GOVE. There is no date on this, but it was—I venture to say it was early in October.

Chairman WALSH. October, 1913?

Mr. GOVE. October, 1913. It was a statement of the position taken by the operators.

Chairman WALSH. You wrote that, did you?

Mr. GOVE. I wrote that myself.

(The newspaper clipping here referred to, entitled "Advertisement—a statement of the coal-strike situation," was submitted in printed form.)

Mr. GOVE. Some time later, and it must have been after October 15, about that time, another statement was prepared, and I wrote that myself, with the exception of the tabulated portion of it. The gist of it—the point in it is to show a long list of acts of violence committed invariably, as we insist, by the strikers.

Chairman WALSH. Were those incidents referred to in the statement of Mr. Osgood and in the statement of Mr. Welborn?

Mr. GOVE. Not one-half of them.

Chairman WALSH. Do you think they are all contained up to that time in that statement you have there?

Mr. GOVE. Well, yes.

Chairman WALSH. Please submit that, Mr. Gove.

Mr. GOVE. This gives the names of the outside agitators that were at that time conducting this strike—a list of a dozen or 15 from other States.

(The newspaper clipping here referred to, also entitled "Advertisement—A statement of the coal-strike situation," was submitted in printed form.)

I hold in my hand another advertisement. The Pueblo-Star-Journal had heard of a man by the name of Bettis running a small mine near Canon City who had signed up with the union and had some trouble and quit—had a strike. The editor of that paper wrote Mr. Bettis a letter asking him a number of questions as to the exact effect of his having signed up on his operations. He replied to the editor. We got hold of that correspondence, although it did not originate at all with the operators, and it was of such a character that we thought the public ought to know about that, and this contains that correspondence—questions and answers by that operator of his experience under the domination of the union.

Chairman WALSH. Those were advertisements, were they?

Mr. GOVE. So marked and paid for.

(The newspaper clipping here referred to, entitled "Advertisement—Recognition of the United Mine Workers of America handicaps both operators and miners," from the Alamosa Courier, December 20, 1913, was submitted in printed form.)

Now, this advertisement is simply the letter of the governor to the operators and the three miners who conferred in the governor's office at the time Secretary Wilson was here. It is the governor's letter to the operators and miners and the response of the operators accepting the governor's proposition for a settlement of the difficulty.

(The newspaper clipping here referred to, entitled "Advertisement—Official correspondence on strike situation," from the Glenwood Post, December 6, 1913, was submitted in printed form.)

A great deal of talk and publicity has been given about the so-called starvation wages received in this State, and it was rather irritating to the operators, and we examined into and found out the facts, and after an infinite amount of statistical work on the part of the auditors of the company we advertised here "The starvation wages of coal miners," giving a complete, perfect, unquestioned copy of the pay roll of several mines. They show for themselves what they are—the wages for certain months at different times before and after the strike started.

(The clipping here referred to, entitled "Advertisement—Starvation wages of coal miners," from Colorado Springs newspaper, dated October 26, 1913.)

Commissioner LENNON. Does it indicate where two men worked together in taking out coal? Does it indicate what each man got?

Mr. GOVE. There is nothing in these statements to indicate whether—yes; I am mistaken about that; that point was covered. Where two men worked together the pay roll shows exactly the receipts of each one, and as a matter of practice two men always worked together and are paid separately.

Those figures were disputed and denied to such an extent that we requested Gov. Ammons to appoint an auditing committee to see whether they were correct or not. He picked out three public accountants here, and they spent approximately a week verifying them, and, so far as those notices are concerned, they found about three errors in all of them against the operators.

The strike leaders had a long advertisement in some of the papers that all they asked was the enforcement of State laws. This advertisement on the part of the operators showed that they had already formally in writing agreed to consent to their demand if their advertisement were true. That is in the form of a letter to the governor.

Chairman WALSH. Did you dictate all of those advertisements, Mr. Gove?

Mr. GOVE. I had nothing—oh, yes; I will say that I prepared those advertisements, although the material, as in the Pueblo instance, was not prepared by me.

Chairman WALSH. You were doing that on behalf of all of the operators?

Mr. GOVE. Yes; we were all in together. All meeting together.

Chairman WALSH. Did you have anything further to do with the publicity?

Mr. GOVE. No.

Chairman WALSH. Now, as to the publication of these bulletins by Mr. Lee, what, if anything, did you have to do with those?

Mr. GOVE. Absolutely nothing.

Chairman WALSH. That was solely the Colorado Fuel & Iron Co., and in so far as it relates to your company it is a donation from the Colorado Fuel & Iron Co.?

Mr. GOVE. Yes, sir; so far as I know.

Chairman WALSH. You know nothing about the employment of Mr. Lee, or his compensation?

Mr. GOVE. No. I did not know he was here until he was on the ground.

Chairman WALSH. That is all, Mr. Gove.

Mr. GOVE. Wait a minute, please. Some one has handed me a note. My attention is called to the testimony of Mr. Osgood as to the eight-hour day. I think that would be cleared up from the statement I have handed in.

Chairman WALSH. Thank you, Mr. Gove.

Mr. GOVE. Mr. Osgood, if the commission will permit me, had in his hand a typewritten statement taken from the State coal mine inspector's records, showing the number of men employed and the tonnage of the State for a long period of time. The same tabulation can be obtained from your own clerks and probably will be; but if you care to have it, I will be glad to put it in.

Chairman WALSH. Please offer it.

Mr. GOVE. Here it is, with the other articles referred to.

(See Gove Exhibit No. 6.)

(The witness also submitted in printed form newspaper article entitled "Advertisement—Starvation wages of coal miners," from the Daily News, October 25, 1913, and Pueblo Star-Journal, October 31, 1913; also article entitled "Advertisement—Miners' chief demands based on Sate laws," from the La Junta Democrat, November 17, 1913.)

Mr. Walsh, I suggested yesterday to Mr. West that the mental attitude of the operators during at least one period of this violence can be well obtained, if you care to have it, from a series of telegrams that I wrote at that time.

Chairman WALSH. To whom were the telegrams directed?

Mr. GOVE. They were directed to a friend in Washington, who had asked me to keep him advised. I suspected that those telegrams were going to official sources.

Chairman WALSH. Would you be kind enough to let Mr. Luke Grant, who is the gentleman that went over that correspondence with the mine workers yesterday, have that correspondence, and he will go over it, as far as it has bearing on this strike, and indicate to you that which he thinks ought to go into the record?

Mr. GOVE. I will be glad to do so.

Chairman WALSH. And put it in in that form?

Mr. GOVE. Yes, sir.

Chairman WALSH. Mr. Grant will go over that correspondence. That is all; thank you, Mr. Gove.

(See Gove Exhibit No. 7.)

Chairman WALSH. John Sanders.

TESTIMONY OF MR. JOHN SANDERS.

Chairman WALSH. What is your name?

Mr. SANDERS. John Sanders.

Chairman WALSH. How old are you?

Mr. SANDERS. Twenty-six.

Chairman WALSH. Where do you live?

Mr. SANDERS. Morley, Colo.

Chairman WALSH. Are you married or single?

Mr. SANDERS. Married.

Chairman WALSH. Have you any children?

Mr. SANDERS. One.

Chairman WALSH. How old?

Mr. SANDERS. The child is 14 months old.

Chairman WALSH. You are a native of what country, Mr. Sanders?

Mr. SANDERS. I was born in the United States.

Chairman WALSH. Where abouts?

Mr. SANDERS. Pennsylvania.

Chairman WALSH. Are you a coal miner?

Mr. SANDERS. Yes, sir.

Chairman WALSH. Was your father a coal miner?

Mr. SANDERS. Yes, sir.

Chairman WALSH. Where was he a miner?

Mr. SANDERS. In Germany; also in this State.

Chairman WALSH. Did he mine in this country?

Mr. SANDERS. In Pennsylvania.

Chairman WALSH. Did he ever belong to the miners' union?

Mr. SANDERS. He always did.

Chairman WALSH. Where have you worked in coal mines?

Mr. SANDERS. I have worked in coal mines in Arkansas, Kansas, Oklahoma, Colorado, and New Mexico.

Chairman WALSH. Have you ever been a member of the United Mine Workers?

Mr. SANDERS. Yes, sir.

Chairman WALSH. When did you join that organization?

Mr. SANDERS. I joined the organization when I was 13½ years old.

Chairman WALSH. What was your business then?

Mr. SANDERS. Trapping—I started trapping in the mines.

Chairman WALSH. How long did you remain a member of the organization?

Mr. SANDERS. I remained a member of the organization seven years.

Chairman WALSH. In what States have you worked under union conditions?

Mr. SANDERS. Arkansas, Oklahoma, and Kansas.

Chairman WALSH. Did you go out on a strike when the strike was called, September 1, 1913?

Mr. SANDERS. On the 23d.

Chairman WALSH. On the 23d of September, 1913, did you go out on a strike?

Mr. SANDERS. I sure did.

Chairman WALSH. How long did you stay out?

Mr. SANDERS. I stayed out four months, up to a day.

Chairman WALSH. Why did you go out on a strike?

Mr. SANDERS. Just for the simple reason they had us all scared to death.

Chairman WALSH. Who had you all scared to death?

Mr. SANDERS. The people that was talking about the strike—some fellows that wanted them to go out on a strike.

Chairman WALSH. Who were the people? Name them.

Mr. SANDERS. Some of them were the Mackoways and Jack Mott, president of the Starkville Local.

Chairman WALSH. Anyone else?

Mr. SANDERS. Some of the Park boys, Parker, and George Weatherbee.

Chairman WALSH. What did they say to you?

Mr. SANDERS. They said, if we don't want to go out on a strike that day, we will be forced out in a little short time.

Chairman WALSH. What else did they say to you, if anything?

Mr. SANDERS. That is all.

Chairman WALSH. How many of them said that to you?

Mr. SANDERS. I can't remember, ever so many.

Chairman WALSH. These men you talked to, where they men that worked in the mine?

Mr. SANDERS. Yes, sir.

Chairman WALSH. Were you a member of the United Mine Workers on the 23d of September, 1913?

Mr. SANDERS. I was not.

Chairman WALSH. How long since you have been a member?

Mr. SANDERS. Of the United Mine Workers of America?

Chairman WALSH. Yes. How long had you been a member before that time? You told me you started as a boy as a trapper?

Mr. SANDERS. I was, up until I was 20, a member of the United Mine Workers of America.

Chairman WALSH. How old are you now?

Mr. SANDERS. Twenty-six.

Chairman WALSH. Why did you quit the United Mine Workers?

Mr. SANDERS. For the simple reason I didn't think I got a square deal from them.

Chairman WALSH. In what respect?

Mr. SANDERS. Because they didn't treat me—I didn't think I got treated the way I ought to be treated; they showed too much partiality.

Chairman WALSH. To whom?

Mr. SANDERS. To the men.

Chairman WALSH. In what way, Mr. Sanders, can they show partiality?

Mr. SANDERS. I will tell you the reason. There is people who can talk pretty good English, and educated, and those they do what is right with them, but foreign people that is not educated and can't talk, they wont do a thing for them.

Chairman WALSH. In what way can they help them and in what way can they hurt them—the union?

Mr. SANDERS. The condition of the mine, when a man works for so much, and he has done so much work in the mine, the boss may come around and not pay him what he thinks is right. If he is a foreigner and he complains to the boss, why, he will say "All right," and he won't do anything, but let it pass away without anything being done about it.

Chairman WALSH. How long did you work in Arkansas?

Mr. SANDERS. I worked in Arkansas for four years.

Chairman WALSH. At what place did you work?

Mr. SANDERS. I worked in Jenny Lind, Ark.

Chairman WALSH. Was it a union mine?

Mr. SANDERS. Yes.

Chairman WALSH. Did you belong to the union when you worked there?

Mr. SANDERS. Yes.

Chairman WALSH. Did you ever work at Jimstown?

Mr. SANDERS. Where?
Chairman WALSH. At Clarksville, in Arkansas?
Mr. SANDERS. I never did.
Chairman WALSH. How old are you now?
Mr. SANDERS. Twenty-six years old now.
Chairman WALSH. How old were you when you left Arkansas?
Mr. SANDERS. About 20.
Chairman WALSH. Where did you go after you left Arkansas?
Mr. SANDERS. I went to Colorado.
Chairman WALSH. To what place?
Mr. SANDERS. Berwind, at Tabasco, first of all.
Chairman WALSH. So the last place you worked under union conditions was in Arkansas?
Mr. SANDERS. Yes.
Chairman WALSH. How do coal miners' wages in Colorado compare with those paid in Arkansas?
Mr. SANDERS. I always got better wages in Colorado than any other State of the Union.
Chairman WALSH. Better in Colorado than in Arkansas, Kansas, Pennsylvania, or any other district in which you worked?
Mr. SANDERS. I sure did.
Chairman WALSH. Are you in favor of checkweighmen for miners?
Mr. SANDERS. I haven't got any objections.
Chairman WALSH. Do you want them, or do you not want them?
Mr. SANDERS. I am getting as fair weight without checkweighmen as I think I would with checkweighmen.
Chairman WALSH. Have you noticed any difference in earnings when you had a checkweighman and when you did not have a checkweighman?
Mr. SANDERS. I never did; no.
Chairman WALSH. How many hours a day do you work?
Mr. SANDERS. Eight hours a day.
Chairman WALSH. Would you be satisfied to work longer hours if you were permitted to do so by law?
Mr. SANDERS. Why, I don't know; I think eight hours will satisfy me in a coal mine.
Chairman WALSH. Did you go to the last election?
Mr. SANDERS. I sure did.
Chairman WALSH. Did you have anyone talk to you before you voted, or undertake to influence you in any way as to how you should vote?
Mr. SANDERS. I never spoke to anybody.
Chairman WALSH. Where did you vote?
Mr. SANDERS. In Morley, Colo.
Chairman WALSH. Was there a question submitted there as to whether or not workmen should be relieved of the assumption of risk for their own injury or death?
Mr. SANDERS. Why, I never heard of any.
Chairman WALSH. You never heard of any?
Mr. SANDERS. No.
Chairman WALSH. Was there any meeting held in the place where you were located? Any political meetings?
Mr. SANDERS. No.
Chairman WALSH. Was there any discussion—do you know whether they voted on what is called the initiative and referendum in this State?
Mr. SANDERS. I don't understand a word of it; I don't understand the meaning.
Chairman WALSH. When you went on strike, where did you go?
Mr. SANDERS. I first went to Trinidad and rented a house there.
Chairman WALSH. How long did you stay there?
Mr. SANDERS. Two weeks.
Chairman WALSH. Then where did you go?
Mr. SANDERS. To the Starkville tents.
Chairman WALSH. How long did you stay in the tents?
Mr. SANDERS. Three months and two weeks.
Chairman WALSH. What strike benefits did you receive?
Mr. SANDERS. Three dollars for myself, $1 for my wife, and 50 cents for my child.
Chairman WALSH. What were the circumstances under which you returned to work in four months?

Mr. SANDERS. I didn't think it was enough to keep me in living at $4.50 a week.

Chairman WALSH. What was the reason you went back; give us all the reasons why you went back.

Mr. SANDERS. One reason I went back was because I didn't get treated right in the tents, and the second reason was because I didn't get enough money, and for the third reason I didn't think there was anything but a graft to it, and I went back to work.

Chairman WALSH. Was there any person in the tent colony that made an effort to prevent your going back to work?

Mr. SANDERS. Yes.

Chairman WALSH. Who?

Mr. SANDERS. They didn't me; they told me I better stay out; but they told my wife, when I went to Morley to look for work—they told my wife that if she leaves me, I am a scab, and they used some other dirty names, and they tell her if she not live with me, they give her a fair home and give her all the money she wants and she don't have to work the rest of her life. The union offered that, some that came from town.

Chairman WALSH. What were their names?

Mr. SANDERS. I can't tell you; I did not ask her.

Chairman WALSH. She declined, of course, to do that; she refused?

Mr. SANDERS. Yes, sir; she refused.

Chairman WALSH. Was there anything said to you by anyone about going back to work?

Mr. SANDERS. Yes, sir.

Chairman WALSH. What was it?

Mr. SANDERS. They told me if I go back to work they get me later on.

Chairman WALSH. Who said that?

Mr. SANDERS. Jack Mott, for one; Jim Mackoway, for another; and three or four others, whose names I don't remember.

Chairman WALSH. Those were the same men who talked to you about going out in the first instance?

Mr. SANDERS. Yes, sir; the same men.

Chairman WALSH. You say you went out because you were threatened in the way you have described?

Mr. SANDERS. Yes.

Chairman WALSH. And you were afraid to stay in?

Mr. SANDERS. Yes.

Chairman WALSH. Why were you not afraid to go back; what change in conditions had taken place?

Mr. SANDERS. The soldiers was in the camp at that time.

Chairman WALSH. You went back, then, because you thought you had the protection of the militia?

Mr. SANDERS. Yes, sir; from the soldiers, if anything happened to me.

Chairman WALSH. Were you armed at any time, yourself?

Mr. SANDERS. I was in the tent colony; yes, sir.

Chairman WALSH. What sort of arms did you have?

Mr. SANDERS. I had a 30-30 rifle.

Chairman WALSH. What did you do with the rifle; did you have it during all the time you were in the tent colony?

Mr. SANDERS. No, sir; I did not.

Chairman WALSH. How long did you have it?

Mr. SANDERS. About three weeks.

Chairman WALSH. Where did you get the rifle?

Mr. SANDERS. I got it from Jack Mott, the president of the Morley local.

Chairman WALSH. What did he say to you when he gave it to you?

Mr. SANDERS. I just borrowed it to go out hunting.

Chairman WALSH. How long did you have it?

Mr. SANDERS. Three weeks.

Chairman WALSH. Had it been your intention to shoot any person with it, any of the officers or militia or mine guards?

Mr. SANDERS. I think I would, if they came to attack us.

Chairman WALSH. How many rifles were in the camp?

Mr. SANDERS. I think about seven or eight.

Chairman WALSH. How many men were in the tent?

Mr. SANDERS. I don't remember exactly; there were about 38 or 40—from 38 to 40 members.

Chairman WALSH. When you went back to the company, did you have any arms?
Mr. SANDERS. I did not.
Chairman WALSH. Did you have any arms except this rifle you had for three weeks in the camp?
Mr. SANDERS. I did.
Chairman WALSH. Where did you get that?
Mr. SANDERS. I fetched that with me from Oklahoma
Chairman WALSH. What was it?
Mr. SANDERS. A .32 Smith & Wesson.
Chairman WALSH. Did you have that in the camp?
Mr. SANDERS. Yes.
Chairman WALSH. How did you come to borrow this other rifle, then?
Commissioner BALLARD. The one he brought with him was a revolver.
Mr. SANDERS. The other was a pistol, and I also had a shotgun.
Chairman WALSH. Did you have the shotgun during the time you were in the tent colony?
Mr. SANDERS. Yes, sir.
Chairman WALSH. That is all; thank you, Mr. Sanders.
Fred Sommers.

TESTIMONY OF MR. FRED SOMMERS.

Chairman WALSH. What is your name, please?
Mr. SOMMERS. Sommers.
Chairman WALSH. What is your first name?
Mr. SOMMERS. Fred.
Chairman WALSH. Where do you live?
Mr. SOMMERS. Morley, Colo.
Chairman WALSH. What is your age?
Mr. SOMMERS. Thirty-seven.
Chairman WALSH. Are you married or single?
Mr. SOMMERS. Single.
Chairman WALSH. You are a native of what country?
Mr. SOMMERS. Germany.
Chairman WALSH. How long have you lived in this country?
Mr. SOMMERS. Since 1904.
Chairman WALSH. By whom are you employed at the present time?
Mr. SOMMERS. The Colorado Fuel & Iron Co.
Chairman WALSH. How long have you been working for them?
Mr. SOMMERS. Since 1906.
Chairman WALSH. Did you work in any other camps in this country?
Mr. SOMMERS. I worked in Pennsylvania.
Chairman WALSH. Whereabouts in Pennsylvania?
Mr. SOMMERS. In Luzerne County.
Chairman WALSH. Were you a member of the United Mine Workers of America there?
Mr. SOMMERS. Yes.
Chairman WALSH. You were there from 1904 to 1906, were you?
Mr. SOMMERS. Along about that.
Chairman WALSH. What was the first mine you worked in in Colorado?
Mr. SOMMERS. The Midway.
Chairman WALSH. Have you worked in any other mines under union conditions except those in Pennsylvania?
Mr. SOMMERS. No, sir.
Chairman WALSH. Did you go out on strike when the strike was called, September 23, 1913?
Mr. SOMMERS. No, sir.
Chairman WALSH. You have been working in the mines all the time?
Mr. SOMMERS. Yes, sir.
Chairman WALSH. Did anyone solicit you or suggest to you to go out on a strike?
Mr. SOMMERS. I was questioned about what I was thinking about doing.
Chairman WALSH. Who asked you?
Mr. SOMMERS. Some of the boys around Morley.
Chairman WALSH. What mine were you working in at the time?
Mr. SOMMERS. At Morley.

Chairman WALSH. How many men were working there along with you?
Mr. SOMMERS. I expect along about 100, or something like that.
Chairman WALSH. How many went out on strike?
Mr. SOMMERS. The day the strike was called there was hardly any left.
Chairman WALSH. How many went out finally?
Mr. SOMMERS. I couldn't exactly tell.
Chairman WALSH. You say there wasn't hardly any left; how many were there? Some of them went out?
Mr. SOMMERS. Oh, yes; along about—it was along about 20 or 21 men, I guess.
Chairman WALSH. Who was it asked you to go out?
Mr. SOMMERS. Well, I was not exactly asked to go out; they questioned me what I was thinking about the whole thing.
Chairman WALSH. You were just questioned as to what you thought about it?
Mr. SOMMERS. Yes.
Chairman WALSH. Who questioned you?
Mr. SOMMERS. McAvee.
Chairman WALSH. Who was McAvee?
Mr. SOMMERS. A miner working there.
Chairman WALSH. Did you know that he was a union man?
Mr. SOMMERS. Yes, sir.
Chairman WALSH. Did you know that he was a union man before the strike?
Mr. SOMMERS. Yes, sir.
Chairman WALSH. How long had he been there?
Mr. SOMMERS. He was raised down there; born down there.
Chairman WALSH. He was born and raised around there?
Mr. SOMMERS. Yes, sir.
Chairman WALSH. What did McAvee say about going on a strike?
Mr. SOMMERS. We had a convention about going on a strike. I seen him after he come back and he told me that he went on strike; told me he want to know what I was going to do about it.
Chairman WALSH. And what did you say?
Mr. SOMMERS. I told him I hadn't seen no reason to go out; was doing all right.
Chairman WALSH. Did anyone else speak to you about it?
Mr. SOMMERS. No, sir.
Chairman WALSH. Did anyone threaten you or intimidate you?
Mr. SOMMERS. No, sir.
Chairman WALSH. Threaten you with violence?
Mr. SOMMERS. No, sir.
Chairman WALSH. Sir?
Mr. SOMMERS. No, sir.
Chairman WALSH. How do coal miners' wages in Colorado compare with those in Pennsylvania, where you worked?
Mr. SOMMERS. Well, they are better.
Chairman WALSH. You say better? Would you say how much more you earn here than in Pennsylvania?
Mr. SOMMERS. I got several statements.
Chairman WALSH. How is that?
Mr. SOMMERS. I got several statements in my pocket, if you wish.
Chairman WALSH. I would like you to submit those, please. When did you make these statements, Mr. Sommers?
(See Sommers exhibit.)
Mr. SOMMERS. Along about when the strike commenced—a little bit before and after, I think it is. There is a couple that ain't here. I could get that if you wanted it.
Chairman WALSH. How is that?
Mr. SOMMERS. There is a couple of them, I think, I lost.
Chairman WALSH. Of what you earned in Pennsylvania?
Mr. SOMMERS. No, sir.
Chairman WALSH. These are just statements of what you earned here?
Mr. SOMMERS. In Colorado.
Chairman WALSH. In Colorado?
Mr. SOMMERS. Yes, sir.
Chairman WALSH. These are the bills, or the statements, made by the company, showing your account with them?
Mr. SOMMERS. Yes, sir.

Chairman WALSH. For wages and deductions?
Mr. SOMMERS. And pay.
Chairman WALSH. And the pay?
Mr. SOMMERS. Yes.
Chairman WALSH. Now, I see they run along this way: Drafts, $3. What does that mean?
Mr. SOMMERS. I think that is what they call a two weeks' pay. I think they call that a draft.
Chairman WALSH. What was the $3 deducted for?
Mr. SOMMERS. Oh, it is probably a man needs powder or some such things.
Chairman WALSH. I see. But it says drafts, $3; hospital, $5; smithing, 50 cents; board, $27; bath, 50 cents. They deduct that from your wages? What was the hospital fund here? Why should there be $5 deducted? I don't understand that.
Mr. SOMMERS. That is probably a statement rendered. I made a little drawing on my pay.
Chairman WALSH. You made a little drawing—got a little money in advance?
Mr. SOMMERS. I got a little money at the time and that is probably what it is on that statement.
Chairman WALSH. There is a hospital fee of $5. Do you know what that was?
Mr. SOMMERS. No; that must be a mistake.
Chairman WALSH. That must be an error, you think?
Mr. SOMMERS. Put in the wrong place.
Chairman WALSH. Would you allow these to be put in here?
Mr. SOMMERS. Yes.
Chairman WALSH. That must be a mistake of $5?
Mr. SOMMERS. Yes; that is a mistake.
Chairman WALSH. How much did you actually pay for hospital fees?
Mr. SOMMERS. I believe 50 cents.
Chairman WALSH. Is that what you usually pay?
Mr. SOMMERS. I believe it is a dollar; I never looked.
Chairman WALSH. Do you know whether it is a dollar or 50 cents a month?
Mr. SOMMERS. I never—I think it is a dollar a month.
Chairman WALSH. Are you in favor of checkweighmen for miners?
Mr. SOMMERS. Well, it seems like the superintendent is coming around several different times, and if they wanted a checkweighman they could have one.
Chairman WALSH. No; but I am asking you, are you in favor of having a checkweighman?
Mr. SOMMERS. If the majority of the men, I would probably be along with them for a checkweighman.
Chairman WALSH. If a majority of the men would want one, you would go with them?
Mr. SOMMERS. Yes.
Chairman WALSH. Why do you want a checkweighman?
Mr. SOMMERS. It would suit everybody, I think.
Chairman WALSH. That is, if there was a checkweighman everybody would be satisfied that their coal was properly weighed?
Mr. SOMMERS. That everybody would have no kick coming that he would not get the right thing.
Chairman WALSH. Do you believe as a part of your experience that you got paid for all the coal that you mined?
Mr. SOMMERS. Yes.
Chairman WALSH. Whether they had a checkweighman or not?
Mr. SOMMERS. Yes; been several times in the weighing office watching it and always think I get the right thing.
Chairman WALSH. Why do you not belong to the union?
Mr. SOMMERS. Well, I didn't think that I had any reason in giving money, so I thought I didn't like to pay dues every month.
Chairman WALSH. You felt satisfied with the conditions that you were in and you didn't want to pay the dues?
Mr. SOMMERS. No; to help somebody else out.
Chairman WALSH. Did you have any other reason?
Mr. SOMMERS. No.
Chairman WALSH. Just simply that you were satisfied with your conditions and you did not want to pay the dues?
Mr. SOMMERS. I didn't want to throw no money away.

Chairman WALSH. Are you a voter in this country; are you a naturalized citizen?

Mr. SOMMERS. No.

Chairman WALSH. Did you ever vote here?

Mr. SOMMERS. No.

Chairman WALSH. Have you your first papers?

Mr. SOMMERS. No.

Chairman WALSH. Do you intend to become a citizen of the United States?

Mr. SOMMERS. I do now. I intended to go back to Germany first, only I didn't go.

Chairman WALSH. Where do you live at the present time?

Mr. SOMMERS. At Morley.

Chairman WALSH. That is all.

Commissioner LENNON. Do you believe wages and hours and conditions of miners in Colorado could have been as good as they are if there never had been any unions in the United States?

Mr. SOMMERS. Yes, sir; I believe they would.

Commissioner LENNON. Do you think the unions have not had anything to do with bettering the conditions of the miners?

Mr. SOMMERS. No, sir; I don't think they have. I think they make it worse sometimes.

Commissioner LENNON. All right.

Commissioner O'CONNELL. Will you explain what this 50 cents a month for bath is for? Do they charge you 50 cents a month for bath?

Mr. SOMMERS. Yes; they got a washhouse there, they got some hot and cold water; regular bathhouse.

Commissioner O'CONNELL. Every workman has to pay 50 cents a month?

Mr. SOMMERS. If he wants to. He don't have to if he don't want to go in the washhouse. He can go home or go wherever he pleases.

Chairman WALSH. That is all.

TESTIMONY OF JUDGE BEN B. LINDSEY.

Chairman WALSH. Please give us your name.

Judge LINDSEY. Ben B. Lindsey.

Chairman WALSH. And your business?

Judge LINDSEY. Judge of the juvenile court, Denver.

Chairman WALSH. How long have you resided in Denver?

Judge LINDSEY. Since 1880, I think, or 1881.

Chairman WALSH. I will get you to state whether or not you made any effort to bring about a settlement of the difficulty in the coal fields of Colorado.

Judge LINDSEY. I would like to ask, before I proceed, Mr. Chairman and gentlemen, for your indulgence, because I have been in bed with grip for about two days and suffering with some fever now, so if I do not make myself heard you will understand it is because of that difficulty. I am here under difficulty this morning. I will try to make myself heard.

I did make some effort as a citizen of this State, and in a measure as representing a good many other citizens, some time in the month of May, to do what I could to bring about an arbitration of this difficulty and a settlement as soon as possible.

On the 15th of May, in this city, following a number of meetings around the city, which meetings were called, in some instances, by sympathizers with the strikers, in other instances by those whose sympathies were against the strikers. Following those meetings there was considerable feeling here in Denver; I should say a feeling that approached real bitterness, if not hatred. That, I think, in a large measure developed somewhat into class hatred. You would feel it in the atmosphere, I might say. And growing out of these meetings and this agitation following the Ludlow disaster, a public meeting was called at the statehouse here for the 15th of May. I had nothing to do with the calling of that meeting; knew nothing about it until it was brought to my attention by a number of gentlemen and one or two women who had charge of it.

I think the meeting was called under the auspices of the Women's Peace League, if I recall correctly. The meeting was held in the house chamber of the statehouse, as I recall it, or in the senate chamber; at least, one or the other of these rooms. It was very largely attended, and a great deal of feeling felt in what I would call the atmosphere of such a meeting. At that meeting there were resolutions passed. A copy of these resolutions I hold in my hand. I would like to file them.

Chairman WALSH. Just submit them.

(See Lindsey Exhibit No. 1.)

Judge LINDSEY. And would like to read one sentence.

Chairman WALSH. Very good.

Judge LINDSEY (reading):

"In order that the facts and arguments which have led us to this conclusion may be properly presented to the President, we are resolved to appoint a committee of representative citizens of this State and proceed to Washington and request an audience. And furthermore invite representatives of the miners to appoint a committee of women who have personal knowledge of the horrors of the recent civil war to accompany our committee to interview the President, in order that he might be informed at first hand of the conditions against which this meeting protests."

These resolutions were passed. In substance they call on the people to urge that the Federal troops remain in Colorado; that a board of arbitration or committee of arbitration or mediation be appointed, or some sort of conciliation.

A day or two afterwards Mr. William Chenery, editorial writer of the Rocky Mountain News, with, I think, Mr. Randolph Walker; Mr. Newell, I think, of the Denver Express, and one or two other gentlemen at the time came to me with these resolutions. One of them, I forget which one it was, but I think it was Mr. Chenery, said that he had drawn or had assisted in the drawing of these resolutions, and that no committee had been appointed at this meeting; that they had certain reasons which they did not care to express as to why they did not care to have the committee appointed that night, for they were not permitted to know who they could get to serve; that they wanted to get some one who could get a hearing at the Capital, some one who was fairly well known in the Nation. And they wanted to create public sentiment in favor of arbitration of this strike. And Mr. Chenery called my attention to the News having advocated this in its columns as the best way out. I protested to those gentlemen that I did not care to undertake this mission, that I was engaged that week in helping the Denver University in a campaign that I was very much interested in—while the head of the university and myself have never agreed politically, I have always favored the good work of that university and helped it on all occasions that I could. And I had that work planned for the week. My wife was also ill, and about the latter part of June or July I expected to be away for my summer work, and it was a time when I did not want to go. I told them that I thought much more could be done if they could get some of the women who had charge of this peace league work to go on this committee. They said that they had consulted with a number of them who were influential and whom they thought might have some influence, but most of them were unable to go. There were many difficulties in the way and they felt that I was in a position to present the matter to the President, possibly, although they were not certain at all of seeing Mr. Rockefeller in New York. I discussed the matter with a large number of friends—quite a number—some of whom I supposed sympathized on both sides. I was urged by a great number of people—in the discussions of a day or two in the reluctance that I had expressed in my desire to get some others to go—that I could do what perhaps others could not do. What was needed was some publicity for both sides, especially the miners' side, of this difficulty. And the bigger questions, not so much who fired the first shot, the militia or the miners at Ludlow, but the big industrial, economic, and political questions involved, that had shaken our State more or less at different times in its industrial history. These things it was insisted I was more or less familiar with, and because they claimed that I was better known in the East than some others that I ought to go. I am merely stating their urgent reasons.

Among the people who urged me to go was the son of the late justice, Robert W. Steel, a number of women here in the city, and finally after several days' urging I want to say I never went into anything with more reluctance, on account of personal difficulties at home and other matters that I had already undertaken.

Up to this time I had taken no part in this strike controversy. But after it had been presented to me by these good people as a duty, as perhaps an opportunity to acquaint the country with the difficulties out here, and possibly urge through the public sentiment, we might create with Mr. Rockefeller and his friends in the East to consent to arbitration, and I decided to go.

There was but very little time in which to get ready. I had but very little time that I could give to the study of the case, but I had followed the testi-

mony in the newspapers. I had read Mr. Costigan's brief in part, some of his notes—he was one of the attorneys of the investigation—and I was assured I would be furnished with many affidavits taken at first hand by some of these ladies, I don't remember who; that I would be furnished with the testimony taken before the coroner's jury, and with the visits that I had made to the southern coal fields in the years past, visits to their hospitals, the industrial work, and other lines of work that I had personally visited and my general knowledge of these things that might be of assistance in making some presentation of the matter.

So we left Denver on the night of the 17th, I think it was, of May—Sunday evening the 17th. I carried with me certain testimony that was sworn to, and also testimony before the coroner's jury.

I would like briefly to refer to just a few lines in this testimony, and then ask permission to file it.

Chairman WALSH. Yes. We would like to have that filed, as we do not want any matter read, but just give a brief description.

(See Lindsey Exhibit No. 2.)

Judge LINDSEY. One or two things as to who set the tent colony on fire.

Chairman WALSH. Commissioner Lennon asks that you state who accompanied you on that trip?

Judge LINDSEY. Oh, yes; I intended to state that. I wish you would kindly ask me those questions. I am rather suffering from the fever, and I can not keep myself as consecutive as I would like. With us were Mrs. Lee Champion, one of the women who had gone down into the strike district, who consented to act as a member of this committee. I was told that Mrs. Judge Robert Steel had also consented to go. She afterwards expressed her regrets that she could not go because of difficulties at home that kept her—at least, engagements. These gentlemen asked them if my wife would not also go and accompany us; that Mrs. Champion would go; and when Mrs. Steel at the last moment, when I was informed that she could not go—she came to the depot to see us off—why, I prevailed upon my wife to go. She was really not in any physical strength to go, but she did. So that the committee consisted of these two women and myself. We agreed—Mr. Chenery, of the News, Mr. Newell, Mr. Walker, Mr. Costigan, Mrs. Steel, and several others I do not now remember—I have the notes somewhere—and perhaps we were a committee that might under the circumstances, since no committee was appointed, fairly represent a large number of people in this city who responded to these resolutions and whose feeling and sentiment was that something of that kind should be done.

On the same train, but not in the same car at the time, was a committee of the miners representing the miners of Ludlow. One of these women was Mrs. Jolly. One was a Mrs. Thomas. Mrs. Pearl Jolly is her name. Mrs. Thomas—I don't recall her initials—and her two children and Mrs. Petrucci, the woman who had been a victim, or supposed victim, of this so-called massacre, who had lost her children. I don't recall that there were any other of the women among the miners. Those were three that I recall.

When we found that they were in the next car—I didn't know myself until I came to the train for certain that they were going to accompany us or we to accompany them. In fact, I remember saying that as they were alone, and it seemed to me that they were on the train, that we invite them during the evening, under an arrangement with the Pullman conductor, to come back in the same car; that these women seemed to have no man with them, no one to look after them, and they had these children along. And Mrs. Champion and my wife, after consultation with some of them, thought it would be better that we go together, as long as we were going to be on the same train two nights and a day.

All day the next day on the train, or practically all of it, I busied myself in going over this testimony. I had some 16 affidavits and perhaps more, but 16 I remember counting and making a note of. These 16 affidavits, with the brief of the attorneys, and Mr. Brewster's and Mr. Costigan's; some newspaper files; statements from, I think, Rev. William McDonald and Rev. Mr. Cook, and a statement from Mrs. Lee Champion and others. It occupied the greater part of my attention during the day. I made copious notes on these statements and marked some of the evidence and just a few lines from a few of these affidavits, as I filed them. I would like to read from the affidavit of Maria Chaves, in which she says along the line of the Ludlow disaster: "And we stayed in the cellar all day until the soldiers took us out, about 3 or 4 o'clock

in the afternoon. They would come inside of the tents and take the best things and then set fire to the tents. I don't know how they set the fire, but I know that they set the tents on fire. I lost all my personal effects in this fire. I had $250 in the sewing machine that my husband's people had sent, and I lost all of that." This was signed and sworn to by Maria Chaves.

Mrs. Jolly personally knew a great many of these people, and I consulted with them from time to time as to the reliability of these people.

Affidavit of Mrs. Alcarita Pedregon. She swears, among other things: "I seen a militiaman come over there and look inside the tent and strike a match and set fire to the tent. I stayed in the tent until it was all burned up. There were 11 children and 2 women suffocated with the smoke where I was. I lost two children in this cave when the tent burned. I don't know where my husband was at this time. I looked up out of the hole and saw the soldier set fire to the tent with a match. I lost everything I had in this fire." This last with reference to the Ludlow disaster, as some object to calling it, I believe, massacre.

This is the affidavit of Mrs. Ed Tonner—just a few lines from this: "Mr. Snyder came along and he said, 'My oldest son Frank has half of his head blown off,' and he said, 'If your children won't lay down slap them.'"—

Slap them, I think it should be, if I may correct it—

"'slap them and make them lay down rather than have them killed,' he said, and he held out his two arms like that [indicating], and they were full of blood, and it seemed that after he left his tent that the machine guns turned loose all the more. My tent was so full of holes like it was like lace, pretty near. It could have been about 4 when little Frank got his head hurt, and a little while after this they tried to set the tents on fire. I kept bobbing my head up and down, and Mr. Filer said, 'For God's sake, keep your head down, or you will get it blown off.' About 6 o'clock they turned around and tore the tent between the two tents, and they set the broom on fire with coal oil, and they set the tent on fire, with me right underneath with my five little children; then Gusta Retlich, she helped me out with the children, grabbed them up, and then we run to a Mexican lady's tent farther down, and then Louie the Greek helped me; he helped me down into a hole and threw water in my face, as I was fainting, with all the children."

Next, an affidavit from Mrs. James Fyler. Among other things, she says: "And when he got to the tent colony Mrs. Dominsky and I were standing there—we were the only two that were right out in the crowd—and I walked over to my husband—he was looking for a pair of field glasses—and I asked him if he had saw my boy, and he told me 'No; he had not,' so then they just shot off one of the bombs and one of the machine guns on the D. & R. G. tracks; those were the first shots that were fired, and Louis waved his handkerchief at us and said, 'Good-by, I will never see you any more.' So then we made our escape to the pump station."

This is an affidavit of Ometomica Covadle, an Italian woman, apparently, who, among other things, says: "And the soldiers came up and tried to shoot inside where we were, and then came out of the pump, when they tried to shoot with the machine guns, and went into the arroyo. There was two dead men, and they jumped right on top of them. Couple of soldiers came out of the arroyo, and was going to kill both of us, and little boy raised up his hand and said, 'Don't shoot, for my mother's sake.'"

The next is an affidavit from Mrs. Ed Tonner, evidently a second affidavit. It seems this was a supplemental affidavit: "When Mr. Linderfelt came into camp with his auto load of ammunition I heard Mrs. Costa crying, and she began praying Santa Maria, and begging him not to kill her and her little children, and he replied to her, 'There is no use of you crying and carrying on, as we have orders to do this, and we are going to do it; no mercy on any of yous.'"

Next is an affidavit of Mrs. Clorida Padilla: "I came out of the tent for a minute to get something for the children to eat, and while I was out there they began shooting again, and a bullet came close to me, and then I went back into the hole. At sometime late in the afternoon they started to burn the tents. When the tents were first fired they did not burn my tent; later in the evening the soldiers came back to fire the rest of the tents and they heard my children crying, and they said there is a family in there, and they helped me out and took me and the children to the depot; while at the depot three Mexican guards got mad at the women and said that they ought to be burned in the tents."

Here is an affidavit furnished me among others, signed by George R. Churchill. He is speaking of this commission headed by Maj. Boughton. I do not care to read it at length, it is quite lengthy and rather prolix: "On Thursday they asked us a few questions. They asked us if we knew anything about the fighting"—

This is the commission composed of Maj. Boughton and Van Cise—

"about who started it. We told them we did not know anything about it."

Affidavit of Mrs. Marian Derr—this is not an affidavit, it is simply signed: "About 9 o'clock Monday morning, the 20th, I was washing my hair when my husband came in and said to me 'Come here quick to me, come here quick, I want to show you something.' He pointed up the C. & S. R. track to the left side of the steel bridge. I looked and saw two machine guns and saw men fixing breastworks, and men all along the track with rifles. Two men on horseback came galloping down from the direction of the steel bridge in a very great hurry. They passed me and met a number of other men, I presumed, to get orders, then all turned and started back in the direction of the steel bridge. As they passed us one of them, a Mexican, shouted 'Good, we're off.' I ran across to warn my neighbors. I noticed several men on the ball ground. I had not noticed any excitement at the tent colony. I came right back home. Then the bombs went off, and the machine guns and rifles began. We immediately went to the cellar. We occasionally put our heads up out of the cellarway and watched.

"Shortly after the bombs went off we could see men with rifles, with mining caps on, as though they had come out of the mines, come across between the cars, from the direction of the military camp. During the day my husband and I stuck our heads up out of the cellar, and a fellow in uniform cursed my husband terribly. He pointed a gun at my husband and asked him if he was a son of a b—— and a red neck, and said if he was he would kill him. I pushed my husband back into the cellar and told the man we were not strikers but railroad people. He said, 'What in hell are you hiding for?' I told him we had to, on account of the shooting."

Here is the affidavit of Mrs. Maggie Dominiske, that was furnished me, speaking of the Ludlow trouble: "Tikas then asked"—

Speaking of the soldiers—

"if Maj. Hamrock was up at the military camp. The soldier said 'Yes.'"

It seems that the soldier had arrested some man—

"Tikas told the soldier he would like to speak to Maj. Hamrock. Then they went away, the spokesman saying in a mean manner, 'All right, we'll be back again.' We went back to Mrs. Jolly's house to get the pictures I was looking at when I went home, put them in an envelope, and have them all ready to send, when some one called, 'Look out for trouble, the militia is coming.' My children had just got out of bed, and were not all dressed. I ran out to see if the militia was coming. When I got out I met Mrs. Thomas who said, 'We had better take our children and go to the pump station, for I think there is going to be trouble.' I did not think myself that there would be, but I told her to take my children and if anything did happen they would be there. I then went over to where my husband was in front of the tent colony, when I saw Tikas running toward the colony waiving a white handkerchief, and when he was near the tent colony one bomb was fired."

Those as showing who fired the first shot, if they were reliable at all, and I am sure they were.

Now, I would like the privilege of reading this paragraph from the affidavit and testimony of William Snyder, the father of this little boy, because when I was in the East, while I made no such statements as the newspapers attributed to me, I took particular pains to call upon the Associated Press and tell them I did not, I have been misquoted and maligned about it. My contention was that the affidavit in regard to the militia as alleged in this testimony was just about as bad as the rather mixed-up and confused detail that was published.

Snyder says: "I myself, not being armed, stayed on the tent-colony ground to protect my family to the best of my ability. About 4.30 p. m. the thugs or militia right flanked our colony and shot through my tent and killed our boy, showing clearly that they did not stop to see whether there were any women or children on the colony ground or not. Just previous to the time the boy was shot he got out of the hole or cave, where my children were, to get his sister a drink of water; and as the firing had slackened the children had left the hole, being out of the hole from five to eight minutes, and stepped into the bedroom of my tent. The boy Frank was sitting in the chair with

his sister on the floor between his knees, and he was in the act of stooping to kiss or caress his sister, when the bullet struck him above the temple on the right side and blew his brains out.

"I was standing near the front door of my tent and I heard the impact of the bullet striking the boy's head and the crack of the bullet as it exploded inside of his head. The boy was killed by an explosive bullet. I went to the boy to render what assistance I could, and while falling caught him in my arms, and in the act of letting him down to the floor two more bullets passed over me in the tent. Then I went to the hole where my family and children were, and seeing the boy in his death struggle went to him again; was in the act of washing his face when another bullet went over me. The firing became so heavy that I went to my family and stayed in the cave with them until they burned the tents. They fired this tent of mine by standing by the southeast corner with a piece of paper on fire in their hands, and as the tent was blazing they came in the tent. This I observed by looking out of the hole where we were located. As the tent was in flames, they opened the door and came in, and then my wife pleaded to save her children, telling them they had already killed one, and, for God's sake, to save the others. Whereupon this officer assisted Mrs. Snyder from the hole, and the other children.

By this time there were five or six of the militia or thugs in the tent and wanted to kill me. And I asked them to let me get my dead boy to the depot, and to which this officer consented, after cursing me, putting a gun to my head and threatened to kill me; and on leaving the tent with the corpse I laid him down outside the door and put on my coat, and I requested of some one to help me carry this boy to the depot, when I was told that I was big enough to carry him myself, and which I did, over my shoulder, and my 3½-year-old daughter in my arms; when George Titsworth, sr., who, to the best of my knowledge, set fire to the tent, throwed a gun on me and said, 'You God damn dirty son of a bitch, I ought to kill you right here; you have fired as many shots as anybody,' and he touched my head, or nearly so, with his revolver and said, 'I will kill you.' My wife pleaded in behalf of her dead boy to let me get him to Trinidad, and this officer escorted us to the depot; but on passing Snodgrass store, at Ludlow, Linderfelt throwed his flashlight in my face and wanted to know what 'God damn red-neck S. B.' they had here; when Mrs. Snyder says to Linderfelt, 'Please don't shoot him, they have killed one of my children already,' when Linderfelt says, 'It is a damned pity that all of you damned red-necked bitches were not killed.'"

Chairman WALSH. Are those affidavits——

Judge LINDSEY. Most of the originals were in Washington and given to a stenographer to be copied, and some of them were returned to Mrs. Leo Champion.

Chairman WALSH. I was going to say I am afraid we will not have time to read them all, as we want to finish by to-morrow noon. Will you just give a description of them—for instance: "Affidavit of John Smith, covering so and so"?

Judge LINDSEY. I will not read them further. I want to say that the testimony given before the coroner's jury was given here of Mr. Hall, that he heard——

Chairman WALSH. Is that the coroner's jury at Ludlow?

Judge LINDSEY. Yes. If you have the testimony, it is unnecessary to read it.

Chairman WALSH. Yes; we have the testimony.

Judge LINDSEY. I do not care to say anything further than I read the testimony of Mr. Hall, in which he swears he heard the militia giving orders to blow up the tent colony—set fire to it. Mr. McDonald, the stenographer, that he heard a member of the militia order the tent colony should be burned. Mr. Snyder testified to the killing of the boy. Riley said that he saw the militia fire the tents.

Further, I have a letter from Mr. Hendrick saying that is a correct copy of the testimony; affidavit of Mary Petrucci, a woman whose children were burned up; affidavit of Mr. Harriman, the railroad man, who said the militiamen told him they were going to burn up the tent colony.

When we got to Chicago we were received at the depot by a committee from the Hull House. Miss Jane Addams had wired me that a delegation of women would receive the ladies and expected the party to go to the Hull House, and all others, of course; but especially the ladies. That she would have some of her friends there to hear the story of Mrs. Jolly and Mrs. Thomas. My wife became ill on the train and I had to go with her to the hospital. I do not recall talking to any newspaper man until later in the day, and I was somewhat sur-

prised to find myself, in an early afternoon edition, saying some things which I did not say, which was our common experience in these matters. Some things were so confusing, no doubt—honestly confusing.

They had a meeting at Hull House. I got there late. These ladies told their story. They also had a meeting at the School of Philanthropy that is conducted by Prof. Graham Taylor, of The Chicago Commons, and other people of that type. These ladies there told their story. I made a brief address, called attention to the fact that the coal companies and other large corporations in Colorado had been notoriously lawless in their methods in this State, politically and industrially; and, in my judgment, that accounted for a good deal of the lawlessness—and there was lawlessness on both sides, of course.

We were supposed to get into Washington early Wednesday morning; we did not arrive until Wednesday afternoon, on account of sickness of one of our party. I had a very cordial letter from Mr. Tumulty to come to the White House, that the President would be very glad to see us. Mr. Tumulty, because of the delay, wrote me that the President had intended to give us the better part of the forenoon on Wednesday. We were to arrive in the morning, and he had set it aside for our convenience, to present this evidence and any statement we cared to make, also a proposition of settlement, which was the important thing. He said owing to the fact we were unable to arrive on time the President could not give us as much time the next day as he had arranged for on Wednesday, but he would give us such time as he could, and to be at the White House at 12 o'clock Thursday morning. That, I think, was May 19 or May 20.

Before I went to see the President I discussed this matter with a number of Congressmen. One of two of these Congressmen told me that Mr. Rockefeller had treated the President of the United States with contempt, that he had ignored him, that he had refused to listen to anything—that they thought he ought to listen to the peace proposal of the President that had been attempted in the November before, and they were rather indignant about the matter. They simply made that as their own statement of the matter.

I was advised to see Secretary Lane and argue with Commissioner Lane—or Secretary Lane—the right of the President to appoint an arbitration committee and the right of the President to compel both sides to consent to that committee investigating the matter and planning some mediation or settlement.

I went to the office of the Secretary of the Interior by engagement and arrangement with a Congressman, about half past 9, I think it was, the next morning—Thursday morning I think that was. And Mr. Lane first said that he would give me 15 minutes; that he was very busy. When we got into the conversation he gave me more than an hour. He was very much interested. Mr. Malone, who was formerly secretary to Gov. Shafroth, happened to be in Washington, and was one of the ablest constitutional lawyers in the State, and when I went to see the Secretary I brought Mr. Malone along. For the better part of an hour we argued with Secretary Lane the constitutional aspects of the situation, the legal right of the President to appoint an arbitration committee, the right of the Government to force the contending parties to consent to have it arbitrated. I understood that Secretary Lane would present this matter to a Cabinet meeting. I do not wish to say that Mr. Lane told me that. I have a copy of the newspaper here in which it is stated that there was a Cabinet meeting held later, after we had seen Mr. Lane, and he had presented the argument to the President that we had made.

I then returned to the hotel after the conference and argument with Mr. Lane and going into the constitutional question, the right of the President, about which they seemed to have some doubt. At 11.30 we went to the White House. The entire committee—delegation—went along. The committee—that improvised committee, you might say—that grew out of the circumstance that I have mentioned is the only committee that ever did anything or went anywhere in response to a resolution mentioned, and the committee from the miners, with these miners' wives, Mrs. Thomas's little children. The President very cordially received us, and while he said that 15 minutes was about all the time he could give he extended the time very generously. I do not know just how long we were there, but we were there for some time. He showed the greatest interest in the matter.

I do not care to go into the conversation I had with the President of the United States, but to say briefly that I told him that of course there were rights on both sides and that we deplored violence and deplored lawlessness, but we believed that he was the man who had it in his power at this time to bring about peace in our rather distracted State, that there was a great deal of bitter-

peace between all kinds of people that ought not to be, and that in my judgment it was the sentiment of many people in this State—and we believed the majority of the people, and that was our belief—that this should be arbitrated, that he should appoint a board of arbitration, and that if the two contending parties did not consent to it that he should use whatever means he had under the law and the Constitution to compel them to consent. He doubted whether he had any such power, and he asked me to argue it before him. And I argued it, and in doing so I gave him as the reasons—I will state them as briefly as I can—that the governor of this State had confessed, in calling in the Federal troops, that the sovereignty of the State of Colorado had broken down, a government that was guaranteed us by the Constitution of the United States, a republican form of government, had ceased to exist. And that while there was no direct power in the Constitution to authorize a President to take measures that would force parties to agree to arbitration of a difficulty like this, that in my judgment there were necessarily implied powers. I referred to that fact and to some things President Lincoln had said as his attitude on that. I got this statement of President Lincoln's afterwards, and I would like just to read it here, because it is the substance of what I argued to President Wilson. President Lincoln, in a letter to Mr. Curtis, in his The Republican Party (Vol. I, p. 403):

"I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed on me the duty of preserving by every indispensable means that Government—that Nation—of which that Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb. I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assume this ground, and now avow it."

I told the President that in order to preserve our larger constitutional rights out here, in order to bring about peace and good order in this State, that it did seem to me that for the reasons mentioned, and possibly some others I do not recall now, that he would, if the necessity arose, as President Lincoln pointed out here, be justified in compelling the coal operators to consent to this arbitration.

The President was very much interested in this presentation, and said so. He said that one difficulty was that the States themselves, according to the decision of the Supreme Court of the United States, seemed to be the judges of what was a republican form of government. I argued that by the confession of the governor of this State, that the legislature had been in session—but even if he did not have the confession from the governor, he had it from the legislature, with all the authority of the State, the representatives of the people of the State—they had been unable to preserve law and order in this State, and therefore had called on him as the President. Now, he, as President, could take such measures as he saw fit and as seemed to him indispensable and necessary to preserve peace and order and the bigger rights of the people under the Constitution. He said he would consider that. He said that some foreign ministers—I think, of the Italian and Austrian Governments—had protested to him that their citizens were not safe in the State of Colorado, and that apparently, from this confession of the governor and this act of the legislature, that, in my judgment, amounted to a confession that the sovereignty of the State was broken down and the rights of these foreign citizens could not be preserved.

The President said that presented a nice question; that he was going to look into that and these other matters, and they would be considered. He said: "Judge Lindsey, I think this is a very important question with reference to all the people, and I want you to know that myself and others connected with the administration have done and want to do all we can within our legal rights to bring about peace and order in Colorado." I told him that I believed our people were thoroughly convinced of that, and we appreciated his efforts.

We had a big meeting at Rifles Armory that night in Washington City. This meeting was arranged for by Mrs. Medill McCormick, a relative by marriage, I understand, of Mr. John D. Rockefeller, jr. I think—I thought the circumstances were very interesting as indicating to me one interesting thing in this struggle that was, in a measure, a class struggle, to have a relative of the Rockefellers—one of their class—to meet those women in Washington, at the

depot, as Mrs. McCormick did, and arrange for that meeting that they might have a hearing. It was, to my mind, a significant incident that ought to and deserves to go into the records of this commission. Mrs. McCormick and the other ladies are representative women of the suffrage organization in Washington, and they gave them every opportunity to present their side of it.

At the meeting at the Rifles Armory there were eight or nine Congressmen on the platform—Congressman Kent, Congressman McDonald, Congressman Evans, Congressman Bryan, of Washington, and others. I was told that in the audience were ambassadors from foreign countries. I was told, though I am not certain, members of the President's family were there. We received a very cordial letter from the President's wife—I refer to it with considerable feeling at this time—expressing regrets, because, as I have understood since, of the illness that proved to be fatal—at least, expressing regrets through her secretary that she could not attend the meeting. I understand the ladies had invited her. It was an interesting meeting, in that there were not only present very wealthy people, foreign ambassadors, consuls, Republicans, Democrats, Progressives, Socialists, and anarchists, I was told. And it was certainly a most interesting meeting. The floors were crowded to the limits. It was difficult, as I recall, to get in to the platform. The air was electrified and vibrated with feeling from both sides. Old-timers told us that not since the days of the Civil War had there been in the history of Washington City anything that seemed to take such hold upon the people and to interest them. Everybody said that if it did nothing else except to get them to thinking deeper about these questions, beyond the mere detail, they had not seen anything like this, and in fighting like this in an industrial struggle, there would be a good deal of good come out of it. There were congratulations showered upon these women from all sides. Mrs. Champion, representing the Women's Peace League, I think she said—I don't know——

Mrs. CHAMPION. The Women's Relief Association.

Judge LINDSEY. I beg pardon. Mrs. Champion is here, and she says it is the Women's Relief Association. I am glad to be corrected—the Women's Relief Association. Mrs. Champion, representing the Women's Relief Association, made a statement that was received with a great deal of appreciation and applause. The women told their stories, Congressmen made addresses. Congressman Evans, who was on the committee, talked at some length and told of outrages and lawlessnesses committed by the coal companies. Somebody else, I think, told the other side. Mr. George J. Kindel raised a commotion in the audience by getting up and making a fuss. At times we had difficulty in maintaining order, but on the whole it was a good meeting. Many prominent people sat on the front row, and the feeling, I must say, was quite a good feeling, a kindly feeling that this was a great and terrific struggle. There were no doubt faults on both sides, but it was one of the great social problems that had to be solved, and that was the general situation.

I came back to the hotel and I sent a telegram to Mr. John D. Rockefeller, jr. Before I sent that telegram to him I had written a letter to Mr. Fosdick, who, I understood, was one of the secretaries in charge of the white-slave traffic work that he has done so much good in trying to destroy. I wrote this letter to Mr. Fosdick particularly because I knew Mr. Fosdick. I have lectured with him at the City College in New York. He was a Princeton graduate and a friend of President Wilson's, so I am told, a very warm friend of Mr. Rockefeller, and a friend of mine. I would just like to read a sentence or two from that letter to Mr. Fosdick, if I may.

"Personal.]

"MAY 16, 1914.

"MY DEAR MR. FOSDICK: I have been asked by a number of citizens to be one of a committee to go to Washington City to see President Wilson in connection with the unfortunate strike troubles in this State. I have taken no part in the controversies going on, but if I could be of any possible service in bringing peace out of what is certainly the most dangerous and chaotic situation we ever faced in this State I would of course count it a public service. If I should come, my idea would be that the only possible way to avoid further bloodshed, expense, distraction, and difficulty in this State would be for the President to appoint an arbitration committee fairly representative of both sides, or at least so fair that neither side could afford to refuse to submit the situation to them.

"I am one of those who have grave doubts as to whether Mr. Rockefeller, jr., really appreciates the situation. While I can understand how he may be misled

and how his education and training may make him very sincere in what others so sincerely regard as a mistaken attitude, it does seem to me that if some one in whom he would place some trust and confidence could present a somewhat different aspect of the present situation than that which seems to possess him—from some of the public statements that have come from him and his advisers—I think it would do much to bring about a settlement of the present difficulties. The matter has ceased to be a mere question of a strike, and its success or failure is of small consequence compared to some bigger issues that have arisen and for which Mr. Rockefeller should have some consideration. Whether rightly or not, the feeling of the people in this State is quite general that Mr. Rockefeller has it in his power to bring about peace for us or to continue the present chaos.

"I am one of those who have appreciated his work against the white-slave traffic and his interest in some of our social problems. Now, I was wondering if I accept the request that has been made by a great many to go to see the President, if I could come over to New York and have a personal conference with Mr. Rockefeller, jr. I think I can say that it would be of such a character as in no way to embarrass him, and I would be glad, of course, to have you or anyone else whom he would wish present, although it would be a pleasure to have an intimate sort of talk with him regarding some of our problems, especially as bearing on the situation out here.

"With kindest regards, I am."

Chairman WALSH. I wish you would please describe the correspondence and offer it into the record.

Judge LINDSEY. Well, I didn't know if Mr. Foelick had received that letter—I learned afterward he was away from New York.

Chairman WALSH. Please describe it without reading it into the record and then hand it to be put in the record.

Judge LINDSEY. I will do that. I would like to read the telegram sent Mr. Rockefeller.

Chairman WALSH. Have you the telegram? Just submit it after describing it.

Judge LINDSEY. I will. [Reading:] "I am having a conference with the President to-day over Colorado strike situation. Could I see you for a personal interview and chat over situation Sunday or Monday at time and place to suit your convenience? I earnestly hope you can grant this request. Answer Shoreham Hotel soon as possible."

I received a telegram from Mr. Rockefeller of two or three lines, in which he said it would be impossible for him to arrange any interview.

I arrived in New York—well, before I went to New York I wrote to Mr. Rockefeller a letter in answer to that telegram. I will file the letter. I want to say that he refused to see us at all. And I wrote a pretty strong letter, so strong that I afterwards changed it, toned it down some. I shall give you a copy of that letter I wrote. I will put in such copies of my correspondence, and Rockefeller will have others, if you want to get at them. I went out of the hotel and mailed it about three minutes before I got to the train. That was Friday evening, the 22d of May. I mailed the letter Friday afternoon. I got into New York Friday night.

The next morning, Saturday, 23d, a reporter from one of the newspapers came around, told me a number of reporters all were trying to create public sentiment to get Rockefeller to see us, and they thought he ought to be forced to see us, some of them said. I told them he had absolutely refused to see us, but that I had agreed to come to New York to address a meeting to be held there under the auspices of one of the labor organizations, and one other society, but not as reported in the newspapers, either socialistically or anarchistically. Then a reporter from the New York Tribune told me he had been to Rockefeller's office that Saturday morning and he talked with Mr. Heydt—I wouldn't be positive whether from the Tribune, but I think it was—and Mr. Rockefeller had not been at his office that morning, Saturday morning—he was still out at his country estate, and he would not be in on Saturday. He said he thought Mr. Heydt might make an engagement if I would call him up. I called up Mr. Heydt, Mr. John J., jr.'s secretary, about 1 o'clock—just 1 o'clock on Saturday. Mr. Heydt said that Mr. Rockefeller could not see me, which confirmed the report I had in Washington on Friday, a report from various sources, that he would not see anybody unless they represented his own people. I talked to Mr. Heydt for 20 minutes over the telephone. A member of the Progressive Party headquarters happened to be in the room at the time. I went over a great many of the questions there, why I thought Mr. Rockefeller ought to see

sent to arbitrate; I believed it to be to his own interest to help to allay some of the feeling against him; from that standpoint, if from no other, I thought he ought to consent to do that. He said once or twice during the conversation that Mr. Rockefeller had sent me a letter early that morning, that I should have received it that noon. I said, "Mr. Heydt, I have received no letter, and it is now 1 o'clock." He said, "That is strange; it was mailed early this morning; you should have had it by noon." I said, "I have not received it." At 3.30 in the afternoon, according to the envelope in which the letter came, it arrived at the Imperial Hotel from 26 Broadway. I may state its contents were very startling to me. I have it here, and I would like to file it.

Here is the letter, 26 Broadway. I wish particularly to have the stenographer note that this letter is mailed from 26 Broadway, Hudson Terminal Station, May 22, 1 p. m., 1914, New York City, and there is a certain reason why I want that noted; and please note on the back the stamp as received at the Imperial Hotel by the clock at 3.30.

(The letter and the envelope inclosing the same, stamped and postmarked as described by witness, were here submitted. The letter is as follows:)

26 BROADWAY,
New York, May 22, 1914.

Hon. BEN B. LINDSEY,
Hotel Imperial, New York City.

DEAR SIR: Your letter of May 22 to Mr. John D. Rockefeller, jr., is received. The telegram received at this office from you on May 21 was directed to Mr. Rockefeller, sr., and answered by his secretary. Mr. John D. Rockefeller, jr., has received no telegram from you.

Mr. Rockefeller, jr., desires me to say that your letter of May 22 is of such a character as to make any conference with you impossible.

Very truly,

CHARLES O. HEYDT.

I immediately wrote Mr. Rockefeller a letter, in which I told him that I was astounded to have him say that my telegram had been addressed to his father and that the refusal had come from his father; but I denied that in view of some of the things that I had expressed in my letter that it made an interview impossible.

I knew that according to what the newspapers told me—the newspapers said Mr. Rockefeller had not been in his office at all Saturday morning. I knew I mailed my letter from Washington City at 15 minutes of 4 o'clock. The Congressional Limited left at 4. I put it in the mail box, and it could not have arrived in Mr. Rockefeller's office before Saturday morning; and I want to say here and now I do not believe Mr. Rockefeller ever saw that letter. I believe it was a trick of 26 Broadway, for the following reason: I showed it to one or two of the newspaper men and they laughed, and they said, "We have been down there at 26 Broadway to-day and in and out, and Heydt told us that Rockefeller was not in town, and he was not." Of course I don't know whether he was or not. They said, "We have been pounding the young man pretty hard and have created a lot of public sentiment here and he ought to know of it, and he is using this as a dodge for not seeing you."

I don't profess to the commission that I knew that was the fact, but I wrote him another letter dated May 28, 1914, in which I called his attention to the fact that the telegram had been sent to John D. Rockefeller, jr., and not "sr.," as it was well known he was attending to this matter and not his father, and that if he wanted to see anyone who had any information about this, why, he could send for us or could see the women, at least, and that there was nothing in my letter, under the circumstances, that would deter him from seeing us, if he intended to see us. And I went on to say that unless he was willing to see us, I would take his letter as a subterfuge.

After being told that was probably what happened, I thought I would find out. So I called up the Western Union, at Washington, and told them what the difficulty was, and I said, I want to know just exactly to whom telegrams on Friday—or Thursday night—was addressed and whom it was received by. They said they would look it up. They called me up and told me that it was sent to John D. Rockefeller, jr.; that it was repeated to John D. Rockefeller, jr., in

avoid any mistake. I said, "Will you confirm that by wire?" and they did confirm it by wire, the original of which I will file, or a copy (reading):

"Your night letter 20th addressed John D. Rockefeller, jr.; repeated Junior. Mailing copy.

"WESTERN UNION TELEGRAPH CO.

"Washington City."

I sent this report with a copy of the telegram to Mr. Rockefeller. I said:

"I wish you or your secretary in writing would state to me that you failed to receive the inclosed message sent from Washington here, that it was addressed to and received by John D. Rockefeller, sr., so that whatever grievance I might have, I can take it up with the Western Union office."

I did this because it was suggested by the Western Union people. They said, "You just call him up and ask him to show you that telegram"; and they said, "You directed it junior and we sent it junior, and we repeated it junior and he got it junior, and if there is any question about it, just let him show you the answer that he received."

Mr. Rockefeller and his secretary absolutely refused to even show me the telegram, and I concluded that he never intended to show it. The newspapers were filled with comments regarding his refusal to see either myself or the women.

Then an interesting thing happened. I think it happened on the morning of the 25th of May, or the 26th of May, perhaps. I think it was the 26th. I mailed the letter and the Western Union telegram some time on the 25th, and I received a telephone call from a gentleman whom I know well. He said he wished to have a conference with me over the Colorado strike situation at the Imperial Hotel as soon as I was able to see him—right away, if possible. I told him I could not see him right away, but could see him between that and noon. So we fixed the time for noon, but he was delayed.

Now, what I am going to say I shall have to say in part in a roundabout way, because I do not care to disclose who that man was. He came directly, in my judgment, from Mr. Rockefeller; but I should like to state what he said. I am not sure that he would object, but I have not had an opportunity to get hold of him to find out if he would object. I will try to get his consent, and if I do I will file it with the commission, for I think it is very important.

He told me that Mr. Rockefeller—of course, I won't be sure of all the details, but this is the substance of it. He said, "You know," calling me, I think, by my first name, for we were very intimate friends, "that I am a good friend of John's"—John, he called him—"and a good friend of yours." I said, "Yes; I know that." I had once met Mr. Rockefeller's sister at a dinner with this gentleman; and he said, "I have been over talking with John. He is very much stirred up about this thing. People have been threatening his life, and sentiment is being stirred up because he would not see you folks. And I think," he said, "that if he had his way about it, that he would consent to arbitrate. But," he said, "you know how things are up there. He is surrounded by a lot of people of the old reactionary type, who do not understand these questions at all, and have some of these notions that we do not believe in; and I do not believe they will let him do it. But," he said, "I believe that he personally would be willing to consent to some kind of arbitration, especially if he could have seen you."

I told him about this incident of the correspondence. He said, "Judge, I don't blame you a bit, and I put it up to him, and I know well enough that he can't blame you about that; that it was not your fault, and if he wanted to see you he could see you all right. But," he said, "they won't let him see you, in my judgment. But," he said, "I think a little later on when this excitement blows over, that it can be arranged for you to have a good talk with him, and I think he would appreciate it, and like to do it. I am not sure," he said, "but when you get back to Denver I want you to write me and present in writing what you have been telling me about—what you think ought to be done in this situation, and I will take it up with him again, and I will see if something can not be done." He said, "You know what the difficulty is, that the crowd up there are very bitter against Mr. Wilson. Why," he said, "why, you know the Rockefellers are sore on the President, and I don't know that you can get this thing through—if the arbitration committee is to be appointed by the President." He said, "I don't know—they are pretty sore; but they may come around all right." He said, "You know how people's passions are aroused, and their feelings, and how they get this feeling of bitterness."

I won't be certain when this was done, but another gentleman was with him, and then two others came to see me that day, and I believe one, and possibly three of them had come from Mr. Rockefeller. Something was said by one of these men, and I am making room for confusion as to which one it was—in fact, several things were said—that if it could be arranged, or if we could get a suggestion that the Chief Justice of the United States would appoint a commission or board of arbitration, that Mr. Rockefeller might be induced to consent. I said that I thought the President should appoint the board, and I urged and argued with at least two of these gentlemen, and I think three, that Mr. Rockefeller should give me permission, confidentially, if necessary, to go back to President Wilson and say that if he would appoint this committee as we had asked him to do, that he, Rockefeller, would consent to let the public know that he personally had given his consent; but at the same time—not pretending—as these gentlemen told me he did not—to control these other people, but, as I understood, they rather controlled him. I said to this gentleman, I think if you will tell Mr. Rockefeller that, that it will be to his interests, and will help to allay the feeling against him that I find is pretty bitter throughout the country and tend to avoid anything happening through this physical violence threatened that I heartily deplore and would do nothing to advance but everything that I could to prevent—it will add to his safety and to a better understanding, to recognize the rights of the parties and certain principles of justice that I think can be recognized only by him—by his consenting to let the President appoint this board of arbitration. I wished to do that because I believed it at the time, and I had told the President that I did not think it would ever be necessary for him to try to take possession of the mines if he would only let them know or have them believe that he had the power to do it, and if necessary, would do it; that that was all that was necessary, because I believed the force of public sentiment would be back of the President and would force these men into line. I was told that they had begun to pay a good deal of attention to public sentiment.

Well, that in brief was the hour's talk back and forth that we had, not with Mr. Rockefeller, but through people that I can not say positively came directly from him, but who I believe in one or two instances did come from him, and I believe, further, that they went back to him with these conferences. Well, I learned afterwards that Mr. Rockefeller on the same day or the next day sent a letter or telegram to Mr. Welborn, which, in my judgment, showed that he felt the effect of these conferences. Well, in that telegram or letter I understand, though I have not seen it, that he did state that he was willing or might be willing to have the Chief Justice of the United States appoint a board of arbitration. I felt, therefore, that our mission had accomplished a great deal of good; that it was in part largely responsible for arousing public sentiment and getting the help of the newspapers, through these conferences, in compelling, I might say, Mr. Rockefeller to take the question up with them, as he never had done from any other influence, namely, to consent to any kind of arbitration, but, on the contrary, had held out vigorously against it, as I understood.

That, in a general way, was the substance of the visit to Washington and New York.

Chairman WALSH. You had no further communication with Mr. Rockefeller then——

Judge LINDSEY. Except indirectly. When I got home I wrote a letter to a friend in New York, who, I believe, presented it to Mr. Rockefeller, for I was requested to write it for that purpose. And in that letter I stated substantially what I am stating here.

Chairman WALSH. Have you a copy of the letter?

Judge LINDSEY. I have a copy of the letter and can file it.

Chairman WALSH. Just submit it, then.

Judge LINDSEY. I wish to say that the gentleman to whom I wrote this letter is only one of the gentlemen with whom I conferred, and I want this record to show that I am not saying that he is the man of the two or three I conferred with who made the statements as to the attitude of the Rockefellers toward President Wilson.

(See Lindsey Exhibit No. 5.)

I then went before this commission and I stated some things then that are in the record, but I do not care to repeat them at this time; but I wish to refer——

Chairman WALSH (interrupting). Yes; we have that abstracted.

Judge LINDSEY. I wish to confirm my testimony before the commission—that is, in the abstract which I hold in my hand, which says, date May 27 and May 28, 1914. Whatever I have said there I wish to repeat, and if possible I would like to emphasize it.

(The witness here referred to the transcript of the proceedings of this commission held in the city of New York on the 27th and 28th days of May, 1914, on the subject of "The Colorado coal miners' strike," and containing, among others, the testimony of the witness given on May 28, 1914.)

I found afterwards that certain people in Denver, and certain people in New York around Mr. Rockefeller, resented bitterly what I considered the success of this mission, namely, in getting out of Mr. Rockefeller the first consent to arbitration whatever through these conferences; and, second, arousing the public sentiment that we seemed to have aroused all through the country, for, we were met everywhere at the stations by the newspaper people; and in New York I was told that for the first time they really began to get any sort of publicity. The fury of the people connected with Mr. Rockefeller, both in Denver and in New York, knew simply no bounds. I never in my 15 years' experience in public affairs in Colorado felt the hatred and bitterness that I did during this time. Just as a sample of it, one thing. I began to receive anonymous letters, some of which I sent to Mr. Harry Kelly, United States district attorney, and asked him to look into it, but I never heard anything from him.

One letter was signed by a prominent doctor here. I am told he is. He says that at a meeting here in a sanitarium in Denver, of prominent doctors and conservative ones, which sanitarium I understand is maintained by one of our very wealthy men; and this letter says the matter was discussed and decided that five men in Colorado ought to be killed, and that my name was at the head of the list. The most amazing thing is that this man should sign the letter. I have the letter here. I had read in the Pueblo Chieftain——

Chairman WALSH. Just offer the letter in evidence.

Judge LINDSEY. I will offer in evidence the original letter. Most of them were anonymous, but this man was bold enough to sign it himself, which surprised me. I have it here in these papers, and will offer it before I go.

Chairman WALSH. Proceed.

Judge LINDSEY. The chamber of commerce met in Denver and proceeded to impugn my motive. They said I did this for political purposes, and many other things. According to the eastern papers an organization here that pretended to be a women's organization and the chamber of commerce together and the real estate exchange sent what purported to be—at least the newspapers reported it to us through the Associated Press and the United Press—a resolution that I was to be recalled from office; that I was notoriously unreliable and untruthful; that I did not represent anybody but myself; that I was doing this for political effect, and I was judged right and left and condemned.

But when I came home I came in on the same train as Mrs. Grenfell, who had been on the same mission, but represented, as it turned out to be, the coal miners. I was met at the depot by several thousand people who seemed to approve of this mission. I was not prepared at that time to tell them all that had been done, for I did not know until afterwards, its success, as I regarded it, in bringing about a reluctant consent from Mr. Rockefeller, jr., to consent at least to some sort of arbitration. Mrs. Grenfell was not met by anyone.

Chairman WALSH. Well, did you afterwards have a public meeting, or something at which you made a report?

Judge LINDSEY. Yes; we had a public meeting, at least down in the street there were several thousand people, to whom I spoke from an automobile and told in a general way about the mission. I told them that the thing that impressed me most about the industrial situation from my trip east was this: That there were two governments in this country; that there was an industrial government at New York City and what was called the Rockefeller interests were the head of the industrial government. I speak of Rockefeller as a generic term only. And that there was a political Government at Washington city. And that until there were changes in our laws, in the laws of property, as I regarded it, there could not be much hope for permanent peace in these struggles; and that political independence in this country was not going to amount to very much as long as there was economic dependence, and that had been demonstrated by the series of troubles and difficulties we had in this State, and if this mission that we had been on down there accomplished nothing else it would have tended or helped to show this big truth, that underlying these occasional and spasmodic eruptions between labor and capital were great economic

problems and questions that had to be fought out in the industrial world, but could not be fought out and decided rightly until, through agitation and education, the people came to understand what they meant. That was, in substance, the report.

Now, one other thing—two other things, Mr. Chairman, bearing on this industrial problem and its relation to industrial unrest and the difficulty of people taking part in it that I would just like to comment on briefly as coming from my experience in this struggle that I think would be worth consideration by your board. One is violence—violence—violence of what I call capital on the one hand and the noisy violence of ignorance, generally the violence of labor, on the other hand; and then the misunderstanding that leads to the class feeling and threatens the annihilation of people on both sides; and that those who sympathize with what we regard as the "under dog" more or less, when they attempt to take any part in these struggles in order to get the truth out of sincere effort, and to settle these questions rightly, become the victims of the violence of capital. I constantly experience that on my own part in endeavoring to cooperate with others in a small way to help bring about a solution of these difficulties. And in order to get in the record something on that out of my experience I would like to read the letter I wrote to Miss Jane Addams, after we had been at Hull House with these——

Chairman WALSH (interrupting). Just as briefly as you can, Judge. Just simply sketch it. We have certain witnesses yet to hear, and we must get away——

Judge LINDSEY. Then I will not read it at all——

Chairman WALSH. You may read extracts from it, if it is not too long——

Judge LINDSEY (interrupting). I would prefer to state it, for I can state it more quickly.

Chairman WALSH. I would prefer that you state it.

Judge LINDSEY. Yes; I can state it more quickly.

I think one great trouble is that the public only see the violence of what is generally regarded as labor. My own feeling is, after years of experience in this matter, that that violence is only the violence set off by the injustice of what I regard as capital against labor. I am not against capital. I believe in the protection of property rights. But the use of government, the control of courts, the interference with the passage of laws, and, when those laws are passed, the dodging of those laws through the control of the public agents and public officers who are called upon to enforce those laws, the favoritism shown those who, generically speaking, are supposed to represent capital; I have seen it not only in my own experience but in the testimony here, of which I made some notes as you went along.

For instance, I understand that Maj. Boughton, who testified in New York that he was an employee of the mine owners' association and receives his fees from the mine owners, that in these investigations an automobile of the C. F. & I. Co. was used to bring in the witnesses. Now, I have been in among these men, both in the southern fields and the northern fields, but not in recent years in the southern fields, though in recent years in the northern field. I know how they think and how they feel. I know the fury that is engendered and touched off much as a match would touch off powder, among them when these men see what they regard as partiality and identification of government with one of the parties, when they see an automobile belonging to the C. F. & I. Co. being used by the men of the militia to gather in strikers and then see what is said about the knocking down of this man Tikas and the report that while he had practically been knocked down and murdered, as I understood the report, that, in substance, as the report read, there was no criminality attached thereto.

Now, come down more concretely in my own case. A mother of children coming before me to defend against an effort to take her children away from her, whose husband was blown up in the smelter amidst the fumes of the slag piles by an explosion, where he had been working 10 years in the smelter 10 and 12 hours a day, and where she got $500 on account of his death—and it incidentally came out that she got it from the railroad company. I couldn't understand why until one of the men in the smelter mills in a most indifferent sort of way said, "Judge, you know that the eight-hour amendment went into effect some time along there, but these men working on the slag piles work more than eight hours. So we simply transferred the men from the pay roll of the smelter company to the railroad company, where they may work legally for 12 hours or any number of hours they wanted to. I suppose you know

there is no law against working more than eight hours for the railroad company." Now, I know how that rankled in that man's heart, and I know how for 20 years these men had fought to get an eight-hour law against corrupt and criminal aggregations of capital working through the control of the courts. For I know that personally to be true. And knowing those things, as they know them and have a right to know them, for there is no question about it, that is a sample of the things that touch off all the passions in these men and result in violence.

In my letter to Miss Addams I had her confirm the speech of Mr. W. C. Calhoun, a noted corporation lawyer of Chicago, in defending Rudowitz, a Russian nihilist, whose extradition was being opposed; but Mr. Calhoun got up before a great company of all sorts of people, which included, I am told, two Federal judges and district judges, and stated to them that Rudowitz was justified in bomb throwing in tyrannical Russia. Why? "Because," he said, "the Government had broken down and they hadn't any rights in the courts," and that sort of thing simply exploded that kind of violence among the weak and ignorant, and that Russia itself was responsible for these crimes. And that was applauded by those judges on the bench, and prominent people, as Miss Addams confirmed the report to me personally of that meeting.

But if someone in this country should get up and say because of the lawlessness in southern Colorado, because of the fact that the coal companies down there for years had controlled the district attorneys, the judges, and members of the legislature so that no man had any rights in the courts, and there was violence and would point to the laboring man as responsible for that violence, it would be accepted, while they forget that the workers were in the same position as the Russian nihilist was according to Mr. Calhoun's statement. It was interesting to me to note that that sort of sentiment would be expressed about the conditions in Russia, but not about the conditions in Colorado; yet down in southern Colorado it was just as bad when it came to getting justice down there. That is a fact I would like to have clear in this record, for I think it is high time that this commission, if they can do anything to educate the people on that subject, should understand the meaning of the violence that forces—that produces violence, just as hate produces hate. I have seen that throughout all this struggle in southern Colorado; and while I deplore violence and I am against it on both sides, I know from my experience that the violence of these men in the laboring class is simply the pent up feeling that comes from oppression and tyranny and lawlessness and the attitude of men like Mr. Osgood, who, if he is right, stands for masters in this country on the one hand and slaves on the other; and it is that sort of thing that does more to produce violence than all the anarchists and socialists that I know anything about. At least that is my experience with these people.

I am not going to take up any more of your time, but I have one or two things that I would like to file.

I would like to file a statement from the New York World of date of May 27, 1914, with an extract from Col. Roosevelt's testimony as to what he did, or was going to do in the coal strike of Pennsylvania. I want to say that, although the New York World intimates that I put Col. Roosevelt up to say that at that particular time as bearing on our trouble out here, I did nothing of the kind, but I heartily agree with what the colonel says as to the right of a President in a case of this kind, and I did urge President Wilson, for the reason I have stated, that if it came to the worst, I thought, in the interest of all the people of Colorado, that he should go and do likewise. I hope that will never be necessary. Here is the article.

(An article entitled "Roosevelt was ready to seize mines to end strike," from the New York World, Wednesday, May 27, 1914, was submitted in printed form.)

Then here is another thing I would like to file—this pamphlet issued by the State Bureau of Child and Animal Protection. The statement was sent out by this organization, of which E. A. Colburn, of the mine owners' association, was vice president. He said the statement I made before you at New York, to the effect that that bureau had endeavored to defeat a child-labor law, was not true. That statement was sent all over the country and it was published.

I am experienced in Colorado, and my experience is that the mine owners in Colorado have never been earnest in their efforts to prevent child labor, and I want to file this pamphlet or magazine, in which they say they don't want any child-labor laws in Colorado. These statements are absolutely inconsistent with their action as shown by the decision in forty-fourth Colorado, at page 442,

as to how a legal child-labor bill should be drawn. They attempted to legalize the employment of children over the age of 13 years.

In opposition to this Colburn Society we succeeded in defeating that law and in putting on the books a statute forbidding the employment of any child under the age of 16 years in a mine.

(A pamphlet entitled "Child and Animal Protection," published by the Colorado Humane Society, dated Denver, Colo., January, 1911, was submitted in printed form.)

I also want to file this statement of children made dependents because of parents killed in coal-mine accidents. This was taken from the official reports of the State board of charities and correction. It shows that in five years in these coal mines in Colorado 720 children have been made fatherless and dependents.

(See Lindsey Exhibit No. 5.)

I would like also to file a copy of the report of Mr. Ell M. Green, of the State factory inspection department, with copy from their official records, showing statistics as to child labor in southern Colorado, showing that there were children as young as 10 years of age working in the coke ovens of the Colorado Fuel & Iron Co., and the excuse given by the company was that their parents employed them.

(See Lindsey Exhibit No. 6.)

I want also to file the testimony of the police department of Denver in regard to child labor in Colorado.

(See Lindsey Exhibit No. 7.)

I want to offer in evidence this copy of the child-labor law put through in this State in spite of opposition by this Colburn Society.

Chairman WALSH. That is the present law?

Judge LINDSEY. Yes. It is more stringent than the one they passed and forbids any child under 16 working in the mines in Colorado, and his society tried to defeat it.

(A pamphlet entitled "Child Labor Law of the State of Colorado, 1911," issued by Edwin V. Brake, chief factory inspector, Denver, Colo., was submitted in printed form.)

One final thing, and it will take only a few minutes, and it will show you the truth of these things.

Last spring a committee of business men, among others Mr. Osgood, Mr. Welborn, the president of the Denver City Tramway Co., and some other stockholders of that company, Mr. Phipps, and others, paid several thousand dollars to a committee in New York City, representing the Rockefeller Bureau of Municipal Research, to come out here to Colorado to investigate me. Curiously enough, at the time they were getting these people here, Mr. H. W. Allen, of that bureau, resigned, because, as he said, of the improper influence of the Mr. Rockefeller interests. Whether one of the things he had in mind was because it tried to get the committee to come out here to try to ruin me, I don't know—but that is what these business men of Denver tried to do, as I have the evidence here to show.

This committee from the Rockefeller bureau came out to Denver, and they did examine some of the departments. They told me they were ordered to pay no attention to the other courts, but they were told to get something on my court if they could. I don't think these gentlemen would object to testifying to that. I will furnish the commission with their names later on. I would like you to question them in New York.

One of them said, in a conference with these men—he asked them what they had against me, and they said, "Well, Lindsey tells things about us." He said, "Aren't they true?" And they said in reply, to use his own language, "Good God, yes; but we don't want him to be telling about it." He said, "Why not?" and they replied, "Because it hurts business out here." He said, "It is true, isn't it?" These things happen everywhere, and he is only talking about a condition. Of course, the old gag here is that to tell the truth about the exploiting of the city is to knock the town; but that old gag, of course, is being gradually understood. They said that they were not to make a report on my court unless they got something against me; that they did not want a favorable report of my court.

There was a business men's and chamber of commerce committee appointed, among whom was a nephew of Mr. Cheesman, one of the promoters of a public-utility company, to investigate the courts, and I wrote them a cordial letter inviting them to my court. I have a copy of that letter. But they never came

near me. I then wrote them a separate and individual cordial letter, saying that I would be delighted to have them come and learn the facts from the records of my court. They then appointed a subcommittee, that did not come near us, and then finally made a report that three-fourths of my court be abolished, and I take it they would have included me if it could be done.

I want to file these papers in that connection.

(See Lindsey Exhibit No. 8.)

Now, Mr. Chairman, I know the time you can give me is limited, and I do not care to go into any other matters unless you wish to ask me specific questions, which I will answer briefly, if you care to go into anything further.

Chairman WALSH. Commissioner O'Connell requested me to ask you if you found that letter signed by some doctor containing a threat?

Judge LINDSEY. Yes, sir.

Chairman WALSH. Please submit all the matters you have in evidence. Now, was there anything else, any general topic, that you wish to mention? I know I have hurried you through, and I will have to do so on account of other witnesses, as much as I regret it; but is there any general topic you have been kept from stating on account of this hurry?

Judge LINDSEY. Why, Mr. Chairman, I notice that you have been in the habit of asking questions as you did in New York, and you asked some questions as to how we were going to solve this problem concerning industrial unrest. I know well enough there is always a temptation for anyone who has opinions to state those opinions. I am one of those who do not pretend to know how these things are going to be solved, but I have for 15 years been active in the public life of Colorado and I positively know that the general contentions and general claims of lawlessness against public-utility corporations are true, and they are responsible for most of the violence.

I have some conclusions, and I can briefly state them. I think there are some palliative things that the commission might do well to consider which would bring about more justice and equality in this country, and one of those things is a Federal board of arbitration, that has been presented to you in a better way, perhaps, than I can present it; it is along the line of the Newlands Act with reference to the railroad controversy. The suggestion, I believe, came from Mrs. Harriman, of your board. I believe that some such work can be done and ought to be done to bring about a settlement of such controversies as we have in Colorado, and not alone Colorado. I want this to go into the record: That Colorado is not worse than any other State, but is better than most of them, and that Denver is not worse than any other city, but is better than many cities in America. Our people are brave enough and willing enough to fight these things, and we are getting somewhere in Colorado, and the time is coming when we will be a free city and a free State; but I do say there can be no permanent peace unless fundamental changes are made in our laws. We have got to take over the natural resources of this country, and especially where they are exploited in the interest of a few men as against the welfare of the many. I want to say that I have come to this conclusion after much thought and a knowledge of the facts. I do not believe much in good people or bad people. I am almost convinced at times that there are no good people or bad people, but just people, and the conditions that make for good things and bad things are the things we must understand. We must do away with injustice and inequality.

I would like to relate a little experience I had in New York, which shows the attitude of some people on this subject. I was at a meeting in the house on Fifth Avenue in New York, where I do have some friends—I don't know how it would be in Denver. I was talking to some young boys and telling them of the conditions of these poor people, and I noticed one little fellow took a good deal of interest; I had been telling about the children, and he was very much interested and paid close attention. This young fellow's name was Arthur, and the vestryman of the church told me—he said, "Arthur is worth $25,000,000 in real estate, stocks, and bonds, and, at the usual rate of increase, by the time he is 35 years of age he will be worth $250,000,000. Can't he do a lot for charity?" This man could not see the injustice of the conditions that would make a little boy that never did anything worth $250,000,000. That is not true of all preachers, however.

Chairman WALSH. Can the commission call on you to just submit your constructive recommendations to our secretary?

Judge LINDSEY. I would be glad to.

Chairman WALSH. Growing out of your experience. I wish you would submit your constructive suggestions as to any changes in laws and what the Government should be.

Judge LINDSEY. Yes, sir; I will do so.

Chairman WALSH. That is all. Thank you, Judge.

Judge LINDSEY. One moment, if I may have it, Mr. Chairman, please, to find a letter which you asked me to submit. I thought I had it right here. I would like also to submit the correspondence concerning the editorial writer of a Boulder paper to the effect that Lindsey ought to be killed, and that a man like Prof. Marks had no right in the State university.

Chairman WALSH. If you can find that letter referred to, I wish you would present it. Mr. Dower will call on you for it.

Judge LINDSEY. I will give him the original letter, in which he said that there were five men in Denver that ought to be killed, and I was complimented by being put at the head of the list.

(See Lindsey Exhibits Nos. 9 and 10.)

Chairman WALSH. That is all; thank you.

TESTIMONY OF MR. NIELS JORGENSEN.

Chairman WALSH. What is your name?

Mr. JORGENSEN. Niels Jorgensen.

Chairman WALSH. Where do you live?

Mr. JORGENSEN. Delagua, Colo.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. JORGENSEN. Four years the 17th of June.

Chairman WALSH. You are a native of what country?

Mr. JORGENSEN. Denmark.

Chairman WALSH. Have you worked in any other coal mines in any other State than Colorado?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. Where?

Mr. JORGENSEN. The State of Kansas.

Chairman WALSH. Any place else?

Mr. JORGENSEN. No, sir.

Chairman WALSH. What place in Kansas?

Mr. JORGENSEN. Mineral, Kans.

Chairman WALSH. Have you ever been a member of the United Mine Workers of America?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. When?

Mr. JORGENSEN. From about 1905, I think, to about 1000.

Chairman WALSH. What is your age?

Mr. JORGENSEN. Thirty-seven.

Chairman WALSH. Were you a member of the United Mine Workers of America while you were in Kansas?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. Did you go out on strike when the strike was called September 23, 1913?

Mr. JORGENSEN. No.

Chairman WALSH. Why did you not go on strike?

Mr. JORGENSEN. I was satisfied and was better pleased than I was when the union came.

Chairman WALSH. What difference was there? What made you better satisfied than you were in a union camp?

Mr. JORGENSEN. I got the same treatment and made more money.

Chairman WALSH. Were you threatened or intimidated in any way by any persons in an effort to get you to go on a strike on September 23, 1913?

Mr. JORGENSEN. No.

Chairman WALSH. Did anyone ask you to go on a strike?

Mr. JORGENSEN. No.

Chairman WALSH. How do the coal miners' wages in Colorado compare with those in Kansas?

Mr. JORGENSEN. They are better.

Chairman WALSH. About how much more do you make here than you did in Kansas?

Mr. JORGENSEN. Well, in company work a man will make about 28 or 30 cents more a day, but by digging coal a man makes a whole lot more; lots of them will make from one to three dollars a day more.

Chairman WALSH. Is that your experience, Mr. Jorgensen?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. Are you in favor of checkweighmen at the mines?

Mr. JORGENSEN. No.

Chairman WALSH. Why not?

Mr. JORGENSEN. I get the same weight as I did before.

Chairman WALSH. Have you ever had any experience with checkweighmen?

Mr. JORGENSEN. No.

Chairman WALSH. Was there any effort to get checkweighmen in the mine where you worked, in the Delagua mine?

Mr. JORGENSEN. Yes.

Chairman WALSH. Did you sign the petition which was circulated a short time ago to establish checkweighmen in the Delagua mine?

Mr. JORGENSEN. No.

Chairman WALSH. You did not want any checkweighmen?

Mr. JORGENSEN. No.

Chairman WALSH. And you have not noticed any difference in the earnings you have made with checkweighmen and without checkweighmen?

Mr. JORGENSEN. No.

Chairman WALSH. Do you think that the existence of the union had anything, or has anything to do with keeping wages up in the State of Colorado?

Mr. JORGENSEN. No.

Chairman WALSH. Are you a voter in this country?

Mr. JORGENSEN. No.

Chairman WALSH. You have never become naturalized?

Mr. JORGENSEN. No.

Chairman WALSH. You came here when; what year was it?

Mr. JORGENSEN. In 1906.

Chairman WALSH. What is the reason that you have not become a citizen of the United States?

Mr. JORGENSEN. I have not called for the papers.

Chairman WALSH. Are you a married man?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. Do you feel that you would have any benefit from citizenship in the United States?

Mr. JORGENSEN. Well, I don't know about that.

Chairman WALSH. Is it your intention to go back to Denmark at any time?

Mr. JORGENSEN. No.

Chairman WALSH. Is it your intention to maintain your residence in this country?

Mr. JORGENSEN. Yes, sir.

Chairman WALSH. That is all. Thank you.

We will now stand adjourned until 2 o'clock this afternoon, and I wish to announce that the next three witnesses will be the three young nonunion miners, and then Mr. Northcutt. Please be here on time.

(At this point, 12.30 o'clock p. m., of this, Tuesday, December 15, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. J. F. WELBORN—Recalled.

Chairman WALSH. Mr. Welborn, I just want to supplement your testimony given the other day. Now, since you left the stand you sent me some suggestions made by Mr. W. Mackenzie King to Mr. Rockefeller and submitted to you, about which you testified in your direct testimony.

Mr. WELBORN. Yes.

Chairman WALSH. Now, the correspondence between you and Mr. McClement was not, I think, copied into the record?

Mr. WELBORN. I do not remember as to that. You have had it.

Chairman WALSH. It was not. We had copies of it. Have you the originals here?

Mr. WELBORN. Yes; I brought the originals.

Chairman WALSH. I wish you would submit into the record the correspondence with Mr. McClement.

Mr. WELBORN. It seems not to be in chronological order.

Chairman WALSH. I was going to ask you to just read them in as you did before.

Mr. WELBORN. This file starts with a letter from J. F. Welborn to J. H. McClement, dated September 6, 1913.

(Said letter so offered in evidence is in words and figures as follows:)

DENVER, COLO., *September 6, 1913.*

MY DEAR MR. MCCLEMENT: For 30 days or more officers and organizers of the United Mine Workers of America have been in Colorado attempting to induce the men to join their union, and threatening a strike of the coal operators will not make a contract with the organization recognizing it as the representative of the coal-mine workers employed here.

Our company and all other operators in southern Colorado have always been opposed to recognizing that organization. Wherever it has contracts with operators it has dominated the business to such an extent as to reduce the output, reduce the earnings of the men, and practically to dictate the general policy of operation of coal mines.

We know that only a small percentage of our men belong to the union, and that the southern Colorado miners earn more money per month and per annum than is earned in any important district elsewhere in the United States, whether dominated by the United Mine Workers or not. In spite of this, however, it is probable that in the event of a strike call most of the men would respond, although we believe a great many would later return to work when they found that we were determined in our opposition to the organization and were successfully operating our mines. We are very much concerned and on the anxious seat, yet there is nothing to do but wait.

Public sentiment and the attitude of the newspapers generally are favorable to us.

Yours, very truly,

Mr. J. H. MCCLEMENT,
135 Broadway, New York.

The next is a letter from J. F. Welborn to J. H. McClement, dated November 11, 1913.

(Said letter so identified and offered in evidence is in words and figures as follows:)

DENVER, COLO., *November 11, 1913.*

MY DEAR MR. MCCLEMENT: Messrs. Writer and Rogers are assisting me tonight in cleaning up my desk, which has accumulated practically everything that has come to me in the last two months, for the reason that I have not had 30 consecutive minutes during that time without interruption on account of strike matters. Every time I have thought of you I have hoped that the next day I could write you at some length on this situation, but almost without exception the following morning would bring trouble that required practically all my attention for the day, or if not that, put me in a frame of mind where I could not take hold of anything else.

A trumped-up convention was held at Trinidad September 15. Its delegates were composed of striking miners from northern Colorado, who had been idle for three and a half years, and others appointed from among the employees of the United Mine Workers' organization. No men whatever had been chosen by the miners whom the organization proposed to call out on strike. The natural result was a unanimous vote for a strike, which was set for September 23.

The demands were semimonthly pay, an eight-hour workday, checkweighmen, the right of the men to trade where they pleased, contract with the United Mine Worers of America, and an afterthought demand for an increase of 10 per cent in wages. The latter had never been suggested until during this convention, although the strike agitators, most of whom came from the East, had held a number of conferences with the governor and freely stated their position. They admitted to the governor, however, that all of the conditions, except recognition of the union and the afterthought referred to, were enjoyed by the men. Their sole purpose was recognition of their union and a contract with it under the terms of which every man working for us would be compelled to join the union and pay into its treasury such dues, fines, and assessments as the officers saw fit to levy against its members.

At no time since they first came to Colorado on August 1, up to this day, would they have been unwilling to declare the strike off if they could have but secured this recognition of the union. This, as you, of course, know, would mean placing our business absolutely in their hands.

There was every evidence that not over 10 per cent of our men belonged to the union, yet we now that a far larger percentage would respond to a strike call. Some of these would go out because of their natural sympathy with unionism, others because they did not want to be called scabs, another class, representing a large percentage of the best workmen, left the State before the date the strike took effect in order to have no connection whatever with it, and still another percentage, by no means small, left work because of the fear of violence that had been threatened and which they knew would be put into effect.

The result of the call with us was that practically 70 per cent of the miners and very few of the day and company men responded to the strike call. This meant about 50 per cent of the total mine employees, and has left us in a position where we could and have produced about 30 to 35 per cent of our normal output. The largest among the other operators suffered in a similar way, while most of the smaller operators having but one or two mines lost practically all of their men.

The strike has been one of the most vicious ever conducted by the United Mine Workers of America, whose record is one of extreme violence, with murder as the result of almost every attack. Up to date 19 employees have been killed, practically all of them in cold blood without any provocation whatever, except that they were willing to work, while those who attacked them were not. No attack has been made by mine employees or sheriff's officers on the strikers, except to repulse attacks that the latter made, usually with overwhelming numbers.

We now have the State militia in the field and are hopeful of improvement in the conditions, though they have not accomplished as much during the two weeks they have been in the mining district as we had hoped they would. At the best, however, we are not justified in anticipating normal conditions until well into next summer.

I am inclosing July, August, and September earnings sheets. The figures for the fiscal year you have already had in the preliminary report sent out with a notice of the annual meeting. The strike has prevented my getting out the annual report, although I hope to have it ready within the next few days.

Yours, very truly,

J. F. W.

Dictated but not read.

Letter from J. H. McClement to J. F. Welborn, dated November 20, 1913:

NEW YORK, *November 20, 1913.*

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co.,
Denver, Colo.

DEAR MR. WELBORN: I thank you very much for your full account of labor conditions, contained in your letter of the 11th instant. I appreciate that you are very busy and do not wish to add to your burdens, but as we get no newspaper reports on conditions in Colorado, if you will depute some one to drop me an occasional memorandum as to how the strike is progressing, I will esteem it a favor. With kind regards, believe me,

Yours, very truly,

J. H. MCCLEMENT.

Letter of J. F. Welborn to J. H. McClement, dated December 4, 1913.

(Said letter so identified and offered in evidence is in the words and figures following, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

DECEMBER 4, 1913.

MY DEAR MR. MCCLEMENT: We feel that we have made substantial progress in the conduct of the strike since I last wrote you, although the increase in output during the three weeks has not been large.

At the urgent request of the governor and under some newspaper pressure, we met three of our striking miners in conference with the governor November

20. There has never been any substantial objection to meeting our own employees or our former employees for the purpose of discussing proper matters, yet we have felt that such a meeting might be construed as an indirect recognition of the officers of the union.

We succeeded, however, in yielding to the requested meeting in such manner as to have the selection of the men, nominally at least, in the hands of the governor, and when the meeting was called to order by the governor, who acted as chairman, the miners, in answer to questions, stated that they represented only themselves directly and would be obliged to take back to the miners for their approval or disapproval whatever understandings, if any, might be reached. We reached no direct understanding; in fact, we wanted none, as we were almost sure that had an understanding between the miners and ourselves been reached it would have received the stamp of approval of the officers of the organization and in that way been twisted into an arrangement between us and the organization.

Nevertheless, the conference accomplished a great deal of good, as it convinced the governor that the grievances of the men were of a trivial character and that we had already granted, even before demanded and before the strike was called, everything that the men had a right to ask or strike for, and as a result the governor issued a statement, addressed jointly to the miners and ourselves, recommending termination of the strike. I am inclosing a copy of this for your information.

I am also inclosing copy of a request made by Secretary of Labor Wilson, and which was under pressure from him signed also by the governor, asking for arbitration. We would not under any circumstances have arbitrated the questions proposed, but we were able to answer the Secretary's communication (in a more effective way than by absolutely declining to consider arbitration) by referring to his own statement in the conference, the latter part of which he attended. A copy of our reply is also inclosed.

Our letter was answered by the withdrawal of the arbitration request and a pretense of submitting the matter to vote was made, with the result that the governor's proposition was unanimously voted down by the miners. We are, however, beginning to receive reports of the manner in which the voting at the meetings was conducted. These reports show that the proposition was railroaded through and not fully explained to the men. Had a secret ballot been taken we believe the majority of the men would have voted to return to work, as we have the best of reason for believing that most of the men now on strike are staying away from the mines only through fear of attack from the organization's agents.

Our anthracite and bituminous mines at Crested Butte are both idle and we do not contemplate making an effort to start them up before spring, when we believe the old men, or such of them as we want, will return to work. Our three mines in the canyon district are also idle, but we believe that these men will return in a body when they find that southern Colorado mines are being operated in a substantial way. The miners in the canyon district have always been union sympathizers and have for many years been more or less independent of the southern Colorado men. There has been no violence in that district, probably for the reason that we have not attempted to work the mines, and we do not consider that it will be necessary to replace these men. In the two southern Colorado counties, Huerfano and Las Animas, most of the mines are working with fair forces, some of them having all of the men that they can now employ. Fifteen hundred miners in addition to those at work would give the operators in the two counties referred to all the coal that could be sold, although it would not be the normal production.

We have established an employment organization and have commenced very actively the movement of men from the East. Many of the mining districts have comparatively light work and miners are not difficult to secure. We feel, therefore, that within 30 days we will have almost as many miners as we require. It is my personal opinion that the shipment of a thousand men from the outside will bring half as many back to the mines from the strikers' camps. In normal times the winter production of coal in Colorado is about 1,000,000 tons per month, but the season has been open, people in the agricultural States have been economizing in the use of fuel, and dealers in those States stocked up well during the late summer. These conditions, taken with the lighter demand for steel, which will reduce our coal consumption at the steel plant at the rate of about 50,000 tons per month, will serve to reduce the demand for Colorado coal at least 20 per cent. Therefore, 750,000 or 800,000 tons per month

at the outside would meet all requirements for Colorado coal during the remainder of this winter.

We are experiencing an unusual snowstorm to-day on top of an average storm about two days ago, and the result is from 18 inches to 2 feet of snow in northern Colorado as well as in the southern district. This ought to cause a good many of the strikers who are living in the tents provided by the organization to seek the comfortable houses and employment at the mines.

At Secretary Wilson's request, communicated through our governor, the operators' committee, composed of J. C. Osgood, D. W. Brown, and myself, met him this morning and devoted about two hours to the discussion of the proposition, for the reason that it could not possibly avoid leading to recognition of the union or its officers, and for the further reason that there are no substantial differences between our men and ourselves. Wilson says he expects to go back to Washington to-night, and we hope he will.

Yours, very truly,

Mr. J. H. McCLEMENT,
New York, N. Y.

Letter from J. H. McClement to J. H. Welborn, dated December 19, 1913.
(Letter identified and offered is in the words and figures, following, to wit:)

135 BROADWAY,
New York, December 19, 1913.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: A friend of my son has applied to me for a position. His name is Anthony Fehr. He is a native of Austria and a college graduate, 30 years of age. For eight years he has been in the United States Navy, advancing to the grade of chief petty officer. He has taken an honorable discharge, feeling that the Navy offered no further chances for promotion, and feels that he has made a mistake in his selection of a vocation. He is a man of good habits, good physique, and willing to work.

I thought in your present disorganized state, if he went to Colorado you might find some position where he could make a new start. All he wishes is a start and a chance to earn a living, depending upon his own merit and the opportunities which might be offered for advancement.

If you need such a man please wire me and I will send him out to you.

Yours, very truly,

J. H. McCLEMENT.

Copy of letter from J. F. Welborn to J. H. McClement, dated December 29, 1913.
(Letter so identified and offered in evidence is in the words and figures following, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

MY DEAR MR. McCLEMENT: I have yours of the 19th instant, regarding a young Austrian gentleman, a friend of your son, who has applied to your for a position.

During the first two or three months of the strike nearly everyone connected with the company was engaged in whatever would best serve the interests at the time, much of the work naturally being of a very temporary nature. We have, in a way, gotten on our feet again, and now for several months to come will have to watch economies very closely. We probably ought to reduce forces more than we really will, as we can not entirely disregard the loyalty that has been shown to the company's interest by so many of our old employees.

As for taking on new men, I hardly see how it would be possible for us to do it in any department whatever, except, of course, the common laborers.

I might also say, that so far as Colorado generally is concerned, I think it a very poor place for any one to seek employment of an important nature. Business generally is at as low an ebb as I have ever known it here, and the reductions in working forces with the larger companies are very general.

Before closing I want to say that we have about all of the miners now in southern Colorado that we will be able to work, but do not anticipate full production from them for several weeks, as it will take some time for all of

them to find satisfactory places and get into working trim. It is hardly probable that the mines in the canyon district or those on the western slope will reopen before the beginning of another busy season. Only a small percentage of their output could now be used if they were in operation, and if our expectations as to operations in the south are realized, we will have enough coal in that district to take care of all wants, although the tonnage may not be much above 60 to 70 per cent of our normal output from all mines.

Yours, very truly,

Mr. J. M. McCLEMENT,
New York, N. Y.

Copy of letter from J. F. Welborn to J. H. McClement, dated May 23, 1914.
(Letter so identified and referred to is offered in evidence and is in the words and figures as follows, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

MAY 23, 1914.

MY DEAR MR. MCCLEMENT: I feel very guilty for not having written you before about the happenings in connection with our coal-strike matters since your were here. It has seemed impossible, however, to secure even 30 minutes of time to myself since April 20, when the outbreak at Ludlow took place.

The general press reports have been very incorrect and, in many cases, absolutely false. I assume, however, that you saw a copy of the operators' telegram to Dr. Foster, in reply to one he sent Mr. Rockefeller April 20, which was handled by the Associated Press. I am, however, inclosing a copy of this, together with copy of a second telegram we sent Dr. Foster, supplementing the first; also copy of a telegram sent to President Wilson and signed by all of the principal operators except the C. F. & I. Co.

Monday I will try to write a general résumé of events from April 20 down to date.

Yours, very truly.

Mr. J. H. MCCLEMENT,
135 Broadway, New York.

Letter from J. H. McClement to J. F. Welborn, dated May 26, 1914.
(Letter so identified and offered in evidence is in the words and figures as follows, to wit:)

135 BROADWAY,
New York, May 26, 1914.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN, I thank you very much for your letter of the 23d instant and have read the clippings inclosed therewith with great interest. Several of these were not published in the eastern papers.

I am waiting with much interest your further information as to how the mines are working and what progress is being made in production. With kind regards, believe me,

Yours, very truly, J. H. MCCLEMENT.

Copy of a letter from J. F. Welborn to J. H. McClement, dated May 27, 1914.
(Letter so identified and offered in evidence is in the words and figures as follows, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

MAY 27, 1914.

MY DEAR MR. MCCLEMENT: The outbreak at Ludlow on April 20 was one of the most vicious things that has happened since the strike was called. There is abundant evidence to show that the attack had been carefully planned by the strike leaders to take place on April 21, but through indiscretion on the part of some of the Greeks, and, perhaps, others, it was precipitated on the morning of April 20. Many of the women and children had been sent away, and in point of numbers the strikers were sufficiently large to have completely annihilated the small squad of militiamen that had been left at and in the vicinity of Ludlow, which aggregated about 45. Only 12 of these were at

Ludlow when the outbreak occurred, but the others were only a short distance away and soon came to the relief of their comrades.

Reinforcements were obtained from two troops just previously organized at Trinidad and Walsenburg and made up of mine employees. These troops had been organized by the adjutant general when the governor decided to call practically the entire force of the militia out of the field, in order that there might be a reserve force to call upon in an emergency. The wisdom of having these enlisted men available can not be questioned, as without them the 45 men previously referred to would have been entirely unable to cope with the overwhelming forces of the strikers.

In the first attack on the militia a private by the name of Martin was shot in the neck but not killed. First-aid bandages were applied, and his comrades started to carry him back to a place of safety, but were forced to leave him—as they thought only temporarily. They were, however, unable to get back to him for some time, and when they did reach him the work of destruction had been completed by the strikers. His face had been broken in a number of places, a gun discharged in his mouth, and his body from his neck down perforated with bullets. One can imagine the feelings of this man's comrades when they viewed his body in that condition, and it would not have been surprising if they had disregarded all rules of warfare when they had an opportunity to make themselves effective against the attacking party. All the evidence goes to show that, except that Lieut. Linderfelt broke his gun over the arm or head of Louis Tikas, the Greek leader, no acts that could be criticised were committed by any of the militia. The tents caught on fire while the militiamen were several hundred yards away, and was either the result of an exchange of shots between the militiamen and strikers located in the tent colony or started by the act of some one within the colony. As has been stated before, no women or children were shot. The 12-year-old boy who was killed was unquestionably shot by some one of the strikers, as the evidence showed that the bullet was of the explosive character used by the strikers and not by the militiamen. The evidence of a doctor of the Hastings mine showed that the 11 children and 2 women who were taken out of the pit the next morning dead had been suffocated probably before the tent caught on fire. While the tents were burning militiamen discovered some women inside, and rushed in under heavy fire from strikers intrenched a short distance away and rescued all of the women and children that they could find, supposedly all that had been left in the tent colony.

The next morning a large number of men attacked the Delagua mine of the Victor-American Fuel Co. and killed three men who were defending the property and lives of the workmen. They next moved on Aguilar, where they destroyed the top workings of three or four mines, and after driving several men, women, and children, including the president of one of the smaller companies, into one of the mines they sealed its opening with explosives.

Under heavy pressure we induced the lieutenant governor, in the absence of Gov. Ammons on a trip to Washington, to order the militia back into the field. Before they reached the real trouble zone, however, the lieutenant governor had established a truce with the attorney representing the United Mine Workers, under one of the conditions of which the militia were not to move south of Ludlow, and that the strikers would cease their attacks on the militia and mine property. This truce was, in my judgment, nothing short of a conspiracy, and I so informed the lieutenant governor when he told me about it. Results showed that my judgment was right, as the truce was not observed more than a few hours, if really at all, by the miners. However, the lieutenant governor continued to observe the peace pact, and on Ammons's return two or three days later he continued it. Had the militia been allowed to move without restraint under the direction of the adjutant general much, if not all, of the disaster and bloodshed that followed during the next few days would have been prevented, for I do not think the strikers would have engaged the enlarged military force at any point; if they had, the results would have been far different from those that have heretofore been reported.

Early on Monday, April 27, an attack was made on our Berwind and Water mines by a large force intrenched in what locally is termed a hogback or dike about a mile north of these mines. Our guards, that had been well armed and whose forces had been augmented somewhat, took up a position on a hill between the mines and the hogback, keeping the strikers far enough away from the mines to prevent their doing us any injury of those proportions. They did, however, succeed in reaching our McNally mine, lying between the strikers' intrenchments and the position occupied by our guards, and drove out

the small force of men we had there looking after the property, which was idle, and burned some of the buildings. The men ceased work in the Walsen and Robinson mines and came to the relief of the guards, a total of 160 of our workmen in and around those mines taking up guns in the protection of their lives and our property. Early on the morning of Wednesday, the 29th, assistance was given us from the military force that had been established at Ludlow, which is about 25 miles south of Walsenburg, and maintained there under the terms of the peace pact. These men were under what, I consider, a very incompetent colonel, and his work was of a negative character. He, however, responded to the attack of the strikers a little before noon, but the engagement lasted only an hour or an hour and a half until another truce was established between the governor and the representatives of the United Mine Workers. After the establishment of the truce, Dr. Lester, engaged in treating a wounded soldier and wearing a Red Cross badge, was killed. Because of what, I think, was cowardice on the part of the colonel in charge, his body was not recovered until 9 o'clock that night, having been allowed to lie on the field about seven hours. During this time it had been robbed, more shots fired into it, and the part of his clothing carrying the Red Cross badge had been removed. The truce was established between 1 and 1.30, and immediately the commanding officer in the field commenced to withdraw his men. At 5 o'clock the strikers went into our McNally mine and completed the destruction of most of the top workings.

Also, on the morning of April 29, at 5 o'clock, a large force of men, headed by between 50 and 60 Greeks, and composed entirely of foreigners, attacked the Forbes mine, which is between Trinidad and Ludlow and about 5 miles from the latter place, killing nine men in cold blood, burning the barn with 30 mules, and destroying much other property. Under the terms of the first peace pact referred to, the militia were not allowed to go south of Ludlow, although the major, Hamrock by name, in charge at that point, begged the governor, through the adjutant general, for permission to send the small squad to the relief of the Forbes workmen. He had learned during the night before that the attack was to be made, and at that time made the request for permission to protect the men. He renewed his request early the following morning when evidence reached him that the attacking party was at or near the mine. This was the most cold-blooded act of the entire strike, showing not only premeditation but a heartlessness that seems to be characteristic of the Greek race.

Federal troops arrived early Thursday morning, April 30, and since then we have had comparative peace. During the entire siege, from April 20 to April 30, we were fortunate enough to lose no men. The total value of the property destroyed at McNally was about $30,000.

No greater loyalty to employers has ever been shown than was demonstrated by our workmen, composed of, I think, practically all nationalities, when 160 of the regular mine employees took up arms in protection of their lives and our property at Walsen; a large number did the same at the Berwind and Tabasco mines near Ludlow. At the latter properties unarmed men accompanied those with arms into the hills to intercept the attacking parties, and did so with the expectation of taking up the gun of some one who was shot down in the event an attack was made.

The policy of the Federal troops is not entirely satisfactory to us, although we have about as many men at work to-day as we had before the outbreak of April 20. They will not, however, permit us to bring in any men from outside the State and require that all of those seeking employment shall go direct to the mines where they want to work and make their application, rather than making it through our office here or in Trinidad. I am sure that they are obtaining a large amount of valuable information, and that in a general way they know where the guns, which the strikers failed to deliver, are hidden. They are, however, unquestionably acting under directions from Washington, and without authority to search for arms until specifically directed by Washington to do so.

A so-called mediation committee, composed of an old active officer of the United Mine Workers of America and a former Kentucky coal operator, has been appointed by Secretary of Labor Wilson, and the gentlemen have been at work here for about two weeks. The coal operator shows strong sympathies for the operators here, and, if we can believe what he says, we have a right to expect a favorable report from him.

Our State legislature, as you doubtless know, was called into extra session on the fourth of this month and passed two or three desirable bills, one an appropriation for the military expense, and adjourned after a session of about two weeks. A legislative committee composed of six was appointed to investigate the strike and attempt to bring it to a termination. That committee has been divided into three subcommittees composed of two each, who will leave to-night and to-morrow to make preliminary investigations in three different parts of the State. It is too early to hazard a guess as to their course, but we naturally hope that they will report in accordance with the facts.

I have written this hurriedly, in a somewhat rambling fashion, as I have been unable to take enough time to myself without interruption since Monday morning to give you a clear and concise statement of affairs, and on account of the death of Mrs. Welborn's mother last night I find it necessary to leave the office between 3 and 4 o'clock this afternoon, and for that reason will not be able to sign the letter personally.

Yours, very truly,

Mr. J. H. McCLEMENT,
New York, N. Y.

Letter from J. H. McClement to J. F. Welborn, dated June 8, 1914.

(Letter so identified and offered in evidence is in words and figures as follows, to wit:)

135 BROADWAY,
New York, June 8, 1914.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I am very much obliged for your interesting résumé of labor conditions contained in your letter of May 27, which I have taken the liberty of forwarding to Mr. Murphy for his and Mr. Rockefeller's information.

We fully appreciate the trying ordeal which you and all our loyal employees, officers and men, are undergoing during this war for a principle and sincerely trust that it will not last much longer. With kind regards,

Yours, very truly,

J. H. McCLEMENT.

Copy of letter from J. F. Welborn to J. H. McClement, dated August 18, 1914.

(Letter so identified and offered in evidence is in words and figures as follows, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

MY DEAR MR. MCCLEMENT: I feel guilty of neglect in not having written you before this in connection with strike matters, and yet little of moment has happened since my last letter on the subject.

No change has taken place in the policy of the Federal troops with respect to the employment of men, although I do not think their rules are as rigidly enforced as at the beginning. Our gain in the number of men employed has not been material, though the efficiency of the men has improved somewhat, and consequently our production has increased a little over what it was in May.

The committee from the Secretary of Labor's office in Washington has made no report on the Colorado matter and probably will not for some time. One of the members of the committee recently underwent an operation for appendicitis at his home in Kentucky and is not now on duty. Our own legislative committee made what they considered an extensive investigation of conditions; held two or three interviews with the operators; made some recommendations which we could not accept; but have not made their report, and I am inclined to think will make none before the regular session of the legislature convenes this winter unless in the meantime some unusual condition should develop which would in their opinion call for an immediate report. It appears that when they were appointed they practically agreed that no report should be made that could not be signed by all members of the committee. If they adhere to this agreement, it is not probable that a report of any value will be made, as four of the members of the committee are disposed to a report wholly based on the facts, while the fifth member of the committee is a Progressive,

closely allied with Costigan, the attorney for the United Mine Workers of America, and the sixth is a politically ambitious Democrat.

All of the reports that have come to us from confidential sources during the past few weeks indicate a growing dissatisfaction on the part of all the strikers, and threats have been made by many (some of which have been put into execution) to return to work. Our information goes to show that the officers of the organization are very tired of the strike and acknowledge to themselves that they have been defeated, yet I do no consider it probable that the strike will be called off. On the other hand, it is not improbable, in my judgment, that the benefits will be withdrawn or materially reduced. The effect of this would naturally be to cause a great many of the men to forsake the strikers' forces and go back to work. If the national organization of the United Mine Workers of America had sufficient funds I believe contributions would continue on a reasonably liberal basis at least until after election, and even with a broken treasury I think they will continue some benefits until after the November election in the hope that either the Democratic or Progressive candidate for governor will be elected, and as a result greater pressure than heretofore will be put on the operators to yield some point or points that will enable the miners' organization to call the strike off without admitting complete failure. The political situation is far from satisfactory. There seems to be a rather strong feeling in favor of law and order, and both women's and men's law and order leagues have been organized. There has not, however, been a complete and, in my judgment, effective organization perfected in the Republican Party. At any rate, many of us are fearful that the Republican candidate for governor will not be elected.

Yours, very truly,

Mr. J. H. McCLEMENT,
New York, N. Y.

Also here is a copy of a letter from J. F. Welborn to J. H. McClement dated January 27, 1914.

(Letter so offered in evidence is in words as follows, to wit:)

[Colorado Fuel & Iron Co., Denver, Colo. Mr. J. F. Welborn, president.]

JANUARY 27, 1914.

Mr. J. H. McCLEMENT,
135 Broadway, New York, N. Y.

DEAR SIR: I inclose herewith statement of December earnings and earnings for the first six months of the fiscal year compared with corresponding periods of last year.

We feel quite sure that we have struck the bottom, and that from now on we will be able to show gains compared with the earlier strike months.

We are now producing enough fuel to operate the steel plant to a capacity sufficient to take care of all demands, and it is encouraging to note that the buying of steel products has materially increased since January 1. Prices, however, on practically everything we make, except rails, are much lower than they have been for years.

Yours, very truly,

J. F. W.

P. S.—Statement for November and five months of fiscal year also inclosed.

Copy of letter from J. F. Welborn to J. H. McClement, dated August 18, 1914. (Letter so offered in evidence is in words and figures as follows, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

MY DEAR MR. MCCLEMENT: I inclose herewith statement of earnings for the year ending June 30 compared with the previous year; also statement of July earnings of last year. In each case the figures show a slight surplus. In June it was due to the adjustments at the end of the year, made up largely of dividends on stocks of subsidiaries, but in July the surplus was the direct result of the month's operations.

It is gratifying to again have a month's returns that do not show a large loss, yet with the unusual war conditions abroad, which are greatly interfering with all lines of business, we can not be optimistic as to the imme-

their future. Instead of booking new rail orders for winter and early spring delivery, as is the custom at this time of year, we have been asked a number of times during the past three weeks to suspend shipments on orders placed for what might be termed current delivery. Our rail orders for this fall's delivery were in the aggregate light and have been greatly reduced by these suspensions. The result is that we are now working our rail mill but half time in order to spread the small amount of business over as long a period as possible, hoping thereby to avoid a complete shutdown within a few weeks.

I anticipate that we would have a very good coal business in the agricultural States, which ordinarily buy large quantities of high-priced coal, if the strike were not interfering with our output.

Yours, very truly,

Mr. J. H. McCLEMENT,
135 Broadway, New York.

Another copy of letter from J. F. Welborn to J. H. McClement, dated October 21, 1914.

(Said letter so identified and offered in evidence is in words and figures as follows, to wit:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 21, 1914.

Mr. J. H. McCLEMENT,
135 Broadway, New York, N. Y.

DEAR SIR: I inclose herewith copies of the August and September reports of earnings, compared with corresponding periods of the previous year.

It is very disappointing to have to report a deficit in each month, yet this can now be charged to poor business rather than to the strike. Not during the past 10 or 12 years, if since 1900, has the actual rail business in hand and in prospect been as poor as it is at this time. We are able to keep our rail mill going at about half capacity by working mainly on orders placed for delivery in the early months of next year. This is keeping our organization together at both the steel works and the coal mines, but operations on that basis can not be conducted at a profit.

Yours, very truly,

J. F. W.

Chairman WALSH. Now, have you copies of all those originals—have you finished with the McClement list?

Mr. WELBORN. Yes; I have.

Chairman WALSH. Have you retained in your office copies of all this correspondence which you have offered here?

Mr. WELBORN. No; I have not, because some of it was copied in your office here.

Chairman WALSH. I would like to have all that correspondence with Mr. Dewar. We expect to have here to-morrow at noon, but Mr. Dewar, our secretary, will be here until noon and will take it up with you and check it up, and, if necessary, he can give you copies now.

Mr. WELBORN. Mr. West gave me a file of copies, presumably complete, just a few minutes ago.

Chairman WALSH. Leave those, please, with Mr. Dewar, and he will check them up and return them to you. All the original files you stated at this conference you had of a correspondence with Mr. Rockefeller and Mr. King at Tarrytown, and then the one you had when Mr. Hywell Davis and Mill were present, that, I understood you, was in the latter part of September?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Was it after the letter had been written to the President?

Mr. WELBORN. After I had been to Washington and from there gone to New York.

Chairman WALSH. It was the last week of September, then?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Thank you, that will be all.

Mr. WELBORN. This Mackenzie King correspondence has not been read in yet, that which I sent you yesterday.

Chairman WALSH. Just put that by please.

Mr. WELBORN. The first is an extract from a letter from W. L. Mackenzie King, dated August 6, 1914, and the original letter from John D. Rockefeller, jr., to J. F. Welborn, dated August 11, 1914.

(The letters so identified and referred to are in the words and figures following, to wit:)

[Extract from letter of W. L. MacKenzie, dated Aug. 6, 1914.]

I agree with you in believing it to be extremely unlikely that the United Mine Workers of America will call off the strike. They might be willing to drop open, active support by degrees, but I am inclined to think that where recognition has been the principle for which they have been fighting, they will not openly abandon the struggle with anything short of what they may be able to construe as such.

It may be, however, that organized labor in the United States will realize the opportunities and handicaps likely to come to certain industries through the changed conditions of Europe, and will be prepared to cease hostilities where industrial strife at present exists, in order that on the one hand labor may reap with capital a fuller measure of the harvest, or, in industries that may be differently affected, protect itself against consequences that are certain to arise. I fear that the view likely to be taken by some of the leaders may, at the outset, be the shortsighted one of endeavoring to persuade their followers that the opportunities which may come to American capital through the crippled condition of industries elsewhere will induce a recognition which under less favorable circumstances might not be granted. This is almost certain to be the immediate effect, and I think you are wise, therefore, in dismissing altogether from your mind the possibility of the United Mine Workers calling off the present strike, even if under any circumstances short of recognition they would be likely so to do. It will not be very long, however, before the inevitable effects of the European war on American labor conditions are certain to make themselves felt, both because of the scarcity of capital available for investment and the crippled condition of industry on the other side, and once this becomes apparent the unions will have to revise considerably some of their present policies.

It would be fortunate indeed if, out of the changed conditions which this European war is certain to produce, a means might be found of restoring industrial peace in the United States in industries such as coal and fuel, where there is a certainty of a direct bearing. It may be that among those who are embarrassing the situation in Colorado there are many foreigners who may feel compelled to return to Europe, and that may prove an immediate factor of importance. Looking at the ultimate, rather than the immediate, effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of this war, and once the war is over thousands of men and their families in the Old World are going to seek future employment in the New. In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition, simply for the sake of recognition, is going to be seen to be less pressing as an immediate end than that of maintaining standards already existing, and may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of fair conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado.

The possibilities here set forth might be pointed out by employers in a perfectly frank and open manner. It might be said with equal frankness that were it desired to profit by such a situation, employers may seek later to enforce individual agreements with all men desiring to enter their employ; may even consider, as some doubtless will, altering conditions of employment to their supposed immediate advantage. Between the extreme of individual agreements on one side, and an agreement involving recognition of unions of national and international character on the other, lies the straight acceptance of the principle of collective bargaining between capital and labor immediately concerned in any certain industry or group of industries, and the construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means on the one hand of pre-

venting labor from being exploited, and, on the other, of insuring that cordial cooperation which is likely to further industrial efficiency.

Granting the acceptance of the principle outlined, the machinery to be devised should aim primarily at securing a maximum of publicity with a minimum of interference in all that pertains to conditions of employment. By this I mean that the hope of establishing confidence between employers and employees will lie more in a known willingness on the part of each to confer frankly with the other than in anything else. Similiarly, the avoidance of friction, likely to lead to subsequent strife, is likely to be minimized by agencies which will disclose the existence of irritation and its cause at or near inception. Trouble most frequently follows where ill feeling is allowed to develop unknown or unheeded.

A board on which both employers and employed are represented, and before which, at stated intervals, questions affecting conditions of employment can be discussed and grievances examined, would appear to constitute the necessary basis of such machinery. The size of this board, and whether there should be one or many of such boards, would depend upon the numbers employed, the nature of the industry, and whether or not the work is carried on in one or several localities. Where, for example, there are different mines or refining plants as well as mines, it might be that the boards pertaining to each individual concern might be combined with provision for reference to a joint board covering the whole industry or group of industries to which matters not settled by smaller boards might be taken for further discussion and adjustment.

In determining the character of representation upon such boards, broadly speaking, a line might be drawn between those who are "paid salaries" on the one hand, and those who "earn wages" on the other hand. This is very rough and very general, for there are, in some industries, a class of petty bosses whose interests may appear to identify them more closely with wage earners than with salaried officials, but, broadly speaking, men who have authority to give orders and to direct operations fall into the salaried class, while the men who have no authority to direct others and whose own work is subject wholly to direction, fall into the category of wage earners. The selection of representatives on such boards should be made at a meeting or meetings of the employees called expressly for the purpose. It might be left optional for the employees to say whether they desired a permanent form of organization of which their representatives on a board would be the officers, or whether they would prefer the selection of individuals at stated periods, without reference to any permanent form of organization. It could also be left optional with the workers themselves to say whether they wished to allow the representatives so chosen a salary in payment of their services or whether such services would have to be voluntary. A company might, with propriety, offer to provide a place of meeting for the boards, and possibly go the length of supplying the employees with permanent office accommodations for their representatives, leaving it, however, to the employees themselves to provide whatever might be necessary in the way of salaries and expenses in the keeping up of such offices.

It would not appear desirable at the outset that these boards should have anything to do with benefit features. They should not be framed with a view of restricting, through possible benefits, the liberty of any man as respects the continuance of his employment, but should aim primarily at affording a guaranty of fair play in determining, in the first instance, the conditions under which men would be obliged to work and the remuneration to be paid; and, secondly, the carrying out of these conditions in a spirit of fair play.

One thing to be especially aimed at in the construction of such boards would be the making virtually certain of the possibility of grievances or conditions complained of being made known to and subject to the review of persons in authority over and above the parties immediately concerned, where the parties fail to adjust these differences between themselves; this to be carried even to the point that directors, if need be, should have, where the numbers to be affected are likely to justify it, a knowledge of the situation and power to pass upon it. This feature will probably not appeal to pit bosses and managers who may desire absolute authority. On the other hand, I am convinced it would be possible to so frame a constitution for these boards that the possibility of this review would in no way interfere with discipline, but would be a material assistance rather than a handicap to those who are charged with responsibility.

What might be expected of a board of this kind would be that employees, before taking up any question with the officers of the company, would try to adjust or settle it among themselves. Failing adjustment in this manner, dif-

ferences and difficulties would be presented to the officers of the company, not by the individuals immediately affected, but by the duly constituted representatives chosen to safeguard the interests of all. Having had a preliminary sifting in this manner, cases could be brought before a committee of the board or before the whole board in any one industry for adjustment. If it should be found that an individual board could not definitely determine a matter of importance, there might be brought a further appeal on stated conditions to a board chosen to represent the industry as a whole, or a group of allied industries, the purpose here being to get away, to a degree, for purposes of adjustment, from the parties immediately concerned, but not wholly away from parties likely to be ultimately affected. This would make it an essential that all members of such boards, excepting possibly persons chosen as chairmen, referees, or umpires, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside. It should be possible, however, for workmen to select one or more of their number who could give their entire time to acting in a representative capacity and pay them a salary pending their acting in such capacity.

I think, in a very rough way, this covers the points mentioned in our conversation. I really hesitate to send this letter in such rough outline and without care in preparation. I believe so strongly in never advising in regard to any situation until one has made oneself familiar with all its phases that I feel I am running a great risk in even setting forth what this letter contains, as there may be conditions or reasons which will render its suggestions wholly inapplicable to some of the industries with reference to which consideration is invited.

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26 BROADWAY,
New York, August 11, 1914.

DEAR MR. WELBORN: For some months we have been talking with different ones who are familiar with the subject about some simple machinery which would insure quick and easy access on the part of the employees of the fuel company to the officers of the company with reference to any grievances, real or assumed, or with reference to wages or conditions of employment, feeling that the officers of the company might think that the introduction of some simple mechanism of this kind would tend to promote kindly feeling between the employees and the officers, as well as be a further evidence to the public of the entirely fair and just attitude of the officers toward their men. Among the men with whom we have talked on this subject we have found no one more intelligent, more practical, or more experienced than Mr. W. L. Mackenzie King, who was a short time ago the secretary of labor of Canada. As deputy secretary, Mr. King himself settled 45 strikes. It is he who prepared and put on the Canadian statute books laws with reference to the handling of industrial disputes which have so materially reduced the number of strikes in Canada during the past few years. Mr. King is a man who has approached this subject from both the theoretical and the practical side. I fancy that his success in settling the strikes above referred to was due partly to his extensive knowledge of and wide experience in dealing with industrial difficulties and partly to the fact that he has the faculty of making men of high and low degree believe in his sincerity and genuineness. Having had several conferences with Mr. King during the past few months along these lines, it occurred to me the other day to ask him to outline briefly some simple machinery which would accomplish the result suggested at the beginning of this letter. I am inclosing a copy of that portion of his reply which deals with the subject. You will understand that as a Canadian subject closely related to the Government, Mr. King is overwhelmed with public duties at this time in connection with the European war. He has been unable to give the subject of my letter any careful or continued thought, but has dictated hurriedly some of the points which he made in his discussions of this subject with us.

I am sending this memorandum to you in the most informal way, without any conference with my colleagues, simply for the purpose of ascertaining whether you gentlemen in Denver believe that anything along these lines is worth considering for the fuel company. If you think it is, as we are inclined to believe, it occurs to me that it might be possible for us to arrange with Mr. King, should you so desire, to go to Denver, at your invitation, for conference privately with you gentlemen. The purpose of this conference would be for you to give him the many facts as to the fuel company's organization, a knowledge of which would be essential to enable him to outline a plan adapted to the

specific requirements of that company. If there is any man available who could be helpful in working out such a plan as this, I believe Mr. King is the man. My thought would be for him to go to Denver in an entirely private and unofficial capacity as your guest, without its being generally known that he was there. I should not expect him to undertake to visit the coal properties of the company, but rather simply to confer with you gentlemen in your own office.

I shall appreciate a frank expression of your feeling on this general subject, and if I can be of any help in developing a plan, should the idea meet with your approval, or in securing such a visit from Mr. King, as I have suggested, I shall be only too glad to do so. I may say in passing that I had a few words with Mr. Lee on this general subject before he went West.

Very truly,

JOHN D. ROCKEFELLER, JR.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co.,
Denver, Colo.

I have also another letter which was missing from one of the files. You will recall, perhaps, some correspondence relating to a letter written by William Park Athey?

Chairman WALSH. Yes, sir.

Mr. WELBORN. Last night I was trying to take care of the correspondence that had accumulated in the last three weeks, and I find among a large mass of stuff the original letter from William Park Athey to Mr. Rockefeller, which had been forwarded to me by Mr. Rockefeller's secretary, Mr. Heydt. The letter from Mr. Athey is dated November 5, 1914.

(The letter so identified and referred to is in the words and figures following, to wit:)

HOLLY, COLO., *November 5, 1914.*

Hon. JOHN D. ROCKEFELLER, JR.,
President Rockefeller's Foundation, New York, N. Y.

DEAR SIR: While in the strike district helping to protect part of your property, I received two certificates of indebtedness from the State military fund, amounting to $61, which I have been unable to cash.

As I was trying to support a mother and two sisters previous to the call, therefore, after the call I was unable to meet my expenses and am now in a distressed financial condition. That is the reason for making this personal appeal to you.

Hoping that you can see fit to take these off my hands, thereby doing an act of kindness, I am,

Yours, respectfully,

WM. PARK ATHEY.

P. S.—I am not of age, therefore, can not borrow money, but if you doubt my honesty and character kindly refer to the First National Bank of Holly.

WM. PARK ATHEY.

The copy of Mr. Heydt's letter of transmission to me or to Mr. Athey is dated November 17, 1914.

(The letter so identified and referred to is in the words and figures following:)

NOVEMBER 17, 1914.

Mr. WILLIAM PARK ATHEY,
Holly, Colo.

DEAR SIR: In the absence of Mr. John D. Rockefeller, jr., I acknowledge receipt of your letter of November 5 and have referred the same to Mr. J. F. Welborn, president Colorado Fuel & Iron Co., Denver, Colo.

Very truly,

CHARLES O. HEYDT.

Chairman WALSH. Just one other thing. Commissioner Weinstock, who has gone away, has left a request for you to meet Mr. Grant at your office, who wants to go over certain letters with you and certain records about which you testified here—that is, as to arms purchased and where they were purchased, and certain things of that kind. Mr. Grant will take it up with you, and knows what the commission desires.

Mr. WELBORN. All right; when will I see him?

Chairman WALSH. We are crowded now; either to-day or after we go away.

Mr. WELBORN. After you go away will suit me better.

Chairman WALSH. That is all; thank you, Mr. Welborn.

TESTIMONY OF MR. W. E. BROOKS.

Chairman WALSH. What is your name?
Mr. BROOKS. W. E. Brooks.
Chairman WALSH. What is your age?
Mr. BROOKS. About 38.
Chairman WALSH. Where do you reside?
Mr. BROOKS. At the present time at Hastings.
Chairman WALSH. Are you married or single?
Mr. BROOKS. Married.
Chairman WALSH. Is your family at Hastings?
Mr. BROOKS. No, sir; in Alabama.
Chairman WALSH. How long have you been at Hastings?
Mr. BROOKS. I have been at Hastings since about March.
Chairman WALSH. Are you working there at Hastings as a miner?
Mr. BROOKS. Yes.
Chairman WALSH. For what company?
Mr. BROOKS. The Victor-American Fuel Co.
Chairman WALSH. You are a coal digger there, are you?
Mr. BROOKS. Yes, sir.
Chairman WALSH. Have you ever followed that occupation elsewhere?
Mr. BROOKS. Yes, sir.
Chairman WALSH. Where else?
Mr. BROOKS. Alabama, Oklahoma, Illinois, and Washington.
Chairman WALSH. Have you ever been a member of the United Mine Workers of America?
Mr. BROOKS. I have.
Chairman WALSH. Whereabouts?
Mr. BROOKS. In all those States I have mentioned, except this State.
Chairman WALSH. When did you come into the Colorado field?
Mr. BROOKS. This last time I came in along in the winter, in December.
Chairman WALSH. Where were you employed?
Mr. BROOKS. First at ——— for the C. F. & I., and then I came to Hastings for the Victor-American.
Chairman WALSH. Where were you when you undertook to come to Colorado first? Were you employed to come here?
Mr. BROOKS. No, sir; I was in Washington when I came to Colorado the first time.
Chairman WALSH. How did you happen to come to Colorado?
Mr. BROOKS. I wasn't doing no good there.
Chairman WALSH. Did you know there was a strike here at the time?
Mr. BROOKS. The last time, I knew there was a strike.
Chairman WALSH. Did you come here for the purpose of working in the mines?
Mr. BROOKS. I did.
Chairman WALSH. When did you first work under union conditions?
Mr. BROOKS. About three years ago.
Chairman WALSH. What was your object in coming here?
Mr. BROOKS. I was trying to better my condition.
Chairman WALSH. Did you resign from the United Mine Workers?
Mr. BROOKS. I brought a card with me, but on my way from Washington here I could not get any work where the union was at, and I came on to where there was no union.
Chairman WALSH. You have quit the union, have you?
Mr. BROOKS. I presume I have; I have not been in it for three years.
Chairman WALSH. What objection have you to belonging to the union?
Mr. BROOKS. Well, I have two or three objections.
Chairman WALSH. State what they are.
Mr. BROOKS. Well, it is a detriment to me and my people, you might say.
Chairman WALSH. You mean to the colored race?
Mr. BROOKS. Yes, sir; to the colored race.
Chairman WALSH. Do you say that they discriminate against you?
Mr. BROOKS. Yes, sir.
Chairman WALSH. In what particular, in what way?
Mr. BROOKS. When I was in Illinois and worked around Springfield, I could only work at three mines.

Chairman WALSH. They objected to you on account of your color, did they?

Mr. BROOKS. Yes, sir; they objected to me on account of my color. They say they don't discriminate against any color, creed, or nationality, but when I went to the mines around Springfield, except two or three, I could not get work, and it is the same way at other places throughout the United States.

Chairman WALSH. Do you have any objection to the union otherwise than on account of racial discrimination?

Mr. BROOKS. Yes, sir; I does.

Chairman WALSH. Why?

Mr. BROOKS. Where the union is organized at you get on an average of $3 a week, and probably not earn that much. And where there is no union we have the privilege of working sometimes the year round.

Chairman WALSH. In what places do you find they only allow you to work three days a week?

Mr. BROOKS. In the East, Illinois and Oklahoma.

Chairman WALSH. How was that determined? Who determined for the union?

Mr. BROOKS. The conditions were such that the operators could not get the cars in, I guess, and they would not have cars to load the coal in; and because whenever we were working regularly we were called out a certain season of the year, and there we would lose from one to three months.

Chairman WALSH. You mean when you were on strike?

Mr. BROOKS. On suspension and not on strike.

Chairman WALSH. Suspended while agreements were being made?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Have you any other objection to it?

Mr. BROOKS. The other objection is that it seemed to me there were a lot of us keeping up just a few. I mean keeping them in a good position and making them wealthy, and the rest of us go lacking; that is another objection I had to it. There were so many different ways you could get shed of your money, through the union, that I naturally didn't care to belong to it.

Chairman WALSH. How do your wages here compare with what you received in the other States in which you worked under union conditions?

Mr. BROOKS. They are better here.

Chairman WALSH. How much better?

Mr. BROOKS. For instance, we get from $2.58 to $2.78 for driving like we did in the East, and the least I ever got since I have been here in this State is $3.08 up to $3.10 or $320.

Chairman WALSH. Is that the highest you have earned any place?

Mr. BROOKS. Three dollars and eight cents is the highest—is higher than I ever earned anywhere where there was the union.

Chairman WALSH. Have you earned higher wages any place for that work?

Mr. BROOKS. No.

Chairman WALSH. Are you satisfied with the conditions under which you are working now?

Mr. BROOKS. I am.

Chairman WALSH. What mine are you working in?

Mr. BROOKS. Hastings.

Chairman WALSH. Do you have checkweighmen there?

Mr. BROOKS. We had before he quit.

Chairman WALSH. Do you desire checkweighmen?

Mr. BROOKS. It is immaterial to me; I make about the same—get about the same weights, only you get less when there is a checkweighman there, because two or three hundred pounds are taken off of it to pay him.

Chairman WALSH. Has that been your experience that you get less where there is a checkweighman?

Mr. BROOKS. I always get that 200 less, but that is to pay the checkweighman?

Chairman WALSH. That is to make up his salary?

Mr. BROOKS. Yes, sir.

Chairman WALSH. You had no object in coming to Hastings except to get a job in the mines?

Mr. BROOKS. Just seeking employment.

Chairman WALSH. And you came here because you were not working and a strike was on here and you wanted work?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Did anybody outside ask you to come?

Mr. BROOKS. No, sir.

Chairman WALSH. Has anyone threatened you or intimidated you against coming?

Mr. BROOKS. Only when I came, there were some strikers on the train. I could not say they was intimidating me, but the fellow with me knew their language and he said that was what they meant, but they didn't bother us, because soldiers were on the train with us.

Chairman WALSH. Did any other man come with you?

Mr. BROOKS. Six or eight came from Trinidad over to the mine.

Chairman WALSH. You were employed at Trinidad?

Mr. BROOKS. No, sir. I came out to the mines. I tried at the mines at Trinidad—at the office at Trinidad—but the company would not send anyone out.

Chairman WALSH. Have you a memorandum with you as to your earnings in the mine?

Mr. BROOKS. I have not, but I have a very good idea.

Chairman WALSH. Just detail what you have been earning since you came here, four months ago.

Mr. BROOKS. There was two or three pay days when it was under $60, and the rest of the pay days it has been from $70 to $80 or $90, and pay day comes every two weeks, so I would average from $130 to $160 a month.

Chairman WALSH. Have you been working steadily?

Mr. BROOKS. Up to three weeks ago, ever since I was there.

Chairman WALSH. What occurred at that time?

Mr. BROOKS. Just slack work.

Chairman WALSH. That is all; thank you.

TESTIMONY OF MR. JAMES KOKINAKAS.

Chairman WALSH. What is your name?

Mr. KOKINAKAS. James Kokinakas.

Chairman WALSH. Were do you live?

Mr. KOKINAKAS. Frederick, south Colorado.

Chairman WALSH. How long have you lived there?

Mr. KOKINAKAS. About two and one-half months.

Chairman WALSH. You are a native of what country?

Mr. KOKINAKAS. I came here about six years ago.

Chairman WALSH. You are a native of what country?

Mr. KOKINAKAS. Greece.

Chairman WALSH. How long have you been in the country?

Mr. KOKINAKAS. Twenty years.

Chairman WALSH. Are you a coal miner?

Mr. KOKINAKAS. Yes.

Chairman WALSH. You are working now at Frederick?

Mr. KOKINAKAS. Yes.

Chairman WALSH. For the Colorado Fuel & Iron Co.?

Mr. KOKINAKAS. Yes.

Chairman WALSH. How long have you worked at Frederick?

Mr. KOKINAKAS. About two and one-half months.

Chairman WALSH. Where were you before you came to Frederic?

Mr. KOKINAKAS. I came about four months ago from south Colorado at Telluride.

Chairman WALSH. Have you worked as a miner in any other State than Colorado?

Mr. KOKINAKAS. Yes; in Utah three years.

Chairman WALSH. Any place else?

Mr. KOKINAKAS. I worked at the Vulcan mine, close to Colorado Springs.

Chairman WALSH. Do you understand what the miners' union is?

Mr. KOKINAKAS. I don't understand.

Chairman WALSH. Don't you understand or don't you know?

Mr. KOKINAKAS. I don't know.

Chairman WALSH. Can you understand my language, what I am saying to you?

Mr. KOKINAKAS. Yes.

Chairman WALSH. You say you do not know what a union is?

Mr. KOKINAKAS. Yes.
Chairman WALSH. Did you ever hear what a union was organized for?
Mr. KOKINAKAS. Yes.
Chairman WALSH. What is it for?
Mr. KOKINAKAS. 1913.
Chairman WALSH. What—did you ever belong to a union?
Mr. KOKINAKAS. No.
Chairman WALSH. Do you know what I mean by the word union?
Mr. KOKINAKAS. Yes.
Chairman WALSH. Well, what is it? Can you describe what a union is?
Mr. KOKINAKAS. Yes.
Chairman WALSH. Well, what is it?
Mr. KOKINAKAS. It is a union.
Chairman WALSH. You have difficulty in expressing it; you have difficulty in explaining it?
Mr. KOKINAKAS. Yes.
Chairman WALSH. You know what it is, do you?
Mr. KOKINAKAS. Sure.
Chairman WALSH. You never belonged to a union?
Mr. KOKINAKAS. No.
Chairman WALSH. Do you know what a union is formed for?
Mr. KOKINAKAS. Yes.
Chairman WALSH. What is it for?
Mr. KOKINAKAS. 1913.
Chairman WALSH. What is a union organized for, if you know?
Mr. KOKINAKAS. No, sir.
Chairman WALSH. You do not know?
Mr. KOKINAKAS. No, sir.
Chairman WALSH. Do you belong to a union?
Mr. KOKINAKAS. No.
Chairman WALSH. Why not? Why don't you belong to the union?
Mr. KOKINAKAS. I don't belong to no union.
Chairman WALSH. Why not?
Mr. KOKINAKAS. I don't like it.
Chairman WALSH. What is it that you object to? Why don't you like the union?
Mr. KOKINAKAS. I work all the time in the strike.
Chairman WALSH. There was a strike on in Utah all the time?
Mr. KOKINAKAS. Yes.
Chairman WALSH. The whole three years?
Mr. KOKINAKAS. Yes, sir.
Chairman WALSH. The union was out on a strike all the time?
Mr. KOKINAKAS. Yes.
Chairman WALSH. Why do you work when the others are on a strike?
Mr. KOKINAKAS. I work at Telluride.
Chairman WALSH. Was there a strike on at Telluride during all the time you worked there?
Mr. KOKINAKAS. Yes.
Chairman WALSH. What pay did you get at Telluride?
Mr. KOKINAKAS. I worked as driver, $3.50.
Chairman WALSH. What do you get down here?
Mr. KOKINAKAS. That is in the gold mines.
Chairman WALSH. What do you get down here when you work now?
Mr. KOKINAKAS. I quit work there.
Chairman WALSH. What were you getting when you quit?
Mr. KOKINAKAS. The place is too high and pretty cold.
Chairman WALSH. How did you happen to go down to Frederick?
Mr. KOKINAKAS. I came down from the Vulcan mine.
Chairman WALSH. Who hired you to go to Frederick?
Mr. KOKINAKAS. I got a brother down there.
Chairman WALSH. Does he belong to the union?
Mr. KOKINAKAS. No.
Chairman WALSH. Have you ever worked any place where there was not a strike going on?
Mr. KOKINAKAS. The first time in southern Colorado.
Chairman WALSH. I think that is all; thank you.

TESTIMONY OF MR. GRIGORIO GINIKIS.

Chairman WALSH. What is your name?
Mr. GINIKIS. Grigorio Ginikis.
Chairman WALSH. How old are you?
Mr. GINIKIS. Thirty-seven.
Chairman WALSH. Are you married or single?
Mr. GINIKIS. Married.
Chairman WALSH. Have you any children?
Mr. GINIKIS. Yes.
Chairman WALSH. How many?
Mr. GINIKIS. Five.
Chairman WALSH. Where do you live?
Mr. GINIKIS. Valdez.
Chairman WALSH. How long have you been in this country?
Mr. GINIKIS. Thirteen years.
Chairman WALSH. You are a native of what country?
Mr. GINIKIS. What?
Chairman WALSH. Where were you born?
Mr. GINIKIS. I don't understand but only a little bit.
Chairman WALSH. Are you an Italian?
Mr. GINIKIS. Yes.
Chairman WALSH. What part of Italy did you come from, the north or the south part of Italy?
Mr. GINIKIS. I don't understand—south.
Chairman WALSH. What city did you come from in Italy?
Mr. GINIKIS. The first time? There was no city where I came from, but a small town name S. Biagio Platani.
Chairman WALSH. Yes.
Mr. GINIKIS. The tent colony.
Chairman WALSH. Before you left the old country, where did you live in Italy?
Mr. GINIKIS. That is my country.
Chairman WALSH. But where did you live in Italy, did you live near Naples?
Mr. GINIKIS. No.
Chairman WALSH. Are you a Sicilian?
Mr. GINIKIS. Yes.
Chairman WALSH. You understand that, do you?
Mr. GINIKIS. Yes.
Chairman WALSH. That is your country, you are a Sicilian?
Mr. GINIXIS. Yes.
Chairman WALSH. Did you ever belong to a union?
Mr. GINIKIS. No.
Chairman WALSH. Do you know what a union is?
Mr. GINIKIS. No.
Chairman WALSH. Do you know what unions are formed for? Do you know why they run?
Mr. GINIKIS. I don't understand; everyone talks to me and I don't understand.
Chairman WALSH. Do you understand the word union? Do you know what that is?
Mr. GINIKIS. I don't work in the union.
Chairman WALSH. You never did work in a union?
Mr. GINIKIS. No.
Chairman WALSH. When did you work in Pennsylvania?
Mr. GINIKIS. Three years.
Chairman WALSH. Didn't you belong to the union when you were in Pennsylvania?
Mr. GINIKIS. No.
Chairman WALSH. Whereabouts did you work in Pennsylvania?
Mr. GINIKIS. Pulling coke.
Chairman WALSH. At what place in Pennsylvania were you pulling coke?
Mr. GINIKIS. Greensburg.
Chairman WALSH. How long did you work there in Greensburg?
Mr. GINIKIS. Three and one-half years.

Chairman WALSH. How old are your children?
Mr. GINIKIS. Five. Them childs don't work at all because one is 8 years old and rest from 6 to 5 and 2 years.
Chairman WALSH. How much money do you make as a miner?
Mr. GINIKIS. I don't count it.
Chairman WALSH. Mr. Dower, will you ask Mr. West if there is an Italian interpreter we can get? I do not think the witness understands my questions. Are you an American citizen?
Mr. GINIKIS. No.
Chairman WALSH. Do you vote in this country? Have you ever voted?
Mr. GINIKIS. I don't understand.
Chairman WALSH. You do not know what voting is?
Mr. GINIKIS. No.
Chairman WALSH. How old were you when you came to this country?
Mr. GINIKIS. I don't know. I don't understand.
Chairman WALSH. Just stand aside, and wait here a minute.

TESTIMONY OF JUDGE JESSE G. NORTHCUTT.

Chairman WALSH. Your name, please.
Judge NORTHCUTT. Jesse G. Northcutt.
Chairman WALSH. What is your profession?
Judge NORTHCUTT. Attorney at law.
Chairman WALSH. Are you a member of the Colorado bar?
Judge NORTHCUTT. Yes, sir.
Chairman WALSH. How long have you been such?
Judge NORTHCUTT. About 25 years.
Chairman WALSH. Are you a native of this State?
Judge NORTHCUTT. No, sir.
Chairman WALSH. What State are you from?
Judge NORTHCUTT. Illinois.
Chairman WALSH. Did you practice law before you came to this State?
Judge NORTHCUTT. Yes, sir.
Chairman WALSH. At what point?
Judge NORTHCUTT. Kansas.
Chairman WALSH. At what place?
Judge NORTHCUTT. Morton County.
Chairman WALSH. What official positions have you held in Colorado?
Judge NORTHCUTT. Colorado?
Chairman WALSH. Yes, sir.
Judge NORTHCUTT. I believe I was city attorney of Trinidad for 1 year and presiding judge of the third judicial district for about 11 years, and a little over.
Chairman WALSH. Have you held any other positions?
Judge NORTHCUTT. No, sir; none that I think of.
Chairman WALSH. At the present time, Judge, are you connected with any of these coal companies?
Judge NORTHCUTT. Yes, sir.
Chairman WALSH. Which one, and in what capacity?
Judge NORTHCUTT. In regard to matters growing out of the strike, I represent the three coal companies.
Chairman WALSH. What are they?
Judge NORTHCUTT. The Colorado Fuel & Iron Co., the Victor-American Fuel Co., and the Rocky Mountain Fuel Co.
Chairman WALSH. How long have you been in the employ——
Judge NORTHCUTT (interrupting). I said all matters growing out of the strike. I think that was limited to the southern field.
Chairman WALSH. How long have you been employed by those companies?
Judge NORTHCUTT. Since about October, 1913.
Chairman WALSH. Are you employed by each company individually or were you employed by this committee I have heard spoken of here that has representatives in those three companies?
Judge NORTHCUTT. By the committee.
Chairman WALSH. Prior to that time you were practicing law where?
Judge NORTHCUTT. At Trinidad.
Chairman WALSH. How long had you been off of the bench at that time?
Judge NORTHCUTT. I resigned the 1st day of April, 1906.

Chairman WALSH. And at the time of your employment were you in private practice at Trinidad?

Judge NORTHCUTT. Yes, sir; and am yet.

Chairman WALSH. Are you also engaged in the publication of newspapers?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. What papers are you the owner of, or what relation do you bear to them?

Judge NORTHCUTT. I am president of the corporation, the Chronicle-News Publishing Co., which publishes the Chronicle-News, an evening paper, and the Trinidad Advertiser, a morning paper; and I own a majority of the stock in that corporation, practically all of it.

Chairman WALSH. Any other newspapers?

Judge NORTHCUTT. A weekly paper. Well, that same corporation publishes two other papers, for which it is paid a compensation, but has no interest whatever in the papers.

Chairman WALSH. Do you have anything to do with the editorial policy of the papers?

Judge NORTHCUTT. Not of the other two.

Chairman WALSH. Or of their financial policy?

Judge NORTHCUTT. No, sir.

Chairman WALSH. I take it, the first one you are practically the owner and editor of that paper?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. You dictate its editorial policy and manage its business?

Judge NORTHCUTT. Yes. I do not write the editorials, but if there is any change to be made I am consulted about it. Mr. Winsor is the editor of the paper.

Chairman WALSH. State what part you took as attorney for the operators as to the importation of arms down there, if any.

Judge NORTHCUTT. I don't know of any that I took.

Chairman WALSH. Did you have anything whatever to do with having arms shipped into the southern country for any of those four companies?

Judge NORTHCUTT. I think not, sir.

Chairman WALSH. Were any of them shipped through your newspaper office?

Judge NORTHCUTT. I think not. I think I know what you have in mind, and I will tell you all I know about it. There was an incident took place while I was absent. The first I ever knew or heard of it was during the congressional investigation. It was then testified to by a witness who used to work in the newspaper office that upon a certain occasion—I think it was toward the early part of October, 1913—a package of guns was brought to my office, or rather he testified that he saw them being carried out of my office across the hall and through the newspaper room downstairs. At the time this took place I was away; I was attending court over in Huerfano County. After the testimony of this witness I asked some of the boys, one of the clerks in my office, about it, and he said it was true, that upon one occasion a package of guns was brought to the office. When he found out what they were he began to make inquiries to ascertain whose they were and what was to be done with them. I think he called at the sheriff's office. Whether these guns were sent to the sheriff in my care I don't know; in fact, I don't know how it was that they were sent to my office. I never did learn and don't know to-day. At all events, they were shipped from my office to Ludlow, where the sheriff there had sent or was sending a number of deputy sheriffs to protect the railroad property at that point and likewise to protect the people who were going from Ludlow to the mining camps, or vice versa, from the camps to Ludlow.

Chairman WALSH. Who was the sheriff of Las Animas County?

Judge NORTHCUTT. James S. Grisham.

Chairman WALSH. Is he still the sheriff there?

Judge NORTHCUTT. He is and will be until the second Tuesday in January.

Chairman WALSH. What were the social and political conditions in the mining camps of Las Animas County preceding the strike, as to the form of elections and the carrying on of government in a democratic form? I am asking the question in that particular way because you have probably been over it before, and I would like to have you describe it in your own way.

Judge NORTHCUTT. You mean, generally speaking, what were the political conditions and privileges in the mining camps?

Chairman WALSH. Yes, sir; in that county.

Judge NORTHCUTT. I think they are very much the same as they are in any other place, particularly for the last two years. I may say that there has been a great deal of talk by people adversely interested about the political conditions down there; that is, the papers representing political parties adverse to the party in power in that county have said a great deal about political slavery and the denial of political rights, and so forth. It has been from time to time charged in contests which were filed that the people in that county did not vote their sentiments, that they were controlled by the corporations, that the corporations voted their men like slaves, and so forth. They have had ample opportunity to prove those charges.

I recall, in 1909 I think it was, in the legislature here there was a contest of the senator elected from that county in 1908, and they made those very charges.

Chairman WALSH. What was the senator's name?

Judge NORTHCUTT. Bareis. He has been a senator from that county ever since it has been a county, or rather ever since we have been a State.

As I say, at that time the charges were very general, very sweeping, and permitted almost any kind of proof. A trial was had and a committee appointed out of this senate. That committee was of adverse political complexion to the party whose seat was being contested, so that it gave every possible opportunity, and the testimony elicited at that trial disclosed that the elections were absolutely fair.

Chairman WALSH. When was that contest?

Judge NORTHCUTT. That was the legislature which convened in 1909. They must have taken two or three weeks to take the testimony in that case.

Chairman WALSH. Prior to two years ago did the mining companies control the political situation down there?

Judge NORTHCUTT. I think not. I think probably I had better explain to you about what that situation was.

Chairman WALSH. Very good.

Judge NORTHCUTT. There was a great deal of criticism pro and con. It is true that there were local politicians in that county who claimed that they personally represented the political interests of the coal companies, and through such representations for a brief period wielded a power that they could not otherwise have wielded. They claimed that the companies did a great many things which I never discovered that they did do. I think it is likely that some of these subordinate officers—I don't know that they could be called officers, but were more in the nature of agents or employees of the companies, rather—condoned the circulation of the reports which were circulated, that these parties were the representatives of the companies politically. I do not think that the managing officers of the companies ever knew anything about it. They did not even know of the policies, or complaints, more properly speaking, which existed there until their attention was called to it in the year 1912. They had heard something of the complaints; and when it was called to the attention of Mr. Welborn I think he took some pretty drastic action in directing his superintendents and managing officers to be free from any interference of participation in politics. In 1912 he was very positive, and, as I recall, promulgated an order along there that there should be no political influence, and this order was published in the papers down there, and I think it had a good, wholesome effect in checkmating the efforts of those local politicians.

Understand, my contention has always been that the only matter complained of was the assumption of power upon the part of some of the local politicians who were seeking their own personal aggrandizement. I frankly confess that is what I complained of, and my complaints were open and notorious, and I complained as bitterly of men in my own party that did it as anyone else, and I think it was stopped.

Chairman WALSH. In Huerfano County is the judicial district over which you presided?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. Is it true that the coroners' juries have been for years selected by the sheriff, and consisted largely of mine employees?

Judge NORTHCUTT. I don't know that that is true; yet it might have been true and I knew nothing of it, because I had nothing to do with any matter of that kind.

Chairman WALSH. Did you know it by general report?

Judge NORTHCUTT. No, sir; I never heard it until I heard some one say it here the other day.

Chairman WALSH. The district clerk read a record here of 20 cases of coroners' juries, dating back through the last 10 years, and stated that the records were very imperfect, and that he did not believe he had all of them, by any means, and that 89 out of 20 found that the deceased came to his death by reason of his own carelessness. Did you notice that?

Judge NORTHCUTT. I heard it when he read it; that is the first time I ever heard of it.

Chairman WALSH. Is it a fact that no plaintiff has recovered against any of the mining companies in Huerfano County in a personal-injury case for 25 years?

Judge NORTHCUTT. I don't know whether that is true or not. While I was on the bench for 11 years, I do not now recall any personal-injury case that was ever tried before me in that county. Here is one thing I do know that will probably throw some light on that subject: I believe we can say that a large majority of cases which are instituted against companies—or private concerns—for damages growing out of personal injuries are settled before they ever come to the trial docket.

Chairman WALSH. Do you have anything to do now, Judge, with that portion of the legal work of the company that has to do with the settlement of cases?

Judge NORTHCUTT. I represent one or two accident-insurance companies, and a clerk out of my office very frequently settled a case; or, if a damage suit is brought, I defend it.

Chairman WALSH. For these companies?

Judge NORTHCUTT. Yes, sir. I do not defend all of the damage suits of these companies which I am representing here now. I do one of them in the southern field.

Chairman WALSH. Did you see the list of 25, the last 25 cases furnished to the commission the other day, that were settled by the Colorado Fuel & Iron Co.?

Judge NORTHCUTT. I do not think I did; I do not recall it if I did.

Chairman WALSH. Do you know anything about the details of these settlements?

Judge NORTHCUTT. Not a thing.

Chairman WALSH. Do you say now that the control of the companies in the way you have mentioned by the subbosses or assistants has disappeared in Las Animas and Huerfano Counties since 1912?

Judge NORTHCUTT. I should say so. I do not say that they ever controlled. I have had a free pitch-in, and I think everyone else does who wants it.

Chairman WALSH. Is it a fact that up to 1912 this condition existed that is described in a speech testified about before this commission which you made at Lamar in 1912, in which you stated that a few men get together in a room some days before the convention—I will read it to you:

"Up there a few men get together in a room some days before the convention. They have already fixed up who the delegates to the convention shall be. They have probably given the local superintendent of the mines the number of delegates to which that community will be entitled. They do not tell him whom to bring. He knows he is to select a certain number of delegates who are to come in and follow the dictation of a single man, whose name is given to them before they leave. He goes around and picks out Jim Archuleta and some others, and says to them, 'I want you to go down to a convention to-morrow, down to Trinidad to a convention, and you see Mr. So-and-so and do as he tells you,' knowing that these delegates will come in and do as they are told—a meeting of four or five leaders is held and they proceed to make the slate: 'We will take for county clerk so-and-so; he is a good man for the purpose.' Some other man says, 'But still I think probably sometime within the last 8 or 10 months he had some trouble with some pit boss,' and there is just a suspicion if the company likes him. He isn't right with the company and they don't want him; he goes off the slate. And so it is from bottom to top. The candidates are selected, not with a view to their fitness, not with a view to their ability to discharge their duty, not with a view to their integrity, but 'are they satisfactory to the company?'" Was that the way it was done before the attention of Mr. Welborn was called to it in 1912, Judge?

Judge NORTHCUTT. For a brief period of time, yes.

Chairman WALSH. Was it you that called his attention to it?

Judge NORTHCUTT. I do not recall that I talked with him on the subject.

Chairman WALSH. You made this speech at Lamar, did you?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. And that was true until 1912, until the fall of 1912?

Judge NORTHCUTT. It was true previous to that time; just how long I can not say.

Chairman WALSH. How long would you say that condition of affairs existed?

Judge NORTHCUTT. I should not like to guess at it.

Chairman WALSH. Was it for a number of years, or for a few years, or how long?

Judge NORTHCUTT. I would say a few years.

Chairman WALSH. Did it exist while you were judge down there?

Judge NORTHCUTT. No, sir; at least, if it did, I did not know it. I must say this to you, that while on the bench I took absolutely no part in politics. I did not even attend the primaries.

Chairman WALSH. Did they, while that state of affairs existed, control the judicial as well as the legislative branch of the Government, so far as that part of the country was concerned?

Judge NORTHCUTT. I don't think they ever controlled the judicial, and I don't know that they ever controlled the legislative branch.

Chairman WALSH. I read again from this speech of yours:

"And so it is from bottom to top, the candidates are selected, not with a view to their fitness, not with a view to their ability to discharge their duty, not with a view to their integrity, but 'Are they satisfactory to the company.' If they are, that settles it. And they have a majority of your conventions, and when they come to select delegates they select them in the same way. They send them in there to nominate, regardless of your wishes, for the office of district judge or State senator, the man whom the companies want, and if you don't like it you will have to take it."

Is that correct?

Judge NORTHCUTT. It was correct at that time or I would not have said it.

Chairman WALSH. They controlled the judges and the election of State senator, and if the people did not like it they had to take it anyway?

Judge NORTHCUTT. I did not say they controlled the judges; I said they controlled the nomination of the judges.

Chairman WALSH. When reading, "They send them in there to nominate, regardless of your wishes, for the office of district judge or State senator the man whom the companies want." Now, was there also a species of terrorism at that time in that community exercised over professional men and others who might go against the expressed will of the mining companies? I had better read you that. You are quoted further as saying:

"You have got a case, and we will go into it for you, and we will recover for you if we have to fight it to the court of last resort in the land"—

That is referring to some candidate—

"Most of the lawyers are afraid to do that because they are afraid the company will blacklist them and be against them politically and every other way."

Judge NORTHCUTT. I said the lawyers were afraid of them, but that does not necessarily follow that the companies caused it. I have no doubt but what a great many of the lawyers down there were and I don't know but what they are yet, unfortunately. We often find lawyers who have not the courage of their convictions, and I apprehend you have observed them in your own town.

Chairman WALSH. You are quoted as saying: "Most of the lawyers are afraid to do that."

Judge NORTHCUTT. I think that was correct.

Chairman WALSH. That most of the lawyers are afraid to go into a court and demand justice for an injured man for fear that they would be blacklisted?

Judge NORTHCUTT. That was the fault of the lawyer and not of the company.

Chairman WALSH. The lawyer, you think, was mistaken about that and his fears were unfounded?

Judge NORTHCUTT. I sued them years ago.

Chairman WALSH. On 11 different personal injury cases in that county?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. How long ago.

Judge NORTHCUTT. Let me see. I think that suit was instituted—those suits rather, or actions at law properly speaking—some time in the year 1911.

Chairman WALSH. Now, you made that speech in the fall of 1912, did you, in the campaign?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. Were you connected with the companies at that time?

Judge NORTHCUTT. No, sir.

Chairman WALSH. And that was true up until the time you said it at least?

Judge NORTHCUTT. Undoubtedly.

Chairman WALSH. Now, then, there was no election until 1914, was there?

Judge NORTHCUTT. Yes; there was an election that year, in 1912.

Chairman WALSH. That was a campaign speech in the campaign of 1912, but that was going on at that time, that they were exercising that sort of domination or attempting to?

Judge NORTHCUTT. I don't know that they were at that time. We got a very square deal at that time and elected our man at that election.

Chairman WALSH. Then there has been only one election since?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. You have observed the results of that election, have you?

Judge NORTHCUTT. Yes, sir; in a cursory way.

Chairman WALSH. Now, some precincts down there—as I understand it, whole precincts were inclosed during this election with a barbed wire fence, and they had what they called "closed precincts"?

Judge NORTHCUTT. I can not now recall any precincts which was inclosed by a barbed wire fence in Las Animas County. I do not say it is not true because I don't know. I do know that there is one precinct, or one mine up in a canyon, and across the mouth of the canyon—in the mouth of the canyon or across the canyon just below the mine, there is a fence and that comes more nearly to being inclosed than any other I know of. I don't know of any in Huerfano County. I have been at some of those mines but not all.

Chairman WALSH. Have you observed how the citizens of those closed camps vote in a general way?

Judge NORTHCUTT. I have observed how they vote by looking at the returns.

Chairman WALSH. Have you observed in the last election that the vote in those camps was overwhelmingly one way?

Judge NORTHCUTT. Yes; and it is a most natural thing that it should be.

Chairman WALSH. You may make any explanation you want to.

Judge NORTHCUTT. On that subject of closed camps, about which there has been so much said, I wish to make this observation, that many of the mining camps are built where there was nothing until the mine was opened; there was no settlement in that immediate neighborhood and probably not for miles around. There might likely be here and there a ranchman living far apart, or ranchmen living far apart, but when the mine was opened by driving a tunnel or sinking a shaft, and it was brought up to the point of operation and many men were employed, a little village grew up and there were no interests there excepting the mining interests and everybody there had to be and was in some way connected with the operation of the mine or waiting on the people who were operating the mine. So that accounts for there being no one else at those places except the people interested in the mine, because there was nothing else to do.

Now, as to the vote this fall. You can understand very readily that there was one issue in the election last fall, and that was: Shall law and order prevail and men be permitted to pursue their daily avocations as they please, free and unhampered; or shall the State be handed over to the United Mine Workers of America and we be required to go to them if we want to follow a particular vocation? This is not buncombe, but it is the absolute truth. The men in those mining camps realized—they felt, whether it is true or not—they felt that the men in the tent colonies were their personal enemies and that if they got up into the mines there would be a fight and that they who were working in the mines would be driven out, if not killed. They also believed, whether it was true or not, that if a certain ticket were elected that it meant that they would be forced to either leave the mines or work with the men who had been trying to kill them. In other words, they were led to believe—I do not know by what process, but they undoubtedly believed it, from their own expressions—that it meant success of the union if the Democratic ticket were elected, but that if the Republican ticket were elected the strike would stop and they would be permitted to pursue their avocation as they pleased; and that is the reason, in my judgment, why—and I think a great many of the miners will tell you that is the reason why they voted the Republican ticket.

Chairman WALSH. Now, previous to this election what was your observation? Was it or was it not that the mining camps practically voted solidly for the same candidate?

Judge NORTHCUTT. Not on all occasions.

Chairman WALSH. Was that usually the case?

Judge NORTHCUTT. I do not know that I would say usually. You must bear in mind that men working at a particular vocation, where they are under one supervision, as a rule prefer to vote for what they believe to be their employers' interest. I think that is a general proposition.

Chairman WALSH. That the men usually vote for what they believe to be their employers' interest?

Judge NORTHCUTT. Yes; because they believe that to be their own interest, and I think that is correct.

Chairman WALSH. That is, they believe there is an identity of interest between themselves and their employer. Do you think that is correct?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. And you think that accounts for the fact that they have voted solidly in some instances in the mining camps heretofore, and that that is the reason they voted solidly this time

Judge NORTHCUTT. That is not the sole reason, perhaps. It is not the reason this time—they were figuring strictly on themselves.

Chairman WALSH. You think they voted strictly in their own interests?

Judge NORTHCUTT. Yes, sir; for the success of the Democratic ticket meant this time that they would be out of work and the striking miners would go back.

Chairman WALSH. And they would lose their places?

Judge NORTHCUTT. Yes. I think as a rule men that are working for another, if they are on good relations and the terms of their employment are pleasant, desire to please their boss; and if they know how he is going to vote, as a rule, they will vote that way. Some are different and have politics of their own and vote of their own volition.

I want to call your attention to the election of 1912, as speaking of their all voting one way. Take the camps of Hastings and Delagua, they were pretty much split up. There was not a straight ticket voted, apparently, for anyone. On the district judge in one of those camps they were divided equally, as I recall, 88 to 88; there was only a small majority for the Republican district judge. Both of those camps have a presidential elector and, I think, gave a pretty nearly solid vote for Mr. Osgood, who was at that time a candidate for presidential elector.

Chairman WALSH. Mr. John C. Osgood?

Judge NORTHCUTT. Yes; indicating there was no very bitter feeling existing between his men and him, as many parties testifying here would have this commission believe.

Chairman WALSH. You do not believe, as a rule, that in the last election or in the elections prior thereto any operator was—or that influence was exercised upon the men to have them vote their way?

Judge NORTHCUTT. I never have known it.

Chairman WALSH. You had at this time submitted certain proposed amendments to the constitution of the State, I think?

Judge NORTHCUTT. Yes.

Chairman WALSH. And certain laws that were referred to a vote of the people?

Judge NORTHCUTT. Yes.

Chairman WALSH. One of them was known, I believe, as section 11 and was described upon the ballot—see if I can quote it right from memory—to relieve employees of the burden of assuming the risk of injuries to their persons and lives. Do you recall that?

Judge NORTHCUTT. That is substantially——

Chairman WALSH. That is substantially the way it appeared upon the ballot?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. Did you notice that in, I think Hastings, I will not be sure, that the vote showed that 100 of these employees voted to assume that risk themselves, or place it upon their families in case of death, while something like six or seven voted the other way?

Judge NORTHCUTT. I had not noticed that, but I am not at all surprised, and my view of it is this:

A good many of the people have not sufficiently studied into that subject to understand just how to vote on those referred or initiated bills. They are not really certain whether "yes" means that the bill carried, or "no" would mean that it would carry. But this year in particular we had a great many initiated bills and referred bills; and a great many people advocated the same

tive vote on all of them. Some of the campaign speakers in their speeches advised the people to vote "no" on all these amendments. Other parties, interested in a particular measure, would advise everybody to vote in the affirmative on that measure, and "no" on everything else. I recall a great many people who were supporting the amendment on what was familiarly known as the "wet and dry" proposition who advised their friends to vote "yes" on number 2—I think that was the number of it—and "no" on everything else. So through that county in particular I think the votes were very largely negative on all those amendments. I have not examined it myself and don't know, but the chances are you will find it so—I will venture the assertion you will find the negative vote or every amendment in that precinct to which you have alluded was very large; and it is very possible that these men did not particularly understand the nature of the resolution on which they were voting. Likely no one had explained it to them.

Chairman WALSH. Did you pay any attention to the situation so far as the swearing in of deputies was concerned prior to the time you were employed by these companies in October?

Judge NORTHCUTT. Not particularly. I had no occasion to.

Chairman WALSH. Do you know now how many deputy sheriffs were sworn in in Las Animas County?

Judge NORTHCUTT. I do not; but on that subject I wish to make an observation.

Chairman WALSH. Very good.

Judge NORTHCUTT. The sheriff has talked to me about it. He did even previous to this strike. In that county I think there are about 50 precincts. I am not certain of the number, but that is not far from right. There are usually from one to three deputies in each precinct, and one, perhaps, moves out, or for other reasons another is appointed to take his place, and they are then reappointed when their year expires—the time for which they were appointed expires. Or if they have any special work to do, they are appointed for that. These things combined account largely for the apparent excess of deputies or large number of deputies in that county. Then often these deputyships are given out as a badge of confidence or respect, the party not expecting to do anything for it, but wishing to carry the deputyship as a compliment.

Then, again, just previous to the strike in each of those counties a great many people who lived in the valleys up the rivers, fearing the consequences of the turbulence which would follow the calling of the strike, asked for deputy's commissions to be enabled to carry guns for their own protection. They did not want to be in daily violation of the law, but wanted to carry the gun just the same, and would get a deputy's commission for that purpose. Why, I know of this, one of those sheriffs, I don't know which, I rather think it was the sheriff of Huerfano County, spoke to me on the subject one day and wanted to know what his liability would be with parties of that character, and I told him what I thought his liability might be, and suggested that we had a statute which permitted the mayors of cities or sheriffs of the counties to grant permission to persons, in their discretion, to carry, concealed on their person, firearms. After this was explained, I gave him a form of appointment which he had printed; and I think the sheriff of each of those counties thereafter used a great many of them, which stopped the necessity of appointing deputies for that purpose.

While on that subject some one testified here a few days ago that the sheriff of Las Animas County—and likely he applied this to both—was in the habit of signing deputy sheriff's commissions in blank and placing them in the hands of the mine operators to be used as they saw fit. The sheriff of Las Animas County tells me that that is not true, that he never did that; and he called my attention to the fact that many of the commissions which he had issued had been just as I have stated, for the purpose of letting the parties carry guns, and some of them complimentary.

Chairman WALSH. Do you know of any instance where the sheriff of your county appointed deputies and sent them to the mines, there to be detailed under orders of the superintendent of the mine?

Judge NORTHCUTT. I don't know of any such an instance, but I would see no impropriety in it.

Chairman WALSH. Well, I am just asking you regarding it.

Judge NORTHCUTT. Possibly.

Chairman WALSH. I am not characterizing it, but simply asking as to the fact.

Judge NORTHCUTT. May possibly have been done, but I don't know of it.

Chairman WALSH. Do you know anything about bringing arms into the district for the coal operators except the one instance to which you have already testified, where you heard afterwards they came through your newspaper office?

Judge NORTHCUTT. No. All I know about it was what I have heard testified from time to time.

Chairman WALSH. Now, Mr. Northcutt, we intended to call Mr. Brown, who was on this committee, and he sent word that those matters that he would desire to testify about he would prefer just to have you testify about. So I suppose you have talked to him, and if there is anything that you think would enlighten the commission that you would like to submit I wish you would submit it in your own way. You see the trend of the examination and you know what would be germane to our investigation.

Judge NORTHCUTT. Unfortunately I have not talked to him and do not know just what he would want to say, but if any of the commissioners know what they want to ask me and will let me know I will testify to it if I know it.

Chairman WALSH. With what company is Mr. Brown connected?

Judge NORTHCUTT. Rocky Mountain Fuel Co.

Chairman WALSH. And where is its general office?

Judge NORTHCUTT. Denver.

Chairman WALSH. Where are its mines located?

Judge NORTHCUTT. It has a number of mines in the northern part of the State. It bought out some years ago the Northern Coal & Coke Co. It has mines in Boulder County and possibly somewhere——

Chairman WALSH (interrupting). Do you know what the capitalization is?

Judge NORTHCUTT. I had not finished. It has some mines also in the southern field, and I think has a mine in Garfield County and one or two in Huerfano County, and at least two in Las Animas County. I do not recall its capitalization, but that will be furnished you if you wish for it.

Chairman WALSH. Do you know what its bonded indebtedness is?

Judge NORTHCUTT. I do not know.

Chairman WALSH. Please furnish me the capitalization and indebtedness of the Rocky Mountain Fuel Co.

Judge NORTHCUTT. That will be done. I will make a note of it—the bonded indebtedness and the capitalization.

(See Northcutt exhibit.)

Chairman WALSH. How many mines does that company operate?

Judge NORTHCUTT. Well, I could not state without counting them up; quite a number.

Chairman WALSH. About how many?

Judge NORTHCUTT. Oh, I should say—it must be in the neighborhood of 10 or 12. Understand, that is purely a guess, and I do not want to be bound by it.

Chairman WALSH. What is the size of the company and the production of the company compared with that of the Victor-American and that of the Colorado Fuel & Iron Co.?

Judge NORTHCUTT. I don't know, but that can be furnished. In fact, I think that is already in evidence in the congressional investigation.

Chairman WALSH. Do you know the number of miners in the employ of the Rocky Mountain Fuel Co.?

Judge NORTHCUTT. I do not. That is likewise to be found there. It has all been testified to.

Chairman WALSH. Gen. Chase, when he was on the witness stand the other day, stated that you had called him up a great number of times and proffered advice with reference to his action in the field. Is that correct?

Judge NORTHCUTT. No, sir. I appreciate your calling my attention to that. I regret that the circumstances require me to differ from Gen. Chase on that proposition. It is all the more regrettable by reason of the fact that he knows the statement is not true, and his departure from the facts is deliberate.

I had three very brief interviews with Gen. Chase. The first was the morning he arrived at Trinidad. I do not now recall the object of the visit. On my part it was largely a matter of courtesy. Mr. Weitzel was with me; he had some maps or something to give him. The second visit was that night, the first night in Trinidad, in which I went in company with W. J. Murray and George T. Pirt to inform him of the terror-stricken condition that had been reported from Aguilar, with a request to send a detachment of troops there. He declined to do so. The interview was very brief.

The next night, which was his second night there, I visited him in company with Mr. Welfael, Mr. Murray, Mr. Pirt, and Senator Hayden. He had called for the first three parties mentioned, as I understood, to advise them of his program or policy which he intended to pursue. They requested me and Senator Hayden to go along. Senator Hayden was cooperating with me as one of the attorneys in the southern field—under the same employment. We went along, and Gen. Chase explained to us when we came in that it was his intention to go the next morning up into Berwind and Delagua Canyons and disarm the deputy sheriffs and guards and send them down the canyon. That, as I recall, was substantially his language; that from there he was going to some other place—I think up the river—and disarm the guards and deputy sheriffs and send them down the river; that following that—which would be Friday morning, I believe, likely later—he was going to the Ludlow tent colony and disarm the strikers. After he had stated his plan, he said, "I hope it is satisfactory." I said to him it was not satisfactory and gave him my reasons why I did not think it was; and I do not assume that it would be enlightening to the committee to indulge further in that conversation. Suffice it to say that the general and I differed in these interviews on every proposition that arose. Finding him pettish and whimsical, I mentally concluded to have nothing more to do with him, and I did not have anything more to do with him, and I do not expect to.

Chairman WALSH. So you had only three interviews with him altogether?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. And those you have detailed?

Judge NORTHCUTT. Yes.

Chairman WALSH. And you did not, then, of course, keep persistently after him with suggestions as to how to run——

Judge NORTHCUTT (interrupting). No, sir; and he knows I did not.

Chairman WALSH. Do you know Mr. Albert C. Felts of the Baldwin-Felts Detective Agency?

Judge NORTHCUTT. Yes.

Chairman WALSH. Did you have any conversations with him while he was down there?

Judge NORTHCUTT. I dare say I did.

Chairman WALSH. Did you give him any instructions as to how he was to proceed?

Judge NORTHCUTT. I don't know as to instructions. Probably advised—certainly advised with him from time to time.

Chairman WALSH. Did he have an office in Trinidad?

Judge NORTHCUTT. I don't think so.

Chairman WALSH. Do you know anything about his employment of detectives or officers or employees to do guard duty in the field?

Judge NORTHCUTT. I do not. But let me observe that Mr. Felts has testified very extensively upon that subject. His testimony will be found in part one, I think it is, of the congressional committee record. It is there and I don't now recall that his testimony is disputed on a single item by anyone who was in a position to have any personal knowledge of the facts about which he testified.

Chairman WALSH. Well, do you have any personal knowledge of the facts about which Mr. Felts testified, Judge?

Judge NORTHCUTT. I might have on some of them.

Chairman WALSH. Well, do you know what means, if any, he took to know the character of the men he employed as guards?

Judge NORTHCUTT. Only from what he has said; no personal knowledge. I don't think he employed men as guards, Mr. Chairman.

Chairman WALSH. Well, what did he employ them for? To do what?

Judge NORTHCUTT. I think he had a few of his own men there in a supervisory capacity to look after the interests of the company. My recollection is that he had only about six or seven of his own men in the southern field, though I do not want to be positive about that. The record will show.

Chairman WALSH. Was martial law declared in that district at any time, or proclamation made by the governor or legislature to the effect that there was insurrection existing in the south Colorado field?

Judge NORTHCUTT. I don't recall any proclamation. I have read the governor's order calling out the troops, but it has been a good while ago, and I do not recall the exact language of it. I do not believe that he expressly declared martial law; but it is quite probable that the order recites that it was made to

appear to him that an insurrection or a riotous condition existed. However, the order will speak for itself; I presume you have it in evidence.

Chairman WALSH. Did you attend the hearings at any time of the military commission presided over by Maj. Boughton?

Judge NORTHCUTT. No, sir.

Chairman WALSH. You were never present?

Judge NORTHCUTT. Not that I recall.

Chairman WALSH. Did you observe that the militia, after that commission was organized, used an automobile belonging to the Colorado Fuel & Iron Co., in which to arrest striking miners and other persons that they claimed were impeding the militia?

Judge NORTHCUTT. Well, I don't know that I made any observation on that subject. I don't think it is disputed that they used the automobile belonging to the company, but I do not believe the purpose which you have attributed to it in your question was ever admitted.

Chairman WALSH. What purpose was that?

Judge NORTHCUTT. The purpose of arresting striking miners.

Chairman WALSH. Well, I do not say for the sole purpose; but Maj. Boughton said that the men that were arrested were brought before the commission, as I remember it, in this automobile; that they had some distance to go out in the various places where they were arrested, and they were hauled in in this machine. That is the only place I got it, Judge.

Judge NORTHCUTT. I didn't understand—maybe that is correct, but I didn't understand him to say people who were arrested. I understood him to be referring to persons he would send for from whom he was seeking information.

Chairman WALSH. Well, did he send soldiers for them—members of the militia?

Judge NORTHCUTT. That may be.

Chairman WALSH. And were they some of the people that were detained from, say, 30 to 55 days?

Judge NORTHCUTT. It is possible. You understand, of course, I was not on very intimate relations with the militia.

Chairman WALSH. I know; but do you draw a distinction between the arresting of a person and what took place there?

Judge NORTHCUTT. I don't know that I do. And I don't regard the bringing in of a person to interrogate him as necessarily an arrest.

Chairman WALSH. Well, suppose the person was detained for, say, 55 days?

Judge NORTHCUTT. I think where they put a person in jail, it is undoubtedly equivalent to an arrest.

Chairman WALSH. Did you hear that discussed in Trinidad—the fact that they were so brought in to the military commission?

Judge NORTHCUTT. I might have heard it. I understood they were bringing in everybody who could give them information, which I thought was a very proper thing to do.

Chairman WALSH. Well, was the fact that they were being brought in by soldiers in the automobile of the mining company a source of irritation to the men out on strike?

Judge NORTHCUTT. I don't know that I ever heard it discussed.

Chairman WALSH. Was the Colorado Fuel & Iron Co.'s automobile trucks used to haul supplies for the militia while they were in the field?

Judge NORTHCUTT. Their trucks?

Chairman WALSH. Yes, sir; automobile trucks.

Judge NORTHCUTT. Why, if they were, I don't know anything about it. I think it is quite likely that the Colorado Supply Co. sold provisions to the troops, as did every other concern of any standing in the town.

Chairman WALSH. Did you have anything to do with the publication of the bulletins and their publicity work of the mine operators' association?

Judge NORTHCUTT. No, sir.

Chairman WALSH. Did you appear before the grand jury of Las Animas County that made the findings with regard to the alleged violence and crimes committed on the members of the union mine workers?

Judge NORTHCUTT. In what capacity?

Chairman WALSH. In any capacity?

Judge NORTHCUTT. I appeared there as a witness.

Chairman WALSH. Did you appear there in any other capacity?

Judge NORTHCUTT. No, sir.

Chairman WALSH. I notice in the bulletins issued that the findings of the grand jury with regard to the alleged violence and crimes committed by the members of the United Mine Workers of America down there—those findings, did you observe that?

Judge NORTHCUTT. No; I did not know it. I have read a great many of those bulletins, but not all of them.

Chairman WALSH. Is it a fact, as found by this grand jury, that the State laws governing mining operations in that county had been violated in many instances?

Judge NORTHCUTT. I don't know.

Chairman WALSH. Was there a practice of espionage——

Judge NORTHCUTT (interrupting). What grand jury report is that you speak of? The Federal grand jury?

Chairman WALSH. Yes; there was a Federal grand jury there, was there not?

Judge NORTHCUTT. Not in that county; and let me modify my statement, if you are speaking of the Federal grand jury. I never did appear before it in any capacity at all.

Chairman WALSH. Where did the Federal grand jury meet?

Judge NORTHCUTT. Pueblo. Now, there was a Las Animas County grand jury.

Chairman WALSH. I may have them confused in my mind.

Judge NORTHCUTT. I think you have, because I don't think our grand jury made any such report.

Chairman WALSH. Did you read the report of the Federal grand jury?

Judge NORTHCUTT. Part of it; possibly all of it at the time it came out.

Chairman WALSH. Is it a fact that the companies in that locality discouraged and opposed the formation of fraternal societies, or do you know anything about that?

Judge NORTHCUUT. Why, I know only what I have heard discussed here and on the witness stand during the congressional investigation and——

Chairman WALSH (interrupting). Do you know anything of your own personal knowledge?

Judge NORTHCUTT. And such investigations as I made by reason of those statements.

Chairman WALSH. What did you find about it?

Judge NORTHCUTT. Well, I found out this: The companies never have, as I understand, discouraged the formation of fraternal societies. I think they rather approve of it, because many of those societies carry a sort of benefit insurance with them which is a benefit to their members and enables them to take care of their members in times of distress. There was a society in either Hastings or Delagua that became disrupted on account of internal dissension, and upon one occasion they were quarreling about their disputes and issues and got into a fuss, and I am advised that the officers were called in to disperse them, and they did so; and it is upon that, as I am told—it was upon that occurrence that all this talk has been made about the companies discouraging the formation of fraternal societies.

Chairman WALSH. Were you aware prior to the time this strike was called of any violations of the mining laws on the part of the mining companies?

Judge NORTHCUTT. Indeed, there are none that I now recall.

Chairman WALSH. The eight-hour law?

Judge NORTHCUTT. Well, the eight-hour law as we now have it, I think, took effect only about October of last year. I think the companies adopted the eight-hour law before we really had what we regarded as a binding law requiring that. That is my understanding from what I heard here. There was no reason, as I am advised or informed of, no violations of the mining laws previous to the time of the strike.

Chairman WALSH. Were there any prosecutions brought in your court during the time you were judge for alleged violation of the mining laws of the State?

Judge NORTHCUTT. None that I know of.

Chairman WALSH. Did they observe the law providing that persons should not be discriminated against for joining labor unions?

Judge NORTHCUTT. So far as I know, they did.

Chairman WALSH. Have you ever heard that they did black list men?

Judge NORTHCUTT. I have heard that very frequently whenever there has been a strike on; then that is talked. I never heard it talked at any other time.

Chairman WALSH. You never heard it spoken of except at a time when there was a strike?

Judge NORTHCUTT. That was talked particularly at the time of the strike of 1904, and it has been talked at this time.

Chairman WALSH. Now, Judge, is there anything else that you would like to state that you think would be enlightening to the commission which you have not touched upon?

Judge NORTHCUTT. Yes, sir, your honor; there are a few matters I would like to allude to.

Chairman WALSH. Very well; and be as concise as you can.

Judge NORTHCUTT. I am going to be as concise as I can, and I realize that a great deal has been said here that can not in any way enlighten the committee. And some of it, I am forced to allude to, even though not very material, for the reason that it reflects upon the people of our community and State. And I am not going to read all these books that are here, nor even from all of them.

Chairman WALSH. I was going to say, in that connection, just state any authorities you have.

Judge NORTHCUTT. Your honor will be satisfied with any reference I make to these books. It will not be burdensome. There is one statute I want to read before I get through, and likely a sentence from another of these books, and the others are merely for the purpose of citation.

Chairman WALSH. Very well, proceed.

Judge NORTHCUTT. I am going to take the time and speak, in a cursory way and briefly, of the strikes in Colorado, because it has not been told exactly as I remember it, and this will involve the organization of the United Mine Workers of America, and what, in my judgment, constitutes the cause of the present strike and when it began, and so forth.

The United Mine Workers of America was organized in 1890. I mention that because it has been testified to here as 1898, and as an authority upon that subject I refer to the twelfth volume of Nelson's Encyclopedia, page 306.

Shortly after that organization was brought into existence, and I think it grew up out of the ashes of the Knights of Labor, strikes were started in some of the Eastern States and went from one to another, which I shall not relate.

In 1894 there was a strike on in either Ohio or Pennsylvania and the miners of Colorado went out on a strike in sympathy with those who were striking in the Eastern States. I so state it because the miners themselves told me that was the reason why they were striking. The sheriff of our county took me with him and went to visit the miners in Sopris, where they were talking of a strike, and said to them that if they would give him a statement of their grievances and the reasons why they were striking he would intercede in their behalf and endeavor to obtain some concessions from the companies; that if the companies did not grant the concessions he would not appoint any deputies to protect their property. If, on the other hand, they did grant the concessions, that they (the miners) must go to work.

They conferred upon the subject for some moments and finally came back to us and told us they had no grievance, but were striking in sympathy with their striking brethern in the East, mentioning where it was, and I don't just now recall where. We merely answered them that when the miners there settled their difficulties they would not know there was any strike in Colorado, or any miners here, and we thought they were very foolish and left them. That strike, I think, lasted about 60 days and the details of it have been given here substantially in accordance with my recollection, and I will take no further time with it.

Now, I have stated, and I reiterate, that the cause of the present strike is the effort of the United Mine Workers of America to organize the coal fields of Colorado, and I think that is given out or corroborated by their own declaration from their organization. At page 2766 of the congressional investigation is set out a constitution of this organization, and it gives, as one of its first reasons for its existence, the following:

"First. To unite in one organization, regardless of creed, color, or nationality, all workmen eligible for membership employed in and around the coal mines, coal washers, and coke ovens on the American Continent."

They have gone from State to State in pursuance of this declared purpose of their existence and have, by the methods adopted in this present strike, succeeded in incorporating within their organization practically all of the miners of the United States save and except a few in district No. 15, embracing the

States of Colorado, Utah, and New Mexico. What other territory they have in that district I do not recall.

In November, 1903, a strike was called in this State, which, with varying acts, was kept in continuance for about eight or nine months. I think it ended in June, 1904. By a letter which signifies the intention of this organization to renew its strike at the earliest possible date, and I call the attention of the commission to page 356 of a report on labor disturbances in Colorado, prepared and returned by Carroll D. Wright, Commissioner of Labor, and as found in No. 4765, Senate Documents III, of the Fifty-eighth Congress, made in 1905 or 1906. The citation refers to a letter written on the 24 day of June, 1904, and signed by John Mitchell, the then president of the order, L. I. Lewis, vice president, and W. B. Wilson, secretary and treasurer, who I understand is the same in identity as the person now occupying the position of Commissioner of Labor. This letter, by the way, is explaining to the miners the inability of the order to carry on the strike, and saying to them that they would have to withdraw the benefits for the future, and advising them to call a convention for the purpose in a formal manner of calling off the strike; and the letter concludes as follows:

"It is our sincere hope that all those who have participated in the struggle may be able to secure speedy employment; that they may retain their interest in the organization and prepare themselves for a more successful movement at the first favorable opportunity. It is not our intention to abandon the work of the organization in Colorado and Utah. We purpose to continue our efforts to gain the men of those fields. Very truly, yours," or "Fraternally."

That was in 1904. The only thing gained at that strike was a contract with some of the mine operators in the northern field, which was renewed in 1908 with some variation; and in 1910, on the failure to renew that contract, the strike was called in the northern fields of Colorado.

After that strike and during the year 1913, as I now recall, the subject of the conduct of that strike was before the national convention of the United Mine Workers; and in the month of July of that year a committee which had the subject under investigation reported to the national convention as follows:

"Your committee further recommends that this board indorse the management of the strike in northern Colorado and reaffirm our indorsement of said strike and pledge our continued financial support in the future and authorize the international resident officers, if in their judgment it becomes necessary for the success of the strike in northern Colorado, that they be empowered and are authorized to call out on strike any part or all of the district. The matter of outlining policies to govern the future is to be left to the discretion of the resident international officials."

This, as I say, was on the 24th day of July, 1913. I should have observed in its chronological order that some of the executive board of the mine workers were sent into this field during the summer of 1912, and at that time they determined to call this strike in Colorado for that fall, and it would have been called that fall had they not been called back to West Virginia on account of the sudden uprising at that time and at that place, which they did not expect.

It was during the fall of 1912 that Mr. Lawson, who was then an executive member or a member of the executive committee of the Democratic Party which was in a campaign, told Gov. Ammons, as he has here testified, that they intended to call the strike—he didn't know just how long it would be.

Now, following this evidence comes this report of July 24, which I have just read to you, and following that, and on August 22, 1913, there was published this notice in the International Mine Workers' Journal, or whatever they call that paper, it is their official paper—and this is found on page 14 of the operators' brief—well, strike out that reference, if you please. It is in the Congressional Record, pages 202 and 203 [reading]:

"BROTHERS: During the past year we have conducted a most aggressive organizing campaign in practically every nonunion coal field on the American Continent. In all this work we have met with a large measure of success.

"Our accomplishments in West Virginia alone exceed the expectations of the most enthusiastic among our membership. We are conducting strikes in Colorado, Vancouver Island, and elsewhere, all of which are very important. We contemplate a continued campaign in West Virginia and southern Colorado, as well as in other nonunion sections.

"In order to provide funds for carrying on this campaign we are levying an assessment of 50 cents per member for two months, during September and October. Therefore, in accordance with our laws, you are hereby officially noti-

fied that an assessment of 10 cents per member per month is levied upon each and all members of our International union for two months, beginning September 1, 1913. If each and every member will respond promptly and cheerfully, you will increasingly help bring about success in establishing the organization everywhere.

"Please send all money to William Green, International secretary-treasurer, 1101–1106 State Life Building, Indianapolis, Ind.

"Fraternally, yours,"

And this is signed by John P. White, Frank J. Hayes, and William Green, with their respective titles following the names. That is dated August 22, 1913.

I draw attention to these matters because it has been so repeatedly stated here that this strike was called by a convention of miners which convened down in Trinidad on the 15th or 16th of September, 1913. These documents which I have read, as well as the preparations which I will hereafter allude to, disclose beyond the peradventure of a doubt that the matter of calling the strike in the southern field was determined upon and all preparations made for it upon the part of the national officers before ever the convention in the southern Colorado field was called.

Not only did they send out their notices of assessment, but previous to the calling of this strike they ordered their tents from West Virginia out into the Colorado field. They bought additional tents; they bought arms and ammunition, as shown by their admission in the testimony before the congressional committee, and as was known in the city of Trinidad and talked of on the streets as early as the latter part of August and early part of the month of September, it being frequently stated that the miners were buying all the guns and have bought all the guns in town, hardware stores being stripped of them.

These tents—these tent colonies were located by them. That is to say, the places were all picked out and designated before ever the strike was called, and immediately upon the calling thereof they began to establish them; and it will be noticed on examining the map that these tent colonies were all located with a view to their strategical strength in controlling some mine or mines. To illustrate, and having reference to our own county, which is a fair illustration, the tent colony at Rugby controls the view, it controls the road, it controls the means of ingress and egress to and from the mines around that town, like Rugby mine No. 1 and Rugby mine No. 2 and the Primrose mine and others near there, and the Jewel mine as well. The Aguilar or Lynn colony is located at the mouth of the canyon in which are located the Pearless and other mines. The Ludlow tent colony, located at the station of Ludlow, where the people take or leave the trains, doing business with the mines in Berwind and Delagua Canyons, such as the Tabasco, Huerfano Coal Co. mines, Berwind, and so forth, controlling some six or eight mines, and the Tolberg, I forgot to mention. Now, the purpose of locating these tent colonies in these strategical positions is clear to any rational mind. They were located there for picket purposes, for the purpose through force perhaps and remonstrance—forcible remonstrance, as we may say, as their acts subsequently disclose—to prevent any parties going up into any of these mines to go to work. Hence I say it is an insult to the intelligence of anyone who watched this thing from its inception to contend that this strike was called by a convention of miners held in Trinidad, Colo., on the 15th of September or at any other time. It was called by the officers of this organization, and it was called for the purpose of grafting into their organization the miners of Colorado, and I am surprised that they deny it.

While on the strike subject I want to direct the attention of the committee—this is a little digression, but I want to dispose of it now and not have to return to it any more—to certain documents, Volume III, for the Fifty-eighth Congress, being Subdocument 86 and Document 128, Volume V, which give a pretty succinct and complete history of the labor disturbances in Cripple Creek. I advert to that for this reason: Senator Patterson took considerable time to explain to this committee what a terrible condition of affairs obtained up there after the militia went into the field, and how they had overridden the courts and so forth. One of the documents to which I have referred the committee will disclose the causes leading up to the advent of the militia and shows that something over 20 people had been killed and numerous buildings dynamited and mines dynamited by the organization controlling in that field before the militia was brought into the field. The militia and the courts are severely criticised for what they did at that time in the way of arresting a man by the name of Moyer; and the opinion—the majority opinion of this court—is se-

called and the court is traduced for rendering the opinion. Maj. Broughton has very fully and very properly covered that subject, and has called attention to——

Chairman WALSH. I am also having Mr. Hervey brief that to the commission.

Judge NORTHCUTT. Yes, sir. I refer to this case, because I want it understood that we have respect for and pride in our supreme court. We think it compares very favorably and ranks very well with the courts of last resort of the other States. Let me refer to one fact, that this opinion was approved and affirmed by an express reference thereto by the United States Supreme Court. We do not have to make any further apology for it.

Chairman WALSH. We have been furnished with the brief about that——

Judge NORTHCUTT. Well, I am through on that.

Now, I guess I will return to the subject of this strike. I feel that I ought to take up the subject of violence. I am not going to tell all about it by any means, but I am going to explain some matters which have been left, in my judgment, in an improper atmosphere.

It has been probably observed by the committee—if not it is a fact anyhow—that those representing the striking miners do not deny that they began the violence after the strike was inaugurated. The only justification they offer therefor is to call attention to what they construe to be the beginning of violence; and they invariably advert to what they call the killing of organizer Lippiatt. Now, the party still stands under indictment on the charge of the murder of Gerald Lippiatt, and ordinarily it would be very improper to make any statement of facts concerning a case which has been yet undisposed of, particularly involving a charge so serious in its nature, and I do not propose now to go any further than the showing made by the State's attorney in the coroner's inquest held over the body of Jerry Lippiatt; and I think it is fair to this committee, justice to the defendant and the State of Colorado that the facts thus ascertained be disclosed, that it may be seen that this was not a murder but a justifiable homicide.

The facts as disclosed at that inquest are, briefly, as follows:

A few days previous to the 16th of August, 1913, Gerald Lippiatt, an organizer of the United Mine Workers, came from the northern field down into southern Colorado. His purposes there can be established, but not having been established at this coroner's inquest, we pass it by. But on the night in question, shortly after dark, or about dusk I should say, Mr. Belk and Mr. Belcher, now deceased, in company with others, were walking down North Commercial Street toward Elm Street on the right-hand side of the street, going north. As they passed a vacant building near the corner of the intersection of Commercial and Elm, and near the headquarters of the United Mine Workers, Gerald Lippiatt stepped out from the recess or door of the vacant building right behind Belk, so closely behind him that it naturally attracted his attention, and he turned to speak to him, and as he turned he brushed him with his arm. Lippiatt at once threw his hand to his pocket, saying, "Be careful what you do." Mr. Belk returned with a similar expression, "Be careful what you do." There an altercation took place, which it is not necessary to repeat, but bad language was used on both sides. Some attention was attracted, and, finally, one of the men, I think Mr. Belcher, said to Mr. Belk, "Don't quarrel with him. It is attracting attention." Lippiatt departed with this remark: "You have got your crowd with you now but I will have mine pretty soon, and then we will settle this matter," or words to that effect. He then left him and went a few doors south on Commercial Street, and there told a party who appeared before the coroner's inquest what had taken place, and declared his intention of getting him or getting even with Mr. Belk, or words in substance that.

He then left the person to whom he was talking, crossed Commercial Street, went to the Packer Block, in which were then situated the United Mine Workers' offices, and went upstairs to the headquarters. Mr. Belk and Mr. Belcher remained on the curbing near where this altercation had taken place, where quite a little crowd of people had gathered listening to the Salvation Army, which was holding its exercises in front of the Coronado Hotel, a few feet above on Commercial Street. While they were standing there listening, and probably not more than at the outside 10 minutes after this altercation had taken placed and closed, Lippiatt, with five other persons, came down out of the United Mine Workers' office, came diagonally across the street to where they stood. Lippiatt drew his six-shooter and placed it against Belk's breast and began to tell him what he was going to do. Whereupon Mr. Belcher struck

his pistol with his left hand and knocked it down, and as he knocked it down it was discharged and went through his leg about 6 inches above the knee. And at the same time, as he knocked it down, he jerked his pistol with his right hand and shot Mr. Lippiatt in the breast, who ran backwards still holding his pistol and apparently trying to discharge it, and was shot I think three times more, maybe oftener than that. I believe he was shot six times. And he ran backward to the middle of the street, where he fell and expired.

Those are the facts concerning the Lippiatt shooting as told by the persons who stood by him, came down out of the headquarters with him, and stood by him at the time the shooting took place. That is the first, as they relate, of the violence.

Now, this strike was inaugurated—and I am not going to go at length into these various acts of violence.

Chairman WALSH. I wish you would not, because we are not going to try to determine them all, you understand. We want to go into the larger and more general features of the situation rather than to go into these particular incidents, and yet it is very good to give the details of the Lippiatt one.

Judge NORTHCUTT. I can readily understand that that throws no light on the causes leading to this disturbance and will not aid this committee in its report to detail these acts of violence. I do feel, however, as to some of them that have been so grossly misrepresented, we should make an explanation to inform——

Chairman WALSH (interrupting). Yes; you might go into what might be called the highlights of them——

Judge NORTHCUTT. I am going to get through by time for adjourning.

Chairman WALSH. Well, we prefer you would give us a few minutes more——

Commissioner O'CONNELL. We might want to ask you some questions.

Judge NORTHCUTT. I am not going to take up the time that Mr. Doyle did, or Judge Lindsey in advertising himself, or many other witnesses who have testified here.

Now, upon the inauguration of the strike on the 23d day of September, 1913, violence began and it was almost daily. Within the week—eliminating now the killing of Lee, the assaults upon people began.

The Ludlow hack, I think, within a day or two was held up, and parties who were suspected of being connected with the mines who were going to work at the mines were taken out. It happened that an old gentleman, who has been up there for 30 years or more, a respected resident of Trinidad and Las Animas County, and who had been for years, and probably is yet, superintendent of the waterworks at Hastings, was going to his work on the hack, as was his wont. He, together with the superintendent of the railroad company, were taken out of the hack, made to walk back, and kept at the depot surrounded by a mob of people, indulging in the most unbecoming language until they had satisfied themselves they were not strike breakers, and then they let them go and then they walked up to the mines. This was of almost daily occurrence.

About that time two negroes came in on the train and were captured and taken off and held in the tent colony overnight, and told to wend their way and not to go to the mine. This was almost of daily occurrence, to search the trains at Ludlow and La Veta and Starkville; going through the trains the miners would ask if there were scabs, etc.

We come to October 7. I mention this because it is the initial day, I think, of the hostilities. On that morning Mother Jones and Mr. Lawson made a speech at the Ludlow tent colony, in which speech Mother Jones told the miners that they could expect guards to be out there to shoot up their tents; that if they had a spark of manhood they would go and protect their families; they would get their guns and go out and win this strike. This is the substance of the talk as related. I only related by reason of that which followed. On that very day assaults from that camp were numerous, and not on guards alone. A man by the name of Farish, I believe, who is owner of a livery stable in Hastings, the evidence shows, was coming down the road toward the tent colony with his father-in-law, mother-in-law, wife, and little child—by the way, in the narration of these particulars heretofore by the miners, it seems to me every possible effort had been made to say something of a blood-curdling nature into the record; every opportunity has been seized to do that. I do not approve of that sort of conduct, but I am permitted, by reason thereof, to suggest that in this automobile were ages from 18 months up to 35 years. This auto was attacked as it came down the road by strikers, who fired at it. The shots were

numerous but fortunately no one killed, though the auto was hit several times. On that same day a grocery man by the name of Sherman was coming down the road in the discharge of his regular duties. He was fired on. And likewise on that same day an auto coming out from Trinidad on its way to Hastings, having a clerk in a store and a machinist and one or two deputy sheriffs, was fired on. Quite a battle ensued; and as it returned from Hastings it was fired on again. They brought with them some guards from Hastings, anticipating they would be fired on as they returned. In this battle a man was wounded and a horse or two killed.

Now, adverting to this particular date on account of its being the first of the opening battles and by reason of the further fact that it has been carefully detailed on the witness stand before the congressional committee by numerous witnesses on the part of the operators and the parties who were there who were attacked, and this significant fact presents itself: That notwithstanding the fact that there were probably a thousand people in that tent colony on that date, the striking miners have never presented one single person to detail what took place. They have made the charge—persons who were not there have made the charge—that the guards started the shooting, but they never have presented the eyewitnesses, and I venture the suggestion that they never will.

The statement was made here that Mack Powell was killed by the guards, and the party making the statement referred to the testimony of Mrs. Mack Powell, found in the congressional record. If you will read further in that testimony, examine the testimony of the witness on cross-examination, she places the persons whom she supposed to be the guards at the overhead bridge, which everybody conversant with the fact knows to be the place occupied by the strikers at the time Powell was killed, while the guards were at the underground crossing, half a mile below the overhead bridge.

Powell was shot in the left side and arm. The strikers were on the left of him while the guards were in his rear, and had they shot him he would have been shot in the back.

No one conversant with the facts can with any degree of sincerity contend that the guards shot Mack Powell. They never have made any complaint against anyone; never have sought to have anyone prosecuted for it. I think some of the strikers have been indicted for the murder of Mack Powell. I could relate numerous assaults, of persons being beaten, etc., covering pretty nearly each day, but I am not going to do so.

Now, coming to the battle of the 24th, which is the Seventh Street riot, I am going to explain something of that, as it has been left in a beclouded condition before the committee and in a reflective condition against our guards.

I want to say before beginning it that what took place on that day and the days immediately following indicates that the war then opened in earnest and the strikers meant to make a finished job of it, in my judgment, and they either would have finished us or the guards would have finished them had the troops not come in, because it was a position of more than open hostility, a real war.

Now, Wahlmeir, on the 24th of October and for some time prior thereto, William Wahlmeir, I think his name is, was working in the Walsen mine, which is at the westerly end of Seventh Street. Going down, living in a house owned by a man by the name of Pisarsis, on Seventh Street, about a quarter or a half a mile from the mine, the assaults and attacks of the miners became so numerous on his going to and from work that he stopped living at home and started to board at the mine, and, as heretofore related, on the night of the 23d of October a placard was placed on the door of Mrs. Wahlmeir notifying her to leave. You will remember the placard which was read here. She telephoned to the mine the next morning and the superintendent instructed some of his men to take the wagon—three wagons—and go and move the furniture down into the camp, and sent three guards—it was either three or four guards—with the wagon to protect them. They had some mission to perform at the Rio Grande depot, I think some trunks which had been improperly sent there, to move over to the C. & S. depot. The significance of this will occur.

Word was transmitted to the sheriff to send deputies to the Rio Grande depot to protect this wagon. That was done; some 10 or 15 were sent. They went there to the C. & S. depot, which is not far from the miners' tent colony in Walsenburg. While unloading the baggage there the miners began to gather around them and began to abuse them in the usual way. Some, I think, of the deputy sheriffs remonstrated with them and told them these men were attending

to their business, and to please let them alone. After they concluded their work there they started to Seventh Street, going down an avenue, the name of which I have forgotten, to Sixth Street, and then crossing over to Main, and from Main down to Seventh. All this distance the crowd which gathered at the depot—and which was augmented as they went along the street—followed, hooting and jeering and cursing and telling them that they would never get back to the mine alive. Many people heard this, and it came out on the witness stand. They followed them clear to Wahlmeir's house, where they began to load the furniture. The crowd which followed gathered around them, throwing rocks and pieces of coal and old tin cans and everything that they could get hold of.

The owner of the house ordered the deputies off of his premises. They went out of his yard and stood in the alley. But they kept throwing missiles until they could not complete the load. The drivers could not hold the mules. They got what they could and started away, the crowd continually increasing. They went out of the alley onto Isadora Street, and turned to Seventh, which is half a block, when the crowd started in a run down to that corner. Just about the time they got there a man from the crowd began firing with a six-shooter. Then it was—after several minutes of throwing rocks and coal and other missiles—when the shot came—in fact several of them—from the mob—that the deputies opened fire. Before they opened fire one of the deputies was shot through the ear, and it was about this time that they fired from the deputies and several men fell.

The case was tried within the last few weeks. Now, it has been suggested that 11 Mexicans were on that jury, and while on that subject we will dispose of the jury proposition. It is true there were 10 Mexicans—11 Mexicans.

When this jury was accepted the district attorney had about 20 or 25 peremptory challenges which he might have exercised. The jury was satisfactory to him and he accepted it.

When the case was concluded by the State he made the statement that we could make any motion or offer we wanted to and he would not resist it. We went ahead and put in our evidence. At the conclusion of the trial we did not argue the case, nor did he. The court instructed the jury, as is the rule here, before argument, and the instructions were concluded and handed to the jury; the case submitted without argument, and in about a couple of hours—I think it was about noon when submitted to the jury—the jury got their luncheon and came back to the courthouse and brought in a verdict of not guilty. I think the commission will agree that the facts stated disclose a clear case of justifiable homicide. It was the duty of these deputies to quell that riot, and if they could not do it except by taking life they had to do it. The law upon the subject is that it is not only right but the duty of the sheriff or deputies to quell the riot; and they may use such force as appears to them under all the circumstances, acting as reasonable men, to suppress riots—even to the taking of human life. And in this case they fired for a higher purpose, and that was to protect their own lives.

Now, some questions were asked as to the juries and the men being on the jury who could not speak the English language. For the vindication of the State and our laws I wish to direct the attention of the committee to the fact that the country in which these two counties are embraced was a part of the Republic of Mexico up to the Mexican War, and upon the consummation of the treaty of Guadalupe-Hidalgo that country was ceded to the United States, and the treaty reserves unto the occupants of the territory thus ceded all the rights and privileges of American citizens; and as this country was settled up by the Americans, they were for many, many years grossly in the minority—I mean the Americans, American born. And when Colorado was admitted, or organized, rather, as a Territory in 1860 and the Territory divided up into counties in many of the southern counties there were practically no people except the Mexicans. This was particularly so in Las Animas, Huerfano, Costilla, Conejos, Rio Grande, Saguache, and other counties.

And when they desired to establish the courts and establish the jury system they had to take the material from jurors which they had. They could not have obtained English-speaking people enough for several years after Colorado was organized a Territory to do the jury service. So this statute was enacted; the section is 3668, Revised Statutes of 1908. I do not know how to get this into the record properly without reading. I want this committee to know it.

"All male inhabitants of this State of the age of 21 years who are citizens of the United States, or have declared their intention to become such citizens, and

who have not been convicted of a felony shall be competent to serve as grand and petit jurors in all the courts and judicial proceedings in this State."

This is particularly the part I wish to direct your attention to:

"No county commissioner, judge, or other State or county officer shall, in the selection of grand or petit jurors, or in the empaneling of petit jurors to try any cause, whether civil or criminal, discriminate against, reject, or challenge any person otherwise qualified on account of such person speaking the Spanish or Mexican language and not being able to understand the English language."

So you will observe that by statute these parties are qualified jurors.

I wish to say after about 25 years' experience with them that they are very, very good jurors. I was indeed much surprised on investigation to find the clearness and accuracy with which they remembered the testimony. It did not seem possible that parties could gather through an interpreter all of the facts and circumstances of a cause as related to them and as though it came first hand in the language of the person narrating it. And I recall particularly in a civil case at one time, which I thought was a rather intricate case, talking with the jurors after the cause was over, Mexican jurors, who could not understand any English, as to their reasons for returning the verdict that they did, and I was surprised to find them mentioning the names of various witnesses who testified, relate what they had testified and what their estimate of the credibility of the witnesses was and the weight of the testimony as given. So my mind was then disabused of any idea that we were not getting good jury service from those jurors.

I think it is the chairman who asked some question yesterday as to who appointed the interpreter, etc., and whether or not the accused had any voice in the appointing of the interpreter. The court, of course, appoints the interpreter, as he does his clerk, bailiff, etc.

Chairman WALSH. Is he a regular attaché of the court?

Judge NORTHCUTT. Yes, sir.

Chairman WALSH. The same one all the time?

Judge NORTHCUTT. Yes, sir; and he is usually appointed for his skill in each of the two languages, and the court usually tries to get a man of undoubted integrity. But if the interpreter wanted to be wrong in his interpretations, there are almost invariably numerous people in attendance upon the court who understand both languages; and if he should make an error he would be very quickly corrected in it. I have heard, through inadvertence, errors made, and some party immediately call attention to it. I do not think any prejudice has ever resulted through that particular matter. Besides, if a person, if the accused objects to the official interpreter and the objection seems well taken, the court for that particular case will appoint another interpreter, the official interpreter, of course, remaining to see that no imposition is inflicted upon the court.

On that subject of juries I think I ought to direct attention to the manner of selection of juries and the disqualification of the jurors.

In the congressional investigation, and it has been reiterated here, attention was directed to some person tried some years ago in which there were 11 Mexican jurors and 1 American, and some person prognosticated what the verdict would be before the case was tried.

On cross-examination of the party who testified to that it was disclosed that he did not know anything about the case, had no interest in the case, did not know any of the parties, and why the party had previously predicted the result of the verdict might have been that he knew the facts, and knowing that he would be certain of the verdict that ought to have followed that state of facts—nothing to that.

Now, as to the manner of getting the jury list in Huerfano County, our statute provides that for the purpose of obtaining juries the treasurer shall from time to time be requested to furnish to the board of county commissioners an alphabetical list of the names of taxpayers. The board of county commissioners select from this list, so furnished, in a county in the class of Huerfano, 300 names. They are written on slips of paper and deposited in a box. When a jury is to be called the clerk calls to his office the sheriff, and in the presence of the sheriff draws 24 names at random from this box.

Now, in Huerfano County, the number of taxpayers was figured up, calculated, and testified to in the congressional investigation. I do not now recall the number, after deductions, after examinations, age limit, etc., nonresidents, it left, as I recall, only about 1,100 persons subject to jury service. And when you took 300 names out, they were served and thrown back, it only takes about

three drawings to exhaust the list, so, of course, when you begin again you are going to get some of the same old list.

This is just a general charge they make about professional jurors, etc. And yet, I think, it is significant and ought to be to the committee, they have not pointed to a single case in which they have even charged a miscarriage of justice.

I believe they call attention to the case of People against Miller, in which they say Miller struck a union man and broke his jaw. And on the jury upon the trial of that case there were seven deputy sheriffs.

Now, the district attorney had the opportunity to interrogate these jurors on their voir dire, and if it appeared that one was a deputy sheriff or otherwise so interested to be an unfair juror, he could have excused him. The record in that case shows that he did not exercise a single peremptory challenge. So I don't think their objections are well founded. Nor are their criticisms just.

The charge has been made here that the coal companies own them, have owned the district attorneys and the judges, etc.

The man who is now on the bench was elected in 1912, was for eight years prior thereto district attorney. Now, so far as controlling him by the coal companies, while he was district attorney every time he was nominated he was nominated over the objection of the coal companies. Many people do not know this, but I happen to know it. It is a fact. When he was elected judge he was elected over the objection of the coal companies. I say objection. I mean by that he was not satisfactory to them. The man who had been on the bench made a pretty fair record and he was satisfactory. And those who were handling the party down there wanted him. So it does not stand to reason that the man who has never received even the friendly political cooperation of the companies would be owned by those companies. And the present district attorney can not be said to be unfriendly to the strikers. We feel that he is entirely too friendly to them, though we charge not the slightest corruption or impropriety in his conduct.

And also they make the charge, while on that subject, that what is the use to exhaust the regular panel by your challenges and ask for other jurors? The sheriff will go out and bring in parties who are unfriendly. That charge is unfounded for this reason: Under our statutes any party to a litigation may by affidavit charge the prejudice of the sheriff and the court is required, the statute is mandatory to remove him, handing the process for that trial to the coroner, and if the coroner is disqualified then the court appoints an elisor, under the old practice.

Now, I think that is all I care to say relative to the courts and juries unless there is some question which some member of the commission desires to ask.

Going back now, not to lose much time on it, however, to the matter of violence and beginning were we digressed.

As previously stated, on the 24th riots occurred on Seventh Street in Walsenburg.

On the 25th the fights started down at Ludlow, very much as detailed by Lieut. Linderfelt while on the stand. I think his narration of it is about the most exact that I have yet heard come from the witness stand. Without dwelling on this subject, let me observe that on the 25th, 26th, 27th, and 28th a distinct and separate battle occurred; on the 25th, 26th, and 28th at least one man was killed for each battle.

All of these disturbances were by phone and wire continually poured upon the governor. The governor did not respond in the way of calling out the troops until the end of the four days' battle, when he sent the troops. And as a justification for the advent of the troops into the field, and it is unanswerable, that while there had been continual disturbance, battle after battle, destruction of property by dynamite and burning, and many lives lost before the troops came in, after they came in, as I now recall, there was not a single loss of life attributable to the strike, until they were practically all taken out of the field. The people of Trinidad and Las Animas County could sleep in peace after the troops came, which they had not done a single night prior thereto, after the calling of the strike. And so it seems to be pretty clear, to my mind, that the military arm is still necessary in our social existence, and its being brought into service often performs the same salutary and wholesome purpose that a surgical operation, timely and properly executed, does. And certainly it did in this case.

I might give in detail the various crimes that took place at that time, but I do not believe it would especially enlighten the committee.

I do, however, wish to call the attention of all the members to what appears to me to be a reason why this organization could not be a particularly attractive partner with which to deal; that is, their infidelity and disinclination to respond to favors shown.

It is a fact well known that previous to calling of the troops in the field, the strike leaders had the ear of the governor. We felt at the time, and we yet feel that the governor ought to have sent troops into the field upon the very first indication of violence. And we feel that had he done so, and sent them there without restrictions, sent them there with instructions to restore order, preserve peace, and enforce laws, that all of this violence would have been averted. I see no good reason why he should not. The fact that there was no killing after they went there is sufficient evidence of the correctness of my assertion.

When the troops came there they were manifestly favorable to the strikers. That fact is evident from the manner in which Gen. Chase started out to disarm the people under arms. He first went to Huerfano County to disarm the sheriff and his deputies of that county, stating as his reason therefor that the strikers seemed particularly bitter to the sheriff of Huerfano County, and therefore he was going to disarm him first. Stating also that after he disarmed all of the guards in Las Animas County that he was then going up to Ludlow to disarm the strikers, observing that Mr. Lawson had promised that if he would first disarm the guards that he would look to it that all the strikers surrendered their guns. So, with great demonstration, the general at the appointed time took his army up to Ludlow to receive the arms of the strikers, and, to his great humiliation, I should say, and chagrin, they brought out, as I was told at the time, 12 guns and a miniature popgun, and he very narrowly escaped the appellation of "Popgun Chase." This was an abuse of the confidence which had been bestowed upon him particularly and all the way, and when in all the transactions up to that time they had received favors of the executive branch of the State and of the military arm. They showed their appreciation of it by condemning the governor, and continuing to condemn him the minute they failed to get every whimsical demand that they made from him. And Gen. Chase's conduct, notwithstanding his very kindly treatment of them, has been maligned by them ever since. I presume they will continue.

Now, I think I have disposed of the political question unless your honors care to ask some further questions. I think of nothing further on the matter of courts and juries.

On the matter of politics, I am going to say another word on a matter that I had forgotten. A great deal has been said about the participation of the coal companies in politics, and nothing said about the participation of this union in politics. It will only take a few minutes.

Chairman WALSH. We will wait.

Judge NORTHCUTT. For more than two years the United Mine Workers of America, through its officers, have been making efforts, aggressive efforts, to control the politics of the State of Colorado, and up to last fall they pretty nearly did it. In pursuance of their scheme to control the election, elect the officers of our county, they have put upon their pay rolls, or the benefit roll, many persons who never worked around any mines. They have gone out onto the farms and put ranchers on their benefit rolls and carried them for a long period up to election for the purpose of obtaining an influence over them to control them at the election. And last fall's election demonstrated the fact that their methods were very effective, indeed. In the spring election, the election held in Huerfano County last spring, they colonized the town of Walsenburg, bringing in there their union men from all over the county and other counties, so far as that is concerned, and kept them there long enough to establish a residence to vote in that election, and it was very close. They tried to control the election in both Las Animas and Huerfano Counties. I state these things to let you know these charges are absolutely true, by reason of the fact that they are now made in pleadings filed in the contest case pending in those counties there, and an issue is to be determined. In short, it is the coal company against the union. We have had some experience in this State of union-controlled counties politically. You take the county of Teller and the county of San Miguel, in 1903 and 1904, the sheriffs of those counties and the judges of the courts were elected by the miner votes. They were union-made politics, and when their difficulties arose they absolutely refused to make any attempt to enforce the law, so you are forced to the position of either taking the union-

made goods, or those which you may claim are dominated by the companies; take your choice. Getting pretty near to that in Colorado. It was that way last fall. A desperate effort was made to control the State ticket on the part of the union.

I think I have explained the matter of deputy sheriffs, commissions, how they were issued, and why, etc.

Complaints have been made about militia arresting people without warrants, etc. That is fully responded to by the observation that the strikers did not seek any warrants for the persons whom they detained, and I direct your attention to the Karos boys, Kris Karos and his brother, who were working up at Tabasco, were assaulted and savagely beaten by the Ludlow colony inhabitants, taken into their tent colony there, detained until one of them got away and brought the matter to the attention of the authorities, got away on an excuse to get his trunk. And not until a writ of habeas corpus had been issued did they turn the other fellow loose. Many others might be cited, but this illustrates the point.

I have explained the matter of the Seventh Street riot.

Oh, I wish to direct your attention to the citation in our brief of the case of Hinchman Coal & Coke Co. against Mitchell, as some criticism has been brought by our citing this case which has been reversed, and that justifies the criticism if knowingly done. The preparation of this brief began about the last of May or before that. The authorities were collated, and the data arranged before the last of May, though the brief was thereafter dictated. This case about which this criticism was made, and to which we allude, was reversed and the reversing opinion promulgated on the 28th of May. Information of it never reached me until the advance sheets of the Federal Reporter came out in—later in the summer—I think about July or August I got it. It is in the Two hundred and fourteenth Federal. I have forgotten the date. However, even had I known of its reversal, I should have considered the case, calling attention to the reversal, of course, and would have cited it for its reasoning force. I think it undoubtedly was good law up until the time that the court of appeals reversed it.

One other matter, I think, ought to be called to the attention of the committee.

In all of this talk the effort seems to be to find who was right or wrong between the contending parties. Scarcely anything is said about the man at work. When this strike took effect, as has been heretofore testified, about 40 per cent of the men remained at work. I may be wrong as to the number. Other accessions thereto were added from time to time.

Now, a settlement of this strike at any time after it was called would mingle the two conflicting elements; the men who remained at work evidently did not want to do any different. If they had wanted to go, they had an opportunity. As they did not go, presumably friction would have resulted if you had attempted to put the two together. No fair-minded man is going to drive out one man equally qualified to give the place to another, particularly when one is friendly and the other antagonistic.

Much might be said on that subject, but I will leave it for the ingenuity of the committee to study it out.

They had a party on the stand this morning who read many affidavits and copies of affidavits. We all know the damage of hearsay testimony and of taking ex parte affidavits. These parties making affidavits, most of them still exist, and if the committee will bring those parties before them and interrogate them they will find quite a different, if not an absolutely contrary, story told to that which is embodied in the affidavits.

One observation on strike matters generally, which must be pretty evident to the committee's mind, I can conclude in about five minutes, I think, unless you prefer to call me in the morning.

Chairman WALSH. All right, go ahead.

Judge NORTHCUTT. I am simply going to observe that the tendency of strikes for the last 25 years has been drifting very much, it seems to me, in the direction of rebellion in this country. I do not say that the unions universally indorse it. But certain it is that all the persons who are promulgating a certain cult detrimental to organized government invariably indorse the unions and indorse the strikes. Take this people belonging to this new cult known as syndicalism and anarchism—they invariably sympathize with the strikes, sympathize with the violence growing out of them.

I think one danger now confronting us is the temporizing manner in which all these questions are dealt with. A prompt and firm and positive enforcement of the laws now existing on our statute books will prevent much of the violence that grows out of these strikes. Laws can't be enacted to prevent strikes, any bit more than you can enact laws to prevent occasional assaults, but much remedial legislation can be enacted. I have implicit confidence in the wisdom, patriotism, and energy of the American people, her institutions and form of government, and I have no doubt but what in time, and I think in plenty of time to prevent rebellion, wise statesmen of the United States and the various States thereof will discover remedies and apply them in such a firm and telling way as to prevent that which has taken place in many other countries.

But it can not be done by these sensational and harrowing publicities that have been given to this and other similar outbreaks. And it appears to me, while on the subject of rights and remedies, that some recommendation ought to be made which will lead to legislation that will prevent the serious abuses of speech—free speech and free press that exists in this country. I do not mean to curtail free speech or publicity, but I do mean to curtail the abuse of it. And I hold in my hand a book marked, "The American Citizen," which has been given some circulation in this part of the country, and I am going to introduce it at this time in order that this committee may peruse and read it. It occurs to me that circulation of documents of this character ought not to be permitted. It advises its readers to buy guns and prepare themselves to resist the enforcement of the laws of this country.

I don't think of anything more I want to say.

Chairman WALSH. We will excuse you for the present. I want to get through with the witness to-night who has to be examined through an interpreter. One of the commissioners wants to ask you a few questions. I have none. Will you just retire for a few minutes?

Judge NORTHCUTT. Yes, sir.

(Witness excused temporarily.)

TESTIMONY OF MR. GRIGORIO GINIKIS—Recalled.

Chairman WALSH. Ask him where he was born.

The INTERPRETER. Italy.

Chairman WALSH. What place?

The INTERPRETER. Provincia Di Georcente.

Chairman WALSH. Did he receive any education in Italy? Did he go to school there?

The INTERPRETER. He says "Yes."

Chairman WALSH. Does his boy live with him?

The INTERPRETER. Yes, sir.

Chairman WALSH. Ask him if he ever belonged to the United Mine Workers of America?

The INTERPRETER. I never hear nobody to talk about United Mine Workers of America.

Chairman WALSH. Ask him how long he has worked at the mining business—how long he has been a miner.

The INTERPRETER. He said altogether about eight years and a half.

Chairman WALSH. Ask him where he worked before he came to Colorado?

The INTERPRETER. He was working in Pennsylvania.

Chairman WALSH. Pennsylvania?

The INTERPRETER. Yes.

Chairman WALSH. I think he said Greensburg—he understood that.

The INTERPRETER. Greensburg, Pa.

Chairman WALSH. Ask him if he knows what a union is.

The INTERPRETER. He said he heard what the word union was, but he don't know what it means.

Chairman WALSH. Did he ever belong to any society in this country?

The INTERPRETER. He says not.

Chairman WALSH. Ask him if he ever heard of the United Mine Workers of America.

The INTERPRETER. He says he never talked to nobody. I never hear nobody talk about United Mine Workers of America.

Chairman WALSH. Never talked to anybody?

The INTERPRETER. No, sir.

Chairman WALSH. Does he know what the United Mine Workers of America is?

The INTERPRETER. He says he understands, but he don't belong to the union.

Chairman WALSH. Ask him what he understands the organization is for.

The INTERPRETER. He don't know; he says he don't know anything.

Chairman WALSH. He don't know?

The INTERPRETER. No, sir.

Chairman WALSH. Ask him how he happened to come to Colorado, and who, if anyone, got him to come?

The INTERPRETER. He says he come himself.

Chairman WALSH. How did he happen to find out that he might get a job here?

The INTERPRETER. He says he heard there was a lot of work.

Chairman WALSH. How did he hear—he heard there was a lot of work?

The INTERPRETER. Yes, sir.

Chairman WALSH. Ask him who told him.

The INTERPRETER. He says he heard from everybody.

Chairman WALSH. Everybody. Where was he when he heard there was a lot of work here?

The INTERPRETER. He says in Chicago.

Chairman WALSH. Ask him who it was got his son to come, if he knows. Ask him if he got his son to come; put it that way.

The INTERPRETER. He says he come himself.

Chairman WALSH. What was he doing in Chicago when he heard that?

The INTERPRETER. He was working in a railroad station.

Chairman WALSH. How long had he been working in the railroad station when he heard of the work here?

The INTERPRETER. He says he worked two months before he came here.

Chairman WALSH. Two months?

The INTERPRETER. Yes.

Chairman WALSH. Ask him if he went to an employment agency to inquire.

The INTERPRETER. No, sir.

Chairman WALSH. Ask him if anybody asked him not to go to work when he came to Colorado, or attempted in any way to prevent him from going to work.

The INTERPRETER. He says he risk himself to come to Colorado and get a job.

Chairman WALSH. What is that?

The INTERPRETER. He risk it.

Chairman WALSH. After he came here, did any person ask him not to work, or threaten him in any way?

The INTERPRETER. He say nobody ever say anything.

Chairman WALSH. Nobody ever said anything to him?

The INTERPRETER. No, sir.

Chairman WALSH. How long has he been in this country?

The INTERPRETER. Thirteen years.

Chairman WALSH. Ask him if he intends to go back to the old country?

The INTERPRETER. He say if he have money some time he will; if not, he will stay here.

Chairman WALSH. Ask him if he understands that he has a right to become a citizen of this country?

The INTERPRETER. He said he was trying to be a United States citizen several times, but he don't know how to read and write English, and they refuse to give him papers.

Chairman WALSH. Because he could not read and write?

The INTERPRETER. It is his intention to be a United States citizen.

Chairman WALSH. Ask him how much money he makes in the mine?

The INTERPRETER. He say sometimes some months he get $70, some months $85, some months $100.

Chairman WALSH. Ask him if he knows what a checkweighman is?

The INTERPRETER. A checkweighman is a fellow that check my cars.

Chairman WALSH. He don't know what a checkweighman is?

The INTERPRETER. No, sir.

Chairman WALSH. Ask him whether or not he is being paid for all the coal he mines?

The INTERPRETER. What he mines?

Chairman WALSH. Ask him whether he knows whether or not he is being paid for all the coal he mines?

The INTERPRETER. He said they pay what he done.

Chairman WALSH. Ask him how he knows that, whether they pay him for what he does.

The INTERPRETER. He said he shall mark every time so much what he done and he knows what he do and also he figure the work at the end of the month, so he figure how much he got coming to him.

Chairman WALSH. Ask him if he would be willing to work more than eight hours a day if they made him do it.

The INTERPRETER. I only want work eight hours, what I know law is.

Chairman WALSH. Ask him if he deals in the company store, buys his goods from the company store?

The INTERPRETER. Only he bought groceries to the company stores.

Chairman WALSH. Ask him how much they deduct from his wages for hospital dues?

The INTERPRETER. One dollar a month.

Chairman WALSH. Ask him how much they deduct usually for powder?

The INTERPRETER. He say he never use powder, he work with the coal that—he said he worked in a mine, pillar place coal, that is softer and don't need no powder at all.

Chairman WALSH. What mine is he working in?

The INTERPRETER. In the Valdez.

Chairman WALSH. Does he know the name of the company who has the mine?

The INTERPRETER. He say he don't know.

Chairman WALSH. Ask him what he gets paid for his work?

The INTERPRETER. He say he gets paid for the company. He say he get paid for the company, he heard the company, one the companies named Rockefeller, and that is all he knows about it.

Chairman WALSH. Does he know how much the company pays him, what price they pay him for mining the coal?

The INTERPRETER. They pay 55 cents a ton for coal.

Chairman WALSH. Ask him if he would belong to a union if he thought he could get more money by doing so.

The INTERPRETER. I don't want to belong to a union if even I get $10 a day.

Chairman WALSH. Ask him if his boss speaks Italian.

The INTERPRETER. He says sometimes his boss talk very few words Italian language.

Chairman WALSH. Ask him how he finds out what the boss wants him to do.

The INTERPRETER. He says he is experienced in work.

Chairman WALSH. That he is an experienced workman?

The INTERPRETER. Yes, sir.

Chairman WALSH. That he, himself, is?

The INTERPRETER. Yes, sir.

Chairman WALSH. Does his boss never tell him anything he wants him to do?

The INTERPRETER. He said when the boss ask him to do some work, if he understand, he do it, and if he don't, why the boss he goes and shows to him what should be done.

Chairman WALSH. Ask him if he would still work there even though they did not pay him as much as they do now.

The INTERPRETER. Please give me the question again.

Chairman WALSH. Ask him if he would remain at work if they did not pay him the same wages.

The INTERPRETER. He say, no, sir.

Chairman WALSH. He would quit?

The INTERPRETER. Yes, sir.

Chairman WALSH. Ask him who gave him the job out at the mine, who he talked to about going to work.

The INTERPRETER. He say he talked to the superintendent.

Chairman WALSH. He said what?

The INTERPRETER. He say he talked with the superintendent of the mine, and the superintendent give the job to him.

Chairman WALSH. Ask him if he told him how much he would pay him before he gave him the job?

The INTERPRETER. He said when he was working with the company he got $3.10 a day, but the most time he was working for himself in piecework.

Chairman WALSH. Ask him how much he got for piecework.

The INTERPRETER. He said some days he make about $4—$3 or $4, or $5 or $6, something like that.

Chairman WALSH. Ask him how much the superintendent told him he would pay him for piecework when he hired him.

The INTERPRETER. He says that the superintendent don't know himself what the men in piecework—what a man make in a day.

Commissioner O'CONNELL. Ask how much a ton for digging coal he was going to pay him.

Chairman WALSH. Did the superintendent tell him when he hired him how much he would pay him when he would dig coal?

The INTERPRETER. He said he hadn't said anything.

Chairman WALSH. Does he know how much a ton he gets for digging coal?

The INTERPRETER. Fifty-five cents a ton.

Chairman WALSH. What do they charge for the house he lives in?

The INTERPRETER. He said he live in a little shack, a house, and he pay a dollar a month for the rent of the house. I got three shack, and I pay $1.25 for each shack.

Chairman WALSH. How much?

The INTERPRETER. One dollar and twenty-five cents for use of the water.

Chairman WALSH. Twenty-five cents for water?

The INTERPRETER. Would be $1.25 a month.

Chairman WALSH. How many rooms are in that house?

The INTERPRETER. There are three rooms in the house.

Chairman WALSH. And who all live in that house?

The INTERPRETER. Him and his family.

Chairman WALSH. How many?

The INTERPRETER. Seven altogether.

Chairman WALSH. Seven altogether?

The INTERPRETER. Yes.

Chairman WALSH. You may be excused.

(The interpreter didn't know as much as I did about talking English. There's where the mistake came from. Yours, truly (signed), Grégorio Gómez, Box 146, Valdez, Colo.)

TESTIMONY OF MR. WALTER F. LENTHALL.

Chairman WALSH. What is your name?

Mr. LENTHALL. Walter F. Lenthall.

Chairman WALSH. What is your age?

Mr. LENTHALL. I am 36 years of age.

Chairman WALSH. Are you married or single?

Mr. LENTHALL. I am a married man.

Chairman WALSH. Have you any children?

Mr. LENTHALL. No, sir.

Chairman WALSH. Where do you live?

Mr. LENTHALL. I reside at the present time at Rockland, Colo., the Solar mine.

Chairman WALSH. What county is that in?

Mr. LENTHALL. Huerfano County.

Chairman WALSH. What is your occupation?

Mr. LENTHALL. I am a miner.

Chairman WALSH. A native of this country?

Mr. LENTHALL. Yes, sir; of Tennessee.

Chairman WALSH. A native of Tennessee?

Mr. LENTHALL. Yes.

Chairman WALSH. Of what parentage?

Mr. LENTHALL. German decent.

Chairman WALSH. How long have you been a miner?

Mr. LENTHALL. All my life.

Chairman WALSH. You have been a coal miner all your life?

Mr. LENTHALL. Yes, sir.

Chairman WALSH. Where did you work in the coal-mining business prior to coming to Colorado?

Mr. LENTHALL. The Webster Fuel Co., British Columbia.

Chairman WALSH. And before that? Give me the places you worked in the coal-mining business.

Mr. LENTHALL. The State of Washington, Idaho, Montana, British Columbia, South Africa, and Australia.

Chairman WALSH. What time did you work in Colorado, and where?

Mr. LENTHALL. I worked in the Walsen, Cameron, Robinson, Hutsel, and the Solar.

Chairman WALSH. Are you working in the Solar now?

Mr. LENTHALL. Yes, sir.

Chairman WALSH. As a miner?

Mr. LENTHALL. Yes, sir.

Chairman WALSH. Is the Solar a union or nonunion mine, Mr. Lenthall?

Mr. LENTHALL. No; it is a nonunion mine.

Chairman WALSH. It is nonunion?

Mr. LENTHALL. Yes.

Chairman WALSH. How long did you work at Walsen?

Mr. LENTHALL. The first time I worked at Walsen from November, I believe the 11th until November 22d or the 23d. And through some dispute against wages I was transferred to the Cameron November 26, 1913.

Chairman WALSH. How long did you stay there?

Mr. LENTHALL. I stayed there until the 21st of March, 1914.

Chairman WALSH. Why did you leave Cameron?

Mr. LENTHALL. On account of conditions not being satisfactory—not satisfied with the store and the general working conditions.

Chairman WALSH. Just describe the objection you had to the store and the general working conditions.

Mr. LENTHALL. The objection I had to the store was overcharges regarding furniture, groceries, and so forth, and in not receiving sufficient payment for my work—driving entries—which is heavy work and contained lots of water. I was only guaranteed——

Chairman WALSH. What is that?

Mr. LENTHALL. I was only guaranteed $3.10 per day, while it really should pay—driving these entries, the kind of entries we had, the kind of wet work—it should at least pay $4 a day. And besides that, when I came down to the Cameron mine I notified the superintendent of that Cameron mine made application for some batch furniture, temporary, on account I had my furniture at Pueblo. I bought two chairs, one table, one range, linoleum to cover the kitchen, one dresser and bed, one mattress (so called), and quilts and some other things that amounted to $143. I signed a contract to have deductions made at $25 a month. Well, everything went well until the first statement I received of the Cameron mine—that was November 30—and my total earnings for November were $9.30, and this statement showed my deduction $13.45, so that, therefore, I was $4.15 in debt to the company. My second statement——

Chairman WALSH. For how long a period of time was that?

Mr. LENTHALL. That period was from the 24th; from the 24th of November. Then my second statement——

Commissioner O'CONNELL. From 24th of November to what other date?

Mr. LENTHALL. To the 30th; to the last day of the month. Then——

Commissioner O'CONNELL. Six days?

Mr. LENTHALL. Yes. Then the second statement I received on the 31st of December. That was the statement where I had a lot of trouble. The superintendent as well as the mine clerk; the superintendent directed the mine clerk—corrected the mine clerk's statement, and the mine clerk corrected the superintendent's. That statement is supposed to be copied off those books. There is a correction right here on the statement.

Now, I had an earning; I had a total earning of that day at the end of the month of $74.11.

Chairman WALSH. A total what?

Mr. LENTHALL. Total earning of $74.11. My deduction amounted in house rent, furniture, hospital, and fuel, amounted to $91.25. Naturally I went over to see the superintendent about it, and the superintendent corrected it, and it left me a balance which I owed the company of $68.09. Well, when I went with that statement to the superintendent, at the time he looked the books over himself, and he put down that balance due the company, instead of $68.90, was $75.74. He increased it. So I could not get any satisfaction. I had been three or four times to ask him to look the matter over, and he would say he would look it over. So I left it run on to January. On my January statement I had 88 hours, and I earned for the 88 hours $34.10. My store deduction was $34.10; therefore I didn't receive anything.

Chairman WALSH. How did it happen, Mr. Lenthall? Did you get the ordinary scale of wages and prices?

Mr. LENTHALL. Well, I had drawbacks. In that place I was working I had too much rock and what we call brushing. In driving an entry you have got to have the entry 6 feet from the center of the rail. Now, they had a heavy

roof, a heavy roll of rock, and they must be given a certain pitch, and I had to gob the rock 4 feet from the left rib. That took considerable time, and I didn't get anything extra; just my day's wages.

Chairman WALSH. They do not pay for that?

Mr. LENTHALL. No.

Chairman WALSH. Did you only work 11 days that whole month?

Mr. LENTHALL. No. I had an agreement with the superintendent that if I didn't make my day's wages he would give me enough hours to make it up in the month—to make the month up. So, therefore, that was the 88 hours which were missing. I made 2,540 hundredweight of coal and 15 feet of brushing, and the 2,540 hundredweight of coal paid me $50.80, plus 15 feet of brushing at 65 cents; a total of $57.60. Deductions on that were the preceding month—the previous month—$66.28, so I stood to the company $66.28 instead of $74.75 after deducting the drawing. My statement shows it.

Then, in February I had 123 hours, and the 123 hours I earned $49.30, and had 1,571 hundredweight of coal and 18 feet of brushing. That give me $36.42. That is the first time I ever drew any money, and my check amounted to 46 cents since November until February, according to this statement here.

Chairman WALSH. How many actual days did you put in in each one of these months?

Mr. LENTHALL. The whole month including Sundays.

Chairman WALSH. Working as hard as you could?

Mr. LENTHALL. As hard as I could.

Commissioner O'CONNELL. Including Sundays?

Mr. LENTHALL. Including Sundays; yes, sir. My daybook will show all the time correctly—that I had so many cars to load; everything else written down—which I carry. They are here to be inspected at any time you may desire.

Chairman WALSH. Go ahead.

Mr. LENTHALL. Now, of course I couldn't agree with the superintendent on these points.

Chairman WALSH. Does that take you to the end of your time at Cameron?

Mr. LENTHALL. Now, that took me up to the 24th—21st—and I had never received a statement from the 1st of March to the 21st. It was promised, because I could not settle with them, in the first place; and my superintendent told me I could not move until I paid absolutely every cent to the company.

Chairman WALSH. Told you what?

Mr. LENTHALL. Told me I could not move from that camp; couldn't go to any other place until I had paid everything to the company. I told him I was going to move away to Walsen, and so he told me to see the superintendent at Walsen and let me take my account bills over and be responsible for them and he would give me permission to move. I defied him.

Chairman WALSH. You defied him?

Mr. LENTHALL. I said, "I am going to move on Saturday morning," which I did. I defied him to put any obstructions in my way. Now, then, in the month of April I made $123 that month. That was the best pay I ever made in the C. F. & I. I had $30 in cash.

Chairman WALSH. How much?

Mr. LENTHALL. Thirty dollars out of $123.

Chairman WALSH. What did your bills consist of? What did you buy?

Mr. LENTHALL. Well, there were tools, and keep paying on these bills, and I could never get finished up with these bills; and I asked for a statement on several occasions. I could not obtain one.

Chairman WALSH. They would not give you an itemized statement?

Mr. LENTHALL. No. Here is a copy which I received from the Mutual Coal Co., and Mr. Anderson he forwarded me a letter about two weeks after I left the C. F. & I., and told me—he was a clerk with the Cameron store—and asked him to collect the bill of $40 after I left over four months. So I turned back and wrote him, and I have a copy of the letter.

(The letter referred to is as follows:)

"Mr. Davis, a clerk at the Mutual mine, handed me your letter of November 9, 1914—a store bill I should owe to the Colorado Supply Co., Cameron store, of $43.61 for you to collect. I herewith will reply briefly to the demands. Firstly, I don't think I owe the C. S. C. any such bill. I left Cameron mine in March. My bills were transferred to the Walsen mine, and to where I was employed after I left Cameron, and there my bills were paid by deduction from my pay. When I left Walsen last June for the Mutual mine I was informed that

I was clear with the camp. It is rather strange for the C. F. C. to collect a bill from me after nearly five months. Well known is them, I was employed at the Mutual mine. Therefore I will not consent for any deduction from my pay to the demands of the C. F. C. I am in possession of all bills and statements except the itemized statement I so often asked them to furnish me with."

I haven't received any itemized statement from them since I left or during the time I stayed with them.

Chairman WALSH. Were there other English-speaking miners at Cameron and at Walsen when you worked there?

Mr. LENTHALL. Yes, sir.

Chairman WALSH. Did any of the other men have similar experiences to which you have detailed?

Mr. LENTHALL. Oh, yes; quite a number of them.

Chairman WALSH. How general was it?

Mr. LENTHALL. Oh, it was a general occurrence. I can mention quite a number of names; but when you wouldn't pay their bills and couldn't make any money, you were down on them; they had been paying grocery bills and stuff all winter, and they couldn't make enough to pay their bills. One man named Harrington and one named Cochran, etc., quite a number, besides the foreign element which are employed at the mine; and they have always complained about that Cameron store.

Chairman WALSH. Where did the people get water for domestic purposes at Walsen?

Mr. LENTHALL. At Walsen, I believe, is the mine water; but the Mutual, that was the last time I worked, that was the reason I left the mine, on account of that water.

Chairman WALSH. What was your experience about the water at that mine?

Mr. LENTHALL. On October 15—they turned that mine water on October 15. Previous to that we had city water, and I didn't know anything different until a young man came to me during the noon hour on November 11 and asked me what we were going to do about that water. I said, "I don't know; what water do you mean?" "About that water we are drinking." I said, "What about it?" He said, "Are you aware of the fact that we are drinking mine water?" I said, "No." I immediately went to the superintendent and asked him why we were drinking mine water. We found that the mine was in the filthy state of polluted water. There were three diseased Mexicans working in the mine, and they had used this water that flowed into the sump as a toilet, and from that sump the water was pumped out for domestic purposes. That was the reason I left the Mutual mine.

Chairman WALSH. Did they charge you for that water?

Mr. LENTHAL. They charged me.

Chairman WALSH. Was it deducted from your pay?

Mr. LENTHALL. Yes; it was deducted. I have the statement right here.

Chairman WALSH. How much?

Mr. LENTHALL. A dollar a month.

Chairman WALSH. Tell the commission about your experience with coal weights while you were with the Colorado Fuel & Iron Co.

Mr. LENTHALL. The Robinson mine and the Walsen mine, they had, practically speaking, the same cars; that is, wooden cars; and the Walsen mine has three different kinds of cars, and the wooden square car, and they have got them wooden cars that are built up sides, and steel cars. And there is a great difference in the Robinson mine in the weight of the wooden cars and the square wooden cars and what they have in Walsen. The Robinson mine has cars of from 27 to 28 hundredweight. That is the Robinson mine. The Walsen mine, the coal at Walsen mine runs from 34 to 36 hundredweight. I had a record of a car in June; this is my fourth car; I put down the weight, 5,000; and the lowest car I ever had in Walsen mine was the 13th of June, 2,000.

Chairman WALSH. What experience have the other men had there, that you know of?

Mr. LENTHALL. Had exactly the same experience what I had. There was a young man by the name of Bryson; he was up on the scales and he give us fair weight; and when Bryson was taken off, about the time the McNally mine burned, and they put a man to take his place, and the superintendent had to remove him on account giving us short weight.

Chairman WALSH. Are you a member of the miners' organization?

Mr. LENTHALL. No; I am not.

Chairman WALSH. Have you ever been a member of the United Mine Workers of America?

Mr. LENTHALL. No; I am not.

Chairman WALSH. Did you work there all during this trouble?

Mr. LENTHALL. I have; yes, sir.

Chairman WALSH. And you are working at the Solar mine now?

Mr. LENTHALL. Working at the Solar mine now.

Chairman WALSH. Do you exercise your right of franchise; do you vote at elections?

Mr. LENTHALL. I did; yes, sir.

Chairman WALSH. What has your observation been at the elections, if you made any at the camps which you have worked, in Colorado?

Mr. LENTHALL. On the 3d of November, in the morning at 7 o'clock, I was the second man to vote at the Solar mine, and there was quite a disturbance about that election. There were several men there objecting to our vote, especially some Mexicans objected to the vote, and I asked one of them who he was, to show his credentials if he had them, and I objected to his vote. He showed me some credentials that I considered at the time were not genuine credentials. I saw down to Walsenburg and saw the district attorney or the sheriff about it. Coming to Walsenburg, or passing the store at Walsen, I saw quite a number of Greeks and Italians, which I knew at the time worked in the Walsen mine who were not citizens.

Chairman WALSH. How did you know they were not citizens?

Mr. LENTHALL. Because I talked to them. One of them was working with me previous in the mine, and he was in the country only about eight or nine months. I asked him if he was a citizen. There were Mexicans, a man that came from old Mexico, and he told me that he voted.

Chairman WALSH. He is not a citizen?

Mr. LENTHALL. Not a citizen of the United States.

Chairman WALSH. Did you ever make any other observations with reference to the way the elections were conducted?

Mr. LENTHALL. No; I did not, sir.

Chairman WALSH. Did anyone ask who you were voting for? Or ask you to vote for anyone?

Mr. LENTHALL. Well, I noticed that several gentlemen that were not known to me, they came around to the house and asked our wives to vote—were introduced——

Chairman WALSH. What?

Mr. LENTHALL. They were introduced as out of the party they were belonging to, the Republican or Democratic Party, and we were told, you know, the best party for the welfare of the country was the Republican Party.

Chairman WALSH. They told your wife that?

Mr. LENTHALL. Our wives. Of course I didn't see either of those gentlemen, because I was working. He was at our houses during working hours.

Chairman WALSH. Do you know who he was?

Mr. LENTHALL. No; I got a description. I asked my wife to give me a description and she said he was a young man, tall and stoutly built.

Chairman WALSH. What do you know about the actions of the mine guards located at the places where you lived?

Mr. LENTHALL. Well, some of those mine guards, especially after the McNally was burned down, they started to—I happened to be at the time just in the vicinity of the superintendent's house where they came by from McNally, and I seen one having a lot of shirts and other stuff belonging to the so-called home guards, which was formed on this occasion after the State militia was withdrawn from these camps. One of them was named Moore, and another companion I didn't know his name, he was a stranger. And I couldn't see why he should carry that stuff away, and so I asked him, and he said: "I am going to keep it." Then the second occasion I noticed that a Seventh Street saloon, after they had had that battle, the battle was over at Walsen, that was on April 28, I saw a lot of militiamen with some of the men imported from Joplin, Mo., going to that saloon. I saw a man come out with a box of cigars and gunny sacks of whisky, and so forth, and I said: "Where did you get that from?" He said from the saloon. So the camp marshal arrested them, and later they were released. Why it was, I don't know.

Chairman WALSH. Do you know of the mine guards or militia committing any acts of violence in the camps where you were located?

Mr. LENTHALL. No; I can't say as to that.

Chairman WALSH. Did you know of any company employee using explosives, or anything of that kind?

Mr. LENTHALL. I know that four of the Joplin imported men had 16 dynamite sticks and tried to blow a saloon up, and they were stopped by Mr. Graham. Then there was talk in the camp that some of the buildings in the McNally were burned by the Joplin men.

Chairman WALSH. How do you know that some of those buildings were fired by the Joplin, Mo., men?

Mr. LENTHALL. Through the conversation I overheard.

Chairman WALSH. Between whom?

Mr. LENTHALL. Between some of the men, I don't know the names of any of them, I couldn't say.

Chairman WALSH. Can you give me the names of any of those men that fired the McNally mine.

Mr. LENTHALL. I know the Christian names. I don't know that I could identify them if I could see them.

Chairman WALSH. Give me those names.

Mr. LENTHALL. Tom, Harry, and Joe, three of them.

Chairman WALSH. Did any person have any conversation directly with you at any time with reference to committing acts of violence or depredation on the company's property?

Mr. LENTHALL. Not directly, but indirectly. I do not know if he said that in a kind of josh way or not, that they were going to blow up some more red necks. I said, "Blow up some more what?" He said, "McNally." That was the class of people which caise from Joplin, Mo., which really did cause the Colorado Fuel & Iron Co. a lot of trouble during that time, because of that kind of people, and I believe they have done more acts of violence than the company does know or ever will know.

Chairman WALSH. How many of these men came in during the strike?

Mr. LENTHALL. At first I don't know exactly the number. But I know that on the 4th of December, 1913, in Cameron at 7 o'clock—between 7 and 8—a whole trainload came in. They were divided somewhere, some at the McNally and some at Walsen and some at Cameron.

Chairman WALSH. About how many would you say came in on that train?

Mr. LENTHALL. Well, I should figure about between 50 and 80.

Chairman WALSH. When did you come from Solar; when did you leave Solar?

Mr. LENTHALL. I left Solar last night.

Chairman WALSH. Is your wife still at Solar?

Mr. LENTHALL. Yes; she is.

Chairman WALSH. Yes.

Mr. LENTHALL. I interviewed an attorney, Mr. East, down there regarding this matter at this store. Of course, I am not very well acquainted in Walsen; I have not got time to go down to Walsen; I live 2 or 3 miles away from Walsen, but I want to protect myself. Furthermore, I heard they—that that same manager came around to the store where I am dealing at the present time and tried to get them to pay that bill. He tried to collect that bill of $40, but that bill had been transferred.

Chairman WALSH. What did you make last month at the Solar mine?

Mr. LENTHALL. On the 16th of November, $6.23; on the 17th of November, $3.94; on the 18th of November, $4.33; on the 19th the mine was on fire and we did not work; had a fire in the mine on the north, through gas. On the 20th I made $5.62; 21st, $5.80; on the 22d I worked a half day, and I made $2.00; the 24th I worked a half day and made $2.88; on the 25th I made $4.90; on the 26th I worked half a day, company work—on the 26th I made $2.81½; on the 27th I made $6.45. That concluded November. Then I made on the 30th—the mine did not work on the 28th on account of gas being too dangerous to go underground. Then on the 29th was Sunday, and on the 30th, the last day of the month, I made $4.84; amounting to a total in the 11 days, $47.44.

Chairman WALSH. Are you now dealing at the company store at Solar?

Mr. LENTHALL. No; there is no company store.

Chairman WALSH. No company store there? Are you getting along all right at Solar?

Mr. LENTHALL. Excellent. My bill never gets higher, and the company has the record to prove it; don't go any higher than about $18 or $19.

Chairman WALSH. You seem to have kept a very close account of your receipts and expenditures there. Is it or is it not your custom to do that?

Mr. LENTHALL. It is; it has always been my custom.

Chairman WALSH. Have you been doing that all the time?

Mr. LENTHALL. Yes, sir; at all the mines I have worked. I always keep every day what work I do.

Chairman WALSH. How does it happen I have been requested to ask you, that you have worked in so many mines—that you have traveled so much?

Mr. LENTHALL. I was single and wanted to see the world, and I went to South Africa and other places.

Chairman WALSH. How have you gotten along with the other companies for whom you have worked outside of the Colorado Fuel & Iron Co.?

Mr. LENTHALL. Pretty fair. There is always some little grievances, but they were always settled by arbitration.

Chairman WALSH. What do you think of the necessity of the men having a checkweighman?

Mr. LENTHALL. I should say that would be a good idea.

Chairman WALSH. It would be a good idea?

Mr. LENTHALL. Yes, sir.

Chairman WALSH. Do you think if checkweighmen had been employed that you would have been satisfied with the weights you were given?

Mr. LENTHALL. Yes, sir; I think it would cause satisfaction all around.

Chairman WALSH. How many men work in the Solar mine where you are now?

Mr. LENTHALL. Quite a number.

Chairman WALSH. Do you have any objection to letting us copy those records you have?

Mr. LENTHALL. None whatever.

Chairman WALSH. I wish you would please turn them over to the stenographer.

(The papers so offered are printed as "Lenthall exhibit.")

At this point we will take an adjournment until 9 o'clock to-morrow morning.

(At 6 o'clock p. m. an adjournment was taken until to-morrow, Wednesday, December 16, 1914, at 9 o'clock a. m.)

DENVER, COLO., *Wednesday, December 16, 1914—9 a. m.*

Present: Chairman Walsh; Commissioners Ballard, O'Connell, Lennon, and Harriman.

Chairman WALSH. Gov. Ammons.

TESTIMONY OF GOV. ELIAS M. AMMONS—Recalled.

Chairman WALSH. Governor, we are going to conclude our hearings to-day, and I thought perhaps you might have something further to say. Is there anything you wish to say? If so, just proceed.

Gov. AMMONS. I think I did not say what I intended to the other day about the other officials in the State capitol, and to correct what might be a wrong impression I desire to say that the State treasurer assisted me in a good many ways in connection with the financial situation during the strike. I spoke from memory as to the men that were at Ludlow at the time they were attacked by the strikers.

I have had a list of the men who were there, taken from the official records, showing how long they had been in the service and what their business was at the time they joined the National Guard. I will submit this.

Chairman WALSH. Please do so.

(The list so offered is printed among the exhibits at the end of this subject as "Ammons exhibit.")

Gov. AMMONS. There are two groups. The first group of 93 men, including the man whose name is written in pencil, were at Cedar Hill or near Ludlow, at the time the attack was made upon them on April 20. The second group of 10 men, I think, were at Sopris. I had forgotten that there was a smaller group of men still at Sopris. These 10 were all Colorado Springs men. Now, this is the official list and it is very different from what the papers—the public press has given out—and I think it will be illuminating so far as the men in the militia at the time this attack was made is concerned.

This second group did not arrive at Sopris until 3.45 in the afternoon. There were two or three men who belonged to the National Guard, but not on duty, who came some time during the day and I don't know about those, but this penciled name in here was that of a cook, a former member of the Regular Army. He volunteered to go out and assist that morning, and to protect him in case he was wounded he was enlisted that morning. I would like to put that in the record, to show what the official records were at that time.

Chairman WALSH. It will be made a part of the record.

Gov. ADAMS. Now, Mr. Chairman, another thing I think I can clear up a little bit. The important feature of that indirect conference which was held just prior to the time the troops were called out had but one purpose. Whatever the understanding may be of the detail, either by the strikers or their friend, Mr. Patterson, or the operators on the other side, and I say I invited Senator Patterson there, and he was very kind to put in two or three days' time on that matter rather representing the strikers in the indirect conference—the real object in all these letters written, by whomsoever written, was to get a form of letter which I could submit to both sides of the controversy that might be accepted by both sides, and therefore terminate the strike. There is not anything else important about it.

I have read some of the statements concerning the duties of the governor and of the constitutional provisions. I want it understood I am not a lawyer. The constitution, though, does provide in very plain language that the governor is the chief executive, and in him is lodged the supreme power; that his duties are to see that the laws are faithfully enforced, to suppress insurrection, and repel invasion. It also provides, as was called to your attention, that the military arm of the Government shall always be subservient to the civil authorities. The head of the civil authorities of the State is the governor. And the military forces of the State are under his command. They are, therefore, just as the constitution says, subservient to the civil authorities.

As I have understood my duties, so long as the local authorities were capable of controlling the situation, during the strike troubles in all these counties, it was the duty of these local authorities to take care of the situation. Every attempt was made to assist these local authorities in controlling the situation in each one of the counties. When the local authorities broke down and were unable even to make an arrest, nothing could be done by the civil authorities, then it became the duty of the governor to use the other force provided for him, and the only other one, and that was the military, the National Guard, and that was done.

So far as the published statements and talk of unfairness are concerned, I want to say this: Every effort that I could make was made simply to enforce the laws of this State, to suppress violence and to prevent it.

I desire to suggest, referring to considerable of the testimony or statements here, that it is my impression that it is very largely true, from the experience during this strike, that the strike did depend somewhat on violence or picketing, on inspiring fear in those that remained in the mine or might want to go back there, and that anything that was likely to prevent that would be considered unfair. I am speaking only from the experience of this strike. I do not believe there is a fair-minded person in this State that will not agree with that statement. In other words, I was urged a number of times that I ought to keep the hands of the State off of the situation, with the idea that if the operators would not do certain things that the strikers should not be restrained.

Now, I want to say another thing as to those arrests. I see there is a good deal said about that. I took the best legal advice I could get. I listened to a good deal that was offered, and, as I said before, on the stand, my legal advisor was the one chosen by the people of the State—the attorney general.

It was impossible to arrest and try those charged with violence down there during those turbulent times. The attorney of the United Mine Workers, in my office, agreed with me in that, that that ought not to be done. I did not have any disposition even to attempt to try men by a military court. However, something had to be done to control the situation. My directions to the adjutant general were to permit no one to create a disturbance if he could help it, no matter who it was, and that anyone who made such an attempt should be locked up. I recollect that those instructions were very explicit and that it should apply to everybody concerned, whether it was an operator or miner or an outsider. A great many arrests were made necessary. No information could be gotten, that I know of, and the strikers would not reveal anything. We

could not try these people, and the only thing that could be done was to hold them. There are a great many charges, evidence of conspiracy, like the massacre where, at the ambuscade at La Veta, and if we did not hold these people where they could not be talked to we could get no information whatever. The military commission was organized to sift these cases in order that we could get as much testimony as possible and not hold indefinitely those who were probably not guilty of serious crime. I know to-day of no other course that could have been pursued that than which I did pursue.

So much has been said of one particular arrest that I want to mention that—that of Mother Jones. In the early stages of the strike she was engaged in making inflammatory speeches down there. After every single one of them, as my recollection goes, there was a wave of violence. She seemed to exert a tremendous influence over those people down there.

When she went down there the second time—the first time she didn't stop; came on through to Denver, coming through the South. The second time she was down there she was sent to the hospital by the military forces and locked up, but told she could leave that district whenever she pleased. That was true just as long as she was down there. And I recall very well when Mr. Hawkins came to my office and wanted to talk over this situation with me, and we walked down town together, and he said he was thinking of commencing proceedings to liberate Mother Jones. I replied to him, "Horace, why don't you advise her to leave there? Hasn't she made enough trouble?" I said, "It is costing us $5,000 a day to keep the peace down there, and the sort of work she does will offset it all. She has no business there; she doesn't live there. Why don't you have her leave?" And the same sort of conversation occurred when she came back—I think it was before the time she returned to Walsenburg and was locked up there. I did my best to beg him to keep her from going into the district because of what I believed to be the very bad effect, and I could not induce him to do so. He said at that time she had a constitutional right to go and she was going to go. In other words—well, I won't say it. I said, "Now, her only object in going down there is simply to show her defiance of the State authorities," and I urged him that we had had enough trouble and he ought to urge her not to go back. She came up that time from Trinidad on her own request.

I do not see, Mr. Chairman, as I said a few moments ago, how anyone could have done any differently under the situation than to have locked these people up and kept them.

So far as their not seeing their attorneys is concerned, it did not make any difference whether there was a request for an attorney or not the same plea was made. This same man who shot Belcher—Sancannelli—never asked for an attorney, yet the papers were full about his not being permitted to see an attorney. These people—these arrested people were turned over to the civil authorities just as soon as they were ready to take them, and we urged them to take them before they did.

I think it is due to the commission that these statements should be made.

I want to say one thing more, and that is as to the National Guard. The National Guard was called out from all walks of life, from all over the State. It had in its membership very strong partisans both ways. There were union men in it—some; I don't know how many. There were, as I said, those who sympathized in every direction. Among the members—I want to say this, too, that we did not have enough, not enough men to carry out the original purposes when they were called into the field. There were among their members a number of students of our higher educational institutions, both private and public, and also quite a number that were in the high schools. When it developed that they had to be kept there some time I instructed Gen. Chase as fast as he could get reputable people to take their places that he should return these schoolboys to their homes, which was done, and he enlisted in Denver and I think everywhere he could men to take their places as fast as he could find those who would take them. It was difficult to do that, Mr. Chairman, for the reason that the question of their pay was challenged, and we could not even supply them with proper clothing, and it was very difficult.

There were probably, altogether, at different times in the field, with about as long terms, 1,500 or 2,000 men, and with whatever care anyone could exercise there was bound to be perhaps some in there who committed indiscretions. I want to say again in regard to criticisms that have been made that the strikers showed the same disposition toward the Federal troops that they exhibited toward the National Guard. We never had so many men as the Federal Gov-

ernment has had, and naturally the Federal Government is stronger and perhaps better respected on that account.

I sincerely hope, as I suggested the other day, that at some time the commission will have a report from the Federal officers in the field, because my information is that their experiences have been the same as ours. I have learned in connection with this strike that there is a strong sentiment against—a strong sentiment among the same class of unions against any sort of military control. I was recently East and I conferred with a good many men from different States at the governors' conference. I was over in Milwaukee and in Chicago, and I learned that the same sentiment existed, not only here but in many other portions of the country; that there is a strong prejudice against the military arm of the Government being used at all.

I think, Mr. Chairman, that people who sympathize with this—and I am suggesting this because I am looking to the future—are making a great mistake, to my mind. There are situations, and we had one of them, where anarchy is certain to reign unless the military arm of the Government is called upon to restrain it. I do say this: That I never did anything with as much regret in my life as I felt when I called out the National Guard, when I felt that I had to do it. I have been severely criticized because I did not call them out sooner, but, even waiting as long as I did, there are very respectable people in our community that will deny to-day the necessity at that time of calling out the National Guard.

I have urged in this State and I am going to urge again the establishment of a State police force under strict civil-service rules that can be called to the assistance of the local authorities at any time at the incipiency of any trouble, realizing, Mr. Chairman, that they will be abused, just as the military is, but that things will not get into an absolute state of insurrection and that at the incipiency of these troubles they will be much better controlled.

One other suggestion I want to make to you. There are 800,000 miners in the United States, and I am using this simply as an illustration of any other organization, and I do not know but that there are some that have more. There are 800,000 miners in the United States. They are not all organized, but they are trying to get them organized into one organization. If they are organized into one organization and they call a strike for recognition of the union, or for any other purpose, in any one of these Western States, at least, the States are absolutely powerless to defend themselves against any sort of campaign they may make. For instance, our whole population is only about 800,000, counting men, women, and children in Colorado, old and young, the aged and the babies, and an organization of that kind can not be controlled by any police force if they make such a campaign as was made in Colorado during this strike.

And I want to emphasize this: That I have no apology to make for calling upon the Federal Government to assist us at a time when nearly all our troubles came from beyond the boundaries of the State, and I believe that the Federal Government was not only justified in sending an armed force here to prevent the invasion of those who came here to make trouble, but to assist us in the fight that was not local but was interstate in every way; and I say this as applying not only to labor on one side, but to capital on the other, that if either side is to be permitted to come into a State with such power as was evinced in this contest no State of our strength can possibly cope with them.

And I want to say one thing more in regard to these Western States. Some of them have comparatively little of their property on the tax rolls, and there is approximately only 25 per cent of the territory of Colorado on the tax rolls, and nineteen-twentieths of the taxes come from one-eleventh of the property of the State. We have new institutions to build and a heavy load to carry, anyhow, and where this sort of a campaign, whether it comes from one side or the other of this industrial conflict, is carried on, and where the force of the entire country, on either or both sides, is brought to bear and the battle ground chosen purposely in one State, and not in the district at the time involved, it is the duty of the Federal Government to come in and assist, and I have no apologies to make for asking the President to do it.

Now, Mr. Chairman, if there is anything further you desire to ask me, I will be glad to answer your questions.

Chairman WALSH. I was requested by one of the commission to ask you whether or not you made formal declaration of martial law in any district?

Gov. AMMONS. Mr. Chairman, the orders which were made were made down

there under legal advice and were intended to cover any district where an outbreak might occur, even clear to the borders of the State. In other words, there was at first no disturbance that could not be controlled by the local authorities except in two counties, but it was threatened in many counties, and it was threatened to call out the men in the rest of the State, and the order was made so that if these new districts should come in with the military in the field that as soon as they went there martial law was in effect sufficient to control the situation. We did not want to break down the local authorities anywhere further than was necessary.

Chairman WALSH. That is all. Thank you, Governor; and we thank you for your cooperation also during our stay in Denver.

Gov. AMMONS. I will be glad to cooperate in any way that I can.

Chairman WALSH. Gen. Farrar, please.

TESTIMONY OF GEN. FRED FARRAR.

Gen. FARRAR. Do you wish me to be sworn?

Chairman WALSH. No; we are not swearing witnesses. State your name, please.

Gen. FARRAR. Fred Farrar.

Chairman WALSH. What is your position in the State of Colorado?

Gen. FARRAR. Attorney general.

Chairman WALSH. How long have you been a member of the bar?

Gen. FARRAR. Since August 15, 1900.

Chairman WALSH. You were educated where?

Gen. FARRAR. In Colorado.

Chairman WALSH. Are you a native of Colorado?

Gen. FARRAR. Yes, sir.

Chairman WALSH. How long have you held the office of attorney general?

Gen. FARRAR. I was inaugurated on the 14th of January, 1913.

Chairman WALSH. Were you in active charge of the office during the whole of the strike?

Gen. FARRAR. The attorney general's office?

Chairman WALSH. Yes, sir.

Gen. FARRAR. Yes, sir.

Chairman WALSH. I will ask you, please, and I want to say, General, we would like to give you more time, but we are compelled to keep it within the limit of about an hour in order to get through our hearings to-day. I would like to ask you to explain briefly to the commission whether or not martial law was at any time declared in the State—whether or not any district was declared to be in a state of insurrection or what order was made that gave the military authorities force and authority in the State.

Gen. FARRAR. Before I can answer the question as to whether or not martial law was ever declared I would have to come to a definition or common understanding with the commission as to a definition of martial law. As I understand it martial law has never been declared.

Chairman WALSH. We have each in our own minds several definitions, and so we can not give such a definition as you ask. But we would like a definition from you as to what existed in the State.

Gen. FARRAR. As I define martial law it was not declared in any district in the State. I define martial law to be that condition of law or government which vests in the military authorities full, complete, and absolute jurisdiction over the people of any district where the law may prevail.

Chairman WALSH. Under your constitution here and decisions do they require any formal declaration from any source?

Gen. FARRAR. No; it does not. It requires a declaration, but not a formal or definite one. The decisions of this State—and I refer more particularly to the much-discussed Moyer decision—provide that the governor, as commander in chief of the military forces of the State, may go to any length necessary to maintain and preserve the State and the enforcement of its laws. Now, that would seem to destroy any border line between what might strictly be termed martial law and a condition which might not be martial law. In other words, the civil authorities might retain certain functions and the military have certain power and authority; and while it would not, strictly speaking, be martial law in the sense in which I have defined it, it would be nevertheless something which approached it, and the line of demarcation would not be clear.

Chairman WALSH. It was stated by a witness here, who was also an attorney, that the powers of the militia as defined by the Moyer decision was based upon the proposition that the district was in a state of insurrection. Was that correct?

Gen. FARRAR. I think not.

Chairman WALSH. There is no such necessity, then?

Gen. FARRAR. I presume that any condition which would render the local authorities powerless would be such a condition as to permit the action through the military authorities as defined in the Moyer decision. Now, that might be insurrection or might be something else.

Chairman WALSH. Is it necessary for the executive to make any formal declaration as to the powerlessness of the authority before the power vests in the militia to conduct the government so far as it is conducted in that way?

Gen. FARRAR. I believe not. However, one was made in this instance.

Chairman WALSH. Substantially what was that, General?

Gen. FARRAR. The order was to the effect that a condition of—I believe the term "insurrection" was used or "a condition of lawlessness and violence existed, particularly in the counties of Huerfano and Las Animas."

Chairman WALSH. That was a call made by the governor for his troops?

Gen. FARRAR. Yes; that was the proclamation.

Chairman WALSH. What steps, if any, did you take to ascertain whether or not the military authorities of Trinidad and other authorities of the strike down there were acting in conformity with the constitution and statutes of the State, and whether or not the civil authorities were being deprived in any way of their powers?

Gen. FARRAR. Very little. During the time the militia was there I was not in touch with the situation in an official capacity, except as it came to me through the governor. With the exception of one or two instances, Gen. Chase and I did not have any conferences. He was at Trinidad, and during the time the militia was in the field I was not at Trinidad, although on two occasions I sent my deputy, Mr. Francis E. Bouck, down to Trinidad in order to be able to assist along certain lines which were then under discussion. And I therefore say that my relationship with the military authorities was largely indirectly through the governor. I did, of course, know in a general way what was being done down there and what lines were being followed, but it was not a definite daily report or information coming to me. I will say, further, in that respect that there were a number of attorneys in the guard—I mean the National Guard or militia—and that some of these were advising Gen. Chase as to the local situation. My advice was, of course, of a more general nature and was always to the governor, with the exception of the two occasions when Gen. Chase and I met in conference here.

Chairman WALSH. Do you know whether or not the testimony taken before the military commission, of which Maj. Boughton was the head, was preserved?

Gen. FARRAR. No; I know nothing of it. I have never seen the testimony, and can not answer your question, Mr. Chairman.

Chairman WALSH. Did your office make any effort to ascertain whether or not the civil rights of any person had been violated or abused?

Gen. FARRAR. You mean by this military commission?

Chairman WALSH. Yes; by the military commission.

Gen. FARRAR. Yes.

Chairman WALSH. Was there any such abuse or violation?

Gen. FARRAR. Not that I was able to learn. Now, I must qualify that by saying that I have not seen the testimony, and my information concerning it was of a general nature.

Chairman WALSH. What were your lines of investigation to ascertain whether or not such was the fact?

Gen. FARRAR. Gen. Chase, I believe, was advised, I do not know by whom, that a commission could be organized with power to try and punish. I believe that he first sent Maj. Boughton to Denver to see me in regard to the organization of such a commission; at least my conversation was with Maj. Boughton, and I advised against any such procedure.

Later on I saw Gen. Chase himself, and as I recall it, he then stated to me that he saw the thing as I had seen it, and that no attempt would be made to carry out that plan. It may be my understanding from him that it was not his original idea.

Now, then, answering your question further. A great many complaints were made to me by members of the union concerning the acts of the militia, concerning the acts of the military commission and with reference to matters generally in the district during the time the troops were there; and from those sources I was able to learn, in a general way, what was done by this commission.

Chairman WALSH. In case the lawful rights of any individual have been violated in the field, to his damage, what legal recourse, if any, would he have under the law of Colorado, and who would be responsible therefore, if anybody?

Gen. FARRAR. I assume your question is directed toward the violations of any personal rights which these strikers may have had; rights which had been violated or abused by the military.

Chairman WALSH. Which anybody may have had. Suppose it turned out that a man that was brought before that military commission—was brought there through the spite or ill will or malevolence of some individual—what recourse would the injured person have, if any, and against whom would his claim have to be made?

Gen. FARRAR. The person against whom the charge would be made would have to justify his act. By that I mean that every step which he took would have to be a legal step, and if it was not legal he then would be subject to such pains or penalties as might be appropriate to the actions complained of. It might be an action of false imprisonment, it might assume some criminal form, it might be an action in damages for various sorts of things.

Chairman WALSH. What criminal form might it assume?

Gen. FARRAR. It might assume several. It might go so far as to constitute an assault; it might take any number of various forms.

Chairman WALSH. Do you have a kidnapping statute, forcibly taking a person against their will?

Gen. FARRAR. We have.

Chairman WALSH. Does it apply to adults?

Gen. FARRAR. I can not say, Mr. Walsh, whether it does or not.

Chairman WALSH. Well, now, is there any general responsibility? I am getting direct to the point of stating that the suggestion was made by some witnesses upon the stand here that if the rights of any person were violated under those orders that the responsibility would be upon the general, upon the brigadier general; that is, a personal civil responsibility? Is that your idea of the law?

Gen. FARRAR. It depends entirely upon the relationship which he bore to the act in question.

Chairman WALSH. Then the responsibility, if any, might be upon the private who arrested the man, or the judge advocate who ordered him held, or upon the brigadier general who was in command of the entire matter?

Gen. FARRAR. It might go further than that. It might reach the governor as a private citizen.

Chairman WALSH. It might reach the governor under certain circumstances?

Gen. FARRAR. Yes.

Chairman WALSH. And he could be prosecuted criminally and proceeded against?

Gen. FARRAR. No; I don't think he could be prosecuted criminally, but he could be proceeded against as an individual citizen.

Chairman WALSH. That is, for damages? Or for a tort?

Gen. FARRAR. As a matter of fact, after the strike in 1913, the metal miners' strike at Cripple Creek, actions were begun by several of the strikers—I have forgotten exactly whom, but I believe Moyer and Pettibone were included in it—against the brigadier general and against the governor as private citizens and taken to the United States court. The cases were dismissed, not dismissed voluntarily, but thrown out of court.

Chairman WALSH. Was a demurrer sustained?

Gen. FARRAR. I understand that it took that turn; yes, sir.

Chairman WALSH. But there is authority, is there, for the proposition that you laid down that it might be a civil—a criminal liability in such cases?

Gen. FARRAR. In the event the officer violated the law.

Chairman WALSH. How many men are now under indictment, if you know, General, for acts growing out of the strike—alleged offenses against the laws of the State?

Gen. FARRAR. The grand jury at Canon City indicted 98, 27 of them for murder; 7 of them are now being tried, my office cooperating with the district attorney. One hundred and sixty-five are indicted at Trinidad. Those cases are not set for trial. Many of those are for murder. The grand jury is now sitting at Walsenburg, but it has not reported, but it is in charge of an assistant from my department.

Chairman WALSH. Who is the assistant in charge?

Gen. FARRAR. Mr. Frank C. West.

Chairman WALSH. What part is your office taking in the prosecution of these cases?

Gen. FARRAR. May I add one thing to your former question?

Chairman WALSH. Yes.

Gen. FARRAR. Indictments were also returned at Boulder, but I am not able to give you the number of men who were indicted; I have no information at hand. Those are cases which were commenced originally by the district attorney, and it was only after they had proceeded sometime, or to some length, that my office was called to assist. Now, then, your other question, please.

Chairman WALSH. What part is your office taking in the prosecution of those cases?

Gen. FARRAR. At Canon City, which is in Fremont County, I was requested by the local authorities, that is, the district attorney and other officers in that county, to assist or cooperate with the district attorney in that district, Mr. Gilbert Walker. At Trinidad my office assumed full charge of the grand jury, and the prosecution of the cases is entirely under my direction. The same thing, so far as it has gone, is true of Walsenburg; and at Boulder we are simply assisting the prosecuting officers there.

Chairman WALSH. Do you have authority, General, under the law, to take complete charge of the prosecutions, as attorney general, if you so desire?

Gen. FARRAR. No.

Chairman WALSH. Is your jurisdiction concurrent?

Gen. FARRAR. No; I have authority only when directed by the general assembly or by the governor.

Chairman WALSH. That is the only case in which you have been directed by the Governor, is it?

Gen. FARRAR. By the governor, in this instance.

Chairman WALSH. What were the reasons given for that?

Gen. FARRAR. There was apparently a condition which can be described solely as that of anarchy, particularly in those four counties.

Chairman WALSH. Who is the district attorney in that district?

Gen. FARRAR. Well, there are three different district attorneys in those three districts.

Chairman WALSH. The one in which you are conducting the prosecution?

Gen. FARRAR. John J. Hendrick is district attorney.

Chairman WALSH. Proceed.

Gen. FARRAR. The situation had become so serious that it assumed a State-wide—I might even go further than that, even broader than a State-wide aspect; but so far as we were concerned in Colorado, it had assumed more than simply a local county aspect. And with the vast number of acts of violence which had occurred, it became so serious that the governor felt that the State should become in a measure responsible, at any rate responsible for the prosecution of the perpetrators of those acts or crimes.

Chairman WALSH. What are the legal qualifications for membership in the National Guard?

Gen. FARRAR. I believe the applicant must be 18 years of age, either a citizen or have declared himself for citizenship. Those are all that I recall.

Chairman WALSH. Any moral qualifications? Are they required to be persons of good moral character, or good repute, or anything of that sort?

Gen. FARRAR. I do not recall that the statutes specifically cover that.

Chairman WALSH. What steps, if any, have been taken by your office to investigate the acts of the officers and members of the National Guard with reference to the recruiting of the individuals in the militia, whether or not they were citizens legally qualified?

Gen. FARRAR. I brought it up several times with the governor and once or twice with Gen. Chase; other than that, none.

Chairman WALSH. Have you ever gone over the list to ascertain whether or not the law had been violated in reference to the enrollment of the men in the mine?

Gen. FARRAR. Only through—through consulting the officers in charge of that matter.

Chairman WALSH. Who were the officers who had charge?

Gen. FARRAR. I spoke to Gen. Chase, because he was the head and really the responsible party; I also talked with the assistant adjutant general, Col. Lee, and it is possible I may have talked to two or three other officers.

Chairman WALSH. Please state the conversation you had with Gen. Chase.

Gen. FARRAR. I asked him whether or not it was true that one or two organizations which were mustered in at Trinidad and Walsenburg were recruited from men who had formerly been employed as guards in mines. He assured me that he had given instructions that that class of men were not to be recruited, and, so far as he had any knowledge, the two organizations in question were not composed of this kind of men, except that he did find after an investigation that 11 men in the Trinidad organization—Troop A, I believe they call it—had been at some time or other employed as guards about the mine.

Chairman WALSH. Did you make any further investigation about that to find out whether any, as a matter of fact, had been enrolled, and that Gen. Chase did not know anything about or anything of that sort?

Gen. FARRAR. Only in the same line of investigation with reference to that Walsenburg company. I believe there was something like 13 men against whom specific objection had been made or were made by the labor unions, and also by the secretary of state at the time the pay rolls for the militia were considered by the auditing department having them in charge, and these men were all either in the Trinidad or in the Walsenburg organization.

Chairman WALSH. What steps, if any, have been taken by your office to investigate the occurrence of Ludlow of April 20, 1914?

Gen. FARRAR. I have taken every opportunity or every step which opportunity afforded me. As stated before, I did not have and have not seen the testimony—the evidence—taken by the military court-martial relative to that question, but I did, however, undertake an independent investigation of my own after the governor had directed me to assume the prosecution of these perpetrators of the crime arising out of this condition, particularly in Huerfano and Las Animas Counties. I went down and met the grand jury as soon as it was called, and spent myself considerable time with them. At that time there were charges being freely made of the Ludlow affair. And if I may, this will just take a little time and may save time to come back again.

Chairman WALSH. Yes.

Gen. FARRAR. Charges were also made and freely made by the strikers of violation of the law by the militia and in other respects by the authorities or officers of that county. These charges went further than that, and I believe the strike itself was called upon certain charges as to the violation of the law by the operating coal miners. More specifically the violation of the eight-hour law, the violation of the law with respect to checkweighmen, company stores, scrip, and similar things. These were specific charges or grounds for calling the strike. Now, as your honor has elicited from me, I have no authority to prosecute except under direction of the governor or the general assembly. Therefore, when the direction was given to me to take charge of the prosecution in those counties it was for the first time an opportunity to enter into the prosecutions of the crimes or any if they had been committed. I will state that in the summer of 1913, before the strike was called, I had occasion to go to Walsenburg to make some investigation there with reference to certain questions that were pending between the State and that county with reference to taxes and some other matters. I found at that time that the unions were organizing, and it was apparent that a strike would be called in the event that they received a sufficient number of men to go out.

Now, at that time a good many people there, as I afterwards found out to be more or less directly interested in the union, were making charges against the authorities. Charges were made against the sheriff, Jeff Farr. Charges were made against other officers there. I got in consultation with the district attorney, Mr. Hendricks, and I suggested a certain plan to him for the prosecution of these officers. He declined to do anything whatsoever, although he was avowedly in sympathy with the people that were opposed to Jeff Farr and was avowedly in sympathy with the people who were organizing the United Mine Workers in that district.

Now, later on, in October of 1913, after the strike had been declared, I went to Trinidad and Walsenburg in connection with the governor. This was before any militia were sent into the field. I felt at that time that if a definite and

vigorous prosecution was commenced against any offender that it might allay the situation and prevent further disaster. I saw the district attorney, and he declined absolutely to make a request upon the district judge for a grand jury. His words to me, in effect, were these:

"I am willing to prosecute; if they will bring me the evidence I will prosecute, but I am not going to turn myself into a detective agency for the sake of getting evidence; but if they will bring evidence in I will prosecute."

Now, then, getting back specifically to your question. When the grand jury convened I stated to that grand jury that they were called as an impartial body. I desire to say here that, regardless of the reports which have been made, I have never seen a more fair-minded body of men gathered together under conditions such as prevailed there than were the 12 men who constituted that grand jury. And the charges which have been made that they were absolutely one-sided and partisan are absolutely without foundation whatever. I stated to them that they were called together as an impartial body to prefer charges against any persons who may be thought to be guilty of the violations of the law, and it was our duty to investigate every charge of violation of the law, no matter by whom made or by whom committed. They agreed with me absolutely, and the plan was outlined that I should communicate to the strikers the fact that the grand jury was open for any complaint which they had to make and that we insisted that they should produce any evidence which they might have with reference to any violation of any law.

I returned to Denver before we commenced our formal work, and I notified Mr. John McLennan, the president of district 15, of this situation and told him that I insisted and that I demanded that if they had any evidence of violation of the law by any persons, or by any organization of any kind or any nature, that they should produce it before that grand jury, even evidence that might tend against the militia or the peace officers or any other officer of the State. He told me that he would communicate my demand to Mr. Lawson. Whether or not he did so I have not been able to learn, except that I understand and do know from reports made to me that this statement was communicated to Mr. Lawson through other sources. I called Mr. Horace Hawkins, chief attorney for the United Mine Workers, and made substantially the same statement to him, adding to it this: That in the event that the grand jury did not indict, and there was reasonable evidence, I would myself file an information, regardless of what action the grand jury would take, and would prosecute. Mr. Hawkins replied to me as follows: "Farrar, probably you do not intend it that way, but that is an insult."

A committee of the grand jury, headed by the foreman, went to Trinidad, to the union headquarters at Trinidad, and the same demand was made upon them there, but they got no specific answer. The same thing was taken up also with the local attorney for the union, Mr. Clark—Fred W. Clark—at Trinidad, and after a while we learned through Mr. Clark that the union would not present any evidence of any kind or character.

May I go a little bit further?

Chairman WALSH. Yes.

Gen. FARRAR. I have been endeavoring to get what evidence of the situation I could myself, but it was almost impossible to get any evidence, through the grand jury, out of any member of the union. While they did not openly refuse to testify, the few that were brought before the grand jury were very reticent to testify and gave practically no information upon those lines.

Now, then, if I may go further; my own investigation carried me a little further than that. It was apparent from the situation as it arose at that time that there was a joint conspiracy, which led to the burning of the mines above Aguilar; I refer to the Southwestern, Royal, Green Canyon, and the Empire, and the destruction of the property there; the attack upon Forbes; the attack upon the Chandler mine in another county; that is, in Fremont County; and the trouble which arose in Boulder County, and also the trouble which arose in Walsenburg; that there must have been some joint or common plan of action, and the work of investigation through the grand juries in the various counties has been directed toward finding out whether or not that was true. I have found out that there was a complete systematic organization which resulted in these attacks being made at practically the same time in four of the counties. I found that on the day, or two days, before the Ludlow incident, at least two automobile loads of ammunition were taken into that Ludlow camp by the strikers; armed men were taken from Canon City, or not Canon City, but Fremont County, below Canon City, into the Walsenburg district, and as

for south as Ludlow. Armed men were brought in from New Mexico, and after the Forbes battle, returned in numbers to New Mexico. Coupled with that, this significant fact, that about 10 days or 2 weeks before the Ludlow incident happened, and before the troops were withdrawn, Mr. John Lawson, sitting in my office, talking over the situation with me, made the statement relative to the miners in Las Animas County, that if they ever got a chance they would wipe the militia off the face of the earth.

I put it down as merely an idle threat. I had heard many more of the character; but coupled with the fact that the militia were ordered out of the district and had been gradually withdrawn until there remained only 72 men, and also the fact that the arms and ammunition were taken into their camp two days before, and considering also the fact that there were 26 men, one of whom was a cook, at Ludlow, at the time the fighting commenced, leads me to the conclusion that it is against all human probability that 25 men who had been ordered home and would have been home in the next two or three days, would have commenced an attack upon two or three hundred or more armed men, amongst whom were Greeks, Servians, Roumanians, Italians, and Austrians—men known to be armed and men who were desperate—some being men who were brought back here, or did return here, from the Balkan War—men who had certificates, certain health certificates, from ship doctors in 1913.

Now, I desire to say further that my investigation in this thing has not been that of the military men; it has not been that of the governor of this State; but as attorney general. I want to be distinctly understood as saying that I entered office with the most kindly feeling toward the United Mine Workers. That feeling still exists as to many members of that union. There are men in it whom I know are honorable and upright; but I want to say that there are others who, in my judgment, can be characterized only by the term which I have used before, "anarchists." It is not an industrial situation you gentlemen are investigating. It has passed beyond that stage. It has reached the question simply of whether or not a government was going to be maintained in Colorado, or whether it was not going to be maintained.

Now, there are one or two other phases of this question I would like to speak about. Your question did not go directly to it, but possibly I will facilitate the matter——

Chairman WALSH (interrupting). You are covering my questions very well, and I will ask you to just go ahead. I had a number to ask you as to this conspiracy that you believed existed, but you can go ahead in your own way and state it.

Gen. FARRAR. Just let me add one or two more words there. Aguilar was practically dominated by the union, and it is to-day. After the Ludlow incident the troops returned to the field; and, by the way, this Ludlow situation occurred when Gov. Ammons was in Washington. I was also in Washington. Lieut. Gov. Fitzgerald was occupying the chair, and he ordered the troops back into the field. They returned, I believe, on the 24th, although of that I have no personal knowledge. Now, through some action or some influence that was brought to bear upon Lieut. Gov. Fitzgerald, he entered into a so-called truce, whereby he directed the militia to stop at Ludlow and go no farther south. Now, that left them tied up at Ludlow. As a matter of fact they were tied up at Ludlow. Aguilar is to the north, Trinidad is to the south of Ludlow. A vast number of armed strikers took possession of the city of Trinidad. They practically controlled it for some time. With the militia hung up, a reign of terror prevailed in Trinidad to such an extent that Fred W. Clark reported over the phone one night to Horace M. Hawkins, with whom I was in conference, that he, although attorney for the union at that place, was so fearful that violence was going to occur that he had just returned from taking his wife and babies into the basement of his home the minute before he answered the telephone call from Denver from Mr. Hawkins. On one day down there the strikers notified the people of the First National Bank to be out of that building in 30 minutes or it would be blown up. I do not know whether they got out or not. But strikers kept congregating in the city of Trinidad.

Now, then, they made an attack from Aguilar upon four mines, that many at least—the Royal, the Green Canyon, the Empire, and one other, I don't recollect just now. Now, with the destruction of those four properties and several persons killed, they looted the houses of the men working there and of the mine officials, and the furniture, household goods, and all sorts of things which they

could find in the houses were hauled by the wagonload out of those camps down to Aguilar where some of it still remains.

When they made the attack upon the Forbes mine—I am not sure whether it was the 26th or not—there were no militia there. They came along the ridge above the camp, appearing at daylight, probably several hundred of them. There were no mine guards with the exception of two or three employed as guards, although I believe that certain workmen in the mine were detailed in the night to act as guards, word having been received that the attack would be made. It was snowing, and they finally took the camp, killing, I believe, eight men in the camp. But the point is that they dragged women and children out of their beds in a snowstorm and started them out barefooted in their night clothes down the canyon. I am speaking advisedly. They pulled mattresses off the beds, put them in the middle of the floors, jerked the lamps down and emptied the kerosene on these mattresses and set them on fire, wantonly burning house after house. There were no militia there; there were no deputy sheriffs there.

Now, on the 26th they made the same sort of attack on Candler, in Fremont County, the attack covering two days. There were no militia in that county whatsoever. They followed the same tactics there; went through the camp breaking in the doors and stealing the valuables out of the houses. I speak advisedly when I say this. All throughout those four counties this movement was simultaneous. Ammunition had been taken by load after load from Denver. Men, as I stated, came in from the south from New Mexico. Ammunition was taken even from Denver north to Louisville and Lafayette. So I have contended and do maintain that there was a general State-wide conspiracy which brought about an attack at a time which was very advantageous for them, the governor being out of the State and the militia having been withdrawn and being more or less disorganized. I believe that answers the question.

Chairman WALSH. That was in 1914—in what month? Commissioner Ballard wants to know in what month that occurred. It was in the month of April, as I understand.

Gen. FARRAR. Yes; April.

Chairman WALSH. 1914?

Gen. FARRAR. Yes, sir.

Chairman WALSH. And immediately following the Ludlow incident?

Gen. FARRAR. Yes, sir.

Now, I desire to call attention to another point which I did not emphasize. This truce had been entered into and was supposed to be a fact, and the militia were held up by reason of this truce. I can not understand why a truce should be made with anarchy, but it was made.

Chairman WALSH. Do I understand that under the law you do not take part in prosecutions in the counties of the State, or make investigations, unless directed by the general assembly or the governor?

Gen. FARRAR. There are one or two laws——

Chairman WALSH (interrupting). Briefly, what are the exceptions? Do they affect the industrial situations?

Gen. FARRAR. They do not; no. They affect trust questions. There is the general law and there are one or two exceptions in specific statutes.

Chairman WALSH. Then it is not your duty to make any investigation as to whether or not the election laws are obeyed in the counties of the State, or whether political corruption exists, or improper influences are brought to bear, or not?

Gen. FARRAR. Well, I did make such an investigation; whether my duty or not, I made it.

Chairman WALSH. In what county?

Gen. FARRAR. Las Animas and Huerfano; particularly Huerfano.

Chairman WALSH. When did you make it?

Gen. FARRAR. That was made as I stated, on my first trip down to Walsenburg, after I was inaugurated. Early in 1913, early in the summer, I believe, I made a partial investigation in that regard.

Chairman WALSH. Was it after the Ludlow incident?

Gen. FARRAR. Oh, no it was the year before.

Chairman WALSH. The year before?

Gen. FARRAR. Yes, sir.

Chairman WALSH. In what month?

Gen. FARRAR. I can not recall the month.

Chairman WALSH. Did you make a personal investigation?

Gen. FARRAR. Yes, sir.

Chairman WALSH. And what did you ascertain, briefly, as to the condition there so far as the political control was concerned—alleged political control by the company?

Gen. FARRAR. I found a very perfect political machine, just as much a machine as Tammany in New York, as I have any knowledge of it; just as much of a machine as you will find in any of the places where a great many voters are susceptible to an organization of that character. I found that the head of this political machine is the sheriff, and that it was carried along lines very similar to those maintained in Tammany; that is, it had a system of relief in cases of need, had a system of giving rewards to its people, and I think, briefly speaking, the term "machine" covers the situation, just such a machine as you people may have in your own States or your own cities. Certainly, it was a machine.

Chairman WALSH. Did you ascertain from what source money came to assist in organizing and maintaining it?

Gen. FARRAR. I was not able to place that definitely. I believe that the machine probably—well, I can not say that it existed with the help of the coal companies; I believe, rather, it existed through its power as a machine over the coal companies. That is, I can not be sure which was cause and which was effect; but there was undoubtedly some relationship between the two. But whether or not any money was ever used, I have absolutely no knowledge at all.

Chairman WALSH. Is there a law in this State which prevents or prohibits the use of money by corporations in elections?

Gen. FARRAR. Not that I recall right now, Mr. Walsh.

Chairman WALSH. Did you ascertain whether or not the result of the work of this machine was to control the actions of coroners' juries in cases where death resulted from accidents in the mines, and also to control the actions for damages, for personal injuries, that might be brought in the courts of those counties?

Gen. FARRAR. No; my investigation did not lead me into that at that time, and particularly with reference to coroners' inquests—at that time no suggestion was made with reference to that.

In fact, Mr. Walsh, my investigations were made largely from this standpoint and probably incidental to it. I am a Democrat; that organization was Republican; and for a good many years my party had been complaining of the control which they had over that county, and I went down there as a Democrat to try and work the thing out from a Democratic standpoint; and the evidence did not come to me from the industrial standpoint whatever at that time.

Chairman WALSH. This was purely an investigation from the standpoint of politics?

Gen. FARRAR. Well, that phase of it was; yes.

Chairman WALSH. Did it come under your jurisdiction to make an investigation as to whether the mining laws of the State were being obeyed?

Gen. FARRAR. No; it did not. And, as I stated before, upon the occasion of my being directed to go into those counties that was the first time in which I had any jurisdiction to prosecute for that trouble or for that cause, if any existed. Never before had I had the opportunity, and I was anxious to see that there should be a full and complete investigation on that occasion. I got nowhere with it.

Chairman WALSH. Now, unless you have some statement you desire to make yourself, General, you will be excused.

Gen. FARRAR. I have one other specific one.

When the troops were ordered into the field on the 28th day of October, 1913, the order having been made along about midnight the night previous, I was not present. For some reason the governor did not call on me that night, but he sent a letter of instruction, one of which was to the effect that the militia should permit all striking miners to return to work who desired to go to work, and to give them protection; and that until otherwise ordered no strike breakers should be brought into the field. Now, it is a significant fact that just as long as that order maintained the militia were indirectly aiding the strike. Striking miners came to me and commented most favorably upon the conduct of the militia in the field. Reports came to me that they were playing ball together, they fraternized together, and everything was lovely. But that order of the governor was untenable, except as an absolute military necessity; that is, that it would be an absolute necessity to keep strike breakers out in order to maintain order. There was also a practical question involved, and that was that coal was prohibitive both in price and in supply. Winter was coming on and coal was selling here—and I mean lignite coal, such as we

produce—at from $9 to $10 per ton and could not be procured in sufficient quantities at that price, and every industry depending on coal was in a serious condition.

I told the governor that the operators had a property right in their mines which they were entitled to enjoy; that men had a right to work; and that his position was tenable solely upon the ground that it was absolutely an imperative necessity in order to maintain order. I understand my view was not shared by Senator Patterson, but I will give you my views for what it is worth. The governor, therefore, modified that order and men were allowed to go to work. When he modified the order he gave specific directions that the militia should see that the men brought to the mines to work were previously informed that a strike was in progress, and so far as I learned the militia required in every instance that that should be done. They gave the men brought in to work safe conduct to the mines and the production of coal was resumed by the mines. From the minute that the order was changed the relationship between the militia and the strikers changed also, and the strikers began to abuse the militia and continued to abuse them from that moment on.

Now, in January the conditions over at Oak Creek, in Routt County, had become acute. So far as I had information, neither the Colorado Fuel & Iron Co. nor the Victor-American Co. or the other large company operates over there. It is a small company that operates over there. I may not be correct, but it is my understanding. Trouble had occurred and become somewhat intense and the citizens had become somewhat impatient. They organized, I am informed, about 1,000 men for the purpose of seeing that conditions were restored to their normal state over there, and they gave a number of agitators in that strike so many hours to get out of town. That was largely brought about through several going to the town of Steamboat Springs and starting up agitation there. One by the name of Sliser, or Slinehart, is reported to have said—and I got this report from good authority—"I am not an American citizen; I owe allegiance to no country. The United States is the worst country on earth," and then he used an expression relative to the American flag that I can not quote in evidence in public. That was the last straw that broke the camel's back, and they were given by the people a certain length of time to get out.

At this time the strikers were bitterly assailing the militia in the southern field, and on Sunday, January 4, 1914, the governor called me in the afternoon to come to his house because he was fearful that serious trouble would occur at Oak Creek. I went to his house and while I was there, Mr. Ed. J. Doyle, who has testified here, and some other man, who had been called an agitator and had been told to leave Oak Creek, came to the governor's house. Mr. Doyle came and told of the situation over there, that they had organized the citizens and they were going to drive the union miners away from Oak Creek, and he demanded that the governor protect them. I said, "Mr. Doyle, what do you mean?" He said, "I want protection." I said, "Be specific, what do you mean when you say you want protection?" He said, "I want our men's lives and property protected over there." I said, "Do you realize that the only thing the governor can do is to send troops over there for that purpose? Do you ask that troops go over there?" He said, "We want protection." I said, "Let us understand each other; the only thing the governor can do is to send troops over there. Do you want that?" He said, "I demand protection." And the next day a company of militia was sent to Oak Creek at the specific request of the union, who ever since have been complaining that the militia were abusing them every day.

I think that is all, Mr. Chairman, unless you have some other questions to ask.

Chairman WALSH. I have been asked to ask you this question—and we have but very little time: Was the terror in Trinidad caused by the fear that the militia would come on from Ludlow, in your opinion?

Gen. FARRAR. The terror was caused—was because of the striking miners who had possession of the town and were patrolling it with armed bodies of men up and down the streets day and night and the militia was hung up at Ludlow.

Chairman WALSH. Is it not a fact that a week after the Ludlow battle, Trinidad, which was absolutely in control of the strikers, was about the only peaceable town in that district?

Gen. FARRAR. It is not.

Chairman WALSH. Did Judge Northcutt help conduct the Trinidad grand jury, or what part did he take in it?

Gen. FARRAR. He was called as a witness.

Chairman WALSH. And took no other part in it?

Gen. FARRAR. No; but I consulted him privately from time to time about that and some other matters of which he had knowledge.

Chairman WALSH. I am asked to inquire of you if you know about the looting of saloons and the destruction and confiscation of liquors in the Snodgrass store at Ludlow, also the comple destruction of bakeries, rooming houses, and private residences at Ludlow by the militia?

Gen. FARRAR. I know nothing of it it.

Chairman WALSH. You have no information in regard to the matter?

Gen. FARRAR. No.

Chairman WALSH. That is all, General.

Mr. Northcutt.

TESTIMONY OF JUDGE JESSE G. NORTHCUTT—Recalled.

Judge NORTHCUTT. Before beginning your interrogatories, I want to make a correction.

Chairman WALSH. I am not going to interrogate you further, but I am going to say that the commission has concluded to sit here all day and has a different program; and you would not have been recalled but for the fact that Commissioner O'Connell wants to ask you a question or two. I am compelled to restrict this redirect examination, as you might call it, to 20 minutes.

Judge NORTHCUTT. I will object to his questions if you will sustain my objections.

Chairman WALSH. I will cooperate with you in restricting it to 20 minutes.

Judge NORTHCUTT. One correction I want to make which was suggested to me yesterday afternoon. It was that in introducing the pamphlet which I introduced here, I denominated it "American Citizen." If I did so, I want to substitute "Armed Citizen" for "American Citizen."

Chairman WALSH. You did say, "American Citizen"; I remember it.

Judge NORTHCUTT. The paper itself showed "Armed Citizen."

Mr. Osgood went on the witness stand and explained about the houses in the camps; that the houses constructed by the companies and rented to the men were of a substantial, comfortable character; that some of the people constructed shacks which they owned themselves. In corroboration of that I hold in my hand a number of photographs which I shall introduce in evidence.

Chairman WALSH. Hand them to the messenger, please.

Judge NORTHCUTT. I will do so.

(The witness submitted 31 photographs of dwellings, churches, schoolhouses, boarding houses, and mining camp views.)

These likewise show the character of the schools in the camps and the churches. Rev. James McDonald testified as to the absence of churches. You will see some substantial churches.

Just one word in addition to what Gen. Farrar has told about the terror prevailing in Trinidad, when occupied by the strikers. It will be observed that the strikers had marched from the Black Hills east of Ludlow 12 or 13 miles to Trinidad and took possession of it. They occupied as headquarters for some time a hall called Castle Hall in Trinidad, and from this hall floated a Greek flag, which was there for some days and until the approach of the Federal troops, when their leaders told them they would have to take it down, because the Federal troops would not allow it to remain. They got quite indignant, but removed it. They had a tent colony or tent city out on the old ground previously occupied by the militia. I believe that is all I have to say in regard to that.

Commissioner O'CONNELL. Judge, you have got me up a tree as to what your position is as to the rights of organized labor. In your testimony of yesterday you read into the record a number of circular letters, actions of various kinds of the United Mine Workers' organization, its international officers, going back for several years, to show that, or to substantiate a later statement made by you—that the United Mine Workers were responsible for all of the struggle and strike in Colorado?

Judge NORTHCUTT. That is substantially correct, and I reiterate it.

Commissioner O'CONNELL. It is boiled down in this one sentence [reading]:

"Now, I have stated and reiterate that the cause of the present strike is the effort of the United Mine Workers of America to organize the coal fields of

Colorado, and I think that is given out or corroborated by their declarations from their own organization."

Am I to understand that it is an unlawful act for the United Mine Workers of America to come into Colorado in an effort to organize the miners working in Colorado?

Judge NORTHCUTT. You ask me if it is unlawful?

Commissioner O'CONNELL. Yes.

Judge NORTHCUTT. It is not.

Commissioner O'CONNELL. Am I to understand that it is your position that the organization of the mine workers in Colorado having members of the United Mine Workers not citizens of the State of Colorado is a violation of the laws of Colorado?

Judge NORTHCUTT. It is not.

Commissioner O'CONNELL. Am I to understand, then, from the expression contained here in the minutes, that you think the best interests of the mine workers of Colorado is served or would be served by the United Mine Workers of America keeping out of the coal fields of North America?

Judge NORTHCUTT. Well, I had expressed no opinion upon that subject, but if you wish my opinion upon the matter, gentlemen, it is this: That no set of men and no institution can be benefited by the methods pursued by the United Mine Workers of America. If you will observe, in every State in which they have operated, so far as my reading carries me, they have pursued the same methods that they have pursued in Colorado. The cases which have gone to the courts of last resort, in which they have passed on, which grew out of strikes inaugurated and conducted by them, disclose a state of facts precisely similar in character to their conduct in Colorado. Take the case reported in the 64th Southwestern that went up to the Supreme Court of Kentucky, and the "Shortoll" case. The Kentucky case, I think, was the case of Lindell *v.* Commonwealth, and there was a case in West Virginia, and in every case that has come to the supreme court growing out of strikes conducted by the United Mine Workers of America, the reports abound in details of violence and bloodshed. People in America ought not to be permitted to conduct their affairs in that shape.

Commissioner O'CONNELL. Then I take it from the testimony that you do not wish to convey the idea that the mine workers were not within their rights in coming into Colorado and attempting to organize the mine workers in Colorado?

Judge NORTHCUTT. It has been decided time and again, by the courts in the United States, State as well as Federal, that employees have the right to organize labor unions, and that they have the right to strike to enforce their demands.

Commissioner O'CONNELL. I will get to that in a minute. The laws of Colorado, as I understand, provide that an employer can not discriminate or discharge a man because of his membership in a union?

Judge NORTHCUTT. Correct.

Commissioner O'CONNELL. Then, the reverse of that must be true, that they have the right to organize?

Judge NORTHCUTT. No one disputes it; I never did.

Commissioner O'CONNELL. Now, if they have the right to organize they also have the right to strike?

Judge NORTHCUTT. Yes; there is no question about that.

Commissioner O'CONNELL. Then, the mine workers, in passing resolutions, either at their national convention or district convention or by any means best suited to themselves, and deciding that there should be a strike of the miners in Colorado, were within their perfect right in doing it?

Judge NORTHCUTT. They committed no crime in doing so. It is not the ordering of a strike that constitutes a crime, but the accumulation of arms and ammunition and the gathering together of lawless men to go out and burn and kill; that is where the crime lies, and these people have never disputed it, and they have had numerous opportunities to dispute it.

Commissioner O'CONNELL. In your testimony of yesterday you gave evidence as to the treatment of Gen. Chase, particularly favorable to the men who struck. Have you in mind any particular case or instance in which he showed any special consideration for the men on strike?

Judge NORTHCUTT. Well, when he came there he was very free to confer with the leaders of the strike, which was proper. And when he went to get their arms his conduct was very different from his conduct in disarming the

guards. He required the guards of the companies to deliver up their arms, which they did. The strikers treated him with utter contempt, and he very resignedly accepted the situation. I certainly regarded that as a great favor.

Commissioner O'CONNELL. That is what you had in mind when you said he showed the strikers great consideration?

Judge NORTHCUTT. Yes; and I don't think the strikers will deny that they looked on the military as their friends.

Commissioner O'CONNELL. Do you know anything of the officers of the strikers entering into an agreement with Gen. Chase, or anyone else, to have the strikers turn over their arms which they had?

Judge NORTHCUTT. I only have Gen. Chase's word for it, I do not vouch for the truth of it. He said that Lawson had promised him to turn over the arms of the strikers, or have the strikers do it. That is my recollection. You might ask him, I may be mistaken about it.

Commissioner O'CONNELL. You cited and pictured for the commission in a most dramatic manner——

Judge NORTHCUTT (interrupting). Thank you.

Commissioner O'CONNELL. The killing, wounding, and shooting of people during this trouble. I note you did not make any mention of the killing of Louis Tikas. How was he killed?

Judge NORTHCUTT. I thought there had been enough said about that. I do not know anything about it excepting what I have heard here from the witness stand. I was not there.

Commissioner O'CONNELL. Is it a violation of law or ethics for a militiaman to kill a prisoner?

Judge NORTHCUTT. I should think so. It is a violation of law to kill any person excepting in self-defense.

Commissioner O'CONNELL. Do you understand that Tikas was a prisoner at the time he met his death?

Judge NORTHCUTT. I know nothing about it excepting what I have heard related here. I presume he was. I think Lieut. Linderfelt said he was a prisoner.

Commissioner O'CONNELL. Did you hear Lieut. Linderfelt's testimony?

Judge NORTHCUTT. Yes, sir.

Commissioner O'CONNELL. Did you hear him say that he had declared martial law?

Judge NORTHCUTT. He said something about that, I do not recall his exact language, but he said he promulgated the declaration of martial law.

Commissioner O'CONNELL. Do you think it was within the authority of a man employed as a guard for a coal corporation even though a member of the State militia, which had not yet been called out, to declare martial law?

Judge NORTHCUTT. Well, I would certainly want to know all of the circumstances before I approved of that sort of action; but the mere fact that he may have been active as a guard for a coal company would not obviate or destroy any authority he might otherwise possess to declare martial law. If the governor of the State happened to be acting in that capacity and the circumstances justified a declaration of martial law, he certainly could so declare it. Also if Linderfelt likewise possessed the authority, he could so declare. I do not think the proclamation has much to do with the proposition, anyhow.

Commissioner O'CONNELL. The governor would then simply designate a certain individual at a certain place to declare martial law, regardless of whether the militia of the State had been ordered out or not?

Judge NORTHCUTT. That is in this case certainly an academic question, because nothing of the kind was done. The governor did not designate anybody that I know of.

Commissioner O'CONNELL. You did hear Linderfelt say that he had declared martial law?

Judge NORTHCUTT. I take it he merely promulgated what he understood to have been previously declared. That is the way I construed his testimony, not that the declaration emanated from him in the first instance, but I take it his testimony meant, and in fact that is the way I remember his testimony, that he had been advised by his superior officer that martial law had been declared and he gave out the evidence of it. That is my recollection of his testimony, and if he so understood it, even though mistaken, he was not acting improperly. Even though he might have been ill advised or erroneously advised, he is not to blame for inaugurating the order which he understood to exist.

Commissioner O'CONNELL. Then, he might assume then and take it for granted that he was mistaken to say to the courts of these counties, "I am the law," and to the citizens of the county, "You must obey me," and state afterwards that he was mistaken?

Judge NORTHCUTT. He never did that, and I do not see the propriety of hypothecating any question upon it.

Commissioner O'CONNELL. I think the testimony will show that was his position.

Judge NORTHCUTT. Perhaps.

Commissioner O'CONNELL. During your discussion you spoke about the necessity of a law to prevent a recurrence of the things that have taken place.

Judge NORTHCUTT. More the propriety than the necessity of it.

Commissioner O'CONNELL. I suppose you have in mind that if Colorado or the National Government had laws, for instance, that created a board of mediation, conciliation, or arbitration, or something similar to that now in practice now in railroad service, that the corporations, the coal corporations of Colorado would come in and act in accordance with such laws?

Judge NORTHCUTT. I have not the slightest doubt but what the coal operators of Colorado will obey any law enacted by legally constituted legislative bodies having jurisdiction over the territory where they operate. I have serious doubts, however, as to the other parties obeying it. That has been the answer that always presents itself to me when we talk of compulsory arbitration and tribunals to adjudicate these labor troubles. What is the use of legislating for people that won't obey the laws as they exist?

Commissioner O'CONNELL. Let us see if we can not confine it to the side we are discussing and get the other fellows after a while. Do you think, yourself, that such a law or regulation as would require that a board composed of a number of reputable citizens, to be appointed by the President of the United States, to bring people together, would be in the direction of future peace and for the benefit and prosperity of the country generally?

Judge NORTHCUTT. Of course it is mere prognostication, any opinion I might express in the matter. I do not think that an experiment of that kind would hurt anything, and it might do some good. I have long entertained the idea that some law ought to be enacted to prevent changing conditions as they exist in the labor field without first appealing to some tribunal either now in existence or to be designated to adjust the matter. To illustrate very briefly: Before an operator could reduce wages he might be required to give notice to his employees that he intended to so reduce wages, and if they objected to that, let them specify, in some properly designated way, their objection, and let the tribunal investigate the matter and thrash it out, very much the way they do now rate questions and things of that kind. If the laborers desire a raise in wages and can not get it upon application, let them appeal to the tribunal and have the matter investigated. I have long thought that some proper method of that character was worthy of consideration and might be evolved.

Commissioner O'CONNELL. Do you know Jefferson B. Farr?

Judge NORTHCUTT. I am acquainted with the gentleman.

Commissioner O'CONNELL. What is Mr. Farr's standing in the community where he is sheriff?

Judge NORTHCUTT. Very good.

Commissioner O'CONNELL. What is his financial standing?

Judge NORTHCUTT. I think Mr. Farr is well fixed financially—he is substantial financially. He is not rich and he is not poor. He owns quite a lot of irrigated land and reservoirs and canals and some cattle—just how many I don't know—and some bank stock. The tangible property that is in sight is of considerable value. I do not know how much he owes, if anything.

Commissioner O'CONNELL. Do you know of the corporation that he is president of? I think he said the corporation that owns buildings and property?

Judge NORTHCUTT. The mercantile company?

Commissioner O'CONNELL. Yes.

Judge NORTHCUTT. Well there is a realty company.

Commissioner O'CONNELL. That is the one I refer to—incorporated for $50,000.

Judge NORTHCUTT. It is a speculative company, and he owns one-fourth of the stock in that, and it owns quite a number of town lots and, I think, some buildings.

Commissioner O'CONNELL. Do you know his method of carrying on the liquor business in that county?

Judge NORTHCUTT. Well, there are two mercantile companies there, one called the Spanish Peaks Mercantile Co. and the other the Good Night Mercantile Co. One of these companies, I am not sure which, owns some—one or two—saloons and probably is interested in the wholesale liquor business and, I think, is the agent for some brewery.

Commissioner O'CONNELL. Have you ever heard as to the method or kind of leases that he makes with his tenants as to the requirement that they shall deal with his mercantile company or wholesale house?

Judge NORTHCUTT. I never heard of that until it was mentioned here yesterday. I do not know that I see any impropriety in it.

Commissioner O'CONNELL. Is it generally rumored in the county that he controls the wholesale and retail saloon business?

Judge NORTHCUTT. I never have heard of that, except upon an occasion now and then when some fellow is dissatisfied with the courts and makes application for a change of venue from the county or something. He then sets up a great story about Farr controlling the county through his liquor interests; but that is about to end and can not be maintained much longer, if true—and I do not think it is true.

Commissioner O'CONNELL. The charge is also made that the political party that does not meet with your approval can not secure halls in which addresses are to be made, and that Farr looks after this.

Judge NORTHCUTT. Farr is a Republican and has been in the Republican Party ever since I knew him. That is likewise the party with which I have been affiliated up to a few years ago, when I made some change for my own reasons.

Commissioner O'CONNELL. Farr was on your ticket last year?

Judge NORTHCUTT. He was in 1914.

Commissioner O'CONNELL. I suppose, of course, fathered by the Republican Party as such, with the rest of the candidates?

Judge NORTHCUTT. Yes, sir.

Commissioner O'CONNELL. Is a good citizen and perfectly qualified for the position?

Judge NORTHCUTT. Yes; he is one of the best officers in the State of Colorado.

Commissioner O'CONNELL. Perfectly humane?

Judge NORTHCUTT. Yes, sir; and as far as I know he is a man of generous nature and a companionable fellow and a moral man. I do not think anyone would raise any question as to Mr. Farr's morals. It is true that he is interested in the liquor business. Up to date it has been a legitimate business under the laws of Colorado, and many good people are interested in it directly or indirectly.

Commissioner O'CONNELL. Among those photographs you have handed up, you speak of churches and other things. I find a picture of just one church.

Judge NORTHCUTT. I think there are two or three more.

Commissioner O'CONNELL. Have you any idea of the number of churches in these coal camps and the denominations of them?

Judge NORTHCUTT. Yes; it is very general, too, and not very specific. I think that in practically every coal camp of any size there is at least one church, and the most of them are Catholic churches, very properly so, as the employees are, a very large percentage of them, of the Catholic faith. There is a large Catholic denomination in our country. There is a large church in Trinidad and that is the parish residence, and there must be five or six priests living in Trinidad and they go out to these various mining camps. They are very energetic and faithful to their duty and do a great deal of good, undoubtedly.

Now, whether there are churches of the Protestant denominations in any of those camps, I do not know. Undoubtedly there are persons here who do know, and I think it would be well that the record should show it.

Commissioner O'CONNELL. Is there any effort made that you know of to discourage the attendance of miners at the churches or other places of public gathering where they might get together?

Judge NORTHCUTT. Absolutely none. On the contrary, I am advised that one of the coal companies, the Colorado Fuel & Iron Co., has what it terms a welfare department and devotes a great deal of attention to church work. They have inaugurated Sunday schools in their camps, and sermons are delivered every so often. On the contrary from discouraging it, I don't know how much they encourage it. I believe the executive officers of the companies, so far as I know them, are church people, perhaps not all of them.

Commissioner O'CONNELL. Did you hear the testimony of Rev. James McDonald?

Judge NORTHCUTT. I did.

Commissioner O'CONNELL. Whose testimony would indicate that everything was done to prevent the success of his efforts, his mission, and his Sunday school?

Judge NORTHCUTT. He is like every other man who is a failure in life, he is disgruntled. If you will read his cross-examination at the congressional investigation I think the reason for his statements are there disclosed.

Commissioner O'CONNELL. Is he disgruntled with social affairs, or in what way would you imply that he was disgruntled?

Judge NORTHCUTT. Apparently with his surroundings. In his testimony previously referred to he condemned some of the officials of Las Animas County, the school superintendent in particular, and when it came to ascertaining the reason for it, it was found that he had applied for a teacher's certificate, and applied for it without taking the examination, which the superintendent could not lawfully grant. That was the foundation for his antipathy to the school superintendent and to the schools, undoubtedly.

Commissioner O'CONNELL. Am I to understand from your testimony, Judge, that it is possible to obtain justice for the rich man and for the poor man alike in these counties represented in these mining districts?

Judge NORTHCUTT. I think it is a possibility; yes, sir.

Commission O'CONNELL. Is it your opinion that such has been the case?

Judge NORTHCUTT. Well, I certainly could not answer in the negative because I can not point to any specific instance in which any person has been a victim of an injustice. There may have been such and likely, if my attention were called to it, I would recognise it, but I do not have in mind any such instance.

Commissioner O'CONNELL. Do you think the testimony offered to this commission of the number of deaths that have occurred in the mines and the fact that so few cases have been brought before the courts, would indicate that it is in the minds of the operators mining in these counties that justice can be obtained in the courts?

Judge NORTHCUTT. Well, it probably has not been disclosed to the commission, and it ought to be, that nearly all of those deaths which took place in what you may term a wholesale manner—that is, as a result of explosions, were adjusted by the companies.

Commissioner O'CONNELL. As they have apparently been adjusted, from the list we have, on a $300 basis.

Judge NORTHCUTT. Those that I know anything about were much more than that.

Commissioner O'CONNELL. In one case the company was held responsible. The rest were settled.

Judge NORTHCUTT. On this subject of protection, and so forth, the men are not so poor in that regard as you may think. Nearly all of these foreigners who work in the mines of Colorado have the protection of their Governments on matters of that character. In fact, anything they complained to their consuls about, they will get relief.

Commissioner O'CONNELL. I am using the terms "rich" and "poor" in a general sense.

Judge NORTHCUTT. Of course, we all know the benefit of money in litigation or anything else. You can get the best counsel and——

Commissioner O'CONNELL (interrupting). When you were on the bench, did any cases come before you in the matter of claims for accidental death?

Judge NORTHCUTT. Some few. I recall one case now, Sunberg against the Union Coal & Coke Co. Mr. Hendricks brought it, and it was tried. I do not have now in mind the title of other cases, yet there were evidently some suits.

Commissioner O'CONNELL. Is the present circuit judge a law partner of yours?

Judge NORTHCUTT. He was.

Commissioner O'CONNELL. But not now?

Judge NORTHCUTT. Certainly not.

Commissioner O'CONNELL. He was when elected?

Judge NORTHCUTT. Yes.

Commissioner O'CONNELL. How long after did you dissolve your partnership?

Judge NORTHCUTT. I think probably we dissolved our partnership relations the 1st of December, 1912. He was elected in November, 1912, and the following month we closed our affairs, and he left the office. The district judges in this State are not permitted to practice law at all.

Chairman WALSH. You will be excused, Judge.

TESTIMONY OF MR. JOHN R. LAWSON.

Chairman WALSH. What is your name, please?
Mr. LAWSON. John R. Lawson.
Chairman WALSH. What is your full name? What does the R. stand for?
Mr. LAWSON. Rankin.
Chairman WALSH. John Rankin Lawson?
Mr. LAWSON. Yes.
Chairman WALSH. What is your age?
Mr. LAWSON. Forty-four years old the 5th of next March.
Chairman WALSH. How long have you lived in the State of Colorado?
Mr. LAWSON. Nearly 20 years.
Chairman WALSH. Where did you live before you came to Colorado?
Mr. LAWSON. In Pennsylvania.
Chairman WALSH. Where were you born?
Mr. LAWSON. In Schuylkill County, Pa.
Chairman WALSH. Are you of American parentage?
Mr. LAWSON. No, sir; my parents were Scotch.
Chairman WALSH. What business was your father engaged in?
Mr. LAWSON. Coal mining.
Chairman WALSH. What business have you been engaged in all your life?
Mr. LAWSON. Coal mining, principally.
Chairman WALSH. Please state briefly to the commission your experience from the time you went into business life up until the present time, I mean the positions you have occupied?
Mr. LAWSON. Well, I have occupied a number of positions, in fact, I think nearly every position in the coal-mining industry up to mine foreman.
Chairman WALSH. At what age did you go to work in the coal mines?
Mr. LAWSON. I went to work in a coal breaker, an anthracite coal breaker, when I was 8 years of age.
Chairman WALSH. Have you been continuously in that industry ever since?
Mr. LAWSON. Yes, sir; excepting a brief period of time.
Chairman WALSH. Describe where you worked and your duties briefly?
Mr. LAWSON. I worked first in the anthracite coal breakers in and around Mount Carmel, Pa. I also worked in the mines there in various capacities, and as a coal miner. I left Pennsylvania and came to Oregon and worked in the coal mines there, and went from Oregon to Wyoming and worked in the coal mines at Rock Springs, Wyo., and then went from there to Walsenburg, in this State, and worked in the Walsen mine. From there I went to the western slope around Newcastle, and worked in the mines in that field the most of the time until 1905, when I was elected a member of the international executive board of the United Mine Workers of America.
Chairman WALSH. What have been your duties in that capacity?
Mr. LAWSON. Representing the miners on the international district board, the miners of district 15, I meant to say, and as an international organizer.
Chairman WALSH. Are you married or single?
Mr. LAWSON. Married.
Chairman WALSH. You reside in the city of Denver, do you?
Mr. LAWSON. Yes, sir.
Chairman WALSH. Whereabouts?
Mr. LAWSON. 4652 York Street at the present time.
Chairman WALSH. Please give us a brief account of your connection with the Colorado strike from its inception to the present time.
Mr. LAWSON. Mr. Chairman, on account of the fact that my counsel has advised against my talking about the southern situation concerning the coal strike, I have prepared a document here for the purpose that it may be thoroughly understood, and that it can not be misconstrued, and with your kind permission, I would be glad to read it to the commission.
Chairman WALSH. You may proceed to do so.
Mr. LAWSON (reading):

"DENVER, COLO., *December 16, 1914.*

"*To the Commission on Industrial Relations:*

"I have pending against me in the courts of Colorado 19 specific charges, ranging from conspiracy in restraint of trade to murder in the first degree, and including arson and assault to kill, and I am as innocent of any crime against

the laws of my State or Nation as any individual sitting upon this bench listening to me here to-day.

"Down deep in the hearts of my persecutors they know that I am guilty of no crime, unless it be that I am a coal miner, having been honored by my fellow workmen in selecting me to represent them on the International executive board of the United Mine Workers of America.

"The records of the State and Federal courts of the Nation bear witness to the power of John D. Rockefeller to destroy the property, character, and even the lives of those who oppose him in his mad pursuit of wealth. For these reasons, by the advice of my counsel, Mr. Horace N. Hawkins, who is now engaged in the trial of a case at Canon City, I must decline to answer any questions whatsoever bearing upon the incidents leading up to and during the strike in the southern coal fields, although it was my sincere wish to fully and freely do so.

"I have this message, however, which I desire to communicate to President Wilson through the medium of this commission: I would most respectfully direct your attention, Mr. President, to the record of the hearings of the commission on Industrial Relations in the city of Denver, for undeniable proof of the fact that there is but one human being responsible for the deplorable conditions in the coal industry of the State of Colorado—Mr. John D. Rockefeller, sr. Fortunately, this assertion is not based upon any statement that can be contradicted or denied, for the evidence is found in the correspondence between 26 Broadway, New York, and J. F. Welborn, Mr. Rockefeller's agent in Colorado.

"When you, Mr. President, submitted your suggestion for a settlement of this industrial conflict, which has agitated our State and has awakened the conscience of the Nation, every citizen in the land, save Mr. Rockefeller alone, construed it as a command from the head of the Nation. The reply came, ostensibly from Denver, but as now fully exposed before this commission, was in reality from 26 Broadway, New York. I quote from the letter of Mr. Starr J. Murphy, the personal representative of John D. Rockefeller, sr., and the reply from Mr. J. F. Welborn, as showing the trick that was played upon you by Mr. Rockefeller, and the deception which they practiced upon the American people, viz:

"'26 BROADWAY, NEW YORK,
"'*September 15, 1914.*

"'DEAR MR. WELBORN: I have taken the liberty of sending you, merely by way of suggestion, a draft of a proposed letter from you as president of the Colorado Fuel & Iron Co., to President Wilson, which embodies my personal view of what it would be proper to say in case it should seem wise for our company to make a separate reply to the President's letter.

* * * * * * *

"'STARR J. MURPHY.'

"And the reply, as follows:

"'DENVER, *September 18, 1914.*

"'MY DEAR MR. MURPHY: I am very thankful for your kindness in writing me on the 15th instant, and sending me draft of the proposed letter to the President. * * * I think you will find that our letter, a copy of which I am inclosing, contains all of your ideas, with two exceptions. * * * But for Mr. Lee's presence here, and the invaluable assistance he has rendered in the preparation of our reply, I should have gone to New York for consultation with you, and considering the probable public criticism of my presence at your office at the time when it would have been generally known that the answers to the President's proposal were being prepared, I think it very fortunate that we have been able to make reply direct from Denver with the public fully informed as to my presence here.

"'J. F. WELBORN.'

"The Lee above referred to is Ivy Ledbetter Lee. He is the personal employee of Mr. Rockefeller, as admitted by Mr. Welborn in his testimony, this admission having been forced from the reluctant lips of Mr. Welborn on the witness stand, after first positively refusing to answer, and then begging for time to consult counsel as to his legal rights in the matter, and finally receiving permission to do so from his eastern employers.

"If you require further proof, Mr. President, as to the sole responsibility of Mr. Rockefeller, allow me to point to the testimony of Mr. Welborn to the

effect that, immediately after leaving your presence, at the time of the submission of this letter in the early part of September, he reported directly to John D. Rockefeller, sr., at Tarrytown, N. Y., in company with John D. Rockefeller, jr., W. L. Mackenzie King, of the Dominion of Canada—also on the personal staff of Mr. Rockefeller—and Mr. Ivy Lee, who acted as the go-between for Mr. Rockefeller and Mr. Welborn in the preparation of the letter to you, as revealed by the correspondence quoted above.

"In view of the fact that you have appointed Mr. Seth Low, of New York, at the head of a conciliation board, I would respectfully ask you to suggest that Mr. Low call upon John D. Rockefeller, sr., in person at the earliest opportunity, and urge upon him the acceptance of your suggestion to bring about industrial peace in Colorado.

"In common with countless millions of my fellow citizens, I recognize the fact that perhaps no other President in the history of our country has been called upon to intervene in so many difficult and delicate situations throughout this country and the world, looking toward the happiness and welfare of mankind. If your suggestion is not accepted by Mr. Rockefeller when presented by Mr. Low, this master of millions will be but the second person in the life of your administration who has spurned your kindly offices in the cause of peace and justice—the other one being Gen. Victoriano Huerta, late dictator of Mexico, present whereabouts unknown.

"The testimony given before this commission last week by Mr. Welborn places the issue squarely before the world: Is John D. Rockefeller greater than the Government? Is he higher than the law?"

Chairman WALSH. Then you decline to make any statement, as I understand it, as to the incidents leading up to this strike?

Mr. LAWSON. I must decline on advice of counsel.

Chairman WALSH. Is there anything further you wish to say?

Mr. LAWSON. No, sir.

Chairman WALSH. Then you may be excused.

Mr. Frank Hayes.

TESTIMONY OF MR. FRANK J. HAYES.

Chairman WALSH. State your full name, please.

Mr. HAYES. Frank Hayes.

Chairman WALSH. Where do you reside?

Mr. HAYES. My people live in Boulder, Colo., at the present time. I am from Indianapolis.

Chairman WALSH. Are you married or single?

Mr. HAYES. Single.

Chairman WALSH. What is your business?

Mr. HAYES. National vice president of the United Mines Workers of America.

Chairman WALSH. How long have you held that position?

Mr. HAYES. For—I took the position April 1, 1910; I have held it more than four years.

Chairman WALSH. What is your age?

Mr. HAYES. Thirty-two.

Chairman WALSH. I wish you would begin at the entrance into your business life—at the beginning of your business life—and sketch your places of residence and employment down to the present time.

Mr. HAYES. I was born in What Cheer, Iowa, May 4, 1882. I went to work in the coal mines at the age of 18 at Mount Vernon, Ill. I was initiated and given the obligation of the United Mine Workers of America by my own father, who was president of a local union at the time I joined this organization. I worked in the coal mines of Illinois until I was 21 years of age. At that age I was elected secretary-treasurer of the Belleville subdistrict miners' union. I continued in the capacity of secretary-treasurer of that district until I was 23 years old. At the age of 23 I was elected State secretary-treasurer of the Illinois Mine Workers Union. At the age of 28 I was elected international vice president of the United Mine Workers of America, the position I am now occupying.

Chairman WALSH. What education did you receive in your boyhood?

Mr. HAYES. A common-school education.

Chairman WALSH. In what schools?

Mr. HAYES. The Mount Vernon school and Centralia schools. My father was quite a union man and was blacklisted in the early days and was forced to

move from one coal camp to another, and due to that fact, I attended the common schools in a number of places.

Chairman WALSH. What was his business?

Mr. HAYES. Coal miner.

Chairman WALSH. You were born where?

Mr. HAYES. At What Cheer, Iowa.

Chairman WALSH. Your father was a native of what country?

Mr. HAYES. A native of the United States.

Chairman WALSH. He was a native American?

Mr. HAYES. Yes, sir.

Chairman WALSH. I wish you would be good enough, Mr. Hayes, to give a brief account of your connection with the Colorado strike from its inception to the present time.

Mr. HAYES. I came to Colorado in July, 1913, at the request of the miners of Colorado and the officials of the Colorado Miners' Union, not for the purpose of fomenting strife, but for the purpose of endeavoring to settle peaceably the strike in northern Colorado, as well as to adjust the grievances of the miners in southern Colorado. And with that thought in mind I endeavored to secure a conference with the operators of this State. I, along with my associates, wrote a letter to all the operators in the Sate, asking them to meet us in conference for the purpose of working out an amicable adjustment of the grievances complained of by the miners. We received no answer to that communication. We waited for almost a month after that communication had been sent to them and then decided, at the request of the Colorado miners, to call a convention to meet in Trinidad September 15, 1913, for the purpose of letting the miners then decide whether or not they wanted to continue the old system or whether or not they wanted to declare a strike to secure their freedom.

That convention was the largest attended miners' convention in the State of Colorado, regardless of what the operators say to the contrary, and practically every mining camp in the State sent a delegate. It was a representative convention. The men, where they could elect delegates openly, elected delegates; but, due to the system of feudalism that prevailed in southern California, it was impossible to elect delegates openly in that region, because to do so meant persecution and discharge and possibly assault by the large army of paid guards that they had around their property for that purpose. It meant as much as a man's life was worth to say that he was a union man, but secretly hundreds upon hundreds of those men expressed their desire to affiliate with this union and quietly and secretly elected delegates to this convention—the only way they could elect delegates was in that way.

The convention met. We invited the operators to attend this convention. We wanted to do everything in our power to avoid a strike. That was my keen personal desire. The operators failed to put in an appearance, ignored our invitation for the second time; and then the miners, seeing that all hope for a peaceful settlement had failed, seeing that the operators had refused to even meet with them, or their representatives, had refused to even answer the letters we sent to them, seeing that all hope had gone to secure redress of their grievances, they themselves, in convention assembled, decided to strike. I attended that convention. I did not say one single word in that convention until after the men themselves issued the strike order, and when they did issue the strike order I arose in that convention. I said I did not care to impress my views upon this convention. If the miners of Colorado themselves wanted to strike, then that was their business, and they would have our support; and I said if I had tried to persuade the miners of Colorado to strike I would have been held solely responsible, but now "You have declared this strike without any influence from me or any other so-called agitators."

The convention adjourned. The delegates in the convention wanted to strike immediately. They wanted to give the operators 24 hours' notice. I personally talked to several of the local leaders of miners in Colorado and told them to postpone the strike date one week, because I was convinced that when the operators saw that the miners were determined to strike they would possibly then seek a joint conference for the purpose of settling these disputes. But as a reward for my suggestion, when the delegates went back to their homes, practically all of them were chased out of the camps notwithstanding their families were living in the coal camps, and were discharged. A week after the convention adjourned the strike began. I remained in the strike field up until December 22, 1913, and then, owing to the fact that our international convention was meeting in Indianapolis, I was forced to leave and forced to remain in

the East to assist in negotiating wage agreements for the eastern miners until along in July, 1914, I believe, as nearly as I can remember, at which time I returned to Colorado. I was not in Colorado while most of the violence was occurring.

Chairman WALSH. To what extent were the miners and the local officials urged by the national officers to organize and call the strike?

Mr. HAYES. In accord with our duties as organizers, when we are appealed to by miners we are expected to go to them, listen to their grievances, and if they desire to organize, if there is a sentiment for organization, to do everything within our power to secure an organization, and we did do that very thing.

Chairman WALSH. Irrespective of the interests of the miners in Colorado, what benefits would accrue to the national organization by the unionization of the Colorado mines?

Mr. HAYES. There would be no pecuniary benefit accruing to the international organization. The only benefit that would accrue would be that which might be given to the Colorado miners themselves.

Chairman WALSH. Well, it has been stated that the admission fees, the initiation fees, and dues would add greatly to the financial benefit of the national organization. Just explain as to that.

Mr. HAYES. The national organization receives not one single cent of any initiation—not one single cent.

Chairman WALSH. What proportion of the dues do they receive? What sort of per capita tax, or whatever you call it?

Mr. HAYES. Only 25 cents per month, the smallest dues, I think, of any great international union in the world.

Chairman WALSH. What would that amount to in a year if the organization was protected as designed in Colorado, approximately?

Mr. HAYES. Well, it would amount to about $30,000 a year.

Chairman WALSH. How are funds so collected, expended——

Mr. HAYES (interrupting). That is, if all the miners were organized in the State?

Chairman WALSH. Yes. How are funds so collected; expended by the national organization?

Mr. HAYES. They are expended in protecting the rights of the miners under their various wage agreements, expended in publishing our official paper, expended in organizing work——

Chairman WALSH (interrupting). Is there any sinking fund in your organization or any money that is not used in the ordinary carrying on of its affairs from year to year?

Mr. HAYES. No, sir.

Chairman WALSH. What are its receipts and expenditures per year, approximately, leaving out strike benefits for the time being?

Mr. HAYES. About $2,400,000; that is, basing it on a membership of 400,000. Of course, we won't average 400,000, I think for the year, but close to it. But basing it approximately on 400,000, our receipts will be more than $2,000,000 a year, including strike assessment.

Chairman WALSH. Please state where the men are now working as coal miners in the United States under agreements between the operators and the union organization.

Mr. HAYES. Please state the States, you say?

Chairman WALSH. How many men are there now working as coal miners under agreement——

Mr. HAYES (interrupting). Close to 400,000.

Chairman WALSH. In what States are they located?

Mr. HAYES. They are located in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Missouri, Iowa, Kansas, Oklahoma, Colorado, Arkansas, Texas, Wyoming, Montana, and Washington. I think I have covered them all.

Chairman WALSH. What is the attitude of the large operators elsewhere under such agreements with your organization and toward the principle of collective bargaining which I believe underlies the entire fabric of your concern?

Mr. HAYES. The operators prefer the trade agreement to the old system of uncertainty that prevails in the nonunion fields. They think it insures security to their business and that when they sign a contract they know they will have peace for a certain period of years; that they do not have to hire a large army of armed guards for the purpose of watching and spying upon every man; and

they feel better, from the standpoint of conscience, to treat their men as humans instead of like animals and slaves.

Chairman WALSH. You have heard the statement made here as to the alleged breaking of contract upon the part of the United Mine Workers of America, and a letter—a specific letter which was read into the record—signed by Mr. Gilday and others, and I believe perhaps by Secretary Wilson.

Mr. HAYES. I heard something about that letter; yes; I heard that.

Chairman WALSH. I wish you would make any comment that you think pertinent on the charge that these contracts are not, in the main, beneficial to the employers on the—on account of the fact that they are so frequently violated.

Mr. HAYES. I want to say, Mr. Commissioner, that the contracts are violated more by the coal operators than they are by the coal miners. They continually parade the few violations of the contract on our part, but these so-called violations are due to the fact that the operators themselves do not avail themselves of the procedure laid down in the contract, and that they delay the settlement of cases sometimes two and three and four months, until the patience of the men wears out, and these little spasmodic affairs occur once in a while—but very seldom. But we have clauses in all our contracts that if the men do strike this way, no matter if their patience is exhausted, due to delay and evasion practiced by the other party, that they are fined and punished, and discipline maintained.

I have here some letters—Mr. Osgood testified here one day that he was forced to leave the State of Iowa because of the character of this union. I want to read some documents bearing upon our union. I want to prove that our union is a business institution, and has been recognised as such by the majority of the coal operators of the land. Mr. Baer, particularly, before he died, the great anthracite operator, admitted the mistake he had made in his earlier days, and if he had lived, I feel assured from what he told me and other members and officers of the union, that we would have a direct agreement in the anthracite field. Here is a letter from the president of the Iowa miners concerning Mr. Osgood. Shall I read it?

Chairman WALSH. Proceed.

Mr. HAYES. I have several here [reading]:

"DEAR SIR: I am in receipt of your letter of the 25th instant, requesting information pertaining to J. C. Osgood's connection with the mining industry in this State some years ago. Replying thereto will say that Mr. Osgood started his career in the mining world at Cleveland, Iowa, 1 mile east of Lucas about the year 1876. At that time he was not considered financially well fixed, so I am advised; however, mine No. 1 and later mine No. 2, each having extremely favorable physical conditions in the way of a thick coal vein, good roof, and so forth, it was said that a vast sum of money was made by the company at these two mines. At any rate, J. C. Osgood left Iowa for Colorado reputed to be a very wealthy man.

"In the late eighties after mine No. 1 had been worked out and mine No. 2 was near the end of its existence, this company sunk mine No. 3. This mine was sunk on what was called Whitebreast Hill, near Cleveland. My father worked in this mine as a miner. I was then but a small boy, but I can still remember hearing father speak of the poor vein of coal. It is said that as the company had vast earnings out of mines Nos. 1 and 2 they were able to interest eastern capital in mine No. 3, and had been able to get vast sums of eastern capital on this project. This mine proved a complete failure. This occurred a number of years before the United Mine Workers' organization became established in the Iowa coal fields. Later this company developed coal mines in other places, namely, Keb and Forebush, Iowa.

"The eastern bondholders who had become involved in the Cleveland mine No. 3 deal, finally forced receivership through the courts and the Keb and Forebush mines were taken over. Each of these mines was operating a number of years before the miners' organization was established; in fact, according to the average life of an Iowa coal mine each of these mines had passed the meridian of life—having been in operation about 10 years before our organization was established—consequently it could not be truthfully or conscientiously said that the United Mine Workers were responsible for the Whitebreast Fuel Co. relinquishing their hold on these mines.

"I am advised that Mr. Osgood was later interested in Cleveland mine No. 4, about 3 miles west of Lucas. This mine was abandoned about 1908. The unfavorable physical condition of the mine and of the vein of coal made this a very poor proposition. It must be remembered that every hole in the ground

in the coal fields does not yield up coal as anticipated, but the United Mine Workers should not be held responsible for the work of nature.

"It can not be said that the United Mine Workers' organization is detrimental to the coal industry of our State, and to substantiate this statement I am inclosing herewith copy of letter received in our office from Mr. E. C. Smith, president of the Iowa Coal Operators' Association, also copies of letters received from several prominent coal operators of our State, giving their views in regard to doing business with our organization. As substantial business men they would not make such statements if the mine workers' organization was detrimental to their interest.

"I might also add that these gentlemen have been engaged in the coal-mining industry in this State for a number of years, and they are voicing the consensus of opinion of the Iowa coal operators generally, as attested to by the president of the operators' association.

"W. H. ROGERS,
"*President of the Iowa Miners.*"

Now, here are the letters, Mr. Chairman, from the coal operators of Iowa, which I think will dispute entirely Mr. Osgood's claim about the United Mine Workers' Union not being a business institution.

Chairman WALSH. Well, now, will you kindly state the substance of them, the date, the writer, and the substance to assist us, if possible, in saving time?

Mr. HAYES. The first is a letter from P. H. Waterman, general superintendent, dated October 10, 1913.

Chairman WALSH. And the substance of it is what?

Mr. HAYES. Well, it goes on to state——

Chairman WALSH (interrupting). You may state it. Do these letters, or do they not, express satisfaction so far as——

Mr. HAYES (interrupting). Yes. Here is a statement by Mr. Waterman [reading]:

"Union labor in the Iowa mines has increased the cost of coal production, but in my own operations this is more than offset by the stability of service rendered through the absence of local shutdowns and strikes. My company has about 700 men and boys on its roll.

"Yours, truly,

"P. H. WATERMAN,
"*General Superintendent.*"

Now, here is another from the Hawking Coal Co., W. G. Hodge, superintendent [reading]:

"My preference is to deal with union men, because at the time the miners were unorganized I have known the mines to be shut down for any mere trifle, and miners would fight for nothing at all; for instance, a few men would get together and some one would suggest that they go home as they were feeling indisposed, and off they would go. However, since being organized this, in my case, has been eliminated, and while we do not see eye to eye in everything, there seems always to be a tribunal we can come to and obtain a perfect understanding."

Here is one from Mr. G. W. Clarke, governor of the State of Iowa. I will read it in full, as a letter from the highest official of that State [reading]:

"Answering your letter of October 2, I have to say that it would have been answered earlier but I have been for so much of the time recently away from the city.

"You inquire as to what, in my opinion, is the more beneficial to the mining industry in the management of the mines—as to whether with union or non-union labor? I am of the opinion that it would be much more beneficial and satisfactory in every respect to deal with union labor, for the reason that contracts can be entered into by an organized body of men which will be recognized by them as binding to a very much better extent than with nonunion men; or, in other words, with men where you must depend upon an arrangement or contract with each individual man. It would seem to me that if I were managing a mine and were employing a large number of men I would rather deal with men who are organized as a whole than with individuals. I should anticipate a much more satisfactory result in this method of conducting the work.

"Yours, very truly,

"G. W. CLARKE,
"*Governor of the State of Iowa.*"

Here is another letter from the Central Coal Co., by Secretary Thomas L. Evans. Concluding he says [reading]:

"We have had at various times 250 to 300 men in our employ, and will state further we prefer union labor at all times in the operation of our mines.

"Beg to remain,

"Very truly, yours,

"CENTRAL COAL CO.,
"THOMAS L. EVANS, *Secretary.*"

Chairman WALSH. How large a mine is that?

Mr. HAYES. Employs from 250 to 300 men—the Central Coal Co. These are from the operators who own the mines.

Here is one from E. C. Smith, president of the Iowa Coal Operators' Association—the same kind of association, only much different in character and standing, with the "Big Three" out here. [Reading:]

"I am in receipt of your letter of October 2, in which you ask for an expression of opinion as between union and nonunion labor in the operation of coal mines.

"As president of the Iowa Coal Operators' Association, to whom your letter is addressed, I am strongly in favor of the employment of union labor and the joint movement.

"Yours, very truly,

"E. C. SMITH,
"President of the Iowa Coal Operators' Association."

Another one from Robert Heaps, coal operator [reading]:

"Replying to your letter of the 2d, will say that my experience in the mining business has been much more satisfactory dealing with union men than it is with nonunion men.

"We have from 100 to 150 men working for us about eight months in the year."

I have several others here.

Chairman WALSH. From whom are they, and do they or do they not——

Mr. HAYES (interrupting). One here from Alex Walker, indorsing his relations with our union, from What Cheer, Iowa——

Chairman WALSH (interrupting). What is Mr. Walker?

Mr. HAYES. He is a coal operator.

Chairman WALSH. Just run through and state who they are.

Mr. HAYES. The other letter is from D. F. Cushing, a coal operator, indorsing our union.

Chairman WALSH. Approximately how many employees are represented by the association in Iowa?

Mr. HAYES. From these letters, every coal operator, I think, in the State is a member of the coal operators' association.

Chairman WALSH. How many men do they employ collectively?

Mr. HAYES. They employ 18,000 men.

Chairman WALSH. Now, have you finished with that correspondence?

Mr. HAYES. Yes.

Chairman WALSH. We would like to know what other benefits, if any, you claim the operators, the proprietors, may enjoy from dealing with your organization, or in adopting the principle of collective bargaining?

Mr. HAYES. Well, in dealing with union labor they do not have to employ an army of detectives and guards and secret spies. They save that amount of money. They secure a better class of miners, a more competent class of men. The union miner is a man of higher standard than the nonunion miner, from my own observation. I have noticed these nonunion miners and they remind me of Edward Markham's poem, "The Man with the Hoe"—no feeling, no ambition to be other than a slave; but in the union miner you will find a different man, a different type of man, a man who gives service for what he is paid for, and the highest type of miner, who takes pride in his union as well. There are other benefits that possibly I could think of if I had a little time. The security given by the trade agreement to the operator, the prevention of local strikes and discipline.

Chairman WALSH. Discipline of the men?

Mr. HAYES. Discipline of the men through the union.

Chairman WALSH. It has been remarked here many times that there is an objection to the character of the men that belong to your organization. What do you say to that——

Mr. HAYES. Mr. Chairman——

Chairman WALSH. Where do you derive your membership, where are they gotten?

Mr. HAYES. The character of our membership is first passed upon by the coal operators. Unless the coal operators hire miners we can not initiate them into our union. So if there is anything wrong with the character or type of our membership, the coal operator and not the union—the United Mine Workers of America—is responsible for that type.

Chairman WALSH. I wish you would detail, Mr. Hayes, any of the benefits which you claim accrue to the mine workers from organization to act in a collective way?

Mr. HAYES. We have, due to collective bargaining, advanced our wages in the best-organized States in the last 15 years approximately 100 per cent; we have established the eight-hour workday in practically, yes, in every field that we have thoroughly organized; we have placed checkweighmen on every tipple to see that the miner receives correct weight for his coal.

Chairman WALSH. Was that, or was it not, found to be necessary in the experience of the miners as a whole; that is, the necessity for checkweighmen?

Mr. HAYES. It is very essential we have checkweighmen, because we are paid by the ton and not by the day. I was taught in the East that 2,000 pounds was a ton, but in some of these nonunion camps they say that 3,000 pounds is a ton. Miners so testified to that fact, and said they were forced to load 3,000 pounds for a ton. I have testimony here from individual miners that I will submit for the record.

Chairman WALSH. Proceed now with any other benefits which you claim the mine worker has by reason of acting collectively instead of individually?

Mr. HAYES. Why, he finds protection from injustice, from petty persecution. He has freedom such as he could not enjoy under nonunion conditions. In other words, in the union mine if a man is mistreated or abused, not paid for the work he does, if he is robbed at the company store—if they have a company store, which they seldom do in a union field—he can take his case up with the mine committee and the superintendent of the mine; then, if they can not adjust it, they take the case up to the operators' association, generally, and the president of the district organization, and they generally work out an adjustment. That man is protected. If the company has done him an injustice they compensate him for the injustice.

Chairman WALSH. A gentleman testified yesterday, I believe, that in his opinion organization of miners had had no effect on maintaining the standard of wages in those fields where nonunion men were employed. What has been your observation in that respect, Mr. Hayes? A nonunion miner said he did not believe an organization had had any effect in establishing a higher standard of wages in places where the union was not in control.

Mr. HAYES. I wish I had the wage scales of these nonunion States. A great deal has been said about the high wages paid in Colorado. I am going to try to prove to-day that Colorado operators have the lowest rate of any State in the Rocky Mountain region. I have here the scales of Wyoming, Montana, and Washington, and in every instance these are from 20 to 25 per cent higher.

Chairman WALSH. It has been told here by a number of witnesses uniformly, probably on the side of the operators, that wages are higher here than other places, and also a number of practical miners have been upon the witness stand and testified to that effect. I wish you would, as briefly as possible, now analyze the statement which I have just made.

Mr. HAYES. The miner, as I said, is paid by the ton, and the tonnage rates are higher in Wyoming, Montana, and Washington than they are in Colorado. The so-called wage that they make, or are supposed to make, here in some cases does not mean anything in the final analysis. What will that wage buy? If I earn $10,000 a year and am forced to spend $10,000 to live, I earn nothing. We maintain that this wage, so-called, that they introduce here is a "paper wage," and that, due to the other systems of extortion that they have, even granting that their wage scale is correct—and even at that rate it is lower than Wyoming and those other States—even granting that it is correct, they are enabled, due to the system of feudalism that they have established, to take away practically all of the earnings of the men. Now, when this strike began—the second day after the strike—several hundred men and women came into the office in Trinidad begging for relief. I said, "Well, can't you take care of yourself for a week?" I said, "One of our rules is that we don't support any striker until he has been on strike a week." They said, "We are actually starving; we must have assistance." They had been working in those mines, possibly, some of them for years. A number of them were indebted to the com-

pany store, and I can secure, if the commission wants them, scores of affidavits to prove this assertion.

In the union fields we have abolished this truck-store system. And our wage scale, due to the fact we are allowed to trade where we please—we have absolute freedom in spending our money, is higher than this so-called paper scale they have here in the southern coal fields of Colorado. Not only store bills, but they charge for drinking water, doctor bills; they charge so much money for doctors and hospitals. Now, that would not be so bad in itself, if the miners had the right to pass upon the competency of the doctor so selected, but they are forced to take any sort of doctor the company gives to them, even a mule doctor. Now, inasmuch as we pay the wages of the doctor, one of our demands is that if the detor is incompetent, or if he is addicted to drink, as they are at times, that we should have the right to discharge him. But we have no voice in his hiring and no voice in his discharge, even though the people suffer from his bunglesome methods. One of our men testified here in a hearing at Trinidad, I have the stenographic report of our convention, that he lost his eye, due to the tinkering of one of these so-called doctors.

Chairman WALSH. Now, you have covered the benefits that occur to you that accrue to the miners under collective bargaining. Have you visited the coal camps in the southern coal fields of Colorado?

Mr. HAYES. I have visited a number of them; those they would let me into. They chased me out of one.

Chairman WALSH. Have you visited Ludlow and Hastings?

Mr. HAYES. I visited Ludlow; yes. No; I could not get into Hastings. They wouldn't allow me.

Chairman WALSH. Delagua?

Mr. HAYES. No; I couldn't visit Delagua.

Chairman WALSH. Who would not allow you?

Mr. HAYES. The guards there.

Chairman WALSH. When did you call——

Mr. HAYES. I called at the Valdez mine about two months ago. I delivered an address up there. After the speaking I was walking around the place, and I got over onto company property, and the guard said, "You know where you are going?" I said, "No; I am walking around, looking at the town." He said, "You are on company property." I said, "I didn't know that." He said, "Do you know I could put you off if I wanted to?" I said, "Possibly you could. I will get off. I don't want to be put off." So I left. He said, "You can't visit around here; that is against the company's rules." That is one specific instance that is clear in my mind.

Chairman WALSH. What has been your observation as to the effect on the community, as a whole, where unions exist and where nonunions exist? That is, as to the material prosperity of the community, the moral welfare, the religious activities, and those things that might be called the purely social institutions of the community.

Mr. HAYES. I should say the social life in the union fields is vastly superior to the social life in the nonunion fields. I say, further, there is practically no social life in the—that is, of any consequence—in these nonunion camps; that the social and religious life of these nonunion communities is dominated by the pit boss or superintendent, who reigns as a king in that community, who lays down the rules and the laws for the community to follow; that there is absolutely no degree of freedom in their social life. There is absolutely no civil rights that are enjoyed in the nonunion fields—that is, a man must not express his thoughts, if they happen to differ with the thoughts of the superintendent, without running the fear of being discharged and possibly assaulted by the guards they have around the mines for that purpose. In the union fields we generally have debating societies, reading rooms, libraries. Our membership is allowed to follow any political faith they want to follow without fear of discharge.

Chairman WALSH. Do they have political meetings, where they are addressed on the issues of the day by candidates for office?

Mr. HAYES. Yes. We oftentimes invite the candidates of the different political parties to address our meetings. We have perfect freedom in voting, meeting, talking, and thinking, conditions that do not obtain in the nonunion fields.

Chairman WALSH. What has your observation been, as to whether or not the meeting together of men in their assembly halls has an effect upon their education, upon their culture, and their knowledge?

Mr. HAYES. I should say that the United Mine Workers is the only school that a great many miners have. Their trade-union hall is their school.

Chairman WALSH. Did you have any education yourself, outside of the school education that you acquired before you were 13 years old?

Mr. HAYES. No; that is all.

Chairman WALSH. I notice that, not to comment invidiously, that you use good language, express yourself well. Where did you acquire what ability in that line that you may have?

Mr. HAYES. Whatever little ability I may have, Mr. Chairman, I owe to my connection with the United Mine Workers.

Chairman WALSH. What has been your observation with respect to other men in that regard? You have seen, for instance, foreigners that come into the organization.

Mr. HAYES. Yes.

Chairman WALSH. Italians, Slavs, and others?

Mr. HAYES. Yes.

Chairman WALSH. What effect has it seemed to have upon them?

Mr. HAYES. Why, I notice the fact when they are members of our union for a certain length of time that they speak the language better, they take more interest in our common life, and the life of our country. They are anxious to read and learn; that it awakens new ambitions and new ideals in them, due to contact with the men who are free to think what they please; and until men are free to think what they please there can be no progress.

Chairman WALSH. Has your union a definite policy with respect to men becoming naturalized citizens and getting an understanding of our institutions?

Mr. HAYES. We have nothing in our organic law on that question, but we do advise, as officers, that every member become a naturalized citizen as soon as possible. In a number of my speeches I have given that advice, and often do so personally to our members.

Chairman WALSH. In communities where the miners are organized, what has been your observation with reference to the miners taking part in the civic life in the community, being candidates for office, urging candidates for office, and serving upon boards, and so forth?

Mr. HAYES. In the union towns miners take a very active part in the political life of the community. In fact, we have a number of our members in the various State legislatures. We have sent men to Congress. We have now, I am very proud to say, a member of the President's Cabinet, Mr. Wilson, Secretary of Labor, a man who went to work in the mines when he was 9 years of age. I think whatever education and whatever advantages have come to Secretary of Labor Wilson have come about due to his connection with organized labor, because he had very little school education, going to work in the mines when he was 9 years of age.

Chairman WALSH. Are there any Members of Congress now who are or have been members of your organization?

Mr. HAYES. Not at the present time. We have a president pro tem of the Ohio State Senate, who is our national secretary-treasurer at this time, and this national secretary-treasurer of the United Mine Workers of America, while never having had the benefit of college training, is the author, I think, of the best workmen's compensation law in the world, the Green workmen's compensation law of Ohio. He is the author of the nine-hour law for women, the author of the mine-run law in Ohio, and several other laws that benefit labor. I want to briefly mention those as types. I could mention scores of others, due to the fact that the United Mine Workers is an educational institution as well as a business institution.

Chairman WALSH. What other effect, if you have observed any, does your organization have upon the civic life of the community where it exists?

Mr. HAYES. Well, you find the——

Chairman WALSH. For instance, Commissioner O'Connell suggests—what influence has it had upon what might be called the temperance movement, total abstinence from the use of liquor?

Mr. HAYES. Well, I can only say that the United Mine Workers of America does not allow any of its members to tend bar or to sell intoxicating liquors, and that a great many of the union fields have voted dry. So far as their use of it is concerned, there are various opinions among the union men, the same as there are among nonunion men, on that question. But I should say that due to the environment and the higher ideals that union men attain, due to their association with their fellow men, they are a great deal more moral than those who are held down, suppressed, and degraded, due to the condi-

tions that obtain in the nonunion fields. In fact, morals and ethics are established in nonunion fields largely by the mine superintendent, and I could recite several horrible things that would not look well in print about the moral life in the nonunion fields. Your investigators have investigated that fact, I suppose. It is a well-known fact.

Chairman WALSH. What has been your observation in point of comparison between union and nonunion camps of cities with reference to the activities of religious bodies, whether or not the exercise of religion seems to be freer or more restricted?

Mr. HAYES. I find perfect freedom toward any religion you want to follow in the union camps. I do not find that freedom in the nonunion fields. I know of preachers who have been discharged or starved to death, because they dared to express their convictions in line with the Gospel taught by the Nazarene. Instances down here in the coal fields of Colorado where preachers have incurred the hostility of the coal companies, because they dared to take our side and stand for the people who are oppressed.

Chairman WALSH. Do you have any other observations that you desire to make as to the effect of collective bargaining on community welfare?

Mr. HAYES. Well, I could, but I do not know just how to approach that. I could say a great deal about what the union means to the life of the community. It is their clubroom; it is their school; it is a place where they become informed of current events; it develops a spirit of comradeship among the men.

Chairman WALSH. How about the effect on helping others?

Mr. HAYES. I was going to touch on that. They, I will say, due to this community life, which the union develops in the camps, close community life, they will assist the sick, give them weekly benefits; they bury the dead, and in every way they endeavor to help each other. In the Illinois union, of which I was secretary-treasurer before I became vice president, we have a $200 death benefit; every miner in the State who dies, his widow receives $200, or, if he is single, his dependents, if he has any.

Chairman WALSH. To what extent has the union policy in Colorado been determined by the national officers, or the national executive board of the United Mine Workers of America?

Mr. HAYES. To what extent has the union policy in Colorado been determined by the national organization?

Chairman WALSH. Yes.

Mr. HAYES. I should say this, that the miners of Colorado, like the slaves of the South, could not throw off their shackles, but had to have help; no serf or slave ever freed himself. But that on account of our duty to these people, on account of our humanitarian interest in them, and our obligation to carry this gospel all over the country, we responded to their very urgent appeal for assistance. We propose to never rest content until every mine worker in North America is enlisted under the banner of our organization. Any time any section or any great body of men in any nonunion field manifests a desire to belong to this union, and recites to us their wrongs, we are going to that body of men, and if we can not settle the difficulty peaceably, which we prefer to, if there is no way of breaking down the tyranny and oppression that prevails, no way to restore constitutional government or give them constitutional government, and when all other means fail, there is but one other thing to do, and that is to strike.

And I want to say right here that I deeply regret being compelled to advocate a strike; but when men are arrogant and will not listen to reason, will not even meet with the representatives of the men, will not even confer with the men themselves, then what is there left to do for the men—the one way out, when all peaceful means fail is by a strike.

Chairman WALSH. Now, then, do you determine the policy of the local organization as to whether or not they shall strike or not strike?

Mr. HAYES. No.

Chairman WALSH. And after a strike, do you or do you not determine the policy as to the conduct of the strike?

Mr. HAYES. No. The men involved determine whether or not they want a strike.

Chairman WALSH. Now, I notice that you were on the policy committee during this strike?

Mr. HAYES. Yes.

Chairman WALSH. Is that the practice of the united mine workers that a national officer shall be on the policy committee where there is a strike?

Mr. HAYES. Well, it is not a policy. I thought it an act of courtesy on my part when I came out here to invite the district officials to go into the district with me and work it out together. The strike was our last thought. I entertained the foolish idea at that time that I could settle this thing peacefully. I thought that we could reason with these operators; I thought that they would listen to some fair and reasonable sort of settlement based upon the laws of the State. That is all I had in mind of the national union doing. Even when the strike was declared I still entertained hopes of settling it on the basis of the laws of the State—and industrial courts to decide the disputes. We did not want here the check-off system. We do not want that to start off with. We wanted to lay here, in a peaceful way, the foundation of the organization. Yet they held to the viewpoint that we came here to take over their business and run it in our own sweet way. Let me say, for instance, the Wyoming operators, where we had a union for years and years without a single disturbance, the State north of here, they prefer union labor to nonunion labor, and they are small operators compared with these big fellows down here. And I think the Colorado coal operators can do the same thing, and all we ask in wages was that they pay in Colorado the same wage scale that Wyoming operators pay their men and give us the same rights and the same liberties that Wyoming gives to the miners of that State, and in making that demand I take it we appeal to the intelligence and fairness of every good citizen of the State of Colorado.

Chairman WALSH. The—it has been stated that one of the demands of your union is recognition of the union. Please state as briefly as you can, nevertheless, as fully as you can, what that term includes, "recognition of the union."

Mr. HAYES. Recognition of the union includes and was so intended to mean the recognition of the right of collective bargaining—the right, if men wanted to join, to have the right to join the union, a right the laws of Colorado give them; that when we have a certain number of men banded together in a locality that we have the right to select a pit committee and present our grievances to the mine boss or superintendent and endeavor to arrive at a settlement.

Chairman WALSH. Does it necessarily contemplate the check-off system?

Mr. HAYES. It does not.

Chairman WALSH. Does it necessarily contemplate a closed shop?

Mr. HAYES. It does not.

Chairman WALSH. Does it contemplate that no nonunion man shall be allowed to work there?

Mr. HAYES. It does not.

Chairman WALSH. Who writes the contracts for your organization which are presented to the operators?

Mr. HAYES. They are written jointly by both miners and operators.

Chairman WALSH. For instance, do you have a definite form that you follow always in drawing up these contracts?

Mr. HAYES. No; we confer. We exchange ideas as to what ought to be in the contract, and sometimes we debate the question for one or two weeks before we agree, but we always generally agree.

Chairman WALSH. Is each contract then the result of a bargain between employee and the employer?

Mr. HAYES. Yes, sir.

Chairman WALSH. That is an individual bargain in each instance, in each State, where the employers have an organization?

Mr. HAYES. Each district.

Chairman WALSH. Each district?

Mr. HAYES. Yes; or subdivision of a district. There are subdivisions sometimes.

Chairman WALSH. Have the national executive board of your organization taken any action regarding the purchasing of arms and ammunition in the State of Colorado?

Mr. HAYES. No, sir.

Chairman WALSH. Have they purchased any arms and ammunition for use in the State of Colorado?

Mr. HAYES. Not to my knowledge.

Chairman WALSH. Have they set apart or appropriated any funds for such purpose?

Mr. HAYES. Not to my personal knowledge.

Chairman WALSH. Have the national officers or the national executive board of your organization taken any action in regard to armed aggression or defense in the State of Colorado?

Mr. HAYES. May I read in reply to that question a letter we addressed to all the coal operators in Colorado before this situation developed, the horrors we have witnessed here in the last year or so, the last few months? Here, Mr. Chairman, is a copy of the letter.

Chairman WALSH. May I ask, before I get to that, do you know of any individuals in your union, either in the State of Colorado or outside of Colorado, that have taken any steps toward the purchase of arms and ammunition for use in the State of Colorado?

Mr. HAYES. No, sir.

Chairman WALSH. Do you know of any individuals, or any organization of individuals, inside of your organization, that have adopted any policy to be followed in the State of Colorado with regard to the attempted aggression or defense in the controversy?

Mr. HAYES. No, sir. Here is a copy of a letter sent to the coal operators in the State——

Chairman WALSH. Just one other question Mr. Ballard asks to have asked at that point: Can you name any district where the check-off system does not obtain where you have contracts?

Mr. HAYES. Yes.

Chairman WALSH. Just name them, please.

Mr. HAYES. In the anthracite region of Pennsylvania we have more than 100,000 members working, and the agreement carries no check off. In West Virginia, in the Cabin Creek field, we have an agreement that carries no check off. In the New River region, district 29 of West Virginia, we have an agreement that carries no check off. We have an agreement in Tennessee that carries no check off.

Chairman WALSH. Do you know in a general way the terms and conditions of what is known as the protocol in the needle trades in New York?

Mr. HAYES. No; I do not. I know it in a general way, but not enough to comment upon it.

Chairman WALSH. Proceed with your letter.

Mr. HAYES. This is a copy of a letter sent to all the coal operators in the State, dated October 11, 1913. This letter was addressed to the coal operators after the violence—the first violence occurred at that time. We say to the coal operators [reading]:

"We deeply deplore the shooting that has occurred near our tent camp at Ludlow, and feeling that you are likewise concerned, we wish to ask you to cooperate with us to prevent a repetition of such occurrences. Whether company guards or miners are wholly to blame, we will not discuss here, but feel that something should be done by both sides to allay the present feeling. Let us both say, so far as it lies in our power to prevent, that there shall be no more shooting or violence in and around Ludlow or anywhere else. Call the attention of your guards to their responsibility, and we will see that our people are likewise informed.

"The searchlight that is turned on the Ludlow camp at night can only have the effect of adding to the bitterness of feeling and should be discontinued.

"We trust you will accept this letter in the same spirit in which it is written and as a sincere expression of our desire to promote peace and quiet in all the coal fields of the State.

"Yours, very truly,

"FRANK J. HAYES,
"JOHN R. LAWSON,
"JOHN MCLENNAN,
"E. L. DOYLE,
"*Policy Committee Representing Colorado Miners.*"

Chairman WALSH. What was the date of that document?

Mr. HAYES. October 13, 1913. There had been very little violence up to that time. The first real violence occurred—from that letter to the operators——

Chairman WALSH. Did you receive a reply?

Mr. HAYES. We received no reply. The only thing was an insulting interview given by one of the operators to the press in regard to this communication. We at no time received a reply from a single coal operator—those big operators.

Chairman WALSH. What has been the effect on the temper and feeling of organized miners, organized labor, in other States, growing out of the recent events in Colorado?

Mr. HAYES. Why, the miners of the other States feel, of course, very bitter toward the operators in Colorado, especially when they think about the murder of the women and children at Ludlow, but that feeling has not crystallized in any concrete action or form, just a sense of resentment to think that men would be so brutal—especially the richest man in the world; that a man who gives millions away to charity would be so brutal as to support a system of anarchy—a system where civil government has broken down, where more than a thousand miners have been murdered—I won't say murdered but killed in the coal mines of this State by industrial accidents that could have been prevented in a great many cases; but under nonunion conditions the miner is afraid to complain. Now, if the miner is working in an unsafe place he don't want to complain. Lots of times he would rather take a chance with his life than take a chance with his job. So he works on, and due to this fact the death rate in the mines of Colorado—I will take it for a period of five years—is higher than in any other coal-mining State in the Nation. They murdered them in time of peace, and they murdered them in time of what is called war, simply when they make an attempt to redress wrongs they have suffered for years and years.

Chairman WALSH. What solution, if any, Mr. Hayes, would you have for the problems that have been raised by this difficulty in Colorado?

Mr. HAYES. My solution is to establish the principles of collective bargaining. I think that is the best method yet devised for the adjustment of labor disputes.

Chairman WALSH. Is that all you would have to say upon that?

Mr. HAYES. That is my sole conviction.

Chairman WALSH. Mrs. Harriman would like to ask you a question.

Commissioner HARRIMAN. I would like to ask you what percentage of the C. F. I. miners were members of the union before the strike?

Mr. HAYES. I could not say. I will say this, though, Mrs. Harriman, that the miners were afraid to join the union. We could not enter the camps to ask them to join our union. They could not hold meetings of their union if they organized one without being discharged and persecuted; consequently the membership we had in southern Colorado was insignificant, due to the facts I mention.

Commissioner HARRIMAN. As I understand it, the operators claim that at that time the agitators came in and that their men—a large percentage of their men—did not wish to join the union, and that they had to protect them against these agitators? What is your answer?

Mr. HAYES. Let me say in reply to that that the men were more than anxious to join; that if there was any intimidation it was on the part of the operators in keeping the men in the mines. I know several instances where men were kept in the mine, kept in the mines, the camps, when they wanted to leave. In every one of these camps, the first day of the strike, there was a large body of armed ruffians who tried to intimidate men when they came out and keep them in there, but in spite of that intimidation on the part of the operators approximately 80 or 90 per cent came out on strike the first day. And let me say further that the day of that strike was the most miserable day I have known—rain, snow, sleet, and cold. Their families came out and passed those armed guards and got to the open prairies, and many of them slept on the ground the first few days of the strike, because we had no tents in which to shelter them. But I say the intimidation was not on our part but on the part of the operators through their gunmen.

Commissioner HARRIMAN. Did the employees demand that they should have a union; did they ask you to come from the outside?

Mr. HAYES. Yes, madam.

Commissioner HARRIMAN. And organize them?

Mr. HAYES. Yes, madam.

Commissioner HARRIMAN. And you did not just know and think it would be a good thing?

Mr. HAYES. No, madam. From my personal standpoint it meant an expenditure of millions of dollars in making that fight. We listened to their appeal for aid.

Commissioner HARRIMAN. Mr. Hayes, do you or do you not believe that much misunderstanding and antagonism would have been averted if there had been a form of collective bargaining?

Mr. HAYES. Yes, madam.

Commissioner HARRIMAN. You do think that it would?

Mr. HAYES. I think that a great deal of antagonism could be eliminated by establishing the principles of collective bargaining. I know it can, because I see what it has done in the union fields. There is a very friendly feeling in the union fields between the operators and miners.

I remember addressing a meeting in Cheyenne, Wyo., when the miners dedicated their labor temple, a building that cost about $25,000, and the operators and miners fraternized together as one. We had a splendid time there together that night in the dedication of the labor temple. I could recite a number of incidents similar to that incident.

Commissioner HARRIMAN. I have heard it claimed here by representatives of the operators that they could not treat with your organization because of your irresponsibility in regard to financial matters—I do not mean personally, I mean the union as a whole. What is your answer to that?

Mr. HAYES. My idea about that is that they know very little about our union. They have never endeavored to find out from our union what it stands for and they don't know, due to their arrogant position from the start; that is all guesswork on their part.

Commissioner HARRIMAN. Have you personally ever had a talk with Mr. Welborn or Mr. Osgood?

Mr. HAYES. I never had the pleasure of meeting the gentlemen. I would not know them if I saw them.

Commissioner HARRIMAN. They have refused at all times to have anything to do with you or to talk to you?

Mr. HAYES. Yes, madam; absolutely refused to have anything to do with us or arrange a meeting at any time or seeing us. Practically all the coal operators in the United States do business with us every day, and recognize us as a business institution. Yet they think they are supreme, I suppose.

Commissioner HARRIMAN. That is all.

Commissioner LENNON. Mr. Hayes, we have before us a statement as to money offered by, money paid to you.

Mr. HAYES. I am glad you spoke about that.

Commissioner LENNON. Will you make an explanation covering that matter?

Mr. HAYES. This story about officers' salaries is only one of the numerous lies that have been sent out by the press agent of the coal operators. I did not take it very seriously until we received numerous letters about it. I could not see how anybody could take serious notice of it, knowing anything about a labor union.

I have here the annual report of Secretary-Treasurer Green. Here is the way it reads:

"Expenditures, salaries and expenses of officers, organizers, and employees, for the year 1913."

Now, these operators say that I received a salary of $00 a day, or $32,000 a year. It is too bad I do not. The only sad thing about this entire story is that I do not get that $32,000. But, to answer your question. Here is the official report, and it shows that I received for one year's salary—one year, not nine weeks—$2,295.72; one year's expenses, $1,057.20; making a total of $4,082.92. Yet they say that covers a period of nine weeks.

Chairman WALSH. Was that taken out of that report? How were those figures arrived at, if you can give a reason?

Mr. HAYES. I can not understand any reason for the figures, except the so-called press agent might think that we were only paid when there was a strike on, and that it paid us to go and call strikes, and that during peace we got no salary and expenses. Had the report covered only nine weeks of this strike—this report is ending November 20—had it started with September 23, this so-called press agent might have understood that that was the salary I would get from September 23 to November 30. But, as a matter of fact, I am paid an annual salary.

Chairman WALSH. What amount of service did you render in this field as compared to your entire service that year?

Mr. HAYES. I spent most of my time from September 23—practically all my time—in this field to December 22.

Chairman WALSH. Prior to that time; take the year as a whole.

Mr. HAYES. I spent part of my time in West Virginia, Illinois, Indiana, Ohio, and Pennsylvania.

Chairman WALSH. Performing ordinary duties of the office?

Mr. HAYES. Performing the ordinary duties of the office; yes, sir.

Chairman WALSH. That was apparently all concentrated in those nine weeks in the mind of the person that wrote that?

Mr. HAYES. Yes. The constitution, let me say further, of the United Mine Workers specifies the salary received by every single official. The international secretary-treasurer could not pay more than the constitution allows without being removed from office for malfeasance.

Commissioner O'CONNELL. Did you receive any moneys in any other way while you were in this field?

Mr. HAYES. Absolutely no.

Commissioner O'CONNELL. Donations, for instance, or contributions that might be made to the miners?

Mr. HAYES. I want to say, in answering that question, I handled no money in this strike; that all the money that was handled was handled by International Secretary-Treasurer Green. My work is executive. I have nothing to do with the financial work of the union, and handled no funds at any time.

Commissioner O'CONNELL. All the moneys coming into this district during the strike, either for strike benefits or for relief of any kind, passed through the hands of the secretary-treasurer of the district?

Mr. HAYES. Yes.

Commissioner O'CONNELL. None of the international officers or officers of the district except the secretary-treasurer handled any of the funds—received it or paid it out?

Mr. HAYES. That is correct.

Chairman WALSH. This statement has been made to members of the commission—that the compensation of organizers is greater during the time of strike than it is in ordinary times, and that hence there is a motive for calling the strikes. Is there any truth in that statement?

Mr. HAYES. There is no truth. The salary is the same in peace or in strike. In fact, the organizers prefer peace, because when there is a strike they have to work twice as hard. We are not very anxious to promote strikes for our own personal comfort, because it means more work.

Commissioner O'CONNELL. Are there not cases of where an organizer will contribute some of his salary and expenses for the relief of those out on strike?

Mr. HAYES. Well, sir, I spent every single cent of my salary in the strike region and went $200 in debt to assist deserving strikers.

Chairman WALSH. At this point we will adjourn until 2 o'clock this afternoon. You will be excused permanently, Mr. Hayes.

(At this point, 12.30 o'clock p. m., Wednesday, December 15, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The commission will please be in order.

Mr. Costigan will please take the stand.

TESTIMONY OF MR. EDWARD P. COSTIGAN.

Chairman WALSH. State your name, please?

Mr. COSTIGAN. Edward P. Costigan.

Chairman WALSH. Where do you reside?

Mr. COSTIGAN. Denver, Colo.

Chairman WALSH. What is your profession?

Mr. COSTIGAN. Attorney at law.

Chairman WALSH. We have had a brief on behalf of the striking miners filed with us, to which your signature is attached. You are the same Mr. Costigan who represented the strikers before the congressional committee?

Mr. COSTIGAN. Yes, sir.

Chairman WALSH. Now, I would like, if you will, Mr. Costigan, that you should make a statement to the commission and confine yourself, if you will, please, also to what might be called your idea of the solution of the problems that you observed during this difficulty and any constructive suggestions that you may have to make to the State or Government to put an end to such conditions.

Mr. COSTIGAN. If you will permit, Mr. Chairman, I should like to preface my statement with a reference to the congressional hearing. On February 10 of this year, as I recall it, I was asked to appear as special counsel in the place

and at the request of Mr. Horace N. Hawkins, attorney for the United Mine Workers, who was engaged elsewhere at that time. My association with the work of the congressional committee, which continued from that time to the conclusion of its labors in Colorado, and through the preparation of the brief to which you have referred, was my first association with the organization mentioned, although for many years before I had been deeply interested as a citizen in the solution of industrial difficulties.

During the hearings before the congressional committee I examined and cross-examined many witnesses who appeared before that committee; and, outside of the hearings, of course, talked with uncounted numbers of workers, both north and south, but in the southern field, particularly; so that my information is based on a very wide field of discussion.

I understand your question, however, to relate to the causes and the solution, or rather the solution. In referring to that matter I feel I ought to say that in the course of the discussions and testimony given before the congressional committee, I reached certain convictions without any previous conception of a biased or partisan sort.

Chairman WALSH. Of course, we would be very glad for you to give your opinion also of the causes. I would not want you to feel that you were limited to the solution.

Mr. COMMONS. I was going to say, Mr. Chairman, that the discussion of the solution ought probably to follow a very brief recital of the causes as I found them in that industrial investigation, because the remedies more or less correspond to the causes of the industrial unrest in Colorado.

I was convinced that all the causes to which I shall refer were proven to have a reasonable foundation in the minds of those who professed to have grievances, and I think the testimony given before the congressional committee, as well as the testimony taken before this body, substantiates that conclusion.

There is, of course, in Colorado as elsewhere the general human unrest which is at the basis of all progress, and there is no need of reference to that aspect of the Colorado situation. In Colorado in addition to that underlying cause there has been a feudalistic system with absentee control, long prevalent, especially in the southern field, on the part of the employers toward their employees; and this system has been perpetuated largely through the political dominance of great industries in that field. Last spring a State senator, who resides at Colorado Springs, visited Ludlow, and following an investigation which he conducted there after the tragedy at Ludlow, he made a statement to me which I think concisely illustrates the matter I have in mind. He said he had found, after a searching inquiry into conditions in southern Colorado, that the motto of large industrial concerns, especially in Las Animas and Huerfano Counties, might be expressed in two words, "We rule." He said the practice of the coal companies, as he knew from his investigation, had been to assert ownership throughout southern Colorado, the ownership of courts, executive and legislative officials, of coroners and other juries, of the churches, of the saloons, of the schools, of the lands, of the houses upon the lands, and eventually a certain ownership over the men who toil upon the lands. And this senator, speaking to me, said that these operators were surprised when in September, 1913, their motto had been taken up by the employees in southern Colorado and had been answered in practically the identical words—"We rule." This senator felt that was a comprehensive description of what had occurred in that part of Colorado, and he and I agreed that the time had come in Colorado for the people of this State to say alike to capital and to labor—"The people of Colorado rule, over every special interest, with justice, of course, to be exercised alike toward labor and capital."

Another underlying cause which has been long continued and long manifest in Colorado, but one which has been much less recognized in our industrial difficulties, in my opinion, has been the fact that our difficulties in the coal fields have grown out of and are related to a public necessity capable of monopoly. The public, of course, immediately recognizes the seriousness of an industrial difficulty in a field of that character, and quickly arrays itself, whenever a difficulty arises, on the side of the employers or of the employees. At least portions of the public take sharp positions in controversies which involve a public necessity, where the public, of course, in the end is obliged to pay the bill. Here, for instance, in Colorado we have been paying the bills twice for the great strike which has been in progress; once in the million-dollar debt incurred through sending the militia to the field, and again in excessive prices for coal.

In addition to these underlying causes there have been, of course, many acute, more or less superficial, reasons for industrial difficulty which may be grouped under the one head of lack of law enforcement and just working conditions, and the denial of constitutional rights before and during the strikes extending from 1910 to 1914. Among these causes, referring now more particularly to those existing before the strike, we find the denial of free speech, of the right of petition for the redress of grievances, and of the right of assembly, concerning which there has been considerable testimony given here. I have in mind, for example, the testimony of Dr. McDonald, of Aguilar, whose statement I listened to the other day. This situation, of course, has been largely due to dominance in the political field by great industrial concerns; and under this head, or, at least, following from the existence of this condition, may be put the refusal of the operators to meet and confer with the workers or strikers in advance of the calling of the strike or during its continuance.

The avoidance of the various laws in Colorado—their nonenforcement—has, I think, also been thoroughly proved. Take, for example, the semimonthly pay-day law of 1901. I think I heard Mr. Welborn testify here the other day that his company partially put that law into effect in 1913.

Discriminations against union men are overwhelmingly shown by the congressional record, if not by your own, the laws of 1897 and 1911 to the contrary notwithstanding. There is a mass of testimony upon this subject either available or in the record.

The same disregard of the antiblacklisting law was shown in the congressional hearing. The two statutes of 1897 and 1905 have been apparently continuously violated. There is at least much uncontradicted testimony showing such violation.

The resistance to the operation of the eight-hour laws in Colorado furnishes another chapter in the industrial history of this State, and is well known by all old-time residents of Colorado. In 1899 the legislature of this State passed an eight-hour law dealing with work in underground mines and smelters. That law was declared unconstitutional by our supreme court, in what is known as the Morgan case, in the fall of that year, our court running counter to the views of the Supreme Court of the United States and of the Supreme Court of Utah, recently expressed upon the same subject. And immediately following that decision there began a long political industrial struggle in Colorado which resulted finally in the adoption of a constitutional amendment in this State permitting the legislature to enact eight-hour laws in those fields in which the legislature declared there was danger to human life; yet after this popular action there was much resistance by employers to the putting into effect of the laws subsequently enacted.

The same indifference in law enforcement was found in the testimony in the congressional hearing applicable to the anticscrip law of this State, which was adopted in 1909. There was evidence that scrip was still being used in this State this year, not by the Colorado Fuel & Iron Co., which recently abandoned it, but by one or more of the other companies.

The complaints concerning checkweighmen and short weights likewise have been shown to be well grounded, notwithstanding the enactment of a law upon that subject in 1897; and this subject has been a particularly aggravating source of industrial unrest, because, as we found it in southern Colorado, men have felt, where they have been short weighted, as they express it, that they have been subjected to the same imposition that the average citizen resents when having his pockets picked of his earnings.

In the field of preventable mine accidents and deaths, we have also had striking grievances. The Colorado Bureau of Labor has issued a report—the report of Mr. Dalrymple—showing that not less than 50 per cent of the shocking accidents in this State have been of a preventable character. At least Mr. Dalrymple makes that assertion, and, I believe, every well-informed citizen must realize that a large proportion of the mine accidents in Colorado have been preventable through the enforcement of our existing mining statutes. This grievance, it seems to me, ought to be considered in conjunction with the worker's view referred to in a measure by Mr. Hayes, this morning, that death by avoidable accidents in the field of industry is fundamentally death by violence, and essentially subversive of human rights. This view is surely entitled to respect. Many men have felt in the southern fields that the distressing tragedies, for instance, of last April, from the standpoint of the worker, were not as lamentable as from the standpoint of the ordinary citizen, because labor has from year to year long paid an excessive toll in accidents and deaths of a prevent-

able character, had the laws of this State been enforced according to their letter—not to mention their spirit.

There should be emphasized of course, in this connection, the grievance on which the members of the commission have spent much time—the absence in Colorado of workmen's compensation laws, and, in that connection, the control of coroners and other juries, about which the commission has heard much.

The employment of mine guards, who, for a price have tended to stir up trouble in the southern field, has been another proven source of complaint.

To turn from these general conditions which, as is well known, prevailed during the period before these strikes, to the causes of industrial dissatisfaction during the strikes, we have the use to a very considerable measure of private detectives and deputy sheriffs and the making of private war in southern Colorado; and I wish merely to mention this unfortunate situation in passing. It is quite unnecessary at this time to review the circumstances under which arms and ammunition were clearly shown to have been brought into this State and used here.

The violation of the peonage statute of the United States of 1867, was something also shown in the congressional hearing. To that subject, I think, this commission has not directed its attention. The shipments of strike breakers, intelligent and uninformed, into the strike district was clearly shown; and under the doctrine that compulsory service for the cancellation of indebtedness, whether by force or intimidation, constitutes peonage, I am satisfied it was clearly proven that peonage did, for a time at least, exist in certain of the mines of southern Colorado, notwithstanding the Federal law; and that there was the same lack of regard for the Federal statutes in that respect as there had been previously in the State laws. This attitude was shown by the admission of certain of the employers with reference to the violation of the postal laws of the United States; but that, of course, did not constitute so grave a source of complaint as the holding of men for the working out of debt.

The disregard of the antideception law of the State of Colorado of 1911 was likewise shown. Under that statute workers were supposed to be informed in advance of employment of the existence of a strike in a district, when there was a strike in progress; and lack of knowledge on that subject, I think, was fully shown by the testimony, in the case of many men shipped in from the Pittsburgh district.

In addition to the complaints of which I have spoken, many instances of abuse by the militia, with or without the authority of the commanders, were brought to the attention of the congressional committee. The Moyer decision (35 Colo. Repts., p. 159), perhaps, ought to be considered in connection with these abuses. I think I may fairly say that well-grounded lawyers and judges are practically in accord in holding that the courts of Colorado and West Virginia have erred in upholding extremes of military action; and that the sound doctrine is that the privilege of the writ of habeas corpus should not be suspended without legislative sanction; also that whenever the courts are open, as they were in southern Colorado, during most of the trouble—of which we have heard—and when actual war is not in progress, no person not engaged in the commission of violence should be arrested without a warrant, and no person whatsoever, except during the progress of active conflict, should be detained in custody without a charge being filed and an opportunity for a hearing being afforded. These fundamental views of constitutional rights were repeatedly and flagrantly violated by the militia in southern Colorado.

In the face of these causes the remedies almost suggest themselves. Many disinterested people in Colorado not connected with either side of the controversies in this State have given serious thought to these remedies. The first of the remedies on which they are agreed is law enforcement. Genuine law enforcement would undoubtedly go far to relieve many of the causes to which I have made reference, especially if law enforcements be given its larger sense of the recognition of all legal and constitutional rights.

A second necessity, as many of us view the situation, is a different attitude of mind. People should recognize that a change has arrived in the development of civilization and that the old individualistic point of view must yield to the social point of view. The cooperatively disposed employer should stand ready, with or without law, to work with the cooperatively disposed employes; and in this connection labor's right to organize, already recognized by the letter of the Colorado law, and to do collective bargaining, should be acknowledged in fact as well as by our statutes.

Steps also should be taken which will make life more human for the workers

in Colorado, particularly in the southern fields. The workers should be encouraged to own their own homes. They should be encouraged to help raise their own standard of living; and I think the testimony here, some of which appeared in letters quoted this morning, substantiates the view that the unions do definitely make for better standards of living. The standard of education, to which the unions contribute, as shown here by the witnesses themselves and by their testimony this morning, should likewise be directed along lines of safety, comfort, and civilization.

The workers should also be assured, not only here but elsewhere, of fair wages, workmen's compensation in cases of accident, insurance and pensions to cover the calamities that attend the ordinary activities of the workers' lot. And in this connection, I think, should be remembered what one of the witnesses this morning emphasized, that in States like Iowa and Illinois, not to mention others, where coal operators make contracts with the workers, and the men own their own homes, the coal camps are about as peaceful as the farming communities. Congressman Foster, of the congressional committee, has personally stated this to be the fact in his own State of Illinois.

The public-necessity aspect of coal mining, in the opinion of many of us, should also result in its being made constitutionally a public utility, subject to regulation by law along all needful lines. At the present time coal mining, notwithstanding this public aspect, is treated as private business, and the community has again and again been openly or inferentially warned that its need for coal might be ignored by the owners of this great public necessity. The public ought not to be subjected to such a threat if the law can—as it can—prevent the danger of the curtailment or suspension of the service of a public necessity; and that very threat, without question, has resulted in a hardening of the public attitude toward just complaints which otherwise would have been received with human sympathy and understanding.

It may interest the commission to know, also, that in Colorado, which owns most valuable coal properties, other helpful remedies are available. We have at this time, as I think Mr. Welborn testified, many valuable acres of State school land now being leased to coal companies on the basis of 10 cents per ton royalty. These lands have been among the most productive in the State of Colorado; and there is no reason in the law, and certainly none of a public character, why these leases should not be revised under law so as to provide for fair wages, for just working conditions, for law enforcement, and even for the fixing of a retail price on coal mined on the State school lands, through the allowance of a reasonable return upon the investment of the lessee over and above the cost of mining and operation and sale. In this connection the State operation of State coal lands could very easily be provided for, at least by constitutional amendment, and a policy of conservation could be, as it should, supplemented in Colorado, as by the Federal Government where it owns coal lands, through the sound use and production of natural resources.

Supplementing this control over State or Federally owned coal lands, we believe some relief from existing conditions would be achieved through provision under law for the State and Federal operation of other coal lands than those so owned in case of emergency, reasonable compensation, of course, to be paid to the owners for such use.

In addition to these steps to remedy the complaints of which I have spoken it has been the judgment of a large group of independent thinkers in this State that there should be laws for State and Federal arbitration of strike disputes, preferably along the lines of the Canadian arbitration disputes act, providing for the compulsory investigation and the noncompulsory arbitration of disputes.

In this connection the Federal law of 1913 relating to controversies on railroads, known, I believe, as the Newlands Act, is suggestive as embodying the feature of noncompulsory arbitration by agreement, which idea will also be found embedded in the Canadian arbitration disputes act. It should be remembered that all legislation upon this subject is more or less experimental and that there is no ready-made cure-all for the difficulties.

In addition to these remedies, I personally have been impressed with the view that there should be clearer State and Federal legislation defining constitutional rights, especially when the militia is in the field. The tendency toward arbitrary exercise of power is great wherever power is lodged, and the use of the militia in labor disturbances has afforded no exception.

Colorado's experience decidedly suggests a number of Federal remedies both including and in addition to those here proposed. These were enumerated in the brief in the congressional hearing to which the chairman of this commission

referred, and I think it will be sufficient if, even at the expense of some repetition, I may have leave to read into the record the specific remedies suggested in the brief in question. [Reads:]

"Federal legislation, carrying penalties for violations, along the following lines was earnestly recommended:

"1. Rigid prohibition of interference with United States money orders, mails, and post offices, protecting the inviolability of correspondence, requiring free public access to post offices, fixing unequivocal Federal jurisdiction over the same, and maintaining public rights of way to and from the same for any and all users.

"2. New statutory definitions of peonage, including interstate movements of workers, and forbidding any system of forced labor for the working out of any debt, as in violation of public morality.

"3. A Federal antideception law, forbidding misrepresentation, fraud, or force in foreign and interstate employment of workers.

"4. The prohibition of interstate shipments of workers in strike disturbances to take the place of strikers.

"5. The prohibition of the interstate movement of guards, gunmen, and private detectives, and of the interstate shipment of firearms and explosives for the maintenance of private war, whether during or in anticipation of strike disturbances.

"6. The prohibition of arrest, trial, or conviction of persons, or the taking of property without charge, notice, and due opportunity to defend, under judicial conditions, with clear legislative definitions of generally recognized constitutional rights.

"7. The supervision of all corporations doing interstate business and their Federal licensing, with power to revoke when required by the public welfare.

"8. The prohibition of interlocking directorates and of 'dummy' directors for corporations engaged in interstate commerce, with personal penalties attaching to individual officers for corporate violations of law.

"9. Full legal recognition of labor's right to organize, with prohibition of discrimination against organized labor and its products in interstate commerce; also full legal recognition of labor's right to do collective bargaining with capital operating collectively.

"10. The unqualified fixing of the status of coal mining as a public utility.

"11. Strong Federal provisions for arbitration in labor disputes involving public utilities doing interstate business, with continuing service to the public, subject to fines for violation, pending an attempt at Federal arbitration.

"12. Provision for the taking over under law of the management and operation by the Government of public utilities doing an interstate business for the benefit of society, on just terms, pending settlement of industrial controversies."

These suggestions ought to be tested and modified, in my judgment—all of them—by the view that the rights of society are supreme over every and any special interest whatsoever, whether of labor or capital. The human end of the problem should not be lost sight of. Labor represents manhood, womanhood, and childhood. Capital represents machinery and earnings. Labor is therefore more important. This was Lincoln's view, and it is, in my opinion, fundamentally sound. I wish only to add to this summary of causes and of remedies the statement that the remedies proposed are not exhaustive, but they certainly constitute valuable steps to the new freedom, or better still, to the new and universal justice.

Chairman WALSH. That is all. Thank you very much, Mr. Costigan.

Mr. Linderfelt.

TESTIMONY OF MR. E. E. LINDERFELT—Recalled.

Chairman WALSH. Mr. Linderfelt, I was told that you desired to make some statement, perhaps in contradiction of something that has been said here by some other witness.

Lieut. LINDERFELT. Yes.

Chairman WALSH. And I wanted to give you an opportunity to do that, but it must be a very brief one, because, you see, we have a regular set program and are leaving this evening. What was the particular thing to which you wished to direct our attention?

Lieut. LINDERFELT. I understood Mr. Doyle wished me to be asked the question if it were not true that Martin, who belonged to my command, was killed by ourselves because of his sympathies for the union.

Chairman WALSH. I think he said upon the witness stand that he would like it if Mr. Linderfelt had been asked whether or not it was not known that Mr.

Martin, who lost his life there, was sympathetic toward the union. I think that about states what he said.

Lieut. LINDERFELT. Yes; the man belonged to the union at one time, I was told, but at that time I did not know it—belonged to some union.

Chairman WALSH. Well, had he expressed any sympathy toward unions generally while in the field?

Lieut. LINDERFELT. Yes; to a certain extent, I think. Just as I had when I first went down there.

And then I have some shells that I wanted to present.

Chairman WALSH. Very good.

Lieut. LINDERFELT. You asked first about that clip—the Army clips.

Chairman WALSH. Yes.

Lieut. LINDERFELT. Here are two. Our clips are made at the Frankford factory and bought from the Government and furnished the State and consisted of these shells here with an alloy steel jacket with lead inside to weight it; and that is one of the service clips [exhibiting the clips to the commission].

Chairman WALSH. You will offer those in evidence, will you, and let us just take those?

Lieut. LINDERFELT. Yes, sir. Then, I have some samples of shells taken from John Lawson's tent in the tent colony, and these I have were taken from about 19,000 rounds. This heavy shell marked "45-702" is drilled in the center so that it has what is called the air-cushion shell. It explodes on impact from the compression of the air and makes a frightful wound. Now, there are three of those, or two of them, drilled. Now, this shell [picking up another] is marked "C. D." and "C-90" and is a brass bullet, which is the same as the poison bullet used in the Philippines. I have seen seven men struck in the leg with those bullets. One of them recovered only by amputating clear to his hip. He was struck in the foot. The others [picking up two other shells] are 30-30 bullets that are cut and notched to tear, probably due to the reason that there such poor shooting was done, because a bullet of that kind is not a bullet that will carry straight. These two are samples of their bullets, and here are two marked "F A 2 12," which are shells made for a .45-caliber pistol bullet used in the service. And these [indicating two others] are two "32" bullets that have been cut off there and drilled to tear. And this [exhibiting another] is a shell marked "B W S" "Velo-dog," which is a French shell, made for bicyclists in France, I understand, with a brass-copper jacket, which poisons.

Chairman WALSH. Made for bicyclists?

Lieut. LINDERFELT. Yes; used by the bicyclists in France. Well, "Velo" means wheel or bicycle. Now, this shell marked "Eley No. 1 EXPs" is the shell or bullet used, fired from a gun in hunting elephants or any large game. It has a fulminate cap in the end of it and explodes on impact, tearing a frightful wound. This is one of many, and these are samples of many of the shells to be found in his tent, and his tent was marked by his name.

Chairman WALSH. Anything else you wish to say?

Lieut. LINDERFELT. No.

Chairman WALSH. Thank you; that is all.

(The several clips and shells above described were offered in evidence.)

Chairman WALSH. Mrs. Robinson may take the witness stand.

TESTIMONY OF SENATOR HELEN RING ROBINSON.

Chairman WALSH. Please state your name, Mrs. Robinson.

Senator ROBINSON. Helen Ring Robinson.

Chairman WALSH. Mrs. Harriman will examine.

Commissioner HARRIMAN. Mrs. Robinson, will you please state what office you hold and how long you have lived in Colorado?

Senator ROBINSON. I represent the city and county of Denver in the Colorado Senate. I have lived in Colorado more than 21 years.

Commissioner HARRIMAN. How did you first become interested in the coal miners' strike?

Senator ROBINSON. Naturally, I became interested at the very beginning, when the announcement was made that there was to be a strike, for I was housekeeper and home maker here, but I left Colorado before the strike had really progressed very far. I went East and spent the winter and early spring in the East and Canada, going up to Canada, by the way, in order to study the workings of the industrial disputes act, which I had hoped to introduce into the next session of the Colorado Legislature.

My acute interest in the strike was aroused toward the close of my stay East after the incident of Mrs. Jones, generally known as Mother Jones. I was speaking in the East in many cities, and toward the latter part of my visit in the East I was being constantly interrogated in regard to their holding Mother Jones, so called, incommunicado in Colorado. I suppose something in the age and sex of the woman impressed the imagination of the people in the East, and it seemed to be very much in the air—that topic—and questions were constantly put to me, after public meetings, in which I was heckled most unmercifully, as to why the women of Colorado, more particularly, consented to the holding of a woman of 82 by the military power of the State without objection or protest, apparently. That being so, after the questions had been repeated a sufficient number of times, I packed my trunk and came home, in order to find out what the true condition was. The following morning after my return I came down to the office of Gov. Ammons.

Commissioner HARRIMAN. What date was it?

Senator ROBINSON. This was in March—mid-March—the diary which I meant to bring here having my exact dates, for the first time in a week I haven't with me, as I was in Boulder yesterday and left it there. It was approximately in March, perhaps a little later than the middle of March; perhaps about the 20th of March, when I visited the governor. I found him very cordial and very friendly; and then I asked him about Mrs. Jones, and wished to know further in regard to the matter. But he seemed unable or unwilling to discuss the holding of Mother Jones incommunicado. He desired to spend his time discussing the moral character of the woman, and I couldn't get beyond that—her character in the past, 20 and 30 years ago. I couldn't seem to get any answer to my protest made to him, not exactly in these words, but in effect that he was making himself and the State ridiculous by holding her as a military prisoner, considering her age and all the circumstances. I remarked that I desired to be friendly and help him out, and I offered John Lawson as a substitute. I told him I thought it would be much better for him and for the State to hold him, Lawson, in that particular position if he desired to do so. As I say, I couldn't get him beyond the personalities of the case, and finally, in some heat, I told him that I was not at all concerned with the virtue of an 82-year-old woman, but I was greatly concerned in the rights of habeas corpus; and feeling that there was no particular help there, I left the office and began making preparations to go to the southern coal fields.

Commissioner HARRIMAN. What was your first visit to the strike zone?

Senator ROBINSON. I went down there, I believe, on the 8th of April; I believe that is the date. I had been several days making arrangements to go, because I meant to spend considerable time there. I went, not expecting to discover anything new, and certainly without any predisposition either for or against turbulent capital or turbulent labor; but I felt that I wanted to understand. That was all. I wanted, of course, particularly to understand because I realized that at the next session of the legislature we must do something for Colorado in the matter of industrial disputes.

Commissioner HARRIMAN. What did you find the situation to be, and what seemed to you to be the particular causes of the extreme bitterness?

Senator ROBINSON. Before answering that question, I would like to state also that the day before I started, my preparations being all made to go, I received a telegram from the New York American, to which paper I contribute signed editorials on social topics, asking me to go down and write an article for them in regard to the human side of the strike. So I had in a sense a double errand in going there. I had been hearing a good deal about the workingman, and I wanted to find out something if possible about the workingmen; and I wanted also, in a general way, to translate if I could the terms "capital and labor," of which I had been hearing a good deal, into terms of men, women, and children. I went also as a woman to whom the change in the price of coal was a material matter, and I represented, I think, in a way, the attitude of the great body of women in my circumstances here in Denver—my circumstances being that I had no strings on me by turbulent capital, and I was in no way related to turbulent labor. I wanted to find out, in other words, something of the situation from the point of view of 90 per cent, at least, of the people of Colorado; the people who were paying from $1 to $1.75 a ton more for coal than they should be paying on account of the strike—or had been doing it, rather, in the winter.

I wanted particularly to go from the point of view of these men and women in Colorado who had been, we felt, in a sense disgraced by the constant recur-

rence of turbulence here. I think, perhaps, I had to go East in order to fully understand that phase of the situation. And also I wanted to realize if this thing must continue forever. You see this situation in the coal field had been going on for 30 years, during 21 of which I had been living there.

I had heard a good deal about the very bad character of the workmen down there, and believe that testimony was brought out during the congressional hearing, the statement that we had so many undesirable workmen in the coal fields—so many foreign-born people. I knew from my own investigation that, though only one-eighteenth of the population of Colorado lives in these southern coal fields, yet more than one-third of the illiteracy of the State is found there. Those, in short, were the thoughts which I had in mind in going there, keeping always in mind the fact that I probably should not have gone if I had not been a member of the Colorado Legislature with duties and responsibilities calling on me to understand the situation if I could.

I went prepared to see the representatives of the Colorado Fuel & Iron Co., and I spent a long time with Mr. Welitsel. I spent a long time interviewing and discussing matters with members of the militia. I talked with representatives of labor; I talked with the plain citizens of Trinidad. On my first visit my time was spent almost entirely in Trinidad. I went into a great many stores and places of different sorts and said, "Now, I don't know your name and you don't know mine, and I can not use your name against you in any way." I went to the merchants of Trinidad and to others, and I got answers to many of my questions.

In going to Mr. Welitsel's office, as I was going in the door by appointment, I met two members of the militia coming out of the office. Afterwards I asked an employee in the building if that was a usual incident, and he said, "Oh, yes; that happens nearly every day. We call that the military headquarters." I should be very glad to tell the commission the name of the man that made that remark privately, if desired. I asked Mr. Welitsel with some emphasis—perhaps I was aroused by seeing these two men—in regard to the statement that members of the militia were also drawing pay from the coal companies. I told him that as a taxpayer, as a woman who was paying her part of the dollar a day that was being paid by the State to support each of these militiamen, I wanted to know why he was paying $3.50 to $4 or from $3 to $5, because it seemed to me the thing for which I was paying my part of $1 a day was directly the opposite of that for which he was paying $3.50 a day; and, in a way, it would seem that those militiamen, if they did their duty to both of us, would have to ride horses going in opposite directions. And he said, in response to that, that the company was good to the people wo were good to them, and there was no reason why he should turn from those men who had been their employees because the State chose to pay them also.

I also asked him in regard to the story which I had heard circulated that the company was in the habit of sending down the canyon the men of Scottish and British birth and others of perhaps the higher class of workmen and preferred to employ the people who are called "the outcasts and dregs of society drawn from the southern countries of Europe." In answer to that, or incidentally, he told me he preferred the Slavs above all other workmen because they were more easily managed. He was extremely courteous and helpful and gave me many interesting answers to my questions.

I will say, with regard to my discussion with the militia, that I found perhaps—if you care to hear it—the secret, as it seemed to me, of the friction between the strikers and the militia—at least one of the sources of irritation. Perhaps I saw that more plainly because I have seen little boys playing with tin soldiers, and I know that the little boys in playing with their soldiers have to have one set of soldiers that are the enemy; and so I found that the militia going down into those southern coal fields—some of them, perhaps—in some way were not far beyond the little boys' stage—had followed that boyish example—and the leaders of the militia had considered that it was necessary to have an enemy, and they had chosen the strikers as their enemy. That was plainly shown in their talks with me. I talked principally with Maj. Williams, Gen. Chase not being there. The attitude of the men with whom I spoke was plainly and strongly opposed to organized labor. There was plainly indicated a feeling of bitterness toward the strikers. This was so more particularly because they repeated constantly that the strikers were of such inferior character. One militiaman told me that if they had been American men or men of higher intelligence they would have gone back to work when the militia told them to, but that they would not do so, and they could not understand that

they were being led by agitators. The whole situation was plainly a bitter one—the bitter situation that one would expect to find after months in which there had been two columns drawn up of idle men—the militia and the strikers—with the open saloon always between them. You asked me a question, to which this was in a sense preliminary, and which I wish you would please repeat.

Commissioner HARRIMAN. What did you find to be the situation; what were the principal causes of this extreme bitterness?

Senator ROBINSON. There has been one element in the bitterness that I have never heard brought out here and it impresses me perhaps more strongly than the other causes of this great bitterness, and this element was threefold. And when I speak of these three things as being the causes of the bitterness down there in the southern Colorado field I wish to add that they were the same in Lawrence, Mass., Paterson, N. J., and various other places. First, of course, there was the contest between capital and labor, the great problem connected with that. Of course a good many of the men down there and some of those who have testified here hold to the divine right of property. A great many of the operators who testified here cherish very firmly what I might call mid-Victorian ideas of the relations of capital and labor, and out of that does grow great bitterness.

I found two other causes. One was the question that grows out of our tremendous immigration problem and the question of racial hatred which has developed in America to-day, and below that I found the great bitterness of class hatred which was fearfully strong in Colorado at that time and particularly in the southern coal fields. Of course in a sense you may say these three things are really one, but in another sense they are threefold.

And so I found during those two days of investigation in Trinidad, I found a vortex of mad, swirling hate that I did not know existed in the world until I went down there. I have read somewhere in some scientific or pseudo-scientific book that a man when very angry will exude poison enough to kill a dog. I found enough mad hatred in those coal fields to kill all the men and women that were killed at Ludlow and Forbes.

Of course, back of that and in addition to that there was the belief in my own mind, and I think this thought has never been brought out while I have been here, that a certain bitterness existed there that we can trace back to 10 years ago, when men were taken from the Colorado coal mines and dumped on the prairies in Kansas and New Mexico. That sort of thing arouses hatred in a community, and I believe that that hatred does not die with the objects that caused it, but that it gathers compound interest; I found that it had gathered that interest at Trinidad.

And then of course there were the other matters that have been brought out. I found everywhere among the strikers the feeling that to their employers a mule was of course of much greater economic value than a man. Understand, I do not know that that is true. I only tell what I have been told there—that if a choice came as between saving a man and a mule in a mine accident that the bosses would choose the saving of a mule. I tell that story to illustrate the bitterness—not that I can vouch for it in any way.

Commissioner HARRIMAN. Will you please state what you found to be the conditions of the strikers and their wives and children—their living conditions?

Senator ROBINSON. I found more in regard to their condition on my second visit. I had gone down there with the intention of spending at least a week, but at the end of the second day, with all these interviews, it seemed to me that the situation there was being staged for my particular benefit, not only by the representatives of organized labor but by the operators and everyone, and that I could not perhaps find out in an impartial way things as clearly as I wanted to.

After the two days down there, during which I visited tent colonies, I did not feel that I knew very much about the situation, after all. In the tent colonies I found the people pretty comfortable, and they seemed to be rather happy. You see, the winter was over and passed, and the spring was coming, and it comes very beautifully among our Colorado mountains, and among the women particularly and many of the children I found that this long winter had brought the nationalities together in a rather remarkable way. I found a friendliness among the women of all nationalities—22 at least—that was certainly an example for some of the rest of us who have lived here a long time. I found among the children a great deal of friendliness, and I saw the true melting pot set up at Ludlow. This friendliness was among themselves, but if a militiaman came up, then the little child who a moment before had looked

like one of Raphael's cherubs immediately became a little fiend in his appearance and would call out "Tin Willie," or "Scab herder," or something similar, to the militiaman. This is an illustration of the bitterness of which I speak.

I came back then at the end of the second day and sent a long story of the situation to the New York American, and then I went back again. Only this time I went to Walsenburg, and no one knew this time that I was going except a friend of mine in Walsenburg whom I visited. I would like to continue this story for a moment.

Commissioner HARRIMAN. We would like to hear it.

Senator ROBINSON. Because it leads to Ludlow in a sense. I visited the tent colony at Ludlow and talked with the men there, and in this connection I will say that I observed the stoves in the tents. I think this matter of stoves is important from the fact that so much has been said about the stoves setting fire to the tents by being overturned. I will say that the peculiar thing about those stoves is that they were very large. I think the average stove in the tent colony was about as big as this desk [indicating], and it seems to me that it would take a German siege gun to overturn one of them.

The second day I was in Walsenburg I found that something which had impressed me as most ominous at Ludlow was still more impressive at Walsenburg. I found a "waiting" atmosphere. The people at Ludlow had shown me pits in which they said they were going in case there was an attack by the soldiers, and for some reason or other the people in Ludlow believed that such an attack was imminent. I could not say why, but what I am giving you is my impression. I could not see any reason why they should think so, but the feeling was very present there.

On Saturday night at Walsenburg I was given a reception, after having spent two days there, by the Democratic county committee, and I talked with the men of that committee and I was again most strongly impressed with the fact the feeling I had had at Ludlow that the stage was being set for action, and I found that the feeling seemed to center around the enlistment of Troop A. I shall in a moment ask to read into the record the muster roll of Troop A. I found young men, husky young men, but not in sympathy with the coal operators, who declared they had tried to enlist in this troop and had been rejected on account of physical disability. Several young men told me that. Everywhere the feeling seemed to be that Troop A had been enlisted for a purpose, a sinister purpose. They told me that all of the members of this new National Guard troop were representatives of the Colorado Fuel & Iron Co. or guardsmen, and that they were not being enlisted for nothing.

So much impressed was I by the result of my two-days' investigation that I took the night train back to Denver. I had no intention of returning for several days. At 9 o'clock on the following morning I was at the governor's office to tell him my own experience and that the situation was more ominous than his advisers had let him know and that something must be done, it seemed to me, to alleviate the situation. I understood that "something" was to happen about Thursday.

When I got there I found the governor had gone to Washington on matters of business and there seemed to be no help.

That afternoon I was called up by my friends, who told me of Ludlow, and asked me if I could not do something, anything to make the women of Denver understand what the situation really was.

Commissioner HARRIMAN. What did they tell you about Ludlow?

Senator ROBINSON. At Ludlow it was an atmosphere of dread. The women told me they thought something was going to happen. The men—I talked to Tyler and to Tikas—the men did not say much about it to me, but the women with whom I talked seemed to be afraid that something was going to happen to them. I found it even more strongly in Walsenburg. You remember it was before Ludlow. I believe at that time if you asked three men out of four in Walsenburg, who were not in some way associated with the mine operators, if something was brewing there, they would have answered yes.

It was in the afternoon that I heard from Walsenburg and got word asking me to try to get the truth of the matter into the papers and before the people of Denver.

Commissioner HARRIMAN. Did you hear any threats made by militiamen that they would take and destroy the Ludlow tent colony?

Senator ROBINSON. No.

Commissioner HARRIMAN. After the fight at Ludlow on April 20—first, did you return to Ludlow before the attack on the tent colony?

Senator ROBINSON. No; I returned to Denver. I got back to Denver the morning of the attack. It was the 20th of April. It was on the morning of the 20th of April when I saw the governor, because, after being down there two days, I felt that something serious was imminent.

Commissioner HARRIMAN. Well, after the fight at Ludlow on April 20, what was the condition of the public mind in Denver?

Senator ROBINSON. That depended a good deal on the financial connections of the people. I found, directly after Ludlow and before Forbes, that the people were generally strongly and earnestly bent only on making an end to the conditions which had made Ludlow possible. I found that the great mass of men and women of Denver said, "We must stop this situation; we must have peace." And a great effort was made, particularly by the women of Denver as well as by many of the men, to secure the getting here to Colorado of Federal troops. Many of us felt very strongly that while the bad name, which was given to it was deserved only by a small part of the militia, still the situation was so serious that our militia could no longer handle it. As was said to Gov. Ammons at that time, the militia could not again go into the strike zone with clean hands. It was at that time that the women of Denver did something in helping to secure the sending of Federal troops here—something to help the people to understand the situation there. Do you care to hear anything in regard to their meeting?

Chairman WALSH. Yes.

Commissioner HARRIMAN. Yes; I think we would like to, very much.

Senator ROBINSON. Of course, there was a preliminary meeting in which the situation was discussed. There was a second meeting called here in the State capitol. The only effort of the women was to secure peace. I will say for myself that I was strongly and most earnestly impressed with the desire that Federal troops should be brought here, not that they could settle anything, but that there could be a truce established during which we might be able to settle something.

I felt the more strongly about the situation, because for four months I had been East talking and all the time had repeatedly made this statement, in speaking of the work of men and women: I had many times declared in public meetings that it was the duty of men to see that the wheels of industry went round and that it was the duty of the women to see that there was no blood on the wheels; and I felt that it was an opportunity to me to join with many other women in helping to bring peace.

I will say that at that meeting of women in the State capitol for the first time there was drawn together women representing all classes of society. I have never seen in Colorado a meeting in which various social grades, so to speak, were more fully represented. There was in that organization, in that meeting of women, the wife of a mine operator, there was the wife I know of at least one militiaman, there were the wives of strikers, there was the widow of a Chief Justice of the United States, who had won fame for himself by writing a dissenting opinion in regard to the Moyer decision. There was also present the wife of the present chief justice of the State. There were women whose names appear in the society columns, and there were women who earn their livelihood by scrubbing office buildings. It was entirely democratic.

A committee of five was chosen by the organization to see the governor. I was chosen as chairman of that committee. Perhaps I am talking too long?

Chairman WALSH. No; it is very interesting.

Senator ROBINSON. We went to the governor's office and asked him to come up here before the organization of women who were desiring peace. We told him that we were not there as representatives of capital or as representatives of labor; that we recognized there was wrong on both sides of the conflict, but that we were there simply as representatives of the citizenry of the State and of the city, and that we wished him to come before the meeting. He said to me in a most hysterical way, "I can not come now, because I have men with me in the inner office," and he pointed to the inner office where many representatives of the mine operators were assembled. "Men who were desirous of helping me establish peace. They are men who have great stakes down there." I said, "We also represent a convention of women who have great stakes down there, the precious lives of our young sons in the militia, and at least one of us has a husband down there who has been guarding over the strikers of the tent colony," and we asked him if he would not come. The governor finally came to the meeting. We were assembled in the legislative chamber across the hall, and Mrs. Robert Steele, the chairman of the meeting,

[illegible] to the governor one woman that he should telegraph Woodrow Wilson for Federal troops. The governor promised to take the matter under advisement and went down stairs, and the assemblage joined in singing as it went out, "Guide me, oh, Thou Great Jehovah."

Afterwards, the committee of five spent some time in the governor's office. The thousand women assembled spent the time in the legislative chamber. The thousand grew smaller and smaller as time went on, but there were never less than several hundred there. They spent the time in singing hymns and wailing. Two or three times the committee reported, and finally at about 9 o'clock that night the committee read a telegram sent by the governor asking for Federal troops, and the assemblage dispersed after singing "Praise God, from whom all blessings flow."

I will say that several weeks after this meeting I heard from Walsenburg that at the time that assembly was in session here that there was a meeting of women down at Walsenburg, gathered together praying that the work we were trying to do might be effective, and that the troops might come. I will say in passing, also, because I have sometimes heard the statement made about it being a gathering of hysterical women, that during that entire time I never saw any manifestation of hysteria. Most of the women were as calm as though they had been at home in their own gardens, picking white pinks. I did see some manifestations of hysteria, but it was with those men who had financial interests greatly at stake; but those manifestations were not in the room where the women were gathered.

Commissioner HARRIMAN. What seemed to you the greatest danger of the situation following Ludlow?

Senator ROBINSON. Just that danger, I tried to bring out before—the danger that the situation was preparing, perhaps, for a tremendous cataclysm; that perhaps there was going to be more slaughter there, and I believe at that time that the passions of both sides were aroused to such a pitch that they both would have welcomed a chance to fight it out on the southern field.

Commissioner HARRIMAN. I understood you to say that you felt that atmosphere before. I am now asking you about afterwards. Afterwards, did you feel the same thing?

Senator ROBINSON. That is why we wanted the troops, to prevent any further bloodshed.

Commissioner HARRIMAN. You felt that was the greatest danger?

Senator ROBINSON. I felt it was the great danger then. The bringing of the troops was to be preliminary to the settlement that would bring peace conditions. Before we could do anything then, we had to stop the slaughter and bring peace down there.

I will say that never for a moment do I mean to represent that the women were the only people who were asking the governor to send for troops. The editor of the Rocky Mountain News and the Denver Times sent a telegram to President Wilson asking for troops, and, many other people did so.

Commissioner HARRIMAN. Did you take any other opportunity or any other part in influencing public opinion, aside from the meeting you have told of?

Senator ROBINSON. I spoke several times to gatherings of women, smaller and larger; I appeared once before the ministers' association, and talked to the ministers.

Commissioner HARRIMAN. Could you describe your meeting with the ministers in Denver?

Senator ROBINSON. Yes; I told the story of what I had seen down there. I blamed the ministers for permitting certain conditions to exist so far as the lack of social welfare was concerned. I remember speaking rather forcibly, because I wanted to arouse them, and I think one has to speak rather forcibly to arouse those whose positions in many cases depend upon the capitalistic class. Many of the ministers realized what the situation was, and that many of our hands were stained with the blood that had been shed down there. There were, however, some of the ministers, as there must always be in such cases, who, being more or less controlled by the opinion of capital, rather resented the statements which were made. I remember feeling, in regard to one or two of the ministers, very strongly, recalling the story of Christ and the rich young man, that had they been disciples of Christ at that time, they would not have followed Jesus, but the rich young man. On the other hand, a great many of the ministers were strongly impressed by the situation and desired to do something toward betterment.

Of course, the social conditions down there are very bad. It was along the line of the social conditions that I at that time, especially appealed to the ministers, when telling them they were in blame for allowing such social conditions to foster.

Commissioner HARRIMAN. Is that all in regard to the ministers?

Senator ROBINSON. Yes.

Commissioner HARRIMAN. I am requested to ask you who called the meeting, the meeting that was held here by the peace association?

Senator ROBINSON. It was called by the Peace Association of Denver, of which Mrs. Alice Lafferty was, and, I think is, president.

Commissioner HARRIMAN. What, in your opinion, is the relation between the industrial conflict in Colorado and the political situation?

Senator ROBINSON. As I think has been brought out very frequently here, the relations dovetailed. I will say that in making this statement and forming my opinion, I do not speak entirely from visits to the southern coal field; but I was a member on the committee of privileges and elections which had to do with investigating the situation down in Huerfano—no, down in Las Animas County, in which Trinidad is situated, because of a contest in the last State senate. I sat for three weeks and listened to the story of the political conditions down there, and long before the calling of the strike was ordered I realized in a sense that the industrial situation was hopeless, because the political situation appeared to be hopeless. I found that while the counties of Las Animas and Huerfano are geographically a part of Colorado, yet industrially and politically they are a barony or a principality of the Colorado Fuel & Iron Co.

Such situations, of course, must mean a knitting together of the industrial and political situation, and I don't wish to say that the Colorado Fuel & Iron Co. have limited their efforts to Las Animas and Huerfano Counties. If that were so, the situation in the State itself would not be so seriously affected by them; but they have in time past reached out beyond the boundaries of their principality and made and unmade governors; men who desire positions of high place in Colorado would be very loath to antagonize them, whether they lived in Las Animas or Routt County, or in Denver, and it would not matter in that case to which political party they belonged.

Commissioner LENNON. I want to ask you just a couple of questions. Did I understand you, correctly, to say that the price of coal was increased from $1 to $1.75?

Senator ROBINSON. I was not in Colorado during the winter. I went away before the price went up, and stayed away until it had gone down, but I have heard such stories. I know my husband told me coal was up something more than a dollar per ton higher than its usual price.

Commissioner LENNON. Is that usual in Colorado in the winter time, or not?

Senator ROBINSON. It was put up for a time, and the price then dropped back. It was not usual, the price was an excessive advance. I do not feel absolutely accurate about the figures, as I am talking from hearsay, but the price advanced materially and remained materially advanced for some months.

Commissioner LENNON. You mentioned the Canadian labor disputes act, and rather indicated you had an intention of introducing that into the next session of the legislature. Have you given the act substantial study in its application?

Senator ROBINSON. I have spent all the time I had of leisure of the last year in studying it. I will say, if I may speak in that connection for a moment, that I would like to return, if I may, for a moment, to the special session of the legislature, after you have asked me your questions.

Commissioner LENNON. That is the only question I desire to ask, in connection with the labor disputes act of Canada.

Senator ROBINSON. It was for that purpose that I went to Canada. I found many people that did not believe in it, or thought it did not work. I found some that approved of it. I found them perhaps half and half, and I interrogated about 200 people.

Commissioner BALLARD. In connection with that labor disputes act of Canada, does anything occur to you that will avoid disputes of this kind in the future?

Senator ROBINSON. There are two answers to that question. One, of course, comes always to my mind and is not perhaps in the field in which such a commission as this would investigate. I feel personally that the only thing that will alleviate the present conditions between labor and capital is not an industrial disputes act or legislation, but what the old-fashioned New England people speak of as "More of love of God in our hearts," more cooperation, bet-

ter relations between men and women, between workers and employers, and between the various classes. I believe that the question of personality in labor questions bears a larger part than we think, and to illustrate that for a moment, I would like to refer to Henry Ford, of the Detroit Automobile Works, or a man like John Patterson, of Dayton, and I think if there had been men like them connected with the Colorado Fuel & Iron Co. there would have been no strike.

Commissioner BALLARD. You advise closer relations, do you?

Senator BOURNQUE. Yes.

Commissioner LENNON. Are you aware of the fact that Patterson is the worst employer of labor in the United States?

Senator BOURNQUE. I think he had a reformation in heart. I talked many times with him, and I knew there had been strikes there, but I still believe him sincere—his feeling of sympathy and understanding of his workmen is ideal.

Commissioner HARRIMAN. Did you wish to say something more about the session of the legislature?

Senator BOURNQUE. Yes; because the statement has been made before this commission that the last legislature was not able to bring before the legislature any measure of relief in this situation. The governor made such a statement. I want to say that he must have been mistaken, because in this senate there was a very strong effort made to pass a resolution calling upon him to extend a call so that we could do something to prevent such a strike occurring again. We were not perhaps so much concerned just then with the last strike as we were with the next strike, and a resolution was introduced—I moved its adoption—asking the governor to extend the call. To the surprise of everybody, including myself, the resolution carried. It had before already passed the house. Under its terms the governor would not be forced, but at least he was requested to extend the call, or adjourn us and call us again immediately. It passed by a vote that was conclusive. It had not been passed five minutes when I saw the governor's secretary up here talking to a few people who were easily influenced. In a few moments I found various representatives of the operators here discussing very earnestly with three or four people, something, and that noon I remarked casually to one of the men, "I suppose they are going to reconsider that resolution?" And he said, "Oh, yes; we will have to." And it was reconsidered and there was a sufficient vote after the reconsideration to rescind the action that had been taken.

I will say in this connection that Senator Harris of Pueblo had prepared and ready to introduce and did introduce a very carefully worked out act providing for the mining of coal by the State on school lands. It was very carefully worked out and drawn up by men of very high legal acumen. I will say also that Senator Affolter, who represents Boulder, had ready a measure declaring coal mines public utilities. I had the Canadian dispute act, which had to be modified and improved. And there were other measures to bring before the senate, if their scope could be enlarged.

Senator Robinson, of Colorado Springs, who, I believe, was the man referred to by Mr. Costigan—Senator Robinson had prepared an arbitration court act, which seemed to me on the whole, for that present emergency the best of all.

Commissioner HARRIMAN. Is there anything else that you wish to say?

Senator BOURNQUE. Nothing.

Chairman WALSH. That is all, then; you may be excused, Mr. Robinson.

TESTIMONY OF MR. EDWARD L. DOYLE—Recalled.

Chairman WALSH. Mr. Doyle, you sent a request to the commissioners asking to be heard again, but we can give you but a brief hearing.

Mr. DOYLE. I only desire to make a statement concerning some correspondences that came out yesterday, but before doing so, I want to, as a matter of record, have it made known that in my remarks Monday concerning girls employed in department stores, I did not intend to be personal in my comments to Commissioner Weinstock, who I have since learned was formerly interested in department stores. I did not know that when I made the remarks. While I was speaking generally, I perhaps became heated in making answers to questions asked, and thought perhaps the commission was of the opinion I was attempting to be personal, and I feel that in justice to Commissioner Weinstock the record should show that I did not even know at the time that he was formerly connected with department stores.

I also want to state that when you requested the statement of my remarks concerning Pvt. Martin, who was killed at Ludlow, that your statement was sub-

stantially what I had asked—to find out whether or not that was the fact, and am glad to find out it was corroborated.

My main purpose in asking to make a statement here was in connection with testimony given here by Mr. Welborn to the effect that the miners were content, were satisfied, and that they were being stirred up by agitators from the outside, and that was the only reason for the strike; that those men who had signed, 90 per cent of them did not want to go on a strike just previous to the strike. I want to make it clear that the petitions that were signed were not signed only by those who did not want to go on strike, but by those who were going on strike. Every time the question was asked they appealed for a miner to support their word, but signed those petitions when they came around so they would not be discharged before the date of the strike, and we encouraged them to sign them. In many cases we had instances where married men were living in company houses that would not take out their membership in the organization until the time of the strike or afterwards, so that they would not be discharged and their families made to suffer.

In connection with the correspondence introduced yesterday, I have copied an extract here which reads as follows. It is from Mr. Welborn to Mr. McClement, one of the associates of Mr. Rockefeller in New York. It is under date of September 6, 1913, just previous to the strike:

"My Dear Mr. McClement: For 30 days or more officers and organizers of the United Mine Workers of America have been in Colorado attempting to induce the men to join their union and threatening a strike if the coal operators will not make a contract with the organization recognizing it as the representative of the coal-mine workers employed here.

"Our company and all other operators in southern Colorado have always been opposed to recognizing that organization. Wherever it has contracts with operators it has dominated the business to such an extent as to reduce the output, reduce the earnings of the men, and practically to dictate the general policy of operation of coal mines.

"We know that only a small percentage of our men belong to the union and that the southern Colorado miners earn more money per month and per annum than is earned in any important district elsewhere in the United States whether dominated by the United Mine Workers or not. In spite of this, however, it is probable that in the event of a strike call most of the men would respond, although we believe a great many would later return to work when they found that we were determined in our opposition to the organization and were successfully operating our mines. We are very much concerned and on the anxious seat, yet there is nothing to do but wait.

"Public sentiment and the attitude of the newspapers generally are favorable to us."

I refer to that because Mr. Welborn testified that the men would not strike and were satisfied, and they were satisfied before the strike, and they issued public statements saying that only 10 per cent belonged to the union and but 50 per cent responded, 10 per cent because of belonging to the union and 40 per cent because of intimidation. And he has told the public in publications that a small per cent—50 per cent—responded and only 10 per cent because they were members of the union. There is a great difference between men like Mr. Welborn and Rockefeller and the miners making statements to the public that are not correct. Those men are looked on by the public as the men of intelligence and men whose word should be taken as true, while, on the other hand, if it is a miner who makes these statements it has very little weight, and the deception is greater when coming from the operators than when it comes from the coal miner, and I want to call the attention of the commission to the fact that the statement that the men were satisfied is not true.

Chairman WALSH. Is that all you care to say?

Mr. DOYLE. Yes, sir; and I want to thank you for the opportunity of making this statement.

TESTIMONY OF SENATOR HELEN RING ROBINSON—Recalled.

Commissioner HARRIMAN. You wished to introduce some paper in evidence?

Senator ROBINSON. Yes; I desire to read into the record the roll of the enlisted men of Troop A, First Squadron Cavalry, National Guard of Colorado, that was enlisted to take the place of the militia recalled from the field. This list was sent to the senate by Gen. Chase at the request of Senator Gorman. I will read the first five names, and then put it in the record [reading]:

"Ben Tilley, private; present employment, searchlight operator; name of employer, Colorado Fuel & Iron Co.; length of residence in State, four years. Peter Coe, private; present employment, camp marshall; employer, Colorado Fuel & Iron Co.; resident in State, two and one-half years. Fred Dougherty, private; present employment, carpenter; employer, Colorado Fuel & Iron Co.; length of residence in State, nine years. George Titsworth, sr.; mine guard; Colorado Fuel & Iron Co.; lifetime residence in State. George Titsworth, jr., mine guard; name of employer, Colorado Fuel & Iron Co.; lifetime residence in State."

Chairman WALSH. How do the rest of them run?

Senator ROBINSON. They are practically all employees of the Colorado Fuel & Iron Co.

Chairman WALSH. How many men are there in the troop.

Senator ROBINSON. Something more than 100 men.

Chairman WALSH. You may offer that in evidence.

(A document entitled "Senate Journal of the Nineteenth General Assembly of the State of Colorado, Extraordinary Session, Twelfth Day, Friday, May 15, 1914," was submitted in printed form.)

TESTIMONY OF MR. JAMES H. BLOOD.

Chairman WALSH. State your name, please.

Mr. BLOOD. James H. Blood.

Chairman WALSH. What is your business or profession?

Mr. BLOOD. Attorney at law.

Chairman WALSH. How long have you practiced your profession in this State?

Mr. BLOOD. Thirty-five years.

Chairman WALSH. How long have you lived in Colorado?

Mr. BLOOD. Forty-one years.

Chairman WALSH. In addition to your practice of law, have you had any experience in the operation of coal mines in this State?

Mr. BLOOD. Yes, sir.

Chairman WALSH. Please give the commission as concisely and yet as fully as possible a statement of your experience with the United Mine Workers of America, stating what agreements you have had with them, what the advantages or disadvantages were, and why you felt you were unable to continue working with them, and a brief statement in regard to the strike. I am not going to ask you any questions, that takes it all in, and you have it probably well in mind.

Mr. BLOOD. From about the year 1900 I was an officer and director of the Northern Coal & Coke Co.—that is, from the time of its organization—and as such I was interested as an operator in the operation of the properties of the Northern Coal & Coke Co. The company at that time was operating some 12 or 15 coal mines in the North and 3 or 4 in the South. Mr. Stirby was president of the company, and our relations were very intimate in the management of the company. Shortly after, or about the time we became interested in the company, the labor question presented itself to us for consideration. We took up the labor proposition, and my recollection is that we were the first operators that made a definite agreement with the United Mine Workers of America. I remember that back in 1903 we held a joint conference with the representatives of the organization, and practically unionized our mines in the north. From that time on we made frequent contracts with the representatives of that organization. Their practice was to hold an annual meeting of their organization, at which they elected a scale committee. This committee undertook the subject of adjusting the wages at the different mines. After the committee had determined upon its procedure and upon its demands, then it would be submitted to us, and we would consider their propositions. Then we would hold what we termed a joint convention, under which, and as a result of which, we made a contract from time to time. During this period of time Mr. John Mitchell was the president of the organization.

We realized then that we were dealing with an irresponsible organization in that it was not an incorporated body, as there was no way of enforcing any contract which we made with them, excepting through the influence of their so-called international officers and their local officers. It frequently happened that they would violate their contract, and this necessitated our calling upon Mr. Mitchell, as the head of the organization, to see to it that their organization did live up to their contracts.

I was then, and I am now, a believer in union labor on proper lines, and in contracts made through organizations for the benefit of all of the parties.

My relation with Mr. Mitchell was exceedingly pleasant and friendly, and in many things we thought alike and talked alike. I remember as far back as 1908, I think it was, at a meeting of the National Civic Federation, I think the organization was then called—it was held in Chicago—there were a number of addresses made there. They were public addresses, at the conclusion of which those in attendance were invited to participate in the discussion of the matter, and I attended one of those organization meetings and addressed the organization with Mr. Mitchell, and I think that was when I first became acquainted with him.

As the result of the action of the local officials, or as the result of the action of agitators, our men here would go on strikes, as I said. This necessitated my taking the matter up with Mr. Mitchell, and I went to Indianapolis on I don't know how many occasions, three or four, anyway, I should say, and I took the matter up with him and I always succeeded with him in accomplishing that which I attempted, namely, to see to it that all contracts which had been made should be lived up to. They were lived up to. There were times, however—one time I remember when Mr. Mitchell had come here when our men had gone on a strike and violated their contract. Mr. Mitchell came here in person, and it was only after public meetings and considerable effort on his part that he persuaded the miners to return to work. I remember at that time he was opposed in his own organization by Mother Jones, so called, and by Mr. Haywood—at that time he was of the Western Federation of Miners, since then of the I. W. W., I believe. And there was an element that was antagonistic to Mr. Mitchell. I always found Mr. Mitchell a man who believed that all contracts made should be carried out, and he always used his good offices in that direction. After he retired from the organization that same effort was not made.

I can better illustrate that by the actual facts that occurred to us in the northern field. We in the northern field were the only unionized mines in the State, and our scale of wages was higher than any other place in the United States, as I recollect it at that time. So that you may understand the situation better, if you have not been in the northern field, I had better describe the conditions up there.

These so-called mines in the northern field are situated out on the prairies, and the mines—a number of them—are the centers of the towns in which the mines are located. To illustrate, at Lafayette the Simpson mine is a part of the town of Lafayette and located in the town. At Louisville the Hecla mine, the Rex mine, and some others were right in the town and part of the town. The town had grown up around the shaft. So over at Superior where the Industrial mine was located. During this period when we operated our properties as a union mine and under these conditions, the mines had no protection at all. There was no protection around them. The miners had made good wages, had bought their homes. We had sold their grounds, in many instances, to them, and they had their own homes in the town. The town was inhabited by the miners. They were the principal inhabitants. While it was an agricultural community around there, the larger proportion of the inhabitants were our employees. The miners, by reason of their numbers and with our consent, you might say, in that we took no part either one way or the other, elected themselves to all of the town offices, and we were willing and they were willing that these things should continue in this way. As I say, the properties were not protected, the miners were a part of us, and the towns were, you might say, typical New England towns. They were not the ordinary miners' towns. They were all good, comfortable homes. Some of the men there in the employ of our company had lived there a great many years and accumulated property, and they were all peaceful communities.

Now, this condition continued, and it was always with the understanding that when a contract terminated between us and the labor organization that contract should always continue until a new contract was made; and these meetings of their scale committee when they met—their organization met in January or February, or in the fall of the year, and they appointed their scale committee, and then their scale committee met with us, and often it would happen that our contract, which by its terms expired on March 1 of the year—that we had not made a new contract by that date, and the understanding was that the old contract should continue in effect while the negotiations were pending for a new contract. That continued always. Why, in 1906, the

contract that was made in lieu of the contract which expired on March 1, 1908, was not entered into until July 14, 1908, and because it was so late in the year, it was then we mutually agreed that the contract should expire on March 31, 1910. We had been some five or six months considering this contract, and after it was agreed upon it was published and copies given to the operators and copies given to the miners' organization.

There in that northern field we had this condition existing among others that required different considerations. To illustrate, the Simpson mine at Lafayette had a vein of 8 or 10 or 12 feet. It was a steam coal. At Louisville, a few miles away, were mines of 4 or 5 or less feet of coal. That was domestic coal. It was all lignite, but that was called a domestic coal. We also had this trouble in making these contracts, a miner working at the Simpson mine at a less wage than the miner working in the Louisville mine could earn a higher wage per day than the Louisville miner. And different mines had these different conditions which required different treatment and different wage scales at the different mines. So these contracts which we entered into provided for a specific scale for each mine. This contract was entered on July 14, 1908, and was consummated at the time when Mr. Lewis was here, the international president of the organization. He signed the contract, as well as the local officers here of the district, and it was also signed not only by our company, by Mr. Struby, its president, for the 12 mines we were operating there, but also signed by all the other operators, some 15 or 20, who had followed us in the recognition of the union and in the method of treatment. Now, this contract expired on March 31, 1910, and as I say, the understanding during all these courses of years had been that when a contract expired it should remain and continue in force while negotiations were pending for a renewal of it.

In 1910, instead of pursuing that course, the scale committee of the United Mine Workers met, and they met with us on March 8, 1910. I say, "with us"; met with the operators in the northern field on March 8. I have here a list of the members of the scale committee who were present at the meeting and also a list of the operators that were present at that meeting on March 8, 1910. There were 13 or 15 members of the scale committee representing the organization and about the same number of operators were present at this joint meeting March 8. At that time the scale committee presented to us a contract which they had prepared in their meeting and which embodied what they desired for the contract for the ensuing period in lieu of this contract that expired on March 31. At the time of presenting this contract to us on March 8 we were informed that Mr. Smith, the president of the organization here, and Mr. Lawson, a member of the national board, had been called to Indianapolis to attend a meeting of the organization there, and they wanted us to give them some answer in reference to this proposition so that they would have it when they were to leave here on the 10th of March. We gave them a written answer on March 9, pointing out why we could not make and enter into the contract which had been handed to us by them.

They stated that they would take this contract with them to their international meeting and would advise us of their conclusion, the conclusion being that we should adjourn our joint convention until they returned and notified us what they desired, when the joint meeting should resume consideration of the proposed contract for the ensuing term. We waited to hear from them, and we did not hear anything until the 1st of April, as I recollect it, or about that date, when we were notified by phone message that Mr. Frank Smith, the president of the organization, would return that evening and requested a meeting the next day, and we met the next day, as we supposed, for the purpose of renewing our negotiations and making a contract. At this meeting on the next day Mr. Smith submitted a written proposition, a written demand upon us, and this was on Friday, April 1, and this is what he submitted to us:

"Mr. Chairman and gentlemen of the committee, I believe the first matter for us to decide this morning, leading up to the negotiating of our wage contract, will be the submitting of the final demands of the national organization, which, I presume, you have seen published in the newspapers, and which are to the effect that the inside day wage scale shall be advanced 5.56 per cent on the wage contract; that the price for mining coal on the run-of-mine basis shall be an increase of 3 cents per ton on machine mining and 4 cents per ton on pick mining; that all internal differences and inner inequalities, both as to prices and conditions, shall be adjusted by the various districts before a wage contract can be signed. In order for the miners to continue work, pending negotiations and final adjustment of inner inequalities and internal differences, it will be neces-

sary for the operators to grant the increase asked for on the day wage scale and the tonnage rate; that all narrow work, dead work, room turning, and outside day labor shall be paid a proportionate advance. The internal differences and inner inequalities are those that are existing in the various mines so far as the miners are concerned. The internal differences and inner inequalities have been covered by the miners in their general agreement introduced some 30 days ago. The matter of adjusting will come up after the decision of the operators as to the day-wage increase."

In this contract they submitted to us they put Louisville, Lafayette, and all the mines on the same basis, and it was a contract that no operator could operate his mines under, under any consideration at all. He had better close down his property rather than attempt to operate it under such a proposition. This proposition which was handed to us at that meeting was that we would grant these things and do it at once, and he further stated that if we did not agree to these terms then and there he would call all of his men out on a strike. We were given no opportunity to deal with them—no opportunity to make a contract with them. So far as I know, it is the first time in the history of the United Mine Workers that they violated their own contract, to the extent of refusing to carry on negotiations while a contract already in existence was in existence between the parties, and such thing was never heard of before. Not only did he call out his own men, but, contrary to all precedent in the organization, so far as I know, he called out the engineers, the firemen, the pump men—those that were necessary to preserve the property and care for the property—not the miners producing coal, but those whose duty it was to preserve and protect the property and save it from being ruined—that he threatened to do right off—instanter. And after considerable talk on our part and the part of those conducting this negotiation—I was not present at this meeting at that time, but I heard of it and took up the matter—afterwards he did call out all the miners, but he permitted the pump men, the engineers, and the firemen to stay and protect the property until the following Monday, April 8; that is all. That was the only time he gave us to secure engineers, pump men, and firemen to preserve and protect all these properties here which were large producers of water and which were liable to be ruined in a very few days if they did not have proper care and attention.

They called this strike in this way; they called it contrary to all of their principles, to all of their agreements; and the men went out. The operators of the north were very busy people for a few days in getting engineers and pump men and firemen to operate their plant so as to preserve their property. We did succeed in the course of time in getting men to care for the property. We did not attempt to operate them. We thought—at least I thought then—that our negotiations could be resumed; that we could make some sort of arrangement with them, but it soon developed that we could not. Here were our properties out on the prairie without a fence around them—nothing—in the midst of villages where they were subject to all sorts of damage. It soon came to our attention, and threats were made to us, that if we did not grant these demands our properties, our plants, would be destroyed, our mines would be blown up. Threats of all kinds were made against us.

Then, for the purpose of protecting our property—by this time it had got along to midsummer of 1910—we erected fences around the mines—that is, the plants. Sometimes they inclosed 40, 50, or 60 acres in the inclosure by the fence. And these fences were wire fences. That is, we placed posts in the ground and then put a wire like a chicken wire, but larger and heavier, up about 6 feet in height, and then ran an arm out on that about 3 feet with barbed wire on it, so no one could climb over and get to the properties, and so that nothing could be done to injure the properties, by reason of these threats which had come to us. After we had the properties inclosed and protected, of course we had to have somebody there to guard the property and see that nobody did get into the fence; and so we had a day watchman and a night watchman. We had always at least one day watchman and one night watchman to take care of the plant to see that nothing was done.

And when it became hopeless, when we found that we could not make any contract with this organization at all, we then built houses inside of this fence inclosure—by this time it was getting full, and we wanted to operate our property. So we built houses inside of the inclosure, because the men could not be protected in the towns—a town owned by strikers. And in the course of time, after we had built our houses and made things convenient for our

employees, we undertook to send men up there to work. We had our offices here in this city. This was our home office.

The United Mine Workers had its office in this city; that is, the office of their State organization was here. We went to the employment agency and elsewhere to get persons to employ miners to go to work. It was only a matter of 20 miles north of here, and a trolley ran from here, and we would send a man or a couple of men or a few men from here—the employment agents would send men up there. We shortly discovered that the men we were sending—that the United Mine Workers' organization here was watching us. They were aware of the fact that we were sending men up there—sending at least two or three or four or five men at a time—somebody that wanted to work. When we would undertake to send them up, and they would get off the trolley train, they would be met by members of the organization, and they were beaten up; they were not threatened, but they were beaten, and in some instances were killed. There was no way we could get a man to the mine through the trolley, through the railroad, but what he would be assaulted by the members of this organization. Then it was that we employed a sufficient number to make a carload, and we had the car run right into our inclosure, so that the men could not be assaulted. In some instances the miners took their wives with them, in many instances their families; and the women folks would undertake to leave the inclosure to go to the post office for their mail, or to go to church, or the children would undertake to go somewhere—to school. They were all assaulted. They were called vile names. A state of insurrection existed there in that county. You could no more work the properties peaceably than—it was impossible to do it.

We went to the sheriff about it—of that county. We soon discovered the sheriff was a strike sympathizer, that every deputy that he had at these various towns were either strikers or sympathizers. We complained to the governor about it. We could not get redress anywhere. We employed a sufficient number of guards to protect us. That is all. I think at one time we had six at one mine—a day shift and a night shift, that is all—and our guards were inside of our inclosure. The school children—even when the little girls from our inclosure would go to school, the school children of the strikers would call them scabs and pound them up and drive them home. The school officials had to send up there—the superintendent of schools had to send there to stop it. Things were continuing in this condition, and absolutely a state of insurrection was maintained by this organization, an organization which had gone beyond the law and outside of the law and was above the law and knew nothing of the law and was a law unto itself. Then it was that I brought suit here in this county, in this city, I think, it was in November, 1910—November 20, as I recollect it. I brought suit, the usual suit for an injunction, naming this labor organization and all of its special organizers and all of its members, that I knew, and praying for an injunction to protect us in the operation of our property, and to protect our employees from these assaults and the brutality which they had suffered.

We had a hearing in our court on November 29, as I recall it. We had all of these members that we knew of served. I knew many of them personally. They had been there for some time, some of them for years. I had dealt with them for years. I knew them. We named them all individually, so far as we could. They were served and came into court. The court room was crowded. They came down with their attorneys, their friends, and their relatives and members of their organization until there was hardly standing room in the court room. And this trial up here was had before the court, the usual trial in such cases.

First, the attorneys for the organization interposed all of the dilatory pleas, motions, and so forth, that lawyers are familiar with, motions for change of venue, motions to strike, demurrers, and everything that you could think out that was dilatory in its character. Those things were disposed of.

The courts then entered upon the hearing of this application for an injunction. We were two days, I think, possibly three, in introducing evidence showing the condition of affairs in Boulder County, showing the violence that had been committed, the things that had been done there to our mine and to our men and women down there—they had been beaten up and assaulted.

At the conclusion of the hearing, possibly the second day or the third, it don't make any difference, I knew we were days in doing it, and it was one succession of one violence after another that we had witnesses testify to. At the conclusion of the hearing, the United Mine Workers refused to put a witness on the

stand to deny any of the things our witnesses had testified to. Thereupon the court granted the injunction.

Then we caused the writ of injunction to be served upon the organization, the officers, and upon the members. And in serving the members, because there were hundreds of them by name in the suit, we had the writ printed. We sent officers up to the mines and the towns to serve them, so far as they could personally, and to mail or to post the writ of injunction on billboards and telegraph poles and telephone poles and other public places so everybody would know about it.

When the officers went there to serve the writs they were assaulted, were driven out in the town of Lafayette. The United Mine headquarters there, the building in which they had headquarters at Louisville and Lafayette, the building was an arsenal, the guns were exposed to view when the doors were open. They simply drove the officers away.

I called the court's attention to these violations of the injunction. I did it repeatedly. I would go to court, address the court when the court was in session, tell the court when I arose in my place at the bar where the lawyers are what conditions were there, and how the injunction was being violated.

The judge on numerous occasions admonished them that this writ must be obeyed; that he would not have these things continue, and that he purposed to see that the laws of this State were enforced and the writ of injunction that was issued by the court was obeyed. He said at this time that he was doing this for the purpose of educating the people up there, that some of them were foreigners and some of them did not understand our laws, and he wanted to impress upon them what a writ of injunction was. And he did it in this manner by refusing to issue warrants of contempt in a number of instances.

Finally the matter became so serious, where Mr. Cassady, who was the town marshal there, deputy sheriff, and ostensibly a peace officer, had himself committed violence in assaulting some of our employees, somebody that had gone from the inclosure to the post office or to church, or something of that kind, and where Mr. Doyle, who was an officer up there of the organization, with others, had chased two of our employees across the fields there and finally overtaken them and beaten them. The thing became so serious that on my representations to the court and application, a warrant for contempt was issued for all of these people. I think that there were 16 that were brought in at one time. Cassady was brought in at another time. Cassady was found guilty, but instead of the court punishing him, he delivered another lecture from the bench, the lectures all being published in the press. The court directed the court reporter to take down what he was saying, and see to it that it was published in the daily press, so that these people would understand what the court proposed to do in the premises. It was all done. I have the remarks of the court here in all of these instances.

And finally the 16 were brought in. The court room was again crowded. They and their sympathizers and the members of their organization and their attorneys were all there, and a good many other people were there that I know by sight—that had been here in the days of our Leadville riots and our Cripple Creek riots—that are known as gunmen and thug men, were there in the court room for the purpose of intimidating everybody; there is no question about it.

This hearing was had before the court. Another two or three days was consumed in the hearing, and I introduced the evidence of witness after witness to show the guilt of these people, show the things that they had committed, the wrongs they had done. When I was through with my evidence they went on and introduced evidence to combat it, and most of their evidence consisted of alibis.

At the conclusion of their testimony I was so confident of the situation and the showing that they had made that I submitted the matter to the court without argument. The court found them all guilty and sentenced them to a year's confinement in the county jail for violating the injunction.

In the meantime their attorneys had gone before the supreme court sitting in this building, at the other end of it, and had made an application for a writ of prohibition to prohibit the district court here in this city from taking jurisdiction and acting in this matter. I had argued that—all of it then before Chief Justice Campbell. Judge Campbell was chief justice at that time. The writ of prohibition was denied.

After their conviction they went before the supreme court—first, they went before Judge Campbell and asked for a writ of supersedeas, superseding the judgment, so they would not be confined during the hearing. That was asked before Judge Campbell and he denied it. Then, they went before the supreme

court en banc; the entire seven judges—made representations sufficient under our practice here to get the entire bench to sit in the matter. We argued that before the supreme court all of a day. The supreme court denied their application for writ of supersedeas. After that—I am getting ahead of my story in that connection.

In the meantime our legislature had met here. This denial of the application by the supreme court I think was—I will look and give you the date in a minute [referring to papers]. It was on February 15. The supreme court denied their application. In the meantime the legislature had met here. One of their attorneys, that is, of the attorneys for his organization, a man by the name of Alexander M. Smith, caused to be introduced in the house of representatives of the State articles of impeachment against Judge Whitford for trying this case and finding these miners guilty.

In the meantime, about this time, after he had found these guilty, this organization and other labor organizations called a meeting to be held here, a public meeting, in a remonstrance to the action of Judge Whitford in finding these men guilty.

The papers said, I don't know how true it was, I did not count them, I did not see them, that there were 10,000 in the parade. That was the newspaper account. I don't suppose there were over half that number. They had a parade. They marched around this building here. It was on a day when I was arguing before the supreme court some of these matters. They held their meeting, and they passed denunciatory resolutions denouncing the judge and the supreme court of this State and demanding the release of these men who had been in prison for violating the law, and demanding the legislature to impeach Judge Whitford. All of these things were done and done in the name of organized labor—in the name of riot. I am an organized-labor man, but they did this in the prostituted name of organized labor, prostituted the name of organized labor to these things at that time.

Well, after that they went on with the impeachment proceedings against Judge Whitford here and introduced the most scandalous testimony in the world. And the legislature defeated the resolution to impeach him. That matter ended there. The resolution was never passed by the lower body, so far as that is concerned.

After the supreme court had denied their application for a supersedeas, then Judge Whitford brought all of the men before him whom he had imprisoned and delivered another lecture to them. I knew nothing about it until I was telephoned to at my office by the bailiff of the court, that Judge Whitford requested I attend court that morning. I went up.

When I arrived there, I found that all of these persons who had been convicted of these contempt proceedings were in the court. Judge Whitford informed me—I do not know but what it would be a good thing for you people that are investigating this matter, that the remarks at that time made by the court may be read with profit. I have them here as reported in the paper, and he caused them to be accurately reported and to be given to the press so that the people would understand his position.

In the meantime, threats of all kinds had been made against Judge Whitford. So-called Black-Hand letters had been sent to him, and on one occasion—this is prior to this discharge—this occurred in court on January 4. This was when Mr. Cassedy, who was the town marshal there, and a deputy sheriff, as I understand it, had been found guilty of contempt of court, and the court caused him to be brought before him, and this is what the court said:

"The Court. You may step forward, Mr. Cassedy. Mr. Hood, what is the condition of affairs in Lafayette in respect to the injunction of this court?

"Mr. Hood. Since the hearing had before your honor and the conclusion of the contempt charges on the 22d of December, last, I am advised that the conditions have been greatly improved there.

"The Court. Do you mean since the sentencing of the men to jail?

"Mr. Hood. Yes, sir; since then I am informed that there have been no open violations of your honor's injunction, and there seems to be a disposition on the part of the defendants there to obey the injunction; I hope that is true, especially of Lafayette; I do not know that it is true of Louisville, but at Lafayette, I believe, so far as Mr. Cassedy and the other defendants are concerned, they are now obeying your honor's injunction, and all we desire to have done in the premises is to have the writs of your honor obeyed, and I

think, if there is a disposition shown to obey them, that will satisfy your honor.

"The COURT. I had hoped, Mr. Cassady, not to feel it my duty to impose a severe penalty upon you; these are very grave matters. A complaint was lodged here charging a conspiracy among the striking miners, in which complaint they charged you as one, and also as being the town marshal of the town of Lafayette, and also the mayor, who is also a member of the union, and also a striker, and a majority of the city council, and the police magistrate and justice of the peace, as all being in sympathy and accord with that conspiracy to injure the plaintiff's property, and that was set down on notice. I do not remember whether you were here all the time or not during that hearing. Of course, you were a defendant named in the case and appeared by your attorneys. It was set down for hearing upon notice, and the court heard the testimony at considerable length, oral testimony, and the testimony disclosed that there had been an effort made to roll kegs of dynamite down on the property of these plaintiffs and where their men were at work. That the employees of the plaintiff company were being threatened and intimidated and assaulted, and they could not with safety to their persons go to and from their work, and that conditions of affairs had existed for so long, that the company was compelled, in the protection of its property and of its employees to build fences and stockades about its mines, and built houses inside the fences and stockades, as homes for its employees, as security against that condition of affairs; and even with people transacting business with the mines, when they went to any of these towns where their property was situated, they were surrounded with crowds of men and insults were heaped upon them, vulgar, abusive, and profane language hurled at them, and that they were intimidated.

"This testimony, although you and the other defendants were here and represented by their counsel, was not denied. Not a single witness was put upon the stand to deny it—any of this evidence; not a word of testimony in opposition was introduced; and no self-respecting court could have done otherwise than issue an injunction, protecting the plaintiffs' property and protecting American citizens in their right to go to and from their work as they pleased without molestation or interference; and the court, under that state of the pleadings, granted the injunction. Counsel representing the defendant then went to the supreme court to get a writ of prohibition against this court proceeding further with the case, upon the theory that it should have been brought in the district court of Boulder County instead of this county; that application was denied by the supreme court. While that was pending, and before its determination, counsel for the plaintiff presented to the court affidavits, and on another occasion brought in the witnesses, to detail what had occurred in Lafayette and elsewhere with respect to the court's injunction; but the court refused to grant attachments for offenders as disclosed to the court, because the matter was pending in the supreme court, and because the court thought that it might restore an orderly condition of affairs, the proper observance of the rights of property, and the rights of laborers to work when they pleased and to go to their work and from their work as they pleased without molestation.

"The court had counseled that we had better delay a little and let these miners understand what was meant by the court's orders before any citations for contempt were made, and subsequent to the court's refusal the affidavit was filed with respect to yourself. The court then issued the attachment for you, and you were brought in by Sheriff Capp. Mr. Blood then made some verbal complaint to the court about Mr. Capp, and some conversation took place between Mr. Capp and the court."

Capp was the sheriff of Boulder County. I was complaining of his attitude. The court endeavored to express itself to him as a peace officer, the attitude he ought to assume in that locality as an officer of the court, hoping that that might bring about a better condition of affairs.

"The court released you on bond, to return at a time for the hearing to take place. When that was called up in the morning the supreme court had not yet announced its decision on the application for a writ of prohibition of this court, and it went over. Your hearing came on, and the court heard the testimony with respect to that, and commented at very great length on the condition of affairs; and the court, during these proceedings, assured the parties to the suit that the writ was to be obeyed; if there was any power—sufficient power—in the

court to enforce the observance of the writ of injunction, it would be enforced. I think there ought not to be any doubt anywhere as to what the court meant by the language it used.

"Your hearing came on, and the court expressed its views very clearly and as fully as it was within its power as to your attitude over the occurrences there in the street. When you went home that evening, as I assume you did, after the court continued it from that day until to-day, without pronouncing sentence, a most inhuman and brutal assault occurred upon three unoffending laborers at the mine on their way to make a deposit at the bank on that Saturday evening."

The bank kept open on Saturday evening, and they were in the habit of depositing their wages. Three of them were beaten up, as referred to here.

"One of them was beaten into insensibility. Affidavits were filed disclosing this condition of affairs to the court, and the court issued warrants for these men.

"I had hoped, when I had continued your case from the 17th of December to the 3d of this month, and from what I then said that the defendants and others would understand what the court intended to do, with certainty, and that was to have the writ of injunction obeyed, in order that property and life and personal liberty should be secure and safe in that community.

"The court said that it had nothing to do with the merits of the strike; it could not determine that controversy if it wanted to; there is no power in the court to pass upon the merits of that; that was not before the court, and if it was, the court would be powerless to pass judgment upon it. What it was called upon to do was to protect the property of the plaintiffs, to protect them in their plain property rights and the rights of these laborers to go to their work without molestation. When these men came in under the attachment and the court heard the evidence, it felt there was nothing to do but to punish them, and to punish them in such a way as not only to correct them who had ample opportunity—all of them but three were defendants in the suit—but to be corrective with respect to others; that the court's judgment in their case would be a warning to all others up there that an infraction of the injunction of the court meant like visitation of penalty upon them; that personal rights and personal liberty as the personal rights of Americans should not be interfered with, as the evidence disclosed in this case. Beating men upon the street into insensibility and leaving them—and you, as marshal, so far as the evidence disclosed; I do not say that it is a fact—but the evidence does not disclose that you made one lota of an effort as marshal to apprehend a single offender, and yet it was in the public streets and in the early evening.

"The police magistrate, so far as the evidence disclosed, and I doubt whether you or Mr. McClure, the police magistrate, could have done anything in that community, if you wanted to, with the state of affairs up there. With that condition of affairs, the court felt that it must impose a penalty that would smart—that judgment for a violation of its injunctive order issued. What for? To protect property; to protect the liberty of American men, going to and from their work, when they pleased and where they pleased upon the public highway.

"I was pleased, Mr. Cassady, that after the hearing you went back to Lafayette and dismissed, or caused to be dismissed, the complaints against the prosecuting witnesses against you. That indicated to me a disposition to carry out what the court had suggested. I am not going to sentence you to-day. I am going to continue this case again, and if order, quiet and peace are restored up there, the penalty I shall impose upon you will be very light, if such a thing comes about. Otherwise the court will not depart very much in the measure of its punishment from that which it has imposed heretofore, and for all like offenders. When peace and quiet are restored up there, as they will be, because violators of the injunction will be punished, those other men may be retained; it is within the power of the court; but this is a Republic of law; every citizen has an equal right with every other citizen to work when he pleases and where he pleases and no man or set of men have a right to beat him up on the street or elsewhere or intimidate him or threaten him or his family, and that is the injunction of the court, and the injunction of the court is that the employees of these mines shall not be interfered with.

"I hope I may not have to sentence anybody else, but if the necessity arises there will be no departure from the course that the court has set in enforcing order in that community. Threats against the court will not deter it one iota

Threats of impeachment and threats of personal violence and threats to kidnap the court are not going to intimidate the court.

"I will read you one of a number of letters that I have received—anonymous letters. This is dated the 27th of last month: 'Gresley Whitford, you are certainly the most contemptible —— that ever occupied the judicial bench of Colorado or any other State. You have imprisoned 16 miners of family, whose only fault is that they belong to a union and have asked fair pay for a fair day's work, and in your blind enmity did not hear your injunction that you had no right to issue. I have been a resident of this city for many years and have watched your career, and when you could you always decided against the poor, as you did against the little girl on Lariemer Street, who was injured by the tramway; but your career will be finished some night when you least expect it. You may be met by a friend who will beat your contemptible face to a jelly, and it will not be a miner, either. You ——, how would you like to be imprisoned for differing with the opinion of a —— of a judge like yourself?

"'Yours, very truly,

"'Citizen.'

"That is one of a good many of similar kind. The writing of that letter is a violation of law; it is a violation for the purpose of making a coward of the court. The writer wanted to make the court run away from the performance of its duty, just like some of these offenders in these mining towns sought to make the employees, from fear, run away from their duty. It is a course of intimidation. It is un-American; it it unlawful.

"I am going to continue your case, Mr. Cassady; I am going to continue it until the 30th day of January, unless you are sooner notified to come in, and if that notice is given you it will be given you by the clerk, and you will obey it. The bond that you are now under will be continued."

Mr. Bloor. Remarks like that were made by the court on a number of instances during all of these hearings. They had no effect; none whatever.

Finally, after these strikers who had been imprisoned had exhausted every remedy in the supreme court and the supreme court had denied their application for a supersedeas, then Judge Whitford, as I say, telephoned to me one morning—this was on February 24—and requested that I come to court. When I arrived there I found all of these persons that had been convicted there in the courtroom. And this took place; this is what the judge said at that time about these persons who were under sentence, as you will recall, for a year:

"It has been two months, gentlemen, to-day since I sentenced you to the county jail."——

Chairman Walsh (interrupting). Excuse me, but is that a very long document?

Mr. Bloor. No; it is about a newspaper column, that is all.

Chairman Walsh. I do not like——

Mr. Bloor. I will not read it if you do not want me to.

Chairman Walsh. Just refer to it and hand it to the stenographer.

(The document submitted is as follows:)

"It has been two months, gentlemen, to-day since I sentenced you to the county jail.

"Much has occurred since that time; your attorneys thought that the court had no jurisdiction to try the case when the preliminary injunction was on before the court, and declined to put in any testimony about the condition of affairs up there; they seemed so sure that the court was without jurisdiction that they offered no evidence, and stated that they would offer none. That was carried to the supreme court on an application for a writ of prohibition; that is, a writ which goes to the jurisdiction of the court alone. On an application of that kind the inquiry is solely and alone as to the jurisdiction of the court to hear a case of that kind.

"The supreme court denied that application. Prior to that Mr. Cassady had been brought in, but the hearing was set after that date, and subsequently to that you, gentlemen, were brought in on the charge of violating the injunction, and the question was again raised that the court had no jurisdiction in the injunction matter, therefore had no power to deal with your violation of the injunction which your attorney said the court had no right to issue. So that again, after the court had sentenced you to jail for a violation of the injunction, your attorney applied to the supreme court on a writ of error for a supersedeas because of want of jurisdiction. On that, and the other grounds that the

court had no right to hear it without a jury—that is, your contempt vote—and because the court had no right to imprison you at all for a violation, but must follow the statute and impose a fine, the court assumed that the law was an unconstitutional act and therefore imposed the penalty that it did.

"There were many criticisms heaped upon the court for its action in that matter. A demonstration by 5,000 men took place in the street, who marched by the courthouse and capitol. That was shameful and un-American and should never have been tolerated in this community. It was an attempt to intimidate the court by fear from doing what it thought was right and just in this case.

"Much criticism was made prior to that time and on that occasion and since that occasion upon the judgment of the court in sentencing you gentlemen to jail for a year, or until the further order of the court.

"You gentlemen know, better than the court is informed, as to the condition of affairs in Lafayette prior to the time you were brought here. The evidence showed that the right of property of these plaintiffs in this suit was being violated; that their employees were being intimidated and assaulted and maltreated; that they had to build stockades around the mines to protect the men that were working for the company from assault. Humane officers had to attend and protect the children, under the state of public feeling in Lafayette, going to school to prevent them from being maltreated by the children who were in sympathy with your strike. Traveling salesmen were being intimidated when going in there to sell supplies to the plaintiff company; railroad men and employees hauling coal out mined by these nonunion miners were interfered with.

"The court made the order that these things should not be done; that you should not congregate upon the streets or at the depots or intimidate or insult or maltreat or threaten any of the employees of this company and thereby interfere with them in carrying on their business. That order was made, and it was made to be enforced and to be obeyed and observed; it was idle to make it if it was not to be enforced.

"The object of imposing a penalty by the court is to punish those who violate the order of the court, and so to impose the penalty that it will command respect from everyone who may through passion or otherwise seek to interfere with that order or violate the law. It is not alone imposing penalties on those who violate it, but to command respect from everybody that it is to be observed and enforced in that way; that they may know that that penalty will certainly be visited upon them if they violate the injunction orders of the court. So that the court had a twofold object in imposing a penalty, not only to punish you for violating the injunction, but to warn others in Lafayette that if they did it that was the penalty that would be imposed upon them.

"Afterwards and before you went to jail, and before the expiration of the term of court, I added onto it, so there would be no question of the court's right to do it, or until the further order of the court, with the view that if order was restored up there, you might be sooner released. If order was not restored, I intended to impose a like penalty upon others found guilty of violating the injunction and to keep you in jail until the order expired or until order was restored. That was my plain duty. Order has been restored there. Whatever might have taken place, as I observe in the public prints, at Marshall and Louisville, certainly there has been a change at Lafayette during the last 60 days, and the court has not changed its mind. I believed then that the imposition of the penalty of one year upon you men for the violation of this injunction, as I found from the evidence you did violate it, was right. I believed then it was the right thing to do or I should not have imposed it; I still believe it was a wise thing to have done, and if the same set of facts, the same circumstances, were presented this morning, after all that has taken place, I should impose the same penalty over again.

"Fourteen of you proved by your evidence, if it was credible evidence, that you were not there on this occasion; 14 alibis were established, and it seemed to the court that some lawyer had been dying up some evidence in this case, and I did not believe that evidence; and I did believe the evidence that you gentlemen were identified as having been there on that occasion and having participated in that affair; and I still believe you gentlemen were all there except Mr. Stubbs and Mr. Hicks, who were tried on a different set of facts.

"Now, gentlemen, I am going to discharge you this morning; I am going to let you go back; and I want you to observe and keep this injunction. I want you to say to any others who are members of your union that it is their duty to

obey this injunction of the court; and that the court has not yielded one inch from the position it took two months ago on this matter. You gentlemen must understand that the Constitution and the laws and the courts are supreme. Your union can not enact an order or make a rule that is higher than the court; that is higher than the law; that is higher than the Constitution. Your rules are all subordinate to judgments and decrees of the court, subordinate to the law, and subordinate to the Constitution; and whenever you or they attempt to raise your rules or by-laws of your association up above the laws and the courts and the Constitution, you will have public sentiment arrayed against you all the time, because that is revolutionary and anarchistic, and any court that has any consistency, any consideration for his oath, would do exactly as I have done in this case. The Constitution, the law, and our courts and republican institutions are higher than all the rules and orders of these associations, and they can not be set up against our American institutions. Keep within the law and the sympathy will be with you; violate the law and the sympathy generally will be against you, because it is un-American to violate the law and set yourselves up against our republican and American institutions.

"I want you and these men to understand that distinction; you must keep within the law. If this court errs in these matters, the Supreme Court can sit in review and see whether or not the court has committed an error. You are discharged.

"Mr. Bunn. If your honor please, I would suggest that your honor repeat that this writ of injunction is still in full force and effect.

"The Court. I think they understand that the injunction is still in force and effect.

"Representative Haines. Yes, sir; we understand it."

Mr. Bunn. Those remarks were made on February 23 in discharging the 24 men that he had convicted of contempt, and the reason for doing it, in substance it is that he thought he had—that the punishment had been a sufficient lesson to all others, and the injunction would in the future be observed, and he did not want to punish them unnecessarily.

After that things went fairly peaceable there for some time, a few months, until along about midsummer, as I recall it, until along about in 1911, in the summer, when assaults again commenced. Then I instituted other proceedings and contempts.

Chairman WALSH. One minute. Were the 18 all of the defendants that were convicted charged with contempt?

Mr. Bunn. In the first instance, yes; 14 in one batch and 2 in another.

Thereafter, after he had discharged these, there were no more assaults for a few months. Then assaults commenced again. Then I instituted other proceedings. Doyle was a defendant in both proceedings. Crawford, who was the secretary of the State organization—of the district organization—was one of the defendants, and not only had the benefit of the counsel which the organization had, but he also had a brother who was an attorney who came here from Wyoming to defend him.

We had protracted hearings before the court on that occasion. The court found them guilty and sentenced them to different periods of time, or different fines. I think there were 14 in this last batch that were convicted. And thereafter application was made to Chief Justice Mosher for the appointment for these cases, and that was granted by Judge Mosher, who was then the chief justice. That terminated all contempt proceedings of that kind so far as I was personally concerned. The Northern Coal & Coke Co., of which I was a director and officer, sold out our properties to another organization and ceased business on the 16th of October, 1911. And that has been—I have not been an operator since that date, for which am truly thankful.

There has never been a time during all of this time that these organizations started in in this high-handed manner that they have known any law or observed any law. They are a law unto themselves, and the laws of the State have no more influence with them than a fly. They are a lawless body, absolutely, and they have been since 1910 in all of their actions and dealings. The strike that was brought in the south was practically the outcome of this strike in the north, and was the result of it; and this strike in the north, that was started in 1909 was the forerunner of everything that has taken place since then.

Commissioner BALLARD. You spoke of fatal, daring [illegible] operations. You used the word several times "he"—he-and-so. Whom did you mean?

Mr. Bunn. I do not know. In what connection?

Commissioner BALLARD. In 1910, you will recall, some of the union men went to Indianapolis and came back and then——

Mr. BLOOR (interrupting). Oh, Mr. Smith was the president of the board. He was the man that came to us and made this peremptory demand upon us on the 31st day of March, or telegraphed that to his organization, and the request was made of us on the 31st of March, and he then came——

Commissioner BALLARD. Mr. Smith?

Mr. BLOOR. The prospect refuses to Smith—made this demand upon us.

Commissioner BALLARD. Well, just up to 1910 then had a contract, and that contract went over to 1910?

Mr. BLOOR. We made a contract—we started negotiations in March, 1908, I think it was January, 1908, to make a new contract in place of the contract which terminated on March 31.

Commissioner BALLARD. You said on July 14.

Mr. BLOOR. And that new contract—the men remained at work during all of the time of the negotiations. We were in negotiations for five or six months, and the contract was not completed until July——

Commissioner BALLARD. Fourteenth?

Mr. BLOOR. July 14.

Commissioner BALLARD. That contract which existed all those years, or 1909, was that a similar contract to what they now present to the operators, or is it a different kind of a contract?

Mr. BLOOR. Different kind of a contract. We have changed the contract which we entered into on July——

Commissioner BALLARD. Fourteenth?

Mr. BLOOR. 1908, which, by its terms, was to expire on March 31, 1910. Here is a copy of the contract, if you desire it. It is a contract for each mine.

Commissioner BALLARD. Please offer it in evidence.

Mr. BLOOR. Yes; you can have it. It is a contract for each mine.

(The witness submitted, in printed form, a pamphlet entitled "Articles of Agreement and Scale of Wages between the Coal Operators in the Northern Colorado Fields and District No. 15, U. M. W. of A." dated July 14, 1908; expires March 31, 1910.)

Commissioner BALLARD. Does that contract require the check-off system.

Mr. BLOOR. Yes, sir; it does. I think we had the check-off ever since 1898, the time we made our first contract.

Commissioner BALLARD. Did you object to that clause, that check-off, at the time?

Mr. BLOOR. Well, personally, I think I did. I submitted to it, submitted to it under protest. I think it is a very objectionable feature. I don't think organized labor ought to assume that attitude. It is un-American. It is undue, and it shows a want of honesty toward their own members, to require their employees to check off from their salary the amounts that are due for initiation or fines which the organization may assess against them. I do not think it is right in principle. They insisted upon it, though, and under protest we conceded it. It is wrong, I am satisfied. I do not think organized labor in any other industry demands it in this manner.

Commissioner BALLARD. You say the employers, the operators, object to that check off, or the workmen themselves object to it?

Mr. BLOOR. A great many of them have complained of it to the leaders. The leaders were the ones that wanted it because they wanted the funds. I have a great many, had a great many, friends among the workmen, and they were all opposed to it. But they were led by their leaders, you might say, or their agitators.

Commissioner BALLARD. In this United Mine Workers' organization, as I understand it, everybody that works in and around the mine, connected with the mine, belongs to the order, even the engineers, firemen, and pumpmen?

Mr. BLOOR. They are all members, everybody but the pit boss and officers—you might say all employees. The pit boss, while an employee, was in the nature of a superintendent. That is, he had charge of working and he could not be a member.

Commissioner BALLARD. On a strike, the men almost entirely and absolutely left the mine?

Mr. BLOOR. Absolutely, excepting that in every other strike that I have ever heard of in the United Mine Workers they never called out anybody

except the miners, those that were producing the coal for the market. This is the first instance I ever heard of where they were called out the engineers, firemen, and engineers.

Commissioner BALLARD. Were there very many foreigners working for your company between 1900 and 1910?

Mr. BLOOM. A very small percentage of them. Of course, in all the mines we have a coming and going traveling population. The miners are peculiar. They are a migratory set of people; they come and stay a few months and then leave—a great many do, especially the single men. We had that class that would come and stay and go. But a majority of our miners were citizens, were Americans and Germans, men of that type that had worked with us for a great many years.

Commissioner BALLARD. Well, you say the town had been built around your mine? Did you have the dollar a month for the medical attendance there?

Mr. BLOOM. No; we never had anything like that.

Commissioner BALLARD. You did not require it?

Mr. BLOOM. Never anything of that kind. If they wanted it we did whatever the men wanted. We put in the eight-hour day before the law passed. We gave our men whatever they wanted. We never had any differences with them in anything of the kind.

Commissioner BALLARD. Did you have a company store?

Mr. BLOOM. No; not in this. We had a store, but it was not owned by the company. We had a store for our own convenience. We never had scrip or anything of that kind. They could buy whatever they wanted to. They could charge their account against their wages if they desired it.

Commissioner BALLARD. Were there other stores there?

Mr. BLOOM. Plenty of other stores. We had our store more for our own convenience, for our own supplies, you might say.

Commissioner BALLARD. Did the miners in those negotiations ever bring up the question that the price in an 8-foot vein should be different than the price in a 4-foot vein? That the men could make more money, dig more coal, in the 8-foot vein than in the 4-foot vein, and therefore there should be a difference?

Mr. BLOOM. We could not do it. We tried to get them to see that, but they never would.

Commissioner BALLARD. Did the officers ever take that matter up?

Mr. BLOOM. Yes. We brought it to their attention, and I have talked to them by the hour, but they simply insisted on the flat rate. They were simply in the attitude of demanding things that were impossible to comply with. They took the position that they wanted to strike, any they did strike.

Commissioner BALLARD. That is all.

Chairman WALSH. That is all. Thank you.

Mr. Brake.

TESTIMONY OF MR. EDWIN V. BRAKE.

Chairman WALSH. Your name is Edwin Brake?

Mr. BRAKE. Edwin V. Brake.

Chairman WALSH. You are deputy labor commissioner of the State?

Mr. BRAKE. Yes, sir.

Chairman WALSH. How long have you held your present position?

Mr. BRAKE. I have held it since—over eight years.

Chairman WALSH. What are your duties?

Mr. BRAKE. Well, there are five separate and distinct departments in the labor bureau in this State.

Chairman WALSH. I am going to ask you to run through with this and make it as brief and concise as possible.

What are your duties?

Mr. BRAKE. My duties are: I am chief factory inspector, I am deputy labor commissioner, chief of the statistical department, at the head of the bureau of free employment, also have charge of the licensing and regulating of the private employment agencies.

Chairman WALSH. Does that include the inspection of mines?

Mr. BRAKE. No; we do not inspect mines.

Chairman WALSH. Do you have any duty with respect to enforcing the mine laws, or did you during the past years?

Mr. BRAKE. Yes. The statute in this State provides that the deputy labor commissioner shall enforce all laws for the protection of wage earners of every kind and character.

Chairman WALSH. What part did you take in drafting legislation covering conditions at mines?

Mr. BRAKE. Well, in the last 20 years I have been more or less interested in securing the passage of the eight-hour law for miners, women and children labor laws, factory-inspection laws, free-employment laws, creating free employment offices, controlling private employment agencies, and various other laws.

Chairman WALSH. Of what did your activities consist? Did you draft laws yourself or did you appear before members of the legislature, or what?

Mr. BRAKE. Well, I drafted the factory-inspection law—to go back a little further. In 1909 just previous to the meeting of the legislature, we, in conjunction with the legislative committee of the State federation of labor, met and had several sessions drafting various laws to be presented to the legislature, and I took quite an active part in the legislature, in both houses, in securing the passage of those acts.

Chairman WALSH. Briefly, what were they?

Mr. BRAKE. Well, there was a miners' eight-hour law, factory-inspection act, employers' liability act, a law controlling private employment agencies, an amendment to the old law creating the bureau of labor statistics; and we also had in there another law, or rather another bill, doing away with the old common-law defense of contributory negligence and assumption of risk. At that time there were bills introduced for an 8-hour law for women and minors, a 10-hour law for street railway men—I remember some 12 or 14 bills.

Chairman WALSH. What was the attitude of the mining companies to the passage of the 8-hour law, the "semimonthly payment, the 10-hour bill, and similar measures?

Mr. BRAKE. At this time there was a law on the statute books prohibiting the payment of wages in scrip, and had been for quite a number of years. Their attitude—what we consider the men that look out particularly for the interests of the coal companies—they were opposed to the enactment of an eight-hour law for miners. We had one on the statute books that was not satisfactory, and we wanted to get one that was, and their attitude was generally antagonistic, and they were opposed of course to the abrogation of the old common-law doctrine of the assumption of risk and contributory negligence. Some of the representatives supported our factory act. That was quite wrangling, and I appeared before the judiciary committee of the senate, and explained those bills at various times, the objects and purposes of them. We used to hold extended sessions; but at the session of the seventeenth general assembly, that was the one of 1909, there was a bill introduced by Mr. Hurd, a short bill that had for its purpose the distribution and increasing of air in the mines. That bill was antagonized very strongly by the coal companies and defeated.

Chairman WALSH. Did the coal companies usually maintain what might be termed a recognized lobby at the statehouse consisting of attorneys and officers?

Mr. BRAKE. Well I don't know that they have any particular agent—they are a good deal like the rest of the people. If a bill comes up at an open session of the committee of course they have their representatives there and the other people have theirs.

Chairman WALSH. What attitude did the three large coal companies take as to obeying these laws—the mining laws?

Mr. BRAKE. Well, the eight-hour law that was passed in 1904, the result of probably 15 or 20 years' agitation, there never was any attention paid to it outside of what we called the organized camps, where they made contracts with the union.

Chairman WALSH. What attitude did the smaller companies take toward those laws?

Mr. BRAKE. Well, I think in the unorganized mines they paid no attention to it.

Chairman WALSH. And in the organized mine?

Mr. BRAKE. In the organized mines of course the miners would have that in their contract.

Chairman WALSH. What attitude did the local authorities in Las Animas and Huerfano Counties take toward the enforcement of the mining laws and safety regulations for miners.

Mr. BRAKE. Well, my experience with the local officers down there has been almost entirely through deputies, and as I have reports from the deputies as to the manner in which they enforced the laws, we never could get an absolute enforcement or partial enforcement of any of those laws.

Chairman WALSH. Did the authorities there cooperate with your department to enforce the laws?

Mr. BRAKE. No, sir.

Chairman WALSH. You say they did not do that?

Mr. BRAKE. No, sir.

Chairman WALSH. What was their attitude with reference, for instance, to checkweighmen?

Mr. BRAKE. In my recollection checkweighmen have been used on one mine, that is, the Sopris mine, and have been for a good many years.

Chairman WALSH. Do the miners ever petition you for checkweighmen?

Mr. BRAKE. On several occasions I was petitioned for checkweighmen and sent representatives down. I still remember one instance at Aguilar, and when we got down there, there was a committee appointed to act with my deputy to see the superintendent of the mine, and he discharged the committee and alleged that the reason that he did it was that they were agitators. I think that was at the Southwestern mine.

Chairman WALSH. What company was that?

Mr. BRAKE. I think at the Southwestern mine, I think what we call an independent company.

Chairman WALSH. Do you know of any other instance of that kind?

Mr. BRAKE. Well, I only hear of them. I might call your attention—however, I will be just as brief as I can, and I will show you something here——

Commissioner WALSH. Could you give us the reference? Just give us the reference to that page. It apparently is a report.

Mr. BRAKE. Yes. It embraces four pages. The substance was—the miners—I will just read from it and you will get the idea [reading]:

"Many reports were received by the department, of scales at coal-mine tipples being defective, and numerous miners claimed that they were being defrauded by getting short-weighted on their coal mined. It should be understood that coal miners are paid on the tonnage basis—so much per ton of coal mined. Deputy factory inspectors were instructed to examine into these complaints when inspecting surface workings around coal mines. The department has no jurisdiction underground; that belonging properly to the duties of the mine inspectors, coal and metal. Deputy Factory Inspector Leroy Monical, who was assigned the southern field, reports as follows."

Then he gives in the report here a detail of each mine and the condition he found the scales in.

Chairman WALSH. How many did he, approximately and roughly, find to be defective?

Mr. BRAKE. Well, I could not tell. I suppose that—well, here is a—I will just read you one, and that will give you an idea.

Chairman WALSH (interrupting). First, I would like to ask—that includes the scales of what companies?

Mr. BRAKE. Well, it includes the scales of the Colorado Fuel & Iron Co., the Wooten Land & Fuel Co.——

Chairman WALSH (interrupting). Does that include the Rocky Mountain and the Victor-American?

Mr. BRAKE. Yes; the Rocky Mountain and the Victor-American.

Chairman WALSH. All right; go ahead, now. What were you going to say?

Mr. BRAKE. Now, this is an illustration of the report that he made, about four pages, so you won't want to hear all of it [reading]:

"March 21, 1912. Wooten Land & Fuel Co., two mines situated close to New Mexico line on the Santa Fe Railroad; I find the scales at the Wooten mine unbalanced, and scales at the Turner mine very unfair to the miners. They could not be balanced, and, on weighing a car of coal, the weight of three men weighing 450 pounds only increased the weight of the car 50 pounds. Scales seemed to be binding. They were inspected by the county inspector."

Chairman WALSH. What county was that?

Mr. BRAKE. Las Animas.

Chairman WALSH. How are the county inspectors of scales appointed?

Mr. BRAKE. By the county commissioners. But this is the only reference I have ever heard of in any reports by any of my deputies to an inspector at any place in the State of Colorado.

Chairman WALSH. What you know of the condition as to compelling men to trade at the company stores, and as to this scrip, if any such customs did exist?

Mr. BRAKE. Well, the custom of using scrip was very prevalent by the Colorado Fuel & Iron Co. for many, many years. As to whether they were compelled to trade at the company stores, I only know from what the men tell us themselves. They claim that they were compelled to trade there.

Chairman WALSH. What do you know as to whether or not individual miners could present grievances to these companies in which the organization did not enter—the miners' union?

Mr. BRAKE. Well, I have had the officers of the company tell me that they were always ready and willing to listen to complaints. On the contrary, I have had numerous men make complaints to me that they could not get any adjustment of any differences.

Chairman WALSH. In your opinion as an official, was there sufficient of that to cause unrest among the men?

Mr. BRAKE. Well, that might have contributed to the unrest.

Chairman WALSH. What do you know of the methods of the militia during their occupation of the strike zone?

Mr. BRAKE. Well, if you will give me a few minutes I might start in and tell you what I know about the conditions or the situation in southern Colorado; and I will talk just as fast as I can.

Chairman WALSH. Very good. We have only about 10 minutes more.

Mr. BRAKE. On the 15th day of August, 1913——

Chairman WALSH (interrupting). Were you down there?

Mr. BRAKE. Yes. Secretary Fairchild, secretary to Gov. Ammons, came to my office, and I was absent, and he left word that the governor wanted me to go to Las Animas and Huerfano Counties and make an investigation and report, as his representative, as to the conditions and the likelihood of stopping the strike. I did not want to go without seeing the governor, and I found he had gone to his ranch up in Grand County, and I called him up on the telephone at 9 o'clock at night of the 15th. I got him over the phone, and he verified the statement made by his secretary, and he said: "I want you to make a thorough investigation as to the probabilities of doing something to stop the strike." I left the next day at 12.15—that was the 16th—and I arrived in Trinidad at 7.45. That evening—well, I walked up from the depot to the Toltec Hotel and had registered, and there was a shooting started on the streets just outside of the hotel, probably within a hundred feet, where a couple of deputy sheriffs killed a miner on the streets there. It was Saturday evening. The streets were full of people, and it created quite a furor. The State federation began its session then on the Monday following. On the Sunday between this killing and the meeting of the State federation the officers of the chamber of commerce sent their secretary, Mr. Fryer, to know if I would meet them at a special meeting Sunday at 10 o'clock, and I did, and met the directors and the officers of the chamber of commerce. They then informed me of the terrible unrest that existed in the county, stating that they were very much dissatisfied themselves with the industrial condition; that they did not entirely blame the miners, but that they wanted to avoid a strike if it were possible, and urged me to use my influence with the delegates to the State federation to avoid taking any drastic action. I made quite an investigation of the conditions by talking with business men and with the miners.

There were quite a number of them in town, delegates from the different camps to the State federation, and I stayed there probably a week. I came back and reported to Gov. Ammons, and I made my report verbally in the presence of Secretary of State Pearce, who is the commissioner ex officio, and I told him that the feeling was very intense; that the town of Trinidad was filled full of armed men, guards, and detectives; that the killing of Lippiatt had created an intense feeling among the miners; and that I apprehended if something was not done and done quickly that there would be an outbreak there that would be disastrous. I recommended that he send for the sheriffs of the two counties and have them come to Denver and peremptorily demand of them that they disarm every guard, every man, woman, and child in the two counties, and if he needed any deputy sheriffs to discharge some he had and put in reputable citizens recommended by the chamber of commerce; that if they would not agree to this plan for him to remove the sheriffs and declare martial law at that time and stop the conditions from getting any worse.

Chairman WALSH. What date was that?

Mr. BRAKE. I should just this was about—let's see—this would be about the 22d or 23d of August.

Chairman WALSH. 1913?

Mr. BRAKE. 1913.

Chairman WALSH. Just a month before the strike?

Mr. BRAKE. Just a month before the strike.

There was a great many negotiations held. I addressed communications to the officers of the union and to the officers of the coal companies—especially the three large companies—offering arbitration under the statute, which both sides declined. Then on the 22d of September, the strike having been called on the 23d, I went to Trinidad, and was followed in two or three days by Mr. Pearce, and Ethelbert Stewart, who was an employee and statistician from, I think, the United States Labor Department, also accompanied Mr. Pearce. We took an automobile and made a trip to Segurta, Segundo, Primero, Ludlow—they were just establishing then the tent colony. People were just coming out of the canyons—Hastings and Delagua.

Chairman WALSH. What was this date?

Mr. BRAKE. This, I should judge, was about the 23th of September, or 26th.

Chairman WALSH. After the strike was called?

Mr. BRAKE. The strike was called on the 23d, and the feeling then was very intense. They had closed up the road into Camp Primero.

Chairman WALSH. And you say the feeling was intense. You may proceed.

Mr. BRAKE. And we had quite a difficulty getting in there. Complaints had been made that they were detaining people at Primero—would not permit them to move their baggage and household goods out of the camp. So after parleying quite a while at the gate across the road—we were held up there by a guard with a gun—but after parleying, why, he permitted us to go through, with the captain of the guard on the inside. We found that these people wanted to leave. They lived in house No. 126 at Primero; and we finally got an order from the sheriff to the superintendent of the mine permitting these people to get out. I left, and I don't know—I didn't get the order until after we got back to town. But the conditions were very intense—the feeling.

Chairman WALSH. What evidence was there that these people were being detained?

Mr. BRAKE. The superintendent of the mine told me that these people did not want to leave; but when I left the camp I found a man down at Old Segundo who lived in this house, No. 126, and he told me that he did want to leave; and that is the reason that I got the order from the sheriff. I found—the next day we took the trip up through the Ludlow colony up to Hastings and up to Delagua, and we met the superintendent of the mine there. The mine was not working at that time. There was a few men there, but Mr. Snodgrass said they were not doing anything to speak of, and we talked with him about the conditions and the likelihood of anyone leaving—he didn't think there was going to be any leave. He said he knew all the men. They were all friends of his. He had been somewhat surprised in the number that had left, and he attributed it to one shift boss that he thought would stay with the company, but he was a member of the union and took them all away.

I then came back to Denver—I went to Walsenburg also first and found practically the same conditions, and then came back to Denver—and then in January I went back again, and then the militia was in the field. There isn't any question in my mind from the information that I have and the experiences some of my deputies had that the militia felt that it was incumbent on them to break the strike. A great many complaints had been coming to the office that men were being detained in the different camps who wanted to leave; that they had been shipped in, as they claimed, under false pretenses or representations, and they wanted to get out. So I sent a couple of my deputies with an interpreter down there to make these investigations, and this is a matter that I prepared for the newspapers after they had thrown, or ordered, the deputies out of the camp—the militia had. In a report by Gen. Chase to the governor of this State on the military occupation of the coal-strike zone in Colorado there appears on page 51, under the title of "Labor commissioners," that which, in justice to this department, requires a clear statement of the facts.

These men were sent out to make an investigation as to whether anybody was being detained or penned. Under the statutes it is made the duty of the deputy labor commissioner to cause to be enforced all the laws that have been passed for the protection of laboring people. Numerous complaints have been filed in this office that men were being held against their will in the mining camps of Delagua, Hastings, Berwind, Tabasco, Forbes, and Gray Creek. It was stated that the men had been shipped into Colorado and conditions misrepresented and that they were being held by force of arms—mine guards and State militia. I sent Mr. Green, Mr. Howe, and Mr. Frank Mancini, all employees in the office—regular employees of this department—to make an investigation as to the truthfulness of the reports; and my instructions were that they

should assemble the men of each mine and make a statement to them to the effect that if they were satisfied with their conditions and that if no grievances existed, they were at perfect liberty to work; but if they wanted to leave the mining camp for reasons of the treatment they were receiving or because of conditions that were misrepresented, my orders were to take them out of the camps. Mr. Gross was placed in charge and visited Delagua, Hastings, Berwind, and Tabasco, and was denied the right or privilege of interviewing the men at all.

At Forbes, the superintendent of the mine, Mr. Nichols, granted permission to interview the men to ascertain whether or not they were being held against their will; but before Mr. Gross or Mr. Howe had opportunity to meet the men, they were arrested on the orders of Lieut. Olinger, and ordered to report at headquarters, where they were informed that they would have to leave the camp and were denied the privilege of interviewing those men as to whether they were being held against their will. Lieut. Olinger told Mr. Gross that no man could leave the Forbes camp without a military permit, and he could not get a military permit unless he had an O. K. from the superintendent of the mine; that they would not allow any man to leave the camp who was indebted to the coal company—thus slowly admitting a system of peonage that we were trying to investigate, and denied that privilege by the militia of the State.

Gen. Chase, in his explanation of the reasons that all deputies of this department were not permitted to interview these men, stated that Maj. Hamrock had told him that Frank Mancini, an employee of this department, had said that his instructions were to take people out of the mines either by argument, cajolery, or intimidation; this statement of Maj. Hamrock's is absolutely false. Mancini never received any instructions from me of any nature whatsoever, neither did he tell Maj. Hamrock anything of the kind as stated above.

This department has knowledge that, in place of using the military forces of the State to protect lives and property, Chase used the troops for the purpose of breaking the strike; that he personally used his soldiers and his influence in placing strike breakers in the various mines; that promiscuous arrests of miners and incarceration in the county jails incommunicado were done for the sole purpose of intimidating the strikers. Of all the arrests that he made and all the men who were jailed, there were no reports of any gun guards or murders by imported gun fighters of the different detective agencies. His attempt at vindicating his force by going through the State making speeches at the State's expense has no precedent, and is only done for the purpose of misleading the general public as to his true actions during the period he was in the field.

My information regarding these people being held, came in the form of affidavits, so that it was my duty to make the investigations, which I had done in northern Colorado, and submit it in our report—our findings in 1909 and 1910. We found that the same conditions of holding men in these barbed-wire inclosures prevailed; and when Mr. Gross went to some of these mines he took out quite a number of men that went with him when they found they had some protection——

Chairman WALSH. About how many went out?

Mr. BRAKER. My recollection is that about 71 were taken out in northern Colorado on that trip that he made. I have his reports here——

Chairman WALSH (interrupting). Will you kindly submit them, or make such notation that we can get them into the record? Oh, is it in that book you have?

Mr. BRAKER. I have it in both books.

Chairman WALSH. Will you describe these reports, so that if we haven't them in the record already we can get them?

Mr. BRAKER. I have them all marked here, and I can describe them [reading]: "Biennial Report, Bureau of Labor Statistics, Colorado, 1909–1910."

Chairman WALSH. Can you give us those marked copies?

Mr. BRAKER. I can give you these copies I have now.

Chairman WALSH. All right, just put them in the record.

(The witness submitted, in printed form, books entitled "Twelfth Biennial Report of the Bureau of Labor Statistics of the State of Colorado, 1909–1910," and "Thirteenth Biennial Report of the Bureau of Labor Statistics of the State of Colorado, 1911–1912," both books bearing the imprint "Denver, Colorado, The Smith-Brooks Printing Co., State Printers.")

What have you personally done while occupying the position of labor commissioner to bring violations of the law to the attention of the district attorney and

to demand compliance with the law? That is, confine that, of course, to the laws affecting the mining industry alone.

Mr. Brake. Well, we have made a great many efforts to have people prosecuted for violations of the various laws, but with no apparent success. I sent Mr. Gross at one time down in the coal camps—I think it was in 1910—they are shown in the report there, his report of the trip, which probably would be better than what I would say.

Chairman Walsh. It is in there, is it?

Mr. Brake. It is in that report, and the place is marked.

(The witness referred to page 206 of the Twelfth Biennial Report, above mentioned.)

Chairman Walsh. Now, if there is any matter of significance that can not be found in that report that you would like to state now, you can do it. I know the subject is so broad, and you have such a deep knowledge of it, that you could testify here for some time.

Mr. Brake. Well, you know my testifying here is a good deal like putting a man up on the platform to prepare a two-hour speech and cut him off with 15 minutes. He hardly knows where to start and where to quit.

Chairman Walsh. I understand; but we are limited as to our time.

Mr. Brake. As I understand it, one of the purposes of this commission is to find out what are the causes of these industrial disturbances?

Chairman Walsh. Yes.

Mr. Brake. I want to say that, in my judgment, the primary cause in Colorado was the desire on the part of the miners to get eight hours a day, with the desire to unionize their camps; that is, both metalliferous and coal; and that for approximately 20 years the struggle had gone on for an eight-hour law, and we never succeeded in getting one until the session of the legislature—the last one—in 1913 that was of any force at all. Up to that time no attention had been paid to the law except, as I stated in the beginning, in the unionized camps.

Another thing that caused a great deal of dissatisfaction here was the fact that if a man was killed or injured in the mines, or in any of the industries of the State, it was absolutely impossible for him to get any relief, or his heirs. The old common-law doctrine of assumption of risk and contributory negligence was a barrier, under our employers' liability laws, to their getting any relief, so that the only time they could get anything would be on a compromise. In a few instances, though, after a large mine disaster, they would go and settle with the heirs; but to go into court to get any redress, it was absolutely impossible. So that for years, in place of trying to get employers' liability laws, we have been trying to get away from the old common-law practice, and we have only succeeded in abrogating the common law on assumption of risk.

A law was passed in 1913 abolishing the doctrine of assumption of risks, but through some influence, presumably these corporations, the law was referred, sufficient signatures being obtained to a petition for this purpose; but the people adopted it at the recent State election.

Another thing that has caused a good deal of dissatisfaction in the State is that the laws are not enforced. I am reminded of and will give you a citation.

In the eleventh general assembly—that was in 1897—the legislature passed what was known as the "switch-blocking act," which required the use of a V-shaped piece of wood to keep men from getting caught in the frogs. That law stated that it would be prima facie evidence on the part of the railroad company in case of a failure to properly block the switch. A boy was caught in an unblocked frog at Lawrence and lost his leg. His mother, a widow, brought suit, and it was tried in the court of Canon City, and Judge Bailey was the trial judge, and he gave instructions 8 and 9, that were in substance to the effect that if the jury found from the evidence that the switch was not blocked, then they must find for the plaintiff. Consequently a verdict was rendered against the defendant, the Denver & Rio Grande Railroad Co., and an appeal was taken to the supreme court, and Judge Goddard wrote the opinion stating that while it was true that the company had not properly blocked the switch in accordance with the statutes of 1897, yet that boy had assumed the risk.

We find continual cases of laws being declared unconstitutional, whether it be mining laws or others, or they are nullified by some act of the court. We attempted in 1903 to pass a woman's eight-hour law, and after we had it on the statute books I brought an action under that act against the Colorado Laundry Co. for working a girl more than eight hours. I went to Judge Campbell, who was then a member of the supreme court and who was a personal acquaintance

and friend of mine, and I said to him, "Judge, I want to know if this law is good before I bring an action. We have so many of these labor laws declared unconstitutional that I would like to know it before I go into the courts." He said, "I am very familiar with that statute, and any judge that would declare a law of that character, having for its object the protection of women and children, unconstitutional is not fit to sit on the supreme bench." I got a verdict in the lower court, and the laundry company appealed the case to the supreme court and Judge Campbell declared the law unconstitutional.

These things repeatedly have been going on for 20 years, until it has brought a spirit of unrest, and my remedy for these things is a strict and rigid enforcement of every law upon the statute books against all impartially. If that had been done before, we would not have had this last strike and we will not have any in the future.

I will give you another illustration. I got the past year a law controlling private employment agencies. I presume there have been more crooked men engaged in employing laboring people in the United States than any other occupation according to numbers, and we sought to control those, and we got this law passed, and it was my duty to enforce it. I found that the Colorado Fuel & Iron Co. had employed a Jap for six or seven years at Pueblo to employ Japs to work in the steel works, and then deducted $1 from their time checks. They made biweekly settlements, paid them every two weeks, and some one told them they were being robbed; that there was $1 being deducted each every month out of their pay, $1 from each man, for this Jap to pay for his job. And I brought an action and got a verdict in the lower court of Pueblo, from which an appeal was taken to the supreme court, and the verdict was reversed on the ground that the steel works at Pueblo had been exempted by the city of Pueblo from taxation and was not a part of the municipality.

So it seems that it does not make any difference how we go about these things, we can never reach the evil.

A semimonthly pay day has been adopted by a part of the firms of the State, by some of the corporations, but not all. I never was able to get a district attorney to bring any action. I have tried repeatedly to force the manufacturers and the merchants of the State to furnish the schedules so that I could prepare statistics on these various things.

We have a statute that looks very strong, but I never was able to get the district attorney to allow me to bring an action. So, when we sent out 5,000 schedules, we got back only 15 or 20 per cent, and then they were only half filled. Some people paid no attention to it at all. So, if this commission can devise some way, or make any suggestions to the United States Congress that will result in passing laws that will remedy this situation out here, it will be very satisfactory. You can take our anticoercion act. I tried to have actions brought on that. I had a call to go to Louisville, Colo.—that there were some men up there that had been shipped in from Chicago, and that they were there stranded and could not get away. This is the statement we took from the men, with their names and where they were shipped from, and the whole history of it that you may put into the record.

Chairman WALSH. Please submit it in the record.

(The statement so offered is printed among exhibits at the end of this subject as "Brake Exhibit No. 1.")

Mr. BRAKE. These men were hired by the officers of the Rock Island Railroad Co. in Chicago and they were shipped to Colorado, with two guards on the car, and when they got to Limon, the car was locked and remained locked until it was transferred at Denver to the Colorado Southern for the Monarch mine at Louisville. I tried to get an action brought against these people, and I could not do it under the statute. They said the law was not constitutional, so that these men had to go back to Chicago the best way they could.

I also have here copies of the labor laws of Colorado.

Chairman WALSH. Please submit them into the record, Mr. Brake.

(The witness submitted books entitled "The Compiled Labor Laws of the State of Colorado, Including all Enactments Relating to Labor to January 1, 1909, Axel Swanson Deputy Labor Commissioner"; "The Compiled Labor Laws of the State of Colorado, Including all Enactments Relating to Labor to May 6, 1911. Edwin V. Brake, Deputy Labor Commissioner and Chief Factory Inspector"; and "Labor Laws Enacted, 1913, State of Colorado, Office Bureau of Labor Statistics," each of which was published by the Smith-Brooks Print. Denver.)

Mr. BRAKE. There is one thing I would like to explain with reference to this strike. I have been criticised for some figures I made regarding the earnings of miners, and I want to state that those figures are based upon reports made by the coal companies to the mine inspector monthly, as to the tonnage produced, as to the rate per ton paid the men, and as to the number of miners employed. I took the totals for the year on five mines. I picked them so I could gather the data from the three large companies and from the lignite field in the north, and I prepared this table, and I want to state that this table is absolutely correct, because any child 16 years old can take these figures and verify them. I took the total number of days worked, according to their own reports, the average number of miners employed during the year, the price paid per ton, the total tonnage produced at the mine, and all you have to do is to multiply the total tonnage by the price paid per ton, and divide by the number of men, and you get the average annual earnings.

In the Berwind mine there were 301 days, and they employed 296 miners, and paid 55 cents per ton. They produced 362,039 tons. The average gross wages per miner per year was $660.62. The average gross wages per day was $2.24 on a basis of 312 working days, and they worked 301. Fixed charges for powder, smithing, and hospital, $54.50; average net wage per year, $615.32; average net wages for a 10-hour day, $1.97; average net wages for 8-hour day, $1.58. The five mines producing 7 per cent of the total coal produced in the State give an average net wage for an 8-hour day of $1.68. We produced that year about 11,000,000 tons, and this covers 839,207 tons. I gave the Berwind mine. The Maitland mine——

Chairman WALSH (interrupting). Have you the Delagua mine, Mr. Brake?

Mr. BRAKE. Berwind, Maitland, Piedmont, the Golden Ash, and the Coal Creek mine. I have not the Delagua, but it is the largest producer in the State. Baum owns the Golden Ash; the State owns the land, but he has the lease. The Coal Creek is owned by the Colorado Fuel & Iron Co.; the Piedmont is owned by the Rocky Mountain Fuel Co.; the Maitland by the Victor-American Fuel Co., and the Berwind by the Colorado Fuel & Iron Co.

Chairman WALSH. Will you submit that table, please, Mr. Brake?

Mr. BRAKE. Yes, sir.

(The table of wages so offered was in printed form.)

Chairman WALSH. Well, now, if there is anything else in the way of constructive remedy or suggestion you have in mind, I wish, please, you would give it to a member of our staff, who will be left behind and who will call upon you.

(The witness, in accordance with the above request, under date of December 30, 1914, submitted papers, which appear among the exhibits at the end of this subject as "Brake Exhibit No. 2.")

Commissioner BALLARD. You spoke about the carload of men that were shipped from Chicago. Why didn't they go to work when they got here?

Mr. BRAKE. These men were employed there. According to their own representations they were plumbers, electricians, boiler makers, street car men, mostly mechanics and mostly young fellows from 25 to 30 years of age, and they claimed they were brought out here to work at their regular trades, and that when they got out here they were taken to the collar of the shaft and told, "Now, go down and go to work." And they refused. The names and addresses of these men are contained in that statement.

Chairman WALSH. That is all, thank you, Mr. Brake.

Mr. BRAKE. I would like to say that if you leave anyone here for any further information, I would be glad to give it to him.

Chairman WALSH. Mr. Grant will be here.

Mr. BRAKE. I have been broken up because of the short time given me.

Chairman WALSH. It has been too short. I might make the statement that a few witnesses who have been subpœnaed have not been used on account of time. The testimony expected to be adduced from some of them has been covered by other witnesses. In the cases of witnesses from whom we still desire information, members of our staff will be left to take statements from them.

All of those witnesses who have been subpœnaed, but not called upon the stand, may get their per diem and mileage by applying to Mr. Dewes.

This commission will stand adjourned without day.

(And thereupon, at 5.10 p. m., Wednesday, December 30, 1914, the commission adjourned without day.)

EXHIBITS.

OSGOOD EXHIBIT NO. 1.

DENVER, COLO., January 2, 1907.

GRAY CREEK.

Effective January 1, 1907, the following advanced rate of wages will be paid: Digging, 50 cents for 2,000 pounds run of mine; this is an advance of over 4 cents per ton over previous price.

Wages for drivers will be 20½ cents per hour; for driver boys, 15½ cents per hour; fire boss, 22½ cents per hour; motor men, 20 cents per hour; nippers, 20½ cents per hour; trackmen, timbermen, and rockmen will receive 20½ cents per hour; trappers, 12 cents per hour; power-house engineers, $65 per month; ash wheeler, 18½ cents per hour; stable boss, $60 per month; stable-boss helper, $55 per month; blacksmith, 22½ cents per hour; pit-car repairer, 20 cents per hour; electrician helper, 21½ cents per hour; laborers will be advanced from 17½ cents to 19½ cents per hour; oven drawers, from 20 cents to 85 cents per oven; and lowlers from 20 cents to 22 cents per oven.

W. J. MURRAY,
Second Vice President and General Superintendent.

Approved.
G. W. BOWERS, *President.*

OSGOOD EXHIBIT NO. 2.

The Victor-American Fuel Co.—Summary of total days worked and amount earned by men employed as miners, all mines, year ending June 30, 1913.

Mine.	Total days worked.	Total amount.	Entries and room turning.	Total earned.	Average per day.	Average days mine worked.	Average yearly wages had man worked every day mine was operated.
Gray Creek	32,126	$80,626.60	$11,970.20	$77,596.80	$2.33	2.66	$[illegible]
Hastings	37,625	104,440.76	11,922.63	113,363.39	4.11	2.69	3,[illegible]
Delagua	97,410	222,674.22	26,988.76	249,664.07	4.66	2.54	3,[illegible]
Berwin	54,011	121,688.06	9,044.25	130,732.31	4.12	2.29	3,[illegible]
Maitland	11,580	40,136.15	11,488.07	48,127.22	4.30	2.[illegible]	3,[illegible]
Ravenswood	24,709	84,898.13	14,143.20	99,038.31	4.00	2.76	3,[illegible]
Chandler	21,944	75,886.49	12,882.28	88,268.77	4.11	2.[illegible]	[illegible]
Radiant	6,514	25,282.24	3,189.90	28,742.24	4.66	2.66	3,[illegible]
Total	287,920	$[illegible]	$[illegible]	$[illegible]	4.61	2.74½	3,[illegible]

DALRYMPLE EXHIBIT.

OFFICE OF STATE INSPECTOR OF COAL MINES,
Denver, Colo., December 15, 1914.

INDUSTRIAL RELATIONS COMMISSION,
Capitol Building, Denver.

GENTLEMEN: Having been advised that your honorable body is anxious to complete your investigation in the State as early as possible, I desire to submit the following statement:

While I was on the stand the question was asked if I knew of any operator that advocated the passage of our present mining bill. I replied I did not. I wish to qualify this statement by saying, Not until after it was amended by the joint committee appointed by the Senate, at which time they advocated its becoming a law without change. I am informed that a witness testified before you that my office has discriminated against nonunion mines by compelling them

to use permissible powder, while the union mines were allowed to use black powder. The facts are that some of the companies put their mines on permissible powder without being asked by me, while other companies, upon request from this department, experimented with permissible and complained that it had caused a great increase in the percentage of slack produced. A joint inspection was made in this district, with the result that some of the mines were allowed to continue the use of black powder, while others were compelled to use permissible, this being determined by the existing conditions.

With reference to the allegation that the deputies and myself were put into office through the influence of the U. M. of A.:

Deputy Inspector Oberding and myself were appointed after passing a rigid competitive examination before a board of examiners composed of five members, one of whom was a United Mine Worker.

Deputy Inspector Graham was supported by the organization, while it opposed Deputy Inspector King.

The deputy inspectors are appointed by the chief inspector.

The testimony given you relative to a mine 1,100 feet deep being allowed to operate, but which, had it belonged to some of the other companies, would have been closed down by this office:

The mine referred to was opened some years before the present mining law became effective, and consists of two shafts nearly a mile apart; and while this office did allow it to operate under conditions not entirely satisfactory, this was done with the sole object of connecting the two shafts above named.

When connections were made without improving the sanitary conditions the mine was closed by this department.

In conclusion I wish to say that the question of union or nonunion has never interfered with me in the performance of my duties.

Yours, respectfully,

JAMES DALRYMPLE,
State Inspector of Coal Mines.

Nationality and number of mine employees.

[Total number of persons employed in and around the mines, 14,208.]

Nationality.	Number.	Per cent.	Nationality.	Number.	Per cent.
English	4,295	29.690	Montenegrin	85	0.26
Italian	4,161	28.06	Turkish	7	.049
Slav	1,189	8.1	Swedish	20	.057
Mexican	973	6.6	Hungarian	127	.089
Polish	223	1.55	Japanese	220	1.549
Russian	59	.41	Servian	23	.015
Greek	580	4.13	Bohemian	25	.013
Bulgarian	260	1.8	Finland	53	.037
Norwegian	17	.19	Macedonian	20	.015
German	536	3.96			
French	210	1.5	Total	14,242	98.627
Austrian	1,106	7.72			

Production of coal, 1911–1914.

HUERFANO COUNTY.

Month.	Production for—			
	1911	1912	1913	1914
January	101,676	161,939	216,591	137,[illegible]
February	78,[illegible]	137,[illegible]	166,[illegible]	103,[illegible]
March	94,[illegible]	169,[illegible]	165,[illegible]	114,[illegible]
April	137,[illegible]	148,[illegible]	132,[illegible]	93,[illegible]
May	146,[illegible]	157,[illegible]	168,[illegible]	130,[illegible]
June	101,[illegible]	156,[illegible]	139,[illegible]	138,[illegible]
July	112,[illegible]	135,[illegible]	147,[illegible]	127,[illegible]
August	173,[illegible]	169,[illegible]	179,[illegible]	139,[illegible]
September	144,[illegible]	165,[illegible]	133,[illegible]	103,[illegible]
October	156,[illegible]	169,[illegible]	76,[illegible]	104,[illegible]
November	103,[illegible]	167,[illegible]	92,[illegible]	[illegible]
December	104,[illegible]	164,[illegible]	104,[illegible]	[illegible]
Total	1,736,[illegible]	1,[illegible],[illegible]	1,[illegible],[illegible]	1,[illegible],[illegible]

Production of coal, 1911-1914—Continued.

LAS ANIMAS COUNTY.

Month.	Production for—			
	1911	1913	1912	1914
January	426,000	424,672	405,000	458,000
February	341,000	413,000	377,000	393,000
March	374,000	433,000	402,000	393,000
April	361,000	400,000	385,000	377,000
May	387,000	403,000	396,000	387,000
June	388,000	395,000	376,000	377,000
July	387,000	315,000	375,000	391,000
August	387,000	345,000	396,000	391,000
September	377,000	395,000	387,000	391,000
October	384,000	405,000	397,000	391,000
November	411,000	414,000	391,000	385,000
December	445,000	420,000	420,000	
	437,000	450,000	440,000	
Total	4,678,000	4,770,000	4,758,000	4,797,000

CURTIS EXHIBIT.

JANUARY 9, 1915.

Mr. W. W. CURTIS,
President Rapson Coal Mining Co.,
Colorado Springs, Colo.

MY DEAR SIR: In checking up the records of our Denver hearings I find that there is certain information which you promised to furnish to the commission and which has not yet been received. We are anxious to complete our records at as early a date as possible, and would be very glad to have you send this data at your earliest convenience.

The information desired is a list showing the wages paid by you before and after the strike on the same class of work; the average wage and the average selling price for 12 months before and after the strike; and a written statement regarding the average amount of coal mined per man for the last half of October, 1914. To make this last request more clear to you I am quoting from the testimony:

"Mr. CURTIS. The average amount of coal mined per man for the last half of October of this year, 45.9 tons per man. That is, as I said before, an entirely misleading fact, unless it is borne in mind first that that represents the average—not even the average—does not give the net average for all the men; and, second, that those wages are the wages corresponding to the amount of mining, which is supplemented by the average narrow work they have done.

"Chairman WALSH. Will you have that written out and handed to the clerk?

"Mr. CURTIS. I will."

Thanking you for your attention, I am,

Very truly, yours,

LOUIS K. BROWN, *Secretary.*

JANUARY 28, 1915.

Mr. W. W. CURTIS,
President Rapson Coal Mining Co.,
Colorado Springs, Colo.

MY DEAR SIR: I wrote you, under date of January 9, regarding certain information which was desired by the Commission on Industrial Relations to supplement your testimony given at their public hearing in Denver during December. As I have received no reply to this letter, and the commission is very anxious to complete the Denver testimony, I am taking the liberty of writing you again, and trust that it will be possible for you to furnish the data requested.

Very truly, yours,

LOUIS K. BROWN, *Secretary.*

RAPSON COAL MINING CO.,
Colorado Springs, Colo., February 3, 1915.

Mr. LOUIS K. BROWN,
Secretary, Transportation Building, Chicago, Ill.

DEAR SIR: I have your favor of the 28th ultimo, as well as your earlier letter of the 9th. I had not intentionally overlooked your earlier letter, but

when I came to prepare the figures which had been asked for I found it impossible to comply.

When I was on the witness stand I declined to give certain information asked for as to earnings, and was advised by the chairman that I was not obliged to do so unless I saw fit.

I have no objection whatever to giving the wage list before and after the strike, and attach statement showing hours.

I was asked to give the various wage cost and average selling price before and after the strike, but this I find to be impossible; that is, it is impossible to give any data figures which will have any value. This is due to the fact that we were working the mines under entirely different conditions. The output of mine No. 1 alone, for instance, last year was over 97,000 tons, while for the preceding year it was only 70,000 tons. Then, too, last year a considerable percentage of our output was mine-run coal, while in previous years we had sold practically no mine-run coal. The labor and cost of producing mine-run coal is materially less than of domestic coal, because of the elimination of the expense of screening the coal and of loading it into box cars.

To get any tonnage which would be comparable to our 1914 tonnage we would have to go back some four or five years, when the conditions of the mine were radically different. As a consequence of this I find it impossible to prepare any comparable figures covering the average wage cost and average selling price before and after the strike.

I read into the record of my testimony certain information which I considered to be pertinent and comparable relating to conditions before and after the strike. At the request of the chairman I turned over my memorandum to the stenographer and supposed he would verify his notes of my testimony from them. To the best of my judgment and recollection the transcript of my testimony did not give this information at all, and I will consequently repeat in this the facts embodied in those statements I then made.

In December of 1910, 49 miners earned from $60.15 each for the month. Their net earnings, after deducting charges for rent, water, fuel, powder, and any order which may have been given them at their request on Independent stores, averaged $55.35. Ten of these men earned during that month an average of $100.37. In the half of September, 1913, preceding the strike, all of the miners in our employ in the same mine averaged for the half month $38.90. Twelve of these men averaged for the half month $61.98.

In the last half of October, 1914, the first 50 men on the pay roll, all but 9 of whom were miners and some of whom were men on monthly salaries, earned $59.50 gross and $45.96 net. Fourteen miners out of these 50 earned an average of $95.62. The pay roll for this half month amounted to $3,361.87, while the total amount deducted for oil and powder sold the men during that time amounted to only $126.85.

Hoping you will find this to answer your purpose, I am,

Very respectfully,

W. W. CURTIS.

Scale of wages, Rapson No. 1 mine.

	Prior to September, 1913.	After September, 1913.		Prior to September, 1913.	After September, 1913.
Pick boss	[1] $90.00	[1] $90.00	Boss car men	[1] $65.00	[1] $65.00
Shot firer	[2] 3.00	[2] 3.00	Engineer	[2] 3.00	[2] 3.00
Drivers	[2] 2.75	[2] 2.75	Fireman	[2] 2.50	[2] 2.75
Trackmen	[2] 2.75	[2] 2.75	Car dumper	[2] 2.50	[2] 2.50
Mine rider	[2] 2.75	[2] 2.75	Blacksmith	[2] 3.00	[2] 3.00
Pipe men	[2] 2.50	[2] 2.50	Boys, outside	[2] 1.50	[2] 1.50

[1] Per month.
[2] Per day.

[3] Per day of 9 hours.
[4] Per day of 8 hours.

WELBORN EXHIBIT No. 1.

[No. 1913. Case 81. State of Colorado, Land Register, October 1, 1917. Section 36, Township 4 South, Range 66 West, Sixth Principal Meridian, Las Animas County, Colo. Records of Deeds, Vol. 108, page 1.]

THIS INDENTURE, Made this 12th day of June, A. D. one thousand nine hundred and seven, by and between the State of Colorado, party of the first part, and the Colorado Fuel and Iron Company, of the city and county of Denver, in said State, party of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the party of the second part, its successors and assigns, has demised and leased to the said party of the second part, the right and privilege of mining for and taking out coal from the lands hereinafter described, lying and being in the county of Las Animas, in said State, the same being known and described as follows, viz:

All of section thirty-six (36) in township thirty-one (31) south of range sixty-five (65) west of the sixth principal meridian, containing six hundred and forty (640) acres, more or less, according to United States survey.[1]

The privilege is hereby granted the Colorado Fuel and Iron Company to take coal mined on its own land adjoining this State land through the main entries on the said school section for delivery to their tipple works: *Provided, however*, That the lessee herein shall bind itself to keep all coal mined on the said school section separate from said company's coal mined on its own land until after the same has been weighed on the tipple, and due record of the same made, so that the terms of this lease may be complied with in regard to the amount mined, as provided in this lease.' (See board orders of June 19th, 1907, and August 22nd, 1907. Renewal of lease No. M-82.)

To have and to hold the said above-described premises, with the appurtenances, unto the said party of the second part, its successors and assigns, from the second day of October, A. D. 1907, for the full term of ten (10) years, being until the second day of October, A. D. 1917. The said party of the second part, in consideration of the leasing of said premises and privileges aforesaid, by the said party of the first part, to the said party of the second part, does covenant and agree to and with the first party as follows, viz:

First. That within sixty days from the signing of this lease, the party of the second part will commence to prospect for coal upon said premises, and will continuously pursue such prospecting until coal is found of sufficient thickness to justify mining of same, or in case workable coal is not found, work may cease if the register of the State land board is so notified in writing, and said register, at his option, may declare this lease void and ended and both parties released from all obligations thereunder. If coal of workable thickness is found, then the party of the second part shall, within six months from the date of this lease, commence to open the same by a shaft or drift of proper size and continually and with reasonable energy develop the coal in a good and workmanlike manner and take out and pay royalty on not less than five thousand (5,000) tons of coal annually, after the first year of this lease.

Second. That this lease is to be taken and considered as a coal lease only, the party of the first part expressly reserving the right to lease at any time so much of the surface of the land herein described as is not actually needed and occupied by the party of the second part for the purpose of mining for coal, as herein stated.

Third. That in the underground workings for said coal all shafts, laterals and tunnels shall be well timbered (when good mining requires timbering) and that all parts of workings, where the coal is not exhausted and for good reasons not being worked, will be kept free from water and waste material, as in ordinary operations, and that the underground workings shall be protected against fire and floods, and the creeps and squeezes shall be guarded against, and when they do occur shall be checked in a manner in keeping with good mining. That such methods of mining shall be used as shall insure the extraction of the greatest amount of the coal vein possible.

[1] Modification of printed form.

Fourth. During all the proper hours and at all times during the continuance of this lease, said party of the first part by its duly authorized agent or agents, named and appointed by the State board of land commissioners, of the said first party, or by the president or register of said board, shall be, and hereby are authorized to go through any of the shafts, openings, or workings on said premises and to examine, inspect, and survey the same, and to examine and make extracts or copies of all books and weigh sheets that show in any way the coal output of said premises, and that all convenience necessary for said inspection, survey, or examination shall be furnished said agent or agents by the party of the second part.

Fifth. That all coal mined or taken from said premises, upon being hoisted or trammed, shall be weighed, and the weight thereof shall be entered in due form in books kept for such purpose by the party of the second part, and the weight of all coal shipped by railway or otherwise shall be kept said preserved.

Sixth. That on or before the 15th day of each and every month during the term of this lease the said second party shall make a report to the register of said board of land commissioners, in which shall be entered and set down the exact amount in weight and cubic yards of all coal mined upon said premises during the preceding calendar month, and said report shall be accompanied by the weights of the railway companies over which such coal or any part thereof has been transported, and shall also show the use or disposal by said party of the second part of coal in all other ways.

Seventh. That the said party of the second part shall pay unto the said party of the first part for the right and privilege of mining coal upon said premises as herein provided a royalty of ten (10) cents per ton of coal mined and taken out of said premises, which royalty shall be due and payable on or before the 15th day of each and every month during the term of this lease for the preceding calendar month: *Provided always, however*, That the minimum amount of monthly royalty shall be one-twelfth of the yearly royalty hereinafter provided for, whether any coal is mined or not: *And provided further*, That the sum of five (5) hundred dollars paid by said party of the second part to the said party of the first part at the unsealing and delivery of these presents shall be in full for the minimum yearly royalty for the first year, but in the event the total royalty due and payable herein shall at the end of the first year of this lease be found to exceed said sum of five (5) hundred dollars, then and in that case said sum shall be applied as a credit on the amount of royalty so found to be due for said first year: *And provided further*, That the total minimum yearly royalty due from and payable by said party of the second part in each and every year during the term of this lease is hereby fixed at and shall be five (5) hundred dollars, whether any coal is mined or not.

The term "ton" as herein used means a ton of two thousand pounds of unscreened coal, unless said party of the first part, the State board of land commissioners, or its duly authorized agent or agents, elects to compute a ton of coal at twenty-seven cubic feet of coal in the solid or by the measurements of the space for which the coal is mined, deducting therefrom all space occupied by slate or other impurities, and in such case the said computation shall be final and binding upon said party of the second part.

It is expressly understood and agreed by and between the parties hereto that all mining, timbering, and work done by the party of the second part on said premises shall be at all times during the terms of this lease subject to the supervision, approval, and orders of the superintendent of the mineral department of said State board of land commissioners.

And it is expressly understood and covenanted by and between the parties aforesaid that if for any reason said party of the second part shall fail to keep each, all, and every one of the covenants by it covenanted aforesaid, then, and in that event, it shall and may be lawful for the said party of the first part to declare this indenture at an end and enter into the said premises, or any part thereof, either with or without process of law, to reenter, and the said party of the second part, or any persons occupying, in, or upon the same to expel, remove, and put out, using such force as may be necessary in so doing, and the said premises again to repossess and enjoy as in its first and former estate. And in such event, that is to say, in the event of the termination of this lease by reason of the breach or breaches of the covenants aforesaid, or at the expiration of the term aforesaid, said party of the second part hereby covenants and agrees to surrender and deliver up said above-described premises and prop-

erty, in good running condition, peaceably to the said party of the first part, and shall forfeit to the State and make no claim for any moneys, work, improvements, or time laid out or expended in the premises. And upon the termination of this lease for any cause aforesaid, if said second party shall remain in the possession thereof, it shall be deemed guilty of an unlawful detainer of said premises, under the statutes in such case made and provided, and shall be subject to all the conditions and provisions thereof, and to eviction and removal forcibly or otherwise, with or without process of law as above stated.

It is also expressly understood and agreed that this lease shall not be assigned or the property sublet without the consent and approval of the State board of land commissioners, and that the privileges hereby granted will not be used for any other purposes than mining coal from said premises and will not be used for the mining, handling, or transportation of coal other than that mined on land under the control of the State board of land commissioners.

In witness whereof the said party of the first part hath caused these presents to be signed by the president and register of said State board of land commissioners and sealed with the official seal of said board, and the said party of the second part has hereunto set its hand and seal on this the day and year first hereinabove written.

HENRY A. BUCHTEL, [SEAL.]
President of the State Board of Land Commissioners.
[SEAL.] JOHN F. VIVIAN, [SEAL.]
Register of the State Board of Land Commissioners.
THE COLORADO FUEL & IRON CO., [SEAL.]
[SEAL.] By J. F. WELBORN, *President.*

Attest:
L. E. TENNEY,
Assistant Secretary.

Approved as to form: C. B. H.

BOND OF LESSEE.

Whereas the State Board of Land Commissioners of the State of Colorado has agreed to lease to the Colorado Fuel and Iron Company, of the city and county of Denver, State of Colorado, upon its application, the following described lands situate in Las Animas County, State of Colorado, to wit: All of section thirty-six (36) in township thirty-one (31) south, of range sixty-five (65) west, of the sixth principal meridian, for the purpose of mining for coal thereon, containing, according to United States survey, six hundred and forty (640) acres, more or less.

The privilege is hereby granted the Coolrado Fuel and Iron Company to take coal mined on its own land adjoining this State land through the main entries of the said school section for delivery to their tipple works: *Provided*, however, That the lessee herein shall bind itself to keep all coal mined on the said school section separate from the said company's coal mined on its own land, until after the same has been weighed on the tipple and due record of the same made, so that the terms of this lease may be complied with in regard to the tonnage mined, as provided in this lease. (See board order of June 12th, 1907, and August 22nd, 1907. Renewal of lease H-62.)

Now, therefore, know all men by these presents: That we, the Colorado Fuel and Iron Company, as principal, and National Surety Company, of N. Y., as sureties, of the county of Denver, State of Colorado, are held and firmly bound unto the State Board of Land Commissioners of the State of Colorado, in the sum of two thousand and no/100 ($2,000.00) dollars lawful money of the United States, to be paid unto the State Board of Land Commissioners of the State of Colorado, which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seal on this the 17th day of September, one thousand nine hundred and seven.

The condition of the above obligation is such, that if the above bounden, the Colorado Fuel and Iron Company, its successors and assigns, shall in all things keep and perform the covenants, conditions, and agreements, and each and every one of them, and every part thereof, on its part to be performed, which are con-

tained in a certain indenture of lease, bearing even date herewith, entered into between the State Board of Land Commissioners of the State of Colorado, party of the first part, and the said the Colorado Fuel and Iron Company, party of the second part, covering the above-described lands, and shall not permit any loss nor commit nor cause to be committed any waste to or upon said premises, or any part thereof; and shall pay as flat rental therefor the sum of five hundred and no/100 ($500.00) dollars, and in addition thereto ten (10) cents per ton royalty on gross output; and shall make true report of the gross valuation of all coal mined on the above-described land, at such times as they are required so to do by the party of the first part, and well and truly make payment of all royalties as covenanted in said lease, and shall surrender said premises at the expiration of said lease, then the above obligation to be void, otherwise of full force and effect.

[SEAL.] THE COLORADO FUEL & IRON CO.,
By J. F. WELBORN, *President.*

Attest:
L. E. TENNEY, *Assistant Secretary.*

Approved as to form: C. E. H.

[SEAL.] NATIONAL SURETY COMPANY,
By RALPH W. SMITH, *Attorney in Fact.*

Witness as to surety:
C. H. TOMKRAY, *Denver.*

[No. 1811. Case 21. M-67. State of Colorado. Lease. Expires January 11, 1913. Rockvale, Fremont County, Colo.]

THE COLORADO FUEL & IRON CO.

NOTE.—By complying with terms of the lease we have been given verbal permission to continue same.

DENVER, *November 16, 1907.*

Mr. SIMON SMITH,
Williamsburg, Colo.

DEAR SIR: Before the State land board would consent or entertain the proposition of the transfer of the school lease from you to us, it insisted upon our paying $100 royalty due January 1, 1907. We paid this amount, which was owing from you, and will be pleased to have you remit the same to the company.

Yours, truly,
C. E. H.

COAL LAND LEASE.

This indenture, made this 2nd day of September, A. D. one thousand nine hundred and three (1903), by and between the State of Colorado, party of the first part, and Arthur L. Kline, of the county of Denver, in said State, party of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the party of the second part, his heirs, executors, administrators, and assigns, has demised and leased to the said party of the second part the right and privilege of mining for and taking out coal from the lands hereinafter described, lying and being in the county of Fremont, in said State, the same being known and described as follows, viz:

Acres, 160; part of section, SW. ¼; section, 36; township, 19 S.; range, 70 W. Leased in lieu of lease M-61.

To have and to hold the said above-described premises, with the appurtenances, unto the said party of the second part, his heirs, executors, administrators, and assigns, from the 12th day of January, A. D. 1903, for the full term of ten (10) years, being until the 12th day of January, A. D. 1913. The said party of the second part, in consideration of the leasing of said premises and privileges aforesaid by the said party of the first part to the said party of the second part, does covenant and agree to and with the first party as follows, viz:

First. That within sixty days from the signing of this lease, the party of the second part will commence to prospect for coal upon said premises, and will continuously pursue such prospecting until coal is found of sufficient thickness to justify mining of same, or in case workable coal is not found, work may cease if the register of the State land board is so notified in writing, and said register, at his option, may declare this lease void and ended and both parties released from all obligations thereunder. If coal of workable thickness is found, then the party of the second part shall, within six months from the date of this lease, commence to open the same by a shaft or drift or proper size and continually and with reasonable energy develop the coal in a good and workmanlike manner and take out and pay royalty on not less than one thousand (1,000) tons of coal annually, after the first year of this lease.

Second. That this lease is to be taken and considered as a coal lease only, the party of the first part expressly reserving the right to lease at any time so much of the surface of the land herein described as is not actually needed and occupied by the party of the second part for the purpose of mining for coal, as herein stated.

Third. That in the underground workings for said coal all shafts, inclines, and tunnels shall be well timbered (when good mining requires timbering), and that all parts of workings, where the coal is not exhausted and for good reasons not being worked, will be kept free from water and waste material, as in ordinary operations, and that the underground workings shall be protected against fire and floods, and the creeps and squeezes shall be guarded against, and when they do occur shall be checked in a manner in keeping with good mining. That such methods of mining shall be used as shall insure the extraction of the greatest amount of the coal vein possible.

Fourth. During all the proper hours and at all times during the continuance of this lease, said party of the first part, by its duly authorized agent or agents, named and appointed by the State board of land commissioners, of the said first party, or by the president or register of said board, shall be, and hereby are, authorized to go through any of the shafts, openings, or workings on said premises and to examine, inspect, and survey the same, and to examine and make extracts or copies of all books and weigh sheets that show in any way the coal output of said premises, and that all conveniences necessary for said inspection, survey, or examination shall be furnished said agent or agents by the party of the second part.

Fifth. That all coal mined or taken from said premises, upon being hoisted or trammed, shall be weighed, and the weight thereof shall be entered in due form in books kept for such purpose by the party of the second part, and the weight of all coal shipped by railway or otherwise shall be kept and preserved.

Sixth. That on or before the 15th day of each and every month during the term of this lease, the said second party shall make a report to the register of said board of land commissioners in which shall be entered and set down the exact amount in weight and cubic yards of all coal mined upon said premises during the preceding calendar month, and said report shall be accompanied by the weights of the railway companies over which such coal or any part thereof has been transported, and shall also show the use or disposal by said party of the second part of coal in all other ways.

Seventh. That the said party of the second part shall pay unto the said party of the first part for the right and privilege of mining coal upon said premises as herein provided a royalty of ten (10) cents per ton of coal mined and taken out of said premises, which royalty shall be due and payable on or before the 15th day of each and every month during the term of this lease for the preceding calendar month: *Provided always, however*, That the minimum amount of monthly royalty shall be one-twelfth of the yearly royalty hereinafter provided for, whether any coal is mined or not: *And provided further*, That the sum of twenty-five ($25.00) dollars paid by said party of the second part to the said party of the first part at the unsealing and delivery of these presents shall be in full for the minimum yearly royalty for the first year, but in the event the total royalty due and payable herein shall at the end of the first year of this lease be found to exceed said sum of twenty-five ($25.00) dollars then and in that case said sum shall be applied as a credit on the amount of royalty so found to be due for said first year: *Provided further*, That the total minimum yearly royalty due from and payable by said party of the second part in each and every year after the first year during the term

of this lease, is hereby fixed at and shall be one (1) hundred dollars, whether any coal is mined or not.

The term ton as herein used means a ton of two thousand pounds of unscreened coal unless said party of the first part, the State board of land commissioners, or its duly authorized agent or agents, elects to compute a ton of coal at twenty-seven cubic feet of coal in the solid or by the measurements of the space for which the coal is mined, deducting therefrom all space occupied by slate or other impurities, and in such case the said computation shall be final and binding upon said party of the second part.

It is expressly understood and agreed by and between the parties hereto that all mining, timbering, and work done by the party of the second part on said premises shall be at all times during the terms of this lease subject to the supervision, approval, and orders of the superintendent of the mineral department of said State board of land commissioners.

And it is expressly understood and covenanted by and between the parties aforesaid, that, if for any reason, said party of the second part shall fail to keep each, all, and every one of the covenants by him covenanted aforesaid, then, and in that event, it shall and may be lawful for the said party of the first part to declare this indenture at an end, and enter into the said premises or any part thereof, either with or without process of law, to reenter and the said party of the second part or any persons occupying in or upon the same to expel, remove, and put out, using such force as may be necessary in so doing, and the said premises again to repossess and enjoy, as in its first and former estate. And in such event, that is to say, in the event of the termination of this lease by reason of the breach of breaches of the covenants aforesaid, or at the expiration of the term aforesaid, said party of the second part hereby covenants and agrees to surrender and deliver up said above described premises and property, in good mining condition, peaceably to the said party of the first part, and shall forfeit to the State and make no claim for any moneys, work, improvements, or time laid out or expended in the premises. And upon the termination of this lease for any cause aforesaid, if said second party shall remain in the possession thereof, he shall be deemed guilty of an unlawful detainer of said premises, under the statutes in such case made and provided, and shall be subject to all the conditions and provisions thereof, and to eviction and removal forcibly or otherwise, with or without process of law as above stated.

It is also expressly understood and agreed that this lease shall not be assigned or the property sublet without the consent and approval of the State board of Land Commissioners, and that the privileges hereby granted will not be used for any other purpose than mining coal from said premises and will not be used for the mining, handling, or transportation of coal other than that mined on land under the control of the State board of land commissioners.

The witness whereof the said party of the first part hath caused these presents to be signed by the president and register of said State board of land commissioners, and sealed with the official seal of said board, and the said party of the second part has hereunto set his hand and seal on this, the day and year first hereinabove written.

JAMES H. PEABODY, [SEAL.]
President of the State Board of Land Commissioners.
[SEAL.]
MARK G. WOODBURY, [SEAL.]
Register of the State Board of Land Commissioners.
ARTHUR I. KLINE. [SEAL.]

ASSIGNMENT.

I, Arthur I. Kline, the within named lessee, for and in consideration of the sum of one dollar and other consideration, do hereby assign, transfer, and sell all the right, title, interest, or claim in and to the following described tract or parcel of land, to wit: The 160 acres consisting of the SW. ¼ T. 36, 19 S., 70 W., Fremont County, Colo., unto the Purity Coal & Oil Co., of the county of Denver, State of Colorado, and to their heirs and assigns.

It is expressly understood that this assignment in no way releases the within lessee or the bondsmen from their liability to the State of Colorado, under their bond or otherwise.

Given under my hand and seal this 11th day of September, A. D. 1903.

ARTHUR I. KLINE. [SEAL.]
THE PURITY COAL & OIL CO. [SEAL.]
A. I. K., *Secretary.*

Assignment entered Sept. 16, 1903.

The undersigned bondsmen on lease No. —— do hereby consent to and approve of the foregoing assignment.

_____ _____. [SEAL.]
_____ _____. [SEAL.]

STATE OF COLORADO, *County of Denver, ss:*

Arthur I. Kline appeared before me, a notary public in and for said county and State, this 11th day of September, A. D. 1903, and acknowledged the foregoing instrument to be his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11th day of September, A. D. 1903. My commission expires April 16, 1907.

[SEAL.] FRANK J. EMERSON,
Notary Public.

ASSIGNMENT.

The Purity Coal and Oil Co., the within named lessee, for and in consideration of the sum of one dollar, does hereby assign, transfer, and sell all the right, title, interest, or claim in and to the following described tract or parcel of land, to wit: The 160 acres consisting of the SW. ¼ of sec. 36, tp. 19 S., R. 70 W., Fremont Co., unto the Colorado Fuel and Iron Co. of the city and county of Denver, State of Colorado, and to ——— heirs and assigns.

It is expressly understood that this assignment in no way releases the within lessee and bondsmen from their liabilities to the State of Colorado, under its bonds, or by force of any law, to the injury of the interests of the State, and that no assignment shall be valid unless it shall have been entered upon the books of the State board of land commissioners and approved by the register of said board.

Given under our hand and seal this 27th day of July, A. D. 1907.

THE PURITY COAL & OIL CO. [SEAL.]
SIMON P. SMITH, *President.*
S. P. SMITH, *Jr., Secretary.*

Subscribed and sworn to before me this 27th day of July, A. D. 1907.

[SEAL.] ROLLIN WALLINGFORD,
Notary Public.

My commission expires May 8, 1911.

Assignment approved with following privilege granted and ent. 10/4/07:

In the matter of the application of the Colorado Fuel and Iron Company in regard to coal lease No. M-67, on the SW. ¼ of sec. 36, twp. 19 south, range 70 west, in Fremont County, Colorado, it was on motion ordered that the assignment of said lease to said company be approved, and that said company be permitted to haul coal through said land from other lands belonging to it or under its control: *Provided, however,* That the Colorado Fuel and Iron Company shall bind itself to keep all coal mined on the said school section separate from the said company's coal mined on its own land until after the same has been weighed on the tipple and due record of the same made, so that the terms of the lease may be complied within regard to the tonnage mined, as provided in the lease. (Board order of Oct. 4, 1907.)

(Correspondence previous to assignment attached to original lease.)

Payments:		Payments:	
1/10/03. Paid in lease M-61	$12.50	8/24/06. Paid in lease M-61	$12.50
9/11/03	12.50	2/11/07	50.00
1/10/04	50.00	2/11/07	50.00
12/21/04	62.50	10/11/07	100.00
6/24/05	87.50		

WILMORE EXHIBIT NO. 4.

Statement of the Colorado Fuel & Iron Co. covering settlements between Feb. 13 and Nov. 25, 1914.

Name.	Injury.	Publ.	Remarks.
Giovanni Gambadie	Fatal	$2000	No liability; settled through Italian consul.
Chas. Packard	Loss left leg; artificial leg furnished, $100.	709	No liability.
Harry Lott	Left foot injured	100	Do.
Frank Swerkowski	Fatal	700	No liability; represented by attorney.
Chas. H. Weeden	do	700	No liability.
Frank Kvetkin	do	650	No liability; settled through American consul.
Mark Twark	Right eyeball perforated	1,000	Liability disputed; represented by attorney for American consul.
Thos. Pappas	Fracture left leg	500	Suit instituted and settled.
Abel Silva	Fatal	650	No liability; represented by attorney.
John DeMonti	do	650	No liability; settled through Italian consul.
John Gobbin	do	700	No liability.
Wm. Dunstad	Amputation 2 fingers left hand	115	Do.
Jose Larma	Spinal cord injured	900	Suit instituted and settled.
C. Romero	Fracture left femur	500	Do.
Jas. R. Davis	Fracture right tibia and fibula	775	No liability; represented by his attorney.
Patrick McGeever	Right shoulder bruised	400	Liability disputed; represented by his attorney.
John Brim	Fracture right femur, tibia, and fibula	850	No liability.
I. V. Burt	Loss right leg above knee; artificial leg furnished, $400	400	Do.
Jesus Mora	Fracture left femur	450	Do.
Antonio Fedrea	Fracture third dorsal vertebra	2500	Suit instituted and settled.
Donato di Giova	Fracture left tibia	400	No liability.
Samuel Bartolomeo	Fracture left femur; artificial leg furnished, $400	600	Do.
P. L. Wendy	Loss left hand	350	Do.
Henry Miller	Dislocation right hip	700	Liability disputed; represented by attorney.
Diego Godina	Fatal	650	No liability; widow represented by attorney.

WRITTEN EXHIBIT NO. 1.

Number of days mines worked during the years ending Dec. 31, 1910, 1911, 1912, and 1913, Colorado Fuel & Iron Co.

Name of mine.	1910	1911	1912	1913	Name of mine.	1910	1911	1912	1913
Morley	307.6	308.0	302.2	308.4	Wahatoya	302.0	130.7	96.2	222.4
Starkville	308.0	308.0	302.2	308.4	Robinson	308.0	301.4	225.7	314.1
Delagua	241.0	30.7			Mahaffey				113.0
Hastings	307.6	308.0	302.2	308.4	Pictou	308.0	303.0	244.7	308.2
Primero	307.6	308.0	302.1	308.4	Coal Creek	307.6	302.0	236.7	308.2
Frederick	307.6	308.0	302.2	308.4	Tercio	308.0	303.0	236.7	308.2
Petrocco	308.0	308.0	302.2	308.4	Tramonte	270.0	146.0	236.7	223.0
Berwind	308.0	308.0	302.2	308.4	Rock Vale	308.0	146.0	236.7	307.2
Tabasco	307.6	308.0	302.2	308.4	Rouchette	115.0			
Tercio	307.6	308.0	302.2	308.7	Wasatch				16.5
Rugby	308.0	308.0	302.2	308.4	Delcarbon	272.0	146.0	177.6	308.2
Segundo	307.6	308.0	302.2	308.4	Madden	170.0			
Engle		30.0	177.6	308.1	Chandler Basin	307.6	302.0	177.6	308.1
Ideal	308.0	308.0	236.7	308.1	Florence	178.0	146.0	144.5	171.7
Commerce	308.0	308.0	236.7	273.6					

[1] Delays[illegible] explosions: Primero, 9 days; Starkville, 10 days.

WEITZEL EXHIBIT NO. 8.

Wages paid at coal mines, Walsen district, Colorado Fuel & Iron Co.

Occupation.	Oct. 15, 1913, to Dec. 31, 1913.	Jan. 1, 1917, to Mar. 31, 1917.	Apr. 1, 1917, to date.	Occupation.	Oct. 15, 1913, to Dec. 31, 1913.	Jan. 1, 1917, to Mar. 31, 1917.	Apr. 1, 1917, to date.
Blacksmith	$5.00	$5.00	$5.00	Miner	$3.00	$4.00	$3.00
Blacksmith helper	3.00	3.00	3.00	Pump man	3.00	3.00	3.00
Carpenter	3.00	3.00	3.00	Rock driller	3.00	3.00	3.00
Driver, head	3.00	3.00	3.00	Shaft miner	3.00	3.00	3.00
Driver	2.50	2.50	2.50	Shaft timber	3.00	3.00	3.00
Engineer	3.00	3.00	3.00	Timberman	3.00	3.00	3.00
Fireman	2.50	2.50	2.50	Timberman	3.00	3.00	3.00
Dumper	2.50	2.50	2.50	Track layer	3.00	3.00	3.00
Mach. in helper	3.25	3.50	3.75	Trammer	2.50	2.50	2.50
Nipper	2.50	2.50	2.50				

Mining rates:
Prior to Oct. 15, 1913, 69 cents per 2,000 pounds run of mine; 72 cents per 2,000 pounds.
Oct. 15, 1913, to Dec. 31, 1916, 69 cents per 2,000 pounds run of mine.
Jan. 1, 1917, to Mar. 31, 1917, 55 and 69 cents per 2,000 pounds run of mine.
Apr. 1, 1917, to date, 69 cents per 2,000 pounds run of mine.

WEITZEL EXHIBIT NO. 9.

Summary of mine operations for years 1911–1916.

	Production.	Number of days worked.	Number of employees.	Total earnings per 1,000 tons produced.	Total earnings per man per day.	Total earnings per year.
Year 1911:						
The C. F. & I. Co.	2,591,420	270	1,150	$1.15	$2.77	$2,980
Balance of State	4,811,224	242	2,000	1.15	2.77	2,980
United States				1.15		
Year 1912:						
The C. F. & I. Co.	2,591,420	277	1,150	1.11	2.68	2,980
Balance of State	7,402,644	241	2,000	1.11	2.68	2,980
United States				1.11		
Year 1913:						
The C. F. & I. Co.	2,591,420	277	1,150	1.11	2.68	2,980
Balance of State	8,202,451	241	2,000	1.11	2.68	2,980

[1] Summary: 21 falls, 2 mine cars, 1 mule kick, 1 fan shaft. Fatal accidents, 11 months this year, 77; fatal accidents, 1914, 102.

WEITZEL EXHIBIT NO. 6.

ADDRESS OF MOTHER JONES AT STARKVILLE, COLO., SEPTEMBER 24, 1913.

Fellow workers, I want to say—I won't say ladies and gentlemen, for ladies and gentlemen are thieves, robbers, and highwaymen. Ten years have passed into history since I was with you before; I think we closed the meeting at 11 o'clock at night. I was out all that day in other parts of the coal fields, and when I came in at 7 o'clock there were parties waiting and they asked me to come out here and speak to them. The hour was late, and I told them I would come to-morrow, but the committee said, "Come, Mother, and talk to us," and I went out. Wherever the workers want me, in the day or night, no matter where it is, I will be there, and so we came out here. When I was coming down along the side of the hill the thought struck me that I would not go back the way we came, but so many of them urged me to go back the way we came as it was a mile or two shorter, and even my comrade with me said, "Mother Jones, you have been out all day and you are tired and we could

save time by going back the same way we came." I said, "What difference does an hour or two longer make? It should not make any difference; let us go back the other way." That very night I heard that the coal companies had their bloodhounds lying out there to murder me if I had gone back the way I came. So you see, my friends, in this great struggle of ours the master operators stop at nothing.

Away back in the ages of time, the Romans went back to Carthage, and whenever they captured anyone they made slaves out of them. They either brought them into Rome or held them in slavery. Among those captured was a painter, and when he stood up before them for trial he said they said to him, "Who are you and what are you charged with?" and he said, "I am a workingman; I am a man of the working class; and," he said, "being a man of that class I am interested in everything which affects my class. I am interested in their struggles, in their uplifting, and in the higher civilization." I wish to God we could permeate every man here with that same spirit that permeated that pagan slave 1,800 years ago. I wish we could have that same spirit still throughout the States, and if we could we would abolish all of this brutality, evil, and wrong that exists to-day. If the minds of men became permeated with that sense of justice and honor there would be no use of these strikes. When the day of judgment came and they appeared before God Almighty at heaven's door for admittance, they are then questioned and say, "I starved their children and I thrust their wives into untimely graves," what do you suppose God Almighty would tell them? He would say to them, "Hell is for you." Where does all of this wealth come from; do they produce it? No; they work you. They do not produce any of this wealth, do they? No; you produce the wealth; so if you produce the wealth, why don't you own it. I will tell you why we don't own it; it is because we are a bunch of cowards. You come home to Mary and say, "Well, God Almighty, I am tired." "How much coal did you dig to-day, Jack?" "Well, I dug and I dug and I dug and I dug all day and I sent out car after car, and I then went to the boss and asked him how much coal I dug; I thought I had another car of coal due me, and I looked up to see what was figured up out there, and the boss said, "No; you didn't have another car; no; you didn't," and I said, "Yes; I did," and the boss said, "Oh, you get the hell out of here, and if you don't I will make you." Is this not correct? Is this not true? Do I exaggerate it? Not at all; I don't have to. I have seen and know these poor Polish and Italian wretches at work and I know what I am talking about; and I have had different bosses tell me how they were forced to do it in order to hold their jobs, and they would say to me, "If I did not do it, I would lose my job." He did not have to care for you or your family—you are the one that has to care for Mary, and if you are such a coward that you would not protect her and the family even if you had to lick hell out of some fellow, you ought to suffer the consequences. I would like to see a fellow take any coal out of my car. I have gone into the mines and loaded coal with the miners, but I always made the tipple boss tell me how much we loaded, and it was registered there, every pound of it.

Now, the strike which is on to-day is a strike for a nobler and grander humanity for the Nation and for the honor of the State. All of you know that I have been in these strikes and struggles for years and years, and I have known jailers, I have known the bull pen and I have had to steal my way in the dead of night from the bloodhounds—that is the Baldwin guards—and I have seen some awful pictures in this fair land.

I have never witnessed in any State of this great Union the brutal and horrible pictures as I saw yesterday as I went to Ludlow. Here was a lot of poor wretches on that wagon; their life earnings were piled on that wagon. There was a mother with a babe in her arms; it was cold, and the sleet was coming down; and as I looked at that picture I fairly trembled for the future of the world. I could not help but think how horrible it was that the government of the State would stand for that. You men have stood for it; you men have permitted these conditions to go on and become more brutal day by day and year by year. What did you want to wait for Mr. Hayes to come here for before you struck. The workers of the world have struck always when such conditions have arisen, and we are going to strike, strike, strike, until the last man falls and the banner of freedom floats over this State. I do not promise you great things; I would not do it. The fight is yours. If I had to pay a fellow to make the fight, I would not want that fellow. We want men who are willing to make a sacrifice for human freedom and liberty. The

man who is not willing to make that sacrifice is not fit to stand upon the soil of this great Union.

Don't you see that you have not recognized the fact that you are a man? When you realize that you are a man, you will stand upon both feet and face the man. This earth was made for you, was it not; and it was here a long time before the C. F. & I. came upon it. When the C. F. & I. came upon this earth, they did not get a mortgage on it, did they? No, they did not. The earth was here long before they came, and it will be here when their rotten carcasses burn up in hell.

I looked at those children on that wagon, a child of about 10 years old, and the mother—she had a babe in her arms—and they did not have clothing enough to shelter them from the cold; they had been thrown out like dogs. They had a comfortable home from which they were ejected by the C. F. & I. When the C. F. & I. Co.'s wives go to the seashore they engage a room for their dog, and they have it fed out of a silver plate, while you get up old, broken-up dishes; that is what you eat out of.

There came a year in the history of this Nation when West Virginia said, "We are standing among the great States of the Nation, not as a State with slaves working in the mines, and we will rise to a nobler statehood men and women who stand among the foremost and advanced people of the Nation," and these miners struck. They plead with the governor and with the State officials, in fact, with everyone, and no attention was paid to them; but they attended to it themselves, and they told their operators that they may go out, and then you will concede to us. They made the United States Senate move, and they called the attention of the whole world to their action. These men and women—these women with babes in their arms—took an oath to the eternal God that there would be no more coal dug until there was a better condition prevailing for their children. The operators said, "We will never recognize the union," but "never" is a long time; but they did come to time, and the C. F. & I. will come to time. [Applause.] I will tell you why: The day of muscle and training is over; the day of brutalizing the working class is over; and the day of harmonizing and uplifting the working class is here, and we claim that right; we claim the right for that child to have a good education; we claim the right for that child to have a good home; and we want comfort for its mother; we want its father to know what rest is. That is what we are fighting for, and I want to ask you, Is there anything wrong about that?

I am not worrying about getting a bed in heaven—I am not working for that—it is a bed here that I am working for. You see the chambermaids may be on a strike when I die, and I might not get a bed then.

Did you ever go into the operators' clubs? I have been in them; and, don't you know, they looked more like hogs to me than human beings. They were plotting, devising, and scheming how they could rob their neighbors.

One time, in the city of Chicago, I was doing some work for one of the great families in Chicago, and he was one of the great lawyers of the State of Illinois at that time, and he was employed by a corporation. He was an able lawyer, but he knew nothing of the industrial struggle. I used to stay up at nights and sit at his window and would watch the corporation leaders. I would get on to how they would scheme to catch the workers and entrap them, how they would use the newspapers to influence the public opinion, and it gave me an insight in the scheming of the ruling class. They used to have their distinguished bishop sit with them, too. They said "Gentlemen"—gentlemen are always thieves—"it would be better to do thus and so; the workers were easy."

The workers had no time to spend in studying this great question, for they worked, worked, worked all the time, and when they did get through their work they were too tired for study, and so it is to-day—and we have been trying to make our workday so that you will be able to take some time to study these great questions. How much wealth would there be in this great country if it was not for the workers? How much land would be cultivated if it were not for the workers? Who went into the mine first? The workingman. Who pushed the props out? The workingman, when they could get them, and yet the workingman does not realize his worth in this great cause of industry.

Boys, your wives are going to suffer the penalty. How many of your wives go to the seashore? Did any of you women ever go to the seashore? All those of you women who ever went to the seashore please put up your hands. You bet your life, if I was in an audience of C. F. & I. women and asked them if they ever went to the seashore, every one of them would signify that they had gone

to the members. You do the work that enable the wives of the operators to pay $1,000 for dresses for them to put on their rotten carcasses. You let them work you; you dress the mine owner's wife and you put your wife in rags. You are the men that ought to let the world know how great you are.

We are not a charity organization; we are against charity; I am greatly opposed to charity. A Federal judge said to me once, "Why don't you go into charity work?" And I said to him, "No, sir; I do not believe in it." We don't need charity; we need what belongs to us, and we are going to get what belongs to us. [Applause.] We are going to have what belongs to us, because the dawn of that nobler day is here. We create wealth, and we have produced the wealth of this great Nation; and if we have done that, why should we have that hungry child, and why should any public official stand for such a condition? Why should any public official stand for the horrible conditions as I have seen here in these fields? Men, buckle on your armor, stand out for the law; stand out for the enforcement of the laws like men; stand out for the honor of the State; stand out for that which is yours and get it, and never dig a pound of coal till you do, and don't let any other fellow do it. We stand for better childhood; we are going to stand for better literature to come into our homes; we are going to stand for better education for our children. We don't want that that tells us what we are going to get when we are dead; we want that which tells us what we will get while we are living.

We had an old fellow in West Virginia, and he used to run the miners, and he went down to the Kentucky foreign mission and would tell them that they could send this over to China—but take Jesus out of the way. These gals of women would say, "Oh, how charming you are; you are so charming"; and he was the biggest thief that God ever put on the earth. Then he was so charming, you know. These kids, they have never developed yet. They did not know what civilization means. It is the workers of the world that is civilizing the world; it was never the other class; they have disharmonized and demoralized the human race in all history. It is the men and women who struck; it was the men and women who took their lives in their hands; it was the men and women of 40 years ago, that you knew and I know, that started out with this great movement that has now 450,000 men within its ranks. They would not even be allowed inside of the door—they died by the wayside—but they are the ones that planted the seed that we are reaping to-day, my friends. It was those men and women that I knew in Pennsylvania that started this work. I have traveled myself for 50 miles—we had no money to pay railroad fare. The men were begging to come there, and neither of us had money with which to pay railroad fare. We bought 1-cent sandwiches to eat on the road while we traveled. It rained, and we got wet; but that made no difference; we were warm with the love of humanity's better day. At night we went into the woods and organized those slaves of the mines. We never thought of our stomachs; we thought of our children and all their children's children in those days. You have got to make sacrifices; no battle is ever won without making sacrifices; these women have been making sacrifices all along. If the mine owners want a 10-year strike, we can give it to them. Do you know that? [Applause.] If the C. F. & I. wants a 10-year strike, we can give them a 10-year strike, and we are ready for 10 years more when we get through. [Applause.]

Mark down what I tell you—mark down what I tell you men from this platform. The Government of this Nation, inside of the next 10 years, will take over the mines of this Nation and will run them for the benefit of these people and not for the corporation. I am not mistaken in this.

As the sun rises for you, inside of the next 10 years three-fourths of the mines of this country will be in the hands of the Government. You will work six hours a day. In North Dakota the men work eight hours; the mines are owned by the Government; therefore you buy what you get at cost, for the Government can do that. And if the mines in North Dakota can be run by the Government, why can not it be done with the mines here in Colorado? These thieves have taken up the mineral lands; they have hired Jack, Mike, and Jim to take up these tracts of land for them. Don't you think Uncle Sam can come in and clean hell out of all of them and take the whole tract away from them? Who would have thought that five years ago, four years ago? Who would have thought that even three years ago the United States Senate would get up to where it is to-day and tell the mine owners of West Virginia what they are telling them now. You are getting a new type of men in the United States Senate, men who are beginning to realize what this great industrial question is. I was telling one of the United States Senators in Washington about an incident

whom one of the boys was thrown out. This little boy threw his hands up over my head, and he said, "They have hurt my mamma, and they kicked her, and when I get to be a man I am going to kill all of them." I said, "This is how we make criminals," but thank God that we are giving birth to children that would not stand for such treatment.

This is a fight to the finish. This is not a Sunday school, and I hope every man will stand solid and stand together. They can not dig coal without posts, and they can't run railroads without coal. Those fellows at Pueblo, at the smelters, say, "Why are we closing down our mills?" What do we care about their mills? "We don't care about your mills; we have been keeping them open, and you have not paid us for it." And they say, "Why, we want to make money." "Well, we want to make money, too; you have been making it, and now it is our turn. We will open your mills when you get off of your perch." They say, "We will give you a checkweighman." "Why, they would not be any good to us if we did not have a union." And then they say, "We are going to recognize the union because when we do that we will get everything else we want." Do you know that. We said, "You will have to come into the union, and the war won't stop until you come into the union." That is what Washington said. King George said, "Get out, we will rule the land ourselves." Washington said the people who live in this country will rule the country, and they are going to own it. The whole State and Nation are founded on the union. Doctors unionize; medical professions have their unions; the merchants are organized; and if the union is good for all of them it ought to be good for us. We came in because we know we have better conditions when we have a united force. They know when we are united they can't conquer us. Stand up and tell them we are in the union and there to stay. [Applause.]

If you want 500,000 miners brought into the State of Colorado we will bring them in, and we will lick hell out of the operators. [Applause.] We are not going to take any guns; we are going to take picks along, and we will take the mines and own them.

Did Jack ever tell you, "Say, Mary, you go down and scrub the floor for the superintendent's wife, or the boss's wife, and then I will get a good room." [Applause.] I have known women to do that; poor fools. I have known them to go down and scrub floors like a dog, while their own floors were dirty. Jack was such a damn fool that he was not able to get a good room without having his wife scrub the floors for these men. We don't belong to that army; we are here for industrial freedom that was born on the bosom of fair Columbia. Our sons and daughters will be free; the men and women beneath the Stars and Stripes shall rise into glorious manhood and fairer womanhood, and in the days to come there will be no cringing slave, no tyrant master. You will be free; poverty and misery will be unknown; we will turn the jails into playgrounds for the children; we will build homes, and not log kennels and shacks as you have them now; there will be no civilization as long as such conditions as that abound, and now you men and women will have to stand the fight.

WHITSEL EXHIBIT NO. 5.

[The Colorado Fuel & Iron Co. Fuel Department. Circular letter.]

PUEBLO, COLO., *March 21, 1913.*

All superintendents:

The new mining law just passed by the legislature provides that all mine foremen, assistant mine foremen, and fire bosses shall have certificates issued by an examining board provided for in the law.

These certificates are to be issued:

First, to persons who shall satisfactorily pass an examination, written or oral, as may be prescribed by the board of examiners, and shall satisfy the board that they have been employed in underground positions in the mines of Colorado for two years prior to such examination.

Second, to any person who shall produce satisfactory evidence that they have for a period of one year immediately preceding April 1, 1913, continuously and capably performed the duties of mine foreman, assistant mine foreman, or fire boss in this State.

It is probable that the examining board will begin its sit about the middle of May, and will hold examinations in different parts of the State, and it is

highly important that prospective candidates should begin to prepare themselves at once.

Men who have been in the position of mine foreman, assistant mine foreman, or fire boss for one year continuously prior to April 1 will have to appear before the board with letters to show that they have been in these positions the required length of time, and all other candidates should begin to prepare themselves to stand the examination. Any person who has been in underground service for a period of two years in the State of Colorado is eligible to take the examination.

It is our purpose to send out a list of examination questions to be answered in writing, and we ask that you furnish us immediately with names of those wishing to take the preparatory course. A sufficient number of the lists of questions will be furnished each superintendent so that each applicant may have a list, and directions for mailing the answers will be given when the questions are sent out.

Please forward the list of names of men at your mine at your earliest convenience.

R. H. WEITZEL, *Manager.*

[The Colorado Fuel & Iron Co. Fuel department. Circular letter.]

PUEBLO, COLO., *April 7, 1913.*

All superintendents:

In pursuance of circular letter of March 31, I am inclosing herewith the first list of questions.

It is suggested that a class be formed at each mine and that candidates work together. If any assistance is needed, it will be furnished by your local division engineer's office or the teachers in camp schools.

All superintendents are requested to join the classes and send in answers to questions.

R. H. WEITZEL, *Manager.*

[The Colorado Fuel & Iron Co. Fuel department. Circular letter.]

PUEBLO, COLO., *March 7, 1913.*

To candidates:

It is the intent and purpose of the management by sending out these preliminary examination papers to give prospective candidates who wish to take the examination for the positions of mine foreman, assistant mine foreman, and fire boss, as prescribed by the new mining law, a general idea of questions that are usually asked by boards of examiners, and, further, to encourage ambitious men to gain the required information to qualify for said positions in the future.

If our men will respond and show a desire for improving their condition and efficiency, it is our intention to give other inducements, which will be made known later.

It should be distinctly understood that these questions will not be the questions asked by the board of examiners, but questions of a similar nature are likely to be asked. If candidates are able to answer these questions by the aid and use of textbooks, they should be able to qualify before a board of examiners.

Candidates will please comply with the following rules:

First. Use light foolscap paper.

Second. Write only on one side of paper.

Third. Leave a space of 1 inch on right-hand side of paper.

Question papers with answers thereto will be collected by the superintendents and mailed to Mr. David Griffiths, Canon City, Colo. Mr. Griffiths will advise each superintendent as to percentage made by each candidate at his plant.

R. H. WEITZEL, *Manager.*

REFERENCE.

1. What is the name of the mine at which you are employed?
2. Give name and address of the superintendent.
3. What is your name and post-office address?

4. What is your age?
5. What is your nationality?
6. What, if any, foreign language do you speak?
7. Are you a citizen of the United States? If naturalized, can you produce proof of your citizenship?
8. What is your present occupation?
9. How long have you been employed in present occupation at the present mine?
10. How long so employed in this State or elsewhere?
11. How long have you been employed in coal mining in any capacity?
12. Are you in the habit of using intoxicants? If so, to what extent?

PRACTICAL EXPERIENCE.

1. Briefly describe a coal field.
2. What is understood by dip, strike, outcrop, and basin?
3. Define the difference between a fault and dike.
4. Name the different varieties of coal in this State.
5. Name the different kind of openings of coal mines.
6. Briefly describe the conditions which govern the different kind of openings.
7. Describe the two principal methods of working coal seams.
8. What is understood by mine ventilation, and why is it necessary?
9. Describe the different systems of ventilating coal mines.
10. What is meant by splitting the air currents and what advantages are derived by so doing?
11. Name the two most common gases found in coal mines. Explain how detected, where found, and how removed.
12. What do you know about fire damp; state what experience you have had in any mine generating explosive gas.
13. What is meant by a safety lamp and what are the essential features of a good safety lamp for a fire boss?
14. Name and describe the best safety lamp that you know of for general use in coal mines.
15. Name the various instruments used by mine foremen and fire bosses in and around coal mines; briefly explain their use.
16. In a seam of coal that is undermined by hand, what are the principal precautions that you would insist on miners taking?
17. What, in your opinion, are the principal causes of the greatest number of fatalities in our mines?
18. Do you consider it safe to use electric machinery in a dusty mine if explosive gas is sometimes found therein? If not, explain fully.
19. In a dusty mine liable to explosion, what precautions would you adopt to avoid accidents?
20. If you had charge of a mine, the workings of which were approaching an old mine to the rise and full of water, what precautions would you adopt?
21. If you had an explosion in the mine, destroying the ventilating apparatus, what would you do first and how would you proceed to explore?
22. Describe the duties of a mine foreman as prescribed by the new mining law. (Copy of law furnished by local superintendent.)
23. Describe the duties of a fire boss as prescribed by the new mining law.
24. What is the most important duty of a shot lighter previous to firing shots?
25. State in detail your experience in and around coal mines in this State or elsewhere.

ARITHMETIC AND MENSURATION.

In answering following questions, 62½ pounds per cubic foot will be used as weight of water, and 7½ gallons will be considered as 1 cubic foot.

1. Name and denote the four common signs used in arithmetic.
2. What do the following abbreviations mean: ', ", %, W.G., V, p.?
3. Explain the difference between a common fraction and a decimal. Give an example.
4. Extract the square root of 114,921. Show process.
5. Extract the cube root of 912.673. Show process.
6. If the scale on a map is 200 miles to the inch, what distance does 3/4" represent?
7. What is the rubbing surface in a 6-foot square airway 2,000 feet long?

8. What is the rubbing surface in a rectangular airway 8' x 12', 2,000 feet long?

9. What is the area and perimeter of the airways in questions 7 and 8?

10. In an airway 8' x 8', the velocity of the air current is 480 feet per minute. What quantity is circulating?

11. How many cubic feet of air is passing per minute in an airway 8' x 9' if the velocity is 20 yards in 12 seconds?

12. If the area of a square airway is 42 square feet, what is its perimeter?

13. In a rectangular airway one side of which is 8 feet and its diagonal is 10 feet, what is its area and perimeter? Show process.

14. How many cubic yards in a shaft 16 feet long, 12 feet wide, and 200 yards deep?

15. How many tons (2,000 pounds) of material in a rectangular shaft 12' x 8' x 400' deep, specific gravity of rock being 2.24?

16. How many gallons of water in a circular shaft 10 feet in diameter and 440 feet deep? Give answer in United States and imperial gallons.

17. If a slope pitching 6% is 2,000 feet long, 10 feet wide, and 6 feet high, becomes filled with water until the edge of water is within 1,200 feet of the mouth, how many U. S. gallons are there in it?

18. If a pump is capable of pumping 100 gallons per minute and working 10 hours per day, in how many days will it pump the water out in question 17, assuming there is a constant inflow of 20 gallons per minute?

19. How many pounds of coal in a cubic yard if the specific gravity is 1.27?

20. How many tons of coal in an acre if the thickness of seam is 5 feet and specific gravity is 1.24?

21. How many tons of coal in a triangular piece of coal whose sides are 40 feet, 60 feet, and 180 feet, respectively, thickness of seam 4'8", specific gravity 1.3?

22. How many tons of slack in a cylindrical steel bin, 20 feet in diameter and 40 feet deep, assuming 1 cubic foot to weigh 50 pounds.

23. In brushing an entry 8 feet wide, 2'4" high, and 200 yards long, how many cubic yards would be removed?

24. If an entry 10 feet wide, 6 feet high, is driven for 1,000 feet, how many tons of coal was removed if the specific gravity is 1.25?

25. If a cubic yard of coal weighs 2,100 pounds, what is its specific gravity?

26. What is the area and circumference of a circle, the diameter being 10 feet?

27. What is the length of the side of a square having the same area as circle in question No. 26?

28. How many long tons of 45-pound steel rails would you order to relay a slope 2,400 feet long?

29. How many ties would you need to relay the above slope if the ties are placed 20-inch centers?

30. How many sacks of cement would be required for an engine foundation 24' x 18' x 5' deep, assuming you use 6 sacks to the cubic yard?

31. If a trip of 20 cars averaging 2,200 pounds of coal is hoisted in 10 minutes, what is the tonnage in a day of 8 hours?

32. If a car of coal weighing 2,000 pounds is hoisted through a shaft every 50 seconds, what is the capacity per hour?

33. In a shaft 200 yards deep, a car of coal is hoisted every minute, allowing 15 seconds for dumping or caging of cars, find the average velocity of cage per second?

34. If the capacity of a shaft is 1,200 tons per day of 8 hours, what is the average weight of coal in pit cars if a car is hoisted every 40 seconds?

35. If a shaft is 220 yards deep, how many coils of rope would there be on a drum 10 feet in diameter?

36. If there are 22 coils of rope on a drum 12 feet in diameter, how deep is the shaft, allowing 4 coils to be stationary?

37. If a vein of coal is 4'2" thick and has two streaks of impurities 8" and 8", respectively, what per cent of worthless material does it contain?

38. If the production of a shaft is 500 tons per day of mine run, and after screening you have 120 tons of nut coal, 275 tons of pea and slack, and 5 tons of rock, what is the percentage of lump, nut, pea, and slack, and rock?

39. What is the area of an engine cylinder that is 18 inches in diameter?

40. What is the weight of a steel shaft 10 feet long and 8 inches in diameter, specific gravity of steel being 7.85?

[Second list sent out.]

PRACTICAL QUESTIONS ON COAL MINING.

1. What is atmospheric air composed of? Name its component parts and state their proportion by weight and volume.

2. What is the weight of a cubic foot of air when the barometer registers 30 inches and the thermometer reading is 60° F.?

3. What is the weight of a cubic foot of CH$_4$ and CO$_2$ under the same conditions as mentioned in question 2?

4. What is meant by the specific gravity of a solid and a gas? Give the specific gravity of some solid and some well-known gas found in coal mines.

5. What is understood by the chemical symbol of a gas? Give the symbol of the two most common gases found in coal mines.

6. What is understood by the transpiration of a gas, and what is the difference between transpiration and diffusion?

7. What is fire damp? State the proportion and percentage of CH$_4$ in the mixture within the explosive limits, also proportion and percentage at its maximum explosive force.

8. What is after damp? State what gaseous mixtures it generally consists of and its effect on life and combustion.

9. Name, give symbol, specific gravity, etc., of three compound gases found in coal mines.

10. What is meant by coefficient of friction used in problems relating to ventilation of coal mines? Use Atkinson figures.

11. Give Atkinson's well-known algebraic formula for solving ventilating problems.

12. In order to show that you understand the formula, substitute figures for the mine you are working at and find the ventilating pressure.

13. What is a water gauge? If the water-gauge reading is 2.5 feet, what is the ventilating pressure in pounds per square foot.

14. If the quantity of air produced in a mine is 80,000 cubic feet per minute and the water-gauge reading is 2.5, what is the horsepower producing the ventilation?

15. If the velocity of an air current is 200 feet per minute and the water-gauge reading is .8, what would be the water-gauge reading if the velocity is doubled?

16. If 40,000 cubic feet of air is circulating through a mine with 4 horsepower, what horsepower would be required to circulate 80,000 cubic feet?

17. What is a barometer? How is it affected by altitude?

18. What is a siphon, and to what elevation will it pump water when barometer reading is 24 inches?

19. If a slope is pitching 45 degrees and is 2,500 feet long, what is the pressure per square inch on the pump column 40 feet from the face?

20. What is the pressure per square inch on the pump plungers in a shaft 240 yards deep?

21. Who was the discoverer of the principal factor of the safety lamp? What size wires are used in making the gauze, and how many apertures to the square inch?

22. Why is it that the flame of a safety lamp inclosed in a wire gauze will not ignite the surrounding explosive mixture?

23. What is the difference between 10 per cent and 10 degree pitch? Explain by a diagram.

24. The diameter of the piston of an engine is 10 inches and length of stroke is 18 inches. The engine makes 200 revolutions per minute with a mean effective pressure of 50 pounds per square inch. What is the horsepower of the engine?

25. If a fan is 20 feet in diameter and makes 100 revolutions per minute, what is the peripheral speed at the tip of the blade?

[Second list sent out.]

ARITHMETIC AND MENSURATION.

In answering following questions, 62.5 pounds per cubic foot will be used as weight of water, and 7½ gallons will be considered as 1 cubic foot.

1. Name and denote the four common signs used in arithmetic.

2. What do the following abbreviations mean: ', ", ', %, W.G., ∛, ∜?

3. Explain the difference between a common fraction and a decimal. Give an example.

4. Extract the square root of 114,921. Show process.

5. Extract the cube root of 912,673. Show process.

6. If the scale on a map is 200 miles to the inch, what distance does 3 1/4" represent?

7. What is the rubbing surface in a 6-foot square airway 2,000 feet long?

8. What is the rubbing surface in a rectangular airway 8' x 12' 2,000 feet long?

9. What is the area and perimeter of the airways in questions 7 and 8?

10. In an airway 9' x 8' the velocity of the air current is 480 feet per minute. What quantity is circulating?

11. How many cubic feet of air is passing per minute in an airway 8' x 6' if the velocity is 30 yards in 12 seconds?

12. If the area of a square airway is 42 square feet, what is its perimeter?

13. In a rectangular airway one side of which is 8 feet and its diagonal is 10 feet, what is its area and perimeter? Show process.

14. How many cubic yards in a shaft 15 feet long, 12 feet wide, and 200 yards deep?

15. How many tons (2,000 pounds) of material in a rectangular shaft 12' x 8' x 400' deep, specific gravity of rock being 2.24?

16. How many gallons of water in a circular shaft 10 feet in diameter and 440 feet deep? Give answer in United States and imperial gallons.

17. If a slope pitching 6 per cent is 2,000 feet long, 10 feet wide, and 6 feet high, becomes filled with water until the edge of water is within 1,200 feet of the mouth, how many U. S. gallons are there in it?

18. If a pump is capable of pumping 100 gallons per minute and working 10 hours per day, in how many days will it pump the water out in question 17, assuming there is a constant inflow of 20 gallons per minute?

19. How many pounds of coal in a cubic yard if the specific gravity is 1.27?

20. How many tons of coal in an acre if the thickness of seam is 5 feet and specific gravity is 1.24?

21. How many tons of coal in a triangular piece of coal whose sides are 40 feet, 60 feet, and 80 feet, respectively, thickness of seam 4' 8", specific gravity 1.3?

22. How many tons of slack in a cylindrical steel bin 20 feet in diameter and 40 feet deep, assuming 1 cubic foot to weigh 50 pounds?

23. In brushing an entry 8 feet wide, 2' 4" high, and 200 yards long, how many cubic yards would be removed?

24. If an entry 10 feet wide, 6 feet high, is driven for 1,000 feet, how many tons of coal was removed if the specific gravity is 1.25?

25. If a cubic yard of coal weighs 2,100 pounds, what is its specific gravity?

26. What is the area and circumference of a circle, the diameter being 10 feet?

27. What is the length of the side of a square having the same area as circle in question No. 26?

28. How many long tons of 45-pound steel rails would you order to relay a slope 3,400 feet long?

29. How many ties would you need to relay the above slope if the ties are placed 20-inch centers?

30. How many sacks of cement would be required for an engine foundation 24' x 18' x 5' deep, assuming you use 6 sacks to the cubic yard?

31. If a trip of 20 cars, averaging 3,200 pounds, of coal is hoisted in 16 minutes, what is the tonnage in a day of 8 hours?

WRITTEN EXHIBIT NO. 8.

TRINIDAD, COLO., *October 18, 1913.*

To whom it may concern:

I, Leo J. Kahn, hereby certify that I was present at a meeting of the United Mine Workers' or organizers held in the Packer Building, at Trinidad, Colo., on or about July 25, 1913, and heard an address made by a man introduced to me as Mr. Wallace, editor of the United Mine Workers' Journal. During Mr. Wallace's address that evening he told the organizers to tell the men to arm

Committee with the best rifles money would buy; not up on the hills and not be a damned bit particular who they picked off. The following morning in conversation with Wallace he told me that the methods advised by him the night before was the only way to do it.

LEO J. KAHN.

STATE OF COLORADO, *County of Los Angeles, ss:*

Leo J. Kahn, being first duly sworn, on his oath deposes and says: That he has read the above and foregoing affidavit by me made, knows the contents thereof, and that the matters and things therein stated are true to the best knowledge.

[SEAL.] LEO J. KAHN.

Subscribed and sworn to before me this 18th day of October, A. D. 1913.

[SEAL.] J. ORLANDO NESTRICUFF,
Notary Public.

My commission expires August 15, 1917.

WRITTEN EXHIBIT NO. 7.

November, 1914.

Name of mine.	Days worked.	Production (A and B reports.)	Loss in tonnage.	
Manly	19	11,466.10	4,114	888.40
Sopris	24	12,760.00	971	271.76
Tercio	26	6,000.00		252.00
Primero	25	6,000.00		240.00
Frederick	25	20,000.11	10,000	1,200.00
Starkville	25	21,000.00	7,000	2,520.00
Berwind	26	7,000.00	2,000	672.00
Tabasco	26	7,000.00	2,000	672.00
Rouse	26	12,000.00	3,000	960.00
Lester	25	12,000.00	4,000	720.00
Ideal	25	7,000.00	2,000	600.00
Cameron	25	7,000.00		
Wilson	24,000	11,000.00		
Robinson	24,000	10,000.00		
Gulch	21.00	7,000.00		
Pictou	24,000	4,000.00		
		180,000.00	35,084	

Coal dumped on ground during November:

Manly		2,000.00
Cameron		2,000.00
Wilson		2,000.00
Robinson		2,000.00
		10,000.00
		20,000
	180,000	30,000 Ch. 30%
		27,000.0
		600.00

WRITTEN EXHIBIT NO. 8.

THE COLORADO FUEL & IRON CO.,
Pueblo, Colo., December 19, 1914.

Mr. LEWIS K. BROWN,
Secretary Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: In compliance with request of Mr. Basil M. Manly, dated December 12, I am returning herewith transcript of my testimony before the Industrial Relations Committee in Denver, December 8 and 9.

I have made pencil corrections at different places where the transcript was in error.

On page 1662 I testified as follows:

"In the speech of Mother Jones, quoted by Mr. Weinstock yesterday, as an illustration dealing with class hatred, it says:

"'Fellow workers—I won't say ladies and gentlemen, for ladies and gentlemen are thieves, robbers, and highwaymen.'"

At the time I testified to this I was under the impression that the speech in the hands of the committee and which had been quoted from by Mr. Weinstock was the speech delivered at Starkville. I have since learned that it was a speech delivered at Segundo or some other point, and the speech I referred to in my testimony was one delivered by Mother Jones at Starkville, a copy of which I am inclosing herewith.

There were statements made by witnesses who followed me on the stand which I would have been glad to have corrected, but did not have the opportunity on account of lack of time. I will now take advantage of the offer made in Mr. Manly's letter to make some further statements.

The first is with reference to a statement made by John McLennan that the county officials in Huerfano and Las Animas Counties were under the employ of the coal companies. So far as our company is concerned, I will say that there never has been a single dollar paid to any county official for services rendered our company, and no county official while serving in such capacity was ever on our pay roll in any sense.

The Rev. McDonald made the statement that camp houses were never repaired, and in many cases were pig sties. I doubt whether the Rev. McDonald was ever in any of our camps, and in contradiction of his statement I wish to say that we have been spending an average of more than $30,000 a year on painting and repairing camp houses. We have kept a gang of painters busy continuously for the last several years, moving from one camp to another, repainting camp houses both inside and out, and have always kept our houses in the best of repair.

A witness from Morley handed in statements of his earnings, and Chairman Walsh noticed deduction of 50 cents for bath, and in reply to a question asked by the chairman this witness stated that he was charged 50 cents per month for the privilege of the bathhouse. He was in error in making this statement without qualifications. The bathhouse is entirely free to all employees. There are a limited number of lockers in the bathhouse provided for those who care to rent them, which enables an employee to place his clothes in the locker and to change clothes before he goes home. The only charge made is for those who have the private lockers. All others use the bathhouse free of charge.

The statement was made by Judge Lindsey, quoting from report of one of the State labor commissioners, that the C. F. & I. Co. employed child labor in and about the mines and coke ovens. This is absolutely false. Our rules with regard to employment of boys under 16 years of age are most rigid, and circular letter issued by me was put in evidence among those with reference to the observance of the law. I recall a report from one of our superintendents at the coke plant that on the occasion of a visit of one of the factory inspectors he found a small boy at the coke ovens wheeling a wheelbarrow of coke. Investigation developed that the boy had taken lunch to his father, and while his father was eating the lunch he was attempting in a childish way to wheel a barrow of coke. This was seized on by the labor commissioner as an opportunity to charge us with child labor. We are always glad to show our pay rolls to anyone who cares to investigate, and will defy anyone to find boys employed at either the mines or ovens under the legal age.

Yours, truly,

R. H. WHITSEL.

THE COLORADO FUEL & IRON CO.,
Pueblo, Colo., December 19, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Chicago, Ill.

(Attention of Mr. M. J. Dower.)

DEAR SIR: Referring to your letter of December 10, asking for certain information.

The printed form of record used when a man is employed is inclosed herewith.

All orders issued to employees with reference to mining laws of Colorado were placed in evidence while I was on the stand.

The data showing three mines at which 90 per cent signed a statement as to their satisfaction I think were turned in by Mr. Welborn as Morley, Turcio, and

Primero. This was a statement signed by employees to the effect that they did not want to see a strike. At these particular mines the situations were as follows:

Morley employed 237 men in September, 1913, and 11 went on strike.

Tercio employed 253 men, and 75 went on strike.

Primero employed 372 men, and 50 went on strike.

We, however, had two mines at which no men went on strike until they were forced out by intimidation about 30 days after strike was called. They are in isolated districts where the United Mine Workers had not apparently had time to pay any attention to until after the strike was well under way in other parts of the State. The mines I refer to are Crested Butte and Floresta, in Gunnison County. Floresta employed 160 men and Crested Butte 190.

The picture of the first-aid team requested in your letter was handed to you in Denver.

Yours, truly

E. H. WHITNEL.

THE COLORADO FUEL & IRON CO.,
Pueblo, Colo., December 23, 1914.

Mr. LEWIS K. BROWN,
Secretary Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Supplementary to my letter of the 19th instant, beg to submit the following:

W. F. Lenthal testified that when he was employed at one of the C. F. & I. mines in Huerfano County, either Walsen or Cameron, that he was furnished mine water for domestic purposes and was charged either 50 cents or a dollar per month. After he left the stand I spoke to him and asked him about it, and he said that if he had made that statement that he was mistaken, that he referred to the Mutual mine, operated by the Mutual Coal Co., and that he had never been charged for water at a C. F & I. Co. mine. I was unable to see his testimony, but I feel sure that the commission, as well as others, got the impression that he was testifying as to either Cameron or Walsen when he made this statement.

Senator Helen Ring Robinson, I am told, made the statement on the stand that I had admitted to her that we paid the militia. I did not admit it to her, but made the statement to her that we had paid some of the militia. Some of our former employees and some men who had been in our employ for 8 or 10 years joined the militia and, in common with other employers of the State, did not discontinue their salaries, but there was not to exceed six or eight of these men, or I would have information if there had been more. After the militia had been in the field for a considerable length of time, and the State was unable to pay them, there were many enlisted men who came to me with stories of destitution, saying that their families were without funds and destitute. To a number of these I loaned small sums, and in some cases think were paid back and in others not. Some of these were personal loans, and I do not recall a case where I used company funds for this purpose.

As an example of the inability of the leaders of the U. M. W. to control their members I wish to cite the present strike at Pittsburg, Kans., where the whole district has been out for four or five weeks on account of discharge of three employees by the Cherokee & Pittsburg Coal Mining Co. Notwithstanding the fact that the leaders from the district have been in the field, they have been unable to put the men back to work.

Yours, truly,

E. H. WHITNEL.

PATTERSON EXHIBIT NO. 1.

CERTIFIED COPIES OF CORONER-JURY VERDICTS IN ALL CASES OF ACCIDENTAL, VIOLENT, OR UNNATURAL DEATHS OF COAL MINERS IN AND AROUND THE COAL MINES OF HUERFANO COUNTY, STATE OF COLORADO, SINCE THE 1ST DAY OF JULY, 1905, UNTIL THE 30TH DAY OF NOVEMBER, 1914.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An Inquisition, holden at Stunway, in Huerfano County, State of Colorado, on the 19th day of July, 1906, before S. Julian Lammie, coroner of said county,

upon the body of William Wilkin, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That deceased came death due to his own negligence, and we can not attach blame to no other.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

THOS. PURSELL,
JOHN H. KELLY,
HARVEY GALVIN,
ALEX FERGUSON,
L. A. DUSSEIN,
GEO. WILSON,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition, holden at Hazron mine office, in Huerfano County, State of Colorado, on the 14th day of September, 1905, before S. Julian Lammie, coroner of said county, upon the body of Leonard Banoletti, there lying dead, by the jurors whose name are hereto subscribed; said jurors upon their oath do say: Leonard Banoletti came to his death by a fall of rock, due to his own negligence in not timbering properly.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JIM MARTINEZ,
A. H. EDMINSTER,
GARHARD FLEMING,
MIKE KUPISON,
JULIAN MARTINEZ,
NICK MARTINEZ,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition, holden at doctor's office, House, in Huerfano County, State of Colorado, on the 18th day of August, 1905, before S. Julian Lammie, coroner of said county, upon the body of Joe Petrie, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That, to the best of their knowledge, the deceased came to his death by a fallen rock and the accident was unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. K. GARCIA,
T. AGUILUNEUA,
GEO. FREW,
ALEX MCFAING,
M. S. PATTERSON,
VINCENT DONATI,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Pryor mine office, in Huerfano County, State of Colorado, on the 21st day of September, 1905, before S. Julian Lammie, coroner of said county, upon the body of Domenico Lauza, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That

Domenic Lavra came to his death by a fall of rock striking him on back of neck, breaking his neck, which caused his death. He was killed in 6 left entry at mouth of 17 room. It was an unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands, the day and year aforesaid.

M. L. Foster,
M. A. Quintana,
A. C. Arthur,
G. W. Cosgrove,
Pio Gaudiemini,
Gus Williams,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano*, ss:

An inquisition holden at Midway mine office, in Huerfano County, State of Colorado, on the 3d day of June, 1905, before S. Julian Lammie, coroner of said county, upon the body of Angelo Mattevi, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Deceased came to his death by an unavoidable accident in the Midway mine; we exonerate all parties.

In testimony whereof the said jurors have hereunto set their hands, the day and year aforesaid.

W. S. Thomas,
Paul Gehardi,
R. B. Little,
Gusto Garcia,
D. H. Reputoss,
J. J. Segura,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano*, ss:

An inquisition holden at Midway mine office, in Huerfano County, State of Colorado, on the 16th day of September, 1905, before S. Julian Lammie, coroner of said county, upon the body of Paul Sholtes, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jurors, find that said Paul Sholtes came to his death by rock fall in the third south entry, Walsen Slope Midway mine. Said rock known as a pot rock, and was unavoidable accident. We further exonerate the company from all blame.

In testimony whereof the said jurors have hereunto set their hands, the day and year aforesaid.

J. M. Kreiger,
A. E. Simpson,
Chas. McCoy,
G. Jackson,
Jos Rubow,
D. Andreatta,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano*, ss:

An inquisition holden at Walsen mine in Huerfano County, State of Colorado, on the 14th day of March, 1906, before Lammie, coroner of said county, upon the body of K. Natokani, there lying dead, by the jurors whose names are

herein subscribed; said jurors upon their oaths do say: Said K. Natokani came to his death by a fall of rock caused by his own carelessness in failing to take the rock down or timbering it, so that it would be safe to work under it.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN WILLIAMS,
HENRY GORDON,
HENRY SAVAGE,
ROBT. (his x mark) JENKINS,
JAMES DICKSON,
ALEX HAIDON,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rugby, in Huerfano County, State of Colorado, on the 22d day of November, 1905, before S. Julian Lammie, coroner of said county, upon the body of David Ferguson, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: David Ferguson came to his death on the 21st day of November, 1905, by a fall of rock in the third north entry of the Rugby mine. Death was due to his own negligence.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

WILLIAM LUBTEN,
T. LITTLE JOHN,
H. R. WHITAKER,
JOHN E. POHALA,
ROBERT TOPPING,
A. H. EDMISTEN,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Midway mine office in Huerfano County, State of Colorado, on the 15th day of April, 1905, before S. Julian Lammie, coroner of said county, upon the body of J. M. Martinez, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We find that J. M. Martinez died through injury sustained in the Midway mine by a fall of rock in No. 1 room, fourth right entry, through his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. M. KREGER,
A. S. SIMPSON,
W. S. THOMAS,
VICTORINO TRUJILLO,
CHAS. MCCOY,
LABONDO VIGIL,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Midway mine office, in Huerfano County, State of Colorado, on the 15th day of November, 1906, before W. C. Hunt, justice of the

peace, acting coroner of said county, upon the body of Leandro Cordova, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Unavoidable accident; that the deceased, Leandro Cordova, came to his death through an unavoidable accident in Midway mine.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

CHAS. McCOY,
JOHN LONG,
VICTO VIGIL,
MANUEL NARANDO,
W. C. CLERK,
W. J. FREEMAN,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace,
Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at McGuire, Colo., in Huerfano County, State of Colorado, on the 18th day of December, 1906, before W. C. Hunt, justice of the peace, acting as coroner of said county, upon the body of Tom Verne, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say that deceased came to his death by an unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

W. E. THOMPSON,
GEO. PRUDHOL,
H. M. THOMPSON,
WM. HEINTZ,
WM. WESTON,
SAM CHAMBERLAIN,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace,
Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rouse mine office, in Huerfano County, State of Colorado, on the 24th day of July, 1906, before S. Julian Lammie, coroner of said county, upon the body of Joe Odarizzi, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jury in the case of the death of Joe Odarizzi, do find that he came to his death by a fall of rock; that he was warned of its condition; and that he is solely to blame. We hereby exonerate the company from all responsibility.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. M. CLYDE,
GEO. WILSON,
JAMES HILTON,
SAM TOLNICK,
J. R. GARCIA,
MANUEL TAPOYA,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Pryor, in Huerfano County, State of Colorado, on the 26th day of July, 1906, before S. Julian Lammie, coroner of said county,

upon the body of Mike Rice, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say: We, the undersigned, as jurymen, according to the statements of witnesses, do hereby agree and conclude that the deceased came to his death by his own carelessness, and no one to blame but himself.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

LEE SOMERS,
BERT MCGIRR,
L. S. JONES,
PETER J. HENDERSON,
FRANK CULLAN,
GEO. DASKO,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Toltec mine office, in Huerfano County, State of Colorado, on the 2d day of August, 1906, before S. Julian Lammie, coroner of said county, upon the body of John Langa, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say: That John Langa came to his death by a fall of rock through his own carelessness, by not securing it with props.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

S. B. SMITH,
A. P. BRITTAN,
HENRY CARLSON,
GRANT STICKLER,
MIGUEL JUSUS MAES,
THOS. HARRIS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Champion mine, in Huerfano County, State of Colorado, on the 4th day of August, 1906, before S. Julian Lammie, coroner of said county, upon the body of Y. Maizgua, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say: We, the undersigned jury, return a verdict thus, that one Y. Maizgua came to his death by neglect upon his own part and no other.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. F. HAYES,
JOHN HARRIS,
R. KASTER,
DEE DAVIS,
ROBERT YOUNG,
J. W. HULSEY,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Champion mine office, in Huerfano County, State of Colorado, on the 7th day of August, 1906, before S. Julian Lammie, coroner

of said county, upon the body of Hugh Clark, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That H. Clark came to his death by a pot rock that fell from the roof, and we the jurors agree that it was his own carelessness by not propping the place.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

WM. RILEY,
JOHN HARRIS,
A. PRICE,
ALEX WILSON,
STIV JULO,
JOHN CALDERHEAD,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Maitland, in Huerfano County, State of Colorado, on the 2d day of June, 1906, before S. Julian Lammie, coroner of said county, upon the body of Thomas Hunter, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Thomas Hunter came to his death by a fall of rock, and came through neglect of himself by not supporting same with timber or taking it down.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

ROBERT YOUNG,
JOHN HARVEY,
MARTIN HERMAN,
JOHN MUIR,
TIM (his x mark) CARSON,
JAS. WRIGHT,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Midway mine office, in Huerfano County, State of Colorado, on the 25th day of January, 1906, before S. Julian Lammie, coroner of said county, upon the body of Mike Ribor, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Mike Ribor came to his death January 25, 1906, about 8.20 a. m. by a fall of pot rock, No. 8 room, fifth north entry of Midway mine. We agree that death was due to an unavoidable accident, and we exonerate the company from all blame.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

A. S. SIMPSON,
W. C. CLERK,
M. F. CLERK,
JOE DOUBT,
W. S. THOMAS,
J. M. KREMER,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Pinon store, Simmway, in Huerfano County, State of Colorado, on the 15th day of January, 1906, before S. Julian Lammie, coroner

of said county, upon the body of John Cupelli, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jury, find according to the evidence of the witnesses that this man came to his death by his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

W. R. DAVIDSON,
HENRY CARLSON,
OLIVER DAVIDSON,
W. H. WOODRUFF,
WM. OVERBY,
J. J. MILLER,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Strong, in Huerfano County, State of Colorado, on the 13th day of May, 1908, before C. W. Cox, deputy coroner of said county, upon the body of Cruse Montoya, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the undersigned, find through the evidence given here this 13th day of May, 1908, that Cruse Montoya came to his death at the Strong mine, Colorado, through neglect on their, or his own, part by not timbering their place after finding that the roof was bad.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JAMES GRAHAM,
WM. A. MCLENNAN,
H. C. DOFFLER,
JOE FERNOSLEY,
ALBERTO VIGIL,
JOHN SIMPSON,
Jurors.

Attest:

C. W. COX,
Deputy Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rouse, in Huerfano County, State of Colorado, on the 14th day of July, 1906, before S. Julian Lammie, coroner of said county, upon the body of S. J. Hall, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Deceased came to his death on January 15, 1906, at 5.45 p. m., by being run over by a car. Death was due to negligence of deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JAMES O'NEIL,
JOE BRANDI,
R. GARCIA,
M. S. PATTERSON,
LYWERING RIBADONA,
N. C. FASSERRER,
Jurors.

Attest:

S. JULIAN LAMMIE.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition, holden at Maitland schoolhouse, in Huerfano County, State of Colorado, on the 26th day of February, 1906, before S. Julian Lammie, coroner of said county, upon the bodies of B. Lovearr, N. Jacovacli, A. Zametti,

J. W. Setters, W. Morran, K. Kosher, Joe Kaster, P. Beam, J. Nizzi, N. Nizzi Longari, Fred Zamia, Archie Miller, Pete Oregoylo, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the above-named men came to their death at Maitland mine at about 9 a. m., February 19, 1906. We furthermore find that the above-named men came to their death by suffocation caused by an explosion of gas on the fourth West Sunshine entry, in No. 4 or 5 room of the Maitland mine. We, the jury, find, according to the evidence produced before us, that the deaths of the above-named men was an unavoidable accident and every known precaution which miners could take was taken to avoid the same.

In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid.

B. L. Trousdeire,
A. B. (his x mark) O'Neil,
Robert Young,
Richard Muir,
Victor Landoval,
Carpio Archuleta,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano, ss:*

An inquisition holden at Shumway mine office, in Huerfano County, State of Colorado, on the 29th day of August, 1907, before S. Julian Lammie, coroner of said county, upon the body of George Roya, or Roels, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We the jury do find that the deceased met his death from a fall of rock, due to unforeseen and unavoidable circumstances, occurring during disobedience of orders.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. F. Hays,
A. Edwin Warner,
Joseph Kerr,
Hobart Mitchell,
S. M. Albright,
W. R. Curtis,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano, ss:*

An inquisition holden at Walsen mine office, in Huerfano County, State of Colorado, on the 14th day of September, 1907, before S. Julian Lammie, coroner of said county, upon the body of Giovanni Felici, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That we find that Giovanni Felici came to his death through his own carelessness by not taking the manway, as notice in the slope calls the attention of all employees to travel the manway, as it is dangerous to go down the slope.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

John Williams,
John Stewart,
Ignazio Serafino,
Chas. Duckmueller,
Robt. Alexander,
Geo. W. Davis,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 29th day of April, 1907, before S. Julian Lammie, coroner of said county, upon the body of Walter Notman, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That an inquest holden at Walsenburg, Colo., on the body of the above-mentioned party do find that the deceased came to his death between the hours of 6 and 7 a. m. on Monday, April 29, 1907, in the Midway Mine, situated near Pryor, Huerfano County, Colo. By the evidence produced his death was due to his carelessness in using a naked lamp, thereby exploding gas while performing his duties as fire boss in the aforesaid mine; and further, from the evidence produced, we find the company and its employees are in no way to blame for the carelessness of the deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

E. L. TROUNSTINE, *Foreman*,
JOHN WRIGHT,
FRANK HAYS,
CHARLES HARRIMAN,
E. N. EUBANK,
M. G. FAIR,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Pryor mine office, in Huerfano County, State of Colorado, on the 31st day of January, 1907, before S. Julian Lammie, coroner of said county, upon the body of Claud Rouchietta, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That deceased came to his death from fallen rock, unavoidable, in the Walsen vein of the Pryor mine on the 31st day of January, 1907.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

VICTOR MARZONE,
A. L. TROUT,
ALFRED GOHFIELD,
FRANK CULLAN,
ED (his x mark) RAYMOND,
C. H. TAFT,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Pictou mine office, in Huerfano County, State of Colorado, on the 12th day of February, 1907, before S. Julian Lammie, coroner of said county, upon the body of Domenico Basso, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Domenico Basso came to his death from his own carelessness in Pictou mine, and we, the jurors, exonerate the company from any blame in this matter on Monday, February 11, 1907.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

R. M. MACLEAN,
C. D. CRAFT,
JOHN ANDERSON,
CHARLES ROSS,
GEORGE ANDERSON,
A. P. BRITAIN,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at town hall in Huerfano County, State of Colorado, on the 14th day of March, 1907, before S. Julian Lammie, coroner of said county, upon the body of Pete Melkjo, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased, Pete Melkjo, met his death in the Rocky Mountain, No. 2 entry, first north, room 16, said mine, address McGuire, Colo., on March 13, 1907, at about 8.30 a. m., by a fall of rock due to the negligence of management of said mine.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. J. WRIGHT,
H. D. HARRISON,
H. A. HAWKINS,
LOUIS VALINI,
FRANK S. MAURO,
RICHARD AMIDI,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Pryor, in Huerfano County, State of Colorado, on the 15th day of January, 1908, before W. C. Hunt, justice of the peace, acting coroner of said county, upon the body of D. L. Vigil, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: D. L. Vigil came to his death by car running over him and by his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

L. R. FOSTER,
ALEX. M. YOUNG,
JOE DEVINE,
J. E. TORBATIS,
GEO. A. MCCOWN,
LIBRADO MORA,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace, Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rugby mine office, in Huerfano County, State of Colorado, on the 23d day of November, 1907, before S. Julian Lammie, coroner of

said county, upon the body of Jacob Rathovitch, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Jacob Rathovitch was killed in Rugby mine by unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. D. JEFFREYS,
JOSEPH WOOD,
LOUIS GRANDSONE,
FRANK COLNAR,
PAUL PROTH,
JOE JENNENATHI,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Picton mine office, in Huerfano County, State of Colorado, on the 21st day of December, 1907, before S. Julian Lammie, coroner of said county, upon the body of Henry Thomas, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That accident was unavoidable and was caused by a windy shot. We find that fault of accident lays with deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

LEE HENDERSON,
W. C. CLEMENS,
R. B. MOORE,
ARCHIE FINCH,
HENRY LEWIS,
GEO. ANDERSON,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Midway, in Huerfano County, State of Colorado, on the 30th day of December, 1907, before S. Julian Lammie, coroner of said county, upon the body of George Kuzmoric, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That George Kuzmoric came to his death by stepping in front of a runaway trip of empty pit cars at the fifth left entry in the Midway mine. We further find his death was an unavoidable accident and no one to blame.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

A. S. SIMPSON, *Foreman,*
J. M. KEESEE,
A. HODGE,
J. F. HAYS,
JOHN RAITZ,
JOE ROHAN,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rhonaway, in Huerfano County, State of Colorado, on the 4th day of June, 1908, before S. Julian Lammie, coroner of said county,

upon the body of George Boston, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased, George Boston, came to his death due to an unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

H. R. WILLIAMS,
THOS. THOMPSON,
ED. SELFRETT,
THOMAS OVERSTBY,
FRANK CONWAY,
ABE SCHOLES,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 10th day of January, 1908, before S. Julian Lammie, coroner of said county, upon the body of Matt Matwil, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Matt Matwil came to his death in the Midway mine on January 9, 1908, being run over by a empty trip due to his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN J. WRIGHT,
M. Y. FAIR,
JAMES STEWART,
TIOFILO BUSTOS,
GEORGE PHIPPS,
JOSEPH HILL,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 7th day of January, 1908, before S. Julian Lammie, coroner of said county, upon the body of Domenico Vigil and Delio Vigil, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased came to their death due from their own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

VICTOR MARROWE,
JOHN J. WRIGHT,
WILLIAM KEHR,
W. H. RICHARDSON,
C. F. HOBBS,
A. MILLER,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Maitland, in Huerfano County, State of Colorado, on the 31st day of December, 1907, before S. Julian Lammie, coroner of said county, upon the body of John Crosier, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say: That said

John Condor came to his death by accident due to his own carelessness and neglect in room nine sixth east entry, Maitland mine, at 10.45 o'clock a. m., December 31, 1907.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

LOU H. HANNA,
RAY E. JEBIS,
A. B. RENT,
R. MILLER,
JOHN MILLER,
ED TOWER,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Shumway mine office, in Huerfano County, State of Colorado, on the 22d day of November, 1907, before S. Julian Lammie, coroner of said county, upon the body of William Dean, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the said William Dean came to his death 22d day of November, 1907, in Finley mine, room No. 8, second north entry, through an unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

M. Y. FAIR,
ROBERT MITCHELL,
PAUL FLAWERS,
ALEX STOVER,
JOE J. JEIVI,
JOHN WESTON,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 1st day of October, 1907, before S. Julian Lammie, coroner of said county, upon the body of Robert Old, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased, Robert Old, came to his death due to his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

VICTOR MARRONE,
TONY CACIAVELTAIN,
JUAN Y. MARTINEZ,
JOSE ELICIO MARTINEZ,
A. J. MARTINEZ,
FRANK TERRA,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakdale, Colo., in Huerfano County, State of Colorado, on the 19th day of November, 1906, before S. Julian Lammie, coroner of said county, upon the body of Mike Rhosonky, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That

Mike Blosonky came to his death on November 18, 1910, in the Ouzvale mine, No. 1, by being struck by two empty cars turning into the back steps, and it was an unavoidable accident and no one to blame for said accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

Wm. G. McIvor,
Geo. Brock,
John Galassini,
Geo. Stone,
W. C. Brown,
James Turner,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 2d day of November, 1910, before S. Julian Lammie, coroner of said county, upon the body of James McCoy, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That James McCoy came to his death in Tioga mine on November 1, 1910, by being run over by loaded cars. Cause of death is unknown to this jury.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. D. Fass,
W. L. Edwards,
Joseph H. Patterson,
E. Evens,
John Furphy,
Chas. Baubien,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 1st day of December, 1910, before S. Julian Lammie, coroner of said county, upon the body of Teolotaro Castelli, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased came to his death November 30, 1910, on or about 4.30 p. m., at the Ravenwood coal mine, owned and operated by Victor-American Fuel, at Ravenwood, from accidental injuries sustained from fall of rock while employed at said mine. Cause of accidental death due to his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

C. V. Mahoney,
Joseph H. Patterson,
Ismael Feyt,
J. S. Gardner,
J. D. Fass,
John Furphy,
Jurors.

Attest:

S. Julian Lammie,
Coroner of Huerfano County.

VERDICT OF JURY.

State of Colorado, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 1st day of October, 1910, before W. C. Hunt, acting coroner of

said county, upon the body of Andy Korac, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jury, find that deceased, Andy Korac, came to his death by a fall of rock in No. 2 room of the first second cross entry on the Rocky Mountain Co.'s mine, Huerfano County, State of Colorado, at the 30th day of September, A. D. 1910, said death being caused by an unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

H. C. DOEFFLER,
JOHN FURPHY,
J. S. GARDNER,
JAS. G. PRITCHARD,
J. D. FARR,
JOSEPH H. PATTERSON,
Jurors.

Attest:

W. C. HUNT,
Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 22d day of November, 1910, before S. Julian Lammie, coroner of said county, upon the body of Pete Angeli, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Pete Angeli came to his death in the Maitland mine on the 22d of November, 1910, by a fall of slate, said death being accidental and unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
J. D. FARR,
JOHN MURPHY,
JOSEPH H. PATTERSON,
ISRAEL FRYE,
W. L. EDWARDS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsen mine, in Huerfano County, State of Colorado, on the 7th day of October, 1910, before S. Julian Lammie, coroner of said county, upon the body of Harry Mover, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Harry Mover came to his death 3 p. m. October 4, 1910, by a fall of rock on first north parting room mine. We think said accident was entirely unavoidable; we do not hold any one whatsoever responsible for this accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

MAT GILMOUR,
L. G. ROOYES,
JAS. MCNALLY,
J. H. PHILLIPS,
JOHN BURKE,
WM. G. ROSS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 27th day of November, 1910, before S. Julian Lammie, coroner of said

county, upon the body of Nicholas Sokovas, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased came to his death while employed at the Cameron coal mine, at Cameron, Huerfano County, Colo., by a fall of rock, and attribute said accidental death to negligence and lack of mining experience.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

VICTOR MARIONE,
JOSEPH H. PATTERSON,
M. L. EDWARDS,
JAS. G. PRITCHARD,
ISRAEL FRYE,
J. D. FARR,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 20th day of December, 1910, before S. Julian Lammie, coroner of said county, upon the body of Dan Pachoco, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Dan Pachoco came to his death on December 20, 1910, in the new mine at Oakview by a fall of coal. Said accident was due to negligence on the part of Pachoco himself.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

D. L. EDWARDS,
CHAS. M. FRY,
JOHN KIOELL,
JAS. ENGLAND,
JNO. GARDNER,
MARIUS BELO,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 16th day of December, 1910, before S. Julian Lammie, coroner of said county, upon the bodies of John Antill and George Swelis, there lying dead, by the juror whose names are hereto subscribed; said jurors upon their oaths do say: That John Antill and George Swelis came to their deaths in the face of the third panel of the first west entry in the Big Four coal mine, in Huerfano County, State of Colorado, December 15, 1910, at 5 o'clock p. m.; that the said deaths was caused by a runaway car; that the said accident was unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
JOSEPH H. PATTERSON,
JACK EVENS,
CHAS. M. FRY,
H. C. DUFFLER,
ISRAEL FRYE,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 23d day of December, 1910, before S. Julian Lammie, coroner of said

county, upon the body of Frank Kasper, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased came to his death by being run over by a coal-mine car on or about 8 a. m., October 25, 1910, at the Globe mine, in Huerfano County, Colo., said accident being cause of death was unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

VICTOR MAZZONE,
J. S. GARDNER,
JOHN FURPHY,
JOSEPH H. PATTERSON,
J. D. FARR,
W. L. EDWARDS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 11th day of June, 1910, before S. Julian Lammie, coroner of said county, upon the body of Frank Walker, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Frank Walker came to his death on June 11, 1910, in Picton mine, room No. 7, fifth cross entry. Cause of death, according to testimony, was heart failure.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOSEPH H. PATTERSON,
JOHN FURPHY,
J. D. FARR,
HOMER POTTS,
GEO. DARDEN,
WALTER EDWARDS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 5th day of April, 1910, before S. Julian Lammie, coroner of said county, upon the body of John Nickel, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That deceased came to his death in Ravenwood mine by a fall of rock, due to his own negligence in not setting props, and that his death occurred on the 5th day of April, 1910.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

FRANK MEADE,
WILLIAM KRIER,
JOS. G. PRITCHARD,
JOHN FURPHY,
JOSEPH H. PATTERSON,
WALTER M. ARNOLD,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 10th day of May, 1910, before S. Julian Lammie, coroner of said county, upon the body of Paul Kolack, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: Paul Kolack came to his death on May 9, 1910, in Ravenwood mine while in the act of pushing an

empty car from the main slope to his room. While so doing a loaded car broke loose from the trip which was going out and ran back down the slope and turned into Kolack's room, catching him and killing him.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

WALTER EDWARDS,
WILLIAM KEISS,
JUAN A. MEDINA,
J. D. FARR,
JOHN FURPHY,
M. Y. FARR,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsen mine, in Huerfano County, State of Colorado, on the 13th day of June, 1910, before S. Julian Lammie, coroner of said county, upon the body of Pete Smith, alias Pete Masako, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Pete Smith, alias Pete Masako, came to his death by a fall of rock in Robinson mine June 13, 1910; we the jury find that said accident was unavoidable, because unforeseen; we place the blame of this accident on no one whatever.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

M. GILMOUR,
J. M. LAMMIE,
CHAS. W. FAY,
J. H. PHILLIPS,
MIKE NEGRO,
JOHN BURN,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at mine office, Rugby, in Huerfano County, State of Colorado, on the 8th day of May, 1910, before S. Julian Lammie, coroner of said county, upon the body of Joe Silva, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Joe Silva came to his death by his own carelessness and exonerate the company and contractor for whom he was working from all blame. Joe Silva met his death on May 7, 1910, while working in Primrose mine in room No. 11, ninth, south entry.

In testimony whereof the said jurors have hereunto set their hands the day day and year aforesaid.

CHAS. W. COX, *Foreman,*
CHAS. M. FEY,
F. O. CARSON,
BERT MCGUIRE,
L. E. DUNCAN,
R. BARANI,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Toltec, in Huerfano County, State of Colorado, on the 27th day of May, 1910, before S. Julian Lammie, coroner of said county, upon the body of Frank Lenzini, there lying dead, by the jurors whose names

are hereto subscribed; said jurors upon their oaths do say: That Frank Lemont came to his death in Tollec mine on May 28, 1910, by a fall of rock in room No. 16. Said accident was unavoidable.

In testimony whereof said jurors have hereunto set their hands the day and year aforesaid.

JOHN FURPHY,
ROBERT MARSHALL, Jr.,
T. ORTEGO,
OLIVER EARP,
J. G. WALLACE,
H. M. STOCKWELL,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Ideal mine, in Huerfano County, State of Colorado, on the 12th day of June, 1910, before S. Julian Lammie, coroner of said county, upon the body of Nick Harder, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Nick Harder came to his death June 11, 1910, by being run over by a loaded mine car. Said accident was unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JAS. TWEEDLE,
E. L. KENNEY,
RICHARD WALES,
E. BERNINI,
JACK GRUBRICH,
ROSILIO ORNELLIE,
Jurors.

Attest.

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 19th day of September, 1911, before S. Julian Lammie, coroner of said county, upon the body of Martin Aitila, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: The deceased came to his death on September 17, 1911, on or about 11.45 p. m., at the Solar coal mine, Huerfano County, Colo. Cause of death was due to breaking his neck by accidentally falling a distance of 15 feet into the coal chute of said coal mine.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

C. VICTOR MARSONE,
JOHN FURPHY,
JOE PATTERSON,
J. S. GARDNER,
E. EVANS,
ISRAEL FRYE,
Jurors.

Attest.

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 9th day of August, 1911, before S. Julian Lammie, coroner of said county,

upon the body of John Szarvos, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: The deceased came to his death by a fall of rock while working at the Ideal coal mine, operated and owned by C. F. & I. Co., in Huerfano County, Colo., on the 9th day of August, 1911, at or about 8.15 a. m. The cause of said accidental death was due to the carelessness and negligence of the deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

C. VICTOR MADSEN,
JOS. H. PATTERSON,
E. W. KEIER,
J. S. GARDNER,
JOHN PURPHY,
WALTER EDWARDS,
Jurors.

Attest,

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Picton, Colo., in Huerfano County, State of Colorado, on the 27th day of October, 1911, before W. C. Hunt, justice of the peace, acting coroner of said county, upon the body of Robert Larson, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the undersigned jury of the inquest held on the body of Robert Larson, deceased, on the 27th day of October, A. D. 1911, find that the said deceased came to his death at Picton, Colo., on the morning of the 27th day of October, A. D. 1911, by being crushed by a fall of rock and that the said death was accidental.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
J. P. THOMAS, Jr.,
B. EVANS,
JOHN PURPHY,
ISRAEL FRYE,
WALTER EDWARDS,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace, Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at mine office, Rouse, in Huerfano County, State of Colorado, on the 18th day of October, 1911, before W. C. Hunt, justice of the peace, acting coroner of said county, upon the body of Rasullo Oberotto, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jury empaneled this 18th day of October, 1911, in a certain inquisition concerning the death of Rasullo Oberotto, we find that the deceased came to his death by a rock falling on him; we further find that according to the evidence the Colorado Fuel & Iron Co. was not negligent and in no way to blame for his death.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

C. A. RODDELL,
N. S. PATTERSON,
JOE BIANCHI,
FRED BELLOTTI,
AB. CUTTER,
MIKE DITIBUA,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace, Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsen mine, in Huerfano County, State of Colorado, on the 23d day of August, 1911, before S. Julian Lammie, coroner of said county, upon the body of Ralph Morgan, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That he came to his death by being struck by a trip of empty mine cars. We further find that all the necessary precaution had been taken to avoid the accident. We further find that the accident was unavoidable, and exonerate all persons connected therewith from any blame whatever.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN WILLIAMS,
CHARLES A. KAISER,
JAS. H. PHILLIPS,
J. G. BIEVETT,
MOSE VIGIL,
SAM MARS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 29th day of July, 1911, before S. Julian Lammie, coroner of said county, upon the body of William Young, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That William Young came to his death on July 28, 1911, about 4.30 p. m. from injuries received in the new mine of the Oakdale Coal Co. on July 27, 1911; we further find that said injuries were caused by a pure and simple accident and can blame no one for the accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

E. M. MATHEWS,
D. L. EDWARDS,
T. ENGLAND,
ERNEST BAUER,
FRANK TOGHENS,
O. B. BEAMER,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at the mine office in McGuire, in Huerfano County, State of Colorado, on the 7th day of December, 1912, before W. C. Hunt, a justice of the peace, and acting as coroner of said county, upon the body of Joe Pearsed, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That they find that the deceased met his death accidentally, caused by his own negligence in not timbering property.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

N. H. VAN ZANDT,
FRANK VALDEZ,
J. M. BROWN,
JESSE HALE,
THOMAS OWENBEY,
CHAS. Q. CORNELL,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace, Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 18th day of October, 1912, before S. Julian Lammie, coroner of said county, upon the body of Frank Gribovski, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Frank Gribovski came to his death in the Caddell mine, in Huerfano County, on October 14, 1912, from a fall of rock; that the said deceased was trying to rescue Battisto Taioli, who was caught underneath a rock in the same mine; that the said accident was wholly unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
J. A. MEDINA,
JUAN ALBERT,
CHAS. BAURIEN,
ISRAEL FRYE,
TROFILO BUSTOS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 2d day of October, 1912, before S. Julian Lammie, coroner of said county, upon the body of Anton Puk, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Anton Puk came to his death on October 1, 1912, about 3.20 p. m., in the new mine at Oakview, on the stump between rooms Nos. 2 and 3, on second cross. We find that, according to testimony, it was gross neglect on his part in not timbering and putting his place in safety when every facility was at hand, and we find a verdict of accidental death.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN LANE,
JOE KROELL,
LEMUEL REES,
BOB PRITCHARD,
WM. T. JAMESON,
WM. D. SHEELEY,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 19th day of December, 1912, before S. Julian Lammie, coroner of said county, upon the body of Louis Bernassi, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Louis Bernassi came to his death in the Toltec mine, in Huerfano County, Colo., on December 18, 1912, and that the cause of death being to this jury unknown.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
G. W. SEEBURN,
JOHN FURPHY,
GEORGE PHIPPS,
R. EVANS,
ISRAEL FRYE,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 15th day of January, 1912, before S. Julian Lammie, coroner of said county, upon the body of Henry Beck, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We find that Henry Beck came to his death by a fall of rock in No. 2 room, second cross, in new mine, at Oakview, Colo., January 15, 1912. Said accident was due to negligence on part of deceased and his partner by not timbering and making the place safe when they knew rock was loose.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

DAVID PARKS,
JAS. HOLVEY,
JOE KROELL,
D. L. EDWARDS,
THOS. THOMAS,
PETER BAUDINO,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 9th day of February, 1912, before S. Julian Lammie, coroner of said county, upon the body of Guiseppi Sassatelli, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We the jury find that Guiseppi Sassatelli came to his death in the Robinson mine, February 8, 1912, at about 11.30 a. m., caused by a fall of rock, which accident was unavoidable. We further find no one responsible whatsoever for the aforesaid accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

A. B. BICKUTT,
J. H. PHILLIPS,
SAM MAIO,
DAVID BODYCOMB,
MIKE NIGRO,
H. CRANK,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 16th day of October, 1912, before S. Julian Lammie, coroner of said county, upon the body of Battisto Tsis, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Battisto Tsis came to his death on October 14, 1912, in the Caddell mine in Huerfano County, Colo., and the said death was caused by a fall of rock, said accident being unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
J. A. MEDINA,
JUAN ALBERT,
CHAS. BAUBIEN,
ISRAEL FRYE,
TEOFILO BUSTOS,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 28th day of October, 1912, before S. Julian Lammie, coroner of said county, upon the body of Joe Kraukota, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We as a jury have carefully considered the case of the death of Kraukota and have to the best of our judgment after hearing the evidence of Jos. England, his partner, also Caleb Davis, working next room. We also considered the evidence of W. Morgan, superintendent, who suggested a method of working the place different to what was done by the deceased. We find that there is no blame attached to anyone and find a verdict of purely accidental death.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN LANE,
JOE KROELL,
DAVID PRICE,
ALEX. SMALLWOOD,
WM. SHEELEY,
BOB PRITCHARD,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 12th day of October, 1912, before S. Julian Lammie, coroner of said county, upon the bodies of John Curich and Chris Beljan, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the said John Curich and Chris Beljan came to their death at Ravenwood, Huerfano County, Colo., at about 12.20 p. m., October 11, 1912, and that said deaths were caused by a fall of rock in room No. 8 of the American Victor Fuel Co., and that the said accident was unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
G. W. DAVIDSON,
J. G. MARTINEZ,
J. M. ESPINOZA,
MIGUEL MONTOYA,
ISRAEL FRYE,
Jurors.

Attest:

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 2d day of May, 1912, before W. S. Chapman, coroner of said county, upon the body of Edward Burns, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: We, the jury, find that Edward Burns came to his death May 1, 1912, at 3.30 o'clock p. m., by accidental fall of rock in Black Canon Fuel Co. mine, known as the Caddell mine, 1½ miles of Walsenburg, Colo., in room 19, second north.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

G. W. SESSUMS,
R. EVANS,
J. A. MEDINA,
J. W. STEWART,
ISRIEL FRYE,
J. D. FARR,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at La Veta, Colo., in Huerfano County, State of Colorado, on the 6th day of January, 1913, before S. Julian Lammie, coroner of said county, upon the bodies of Andrew Sneddon and William Sneddon, there lying dead, by the jurors whose names are hereto subscribed, said jurors, upon their oaths, do say that Andrew Sneddon and William Sneddon came to their death on Friday, January 3, 1913, at 10 minutes to 12 a. m., at the Alliance mine, Heurfano County, Colo., in room 6 of the second panel through an unavoidable fall of coal and rock.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

S. J. CAPPS,
T. C. STEELE,
J. B. LENNOX,
C. E. TUNES,
E. C. WRIGHT,
C. BERGOINO,
Jurors.

Attest.

S. JULIAN LAMMIE,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 4th day of December, 1913, before W. S. Chapman, coroner of said county, upon the body of John Garlic, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: John Garlic came to his death as a result of an injury received in Oakview, Huerfano County, Colo., November 27, 1913, at 7 p. m., and he died in Pueblo, Colo., 7 p. m., November 29, 1913. Said injury, in our opinion, was due to a premature shot, and as a result of his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

CHAS. PRATOR,
FRANK LEE,
NELO. P. OLSEN,
H. HOWARD,
JOHN GWILLYN,
E. D. RASE,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 15th day of April, 1913, before W. S. Chapman, coroner of said county, upon the body of Jim Vatakos, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the said Jim Vatakos came to his death while working in the Ravenwood coal mine on the 15th day of April, 1913, and that his death was caused by a fall of rock, and that the said accident was negligence on the part of the deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN S. GARDNER,
D. T. WYCOFF,
J. A. MEDINA,
ISRIEL FRYE,
J. W. STEWART,
J. D. FARR,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 8th day of August, 1913, before W. S. Chapman, coroner of said county, upon the body of Joe Guilelmi, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Joe Guilelmi came to his death at Rouse, Colo., on the 7th day of August, 1913, while working in the seventh west entry of the C. F. & I. coal mine, and the said death was caused by a fall of rock due to his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN S. GARDNER,
E. EVANS,
G. W. SEBUM,
ISRIEL FRYE,
FRANK FRENKES,
ROY V. HILL,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 11th day of August, 1913, before W. S. Chapman, coroner of said county, upon the body of Jacob Vecic, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the deceased Jacob Vecic came to his death by fall of rock August 9, 1913, about 3 p. m. at the Ravenwood mine, belonging to Victor-American Fuel Co. at Ravenwood, Colo., Huerfano County. His death was caused by unavoidable accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. W. STEWART,
J. A. MEDINA,
ISRIEL FRYE,
JOHN FURPHY,
JOSE CARNACIO MARTINEZ,
W. S. EDWARDS,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 7th day of May, 1913, before W. S. Chapman, coroner of said county, upon the body of Emelio Val, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That we as a jury summoned to act on the death of Emelio Val, after hearing and carefully considering all the evidence submitted in the case, do say that Emelio Val came to his death in the Oakdale mine, at Oakview, Colo., at about 2:30 p. m. on the 7th day of May, 1913, A. D., and that his death was caused by an accidental fall of coal and do not think any person was to blame.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

WM. D. SHEELEY,
DAVID PRICE,
EDWARD LUMLY,
JOHN J. SHONSEK,
RICHARD F. DAVIS,
ALEX. SMANWOOD,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Walsenburg, in Huerfano County, State of Colorado, on the 7th day of November, 1913, before W. S. Chapman, coroner of said county, upon the body of Mike Billy, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Mike Billy came to his death in the Pryor mine of the Union Coal & Coke Co. at Pryor, Huerfano County, Colo., at about 12 o'clock November 10, 1913, by reason of a fall of rock from the roof of said Pryor mine, and that death was sudden and resulted from a fall of rock which was purely accidental and unavoidable.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. D. FARR,
J. A. MEDINA,
ANTONIO L. PACHECO,
ISRIEL FRYE,
D. T. WYCOFF,
J. W. STEWART,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 27th day of January, 1914, before W. S. Chapman, coroner of said county, upon the body of H. M. Park, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That H. M. Park came to his death in the Oakdale No. 2 mine at 3.10 a. m., January 27, 1914, from a fall of coal from the roof at the face of room 3, ninth cross entry, the same being accidental, and that no person or persons is responsible for his death.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

V. DIXON,
CHAS. A. PARCELL,
FRANK LEE,
NELS P. OLSON,
JOE GALVAN,
E. D. ROSE,
Jurors.

Attest.

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano*, ss:

An inquisition holden at Farr, Colo., in Huerfano County, State of Colorado, on the 26th day of February, 1914, before W. S. Chapman, coroner of said county, upon the body of Chas. H. Werden, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That the said Chas. H. Werden, according to the testimony of several witnesses, came to his death about 9.40 p. m., February 25, 1914, by an unavoidable accident received in the Cameron mine, Farr, Colo.; said accident due to the negligence on the part of the deceased in riding on trip contrary to the rules of the Colorado Fuel & Iron Co.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

V. S. SKINNER,
R. B. STOUT,
M. R. JONES,
SAMUEL BLANCO,
MARTINO BERATTINO,
J. K. DRINNON,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsen mine office, in Huerfano County, State of Colorado, on the 24th day of June, 1914, before W. C. Hunt, justice of the peace, acting coroner of said county, upon the body of Mike Marchiato, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Mike Marchiato came to his death from injuries received in the Walsen mine, ninth west entry, caused by the stacking spent of the mule team, causing the tail chain to loosen, which chain caught under wheel of the first car, wrecking the trip. And we, the jury, find no person or persons responsible for the accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. C. DEKETT,
CHAS. E. STOUT,
JOE HUGHES,
THOMAS FARR,
JOHN WILLIAMS,
GUS PEARSON,
Jurors.

Attest:

W. C. HUNT,
Justice of the Peace,
Acting Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Ravenswood, in Huerfano County, State of Colorado, on the 20th day of July, 1914, before W. S. Chapman, coroner of said county, upon the body of Joe Martinez, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Joe Martinez came to his death through his own carelessness in Ravenswood mine, at Ravenswood, Colo., at 10.30 a. m., July 27, 1914, by being run over by a loaded pit car, and that said death was accidental, and no person or persons were to blame for the accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

A. M. LAWRENCE,
C. BURLESON,
A. B. BISHOP,
JOE WATSON,
ROBT. NELSON,
JOHN WEOSHIGER,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Ravenswood, in Huerfano County, State of Colorado, on the 19th day of January, 1914, before P. P. Lester, deputy coroner of said county, upon the bodies of John Vinkel and George Hocker, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That John Vinkel and George Hocker came to their deaths in the Ravenswood mine on January 17, 1914, at about 12 o'clock noon, caused by a blow-out shot. Their deaths were accidental and caused by their own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

C. BURRLESON,
F. MATHWELL,
JOE MARTINEZ,
ALEX M. YOUNG,
BATTISTA GALASSINI,
IKE WATSON,
Jurors.

Attest:

P. P. LESTER,
Deputy Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Lester, in Huerfano County, State of Colorado, on the 8th day of June, 1914, before W. S. Chapman, coroner of said county, upon the body of Diego Godinero, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Diego Godinero came to his death at 8 o'clock a. m., June 7, 1914, said death being caused in room 12, Walsen mine, No. 45, second cross entry, located at Lester, Colo.; that his death was caused by being caught by a loaded car of coal, due entirely to his own negligence in running said car too far out into the second dip or haulage way.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

J. S. GARDNER,
W. A. BAYLIS,
JOSE S. ARAGON,
HENRY MEDINA,
G. W. FOX,
D. MCLAUGHLIN,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Walsen mine, in Huerfano County, State of Colorado, on the 4th day of November, 1914, before W. S. Chapman, coroner of said county, upon the body of Mike Sporakis, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Mike Sporakis came to his death in the Walsen mine of the C. F. & I. Co., in Huerfano County, Colo., at about 1 o'clock p. m., November 2, 1914, death being caused by an accidental fall of rock, and in our opinion no one is to blame for said accident.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

MARION E. RAMBRIDGE,
FRANK E. WOODARD,
CLAUDE BRYSON,
H. B. HAUTHORNE,
WILEY PHILLIPS,
WILLIAM ROSS,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Larrimore mine, also known as the Jackson mine, in Huerfano County, State of Colorado, on the 15th day of November, 1914, before W. S. Chapman, coroner of said county, upon the body of David H. Miller, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That we the jurors find that Dave Miller met his death by a fall of rock in the Jackson mine, October 14 at 11.45 a. m., by an accident through his own carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

WM. LONG,
J. C. CURTIS,
WM. HIGDON,
JESSE HALE,
MILES MCKENNA,
J. H. QUINN,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Strong, in Huerfano County, State of Colorado, on the 19th day of November, 1914, before W. S. Chapman, coroner of said county, upon the body of Pete Parvoloff, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That Pete Parvoloff came to his death in entry 13, room 1, of the second dip of the Sunnyside Coal Mining Co.'s mine at Strong, Colo., by fall of rock from roof of room; said fall was caused by the negligence of said Pete Parvoloff for not timbering room as instructed by mine foreman. We find Pete Parvoloff came to his death by his own neglect and carelessness.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

S. C. WOLF,
E. KELLY,
V. O. MIERS,
RAY SHEA,
W. H. SHEA,
A. W. STRADER,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Rugby, Colo., in Huerfano County, State of Colorado, on the 20th day of November, 1914, before W. S. Chapman, coroner of said county, upon the body of Sam Sudor, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: This deceased came to his death by a fall of rock in the Rugby Fuel Co. mine, caused by insufficient number of props being in place as per foreman's instructions, thereby no blame is attached to Rugby Fuel Co. Death occurred about 11 a. m., November 19, 1914, in Huerfano County, Colo.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

FRED P. MOSS,
M. DUNCAN,
BERT ALLISON,
CLAUDE MACEY,
HENRY MURPHY,
JAMES CLELAND,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Gordon mine, in Huerfano County, State of Colorado, on the 28th day of November, 1914, before W. S. Chapman, coroner of said county, upon the body of Edward Lewis, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say: That Edward Lewis came to his death in Gordon mine, Huerfano County, Colo., about 9.40 p. m., November 20, 1914, by being accidentally electrocuted from an electric current passing through his body from one hand to the other. We, the jury, find that Edward Lewis came to his death through an accident of his carelessness by coming in contact with the current while making connection with machine wire to main wire.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN R. FOLEY,
LEON POLL,
TONY BELIE,
JOHN BONIFER,
ELIJAH HOWER,
EUGENE SCHOLES,
Jurors.

Attest:

W. S. CHAPMAN,
Coroner of Huerfano County.

VERDICT OF JURY.

STATE OF COLORADO, *County of Huerfano, ss:*

An inquisition holden at Oakview, in Huerfano County, State of Colorado, on the 2d day of November, 1914, before Arthur A. Foote, justice of the peace, acting coroner of said county, upon the body of Rudolph Nilas, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That said Rudolph Nilas came to his death in the so-called old mine of the Oakdale Coal Co., second north entry, while performing his duty as coal digger, caused by fall of rock, due to removal of prop or timber by said Rudolph Nilas; said cave of rock occurred on the 31st day of October, about 1.30 p. m. We further believe that said fall of rock was natural to pillar work.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

W. L. COURTWRIGHT,
CHAS. E. ADAMS,
ARREN T. BAKER,
T. H. WEAVER,
WM. MOORE,
DAN F. HOGAN,
Jurors.

Attest:

ARTHUR A. FOOTE,
Justice of the Peace and Acting Coroner of Huerfano County.

STATE OF COLORADO, *County of Huerfano, ss:*

I, T. M. Hudson, clerk of the district court of Huerfano County, State aforesaid, do hereby certify the above and foregoing to be a true, complete, and perfect transcript and copies of coroner-jury verdicts in all cases of accidental, violent, or unnatural deaths of coal miners in and around the coal mines of Huerfano County, State of Colorado, since the 1st day of January, 1906, until the 30th day of November, 1914, as the same now remains on file and of record in this office.

Witness my hand and the seal of the said court at the courthouse in Walsenburg County and State aforesaid this 2d day of December, 1914.

[SEAL.]

T. M. HUDSON, *Clerk.*
By JOSEPH H. PATTERSON,
Deputy Clerk.

PATTERSON EXHIBIT NO. 2.

List of deputy sheriffs commissioned by Jefferson D. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914.

[By Joseph H. Patterson, deputy clerk of the district court of Huerfano County, Colo.]

January 15, 1913:
D. E. Farr.
Homer Potts.
Joe Hill.
Silverio Martinez.
J. D. Farr.
H. H. Daily.
J. J. Wright.
Epifano Martinez.

January 16, 1913:
J. C. Lawler.
J. F. Atencio.
Jake Mandeline.
M. L. Farr.
Walter Bolk.

January 17, 1913:
Deciderio Vigil.
Nath Patterson.

PATTERSON EXHIBIT NO. 8—Continued.

List of deputy sheriffs commissioned by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914—Continued.

January 17, 1913—Continued.
Charles Goemmer.
J. A. Medina.
Ruben Kaster.
January 18, 1913:
Enrico Matiroli.
A. B. Scott.
January 20, 1913:
Tomas A. Martinez.
T. C. Bailey.
George Bruce.
J. B. Garcia.
January 21, 1913:
George McBay.
J. B. Aragon.
Louis Owens.
John Albert.
Joe Watson.
January 22, 1913:
B. G. Stone.
January 23, 1913:
Felix Abeyta.
W. M. Arnold.
January 25, 1913:
W. W. Runnells.
Librado Martinez.
January 27, 1913:
Alf Cocetti.
Juan N. Pineda.
January 28, 1913:
Librado Mora.
January 30, 1913:
Claude Capps.
Joe Ball.
C. A. Kaiser.
January 31, 1913:
A. J. Steele.
Juan G. Buston.
Marcus Martinolich.
February 1, 1913:
Frank S. Mauro.
February 3, 1913:
Daniel Valdez.
Sam Dunford.
February 5, 1913:
George A. McGown.
February 6, 1913:
A. D. Valdez.
February 7, 1913:
E. R. Strong.
J. L. Potter.
February 8, 1913.
Al Cutler.
February 10, 1913:
George Moyer.
February 14, 1913:
E. W. Krier.
Tom Britton.
Joe Augster.
Dan Richards.
February 17, 1913:
J. L. Price.
G. Giuliarel.
February 19, 1913:
A. C. Feits.
Frank Lynch.
March 3, 1913:
L. H. McGowan.
Archie Mauldin.
Phil Read.
March 4, 1913:
G. R. Benson.
James McClain.
March 7, 1913:
Alber G. Griesbach.
March 14, 1913:
D. C. Scott.
March 17, 1913:
Melvin Gibson.
March 19, 1913:
Carmen Medina.
April 7, 1913:
W. E. Crowe.
April 12, 1913:
Fred Liddell.
March 14, 1913:
A. Klassen.
May 21, 1913:
Theodoro Sandoval.
June 7, 1913:
Cartulo Gallegos.
June 20, 1913:
C. W. Belcher.
July 3, 1913:
George Brdar.
July 5, 1913:
Joe Bianchi.
August 4, 1913:
A. W. Brown.
August 12, 1913:
W. M. Oskison.
August 15, 1913:
H. M. Graves.
August 18, 1913:
Isaac Patterson.
Josh Patterson.
August 26, 1913:
C. B. Ashworths.
September 1, 1913:
R. B. Stout.
September 2, 1913:
Antonio Pachero.
Harry L. Dewease.
Charles E. Beck, jr.
September 4, 1913:
Thomas S. Farr.
H. Carlton.
Jose Maes.
September 5, 1913:
Samuel Collins.
T. Q. Vigil.
Jose Trujillo.
Manuel Valdez.
September 9, 1913:
Geo. E. Hurst.

PATTERSON EXHIBIT NO. 8—Continued.

List of deputy sheriffs commissioned by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914—Continued.

September 10, 1913:
F. C. Brown.
Luis C. Vallegos.
F. Sloan.
September 11, 1913:
H. H. Saunderson.
September 12, 1913:
A. F. Standley.
September 13, 1913:
Thomas McLaughlin.
R. D. Bishard.
C. B. Fisher.
J. B. Manzanares.
James McClain.
Marian E. Bainbridge.
Ernest Head.
Ed. Quine.
Frank Myers.
Jesse C. Russell.
Pablo Sandoval.
Charles H. Welden.
William Hague.
September 14, 1913:
Lewis Hufty.
J. M. Kelley.
Joe York.
J. N. Aragon.
Meliton Vigil.
September 16, 1913:
Robert Nelson.
Charles Burleson.
Daniel Guerrero.
Jesus Escobedo.
Luz Hurtado.
M. B. Jones.
Joe Atencio.
Roman Pando.
Candido Pena.
Lucas Lopez.
Francisco Gonzalez.
Samuel Martinez.
Julian Trujillo.
Sirilio Medina.
E. G. Miller.
Julian Sanchez.
Jose S. Sanchez.
John Campbell.
T. B. Kiplin.
Albert Gonzales.
Teodoro Rivera.
Cosme Cardenas.
Charles H. Bergh.
Pedro Martinez.
J. L. L. Morris.
September 18, 1913:
Luther Bingham.
Donnan Galves.
Candido Cordova.
J. E. Marker.
Crescencio Trujillo.
Felix Arellano.
Juan L. Espinosa.

September 18, 1913—Continued.
J. B. Cruz.
F. Ivers, jr.
Abran Vigil.
Seferino Padillo.
Teodoro Dominguez.
Tibe Bineda.
Tiaro Valdez.
Cruz Pineda.
Mine Apadeca.
Jose D. Pineda.
Rufino Vigil.
Juan Laure.
Soloman Vigil.
Dario Galvala.
September 19, 1913:
Jose Guerrero.
E. H. Meyer.
Vick Ameden.
Rudolph Gonzalez.
Juan M. Partue.
D. P. Bickett.
Amador Vigil.
Meliton Romero.
E. L. Norris.
Patrick Sapada.
William Welch.
Robert Jardine.
Grabial Archuleta.
Cornelio Apadada.
Felix Vigil.
P. S. Young.
W. H. Smith.
Sacrias Trujillo.
D. Padillo.
Conrad Unfug.
Clem Behymer.
C. M. Park.
W. K. Boyd.
John D. Jones.
William L. Morgan.
September 20, 1913:
James Mathews.
J. A. Herrera.
J. J. Valdez.
Juan Cisneros.
Rumaldo Trujillo.
Teodoro Brizal.
Bonifacio Lopez.
Leandro Gonzelas.
Antonio Barros.
Tony Mauro.
W. F. Murray.
Jose Escobeda.
William Real.
Angelo Barsai.
Isias Bustos.
Patrick Quintana.
W. O. Vickery.
P. D. Hull.
B. G. Siedfried.
Scott Fowler.

PATTERSON EXHIBIT NO. 9—Continued.

List of deputy sheriffs commissioned by Jefferson M. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914—Continued.

September 20, 1913—Continued.
P. J. McGinnes.
E. E. Case.
G. M. Heneyman.
Charles Stout.
Everisto Aguirre.
C. O. Matthews.
P. J. Martinez.
J. G. Martinez.
Ramon Valdez.
Jose S. Aragon.
Alfonso Atencio.
Tomas Rodrigues.
Abel Gallegos.
Moyses Martinez.
Felipe Archuleta.
J. M. Espinosa.
Louranio Martinez.

September 22, 1913:
Juan Trujillo.
J. F. Valdez.
A. G. Duncan.
W. H. Clash.
William Jolly.
Sam Combs.
Alfido Aragon.
Oliver Duval.
Loreto Rodrigues.
C. H. Giddings.
Manuel Pino.
Epimenio Vigil.
Aniceto Archuleta.
Pedro Gomez.
Madenonio Padia.
Juan Gonsalez.
Epifano Vallejos.
H. F. Bryan.
Manuel Martinez.
Paul Saunders.
Felix Cardenas.
Manuel Maes.
Sam Lutz.
Albert King.
H. P. Homes.
Marced Vigil.
A. D. Basset.
Jose S. Martinez.
Nathen Patterson.
Charles Mitchell.
Walter Harris.
Esperidon Lucero.
Teodoro Pacheco.
P. G. Elder.
P. C. Chelney.
Louis D. Miller.
Alford Cocetti.
Pat Quintana.
Averisto Aguerro.

September 23, 1913:
Francisco A. Gomez.
E. L. Trounstine.
Harry Graves.
William J. McCain.

September 23, 1913—Continued.
Robert Banks.
David Aitken.
William T. Springer.
Jose Trujillo.
L. M. Willis.

September 25, 1913:
John McDowell.
Teleaforo Lucero.
James McDowell.
Frailan Vigil.
Carlos De Herrera.
Daniel Oritibia.
D. A. Stout.
W. G. Dick.
James Baker.
Frank Williams.
R. F. Poli.
W. W. Samples.
Ben Smith.
Pablo Hurtado.
Juan Archuleta.
Perfilio Vigil.
Pedro Manzaneras.
Ciricio Bravo.
Albino Baca.
James Kirkpatrick.
R. E. Striplan.
Lino Martinez.
Lione Brunet.
Leon Poli.
James D. McGowan.
Emelio Maes.
Tom Stone.
Juan B. Atencio.
Leofredo Ladell.

September 26, 1913:
Epifano Castro.
Juan Mastes.
Vance Everts.
Albert Griesboch.
Dr. A. R. Scott.
Candido Pina.

September 27, 1913:
Dom Jario.
C. W. Moore.
Ignacio Pacheco.
Bacilio Martinez.
B. Galassini.
Juan Babian, jr.

September 29, 1913:
Manuel Garcia.
Emelio Garcia.
Sebero Pacheco.
Miguel Bravo.
Juan B. Martinez.
D. T. Revera.
J. M. Lammie.
Charles Prator.
S. J. Lammie.
Alex Young.
Ministerio Martinez.
A. G. Griesbach.

PATTERSON EXHIBIT NO. 1—Continued.

List of deputy sheriffs commissioned by Jefferson R. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914—Continued.

September 30, 1913:
Charles Beuchat.
Charles Beauchat, jr.
James W. Rhodes.
J. H. Wilson.
Jake Tessari.
John Haddow.
Richard Hooper.
P. C. Steele.
F. H. West.
O. J. Barker.
F. L. Jackson.
John Roberts.
H. J. Scott.
Bert Keith.
W. F. Badger.
Esperidion Pino.

October 1, 1913:
J. B. Farr.
W. A. Porter.
W. H. Green.
Joe Flein.
Juan G. Cisneros.
Richard Rule.
Thomas P. Coats.
Ramon Olguin.
O. Romero.
Jose Galves.
A. L. Padilla.
J. B. Cruz.
Frank Stone.

October 3, 1913:
C. R. Tramble.
Ologio Cordova.
C. J. Williams.
James O. Graham.

October 4, 1913:
H. S. Ranton.
E. H. Shea.
Jim Arellano.
Julian Gallegos.

October 6, 1913:
Manuel Garcia.
J. M. Cooper.
Juan Chaves.
Benefacio Manzanares.
H. M. Peters.
Eloy Maldonado.
Antonio Pacheco.
Rosendo Domingues.

October 7, 1913:
Moses Pacheco.
William Harmes.
J. M. Sellers.

October 8, 1913:
Fred Harmes.
D. M. Steward.
J. M. Lucero.
Eutimio Valdez.
Fred Tolentich.
Demisindo Vigil.

October 9, 1913:
Abel C. Valdez.
Lino Maes.
Geromino Quiniana.
Cornelio Quintana.
Olegario Martinez.
Porfirio Lucero.
W. H. Donavan.
John Beauchat.
Juan Montoyo.
Mauro Romero.
Omer C. Robey.

October 10, 1913:
Brigido Rebell.
J. M. Ragan.
A. J. Pierce.
J. D. Yook.

October 11, 1913:
J. E. Nelson.
Max Quintana.
D. C. Russell.
Joseph Esser.
Felix Palmetto.

October 13, 1913:
Dan Richards.
Pedro Trujillo.
Pablo Maestas.
Jose I. Barros.
Martin Miller.
Jerry Koon.
Joe Kelly.
Jose Baros.
Charles Owens.
A. F. Badger.

October 14, 1913:
Henry Medina.
J. P. Wells.
Averisto Aguerre.
Manuel Gallegos.
W. F. Oaks.
Canuto Archuleta.
L. V. Skinner.
Geronimo Martinez.

October 15, 1913:
William D. Hoerr.
E. F. Jackson.
W. D. Anderson.
J. M. Cooper.
Albert B. Smith.
C. E. Packhard.

October 16, 1913:
F. C. Brown.

October 18, 1913:
Andres Gallegos.
R. C. Sayer.
A. B. Ruby.
C. J. Galvan.
Noverto Baca.
Frank Boil.
Frank Karst.
J. E. McCauley.

PATTERSON EXHIBIT NO. 3—Continued.

List of deputy sheriffs commissioned by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914.—Continued.

October 18, 1913—Continued.
C. L. Payne.
Jose M. Domingues.
October 19, 1913:
W. F. Childs.
John Brookshire.
E. T. Bumont.
A. R. Carson.
John Dowlen.
J. D. Dean.
Bud Eddleman.
J. R. Hanes.
R. L. McGuffin.
John Pitts.
W. B. Sands.
G. E. Stevens.
G. W. Stevens.
Babe Thornton.
October 20, 1913:
Bill Hawkins.
Thomas Wilson.
J. R. Brodie.
October 21, 1913:
H. C. Wetmore.
J. W. Morton.
Juan F. Espinosa.
E. C. Williams.
Frank Baykin.
John Abeyta.
Elmer Norris.
John A. Cross.
Frank Sierra.
J. E. McCartney.
Paul Saunders.
Torovio Trujillio.
Harry J. Williams.
Frank Stack.
R. C. Sayer.
Felix Paletto.
Frank Williams.
F. C. Brown.
October 24, 1913:
T. W. Harris.
Florencio Atencio.
Alegandro Atencio.
O. T. Curtis.
M. O. Barnes.
Jacob M. Tinker.
Pete Archuleta.
C. J. Galgon.
R. L. Walker.
J. T. Bindley.
C. J. Whalken.
T. C. Richardson.
R. V. Murray.
Jim Morgan.
J. T. Simms.
R. H. McDowell.
John S. Talbot.
G. T. Lockhanson.
G. P. Puddy.
G. W. Davidson.
B. S. Appling.

October 24, 1913—Continued.
J. S. Browley.
D. M. Collins.
W. Vanhoslen.
J. W. Wagner.
J. D. Wood.
W. P. Roberts.
Charles Negus.
H. C. Moore.
Walter Stacy.
N. V. Wood.
T. L. Hunt.
E. S. Cook.
P. M. Crickenberger.
T. C. Young.
J. G. Cartright.
C. L. Breedlove.
Ira W. Clark.
G. M. Whitten.
W. G. Chase.
Charles Roberts.
Charles Smith.
R. G. Adams.
October 25, 1913:
Frank Bell.
Jose Martinez.
F. J. Ned.
Morgan Patterson.
Spencer Lee.
Noah Stacy.
F. R. Lenz.
A. C. Craft.
D. M. Wright.
A. M. Chase
H. W. Belk, jr.
October 27, 1913:
C. W. McKean.
C. R. Trumbie.
John B. Crokett.
Lawrence B. Crockett.
Lawrence C. Bruce.
C. R. Fisher.
Archie M. Maulden.
A. J. Pierce.
October 29, 1913.
Harry Franks.
Dan Richards, Rev.
Pedro Cordova.
November 1, 1913:
Juan Pedro Trujillo.
Maubricio Trujillo.
November 3, 1913:
Placido Lujan.
November 5, 1913:
T. E. Hines.
November 6, 1913:
Patrick McMullin.
November 11, 1913:
Pete Maes.
November 12, 1913:
B. C. Fletcher.
John O. Gallegos.

PATTERSON EXHIBIT NO. 9—Continued.

List of deputy sheriffs commissioned by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January, 1913, to May 20, 1914—Continued.

November 14, 1913:
Abe Klawson.
November 20, 1913:
Neal McKinley.
November 24, 1913:
Antonio L. Valdez.
December 2, 1913:
Elies Duran.
Jacobo Vigil.
Richardo Vigil.
December 18, 1913:
W. M. Stemm.
John A. Burns.
T. J. Peterson.
December 24, 1913:
O. Romero.
A. B. Smith.
January 3, 1914:
C. J. Price.
L. H. Davis.
February 2, 1914:
Juan Montoyo.
February 9, 1914:
Albert Kitchen.
March 11, 1914:
Richard Mansfield.
March 20, 1914:
W. L. Cartright.
J. S. Montez.
Roy Barr.
L. H. Davis.
W. G. Nichols.
B. H. Lukenbill.
Charles W. Obley.
Eugenio Mestas.
Manuel Mestas.
March 23, 1914:
A. W. Klassen.
Frank Amedie.
Ed Rose.
J. N. Chase.
L. W. Schenker.
J. Allen.
March 28, 1914:
Bob Boykin.
Chas. E. Steffield.
H. W. Burrow.
Lou Goodwin.
Charles Smith.
Frank B. Moore.
Marinus Jensen.
John B. Pryor.
Toller Garrabrant.
Harry Ward.
April 1, 1914:
Loe Lynn.
Arthur Bruce.
April 1, 1914—Continued.
W. D. Pointer.
M. F. Mills.
April 2, 1914:
William Johnson.
April 4, 1914:
Harry M. Scott.
April 6, 1914:
James H. Smith.
April 8, 1914:
F. C. Henricksen.
W. J. Tyson.
April 14, 1914:
H. T. Wheeler.
April 15, 1914:
A. Willey.
April 17, 1914:
A. C. Drake.
R. R. Smith.
C. B. Fisher.
April 20, 1914:
Burt R. Cantler.
Gordon Hanlan.
W. H. Ferguson.
Edward Hewett.
Thomas J. Bush.
Dan Bush.
Roy McCormack.
Magnus Hill.
M. H. Bush.
Austin Bowerman.
Max E. Bickel.
Orin Gilt.
John Heustis.
April 21, 1914:
W. A. Johnson.
Edward A. Holmstrang.
Sam Martines.
Anastacio Trujillo.
Julian Atencio.
April 23, 1914:
Alonna Vigil.
April 24, 1914:
Joe Grantham.
John T. McCracken.
E. C. Davis.
December 25, 1914:
H. M. Ferguson.
Jack Reece.
A. W. Hall.
May 1, 1914:
Bill Hawkins.
May 11, 1914:
Wallace Devaney.
R. S. Wiles.
May 20, 1914:
Earl V. Tucker.

FARR EXHIBIT.

List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1911, to January 10, 1913.

Abeyta, Felix.
Aragon, J. B.
Anson, A. H.
Anderson, Floyd.
Arnold, W. M.
Albert, John.
Atencio, Fernandez.
Angester, Joseph.
Amick, L. H.
Bailey, T. C.
Barker, O. J.
Bustus, Juan C.
Beanchi, Joe.
Britton, Thomas.
Bishop, A. B.
Ball, Joe.
Bruce, George.
Belk, Walt.
Cutter, Al.
Castro, Manuel.
Cory, A.
Cordova, Pedro.
Cortez, Hilario.
Capps, Claud.
Combs, W. M.
Cordova, Candido.
Duran, Elias.
Drumm, A. C.
Daily, H. H.
Espanocia, J. M.
Farr, D. B.
Farr, M. Y.
Felts, A. C.
Farr, J. D.
Gomes, Pete.
Garcia, Juan.
Glispie, Robert.
Ghirdi, Paul.
Garbiso, Dorio.
Guerris, Jose.
Giesler, Eugene.
Gardner, John.
Gomez, Pedro.
Greesbach, Albert.
Hill, Joe.
Hegg, Edward.
Herrin, Alex.
Haley, C. G.
Hutton, W. M.
Hull, Pete.
Jones, D. W.
Juliemi, G.
Johnson, William, jr.
Krier, Ed.
Kerby, Jasper.
Kimsey, Joseph.
Kaiser, C. A.
Lewis, Frank.
Linsini, Joe.
Ladell, Frank.
Lorett, J. G.
Lucero, Jesus.
Lapresto, Sam.
Lewis, George.
Lawler, J. C.
Martinez, Epifanio.
Maura, Frank S.
Montonez, Juan.
Mandolini, Jake.
Madena, Juan A.
Martinez, Tomas A.
Martinez, Lebrado.
Micheletti.
Madena, Carmen.
Mataroli, E.
Martinolich, Marcko.
Moro, Lebrado.
Merrell, W. H.
Mathews, James.
Morris, J. L.
Moyer, George.
Manley, W. W.
Martine, Tim.
Martinez, Silverio.
Miller, Louis D.
Mauldin, Arche.
Martinolich, Ed.
Martin, Martiez.
McGown, George A.
McBay, George.
McCafferty, W. H.
McGowin, L. H.
McCune, E. M.
McGinn, Hugh.
McDowel, C. R.
Nicols, Ulysis H.
Ownes, Lewis.
Olgain, Ramon.
Obrian, James D.
Penada, Juan N.
Price J. L.
Phipps, Milson.
Patterson, Nath.
Partus, Juan.
Parker, G. B.
Pritchard, G. K.
Pecheco, Antonio.
Potts, Omer.
Roosk, Pink.
Reynolds, Joe.
Runnolds, W. W.
Richards Daniel.
Shirts, A. C.
Schwitzer, Eugene.
Stone, B. G.
Strauss, John.
Salas, Juan.
Stauss, J. L.
Santi, Cesor.
Stout, R. B.
Stanley, Robert.
Sanderson, Harold H.
Sanchez, Joe.
Steele, P. T.

FARR EXHIBIT—Continued.

List of deputy sheriffs appointed by Jefferson R. Farr, sheriff of Huerfano County, Colo., from January 10, 1911, to January 10, 1913—Continued.

Scrogan, Robert.
Stigler, George.
Stevens, James.
Sandoval, Joe.
Scott, D. C.
Scott, A. R.
Taylor, James B.
Taylor, Burt.
Vigil, J. D. D.
Vigil, Mileton.
Valdez, Antonio.
Valentine, John.
Valdez, Dan.
Valdez, Alfonso.
Vigil, Casmero.
Wright, J. J.
Westenburge, Joe.
Williams, C. J.
Westwater, Pete.
Wilkins, Joe.
Zadra, Amadra.

List of deputy sheriffs of Las Animas County, Colo., on and including the days of January 1, 1913, and September 1, 1913.

Mike Nigro.
J. C. Reschke.
G. B. McCarthy.
Salvatore Spicola.
J. B. Romero.
A. C. Felts.
A. W. Brown.
W. H. Reno.
Elmer Quick.
Oscal Vanderbur.
Frank Trujillo.
Jim Peretto.
Archie Floyd.
Andrew McDonald.
R. J. Baldock.
J. A. Richardson.
Pedro Lucero.
W. A. Tribble.
Charles C. Powell.
C. E. Whitescarver.
W. C. Hunn.
Domenico Pifalo.
E. L. McCartney.
George Tittsworth.
Hugo Pfalmer.
M. Massingale.
Henry Hale.
J. F. Maloney.
W. T. Thatcher.
Delfino Rivali.
G. S. Van Pelt.
Guy Howe.
Walter Belk.
Atanacio Gonzales.
W. S. Lee.
G. R. Ford.
John Workman.
John M. Macquarrie.
Earl Tucker.
Charles St. Vrain.
Mariano Lopez.
W. E. Brown.
W. H. Reynolds.
Zeke Martin (undersheriff).
J. F. Davis.
Bernard Jeune.
H. V. Rose.
Robert Nichols.
Tom Hart.
Abel Lopez.
T. C. Apodaca.
H. H. Sanderson.
Frank Reno.
Pete Laccomano.
Frank Sanches.
George Green.
Edward Cookingham.
Walter Howe.
J. Vicente Vigil.
W. E. Riggs.
W. F. Growe.
G. H. Crane.
Guye Payne.
W. S. McCash.
Julian Medina.
J. H. Shaw.
J. T. Munroe.
Mariano Carrillo.
J. H. Wilson.
Cesari Pilati.
J. C. Baldwin.
Mark Danford.
Milo Kalabick.
A. V. Berg.
George Kanugres.
Rafael Sena.
J. M. York.
Ambrose Lunney.
Jesus Mestas.
Peter Kos.
J. A. Owenby.
E. J. Foreman.
S. J. Abeyta.
L. M. Trujillo
J. J. Sullivan.
C. A. Robinson.
Samuel Romero.
Earl Toller.
G. W. Belcher.
J. L. Reed.
A. C. Larsen.
W. W. Runnells.
T. F. Douglas.
J. H. Roberts.
G. E. Hunt.
Harry Chew.

PARR REBUTTAL—Continued.

List of deputy sheriffs appointed by Jefferson R. Farr, sheriff of Huerfano County, Colo., from September 1, 1913, to October 15, 1913.

Arllano, Jim.
Archuleta, Conuta.
Agueres, Averesto.
Anderson, W. D.
Buchat, John.
Badger, A. F.
Baros, Jose.
Cootes, Thomas P.
Cisneras, Juan G.
Cooper, J. M
Cordova, Alogio.
Chaves, Juan.
Donavan, W. H.
Dommingues, Rosendo.
Essar, Joseph.
Fleim, Joe.
Green, William H.
Galvez, Joe.
Graham, James O.
Gallejos, Julian.
Garcia, Manuel.
Gallejos, Manuel.
Gallejos, Andreas.
Harmes, William.
Harmes, Fred.
Hoerr, William D.
Koon, Jerry.
Kelley, Joe.
Lucero, Jesus.
Lucero, Perferio.
Mills, M. F.
Mestos, Pablo.
Miller, Martin.
Martines, Geronimo.
Norris, E. L.
Nelson, J. E.
Olgain, Ramon.
Owens, Charles.
Paster, W. A.
Padilla, A. L.
Pacheco, Antoin.
Peters, H. M.
Pecheca, Moses.
Palmetto, Felix.
Packerd, C. E.
Quintana, Cornedio.
Quintana, Geronimo.
Quintana, Max.
Rule, Richard.
Romero, O. Renton.
Renton, H. S.
Ruby, O. C.
Romero, Mauro.
Ribale, Brigido.
Ryan, J. M.
Russell, J. C.
Sellers, J. M.
Stewart, D. M.
Skinner, V. L.
Stork, Frank.
Smith, Albert.
Tolmich, Frank.
Trujillo, Juan.
Trujillo, Pedro.
Valcez, Elemio.
Williams, C. J.
Wells, J. P.
Williams, Harry J.
Williams, E. D.
Young, T C.

List of deputy sheriffs of Las Animas County, Colo., on and including the days of September 1, 1913, and October 15, 1913.

Roy Bisch.
H. L. Deweese.
R. J. Snowder.
J. D. Terry.
Felix Mares.
David Wilkins.
Manuel Kahn.
Melliton Barela.
C. B. Vandervlen.
H. E. Bowden.
R. W. Morgan.
Henry E. Yonkman.
L. J. Hearn.
C. W. Quick.
J. M. Canterbury.
L. M. Canterbury.
A. W. Dennison.
S. Pells.
H. M. Beardsley.
A. R. Wright.
H. S. Benton.
Emerijildo Baca.
Encarnacion Sisneros.
Juan J. Crespin.
E. Abeyta.
A. L. Dain.
Joe Cox.
A. A. Bennett.
R. L. Bradley.
Anderson Pruitt.
Hugh D. King.
P. W. Vaughn.
Charles Roberson.
J. W. Hamilton.
Joseph R. Courtney.
W. O. Vickery.
H. Hearn.
Scott Flower.
Joe Kelly.
B. G. Seigfreid.
Geo. W. Wilson.
B D. Bishard.
T. B. McLaughlin.
Joe Mantelli.
Arthus Samples.
M. L. Thomas.
John Williams.
J. N. Wakefield.
Mike Donly.
Gus. Whitney.

PARR EXHIBIT—Continued.

List of deputy sheriffs of Las Animas County, Colo., on and including the days of September 1, 1913, and October 15, 1913—Continued.

H. B. Vanvinkle.
W. J. Watson.
Ralph Gore.
R. L. Harrison.
A. R. Loyd.
Henry F. Butler.
B. B. Broyles.
H. P. Beach.
J. W. Vibbard.
W. P. Wooldridge.
A. H. Mason.
Will Bryan.
Harry B. Bostick.
J. G. Gregory.
G. W. Ferris.
Oscar Cox.
J. H. Holmes.
Jacovo Aguilar.
C. E. Hill.
F. S. Wisdom.
Teofilo Padilla.
Arthur Swatzell.
P. B. Swatzell.
C. G. Fuller.
John R. Hughes.
Ewin Mitchell.
George Fuller.
G. H. Tittsworth.
Norman Raynor.
R. W. Sullivan.
Al Welley.
C. E. Hunter.
Tip Brewer.
Grant Garsuch.
S. Fowden.
D. R. Lake.
R. D. Fulton.
G. H. Lee.
S. McIntyre.
C. E. Sheffield.
James Dalby.
John Lawrence.
Alford Matthews.
L. P. Hereford.
John K. Wallace.
E. G. Covell.
S. E. Grubbs.
W. T. Gayheart.
A. L. Gardner.
Narciso A. Martinez.
Ed. Williams.
Elijio Salazar.
Moses Garcia.
Andy Hodge.
Bert Fields.
E. J. Hartman.
Theodore Gardner.
E. J. Zoeller.
Juan Guitierrez.
T. B. Brown.
D. D. Dodge.
H. H. Bubb.
Lucas Garcia.
R. Garcia.
M. J. Gallagher.
J. J. Martinez.
B. T. Birmingham.
J. B. Aragon.
Ed. Doyle.
Harry W. Grubb.
J. L. Buster.
H. Cooper.
E. Trujillo.
Paul F. Foster.
Felix Garcia.
M. D. Santistevan.
Harry Clark.
A. C. Watson.
I. M. Vigil.
H. V. Frampton.
E. N. Cooke.
Adolph Chavez.
Joe Chavez.
Paul Analla.
Will Swank.
George Swank.
Gabe Sanchez.
W. B. Cunningham.
J. W. Bell.
Monte Butler.
F. E. Rose.
William Fox.
W. M. James.
G. C. Headley.
I. D. Nixon.
E. L. Timmons.
J. W. Rogers.
Ed. Weaver.
T. Fernandez.
N. Vasquez.
James McClain.
G. S. Haoze.
G. B. Parker.
James O'Neil.
Bert Bromlett.
R. B. Espinosa.
J. T. Allee.
L. G. Hoaze.
Jose Garcia.
M. Quintana.
George Johnson.
Dave Matidore.
S. Gallegos.
N. Trujillo.
Juan Griego.
W. D. Hoerr.
G. W. Clark.
Joe Ramey.
Jesse Austin.
W. E. Banks.
Bert E. Wolfe.
A. J. Davison.
Forest Ingram.
Lawrence Allen.

PARR EXHIBIT—Continued.

List of deputy sheriffs of Las Animas County, Colo., on and including the days of September 1, 1913, and October 15, 1913—Continued.

Bert Taylor.
Clarence Taylor.
W. A. Clark.
J. Stonestreet.
George Richards.
Howard Beham.
J. A. Mullins.
W. L. Canterbury.
B. L. Downing.
William Baker.
J. W. George.
C. O. Grady.
W. E. Warnsley.
L. C. Temple.
N. O. Barnes.
Frank Boykin.
C. C. Howard.
J. E. Bradford.
Ramon Trujillo.
Emilio Gallegos.
Alvino Salazar.
Leandro Valdez.
John Huempfer.
E. Valentine.
Gus Stockman.
S. N. Baker.
Manuel Griego.
F. C. Lofland.
James Whitcomb.
C. J. Probst.
Pedro Romero.
Rafael Garcia.
C. R. Wilson.
Pablo Garcia.
Ben M. Trujillo.
J. M. Garcia.
Jesus Santistevan.
Anton Vigil.
Elias Moya.
Pete Saccomano.
R. Chaves.
Louis Gannales.
Benito Garcia.
Alfred Long.
J. H. Wirts.
C. A. Balliat.
Joe Parson.
J. M. Espinosa.
Robert McAllister.
John Antista.
John Barbata.
G. W. Sefton.
Thomas Cole.
Tony Alisio.
John Quintana.
Diego Espinosa.
Earl Cowdery.
J. W. Jackson.
Frank Vanek.
F. M. Purdy.
C. K. Bracken.
George Bell.
A. J. Hall.
W. S. McCrea.
J. A. W. Morrow.
Joe Lopes.
Louis Wideman.
B. W. Snodgrass.
Jeff Morgan.
Will Littlejohn.
R. McMullen.
John Deskin.
W. R. Chown.
J. L. Rogan.
Charles Wilson.
Ira B. Gale.
J. B. Kinsley.
Charles Rydberg.
Frank Ruffini.
R. A. Griffith.
A. Cordova.
L. A. Tucker.
W. C. Burnett.
C. B. Carter.
R. Hayes.
Julian Arrellano.
Miguel Coca.
L. J. Cann.
Charles Velo.
J. Frank Dixon.
P. G. Cameron.
James Dorsey.
Robert Lowe.
Ben Martin.
W. O. Wise.
J. H. McGee.
B. S. White.
J. W. Upchurch.
C. H. Kingsbury.
H. C. Richardson.
R. E. Proctor.
Millard Hale.
C. B. Cunningham.
W. N. Brown.
Jacob M. Tinker.
Ward Watson.
Matt Waddell.
C. E. Tedrick.
William Lewis.
J. D. Tulsang.
E. K. Murphy.
Frank Cridge.
Nash Martinez.
J. E. Boyd.
Walton Dicks.
W. A. Wilker.
Charles L. Fanning.
M. R. Cuthbertson.
H. Walker.
C. W. Kennedy.
E. D. Cooke.
Jay C. Gale.
C. C. Harper.
John Deldosso.

FARR EXHIBIT—Continued.

List of deputy sheriffs of Las Animas County, Colo., on and including the days of September 5, 1913, and October 15, 1913—Continued.

Jake Hans.
W. Robertson.
L. D. Carley.
I. K. Lewis.
A. F. Stanley.
Joseph Esser.
Felix Palmetto.
Antonio Chacon.
J. H. Ballou.
William P. Stratton.
Thaddeus Sowder.
Claude Lombard.
John Tittsworth.
Henry Hart.
J. Vicente Lucero.
James M. Williams.
John Church.
Bert Thomas.
H. H. McClung.
F. T. Austin.
Charles Martin.
J. M. Cooper.
W. C. Harker.
George Turk.
W. M. Murphy.
D. V. French.
David Thompson.
William Thompson.
D. D. Rankin.
Fred Salvatore.
A. S. Simpson.
John Snickerson.
James Wilson.
James Scott.
E. C. Fraser.
W. D. Anderson.
Joe Montoya.
J. H. Satterwhite.
A. H. Bushnell.
H. M. Parker.
F. W. Gordon.
John J. Quadt.
S. O. Ellis.
W. H. Westlake.
C. J. McMillan.
N. Bever.
E. Bartle.
J. T. Smiser.
Fred Chappelle.

List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1913, to September 1, 1913.

Anchester, Joseph.
Atencio, Fernandez.
Arnold, W. M.
Arigon, J. B.
Abeyta, Felix.
Albert, John.
Ashworth.
Aragon, M.
Atencio, Joe.
Arellano, Felix.
Apadaca, Cornelas.
Apadaca, Mene.
Archuleta, Gabriel.
Amedel, Vick.
Agueres, Averesta.
Atencio, Alfonso.
Archuleta, Filepa.
Aragon, Jose.
Aragon, Elfeldo.
Archuleto, Aniceto.
Aitken, David.
Archuleto, J. F.
Archuleto, Juan.
Atencio, Juan B.
Briton, Thomas.
Bell, Joseph.
Bishop, A. B.
Bruce, George.
Beanchi, Joseph.
Bustes, Juan G.
Bailey, T. C.
Belk, Walter.
Benson, G. R.
Belcher, G. W.
Beauchi, Joseph.
Brown, A. W.
Bishard, R. D.
Brown, F. C.
Bainbridge, Marrian E.
Burilson, Charles.
Bergh, Charles S.
Bryan, H. F.
Bingham, Luther.
Boyd, W. K.
Behymer, Clem.
Bustes, Isaac.
Berazi, Angelo.
Baker, James.
Barros, Antonio.
Brazal, Tedora.
Bassett, A. D.
Beuchat, Charles, jr.
Banks, Robert.
Baca, Albino.
Bravo, Ceriaco.
Boblan, Juan.
Beuchat, Charles, sr.
Barker, O. J.
Bravo, Miguel.
Badger, W. F.
Capps, Claud.
Cutter, A. C.
Cocileti, Alfred.
Collins, Samuel.
Carlton, H.
Campbell, John.

FARR EXHIBIT—Continued.

List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 16, 1913, to September 1, 1913—Continued.

Cardenas, Cosme.
Cruez, J. B.
Cordova, Candado.
Case, E. E.
Cardinas, Levarnia.
Cisnaras, Juan.
Chetney, P. C.
Cardinas, Felix.
Combs, Samuel.
Castro, Epifanio.
Daley, H. H.
Dunford, Samuel.
Deweese.
Dick, W. C.
Domingues, Teodora.
Duval, Oliver.
Duran, A. G.
Escabado, Jesus.
Espenoza, J. I.
Espenoza, J. M.
Elder, P. G.
Everts, Vance.
Farr, J. D.
Farr, M. Y.
Farr, D. E.
Felts, A. C.
Farr, Thomas S.
Fisher, C. B.
Flinn, J.
Scott, Flower.
George, Samuel.
Garcia, Juan R.
Gardner, John.
Greesbaugh, Albert.
Goemer, Charles.
Gibson, Melvin H.
Growe, William F.
Gallejos, Castio.
Graves, H. M.
Guerra, Daniel.
Gonzales, Francisco.
Gonzelas, Albert.
Galvez, Domion.
Garbiso, Dario.
Gonzilas, Rudolph.
Gonzales, Leandro.
Galegos, Able.
Gonzales, Juan.
Gomez, Peter.
Gittings, C. H.
Graves, Harry.
Gomez, Francisco.
Galastini, B.
Garcia, Emelio.
Garcio, Manuel.
Garcia, G.
Hill, Joe.
Hunt, George E.
Stanley, A. F.
Head, Earnest.
Hague, William.
Honeyman, Geo. M.
Hufte, Lewis.
Hurtado, Luz.
Hull, P. D.
Herrora, J. A.
Harras, Walter.
Holmes, H. P.
Herrera, Carlos de.
Hurtado, Pablo.
Haddon, John.
Hale, James.
Hopper, Richard.
Ives, F.
Julini, G.
Jones, M. R.
Jardini, Robert.
Jolly, William.
Joris, Dominick.
Jackson, E. L.
Kaiser, C. A.
Kaster, Rube.
Krier, Ed.
Kapusian, Larence.
Klawson, Abe.
Kelley, J. M.
Kipien, F. B.
King, Albert.
Keeth, Bert.
Kirkpatrick, James.
Lawler, J. C.
Lynch, Frank.
Ladell, Frank.
Lucero, Telefora.
Lopez, Lucas.
Laure, Juan.
Lopez, Bonaficio.
Lucero, Esperedon.
Lutes, Sam.
Lamme, S. J.
Martinez, Ansincio.
Martinolich, Marcus.
Mauldin, Arche.
Martinez, Silverio.
Moyer, George.
Moro, Lebrado.
Mataroli, E.
Martinez, Lebrado.
Martinez, Thomas A.
Madina, Jake.
Madina, Juan A.
Maura, Frank S.
Martinez, Epifanio.
Madina, Carmen.
Maes, Joe.
Manzanaras, J. P.
Myers, Frank.
Morris, J. L. L.
Medina, Henry.
Mandina, Serello.
Miller, E. C.
Martinez, Samuel.
Martinez, Pedro.
Marker, J. E.

FARR EXHIBIT—Continued.

List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1913, to September 1, 1913—Continued.

Myers, J. H.
Mathews, C. O.
Murry, W. F.
Maura, Teny.
Mathews, James.
Martinez, F. J.
Martinez, J. G.
Martinez, Moyses.
Martinez, Antonio, jr.
Mitchell, Chas.
Martinez, Jose A.
Martinez, Manuel.
Maes, Manuel.
Miller, Louis L.
Manzanaras, Pedro.
Martinez, Leno.
Maes, Emilio.
Montas, Juan.
Moore, C. W.
Martinez, Baccilo.
Martinez, Juan B.
Martinez, Hinterio.
Maldanado, Eloy.
Manzanaras, Bonificio.
Martinez, Otogario.
Montoya, Juan.
McCafferty.
McBay, George.
McGowin, George A.
McClain, James.
McGowin, L. H.
McLaughlin, Thomas.
McDowell, John.
McDowell, James.
McGinnis, Phillip J.
McGowin, James D.
McClain, William.
Nelson, Bob.
Owens, Lewis.
Ostinson, W. M.
Ortibes, Daniel.
Oakes, W. F.
Patterson, Nathan, jr.
Price, J. L.
Penado, Juan.
Potts, Omer.
Potter, J. L.
Pecheco, Antonio.
Patterson, Isaac.
Patterson, Josh.
Pando, Ramn.
Peno, Candado.
Penedo, Joe D.
Penedo, Tivo.
Padilla, Safreno.
Penedo, Cruz.
Pickett, D. P.
Park, C. M.
Partne, Juan M.
Padillo, Deloras.
Patterson, Nathan, sr.
Pacheco, Tedora.
Peno, Manuel.
Padilla, Macedonia.
Pate, R. F.
Poll, Leon.
Pecheco, Ignacio.
Pieros, A. J.
Pecheco, Sibero.
Pecheco, Sebro.
Pino, Esperedon.
Pretor, Charles.
Quinne, Ed.
Quintana, Pat.
Richards, Dan.
Runnels, W. W.
Reed, Phil.
Revera, Teodora.
Romero, Militon.
Rodragus, Thomas.
Real, William.
Rodreguez, Loreta.
Roberts, John.
Ryces, D. T.
Samples, W. W.
Striplen, R. E.
Scott, H. J.
Shea, R. H.
Stanley, A. F.
Steele, P. C.
Trujillo, Jose.
Trujillo, Julian.
Trujillo, Cresencio.
Trujillo, Saciria.
Trujillo, Romaldo.
Trounstine, E. L.
Trujillo, Juan.
Trujillo, Jose.
Tesore, Jake.
Trumble, C. R.
Valdez, Alfonso.
Valdez, Antonio D.
Vigil, Dicidero.
Valdez, Samuel.
Vigil, T. Q.
Valdez, Manuel.
Vallejos, Louis C.
Vigil, Militon.
Vigil, Rufino.
Valdez, Tercio.
Vigil, Abron.
Vigil, Solemon.
Vigil, Felix.
Vigil, Amador.
Vichery, W. O.
Valdez, Ramon.
Vakez, J. J.
Vigil, Maecia.
Vallejos, Epifanio.
Vigil, Epimenio.
Valdez, J. F.
Vigil, Fradon.
Vigil, Perfilio.
Valdez, Alfredo.

PARR EXHIBIT—Continued.

List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1913, to September 1, 1913—Continued.

Wright, J. J.	Williams, Frank.
Watson, Joe.	West, F. H.
Werden, Charles.	York, Joe.
Wilson, J. H.	Young, P. S.
Welch, William.	Young, Alex.
Willis, L. M.	Zook, I. D.

VAN CISE EXHIBIT NO. 1.

[Report of military commission referred to by Capt. Van Cise at the close of his testimony.]

DENVER, COLO., *May 8, 1914.*

To Gen. JOHN CHASE, *Brigadier General,*
Commanding the Military District of Colorado:

April 25, 1914, you appointed the undersigned, Edward J. Boughton, major and judge advocate of the military district; W. C. Danks, captain, First Infantry; and Philip S. Van Cise, captain, First Infantry, a board of officers to inquire into the causes of the battle of Ludlow, Monday, April 20, 1914; to ascertain what happened during or as a result of that battle, with special reference to the death of women and children, the killing of Martin, Tikas, Fyler, and others; the burning of the tent colony and the claim that the tents were looted; to fix the responsibility for the battle and its results, and to report fully and impartially our findings and recommendations to the commanding general.

We have examined under oath all officers and prisoners, as many as possible of the soldiers, deputies, mine guards, and townspeople of Ludlow and near-by coal camps. We have made every possible effort to obtain the testimony of such strikers and tent colonists as were not within our reach, but without success. The strike leader, William Diamond, at Trinidad, after promising to produce before us at our request those among his people who claim to have witnessed any of the incidents of the day, omitted to do so.

A personal request made upon Mr. Lawson and Mr. McLennan, strike leaders, in Denver, was answered in their presence by Hawkins, their attorney. In this way they declined to give us any information, upon the ground that our inquiry was not publicly conducted.

As a result of our investigation we submit the following findings, report, and recommendations:

1. We find that the remote cause of this, as of all other battles, lies with the coal operators, who established in an American industrial community a numerous class of ignorant, lawless, and savage south-European peasants. The present underlying cause was the presence near Ludlow, in daily contact one with another, of three discordant elements—strikers, soldiers, and mine guards—all armed and fostering an increasing deadly hatred which sooner or later was bound to find some such expression. The immediate cause of the battle was an attack upon the soldiers by the Greek inhabitants of the tent colony, who misinterpreted a movement of troops on a neighboring hill.

2. These Greeks and the more violent element of the strikers had prepared for such an event by bringing back into the colony the arms secreted to escape the searches of the guardsmen. This was done in the latter part of March. They also secured a large amount of ammunition, and awaited a favorable moment for an engagement in which they hoped to catch the soldiers unprepared, and thus wipe out the defense of Hastings and Berwind Canyon. Their plans miscarried and the battle precipitated suddenly on Monday morning was unexpected by all.

3. A military detail went to the colony to demand of Louis Tikas, the colony leader, the release of a man said to be detained by the strikers. The man was not delivered. Hot words passed between the soldiers and strikers. When the detail left, the Greeks, over the protest of their leader, ran for their guns and threatened to fight.

Maj. Hamrock brought the detachment from Cedar Hill down to Water Tank Hill, in plain view of the colony, preparatory to searching the colony for its alleged prisoner. Some excitable women, seeing these troops on the hill and nervous over the actions of the Greeks, rushed into the colony, screaming that the soldiers were about to attack.

Thereupon the Greeks filed out of the colony to a railroad cut, and soon afterwards fired the first shots of the battle against the soldiers.

This is obvious from the fact that no bodies were found between the colony and the cut. As the Greeks were in open country, the machine gun, if fired, would have mowed them down.

4. The Greeks, always warlike and bellicose, had no women or children in the colony. They at least had not provided themselves with arms and ammunition for the defense of their homes and families. They had their guns in hand with the intention of starting trouble when the soldiers appeared on the hill.

5. The women and children of other nationalities rushed to the protection of an arroyo in the rear of the colony. Some took shelter in pits prepared for such use under the tents. The presence of these pits and the women and children in them was unknown to the soldiers. Many men in the colony seized their guns and took up a position in this arroyo and on the railroad bridge that crossed it.

6. Pvt. Albert Martin, while dying or after death, was horribly mutilated by the strikers. We find this practice to be customary with these people in battle.

7. The fire in the tent colony was accidental; that is to say, it was due either to an overturned stove, an explosion of some sort, or the concentrated fire directed at one time against some of the tents.

The fire began in the corner nearest the crossroads. Afterwards it was deliberately spread by the combatants. During the fire the soldiers, upon learning that women and children were still in the colony, went through the tents, calling upon all persons in the colony to come forth, and with difficulty rescuing men, women, and children to the number of some 25 or 30, including one William Snyder and his family. Then the tents were fired.

8. The troops engaged in the beginning were the regularly enlisted and uniformed members of Company B, Second Infantry, armed with Springfield United States Army rifles, shooting on the copper-nickel bullet as manufactured for the Army. They had one machine gun. Later in the day they were reinforced by a second machine gun. There were also the ununiformed members of Troop A, mine guards and deputy sheriffs; all of them were using a miscellaneous assortment of arms and ammunition.

9. During the evening Louis Tikas, James Fyler, and an unknown striker were taken prisoners. Lieut. K. E. Linderfelt swung his Springfield rifle, breaking the stock over the head of the prisoner Tikas.

A group of between 50 and 75, composed of soldiers, the ununiformed men of Troop A, mine guards, and deputy sheriffs, were present with these prisoners. An attempt to hang Tikas went so far that a rope was procured and thrown over a telegraph pole. This lynching was prevented by Lieut. Linderfelt, who turned Tikas over to a noncommissioned officer, whom he directed to be responsible for his life, and then departed.

Shortly afterwards all three prisoners were killed by gunshot wounds. The crowd and prisoners were about 50 yards from the corner of the tent colony, and these men were shot while running toward the tent. The evidence is conflicting whether they were made to run or tried to escape. Tikas, after running a few feet, fell, shot three times in the back. The only bullet found in his body was of a kind not used by the soldiers, although the two other wounds might have been made by the Springfield bullets of the uniformed men. Fyler fell after running some distance beyond, having reached the colony. The evidence is also conflicting whether at the time these men were killed shots were being interchanged between the soldiers and their allies with the tent colony, but Fyler was shot in the front while running toward the tents.

10. Eleven children and two women were smothered to death in a small pit under one of the tents. None of them was hit by a bullet. This pit was not large enough to support the life of such a number for many hours. The construction of the pit made it a veritable death trap, and its inmates probably died from suffocation before the tents were burned. When found there were no signs that the women and children had crowded into the en-

trance of the pit, as would have been the case had they attempted to rush out when the tent above caught fire.

11. We find that the colony was looted by participants and spectators in the battle. About 15,000 rounds of ammunition were taken from the tent marked "Headquarters of John Lawson."

12. All women and children have been evacuated far. Every possible pit or cellar has been examined, and no bodies remained in the colony.

13. Only one person was killed or wounded in the colony itself by gunshot. Frank Snyder, a 12-year-old boy, was shot in the hand. His father stated that evening that this boy had gone outside the tent and was shot in the forehead while facing the arroyo from which the strikers' fire came.

14. The colony was not swept with the machine guns. This is proved by the fact that the chicken houses, outhouses, tent frames, and posts still standing in the colony exhibit no bullet holes. While the buildings and fences along the railroad track are riddled with bullet holes made by machine guns trained on the steel bridge and pump house.

15. The soldiers were lawfully and dutifully bearing arms. It was lawful for them to possess the machine gun and to bring it up the hill. The strikers, on the other hand, were acting unlawfully in securing and using their arms and ammunition. No attack upon the colony had ever been made or intended by the soldiers, and the explanation that arms and ammunition were kept in the colony for defense is untenable.

16. We find that in apparent anticipation of a preparation for the battle at Ludlow, rifle pits were prepared by the strikers on the south side of their colony along the county road and close to the tents and along the west side of the colony.

These rifle pits show conclusively the careful and deliberate preparation of the strikers for battle, and their location along the front and side of the colony nearest to the military camp was such that when used they could not be defended against without firing into the colony. Such care had the strikers themselves for their women and children that these pits were located where any return of the fire from them would be drawn directly into the colony itself.

We make the following recommendations:

A. Feeling that this board of officers was not constituted to determine positive guilt or innocence, we recommend that a general court-martial be appointed to try all officers and enlisted men participating in the treatment and killing of prisoners and the burning and looting of the tent colony.

B. We recommend that the general and governor urge upon the legislature the establishment of a permanent State constabulary for police duty in disturbed regions of the State, whereby the young men of our volunteer National Guard may be relieved from engaging in riot duty with a people numbering among them ferocious foreigners whose savagery in fight we found exemplified in the killing of Maj. Lester while under red cross protection, and the mutilation and mutilation of Privates Martin, Hockersmith, and Chavez.

C. We strongly recommend the general and governor to urge the State and Federal Governments to proceed at once to the apprehension and punishment of all persons engaged as instigators or participants in the treasons, murders, arsons, and other acts of outlawry in this State since the battle of Ludlow.

To a proper understanding of the late deplorable happenings around Ludlow, some preliminary considerations are necessary. It is impossible to estimate these events justly without some general knowledge of the country, the inhabitants of the tent colony and personnel of their neighbors in the military camp and adjacent villages.

A crude conception of general directions in the Ludlow vicinity may be had by imagining a gigantic capital K. The vertical line of such letter would represent the Colorado & Southern Railroad running north and south. At the upper or northern end of this line is what has been called, for want of other name, Water Tank Hill, a low, gently sloping mesa, commanding the territory to the south, east, and north. At the lower or northern end of the line is a steel railroad bridge crossing a deep arroyo which runs through the whole country in a general east and west direction.

The arms of the K, except that, to be accurate, the lower one should be horizontal, represent roads which at the extremities of the arms enter the two canyons of Delagua and Berwind. Up these canyons lie the largest and richest coal mines of the State, and about the mines are clustered the prosperous villages of Delagua, Hastings, Berwind, Tabasco, Tollesburg, and others. It will thus be seen that the point at which the two arms converge and meet the

shaft of the letter, that is to say, the point where these two roads unite and cross the railroad, called in that locality the crossroads, is a point that commands the approach to both the canyons, as well as the travel north and south along the railroad.

It was at this commanding point, the crossroads, that the Ludlow tent colony was located. In an angle formed by the arms of the letter, about one-third of a mile from the colony, was the military camp. Since early in November the brown tent of the soldiers and the white tents of the colonists stood thus, facing each other across the railroad. For the protection of the two canyons, military substations were established, one at Hastings in the northern canyon, and one at Cedar Hill in the southern.

The Ludlow tent colony, by far the largest of all such colonies, housed a heterogeneous population of striking miners. The colony numbered hundreds of people, of whom only a few families were Americans. The rest for the most part were Greeks, Montenegrins, Bulgars, Servians, Italians, Mexicans, Tyroleans, Croatians, Austrians, Savoyards, and other aliens from the southern countries of Europe. These people had little in common either with the few Americans resident among them or with one another. Each nationality had its own leader, customs, and mode of life.

We are credibly informed that within the colony 22 different tongues were spoken, unintelligible one to another. The percentage of American citizens, even naturalized citizens, was small. It will readily be seen that these people did not possess much means of interchanging information or social ideas. This fact is important as explaining conduct upon their part that otherwise might seem unaccountably strange.

The most forceful portion of the colonist were the Greeks. We do not know that they outnumbered the other nationalities in the colony, but we are positive they dominated it.

The will of the Greeks was the law of the colony. They were the most aggressive element, the fighting men; and they imposed their desires upon the rest. These Greeks segregated themselves in a quarter set apart for them. They were secretive. Such was their position and authority that although many nations had leaders of their own, the Greek leader was the master of the tented city.

By the other colonists the Greeks were regarded as heroes, for many of them, we are told, had seen service in the Balkan wars. The strange thing, and one that we found important, is that there were no Greek women or children in the colony.

Living in the immediate vicinity of the colonist population just described, were three distinct groups of men controlled by distinct feelings toward the strikers. In the first group were the nonunion workmen in the mines of the adjacent canyons. These men were dwelling with their families in the villages about the mines where they were employed. Most of them were recent arrivals, coming in as strike breakers to take the strikers' places in the mines.

STRIKE BREAKERS INDUSTRIOUS.

This class is not to be confused, as it has been, with the mine guards. The nonunion workmen were, as a class, men of industry and peace, of practically the same composition as the inhabitants of the tent colony. Their attitude toward the strikers was one of indifference, coupled with a fear of molestation. But they held no animosity; they felt themselves the permanent inhabitants of the villages.

A troop of national guards were enlisted, about the middle of April, among the superintendent and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps. This unit of the National Guard was designated Troop A, but so recently was it recruited that at the time of the Battle of Ludlow, it had not yet selected its officers nor was it supplied with uniforms, arms, or ammunition. (When this company was called to reenforce the uniformed guardsmen at Ludlow, its members appearing in civilian clothes, gave rise, perhaps excusably, to the belief of the strikers that they were armed mine guards—a class much hated by the colonists.)

These mine guards formed another distinct class. They are men whose employment is to guard the properties; they are not permanent residents of the mine communities like the nonunion workmen, but have come with the strike and will depart with it.

The mine guards are usually employed through a detective agency, and the armed guards it furnishes antedates the present trouble and is born of a long series of conflicts in other fields and in other States. During the weeks before the coming of the soldiers last fall, these armed mine guards and the strikers fought many a battle, from all of which it has come to pass that the deadliest hatred exists between the strikers of the tent colonies and the mine guards of the coal camp.

MILITIAMEN HAVE BEEN FRIENDLY.

The third class of men in this vicinity consists of the uniformed and armed National Guardsmen, who have been on duty during the campaign. With an exception to be noted presently, this class has no feeling either of hatred or of fear toward the colonists, whose nearest neighbors they were. Throughout the campaign a friendly relationship was maintained between the two groups of tents. Ball games were played between them and athletics were indulged in in common.

We find the attitude of most of the soldiers toward the colonists to have been throughout the campaign one of friendly indifference. We find, however, from the examination of the colonists themselves that this neutral friendliness of the soldiers was not returned, but that a large portion of the strikers harbored a suppressed hostility toward the militia, the intenser for its being suppressed.

The exception referred to is the company of mounted infantry occupying the substation at Cedar Hill in Berwind Canyon. Designated as Company B, it was commanded for the greater part of the campaign by Lieut. E. K. Linderfelt. This officer is an experienced soldier and an inexperienced sociologist. He is the veteran of five wars; but wholly tactless in his treatment of both mine guards and strikers. From the beginning of the campaign, this militia organization and the strikers in the colony were in frequent petty conflicts with one another. They grew to dislike each other and to worry, harass, and annoy one another. Both sides fed the flame of increasing enmity. They provoked each other on every possible occasion. The strikers spread the wires across the roads in the dark to trap the soldiers' horses and thus to maim both man and beast. The soldiers indulged reprisals.

In this way dislike grew into hatred and provocation into threats. From threats by each against the others' lives, the strikers have come to fear and hate this Company B, and Company B has come to partake of the fear of the workmen and the hatred of the mine guards toward the colonists.

Upon the withdrawal of the troops from the field, it was felt necessary to leave one unit at Ludlow between the largest colony of strikers on one side and the richest mines and most populous camps on the other. Company B was selected for that service because, albeit hated by the strikers, it was feared and respected by them. Lieut. Linderfelt, whose life was in peril from the deadly hatred of this large foreign population, was relieved of the command, and sent away upon recruiting service.

Thus it will be seen that the participants in the dreadful battle of April 20, were distributed around a triangle, the strikers in the colony at the crossroads, the workmen of Troop A and the mine guards at Hastings, in Delagua Canyon, and Company B at Cedar Hill, in the Berwind Canyon.

It should here be explained that after the coming of the soldiers last October, and until their departure a few days before the Battle of Ludlow, there was practically no mine guards in this vicinity, but upon withdrawing the protection of the National Guard from the mines and communities of the strike zone, the mine guards returned to the employment of the mine owners.

We believe that such as incident as the Battle of Ludlow was inevitable under the conditions that we found. Our belief is based upon an analysis of the forces of human passion we discovered to have been at work. These forces we find to have been as follows:

The tent colony population is almost wholly foreign and without conception of our government. A large percentage are unassimilable aliens, to whom liberty means license, and among whom has lately been spread by those to whom they must look for guidance, a dangerous doctrine of property.

Rabid agitators had assured these people that when the soldiers left they were at liberty to take for their own, and by force of arms, the coal mines of their former employers. They have been sitting in their tents for weeks awaiting

the departure of the soldiers and the day when they could seize what they have been told is theirs. When the troops were withdrawn elsewhere, and this one unit left at Ludlow, many of the strikers believed that the men whom they saw in uniform were no longer members of the National Guard, but hired gunmen or mine guards who retained their uniform for want of other clothing. They saw the hated mine guards return. They were told by their leaders, as they have been always, that the mine guards intended to attack their colony. The greed, fears, and most brutal hatred of the violent elements were thus aroused, and they began to prepare for battle. They laid in a store of arms, two or three at a time; they bought quantities of ammunition; they built military earthworks in concealed places; they dug pits beneath their tents in which they designed to put their women and children as a place of safety. They got all things ready. The Greeks in particular, who had deeply resented the searching of the colony and the taking of their arms by the soldiers, swore that their arms should never be taken from them again.

In this movement, as in all others, the Greeks were the leaders. Not all of the colonists by any means were taken in on the general plan. Those who were found timorous or unwilling were told nothing of what was going on. We found that there were many in the colony who now bear a deep resentment against the Greeks, who had no wives or children to protect, for precipitating the battle without giving their fellows opportunity to prepare for it.

While these warlike preparations were going forward, though they were concealed from some in the colony, yet they were shared by others who knew better and who in the last analysis must take their share of the responsibility for the awful results that ensued. We learn that there was found in the tent of John R. Lawson large stores of ammunition in thousand-round boxes awaiting distribution. By all these means the fighting part of the colony had worked themselves into a frenzy. The colony was electrified; a spark only was needed to set off an explosion. The spark fell unwittingly on Monday, the 20th of April.

As is usual with such inevitable conflicts, the battle was unexpectedly precipitated and by a trifling incident. Two facts in this connection stand out very clearly. One is that the conflict was contemplated, prepared against, deliberately planned and intended by some of the strikers, and was feared and expected by the soldiers and inhabitants of the mining villages. The other fact, equally clear, is that neither side expected it to fall at the time nor in the manner that it did.

That the colonists were, and intended to be, the aggressors there can be no doubt in the world. It was evidently with some difficulty that the Greek portion of the colony had been restrained from giving battle now that the main body of State troops was withdrawn.

We find from examination of the colonists themselves that talk of such an attack upon the soldiers, to be followed by a seizure of the mines, expulsion of the nonunion workmen, and vengeance upon the mine guards had been rife in the colony for many days. According to the Greek Church, Easter fell on Sunday, the 19th, and we have it from Greeks and others in the colony that the Greeks, at least, had planned such an attack as part of the festivities of that day.

In the celebration on Sunday, however, the Greeks got pretty drunk, and the matter was postponed until Tuesday. We find that these plans of the Greeks were not known generally throughout the colony, and many there were who were wholly ignorant that the colony gossip of an attack had taken any such definite form. There were two Greeks in the colony who had a brother at work in the near-by Ramey mine near the entrance of Berwind Canyon.

On Sunday, after the plan to deliver the attack on Tuesday had been perfected, these Greeks visited their nonunion brother, told him of the plan, and begged him to leave before Tuesday's work of destruction commenced.

This workman communicated the information thus received to his employers at the mine on Sunday evening, who had intended to warn Maj. Hamrock on Tuesday morning. Before that information was discussed the battle was precipitated on Monday.

It is very certain that the soldiers were not expecting any attack or molestation at the time on the day of the battle. It is true that such an attack was always feared by soldiers and civilians alike. All believed that sooner or later it would come. For weeks before the withdrawal of the troops it had been a settled belief that some day, when the military force should be weakened, the strikers would undertake to wipe out the soldiers and civilian

workmen alike. But on the morning of the Ludlow battle the idea of battle was farthest from the minds of the four remaining companies.

Had such an attack been planned by the military, the soldiers would have occupied the commanding positions and delivered it at dawn instead of allowing those places to be occupied by the strikers with such force that it took all day to drive the colonists from them. Instead of any such warlike preparations, we find that on Monday morning at the very time the battle began Maj. Hamrock, in command, had with him in the tents facing the colony but nine men, one of whom was a cripple.

The entire force of soldiers in the vicinity numbered 84, of whom 19 occupied the tents in view of the colony and 22 were stationed at Cedar Hill, in the mouth of Berwind Canyon. The rest of Maj. Hamrock's force were watering their horses or attending to their routine camp duty at some distance from the tents when the fire commenced.

At the station at Cedar Hill there were present the wives of three of the officers, the wives and children of several of the enlisted men, with civilian visitors and their wives, all of whom had spent Sunday with their relatives. One of the women was shortly to give birth to a baby. With all of these women and children at the entrance to the canyon, and with the certainty that the defeat of the soldiers meant the invasion of their camps and the villages beyond, it is folly to believe that at such a moment the battle was deliberately brought about by the troops.

The other unequivocal fact that we find is that the battle was unexpectedly precipitated on Monday and that its coming was not known at all to the soldiers nor to a greater portion of the tent colony. It had been planned by the Greeks for Sunday. It was planned by them for Tuesday, but the spark that kindled the fires of war fell without warning on Monday morning.

Lieut. Linderfelt, who happened to be visiting his brother at Cedar Hill on Sunday, and whose return to Trinidad with his wife was for some reason delayed until Monday morning, received a letter from some foreign woman, claiming that her husband was being detained against his will in the tent colony. This letter was sent to Maj. Hamrock at the tents near the colony.

A few soldiers were detailed to meet every train to see that the passengers getting on or off were not molested by the colonists. By this train Capt. Maj. Hamrock sent word to the Greek leader, Louis Tikas, who was also chief man of the colony, calling attention to the letter and demanding the release of the writer's husband. Tikas denied that any such man was in the colony.

The men of the train detail answered that they were sure he was, and that if not delivered they would come back in force and get him.

These men of course had no authority for any such statement, but it was in line with the ill feeling that we have described as existing between these particular men and the colonists.

The train detail reported the answer of Tikas to the major, who then called Tikas over the telephone and asked him to come to the military camp, as he had done a hundred times before, to talk it over. The reply was most unusual. For the first time Tikas flatly refused to come to the major's camp.

Thereupon, the major telephoned to the station at Cedar Hill and told the captain in charge that he might have need of him and his men to search the colony for a man held a prisoner there. The Cedar Hill detachment was ordered to drill on the parade ground at Water Tank Hill.

Referring again to our sketch of the capital letter K it will be remembered that the Cedar Hill station is at the extremity of the upper arm of the letter, and Water Tank Hill is at the top of the vertical shaft, the colony and Maj. Hamrock's tents facing each other where the lines join. It should be added that Cedar Hill is invisible from the tents of the colony, being up the canyon a way, but Water Tank Hill is in plain view of the strikers' tents.

A part, not all, of the men from Cedar Hill saddled their horses and proceeded to Water Tank Hill. In the meantime Tikas telephoned to the major that he would meet him at the railroad station, which is about equidistant from the two sets of tents. After this conversation, Maj. Hamrock telephoned again to Cedar Hill and directed the remaining soldiers to join their troops on the parade grounds, and to bring with them the machine gun.

We find that after the train detail left, Tikas was surrounded by his Greeks in the colony and that these Greeks were under the impression that the colony was about to be again searched for arms—a thing which they had vowed they would never again permit. The Greeks were boisterous and insistent upon giving battle to the soldiers at once if they should appear. Tikas

did the best he could to dissuade and quiet them. It was then that he called Maj. Hamrock by telephone. Returning to the group of Greeks, he told them that he must go to the station to see the major, and got them to promise that they would do nothing until his return. Tikas met at the station Maj. Hamrock and the woman who had written the letter and who complained that her husband was being held a prisoner in the colony.

Tikas recognized this woman, and he then stated that he knew her husband, who had been in the colony on Saturday but was no longer there.

During this conversation at the station the first detachment from Cedar Hill arrived on Water Tank Hill, and their officer Lieut. Lawrence, galloped down to the station and reported to Maj. Hamrock. In the meantime the Greeks continued talking together in the colony, awaiting the return of Tikas.

Three women, who had been sent to the store near the station, returned excitedly to the colony, and called the attention of the Greeks to the arrival of the troopers on Water Tank Hill. This was enough to set the smoldering fire aflame. The Greeks, confirmed in their belief and consumed with a suppressed thirst for battle, forgetting their promise to Tikas, seized their rifles and defiled from the colony across the country to the right of the K to a railroad cut on the Colorado & Southeastern tracks, affording excellent cover for delivering a rifle fire onto Water Tank Hill. These Greeks, as nearly as we could discover, were estimated variously in number from 35 to 50 men. Their march across the country was in plain view of all save the major, Tikas, and Lieut. Lawrence—talking in the station.

At the same time there left the colony a much larger number of men of other nationalities, armed with rifles, going northwest to the arroyo crossed by the steel bridge at the foot of the K. This group was never observed by any of the soldiers and their taking position in the arroyo was related to us by civilians.

Lieut. Lawrence, having reported to the major, left to return to his detachment on Water Tank Hill. He had gone but a short way when he galloped back to the station and cried out: "My God, Major, look at those men; we are in for it," pointing toward the Greeks defiling toward the railroad cut. Tikas was the first to answer.

He immediately jumped up, saying "I will stop them," and, pulling out his handkerchief, ran toward the colony, waving to the Greeks to return. A civilian and union sympathizer who met Tikas as he ran, told us that he heard him exclaim: "What damned fools!".

Maj. Hamrock directed Lieut. Lawrence to return to his troop and await developments. After the lieutenant reached Water Tank Hill, and not before, the machine gun and remaining men from Cedar Hill arrived. Maj. Hamrock hurried from the station to his tents and reported the conditions to Gen. Chase in Denver.

While returning to his camp the major observed the women and children of the colony in large numbers running from the colony north of the shelter of the arroyo. This was observed also by the men in the tents, by the major's adjutant, Lieut. Benedict, and by the men on Water Tank Hill. All will tell us that the exodus of women and children was sufficient to account for all that were known to be in the colony.

Lieut. Benedict, observing the colony at this time through his field glasses, plainly saw Tikas leave and hurry toward the Greeks, now nearly arrived at their intended position. Tikas was carrying a rifle in one hand and a field glass in the other. It is evident that on returning to the colony and seeing the futility of preventing the outbreak, Tikas had armed himself and hastened to his compatriots. As yet no shot of any kind had been fired. In expectation of just such an attack, a signal had been devised. Two crude bombs were made of sticks of dynamite, and it was understood that if the colonists attacked suddenly, so that there was not time to telephone the various villages in the canyons, or the wires were cut, these bombs should be exploded as a warning.

After telephoning to Denver the major caused these bombs to be set off, and, so far as we can learn, this was the first explosion of the day. We learned from the colonists that they were thought to be some new kind of ammunition or possibly artillery possessed by the soldiers.

In the meantime, while all this was going on, there were still but three men left in the soldiers' tents with the major, the rest continuing their routine duties at some distance, in apparent ignorance of what was happening.

In the meantime the men on Water Tank Hill were deployed as skirmishers, observing the advance of the Greeks toward their cover. The men almost re-

belled against their officers at this time, demanding to know whether they must allow the Greeks to reach concealment before opening fire. Lieut. Linderfelt ordered that no shots should be fired unless the soldiers were first fired upon.

About the time the Greeks reached the cover of the railroad cut, the fire began. We are unable to state from which point the firing came first, except that it came from the strikers. Upon that point all of the witnesses of all shades of sympathies are wholly agreed. Some of the soldiers insist that the firing was opened from the direction of the steel bridge and arroyo, while others are satisfied that it came from the Greeks in the railroad cut.

From whatever source the firing, the first of it was directed toward the soldiers' tents, but it must very soon have been directed generally against Water Tank Hill and the whole countryside between that point and the Hastings Canyon.

After the first fire started, it was several minutes before the men on Water Tank Hill were directed to return it. The enlisted men in this position we find still resentful against their officers for withholding their fire so long. The position taken by the Greeks in the railroad cut was one that proved very difficult to drive them from.

Thus the battle began, and its history from this time, as we learned it from all sources of eyewitnesses, is a history of the advance of the detachment on Water Tank Hill down the shaft of the capital K, past the colony, to the capture of the steel bridge at the foot, which was not accomplished until after dark.

Shortly after the firing commenced it became very general. On the strikers' side it proceeded from the railroad cut, from the tent colony, and from the arroyo beyond it. It was returned from Water Tank Hill, from a row of steel cars in the vicinity of the soldiers' tents, and from houses and stores along the road between the colony and the northern canyon. Lieut. Lawrence and three men advanced from Water Tank Hill toward the Greek position in the railroad cut with a view to dislodge the men shooting from that cover.

One of these men, Pvt. Martin, was shot through the neck. He called, "Lieutenant, I am hit." As the blood gushed out in spurts, the lieutenant put his thumb into the wound and stopped the flow of blood. A first-aid package was then applied. The strikers' fire proved insupportable and the squad withdrew, helping Martin back with them.

They were compelled to leave Martin under cover and return without him. As they retreated, the strikers followed until under cover. Several attempts were made by the soldiers during the day to recover their wounded comrade, but it was not until the afternoon, when Capt. Carson arrived from Trinidad with reinforcements and a machine gun, that they were able to drive the strikers back and reach the place where Martin lay. Just before dark this was accomplished, and Martin was discovered dead and mutilated. He had been shot through the mouth, powder stains evidencing that the gun was held against his lips. His head had been caved in and his brains had exuded to the ground. His arms had been broken. In such a way does the savage blood lust of this southern European peasantry find expression.

In this connection we found also that without exception where dying or wounded adversaries, whether soldiers or civilians, had fallen into the hands of these barbarians, they were tortured or mutilated. The coroner and other civilian witnesses testified before us as to the condition of the corpses recovered in the many battles in the southern field. Hocker Smith, killed near Aguilar; Dougherty and Chaves, killed near Delagua; and many others, were all tortured or mutilated when dead or dying.

As we prepare this report, Maj. Lester is deliberately slain at Walsenburg, while attending the wounded under the protection of the Red Cross of Geneva—recognised as inviolable by civilised men the world over. It is shocking to think of our Colorado youth defending their State and exposed to practices of savagery unheard of save in the half-believed tales of the Sicilian Camorra.

A recovery of Martin's body, thus mutilated, we find to have had the effect of exciting his comrades to a frenzy, which may account for some things that took place later near the tent colony itself.

Lieut. Lawrence engaged the Greeks in the railroad cut all day long. We find that he never left Water Tank Hill except to advance against the cut. His machine gun was used only in that direction until late in the afternoon.

Capt. Linderfelt and two lieutenants of the same name, with other men on Water Tank Hill, sought all day to advance down the shaft of the capital letter K to the steel bridge and arroyo at the northern end.

In the meantime, Lieut. Benedict and the men at the military camp, reinforced later by Troop A, from Hastings, who came down the northern canyon, were engaging the strikers firing from the arroyo, the tent colony, and beyond.

During the morning the men fighting around the two groups of tents were reinforced by Troop A, the nonunion men from Hastings, and also by the mine guards from both canyons. In the afternoon the men on Water Tank Hill were joined by Capt. Carson and a number of Troop A—men from Trinidad and vicinity, with another machine gun.

Along toward dusk Lieut. K. E. Linderfelt was able to advance as far as the railroad station, about 500 yards from the tent colony. His advance from this point to the colony and beyond to the steel bridge and the arroyo was covered by the two machine guns on Water Tank Hill, which were trained on the colony, and that they were trained down the railroad right of way and not having finally dislodged those who had been firing all day from the cut.

This was the first time the machine guns were turned in the direction of the colony and that they were trained down the railroad right of way and not upon the colony is evident from the most casual inspection. We found the fences, water tanks, pump house, and other objects on the right of way riddled with machine-gun bullet holes, but posts, chicken houses, and other objects that remained standing directly in front of the colony and in the line of fire appeared to be scathless, thus proving beyond any doubt that the colony was never at any time swept by the machine guns.

This does not mean that the machine guns were not fired into the colony, as we shall presently show that they were, but it does show that there was no general and wanton mowing down of the tents as has been imputed. Under the protection of the machine guns' fire Capt. Linderfelt, Capt. Carson, and Lieut. K. E. Linderfelt were from this time able to advance steadily. They were accompanied by a part of the Water Tank Hill detachment, the reinforcements from Trinidad in civilian's clothes, and some mine guards.

Their fire was returned from their front all along the arroyo and from the tent colony itself. The men to the west between the colony and the canyon were about this time likewise able to press closer to the arroyo and the tent colony. As both these forces approached the colony, the heaviest fire seemed to come from the very tents themselves. The fire of all was for the first time drawn directly into the colony.

It was then that Maj. Hamrock tested his range with the machine guns on Water Tank Hill and sent them directly into the first tents of the colony itself; at the same time the strikers' fire drew a return from all combatants into the same tents. It was this concentrated fire upon the nearest tents in the southwest corner of the colony that set them on fire.

It could not be supposed that any women, children, or other noncombatants remained in the colony itself. The women and children had been seen departing early in the morning, and it was impossible to believe that the strikers would draw the fire of their opponents from all sides into the colony if any women and children remained therein.

Shortly after the fire started the detonation of some high explosive, like some giant powder or dynamite, was both heard and seen. From one of the tents a shower of its contents could be seen rising high in the air, emitting a blaze of fire.

As one tent caught after another, several other explosions occurred. During this time some of the men, having nearly reached the tent colony, heard the screams of women and called to men whom they saw firing from between the tents to get their women out.

The only answer were the words, "You go to hell," spoken with a foreign accent and accompanied by a rain of shots. The men in the colony being driven back and the presence of women being thus known, Capt. Carson, Lieut. Linderfelt, and other officers and men made a dash in among the burning tents for the purpose of rescuing the women and children.

At first they took several women from the tents, some of which were on fire and some not, then they discovered some subterranean pits beneath many of the tents and that some of them were stored with human occupants. The rescue work was most difficult as the women refused to accompany the soldiers and even fought against being taken away.

They said afterwards they believed the soldiers would kill them. They had to be dragged to places of safety. When the pits were discovered the difficulty of getting out the women and children was increased.

Capt. Linderfelt took a woman from one tent who could not speak English, but who made him understand that he must return. She went back with him and indicated one of these holes in the ground, from which the lieutenant took two little children, dust in the nick of time. He walked from the colony with these children in his arms.

Capt. Carson relates that when he was in an apparently open floored tent he heard the crying or whining of something living beneath. He had to clear away the floor, which was nailed down upon these people, in order to get them out.

These holes were so constructed as to conceal their presence, and the openings to them were usually hidden by the bed or some article of furniture being placed above them. During the whole time that this rescue work was going forward the colony was under fire from the arroyo, so that not only did the officers and men have to contend with the fire and with the reluctance of the deluded people they were rescuing but were taking the greatest chances of destruction by making targets of themselves in the light of the burning tents.

We find that the work of rescuing these women and children, to the number of some 25 or 30, by Lieut. Linderfelt, Capt. Carson, and the squads of their command, was under all circumstances truly heroic and must stand out boldly in contradistinction to the abandonment of the helpless women and children by their own people and the subsequent efforts to kill their rescuers, regardless of the safety of the rescued.

It was supposed by the officers, after a thorough search of the colony, that all of the remaining women and children had been taken out.

The event proved that one of the pits had been missed in the search. In this pit were subsequently discovered 2 women and 11 children, all dead. This chamber of death measured in feet 8 by 6 by 4½. When found it was almost closed. The quantity of air contained in such a space we found could not have supported the life of these occupants for many hours. Their bodies, when found, bore heartrending evidences of their struggles to get out. If these women and children were placed in this pit at any time during the morning, it is our belief that they died of suffocation hours before the tents caught fire.

Among those taken out of the colony by the rescue parties was a man named Snyder and his family. The man carried in his arms the dead body of his little son.

This boy had been shot in the forehead and was indeed the only person shot in the colony. A story was given wide publicity that this lad was ruthlessly shot down by the soldiers while trying to get a drink of water for his dying mother.

Snyder went to the depot with this dead child in his arms and there in the presence of many civilians and officers related how the boy had gone outside to answer a call of nature and had faced toward the arroyo from which the strikers fire was coming when he was accidentally hit in the forehead by the bullet that caused his death.

It was Snyder who told in this conversation how the Greeks had planned this battle for their Easter, the day before. At that time, whatever he may say now, his resentment was bitter against the Greeks in the colony, whom he blamed for everything that had happened.

A collection was taken up among the officers and the soldiers, amounting to some $18 and given to refugees.

During the rescuing and afterwards, the tent colony was invaded by the soldiers and mine guards for quite a different purpose. By this time the uniformed guardsmen had been joined by large numbers of men in civilian attire, part of whom were from Troop A and part of them mine guards, all unknown to the uniformed soldiers and their officers and all vanned and unamenable to discipline.

By this time, the time of the burning of the tents, the nondescript number of men had passed out of their officers' control, had ceased to be an army and had become a mob. Doubtless all were seeing red on both sides of the conflict.

This may account for the insane shooting by the strikers during the rescue of their women and children and it may also account for what happened in the tents.

We find that the tents were not all of them destroyed by accidental fire. Men and soldiers swarmed into the colony and deliberately assisted the conflagration by spreading the fire from tent to tent.

Beyond a doubt, it was seen to, intentionally, that the fire should destroy the whole of the colony. This, too, was accompanied by the usual loot.

Men and soldiers seized and took from the tents whatever appealed to their fancy of the moment. In this way, clothes, bedding, articles of jewelry, bicycles, tools, and utensils were taken from the tents and conveyed away.

So deliberately was this burning and looting that we find that cans of oil found in the tents were poured upon them and the tents lit with matches.

From a tent marked "John Lawson's headquarters" were taken a store of new underclothes and a mass of ammunition piled in thousand-round boxes. It has been said that the next morning there remained standing tents which were afterwards destroyed. A very careful investigation of that statement has led us to a settled belief, and we so find, that all of the tents were burned on Monday night and that what burning and looting there was, was completed before morning.

To return now to the progress of the battle, while the tents were burning and after the rescue work had been completed and the women and children cared for, the men under Capt. Linderfelt pressed on down the railroad and after a stubborn fight took and occupied and held the steel bridge that commanded the arroyo. The taking of this bridge ended the battle. From this time on for several hours the firing continued, but in gradually diminishing returns until it ceased altogether, about midnight.

In taking the steel bridge two men had been left at a pump house between the colony and arroyo. At this point these men took a prisoner who proved to be Tikas (Louis the Greek).

The men brought this prisoner back along the railroad to the crossroads at the corner of the colony, and called out "We've got Louis the Greek!" Immediately between 50 and 75 men, uniformed soldiers, men of Troop A, and mine guards rushed to that point. Lieut. Linderfelt came up with the others.

Tikas was then turned over to the lieutenant, his captors returning to their post. Some words ensued between the lieutenant and Tikas over the responsibility for the day's doings, Lieut. Linderfelt swung his rifle over Louis's head, breaking the stock of the gun. There were cries of "Lynch him!" from the crowd.

Someone ran into the tent colony and got a rope and threw it over a telegraph pole. Lieut. Linderfelt had difficulty in restraining the crowd.

He declared that there should be no lynching and turned the prisoner over to Sergt. Cullen, with instructions that he would hold the sergeant responsible for Tikas's life. About this time two other prisoners were brought to the crossroads, whom Capt. Linderfelt had captured at the steel bridge and sent down. These were Filer, the secretary of the union, and an unknown man whom we believe, however, to have been Frank Rubino.

Sergt. Cullen in turn turned his prisoner over to Pvts. Mason and Pacheco. Lieut. Linderfelt then went back along the tracks to the station. During this time the group of men and prisoners at the crossroads was standing erect in the glare of the burning tents; they were not firing but afforded an excellent target to their adversaries.

Shortly after the departure of Lieut. Linderfelt, firing was resumed. The men returned to their places under cover of the railroad embankment and recommenced firing into the colony.

The three prisoners ran through this fire toward the tents and were all shot before they reached them; Tikas was shot in the back, showing that he was killed from the soldiers' side. Filer, was shot in front, showing that he was killed from the strikers' fire. The unknown who dropped between the other two we have no information of.

Two bullets passed clear through the body of Tikas, showing that they must have been steel-jacketed bullets, such as are used by the soldiers and also by some of the mine guards and Troop A men. The one bullet that was found in his body is a soft-nosed bullet which is an ammunition never used by the soldiers.

In speaking of the different kinds of bullets used in the Battle of Ludlow, we are led to controvert a statement that the soldiers and men supporting them used explosive bullets. It is not difficult to understand why this mistake is made. The steel-jacketed bullet used in the present Springfield rifles makes a noise in passing through the air very like an explosion. By the sound alone it could very easily be mistaken for an explosive bullet. The bullet extracted from Louis Tikas was not an explosive bullet.

It was submitted to us by the coroner, and we found it to be a very common type of soft-nosed bullet. While not inhuman, like explosive and poisoned bul-

less, still it is a thing prohibited under the rules of civilized warfare. The strikers that day were actually using explosive and poisoned bullets, as many such were recovered.

The explosive bullet contains at its base a small percussion cap, which, upon striking, explodes a charge within and ruptures the bullet in tiny fragments, thus tearing a large and ghastly hole in anything in which it is embedded. Some of the poisoned bullets contain no poison, being a composition of lead and copper instead of steel and nickel, as our bullets are now made. Others are filled with verdigris.

The former ammunition was used for a while shortly after the Civil War, and has been universally known as a poisoned bullet, because it sets up blood poisoning almost instantly wherever it penetrates the human body.

There is little left to tell. The remaining hours of the night were spent by both sides in desultory firing, gradually dying out about midnight. The refugees from the tent colony seem to have betaken themselves in a general easterly and northeasterly direction to the farmhouses on the plains and the cover of the black hills (low hills), 2 or 3 miles to the east, rising from the plains.

These hills swarmed with men all the next day. The tent colony continued to burn; in fact, it burned all of Monday night and Tuesday night. Whether or not some tents remained standing on Tuesday morning, which were then destroyed by men in uniform, as has been stated, we were unable to determine. Such a thing is possible, but not probable, in our judgment.

Around about midnight Monday the soldiers and their allies were withdrawn from the field of battle and given a few hours' sleep. Before the dawn on Tuesday they were all awakened and sent to occupy the commanding positions in all directions at some distance from Ludlow. This was done in expectation of a renewed attack.

It is this circumstance, of which there can be no doubt, that leads us to the belief that there were no soldiers in the vicinity of the tent colony when daylight broke on Tuesday, and that all the tents were destroyed on Monday night.

We find that the dominant feeling among the refugee colonists on Monday night, and before a second thought came to them or was suggested to them, was resentment against the Greeks for starting the battle which was bound to entail the results that it did.

This feeling of resentment against the Greeks prevailed even over their resentment against the soldiers, but the incident was later made a handle to inflame the minds of these deluded men to the acts of slaughter and rapine that followed throughout the State.

It was made the excuse of many bold and defiant utterances and acts of treason against the State by certain union leaders who had the opportunity by their influence and authority to prove themselves really great and good men and worthy citizens. Instead, by all means of exaggeration, incendiarism, and treasonable practices, they made of the Battle of Ludlow a means of organizing a real rebellion, with its attendant awful consequences.

We do not presume even to hint where the ultimate responsibility lies in the present strike. It may be that the coal operators or the union are wholly to blame for the conditions that have made such results possible; it may be that both sides are partly at fault.

The conditions having been brought about and being actually existent, whatever the cause, we feel that for their treason and rebellion against organized society, with the horrible consequences of anarchy that followed, certain union leaders must take the responsibility before man and God.

Respectfully submitted.

EDWARD J. BOOMER,
Major, Second Infantry, and Judge Advocate.
W. C. DANKS,
Captain, First Infantry.
PHILIP VAN CISE,
Captain, First Infantry.

The following additional recommendations were made by Maj. Boomer:

I feel it my duty to add a recommendation to those made by the board of officers. Believing that the outbreak at Ludlow was directly due to the presence near each other of deadly enemies in the persons of strikers, non-union workmen, and mine guards, fostering a canker of hate and brutality

of which the battle was the inevitable supposition. I greatly fear that the united forces again at work will again destroy the homes of a similar people.

To my thinking, good citizenship demands that these elements of rapine and slaughter be kept apart. As the mines and coal camps can not be moved away, I recommend that the commanding general and the governor urge upon the commanding officer of the Federal troops the correctness and danger of permitting the tent colony to be reestablished at Ludlow.

My brother officers do not feel the necessity for such a step.

VAN CISE EXHIBIT NO. 1.

[Article written May 30, 1914, as the situation then appeared.]

THE COLORADO STRIKE SITUATION.

[By Philip K. Van Cise, captain, National Guard of Colorado.]

What Colorado needs is toleration, calm judgment, and a strict enforcement of all laws. What the operators need is an appreciation of the right of labor to organize, to hold peaceful assemblies, and to own property in coal camps. What the strikers need is real leaders who can present their case by argument instead of violence, who will confine themselves to facts and tell the truth. What the militia needs is an esprit de corps that can only be gained by requiring officers to approximate the standards of the Regular Army, a purging of its ranks of partisans and the few undesirables therein, and the support of the government and people of the State. What the Nation needs is radically amended immigration laws that will keep out anarchists and lawlessly inclined Italians, Greeks, and other south European peoples.

The present situation is an armed truce. Armed, because while the operators have complied with the orders for the disarming of their men, the strikers have not. The United States troops stand between the mines and the tent colonies. The strikers, through their leaders, openly state they will renew their call to arms and campaign of violence if the militia again takes the field. A Denver women's peace society, dominated by strikers, declares in the chamber of the house of representatives that it will forcibly oppose the National Guard if again sent into service. The operators refuse to meet the "traitors and murderers," as they term the strikers. The militia, damned by strike sympathizers, made the goat of the conflict, unpaid for three months, insufficiently clothed and equipped when in the field, smarting under injustice, disgusted with certain higher officers and the governor, nevertheless stands ready to take the field if supported by State authorities. The mine guards have deserted, as the majority of them did before when the guard first went into the field in October, 1913. Property values have materially decreased, investors are frightened from the State, politicians are insincere, and the great third party, the public, does the suffering.

On the merits of the strike much can be said on both sides. A premise to any fair statement must be that there is little law in Las Animas and Huerfano Counties when operators and miners are participants. (The strike has likewise spread into violence in Fremont, Routt and Boulder Counties, but this statement does not apply to them, as far different and very excellent conditions exist there.) Personal-injury cases against operators are doomed to defeat. The sheriff's office is the employee of the corporations, and representative government exists only on paper.

The coal mines are in narrow, barren canyons, almost devoid of water, on lands owned or leased by the companies. The houses, in the main, are good. The majority are electric lighted, and the rents are reasonable. The company stores sell at the same price as similar goods are sold in Trinidad and carry stocks far larger and more diversified than do the independent traders adjoining the coal camps. The school facilities are at least average, and the school building is the usual place for the moving-picture shows, dances, and other entertainments of the camp. But they are not upon fortieth anniversary of the men to discuss social welfare, wages, or law enforcement. Nor are the men allowed or guides for that purpose. The employment of a mixture of nationalities aids the operators in their work of keeping the men apart.

The strikers, after they went out of the mines, received widespread publicity for their claims that the operators had machine guns trained on their camps,

had Baldwin-Felts thugs and gunmen around killing them and committing their women, and that they had finally been obliged to arm themselves in defense of their homes.

There are two sides to this story, however. The strikers have many good partisans among their leaders, and these located the real situation at the very mouths of the canyons. Mexican workers in the mines, "scabs," as they are called, and the officials had to pass these colonies on their way to the shafts. Scabs sometimes coming in were greeted with profanity and violence. The mine owners, with the men who did not want to join the union, being thus intimidated, and fearing violence, secured guards for their property. These guards were of various classes, just like men in any walk of life. A few, and only a few, were from West Virginia. Some were gunmen with records. Others, though a small number, were Baldwin-Felts detectives. Many were men of good physique out of work; others were errant cowards who thought they were getting easy jobs at high salaries.

Nearly all the mining companies gave orders to their guards to stay on their own property and only to bear arms there. In the main this was obeyed. In some cases the guards did not do so, and proceeded to pick fights with the strikers. The latter, where the guards did not precipitate the trouble, did so themselves. The strikers bought guns with union and individual funds. The operators bought in more weapons, including machine guns. As a further means of defense they purchased searchlights to scour the hills at night. Yet the latter were purposely thrown on the tented colonies and proved very annoying to the occupants.

Here arises a query. Which side had the motive for violence? The operators had if at the outset they could scare the strikers by this means. But they ran the risk of retaliation, the loss of their property, the driving away of their workers, and the resultant closing of the mines and capitulation to the union. The strikers had everything to gain through force, and very little to lose. Hence they resorted to it on all possible occasions.

The strikers imported their agitators and gunmen, they secured their rifles, and bullets began to hail upon the hills. Finally, with the strikers from the Ludlow tent colony in the ascendancy, the entrances to Hastings and Berwind Canyons were closed in, hundreds of shots fired into the two towns, and a state of absolute anarchy existed. The operators, long crying for State troops, became hysterical in their demands. The people generally wanted the militia, and it is even said that the leaders of the strikers, fearful of results with their men out of hand, likewise joined in the general desire.

Troops were ordered out, and welcomed by both sides and citizens generally. But martial law was not declared, and the militia was greatly hampered in consequence. Orders for disarmament were given and the mine guards generally disarmed. But few guns were turned in by the strikers and the operators kept many of their own weapons, though willing to give them up if asked to do so. Result—an armed force between two belligerents. One thing must be borne in mind, however. With troops in the field the "scabs" were secure, the strikers were peaceable, the operators discharged their mine guards, property was safe, and coal was mined.

The governor tried to take a middle ground. He forbade the importation of all strike breakers. The union leaders were jubilant, the operators angry. The mines wanted a limited output, the colonists received their pay at a weekly unions, and the rank and file were dissatisfied. Then rumors spread that the governor was going to allow strike breakers to enter the fields. Instantly the murmur of the strikers became an uproar, and open threats of violence were made.

As a side light upon the temper of the Ludlow colonists, an incident that happened November 30, 1913, four days before the big snow, may not be amiss. Company K of Denver, 102 strong, the largest company in the guard, was stationed at Ludlow. Bernardo Verdi, the Italian leader of the colony, came to the military camp early in the morning and threatened violence if strike breakers entered the district on the 8.30 a. m. train. The military policy at this camp had been, among other things, to cover the Ludlow station at train time with a detail of 10 men and a sergeant. The sergeant reported by phone that the entire colony was at the depot "spoiling for trouble." The captain ordered the first lieutenant to assemble the company and hold it subject to orders, and took two sergeants to the depot.

The colony was out in force. Small rocks covered the road, and the women carried clubs that would have put to shame the maces of the middle ages.

Many had spikes driven through them. Others were guarded links of iron with sharpened branches. Some were just plain boards and billiard cues.

The detail was ordered to fix bayonets, and with much grumbling and muttering the depot and grounds were cleared. But when the road was reached trouble began. The crowd refused to move farther and violence was imminent. The detail had a front of from 100 to 150 feet to cover, and opposed to the 10 sentries was a solid mass of strikers, with their clubs swinging women in the front rank, giving vent to all manner of profanity, and a sullen bunch of men in the rear urging the women to violence. If trouble had started nothing on earth could have prevented some women being bayoneted and others shot, and then Company K, called on to protect the peace, and impartial as to the merits of the strike, would have been branded to the world as murderers of defenseless women and men protecting their homes from gunmen. And among these women were two who have since gone to President Wilson to represent the strikers' side of the battle of Ludlow.

Luck was all that saved the day. Three leaders of the strikers, Bernardo, Weinberger, and Jones, were picked out of the crowd and turned over to the sergeants with instructions to shoot them on the first sign of trouble. They protested that they were not responsible, but admitted they were the leaders of the colony. When they saw that the orders would be enforced they managed to signal the crowd and before the train arrived a large number had gone back to the colony. No strike breakers arriving, the incident was closed. But it illustrates the violent character of the Ludlow strikers.

The next step was the raising of the embargo by the governor, and importation of strike breakers. The military authorities made every effort to enforce the State law. At Ludlow, and elsewhere, commanding officers were instructed to and did examine every man who entered the district looking for work. Each had to be asked if he knew that a strike was in progress, had been so told before he signed up, and was willing to go to work under those conditions. Further, the strikers' colony was pointed out to them and they were instructed that the men in the tents were out on strike.

Again the agitators shouted "To arms!" The terrible Colorado blizzard alone prevented an outbreak at this time and proved the most effective settlement of violence that the State has yet seen. For six weeks the district was under 4 feet of snow, the strikers were effectually penned in their colonies, strike breakers filled the camps, and mines operated to capacity.

The snow disappearing, the hatred of the strikers for all troops grew apace. Strike breakers were protected and the term "scab herders" was applied to the soldiers. The dislike of the strikers for the soldiers was caused by the fact that the presence of troops made the nonunion miners feel secure, and hence made the success of the strike very doubtful.

The militia in the main made a splendid record. During a service in the field of nearly six months and until the Battle of Ludlow, only two men were killed by the troops, one accidently and the other a fugitive from justice. A district of several hundred square miles was policed and absolute order prevailed.

The Colorado troops, according to the annual reports of United States Army inspectors, have as fine a body in the rank and file as can be found in the country. The majority of the companies come from the small towns of the State and number in their ranks some of the best young manhood in Colorado. One of the Denver companies was composed entirely of former college men. The only interest any of these men had in the strike was to wish for a speedy settlement and all were disinterested as to the merits of the controversy. Their one desire was to get back to their homes.

A soldier can not be made in a few days. Discipline is the habit of obedience. The militia had many men who committed abuses, but this was to be expected among 1,400 men, many of them recruits unused to restraint and military training. The military game was a hobby with many, but the permanent pursuit of none. The wonder is, with a constantly growing hostility among the strikers, the abuses were not greater. As the officers learned the game better and got their men used to team work these conditions became less frequent.

The Colorado militia has long been cursed by factionalism. Many chair warmers and sycophants have been retained by various adjutant generals. The result has been that a real esprit de corps has been prevented, and many inferior officers have been allowed to creep in. To these few, the enlistment of mine guards, and the hostility of the strikers can be traced the troubles between troops and union.

First Lieut. K. E. Linderfelt, placed in command at Oyster Hill, 14 miles from Ludlow, has, throughout the strike, been the Nemesis of the strikers. A member of the guard off and on for many years, a former sergeant of the Regular Army, a veteran of many wars, and a typical soldier of fortune, he was the worst man that could have been put in command of troops charged with preserving the peace. As a fighting man there was none better or braver. Personally likeable when casually met or in conversation, he was possessed of an intense hatred towards "red-necks" or "wops" as the strikers came to be called. When the troops entered the Ludlow district on November 1, 1913, he with other mine guards was personally disarmed by Col. Davis, of the Second Infantry, though Linderfelt was then a battalion adjutant in that regiment. At this time he was a deputy sheriff though not drawing pay from the county, and was in charge of the mine guards during the battles at Berwind, a C. F. & I. property. (Mr. Welborn, president of the C. F. & I. testified before the congressional commission that Linderfelt was paid by his company (Vol. II, p. 554). Linderfelt before the Industrial Commission said he was paid by the county. The county records show no such payment.) Later he put on his uniform and was assigned to duty in charge of Company B, Second Infantry.

This was a Trinidad company, composed at that time almost entirely of Mexicans, and had been called out by the sheriff about two weeks before the other troops took the field. The Mexicans were gradually eliminated, and Americans took their places. Only one of the original members was left at the time of the Battle of Ludlow. In its ranks were then numbered mine guards, men enlisted in the district, and men transferred from other companies which had been relieved from duty. These transfers came late in the campaign, and were a good average bunch of men.

The old mine guard element, led by Lieut. K. E. Linderfelt, was always in trouble with the colonists. This group and the strikers constantly sought opportunities for assaults upon each other, and each made the most of its opportunities. Company B had the best of it, because it carried arms. The result was that while the First Infantry company at Ludlow was usually on good terms with the strikers, played baseball and football with them, and its men could go into the colony unarmed, Lieut. Linderfelt and his men went in parties armed to the teeth, in constant danger of being wiped out if caught unaware.

K Company left the field March 18. B Company—its strength about 80—moved a detachment of 12 men to K's old camp, and Maj. P. J. Hamrock, formerly in command at Aguilar, was ordered to Ludlow.

Hamrock is an Irishman and an ex-Regular. His few critics (before Ludlow) were never able to say worse of him than that he was a saloonkeeper. A crack rifle shot, honest, fair and square, "Pat" was universally loved in the guard. As major he was in charge of the district. Lieut. Linderfelt, nicknamed "Monte" was in direct charge of the company. The major tried to keep order, Monte to force disorder. Several strikers were booted off the depot platforms, assaulted in the roads, and "run ragged." On the other hand the soldiers were the constant recipients of threats that they would be wiped out by the strikers.

On the departure of K, and foreseeing a withdrawal of all the troops, the colonists began to bring in from the hills and arroyos the guns hidden from the search of the soldiers. They planned further attacks upon the mines and the driving out of the hated scabs. They also hoped for a chance to get Monte and his men, but did not dare so long as a strong supporting force was in the field.

A troop of cavalry, known as Troop A, was enlisted among employees of the operators. These men were anything but impartial, all were violent opponents of the unions, and the agitators seized upon this incident as a means to further inflame the strikers.

Friday, April 17, 1914, all other troops were withdrawn; Company B and luckless Pat were left. Events moved swiftly. The strikers now grew arrogant, the operators fearful and good citizens began to leave. Mine guards came back into the district, and the searchlights again threw their beams across the sky.

The strike was apparently lost. Radicals urged violence as the only way to enforce victory. Tuesday at dawn was set as the time to wipe out the soldiers and then to march on the coal camps of the C. F. & I. at Berwind and the Victor-American at Hastings and Delagua. Some of the colonists warned their friends in the coal camps to move before the attack. A succession of trivial incidents precipitated the battle on Monday, and Ludlow, through the agency of a bitter and untruthful press, became the most misrepresented spot in the United States.

Of the battle itself, little need be said. Started by the strikers, it was finished by the soldiers. But of the results volumes have and will be written. One significant fact has been overlooked. If the troops started the battle, whence did the strikers so quickly get their arms and ammunition, when previously they had carried all over it the soldiers on demand and search? Or did they hide them as they did from the United States troops? Why were these guns at hand?

The soldiers were in uniform, on duty, and representing the State. Whatever their past offenses, the strikers had a remedy in a legal manner. An attack upon the troops was an assault upon the Government.

Until darkness fell, and their ranks were augmented by reinforcements from Troop A, the conduct of the soldiers was most exemplary and praiseworthy. But the approach of night gave cover to liberty, and riot reigned as the battle ceased. Three prisoners were captured, one executed by Lieut. Linderfelt, and all three shot under the infamous "*ley fuga*" of the Mexicans. The colony, already on fire in one corner, was burned to the ground.

The assault upon Tikas and the murder of the three prisoners can not be too severely condemned. As the men were outlaws they could have been shot in their tracks and never captured, but once taken they were entitled to be kept inviolate. Those murders by this mine-guard group should be as severely punished as should the murders by the strikers, and both should receive the extreme penalty of the law. On the other hand, however, the heroic work of the other officers and men who participated in the Ludlow battle should not be overlooked and unstinted praise should be given them for their conduct in resisting an attack by superior numbers.

The next day dead bodies of women and children were found huddled in a small pit under one tent, and the papers published far and wide the lie that machine guns had mowed down women and children. This falsehood was deliberately spread by union leaders, whose own physicians had personally testified before a coroner's jury that there was no sign of a bullet wound on any but the Snyder boy. He was not in the pit, and was shot in the forehead while standing beside a tent, facing to the rear. The boy's father pulled the body back into the cellar, and when rescued from there by the troops carried the body to the depot.

The world has heard little of the horrible mutilation of the bodies of Pvts. Martin and Hockersmith by strikers, of the percussion-capped, soft-nosed, and poisoned bullets of the unionists. All that went out was that "gunmen militia had murdered defenseless women and children."

The fact that prisoners had been executed and killed was first given out by the board of officers appointed to investigate the Ludlow battle. If it had wished to shield anything, all it had to do was to keep quiet and nothing would ever have been known of these incidents.

But that strikers built rifle pits in front of and in the colony, that they dug cellars for their women and children to hide in, that they used both on the day of the battle, and deliberately fanned the troops in self-protection to return the fire has not been told. That women and children were rescued from the colony by soldiers was not admitted by strikers, though these unfortunates were cared for, fed and sheltered, and sent to Trinidad, where they later lodged in the strikers' tent colony. Though all the inhabitants of the tent colony were accounted for on Thursday after the battle, and this fact was admitted by John McLennan, president of the State federation of labor while he was a prisoner at Ludlow, yet for weeks the leaders sought to inflame their followers with statements about women and children buried and cremated at Ludlow!

Then what happened? A machine gun was delivered to strikers at Aguilar by union leaders. Delagua was attacked, men killed and women shot upon. The water plant was destroyed, the Royal mine blotted out, 35 men, women, and children shot in, and the entrance dynamited. The Chandler mine in Fremont County damaged by strikers under a flag of truce. The Watson mine at Walsenburg assailed, Mrs. Gregory shot in the arm, and troops sent to the defense. Maj. Lester, of the medical corps, was killed and Lieut. Scott and Pvt. Miller injured. (For their own guarantee of concealment, and to encourage their own ranks, the strikers did not make public the fact that in this attack upon the troops their losses were very heavy.) The Hecla mine, in Boulder County, was next surrounded and thousands of shots pumped into it, while the sheriff was imprisoned inside. Calls to arms were published in the Denver papers, signed by union leaders, asking every man for arms and ammunition and to drill to exterminate mine guards and militiamen. The camp at Forbes, near Ludlow,

attacked at dawn, burned to the ground, nine killed. Jugs shot up in a house and burned to death. And all this down under the "causes and provocations" representations of the agitators that women and children had been deliberately killed at Ludlow by soldiers! If this was true, why were any rescued?

Who killed these innocent sacrifices? Not the soldiers, because they were not struck by bullets, the militiamen had not dug the pits, and rescued all occupants of the colony found therein. Then it must have been the strikers who dug the pits for their families to seek safety when they started hostilities. The majority of the women and children rushed for the arroyo. All were dressed, as the battle began after 9 in the morning. Those few hid in the colony, and were used as the excuse for anarchists and black-hand emissaries to commence an era of rapine and destruction unheard of before in America.

What an opportunity was missed by union leaders! Instead of sympathy the strikers now have the opprobrium of all good citizens. Instead of trying to win by truth they rest on falsehood and violence. Only May 13 the three most prominent union leaders in Colorado, McLennan, Doyle, and Lawson, sent out telegrams that "barrel-house hums and gunmen militia destroyed Forbes and Ludlow." Does this invite confidence?

Now, about the National Guard. Its condition is serious. Compelled to remain silent under abuse, hampered in the field by constant truces made by the governor with armed forces in rebellion against the State, its spirit is broken. How would you like to arrive in Ludlow, to hear the purr of a machine gun, the rattle of small arms, be down there to maintain order and uphold the laws, see hundreds of armed men in the hills shooting in your direction, and be told, "No; you aren't able to handle this situation, so the lieutenant governor has made a 48-hour truce in Denver"? Then to have these men slink away from the hills and break out in other parts of the State? Again, to have a company in the battle at Walsenburg surrounded by scores of strikers, fighting for its life, and have the other troops forbidden by the governor to go to its rescue or even to fire if fired upon? Or to know the night before that Forbes was to be wiped out, to implore the officer in command to be allowed to go to its aid, only to hear that the governor would not allow a movement in that direction? Then to be awakened at dawn with a horrible din of small arms, the crakle of a machine gun, to hear the latter cease its roar, the rifle fire diminish and die away, and see smoke come over the hill? And you sit in camp, damned as cowards? And the men who did the deed of death and destruction march gleefully back to Trinidad and openly boast in the streets of their exploits. Do you wonder the guard is ashamed of its governor, has no esprit de corps, and wants to quit a game of vacillation?

But give this mine guard (eliminating the mine guards and Company K, Second Infantry, and giving it a different chief) an absolute order, "You go into the district and keep the peace, and do it under martial law," and in a man the National Guard will respond, the situation will be taken over from the Regulars, and quiet maintained.

But law and order is no solution to the strike itself. The laws must be enforced and the violators punished. So much for the results of the strike and the needs of the State.

Now, for the merits of the strike. There are two sides to every controversy. When two men fight in a back alley with no onlookers they usually settle their difficulties. But when two large factions of society fight the State or the Nation must step in and end the conflict. Under martial law strikers can be deported or the mines closed. Neither is fair, yet each side cries for this remedy to be applied to the other. Compromise must be brought about. Both sides must win a little, lose more, and shake hands. But it should be understood that a settlement does not exempt law breakers on either side from punishment.

Recognition of the union is the main issue with the strikers. The right to run their own business in their own way is the contention of the operators. They further claim, and the evidence before the congressional committee bore this out, that the strike was called by a convention of delegates from the various camps, many of whom had worked in them for only a day or two, and that others were paid to attend. In other words, that the convention was not representative of the working miners of southern Colorado, and hence did not state any claim of their employees. The strikers object to the Baldwin-Felts men, but the operators have every right to object as much to the one hundred or more Greek soldiers whom they claim were brought in by the strikers to act as gunmen on that side.

If strife is to cease, a scheme that incorporates three factions in the struggle must be adopted. These three are the operators, nonunion miners, and strikers. The operators now recognize only the first two; the strikers refuse to deal with the second. The United Mine workers makes its boast that when a contract is signed with it by a mine, anyone, whether union man or independent, can get work; yet it at once becomes a grievance, and the miner is forced to quit if he don't join the union.

Hence, each is fighting for the closed shop—the union to close it to the independents and the operators to close it to the unions. It is said on good authority that the unions do not thrive without the check-off system, in which the mine collects the union dues from the wage of the workers. Hence recognition of the union involves this plan.

One big hitch in the whole series of difficulties in the coal-mining districts is that the union is not incorporated. While it demands a contract with its organization, the individual members alone of which can be sued, its members are practically judgment proof, and hence the claim of the operators that a contract with the union gives no protection to them.

The union demands are—

1. Recognition of the union.
2. Ten per cent advance in wages on tonnage rates and day wage scale.
3. Eight-hour day for all classes of labor in or around coal mines and at coke ovens.
4. Pay for all narrow work and dead work, which includes brushing, timbering, removing falls, handling impurities, etc.
5. Checkweighmen at all mines, to be elected by the miners without interference by company officials in said election.
6. The right to trade in any store they please, and the right to choose their own boarding place and doctor.
7. Enforcement of Colorado mining laws and abolition of guards.

Of these demands the third, fifth, sixth, and the first half of the seventh are already given by law, but the right to guards on their own property is likewise given by law to the operators. Every fair man agrees that the second and fourth can easily be made the subject of arbitration, and the analysis discloses the issue again to be recognition of the union.

Several of the union's demands, of course, are put in for the purpose of trading and are not seriously pressed as grievances. But what these are the union officials will not yet state.

The writer suggested a permanent commission selected by the participants as the solution of the contest. The union leader to whom it was referred stated that there was merit in the scheme, but objected to recognition of the "scabs." The operators, with whom the plan was taken up, objected to the unions and resultant trouble with agitators. Nevertheless, I believe that a plan along the following lines can be worked out and a solution achieved through it. At any rate the situation has grown to such importance nationally that a permanent, neutral board between the two factions must result.

The scheme as proposed to the two factions is as follows:

Outline of a possible scheme of strike settlement.—Two classes are the sufferers in this controversy. In the first are the operators, the union strikers, and the nonunion workers. The second is the public.

No one wins all he strives for. The scheme suggested here is a compromise which offers promise of immediate settlement and possibly a permanent peace in the coal-mining industry of Colorado.

Coal mining has become a quasi public utility. The numerous difficulties between capital and labor require a neutral board to act between both for the interests of all. A State board is political; one selected by the parties directly interested can be nonpartisan, permanent, and effective.

Permanent board.—An impartial board of six members to be selected to act as a third party between the two factions. Three of these members should be composed of persons not directly or indirectly interested in either the coal companies or the unions, these to be selected in such manner as the operators and the unions should agree upon. The other three members to be optional with the interested parties and to have no voting power, being simply advisory, and representing operators, unions, and nonunion men.

This board to be maintained by an equal assessment placed on both sides. There are some 14,000 coal miners in the State. An assessment of $1 a month on each worker and the same amount per worker on the employer should give an ample sum for all purposes set forth herein. This board shall—

(a) Employ checkweighmen at all mines, who shall likewise inspect all scales. (The men by law are now given the right to checkweighmen if they pay for them. Laws 1913, p. 191.)

(b) Employ inspectors at all mines, who shall likewise train rescue workers. (The operators already spend large sums for this purpose.)

(c) Arbitrate, if possible, all differences between miners and operators, except recognition of the union, which shall not be a subject for arbitration, as an absolute open shop shall prevail.

(d) Give entire publicity to all its work and reports and encourage naturalization.

The things to be done by the various factions are:

I. BY THE OPERATORS.

(a) Men may belong to the union if they so desire. (Rev. Stat., 1908, secs. 3924-3925, gives this right.)

(b) Provide a meeting place for all men of camp to gather for whatever discussion they wish without interference. (Right to assemble given by constitution, this simply facilitates that right and provides for comfort therein.)

(c) Employees given an opportunity to purchase homes in mining camps. (This should make a better and more permanent class of employees.)

(d) Abolition of scrip. (Abolished by State law, 1899, p. 426, and also by mining companies, but indirect evasion exists through issuance by some company stores.)

(e) Abolition of all saloon interests, except rental and right of regulation. (Saloons seem to be necessary evils in mining camps or the men won't work. The severer the regulation the better the camp and the greater the output of coal.)

(f) All men formerly employed, except those under indictment, to be taken back to work. (This does not prevent subsequent prosecution of any men found guilty of violence.)

(g) Fullest compliance with the laws and cooperation with the permanent board for at least two years.

II. BY THE UNION STRIKERS.

(a) Call off the strike, and call no new one for at least two years.

(b) To cooperate with the permanent board for at least two years.

III. BY THE INDEPENDENT WORKERS.

(a) To remain at work, free to join a union or keep out, without molestation by either side.

(b) To cooperate with permanent board for at least two years.

CHASE EXHIBIT.

STATE OF COLORADO,
OFFICE OF THE ADJUTANT GENERAL,
Denver, December 12, 1914.

From: The Adjutant General of Colorado.
To: M. J. Dower, secretary in charge of hearings, United States Commission on Industrial Relations, Senate Chamber, Denver, Colo.
Subject: Copies of orders.

1. Replying to your letter of December 11, on the above subject, I would state that a copy of orders pertaining to the campaign will be furnished as soon as they can conveniently be written. They are somewhat numerous and, of course, can not be given publicity until the close of the campaign.

2. A copy of section 308, Revised Statutes of Colorado, governing picketing is herewith inclosed.

JOHN CHASE.

[Chapter XV, Revised Statutes of Colorado.]

Sec. 398. That it shall be unlawful for any person or persons to loiter about or patrol the streets, alleys, roads, highways, trails, or place of business of any person, firm, or corporation engaged in any lawful business, for the purpose of influencing or inducing others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm, or corporation, or to picket the works, mine, building, or other place of business or occupation of such other person, persons, firm, or corporation, for the purpose of obstructing, or interfering with or injuring any lawful business, work, or enterprise; * * *. (L. 1905, p. 160, sec. 1.)

Sec. 402. *Violation of act—Misdemeanor.*—Any person, firm, or corporation violating any provision of this act shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than ten (10) dollars nor more than two hundred and fifty (250) dollars, or to be imprisoned not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. (L. 1905, p. 161, sec. 5.)

HENDRICKS EXHIBIT.

TRINIDAD, COLO., *December 18, 1914.*

HON. FRANK P. WALSH,
Chairman Commission on Industrial Relations:

I have read over my statement given before your commission at Denver and now supplement that statement with copies of telegrams and the military orders and letters which I did not have while in Denver, and I do this because they speak for themselves, where memory might prove faulty.

On November 12, 1913, and before that date, I had been requested by hundreds of citizens in Trinidad to advise them as to whether or not military law had been declared in the State of Colorado. Being unable to answer their requests satisfactorily to myself, I did send a telegram to Gov. AMMONS, of Colorado, which said telegram is as follows, and a copy of which is hereto attached:

NOVEMBER 12, 1913.

GOV. E. M. AMMONS,
Denver, Colo.:

I request that you advise me by wire immediately if you have declared martial law in Las Animas County.

JOHN J. HENDRICK,
District Attorney.

DENVER, COLO., *November 13, 1913.*

J. J. HENDRICK,
Trinidad, Colo.:

Gen. Chase was directed to adopt all legal methods necessary to restore order and maintain law. Please consult him.

E. M. AMMONS,
Governor.

This telegram from the governor to myself did not convey the information I desired, and I could not tell therefrom whether martial law had been declared or not; therefore on the 13th of November I sent another telegram, of which the following is a copy:

NOVEMBER 13, 1913.

GOV. E. M. AMMONS,
Denver, Colo.:

Your telegram fails to give the desired information. Have you as governor proclaimed martial law in Las Animas and Huerfano Counties?

J. J. HENDRICK,
District Attorney.

In response to that telegram I received another telegram from the governor in words as follows:

DENVER, COLO., November 12, 1913.

J. J. HENDRICK,
District Attorney, Trinidad, Colo.:

Referring to your telegram of yesterday, consult Gen. Chase concerning military status of Las Animas County.

E. A. AMMONS,
Governor.

I was unable to determine whether the governor had declared martial law or not, and in his telegrams he absolutely refused to state whether he had declared martial law or not; but, at any rate, martial law prevailed.

A few days after Gen. Chase had threatened to arrest the district attorney and his office force for having dared to do their duty I was served with a notice by John Chase, a copy of which is as follows:

HEADQUARTERS MILITARY DISTRICT OF COLORADO,
Trinidad, Colo., November 15, 1913.

From: Commanding general, Military District of Colorado.
To: J. J. Hendrick, district attorney, third judicial district of the State of Colorado.
Subject: Military prisoners.

1. You are hereby notified that all persons arrested, incarcerated, and held as military prisoners in the counties of Las Animas and Huerfano, State of Colorado, are to be held subject to the order of the commanding general, Military District of Colorado, in regard to their confinement, trial, and final disposition of their cases, which notice you are respectfully requested to observe until further notice from the commanding general, Military District of Colorado.

JOHN CHASE,
Brigadier General, Adjutant General's Department.

This notice, as you will observe, practically prohibited my office from handling the public business of the district; from prosecuting cases in the civil courts, for the reason that we did not know and were never notified who were military prisoners and who were not; that numerous people were arrested and thrown in jail and held there incommunicado during the pleasure of the commanding general.

After this notice was served practically all, if not all, arrests were made by the military power without complaint or warrant, and they handled these criminal matters in such way as suited their pleasure.

In the case of The People *v.* L. A. King, who we had arrested upon a charge of assault to kill, at the instigation of the operators, rough their attorney, Northcutt, and before we were permitted to try the case in the civil court, we received the following order or letter from the military authorities, a copy of which follows and is hereto attached:

HEADQUARTERS MILITARY DISTRICT OF COLORADO,
OFFICE OF THE JUDGE ADVOCATE,
Camp at Trinidad, November 22, 1913.

From: Acting judge advocate.
To: Mr. D. M. Ralston, deputy district attorney.
Subject: The People *v.* L. A. King.

I am advised that a preliminary examination of L. A. King upon a charge of assault to kill is set for to-day. The military authorities have found it necessary and expedient to apprehend King and are detaining him for investigation in connection with certain matters cognizable by the military. It will not be possible to produce King upon his preliminary to-day. Having investigated the matter which he is charged in the complaint in the justice court, we are of the opinion that that particular case should be dismissed, but our present detention of the defendant has nothing to do with that matter. Believing that it would facilitate the work of both your office and mine, I request the dismissal by you of that charge. I trust that you will see your way clear to concur in this matter and will advise me of your action.

EDWARD J. BOOSEVOS,
Major and Acting Judge Advocate, Military District of Colorado.

I was asked while on the stand in regard to the jury system prevailing in Huerfano County, and doubt if I made myself clear to the commission as to the details. I told the commission the statutory mode of drawing and empaneling juries. That is not where the fault is in that county. For about 15 years past Jefferson B. Farr, who testified before the commission, has been sheriff of that county. He dominated the politics of Huerfano County, and no man was elected or could be elected unless it met with his approval. He was a very powerful factor—in fact, the most powerful factor—in politics in that county and seemed to have the power of carrying things just as he pleased; that his word was a command to the voters; that his office was a political headquarters 365 days in the year. In the trial of a criminal case wherein Sheriff Farr took an interest I have never known it to fail in any case that the verdict was not in accordance with his wishes. If he desired a man convicted, there was no lawyer powerful enough to acquit any defendant where Mr. Farr was interested. It made no difference what the facts were, what the evidence was, nor who the party was, he had absolute control of the verdicts of the juries. When it came to summoning a special venire in a criminal case, the venire would be issued by the clerk and handed to a deputy sheriff, the deputy sheriff would make a break for the sheriff's office, which is on the same floor as the court room, and there Mr. Farr, the sheriff, would hand him a list of names to be summoned on the special venire. Always the venire returned would be men absolutely under the control of the sheriff and who would render any verdict desired by the sheriff. Whenever the special venire was exhausted the second, third, fourth, or fifth, if that many were used, would be handled in the same manner and go through the same process and the same result would be reached.

It may seem to an outsider that these statements are quite general and quite broad, but personal observation as well as personal experience have caused me to make these statements as matters of absolute fact. I have never in any community nor at any time or place known or read of any man who had such complete and absolute control over the destinies of the people where their rights and liberties were involved as had and as has Sheriff Jefferson B. Farr, of Huerfano County.

He has openly made the statement that any man could pick a hundred jurors in Huerfano County and that out of that hundred jurors he would pick a jury of 12 men that would render such verdict as might be desirable to him in any case.

This power has come to him and remained with him by reason of the fact that he has been backed up and supported in all his political manipulations by the large and powerful coal companies who operate in Huerfano County.

As an example of unwarranted military interference with regard to my duties as district attorney, I wish to cite one instance which originated in Aguilar, in Las Animas County.

A complaint was made by a woman under the statute against her husband for nonsupport of her and her family. This man had deserted his wife and family and was working in one of the coal mines near Aguilar. The complaint was lodged with the justice of the peace at Aguilar and the warrant was issued for this man's arrest, placed in the hands of a duly elected constable for service. He proceeded to the coal mine of the Victor American Fuel Co. at Delagua for the purpose of arresting the party for whom the warrant was issued. He was prevented by the military from serving the warrant, and he himself was placed under arrest and held a prisoner for several hours, and was not allowed to arrest the criminal, although the defendant was working in the mine where these militiamen were doing guard duty.

There are numerous other instances of military interference with the civil authorities, but I cite this as one of the rankest examples of their lawlessness and disregard for all civil law and authority.

DOYLE EXHIBIT NO. 1.

EVIDENCE OF ALBERT ZINK.

Q. Are you a citizen of Colorado?—A. Yes, sir.
Q. How long have you lived in Walsenburg?—A. Seven years.
Q. Were you in Walsenburg on October 24, the day the shooting took place on Seventh Street?—A. Yes, sir.
Q. Were you an eyewitness to that shooting?—A. Yes, sir.

Q. Just tell in your own way what you saw relative to the shooting.—A. I was painting my house on that day, and a bunch of four or five men came by my house and I heard them say there was a bunch of guards down at the corner drunk, and I went down.

Q. What did you go down for?—A. Oh, I don't know; I just went down to see what was going on.

Q. And when you got down there what did you see?—A. I saw about 15 or 18 guards standing in the alley back of the houses. There was a woman talking to a guard at the entrance of the alley, and I went up to see if the guards were drunk. They did not appear to be drunk, but they all had rifles; then I came back and stood at the corner of Seventh Street.

Q. And from where you stood on Seventh Street, could you see the teams that carried the furniture when they pulled out of the alley?—A. Just as plain.

Q. And when they came out of the alley, they came down the cross street and turned up Seventh?—A. Yes, sir.

Q. How many teams were there?—A. Three.

Q. And when the teams pulled out of the alley, they came down the cross street and turned to the left and went down Seventh Street?—A. Yes, sir.

Q. Now, up to this time was there any firing?—A. No, sir.

Q. You say all the guards had rifles?—A. Yes; they had rifles and revolvers both.

Q. Did you see anybody else with guns there?—A. None but the guards.

Q. What provocation if any, in your judgment, did the guards have for shooting?—A. I didn't see any; the street was full of children, and they were chasing after them and throwing tin cans and bits of dirt at them.

Q. How many people were on the street, do you think, at the time?—A. As near as I can remember there was in the neighborhood of 200.

Q. Now, from where you stood did you see the first shot fired or did you only hear it?—A. I saw the first shot fired and it was fired by a guard. I don't know who he is. He fired from the corner of Seventh Street, right near the Richards house.

Q. Was this man, who fired this shot, on foot or on horseback?—A. He was on foot.

Q. How many shots in all do you think were fired?—A. About 50.

Q. After the shooting started, what did the guards do?—A. They all lined up across the street and gradually backed away until they got down the cross street quite a ways.

Q. Did they keep on shooting, as they backed away?—A. You bet.

Q. And after they stopped shooting, what did they do?—A. They went in the direction down to the courthouse. I didn't see them after that.

Q. After the guards went away, what did you do?—A. I went around and saw the men that were killed, after which I went home.

Q. Is this the only shooting scrape you know of where the guards did the shooting?—A. I heard some shooting before that yet.

Q. What do you mean, on the same day?—A. No; it was several days before that.

Q. Where did this shooting take place and who did it?—A. It took place at the end of Seventh Street, and, I think, the shooting came from the guards on the Colorado Fuel & Iron property. I heard the bullets whistle and all the bullet holes I saw the next day came from that direction. A German fellow's house was shot through and the bullet passed about 1 foot above the bed, where a boy 10 years old was sleeping. I was in the house the next morning and traced the course the bullets took.

Q. Was there anything done on the part of the authorities to apprehend the parties who did the shooting?—A. Not so far as I know.

EVIDENCE OF H. C. JOHNSON.

Q. Where were you on the 24th of October, 1913?—A. Walsenburg.

Q. Do you know of any persons being shot in Walsenburg on that day?—A. Yes.

Q. Where did that shooting take place?—A. On Seventh Street, six blocks west of Main Street.

Q. At what time in the day did the shooting occur?—A. As near as I can remember it was between 4 and 5 o'clock in the afternoon.

Q. Did you see anybody do the shooting?—A. Yes.

Q. Who was the party who did the shooting?—A. I don't know. He was a stranger to me.

Q. How far were you away from the man you saw shoot?—A. I was on the opposite side of the street and about 150 feet east of the man I saw shooting.

Q. Did you see any more than one man shooting?—A. I saw three shooting.

Q. What kind of a gun did these men use?—A. Rifle.

Q. Where were you standing relative to the man who you saw shooting?—A. I was opposite No. 627 and the man I saw shooting was on the corner of Seventh Street and the cross street running north and south.

Q. Was this man on foot or on horseback?—A. He was on horseback, but jumped off his horse before he fired a shot.

Q. Did this man you saw shooting hit anybody as you think?—A. Yes. I saw a man fall immediately right in front of Fred Richards's house.

Q. Did this man you saw shooting fire any more than one shot?—A. Yes. He fired several shots.

Q. Did you see anybody else using a gun?—A. Yes. There was 15 or 20 men, some were on foot and some were on horseback, and I should judge I saw two or three men shooting from the ground and several shots were fired from men on horseback.

Q. Was there apparently quite a number of people on the street at the time?—A. There was a man moving his furniture from No. 627 to the camps. The teams were company teams and in charge of the guards.

Q. Where were these teams when the shooting started?—A. They were going up Seventh Street toward the company's property.

Q. How far would they be away from the house where they took the furniture at the time the shooting commenced?—A. As near as I can judge, they would be 100 yards.

Q. Was there any demonstration being made by the men you saw standing around?—A. No.

Q. What, then, in your judgment, did the guards shoot for?—A. There was nothing that would justify the shooting.

Q. Did not the women try to stop the teams from taking the furniture out of the house?—A. I don't know. When I got there the teams was leaving the alley at the rear of the house. I stood and watched them pulling out of the cross street onto Seventh Street, and I should judge the teams were fully 100 yards away when the firing began.

Q. Was there any attempt made on the part of anybody to apprehend or stop the teams from pursuing their way?—A. No.

Q. Did you see anybody throwing anything at the teams or guards?—A. I saw the women throwing tin cans and old brooms and such stuff at the teams and guards.

Q. Were there any school children on the street at the time this shooting took place?—A. Yes. School was just let out.

Q. Did you see anybody shooting outside of the guards?—A. No.

Evidence of Samuel Hauser, American.

Q. Where were you born?—A. Washington, Ind.

Q. How old are you?—A. Twenty years.

Q. How long have you lived in Walsenburg?—A. Between seven and eight years.

Q. Were you in Walsenburg on October 24, the day the shooting took place on Seventh Street?—A. Yes.

Q. Did you see the shooting?—A. Yes, sir.

Q. Where do you live in Walsenburg?—A. At 704 Seventh Street. Almost opposite to where the shooting took place.

Q. Tell the committee in your own way what you know about the shooting—A. I was standing in my own yard when the teams carrying the furniture came out of the alley onto the cross street, and there the guards were with them; some were on horseback and some were on foot. After the wagons had turned the corner into Seventh Street I heard a shot and when I looked around I saw a guard bringing his gun down from his shoulder.

Q. Did you see this man fire again?—A. I don't know. There were several shots fired. I saw Jess Bussell run up and shoot the Finlander in front of Richards's house. I think he was shot before, because he leaned over and put his hands on his stomach.

Q. How long do you think the shooting lasted?—A. I don't know; perhaps about five minutes.

Q. Did you remain in your own yard all this time?—A. No; there was a bunch of women rushed up on our porch and pushed me in with them.

Q. Did you hear any shooting after you got to that house?—A. Yes, sir. Perhaps two or three shots.
Q. Did you see anybody else with guns that day?—A. No.
Q. Do you know this man Foster who is charged with having a gun?—A. No.
Q. Did you testify in the Foster case?—A. No.

EVIDENCE OF MANUEL TAFOYA, MEXICAN.

Q. Were you born in Colorado?—A. Yes.
Q. How long have you lived in Walsenburg?—A. About 17 years.
Q. Were you in Walsenburg on October 24, 1913, the day the shooting took place on Seventh Street?—A. Yes.
Q. Did you see the shooting yourself?—A. Yes, sir.
Q. How did you come to be on Seventh Street at that time?—A. I live at 634, right across the street from where they were moving the furniture.
Q. And you were there when the shooting commenced?—A. Yes.
Q. Tell the committee in your own way what you know about the shooting. (Here the witness tells the ordinary story of the shooting.) Were there some of the guards mounted and some on foot?—A. Yes.
Q. How many of the guards were mounted?—A. I don't know.
Q. Did you notice which way the guards went after the shooting?—A. Some went down toward the railroad track and the rest followed after the wagons.
Q. Were those who followed after the wagons on horseback or on foot?—A. On horseback.
Q. Where were you standing when the first shot was fired?—A. In front of the house where they were moving the furniture from.
Q. And you saw the man that fired that first shot?—A. Yes, sir.
Q. Where was he standing when he shot?—A. On the cross street near the nigger woman's house.
Q. Do you know this man when you see him?—A. No; I didn't see him close.
Q. Was he on foot or on horseback?—A. On horseback.
Q. Did you see anybody else have any guns except the guards?—A. No.
Q. Did you testify in the Foster case?—A. No.

EVIDENCE OF ALEXANDER OSTIER, AUSTRIAN.

Q. How old are you?—A. Twenty-one.
Q. How long have you lived in Colorado?—A. Fifteen years.
Q. Are you living in Walsenburg at present?—A. Yes.
Q. How long have you lived in Walsenburg?—A. About eight months.
Q. Were you in Walsenburg on the 24th of last October?—A. Yes, sir; I was.
Q. Do you know Mr. Predit?—A. Yes.
Q. Were you with him on that day?—A. Yes.
Q. Whereabouts do you live?—A. I live on Seventh Street now, but at that time I lived at 530 Wyoming Street.
Q. How did you come to be on Seventh Street the day of the shooting?—A. I went with the crowd up there.
Q. What crowd?—A. I was standing by the pool room on Main Street and I saw a number of people going toward Seventh Street and I went too.
Q. Did you know why all these people were going toward Seventh Street?—A. No. I didn't know at this time. I thought there was fighting up there and I went to see.
Q. When you got up there what did you see? Just tell it in your own way.—A. I saw women on the inside of the fence throwing sticks and tin cans at the furniture and hollering "Scab," and the guards was in the alley back of the house looking at the women. After they got the furniture loaded, they pulled out and the guards went with it. When they got out to the corner of Seventh Street the guards began to shoot. The first shot was fired by Jess Russell and killed an Italian.
Q. How do you know it was Russell who fired the first shot?—A. I saw him throw up the gun and fire.
Q. Where were you standing at this time?—A. I was standing right in front of 638; when I saw two men shot, I ran into the house.
Q. Where was Russell standing when he fired?—A. He was at the corner of Seventh Street near Richards's house.
Q. Was he on foot or was he on horseback?—A. He was on foot.

Q. Was there anybody else shooting besides Russell?—A. There was a bunch of shots fired. I thought they were all firing.

Q. Did you see anybody else with guns outside of the guards?—A. No.

Q. How many people do you think there were in the street when the guards began to shoot?—A. There was a big bunch of people, lots of women and children.

Q. How was it that there were so many children there?—A. On account of the schoolhouse there—the school was just let out.

Q. You say you saw Russell fire the first shot; did that shot hit anybody?—A. Yes; he got that Italian. I jumped inside of the fence and got in the clear.

EVIDENCE OF TONY BRICH.

Q. Where were you born?—A. Austria.

Q. How old are you?—A. Thirty-six.

Q. How long have you lived in Walsenburg?—A. Eight years.

Q. Were you in Walsenburg on that day? Do you know anything about it?—A. Yes; there was shooting on Seventh Street.

Q. Tell us in your own way the story. You were downtown and saw two wagons loaded with guards?—A. Yes.

Q. Where were they going?—A. They came off of Fifth Street, went through to White City, and then came out on Sixth Street, then upon Seventh Street to Mrs. Pisarcyk's house. This number is 627 Seventh Street. When they got there they started to move the furniture onto the teams. When I got there there was one wagon already loaded.

Q. How many guards did you think were there?—A. About a dozen anyway.

Q. Did they all have guns?—A. Everyone had two, not just one.

Q. Did you see anybody else have any guns besides the guards?—A. No; I didn't.

Q. Was there quite a number of people in the street at that time?—A. Yes; from three to four hundred people.

Q. Did you see the men doing anything in the way of throwing stones?—A. No men; but I saw the children throwing them.

Q. Where were you while they were loading the furniture?—A. I was standing in the middle of Seventh Street looking into the yard.

Q. You could see them then loading the furniture from where you were?—A. Yes; I could see them.

Q. How many wagon loads of furniture were there?—A. (No response.)

Q. Did you stand there until you saw the wagons loaded and moved away?—A. Sure.

Q. Where were the wagons at the time of the first shooting?—A. The wagons had pulled out of the cross street into Seventh Street, and the guards lined up on the cross street and began shooting down Seventh Street toward the town.

Q. Did you see the first shot that was fired?—A. Yes, sir.

Q. Would you know the man if you saw him who fired the first shot?—A. Yes; if I saw him.

Q. Did this shot that was fired hit anybody?—A. Not the first one. With the second shot the Italian fell.

Q. Did you see the Italian after he was shot?—A. Sure I saw him.

Q. Was there anybody else shot besides this Italian?—A. Yes; this man, the Finlander, shot in front of Richard's house.

Q. Was that all the people that were shot?—A. No; one Austrian fellow was shot and died the next day, and an American shot through the foot.

Q. What, if anything, in your judgment was there to make the guards shoot at the people?—A. Because the children and women called them scab herders.

Q. They did not offer any violence?—A. No, sir.

Q. How many shots do you think the guards fired?—A. I can't tell.

Q. Would there have been 50 shots?—A. More than that.

Q. And after they had stopped shooting, what did the guards do?—A. They just ran away to the fence of the company ground.

EVIDENCE OF ANNA PISARCYK.

Q. Where were you born?—A. In Pueblo.

Q. How long have you lived in Walsenburg?—A. Fifteen years.

Q. Were you in Walsenburg on October 24?—A. Yes, sir.

Q. There was considerable shooting done here that day. Do you know anything about it?—A. Yes, sir.

Q. Were you an eyewitness to that shooting?—A. Yes, sir.

Q. Tell us in your own way what took place. Where about on Seventh Street did this shooting take place?—A. On the corner of Seventh and the cross street in front of Richard's house.

Q. What in your judgment led up to the shooting? What provocation if any did the guards have for shooting?—A. No provocation. My husband ordered the guards off his property and out of the yard.

Q. What were the guards doing in that yard?—A. Standing with their guns, looking at the people.

Q. Were the teamsters loading the furniture on the wagons at this time?—A. Yes, sir.

Q. When your husband ordered the guards out of the yard did they go out?—A. Not until "Shorty" Martinez ordered them out.

Q. You heard "Shorty" Martinez tell them to get out of the yard, did you?—A. I did not, but my husband did.

Q. When the furniture was loaded on the wagons and they started to move out of the yard into the alley, and from there on Seventh Street, were you in a position to see the teams as they moved out?—A. Yes, sir.

Q. Was there any attempt made to keep the teams from driving away?—A. Nothing except children were throwing stones at the wagons.

Q. Where were you at the time the teams started to move?—A. I was standing in the yard of Mrs. Thomas. I saw the teams drive out of the yard into the alley; then I went out on to Seventh Street and walked along toward Richards's house. I saw the teams when they came around the corner and turned up Seventh Street, and the deputies were following the crowds.

Q. Where you standing relatively when the shooting began?—A. On Seventh Street, near Mrs. Richards's house.

Q. Did you see or hear the first shot that was fired?—A. I saw the first shot.

Q. Do you know who it was that fired the first shot?—A. Yes, sir.

Q. Who was it?—A. Jess Russell.

Q. Where were you relative to the first shot that was fired?—A. I was in front of Mrs. Richard's house.

Q. Are you positive it was Jess Russell that fired that shot?—A. Yes.

Q. And you saw the Finlander stagger toward the fence and you turned and ran back to Mrs. Thomas's house?—A. Yes, sir.

Q. Did you see any other shooting after that?—A. No, sir.

Q. Did you hear any other shots?—A. Yes, sir.

Q. How many shots do you think were fired?—A. So many, I don't know.

Q. Were any of the guards arrested and charged with the shooting?—A. No.

Q. Was anybody arrested charged with the shooting?—A. Not that I know of.

Q. You were summoned as a witness to testify in court relative to this shooting in a case in which a man by the name of Foster was charged with having fired the first shot?—A. Yes; I testified in this case.

Q. Did you see this man Foster that day?—A. No, sir.

Evidence of Miss Nelson.

Q. How old are you?—A. Twenty-two.

Q. Where were you born?—A. Walsenburg.

Q. Was you in Walsenburg on October 24, 1914?—A. Yes.

Q. There was some shooting done in Walsenburg on that day; do you know anything about it?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. How did you come to be on Seventh Street at this time?—A. I saw the people going there and I was curious to know what was going on and I followed the crowd. When I got there they were loading wagons up and ladies were throwing rocks and tin cans and they were hollering "scabs."

Q. What did you see then?—A. I came out on Seventh Street.

Q. What did you see from Seventh Street?—A. I saw the teams coming down the cross street and turning up Seventh Street.

Q. Where were the guards then?—A. They were following behind the teams. I saw Jess Russell pull his gun to his shoulder and I saw him pull the trigger and shoot. The first shot killed the Italian. Then I went in the house.

Q. You say that when you got there they were loading the furniture into the company teams in the back yard, this house, No. 627?—A. Yes, sir.

Q. Now, there was quite a number of people around?—A. Yes; quite a few.
Q. Did you see any guns or weapons outside of those the guards had?—A. No, sir.
Q. Did you see the men make any attempt to prevent them loading the furniture on the wagons?—A. No.
Q. Did you see the women make any attempt?—A. No. They only threw tin cans and coal and hollered "scabs." They tried to play the hose on them, but it would not reach.
Q. You saw the teams, did you, when they started to move into the alley and down the street toward Seventh Street?—A. Yes, sir.
Q. Where were the teams when the first shooting began?—A. They were turning out of the side street onto Seventh Street.
Q. And where were you standing at that time?—A. I was standing on the opposite side of the street on Seventh Street.
Q. From where you were standing, could you see the first shot that was fired?—A. Yes, sir.
Q. Do you know the man that fired the first shot?—A. Yes, sir.
Q. What is his name?—A. Jess Russell.
Q. When you saw Jess Russell fire did he hit anybody?—A. I don't know whether he hit anyone, but the Italian fell just as soon as that shot was fired.
Q. Was there any other shots than this you heard fired?—A. Yes.
Q. How many shots in all do you think were fired?—A. I can't tell.
Q. Would there be 25?—A. More than that I think; perhaps 50.
Q. Now, there were other parties that besides this Italian you saw fall?—A. Yes.
Q. Did you see any other people after the shooting was over?—A. I saw the fellow they called "Kris" through the window lying on a table.
Q. How many people do you think were in the street at the time they started the shooting?—A. Between two and three hundred.
Q. About what time of day was this?—A. About 3.30 or 4 o'clock.
Q. Were there any children in the street?—A. Yes. They were just coming out of school up the street.
Q. After the shooting was over, did you notice which way the guards went?—A. I don't know. I went in the house.
Q. After the first shot was fired and you saw this Italian fall, you went into the house?—A. Yes, sir.
Q. You were not on the street after that until it was all over?—A. After it was all over.

EVIDENCE OF MR. ROMANOWSKI.

Q. How old are you?—A. Seventeen.
Q. How long have you lived in Walsenburg?—A. Four years.
Q. Where were you on October 24 when the shooting took place on Seventh Street?—A. I was down there where the shooting was.
Q. What were you doing on Seventh Street at that time?—A. I live on Seventh Street.
Q. Where were you when the shooting took place?—A. I was standing in front of the colored fellow's house on Seventh Street.
Q. Did you see anybody shooting?—A. Yes; I saw the guards shooting.
Q. Do you know any of the guards who done the shooting?—A. Yes; I know Jess Russell.
Q. Did you see Jess Russell shoot anybody?—A. Yes; he shot at me; and I lay down and he shot through my cap and hit the Finlander in the stomach and killed him.
Q. There was quite a lot of people around there at the time, were there not?—A. Yes; I think there was about two hundred.
Q. Were there any children on the street at the time?—A. Yes; school was just let out.
Q. Did you see anybody do any shooting besides the guards?—A. No.
Q. Did you see anybody have any guns besides the guards?—A. No.
Q. How did you come to be down there at that particular time of day?—A. I was down town and I saw the guards going up Seventh Street and somebody said they were going to move some scabs, so I went up Seventh Street to see them move the scabs.
Q. Did you see them moving the scabs?—A. Yes; the stuff was all loaded on the wagons when I got there and they started out.

Q. You say, started out; where were the teams when you saw them?—A. They were in the yard back of the house; they were all loaded and were just starting out.

Q. And you saw the horses pulling out of the yard back of the house and they came through the alley into the cross street and out onto Seventh Street?—A. Yes.

Q. Where were the teams when you saw the first shot fired?—A. They were coming down the street and the guards were following in back of them.

Q. Did you see anybody throwing stones or the guns or anything else at the guards?—A. No.

Q. You say that Jess Russell shot through your hat and the bullet hit the Finlander; did you see him shoot more than once?—A. Yes; he shot at him about four times.

Q. Was Russell on foot or on horseback?—A. He was on foot.

Q. Did you see this Finlander after the shooting was over?—A. Yes.

Q. How many times was he shot?—A. Twice.

Q. Did you see any other men that were shot?—A. Yes; I saw an Italian who was shot through the head.

Q. Was he dead?—A. Yes.

Q. Did you see anybody else besides the Italian?—A. Yes; I saw a Slav who was shot and died next day.

Q. Did you see any others?—A. Yes; I saw a man who was shot through both feet.

EVIDENCE OF TOM HEWETT.

Q. Where do you live?—A. Walsenburg.

Q. How long have you lived in Walsenburg?—A. I lived here for two years this last time.

Q. Were you in Walsenburg on the 24th of October, 1913, the day the guards did the shooting on Seventh Street?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. Where were you at the time the shooting took place?—A. Right across the street from where they were moving out the furniture.

Q. What were you doing there at that time?—A. I was at my own place of business.

Q. What business are you in?—A. Butcher business.

Q. And from your place of business you could see what was going on across the street?—A. Yes.

Q. Tell the committee in your own way what you saw.—A. When the wagons came out of the side street on to Seventh Street there was a lot of children there, and they began to cheer and holloo "wah" and throw bits of dirt at the wagons.

Q. Did you see anybody shoot?—A. Yes; I saw Jess Russell come around the corner of Mrs. Richards's house and fire into the crowd, and I saw the Italian fall down on the sidewalk.

Q. Was Jess Russell the only man you saw using a gun?—A. No; I saw all the guards firing.

Q. Did you see anybody else using a gun besides the guards?—A. No.

Q. Was the fact that the children were taunting the guards the only provocation they had to shoot?—A. Yes.

Q. Where were you when they were loading the furniture on the wagons?—A. I was standing in front of the house where they were taking the furniture out of.

Q. From where you stood could you see into the back yard where they were loading the furniture?—A. Yes.

Q. Did you see any guards back there?—A. Yes; and Albert who owns the property ordered them out of the yard.

Q. Did you hear him ordering them out of the yard?—A. Yes.

Q. Where did they go then?—A. Just out of the yard in the alley.

Q. How many teams were there?—A. I only saw them loading one team.

Q. Did you see the team when it started to move out of the yard?—A. Yes. That was the time I moved back to my shop again.

Q. Did you see anybody try to stop the teams?—A. No.

Q. And you say that when the teams were turning the corner into Seventh Street you saw Jess Russell shoot into the crowd?—A. Yes.

Q. Was he on horseback or on foot?—A. On foot.

Q. You knew Jess Russell when you saw him?—A. Yes.

Q. Were there many people on the street at the time?—A. Yes; there was between three and four hundred—perhaps five hundred.

Q. And a great number of them were children, were they not?—A. Yes; the school was just let out and there was all kinds of children and women in the street.

Q. How many guards do you think were there?—A. I don't know. There must have been between 15 and 20—perhaps more.

Q. How many shots do you think were fired?—A. I don't know; perhaps between fifty and a hundred. I done some soldiering myself, and in fast shooting three or four men are liable to fire at the same time.

Q. Did you notice which way the guards went after the shooting?—A. No. I went over where the dead men were and did not see where the guards went.

EVIDENCE OF WILLIAM PROVITT.

Q. How old are you?—A. Twenty-eight.

Q. Are you a resident of Walsenburg?—A. Yes.

Q. Was you in Walsenburg on October 24 when the shooting took place on Seventh Street?—A. Yes.

Q. What do you know about that shooting, just tell it in your own way.—A. (The witness here tells a well-connected story of how he and two others, Charley Dorley and a man who went by the name of "Alick," a Slav, saw about 20 guards moving through the town shortly after midday and out of curiosity followed them until they finally reached Seventh Street).

Q. About what time in the day would that be?—A. Between 3 and 4 o'clock.

Q. How do you know it was between 3 and 4 o'clock?—A. As I remember, the school children were let out of school just at that time.

Q. Was there many people on the street at that time?—A. Yes; quite a crowd.

Q. Did any of this crowd outside of the guards you have spoken of have any guns?—A. No.

Q. Did you see any men throw stones or anything else at the guards?—A. No.

Q. There was quite a lot of women there was there not?—A. Yes.

Q. Did you see the women throwing anything at the guards?—A. I saw a woman in the yard next to where they were loading the furniture pick up some pieces of nut coal and toss it over the fence at the mules.

Q. Where was you standing when you heard the first shot?—A. I was on the corner of Seventh Street and in front of Simon's house.

Q. Did you see the first shot fired?—A. No. I only heard it.

Q. What did you do then?—A. I turned and looked in the direction from which I heard the shot fired and I saw a man raise his gun and fire. After he fired he ran down the street and shouted, "line up boys," and the guards ran around and down by him, leaving him at the rear of the line. Then he raised his gun and fired again and shot a man who was standing in front of Fred Richard's house.

Q. Do you know what this man's name is who you saw shoot this man in front of the Richard's house?—A. No.

Q. Can you describe him to the committee?—A. Yes; he had on a gray sweater coat and wore a large mustache.

Q. How many shots in all do you think was fired?—A. I should judge between 25 or 30 shots.

Q. Was there anybody else shot besides this man you refer to?—A. Yes. There was three other shot.

Q. After the guards stopped firing, what did you do then?—A. I started to cross the street to where the man lay who was shot in front of Richard's house. "Shorty" Martinez was coming out of the side street on horseback. He was apparently trying to get his gun back into his scabbard, and he said, "Now see," with a sarcastic grin on his face.

Q. What did you say to him?—A. Yes; but they didn't none of them fellows have any guns, and he said, "no."

Q. What did you do then?—A. I went over and looked at the man who was shot.

Q. Was he dead when you got there?—A. No.

Q. What did you do with this man?—A. I didn't do anything. I went on down the street to where there was an Italian laying on the street dead.

Q. Was this all the dead men you saw?—A. Yes.

Q. Was there anybody else shot during that time do you know?—A. Yes. Mr. Youst was shot through the neck, but I did not see him.

Q. Was there any others?—A. Yes; there was a Slav shot through the neck, but I did not see him.

Q. You mentioned that school was let out about that time. Was there any school children on the street when the firing was going on?—A. Yes; all the school children were out on the street at the time.

BOYLE EXHIBIT NO. 8.

Membership from ledger of district No. 15, U. M. W. A., Nov. 30, 1914.

Subdistrict No. 1:		
Local Union No.—		
84, Superior, Colo	72	
1288, Lafayette	260	
1903, Louisville	451	
2482, Gorham	120	
2945, Layden	82	
		1,085
Subdistrict No. 2:		
Local Union No.—		
2409, Coal Creek	186.5	
2546, Brookside	187	
2930, Prospect Heights	120	
2963, Rockvale	351	
3002, Williamsburg	194	
3022, Florence	113.5	
		1,152
Subdistrict No. 3:		
Local Union No.—		
423, Walsenburg	78	
2984, Walsenburg	249	
2991, Soller	213	
3001, Maitland	53	
3012, Toltec	80	
3013, Shawway	98	
3016, Ideal mine	200	
3017, Strong	96	
3018, Ojo	164	
3020, Lester	82	
3024, Tioga	178	
3025, Black Cannon	80	
3033, La Veta	70	
3035, Tioga	97.5	
		1,690
Subdistrict No. 4:		
Local Union No.—		
408, Forbes	27	
2000, Aguilar	246	
2372, Trinidad	280	
3003, Rugby	64	
3004, Segundo	170	
3005, Segundo	118	
3007, Starkville	220	
3008, Cokedale	167	
3009, Ludlow	200	
3010, Bowen and Suffield	280	
3011, Tercio	86	
3014, Piedmont	127	
3015, Sopris	162	
3026, Wootton		
3034, Grey Creek	86	
3036, Rugby	120	
3044, Eaton	124	
		2,421

Subdistrict No. 5:		
Local Union No.—		
1772, Palisades	44	
2089, Baldwin	33	
2028, New Castle	80	
2062, Glenwood Springs	60	
2256, Crested Butte	350	
		587
Subdistrict No. 8:		
Local Union No.—		
1662, Curtis	125	
2179, Roswell	28	
2051, Roswell	62	
		215
Subdistrict No. 9:		
Local Union No.—		
995, Puritan	34	
1417, Erie	71	
2753, Frederick	159	
2502, Dacona	18	
		281
Subdistrict No. 10:		
Local Union No.—		
2885, Oak Creek	324	
2088, Junction City	42	
		366
		7,917

DOYLE EXHIBIT NO. 8.

(In pencil:) DENVER, COLO., *December 16, 1913.*

Whereas the Colorado State Federation of Labor, now in convention assembled in Denver, consisting of over 500 delegates, representing the allied bodies of working people in every section of the State, has been called for the purpose of considering the strike of the Colorado coal miners, and for the purpose of considering the conduct of the militia and their officers, and those responsible for such conduct; and

Whereas the convention has made a careful investigation into the said matters for which it was called to assemble; and

Whereas it is deemed advisable to publish to the people a declaration of the grievances to which said coal miners and their families, and those who sympathize with them in their efforts to better their conditions of life and to obtain greater safety in their work, have been submitted, and to adopt resolutions touching the said situation as it has existed and now exists; therefore, It is hereby declared by the convention, after a careful review of the whole situation, as follows:

First. That the working people of the State of Colorado, without regard to the particular branch of industry in which they are engaged, indorse in the most emphatic and earnest manner, the calling of the coal miners' strike. They hereby pledge to the said striking miners their most earnest, hearty, loyal, and unfaltering support, both morally and financially, in the great struggle in which they are engaged. The working people of this State recognize that the contest of any branch of labor to better its condition is the contest of every workingman, and the convention now assembled assures said coal miners that the whole body of the working people of this State stands shoulder to shoulder and man to man with them in the contest in which they are engaged, and will so stand with them until said strike is settled upon honorable and fair terms satisfactory to said miners, no matter how long it may last. The convention sends to the miners in their tents and colonies throughout the State, and to their wives and children, the message to be of good cheer, and to remember that they do not stand alone. The convention bids them to remember, in the face of persecution, that no such cause has ever triumphed without martyrdom. It bids them to bear in mind that they have back of them the unbounded admiration, love, and appreciation of other work-

ers throughout this Nation. It bids them bear in mind that the persecutions practiced upon them so long, first by the coal operators and then by the military satraps, can not go on much longer. Already a brighter day is dawning, and soon the entire State and Nation will shout in unison that their demands may be granted. Martyrdom for such a cause is glorious. Persecution only hastens the day of triumph.

Second. The working people of this State, through their hundreds of delegates now assembled, resent in the most emphatic terms the statements, so industriously circulated by the coal operators and those ignorant of the true conditions, that the strike of the coal miners was brought about through the efforts of so-called agitators, and did not represent the real wishes of the miners themselves. The facts shown by our investigation are that the miners themselves were unanimous in their demand that a strike be called. Week after week, and month after month, for a long time preceding the strike, the men who work underground, pressed upon their local district, State, and national officers their demands that a strike be called, until the pressure became so great that it could no longer be resisted. The men who work underground, those who take their lives in their hands every day and go down into the mines, never knowing but what they have gazed for the last time into the faces of their wives and children, declared that conditions were intolerable.

The mine owners were defying the laws of the State, passed to prevent mines from being mere death traps. The mine owners were continually and constantly cheating their men out of their just wages by giving them false weights on coal.

The mine owners were defying the law which provides for a checkweighman. They were discharging men who undertook to insist upon the enforcement of this law.

The mine owners were violating the law requiring that there be no discrimination against men who join unions. Banded together themselves, they denied the right of the workingman to organize for his own benefit. They rightly argued that with a strong union organization the miners would be in a position where they could make demands and not have to crawl before their employers like serfs, slaves, and peons.

The mine owners were robbing their men through the guise of company stores, at which they were given to understand they must trade in order to hold their places.

The mine owners were using the iniquitous scrip system.

The mine owners, in many instances, controlled the county and precinct officers, for the express purpose of preventing an aggrieved miner from getting justice. Not a single coroner's jury in Huerfano or Las Animas County has for many, many years passed the slightest criticism upon a mine owner, no matter how terrible and shocking was the carelessness which caused explosions in which hundreds of lives were snuffed out. To elect officials who would do their bidding, corruption, bribing, and bulldozing of the most terrible sort have been effectively resorted to by operators and their agents.

The mine owners have at all times had under their command, to do their bidding, large numbers of men hired, paid, owned, and controlled by the mine owners, who were commissioned as deputy sheriffs. Thus, under the guise of law, the mine owner could have arrested a miner, have him carried before and convicted by a justice of the peace, who was another tool of the operator, and have him thrown into jail, in the custody of a brutal jailer, still another tool of the operators.

The Colorado mine owners refused their men a living wage. They continually refused to pay them the wages which the operators in our sister State of Wyoming were glad to pay, while, at the same time, they were, by their combinations in violation of law, continually raising the price of coal on the people of Colorado.

Little wonder that the miners demanded that a strike be called. The great wonder is that a strike was not called earlier. It should not be forgotten, also, that no strike was called until repeated efforts were unavailingly made for a conference with the operators. Like the overlords and feudal barons of old, the coal operators took the position that it was beneath their dignity to have any conference. Patiently and forbearingly and courteously the union officials repeatedly asked for a conference, but none was granted, and then, as a last resort, after many weeks, when the demands of the miners could no longer be denied, the strike was called. To such a strike, forced upon us by the haughty, tyrannical, and overbearing conduct of capital, the workingmen of Colorado pledge the support of themselves, their lives, and their property.

The convention expresses to Messrs. White, Hayes, Green, Lawson, McLennan, Doyle, and other officers and leaders of the United Mine Workers of America, their unbounded confidence in the work they are doing to support the striking miners, and return thanks to Almighty God that there are such men in the ranks of the working people. The convention bids them to remember that Wendell Phillips, Charles Sumner, John Brown, and many other men to whom the American people are now building monuments, were, in their day and time, classed as undesirable agitators. The officers of the United Mine Workers of America are men who know the coal-mining business from top to bottom. They have been selected by the miners as their representatives because they are men of sobriety, industry, energy, intelligence, and loyalty to their brother workmen. It is an insult to common decency and to every workingman in the United States for an employer to say that he will have no conference with such men, and this convention now goes on record that it is its judgment that unless a conference is granted the strike should continue as long as a workingman is left alive in this country.

Third. The convention has carefully reviewed and considered the course of the militia sent by Gov. Ammons to Huerfano and Las Animas Counties. It finds and declares:

1. That the constitution of Colorado expressly provides that the "military shall always be in strict subordination to the civil power."

The courts of Huerfano and Las Animas Counties have been open and actively engaged in the trial of cases, unimpeded and uninterrupted. Yet, John Chase, the commanding officer of the militia, had no sooner reached those counties with his militia, than he declared that martial law was to prevail, and that his arbitrary will was to supersede all law and all courts. Thomas Jefferson, in the famous Declaration of Independence, wrote that one of the greatest grievances of the colonies was that the King of England had attempted to subordinate the civil to the military power. Chase and Maj. Boughton, both of them Peabody appointees and tools of the mine owners of the Cripple Creek days of deportation, formally published an announcement that they had formed a military court which would try and execute striking miners without judge, jury, or counsel. They hoped thus to terrify the strikers into going back to work. That they knew they had no such power, and that they were acting in violation of all decency and law, is conclusively shown by the fact that although this drumhead court was formed weeks ago, Chase and Boughton have not had the courage to dare to put a single man on trial. The convention puts itself on record as believing that the military officers only desisted from their purpose to try men without judge, jury, or counsel by the fear of the terrible retaliation that would follow such a course. The working people of Colorado are peaceful and law-abiding, but if a workingman is ever tried and executed in this State by military commission when the courts are open and unimpeded, then other lynching parties are liable to be formed. If this be treason, let the coal operators make the most of it.

Thwarted in their desire to execute miners without judge or jury, Chase and Boughton have, since the first day they went to Huerfano and Las Animas Counties, violated and trampled upon every constitutional right guaranteed to the people of this country. They have arrested and confined men in prison for many weeks at a time on no charge whatever, and have defied the civil authorities and courts to release them.

They have beaten and maltreated the men, kept them awake at night, starved them, and sought by torture to make them confess to some crime, promising them rewards if they would make some statement derogatory to the officials of the union.

One of the instances of torture was the case of a striking miner, who was set to digging his own grave with the statement by the militia that he would be shot at daybreak.

They have used the militia, not for lawful purposes, but for the purpose of breaking the strike. They have acted as escorts in the bringing of nonunion men into the State and into the mines.

They have recruited the militia from the ranks of desperate and wicked mine guards and private detectives.

They have acted as press agents for the coal operators.

Their militia has robbed and stolen from the houses of the miners, and from the persons of their prisoners.

Not content with making war on the miners, they have insulted and imprisoned women.

They have violated the United States mailing law, and have opened and read the letters of union men.

Chase and Boughton have held men incommunicado for weeks, in violation of all law and decency, denying them the right to see any member of their families or their attorney. This was not done even in the days of Peabodyism. It was not done even in barbarous West Virginia. It was not done even in the Civil War, when the country was in the throes of a national rebellion. It remained for this system of military tyranny to be inaugurated in Colorado under the Democratic administration of Gov. Elias M. Ammons.

They have violated the sanctity of the homes of the miners.

Chase and Boughton have attempted to abridge the freedom of speech, although both the Constitution of the United States and the State of Colorado forbid the freedom of speech being abridged.

They have violated the Constitution of the United States and the constitution of the State of Colorado in that they have made unreasonable searches and seizures and arrests without warrant and without probable cause.

They have trampled under foot the statement in the constitution of Colorado that courts of justice shall be open to every person and that right and justice shall be administered without sale, denial, or delay.

They have violated the fundamental principle of liberty and constitutional right that every man's home shall be his castle, and have intruded themselves into the homes and by the firesides of the miners and have insulted and reviled them and their wives and children.

They have published fictitious and forged confessions for the purpose of prejudicing the public against the miners.

They have been petty tyrants and mere tools and lick-spittles for the mine owners.

These and many other outrages too numerous to mention have been committed by the military despots, who have been allowed to usurp power and trample upon every right secured by the constitution.

This convention declares now and gives fair warning in the name of the millions of American workingmen that these things will no longer be tolerated. No surer or more certain course can be followed if it is desired to turn workingmen into anarchists.

We call upon the great body of Americans to not drive workingmen into the ranks of the anarchists. The law was not made simply for the rich. There is not a man who will read this declaration but knows that if Osgood, Brown, and Rockefeller, who are fighting the strikers with a malignity hitherto unknown in American history, were arrested that they would not be held incommunicado or denied counsel. Can any fair-minded man blame us for bitterness when the laborer is thus, by the officers of the law, denied the rights granted to the rich? We have no quarrel with the rich man and we seek to prejudice no one against him. We do, however, demand for the laborer every privilege before the law which the rich man has. We frankly avow our intention to get those rights for laboring men. We intend to get them lawfully if we can.

Again, we say, if this be treason, let the coal-mine operators make the most of it.

GOVT EXHIBIT NO. 1.

[Denver, Dec. 8, 1914. The Victor-American Fuel Co.]

Wage scale, Colorado mines.

Timbermen	per day of 8 hours	$3.12
Tracklayer	do	3.12
Trappers	do	1.32
Bottom cager	do	3.02
Driver	do	3.08
Trip rider	do	3.08
Shot firer	do	3.24
Fire boss	do	4.80
Motorman	do	3.08
Pumpman, inside	do	3.00
Machinist	per day of 9 hours	4.80
Blacksmith	do	3.51
Carpenters	do	3.78
Engineer		4.00

MINING PRICE.

Gray Creek	per ton of 2,000 pounds mine run	$0.55
Hastings	do	.55
Delagua	do	.55
Bowen	do	.55
Maitland	do	.75
Ravenwood	do	.95
Chandler	do	.90
Radiant	do	.90

Bonus is paid all miners and loaders of 1 cent per ton for every 1 per cent increase in lump coal produced over 62 per cent at Chandler and 75 per cent at Radiant.

GOVT EXHIBIT NO. 8.

[The Victor-American Fuel Co.]

Date unemployed.	Name.	Identification No.	Age.	Nationality.	Married or single.	Family.
1911.						
Aug. 3	Jim Tryppel	1207	31	Greek	M	Wife in Greece.
3	John Pavlik	1869	38	Austrian	M	Wife and 2 children, old country.
3	Francisco Zarela	1859		Mexican	S	
3	Refugio Zarela	1818		do	M	Wife in Mexico.
3	John Lesik		35	American	S	
3	Rosario Segovia	1708		Mexican	S	
3	Estanislao Faloid	1707		do	M	10 children in Mexico.
4	Stardos Mladen	1838	32	Greek	M	4 children, old country.
4	Avenadon Cocelin	1844	27	do	M	2 children, old country.
4	Carlos Guzman	1836	36	Mexican	M	
4	Jose la Luyer	1819	44	do	M	2 children, Mexico.
4	Silvestre Sanchez	1833	19	do	M	1 child, Mexico.
4	Schein Valentine	145	39	Slavish	S	
4	Tony Stier	367	32	do	S	
4	Paul Verdi	1842	31	do	S	
4	Anton Fiscil	1840	28	do	M	1 child, Delagua.
4	Mafc Fiscle	1839	27	do	S	
4	Mat Bruter	1825	23	do	S	
4	Nick Sumich	1734	27	Montenegro	M	1 child, old country.
4	Mike Sumich	1730	37	do	S	
4	Eny Jamile	1863	21	Italian	M	2 children, Delagua.
4	Paul Derp	1864	22	do	S	
4	Leo Yonz	1875	20	Greek	M	2 in family, old country.
4	Kasin Tryaser	1740	18	do	S	
4	Mass Sangias	1861		do	S	
7	J. Madden	1884	45	Colored	S	
7	Pete Livano	211	30	Greek	S	
7	George Khrisomalis	212	30	do	M	4 in family, old country.
7	John Rikeli	213	34	do	S	
7	Harry Ballas	216	29	do	M	4 in family, Dawson, N. M.
7	Charles Pappas	1761	26	do	M	3 in family, Greece.
7	T. Zavala	1743	40	do	M	6 in family, Mexico.
7	G. W. Weigins	1649	41	Russian	S	
7	Bill Matas	1908	22	Greek	S	
7	Jon Lagranas	1727	30	do	S	
7	Gost Stregi	156	23	do	M	4 in family, Greece.
8	Tony Yugo	873	30	Slavish	M	3 in family, old country.
8	Angelo Slavyini	1462	47	Italian	M	5 in family, Italy.
8	Ferdinand Sorsick	135	34	Slavish	M	6 in family, Delagua.
8	Tom Pacivek	136	36	do	S	
8	Par Felippe	1435	33	Italian	S	
8	Faloaze Rusaford	1408	31	Colored	M	
8	Abe Davies	136	30	Welsh	S	
8	Pete Livano	1805	26	Greek	S	
9	Gior Kintomanay	1869	30	do	M	4 in family, Greece.
9	Bud Tolliver	1804	27	Colored	M	2 in family, Delagua.
9	H. Hara	1739	45	Japanese	M	3 in family, Japan.
9	M. Brajovich	1433	30	Slavish	S	
9	Mike Zlacic	1428	34	do	S	
9	Mark Gusick	1677	25	do	S	
9	Max Chetkovich	1830	22	do	S	
9	Luid Filipe	1730	22	Italian	S	

GOVE EXHIBIT NO. 3.

[The Victor-American Fuel Co.]

Date employed.	Name.	Identification No.	Age.	Nationality.	Married or single.	Family.	Date left.
1913.							1913.
Mar. 31	Tokichi Arakum	572	20	Japanese	S		
Apr. 19	Mike Andick	686	30	American	M	Parent dead	May 46
22	Jesus Aguirre	130	26	Mexican	S		
June 2	Steve Anem	310	22	Slavish	S		Aug. 26
13	Tomaso Antonio	1402	30	Italian	M	Wife in Leonine, Italy	June 16
6	John Anem	1385	23	American	S		
7	Laverato Allegata	1795	22	Italian	S		
July 8	Olvido Alvarado	175	23	Mexican	M	Wife and child, Mexico	
10	Jim Angelo	361	30	Greek	S		
14	Lasazro Alisa	1811	26	Mexican	M	Wife in Mexico	
17	Anton Androok		22	Greek	S		
30	Lind Andervalds	1880	24	do	S		
Aug. 4	Victoriano Aubeda	121	24	Mexican	M	Wife in Las Animas, Colo.	
25	Manuel Arellanis		21	do	S		
Sept. 15	Saingi E. Alagi	1400	30	Japanese	S		
10	Francisco Alsi		19	Italian	M	Wife in Granadilla	
8	Anselletti Genio	1186	24	do	M	Wife and 4 children, Recoaro	
Mar. 27	J. Vasquez	1838	24	Mexican	S		Sept. 14
28	Ernest Valletti	1845	29	French	S		July 12
28	Leo Valetti	1844	27	Italian	S		May 13
Apr. 5	Dom Vercelli	1888	30	do	S		Feb. 28
10	Lee Weaver		22	Colored	S		June 7
	Wm. Wilkins		19	Polish	S		May 7
May 6	Jose Vega	1484	22	Mexican	S		
3	Jim Vernes		24	Greek	S		
June 1	Adolp Valdez	1487	23	Mexican	S		
	Tom Wilcock	1818	47	English	M	Wife in Dakota	Aug. 27
July 7	Hugo Valdera	1474	22	Mexican	M	Wife in Leon, Mexico	
9	L. Valdez	138	40	do	S		
9	Dolores Vasquez	1781	27	do	M	Wife in Mexico	
10	M. Valdez	1488	23	do	S		
16	Dudi Williams		25	Welch	M	Wife and 1 child in Trinidad	
17	Nedlinger Vargas	1849		Mexican	S		
21	Felipe Vasquez	1815	24	do	S		
28	George Vonk	1894	22	Greek	S		Aug. 16
29	J. Vasquez	647	23	American	S		Aug. 1
Aug. 3	Pablo Valdez	1440	23	Mexican	M	Wife in Trinidad	

GOVE EXHIBIT NO. 4.

[The Victor-American Fuel Co.]

Date employed.	Name.	Identification No.	Age.	Nationality.	Married or single.	Family.
1914.						
Sept. 21	Ale Tomasich	310	25	Slavish	S	
22	W. L. Mitchell	876	35	American	M	Wife and 1 child, Ravenswood.
23	Jim Makrogin	130	23	Greek	M	Wife in Greece.
24	Mattil Giovani	1393	27	Italian	M	Wife in Italy.
24	Felicia Franck	234	24	do	S	
25	Dolores Hernandez	1881	21	Mexican	S	
25	Tomas Perez	1402	21	do	S	
25	Raymond Gonzales	457	24	do	M	Wife and 2 children, Segundo.
25	J. Gutierrez	855	23	do	M	Wife, Dakota.
25	V. L. Gutierrez	856	25	do	M	Wife and 1 child, Mexico.
25	S. Hernandez	857	26	do	M	Wife and 2 children, Mexico.
25	Valentine Vallejos	857	26	do	S	
25	J. Martinez	858	25	do	S	
25	Geo. Pavlovik	1660	29	Slavish	M	Wife in Pueblo, Colo.
25	Anton Tomolo	1673	30	do	S	
25	John Pavlovic	1675	22	do	M	Wife in Austria.
25	Frank Pavlovic	1677	30	do	S	
25	Domingo Sotelo	373	30	Mexican	S	
25	Guzio Simcigo	373	30	do	M	Wife and 2 children, Mexico.
25	Jesus Salivez	884	25	do	M	Wife and 2 children, Mexico.
25	Eladio Caballero	382	30	do	S	
25	L. Gutierrez	383	31	do	S	

Gove exhibit No. 4—Continued.

Date employed.	Name.	Identification No.	Age.	Nationality.	Married or single.	Family.
1914.						
Sept. 29	Steve Kuryan	1422	32	Slavish	S	
29	Steve Gaglas	144	22	do	S	
29	Theo Fanuck	422	23	Polish	S	
Oct. 1	Sabo Ogosta	1442	23	Montana	S	
1	John Vollas	726	33	Slavish	M	Wife and 4 children, Charlville, W. Va.
1	Idlio Rosalio	726	45	do	M	Wife and 2 children, Charlville, W. Va.
1	Lucas Ruis	720	15	Mexican	S	
1	Frank Garcia	721	20	do	S	
4	Matt Sivilar	2222	27	Slavish	M	
4	Caspar Vitlok	2223	47	do	M	Wife and 2 children, Austria.
4	Jose Garcia	2224	23	Mexican	S	
4	Ignacio Currera	2225	23	do	M	Wife and 1 child, Mexico.
7	Joe Yankovich	206	30	Slavish	M	Wife and 2 children, Talbrille, Colo.
5	Steve Slikovich	1425	32	do	M	Wife and 2 children, Austria.
5	Gust Pappas	745	30	Greek	S	
5	Cristos Pena	200	30	Mexican	S	
5	Fernando Pena	200	22	do	S	
5	Agusia Romero	1409	36	do	M	Wife and 2 children, old Mexico.
5	Pedro Rollas	1416	34	do	M	Wife and 4 children, old Mexico.
5	Selerino Gallardo		22	do	M	Wife and 1 child, old Mexico.
6	Paul P. Sedar	272	32	Slavish	M	Wife, Tooele, Utah.
6	Matt Sedar	272	26	do	M	Wife, Kansas City, Mo.
6	Joseph Medinsky	1442	26	Polish	M	
12	Salvardio Favatlis	4	17	Italian	S	
12	Paolo Cagliota	5	25	do	S	
12	John Abram	702	22	Colored	M	Wife, Pensacola, Fla.
12	Paul Cocio	1408	22	Slavish	S	
13	John Morris	689	21	Colored	M	Wife in Missouri.
13	Pearl Brown	726	24	do	S	
13	A. H. Rogers	695	21	American	S	
14	Jimis Protopanpos	204	24	Greek	S	
14	Tom Francos	205	21	do	S	
14	Richard Tancho	735	30	German	S	
14	Karl Tancho	736	21	do	S	
14	Frank Costa	206	22	Italian	M	Wife in Tobasco.
14	Joe Ortes	1445	22	Mexican	M	Wife, Primero.
14	Selerino Gallardo	1451	22	Italian	M	Wife, 1 child, old country.
15	Anastase Thiros	226	30	Greek	M	Wife, 1 child, Greece.

GOVE EXHIBIT NO. 5.

[V. A. M. 12202.]

A FLASK TO CARRY POWDER INTO MINE.

[Vice president and general manager.]

DENVER, *February 11, 1918.*

Mr. B. W. SNODGRASS,
Superintendent, Delagua, Colo.

DEAR SIR: As you know we have succeeded in getting a flask manufactured to carry permissible powder into the mine. I understand that at some of our mines most of the men carry the powder into the mine in gunny sacks and other careless manners. I think you ought to do what you can to induce the men to get these flasks, which we had made for this purpose. They are inexpensive and I think they will last a long time with the proper amount of care, therefore, I would be very much obliged to you to take this matter up fully before the men.

Yours, truly,

W. J. MURRAY.

(Above letter also to Gray Creek, Hastings, Bowen.)

[V. A. M. 12316.]

RECOMMENDATION FROM MINE INSPECTOR.

[Vice president and general manager.]

DENVER, *February 19, 1913.*

Mr. G. H. WILLIAMS,
Superintendent, Radiant, Colo.

DEAR SIR: Herewith a letter which I received from the State mine inspector this morning which explains itself. You notice he speaks about some naked wires in the first right main entry. Will you kindly inform me whether this is a feed wire or return wire. He also speaks of putting in a telephone. I was under the impression that we had a telephone in the mine; however, if we have not, make the requisitions necessary to put one in from the engine house to the foot of the slope.

Return Mr. Dalrymple's letter with the information I have asked.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12330.]

TRYING THE FIREPROOF MATERIAL.

[Vice president and general manager.]

DENVER, *February 25, 1913.*

Mr. B. W. SNODGRASS,
Superintendent, Delagua, Colo.

DEAR SIR: I am in receipt of a letter from W. F. Murray, explaining his method of testing the fireproof paint, and I am somewhat favorable to using it for shelving for the adobe dust and, as recommended by him, I am very much in favor of building a door, treating the lumber as he treated some in an experiment. There is hardly anything that will not burn if it is held in a fire long enough, for it seems to me that it would be a hard thing to get a very disastrous fire from lumber treated as he treated the experiment. It might be that you would have to build some kind of a trough, water-tight, and soak the boards in it before you build the door. I would like to have you try this anyway.

Yours, truly,

W. J. MURRAY.

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 157.]

To all superintendents:

At any time in the future when you have any of your employees arrested for violating the statutes or the rules of the company, you will make a notation of such arrests and the punishment they received on the monthly operator's report to the State mine inspector, which is forwarded to this office each month.

Kindly acknowledge receipt of this circular.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *July 1, 1912.*

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 161.]

To all superintendents:

As you know, we have had a very slow period the last three or four months and the indications for business at present are good. I want you to do everything you possibly can to increase your production so that we may, as the old saying goes, "Make hay while the sun shines." I want you, however, first, to watch the safety of your men, and under no circumstances allow your anxiety to get out coal make you forget to watch the safety of the men in your employ.

Kindly acknowledge receipt of this circular.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *October 2, 1912.*

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 162.]

To all superintendents:

There has been instructions sent out from this office and verbal instructions given repeatedly that no rooms can be turned off an entry inside of the last crosscut; notwithstanding that, it is being done. This positively must be stopped, and you will be held personally responsible for any violation of this in the future.

Kindly acknowledge receipt of this circular.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *October 16, 1913.*

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 166.]

To all superintendents:

In case it becomes necessary at your mine at any time to carry canvas from the last crosscut to the face of any entry under no circumstances must canvas be put up where there is rock, slate, or other material piled along the rib until after all such rock and slate has been removed, and when canvas is carried from the crosscut to the face there must be as much area for the air to travel as possible.

Kindly acknowledge receipt of this circular.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *November 22, 1913.*

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 171.]

To all superintendents:

I am attaching herewith a blue print showing a method I want you to adopt to prevent the cars from running over the end of the rails in all dip places in your mine. This is not original with me, as I have seen it worked years ago, and if this prop is kept across the track in the manner it is shown on the blue print it will, I am sure, prevent accidents of the kind we have had in the last few months. We have had two serious accidents from the cars running over the end of the rails, in one case breaking a man's leg, and in the other case injuring one of the men so badly that he died a few hours later. There can be no such accidents as this happen if you insist on the mine boss compelling the men to use this method of blocking. Should I happen to visit any place in your mine that is going to the dip and find the cars without a block of this description, or if anything happens without this block being in use, I will hold you and the mine boss strictly responsible. Accidents of this nature can be prevented, and they must be.

Acknowledge receipt of this circular.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *April 15, 1914.*

[The Victor-American Fuel Co. Office of vice president and general manager. Circular No. 179.]

To all superintendents:

Some time ago instructions were issued that in all dip and raise working places a block should be used to prevent cars from running over the end of the rails or running down hill in case the room was raising. I had a blue print made giving my idea of such a plan. On receipt of this circular, write me, stating whether instructions are fully complied with or not.

W. J. MURRAY,
Vice President and General Manager.

DENVER, COLO., *August 24, 1914.*

EIGHT-HOUR LAW AT YOUR MINE.

[Vice president and general manager.]

DENVER, *February 28, 1913.*

To all superintendents, Colorado division.

DEAR SIR: As soon as matters can be arranged, which will be early next week, we will work eight hours per day at your mine; that is, eight hours will be a day's work for all inside men. This means that there will be eight hours' actual work, commencing work at 7.30 a. m., half hour for lunch, and quitting at 4 p. m. There will be no reduction in wages per day, as the same will be paid for 8 hours as has been for 10 in the past to the inside men. * * *

Yours, truly,

W. J. MURRAY.

[V. A. M. 12309.]

KEEPING THE ROADS SPRINKLED AT DELAGUA.

[Vice president and general manager.]

DENVER, *March 20, 1913.*

Mr. SAMUEL DEAN,
Mine Inspector, Delagua, Colo.

DEAR SIR: Your report of the 17th, under the head of "Conditions of mine," in regard to "Dust" you say: "Dust in Inby of the fourteenth east parting; fourth north has not been kept sprinkled regularly." Some months ago I wrote you a letter on this matter and told you I wanted you to see that the roads were sprinkled, conferring with the superintendents at all times, and to a certain extent you were responsible for having the roads sprinkled. I would like to know whether you have any objection to this. If you have not, why was the road that you speak of not sprinkled?

Yours, truly,

W. J. MURRAY.

[Telegram.]

DENVER, *April 1, 1913.*

W. J. MURRAY, *Hastings.*

We received to-day from Graman 10 copies of house bill 124 as amended by the Senate and have sent 1 copy to each superintendent.

C. D. GALLANTE.

[V. A. M. 12331.]

RECOMMENDATIONS FROM STATE MINE INSPECTOR.

[Vice president and general manager.]

DENVER, *April 16, 1913.*

Mr. M. E. SOMERVILLE,
Superintendent, Maitland, Colo.

DEAR SIR: I am in receipt of a letter from the State mine inspector's office, with some recommendations which his deputy made on his last visit to your mine. I wish you would proceed to comply with these recommendations, if possible, at once. Notify me when they are completed. * * *

Yours, truly,

[V. A. M. 12389.]

THE LAWS OF AN EIGHT-HOUR DAY.

[Vice president and general manager.]

DENVER, *April 22, 1913.*

To all superintendents, Colorado division.

DEAR SIR: When we put the eight-hour day into effect at your mine it had not become a law, but since that time it has and the law states that no mine

shall work more than 8 hours underground in any 24, unless in cases of emergency where life and property are in danger, or words to that effect. * * * If you find at any time that you have to work the men more than eight hours because of the exception that is provided for in the bill, you must state on the time report why the men were working more than eight hours. When you ask any man and compel him to work 9 or 10 hours you are liable. If for any reason he would stay in the mine more than eight hours without your knowledge it seems to me that we are not responsible, however we do not want to take any chances.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12922.]

THE NEW MINING LAW AND AIR COURSE.

[Vice president and general manager.]

DENVER, *April 24, 1913.*

Mr. D. J. GRIFFITHS,
General Superintendent, Trinidad, Colo.

DEAR SIR: You know that the new mining law states that at any mine where the air courses are too long for sufficient air not getting to the face of the entries that the inspectors can order the company to sink a shaft or another opening to assist in ventilating the mine in proper shape. Here is something that might, unless there is a great deal of care taken, work serious hardships, and to take care of this we ought to see that the air courses are driven of sufficient width and the area ought not to be reduced by false or other obstruction, hence this is something you ought to pay close attention to in the future.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12960.]

CIRCULARS RECEIVED FROM STATE MINE INSPECTOR.

[Vice president and general manager.]

DENVER, *April 28, 1913.*

Mr. JAMES CAMERON,
Superintendent, Hastings, Colo.

DEAR SIR: I am in receipt of yours of the 26th relative to the circulars which you received from the State mine inspector, but you doubt whether they will be any more effective than the boards printed at the mines or the one with the sign written in chalk. According to the new mining law there is no virtue in the chalk notices whatever, and it states that all signal signs and danger signals must be printed on a board or iron plate. I wish you would give me the number of signs and the kind you have at your mine at present and I will take the matter up with the State mine inspector and see if he will allow us to wear these out before we are compelled to buy new ones. As I have said before, I would like to have the number of notices of all kinds that you have and where they are placed, and if you have any which the fire boss uses in places where he wants to keep the men out in the morning.

Yours, truly,

W. J. MURRAY.

[V. A. M. 13003.]

DENVER, COLO., *May 2, 1913.*

Mr. JAMES DALRYMPLE,
State Coal Mine Inspector, Denver, Colo.

DEAR SIR: Along the lines of some correspondence we had a few days ago in regard to educating the men so that they would be able to comply with the mining law when it went into effect, I met all of our superintendents in Trinidad on April 20, and went over all such matters as this very thoroughly.

I inclose herewith a copy of letter which I have received from our superintendent at Delagua. I suggested that he take the matter up with the deputy State mine inspector, and have the following communication from him:

"Deputy inspector says operators are not liable under new law for six months. Does not know whether miners are liable or not. Wishes us to communicate with chief inspector. Please advise."

It is very evident from the stand these men have taken that somebody will have to be punished or some drastic means employed to compel them to take care of themselves.

I would be obliged to you if you would give me your idea or any advice which you think we might pursue in this case.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12091.]

CHANGES MADE BY THE NEW MINING LAW.

[Vice president and general manager.]

DENVER, *May 14, 1913.*

To all superintendents Colorado mines.

DEAR SIR: On receipt of this letter I would like to have you write me fully how you are progressing in the improvements and changes to comply with the new mining law which will be in effect in a few weeks. I would like to know what changes, and the number you have made, which the law calls for. I realize that you will have hardly made them all, but I would like to know what has been made and what progress you are making, so that we will be in shape by the time expires which we are given by law.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12120.]

CHANGES TO COMPLY WITH MINING LAW.

[Vice president and general manager.]

DENVER, *May 21, 1913.*

Mr. J. W. BELL,
Superintendent, Bowen, Colo.

DEAR SIR: Your letter of the 19th in regard to your efforts to put conditions into shape to comply with the new mining law. I am aware, of course, that we would have less work to do at Bowen, owing to the natural facilities, to comply with it than at some of our other mines, and my idea was to keep working along the lines of the requirements, so that when the law is put into effect we would be as near the requirements as we could possibly be. It is a question to me whether the pillar boss you speak of will cut any figure when the law comes into force, for, as I understand it, no person without a certificate of competency can instruct miners in regard to doing their work, aside, of course, from the superintendent.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12331.]

DENVER, *May 31, 1913.*

Mr. JAMES DALRYMPLE,
State Mine Inspector, Denver, Colo.

DEAR SIR: I am in receipt of yours of the 29th in regard to any suggestions or assistance we might be able to give in arranging the mining law into different languages. Some time ago—I think you will remember—I spoke to you about my intentions of having several hundred small booklets printed in six different languages. We took the matter up with a Boston publishing house, who finally informed us, after several letters written back and forth trying to correct different phrases in the languages, we succeeded in making them understand what we wanted. I intend to visit the mines south of Pueblo next week, and I will see if they have got any men in their employ who might be able to assist along the lines you suggest.

Yours, truly,

W. J. MURRAY.

[V. A. M. 13476.]

SUGGESTIONS AS TO HOW TO AVOID ACCIDENTS TO OUR EMPLOYEES.

[Vice president and general manager.]

DENVER, *June 18, 1913.*

All superintendents, Colorado division.

DEAR SIR: We are mailing, under separate cover, a supply of Suggestions as to How to Avoid Accidents to our Employees, printed in six different languages—English, Austrian, Hungarian, Italian, Montenegrin, and Greek. As you will notice, these are particular instructions to miners, drivers, trackmen, timbermen, and trappers. In order to have these pamphlets accomplish the purpose which we thought would guarantee the expense of having them produced, would suggest that you have some arrangement made whereby they could be presented to each employee personally, with the explanation of the different languages in which they are printed and the value of the book both to the employee and employer. We do not wish to make any charges for the book, but want you to impress upon the employees that they are of value and should not be mislaid or destroyed and would suggest that when any party leaves the employ of the company you request them to return the book. It might be well to have this understanding when the pamphlets are given out, avoiding, if possible, the giving of books to any person who can not read any of the six languages in which it is printed. A further supply of these pamphlets will be furnished upon request. Would like to hear from you occasionally as to what benefit, if any, you can notice has been derived from this effort.

Yours, truly,

W. J. MURRAY.

[V. A. M. 13507.]

SOME APPARATUS REQUIRED BY MINING LAW.

[Vice president and general manager.]

DENVER, *July 1, 1913.*

DR. J. R. ESPEY, *Chief Surgeon,*
Trinidad, Colo.

DEAR SIR: The mining law of Colorado, recently passed, section 89, reads as follows:

"Every mine employing as many as twenty-five men underground shall be equipped with apparatus as follows: 'One resuscitating apparatus with a suitable supply of auxiliary apparatus and first aid to the injured outfit, including stretcher with woolen and waterproof blankets with each stretcher and a suitable supply of olive or linseed oil.'"

Are all of our mines equipped with first aid to the injured outfits, including stretcher with woolen and waterproof blankets, and what would you consider a suitable supply of olive or linseed oil?

Yours, truly,

W. J. MURRAY.

[V. A. M. 13599.]

SMALL BOOKS OF MINING LAWS PUBLISHED.

[Vice president and general manager.]

DENVER, *July 1, 1913.*

To all superintendents, Colorado mines.

DEAR SIR: If you will refer to the recently passed mining law in Colorado you will find section 28 requires that as far as possible each underground employee shall have a copy of the law, to be furnished by the owner to each employee at first cost. We are sending you, under separate cover, 25 copies of this law, printed in English, which you will notice is marked very plainly on the cover, "Price, 10 cents." Will you kindly see that these are distributed to all English speaking and writing employees underground and such outside employees as desire a copy? These will be charged against your mine at 10 cents per copy, and you will credit all collections, so that the account will balance when all books have been disposed of. See former letter in regard to the care and returning of these books.

Yours, truly,

W. J. MURRAY.

[V. A. M. 12808.]

BOOKS OF MINING LAWS SENT TO YOU.

[Vice president and general manager.]

DENVER, *July 15, 1913.*

All superintendents, Colorado division.

DEAR SIR: Some time ago we sent you a supply of books, printed in English, of the new mining law in Colorado. Will you please advise what success you have had in distributing these books to employees and the attitude in general on this subject. A further supply of these books may be had if you do not have sufficient to meet the demands.

Yours, truly,

W. J. MURRAY.

GETTING READY TO COMPLY WITH MINING LAW.

[Vice president and general manager.]

DENVER, COLO., *July 15, 1913.*

All superintendents, Colorado division.

DEAR SIR: With an idea of complying with the new mining law in regard to maintaining stretchers, blankets, first aid to the injured outfits, etc., at each mine, will you kindly advise just what condition your equipment is in at the present time at your mine. If the first aid to the injured outfits are not complete it should be restocked at once from the supply of the local surgeon. Also advise the conditions of your stretchers, and if you have sufficient blankets to meet all requirements. A prompt reply will be appreciated.

Yours, truly,

W. J. MURRAY.

[V. A. M. 14711.]

ALL SUPERINTENDENTS NOT COMPLYING WITH MINING LAW.

[Vice president and general manager.]

TRINIDAD, COLO., *December 21, 1913.*

All superintendents, Colorado division.

DEAR SIR: I find some of our superintendents are not complying with the mining law, and the time given by the last session of the legislature to comply with it has long since passed. On receipt of this letter I want you to get the copy of the mining law which you have at your mine and go over it paragraph by paragraph and check off in pencil any part that you are not complying with. If you will do this you will readily see whether you are living up to the law or not. If you are not in every case, then the parts which are being neglected must be remedied at once. After you have gone over the law thoroughly I want you to write me fully what success you are having in complying with its provisions. There will be no excuse taken for neglecting this.

Yours, truly,

W. J. MURRAY.

[V. A. M. 15585.]

HAS MANUFACTURERS' MAGAZINE HELPED YOU?

[Vice president and general manager.]

DENVER, COLO., *April 30, 1914.*

To all superintendents, Colorado division.

DEAR SIR: Has the Manufacturers' Magazine, which the company subscribed for you for the last 12 months, been of any benefit to you whatever? If so, kindly let me hear in what way. By reading and studying it, have you been able to get any information from it that was of value?

Yours, truly,

W. J. MURRAY.

GOVE EXHIBIT NO. 6.

[Coal mines of Colorado. Data taken from reports of State coal mine inspector.]

Average number of men employed since Aug. 1, 1913, comparison with corresponding months of previous year, and percentage of corresponding months of previous year.

Months.	Year.	Men.	Year.	Men.	Per cent of corresponding month previous year.
August	1913	13,689	1912	12,199	89
September	1913	12,248	1912	12,089	102
October	1913	7,998	1912	12,282	65
November	1913	8,015	1912	9,344	86
December	1913	8,986	1912	13,244	68
January	1914	10,375	1913	14,701	71
February	1914	10,088	1913	14,170	71
March	1914	8,208	1913	12,054	71
April	1914	9,289	1913	11,689	79
May	1914	8,248	1913	11,512	71
June	1914	7,988	1913	11,436	69
July	1914	8,208	1913	11,477	72
August	1914	9,530	1913	13,089	70
September	1914	10,804	1913	12,245	88
October	1914	11,448	1912	7,984	.....

Tonnage of coal produced since Aug. 1, 1913, comparison with corresponding months of previous year, loss and gain on tons compared with previous year, and percentage of corresponding months of previous year.

Months.	Year.	Tons.	Year.	Tons.	Loss (tons).	Gain (tons).	Per cent of corresponding month previous year.
August	1913	898,047	1912	891,933	.....	57,114	107
September	1912	794,873	1912	852,733	60,860	.....	89
October	1913	545,153	1912	979,644	434,488	.....	55
November	1913	526,000	1912	1,042,000	516,000	.....	51
December	1913	604,267	1912	1,139,381	534,964	.....	54
January	1914	726,115	1913	1,107,605	381,490	.....	66
February	1914	622,488	1913	870,377	248,119	.....	71
March	1914	626,946	1913	768,254	141,308	.....	82
April	1914	602,791	1913	789,482	186,791	.....	89
May	1914	640,033	1913	822,695	182,712	.....	89
June	1914	622,570	1913	705,418	132,548	.....	93
July	1914	694,104	1913	780,024	185,920	.....	93
August	1914	705,603	1913	838,647	132,994	.....	93
September	1914	748,402	1913	764,878	16,426	.....	97
October	1914	810,416	1913	645,155	.....	265,261	.....

GOVE EXHIBIT NO. 7.

TELEGRAPHIC CORRESPONDENCE BETWEEN FRANK E. GOVE, COUNSEL FOR THE VICTOR-AMERICAN FUEL CO. AND CONGRESSMAN ——— AT WASHINGTON.

As indicating the state of mind of the Colorado coal companies for a few days after the Ludlow disaster, the following telegraphic correspondence between Frank E. Gove, attorney for the Victor-American Fuel Co. and a certain Congressman at Washington was offered the commission while Mr. Gove was on the witness stand. Mr. Gove did not at the moment have the correspondence, and it was directed by Chairman Walsh that he furnish it later, so that it might be inserted in the record.

(NOTE.—By mutual arrangement the name of the Congressman is withheld. The name is known to members of the commission, and according to Mr. Gove was not to be disclosed unless it seemed absolutely necessary.)

LUKE GRANT.

APRIL 22, 1914.

——— has asked me to wire you situation in detail each day. I will be very glad to do so. Trust you will bear in mind, however, that it is nearly as difficult to get accurate details either here or in Trinidad as in Washington. What I send I hope may be reliable.

APRIL 23, 1914.

To-day's Post contains following message issued from union headquarters here: (Quote:) Robert Bolton, United Mine Workers, Trinidad, Colo.; Charles Haines, United Mine Workers, Walsenburg, Colo.; Thomas Scott, United Mine Workers, Florence, Colo. Please rush messages and repeat back each of them. Three hundred and fifty militiamen left here on special train at 12.25 for strike district. Gen. Chase had command of men at depot. He is believed to have taken 12.15 train. Special coming over Colorado & Southern consists of nine coaches, three baggage cars, one supposed to contain ammunition and two machine guns; engine 628. Denver report says flat car with Gatling gun will be placed in front of engine; also that men will detrain before reaching center conflict. In order that these militiamen with their two additional machine guns may not repeat the horrible Ludlow massacre of women and children, we urge you to watch for their approach across country from La Junta or ordinary route. K. L. Doyle. (End quote.) This practical declaration of war is being advocated throughout the State among union people. We regret the apparent favorable response from various quarters and many newspapers in the State which grossly misrepresent facts are largely responsible.

APRIL 23, 1914.

To-day's Post contains following interview with Lawson: (Quote:) It has now become a war of extermination. We now have the sinews of war backed by guns and ammunition and the faith, loyalty, and financial backing of every union-labor man in the country, and we propose to carry the fight for recognition of the union and have our rights to fair treatment required in the laws of the land respected. It is not now a question of negotiation for the settlement of our wrongs. Rockefeller has declared that he is fighting for the principle of nonrecognition of the union and that he will lose his investments in Colorado and other thousands of dollars in money in support of his position. Union labor over the country presents a united front in opposition to this attitude, and we propose to see it through no matter what the cost. The murder of the women and children at the tent colony Monday caused by the use of explosive bullets and the machine guns, coupled with the deliberate firing of the tents, resulting in an awful harvest of death, has cinched the determination to fight to a finish. (End quote.)

APRIL 23, 1914.

To-day's advices disclose marching of strikers on Rouse mine and at other points under declaration to destroy property and attack militia on its arrival. There has been much indiscriminate shooting from Ludlow northerly all day, but so far as I know no casualties have occurred.

The official report of Monday's fight by Maj. Hamrock, who was in command, is given out by Associated Press to-day. If not published in papers you read advise and I will send by wire.

APRIL 23, 1914—MIDNIGHT.

Gen. Chase and militia left here this afternoon. Since then everything has been quiet all along the line. Strikers from vicinity of Ludlow have been moving north all day. Many armed strikers have been moving south from vicinity of Walsenburg. Dispatches from points near Rugby report several hundred strikers gathering along railroad with expressed purpose of attacking troop train. Train now, midnight, nearing Walsenburg. General public is excited. Extraordinarily sensational stories about murder by mine guards at Ludlow has inflamed many. The truth is gradually coming out here and greater calm may be expected. In the south the Ludlow incident and Lawson and Doyle attitude has so inflamed strikers that apparently nothing can stop them. Four mines near Aguilar have been burned and several dynamited. One of the

owners of the Empire mine, who was imprisoned in mine with other men, women, and children, escaped through another mine this afternoon, and was captured by strikers and is still held by them. All wires to south constantly interrupted all afternoon.

APRIL 24, 1914.

I must retract statement that Empire mine owner escaped. Troops left Walsenburg on train at 6.30 this morning. Detrained at Monson, 10 miles south, at 9 o'clock. Now slowly advancing south. Some firing by advance cavalry and few stragglers being sent back. No casualties reported at noon.

APRIL 24, 1914.

Responsible party at Trinidad has just talked to Gen. Chase at Rugby station. General says several hundred strikers who were in one body this morning have split, one branch going back into mountains, the other south toward Aguilar. He is making preparations to follow them, and says he will rescue four men, three women, and six children now sealed in Southwestern mine, equipment of which was burned yesterday, within next hour or so, and hopes to rescue the eight men in Empire mine before night. Little shooting and no casualties at 2 o'clock.

APRIL 24, 1914.

Troops entered Aguilar about 4.30. All parties imprisoned in mines liberated. None dead, but two shot. No armed strikers in sight. Aguilar troops in practical touch with Ludlow detachment. I believe no serious trouble should be now anticipated. Tremendous tension which has existed in southern camps is largely released. Public opinion here still very much inflamed, and papers still printing the wildest possible rumors of wholesale slaughter by and of troops in march south. As a matter of fact, few shots were fired and none hurt.

APRIL 24, 1914.

Quiet everywhere at midnight. Late this afternoon and shortly before governor arrived lieutenant governor and Hawkins, attorney for union, entered into a compact or truce to effect that troops should go no further and remain inactive and strikers should cease attacks. Directions were forwarded to Chase and strike leaders to this effect. The public is divided, the better element disgusted at executive interference with discretion of military commander in field, the majority probably approving action as restraining the soldiers from further murder, as the press has represented Ludlow incident. Governor now conferring with a number of citizens. He approves truce, but all conferees anxiously perplexed as to future. It is truly a grave problem in the light of labor attitude generally. All sorts of union locals are thoroughly aroused. Wyoming coal miners tender 3,000 armed men as aid. Even typographical union is equally misled by false reports of outrages. Women's organizations also aflame. The so-called truce will, irrespective of its policy or propriety, compel some comparatively calm thought all around.

APRIL 25, 1914.

Late yesterday strikers took possession of the Sunnyside mine and drove postmaster and others out of town. They still have possession. Notwithstanding truce strikers last night drove all men away from Pinon mine and blew up McLaughlin mine tipple and fired many shots into the Maitland property. Forced entrance to Rockvale store and carried away guns and ammunition. The Chandler property in Fremont County was fired into continuously by 10 men from 6 this morning until 2 o'clock. No one killed, but camp riddled. Eight guards unable to repel attack. Upon direction of their attorney strikers finally ceased firing. Possibly some of this breach of faith can be attributed to the absence of notice of truce. Territory occupied by troops quiet to-day. Approximately 500 armed strikers now on streets of Trinidad, and great anxiety is felt there. Military commission appointed by Gen. Chase to investigate Ludlow. Also another committee headed by two judges of appellate courts.

APRIL 25, 1914.

Strikers last night by force secured large amount of explosives from stock in Trinidad. At 7 o'clock to-night they reopened the attack on Chandler. The governor will immediately request Federal troops. I trust I am not an alarmist, but in my judgment President should grant this request if constitutionally possible. The situation is certainly beyond the control of the governor. Strikers will, I think, gladly submit to a comparatively small force, but will probably never overcome their hatred of the militia, which they regard as corporation hirelings.

APRIL 26, 1914.

A mob of perhaps 500 or more armed men occupied the streets of Trinidad to-night. The county jail was fired upon. One man was shot on street. First National Bank Building surrounded and occupants fled. Strikers stacked many guns in union hall. Citizens kept off streets and a reign of terror prevailed until a late hour. Now quiet. Firing on Chandler continued until wires went out at 10 o'clock. One company man had been killed and two strikers had been captured endeavoring to burn houses. Hawkins, strikers' attorney, is now endeavoring to induce leaders to again compel strikers to cease attack. Many appeals from many sources are going to President to grant governor's request for Federal troops. It seems to be a uniformly popular move.

APRIL 27, 1914.

Chandler has fallen into hands of strikers. After 20 hours almost continuous firing into camp the strikers gained entrance under Red Cross flag. At least two camp men killed. Fear is entertained for men and property now held by strikers. Strikers now hold several properties. Some looting of stores and houses, but little actual destruction of property so far to-day. All efforts to secure protection for Fremont County properties from sheriff, militia, or otherwise has been abandoned, and remaining mines there will be surrendered to strikers if attack is made. Radiant will doubtless go to-night, at least that is present prospect as strikers are headed that way. Strikers are putting up tents on site of former soldiers' camp in Trinidad and have control of city.

APRIL 28, 1914.

The governor has finally permitted Chase to send small detachment to Fremont County and will arrive there about 4 o'clock in the morning. Great excitement prevails in town of Canyon City based upon the Chandler episode. They have organized a protective committee. I am bound to think all this unnecessary. Reports are still conflicting as to whether Chandler equipment was destroyed. Best information is to effect that no damage was done. Radiant has not been attacked, and in view of early coming of troops we are hopeful that it will not be. There has been no disorder at Trinidad or Walsenburg to-night.

APRIL 27, 1914.

Men from Chandler here to-day say sheriff Fremont County visited camp yesterday morning and said strikers would thereafter respect truce, but that coroner would arrive later under white flag. Later several groups of men arrived with flag and Red Cross bands on arms. Guards were suspicious but afraid to shoot. Strikers surrounded guards and took town, all men escaping. The camp equipment has not been damaged beyond upsetting furniture in houses and looting store. However, company has not been able to get into possession because of danger of returning over hostile roads. Chase reached Canyon City this morning with about 200 men. Since this force left the southern district trouble has broken out again there. Sopris was fired upon from hills early this morning and all men called from mine. In Walsenburg there has been some shooting near Walsen mine and wife of boarding-house keeper badly wounded. Late this afternoon some of the buildings at McNally mine were burned and all men driven into town. To-night the Ludlow has been dynamited and tipple burned. All this seen from Walsenburg courthouse. The delay in sending Federal troops is causing widespread disappointment. Possible knowledge that such an order has issued would help even in advance of arrival of troops. There is much evidence of change of sentiment here. People are

waking up to the fact that they have an insurrection at hand and not a band of murdering militia to curb. The strike issue is becoming of secondary importance for the time being.

APRIL 29, 1914.

Attack on Walsen mine renewed again this morning. Detachment of militia which went to Walsenburg last night now flanking strikers in effort to drive them away. Early this morning a vicious attack was made on Hecla mine in Boulder County and is still in progress. Gen. Chase is dividing his forces and is now headed for Boulder County with hundred men.

APRIL 28, 1914.

Attack on Walsen mine has continued entire day. Small detachment militia has not stopped the firing. One hundred additional militia now preparing to go to Walsenburg from Ludlow. Strikers fired on militia in Chandler to-day, but were driven off. Hecla attack has been one of most vicious thus far. Strikers told sheriff of Boulder County to disarm men protecting property or they would. Men in company office telephoned bullets sounded like hail and thought they should be heard here on phone. Chase reached there at 5 o'clock after being fired upon and captured six men. No one else in sight and all quiet to-night there. One man killed in south and one in Walsenburg so far as known. Rumors of more, but not verified. Federal troops from Russell left Cheyenne hour ago. Nothing definite from those from Leavenworth. Mass meeting in Boulder demanded and secured calling of grand jury. Strike leaders and some prominent newspaper men are likely to be indicted for murder. This is the prevailing sentiment in that county. Hickey arrested with others 5 miles north of Denver carrying guns and 1,500 rounds ammunition in automobiles to strikers at Hecla.

APRIL 29, 1914.

Four hundred strikers in two parties attacked Forbes mine for an hour and a half this morning. They burned everything in sight, including 33 mules; killed 7 miners, including 4 Japs; wounded 2 others, who were taken to Trinidad late to-day. Strikers continued firing upon the Walsen mine early this morning. All militia there unable to drive them away. Early this afternoon flanking party reported to have killed a number of strikers, and through attorney in Denver Gen. Chase was induced to declare truce of one hour, with understanding that all strikers would surrender their guns to him at 5 o'clock. Prior to truce one soldier had been killed and two wounded. During truce McNally mine again fired upon and surgeon under Red Cross flag tending to wounded soldier was killed. No guns were delivered at 5 o'clock, nor have they since been surrendered. No shooting in Walsenburg 11 o'clock to-night. Regulars from Russell took over Fremont County district this afternoon. Militia stationed there immediately entrained for Ludlow and are now south of Pueblo. They are going through to Gray Creek and possibly Sopris and Morley, where an attack is expected before morning and before arrival of Regulars from Leavenworth, due to arrive Pueblo 2 a. m. Unnecessary to add all quiet in Fremont County. Boulder County has been quiet to-day.

LINDSEY EXHIBIT NO. 1.

[Resolutions adopted at a great mass meeting of the citizens of Denver at the State capitol, May 15, 1914, and reaffirmed at mass meeting, Washington, May 21, 1914.]

We, men and women of Denver, assembled in mass meeting, are dealing with a crisis caused by the entire collapse of our State government in a desperate emergency. Our legislature has proven itself impotent or corrupt and our executive has publicly admitted his helplessness. We know that with the dangers threatening the country outside, it is impossible that Federal troops should remain indefinitely upon police duty in Colorado; we know, on the other hand, that their withdrawal means the outbreak of civil war upon a scale even more terrible than during recent weeks. We therefore declare it our conviction that there exists a condition of military necessity such as to justify the President of the United States in using his authority to force an

immediate settlement of the dispute upon a just basis to be determined by a Federal commission of conciliation. Inasmuch as it is well known that the miners are willing to submit their cases to such a tribunal, and that the only obstacle to such a settlement is the attitude of the coal operators, we declare it our conviction that the President should use his military authority to close down the mines until the operators decide to yield to public sentiment and the claims of justice and humanity; and that, furthermore, the President should make clear that unless such concession is quickly made he will take possession of the mines and operate them in the interests of the outstanding public.

We are convinced that this course of action offers the only hope of an honorable settlement of a dispute which has shamed our State before the world. In order that the facts and arguments which have led us to this conclusion may be properly presented to the President we are resolved to appoint a committee of representative citizens of this State to proceed to Washington and request an audience. And we furthermore invite the representatives of the miners to appoint a committee of women who have personal knowledge of the horrors of the recent civil war to accompany our committee and interview the President, in order that he may be informed at first hand what are the conditions against which this meeting protests.

We believe that in the above resolution we are embodying the opinion of all citizens of this State who are humane and enlightened, and we call upon the public sentiment of the country to manifest its sympathy with us. Raising our hands in this meeting, we declare our solemn resolve that there shall be no more bloodshed in this State, and that the coal strike shall be settled, not according to the arbitrary will of either of the contending parties, but upon a basis of justice and humanity, to be determined by disinterested authority. We believe that such an authority is found in President Wilson. We have confidence in him; we know that the miners have confidence in him; and we declare our belief that if the coal operators have not confidence in him it is because they know that their course can not be defended before the bar of public opinion.

LINDSEY EXHIBIT NO. 2.

PORTIONS OF THE LUDLOW TENT COLONY INQUEST.

BURNEY B. SIPE, being first duly sworn, on oath testified as follows:

Witness examined by District Attorney J. J. Hendrick:

Q. Your name is Burney B. Sipe?—A. Yes, sir.

Q. You are the coroner of Las Animas County, Colo., are you not?—A. Yes, sir.

Q. You were such coroner on April 20, 1914?—A. Yes, sir.

Q. You made an investigation into the death of Louis Tikas et al.?—A. Yes, sir.

Q. I will state at this time that the reason for putting you on the stand at this time is to give us the names of the parties who lost their lives at Ludlow on the 20th day of April, 1914. I am not familiar with the names, and I don't believe the jury are. You investigated that matter, did you not?—A. Yes, sir.

Q. What dead bodies did you know of that were found at Ludlow as a result of a battle and fire that occurred on the 20th day of April, 1914.—A. Alfred Martin, 30 years old; Premo Larese, 18 years of age; Louis Tikas, 35; Frank W. Snyder, 12; Frank Rubino, 23; James Fyler, 42; John Bartoloti, 45; Rogerelo Pedrigone, 6 years old; Celorine Pedrigone; Charles Costi, 31; Cedelmo Costi, 27 years old; Lucy Costi, 4 years old; Onofremo Costi, 6 years old; Pedro Valdez, 37 years old; Elvira Valdez, 8 months old; Mary Valdez, 7 years old; Eulolo Valdez, 8 years old; Rudolpha Valdez, 9 years old; Frank Petrucci, 6 months old; Lucy Petrucci, 3 years old; Joe Petrucci, 4 years old. That concludes the list of names which I have of the deaths at Ludlow on the 20th day of April.

Q. From your investigation, Mr. Coroner, of the disaster at Ludlow, can you state to the jury how those persons came to their death? Take Louis Tikas.—A. He came to his death by gunshot wound.

Q. Did you examine his body?—A. Yes, sir.

Q. How many wounds did you find?—A. Three, I think; I am not sure, but I have my physician here, who can tell you about that.

Q. Did you examine him with reference to any other wounds?—A. Abrasions about the head.

Q. Who else was shot or killed at that place, Mr. Sipe?—A. Alfred Martin was shot, Pedro Larsen was shot, Louis Tikas was shot, Frank W. Snyder was shot, Frank Rubino was shot, James Fyler was shot, and John Bartoloto was shot. The other names which I have read of persons dead lost their lives by fire.

Q. Didn't you fail to state one man, Mr. Sipe?—A. Charles Costi.

Q. Wasn't there another Costi that was shot there?—A. No, sir; that was all that was shot.

Q. Did you bring those bodies in yourself, Mr. Sipe?—A. No, sir.

Q. Do you know who did?—A. Yes, sir.

Q. Who was it?—A. I had them brought in by Mr. George, or rather William, Gode.

Q. They were not brought direct to your undertaking establishment, then?—A. No, sir; they were not.

Q. These bodies have all been buried as far as you know?—A. Yes, sir.

TESTIMONY OF DR. PERRY JAFFA.

PERRY JAFFA, being first duly sworn, on oath testified as follows:

Witness examined by District Attorney J. J. Hendrick:

Q. Dr. Jaffa, you are the county physician of Las Animas County?—A. Yes, sir.

Q. Now, then, with reference to the end of the men, women, and children at Ludlow, you made an examination, did you?—A. Yes, sir.

Q. Did you post the bodies?—A. No, sir; I only made an examination of the bodies.

Q. Did you examine the body of Louis Tikas?—A. Yes, sir.

Q. State to the jury the cause of his death, and the condition of the injuries on his body.—A. I will have to use my notes.

Q. Go ahead and use your notes.—A. He had a scalp wound on the right side of the head, about 1½ inches long—done with some blunt object; five bullet wounds—three entrance wounds, and two exit—one entered about the left dorsal region, under the scapula, passing through the left lung and the base of the heart, taking a downward course in the right lung, and lodged near the median line over the seventh rib, under the skin—that bullet was removed; another entered in the lumbar region of the right side, exit in the same side; wound in the second costal cartilage of the right buttock, the exit in the same side; that isn't exact, but about that.

Q. Did these bullets enter from the rear or from the front?—A. From the back.

Q. Did you examine the skull?—A. No, sir.

Q. Do you know if it was fractured?—A. No, sir; it was not fractured.

Q. What was the condition of his face?—A. It was scratched, and a few contusions about the face.

Q. Dr. Jaffa, in your opinion, what was the direct cause of Mr. Tikas's death?—A. It was due to gunshot wounds.

Q. Have you the bullet with you that was removed from his body?—A. No, sir; Dr. Scannel made the autopsy.

Q. Who else did you examine, Doctor?—A. I examined the other bodies.

Q. What was the cause of the death of the people?—A. I have it down William Snyder. Which is it?

Q. Change your record to Frank Snyder. Now, then, you are going to testify to the wounds found upon the body of Frank Snyder?—A. Yes, sir.

Q. Just go ahead and tell what they were.—A. There was one bullet wound, the bullet entered on the farther end of the cerebrum, about 1½ inches, on the right side; the exit was on the opposite side of the skull—that bullet went straight through.

Q. What was the condition of the skull?—A. Well, the entrance wound was small, but the exit wound was a large hole about 1½ inches in diameter. Now, then, William Fyler, there was a bullet that entered on the right side of the nose, and the exit was at the back end; there was also a bullet wound through the right wrist.

Q. Then, there were two shots that penetrated William Fyler?—A. Yes, sir; two. John Bartoloto had two wounds, one right over the heart, and the

other one was a little bit to the right of that, both entrance wounds—there was no exit to either one; he was also shot through the right arm and through the right leg.

Q. That made four shots in him?—A. Yes, sir.

Q. Did you get any of the bullets, Doctor?—A. No, sir.

Q. But the ones near the heart were sufficient to cause death?—A. Yes, sir.

Q. Who next?—A. Frank Rubino, I think he had two wounds, both wounds were so close together, right over the right eyebrow, we were a little bit doubtful as to whether it was two wounds, two bullets, or whether the bullet had divided.

Q. It caused his death?—A. Yes, sir.

Q. Who next?—A. Primo Larese, we could not tell where the bullet entered or the exit—the entire top of the head had been blown off. There seemed to be a mark like a bullet wound, but we could not tell whether it was the entrance or the exit wound—that mark was on his forehead.

Q. Was there any powder burns on that body?—A. No, sir. Charles Costi, the bullet entered over the right temple; and that concludes the people killed by gunshot wounds.

Q. Now, calling your attention, Dr. Jaffa, to the testimony of Mr. Ilge, you heard that statement, did you not? He gave the names of the people that were found dead out there.—A. Yes, sir.

Q. Did you make an examination of the bodies of those women and children?—A. Yes, sir.

Q. What was the cause of their deaths?—A. They were caused by asphyxiation.

Q. Smothered?—A. Yes, sir.

Q. Describe the condition of the bodies that were burned.—A. Those that were burned were slight, some very—were pretty badly burned.

Q. Were they burned so badly that their legs came off?—A. Well, Mrs. Costi's arm was burned off, but there were no legs burned off.

Q. Was there a leg on one of the children that was burned off?—A. No, sir; it had been injured in some way, and in trying to get out of there he dislocated it, or it was due to some one falling on it—they were all jammed in so small a place—but, I think, in trying to get him out that it was dislocated.

Q. Dr. Jaffa, did you assist in taking out any of those bodies from that cave?—A. I did not.

Juror CASIMIRO CRUZ. Did you notice if any of the women or the children had been shot?

A. No, sir; I believe that Frank Snyder was the only child that was shot.

Mr. HERRICK. Doctor, did you visit the Ludlow tent colony for the purpose of seeing where these people were found dead?

A. I did.

Q. What kind of a place did you find there? Just describe it to the jury.—A. It was a hole in the ground, I would say about 6 feet in diameter, the entrance to it was such that you had to almost crawl into it in order to get in at all; it was very small, probably 2 feet wide and 3 feet high. When any amount of people would get in there, you could not get any air, and asphyxiation would be in a very short time.

Q. What was over the hole, if anything?—A. It seemed to me that there were railroad ties over the top of it, and filled over with dirt.

Q. Was that inside of a tent?—A. There wasn't any tent there at that time.

Q. Well, had the tent burned down at that time?—A. Yes, sir; there were some marks there, and I supposed that a tent had stood there at one time.

Q. Was there any burnt lumber around there?—A. Yes, sir; from the indications there, those people all crowded in there, and couldn't get out on account of the cave being so small, and they afterwards died.

TESTIMONY OF DR. ACA HARVEY.

Dr. HARVEY, being first duly sworn, on oath testified as follows:

Witness examined by District Attorney J. J. Hendrick:

Q. Your name is Dr. Harvey?—A. Yes, sir.

Q. What is your full name?—A. Aca Harvey—Aca Harvey.

Q. You reside where?—A. At Aguilar.

Q. Were you in the vicinity of Ludlow on the 20th of this month?—A. Yes, sir.

Q. What time did you go there?—A. About 1.30 in the afternoon.

Q. Now go ahead and tell the jury what you saw and did there, give us what experience you had, if any?—A. Well, I didn't go at once to the tent colony because there was firing over there, shooting, shooting at everyone that passed by the road.

Q. Who did?—A. I couldn't say.

Q. Where were the shots coming from?—A. From every direction, coming our way, some were shooting from a string of cars that was on the C. & S. R. bridge and from a house and corral on the hillside.

Q. Could you see any of the bullets strike the road?—A. Yes, sir.

Q. Do you know if the mine guards were stationed at either of those places you just spoke of?—A. I believe so.

Q. What were you riding in, if anything?—A. In a buggy.

Q. Who was with you?—A. Dr. Davis. We were stopped in front of Mr. Bayes's house and that is about three-quarters of a mile away from the tent colony. They told us we wouldn't go any further, that it would not be safe.

Q. Who stopped you?—A. Several people. There was some men in Bayes's yard, there was some children and women there also.

Q. How far away from this corral and house you testified to?—A. I judge it was three-quarters of a mile from that corral and cement house.

Q. The tent colony was between that corral and Bayes's?—A. Yes, sir; in the middle.

Q. Who did those people seem to be shooting at?—A. At anyone that came in sight.

Q. Could they have been shooting at the tent colony over there?—A. They were shooting probably 100 feet above the tent colony. We were on a kind of a ridge over there; Mr. Bayes's house is higher than the tent colony.

Q. Higher than the tent colony?—A. Yes, sir.

Q. Tell what next happened.—A. Do you want me to tell what I done there?

Q. Tell what you did there, and what you saw there.—A. Well, we met some parties from the colony that had made their getaway, who advised that just one of us go over to the colony, and so I voluntarily said I would go, and then they advised Dr. Davis to return to Aguilar. So I and Mr. Bayes, he helped me carry my surgical instruments, cases, he said they were too heavy for one man to carry, so we started over to the camp. These people we were talking to said that there was some wounded man up near the C. & S. bridge and up by the pump house, just to the west of the tents. Before starting out I got a white flag and we started over there. We went straight east and turned and got in an arroyo and followed the arroyo up to within 100 yards of the railroad bridge. Then whoever it might have been in that cement house about 300 yards away started to shoot at us.

Q. Who was it doing that shooting?—A. I supposed it was the militia and guards up there. One of those bullets just about struck Mr. Bayes on the head, some whistled by me. In order to get to the bridge I had to pass by an open space. I hugged up as close to the arroyo as I possibly could. I made a run and got by the open space, and I jumped into the bank or a little cave in the bank, cave out. I had my medicine antiseptic solution with me, and unfurled my flag and started to wave that, but every time I stuck it out it would be shot at.

Q. Any bullet holes in that flag?—A. Yes, sir; five or six holes in it.

Q. Have you got that flag with you?—A. No, sir; it is down at Dr. Beshor's office. I waited there about three-quarters of an hour. There was a couple of the union men come there and got into a little pit dug in the side of the hill, and they started to shooting back at whoever was doing the shooting, and when those men seen the people that were doing the shooting they turned their attention to them; then I jumped out of the cave I was in and made a run to the bridge. I found a man there who was shot through the head. He was not dead, but he was dying. I suppose there were about a dozen or fifteen men there. They told me that there was another wounded man in a cellar up by the pump house 100 yards away, the railroad bridge would protect me, so I crawled away and got within 50 or 60 feet of the cellar at the pump house. I filled my pockets with dressings and all the time I was crawling to the pump house the bullets were falling thick and fast around me. About the time I got in there the machine gun turned loose and they kept that up for some two or three hours.

Q. Which direction were the bullets coming when the machine gun was turned loose?—A. All about; I could hear the bullets dropping all over; there was a constant spatter of bullets.

Q. Was any of the bullets that were used explosive bullets?—A. I believe so from the noise they made.

Q. Where were the militia and guards stationed, if you know?—A. Some were up by the steel cars and intrenched behind the banks.

Q. Where was the machine gun located? Was the machine gun on Water Tank Hill in operation?—A. That is south of the depot; I don't know, sir.

Q. You spoke of some man dying down there by the bridge. Do you know what that was?—A. I don't know his name. He was shot in the left side of the head.

Q. He died, did he?—A. Yes, sir.

Q. Was that Charles Costi?—A. No; he was found further up, south and east.

Q. Go ahead and tell what else you did.—A. When I got to the place those men called a cellar I found in place of a cellar a well. It was about 30 feet deep.

Q. Were there any strikers down there?—A. I think there was four ladies and children at that time. When we would go down 10 feet or so there was a platform, and then down from there was another platform, a stairway down from the first platform, and so on until you get to the landing. There was quite a number of women and children in there, and the wounded man was on the first landing; there had been two men shot there. One of the men that was shot crawled away. He was not so disabled that he could not get away.

Q. The man in the cellar that was wounded, who was he?—A. I don't know. I believe he was a Greek; I took him for a Greek, anyway. Well, they kept that firing up with the machine gun over that cellar or well until it was almost dark, when a freight train came from the north; there was a long string of them, so the people that were in there made their getaway while those cars were going by. Those cars come between us and the parties doing the firing.

Q. What time of day was that?—A. It was getting dark.

Q. What time, do you know, Doctor?—A. No; I don't know.

Q. What did you do next, Doctor?—A. Well, we went down to that bridge and got the wounded man and we removed him over to Mr. Bayes's house and dressed the wounds over there. There was some 25 or 30 women there when I got back to Bayes's.

Q. What next?—A. Well, I stayed all night at Bayes's ranch. There was a few men—strikers—came there, and they were told to go away and not stay there. We thought that if the militia saw any men there that they would fire at the house, so we told all the men that stopped there to go on. They kept the women and children there and cooked and fed them all right.

Q. Where were you when the shooting first started, Doctor?—A. I got over there about 1.30 to Bayes's ranch.

Q. What were the indications around there?—A. I did not look around much.

Q. What was the condition of the tents with reference to being shot up, as to whether or not it was full of bullet holes.—A. No; I don't know.

Q. Did you see the firing that night?—A. Yes, sir.

Q. What time did the first fire begin?—A. About 7.30.

Q. Did it start from the southwest corner of the tent colony?—A. Yes, sir. It seemed to me that the big tent—the large tent that was used for their meeting and dances, and so forth—was set on fire. Well, the fire started in a little storehouse in the southwest corner next to the railroad, about the third or fourth tent from the big tent. The fire started in the storehouse and spread to the big tent. The fire stopped for about an hour or two and then it started again. We supposed they would all be burned up the next morning. When Mr. Bayes and I got up the next morning there were several tents standing.

Q. What became of them?—A. It looked as though they were pouring coal oil on them. Mr. Bayes got up on his water tower—his windmill there; he got up there, and had a pair of field glasses.

Q. What did he say he saw?—A. He said he saw the uniformed men throwing coal oil on the tents while another would apply the matches.

Q. You didn't see any of this firing of the tents yourself; it was just Mr. Bayes?—A. I could just simply see the blaze when it would flash up from the tents.

Q. Could you say it was the troops that were doing it?—A. No, sir; I am not positive whether it was the troops or not; Mr. Bayes said it was men in uniform. He had the field glasses; I wasn't up on the tower myself.

Q. Doctor, do you know whether or not Monday was a windy evening?—A. I don't think so. I was busy dressing wounded men, and when I came out of the house the firing had started again.

R. J. M'DONALD.

R. J. McDONALD, being first duly sworn, on oath testified as follows:

Witness was examined by District Attorney J. J. Hendrick:

Q. What is your name?—A. R. J. McDonald.

Q. Where do you reside?—A. At Trinidad, Colo.

Q. What have you been doing, Mr. McDonald, in the last three or four or five months?—A. Since the 25th day of December I have been military stenographer for the military commission.

Q. Were you taking notes in investigations, and extending testimony?—A. Yes, sir.

Q. Were you out at Ludlow on the 20th of this month?—A. I believe it was if the 20th was last Monday.

Q. The day of the fight?—A. Yes, sir.

Q. With whom did you go?—A. With the train that was called the reinforcement train.

Q. For what purpose did you go out there?—A. Merely curiosity, as far as I was concerned, Mr. Hendrick.

Q. What time did you get out there?—A. Shortly after 4 o'clock; I don't know the exact moment.

Q. Who was in charge of the train?—A. When we left Trinidad it was in charge of Lieut. Conner; and after we got there Capt. Carson with a few men up on the C. & S. joined us, and we detrained.

Q. How many men were on that train?—A. Eighteen or twenty from Trinidad, and some came down from Segundo.

A. Who were they?—A. Part were mine guards and part were militiamen.

Q. For what purpose were they going out there?—A. About 10 o'clock in the morning I was down in the armory getting ready to go to work, and the telephone rang, and Capt. Foreman's assistant couldn't understand what was said, so when it rang again I answered the phone, and it was Mrs. Linderfelt calling. She said the troops at Cedar Hill were being killed and that they wanted to have help.

Q. You went out there?—A. Yes, sir; I did.

Q. Where did the train stop at, Mr. McDonald?—A. This side of Rameyville, that camp back of Cedar Hill, is what I was told. Well, the men detrained there, the machine gun was taken off there. About the time the machine gun was being taken off I noticed an automobile there, a brown automobile, with quite a few people in it; there was a young girl there about 18 or 20 years old; I didn't pay much attention. I heard some one say: "Here is an automobile, so just put the machine gun in it and the driver will take it to the top of the hill, and then it will be just a short distance to carry it." I remember this young lady getting out of the machine. Then two men on horseback came down from the top of the hill and gave some orders.

Q. You remember what those orders were?—A. The orders were that the soldiers should detrain and go up to the hill. The automobile took the machine gun up to the top of the hill, and it was afterwards packed over.

Q. The driver of that automobile was the gentleman that just testified, Mr. Hall?—A. I don't know.

Q. What was done with the machine gun after it was taken to the top of the hill?—A. It was planted, if that is the proper term.

Q. Was it put into operation?—A. Shortly afterwards I heard its fire.

Q. In which direction were they shooting?—A. Probably a mile or a mile and a half to the hills in the direction of the Black Hills; the reason I apprehend that it was about that far is because some of the men were using 30-30's and they were told to "cut it out using the popguns", because they couldn't reach that far.

Q. Do you know if they were shooting at the tents then?—A. Not at that time that I know of but they did later on; it was probably 6 o'clock because some one gave an order and I heard it; some one said "There is 50 minutes yet before dark and we have to take and burn the tent colony."

Q. Do you remember who gave that order?—A. I think it was Maj. Hamrock or Capt. Carson; it was either one of the two, but I heard the order.

Q. Where did you go from there?—A. I left there. Somebody said, "We will leave five men with the machine gun"; so we went from the top of the hill over to the steel bridge, and from there over to the railroad cut just north of the Ludlow tent colony.

Q. What occurred there?—A. Mr. Welsh was with me; he followed in the back and got in the Ludlow depot. About that time the firing was pretty heavy.

Q. You went to the Ludlow depot?—A. Yes, sir; probably after an hour's shooting we left the Ludlow depot and went up toward the tent colony. We followed out on the track from the box cars that were standing there, and Linderfelt ordered the men on the steel bridge to cease firing and advance slowly toward the tent colony. He turned around to me and said, "you aren't doing anything else, and you are a fairly intelligent man; you run up to the bridge and give that order." So I ran up to the steel bridge and told the men there that they were to cease firing and advance slowly toward the tent colony. One of the men there said, "Who gave you that order?" He said, "I don't know you and I won't obey it." Probably two minutes elapsed and Maj. Hamrock came down, and he gave the order for them to cease firing and advance slowly to the tents.

Q. Did you see Louis Tikas there that day?—A. I never seen him that day.

Q. Did you hear any one discuss him that day?—A. After we come down from the steel bridge by the railroad cut down there the tent colony was on fire. We heard quite a bit of commotion down there by the water tank, and somebody came in and said that Louie the Greek had been captured, and that they wanted to hang him. I said, "They don't need to hang him; why don't they just take him prisoner?" Mr. Welsh said, "That's none of our business," or something like that. Well, when we started for the depot—I wanted to go to the depot and stay there; I had seen enough and I didn't want to see any more—we met Maj. Hamrock and Linderfelt. Mr. Welsh said something to them about Louie the Greek, and Linderfelt said he wouldn't let them kill him or hang him, "but I broke or spoiled an awful good rifle." He was carrying it by the barrel over his shoulder.

Q. Do you know if he struck Louis Tikas over the head with that?—A. Nothing more than the talk I have heard, but I supposed so. We were about 20 or 30 feet from them when a fusillade of bullets were fired, and we went over the embankment, and then started to walk up the track to the depot, when some one came in and said that Louie had been shot; he said he knew it was Louie because he had a pair of red leggings on and a pair of field glasses.

Q. What time was that?—A. About 7.30.

Q. How soon after that did the tents begin to burn?—A. Before I went down the tent nearest the railroad track was on fire when I first looked.

Q. How did that catch on fire?—A. I don't know.

Q. Did you see any men around them at that time?—A. There was a commotion over by the arroyo, north of the Ludlow tent colony, some one run out and said, "My God; God; dynamite," and it went up. Some of the soldiers were in the back of the railroad crossing at that time.

Q. Isn't it a fact that there was a railroad train coming along?—A. There were two freight trains, about 10 minutes apart before the passenger train; it was late that evening.

Q. Do you know if the railroad men had a conversation with any of the soldiers with reference to the fire?—A. I couldn't say; they pulled right through the depot without stopping.

Q. Do you know Mr. Riley, who was on the railroad that day; that train that evening?—A. I don't know.

Q. Do you know if he talked to the soldiers?—A. No; I don't. Mr. Hendrick. After I got down on the railroad cut those two freight trains passed me. I don't know if they stopped any place or not.

Q. At the time you saw the tents burning you were about a half a mile away, were you not?—A. Yes, sir; 600 yards away.

Q. What time did you leave the Ludlow depot that night?—A. At 11.30; I went to Pueblo and Denver.

Q. Were the tents still burning then?—A. Yes, sir. Tuesday night the tents were still burning when I went through, or rather the wood was burning; the frames.

Q. The canvas part was not burning?—A. No, sir; just the frames.

Q. To what extent, when you left that night, had the tent colony been burned up?—A. Possibly 14 or 15 tents in smoke at that time.

Q. At the time the tents were burning did you see anybody in and around there?—A. Well, when I was in the depot one man came and said that there was three pups, dogs tied there, and that he cut them loose, and another one came with an American flag, and some one asked him where he got it, and he said out of the tent colony, that he could not seen it burn up. Pretty soon another man came in with a revolver, probably it was a .32, something like that; then another man carried in a double-faced looking face.

Q. Mr. McDonald, you went out there in the interest of a spectator?—A. I went for this reason, Mr. Hendrick: There had been several reports; first there were going and then they weren't going; I didn't have anything to do that day, so I thought I would go out and look over the grounds, never expecting anything like that to happen.

Q. Do you know who operated the machine gun?—A. I don't know his name; he was a militiaman.

Q. Do you know what that gun belonged to?—A. I don't know whether it was gotten from here or whether it belonged to the State militia; I am not positive.

Q. You don't know, Mr. McDonald, whether it belonged to the State militia or to the coal operators?—A. I could not state.

Q. These men that were armed and went out on that train with you, did they have Springfield rifles or Savage?—A. Some were the Springfield rifles and some Savages, and some were the Regular Army guns. They put their uniforms on down at the armory and some just had the Savage 3-30.

Q. Mr. McDonald, what per cent of those men were mine guards?—A. I couldn't hardly state; I think three or four were actually in service here, whether the others belonged to the State militia and were subject to call or not I couldn't state.

Q. Did E. J. Foreman command that squad; Capt. Foreman?—A. He was ordered to don his uniform, and he said he was going up the street, and the next I seen of him was at Denver at the depot Wednesday morning.

Q. So he was not out there?—A. No, sir; he wasn't there.

Q. The guards made up this party that went out that day, they came down from Segundo?—A. I think 20 came down.

Q. Do you know if they brought that machine gun down with them?—A. I don't know. There were three day coaches and a passenger car went out, and in front was a steel car, the most of them men.

WILLIAM SNYDER.

WILLIAM SNYDER, being first duly sworn, on oath testified as follows:

Witness was examined by District Attorney J. J. Hendrick:

Q. What is your name?—A. William Snyder.

Q. Where do you live, Mr. Snyder?—A. Now?

Q. Right now,—A. At 310 Elm, Trinidad.

Q. Did you live at Ludlow on the 20th of this month?—A. Yes, sir.

Q. How long had you lived there?—A. Since the 20th day of September, or about that date.

Q. Of last year?—A. 1913.

Q. You went there immediately after the strike was called?—A. Yes, sir.

Q. What did your family consist of on the 20th day of this month?—A. Five boys, one girl, my wife, and myself.

Q. Where you and your family in the tent colony on the 20th of this month?—A. Yes, sir.

Q. How were you living there?—A. In a tent.

Q. What kind of a tent; how large?—A. It was 16 by 24.

Q. One room or more?—A. I had it partitioned off, about the center of it was partitioned; I had the lumber in it, about 5 feet, and then the drop curtains.

Q. How old are your children?—A. How old? From 3½ to 11 years and 11 months.

Q. Now, then, calling your attention to the early part of the morning, state what, if anything, unusual happened on the morning of the 20th of this month.—A. Well, the first thing that I noticed in the morning was four militiamen coming to the colony, as I understood it afterwards to arrest a man without a warrant, as I understood it, and that Mr. Tikas told them they could

take anyone out of the colony if they had a warrant, but without a warrant they could take no one, as I understood it afterwards. This detail of four, as I understand, that they were to get that man by hook or that they would search the colony. At that time the militia were lined up on the C. & S. R. tracks. So I went in the store and said to my partner, it looks to me like there is something in the wind.

Q. Who is your partner?—A. Bill Barden.

Q. Where is he?—A. In Trinidad.

Q. What else?—A. So Mr. Tikas, as I heard later, heard rumors that the men were lining up on the other side of the track, that the militia and guards were lining up down there, and so he went down to verify that statement; he was a man that did not believe everything that was told to him; and on his way back three shots were fired, I think they were signal shots of some kind, I think it was meant to bring the rest of the militia out of the different canyons.

Q. What did it sound like?—A. Dynamite; it must have been.

Q. That is what it was.—A. In about two or three minutes, I couldn't say exactly, there was another bomb fired off and a third one.

Q. Did they come from the militia camps?—A. Yes, sir; from the grounds that are occupied with the soldiers, where the old K Company used to be. Just when these bombs were fired I looked up the track and I saw men on horseback, I supposed it was the cavalry. I could see those men hurry around that C. & S. track there by the C. & S. R. bridge. So the men in the colony left the tents so that if they started anything that the firing would be directed away from the women and children of the tent colony, as I looked at it. The militiamen were going in a southeasterly direction.

Q. Were the inhabitants of the tent colony leaving the tents?—A. Yes, sir.

Q. Where were you during this time?—A. I was right there on the grounds, I was locking the store to start for home to protect my wife and children.

Q. What time were those bombs set off?—A. Somewhere between—well, I couldn't say exactly.

Q. Well, approximately?—A. About 9 o'clock or a little after.

Q. How soon after the bombs were fired was it before the firing began?—A. I couldn't say.

Q. Tell the jury where the shooting came from mostly, which direction.—A. From the Colorado & Southern tracks.

Q. How long was the fire kept up toward the tent colony?—A. Well, the firing ceased about 12 o'clock at night. I don't know if they kept it up continuously at the tents or not.

Q. Were any of the tents struck by bullets?—A. Yes, sir.

Q. To what extent?—A. I could not say.

Q. Did you see the tents catch on fire?—A. They were on fire before I got to look at them.

Q. I will ask this question: Do you know whether or not there were any shots fired from the tent colony occupants toward the soldiers?—A. No, sir; not that I know of.

Q. Did you fire any?—A. No, sir.

Q. When did you get out of the colony?—A. As I judge, it was between 12 and 1, or 1.30, anyhow.

Q. Was your tent struck by any bullets?—A. Yes, sir.

Q. How often?—A. It was struck four times that I know of, of my own personal knowledge.

Q. State whether or not any of your family were killed.—A. Yes, sir.

Q. Who?—A. Frank, he was 11 years and 11 months old.

Q. Where was he?—A. He was sitting in a rocking chair when he was struck.

Q. Where was he struck?—A. By the temple, and tore out the brains.

Q. Did it affect the remaining brains?—A. Yes, sir; tore them out.

Q. Broke his skull?—A. Yes, sir; we have not been able to find the pieces of the skull.

Q. Tell what happened from the time that he was killed until you got out of there.—A. He was killed, I should judge, about 5 o'clock in the afternoon of the 20th of April. I had been outside and I heard the bullet pass by me. I had just stepped out, and I heard it strike something. I heard two distinct hits of that bullet; my next boy to Frank, George, said "Frank is shot." I said, "Where?" and I jumped in the other room and caught the boy before he fell out of the chair. Just then a bullet went over my head, and so I had to let the boy down on the floor on the wounded side and I layed down beside him. My wife was in the cave, and I said to her, "Frank is dead." He was still in convul-

alone. I picked the boy up and put him between the beds. My wife had started to come out of the cellar, and she fell in a faint, so I grabbed her. Then I went and got some water that my wife had been preparing to wash the dishes in and tried to wash the blood off of Frank's face, but the firing came on heavy that I had to stop. Finally I went over to Teller's tent, and from what I have heard since I must have come back in all that heavy machine firing. I got back home and I got down on the floor and took both of Frank's hands—he was just drawing up—and layed them across his chest, and then went into the hole with my wife and the other children.

Q. When did you get out of there?—A. Somewhere around 12.30 or 1 o'clock.

Q. Did anybody come to your tent while you were there?—A. Yes, sir; the militia came there.

Q. Who were they?—A. I don't know them.

Q. What did they say to you?—A. They set fire to the tent and opened it and come in.

Q. They set fire to your tent?—A. Yes, sir. My wife then said, "For God's sake save my children." I didn't want them to know I was there, but just about that time sister said something to me.

Q. What did they say to you?—A. They said, "What in hell are you doing in there?" I told them I was trying to save my wife and children, and they said, "You son of a bitch, get out of there, and get out God damn quick at that." My wife was out by that time; I believe one of the officers helped her out. I told them to hold on, I had a boy killed in there, and they told me to get him out damn quick. I picked the boy up and laid him down outside so I could get a better hold on him. I asked some of those fellows to help me carry him to the depot, and he said, "God damn you; ain't you big enough?" I said, "I can do it." I took him on my shoulder and sister by the other arm, and just then some one of the militiamen stopped me, and said, "God damn, you son of a bitch, I have a notion to kill you right now;" he said, "You red-neck son of a bitch; I have a notion to kill you right now."

Q. Do you know who he was?—A. I think I do; he is a guard in uniform.

Q. What is his name?—A. I would rather not tell it unless I just have to.

Q. Will you tell it to me in private?—A. Yes, sir. My wife kept on pleading. He said, "You have done as much shooting as anyone else around here." And I just kept on going until I got to the depot.

Q. Did your wife go with you?—A. Yes, sir.

Q. Were the tents burning at that time?—A. Yes, sir. While I was passing Snodgrass's store this man—that officer, Mr. Linderfelt—flashed a light and said, "What God damn red neck have we got now?"

Q. Which one said that?—A. The one we call Jesus Christ.

Q. Do you mean S. K. or K. E. Linderfelt, the man with the bull face?—A. That is right; he is bullfaced.

Q. He is a captain?—A. We used to call him lieutenant, but I think he is up in ranks now.

Q. Why did you call him Jesus Christ?—A. He told Mrs. Lowe that he was Jesus Christ, and that the other fellows were his Jesuses, and so we always called him Jesus.

Q. Where did you stay the balance of the night?—A. At the Ludlow depot.

A. Who was in there?—A. Some gunmen and militiamen.

Q. What were they doing?—A. Some laying on the floor, sleeping; some joking and passing different remarks, joshing. One of them said, "I got one red-neck son of a bitch, and at daylight I will go up and get another one."

Q. Did you stay in the depot all night?—A. Yes, sir; we had to, and about 5 o'clock they let me go over to Frubur's house, just before the No. 7 train was due.

Q. Did you know Louis Tikas during his lifetime?—A. Yes, sir.

Q. He is dead now?—A. Yes, sir.

Q. Did you know Mr. Fyler?—A. Yes, sir.

Q. Do you know how many women and children perished in that hole?—A. I heard that 11 children and 2 women and 1 man.

Q. That is right, according to the coroner's testimony.—Mr. Snyder, you have lived in the tent colony practically ever since it started?—A. Yes, sir; that is the only home I ever had and the only one I ever knew of.

Q. Do you know of any reason why those militiamen and guards should have burned that tent colony?—A. Just to get rid of us.

Q. Do you know whether or not the militia or mine guards or anybody else ever threatened to burn the tent colony? Or have you ever read it in any of

the Trinidad papers?—A. I didn't have to read the papers. I am not positive, but I believe I have read it in the papers that they would clean out Ludlow; I was told to get out of the county by one of the militiamen and for me to stay out.

Q. You were told to leave the county?—A. Yes, sir.

Junor. Were you ever at the ball game on Sunday?

A. No, sir.

TESTIMONY OF WILLIAM HALL.

WILLIAM HALL, being first duly sworn, on oath testified as follows:

Witness was examined by District Attorney J. J. Hendrick:

Q. State your name.—A. W. J. Hall.

Q. What is your business?—A. Automobile driver.

Q. For whom?—A. For myself.

Q. Did you have your automobile out near Ludlow on the 20th day of this month?—A. Yes, sir.

Q. What was the occasion of your being out there?—A. I was out at Tabasco, Mr. Hendrick.

Q. Did you go through Ludlow?—A. No, sir.

Q. Do you know anything about what happened out there that day?—A. Nothing, except I was there when the special train went out with the militiamen, and so forth.

Q. What, if any, experience did you have?—A. Well, I came out from under that cement bridge that the train passes over, about half way from Ramseyville, and I was stopped.

Q. Who stopped you?—A. I presume he was a militiaman. I then recognized Capt. Carson. He was telling me to stop; he waved for me to stop, rather; there were others there that I did not recognize.

Q. What time of day was that?—A. Shortly after 4 o'clock.

Q. Who was with Capt. Carson, if anyone?—A. There was from 50 to 100 men there with him that I did not recognize.

Q. That train was going north to Ludlow?—A. Yes, sir; but everybody got off there by Ramseyville.

Q. Did you have any conversation with any of those men as to what they were going to do?—A. No, sir.

Q. Did they say anything to you or not?—A. One of those men asked me to drive the machine up the hill for them; he told me he wanted to put the machine gun in my machine, and asked me to drive the car back for him.

Q. Did he say anything to you about what was going on at Ludlow?—A. Not to me.

Q. Did you hear him say anything to anyone else?—A. Things were said at random to everyone, but not to me.

Q. What did you hear said there?—A. I heard some one ask where the militia and guards were located and where the strikers were.

Q. Those men were on the train, you say; where did they get off?—A. At Ramseyville. Jack Cold loaded the machine gun in my machine. Jack took care of the machine part of it, and another fellow held the tripod, and I took it up the hill for them.

Q. Where was the machine gun unloaded at?—A. Right at the crest of the hill by the C. & S. E. tracks, Mr. Hendrick.

Q. Was that near the big steel bridge?—A. There is a general large hill near the steel bridge. That is where the machine gun was unloaded at.

Q. What were they going to do with the machine gun?—A. They did not say anything to me.

Q. What did they take it out to Ludlow for?—A. I don't know; I presume to shoot.

Q. Mr. Hall, did you hear any order given there that day?—A. Yes, sir.

Q. What were those orders?—A. The orders were for those men to go in and clean out that colony. For them to drive everyone out and then to burn the colony.

Q. You heard these orders, did you?—A. Yes, sir.

Q. Did they put any ammunition in your machine?—A. Yes, sir; they put some boxes in there; I supposed that it was ammunition.

Q. What kind of boxes did they put in your machine, if any?—A. Big long boxes; the dimensions were probably about 6 inches high and 12 by 18.

Q. Were they machine-gun shells, or what was in those boxes?—A. I didn't know. Some were machine cartridges, I suppose, and some of the boxes had been opened, and all the men were loading up with ammunition.

Q. Those orders were to go out and destroy that colony and to burn the tents?—A. Yes, sir.

Q. Who gave those orders?—A. I don't know; some man in uniform.

Q. Some man with shoulder straps on?—A. I couldn't say.

Q. Had you ever seen him before?—A. I couldn't say.

Q. Have you seen that man since?—A. No, sir.

Q. Now, then, Mr. Hall, after they loaded that gun in your auto you took it up so far for them, and then they carried it the rest of the way, did they not?—A. Yes, sir; I took it to the top of the hill.

Q. How long after that was it before you heard any shooting?—A. I don't know.

Q. Did you hear the machine gun in operation?—A. I heard something that I thought was the machine gun.

Q. Describe what kind of a noise it was making. Was it a rapid noise?—A. It was very rapid, Mr. Hendrick.

Q. Did you leave there and come back to Trinidad?—A. No, sir; I stopped at Rameyville.

Q. What did you stop at Rameyville for?—A. We were not in a position where there was any firing; we were on the hill.

Q. Did you hear any of the shooting where you were at?—A. Yes, sir; we could see the dust raise.

Q. How long did you remain there, Mr. Hall?—A. In the neighborhood of an hour and a half. It was 6 o'clock when we left Rameyville for Trinidad. I stopped on the hill, and if the firing had come my way all I would have to do would be to drive down the hill and be out of range of the bullets.

Q. Who was with you, Mr. Hall, if anyone?—A. Mr. Ryan and his daughter and another fellow, I think his name is Laird; he is a friend of Mr. Ryan's.

Q. Did you see the tents burning?—A. No, sir.

Q. Mr. Hall, do you think you could recognise the parties that gave orders to clean out the tent colony? Would you recognise the man that put the machine gun in your machine?—A. I could recognise several of the parties, the one with the machine, but I don't believe I know who gave those orders, Mr. Hendrick.

Q. Did you carry that machine and ammunition in your automobile, voluntarily or not, Mr. Hall?—A. No, sir; I did not do it voluntarily, Mr. Hendrick. Those men seemed to have full authority over the car, and from the way I have seen them act around Trinidad here, I thought it would be best not to refuse to carry that stuff for them. I was under the impression that it was of no use to try to resist letting them have the car.

Q. Do you know if there were two machine guns from Trinidad?—A. I do not. However, if there were two machine guns from Trinidad I didn't see it, but I don't think that there was but one. Unless there was a possibility of two being clamped together, and I don't believe there was.

Mr. HENDRICK. That is all.

JOHN F. HARRIMAN.

JOHN F. HARRIMAN, being first duly sworn, on oath testified as follows:

Witness was examined by District Attorney J. J. Hendrick:

Q. State your name please.—A. John F. Harriman.

Q. What is your business?—A. Railroad conductor.

Q. Of what road?—A. Of the Colorado & Southern; freight conductor.

Q. Between what points on this division do you run?—A. Pueblo to Trinidad.

Q. When making your trips do you pass Ludlow?—A. Yes, sir.

Q. State to the jury if you passed Ludlow on the 20th of this month.—A. Yes, sir.

Q. What direction were you going on that evening or day?—A. Coming south.

Q. Did you pass the Ludlow tent colony, or what used to be the Ludlow tent colony?—A. Yes, sir.

Q. At what time of day?—A. About 7.05 p. m.

Q. Who composed your train crew?—A. Engineer Bashford, Fireman Mack Alexander, Head Brakeman A. J. Riley, Rear Brakeman J. H. Gordon. We also had passenger on, Mr. Lowery, the D. & R. G. coal inspector.

Q. What is his first name?—A. I don't know.

Q. When you reached Ludlow that evening, what, if anything, attracted your attention at or near the tent colony?—A. When rounding a curve, perhaps a mile and a half north of Ludlow, just on top of a hill, I noticed a fire. I was in the cupola in the caboose. I first took it to be the depot, but I couldn't tell until we got closer what it was.

Q. What did you discover it to be?—A. The tent colony. The strikers' tent colony.

Q. Which tent was burning?—A. The first tent; the first three tents on the southwest corner were burning.

Q. Did you stop your train?—A. We stopped; yes, sir.

Q. State what occurred.—A. We came in there about 7.05 p. m. We were to take the sidetrack and let No. 2 pass; we were to take the sidetrack; the switch is nearly opposite the colony, only a little bit south of the opposite side when we stopped to take the sidetrack, when the gunmen and the militia under the tank, about 15, stuck their guns in the engineer's face and told him to get out, and to be God damn quick about it, we made no effort to go to the sidetrack then.

Q. What did you do?—A. We pulled out of there right away; we stopped there not to exceed a minute or two minutes, and we pulled through the switch and didn't stop any more.

Q. Did you have any conversation, or did Mr. Bashford have any conversation, with what you termed as gunmen, with reference to the burning of the tents?—A. I believe they told me they were shooting up the colony.

Q. Is the engineer here?—A. No; he went out on the 1.30 train to-day.

Q. Was he subpœnaed, Mr. Coroner?—A. We was; but we could not find him.

Q. How long did your train remain at Ludlow, Mr. Harriman?—A. Not to exceed two minutes; we got away just as quickly as we could, the firing was so hot.

Q. Did you or any of your crew make any effort to extinguish the fire?—A. No, sir.

Q. How many men did you see there with guns?—A. I had about 25 cars on the train and that put me back quite a distance, about four times twelve or thirteen hundred feet back of where the engine was. When I saw the tents were afire I jumped down from the cupola and went to the back door of the caboose and stepped out, the bullets weren't in my range, but just as I started to get back in a bullet sang by me through the air, so I went back in the car and went to my desk and blew out the light and hung my lantern up, and when we started to pull up I looked out the right-hand side of the door, on the right side of the tracks, and I could see the guns flash toward the colony from the point on the steel bridge across the arroyo and past the tank, when we got to the tank I saw several flashes.

Q. Do you know how many were there?—A. No; I don't; under the tank I would judge about 15. They laid along all the way to the pump house to the tank, this side of the tank, clear up to No. 2 switch, and that would be about 1,000 feet.

Q. Did you notice any soldiers come in the depot?—A. We didn't stop there; we kept on going. I looked out on the left side when passing the depot, and I didn't see anybody.

Q. Do you know how long those tents had been burning?—A. I should judge but a few minutes.

Q. How far were those men from the tents?—A. Well, along the track under the tank, just outside of the right of way, and they were on the other side of the right-of-way fence, about 1,000 feet from the right-of-way fence, to the first tent, or maybe 150 feet.

Q. Did you notice any persons at or near where the tents were burning?—A. No, sir; nothing but women and children crawling out of the right-of-way fence. They seemed to be, as I concluded, taking the advantage of the train while we were between them and the soldiers, and they were crying. I saw as many as 15 or more women and children getting out of there while we stopped there.

Q. Which direction were they shooting then?—A. Toward the colony; that is, according to the flash of the guns.

Q. Anything further you know, Mr. Harriman?—A. I don't believe there is anything else I could say.

JUDGE. Was there any shooting from Water Tank Hill?

A. That is near the C. & S. R. bridge near Ludlow. I didn't see anybody there; it was dark.

JUDGE. Did you hear the machine gun there?

A. The train was making considerable noise, and if there had been any shooting to any great extent I might have heard it, but I couldn't say.

Mr. HENDRICK. That is all.

A. J. RILEY.

A. J. RILEY, being first duly sworn, on oath testified as follows:

Witness was examined by District Attorney J. J. Hendrick:

Q. What is your name?—A. A. J. Riley.

Q. What is your business?—A. Freight brakeman on the Colorado & Southern.

Q. Between Trinidad and Pueblo?—A. Yes, sir.

Q. Were you a member of that train crew on last Monday night, the 20th of the last month, coming from Pueblo to Trinidad?—A. Yes, sir.

Q. You came through the town of Ludlow?—A. Yes, sir.

Q. As you approached the town of Ludlow on the north, what did you see?—A. My attention was attracted to the fire; the blaze of the tents.

Q. What part were you on?—A. On the engine.

Q. Your train stopped there?—A. Yes, sir.

Q. For what occasion?—A. We had to let the passenger train pass us there. I saw the tents blazing, two of them. Then I saw a man in a military uniform touch a blaze to the third tent.

Q. Repeat that, I didn't hear you.—A. I saw a man in uniform touch a blaze to the third tent; this was at 7:05 p. m.

Q. How many armed men did you see around there?—A. I judge there were about 100 strung along there from the arroyo and the pump house up to about No. 2 switch in the yards.

Q. That is, almost to the depot?—A. Yes, sir.

Q. Who was on the engine besides you?—A. The engineer, Bashford, and fireman, Alexander.

Q. What, if anything, was said by any of the armed men there?—A. Yes, sir.

Q. What was said?—A. Ten or fifteen stuck their guns up to our faces and told us to move on and to be damn quick about it or they would shoot us.

Q. Did you say anything to those men?—A. No, sir; not a word.

Q. Who were those men that stuck their guns up in your faces?—A. Uniformed men.

Q. Did you see anyone that didn't have a uniform on?—A. No, sir; I didn't notice in particular.

Q. Did you see any women and children there?—A. Yes, sir.

Q. Where were they going?—A. Along by the right of way, screaming and crying.

Q. Where is Mr. Alexander?—A. He is on the engine to-day.

Q. He and Bashford both?—A. Yes, sir.

Q. Is there anything further you can state?—A. Nothing; but there was considerable shooting from the right side of the track from the guards.

Q. Was there any machine guns in operation that night?—A. The train was making considerable racket, so I couldn't have heard; but I did hear rifle shots.

Q. The machine was south of the depot by that steel bridge, on what is called Water Tank Hill. Have you seen that?—A. No, sir.

Q. You don't know if it was being operated?—A. No, sir.

JUDGE. Did you hear any shots fired from the colony?

A. No, sir.

Mr. HENDRICK. That's all, Mr. Riley.

AFFIDAVIT.

STATE OF COLORADO, *Las Animas County*, ss:

Mary Petrucci, of lawful age, being first duly sworn, on oath testified as follows: That her name is Mary Petrucci; that affiant had started to wash, and a little later heard two bombs go off, and noticed the soldiers running toward the steel bridge, and they started to shoot down at the colony; affiant states that it was about 9 o'clock; and then affiant went into her cellar hole; that

when affiant went into her cellar hole she took her three children, ages 4 years, 2½ years, and 6 months, respectively; that affiant remained in the cellar until 6 o'clock in the evening, when her tent was set on fire; affiant states that her tent was the first one fired, as her tent was No. 1; affiant states that her tent was the tent nearest the railroad track; affiant states that when the shooting commenced with the machine guns the bullets were so thick in her tent that she shut her cellar door; that about 6 o'clock in the evening affiant saw some fire on her cellar door, and on looking out saw that her tent was on fire, whereupon she took her three children and went to the cellar hole occupied by Mrs. Costa and other women and children to affiant unknown; that shortly after affiant reached the above last-mentioned cellar hole the tent took fire, and the women and children commenced to cough, and they were all choked with the smoke; affiant further states that she lost consciousness until the next morning, when she touched and called to her three children, and they were all dead; affiant states that she went to the Ludlow station and came to Trinidad; affiant states that she does not remember anything of the trip from Ludlow to Trinidad; that affiant was taken sick with pneumonia caused by exposure and grief; affiant states that on account of being ill she never saw her three children after leaving them in the cellar hole; affiant states that when she came out of her cellar hole the guards were shooting after her, and she started to the cellar hole where Mrs. Costa was because it was dug in under like a mine, and affiant thought it would be safer, and the guards yelled, "Get away from there"; affiant states that she had the three children, and she had nowhere else to go, so I went in there.

Further affiant saith not.

MARY PETROVICH.

Subscribed and sworn to before me this 11th day of May, 1914.

LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO, *Las Animas County, ss:*

William Snyder, of lawful age, being first sworn, on oath deposes and says: That his name is William Snyder. On Monday morning, April 20, at 3 o'clock in the morning, or about, after the gunmen had lined on the Colorado Southeastern tracks, they sent a detail of four to the Ludlow tent colony, presumably to arrest one man without a warrant. We refused to give up the man without the due warrant of law; that the said detail said that they would get their man if they had to search the camp; that we were to produce that man by afternoon or they would search. They went over to old Company K camp and reported, and from there they fired three signal shots, dynamite, I guess, or they would search. They went over to old Company K camp and reported, and from there they fired three signal shots—dynamite, I guess they were using—and all guards began to pull out of the canyons, that comprises the two canyons, and also between 20 and 30 cavalry on horses left the Company K camp and crossed the C. & S. track, main line, by the depot and took position south of the C. S. E. tracks. Our men realizing that trouble was in the air, in order to avoid a massacre and the shooting of men and children, went to the C. & S. E. tracks on the north and took up a position against them to keep them away from the women and children; that the gunmen, to start trouble, undoubtedly fired the first shot, and from that time on the battle raged, they using their machine gun, three machine guns being in action; that at about 4.30 our men, running out of ammunition, had to retreat, and from that on the Baldwin-Felts took our position and the colony, and they shot up the colony with the machine gun and rifles and started to burning the tents, not stopping to look if there were any women, children, or anybody else around. Owing to us turning our arms into the militia several times they took advantage of our unarmed situation and tried to carry out the threats that they had made—that they would clean Ludlow out, and did.

I myself, not being armed, stayed on the tent-colony grounds to protect my family to the best of my ability, and that about 4.30 p. m. when the thugs or militia had right flanked our colony and shot through my tent and killed our boy, showing clearly that they did not stop to see whether there were any

women or children on the colony ground or not. Just previous to the time the boy was shot he got out of the hole or cave, where my children were, to get his sister a drink of water, and as the firing had slackened the children had left the hole, being out of the hole from five to eight minutes, and stepped into the bedroom of my tent. The boy Frank was sitting in the chair with his sister on the floor between his knees, and he was in the act of stooping to kiss or caress his sister when the bullet struck him above the temple on the right side and blew his brains out. I was standing near the front door of my tent and I heard the impact of the bullet striking the boy's head and the crack of the bullet as it exploded inside of his head. The boy was killed by an explosive bullet. I went to the boy to render what assistance I could, and while falling I caught him in my arms and in the act of letting him down to the floor two more bullets passed over me in the tent. Then I went to the hole where my family and children were, and seeing the boy in his death struggles went to him again; was in the act of washing his face when another bullet went over me. The firing became so heavy that I went to my family and stayed in the cave with them until they burned the tents. They fired this tent of mine by standing by the southeast corner with a piece of paper on fire in their hands, and as the tent was blazing they came in the tent. This I observed by looking out of the hole where we were located. As the tent was in flames they opened the door and came in, and then my wife pleaded to save her children, telling them they had already killed one, and for God's sake to save the others. Whereupon this officer assisted Mrs. Snyder from the hole and the other children.

By this time there was five or six of the militia or thugs in the tent and wanted to kill me; and I asked them to let me get my dead boy to the depot, and to which this officer consented, after cursing me, putting a gun to my head and threatened to kill me, and on leaving the tent with the corpse I laid him down outside of the door and put on my coat and I requested some one to help me carry this boy to the depot, when I was told that I was big enough to carry him myself, and which I did over my shoulder and my 8½-year-old daughter in my arms, when George Tittsworth, sr., who, to the best of my knowledge, set fire to the tent, throwed a gun on me and said, "You God damn dirty son of a bitch, I ought to kill you right here; you have fired as many shots as anybody," and he touched my head, or nearly so, with his revolver and said, "I will kill you." My wife pleaded in behalf of her dead boy to let us get him to Trinidad, and this officer escorted us to the depot, but on passing Snodgrass's store at Ludlow Linderfelt throwed his flash light in my face and wanted to know what "God damned red neck S. B. they had here," when Mrs. Snyder says to Linderfelt, "Please don't shoot him; they have killed one of my children already," when Linderfelt says, "It is a damned pity that all of you damned red-necked bitches were not killed." But we kept on till we got to the depot, and there the floors were covered with the thugs and provisions that had been robbed from Snodgress's store, and they were joshing and making remarks over their day's work. While lying there listening to these remarks I heard one in particular say that he knew he killed one at the bridge and would have to go down at daylight and try and get another one. I heard several say they had killed one, two, or three, and they thought that they had a pretty fair day's work, but also thought themselves that the regulars would be in the next night.

I was called into the baggage room to be consulted by some officer in regard to the leaders and Louis Tikas in particular. They asked the question if Louis Tikas was not the cause of the troubles and a leader of the Greeks, and I answered, "No; he was the interpreter." They asked me if I saw a gun on Tikas, and I told them "No." They said, "Well, we killed him to-day and found a gun on him." Then they asked where the gunmen got their arms and ammunition; I said, "I do not know." I did not have any myself, so I was then asked what I was coming to Trinidad for. I told them as I had no place else to go at present I had to go to Trinidad to get relief and a place for the family to stay and to bury my boy. I was then advised I had better get out of this country altogether.

At the time the machine guns were turned on the tent colony the strikers were taking to the hills on account of their ammunition being used up.

Before the signals were fired Louie, having been notified that the south of the C. & S. E. tracks were swarmed with the militia with machine guns in position, pointing toward the colony, he went personally himself to see, and

while coming back to notify the colony of the conditions the men had found out for themselves and started back to direct the fire away from the women and babes. All my earthly effects and cash were destroyed.

Further affiant saith not.

WILLIAM BATTEN.

Subscribed and sworn to before me this 1st day of May, A. D. 1914.

[SEAL.] LOUIS GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

I lived in Ludlow tent colony from September 25, 1913, until it was destroyed. We lived peacefully and happily together. We had no trouble whatever unless interferred with by guards or militia. On the —— day of October we observed an automobile passing. It stopped, one man got out of it, and a shot was fired into the tent colony. That shot passed right over my head. This started a battle which lasted a couple of hours, during which no one to my knowledge was hurt. I was not in Ludlow colony during battle which followed a couple of days afterwards. I do not know, of my own knowledge, what happened at that battle. After that we were not annoyed until some time in November. One Saturday, it being pay day at the colony, some ranchers came down for their pay. Mrs. Odell and I did not have lamp chimneys, so Mrs. Haddow and I decided to go to Cedar Hill, that being the nearest place we could purchase them. When we left the colony the men were lined up receiving their pay. When we got to the section house we saw about eight guards on horseback coming toward us and coming fast. I said to Mrs. Haddow, "I would not be surprised if there would not be a fight when we come back." The guards always stationed themselves at the steel bridge, while fighting the union men, in order to protect themselves. To reach our homes, on our way back, we had to pass under this steel bridge. Before we got to the bridge on our return, two of our men, Italians, I think, told us to turn back, that the guards were shooting at them. Before we could turn the guards saw us, and began shooting toward us. We were compelled to go back to Cedar Hill and stay in the store until 9 o'clock, when the battle ceased until next morning. Our men, in order to protect us, always went to the hills, so when the guards started to shoot, our men had taken their guns and gone into the hills. The battle began again Sunday morning and lasted until afternoon, when word was received that the militia was coming. On Monday Dr. Lyons made a speech to the men, telling them to give up their guns to the militia. The miners gave up their guns. I do not know how this last battle started, for when I left our men were all in line ready to receive their pay.

Apparently the militia was all right. Some of them came to our dances. They were treated fine until they started searching our tent colony. Company K, when they came to search, treated us respectfully, but other companies treated us rotten. On the 31st of December, 1913, they came down to search, saying they were looking for guns. I told them we never have any guns in our house.

There was a company from Berwind, and six of this company came with their officers to my tent. He said to the men, "Tear up every damn board in the floor." They tore it up, and soon the officer came by and said, "Has your tent been searched?" I told him "Yes," and showed him were the boards had been torn up. I asked him if I could nail my floor down. He told me "Yes." My husband just got my floor nailed down when he came back and had it torn up again. This continued until my floor had been torn up three times. He said to one of the fellows in Company K, "Did you go through this damn stove?" The soldier replied that he did not think ammunition would be put in a stove where they had fire. Nevertheless, he was made to search the stove. I had a tent where I had my furniture stored. They handled my pictures so roughly that all the glass was broken and mirror in my dresser smashed.

The last time they searched, their excuse was that they were looking for some one who had been shot, and after they got in the colony, they searched the tents. This time they went through cupboards, dresser drawers, trunks, examined mattresses, but destroyed nothing. After that everything went on all right until the 19th day of April. On that day we were having a ball game. Four of the militia on foot, and one on horseback came to our ball ground. The four on foot had rifles, which were pointed toward the crowd. The soldiers

had attended the ball games before, but had never brought their rifles. I thought to myself, "They are going to try to start trouble," but did not say anything. One of the men said to them, "You may watch the ball game, but it doesn't need guarding." The man on horseback then called to the man and told him he wanted to speak to him. The miner said he did not have time as he was playing ball. The soldier said, "I'll take you to the guardhouse and make you have time." A number of us women stood by and jollied the soldiers. One woman said, "If we women would start after you with baby guns you would drop your rifles and run." I turned around and laughed. He said, "Never mind, girlie, you have your big Sunday to-day, and to-morrow we will get the roast." I did not answer, but laughed again. He said, "It would only take me and my four men to clean out this bunch.

Then we went home and everything was quiet. In the evening we went to a dance. My husband came in and told me I had better go home, because those four men had come down to the tent colony and were trying to start trouble, but nothing happened until next morning, April 20, when a little after 8 o'clock I went up to Mrs. Jolly. She, Louis Tikas, and I were looking at some pictures that we had taken of our Easter Sunday ceremonies, when some one came in and told him that there were four militiamen there to see him. When he went out a soldier handed him a piece of paper with a man's name who was not in the tent colony. Tikas asked him who gave him authority to get this man, and did he get his authority from the civil authorities. The soldier told him no; he got it from the military authorities. Tikas told him that he understood that the military authorities in Las Animas County was out of commission. The soldier then said: "If you don't produce this man by afternoon, we will search the tent colony." Tikas then asked if Maj. Hamrock was up at the military camp. The soldier said, "Yes." Tikas told the soldier he would like to speak to Maj. Hamrock. Then they went away, the spokesman saying in a mean manner: "All right, we'll be back again." We went back to Mrs. Jolly's house to get the pictures I was looking at. I went home, put them in an envelope, and had them all ready to send when some one called: "Look out for trouble; the militia is coming." My children had just got out of bed, and were not all dressed. I ran out to see if the militia was coming. When I got out I met Mrs. Thomas, who said: "We had better take our children and go to the pump station, for I think there is going to be trouble." I did not think myself that there would be, but I told her to take my children, and if anything did happen they would be there. I then went over to where my husband was, in front of the tent colony, when I saw Tikas running toward the colony waiving a white handkerchief, and when he was near the tent colony one bomb was fired. Before the second was fired he was in the tent colony and the machine guns began firing. On hearing the bombs our men started toward the D. & R. G. tracks on their way to the sand hills to lead the fight away from the tent colony. As Mr. Costa went by me I said: "Charlie, be careful, the soldiers are all around those hills." He said: "We must lead the fight away from the colony, or those machine guns will kill every woman and child in here." My husband told me to run to the children. I ran to the pump station and got in the barn. I stayed there until 7 o'clock at night.

From about 10 until about 5 o'clock shooting was almost continuous, not ceasing more than from three to five minutes. From about 3 to about 5 o'clock the bullets around us rained like hailstones, several of the bullets passing through the barn where we were hiding. I can not be sure of the time, but I should judge it to be about 6 when I first saw the tents burning. Mr. Barton said our only hope of escape would be if a train should come by. About an hour after a freight train came by, and I, with my children and about 14 others, I think, started for the arroyo. After we came out of the barn I looked to see if I could see any of the militia, and saw four standing behind a barn above us. As I stepped to get under the fence, two shots were fired at me, and missed me by about 2 feet, striking at the feet of a woman with a little baby in her arms. I laid still several minutes fearing to move. The woman fainted, and her baby fell. I can not remember how I got this woman, her baby, and my children into the arroyo. I remember seeing a dead man. I had heard him with others singing "The union forever," after he was shot in the afternoon. We went from the arroyo to Baye's ranch, and stayed one hour. It was not safe there, so we went to another ranch about 6 miles from there. We got a wagon from Mr. Bayes, put the old women and children in the wagon and the rest of us walked to this ranch, arriving about midnight. About 9 next morning Mrs. Thomas and I started to the Black Hills, a distance of about

9 miles, to secure water for the men. When we got at the foot of the Black Hills we met 10 Greek boys, who told us they had taken the men water so we need not go farther. We met a man in a wagon who took us back to the ranch. Later in the afternoon he brought us to Trinidad. I did not have on sufficient clothing when attacked, and my children were barefooted, not being fully dressed. I lost all of my possessions in the Ludlow battle.

MRS. MAGGIE DOMINISKE.

Subscribed and sworn to before me this 11th day of May, A. D. 1914.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

I was in Ludlow during the fight. I live close to the depot. My husband was not a striker, being a railroad man. About 9 o'clock Monday morning, the 20th, I was washing my hair, when my husband came in and said to me: "Come here quick to me; come here quick; I want to show you something." He pointed up to the C. & S. E. track to the left side of the steel bridge. I looked and saw two machine guns and saw men fixing breastworks and men all along the track with rifles. Two men on horseback came galloping down from the direction of the steel bridge in a very great hurry. They passed me and met a number of other men, I presumed, to get orders; then all turned and started back in the direction of the steel bridge. As they passed us one of them, a Mexican, shouted: "Good, we're off." When I saw all this it looked like there was going to be trouble. I ran across to warn my neighbors. I noticed several men on the ball ground. I had not noticed any excitement at the tent colony. I came right back home. Then the bombs went off and the machine guns and rifles began. We immediately went to the cellar. We occasionally put our heads up out of the cellarway and watched.

Shortly after the bombs went off we could see men with rifles, with mining caps on, as though they had come out of the mines, come across between the cars from the direction of the military camp. During the day my husband and I stuck our heads up out of the cellar, and a fellow in uniform cursed my husband terribly. He pointed a gun at my husband and asked him if he was a son of a b—— and a red neck, and said if he was he would kill him. I pushed my husband back into the cellar and told the man we were not strikers but railroad people.

He said: "What in hell are you hiding for?" I told him we had to, on account of the shooting. We remained in the cellar until about 4, when the switch engine picked us up and took us to town.

MRS. MARIAN DOSE.

AFFIDAVIT.

I lived in Ludlow tent colony about 7½ months. On Monday morning, April 20, about half past 8 or 9 o'clock my brother John, the two Mahady boys, and myself went to the ball ground to practice. Seeing the militiamen and the union men running for the hills, we ran to Snodgrass's store for a hiding place. After we got to the store we decided to go to the tent colony to get our clothes. We just got started when one of the bombs exploded, and we ran back into the store. The other bombs went off after we got back into the store. We stayed in the store until about 4.30 or 5 o'clock; then a shot went near a window, another passed near, and we went into the cellar. We stayed in the cellar until about 6.30 next morning. At about 2 o'clock we heard an awful racket in the store above us. I heard one ask another for a match. We thought our time had come. The dog belonging to the Italian kept whining and scratching at the cellar door, but they did not discover us. The next morning about 6.30 we got out, got into a buggy belonging to an Italian rancher, and were trying to get away. Two guards pulled their guns on us and told us to halt. The Italian kept driving on, but I grabbed the lines and stopped him. They told us to get out of the buggy and hurry up. They told us to come up to them and asked us where we were going. In order to get away we told them we were going to work for the Italian on his ranch.

They asked us if we knew anyone around there, and we told them, "No, we didn't." They took us up to the C. & S. depot and called some one. Linderfelt came out. They had Dave Stewart and Rudolph Carson there, and when we came up he said to turn the other boys loose and hold us; that we looked guilty. They stood us up in front of the depot. The Italian was standing a little too far from my brother, so a soldier poked him in the ribs and made him cry. In a couple of hours an officer asked if we had had anything to eat. We told him we had nothing since the morning before. He told us to go with the guard to a store over by the post office and get something to eat. We told him we did not have any money. He told us it did not make any difference; we did not need any money. We went over and carried a lot of stuff over to the depot. I didn't care for much to eat just then, so ate a couple of apples and a bottle of soda water. They kept us here until 2 in the afternoon, and then took us over to the cookhouse. The cook told the officers he wanted us over there. Before they gave us our breakfast that morning they sent my brother, myself, and the Italian and a Greek, Mike Pappas, down near the pump house with cartridges. They said they wanted them to kill our wap friends with. Before this they told us to put a Greek who was shot in the foot on the train. Then we went to the military camp and carried water, coal, washed dishes, cooked, and did everything they asked us to do.

A man shot his gun accidentally at the depot. His name was Elston, I think. He belonged to the artillery. They took him prisoner and placed him guard over us. He was drunk nearly all the time. He cursed us and called us waps and red necks. While in the military camp I overheard them talking about starting to burn the red-neck store, but an officer came along and stopped them. While we were prisoners at the depot we saw Mr. Snyder putting his dead boy on the train. He was wrapped up in a white sheet. When we took the cartridges down near the pump house we saw Louis Tikas and Mr. Bartle lying dead by the road. The militiamen told us that Louis the Greek came out from the tent colony that night and begged for his life, saying he hadn't done anything to anybody and didn't want any trouble with anybody. They said at first they were going to hang him, but they told him to run, and then they shot at him. Some of the soldiers told us that Linderfelt wanted to make us run and then turn the machine guns on us, but some of the men said they would not stand for it, and went and got Maj. Hamrock. They said he said we had not done anything, and they did not need to do that.

One fellow by the name of Masters kept blowing about taking a watch from Mr. Fyler after he was dead. He cursed him and called him a red neck. It was either Mr. Fyler's watch or one just like it. They said Mr. Fyler came out with a bag of money in one hand and a gun in the other. They told me they wanted him and they got him. One of them said if he had been up when Mr. Snyder went away he never would have got away, that it should have been him killed instead of his boy.

They said Mrs. Jolly came out with a Red Cross, that she was working in a red-neck hospital down there, and that they shot her in the arm. They took two Slavs off the mixed train, searched them, and, when they found union cards, took them prisoners and took them up to the camp to work. One of the Slavs had a pretty good pair of shoes on; one of the guards told him to take his shoes off. The guard's shoes were worn out. He took his shoes off. He asked the Slav if his (Elston's) shoes would fit him. The Slav put them on and said, "Yes." Elston then told him to keep them, and he put on the Slav's shoes. Elston took the Greek's shoes and cut all around the heel. I did not see Elston do this, but the Greek said so, and I saw the shoe. He made the Greek work one night and all next day without sleep. They were harder on the foreigners than on us. They made us work from 6 o'clock in the morning until 10 o'clock at night. Once we worked till after 2, another night until after 3. When we would get through Elston would take us to a box car they called the guardhouse, and tell the other guards to shoot us the first move we would make. A couple of nights after Maj. Lester was killed the guard, Elston, cursed us, called us red necks and waps, and told us if we made a move he'd kill us, that he had a notion to bore a hole in us anyway. I asked him what a wap was. He said I was a wap. Then he said foreigners were waps. I told him I was raised in this country the same as he was. They said they killed 18 women and children in one hole.

Lieut. Lamey (I don't know whether this is exactly right, they called him Lamey) seemed to feel sorry about it. They cursed Mr. McLennan, and said

they wanted to kill him. They told all of us not to speak to him. He looked so downhearted I spoke to him anyway. I do not think they saw me.

One of the officers told the guard to treat Mr. McLennan with respect because he was the president of the union. The lady postmistress out there they called red-neck postmaster. They did not like her either.

On Thursday they asked us a few questions. They asked us if we knew anything about the fighting; about who started it. We told them we did not know anything about it. We were afraid if we told the truth they would kill us. They then said they were going to hold us until they could get a lawyer there to take our affidavits. On Sunday night we were brought before Capt. Van Cise, Maj. Boughton, and some other military officer. They asked us if we know who started the fighting and if the union men had made any preparations for fighting. We told them we did not know anything about it. We lost all our clothes. I did not even have a coat on.

They asked us why we did not go back to work. They said they would give us an order to any mine we wanted to go. I told them I didn't need any order, I knew all the superintendents and could go back without an order. They freed us Sunday night, but we had no money. We were afraid to walk for fear some one would shoot us, and we were afraid to ride for fear some of Linderfelt's bunch would get hold of us, and that would be worse, until Friday night when they gave us a ticket and sent us out. I had a little water spaniel that I thought so much of. He must have stayed in the tent because his hair and eyes were burned. He came to us Tuesday and they would not let me keep him. I felt sorrier about that than anything. We came to Trinidad Friday night.

GEORGE R. CHURCHILL.

Subscribed and sworn to before me this 11th day of May, A. D. 1914.

LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Mrs. Clorinda Padilla: About 9 o'clock I heard two signal shots fired, and about five minutes after they started to firing with the machine guns, shooting to the tent colony at Ludlow, and then I put my four children in the hole we had made under the tent, and we stayed there in the hole without food and water until about 11 o'clock at night. They were shooting all day long, never stopped a minute. During the day I heard Mr. Snyder say that his boy had been killed. The tents were full of holes, like lace. I came out of the tent for a minute to get something for the children to eat, and while I was out there they began shooting again and a bullet came close to me, and then I went back into the hole. At some time late in the afternoon they started to burn the tents. When the tents were first fired, they did not burn my tent; later in the evening the soldiers came back to fire the rest of the tents, and they heard my children crying, and they said, "There is a family in there," and they helped me out and took me and the children to the depot. While at the depot three Mexican guards got mad at the women and said they ought to be burned in the tents.

CLORINDA PADILLA.

Subscribed and sworn to before me this 1st day of May, A. D. 1914.

[SEAL.] LEON GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Mrs. Ed Tonner, of lawful age, being first sworn, upon oath deposes and says: That her name is Mrs. Ed Tonner. When Mr. Linderfelt came into camp with his auto load of ammunition, I heard Mrs. Costa crying, and she

began praying Santa Maria and begging him not to kill her and her little children, and he replied to her, "There is no use in you crying and carrying on, as we have orders to do this, and we are going to do it; no mercy on any of you."

MRS. ED TORRES.

Subscribed and sworn to before me this 30th day of April, A. D. 1914.

[SEAL.] LEON GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Ometomica Covadle, being of lawful age, being first duly sworn, on oath deposes and says: That her name is Ometomica Covadle. I was going up to the store in the daytime, and the guards were all around the tents, and they start to shoot at the tents, and I only had time to get hold of my baby son, about 10 years old, and get into the pump; and the soldiers came up and tried to shoot inside where we were, and that came out of the pump when they tried to shoot with the machine guns and went into the arroyo. There were two dead men, and they jumped right top of them. Couple of soldiers came out of the arroyo and was going to kill both of us, and the little boy raised up his hands and said, "Don't shoot, for my mother's sake." I had a machine, and the soldiers took it out, and a lot of other stuff, and took it to the depot and kept it. They stole a trunk full of my clothes; I saw them take it with my own eyes. I had $5 in money that was stolen. They told me that I should be happy that you all were not killed.

OMETOMICA (her x mark) COVADLE.

Subscribed and sworn to before me this 1st day of May, A. D. 1914.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Mrs. James Fyler, of lawful age, being first duly sworn, on oath deposes and says: That her name is Mrs. James Fyler; the first we know is three soldiers came down and demanded of Louis Tikas that he give them a man that they wanted in the tent colony; that they wanted him; and he asked them who gave them authority to come there, and they said that they came under the military laws, and he told them that the military laws were out, and that they could not have anyone in the tent colony, so then they went away and Louie told them to send Maj. Hamrock down and he would talk with him, and they did not send him and Louie went to the depot to meet Maj. Hamrock, and they had quite a conversation up there and the first we saw of Louie he was coming down waving his handkerchief for the crown to go back, as soon as he got in sight of the tent colony, and when he got to the tent colony Mrs. Dominsky and I were standing there, we were the only two that were out right in the crowd, and I walked over to my husband—he was looking for a pair of field glasses—and I asked if he had saw my boy, and he told me no, he had not; so just then they shot off one of the bombs and one of the machine guns on the D. & R. G. tracks; those were the first shots that were fired, and Louie waved his handkerchief at us and said, "Good by, I will never see you any more," so then we made our escape to the pump station. That was about 2 o'clock when the shooting started, and we stayed there all day, then, without even any water, food, or anything. Then, about 4.30, I would judge, they turned the machine guns on the tent colony with full force, and I should judge about 6 o'clock the tent colony started to burn, and about 7 o'clock a freight train came in from Aguilar, and we made our escape to the arroyo, and then we made our escape to Mr. Frank Bayes's ranch, and from there he hitched up his team and took us to Wineberg's ranch, and we landed there about 2 o'clock in the morning, and about 12 o'clock the next day we came to Trinidad. We got to Trinidad about

5 o'clock in the evening, and there I learned of my husband's death. I did not know he was killed until that time. The Sunday before, at 10 o'clock, we had a ball game, and we played the men and we got through about 1 o'clock; then we all went to the Greek's for our dinner, and then after that Louie took our pictures five different ways with our bloomers on; then we went back and played another game of ball in the p. m., about 2 o'clock, and during our ball game there were four of the militia came down, and each one carried a gun, a rifle in their hands, and we remarked about it on account of it being the first time they had ever carried guns at the ball game.

Affiant further states that from the time the shooting started in the morning there were only four men there on the grounds, the others having fled to the hills.

Further affiant saith not.

MRS. JAMES FYLER.

Subscribed and sworn to before me this 30th day of April, A. D. 1914.

[SEAL.] LEON GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Mrs. Ed Tonner, who is about to become a mother, of lawful age, being first sworn, upon oath deposes and says: That her name is Mrs. Ed Tonner. At about 10 in the morning I was in my front room tent sweeping and I heard the two bombs fired, and I started grabbing for my five children, and to throw them into a cave right under my front tent, and I stayed there until about 8 o'clock at night. All this time from 10 in the morning until 8 o'clock at night the machine guns were going. Mr. Snyder came along and he said "My oldest son, Frank, has half of his head blowed off," and he said "If your children wont lay down, slay them and make them lay down rather than have them killed," he said, and he held out his two arms like that [indicating] and they were full of blood, and it seemed that after he left his tent that the machine guns turned loose all the more. My tent was so full of holes that it was like lace, pretty near. It could have been about 4 when little Frank got his head hurt, and a little while after this they tried to set the tents on fire. I kept bobbing my head up and down, and Mr. Fyler said, "For God's sake keep your head down, or you will get it blown off." About 6 o'clock they turned around and tore the tent between the two tents, and they set the broom on fire with coal oil, and they set the tent on fire, with me right underneath with my five little children, then Gusta Retlich she helped me out with the children, grabbed them up, and then we run to a Mexican lady's tent farther down, and then Louie the Greek helped me, he helped me down into a hole and threw water in my face as I was fainting with all the children, and then Louie the Greek heard some Mexican baby cry, and he said, "I must go and see what I can do for it," and then after that he says "You people had better hit it for that ranch over the Bayes," and we stayed there until the next night; they were shooting at the ranch house, although we had a white flag out, but they shot just the same. Mr. Bayes then took us to another ranch called Powell's ranch. They let Mr. Bayes then take us to another ranch called Powell's ranch. They let Mr. Bayes through all right and back all right, but when he got back to his ranch they fired on him and hit one of his mules in the thick part of the leg, and the next morning we went from Powell's ranch to Aguilar. I was not expecting anything like that and I had very little clothes on. A thin skirt and a mother-hubbard apron, and my oldest shoes. Everything that I had in this world was lost. I lost a $35 watch, $8 chain of my own; gold watch of my husbands, worth about $25; and then I had a hair chain of my own hair, worth $8; watch charm of my children's hair, worth $5; $16 pair of glasses; bracelets of my little girl's, worth $5; opal ring, $7; $10 in money. Not a thing left in the world.

Further affiant saith not.

MRS. ED TONNER.

Subscribed and sworn to before me this 30th day of April, A. D. 1914.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Maria Chaves, being first duly sworn, on oath deposes and states: That her name is Maria Chaves. Early in the morning I seen a woman going to the soldiers' camp, and I think she was a traitor, and as soon as this woman got to the camp the guards came out, and as soon as they reached the camp they started to fire at the camp. When they started to fire at the camp they kept on firing all day, and when they started to fire at the camp we all went into the cellar, about 9 o'clock in the morning. And we stayed in the cellar all day until the soldiers took us out about 3 or 4 o'clock in the p. m. They would come inside of the tents and take the best things and then set fire to the tents. I don't know how they set the fire, but I know that they set the tents on fire. I lost all my personal effects in this fire. I had $250 in the sewing machine that my husband's people had sent, and I lost all of that.

MARIA CHAVES.

Subscribed and sworn to before me this 1st day of May, A. D. 1914.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

AFFIDAVIT.

STATE OF COLORADO,
Las Animas County, ss:

Mrs. Alcarita Pedregon, being first duly sworn, on oath deposes and says: That her name is Mrs. Alcarita Pedregon. I got up late in the morning, and I seen the guards and militia on horseback, and they got off the horses and fell down on the ground to get away from the fire, and then I went into the hole with the children. There were 11 children and 4 women in the hole, and we stayed in that cellar from 9 in the morning until 6 the next morning. I seen a militiamen come over there and look inside the tent and strike a match and set fire to the tent. I stayed in the tent until it was all burned up. There were 11 children and 2 women suffocated with the smoke where I was. I lost 2 children in this cave when the tent was burned. I don't know where my husband was at this time. I looked up out of the hole and saw the soldier set fire to the tent with a match. I lost everyhing I had in his fire.

MRS. ALCARITA (her x mark) PEDREGON.

Subscribed and sworn to before me this 1st day of May, A. D. 1914.

[SEAL.] LEON V. GRISWOLD, *Notary Public.*

My commission expires September 10, 1917.

(Mr. Fyler, agent for C. & S. at Ludlow, can give wonderful story of militiamen who took possession of the C. & S. station.)

LINDSEY EXHIBIT NO. 8.

JUNE 5, 1914.

MY DEAR COLBY: Of course I need scarcely tell you that I appreciated so much our visit. I have been giving some consideration to writing you the kind of letter that you suggested, namely, in stating concretely what my idea was as to what Mr. Rockefeller, jr., might do in the present situation in Colorado. Of course I differ so vitally and fundamentally with Mr. Rockefeller upon some of these big questions that I suppose I have a right to assume that he would not think of doing some of the things that I would like to see him do. I think, of course, it is one of the greatest opportunities a young man ever had in the history of the world to actually be a Christian and to put into practice the advice of Jesus Christ to the rich young man. Of course to put that into practice would require Mr. Rockefeller to busy himself in studying the present industrial and economic conditions in this country and finding out how he can best dispossess himself and those about him of their possession and their power, which means, of course, to change the laws of property under which they were

able to create the conditions that are responsible for them. I say this in all kindness, and, of course, if Mr. Rockefeller could understand me, which, I quite understand, is practically impossible, he would not feel the slightest offense at my frank expression of views concerning not so much him, but the conditions that are responsible for him and those with him. In a measure, except as I am interested in the wonderful opportunity of Mr. Rockefeller, I am rather indifferent to what he does, because he can no more stop or seriously interfere with the evolution (as I hope it will be rather than revolution) now going on in the world—as men become more enlightened and intelligent—than he could interfere with the orderly processes of birth in nature. It may not come in his time, my time, or yours, but it is just as sure to come as there is a God in heaven. The laws of property and the conditions that are largely responsible for misery, crime, and the kind of slavery in this country that is chiefly responsible for Mr. Rockefeller's power and wealth, are going to be abolished or changed to more nearly approximate real justice. I am one of those who trust and hope and will work for its abolition peacefully and through the kind of laws that we already have, but I am also one of those who really fear very much that it will have to come forcibly. My fears in this respect are largely due, not to the extremists, the radicals, the Socialists, and the anarchists, but to the blindness of men like Mr. Rockefeller and those around him.

I hope neither you nor Mr. Rockefeller will misunderstand me. I am perfectly aware and credit Mr. Rockefeller with perfect sincerity in believing that he is a Christian, but of course—according to my philosophy and beliefs and understanding—I do not think that he is either a Christian or begins to approach Christianity. But I do believe that because I want to regard him as sincerely blind, that if he could only see the light he would really be what he now only thinks he is—a Christian. Sauls or St. Pauls are just as possible in this day and age as they have been in other days. Some of the most progressive men I know were just as blind 10 or 20 years ago as Mr. Rockefeller seems to be now. And right here let me say that I do not wish to judge him. I may, of course, be mistaken, but I am merely drawing my conclusions from what he is purported to have said and what I know he has done.

But I must not use my opportunity to write you by attempting a discussion of the problems that would perhaps only be futile for our immediate purposes. My real purpose in seeing Mr. Rockefeller was as follows:

First. Just as I have visited men in prison, who were there largely through conditions in their lives, and I visited them because I wanted to help them.

Second. Because I wanted to try and convince him that he could help himself by helping us in our present struggles in Colorado. My plan was this: To present some phases of this situation that I feel he knows nothing about and that he has never seriously considered, that would justify him in saying to me personally that I could say to President Wilson that while he did not admit that he controlled the situation or that he believed personally there was anything to arbitrate, or that their company was in any way to blame for conditions in southern Colorado, that nevertheless if the President saw fit to appoint a commission made up of men of known integrity, fairness, and justice, who might be acceptable to him, that he would use his personal influence with his associates to get them to consent to submit to arbitration by such a commission, and that he personally—under the conditions mentioned—would permit the public to know that he was using his personal influence to that end. The reasons, of course, would be that there were other people who did not agree with him that there was nothing to arbitrate, and that by consenting to such an arrangement it would restore peace—at least temporarily—to our distracted State. If Mr. Rockefeller, jr., would have asserted himself, even to the extent here mentioned, even though it did not result in an arbitration, it would have been of great help to him and others who would like to see a better understanding in this country between capital and labor. And, of course, I believe that if he would have sincerely taken that attitude (and, of course, I believe it would have been sincere) it would have resulted in the President appointing such a board and both sides consenting to abide by its findings. At least, the effort would have been more than worth while and would have put Mr. Rockefeller in a much better position before the public than he now occupies and given us a hope in this State that we do not seem now to have.

I feel rather grateful that because of my experiences in these struggles that I positively do not feel any of the bitterness that generally attend it, and the things that people say about me do not at all disturb me. If I can be of any

small service in helping to change the conditions that are chiefly responsible for the difficulties we are facing in this country, I shall count it a privilege, and in that sort of work it would have been a pleasure to me personally to have met Mr. Rockefeller, to have understood him better, and I hoped to have had him understand me better. I very much fear, however, that under the circumstances that would be impossible. But if it is not, as I wrote Mr. Rockefeller, at some future time under most any conditions he names I would be glad to see him and discuss these matters.

My trip East was altogether unexpected and taken with great reluctance, if not indeed rebellion, for I felt that there were others who could do whatever might be done a good deal better than I could do it. I had already arranged to leave here the latter part of June for my vacation in July and August, that I shall devote mostly to my Chautauqua work that I am in the habit of doing every summer. My wife has not been at all well, and I shall probably take her to Battle Creek, which will require me to leave a week or 10 days earlier than I anticipated, so that I shall probably leave Denver about the 15th of June. My work will be, in part, in Pennsylvania, New York, and New England. I shall pass through New York several times during the summer, but I think it would give me an opportunity to either see you or Mr. Rockefeller in connection with this matter, if you think it possible or worth while.

With kindest regards and good wishes, I am,

Sincerely, yours,

Hon. EVERETT COLBY,
Attorney at Law, Newark, N. J.

LINDSEY EXHIBIT NO. 4.

BENJAMIN LINDSEY, Esq.,
Denver, Colo.

DEAR SIR: When reading the interesting interview on Colorado which you gave in Chicago, en route to Washington, I was reminded of a meeting of a dozen or more doctors at a prominent sanatorium in Denver last winter at which time the deporable state of affairs surrounding us was mentioned. The superintendent of the sanatorium, known for judgment and conservatism, made the statement that what was most needed in Denver was five funerals and the name "Judge" Lindsey headed this list of those whose demise would contribute most to the return of peace, power, and plenty in our State and particularly in Denver.

I have thought your ability to "grand stand" might be directed in a more helpful way if you had the good of your State uppermost in mind rather than going about encouraging the "yellow" journals to knock our State, your home State. We have most certainly suffered long and patiently while you and others indulge yourselves.

I appreciate your deranged mental state, but in your solitude try and right yourself or be charitable and move where your nature will be neutralized and allow a measure of peace to emerge from the state of anarchy you are in a part responsible for in Colorado.

Respectfully,

A. M. MOORE.

MAY 22, 1914.

LINDSEY EXHIBIT NO. 5.

In examining the reports of the State coal mine inspector, 1907–8, relating to Las Animas County alone, it was found that 88 married men were reported killed in coal-mine accidents. No record was kept of dependent children.

In 1909–10 a record of dependent children was kept as follows: In 1909, 18 heads of families were killed, leaving 38 children; in 1910, 90 heads of families were killed, leaving 249 children; in 1911, 25 heads of families were killed, leaving 77 children. In 1912, 20 heads of families were killed, leaving 74 children.

Mine accidents in four years deprived 428 children of their breadwinners.

The State coal-mine inspector's report, covering the State, shows that in 1909–10 574 children were left fatherless from coal-mine accidents alone. In 1911–12 823, making a total of 622 in the space of four years.

The report beginning January 1 and ending December 1, 1913, shows the following: Number injured per 1,000 employed, 27.5; number of tons produced for each life lost, 84,962; number of tons produced for each nonfatal accident, 20,183; number of widows left, 51; number of children left fatherless, 108.

DENVER, *December 21, 1913.*

Sometime in the early winter of 1914 I asked the State board of charities and corrections, through their secretary, to furnish me with a statement of the number of dependent or fatherless children made so through deaths of fathers in coal-mine accidents. Having misplaced the report furnished me at that time, I was again, on December 12, 1914, furnished by the State board of charities and corrections of the State of Colorado with the above statement on this typewritten sheet of paper at the statehouse in Denver. I secured the statement at this time to file with the Industrial Relations Commission, as being one of the items as to why the Juvenile Court of Denver is interested in the industrial problems pertaining to coal-mine difficulties. At the time this statement was first issued I personally gave it to all of the Denver papers. I used it in an address at the statehouse at a conference called under the auspices in part of the State board of charities and corrections. The Denver Express was the only paper that published any part of it.

LINDSEY EXHIBIT NO. 6.

MAY 29, 1911.

Mr. ELI M. GROSS,
Statehouse, City.

MY DEAR MR. GROSS: On Saturday, May 27, I had a conference with the deputy labor commissioner and chief factory inspector of this State. I asked him for an opinion upon the following questions:

First. The conditions concerning child-labor evils in this State and the necessity for additional legislation for the protection of children against such evils.

Second. What part, if any, has been taken by an organization known as the State bureau of child and animal protection, with offices in the State Capitol Building, for the enforcement of existing laws and securing additional legislation that has been deemed needful for their protection.

He informed me that you were one of his deputies, in every way reliable, and, because of much personal work done by you and first-hand information from your own investigations and experience in the last legislature, in every way especially qualified to answer these questions, and he therefore asked me to direct this inquiry to you, assuring me that he would heartily approve any report you are good enough to make in this matter. If you can, therefore, furnish me such a report at your earliest convenience I would greatly appreciate it.

Sincerely,

BEN B. LINDSEY.

DENVER, COLO., *May 31, 1911.*

Judge BEN B. LINDSEY,
Denver, Colo.

MY DEAR SIR: In answer to your communication of May 29 I beg to report as follows:

Up to May, 1909, Colorado had no factory inspection such as exists in many other States. Up to that time as to child labor the State bureau of child and animal protection pretended to assume the duties that ordinarily devolve upon factory inspectors. But since Colorado—now a State of nearly a million people—had been growing in industrial development it has been recognized for several years past that this kind of an arrangement was not satisfactory. While the State bureau of child and animal protection rendered absolutely no assistance in the legislature of 1909 in securing the passage of the law providing for factory inspectors, we know that the effort to obtain such legislation had your earnest support. Under this law I was appointed a factory inspector in May, 1909. When we came to consider the subject of child labor in this State the

officers of this department were confronted with a public statement diligently circulated by the State bureau of child and animal protection to the effect that there were no child labor evils in Colorado. The impression thus created had taken such a firm hold upon the minds of the people that it was difficult to have statements to the contrary credited, for they were immediately met with this authoritative announcement—always insisted upon even in the face of complaints to the contrary. It led the people of the State into a false security against such evils—at least this is my firm conviction after two years of active service as a factory inspector in this State. Believing at first that a bureau bearing such a name was what it pretended to be, I was naturally one of those deceived as to real conditions until I became disillusioned through my own personal investigation and the sights I witnessed with my own eyes.

Some time after I was appointed you may recall a conference I had with you, in which you told me that while you had also been disposed to accept these statements of the State bureau of child and animal protection, that you were becoming suspicious and wished me from time to time in my inspection trips to get such facts as I could. I found that while in Denver, largely due to a very effective compulsory school law that compelled the attendance of children up to the age of 16 years for the entire school term from September to June—with certain exemptions permitted between 14 and 16—and a juvenile delinquent law that made any child or children who failed to comply with this law, and the contributory delinquent law that made any person thus in violation of the school law employing children subject to a penalty of not to exceed one year in jail or $1,000 fine, it was very seldom that I encountered improper child labor in Denver. In addition to this system of juvenile laws we had some child labor laws proper that while by no means sufficient were of some value until the decision of the supreme court (Bowcher v. People, 41 Colo., 495). There the court passed upon the constitutionality of the law of this State regulating the employment of children and women, and held that under the constitution of this State only the general assembly might declare employments injurious or dangerous to health, life, or limb, in accordance with the constitutional amendment of 1901—a precaution which the legislature had absolutely failed to do in any previous child-labor law as such, or in any bill presented to the legislature except in a bill drafted by you and presented to the recent legislature. This decision caused it to be contended by some of the ablest lawyers in the State that Colorado had no child-labor law, and the only protection afforded the children was through the juvenile laws referred to that were drafted by you and enacted by the legislature in 1903. But in a city like Denver, with its juvenile court and school attendance officers to enforce this school and contributory delinquency law, and in many counties similarly situated, the children could be adequately protected except possibly during the summer vacation months against the evils of child labor. But I found from my first inspections of coal mines and coal-mine disasters in the southern part of the State that this system of laws, however worthy and effective in other parts of the State, was not sufficient for any sort of adequate protection for the children. This was due to two causes—first, the absence of a child-labor law proper upon which we could place any dependence in view of the decision of the supreme court mentioned, and second, because of the political conditions we encountered in dealing with some of the great fuel corporations whose activities extend into various sections of this and other States. I found that these corporations so completely controlled the politics of their local counties that school officers depended upon to enforce the system of laws that you had secured in 1903 were responsive rather to the interests of these corporations than to the demands of the home and the interests of the children. Of course most of my work in these coal districts concerned the investigations of disasters in mines in which numbers of lives were lost. The very first investigation of this kind undertaken by me you will find reported on pages 31 and 32 of the Biennial Report of the Bureau of Labor Statistics, Colorado, 1909-10. From that report I quote the following on page 32:

"Two of the victims were Mexican boys, 15 and 16 years old, respectively, who were employed as trap boys. The younger of the two was killed on his or more. If this boy were as illiterate as most of the Mexican workmen are, then he was employed in direct conflict with the State law, which forbids the employment of boys under 16 years of age who can not read and write.

"Wishing to ascertain the attitude of the company on the question of child labor, I dropped down to Segundo and found several boys working there under the legal age. A small lad told me that he had received 25 cents per day for

assisting in drawing coke from the ovens. He was 10 years old. For his name and the names of others under 14 years of age I refer you to Segundo schedules that are filed in your office. The company officials explained the presence of these children on the ovens by stating that drawing coke is contract work; that is, the workman receives 95 cents per oven for drawing; and if he can use his children to advantage, it is no business of theirs; that is, for the officials to interfere. Now, I wish to call your attention to this: That in the work of drawing coke from the ovens the opening is broken out, displaying a mass of molten coal, which is brought to lower temperature by playing a stream of water on it. This results in clouds of gas and smoke rushing out and enveloping those who must draw the coke. It is in that gas-charged atmosphere that these children must work.

"It was on February 11 that I was in Segundo, and at that time there were no age certificates on file in the office of the superintendent. On February 28 I was in Sopris, a camp just a few miles below Segundo, and found five age certificates on file, signed by parents, certifying that the boy named therein was over 14 years old, and each certificate was dated February 15, 1910. I only mention this to show that there is a master mind at the head and nothing is overlooked or left to chance when the interests of the company are at stake, fifteenth birthday and had been working in the mine for a matter of six months and I might mention that I have found that the officials of the company—that is, the men in charge of the work, from the division superintendent down to the lowly washer boss—are all men of high efficiency, excellent, likable men, and thorough gentlemen in the ordinary acceptance of the term, but they have all been trained in the same school, whose first lesson is 'loyalty to the company.' So imbued are they with this idea that to their minds anything that is profitable for the company is right and anything that threatens dividends is wrong."

During that investigation I spent six weeks in the southern Colorado coal camps, and in connection with my other work I had occasion at first hand to see and know exactly what I am talking about, and to all of which I am willing to give testimony in any way. I can say to you positively, then, that in practically every camp where coke ovens were operated children were employed. In each case this employment would have been in absolute violation of those laws existing in many of the States for their protection, but not under any child-labor law proper on our statute books. All of this proved the need of an up-to-date child-labor law.

As soon as my report upon the Primero disaster was made public I was astounded to note that E. K. Whitehead, who is now and has been for more than 10 years past the secretary and director of the work of the State bureau of child and animal protection, rushed into the public press with a denial of the facts, and by wide circulation of this denial it was again sought to create the impression, which he has for years past so persistently spread abroad, that there is no child-labor law in Colorado. I had been personally on the ground, often talked with these children while engaged in these dangerous occupations—one of them positively not over 10 years of age—while Whitehead made no pretense of any such experience. I may say here that during the fight for a child-labor law during the recent legislature, when the most bitter opposition to any genuine bill was that encountered from Whitehead, claiming to be backed by his State bureau, I went personally to his office to convince him that his denial of my report was false and unjust to the children of this State, for it was really playing these young lives into the hands of the great corporate interests for exploitation in the manner I had been able to prove. Whitehead's only excuse for his denial of my official report and positive statements was an alleged investigation which he claimed to have had made through some employee of his State bureau. I asked to be confronted by that man, and in Whitehead's office, in his presence and that of one Dr. Mary Bates and one W. R. Callicotte, the bureau's lobbyists, this officer, whose name I can not recall, admitted, upon being questioned, that he had visited these coke ovens at a time of day when no work was being done. Whitehead seemed dumfounded at the frank confession made by his alleged investigator.

At this conference I urged, in view of my own experience and personal knowledge, the absolute necessity for a new child-labor law. Whitehead then pretended that he was willing for the enactment of such a law notwithstanding his former statements to the contrary, and the rumors that were constantly heard that the bureau through Whitehead and his lobbyists would do all they

could to prevent the passage of a real child-labor law. As the session of the legislature progressed I found that these rumors were positively true, and that Whitehead, who directed the work of the bureau, had no desire for the passage of a real child-labor law designed to guarantee real protection against children especially subjected to these terrible conditions in the coal fields. My proof of this charge you, of course, know, but briefly summarized it is this: There were three child-labor bills introduced in the legislature just ended, one drafted by our department, another drafted by you, and another drafted, so far as we can gain any information on the subject, in Whitehead's office; that is, the bureau of child and animal protection. Our bill was defeated. That left for consideration the bill drafted by you and introduced by Mrs. Jones, known as H. B. 513, and the bill supported by the State bureau of child and animal protection, known as H. B. 364, by Mrs. Lafferty. About April 1, when the fate of these two bills was in the balance, there was distributed among the members of the legislature a copy of the monthly magazine known as "Child and Animal Protection," published by the State bureau of child and animal protection, containing an article on child labor, and, in view of the terrible conditions that I have related, contained this amazing sentence: "This bureau, which alone has enforced the child-labor laws in this State up to this time, is not anxious to have a child-labor law enacted. We are still able, as heretofore, to put an end to it at once whenever it is discovered." But at this time having lost our own bill we had joined hands with the forces working for the passage of the Jones bill. Whitehead, claiming to represent the State bureau, urged the passage of the Lafferty bill.

I need not go into details as to what a hopeless, inefficient, and unconstitutional measure that was. That was shown up in arguments before committees and in typewritten memorandums you circulated. In these exposures it was shown to be the most outrageous imposition ever sought to be imposed upon the people of any State as a child-labor law. Its passage would have been very pleasing no doubt to those who have been benefited by the work of the bureau. The bill would not only permit the shameful exploitation of little children in their coal mines and coke ovens, but would actually legalize it. The magazine, Child and Animal Protection, authorized and published by this State bureau, and through pamphlets and statements similarly issued by its secretary, Mr. Whitehead, have contained the vilest denunciations of men in this State who have fought the improper corporate influences we encountered in our effort to protect the children. They have sought in every way to discredit them in order to make their own well-known political activity effective and successful. I have no hesitation in saying that from my own experience as a factory inspector that the State bureau of child and animal protection, directly or indirectly, is one of the most effective weapons in the hands of special interests in this State in their efforts to destroy men or effective measures affording real protection and doing real justice to the children of this State. After the exposure of the child-labor bill backed by Whitehead and his bureau they did not dare to push it further, and there being left only the Jones bill referred to they then proceeded by every means within their power to try to kill that bill. After a most terrific fight against them in the closing days of the session, through the hardest kind of work by this department, the officers of the Juvenile Court of Denver, the labor organizations, various women's organizations, and others really interested in the protection of children, this dastardly effort of the State bureau of child and animal protection was prevented and the Jones bill was passed.

The bureau can not deny responsibility for the acts of its agent, for never once has it repudiated them, nor did any of its other members show any activity to assist those engaged in the real fight for the protection of children. In strange contrast to their public statement that we needed no child-labor law and their effort to pass one that legalized the work of little children over 13 year of age in mines, smelters, coke ovens, and every possible dangerous kind of employment is section 8 of the law passed in spite of their opposition, which absolutely and positively prohibits any child under 16 years of age under any conditions whatever and without any right to a permit from any source whatever to work "in any underground works or mine, in or about the surface workings thereof, or in any smelter, coke oven," and, indeed, in any other of the common and well-known dangerous employments which most of the model child-labor laws of the Nation forbid, and which this State bureau was anxious and did everything in their power to legalize and permit.

Very respectfully,

ELI M. GROSS.

LINDSEY EXHIBIT NO. 7.

June 1, 1911.

Hon. Ben B. Lindsey,
Judge of the Juvenile Court, City.

My Dear Sir: Your letter of May 29 addressed to the sheriff and chief of police in this city, Mr. Hamilton Armstrong, in which you ask for a report from our department concerning our experiences in the matter of the protection of children against the evils of child labor in this city and county, and any difficulties we have encountered in connection with such laws or obtaining the passage of such laws, has been referred to me by him for reply. I have, as you know, for the past seven years, been especially detailed by the police department to look after all cases concerning juveniles, and to secure as far as this department is able to secure the enforcement of laws for their protection.

As to child labor, we have long had, as you know, the set of laws drafted by you and passed early in 1903, consisting of the school law, requiring children to attend school for the entire school year—from September to June; the juvenile delinquent law, making children guilty of nonschool attendance up to 18 years of age delinquent children, except where they have permits between 14 and 16 for the causes mentioned in the law, and the very important contributory delinquent law which has enabled us to reach most of the child-labor evils in this city, although in recent years we have felt in Denver, as it has been felt in other parts of the State, the necessity for a good child-labor law proper, especially in view of a decision of the supreme court which is said to have invalidated practically all the child-labor laws of this State. Our work during the past two years therefore has been to enforce such laws as we have, and to get on the statute books of the State such laws as we ought to have. In enforcing our statutes on this subject I have come in contact with some rather flagrant abuses from time to time, and these, of course, have been promptly checked by our department, and where that could not be done or where it seemed necessary, as it has in some cases, complaints have been filed in the juvenile court.

The State bureau of child and animal protection has given very wide publicity to the charge that no department of State government has undertaken to enforce these laws except their department, and in every way they have sought to secure the exclusive privilege of enforcing these laws, not only in Denver but throughout the State. Their efforts in this respect have been so exceptional and unusual as to occasion some suspicion as to their purposes and motives, for it is well known in this State that some of the representatives of big business interests have been most active in the support of that society, who have been likewise active in opposing legislation and the enforcement thereof designed to help the children that might invade their privileges. I firmly believe this to be the case as to the subject of child labor as from my own experience—not only in enforcing the laws but in the active part I have taken in securing other laws which were much needed.

You may recall the cases of Mary McGrath, age 13, residence 1123 Thirteenth Street; Hazel Morin, age 13, residence 923 Fourteenth Street; Olin Fraser, age 13, residence 1129 Thirteenth Street; and Irene Burke, age 11 years, residence 565 Bannock Street. (The addresses given were those at the time the cases came under my observation.) These cases may serve as an example of some I have had to deal with. I found these children working in various cheap theaters of this city without a permit from the school authorities. I found these children going home from these theaters, where they had been working, as late as 11 o'clock at night unaccompanied by parent or guardian. Of course, I apprehended them and in the course of my duties visited their homes, talked to their mothers and also the various managers of the theaters, threatened to file informations against them in the juvenile court for contributing to juvenile delinquency. I recall distinctly that a few days after I consulted the parents regarding this matter they came to me with a statement that they understood that the humane society had charge of such cases. They had gone to Mr. Whitehead, the secretary of that society, and Mr. Whitehead had said to them that there was no law whereby I had any authority to proceed against them or the managers of the theaters for employing these children under such conditions. You no doubt recall that I brought these children and their parents before you with the result that they were immediately taken out of the theater and—notwithstanding the uncertainties under our child-labor law—as a result of the threatened prosecution and the promise of the theater managers not to again employ the children and the parents not to permit it, we were able to end the abuses referred to.

By an arrangement you made with the police department of Denver some seven years ago, I was especially detailed to patrol the business district of the city in the interest and especially enforcing the laws for the protection of the children, and because of this fact largely there have been comparatively few evils of child labor, but in this entire experience I do not recall having come in contact with a single officer of the State bureau of child and animal protection, or hearing of any work undertaken by them for the protection of children against such evils in this city. The statements that they constantly spread abroad that they are solely responsible for the enforcement of laws for the protection of children against such evils are of course absolutely false.

Now, as to obtaining needed legislation. Having been detailed on your court from the police department on this special work for the past seven years, I have naturally joined hands with you and the court in the rather terrific fights that have been carried on here for the passage of laws that have been drafted and presented to the legislature by the juvenile court. During the session of the legislature just closed, I think I can fairly say that no individual was more active than I was in helping secure the passage of H. B. 518, known as the Jones bill, drafted by you to cover the deficiencies and difficulties in our present child-labor situation. It may seem almost incredible, but it is a fact, and I think those connected with the lower department and other organizations similarly interested in securing such legislation will assure you that our most active and even bitter opposition came from the State bureau of child and animal protection in our efforts to get the Jones bill passed. In the first place their agents and lobbyists privately circulated the statement that we did not need any child-labor law. While so far as we could get them committed in writing or in any public way, they took the amazing position (for a bureau claiming to protect children) that if any child-labor law should be enacted, it should be a bill known as the Lafferty bill, house bill 564. This Lafferty bill, as pointed out by some of the best experts in the State on this subject, was so cunningly drawn as to leave nothing to be desired by the great coal mine and other interests in the State, the cheap theaters, and influences of that kind that have contributed most to child-labor evils. It was shown that the Lafferty bill actually legalized the labor of children over 12 years of age in practically all of the dangerous employments, such as mines, smelters, mills, coke ovens, and that work known as that of breaker boys about the surface workings of coal mines. In arguments made by you before the joint committees of house and senate, and in written memorandums and statements, and from the opinions of able lawyers, it became perfectly clear that nothing would do more to jeopardize the welfare of the children of this State in regard to child labor than the passage of the Lafferty bill, which was proposed by the State bureau of child and animal protection. You may recall how diligently I worked with my friends among the so-called machine politicians to get them to spare the children of this State from any such calamity. You know how men in authority, at private conferences between them, you, and myself, stated that the bill you prepared to avoid these difficulties, would never be passed, and that the program was to kill it, and if any bill was passed it was to be this Lafferty bill. These men you talked to in my presence were men who represent the powrs in politics in this city. But through the hardest kind of work—indeed, one of the most terrific struggles in which I have ever engaged—we were able to defeat the intentions of the powers to carry out a program proposed by this State bureau which was against the welfare, protection, and best interests of the children in Colorado. As you know while you were in the city during the legislative struggle I was constantly in conference with you, and while you were away we were in constant telegraphic communication, and I think some of the finest legislative work ever done—and all of it prefectly legitimate and in every way commendable, requiring skill and knowledge of politics and politicians—was done largely through your direction in order to defeat the "interests" in this matter.

I was almost constantly in the legislature during its closing hours when the result of this fight was in the balance, and notwithstanding we had succeeded in killing the vicious Lafferty bill, the agents of this State bureau of child and animal protection were using every influence in their power to the very last to defeat the Jones child-labor bill drafted by you to cover the weaknesses and defects in our child-labor situation. The Lafferty bill not only legalized the dangers of child labor referred to, but it made no effort whatever to protect children in those dangers to be encountered in the cheap theaters and other places which at the time no law of this State was believed to cover. W. H.

Calicotte, in the pay of the bureau, and an agent of Whitehead, was their chief representative in the very critical periods referred to. I am perfectly satisfied from his attitude, actions, and conduct that he was bringing to bear every influence in his power and hoping against hope to the end that a real child-labor law such as the Jones bill would not pass the legislature. I have his written statements that he was opposed to the bill, and his conduct in trying to bring about its defeat is so notorious that I doubt if it will meet with a denial from any source.

I have been a police official in this city and county for 11 years, and I am thoroughly familiar with politics and political conditions in this State, and I can say without hesitation that the Senate bureau of child and animal protection has not only not been the chief factor as claimed by them in enforcing child-labor laws, but, on the contrary, have had very little, if anything, to do with such enforcement during that experience, and it constituted the chief obstacle in securing laws which could be enforced.

Very respectfully,

JOHN S. PHILLIPS.

LINDSEY EXHIBIT NO. 8.

[News, Dec. 3, 1914.]

RECOMMENDATIONS OF THE BUSINESS MEN'S COMMITTEE FOR THE 1915 BUDGET, SUBMITTED TO THE CITY COUNCIL.

RE JUVENILE COURT.

In view of the conflicting statements in regard to the value of the work of this court made to this committee, we desire to say that our recommendations are made simply with a view to effecting economies and business efficiency.

The appropriation under this head for the current year was $17,000; $23,000 is asked for the year 1915. No reasons are given in the statement of the court justifying any increase for next year.

We find that the judge of this court, during the past years, has been absent from the city a considerable portion of the time. We believe this to be a public scandal, showing that either there is not sufficient work to justify the existence of the court or that the judge is not giving his whole time and attention to it.

We recommend a reduction of at least two in the number of probation officers; that the work of the clerk and deputy clerks be done by one employee; and, as there is not sufficient work to keep the stenographer regularly employed upon the court work, that his compensation be fixed on a per diem basis for services actually rendered.

For reasons of economy, we believe that all the work of this court, with the exception of juvenile delinquency, should be done by the county and district courts.

The committee is informed that the employees of this court do not give their entire time and attention to its work, but the committee has not had the time to verify this. If this is true, then, our general recommendations in regard to the revision of salaries, and requiring city employees to give all their time to city work, would apply here also.

BUREAU OF DOMESTIC RELATIONS.

We recommend no appropriation for the bureau of domestic relations.

DETENTION HOME.

The average number of inmates of this institution is between seven and eight, in view of which, we do not believe the cost of the institution, to wit, $5,000 a year, is justified, and we recommend that it be abolished and the inmates cared for elsewhere.

DENVER, COLO., *December 9, 1914.*

To the honorable commissioners of the city and county of Denver.

GENTLEMEN: Certain statements have appeared as having been made to you to the effect that the so-called budget committee of the Denver Chamber of

Commerce and the Colorado Taxpayers Protective League does not represent any considerable body of taxpayers. To refute these statements and to prove to you that this committee does represent a very large proportion of the taxpayers of the city of Denver, we inclose herewith a list of the membership constituting the Colorado Taxpayers Protective League and the Denver Chamber of Commerce.

We would say that the committee's report was accepted and indorsed by large committees representing both of these organizations. It is, of course, impossible that every recommendation contained in the budget committee's report would meet the approbation of every member out of these 1,600 or 1,700 men and the various interests which they represent. But we can say, truthfully, that the report of the budget committee does represent the large majority of both of these organizations.

Respectfully,

DENVER CHAMBER OF COMMERCE,
By THOS. B. STEARNS, *President.*
COLORADO TAXPAYERS' PROTECTIVE LEAGUE,
By E. N. MORGAN, *Chairman Executive Committee.*

LIST OF MEMBERS OF THE COLORADO TAX PAYERS' PROTECTIVE LEAGUE, DECEMBER 9, 1914.

Austin, Archie S.
Barker, W. J.
Bealer, John A.
Bennett, Horace W.
Berger, G. B.
Bishop, Edward A.
Boettcher, C.
Boettcher, C. K.
Blayney, W. N. W.
Brown, H. K.
Brown, F. S.
Brown, D. W.
Burger, J. C.
Bullock, Calvin.
Briggs, Frank N.
Bingham, H. W.
Cass, Oscar D.
Cassell, R. T.
Campion, John F.
Coors, A.
Curtis, Rodney.
Cuthbert, L. M.
Carlton, A. E.
Daly, Thos. F.
Daniels, Wm. Cook.
Dines, Tyson S.
Dodge, D. C.
Dorsey, C. C.
Dutton, Sam F.
Evans, John.
Evans, Evan E.
Ewing, John A.
Fleming, Jesse E.
Field, E. B.
Ferguson, J. A.
Field, E. B., Jr.
Foster, A. C.
Fisher, W. Sherman.
Gano, Merritt W.
Good, John E.
Goldsborough, L. C.
Graham, C. A.
Graham, J. W.
Guldman, L. H.
Hover, W. A.
Hill, Crawford.
Hodges, W. V.
Hughes, Gerald.
Hunter, A. V.
Humphreys, H. W.
Iliff, W. S.
Jones, Gordon.
Johnson, Fred P.
Kassler, E. S.
Kountze, Harold.
Kistler, W. H.
Kendrick, C. A.
Kaub, George H.
Lewis, A. D.
Liebhardt, G. G.
Morey, Chester S.
McIntyre, H. A.
McCourt, Peter.
McLean, Geo.
McPhee, W. P.
Mack, Louis.
Mitchell, J. C.
Mullen, J. K.
Morey, John W.
Morgan, E. B.
Myers, Julius A.
Marshall, W. M.
Mason, John T.
Newton, Whitney.
Nicholson, Samuel D.
Northcutt, Jesse G.
Osgood, J. C.
Owen, W. R.
Porter, H. M.
Peters, E. A.
Phipps, L. C.
Perry, S. M.
Parker, A. D.
Ravenscroft, W. T.
Reynolds, A. E.
Riche, Jerome S.

LIST OF MEMBERS OF THE COLORADO TAX PAYERS' PROTECTIVE LEAGUE, DECEMBER 9, 1914—Continued.

Scholtz, E. L.	Thatcher, J. A.
Symes, J. Foster.	Thatcher, M. D.
Smith, Thos. G.	Valle, J. F.
Stearns, Thos. B.	Welborn, J. F.
Savageau, R. A.	Wood, S. N.
Schirmer, Godfrey.	Woodward, Frank L.
Sheedy, Dennis.	Wolcott, Henry R.
Stoll, H. M.	Watson, W. W.
Sweet, William R.	Wright, James N.
Solis, Ramon.	Wood, Guilford S.
Swan, Henry.	Zang, Adolph J.
Tobin, Richard F.	

LINDSEY EXHIBIT NO. 9.

BOULDER, COLO., *June 7, 1914.*

Judge B. B. LINDSEY,
Denver, Colo.

DEAR JUDGE: Inclosed find editorial cut from the Boulder Herald of yesterday,[1] which shows how low some editors have sunk since the strike began. What really happened in the Herald office was that Prof. Mark, who is a man of pure character, protested to one of the office men against the abuse being heaped upon you by the paper. The editor, Mr. Wanglin, turned on him and said that you ought to be killed; and that if he, Wanglin, had his way you would be killed or driven out of the State. Prof. Mark remarked that if that was the attitude of his paper he preferred that it be not sent to him any more.

Sincerely, yours,

R. O. STEARNS.

JUNE 10, 1914.

Mr. R. O. STEARNS,
Hotel Boulderado, Boulder, Colo.

MY DEAR MR. STEARNS: I thank you so much for your good letter. I have written an answer to Prof. Mark branding the editor of the Boulder Herald as an infamous liar and pointing out wherein he has lied. He is one of those cowardly creatures who set up straw men to knock down, a task by no means either difficult or courageous; that is to say, he accepts certain statements as true without any investigation and proceeds to denounce people for saying something they never said, doing something they never did. It is very evident that he is either ignorant or one of the willingly "kept" creatures of privilege who, with them, like Louis, the King of France, assume that they are the state—"The State, it is I." And when one shows up their crookedness and lawlessness they have the gall and impudence to say that you are maligning the State instead of those who are trying to rob and corrupt the State.

With kindest regards, I am,

Sincerely, yours,

BEN B. LINDSEY.

LINDSEY EXHIBIT NO. 10.

MAY 10, 1914.

MY DEAR MR. FOSDICK: I have been asked by a number of citizens to be one of a committee to go to Washington City to see President Wilson in connection with the unfortunate strike troubles in this State. I have taken no part in the controversies going on, but if I could be of any possible service in bringing peace out of what is certainly the most dangerous and chaotic situation we ever faced in this State I would, of course, count it a public service. If I should come, my idea would be that the only possible way to avoid further bloodshed, expense, distraction, and difficulty in this State would be for the President to appoint an arbitration committee fairly representative of both

[1] Not printed.

sides, or at least so fair that neither side could afford to refuse to submit the situation to them.

I am one of those who have grave doubts as to whether Mr. Rockefeller, jr., really appreciates the situation. While I can understand how he may be misled and how his education and training may make him very sincere in what others as sincerely regard as a mistaken attitude, it does seem to me that if some one in whom he would place some trust and confidence could present a somewhat different aspect of the present situation than that which seems to possess him—from some of the public statements that have come from him and his advisers—I think it would do much to bring about a settlement of the present difficulties. The matter has ceased to be a mere question of the strike, and its success or failure is of small consequence compared to some bigger issues that have arisen and for which Mr. Rockefeller should have some consideration. Whether rightly or not the feeling of the people in this State is quite general that Mr. Rockefeller has it in his power to bring about peace for us or to continue the present chaos.

I am one of those who have appreciated his work against the white-slave traffic and his interest in some of our social problems. Now, I was wondering if I accept the request that has been made by a great many to go to see the President if I could come over to New York and have a personal conference with Mr. Rockefeller, jr. I think I can say that it would be of such a character as in no way to embarrass him, and I would be glad, of course, to have you or anyone else whom he would wish present, although it would be a pleasure to have an intimate sort of talk with him regarding some of our problems, especially as bearing on the situation out here.

With kindest regards, I am,

Sincerely, yours,

_____

Mr. RAYMOND FOSDICK,
Whitehall Building, New York, N. Y.

MAY 23, 1914.

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

MY DEAR SIR: Your letter of May 23 received. You say that my telegram of May 20 was received at your office on May 21 and was directed to Mr. Rockefeller, sr., and answered by his secretary. At this I am very much astounded, since my wire was intended for you and not your father. My letter, to which your letter is a reply, was on the supposition that in the telegram, saying that Mr. Rockefeller refused the interview requested, you were the Mr. Rockefeller meant, since it does not state "Mr. Rockefeller, sr." I concluded from the exchange of telegrams, therefore, that it was you who refused me an interview under any circumstances, unless possibly the date was inconvenient; and while the issue was so important, I rather clung to this, as a remote possibility. I concluded to write you at length frankly as to my feelings and views in the matter, that you might know them in case my request to see you was to be denied.

It is apparent now, however, that I may have misunderstood you, and I am sure you misunderstand me, or you would not say that my letter is of such a character as to make any conference with you impossible. If, however, I am now to understand that it was Mr. John D. Rockefeller, sr., who refused the interview requested, I have a right to assume that, if I could have had any interview with either of you, the telegram from your office would have so stated. It is generally known that you represent your father in these matters, and the error in transmission is so apparent it might have been inferred, and if not I would have expected him to refer me to you. If I am in error as to this, however, now that the matter is cleared up, I feel sure you will be glad to reconsider your refusal to grant my request. The issue is too big and the matters I wish to discuss with you are too important to permit this mishap in the transmission of a telegram to interfere with our getting together.

I haven't the slightest bitterness or feeling in this matter, at least with regard to you—or indeed, for that matter, with regard to any person. We have a serious situation in our State, growing out of interesting conditions under our modern, social, industrial, and economic system, and I do feel that much good would be accomplished (and certainly no harm could come to anyone) if we could have a calm, dispassionate, and kindly discussion together over the entire situation.

I have greatly admired your interest in some of the problems concerning our youth, that concern me greatly and are in line with much of the work of a more palliative character that we have undertaken to do and in which your assistance has been so helpful. I am sure we should have some things in common, notwithstanding the vital differences (that I thought I should be frank enough to state to you) between us on great industrial and economic problems. It is this fact, I believe, that leads you to misunderstand my purpose in some parts of my letter. I am sure that a conference, when we might know and understand each other better, would add to that sort of Christian charity and consideration (for people who are more or less the result of conditions under which they live) that you and I ought to promote.

That part of my letter relating to the desire of some of the women survivors of the Ludlow horror to see you and tell you their story, you did not answer at all. Perhaps your failure to refer to it was an oversight, for your refusal to see me surely would not include a refusal to see them. I do not believe that you are one of those, either representing yourself or others, who are willing to accept dividends or profits from your great business enterprises and seek to shirk any sort of personal responsibility for others because of those enterprises. You would be greatly enlightened by hearing the stories of these good women. Two of them were born and reared in Colorado. One of them has been a good church member since she was 12 years of age. She came from Wales about a year ago with fifteen hundred dollars in money, considerable personal property, a good name, and a good reputation. The father of one of these women was killed in the coal mines. Another lost her children and another all of her personal property, after being subjected to cruel indignities in a dirty jail, because of controversies concerning your property or the property of those whom you have undertaken to represent. They are intelligent, competent, and capable of giving you a most comprehensive and sane view of the situation. I think you ought to hear their story, and I am sure that after you heard it you would be glad of your action and it would entitle you to much sympathy and support in the rather trying situation under which you are laboring, and in which I assure you for you personally I have the utmost sympathy and consideration, just as I have sympathy and consideration for those who are victims with you of the rather distressing conditions that we are seeking to remedy. They can only be remedied through a better appreciation and understanding of the good in each other and the necessity that we should all get together to fight evil more and men, women, and children less.

These good women have come all the way from Colorado to see the President of the United States, and they would like to see you, under any condition you may name. I assure you they would be cheerfully, honorably, and honestly complied with. Won't you please grant the same courtesy shown them by the President of the United States? I myself would prefer that they see you, as I would prefer that you see me, in the most kindly, courteous, and neighborly manner, under circumstances free from publicity and without any spectacular accompaniments, for whatever purpose they may be desired.

I suppose that I may reasonably hope to receive a reply to this request by some time next Monday, the 25th instant, either by letter or phone message, at the Imperial Hotel. I expect to start for Denver some time Tuesday afternoon, unless I should be granted the interview requested either with myself or the women of Ludlow, in which case I shall accommodate myself to your convenience.

Let me say in conclusion, my dear Mr. Rockefeller, that I do hope you will reconsider your determination not to see me or the women from Ludlow; and permit me to say further that in the event of an interview I shall be very glad to regard the communications between us as strictly personal and confidential.

I want you to know that I have nothing but the kindest feelings and consideration for you. I would not willingly or intentionally do anything to wound you personally or add to what I think I am in a position to know must have been the discomforts and suffering to which you have already been subjected. But there is a big issue involved and I feel it my duty to do all I can to help bring about a settlement of that issue in the interests of justice and humanity, and if it wounds or hurts others, I shall always share, as I have always shared, in the wounds and the hurts.

Very respectfully,

BEN B. LINDSEY.

26 BROADWAY,
New York, May 22, 1914.

Hon. BEN B. LINDSEY,
Hotel Imperial, New York City.

DEAR SIR: Your letter of May 22 to Mr. John D. Rockefeller, jr., is received. The telegram received at this office from you on May 21 was directed to Mr. Rockefeller, sr., and answered by his secretary. Mr. John D. Rockefeller, jr., has received no telegram from you.

Mr. Rockefeller, jr., desires me to say that your letter of May 22 is of such a character as to make any conference with you impossible.

Very truly,

CHARLES O. HEYDT.

WASHINGTON, D. C., *May 20, 1914.*

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City, N. Y.:

I am having a conference with the President to-day over Colorado strike situation. Could I see you for a personal interview and chat over situation Sunday or Monday at time and place to suit your convenience? I earnestly hope you can grant this request. Answer Shoreham Hotel soon as possible.

BEN B. LINDSEY.

MAY 21, 1914.

Judge BEN B. LINDSEY,
Shoreham Hotel, Washington, D. C.:

Mr. John D. Rockefeller desires me to say, in reply to your telegram to him of May 20, that he regrets it will be impossible for him to arrange the interview which you request.

H. D. SIMS, *Private Secretary.*

SOMMERS EXHIBIT.

THE COLORADO FUEL & IRON CO. IN ACCOUNT WITH FRED SUMMERS.

PAY-ROLL STATEMENT.

Pay roll No. 18, Morley mine, Aug. 31, 1913.

Earnings:		
2,754 cwt		$75.74
E. Br., 44 feet, at $1 per yard		44.00
Ent., 37 feet, at $1.50 per yard		28.50
Total credit		148.24
Deductions:		
Drafts	$3.00	
Hospital fund	5.00	
Smithing	.50	
Board	27.00	
Bath	.50	
First half month paid	16.00	
		53.00
Balance due		95.24

Pay roll No. 15, Morley mine, Sept. 30, 1913.

Earnings:	
3,109 cwt	$85.50
E. B., 50 feet, at $1 per yard	50.00
Ent., 52 feet, at $1.50 per yard	26.00
Total credit	161.50

Deductions:		
Powder	$5.50	
Hospital fund	1.00	
Smithing	.50	
Board	27.00	
Bath	.50	
First half month paid	32.00	
		$66.50
Balance due		95.00

Pay roll No. 13, Morley mine, Nov. 30, 1913.

Earnings:		
3,628 cwt		$100.77
Ex. C., 65, at $1.50 39 cubic feet, at $1 per yard 8 cubic feet, at $1 per yard R. T. ½, at $5		75.00
Total credit		175.77
Deductions:		
Powder	$3.00	
Hospital fund	1.00	
Smithing	.50	
Board	27.00	
Bath	.50	
First half month paid	35.00	
		73.00
Balance due		102.77

Pay roll No. 13, Morley mine, Dec. 31, 1913.

Earnings:		
2,810 cwt		$77.27
39 feet, at $1.50 per yard 32½ feet, at $1 per yard ½ at $5		54.50
Total credit		131.77
Deductions:		
Powder	$5.00	
Hospital fund	1.00	
Smithing	.50	
Bath	.50	
First half month paid	26.00	
Board	27.00	
		60.00
Balance due		71.77

Pay roll No. 23, Morley mine, June 30, 1914.

Earnings:		
4,965 cwt		$123.79
R. T., 1 foot, at $5 per yard		5.00
R. Br., 6½ cu. feet, at $1 per yard		6.50
Total credit		145.29
Deductions:		
First half pay	$59.00	
Hospital	1.00	
Smithing	.50	
Powder	2.50	
Fuse	1.00	
Board	27.00	
Bath	.50	
		91.50
Balance due		53.79

Pay roll No. 23, Morley mine, July 31, 1914.

Earnings:		
4,971 cwt		$139.70
R. Br., 2¼ cu. feet, at $1 per yard		2.50
Rt. C., 68 feet, at $1 per yard		22.67
Total credit		161.87
Deductions:		
First half pay	$54.00	
Hospital	1.00	
Smithing	.50	
Powder	1.00	
Board	28.00	
Bath	.50	
		85.00
Balance due		76.87

Pay roll No. 23, Morley mine, Aug. 31, 1914.

Earnings:		
8,672 cwt		$100.98
R. Br., 3 cu. feet, at $1		3.00
Total credit		103.98
Deductions:		
First half pay	$45.00	
Hospital	1.00	
Smithing	.50	
Powder	1.00	
Board	26.94	
Bath	.50	
		74.94
Balance due		29.04

Pay roll No. 13.

Earnings:		
1,524 cwt		$41.04
Ent., 23 feet, at $1.50 per yard		11.50
Rt. R., 2 feet, at 50 cents per yard		1.00
E. B., 18, at $1		18.00
44 hours		16.46
25 tons, ovens drawn, at $0.10		2.50
Total credit		91.40
Deductions:		
Powder and fuse	$3.50	
Hospital fund	1.00	
Board	27.50	
Bath	1.00	
		33.50
Balance due		57.90

NORTHCUTT EXHIBIT.

THE ROCKY MOUNTAIN FUEL CO.,
Denver, Colo., December 19, 1914.

Judge JESSE G. NORTHCUTT,
Chronicle-News Building, Trinidad, Colo.

DEAR SIR: In pursuance with your request when in my office, beg to state that the capital stock of the Rocky Mountain Fuel Co. is $10,000,000; $4,000,000 in preferred, $6,000,000 common. The bond issue authorized $10,000,000; issued approximately, $5,000,000.

The names of the mines owned by the Rocky Mountain Fuel Co. are as follows:

Name of mine.	County.	Post-office address.
Acme (not operating)	Boulder	Louisville.
Simpson	do	Lafayette.
Standard	do	Do.
Vulcan	do	Do.
Mitchell	do	Do.
Rex No. 1	do	Louisville.
Rex No. 2	do	Do.
Hecla	do	Do.
Gorham	do	Gorham.
Industrial	do	Superior.
Warwick	do	Frederick.
Garfield-Vulcan	Garfield	Newcastle.
Alpine	Gunnison	Baldwin.
Kubler (not operating)	do	Do.
Pinon (not operating)	Huerfano	Camp Stanaway, via Walsenburg.
Piedmont	Las Animas	Sopris.
Forbes	do	Forbes.
Majestic	do	Majestic.
Magnet (not operating)	Fremont	Williamsburg.

I believe that is all the information you asked for, but if there is any further kindly advise me and I shall be pleased to give the matter prompt attention.

Very truly, yours,

C. W. BABCOCK, *Vice President.*

LENTHALL EXHIBIT.

THE COLORADO FUEL AND IRON COMPANY IN ACCOUNT WITH W. F. LENTHALL.

PAY-ROLL STATEMENT.

Pay roll No. 1019, Walsen mine, Nov., 1913.

Earnings:		
1,200 cwt., at 40 cents per ton		$25.20
Rt. C., 18 feet, at 75 cents per yard		3.25
Total credit		28.45
Deductions:		
Tools	$4.80	
Powder	3.25	
Hospital fund	1.00	
R. R. fare to and from Pueblo	4.50	
Smithing	.50	
Board	12.80	
W. L. Anderson	5.85	
O. S. Co., Pueblo	3.00	
		35.70
Balance due company		7.25

Pay roll No. 199, Cameron mine, Nov. 30, 1913.

Earnings:		
24 hours		$9.30
Deductions:		
Powder	$1.00	
Board	12.20	
Fuse	.25	
		13.45
Balance due company		4.15

Pay roll No. 149, Cameron mine, Dec. 31, 1913.

Earnings:		
2,240 cwt.		$46.96
14 feet, at $1.50 per yard		7.00
52 hours		20.15
Total credit, 24 days		74.11
Deductions:		
Ticket, Pueblo to Cameron	$2.40	
Coal	4.20	
Powder	4.00	
Hospital fund	1.00	
Rent	5.30	
Smithing	.30	
Board	18.00	
Fuse	.75	
Tools, H. H. goods	103.90	
		139.85
Balance due company		75.74

Pay roll No. 149, Cameron mine, Jan. 31, 1914.

Earnings:		
2,549 cwt.		$50.98
13 feet		6.50
Total credit		57.48
Deductions:		
Powder	$3.75	
Rent	9.00	
Smithing	.30	
Board outfit	28.80	
Check	6.50	
Store	87.33	
		86.28
Balance due company		28.80

Pay roll No. 255, Cameron mine, Jan. 31, 1914.

Earnings:		
88 hours		$34.10
Deductions:		
Store		34.10
Balance due		0.00

Pay roll No. 98, Cameron mine, Feb. 28, 1914.

Earnings:		
128 hours		$40.00
Deductions:		
Store	$33.10	
Supplies	12.50	
Overdrawn	8.00	
		40.00
Balance due		0.00

Pay roll No. 149, Cameron mine, Feb. 28, 1914.

Earnings:		
1,371 cwt.		$27.42
18 feet, at $1.50 per yard		9.00
Total credit		36.42

Deductions:		
Coal	$2.10	
Powder	2.00	
Hospital fund	1.00	
Rent	9.00	
Smithing	.30	
Overdrawn collect	10.17	
Store, Pueblo	.79	
Extra	.25	
R. R. fare, freight	9.75	
		$35.06
Balance due		.46

Pay roll No. 1199, Walsen mine, Mar. 31, 1914.

Earnings:		
741 cwt		$22.23
Deductions:		
Coal	$2.10	
Hospital fund	1.00	
Rent	2.00	
Smithing	.50	
O. D. collected	7.25	
Store	5.25	
		18.10
Balance due		3.25

Pay roll No. 1199, Walsen mine, May 30, 1914.

Earnings:		
3,021 cwt		$90.63
Deductions:		
First half pay	$5.00	
Drafts	9.00	
Hospital	1.00	
Smithing	.50	
Powder	4.00	
Fuse	.50	
Coal	2.10	
Rent	9.00	
Store accts	15.55	
Ca store	20.00	
Cameron acct	10.00	
		77.25
Balance due		13.38

Pay roll No. 526, Robinson mine, June 30, 1914.

Earnings:		
2,650 cwt		$39.75
Deductions:		
First half pay	$5.00	
Drafts	5.00	
Smithing	.20	
Rent	2.01	
Store accts	1.80	
O. D.	14.74	
		29.75
Balance due		9.99

Pay roll No. 1199, Walsen mine, June 30, 1914.

Earnings:		
423 cwt		$12.69
Deductions:		
Drafts	$5.00	
Hospital	1.00	
Rent	6.69	
		12.69
Balance due		

Pay roll No. 526, Robinson mine, July 10, 1914.

Earnings:		
540 cwt		$8.10
17 cars rock, at 30 cents per yard		5.10
Total credit		13.20
Deductions:		
Drafts	$5.00	
Hospital	1.00	
Powder	1.00	
Fuse	.50	
Rent	2.88	
Farr store accts	2.82	
		13.20
Balance due		

WALSEN MINE, NOVEMBER, 1913.

[Coal output, 40 cents per ton.]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16[1]	17	18	19	20	21	22	23[2]	24[3]	25	26	27	28	29	30	31
													204		108	164	120	134	176	77	177									
													4.08		2.72	3.06	3.00	2.70	3.80	1.84	3.54									

[1] Sunday; no work.
[2] Sunday; went to Pueblo.
[3] Transferred to Cameron mine on account of having had dispute about short weight of coal at the Walsen mine. Transferred by Mr. Madison, general superintendent.

CAMERON MINE, NOVEMBER, 1913.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26[1]	27[1]	28[1]	29[1]	30[1]	31
																									3.10	3.10	3.10	3.10	3.10	

[1] Company work.

Total, $15.50.
No coal was put out by me. Preparing entry for work and drinking water from face of coal.

CAMERON MINE, DECEMBER, 1913.

[Third left entry, 40 cents per ton, $1.50 per yard.]

1	2	3	4	5[1]	6	7	8	9	10	11	12	13	14[2]	15	16	17	18	19	20	21	22	23	24	25[3]	26	27	28[4]	29	30	31[5]
70	200	41	77							146	180	136		60	2	118	88	108	90		66	121	60		126	126		94		
1.87½	4.00	1.20	1.80							2.92	3.72	2.72		1.04	1.88	2.90	1.04	2.10	1.86		1.72	2.42	1.20		2.50	2.48		1.48		

[1] No work shown up to the 10th of this month. Could not obtain weights. [2] Sunday; done crushing. [3] Christmas. [4] No work. [5] No coal loaded.

CAMERON MINE, JANUARY, 1914.

[Same as December, 1913.]

1	2	3	4[1]	5	6[2]	7	8	9	10	11[3]	12	13[4]	14	15	16	17	18[5]	19[6]	20[7]	21	22	23	24	25[8]	26[9]	27[10]	28[11]	29	30	31
						20 23 25							20 20 20 20 20 20 27	24 24 20 20 20 20 20	22 21 23 23 23 23 23	20 21 23 23 20												22 23 23 23 23 23 23		(?)
120	120	105	....	60	....	68	103	206	107	.....	80	.....	173	133	135	120	.....	.....	135	126	60	61	61	.....	.....	.....	.....	172	80	(?)
2.44	2.00	2.10	2.80	1.20	.....	1.00	2.10	4.10	2.14	.....	1.00	2.50	3.46	2.66	2.70	2.40	2.80	.....	2.10	2.72	1.20	1.02	1.02	2.50	.....	.....	.....	3.44	1.66	(?)

[1] Sunday; 5 feet crushing.
[2] 6 cars of rock and dirt.
[3] Sunday crushing.
[4] 5 feet crushing, 50 cents per foot.
[5] 7 cars of rock.
[6] 5 cars of rock.
[7] 4 cars of rock.
[8] 2 cars of rock.

CAMERON MINE, FEBRUARY, 1914.

[Same in January.]

1	2	3[1]	4[2]	5	6	7	8[3]	9[4]	10[5]	11	12	13	14	15	16	17	18[6]	19[7]	20[8]	21	22	23	24	25	26	27	28	29	30	31
															20 23 25															
	140			69	71	(?)									73	116				154		58	155	116	61					
	2.66			1.24	1.44	(?)									1.46	2.32				2.68		0.80	2.10	2.32	1.22	(?)	(?)			

[1] Sunday; no work.
[2] 1 car of rock.
[3] Loaded 3 cars of coal; could not obtain weight.
[4] From the 10th to 16th I did not work.
[5] No coal put out, machine in way.
[6] 8 cars of rock.

WALSEN MINE, MARCH, 1914.

[Drawing pillars.]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22[1]	23[2]	24[3]	25	26	27	28	29	30	31
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	42 43 38	42 47 46	39 43 44 43	39 43 44	.....	45 47	42 44
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	129	134	171	129	.....	92	86
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3.07	4.46	5.13	3.87	.....	2.76	2.79

[1] Sunday; no work. [2] Preparing place to work.

CAMERON MINE, MARCH, 1914.

[Same as in February.]

1[1]	2	3	4	5	6	7	8[2]	9	10	11	12	13	14	15[3]	16[4]	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
.....	22	21 23 24 20	20 24 23 17	23 23 23 23 23 23	25 25 25 25 25 25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	22	109	123	138	151	155	.....	115	61	86	101	124	(?)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	2.44	2.18	2.46	2.66	2.42	2.70	.....	1.70	1.22	1.72	2.22	2.48	(?)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Sunday; no work.
[2] Left Ehrlich left entry and worked at cross-cut from 1 north left to fifth left.
[3] Left Cameron mine for Walsen mine. Superintendent refused to let me go; but I insisted, and left Cameron Saturday for Walsen. Reason I left, weight and earnings were too small.

EXHIBIT THE COLORADO COAL MINERS' STRIKE, 1913-1914 7609

WALSEN MINE, APRIL, 1914.

[Pillar work.]

1	2	3	4	5	6	7	8[1]	9	10	11	12	13	14	15	16	17	18	19[1]	20	21	22	23[2]	24	25	26	27	28	29	30	31
47	45	40	44	47	40	38	.....	44	46	38	.....	32	47	39	47	47	46	.....	36	43	53	.....	.....	.....	.....	.....	.....	.....	.....	.....
46	47	46	43	.....	43	.....	.....	44	42	39	.....	35	47	40	.....	40	45	.....	46	40	53	.....	.....	.....	.....	.....	.....	.....	.....	.....
39	39	.....	.....	.....	44	.....	.....	.....	43	34	.....	40	46	45	.....	46	57	.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	35	49	.....	.....	38	52	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	.....	.....	.....	35	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
125	144	86	87	47	126	38	.....	88	133	130	.....	195	191	127	47	211	195	.....	82	83	227	.....	.....	.....	.....	.....	.....	.....	.....	.....
4.35	4.22	2.69	2.61	1.41	3.78	1.03	.....	2.64	3.99	3.90	.....	5.85	5.93	3.89	1.41	6.33	5.88	.....	2.46	2.49	7.11	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Sunday; no work.

[2] Was put on mine-guard duty. Camp was alarmed as strikers were coming to attack same; was on guard duty remainder of month.

ROBINSON MINE, JUNE, 1914.

[Eighth north entry; 30 cents per hour.]

1	2	3	4	5	6	7	8	9	10	11	12	13	14[1]	15[2]	16	17	18	19	20[3]	21[1]	22	23	24	25	26	27	28	29	30	31
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	24	27	24	.....	.....	13	.....	26	29	.....	.....	26	25	23	25	24	21	.....	25	25	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25	26	.....	.....	.....	.....	24	27	.....	.....	26	25	24	24	23	24	.....	24	24	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	26	28	.....	.....	.....	.....	.....	28	.....	.....	23	26	25	23	23	23	.....	23	23	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	24	.....	.....	.....	.....	.....	.....	28	.....	.....	25	27	25	24	22	24	.....	22	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	23	.....	.....	.....	.....	.....	.....	40	.....	.....	21	26	24	24	21	24	.....	21	21	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	.....	.....	.....	.....	.....	.....	25	.....	.....	24	24	24	24	24	24	.....	24	24	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	28	.....	.....	.....	.....	.....	.....	25	.....	.....	25	24	24	24	24	24	.....	24	24	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	24	.....	.....	29	.....	.....	.....	.....	.....	.....	23	24	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	24	175	88	.....	.....	356	257	60	259	.....	.....	256	155	190	123	167	176	.....	190	236	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.36	2.62½	1.32	.....	.....	5.34	3.85½	0.90	3.88½	.....	.....	3.84	2.32½	2.85	1.99	2.60½	2.62½	.....	1.90	3.12	.....

[1] Sunday; no work.

[2] No hoisting.

[3] No hoisting; tipple under repairs.

Total, 2,650—132½ tons—$39.75.

ROBINSON MINE, JULY, 1914.

1	2[1]	3	4[2]	5[3]	6	7[4]	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
18	.....	22	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
21	.....	31	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
26	.....	20	.....	.....	25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	22	.....	.....	31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	23	.....	.....	24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
68	.....	121	.....	.....	225	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1.02	.....	1.67½	.....	.....	3.37½	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] No record of weight. [2] Holiday. [3] Sunday; no work. [4] Left the C. F. & I. camp mines for the Mutual mine 7th July, 1914.

SOLAR MINE, NOVEMBER, 1914.

[45 cents per ton.]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19[1]	20	21	22[2]	23	24	25	26	27	28[3]	29[3]	30	31
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20	21	21	.....	22	21	.....	20	22	20	20	21	.....	.....	21	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20	20	22	.....	22	22	.....	21	22	23	21	22	.....	.....	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20	22	22	.....	22	22	.....	22	22	22	23	22	.....	.....	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	22	22	.....	22	22	.....	22	23	21	23	22	.....	.....	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	20	22	.....	22	22	.....	.....	.....	21	.....	22	.....	.....	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	20	22	.....	22	22	.....	.....	.....	20	.....	22	.....	.....	22	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	22	.....	.....	.....	22	.....	22	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	22	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	22	.....	22	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22

SOLAR MINE, DECEMBER, 1914.

[46 cents per ton.]

1	2[1]	3	4	5	6[2]	7[3]	8	9	10[4]	11	12[5]	13[6]	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
22		2	20	20			21	20		20									22										
23		3	21	21			22	21		21									23										
24		4	22	22			23	22		22									24										
25		5		23			24			23									25										
26		6					25			24									26										
27		7					26			25									27										
28		8					27			26									28										
29		9					28			27									29										
30		10					29			28									30										
31		11					30			29									31										
189		280	93	126			246	126		204																			
2.07		6.30	3.07	2.52			3.32½	2.52½		4.00																			

[1] No work. [2] Sunday; no work. [3] Mine not working. [4] Left for Denver to give testimony before United States Commission.

Huerfano Fuel Co., Walsenburg mines, monthly fine statement, W. F. Lenthall.

FIRST HALF MONTH OF JULY, 1914.

Debit:		Credits:	
Coal	$0.25	60 hours, at 38½ cents	$23.25
Water	.20		
Rent	1.70		
Telephone	.35		
Check	10.00		
Total credits			$23.25
Total debit			12.50
Balance			10.75

Mutual Coal Co., Walsenburg mines, pay-roll statement, W. F. Lenthall.

SECOND HALF MONTH OF JULY, 1914.

Debit:		Credits:	
Coal	$0.75	192 hours, at 38½ cents	$74.40
Doctor	1.00		
Water	.50		
Rent	5.00		
Hospital	.25		
Total credits			$74.40
Total debit			7.50
Balance			66.90

FIRST HALF MONTH OF AUGUST, 1914.

Debit:		Credits:	
Coal	$0.75	132 hours, at 38½ cents	$51.15
Water	.50		
Rent	5.00		
Telephone	2.05		
Total credits			$51.15
Total debit			8.30
Balance			42.85

SECOND HALF MONTH OF AUGUST, 1914.

Debit:		Credits:	
Oil	$1.20	124 hours, at 38½ cents	$48.05
Coal	.75		
Doctor	1.00		
Water	.50		
Rent	5.00		
Hospital	.25		
Total credits			$48.05
Total debit			8.70
Balance			39.35

FIRST HALF MONTH OF SEPTEMBER, 1914.

Debit:		Credits:	
Coal	$0.75	114 hours, at 38½ cents	$44.17
Water	.50		
Rent	5.00		
Total credits			$44.17
Total debit			6.25
Balance			37.92

Huerfano Fuel Co., Walsenburg Mines, monthly time statement, W. P. Lenthall.

SECOND HALF MONTH OF SEPTEMBER, 1914.

Debit:		Credits:	
Coal	$0.75	116 hours, at 38¼ cents	$44.95
Doctor	1.00		
Water	.50		
Rent	5.00		
Hospital	.25		
Total credits			$44.95
Total debit			7.50
Balance			37.45

FIRST HALF MONTH OF OCTOBER, 1914.

Debit:		Credits:	
Coal	$0.75	123 hours, at 38¼ cents	$47.06
Water	.50		
Rent	5.00		
Total credits			$47.06
Total debit			5.25
Balance			41.41

SECOND HALF MONTH OF OCTOBER, 1914.

Debit:		Credits:	
Coal	$0.75	185½ hours, at 38¼ cents	$52.50
Doctor	1.00		
Water	.50		
Rent	5.00		
Hospital	.25		
Total credits			$52.50
Total debit			7.50
Balance			45.00

DENVER, COLO., *December 16, 1914.*

To the United States Commission on Industrial Relations:

I hereby certify that I have compared the notes of Walter F. Lenthall, as filed by him with this commission, with the original notes of Mr. Lenthall, and certify that these are a true and correct copy of the original.

[SEAL.] CLEMENT F. CROWLEY,
Notary Public, City and County of Denver, State of Colorado.

My commission expires February 7, 1917.

AMMONS EXHIBIT.

Headquarters and Company B, Second Infantry, stationed at Ludlow and Cedar Hill, morning of April 20, 1914.

Name.	Rank, organization.	Age.	Residence.	Length of service in organization.	Previous employment.
Hancock, P. J.	Major, First Infantry	43	Denver	11 years	Merchant, saloon keeper.
Benedict, R. W.	First lieutenant, First Infantry	29	Lupton	3 years	Irrigation engineer.
Lemmie, E. J.	First lieutenant, Medical Corps	28	La Veta	6 months	Physician.
Linderfelt, K. E.	First lieutenant, Second Infantry	37	Cripple Creek	6 years	Miner, quarts.
Lawrence, C. S.	First lieutenant, First Squadron Cavalry	34	Denver	13 years	Watchman, Colorado Museum.
Bigelow, M. C.	First lieutenant, First Infantry	24	....do	3 years	Student.
Taylor, C. E.	First Sergeant, Company B, Second Infantry	22	....do	4 years	Bookkeeper.
Cullen, F. N.	Quartermaster Sergeant, Company B, Second Infantry.	30	....do	3½ years	Painter.
Davis, John	Sergeant, Company B, Second Infantry	51	Teller	7 months	Miner.
Smith, E. L.	....do	21	Westcliffe	6 months	Blacksmith.
Smith, C. G.	....do	20	....do	....do	Do.
Casey, T. J.	....do	20	Trinidad	7 months	Clerk.
Mills, C. L.	Corporal, Company B, Second Infantry	27	....do	8 months	Laborer.
Patton, C. E.	....do	20	Berwind	7 months	Miner.
Seibert, C. A.	....do	37	....do	8 months	Packer.
Wood, Ira M.	Corporal, Hospital Corps	22	Ramah	11 months	Farmer.
Kissel, H.	Cook, Company B, Second Infantry	20	Trinidad	7 months	Cook.
Masters, C. T.	Cook, Troop C, First Squadron Cavalry	32	Denver	....do	Do.
Griffin, Owen	Musician, Company B, Second Infantry	20	Trinidad	4 years	Student.
Anglen, T. J.	Private, Company L, First Infantry	19	Denver	6 months	Laborer.
Campbell, L. deC.	Private, Company A, First Infantry	22	....do	7 months	Student.
Tremble, C. L.	Private, Company H, Second Infantry	20	La Junta	6 months	Car thinker.
Hoffine, H. B.	Private, Company L, First Infantry	19	Denver	8 months	Student.
Baker, Philip	Private, Company A, First Infantry	[illegible]	....do	1 year 1 month	Leather worker.
Collier, A. M.	....do	[illegible]	....do	7 months	Clerk.
Leonard, C.	Private, Company L, First Infantry	[illegible]	....do	....do	Cook.
Martin, A. J.	....do	[illegible]	....do	6 months	Sewer fixer.
Mason, E. M.	Private, Company A, First Infantry	[illegible]	....do	3 years 2 months	Printer.
Johnson, Geo.	....do	[illegible]	....do	....do	Machine operator.
Pickford, Dan	Private, Company B, Second Infantry	20	Trinidad	14 years	Miner.
Smith, J. E.	Private, Company L, First Infantry	41	Denver	7 months	Machinist.
Washington, M. E.	Private, Company A, First Infantry	[illegible]	....do	....do	Clerk.
Wood, H. V.	Private, Company B, Second Infantry	20	Berwind	3 months	Steel worker.
Worden, F. S.	....do	25	Hastings	7 months	Laborer.
Skinner, Frank	Private, Company A, First Infantry	20	Wheatridge	6 months	Correspondent.
Mills, Jos.[1]				3 years	Cook.

[1] Written in pencil in original list.

AMMONS EXHIBIT

AMMONS EXHIBIT—Continued.

Detachment Company A, Second Infantry, assigned to Company B, Second Infantry, station Sopris; reported at Ludlow April 20, 1914, at 3.45 p. m.

Name.	Rank, organization.	Age.	Residence.	Length of service in organization.	Previous employment.
Conner, C. A.	Second lieutenant, Second Infantry	27	Colorado Springs	2 years	Grocer.
Baker, H. E.	First Sergeant, Company A, Second Infantry	31	do	6 years Oct.	Soldier, Regular Army; printer.
Greenaman, G. D.	Corporal, Company A, Second Infantry	28	do	7 months	Teamster.
Herbert, J. A.	Private, Company A, Second Infantry	37	do	4 months	Soldier, Regular Army; shipbuilder.
Hampton, D. R.	do	21	do	2 months	Cook.
Lloyd, William	do	20	do	6 months	Laborer.
Purcell, Le R.	do	20	do	do	Do.
Rogers, W. L.	do	20	do	2 years	Baker.
Shaffer, E. E.	do	20	do	2 months	Carpenter.
Sneeder, H. H.	do	20	do	do	Do.

BRAKE EXHIBIT NO. 1.

Denver, Colo., *October 18, 1913.*

Complaint being made to Edwin V. Brake, deputy State labor commissioner, that a number of men had been imported into Colorado contrary to and in violation of State law, the same being chapter 160 of the Session Laws of 1911, he, Edwin V. Brake, accompanied by Deputy E. E. Crosley, proceeded to Louisville, Colo., on the afternoon of October 30, 1913, and there found the following men:

Edward Ryan, age 34, boilermaker's helper, 329 South Center Street, Chicago.
James Harrison, electrician, age 34, 444 South State Street, Chicago.
E. Summers, machinist, age 24, 444 South State Street, Chicago.
Barney Garrigan, motorman, age 28, Reliance Hotel, Chicago.
C. S. Maddox, electrician, age 25, 1716 Warren Avenue, Chicago.
J. J. Ryan, clerk, age 28, 47 West Van Buren Street, Chicago.
Frank Kane, boilermaker, age 25, 1822 North Lincoln Street, Chicago.
L. O'Bryan (signed as J. Reeves), boilermaker, age 26, 529 South State Street, Chicago.
F. H. Perry, machinist, age 26, Warren Hotel, Chicago.
Walter Emmons, laborer, age 42, 2745 West Polk Street, Chicago.
George Connors, age 51, laborer, 1842 West Monroe Street, Chicago.

These men state that men named West, Miller, Andrews, Cole, and Ennis, were also in a party of 16 men altogether, who were hired in Chicago by a Mr. McFarland, a passenger agent of the Chicago & Rock Island Railroad, and brought by him in a special steel coach as far as Limon, Colo., where the men were locked in the coach and brought to Denver, then turned over to the Colorado & Southern Railroad and transported to Louisville, Colo. On the journey from Limon to Louisville, Colo., the coach was kept locked. The coach was sidetracked and the party left the car at the Monarch Mine No. 2 near Louisville; that these men were hired in Chicago to do shoveling and labor work at the rate of 30½ cents per hour; that the men were to further receive $3 per day and board during transit from Chicago to Louisville.

They left the La Salle Street depot at Chicago on No. 5 train, at 10.30 p. m., Tuesday, October 7, and arrived at Monarch mine Thursday, October 9.

The men were told they were going to work in an open shop, and that no strike had been on for three and one-half years, and were not told that they were to work in a coal mine. Upon arrival at the mine they were told that they were wanted to shovel coal in the mine, and they learned that it was a strike job. They refused to work as they knew nothing about mining and did not care to take a chance in a mine, and further, they would not act as strike breakers.

Their baggage which had been taken from them at Chicago and no baggage checks allowed them, was here given them in a much damaged condition, their suit cases were broken and E. Ryan's was so much damaged that he left it at the mine. The men were also locked in the car during transit and people were not allowed to see or talk to them. They were fed two meals in the diner and sandwiches and coffee at Limon, Colo.

Upon the men refusing to work at the mine they were told they could "beat it to Denver"; they told that they were without funds and asked for pay as agreed upon during transit. This they were refused and the men then asked who had brought them out here, the name of the party paying the transportation; this the manager of the mine said he did not know and professed to not know how they came or who brought them. They then left the mine and were taken in charge by the union coal miners at Louisville who have fed and housed them since. The matter was then reported to the State labor commissioner.

BRAKE EXHIBIT NO. 2.

Denver Colo., *December 26, 1914.*

Mr. Frank P. Walsh,
Chairman, United States Commission on Industrial Relations,
Chicago, Ill.

Dear Sir: In response to your request at the time I appeared before your commission, I herewith mail you supplementary evidence embracing some of the features of the coal strike in Colorado.

I desire to give your commission an example of the system employed by the coal companies in recruiting gunmen at the beginning and during the strike in southern Colorado. Sometime during the early part of the year Judge Northcutt, who was an attorney for the coal companies, sent a communication to the chief justice of the Supreme Court in New Mexico, requesting that the chief justice secure for him some gun fighters for use in the Colorado coal strike. This communication was accompanied by a check or draft to pay for the transportation of these men. The chief justice of the supreme court sent for Fred Farnoff, who was at that time the captain of the constabulary or State rangers of New Mexico, and acquainted him with the contents of the letter and asked Farnoff to secure these men. Farnoff sent for Lopez Gomez, who at one time was city marshal of Santa Fe, N. Mex., a notorious character, and asked him to enlist these men. He enlisted 18 besides himself and was furnished transportation to Trinidad, Colo.

They arrived over the Santa Fe Railroad in the morning and was met at the depot of Trinidad by a representative of Judge Northcutt and were taken to the office of the Chronicle-News, a daily newspaper owned and controlled by Judge Northcutt. There, they were met by Judge Northcutt and Sheriff Gresham, who enrolled the 18 men as deputy sheriffs and gave them commissions, a 30-30 rifle, and revolver each. They then started for the depot to be shipped to some camp, the exact destination unknown to me, but in the strike district, where they were met by the pickets of the union and taken up to the union headquarters. When Gresham found that they were in the union headquarters he went up to demand the return of their revolvers and commissions as well as the deputies, all of which were surrendered to him, but the men refused to further participate in the strike as deputy sheriffs and went to the depot and returned to Santa Fe, N. Mex. This information I obtained through my deputies and from Fred Farnoff personally. My reason for telling this story was to inform the commission of the methods employed by the coal companies in recruiting their gun fighters. Now, in the first place, Judge Northcutt technically is an officer of the court as an attorney; he conspired with the chief justice of a neighboring State to import into Colorado a lot of undesirable citizens in strict violation of the laws of Colorado. We have a statutory provision in this State that requires the qualifications of a deputy sheriff to be the same as that of his principal, and a sheriff is not eligible to the office until he has been a year's resident in the county from which he is elected. We have another statutory provision that requires that every deputy sheriff shall be a citizen of the State, and one can not become a citizen under a year's residence, and a further provision that a citizen of the State must have resided 60 days in the State immediately preceding his being sworn in as deputy sheriff. The above narrative shows that all of the laws were violated by men sworn to support the laws of the State of Colorado. This is but one illustration of many, showing the methods employed in recruiting the deputy sheriffs who were commissioned by Gresham in Las Animas and Fred Farr in Huerfano County.

From newspaper reports I learned that you sought to ascertain from various witnesses what, if any, political actions were taken by the coal companies in those two counties. Here is one of the best illustrations that I could give you: At the beginning of the strike in September, 1913, every county official in both Las Animas and Huerfano Counties were subservient tools of the coal companies, so that when a number of independent mines in Huerfano County signed up with the union mine workers and continued operating their mines the political forces which are controlled by the coal operators became alarmed, fearing that the men working in these independent mines and being out from under the influence of the county officials and coal companies might vote as they pleased. Several hundred of these union miners who were employed by the independent companies and showing quite an interest in politics, feeling that if they could elect some fair men as county officials it would be largely to their interest, became naturalized and all registered. To offset this, in July, 1915, the county officials in Huerfano County, by resolution, changed the precinct and polling places. At the Tioga and Big Four mines, which had become unionized, and where there had always been a voting place, by the July resolution they were removed 9 miles from the mines out to a farmhouse, so that the men who were registered and citizens would have to make a trip of 18 miles in order to exercise the right of franchise, making it as hard as possible for these people to vote. On the other hand, in the closed camps, such as at the Walsen mine, they made the boundaries of the precinct within the barb-wire inclosures, making it as easy as possible for the nonunion miners to vote and giving the

political gang controlled by the coal companies absolute control of the precinct. I will hereto attach a letter signed by E. L. Neeley, with a copy of the resolution passed by the board of county commissioners.

To further illustrate the absolute control by the companies of the officials of these counties, I wish to state that had the county commissioners desired to be fair they would have established a voting precinct at Ludlow, Las Animas County, but they required the voters at Ludlow, where the tent colony is located, to go to Hastings to cast their vote. There is hardly a chance for a fair election at Hastings, and a great many of the striking miners would not go to Hastings for fear of bodily injury. It might be well for me to inform you that Hastings is an incorporated town, the superintendent of the mine is the mayor of the town, and the streets and alleys were never dedicated to public use, so that whenever anyone not desired by the coal companies appeared on the streets of that town they are subject to arrest as trespassers, so that every known political scheme is employed by these people to perpetuate themselves in office under the control of the coal companies.

In my evidence before the commission, I touched briefly on the fact that employees of this department had been denied the right to make investigations in the closed camps in Las Animas County. I herewith submit copy of an affidavit signed by Robert Brocket and Mildred Brocket, on the 10th day of January, 1914. The original affidavit I turned over to Gov. Ammons, upon his assurance that he would make an investigation through his office but I never received any report as to what he did in the matter. In fact, that was the reception I received at his hands with any information I gave him touching upon the coal strike. I attach hereto a report of Eli M. Green, one of the employees of this department, whom I sent to make an investigation as to the passage in those two counties.

As an illustration of the relations existing between the coal companies and Gen. Chase I will say that in the first week in January, 1914, I was in Trinidad during the entire week; there was absolutely no evidence of disorder, the streets of Trinidad were as quiet as any lawabiding streets in the country, but I noticed that the militia seemed to be bent on committing trouble rather than assuming an attitude of peace. On several occasions I have seen Wm. Murray, vice president and general manager of the Victor-American Fuel Co., and Gen. Chase in conversation on the sidewalk before the Columbia Hotel and within 10 or 15 minutes after they separated a troop of cavalry would come charging up the streets on the dead run and, in several instances, ride their horses on the sidewalks, driving the people into the stores or off the sidewalks into the streets, without any justification or excuse. After the cavalry would leave then a patrol would be put on the sidewalks, infantry with fixed bayonets, walking four abreast up the walks pushing people into the streets or into the stores. This occurred so often and with no other object, in my judgment, than to force the striking miners to resent their actions. Several times during the week that I was in Trinidad, troops were taken to the depot, surrounding it and keeping every person back, waiting for the train to come in with strike breakers. No one was allowed to talk to these men; they were locked in their cars and switched on to trains and dropped off at different camps. And this was all done in strict violation of the statute in this State.

As a further evidence to prove that the militia were wholly imbued with the idea that it was their duty to assist the coal companies in the strike, without reference to any law of man or God, was on the 20th of April, 1914, and that took place at Ludlow; the tent colony was shot up first and then burned. At 12:15 on the 21st, I left Denver for Trinidad. It was my intention to step off at Ludlow and on the way down I found a militiaman in full uniform on the train, who knew me but I did not know him; but I found that he was an employee of the Burlew Detective Agency and a member of the State militia. He informed me that Gen. Chase had sent him to Ludlow with 7,500 rounds of ammunition for the coal companies—not for the militia. The ammunition was unloaded at Ludlow, and when I attempted to get off the train I was ordered back and not permitted to get off at all. I opened a window as many other passengers had done. The train was patrolled by 25 militiamen in full uniform and their entire conversation was boasting of having killed so many people; boasted of killing Louis Tikas, and regretted their inability to kill the Winsbury boys and John Lawson. They stated to my hearing; parties unknown to me but in uniform, that they had killed the "Damn red necks and had 19 of them in one pile." Their whole conversation and attitude was one of hatred toward the striking miners, boastful of the number they had killed and desiring to kill

more. Not being permitted to get off the train I went to Trinidad and I found the city in great excitement; there were no militia there, but no effort was made by the thousands of men who had come to Trinidad after the burning of Ludlow to commit any violation of the law. Occasionally you would find some radical who wanted to do something to avenge the colony, but through the efforts of John Lawson, assisted by the other officials of the United Mine Workers, everything was peaceful and quiet.

At this time, it being the 23d of the month, a great many of the women and children had not been located, having been scattered over the country, running away from the burning colony and taking refuge with the farmers. But a great deal of the country being under the fire of the machine guns the work of collecting these people was very hard. On the morning of the 23d information was brought to Trinidad that there was a pit full of women and children and asking that the undertaker wagons be sent out to get the bodies. When the undertakers attempted to go to Ludlow they were fired upon and driven back by the militia, notwithstanding they were driving undertaker wagons. Several railroad employees passing through Ludlow had filed a protest against dead bodies being laid in plain view of the trains, so that permission was granted by Maj. Hasprock for the undertakers' wagons to come and get the bodies and the Red Cross people were permitted to accompany them.

John McLennan, president of district 15, United Mine Workers, also secured permission of Maj. Hasprock to accompany the party; so two automobile loads of people, McLennan, the Red Cross, two ministers from Trinidad went ahead. I accompanied the two drivers who took the two undertaker wagons starting for Ludlow at the same time. Our conveyances being drawn by horses, we did not arrive until about an hour after the autos did. An incident occurred just before I reached Ludlow that would give you some idea of the vicious manner in which the militia conducted conditions. While east of Ludlow, a man who lived alongside of the road told me that if I attempted to go any farther he was satisfied that I would be shot; that the machine guns were shooting at everything along the road, and while we were talking to this man, an auto appeared along the top of the hill and started toward Trinidad. Immediately the machine guns were turned on this machine and I presume there were many hundred shots fired on it. When the machine came up to where I was the wind shield was shot off and many holes were in the top and body of the machine. The machine was owned by a man by the name of Seevers, a merchant who resides in Roswell, N. Mex. He was accompanied by his son and daughter and his daughter-in-law. After I assured him there was no further danger he started on his way to Trinidad and stopped over night at the Toltec Hotel.

I then started to go to Ludlow and no attempt was made to shoot at us. We were carring a Red Cross flag, and the only conveyance we had were the two undertaker wagons. When I got to the tent colony, or where it had been located, I went over to the pit or cellar that had been found and assisted in taking out of that hole 11 children and 2 women. It is my firm opinion that these women and children, at least not all of them, were suffocated in this place. Being under ground there was no chance for them to be burned, and some of them were burned so badly that you could not distinguish whether they were black or white unless you looked under their clothing. I feel satisfied that some of them were burned in other tents and afterwards put in this hole by the militia.

Another instance that I would like to relate; this is only my opinion, but the circumstances surrounding the case justified me in saying that I feel there was a conspiracy to murder John McLennan, president of district 15, he having received permission to go to Ludlow from Maj. Hasprock, and upon his arrival he was promptly arrested and taken before Maj. Hasprock by a corporal or a sergeant, but Hasprock ordered his release. McLennan then went down in sight of the colony waiting for the arrival of the undertaker wagons, but they were removing the bodies, and he was arrested the second time and was told to stand in the middle of the road in front of the colony site, and when I arrived on the scene was standing there by himself without even a guard. It was some five minutes after I got up to the hole where the bodies were before I learned of McLennan's arrest, and the whole situation was so suspicious to me that I asked one of the nurses and a couple of women to go down and stand by McLennan in the road. It is my opinion that he was placed there for no other purpose than to have him shot from the cars on the tracks a short distance away, and the report would be made that he attempted to escape after being arrested. That was what they did to Tikas and Fyler on the 20th.

The whole attitude and conversation of the militia on this occasion was one of hatred and full of malice and profanity and everyone who in any way at all sympathized with the striking miners were characterized immediately as "red necks" and undesirable and should be driven from the country. When I protested to some soldiers about firing on the autos I was informed that it was none of my business; that had they known who was on the undertaker wagon they would have shot it up. I give these illustrations out of many, many hundreds that I might enumerate had I the time and space. I trust that this commission will be able to give to the United States the widest possible publicity of the information gained in this State and evolve some plan by which it shall not occur again. Constitutional government does not exist in certain portions of Colorado, and this situation has been brought about by the greed of the few benevolent mine officials.

Respectfully submitted.

EDWIN V. BRAKE,
Deputy State Labor Commissioner.

WALSENBURG, COLO., *September 27, 1914.*

Mr. E. V. BRAKE,
Denver, Colo.

DEAR MR. BRAKE: Yours of 24th instant to hand, and take pleasure in giving you the desired information so far as I have been able to get it. Am inclosing you the copies of the commissioners' orders; the changes were made (most of them) at the July board meeting. As the inclosed copies state, there was one change made the 10th of the present month, as you will notice.

I also give you the name of three precincts that are inclosed by barbed-wire fences where we have no show to see that a semblance of a square deal may be had, to wit:

Walsen mine (No. 15): Inclosed, with nothing in the precinct but scab votes.

Rouse (No. 22): Inclosed, with nothing in the precinct but scab votes.

Oakview (No. 20): Inclosed, with nothing in the precinct but scab votes.

There are also five other precincts that are not inclosed, but kind just those as well be, as they are just coal camps and nothing in them but mine guards and their laborers. I know that there are a great many that will vote in these camps that are not legal voters, if they are not looked after. The question now is, How are we to get a square deal in these corporation camps?

Tioga and Big Four, which formerly voted in their mines, were changed at their July board meeting so the miners are compelled to go 13 miles to vote. These are all solid Democratic votes as the mines have been working under union scale. When the mines signed up with the union the commissioners changed the voting place, thinking perhaps it would knock the Democrats out of some of their votes. This is now known as Tioga precinct No. 20.

We certainly hope there can be something done to relieve us of this dominating way that our county commissioners have of changing precincts at their pleasure to accommodate them and do so much injustice and inconvenience to the fair-minded people of this county. All that we are asking for is a square deal, we want nothing more. This, I imagine, if taken up in the proper way will be remedied. If we can get a square deal in these closed camps we certainly can wipe this rotten political clique out of existence (after 18 years), and I think no stone should be left unturned to clean up on this bunch. The honorable Charles Thomas and Edward Keating know just what this political situation in Huerfano County is; they know what these people in power will do to remain in power; there is nothing so low down that the present gang would not do to accomplish their ends.

If there is any other information that you desire, as it, and if it is possible for me to get it you shall have it at once.

Yours, very truly,

E. L. NEELY.

WALSENBURG, COLO., *September 15, 1914.*

Whereas at the July meeting of this board, owing to the small number of voters at that time residing in Niggerhead precinct No. 14, said precinct was ordered discontinued as an election precinct, and the territory contained therein was ordered annexed to North Vein election precinct No. 19; and

Whereas it now appears to this board that the coal mines located in said Niggerhead precinct No. 14, as heretofore existing, have resumed operation and are now employing a large number of mine workers to whom much unnecessary travel and inconvenience will be occasioned if compelled to vote in North Veta precinct No. 10; Therefore it is

Ordered, That the action of this board at its July meeting, in relation to said Niggerhead precinct, be rescinded and that the said Niggerhead precinct, No. 14 be, and it is hereby, reestablished as a voting precinct, and shall consist of the following territory, to wit: The south half of section 7, sections 18 and 19, in township 28, range 66, and sections 13, 14, 23, 24, 25, and 26 in township 30, range 67; and it is further

Ordered, That the voting place of said precinct be at the Niggerhead boarding house, and that Ruben Romero, Dale Jellison, and Antonio Pacheco be appointed the judges of election in said precinct.

[Exact copy of the board of commissioners' orders.]

Ordered, That sections 21, 28, and 33, heretofore forming part of Crestones precinct No. 12, be taken from said precinct and added to Gardner precinct No. 1.

Ordered, That Oak Creek precinct No. 34, be disestablished and that the territory heretofore comprising said precinct, as established by order of the board on October 7, 1910, be added to and form part of Badito precinct No. 2.

Ordered, That all that part of Badito precinct No. 2, as heretofore established, lying east of a line running from Querna Verda Peak and following the mountain ridge to the Badito bridge, and east of the road from Badito bridge to La Veta, be taken from said Badito precinct and added to Tioga precinct No. 30; that said consolidated precinct be known as Tioga precinct No. 30, and that the voting place of said precinct be at the schoolhouse of school district No. 8, in NE. ¼ NE. ¼ sec. 8, T. 27, R. 68.

That the territory comprised in Turkey Creek precinct No. 11, and Birmingham precinct No. 18, as heretofore established and created be consolidated into one precinct to be known as Birmingham precinct No. 18, and that the voting place of said precinct be at the Birmingham schoolhouse.

Ordered, That the territory in Rocky Mountain precinct No. 29, and Gordon precinct No. 48, as heretofore established and created, be consolidated into one precinct to be known as Rocky Mountain precinct No. 29, and that the voting place of said precinct be at the schoolhouse at Rocky Mountain.

Ordered, That the territory comprised in Picton precinct No. 17, Maitland precinct No. 23, and Toltec precinct No. 28, as heretofore established and created, be consolidated into one precinct to be known as Picton precinct No. 17, and that the voting place of said precinct be at the Picton schoolhouse.

Ordered, That Niggerhead precinct No. 14 be discontinued and the territory heretofore contained in said precinct be added to and form part of North Veta precinct No. 10.

Ordered, That sections 13, 14, 15, 16, 17, part of section 19, sections 20, 21, 22, 23, 24, and part of sections 30, 29, 28, 27, and 26 in T. 29, R. 65, heretofore forming part of Rouse and Pryor precincts, be taken from said precincts and added to Valdez precinct No. 51, and that the boundaries of said Valdez precint No. 51 be, and they are hereby, established as follows, to wit:

Commencing at the northwest corner of section 3, T. 28, R. 65, and running thence south on section line 3 miles, thence west on section line 2¼ miles to the east boundary of precinct 24; thence south along said boundary parallel to the range line between ranges 65 and 66, and distance ¼ mile east thereof to the north boundary of section 18, T. 29, R. 65; thence south on section line 1½ miles; thence west to center of section 19, T. 29, R. 65; thence ½ mile to SW. corner of NW. of NE. quarter of section 30, T. 29, R. 65; thence east on subdivision line to the eastern boundary of the county; thence northeasterly along said boundary to its intersection with the north boundary of township 28, R. 64, and thence west along said boundary 8 miles more or less to the place of beginning; and be it further

Ordered, That the boundaries of Pryor precinct No. 21, and Rouse precinct No. 22 remain as heretofore established, less those portions thereof hereby added to Valdez precinct No. 51.

Ordered, That precincts Nos. 16 and 32, as last heretofore existing and established, be consolidated into one precinct to be hereafter known as Walsenburg precinct No. 16, and that the voting place of said precinct No. 16 be at Farr's garage.

Ordered, That Walsenburg precincts Nos. 26 and 41, as last heretofore existing and established, be consolidated into one precinct to be known as Walsenburg precinct No. 26, and that the voting place of said precinct No. 26 be at the Coor's storage, near the D. & R. G. depot.

Ordered, That Walsenburg precincts Nos. 36 and 40, as last heretofore existing and established, be consolidated into one precinct and to be hereafter known as Walsenburg precinct No. 36, and that the voting place of said precinct be at the colored church.

Ordered, That the territory comprised within the boundary of Walsenburg precincts Nos. 6, 38, 37, and 42, as last heretofore existing, be henceforth divided into three precincts to be known as Walsenburg precinct No. 6, Walsenburg precinct No. 37, and Walsenburg precinct No. 38, with boundaries as follows, to wit:

Commencing at the intersection of the center line of Russell Street, town of Walsenburg, with the track of the D. & R. G. R. R. and running thence west along the center of said track to its intersection with the track of the Colorado & Southern R. R.; thence along the center of said track to the south boundary of the town of Walsenburg; thence east along said south boundary to its intersection with the center line of Hendren Street in Walsenburg; thence north along said line to an intersection with the center line of Seventh Street, town of Walsenburg; thence east along said line to an intersection with the center line of Albert Street, town of Walsenburg; thence north along said line to an intersection with the center line of Sixth Street, town of Walsenburg; thence east along said line to an intersection with the center of Russell Street, Walsenburg, and thence north along said line to an intersection with the track of the D. & R. G. R. R. to the place of beginning; that said described precinct be henceforth known as Walsenburg precinct No. 6, and that the voting place of said precinct be at the county courthouse.

Commencing at the intersection of the center line of Russell Street, town of Walsenburg, with the center line of Sixth Street, town of Walsenburg, and running west along said line to its intersection with the center line of Hendren Street, Walsenburg; thence south along said line to the south boundary of the town of Walsenburg; thence east along said boundary to the southeast corner of said town; thence north along the center of the traveled road to Main Street, Walsenburg, and along the center of said street to its intersection with the center line of Seventh Street, Walsenburg; thence east along said line to its intersection with the center line of Russell Street, Walsenburg, and thence north along said line to its intersection with Sixth Street, Walsenburg, the place of beginning. Said above-described territory to be henceforth known as Walsenburg precinct No. 37, and that the voting place of said precinct be at the Klien Hotel.

Commencing at the point where the east boundary line of the town of Walsenburg intersects the center line of the track of the D. & R. G. R. R. and running thence west along said line to its intersection with the center line of Russell Street, Walsenburg; thence south along said line to its intersection with the center line of Seventh Street, Walsenburg; thence west along said line to its intersection with Main Street, Walsenburg; thence south along said line and the public highway across the Cucharras River to the east boundary of the town of Walsenburg; thence north along said boundary to the center of the Cucharras River; thence easterly along center of said river to its intersection with the range line between ranges 65 and 66; thence north along said range line to its intersection with the center line of the track of the D. & R. G. R. R., and thence westerly along said line to its intersection with the east boundary of the town of Walsenburg, the place of beginning. Said described territory to be henceforth known as Walsenburg precinct No. 38, and that the voting place of said precinct be at the Washington schoolhouse.

AFFIDAVIT.

STATE OF COLORADO,
County of Las Animas, ss:

We, Robert Brockett and Mildred Brockett, of lawful age, being first duly sworn, upon oath depose and say: On the 19th day of December we shipped through Mr. Coffee, an agent for the employment firm of O'Neill & Price, whose office is situated at 413½ Virginia Avenue, Joplin, Mo., for Colorado. We were

told that there had been a strike at this place, but that it was settled, most of the strikers having returned to work, the others going to other parts of the country.

We were given a contract and two blanks to sign, and were told that this contract was for 20 acres of land one-half mile from the mine, this land to be paid for $10 each pay day until $1,200 had been paid; we were also told that the house would be furnished complete, and that we could have one, two, three, or more rooms; we were taken to the depot by a Mr. West, who seemed to take a great interest in all the people who were shipping, and who had informed us that all of the women of the party would be furnished with sleeping accommodations in the Pullman; also the entire party would be furnished with meals at regular intervals.

We had supper at Burton, Kans., and about 9.30 we asked to be shown to the berth; we were told that there was no berth for anyone, and that we would have to stay in this car, an ordinary day coach; we were forced to sit up all night regardless of the fact that I offered to pay for a berth for Mrs. Brockett. I was not permitted to get out to buy anything to eat for breakfast, but was told that we would have lunch at La Junta; arriving there, was not allowed to get off, but was told that we would have lunch in Trinidad; but upon our arrival there we were not allowed to get off, and were told to close the windows; that we were but a short ways from our destination and would have lunch there in 20 minutes. It was 11.30 before we had anything to eat that day.

Although we had been told that we could have one, two, or more rooms that were furnished, we were forced when we arrived at Delagua to take a four-room cottage and to pay $9.40 for the same. It being unfurnished, we were told that we would have to buy the furniture, which we did, the bill amounting to $202, all of it being secondhand. We bought this much furniture, as we intended to keep four boarders, which we did for three days, when they were fortunate enough to get out of the camp and away. We then returned $61 worth of the furniture, as we had made up our minds to get along with as little expense as possible, thinking in that way we could get out of debt and leave this place. We concluded that in order to reduce expenses we would ask for just $5 per week at the store. My wife went to the superintendent and explained to him this matter and asked him for an order for $5 for groceries, which he gave her. This amount lasted a trifle over a week, and when we went to the store for another $5 credit she was told by the clerk in a very insolent manner that she couldn't get anything there, that she would have to go to the superintendent and get an order, they having made other arrangements since this agreement with him. When she went to the superintendent, she was told that he would not give her an order, as her orders were coming too fast. When told this, Mrs. Brockett replied that a man to work must have something to eat and that if she could not get it they would leave. She was told by the superintendent that she would not be allowed to leave, that they owed the company, and he was there to protect the company and see that they were paid. Mrs. Brockett then told him that she had a father and that she would send for him. The superintendent informed her that she could send for her whole damn family for all the good it would do her, as they would not get in when they came. Mr. Brockett says that while in the store one evening a Mr. Davis, who came from Pittsburgh, started to tell some soldiers about a man whom he found dead in the mine and whom he says was shot. Mr. Davis was told by the soldiers it would be a damn good thing for him to keep his head shut and that no one was killed in the mine, although Mr. Davis says that the body of Mr. Hayes, the man who was shot, was still warm when he found it.

There are five families at Delagua who are badly in want and who have been refused the privilege of leaving. One of these families, Vaughn by name, has three children, one a boy about 4 and two girls, 6 and 8 years, respectively. The children are without shoes, and Mrs. Brockett heard the superintendent refuse to give Mrs. Vaughn an order for shoes for the children, who are absolutely barefooted. The marshal and the superintendent tell these people they can not get out until they have worked at least 90 days, it taking that much time to pay for their transportation. These families are all afraid to leave or try to, believing that if they are caught they will be placed in the guardhouse and compelled to work.

On December 29 John and Fred Martin, Jesse Drake, and Robert Brockett went for a walk up the side of one of the mountains. They had not gone very far when they were met by a soldier, who ordered them back. Mr. Broc-

kett told him that they were just out for a walk and did not intend leaving the camp. The soldier replied, "Well, by God, you can't go out this way unless you got a pass; God damn you, I am guarding this place and you can't get by," so they returned to the camp. We made up our minds January 8 to leave, but said nothing until we had secured a pass from Lieut. Edwards. When the superintendent and the marshal were told by us that we were going, we were told that we were so damn fresh that they would not issue a pass, but as we already had one we didn't need their pass. The marshal came to the house at 6 o'clock the morning of the 9th, stayed there, and checked up everything to see that we didn't steal the stove or dresser—in fact made himself so much at home about the house that Mrs. Brockett had great difficulty in dressing. Mr. Brockett was injured while at work in the mine one day and was unable to work or did not go to work; the next day the marshal called to find out the reason of his absence, and when told that Mr. Brockett was sick said to him, "You don't look sick, and besides you owe the company quite a bill, and you had better go to the mines, even if you don't do anything but ride the rope," which he did for that day.

There is quite a good deal of shooting done around the mine and in that locality, but am unable to say who the shooting is done by.

When asking for a settlement, I had worked 10 days, making a total of $30.80, and $12 for board, which had been taken out of the pay of the four men, making a total of $42.80. The bill at the store was $28.80, leaving a balance of $14 which was due; this $14, we were told, was deducted for railroad fare.

When we asked the superintendent where the 20 acres of land were that we were told about when we left home, he just laughed at us and said all the land we got we would dig out of the mine. And immediately upon our arrival some of the soldiers came up to the hotel and told all of those who were from Missouri to stand up and be searched, and they even went through some of the suit cases.

We have just been married six months and came out here on the land deal, thinking that we would get a start in life.

Further affiants saith not.

MILDRED BROCKETT.
ROBERT BROCKETT.

Subscribed and sworn to this 10th day of January, A. D. 1914.

[SEAL.] FRANCIS M. TIPTON, *Notary Public*

My commission expires 28th day of April, 1917.

COPY OF PASS.

DELAGUA, COLO., *January 7, 1914.*

Pass R. Brockett, M. Brockett, to Hastings and return on 8th.

LIEUT. EDWARDS.

CENTRALIZATION OF INDUSTRIAL CONTROL AND OPERATION OF PHILANTHROPIC FOUNDATIONS

(For exhibits under this subject, see pages 7682 to 7750)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, N. Y., *Monday, January 18, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, and Garretson.

Chairman WALSH. I desire to announce that the hours for the hearing will be from 10 o'clock until 12.30, and from 2 until 4.30.

Will you proceed now, Mr. Untermyer?

TESTIMONY OF MR. SAMUEL UNTERMYER.

Chairman WALSH. Your name, please?

Mr. UNTERMYER. Samuel Untermyer.

Chairman WALSH. And your profession?

Mr. UNTERMYER. Lawyer.

Chairman WALSH. How long have you lived in New York?

Mr. UNTERMYER. About 45 years.

Chairman WALSH. You have been a practicing lawyer in New York for how long?

Mr. UNTERMYER. About 35 years.

Chairman WALSH. You have given attention to civic and social matters, I believe, also, and have done work along those lines?

Mr. UNTERMYER. To some extent.

Chairman WALSH. I will ask you to state in your own way, please, Mr. Untermyer, the extent, if any, to which potential control over labor conditions is in the hands of financial directors of large corporations in New York and elsewhere.

Mr. UNTERMYER. Mr. Chairman, before undertaking to answer questions of which a summary has been sent me, I would like to make my position upon these economic questions a little plain.

Chairman WALSH. Very good.

Mr. UNTERMYER. So that my answers to these specific questions may not be misunderstood. If you have no objection I will read a statement that I have dictated.

Chairman WALSH. Very good; please do so.

Mr. UNTERMYER (reading): Notwithstanding its injustice and many other shortcomings, I believe in the capitalistic system as our only present solution. Socialism is a beautiful, iridescent dream. It is useful mainly as a protest against the cruel inequalities of existing social conditions. Civilization owes to socialism a great debt of gratitude for its idealism and self-sacrifice and for its restraint upon the grosser excesses of capitalism. But it does not work out as a practical, constructive policy of government.

Socialism, communism, syndicalism, and like theories of government are thriving mainly upon the abuses of capitalism—its stupid lack of imagination and of enlightened selfishness. Capitalism is more powerful, more rapacious, more despotic, and less controlled by law or public sentiment with us than in any other country. It lacks the most elemental sense of justice and fights every inch of the way regardless of the merits of the controversy. Of all its blunders its blindness to and disregard of the welfare of the industrial workers who are its chief asset is the most flagrant, short-sighted, and unpardonable.

Socialism seizes upon these abuses and defects and fills its ranks by championing policies that are not legitimately a part of its tenets and that are logically a part of the capitalistic system, properly administered. If capital were less obsessed with its own righteousness and sense of security the growth

of socialism would soon come to an end. Its only real friends are its critics. Those who sit idly by in smug contentment are its worst enemies.

Although a believer in the abstract principles of States' rights, I feel driven by the logic of events to being a nationalist in politics. Our doctrine of States' rights was evolved at a time when Buffalo was farther from New York City than San Francisco is now. State lines mean little nowadays except the opportunity to obstruct reform and to foster abuses.

We need comprehensive corporate, social, and industrial reform in order to mitigate the most cruel of the wrongs that lie at the bottom of the unrest evidenced by socialism and by the more violently lawless forms of protest.

There is every reason for impatience with existing conditions. We are at least a generation behind European nations in everything that pertains to these subjects. We do less for the masses than any of the other civilized countries. Our form of Government is largely at fault. The limitations of our Constitution stand in the way. There is the constant conflict between Federal and States' rights in the regulation of corporations and in carrying out legislation for the betterment of the industrial workers. Uniformity is impossible under separate State laws. Each State jealously watches the others to see to it that capital is not attracted elsewhere by necessary restrictive regulation. Without uniformity to take care of the elements of competition we can make no progress with industrial reform. The world has never known or dreamed of anything to compare with our stupendous corporate entities. They are fabulous in their size and concentration of money and power. They have grown up almost over night and they are an ominous threat to our institutions, unless justly and rigidly controlled. There is a lot of loose and irresponsible talk about our having too much law and too much corporate regulation of business. The fact is that we are suffering from the absence of regulative law over these vast aggregations and that such law as we have is too deeply impressed with and too highly colored by the influence of capital upon our legislative bodies.

We rarely get effective laws to deal with corporations. They are usually the result of unsatisfactory compromises that reflect struggle between the people and the power of a handful of selfish men. This is especially true in State legislation, where the power of those men, trading upon the competition between the States in laxity of administration, is one of our chief troubles in dealing with corporations. The result has been that the conservative States that wanted to preserve corporate responsibility have been compelled to abandon their standards and to follow the policies of their less responsible sisters in order to save themselves from having their corporations taken from them. The tendency of State laws regulating corporations has been steadily away from the lines of adequate responsibility.

The manner of the organization of the Rockefeller, Carnegie, Sage, and other similar foundations is a fair illustration of the vice of the system. These foundations make no pretence of being limited in their activities by State lines. They are not only national but international in their scope of beneficence. The Rockefeller Foundation sought a Federal charter, but was not satisfied with the terms on which it was offered by Congress. It wanted our fundamental laws against perpetuities ignored and repealed so far as concerned its powers and limitations. It promptly secured from the New York State legislature what Congress refused to grant. The Sage and Carnegie Foundations did the same. If New York had not given them what they wanted they would have passed along from State to State until they found a corporate habitation on their own terms, without in the least interfering with their operating wherever they chose. This ought not to be possible.

I do not share the fear and distrust of these foundations. I believe them to be prompted by the highest ideals of patriotism and unselfish public spirit. They are magnificently managed by the best intellect of the country—far better than would be possible with any public institution. The genius and resourcefulness to which their founders owed their material success have been unselfishly expended by these men upon these foundations, which are to be monuments to future generations of their usefulness to society. They are doing incalculable public good and no harm. Happily, their conduct does not to any appreciable extent reflect the devious methods by which those fortunes were accumulated, nor the views or policies of their founders on economic questions.

In every case in which the hope or expectation of future endowments may possibly be influencing the policies of the institution the effect will be at most temporary. It will pass away with the life of the founder if there is any such present restraint. I can see great benefits and no appreciable danger from the

existence of these foundations, except from the forms of their organization, which should be altered as I suggest in the following particulars:

First. They should be organized under a uniform Federal law instead of under special State charters.

Second. They should not be given a perpetual charter. One generation has no right to bind another. We may have an entirely different social structure and different conceptions of education in 50 years to which these institutions may be most repugnant.

Third. There should be a limit to their size.

Fourth. They should not be permitted to accumulate income.

Fifth. There should be governmental representation when the time comes for replacing the present trustees.

We can never have effective corporate reform until we get a National corporation law applicable to corporations engaged in interstate commerce for the reasons above stated and because the corporations are too strong for the States and especially here in the East.

New York's new State banking law is a striking illustration of that fact. Instances could be multiplied indefinitely. We can never decentralize the growing concentration of the control of money without such a law. A complete change in our methods of governing corporations is required so that their control can be taken from the handful of men who dominate the corporations in which they have no substantial interest and be given back to those who own them. This can be accomplished through a national corporation law as affecting interstate corporations which will provide certain conditions.

I believe you want to take that question up a little later?

Chairman WALSH. Yes. Now, my question was, before you started to read your statement, Mr. Untermyer, the extent to which the potential control over labor conditions, if any, in the hands of directors of large corporations exists?

Mr. UNTERMYER. Well, the potential control, of course, is there. To what extent they exercise that control in the government of labor problems is another question. My own opinion is that they exercise it only on broad questions of policy, but the potential control is there in very much greater degree, I think, than generally realized. Take the railroad situation by way of illustration. I see I must have back from the stenographer the notes I gave him.

Chairman WALSH. Yes, sir. The sergeant at arms will procure them.

Mr. UNTERMYER. Now, take, for instance, the railroad situation. That is concentrated very largely in the hands of a very few men in New York, and this concentration has been brought about mainly by defective laws for the reorganization of railroad corporations. I have a list here of the railroads that have come under the hands of one or two banking interests as the result of reorganization of insolvent roads, and it includes over 100,000 miles of the railroad system of the country, and we have now under reorganization another possible 60,000 miles of road that is likely to—not likely to, but more than likely to—come under the same control. Now let me illustrate.

Chairman WALSH. I wish that you would and kindly read that into the record, please.

Mr. UNTERMYER. Yes. I think I will have to ask you to get that memorandum back to me that I gave you [addressing the reporter].

Chairman WALSH. Just a moment. The sergeant at arms will get it for you.

Mr. UNTERMYER. The system of railroad reorganization is responsible for a great deal of this concentration of the control of the railroads in the hands of the financiers. If we had laws such as they have in England and Germany regulating the reorganization of railroads and had minority representation in corporations, the proper method of voting, by which the real owners would participate in the management of that corporation, there would not be this concentration. You take, for instance, the present system—a railroad gets into difficulties; is about to become insolvent. Of course, the insiders know it when nobody else does. According to our present procedure they begin the judicial proceedings, and they get their own receivers, generally a man under whom the road has gotten into its difficulties. Immediately on the appointment of that receiver some banking house, by prearrangement, brings out a committee of reorganization—very respectable gentlemen—always respectable gentlemen—and that committee calls for the deposit of securities. Well, the shareholders must either subscribe to the kind of plan of reorganization laid down by the bankers or they have no hope whatever. They can not reorganize; they are scattered; it always requires a large amount of money; and the result is that when the road is reorganized it is reorganized by one or two banking houses, as

a rule, and they put in their directors, frequently put in voting trustees, and from that time on the potential control of that road is in this reorganized board of directors named by them. They are not named by the shareholders at all. The shareholders can not get together. They—the reorganizers—assume the responsibility for the property; they supply it with its money needs; they buy its securities; and they designate, as a rule, its executive officers, and in a way hold themselves out as responsible for the management of the property, and they control the property—for all practical purposes they control it. These great corporations are not controlled by the vote of their shareholders. A very small proportion of the stock in the hands of a powerful banking house controls any corporation. The stock is largely scattered; that is the essential difficulty.

I want to get that list so as to give you an idea of the roads in the great systems in this country that have come under that sort of control as the result of this form of reorganizing insolvent properties.

Chairman WALSH. Well, the sergeant at arms will return in a moment.

Mr. UNTERMYER. Well, there are certainly a hundred thousand or more miles of road and about 20,000 miles of road now in receivership or impending receiverships.

Chairman WALSH. What is the gross mileage, Mr. Hallard asks?

Mr. UNTERMYER. In the United States?

Chairman WALSH. Yes.

Mr. UNTERMYER. I don't know. I think it is something like 250,000 miles; I am not sure. I may be wrong about that.

Chairman WALSH. I am told that the sergeant at arms had to go over to the Tribune Building, where the stenographers had their office, and so we will be delayed a moment.

Mr. UNTERMYER. Perhaps we can get along without it.

Chairman WALSH. Perhaps we had better wait a few moments until we get that.

Mr. UNTERMYER. I had I have a list of those roads here. Here are some of the roads of the great systems that have gone through reorganization: The Baltimore & Ohio was reorganized through J. P. Morgan & Co. and Kuhn, Loeb & Co., and Mr. Castro, of Morgan & Co., became a voting trustee upon the board. That is, generally there are three trustees, who hold stock for a given number of years, and they vote it, but after the voting trust expires control of the road continues pretty much the same. I do not think of any instance in this country in which the stockholders have ever really changed the management of any great corporation unless there has been a fight between two great interests; but as between the body of the stockholders on the one side and some great interests on the other, I do not recall any instance in the country in which a change of management has been effected by the action of the stockholders.

The Chesapeake & Ohio was reorganized by Morgan & Co. as reorganization managers. The Cincinnati, Hamilton & Dayton was reorganized by Morgan & Co. as reorganization managers, the late Mr. Morgan becoming a voting trustee. That is again in process of reorganization now—under reorganization. You may remember it was sold to the Erie, and then had to be taken back, and then it has been since dumped on the Baltimore & Ohio, where it now rests, and is in receivership.

The Chicago Great Western, which was reorganized by Morgan & Co. as reorganization managers, Mr. Morgan and his associate, Mr. George F. Baker, being two of the three trustees. I think that is still in the voting trust.

The Erie, which was reorganized by J. P. Morgan & Co. as reorganization managers; Mr. Morgan became a voting trustee.

The Northern Pacific was reorganized by J. P. Morgan as reorganization manager, Mr. Morgan becoming a voting trustee.

The Pere Marquette, reorganized by Morgan & Co., and, I think, now again undergoing reorganization, if I am not mistaken.

The Southern Railway, reorganized by J. P. Morgan & Co. as reorganization managers, and Mr. Morgan and Mr. Baker becoming voting trustees.

The Reading, reorganized by Morgan & Co. as reorganization managers. Mr. Morgan became one of the voting trustees.

The Union Pacific, reorganized by Kuhn, Loeb & Co., together with the Southern Pacific and Central Pacific, then under the same organization.

And among other systems now undergoing reorganization or financial readjustment may be mentioned the Wabash, the Rock Island, the Missouri Pacific, the Wheeling & Lake Erie, the Cincinnati, Hamilton & Dayton, the Pere Mar-

quota, and perhaps half a dozen other roads, probably aggregating fifty or sixty thousand miles, which are practically certain to come under the same general control.

So you will see as a result—I think largely as the result of this syndicate system of ours, as soon as a railroad gets into trouble it is liable to add to the concentration of the control of railroad properties of the country by all coming into the hands of one or two interests, and these people, having the responsibility for the property, they designate the presidents and designate largely the board of directors, and those boards do not change materially, except through death, and then their substitutes are designated. So we have a most stupendous concentration of control, for instance, in the railway properties of the country.

Now, to my mind, when a great question of policy is dealing with labor matters it is a very easy matter to decide it, so far as one side of the controversy is concerned, because it can be decided almost from one office. That is the potential control that the great financial interests possess over railroad property.

Chairman WALSH. Now, do you know of any instances, Mr. Untermyer, that have either come under your own observation or which you heard from any quarter, of the exercise of this control?

Mr. UNTERMYER. Well, I think it would be rather loose to discuss what one hears in the way of rumor. Personally I know of no instance of the exercise of the control that has come under my personal observation. Of course I have heard of a great many instances; but I would rather not discuss those, because hearsay is very unreliable.

Chairman WALSH. Unless you have some personal objection to it, we would like it because, you understand, this is an investigating body, and sometimes a suggestion is made through hearsay testimony out of which may be developed the actual facts.

Mr. UNTERMYER. I think one of those instances was very fully exploited before the Stanley committee, was it not, in the steel investigation, in which there was the question that the labor and orders came from abroad. I believe the documents were put in the record in the Stanley investigation. I would rather not indulge in the loose method of trying to recapitulate what was in the record.

Chairman WALSH. I see. That was gone into before the Stanley committee?

Mr. UNTERMYER. Yes; that is my recollection of it.

Chairman WALSH. Do you think that these financial directors, selected as you have indicated, have a sufficient knowledge of industrial conditions and what we might call social philosophy to qualify them to direct policies involving such a large number of people?

Mr. UNTERMYER. I would not like to pass on the knowledge of social philosophy that these gentlemen possess. Everybody has his own conception of social philosophy. I may say generally that I think that the financial people in New York who serve on these boards have less knowledge of the real sentiment of the country than the man from Oshkosh. I do not think they know very much about the real sentiment of this country. I believe we are the most provincial part of the country right here.

Chairman WALSH. I think you stated that you had not observed any of the devious methods, I believe you call it, which were used in acquiring these large functions being exercised in the conduct of the foundations.

Mr. UNTERMYER. Well, I said that from the little I had been able to observe I did not think that the foundations—I did think that the foundations were well managed in an enlightened way.

Chairman WALSH. Would you care to give your opinion as to the effect on the general social conditions in America of the development of enormous fortunes as the result of methods such as you have mentioned, which have been practiced during the last 30 or 40 years?

Mr. UNTERMYER. The result of what, Mr. Chairman?

Chairman WALSH. The result of general social conditions in America.

Mr. UNTERMYER. Well, I suppose everybody will agree that it has been demoralizing.

Chairman WALSH. Do you consider—pardon me, were you going to say something?

Mr. UNTERMYER. I was going to say I do not think there would be much of these things going on—that the methods that were adopted in acquiring these vast fortunes could never be repeated in this country or in any other. I believe everybody remembers that there has been great improvement of late years in the methods.

Chairman WALSH. Do you consider that the creation of very large fortunes as a result of such methods in American industries is in any considerable degree a cause of poverty?

Mr. UNTERMYER. Well, that is a very profound sociological problem.

Chairman WALSH. Yes; that is one reason why we are asking the question.

Mr. UNTERMYER. That is a very profound sociological and economic problem, and would probably take a long while to develop in a discussion, would it not, Mr. Chairman? Undoubtedly the diversion of moneys from their legitimate channels and the accumulation of those moneys in illicit ways does affect the question of poverty and does increase poverty. If, by way of illustration, you can take a property that is worth a million dollars and by manipulation and inflation of capital put it upon the market for $10,000,000, and through artificial means scatter those securities out among the people on the basis of $10,000,000 or $20,000,000, the natural temptation is to try to pay dividends on those $20,000,000 or $10,000,000. Well, the efforts to pay dividends on an inflated capital always lead, in the first instance, to an attempt to secure a monopoly of the industry so as to get the profit by artificial means; if you can not get it by securing a monopoly of the industry, then the next effort is to get it by reducing the expenses, and the laborer is the first man whom you come across when you consider the question of reducing operating expenses, so that the attempt to make returns on inflated capital always reacts upon the industry.

Chairman WALSH. You have stated that there has been a marked improvement in the method of the operators of these concerns within the past few years. I will ask you what your observation has been as to how that came about—by the voluntary acts of the individuals concerned in those operations, by growing governmental supervision, or by public criticism.

Mr. UNTERMYER. I think it has been due partly to public exposure of the so-called muckrakers, in public investigations, and partly to the tendency to further Government control. Of course the Government control over the railroads has done away with a great deal of the dishonesty in railroad management. It has not done away with all of it, because Government control is not yet effective; there is a great deal to be done to complete the effectiveness of railroad control. But wherever there has been Government control, such as the growing Government control over banks and financial institutions, a more frequent and thorough examination of financial institutions like life insurance companies has certainly created a revolution in the standard of official management; and I think we have a code of ethics to-day in financial institutions that is vastly better than we had a few years ago, but I think it is still capable of great improvement, and I am hoping that with that increasing control we shall have better standards of corporate management. I think the time will come when it will be considered dishonest, and punished as dishonesty, for the men who are in control of these great corporations to exploit them for their own purposes, and to gamble on inside information—to rig the stock market—but we have not reached that stage of it.

Chairman WALSH. Have you observed whether or not this general improvement would extend to the betterment of the condition of the employees in the industry involved?

Mr. UNTERMYER. I think the indications are very apparent; that there are efforts being made in the industries to assist the general condition of the workers; in some instances to give them something that looks like participation. Of course I do not think that they are effective at all. I think we have got to have a system of social reform in the way of unemployment insurance—insurance against sickness and invalidity.

Chairman WALSH. Before we get to that I am trying to attract your attention to the specific matter, if possible, of the improvement of the condition of the workers, so far as their wages and hours, we will say, are concerned; have you observed that detail?

Mr. UNTERMYER. I am not sufficiently familiar with that situation to discuss it.

Chairman WALSH. Have you observed the effect upon the workers in industries, as an example, of the concentration of manufacturing industries into large corporations?

Mr. UNTERMYER. I think it is distinctively harmful. I have had some occasion to observe that. The concentration of the control of an industry in a few hands destroys the liberty of the worker and destroys the power of his union and puts it in the hands of the managers of that industry to say whether it shall be a union concern or not, whether it shall be organized or unorganized labor, and I am a great believer in organized labor and the extension of that principle.

Chairman WALSH. Why?

Mr. UNTERMYER. For the purpose of giving them a chance against organized capital. The struggle is hard enough when they are both organized. Capital can wait and still live, but labor has got to make a living or starve. The conditions, under the most advantageous conditions, are grossly unequal, but when you get a great aggregation of capital in any industry, with all of the power behind it on the one side and the labor organization on the other, the labor organization is helpless. Nothing more short-sighted was ever done or suggested than that done by labor when it encouraged the organization of the trusts. I remember the time when they rather encouraged it, and thought it would be easy to control the situation; but anybody who looked a little ahead could see that was the most suicidal thing labor ever did, when it allowed all of the manufacturers or industries in a given field to come together in one vast aggregation and give them that power to fight labor.

Chairman WALSH. It was stated by a very large employer of labor before this commission that the employment of a man or nonemployment of him was a great deal like the purchase of a commodity in a store. You call at the store, and if you do not like the price or the conditions under which the sale is made you can retire and not deal with that concern. Likewise a man looking for employment can call on an employer, and if he is not satisfied with the conditions and the hours of labor, and so forth, he can likewise retire; and this gentleman made that parallel as the basis of his very decided opposition to dealing with organized labor as such. What do you say about that?

Mr. UNTERMYER. I have always looked upon the refusal to deal with organized labor as a very despotic attitude, especially on the part of corporations, because a corporation is an aggregation of organized capital. I can not see why organized capital should refuse to deal with organized labor. It has got the best of it by far anyway. That illustration is very familiar, Mr. Chairman, and it does not deceive anybody in these days. It sounds likely enough, but it does not work out. The laborer who does not like his employer's terms, if the employer happens to have a monopoly of that particular industry, and that is the only industry the laborer knows, may have a hard time getting a job anywhere else, because there is no work elsewhere to do. He has no option whatever and that is not a fair argument.

Chairman WALSH. Does or does not a large corporation possess inherent possibilities for maintaining more proper labor conditions than smaller corporations?

Mr. UNTERMYER. That depends upon the corporation management that dominates. I imagine that if it looked far enough into the future it would see reasons for better treatment of its labor, for looking after the physical needs of its employees, and getting the best labor by treating all labor best.

Chairman WALSH. Can you cite any instances in which large corporations have voluntarily assumed a progressive attitude with regard to labor conditions in advance of public criticism or demands from their employees?

Mr. UNTERMYER. Well, I should say that in some of these insurance schemes and in some of the plans that have been put out for cooperation and interesting the employees in the business, and giving them an opportunity to buy securities from time to time there are evidences of a disposition of that kind. I think they are scattering, but there are such evidences. I believe some of these plans were formulated with the very best of intentions and some of them are very good.

Chairman WALSH. From your experience and knowledge have the corporations generally been favorable to the representatives of employees in the determination of labor questions either through trade unions or otherwise?

Mr. UNTERMYER. No; I think they have shortsightedly fought the movement all the way, and they have had so much power that our labor unions have not anywhere near the strength of the unions on the other side. They have neither the political power nor power of dealing with their employees that they have over there. The Government is constantly helping them over there and coming to the aid of the labor unions.

Take in Germany. The whole trend of the German Government has been to recognize and favor the labor unions. I have in mind by way of illustration the bill passed at the time of the organization of the Potash Trust; you may remember the Potash Cartel, as they call it. That is an operation of the mine owners who own the potash mines, of which Germany has the monopoly of the world, there being two or three of these mines owned by the Government. They wanted to get together in a pool so as to restrict production and keep up

the price. Those pools are allowed in Germany under Government supervision, but when it came to the form of the act that the Reichstag should pass the Socialist Party had a great deal to say about it so far as it concerned labor. Now, in the determination of the output of these mines that constituted the pool each mine had its proportion of the output; it had to turn out a certain percentage of the output. When the bill came to be passed provisions were put in it to the effect, first, that any party to the pool that reduced the number of laborers should have its proportion of the pool reduced. Any party that increased the hours of labor or decreased the wages of labor should have its proportion of the pool reduced; and there were a number of provisions scattered all through that bill showing that labor had been considered at every stage of the preparation of the bill, and that the proportions that these men in the pool were to get would depend upon the liberality with which labor was treated. That was all the result of the Socialist Party representing the labor unions.

Chairman WALSH. And the Government, you say, worked that out?

Mr. UNTERMYER. Yes; the Government worked that out with the aid of the Socialist Party.

Chairman WALSH. What plan would you consider desirable and possible, so far as the Government was concerned, in this country, in taking action of that sort?

Mr. UNTERMYER. You mean in the way of assisting the labor unions?

Chairman WALSH. Yes, sir.

Mr. UNTERMYER. We have not the same freedom of action they have in other countries, because we have a Constitution, and our written Constitution stands in the way of a great many of these reforms.

Chairman WALSH. Have you given any thought as to any agency that might be created under our existing law that would further protect workers in their rights along the line perhaps suggested by you in this law relating to the potash industries?

Mr. UNTERMYER. Only when the corporations come to a legislative body for aid; then, of course, the legislature or Congress can impose such conditions as it sees fit; but we are not under corporate regulations to the same extent.

Chairman WALSH. Could it be done by a tariff law under existing constitutional provisions?

Mr. UNTERMYER. I should say not.

Chairman WALSH. Why not?

Mr. UNTERMYER. I don't think you could make a protective-tariff condition in regard to labor; I do not think you could discriminate in that way.

Chairman WALSH. With what provision of the Constitution do you think such a law would be in conflict?

Mr. UNTERMYER. I have not considered it very fully; in fact, the thought is a new one suggested by your question, but you must be very careful that the laws are not unequal in their operation.

Chairman WALSH. Does not the imposition of tariff duties on the product of a certain industry in that general way discriminate as to all industries?

Mr. UNTERMYER. We have a special provision of the Constitution allowing Congress to levy customs.

Chairman WALSH. Do you think it is too contracted in its terms, if you recall its provisions after this time, to admit of any efforts on the part of the Government to see that any increase in the price of any product made possible by the imposition of the duty should go to the employee engaged in the industry?

Mr. UNTERMYER. I would not like to answer that question at this time, as it would require a good deal more consideration than I have been able to give it. I have never thought it possible, but it may be possible, to construct a tariff bill through a tariff commission that will take into account the conditions of labor.

Chairman WALSH. You have observed the growth and development in this country of administrative boards dealing with what are called strictly public utilities, of course?

Mr. UNTERMYER. Yes.

Chairman WALSH. And that it seems to be a modern development of the old legal right of control of such corporation in its nature a monopoly?

Mr. UNTERMYER. Yes; and it is necessarily incident to our growing complexity of economic relations.

Chairman WALSH. Have you ever thought of the proposition that inasmuch as the basis for rates controlled by these public bodies are, of course—that

perhaps they could, under the present Constitution, enforce a minimum wage for the laborers in particular industries, in making rates?

Mr. UNTERMYER. I believe a minimum wage is constitutionally possible in interstate corporations as a condition to the rate-making power.

Chairman WALSH. That would apply to all public utilities of an interstate character from a Federal standpoint and to intrastate industries or at least where they exist—where they have such boards?

Mr. UNTERMYER. Yes; I do not see why a minimum wage can not be enforced as an incident of the rate-making power.

Chairman WALSH. For instance, a public utility board could declare a minimum wage in a State for, we will say, girls employed as telephone operators, in making up the rates.

Mr. UNTERMYER. I should say that would not offend against any provision of the Constitution where they come under public regulation; as exercising a public franchise, they could impose the condition in prescribing the rate.

Chairman WALSH. And likewise something could be done in fixing the minimum wage for unskilled and unorganized laborers in the railroad lines?

Mr. UNTERMYER. Yes; the same principle. I should say, would apply there. A very different question arises when you come to consider interstate corporations that do not enjoy a public franchise.

Chairman WALSH. What sort of corporations, for instance?

Mr. UNTERMYER. Any manufacturing corporation.

Chairman WALSH. Any corporation—you would draw a distinction between a corporation that has a charter under a general statute applying to mercantile and manufacturing organizations and those that have to do with furnishing commodities for public use?

Mr. UNTERMYER. I drew a very marked distinction between private corporations and public utility corporations.

Chairman WALSH. Or quasi public?

Mr. UNTERMYER. Those that exercise public franchises come under different regulations than those that do not. It is not the policy of the Government to interfere too much with private business.

Chairman WALSH. Outside of the question of policy, I was, of course, asking, for the time being, your offhand opinion as to the power of the Government.

Mr. UNTERMYER. These offhand curbstone opinions are not of much value.

Chairman WALSH. No; but sometimes they are instructive.

Mr. UNTERMYER. You get committed sometimes to a point of view and find you are wrong.

Chairman WALSH. I am going to ask you if you will please, Mr. Untermyer, construct certain constructive measures for the improvement of industrial conditions and for dealing with the evils of industrial wealth, inefficiency, poverty, and the like, that you have thought of perhaps in a general way in connection with the request made of you by Mr. Manly?

Mr. UNTERMYER. As I look upon the government of corporations, the manner in which they are controlled has a very vital effect upon labor conditions, especially with respect to the great corporations of the country. I look upon the concentration of the control of these corporations in a center like New York as a thing to be avoided if possible and a thing to be done away with for the good of every industry concerned. Take up, first, the question of corporate control. The fact is that the great corporations with widely scattered holdings are controlled by a very small proportion of the stockholders.

Chairman WALSH. We have testimony in the case of one corporation, for instance, that I think has a capital stock of $90,000,000 or $100,000,000 and a bonded indebtedness of practically $40,000,000, engaged in very large operations of production, that has 2,000 stockholders. Now, I would like you to state to the commission, from your experience and observation, what amount of stock would constitute an absolute control of such a corporation?

Mr. UNTERMYER. May I ask a few questions in that connection?

Chairman WALSH. Yes, sir.

Mr. UNTERMYER. Is it a stock listed on the stock exchange?

Chairman WALSH. It is the Colorado Fuel & Iron Co.

Mr. UNTERMYER. It is listed on the stock exchange, and it is controlled by a great financial interest. Those are two very important factors in answering the question as to how much it takes to control.

Chairman WALSH. It has been stated that this large financial interest does not control because it owns only 40 per cent of the stock of that corporation.

Mr. UNTERMYER. That seems to me preposterous; in fact, I know it is. Here is the situation with respect to corporations of that character: In the first place I should say that 10 per cent would control that corporation, or less. Ten per cent of the stock, with the rest of it scattered among 2,000 stockholders, and the securities listed on the stock exchange, and the control held in strong financial hands, and for this reason. As to the stock that is on the exchange, that stock is being dealt in and speculated in, that is in the hands of brokers. The stock that is in the hands of brokers is always at the beck and call of any financial interest that is in control of the property. All they do is to send around and get the proxies from the brokers. So, when the stock is in the street, the big financial interest that is in control has a tremendous nucleus to start with. That nucleus comes from the blocks of stock held in the names of brokers who are carrying it for their customers. That always goes to that interest, because their interests are identical.

Now, the next point is stock that is in the hands of banks and bankers owned by them as large holders, that goes to them by proxies. In either case the stockholders are absolutely helpless in those corporations. This method of proxy voting is the greatest farce ever devised; it leaves the control in the hands of whoever has it, as a rule, and I should say in the case of the Colorado Fuel & Iron Co. that the stock scattered in that way, unless it appeared to the stockholders that somebody had made away with all of the assets, that you would not get a change of control under any circumstances if the people in control held but 5 or 10 per cent. Nearly every railroad corporation in this country is controlled with less than 10 per cent of the stock in the hands of all of the officers and the board of directors put together, and without knowing the exact figures in a case like that of the steel company I would undertake to say that the whole board of directors and all of the officers together do not own 5 per cent of the stock, and yet they control it as absolutely as if they owned the whole thing and maintained the control, and it has never been possible to take it away. This is due to our defective corporate system. Stockholders do not get a "look in"—the scattered stockholders—as a result of the system. What is the system? The management send out proxies every year, and the proxy is a power of attorney to some one they name. If you are a stockholder, you do not know to whom you are giving your proxy. It does not usually run to the man in control, but to some one nominated by him. You do not know for whom he is going to vote as a director. You send a power of attorney for him to vote for whoever he pleases.

These stockholders are scattered all over the country; they can not come to the meetings and vote in person, and the only plan devised by the law is to vote by proxy. I have suggested the following change in the method of voting stock: In the first place, the stockholder should be allowed to vote in person or by mail. We brought that about to some extent in the case of the insurance companies as a result of the investigation in 1906. The management should be required at least 90 days before a meeting to send out the names of its candidates for whom the stockholders should have the right to designate the candidate, which the management should also send out and then the stockholder gets a chance to vote for someone. That is the first change that ought to be made in the system of voting.

The second change, and still more important, should be one that would allow minority representation in corporations. We all know now that the majority of corporations, that the majority of the stock elects all the directors. The minority has no representation whatever. That discourages stockholders, so that they do not take any part in elections. They know that they can not get together to such an extent as to control the corporation as against any big financial interest that has it. As long as they can not control it they do not attempt to do anything.

Now, if you would encourage stockholders so that they could get a minority representation, they would take part in the management of their company. Now, for instance, suppose there are nine directors to be elected. Under this system of cumulative voting the minority representation—one-ninth of the stock—would elect one director, each one-ninth of that stock would elect one of the nine directors, so that the stockholders could get together and get representation in their corporation. If they had such a representation you might get local interest represented on the board of a corporation instead of absentee landlordism, which exists in all these great corporations, they being owned from the center down here. So, to my mind, one of the important features, one of the important reforms necessary in order to get a proper administration of these

corporations that would redound to the interest of labor as well as of capital, would be to do away with proxy voting, have voting by mail, and give minority representation.

Chairman WALSH. Before we get too far away from the subject—you stated a while ago one banking company could practically decide labor—had the potential power to decide labor conditions for the railroads; which banking company?

Mr. UNTERMYER. Well, I think that is quite apparent. I would rather not mention any names.

Chairman WALSH. Very good.

Commissioner LENNON asks me to inquire——

Mr. UNTERMYER (interrupting). I have your list showing the method by which these corporations have been reorganized and the banking house that has had most to do with that reorganization.

Chairman WALSH. And that would be the one?

Mr. UNTERMYER. That one would have potential control. Now, I do not mean to say it is always exercising it.

Chairman WALSH. Certainly not.

Mr. UNTERMYER. I do not mean to infer that the presidents of these roads who are named largely by the banking houses have not a great deal to say about it.

Here is an illustration, a very familiar illustration. Take the case of the New Haven road. Well, the house that dominated it just as they have all the property, had less than one-tenth of 1 per cent of the stock when it got into trouble. That house had named the president under whom this vast amount of money was squandered and who had tried to create a monopoly in New England transportation, and when the president, who was acting under direction in gathering all this property together, when a row came along "they put him out"—the people who were responsible for his policies—and they put the other man in, the stockholders did not squeak. You have not heard any word from those 25,000 stockholders. The power of these people is just as great as it ever was in the management of that property.

Chairman WALSH. You mentioned absentee landlordism in industry as an undesirable situation. I wish you could briefly state what you deem to be the evils of absentee landlordism in industry.

Mr. UNTERMYER. Absentee landlordism, of course, we understand is the concentration of these great industries. Take a familiar instance of the steel company. Before those different plants were consolidated every locality had its plant, had its local management. After the consolidation with a view of economy the managements were consolidated, taken away from their localities, and the finances were conducted from New York, or some other great center. And you do not have, of course—the owners of the property were no longer in touch with their employees except through subordinates. But it is very difficult with our growing size of the corporation to avoid a certain amount of absentee landlordism. I think it has been carried to the verge of extremity.

Chairman WALSH. You think we have carried it, you say, to the verge of extremity?

Mr. UNTERMYER. Yes.

Chairman WALSH. Well, assuming, then, or admitting that, would the present concentration of our industries—admitting that absentee landlordism must exist, what would you say as to the duty of the director who was absent from the place, as to seeing that these policies which affect the men and women in the industry, or perhaps the passage or the administration of laws affecting those industries in the State, or violation of the law, if you will, would there be any new duty put upon a nonresident director in this newer development of great concentration?

Mr. UNTERMYER. This concentration of industries certainly emphasizes the need of comprehensive general laws to protect the welfare of the worker.

Chairman WALSH. Suppose, after a law was passed designed to protect the welfare of the workers, and a director, although a nonresident director, had his attention called to the alleged fact that the law was being violated by his company, what would his duty be under the circumstances?

Mr. UNTERMYER. Well, of course, that would depend upon the law. I should think the law would make it his duty when the knowledge came to him to enter his protest against the violation of the law and see to its enforcement. Of course, that is all a question of—the question of the director's responsibility

is a question of law under which the corporation is organized, but our States have been, as I have said, competing with one another in lax administration, that directors would be held to in their well-defined responsibility.

Chairman WALSH. You mean by the law?

Mr. UNTERMYER. By the law.

Chairman WALSH. What would be the moral responsibility in this new development of a director toward the situation of that kind?

Mr. UNTERMYER. I don't feel capable to pass on questions of moral responsibility.

Chairman WALSH. What is the practice of the directors under those circumstances in these industries that are controlled by absent ownership?

Mr. UNTERMYER. Oh, in the great industries where the boards are in New York I do not think they know much about the details of the business. It is very rare that they know anything about them. The directors are largely figureheads. The management controls the corporation, and the management in turn is, as a rule, dominated by some great financial interest. I am speaking of these concentrated combined industries only.

Chairman WALSH. What you might call the basic industries? Take the large coal companies.

Mr. UNTERMYER. They are not confined to the basic industries. There are a great many others that are under like control. There is quite—of course, you will find all that data in the report of the House Committee on Banking and Currency in the investigation of the so-called Money Trust.

Chairman WALSH. In your opinion, does the existing organization of industries and the existing Federal and State machinery seem adequate to accomplish the results which we ought to have?

Mr. UNTERMYER. You mean for the protection of labor?

Chairman WALSH. For the protection of labor and of course with justice toward the employer.

Mr. UNTERMYER. No; it seems to me we are doing very little for labor. We are doing very little for the industrial worker, nothing as compared to what the European countries are doing.

Chairman WALSH. Do you consider that the workmen employed by these large corporations are in a position to secure just and equitable treatment by trade-union organization alone?

Mr. UNTERMYER. No; I think it would go pretty far if it could be extended. But the trades-union combination alone will not do it in these days. You have got to have governmental aid, and you have got to have compulsory aid from the employer.

Chairman WALSH. Compulsory aid from the employer?

Mr. UNTERMYER. Yes.

Chairman WALSH. I wish you would state what you mean by that, Mr. Untermyer.

Mr. UNTERMYER. I mean that I believe in insurance against sickness, insurance against invalidity, against unemployment, maternity benefits, all contributed to under State law by the employer, by the State, by the community, such as they have in other countries.

Chairman WALSH. Before we get into the detail of that, I want to ask you another question on the topic that we were dealing in.

Do you know of any corporation in the basic industries in which the trades-union organization is stronger than it was 10 years ago—any of these large concentrated companies?

Mr. UNTERMYER. I have not any great detailed knowledge on those subjects, but so far as my observation has gone I think they are weaker rather than stronger. They certainly have not gained much financially.

Chairman WALSH. In other words, when the industry was highly concentrated the trade organizations seemed to grow weaker?

Mr. UNTERMYER. Yes.

Chairman WALSH. In your observation?

Mr. UNTERMYER. Yes. It has naturally. The odds are more unequal. When the industry is concentrated and all capital is arrayed against the labor organization, it does not look like a fair deal.

Chairman WALSH. I will ask you, Mr. Untermyer, what your attitude would be toward a proposition, say, like this:

The institution of a Federal industrial council composed of employers, employees, and representatives of the public for the purposes of mediation and conciliation, such council to have jurisdiction over all disputes involved in

interstate commerce and being primarily required to make figures and thorough investigation of the points at issue which should be given the widest publicity; to offer their services as mediators at the beginning of a dispute and act as conciliators through the progress of the dispute and to suggest a court of arbitration in case the contending parties desire arbitration.

Mr. UNTERMYER. Yes; I think it is very desirable. Of course, you must leave out the question of compulsory arbitration.

Chairman WALSH. Why would you leave out the question of compulsory arbitration, please?

Mr. UNTERMYER. Well, I do not think compulsory arbitration is a fair thing.

Chairman WALSH. Commissioner Lennon asks me to ask you this question, please:

What power does the concentration in industry of which you have spoken give to expanding or contracting general industry?

Mr. UNTERMYER. You mean in that particular line of industry?

Commissioner LENNON. Yes; generally in that particular line of general industry?

Mr. UNTERMYER. Well, the concentration of an industry, of course, gives the men unlimited power, the extent of it in that particular industry. Now, if you have concentrated any number of industries you get general power to expand or contract. I do not understand that concentration in a particular industry would give a general power of expansion or contraction in other industries.

Commissioner LENNON. What effect does that have upon the general welfare of labor?

Mr. UNTERMYER. Well, I should say that it is very remote except as to that particular industry. Of course, its other effect would not be appreciable to my mind. It certainly would have a marked effect in that industry. Practically controlled labor has power to contract and expand in an industry, controls the labor in that industry.

Chairman WALSH. What has your observation been—now, I do not know but what I got off your line of thought when you started out on your proposed plan of the national social insurance. I wish you would begin where you left off and give us your thoughts upon that subject.

Mr. UNTERMYER. There is nothing very novel about my thoughts on that subject. They are gathered from a study of laws in European countries, where they are, as I have said, at least a generation ahead of us in everything that pertains to the welfare of the worker——

Chairman WALSH. I wish you would give the commission the first development in this country under private control of what you might call industrial insurance.

Mr. UNTERMYER. Industrial life insurance?

Chairman WALSH. Industrial life insurance first.

Mr. UNTERMYER. Yes. Well, I think an illustration of it is found in the greatest of the life insurance companies. That company has fourteen millions of policies outstanding in the hands of ten millions or about ten millions of industrial workers. That is, insurance against death.

Commissioner GARRETSON. Is that straight life?

Mr. UNTERMYER. That is largely straight life; yes. It has in its hands by way of reserve liability about $550,000,000 of assets. At the present rate of increase of its business within five years it will have a thousand million of dollars, and within 10 years it will have two thousand million of dollars of money in securities in its hands at the present rate of increase.

Now, that is a private institution. Until very recently it was a stock company. It has been converted from a stock company now into what is called a mutual life insurance company, which means nothing.

Commissioner WEINSTOCK. Did you give the name of that company?

Mr. UNTERMYER. I did not give the name of it; no.

Commissioner GARRETSON. Can you name the rate per thousand?

Mr. UNTERMYER. Sir?

Commissioner GARRETSON. Can you name the rate per thousand?

Mr. UNTERMYER. Well, it is a varying rate. Now that is in effect that is a self-perpetuating institution. I mean the policyholders, if you wanted 10,000,000 policyholders to vote, in the first place it would cost the company probably a couple of hundred thousand dollars to get the lists ready. It would take a hundred volumes to contain those names.

In the next place, if you wanted to send out notices, just one notice to those policyholders to vote, it would cost $300,000 for just the printing of a letter and the stamps, without anything else. In other words, a real election in that company would cost a half a million dollars, and that is prohibitive. You can not have an election. It seems to me there ought to be State representation in an institution of that kind, some sort of State representation to protect and represent the interests of those 10,000,000 of industrial policyholders.

Now, the company is well managed, I believe. It has a tremendous power, though, and the officers, of course, appoint the agents. They have the agency force of about 10,000 men. They control the company, absolutely control it. We have very rigid supervision of insurance companies in this State since the upheaval incident to the insurance exposures, and our superintendent of insurance is very alert, I think, in looking after the character of investments. But still power lodged in the hands of these officers is tremendous, and there is not any check upon it.

Commissioner O'CONNELL. Explain what you mean by mutual—the change of the form of organization to mutual. What is implied by it?

Mr. UNTERMYER. You see it was a stock company. It had been started as a stock company, and it was deemed advisable to retire the stock, to have the company buy it, so that the company bought this stock. It has been canceled. Under our statute it thereupon becomes a mutual company, which means that every policyholder participates in the profits, and every policyholder presumably has a right to vote. Now, of course, you could not give them a right to vote. The company has not got any list of these 10,000,000 policyholders anywhere, and they only have lists of those with over a thousand dollars of insurance.

Chairman WALSH. How many of those are there?

Mr. UNTERMYER. Six hundred thousand.

Chairman WALSH. Six hundred thousand out of the fourteen million?

Mr. UNTERMYER. Out of about 10,000,000 of holders; 14,000,000 of policies in the hands of about 10,000,000 of holders.

Commissioner O'CONNELL. They are simply supposed to have a mutual opportunity in the proposition?

Mr. UNTERMYER. That is all it amounts to, and it does not amount to that. They are not even supposed to, by anybody who knows.

Commissioner O'CONNELL. There is a deception, then, in the transfer of the title, or in the name of the form, to lead the policyholder to believe that he is mutually sharing in the concern?

Mr. UNTERMYER. No; I do not think there is any deception really intended. If a policyholder wants to come there, he can and vote, and I think the law will have to be changed so as to have some sort of a representation to speak for those stockholders.

Chairman WALSH. Commissioner Garretson, would you like to ask a question?

Commissioner GARRETSON. You spoke of the fact that there are 14,000,000 of insurance certificates.

Mr. UNTERMYER. Fourteen million policies.

Commissioner GARRETSON. Fourteen million policies in the hands of 10,000,000 holders?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. Is there a system of policies of a given amount by which one policyholder holds one, two, or three certificates?

Mr. UNTERMYER. Yes. It frequently happens that he has more than one policy.

Commissioner GARRETSON. What are the policies—a thousand dollars?

Mr. UNTERMYER. No. They are large—there are many very much smaller—$100 and $200 each.

Commissioner GARRETSON. That is all.

Chairman WALSH. I believe you stated there were six hundred thousand of a thousand dollars or over.

Mr. UNTERMYER. A thousand dollars and over; yes sir. That is one of the questions that will have to be taken up in connection with this subject of industrial reform.

Chairman WALSH. I will ask you about that now. I believe you suggested a plan for national social insurance covering all the corporations and any of those engaged in interstate commerce and open to voluntary use by other corporations and employees, such insurance to be paid from funds contributed by the corporation, employees, and in the State.

Mr. UNTERMYER. Yes.

Chairman WALSH. Now, I wish you would please elaborate upon that, if you will, Mr. Untermyer, and state the proposition?

Mr. UNTERMYER. It would be a method of insurance that could be best carried out through the local society—unions connected with the various trades.

Chairman WALSH. Well, now, begin at the national part of it. I believe you referred to it as a national social insurance?

Mr. UNTERMYER. Yes.

Chairman WALSH. Covering or embracing the employees engaged in interstate commerce?

Mr. UNTERMYER. Interstate commerce; yes.

Chairman WALSH. I wish you would.

Mr. UNTERMYER. A national board would be tributary to the local feature.

Chairman WALSH. And the organization, its head, or what would be the head of the national organization?

Mr. UNTERMYER. He would be an officer of the Government.

Chairman WALSH. He would be an officer of the Government?

Mr. UNTERMYER. Yes.

Chairman WALSH. And the proposition would contemplate the creation of a bureau of national social insurance?

Mr. UNTERMYER. Yes; just as you have it in England to-day, and as you have it in Germany and Austria and other countries.

Chairman WALSH. Just state, taking the plan in England to-day, how that plan would be here, following what you think we could do here under the plan in England and Germany.

Mr. UNTERMYER. Well, you have now accident insurance in many of the States. That could be extended so as to cover sickness, unemployment, and the other heads of insurance, recognized heads, in other countries; maternity benefits and the like. It would be compulsory, because voluntary insurance fails to reach the people who most need it. That is the experience of other countries—that the insurance must be compulsory and compulsory upon the worker and compulsory upon the employer, with the State and community contributing to it. I do not think it would be profitable to go into any detailed explanation of these various plans, because there are so many in the different countries that are in operation that it would only be confusing. I believe the statistics gathered by your commission, Mr. Chairman, show that every man, woman, and child in the United States now pays $5 a year for medicine alone, which is used in a haphazard way. I think their investigation further shows—I know it did in the other investigation—that in the poorer districts there were no physicians, practically none, until this insurance law against sickness made its appearance, and that brought the physicians by reason of the gratuities that were held out by the law to physicians. It gives to the poor medical attention that they had never before received, and it is such a vast subject that you do not know where to begin.

Chairman WALSH. Well, could such insurance be made so as to cover accidents?

Mr. UNTERMYER. Yes; it should cover accidents and sickness and unemployment. There is no reason why it should not cover accidents.

Chairman WALSH. Accident, sickness, invalidity, and unemployment?

Mr. UNTERMYER. Yes; and maternity benefits.

Chairman WALSH. Now, I wish you would state a little more in detail, if you will, your idea as to, first, why, and then how, it could be worked out through existing labor organizations.

Mr. UNTERMYER. It has been found that that is the most effective and satisfactory way of working it out, where the industry is organized, where there are labor unions in the industry, because as each employee contributes to that fund, each employee is going to watch and see that the money is not improperly taken from the fund. They are the best policemen to guard the fund. Now, they had a great deal of trouble in other countries—when they inaugurated sickness insurance—with malingering; that is, the pretense of sickness by people who were too lazy to work and wanted to take advantage of the sick benefit. But that is gradually disappearing, the worker beginning to understand that when another employee who is not ill draws sick benefits it takes them from him. So they keep pretty close guard on one another.

And in the same way when you come to unemployment, that is a still more difficult subject. You could not handle it in a bureaucratic way. I think you will have to handle it through governmental cooperation, because it is almost an impossible thing to determine when a worker who is thrown out of employ-

ment in one direction can or can not get employment in another. Yet those problems are all being solved in other countries. There is no reason why they should not be solved with us. But the complexity of them in discussing them orally is so great I think it would only lead to confusion to attempt to go into detail in laying out these different plans that are now being operated in other countries.

Chairman WALSH. Broadly speaking, then, you think under the existing laws and constitution of our country that such a thing could be worked out here covering all those things?

Mr. UNTERMYER. I think it could be worked out with respect to the interstate industries, and I think the others would have to follow. I think every State would follow it with respect to its intrastate industries. It has worked very well, you know, where it has just gone into effect in England so far as unemployment; so far as concerns sickness it has been in effect now for two or three years and it has worked out very much better than anybody had anticipated. Of course, in Germany, as you know, the sickness insurance is an old institution there. The Government does not contribute anything except the administration. The employer and employees make the whole contribution.

You have got a fair illustration of how unjust these private benefactions have proven to be. You have got the instance of the Pennsylvania Railroad, for instance, where the men have been the sole contributors to that great fund, and the company contributed nothing except to the expenses of administering the fund, which is less than 10 per cent of the fund. They pay all the accidents on the Pennsylvania Railroad out of that fund.

Commissioner GARRETSON. About the profit; is it a bar to recovery?

Mr. UNTERMYER. Yes. The whole thing shows the abuse to which private administration of this system may be put. They say it is compulsory, and of course it is compulsory. Ninety-seven per cent or more of the men have it and other railroads admit it is compulsory. Yet they use that fund which the men have created as a basis, and as a means from which they pay the accidents on the road. Now it would cost, I say, less than half under Government insurance to give that security to the employees.

Chairman WALSH. Pardon me. Were you going to add something?

Mr. UNTERMYER. No; nothing.

Chairman WALSH. Have you given any thought to the proposition of a national system of labor exchanges for the distribution of labor, on a national basis, cooperating with the public agencies operated by the different States and cities in the Nation?

Mr. UNTERMYER. I have read a good deal about it and I have seen it in operation in the European countries, and very successful in operation, especially in Germany. They have a local labor exchange and then they have a general system of labor exchange; that is, Government labor exchanges. There is no reason to my mind why such a system should not greatly relieve or destroy unemployment and that unemployment insurance would revolutionize the condition of the American laborer.

Chairman WALSH. You think then encouragement should be given by Federal agencies to the organization of employees of corporations engaged in interstate commerce?

Mr. UNTERMYER. Decidedly. Through constitutional assurance that it is possible to bring them under union control, for they would have the benefit of concentrated power and responsibility and concentrated protection.

Chairman WALSH. How would you suggest that encouragement might be given to the union by the organization of the workers in interstate corporations other than, for instance, the instance you have cited, of social insurance?

Mr. UNTERMYER. Well, I am not prepared. I have not been asked, so far as I know, and have not prepared to suggest any.

Chairman WALSH. I thought maybe you might have some on hand.

Mr. UNTERMYER. No. I am opposed to offhand remedies.

Chairman WALSH. Mr. Garretson, would you like to ask Mr. Untermyer some questions?

Commissioner GARRETSON. Yes; I would.

Mr. UNTERMYER. I ask, Mr. Chairman, you go on and develop these questions of unemployment insurance and sickness insurance.

Chairman WALSH. We have tried to develop them as scientifically as we can through our investigators.

Mr. UNTERMYER. You are doing that, I think, and making great progress.

Chairman WALSH. We are doing it.

Commissioner GARRETSON. Mr. Untermyer, I was unfortunate in the fact that I did not hear the earlier part of your testimony, and consequently a question or two I may ask possibly was passed upon prior to my coming. But when you were referring to the existence of certain groups, have your investigations brought to your attention and knowledge as to about how many groups of railways there are on this continent out of the—well, we will say, thousand companies apparently independent, into how many groups they are arranged?

Mr. UNTERMYER. You mean the potential control control?

Commissioner GARRETSON. The power of control control.

Mr. UNTERMYER. I do not think they have—they have not been scheduled exactly.

Commissioner GARRETSON. Not apparently controlled, but actual.

Mr. UNTERMYER. Actual control. I think you will find that that is all fully developed in this report which I referred to in great detail. You can not divide them exactly into groups, because there are here and there independent roads.

Commissioner GARRETSON. Oh, a few.

Mr. UNTERMYER. That is, independent in a sense, and yet not independent, because even they are dependent upon traffic over some controlled roads.

Commissioner GARRETSON. They are subject to influence of control, although it may not come through ownership?

Mr. UNTERMYER. Oh, they are subject to patronage influence.

Commissioner GARRETSON. Has your experience given you an opinion strong enough to express as to how many banking groups there are control the entire party of roads?

Mr. UNTERMYER. The entire what?

Commissioner GARRETSON. The entire number of roads, blotting out for the moment these so-called independent properties.

Mr. UNTERMYER. Well, blotting out the independent properties, I should say that they are dominated by two groups of banking houses, and it is a very effectual control, too, although you can not define the lines of it; it is elusive, for when you want to get at it and it is effective, and it is effective when they want to get at you. [Laughter.]

Commissioner GARRETSON. You can see the results of it?

Mr. UNTERMYER. You can see the results and you can often see the workings of it.

Commissioner GARRETSON. Does the system—I assume that you have a very considerable degree of familiarity with the system of interlocking directors and interlocking ownership?

Mr. UNTERMYER. Yes; we went into that very fully in the Pujo investigation, made a very comprehensive report of it; yes, sir.

Commissioner GARRETSON. Does it furnish a perfect vehicle, if it is desired so to use it, in your opinion, for well—I want to use a word that really conveys my meaning——

Mr. UNTERMYER (interrupting). That is not always easy.

Commissioner GARRETSON (continuing). For the manipulation of the body of citizenship, both laborers and the patrons who are not parties to that control, laboring in the way of hours and wages and consumers in the matter of price and quality?

Mr. UNTERMYER. Well——

Commissioner GARRETSON. I am not putting it on the basis that it is so used.

Mr. UNTERMYER. Well, I understand it is potential power.

Commissioner GARRETSON. Yes.

Mr. UNTERMYER. Well, its potential power I do not think you have understated.

Commissioner GARRETSON. You referred to the number of stockholders. We will take the railway proposition as a concrete example, because it is the one that is the most thorough interstate interest?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. In existence. Have you ever made any investigation as to the actual number of stockholders, aside from duplications, that own the railway stock?

Mr. UNTERMYER. There have been statistics prepared on that subject. I do not remember exactly what they are. They have often been stated as 5,000,000.

Commissioner GARRETSON. Oh, yes; a round statement. But round statements are like offhand statements that you referred to.

Mr. UNTERMYER. There are sometimes square statements, too.

Commissioner GARRETSON. How your experience led you to believe there are 5,000,000 holders of railway stock?

Mr. UNTERMYER. I do not think experience would help in that.

Commissioner GARRETSON. The proxy system that you referred to?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. Is it not a fact that the proxy system has become so universal that every country bank, or every country corporation almost, large and small, when giving a notice of stockholders' meeting sends attached, and usually a part of the sheet on a notice of that meeting, a proxy?

Mr. UNTERMYER. That is the custom now with notices of meeting, the proxy generally goes out.

Commissioner GARRETSON. And as a rule the blank in that proxy for the name of the person to whom the proxy will be granted is, as a general practice, a virtually unknown man in the corporate sense?

Mr. UNTERMYER. As a general practice it is. Of course, there are exceptions to it.

Commissioner GARRETSON. There are?

Mr. UNTERMYER. Known men are put in, but even when they are put in you are not voting for them. They are only agents.

Commissioner GARRETSON. They are under control and direction?

Mr. UNTERMYER. They are named as agents to vote for somebody else, somebody you do not know.

Commissioner GARRETSON. They are under the control and direction of somebody else?

Mr. UNTERMYER. The very form of the power of attorney notifies you that you are not voting for them, but you are voting for somebody else, giving them authority to vote for directors whose names are not disclosed.

Commissioner GARRETSON. In your own opinion, can there be any true prosperity in a country where the majority of the inhabitants are poverty stricken?

Mr. UNTERMYER. I should say——

Commissioner GARRETSON (interrupting). In the national sense.

Mr. UNTERMYER. I should say that was a truism.

Commissioner GARRETSON. Is the congestion of money in a few hands comparable with any theory of reasonably equitable distribution, Mr. Untermyer?

Mr. UNTERMYER. Of course that attacks the whole social theory.

Commissioner GARRETSON. It does.

Mr. UNTERMYER. I have not gone over all that for some time, you know, but it is all in writing, Mr. Commissioner. I think that the report of the committee fully answers that question. Of course, the greater the concentration of money the less the prosperity of the country generally.

Chairman WALSH. The wider the distribution of wealth, of course, the better for the prosperity of the country; but you do not want to check individual enterprise, either—legitimate individual enterprise.

Commissioner GARRETSON. By no means. You have had a very considerable connection with the investigation of certain phases of—well, life in this country?

Mr. UNTERMYER. Economic life.

Commissioner GARRETSON. It can't be narrowed, either to industrial, financial, or any other one phase, but it is really the problem of life in general.

Mr. UNTERMYER. It is the problem of economic social life.

Commissioner GARRETSON. It is. If the problem of the private fortune was dealt with—that is, the large private fortune in a successful manner—would there be any trust problem?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. Do you believe under the present system of combination trusts would be possible in the absence of the large private fortunes?

Mr. UNTERMYER. Yes. I do not think—what you mean by the large private trust, of course, there would not be any trusts possible under the condition of socialism unless we were a trust estate.

Commissioner GARRETSON. I am not referring to socialism, Mr. Untermyer; only to what might be termed the modest fortune.

Mr. UNTERMYER. You mean the restriction of fortune?

Commissioner GARRETSON. Not the restriction, the growth either by any legitimate means—well, now, I will strike out the word "legitimate"—any legal means?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. Because the question of legitimate law depends upon the man's viewpoint.

Mr. UNTERMYER. I do not believe in the restriction of fortunes, but I believe in rigidly restricting the way in which they are made.

Commissioner GARRETSON. Well, what, strictly speaking, would be the difference, a man who held that view and the restriction of fortunes?

Mr. UNTERMYER. I can conceive the possibility of a man legitimately making a vast fortune: I think he ought to be permitted to enjoy it.

Commissioner GARRETSON. You referred to the fact that there was a quickened and different sentiment existing in regard to the conduct of many matters—that is, matters within comparatively a few, a period of a few years past; that is usually referred to as a quickened moral sense. Do you believe, from your experience and your investigation that it is altogether due to a quickened moral sense or to a quickened business perception?

Mr. UNTERMYER. No; I do not think it is a quickened business perception. I think it is a change, due to a change of moral standards and to the imminence of legal restraints.

Commissioner GARRETSON. Therefore a quickened business perception would guard against the legal restraint by putting in part-way measures?

Mr. UNTERMYER. Yes; I think that the disposition of the people whose license is being assailed is to meet these reforms with palliatives.

Commissioner GARRETSON. The man who has his ear to the ground hedges?

Mr. UNTERMYER. Yes; and I think there is a great danger of our progress being interrupted by these forced palliatives, that do not amount to anything anywhere and do not get us anywhere.

Commissioner GARRETSON. They do not cure the evil at all; they only deal with a certain amount of the result of it?

Mr. UNTERMYER. Yes. For instance, take the Clayton bill. Instead of striking out the interlocking control of corporations it strikes at the interlocking directory, which is only one of many forms of control, and still leaves the interlocking control unrestrained.

Commissioner GARRETSON. He is placed between the upper millstone of what you might call unrestricted organization of owners; and between what is referred to ordinarily as the public interest—that is, that the public must not be inconvenienced nor suffer loss through cessation of work—has the average laborer any show for his money?

Mr. UNTERMYER. Well, it depends on what industry he is engaged in. How skilled the labor is, how much it is needed. I confess, on the whole, I do not think he has very much.

Commissioner GARRETSON. I will come again to the typical industry, in that it bears probably the closest relation to the greatest number of people, the railway industry.

Mr. UNTERMYER. I think the industry most highly concentrated in this country is the anthracite-coal industry.

Commissioner GARRETSON. But there is no one that could work greater hardship on the public in transportation, because you can stop the trains moving temporarily for three days, and we stand still.

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. And it would bring it into every home?

Mr. UNTERMYER. Yes; there is no doubt about that.

Commissioner GARRETSON. That is the reason I take that as a typical one. If those employees in tracing what they believe and were able to demonstrate was a fair and just demand should merely make the cessation from work they would invade the public interest, and that is always made apparent to them when they move.

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. While their men with whom they were dealing are unrestricted in the methods which they would pursue?

Mr. UNTERMYER. I do not think they invade public interests by exercising that right quite as much as the employer invades the public interest by interrupting and neglecting of his worker.

Commissioner GARRETSON. Doesn't absentee landlordism virtually create absolutism in the person of the figurehead who is set up as the representative of the owner?

Mr. UNTERMYER. I am not sufficiently familiar with the details of the internal management of these corporations to be able to answer that question.

Commissioner GARRETSON. Well, could you take as an example, for instance, the late Colorado strike where the president of those corporations, as the repre-

sentative of the workers, where it was openly stated there was no appeal from his conclusions. Is that an ideal system for the public good?

Mr. UNTERMYER. Of course, it is barbarous, but it exists.

Commissioner GARRETSON. It is barbarous, but it exists?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. In the change of the form of the insurance company that you referred to from a stock to a mutual?

Mr. UNTERMYER. That has been done in the two great companies within the last year, two great ones in the United States.

Commissioner GARRETSON. Do you know whether or not the stock of that company which was purchased, I assume from the stockholders by the company itself, whether it was sold at book value, or at what might be called a speculative value?

Mr. UNTERMYER. I do not think I am competent to discuss that, inasmuch as I was professionally concerned in the transaction.

Commissioner GARRETSON. Do you know what the minimum rate at which the insurance is sold in that company is? I assume it is graded on age; that is, that has something to do with it?

Mr. UNTERMYER. Yes.

Commissioner GARRETSON. What is the minimum cost per thousand, do you know?

Mr. UNTERMYER. I do not recall the figures.

Commissioner GARRETSON. Have you made any investigation, Mr. Untermyer, as to the form of insurance and the cost thereof where a plan has been developed by workers themselves for doing their writing, writing their own insurance, underwriting?

Mr. UNTERMYER. Such as you have in some——

Commissioner GARRETSON. Labor unions.

Mr. UNTERMYER. Labor unions?

Commissioner GARRETSON. Yes.

Mr. UNTERMYER. No. I know it is a great smaller and more economical.

Commissioner GARRETSON. Well, I wondered if you had followed that up. What is the comparative cost, do you know?

Mr. UNTERMYER. No; I can not give you that.

Commissioner GARRETSON. For administration, between the German Government plan and the plan in this country.

Mr. UNTERMYER. I can not give you the figures, but it is enormously less. There is one item alone that would make a tremendous addition to the thing; that is, in the Government plan you do not have to keep any reserve against liability, for instance, like this company to which I referred; they have to keep $500,000,000 as a reserve against liability, and when in five years it reaches a larger amount they will have to have a thousand million of dollars. That gives a few men the investment of thousands and thousands of dollars that even with the best management there are losses involved.

Commissioner GARRETSON. Makes the domination over those funds an element of financial liability that was considered undesirable according to the Lexow investigation?

Mr. UNTERMYER. Not the Lexow investigation, you mean the Pujo?

Commissioner GARRETSON. That is right. I am going probably back a little further, in the State of New York alone.

Mr. UNTERMYER. That was not that kind of an investigation. Don't you mean the Hughes-Armstrong investigation?

Commissioner GARRETSON. Yes; that is the one that I intended. You know of no Government system, Mr. Untermyer, that pays and commission for procuring the business under the Government system?

Mr. UNTERMYER. That is one of the great savings of the Government system, and the absence of reserve is another; equalization of the risks over a vast field of insurance is another; they are all of manifest advantage. The thing is crude with us. We are so far behind one should be ashamed of one's self in everything that pertains to industrial insurance.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Is there anything else? Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. The question was put to you, Mr. Untermyer, by the chairman, I think—it was about the last question—how you would encourage the organization of labor through the efforts of the State, and I think you answered you were not prepared to answer that?

Mr. UNTERMYER. No. I think it is one of those subjects that requires a good deal of study.

Commissioner WEINSTOCK. Now, let me explain to you the Australasian method of doing that, and then let me ask you whether you think it could be transplanted to this country.

Mr. UNTERMYER. I have read about it.

Commissioner WEINSTOCK. In Australasia, more especially in the State of Victoria, they have what is known as the wages boards for the fixing of minimum wages. The representatives on these boards are chosen by organized labor on the one hand and by the employers' association on the other in the various crafts. Now, labor, under the benefit of these wages boards, must organize, and the State deliberately makes the commission such that it is in the interest of labor to organize. It is not compulsory; it is voluntary. But the advantages to be gained are sufficient to encourage organization. As a consequence in Australasia 75 per cent of labor is organized as against about 20 per cent in all other industrial countries.

Now, assuming that is your idea, that you expressed earlier in the hearing, that a minimum wage system should be established, and assuming that it is constitutional, could not the State follow the Australian plan of creating wages boards in the various crafts and fixing a minimum wage, and in that way encouraging labor to organize?

Mr. UNTERMYER. Oh, if it is possible to do it within the limits of our Constitution, it is certainly an advisable thing for labor to do. I have never quite understood the objections that have been urged against the minimum wage from the direction of labor.

Commissioner WEINSTOCK. Now, touching, then, upon the constitutionality of establishing the minimum wage, you expressed the opinion that it would not be unconstitutional?

Mr. UNTERMYER. I do not think I expressed that opinion. I expressed the opinion that I had not formed any opinion.

Commissioner WEINSTOCK. Then I misunderstood you. I got the impression that you believed there was nothing in the Constitution that would prohibit the establishing of a minimum wage.

Mr. UNTERMYER. Well, what I intended to say was that we were discussing this Federal system as applied to interstate commerce.

Commissioner WEINSTOCK. Yes.

Mr. UNTERMYER. And I said that I had not—or I intended to say that I had not—but a mere superficial opinion that Congress has the right to examine all the conditions under which any business, any industry, can engage in interstate commerce——

Commissioner WEINSTOCK. Yes.

Mr. UNTERMYER. And I suppose as one of those conditions it would be no industry shall engage in interstate commerce unless there is an organization labor attached. But that, of course, is a very serious question and one that I would not like to commit myself upon in this way.

Commissioner WEINSTOCK. I see. You are not prepared, then, at this time, Mr. Untermyer, to say whether that would or would not be unconstitutional?

Mr. UNTERMYER. No; I should not like to venture any definite opinion.

Commissioner WEINSTOCK. I see. It has been held, of course, as you doubtless know, that the fourteenth amendment of the Federal Constitution making a minimum wage for men unconstitutional on the ground that it would interfere with the right of private contracts.

Mr. UNTERMYER. Of course; under that amendment to the Constitution and not under the interstate clause.

Commissioner WEINSTOCK. I see.

Mr. UNTERMYER. I mean this, that presents itself under the broad commerce provision of the Constitution; that is, that Congress has the power to regulate commerce between the States or foreign countries. Now, the question arises whether Congress can not say that no corporation shall engage in interstate commerce until it has a license to start with or until it takes out a Federal charter. Then why can not Congress say it shall not be given a license or a charter to engage in interstate commerce unless it conforms to certain industrial conditions?

Commissioner WEINSTOCK. I see. Well, could that be made retroactive?

Mr. UNTERMYER. Well, yes; retroactive, rather.

Commissioner WEINSTOCK. Retroactive.

Mr. UNTERMYER. No corporation has the right to engage in interstate commerce for a single moment longer than Congress says so. It can say to-morrow that it will not allow any corporation to engage in interstate commerce except upon certain terms that were prescribed, and that they must be terms that have a proper relation to the subject of commerce.

Commissioner WEINSTOCK. You made the statement, Mr. Untermyer, that the railways of this country, as a great body of railways of this country, are practically under the control of two financial groups?

Mr. UNTERMYER. A large part of them are. I large part of that mileage is under domination, or under the potential domination, of those groups.

Commissioner WEINSTOCK. How has the reserve banking act affected, if at all, the banking control of railroad systems?

Mr. UNTERMYER. Not materially as yet. It is hoped that it will. It is expected that it will in this way: That until the banking law was passed the reserves of the banks all through the country were deposited in New York largely, and those reserves were deposited in banks that were controlled by these same groups, and those vast funds were then under the domination of these men.

Now, the Federal reserve act, when it gets into full operation, which will take a few years, will distribute those reserves, and the vast sums that came to New York will not come here, and in that way there will be to some extent decentralization of the control—concentration of the control—of this money that was in the banks. I look for very substantial results from the Federal reserve act. I think it is one of the greatest pieces of constructive work this country has ever done.

Commissioner WEINSTOCK. You also pointed out how under the system of railroad reorganization a small minority is made to control. In other words, the tail wags the dog.

Mr. UNTERMYER. Well, not exactly that. That was not what I intended to convey. I intended to convey the idea that the financial interests that dominated the road when it gets into trouble retain that control through our method of reorganization after it gets out of trouble and continues to dominate.

Commissioner WEINSTOCK. I see.

Mr. UNTERMYER. And in the case in which it does not dominate the road before it got into trouble, our system lends itself readily to getting domination over it when it gets into trouble and when it is out of trouble.

Commissioner WEINSTOCK. Well, now, so far as you have been able to observe, has that system proven helpful or hurtful to the railroad stockholders?

Mr. UNTERMYER. I think very hurtful.

Commissioner WEINSTOCK. You think very hurtful; that is, it has robbed the majority of the minority stockholders of a voice?

Mr. UNTERMYER. Not only of a voice, but it has robbed the roads of the protection that would come from the protection of a minority voice.

Commissioner WEINSTOCK. And I suppose you would point to the New Haven road is a horrible example?

Mr. UNTERMYER. Well, I should point to others as much more horrible examples, because in the New Haven road I do not think there was much corruption, if any. There was very bad judgment and recklessness in attempting to dominate nearly a whole section of country, but in other roads it has been much worse.

Commissioner WEINSTOCK. You also pointed out that the large industries or important industries getting into a few hands was inimical to labor?

Mr. UNTERMYER. Yes; puts it at a great disadvantage.

Commissioner WEINSTOCK. That is, minimizes the possibility of labor organization?

Mr. UNTERMYER. Well, not only labor organizing, but, when organized, in getting its rights, because labor has nowhere else to go. If the labor in an industry has only that industry that it can deal with and has to deal with the whole industry and their terms are unsatisfactory, then it has nowhere else to go.

Commissioner WEINSTOCK. Now, will that situation apply, Mr. Untermyer, to the railroad system of the country? As you pointed out, the railroad systems are going into comparatively a few hands, and yet is it not a fact that labor is more thoroughly organized in the railroad systems than in any other industries, and that railways, so far as labor is concerned, are more thoroughly democratized than any other industry?

Mr. UNTERMYER. Yes; I think that is so, so far as they have had to deal with the public, and it has paid the railroads, or some of them, or businesses

that are tributary to them, to treat labor fairly decently. You take, for instance, the anthracite-coal system, which is really part of the railroad situation, where every time they lifted the price of labor 10 cents, they lifted the price of coal about 25 cents; so it is an advantage to the owners of the anthracite mines and roads to accede to the demands of labor.

Commissioner WEINSTOCK. Well, would not the same law or same policy hold with all public utilities—with all like corporations—corporations furnishing light, or furnishing power, or furnishing water? Are those corporations not dependent upon the good will of the public as much as the railways are?

Mr. UNTERMYER. Yes, sir; but they are not so much in the limelight, you know. I mean they are not so responsive to public sentiment.

Commissioner WEINSTOCK. I see. You would then regard the labor conditions in transportation as exceptional to the general rule that you have laid down.

Mr. UNTERMYER. I think they are exceptional. I think labor is exceptionally well organized there and gets—comes much nearer getting—something approaching its rights than it does in any of the other industries.

Commissioner WEINSTOCK. Is cumulative voting in corporations established in this State, for example?

Mr. UNTERMYER. It is permissible in this State. It is not a part of our constitution. It ought to be compulsory. It is compulsory in Missouri, Pennsylvania——

Commissioner WEINSTOCK. California?

Mr. UNTERMYER (continuing). I think in California, too; yes, sir.

Commissioner WEINSTOCK. But not here?

Mr. UNTERMYER. Not here; no.

Commissioner WEINSTOCK. And you think that would be along the lines of remedial legislation, if it were made compulsory?

Mr. UNTERMYER. Yes; I believe it should be made compulsory, and should be coupled with a right of voting by mail, such as I have outlined.

Commissioner WEINSTOCK. You spoke about sickness insurance and about organized labor handling sickness insurance?

Mr. UNTERMYER. Yes—subject to State supervision.

Commissioner WEINSTOCK. How would you deal with unorganized labor—remembering only about 25 per cent of labor in this country is organized.

Mr. UNTERMYER. I should deal with it in the same way as they do in England. They deal with it there through the post office by means of card and stamps. They have no difficulty—for instance, domestic servants in English families are all under the sickness insurance law, and the employer and employee have to contribute.

Commissioner WEINSTOCK. You also said that in dealing with sickness insurance, especially in Europe, that in the beginning there had been a good deal of malingering.

Mr. UNTERMYER. Yes, sir.

Commissioner WEINSTOCK. But that that was diminishing now.

Mr. UNTERMYER. Yes, sir.

Commissioner WEINSTOCK. Then I judge from that, Mr. Untermyer, that you have not read the more recent literature on the subject. The more recent literature on the subject touching conditions in Germany would indicate that it is working the other way and a new industry has developed, especially in Germany—a new medical industry—that is, that of physicians who teach men how to malinger.

Mr. UNTERMYER. Yes; I have reference more to the working of the English system. I think complaints are less pronounced than they were in England, but it has got to be met. There is more reason for sickness insurance than there is for accident insurance.

Commissioner WEINSTOCK. Yes; I think so too, because the records show that the first cause for poverty is sickness.

Mr. UNTERMYER. Yes, sir; and, of course, it would raise the standard of health so greatly—the system of medical attendance for people so as to reduce the amount of illness, and that it would reduce the percentage of insurance to the employer. The employer whose workmen have the least sickness, who were kept in the best of health, would be able to compete on unequal terms with the employer who did not look after the health of his workmen.

Commissioner WEINSTOCK. Well, now, advocating, as you seem to advocate, a system of State sickness insurance and a system of State unemployment insurance, would you make that contributory on the part of the worker?

Mr. UNTERMYER. Yes, sir; absolutely; and compulsory, too.

Commissioner WEINSTOCK. You would; and how would you meet the objections to making it contributory that was raised to me by Mr. John Burns, the ex-cabinet minister of Great Britain?

Mr. UNTERMYER. It is contributory there, isn't it?

Commissioner WEINSTOCK. No.

Mr. UNTERMYER. Oh, yes.

Commissioner WEINSTOCK. I think not; unless the law has been changed——

Mr. UNTERMYER. You mean the sickness and unemployment insurance?

Commissioner WEINSTOCK. Well, perhaps——

Mr. UNTERMYER. Oh, yes.

Commissioner WEINSTOCK. That has been established recently.

Mr. UNTERMYER. Oh, yes; that is compulsory.

Commissioner WEINSTOCK. In discussing the old-age pension acts, it is not contributory——

Mr. UNTERMYER. Yes?

Commissioner WEINSTOCK. The question was put to Mr. John Burns, "Why haven't you followed the German system of contributory old-age pensions?" And his answer was, "The cabinet considered that very gravely and very seriously, but decided it was not practicable, at least in England, because of the cost of collection alone would be prohibitory and extremely difficult to enforce it; and so the old-age pension act," he went on to say, "was made noncontributory." Now, if, as you say, the sickness—the State compensation for sickness and unemployment—has been made contributory, the policy must have been changed.

Mr. UNTERMYER. Oh, yes; it is contributory. There is no doubt about that, is there, Mrs. Harriman?

Commissioner HARRIMAN. Oh, I am sure it is.

Mr. UNTERMYER. I have read the act a number of times, and it is contributory, and you do not participate until a certain number of payments have been made, and then I think it is 26 weeks at a given rate, and then it is at a reduced rate.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman would like to ask you some questions.

Commissioner HARRIMAN. Mr. Untermyer, I would like to know what, in your opinion, would be the most successful remedy for casual labor.

Mr. UNTERMYER. Well, that has been a plague, you know, of all systems. I don't know, other than the Federal labor exchange, such as they have in Germany. That is, they have local labor exchanges and a general Federal labor exchange.

Commissioner HARRIMAN. Do you know which system is best, say, the German system of Federal labor exchanges, or the system in England?

Mr. UNTERMYER. Oh, I think the German system is far better developed.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell says he has some questions.

Mr. UNTERMYER. Yes.

Commissioner O'CONNELL. Mr. Untermyer, you said recent legislation known as the Clayton bill had prevented interlocking directorates, but not interlocking control.

Mr. UNTERMYER. Yes.

Commissioner O'CONNELL. Just what do you mean by that?

Mr. UNTERMYER. Well, of course, I don't want to criticise the bill, because we can not get everything at once. We have done very well as it is, it seems to me, to get as much remedial legislation as has been secured. But what I meant is this: The thing that is primarily to be prevented in the concentration of industries is the interlocking control of competing industries; that is, that a man in one town should not be permitted to own all the banks. Now, under this bill he can not have the same directors in all the banks, but he could still own them all. In other words, he could destroy competition so long as he had the outward indicia of competition, in the way of separate directors. The bill, in other words, prohibits competing businesses from having the same directors—interlocking directors, but does not prohibit them from having the same control—same stockholders and ownership.

Commissioner O'CONNELL. The same stock ownership constituting, in effect, the same corporation?

Mr. UNTERMYER. Yes, sir.

Commissioner O'Connell. Speaking of some things that some corporations are doing for the welfare of their employees, you cite the opportunity of ownership of stock in the concern?

Mr. Untermyer. Yes, sir.

Commissioner O'Connell. I understand you to say that that would be favorable—or a preventive of industrial unrest, the mere fact of owning stock——

Mr. Untermyer. I should think the fact that they were cooperating and that they had a participation in the business would tend to alleviate the spirit of unrest and give them an interest.

Commissioner O'Connell. Would it not have the opposite tendency to make the employee more self-subservient because of the feeling of ownership in the concern?

Mr. Untermyer. Make the employee more subservient?

Commissioner O'Connell. Yes.

Mr. Untermyer. I should think not. I think it would make him more independent, especially if he owns something which he can sell at any time on the market.

Commissioner O'Connell. I have in mind a corporation that recently is doing just that thing, one of our very large corporations.

Mr. Untermyer. Yes.

Commissioner O'Connell. It sold its stock to its employees, I think, around $65 a share, and the stock now on the market can be bought for about $20 a share.

Mr. Untermyer. Well, of course, that is not the kind I had reference to.

Commissioner O'Connell. I was just wondering whether——

Mr. Untermyer. Well, I should think that would make a good deal of unrest.

Commissioner O'Connell. You think that would cause unrest?

Mr. Untermyer. Yes; but, of course, I had in mind the instances we know of, you know, in which employees had been offered participation, such as the United States Steel Co. and others.

Commissioner O'Connell. I am referring to the United States Steel Co. now.

Mr. Untermyer. Well, now, the employees in the United States Steel Co. were never offered common stock. They all had preferred stock.

Commissioner O'Connell. They were sold common stock on two occasions—the last around $85.

Mr. Untermyer. I think not. I think you will find it was all preferred stock. I think you will find that no common stock was ever sold to the steel company's employees. Let us be just to them.

Commissioner O'Connell. I think on two occasions.

Mr. Untermyer. I think you will find you are mistaken, Mr. O'Connell.

Commissioner O'Connell. Did you ever look it up?

Mr. Untermyer. No; but then I had in mind such instances as the Kodak Co., where they had established very large funds for their laborers—sick-benefit funds. I think they have established two and a half million dollars each.

Commissioner O'Connell. You think that would be an incentive against men or to prevent or keep them from organizing or acting in a cooperative way for their industrial welfare?

Mr. Untermyer. Why, no; I don't see why it should. I don't know whether the Kodak people are organized or not.

Commissioner O'Connell. I can answer for them and say they are not.

Mr. Untermyer. They are not?

Commissioner O'Connell. No.

Mr. Untermyer. I should hate to see any devices that prevented their organizing.

Commissioner O'Connell. Have you given any thought to the question as to where that sort of thing is in operation—as to whether the men are organized or not?

Mr. Untermyer. Yes; but I find that they are organized in some of the industries where they have these sick benefits and others they are not. In the railroads they are organized, where they have those benefits.

Commissioner O'Connell. Not as far as stock ownership——

Mr. Untermyer. Oh, no; not as to stock ownership. Oh, I did not know you were referring to that.

Commissioner O'Connell. Yes; exclusively to the question of stock ownership.

Mr. UNTERMYER. Well, I don't see why that should interfere with their organization.

Commissioner O'CONNELL. Now, Mr. Untermyer, a great question has been referred to this commission, and I am sure the commission will be glad to have your opinion, because you have great experience and knowledge of public affairs. That is this: This commission has been instructed to ascertain and report to Congress what are the underlying causes of industrial unrest. Can you enlighten the committee as to what, in your mind, is the real big cause of industrial unrest in our country?

Mr. UNTERMYER. I should say injustice of existing conditions and American ambition.

Commissioner O'CONNELL. I did not quite get that.

Mr. UNTERMYER. I say injustice of existing conditions and American ambition.

Commissioner O'CONNELL. Would you just elucidate, just a little bit?

Mr. UNTERMYER. I have tried to avoid that. I think I would rather generalize in answer to a question of that kind. I think the unrest in the country has been very largely brought about by the knowledge on the part of the industrial workers of the country of the unjust way in which great fortunes have been amassed and a feeling that they are not getting their share of the prosperity when prosperity comes, but they are carrying all their burdens of adversity; that taxes are unjustly distributed; all the burden of taxation falls upon the poor. The first glimmer we have had of anything like just taxation has been in the inauguration of the income tax. And our capitalists—our captains of industry—they do not seem to have a very active recognition of the rights of labor; that is, they only surrender when they are forced to surrender. They do not seem to make very many voluntary efforts in the way of meeting the just demands of labor. That seems to be the feeling. How far that is justified I would not care to say.

Commissioner O'CONNELL. I understand your position to be—rather your opinion—that the individual worker has not got a fair opportunity or fair chance against the combine of men on the other side—capital.

Mr. UNTERMYER. Well, where he is unorganized; yes.

Commissioner O'CONNELL. Yes.

Mr. UNTERMYER. That is quite right. I am a great believer in organized labor.

Commissioner O'CONNELL. And you are a believer in compulsory arbitration?

Mr. UNTERMYER. No; I think it would put the men at a disadvantage.

Commissioner O'CONNELL. And be impossible to carry into effect the awards.

Mr. UNTERMYER. Almost impossible. I don't know of any place in which it has worked successfully. I may not be well informed on the question.

Chairman WALSH. Commissioner Ballard would like to ask a few questions.

Commissioner BALLARD. I understand you to say that the Government should encourage union control of labor?

Mr. UNTERMYER. I say yes, if it is possible.

Commissioner BALLARD. Should the Government then try to limit labor in some of its endeavors, such as boycott, sympathetic strikes, and so forth? Should the Government take control of any of those topics?

Mr. UNTERMYER. Well, no; I haven't in mind the Government going any further than doing what it legitimately and constitutionally could do to encourage the organization of labor. Of course, the criminal laws would pass upon violations of law.

Commissioner BALLARD. If you should have practically universal control by labor unions of all labor, would it not put an awful lot of power in their hands if they chose to single out any particular industry to penalize it and——

Mr. UNTERMYER. We have the same laws to deal with the improper exercise of the power of labor as we have with the power of capital. I am not as afraid of the concentrated power of labor as I am afraid of the concentrated power of capital.

Commissioner BALLARD. Speaking again of unemployment or the insurance against unemployment, would you attempt to regulate the bringing into this country by foreign ships of millions of laborers a year who have no employment and can not have any when they come here?

Mr. UNTERMYER. Well, the extent to which immigration should be restricted is a very big question. Of course, we owe everything to immigration. Now, whether the time has come when we should turn our backs upon it—that is another question which I do not feel competent to answer.

Commissioner Ballard. That is all; thank you.

(See Untermyer Exhibits Nos. 1 and 2.)

Chairman Walsh. Thank you very much, Mr. Untermyer.

We will now adjourn until 2.30 this afternoon instead of 2 o'clock on account of the lateness of the arrival of our next witness.

(Thereupon, at 12.30 o'clock p. m., a recess was taken until 2.30 o'clock p. m.)

AFTER RECESS—2.30 P. M.

Chairman Walsh. The commission will please be in order.

TESTIMONY OF MR. ROGER W. BABSON.

Chairman Walsh. Before interrogating you, Mr. Babson, Mr. O'Connell wants to put something in the record in regard to that steel proposition.

Commissioner O'Connell. The question of the United States Steel Corporation selling common stock to its employees; Mr. Untermyer made a statement that he believed I was wrong in saying that they had. I am quoting from the report, "Conditions of Employment in the Iron and Steel Industry Investigation, made by the Board of Labor," issued by Charles P. Neill, Commissioner of Labor, in 1913, page 468. In 1909, 15,387 shares of common stock was sold to employees. In 1911 there were 29,061 shares of common stock sold to employees, and in 1912, 30,735 shares of common stock was sold to employees, making a total number of common shares of the United States Steel Corporation sold to its employees of 75,208 shares.

Chairman Walsh. Please state your name.

Mr. Babson. Roger W. Babson.

Chairman Walsh. What is your occupation, please?

Mr. Babson. Publisher of reports on business conditions.

Chairman Walsh. Where is your place of business—your office?

Mr. Babson. My head office is in Wellsley Hills, a suburb of Boston, Mass.

Chairman Walsh. For what—how are these reports published; for general distribution and sale, or for what?

Mr. Babson. They are of a confidential nature, for manufacturers, merchants, and bankers.

Chairman Walsh. I will ask you whether or not you have made a study of the question as to the extent to which potential control over labor conditions is concentrated in the hands of financial directors of large corporations?

Mr. Babson. Yes, sir.

Chairman Walsh. I wish you would please give us the result of that study.

Mr. Babson. Well, briefly, I feel that the greatest handicap, both labor and legitimate capital have to-day is in what is known as absentee ownership. I feel that the fact that a very few stockholders control the large industries of the country is very largely the reason of the present industrial unrest and the unsatisfactory returns which capital is securing. My study of industry teaches me that very seldom a strike occurs against the manufacturer who has built up his own business and lives in the town where his mills are operated. Also, comparatively, few receiverships take place under such conditions. The great majority of strikes and the great majority of receiverships take place after the man who has built up the business has died, or after the business has been incorporated and distributed to the public through bankers and promoters.

Chairman Walsh. Have you any figures bearing on the amount of the control of industry, the amount of the concentration and control of particular industries?

Mr. Babson. I have not, but such figures as I have show clearly that it is increasing every day.

Chairman Walsh. From your knowledge and experience, to what extent is this potential control exercised in connection with labor matters.

Mr. Babson. Why, principally through the line of indifference, I think. My experience with the bankers is that they have nothing against labor. They think just as much of the laborer as you or I, but they are busy with other matters and they don't bother about it. I think it is a question of indifference rather than a question of active dislike or antipathy.

Chairman Walsh. Is the logic of that that the real owners do not really exercise the control and leave it to some one else?

Mr. BASSON. Yes. In the question I notice you have here, "In determining the labor policies of corporations, what part is played, first, by stockholders; second, by directors, and third, by salaried officials, (d) by employees, individual, etc., and, (e) by representatives of the public on mediation boards?" Now, I should say there was another group there which I should label the "Bankers or promoters."

Chairman WALSH. Will you please take those up seriatim? Take your own suggestion first, the bankers and the promoters and answer the question with reference to them, and just go on down the line with all of the others.

Mr. BASSON. I should say that about 30 per cent of the control is in the hands of bankers and promoters in 20-story office buildings—about 30 per cent of the control.

Commissioner WEINSTOCK. Control of what?

Mr. BASSON. Control of the large industries of the country.

Chairman WALSH. What lines, for instance, of production would you say?

Mr. BASSON. To finish my sentence, I should say that about 8 per cent was in the hands of directors, as such—about 8 per cent in the hands of salaried officials, and about 2 per cent in the hands of employees, and about 2 per cent in the hands of minority stockholders.

Chairman WALSH. Just take up those other groups that were mentioned that were submitted to you in the question?

Mr. BASSON. I have taken them all up now. I have just mentioned them.

Chairman WALSH. That includes all of them?

Mr. BASSON. Yes.

Chairman WALSH. Are the executive officers to whom is intrusted the direction of these labor policies qualified to exercise their powers without restraint from the Government or representatives of the workers in the determination of those policies? In other words, are those people intrusted with that power ordinarily capable of exercising it without restraint on the part of the Government or without the cooperation of employees?

Mr. BASSON. I should say yes, if they were let alone by Wall Street.

Chairman WALSH. Is it your idea that they are not let alone by Wall Street?

Mr. BASSON. Yes; that is my idea.

Chairman WALSH. In what way is the control of Wall Street exercised? How does the interference of Wall Street appear?

Mr. BASSON. My experience with Wall Street leads me to the conclusion that it is only interested with the one thing and that thing is dividends as quickly as possible. As long as dividends are coming along Wall Street is satisfied with the management. I say Wall Street, I should say that also applies just as well to State Street or La Salle Street, but I refer to the boards of directors in the office buildings away from the plants. They are interested in dividends. If certain dividends are being produced, they are satisfied. As a rule it makes little difference whether they are being produced by fair means or foul, by antiquated machinery or by modern machinery, or by good or poor management. If they are not being produced—if dividends are not being produced, then the office building management will get busy, the office building directorate will get busy and change the management or put in new machinery or do something to develop the industry, but so long as those dividends are coming along they let well enough alone. They never think of taking out the old machines and putting in new for the sake of paying labor more money; they never think of changing the management and taking out a young college man and putting in a man who knows the business to increase the business, but they do that to increase dividends.

Chairman WALSH. Do you have in mind any specific industry, or any particular institution in which you could point out the control of the promoter or of the banker? The man in the office building, over the labor policy of that institution?

Mr. BASSON. I think up in New England, the American Woolen Co. is a good illustration of that.

Chairman WALSH. Please describe the control they actually exercise.

Mr. BASSON. I think in the automobile business—perhaps that is a good illustration. The Ford plant is run by the man that created the industry. The General Motors and some of the other concerns are run from New York and Boston. I think that every industry has its good propositions and its bad propositions.

Chairman WALSH. The point at which I am trying to arrive is this: Is there any specific instance or instances that you can give us where the control was

actually exercised by the men in the office buildings over the labor policy of the industry, other than the fact that they were interested merchants or anxious about the dividends?

Mr. BABSON. No; I think it is a matter of indifference, as I stated in the first place. They have nothing against labor.

Chairman WALSH. Commissioner Garretson wants to ask a question.

Commissioner GARRETSON. Is it really a matter of dividends or a result that will aid speculative manipulation that the absentee landlord or Wall Street, or whatever name you call it by, desires?

Mr. BABSON. I think that in the early stages it is a desire for manipulation, but in the established industry I think it is simply dividends.

Commissioner GARRETSON. When it passes the investment stage it is only dividends, but in the early stages it has a speculative feature?

Mr. BABSON. Yes.

Chairman WALSH. What is your opinion of the general effect upon the social condition of the control exercised by the enormous fortunes that have been acquired the last half century?

Mr. BABSON. It is very bad. I always get into trouble when I say so, but I do not see why the control of ten or twenty thousand men should descend by inheritance through the death of some manufacturer, any more that the control of a city or of a State should pass on to the son of the mayor or the governor. Now, everybody says I am crazy when I suggest there is any inconsistency there, but I have never been able to get that in my head, and I think as I look over the field and I see that the industries are built up by certain groups of men, by men who started in a small way and they developed their industry. They understood their men and they knew their business and they grew successfully and built up an industry which was satisfactory in the great majority of cases to their employees and to the investors. Then the old man dies, so to speak, or else he incorporates and puts out a big issue of preferred stock and retires from business. Then it seems to me that the trouble begins, either as the business descends to the children or else as it descends to the unknown, distant body of stockholders.

Chairman WALSH. Now, without in any way seeming to give color to the statements made about you heretofore, I want to ask you the question—probably the difference between the descent of the control of the city from the mayor to his son and the descent of the control of an industry from a father to his son—would that not be in the right of a man to dispose of his property at the time of his death?

Mr. BABSON. Well, I do not see why the laws could not be such that a man could dispose of his property without disposing of his vote. I have no objection to the boy having the money. The thing that bothers me is for him to have the vote.

Chairman WALSH. The vote goes with the stock.

Mr. BABSON. Why should it?

Chairman WALSH. Why shouldn't it? Tell us. I would be glad to have you tell us.

Mr. BABSON. If you live in New York and pay taxes in New York you have a vote. If you live in Boston you do not have a vote in New York. As long as a man connected with the American Woolen Co. lives in Lawrence, and works in the mills, in whatever employment it may be, he is entitled to his vote on his stock, and that is all right; but if he is in Europe or in San Francisco, then I do not seen why he is entitled to a vote on that stock.

Chairman WALSH. Why, in the one case should the vote go with the possession of the stock and why in the other case should it not go with the property represented by the stock?

Mr. BABSON. Well, that is the question Emperor William asks.

Chairman WALSH. Well, I am in good company, in distinguished company, in asking the question.

Mr. BABSON. It seems to me that is the same problem that is the basis of all commercial government. It seems to me our industries to-day are in the same position as the American colonies were 100 years ago. They wanted certain representation. England could easily have made a trade with us 140 years ago, and she would have had us to-day as she has Canada, but she was too shortsighted and she would not do it. She said she would have all or none, and the result was that she lost us. I think that capital is very much in the same condition to-day. Capital can trade with labor if she meets it on even ground, and they can work together, but if each take the position that they

are going to have all there is going to be a bust-up and we will be in the same position that England was 140 years ago. Now, England learned better, and when Canada wanted representation she granted it to Canada, and consequently she and Canada are pulling together to-day. I believe that industry must go through the same evolution as political government has gone through.

Chairman WALSH. That is, it must be democratized, you think.

Mr. BABSON. Yes, sir.

Chairman WALSH. But still the question remains—perhaps I may be a little dense——

Mr. BABSON (interrupting). We talk about political freedom, but we do not hear much said about industrial freedom.

Chairman WALSH. The specific point I was trying to get at was, for instance, how would you handle shares of stock with reference to its exercise or control of industry except by vote, by the person who owned it regardless of where he happened to live?

Mr. BABSON. One very seldom—how can you vote if you are not here and you can't send a proxy; you can't vote, can you?

Chairman WALSH. I see. Your point is then that the person who votes the stock should do it personally?

Mr. BABSON. That is the first step. Then I would have the annual meeting at the mill. I would not have the annual meeting in a 20-story office building.

Chairman WALSH. Well, Mrs. Harriman, it seems to me, properly suggests that that still does not explain the proposition of the difference between the mayor handing down the control of the city to his son, or the owner of that stock handing down the control to his son; wouldn't his son have the right under the present laws of property and usually under the corporate laws of the different States, if he held enough stock or controlled enough, by virtue of that stock alone, to elect himself, is that not the way it has worked out; that is, descent from father to son in the industry?

Mr. BABSON. Let me ask you a question. Suppose that there was no such a thing as corporation at all in existence; the commission was called together in this country to devise corporation laws. Do you think there is one chance in a hundred of corporation laws being framed up that would allow no representation of labor on the board? Or so as to allow an annual meeting to be held at a 20-story office building instead of at the mills? Why, the corporation laws would never go through in the world in that way, in my humble opinion. I think that we simply have taken the old custom, these corporations have grown on us gradually. When the corporations were first originally founded it was never deemed that we should have the absentees control as exists to-day.

Chairman WALSH. Commissioner Garretson says he would like to ask a question right at this point.

Commissioner GARRETSON. Mr. Babson, let us get back to this absent control and descent control for a moment. Is it not a fact that the descent control has applied, for instance, to the mayor or to the governor or to a king would be the divine right of blood as a justification in one case and in the other instance nothing but the divine right of property that justified it?

Mr. BABSON. In that case blood should be stronger than property, I think.

Commissioner GARRETSON. But they are equal as it goes, are they not?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. Now, could Emperor William assert his divine right of blood and remain an absentee from Germany?

Mr. BABSON. No, he could not; I guess.

Commissioner GARRETSON. Then, is there any more justification for absenteeism without divesting himself of the duties of control; has he any right to exercise the right of control?

Mr. BABSON. I don't believe he has.

Commissioner GARRETSON. That is all.

Chairman WALSH. I wish at this point you would take as an example the American Woolen Co. and analyze the directorate of that company, and point out the details of its control of that industry from a distance.

Mr. BABSON. Well, to start with, not one of the directors lives in Lawrence or Lowell, or so far as I know any other city where there is a mill.

Chairman WALSH. First, what is the size of that industry so far as employing capacity or power is concerned?

Mr. BABSON. It does not state in my report here, but presumably it is, as I remember, about 14,000.

Chairman WALSH. Fourteen thousand employees?

Mr. BABSON. It varies according to the demand and supply, of course. It varies a great deal. It will vary from, oh, 5,000 from one season to another season.

Chairman WALSH. Men and women?

Mr. BABSON. Men and women and children.

Chairman WALSH. And children?

Mr. BABSON. Boys and girls.

Chairman WALSH. Children also?

Mr. BABSON. Yes, sir.

Chairman WALSH. Now, how many manufacturing establishments have they? Does that appear in your report? Also give the places of location if you have them.

Mr. BABSON. It says the plant covers 700 acres of land; the mill and buildings, principally brick, contain more than 10,000,000 feet of floor space. Did you mean in the cities? There are quite a number of them.

Chairman WALSH. State the points.

Mr. BABSON. Harrisville, R. I.; Skowhegan, Me.; Pittsfield, Mass.; Lowell, Mass.; Lawrence, Mass.; Webster, and Lebanon. I have mentioned them rapidly, but there are about 12 different places.

Chairman WALSH. Was that industry one of the ones involved in the labor dispute of 1912—the late labor dispute in Lawrence?

Mr. BABSON. Yes, sir. That industry represents or witnessed the most severe strike that we have seen in New England for a dozen years.

Chairman WALSH. Now, I was speaking to Mr. Manly when you gave the locations of the factory. I wish you would give them again.

Mr. BABSON. Principally it is Lowell and Lawrence.

Chairman WALSH. And Lawrence?

Mr. BABSON. And some others.

Chairman WALSH. How many directors has the American Woolen Co.?

Mr. BABSON. The American Woolen Co. has nine.

Chairman WALSH. And where are they located?

Mr. BABSON. The president lives in Andover. One lives in Tenafly, N. J. I don't know where that is. In Bedford, Providence, Brookline, and Boston.

Chairman WALSH. Now, is there any financial control as practiced in the organization of the American Woolen Co.?

Mr. BABSON. No. Apparently the people first—well, now, I can't—not that I recognize. Bankers who control the American Woolen Co., I don't recognize any of the partners on the board of directors. There may be some bookkeepers in that banking house in this board of directors.

Chairman WALSH. What banking house controls the American Woolen Co.?

Mr. BABSON. Well, the banking house which has always financed industries has been—securities has been Brown Bros. & Co., of New York; but they doubtless have—F. H. Prince & Co. financed it and put it together.

Chairman WALSH. And do you have any information, so far as that company is concerned, of the exercise of financial control over its labor policies?

Mr. BABSON. No. But I want to be just to the financial interests. The financial interests have nothing against labor. Labor makes a great mistake in that. They have nothing against labor. They would like to have—it is simply indifference with them. They feel when the company pays a certain dividend that the job is done. I do not think that there is anything, there is nothing that they have against labor, Mr. Walsh, and probably if the financial interests back of any one of these companies was approached this afternoon to help out the workingman in their employ that they would do it in a minute. Their hearts are just as big and just as good as yours and mine. But it is indifference with them. Their job is to get dividends and they do not consider it—when they have earned dividends they consider their work is done. They think labor is pretty well taken care of, and they leave it to the walking delegates to attend to the question of wages.

Chairman WALSH. Have you observed definitely the operation of these large corporations, such as the American Woolen Co. with their employees with the organizations?

Mr. BABSON. Yes; I have. But not the direct relation of the directors.

Chairman WALSH. No, but the corporation. Does a large corporation inherently possess any reason for maintaining better labor conditions than the smaller business, and if so what is it?

Mr. BABSON. Just repeat that, please.

Chairman WALSH. Does the large corporation inherently possess any reason for maintaining better labor conditions than the smaller company, and if so what is it?

Mr. BABSON. Well, I think that the larger the corporation is the more the target it is, and the more it is in the limelight; and consequently it is better business for them to treat their labor well than it is for a smaller concern. But, as far as inherently goes, I do not—I should say—I should say yes or no to that.

Chairman WALSH. What is the policy of large corporations toward dealing with their employees collectively, if you know?

Mr. BABSON. Well, just the same as they deal with a man that they buy their copper or their iron or their leather of. It is a question of supply and demand.

Chairman WALSH. What I mean was, do they oppose, or are they in favor of collective action on the part of their employees dealing with them collectively in the organization?

Mr. BABSON. Why, I think that corporations differ in that regard. As a rule I should say that they were opposed to collective bargaining. But, on the other hand, there are corporations which I think a good many of them are coming to see that it is a good business.

Chairman WALSH. What would you say the condition of the country is, say, for the past 10 years, referring now to these large corporations which you have dealt with in your reports from time to time, has the idea of dealing with organizations of employees grown or diminished in the last 10 years as the higher point of concentration was reached?

Mr. BABSON. I think it has grown.

Chairman WALSH. You think it has grown?

Mr. BABSON. Yes; I think the collective bargaining, no doubt whatever that labor is winning out on the collective-bargaining proposition.

Chairman WALSH. Is that true throughout New England?

Mr. BABSON. I think so on the collective bargaining. Now, I do not think that labor is winning out on the closed-shop proposition, but I think that it is gaining more than the collective bargaining.

Chairman WALSH. In what large industries would you say that has been the case in the last 10 years in New England?

Mr. BABSON. Why, I should say most of them. Of course, the American Woolen Co. accepts collective bargaining.

Chairman WALSH. What form of it, please, if you have it in mind?

Mr. BABSON. The representatives of the employees and the representatives of the management get together and decide on certain scales of wages.

Chairman WALSH. What form of organization have the employees in the American Woolen Co.?

Mr. BABSON. Why, they have two forms; the Federation of Labor and the I. W. W.

Chairman WALSH. Do they deal with both of those organizations at the present time?

Mr. BABSON. Well, in one way I should say yes. They deal with the Federation of Labor, but not with the I. W. W.'s.

Chairman WALSH. Now, has that changed attitude of the past 10 years come on account of the assumption of the spirit of it voluntarily by these corporations, or has it come from a public demand or from organization of the employees?

Mr. BABSON. Why, I think it has come from all three, Mr. Walsh. I think it has come from all three. The organization of the employees has helped to a certain amount. On the other hand I do not think that the labor union does for the men what they think it does for them. I think that it is public sentiment that has been a factor. I think corporations are getting to have more sense about those matters and see that their interests are bound up with the interests of labor, and that for capital to be secure labor must be contented.

Chairman WALSH. In your opinion does the development of these very large corporations increase or decrease the desirability of the organization of the employees and of their representation in the determining of labor policies?

Mr. BABSON. Increase.

Chairman WALSH. And it has increased the desirability?

Mr. BABSON. Yes, sir; increased the desirability. That is, you are talking from the labor man's standpoint?

Chairman WALSH. From the laboring man's standpoint.

Mr. BANSON. Yes.

Chairman WALSH. Why does it?

Mr. BANSON. Well, Mr. Walsh, because—if everything was left to get in accordance with supply and demand there would be no need of any kind of a combination, and we would all be a good deal better off without labor unions, trusts, or anything of that kind. But so long as one side organizes, it seems to me—or concentrates itself—absolutely necessary for the salvation of the other side to do the same thing.

Chairman WALSH. Then that leads to the question, Is it equally desirable or is it not, to the employer, as the corporation gets and becomes more highly concentrated, to deal with labor organizations rather than individuals?

Mr. BANSON. Why, I think so; yes; I think it is a much more efficient way to do.

Chairman WALSH. I was going to ask you why?

Mr. BANSON. I would like to say that labor at present stage is simply warfare, and it is manifest to say this is not a business thing for labor to do, and the labor leader will come to me and say, "Here, this is not a business thing for capital to do." Well, now, in my mind I feel that neither are working from a business point of view today in relation to the other any more than England and Germany are working from a business point of view. It is warfare, that is what it is. And consequently the questions of efficiency and what is best are secondary matters.

Chairman WALSH. In the compilation of the facts for your reports have you made a study of profit sharing as it is developed in the United States?

Mr. BANSON. Yes, sir.

Chairman WALSH. In the majority of cases of profit sharing which have come under your observation and study, do you consider that they represent genuine attempts to give the employees a greater share in the earnings of the company, or otherwise?

Mr. BANSON. I think that a few of them do; some of them are given to the employees in the place of quieting powders, if I may use the expression.

Chairman WALSH. Can you indicate to the commission or offer a significant industry that now indulges in profit sharing with their employees where you believe that it is a genuine attempt to give the employees a greater share of the product of its labor?

Mr. BANSON. I think the plant in my town—the next town to me, Framingham, the Dennison Manufacturing Co., presents an exceedingly good plan of profit sharing.

Chairman WALSH. Can you present to us here now the general details of that plan and organization, beginning with the products of the company, what it manufactures, and go down through the number of employees, and then the methods of profit sharing, and how long it has been in vogue, and how it has worked out.

Mr. BANSON. Well, very briefly, the situation is this: I am referring to the Dennison Manufacturing Co. that manufactures these tags and fancy paper.

Chairman WALSH. Paper boxes?

Mr. BANSON. Yes; paper boxes. For about 25 years that corporation was controlled from an office building here in New York.

Chairman WALSH. How large a corporation is it, approximately?

Mr. BANSON. They have about 1,500 men, men and women.

Chairman WALSH. Have they a plant or plants elsewhere than in Framingham?

Mr. BANSON. No. They have about 1,500 men and women. And it was a very close corporation up to a few years ago when the president died. The president was a very able—he was a very able standpatter. He had one daughter.

Chairman WALSH. Was he the founder of the concern?

Mr. BANSON. No; the founder was Dennison.

Chairman WALSH. Was he a descendant of Dennison, a relative?

Mr. BANSON. No; he was a man that went in as a salesman in the office, as a salesman. Dennison was the manufacturer, and this man was the salesman. That is another thing. It is the salesman, it is the man who can handle the selling end of these industries that control them, and not the men who manufacture the goods. It is easy enough to get a man to manufacture goods, but it is another thing to sell goods. I have been very much interested in my study of this corporation to see that it is the selling end that really controls and not the manufacturing end.

Chairman WALSH. I believe I interrupted you. Just go ahead with the organization.

Mr. BABSON. This man had an only daughter. She always took a great deal of interest in working conditions. The first time I heard of her she was being arrested by you people in New York here for speaking to working people on the street corner. Of course, she and her father did not get on very well. He was a standpatter of the most standpat type, and she was contributing, she was contributing from her allowance to help the I. W. W. cause, and was helping the working people and speaking on street corners here in New York City. And unfortunately, or fortunately for Framingham, the old man died. She woke up one morning and she had control of that industry.

Chairman WALSH. What was the capitalization?

Mr. BABSON. I don't remember.

Chairman WALSH. Approximately?

Mr. BABSON. Oh, around two or three millions. Hold on. I can find out exactly for you.

Chairman WALSH. Good.

Mr. BABSON. Four million five hundred thousand dollars, sir. And of course, she was between the devil and the deep blue sea. She had been preaching——

Chairman WALSH. Do you understand that the lady was the sole owner?

Mr. BABSON. She had the controlling interest. There were a number of minority stockholders. She was the controlling interest. And she also was an absentee owner, and her husband is a famous surgeon here in Brooklyn. And she wanted to do something for those employees. So she called in certain experts and they went over the situation, and this is what she did. She had the property appraised, the actual physical property. And then she took the preferred stock for the appraised valuation, for the actual tangible valuation of that property. Then she took 200 of the oldest employees, really the heads of each family that drew over $100 a month—there were about 200 of them—and presented them with the common stock of the company in proportion to their salaries. And just told them to go to it; that she could not run it down in Brooklyn; that they had been there all their lives and that they knew more about it than she knew about it. And each year when the trial balance is taken, after the bills are all paid, a certain amount is set aside for depreciation, she takes a percentage, which is her dividend on her preferred stock, and the other preferred stockholders have their dividend, and then the balance is divided up among these employees in the form of industrial partnership stock. She does not give them cash, because she wants the business to grow.

Chairman WALSH. This same 200?

Mr. BABSON. Yes; although each year it is being added to, of course. She started with about 200, and these men actually control this industry so long as they pay dividends in the preferred stock, and they actually have all the excess earnings, only instead of having it in cash they have it in this industrial partnership stock. Of course, the second year they receive dividends from this industrial partnership stock, which gradually increases. That is a real profit sharing.

Chairman WALSH. They have a right to sell industrial partnership stock, have they?

Mr. BABSON. They have—no, sir. She worked that out in a very interesting way. When a man leaves the employ of the company the company has the option of buying that stock back at appraised value, or giving the employee a second preferred stock which comes in between her stock and the stock of the active employees, which carries the market rate of dividend but no vote.

Chairman WALSH. How long has that been in operation?

Mr. BABSON. About four years, sir.

Chairman WALSH. How do the other employees get into the sharing of the profits—the other 1,300?

Mr. BABSON. By increasing their efficiency so that they will go in; so they will have—every family will earn $100 a year, and by increasing their salary, by increasing their efficiency by supply and demand.

Chairman WALSH. Who determines that?

Mr. BABSON. Well, who determines yours? I mean, by supply and demand determining the salaries.

Chairman WALSH. No; I mean who determines the rate, or is there an organization; first let me ask is there any organization in the factory?

Mr. BABSON. Why, very mild, practically none.

Chairman WALSH. What is the organization; what sort of workers are they?

Mr. BABSON. Why, there are printers, I think, for instance; the printing

department is organized as I remember. Other departments—most of the departments are not organized. Certain departments, perhaps the steam-engineering department, will be organized, but as a rule the plant is not organized.

Chairman WALSH. Is this lady still the principal stockholder?

Mr. BABSON. Yes, sir.

Chairman WALSH. I have been asked to get her name. What is her name?

Mr. BABSON. Her name is Wabash.

Chairman WALSH. Do you know of any other instances of profit sharing in the country——

Commissioner O'CONNELL. Before you get away from that, I did not quite catch that. Did I understand the employee must first work and earn $100 per month before he or she enjoys the profit?

Mr. BABSON. That is the rule. There are exceptions to that, where, for instance, a man has a boy, and the man and the boy together may earn $100 a month—a miner boy. But nobody can demand a part unless they earn $100 a month.

Chairman WALSH. Have you any idea——

Mr. BABSON (interrupting). Her idea is to gradually decrease that, and she did not want to do anything rash. It was quite a move, to turn the control of that big corporation over from 1 man over to 200, but that was her first move. Now her idea is to gradually decrease or limit and take more and more in every year.

Commissioner O'CONNELL. Have you any idea what the month's earnings of the employees are?

Mr. BABSON. Of all the employees?

Commissioner O'CONNELL. I do not mean the total, I mean the average employee, individually?

Mr. BABSON. Well, the 1,400 employees—200 of them get more than $25 a week. I should say that the average earnings were from $14 to $18.

Commissioner O'CONNELL. They would require 30 to 40 per cent increase in wages then before they would come to this——

Mr. BABSON. Yes; but why should they? I say there is the point in this profit sharing. I say that is profit sharing against these schemes which are not profit sharing. There are one or two concerns—a concern like the Alpaca Co. up in the western part of Massachusetts which simply arbitrarily divides one-half of its profits among its men and its employees and one-half to its stockholders. I do not call that profit sharing; I call that giving the employees a certain amount of money. It does not depend at all upon their ability. It does not depend at all upon their efficiency. There is no incentive there to speak of. Now, I don't believe that the man who, as a rule—the man in a mill who works at a machine, or who works at a bench, I do not believe that he is a factor in the profits, as a rule. Now, if he is not a factor in the profits, then I fail to see where he is entitled to any share of the profits; he is entitled to a wage; he is entitled to a good wage; but when he gets that wage I think that that is about all he should get—I think that is about all he really deserves.

Commissioner O'CONNELL. You think, then, the man or woman working——

Mr. BABSON. Profits are made by brains, not brawn.

Commissioner O'CONNELL. You think a man or a woman who is earning $14 or $16 or $18 a week does not contribute to the profits?

Mr. BABSON. As a rule, I say. Of course, there are exceptions; but, of course, that man who is the exception can very quickly get out of that manual-labor class into the profit-sharing class.

Commissioner O'CONNELL. Now, then, do I understand that the manual-labor class is not sharing in the profits, but some other class?

Mr. BABSON. No; she had to have some method of drawing the line. She could not turn that control over to 1,400 people and tell them to go to it. She had to get at this thing gradually. Now, I know her idea was to take these 200, for illustration, all that earned $25 a week and over, and let them operate the business. Now, those men get their wages and the other men get their wages. They get the same wages—all the people in that mill get the same wages as they do in every other mill in Framingham or in the State of Massachusetts in that class of business. They get their wages according to the law of supply and demand. And this 200, which amount is always increasing, they, in addition to their regular wage, also get the profits. Now, I think that where the profit-sharing plan has got in wrong is by mixing it up with wages. I think that

wages are one thing and profits another, and that profit-sharing will never come to its own until we fearlessly and frankly recognize the difference.

Commissioner O'CONNELL. I take it, then, that those who share in the profits now are largely the superintendents of the plant?

Mr. BABSON. Foremen, designers—a designer—for instance, engraver—the man who thinks of those little things that you buy for Christmas——

Commissioner O'CONNELL (interrupting). But profit sharing in that plant has not reached the real producer in the plant that is doing the work?

Mr. BABSON. Well, the real producers—how much would he produce if you eliminated that 200?

Commissioner O'CONNELL. I am not asking that——

Mr. BABSON. I object to the words "real producers." "Real producers"—I will answer that, if you ask for the question, but profit sharing has not reached the 1,200—the submerged 1,200. I say yes to that, but I do not believe that the submerged 1,200——

Commissioner O'CONNELL (interrupting). Let me ask you this, please? If those in that plant where this has been put into effect—those who are earning below the required $25 a week or whatever makes up the $100 a month—if they had, through this efficiency and this superintendence, increased their output and efficiency very materially, but not sufficient to be yet within the $100 a month class, wouldn't they be entitled to something for the extra efficiency?

Mr. BABSON. They get it through increased salaries. Oh, that is another thing I want to say about that plan and business.

Commissioner O'CONNELL (interrupting). What arrangement have they for increased salary? Have the employees anything to say? Do they meet their employers?

Mr. BABSON. Yes; the two work together, committees from both parties.

Commissioner O'CONNELL. Then, how could they have committees if the people are not organized?

Mr. BABSON. And they have another thing—a great many are on piecework.

Commissioner O'CONNELL. But you say the plant is not organized. How do they have committees?

Mr. BABSON. Well, this is a case of identity of interests, where the people are living in the same town—all know each other; the workman and foreman go to the same church and sit in the same pew and live next door to one another, and their children go to school together. I tell you that makes a great deal of difference. That is the nut of the whole thing.

Commissioner O'CONNELL. Probably they might settle those things in a pew in church, but I would rather settle them in the factory.

Mr. BABSON. Well, you might better if you had them settled in church.

Commissioner O'CONNELL. Probably, and I might say probably it might be so in this case. Does this common stock you spoke of pay any dividends?

Mr. BABSON. Yes.

Commissioner O'CONNELL. How much?

Mr. BABSON. Pays 6 per cent dividends.

Commissioner O'CONNELL. Now, as I understand you——

Mr. BABSON (interrupting). It is called industrial partnership stock.

Commissioner O'CONNELL. As I understand you, when they organized they put under the preferred stock all the physical value of the property.

Mr. BABSON. Yes, sir.

Commissioner O'CONNELL. And then issued common stock?

Mr. BABSON. Yes, sir.

Commissioner O'CONNELL. What does that common stock represent, then?

Mr. BABSON. It represents the increased value of the plant from the day she turned it over to those men. In other words, the day she turned it over there was simply one share apiece—I think when they incorporated the common stock it amounted to a thousand dollars.

Commissioner O'CONNELL. How much common stock was issued?

Mr. BABSON. Why, only just about a thousand dollars—just enough to give each of these 200 persons a certificate.

Commissioner O'CONNELL. But the certificate really represented nothing of physical value?

Mr. BABSON. Well, there is only a thousand dollars' worth of it.

Commissioner O'CONNELL. But suppose that goes on over a month, and more and more is issued?

Mr. BABSON. Well, there are earnings coming out of the plant. They are making earnings in excess of the dividends on the preferred stock. See? Now,

that goes back into the plant to buy more machinery with, to build an addition; and industrial partnership stock is issued to the amount of that each year—to the amount of the capital stock put back into the plant. If you don't get that clear I would like to make it clear.

Commissioner O'Connell. I think I get it.

Mr. Basson. Because I think that is one of the finest instances of profit sharing in the country to-day.

Commissioner O'Connell. But you say there are only there a small percentage of the employees of that concern——

Mr. Basson (interrupting). Yes; but it has only been going on four years.

Chairman Walsh. What has been the increase in the number of participants in the profit sharing in the four years?

Mr. Basson. Well, I think about 20 per cent. I think that you will find, before long, that she—that they will reduce that limit; but as a good many manufacturers are praying and hoping that the Dennison Manufacturing Co. will bust up, why, she is going to be very careful not to have it do so; and consequently she is working slowly and conservatively. But I think the principle there is absolutely sound.

Chairman Walsh. Have you made a study of the profit-sharing scheme in any other plants in New England?

Mr. Basson. Well, yes; we have made a study of several. I feel that—I divide them all into groups, Mr. Walsh. One group is mechanical profit sharing, whereby a certain portion of the earnings is divided up among the men irrespective of their efforts. Most profit-sharing plans partake of that system. I do not believe that those are profit-sharing plans in the proper sense. I do not believe they will succeed. They are unsatisfactory to labor, and they are unsatisfactory to capital. They are of use to quiet labor; they are of use for advertising purposes; they are of use for temporarily—for carrying the situation over a temporary peak. But it seems to me that profit sharing, to be successful, must be real profit sharing, and that after capital has received its market rate of dividends, and the wage earner has received his market rate of wage, and the market rate has been paid for the rent and copper and iron, then that the excess of profits should be divided according to who earned them. That is profit sharing.

Now, if they are earned by the man at the bench, as my friend here suggests, he should have it; but if they are earned by the selling department, the selling department should have it. If they are earned by the stockholders through putting out more money and developing and putting in new machines, the stockholders should have it. They should go to where they belong. Now, that is profit sharing; and that will command the respect of capital and labor. That is real profit sharing. Some day that is coming. But the ordinary, so-called profit-sharing plan just simply says, "We will give labor a certain percentage and capital a certain percentage, and we will divide this thing up," in a mechanical way, and there is nothing to it. I believe it will be a boomerang to capital and labor both.

Commissioner Lennon. Let me ask this, and see if I understand. Do you contend that brains, and not labor, are the cause of profit in industry?

Mr. Basson. Profit—not income; profit—not income.

Commissioner Lennon. Well, in other words, aristocracy, and not democracy, is the cause of profit in industry, and not the common man and common woman?

Mr. Basson. Well, it is according to what you call common. If a man was limited to work at the bench, if that was the only thing he could do, then I would agree to your proposition; but the man at the bench is entitled at any time to become foreman, and to come up into the brainy class; but so long as he stays at the bench and has not brains enough to come up into the other class, why, he should be satisfied with wages.

Commissioner Lennon. Are there positions of that character commanding $100 a month for the entire 1,400 in that industry?

Mr. Basson. No, sir; but there is no reason why that $100 a month—I don't see why that bothers you so—that $100 a month can be reduced. It was a very bold experiment——

Commissioner Lennon (interrupting). Well, if you had said $10 a month, I would have asked the question that way.

Mr. Basson. It was a bold experiment for her to perform, and she wanted to go slowly and surely.

Commissioner Lennon. What opportunity for profit would there be for these 200 or 100 or whatever the number may be that come under this scheme if

the rest of the 1,000 would quit the factory and there was no one to take their place?

Mr. BABSON. Why, they would go out and get 1,200 more.

Commissioner LENNON. Well, suppose they could not get them?

Mr. BABSON. Why, they could. It is simply a question of wages. They would get them just the same as they get copper or paper or ink or anything else they buy, and pay the market wage.

Commissioner LENNON. Does this firm—this manufacturing company—in selling their goods—are they governed by what is known as the law of supply and demand?

Mr. BABSON. Yes.

Commissioner LENNON. In all cases?

Mr. BABSON. Yes.

Commissioner LENNON. They have no monopoly of the business?

Mr. BABSON. No, sir.

Commissioner LENNON. How about the American Woolen Co.?

Mr. BABSON. The same; they have no monopoly of the business.

Commissioner LENNON. I have been in that business a lifetime—not in the manufacturing, but in the handling of woolen goods.

Mr. BABSON. Well, what would you say?

Commissioner LENNON. Well, I would say they have a monopoly, or almost a monopoly; but we are not here to argue that. Have you any idea as to whether the classification of labor as being governed by the law of supply and demand like coal and iron and other commodities without life is a cause of social unrest?

Mr. BABSON. No, sir; I think that is inevitable. I think that wages must be a matter of supply and demand just the same as coal and iron, and that is where nine social workers out of ten make a mistake.

Commissioner LENNON. Well, thank God, there are some making mistakes.

Mr. BABSON. Yes. But I shall be very glad to go into that more fully, because I think that is a very important factor.

Commissioner LENNON. Well, do you believe what is termed the law of supply and demand should apply to labor?

Mr. BABSON. Absolutely; absolutely. I do not see why——

Commissioner LENNON (interrupting). Why?

Mr. BABSON. Do you believe that the law of gravitation should apply to labor? That is the question. What would you say to that?

Commissioner LENNON. Why should the law of supply and demand apply to labor where it has to do with so many elements that do not enter into the question of the sale or the purchase of commodities? It has to do with the human life, with the religious life; it has to do with everything that goes to make men and women—the right kind of men and women. Now, should they be governed by the same laws as coal or iron or other commodities?

Mr. BABSON. Well, I am willing to say, if you wish me to, that they should not be; but I say they must be. There is no chance for argument on the matter. It is inevitable. The law of supply and demand absolutely fixes it. Now temporarily the thing can be got over, but the reaction, it seems to me, is inevitable. It is too bad that when you stick your hand in the fire it burns. I am willing to say it should not burn, but it does.

Commissioner LENNON. Are you aware of the fact that the Congress of the United States recently passed a law which declares that the labor of a human being is not a commodity?

Mr. BABSON. Yes; but Congress might pass a law that water should run up hill, but that would not make it.

Commissioner LENNON. Well, it might. But I want to ask you a few other questions. You spoke——

Mr. BABSON (interrupting). I might—excuse me.

Commissioner LENNON. Oh, go ahead; go ahead.

Mr. BABSON. I might say that the English Government—English Parliament—passed those same laws 100 years ago.

Commissioner LENNON. They did?

Mr. BABSON. Yes, sir; and found they did not work. They tried to fix prices and tried to fix labor prices. That was all gone through.

Commissioner LENNON. Did that have anything to do with the question of the law of supply and demand applying to labor?

Mr. BABSON. Yes; they tried to suspend the law of supply and demand.

Commissioner LENNON. Didn't they try to fix it?

Mr. BABSON. Tried to fix it by those laws, and the British workingmen rebelled against it until they mitigated it to a very great extent.

Commissioner GARRETSON. Ask him if they have passed one within 200 years, or three times that.

Commissioner LENNON. Yes—well, you spoke in reply to some of the questions as to the treatment of labor being a matter of indifference to the directors—that it was not because of enmity or anything of that kind; it was simply indifference. What right has a board of directors to be indifferent to the greatest element that has had to do with productive industry, any more than any other element of the industry?

Commissioner WEINSTOCK. I think he said financial interest.

Commissioner LENNON. I think he said directors.

Commissioner WEINSTOCK. Do you say directors or financial interests?

Mr. BABSON. Financial interests.

Commissioner LENNON. Oh, financial interests. That is all I care to ask.

Chairman WALSH. I have a few questions handed up that I would like to ask. Have you made any detailed examination of the Henry Ford plan at Detroit?

Mr. BABSON. Yes; I was out there last week.

Chairman WALSH. Just describe that plan, what it is and how it works out.

Mr. BABSON. Well, it is not a profit-sharing plan in any sense of the word; and Mr. Ford always objects when that phrase is used. As he told me the story, briefly it is this: That for the last 10 years he has been playing the game for capital—up to a year ago he played the game for capital. He felt that it was a question that the development of his business depended on securing capital, and that he saw that the way to secure capital was to make earnings, and so he played the game for capital up until a year ago this January. Then he said the question came to him, whether he should stop and be contented because he had more than he could use, or whether he should start in to play the game for labor; and he decided that he would continue to play the game, but would play it for labor for awhile, and instead of stopping when he was making these certain earnings, as the average corporation does, and letting the management stay as it was and using the same old machines and so forth, why he simply kept on putting in new machinery, kept on developing efficiency, kept on developing his management with the laboring man in view. Now, he said, "I am going to play the game for labor 10 years, and then I will install a system of profit sharing. But when I install profit sharing, after every man gets $5 a day so he can be happy and comfortable and well—when I install that system of profit sharing the profits are going to the man who earns them; and if some man in my advertising department gets a design or makes a design or writes an ad. that makes for me a big sum of money he is going to have a big share of those profits. If some fellow down on the bench invents a machine which creates a big saving, he is going to have a big share in the profits. In other words, I am going to put a statistical organization on this business when I get through with the present plan and find out who makes the profits and then we will have a profit-sharing plan."

Now, I think we will be going at it differently than my neighbors in Framingham, but the fundamental principle would be the same.

Commissioner O'CONNELL. I just want to follow that up, Mr. Chairman. You say when they get $5 a day. Would that imply they are not now getting $5 a day—his employees?

Mr. BABSON. Not all of them.

Commissioner O'CONNELL. It is the general impression and general rumor that Ford simply raised everybody's wages to $5 a day.

Mr. BABSON. Not all of them; about half of them, I guess, or two-thirds.

Commissioner O'CONNELL. Did you compare with any of the workmen while you were there?

Mr. BABSON. Not directly; but I have a man who represents me in Detroit, and he has.

Commissioner O'CONNELL. You did not get the impression of the workmen there——

Mr. BABSON (interrupting). Not personally, but I have a man in Detroit who represents me there all right.

Chairman WALSH. I have two other questions that have been asked me——

Mr. BABSON (interrupting). But the point I want to make is that it should not go down as a profit-sharing plan. That is a name that my friends in the orchestra have given it, but that is not the name at all. He always objects to the name.

Commissioner O'Connell. We are going to have Mr. Ford here before us.

Mr. Babson. You are going to have one of the best men in the United States before you.

Chairman Walsh. If there were more jobs than men, would not labor be in a better position to get a fair share of the products produced under the law of supply and demand?

Mr. Babson. Just read that again, please.

Chairman Walsh. If there were more jobs than men, would not labor then be in a position to get a fair share of the products produced under the law of supply and demand; that is, if there were more jobs than men?

Mr. Babson. They would get higher wages.

Chairman Walsh. Then they would get closer to what they produced?

Mr. Babson. Why, no; because prices would be higher. I don't think they would have any more left at the end of the week. That is where your supply and demand comes in again.

Chairman Walsh. Does land kept idle in this country for speculative purposes affect the demand for labor in your opinion?

Mr. Babson. I suppose a single taxer asked that question, and to make him happy I will say yes.

Chairman Walsh. Well, to make him miserable, would you say no, or is that your opinion?

Mr. Babson. Why, I think it is——

Chairman Walsh (interrupting). Is that your opinion from your study of economics?

Mr. Babson. Why, yes; I think it is. Of course it would make more jobs. There is where the trouble is. Your supply and demand comes in again. It would make more jobs, and in that way it would help labor.

Chairman Walsh. Did I understand you to give out as a fact that—just one other question—that a man is comfortable and well when he gets $5 a day?

Mr. Babson. No.

Chairman Walsh. Depends on the man?

Mr. Babson. Yes.

Chairman Walsh. Commissioner Weinstock wants to ask you some questions.

Commissioner Weinstock. In the case of this enterprise conducted by Mrs. Wabash, did she convert it from sole ownership or from strictly private ownership to a cooperative system as a matter of philanthropy or as a matter of good business?

Mr. Babson. Good business. She does not believe in philanthropy, nor I do not. Just good business.

Commissioner Weinstock. That is, if it was to be purely a question of philanthropy——

Mr. Babson (interrupting). It would fail.

Commissioner Weinstock (continuing). It would not likely be followed by others.

Mr. Babson. No; and it would fail.

Commissioner Weinstock. But if it could be demonstrated to be good business, then there would be the reasonable likelihood of its being followed by others?

Mr. Babson. That is her hope, sir.

Commissioner Weinstock. Now, in making this change, did she make any sacrifice of individual profit to bring about the change?

Mr. Babson. I don't think so.

Commissioner Weinstock. Or is she getting as much out of that enterprise as she did before?

Mr. Babson. I should say that so far as her interest—this is just the answer to that question—I should say so far as the income on her investment goes she is getting just as much, only she is not getting the advantage of that unearned increment which has taken place since her father died.

Commissioner Weinstock. Then she has made a sacrifice of that unearned increment to that degree. Then she has been a philanthropist.

Mr. Babson. Well, that is a good deal the way some of these men talk about profits they have lost which they might have got.

Commissioner Weinstock. Well, this is a concrete case.

Mr. Babson. Well, on the other hand, if she had run it from Brooklyn the thing might have been in bankruptcy now.

Commissioner Weinstock. Then she did it in the nature of insurance?

Mr. Basson. A very good word; a very good word. And I think it would be a very good thing for corporations to insure against labor troubles by giving employees some representation on their boards, as well as to insure against fire and cyclone and everything else.

Commissioner Weinstock. Now, do you know, Mr. Basson, whether, since this system has gone into operation, whether the profits of the business as a unit have increased or decreased?

Mr. Basson. They have kept just about the same; they have increased if anything. Of course, business conditions have been quite slack that time, but they have increased.

Commissioner Weinstock. Now, the purpose of the system, as I understand it, is to let those who actually produce the results share in them?

Mr. Basson. Over and above their wages. You understand they all receive wages—the bookkeeper, the treasurer, all have their regular wage.

Commissioner Weinstock. Yes; but they get a share in the increased earnings produced by their efforts?

Mr. Basson. Yes, sir.

Commissioner Weinstock. Do these shares become their absolute property?

Mr. Basson. Yes, sir. When they leave the employment of the company they simply lose their vote on these shares, but they get better security; they get second preferred stock instead of common stock.

Commissioner Weinstock. If this principle is a good principle and the system is a good system, it must be a system that perpetuates itself indefinitely?

Mr. Basson. Yes, sir.

Commissioner Weinstock. How will this system perpetuate itself indefinitely when the 200 stockholders who hold that stock to-day pass away and leave it to their heirs?

Mr. Basson. There would be no vote.

Commissioner Weinstock. They would get the earnings just the same, would they not?

Mr. Basson. The company has the option of calling that in.

Commissioner Weinstock. Supposing the heirs refuse to sell?

Mr. Basson. They can not.

Commissioner Weinstock. The heirs can not refuse to sell?

Mr. Basson. No, sir; they must sell at a price if the company wants them to.

Commissioner Weinstock. The company reserves the option to purchase it?

Mr. Basson. Or gives them the second preferred.

Commissioner Weinstock. And in that way they help perpetuate it?

Mr. Basson. The practice, I understand, is this: If the heirs live in Framingham they let them keep it; if they live in New York they take it away from them.

Commissioner Weinstock. They give them the stock with a string tied to it?

Mr. Basson. I do not object to a string being tied to anything I get good gold for. I call it a good string, a golden string.

Commissioner Weinstock. In the early part of your testimony, Mr. Basson, you pointed out that strikes and lockouts, as a rule, occurred where there is absentee ownership?

Mr. Basson. Yes, sir.

Commissioner Weinstock. That where the founder of the business, or the man who actually operates the business, stays with the business, the probability of strikes is minimized?

Mr. Basson. Yes, sir.

Commissioner Weinstock. How do we reconcile that opinion of yours with the fact that in numerous industries, let us say in the cloak industry, in the garment industry, in the building trades, in the shoe industry, where the business as a rule is under the direction of the owner, there have been very, very great strikes and many strikes?

Mr. Basson. Was that the man who created the business, or his son?

Commissioner Weinstock. As a rule you will find the cloak industry operated by the founder of the business. It is the exception, so far as I know, for the contrary to be the case, and I know the conditions fairly well.

Mr. Basson. I said the industries we examined. Take the building industry, they are operated by contractors. Take the cloak industry. Don't you suppose you would find that the strike began in some instances where it was being operated by the children or by a corporation; that it began there and then sprang to the other through a sympathetic strike?

Commissioner WEINSTOCK. No; I was told only last evening—this is for your information—by a very intelligent worker in the garment trades, that the difficulty is not with the large employers; that the large employers in the industry as a rule give the maximum wages and have the minimum number of hours and the good working conditions; that their problem is to deal with the small employer, the more or less irresponsible employer who exploits the workers rather than the large employers.

Mr. BABSON. I will tell you how that strikes me. When a man comes to me and says that he works for an automobile company, a great big company, and that he is tied down in his wages, I am apt to sympathize with him, because I know it requires great capital to start an industry like that, and that he has got to work for somebody else; but when a man comes to me who works for one of the small concerns and tells me his tale of woe, I do not take much stock in it, because I know that it does not take much capital to start a little business like that, and that if that man really had the brains he would go out and start up for himself.

Commissioner WEINSTOCK. Well, but the fact remains, Mr. Babson, that everybody can not have sufficient brains and sufficient ability and sufficient aggressiveness to start out for himself, because if they did there would be no wage earners; everyone would be an employer.

Mr. BABSON. Some one has to be satisfied with the leavings, that is all; you can not have your pie and eat it too. There is where the law of supply and demand comes in, you can not get over it.

Commissioner WEINSTOCK. Well, the point I want to make clear—I do not know whether I have made it clear or not—was the discussion of the issue or the statement that you made, Mr. Babson, that it is the large enterprises where the great difficulties are met with——

Mr. BABSON (interrupting). I beg your pardon, I did not mean to say the large industries, but the industries operated from office buildings and the industry inherited from father to son.

Commissioner WEINSTOCK. Owned by absentee owners?

Mr. BABSON. Yes. I do not think it is a question of large or small concerns. Greatness is not a sin and success is not a sin. That is the mistake being made in Congress. We should not consider whether a company is great or small, whether a man is rich or poor; the question is what he does.

Commissioner WEINSTOCK. That is, the issue is not with the rich but with the predatory rich?

Mr. BABSON. And the "would be rich."

Commissioner WEINSTOCK. Our friend to the right says that takes us all in.

Chairman WALSH. Commissioner Ballard wants to ask a question.

Commissioner BALLARD. In this industry you speak of where they had 1,400 employees and 200 were selected to put on this so-called profit sharing or stock basis, would it not be the disposition on the part of those 200 to hold the other 1,200 down and not raise their wages, so that they might not become in the two-hundred class and become stockholders? Don't you think that those 200, while they were in the same class as the others, might be unselfish; that after they became owners of the stock they would become selfish and hold the others down as they were held down originally?

Mr. BABSON. I do not think so, for two or three reasons. One is that there are other manufacturing plants all the time bidding for Dennison men, and if they did anything like that they would lose their best employees and the business would go to pieces. These men are mobile, and the question of supply and demand comes in again. Any man that is any good has an ambition to get into control, and, by the way, I do not believe that labor is fighting for wages. I believe it is fighting for a share of the control, and I believe that has got to be recognized. That is the ambition of the people in Framingham, to come in on that industrial partnership stock, and if there was the slightest suspicion that there was any discrimination against them there would be a riot there.

Commissioner WEINSTOCK. Just one more question: Following out that line of reasoning, Mr. Babson, that was started by our friend on the left, is it not a fact that in proportion as more employees get into that preferred class of workers, the dividend sharers, that the stock is watered and the dividends per share become diminished? In other words, if the amount of stock issued to-day were doubled to-morrow the dividend per share would be cut in two, would it not?

Mr. BABSON. But if that represents real money—I should say it is not what we call watered stock if it represents real money.

Commissioner WEINSTOCK. Let us assume that it does represent real money, the dividends per share would naturally diminish, would they not?

Mr. BABSON. Yes; but when that money goes back into the plant and addition is made to the plant and the working force is increased and there are no greater earnings per dollar invested, or per brick, or per employee——

Commissioner WEINSTOCK (interrupting). I have not made myself plain, evidently.

Mr. BABSON. Perhaps not.

Commissioner WEINSTOCK. Let me say it again. Let us say there are $20,000,000 in dividends to be distributed among the common stockholders.

Mr. BABSON. I think there was $160,000 last year.

Commissioner WEINSTOCK. Well, let us say there was 160,000 shares, then each holder of a share would get $1 dividend?

Mr. BABSON. Yes.

Commissioner WEINSTOCK. But supposing that in the course of years that the earnings increased proportionately and there would be 320,000 shares of stock among which $160,000 was to be distributed, that would cut the dividend down from $1 to 50 cents?

Mr. BABSON. No; because there would be an additional amount of machinery, bags, and tags.

Commissioner WEINSTOCK. Your idea is that the volume of profits would proportionately increase?

Mr. BABSON. Yes, sir; to the amount of the stock.

Commissioner WEINSTOCK. Yet you tell us that the earnings of the business have not increased during the past four years.

Mr. BABSON. They have increased at a greater rate than the proportion of industrial stock has gone out.

Commissioner WEINSTOCK. They have increased?

Mr. BABSON. Yes, sir. Mr. Harry Dennison, the treasurer of that company, was the largest minority stockholder, and it would have been absolutely impossible for the plan to have been put through without him. He lives in South Framingham. He is the treasurer of the company, vice president of the Boston Chamber of Commerce, and is a hard-headed business man with convictions, and I strongly recommend that you have him here to tell the story.

Commissioner WEINSTOCK. What line of business are they engaged in?

Mr. BABSON. The Dennison tags, paper boxes, fancy paper, and it is a very difficult business. There are between seven and eight thousand different items on their catalogue; there is great detail in it.

Chairman WALSH. Commissioner Garretson wants to ask you a question.

Commissioner GARRETSON. You have gone back to Dennison. There is a question or two I would like to ask you about that. I do not know that I understood two replies you have made in regard to one question. Is the sum that is now paid in dividends by the Dennison Co., no matter who it is paid to, larger than it was under the old arrangement; and if so, it is appreciably larger?

Mr. BABSON. I should say it is the proportion larger that the money invested is larger.

Commissioner GARRETSON. How does the capitalization now compare with the capitalization that existed before?

Mr. BABSON. I said the money invested.

Commissioner GARRETSON. I know you did; but I am asking about the capitalization, without regard to the money invested. What is the capitalization now, as compared with what it was?

Mr. BABSON. I think it is a few thousand dollars less then than now.

Commissioner GARRETSON. The only difference is the issue of this industrial stock. Is that the only difference?

Mr. BABSON. Practically, yes.

Commissioner GARRETSON. And the volume of dividends is proportionate to that increase?

Mr. BABSON. Yes; practically, I guess. The old gentleman was not very generous with his figures, and nobody knows very much what to place.

Commissioner GARRETSON. Was he more generous with his figures than he was with his money?

Mr. BABSON. He was not very generous with either, I guess. My experience is that the two go together very largely. That is another thing that corporations must learn—that publicity will not hurt them.

Commissioner GARRETSON. You objected to the use of the term a little while ago—"real producers."

Mr. BABSON. Real producers of profits. I think there is a producer of the commodity and, then, a producer of the profits. Now, without regard to whether the workman is entitled to credit for producing that commodity, the brains of that company are entitled to the profit made in the production of it.

Commissioner GARRETSON. Are you a believer that there is any monopoly of brains? You said something a few minutes ago to the effect that if a certain contingency arose it would probably start a riot on the part of the twelve hundred. The fact that they were fighting for control—is the fact that they were fighting for control an evidence of brains or not?

Mr. BABSON. I do not think there is a monopoly of brains, but there is a monopoly of opportunity. I think most everybody in this world gets about what they deserve, whether $1 or $100 a day. The great injustice is in the unequal distribution of opportunity—the fact that one is given an opportunity to make $100 a day and the other only $1 a day.

Commissioner GARRETSON. We will take the application of the old saw that has been dinned into every schoolboy's ears, that "there is room at the top." If all developed brains, would the crowd be at the top or at the bottom?

Mr. BABSON. I should say that the top would be crowded.

Commissioner GARRETSON. There would be no rooms for rent up there?

Mr. BABSON. I do not see any reason for expecting, under our economic condition, that the time will come when the man at the top will be paid $2 a day and the man that sweeps the street will get $25. It is a question of supply and demand.

Commissioner GARRETSON. If there is only a demand for so much brains—if they all had brains—the supply and demand would stifle the man with brains, except for the few opportunities offered?

Mr. BABSON. It should; because it then shows that the world demands another line of work.

Commissioner GARRETSON. Apply it to the world entirely.

Mr. BABSON. That seems to me the great doubt about socialism—that the thing has got to work out along the line of supply and demand, just the same in regard to people as in regard to commodities. The only way to keep people from making too much iron or copper or raising too much cotton is for the price of those things to go down, and the only thing that keeps everyone in this world from wanting to be a walking delegate or musician or reporter is the fact that the price of those things is going down.

Commissioner GARRETSON. Let me draw your attention to one thing to start with. I do not know that I am misunderstood or not; but, for fear that I am, I wanted to say that I am not a Socialist. I am not approaching it from that point.

Mr. BABSON. No one ever admits they are, but a very few. It has been my experience that when anyone is asked for a definition of a gentleman they give a definition that includes themselves; but whenever anyone is asked the definition of a Socialist he gives one that excludes himself.

Commissioner GARRETSON. In this matter of passing out ownership, you believe that the question of personal equation is a great factor in the matter of industrial control?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. I gather also, whether rightly or wrongly, that you are a believer that power and responsibility can not possibly be uncoupled, that responsibility goes with power?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. And that duties go with rights?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. And it is on that theory that you base your theory against the exercise of power by absentee owners?

Mr. BABSON. Yes, sir; and I might say that I am not posing as a philanthropist or a friend of labor. My income is derived wholly from the manufacturers. No labor organizations or employees of these factories subscribe for our services or buy our books. My income comes wholly from the manufacturers. Now, the reason for my testimony is that I believe it is good business to eliminate this office building control. I believe that investors—I believe that capital would be very much better off as well as labor.

Commissioner GARRETSON. May I ask you right there if the publications are available to representatives of labor that desire them?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. You may receive a subscriber?

Mr. BABSON. It will be appreciated greatly. If you had been a subscriber you would have known of these profit-sharing plans and you would not have had to ask these questions.

Commissioner GARRETSON. Have I asked a question about profit sharing?

Mr. BABSON. No.

Commissioner GARRETSON. You say the banker has no dislike for labor, that is generic. Is not the attitude of the average financial controller of an enterprise almost wholly based on the fact that he divorces himself from that phase of the question entirely and only deals with the dividend-paying feature?

Mr. BABSON. Yes, sir; I think so.

Commissioner GARRETSON. And leaves the other to his personal representative on the ground?

Mr. BABSON. Yes. I have always thought that if a director, for instance, of a corporation was obliged to go through the plant once a year, was obliged to visit in the homes of some of the employees, why it would solve a good many of the problems. Of course the average business man rides from his house to his office in a limousine, he goes to the elevator and up to his office and has his lunch brought to him, or goes to his club and he simply associates and talks with the people who represent his class.

Commissioner GARRETSON. He does not have an opportunity to see the other classes and has no real contact with them?

Mr. BABSON. No; instead of reading the American he reads the Evening Post. Now, I think that if we could only get the workmen to read the Evening Post and the employers to read the American, that would go a long ways toward solving this problem.

Commissioner GARRETSON. It would narrow the gap, you think?

Mr. BABSON. Yes.

Commissioner GARRETSON. The difficulty is, too, that he gets his actual information from his representatives and colored by his glasses?

Mr. BABSON. Yes, sir; but the point I want to make, Mr. Garretson, is that he comes to it unconsciously, that his heart is just as big as yours.

Commissioner GARRETSON. Certainly.

Mr. BABSON. It is due to his environment and his association, and not because he has anything against labor.

Commissioner GARRETSON. And I know people that would not charge him with enlargement of the heart, even in that case. In your opinion, Mr. Babson, do the great combinations of industry—well, do the large combinations give the greatest power, that is, the power of resistance, to the employer or employee?

Mr. BABSON. I do not just understand what you mean, Mr. Garretson?

Commissioner GARRETSON. I mean this: Do combinations enable the employer to combat labor more effectively in the formation of the combination than otherwise, or does it give labor an added power over the employer?

Mr. BABSON. I should think one would about offset the other. Of course theoretically if a corporation controlled an industry, why labor would be in a much weaker position to dicker with that corporation than if the industry was divided up among many corporations.

Commissioner GARRETSON. Because it had no other avenue of employment?

Mr. BABSON. Yes. On the other hand I think public sentiment comes in very strongly, and I think the big corporations, for fear of Government interference, are on their good behavior.

Commissioner GARRETSON. The moral force you think operates in favor of the employee?

Mr. BABSON. Yes, sir.

Commissioner GARRETSON. While the actual force is in favor of the employer?

Mr. BABSON. The theoretical force, I should not say "actual." I think as to the actual force, one about offsets the other.

Commissioner GARRETSON. Did I—one statement you made I may have misinterpreted. I rather gathered from the statements you made that you believed the present methods of dealing between employer and employee was rather opportunism and an ideal method?

Mr. BABSON. No; I think collective bargaining is the ideal method. I think the closed shop is a temporary warfare method. I think collective bargaining is the ideal method.

Commissioner GARRETSON. Will you define——

Mr. BABSON (interrupting). Hold on, let me finish—so far as wages are concerned. Now, it is the division of the profits that I am interested in. I think that labor in the way of wages, in most industries, is getting about what it is entitled to. I think it is a question of the division of the profits. It has happened that these things are always jumbled up together—wages and profits. Now, if I had the case of a labor union, I should distinguish between the two. I should come frankly to my employer and say, "Here, I want my wages fixed in accordance with the question of supply and demand; that is all I ask."

Commissioner GARRETSON. What would you supplement it with?

Mr. BABSON. "Then I want representation on your board of directors, and if we are a factor—to the extent that we are a factor in making the profit after the commodities, the capital, the rent, and so forth, have been paid their market rates—I want a share of those profits, but as profits and only as I am entitled to them."

Commissioner GARRETSON. Would you suggest to the representative of the laboring men, before walking into the company's board room to ask that, that he arm himself or how would he be received?

Mr. BABSON. I think if he put it up right he would get a hearing. The point is that he does not put it upon that basis. He does not say, "I want what I earn," but "I want so much whether I earn it or not," and that is where he makes his mistake.

Commissioner GARRETSON. Have you ever heard of a profit-sharing demand originating from the employee himself?

Mr. BABSON. Why, I do not know as I have.

Commissioner GARRETSON. I wondered if you had. I have dealt as a representative of laboring men for many years and I wondered if you had any knowledge of such a demand coming from the rank and file. The origin of all the present systems has been in the line of a palliative, as a rule.

Mr. BABSON. I agree with you on that.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock sharp, and you will please return to the stand, Mr. Babson.

Mr. BABSON. I am very sorry, but I have an appointment in Philadelphia at the city hall there to-morrow morning at 10 o'clock.

Commissioner GARRETSON. I have only a couple of question to ask Mr. Babson.

Mr. BABSON. I can stay until 6 o'clock to-night, but to-morrow I have an appointment in Philadelphia, and on Wednesday I sail for South America.

Commissioner GARRETSON. In regard to the Ford proposition, you stated that Mr. Ford rather disliked it to be referred to as profit sharing?

Mr. BABSON. Yes.

Commissioner GARRETSON. Is it not a fact that his plan takes into consideration nothing but the distribution of profits—no capital invasion?

Mr. BABSON. Yes; but I think it is a question of minimum wage in his case; I think "minimum wage" would express it better.

Commissioner GARRETSON. But the question is that the money only comes from the profit from the business?

Mr. BABSON. Where could money come from in any business?

Commissioner GARRETSON. I say no invasion of his capital is to be considered?

Mr. BABSON. All wages come from profits, I think.

Commissioner GARRETSON. Sometimes on a losing game they do not.

Mr. BABSON. On a losing game how are there any profits, will you tell me that?

Commissioner GARRETSON. That is what I say, then, it comes from the capital until the business is wiped out or closed up. Now, in regard to the English enactments, is it not a fact that there has not been an English enactment since Elizabeth covering wages?

Mr. BABSON. I don't think Elizabeth's time.

Commissioner GARRETSON. And from Edward III to Elizabeth is 300 years, and was not their first enactment following the Black Death, when there was a scarcity of labor?

Mr. BABSON. My idea is there were enactments along from 1810 to 1830—that is my recollection.

Commissioner GARRETSON. Not as to wage—certain conditions, but not of wage since Elizabeth. Has not an enactment on wage always followed a scarcity of labor when, owing to the scarcity of labor, the laborer tried to get

a high price for his labors? To be governed, in other words, by the question of supply and demand?

Mr. BABSON. I do not know the cause. I was not around in those days, but whatever the reason was, it did not work.

Commissioner GARRETSON. Whenever the question of supply and demand has gone against labor, then they have attempted to cure it by legislation?

Mr. BABSON. But that does not make it right. They did not cure it, did they?

Commissioner GARRETSON. Yes.

Mr. BABSON. No; the people went into other kinds of business.

Commissioner GARRETSON. In England there is a record of a peer of the realm being exiled for paying more than the wage because he needed the men.

Mr. BABSON. I do not know; I am not sure.

Commissioner GARRETSON. It might be interesting to look up.

Mr. BABSON. Yes; I think so.

Commissioner GARRETSON. Now, another thing——

Mr. BABSON (interrupting). Do you believe the law of supply and demand in regard to conditions can be suspended?

Commissioner GARRETSON. I do not believe it should be suspended in one direction without being suspended in the other.

Mr. BABSON. Do you believe it can be suspended in any direction?

Commissioner GARRETSON. I believe there have been times when it has been.

Mr. BABSON. How did it work?

Commissioner GARRETSON. How did it work? A hardship on the worker, of course. One thing further. Have you in your investigations discovered the fact that capitalization is always representation of actual value?

Mr. BABSON. I certainly have not discovered that; no.

Commissioner GARRETSON. Then what relation does the fictitious stock bear to the wage rate when you take into account the interest earning on fictitious capitalization?

Mr. BABSON. Why, I do not see how it affects the earnings very much of a corporation, whether they are capitalized for the actual value or whether they are not. It seems to me that——

Commissioner GARRETSON (interrupting). If they have an actual capitalization of a million, and they have to earn dividends on two million, what relation does that second million have to wage when it comes to putting up a plea before the public?

Mr. BABSON. Oh, yes; I see.

Commissioner GARRETSON. Isn't there a connection?

Mr. BABSON. In fooling the public; yes.

Commissioner GARRETSON. In fooling the public, they will fool their workers as a result, will they not?

Mr. BABSON. Yes; I do not defend overcapitalization, Mr. Garretson.

Commissioner GARRETSON. That is all.

Chairman WALSH. I just have one question. I see it is in the same gentleman's handwriting, and as it is rather long I wish you would pay attention to it. Here it is: "If all land forced into use for creating more jobs than men, and wages under supply and demand goes up, don't the price of products have to meet the law of supply and demand, and more products being produced by all land being used, and all unemployed being employed, won't prices of products go down and wages stay up?"

Mr. BABSON. How about rents?

Chairman WALSH. I am asking you the question now and I wish you would please answer that question that is handed to me in that form.

Mr. BABSON. He simply brings out two factors; he brings out the factor of wages and the factor of prices, but he does not say anything about the rents for the land.

Chairman WALSH. Would products go down and wages stay up under those circumstances if all the land was put to beneficial use?

Mr. HARRY WEINBERGER. I would like to add the proposition——

Chairman WALSH. You will have to excuse me, but I am asking the question which is handed to me.

Mr. WEINBERGER. I would like to add the proposition of rents also; in other words, rents would go down, because every piece of land is being used—in other words, rents would go down because every piece of land would be used and products would be more, the price of products would go down and more jobs would be created and there would be more labor than men, and the price of labor goes up. There are three elements in that question of production.

Chairman WALSH. Will you answer the question as it stands, and leave the question of rent out.

Mr. BABSON. I would not want to answer that question offhand.

Chairman WALSH. All right.

At this point we will adjourn until to-morrow morning at 10 o'clock.

(The following communication was subsequently received from Mr. Babson:)

THE TECHNOLOGY CLUB OF NEW YORK,
Monday evening.

FRANK P. WALSH, Esq., *Chairman.*

MY DEAR SIR: In view of an aftertalk with one of the commissioners, I beg to ask that the following conclusions be read into the record: I believe—

(1) "Absentee control" is becoming more and more unsatisfactory for both labor and capital. Many of our present industrial difficulties are due to this and surely something should be done to prevent its spread.

(2) Minimum wage legislation may be of temporary value in special cases; but the most that either labor or capital can do in the long run is to bring about a free market in order that the law of supply and demand can surely and freely work. Labor will be disappointed in the results of legislative "cure alls."

(3) The industrial struggle would be greatly clarified if both sides would agree that labor, capital, management, and commodities shall each be paid their market price in accordance with supply and demand, and then confine their struggle to the division of the excess profits and for a share of control.

(4) Capital is doubtless unjustified in taking all these excess profits as at present is the custom. With a system of scientific profit sharing labor would get a portion of these profits in addition to its wages. But this excess should fluctuate with the business conditions of the country, and should go to those who make the profits.

(5) In other words, I believe that labor is getting in fixed wages about all it is entitled to and that new legislation can not help labor greatly along such lines; but I also believe that labor's total income would double with the installation of cooperative and scientific profit sharing. If so, should not labor look toward cooperation of a form which will bring back to the plant that control which has drifted away? Should not more attention be given to industrial education and to training the workers to become bigger earners?

In closing let me thank you and the commission for the attention which you gave me yesterday. You are all entitled to the greatest credit for the work in which you are engaged. I am sure that it will be the means of increasing labor's income and of insuring capital's legitimate investment. Publicity can only do good to both sides of the conflict.

Respectfully,

ROGER W. BABSON.

(At 4.45 in the afternoon of this Monday, January 18, 1915, an adjournment was taken until to-morrow, Tuesday, January 19, 1915, at 10 o'clock a. m., at the same place.)

NEW YORK CITY, *January 19, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, and Garretson.

Chairman WALSH. The house will be in as perfect order as possible. The commission will please come to order.

Miss Tarbell, will you take that seat, please?

TESTIMONY OF MISS IDA M. TARBELL.

Chairman WALSH. Your name, please?

Miss TARBELL. Ida M. Tarbell.

Chairman WALSH. Where do you live, Miss Tarbell?

Miss TARBELL. 132 East Nineteenth Street, New York City.

Chairman WALSH. You have been engaged in literary work for a number of years, I believe?

Miss TARBELL. Yes, sir; for a great many years.

Chairman WALSH. And you have made, in the course of your life, many investigations into business and industry?

Miss TARBELL. Well, I have been occupied for perhaps 25 years very largely with related subjects; not entirely, but largely.

Chairman WALSH. Lately you have made quite extensive investigations, I believe, into certain industrial plants in different portions of the country?

Miss TARBELL. Yes; I have been, for four or five years, looking into conditions as I had opportunity in different industrial plants.

Chairman WALSH. Well, lately, the attention of the commission has been called to your articles running under the generic head of "Golden Rule in business."

Miss TARBELL. Yes.

Chairman WALSH. We would like you, in your own way, please, Miss Tarbell, to explain as clearly as possible what you mean by the Golden Rule in business as you have found it?

Miss TARBELL. I mean by the Golden Rule in business to attempt to work out in a group the policy of doing as you would be done by.

Chairman WALSH. Yes. Now, we have noticed in one of your statements that you state there is a silent revolution going on in American industries. Assuming that that statement flows out from what you have said, I wish that you would give us, for our record, the observations that you have upon that. Of what does the revolution consist? How has it been brought about? What are the activities of it?

Miss TARBELL. I believe that throughout American industry on the side of the management there is a growing feeling that the man—the common man—is worth a great deal more than the employers and the managements of industries have ever dreamed; that there is a growing feeling among many people that the most important thing in the world on the side of business is the development of this common man. That to give him full opportunity and full justice is the most important industrial problem that we have. I think that can be found not fully expressed perhaps in any industry, but in many industries, some large and some small, you can find that idea at work, men not willing longer to underestimate what we call the common man, the workingman, not willing to deny him rights, not willing to be unjust to him, but struggling in the best way that they can to express that in their industries. Sometimes it is a very tentative experiment; sometimes it is a very full one.

Chairman WALSH. And you feel there is a growth, not only of that spirit, but genuine activities along that direction?

Miss TARBELL. I think I may say I know that to be true. I was a long time in convincing myself that such a movement was going on in this country, such a movement or revolution, sufficiently general and sufficiently personal and independent to be dignified by the name of a revolution or a movement. Working as I do for what we call the Popular Magazine, it is impossible for us to take up a subject which is sporadic or temporary; we have to look for something that is general and concerns the whole people; we have to be careful before we decide upon a thing that takes perhaps three or four years in investigation.

Chairman WALSH. Would you please give us the examples in industry that stand out in your mind as the best expression of this idea which you have just submitted?

Miss TARBELL. How fully do you want me to go into these?

Chairman WALSH. Just as fully as you care to do it. You have been told generally what we want, and I am sure your judgment will indicate to you, and you may do it very fully if you please. Do not feel that you are hampered for time.

Miss TARBELL. One of the fundamental and most important of these developments, to my mind, is that which comes under the name of science of management or scientific management. I believe that in that system the workingman has an ally and an opportunity that he has not at all sensed as yet. This is largely because the science of management breaks entirely with the old ideas of management because it is a highly developed and thoroughly scientific system and the untrained mind does not grasp it easily. Again, we all of us object to breaking with what we have been doing, we do not like to try the new. Some of us feel that we have done just about as well as we could be expected to do. In industry the managers, the heads of business, generally feel that they have done as well as can be done, and they are unwilling to take up new systems. Wherever the system of scientific management has been worked out honestly and fairly, and I want to emphasize those words, for there has been a great deal of faking in scientific management, there have been attempts to apply

it in a short time, which can not be done, as it is a revolution in itself, but where it is tried honestly it results first of all in better earnings for workmen, it means invariably shorter hours, it means what to me is the most important thing in the world and what is so difficult to get inside an industry, and that is the development of the man as he works. I think one of the rightful complaints of labor, one thing which they should always complain about, is this getting into a business and not being able to get out. Scientific management aims to push men out of settled positions, it creates new kinds of work. The understanding of that system is the most esential in my mind to the development of our industry. I have examined it in at least one-half a dozen different kinds of shops or factories and always where it had been put in with great care and where the work had been conscientiously done I never failed to find that the whole working body has been vastly improved, the conditions have been vastly improved by the application. There is nothing on which I base, myself, more hope for the development of our American industry than this science of management. One reason I feel it is most important is that it requires so high a degree of cooperation between all persons concerned in the industry. It requires a higher degree of collective action than has ever before been applied in industry. But you are not going to improve our industrial conditions without a complete form of cooperative action. You have to have your whole body concerned in the development of industry in constant communication and circulation, every man heard whether his claim is foolish or wise, every man considered whether he wants to discuss whether two times two makes four, every man, and he should be heard as an individual or through his representative.

Now, scientific management—I am talking now about its thorough and honest application; I want to emphasize that—compels that cooperative action, and that is one of the great reasons that I feel that there is great hope for it in American industry. That is one thing that I have seen that has interested me and in which I thoroughly believe.

I have been greatly interested in the labor policy as it has been developing in the Steel Corporation. Ever since I was a young girl I have known the iron and steel industry; that is, as a child, I lived near Pittsburgh. I can remember the Homestead riots; I can remember the strike of 1870. My goings and comings took me for years up and down the Mahoning Valley, which all steel men know. They took me to Pittsburgh; they took me into the coke regions; and as I traveled back and forth I have always known steel workers; I have always known steel managers; I have known all of the bad conditions. Now, when the Steel Corporation was formed it inherited the most varied sort of labor policy. It probably inherited some of the worst labor policies that the world has ever seen. It also inherited some of the best labor policies—of the time. I should say that the attitude of Mr. Lynch, the head of the Frick Coke Co., toward labor was one of the most enlightened at the time that was in existence in the mines. I do not say it was a perfect policy. I have yet to find any perfect thing; for I am not talking about perfect things. But, Mr. Lynch was an enlightened man who only had the interests of his men at heart. One of the things that always has interested me with the Steel Corporation when it took over that company, was the beginning of the steel slogan "Safety first." Fifteen or twenty years ago, in the Frick mines, you would find in half a dozen languages the slogan "Safety, first consideration." That was all over those mines. I suppose that was the first mine in the country—I don't know that this is true, but I believe it is true—that it was the first mine that had the German safety lamps. I think that Mr. Lynch always did the best that he knew and that he was continually working to do better in his mines. I know that four years ago, was it?—the Westmoreland strike? I think it was that long—a dreadful strike in Westmoreland County, lasting 16 months. I know then I went through that country. It was very desperate. I went over with labor people, and I remember distinctly an intelligent laboring man who said to me, "If they would do in these mines as they do in the Frick Coal Co., we would never have a bit of trouble."

Chairman WALSH. What were the particular features that appeared commendable in that day, Miss Tarbell—those policies?

Miss TARBELL. That they were trying to do everything with safety, which I considered a very great thing. I know their hours—I have not the history of their shortening of the hours——

Chairman WALSH (interrupting). I know, but what general policy did Mr. Lynch have toward labor and its claim as to right of organization and redress of grievances and such things as that, if you know?

Miss TARBELL. As I understand it, that mine was always an open mine. I went through those mines, I think it was possibly two years ago, and I asked then about union men, and they said, "There are a great many union men here, but it is an open mine." And they told me that it was a good many years—and I had that from a laboring man I talked with four years ago—since they had had any any trouble with that mine. Now, this I am giving you, not because I have investigated by the dates the history of the mine, but this is history I gathered at the time.

Chairman WALSH (interrupting). Sort of a general running history?

Miss TARBELL. Sort of a general running history. I know I have never been in any mine—and I have been in a good many mines—I have known soft-coal mines in Pennsylvania and eastern Ohio a great many years—and I know I never have seen anything that compared with the provision for safety in those mines. I was tremendously impressed with what they were doing in housing and their efforts to make decent villages. I think that is one of the most interesting things that has been done in any mining community. They have—there is nothing in the world so bad as the coke villages around Pittsburgh—the old-fashioned ones; and the Frick Coke Co. literally elevated their villages out of the ash pits and made them over. They have the water in the houses and have given every man a garden and done everything to encourage the gardening. Out of about 8,000—I think I am right—8,000 houses with gardens, about—oh, something over 7,000 had beautiful gardens. That is, they have been doing everything to make their places worth living in. That was the kind of a man that the Steel Corporation took over.

Now, as I said, they took over some that were about as unenlightened as could be. Now, they took over the town of Vandergrift, the American Sheet & Plate Co.; and there another experiment had been going on for quite a long time, and certain things, 8-hour shifts had been 20 years in operation for the great body of the workmen; not, as I understand, for the open hearth. The 12-hour day, as I understand it, prevails in the steel plants now. In Vandergrift there is 11 per cent, and in some places may be a little more. I do not want to be quoted as exact on that, for I don't know; but I think it runs in different plants from 11 to 25 per cent probably. Now, that applies to that work with which everybody is familiar, where a man works intensely for 20 minutes or half an hour, and then is off for a time. The Steel Corporation still contends that they can not do away with that practice. It has been done away with in one independent plant which I know; that is the Commonwealth Steel plant at Granite City, Ill. The head of that plant refused the other day a contract for $2,000,000 for shrapnel, because he was not willing to make anything to kill men.

For half a dozen years—oh, I think more—they have had the 8-hour shifts at Granite City for furnace work. There is no 12-hour work at all in the Commonwealth Steel plant. And they claim that men, on an 8-hour shift, make more steel and iron than they do on a 12-hour shift. They started that because they did not think the 12-hour day was right socially or physically. They believed that short hours with intelligent men so increased efficiency that an 8-hour shift is better; and they have proved that, and they have made a full report of their findings—a very complete and scientific report.

Of course, one great development that they have in the steel plant is the safety work. I don't know whether you care for me to go into that or not.

Chairman WALSH. Yes; you might go into that, I think, with profit.

Miss TARBELL. Safety work in the steel plants started out several years ago. Of course, the industry is a very dangerous one. And in the olden days there was practically a contempt and indifference to accident, which I think everybody shared—I know in the days when I first knew Pittsburgh, in the Mahoning Valley, there was a feeling among men and managers that you could not prevent accidents. That it was one of those things that man had to take when it came, and, of course, the awful accidents are of a kind that one does not want to think of, or having once seen one of those accidents, you never forget it.

I was on a road near a great furnace in Youngstown at one time when a furnace burst and caught the men on the pig bed. Those are things that happen constantly in the steel industry, the iron and steel industry.

They undertook, when the corporation was forming, I think in the National Tube Works, to see what they could do to cut out accident. And the work that they have done certainly is the most thorough and suggestive to one interested in that subject that has been done in this country. Their safety publications, their safety movement, their safety museum, furnish an enormous amount of instruction, and all kinds of instruction are free to those that are interested in improving their safety. In my judgment, the best thing that they have done is their safety organization. You can not have safety simply by machine. There has been an idea that we could pass laws to put such and such a device on machines, and then we would have safety. Well, safety is helped by devices, there is no question about that. But that probably is not one-third of the matter. Safety is to be attained in any industry only by training men to safety habits. It is a great educational work that is carried on in any industry where they set themselves to gain complete safety. One of the finest things to my mind about this and one of the most important things is that—here again you have got a movement that requires a high degree of cooperative work between managers and men. You can not carry it on without this cooperation. And it is one of those things that teach men to cooperate. We do not have cooperation now anywhere, because we do not know how to do it. We, all of us, have some pet notion we hang onto that notion and we would not cooperate with the other fellow because we do not understand, or do not want to understand his ideas. And wherever you can get a group of men to cooperate on anything that concerns them and work together to do that in the best possible way, I think you have done something to push us all up to higher and higher improvement.

The results of the safety movement in the Steel Corporation are two-thirds of them due to cooperative work. Of course, they have spent an enormous amount of money and they are spending to-day I suppose three quarters of a million dollars on an average and have for many years. But it has paid them. The cost of accident—that is their compensation—is less than it was under the old system, not to speak of the satisfaction of saving human life and improving and making industry tolerable, and taking out all of that bitterness and misery that comes from killing men wholesale, because we think that is part of the business.

Chairman WALSH. Now, in the preliminary portion of your statement, Miss Tarbell, you said that you discovered a growing idea not to deny men rights in industry. To what rights do you refer? If I can put it more plainly, what rights were denied that the new thought, as you might say, was that they should be extended or should be allowed to have their expression and vigor, Miss Tarbell?

Miss TARBELL. Well, the country has gone on the theory that you must beat down wages to the lowest. Also, our old theory was you must work from sun to sun. All the old apprentice documents, I have seen them in many shops, compel the apprentice to work from sun to sun; his manager worked from sun to sun, and we were all brought up on that theory, that long hours were somehow a virtue, and that you could not get the work done unless you were working all of the time. It applies in many forms of industry to-day. I do not suppose it applies so general in any form of industry as the domestic life.

There is scarcely a woman in the country who does not think that her servants should commence work at daylight and work in the evening until the work is done. She absolutely refuses to organize her work. It applies practically everywhere. Labor has agitated continually for 100 years in this country on that subject. You go back as far as 1820—I do not know that my figures are exactly accurate, but it is pretty nearly 100 years ago at any rate—and we had labor people in this country complaining about hours, saying they were getting no life, that they could not do their work well, they were breaking down. The time came when our factories organized. We organized textile factories and took women and children out of their homes where they had been weaving and put them into factories, and they had, of their own volition, because of their New England conscience—they had worked from sun to sun in their own homes. And when the factory was formed they thought they ought to work the same way, from sun to sun, and they found, gradually, very gradually, that if you did that you were not able to do your best. Gradually they shortened hours. First they shortened them to 10, and then they shortened them to 8. We have our 8-hours laws for women up in Wisconsin as far back as 1867, I think. And they had it in New Hampshire, but they were not obeyed, because they had not efficient enough management. Nobody believed it possible.

Nobody believed that men should be working those short hours; they believed they would get into mischief and that the devil would get them.

Chairman WALSH. So that is one of the rights you say developed?

Miss TARBELL. Yes. I think, Mr. Walsh, that is developing all over the country.

Chairman WALSH. Any others?

Miss TARBELL. I think there is a growing feeling that the more a man can earn the better it is for the industry; the better it is for society. I do not mean to say that in general, but I mean to say that you will find that going on all over this country; people that believe that managers—that believe that managers should do that and preach it. It certainly is preached in scientific management.

Chairman WALSH. Would you please name any industrial plants in the country that you are familiar with where you think an application of scientific management has been installed?

Miss TARBELL. I think it has been installed in the Cloth Crafts Shop of Cleveland in a most interesting way. There is a shop in which all the questions involved in production and in all the interests of the worker are constantly taken into consideration with the idea of developing that worker to the highest possible degree.

Chairman WALSH. How many employees are in the concern, please?

Miss TARBELL. They have about eight or nine hundred.

Chairman WALSH. Eight or nine hundred?

Miss TARBELL. Yes.

Chairman WALSH. Now, any others that you happen to have in mind?

Miss TARBELL. In the Pilgrim Laundry of Brooklyn there is a very remarkable application of scientific management. There it has been going on for a great many years.

Chairman WALSH. About how many employees do they have ordinarily?

Miss TARBELL. I think about three hundred. I would not be positive about that.

Chairman WALSH. Any other organizations that are approaching it even?

Miss TARBELL. I know how varied trade is.

Chairman WALSH. Yes; that you might speak of as examples where it is fair and honest, where they are working into it upon correct principles?

Miss TARBELL. I think the Link-Belt Co., of Philadelphia.

Commissioner O'CONNELL. And Chicago?

Miss TARBELL. I do not know of the Chicago plant; I have never been in the Chicago plant. I have only been—I have been twice; I spent a day once in the Link-Belt Co., and I have seen a great many of their men and have been in correspondence for a long time with Mr. Dodge.

Chairman WALSH. You gave as one of the benefits of scientific management, one of the great benefits, necessary cooperation between the employer and employee. Would you kindly indicate of what that consists? For instance, what does the employee do? What does the employer do in common?

Miss TARBELL. Well, under scientific management, of course, the work is all planned. Instructions are carefully laid down. This work is planned in what is called the planning room. The great majority of the—I am talking now of the shops in which it has been thoroughly installed, we may say, a completed shop—all of the men that are in the planning room making instruction cards, taking time studies, are men that have been brought up from the shop itself. That is, in scientific management where it is properly installed, you have much less manual work and you have more head work. I know in a machine shop they will tell you they have one man in the management for two at the machines, and generally those men in the higher grades are men that have been pushed up from the lower.

Chairman WALSH. Are two of the high points of efficiency in management time studies ascertainment of the length of time that it takes to do a given task, or given operation, and the payment therefor?

Miss TARBELL. Certainly.

Chairman WALSH. That plan you have noticed?

Miss TARBELL. Yes.

Chairman WALSH. In the places you have investigated, what is the cooperation, if any, which exists between the employer and the employee with reference to these two items—that is, the time studies first?

Miss TARBELL. The management, I suppose you mean, by the employer?

Chairman WALSH. Yes; of course.

Miss TARBELL. Management; yes.

Chairman WALSH. The employer himself or his vice principal.

Miss TARBELL. Yes; the responsible person.

Chairman WALSH. Yes.

Miss TARBELL. You know how the time study is made?

Chairman WALSH. Of course, we all know in a general way.

Miss TARBELL. Yes. Well, the time study—studies are sometimes made in the shop. I more generally myself have seen them in an experimenting room. The time study man works with the operative in resolving this particular operation into its different parts.

Chairman WALSH. Who, finally, if anyone—or is it done by cooperation—how is the length of time fixed definitely?

Miss TARBELL. I have never seen it done myself except by cooperation. I have been in good shops where there was a thoroughly honest effort, and have seen time studies made where the operative and the time study man——

Chairman WALSH. That is the cooperation between the individual who undertakes the practice and the time study man, who fixes the time finally?

Miss TARBELL. Well, they decide in what length of time this operation should be done, and it is decided what is the best way to do it—of course, there is a great deal of motion study combined in this. A man may do a given operation who has been accustomed to do it in a way that takes it two or three times as long as is necessary. If that is a bad habit, the employer will aim to break that habit up.

Chairman WALSH. Yes.

Miss TARBELL. And teach him the easiest way of doing it, the quickest way of doing it. Sometimes it takes a short time and sometimes a month to get an operation properly studied and the proper time for its different operations and proper motions made out. And where people go in and make a time study in half an hour or a day it is an imposition. The man that has the instruction card has a right at any time to appeal to the office——

Chairman WALSH. Does that contain the length of time in which the operation is supposed to be covered?

Miss TARBELL. Yes.

Chairman WALSH. About the instruction card, now, who issues the instruction card?

Miss TARBELL. The instruction card is issued from what is called the planning room. In that planning room there are all the different officers that make up the force.

Chairman WALSH. They fix the operation in the planning room, the length of time of the operation?

Miss TARBELL. That is, the result of this study is brought to them, and their instruction cards are made out.

Chairman WALSH. Does the plan contemplate representation of all the employees in any particular part of the work, any agreement upon time studies?

Miss TARBELL. Suppose you have a body here that are all on one particular operation. One of those persons makes a time study with the time-study man. After that has been worked out so that it is believed it is accurate, all those persons are put on that operation. Most of the time cards in the good shops carry this instruction: "If at any point, if at any one of these operations the time is thought to be too fast, or too short, the operative is supposed to complain." And I have very often found they do complain. I have seen them complain. I have seen the manager, the floor manager, I have seen the man and the operator who had questioned a particular time.

Chairman WALSH. But in the plan, inherent in the plan, do you understand that there is no place for an organized representation of all the employees in the shop?

Miss TARBELL. The representative of this group who is studying that out, or the man who is studying that with the time-study man, with the manager and the other officers, of course, he is representative in a way of that body. If he does not work that out correctly, if he is not watchful, if he is not—if he is imposing upon his fellows they find that out very quickly.

Chairman WALSH. Does the plan properly organized preclude the idea of democratic organization among the employees to have a voice in the study of the length of time that an operation takes?

Miss TARBELL. No. As a matter of fact, it is the most democratic thing that you can think of, because these men are always complaining to the heads. And I have never been in a shop yet, and I have been a great many hours in the shop,

that I did not find a man in overalls in the front office, sometimes making a great howl about things. It is the only kind of management that I have ever found where the man could go to the man that made the blue print, go to the man that was managing, where there was an entire circulation all the time in the office. I believe the system does not preclude any kind of democratic organization. I think it is the most democratic organization that I have ever found. I suppose the point at which you are driving, Mr. Walsh, is whether it precludes the representative of unionism—is that the idea?

Chairman WALSH. Exactly.

Miss TARBELL. Not at all. If there is good will on both sides—it may be a little difficult, but then there are many difficult things. I think most of the men that have had experience with scientific management have been so busy with the theory that they have not thought very much about anything else. I think that they are wrong in this. I think the unions are doing harm to the great body of people that they represent, who ought to have the best of any idea, that they don't go into the shops, they don't study and learn this thing, they do not let them study long enough. They ought to have an opportunity to let the men in the shops and let them study intelligently for a year or so. Just how a representative of a union is going to come in on these time studies I can't say. I think that anything that is good for a body of people if you come up against an objection there ought to be full cooperation in meeting that objection. You see, my point is, Mr. Walsh, that to say we do not see how that is going to be done, therefore it can not be done is wrong. It is the basis of most of our industrial unrest. There is nothing more detrimental, in my opinion, than refusing to consider a disputed point. It does not make any difference what they want. It may be a very foolish thing, the most foolish thing in the world, but get them around a table, and you will soon find out whether it is a foolish thing or not.

Chairman WALSH. Now, as to the fixing of the bonus that is to be paid for the work in the thoroughly efficient places of this kind, how is that done?

Miss TARBELL. That always has been fixed by the management. The theory they have gone on is very general, one-third of the extra product should go to the workman; one-third should go to the management, that is the planning room. There are a great many new positions and work created by this, and that has been overlooked, the amount of new work that is created by scientific management. You have to have all kinds of new tools and appliances. It is a thorough reconstruction and revolution. One-third—I think it generally goes one-third to the management, one-third to the labor, and one-third to the shop force.

Chairman WALSH. How generally do you believe this new idea of which you have spoken has taken hold of American industry?

Miss TARBELL. Well, that is very hard to say, Mr. Walsh.

Chairman WALSH. Could you approximate it? Generalize it? Is it general or rather confined to a few of the progressive ones out in front, as it were, or is it a sort of national development going on throughout all business?

Miss TARBELL. We have had in the last few years a good deal of upheaval, and my feeling is that the things behind that upheaval have taken stronger hold upon industry than any other walk of life. I think it is quite impossible to say just how general that is.

Chairman WALSH. You would not undertake to say what percentage of factories in the United States, in a general way, have taken adequate steps along that line?

Miss TARBELL. I do not know; but this I do know, that this is a kind of idea that, once started, can not be stopped. I know what brought me to this idea—to this particular study—was the fact that in doing entirely different kinds of work—that is, in investigating the effect upon industry of special privilege in other years—I kept constantly running on to things that I did not know existed. I found men doing things that seemed to me so intelligent, so much more humane, of so much larger view, that I began to say to myself, "There is a great deal going on I was not aware of," so I really think it constitutes what we call a "movement." I know that I never go into an industrial center that I do not run on something of this kind, and my mail brings me every day something I have not heard of. A great deal of this thing is done on the quiet, for there are many men who are working along such lines and doing good things who seem to be a little ashamed of it—they do not want to take any extra credit for it. I know of many men who have absolutely refused to let me name them.

Chairman WALSH. What percentage of the factories—or about how many factories or establishments did you investigate in your late studies?

Miss TARBELL. Well, I can not tell you that, Mr. Walsh.

Chairman WALSH. Could you approximate it?

Miss TARBELL. I do not believe I could approximate it.

Chairman WALSH. Did you undertake to go to what you might call the large corporations—the leading ones or progressive ones—or did you take them as they came?

Miss TARBELL. I have been going for a number of years to all kinds, and most of them were very unprogressive.

Chairman WALSH. And so your articles on the new rule in business covered the late investigations which you have made in particular places, added to your experience as you have gained it in other investigations?

Miss TARBELL. Yes; a great many good things I found years ago, when I was studying particularly large corporations, trying to write a history of one on the line of the relation between it and transportation. Tariff study led me for a number of years into the textile field and related industries, and a great many of my observations were made then. I have been fairly well through New England—Rhode Island, Lawrence, Fall River—and wherever I have stopped off of a train I have generally gone to visit a factory, so that it would really be impossible for me to say.

Chairman WALSH. It would really be impossible, then, for you to estimate for us the number of establishments you have visited, upon which your studies and conclusions are based?

Miss TARBELL. I would not want to guess it off.

Chairman WALSH. It would be impossible in an inquiry of this kind?

Miss TARBELL. Yes; I would not want to do so.

Chairman WALSH. Did you make an effort, say, in these larger industries—such as the steel company—to investigate all phases of the activities of the company which affected the men working for it? That is, for instance, the extent and effect of the hours that they labored?

Miss TARBELL. Yes; I have looked into that a good deal in other years. The old hours were very wrong. I have a most decided opinion on the seven-hour day—the seven days a week, I should say—and the 12-hour day; and those were things which I have been familiar with for a good many years.

Chairman WALSH. Did you observe, approximately, how many employees of the steel company still worked 12 hours per day?

Miss TARBELL. I mentioned that a little time ago. I think it differs in different places. I was in Vandergrift for a week or so about a year ago, and they told me then that there was about 11 per cent of the men working 12 hours.

Chairman WALSH. About 11 per cent of the men working 12 hours?

Miss TARBELL. Yes. They said they were gradually reducing that, and at Vandergrift they said they hoped to eliminate that. I do not know what the last report of the steel company is. The last report of the steel company mentioned the amount of 12-hour men still in operation.

Chairman WALSH. Do you know, Miss Tarbell, the number of employees in the United States Steel Corporation—the whole corporation—that still work 12 hours per day?

Miss TARBELL. I do not. I think the last report said about 25 per cent, but now I do not know that.

Chairman WALSH. I might say for your information that the report of the Commissioner of Labor for 1910 says that approximately 50 per cent of the employees of the Steel Corporation work 12 hours per day.

Miss TARBELL. I think that has been very much decreased.

Chairman WALSH. There have been certain investigations made. I was just going to ask for your observation as to the effect which these hours seemed to have upon the persons engaged in the industry that were still working 12 hours a day. Did you observe any effect?

Miss TARBELL. I do not believe a man can work 12 hours a day. Of course the kind of work the steel people are doing a 12-hour day is not 12 hours of steady work; that is understood. They will work 20 or 30 minutes and then they have a 20 or 30 minute rest. No man could live—I do not believe he could live very long and work six hours a day steadily under that intense heat. They have to have their rest spells. I think that almost invariably men that work for 12 hours a day are physically—well, they are pale and they are thin and they are a little worn. That is not because they are doing too much work, but they are shut up long hours and they do not have sufficient social life. The stockholders' report—you remember that a year ago a committee of stockholders examined all the steel plants. Their report, as I remember it, said

they did not think the bad effect on the men—that the effect was not as bad physically as it was socially; that if a man must be 12 hours at his work he did not get a life.

Chairman WALSH. That was the report of the stockholders of the United States Steel Co.?

Miss TARBELL. Yes; the report of the stockholders of the company—that 12 hours' work, on social grounds alone, should be done away with.

Chairman WALSH. What is the escape for that? Suppose the men engaged in it held that same theory and that their apparent physical condition was due to exhaustion, for instance, overfatigue, how is the approach being made, if there is any, to escape from those conditions?

Miss TARBELL. The eight-hour shift is the solution.

Chairman WALSH. How can they get it?

Miss TARBELL. The eight-hour shift?

Chairman WALSH. Yes. If you say there were 50 per cent still working 12 hours a day in 1910, and we will assume it holds good to-day——

Miss TARBELL (interrupting). It does not, I think. I think you will find it is as low as 25 per cent in some of the plants and in others lower.

Chairman WALSH. In the preliminary report we have received I am told it runs about the same. We have not completely checked that, however.

Miss TARBELL. I think that is too high; I feel certain that it is.

Chairman WALSH. Assuming there is a large proportion that still work 12 hours a day, how is it being worked out, or how can it be worked out?

Miss TARBELL. I think it must be worked out on better management, more efficient cooperation with the men. The men, of course, object. I talked with 12-hour men in Vandegrift, for instance, and they said they did not want an eight-hour shop because they could not earn as much. In the Commonwealth plant, to which I have referred, this same class of work is done on the eight-hour shift, and the labor in the factory and the men are earning just as much and the output is just as much. That was done by a scientific study of the problem. That work is all piecework, I think, and the piece rate in all operations was raised a little. It was raised so that in 8 hours they would earn as much as in 12; the men were not told that in order to keep that advance in wages, so the company claims, that they must do more work, but as a matter of fact they did do more work in the 8 hours than most of them had been doing in 12 hours, because they came rested and refreshed and their minds had been renewed by a little pleasure. They found they can do that in the Commonwealth Co., and I hope the steel company will find they can do it. They have done away with the seven days a week, and that is a very great advance, and it was done away with over the objection of a great many of the men. I think in one case 8,000 men left a Steel Corporation's plant because the Sunday work was stopped and went to plants where Sunday work was going on. I think that is true.

Chairman WALSH. Do you think the wage received by the worker has any effect upon his desire to work upon Sundays; that is, if he deems his pay adequate, whether or not the whole question of wage would not have a very deep effect on a man's desire to work long hours or an extended number of days in a month?

Miss TARBELL. I think with a majority of men it would, but there are always men who have some reason or other——

Chairman WALSH (interrupting). Human selfishness.

Miss TARBELL. Well, a person may have some terrific demands on him that makes him anxious to earn every cent that he can. Men may have sick wives or children and they think it is important to earn every cent they can. We have a great many foreigners in this country who are living on practically nothing, so they can save up their money and go back to their own countries and buy farms and live on them. That is a bad condition for our industry, but there are great bodies of foreigners that have that feeling.

Chairman WALSH. Did you make any study of wages in these industries you examined?

Miss TARBELL. Yes; I always did.

Chairman WALSH. Did you consider the increase of wages as compared with the increase of the cost of living during the same periods?

Miss TARBELL. Yes; I always took figures on that.

Chairman WALSH. What did you observe in regard to the steel company in the Pittsburgh district in that respect?

Miss TARBELL. I think all over the country the cost of living has increased faster than wages have increased, and it always does. The cost of living goes up and the workmen have to have that behind them in order to get an increase of wages.

Chairman WALSH. To what extent did you observe that to be the condition in the Pittsburgh district? To what extent has it increased? It has been stated that the cost of living increased between 1901 and the present time to an extent perhaps of 100 per cent greater than the increase of wages; would that be correct?

Miss TARBELL. I think that is putting it pretty steep, but I do not know. I have those figures somewhere, but they are not fresh now in my mind. There has been an increase in the cost of living, that is the experience, greater than the increase of wages.

Chairman WALSH. Did you examine into the living conditions of the employees deeply and extensively in these cases?

Miss TARBELL. I have spent considerable time, in not looking at the worst, with which I was sufficiently familiar, but looking at those things which were great improvements to see what could be done. I wanted to get at things that had been done, because when you know what has been done you have something to go on and have a pressure to put on people who think conditions can not be improved.

Chairman WALSH. Did you study the effect of the maintenance of stores by these large companies where the employees buy supplies?

Miss TARBELL. I have been looking into that question for a number of years—I looked into it at—in the coke region, in the Frick Coke Co. In that region the mines are so far from the towns that there has to be a store of some kind. The question is whether the company or an individual shall keep that store. As it is going now in those towns I think there are about 20, each one had its store.

Chairman WALSH. Where is that?

Miss TARBELL. Near Pittsburgh in the Connellsville district. Each one of the 20 towns I went through have a store. I took the prices in the stores very carefully. I talked with a good many women that were buying. A great many of those women were foreigners and I could not talk with them, but I saw their baskets, I saw the food they were buying. They are excellent shops. I think you can not find better kept butcher shops anywhere. The prices of meat were 2 or 3 cents lower than the prices in the nearest towns. The people were not obliged to buy there. There were wagons going through all the time, beer wagons and butcher carts and grocery wagons, but there were no independent stores. I am thoroughly convinced that those stores are well managed and managed for the interest of the employees. That they always are is not true. You take it around—just a little ways off in other mines and the stores are deplorable. One cause of the strike in this district four years ago was that the stores were badly managed and the people were swindled on prices. Those stores vary a great deal.

Chairman WALSH. Did you inquire into the capitalization of the Union Supply Co., which, I believe, is the name of the corporation which operates the stores for the H. C. Frick Coal & Coke Co.?

Miss TARBELL. No; but I read their report and had that report in mind when I looked after these stores and was trying to convince myself whether in this particular location the stores were well conducted and whether the prices were higher or lower than the people could get the same goods for in adjoining towns. Now, as far as that company was concerned, I know those stores are good stores and they are not swindling the people.

Chairman WALSH. Did you observe any particular strength that those stores would have outside of the mere influence of its being operated by the owners of the enterprise?

Miss TARBELL. I do not get your question, Mr. Walsh.

Chairman WALSH. Any economic strength, we might call it, by reason of the fact that the other stores were farther away and more difficult of access, or anything of that sort?

Miss TARBELL. In most of the cases the other stores, independent stores, were out of shopping distance. There was no other clientele for these shops than the miners themselves. The shops existed for the miners. If there had not been that shop they would have had to go to town or to deal with the traveling wagons. In that case they seemed to me to be doing a very good work—that is, a perfectly honest business proposition. There are many com-

pany stores that have for years swindled the miners, that I know, but I know that was not being done in this particular case. I do not know what is being done in the company's stores in other subsidiary companies of the steel company.

Chairman WALSH. You saw the report that was made on the conditions of employment in the iron-and-steel industry in the United States to the Sixty-second Congress?

Miss TARBELL. Yes.

Chairman WALSH. And you saw the statement made there as to the Union Supply Co. of being capitalized for $75,000?

Miss TARBELL. Yes, sir.

Chairman WALSH. And did you have that in mind when you made these investigations?

Miss TARBELL. Yes, sir; I had read that, and I wanted to see what kind of shops they were running.

Chairman WALSH. Well, now, from your observations, what would you say was the point of vantage or how could those stores make such an enormous profit as, assuming that report to Congress to be correct, they were making? What could they——

Miss TARBELL. (interrupting). Well, I don't see how those stores could make an enormous profit; I don't know. I don't know at what they bought. All I know is just what I have told you, that those stores were selling to those miners a little cheaper on everything. I took the prices of shoes, I took the prices of dry goods, I took the prices of meat, I did not take the prices of green groceries, because those miners were, practically all of them, raising their own vegetables at that time; and I was very much interested in seeing that the store itself was buying cabbages, green groceries, and potatoes of various kinds from the miners themselves that had raised them, and were selling them outside.

Chairman WALSH. I recognise that. The reason I was trying to get at this, Miss Tarbell, is——

Miss TARBELL. (interrupting). Yes?

Chairman WALSH. (continuing). I recognise the fact that a company of that kind might have advantages other than charging excessive prices to its patrons.

Miss TARBELL. Yes; they would have.

Chairman WALSH. Such as buying in large quantities and being sure of what the demand was going to be.

Miss TARBELL. Yes.

Chairman WALSH. And the character of the goods to be bought?

Miss TARBELL. Yes.

Chairman WALSH. I have heard and recognised that. But this report, now, states that the Union Supply Co. (Ltd.), during the 52 months for which records are available, paid dividends slightly over 1,617 per cent of its capitalization, which represents an average of 372 per cent per annum. They have now a nominal capitalization of $500,000, and have paid dividends thereon of 80.5 per cent per annum or 537 per cent on its original capitalization. Now, you say, so far as you observed it, that the prices have compared most favorably with those in the same locality; and you went into the question no deeper than to make that examination you speak of?

Miss TARBELL. Yes; I knew, of course, that they have advantages. In the first place, they owned this ground—they owned the building——

Chairman WALSH. They do not pay rent, for instance?

Miss TARBELL. No. They must, of course, buy very intelligently, because they had a very good class of goods; but they keep a very fresh stock. It was rather interesting to see how the hats and styles compared. It was just as good as they were in Pittsburgh. It was a fresh stock—not old stock—that is, in those particular towns. I don't suppose, of course, they could sell their goods——

Chairman WALSH. The prices charged in the stores has a very definite effect on what might be termed real wages in a certain locality, meaning what a man retains from his wages?

Miss TARBELL. Yes; of course, it has. And the way to get around that in small communities, industrial communities, the real way is to carry on a cooperative store; but you can only carry on a cooperative store where the workmen own the store and are represented in the management, and, if there are profits, share in the profits, and must be represented on the management. That

has been done in some places, but it is very difficult to do that in a fluctuating community like these mining camps and with foreigners. That is very difficult. But I think the ideal way in a small community, where it must keep up its own shop, is to have the cooperative store in which everybody has an interest. That has been done in some places. I know of one or two that are admirably managed and owned by the workmen—by the whole group—and where every man that has any interest in it gets a share of the sales, gets lower prices, and gets his dividends.

Chairman WALSH. Now, Miss Tarbell, I do not wish to divert you at this time, because we are all interested in this matter, but I feel that I ought to speak to you about this—these newspaper gentlemen are very pushing about getting snapshots of some of the witnesses, and they have asked me for—and so far as the commission is concerned, they may do that any time, but I do not like to have them do it at this time without mentioning that to you and ascertaining if that is all right with you?

Miss TARBELL. Well, if they don't explode anything it is all right with me.

Chairman WALSH. Referring to Vandergrift particularly, Miss Tarbell, is there a definite policy there with relation to the organization of labor?

Miss TARBELL. As I understand it, Vandergrift was what is called an open shop. There are in Vandergrift a great many members of unions, I think. I believe the union scale of wages prevails. That is my impression. There is the same opposition in Vandergrift as there is all through the Steel Trust, as I understand it, to a recognition of the union.

Chairman WALSH. The steel company has a definite policy against it, I believe?

Miss TARBELL. Well, I don't think they discriminate—so far as I know, I have never come across a case of what I call a discrimination against a union man. That is, I do not know of any subsidiary where they ask, "Do you belong to a union or not?" Now, that is as far as my inquiries go, and I always inquire about that point. I found all through the steel plants a good deal of touchiness on the subject of unions.

Chairman WALSH. Our attention has been called to an alleged resolution of the executive committee, which is said to be still in force, passed June 17, 1901, as follows: "We are unalterably opposed to any extension of union labor and advise the subsidiary companies to take a firm position when these questions come up and say they are not going to recognise it, namely, any extension of unions in the mills where they do not now exist."

Does that seem to be the general policy in all the places you have visited?

Miss TARBELL. Well, I should say that the managers wherever I have been would be a little loath to lay down their labor policy quite as strong as that. And I have asked a great many of them, and their reply has been: "There are union men in this shop. We never ask whether a man belongs to a union or not. We never discriminate against union men." I take that on their statement. I have asked in Vandergrift in various places where I have talked with laboring men, whether there had been any actual discrimination. They said it was one of those things that they did not talk about. Of course, the labor troubles have been very keen, and I think it seems gradually to be dying out, and the time may come when both sides will have a more reasonable attitude. It does not seem to me that it is an acute question in the steel plants. That is my impression. The invariable reply I got when I asked a manager about unionism was, "There are union men all through our shops. We never ask that question and never discriminate against them." The invariable answer, when I talked to a workman was, "The union men are here, but we are not active, and the management would not stand for activity. They insist on the open shop."

Chairman WALSH. Did you notice the affidavits that were filed with President Taft in 1910 with respect to Vandergrift and to the effect that they were unable to secure a hall in Vandergrift in which to hold a meeting; that the workmen in the mills were specifically forbidden any meetings?

Miss TARBELL. Union meetings?

Chairman WALSH. Union meetings; that the organizers were forcibly attacked by the watchmen led by the foreman of the American Sheet & Tin Plate Co., and that the organizers were forcibly compelled to leave the town.

Miss TARBELL. I inquired from two or three people, and they told me the same thing—that when the union organizers came into the town—there are in Vandergrift a good many Italians and a good many foreigners that do not speak English—the foreign workmen chased them out. That is what was told me by two or three different people. Whether it was true or not I don't know.

Chairman WALSH. Did you observe whether or not there was any political control exercised by the company in the town—any political organization of the community?

Miss TARBELL. The town council is made up entirely of men from the shops. I attend the town council meetings; I attended the meetings of the board of education, and it was made up entirely of shopmen. The men that ran the churches were all men that belonged in the shops. I hardly found one from the management. There was no member of the management on the council, and no member of the management on the school board, as I remember; of course, they were in the different churches.

Chairman WALSH. The mayor, or burgess as they called him, who was the mayor, regardless of his name, what was his position?

Miss TARBELL. The mayor kept a store in Vandergrift.

Chairman WALSH. An independent shopkeeper?

Miss TARBELL. He was an independent shopkeeper entirely. I went to two meetings of the town council. I went down once—they get a man in jail about once in three weeks in Vandergrift, and it is a great event when they have a man in jail, and I was invited to see the prisoner and hear the trial, which I did.

I asked about political parties, and I was told that they had been pretty strongly Republican. Of course that class of workmen nearly all are high-tariff men, but when the Progressive Party came along there was a great number of them that went over to the Progressive Party. I was shown their figures on the last election. The Democrats polled the largest vote and then the Republicans and then the Progressives and then the Socialists. There are quite a number of Socialists in Vandergrift, and they have their lively meetings on the public square. Now, if they forbid the union to meet on the public square I don't know it; but they have got in Vandergrift what would be an absolutely wonderful public forum, and the Socialists come and gather there, and I saw them grouped together, and there was no interference so far as I know. They have only one policeman on duty in Vandergrift, and as they have a pretty good surface to cover he might not have been chasing Socialists that particular moment; but I understood they were not chased, that they were allowed to hold their meetings freely.

Now, if they forbid union meetings I do not know; but of course it is very foolish if they do. They ought to say, "Come on, boys, here is the square, and talk all you want to."

Chairman WALSH. Our attention has been called to a proclamation issued by James H. Chambers, burgess, on the 31st day of August, 1909, at a time when it is claimed organizers of the American Federation of Labor undertook to hold meetings there. Did you see that resolution?

Miss TARBELL. No; I never saw that.

Chairman WALSH. It was a proclamation. It reads as follows:

"After congratulating the people of Vandergrift and the adjoining boroughs on the measure of peace and prosperity which now pervades the community, I know that I voice the sentiment of all good people in saying that we would deplore anything that would mar the peace and harmony which now pervades the entire community, and this is particularly so as regards Vandergrift Borough. It is therefore a matter of regret that outside influence seems to be at work, the accomplishment of which would only tend to disturb the peace and order of the Borough of Vandergrift. I refer to marches, parades, meetings, and demonstrations by persons, mostly nonresidents, and which would have no other effect than to engender ill feeling among our neighbors and citizens.

"As the corporate officer of the Borough of Vandergrift, Pa., charged with the maintenance of peace and order in the borough, I can not tolerate or permit any such conditions to exist.

"Now, know ye, that I, James H. Chambers, burgess of the Borough of Vandergrift, Pa., by and under authority and power in me vested by law, do hereby—until such time as may seem more expedient—forbid the assembling of persons in large crowds upon the streets, alleys, highways, or private properties, and all marches, parades, public meetings, or any other public demonstration within the borough limits, and all persons are commanded to follow their usual vocations in their usual quiet way.

"Given under my hand and seal this 31st day of August, 1909.

"JAMES H. CHAMBERS, Burgess."

You say your attention was not called to that?

Miss TARBELL. I never saw that; no. A very foolish order.

Chairman WALSH. What is that?

Miss TARBELL. A very foolish order.

Chairman WALSH. A very foolish order, and, of course, would be a serious interference with democracy there or elsewhere.

Mrs. Harriman would like to ask you some questions.

Commissioner HARRIMAN. Miss Tarbell, in the hands of unscrupulous employers, can scientific management work to the detriment of the employees?

Miss TARBELL. Well, it can not work very long, because scientific management depends absolutely upon the workmen. It can not be put over unless the worker agrees—absolutely can not. I think that has been proved again and again. Wherever the attempt has been made, as it has been made sometimes, to make the times too short—sometimes an employer will come along to the time study man and say, "Well, just shorten that up a little." Wherever they do that they have trouble. It won't work out unless you have the full cooperation of the workmen. It depends entirely on the workmen. I am perfectly convinced of that.

Commissioner HARRIMAN. Where scientific management is installed, in your estimation, is or is not organized labor valuable?

Miss TARBELL. I think organized labor is always valuable——

Commissioner HARRIMAN. You do not consider it necessary though?

Miss TARBELL. You mean necessary to the installation of the system? To the working of the system.

Commissioner HARRIMAN. Yes—to the employees.

Miss TARBELL. Individually?

Commissioner HARRIMAN. Yes——

Miss TARBELL (interrupting). Well, that all depends upon how—upon what ideas the employees have; how much they believe in cooperation among themselves; how much they believe that they can do through a united effort. The union is an organization that ought to concern itself with everything that concerns the best interests and development of the body of people in it. Wherever you can get a body of men working together for their own interests it is a good thing. I think it is a great mistake not to foster the unions. I think many intelligent employers see that and would rather have their men unionized. I have had many employers tell me they would not under any circumstances do away with the union; that they thought it was a fine thing all the way around.

Commissioner HARRIMAN. But from the point of view of the employee, you do not consider it as a protection, where there is scientific management, that there should be unionizing?

Miss TARBELL. You mean do I consider it essential to the honest management?

Commissioner HARRIMAN. Yes.

Miss TARBELL. No; I do not. I don't think it is essential. Where you have scientific management properly installed it is because you have very intelligent workmen and where you have employers and managers of a very high grade and where they know that any imposition, any unfairness, any injustice that is worked on the operative rebounds on themselves—where they understand that perfectly, and where their great idea is to do full justice and develop that employee to the fullest extent. It is primarily a system, just as Mr. Taylor has said again and again, to develop men. Only those men who are enlightened enough, who are big enough to see that they can not any more have injustice done or any more impose upon an operative than a union would. Now, where the system is misunderstood and there is a tendency to abuse it, the union ought to be sufficiently familiar with the system, and with how and when it is properly installed, to put a check to it; but it will only ball things up unless they really understand the system.

Commissioner HARRIMAN. Miss Tarbell, to what extent do women share the burdens of men in industries, in your study—have you found out?

Miss TARBELL. Just what do you mean by "the burdens," Mrs. Harriman?

Commissioner HARRIMAN. Well, I mean as to hours and poor wages and amount of work they have to do?

Miss TARBELL. The wages of women are ordinarily lower. There are, of course, reasons for that. They are not as stable a quantity in industry as men; and then there are fewer of them that are trained. Of course, the great body of women that go into factories go in without any knowledge at all,

utterly untrained, and they have to learn their work and that militates against their wages. If we could have some kind of training—if we once could get all our operation, all our tasks, made worthy; a standard for every task—now, that is one thing I see in scientific management which makes it appeal to me. It says there is no such thing as a menial task; that you should study every task and set a standard for it. And it does not matter what a man or woman does, it ought to be worth doing and you ought to find out the worthy way of doing it.

There are poor girls thrown into these big factories and none of them knowing anything about their work and perhaps never have seen a machine. And they take them and put them at machines without any instruction except what a driven manager will give, or foreman. That is a great handicap. The woman is not worth much. Poor thing, how can she be? She has had no training. I believe people ought not to be allowed to go to work until they know the job. We ought to have some system of training for everything.

Commissioner HARRIMAN. And you think that is the reason for the lower wages women receive?

Miss TARBELL. I say that is one.

Commissioner HARRIMAN. One reason?

Miss TARBELL. Another reason is that they are not as stable a quantity. Another reason is that they are not eager to push themselves up in a particular trade; that is, the period of service is rather a short one with them; they marry. I think that all these things militates against their wages. Then, of course, a great many of the operations are low-grade operations, and they are very cheap operations.

Commission HARRIMAN. Miss Tarbell, do you feel that suffrage would improve, or the reverse, the condition of women in industry?

Miss TARBELL. Well, I think that is very hard to say. I think sometimes it might improve it.

Commissioner HARRIMAN. You think it might improve it?

Miss TARBELL. I think it might improve it sometimes; and—it would depend on the conditions. I do not like to see women in politics because, of course, our public life is merely partisan politics as it goes now, and I would rather see them doing less self-interested things.

Commissioner HARRIMAN. Well, to what extent do the financial powers which control industry aid or hamper suffrage?

Miss TARBELL. Oh, I don't think they have anything to do with it.

Commissioner HARRIMAN. You do not——

Miss TARBELL. Oh, I don't think they would bother themselves about suffrage. Most of the men I know believe in suffrage. It is not the men that are keeping suffrage away from the women; it is the women.

Commissioner HARRIMAN. Miss Tarbell, has women's suffrage, so far as you know, helped to secure and enforce laws minimizing vice or has it not?

Miss TARBELL. I don't know. I don't think that suffrage has had fair enough test on that point. Probably the best laws we have had in regard to women and children have been made in States where there is no woman suffrage.

Of course, some of the Western States have adopted a body of laws that are very good. They have gone around to different States and found the best laws and voted them. But no law is worth much which does not grow out of actual condition. You copy a law from Massachusetts over in Colorado or Utah, and that is not much good. What you want is a law born in Utah and a law born in Colorado. The conditions always differ in different places. I think the age of consent has been raised in all the suffrage States, which of course is a good thing; I think that wherever we have women suffrage we will get legislation against liquor. Whether you will get its enforcement, I don't know. That is up to the women and depends on how active they are and how intelligent and how much interested they are. You will get a vote against liquor—you will always get that where you have suffrage. I think, though, they did not get it in California.

Commissioner HARRIMAN. No; I believe not in California. Did you, Mr. Weinstock?

Commissioner WEINSTOCK. In a good many local districts; yes.

Chairman WALSH. Commissioner Lennon says he would like to ask you a question or two.

Commissioner LENNON. Miss Tarbell, in your work on the magazines, would you permit the application of the Taylor system to your work as to the time you should write a sentence in, as to the particular adjective you should use in

a particular case if there were several having nearly the same meaning? Would you permit them to govern your time and your motions and where your ink should stand and how your pen should be held?

Miss TARBELL. Well, if they could show me a better way of holding my pen and a better way of placing my ink bottle why shouldn't I permit it? However, you must remember that the Taylor system, as far as it has been applied, applied to mechanical operations. It does not apply and has not been applied to writing. I think it might be a very good thing for most of us if we had something strenuous over us. We are a pretty sloppy people.

Commissioner LENNON. Is there any such thing in a machine shop, for instance, as a mechanical operation without mental activity?

Miss TARBELL. Oh, no; oh, no; and one of the good things about scientific management is that it is a great stimulus to mental activity—a great stimulus. That is, it teaches you the right way to do things. You have to learn it. You have to think whether you are doing it right or wrong all the time. Your mind must be on that. This old mechanical unthinking operation, rule-of-thumb operation, is very bad for the brain. It don't keep you lively enough; don't jack you up enough.

Commissioner LENNON. If there was an attempt by those who purchase the writing of people who write to introduce some system of so-called scientific management, would the writers insist upon cooperation in every detail as to its introduction?

Miss TARBELL. Well, of course, we have over us something that corresponds to that; we have the people that set our standards for literature; we have our critics; we have our editors who are always driving us to greater efficiency. There probably is no class of people that are harder driven for greater output than the journalist by those people over them that are always seeking to make their periodicals more efficient and more productive.

Commissioner LENNON. Well, those general principles apply to the mechanics, too, do they not?

Miss TARBELL. Yes; those principles are very much the principles—they are not nearly so—not worked out so well as for mechanical operation, but they are analogous. That is, I think the more nearly that I can apply the principles of scientific management in my own work the better workman I will be. The trouble with me is I am not an efficient enough person.

Commissioner LENNON. In those places, some of which you mentioned the name, does the bonus system, or the increased wage, that you speak of, apply to all workmen in the shop or industry or only to a small proportion of them?

Miss TARBELL. In some shops that I have been in I think that everybody had the increased wage. In certain other shops not. There are some operations that are very difficult to put under scientific management. You must remember that it is a science that is in its infancy. The workmen come slowly under it. That is, they are slowly educated. It is a system of education.

Commissioner LENNON. Have you found that the unions are opposed to real scientific management?

Miss TARBELL. Well, I can only judge from their expression. I have read all the testimony before this commission, and I certainly got the idea that they did not know very much about it, for one thing; and then another thing, that they were not taking any very active steps to find out. That makes me feel badly, because I believe in unions, and I think there are no people in the country with greater responsibility on their shoulders than the unions; and that they should pass lightly and without thorough investigation on anything in the world that promises to help the men and women under them seems to me very bad.

Commissioner LENNON. You are aware of the fact that the unions most vitally interested have been studying the matter carefully for years, since Mr. Taylor first introduced his system—continuously?

Miss TARBELL. I am very glad to know that, but I have seen no reports that would show it.

Commissioner LENNON. I just wanted to ask you one or two questions regarding the coke industry. Do you remember the time when in the coke fields of Pennsylvania women were to be seen firing the ovens practically stripped to their waists?

Miss TARBELL. Yes; I have seen them doing that.

Commissioner LENNON. Was that under the administration of Mr. Lynch?

Miss TARBELL. I do not know. I never saw any great amount of it——

Commissioner LENNON. Well, I have seen hundreds.

Miss TARBELL. Yes? I never saw a great amount of it.

Commissioner LENNON. Has that entirely been removed?

Miss TARBELL. It is many years since I have seen a woman working around a coke oven. I do not know; I would not say. I think some of the conditions in those coke villages now—in those coke ovens—are as bad as they were. I must judge from the exterior, but it has been many years since I have seen a woman around a coke oven.

Commissioner LENNON. Do you ascribe the changes in such conditions as those that have taken place to the activity and initiative of the steel company or to the agitation of the common people throughout the United States?

Miss TARBELL. Well, I think advancement is always the result of enlightenment on the part of our people that affects everybody. Public opinion on these subjects is enlarging all around. We all of us see this thing much larger than we did 10 years ago. All of us are learning. The steel company has been learning very fast.

Commissioner LENNON. You think that is true?

Miss TARBELL. Yes; I think that is true. The steel company had learned a good deal when it stopped Sunday work. I think you will concede that it learned a big thing then.

Commissioner LENNON. But they have not stopped it.

Miss TARBELL. Well, then, I am misinformed. How much Sunday work do they have?

Commissioner LENNON. I could not say the percentage, but there are quite a number of their plants——

Miss TARBELL (interrupting). Well, I suppose there is always a certain amount of Sunday work in everything; anything that goes on. I know in my house the cook has to cook Sunday dinner. Now, the Sunday work I have seen in the Steel Corporation plants has been this—there are always watchmen. There must be watchmen in those plants. I think we would concede that. The furnace ovens have to be taken care of, and I think that in most of the open hearths there will be a shift come on toward night on Sunday because the furnaces can not be allowed to get cold without great loss. I really believe they are making an effort to stop Sunday work, and that they have cut off a great deal of it. I would not want to say that the Steel Corporation has the largest views of labor in the world, but I think they have done some mighty good things in the last year. They have been willing to say this: "We have been doing things that were not right and we have put our whole force to correcting what is wrong." Now, I say that is acting like a man. They have not stopped by any means. They are going on at this very time. Then, this safety work of theirs—that is the best that there has been in any country. If the union would take the code that they have laid down for their places and say, "We are going to insist upon this in all plants," they would do a great thing for themselves. Their sanitation work is a great work. They are enlarging all the time. They are learning. Let us give them a chance. We all have lots to learn about these things.

Commissioner LENNON. We admit that, but hasn't the workingman in an industry as much right to initiate reforms as the employer?

Miss TARBELL. Oh, yes.

Commissioner LENNON. And have the say as to whose ideas shall be tried out?

Miss TARBELL. He certainly ought to have.

Commissioner LENNON. Well, where has that been done by the steel company or any of the other great corporations?

Miss TARBELL. Well, take this safety work. I think if you will examine the records of the safety work that you will find a great many things suggested by the workers that are being tried.

Commissioner LENNON. By the individual workmen themselves?

Miss TARBELL. I know that to be true. Isn't that true?

Commissioner LENNON. By the individual workman, yes.

Miss TARBELL. By the individual workman.

Commissioner LENNON. But by cooperation of all the workmen in the plant or industry?

Miss TARBELL. Well, that whole safety work is cooperative work. There is no steel company that does not have a safety committee made up of the men, and they are cooperative in their tendency, which is always a good thing.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask a few questions, please.

Commissioner WEINSTOCK. If, as you pointed out, Miss Tarbell, the eight-hour day is practicable and profitable in the Illinois steel mill, why could it not be made practicable and profitable generally?

Miss TARBELL. I think it could, myself. I am perfectly convinced of that.

Commissioner WEINSTOCK. Then you know of no good reason why it ought not to be a common condition?

Miss TARBELL. The only reason why it is not a common condition is of course the matter of efficiency and of intelligence in installing it.

Commissioner WEINSTOCK. Well, now, is there any corporation that you know of that has at its command higher brains—better brains and higher ability than this steel company, for example?

Miss TARBELL. No; I think not.

Commissioner WEINSTOCK. They have the best that money can employ anywhere?

Miss TARBELL. Yes. They ought to have anywhere, at least.

Commissioner WEINSTOCK. Why should it not be possible for them to establish it if that has been established in smaller concerns?

Miss TARBELL. I believe it is possible for them to establish it. I believe they ought to do it. I know they are contemplating it. At least I think if you read their public statements—and that is what I depend upon—you will find that there is much talk of this. They feel, I suppose, that changes of that kind in corporations as big as theirs and as unwieldly with so many different influences, are slowly made. We can all understand that it is a pretty big undertaking in its operation.

Commissioner WEINSTOCK. Well, I remember reading recently a copy of the last annual report to the stockholders of the United States Steel Co., and as I now recall it there was a statement made therein to the effect that it was not possible to operate the mills on an eight-hour basis, and yet that is what you say you saw with your own eyes in Illinois is a fact, then it would indicate that the writer of that statement was in error.

Miss TARBELL. Yes.

Commissioner WEINSTOCK. And that it is possible to establish an eight-hour shift.

Miss TARBELL. Yes.

Commissioner WEINSTOCK. In that industry?

Miss TARBELL. I believe it is possible from what I have seen.

Commissioner WEINSTOCK. From the study that you have made of scientific shop management, you believe, Miss Tarbell, scientific shop management is compatible with collective bargaining?

Miss TARBELL. Yes; I do.

Commissioner WEINSTOCK. And the two can go hand in hand?

Miss TARBELL. I believe so. That is, you can in most shops; the basic wage in many of them of course, is the result of collective bargaining. They start there.

Commissioner WEINSTOCK. Yes.

Miss TARBELL. And I do not see why the bonus or the premium or the additional wage, whatever form it may take, should not be fixed collectively. I do not for myself just see how it can be done, but if that is the point at which labor sticks, then I think that is the point that ought to be considered. I do not see why it should not be worked out. I think there are a great many scientific experts that feel that it can be worked out.

Commissioner WEINSTOCK. Well, scientific management—as you have just explained—is based upon the standard wage and a plus in the form of a bonus.

Miss TARBELL. Yes.

Commissioner WEINSTOCK. Therefore, collective bargaining is essential to establishing the standard wage—the basis?

Miss TARBELL. I think myself it is a good thing, collective bargaining for the basic wage, and collective bargaining is good for anything, that all of these things ought to be done collectively, cooperatively—everything.

Commissioner WEINSTOCK. And as I recall it, we have had scientific management experts on the witness stand who have given it as their opinion that where scientific management prevailed unions were needless. And I think we have had some even go so far as to say that they would not cooperate with organized labor in scientific management because they had found that organized labor was hostile to the introduction of scientific management and would hinder it wherever possible, and therefore they regarded organized labor as a disadvantage in shops where scientific management was introduced. Now, is there a sound basis for the position of these experts?

Miss TARBELL. Of course, I do not know the particular experience on which they are basing that statement. Of course, the installation of scientific management in shops is a very difficult problem. It is a long problem. There are a great many factors involved in it. A man has his hands pretty full, and as I understand it in going into a shop these engineers demand—they are superior to the employer. They will allow no interference with their method. They have what they believe to be a scientific formula to be installed where people have to be persuaded to do that; they have to be taught that. You have got to teach the man generally at the head. He does not know what it is about and generally he goes at it, he is making an experiment for the time he is fooling away, and it is a waste of money, and all of the managers must be converted and all of the workmen must be converted, everybody throughout the shop has to be converted, and they have to learn. It is like sitting down to learn a new science, to learn a new calculus. It takes a long time.

I think what they fear is they fear the interference of a man who don't know what it is all about. They think they have trouble enough, and they say they would have more trouble if they had the union. He feels that the union is going to object to scientific management because it has not taken in its representative, can't take him in. Why, then, I think it is the part of intelligence and wisdom on the part of scientific employees to take them in as far as he can and explain it to them as he does the manager, because he has got to convert everybody to it.

Commissioner WEINSTOCK. Do you believe, Miss Tarbell, that workers should have a voice in fixing the bonus given for high efficiency?

Miss TARBELL. Yes; I think the worker should have a voice in everything that concerns him.

Commissioner WEINSTOCK. You believe, then, in industrial democracy?

Miss TARBELL. I do, absolutely.

Commissioner WEINSTOCK. Let me repeat a statement made by Mr. Brandeis before the Industrial Commission in Washington some months ago in connection with scientific management, and let me ask, if I may, in how far you concur with his point of view. He made the statement that he thought organized labor was making a great error in fighting scientific management; that he believed it was organized labor's greatest opportunity to cooperate and to do and to aid in its installation because he believed it was in the interest ultimately of the worker, and that if organized labor continued hostile to scientific management it could lose its usefulness, because scientific management had come to be—come to stay and would be introduced regardless of the attitude of organized labor, and therefore it was wise, in his judgment, for organized labor to welcome it rather than to fight it.

Now, in how far do your observations and your investigations lead you to concur in that opinion of Mr. Brandeis?

Miss TARBELL. I concur absolutely in that. My interest in scientific management is because I believe when properly installed it makes for industrial democracy, and the one that it serves most is the workman. Of course, you can't blame labor leaders or workmen for being suspicious of what they don't understand, but no man has a right to allow his suspicions to interfere with that which may possibly serve those that he leads. We should try all things.

Commissioner WEINSTOCK. Yes; they ought to have the open mind.

Miss TARBELL. They ought to have the open mind, and they ought to do a tremendous amount of good hard work on the subject. It is a hard thing to understand. I do not pretend to understand a science that it took 25 years to develop. And it has had some of the best brains in this country at work on it.

Now, it can not be dismissed this way, because we do not understand it. We must put our minds to it. I think Mr. Brandeis is perfectly right in saying that this thing will go on any way. Another reason for the thorough study of it by labor men is that, like all things it may be abused.

Commissioner WEINSTOCK. Would that abuse not be kept in check, in restraint, if labor had a voice.

Miss TARBELL. That abuse always destroys the system, but it could be prevented if you had an intelligent voice.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. Just one question regarding scientific management. Does this scientific management encourage the eight-hour day?

Miss TARBELL. Well, wherever I have found a shop under scientific management the hours have been greatly reduced. The hours in this Pilgrim Laundry

to which I referred to have been reduced to 42½ a week. Scientific management means that you have got to keep a body of people in good condition; their minds active and fingers nimble, feeling like work, and you can not do that if you have got too long hours.

Commissioner BALLARD. You spoke awhile ago of the increase in the cost of living being more rapid than the increase in wages. By that do you mean the increase in the cost of so-called necessities of life, food and the cheaper grades of clothing, or do you mean in the increased demand on the part of the world that everybody almost in this country has for some articles which some years ago were called luxuries and are not called necessities. Is that where the cost of living comes in?

Miss TARBELL. Of course, that comes in. But if you take what we call necessities—bread, meat, rents, common clothing—the statistics of the Bureau of Labor show that the cost of living in the last 20 or 25 years has kept a little ahead of the rise in wage. I think that nearly always happens. It has happened, I think, quite markedly in the last 20 years.

Commissioner BALLARD. While I am not prepared to argue the question of the high cost of living—you spoke first of flour and that the flour up to last July was cheaper than it had been, except once or twice in the last 20 years.

Miss TARBELL. Yes.

Commissioner BALLARD. And for corn meal and other articles of food?

Miss TARBELL. Did they get it in the loaf of bread that we buy?

Commissioner BALLARD. If it became so much of a luxury that they did not make their own bread and bought fancy cakes, that is getting back to the form of luxury, that is the very point I want to ask if you have studied.

Miss TARBELL. Well, I believe, Mr. Ballard, that a great many things that 20 years ago were called luxuries rightly have become necessities. I believe the workman ought to have as necessities more of the things that once were luxuries. All of the good things of this world ought to be more evenly divided, and that the means by which they get them ought to keep pace with that increased demand. I think that is the right thing.

Commissioner BALLARD. The reason why we should not all enjoy some of the so-called luxuries?

Miss TARBELL. Certainly. Everybody ought to enjoy all the reasonable luxuries.

Commissioner BALLARD. Just one more question. Have you made a study at all where any factory or any plant has gone from the 12 to the 10 hour day, and from the 10 to the 8 hour system, as to what the workmen do with that added four or five hours of leisure?

Miss TARBELL. Yes.

Commissioner BALLARD. Has it had a tendency with the shorter hours to reduce the amount of drinking and reduce the amount of gambling, so called?

Miss TARBELL. I suppose we could all of us pick up a man who, when he had only eight hours to work, spent that two extra hours in a saloon. But the shorter hours reduce the amount of liquor consumed by the working people. The liquor is often taken by people who are overworked to whip up their jaded energy. That is what makes—it is the 12-hour day that makes the drinking—because if you work 12 hours a day you are worked out, and you have got to get something to whip you up, and probably liquor is the thing to do it. I believe shorter hours makes for sobriety. I believe it makes for health. In most places where I have seen the eight-hour day in operation sports were increasing enormously. That is one thing that has increased in the Steel Corporation enormously. With the putting in of the eight-hour day—nearly three-fourths of the men are on the eight-hour day—you will find in all the steel plants big ball games, people, the men, all playing ball. You will find that the libraries on the shorter day are better patronized. That is a matter of statistics. I can give you statistics from Vandergrift and Homestead on that point. I do not have them here. I was out in Wisconsin a year ago and one result of the shorter-hour day out there was the number of men in night school. The men go to night school. They were using their time to improve themselves.

And Mr. James Duncan, the head of the granite-cutters' association, who was before this commission, states that with the shortening of the hours of the granite cutters the number of men who went to night school and that went in for sports was pronouncedly increased. The men are decent, and the shortening of the hours naturally makes them want to do that.

Commissioner BALLARD. Perhaps you might give us these figures some time, in a tabulated form, so that we may have them in our files.

Miss TARBELL. I will be very glad to do that.

(The following communication was subsequently received from Miss Tarbell:)

THE AMERICAN MAGAZINE,
New York, April 23, 1915.

MY DEAR MR. BROWN: Will you pardon my delay in replying to your letter of some time back? I have been much occupied. You ask me for figures in a tabulated form of the increase in the number of granite cutters attending night school since they have had an eight-hour day. I have no tabulated figures; the information comes to me from Mr. James Duncan, the president of the Granite Cutters' Union. You will find this statement from Mr. Duncan in an article in the American Magazine for April in an article of mine on "Hours":

"The granite cutters seek new entertainment; they are in evidence in drawing and modeling schools in the evenings of the winter season and conspicuous in athletics in summer. Some of our members have developed into great baseball stars in major leagues. Boating, swimming, long rural walks, bicycle riding, and occasionally a week of vacation are in evidence. Homes are happier, and our members and those dependent upon them and associated with them are better fed and better clad than at any time in our trade history."

I think I also mentioned the increase in the use of books in the Homestead library in the last few years. There are no tabulated statistics; but the increase has been since Sunday hours were stopped and conditions improved. At Vandergrift, Pa., there is a steady increase in the number of books read by the men, noted by the librarian, who has been there for a number of years.

They have been steadily adding technical books to the library. There is an increased use of these among the mill workers. The librarian also tells me that the quality of the fiction read by the mill men is much higher. I think that you will find that wherever the management takes pains to encourage night schools there is a good response. At Beloit, Wis., there is a night school where the foreigners are particularly keen to learn English. Wherever I have been where there were libraries in factories or where there were night schools and classes I have found the mill and factory workers using them freely. I am sorry that these statements are so general, but I have not had an opportunity to put in tabulated form the information I have gathered.

I find I have a copy of a section of the report of the commission belonging to you—No. 6; I am returning it to-day by express.

Sincerely, yours,

IDA M. TARBELL.

Mr. LEWIS K. BROWN,
703 World Building, New York City.

Commissioner BALLARD. That is all.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Going back, Miss Tarbell, to a question that was asked you by another commissioner a moment ago, in which you aligned yourself with Mr. Brandeis's opinion, is your opinion on the relation of the labor unions, or a great many of them, to efficiency as wide as Mr. Brandeis's or as complete?

Miss TARBELL. I do not know how broad that is. I do not pretend to be an authority. I only know what I have seen.

Commissioner GARRETSON. Mr. Brandeis makes his remarks, I believe, through his record of efficiency in connection with the operation of railroads.

Miss TARBELL. Yes.

Commissioner GARRETSON. And when Mr. Brandeis appeared before this commission he was not even aware of the fact that all the train and engine service organizations, labor unions, have been on time and bonus systems for 20 years. Were you aware of that fact?

Miss TARBELL. Yes.

Commissioner GARRETSON. Then, is your conclusion still the same—that the unions work against it?

Miss TARBELL. Well——

Commissioner GARRETSON. It was devised by them, wasn't it, by the unions themselves?

Miss TARBELL. Oh, but the time and bonus are only one element in scientific management.

Commissioner GARRETSON. Does not Mr. Emerson claim that he founded his whole system on the system that is in effect in train and engine movement?

Miss TARBELL. I do not know what Mr.——

Commissioner GARRETSON (interrupting). Harrison Emerson's declaration.

Miss TARBELL. I know very little of Mr. Emerson's work.

Commissioner GARRETSON. Is not Emerson one of the leading efficiency engineers of the country?

Miss TARBELL. I believe he is called so. I have never been in an Emerson shop, but the bonus is only one element in scientific management; it includes the standardization of tasks—teaching the tasks.

Commissioner GARRETSON. Isn't it associated with every one of those systems in one form or another?

Miss TARBELL. The task and bonus?

Commissioner GARRETSON. Either bonus, time bonus or cash bonus.

Miss TARBELL. Oh, yes. There is some form of giving of an increased wage for increased efficiency.

Commissioner GARRETSON. What has been the experience of workingmen, not necessarily union men at all, with bonus systems, covering four or five years back?

Miss TARBELL. It has been pretty bad, Mr. Garretson.

Commissioner GARRETSON. Hasn't it been invariably used as a means of increasing the output, under ostensibly increasing earnings, and then being used to lower wages? I use earnings and wage in a directly opposite sense.

Miss TARBELL. Not invariably; no, sir.

Commissioner GARRETSON. Has there been any variation from it, except with the occasionally humane employer?

Miss TARBELL. Well, of course, the man that is inhuman is inhuman with his employees. The human man is fair.

Commissioner GARRETSON. And I am drawing that exception, that there is the occasional humane employer who does not do it, but the general class, it has, at least, that way they did not.

Miss TARBELL. I think there has been an immense amount of cutting of rates.

Commissioner GARRETSON. Isn't it a fact that the opposition lies with the laboring man and not necessarily with the union man only?

Miss TARBELL. I think there is a great suspicion of that, Mr. Garretson; that is exactly what labor ought to see, that this is a different kind of thing.

Commissioner GARRETSON. When labor draws on its experience is it not, in a certain degree, justified in desiring to be shown?

Miss TARBELL. It certainly should desire to be shown. What I am complaining of is they are not working hard enough to be shown.

Commissioner GARRETSON. You spoke of the betterment of conditions in certain places which you had investigated in the coke and coal industries where they had been giving the—the company had furnished the men with decent homes and with desirable gardens. Should not the wage, as an equitable proposition, be high enough to allow every man to furnish those things for himself?

Miss TARBELL. The wage down there, Mr. Garretson, was good. It was the union scale. You must remember that these particular people were almost invariably foreigners, few of them spoke English; they were in an industry where the houses had to be built by the company or there would have been no place for them to live. That may be a deplorable thing, but there are such situations. The houses had to be built for them, and a piece of ground was added. I think myself everybody ought to have a piece of ground to play with.

Commissioner GARRETSON. Would they not want to let the men acquire title to the ground, or is it——

Miss TARBELL. I do not think anybody—I do not think any sane workman would want to acquire a piece of ground for a home over a coal mine which may be exhausted at any time.

Commissioner GARRETSON. Is not a very large proportion of the property in Pennsylvania, for instance, owned by the average citizen over a coal mine?

Miss TARBELL. There is a great deal of it.

Commissioner GARRETSON. There is the tendency on the part of men to acquire land even over coal mines if the opportunity is there.

Miss TARBELL. Unquestionably.

Commissioner GARRETSON. Should not safety legislation, to which you give some prominence, go hand in hand with the wage that makes life worth living or furnish an incentive to safety?

Miss TARBELL. Unquestionably.

Commissioner GARRETSON. Have you ever heard of safety coming into any prominence until after the enactment of laws that make it a good investment—liability laws and compensation laws? Did it ever gain any prominence until then?

Miss TARBELL. I know one concern; 25 years ago safety experts were put on the plant and a compensation policy enacted in that particular shop which is much more liberal than the compensation provided by the safety laws which have recently been enacted in that particular State.

Commissioner GARRETSON. There comes again the humane exception. Do you know of any other case?

Miss TARBELL. Yes; I do. I know of one big shop in New England where for years the most advanced safety appliances have been constantly worked out, and where they have been applied, and where it has been a continuous study to improve the safety.

Commissioner GARRETSON. That is true. How many manufacturing plants are there on the continent?

Miss TARBELL. Well, I don't know.

Commissioner GARRETSON. If there are 500,000, for instance, and there were, say, 10 instances where this had been done, would it prove anything except that there was the occasional exception to a rule? Did you or anybody ever hear publicity given to the slogan "Safety first" until following the enactment of the laws of the kind I have named?

Miss TARBELL. The safety slogan in the steel company in Pennsylvania, for instance, was used 15 years ago, and that was at a time when there was practically no safety laws on the books.

Commissioner GARRETSON. No safety laws back of 15 years?

Miss TARBELL. Not to amount to anything. Of course, we have had safety laws, and we have had safety experience, but not highly developed.

Commissioner GARRETSON. Where did the initiative come for the enactment of the present code, even as weak as it is, of social legislation?

Miss TARBELL. Where did it come from?

Commissioner GARRETSON. Where did the power to enact it and the influence come from? Where did it have its initiative?

Miss TARBELL. Well, I think it has come from all along the line.

Commissioner GARRETSON. Where has the general opposition to such legislation lain?

Miss TARBELL. The improvement in the world has come largely from the men at the bottom pushing up—always comes from that.

Commissioner GARRETSON. How do you reconcile your conclusions that the union has its place and its mission in connection with efficiency, in the face of the declaration of not only the high priests of efficiency and movement, but of the men, the most prominent men who are handling the plants where it has been put in? I am talking of a particular declaration before this commission only.

Miss TARBELL. I am not trying to reconcile my notions with it. Those are simply my notions.

Commissioner GARRETSON. Well, then, in the face of their declarations and attitude, your conclusions would be absolutely inoperative that they should go hand in hand?

Miss TARBELL. I think you have had two safety experts before this commission.

Commissioner GARRETSON. One or two.

Miss TARBELL. Who have said that they believed that labor should be recognised, organized labor.

Commissioner GARRETSON. Yes; two of them.

Miss TARBELL. I think if you will examine——

Commissioner GARRETSON (interrupting). To what extent? What were the qualifications that accompanied that declaration of it.

Miss TARBELL. I think they would have to qualify them in the same way that I qualify them, by saying that they did not know how it was going to be done. I do not think they know how it is going to be done, but there are lots of things we think must be done that we do not know how to do.

Commissioner GARRETSON. You described the attempt of the scientific expert when he came into a place—you stated you believed in industrial democracy.

Miss TARBELL. Yes.

Commissioner GARRETSON. Is not the efficiency expert nothing but a form of individual despotism, as you describe them?

Miss TARBELL. No; I would not say so.

Commissioner GARRETSON. He is absolute.

Miss TARBELL. Well, my dear Mr. Garretson, then we may say the teacher is an absolute despotism in the school. We may say anybody that is teaching a thing, trying to install a thing, is an absolute despotism.

Commissioner GARRETSON. The efficiency system would restore to the employer the absolutism that he possessed until the banding together of his employees had taken a part of that absolutism away from him, would it not?

Miss TARBELL. Oh, I do not think so, Mr. Garretson. If I believed that for one moment I would not be saying what I am, not for a moment.

Commissioner GARRETSON. That is all.

Chairman WALSH. At this point we will take a recess until 2 o'clock. Will you kindly return at that time, Miss Tarbell?

(At 12.20 o'clock p. m. of this Tuesday, January 19, 1915, a recess was taken until 2 o'clock in afternoon of the same day.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The house will be in perfect order, please.

Miss Tarbell, prior to luncheon I was asked to call your attention to a statement in a report of the committee of stockholders of the United States Steel Corporation of 1912 upon the question of the 12-hour day, which reads as follows:

"To ascertain the number of employees of the Steel Corporation working on a 12-hour schedule, exclusive of officials, managers, and clerical force, we have examined the records of 175,715 men. Of this number we found 42,268, or 25½ per cent are at present working 12 hours a day." Dated April 15, 1912.

And also a statement as to wages, hours, and other conditions of labor among the employees of the United States Steel Corporation and subsidiary companies, and dated February 20, 1914, which reads as follows:

"Leaving out of consideration employees engaged on railroad trains, ships, and general administrative work, only 22.5 per cent of our employees work 12 hours a day, and we are making efforts to further improve conditions."

I was asked to call your attention to those figures. Commissioner O'Connell has a few questions to submit to you.

Commissioner O'CONNELL. Miss Tarbell, do I understand you speak on the efficiency question as one having had personal experience with it or as an expert in the matter of putting it into effect?

Miss TARBELL. Oh, no; not as an expert.

Commissioner O'CONNELL. Have you had any personal practical experience in the matter of its management or putting it into operation?

Miss TARBELL. I have not; I distinctly said I am an observer, a journalist.

Commissioner O'CONNELL. Either from the employers' or the workmen's standpoint?

Miss TARBELL. This has been my experience: I have visited several plants in which the system was being put in operation and also several plants in which the system had been installed for a considerable period. I have gone through the shops carefully and have talked with a good many of the workmen under the system, and I have observed the general conditions, looked into the hours and the wages and the general atmosphere of the shop; informed myself, not as well as I might, perhaps, but as well as my time permitted. I have also read a good many books and talked with various experts.

Commissioner O'CONNELL. Have you known of instances where scientific management has been put into operation and then discontinued?

Miss TARBELL. I have never examined a plant where it has been discontinued. I have known of plants where it has been discontinued; I have known of several. I know that in some it was discontinued because the system had been abused; I know of others where it was discontinued because there was not the full cooperation of management it requires. I have known of others where it had been installed by so-called experts who were charlatans and did not know the business.

Commissioner O'CONNELL. Have you observed the effect that the introduction of the so-called scientific management, or other things akin to it, have had upon the management as to the workers, either favorable or otherwise?

Miss TARBELL. I have never known of its breaking up the organization in any shape. I do not see why it should.

Commissioner O'CONNELL. I believe you said in the beginning that the effect of the introduction of a true system of scientific management, or words to that effect, that it would have the effect of increasing wages and reducing the hours of labor?

Miss TARBELL. I think that has been the effect.

Commissioner O'CONNELL. Can you point to any institution where that effect has occurred?

Miss TARBELL. Oh, yes; in this town there is a laundry that is under scientific management. It has been installed very carefully and over a long period of years. I suppose you know something about what laundry hours are. The hours have been reduced to 46½ and they are regular; that is, there is no night work. That has been done by the application of efficiency principles and nothing else.

Commissioner O'CONNELL. No application to State laws?

Miss TARBELL. They are much below the State laws, which are 54 in this State and 46½ in this laundry. They have been gradually reducing hours for a number of years under scientific management.

In the cloth craft in Cleveland they have reduced their hours to something like—I was going to say 48½, but I think that is too low—it is nearer 49, but it is much below the legal number of hours.

Commissioner O'CONNELL. Now, going into the manufacturing where scientific application has tried to have been employed, the machine shop is a common place for all scientific experts, as a proy, you probably know——

Miss TARBELL. I should not use the word "proy"—pardon me.

Commissioner O'CONNELL. I have spent the greater portion of my life in machine shops, that being my trade, and I know something when I say "proy." For instance, the steel company—Mr. Taylor.

Miss TARBELL. Yes.

Commissioner O'CONNELL. Was originally employed in the introduction of the so-called Taylor system, in the Bethlehem Steel Works, and if you know anything of the Bethlehem Steel Works, you know the hours have not been reduced.

Miss TARBELL. I have never been at the Bethlehem Steel Works.

Commissioner O'CONNELL. The Midvale Steel Co., of Philadelphia, if you have read his books you will note his application to the Midvale Steel Co.?

Miss TARBELL. Yes.

Commissioner O'CONNELL. And outside of a portion of the work performed in that institution under Government contract, which requires eight hours by law, I think you will find there has been no reduction of hours. The Link Belt Co., which you referred to, their plant at Philadelphia is operated under the usual basis, and their plant in Chicago, which is a larger plant, is operated on a different basis, and both of these managers of these plants are the same, but I think you will find in both cases the hours have not been reduced.

Miss TARBELL. The hours in the Link Belt Co. are the legal hours of the State. I spent a day in the shops not so very long ago talking to any man that I wanted to. In the middle of the afternoon I talked to one elderly man and apologized for taking his time—I knew that he was working on piecework—and he said, "My day's work is finished. It was finished a half an hour ago. What I do now—this was at 3 o'clock in the afternoon—what I do now is pure velvet, and if I want to talk, I feel I have a right to talk, because I have finished my day's work."

Commissioner O'CONNELL. The scientific management is not in effect there?

Miss TARBELL. Oh, yes.

Commissioner O'CONNELL. With the man's time being wasted in that manner?

Miss TARBELL. In the Link Belt Co. the man had finished what he called his task. He was at liberty to do whatever he wished. In the Taylor Co.—I am speaking for the Taylor Co.—I know it to be true there, the men finish what is called their task. Of course, you understand the terms—that they rarely occupy in that task their full eight hours—no; it is a nine-hour day—yes; it is a nine-hour day.

Commissioner O'CONNELL. Fifty-four-hour week?

Miss TARBELL. Fifty-four-hour week. Yes. They rarely occupy their full time. The day that I was in the Link Belt Co., but I should say I saw a half a dozen men leave about 4 o'clock in the afternoon. They had earned their bonus.

Commissioner O'Connell. Under that system how would you provide, Miss Tarbell, for the man who is aging, whose sight is failing, whose activities are failing, to keep up the pace after the task is once set?

Miss Tarbell. Well, I think that man should always have special consideration.

Commissioner O'Connell. Is there any provision under the present method of scientific management of taking care of that man?

Miss Tarbell. There is the provision any intelligent man would make, any man who is intelligent enough to honestly install scientific management will be a man of sufficient intelligence to take care of such cases as you mention. I feel quite convinced about that—under the absolute unqualified installation of the system—the weak and the old and the incompetent go out.

Commissioner O'Connell. And would you hold that the introduction of scientific management, as you see it, would minimize industrial unrest?

Miss Tarbell. I think anything that gives men more hope, anything that makes them feel that a way has been opened for them to advance, anything that gives them a fairer wage, more fitted to their abilities, which gives them more reasonable hours and better conditions, ought to take away industrial unrest. If I understand industrial unrest, it comes from the fact that men are not being treated with justice; that they feel that they have no hope; that they feel the conditions under which they live are cruel, and that keeps them down. Anything that opens life to men, as I believe scientific management does open, ought to decrease industrial unrest.

Commissioner O'Connell. As a woman of great experience, of travel and opportunity, of seeing industrial life—this commission is created to ascertain what are the underlying causes of industrial unrest, and I am sure the commission would appreciate an expression from you as what you consider the causes of industrial unrest, real downright cause, something that we might recommend to Congress, as the reason for this industrial unrest.

Miss Tarbell. I think it arises from the desire of men to better themselves. I believe that it is inherent in every normal intelligent man to want to better himself. He finds himself frequently in an industrial impasse; he can not better himself. He is tied down by the conditions of his labor and the obligations that he has upon him. Now, whenever a man feels that there is nothing open for him, that there is nothing but one eternal hopeless grind, and out of that grind he is not getting what he wants to develop himself, to educate his family, to give his wife the comforts of life—that he is not getting life—you are going to have unrest, I think our ideas of what makes life worth while are all the time expanding. They are expanding because of the diffusion of education, the freer circulation of men and women in this great country, this fact that every idea that is afloat is put before everybody—I think our industrial unrest comes from feeling that we have a right to more life than we are geting. Industrial unrest is a wonderful expression of the desire of men for more life. Men are going to get it, and they have a right to get it. They have a right to struggle to get it, and in that struggle they should have the help of the best brains. There is nothing which is right or just or sound which should not be brought to their help. Nothing which is right and just and sound should be kept away from them. All those things will prevail, and those are the things that the great rank and file of men have a right to have brought to them. That is what leaders should bring them—the best that there is.

Commissioner O'Connell. From your observation what influence or concern or form of organization or association in our time has done the greatest work in the matter of uplift, bringing those opportunities to live you speak of, what influence has been at work?

Miss Tarbell. There have been many influences at work. Probably our great educational system is chief. It is probably the basic cause of unrest. If you do not want people to be restless, do not let them know anything. The more they know the more restless and ambitious they are going to be.

Commissioner O'Connell. Their industrial life—as to their industrial life?

Miss Tarbell. Education, the workman knows, wins. He is determined to help himself by anything that he can get hold of. He will help himself by unionism, and he has helped himself enormously by unionism. What he wants and what he needs is a bigger union that has more knowledge in it, a union that has more breadth of mind—a union that is as big as the world, as big as life. That is what he ought to have.

Commissioner O'CONNELL. You think he ought to have a greater opportunity, a fairer opportunity to deal with his employer as to the conditions under which he should be employed, sell his labor?

Miss TARBELL. I think the workingman ought to have the fullest opportunity to deal with his employer; an employer who refuses to deal with the individual workman or who refuses to deal with any body of workmen makes a terrible mistake.

Commissioner O'CONNELL. Do you think the individual worker, even though he may get an opportunity of presenting his grievance, that he has a fair chance single handed to take care of his grievance with the large employers to-day as they are?

Miss TARBELL. Individually?

Commissioner O'CONNELL. Yes.

Miss TARBELL. Well, I think that will depend a good deal upon the individual, how intelligent he is. I think in some cases the individual has a very fair chance; in others he has not a fair chance. Of course, things in different corporations, in different companies, differ, the practice differs greatly. I think it is a great mistake not to hear everybody, and a great mistake not to listen, whether they come to us as individuals or whether they come to us as a union.

Commissioner O'CONNELL. How would it be possible for the individual workman, the man, woman, or child as case might be, to bring about the reduction of his or her hours of labor, individually?

Miss TARBELL. Well, it would depend upon how strong a plea he could make. I think it sometimes is done. There are individuals—perhaps the old man of whom you spoke, the man that is not well equipped, might get some concession. I know in this town of a department store in which—of course, the labor in the department store is not organized at all—one very good shop in the town in which it has been the practice to hear different cases and to adjust the wage and adjust the hours frequently. I do not think that is a good practice, because, of course, there should be just as great a uniformity of wage for the same work and uniformity of hours, if possible.

Commissioner O'CONNELL. Have you given thought to the question of remedial legislation as to why these—at least, what appear to the workmen of the persistent opposition on the part of employers against the putting into law of remedial legislation for labor.

Miss TARBELL. The opposition of employers to remedial legislation has always seemed to me to be due to unintelligence and stupidity and greed. Of course, I am granting that it is good legislation. A great deal of the remedial legislation we have offered has not been carefully enough thought of. We have a good deal of legislation that is presented by people who don't know anything about industry.

Commissioner O'CONNELL. I am speaking of such as child labor—child labor and laws to protect women and laws to protect children, and compensation.

Miss TARBELL. Of course.

Commissioner O'CONNELL. Reduction of hours—those laws that are really beneficial.

Miss TARBELL. The opposition of that kind is wrong. It is due to unintelligence.

Commissioner O'CONNELL. As, for instance, in the great State of Pennsylvania, where all these large, immense industrial plants are, with all its wealth of coal in the earth; yet there has not been upon the statute books of Pennsylvania a compensation law in that State.

Miss TARBELL. Of course, that is all wrong.

Commissioner O'CONNELL. There is an opposition there?

Miss TARBELL. Certainly there is an opposition. There is opposition——

Commissioner O'CONNELL. Two-thirds, or, at least, more than half of our States have agreed that compensation laws are a good thing and have put them on the statute books, and yet the great industrial State of Pennsylvania has not. What is the opposition there?

Miss TARBELL. I think it is stand-pat, high-tariff minds; that is what I think it is. There is a bad case of that in Pennsylvania.

Commissioner O'CONNELL. That is all.

Chairman WALSH. I have been asked to ask you one other question which has been submitted. Do you believe that the cause of the trade-unions failing to recognise the principles of scientific management is due to the fact that they fear a steady increase in the output of manufacture, thereby causing the dis-

missal of many of their members, and that scientific management might be the entering wedge for dissolution of their organizations and eventually bringing about intense competition and a reduction in wages?

Miss TARBELL. Take the first part of that question.

Chairman WALSH. Yes; it is rather long.

Miss TARBELL. There is a fear of increase in production? I think that that is one cause. I think the fear of abundant production is very great. We have been brought to that kind of an economic policy. We have been trained to believe that we must always produce a little less than the world will take in order to keep prices high. That has been the policy of our great trusts, and they wanted to underproduce a little, in order that they might keep the price high. When they saw the market being flooded and prices going down, they would shut off production if they could—shut down—in order to keep prices high.

I was in a western State in October, and there was a tremendous apple crop through Missouri and Illinois last year. In one of the great cities of one of those States, 1,000 barrels of apples, so I was told by a commission merchant—and he is a perfectly honest man—he said, "A terrible thing has just happened in this town, 1,000 barrels of apples—hundreds of barrels of apples—have been thrown into the Mississippi River in order to keep up the price of apples." Now, this keeping down of the production in order to keep prices up is supposed to make prosperity.

I think it is perfectly natural that the workingmen, living under that influence, believe that they must always keep their product down a little if they are going to keep their wages up. That is like all the rest of us, we have been laboring under what I believe myself to be an utterly false idea, that you could not have too much—that too much was to pull us all down—was going to destroy us. I believe myself that there is nothing that makes work so much as work. That the more you do the more you have to do; that you must produce just as abundantly as nature will let you produce in order that all the world may have all it wants.

In our own country we are not giving all our people all they need, let alone all they might legitimately want. There are millions of people the world over that we might be feeding if it was not for this fear of abundance on our part. I think it is one of the most pernicious things. It catches us all. We get scared, a little more scared, and we want to stop working. Everybody wants to stop manufacturing. No, I think the workman must revise his political economy, really. I think it is up to him to see that it is for the good of his own people that he wants to have everything abundantly and that we can not produce too much.

Commissioner LENNON. Would you be so kind as to give me the names of any trade-unionists that are known to their next-door neighbor and not known any farther.

Miss TARBELL. Known to their neighbors? I do not quite understand.

Commissioner LENNON. I mean any trade-unionist that has had membership in the union, not men that are known all over the United States, that hold to the theory that you speak of that they are afraid of scientific management because of increased production—any one of them?

Miss TARBELL. No; I can not give you the names of any one.

Commissioner LENNON. I would like to meet them and show them the error of their ways.

Miss TARBELL. My impression has been obtained from reading the testimony before this commission, before Congress, and testimony that was taken out in Wisconsin. That has been the impression that I have got.

Commissioner LENNON. I want to show you that you are mistaken.

Miss TARBELL. That is perfectly logical——

Commissioner LENNON. You are entirely mistaken.

Miss TARBELL. Very well; I am delighted to know it.

Commissioner LENNON. We hold to the very opposite theory, that increased production betters conditions.

Miss TARBELL. Well, that is what I believe to be sound.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. Assuming for the moment that the workman did do what you are recommending, revise the political economy, or his theory thereof?

Miss TARBELL. I am just informed that I was not correct in my idea.

Commissioner GARRETSON. Assuming for the moment that it is, and that he revises it.

Miss TARBELL. Yes.

Commissioner GARRETSON. That he increases the production, and that he adds to production, if the employer did not revise his, and when the amount that had formerly been produced was produced, the experiment of throwing apples in the river would be repeated, and the employer stop production, what good would the revising of the workman's politics be?

Miss TARBELL. Would not do any good at all. We have all got to work together.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, thank you.

Miss TARBELL. There is one thing. This paper was handed to me by a gentleman——

Chairman WALSH. One minute. If there is any statement you would like to make, voluntarily by way of explanation or amplification or any suggestion you desire to make that has not been brought out by the questions, we would be pleased to have you do so.

Miss TARBELL. I do not know. But there is this statement which was handed me by a gentleman in reply to a statement made this morning that there were not a very large percentage of manufacturers in this country or in the country where the workmen were interested in the improvements, that there were not any great numbers where these new orders were at work, and that the workmen themselves were taking—here is the statement that was handed me with regard to the workmen's compensation law. I have not read this over. It says:

"For the purpose of bettering industrial conditions an analytical rating board was organized, consisting of representatives from mutual liability companies, stock insurance companies, and the State insurance boards fund."

Now, this statement claims that inspections have been made in 15,000 manufacturing plants in the State of New York; 15,000 have been inspected. And in this inspection the workingmen have all been interested. It has been what we might call joint work.

Chairman WALSH. That is all; thank you. You may be excused.

Mr. Basil M. Manly.

TESTIMONY OF MR. BASIL M. MANLY.

Chairman WALSH. I believe you stated you desired to analyze a statement as to the number of employees in the United States Steel Corporation that were working 12 hours per day in 1910, down to the present time.

Mr. MANLY. Yes; I would like to make that situation clear. The discrepancy is due to the fact that the statement which was last read, that approximately 25 per cent of the employees of the Steel Corporation are working only 12 hours a day is due to the fact that that includes all employees, men in the iron mines, in the wire mills, and men in the coal mines, and all other outlying properties, of which the Steel Corporation has a tremendous number. The statement that 50 per cent of the employers were actually in the steel-producing department of the corporation, which work 12 hours a day, is the result of very careful analysis that was made in the Bureau of Labor in 1910. That statement I know is correct.

Commissioner WEINSTOCK. What percentage, Mr. Manly, approximately?

Mr. MANLY. Fifty per cent, approximately.

Commissioner WEINSTOCK. Approximately 50 per cent?

Mr. MANLY. Approximately 50 per cent in the blast furnaces, the steel works, the men working in the open hearth and Bessemer steel plants, and the rolling mills. That is where the steel is actually produced. The rest of the plants operate works where the steel is fabricated. The wire works and the different works. In other words, that is simply factory operation. But in the actual steel-producing plant, where steel is produced in working the raw material, 50 per cent of the employees work 12 hours a day—worked 12 hours a day in 1910. I have not gone over the figures for the Steel Corporation since that time.

Commissioner O'CONNELL. How many days a week do they work, Mr. Manly?

Mr. MANLY. In the Steel Corporation practically every employee in the Steel Corporation now is limited to six days per week under shifts of employees. That was true in 1912. I presume it is still true. I have not examined it since. Now the figures are not considerably changed. I wish to quote from the annual report of the Steel Corporation for 1912, December 31, as follows (p. 28):

"So far, however, as it has been possible to reduce the so-called 12-hour turn it has been done, although no considerable reduction has been made in the number of employees working 12 hours a day."

In other words, no change has been made up to December 31, 1912.

At the annual meeting of the stockholders, held April 20, 1914, Judge Gary, speaking for the corporation, said:

"In considering the questions relating to the 12 hours per day we have reduced the number of hours so far as practicable."

This is in April, 1914, and does not seem to constitute any expression beyond the previous statement in which it had been said that they had been reduced as far as possible in 1912, and he simply says in 1914 they had been reduced as far as practicable, which is a much weaker statement and does not imply any existed.

Commissioner O'CONNELL. In that 6-hour day you say—I mean 6 days a week—is the work continuously 7 days?

Mr. MANLY. The work in the places authorized is continuous 7 days a week for practically the entire plant.

Commissioner O'CONNELL. And that gives them work 7 days a week?

Mr. MANLY. No; the individual man does not work 7 days a week. The individual man works 6 days a week. The seventh day is taken care of by what is known as a number of relief men. In other words, I get Monday off this week. My place is taken by a man who works Mondays and gets a day off some other time during the week. They shift the men around. Next week I will get Tuesday off and my place will be taken by an entirely different man. In other words, they have one-seventh more employees than they actually need on any given day, and those men are shifted around to take the places of the men who are absent.

Commissioner GARRETSON. Broken shifts instead of regular shifts?

Mr. MANLY. Yes, sir. That is, no man gets Sunday off all the time. That is, in the case of any seven men, one man will take the place of another man on a given day, and he will take the place of the next man the next day in the week, and so on around. It is virtually all unskilled labor around a blast furnace and very quickly learned, and that arrangement is therefore entirely feasible.

Commissioner O'CONNELL. Did your investigation lead you to learn the wages earned by these employees?

Mr. MANLY. Yes.

Commissioner O'CONNELL. What did you learn as to that?

Mr. MANLY. I can give it to you, but it would take some time.

Chairman WALSH. That is all at this time, Mr. Manly. We will take the other matters up later.

Please take the stand, Mr. Lewis.

TESTIMONY OF HON. DAVID J. LEWIS.

Chairman WALSH. Your name, please.

Congressman LEWIS. David J. Lewis.

Chairman WALSH. You are at the present time a Member of the House of Representatives?

Congressman LEWIS. Yes, sir; from Maryland.

Chairman WALSH. And you are chairman of the House Committee on Labor, I believe?

Congressman LEWIS. Yes, sir.

Chairman WALSH. How long have you been a member of the Congress of the United States?

Congressman LEWIS. I am just elected to my third term.

Chairman WALSH. Prior to that time what had been your business?

Congressman LEWIS. Well, I had practiced law about 20 years and worked in the coal mines about 14 years.

Chairman WALSH. Whereabouts in mining?

Congressman LEWIS. In Pennsylvania and Maryland, in the anthracite and bituminous fields of Pennsylvania and Maryland, and also somewhat in clay mining in Maryland.

Chairman WALSH. Have you made a particular study of the telephone and telegraph industries in the United States with reference generally to the application of labor problems to it, etc.?

Congressman LEWIS. I have made a general study of the telephone and telegraph functions in this country in all its relations, more especially with reference to the rate and the effect of postalizing the instrumentalities.

Chairman WALSH. I wish, Mr. Lewis, that if you are prepared to do so you would give us the result of your study on that subject.

Congressman LEWIS. Yes, sir. Mr. Chairman, before entering into a discussion of the telephone subject, I have thought that perhaps it was a duty to give the commission some conclusions I have reached with regard to the coal mining sociology, if I may take a few minutes for that purpose.

Chairman WALSH. I will be very glad to have you do so.

Congressman LEWIS. I will do so.

Chairman WALSH. I had intended, Mr. Lewis, to also ask you some questions after you get through with the topic of telephones on the general industrial subject, but take it up in your own way now.

Congressman LEWIS. I have come rather reluctantly to the conclusion that the whole theory of private property as applied to coal mining under certain conditions in the United States has broken down. I mean by that the theory as it is applied, say, to a man's garden and to his home. He has a fee simple title to those, and if he falls out with the most respected member of the community he can lock the gate and lock the door and exclude him from the premises, and all the harm that is done is the loss of the pleasure of the companionship that comes to both. But when you come to apply the same idea of absolute ownership to coal-mining properties the consequences of the disturbances of relations are very different indeed without respect to who may be blamable for the disturbance.

A friend of mine discovered that out in West Virginia in the woods are 10,000 acres of coal. It is our opportunity to serve society and serve ourselves to exploit that coal land. In order to do so we have got to have miners and take them out, but we can not take their homes with them, and so we have to build them homes. We first sustain the relation of employer and employee toward them, a very potent and important relation, as both parties know. But when we have to build their houses we also sustain the relation of landlord and tenant to them. In the meanwhile, of course, it is a new venture in a new community, and they can not carry their own commissary with them, so the employer starts a commissary or a company store. There is the third relation of great importance to the parties, especially the employees, the commissary relations. The relations have frequently become even more numerous, extending to the doctor, and I believe in some recent instances to the saloon facilities.

Now, we are living in the United States. The members of that community are citizens of the United States. They sustain a relation to it different from that of 50 or 100 years ago, or from that of other countries. When the employee in that instance has trouble with the employer, whether it be the employer's mistake or his own mistake, or whether it arises from that fruitful field, a failure to understand one another and ignorance of governing facts, the result to the employee is drastic indeed, because all his relations to life, except perhaps his wife and children and the duty of their support, are broken down. He loses his employment, that relation is broken; he loses his landlord, that relation is broken; he loses his commissary supply at the store, and the relation of the commissary is broken; and it is inevitable as long as human beings preserve the instinct of the animal for self-preservation that when the employer under those circumstances, whether rightfully or wrongfully, proceeds to push the workman off of the raft, there is going to be violence and there is going to be struggle. Meanwhile, the employer is not wholly to blame. Society has said to him that this coal mine is his property in the same sense his cottage and his garden are his property. His whole view of the complex situation when trouble arises is placed in that psychology that he thinks it is his. The other party owns nothing there and of course under the present State of the law has not even a right to his job.

Now, that situation is an impossible one in our country, it makes a feudalism greater than any English history has ever shown. If the whole country were in that plight—if all our industries presented the same conditions we should either cease to own private property in a short time or the Republic itself would perish. So much for the analysis. That the employer in those instances is sincere, is honest frequently, is illustrated by an incident that took place in the investigation of the Colorado operators recently in Congress.

It was suggested that the difficulties be arbitrated, and a very bright and doubtless very competent manager of that industry took his purse out of

his pocket in this fashion [indicating] and said, "That is mine, there is nothing there to arbitrate."

And so society is face to face with two conflicting theories of right. The undeniable social right of the employee under certain circumstances to employment and just relations in that employment, and the equally undeniable right of the proprietor under present legal conditions to do what he pleases with his own property. The result to which it all comes, in my judgment, is twofold. We may either modify the theory of private property applied to that relation or we may socialize the property itself. I take it that the Nation would not be ready for the latter course, but in a purely suggestive way, with a view of relieving the conditions that may prove serious for the peace of the Republic itself, I want to say that it seems to me that it might be worth the time of this commission to inquire whether the public utility in the ways you know, might not be called in some preventive fashion, when these industrial strifes threaten, to determine the facts—to determine the merits of the controversy so that the views of society could speak, and speak with the efficacy it usually does, that is, with the influence of determining the controversy itself.

That is all I wish to say on that subject. Do you wish me to proceed along the other line?

Chairman WALSH. Yes, sir; you may proceed.

Congressman LEWIS. With regard to the telephone communication, I may say that I have given it some two years of study, under the limitations of the layman, however, and not with the advantages of the skilled telephone engineer. It will be natural for the commission to ask for some principle upon which the action is proposed. In short, is there anything about the telephone instrumentality, as well as the telegraphic, that distinguishes it from the ordinary postal communication, or does it more properly fall within the line and under the rules applicable to private industry?

I wish to say to the commission that in taking a position on this subject one needs not necessarily to characterize himself as a socialist or as an individualist. Indeed, after much thought and experience, I have come to the conclusion that glibly as we may assign ourselves to one or the other principles of thought, very, very few of us really are socialists or individualists or communists, but that, on the other hand, we are all three; that there is hardly a man to be found that does not believe that the present method—at least legal proprietorships as a method of conducting the farm is the most efficacious, that communism as applied to the public roads and public schools is a principle sound in itself, and that socialism, as we see it in the post office most markedly, has been sustained by the experience of mankind. The truth of the matter is that no nation up to date has been so narrow as to make itself a one-fingered institution. It has used all those principles and has found them necessary for the proper action of society and development of the public welfare.

Now, when we come to the field of communication, I wish to call the attention of the commission to what may prove only a too elaborate statement of the characterizing facts.

First, it is to be noted that our country stands alone among the great nations in allowing the electrical communication to be handed over to the private financier. Is there any reason in the United States calling for that distinct kind of departure? None that I can find or that has been pointed out so far. The truth of the matter is that the telephone and telegraph present the same economic and the same social characteristics in the United States that they present elsewhere, and that we have a right to proceed upon the assumption that reasoning applied elsewhere is fairly applicable here. I ought to ask the commission what the limitation of time will be, because there are a great many facts to present.

Chairman WALSH. There are no other witnesses here this afternoon, Mr. Lewis.

Congressman LEWIS. First, I wish to say that the telephone and telegraph functions are inherently monopolistic in their nature. No one should wish to have two telephone agencies in the same office. Nobody can really gain advantage by having two telegraph offices, as we have in the National Capitol, each at the side of the other. Competition in the telephone field is ineffective to cure this well-known effect of human instinct where it has the power to fix the price without the veto power upon the part of the consumer, and that has proven equally true in the telegraphic field. Society, therefore, because it is a postal function, and again because it is a monopolistic function, ought to

consider the propriety of taking over those two functions. But there is another reason, a qualifying reason, and one which I urge as of very great importance. There is throughout every community a well-settled conviction that somehow or other men will not work for the Government with the same earnestness that they work when supervised by the self-interest of a private employer.

Mr. Chairman, I concede that that statement contains a very large element of truth, but there are exceptions to it. Now, those exceptions consist of the cases where the work can be precisely assigned out in advance, its quantity measured, and the task of each man fixed and the conditions of his service determined at the time of his employment. The city letter carrier is an illustration of that. His work each day, his route, is fixed, and his failure to perform his services, his delinquency, will almost automatically check itself. The rural route in a less perfect way is another illustration. And so it may be said of the telephone communication and of the telegraph, where the flow of traffic in any particular office has been ascertained, the amount of work which the employees should do, the number of hours the employees should work, can all be safely and thoroughly determined in advance, and their failure to make good as employees adequately checked. Therefore, without going into other fields of thought, we have the conditions which justify social interference in the field of electrical communication. It is an inherent monopoly. The work can be adequately done, and society will be free from "soldiering" upon the part of its employees.

Now, Mr. Chairman, I want to call the attention of the commission to the particular facts of an economic and social character which, independent of general reasoning, call upon us in the United States to postalize those institutions here as elsewhere. First, let me say that when you have a monopoly of a character where the law of increasing returns may be said to apply, in such an instance society, acting for itself, can produce much higher economic and social results or products than the private financier, for the following reasons, which I shall read because of the precision of their statement. They are taken from the work of Prof. Henry C. Adams, a very just celebrity, on "The State and its Relation to Industrial Action."

"A monopoly has the following advantages if it is conducted under the public service motive:

"(*a*) Unity and exclusiveness of organization.

"(*b*) Details of management well worked out.

"(*c*) Facility for extension by mere duplication of existing structure.

"(*d*) A social demand for the service which is widespread and constant.

"(*e*) Adequate ability in authority.

"We may expect the following results:

"(*f*) Service at less cost than if broken into groups.

"(*g*) Assurred demands for service admits of closest calculations.

"(*h*) Extent of demands admits of most minute division of labor.

"(*i*) Absence of rivalry reduces to a minimum the amount of capital and other expenditures necessary for the performance of the service.

"(*j*) Speculative management is eliminated.

"(*k*) And thus with a public service motive—

"(*l*) The maximum of cheapness and efficiency is rendered possible."

Now, a word or two as to the possible service motive. It must be recognized that the rules of private financiering and the rules of public financiering are inherently different in their objects, and that is said without any purpose to depreciate one or to glorify the other. The private financier is the private investor. His motive for making the investment is the fact that determines whether he will make the investment or not. Naturally the rate of return to be expected is what he is looking to as a fact, and if you say to him the return is to be too low or the return is to be absolutely uncertain, he makes no investment at all.

Now, it so happens that as a general rule, especially with monopolies, the higher the price fixed by the financier the greater will be the profit, with certain qualifications against insane excessiveness in price. It also happens, under those circumstances, where the private financier is in control and you have a monopoly subject to the law of increasing returns, that the higher the price fixed the lower will be the utilization of the plant in his control. But without going further with academic statements I wish to give a concrete illustration.

There was running from Chicago to Milwaukee for many years a little telegraph line known as the Chicago & Milwaukee Telegraph Co. For many years it conducted a service of 10 cents per telegram, the telegrams being mostly de-

livered by phone to stock exchanges. After a time the Western Union, not liking that any too well, for obvious reasons, entered into competition with it, and they had a 5-cent rate between the two cities during the time of the competitive struggle. That competitive struggle ended as they usually do. They agreed and a 15-cent rate was established between the towns. Under the 15-cent rate the Chicago & Milwaukee Telegraph Co., in 1900, did a business of 108,000 telegrams; but a year later a subsidiary of the Bell telephone system acquired this little telegraph plant, and the rate was immediately raised to 25 cents per telegram. The next year the telegraph business fell to 57,000 telegrams. In short, an increase of 60 per cent in the rate had worked a decrease of nearly 50 per cent in the product in the social service rendered by the institution to the people of Milwaukee and Chicago. This is said without censure of any of the parties concerned. The old concern at 15 cents was making, I think, about 3 per cent dividends. That return was not adequate to private capital. The new concern, by cutting the business down one-half through raising the rate about 60 per cent, was able to discharge two telegraph operators and two messengers, and I think they come out about 5 per cent in the way of a return after they reformed this plant according to the laws of the private financier.

Now, in contrast with that, let us present the public-service motive as apposite to this field of action. When the parcel-post law passed Congress—of which I may explain I had the honor to prepare the House version—it was reformed in the Senate until the rates were made so high that only the express rates exceeded them in scandal; but happily a provision was inserted in the law giving the Postmaster General the same power over the postal rates in that respect as a railroad president has to conduct the service on his road. It was my pleasure to go to the Postmaster General a few weeks after his appointment and suggest that the rates on the shorter zone, say, the 150-mile zone, be cut down from 4 cents per pound to 1 and on the 50-mile zone from 3 cents to 1 and other changes that have since taken place. Now, how did the Postmaster General reason on that subject? He reasoned according to the instincts of the public financier. He said, "If I am assured that these rates will pay the cost of the service"—and he was so assured—"but even if some uncertainty exists, I am justified in making the reductions in the rates proposed, because the post office and the people being identical terms, if I should lose 1 per cent in one pocket I gain 100 per cent in the other pocket in the form of social service rendered."

Let it be said for his ability to reason and to act that the profits under a traffic that actually trebled under the influence of these normal rates—these rational postal rates—the profits are quite as great as they would have been under the old restricted rates. In short, the Postmaster General proceeds, as the illustration suggests, upon wholly different rules of financing from those he would apply himself in the State of Texas if he were conducting a hotel of his own or a street-car line, or, indeed, was sinking an oil well and selling the products. The laws of private financiering are as distinct from those of public financiering as the night is from the day.

Now, let us see what the effect of that private financiering has been in the United States on the subject of our telegraph and telephone rates. I have all the supportive data and statistics before me, but will give only conclusions, because it would take hours to supply all the data in detail.

We will take first our telegraphic rate and we will compare it with New Zealand's. I take New Zealand for comparison because New Zealand compares with the United States in wage levels, in social habits, in education, and in tradition, in the purchasing power of the people as expressed in dollars and cents, and as one State in the United States compares with another. Now, in New Zealand the rate is 12 cents for 12 words, good all over the island, comparable, let us say, to the State of New York. And what is the effect of that rate? In 1912 the telegraph business of New Zealand amounted to 9 telegrams per person. In the United States the rate is just twice that in New Zealand, with higher rate for longer distances. The number of telegrams in the United States in 1912 was 1.15—about 1.1 telegrams per person against 9 in the little State of New Zealand.

Now, of course, the suggestion comes at once that perhaps in this country, because of its character, state of development, the interurban telephone has taken the place of the telegraph. That is true, to a certain extent, but it does not answer the difficulty of low social utilization in the United States, for we rank only ninth among the nations with respect to the use of the telegraph, and

when you combine the number of long distance and interurban telephone conversations with the number of telegrams you find that instead of ranking first we rank thirteenth among the peoples of the world. In short, the same phenomenon of prohibitive rates is found in the telephonic field as is found in the telegraphic field, both fields being combined under the rule of the private financier who makes rates on the principle that the higher the rate the greater the profits—who makes his rate as the hotel people in the city of New York make their rates, and for the same reason.

Now, we come to the local telephone rate, and it is hard to be in New York City and not make a concrete illustration of these rates. First, let me say with respect to the local rates, we have the lowest postage rates the world over except with a single instance, which I will mention. The postage rates of the United States are the lowest in the world with the single exception of Japan, where the letter rate is a cent and a half per letter. Even our parcel-post rates, for the shorter distances, in the very infancy of the development of that institution, are only half as high as they are in Great Britain, are as low as they are in Germany, and are only excelled by those of Switzerland and one or two other little countries, in the matter of shipment. But when we come to the matter of telephonic rates locally here, we find, speaking for the Bell system which represents about two-thirds of the field in this country, our local call costs on the average twice what it does for the rest of the world. The independent telephone companies of the United States get 36 cents per 100 calls; the Bell system gets $1.86 per 100 calls; and that figure represents all their plants, the little town plant with the flat rate and the unlimited service, all the way up to the New York City plant with rates which are actually the highest in the world. It happens to be a fact that the rate for a business telephone in New York to-day is as great as the unlimited business telephone rate of London, Berlin, Paris, and Stockholm combined. In other countries, with a postal motive active in the making of the rates the local call tends to cost about half as much as the postage rate—a little less than a cent; but in the United States, especially in the larger cities, the local call rate tends to run with the street-car fare, is sometimes twice a street-car fare, and I believe up to within a limit of six or eight hundred calls in this city to-day it represents about 8 cents per local call, a price for which the post office will carry a parcel from New York to Baltimore—a 4-pound parcel for 8 cents and make a fraction of a cent profit in the bargain, and that after paying the railroads adequately, too, for their services.

Now, Mr. Chairman, I come to the subject of the long-distance rate. The long-distance telephone rate of the Bell system in the United States—I speak of it, of course, not in any indicting fashion, but because it is representative of our telephone condition in a national sense more than any other—the Bell long-distance telephone rate is based on the scale of 6 mills a mile for a conversation of three minutes. Six mills a mile—what does that represent? Well, the railroads only get 7 mills a mile and a fraction for carrying a ton of freight a mile. It costs as much practically to send a long-distance telephone message over the wires as it does a ton of freight, and you, gentlemen, can realize how very weighty these conversations sometimes are over these telephones.

In the other countries in the world—and I must ask permission of the commission to read some figures—these long-distance telephone rates run from one-fourth to one-eighth of the rates required here. I will read quickly now a comparison of continental long-distance telephone rates with those of the Bell system, made on the scale of 6 mills a mile.

The average continental rate per hundred miles is 20 cents; Bell rates 60 cents.

Three hundred miles the continental rate is 57 cents; the Bell rate $1.80.

Four hundred miles the average continental rate is 80 cents; the Bell rate is $2.40.

For 500 miles the average continental rate is 46 cents; the Bell rate is $3.

Now, it must be said, to be just in this statement in regard to the rates, that they do represent some different rate conditions. The Bell people, in answer to this suggestion, say that their service represents an immediate service—not a-take-your-turn service, and wait until other parties have been gratified. I shall assume that their statement on that subject is correct, because they ought to know, and it must be said, in candor, that I have not found them misrepresenting the facts in this controversy. But they give only one rate, and that is this high-priced rate for the immediate service. Postal systems are anxious

to come within the reach of all kinds of patrons with all kinds of business, and make two kinds of rates. They first make the take-your-turn rate, and that is the rate I have read. You might have to wait half an hour or an hour to get your turn under those circumstances; but they also make a rate that corresponds in function with the Bell rate, an immediate-service rate, and in most of those countries that rate amounts to twice the ordinary rate. In Belgium I think it amounts to three times the ordinary rate, but even making the comparison on that basis, the long-distance telephone rates of the United States still remain the scandal of public-service rates the world over.

The Bell system itself has practically made a confession of the justice of the complaint made with regard to these rates. It is said that they could give an ordinary take-your-turn-straphanger service, I think they call it, at rates more or less equal to those granted in other countries; and you ask why they do not do it. Their answer is, "The public does not want such rates. They only want this high-priced service, this immediate service," which they say they give. Well, now, they are not speaking at least for one part of the public, if I may introduce my own personality. The Capitol at Washington is about 150 miles from my home. When Mrs. Lewis was not with me, it meant a letter every evening or so. I could have sat in my office or in my room and waited until they could have given me a service at 15 or 20 cents and talked to her over the phone, instead of resorting to the letter-writing art. I do know, as a man of experience, that an immense proportion of our business, an immense percentage of our affairs, are such as could wait for an hour or two or three or four hours, if a consideration like 50 per cent or 75 per cent reduction in the rate were offered as an inducement.

Now, the very natural result of this extraordinary rate is to deny society the full utilization of the telephone machine. Comparison shows that while the interurban long-distance lines of this country are utilized to the extent of only 4 per cent of their potential time—the potential being treated as every minute in the year—the German interurban lines are utilized under these very low, popular rates to the extent of 19 per cent. In short, the utilization of nearly 500 per cent is obtained on German lines as against 100 per cent here—the pure necessary and proper result of rates made by the private financier.

This may be the proper place to call attention to some recent postal history. In 1900 we have statistics showing the number of parcels carried by the express companies of this country. They numbered a little less than 800,000,000—about 8 per capita. In 1912, 1913, and 1914, an account has been taken of the number of parcels moving in the post office. We find we are moving now at the rate of 800,000,000 parcels a year by post. Not more than 50,000,000 of those parcels formerly moved by express. In other words, we have taken about 50,000,000 parcels away from them. All of which shows that 250,000,000 parcels are moving now under postal rates that never moved before in this country; that a flow of 250,000,000 parcels, or at least 2½ per capita, has been potential in this country ever since the days of Lincoln, and that that potential traffic has been absolutely murdered by the prohibitive rates of the express companies of this country and the rules that the private financiers find necessary to apply to the express business as a squatter on the postal function.

Now, I make no doubt, sir, that the telegraphic and telephonic systems of the United States are suffering in even greater proportion as the result of these double rates. I haven't any question, sir, that the introduction of normal postal rates into the local telephone and into the long-distance telephone field would increase the utilization of those agencies of communication in a few years by many hundredfold. I know it is the habit to think very ill of the express companies, and after what I have said it is my duty to give a few facts in justification of their course. When we read about their cutting melons of 100 per cent and paying dividends in former years that were actually 100 per cent of the capital invested in the business, the inference is at once natural that they were behaving rather beyond the permissible extremes for private financiers. In short, that they were hogs. But that was not true by any means. At no time had the express company made more than 3 or 4 cents out of the average parcel carried; while its dividends on the amount invested, which was insignificant, were naturally very great, the margin of their business applicable to dividends, I think, never rose above 8 per cent. In other words, only about 8 per cent of the rate—8 per cent of the dollar that they took in—was applicable to profits; and when the rate maker comes or the financier comes to making rates that involve a margin smaller than that he is

trenching upon dangerous grounds for his own investors. The express companies have that excuse for the rates of the past which have destroyed so much traffic in that field.

Now, Mr. Chairman, when you come to the objects of postalizing these functions, what are they? The functions—what are they?

The only objects that are obvious are first, to give the people of this country—in the postal field with respect to communication—a normal rate, a righteous rate. There are two other objects into which I shall briefly enter. What should be the ideal of the postal establishment in the telephone field? I am sure I should hesitate in expressing this ideal if I had formed it myself, and it is only because of the authority which I am able to quote for it that I have the courage to mention it to this commission. This authority has said there is a road to every man's house and there ought to be a telphone on the inside. That authority was Theodore N. Vail, president of the Bell telephone system. It is true the ideal was used in a well-paid magazine advertisement, and not in one of his reports to his stockholders. But the president of the Bell system, in making that very splendid expression, overlooked the facts. There is a road to every man's house; that is one fact. But that road was not built under the rules of private finance. That road was not built by private monopolists, but it was built under the influence of the social ideal, and with the financial power of that society alone. That is one idea. But what would its value be?

I come now to a subject that may seem at first somewhat foreign to the inquiry in which we are engaged, but which I think is germane, and which I trust will interest this commission. In making a study of the parcel post and express subjects I made what was to me a discovery. I found that we had plenty of wholesale transportation in the United States, but practically speaking no retail transportation except what the express companies gave under their prohibitive rates—relatively prohibitive rates—and under a service which failed again to reach the farm. I found another fact—nearly everything we eat on our table is produced originally on the farm in the retail form. I mean by that that the butter is produced roll by roll. The chickens are killed and dressed one by one. The eggs are marketed dozen by dozen. In short, farm table products begin in retail forms to suit the requirements of the ultimate consumer. But lacking retail transportation at one reason—another reason I shall reach later—instead of these retail forms going to the consumer at once, for want of a conduit, they had to pass through several expensive commercial operations. First, the buying collector went out on the farm and bought these farm supplies up, converting them from retail into wholesale quantities; that is one commercial transaction with its attendant charge for profit, insurance, waste, and the other elements involved. Then he turned them over to the wholesaler, a second commercial transaction with all its attendant charges. Then the wholesaler turned them over to the retailer, a third commercial transaction with its attendant expenses. And finally the retailer reconverted them into their original retail forms and letting the consumer have them at a price that doubles and at a smell that had not improved any during its intercourse with commercial transactions. In short, the consumer was the third or fourth purchaser even of these standardized retail forms instead of the first, and secured them in depreciated quantity as well as doubled price.

Now, we have applied to the postal establishment the transportation conduit for the movement of these retail forms from farm to kitchen. It was thought at the time, and I confess I had the hope, that a letter—the written communication—would prove sufficient to bring the farmer and the consumer together. It has in a small degree and there is a little of that traffic coming through between farm and kitchen; but what I wish now to suggest as an objective of this legislation is this, that with telephonic communication possible between the consumer of the city and the farmer in his environments it is probable that the housewife will be able to communicate directly with the farm, as she now does with the grocer over the phone in many instances and that thus the direct transit of the retail article to the kitchen will be secured.

At present, however, under the influence of the rates we have been discussing, a very cursory and quite inadequate investigation of rates around Washington disclosed this fact, that although Washington City is completely environed by farms within 3 or 4 miles of the city limits, you would not be able to communicate from the city to a single farmer that I could find at a cost of less than 15 to 20 cents. Of course these rates were not made with a view to direct talk between the city purchaser of farm products and the farmer and are now

different from the freight rates of our country that have been made, sir, with a view to moving the potential traffic.

Whatever may be said of our railroads, of their sins and delinquencies in the past, it must be said of their rate makers that they have made rates that moved the American traffic from the point of natural production to the point of natural demand. The telegraph monopoly and the telephone monopoly of the United States have utterly failed to discharge that function.

Now, sir, I come to another feature of the subject which, for conservative men, may possess a greater interest than any I have discussed; and that is the question of the relative efficiency of the postal management, of these agencies, as compared with private managements.

We hear on all sides the suggestion that no man will work for the Government, that they are loafers, and that all Government service in a sense of economy is grossly inefficient. However true that statement may be with regard to some employment by cities and States, it is not true with regard to the postal establishment. What is it that our postal establishment does? Manifestly up to date its work has been that of handling the mail. When you compare its work in that respect with the other postal establishments of the world, like Germany, France, England, and the rest, conceded to be of the best efficiency, because in the case of Germany, I believe, it is suggested that classes obtain there and that somehow or other under the class system of the Government men may be made to work where under a democracy they may not.

We find that under the American postal system in 1912 there were handled 60,000 mail pieces per employee; that was his product in work done, as against less than 40,000 for Germany and less than 40,000 for France and England; that only Belgium excelled this, with a product of 85,000 postal mailing pieces per employee. And if it is called to mind that Belgium represents a congested population, about like the State of New York in population, and even less in area, with no great rural delivery service, it will be readily seen that the American postal system ranks at the very head of all postal establishments in the efficiency of its employees; that is, in the amount of work gotten out of them as employees of the Government.

Now, how does the case stand with regard to telegraph employment? Well, in New Zealand the facts show that the average telegraph employee in the year 1912 got out a product of 4,000 telegrams and that only amounted to about 11 telegrams per man per day, but in the United States the private telegraph companies got out a product of only 2,900 telegrams per year with a daily product of 8 telegrams per employee. The comparison, however, is still unfair to New Zealand, because in New Zealand the average telegraph office had a supply of less than 13 telegrams per office per day, while the average telegraph office of the United States had a supply of 41 telegrams per office per day. In short, the telegraph employee here had four times the opportunity to work—three times the opportunity to work that the employee had in New Zealand and that circumstance again, instead of suggesting that the employee of the telegraph office here is a loafer, or soldier, brings only to mind the old principle that their rates are so high that they affect the utilization of the machine. But that does not wholly account for it. The American post office like most of its brothers, has a genius for doing small things cheaply and well. The genius springs from the fact that it possesses the power of simplicity, by which I mean to say its details are well worked out, and it has the postage stamp, which is the most wonderful accountant in the world in accuracy and economy of operation.

I have before me a computation made by an experienced telegraph man of the number of operations through which a telegram goes in the United States. There are some 24 concerned with its physical handling. Altogether there are 74 processes through which it goes. All of these processes but 24—probably all but 25—would be eliminated by the postage stamp under the postal system. Instead of possessing that institutional efficiency, in which the private financier points with such habitual pride, if the telegraph companies of this country may be taken as examples, they represent the lowest productive efficiency in the world to-day. We may safely, therefore, proceed on the theory that if our postal establishment ranks first in the work it is doing, and our telegraph companies rank lowest in efficiency in the work they are doing, I mean the product per employee paid, that the like results will attend the postal establishment when it attends to the telegraph.

And now we come to the telephone communications. It should have been urged again that the Postmaster General would not be able to make the tele-

phone employees do their work. Let us see about that. What is it that the telephone plant does? It handles calls. When you divide the number of calls in the United States as represented by the Bell system, by the number of employees, you find that their work per year represents some 64,000 calls. Now, the little country of Norway under postal management has employment that represents 118,000 calls. In short the Bell system, instead of ranking first in private aspects, ranks ninth, among the telephone institutions of the world. Nor yet, sir, is this any reflection upon its personnel. The fact is that it comes back to their rates, as the utilization of the plant is restricted to such a degree that the employee does not have the opportunity to put out the product. Remember that about one-half of the employees are not engaged in the direct work of the exchange operator.

We have found now that while postal rates in this country are as low as any other countries, telegraph rates run twice as high and local telephone rates about twice as high, and long-distance telephone rates to the ordinary user run from four to eight times what they do elsewhere.

But, says the conservative man, and I confess the conservative man is the man whose judgment we seek in this matter, conceding all you say with regard to these rates, rather than take recourse to the purchase of a billion dollars' worth of property, and its postalization, had we not better rely on regulation to secure the rates desired? The answer to that is, that regulation can not be made to give us postal rates. Regulation was tried on the express companies and it must be conceded that it was sufficiently drastic. The most we could do with that 25 cent minimum rate, we actually murdered 250,000,000 shipments in this country, and the result of its passage was to reduce it from one quarter to 21 cents, and it is a matter of admission of students of express transportation that the express companies are actually losing money to-day on their 21-cent shipments, while it is true that the postal establishment is making money on its 5-cent rate, because it has got a great agency already spread over the country that reaches the farmer. It has its details well worked out, and this power of simplicity, and is able to eliminate from its operations some 40 per cent of the incidents that attend the movements of packages in express transportation.

But coming back to regulation with regard to the telegraph rate and with regard more especially to the telephone rates, I wish to give a concrete illustration of the inapplicability of regulation to procure the results. Of course, regulation implies, to begin with, proper respect for the laws of property, not merely the statutes of property, but those laws of property written in the human heart, those laws which if not respected stop private investments and completely defeat the function of private operation. As a concrete illustration of the regulatory theory, I shall quote you facts applicable to the year 1910 for a city of 600,000 people in this country, the name of which I shall not give, because its rates are now in private litigation and I have no wish to embarrass either of the parties in that controversy by anything I may say. That city, as I say, represents 600,000 people, and therefore presents metropolitan conditions. Its rates, briefly stated, are as high, with some slight exceptions, as the rates in New York City. It had 43,000 telephones. The telephones had an average call service of 993 calls per year. The average number of calls on all telephones in this country is 2,023 per year. Thus it is seen that in that city the telephone was performing only one-half its customary function and was doing less than 1,000 calls a year when the average telephone under the same commercial and social circumstances was doing a business of 2,000 calls. That average of telephone calls represented a cost to the consumer of about one and one quarter cents per call. In this city of which I speak the average cost to the consumer was three and a half cents per call on the measured-service basis. It is obvious in that case that the degree of the charge under measured service had cut down the function of the telephone about one-half. Very well. Now, then, the private regulator is called in and what does he find? He finds about $35,000,000 invested in the telephone in that city; that its net earnings for the year were about $1,200,000, which would be about 7½ per cent. Parenthetically, let me say that about 7½ per cent is about as low a rate as you can concede private capital in the telephone field, and be sure that it will undertake those new enterprises essential to the proper development of the telephone institutions. But the commission is faced with that fact at once. However, the proponents of the people say this telephone is only rendering half service at an expense of $200,000 more per year. That, with additional switchboards and with additional exchange operators, these rates can be cut in half, and we are assured

by the average service performed throughout the country that the service will double and the returns to the company in gross be what they were before. Conceding all that to be possibly true, the net returns to the company in that case would be cut down $200,000, from 7½ to about 3½ per cent. And no regulative tribunal could ask private investors, however desirable the social results, to have the telephone charges in that city reduced, that their return on their capital should be cut in half, from 7½ down to 2½ per cent, the point at which private capital would say to the regulator, "You must go and get your capital where you get your regulation, from the city; I will have none of it."

But the Postmaster General walks in on a situation like that and finds that the telephone is performing only one-half of its functions and he is dissatisfied with that as compared with the postal service. He knows that if he will cut his rate the gross receipts will be the same, but that his earnings would be cut down to about 3½ per cent, or possibly even a little lower, and what is his reply? Acting on the rules of public finance, again he says, "Cut the charge in two, I think the service will double and my gross receipts remain unchanged; even if the profits are as low as 3 per cent, I can purchase capital at that cost." And so the service goes on. It is one thing to say that regulation affords some defense of production to the citizen against discriminating rates and charges; it is quite another and fallacious thing to say that regulation can ever be made to produce a service as cheap at 7 per cent return on the capital as postal service with a return of 3 per cent on the capital.

I will dismiss the suggestion of competition as a remedy and go on to briefly touch other objections that are made.

One of the objections urged, and I consider with sincerity, in the report of the Bell system against postalizing the telephone, is a good objection unless it is provisionally incorrect. I believe it is provisionally incorrect. That objection is that the future telephone development of this country requires not only continuity of plan and policy but continuity of technical ability and a personality in control of the situation. It is suggested by the Bell system that that is not attainable by the postal establishment. I respectfully submit to the commission that that objection is not well taken in view of her history. We do have, at least in two departments of the Government, continuity of plan and purpose as well as persistency of personality and expert knowledge. I refer to the navy establishment and to the war establishment where it must be said that the very highest ability is obtained, is kept, and, thank God, has never failed us in our history to meet the requirements of the Republic in its direst times.

Now, in regard to the postal establishment, in that respect the bill, which has been proposed, provides for this very continuity and service and personality, because a board of directors is established into the bill and is continuous in office some 10 years and with qualifications which go to their expertness as electrical telephone engineers, as express experts, and with reference to the other qualifications involved.

The objection is with regard to the personnel. It is suggested that the addition of great numbers of persons to the Government service may so affect the electorate in determining our elections as to lead to undesirable results.

Let me say in regard to that that the number of telephone employees in the United States is about 200,000; that a little more than half of those are women. And let me say besides that in the development of the telephone art the automatic telephone has witnessed the examples of postal establishments in other countries and independent telephone companies in this country, especially the Federal Telephone Co., of Buffalo, which have introduced the automatic system under which the exchange girl is completely eliminated, except in those instances where a toll service is required.

Now, even that circumstance does not present an awkward affair, because it will take time to substitute the automatic for the manual system. And it happens that the girls who work in the telephone exchange last about two and one-half to three years in that capacity, for the average telephone girl marries.

I shall not go into greater details this afternoon with this subject, Mr. Chairman, because, although I am sure you would realize that it has incidents and circumstances which would prolong not only into the night but, perhaps, into to-morrow, as well.

There is another circumstance, however, that ought to be mentioned and ought to be considered, it seems to me, in reaching a conclusion upon this great subject; that is, the social influences active. When the private financier

is turned into this field of postal monopolies, with no purpose to be sensational at all, it is my duty to say to the commission this afternoon that as long as these telephone franchises remain matters for private promotion—remain private in character—securing them will be a circumstance attendant with the hope of very great profit. The promoter, under those circumstances, too often becomes the bribe giver. And we have, I am ashamed to say, in the telephone history of this country cities, as great as San Francisco, disgraced in the most shameful way by its telephone experience in franchise giving.

Just a few years ago the city council of San Francisco, I think, with the exception of one or two men, was bribed by both the contestants for the telephone franchise in that town. They went out of the council meeting with, perhaps, in each of their pockets a bribe from both of the contestants to the controversy. And I ask you to compare that history not alone with the history of London, of Berlin, or of even gay Paris in the matter of telephone order and telephone morality. As against it we have the postal establishment without motive to corruption. We have the postal establishment that stands in ranks primary among all similar institutions in the world. I believe that most men will concede that the subject of slavery and the ensuing Civil War exerted upon the history of this country a disturbing influence which we have not yet half overcome. Instead of the social problem securing our attention here, it did in other countries a generation ago, and the solutions they have secured there—problems arising out of slavery and the Civil War—have engrossed our statesmanship and our people. Meanwhile our country had to build up—200,000 miles of railroad had to be built. The great industrial institutions, of which you know, also had to be erected, and in erecting them great princes of finance were developed—princes of finance whose clamor far excelled and whose power far exceeded the power of the States and the Government whom they have overshadowed for a generation. You went not to the statehouse of your American State to find the active, moving power of society. You went not to the White House, or even to the Capitol, to find the active moving powers of the Nation. But you went to the back offices of the great princes of finance of whom be it said that their clamor exceeded that of the highest officers of the Government. And I challenge the commission, on its recollection at the moment, whether it be not true that they can remember the names of half a dozen great princes of finance of the last generation quicker than they can remember the names of the cotemporary presidents of this Republic?

It was only natural, when the governmental functionary had been so weakened and disturbed by these extraordinary incidents of the war, that these great potentates of private finance should slough upon the Government domain. They did squat on the postal function. The cost of it in the express service we now definitely know. Half of the potential express traffic was killed for 40 years and was prevented from moving. The cost of it in the telephone field we can determine inferentially by the experience of New Zealand and other Empires. The cost of it in the telephone field can be easily surmised when we remember that it cost as much to ship a telephone conversation a mile as it does a ton of freight.

Now, as one more instrumentality of the Federal Government the commission to investigate these subjects I have come to New York City in the humblest way even if with the most positive and confident matter to suggest recommendations on your part with regard to this great subject.

Postal establishment is the greatest agency we know, despite what has been said about it. It is the most economical industrial agency in the world to-day. It represents more income than any railroad system in our country or indeed of any country except the Prussian railway system. And it represents, Mr. Chairman, much more than that. It represents the one industrial, the one commercial agency in the United States that is absolutely on the square with all its citizens; that gives a nondiscriminating service to the poor and to the rich alike; that follows the farmer out into the recesses of the forest and even the pioneer of our country, into the frozen mountains of Alaska itself, to take there perhaps the mother's message to a heroic son and to bring back perhaps the son's new found gold to the succor of an aged parent.

I thank you for your attention. [Applause.]

Chairman WALSH. Ladies and gentlemen, we are required to maintain perfect order. If you are allowed to express your feelings, these meetings would not last a day; if some opinion may be expressed that meets with your approval I am going to ask you all to please help me and not to give expression to your feelings.

Congressman LEWIS. I have a full record of the discussion on this subject and I desire, if I may, to submit it to the commission.

Chairman WALSH. I shall be very glad to have that made a part of the record. When do you go back to Washington—to-night?

Congressman LEWIS. Yes, sir.

Chairman WALSH. There were some general questions that I desire to ask.

Congressman LEWIS. I will be very glad to answer them.

Chairman WALSH. Well, it is our adjournment time now, and perhaps I will submit them to you on the outside, Mr. Lewis, and have them made a part of the record.

Congressman LEWIS. Either way; if you wish, Mr. Walsh, and think it is necessary, I will stay over here.

Chairman WALSH. We will be very glad to finish the record and ask these questions. I will give them to you so that you may be prepared in the morning.

Congressman LEWIS. If the questions are all written, I could reply to them in writing just as well. But there may be others——

Chairman WALSH. There are others that grow out of them. This is a questionnaire written for you.

Congressman LEWIS. Oh, yes.

Chairman WALSH. I will ask you if you have observed the effect of the growth of large corporations and the centralization of their control on the condition of labor in the United States; that is, has it tended to improve the general condition of labor, or otherwise?

Congressman LEWIS. I think there has been an improvement in the condition of labor, but whether enlargement of the corporate unit is the cause I would rather not say at this time.

Chairman WALSH. Have the corporations shortened working hours as rapidly as the development of the industry would warrant?

Congressman LEWIS. I think they have not in the coal-mining industry with which I am most familiar. A very large proportion of it is conducted under an eight-hour system, but a large portion of it remains under the 10-hour system.

Chairman WALSH. Do you know of any cases of corporations that have voluntarily shortened working hours—that is, the large corporations—in what might be called the basic industries?

Congressman LEWIS. No; I do not. But I do not wish to imply that there are not such cases. There may be.

Chairman WALSH. Is the bargaining power of the workmen either as an individual or a group improved by the growth of large corporations?

Congressman LEWIS. I think it is weakened, except as being organized into corresponding organizations.

Chairman WALSH. Has the thought of labor changed in respect to that, the thought changed in respect to that, or has the impression been maintained—it has been stated here upon the witness stand during this hearing that during the period when the large corporations were forming, were concentrating their plants, that the idea among labor generally was pretty strong that it might be a good thing; is that not correct?

Congressman LEWIS. Well, I think it fair to say that as the corporation has grown very much larger its responsibility to the people correspondingly enlarged, broader ideas and broader feelings have been manifested by the managers with respect to the relations to their employees.

Chairman WALSH. Do you think the highly concentrated manufacturing corporations have tended to prevent the growth of trade-unions essentially?

Congressman LEWIS. I would not be a good authority on that subject.

Chairman WALSH. Have you considered, or have your investigations led you to a consideration of the fact as to what extent stockholders and directors of these large corporations are responsible for the labor conditions existing in them?

Congressman LEWIS. Now, I think you put your finger upon a great weakness in the large corporate organization, a weakness that perhaps affects its stockholders even more than employees. I think now that the connection of the stockholder with an immense corporation in many instances is so remote that it practically amounts to no effective relation at all and would not be any greater than the sense of responsibility of the average citizen for what is going on in Washington. I am informed that it happens as a matter of habit that the directors of the great industrial organizations when an election is coming on they will send out their proxies to the stockholders, who are often women

or uninformed men, and that possessing up to that time the confidence of the community they have a form of election only without active discretion obtaining. And I think that there is a very different relation between the stockholders and the directorate of a large railroad or the United States Steel Trust, for example, from that between the stockholders and directors of the little electric railway in my town. That personally carries knowledge and perhaps a sense of responsibility.

Chairman WALSH. Have you observed in your investigation of the telephone industry in the United States the manner in which they deal with their employees so far as organization is concerned? Is there an organized industry or an unorganized industry or what?

Congressman LEWIS. I think the tendency is absence of organization.

Chairman WALSH. Does that run pretty generally through the industry in the United States?

Congressman LEWIS. That is my judgment, although I have not probative data on the subject.

Chairman WALSH. Assuming that this responsibility for conditions exists on the part of directors, how can that responsibility be made effective, if you have studied that subject or would care to give an opinion? Could it be made so by legislation?

Congressman LEWIS. I have given it some thought, Mr. Chairman, and discussed it some with others, but I have not reached a conclusion satisfactory to myself.

Chairman WALSH. If it be true that the organizations of employees have been weakened by the concentration of their employers, we might put it that way—what agency, if any, could be used to more nearly balance the power between them?

Congressman LEWIS. I have none in mind except the suggestion made in the beginning of my remarks, that qualifications upon the absoluteness of the ownership of the property where social relations are sustained, such as now are imposed upon public-utility companies, for example, might be made. But I know there would be differences of conditions that would perhaps render the suggestion debatable. The public-service commission now is largely confined to the field of monopoly, especially to the field where rates are nonfluctuating. Prices of street car service, gas, electricity, and railway service are nonfluctuating, and competition is absent as an element to deal with the private management. In the coal-mining business competition is present and you have fluctuating prices. The argument might be a little weaker in the case of a public-utility commission, in that case than in the case of a glaring monopoly. But I do not think of any other suggestion that to me seems practical at this time.

Chairman WALSH. Have you given some thought to the question of the condition of the employees in an industry like the telephone industry in case of postalization by the Government? How would it affect the freedom of contract, the right to bargain collectively, exert a democratic influence in the fixing of conditions of their labor?

Congressman LEWIS. Well, speaking frankly on that subject, I think the relation of the Government as an employer to the workingman is very different from the relation of the private employer. Without any purpose to stigmatize the interest of the private employer his interest is as an investor. If he does not think about himself first nobody else will. He may have an interest there for underpaying his men or overworking his men. But the Government is purely an ethical agent. It has no feelings, it has no purposes except those that are ethical and it is absolutely without temptation to overwork or underpay its employees. Therefore the labor organizations as an instrument of defense in private employment is unnecessary in public employment, and the relation of the employee under the Government, the Postal Service to the Government, seems to me should be more in the order of my relation to the Government; that is, one of individual character.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Mr. Lewis, when you were dealing with the first proposition that you presented, you made reference to the fact that boards of long existence of public-utility commission should be utilized in large industrial disturbances to determine the facts for the purpose of informing the public as to the facts causing the disagreement. Did you look on that as only a means for the furnishing of knowledge, leaving to other agencies the recon-

ciling of the disagreement after the facts had been brought out or the using of this commission as a settling agency also?

Congressman LEWIS. Well, they could be mediators as well as fact determiners. It has been suggested this European war might have been prevented if we had had a public-utility commission that would have had authority over these royal bumps. I think frequently these great disasters, industrial strikes, might be avoided if there was some place to go to state your case. In all my experience as a striker I got licked. I am, therefore, very much in favor of arbitration more than a very dear friend of mine who always won. His reaction to the subject was different from mine, you see. I think the interests of society are so great that they ought to predominate in this matter with regard to the wishes of employer and employee.

Commissioner GARRETSON. Do you believe that a different commission or agency might be better able to utilise the facts that were developed by a public service commission than they would themselves—that is, as a settling agent? Would the publication of the facts weaken their influence as mediators and arbitrators?

Congressman LEWIS. Very probably so.

Commissioner GARRETSON. That is the point that appealed to me when you were making the statement, to determine which of those two things you thought were preferable?

Congressman LEWIS. Perhaps while the commission was getting the facts that the parties can be making up their minds whether they were for or against them, and they would thus perhaps become disqualified as an impartial tribunal.

Commissioner GARRETSON. That was the point that appealed to me. One thing further I would like to have your opinion on, because it is purely a matter of opinion. The question really consists of—I have got to state certain things that naturally follow the primary stage and then you can arrive at its sequence. We will take Government supervision. It is a foregone conclusion that supervision without control is forced—is there any power to put it in if deficit ensues, and on account of the measures that are put into that control deficit follows—now coming back to the original statement: Can there be effective supervision and consequent control without it leading to Government ownership?

Congressman LEWIS. Well, they can not be effective in the sense of absolute result without that conclusion. Society would have to take the responsibility for its orders.

Commissioner GARRETSON. It is the natural consequence of supervision and control that is necessary to make supervision effective, is it not?

Congressman LEWIS. If the employer were ordered to pay certain wages and work certain hours and to sell at certain prices, he would quit employing people unless the conditions were working out satisfactorily. Therefore industry would depend upon the Government for its future conduct.

Commissioner GARRETSON. If you leave the question of wages out, for instance, to fix the price of the product, and from other causes a deficit ensues, isn't there a nice question there as to who is going to assume the responsibility for the deficit unless ownership is assumed?

Congressman LEWIS. That is all involved in the problem, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you, Mr. Lewis, very much.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(At 4.50 in the afternoon of this Tuesday, January 19, 1915, an adjournment was taken until to-morrow, Wednesday, January 20, 1915, at 10 o'clock a. m. at the same place.)

NEW YORK CITY, *January 20, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, and Garretson.

Chairman WALSH. The commission will please come to order.

Call Mr. Schiff.

TESTIMONY OF MR. JACOB H. SCHIFF.

Chairman WALSH. Your name, please.

Mr. SCHIFF. Jacob H. Schiff.

Chairman WALSH. Where do you live, Mr. Schiff?

Mr. SCHIFF. New York.

Chairman WALSH. What is your business?

Mr. SCHIFF. Banker.

Chairman WALSH. In what corporations are you a director?

Mr. SCHIFF. I am a director of the Oregon Railway & Navigation Co., a subsidiary of the Union Pacific; the Western Union Telegraph Co.; the Central Trust Co.; the Wells, Fargo Express Co.; the Baron de Hirsch Fund; the Montefiore Home and Hospital for Chronic Diseases; the Tuberculosis Preventorium. There are some more that I can not remember.

Chairman WALSH. Could you approximate and state how many of those there are which you can not remember?

Mr. SCHIFF. I can not remember them all.

Chairman WALSH. No; I say could you state approximately the number of them, without designating the names.

Mr. SCHIFF. Call it in round numbers 10.

Chairman WALSH. Ten that you do not now recollect?

Mr. SCHIFF. Yes——

Chairman WALSH. Or 10 that you do recollect?

Mr. SCHIFF. No; 10 altogether; 10 altogether. I have named the principal ones.

Chairman WALSH. In those purely industrial corporations that you have named, leaving out for the present those that have for their object philanthropy, or public matters entirely, do you own or represent any considerable amount of stock in those companies in which you are a director?

Mr. SCHIFF. Yes; I think I do.

Chairman WALSH. To what extent, please.

Mr. SCHIFF. In which?

Chairman WALSH. In the companies that you have named.

Mr. SCHIFF. You want to have it in each separately?

Chairman WALSH. In each separate company; yes, sir.

Mr. SCHIFF. Well, call them off, please.

The REPORTER. Oregon Railway & Navigation Co.

Mr. SCHIFF. The Oregon Railway & Navigation Co. is a subsidiary company of the Union Pacific, and I represent several thousand shares in the Union Pacific; perhaps 10,000 or more.

Chairman WALSH. Ten thousand or more. Now, do you own those personally?

Mr. SCHIFF. Personally, and as representative of others.

Chairman WALSH. Well, now, how many do you own personally and how many do you control as representative of others?

Mr. SCHIFF. Well, I would say I own personally 5,000 or more.

Chairman WALSH. Of the Union Pacific?

Mr. SCHIFF. Yes.

Chairman WALSH. I wish that in giving the amounts of the others, Mr. Schiff, you will please make that disconnection; that is, the amount that you own actually, and the amount that you represent.

Mr. SCHIFF. As I say, I actually own 5,000 or more.

Chairman WALSH. But I say in giving the general numbers, I wish you would call it in that manner when the other names are read off to you by the stenographer, that you will make that distinction and I will not have to repeat the question every time.

Mr. SCHIFF. What is the next?

The REPORTER. Western Union Telegraph Co.

Mr. SCHIFF. I should say 5,000 or more personally.

Chairman WALSH. Do you represent any others in the Western Union?

Mr. SCHIFF. Yes; when I say 5,000 or more, it is my own stock.

Chairman WALSH. Now, how many would you say you represented? How many shares of stock in the Western Union?

Mr. SCHIFF. Many thousand shares.

Chairman WALSH. Could you approximate how many?

Mr. SCHIFF. No.

Chairman WALSH. You could tell that, could you not, from your books?

Mr. SCHIFF. No; I could not.

Chairman WALSH. Is there no way in arriving at the number of shares of stock you represent in the Western Union?

Mr. SCHIFF. Only by the stock standing on the books of the company in my name, or the names of some one of my firm.

Chairman WALSH. Does all of the stock you represent in the Western Union stand on the books of the Western Union Co. either in your name or in the name of some member of your firm?

Mr. SCHIFF. Yes, sir; that is correct, including clerks.

What is the next?

The REPORTER. The Central Trust Co.

Mr. SCHIFF. One hundred shares.

Chairman WALSH. Do I understand that the 100 shares are yours?

Mr. SCHIFF. Yes.

Chairman WALSH. Do you represent any others?

Mr. SCHIFF. I do not.

What is the next?

The REPORTER. The Wells, Fargo Express Co.

Mr. SCHIFF. One thousand five hundred shares or more of my own.

Chairman WALSH. Do you represent any in that company?

Mr. SCHIFF. Yes.

Chairman WALSH. Approximately how many do you represent?

Mr. SCHIFF. Perhaps two or three thousand.

Chairman WALSH. What information, Mr. Schiff, do you possess, either as a stockholder or as a director, concerning the labor conditions in these corporations in which you are interested?

Mr. SCHIFF. None.

Chairman WALSH. Do you make any effort to ascertain the labor conditions in those corporations?

Mr. SCHIFF. Only when there should be trouble.

Chairman WALSH. Only when there should be trouble?

Mr. SCHIFF. Yes, sir.

Chairman WALSH. And then what action do you take as a director?

Mr. SCHIFF. I ascertain the causes of the trouble and try to bring about a just treatment of all interests concerned.

Chairman WALSH. Do you receive reports from these corporations which give you any information regarding labor conditions before actual trouble breaks out?

Mr. SCHIFF. I do not.

Chairman WALSH. Is there any system in any of these corporations by which the directors are advised of complaints of men—of the employees—when they reach such proportions that trouble in the nature of a strike or lockout or violence is imminent, but before it actually takes place?

Mr. SCHIFF. Yes, sir.

Chairman WALSH. We will take the Western Union first; what is the nature of the reports that you receive from that company?

Mr. SCHIFF. During my directorship of the Western Union, which extends back about, I should say, 15 or 18 years, there has been only one serious trouble. I don't remember exactly when, but it was about five or seven years ago that there was a general strike on the Western Union. It may be 10 years ago; I don't remember exactly the time. This was the only time when the question of labor conditions came before the board of directors, or before the executive committee rather, to which I belonged. It was stated by Col. Clowry, who was then president, that trouble was brewing; that there was agitation on the part of the president of the telegraphers' union. He said certain demands had been made which it was not possible for the company to accede to, and then very serious consideration was given by the executive committee to the conditions among Western Union telegraph employees. Propositions were made to and fro, but the strike resulted before anything tangible could be arranged.

Chairman WALSH. When did you say that threatened trouble took place—about 15 years ago?

Mr. SCHIFF. Not as long as that. I think it must have been between 7 and 10 years ago.

Chairman WALSH. Now, do you have any organized or regular system for receiving reports from these companies as to labor conditions?

Mr. SCHIFF. That would naturally be in the hands of the executive officers—the president and general manager and general superintendent. It is not the office of directors to interfere in the management—in the technical management—of an industrial corporation.

Chairman WALSH. Are you a director in any corporation that is engaged in the mining business?

Mr. SCHIFF. I am not.

Chairman WALSH. Are you a director in any corporation that is engaged in the manufacturing business?

Mr. SCHIFF. I am not.

Chairman WALSH. Have you had any first-hand contact with labor questions on the Western Union other than that which you state took place 7 or 10 years ago?

Mr. SCHIFF. I have not.

Chairman WALSH. In your opinion, Mr. Schiff, to what extent are the stockholders and directors of corporations responsible for their labor conditions in them?

Mr. SCHIFF. Stockholders are not responsible at all, in my opinion. The directors are responsible as far as these matters are brought before them by the executive officers of the corporation.

Chairman WALSH. Suppose that the attention of a director was called to the alleged facts from a source which appeared authentic that the laws relating to the safety and well-being of employees passed by the State in which the corporation was located were being violated, what would be the duty, in your opinion, of the director?

Mr. SCHIFF. It would be his duty to go to the president or general manager of the company—to the president in the first instance—and inform himself of conditions, and if it is his belief that the laws are violated or that conditions are not as they should be, in his own opinion, he would bring it before the executive committee.

Chairman WALSH. And the executive committee would then do what?

Mr. SCHIFF. The executive committee would then discuss it, and if it found the statements correct it would try to correct conditions which are either in violation of law—it would alter them as far as they are in violation of law, and try to correct other conditions which might not be found as they should be.

Chairman WALSH. I was going to come to that. Suppose in the same way the attention of a director was called to the alleged fact that the conditions otherwise were not fair to the employees, although not within the inhibition of any statute, what would be the conduct of the director so informed?

Mr. SCHIFF. He would discuss it with the president of the company, get his explanation, and if his explanation is not satisfactory to him he would bring it before the executive committee.

Chairman WALSH. Do these executive officers of the company make regular reports to you or to the executive committee of these large corporations as to the general financial conduct of the corporation?

Mr. SCHIFF. They do.

Chairman WALSH. That is, there is a close check and audit kept upon the accounts of such corporations?

Mr. SCHIFF. There is.

Chairman WALSH. Now, do you require those to be made to the executive committee?

Mr. SCHIFF. To the executive committee and finally to the directors.

Chairman WALSH. And finally to the directors. Is the machinery such that it comes to the executive committee first?

Mr. SCHIFF. It does.

Chairman WALSH. And in the case of a company like the Western Union, how often does the executive committee meet regularly?

Mr. SCHIFF. Once a week.

Chairman WALSH. How frequently does the board of directors meet?

Mr. SCHIFF. I think every two months.

Chairman WALSH. And in case the situation of any sort became important enough, would the board of directors meet more frequently than that?

Mr. SCHIFF. There would be special meetings called.

Chairman WALSH. At any time?

Mr. SCHIFF. Yes.

Chairman WALSH. Now, would you please state, Mr. Schiff, what conditions of the company, financially or otherwise, are regularly reported by the executive officers to the executive committee?

Mr. SCHIFF. The earnings, the internal state of the company in general, financial requirements, necessity for opening new offices, the necessity for new material, and matters in general.

Chairman WALSH. Does it cover a balance sheet, profit and loss account, showing in detail the disposition of all financial matters?

Mr. SCHIFF. That would come at the end of every three months in the Western Union. It is done quarterly.

Chairman WALSH. And how about—is there any marked difference in the operation of the large railroad properties like the Union Pacific?

Mr. SCHIFF. There is not, except I believe in the Union Pacific it is done more frequently; probably done monthly.

Chairman WALSH. I say to make the matter in as concise shape as possible and not to make a particular study of the Western Union, I will, however, ask with reference to that company: Do these reports show the cost of production?

Mr. SCHIFF. Production of what?

Chairman WALSH. Of the work—the product of the Western Union out of which it makes its money—the sending of messages and the other duties performed by the Western Union.

Mr. SCHIFF. The monthly or quarterly report would show.

Chairman WALSH. What are the products of the Western Union? What does it do besides send messages or telegrams?

Mr. SCHIFF. The products of the Western Union are the earnings from the telegraph business. The products are the telegraphic receipts.

Chairman WALSH. Do they also control subsidiary companies in the city which hire messengers to go from place to place on the private business of persons who hire them?

Mr. SCHIFF. As far as I know the Western Union controls the American District Telegraph Co.

Chairman WALSH. And that company has offices throughout the United States where they have men and boys who go off on messages under private employment?

Mr. SCHIFF. I only know as far as New York is concerned.

Chairman WALSH. Has your attention ever been called to the practice in any other city at all?

Mr. SCHIFF. It has not.

Chairman WALSH. Are you a director in the American District Telegraph Co.?

Mr. SCHIFF. I am not.

Chairman WALSH. Does the American District Telegraph Co. ever report its activities to the board of directors of the Western Union Telegraph Co.?

Mr. SCHIFF. I believe not.

Chairman WALSH. In what way is the American District Telegraph Co. controlled by the Western Union Telegraph Co.?

Mr. SCHIFF. By stock ownership.

Chairman WALSH. By stock ownership solely?

Mr. SCHIFF. As far as I know; yes.

Chairman WALSH. Then, does it own all the stock or a majority of the stock or a mere control?

Mr. SCHIFF. As far as I know it owns a majority of the stock.

Chairman WALSH. Do you know offhand what amount it owns in the American District Telegraph Co.?

Mr. SCHIFF. I do not.

Chairman WALSH. Has your attention ever been called to the fact, if it be a fact, that the American District Telegraph Co. employs boys that are under legal age at any place?

Mr. SCHIFF. It has not.

Chairman WALSH. Has your attention ever been called to the alleged fact that it makes a large amount of returns by sending small boys into vice districts in the great cities?

Mr. SCHIFF. It has not.

Chairman WALSH. Have you ever heard of such a thing as a director of the Western Union Telegraph Co. or in your capacity as a citizen?

Mr. SCHIFF. I have not.

Chairman WALSH. Do the reports that you get from these companies show the operative cost of the operations of the Western Union Telegraph Co. in the various parts of the United States and in different parts of the United States?

Mr. SCHIFF. Not in detail.

Chairman WALSH. Not in detail. Is that done at any time during the year?

Mr. SCHIFF. That would not come before the directors. They would be embodied in the reports which go to the stockholders.

Chairman WALSH. Well, it would come to the directors then merely as stockholders with all the other stockholders?

Mr. SCHIFF. It would.

Chairman WALSH. Do you have a report printed periodically, a periodical report of the inspection of the equipment and machinery used by the Western Union Telegraph Co.?

Mr. SCHIFF. We have not.

Chairman WALSH. Do you have a system by which these inspections are required?

Mr. SCHIFF. The executive officers would naturally have.

Chairman WALSH. To whom then would the reports upon that subject go?

Mr. SCHIFF. They would report in general to the executive committee whether the machinery of the company is in good condition or where it needs improvement.

Chairman WALSH. How frequently would that come to the executive committee?

Mr. SCHIFF. Not at stated times—as often as necessary.

Chairman WALSH. In the actual practice, how often does that come to the Western Union Telegraph Co., to the executive committee of the Western Union Telegraph Co.?

Mr. SCHIFF. There is no actual practice about it. That would come before the executive committee as often as is required.

Chairman WALSH. During the past 10 years could you tell us how often such a report has come to the executive committee of the Western Union Telegraph Co.?

Mr. SCHIFF. I can not say offhand.

Chairman WALSH. Is there a periodical inventory made of the entire assets of the Western Union Telegraph Co.?

Mr. SCHIFF. That would be made once a year before the final balance sheet is made.

Chairman WALSH. Before what?

Mr. SCHIFF. Before the final balance sheet is made.

Chairman WALSH. I see. And does that come to the executive committee?

Mr. SCHIFF. It would.

Chairman WALSH. From the executive committee all of that information which you have detailed would go to the board of directors at an annual meeting?

Mr. SCHIFF. Would go to the board of directors probably at its very last meeting before the close of its fiscal year.

Chairman WALSH. Now, generally speaking, the practice that you have detailed here holds good throughout all of these large companies?

Mr. SCHIFF. I can only speak for the companies in which I am a director. It holds good in those.

Chairman WALSH. I mean those large companies——

Mr. SCHIFF. It holds good in almost every well-regulated company.

Chairman WALSH. Now, are there any other reports regular, we might call them regular reports of the conditions made to the executive committee that I have not enumerated here?

Mr. SCHIFF. I do not think so.

Chairman WALSH. You think you have mentioned them all?

Mr. SCHIFF. In a general way; yes.

Chairman WALSH. You think I have mentioned them all?

Mr. SCHIFF. In a general way.

Chairman WALSH. Would you regard a submission of regular reports to the executive committee, and from them, say, an annual report to the stockholders and the directors of these corporations, setting forth in full the labor conditions of those companies?

Mr. SCHIFF. Would I regard what?

Chairman WALSH. Would you regard that as desirable, that a very definite report, such as those you have mentioned, should be made at stated intervals covering labor conditions?

Mr. SCHIFF. It would be neither desirable nor undesirable. I don't know that it would lead to anything in particular, because the executive officers, as I have already stated, of any well-administered company, must deal with labor conditions.

Chairman WALSH. Must he not also deal very definitely with all of these financial conditions I have enumerated?

Mr. SCHIFF. No.

Chairman WALSH. He must not?

Mr. SCHIFF. No.

Chairman WALSH. Now, will you please outline, Mr. Schiff, the various philanthropic activities with which you are connected?

Mr. SCHIFF. I have named the different corporations already. If you will pick out any of them, I will answer you.

Chairman WALSH. We will take the Baron de Hirsch Fund. I have a little list of those you have given, and maybe we can get at it quicker in that way. What is the Baron de Hirsch Fund, briefly?

Mr. SCHIFF. The Baron de Hirsch Fund is a fund of originally $2,400,000 which was given some 35 years ago by the late Baron de Hirsch to a board of trustees for the purpose of promoting the welfare of the Russian and Jewish emigrants that come into the United States. It was later raised by gifts and legacies from the Baroness de Hirsch to $4,000,000, which it is now.

Chairman WALSH. You are a trustee of that fund, are you not, Mr. Schiff?

Mr. SCHIFF. Trustee and vice president.

Chairman WALSH. How many trustees are there?

Mr. SCHIFF. I believe there are 12, as far as I can remember.

Chairman WALSH. How many meetings did you attend during the year 1914, Mr. Schiff, of the Baron de Hirsch Fund?

Mr. SCHIFF. I should say from 6 to 10.

Chairman WALSH. How frequently are these meetings of the trustees held?

Mr. SCHIFF. The meetings of the trustees are called—the meetings of the executive committee, of which I am a member, are called—as often as sufficient business has accumulated to make a meeting necessary.

Chairman WALSH. How many members of the executive committee are there?

Mr. SCHIFF. I think there are eight—probably eight or nine members of the executive committee.

Chairman WALSH. Is the executive committee taken from the trustees?

Mr. SCHIFF. It is.

Chairman WALSH. What funds does the Baron de Hirsch Fund exercise control over?

Mr. SCHIFF. Only its own funds.

Chairman WALSH. In what sort of securities is that represented, or what form of wealth?

Mr. SCHIFF. Practically all in bonds and mortgages, real estate mortgages.

Chairman WALSH. Is there any particular portion of the country selected for the securing of the loans, the paper?

Mr. SCHIFF. Altogether in the State of New York.

Chairman WALSH. Kindly indicate what work this fund does.

Mr. SCHIFF. In the first place it subsidizes the Jewish Agricultural and Industrial Aid Society and sets up Jewish farmers throughout the United States by making advances on the chattels of the farmers. It maintains the so-called Baron de Hirsch trade school. This is a trade school which has two semi-annual classes in which men engaged in manual labor and otherwise—younger men—learn the rudiments of different trades, and it turns them into trade helpers, from which they become gradually industrial workers.

Chairman WALSH. Who determines the character of the vocational training that shall be given to these persons?

Mr. SCHIFF. The trade-school committee in the first instance, which is a subcommittee of the trustees having charge of the trade school. I suppose it consists of four or five members.

Chairman WALSH. Is there any outside party connected with the organization that controls the trade school—any representative from any local educational body, I mean?

Mr. SCHIFF. Ex officio, the superintendent of the trade school, a Mr. Talder.

Chairman WALSH. Is there any other outside representation, outside of that?

Mr. SCHIFF. Not that I can remember.

Chairman WALSH. When was the last time that any determination was made as to the course of studies in the trade school, or has it been a development?

Mr. SCHIFF. That is continually being done. They teach some five or six trades, principally electrical work, carpenter work, printing, plumbing, machine work, and painting. I believe that is about what they teach.

Chairman WALSH. Is there any committee or any member of your organization which seeks to obtain employment for the graduates of the school?

Mr. SCHIFF. The superintendent attends to that. Those boys are nearly always—younger men—they are between the ages of 16 and 20. They are nearly always in very considerable demand. The unions are rather favorable to the trade school.

Chairman WALSH. Did you say favorable or unfavorable?

Mr. SCHIFF. The labor unions are favorable to them, and it has been a very successful undertaking.

Chairman WALSH. There is no effort in any way made in the school to direct the students along any lines of social or political economy, is there?

Mr. SCHIFF. No; there is not.

Chairman WALSH. Did I interrupt you, Mr. Schiff?

Mr. SCHIFF. I only wanted to go on and tell you——

Chairman WALSH. Please do so.

Mr. SCHIFF (continuing). Then, we maintain an industrial school at Woodbine, N. J., where we give the young men an education in agriculture. Generally, we take them at the age—I believe the minimum age is 14 years—and try to train them into agricultural helpers—something better than farm hands, and we have graduated a very considerable number of young men from there who have gone into agriculture.

Chairman WALSH. What would you say was the total attendance during the past year in your trade school?

Mr. SCHIFF. In our trade school the actual attendance is about, in each class, between 150 and 175. When I say "each class" I mean each five months' class, so that the school would turn out in a year about double this number, say, from 300 to 350.

Chairman WALSH. And in the agricultural school, what number?

Mr SCHIFF. In the agricultural school, I believe, the attendance is from 70 to 75.

Chairman WALSH. What reports are issued by the Baron de Hirsch Fund?

Mr. SCHIFF. The Baron de Hirsch Fund issues no public reports, as it has no stockholders. It is not a stock company. It issues a report from its books, which are open to inspection, but it does not issue a printed report of its activities.

Chairman WALSH. Does it make a report at any time that is given to the press?

Mr. SCHIFF. Not in particular, except as the press inquires.

Chairman WALSH. You say that they have books. What do you say they have for public inspection, if desired?

Mr. SCHIFF. Any legitimate party is free to look at its books.

Chairman WALSH. What has been the total expenditure of the Baron de Hirsch Fund to date in benefactions, in round figures? Approximately, what has been the total amount of the benefactions it has given to trade schools?

Mr. SCHIFF. I should say the average it has expended during the past 26 years is about $175,000 a year.

Chairman WALSH. Now, outside of the schools, what are its other benefactions, Mr. Schiff?

Mr. SCHIFF. We have founded in south Jersey about 20 years ago—20 or 25 years ago—the town of Woodbine, which is an agricultural farming and industrial settlement, and in which we have invested a considerable amount of money. The town is now self-governing and has been for something like 10 years.

Chairman WALSH. Do you ever extend any personal or individual aid?

Mr. SCHIFF. Please repeat that question?

Chairman WALSH. Does your Fund extend individual aid to persons?

Mr. SCHIFF. Yes; I have already said it makes loans to farmers; it makes loans to settlers—individual loans. It also aids committees, educational committees in various cities of the Union, like Philadelphia, Pittsburgh, and, I think, St. Louis, to a small extent.

Chairman WALSH. By what means is the succession of trustees provided for?

Mr. SCHIFF. The trustees were originally named by Baron de Hirsch, who died in 1804, and it is a self-perpetuating body.

Chairman WALSH. How would a trustee be disposed of in the event of misconduct?

Mr. SCHIFF. Under the laws of the State; but such things do not happen.

Chairman WALSH. Such things have not happened in your organization up to date?

Mr. SCHIFF. No, sir.

Chairman WALSH. But, if such a thing did happen, is the power in the majority of the board of trustees, or is it lodged some place in the body to remove a trustee for misconduct that might not reach the magnitude of an infraction of a State law?

Mr. SCHIFF. Only so far as it is provided for in the laws of the State of New York.

Chairman WALSH. By what principles are the individuals selected who receive this aid, if they are so selected?

Mr. SCHIFF. They are selected by the judgment of the executive trustees for their high-mindedness, conscientiousness, and known qualities as good citizens, if you mean the trustees.

Chairman WALSH. About how many appeals do you receive in the course of a year? How many appeals for aid?

Mr. SCHIFF. We do not receive any appeals for aid. We do not disburse original aid in the sense of charity.

Chairman WALSH. Do not persons appeal to you individually in any instance—for instance, to obtain loans to go upon farms, and the like of that?

Mr. SCHIFF. Those appeals would be made to the superintendent of the Jewish Agricultural and Industrial Aid Society.

Chairman WALSH. What connection has that society with the Baron de Hirsch Fund?

Mr. SCHIFF. The Baron de Hirsch Fund delegates certain of its directors or managers and pays it something like $50,000 or $60,000 a year.

Chairman WALSH. Are you a director in that?

Mr. SCHIFF. I am not.

Chairman WALSH. Do you study the operations of that subsidiary organization as a director of the Baron de Hirsch Fund that sets aside $50,000 or $60,000?

Mr. SCHIFF. The organization issues an annual report, which I study very carefully, and by conference from time to time with its manager, Mr. Robinson.

Chairman WALSH. Have they some sort of systematic scheme by which they look up the person that might be benefited in the way you have indicated, individually, by putting them on a farm, and so on?

Mr. SCHIFF. Very systematic indeed.

Chairman WALSH. Briefly state what is the system of selecting the people.

Mr. SCHIFF. You must turn to the manager for that. I can not give you the details. I know it is done generally—very systematic and very successful.

Chairman WALSH. Do you know the general details as to whether or not they have agencies in different parts of the country or in different parts of the world, or whether they receive personal appeals from individuals and tabulate them and investigate them, or how? Just in a general way, tell us.

Mr. SCHIFF. The information that I could give as to this would be so meager that I would suggest that you call Mr. Leonard G. Robinson, the manager, before you, and he can give you anything in that regard.

Chairman WALSH. Well, we will get the information from him, then. You make no personal efforts, or the board of trustees of the Baron de Hirsch Fund have been making no personal effort to locate where the persons to whom these benefactions may be extended?

Mr. SCHIFF. It does not.

Chairman WALSH. It is all left to that subsidiary organization?

Mr. SCHIFF. It is all left to the organization.

Chairman WALSH. Is there or is there not waste in the field of what you might call charity, of extending aid to unemployed persons that need assistance?

Mr. SCHIFF. Is there any what?

Chairman WALSH. Is there not waste in the field? Have you observed as a person interested in those subjects whether there is waste?

Mr. SCHIFF. Waste?

Chairman WALSH. Yes.

Mr. SCHIFF. There is nothing in human endeavor which has not waste. I believe in general the philanthropic work—so-called charity work—certainly wherever it is done in this city, is done with a great deal of efficiency.

Chairman WALSH. Have you observed during your life, Mr. Schiff, and your efforts in the field of which you have spoken, not only with the Baron de Hirsch Fund but with the other organizations that we will not go into in detail this morning, any scheme by which, first, the necessity for such help might be best prevented?

Mr. SCHIFF. Preventive charity is always the best, and there is a great deal of effort made in that direction and a great deal of successful work done.

Chairman WALSH. Along what general lines, for instance, laying aside the important thing of educating the young to be useful, along what general lines would you say that effort has been?

Mr. SCHIFF. To help those who are able to get into dignified work to secure dignified existence; if they can get small means, to help them to help themselves; to help people in general to help themselves; to find employment for the handicapped.

Chairman WALSH. I did not catch that last. Will you read it, Mr. Langdon?

The REPORTER. To find employment for the handicapped.

Chairman WALSH. You mean for the physically handicapped, or the economically handicapped, or what?

Mr. SCHIFF. Both.

Chairman WALSH. Now, have you given any study to any definite mode by which you would work out that last suggestion?

Mr. SCHIFF. Yes.

Chairman WALSH. Well, first we will take those that fall below what you might call the minimum of efficiency physically for some reason.

Mr. SCHIFF. For instance, there are a great many who can work who are crippled but who still can work, for whom you might get small trades; you can set them up in stands, trading stands.

Chairman WALSH. The idea, then, being, Mr. Schiff, to direct those persons along what you might call the line of vocational guidance into what they were best fitted to do with their physical handicaps?

Mr. SCHIFF. Yes; to some extent.

Chairman WALSH. And would that include the institution of industries, probably, that would take care of persons of that kind, so handicapped?

Mr. SCHIFF. It would.

Chairman WALSH. Now proceed, please. I say, just proceed, please.

Mr. SCHIFF. In a great many instances small loans to tradespeople, to be gradually repaid from their earnings, or not, if that be not possible, in order that they may not become a charge upon the community; loans to the laborer and others on pawn, or chattel, or even on their own responsibility, to help them over the hard times. The activities in that direction are so many that it is impossible to point out actually everything.

Chairman WALSH. Could you suggest some other line of activity along what you designate as furnishing the man who is not handicapped physically with the means of earning his own livelihood?

Mr. SCHIFF. In the first place, employment offices.

Chairman WALSH. Would you have those public or private, or how operated?

Mr. SCHIFF. I do not think any employment offices can be successfully conducted, or are successfully conducted, except for domestic help—I exclude that—except if the United States Government would take this altogether in its own hands. We need a constant bringing together of those who need work and those who have work to give in all parts of the Union. As it is now, there is too much congestion and too much crowding into single sections; there is always a great superabundance of labor in New York and in the Atlantic coast cities. That should be prevented if possible. There should be some way by which there could be pointed out to the labor seeker, who can not find labor in the place in which he for the moment dwells, where the laborer is needed; and there is labor needed somewhere in the United States at all times. I know of no employment exchange—local employment exchange—that has been honestly conducted that has ever been a success. I have been connected with quite a number of these. A great deal of money has been sunk in local employment exchanges, and none of them have been able to exist for an indefinite time. At some time they all had to give up for the want of funds with which to further conduct them, because they were limited to find labor locally. It is only through the Federal Government that——

Chairman WALSH (interrupting). Well, you think it is impossible, then, to correlate such public agencies unless they are nationalized—unless the Government does it?

Mr. SCHIFF. That is my opinion.

Chairman WALSH. Have you considered—did you get a copy of the bill proposed by this commission through the mails during the last few months, Mr. Schiff?

Mr. SCHIFF. I have not.

Chairman WALSH. It has not been called to your personal attention, then?

Mr. SCHIFF. Not that I can now remember.

Chairman WALSH. What substantial result, if any, do you consider has been achieved by these activities, such as the Baron de Hirsch Fund and others, toward reducing the amount of poverty and suffering?

Mr. SCHIFF. Very considerable. You can not point it out in figures, but the result has been tremendous.

Chairman WALSH. Would it or not be a good idea to have statistics kept of the general benefits derived by the whole social fabric through these activities and publish them from time to time as part of the work and as a guide to others that might be inclined?

Mr. SCHIFF. I have no doubt but that all these foundations—I know that the Baron de Hirsch Fund and others with which I am connected keep such statistics. But certainly it would be well if these statistics be published in general.

Chairman WALSH. Would they be formulated in such a way as to indicate to the public the advance that was made from time to time in the whole social scheme by such work?

Mr. SCHIFF. Only good result from it, sir.

Chairman WALSH. Do you consider that more substantial gain might be made in the conduct of these great betterment activities by democratizing them, by bringing in outsiders other than indicated as trustees, or, perhaps, not persons of great wealth themselves, or injecting the hand of the State, say, of the municipality, the community as it were into them, or have you given that subject any thought?

Mr. SCHIFF. I am very certain that in the selection of trustees or managers, or whatever you may call them, of these great foundations the question of wealth has absolutely nothing to do and has absolutely not entered in. I am convinced that every foundation—at least, every one that I know of—at the first determining or election of trustees and manager have had no sort of desire but to bring in the most able and most efficient men or women, whether they be rich or poor—in most cases they are poor—what we call poor in these days—to help in managing and guiding the work of the foundation.

Chairman WALSH. What do you say as to giving the State a representation in them, or the Nation—the Government, I will say?

Mr. SCHIFF. I do not think it would be a proper thing to bring in what we call in general the political element, which, in that case, would be the State.

Chairman WALSH. Well, would what you would call the political element include all of the officials of the Government, the representatives and the executives of the State?

Mr. SCHIFF. It does.

Chairman WALSH. And speaking of that as the political element, you do not believe that it would be wise to allow the State representation through officers of that kind in these organizations—in the administration of them?

Mr. SCHIFF. As a general proposition, I do not think it would be wise.

Chairman WALSH. What is your attitude toward the organization of employees for their own protection and the advancement of their own interests, if they so consider it?

Mr. SCHIFF. I believe that the proper organization of employees for their own benefit, which is the benefit of the State, ought to be encouraged in every way.

Chairman WALSH. What benefits that you include are there—moral and financial betterments?

Mr. SCHIFF. Their moral and economic betterment.

Chairman WALSH. Upon what information or experience, Mr. Schiff, is your attitude in that direction based?

Mr. SCHIFF. Upon a close study as a citizen of labor conditions generally.

Chairman WALSH. Have you taken any action publicly or privately with regard to the organization of the Western Union Telegraph Co. employees?

Mr. SCHIFF. I have not.

Chairman WALSH. Are you aware of the fact, if it is a fact, that the Western Union Telegraph Co. maintains what is called a blacklist—that is, a list upon which the names of men are placed who are accused of being active in promoting organizations of employees?

Mr. SCHIFF. As far as I know, I doubt whether such a blacklist is maintained. I think that is a charge that frequently has been made and does not exist. Do not forget that the Western Union, if you pick out such a company, is a public-service corporation which owes to the public a duty to efficiently do

its service and that it can not subject itself—less perhaps than any other industrial corporation—to the dictates of a labor union.

Chairman WALSH. The popular name given to this information is called a "blacklist," and I am using that simply——

Mr. SCHIFF (interrupting). I know nothing of that and do not believe it exists.

Chairman WALSH (continuing). I was just trying to explain to you why I used the term "blacklist," as has been complained of. I use the term "blacklist," as has been complained of before the commission from time to time as said to consist of the names of men who are active in attempting to organize their fellow employees into labor organizations, as they are known to-day, into the ordinary labor organization.

Mr. SCHIFF. I know nothing of that.

Chairman WALSH. Now, regardless of the maintenance of such a one in the Western Union—because I am using that company always, as I told you——

Mr. SCHIFF (interrupting). I know nothing of it.

Chairman WALSH (continuing). What is your attitude toward such conduct?

Mr. SCHIFF. I don't think that any executive officers of an industrial corporation who are self-respecting would maintain any such list.

Chairman WALSH. Are you aware of the fact, or is it a fact, that the Western Union in all of its leases reserves the right to specify what men shall work upon leased wires as laborers or employees?

Mr. SCHIFF. I do not know anything about it.

Chairman WALSH. What is your attitude toward the employment of children in industry?

Mr. SCHIFF. I believe that the child should be protected in every possible way. I do not think that any child under 14 years, as a minimum, ought to be employed in any kind of labor for profit.

Chairman WALSH. Now, above 14. What is your attitude as to the protection that should be furnished to children in industry, both as to health and morals, assuming that 14 is a tender age, of course.

Mr. SCHIFF. That is a very far-reaching question. The first condition should always be that the child, if it is employed at all, be surrounded with every protection for good morals and for good health.

Chairman WALSH. Have you read any of the reports of vice committees in the United States that pointed out the alleged fact that large numbers of boys in the employment of the American District Telegraph Co. were sent in the nighttime as a regular practice to vice districts in the conduct of their everyday affairs.

Mr. SCHIFF. If I remember correctly, some years ago such a statement was made in some newspapers. I can not exactly now recall what it was. I would prefer not to answer this, because I do not sufficiently recollect what it was.

Chairman WALSH. Has the executive committee—I believe you answered that they did not have any knowledge of it—or you have any knowledge of it, if it is a fact?

Mr. SCHIFF. Not at all.

Chairman WALSH. And therefore no action that you know of has been taken. As the result of your observation and experience as a banker and a man engaged in the work of the betterment of mankind, do you believe that industrial discontent in America is increasing?

Mr. SCHIFF. I should rather think and hope that it is decreasing.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions, if you please, Mr. Schiff.

Commissioner WEINSTOCK. On what basis, Mr. Schiff, does the Baron de Hirsch Fund make loans to farmers?

Mr. SCHIFF. Well, I have already said, in reply to a question put by the chairman, that you better direct that question to the manager of that department of the society. Certainly you can thus get more minute information.

Commissioner WEINSTOCK. You do not know their rate of interest which they charge or the length of time allowed the borrower to pay back?

Mr. SCHIFF. I know the rate of interest charged is generally 4 per cent.

Commissioner WEINSTOCK. Four per cent; and how many years does the borrower have in which to repay the loan?

Mr. SCHIFF. I think you had better ask the manager about that.

Commissioner WEINSTOCK. Mr. Untermyer, in giving testimony the other day—the following was stated, and I am sure the commission would be very glad to get your opinion on the statements made. The question was asked Mr. Untermyer:

"You made the statement that the railways of this country, as a great body of the railways, are practically under the control of two financial groups?

"Answer. A large part of them are. A large part of that mileage is under the domination, or under the potential domination of these groups.

"Question. How has the reserve banking act affected, if at all, the banking control of railroad systems?

"Answer. Not materially, as yet. It is hoped that it will. It is expected that it will in this way: That until the banking law was passed the reserves of the banks all through the country were deposited in New York largely, and these reserves were deposited in banks that were controlled by the same groups, and those vast funds were under the domination of these men. Now, the reserve act, when it gets into full operation, which will take a few years, will distribute those reserves, and the vast sums that come to New York will not come here; and in that way there will be, to some extent, the centralization of the control—concentration of the control of this money that was in the banks. I look for very substantial results from the Federal-reserve act. I think it is one of the greatest pieces of constructive work this country has ever done."

In how far, Mr. Schiff, does your opinion concur with this?

Mr. SCHIFF. My opinion concurs with that of Mr. Untermyer as to the Federal-reserve legislation, that it is one of the greatest pieces of constructive legislation we have ever done. As to the statement that two groups of bankers control most of the railways of this country, I think it is sheer nonsense.

Commissioner WEINSTOCK. You think Mr. Untermyer is mistaken about that?

Mr. SCHIFF. Very much so.

Commissioner WEINSTOCK. What are the facts, as you know them, Mr. Schiff?

Mr. SCHIFF. I do know—so far as I know, there is absolutely no control except that such control is exercised indirectly by the officers and directors for the time being who from year to year send out proxy blanks to the shareholders who are at liberty to return them or not. I believe that the weakness of the whole system is the human weakness, that stockholders, as long as things go right, do not pay any attention to the management of their property; and that only when things go wrong they come to realize that they are stockholders, and that they should not have permitted their property to be controlled by those who have wrongly or badly managed it. If stockholders would make it a business of exercising their right as stockholders and devote themselves—which I am afraid you can never make them do by law—to the affairs of their companies very little of what is called railroad mismanagement would happen in this country.

Commissioner WEINSTOCK. You think that the railway mismanagement, then, is largely due to neglect of their duties on the part of the stockholders.

Mr. SCHIFF. To neglect on the part of the stockholders—a human failing.

Commissioner WEINSTOCK. Mr. Untermyer was further asked this question:

"You also pointed out how, under the system of railroad reorganization, a small minority is made to control. In other words, the tail wags the dog.

"Answer. Well, not exactly that. That was not what I intended to convey. I intended to convey the idea that the financial interests that dominated the road when it gets into trouble retain that control through our method of reorganization after it gets out of trouble and continues to dominate.

"And in the case in which it does not dominate the road before it got into trouble, our system lends itself readily to getting domination over it when it gets into trouble and when it is out of trouble.

"Question. Well, now, so far as you have been able to observe, has that system proven helpful or hurtful to the railroad stockholders?

"Answer. I think very hurtful.

"Question. You think very hurtful. That is, it has robbed the majority of the minority stockholders of a voice?

"Answer. Not only of a voice, but it has robbed the roads of the protection that would come from the protection of a minority voice.

"Question. And I suppose you would point to the New Haven road as a horrible example?

"Answer. Well, I should point to others as much more horrible examples, because in the New Haven road I do not think there was much corruption, if any——"

Mr. SCHIFF. There was much what?

Commissioner WEINSTOCK. "Corruption, if any. There was very bad judgment and recklessness in attempting to dominate nearly a whole section of country; but in other roads it has been much worse."

Now, the point is, in how far from your knowledge and experience and observation Mr. Untermyer is correct in his statement, when he says that when a road gets into trouble the banking interests dominate it and retain that dominating control after the trouble has been righted.

Mr. SCHIFF. I think what Mr. Untermyer points out is, in a certain way, correct. The difficulty is not in the banking interests that have reorganized that wants control; it is the fact that in most instances the banking interests can not rid itself of certain control. When the stock issued in a reorganization is issued to the banking interests, those to whom it goes—often people to whose such stock goes live in remote places. They represent former bondholders in Europe and all over the United States, and they won't transfer their stock as they should into their own names from those in which they receive it. There is where the difficulty is, and I am quite certain that most of the banking interests who in a reorganization have to make themselves responsible for the first year's management immediately after a reorganization is completed would much rather rid themselves of that responsibility if only the stockholders would take hold themselves.

Commissioner WEINSTOCK. In other words, the banking interests look upon that as a burden and a liability rather than as an asset.

Mr. SCHIFF. Somewhat in that way.

Commissioner WEINSTOCK. Now, furthermore, the question was put to Mr. Untermyer:

"Question. You also pointed out that the large industries or important industries getting into a few hands was inimical to labor?

"Answer. Yes; puts it at a great disadvantage.

"Question. That is, minimizes the possibility of labor organization?

"Answer. Well, not only labor organizing, but unorganized, in getting its rights, because labor has nowhere else to go. If the labor in an industry has only that industry that it can deal with and has to deal with the whole industry and their terms are unsatisfactory, then it has nowhere else to go."

Now, has it been your observation, Mr. Schiff, that the large industries getting into a few hands was inimical to labor, to the interests of labor.

Mr. SCHIFF. Yes and no. It is very difficult to set forth an opinion. I believe it is of much advantage to labor to deal with large organizations. I believe it is of more advantage to labor to deal with one body of men who are in the limelight of public opinion. And no matter what they personally may want to do, they must regard what the public tells them is right, and public opinion is generally right. It is harder for the laboring man to deal with many small employers, who may be selfish, and often are, and who are not amenable to public opinion; so I say yes and no.

Commissioner WEINSTOCK. You have just pointed out the advantage to labor in being where it can deal with a few large corporations that are in the limelight and are a target. What are the disadvantages?

Mr. SCHIFF. The disadvantages are that the smaller employer can often not hold out as long against the demands of labor. He employs his own capital, and when he succumbs it is his end. The large corporation can, as a rule, with much more power, hold out against what it thinks may be an unjust demand.

Commissioner WEINSTOCK. Is it not also a fact, Mr. Schiff, that very large corporations that are only indirectly dependent upon public good will, like a great steel company that sells its product to builders and contractors and to manufacturers, and coal mines that do not deal directly with the consumer, that enterprises of that character can afford to ignore public opinion, as they did in Colorado where every possible pressure was brought to bear on them through public sentiment, but they refused to yield to public sentiment?

Mr. SCHIFF. I did not speak of public good will, but public opinion, and I do not believe that in the long run public opinion can ever be defied. The last word has not been said yet in Colorado. Public opinion in the long run always survives. Sometimes public opinion is wrong, but in the end it determines all matters generally justly.

Commissioner WEINSTOCK. I take it that you think public opinion can crystallize itself into legislation that no one can deny.

Mr. SCHIFF. Yes. Sometimes it is mistaken legislation, but then legislation may likewise be corrected through public opinion. That is all.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all, Mr. Schiff, thank you.

Is Dr. Hollander here?

TESTIMONY OF PROF. JACOB H. HOLLANDER.

Chairman WALSH. State your name please.

Prof. HOLLANDER. Jacob H. Hollander.

Chairman WALSH. What is your profession?

Prof. HOLLANDER. I am professor of political economy in the Johns Hopkins University.

Chairman WALSH. How long have you held that position?

Prof. HOLLANDER. I have been connected with the teaching staff for 20 years.

Chairman WALSH. Has that been your life work?

Prof. HOLLANDER. It has.

Chairman WALSH. Where did you prepare yourself?

Prof. HOLLANDER. At the Johns Hopkins University.

Chairman WALSH. You are a graduate of that university?

Prof. HOLLANDER. I am.

Chairman WALSH. You reside in Baltimore?

Prof. HOLLANDER. Yes.

Chairman WALSH. Have you made any study of the questions, the broad general questions of unemployment, industrial warfare, poverty, and its causes?

Prof. HOLLANDER. My interest has been, I think, that of all political economists, a study of the causes of modern social unrest. The opinions which I have reached are, I think, in a general sense, those of modern political economists. A very considerable number of economists have doubtless developed minor differences, but in the main I should say there is a reasonable consensus of opinion.

Chairman WALSH. Did you make a particular study of the effect of the concentration of industry—the organization of industrial plants into very large corporations?

Prof. HOLLANDER. Only as the general problem has led to a study of that particular phase of the matter. Might I ask, Mr. Chairman, whether it would not perhaps be simpler if I were to describe, not in any great detail, the general point of view from which I have approached this problem?

Chairman WALSH. I think it would be very well to do that.

Prof. HOLLANDER. The opinion of political economists, in so far as I can voice it, is that the social unrest—manifest not only in this country but in every industrial country—is due to the existence of economic want or poverty, as distinct on the one hand from pauperism and on the other from economic inequality. By poverty, I mean the existence of large areas of industrial society the members of which are in receipt of incomes less than enough to maintain themselves and those dependent upon them in decent existence. I believe that such poverty is the consequence, not of any absolute dearth—that the world produces enough to go around, that economic want is therefore not a question of insufficient production but of defects in distribution.

The issue then presents itself as to whether these defects are fundamental, involving the whole distributive system, or whether they represent merely friction in the existing system. The first view is, of course, that entertained by the socialistic school, and by the extreme individualistic school. As to it the attitude of the political economist is that the case is not proven, even though it may hereafter appear that the defects of the existing industrial order are beyond remedy, and that we will then be warranted in attempting some radical reconstruction. In short, we must exhaust the possibilities of remedial correction before taking a leap in the dark. Political economists therefore are in sympathy with forms of social intervention whereby, to some extent through the pressure of public opinion and to some extent by actual legislation, society shall intervene to correct the ills which have developed. Now, these ills, we believe, are largely consequent on insufficient income. We recognize that there are existing disorders, quite apart from questions of income, such as the well-known evils of city residence, insanitary environment, the needs of labor legislation and the like. But in the long run it is true that the great mass of poverty is the consequence of the inability of men, anxious, eager, and ordinarily competent to work, to earn enough to maintain the standard which prevents poverty. Now, this conclusion does not run counter to the accepted theory of wages. Perhaps, instead of "accepted theory of wages" the proper term is "prevailing theory of wages," for there is no complete agreement among economists as to what determines wages. But whatever views or theories obtain as to the law of wages, whether it is determined by the standard of life or by the productivity of labor, or by demand and supply, there is nothing in any current theory of

wages that precludes the laborer from obtaining a sufficient wage. If he fails to secure such a wage, it must be in consequence of the fact that he enters into the wage contract on a plane of competitive inequality. The wage contract, in short, is the result of a bargain between the employer and the employee, and if the employer is in a superior competitive position, by reason of combination, and the laborer is unorganized, he is at a bargaining disadvantage which is certain to redound to his hurt.

I think political economists accordingly them are in agreement that trade-unionism is essential as a means of bringing the workman into industrial bargaining on a plane of equality. Trade-unionism is not, however, a complete panacea. There remain certain industrial classes who are unorganizable and other classes who through defects of body or mind are unemployable, as, too, there are certain social phenomena which at recurring intervals make employment impossible. So that trade-unionism must be supplemented by provision for three classes: the underpaid, whose needs should be met by wage legislation, commonly described as "minimum-wage legislation"; the class of the unemployed, who are brought to their plight by seasonal or cyclical fluctuations in industry; and the class of the unemployable represented by the maimed, by those who have reached industrial old age, and by those who have been thrown out by sickness. Trade-unionism, in other words, supplemented by provision for the underpaid, the unemployed, and the unemployable, represents the program. I may say finally that I am far from suggesting this is a platform on which all economists are agreed, but I think it might be described as the general consensus prevailing among them.

Chairman WALSH. Now, you say you believe that remedial measures have not been exhausted under our present system. I wish you would apply that general statement to the situation as you find it from your research in the country to-day and suggest, first, what remedial measures you would indicate as being fundamental to an approach to the situation, aside from regulation of tenement districts, etc.

Prof. HOLLANDER. Society has never taken seriously the problem of poverty. We have never attacked it as disease is attacked. What we have done is to devote attention to pauperism, because that is spectacular, the inability to provide decent livelihood only comes to the fore when there is some spectacular disorder, a great industrial conflict. The silent, tragic mischief-working conditions have never received attention. It is like a form of disease that goes on and no one discovers it until the collapse comes. When we realize that there are at any given time vast numbers, perhaps 10,000,000, of persons in the United States in that condition and undertake to analyze the causes and proceed to apply general remedies, then it seems to me we have launched upon this kind of intervention. You have asked specifically what form it is to take. It means in the first place a very decided revulsion of opinion as to trade-unionism. The general attitude among employers of labor is often open and decided opposition to labor. Until society recognizes the unwisdom of that attitude and demands that the laborer must enter into his wage bargaining on a plane of competitive equality society has not lifted its finger to remedy that evil.

Again, when society, having taken that step, and having recognized that trade-unionism is a proper and legitimate social institution as much as the regulation of the employment of children or the limitation of the hours of employment of women, and meets the further difficulty that there are classes of workers who can not be reached in this way, then society will take the next step. Not next in the order of time, for it may proceed on simultaneously in the way of minimum-wage legislation, and thereafter in other directions.

Chairman WALSH. Is there a scientific basis for minimum wage outside of the question of legality?

Prof. HOLLANDER. Yes. Society has never hesitated to intervene to define minimum standards of employment as to hours of work, as to the age of the worker, as to working environments. Time was when society looked upon with the same wonderment upon the proposition that the State should intervene and say to the employer, "You shall not employ children under a certain age; you shall not employ women over a certain number of hours. These are matters of free contract."

Now, if this can be done with respect to minimum conditions of employment, why should it not be done as to minimum wages?

Chairman WALSH. What would you say about the suggestion that if that principle were settled into the law of the land—in logic could it be used to

establish a maximum wage and thus the employment would, through the law, be made subject——

Prof. HOLLANDER (interrupting). That, it seems to me, would be nonsensitar. The law intervenes to define minimum conditions of employment. It says you must not employ a child under a certain age, but it does not say what the age of actual employment shall be. It says that you shall not work men or women more than a certain number of hours, but not how many hours you shall actually work them. The idea is to establish the plane upon which competition shall prevail.

Chairman WALSH. What is your diagnosis of the industrial situation, say, as to the principal ills from which American industry is suffering at the present time?

Prof. HOLLANDER. The existence of economic want. The existence of large numbers of people having less than enough to maintain themselves and those dependent upon them in decent existence. Society has no sympathy with mere economic inequality if the least well off have enough for decent existence. It is a fact that there are great areas of decent, God-fearing people, who have less than enough, and that makes the problem grave.

Chairman WALSH. What would you say would be the immediate and practical remedy for these ills? We will leave the question of minimum wage.

Prof. HOLLANDER. I should say provision for what I have defined as the unemployable, those who are in a measure down and out, either from accident, which involves a system of workmen's compensation; and those liable to become down and out from the results of sickness, which involves insurance against sickness; and those actually down and out through old age, which involves insurance against old age. That is, minimum wage legislation supplemented by a system of social insurance, together with some provision against that cruelest of all social injustices, unemployment.

Chairman WALSH. A suggestion along that line, if you please, as to machinery.

Prof. HOLLANDER. I should say we can do no better than to follow the lead of progressive communities, notably England, in that respect. A system of State administered employment bureaus, together with certain measures designed to affect decasualization.

Chairman WALSH. Has there been any effort that has come under your observation of decasualization of labor; that is, any invention or plan that if it could be called such has a tendency to decasualize common labor or to make it less seasonal?

Prof. HOLLANDER. The most remarkable example, I suppose, would be that of the London dock workers. This is a story doubtless familiar to the commission and I need not go into it, but it was one of the most scandalous evils of our modern industrial system. Thousands of men were clamoring like wild beasts for a chance, each morning, at the gates of the London docks, with no possibility of more than a fractional part of them ever getting a day's work, and the whole mob being kept alive by the fact that in the course of a week perhaps each could get two or three days' work.

The newly formed employment bureaus took the matter in hand, and by a system of registration, whereby it was definitely indicated by each of the dock companies as to how many they needed, undertook to practically establish a permanent dock force. The result doubtless has been some temporary hardship suffered by those who had been looking for this casual work, but the net result has been great good, in that it assigns to dock work the number of men who are needed for that, and gives no work of that kind to this surplus, leading eventually, indeed, to their dissipation and absorption in other fields of industrial employment.

Chairman WALSH. Do you know of any plans that have been attempted to be worked out in this country?

Prof. HOLLANDER. Nothing, it seems to me, that has gotten beyond the mere employment-agency idea, the theory summed up in that—a common phrase of "the jobless man and the manless job." But that, it seems to me, is only one of the features and rather a minor feature of an employment agency.

Chairman WALSH. Could not a scientific approach be made to the subject of the casualizing labor generally; that is——

Prof. HOLLANDER (interrupting). Undoubtedly.

Chairman WALSH (continuing). That is seasonal labor as it exists in this country to-day?

Prof. HOLLANDER. Undoubtedly.

Chairman WALSH. Has no one made the effort?

Prof. HOLLANDER. I do not know of anyone that has. I think it is under contemplation. We are groping toward it. It is being tried out by cities and States. It seems to me that the obvious approach would be through a national board, the idea of——

Chairman WALSH (interrupting). Of what character?

Prof. HOLLANDER. Through the establishment, as I believe is in contemplation, of a national employment bureau, commission, or board.

Chairman WALSH. Would that not necessarily involve cooperation on the part of those individuals who are engaged in these large operations where large numbers of casual laborers are employed, take the lumber, the ice, and the coal—not the coal business, perhaps?

Prof. HOLLANDER. It would. It might mean something more, perhaps, if the conditions in this country are as the most acute students of the problem of unemployment have analyzed them, namely, that unemployment is not due merely to seasonal or even to cyclical fluctuation, but to the vicious practices which enable industries to accumulate surplus funds of labor; that is to say, to have on hand enough men to meet the maximum requirements and not the average normal requirement. It is the story of the dock workers over again. It was a convenient thing to have hammering at the gates of the docks enough men to meet the extraordinary requirements.

Chairman WALSH. By what way is that influence exercised, or what control can the employer have over that, so far as the individuals in that industry are concerned?

Prof. HOLLANDER. By a definite coordination of the employing requirement, so that in the case of a given industry in a locality it would be known just what the normal labor requirement was. By such "devetailing" the normal demand would constantly approach to the average demand. If I may revert to the dock illustration again, since all the boats might come in on the same day, it seemed desirable to keep enough laborers on hand to meet just such a contingency. It would have been far better to have adjusted the arrivals so that the men that were docking to-day on this ship could dock to-morrow on that, and not all dock on the same day and the next day the whole gang be idle. Now, some such coordination ought to be possible in regard to industries in general, and would be through the cooperation of the employers.

Chairman WALSH. Why does not a large concern like the packing establishment deal with the common laborers the way that it does, for instance, with its clerks, stenographers, and highly skilled laborers that are paid for a definite time, even though the work is not always so large at a particular time?

Prof. HOLLANDER. I am not sure I understand.

Chairman WALSH. Perhaps I have not made it clear. If it is a custom now, as you say, on the docks just to use these men, and we will take the dock illustration, just when a ship comes in, why could they not so manage their work that the laborer would be in exactly the same condition as the engineer, or perhaps the fireman, or the skilled clerk in the large establishment?

Prof. HOLLANDER. It is quite possible that such improvement might be affected or would develop out of it. Of course the obvious contrast is the distinction between time pay and piece pay.

Chairman WALSH. But let me make the suggestion as it comes to my mind as a witness, for instance, who describes much like the case of the firemen that does not go to a fire for two or three days, but sits around during all of that time and draws his salary all the time.

Prof. HOLLANDER. I think that the idea of decasualization would involve the replacement of the men with the occasional job by a condition of employment under which he would be permanently employed.

Chairman WALSH. If decasualization of employment does cause misery and suffering and general social ill, should that not, as a scientific matter, be taken into consideration in the organization of industry?

Prof. HOLLANDER. Undoubtedly. Of course, it means not only hurt to the workman but it means social injury through the reduction in productive power. If there are so many men casually engaged in a particular industry that they can only find part employment it would be vastly better if a small number were engaged in that and the surplus were absorbed in something else or distributed somewhere else.

Chairman WALSH. What has been the effect of the development of large corporations with the centralization of control in the hands of directors who are entirely separated from the industries in which they are interested, and

who may be entirely ignorant of the labor conditions in the industries in which they are interested, if you have an observation on that development?

Prof. HOLLANDER. Of course, that is a matter of fact as to which I have no information that would be of value to the commission.

Chairman WALSH. Has your attention, during your studies, been called to the fact, for instance, in the labor literature of the day——

Prof. HOLLANDER. Yes.

Chairman WALSH (continuing). As to whether or not such have existed?

Prof. HOLLANDER. Of course, it is as old as economic observation. Adam Smith, the father of political economy, wrote nearly 150 years ago, calling attention to that silent, tacit agreement among employers which brings them into the wage contract more or less concentrated as against the scattered and dissipated voices of the workmen. Now, to the extent that that tacit agreement is replaced by an outright consolidation into corporate form of the bargaining power, as it were, of the employer is that much enhanced. As against that it seems to me something is undoubtedly to be said as to the matter that has already engaged the attention of the commission, namely, where the corporation is one that is represented in ownership by a wide dissipation of its securities, and which occupies, in a high degree, the public attention. It is undoubtedly amenable in such cases to public opinion in a way that a smaller employer is not. Even the most glaring instances of the apparent violation of that tendency, I think, fall under the rule because the mere outcry with which the assertion of a contrary principle is received bears testimony, I think, to the fact that it runs counter to prevailing public opinion.

Chairman WALSH. I have been asked to submit some questions to you, and I will submit them in the form that I have been asked to: What are the qualifications and standards necessary for trade-unions to possess to make it a proper social institution?

Prof. HOLLANDER. I should say in general that their policy be not hostile to the general social interest; trade-unionists, like any other class of workmen, are entitled to pursue those courses which will benefit them without at the same time inflicting injury upon society.

Chairman WALSH. Do you consider the absolute control of industry by the closed shop desirable or a remedy?

Prof. HOLLANDER. No; I do not believe that. I do not believe trade-unionists believe that either. What they want is the maintenance of standard conditions, and if those conditions can be established they are more or less indifferent to the fact. There is a certain violation of the class esprit, I think, in the open shop; men benefiting by the gains of trade-unionism should feel enough loyalty to bear its burdens. The insistence of trade-unionism is, however, to establish standard conditions.

Chairman WALSH. Do you believe in what is called scientific shop management?

Prof. HOLLANDER. Well, I do not know whether I quite understand what it is myself. There is some danger of the term being used as a sort of charm to cover a number of different things. If it means devices whereby the total productivity of society, the efficiency, so-called, of the laborer can be enhanced without any detriment to him through speeding up, with the possibility of physical injury or as a prelude to reduction of his wage, why, of course, I believe in it. But if it is merely an entering wedge to effect something else, or as a pretext for effecting something else, no believer in social betterment can approve of it. My own feeling is that there is too much obscurity about it. There is a danger of the word itself casting a spell over the argument.

Commissioner LENNON. Professor, is it ordinarily the view of economists at the present time that wages should be fixed by what is termed the law of supply and demand exactly the same as inanimate objects of a barter and trade.

Prof. HOLLANDER. Not by any means if that involves a resultant wage less than enough to maintain decent existence.

Commissioner LENNON. Does this law—I hate to say law, but that is the way it is used——

Prof. HOLLANDER. There are good laws as well as bad ones.

Commissioner LENNON. Does this law of supply and demand govern in the world of industry and markets even as to the selling and buying price of commodities?

Prof. HOLLANDER. It may. But labor is not a commodity. No economist of position would maintain that.

Commissioner LENNON. Well, is the price of oil, for instance, fixed in the markets of the world because of the supply or lack of supply of oil——

Prof. HOLLANDER (interrupting). Demand and supply operate in the fixing of the price of commodities subject always to the cost of production. Now, if you mean that the cost of production of the laborer is that amount which will enable him to live decently, maintain his family decently, and rear his offspring decently, then I have no objection to saying that demand and supply fix wages.

Commissioner LENNON. Does your study indicate that the price of commodities is fixed by monopolization to some extent of the markets?

Prof. HOLLANDER. Of course, where the supply is not capable of increase to an indefinite amount at a uniform cost, where the supply is controlled to any extent, prices are not subject to the cost of production. We have, then, so-called monopoly prices.

Commissioner LENNON. What would you say as to the situation to-day with regard to the wheat market? Is the price of wheat governed by the fundamental ideas of the laws of supply and demand by the intervention of unnatural conditions through man's action——

Prof. HOLLANDER (interrupting). Through what?

Commissioner LENNON. Through governmental action?

Prof. HOLLANDER. Well, I wish I knew. There are, of course, extraordinary new facts entering into the situation. To what extent they are responsible is a matter that I wish I knew. Of course, we know what these facts are—curtailment of the supply and the extraordinary demand developed by the war. Whether these have jacked up the price to its particular level or whether there is any degree of monopoly of a kind as old as the forestalling and regrading of the sixteenth century are questions of fact.

Commissioner LENNON. It is not easy, then, you think, to determine in that particular matter how far governmental action has interfered or how far the price is governed actually by the supply and demand?

Prof. HOLLANDER. No; I should say it is a question of fact. We know perfectly well that if peace were declared to-morrow, or if the United States should put an embargo on exports, the price of wheat would drop. On the other hand, we know that if Argentine crops would fail the price would go up. Or if a corner in Chicago was successful that it would go up still higher. In other words, we have the possibility of certain definite economic factors being supplemented by manipulative factors. Whether or not factors of that kind are present I should say is a question of fact.

Commissioner LENNON. Well, that would indicate that in our modern society the natural workings of this law are often set aside by artificial conditions.

Prof. HOLLANDER. Of course that is the characteristics of any scientific law. A law, as I understand it, in economics and in social relations just as in physics is the operation of certain tendencies. The tendencies may be modified or entirely counteracted by counter tendencies. The law still works, but the end effected is qualified by the presence of these other forces.

Commissioner LENNON. Professor, the law under which this commission has been created directs that we study the causes of unrest and the rights of the Government or society to intervene for the remedy of such wrongs as may be observed. What would you say to us as to the rights of society to handle this?

Prof. HOLLANDER. Well, I had hoped that that right had been so securely established that it was not necessary to appoint Government commissions any longer for the purpose. The time has passed, I believe—certainly among the mass of people—where there is any question that society exists for the purpose of achieving the maximum well-being for those who compose it. When any considerable part of it is in a condition capable of betterment society must, as soon as it discovers the reasonably right way of doing it, adopt measures correcting such defect.

Chairman WALSH. Mr. Ballard has a question or two to ask you.

Commissioner BALLARD. Prof. Hollander, you have spoken of the matter of insufficient wages to maintain a family?

Prof. HOLLANDER. Yes, sir.

Commissioner BALLARD. Do political economists at all take into consideration the fact that in every factory are large numbers of men employed at the same wages and that some families are able to accumulate and apparently live comfortably and get ahead, and other families do not, probably because the head of the family may be a drinking man, or indifferent, or quite incapable, or something of that kind?

Prof. HOLLANDER. Yes, sir. Of course, when one speaks in the general terms I have employed one is seeking to describe general tendencies and general conditions. There are cases where lack of thrift or individual misfortune are responsible. But when we find, as we do, that the family income of a large part of the wage earners of the United States are within certain definite limits, and when we know with equally accurate knowledge that the cost of maintaining an average family of five on a basis of physical well-being requires a certain amount, both of which conceptions are not merely made "in the office," but are generalizations based upon definite statistical inquiries, and when we find a marked discrepancy between those two amounts, then the conclusion seems warranted that, for a considerable part of the wage-earning class of the United States, representing roughly about a third, let us say—I have not the exact proportion—that the wage income is less than enough to maintain these, allowance being made for individual cases where lack of thrift or larger family or misfortune of illness or death are responsible.

Commissioner BALLARD. Well, if this standard living wage in America is well established, doesn't it offer very great inducements to the foreign immigrants who have been raised on a standard, perhaps, of a third or one-fourth, to come into our country in very great numbers, as they have within the last year or two, and so that they can not be cared for to bring them up to that standard and keep them from breaking down that standard continually?

Prof. HOLLANDER. That brings up an extremely difficult and involved question, and I shall try to keep clear of the discussion of the actual economic effects of immigration. But, assuming that it is as you have stated, that the United States were menaced with an influx of immigration, and that the effect of that immigration were such as to lower the standard—both of which I state merely as assumptions and not as facts—then it seems to me that it is beyond discussion; that it would be the economic policy and the social policy of the United States to limit such immigration. I ought to state that the attitude of those who oppose any restriction is based upon a denial of those two assumptions.

Commissioner BALLARD. Well, speaking as you did a while ago as to the question of hours, limiting them, for instance, to 8 hours, or some other number of hours, might not some persons prefer to work 10 hours or even 12 hours for short periods or a number of days and then have a complete rest for some number of days, and should not they be allowed to do it? Take, for instance, in agricultural work. We know that in agriculture the hours in the summer time are very long and in the wintertime comparatively short and a time of leisure, and then again as in shipping and railroading and seasonal occupations?

Prof. HOLLANDER. Well, I think that illustrates the unwisdom of making legislation general. Of course, some legislation, some regulative measures, some police measures, must apply to all members of society; but in so far as the end in view can be accomplished by specific regard for particular necessities that is desirable. In the matter of minimum-wage legislation no economists, I think, would favor the fixture of a rate applicable to all as a minimum wage. Such legislation as obtains anything—in England, for example—involves the idea of administration of conditions in the specific industries and specific processes.

Now, so in regard to the legislation affecting hours. It would be obviously desirable to meet the particular requirements of particular industries provided that the result in those industries is not in violation of the general object attained. In so far as that might accomplish individual hardship, I am afraid that is a condition inseparable from any large police regulation.

Commissioner BALLARD. You spoke of division of occupation as between the wage class and salaried class—you might separate them that way, for instance—the labor unions have so highly specialized some of their trades, particularly, perhaps, the building trade, that it is almost impossible to give men in that trade continuous occupation. It can not be done. In very small towns, and particularly in the South, in olden times if two or three men started to build a house they built the entire house. They would do the carpenter work and the brickwork and probably put the roof on and do the painting. But where it is so highly specialized as it is now under labor-union domination of the building trades the carpenters might have to wait for a week until the roofers put the roof on, and the tinners might have to wait until the painters came, and a great deal of time is lost in that way. Have you thought of any method of regulating that?

Prof. HOLLANDER. That, of course, represents the grave difficulties in dovetailing employments. Some employments do not dovetail. In so far as they are seasonal—that is, the work exists only at certain times—I should say the rate of compensation must be such as to cover a maintenance income for the year or must permit an alternative occupation. But the particular evils growing out of casual employments for which decasualization is proposed as a remedy are somewhat different from that. They grow out of the fact that the occupation exists, but that there are too many claimants for it.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. At this point we will stand adjourned until this afternoon at 2 o'clock. I wish to announce that the meeting of the commission this afternoon will be in the aldermanic chamber immediately across the hall at 2 o'clock sharp. In the aldermanic chamber. You will please be here at that time, Professor.

Prof. HOLLANDER. You want me back?

Chairman WALSH. Yes.

(Thereupon at 12.30 a recess was taken until 2 o'clock p. m. of this Wednesday, January 20, 1915.)

AFTER RECESS—2 P. M.

Present as before.

Chairman WALSH. The commission will please come to order.

Dr. Hollander, will you please take the stand.

TESTIMONY OF PROF. JACOB H. HOLLANDER—Continued.

Chairman WALSH. Before we proceed, I have been requested to make an announcement to the ladies and gentlemen present. It is this: That the board of aldermen have given the commission the use of this room, but asked us to request that there shall be no smoking, and secondly, that the ladies and gentlemen present should be very careful not to disturb any documents or papers that lie on the desk. I am sure you will all help us to carry out our agreement with the board of aldermen. Thank you if you do.

Commissioner Garretson has a question or two.

Commissioner GARRETSON. Doctor, you were speaking of minimum-wage legislation. Have you any knowledge of any case where legislation, aside from minimum-wage legislation, was ever enacted unless supply and demand had gone against the laborer—the law of supply and demand—as, for instance, the English wage legislation following Edward III, where the supply of labor largely decreased?

Prof. HOLLANDER. Well, Mr. Commissioner, I feel as though you had asked me whether I had beaten my mother-in-law yesterday. I hesitate, not because of any doubt, but because I am not quite sure I understand you.

Commissioner GARRETSON. Do you know of any instance where there has been legislation fixing wages except where the legitimate law of supply and demand, as it is recognized, would have enabled the laborer through the scarcity of men, to largely increase the price for his labor?

Prof. HOLLANDER. As a matter of fact, there has been very little legislation, if any, affecting the rate of wages.

Commissioner GARRETSON. Minimum-wage legislation at the present time, which is the social interest.

Prof. HOLLANDER. Of course, for a long while the rate of agricultural labor, for example, was fixed in the English rural district by the county justices. I suppose the motive there was to secure cheap labor for the country squire.

Commissioner GARRETSON. It was all as against the laborer?

Prof. HOLLANDER. At at any rate was not in the interest of society.

Commissioner GARRETSON. It had no social reason underlying, but purely one of gain?

Prof. HOLLANDER. I suspect eighteenth-century legislation was not animated much by social consideration.

Commissioner GARRETSON. Do you believe, as an economist, that the increasing of wages, if made universal, works any amelioration whatever of the condition of the worker because of the consequent rise of the prices, if they bear the same relation to each other before and after the increase?

Prof. HOLLANDER. The statement is commonly made that after all it would do no good if wages were universally increased, because labor then would be obliged to pay that much more for the product he consumes. It would be a sort of attempt to lift one's self by one's boot straps. There are several considerations

that figure here. In the first place, it is not clear by any means that industrial profits are not excessive. To the degree that they are an increase in wages would be at the expense of excessive profits. In the second place, it is very probable that increased wages would result in increased productivity, on the theory that to the degree that underpaid and therefore undervitalized work people receive larger earnings, their industrial efficiency would be enhanced. Finally, the assumption of a universal and a simultaneous rise in wages is fantastic. That is not the way industrial betterment moves. It takes place from one occupation to another and does not, as the question assumes, increase the cost to the laborer as a consumer in the same proportion as his income rises as a producer. I should sum up by saying that, as stated in the bald way in which it is stated, namely, an increase of wages would not benefit the laborer, because it would add to his consumption outlays in the same measure that it adds to his income—that doctrine is not accepted by economists at this day.

Commissioner GARRETSON. The fact that it can not be made universal is the agency that works the most completely to make an increase in wages a palliative, is it not?

Prof. HOLLANDER. I am not sure that I got that.

Commissioner GARRETSON. The fact that it can not be made universal—that is, the increase be made simultaneous, as you term it——

Prof. HOLLANDER. Yes.

Commissioner GARRETSON (continuing). Is the very reason that the efforts of a certain class to better its wage acts as a benefit to them if too many are not benefited thereby?

Prof. HOLLANDER. I presume you wish to know the attitude of economists. Economists are not, as they are sometimes supposed to be, dreamers. They are concerned with the real as a natural problem. Now, that problem is how can an industrial class benefit itself and improve its economic condition? It is not achieved by a waive of the wand whereby all will wake up the next morning with larger pay envelopes. It comes by a struggle extending from one trade to another—from one class to another. And I should not think that this gradual process ought to be arrested or is likely to be arrested. Accordingly, I do not consider that after all when the worker has his greater income it will dissolve in consequence of the fact that his cost of living will have increased correspondingly.

Commissioner GARRETSON. The real measure of a wage is its purchasing power, is it not?

Prof. HOLLANDER. Yes.

Commissioner GARRETSON. You spoke of one or two phases of legislation that you considered legitimate. Would, in your opinion, the measure of difference between the cost of production and selling price be as legitimate a field for legislative control as the wage of men?

Prof. HOLLANDER. Both would be subject to the same criterion, which is social expediency, the effect on society in general. If the encroachment on profit should be to such a degree as to impair the further accumulation, or even the maintenance of productive capital, or discourage motives of thrift, obviously it would react to the detriment of society. It is not necessary to institute comparisons, but it would react to the detriment of society, just as the underpayment of the working force would do. But who will say what amount is the necessary reward of capital?

Commissioner GARRETSON. It would be just as legitimate for a legislative tribunal to fix that measure as it would to fix the measure as to what would be the compensation for a man?

Prof. HOLLANDER. Legitimate, if you construe legitimate in terms of social expediency, yes. The test of that is the interest of society, always checked by having the burden of proof put on any radical change.

Commissioner GARRETSON. Does the economist hold that, as a moral question, or as an economic question, there is any difference between the complaint made against labor unions or members of them in regard to the limitation of output of the individual, and the limitation of the manufacturer by the shutting down of his mill? Are they equally economically wrong, or is there a difference between the two in result?

Prof. HOLLANDER. Political economists, I should say, always with the reservation that I am only one of them, would dissent from any restriction of output that was dictated by selfish or sectional class interest of a part of the trade-union world and not by its legitimate and wholesome desire to prevent a speed-

ing up of the worker, threatening physical injury to the worker. In so far as the restriction of output is designed merely to make work, it is, I think, regarded as antisocial.

Commissioner GARRETSON. In regard to the incident that was testified to yesterday, where apples were thrown into the river to keep up the price of apples as a form of restriction of production for the purpose of maintaining the price, is that more moral than the other or more social—antisocial?

Prof. HOLLANDER. It is like the Dutch burning ships in the harbor of Rotterdaw to keep up the price of spice, and on the same level with burning the pig sty to supply roast pork.

Chairman WALSH. Commissioner Weinstock would like to ask you a question.

Commissioner WEINSTOCK. I gathered from what you said, Professor, that you did not know of any one way to minimize industrial unrest—that there are manifold ways—many things must be done. I think you stated workmen's compensation, minimum wage, insurance against sickness, old-age insurance, etc. Are there any other things that might be done and should be done to minimise industrial unrest?

Prof. HOLLANDER. I should say that we must feel our way as we go. Wherein economic science of to-day differs from social philosophy of earlier periods is in perhaps that we have relinquished the idea of an economic panacea or cure-all and have come to realize the complexity of the problem and the inevitable necessity of using various devices, all of which are a part of one general scheme, or which, at any rate, are organically related. There is no disposition to abandon the present industrial system and to try something new until we have exhausted by successive phases of social intervention all possible correctives. If, after that has been done, we find the situation not much improved, then, perhaps, we will resort to that remedy which John Stuart Mill proposed when, after discussing all the possible dangers of socialism, he said that if all the ills of the existing social order were incapable of improvement, then he, for one, was ready to chance socialism with all its dangers. Intervention—social regulation—taken step by step, rather than any outright panacea, is the philosophy of the day.

Commissioner WEINSTOCK. So, summing up in the fewest possible words, that would be your statement?

Prof. HOLLANDER. I will state it in just a sentence, although a pretty long sentence, I am afraid—social unrest grows out of the existence of the large class of society with insufficient income. That proceeds from the fact that in the adjustment of wages the workingman is ordinarily in a state of competitive inequality. To correct that, collective action in the form of trade-unionism is necessary. To the degree that trade-unionism is not possible, positive State action in the form of measures directed against underpayment, unemployment, and unemployableness are the remedies to be devised. Then, so much tried and accomplished, we shall know what next step to take.

Commissioner WEINSTOCK. What remedies, if any, professor, would you have to suggest as to the matter of strikes and lockouts? How would you minimize those?

Prof. HOLLANDER. The parallel here, it seems to me, is between industrial warfare and political or international warfare. We might as well recognize the important fact that although the interests of—of employer and employee are harmonious in the sense that their conjoined action results in a larger or smaller product, there is a sharp, inevitable issue in the apportionment of the product. The loaf may be made bigger or smaller, but it has to be divided. Now, until some rules of apportionment are recognised, that division will be accompanied by all the brutality and waste of warfare, strikes and lockouts, representing the incidents of that industrial warfare.

Commissioner WEINSTOCK. How would you minimize that, Professor?

Prof. HOLLANDER. As long as the bargaining equality of the two parties is on a plane—rules of the game become recognised. I draw a certain analogy here between industrial partition and litigation. Matters at issue are taken to the courts. The adjudication inevitably works benefit to the one and hardship to the other, in the sense that the other would be better off if the verdict were more favorable. Acquiescence in the verdict is possible because society recognizes that principles of law prevail in adjudication which the experience of society has demonstrated redound in the long run to the advantage of society. Now, when society will have recognized similarly the principle which fixes wages and have recognised it in the form of arbitral determination of wage disputes, then wages in actual adjustment will tend to approximate thereto.

At present we have cases where arbitral disputes are referred to tribunals, but what is the principle of adjustment? It is either splitting the difference or some such evasion as standardization. You will remember that in 1912 in the arbitration case of the locomotive engineers the chagrin of the arbitral board that it was not able to find any principle of wages, and that standardization seemed the only practical solution.

Commissioner WEINSTOCK. Well, now, assuming that when the age of equity has arrived the strike and the lockouts may be a thing of the past, but taking conditions as we find them to-day, with all their inequities existing, how would you minimize the strike and the lockouts?

Prof. HOLLANDER. It seems to me the initiative there must be taken by arbitral boards, in the determination by the board, of the matter in dispute, in accordance with some principle and not in accordance with an empiracal splitting of difference; the settlement must be in accordance with some principle.

Commissioner WEINSTOCK. Do you believe arbitration is the missing link?

Prof. HOLLANDER. I think the theory of wages is——

Commissioner WEINSTOCK. What is the academic attitude toward the question of diminishing output on the part of the workers?

(At this point there was a short pause taken on account of the noise occasioned by a parade passing.)

Chairman WALSH. You may proceed.

Commissioner WEINSTOCK. You know there is a sentiment—I do not know whether it is a growing sentiment—but there is a sentiment more especially among the socialistic branch of labor which makes for diminishing output, on the theory that the diminishing output creates more labor for more hands.

Prof. HOLLANDER. Yes; I understand. That I mentioned in answer to Mr. Garretson as the make-work theory.

Commissioner WEINSTOCK. Yes.

Prof. HOLLANDER. That is the theory that by the workmen doing less there will be more to go around. That is socially unsound.

Commissioner WEINSTOCK. Give your reasons why it is unsound.

Prof. HOLLANDER. In so far as the amount produced is less than could be produced by a given group of men working, not under speeding pressure, the product available for society is made that much less. It is socially unsound, even though it redounds to the particular advantage of that particular union. That points, of course, to the fact of the complexity of the problem. Unions of organized workmen are not going to be animated and controlled by the long run when it is the short run that counts.

Commissioner WEINSTOCK. You think, then, that the man, especially the laboring man, who preaches diminished output is preaching a false doctrine?

Prof HOLLANDER. In so far as the trade-unionist is preaching this is voicing a social policy which is unsound. One of the numerous instances, of course, in which the personal interest and social expendiency are not consistent.

Commissioner WEINSTOCK. You mean that that would be an instance of conflict between the best interest of society and the seeming best interest of that particular class?

Prof. HOLLANDER. Yes; growing out of the imperfect distribution of productive force. It means that there is a relative excess of workers in that particular field, and that the workman carries the odium that is thrust upon him in consequence of the employer being allowed to accumulate a surplus of labor. If the employing class had not attracted into the trade an excessive number of workmen which would make it convenient for him in his flush times, there would not be this necessity.

Commissioner WEINSTOCK. Well, then, are we to understand that if a brick mason, for example, who can lay without physical disadvantage 3,000 brick a day slows up and lays only 2,000 brick a day, that while he has gained some advantage, he has made work enough for at least a half time for another man, and while to that degree he has helped a fellow craftsman, society has been the loser?

Prof. HOLLANDER. Stated in terms as general as that, I should say without the slightest question, yes. But that is not the way in which the economist would state the matter. He would say that the fact that the workman was able to place 3,000 brick without physical injury, but only wants or makes it his union policy to place 2,000, is not because he is a lazy slouch, for he is perfectly willing to do what he is able to do, but because there have been attracted into the bricklaying industry such a number of bricklayers as can not under existing conditions of employment find work, and he deems it, there-

fore, necessary to divide up the work with them, just as at the present time in most industries where business is slack you will find often workers perfectly willing to work on half or fractional time rather than to see an outright discharge of some of their fellow workmen. So that the economist says since society has tolerated these conditions, whether through unrestricted immigration or whether through countenancing this accumulation of labor as an employer's policy, since it has countenanced this drifting into bricklaying of a surplus body who can not be employed working at their maximum efficiency, it must seek to extricate itself from that without any brutal transition. It must without modifying its judgment that restriction of output is a socially unsound policy seek to effect a transition which will relieve the situation without maximum hardship.

Commissioner WEINSTOCK. I must not have made my meaning clear, Professor, from your answer. That is the point I want to make:

If I am a pieceworker, get so much a thousand for laying brick, and I have the capacity of 3,000 brick a day, but I limit it to 2,000 a day in order to afford some employment to you, for example——

Prof. HOLLANDER. Yes.

Commissioner WEINSTOCK. Society loses nothing, because 3,000 brick will be laid and 3,000 brick will be paid for, but I am the loser; I made a sacrifice, a voluntary sacrifice, to aid you. But if I am getting a flat wage, and the normal day's work will be 3,000 brick, and I lay only 2,000, first to ease my own job, and second to afford you an opportunity of getting a job, then there is a loss, because in that event society pays for laying 3,000 bricks and only gets 2,000 laid.

Prof. HOLLANDER. Yes; but society has lost in the first case, also, has it not, because I am laying brick that you ought to have laid; that you could have laid. What was the need of employing me to lay that extra thousand of brick? Society has lost that. I might be out sawing wood.

Commissioner WEINSTOCK. But has not society paid a double price?

Prof. HOLLANDER. It has lost that much sawed wood.

Commissioner WEINSTOCK. But in the other case it loses in productive energy as well as in price, because there is an additional cost paid out; that is, I do two thousand when I get paid for three, and you get paid for that extra thousand besides. There is a double cost, a double burden.

Prof. HOLLANDER. I could not quite admit that, because all that society is concerned with is the output of productive energy. If the efficiency is 3,000 brick and you lay 2,000, society has lost the equivalent of 1,000.

Commissioner WEINSTOCK. Yes; but is not society very materially concerned in the cost of that production? Isn't it in the cost that society is interested that the cost shall be reduced to the smallest, the smallest amount?

Prof. HOLLANDER. Certainly; provided that cheapened cost is not at the expense——

Commissioner WEINSTOCK (interrupting). Of the workers?

Prof. HOLLANDER. Of the worker, exactly. It is the old confusion between weal and wealth, and the object of society is maximum weal and not maximum wealth. It is going back to the philosophy of Carlisle to say that political economy is a study of wealth. It is nothing of the kind. It is philosophy of weal, of well-being, not of things.

Commissioner WEINSTOCK. And so——

Prof. HOLLANDER (interrupting). So society does not deserve that its energies be augmented if it be at the expense of its well-being. Goods are only means to the end. As a German economist said, man is the beginning and the end of economic endeavor.

Commissioner WEINSTOCK. I take it, then, that your conclusion substantially is this: That society is interested on the one hand in the fact that I, as a worker, for example, shall earn a decent living wage, and, secondly, it is interested in the fact that, consistent with my earning a decent living wage, society shall get its needs furnished at the lowest possible cost; is not that true?

Prof. HOLLANDER. Yes.

Commissioner WEINSTOCK. Those are the two essentials?

Prof. HOLLANDER. Yes; if you assume, of course, that this not only means amount, but working conditions.

Commissioner WEINSTOCK. Those are the two objectives?

Prof. HOLLANDER. Yes.

Commissioner WEINSTOCK. Well, then, if, without reducing the cost, I reduce my output, is not society injured?

Prof. HOLLANDER. If you reduce output and in the process of reduction have saved a degree of suffering which otherwise would have occurred, society is not injured. There is no question as to the social disadvantage of a deliberate restriction of output considered as an absolute proposition. What I do say is this: That restriction is too often dismissed as the ultimate word on the subject and that we loose sight of the fact that trades-unions are not soldiering in the matter, but that they are animated by a very high degree of fraternity; that they are often willing to adopt the same principle in piecework instead of timework, and that the endeavor of society should be to bring back industry from that unwholesome mess into which it has slumped by correcting this disproportionate allotment of workers to particular fields in excess of the requirements in those fields. We must, without deviating one iota from the proposition which you have stated, that it is socially unsound that workmen should do less than they properly could—we must seek to bring about conditions where they will do what they can without involving displacement and unemployment on the part of their fellow workmen. Of course, there may be cases here and there to the contrary, but I do not believe that this policy of the stint, so-called, of the make-work, is animated by anything more than that intense unwillingness of a workman to see his fellow without even a half loaf.

Chairman WALSH. That is all; thank you, Professor.

Mr. Belmont.

TESTIMONY OF MR. AUGUST BELMONT.

Chairman WALSH. Where do you reside?

Mr. BELMONT. New York.

Chairman WALSH. What is your business?

Mr. BELMONT. Banker.

Chairman WALSH. With what company—with what banking concerns are you connected?

Mr. BELMONT. August Belmont & Co.

Chairman WALSH. In what corporations are you a director?

Mr. BELMONT. In the Louisville & Nashville Railroad, the Interborough Rapid Transit Co., and in several banks—the National Park Bank and the Phœnix-Chatham Bank.

Chairman WALSH. Are you a director in the Interborough-Metropolitan Co. also?

Mr. BELMONT. Also.

Chairman WALSH. The Long Island Electric Railroad?

Mr. BELMONT. Yes.

Chairman WALSH. The Long Island Railroad Co.?

Mr. BELMONT. Yes.

Chairman WALSH. The New York-Long Island Dry Dock Co.?

Mr. BELMONT. Yes.

Chairman WALSH. The New York & Queens County Railway Co.?

Mr. BELMONT. Yes.

Chairman WALSH. The New York City Railways Co.?

Mr. BELMONT. Yes.

Chairman WALSH. The Rapid Transit Subway Construction Co.?

Mr. BELMONT. Yes.

Chairman WALSH. The Cape Cod Construction Co.?

Mr. BELMONT. Yes.

Chairman WALSH. What is the Cape Cod Construction Co.?

Mr. BELMONT. It is the company that has the contract with the canal company—the Cape Cod Canal Co.—for the construction of the canal.

Chairman WALSH. Approximately how many employees has that company?

Mr. BELMONT. Oh, at present I could not tell you, but not over 30.

Chairman WALSH. The Rapid Transit Subway Construction Co., is that engaged in active operations at the present time?

Mr. BELMONT. Yes. It has some contracts for construction of new subways.

Chairman WALSH. Approximately how many employees has that, Mr. Belmont?

Mr. BELMONT. Roughly speaking, about a thousand.

Chairman WALSH. In what other corporations do you own or control any considerable amount of stock aside from being a director?

Mr. BELMONT. Oh, I don't know; I can not give you any list of them. I have various railroad stocks.

Chairman WALSH. You own other properties in the nature of shares of stock in corporations other than those which I have read to you?

Mr. BELMONT. Yes.

Chairman WALSH. Could you state in what large industrial enterprises you own any considerable number of shares?

Mr. BELMONT. In none, practically.

Chairman WALSH. In none. Are you interested in mines in the way of holding shares of stock?

Mr. BELMONT. Very little; negligibly so.

Chairman WALSH. That applies to both metalliferous and bituminous mines?

Mr. BELMONT. Yes, sir.

Chairman WALSH. In any particular branch of manufacture are you interested as stockholder to any considerable extent?

Mr. BELMONT. No.

Chairman WALSH. You would say, then, that your business activities and stock ownership is largely included in those which we have already mentioned?

Mr. BELMONT. Yes—in transportation.

Chairman WALSH. Now, what connection have you with the Cape Cod Construction Co.?

Mr. BELMONT. I am its president.

Chairman WALSH. The Interborough-Metropolitan Co.?

Mr. BELMONT. I am chairman of the board of directors.

Chairman WALSH. And the Interborough Rapid Transit Co.?

Mr. BELMONT. Also.

Chairman WALSH. Chairman of the board of directors?

Mr. BELMONT. Yes, sir.

Chairman WALSH. And the Long Island Electric Railroad Co.?

Mr. BELMONT. Director.

Chairman WALSH. And the Long Island Railroad Co.?

Mr. BELMONT. Director.

Chairman WALSH. And the Louisville & Nashville Railroad Co.?

Mr. BELMONT. Director.

Chairman WALSH. Do you hold any position—I mean executive position, such as president or vice president—in any of the other companies I have mentioned or that you have mentioned?

Mr. BELMONT. No.

Chairman WALSH. Rapid Transit Subway Construction Co.?

Mr. BELMONT. I am chairman of the board of directors.

Chairman WALSH. And what is the Wright Co; you say you are no longer connected with that?

Mr. BELMONT. It was for the construction of aeroplanes—the Wright aeroplane.

Chairman WALSH. What information do you, as a director, possess concerning the labor conditions in the corporations in which you are interested, Mr. Belmont? It may be I had better ask you more specifically.

Mr. BELMONT. Yes.

Chairman WALSH. Unless you care to make a statement.

Mr. BELMONT. I can make this statement, that for some years past I have not taken any very specific and active interest, although I did at the time I was executive officer of the Interborough. I was president of it.

Chairman WALSH. Do you receive reports from any of the corporations which give you information concerning labor conditions—written reports?

Mr. BELMONT. No; I know of no reports that relate specifically to that particular feature of the management.

Chairman WALSH. As a director or executive officer in any of the corporations I have mentioned—I do not want to go into them specifically——

Mr. BELMONT (interrupting). Well, to say no would be to admit ignorance on the subject. That is not the fact. A director rarely has to do with labor matters in a corporation unless by chance they are brought to his attention for the purpose of a decision as to the merits of something that may bring about a strike or something as serious as that. The reason is that the executive management has built up from time to time, if it is a unionized company, or founded a certain method of dealing with its labor, which has become an entirety and is generally understood; such minor changes as may occur are understood as being part of the routine of management and are not brought to the attention of the directors any more than matters of transportation. They do not direct in the smaller questions of transportation.

Chairman WALSH. Is there any plan or scheme in any of the corporations of which you are a director or executive officer by which the plants and lines of the corporations are inspected and personal inquiries and observations made regarding the labor conditions in them?

Mr. BELMONT. I know of no specific officer, but presume the management has them. I could not answer that question, either yes or no.

Chairman WALSH. In your opinion, to what extent are the directors of corporations responsible for the labor conditions existing therein?

Mr. BELMONT. That question is altogether too large to answer. I can not answer for directors in general.

Chairman WALSH. Well, what responsibility do you feel for them, Mr. Belmont, in the corporations in which you are interested?

Mr. BELMONT. I feel that the responsibility is imposed upon me to know in general the conditions that exist and to satisfy myself that these conditions are in the main in accordance with my opinions and feelings about the subject.

Chairman WALSH. Before the condition gets to a point, or the dissatisfaction, we might say, gets to a point that results in a strike or a lockout, is there some system, some definite system, by which ascertainment is made of those conditions from time to time, so that the directors themselves and the executive officers may have a voice, if necessary, in averting trouble?

Mr. BELMONT. Do you ask this as to corporations in general?

Chairman WALSH. As to the corporations in which you are interested; you may reply to that.

Mr. BELMONT. Oh, in corporations in which I am interested. It is the duty of the executive officers of the corporations in which I am interested to report to the board anything that is of serious moment in the corporation; and in the event of a possible strike, so far as I have recalled—because nothing of that kind has occurred recently—the conditions, the possibilities, and the questions at issue would be brought to the attention of the board. But, as a rule, the executive officers who are held responsible for the good conduct of the affairs of the company are followed in their recommendations and in what they find it expedient and proper to do.

Chairman WALSH. In the case, particularly, of the Interborough Rapid Transit Co., what is the method used to ascertain accurately whether or not employees are satisfied with their conditions?

Mr. BELMONT. The general manager has a standing rule and custom—that is, as I have it from his own lips—that every employee has the right to come to him personally or to any of the representatives of the corporation who happen to preside over his special department and lay any complaint before him which he may have to make on any subject as to his hours or wages. Each individual, without reference to what his position may be, has access either to him, the general manager, or to his subordinates. If not satisfied with his subordinates, then to him individually.

Chairman WALSH. Has any group of employees the same privilege—that is, of selecting their own spokesman or representative and making complaint as a group?

Mr. BELMONT. Not in the Interborough, as I understand; no.

Chairman WALSH. What are the working hours of the following classes of employees: First, motormen?

Mr. BELMONT. I can not give you that.

Chairman WALSH. Conductors?

Mr. BELMONT. I can not give you those from memory.

Chairman WALSH. Guards?

Mr. BELMONT. I could not tell you.

Chairman WALSH. Is it a fact that the motormen, conductors, and guards have a regular working day of 10 hours and ticket sellers, gatemen, and porters have 12 hours?

Mr. BELMONT. I could not give you those from memory. I should have to obtain those from the office. I could not state except approximately, and I would not want to do that.

Chairman WALSH. What increases of wages have been made during the past 10 years on the Interborough?

Mr. BELMONT. I could not give you any such details without preparation.

Chairman WALSH. From whom could those be obtained, Mr. Belmont, best?

Mr. BELMONT. They could be obtained from the president.

Chairman WALSH. What is the attitude of the Interborough Co. toward welfare work, and what systems, if any, of welfare work have been established on the road?

Mr. BELMONT. In that I could not give you much detail excepting that there have been, I think, four—there are four clubrooms furnished with periodicals, and so forth. They were originally a personal gift of mine, which the corporation supplemented with what was necessary to make them properly available. Those are accessible to the men. And then, in addition to that, there is a regular system of furnishing supplies by the corporation—I could not give you the details of that organization, but they are very easily obtainable. The corporation purchases supplies and distributes them at cost—or rather sells them at cost to its employees. These are two of the features of what is done. Whatever the company can do for the individual men and their comfort it does, as each suggestion comes along—whatever presents itself. The men have those two facilities for comfort and for saving, through which they save as much out of their wages as possible. There are other features of personal comfort and entertainment while the men are not at work.

Chairman WALSH. Where are these four clubrooms located?

Mr. BELMONT. Along the line.

Chairman WALSH. Could you state the points?

Mr. BELMONT. No. I can not state the streets where they are.

Chairman WALSH. Was the fee simple title of the property given to the men?

Mr. BELMONT. Oh, no; there is nothing of that kind.

Chairman WALSH. The buildings are furnished?

Mr. BELMONT. Everything belongs to the corporation.

Chairman WALSH. The real estate and the equipment?

Mr. BELMONT. Yes; everything. There exists no direct gift of that kind.

Chairman WALSH. Does the company have what is called a benefit association?

Mr. BELMONT. It has.

Chairman WALSH. Is it operated by the company, or by a separate corporation?

Mr. BELMONT. I believe the men are represented in the management of a separate corporation, but it was incorporated and organized practically by the company.

Chairman WALSH. Is the membership of the employees compulsory in the benefit association?

Mr. BELMONT. No; it is not.

Chairman WALSH. Is it operated by a board of directors or board of managers?

Mr. BELMONT. I can not give you the details of the operation, but the mere existence of it. I can ascertain for you exactly about that.

Chairman WALSH. Do you know generally whether or not the men—the employees—have any voice in the management of the benefit association?

Mr. BELMONT. I believe they have.

Chairman WALSH. They have some representation upon the board of management?

Mr. BELMONT. Yes; so I understand.

Chairman WALSH. Do you know what the benefits are of the association?

Mr. BELMONT. No; I do not.

Chairman WALSH. What is payable in case of death?

Mr. BELMONT. No; I do not know the details.

Chairman WALSH. Does it cover sickness, do you know?

Mr. BELMONT. No.

Chairman WALSH. It does not cover sickness?

Mr. BELMONT. Oh—I say, I don't know.

Chairman WALSH. Do you know whether or not policies are issued in it?

Mr. BELMONT. I can not tell you exactly how it is developed. I have not given it attention for some time.

Chairman WALSH. Or whether or not if an employee resigns or is discharged his policy has any surrender value?

Mr. BELMONT. Well, I think not. I think not, as I recall it. I do not know whether it has been amended in that respect or not.

Chairman WALSH. In the case of the Interborough Rapid Transit Co., what is the policy of the company as regards the right of employees to join labor unions or the recognition of labor unions among your employees?

Mr. BELMONT. I can not answer that, put in that way. I should have to give you the history which led to it, because it was developed during my direct connection with the executive management of the property.

Chairman WALSH. Well, I wish you would, please.

Mr. BELMONT. I could not relate the history for the reason that it would take too much time; but at the time of the strike I was president of the organization and thoroughly familiar with what took place at that time. The policy of the company at that time was to recognize its labor as unionized, and I believed, and so did my associates, in having what is called a trade agreement with the men. We had regular agreements, and I still believe in that method, where it is practicable. But the outcome was this: We had two separate corporations, the elevated system and the subway, and the agreements with these two separate sets of men were not exactly the same. We made the agreements with each of them, but they made in addition to this a secret agreement between themselves which provided that, in the event of any trouble with the corporation, the one organization would support the other. That, in itself, constituted a violation of their respective agreements. They were told that the questions at issue, which involved matters of hours of labor, as well as questions down the whole line of their relations with the corporation—they were told that none of these questions which we usually were in the habit of discussing and would otherwise then have discussed with them could be taken up until they had canceled their secret agreement; and when they had done that then the corporation would take up the alleged differences with them. This they refused to do. The national organization of which they were members decided that our position in this respect was perfectly correct; that the men had constructively broken their agreements with us, and until they restored the conditions preceding the signing of their joint agreement our attitude would be sustained. But they were unwilling to follow, as they should have under the rules of their organization, the dictates of their national board.

Chairman WALSH. What was the name of their national organization, please?

Mr. BELMONT. Let us see; street railway employees, I think it is.

Chairman WALSH. Amalgamated Association——

Mr. BELMONT (interrupting). Yes; the Amalgamated Association.

Chairman WALSH. Amalgamated Association of Street Railway Employees?

Mr. BELMONT. Yes. They refused to obey and were in consequence, I believe, either expelled, or at all events they lost their membership in the national organization. The management after that felt that inasmuch as it was obliged to give continuous and uninterrupted service under its contract with the city, it could not recognize a union of its men until some method could be found to enforce, or, at all events, as long as there was no method by which agreements could be enforced—and they could not at that time be. Inasmuch as we employed some 20,000 men, the number was so great that they could afford to disregard anybody's dictation whose views happened to be in conflict with their own interests. We felt that it was better and was indispensable for the proper conduct of transportation here not to have unionized labor, which might at any time bring the transportation of the city to a standstill to the discomfort and loss of the public.

Chairman WALSH. Now, are the policies of the company toward labor organizations and unionization matters of discussion in the meetings of your board of directors?

Mr. BELMONT. I do not recall any for a long time, because the board has felt the management's method to be acceptable, and a condition existed where no change seemed either desired or expected, principally, I imagine, because it was and is not expected. So that only questions of welfare have arisen; for example, like the one which Mr. Shonts inaugurated of purchasing supplies and selling them at cost. This was willingly authorized by the board of directors when brought to their attention, I think, two years ago—not long ago.

Chairman WALSH. Is it true that in the spring of 1912 several hundred employees, chiefly motormen, were discharged by the company?

Mr. BELMONT. I could not tell you.

Chairman WALSH. Is it true that in 1912 the Brotherhood of Locomotive Engineers made an attempt to organize the men on the Interborough?

Mr. BELMONT. Yes. I did not know very much about it, but I understood——

Chairman WALSH (interrupting). Is it true that this attempt on the part of the Brotherhood of Locomotive Engineers to organize the men caused the discharge of several hundred employees at or about the same time?

Mr. BELMONT. I can not tell you.

Chairman WALSH. You have no personal information——

Mr. BELMONT (interrupting). I have no personal information as to that, but this was the principle underlying the subject: At the time that the subway was put in operation the elevated was still being operated by steam, and the engi-

hours who operated these engines because, in so far as they could be trained—those that desired to, became motormen. We have never admitted that because of that the Brotherhood of Engineers had any real claim upon the men as an organization, although they might have continued their membership for all we knew or cared, for that matter; but that was in our opinion a totally different branch of labor, and naturally such an attitude was both undesirable and unjustifiable in our estimation.

Chairman WALSH. What information do the officers of your corporation receive in regard to the activity of employees in the organization or attempted organization?

Mr. BELMONT. Oh, I can not tell you as to that. There are matters entirely known to the general manager, and unions, as I say, something vital occurred—and nothing recently of that sort that I can recall has occurred nor been brought to the attention of the board for some time. It can not, anyway, have been on a large scale, because otherwise it would have been.

Chairman WALSH. Does the company maintain a special department whose duty it is to collect information with reference to the activities of employees along the line of bettering their condition, or anything of that sort?

Mr. BELMONT. I don't know as to that. I presume they have. I know they have employees—employ men who keep the management informed as to all conditions of any kind on the line. I don't know whether that information is part of their duty.

Chairman WALSH. Does any arrangement exist between the Interborough and any detective agency to secure such information?

Mr. BELMONT. I don't know.

Chairman WALSH. Does the Interborough Rapid Transit Co. interchange information with reference to the acts of their employees and their activity, and the like of that?

Mr. BELMONT. I can not tell you.

Chairman WALSH. How many women are employed by the Interborough Rapid Transit Co.?

Mr. BELMONT. I can not tell you that, Mr. Walsh. Those are questions concerning the technical management, and it is not my province as chairman of the board to follow those matters.

Chairman WALSH. Nor the hours that they work?

Mr. BELMONT. No.

Chairman WALSH. Nor the wages that they receive?

Mr. BELMONT. Not unless the management saw fit to bring something concerning the wages before the board for its action.

Chairman WALSH. And you have never made any inquiry along those particular lines?

Mr. BELMONT. Not in recent years; not since I ceased to be an executive in the management. As chairman of the board that is not part of my duty.

Commissioner WALSH. Commissioner Weinstock would like to ask you some questions, please.

Commissioner WEINSTOCK. From the recital of the facts in relation to the strike on your road, I understood that your company had recognized the union and had dealt with the union and had entered into an agreement with the union?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. That the union had deliberately broken their agreement?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. And that that was realized and appreciated by the national union officers?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. And that the national union officers ordered the men back, but the men refused to go——

Mr. BELMONT (interrupting). Yes.

Commissioner WEINSTOCK (continuing). And they therefore lost their charter?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. And were practically thrown out of their union?

Mr. BELMONT. Those were the circumstances.

Commissioner WEINSTOCK. That as the result of that experience your company found that it was unwise and unsafe to longer recognize or deal with the union because they had proven contract breakers?

Mr. BELMONT. In that particular instance, yes. I do not want to answer that question as applying to all unions.

Commissioner WEINSTOCK. No; we understand that. We are dealing just with this specific case.

Mr. BELMONT. Just that one.

Commissioner WEINSTOCK. In this specific case the union had proven itself a contract breaker?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. And therefore the whole responsibility for the fact that your company does not now recognize or deal with the unions rests upon the shoulders of the men who at that time broke their contract?

Mr. BELMONT. That is it exactly; yes, sir.

Commissioner WEINSTOCK. And at one time, Mr. Belmont, you were the president of the civic federation?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. The National Civic Federation?

Mr. BELMONT. Yes, sir.

Commissioner WEINSTOCK. Will you tell this commission what does the civic federation preach to employers in this matter of dealing with unions? Does it encourage the recognition of unions?

Mr. BELMONT. Yes—it has. Of course, it does not undertake to refuse to recognize, or the recognition of any condition that exists among its members, because its members are composed of all classes and of all interests in society, as you understand, from an economic sense; and therefore it recognizes, for example, union labor, the question of contracts, and so forth, by the mere fact of having their representatives as members of the organization. But, as you probably know, there are three defined groups represented on what is called the executive council, that is, employers, labor, and the public from any walk of economic life. Unless these three groups agree upon any one particular question, the council does not commit itself to the advocacy or condemnation of that question—not unless the agreement is unanimous. For example, I can illustrate it by an instance in this State.

The civic federation has promoted from the very outset the dissemination of information on the question of compensation for workmen, and laws for preventing accidents. But when a measure in that line is introduced in a legislature, and while it may have had a great deal to do with the formation of opinion which led to that measure and exercised its influence in every way so that a measure should be introduced, on such questions in the case where it could not agree on them in conference with the representatives of the federation of labor, it took no part whatsoever in promoting the passage of such a measure. I mean to say by that, it would feel itself unjustified in going before a committee hearing to advocate any particular feature of a law or to advise the measure as a whole unless absolute agreement of opinion had existed. And inasmuch as it did not agree unanimously at the time the compensation law was being passed in this State, officially the federation did not appear at all. So, too, that would be its attitude on any amendments. But it opens—it not only opens its meetings to general discussion, but on any question which involves the interest of labor and capital, it takes steps to bring them together and to promote discussion and produce out of those discussions as much progress on those questions as it can, always remaining absolutely impartial and neutral unless, as I say, there is unanimous agreement; in that event it stands as positive or negative in its attitude as the case may be.

Commissioner WEINSTOCK. You know, of course, Mr. Belmont, that one of the great issues in the industrial world in this country, if not elsewhere, has been the question of the open and closed shop; that that perhaps had led to more industrial strife and industrial disputes than perhaps any other one thing. Now there are very wide differences of opinion among employers and among workers on the question of the open and the closed shop. That is one of the things that this commission is laboring with—to determine what the wise thing to recommend on the open or closed shop may be; and I am sure the commission would appreciate it if you care to express any opinion about the matter.

Mr. BELMONT. That is so very broad a subject that I am rather—I feel rather disinclined to speak, because my opinion would be wholly personal and not official and would have to be so considered.

There are industries in which, from my observation, the closed shop and spirit and the conduct of that industry with union labor alone has proved very

advantageous and seemed to be satisfactory to both employers and employees. There are others where it has not, and questions of personal liberty then arise, which, as a citizen, make me feel hostile to the enforcement of the closed shop. But each instance has to be judged by itself. There are other industries or corporations such as the one I have spoken of, with obligations to the public, which as producers are so closely connected with their welfare that they are practically public servants, and then the question of policy may overshadow what would seem, in theory, to be the right and the privilege of workmen to organize on the closed-shop basis, and yet in the interest of the public they should be denied that privilege. Now, as a rule, I have been in favor personally of union labor. I think that where conditions exist so that absolute confidence exists—I think the steam railroads, for example—all those I have been connected with find it of great advantage. Where they understand themselves thoroughly they operate under specific and agreed rules; for instance, the very brotherhood that we did not feel it advisable to have interfere with our affairs in the subway and on the elevated is a model as a labor organization. It commands not only the respect and admiration but also the best sort of feeling on the part of the railroads. Mr. Stone is a personal friend of mine, and I have every respect for that union. I think a fast agreement is not only possible but very desirable, in the case of that union. Sometimes when it comes to looking at it purely from an economic standpoint, then there is much to be said on both sides. That is too large a question for me to elaborate unless I had time, so that I do not like to put myself on record as expressing a simple opinion for or against in that respect. Each individual case has to stand on its merits so far as my own opinion and experience has shown in the matter. There are some unions whose word is as good as their bond, their organization and their discipline is perfect, and they are able to enforce what they call their laws or regulations; and others where they are unable to do so.

Commissioner WEINSTOCK. You, of course, are familiar with the argument presented by the advocates of the closed shop, that the only hope of perpetuating unionism is through the closed shop. You know, of course, that argument is presented despite the fact that in the railroad unions, as you have pointed out, which are very powerful and very strong and very reliable and where the relationship between the employers and the unions, as a rule, is cordial and friendly, despite the fact that in those unions, so far as I know, the right of what might be called the open shop to any railroad company is such that it is at liberty to employ anybody that it pleases, and it rests with the union to persuade the new employees to enter the union; is that not so?

Mr. BELMONT. You have hit the nail upon the head; it rests with the unions. Now, a union that conducts its affairs so that it treats its employees along that broad line gets the best results. The men naturally are satisfied. It depends upon the character of what they give their men, as to whether they draw men to them or not. If they do not, and a large element does not join, and seeks protection against them, I think common sense is enough to show that there must be something wrong, otherwise they would be able to attract all to their organization.

Commissioner WEINSTOCK. Do not the railways of the country afford an object lesson—an instance where you have collective bargaining—strong unionism going hand in hand with the open shop?

Mr. BELMONT. Yes; the open shop is really the right principle; and if, for the best interests of the employees, the union has become the only means through which they deal with their employers, and is the element through which the men have their relations prescribed, why they will join. The proof of the pudding is the eating. The unions will be joined by the men, and if they are not there is a reason for it which can be ascertained. Each case has to be treated by itself.

Commissioner WEINSTOCK. What, in your opinion, Mr. Belmont, is the best way to minimise strikes and lockouts?

Mr. BELMONT. What I have said. Each case has to be treated by itself. I could not give a cure.

Commissioner WEINSTOCK. Are there not certain underlying principles of law applied substantially to strikes and lockouts?

Mr. BELMONT. You mean as to arbitration or otherwise?

Commissioner WEINSTOCK. Yes.

Mr. BELMONT. Sometimes quiet conferences brought about by mutual friends have been very effective. That is the function of the civic federation.

Commissioner WEINSTOCK. In the nature of mediation?

Mr. BELMONT. Yes; in the nature of mediation. When it comes to arbitration, why, often in cases where it was provided for in a contract on corporate matters or business matters of any kind I have known of many instances where arbitration was not resorted to, but there was mediation and adjustment without it. And so as to differences that lead to strikes; these are sometimes better adjusted without resort to arbitration; and therefore a compulsory method might not always work satisfactorily.

Commissioner WEINSTOCK. I presume, Mr. Belmont, you are familiar with the Canadian act?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. What is known as the "Public inquiry act"?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. Where it is illegal to strike or lockout—it is illegal to cause a cessation of work until the State has had an opportunity to mediate and investigate—connected with public utilities only, of course?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. What is your idea of that law?

Mr. BELMONT. It has very good features. My relations were so close with our representatives of labor when I was president of the civic federation—because I was elected at their request and at their instance—that I was called to a council and asked to explain my attitude in connection with the strike situation. I felt and told them that until the Government insisted that when an employee entered the service of either a public-service corporation or a public servant, in the sense of a producer of necessities—until his entrance as a employee became a contract per se without signature, but by reason of the mere fact that he became employed, and until that relationship was treated as a contract—until that was done it would be difficult to persuade employers to trust themselves wholly to the vote of their employees.

Commissioner WEINSTOCK. In other words, Mr. Belmont, if you had the Canadian law in operation in this country you would then not hesitate to deal with organized labor, because you would know that they could not go on a strike until there had been an opportunity for investigation and inquiry—that they could not apply a sudden strike to you?

Mr. BELMONT. I can answer to that, in theory, yes; but as we have 48 States, all with their different laws, no national law could well be passed to compel that method, excepting with certain corporations——

Commissioner WEINSTOCK (interrupting). Interstate?

Mr. BELMONT. Yes, sir; interstate corporations. It does not seem to be a perfectly practical method here, although indicating in its theory to be a good one.

Commissioner WEINSTOCK. Now, while it is quite true that if any one State, like New York, for example, should enact a public-inquiry act, while for the time being it would only deal with that particular problem, yet is it not possible, in connection with the workmen's compensation act, which was initiated in one State—I think, Wisconsin—and has now spread over 25 States and is likely to spread over the entire country—if such an act was amended in some State and administered, that afterwards all her sister States would profit by the experience, and it would become a common condition?

Mr. BELMONT. That has been the history of every legislation beginning in one State. If it proved successful, it has been adopted by others. There are some instances in which practical uniformity exists to-day that did not exist in the beginning at all. And in the question of these compensation laws—they are being tried out in the various States, and they will probably reach uniformity after the lapse of time—after they have been well tried out.

Commissioner WEINSTOCK. Admitting that a public-inquiry act would be a disadvantage along certain lines of employers, in that they could not declare a lockout legally until there had been a public inquiry, and granting, further, that it would be a disadvantage to organized labor because it could not declare a sudden strike—it could not cease work until there had been an investigation and inquiry; yet in the end would not it be a decided advantage to the employer and the workers, especially in the case of public-utility corporations? Would the result not be along a better degree of industrial peace?

Mr. BELMONT. You put the two together, and I do not see how those two questions operate so closely.

Commissioner WEINSTOCK. Which?

Mr. BELMONT. The compensation and the inquiry acts.

Commissioner WEINSTOCK. When I use the word "compensation," Mr. Belmont, I do not mean workmen's compensation. I mean that while the cost, so to speak, on the part of the employers would be that they could not lock out

their men, the cost to the union would be that it would have to waive the sudden strike and would the result not be a higher degree of industrial peace?

Mr. BELMONT. To say yes or no to that—it covers so many industries with which I have no familiarity at all——

Commissioner WEINSTOCK (interrupting). Deal with it in your own industries.

Mr. BELMONT. In the question of transportation I think it would.

Commissioner WEINSTOCK. You think it would be advantageous?

Mr. BELMONT. Any protection that the public may receive from an act of that kind safeguards it against great discomfort and interruption of its means of livelihood, because transportation, particularly, if interrupted for any length of time, would result in discomfort to a very large portion of the population—I presume in this city more than any other. This city lives on what is brought to it, you might say almost from day to day. It could not stand a stoppage of this transportation and anything that tends to protect it against the possibility of it and brought about a discussion on the subject at issue before the step leading to a tie-up could be taken, would be good.

Commissioner WEINSTOCK. Then, if an effort was made to pass a public inquiry act in the State of New York, for example, then you, having large interests in transportation, would not look upon such an act with disfavor?

Mr. BELMONT. I will not put myself on record officially as saying that, because what I am saying is from my personal opinions, and I do not wish to speak as representing those interests.

Commissioner WEINSTOCK. I do not ask you the question in that spirit; I want just your individual opinion.

Mr. BELMONT. An answer, as you first put the question, would involve practically my saying that.

Commissioner WEINSTOCK. I just want your individual opinion.

Mr. BELMONT. My individual opinion, with reservations as to how that act should be drawn, because it could not be exactly the same as the Canadian act, as our conditions are different, would be yes.

Commissioner WEINSTOCK. You spoke about the Interborough Co.'s having a system whereby its employees were furnished with their supplies at cost. Did I understand that correctly?

Mr. BELMONT. Yes; there is a regular department that purchases those things and they are able to buy the necessaries of life at cost.

Commissioner WEINSTOCK. There is a certain cost for administration in that department, is there not, buying and selling, accounting, etc.?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. Upon whom does that burden fall? Is that added to the price of the articles?

Mr. BELMONT. Yes.

Commissioner WEINSTOCK. That is, if it costs 10 per cent to distribute you add 10 per cent to the article and the purchaser gets the article at the actual cost plus the actual cost of distribution?

Mr. BELMONT. Yes; but the word "distribution" should not be used, because it is not delivered; we have no method of delivery.

Commissioner WEINSTOCK. Call it operating expense.

Mr. BELMONT. Yes; but for example, when you said no cost to the company, indirectly yes, in this way: When that department was established in order that the necessaries of life could be bought a little cheaper by the employee, the wife of the employee was given a pass so that when she travels to buy at the company's stores she travels without cost; that is for the married man or men when a female member of the family attends to the housekeeping.

Commissioner WEINSTOCK. If an article costs $1, and it costs 10 cents to handle the article, the employee then pays $1.10 for that article?

Mr. BELMONT. That is illustrative, but the details of it I could not give you. Those can be easily ascertained.

Commissioner WEINSTOCK. The employee then saves what otherwise would be the middleman's profit?

Mr. BELMONT. Precisely.

Commissioner WEINSTOCK. How has the plan worked out, Mr. Belmont?

Mr. BELMONT. Strange to say, all have not availed themselves of it, but in the main they have.

Commissioner WEINSTOCK. Can you tell offhand what volume of business that department has done?

Mr. BELMONT. No, sir; I could not.

Commissioner WEINSTOCK. You have how many employees who are at liberty to buy from these stores?

Mr. BELMONT. All of them.

Commissioner WEINSTOCK. That represents how large a number, approximately?

Mr. BELMONT. I think we have 18,000.

Commissioner WEINSTOCK. About 18,000?

Mr. BELMONT. Yes, and perhaps a little more; we have more than that.

Commissioner WEINSTOCK. If a company pursued that policy, would it not antagonize the small tradesmen or middlemen?

Mr. BELMONT. That I could not say; I doubt very much if that matter has been considered at all. Our corporation considers the welfare of its men and does not look outside of that.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mrs. Harriman would like to ask a question.

Commissioner HARRIMAN. Mr. Belmont, you spoke about the benefits to be derived in the event of a disagreement by the parties being brought together; what do you think of a permanent industrial council like the one in England, which provides for an arbitrator in labor disputes, not compulsory arbitration?

Mr. BELMONT. The difficulty here in making a comparison is that such things in England are done by Parliament and for the whole people, and there is no other law that can intervene and in any way embarrass any method that is adopted there; but we have 48 States with their respective legislatures, and it has never appeared to me that a central body of the kind you refer to could be given sufficient power, particularly enough to be effective. There are means constantly found to increase the powers of any Federal board or commission for one reason or another, on the plea of interstate interests, but on that one subject I should not think you could very well parallel our case with the conditions there.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. Mr. Belmont, in regard to that industrial council, it is, of course, understood under our present status that it could only deal with interstate questions as applied to your line—would you consider it a desirable agency?

Mr. BELMONT. The council?

Commissioner GARRETSON. Yes; the existence of such a body. I am not localizing it or detailing it. Merely the existence of a body which could be utilized for those purposes, however it might perform?

Mr. BELMONT. Well, it distresses me to say, but the spirit in which those councils and that kind of bodies act abroad—in England—is quite different, I am afraid, from what would actuate them here. Practically there are no politics in what they do of that sort there, but there is always politics in what is done in that way here.

Commissioner GARRETSON. Do you believe that politics has ever entered into the application of either the Erdman or the Newlands Act in any degree? I assume you are familiar with both—reasonably so?

Mr. BELMONT. Well, I can not say from my own—I can not assert it. It has had the appearance, sometimes, yes.

Commissioner GARRETSON. Now, are you reasonably familiar with the compulsory inquiry act in Canada as to its workings?

Mr. BELMONT. No.

Commissioner GARRETSON. Are you aware or not of the fact, then, that it is almost absolutely disregarded?

Mr. BELMONT. That it is what?

Commissioner GARRETSON. Largely disregarded by everybody.

Mr. BELMONT. Yes; that is true.

Commissioner GARRETSON. Well, in your opinion, would it be open to the same objection here?

Mr. BELMONT. Because it would be disregarded? Well, one of the difficulties would be that nothing of that kind could be made compulsory here.

Commissioner GARRETSON. Could not build jails to hold the violators?

Mr. BELMONT. Could not do what?

Commissioner GARRETSON. Could not build jails enough to hold the violators of it, in other words?

Mr. BELMONT. Well, I think—I am not one of those who believe that it is necessary to have jail sentences to induce men in charge of either our public

affairs or our corporations to make them perform their duties; public condemnation is sufficient.

Chairman WALSH. We must have perfect order, ladies and gentlemen.

Commissioner GARRETSON. How about the laboring men that disregard it? Don't you think there would be as many of them as managers?

Mr. BELMONT. It would apply to them likewise. I do not wish to be understood that any distinction should be made in our law for any one individual, no matter in what walk of life.

Commissioner GARRETSON. I apply the jail proposition to the laborer and not to his employer, largely.

Mr. BELMONT. How is that?

Commissioner GARRETSON. I apply the jail necessity as the lawbreaker, to the worker, largely; that is, in greater numbers than his employer?

Mr. BELMONT. I do not know what your question is. You stated an opinion.

Commissioner GARRETSON. Going back to the necessity for a jail for violators—if 20,000 laboring men disregard the law it would take a large number of jails to hold them. Do you believe laws should be enacted that make lawbreakers—encourages them?

Mr. BELMONT. Every breach of the law does not involve a jail sentence, you know.

Commissioner GARRETSON. It does not? It involves the contempt of the law.

Mr. BELMONT. Well, the law can treat it with whatever punishment might seem adequate.

Commissioner GARRETSON. Therefore, do you favor the enactment of the law unless it can be applied?

Mr. BELMONT. No one does, if it can not be effectively applied.

Commissioner GARRETSON. In these clubs that are furnished along the line of your railroad here, Mr. Belmont, was the original purpose of these clubs largely to have the men available when needed on frequent shifts?

Mr. BELMONT. I do not understand the question. It was for the men when they were at leisure.

Commissioner GARRETSON. Certainly. So that if the company needed them they would be readily available?

Mr. BELMONT. Yes; they are near by.

Commissioner GARRETSON. That is the original purpose, underlying the institution of such clubs as a rule?

Mr. BELMONT. They had no shelter; they had no occupation while they were waiting, and those comforts were supplied to them.

Commissioner GARRETSON. When you had this disagreement on your lines with one of the model organizations, was that not the real disagreement between the Brotherhood of Locomotive Engineers—and I use the word "you" in the sense of your company—did it not actually arise over the fact that if you classed them as motormen you paid only $2.75 up to $2.87 a day, while if you dealt with the Brotherhood of Locomotive Engineers it would cost you $3.75 to $4.50?

Mr. BELMONT. Well, I would not go into the details of it because I was not in direct touch with what took place, but——

Commissioner GARRETSON. It was a difference in cost?

Mr. BELMONT. But it also involved a principle; yes. I think anybody will admit that an engineer who received a certain wage, when he became a motorman, and instead of the average wage for that prticular employment, he demanded the same as what he had formerly been receiving, he was not justified in asking more than the motormen were getting.

Commissioner GARRETSON. Well, then, it was really a question of cost?

Mr. BELMONT. When they became motormen, they were motormen, they were no longer engineers.

Commissioner GARRETSON. And the principle was you did not want to pay motormen the steam-engineer price?

Mr. BELMONT. I presume so. I think it was; I am certain it was.

Commissioner GARRETSON. If I understood you—it is a little difficult to hear down here—you answered in regard to unionism on lines like the public utility lines, that it had been undesirable to unionize them, or to allow the union to dominate the property, and still on the railways, the steam railways, good results came from it?

Mr. BELMONT. Yes; because the conditions are wholly different. Our experience has proved in this one case to be advantageous and in the other case it

proved the reverse. And in the light of experience one is condemned and the other approved.

Commissioner GARRETSON. A traction property, a public utility, carries the persons of its patrons, and if it stops business there are only two results that follow directly from that—one is discomfort to the public and the other is the disarrangement of the public business in which they are engaged by their absence—and if the steam business stops it stops the movement of the person, the movement of his supplies, food, and fuel, cuts off wholly all methods of supply for that locality or community that depends upon it, and stops the commerce of the section which depends upon it. Why is unionism a less evil on a property of that kind than on a local traction?

Mr. BELMONT. I did not say that. I am not talking bout——

Commissioner GARRETSON (interrupting). If unionized?

Mr. BELMONT. I was not talking about that. Putting that question you assume that I have called it an evil.

Commissioner GARRETSON. I think you used the word that it was not possible or desirable on a public utility.

Mr. BELMONT. You ask me which of the two is the greater evil practically.

Commissioner GARRETSON. Yes.

Mr. BELMONT. I have not called either of them evils. I have said in principle that I approve, but in practice and by reason of our experience here in this particular instance in New York I do not—I am not speaking for any other section or any other city, but in New York, and particularly New York because of its peculiar formation, its north and south lines, the distance that people have to travel to their daily destinations, the vital importance of their transportation there, that in this particular instance the risk could not be run. We do not want even to be considered as saying that it might not prove perfectly successful if tried again, but we can not run the risk. We are under contract to keep that transportation going 24 hours out of every 24 for a matter of 50 years, and therefore anything that would tend to endanger the interruption of that traffic would be—either physical or resulting from its labor—any danger of that kind must be avoided, and unionism there seems to threaten that danger, and we are certain it does from our past experience.

Commissioner GARRETSON. Is there any obligation, charter, or otherwise, that you are under that these steam railroads are subject to where you believe good results have been produced under unionism?

Mr. BELMONT. How?

Commissioner GARRETSON. Are they not subject to the same charter requirements as to continuous operation that you are?

Mr. BELMONT. Yes; but the results——

Commissioner GARRETSON (interrupting). And in far greater degree, more far-reaching?

Mr. BELMONT. No; I do not think so. I do not think a far greater degree at all.

Commissioner GARRETSON. Food supplies in addition to personal transportation is no greater?

Mr. BELMONT. Yes; but in the experience the strikes have not been general; we have not had any very general strikes.

Commissioner GARRETSON. That is railway?

Mr. BELMONT. But most of them have been local. Certain sections of the country have suffered, but as a rule other means, other methods, other lines of transportation have been kept opened. Strikes have been localized. But here in the city interruptions to its transportation as a rule which would take place would be complete. In the event of a strike on the Interboro it would paralyze the entire city.

Commissioner GARRETSON. Would not touch its supplies?

Mr. BELMONT. It would paralyze their movements so as to be a discomfort and a very serious matter.

Commissioner GARRETSON. No question of that. That is a truism. In other words, the difference between steam interruption and local interruption would resolve itself into this: The supplies would be here, and it might be difficult for a certain number of the people to get to the supplies, and in steam interruption the supplies would not be here if, as you say, the city lives from day to day?

Mr. BELMONT. Provided it was complete; yes. We have not had any of these conditions in our particular field, but we have had them here in local transportation.

Commissioner GARRETSON. The difference between our particular field and the other is that we never have not got past the verge, while the other people have passed it. Is that it?

Mr. BELMONT. That seems to be it.

Commissioner GARRETSON. You take the application of the acceptance of the conditions as applied to the steam traffic—well, I will let that go. That is all, Mr. Belmont.

Chairman WALSH. That is all; thank you, Mr. Belmont.

At this point we will adjourn until to-morrow morning at 10 o'clock in the board of estimate's room.

(At 3.50 in the afternoon of this Wednesday, January 20, 1915, an adjournment was taken until to-morrow, Thursday, January 21, 1915, at 10 o'clock a. m. in the board of estimate's room.)

NEW YORK CITY, *January 21, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, and Garretson.

Chairman WALSH. The commission will please be in order.

Mr. Daniel Guggenheim.

TESTIMONY OF MR. DANIEL GUGGENHEIM.

Chairman WALSH. Will you please state your name?

Mr. GUGGENHEIM. Daniel Guggenheim.

Chairman WALSH. Where do you live, Mr. Guggenheim?

Mr. GUGGENHEIM. New York City.

Chairman WALSH. At what place?

Mr. GUGGENHEIM. St. Regis Hotel.

Chairman WALSH. Where is your place of business?

Mr. GUGGENHEIM. 165 Broadway.

Chairman WALSH. In what business are you engaged?

Mr. GUGGENHEIM. Smelting and mining.

Chairman WALSH. In what corporations are you a director?

Mr. GUGGENHEIM. The American Smelting & Refining Co., the American Smelting Securities Co.; the Guggenheim Exploration Co., the Chili Copper Co.

Chairman WALSH. Are those all of the corporations?

Mr. GUGGENHEIM. No; there are some others.

Chairman WALSH. Kindly mention them as you go along.

Mr. GUGGENHEIM. The Guaranty Trust Co.

Chairman WALSH. The which?

Mr. GUGGENHEIM. The Guaranty Trust Co. Do you wish the names of the banks and trust companies?

Chairman WALSH. Industrial corporations first and railroads?

Mr. GUGGENHEIM. I am not a director in any railroad.

Chairman WALSH. The Nevada Northern Railway Co.; is that one of yours?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Are you a director in that road?

Mr. GUGGENHEIM. I am, yes, a director of the Nevada Northern Railway.

Chairman WALSH. What is that?

Mr. GUGGENHEIM. Yes; I am a director of the Nevada Northern.

Chairman WALSH. Any other?

Mr. GUGGENHEIM. We have a small branch road also connected with the mines, the Mexican Union Railway, I think is the name, in Mexico.

Chairman WALSH. Any in other industrial companies or mining companies, please?

Mr. GUGGENHEIM. That takes in all of them that I can think of.

Chairman WALSH. The Utah Copper Co.?

Mr. GUGGENHEIM. I am not a director in the Utah Copper Co.

Chairman WALSH. The Yukon Gold Co.?

Mr. GUGGENHEIM. Yes; I am a director in that.

Chairman WALSH. Do you recall any others?

Mr. GUGGENHEIM. Not at the present moment; no, sir. I am actively employed in the others, in the first I have mentioned, not to so great an extent in the others.

Chairman WALSH. In what other companies are the members of M. Guggenheim's Sons directly represented?

Mr. GUGGENHEIM. I would rather get up a list and present that, if you wish to have it, so that it will be accurate, if you prefer.

Chairman WALSH. I wish you would, please.

Mr. GUGGENHEIM. I will do so.

(See Guggenheim exhibit.)

Chairman WALSH. Is Mr. Robert Guggenheim connected with the Great Eastern Construction Co.?

Mr. GUGGENHEIM. I would not know; we have nothing to do with that.

Chairman WALSH. Is Mr. Murray Guggenheim connected with Gimble Bros.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. As a director?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. With the National Lead Co.?

Mr. GUGGENHEIM. No, sir.

Chairman WALSH. The New River Collieries Co.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. The United States Zinc Co.?

Mr. GUGGENHEIM. Yes; that is one of the subsidiary companies of the American Smelting Co.

Chairman WALSH. I see. Is S. and R. Guggenheim connected with the Braden Copper Co.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. The Electric Boat Co.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. The Electric Launch Co.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. The Electric-Dynamic Co.?

Mr. GUGGENHEIM. I do not know.

Chairman WALSH. The Industrial Oxygen Co.?

Mr. GUGGENHEIM. I do not know.

Chairman WALSH. The Interborough-Metropolitan Co.?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. And the International Steam Pump Co.?

Mr. GUGGENHEIM. Yes; I think he is with the latter.

Chairman WALSH. I wish you would please outline, briefly, the character of your connection with the first companies which you have mentioned, for instance, the American Smelting & Refining Co.?

Mr. GUGGENHEIM. I am its president.

Chairman WALSH. You are its president?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. I wish you would please outline briefly the character of your connection with the companies you have mentioned, for instance, the American Smelting & Refining Co.?

Mr. GUGGENHEIM. I am its president.

Chairman WALSH. You are also a director of that company?

Mr. GUGGENHEIM. I am.

Chairman WALSH. Does that company have an executive committee?

Mr. GUGGENHEIM. It has.

Chairman WALSH. Are you a member of the executive committee?

Mr. GUGGENHEIM. I am.

Chairman WALSH. Are you the president of any other company?

Mr. GUGGENHEIM. Of those I have mentioned? I gave you the list of five.

Chairman WALSH. That you are president of?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. I ask you please to repeat those because I did not get them.

Mr. GUGGENHEIM. The smelting company—the American Smelting Securities Co., the Guggenheim Exploration Co., and the Chili Copper Co.

Chairman WALSH. What is the business of the American Smelting & Refining Co.?

Mr. GUGGENHEIM. Smelting and refining and mining of ores.

Chairman WALSH. How many employees are engaged in that industry?

Mr. GUGGENHEIM. Well, I don't know offhand.

Chairman WALSH. Could you approximate it?

Mr. GUGGENHEIM. I should not care to, because I would rather be accurate.

Chairman WALSH. Could you come offhand within several hundred of it?

Mr. GUGGENHEIM. I might not.

Chairman WALSH. Could you state offhand the general number of employees that you have in the industry at its height, so far as the production is concerned?

Mr. GUGGENHEIM. No; I could not do that offhand.

Chairman WALSH. What is the character of the business of the Guggenheim Exploration Co.?

Mr. GUGGENHEIM. They are in the mining business.

Chairman WALSH. In any particular part of the country?

Mr. GUGGENHEIM. All over the world.

Chairman WALSH. Could you answer the same questions with reference to that company; that is, as to the number of employees it has?

Mr. GUGGENHEIM. I would be very pleased to give it to you accurate, if you care to have it.

Chairman WALSH. I want to understand how much knowledge of the labor conditions that you have you carry with you?

Mr. GUGGENHEIM. It runs into the thousands. I think that will give you the information that you want.

Chairman WALSH. What information do you have, either as a stockholder or as a director or president of these companies, concerning the labor conditions in the industries?

Mr. GUGGENHEIM. I am generally posted as to the conditions of labor at our various plants.

Chairman WALSH. How do you receive reports; how do you acquire information from these widely scattered plants?

Mr. GUGGENHEIM. If you will allow me, I will outline the general policy so that you will know how the matter stands.

Chairman WALSH. We would be very glad to have you do so.

Mr. GUGGENHEIM. The laborers are under direct control at each plant of the general manager in charge or the superintendent. In addition, it has been my duty, during the last few years, to visit each plant once or twice a year. I have done that for a great many years. These companies also have executive committees. These executive committees are selected from the directors, and nearly all of the directors are on the executive committee. The various members of the executive committees make trips to the plants in the various parts of the country, so that some members of the executive committee get at the plants every 30, 60, or 90 days, and they are in general touch with the labor conditions and with the laborers at all these plants by conference with the foremen, superintendents, and general managers at the plants. The executive committee meets at least once a week, and the subcommittees, composed of members of the executive committee, meet almost daily.

When the directors return from these inspection trips they make a presentation to the general board, which meets weekly, or the general executive committee as to what the conditions are that obtain there. They discuss everything that has a bearing on the success and business and conditions of the plants, and in that way all the directors—I refer to those being on the executive committee—are continually conversant with the conditions that obtain at the various plants owned by the company.

Our business, as regards directors, is somewhat different from almost all other industrial corporations in this regard: Of the many directors—we have over 20—with the exception of two or three they are all men familiar with the business, having been brought up in the business, and are technical and practical smelting men, and those are the directors that naturally would be familiar with every branch of the manufacturing part of our business. That is why they are directors. The way I have outlined is the method in which all directors connected with the company, with the exceptions I have named, are in thorough sympathy and touch with all of the conditions as to labor and otherwise.

Chairman WALSH. Do you receive reports in writing from these corporations which set forth specifically the labor conditions in the industry?

Mr. GUGGENHEIM. We do not get the information that way. It comes to us orally, but if there is anything that is not satisfactory, the superintendent or manager in charge immediately writes to the home office, which is here in New York, to that committee. For instance, if that charge referred to labor, he would write to them just what the labor conditions were, if there was anything not satisfactory.

Chairman WALSH. Please state what factories, mines—what factories, first, you have personally inspected during the past year in the manner you have detailed.

Mr. GUGGENHEIM. During the past year I have not been in especially good health. I have not been making these visits. But previous to that, during the last 10 years, I have visited all of our plants, both in the United States and Mexico, up to two years ago, I think it was.

Chairman WALSH. And how was it during the year 1914, after making these inspections?

Mr. GUGGENHEIM. Well, I did not make them, but the other members of the executive committee made those tours.

Chairman WALSH. In 1912?

Mr. GUGGENHEIM. I think it was in 1912 I stopped going to these plants and delegated that work to other members of the committee.

Chairman WALSH. Well, during the year 1912, what factories owned by any of these corporations did you visit?

Mr. GUGGENHEIM. Well, we will start in in the East. I have been at the Perth Amboy plant.

Chairman WALSH. How often were you there?

Mr. GUGGENHEIM. I go there a number of times a year, because they are close to our present location. Once or twice in the year I would go to Omaha, and then to our various plants in Colorado, to El Paso, to California, to Washington, and to Mexico and to Missouri, where we have a number of plants—in the State of Missouri. Those are the ones I have at my fingers' ends at the present.

Chairman WALSH. During the year 1912?

Mr. GUGGENHEIM. That and all previous years. I think it was during 1912, and then that and all previous years for at least 10 years.

Chairman WALSH. Now, since 1912, would you indicate the persons on your executive committee that did visit the plants, mines, and the factories controlled by your corporations, please.

Mr. GUGGENHEIM. Yes; Mr. Karl Eilers and Mr. Edgar L. Newhouse; those gentlemen, especially, go out frequently.

Chairman WALSH. Do they go out to the same extent you did prior to 1912?

Mr. GUGGENHEIM. Oh, yes; they go out even more frequently and more conscientiously. They are younger men and have more time to devote to that special branch of the business.

Chairman WALSH. In your opinion, to what extent are your directors and stockholders responsible for labor conditions in your plants?

Mr. GUGGENHEIM. In our case the directors—not the stockholders, but the directors—are absolutely responsible, with the exception of those two or three gentlemen that are not on the executive committee. They are absolutely responsible for the management of the business and for the conditions of the laborers and everything that pertains to the welfare of the business.

Chairman WALSH. They feel their responsibility and hold themselves——

Mr. GUGGENHEIM (interposing). Absolutely.

Chairman WALSH (continuing). To the discharge of the duties connected with that responsibility?

Mr. GUGGENHEIM. Absolutely.

Chairman WALSH. How many directors are there of the American Smelting & Refining Co., Mr. Guggenheim?

Mr. GUGGENHEIM. I believe about 20.

Chairman WALSH. And how many members of the executive committee?

Mr. GUGGENHEIM. Seventeen or eighteen.

Chairman WALSH. I wish you would state what arrangements, if any, you have put into effect in your industries for the improvement of the labor conditions—for the inspection, first, of labor conditions, and the improvement of anything that seems to be wrong.

Mr. GUGGENHEIM. Well, until a year and a half ago conditions—when anything arose that was unsatisfactory, in our judgment, from observation or experience or from requests and visits from our workmen, we endeavored to meet that in every way possible, to put in any necessary improvements that we think would benefit them, and we have made quite a number, the details of which I will be very glad to let you have. I haven't got them at my fingers' ends. But we found up to that time or previous to that time a great many more things should be done than what we were doing; and I have suggested to the board of directors and to the executive committee that I believed that we should go much further than we have gone, in order to improve the conditions and the welfare of our people, from the humanitarian standpoint and from the standpoint of good business. We feel that by improving labor conditions—that

in the housing of them better—and providing pension funds and providing benefits in various directions, we would get better results than we had been getting; that we would get a higher efficiency. And it has appealed not only to me, but I think, with very few exceptions, to our executive committee as to our board of directors, and it was suggested that we try and secure some one who was thoroughly in sympathy with that thought and some one that could advise us, having had more experience than we have had, and who had general information from what was going on in other operations smaller or even different from ours, and we decided it was advisable to engage Dr. O. P. Neill, former Commissioner of Labor. He came to us about a year and a half ago, and we appointed a committee and Dr. Neill became one of that committee, and they have been making examinations, investigations, and recommendations as to what should be done; and only recently they recommended that we should take over and put our men under a benefit system improving their conditions in that way. And a number of these things are now being considered by our committee. First, it will be recommended by the committee directly in charge of labor and welfare that will be passed up to the general executive committee or board of directors, and they usually adopt the recommendations of these various executive committees. And I believe Dr. Neill has been called as one of the witnesses, and I would rather he would give you the details of it, because he is more familiar with it than I am; but in a general way we are very much in sympathy in improving the labor conditions that exist at our various plants. We have adopted a number of things already, and hope to continue to make more improvements, the details of which we will be very glad to furnish you, but I prefer that you get these from Dr. Neill, because that has been his direct occupation to recommend and find out what was really necessary and advisable for us to do.

Chairman WALSH. Are the reports of Dr. Neill as to labor conditions and suggested improvements made in writing?

Mr. GUGGENHEIM. No; they have been discussed heretofore orally, and he has been telling the committee what he thought was advisable. Whether or not he has made up or sent in his report in writing. I have not seen it yet; I don't know.

Chairman WALSH. With regard to the benefit organization for the employees; has the plan for that been put in writing by Dr. Neill or any person who is connected with your organization?

Mr. GUGGENHEIM. I think not. I think they have decided that only within the last few days. There is one thing we have adopted universally, where it is possible to adopt it, and that is in all States where the compensation laws have been passed—the elective compensation laws—we have elected to adopt those compensation laws, because we think very well of them as a whole.

Chairman WALSH. Did your companies take any part in promoting or opposing compensation laws in any of the States of the Union?

Mr. GUGGENHEIM. We never opposed them. I would not permit that under any circumstances. I don't know to what extent our local managers may have aided or assisted, but we do not oppose any legislation, and our managers have instructions not to do that. That is not their business. Their business is to run the plants, and legislation is another matter. As a company we never do anything of that kind. We would not permit it.

Chairman WALSH. Is the report or suggestion as to the benefit association in written form, Mr. Guggenheim?

Mr. GUGGENHEIM. I say I do not know. We were only discussing—I don't know whether the report is made up yet or not. I have only been discussing it with some of our directors.

Chairman WALSH. Well, whose duty would it be to make that report?

Mr. GUGGENHEIM. Dr. Neill's.

Chairman WALSH. And please state again to just what extent that work has gone—the organization of a beneficial association.

Mr. GUGGENHEIM. Well, they have made the investigations and they are going to make the report now.

Chairman WALSH. They are going to report or have made a report?

Mr. GUGGENHEIM. They have made it orally; whether or not it has been passed up to the committee or not in writing, I do not know.

Chairman WALSH. Would you please state the general form of the scheme?

Mr. GUGGENHEIM. Well, the general form is to provide in a general way for the improvement of the laborers.

Chairman WALSH. Does it provide a death benefit?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Sickness benefit?

Mr. GUGGENHEIM. Yes; and an injury benefit, as I understand it, in the case of injury. We have already adopted, as an experiment, at one of our plants, as I understand it, in the case of injury. We have already adopted as an experiment at one of our plants, Perth Amboy, N. J., a scheme whereby the company insures our workmen in the case of death. This has been done at our expense, and we want to see how that works out. That was done a couple of years ago, if I remember rightly, at the suggestion of one of our directors.

Chairman WALSH. What was the plan?

Mr. GUGGENHEIM. The plan was to allow them $500 to $1,000, as to whether they were married or unmarried, in case of death; a simple proposition of that kind. And then we have considered the improving of our laborers and the housing, etc.; and increasing their sanitary arrangements wherever possible to advantage. Now, the details of all those things there will be no difficulty in getting them up and handing them to you, so that you will have them absolutely accurate. You see, my province in the business is the suggestion, as president of the company, of general policies of business; and it does not fall to me to know all these details. These are divided up among special committees, and each committee has its work; and there is the so-called labor committee, composed of members of the executive committee, and any information in that direction can be furnished you accurately by the party in charge of it; and I should say that Dr. Neill was the man best qualified to do so, because it is under his direct jurisdiction.

Chairman WALSH. Under the plan adopted two years ago is the money paid directly by your company to the beneficiary?

Mr. GUGGENHEIM. I think it is paid by the insurance company. In fact, I have not the details as to how it was done. It was a simple arrangement made whereby in case of the death of a single man or a married man while in the employ of the company he was given a certain sum of money, from $500 to $1,000, and we paid the insurance company a certain amount for doing that for us. Now, whether the insurance company pays the men the money or our company pays the men the money, I don't know; but I will be glad to furnish you the details of that if it is of interest to you.

Chairman WALSH. It is. Does the employee pay anything for the insurance?

Mr. GUGGENHEIM. No; not for that insurance.

Chairman WALSH. Now, you state that you have a labor committee——

Mr. GUGGENHEIM (interrupting). Yes.

Chairman WALSH (continuing). Within the executive committee?

Mr. GUGGENHEIM. Yes, sir.

Chairman WALSH. How many members constitute that committee?

Mr. GUGGENHEIM. I think three members—four, altogether.

Chairman WALSH. Are you a member of that committee?

Mr. GUGGENHEIM. No, sir.

Chairman WALSH. What are the names of the members of the labor committee?

Mr. GUGGENHEIM. I can not give you the names offhand, either.

Chairman WALSH. Can you give the names of any of them?

Mr. GUGGENHEIM. Yes. I think Mr. Loeb is on it, and Dr. Neill, I think, and Mr. Brush. I can not recall the others. Perhaps Mr. Ellers or Mr. Newhouse.

Chairman WALSH. And is Dr. Neill a director in your company?

Mr. GUGGENHEIM. He is.

Chairman WALSH. When was that committee created?

Mr. GUGGENHEIM. That I can not give you, the date.

Chairman WALSH. Well, was it since Dr. Neill came with your organization?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. And when did he come with your organization?

Mr. GUGGENHEIM. I think about a year and a half ago.

Chairman WALSH. Prior to that time did you have a labor committee?

Mr. GUGGENHEIM. No; there was not any labor committee; but the various members of the executive committee would participate in the discussions and the making of recommendations as to what should be done, and then those recommendations were sent to the superintendent in charge of the plant.

Chairman WALSH. If you, as president or as a director, were convinced that labor conditions in any of the corporations in which you are interested were such that workmen were unable to support their families without putting their wives and their children to work, or if the nature of the employment re-

suited in industrial disease, as if the accident rate was excessive as compared with other corporations, what action would you take?

Mr. GUGGENHEIM. I would immediately bring the matter to the notice of the executive committee and would order an investigation, and if the conditions were as you have stated they might be I should order—do everything in my power to see that they were changed or remedied for the benefit of the workmen. And if my corporation would not carry out my ideas in regard to that, I would have nothing to do with it.

Chairman WALSH. In the report of the Bureau of Statistics of the State of New Jersey—you had a strike, I believe, in New Jersey, quite an extended strike, in 1912?

Mr. GUGGENHEIM. Yes; quite right.

Chairman WALSH. It is stated, we are informed in the statistics of New Jersey in connection with that strike the following alleged facts: That the standard for laborers before the strike was $1.40 per day.

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Is that correct?

Mr. GUGGENHEIM. I can not state that. I would not know. That is a detail that I would not have in my mind, naturally.

Chairman WALSH. Wouldn't you have in your mind as to what the rate of common labor was prior to 1912?

Mr. GUGGENHEIM. No; I would not.

Chairman WALSH. Was there any increase after the strike?

Mr. GUGGENHEIM. That I do not recollect. Those details I would not care to state offhand, but I could let you have the information in case you have not got it; would be only too pleased to give it to you.

Chairman WALSH. At that time did you make any personal inquiries as to the large fact as to how much the common laborers received?

Mr. GUGGENHEIM. No; I did not. I do not go into the details of those things. My duties won't permit of it.

Chairman WALSH. Was it a fact that it——

Mr. GUGGENHEIM (interrupting). My other duties, I mean—I beg pardon.

Chairman WALSH. There was somebody whose duty it was to go into the details?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Who was it?

Mr. GUGGENHEIM. At that time we selected one of our directors—Mr. Willard S. Morse—in whom we have great confidence, and whom we believe is a man with a humane side as well as a business side. I told him specifically to go over to Perth Amboy and to remain there and study up the conditions and see what the difficulties were, and do everything that was right in order to bring about a proper adjustment as between the laborers and ourselves. And he had that business specifically under his charge, and he cooperated with our managers there and, I believe, with the local authorities; and in addition, if my memory serves me correctly, President Wilson selected some one to go there and see what could be done to bring about an adjustment of the question. And after the trouble was disposed of this gentleman—I forget his name—called me on the telephone and told me that he was highly pleased. He was on the governor's staff. He was a man in the banking business. I can not just recall his name, but I can get it when necessary. He told me that he was highly pleased with what Mr. Morse had done, and also with the spirit of the company in trying to meet the workmen in every way possible. In fact, he complimented me; and I told him I appreciated what he had said in the premises, too.

Chairman WALSH. Now, then, as I understand you, prior to the formation of this labor committee in the employment of Dr. Neill, your plan was to have one individual investigate and ascertain labor conditions; is that correct?

Mr. GUGGENHEIM. No; that is not quite correct.

Chairman WALSH. State it again, please.

Mr. GUGGENHEIM. The general manager in charge of the plant has, of course, naturally all of the information in regard to the laborers and the conditions that obtain. And the executive committee would from time to time—several of the members of the executive committee—would visit various plants and see what was going on and what was happening. And in addition to that they would make, on their return to New York, a report to the general executive committee as to what the conditions were regarding the plant, labor and operations, profits, losses, purchase of ores, and everything pertaining to the business. In that way all the directors were reasonably well informed as to what

existed; and in case of trouble at any plant it is the duty of the general manager or the superintendent at the plant to immediately take up the matter with the home office. And then in that event, if it is thought advisable, generally speaking, a director or two directors are sent to the place where the difficulty is—where the trouble is—to confer with the general manager or superintendent in order to be of service to him to bring about proper conditions as between the laborers and the general superintendent, and they would try to adjust matters, and generally succeeded in doing so. They would be in touch with the whole—with the entire board of directors and the executive committee—and would tell them just what the conditions were, and we would advise them from time to time just what they should do, or what we thought was fair, or what we thought was right. If an advance was advisable, or for some other reason, we would take up the question and decide what should be done. So that the entire board of directors in our case are practically responsible for the conditions that obtain at these plants. We do not care to shirk our responsibility. They are willing to assume that responsibility, and they are in sympathy to improve the conditions of labor wherever it is possible. And if they can adopt the measures that they have been asked to and are able to do it, if it is from a business standpoint, it is done.

Chairman WALSH. Now, in discharging this responsibility that you have just mentioned, I will ask you if you did not observe, as president and as a member of the board of directors, and as a member of the executive committee, that the standard rate for laborers in your plant in 1912 was $1.60 per day? That was the question, Mr. Guggenheim.

Mr. GUGGENHEIM. Well, I have taken up a lot of time in answering that simple question. I do not recall what the wages were at that time—whether a fair rate or a low rate. I can not remember whether it was $1.60 or whether it was $1.40, or whether it was $1.80; naturally, after two years I would not have that in my mind.

Chairman WALSH. What is the chief factor in the proposition or contention of the men; is it a question of hours between the employer and the employee?

Mr. GUGGENHEIM. It is, generally speaking, a question of wages.

Chairman WALSH. And, next to that, the question of hours?

Mr. GUGGENHEIM. The question of hours is a very important matter, naturally.

Chairman WALSH. And then the question of surroundings and conditions?

Mr. GUGGENHEIM. Yes; quite right.

Chairman WALSH. When these gentlemen made these investigations in your plant, was it the custom for them to talk to the workers themselves—the individual workers?

Mr. GUGGENHEIM. Yes. I gave them instructions to do that very specific thing. And I recall an incident of the first day, Mr. Morse told me; he said he sent for three of the men and asked them what they really wanted. He said that each of them wanted something different; they could not reach a conclusion, because they did not really know what they wanted. That was all the difficulty. One man wanted one thing and another man wanted another thing, and the third man wanted something else. I told him that these men—to treat them kindly and do the best that they could with them and try to have them to formulate their demand so that it would be in shape that they could discuss and be reasonable to them and reasonable to us. They worked on that general principle, to try to get them together and agree what they did want. It was finally settled. I do not remember what the basis of settlement was, but it was finally disposed of. After the minds had met it was disposed of, but I know they went back to work, and we were very well pleased, and I know I got that complimentary message from the gentleman who represented the governor of the State at that time. President Wilson was then governor.

Chairman WALSH. Do you know what the standard rate for laborers is at the present time in your New Jersey plant?

Mr. GUGGENHEIM. No; I do not know that detail, and if I did know I would not be able to know whether that is a fair wage or not. It may be $1.60 or $1.80. One plant may pay $3 and another a great deal less. Unless I go into all of the details I would not know whether it was fair or not.

Chairman WALSH. Without regard to whether it is fair or not, do you know of any plant in New Jersey in which the standard wage is $3 a day; the standard rate is $3 a day?

Mr. GUGGENHEIM. I do not think there are any plants that pay that much, but my information on that subject is general.

Chairman WALSH. I gather from that same report that the majority of your employees at Perth Amboy work 12 hours a day; is that true?

Mr. GUGGENHEIM. I do not think so.

Chairman WALSH. What hours per day do the majority of your employees at Perth Amboy work a day at the present time?

Mr. GUGGENHEIM. My impression is that it is eight hours.

Chairman WALSH. Do any number of these work 12 hours a day?

Mr. GUGGENHEIM. I think not; but I am not positive about that. That is a detail of the business which I have not followed.

Chairman WALSH. Do you recall that, from any report made by any subcommittee or anything you heard at any meeting of your executive committee?

Mr. GUGGENHEIM. No.

Chairman WALSH. Is it a fact that the plant is operated continuously day and night?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Is it true that much of the work is done under such intense heat that an occasional day of rest is a necessity for the men, that even men of the strongest physique require such a day of rest, and that consequently you are required to carry many extra laborers on the pay roll?

Mr. GUGGENHEIM. In that case the Sundays have been cut out, and they do get a day of rest where the heat is bad. We do that and are glad to do it, for a man should not be required to work seven days. We have a plant in the West, the United States Zinc Co., where it is difficult work for even eight hours, and there we pay good wages, and do the best we can from a humane standpoint. Our managers there pay attention to that and have instructions from us not to allow the workmen to work under conditions that are derogatory to their health.

Chairman WALSH. The question was, Is your company obliged to carry many extra laborers upon its pay roll to meet that situation?

Mr. GUGGENHEIM. No.

Chairman WALSH. That is not true?

Mr. GUGGENHEIM. No.

Chairman WALSH. What do you think that the standard rate of wages for a laborer ought to be in New Jersey at the present time, considering the cost of living and all of the other conditions that you might think of that enter into that question?

Mr. GUGGENHEIM. That is a question that requires a great deal of study, and I must plead ignorance in not being able to pass upon it.

Chairman WALSH. Should the men engaged in labor be required to work 12 hours a day?

Mr. GUGGENHEIM. No; they should not.

Chairman WALSH. Please explain the relative frequency of strikes at the American Smelting & Refining Co.'s plant at Perth Amboy. I believe there was one in 1910?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. And another in 1912?

Mr. GUGGENHEIM. I do not think those are frequent strikes—to have one in a year, or two years, when you consider the difficulties that the laborers have to live under and the high cost of living, and there naturally will be discontent, and there is discontent, and I have a very sympathetic feeling for their troubles, for I know they are living under very difficult conditions at the present time. I mean during the last year or two, during which time the cost of living has gone up so.

Chairman WALSH. Would that be your idea—leaving out the word "frequency"; would that be your idea, that the strikes that have occurred at Perth Amboy were due to the high cost of living?

Mr. GUGGENHEIM. I should say that would be the main cause of dissatisfaction and unrest in labor, because the cost of living has advanced so much in the last few years.

Chairman WALSH. What is your attitude toward the organization of employees for their own protection and for what they deem best to advance their interests?

Mr. GUGGENHEIM. I think they are fully justified, and I fully approve of it.

Chairman WALSH. Upon what information or experience is that attitude of yours based?

Mr. GUGGENHEIM. The general knowledge I get of what is going on in a general way, and knowing that the capitalists very frequently are very arbitrary men, the same as the laborer when he gets too much power can be very arbitrary, and is very arbitrary, but I fully believe the laborer has a right to organize and should organize to protect himself the same as the capitalist.

Chairman WALSH. What is your attitude toward permitting union organizers not connected with your corporation to address your employees and carry on their work?

Mr. GUGGENHEIM. They can do anything they please outside of the grounds. That is their business and we do not believe in handicapping the workmen. They are human beings the same as the rest of us. They have the right to do what they please. Our men do not stop them, and they are instructed not to stop them outside of the grounds.

Chairman WALSH. Are instructions given to the managers of your plants in writing?

Mr. GUGGENHEIM. No; those discussions take place orally. The managers frequently visit us, and many of our managers are directors, and when they come on they know the general policy of the company and they are informed in that way just as to what we want them to do. There are frequently letters written covering our wishes. We are not afraid to write letters, and we do so and give them instructions in that way.

Chairman WALSH. As the result of your observation and experience, would you say that industrial discontent in America is increasing or decreasing?

Mr. GUGGENHEIM. I should say that it is increasing and has been increasing for many years, and I am sorry to say that I fear it will continue to increase unless things are done to prevent it for the benefit of the laboring classes.

Chairman WALSH. What is causing this increase of industrial discontent, in your opinion?

Mr. GUGGENHEIM. The high cost of living primarily, and next the worst canker the world is suffering from, which is the canker of envy, and when the poor man realizes how much he has to be envious for it is natural that it will create discontent and to a very great extent. That is the unfortunate thing that prevails throughout the entire human race.

Chairman WALSH. You say that will continue to increase unless something is done to remedy it?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. From your experience in industry, Mr. Guggenheim, what remedies would you suggest?

Mr. GUGGENHEIM. A great many things have been done during the last few years, but more things will be done in the years to come, because, I think, that there has been an awakening, because the laborer and employer, and among the managers of business, they are commencing to realize to a greater extent than ever before that they have obligations toward the workingman beyond that of trying to get only results. The same as I do not think the world believes to-day that, in order to get on in business, you have to ruin your competitor. Formerly it was a question of the survival of the fittest, but I think we have evolved from that policy, as I think the employer of labor has evolved from the policy of grinding his laborers down and paying them the lowest wages possible and utilizing them for his own interests and for nothing beyond that. I hope the capitalist—and I hope I am not mistaken—has become more humane, and I think finally in that way we will get away from a good deal of the discontent that now exists.

And in addition to that, although many people are of the opinion that too much legislation is going on and that we are suffering from too much legislation, I do not agree with that idea at all. I do not think we have begun to legislate to the extent that we shall in the future. I think we are many years behind the advanced countries in that direction, like England and Germany, in providing for the welfare of our workmen. I think the difference between the rich man and the poor man is very much too great; and only if that is done will we be able to get away from the unrest that exists among the workingmen, and surely the men who have been successful can not be very happy when they realize how much unrest there is and realize what is taking place. A great deal can be done in a legislative way. I am a great believer in the legislation that is being discussed and thought of, where the Federal Government and the State—the employer and the laborer get together, and laws being enacted where they all participate, covering the laborer's time of working life and after his injury and after he dies. A great deal can be done in that way, in my judg-

ment, but it is too big a job for the State to tackle alone, or labor to tackle alone. I do not know that that will satisfy labor, because they want something more, beyond that, or those that think want more than that. They want some of the comforts and necessities of life and more of the luxuries, and they are entitled to them and ought to get them. I think the appointment of such a commission as this will lead up to some legislation along the line it should, and I do not say this because I am beyond the question of want, but I have a humane feeling for my fellow man and have always had it and I feel that way.

Chairman WALSH. Aside from the feelings of humanity, or even of benevolence on the part of the employers, do you believe that just and fair conditions can be brought about between employer and employee unless the employee has a compelling voice in the fixing of his own conditions of labor, wages, hours, and the conditions which surround him while he is at work?

Mr. GUGGENHEIM. No. I do not think you could bring it about universally. You might do so in some instances.

Chairman WALSH. So that industry must be democratized as a social society from a political standpoint if justice is to be worked out?

Mr. GUGGENHEIM. I think so.

Chairman WALSH. And should all efforts of employers and employees and humanitarians and the Government be pressed in that direction?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. You have no doubt about that in your experience?

Mr. GUGGENHEIM. Absolutely none.

Chairman WALSH. Has any man in a political democracy such as suggested justified in refusing the extension of that idea?

Mr. GUGGENHEIM. No; he has not.

Chairman WALSH. I am putting that, now, both generally and locally.

Mr. GUGGENHEIM. I agree with that fully and unequivocally.

Chairman WALSH. And in democratizing industry, as a political society or society from a political standpoint, you must deal with the material at hand?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. The employer, for instance, could not say that he would refuse to deal with another man—an employee—for any defect he might claim existed in the man's character any more than an employee could refuse to deal with the employer because of the same reason?

Mr. GUGGENHEIM. You are quite right. I believe that legislation that will benefit the many is justifiable under all circumstances, no matter what they are. That which will make the most people of the country happy.

Chairman WALSH. In what philanthropic activities are you interested, either as a contributor or director?

Mr. GUGGENHEIM. I do not think I care to advertise that.

Chairman WALSH. It is not a matter of advertising, Mr. Guggenheim, I may assure you, at all.

Mr. GUGGENHEIM. I appreciate the sentiment that prompts you to ask that question, Mr. Chairman; but I do not think I care to go into that, and I do not think it is necessary. I am trying to do my duty as a philanthropist and charitable man; but I do not think any of us give up enough. We do not give enough at any time, generally speaking. I am not specific now.

Chairman WALSH. Appreciating your feeling of delicacy in referring to the amount, I will ask you to state along what line your philanthropic activities go into?

Mr. GUGGENHEIM. In every direction, whether looking after the unemployed at the present time, or providing hospitals for them or homes for them, or homes for the injured, the old people, and the orphans. I am participating in various directions, and none of them fail to appeal to me or to Mrs. Guggenheim, who cooperates with me to a great extent in work of this kind; but I do not care to be more specific.

Chairman WALSH. In your opinion, have philanthropic activities generally had any effect toward reducing industrial discontent?

Mr. GUGGENHEIM. No; only to a limited extent, and that extent is very, very limited. In other words, the cases that most people deal with are cases of necessity that have come up from time to time, and the necessity seems to grow; but those are big matters, and, in my judgment, those are matters—that no man should be refused a job in case he is fit to take one, and if he can not be employed it is up to the State to see that he gets work; and I think it is up to the State or Federal Government to see that every man physically unfit, if he is

sick, gets a berth at the hospital. Every man that is sick or can not work should be looked after. You may call that a socialistic tendency, but those are my views.

Chairman WALSH. What do you think has been accomplished by the philanthropic activities of the country in reducing suffering and want among the people?

Mr. GUGGENHEIM. There has a great deal been done. If it were not for what has been done and what is being done we would have revolution in this country. The people could not live that are out of employment if it were not for the philanthropic work that is being done; but no matter how much is done, enough is never done, because the people themselves do not realize what the situation is, and there are so many thousands of people that do not like to part with the money they have made that they do not need and which is of no advantage to them. They have not learned to give up. It is a habit you have to acquire in early life, and it is a good habit to get into.

Chairman WALSH. You have mentioned what might be called general socializing of this form of activity—social insurance against sickness, and things like that.

Mr. GUGGENHEIM. Yes.

Chairman WALSH. Do you consider, from your experience in philanthropic work, that any substantial gain can be made in social betterment except through the democratizing of those interests as well, putting them in the hands of the Government and allowing it to raise the money by a system of taxation and allowing it to do the work itself?

Mr. GUGGENHEIM. I think it should be finally handled by the Government. We are taking care of the necessities, but they are growing continuously, and I think that is the work of the State or of the United States, to look after those people. The State mus raise its money by taxation—by taxing the fortunes of the people when they die in a sufficient amount to enable it to do those things. Those are my personal views, of course. Many do not believe as I do in that regard.

Chairman WALSH. What do you consider might be called the fundamental evil of allowing such things to be done by private benefactions entirely?

Mr. GUGGENHEIM. The result is that you pauperize the people; and then you often come in contact with the people of finer feelings who do not want to accept charity. I come in contact with that every day in the week, almost every hour of the day. I know of people who would rather starve and have starved before accepting help from others; they won't accept charity, and there are hundreds of them. They are men and women, not dogs and animals, that absolutely refuse to accept assistance in a charitable way, and that condition can only be handled by the State.

Chairman WALSH. Have you observed a growing protest upon the part of men and women who work in these industries against any of the profits of those industries being conferred by private benefactions?

Mr. GUGGENHEIM. I will ask you to repeat that question please.

Chairman WALSH. Have you observed a discontent on the part of the individual workers in industry toward a portion of the product of that industry being conferred by private benefactions?

Mr. GUGGENHEIM. They would rather become participants in that product, and they are entitled to become participants, than accept help in a charitable way, and it is much better because it means the uplift of the men by allowing them to participate in the profits. The great difficulty at the present time is that it is very difficult for these men who work to save anything. They do not know what saving is. Therefore, I am a believer in participation in profits by the laborers in industry, and then not only letting them participate, but it should be so formulated and arranged that their money is given to them in bulk at the end of a certain period and deposited in some bank or savings institution, because the laborer usually does not know the way to save his money; if he gets it by the week he spends his money, his expenses grow with his receipts. A few men learn how to save, and it is a difficult matter for a poor man to learn to save. Therefore, if he had an extra bonus at the end of a certain period, no matter how small it was, and that were deposited for him in some savings bank, that would develop hundreds and thousands of poor people who would be much better off because they would have money where now they spend it; and that is one of the reasons for so many poor people not getting on in the world. That is not saying that we do not have hundreds and thousands of people in this country who do save money, because the savings

banks are full of it, but the plan which I have outlined would enable others to save money and that would improve the condition of unrest that now exists. Assume a man has something of his own which he has put aside he feels differently. You must educate the people to do those things as you educate a boy to read and write. People must be educated in every walk and phase of life, and to educate them to save money is one of the most difficult things to do.

Chairman WALSH. Do you put the ideas which you have expressed here, of giving them a fair share of the profit—do you put that on the ground of benefactions or charity, or on the ground of elemental justice?

Mr. GUGGENHEIM. On the ground of their rights.

Chairman WALSH. That is, elemental justice?

Mr. GUGGENHEIM. Yes; elemental justice.

Chairman WALSH. Now, that being true, what is the logical foundation for withholding that from the man for any length of time or making any terms to him as to that?

Mr. GUGGENHEIM. That is a difficult problem. The man is human and says that he wants his wages, but you can put it on the same ground you do in paying the investor his dividend. He does not get his dividend every week or every day, but at the end of six months or a year. And when they get it in bulk they could have instructors at the plants or from the State or county or city to teach the men what to do with those dividends and devising ways and means for the investment of that money, instead of allowing them to put it into speculations where they lose it. If they put it into savings banks protected by the State their money is safe from loss there, and this plan would result in benefit to the people at large.

Chairman WALSH. Theoretically the stockholder in industry indicates those conditions for himself, as to when he shall receive his dividends.

Mr. GUGGENHEIM. No; as the usual method is regulated, it is a question of expediency.

Chairman WALSH. But theoretically, the stockholder regulates that because he has a right to vote on it?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. And there is no holding of the dividend, or advice given to the stockholder, as to how he shall use his money?

Mr. GUGGENHEIM. No.

Chairman WALSH. Some stockholders are thrifty, and others are shiftless and lose their money?

Mr. GUGGENHEIM. Yes.

Chairman WALSH. And some workmen are thrifty and some otherwise?

Mr. GUGGENHEIM. Yes; but I think you will find that the greater proportion of them are thriftless than otherwise, and if you could find some one to help them in that direction it would be a good thing.

Chairman WALSH. Your experience shows a greater number of working people who are improvident than among those who are the possessors of wealth?

Mr. GUGGENHEIM. That is natural; those men and women have become wealthy because they have been thrifty.

Chairman WALSH. All of them?

Mr. GUGGENHEIM. No; but in America I think we can assume that the most of those who have become wealthy in the last 10 or 15 years have been thrifty. But if you go back 40 or 50 years you will find there are some who have inherited their wealth from their worthy or unworthy sires, and I sympathize with them, for the rich men's sons deserve some sympathy, not to the extent that the laboring man does, but often he does not know how to take care of himself.

Commissioner GARRETSON. Mr. Guggenheim, speaking of the reports that are made by your superintendents or managers in the event that labor troubles arise, do you accept the reports of such superintendents or managers as conclusive or do you use means of your own to determine whether or not a course pursued by the superintendents or managers has been conducive of the trouble?

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. You use your own methods or take his as conclusive?

Mr. GUGGENHEIM. No; we usually send a director or two out to the place to ascertain, men that are without prejudice and unbiased, to go into the thing thoroughly and find out who is responsible for the trouble and to make a thorough investigation. Those directors then report by telegraph or letter, or they come back after they are through and report to the general board of directors what has happened and the causes of it.

Commissioner GARRETSON. If their report was to the effect that the manager himself was at fault, that it had been his methods which had brought about the trouble, there would be no hesitancy on the part of the corporation in reversing his action?

Mr. GUGGENHEIM. Absolutely no hesitancy.

Commissioner GARRETSON. Is not the idea underlying pensions, sickness insurance, unemployment insurance, and all that class of so-called social insurance—is not the underlying idea the protection of society really instead of the protection of the individual in a very large degree?

Mr. GUGGENHEIM. Oh, I couldn't say that; I wouldn't say that; I could not agree to that.

Commissioner GARRETSON. What does actually underlie it?

Mr. GUGGENHEIM. I think what really underlies—there are two things underlie. I know one case I can speak of from experience. I think there is a great human side to many of the people which appeals to them, and then when it is discussed, as we so frequently discuss it, around the table, we eliminate, for argument sake, the humane side; and those men are progressive and understand the situation, and they discuss it from the standpoint of getting better results. I do not think my own people, from my own particular experience—but what it is to the interest of the employer to improve the condition of his workmen, to give him these things, so that he is not worrying and bothered about what is going to happen if he gets sick and leaves and goes to some other place to try to improve his condition. We get better efficiency and we get better results in a business that will adopt these methods. I am satisfied, and I am satisfied that 95 per cent of our directors are satisfied, that it brings about that result. If you wish to eliminate the humane side of it entirely, they will agree, of course, within reason, as to what the size of the pension should be, how to look after these men, and how to get a better efficiency. It is the workman who comes and works three months and then goes some place else and works another three months, even the unskilled laborer—it takes him some time to get acquainted with things and know how they should be done.

Commissioner GARRETSON. Eliminate the humanitarianism and good business. Take an interest like the railways.

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. Crippling 500,000 men a year.

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. In the absence of humane legislation, social legislation, insurance, are not those men thrown onto the public to support if the employer who crippled them fails to take up the burden?

Mr. GUGGENHEIM. There is no doubt about it.

Commissioner GARRETSON. Therefore, is not the underlying idea of all such social legislation the guarding against the exploiting of the public by the employer in the pursuit of his business unconscious exploitation?

Mr. GUGGENHEIM. Yes; quite right; yes.

Commissioner GARRETSON. Then it is really the protection of the social body? Do you believe that they can ever attain their full measure of value, either to the social body or to the individual or to the employer until they have become universally under Government control and domination?

Mr. GUGGENHEIM. Well, I am a believer in Government control——

Commissioner GARRETSON. Yes.

Mr. GUGGENHEIM. I am a firm believer in that. Therefore those must be—that must be the conclusion of mind.

Commissioner GARRETSON. Have you noticed, or have you not, that a large part of the distrust of the laboring man of those measures, once put in by the employer alone, grown out of the thought you just mentioned, the three-month's man and the tenure of service, of their being applied as things, it is only done by the individual employer?

Mr. GUGGENHEIM. I do not quite grasp what you mean.

Commissioner GARRETSON. The man working 10 years for you gets the benefits, if at that time his period of service altogether ceases from any cause?

Mr. GUGGENHEIM. Gets the benefit?

Commissioner GARRETSON. The pension or insurance?

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. And so on.

Mr. GUGGENHEIM. Yes, sir.

Commissioner GARRETSON. While the casualist who works the 10 years for 10 different employers gets none of the continuous benefits because his service has not been continuous?

Mr. GUGGENHEIM. That is practically correct, yes.

Commissioner GARRETSON. But he is exactly the same form of charge on the public, if he is crippled, as if he had all those things?

Mr. GUGGENHEIM. That is very true.

Commissioner GARRETSON. I gather from one of your statements that you consider the charities and philanthropies really only deal with effects, while we should go to the cause that creates the necessity?

Mr. GUGGENHEIM. Yes, sir.

Commissioner GARRETSON. You spoke of the envy that was a large element?

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. In the creation of industrial unrest?

Mr. GUGGENHEIM. Yes, sir.

Commissioner GARRETSON. Have you ever differentiated between what might be termed legitimate and illegitimate envy—that is, justified and that that is not justified?

Mr. GUGGENHEIM. Oh, there is a great deal of it justified; only too much, unquestionably.

Commissioner GARRETSON. Take a time like the present, for instance, and bear in mind I am not using numbers that are in any way meant to approximate, I am only using round numbers, when a million men possibly are unable to buy bread for their wives on account of unemployment?

Mr. GUGGENHEIM. Yes.

Commissioner GARRETSON. Can anything create more industrial unrest than the exploiting of the fact that the representative of a great interest, of a great industry, who had squandered a million dollars in wasteful gifts on his family?

Mr. GUGGENHEIM. Well, that is a justifiable cause for envy.

Commissioner GARRETSON. Could that be anything else than starting an anarchy factory?

Mr. GUGGENHEIM. No; it would, in part.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Mr. Guggenheim, from your liberal views you have expressed in dealing in the matter of labor, I gather that among other things you are in favor of industrial democracy?

Mr. GUGGENHEIM. Yes.

Commissioner WEINSTOCK. Now, will you explain to the commission, Mr. Guggenheim, how you would go about to establish industrial democracy? What would be the first thing to do and what would be the second thing to do, and so on, that industrial democracy may be realized?

Mr. GUGGENHEIM. That is a question I could not answer here offhand. That is a subject that requires a great deal of thought and study. Generally speaking, Commissioner Weinstock, I am in favor of that being brought about by cooperation of the Federal Government, of the State government, the employer, and the employee. In that way I think if the laws were properly enacted, I think we would very much improve the conditions of the people by legislation.

Commissioner WEINSTOCK. Well, now, let us make sure that you and I understand alike. What is meant by industrial democracy?

Mr. GUGGENHEIM. What is your view?

Commissioner WEINSTOCK. Will you be good enough to tell me what your definition is of industrial democracy?

Mr. GUGGENHEIM. Well, my understanding of that in the broad sense is the man that performs the labor has got something to say.

Commissioner WEINSTOCK. Has a voice?

Mr. GUGGENHEIM. Has a voice in the matter, and it has been very fortunate that he has had a voice in the matter, otherwise we would not have had these compensation laws which are now being enacted throughout the States. If there had never been any unrest, there would never have been much of that brought about for the worker. In one instance here we refused within 14 days to go under the elective compensation laws. And that is one thing. It is simply a beginning. We have only started, in my judgment, to do these things, because if that awakening occurs among our people as it has been taking place in other countries, like England and Germany many years ago, I think we have been very much behind the times, but, fortunately, it is coming. It is never too late to do good, and so, fortunately, it is coming.

Commissioner WEINSTOCK. Well, under a common condition of industrial democracy, then, the worker would have a voice in the fixing of his wage, the fixing of his working hours, and in the determination of his working conditions?

Mr. GUGGENHEIM. Yes; he should have that voice.

Commissioner WEINSTOCK. Now, with that end in view, with that as the objective——

Mr. GUGGENHEIM. Yes.

Commissioner WEINSTOCK. What ought the employers of to-day to do?

Mr. GUGGENHEIM. Well, I am a firm believer—if the employee has a voice and can dictate to the employer, both parties are going to strive to get the best bargain that they can make, and it is only natural. Now, I prefer the conciliator as the better method than that of the compulsory arbitration. But they will never get together if both parties are equally powerful, which is a matter of course, and the result is disastrous and brings on more misfortunes to both parties to the affair. Therefore I believe that we will have to find some way of settling the question than either—I have always felt that the conciliator could do a great deal better work than what the compulsory arbitrator could do. But if nothing else could be found, I know of nothing then, but it would have to be compulsory arbitration.

Commissioner WEINSTOCK. Can the worker, so far as you know, Mr. Guggenheim, as an individual, pure and simple, hope by his individual efforts to establish industrial democracy?

Mr. GUGGENHEIM. No; I don't think he can as an individual.

Commissioner WEINSTOCK. It has got to be done collectively?

Mr. GUGGENHEIM. Collectively, and then through legislation, because if it is done through legislation, then it is prescribed and you can do away with the conciliator, you can do away with the arbitrator, the compulsory arbitrator. That is why I favor legislation.

Commissioner WEINSTOCK. Does that lead us, then, to the point where it is made plain if the worker hopes to see industrial democracy established that his first step must be along the lines of organization in order to get collective action?

Mr. GUGGENHEIM. Absolutely; he has got to organize.

Commissioner WEINSTOCK. He has got to organize?

Mr. GUGGENHEIM. Otherwise he can not accomplish his object.

Commissioner WEINSTOCK. Well, on the other hand, what do you think, Mr. Guggenheim, should be the attitude of the employer, say the large employer, how should he recognize and deal with these collective bodies; do you think he should?

Mr. GUGGENHEIM. Absolutely.

Commissioner WEINSTOCK. He should?

Mr. GUGGENHEIM. Of course, you must not overlook the fact there are bound to be good organizations and bad organizations, the same as we have good trusts, so called, and bad trusts. But a good trust with people at the head, and also a good organization of labor, we have a great many in this country, and any public-spirited man or any citizen is proud of a good many of our labor organizations, and they have reason to be proud of them. They can always get together, in my judgment, and solve their difficulties and discuss their troubles and can dispose of them. But the difficulty is that there are a number of bad organizations or so-called bad trusts and bad employers at the same time. The superintendent at the plant takes an arbitrary position just the same as the workingman may take an arbitrary position. There is no one over him, and he does not have to refer to his board of directors; he simply goes to work and does as he pleases. And in the case of that kind it may be very disastrous—the result—and it becomes a question of the survival of the fittest. I do not believe in the survival of the fittest. That is something I do not approve of. There are others that do—numbers do approve of it.

Commissioner WEINSTOCK. May I ask what has been the policy of the corporation that you are connected with, Mr. Guggenheim; do you recognize bargaining with organized labor?

Mr. GUGGENHEIM. We have the so-called open shop. Anybody, any body of men can come to us, for we look upon our men and want to be fair and reasonable. Of course, we have to use some discretion in the organization to protect our operations. We have got to take care of our shareholders as well as our laborers. We have to view it from the broad standpoint.

Commissioner WEINSTOCK. Do your companies engage in collective bargaining?

Mr. GUGGENHEIM. We do not object to dealing with anybody. We do not discriminate in any manner, shape, or form. The men may come and treat with

us as an organization or as individuals, or two or three, or as a body, or representing the organization.

Commissioner WEINSTOCK. Do the companies that you are connected with enter into agreements, into written agreements, with labor bodies?

Mr. GUGGENHEIM. Well, we agree—oh, yes; we have done that; we agree to do that. Of course, very often these labor organizations have representatives.

Commissioner WEINSTOCK. Are any of those companies operating under labor agreements at this time?

Mr. GUGGENHEIM. No; not that I know of.

Commissioner WEINSTOCK. You have none?

Mr. GUGGENHEIM. No.

Commissioner WEINSTOCK. That is, at this time you are practicing practically individual bargaining?

Mr. GUGGENHEIM. We agree what we will do and live up to it, and if the laborer becomes dissatisfied he makes a kick.

Commissioner WEINSTOCK. At this time you are practically engaged in what would be called individual bargaining?

Mr. GUGGENHEIM. Yes.

Commissioner WEINSTOCK. You make a bargain with each individual worker?

Mr. GUGGENHEIM. It is not usually done that way.

Commissioner WEINSTOCK. What is the way?

Mr. GUGGENHEIM. They come in in groups, three or four, in case of trouble, for instance; and, of course, the individual worker can come in, if he happens to be a carpenter or a bricklayer, and say, "I would like to have more wages," and it is looked into.

Commissioner WEINSTOCK. But you deal with him as an individual?

Mr. GUGGENHEIM. We deal with him as an individual.

Commissioner WEINSTOCK. But you don't deal with them as an organization or organized body whatever? You do not have a committee who comes to see you in behalf of the men?

Mr. GUGGENHEIM. If they do come we receive them and give them every consideration.

Commissioner WEINSTOCK. But you deal with them collectively, or how?

Mr. GUGGENHEIM. We deal with them collectively, or if they come individually, or take them any way they want to come. There is absolutely no restriction in any way in our business that I am aware of. I would not permit it. I believe that the other fellow has got to be heard. I give our men such instructions. I believe it is very rarely that they do not live up to those instructions. It sometimes happens a man may be hot-headed, and, of course, when we find that out he is called down at once. We try to keep ourselves in touch with what is going on.

Commissioner WEINSTOCK. You say, Mr. Guggenheim, that your corporations are what are known as the open shop?

Mr. GUGGENHEIM. Yes; they are worked under that.

Commissioner WEINSTOCK. And that is, that there are different definitions by different people of what the open shop is. What is your idea—I wish you would tell what is your conception of it?

Mr. GUGGENHEIM. What I mean by the open shop is that we do not care whether a man belongs to a labor union or whether he does not. He comes to us for employment and we give it to him.

Commissioner WEINSTOCK. You do not bar the unionist?

Mr. GUGGENHEIM. We do not bar out anybody. We do not care. They may come and belong to the organization or not. They come for work. They are not discriminated against. I do not believe we have got a right to control a man any more than we have got to control what he eats or what he drinks. When he leaves our works that is his business.

Chairman WALSH. Commissioner O'Connell would like to ask a question.

Commissioner O'CONNELL. Mr. Guggenheim, has your company ever dealt with any particular organization of labor, made contracts with them?

Mr. GUGGENHEIM. I do not think we have, Mr. Commissioner. I am not aware of it. Of course, as I say, those are details which I personally would not be as familiar with as Dr. Neill, for instance, who has been in charge of that branch of the business for about a year and a half.

Commissioner O'CONNELL. Have you any knowledge as to whether there are any of your employees organized at the present time, Mr. Guggenheim?

Mr. GUGGENHEIM. Oh, yes; I am satisfied that a great many of them belong to unions. I know that, generally speaking.

Commissioner O'Connell. Have the employees taken any part in the settling of the present rate of wages or the hours of labor in your company?

Mr. Guggenheim. The employees?

Commissioner O'Connell. Yes.

Mr. Guggenheim. Well, I think—I presume we have. I know when we settled this trouble in New Jersey and at various plants, they say what they want and we consider it. If it is fair we give it to them. If we think we can afford to give them that wage we give it to them; and if we think we can not we bargain with them and tell them the best we can do. They have had a good deal to say as to that. Of course, at the present time the labor condition is not good because there is a surplus of labor; and just as soon as conditions improve and it is justified and the more labor is to be performed, then he makes his demand and will get more for his labor if the conditions justify.

Commissioner O'Connell. The so-called open shop that Commissioner Weinstock just made inquiry about——

Mr. Guggenheim (interrupting). Yes.

Commissioner O'Connell. (continuing). Under the condition of the open shop the employee seeks employment regardless of whether he is a member of a union or not.

Mr. Guggenheim. Yes.

Commissioner O'Connell. And he accepts employment from you on the conditions prevailing when he makes application for that employment?

Mr. Guggenheim. Yes.

Commissioner O'Connell. And nobody prior to his employment, for him at least, has any part in the settling or making of the hours or the wage, but he simply walks into the plant under the conditions prevailing there that he had no part in whatever?

Mr. Guggenheim. That is right.

Commissioner O'Connell. That is what we find in the so-called open shop?

Mr. Guggenheim. Yes. Well, he would find that in any business for that matter—no, in the open shop. Yes, if it was unionized, there would be some conditions.

Commissioner O'Connell. Then he would be somewhat prepared for.

Mr. Guggenheim. Yes.

Commissioner O'Connell. Under contract with somebody?

Mr. Guggenheim. Yes, sir.

Commissioner O'Connell. And would know just exactly the thing he was going into—the conditions that had been in operation in that institution?

Mr. Guggenheim. Yes, sir.

Commissioner O'Connell. As you stated in reference to the organizations in the railway service?

Mr. Guggenheim. Yes.

Commissioner O'Connell. There are contracts made with the various organizations by practically all the railroads in the country?

Mr. Guggenheim. Yes, sir.

Commissioner O'Connell. And a man who seeks employment knows exactly the conditions prevailing under the contractual relations existing between the employer and employee?

Mr. Guggenheim. That does not exist with us. We have no such arrangements.

Commissioner O'Connell. The point I am trying to make is your explanation of the open shop—in that the employee has had no part as to having any say in so far as the wage or the hours or the conditions of employment are concerned which he is going to be employed under. Your firm have done that, have they not?

Mr. Guggenheim. Yes; we have set the price.

Commissioner O'Connell. Set the price and the hours and the conditions under which he shall work?

Mr. Guggenheim. Yes, sir.

Commissioner O'Connell. The job is there, and if he wants it he can have it, and if he don't want it he don't take it.

Mr. Guggenheim. Yes, sir.

Commissioner O'Connell. That is the way of the open shop?

Mr. Guggenheim. Yes, sir. That is the way it operates. Of course he can refuse to work if it does not suit him; and if we need more workmen, as is very often the case, we get them and we have to pay them higher wages. That regulates itself.

Commissioner O'Connell. Now, Mr. Guggenheim, the part I want to get at is, you spoke of the right of the workmen to organize and the benefits that have come in various ways from organization and association and all that?

Mr. Guggenheim. Yes.

Commissioner O'Connell. Suppose I, as an individual workman, was employed in your plant?

Mr. Guggenheim. Yes.

Commissioner O'Connell. And I got the idea in my head that I wanted the hours reduced an hour per day?

Mr. Guggenheim. Yes.

Commissioner O'Connell. How would I be able to bring that reduction of hours of labor about, where there were several thousand workmen employed, in my individual capacity?

Mr. Guggenheim. Mr. Commissioner, it would be very difficult as an individual.

Commissioner O'Connell. What would I have to do to succeed?

Mr. Guggenheim. You would have to depend entirely upon the justice of the corporation that you started to work for, of their acceding to your terms after listening to your argument and considering whether they wanted to give to you and the balance of the men what you asked, and if they did not see fit they simply would not do it.

Commissioner O'Connell. Then, in turn, if I still wanted to secure that, what would be the best policy to pursue?

Mr. Guggenheim. The best policy would be to take the men working there and get together and say, here, we want so much. Then it becomes a question of supply and demand. Then the capitalist says we will not accede to it or we will accede to it.

Commissioner O'Connell. If I hoped to succeed, I would have to try and induce my fellow shopmen to act collectively?

Mr. Guggenheim. Without a doubt. A single individual would not likely, unless the men who listened to him felt that his request was fair, and they would endeavor to make a just decision if it looked reasonable to them after the presentation of the facts.

Commissioner O'Connell. Then, we come down to the point that the so-called open shop is a matter of individual dealing—the employer dealing with the individual—and the right of the individual to make his own contract with the employer?

Mr. Guggenheim. What we do is this: We decide what is a fair return for the workmen and anybody can apply for that position upon those terms, and whether he is a member of an organization or not a member of an organization we have nothing to do with that. That is his individual affair. But we set the wage; what we think is reasonable and right and fair and just; and we say now we will be glad to have you work for us upon those terms and conditions, and if there are enough workmen that want the job they will go to work, and if we can not get enough workmen we will say, "Here, we have got to raise our wages, otherwise we won't get enough men to do this work." Other people are paying more, or we would have to bring them from other places, or we would have to go about it the best way we could to fill up our plant with workmen if we need the workmen.

Commissioner O'Connell. Have you had the experience or information of the result of investigation of any kind as to the effect that the operation of a so-called open shop has upon the organizations of the men, whether it leads to disorganization of them or furthers and strengthens organization, or what its effect is?

Mr. Guggenheim. No; I have not studied that from that viewpoint. I have never studied that from that viewpoint at all; that would be my answer to that.

Commissioner O'Connell. If an individual workman in your plant was discharged for any alleged cause——

Mr. Guggenheim (interrupting). Yes.

Commissioner O'Connell (continuing). There are thousands of reasons why men are discharged—as an individual working a great distance away from your New York office——

Mr. Guggenheim (interrupting). Yes.

Commissioner O'Connell, (continuing). What is his personal opportunity of getting an adjustment of his grievance, whether it be real or imaginary, to the extent of going up to you, for instance, in New York?

Mr. GUGGENHEIM. Well, he would have a great deal of difficulty, because he naturally would come under the superintendent or foreman who employed him.

Commissioner O'CONNELL. But isn't he restricted very materially, Mr. Guggenheim, probably by his financial affairs?

Mr. GUGGENHEIM. You are absolutely correct in assuming that, Mr. Commissioner. But this is what happens: We find if our superintendent or our foreman happens to be a man of no tact, or happens to be unfair, as sometimes we will happen to have unfair men in our various ramifications, because they are very extensive. We find in the course of time if that is an unfair man or an unreasonable man; we find it out in some way, either at the visitation of the plants by the executive committee somebody comes and tells them about this and tells them about that, and finally we learn that we have got an incompetent man at the head of that business. In other words, truth is mighty and will prevail. That is a proverb we can believe in, I think. And if our manager or the man in charge or the foreman happens to be unreasonable and treats the men badly, finally it will get out. Some one in the town or place tells us. But he has no opportunity and he couldn't get to the president or the board of directors and go over that man; that is, the workman can not.

Commissioner O'CONNELL. But, in the meantime, the men who have been discharged and lost positions have suffered?

Mr. GUGGENHEIM. Yes, sir; that is right; that is right. And then the company suffers also by the reason that it has got a bad manager and can not get the best men and is handicapped. And that will finally lead to the change and somebody else is put in. Now, those men, in answer to that, if they are so handicapped that they can not leave there, suffer; but in the course of time that would adjust itself. I know it does. I frequently get letters myself—but that is a very great exception—where I am asked to intercede and do this and do that; that a man has been unjustly discharged; and invariably I look into it and make thorough investigation and do not depend upon the man he complains of entirely, because I could not do him justice if I did that.

Commissioner O'CONNELL. Well, in our present highly developed industrial situation and the continued getting together of employers in the industrial world, larger and larger, I take it from what you say that the workman, if he desires that protection, he can not bring it to himself as quickly outside of the union as the union could, or legislative matters when brought up in the legislative way. His economic relief must be by his association, together with his fellow workman.

Mr. GUGGENHEIM. I believe that is correct. He will get quicker results. He will get undoubtedly quicker results, unless he is protected legislatively, or he will get quicker results by being a member of his organization.

Commissioner O'CONNELL. He will need the organization, from past experience, to see that the legislation enacted is put into effect.

Mr. GUGGENHEIM. That is why I believe in organization.

Commissioner O'CONNELL. He will need his economic organization either way?

Mr. GUGGENHEIM. Yes; he will get quicker results and better results with it; and I do not oppose organization, and neither do any men in our employ oppose them with our consent.

Commissioner O'CONNELL. Your company would be, as I understand, from an answer you made to Commissioner Weinstock, be favorable to meeting with an organization of your employees?

Mr. GUGGENHEIM. Yes, sir.

Commissioner O'CONNELL. I think you qualified that in your statement by saying good——

Mr. GUGGENHEIM (interrupting). I say—yes; I think it has got to be a good organization.

Commissioner O'CONNELL. I just want to get what you consider a good organization.

Mr. GUGGENHEIM. Well, a bad organization is a bad organization of men that are arbitrary and unreasonable, and men who make extraordinary demands upon you that you can not concede, and men who want things that are not fair and right, and men at the head of those organizations that will accomplish their object, no matter what the consequences are.

Commissioner O'CONNELL. Yes; but men come and go, like they do in the corporations.

Mr. GUGGENHEIM. Yes, sir; and I claim that the corporations are just as bad. We have a great many corporation heads, the heads of local plants and

corporations, who are arbitrary and do these things. Therefore, I believe we have gotten or will get better results from these big combinations and big organizations than we get from the smaller ones.

Commissioner O'CONNELL. Then, as I understand, it is the men at the head of the organizations rather than the organization that you speak of when you mean good?

Mr. GUGGENHEIM. Yes; the men at the head of the organizations, the same as there are leaders of the labor organizations, and the men at the head of the industrial enterprises. It all depends on which men run the business.

Commissioner WALSH. That is all, thank you, Mr. Guggenheim, unless there is something you desire to explain and amplify, or some voluntary statement that you would like to make.

Mr. GUGGENHEIM. The only thing I care to say, gentlemen, is that I am very much obliged by your courtesy, and any other information that you want I will be pleased to give it to you if it is within my knowledge.

Chairman WALSH. We will submit a written questionnaire to Dr. Neill later on.

Mr. GUGGENHEIM. Thank you very much, Mr. Chairman.

Chairman WALSH. The commission will take a recess for 10 minutes at this point.

(After a short recess the proceedings were resumed as follows:)

Mr. Berwind will please take the stand.

TESTIMONY OF MR. EDWARD J. BERWIND.

Chairman WALSH. Will you please state your name?

Mr. BERWIND. Edward J. Berwind.

Chairman WALSH. What is your business, please?

Mr. BERWIND. I am president of various coal companies and a director in a great many railroad corporations.

Chairman WALSH. Where is your place of residence?

Mr. BERWIND. 2 East Fifty-fourth Street, New York City.

Chairman WALSH. How long have you resided in New York?

Mr. BERWIND. About 30 years.

Chairman WALSH. I will ask you, first, Mr. Berwind, to please indicate in the record the companies in which you are a director, that are engaged in the mining of coal alone.

Mr. BERWIND. I am president and director in—shall I mention the companies?

Chairman WALSH. Yes, please—the coal companies?

Mr. BERWIND. The Berwind-White Coal Mining Co., the Wilmore Coal Co., the Ocean Coal Co., the New River & Pocahontas Coal & Coke Co., and the Kentland Coal Co.

Chairman WALSH. Will you please indicate at what points the companies in which you are connected as a director operate coal mines?

Mr. BERWIND. They operate in Pennsylvania and in West Virginia, and the property of which I am the owner in Kentucky are not now operating. That is more of a land operation, but still the property is there—not developed.

Chairman WALSH. Then you are operating in no States of the Union now except Pennsylvania and West Virginia?

Mr. BERWIND. Pennsylvania and West Virginia.

Chairman WALSH. Have you any property in Colorado?

Mr. BERWIND. No, sir.

Chairman WALSH. Have you ever had?

Mr. BERWIND. I was president of the Colorado Fuel & Iron Co. in 1880 to 1890, and have not been since.

Chairman WALSH. And you have not been there since?

Mr. BERWIND. I have no interests there whatever.

Chairman WALSH. How many employees would you say you have ordinarily in your coal industries in the places you have indicated?

Mr. BERWIND. Well, I should think from 10,000 to 12,000.

Chairman WALSH. Is that the maximum?

Mr. BERWIND. I should think so; yes. I could not tell you exactly, but approximately.

Chairman WALSH. How many mines have you in the States of West Virginia and Pennsylvania?

Mr. BERWIND. I could not state it accurately, but I could state it approximately.

Chairman WALSH. Well, approximately?

Mr. BERWIND. I should think about 30.

Chairman WALSH. Now, I will ask you first how many directors in your coal company—in each company?

Mr. BERWIND. There are about five in each—four to five. Some cases four and some five.

Chairman WALSH. And do the directors in your companies keep in touch with the labor conditions in the various mines?

Mr. BERWIND. Yes; because the directors are the officers, and the officers and directors are the owners of the company. It is a close corporation—all of them.

Chairman WALSH. You have no executive committee?

Mr. BERWIND. No executive committee. The owners of the property are the managers of the enterprises.

Chairman WALSH. Now, what is the attitude of the coal companies, or the policy of your coal companies, with reference to dealing with the men employed in the industry collectively?

Mr. BERWIND. Our policy is to adhere strictly to the mining laws of the States in which we operate, to commence with—to carry out fully and liberally all arrangements with the men, and to give them the greatest amount of consideration in the way of welfare and in other directions that is consistent with the competition we have to meet.

Chairman WALSH. How do you deal with the men generally? Do you deal with them collectively or individually?

Mr. BERWIND. I think—that is a question that I can not answer absolutely, but approximately. The men—we have very efficient officers. In other words, we select the best managers we can find, men who are not only accustomed to the handling of labor, but men who understand the conditions of mining, understand the relations of labor with capital in this particular way—in the way of coal mining. Now, the men have access, through their superintendents and bosses to the managers at the mines of which there is a manager in each mine. If they have any grievance, that grievance is immediately looked into, and if that grievance has a basis it is carried to a conclusion and rectified. If it has no basis, it is dropped.

Chairman WALSH. Do you make contracts with any labor organizations in your industry?

Mr. BERWIND. No, sir.

Chairman WALSH. Have you ever made contracts with any labor organization, say, during the past 10 years?

Mr. BERWIND. No, sir.

Chairman WALSH. Does any labor organization have locals in your field——

Mr. BERWIND (interrupting). I don't understand the question.

Chairman WALSH (continuing). I will put the question in another form. Any mines in which considerable numbers of your employees belong to labor organizations?

Mr. BERWIND. Well, we have reason to believe there are more or less of those men among our men.

Chairman WALSH. Is there any discrimination made in the employment of men?

Mr. BERWIND. None at all.

Chairman WALSH. With reference to the fact as to whether or not they belong to labor organizations?

Mr. BERWIND. No, sir.

Chairman WALSH. Are you a director in companies other than the ones you have mentioned?

Mr. BERWIND. In coal companies?

Chairman WALSH. In other businesses. I have left that for the moment.

Mr. BERWIND. Yes; I am a director in the Erie Railway. I am a director in the Atchison, Topeka & Santa Fe Railway. I am a director in the Interborough, and a director in various banks here—bank and trust companies.

Chairman WALSH. And steamship lines?

Mr. BERWIND. And a director in steamship lines.

Chairman WALSH. The Atlantic Gulf & West India Steamship Lines?

Mr. BERWIND. Yes, sir; and in the International Mercantile Marine.

Chairman WALSH. Are you connected with the Berwind National Bank, of Berwind, Pa.?

Mr. BERWIND. Yes, sir; I have an ownership in that.

Chairman WALSH. Are you a director in it?
Mr. BERWIND. A director; yes.
Chairman WALSH. The Clyde Steamship Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. A director?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The Cuba Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. You have mentioned the Erie. The Habana Coal Co.?
Mr. BERWIND. Yes, sir. But those companies you have just mentioned, the Cuba Co. and the Habana Co., do not operate in this country. So I hardly judge——
Chairman WALSH (interrupting). Yes; I judge that is so from the names. What is the International Coal Co.?
Mr. BERWIND. The International Coal Co. is a concern we organized to have dealings with the West Indies particularly and Mexico.
Chairman WALSH. Are you a director in that?
Mr. BERWIND. Yes.
Chairman WALSH. And the International Mercantile Marine Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The New River & Pocahontas Coal Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. Where does that operate?
Mr. BERWIND. That operates in West Virginia on—all our properties in West Virginia are on the Chesapeake & Ohio or the Norfolk & Western.
Chairman WALSH. You are also president of the company?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The New York & Long Island Traction Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. A director?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The New York & Queens County Railway?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The New York Railways Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The Ocean Coal Co.?
Mr. BERWIND. Yes.
Chairman WALSH. What is that company?
Mr. BERWIND. The Ocean Coal Co. is a company which own properties in Westmoreland County, Pa.—miners of gas coal.
Chairman WALSH. The Rapid Transit Subway Construction Co. Is that a New York company?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The Republic Iron & Steel Co.?
Mr. BERWIND. Yes, sir.
Chairman WALSH. The Santa Fe, Prescott & Phoenix Railway Co.?
Mr. BERWIND. Yes, sir. That is a branch of the Atchison; that is a subsidiary company—the Atchison, Topeka & Santa Fe Railway Co., to be more clear.
Chairman WALSH. The Subway Realty Co.?
Mr. BERWIND. The Subway Realty Co., yes.
Chairman WALSH. The St. Louis, Toledo & Western Railroad?
Mr. BERWIND. Yes, a director.
Chairman WALSH. What is the Wilmore Coal Co.?
Mr. BERWIND. That is a company owning a large body of land in Cambria and Somerset Counties, Pa., and not operating, but a company which leases these lands and is a realty company—more of a realty company. It leases the lands to the operating companies and builds the houses and advances money, those purposes.
Chairman WALSH. In what corporations do you own or represent any considerable amount of stock other than those which I have mentioned to you?
Mr. BERWIND. Well, I do not—in all these companies you have mentioned?
Chairman WALSH. Yes.
Mr. BERWIND. I don't think I have very much outside of them in the way of the ownership of stocks, I mean in smaller concerns not of much importance, or not a very large holding of stock.

Chairman WALSH. What information do you possess concerning labor conditions in the coal corporation; first, how is that information acquired?

Mr. BERWIND. In the which?

Chairman WALSH. In the coal corporation, in the actual operating.

Mr. BERWIND. You mean my own companies?

Chairman WALSH. Yes; your own companies.

Mr. BERWIND. Well, our organization is this: The coal companies are all owned by four individuals, and hence we, the owners of that corporation, and its officers, and its directors, and the operating department, keep in touch daily by telegraph, telephone, and by mail with its properties, and all information comes through the general managers of the properties to the main offices—to the operating offices in Philadelphia, and then there are frequent visits by the officers of the corporations to these various properties.

Chairman WALSH. Are reports from time to time as to the condition of labor in the industry made in writing to the corporation?

Mr. BERWIND. Well, not made perhaps in the report form that it would be in a corporation where we had miscellaneous stockholders; but it is all in the form of correspondence from day to day. It is constant.

Chairman WALSH. I repeat. What is the extent of the practice you say you have of visiting the plants of the corporation in which you are interested?

Mr. BERWIND. Oh, our officers visit the plants, I should say, 6, 7, or 8, or 10 times a year, as often as may be necessary; sometimes oftener and sometimes less.

Chairman WALSH. What is your practice?

Mr. BERWIND. My own practice is not as often as I ought to go.

Chairman WALSH. How frequently would you say you had visited them within the past year?

Mr. BERWIND. I have not visited any in the last year.

Chairman WALSH. Well, now, who did that sort of work for your company in the past year, what individual?

Mr. BERWIND. The vice president of the company and the general manager in Philadelphia.

Chairman WALSH. What are their names?

Mr. BERWIND. Mr. Henry Berwind and Mr. Thomas Fisher.

Chairman WALSH. How long has it been, Mr. Berwind, since you did make such an inspection, if you have done that part of the work yourself at any time?

Mr. BERWIND. I made those inspections within two years. I suppose I have made those inspections, going out to most of the properties, within, say, two years, and before that at intervals, not so large, but the last two years I have been away a good deal.

Chairman WALSH. In your opinion, to what extent are the directors of the corporation responsible for the laboring conditions in them, regardless of the residence of the director?

Mr. BERWIND. How far are they responsible?

Chairman WALSH. Yes; for the labor conditions in the industries in which they are directors.

Mr. BERWIND. My view is this: That the general directors of companies are not, as a rule, familiar with the labor operations; that is, men who invest money in corporations generally, and stockholders are not generally familiar with labor operations. Those directors who are most likely to look into the labor operations of the corporations of which they are directors, but the man who is ignorant of it, I think, rather refrains from expressing any views about it, trusting to the efficiency of the personnel, the official personnel of the railroads and the reports of the president to the board in general. That varies to some extent, in my—personally I do look into labor conditions, more or less, in all the corporations I am in, because I have been more or less associated with labor matters the last 30 or 40 years. But I do not think that is general with directors.

Chairman WALSH. Is it desirable that the directors should have a sense of responsibility and should have an organization within the industry to keep in constant touch with labor conditions?

Mr. BERWIND. I do not think—I think it would produce confusion.

Chairman WALSH. So that it should be done in what manner, according to your ideas?

Mr. BERWIND. I think it ought to be done; I think reports, full reports, should be given, or collected, by the managers of the railroads or of the corporations who employ labor. These reports are then put together and brought to the executive officers of the concern. They are discussed in detail by them, in full

detail. Then, when they are brought before the board, if anything is brought up with regard to labor, the board can decide anything that is of importance enough for them to make a change from what has been the practice, from the complete details. Details are concretely stated, with the reasons for and against, as a rule, and the board then pass their opinion. It is generally left to the executive officer of the concern; that is, the president and the manager.

Chairman WALSH. So that the logic might be that the board of directors would lay out the general plan and establish standards of labor conditions as they do with all other things, and the details should be left to the officers in charge of the particular industry?

Mr. BEDWIND. I do not think the directors are competent to lay out the general plan. I think that rests with the staff to lay out the general plan and submit that to the board of directors for their consideration.

Chairman WALSH. And the directors——

Mr. BEDWIND (interrupting). Would know what——

Chairman WALSH (continuing). Would have the last say on the plan, and decide that.

Mr. BEDWIND. That is true.

Chairman WALSH. They would have to, of course, obtain information just according to their own conscience before they would pass upon it, of course?

Mr. BEDWIND. Yes; but I think the majority of men who are directors in concerns are not so educated and have not had the experience to pass upon the details of labor, the employment of labor, either upon railroads or in large industrial corporations, only on the general plan.

Chairman WALSH. Well, from that standard, then, and according to your own standards, I am going to ask you a few questions covering specific points as to what you deem proper labor conditions. First, what should be the length of the working day?

Mr. BEDWIND. Well, that would depend a good deal on the kind of enterprise that the people were engaged in.

Chairman WALSH. Well, we will confine it to yours. I would like you to say it freely without regard to any condition that may exist in any particular place, of course.

Mr. BEDWIND. Well, I will preamble my answer by making an explanation——

Chairman WALSH. Certainly.

Mr. BEDWIND (continuing). That in my own business we pay by the ton, and therefore the number of hours that the men work is very largely dependent upon their wishes in the matters. So that the question of the length of the laboring day does not enter into it.

Chairman WALSH. That is from the money standpoint?

Mr. BEDWIND. Well, yes; from the money standpoint; yes; it continues into that. They get paid exactly for what they do. In other words, they choose their own length of hours.

Chairman WALSH. My suggestion was, it makes no difference to the workman as to the piecework, but what I was asking and directing your attention to was to the proposition generally regardless of the economic advantage of the worker, or of the employer, what should be the length of a working day for a laborer or a worker engaged in the coal-mining industry?

Mr. BEDWIND. Well, I think—I should think nine hours a day.

Chairman WALSH. What should the yearly income be, under present conditions, for an unskilled workman?

Mr. BEDWIND. I will answer that by saying—I will answer that by telling you what they are in my concern. I would not like to pass on what they ought to be in other concerns; that depends very much on conditions.

Chairman WALSH. The yearly income, then, in your concern for unskilled labor?

Mr. BEDWIND. Men laboring in our concerns can earn from $3 to $5 a day every day of their lives and not work over eight hours.

Chairman WALSH. Unskilled labor?

Mr. BEDWIND. Ordinary mining labor.

Chairman WALSH. That is, the coal digger?

Mr. BEDWIND. The coal digger.

Chairman WALSH. Now, are there other forms of manual labor than coal diggers in your industry?

Mr. BEDWIND. Yes; of course, the collateral men that haul the coal, you know, and the electricians and the drivers and the dumpers, and so forth.

Chairman WALSH. What do you think the yearly income for unskilled workmen should be, I mean other than coal diggers, the minimum, I will say, the minimum yearly income?

Mr. BERWIND. That would be a pretty hard question for me to answer, sir; I could not do that.

Chairman WALSH. What is the minimum yearly income in your industry?

Mr. BERWIND. I do not know.

Chairman WALSH. For unskilled labor other than the coal digger?

Mr. BERWIND. I have not those figures before me, but I will be very glad to put them before you if I have them. I know they are very satisfactory.

Chairman WALSH. Will you submit them to us?

Mr. BERWIND. I will be very glad to give you the general average of them.

(See Berwind exhibit.)

Chairman WALSH. You could not approximate it here at this time?

Mr. BERWIND. I could not at this time, but I will tell you this, in connection with it, which may interest you, that for 25 years we have been unable to work our mine at capacity because the men would not work the hours. In other words, we had 26 days work in the month and we rarely could get over 19 days from the men, between various holidays and funerals and pay days and the day after pay day, cut us down in our work. [Laughter.]

Chairman WALSH. Please do not give expression to your feelings. We can not allow that.

Mr. BERWIND. And the result of that has been that our operations under those conditions do not get the maximum result, as you can see. So that we do not intend—I am saying this with nothing derogatory to the men, it is perfectly right if they want to work 19 days, that is their affair; but it shows that the earnings from those 19 days are sufficient and satisfactory to those men, or they would have worked 26 days, because they were not restrained by us from working 26 days. That is not true at the present time, I understand, but that has been true until within the last six months, for many years.

Chairman WALSH. With regard to compensation for industrial accidents, what would be the proper compensation under the present form in your industry to a workman who was to lose an arm, we will say?

Mr. BERWIND. I couldn't say anything in regard to that, because I have not gone into it. That is in the operating department in Philadelphia. They attend to all those matters.

Chairman WALSH. It has never been passed up to you?

Mr. BERWIND. Never been passed to me. We have our standard arrangements; we comply with the price—advanced ideas of compensation generally and recompensation for accidents.

Chairman WALSH. I have a number of details, as to the loss of an eye, the loss of life, and so forth. Would your answer be the same as to that, that you did not have the details?

Mr. BERWIND. No; I am not posted. I might do injustice to the subject and myself by making the statement.

Chairman WALSH. You say you have a very definite standard of compensation for accidents?

Mr. BERWIND. I did not say very definite. I said it was a very broad, fair one.

Chairman WALSH. A broad, fair one?

Mr. BERWIND. The policy of our company is to deal absolutely fairly with the men in everything, and I think you will—I was going to say that we hold that reputation.

Chairman WALSH. And how is that—is that with reference to legal liability or not?

Mr. BERWIND. With reference to everything, everything in our dealings, in our relations with our people; our relations with our people are very satisfactory.

Chairman WALSH. At the present time I am confining it to the question of compensation for industrial accidents.

Mr. BERWIND. And I am not well posted about that and I would rather not pass any opinion.

Chairman WALSH. Could you submit a statement to the commission that would give it some information on the broad policy of the company with reference to the amount of compensation, for instance, for the loss of an arm, or the loss of both eyes, or the loss of a life, or permanent disability?

Mr. BERWIND. I do not know whether I could do that, but I will see whether I can do it, with great pleasure.

Chairman WALSH. If you would, I wish you would do so, Mr. Berwind.

Mr. BERWIND. All right.

(See Berwind exhibit.)

Chairman WALSH. What is your opinion as to the age and condition under which children should be employed in your industry?

Mr. BERWIND. I have no opinion on that. We do not employ them.

Chairman WALSH. What is your opinion as to the discharge of workmen who have become inedicient after long service in any industry?

Mr. BERWIND. My own view is that people who have been long in the service and have rendered good service, they should be taken care of in some way. I do not know that we have paid any special attention, but I think we have under the mining laws and under the compensation law of the State, that has all been provided for—the States we are operating in.

Chairman WALSH. What is your opinion as to the alleged policy of refusing to employ unskilled workmen who are over 35 years of age or skilled workmen who are over 45 years of age?

Mr. BERWIND. Well, I do not think we have ever established any policy. We take any man that is competent to work, who does his work, without regard to his age.

Chairman WALSH. What should be done, if you have any opinion on the subject, with reference to the care of persons who have passed the real productive point in age?

Mr. BERWIND. I think that varies with conditions and with the kind of labor that is done and a good many other considerations.

Chairman WALSH. Do you believe that machinery could be established in any industry or by cooperation of industry with the governmental agencies, or any other way to take care of such things as that, or is it advisable to do so, in your opinion?

Mr. BERWIND. I think anything is advisable to do that has an element of fairness in it, whatever that may be; if there is an element of fairness in this compensation, it seems to me there is, I think, a way could be found that might be the solution of it. But I have never given any study to it and I would not like to express an opinion on something I have not looked into myself.

Chairman WALSH. You have not looked into the question of social insurance, what might be called betterment insurance?

Mr. BERWIND. No.

Chairman WALSH. What is the Berwind-White Coal Co.?

Mr. BERWIND. The Berwind-White Coal Mining Co. is a company that operates in Cambria, Somerset, and Clearfield Counties, Pa.

Chairman WALSH. What is the number of men employed by that company?

Mr. BERWIND. Well, offhand, I should say six or eight thousand men—between those figures.

Chairman WALSH. What is your scale of wages, monthy or annually, in that company?

Mr. BERWIND. The wages are established by the—there is a rate per ton for mining.

Chairman WALSH. How much per ton?

Mr. BERWIND. I think it is 60 cents a ton, is the flat rate. I think so. I did not come prepared with those statistics or I would have had them in mind.

Chairman WALSH. Those that you are not prepared with, I will ask you to kindly furnish to the commission.

Mr. BERWIND. We will give you any of that information, because it is all open to you.

(See Berwind exhibit.)

Chairman WALSH. Who establishes the price per ton to be paid to the employee?

Mr. BERWIND. Well, just where that is established is in this way: In the first place, the miners' union in a great measure in this country have made the scale uniform throughout the various States, and although we do not work with the union, we take their scale of wages as our basis of operation. That is brought about by the laws of supply and demand. They change. They have not changed now for some years. They have advanced; that is, they have been advanced in the last 10 years very considerably, but there has been no recession in them. Of course, the cost of mining is a very important factor in the markets

for coal. That depends on what you can get for your coal in the first place; and in the second place, very largely on the supply of labor. We do not change our labor from day to day, from week to week, from month to month. These changes in the rate of labor come along at intervals of some distance apart. Those are brought about generally by trouble in some district bringing the matter up before all the different managements for their consideration, and they decide whether or not they can pay the wages.

Chairman WALSH. What are the hours of labor in the Berwind White Coal Co. plant?

Mr. BERWIND. Well, as I say, they are largely dependent on the operators themselves. They are paid by the ton. They can work as many hours in the day as they see fit. The thing we try to secure is the men that will work the greatest number of hours. And if a man will not work a certain number of hours we try to find men who will.

Chairman WALSH. What is that minimum?

Mr. BERWIND. We have no minimum fixed that I know.

Chairman WALSH. What is the certain number of hours you think proper for the men to work.

Mr. BERWIND. I think all men should work six or seven hours, and the miner ought to work at least eight hours a day, seven or eight hours. It is about the average day's work in the mining.

Chairman WALSH. Do you have laborers who do not work by the piece?

Mr. BERWIND. Yes. I have been saying the drivers, the dumpers, and the unskilled labor.

Chairman WALSH. What are the working hours of those?

Mr. BERWIND. I think, if I recollect right, their working hours are nine hours. I think so. But I will be more definite if you will just give me a memorandum of what information you want.

(See Berwind exhibit.)

Chairman WALSH. I will. We will call upon you for that information definitely. I wish you would describe the living conditions of your employees, whether they own their own homes, whether they rent them, and if they rent them who they rent them from, etc.

Mr. BERWIND. Yes. The living conditions of the miners in our district are very good, and it may be said to be rather better than the average throughout any mining region. The miners very often, in many cases, own their properties, are always at liberty to buy their properties, and the company builds the houses and tries to build them in a way which would be of advantage for the general good of the men in the mining regions. They are charged a minimum rent on a very small percentage, and as a rule these houses are open to them to purchase either by installment or any plan which is mutually satisfactory.

Chairman WALSH. What is the minimum rent and what is the percentage that it is figured upon?

Mr. BERWIND. That is another technical question I would have to ask you to put it in your list.

(See Berwind exhibit.)

Chairman WALSH. Could you tell, for instance, how much per room is charged where a house is rented?

Mr. BERWIND. No; I could not do that.

Chairman WALSH. Are the charges uniform for different parts of the country?

Mr. BERWIND. Well, they are where we operate.

Chairman WALSH. I mean where you are personally acquainted with it.

Mr. BERWIND. Yes.

Chairman WALSH. Do you operate companies' stores?

Mr. BERWIND. No.

Chairman WALSH. Does any subsidiary company in which you are interested operate companies' stores?

Mr. BERWIND. No. When you say I am interested, I have got some interest in—when we open our properties you will bear in mind that this is a very rough and unpopulated country generally where we operate, and it becomes necessary for a company to start a store or something to facilitate the putting up of their plants; but as soon as they have obtained to a magnitude of any amount those are disposed of, and we exercise no influence on them in any way. The men are absolutely at liberty to buy anywhere or everywhere they want, and nobody is restricted from going in and selling anything they please. They have the fullest access to obtain property and to have their homes and every-

thing else of that kind. We, in fact, only look upon the stores as a convenience for our men, and where we do anything in that regard we exercise our influence to keep the prices down and not advance.

Chairman WALSH. You have no such stores now at any of your properties?

Mr. BERWIND. No.

Chairman WALSH. Or no other company?

Mr. BERWIND. None of those companies.

Chairman WALSH. And no company stores or anything of that sort?

Mr. BERWIND. No.

Chairman WALSH. Have you had any strikes in your industry during the past five years?

Mr. BERWIND. Yes; we had a strike in our Westmoreland property some three or four years ago, and we had a temporary holdup, I think, about three years ago in our Cambria County mines, but it was nothing of any importance—nothing of any length.

Chairman WALSH. Are those the only two in the past five years?

Mr. BERWIND. I think so.

Chairman WALSH. You have been present at many meetings, I suppose, of your board of directors where labor policies to be pursued by the corporation have been discussed?

Mr. BERWIND. I was going to say we are together very constantly, because, as I say, the officers are the board of directors, so that you may say my company is constantly at a meeting, and those questions come up.

Chairman WALSH. Would the minutes of your board of directors indicate any established policy on the part of the directors in regard to labor policies?

Mr. BERWIND. No. That is all in our general correspondence.

Chairman WALSH. And information as to conditions, how they were determined, would be as you have already stated?

Mr. BERWIND. Yes.

Chairman WALSH. Do you decide labor policies in your industry upon the same basis as you decide other financial policies?

Mr. BERWIND. Will you ask that question again?

Chairman WALSH. Do you decide labor policies in your industry the same as you decide financial policies?

Mr. BERWIND. Well, no, no; financial policies are very changeable commodities, you know, and vary from time to time; but labor policy is fixed with us, because it must be. We can not vary a labor policy from day to day. We must have a certain general outline for conducting our business. That is arrived at in the way I explained to you earlier. The bosses plus the managers of the properties—that is, the superintendents—report to the general manager, and the general manager is on the spot, he knows immediately what is going on, and goes immediately and attends to all the difficulties that are involved and settles them on the spot. If there is any change of wage about to take place, that of course comes to us immediately, as officers of the company; and as the officers are the directors, too, of course, then, in that way that question comes up.

Chairman WALSH. At this point, Mr. Berwind, we will take an adjournment until 2.30 this afternoon. Will you please return at that time?

(At 12.30 of this Thursday, January 21, 1915, a recess was taken until 2.30 in the afternoon of the same day at the same place.)

AFTER RECESS—2.30 P. M.

Present as before.

Chairman WALSH. Will the house please come to order, and preserve perfect order; we are about to resume.

TESTIMONY OF MR. EDWARD J. BERWIND—Continued.

Chairman WALSH. Are there any corporations, Mr. Berwind, in which you are director—in any of the corporations of which you are a director is there an organization of the employees?

Mr. BERWIND. I do not know whether there are any local organizations among them or not; we never inquire into that at all.

Chairman WALSH. Have there ever been to your knowledge?

Mr. BERWIND. Yes; I know there were a great many years ago—they were in the general organizations of labor, you know.

Chairman WALSH. Yes.

Mr. BERWIND. But not of late years; not for 10 or 12 years or more.

Chairman WALSH. What were the effects of such organizations, in so far as you were informed? Did you form any opinion as to the desirability or undesirability of dealing with employes in organizations?

Mr. BERWIND. No—our experience has taught us that we dealt better with our employees direct.

Chairman WALSH. What is your opinion as to the effect upon the employees well-being? Is he better off organized so that he may deal collectively, or otherwise?

Mr. BERWIND. I can only say that a rigid inquiry into the situation will show that our men—our mining situation in our own properties is considered the best in the State of Pennsylvania. That is my answer to it, and we are not organized.

Chairman WALSH. How as to the general effect, such as the suggestion which you made prior to lunch, for instance, that the standard of wages was fixed by those industries in which there was organization; is that correct?

Mr. BERWIND. The organizations approve of certain rates of wages. Those are generally promulgated and they become the working rates throughout the districts where they are in operation.

Chairman WALSH. Have you ever made a study of that condition to determine how it happens that when the union sets a price for mining coal that the organizations in which there are no union mines, or in which they are divided among union or nonunion, always adopt the same price?

Mr. BERWIND. It has been the practice of my company to pay the highest wages paid; that has been its practice, to pay the highest regular wage paid. I can not possibly comment in any other way than that. We are willing to pay the highest wage, but we do not want to be dominated by any outside influence in our business.

Chairman WALSH. Suppose the wage dropped to quite a low level under the competitive conditions you have——

Mr. BERWIND (interrupting). Yes.

Chairman WALSH. You would be required to drop yours?

Mr. BERWIND. Yes, sir; competition has always a ruling effect in our wages.

Chairman WALSH. Would it be your idea that the fixing of wages by the unions in those industries in which organization does exist would fix the price in all industry?

Mr. BERWIND. I do not say it fixes the price.

Chairman WALSH. In all plants in that industry, I should say?

Mr. BERWIND. It is a potent factor in it. They do not fix it, but the contention raised is a fair wage, and they arrive at a conclusion and that is always satisfactory to us and we pay it.

Chairman WALSH. What is your attitude toward allowing representatives of labor unions to visit your employees and carry on their work among them?

Mr. BERWIND. Personally I am opposed to it, for the reason that they stimulate trouble among people who are satisfied, and I do not see why they should be stimulated to trouble.

Chairman WALSH. Does that go all through industry?

Mr. BERWIND. I do not say all industry, but in our industry where we pay the largest wages and the welfare of our men is the best—while we do not oppose it, I do not think it is a good thing to have the advocates of labor come in there to stimulate trouble.

Chairman WALSH. As a result of your experience in industry, Mr. Berwind, do you believe that industrial discontent in America is increasing or decreasing?

Mr. BERWIND. Well, I will tell you—industrial discontent increases as to—it is a question of supply and demand. Of course, discontent arises when there is a large amount of idle labor and when there is no place to employ enough of the people, but in times of prosperity I can not say that is exactly the same. In times of prosperity labor knows that it is able to command a higher price and it tries to get it.

Chairman WALSH. Do you observe any movements in either direction, so far as social discontent is concerned, of its increasing or decreasing?

Mr. BERWIND. No; I can not say I have observed any great difference in past years.

Chairman WALSH. You have in your employ coal dockmen, do you, Mr. Berwind?

Mr. BERWIND. No. We have a pier on which we employ pier laborers.

Chairman WALSH. How many employees do you have on that pier?

Mr. BERWIND. I could not tell you off-hand; I should not think over 100 or 125, if that.

Chairman WALSH. How many barge captains have you in the employ of your company?

Mr. BERWIND. Well, roundly, I should say 125 or 150.

Chairman WALSH. What salaries do they receive?

Mr. BERWIND. I do not know what their wages are now.

Chairman WALSH. Is it $50 per month?

Mr. BERWIND. I think so.

Chairman WALSH. Do their families live on the boats?

Mr. BERWIND. Yes, sir.

Chairman WALSH. Do they have children on the boats?

Mr. BERWIND. I think so; I am not sure of that.

Chairman WALSH. What educational facilities have the children of the barge captains?

Mr. BERWIND. They lay up every night at piers, and they have access to the land a great deal of the time.

Chairman WALSH. Have you received any protests or complaints from the captains of these barges as to the rate of wage paid them?

Mr. BERWIND. Not emanating from the men, but emanating from people outside of the men, we have.

Chairman WALSH. The captains are perfectly satisfied with their rate?

Mr. BERWIND. Yes; we found them to be so until these outside agitations came on about a year ago.

Chairman WALSH. Was there a committee of barge captains in the employ of the Berwind-White Coal Co. appointed to take up the matter of increase in their pay, in the spring of 1913?

Mr. BERWIND. I think there was.

Chairman WALSH. What were they being paid?

Mr. BERWIND. I think $45 or $50 a month. We pay two rates of wages. I think the older captains get a little higher wage than the junior ones.

Chairman WALSH. Did they organize to present their demands or requests?

Mr. BERWIND. Yes; I think they organized and sent a committee to us.

Chairman WALSH. Did they organize in the form of some particular union?

Mr. BERWIND. No; I don't know that they did.

Chairman WALSH. What is the union to which the barge captains would naturally belong, if they joined an organization, if you know?

Mr. BERWIND. I do not know—I think they have a boatmen's union. That is my own judgment, I am not sure about that.

Chairman WALSH. Do you deal with organizations of your employees, Mr. Berwind, when they make demands?

Mr. BERWIND. We always receive them and hear what they have to say—yes. That is, of our own employees, always.

Chairman WALSH. Who is Mr. Vanwie?

Mr. BERWIND. He is at present in charge of the delivery department of our business.

Chairman WALSH. Would that take in the part of your industry where the barge captains are employed?

Mr. BERWIND. Yes; he has that directly under his control.

Chairman WALSH. Did Mr. Vanwie call your attention to a request that had been made upon him by the barge captains, for an increase of pay in the spring of 1913?

Mr. BERWIND. He did not call it to my attention, but called it to the attention of the management of the office, who brought it to my attention.

Chairman WALSH. What action was taken by your company, was the request in writing?

Mr. BERWIND. I do not remember whether it was in writing or not, but I think the result was that we fixed the wage of the captains—all of them—at $50 a month, an increase of some 10 or 12 per cent.

Chairman WALSH. You increased it from $45 to $50 a month?

Mr. BERWIND. I think so.

Chairman WALSH. Have you received complaints from your laborers as to the shortage in their pay at different times, Mr. Berwind?

Mr. BERWIND. We have had—we received, I think, on one or two occasions, statements that the people who distributed the money to our employees—that they have retained certain amounts out of that money—they were not paid over, in other words. That is to say, the office delivered the money to the man

in charge of the dock, and he did not pass it over, but we could never trace the slightest foundation for that story. In other words, we are not engaged in any enterprise to do men out of their labor or earnings and won't be a party to it, and any man who does it will be discharged; we do not do that sort of business.

Chairman WALSH. What sort of investigation did you make?

Mr. BERWIND. We made a very, very complete investigation, as far as we could possibly make it, and we could not get any trace of any such thing having happened.

Chairman WALSH. What sort of a report was made to the men who made the charge on that?

Mr. BERWIND. We told them simply we knew it could not happen again, and we told them we knew it never had happened.

Chairman WALSH. Have you had strikes in your industry within the past few years?

Mr. BERWIND. I do not think within two years.

Chairman WALSH. In the transportation part of your industry, Mr. Berwind?

Mr. BERWIND. The transportation part?

Chairman WALSH. Yes, sir. The water transportation?

Mr. BERWIND. Yes.

Chairman WALSH. That was the 1913 incident you spoke of the time that that happened?

Mr. BERWIND. Yes.

Chairman WALSH. That is what happened at that time, as I recollect, that that strike occurred?

Mr. BERWIND. Oh, yes; they had quite a lot of men that left and we put in new men and the others came back afterwards.

Chairman WALSH. Is this incident you refer to the incident where outsiders intervened?

Mr. BERWIND. Yes. In fact, they abandoned our property, left it floating in the river without giving us notice that they were going; just left the boats there run wild.

Chairman WALSH. Was that after the organization was perfected or was it before?

Mr. BERWIND. No; that was—they did that overnight.

Chairman WALSH. What I was trying to get at was, Mr. Berwind, whether or not they did that before or after the demand was made, before or after the strike?

Mr. BERWIND. I probably think they had formulated—the demand was made in a hurry overnight. They wanted this thing and they were not willing to wait, and if we were not going to do it right away they would stop, and they abandoned everything where it stood. This property was all perishable property, floating in the city of New York in barges and alongside of steamers in the river and in other places.

Chairman WALSH. Was there a collision in that instance between the strikers and the nonunion men?

Mr. BERWIND. I think not. I mean as far as I know. Yes—not a collision between the strikers and nonunion men, but the strikers did interfere with the discharge of the coal, and the new men that were put in there, and did interfere, I think, in every way.

Chairman WALSH. Were there lives lost in the controversy?

Mr. BERWIND. No; I think not. There was some violence, but not of any very great character.

Chairman WALSH. Was there any person who attempted to intervene directly in the matter with you, any person or persons from the outside?

Mr. BERWIND. Not that I recall, except a labor-organization man, I think, came to see us once or twice.

Chairman WALSH. Do you have some questions, Mr. Weinstock, that you would like to ask?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock desires to ask some questions.

Commissioner WEINSTOCK. Mr. Berwind, from your observation, what advantage, if any, has organization been to labor?

Mr. BERWIND. Well, properly conducted organization is an advantage. The trouble is that our experience has been with organization that it is not always carefully conducted or, as a rule, especially in those industries such as those I am engaged in, which takes in a rather ignorant class of the community, and is not very skilled labor. A great many of them are foreigners, and they are

misled as to the situation, and it is very difficult to communicate so that I am not convinced; I do not think that I can answer anything better than to say that under certain conditions organized labor has had an improving tendency and in other conditions it has produced great harm.

Commissioner WEINSTOCK. Well, now, taking the conditions as we find them, with all the weaknesses and all the failings and all the shortcomings of human nature——

Mr. BRAWLEY. Yes.

Commissioner WEINSTOCK (continuing). As they are, and then taking the country as a unit, do you think that labor, on the whole, would be better or worse off if organization was wiped out?

Mr. BRAWLEY. Well, I think organization under limitations, I will put it that way, would be of benefit. That is to say, I think—I do not think the entire wiping out of all organizations produces a good effect unless you can produce laws which are more rigid. Now, in my industry, if I could make the laws and enforce them, I would make the most rigid laws for the operator and the employer of labor that could possibly be made, and hold the employee to an equal responsibility. And I would make those laws so that it would be impossible to do anything unfair. There is no doubt about it amongst the employers of labor there are those who take advantage of their position at times. But the labor organization can not correct that. It will do that anyway, whether there are labor organizations or not. But I say that if we could pass mining laws—we have very good mining laws in Pennsylvania, but not so good in West Virginia—if we could pass mining laws of the most rigid character and make offenses criminal where an operator or employer did not treat his men right, as well as holding the men to it, I would be the most cheerful advocate of it, because we, the concerns that try to do well by our men, are punished by the irregularities where they are practiced in other directions.

Commissioner WEINSTOCK. I see. Are we to understand that you would substitute legislation for organization?

Mr. BRAWLEY. I would suggest certain legislation——

Commissioner WEINSTOCK (interrupting). For organization?

Mr. BRAWLEY. Well, in my particular industry. Of course, I have not studied the positions of any other industries. I am speaking of our own industry and of the people we have to deal with.

Commissioner WEINSTOCK. That is, you would substitute legislation that would control and regulate not only the worker but also the employer?

Mr. BRAWLEY. Protect the worker absolutely and protect the employer and carry it out. That is the point.

Commissioner WEINSTOCK. That is, you would substitute legislation that would protect the worker against the unfair employer?

Mr. BRAWLEY. Yes.

Commissioner WEINSTOCK. And protect the employer against the unfair worker?

Mr. BRAWLEY. The unfair worker; fair play, in other words.

Commissioner WEINSTOCK. What legislation, for example, would you suggest along those lines as to protect——

Mr. BRAWLEY. That is a long story in our business.

Commissioner WEINSTOCK (continuing). Against the unfair employer?

Mr. BRAWLEY. The laws must be rigidly enforced. The mining laws in Pennsylvania are in pretty good shape at this time. In West Virginia I think there should be modifications there. But the trouble is not so much in the law as it is in the enforcement.

Commissioner WEINSTOCK. I see. Do you have in Pennsylvania, for example, the initiative, referendum, and recall?

Mr. BRAWLEY. I think not.

Commissioner WEINSTOCK. You do not?

Mr. BRAWLEY. No.

Commissioner WEINSTOCK. Then what protection has the worker against bad laws being enacted or against the enforcing of good laws that are on the statute books?

Mr. BRAWLEY. The men who go to the legislature—they are very numerous, the workers, and they look out for their laws, and I think any fair-minded operator would welcome such a law and help to pass it himself.

Commissioner WEINSTOCK. How about the unfair mine operator?

Mr. BRAWLEY. That is the way to reach them. Certainly all the labor ought to be for it, and certainly all the fair-minded operators ought to be for it.

Commissioner WEINSTOCK. Well, I suppose in Pennsylvania to-day you have some laws on the statute books that are good for the employer and for the worker?

Mr. BERWIND. Oh, the laws in Pennsylvania are pretty well carried out; that is, they are well enforced.

Commissioner WEINSTOCK. Did I understand you to say that they were not being enforced, Mr. Berwind?

Mr. BERWIND. I say—I did not say they were not in Pennsylvania. Pennsylvania laws are not only very good, but they are pretty well enforced, generally enforced, and the exceptions to that are not very great. But in the Virginias it is not so, in Kentucky, and in those newer States where mining is not as well developed.

Commissioner WEINSTOCK. Well, then, I should judge from the statements that you have just made that if you were a worker, for example, that you would advocate legislation rather than organization. That is, you would say to your fellow workers, "Let us get the proper legislation on the statute books so that we may be protected and relieved," in place of attempting to organize labor unions?

Mr. BERWIND. Yes; I think so. I think you will effect much more in that particular industry.

Commissioner WEINSTOCK. How could you and I, as individual workers, get such protective laws on the statute books unless we did organize and did it collectively?

Mr. BERWIND. My dear sir, they have just as much access to the legislature as you and I have, and they are very much more numerous, and they are very well represented. They send their representative people there. In fact, their strength is so great that very often they are disposed to lean backward in favor of laws which are not altogether fair to the employer; so the employer has no advantage there.

Commissioner WEINSTOCK. I see. Taking the history of organized labor in this country as a whole, do you think that trades-unionism, for example, has been helpful or harmful to the American wage earner?

Mr. BERWIND. I think that that is a very mixed question. I think, as I told you before, in certain classes of work that organization was helpful. In other classes it is harmful, especially where the classes of people are not such as to be intelligent and understand your languages altogether and are not educated up to a higher standard it is very hard to communicate with them and to make them see what their best interest is. The interest of any employer of labor who wishes to succeed and is successful is to have his employees satisfied. To that end in our particular business we give them—we contribute to all their churches; we pay for all the schoolhouses. I built hospitals. We have given them over to the men to manage; given them right over to them. We provide them with playgrounds and such things as will bring these people into a state of mind where they will be satisfied with the lives they live. They are often in very remote districts at times—not all of them—Pennsylvania not so much as in Virginia, and their opportunities for pleasure are limited, and I think it becomes of every employer of labor to ameliorate their condition as much as possible.

Commissioner WEINSTOCK. Are there any of your people that are organized?

Mr. BERWIND. I do not know. We do not recognize——

Commissioner WEINSTOCK. You do not deal with them?

Mr. BERWIND (continuing). At all as organizations.

Commissioner WEINSTOCK. So that you have not entered into any agreement with them?

Mr. BERWIND. No.

Commissioner WEINSTOCK. You just deal with each individual as a separate unit?

Mr. BERWIND. We deal with our situation, and the thing is taken up with our managers, the different managers, and after they have taken it up and disposed of it it is then brought to our executive committee and we then finally dispose of it.

Commissioner WEINSTOCK. In common with the rest of us, Mr. Berwind, you know, of course, know there has been a great deal of industrial unrest in this country?

Mr. BERWIND. Oh, yes.

Commissioner WEINSTOCK. That has been growing in more recent years?

Mr. BERWIND. Yes.

Commissioner WEINSTOCK. Now, you have been an employer on a scale, I take it, and that you have been a student of these problems. I am sure that your opinions will be valued by the commission. What remedial suggestions can you make to the commission along the lines of bringing about a higher degree of industrial peace, and lessening of the underlying causes for unrest, for industrial unrest?

Mr. BERWIND. Well, the efficiency of all organizations is dependent upon the men that are in control of them, where these unions have been guided by hands, conservative leaders who were fair and meant to be fair, I think they have made very considerable progress. Under another form it irritates and antagonizes. I do not think you can lay down any very general rule for that organization, because it must be admitted by them, by the labor unions themselves, they must admit that all of their unions have not been very conservatively managed. Our own experience is what I have told you. We do not recognize the unions. We do not ask any man who comes to work for us whether he belongs to a union; we give him the best we have to give and we expect him to treat us fairly.

Commissioner WEINSTOCK. Well, in passing, I take it from what you have said, Mr. Berwind, that you believe that the burden and responsibility rests upon the shoulders of organized labor to select as their leaders representative men whose characters are above reproach and who have intelligence——

Mr. BERWIND (interrupting). I think that would very much help matters.

Commissioner WEINSTOCK. And if they selected crooks or men that are incompetent or unfair it would lead to trouble?

Mr. BERWIND. Yes; that is right.

Commissioner WEINSTOCK. And that was not exactly my point. I evidently did not make my meaning clear. I was not referring particularly to your individual industry, but I was putting the question to you as a citizen. We have been appointed by Congress to investigate into the causes underlying unrest, and to make to Congress recommendations for remedial legislation. Now, we can't dig these remedies out of our own inner consciousness. We must invite the aid of employers and workers the country over, men of experience, men of judgment, and men of thought. And we come to you as a commission, so to speak, asking you to help us, asking you to give us the benefit of whatever suggestion you may have to make along these lines.

Mr. BERWIND. Well, I do not know that I am competent to pass on the general labor proposition of the country. I would like to do that, and I am perfectly willing to pass on anything with which I have been connected. I do not think the results of labor unions have been happy in our particular industries for the reasons I assigned. And I believe that the best results in all those regions would be obtained in the mining regions in the way that I suggested, that if the mining laws are properly drawn and enforced there is no occasion for complaint from the men. If they are enforced the unscrupulous operator would be checked at once, even more so if I had my way.

Commissioner WEINSTOCK. Well, then, summing up, I take it that your position is this—that your answer to my question would be this: That you believe the way to get a higher degree of industrial peace, a way to minimize the underlying causes of unrest, is along the lines of wise and intelligent legislation?

Mr. BERWIND. I think so.

Commissioner WEINSTOCK. But you are not prepared to suggest what that legislation should be?

Mr. BERWIND. Yes; and along the lines of supply and demand and the fixed wage. We always must be—that must be regulated that way. I am speaking of all other regulations outside of the wage.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Commissioner LENNON. Mr. Berwind, in speaking of the alleged mismanagement of labor organizations, do you think that they are more blamable in that respect than the managers of corporations?

Mr. BERWIND. In a general way, you mean, Mr. Commissioner?

Commissioner LENNON. Yes. I mean in a general way; yes; and its effect upon the citizenship of the United States.

Mr. BERWIND. Well, I would say this: That the employers of labor, in many instances—I can not mention the individual cases—but I think there are instances occurring constantly where employers are inconsiderate; no doubt about that; and that exists. On the other hand, I do know that very often labor leaders, whether mistaken or not, stimulate trouble where it is not neces-

sary and where the grievance does not exist. Now, those two things exist on both sides of the fence to a certain extent.

Commissioner LENNON. Is it possible that the viewpoint of the wageworker and the employer or the head of the great corporation in summing up these situations see the thing differently; what you see as being wrong or inconsistent or harmful that the workman sees the opposite—that is, to his benefit?

Mr. BERWIND. No; I think that labor unions are very arbitrary and I do not think that the employers are as arbitrary as labor. I do not.

Commissioner LENNON. You mentioned something with regard to your scale for mining?

Mr. BERWIND. Yes.

Commissioner LENNON. You have been in the business, according to your testimony, as I remember, some twenty-odd years or thirty?

Mr. BERWIND. More than that.

Commissioner LENNON. Thirty years. What force has been the most effective force in bettering the condition of miners in the United States during the last 30 years, that of the organized operators or that of the organized miners?

Mr. BERWIND. I think the demand for coal has made the operation better, because the operator could pay more to his employees than he could under other circumstances. As to bettering the conditions, I think the conditions are due to the laws, the improvement of the laws and the enforcement of the laws. I don't think it has been brought about by organization.

Commissioner LENNON. You do not?

Mr. BERWIND. No; not in our industry. I am speaking particularly of our industry, Mr. Commissioner.

Commissioner LENNON. Yes. I live in a country where they mine coal myself; I am not a coal miner, though.

Mr. BERWIND. No.

Commissioner LENNON. The rate that is now paid by you, 60 cents a ton—was not that a rate that was agreed upon by the miners' organizations and the operators?

Mr. BERWIND. Oh, I think so; yes.

Commissioner LENNON. Then, so far as the payment of that rate is concerned, the miners' organization were one party to the making of that rate?

Mr. BERWIND. Well, I will tell you how much they were. When the rate was advanced we voluntarily advanced that rate and forced the entire mining community to put it in. The fact is that we did it. We put the notices on the drift mouth ourselves that the rate of wages was advanced so much.

Commissioner LENNON. Before the agreement had been made?

Mr. BERWIND. Before there had been any agreement made.

Commissioner LENNON. I wanted to ask you one or two questions regarding children on these boats. What opportunity would those children have for education if they were on shore only of nights?

Mr. BERWIND. Well, Mr. Commissioner, you are getting me on a proposition I have not looked very closely into. The boating proposition is an old one here, and has existed so long and has become a question of custom for these men to live on their boats. It might be better if they would have their families live on shore; I don't know whether it would or not. But we give them the best that can be given them on those boats—give them the best facilities possible and give them constant labor; that is to say, we never lay them off.

Commissioner LENNON. Does that fact of giving them constant labor, does that mitigate any evil that may be perpetrated against the children by depriving them of opportunities of education?

Mr. BERWIND. I have never taken up that proposition. It is a new proposition to me, about the children; I have not thought much on that score.

Commissioner LENNON. I have been asked to submit a question to you, Mr. Berwind, as follows: How would the wages of miners be fixed if there were no unions?

Mr. BERWIND. Well, they would be fixed then by the larger companies, I suppose—the larger concerns that have influence upon the trade of the country would establish the rate of wages which would be followed by others.

Chairman WALSH. Mrs. Harriman desires to ask you some questions, Mr. Berwind.

Commissioner HARRIMAN. Now to get back, Mr. Berwind, to the boating question. I have not heard your former testimony, but I would like to know if you ever have heard of the alleged horrible moral conditions existing according

to the evidence of witnesses that came before us last spring and told us of the very bad conditions which they said were existing there.

Mr. BERWIND. I was going to say this, that of course you know that the boatmen—they are made up of a class of people that are a good deal on the wharves and not a very highly cultivated or educated set of people. Now, these people—of course there may be abuses can happen on these boats, because they are hired at so much a day or so much a month—that is, these men are. Now, in different companies they have different sorts of labor to perform. In the anthracite companies they keep them lying up 30 days, 20, 10, 30 days at a place. With us, our boats are moving a great deal more. We keep them constantly going, and therefore we can not tell—I could not tell—you exactly about these irregularities that you speak of.

Commissioner HARRIMAN. No; I meant had you heard of them at all?

Mr. BERWIND. Not on our own boats, I have not. We have had no complaints to us; none whatever.

Commissioner HARRIMAN. Thank you, Mr. Berwind.

Chairman WALSH. Just one question in that connection. You say your boats are constantly moving, and the men, women, and children go with them.

Mr. BERWIND. I don't know whether the women and children are on the boats all the time or not; but we have facilities on these boats to take care of their families, and we assume they move about a good deal.

Chairman WALSH. Have you ever gone on any of the boats yourself——

Mr. BERWIND (interrupting). No——

Chairman WALSH (continuing). To look at the living conditions?

Mr. BERWIND. Oh, yes; I have seen their cabins.

Chairman WALSH. Do you know of your own knowledge whether or not there are men, women, and children on these boats that are constantly moving?

Mr. BERWIND. Well, I say I think they live on the boats and probably move from place to place.

Chairman WALSH. What place to what place?

Mr. BERWIND. Well, from the dock, for instance, to the point of delivery.

Chairman WALSH. How far do they run?

Mr. BERWIND. Well, not very far—across the river or perhaps a mile or two. They are all within what are called the ferrying circuit here. They are not sent long distances on our boats.

Chairman WALSH. Have you any plan in your organization for observing the conditions of family life on these boats——

Mr. BERWIND (interrupting). No.

Chairman WALSH (continuing). Or the moral conditions?

Mr. BERWIND. But we keep as much of a survey so that there are no immoralities on the boat, as nearly as we can.

Chairman WALSH. What is that?

Mr. BERWIND. We have superintendents and men all over the harbor to look after the property and see to deliveries, and their duties also are to see after the boats.

Chairman WALSH. Do you give them instructions about looking after the moral conditions on the boats?

Mr. BERWIND. Oh, they are given general instructions to see that there are no abuses of any kind, and they correct them.

Commissioner O'CONNELL. Are there any laws under which these boats are investigated or policed in any way?

Mr. BERWIND. You mean local laws?

Commissioner O'CONNELL. State laws or city laws?

Mr. BERWIND. Well, they operate under licenses, I think, under the State, and I think they have a right to go aboard and inspect them any time they want to; but I don't know that they are particularly operated under any specific law except that license. They pay so much for the use of the boats.

Commissioner O'CONNELL. Are there any reports made as to the investigations by authorized officials?

Mr. BERWIND. I don't know that any organized reports are made. I don't know—I have never seen any if they have one. You mean to the State, do you?

Commissioner O'CONNELL. Yes; to some authorized official.

Mr. BERWIND. Yes.

Commissioner O'CONNELL. For instance, do births and deaths occur on these boats?

Mr. BERWIND. Well, I can not answer that from absolute knowledge; but I assume it must be the case if these people live on board.

Commissioner O'CONNELL. Who would be supposed to have that record?

Mr. BERWIND. That record would be known by the superintendent. Our superintendent would know that.

Commissioner O'CONNELL. Are there any arrangements whereby medical attendance is provided?

Mr. BERWIND. No; I think not. We have accessible at our pier always a medical person—a medical attendant—who can be reached, and these boats go to the pier every day or two. Remember, these boats are not long away from the pier. They are only gone two or three days, and then from one to another pier in New York, so medical advice is always accessible to these people.

Commissioner O'CONNELL. Have you had any reports as to moral or immoral conditions that might exist?

Mr. BERWIND. No. I just answered that question.

Commissioner O'CONNELL. Now, then, just one other question. In the mining industry, if the miners had not been organized in some form or to some extent during the past 30 years, would your companies be paying as high a rate of wages to-day if there had been no organization at all among the miners?

Mr. BERWIND. That is a pretty hard question to answer.

Commissioner O'CONNELL. I want to get after what has been the force that has raised the wages.

Mr. BERWIND. Well, I will tell you the force. The scarcity of labor raises wages more than anything else. When there is a great demand for labor and there is not sufficient labor to be had labor sees that it gets all that belongs to it and as much more as it can get.

Commissioner O'CONNELL. That must be in an organized capacity, then?

Mr. BERWIND. Oh, no; that does not follow. They can command it, because we have been short of labor for the last six or eight years, and, as I stated here a little while ago, you were talking about labor organizations—my concern, which has been unable, with all the diligence possible, to get labor to work more than 19 days a month in the State of Pennsylvania, so that our capital—that same capital would produce—is losing 7 days' time every month because labor had made enough in 19 days to satisfy themselves and because they are paid on the ton basis.

Commissioner O'CONNELL. Then, am I to understand—I do not want to put words in your mouth—but is it your opinion that conditions of employment as to wage and hours could have been as good as they are now, regardless of whether there were organizations or not?

Mr. BERWIND. I think so. I think the law of supply and demand of labor and men—of course, the law of supply and demand makes the necessity for labor, doesn't it? And if that labor is very excessive, of course they do not get as high a wage as if it was short of the amount required. In other words, there has been a shortage of labor, and certainly the labor unions have struggled very hard to keep that shortage going all the time; and that has stimulated the rise in wages in a very high degree—very great degree. That is the reason I make that answer to your statement. I think if we had had a great abundance of labor in this country, more than we required, I have no doubt the wages would have been lower than they are to-day.

Commissioner O'CONNELL. If there had been no organization of labor at all?

Mr. BERWIND. Yes; it wouldn't make any difference whether you had an organization or had not an organization. I think that would have been the case.

Commissioner O'CONNELL. Now, as to legislation. You say you believe that in all things, except possibly wages, conditions of employment might be legislated on?

Mr. BERWIND. Yes.

Commissioner O'CONNELL. Now, would you feel that it should legislate for a minimum wage?

Mr. BERWIND. No; I did not particularly refer to the question of compensation in that. There are abuses in all businesses, and there are abuses in the mining business which unscrupulous people, whether employers or employees, practice. They are not all confined to the employees, by any means; and, I say, mining laws requiring certain—mining laws for the safety of the men and the operation of the property, and for their protection in every way, and also covering the operator, is the way to force honesty on both sides; but it has got to be enforced. You can not have the law and have it lay a dead letter.

Commissioner O'CONNELL. You believe in laws for compensation——

Mr. BERWIND (interrupting). In other words, I believe in absolute fair play.

Commissioner O'CONNELL. You believe there should be a law of compensation to provide for men when maimed and injured?

Mr. BERWIND. Oh, that we have. Yes; we believe in that, and it is going in our State.

Commissioner O'CONNELL. It is not going in Pennsylvania?

Mr. BERWIND. Well, they are getting it. It is in process of being gotten. I believe that law, when it is whipped into proper shape, is all very good. I am not opposed to it at all. It depends on the form they put it in.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. Mr. Berwind, referring once more to these boats and the conditions of life on the boats, have those conditions existed for a long time, and your company inherited the same method of handling the boats? Has that been going on for years? You did not initiate these methods?

Mr. BERWIND. Not at all. They have been with us ever since we have been in business, and we have had no complaints from the boats except on these two occasions, and they were both stimulated from the outside by men totally disassociated with us, and had nothing to do with us. They came to our men and got them into this state of mind, and these charges of irregularities made by some of our officials who are supposed to have taken something out of the pay envelope which belong to the men were promulgated. Now, that investigation fell down, as I told you.

Commissioner BALLARD. The relation of a man to his family always in seafaring life is a little different from what it is on land.

Mr. BERWIND. Oh, yes; has to be, from necessity.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. On your interpretation of the law of supply and demand, as you just gave it, without restrictions on immigration, would the large employer always be able to depress the market by oversupply?

Mr. BERWIND. I don't think so.

Commissioner GARRETSON. He would, in case the supply didn't run out——

Mr. BERWIND (interrupting). Oh, that is quite true if you had such an abundance of labor that everybody was seeking it and there would be competition of labor and it would be cheap; but that thing does not arise here, and has not in my time.

Commissioner GARRETSON. Have you consulted the figures on arrivals in the past 10 years—immigration?

Mr. BERWIND. Yes; but I know one thing—that there has never been a day in this 10 years, until this war broke out, that we could get the men to man our works.

Commissioner GARRETSON. Not a day?

Mr. BERWIND. Not a day——

Commissioner GARRETSON (interrupting). How about 1907?

Mr. BERWIND. 1907 was all right for us. We were just as short that year.

Chairman WALSH. Commissioner Weinstock says he has another question to ask you.

Commissioner WEINSTOCK. Were you present yesterday, Mr. Berwind, when Prof. Hollander testified?

Mr. BERWIND. No; I was not.

Commissioner WEINSTOCK. Well, in common with yourself, as a trained political economist, he expressed the opinion that legislation could do much, very much, along the lines of establishing a higher degree of industrial opportunity and would make way with some of the causes for industrial unrest and he specifically named these various legislative measures as being remedial in character.

Mr. BERWIND. Yes.

Commissioner WEINSTOCK. And I would like to know, from your standpoint as an employer, how far such measures meet with your support. First, the workmen's compensation?

Mr. BERWIND. Well, the workmen's compensation act, properly worked out, I should approve of.

Commissioner WEINSTOCK. Second, a minimum wage?

Mr. BERWIND. That I do not think—I do not see how you can establish that. That I am doubtful about, because I have never studied that; never thought of it.

Commissioner WEINSTOCK. Well, I might say for your information, Mr. Berwind, that it has been successfully established in Australasia for men and for women, and is being successfully established in this country in several States for women and minors pure and simple.

Mr. BERWIND. Well, I have not studied that question.

Commissioner WEINSTOCK. Well, take the old-age pension act, such an old-age pension act as they have in England or in Germany?

Mr. BERWIND. You mean compensation?

Commissioner WEINSTOCK. No; that is separate and distinct piece of legislation from workmen's compensation. Workmen's compensation deals only with workers who have been injured industrially, and has nothing to do with old age. But, as you doubtless know, in England and in Germany and in some other European countries they have established old-age pensions.

Mr. BERWIND. Oh, I think it is probably a proper thing if it is done on a broad scale. I don't know but that is fair if it is being done reasonably.

Commissioner WEINSTOCK. The next suggestion that was made was sickness insurance, on the ground that the greatest cause for human poverty is sickness, and that society, as a matter of just protection should, from its point of view, establish sickness insurance so as to minimize sickness.

Mr. BERWIND. Well, in our operations we overcome that—for instance, I personally built a hospital which supplies four counties, ours and others than my own, and this was equipped and fitted up and then turned over to the little town which is the headquarters of our people, and they jointly manage it; so we provide for our sick by having our hospitals and looking after them. But whether a general law—I don't know whether that is feasible or not, sir. I couldn't tell you.

Commissioner WEINSTOCK. The next suggestion was unemployment insurance?

Mr. BERWIND. Well, I am not prepared to pass on that either.

Commissioner WEINSTOCK. And the next was State labor exchanges to take the place of practically private employment bureaus?

Mr. BERWIND. I have not given those questions any consideration at all. I would like to give them more thought than I can give them here to pass upon them.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all; thank you, Mr. Berwind.

Mr. George W. Perkins.

TESTIMONY OF MR. GEORGE WALBRIDGE PERKINS.

Chairman WALSH. Take a seat, Mr. Perkins, and state your name, please.

Mr. PERKINS. George Walbridge Perkins.

Chairman WALSH. Where do you reside, Mr. Perkins?

Mr. PERKINS. In New York City.

Chairman WALSH. What is your business, please?

Mr. PERKINS. I am afraid I will have to get you to name it.

Chairman WALSH. In what corporations are you a director?

Mr. PERKINS. The United States Steel Corporation and the International Harvester Co. are the two industrial ones.

Chairman WALSH. Any railroad and transportation companies?

Mr. PERKINS. The Erie Railroad, the Florida & East Coast Railroad, the Cincinnati, Hamilton & Dayton Railroad.

Chairman WALSH. And the International——

Mr. PERKINS. And the International Mercantile Marine. Mr. Chairman, you addressed a letter to me in which you asked me a number of questions and asked me to be prepared to answer them. I have prepared the answer to those and I wonder if I might read that into the record as perhaps a preliminary statement.

Chairman WALSH. I think perhaps it would be very well and might shorten the matter.

Mr. PERKINS. And then I shall be very glad to answer any questions you may ask.

(Mr. Perkins read as follows:)

As to industrial relations in this country, perhaps I can best answer your questions by stating my beliefs, which, briefly, are as follows:

I do not believe that competition is any longer the life of trade. I have long believed that cooperation is the life of trade. I believe this because it is

clear that competition, driven to its logical end, gave us the sweatshop, child labor, long hours of labor, insanitary labor conditions, and bred strife and discord between employer and employee. I have long believed that cooperation through large industrial units, properly supervised and regulated by the Federal Government, is the only method of eliminating the abuses from which labor has suffered under the competitive method. I believe in cooperation and organization in industry. I believe in this for both labor and capital; but as in both cases the result places large power in the hands of a few men, I believe that such organizations should be under the strict regulation and control of the Federal Government in order that they may give the public the maximum amount of good and the minimum amount of evil.

I do not believe that the tariff has been any appreciable factor in maintaining our so-called trusts. I believe that improved intercommunication, such as the telephone, the telegraph, steam, and electricity generally, is almost solely responsible for the centralization of power in industry, just as they have been responsible for the centralization of population in cities. I do not believe that it is possible to change this situation, unless the Federal Government is prepared to make it a penal offense to use steam and electricity in industry.

The corporation question and the tariff question are fundamental in our industrial fabric, and until they are properly settled all other questions growing out of them can not be properly settled.

I do not take any stock at all in the idea that our present industrial difficulties are due to absentee ownership. So long as there is the telephone and the telegraph people are going to do business of all kinds and have social relations of all kinds on the absentee basis. Our Federal Government is based on the theory that the President of the United States, in Washington, represents absentee ownership. He gets his information from representatives who come to him from all parts of the country, with information as to conditions in those parts. It can not be otherwise under modern methods of life.

You ask me whether the large resources of endowed foundations constitute a possible menace. In my judgment no concern whatever need be felt on that score, provided the Government will but require that all their transactions, in the minutest detail, be made public once or twice a year. I mean by this a statement showing in detail what their money is invested in, what their income is spent for, and how the fund generally is administered. If in the course of events, under such a system, the money is used for improper purposes, it will not take public opinion long to correct such a condition. I am an absolute believer in the efficiency of public opinion; I believe that nine times out of ten it is not only right but all powerful.

I believe you threw out the suggestion last Sunday evening that the Government should take these foundations over and administer them. This, of course, would mean for them the same kind of efficiency in administration that we have in other branches of the Government, which would be a distinct loss to the people, for I take it that no one questions the high efficiency with which these foundation endowments are being managed any more than any one questions the low order of efficiency with which in many instances the public's money is managed by public servants in this country. The function of Government should not be to manage, but to regulate and control management.

You ask me to what extent stockholders and directors of corporations are responsible for labor conditions. The policy differs so largely in different concerns that a specific answer is impossible. In the corporations with which I have been connected the directors have felt a very real and keen responsibility for these matters, and the actual practices of these companies, year by year for a number of years, show an exhaustive study of these subjects and an intelligent and fair treatment of them, with the result that the relations between capital and labor have constantly improved year by year.

Personally I believe in small boards of directors, that directors should be held strictly responsible for the discharge of their duties, and that they should be required at certain periods to attest to the fact that they have discharged their duties. But I believe in the short ballot in business, just as I believe in the short ballot in politics. I believe in placing power and responsibility with executives and holding them to a strict accountability.

I have long believed that we can never solve the problem of properly compensating labor through the wage system alone. I have for many years believed

that we can come much nearer a fair solution by coupling profit sharing with wages. One of the reasons why I believe in large corporations is that, the ownership being impersonal, you can have profit sharing, welfare work, pensions, accident, and benefit plans, which can not so well be had in small units of business where the ownership is personal. I have not only preached all the above, but I have practiced it for a number of years.

You ask to what extent industrial warfare, unemployment, poverty, and delinquency are the result of defects and maladjustments of American industry. My answer is that 10 years ago such defects and maladjustments were responsible to quite a considerable extent; but a great change has taken place in this respect in recent years, and it is my deliberate judgment that at the present moment our industrial depression, unemployment, etc., are almost wholly due to the defects and maladjustments of Federal laws and administration. In the enormous railroad and industrial development that followed the War of 1865, improper business methods unquestionably grew up and have been practiced, to the detriment of business, to the detriment of labor, and to the detriment of consumer. There have doubtless been many faults and much maladjustment in the business methods of our country, but this is due to many causes. I personally believe that some of these causes—the most fundamental ones—have not received anything like the sober, serious, earnest thought that should have been given to them long ago by our men in public life. For instance, our laws, both Federal and State, have been drawn, and the attempt has been made to constantly enforce them, on the theory that we were doing business under the same conditions as did our forefathers; whereas our business men, in their actual business lives, have been forced to do business under conditions that have been entirely different from those under which their forefathers did business, or those existing at the time said laws were enacted.

Doing business is not a theory; it is a fact. You have got to do business according to the customs and conditions in vogue among your fellow men on the very day on which you are transacting business. One of the causes of maladjustment has been the maladjustment between actual business conditions confronting business men and our Federal and State laws. I believe that the economics that our political leaders have been trying to force American business men to accept are altogether antiquated and unsound in this day of universal intercommunication of steam, electricity, and the wireless. Germany has long since discarded them and won out commercially. In our struggle to retain them we have been losing out. There could be no more useful inquiry at this moment on the part of our Federal Government than a commission on economics. It is high time that we went to the root of our troubles and stopped scratching around on the surface.

Our political leaders tell us that competition is still the life of trade; that through it we will find a great new freedom. They tell us that cooperation through corporations is a great menace to our people and must be stopped. Germany takes exactly the opposite view. Twenty-five years ago Germany was the land of the small unit in business and her people were leaving the country every year in large numbers, seeking some other land, where they hoped for better industrial conditions. Germany gradually changed her system from the old destructive, competitive system, with small units of business, to the system of large business units, with cooperation on every hand. Her people gradually stopped leaving Germany until, during the two years preceding the outbreak of the war, practically none of her people left their homes in order to look for better conditions elsewhere.

Is this not a startling contrast? Is it not worthy of deep, sober thought and an exhaustive investigation by our Federal Government? May it not be just possible that our business leaders have been nearer right than our political leaders?

For every ounce of trouble brought about in industry through the selfishness and cupidity of business men, a pound of trouble has been brought about through half-baked laws and muttonhead legislation on the part of our legislators. Our legislators have not even possessed hindsight, and they have been veritable babes in foresight.

How vastly different and better industrial conditions and relations would have been during the past 20 years if at the time of enacting the Sherman law two other laws had been passed. One that would have prevented stock watering and overcapitalization in railroad and industrial organizations, and one that would have required full publicity for railroad and industrial organizations that became interstate and international. Two such laws would

have been of the greatest benefit and protection to investor, consumer, and labor; would have prevented much of the serious maladjustment that has existed; and would have permitted trade to go on and expand in conformity with the economics of steam and electricity.

The Sherman law has done nothing whatever to eradicate the evils that have existed in business, and has done much to seriously hinder the industrial development of this country. I can recall scarcely a piece of national legislation that has had as its honest purpose the promotion of business and the protection of investor, labor, and consumer, or that has been based on sound twentieth-century economics and morals.

For many years I have been a strong advocate of Federal regulation of our large industrial units. In this day of almost universal intercommunication, whether we like it or not, business must be done on a large scale, by large companies, with large capital and large bodies of employees, which means absentee ownership and absentee employers.

I have long believed and often publicly said that when an industrial corporation wishes to reach out beyond the State in which it is created, it should be obliged to do so under Federal regulation; that all its affairs should be made public, including its treatment of labor.

I have long believed and often publicly said that the larger an enterprise becomes the more semipublic it becomes, and the more important are its responsibilities to the public generally.

I believe that under Federal regulation and complete publicity large business units, in place of being a detriment to labor or trade, can be of great benefit to both.

Our touchstone should be conduct, not size.

Chairman WALSH. Will you please outline briefly the character of the connection you have with the corporations in which you are interested, Mr. Perkins?

Mr. PERKINS. They have been very varied. Do you refer particularly to industrial corporations?

Chairman WALSH. I will confine you, if you please, to industrial corporations, beginning with industrial corporations at any rate.

Mr. PERKINS. I have been connected with the harvester company since the very beginning of the company, and became connected with the Steel Corporation a few months after its organization.

Chairman WALSH. How many directors has the International Harvester Co.?

Mr. PERKINS. I think the harvester company has 15, or something like that. I really do not know the exact number, but approximately that number.

Chairman WALSH. Has it an executive committee?

Mr. PERKINS. It has a finance committee.

Chairman WALSH. That is the same thing?

Mr. PERKINS. Yes, sir; it is the same thing.

Chairman WALSH. What is the size of the finance committee?

Mr. PERKINS. Five.

Chairman WALSH. Are they selected from the board of directors?

Mr. PERKINS. They are selected by the board of directors.

Chairman WALSH. Are they all directors also?

Mr. PERKINS. Yes, sir.

Chairman WALSH. How many directors has the steel company?

Mr. PERKINS. It has many more, perhaps 35 or something of that sort. It has been a long while since I looked that up, but it has a much larger number.

Chairman WALSH. Are you a member of the executive committee of the International Harvester Co.?

Mr. PERKINS. Of the finance committee.

Chairman WALSH. Has the steel company an executive committee also?

Mr. PERKINS. It has a finance committee, which is both a finance and executive committee.

Chairman WALSH. How many members are there on that committee?

Mr. PERKINS. Nine.

Chairman WALSH. Are they selected from among the directors of the company?

Mr. PERKINS. They are appointed by the board from its own members.

Chairman WALSH. Are you a member of the executive committee of the steel company?

Mr. PERKINS. I am a member of the finance committee, which is the same thing.

Chairman WALSH. What information do you, as a director and member of the executive committee of those corporations, possess concerning the labor conditions in the corporations, beginning first with the harvester company?

Mr. PERKINS. It is almost the same in both companies. That is, the officers are required to report pretty strictly as to general conditions. I might perhaps more properly put it as the policy. The committee fixes the policy and the officers execute it.

Chairman WALSH. Do you receive reports from the corporations in writing in regard to the condition of labor in the different plants?

Mr. PERKINS. Not often; mostly verbally.

Chairman WALSH. Do you keep minutes of the executive committee?

Mr. PERKINS. Yes, sir; finance committee minutes.

Chairman WALSH. Do the minutes of the finance committee contain any records of action taken with relation to labor conditions during the past five years?

Mr. PERKINS. I doubt if they do very much, because that is pretty much an executive matter and somewhat in the nature of administrative work. The president of the company and the chairman of the board would be present and the matters would be gone over pretty thoroughly. It is not in the nature of a specific action, such as a man would take in buying a piece of land where it is necessary that a record be kept.

Chairman WALSH. So you recall no record in the minute books of the International Harvester Co. of any labor policy or labor action?

Mr. PERKINS. No; I do not recall any, but I do not doubt that we have had some.

Chairman WALSH. How long have you been a director of the steel company?

Mr. PERKINS. Eleven or twelve years—since a few months after its organization.

Chairman WALSH. Have they a definite written policy with reference to organized labor in the steel company?

Mr. PERKINS. No definite written policy, but they have a definite policy as to labor in that respect.

Chairman WALSH. Do you personally visit the plants of the corporations and make personal inquiry and observation with regard to the condition of their employees?

Mr. PERKINS. Yes, sir.

Chairman WALSH. What plants of the International Harvester Co. have you visited during the past year?

Mr. PERKINS. I have visited none of them during the past year, but before that I visited them quite frequently, and particularly when the company was organized, in a desire to find out the conditions at that time and what we could do to better them.

Chairman WALSH. When was that?

Mr. PERKINS. My first visit was when the company was first organized—12 years ago.

Chairman WALSH. How many of the plants of the steel company have you visited during the past year?

Mr. PERKINS. I think the last steel plant I visited was at Birmingham, Ala., which was perhaps a little over a year ago.

Chairman WALSH. You say that prior to that time you visited them oftener?

Mr. PERKINS. Yes; in the early days we thought—some of us—that there were some changes that should be made, and we wished to see the situation ourselves, and we visited the plants.

Chairman WALSH. Is the labor policy the same in both institutions—the policy of the companies toward labor and its organizations or lack of organization?

Mr. PERKINS. I would not say just the same in the sense that the actions are the same, but I think, practically speaking, it is about the same.

Chairman WALSH. You stated you had a very definite policy in the steel company a few minutes ago?

Mr. PERKINS. Yes.

Chairman WALSH. Please state what that policy is?

Mr. PERKINS. As to labor?

Chairman WALSH. As to labor generally. I would like you to make the statement in the broadest way that comes to your mind.

Mr. PERKINS. Our policy toward organized labor is the policy of the open shop, and our policy generally toward labor has been to interest it as far as

we could in ownership in the company and to promote as far as possible what in later years has come to be taken up by the States, such as workingmen's compensation and pensions and welfare work and things of that sort.

Chairman WALSH. Did your company as such take any action in the promotion of opposition to such laws so far as State legislatures were concerned?

Mr. PERKINS. Not to my knowledge. We have always been very much in favor of that and have felt much gratified that things we took up years ago have since been taken up by legislatures, which I think should be the case.

Chairman WALSH. In what way did you take up those matters prior to the suggestion of them in the State legislatures?

Mr. PERKINS. We took up—oh, I should say 10 or 11 years ago—in the steel company the question of profit-sharing and took that up in quite an elaborate way. I thought you might be interested in that, and I brought along the circulars which we issued at that time, which I would be glad to file if you wish.

Chairman WALSH. I wish you would please do so and state as concisely as you can what that plan is.

(Mr. Perkins submitted the following in printed form: Circular letters of the United States Steel Corporation, dated New York, December 31, 1908; January 7, 1910; January 3, 1911; and January 2, 1913. Also pamphlets entitled "Statement as to wages, hours, and other conditions of labor among employees of the United States Steel Corporation and subsidiary companies," April, 1914; and "Report of committee of stockholders of the United States Steel Corporation," dated New York, April 15, 1912.)

Mr. PERKINS. When the steel company was organized individual ownership was, of course, largely eliminated, and those of us who were intrusted with forming an organization to administer the corporation found ourselves confronted with a very large number of plants at many different points, minus what had been regarded before as the efficiency which comes from individual ownership and the immediate presence on the ground of the individual owners. The problem was, could such a large organization succeed permanently and efficiently under those conditions? After giving it considerable study, we adopted a profit-sharing plan, and in December, 1903, issued a notification of the plan to all the employees and stockholders of the company. That was about 12 years ago, you see. The plan is somewhat complicated, but I will state it as briefly as I can.

Our object was to substitute for a few individual owners a very large number of owners, and we divided the plan into two parts. We said to the organized men everywhere that it took approximately $75,000,000 a year to pay the interest on the corporation's bonds and the dividends on its preferred stock and to take care of replacement; we got up a circular and sent it to the men—I will not give the details, just the principle of it; it stated that we would distribute each year to the organization a certain percentage of any profits made over and above that amount, increasing the amount as the profits increased; that we would distribute that percentage each year, on recommendation by superintendents at the various plants, to those of the organization who had helped earn the money. Under that part of the plan we have distributed something over $20,000,000 during the years that the plan has been in operation. Then, in addition to the foregoing, each year we offer to the men of the organization stock of the company at a price we arbitrarily fix in January, and usually a point or two under the market price at the time we make the offer. We buy the stock and offer it, regardless of the market, usually a little under, so that the men may feel that in the month of January they can always count on buying stock as cheaply from the corporation as they could buy it anywhere else.

Chairman WALSH. How much has been distributed in that way?

Mr. PERKINS. I do not know how many shares, but nearly 60,000 men in the mills are now stockholders. For instance, in January of last year something over 27,000 men applied to buy one share of stock apiece. Each year has shown an increase over the previous year.

A man who applies to buy stock pays for it out of his pay envelope monthly, but is only allowed to pay a certain percentage per month, and it takes about three years to pay for the stock.

Then we put a certain sum per share into a fund; for instance, on the 30,000 shares of stock taken in January of last year we agreed to put in a fund each year for five years $3 a share on the whole 30,000 shares. At the end of five years all those who have paid for their stock and still have it receive this fund. It is divided among those who pay for their stock and have it

at the end of that time. Of course all of these men get dividends, as in the case of any other stockholder. Our experience has shown that this is a good thing for the men in every way. The men who can only afford to buy one share of stock a year are the laborers, and the greatest thing they can render is their best efforts every day in their work, wherever they may be. It is a very difficult thing to know how to share profits with the laborers based on any ordinary profit-sharing plan, so we feel that to interest him in stock ownership and then arbitrarily distribute profits to him rewards him for the best interest he could give, whatever his job might be.

This has proven very attractive to the men. Each year more and more have subscribed to this plan and become stockholders, and we have had very satisfactory results.

We had a letter a while ago from a man, who was evidently a foreigner, for we could hardly make out his letter, and he wrote to this effect: "I notice some mornings in going to my work that the cask in the superintendent's kitchen takes wood from the company's woodpile. I own two shares of stock in this company, and I want to ask if that is right?" So we had a pretty helpful partner in that man, although he had but two shares of stock.

While I was in Birmingham on my last trip there I was going along looking over the work, and the superintendent said, "Do you see that man working over there?" pointing to a man who looked rather shabby and dirty. And I said, "Yes." The superintendent said, "He delivers oil around the works. He nearly had a fight the other day. He was delivering oil, and a man receiving the oil had a little left in the cup and threw it out on the road. This man said, 'You want to quit that.' The man to whom he spoke said, 'What business is it of yours?' and this man said, 'It is a good deal of my business; I am a stockholder in the company and I don't want any oil wasted.'"

We did not get up our plan from the standpoint of philanthropy, but we got it up because we thought it would be a good thing for the company and the employees, and we have been very well satisfied with the results we have had. I hope I have not been too long in stating the plan.

Chairman WALSH. No; it has been very interesting. Commissioner O'Connell wants to ask a question.

Commissioner O'CONNELL. There is some difference between us, Mr. Perkins, in regard to the stock, given by the steel company to the employees. Has common stock been sold to the employees?

Mr. PERKINS. For the last three or four years. For a number of years we only offered preferred stock; then we had many demands from the men for common stock and offered that.

Commissioner O'CONNELL. Was there not recently some of the common stock sold to employees at a price somewhere around 80?

Mr. PERKINS. No, sir; not the common stock; the preferred stock has been sold for about that.

Commissioner O'CONNELL. What is the result if the stock sold to them falls in price?

Mr. PERKINS. That is perhaps one of the most interesting features of our plan. A man buys a share we will say of common stock at $50 a share. It takes him three or four years to pay for that. While he is paying for it we charge him with a rate of interest on his money equal to the dividend he receives and credit him with the dividends. This fund I spoke of, where we put $3 a share a year into a separate fund, is in addition to the dividend, so that at the end of five years he is sure to receive $15 in addition to his dividend. So if he paid $50 a share for his stock in 1905, in 1910 when he took his stock down, when he had paid for it and it was his, it would have cost him only $35 a share, and as much less than $35 as is represented by his interest in the sum of $3 a share left in the fund by those who did not continue payments and forfeited to the fund their $3 a share. So, I might say, in answer to your question, that the fund is an insurance fund against depreciation in value.

Commissioner O'CONNELL. Do you guarantee to take the stock off his hands at the price he paid for it?

Mr. PERKINS. No; but this fund is a very large insurance against any depreciation. We did do that once. When we put out this profit-sharing plan in 1902, depression came on almost immediately and the market price of the stock became much lower than the price at which we had offered it and at which the men had taken it, and it being a new thing, and some complaint arising about it, even in the mind of the most moral paper of New York, which had commented on it editorially, we thought we ought to take some action and the

finance committee brought the matter to the board, and the result was that a resolution was passed to the effect that if at the end of five years the stock was selling at a price less than the price at which the men took it, the company would protect the men.

Commissioner O'CONNELL. One point I want to get clear: The company has sold common stock to its employees?

Mr. PERKINS. It has.

Commissioner O'CONNELL. And it does not guarantee to return the price, the company does not guarantee the price paid?

Mr. PERKINS. No; but I want to make it clear that we have a heavy insurance fund which we set aside for the protection of the men. Mr. Commissioner, when I speak of profit sharing, I want to make it very clear that I do not believe in bonus giving or gratuities. I believe in profit sharing through which the man becomes a real partner, whether a partner to the extent of one dollar or a million dollars. I think every self-respecting man wants to do business on a business basis, and he does not want any gratuity.

Chairman WALSH. Mr. Perkins, how many employees are there in the United States Steel Corporation?

Mr. PERKINS. From one hundred and sixty thousand to two hundred thousand or odd.

Chairman WALSH. The maximum is what?

Mr. PERKINS. Something around 225,000 or 240,000.

Chairman WALSH. Could you make an approximate classification of them, as to skilled laborers, unskilled laborers, executive men, administrative men, and salesmen?

Mr. PERKINS. No; you would have to get that from the executive department.

Chairman WALSH. Do you include in the amount of stock taken the stock taken by the officers of the corporation.

Mr. PERKINS. Yes, sir.

Chairman WALSH. By the executive heads?

Mr. PERKINS. Yes, sir; this plan is open to every one from the chairman of the board down to the men doing common labor.

Chairman WALSH. What proportion of the $20,000,000 is or has been taken by the officers of the company?

Mr. PERKINS. A very small part in proportion to the whole, because when we make these offers we allow the workmen—the men who receive $1,200 a year or less, the first chance at purchasing the stock. We offer $25,000 a year and we allow the $1,200 men and under to subscribe first, and the higher-priced men are the last ones allowed to subscribe, so that the low-salaried men get the first choice.

Chairman WALSH. In point of numbers, how is this stock held by unskilled labor?

Mr. PERKINS. The largest percentage of it is held by unskilled laborers.

Chairman WALSH. How much is held by unskilled laborers?

Mr. PERKINS. It would be a rough guess, but from my general touch, I would say there would be by this time probably 25,000 or perhaps more.

Chairman WALSH. Twenty-five thousand?

Mr. PERKINS. Yes; but understand that is a guess on my part—simply my feeling from what I know about the organization.

Chairman WALSH. Now, what is the attitude, first, of the International Harvester Co., toward organized labor?

Mr. PERKINS. Toward organized labor? They have the open shop.

Chairman WALSH. Does it favor or oppose collective bargaining?

Mr. PERKINS. Well, the company, as far as I know, never has taken any action. And as far as I know most of the directors are in favor of organized labor; I am.

Chairman WALSH. Now, as to the United States Steel Corporation?

Mr. PERKINS. Practically the same.

Chairman WALSH. Attention was called to a resolution said to have been passed by the board of directors of the Steel Corporation on June 25, 1901; the report from which this is submitted seems to call this the executive committee.

Mr. PERKINS. During the first few months of the existence of the Steel Corporation there was an executive committee and a finance committee.

Chairman WALSH. I see.

Mr. PERKINS. But we found that did not work very well, so the executive committee was discontinued and one committee left, and that has been the administrative committee.

Chairman WALSH. Has your attention been called to the resolution passed by the executive committee on June 17, 1901, as follows:

"That we are unalterably opposed to any expansion of union labor, and advise subsidiary companies to take a firm position when these questions come up, and say that they are not going to recognize it; that is, any extension of the unions in mills where they do not now exist; that great care should be used to prevent trouble and that they promptly report and confer with the corporation."

Mr. PERKINS. No, sir, never; if I ever knew that, I don't remember it. I never was a member of the executive committee. But I have called your attention to the fact that the executive committee was done away with.

Chairman WALSH. Your attention was never called, as I take it, to that resolution, if it was passed?

Mr. PERKINS. No. Mr. Chairman, I want to say this: I doubt if the people in our country generally realize the enormous change that has come about in the years that have intervened between that resolution and to-day on such points as that. For instance, you see when that was passed, as you read it, the Steel Corporation was perhaps 5 or 6 months old and men then representing still had the old notions toward labor. It was before the Steel Corporation policy was thought out and formed and put into execution. And I would not be surprised if that were the attitude of the men who were then looking after those questions which was the function of the executive committee. As I think back now and realize how a good many of the men that came into the corporation from the old companies felt toward labor, I can see how they would have felt that way about it; but it does not by any means represent the policy of the corporation.

Chairman WALSH. And the policy of the corporation at the present date?

Mr. PERKINS. Absolutely open shop, without the slightest prejudice one way or the other, I believe, toward the man, whether he is a member of the union or not.

Chairman WALSH. I believe you stated you were in favor of labor organizing?

Mr. PERKINS. I am. I believe labor, as I have said in my paper, should organize. They should have just the same right, I think, as business men should have. And when you come to great labor organizations the administrative power is, of course, placed in the hands of a few men, and I think therefore that they should be under Federal regulation just as the large business concerns should be.

Chairman WALSH. Well, under the present system of organization prior to the nationalization, if it ever comes, of big business, what form do you think the labor organization should take in dealing with the situation?

Mr. PERKINS. Well, there is no form they can take other than their present form until there is Federal regulation.

Chairman WALSH. What is the basis for your opinion, if you please, Mr. Perkins? What are the principles underlying collective bargaining that you believe make it a good business or a social agency or both?

Mr. PERKINS. Well, in the first place, I believe that every man should have the right to so exercise his freedom as to render the most good to the most people. I think collective bargaining comes nearer representing that notion than individual management. I think we have got to have large business units because of our modern methods of intercommunication, and I believe that as the large business unit is more constantly in the limelight, you can get better control of it through publicity and the natural exhibition of its affairs than you can of the small unit. For instance, for the sake of comparison, I think we have very little control of the Chief Executive of this country except as we get it through the searchlight of publicity, and I consider that all powerful for that purpose. The result is we have had very little difficulty with any of our principal Federal officers through their doing anything that was morally wrong, but we have had many instances where Government officials, smaller officials, State officials, have done wrong. The more light you get on a question the more safety you have. I think that in the large corporations another very important advantage of collective bargaining is that you minimize the selfishness and self-interest that always exists in man.

Take the Steel Corporation. As I have just said, we have paid out for this profit sharing over $20,000,000 in a few years. The company is so large and its earnings are so enormous that it would be very difficult for any of us directors, who are stockholders, to figure how such a payment was affecting our individual pocketbooks; whereas you will find that a man who personally owns a concern is very loath to put in a profit-sharing plan, old-age pensions,

and stock like, because he figures it right back to his pocketbook. Perhaps I can illustrate that by citing an incident which comes to my mind. A man in a large industrial concern came to me four or five years ago and said: "You have got a surprising organization in the harvester company, the men seem very much attached to the company. I am told your profit-sharing and pension plan is what accounts for it. I am thinking of adopting something of the sort, and want to talk with you about it." I told him all about it. He practically owned his business. He came to see me once or twice, but I heard nothing more about it. I met him on the train some time after and asked him what had become of it. He said: "I had to give that up; I could not do it. Why, it would cost me too much."

It came right back to his pocket, and he did not do it. I think, where you have a large aggregate of money and of men in a corporation, you can get a public-service atmosphere established that is much more advantageous to capital and labor than you can in the smaller units of business.

Chairman WALSH. Do you have any contracts with labor organizations in any department of either one of your companies?

Mr. PERKINS. They may have; I am not sure about that.

Chairman WALSH. Does it discriminate in any way against men who belong to labor organizations or who advocate that plan of action?

Mr. PERKINS. Not to my knowledge; no, sir; that is not the policy.

Chairman WALSH. Is there any policy in any department or in any field of either one of these industries to keep out what they call outside agitators or organizers of labor unions?

Mr. PERKINS. No, sir; I have never heard that discussed in either company, and we have practically had no committees wait upon us for several years. We have had a very satisfactory condition as to labor.

Chairman WALSH. In your studies of profit sharing, how many different corporations have you studied, Mr. Perkins?

Mr. PERKINS. Well, I studied a great many prior to 10 years ago. I have not studied many since, because, as a matter of fact, speaking from my own knowledge of many of our American corporations that have adopted the profit sharing that we started in the Steel Corporation, the plan seems to have given very good satisfaction. The difficulty with most of the English plans and many of our American plans, has been that the profit sharing is profit sharing in name but far from it in fact. Most of the plans always contained something that tried to gouge the men or some little joker that was not fair to labor.

Chairman WALSH. Is there any department of either one of the two organizations that we have been speaking of where statistics have been kept on the question of profit sharing to cover other experiences?

Mr. PERKINS. In other companies?

Chairman WALSH. Yes, sir.

Mr. PERKINS. No; we have been too well satisfied with our own. Our own plan has been so vastly different from any other that we have not thought statistics would be of any advantage.

Chairman WALSH. Has there been any important changes made in the plan of profit sharing within, say, the past five years?

Mr. PERKINS. Not in principle. There has been some minor adjustment, but nothing to speak of.

Chairman WALSH. Have you observed any tendency among companies, which have profit sharing, to give less attention to sanitary work than after the introduction of profit sharing?

Mr. PERKINS. On the contrary, exactly the opposite has been my observation.

Chairman WALSH. Are employees who share in the profits less apt to be critical of insanitary working conditions than the other employees?

Mr. PERKINS. On the contrary—now, may I just take a minute on that?

Chairman WALSH. Yes; surely. Take all the time you wish on any of these questions.

Mr. PERKINS. A very interesting change has occurred in connection with that, namely, the men have come and said that now they had better conditions they would give better work. They used to feel that perhaps it was not proper to make suggestions. The barrier has been broken down and there has been more friendly intercourse. In fact, much that has been done in the way of improved sanitary conditions has been done at the suggestion of the men themselves who pointed out that it was good business to do it.

I remember—perhaps it is a good illustration—that we discussed for a long while in the harvester company the question of a minimum wage for the girls in the factories, and some time ago we adopted a minimum wage. We had had a long experience in the harvester company of constant changing in the twine mills; the girls would come and learn the business and then go somewhere else. We did everything we could to change that condition, but it did not seem to work. Then we introduced the minimum wage and almost immediately found that the percentage of girls remaining was higher, and it was only a short time until the managers came to believe that the extra efficiency obtained on that account more than made up for the increase in the wage we had established. And yet in all the different things that had been up for argument, pro and con, that particular thing had never occurred as a factor.

Chairman WALSH. Was the number of girls who remained steadily much appreciably higher?

Mr. PERKINS. Yes.

Chairman WALSH. Could you approximate how much higher?

Mr. PERKINS. Why, I don't remember now. It was some little time ago; it was perhaps 10 or 15 per cent.

Chairman WALSH. The logic of that would be that the establishment of the minimum wage in any industry would help to minimize the evils of the casual employment?

Mr. PERKINS. I would not feel competent to say that any industry that adopted it would experience that; but broadly speaking I should think that that would be true.

Chairman WALSH. Do you consider that it would be feasible for a large corporation such as either one of yours to have a condensed report as to living conditions, labor conditions made to stockholders along with the financial reports?

Mr. PERKINS. Yes, sir; I think that is going to be the next thing that will be required.

Chairman WALSH. Has it ever been done by any corporation that you know of?

Mr. PERKINS. No. We have made condensed reports of that sort in the steel company; in our annual meetings of stockholders such statements have been made.

Chairman WALSH. Do you think it would be feasible to have condensed, clear, logical reports made as to labor conditions, conditions of living of the employees made to the general officers of the company and transmitted regularly with the financial reports to the stockholders?

Mr. PERKINS. Yes. One reason why we should have Federal incorporation is that just such reports should be required by the Government regularly.

Chairman WALSH. Do you know of any laws as to health, safety, comfort, wages, and all of those matters that affect the industry which have been worked out by any corporation and required by it?

Mr. PERKINS. No, sir.

Chairman WALSH. There have been no standards of that kind, no general standards of that kind that you know of?

Mr. PERKINS. No. I think that there has been no scientific standard worked out. I wish very much that we had a department at Washington, a national commission, a bureau of industrial relations that would collect such information and serve to bring the employer and employee together on these very questions; I think it would be greatly to the advantage of capital and labor.

Chairman WALSH. What proportion of men in the furnaces of the steel mills of the corporation at the present time are working 12 hours per day?

Mr. PERKINS. Well, very few; but some are working 12 hours a day; that is, they are not working, but they are on duty. I think that should be very carefully looked into. There is a very great difference between men being on duty and a man doing hard manual labor for 12 hours a day.

Chairman WALSH. What proportion of the employees in the steel mills proper, or what percentage of them are on duty 12 hours per day?

Mr. PERKINS. I could not tell you; a small percentage only, and a constantly decreasing percentage.

Chairman WALSH. Well, it appeared here that perhaps there were 50 per cent in 1912 in that department alone.

Chairman WALSH. Working 12 hours per day.

Mr. PERKINS. That could not be so. I would be glad to send you those figures if you would like to have them.

Chairman WALSH. I wish you would, please.

Mr. PERKINS. Yes.

(Mr. Perkins subsequently submitted the Printed Statement as to Wages, Hours, and Other Conditions of Labor Among Employees of the United States Steel Corporation and Subsidiary Companies, dated April 30, 1914, to which the statement is made that on that date only 42.6 per cent of the employees work 12 hours a day and that further effort is being made to improve conditions.)

Chairman WALSH. How about last month?

Mr. PERKINS. Last month was not quite as large as it has been in some other months.

Chairman WALSH. But the proportion of them to the whole employment in the mill last month that were working 12 hours per day?

Mr. PERKINS. Would you like that prior to March 4, 1913—before and after?

Chairman WALSH. That would be all right. What I was really asking for was last month to compare with the report that we have—the percentage.

I have been asked to ask you a question here: Does the rule on profit sharing state that the bonus is paid on each share of stock during the first five years only to loyal employees?

Mr. PERKINS. No, sir.

Chairman WALSH. The word "loyal" is not used?

Mr. PERKINS. Please do not use that word "bonus"; I have been having much trouble with that during all these years I have been lecturing around the country on profit sharing; it is the most pernicious word that can be used. A bonus is a gift. And these men do not want gifts and the corporation ought not to want to make gifts. A profit-sharing plan is a profit-sharing plan or it is not.

Now, we saying nothing about "loyal"; all that is required under our plan is that the men pay for their stock and remain in the employ of the company and have the stock at the end of that time—the five-year period.

Chairman WALSH. The gist of this question, however, is, regardless of its wording, whether or not, in your opinion, the payment of these shares of profit sharing, if that is what you would call it, has a tendency to keep employees from protesting these onerous conditions such as I have enumerated?

Mr. PERKINS. That question has been following me for more than 20 years. The first time I experimented with this principle was when I was with the New York Life Insurance Co., when I organized many years ago there what was known as the Nylic Association, for which I was indicted after the insurance investigation. I was held up as a horrible example because, through the Nylic Association, the agents were tied up to the New York Life in such a way that they could not speak and could not live independently. That charge was never, however, made by a single man in the New York Life Insurance Co. It resulted in very great benefit, both to the agents and to the policyholders; in fact, two or three years afterwards, when things had quieted down, the insurance commissioner reported that the plan was of great value to the company.

Now, the same charge has been made from some quarters against this plan in the Steel Corporation, viz, that it is a nefarious device to make a slave of the man; to so bind him to the company that he can not say his soul is his own; but it will be impossible to prove that by the men themselves, and I should say that would be competent evidence.

Chairman WALSH. You have observed no such a tendency?

Mr. PERKINS. Not the slightest. As I said a few minutes ago, quite the opposite. Those men become interested. Let me tell you why we are anxious to have the workmen get their stock and pay for it slowly and then deliver it to them. The man who acquires something quickly, who goes out on the spur of the moment and buys something is naturally not so apt to regard that as highly as something that he has been a long while acquiring. Under our plan the man takes 10 cents a month or 50 cents a month out of his pay envelope and pays for this stock; he knows about it; his wife knows about it; some of the neighbors know about it; and after he has paid from month to month for three or four years and finally is handed that stock certificate he is not going to get rid of it quickly; he is not going right out and part with it.

Chairman WALSH. Not going to do what?

Mr. PERKINS. To part with it. And again, when a man wants to borrow $25 he does not go out and look his furniture, but he takes his certificate out of his pocket and goes into the bank and borrows the $25 like any business man would and gets it at the same rate of interest. The men come to find an interest in a certificate bought in that way. They do not part with it unless some unforeseen circumstance comes along.

Chairman WALSH. Do you know of any corporation, Mr. Perkins, who are working, directly working, through health, Federal Labor Department, and such Government agencies to better working conditions for their employees?

Mr. PERKINS. Do you mean through Government agency?

Chairman WALSH. Yes; through the Government to establish laws having that tendency?

Mr. PERKINS. I did not know there was any Government agency. There are the State agencies; just in the last two or three years State organizations have sprung up; but I do not know whether there has been any work——

Chairman WALSH. By State and Government agencies I mean all sorts of State as well as Government?

Mr. PERKINS. No; I do not. I personally feel that it is a pretty poor industry that will not support all that sort of thing out of itself. I believe that they should come out of the profits of industry, rather than through State provision, such as they have in Europe. I hope we will never have to do it altogether that way.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning. We will have to ask you to return to-morrow morning at 10 o'clock. And I also wish to make the announcement that the session will be held in the aldermanic chamber.

(At 4.30 of this Thursday, January 21, 1915, an adjournment was taken until to-morrow, Friday, January 22, 1915, at 10 o'clock in the aldermanic chamber.)

NEW YORK CITY, *January 22, 1915—10 a. m.*

Present; Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, and Garretson.

Chairman WALSH. The commission will please be in order.

You may resume the stand, please, Mr. Perkins.

TESTIMONY OF MR. GEORGE W. PERKINS—Continued.

Chairman WALSH. I have just one other question, Mr. Perkins, and then some of the commissioners desire to ask you some questions.

Mr. PERKINS. Mr. Chairman, you asked me for some information last evening as to the number of employees, wages, rates, and so on.

Chairman WALSH. Yes.

Mr. PERKINS. I find I have that now, if you wish it.

Chairman WALSH. Very good. I will be glad if you will furnish that first.

Mr. PERKINS. I will just read this, if you will allow me to, because I believe it covers directly what you asked me yesterday.

Chairman WALSH. Very well.

Mr. PERKINS. This is a report. I remembered, after you asked about written reports, and so on, yesterday, that we had had reports made to the board and stockholders on labor conditions, and so on; and one was made about a year ago, which, when I got home last night, I found among my papers. And I think it covers the points that you asked. Now, this was the report made just about a year ago on the conditions of 1913.

(Mr. Perkins then read as follows:)

"The rate of wages now being paid to our employees is the highest which has been paid in the iron and steel industry since that industry reached anything like its present proportions. There has been no reduction in wages since the advance made on February 1, 1912, which involved an increased expenditure of $12,000,000 a year. During 1913 the average number of employees in the service of the corporation and its subsidiary companies was 228,906. The total salaries and wages paid to such employees was $207,200,176. The average salary or wage per employee per day, exclusive of the general administrative and selling forces, was $2.85; and the average salary or wage per employee per day for all employees, including the general administrative and selling forces, was $2.92. It is believed that during 1913, as in previous years, the average wage scale of the corporation was the highest in the industry. This wage scale has been maintained notwithstanding unsatisfactory business conditions and a steadily narrowing margin between prices and cost of production.

"In a communication heretofore addressed to the stockholders, you have been informed that the 12-hour day is confined almost entirely to those depart-

ments, such as the blast furnaces and rolling mills, where operations must be continuous throughout the 24 hours, although the hours of labor of the workmen employed in them are intermittent, because of intervals during the operations. The nature of these operations is such that the workmen are actually employed less than two-thirds of the time. Owing to the peculiar conditions controlling these operations, it is the practice in the industry to divide the day into two turns of 12 hours each, and the only change which could be made would be to divide the day into three turns of 8 hours each, but in that case the hours of labor would be so much reduced that remuneration to the workman would necessarily be diminished. Our experience in eliminating seven-day labor shows that any plan under which the men earn less results in the loss of many of the best workmen, who seek and find employment where such restrictions are not enforced. Through the discontinuance of seven-day labor, upward of 4,000 men left our employment within a very short period of time during 1923 and found employment where they could earn their accustomed seven days' wages per week; notwithstanding this, we have adhered to the six-day schedule.

"From our investigations of the subject, it is believed that the 12-hour day is not physically detrimental to the men, because the work is intermittent, and for the further reason that the introduction of machinery has eliminated most of the arduous physical labor. In fact, those departments in which the 8-hour day prevails are probably more exhausting in their demands upon the men physically than the 12-hour shifts, owing to the continuous nature of the employment. We are not unmindful of the opinion expressed by the Fish committee—that the 12-hour day is detrimental to the social welfare of the men—because of the claim that 12 hours away from work is insufficient for rest and recreation and leisure at their homes with their families, and studies are being made to provide, wherever possible, suitable facilities to enable the workmen to enjoy as much leisure and recreation as the economic conditions of the industry will permit; but these conditions are not under the control of any one employer, however large, or of all the employers in any one industry."

Mr. PERKINS. I would like to emphasize that that difficulty comes from the State laws and regulations and practices in the different States; and if we had a Federal regulation it would be much easier to have hours of labor and that sort of thing enforced.

(Mr. Perkins continued reading, as follows:)

"Steady employment is a matter of vital importance to the workmen in any industry, and is of even greater benefit to them than shorter hours or higher wages. The welfare of the workmen and of the corporation is dependent upon the prosperity of the iron and steel industry in this country, which in turn depends upon good general business conditions. The general average of prices for iron and steel products, which has prevailed for nearly a year past, has been on a very low level and the margin between selling prices and cost of production is much smaller than has prevailed at any time during the past 15 years, with the exception of a short period in 1911, and affords a low rate of return on the actual value of the capital employed. The large tariff reductions have brought many of our largest markets into strong competition with foreign iron and steel makers whose employees work 12 hours a day at wages averaging 50 per cent or less of the rates paid in this country. Under all these circumstances it seems clear to the committee that such a radical change as the one suggested can not be made at present. Leaving out of consideration employees engaged on railroad trains, ships, and in general administrative work, only 22.5 per cent of our employees work 12 hours a day; and we are making efforts to further improve conditions."

Mr. PERKINS. You said yesterday you thought it was 50 per cent, and I said I was sure it was not that. These are the figures.

Chairman WALSH. Does that percentage apply to those in the steel mills proper or——

Mr. PERKINS (interrupting). Yes; this leaves out of consideration the employees engaged on railroad trains and general administrative work——

Chairman WALSH (interrupting). What is general administrative work?

Mr. PERKINS. Well, the president of the company, for one. I do not think he confines himself to any hours per day.

Chairman WALSH. Yes; and railroads?

Mr. PERKINS. Of course they are all regulated by law.

Chairman WALSH. Now, what else besides administrative work and railroads?

Mr. PERKINS. Ships.

Chairman WALSH. Ships?

Mr. PERKINS. Ships—shipping.

Chairman WALSH. How about the mines?

Mr. PERKINS. Well, including everything except railroad trains, ships, and general administrative work—only 22.5 per cent of the employees work 12 hours a day.

(Mr. Perkins continued reading, as follows:)

"The voluntary accident relief plan, established by the corporation before workmen's compensation laws had become operative anywhere in this country, has been successfully continued in all those States where it has not been superseded by such statutes. In those States where workmen's compensation laws have been passed our subsidiary companies have accepted such laws and endeavor to cooperate with the State authorities in their successful application.

"The amount paid in 1913 to and for our injured workmen, including expenditures both under our plan and under workmen's compensation laws was $2,504,838. Thus 35 per cent of the total amount expended by reason of work accidents was paid out to the injured men and their families or in taking care of them.

"Our accident-prevention work has reached a high point of efficiency. Nevertheless experience and careful observation suggest improvements from time to time and they are promptly made. Effort is now being directed toward teaching the workmen habits of caution, making watchfulness against dangers to themselves and their fellows a matter of constant attention. It has been necessary to overcome recklessness and disregard of dangers, which had come to be treated as customary risks of the trade, against which the men would not take any precautions; to teach them that taking risks will not be permitted.

"The cost of safety work in 1913 was $660,592.

"Serious accidents per 1,000 employees are now 28¼ per cent less than in 1906, when this work was first taken up by the corporation. This means that 2,273 men, who might have been injured under earlier conditions, were saved from serious injury during the year.

"The pension fund has proved so satisfactory that no changes of any moment have been required. The number of pensioners continues to increase with a corresponding increase in expenditure. This plan has been made to work more smoothly in some of its details and in its relation to the accident relief plan. Total number of pensioners December 31, 1913, 2,092; number of pensions granted during 1913, 425; total amount paid in pensions during 1913, $422,815.14; average age at which pensions were granted, 63.78; average service of pensioners (years), 26.83; average pension granted (monthly), $20.25.

"Employees' stock subscription plan: On December 31, 1913, more than 35,026 employees were stockholders under this plan. Their aggregate holdings amounted to more than 146,462 shares of stock. It is impossible to ascertain how many employees, in addition to those yet receiving the special benefits that continue for five years, hold stock upon which these special benefits have ceased to be paid, but it is believed that the numbers would greatly increase the figures here given. The subscriptions for 1914 show that 46,488 employees subscribed for a total of 90,606 shares of stock.

"In sanitation many improvements have been made in the proper investigation and observation of water supply and distribution to the men. All sources of drinking water are analyzed periodically. Great care is taken against possible pollution. The most modern and sanitary methods are used in the proper cooling and distribution of water, including the sanitary drinking fountain. The common drinking cup has been practically eliminated. The investigation of water supplies and the installation of drinking water systems alone cost $130,000 during 1913. The common or roller towel has been abolished. Wash rooms, shower baths, and lockers, started in earlier years, have been extended. During 1913 there were installed 1,193 washbasins, 210 showers, and 15,471 lockers. Two additional swimming pools for general use in the mining towns were built during the year. The cost of providing washing facilities for 1913 was $141,000. The total cost of sanitary work during the year was $504,977.

"In welfare work of a character not covered by the plans already mentioned for benefiting the workmen, our companies have tried many interesting things. They now maintain in the populous districts around their plants 101 children's playgrounds, with an average daily attendance during last summer of 2,688 children. At a number of the plants visiting nurses are available.

"The aggregate expenditures during 1913 for improving conditions among workmen of the United States Steel Corporation were as follows:

Relief for men injured and the families of men killed which is paid in all cases, regardless of legal liability	$3,013,468.12
Accident prevention	868,862.94
Sanitation and welfare work	1,868,243.59
Pension fund, which provides support for superannuated employees:	
(a) For pension payments	422,815.14
(b) Additional benefit payments and administration cost	48,370.34
(c) For the creation of a permanent fund, to be completed in 15 years	369,000.00
Employees' stock-subscription plan, approximately	1,000,000.00
Total expenditures for improving the condition of workmen	7,240,082.33

Mr. PERKINS. I think those figures substantially cover your question.

Chairman WALSH. Commissioner Ballard asked me to suggest if it would be possible to send one of those printed documents to each of the commissioners?

Mr. PERKINS. With pleasure. I would be very glad to do so.

Chairman WALSH. Do you consider it necessary to the success—to the permanent success of a large industrial organization, and to the welfare of the people engaged in it, when it becomes highly organized or centralized, that a definite and businesslike survey should be constantly kept, covering labor conditions and the conditions of the working people in the industry, which information should be kept at the constant command and under the notice of the management or directors of the corporation?

Mr. PERKINS. I think that is highly necessary; I would go further than that and say that it should be at the command of all public authorities, and that there ought to be some law requiring the filing of such information, just as there is a law requiring the filing of a financial statement.

Chairman WALSH. From your experience as a director and manager of these large concerns, is it perfectly feasible to do so, if one is willing and desirous to do so?

Mr. PERKINS. Yes, sir; and I think it is far more important than to keep up a constant inspection of the machinery of the plant. If the machinery of a plant is worth inspection and keeping in repair and in proper condition, certainly the men are.

Chairman WALSH. Could reports be made as definitely and in as businesslike way in regard to those conditions as in regard to the other conditions?

Mr. PERKINS. Yes. I think the report which I have just read is an illustration of that.

Chairman WALSH. Shortly before adjourning, I was handed a question to ask you, the gist of which is, does the opportunity to share in the profits of your concern, by taking stock, depend upon what might be called the loyalty of the employees to the organization—to their work?

Mr. PERKINS. No, sir; except possibly if you regard loyalty as interest. The fund which I spoke of yesterday that we contract to put aside, $5 on certain stock and $5 a year on other stock, is dependent on a man going on and paying up in full for his stock and obtaining it at the end of the five years, the idea being to get him to continue with the business. As to using the word "loyalty" in the sense that his freedom of speech or freedom to criticise is affected, there is nothing of that kind involved.

Chairman WALSH. There seemed to be some difference, and it might be well to have this thoroughly understood. The gist of the suggestion was this: You having spoken of the right of the employee in industry to share in its product in this way, and that it was not a benefaction.

Mr. PERKINS. Yes.

Chairman WALSH. I think the kernel of the suggestion was, was it optional on the part of the employer to give that right to the employee only if he considered the employee deserving and loyal?

Mr. PERKINS. No, sir; when the plan of the corporation was formulated, it was made perfectly clear how each man should share. There was nothing left to discretion. These men buy their stock, and all that is required of them is that they remain in the employ of the company in general good standing.

Chairman WALSH. These further suggestions were made to me this morning, following that inquiry, and you may answer them in your own way. From the circular of 1902, December 31, 1902, signed by yourself, upon this subject, is the following [reads]:

"If he will not sell or part with the stock, but will keep it, and in January of each year, for five years, commencing with January, 1904, will exhibit the certificate to the treasurer of his company, together with a letter from a proper official, to the effect that he has been continuously in the employ of the corporation or of one or the other of its subsidiary companies during the preceding year, and has shown a proper interest in its welfare and progress, he will during each of such five years received checks at the rate of $5 a share a year. For example: If a man buys one share of this stock in January, 1903, he will undertake to pay $82.50 for it. If after paying for it he keeps it for five years he will in each year have received dividends at the rate of 7 per cent on the par value of the stock, and also will have received each year an extra dividend, so to speak, of $5; this latter sum being paid him as special compensation for rendering continuous faithful service to the corporation or to one or another of its subsidiary companies, as shown by the exhibition of his certificate together with a letter from a proper official showing that he has worked to promote the best interest of the company in which he has thus become practically a partner."

Chairman WALSH. That appears in that circular?

Mr. PERKINS. Yes, sir.

Chairman WALSH. And in the same circular is the following [reads]:

"This fund"—I am omitting a portion of it, Mr. Perkins, and if you deem it necessary I will go back and put that in.

Mr. PERKINS. No. I know what that is.

Chairman WALSH. It continues [reading]:

"This fund shall be credited with 5 per cent annual interest, and at the end of the five-year period the total amount thus accumulated will be divided into as many parts as shall be equal to the number of shares then remaining in the hands of men who shall have continued in such employ for the whole five years, and the corporation will then by its own final determination award to each man whom it shall find deserving thereof as many parts of such accumulated fund as shall be equal to the number of shares then held by him under this plan."

Mr. PERKINS. That is right. I devised that plan and drew the circular. It was discussed for a long while and adopted as you have it there. There are two points, I take it, which you wish to bring out?

Chairman WALSH. The question is whether the power is not absolutely in the manager of the company in regard to setting aside this award, to do so at his option, and if he can not withhold this from the employee if he considers him undeserving, and, of course, if he has full power, it is dependent upon his mind vision as to whether the employee is deserving and whether he has been devoted to his work or wandered away from it, or whether complaint has been made that he is an agitator or something like that, or that he is unfit for other reasons.

Mr. PERKINS. There is another point. A man who has his certificate for four or five years—he only gets that allotment of money if he has a certificate to show. The two points we wished to guard against were these: As explained in that circular the first offering was of preferred stock at $82 a share.

Chairman WALSH. Eighty-two dollars and fifty cents.

Mr. PERKINS. That stock was taken by a good many men and they were credited with the 7 per cent dividends at par on the stock and charged 5 per cent interest on the deferred payments. Then we put into the fund each year $5 a share, and at the end of five years the men who still had their stock, and were paid up on it were entitled to those five payments on their stock. We did not give the stock to the men, but held it for five years. Everyone knows how many people are always hanging around mills, trying to inveigle the men into doing something that is not to the interest of the men, but to the interest of those who are trying to get them to do it. We knew that if we let the men take their stock and paid this $5 each year the price of the stock at the end of the first year would be $77.50, at the end of the next year $72.50, and at the end of the next year $67.50; and if that stock was then selling at $60 a share there would be some shark who would come around and get the man to sell his stock. That is the reason why that was put in. The reason we put in those careful restrictions as to why he would get this $5 at all was because

there was some questions as to whether legally the directors had the right to pay what is practically an extra dividend to a certain group of stockholders. No one outside of the corporation was getting over 7 per cent on the stock, and the question might arise as to why these stockholders were getting an extra dividend of $5 a share on the stock. We could not legally do that—that is, there might have been some question about it, at any rate—without some equivalent, and that equivalent was that the men would remain in the service of the company, and so forth.

I have never known of a case where a man raised the point that we were unjustly depriving him of any of these payments, and I think investigation among the thousands of our men would not disclose such a case. So you understand why we did it was because we were possibly making a class of preferred stockholders in that way.

Chairman WALSH. From the circular of 1909, dated January 5 of that year, signed Richard Trimble, secretary, the following language, this suggestion, is also found—I might omit the first part of it and come down to the second, as follows [reads]: "Has shown a proper interest in the progress and welfare of the company," and also in the circular of 1910, issued in January of that year, also signed by Mr. Trimble, this is made conditional upon the fact that he has shown a proper interest in the welfare and progress of the company. I assume, unless you desire to add to it, that that question is answered the same as the others?

Mr. PERKINS. Yes. And I would like to make the additional answer that we also desire to make these men partners in the company. We want them to feel that they have an ownership advantage from their financial status in life, and that may mean as much to them as a thousand or more shares would to a man more fortunately situated.

Chairman WALSH. Could there be any way devised by which the employees could get the stock without any restrictions of that character? Could they have the legal right to do it under certain circumstances?

Mr. PERKINS. At what time? He has a legal right, of course, at the end of this period.

Chairman WALSH. But I mean to get all the benefits of it, leaving out, without passing upon the question by the employer as to whether he was a deserving man or not; as to whether he had shown a proper interest in the welfare and progress of the company. Would that be possible legally?

Mr. PERKINS. Well, as I say, that question is open to debate. But we did not want to take any chance of having it said a little later on that we could not carry out this arrangement with the men, and being criticised for it; and we tried the best way we could to issue the circular so that under no circumstances could we fail to be able to carry out our promise to the men.

Chairman WALSH. If it was legal, do you think it would be more advisable to do it that way?

Mr. PERKINS. I think it would be if some such arrangement as that could be established. But I do not think the stock ought to be given to the men until it is entirely paid for, and the period of time has expired, because the whole benefit of such a plan is that the men remain stockholders in the company and save their money.

Now, the men who buy the stock and pay 50 cents a month, or $1 a month, or 25 cents a month are prevented from buying a good many knicknacks that are brought to the gates; their subscription prevents their fooling their money away. It enables them to save money and keep it. It is pretty hard for a man working for $3 or $4 a day to go to a savings bank and put in 25 cents a week. It is not very exciting, nor does it encourage him to ever get any money ahead; but under a plan like ours the man sees that if he puts away a few cents a week at the end of five years he has got a very advantageous investment and he is encouraged to go ahead and do it. He sees the plan laid out to help him if he does do it. If he does not do it, and happens to get a little money ahead somebody is likely to come along with a plush chair or something of that sort, and instead of saving money, he will buy it.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Mr. Perkins, I want to get to those figures again, of the percentage of 12-hour employees.

Mr. PERKINS. Yes, sir.

Commissioner O'CONNELL. I understand from your figures the men that are working are about 22 per cent?

Mr. PERKINS. Yes, sir.

Commissioner O'CONNELL. Outside of the clerical force and the force on the ships and the railroads?

Mr. PERKINS. Yes, sir.

Commissioner O'CONNELL. What percentage of the employees of the mills proper, the steel mills, are working on 12 hours?

Mr. PERKINS. Well, as I said yesterday, I would have to get that. I do not think this statement gives that percentage. It is a small percentage, though.

Commissioner O'CONNELL. Have you a copy of the report made by a committee of stockholders?

Mr. PERKINS. There was such a report that was made two years ago or such a matter.

Commissioner O'CONNELL. April 15, 1912.

Mr. PERKINS. Yes; it is about three years ago.

Commissioner O'CONNELL. For your information, let me read.

Mr. PERKINS. Yes.

Commissioner O'CONNELL. On page 5 of this report: "The 12-hour day. To ascertain the number of employees of the Steel Corporation working on 12-hour schedules, exclusive of officers, managers, and clerical force, we have examined the records of 175,715 men. Of this number we find 45,248, or 25¾ per cent, are at present working 12 hours per day. Generally speaking, this schedule confines itself to the largest proportion in these departments which are more or less continuous, such as the rolling mills, open hearth, blast furnaces, where the percentage working 12 hours varies from 50 to 80 per cent."

Mr. PERKINS. The statement that I just read said that it was in the rolling mills, blast furnaces, and so forth, where it is a continuous industry, and where it is necessary to have either two shifts or three shifts. I think you will find the paper I have just read will cover that.

Commissioner O'CONNELL. At the Homestead mills I find from the figures taken from the Government reports that out of 6,517 employees, 4,456 worked 12 hours, or a percentage of 68.

Mr. PERKINS. Well, you see, you have taken a continuous-industry mill. In another mill where it is not necessary to work continuously you may not find it over 8 per cent.

Commissioner O'CONNELL. If we were to take away from the steel industry all the things entirely outside of such mills that are spoken of, which are, I take it, where the most laborious work in connection with the steel industry is performed?

Mr. PERKINS. It is in continuous industry.

Commissioner O'CONNELL. And the heated work. In round numbers, what percentage of these workmen are on the 12-hour basis?

Mr. PERKINS. I think my paper said about 22 per cent of them are, so that in those mills I should think that it would be perhaps 8 per cent. It is just a guess. It would be very small for the whole way through.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Can you tell us, please, offhand, Mr. Perkins, what is the volume of shares of stock that from the beginning of this profit-sharing policy has been issued to the workers?

Mr. PERKINS. No; I could not give that.

Commissioner WEINSTOCK. Do you know——

Chairman WALSH. Pardon me, Mr. Weinstock, but Commissioner Garretson requests that you speak a little louder. He says he can not hear you at all. I notice you have a bad cold, but kindly try to do a little better than that. Mr. Garretson says he can not hear you at all.

Commissioner WEINSTOCK. Can you tell us offhand, Mr. Perkins, what proportion the shares held by workers bears to the whole issue of stock?

Mr. PERKINS. No, sir; I could not say that.

Commissioner WEINSTOCK. Could you approximate it in any way?

Mr. PERKINS. No; I could not. But I am sure the corporation will be very glad to send that to you.

Commissioner WEINSTOCK. You think it equals 10 per cent of the whole?

Mr. PERKINS. No; I do not think it is as much as that, because those shares are held by a large number of people in very small amounts. Our idea was not to tempt the men to try to buy too much. We did not want them to feel that they would not have anything to put into the home or to buy other things they want. We just wanted them to feel that they had an interest.

Commissioner WEINSTOCK. They were permitted to buy, I suppose, what you might call treasury stock?

Mr. PERKINS. No; there is no treasury stock.

Commissioner WEINSTOCK. There is no treasury stock?

Mr. PERKINS. We buy the stock in the open market.

Commissioner WEINSTOCK. And you sell to them at cost?

Mr. PERKINS. It is not a question of cost. We buy it at whatever it is in January, and we sell it to them at a point or two below the then market, whatever the market is.

Commissioner WEINSTOCK. Who bears the loss?

Mr. PERKINS. The corporation, if there is any.

Commissioner WEINSTOCK. What would happen if no stock was available on the market?

Mr. PERKINS. I do not recall that that has ever happened in the Steel Corporation.

Commissioner WEINSTOCK. I see.

Mr. PERKINS. I think, perhaps, Mr. Commissioner, I can give you some light on that. A great many people have come to me for advice about profit-sharing plans, because they know I am interested in the work. I have had a great many concerns come back with the question, "How can we use this plan? We have no stock." I presume that is what you are thinking of.

Commissioner WEINSTOCK. Yes.

Mr. PERKINS. And that is one of the reasons why I have come to feel that the corporation is much the better form of business for labor, because there is stock. In a business in which there are only half a dozen partners, it is very difficult to get the employee interested; do you see?

Commissioner WEINSTOCK. Yes. Now, I gathered from your statement yesterday, Mr. Perkins, that you look upon profit-sharing practically as the missing link between labor and capital?

Mr. PERKINS. Decidedly. I have for many years.

Commissioner WEINSTOCK. And you think that that is the primary remedy for industrial unrest?

Mr. PERKINS. Yes, sir. Let me say, also, that I hope to see the day when a concern doing business outside of any one State must go to Washington and get a charter or license. I consider that when a group of men have a business that they wish to exploit all over the world they are asking for a privilege; they are asking a good many people to intrust money to them for that purpose, and they are asking labor that can not be in touch with the direct head management to trust them, and they are asking the consumer to trust them. I think they ought to realize that theirs is a very great trust in the truest sense of the word, and that they should really want the Federal O. K. on all their acts in return for that privilege.

Now, it seems to me that by getting that privilege they can go on and do a great many things that a smaller concern is unable to do, and that, having organized in this way, the first thing that should be done is to exhibit to the Government the plan of their organization. I think that, first of all, the money for the capital should be paid in dollar for dollar in cash, and then I think a plan should be worked out by which a company would say, we pay the interest on our bonds, then we pay the dividends on our stock—the stock having been paid in as fully as the bonds—and then whatever money we are able to make over and above that shall be divided between the stockholders and the laboring men; that the laboring man is supposed to have earned his wages through having earned the interest on the money that was put in the business. If he earns a surplus above that, such surplus should be shared with him and with the stockholders. I think that is the plan that should be worked out, and I think Federal incorporation should include some such stipulation. In this way the company would have a profit-sharing plan through which every employee could be interested in the company, and the permanency of such a company would be far greater because every single man would be working for its success. It would tend to minimize the friction that exists all the while—that used to in days gone by—in many companies between the employer and the employee. They stand off, glare at each other, and do not work for the same thing. The man with the wage takes the wage and goes home and forgets the business, whereas the manager of the company—the owner of the company—never forgets the business night or day.

Commissioner WEINSTOCK. If the profit sharing is the missing link to minimize industrial unrest, to bring about a more cordial relationship between the worker and the employer, it must then be applicable to the common conditions?

Mr. PERKINS. Yes, sir.

Commissioner WEINSTOCK. And not confined to the high spots, as it were?

Mr. PERKINS. Quite right.

Commissioner WEINSTOCK. In the industrial world?

Mr. PERKINS. Yes.

Commissioner WEINSTOCK. Now, if it is to be generally applied, do you think it can be applied not only to the great corporations but to the smaller enterprises and to the partnerships?

Mr. PERKINS. I do, provided that men will but learn that it is possible to do business in the open. There are a great many men in this country doing business to-day who feel that it is necessary to do it in secret, and that their employees must not know what profit they are making. I believe that feeling is confined more generally to the small firms than it is to the large corporations. I feel that a study of that question by your commission is all important.

Commissioner WEINSTOCK. Well now, further, if profit sharing is the cure, then it must be a system that is not only a sunshine system but also a winter system?

Mr. PERKINS. Absolutely.

Commissioner WEINSTOCK. That it must stand the test of all conditions?

Mr. PERKINS. Correct.

Commissioner WEINSTOCK. Now, admitting that while there is prosperity and while there are profits to the shares that that would tend to bring about a higher feeling of contentment and interest on the part of the worker, what is likely to happen if the opposite takes place? For example, take your own company.

Mr. PERKINS. Yes.

Commissioner WEINSTOCK. Supposing there were conditions beyond the control of the management, and that you should have several succeeding adverse years when there would be no profits to divide. On the contrary, there might be a deficit. What is likely to be the frame of mind of the worker under those conditions?

Mr. PERKINS. Well, I regret to say, Mr. Commissioner, that that is the immediate situation in the Steel Corporation. Conditions beyond the power of the management to control are such this January that, for the first time since the corporation was organized, we have no profits to divide. We, of course, regret this exceedingly. We have notified the men, and, so far as I know, there has been no complaint whatever. The men understand it perfectly, and they understand the reasons why. They are content, because our whole policy from the beginning has been absolutely in the open. We publish annual statements in such detail and form that they know, and always have known, what our full operation was, and all that, and they know that present conditions have not come through mistakes of the management but through causes beyond the control of the management.

Commissioner WEINSTOCK. Do the workers have representation on the board of directors?

Mr. PERKINS. No; but that matter has been considered quite a good deal lately. I believe in it and think it should be done.

Commissioner WEINSTOCK. Now, if the present unfortunate condition in your company should continue—nobody can guarantee that it will not continue for several succeeding terms or years—is that feeling of contentment and satisfaction that you have pointed out not likely to be replaced by a feeling of discontent and dissatisfaction? And are they not likely to hold the management responsible for lack of dividends and in that way arouse a feeling of discontent and dissatisfaction?

Mr. PERKINS. Well, I personally believe in the intelligence of the workmen. I believe absolutely in their fairness, and I think their intelligence as to what is the cause of the present depression in the steel industry and other industries in this country is too great to permit of our being in any danger on that score. They know perfectly well that it is the tariff that has made this situation. They know perfectly well that this country can not continue to prosper under the present tariff and that therefore sooner or later there will be a change in the situation.

Commissioner WEINSTOCK. You hold the tariff responsible for the depression in the steel industry?

Mr. PERKINS. I do; and largely for our general depression—the present tariff bill.

Commissioner WEINSTOCK. Then the remedy would be a protective tariff?

Mr. PERKINS. The remedy would be a tariff on a nonpolitical basis. We must get a tariff that will protect labor. However, I presume that is not a subject for discussion here.

Commissioner WEINSTOCK. Anything that affects the welfare of labor is in order, I think, here.

Mr. PERKINS. Mr. Commissioner, I wish you would go into that very seriously. Personally, and quite outside of politics, I can not see—and I have studied it a great deal—how it is possible under our tariff to do business at a fair profit against the labor conditions of Europe. Intercommunication is so complete that you can buy and sell to-day almost by wireless. You can purchase your goods at great distances with great rapidity. We have got to reckon with the fellow of other countries. The competition that we should be preparing to meet is not among ourselves, but from and with the rest of the world.

Commissioner WEINSTOCK. In that matter, Mr. Perkins, what is the attitude of the employer, first, toward unionism? We have had different employers appear before us here who have looked at unionism from different angles. For example, we have had before us, in Denver, Mr. Welborn, the president of one of the large coal companies of Colorado, and on the question of unionism this was his attitude: He said that, as near as I can recall his language—I am not quoting him verbatim, but I think I recall the sense of what he said—that we have not any objection whatever to labor organizing; it is their right and their privilege, and they are entirely at liberty to do so; but he reserved to himself the right not to recognize and not to deal with them. We had the point of view of another employer who was on the witness stand yesterday, and doubtless you heard him—Mr. Berwind.

Mr. PERKINS. Yes; I heard the latter part of his testimony.

Commissioner WEINSTOCK. Whose opinion was that labor had not profited much by organization; that the betterment of labor must depend much more largely upon legislation than upon organization. In other words, he gave very little credit to organization for having bettered the condition of labor. May I ask, if it is in order, if that is your attitude on the question of organized labor?

Mr. PERKINS. I think that the organization of labor has bettered labor conditions without any question, just as I think the organization of business has, where practiced, bettered the conditions of business. There are two or three things that I think could be done that would help very materially in adjusting and reconciling these conditions in business. For instance, I believe that the business of the country has not been allowed to organize and has been throttled and repulsed and repelled through actions under the Sherman Act, while labor has been allowed to organize and has been given more latitude of organization. This has made the business man and the employer say: "It is not fair to do that, and I will not recognize this other organization because it is allowed to organize and I am not." Now, I think that can be adjusted through the incorporation of labor and through the enactment of law that will permit the legal incorporation of businesses. I think such a course will largely do away with much of the present maladjustment. I think you will find that many men who say offhand that they do not believe in organized labor and will not recognize it, would recognize it if it were given a legal and responsible status.

Commissioner WEINSTOCK. Well, from your observations, Mr. Perkins, and your study as a student of the economics of the problem, what do you think would be the condition of the worker in this country if all labor organizations were wiped out?

Mr. PERKINS. Why, I think there would be chaos, just as I think there would be chaos in business if all organization were wiped out. We have come to the period of cooperation. We have got to do business from the standpoint of what is best for society as a whole; and we can only do that by getting together and doing it in groups.

Commissioner WEINSTOCK. Your judgment, then, is that labor, in its own interest, ought to organize?

Mr. PERKINS. I think it should organize, but it should organize legally under proper laws and under proper responsibility, and I think business should organize, and that it is just as important for business to organize and be allowed to organize, under proper laws, in view of its responsibility and duties to the community as a whole.

Commissioner WEINSTOCK. What should be the attitude of the employer of organized labor?

Mr. PERKINS. I think capital should recognize organized and responsible labor just as labor should recognize organized and responsible capital.

Commissioner WEINSTOCK. What have you noted to be the weak spots in organized labor?

Mr. PERKINS. The same weak spots that were in organized business up to a few years ago—a tyranny and a disregard for the rights of others; the pursuit of their objective from too selfish a point of view. Business has done the same thing; but I think that during the last four or five years, in both cases, there has been a better understanding, and that employer and employee have been getting together on a better basis. Because of the lack of proper laws and for want of a Federal commission, the National Civic Federation, which some of us have been interested in for a great many years, has done very much to bring about a better understanding. On that board, as you know, there are representatives of labor and representatives of business and finance; and we meet and look at each other and talk things over and find we are not such bad fellows after all.

Commissioner WEINSTOCK. In other words, you found contact wipes out prejudice?

Mr. PERKINS. Exactly. That is right, sir.

Commissioner WEINSTOCK. And that the best way to bring about a better mutual understanding is by getting together?

Mr. PERKINS. Yes, sir.

Commissioner WEINSTOCK. I have been asked to submit this question to you, Mr. Perkins: Does anyone going on a strike in any of your companies lose his right to the share or shares of stock for which he has subscribed, but which are still unpaid for at the time he goes out?

Mr. PERKINS. We have had very little strike trouble; just little incidental disturbances. I have never known of any case where a man has been deprived of his stock for any cause; he can, in any case, take his stock. For instance, if he leaves the company and goes to some competing company, he can take his stock and pay for it, or he can draw the money he has deposited on account of it, with interest; so there is no loss in any event.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman would like to ask you some questions.

Commissioner HARRIMAN. Mr. Perkins, I would like to know if you believe that without the present tariff bill the business depression would still be here, owing to the European war, or not?

Mr. PERKINS. I believe that if we had a proper tariff our business would be infinitely better than it is. I think, to answer your question almost brutally, that if the present war did not exist and the present tariff was in existence our present industrial condition would be vastly worse than it is, and I think that when the war is over, if this tariff has not been changed by that time, we are going to see conditions very much worse than they are now.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ballard would like to ask you.

Commissioner BALLARD. Mr. Perkins, I gather from your testimony that you personally believe in organized labor as it is and also I gather that the Steel Corporation does not treat with organized labor. Would it be possible at the present time for organized labor and organized employers to get together and agree on certain fundamental principles as cardinal principles which each side should always recognize, and would that make it more tasteful to treat with organized labor?

Mr. PERKINS. Now, for one thing, you say you gather that from what I have said. I hardly think you could have gathered that if I have made myself clear. I did not mean to say I believed in the organization of labor as it is; I said I thought organized labor had helped labor; but I also said I felt that labor should be required to incorporate and be under Federal regulation and to be of known responsibility in its negotiations, which is not now the case. I think that with that done labor would find itself able to treat with large business in a way that it is not able to do now. But, of course, if that is done, then business should be allowed to organize, and to do so in the open and by recognition of Federal law.

Now, while labor conditions and labor's relations with capital are not satisfactory, they are much better than they were four or five years ago, but business conditions in a way are very much worse than labor conditions, because the large business or corporation in this country to-day has no idea how it can do business. Let me cite the following as perhaps a striking illustration of what I mean:

We have in this country, as you know, a number of circuit courts. They are the courts next below the Supreme Court. All legal questions are filtered through these courts up to the Supreme Court, and they are known as the different district courts. Only a few weeks ago the court of the ninth district, sitting in St. Paul, interpreted the Sherman law in the suit against the harvester company and said that the harvester company was absolutely all right on all moral questions, and gave us a clean bill of health, but said that because of our size we should be dissolved under the Sherman Act. Five or six weeks later, another court, the court of the third district, sitting in Philadelphia, in deciding the case of the Keystone Watch Co., said that size was no crime; that the Keystone Watch Co. had done a few things that were not right, but had done a great many things that were right, and the court refused the Government's request that it be dissolved. The court said the Government should have asked for an injunction, and not for dissolution. Now, here are two courts of equal power taking absolutely opposite views of the Sherman law. How is it possible for a business man to know what he can do under such conditions? This has been the case for 20 years.

Commissioner BALLARD. But will not those two cases go to the Supreme Court?

Mr. PERKINS. We hope so and believe they are going. But you can imagine the hampering conditions under which business men have had to do business when no one can tell them what the law is.

Now, I believe with Justice Hughes, who, when he was governor here, said, in his famous Youngstown (Ohio) speech that "it should be the function of law to define and punish wrongdoing, but not to throttle business."

Commissioner BALLARD (interrupting). But now, Mr. Perkins, although that has been the case for 20 years——

Mr. PERKINS (interrupting). I know, but 20 years is a pretty long while to get at business foundations. Until we get conditions straightened out and a clearly defined basis on which business can be done——

Commissioner BALLARD (interrupting). I had in mind, Mr. Perkins, that if labor unions and employees could agree on some fundamental principles, corporations who will not now treat with organized labor would be much more willing to do so.

Mr. PERKINS. I think so, too, sir.

Commissioner BALLARD. You have that thought also?

Mr. PERKINS. Yes, sir.

Chairman WALSH. Commissioner Lennon wishes to ask you a question.

Commissioner LENNON. Mr. Perkins, how does the labor cost per unit of production of steel rails of this country compare with that of European countries?

Mr. PERKINS. I can not give you any of those technical figures. You will have to get those from an operating man.

Commissioner LENNON. You were speaking about the responsibility of organized labor in the matter of contracts and transacting business with them. Has your experience as a business man shown that the unions in entering upon agreements are less faithful in carrying them out than are the employers?

Mr. PERKINS. Well, I don't know that I am qualified to answer that. I think there have been a good many instances of fault on both sides. I think the capitalistic side, on the whole, has been more in error than the laboring side.

Commissioner LENNON. What are the principal nationalities employed in the steel industry—iron and steel industry?

Mr. PERKINS. Oh, I might say, almost all nationalities.

Commissioner LENNON. What was the situation as regards nationality when you began in the industry?

Mr. PERKINS. Well, I hardly think there was very much of any difference, but I would not be qualified to give a positive opinion on that.

Commissioner LENNON. When you began were the rollers and the heaters and the other skilled men in the industry as largely foreign born?

Mr. PERKINS. Well, I have not been in the operating departments, and I could not answer that with enough accuracy to be confident of my opinion.

Commissioner LENNON. That is all; thank you, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock says he has one more question.

Commissioner WEINSTOCK. Just one more question, Mr. Perkins. You made the statement that you would be in favor of recognizing organized labor if it was properly constituted. If it was incorporated; and I take it the thought in your mind there was that being unincorporated there is a lack of responsibility and that the tendency therefore would be for contract breaking on the part of

the workers, and that it is not worth while to do business with contract breakers. Well, now, I am frank to confess that I was in the same frame of mind that you are now when we first began these investigations. I find that there have been contracts on the part of labor in the various industries, but I have also become satisfied from the education that I have received during the past year or more, that there are very large bodies of organized labor who look upon their contracts as sacred. Take the railroad men, for example——

Mr. PERKINS (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Take the glass-blowers' industry, where we had a representative of the employers' association testify that they had been dealing with organized labor for 25 years and during all that time there had been no strikes; and that the relationship had been so satisfactory that when disputes arose, they themselves selected as the arbitrator the president of the union, and accepted his decision, because they had always found him fair and reasonable. Now, that would indicate, then, that while there are contract breakers among the unions, the great body of unions more and more are learning to respect their contracts and treat them as sacred, and that they keenly appreciate the moral value of an agreement. Do you not think with the tendency upward in that direction, the time has arrived when the employers can afford to take a chance on that?

Mr. PERKINS. I agree with a very large part of what you say, and it is my experience that that is the tendency of labor organizations, and very markedly so. But I do not think that is the point. There is, above everything else in this country, among all of us, a desire for fair play, a quick response to the question, Is this fair or is it unfair? And I think the big difference between the employer of labor and labor is the feeling on the part of the employer that he can not get fair treatment from his Government; that his Government is more inclined to give labor fair treatment, more inclined to recognise labor and its right to organize than it is to recognise that principle in business; and until you do something for business to iron that out you will not get the proper atmosphere that will enable them to get together. In other words, what is good for the one ought to be good for the other. If the principle of organization is a proper one to recognise for labor, it is a proper principle to recognise for business. But it carries great power with it. It ought to be accountable to somebody. Mr. Gompers and I sit at the Civic Federation together when a great many of these questions come up. He carries vast responsibilities for the great work he is doing, and Judge Gary, on the other side, also carries vast responsibilities. Those men have been pioneers in the work they are doing. But as they are succeeded, one after another, some man will come along some time with perhaps not the same ideals that those men have. Now, it ought not to go, like kissing, by favor; there ought to be a regular way of doing it that will be recognized under our laws.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions, please.

Commissioner GARRETSON. Mr. Perkins, if profit sharing is to constitute the missing link between the employer and the employes——

Chairman WALSH. Excuse me just a moment. Here is a note that the sergeant at arms has for Mr. Perkins that he may consider.

Mr. PERKINS. As I stated last night, I am due before the board of estimates to-day, and the secretary is sending to know how soon I can be there.

Chairman WALSH. Commissioner Garretson says that he can conclude in five minutes.

Mr. PERKINS. That is all right.

Commissioner GARRETSON. If profit sharing is to be the missing link between labor and capital and to furnish the means for minimizing industrial unrest, how are you going to apply it to the army of occasional laborers—I am using "occasional" in the sense of the employee who works one week for one employer and another week for another; and probably serves 20 or even 100 employers during the year? Because there is an army of such men.

Mr. PERKINS. Well, Mr. Garretson, it is perfectly outrageous that there should ever be such a condition as that in our country.

Commissioner GARRETSON. But there is.

Mr. PERKINS. But we have got to stop that. Anyone approaching this country in an airship and looking down on it and seeing our great fertile fields and rich mines and the comparatively small population, and then seeing the number of

unemployed—the number of people who are not employed as they should be—would think this was a lunatic asylum.

Commissioner GARRETSON. You can not get any argument out of me on that.

Mr. PERKINS. Now, what is the fundamental trouble? The fundamental trouble is that we are not keeping abreast of the economics of the age. Our Government officials are trying to force us back to doing business in a way that is more or less destructive. Now, there is nothing more important to a laboring man than permanent employment. First of all he has got to have employment. Then he wants it at the best wage, with short hours and all that—but first he has got to have his employment. But while we make our tariff as we do make it, purely on a political basis, and change it back and forth, and while we continue to make our laws so that the business man can not tell how he is going to do business, you are going to have unemployment. The great thing I hope from this commission is that you will be able to throw some light on that subject. We ought not to have unemployment in this country, and I firmly believe that if business is allowed a definite program of organization and our tariff is taken out of politics and made from the standpoint of the protection of labor, there would be but a very small amount, if any, of unemployed labor.

Commissioner GARRETSON. I am not dealing with unemployment at all, but the changing employee—the man who labors steadily, but for separate employers——

Mr. PERKINS (interrupting). That man would not change. If you were to look through our Steel Corporation records you would find that there is a very much larger number of people in permanent employment, because of their interest in the business. I think that any man who has an interest in the business will not be so apt to want to change.

Commissioner GARRETSON. But isn't this work to be done for the man who works various days?

Mr. PERKINS (interrupting). They ought to have an incentive to stay. Of course, we have got to have a certain percentage of unemployment most of the time——

Commissioner GARRETSON (interrupting). Oh, yes; unemployment, yes; but I am not dealing with unemployment at all, but the man that works 20 days or 25 days in the month, but he works it for 25 different people. How can you bring him in on a profit-sharing basis?

Mr. PERKINS. I presume there will be a small percentage that you can not apply that to; but if we had organized industry you would be surprised to find how small that would be.

Commissioner GARRETSON. Well, is there any country on earth—any civilized country—that has been able to do away with this class of labor?

Mr. PERKINS. Well, Germany has come mighty near it in the last four or five years.

Commissioner GARRETSON. Oh, she's got them all employed now.

Mr. PERKINS. Oh, I mean before the war; if you look it up you will find that she had them pretty well employed before the war.

Commissioner GARRETSON. In your system now—I want to draw the line as between your profit-sharing plans as in effect in the institutions you represent and the social features; and I am only dealing, for the moment, with the profit-sharing plans. When there are forfeitures on the part of a man it creates a fund that is divisible between the others who are parties to the scheme?

Mr. PERKINS. Yes, sir.

Commissioner GARRETSON. And if for any reason a man develops anything that causes his discharge, through disloyalty or any other cause of whatever nature, he is put out, and the profits become a portion of the profits of those who are not guilty of the offenses charged against him. Is that not a standing incentive to treachery against the man?

Mr. PERKINS. Yes; if you were correct in your statement; but you are absolutely incorrect.

Commissioner GARRETSON. Well, I ask you if that was the case?

Mr. PERKINS. No, sir; it is not the case.

Commissioner GARRETSON. It is not?

Mr. PERKINS. No, sir; it is not at all.

Commissioner GARRETSON. I am glad it is not. Do you regard the purchase of stocks by your men as a guarantee against those men asserting—well, according to the standpoint it would probably change the wording—other rights or privileges that they would otherwise assert?

Mr. PERKINS. Not at all.

Commissioner GARRETSON. It has no such effect?

Mr. PERKINS. Not at all.

Commissioner GARRETSON. You use the phrase "responsibility of unions"—that it did not exist. Do you mean that only in a purely legal sense or the sense of fact?

Mr. PERKINS. In a legal sense and in some cases in fact; but in what might be called almost an indefinite sense—in a feeling that the difference is very great between the status before the Government—not before the law, because there is no law on the subject yet, but before the the Government—the status of labor and the status of business.

Commissioner GARRETSON. Isn't it rather—well, at least entertaining—to find when for 50 centuries the master has made the law, that when within the century the mass has asserted his right to a voice in the enactment of laws, the question of fairness is so often raised.

Mr. PERKINS. I don't know that I quite comprehend your expression. I, for one, believe that the evolution of the world is solving this problem. I wish it might be solved faster, but at the beginning the status was owner and slave, way back.

Commissioner GARRETSON. Go far enough back, yes; or come far enough forward.

Mr. PERKINS. Owner and slave; then, it was master and man; then, it was employer and employee; the three periods are pretty well expressed by these terms. Now, I would like to see the next period one of copartnership. I would like to see the man who works as nearly as possible interested in the ownership of the industry.

Commissioner GARRETSON. If one had his turn so many centuries, why not give the other a little period?

Mr. PERKINS. You can't have any argument with me about that. I believe in it.

Commissioner GARRETSON. The term yesterday was used in making a criticism of men lobbying for the passage of laws for employees—you used the phrase that it was unfortunate when the employer felt that his Government was not fair to him?

Mr. PERKINS. Yes, sir.

Commissioner GARRETSON. How long is it since there could have been even a shadow of a claim that his Government was unfair to the employer?

Mr. PERKINS. Ever since the Sherman law was passed.

Commissioner GARRETSON. Then, 30 years against 3,000?

Mr. PERKINS. Well, I don't quite see the point you are making. I absolutely agree with you that a man is a man, whether he is working in the mills or whether he is presiding over the finances of the country, or President of the United States, and I believe that one great influence that has been bringing all men to a more intelligent understanding of the questions is the enormous amount of educational work that has been done in the world; that is preeminently so in our country, and it is the most fruitful sign possible. I believe, with President Wilson, that we ought to approach the question of capital and labor in a get-together spirit; and I think what he has said for several months about the Government's relation to business and labor and all that is eminently wise; and I think that you, as a commission with that backing, are entering, with a great promise, upon a solution of this question.

Commissioner GARRETSON. Then you are absolutely a believer, as I am, that one side should not furnish all the "get-together"?

Mr. PERKINS. Absolutely not. I want it distinctly understood, and I think I have already stated it, that, broadly speaking, I think capital has been more to blame than labor in the past.

Commissioner GARRETSON. Well, could it be otherwise, when they had it at their disposal to be blameful in a very long period during which they dominated the situation absolutely?

Mr. PERKINS. I said it started a long period ago, with the idea of owner and slave.

Commissioner GARRETSON. Yes. Now, going back to the question of responsibility of unions. Have you ever heard of an instance where the locomotive engineers violated an agreement which it held with employers?

Mr. PERKINS. Well, I have not been in that line of business. You ask me if I ever heard of an instance; I say no; but that might not be right.

Commissioner GARRETSON. What I want to lead up to is, why, if it is recognized as a responsible organization, would the United States Steel Corporation refuse to deal with it and discharge men who had joined it for joining?

Mr. PERKINS. Well, Mr. Commissioner, I want again to make myself clear. I do not think it is so much a question of whether they have violated or whether they have not, as whether labor has violated or whether it has not. The point is that, fundamentally, it is not fair, and broadly speaking, it is not right to have such large representations of labor in groups and such large representations of capital in great business without responsibility to some higher power. That is my position.

Commissioner GARRETSON. Then you believe in the organization of men——

Mr. PERKINS (interrupting). Absolutely.

Commissioner GARRETSON. And the recognition of unions, provided a condition is brought about that does not exist?

Mr. PERKINS. No; but that the condition now existing be worked out to a better condition. I think we have done as well as we could without laws and regulation, but I think that we must have a higher condition, just as you say; this thing has been going on for 2,000 years, now let's work it out to a better conclusion than we have ever had.

Commissioner GARRETSON. And if every employer took your attitude, there would be no union recognized?

Mr. PERKINS. Absolutely. You have absolutely misinterpreted everything I said whether willfully or otherwise I don't know.

Commissioner GARRETSON. The fact is you refused to deal with that organization?

Mr. PERKINS. No; not at all.

Commissioner GARRETSON. Is it not a fact that those men were discharged for that very reason?

Mr. PERKINS. I do not know what you refer to.

Commissioner GARRETSON. I am referring to the strike in the Pittsburgh switching district where the Brotherhood of Locomotive Engineers and the Brotherhood of Railway Trainmen had men discharged from the employ of the United States Steel Corporation by reason of the objection that it was an open shop.

Mr. PERKINS. Which is that?

Commissioner GARRETSON. I say, both of those organizations.

Mr. PERKINS. I don't know what you mean.

Commissioner GARRETSON. Well, a certain number of organizations are open-shop organizations, are they not?

Mr. PERKINS. I don't know about that; I am not informed on that.

Commissioner GARRETSON. Now, you used the word about the social devices that are in effect. Where the payment of pensions—am I right in assuming that the payment of pensions and sick benefits, and all other forms of insurance that you pay your men, is founded upon tenure of service?

Mr. PERKINS. Pensions are.

Commissioner GARRETSON. How about the others?

Mr. PERKINS. They are not.

Commissioner GARRETSON. You don't pay any benefits after a man leaves your service?

Mr. PERKINS. Well, then, it comes as a pension.

Commissioner GARRETSON. You pay sick benefits?

Mr. PERKINS. Not if he goes to work for somebody else.

Commissioner GARRETSON. Certainly. It is all based on tenure of service?

Mr. PERKINS. Well, yes.

Commissioner GARRETSON. Pensions, of course, is the best example?

Mr. PERKINS. Yes.

Commissioner GARRETSON. But how, except under Government—under a nationalized plan—could this army that I refer to of men who work for a series of employers, through no fault of their own, ever receive any pension, except under nationalization? How could it be done by the private employer?

Mr. PERKINS. These cases can not. But that is what they are taking up now in State compensation——

Commissioner GARRETSON. I am not speaking of compensation now, but——

Mr. PERKINS. Well, I mean the whole thing.

Commissioner GARRETSON. Should it not all be nationalized to make it effective?

Mr. PERKINS. I believe that industry should bear those burdens as far as possible. We may have to adopt some plan—of course, this question has not yet been worked out, but the industry should contribute a certain part and the State the balance for the very men you speak of. But there is doubt in my mind whether some of the European plans by which the Government does it all, without any contribution from the industry, is as wise as a plan by which certain lines of industry at least contribute to that end.

Commissioner GARRETSON. Haven't those European Governments that have dealt with the proposition—and most of them——

Mr. PERKINS (interrupting). Yes.

Commissioner GARRETSON. Have they not proceeded upon the basis that it was improper for the private employer to do it because it constituted a certain form of duress?

Mr. PERKINS. No; I didn't know that they did.

Commissioner GARRETSON. Well, that is a fact.

Mr. PERKINS. Well, I doubt if that is so. They may have done it, but I doubt if they have done it on that basis, and I don't believe that is correct.

Commissioner GARRETSON. You have never approached the men themselves from the angle I have, possibly, Mr. Perkins?

Mr. PERKINS. Well, I have approached a good many.

Commissioner GARRETSON. That is all.

Chairman WALSH. If I may ask you two questions which may be answered very quickly, Mr. Perkins, that have been submitted by a gentleman interested in the hearing. Would good unions—that is, I suppose by that term he means desirable unions, the kind that you have spoken of——

Mr. PERKINS (interrupting). Yes.

Chairman WALSH. Have good unions any reason to fear civil responsibility? I suppose he means by incorporation and responsibility of that character in the civil courts?

Mr. PERKINS. Would you just read that again?

Chairman WALSH. Would good unions have any reason to fear civil responsibility?

Mr. PERKINS. I should not think they would. I was thinking when you first read it of the great question of good and bad unions and good and bad trusts.

Chairman WALSH. Would not such responsibility tend to raise the standard of unions and to make bad unions better?

Mr. PERKINS. I think it would.

Chairman WALSH. Thank you. That is all, Mr. Perkins. We are obliged to you for your attendance.

Mr. Henry Ford.

Commissioner GARRETSON. Mr. Perkins, just one question: Are you aware of the fact that some unions have been incorporated?

Mr. PERKINS. No; I don't know that I am.

Commissioner GARRETSON. For your information I will say to you that my own organization was incorporated for 10 years.

Mr. PERKINS. Is it now?

Commissioner GARRETSON. No; it simply surrendered its corporate form because it worked a hardship on us for insurance matters.

Mr. PERKINS. That could be changed now. That probably would not be true now.

Commissioner GARRETSON. Yes; under the laws of that State.

Mr. PERKINS. Well, that is certainly better than 3,000 years ago, anyway.

Chairman WALSH. Mr. Henry Ford.

TESTIMONY OF MR. HENRY FORD.

Chairman WALSH. State your name, please?

Mr. FORD. Henry Ford.

Chairman WALSH. Where do you reside?

Mr. FORD. Detroit.

Chairman WALSH. How long have you resided in Detroit?

Mr. FORD. Twenty-five years.

Chairman WALSH. What is your business, please?

Mr. FORD. Manufacturer.

Chairman WALSH. The commission submitted certain questions to you, as to which you have made written answers, and you have requested me to read these

questions and answers, and to have them read preliminary to the questions which the commission will ask you to answer?

Mr. FORD. If you please.

Chairman WALSH. Very good. I will read this:

DETROIT, MICH.

I will endeavor to answer briefly the written questions submitted to me by the commission in their order.

Question No. 1. Give a description of the profit-sharing plan of the Ford Motor Co., and then state the purposes aimed at in establishing a profit-sharing plan; its results on efficiency of men; its results on the character and steadiness of men; its results as regards citizenship and general interest in the advance of the community.

Answer. Every man working for the Ford Motor Co. is first entitled to his just wages as such, depending upon efficiency and responsibility, which wages are about 15 per cent above the usual market wage for the service in question, and then everyone who is eligible is entitled to a certain profit. The minimum daily income under the plan, wages plus profit, is $5. The hourly profit-sharing rate, added to wages, is based on the wage rate, and so arranged or graduated as to give those receiving the lowest hourly rate the largest proportion of profits. For example, a man receiving 34 cents per hour has a profit rate of 28½ cents per hour in addition, and a total daily income of $5, whereas men receiving 54 cents per hour wages have a profit-sharing rate of 21 cents per hour, with a total daily income of $6. The working day is 8 hours instead of 9, as before; the week 48 hours.

Wages and profits are paid every two weeks in currency.

Those qualified for participation in profits are of three classes: (1) Married men living with and taking good care of their families; (2) single men over 22 years of age who are of proven, thrifty habits; (3) young men under 22 years of age and women the sole support of some next of kin.

The person must be in the employ of the company six months before he can participate in profits, which rule serves to deter men from leaving other steady jobs.

A record of facts is made in the case of each individual, and every employee qualifying under the above, able to use the money constructively for the good of self, dependents, and the community in general is awarded a share according to schedule.

Wages are paid according to skill, and skill subdivided into degrees of skill. The company has but eight rates of pay operative in the shop or on its hourly wage pay roll. A separate rate of wage applies to each skill rating. An employee may know the reward of his increased efficiency and development and of all the possibilities and probabilities for advancement with the company at the time of entering its employ.

The company maintains a corps of 40 men, good judges of human nature, who explain opportunity, teach American ways and customs, English language, duties of citizenship, who counsel and help the unsophisticated employees to obtain and maintain comfortable, congenial, and sanitary living conditions, and who also exercise the necessary vigilence to prevent, as far as possible, human frailty from falling into habits or practices detrimental to substantial progress in life. The whole effort of this corps is to point men to life and make them discontented with a mere living.

You ask our purpose in establishing this plan. Our first purpose was substantial justice to our coworkers, without whom we could have accomplished nothing. We had had great success, and, in fact, we desired no greater success from a mere financial point of view. For a long period we had been contemplating some plan, but every one suggested seemed fraught with objections. We finally decided to go forward with this one and feel our way along to a position of substantial justice. We do not regard it as in any sense a gift or a charity, but only due reward for service.

Prior to the inauguration of the Ford Motor Co.'s profit-sharing plan the company was entirely satisfied with the individual and collective output and efficiency of its men. There was no thought of betterment in this direction, no measure of economic benefit made in anticipation, no desire for publicity or other gain to the company incorporated into the plan or considered with reference to it. The object was simply to better the financial and moral status of the men.

No man is influenced to change his mode of living, his habits, or character in order to qualify under the profit-sharing plan if he does not willingly so elect.

Whereas at start 60 per cent of the men were receiving a share of the profits, six months later 75 per cent of the men were enrolled as participants, and at the end of the first year 87½ per cent of the entire force were participating, representing practically all of the men past 22 years of age with very few exceptions.

The increased efficiency of the men under the plan has been from 15 to 20 per cent with reference to work produced, which is further emphasized when you consider that the improvement was made in an eight-hour day versus the comparison in a nine-hour day.

Daily absentees from work have decreased from a total equivalent to 10 per cent of the working force, under old conditions, to three-tenths of 1 per cent under the profit-sharing plan.

The number of men leaving the employ of the company since the profit-sharing plan started in comparison with the year previous is shown below:

	Discharged.	Quitting.	5-day men.
March, 1913	1,276	670	5,112
March, 1914	108	115	108

Five-day men are the floaters, so-called, who leave without explanation or notice.

Fear and worry in the struggle for livelihood to properly provide for home and dependents with the dread of what might happen if the job is lost have practically been eliminated.

No man is discharged from the service of the company until he has been proven utterly unfit from every standpoint. If he fails to make good in one department the foreman of that department sends him to the clearing house, and he is given repeated trials, if necessary, until he makes good, or it is proven that he does not want to succeed. A recent ruling of the company requires the approval of one of four men before the man can be finally dismissed. Of the four, two are, respectively, the president and the vice president of the company.

Bank accounts show an increase during the first six months of 130 per cent; life insurance carried, 96 per cent; value of homes owned outright, 87 per cent; value of lots owned outright, 80 per cent. This remarkable showing refers only to such employees as are on the profit-sharing basis.

Careful medical survey reveals a substantial improvement in physical attributes.

Upward of 200 men have been influenced and helped to obtain citizenship in the United States.

A carefully prepared map of the city shows that 8,000 families have changed their place of residence since the plan was started, and a study of the districts into which they have moved and from which they came shows that the migration has been from poor and squalid to healthy, sanitary quarters, with environment conducive to health, happiness, and comfort.

Results on character and steadiness of men may perhaps be best measured and more thoroughly understood by agencies outside the company. Police justices say whereas Ford employees, recognized by their badges, were almost daily seen in the prisoners' dock up to a year ago, since January, 1914, they have been noticeably absent and are rarely among the unfortunates brought to justice. From one of the largest Polish Catholic parishes in the city, the father writes:

"The work of the Ford Motor Co. has been of tremendous benefit to my people. Heavy drinking is characteristic of the Poles, I know. Your work, however, has resulted in sobriety now being the rule rather than the exception in my parish."

The company has organized a school wherein the non-English-speaking are taught the rudiments of the English language—to speak, to read, and to write it. At start, teachers were employed who had made school work their vocation. After about three months' operation the school grew from about 300 members to approximately 1,100, and the paid teachers were replaced by vol-

unteers from the Ford Motor Co., some of whom had had experience in school work, but the most of them foremen, subforemen, and men from the rank, and are simply enthusiastic individuals eager to help along a good work and better the condition of their brother men, both as an expression of gratitude for what their employer has done for them and to seize an opportunity for self-enlargement which the work offered.

Question No. 2. What reasons did the Ford Co. have for assuming so large a measure of responsibility, not only for the labor conditions in their plants, but also for the social and moral surroundings of their employees?

Answer. The knowledge that market rates of wages were not sufficient for men to properly care for self and dependents and that the environment in which its employees were thus made to live, gave rise to mental anxiety and a physical condition that made it utterly impossible for the human agency to deliver all of the effort that it was capable of in fulfilling the best and larger functions for which it was designed at work, at home, and in the community. The company also had the courage to seize an opportunity for breaking away from old-time habits and customs that were possibly applicable to other periods. The institution of a new order, treating men like men in man fashion has brought out much of human salvage and proven that barriers between employers and employees thought to exist and often do exist can be largely removed.

A large proportion of our employees were foreign born, many of them recent arrivals, not used to American habits and surroundings. Very few, if any, resented our guiding them into better conditions, into habits of thrift, saving, sobriety, and improved moral and social conditions. No coercion is laid upon any employee, but if he is not living a sober life, or is neglecting his duties as a father or husband, and he persists in such course he can not be an associate in our business.

Question No. 3. What has experience shown regarding the extent to which the character and social conditions of employees are the result of the conditions under which they are employed, including wages, hours of labor, general physical surroundings, and treatment by officials, superintendents, and foremen?

Answer. No man can bring up a family and hope to own a home on the ordinary rates of wages.

I do not think that any man can do good work mentally and physically for more than eight hours per day.

In my judgment the other factors are not so very important.

Question No. 4. Is it desirable for a corporation to assume so large a measure of control of employees as the Ford Co. has done?

Answer. We do not undertake to say what corporations should do in general, but if employers of labor—we mean the men themselves at the head of these enterprises—have a genuine, sincere, and active interest in the improvement of the conditions of labor and the heartfelt, personal interest in the welfare of their employees, no conditions that are irksome or distasteful will be laid upon the men.

Theoretically some persons may argue that we have no right to inquire how a man lives at home, so long as he does his work at the factory; but we are talking of conditions, not of theories. Our experience leads us to conclude, beyond doubt, that the interest taken in employees as to their individual welfare is most desirable from every standpoint, not only that of the employee and his family, but of the business itself.

The ever-increasing interest developed in our plan by other employers of labor and the individual expressions of the men themselves, which we have taken great pains to learn from disinterested sources, further prove the correctness of our views.

Question No. 5. To what extent would it be desirable, in addition to giving employees a share of the profits in a corporation, to give them also an insight into the operation of the company and a voice in the determination of working conditions?

Answer. If by the question is meant a voice in determining the policies of the company in working out its success we say no man wants to be burdened with the care and responsibility of deciding things. Great freedom of speech and expression of ideas exist in our work, and a great many valuable suggestions are gained thereby. Individually or collectively men may raise their voices with suggestions and they are always heard. If, on the other hand, what is meant is a voice in fixing the personal physical surroundings of the employees, we should say most decidedly the employees should have a voice and their

opinions and wishes should be consulted. So far as the Ford Motor Co.'s actual experience is concerned, these surroundings have been, as judged by modern and existing standards, so ideal in character that there have never been any complaints from the employees, and we believe entire satisfaction has been the rule.

Question No. 6. As a result of your observations and experience, what is considered to be the effect of the growth of large corporations and the centralizing of their control on the condition of labor in the United States?

Answer. Any manufacturing institution that is successful in making a single product should increase the business and its plant and more work to employ more men. We can not expect a man to give us his best efforts when he is in debt and has not enough to keep his family on. If corporations are overcapitalized, they must necessarily oppress labor to make a showing. But if they grow from small beginning, naturally, and stick to one legitimate product, balanced conditions are bound to follow. The sooner men can be taught that labor is just as much of an asset and more than machinery and buildings, the sooner labor will be properly recognized. In my judgment mere bigness is no objection if corporations are not overcapitalized.

Question No. 7. What is your attitude toward the accumulation and perpetuation of large fortunes?

Answer. We believe it is better, wiser, and more just to make many men comfortable than to make a few very rich.

Question No. 8. As a result of your observation and experience, do you consider that private philanthropies can deal adequately or effectively with social conditions?

Answer. They may and probably do some good. Of course they are not adequate. But my idea is justice, not charity. I have very little use for charities or philanthropies as such. My idea is aid men to help themselves. Nearly all men are willing to work for adequate reward. We have all kinds of cripples in our employ, and they are making good. We have a great many who have been in prison and who are outcasts from society. Everyone of them is making a good showing and is gaining in self-respect and strength of character. We will guarantee to take every man out of Sing Sing and make a man of him. [Applause.]

Chairman WALSH. There must be no outward expression of feeling no matter how favorably the statement may impress you. Another statement may be made which will be abhorrent to you and bring out a counter demonstration, and there must be absolute quiet. [Continues reading:]

Question No. 9. From your observation, what is the effect of the work of private philanthropic organizations on the persons whom they assist and the people who endow or contribute to such institutions?

Question No. 10. Do you consider the establishment of such unrestricted foundations as the Rockefeller Foundation to be in the interest of public policy? If not, what objections seem to you to carry the most weight?

Answer. I have not given sufficient consideration to these questions to justify an expression of opinion.

HENRY FORD.

May I ask you, Mr. Ford, without, of course, intimating the name of any such person, what distinction, if any, is made in the treatment of a man or person who has been so unfortunate as to have been confined in prison, as compared with other employees of your institution?

Mr. FORD. We do not let the other employees know anything about it.

Chairman WALSH. Is there any treatment accorded to him other than what might be called economic treatment as set out by your plan? He is, to your idea, properly fed, adequately fed?

Mr. FORD. Yes.

Chairman WALSH. Therefore properly fed and clothed and placed in a position of economic independence?

Mr. FORD. Yes.

Chairman WALSH. And you find from that that it establishes his moral standard?

Mr. FORD. Yes, sir.

Chairman WALSH. I would like to have this matter of what you call these five-day men a little further elucidated. Are those five-day men men that came to your plant and worked a portion of a week and then disappeared?

Mr. FORD. Five-day men?

Chairman WALSH. Yes; you referred to five-day men, and you say these five-day men are floaters, so called, who leave without explanation or notice?

Mr. FORD. No.

Chairman WALSH. Does the term "fire" imply they are men that worked a portion of a week?

Mr. FORD. Yes.

Chairman WALSH. So that in one year in the whole plant 5,150 men came in and wandered away; they would comprise what is called casual or floating labor?

Mr. FORD. Yes.

Chairman WALSH. They are that class of men that go from factory to factory and from lumber camp to lumber camp, and from ice harvest to grain harvest, and the like?

Mr. FORD. Yes; on the bumpers.

Chairman WALSH. You have doubt, Mr. Ford, in connection with working out your plan in your ordinary business experience, heard the reasons attributed by sociologists and others as to the cause of this?

Mr. FORD. Yes.

Chairman WALSH. In the concrete experience which you have had in this year, then, there were 5,000 men who remained at work who could otherwise have joined that large class of nomadic laborers?

Mr. FORD. Yes.

Chairman WALSH. What is your plan for the determination as to the fitness of a man—you say no unfit man is discharged from the service of the company until he has been proven unfit from every standpoint?

Mr. FORD. We shift them from one department to another, and it is almost invariably found that a man will fit in some place or other. Of course, there are some men who prefer to be floaters and do not want to stop.

Chairman WALSH. The number of men that have left your service speaks very eloquently, to my mind, as to how it practically works out; but I would like you to give us the detailed plan for the record; that is, how much of it do you finally determine individually from reports, or what is the organization for the final determination or say so that the man shall go?

Mr. FORD. If he wants to go, there is no use trying to keep him any longer.

Chairman WALSH. I am afraid, Mr. Ford, that I have not made myself clear. When you have finally determined—first, how is the unfitness of the man determined? Is it on report of foremen of the various departments?

Mr. FORD. Yes.

Chairman WALSH. To whom are these reports made, or does the foreman have a right to discharge the man finally?

Mr. FORD. No, sir; as the statement says, it finally comes to myself and the vice president and Mr. Lee and the superintendent of the company.

Chairman WALSH. Is the man always given a hearing if he desires it?

Mr. FORD. Yes.

Chairman WALSH. That is, before the final body that exercises the right—discharges him?

Mr. FORD. Yes; he is given a hearing every time he is changed from one department to another.

Chairman WALSH. Where is your plant located, Mr. Ford?

Mr. FORD. At Detroit—Highland Park.

Chairman WALSH. Are all of the men that come under this plan located in Detroit?

Mr. FORD. No, sir; they are located all over the world. We have 45 or 50 branch plants, from Paris clear around the world, and it affects them all.

Chairman WALSH. Are there men engaged in those different plants throughout the world—do all the men engaged in those different plants throughout the world come under this scheme?

Mr. FORD. Yes, sir.

Chairman WALSH. What is the machinery provided in the other plants for determining the fitness or unfitness of the men?

Mr. FORD. We have investigators to investigate the men at all plants.

Chairman WALSH. Do they make reports in writing?

Mr. FORD. I do not know that they do. Some of the plants are smaller and they are brought up personally.

Chairman WALSH. Do the reports in your outside plants finally reach this board of control you have mentioned?

Mr. FORD. Not always.

Chairman WALSH. Is there a smaller organization, then, in the other plants?

Mr. FORD. Yes, there is. We have a manager in all those plants.

Chairman WALSH. What detail of machinery have you to ascertain at the head of the concern whether the plan is justly and impartially carried out in the other plants?

Mr. FORD. Well, it generally works itself out that if anyone is discharged without reason it comes to Detroit in some way or other.

Chairman WALSH. It comes to Detroit, does it?

Mr. FORD. Yes.

Chairman WALSH. The men that have been engaged in your industry since this plan was put into effect show an anxiety to remain, do they?

Mr. FORD. Yes.

Chairman WALSH. And has it actually worked out both at the home plant and abroad at the other plants?

Mr. FORD. Yes.

Chairman WALSH. That, if men are declared unfit, that they pass their grievance up to the heads?

Mr. FORD. Yes; they pass their grievances up to the head.

Chairman WALSH. How many men would you say are in the employ of your industry in Detroit and elsewhere that come under this plan?

Mr. FORD. Do you mean the total number that come under the plan?

Chairman WALSH. Yes—as you have described it in answer to the question.

Mr. FORD. Between 16,000 and 18,000.

Chairman WALSH. And they are scattered all over the United States?

Mr. FORD. Yes, sir; and all over the world.

Chairman WALSH. Do you feel, Mr. Ford, that you have worked out a plan by which the responsible heads of your concern—the real operators of the industry, can have a knowledge of labor conditions and of the operation of the plant so far as it affects the lives and well-being of the employees throughout this vast industry?

Mr. FORD. We have only worked at it a year and are finding out something new every day.

Chairman WALSH. Have you found during the years, at least as to its general integrity, that the plan is a good one?

Mr. FORD. We like it for our place.

Chairman WALSH. I note that you state that 200 men have been influenced and helped to obtain citizenship in the United States. Briefly would you describe how and where the rudimentary knowledge necessary for acquiring citizenship is got?

Mr. FORD. We teach them to speak and talk English.

Chairman WALSH. In the schools?

Mr. FORD. In the schools of the factory—and to read and write.

Chairman WALSH. Is there a special effort made—I notice that you refer to it here?

Mr. FORD. Yes.

Chairman WALSH. Is there a special effort made to qualify your men for American citizenship.

Mr. FORD. Yes, sir.

Chairman WALSH. Have you, so that it can be furnished to this commission, Mr. Ford, the map referred to here, showing that 8,000 families have changed their places of residence, and any other data that you may have about that map?

Mr. FORD. Yes.

Chairman WALSH. Will you be kind enough to furnish it to the commission?

Mr. FORD. Yes.

(The map referred to was submitted. It is not printed.)

Chairman WALSH. I notice the information is given in this answer to this query, that you expend considerably outside of your plants, as, for instance, the record in the justice court, the submission of experiences of clergymen, etc.?

Mr. FORD. Yes.

Chairman WALSH. Is there some department of general sociology in your plants?

Mr. FORD. Yes, sir.

Chairman WALSH. To get at and ascertain the effect of your plan on the citizenship and on the industry?

Mr. FORD. Yes.

Chairman WALSH. And are records and statistics regularly kept?

Mr. FORD. Yes.

Chairman WALSH. As applying to your plan?
Mr. FORD. Yes.
Chairman WALSH. Are those records open at all times to the civil authorities?
Mr. FORD. Yes.
Chairman WALSH. And those that are dealing with the social question in a large way?
Mr. FORD. Yes, sir.
Chairman WALSH. Have you found that there is much demand for that particular sort of information?
Mr. FORD. Yes, sir.
Chairman WALSH. Of the general sociologic effects?
Mr. FORD. Yes, sir. The head of it is here with me to-day.
Chairman WALSH. Sir?
Mr. FORD. The head of that department is here with me to-day, Mr. Lee.
Chairman WALSH. What is his name?
Mr. FORD. Mr. John R. Lee.
Chairman WALSH. How many has he under him?
Mr. FORD. He can tell you.
Chairman WALSH. You could not say?
Mr. FORD. Fifty or sixty, I guess.
Chairman WALSH. And the information is given to any desiring, I suppose, to other corporations?
Mr. FORD. Yes, sir.
Chairman WALSH. And to municipal and civic bodies?
Mr. FORD. Yes, sir.
Chairman WALSH. Throughout the United States?
Mr. FORD. Yes, sir.
Chairman WALSH. And there has been, I believe you say, a great call for that sort of information?
Mr. FORD. All over the world. We have sent it all over.
Chairman WALSH. And is the effort made to have the figures and conclusions as nearly accurate as they are possible to be obtained?
Mr. FORD. Yes, sir.
Chairman WALSH. Now, you state that after three months' operation your school grew from 200 to approximately 1,100. How many of those schools are there, or is there more than one?
Mr. FORD. We have that there in our own factory. It is one large floor of one of the large buildings.
Chairman WALSH. Oh, you have a school right in your plant?
Mr. FORD. Yes, sir.
Chairman WALSH. And you have facilities for 1,200 people to attend that school?
Mr. FORD. Yes, sir. We separate them into rooms of a dozen to twenty in each room.
Chairman WALSH. Now, you say that the paid teachers were replaced by volunteers from the Ford Motor Co.?
Mr. FORD. Yes, sir.
Chairman WALSH. Have you established a definite curriculum, a course of study prior to this time?
Mr. FORD. I don't remember the system, the name of the system. Mr. Lee can give you the name of the system.
Chairman WALSH. Are these employees that now act as teachers paid?
Mr. FORD. Volunteers.
Chairman WALSH. They are volunteers without pay.
Mr. FORD. Volunteers without pay. They do it on their own time; that is, after the eight-hour work, the school comes on for an hour or so.
Chairman WALSH. Certainly. But there is no request made upon them by the managers of the corporation in that direction?
Mr. FORD. Oh, no.
Chairman WALSH. And did you find enough volunteers of that sort qualified to man the teaching faculty of your school?
Mr. FORD. Yes, sir; we have some that we have taught there, teaching now.
Chairman WALSH. And do you have a scheme by which their qualifications are determined?
Mr. FORD. Yes.
Chairman WALSH. Does that come under Mr. Lee's department?
Mr. FORD. Under Mr. Lee's department.

Chairman WALSH. I have been asked to ask you this question: In your opinion is there a greater factor entering into the elevation of man than the restoring or creation of self-respect?

Mr. FORD. Well, just put that a little different. I don't quite understand the question.

Chairman WALSH. Well, is there any greater factor—we will assume now that a man is down and out, for any reason—vicious or weak habits or submergence from the economic standpoint, or anything that puts him in what you might call the down-and-out class—is there any factor which could enter into the bringing him back to real manhood and to good citizenship than that of giving him back his own self-respect?

Mr. FORD. Give him employment and pay him for it.

Chairman WALSH. Which will make him a self-respecting citizen?

Mr. FORD. Yes, sir.

Chairman WALSH. Have you found that the greatest factor?

Mr. FORD. Yes, sir.

Chairman WALSH. That grows from your experience?

Mr. FORD. Yes, sir.

Chairman WALSH. I will ask you a few general questions. Where did you begin your business life, Mr. Ford?

Mr. FORD. In Detroit.

Chairman WALSH. And what was your employment; what did you begin with?

Mr. FORD. Machinist and engineer—farmer first—I came from a farm; was on a farm until I was about 17.

Chairman WALSH. You began life on a farm?

Mr. FORD. Yes, sir.

Chairman WALSH. Where?

Mr. FORD. In Detroit; near Detroit.

Chairman WALSH. And how long did you remain on the farm?

Mr. FORD. Until I was 16 or 17 years; nearly 17.

Chairman WALSH. Did you attend the school—what education did you receive while on the farm?

Mr. FORD. The public school, the country school.

Chairman WALSH. The public school, the country school?

Mr. FORD. Yes.

Chairman WALSH. And at the age of 16, when you left the farm, where did you go?

Mr. FORD. To Detroit, Mich.

Chairman WALSH. What was your first employment in Detroit?

Mr. FORD. In a machine shop.

Chairman WALSH. In what capacity?

Mr. FORD. As apprentice boy.

Chairman WALSH. Apprentice boy?

Mr. FORD. Yes.

Chairman WALSH. And did you learn the trade of machinist?

Mr. FORD. Yes.

Chairman WALSH. Did you acquire any other education than the practical one in the shop?

Mr. FORD. No.

Chairman WALSH. Did you ever go to any other school after you left the country school?

Mr. FORD. Except a little while at business college.

Chairman WALSH. Now, I wish you would go on and briefly state what your employments have been from the time you were machinist until you assumed your present duties.

Mr. FORD. I went to the Edison Illuminating Co. as machinist, and in a year I took charge of the plant, and I shifted that into an 8-hour working day. It was 12 hours and I shifted it into 8 hours, without adding any men, and found that we could run it 8 hours with the same number of men better and more economically than they could with 12.

Chairman WALSH. Do I understand you were foreman there or that, or manager?

Mr. FORD. I was chief engineer.

Chairman WALSH. You were chief engineer?

Mr. FORD. Yes.

Chairman WALSH. From that employment where did you go?

Mr. FORD. Well, I went into the automobile business.
Chairman WALSH. From the Edison Co.?
Mr. FORD. Yes.
Chairman WALSH. And that was in what year?
Mr. FORD. Well, it was 1898, I think, or 1899.
Chairman WALSH. 1898?
Mr. FORD. Yes, sir.
Chairman WALSH. Is this company a corporation?
Mr. FORD. Yes.
Chairman WALSH. Under the laws of what State?
Mr. FORD. Michigan.
Chairman WALSH. Michigan?
Mr. FORD. Yes.
Chairman WALSH. And do you have some of your operations in the hands of subsidiary corporations in different States or countries?
Mr. FORD. No, sir. Except in Canada and England separate corporations were organized with many stockholders to take care of business in those countries.
Chairman WALSH. Are all of your operations conducted under the Ford Motor Co. of Michigan?
Mr. FORD. Yes, sir; all over the world, with the exceptions I just stated.
Chairman WALSH. All over the world?
Mr. FORD. Yes, sir; with the exceptions just stated.
Chairman WALSH. You have not found it——
Mr. FORD (interrupting). Not a dollar's worth.
Chairman WALSH (continuing). Desirable or advisable to create other corporations?
Mr. FORD. No, sir; no one has a dollar's worth of stock in any other country or any other place except——
Chairman WALSH (interrupting). The stockholders of the Ford Motor Co. of Michigan?
Mr. FORD. That is it.
Chairman WALSH. Commissioner Weinstock would like to ask some questions.
Commissioner WEINSTOCK. In your written answers, Mr. Ford, you spoke about paying the men their wages and their profits every two weeks?
Mr. FORD. Yes.
Commissioner WEINSTOCK. How is it possible to ascertain the profits every two weeks?
Mr. FORD. Well, I just anticipated that and took that as a lump.
Commissioner WEINSTOCK. That is, you declared dividends on your book—records?
Mr. FORD. Well, we knew what we could do. We don't borrow any money. We have our own capital to do our own business. We grew from the acorn up. We started to save our money when we first started in on our capital, and we know what we can do with it.
Commissioner WEINSTOCK. So that every two weeks you estimate your earnings for the past two weeks?
Mr. FORD. No; we don't do it that way at all. We just know people have to have that much money to live properly, and we paid it to them.
Commissioner WEINSTOCK. You pay these men every two weeks, regardless of the actual earnings?
Mr. FORD. Yes, sir.
Commissioner WEINSTOCK. Have you ever tried to estimate, Mr. Ford, what the percentage of efficiency is that you are getting out of your men to-day, taking 100 per cent as the maximum?
Mr. FORD. We only know—I only know that we have to hold them back.
Commissioner WEINSTOCK. That is, you have got to use the rein instead of the spur?
Mr. FORD. Yes.
Commissioner WEINSTOCK. And that would indicate they are giving all they have to give, their best efficiency?
Mr. FORD. Yes, sir.
Commissioner WEINSTOCK. Well, now, what incentive is there—let me rather put the question in another way. This criticism has been made on profit sharing. It has been held by some critics that the weak spot in profit sharing, except where you can determine the actual production of the individual, is that

there will be a great many leaners in the group who will depend upon the lifters to do the work, and they will lie back and share in the results.

Mr. Ford. That is up to the management to look out for that.

Commissioner Weinstock. I take it from what you have said in your enterprise there is a way of determining the actual productive power of each individual, so that he is treated and judged as a unit?

Mr. Ford. Yes, sir.

Commissioner Weinstock. And he does not feed out of a general pot?

Mr. Ford. No, sir.

Commissioner Weinstock. But he stands on his own feet?

Mr. Ford. Yes, sir.

Commissioner Weinstock. And is judged accordingly?

Mr. Ford. Yes, sir.

Commissioner Weinstock. Do you think, Mr. Ford, that your plan is applicable to industries generally?

Mr. Ford. I think so, if they would do one thing—not try to do everything in one place, make all kinds of articles in one factory. I don't think any factory is large enough to do two things. We do only one thing.

Commissioner Weinstock. Don't most of the factories in this country that are conducted on a fairly large scale specialize—take a shoe factory, they specialize on shoes, and a clothing factory on clothes, and so on?

Mr. Ford. They make all sizes.

Commissioner Weinstock. I see. You carry specialization down to a finer point.

Mr. Ford. Yes.

Commissioner Weinstock. You think where that is done your plan could be applied?

Mr. Ford. Well, you can get the maximum of economy.

Commissioner Weinstock. What is the attitude of your company, Mr. Ford, in the matter of dealing or recognizing organized labor?

Mr. Ford. I don't know anything about organized labor. We have never had any of it, to my knowledge, around our place.

Commissioner Weinstock. Your people are not organized?

Mr. Ford. Not that I know of. I have never had anything to do with any organized labor of any kind.

Commissioner Weinstock. You have always conducted what I suppose is the open shop?

Mr. Ford. Always the open shop.

Commissioner Weinstock. Has your company ever discriminated against any men?

Mr. Ford. No. Sometimes in building we have a little on the outside where they are bothering us, and we can not always control it; take these contractors, one thing and another.

Commissioner Weinstock. I see.

Mr. Ford. Sometimes they hold a building back. We do everything we can to get the building put ahead, and do not discriminate against who works there or what their creed is or what they belong to or where they come from, so long as they go on and work.

Commissioner Weinstock. That is, no questions are asked as to whether they are or are not union men?

Mr. Ford. No, sir.

Commissioner Weinstock. So far as they are union men that is no disadvantage?

Mr. Ford. No; it does not make any difference.

Commissioner O'Connell. Mr. Ford, when this system was inaugurated by you the public were left to believe—not by you or your company, but by the press—and by themselves, as it were, that your company had declared $5 a day a minimum for all employees?

Mr. Ford. Yes; of specified classes.

Commissioner O'Connell. Is that true?

Mr. Ford. That is true, sir.

Commissioner O'Connell. All of them?

Mr. Ford. All of them 22 years of age.

Commissioner O'Connell. All of them over 22 years of age?

Mr. Ford. Yes; or under 22 if they have anyone depending on them.

Commissioner O'Connell. That includes male and female?

Mr. Ford. Well, no; not entirely female.

Commissioner O'CONNELL. Not entirely female?

Mr. FORD. No. We pay a great many of them $5 a day where they have some one depending on them.

Commissioner O'CONNELL. You mean by that their mother or father?

Mr. FORD. Well, anyone.

Commissioner O'CONNELL. Who is married and her husband is unable to work?

Mr. FORD. Yes.

Commissioner O'CONNELL. What percentage of the female employees are getting $5 a day?

Mr. FORD. Well, I would have to look that up; I would not be able to tell.

Commissioner O'CONNELL. Can you give any approximate idea?

Mr. FORD. I do not know; perhaps 10 per cent.

Commissioner O'CONNELL. I am to understand, then, all the male employees over 22 years of age are receiving $5 a day as a minimum?

Mr. FORD. Yes. Not all of them; perhaps not just all—we will get all that for you and let you have it.

Commissioner O'CONNELL. I want to get it in my mind now what percentage of the employees are under 22 years of age?

Mr. FORD. Well, I dont' know offhand; perhaps another 10 per cent.

Commissioner O'CONNELL. Ten per cent?

Mr. FORD. Yes.

Commissioner O'CONNELL. I understand that the $5 a day is made up in a wage and a so-called bonus of profits?

Mr. FORD. It is a total daily income; that is what it is.

Commissioner O'CONNELL. It is a minimum amount of money they receive per day—$5?

Mr. FORD. Yes, sir.

Commissioner O'CONNELL. They work a week for $30?

Mr. FORD. Yes, sir.

Commissioner O'CONNELL. In addition, do they enjoy some profit-sharing system on top of that in addition to that $5?

Mr. FORD. Those who are in charge, foremen and such like. The foremen, of course, are up higher in wage; they are paid $6 to $7 a day.

Commissioner O'CONNELL. I mean the workmen, the men running the machines?

Mr. FORD. He has got a chance to come up higher.

Commissioner O'CONNELL. Oh, yes; if he gets up to be a foreman and assistant foreman of the job or shop, does he then enjoy anything in addition to his $5 a day?

Mr. FORD. Yes.

Commissioner O'CONNELL. That is right?

Mr. FORD. That is right.

Commissioner O'CONNELL. You say the capacity, or the production, or the efficiency of the work through this system has increased about 15 per cent, I think your paper said?

Mr. FORD. Yes.

Commissioner O'CONNELL. Is that equal to the additional amount of money paid out in this increased wage or profit?

Mr. FORD. No; I don't think so. I do not think it is equal, but it is getting up toward betterment.

Commissioner O'CONNELL. In other words, does the Ford Co. for the additional money paid to the employees and the additional efficiency secured because of that as a business proposition, a financial business proposition, has it made a loss or otherwise, a gain?

Mr. FORD. Well, I do not know how you would figure it. We are running smoother, for one thing; we are doing better. We can give you all that in figures and you can figure it out.

Commissioner O'CONNELL. You will furnish us the figures, then?

Mr. FORD. Yes, sir.

Commissioner O'CONNELL. In your reports, I suppose?

Mr. FORD. Yes, sir.

Commissioner O'CONNELL. The Ford Co.—the stock of the company is largely distributed or——

Mr. FORD. There are eight members, eight men.

Commissioner O'CONNELL. Eight men?

Mr. FORD. Yes.

Commissioner O'Connell. What is the capital stock?
Mr. Ford. Two million dollars.
Commissioner O'Connell. And its business last year?
Mr. Ford. Between $80,000,000 and $90,000,000 in 1912–13; $110,000,000 in 1913–14.
Commissioner O'Connell. And its profits?
Mr. Ford. I think about $25,000,000 or $28,000,000.
Commissioner O'Connell. About $25,000,000 or $28,000,000?
Mr. Ford. Yes, sir. We will give you that also.
Commissioner O'Connell. Give us those figures, too, please.
Mr. Ford. Yes, sir.
Commissioner O'Connell. That is all.
Commissioner Ballard. I gather from what you state as to the workmen since they have received this increased wage have moved into a better part of town, have bettered their conditions?
Mr. Ford. Yes, sir.
Commissioner Ballard. And you have also done some work for them along educational lines. Do you think that that increased wage alone would have been enough, or is it necessary to increase the wage and have the betterment work? Should they go hand in hand?
Mr. Ford. Oh, yes, sir; it is necessary to follow it all up all the way through.
Commissioner Ballard. Just the mere increasing of the wage would not do that, you think?
Mr. Ford. That would perhaps turn the other way.
Commissioner Ballard. Of course, as you started in as an apprentice, do you consider there are now in this country chances for a young man apprentice, an apprentice boy, to rise the same as there has been in time past?
Mr. Ford. I think better chances.
Commissioner Ballard. You think the chances are better now—that any young man now has a good chance if he has the stuff in him?
Mr. Ford. That is it; yes.
Commissioner Ballard. That is all.
Commissioner Garretson. Mr. Ford, what was the average going wage of the men prior to the putting in of this plan, the men that are now receiving $5 a day?
Mr. Ford. It was a minimum wage of $2.34 a day; which was about 15 per cent higher than the going wage.
Commissioner Garrett. In following up the question of Commissioner Ballard it was your feeling, or was it, that this educational process was necessary in a large number of instances to enable the men to utilize the benefit that came to him through the increased wage?
Mr. Ford. Yes, sir. We started on that a couple of years before we started the increased wage.
Commissioner Garretson. You were preparing the ground?
Mr. Ford. Yes, sir.
Commissioner Garretson. In regard to the leaner that was referred to that exists, has your experience shown you that when there is a tangible definite incentive given it tends to eliminate the leaner?
Mr. Ford. Yes, sir.
Commissioner Garretson. That is all.
Chairman Walsh. At this point we will stand adjourned until 2 o'clock.
Thank you very much, Mr. Ford, you may be finally excused.
(At this point, at 12.30 o'clock, Friday, January 22, 1915, a recess was taken until 2 o'clock in the afternoon of the same day and at the same place.)

AFTER RECESS—2 P. M.

Chairman Walsh. The house will please be in order. We are about to resume.
Mr. Gompers.

TESTIMONY OF MR. SAMUEL GOMPERS.

Chairman Walsh. Your name is Samuel Gompers?
Mr. Gompers. Yes, sir.
Chairman Walsh. And you are the president of the American Federation of Labor?

Mr. GOMPERS. I am.

Chairman WALSH. You have occupied that position for how many years?

Mr. GOMPERS. Nearly 30 years.

Chairman WALSH. And you have been connected with the labor movement in America for how many years?

Mr. GOMPERS. Nearly 50 years.

Chairman WALSH. Will you be kind enough, Mr. Gompers, to outline to the commission your attitude, from your observation and experience in the labor movement and as a citizen of the United States, toward the centralization of industrial control and its effect on the condition of labor in the United States?

Mr. GOMPERS. I should be very glad to do that, Mr. Chairman, if I may be permitted to say I received a questionnaire from your commission, and I have made some answers, or partially written answers, which I should like to have the opportunity of presenting. But if I have your permission, I should like to precede it by making a request and taking cognizance of some statements which have been made in connection with the hearing now before your commission.

Chairman WALSH. Very good, Mr. Gompers, we will be glad to hear you in your own way.

Mr. GOMPERS. First, let me say that I have received a telegram from the chairman of the general executive board of the Commercial Telegraphers' Union of America, an organization affiliated to the American Federation of Labor, in which the information is given that a telegram was also sent by that executive board to you, sir, as chairman of the Industrial Relations Commission. And the request is made that certain officials of the Western Union Telegraph Co. and of the Postal Telegraph Co. be summoned to appear before your commission and to give testimony relative to wages paid, peaceful rights of labor to organization, blacklist and the intimation is given that you will get some startling information. From my own investigations I can promise you that you will get some startling information.

One of the subjects I heard discussed this morning before your commission was that the relative rights of business should be recognized by law the same as to the relative right of labor to organize. Speaking for myself, as well as for the American Federation of Labor, we believe that it is unwise to interpose objections to the organization of business men for business purposes. But the reason I take cognizance of this discussion, or the discussion of this point is, the fact that the concept is entirely erroneous on the part of the gentleman who made that claim for the equal rights of what he called labor to organize and business to organize.

Business is the handling of things, the product of human labor. "Labor" is the erroneous expression for human beings—the right of human beings to organize for the purposes of protecting the only thing that they have and own and can control is their labor power, which can not be bereft or separated from them as being human beings. And the hypothesis is entirely wrong in making the relative claim of the laborers to organize to protect themselves—their labor power—and the right to business men to organize to protect their property—the product of all human beings.

Another point mentioned by one of the gentlemen who appeared before you this morning, and I understand that the claim has been made in other hearings before this commission, is that the organizations of labor, the labor unions, ought to become incorporated in order that the agreement which they enter with employers may be regarded as more inviolate, to impress upon the organized workers the sacredness of contract and to, by that means, secure the greater dependability of employers in regard to their agreements with employees.

Now, the fact of the matter is that in the present unincorporated condition of the labor organizations they are no more or no less responsible in the law, before the law, for breach of contract than are the employers now.

One would imagine that the employers, or many of them, who advocate the incorporation of labor organizations—that the employers now are responsible in the law for the violation of agreements with organizations of employees, and that therefore the relative responsibility should be established, and that through the incorporation of the trades-unions. As a matter of fact, they are not responsible to be mulcted in damages and are not mulcted in damages in laws its by reason of employers breaking such agreements with labor organizations. And the proposition to incorporate the unions, as a gentleman some years ago said to me, would simply make it easier for the funds of a union to be taken in compensation for damages to employers. And my answer was that

like Claude Melnott, in the Lady of Lyons: Princes must not be generous with other people's money.

There are enough opportunities now—all too many for the funds of organization of labor for working people to be reached and confiscated and at least we are not going to advocate, as working people, the enactment of law by which the process shall be made easier by which the funds of our unions may be confiscated.

The history of the world is replete with evidence of constituted authority robbing the working people of their pittances laid aside for their own protection, and the protection of their young. We will protest against a repetition of such procedure, whether by enactment of law or proclamation—at least, if we can not prevent it—and I think we can, but if we can not we will at least protest.

There is another point, and that is the constant harping upon the worn-out idea that the unions of labor restrict output, so commonly held and so often repeated that real many people finally reach the stage where they themselves believe it. The fact of the matter is that it is much more largely true of unorganized workmen than of organized workmen.

It is true that in the old, old time that workingmen did "soldier," using the trade expression, on a job, in order "to make it last." It is true also that opposition was manifested to the introduction of new machines, new tools, but that is past. I mean that is practically past in so far as organized labor is concerned. I will not pretend to say that it does not exist at all, but to a very limited and to a continually decreasing extent.

The labor movement of the past 30 years at least, or more, has changed that mode of thinking and that mode of procedure among the working people, so that instead of reducing output or opposing the introduction of machinery and new tools of labor we encourage them; but insist, first, that with the introduction of new machinery the men whose trade has been displaced by such new machinery that those men be given the first opportunity in the operation of the machine, be given preference to others in the operation of the machine, and in addition to demand a reduction in their hours of daily labor. Not to reduce output, but that the workers shall be the participants in the results of the better and swifter means of production. And it comes with bad grace on the part of our large captains of industry to charge the labor movement with curtailing output, when the workmen in our country individually and collectively produce more than the workers of any other country on the face of the globe, but when the corporations through a series of years concentrated their industries in fewer plants, shutting down plants in whole districts, throwing hundreds and thousands of workmen out of employment, throwing them into the streets, the whole plant dismantled or gone into decay, to the detriment, not only of the workers let out, but to the community in which they worked and lived and helped to make some better.

Mr. Chairman, I do not know whether the commission would be interested in the reading of a letter received last night, or rather it being a report made to me as president of the American Federation of Labor by the organizer of our federation in this district and whom I asked to make an investigation and report to me upon the conditions as they obtain in Roosevelt, N. J., and the causes which brought about that condition. It is a letter that might occupy not more than six or seven minutes.

Chairman WALSH. Very good, Mr. Gompers; just proceed.

Mr. GOMPERS. In view of the very severe cold I have, I should like to ask one of the gentlemen to read it.

Chairman WALSH. Mr. Garretson, will you please read this letter?

Commissioner GARRETSON. Mr. Chairman, do you want me to thunder the letter?

Chairman WALSH. I would like to have it read so that the farthest auditor might hear it.

Commissioner GARRETSON. Very well.

NEW YORK, *January 21, 1915.*

Mr. SAMUEL GOMPERS,
President American Federation of Labor,
Ouray Building, Washington, D. C.

DEAR SIR AND BROTHER: In compliance with your request I herewith beg to submit a report on the strike situation at Chrome, N. J., where between six and seven hundred men have been on strike since January 4 against the American Agricultural Chemical Co., who have about six plants at Chrome, Carteret, and

Roosevelt, N. J., so that you may be in a position to furnish correct information to President Frank Butterworth, of the International Brick, Tile, and Terra Cotta Workers' Alliance, and a local union of that organization at Roosevelt, N. J., both of whom have made inquiry to you for information and a request to make an investigation.

The cause of the strike was occasioned through the company, some three months ago, reducing the wages of the men from $2 per day of 10 hours to $1.60 per day, making a reduction of 40 cents per day, or 4 cents per hour. It is claimed by the men that they were induced to accept this reduction at the time upon the plea of the company that it would be restored when the depression was over, which they expected would be on the first of the year. The men, believing that it would be restored on or about January 1, patiently remained at work, but when they found out that company did not intend to live up to their promise they went on strike on Monday, January 4. A few days after the company issued a circular which was passed out to the men, in which they called attention to the general depression throughout the country, compared the wages paid in the various brickyards and other classes of labor throughout that section, and stated in the circular that they could get all the men they needed for 18 and 17 cents per hour, but they would give the preference to their own men if they would return to work immediately under the reduction. This the men refused to do.

On January 5, one day after the strike took place, Mr. Louis Tarcai, who is connected with a Hungarian publication in Manhattan, called at this office, stating that a committee of the men had communicated with him and the officials of the paper, calling attention to the strike. There are four nationalities involved in this strike—Polish, Slavish, Italian, and Hungarian. The Hungarians are more numerous than the other three. I instructed Organizer Tykoff to go to Chrome that same day with Mr. Tarcai, look over the situation, and render such assistance as he could. Since that time he has gone there every day, attending and addressing meetings and perfecting organization among the men, their charter having arrived yesterday, some 300 having paid the initiation fee and are enrolled at this writing.

The Italian element among the strikers secured the services of an Italian speaker, who has been assisting in keeping them together and familiarizing them with what is going on among the other nationalities.

I secured the services of Mr. Tarcai, paying him for same during the last 10 days. On Wednesday the 20th, following the shooting of so many men by the deputies, I sent Organizer Collins to make a careful investigation of the situation and the reasons leading up to the shooting of these men. I did this because I knew he would not be swayed by the excitement, but would report the conditions as they actually were, and I herewith quote his written report to me as part of this report to you:

"HUGH FRAYNE,

"*General Organizer, American Federation of Labor:*

"I herewith beg to report to you the result of my investigation of the strike situation as I found it on my visit to Roosevelt, Chrome, and Carteret, N. J., on Wednesday, January 20:

"The short train ride reveals that along this coast line of the Kill von Kull many industrial baronies have been created in the hope that no possible interference from agitators can take place.

"The present strike is a complete refutation of the idea of benevolent corporations.

"The newspapers have been misinformed of the motive for the strike; it is not for an increase of wage, but a protest against a decrease of 40 cents a day; the wages were $2 for a day of 10 hours.

"The location of the borough of Roosevelt makes the cost of living higher than in the city of New York because of the lack of transportation facilities.

"The population is 90 per cent foreigners, 30 per cent Hungarian and Slavish, 10 per cent Italian, and 10 per cent native born.

"There are between six and seven hundred strikers from the American Agricultural Chemical Co.; the same proportion of nationality prevails.

"The chief of police and his men have testified to the peaceful attitude of the strikers.

"The mayor takes the same attitude and has expressed a desire for investigation.

"The mayor, in my conference with him, spoke without any solicitation on my part of the help the federation had been in keeping the strikers peaceful.

"The sheriff was not called into the strike by the mayor of the city of Chrome, but at the solicitation of the American Chemical Co.

"The sheriff claims that the strike was the result of agitators. This is untrue because the strikers worked for three months with the wage reduction in the hope that the company would treat with the committees and restore the old scale.

"The business men of the city have petitioned the company that it is impossible to expect men to live on $1.60 a day.

"The deputies were already formed up and picked out before the warrants were served; this helps to establish the relations between the company and the prosecutor's office.

"The deputies had no legal right outside of the company's premises, yet the morning that the strikers were picketing the railroad for strike breakers they, the deputies, rushed out of the gates and without any provocation opened fire. This is the testimony of the policeman who was on duty.

"The mayor in conference told me that he felt in an embarrassing position because of his order to the strikers not to do any damage or break the peace, and living up to this they were shot without the slightest provocation, and the wives seem to think that the mayor did not instruct them right, as they should have been in a position to defend themselves.

"Fraternally submitted.

"WILLIAM COLLINS,
"*Organizer, American Federation of Labor.*"

In conclusion I desire to say that within 24 hours after the strike took place organizers and interpreters in the different languages, representing the American Federation of Labor through this office, were on the ground advising and counseling with the men not to violate the law and to commit no violence of any kind. They also conferred with the mayor and other city officials and the representatives of the company in an effort to secure an amicable and peaceful settlement of the strike, but the latter were unwilling to settle except that the men return to work and accept the reduction in wage.

I also desire to say that I got in touch with Mr. James O'Connell, of the Industrial Relations Commission, and furnished him with a copy of the circular issued by the American Agricultural Chemical Co. to their men and gave him such other information as might be of assistance in the event that the case was brought before the commission. I have also had a conference with Mr. Gill, the investigator appointed by the Industrial Relations Commission to make a thorough investigation of the strike, its causes, and who is responsible for the shooting of the men. This activity is in line with the policy of the American Federation of Labor and refutes the statements of those who say that nothing is being done to organize and help the unskilled foreign-speaking workers.

As previously stated, some 300 of the men have been enrolled and a charter granted by the American Federation of Labor, and the indications are that the men will stand firmly together and refuse to return to work until the company restores the original wage of $2 per day.

With best wishes, I beg to remain,

Fraternally, yours,

HUGH FRAYNE,
General Organizer, American Federation of Labor.

Mr. GOMPERS. Mr. Chairman and gentlemen, under the impression that your commission has made considerable investigation into the activities of the detective agencies, in a series of years much information has come to me upon that subject. From the old-time Pinkerton who created small standing armies, privately engaged—privately hired—up to the development of the modern detective agencies. I am informed, and I think my information is reliable, that more than eight-tenths of the work of the detective agencies now is strike breaking, strike provoking, trouble breeding agencies with an espionage upon men and women employed in industry in the unions of labor, and the espionage upon labor leaders.

As one of the types of agencies to which I refer, I hold in my hand one document of about 50 printed pages—let us be exact, 54 printed pages, larger than a folio; and the title is described as "Secret Service, Leader-News Building, 524 Superior Avenue. Phones, Bell—Main 4490; Guy Central 4856. Copy-

eight 1914, by R. J. Coach, president and general manager. The R. J. Coach Secret Service Co., Cleveland, revised edition."

I have but one copy of this document, but it deals with all forms of service to employers. On page 1 it starts out, speaking of the company, and says: "He has methods of his own for disposing of impending labor troubles."

On page 19, it says: "Every symptom of trouble, whether of dissatisfaction or indifference among the operating force, will be reflected through an all-embracing system if properly established." And then again on the same page: "The method of tracing it to its source and correcting it will entail but little time and expense." Then again: "Conditions once learned and reported to the client ought to make changes so gradual as to be unnoticeable. Disturbers are dropped from the pay roll; both imaginary and just grievances by the men are given attention; the workmen become loyal, and the force gains greater productive power."

The following page: "The operators of this service"—this Coach Service Co.—"are experts in several lines of work, skilled executives, expert accountants, and men able to work at the machines and bench. Experts in industrial work must be trained leaders of men, forceful and unyielding." Further on: "They work as ordinary employees, each does a full day's work. They draw their pay the same as other men."

Another part: "In another case the owners of the factory were threatened with a strike; also the output had decreased 25 per cent. Our operatives soon ascertained that the men were in rebellious mood because of the tyrannical methods."

In another: "The daily service fulfills its purpose well, but by having one or more of our operatives in the plant on monthly contract, the employer not only receives the benefit of a cheaper rate but is always kept in touch with what is going on among his workmen."

Again: "When a disturber or discontent breeder enters the plant his identity is almost immediately revealed. You also know just how the men regard contemplated reductions or increases in wages, and if action requires, you can prepare yourself for trouble.

"As the operative widens his circle of acquaintance he soon learns the innermost thoughts of each man he comes in contact with, and the general manager knows how much he can depend on each employee if an organizer starts to work secretly among the men—this is now the favorite method of procedure—the operative having established himself, can intelligently report upon the attitude of the workmen toward unionization. The fact that progressive employers generally are adopting this form of service proves that it must have merit beyond the few benefits mentioned here."

Then, again: "Operating under agreement with labor unions as many of them are conducted, is distasteful to employers. They are never safe from arbitrary demands that may be imposed upon them. If your workmen are not now organized it does not indicate that they never will be. The American Federation of Labor has issued Federal charters to more than 14,000 bodies of men belonging to craft that never before were organized. More than 2,000,000 of men are members of the A. F. of L. unions, and there are hundreds of thousands of others who belong to the I. W. W. and the Knights of Labor and kindred organizations, and the organizers have to organize in order to hold their positions. Our method of assisting the employers in this connection have proven effective."

On page 29 of the prospectus of this company, which is sent to employers as an inducement for them to engage the services of this company—the R. J. Coach Secret Service—are these significant words: "Our operatives soon get the run of the labor agitation in the shop or factory. Our methods are such that the agitator soon finds himself a minority of one in the establishment, with the atmosphere too frigid for comfort."

And now mark this—the words that follow: "We do not care to say more on this subject."

Further on the document sets forth: "Only those who have participated actively in a strike in which capital and labor were locked in desperate conflict are able to appreciate the danger, the hardship, the suffering, and the enormous waste of money involved." Then: "The R. J. Coach Secret Service is especially helpful in averting strikes. Our operatives working unknown among the employees in ways that have proved efficacious in years of experience." And then: "Our operatives soon put an end to the efforts of agitation. Efforts of agitators are counteracted, and gradually the malcontents are weeded out."

And so on and so on. And I again call attention to the language or to these words: "We do not care to say more on this subject."

And after having said all that it has said, when through the maneuvering and the effort to hide the meaning of language a detective agency will use the words which I have quoted, it leaves very little to the imagination as to what depths and heights such agencies go in order to be of service as an agent provocateur of trouble where life is paid independent, if only one thing can be done—that is, to break the spirit of the workers.

Chairman WALSH. I have been asked to ask you, Mr. Gompers, if you have any objection to stating whence the source of that circular?

Mr. GOMPERS. All employers are not hostile to labor or organized labor. There are a number of men—large employers of labor—who are in sympathy with the organized-labor movement, and these detective agencies can not know who is who in the world of employers, and they send them almost indiscriminately to any employer who they think may be a prospective patron of their services; and through these friendly, instinct employers I receive documents of this character, and this is one of them.

Reverting to the question you asked me, Mr. Chairman, I am under the impression it is contained in the questionnaire that was submitted to me.

Chairman WALSH. Very good. You may proceed in the way you suggested at the inception of your testimony.

Mr. GOMPERS. I hold in my hands the questions submitted, and I have in a way answered some of them. I take it that the questions ought to go in the record so that the answers may be intelligent?

Chairman WALSH. Yes. Will you kindly read the question?

Mr. GOMPERS. "Please outline your attitude toward the centralization of industrial control and its effect on the condition of labor in the United States."—question 1.

Answer. The attitude of the American Federation of Labor toward the centralization of industrial control as such is the same as its attitude toward all other employers of labor. The question of centralization of any industry is one of natural development, and, regardless of legislation or attempts at judicial intervention, decentralization can not and should not be attempted. We can not turn the wheels of industry or of progress backward. To a large extent the effect of the control of the centralization of industry has had a deleterious effect upon the condition of labor in the United States. But for this condition two causes are attributable: First, the constant influx of immigration unrestrained by and practically unlimited by the immigration laws of our country; and, second, by the failure of the workers themselves to assert their rights of organization and of having a voice in determining the conditions under which they shall work.

"2. Do you consider that the relative position of labor has been improved or impaired by the development of large corporations and the centralization of their control?"

Answer. The relative position of labor has improved indirectly from the development and centralization of industry, but in the relations of employees to the corporation they have been impaired.

"3. Please outline the general attitude which was assumed toward industrial combinations during the early part of the twentieth century at the time when trusts and large corporations in the basic industries were being established?"

Answer. The attitude of the American Federation of Labor to industrial combinations I have outlined in my answer to the first question, that of the relation of employee to the employer. In the general aspect of the industrial combinations each individual union member, like every other citizen, has taken his own position toward that. This can be best epitomized in the demand of the people, including the workingmen, for the legislation as exemplified in the enactment of the Sherman antitrust law of 1890, whereby discrimination and the unwarrantable methods of monopolization and discrimination of the industrial combinations were sought to be curbed, and at which time the workingmen in their organized capacity sought exemptions of the operation of the Sherman antitrust law from the voluntary organizations of working people and agriculturists and horticulturists, and which exemption was passed by unanimous vote of the Senate, and later eliminated from the bill under assurances that the Sherman antitrust law could not be made to apply to the labor organizations, but which later were made to apply, by judicial interpretation of the law, after which the agitation on the part of organized labor movement was inaugu-

rated and culminated in the enactment of the labor provisions of the Clayton antitrust law of October 15, 1914.

"5. Please point out in which of the industries you consider that labor has made the most rapid and satisfactory development, and in which industries you consider that this development has been most greatly retarded?"

To be answered later.

"6. A, B, and C. Is it, or is it not, a fact that the development toward trade-unionism has been most rapid and complete in those industries which have not been dominated by large corporations, such as:

"A. Building trades.

"B. Bituminous coal industry.

"C. Printing and publishing."

Answering question 6, A, B, and C, will say that the development of trade-unionism has been great in building trades, bituminous coal industry, in the printing and publishing trades, and on the railroads. The question of incorporation has not either tended toward the development or retarding the movement of organization in at least two of the industries named corporations are highly developed.

Where I said incorporation I mean corporation; that is, in the coal industry and in the railroads. There are no greater corporations.

"7. Is it, or is it not, a fact that the organization of labor and the advancement of labor conditions has either been retarded or completely blocked in the industries in which large corporations are dominant, such as:

"A. Iron and steel industry.

"B. Paper and wood-pulp industry.

"C. Slaughtering and meat packing.

"D. Automobile industry.

"E. Petroleum refining.

"F. Cotton textiles.

"G. Woolen and worsted goods.

"H. Flour and other cereals.

"I. Telegraph and telephone."

Answering question 7, with its subdivisions, I would answer it generally in the affirmative.

The attitude of these corporations in retarding or blocking organizations of the working people has been an attitude assumed within this past 10 or 15 years.

"8. Please take up, one by one, the principal basic industries which employ the larger number of workers and outline the conditions which make for the success or failure or effective labor organization."

Eight is covered by my answer to question 7.

"9. Do you consider that under existing conditions the employees in such industries as the steel industry, paper and wood-pulp industry, slaughtering and meat-packing industry, etc., are protected in the exercise of their rights as workmen and citizens?"

Answering question 9, I should answer categorically in the negative.

"10. If not, what line of action do you consider to be socially desirable to assure them in the exercise of such.

"Please explain both the method by which such rights can be obtained and wherein it is socially desirable that the workmen in such industries should be in a position to secure their rights."

Answering question 10 would say that the rights of workers in the establishments coming under categorically question 9 can be obtained by the organization of the working people, every right should be guaranteed to the workers to organize and to exercise their normal natural activities to protest against wrong and demand rights; to strike, to be protected in the conduct of a strike; to eliminate the detective agencies and provocateurs and armed private guards, such as are exercised by the detective agencies and exemplified, for instance, by the R. J. Coach Secret Service Co., of Cleveland, Ohio, and whose work is set forth in one of the documents from which I have quoted, from their own publications.

The restriction, limitation, and regulation of immigration would be the greatest factor to stop the constant flow of immigrants contracted for and induced by the corporations and the ship companies, and which now and for the past 10 years has afforded a constant flow of immigrants to the plants of these corporations; the stoppage or limitation of which would afford the opportunities

for the workers in these establishments to regain their lost courage, character, and manhood, and to assert their rights to organize for their own and for the common protection.

"11. In your experience as president of the American Federation of Labor have you encountered any instance in which the actual decision upon labor policies has been exercised by the financial powers rather than by the working managers of the corporations?

"A. Strike in the sheet and tin-plate industry in 1901.

"B. Strike in the anthracite coal industry in 1903."

Answer to question 11: The financial powers, as a rule, have insisted upon certain dividends, of earning power of the plants of the corporations which dominate rather than the determination of local labor policies. During the financial panic of 1907, for instance, a number of the working managers of the local establishments urged the United States Steel Corporation to be permitted to reduce wages, either in compliance with or concurrently with the declaration of the American Federation of Labor protesting against reductions in wages, and urging the working people of America to resist every reduction in wages, and if that resistance meant the loss of the strike to resist in any event, that it was better to resist and lose than not to resist at all.

Say, either in compliance with or concurrently with the declaration of the American Federation of Labor to protest against reduction in wages the Steel Corporation decided that wages should not be reduced.

It was the United States Steel Corporation which formally declared against the unionization of its plant and notified its subsidiary companies.

What I mean to say by my answer to this question is that the corporations, the financial dominating spirit of these corporations, are less concerned with the policies and methods employed by the subsidiary companies or branch companies—all they want is the dividends, and leaving all else to the local management. And it is evidently a policy that secures the best results for the princes of finance and relieves them from the details of management and sometimes of responsibility.

Question 13 reads as follows: "What is your attitude toward the social desirability of endowed foundations for the investigation of labor conditions?

"(*a*) Do you consider that such foundations can impartially investigate problems in the field of industry?

"(*b*) What objections do you see to the establishment of foundations in perpetuity similar to the Rockefeller, Russell Sage, and Carnegie Foundations?

"(*c*) Granted that it is possible for a scientific and impartial investigation of industrial conditions to be made, do you consider that the results of such an investigation would carry conviction to the workers or would greatly influence the action of the employers?

"(*d*) Granting that the investigation was impartial and scientific, do you consider it would increase or alleviate industrial unrest?"

Answering 13: I believe that such foundations as the Rockefeller Foundation can not impartially investigate a problem in the field of industry. The whole basic principle upon which that foundation is instituted—the guiding spirit behind it all precludes the possibility of impartial investigation as to the relations between employers and employees.

Answering 13 (*b*): The art of teaching should be either conducted by the State and the costs borne by the people of the State, or only private teaching should be done by the family itself or by universities and when they are endowed the teaching should be wholly independent from the influence of such endowment. Several of the colleges and universities have protested against the influence and domination of private endowments, even in some of the universities and colleges of our country.

As to the desirability of such foundations as the Russell Sage and the Carnegie, that may be open to question, but there is no dissension among thoughtful and liberty-loving persons as to the position, the object, and the scope and spirit of the Rockefeller Foundation.

Answering 13 (*c*): I can not take it for granted that it is possible for a scientific and particularly an impartial investigation of industrial conditions to be made by such an institution as the Rockefeller Foundation. In addition, I would say that the results of industrial investigation by either of these foundations would not carry conviction to the workers or would greatly influence the action of employers.

Answering 13 (*d*): I have already partially answered and would add that it would not increase or alleviate industrial unrest. And I may add that, in my

judgment, unrest—discontent—is not an evil, is not a thing which ought to be given its quietus, and it could not no matter what effort might be made. A healthy unrest among the people, an intelligent discontent is the constant intellectual groping, moving, striving for conditions better than they are to-day, and if it had not been for the unrest and the discontent of the past we would not have even the tolerable conditions of living and labor which we have to-day, and what the past has been to the present, so will the social unrest—the industrial discontent, be for the future.

Chairman WALSH. Granting that you do not consider that the activities of the foundations named above are socially desirable, please outline, if you will, the course of action or character of legislation which you would consider desirable?

Mr. GOMPERS. In so far as these foundations would devote their activities to the sciences, medical, surgical; to the laboratory, to the contributions toward history; for the arts, the sciences, they would be helpful. But the effort to undertake to be an all-pervading machinery for the molding of the minds of the people in their relations between each other in the constant industrial struggle for human betterment—in so far they should be prohibited from exercising their functions, either by law or by regulation. I think that, for instance, the secretive, diplomatic method of the Rockefeller Foundation, in having its educators placed upon the official list of officers of the Federal Government, to whom a nominal salary was paid by the Government, which in turn gave the Rockefeller Foundation the opportunity to send their literature through the mails under the franking privilege of the Government was a fraud upon the Government as such, and in addition it was a subornation of the principle of education and an imposition upon the people of our country.

I think one of the worst features, one of the most dangerous features of these foundations, is where they undertake to mold the opinion and the judgment of the people. I do not think that the Government of our country or that the people of our country are ready to surrender the function of teaching to a private institution such as the Rockefeller Foundation, with the history behind that foundation—the means by which their moneys were first made and later accumulated.

Chairman WALSH. Commissioner Weinstock would like to ask some particular questions.

Commissioner WEINSTOCK. Several questions, Mr. Gompers, have been handed to me with the request that I present them and invite your answer. The first question is, If a union injures others unlawfully, by a boycott or sympathetic strike or by violence such as dynamiting, why should it not be liable in damages?

Mr. GOMPERS. May I see that?

Commissioner WEINSTOCK. Certainly.

(Commissioner Weinstock hands paper to Mr. Gompers.)

Mr. GOMPERS. What is this [indicating]?

Commissioner WEINSTOCK. That is another question.

Mr. GOMPERS. The party who asked you to in turn ask me this question reveals his own misunderstanding or his own unjustifiable hostility toward organized labor, and before I proceed to answer this question, Mr. Commissioner, unless you assume responsibility for the question, I would like to know the personality of the questioner. He or she finds me upon the witness stand, and I am here in my own name with the right to inquire who asks this question.

Commissioner WEINSTOCK. Well, he is a representative of the employers' association.

Mr. GOMPERS. My name is Samuel Gompers; I reside in the city of New York, with office at the offices of the American Federation of Labor, Ouray Building, Washington, D. C. I am responsible for my utterances here, and I want to know who is my questioner.

Chairman WALSH. The writer of the question has indicated to me from the audience that he desires it stated that he is Mr. Walter Drew.

Mr. GOMPERS. I thought so; that is his type. [Applause.]

Chairman WALSH. We must have no audible expression of your feelings. That is absolutely imperative, and I hope that you will aid us in carrying this out.

Mr. GOMPERS. "If a union injures unlawfully"; the question is one of those ingeniously constructed questions, something like the question put to a witness, "Do you still beat your wife?" If you answer that you do, you imply that you always have beaten her, and still do; if you say no, it is an implication that you no longer beat your wife.

"If a union injures others unlawfully." If a union or any other body of men injures another unlawfully, then they are subject to be brought to the bar

of justice and placed upon their defense. The question of boycotts or sympathetic strikes—boycotts and strikes are, under the law of the United States, not unlawful. The Clayton antitrust law has taken out of the category of unlawfulness the strike and the boycott. And the question, so far as strikes and boycotts are concerned, has no meaning.

A VOICE FROM THE AUDIENCE. How about the hatters' decision?

Chairman WALSH. Will you kindly retire, that gentleman who asked that question? We must have perfect order.

A VOICE FROM THE AUDIENCE. I will do so. I would like to ask Mr. Gompers——

Chairman WALSH (interrupting). Will the sergeant at arms speak to that gentleman?

A VOICE FROM THE AUDIENCE. I am going out.

Chairman WALSH. You may proceed, Mr. Gompers.

A VOICE FROM THE AUDIENCE. I am going out; I am going out as fast as I can.

Chairman WALSH. You may proceed, Mr. Gompers.

Mr. GOMPERS. If I may be permitted, I shall take cognizance of the question asked by the gentleman, but after I have finished this.

Chairman WALSH. If you could and would, Mr. Gompers, I wish you would proceed. We must absolutely, in every way, discourage such interruptions. Please pass that unnoticed.

Mr. GOMPERS. The interjection of this question of violence and dynamiting is an insult, and only intended as an insult. The idea of asking a witness before this commission this question: "If a union injures other unlawfully." I am going to omit the question of boycotts and strikes. "If a union injures another unlawfully," by violence, such as dynamiting, why should it not be held in damages? Anybody who indulges in violence and dynamiting ought to be brought to the bar of justice and sent to prison. It is not a question of unions being mulcted in damages in civil proceedings. I am sure that the question does not arise as the result of ignorance; it is intended to be an insult.

Mr. WALTER DREW. Mr. Chairman——

Chairman WALSH (interrupting). Kindly keep your seat, Mr. Drew. You may be called as a witness, and I will ask you to please keep your seat or I shall have to ask you, as I did the other gentleman, to leave.

Mr. GOMPERS. Before the Senate Committee on Judiciary, having under consideration a bill to relieve the voluntary associations of working people from the operations of the Sherman antitrust law, as interpreted by the Supreme Court of the United States, this same question was asked by Walter Drew of me while I was addressing the committee, and the repetition of it here is simply an insult, no matter what his intentions may have been.

Commissioner WEINSTOCK. You have anticipated the next question, Mr. Gompers, "Why should a law-abiding union resist being made legally responsible for its actions?" I think you have covered that.

Mr. GOMPERS. Another Claude Meinotte, who would be liberal with our money. May I have your permission to take cognizance of the question propounded by the gentleman who was justifiably ejected from the room?

Chairman WALSH. I do not like to be stubborn, but I am going to ask you to assist us in maintaining the spirit of the rules of our commission and kindly pass that by unnoticed.

Mr. GOMPERS. I will say this: That since—that any action of organized workers since October 15, 1914—such activities as that exercised by the hatters of Danbury, Conn., no such suit could be brought against the working people as was brought against the hatters of Danbury under the Sherman antitrust law.

Commissioner WEINSTOCK. The next question is as follows: "Have you seen the Eleventh Special Report of the United States Commissioner of Labor as to Restriction of Output by American Trades Unions, prepared by Prof. Commons?"

Mr. GOMPERS. I think I have not.

Commissioner WEINSTOCK. Then, of course, you can not answer the next question if you have not seen that report. It is "Does that report show the restriction of output to be more or less universal?"

The next question is: "What can you say of jurisdictional disputes among unions? Do they not lead to long and costly sympathetic strikes, involving many innocent third parties? Can the American Federation of Labor control such disputes among its members? Has it done so? What is the remedy? Would not legal responsibility tend to largely end such disputes?"

Chairman WALSH. Please reread that.

Mr. GOMPERS. The question is: "What can you say about the question of jurisdictional disputes among unions?" Well, I can say that they exist and have existed from the beginning of the world; that men have had in the past and do now endeavor to do work when they have not work in their own trade or calling—do try to find work in some other trade or calling, and those who find themselves pinched for work in the trade or calling in which employment is sought—and when they themselves are pinched for work or opportunity they are going to protest whether they are organized or unorganized. It is in part due to the maladjustments of modern industry on the one hand—the lack of foresight of the captains of industry and due to the constant transition of new machinery in industry, new tools, and substitutes that men's occupations are gone, trades dissipated, trades for which men have given three—five years of their lives learning and they find their occupations gone.

"Do these not lead to long and costly sympathetic strikes involving many innocent third parties?"

Sometimes; yes.

"Can the American Federation of Labor control such disputes among its members?"

The American Federation of Labor has no members except as the organizations themselves are units, and these units are members. The affiliated organizations—the units—have the members. The American Federation of Labor can not control—the American Federation of Labor is a voluntary association. As its name implies, it is a federation of organizations. It can act and does act in an advisory capacity, to be helpful, to express its judgment, but it has not the power of enforcing its judgment. It must be dependent and it is dependent upon the voluntary acceptance by the organizations and the men of the declarations and the judgment reached by the American Federation of Labor.

"Has it done so?"

I assume that means has the American Federation of Labor done so. It has done what I have outlined.

"What is the remedy?"

One might as well ask what is the remedy for storms. Storms are just as normal as is the sunshine. The result of natural conditions, and I prefer that Mr. Walter Drew would furnish a remedy for storms and the sometime burdensome heat of sunshine; it is not within my power.

"Would not legal responsibility tend largely to end such disputes?"

No.

Commissioner WEINSTOCK. Is it or is it not a fact, Mr. Gompers, that these jurisdictional disputes, which frequently inflict upon third and innocent parties great injury—do not place in the hands of employers who are antagonistic—hostile employers——

Chairman WALSH. Mr. Garretson says that he is absolutely unable to hear you. Mr. Reporter will you please read the question as far as it has been put?

The REPORTER. Is it or is it not a fact, Mr. Gompers, that these jurisdictional disputes, which frequently inflict upon third and innocent parties great injury—do they not place in the hands of employers who are antagonistic—hostile employers——

Commissioner WEINSTOCK. A reason for refusing to deal with organized labor?

Mr. GOMPERS. Yes, sir; that is true.

Chairman WALSH. Now, Mr. Reporter, I wish you would please read in a loud voice the entire question.

The REPORTER. "Is it or is it not a fact, Mr. Gompers, that these jurisdictional disputes, which frequently inflict upon third and innocent parties great injury—do they not place in the hands of employers who are antagonistic—hostile employers—a reason for refusing to deal with organized labor?"

Mr. GOMPERS. Yes, sir; that is true—unfortunately true, and it is a condition which we can not change. It is a condition that we are endeavoring to persuade our fellow workers and fellow unionists to meet. In the past few years, outside of organizing and the effort to secure legislative reform from Congress and from the State, there is such effort being made by the American Federation of Labor to eliminate or minimize jurisdictional disputes—as much effort as to any one thing.

Commissioner WEINSTOCK. Do you not think it is possible, Mr. Gompers, from your experience as a labor leader, that these jurisdictional disputes can be eliminated without cessation of work?

Mr. GOMPERS. No.

Commissioner WEINSTOCK. You do not?

Mr. GOMPERS. They ought to be; it may be desirable that that be done, but it can not be done; that is, effectively and actually. For men who are struggling for bread and the earning of a livelihood involved in working at their trade or occupation—it is a question of seeing that job taken away by one he regards as an interloper, and what we aim to do—what our movement aims to do is to bring it down to the smallest possible number and the least possible friction and are trying to reach that result. We find it frequently that there are two claimants regarded as opposite trades, but one just as insistent as the other, just as earnestly and just as ably, presenting the case of its right to do the work and not the other fellow.

Commissioner WEINSTOCK. Is there no way of making it plain to the workers themselves that every time they engage in a jurisdictional dispute that means cessation of work or their working into the hands of their enemies, and putting into the hands of antiunion employers a lash that can be used on the backs of all unions?

Mr. GOMPERS. That is what we are trying to do. I think the report of the executive council of the American Federation of Labor as made time and again to conventions upon this subject of jurisdictional disputes—the question discussed in the various declarations we have made, the various differences which we have tried to adjust—we have done our best, and are doing our best, and the fact of the matter is that we are not given credit for doing anything at all. What opportunities have we to reach the ten millions of workers throughout America or more? Our publications, our leaflets, and our meetings, after, however, the thing has percolated from one mind and one mouth to another, along the line, the thing is lost, or nearly lost, and all you get is the essence, if you can get that at all.

Commissioner WEINSTOCK. Well, are jurisdictional disputes increasing or diminishing in number?

Mr. GOMPERS. That is difficult to answer. Mr. Commissioner, there is no such thing as finally adjusting jurisdictional disputes. The very adjustment you make to-day is disarranged to-morrow or next year by reason of a new machine, a new tool, a new substitute being offered. For instance, let me put this—let me take a concrete case.

Take the dispute between the sheet-metal workers and the carpenters upon metal trim. Now, the sheet-metal workers say, "This is sheet metal, and, being sheet metal, it belongs to us to do." The carpenter says, "This is simply a substitute for wood. It is not a tinker's damn or a tinker's hammer, but it is the carpenter's hammer." And so I am told that in some instances contractors prefer the carpenters to do it, because they are held, by the contractors, to be the most competent to do that kind of work, and there they are. And there are some sheet-iron manufacturers who claim that the sheet-metal workers ought to do the work.

Now, what are we going to do about it? After we shall have declared that the sheet-metal workers ought to do the work, and the carpenters get the work from the contractors—that has been practically the case. The laboring men—the building trades department of the federation declared that the work belonged to the sheet-metal workers; the contractors said "the carpenters are going to do it." Will you interpose your judgment and say that the sheet-metal workers are going to do it anyway? And if the organization is going to be disrupted in the effort and get into conflict with employers and our own people, it does not decide anything, Mr. Commissioner. All that we can do is to be helpful in the two parties keeping their differences within reasonable limits, so that they do not fly at each other's throats and claiming the job and going out on strike against each other and to their own and mutual injury and to the injury of the innocent employer. We are applying ourselves to that work.

Commissioner WEINSTOCK. Answering question 7, Mr. Gompers, in your questionnaire which you were dealing with, you stated that you believed that it is a fact that the organization of labor and the advancement of labor conditions have been either retarded or completely blocked in the industries in which large corporations are dominant, and so forth, could you give this commission what

you believe to be the reasons for the retarding and blocking of such labor conditions?

Mr. GOMPERS. There seems to be a natural trend running all through the human race of domination. The workmen for centuries were slaves; and there are some people who have not yet awakened to the fact that we are living in the twentieth century. Industrially they are and we are living in the twentieth century; mentally they are living in the sixteenth. The idea of domination entirely. When unorganized workmen in desperation ask for some consideration at the hands of employers it is regarded as a rebellion—a rebellion which must be crushed out. And the corporations to which you refer have acted upon that notion, and they have to a large degree crushed out the spirit of protest among the employees. In addition, as I have said in my answer, I think, to that or one of the other preceding questions, the Government of the United States has given them almost carte blanche to draw upon the people of all other countries to keep up a channel in which there was a constant flow of workmen coming from these countries time after time, beginning with one class of laborers and then going down in the social scale, worse and worse, to the worst class of laborers and bringing them over here. It is not so much the corporation itself as it is the elements within these establishments that can not—do not seem—to generate companionship, comradeship, group patriotism, and to try and help bear each other's burdens and to relieve each other from wrong. And so long as we shall have this channel open and the peoples from those other countries coming here to fill up whatever gap may be caused by a little discontent or by protest or by people trying to get out and go some other place—so long as these gaps can be filled by this constant stream of immigrant laborers there will be no hope to organize the workers in these plants under the domination of these corporations.

I may say this: I expect within 24 hours to be placed in possession of information of such an authentic character that I hope I may have the opportunity either of personally presenting it to this commission or else to some other representative agency of our Government in regard to immigration. The President of the United States is to-day having a hearing upon the immigration bill as it passed Congress, and it was acting under your summons, as I have to, that my absence was forced and I was unable to be at the hearing which the President has or is now holding at this time upon this subject of immigration. And let me say this, that the shipping companies are to-day in cahoot with these corporations, and under the pretence of liberalism—I want to emphasize that as strongly as I can—under the pretense of liberalism many of these men are suborned by the shipping companies and these corporations to prevent the passage of a fairly comprehensive immigration restriction bill.

Commissioner WEINSTOCK. In passing, touching upon the immigration question as you have just now, if you had supreme power in the matter what would you do with immigration—how would you deal with it?

Mr. GOMPERS. I think that I would limit immigration—restrict it. I don't think I would close the walls, close all our ports; I do not think I would.

A gentleman a few weeks ago discussed with me a proposition which appealed to my judgment, one which was based upon a proposition to permit immigration from all countries upon a basis of a small percentage of those who are already here. I have not given that proposition sufficient thought to warrant the expression of a definite opinion upon it, but that immigration must be restricted and better regulated than it now is no one will dispute. May I just call attention to this fact, Mr. Commissioners?

Now, immigration has fallen off greatly, due to the terrible European war. When that war shall have come to an end the countries now engaged in the conflict will do everything within their power to prevent the strong men, the healthy men, the capable men, from leaving their respective countries. Every obstacle will be put in the way of any one of these men leaving. But this is also true that the countries will do everything they possibly can to encourage the immigration of the weak; of the men whose health has become undermined; who have contracted some malady; who have become enfeebled or weakened; and where can these people go? Not, surely, to each other's countries who have been engaged in the war. The only opportunity for them is to come to the United States or to Canada. And quite apart from the ordinary difficulties and evils of this practically unrestricted immigration that is coming in here, the consequences of the war, when it shall have come to an end, are such and the dangers are such that it behooves us to exercise more than the ordinary

care and precaution to save ourselves from the condition which may overwhelm us and do us great injury.

Commissioner WEINSTOCK. You have pointed out, Mr. Gompers, that where the employer believes himself to be in the saddle his tendency is to become despotic and tyrannic. Now, as you and I know, labor is made out of the same common clay that the employer is made out of, and when labor believes itself to be in the saddle does it not also tend to become despotic and tyrannic?

Mr. GOMPERS. Only a phase of it; that has been a phase. When workmen are unorganized they always look upon themselves as absolutely powerless to secure any change, any redress for any grievance. They regard their employers as almighty, all-powerful. The employers regard their employees as their wards, and, in a way, so far as their judgment goes, they want to be the trustees of these people; but any attempt on the part of the workers to secure of their own volition any change is regarded, as I said before, as a rebellion.

Now, whenever unorganized workmen have reached the state of mind where they are going on a strike or are out on a strike a complete revolution has taken place in their minds. Where before they regarded themselves as entirely impotent and their employers as almighty, the first notion of formerly unorganized, now newly organized, workmen engaged in a strike—in their judgment this transformation has occurred—is that they are all powerful; that the employer is a weakling and has no rights which they are bound to respect. It is the complete reversal of the position, of the mental attitude.

Now, that is true; but when organization is maintained among the working people, and whether the strike has been lost or won, if the organization of the working people is maintained, each has a better respect for the rights and the powers of the other.

Commissioner WEINSTOCK. Returning, Mr. Gompers, to the question that there had been unions which had been unreasonable and unjust in their demands, as has been evidenced by the fact that the national officers at times had taken away charters of unions because they were unreasonable and unjust in their demands.

Now, the question is, if you were an employer how would you protect yourself against unreasonable or unjust unions in their unreasonable demands?

Mr. GOMPERS. If I was an employer, of course, I can not conceive of myself in such a position. But I shall try to—I have urged this upon employers—I would say I believe anything I would advise another to do I would be willing to do myself.

Now, I will try to be in agreement, enter into collective bargaining with my employees as organized entities and preferably when these local unions are part of an international union. In a measure, and to a considerable extent, the international union really underwrites the good faith of the collective bargaining between the employers and associations of employees and the union of employees. I do not want anyone to imagine that even that is going to eliminate all trouble and strife and dissatisfaction. I do not think it will, and I do not think it is desirable either. Sometimes when people show their teeth to each other it tends to the movement of good, red blood.

Commissioner WEINSTOCK. Now, I do not know as I caught your answer, Mr. Gompers. You are an employer and you have entered into an agreement with the union that is affiliated, and that union makes an unreasonable demand and unjust demand, what are you going to do?

Mr. GOMPERS. Mr. Commissioner, I would like in this instance that your question should be concrete rather than general. I do not know whether we agree as to what constitutes unjust demands.

Commissioner WEINSTOCK. Well, let us take the concrete case, then. You were not here the other day when Mr. Belmont was on the witness stand?

Mr. GOMPERS. I was not.

Commissioner WEINSTOCK. He cited a concrete case. I am not familiar with the facts, but I can repeat it as he did. He spoke of a strike that took place on the subway, and his explanation was that there were unreasonable demands made and the company refused to comply, the men went on strike, the international officers investigated the case and demanded that the men return to work. They refused and their charter was taken away. So there you have a concrete case.

Putting yourself in the position of the employer in that case, what would you do?

Mr. GOMPERS. I am familiar with the case you cite, sir. I am in accord with the action of the officers of the international union. The men were misled.

They were misled. No question about it. And not for their own good. I know of no other instance in my career of more than 45 years as a union man where the interests of the working people were fritted away as they were in that case.

Commissioner WEINSTOCK. Was not the case of the Pacific & Electric Co., Mr. Brittain, of San Francisco, a somewhat similar case?

Mr. GOMPERS. No, sir; I spent about seven or eight days in San Francisco last year, and of that fully five days were devoted to conferences with Mr. Brittain, president of the company, and I know that is totally different. Commissioner Lennon was with me a considerable part of the time.

Commissioner WEINSTOCK. Was the charter taken away from the workers at that time?

Mr. GOMPERS. No, sir.

Commissioner WEINSTOCK. It was not?

Mr. GOMPERS. No, sir.

Commissioner WEINSTOCK. I did not know of it. I thought it might have been a similar case.

Mr. GOMPERS. No; it was not.

Chairman WALSH. Commissioner O'Connell has a few questions he would like to ask.

Commissioner O'CONNELL. Mr. Gompers, yesterday one of the large employers whose business is diversified, in mining, railroad, and shipping, employing many thousands of workmen, does not deal with unions or with men as organized, and in answer to question that I asked him as to whether or not workmen would be to-day enjoying the same conditions as to wages, hours, and other things going with employment, if there had been no organization of labor for the past 30 years, and his answer was he believed they would be. What is your opinion of that?

Mr. GOMPERS. He does not know. The fact of the matter is that the conditions of labor are measured better by the hours of toil, daily toil, than by any other standard. To think that the conditions of the working people would have been just as well improved without the organizations reminds me of the fatalist who declared that when he shot a partridge that had crossed the horizon and it fell to the ground with a dull thud, said it was not the shot that killed the bird; the fall would have killed it.

Commissioner O'CONNELL. You think it would not have been possible?

Mr. GOMPERS. Simply impossible. The world has moved by the protests of a few who have gathered others with them and made that protest felt, and the impress upon the minds of their contemporaries. It is not true. It is the organized-labor movement which has compelled employers of unorganized toilers to make conditions nearer to that of the organized, like an army; the people of the country do not all go to war. A certain number of people go to war and fight for the balance. Organized-labor movement is the militant body of workers to secure for all the workers the best possible conditions.

Commissioner O'CONNELL. Now, let me ask you directly, are there any workmen following a given craft, trade or calling, unorganized, that have got the eight-hour day, for instance?

Mr. GOMPERS. I know of none. Perhaps, Mr. Commissioner, an illustration will be more convincing than any other, a concrete case. Take the railroad conductors, the conductors engaged in the service of the railroad companies and the conductors in the service of the Pullman companies. The conductors of the railroad companies' service receive a wage nearly 100 per cent more than that of the conductors in the Pullman service. The hours of labor are normal—there is a great disparity in it; I can not tell you what it is—but the great influence, and dominating influence is that the conductors in the service of the railroad company are organized and the conductors employed by the Pullman Co. are not organized.

Commissioner O'CONNELL. The same gentleman, Mr. Berwind, before us yesterday, said he believed that the employment of people industrially should be taken care of by legislation, and, with one exception, that of regulating wages. In all other cases industrial life should be taken care of by legislation enacted by the whole people rather than the adjustment of their industrial differences between employer and the employee. What is your opinion of that theory?

Mr. GOMPERS. Well, I not only hope that such a day will never come, but I am confident it will never come. There is so much that people want other people to do by law.

Commissioner O'CONNELL. We have heard, Mr. Gompers, from a number of witnesses appearing before this commission of so-called bad unions and so-called good unions. Employers say, who have appeared before our commission, that they would be glad to see men organize in unions if they were good unions. Can you give this commission some idea as to what is a good union or a bad union; what their activities might be in both?

Mr. GOMPERS. From my own standpoint, or the viewpoint of the——

Commissioner O'CONNELL (interrupting). Your experience as the head of the Amercian Federation of Labor, and your coming in touch with all the unions in this country and abroad, I do not care where you get it, good or bad, tell us what it is?

Mr. GOMPERS. My observation is that I have seen unions which have made mistakes, pursued mistaken policies, but I think that that is one of the human frailties, that we make mistakes, and after all we might say experience is only another name for the mistakes we have made. I do not know what is meant by a bad union.

Commissioner O'CONNELL. Let me see if I can——

Mr. GOMPERS (interrupting). Bad men may come together, and that does not make a bad union. They may be bad men. Good men would not necessarily make a good union. The question is of union, it is the association and combination to secure improved conditions for the men and women who work, to eliminate child labor—the methods proposed may be all askew and wrong; they may make mistakes, but the good union and bad union I think are misnomers.

Commissioner O'CONNELL. Do I catch the idea—at least it impresses me as such, that a good union would mean men would organize in an organization or association of some kind that would bring them together and they would resolve that they don't want shorter workdays, that they don't want higher wages, that they don't want better conditions, they don't want child labor taken out of the factories, and they don't want to interfere with their employers. Might that not be considered, from the employers standpoint, a good union?

Mr. GOMPERS. Yes; magnificent. I remember—let me see—I don't know exactly and I do not want to make an incorrect statement if I can help it. But it was before the House Committee on the Judiciary when some one was speaking about good unions. Yes; that is their conception, a union like one of those good dogs, he has no teeth. A good union that will come together and sing "My country, 'tis of Thee," and sing pslams and go home and say the employer is a jolly good fellow.

Commissioner O'CONNELL. Now, on this all-important question of jurisdiction. Is not this subject of jurisdiction largely magnified, largely being used as a subterfuge for a reason to not deal with unions?

Mr. GOMPERS. Very often, sir.

Commissioner O'CONNELL. Is not the employer in many, many instances responsible for the jurisdictional disputes?

Mr. GOMPERS. Frequently provokes it.

Commissioner O'CONNELL. In order to get the best of his competitors in business he encourages a jurisdictional dispute if he can't bring the desired result some other way?

Mr. GOMPERS. And exaggerates it, too.

Commissioner O'CONNELL. The labor movement as represented by the American Federation of Labor, in order to avoid jurisdictional disputes where the jurisdiction of work—the kind of work and so on—was concerned has taken place in rapid forms of industry, has succeeded in amalgamating and putting into one organization two contending parties in order that the jurisdictional dispute might entirely disappear?

Mr. GOMPERS. It has done so in several cases.

Commissioner O'CONNELL. A great many cases?

Mr. GOMPERS. Yes.

Commissioner O'CONNELL. And is continuing to do that sort of work?

Mr. GOMPERS. Yes.

Commissioner O'CONNELL. And is continuing to bring the contending parties together wherever the result has not been accomplished?

Mr. GOMPERS. Yes.

Commissioner O'CONNELL. Has not the federation in its convention adopted resolutions with a view of protecting the so-called innocent employer, so far as it could in such limited power as it has, being a federation, by encouraging the organizations that were there is a trade dispute that they shall continue at

work and let the subject matter in contention be submitted to mediation or conciliation or arbitration?

Mr. GOMPERS. Yes, sir; it has.

Commissioner O'CONNELL. To avoid punishing the third party?

Mr. GOMPERS. Yes, sir. As a matter of fact in every convention we have a committee, one committee which we call the committee on adjustment, to which, as a rule, all jurisdictional controversies are referred, and the committee is out of the convention very nearly wholly during the entire time until it is ready to report to the convention, and during that entire time the committee is hearing parties to disputes and endeavoring to effect adjustment, and that frequently adjustment is reached.

Commissioner O'CONNELL. I was just going to say that at the recent convention in Philadelphia a great number of jurisdictional matters were before that committee.

Mr. GOMPERS. Yes, sir.

Commissioner O'CONNELL. And they endeavored to adjust them and did have an agreement without affecting the third party?

Mr. GOMPERS. Yes; in several instances.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. Mr. Gompers, in reading that pamphlet from the detective agency of Cleveland, I understood they spoke of sending their detectives into the plants, and I understood you characterized that as wrong and outrageous?

Mr. GOMPERS. Yes.

Commissioner BALLARD. And that same pamphlet, as I understood, spoke of union organizers being also sent by the unions into that plant and without the knowledge of the employer; is that also wrong and outrageous?

Mr. GOMPERS. I don't catch the question.

Commissioner BALLARD. The detective proposed, as I remember, to send their detectives into the plant to find out if there were any agitators or any organizers at work in there, and I understood that you thought that is wrong and outrageous conduct. That pamphlet also, as I remember, spoke of union organizers going into the plant for the purpose of organizing the plant?

Mr. GOMPERS. No; it speaks of the organizers coming to the city.

Commissioner BALLARD. And not going direct to work in the plants?

Mr. GOMPERS. No.

Commissioner BALLARD. You would not consider that correct and proper?

Mr. GOMPERS. I would not say I would not consider that proper, but that is not in the pamphlet.

Commissioner BALLARD. I thought it spoke of that?

Mr. GOMPERS. I have no recollection of that in the pamphlet.

Commissioner BALLARD. And you would not consider it right to send a union organizer to an apparently satisfied plant and let them attempt, without the knowledge of the employer, to organize workmen in that plant?

Mr. GOMPERS. I would not consider that right, the question of these detectives, they as a rule suborn a workman; that is the purpose. They play upon the needs of some poor fellow to betray his fellow in an effort to organize or to secure some improvement in the conditions.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. Mr. Gompers, are jurisdictional quarrels between unions any more acute or any more prevalent than exactly similar rivalries between corporations for trade, and are they not, then, parallel for them?

Mr. GOMPERS. I know where there is considerable rivalry, clamoring for trade jurisdiction by the corporation. As to the exact——

Commissioner GARRETSON. For the sale of their product?

Mr. GOMPERS. Yes.

Commissioner GARRETSON. Is it not an evidence of exactly the same human quality in the two classes?

Mr. GOMPERS. Yes; it is true politically, too. We have, oh, for the past 20 years or more, have been clamoring for a greater New York. We have been clamoring for a greater Chicago and a greater St. Louis and a greater Buffalo and a greater Boston and even a greater United States. And then we have taken in——

Commissioner GARRETSON. Take the encroachment of the jurisdictional departments as against the old trade line stores. Is there any difference?

Mr. GOMPERS. Except that that is commercial.

Commissioner GARRETSON. On the question of soldiering, as you spoke of it at one stage of the game, that is the limitation of output. Is soldiering on the part of the laborer anything but a relic of slavery; a slave soldiered on his master because he had no reward?

Mr. GOMPERS. Yes.

Commissioner GARRETSON. Does not soldiering occur in the present day in the exact proportion to the incentive that there is to him to soldier or not to soldier?

Mr. GOMPERS. Yes, sir. The workman of to-day is not only required but actually gives a good hard fair day's work, and in modern industry soldiering is practically impossible. Labor to-day is divided and specialized, and the men are given just one little thing to do over and over and over again, thousands of times a day perhaps. Each one has got to do it in order to keep up with the team, with the great establishment, and if he does not keep up he falls by the way; he has lost his job.

Commissioner GARRETSON. He is one of a train of gears?

Mr. GOMPERS. Yes, sir.

Commissioner GARRETSON. If it were true that the laborer limited output, and it were admitted it was an economical crime to limit output, what is the relative economic crime on the part of the corporation that buys ten plants and closes down three of them to keep up the price of the product?

Mr. GOMPERS. I am afraid I am not a good criminal lawyer.

Commissioner GARRETSON. Economic crimes are committed by lawyers but not passed on by them?

Mr. GOMPERS. It is a subject on which I shall leave my invective for a mass meeting.

Commissioner GARRETSON. Plain English would not cover it.

That is all, Mr. Chairman.

Chairman WALSH. I have been asked to direct a few questions to you. I will say the practice has been that when they are couched in language, inoffensive language, it is necessary for the chairman to read them. I can say, however, that this is quite long and involves quite a discussion and if it occurs to you in the same way, of course, your statement will be accepted. I will read it to you nevertheless. "Is it not true that organized labor is making it difficult for the workingmen outside of organizations to find work in their respective callings? Are there not great impediments placed in the way of workingmen attempting to enter unions? If this is so, may not the unions be said to represent the interests of organized labor rather than of the working proletariat generally?"

Mr. GOMPERS. Individually, catagorically, and generally, I answer in the negative. The fact of the matter is that organizations of labor, the national unions, the international unions, the American Federation of Labor, have a large corps of organizers to appeal to the unorganized. There is not an international union of any trade which I know which has not its organizers out trying to organize the unorganized. Every central body, every central labor union in the cities has its organizing committee, every local federation of labor. We have about 1,000 volunteer organizers, men and women who go about to preach the gospel of mutual assistance and of unity. And we have on the pay roll of the American Federation of Labor 30 or more organizers to whom we pay a fair day's wage and his expenses or her expenses to organize. Of the quarter of a million of dollars approximately received by the American Federation of Labor every year, that comes from the per capita tax, about 8 cents a year for each member of the affiliated organizations, two-thirds of that money is expended for organizing purposes, literature for organizing.

Within this past two days, before I came here, I directed a circular to be sent to the organizers throughout the United States. I have not yet seen it in print, but I very much would like to have the privilege of having a copy of that organizing document in the record. I am perfectly willing I may be judged as a man by the contents of the circular. The American Federation of Labor has conducted a campaign of education among our fellow workers to make it somewhat more easy for every nonunion worker to join, to become a member.

In the union in which I hold my primary membership, we have in the fund in that organization a per capita of not less than $10, and yet the initiation fee for anyone to become a member is $3. So long as it will hold out we present in actual possession $7 to everyone who becomes a member of the organization. That quite apart from the protective features, but the fund is already there.

Chairman WALSH. Isn't the restriction of immigration likely to result in the improvement of the conditions of the American workingmen?

Mr. GOMPERS. Yes, sir.

Chairman WALSH. Is not the interest of labor an international rather than a local one?

Mr. GOMPERS. It is not a local question. The people who talk so glibly of the internationality of the proletariat of the world are themselves clutching at each other's throats. We are plain men, and while we do not want to close the gates of our country to those who may helpfully contribute to the welfare of our country when they come here, we are going to protect ourselves first. While we love our neighbor we do not love him quite as well as we do ourselves.

Chairman WALSH. The next question is, Does the American Federation of Labor, as its name may be taken to indicate, concern itself with the restricted problems of American labor alone and care nothing about the international problem?"

I presume your last answer would cover that?

Mr. GOMPERS. Yes, sir. There is not any wrong committed against any human being anywhere with which the American Federation of Labor does not concern itself.

(See Gompers exhibit.)

Chairman WALSH. We thank you very much, Mr. Gompers. This is our hour for adjournment, and you will be finally excused. Thank you very much.

The commission will now stand adjourned until to-morrow morning at 10 o'clock, in the board of estimates' room, across the hall.

(At 4.40 in the afternoon of this Friday, January 22, 1915, an adjournment was taken until to-morrow, Saturday, January 23, 1915, at 10 o'clock a. m., in the board of estimates' room.)

NEW YORK CITY, *January 23, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. Mr. Brandeis, you will please take the stand.

TESTIMONY OF MR. LOUIS D. BRANDEIS.

Chairman WALSH. Please state your name.

Mr. BRANDEIS. Louis D. Brandeis.

Chairman WALSH. Where is your place of residence?

Mr. BRANDEIS. Boston.

Chairman WALSH. And what is your profession, Mr. Brandeis?

Mr. BRANDEIS. Lawyer.

Chairman WALSH. You have also been engaged in public work, Mr. Brandeis?

Mr. BRANDEIS. Yes; but not in office.

Chairman WALSH. Not in office?

Mr. BRANDEIS. No.

Chairman WALSH. I wish you would please state the general character of the work which you have been doing, so far as it might affect industry.

Mr. BRANDEIS. I have, for quite a number of years, devoted myself, among other things, to a consideration of the industrial—social industrial problems, and especially the relations between employer and employee.

Chairman WALSH. Have you observed the effect of the growth of large corporations on conditions of labor in American industry, and the general industrial relations?

Mr. BRANDEIS. I have endeavored to study that among other things.

Chairman WALSH. Would you kindly state what your observation has been, with respect to the question as to whether or not the high concentration and the growth of these corporations have improved the physical conditions under which workmen are employed, or otherwise.

Mr. BRANDEIS. I think, in many instances, they have improved their physical conditions; that is, large and successful organizations have been able to provide the best-planned and best-equipped factories, and they have, to a very considerable extent, built new factories. And there is, both among large

corporations and the small—as large factories and the small, a third development of better factory conditions—more light, better ventilation, greater safety; and in so far as the large corporations have been leaders in various branches of manufacturing and have constructed these new factories, they have undoubtedly improved in that way the physical condition of labor.

Chairman WALSH. Have the large corporations increased the wages as rapidly as the prices of commodities have increased, or shortened working hours as rapidly as the development of the industry would warrant?

Mr. BRANDEIS. It is difficult to answer that comprehensively. I should feel quite certain that in some respects they had not—certain corporations, and very prominent ones, have not increased wages as rapidly as the profits of the organization warranted, nor have they reduced hours. But I think that is true also of many corporations that are small.

Chairman WALSH. Does the corporate type of organization tend to produce a higher grade of workmen and citizens?

Mr. BRANDEIS. I should think not.

Chairman WALSH. Have the large corporations acted as a bulwark to prevent the growth of trade-unions, from your observation, Mr. Brandeis?

Mr. BRANDEIS. Yes.

Chairman WALSH. I wish you would state what information you have, generally, of course, upon which you base that answer.

Mr. BRANDEIS. I think that the large industrial corporations have found this possible. That is true of the trusts and true also of large corporations which are not among those technically known as trusts, but which have powerful financial organizations; for instance, the Steel Trust, the Tobacco Trust, the Sugar Trust. It seems to me that they have possessed the power against which, in the main, the unions—union organizations have struggled in vain. There have been a very large number, undoubtedly, of other employers who were not large, who had exactly the same desires and the same economic views as those who control these great corporations, but they had not the power of resistance, the power of endurance, and the influence and connections, which enabled them to make their will law. It was a difference, not of motive in the main, but of conditions.

Chairman WALSH. Have you observed the extent to which potential control over labor conditions is concentrated in the hands of financial directors of large corporations?

Mr. BRANDEIS. To a certain extent. I think that goes necessarily with the control of the corporations themselves. There has been undoubtedly great financial concentration—direct to a certain extent and indirect to a greater extent, and that influence which came from the concentration in comparatively few hands of a deciding voice in important financial and industrial questions almost necessarily affects the labor problems, as it does other problems, although it may not have been the design primarily to deal with the labor problem.

Chairman WALSH. Have you observed the extent to which this potential control is exercised in connection with labor matters? Do you know of individual instances in which the control is directly used?

Mr. BRANDEIS. Well, the report of the Stanley investigating committee indicated that it had been used quite effectively in the steel trade.

Chairman WALSH. Do such financial directors, in your opinion, Mr. Brandeis, have sufficient knowledge of industrial conditions and social conditions to qualify them to direct labor policies involving hundreds of thousands of men?

Mr. BRANDEIS. I should think most of them did not; but what is perhaps more important or fully as important is the fact that neither these same men nor anybody else can properly deal with these problems without a far more intimate knowledge of the facts than it is possible for men to get who undertake to have a voice in so many different businesses. They are prevented from obtaining an understanding not so much because of their point of view or motive, but because of human limitations. These men have endeavored to cover far more ground than it is possible for men to cover properly and without such intimate knowledge of the facts they can not possibly deal with the problems involved.

Chairman WALSH. Does the fact that many large corporations with thousands of stockholders, among whom are large numbers of employees, in anyway whatever affect the policy of large corporations?

Mr. BRANDEIS. I do not believe that the holding of stock by employees—that is practically almost an insignificant participation, considering their percentage

to the whole body of stockholders in large corporations—improves the condition of labor in those corporations. I think its effect is rather the opposite.

Chairman WALSH. I wish you would elucidate that a little, if you will, please, Mr. Brandeis; state the reasons for it.

Mr. BRANDEIS. Perhaps I would have to go a little further into my general feeling in this respect——

Chairman WALSH. I wish you would do so, Mr. Brandeis.

Mr. BRANDEIS. As to the causes of the difficulty and of the unrest.

Chairman WALSH. I wish you would please do so.

Mr. BRANDEIS. My observation leads me to believe that, while there are many contributing causes to unrest, that there is one cause which is fundamental. That is the necessary conflict—the contrast between our political liberty and our industrial absolutism. We are as free politically, perhaps, as free as it is possible for us to be. Every male has his voice and vote; and the law has endeavored to enable, and has succeeded practically, in enabling him to exercise his political franchise without fear. He therefore has his part; and certainly can secure an adequate part in the Government of the country in all of its political relations; that is, in all relations which are determined directly by legislation or governmental administration.

On the other hand, in dealing with industrial problems the position of the ordinary worker is exactly the reverse. The individual employee has no effective voice or vote. And the main objection, as I see it, to the very large corporation we trust it makes possible—and in many cases makes inevitable—the exercise of industrial absolutism. It is not merely the case of the individual worker against employer which, even if he is a reasonably sized employer, presents a serious situation calling for the interposition of a union to protect the individual. But we have the situation of an employer so potent, so well-organized, with such concentrated forces and with such extraordinary powers of reserve and the ability to endure against strikes and other efforts of a union, that the relatively loosely organized masses of even strong unions are unable to cope with the situation. We are dealing here with a question, not of motive, but of condition. Now, the large corporation and the managers of the powerful corporation are probably in large part actuated by motives just the same as an employer of a tenth of their size. Neither of them, as a rule, wishes to have his liberty abridged; but the smaller concern usually comes to the conclusion that it is necessary that it should be, where an important union must be dealt with. But when a great financial power has developed—when there exists these powerful organizations, which can successfully summon forces from all parts of the country, which can afford to use tremendous amounts of money in any conflict to carry out what they deem to be their business principle, and can also afford to suffer large losses—you have necessarily a condition of inequality between the two contending forces. Such contests, though undertaken with the best motives and with strong conviction on the part of the corporate managers that they are seeking what is for the best interests not only of the company but of the community, lead to absolutism. The result, in the cases of these large corporations, may be to develop a benevolent absolutism, but it is an absolutism all the same; and it is that which makes the great corporation so dangerous. There develops within the State a state so powerful that the ordinary social and industrial forces existing are insufficient to cope with it.

I noted, Mr. Chairman, that the question you put to me concerning the employees of these large corporations related to their physical condition. Their mental condition is certainly equally important. Unrest, to my mind, never can be removed—and fortunately never can be removed—by mere improvement of the physical and material condition of the workingman. If it were possible we should run great risk of improving their material condition and reducing their manhood. We must bear in mind all the time that however much we may desire material improvement and must desire it for the comfort of the individual, that the United States is a democracy, and that we must have, above all things, men. It is the development of manhood to which any industrial and social system should be directed. We Americans are committed not only to social justice in the sense of avoiding things which bring suffering and harm, like unjust distribution of wealth; but we are committed primarily to democracy. The social justice for which we are striving is an incident of our democracy, not the main end. It is rather the result of democracy—perhaps its finest expression—but it rests upon democracy, which implies the rule of the people. And therefore the end for which we must strive is the attainment of

rule by the people, and that develops industrial democracy as well as political democracy. That means that the problems of a trade should be not longer the problems of the employer alone. The problems of his business, and it is not the employer's business alone, are the problems of all in it. The unions can not insist upon the employer the responsibility for conditions, nor can the employer insist upon determining, according to his will, the conditions which shall exist. The problems which exist are the problems of the trade; they are the problems of employer and employee. Profit sharing, however liberal, can not meet the situation. That would mean merely dividing the profits of business. Such a division may do harm or it might do good, dependent on how it is applied.

There must be a division not only of profits, but a division also of responsibilities. The employees must have the opportunity of participating in the decisions as to what shall be their conditions and how the business shall be run. They must learn also in sharing that responsibility that they must bear to the suffering arising from grave mistakes, just as the employer must. But the right to assist in making the decisions, the right of making their own mistakes, if mistakes there must be, is a privilege which should not be denied to labor. We must insist upon labor sharing the responsibilities for the result of the business.

Now, to a certain extent we are gradually getting it—in smaller businesses. The grave objection to the large business is that, almost inevitably, the form of organization, the absentee stockholdings, and its remote directorship prevent participation, ordinarily, of the employees in such management. The executive officials become stewards in charge of the details of the operation of the business, they alone coming into direct relation with labor. Thus we lose that necessary cooperation which naturally flows from contact between employers and employees—and which the American aspiration for democracy demands. It is in the corporate organization that you will find the fundamental cause of present unrest; no matter what is done—even the superstructure, no matter how it may be improved in one way or the other, unless we eradicate that fundamental difficulty, unrest will not only continue, but, in my opinion, will grow worse.

Chairman WALSH. From your observation, Mr. Brandeis, what would you say is the responsibility of these so-called absentee owners of industries for conditions, wages, and other conditions existing in the corporations in which they are financially interested?

Mr. BRANDEIS. They must be held absolutely responsible. There is no such thing, to my mind, applying it in this connection, as an innocent stockholder. He may be innocent in fact, but socially he can not be held innocent. He accepts the benefits of a system. It is his business and his obligation to see that those who represent him carry out a policy which is consistent with the public welfare. If he fails in that, so far as a stockholder fails in producing a result, that stockholder must be held absolutely responsible, except so far as it shall affirmatively appear that the stockholder endeavored to produce different results and was overridden by a majority. Of course, stockholders may be innocent if they have been active and have been outvoted; but stockholders can not be innocent merely by reason of the fact that they have not personally had anything to do with the decision of questions arising in the conduct of the business. That they have personally selected gentlemen or given their proxies to select gentlemen of high standing in the community, is not sufficient to relieve them from responsibility. As a matter of course, most stockholders do have very little to do with the management and in these great corporations they have practically nothing to do. It is largely the financial interests who determine policies and the practical results. But the stockholder is morally responsible although he actually has nothing to do with the management because he can not justify himself in being a stockholder unless he assumes the obligations which go with stockholdership; and stockholdership is practically partnership in the establishment so far as concerns the questions now under consideration.

Chairman WALSH. You have probably stated that practical—I was going to say practical unanimity, but that might be putting it a little too strong, the very general and broad statements that are made by directors in these corporations, especially those located in the city here, to the effect that they feel that they discharge their duties when labor policies are left to their local officials or to their executive officers here.

Mr. BRANDEIS. I have not read with any care the reports of what was testified to and that you have reference to.

Chairman WALSH. There are exceptions, but generally they had leave the statement; that is, that they leave that to the executive officers.

Mr. BRANDEIS. That position, so far as it may have been taken, seems to me absolutely unsound. It is a position which, I think, must be deemed a relic of those earlier days when the labor problem was not recognized as the prime problem in the industrial world. The obligation of a director must be held to be absolute. Of course, I said a little while ago that one of the grave objections to this situation with large corporations was the directors did not know what was going on, and they could not therefore pass an intelligent judgment on these questions of the relations between employer and employee, because they did not have the facts.

Nobody can form a judgment that is worth having without a fairly detailed and intimate knowledge of the facts, and the circumstances of these gentlemen, largely bankers of importance, with a multitude of different associations and occupations—the fact that these men can not know the facts is conclusive to my mind against a system by which the same men are directors in many different companies. I doubt whether anybody who is himself engaged in any important business has time to be a director in more than one large corporation. If he seeks to know about the affairs of that one corporation as much as he should know, not only in the interest of the stockholders, but in the interest of the community, he will have a field for study that will certainly occupy all the time that he has.

Chairman WALSH. Have you observed, Mr. Brandeis, in the development of these large corporations, the percentage of stock which might give control, or in practical everyday life does give control—what I mean is this: There seems to be an impression in some quarters that the controllers had to have a majority of the stock—51 per cent, for instance.

Mr. BRANDEIS. I think it is true not only of these very large corporations, but of very much smaller corporations in which the stock is listed and widely distributed, that not only a small percentage of the stock may give control, but that for a long series of years control is held sometimes without the ownership of any stock whatsoever, or of practically no more stock than is necessary to qualify directors.

I had a professional experience in connection with one corporation whose capitalization is very small as compared to those to which you refer, Mr. Chairman, but which runs into the millions, where I represented the outside stockholders who wanted to get control. The contest lasted a considerable time. We ultimately got control of the management, and when we examined the books we found that the management had practically sold itself out of all stock years before, and held practically no stock at all; that the president of the corporation had not only sold his stock holdings, but had sold out even his qualifying shares, and had to go to the market the next day and buy five shares of stock in order to qualify as director.

I mean these corporations are not controlled through a majority of the stock; they are controlled very largely by position. And that is an almost inevitable result of the wide distribution of stock.

From the standpoint of the community, the welfare of the community and the welfare of the workers in the company, what is called a democratization in the ownership through the distribution of stock is positively harmful. Such a wide distribution of the stock dissipates altogether the responsibility of stockholders, particularly of those with 5 shares, 10 shares, 15 shares, or 50 shares. They recognize that they have no influence in a corporation of hundreds of millions of dollars capital. Consequently they consider it immaterial whatever they do or omit to do, the net result is that the men who are in control, it becomes almost impossible to dislodge, unless there should be such a scandal in the corporation as to make it clearly necessary for the people on the outside to combine for self-protection. Probably even that necessity would not be sufficient to ensure a new management. That comes rarely except when those in control withdraw because they have been found guilty of reprehensible practices resulting in financial failure.

The wide distribution of stock, instead of being a blessing, constitutes, to my mind, one of the gravest dangers to the community. It is absentee landlordism of the worst kind. It is more dangerous, far more dangerous than the absentee landlordism from which Ireland suffered. There, at all events, control was centered in a few individuals. By the distribution of nominal control among ten thousand or a hundred thousand stockholders, there is developed a sense of absolute irresponsibility on the part of the person who holds that stock. The

few men that men in position continue absolute control without any responsibility except that to their stockholders of continuing and possibly increasing the dividends.

Now, that responsibility, while proper enough in a way, may lead to action directly contrary to the public interest.

Chairman WALSH. For the purpose of illustration, take a corporation such as the Steel Corporation and explain what you mean by the democratization of industry, and to apply it to a concrete corporation, take that one.

Mr. BRANDEIS. I think the difficulty of applying it to that corporation, I mean a corporation as large as that and as powerful as that, is this: The unit is so large that it is almost inconceivable that the men in control can be made to realize the necessity of yielding a part of their power to the employee.

Now, when they resist a particular labor policy, for instance, the unionization of shops, and they do resist it violently, most of the officials do so in absolute good faith, convinced that they are doing what they ought to do. They have in mind the excesses of labor unions and their obligations to stockholders to protect the property; and having those things in mind and exaggerating, no doubt, the dangers of the situation, they conclude that they can not properly submit to so-called union demands. They are apt to believe that it is "un-American" to do so—and declare it to be contrary to our conceptions of liberty and the rest. And they believe they are generally sincere in their statements.

The possession of almost absolute power makes them believe this. It is exactly the same condition that presents itself often in the political world.

No doubt the Emperor of Russia means just as well toward each of his subjects as most rulers of a constitutional government or the executives of a Republic. But he is subject to a state of mind that he can not overcome. The fact that he possesses the power and that he is the final judge of what is right or wrong prevents his seeing clearly and doing that which is necessary to give real liberty and freedom.

It is almost inconceivable to my mind that a corporation with powers so concentrated as the Steel Corporation could get to a point where it would be willing to treat with the employees on equal terms. And unless they treat on equal terms then there is no such thing as democratization. The treatment on equal terms with them involves not merely the making of a contract; it must develop into a continuing relation. The making of a contract with a union is a long step. It is collective bargaining—a great advance. But it is only the first step. In order that collective bargaining should result in industrial democracy it must go further and create practically an industrial government—a relation between employer and employee where the problems as they arise from day to day, or from month to month, or from year to year, may come up for consideration and solution as they come up in our political government.

In that way conditions are created best adapted to securing proper consideration of any question arising. The representative of each party is heard—and strives to advance the interest he represents. It is the conflict of these opposing forces which produces the contract ultimately. But to adequately solve the trade problems there must be some machinery which will deal with these problems as they arise from day to day. You must create something akin to a government of the trade before you reach a real approach to democratization. You must create a relation of employer to employee similar to that which exists in the trade under the protocol with the preferential union shop.

Chairman WALSH. Past experience indicates that large corporations can be trusted to bring about these reforms themselves?

Mr. BRANDEIS. I think all of our human experience shows that no one with absolute power can be trusted to give it up even in part. That has been the experience with political absolutism; it must prove the same with industrial absolutism. Industrial democracy will not come by gift. It has got to be won by those who desire it. And in the situation in which that voluntary organization that a labor union is powerless to bring about the democratization of a business, I think we have in this fact some proof that the employing organization is larger than is consistent with the public interest. I mean by larger, is more powerful, has a financial influence too great to be useful to the State; and the State must in some way come to the aid of the work[illegible] if democratization is to be secured.

Chairman WALSH. Are the workmen employed by large corporations in a position to work out their own salvation by trade-union organization to-day?

Mr. BRANDEIS. I think our experience, taking the steel trade as an example, has certainly shown that they are not. And that is true also of many other lines of business. Even in case of corporations very much smaller than the Steel Corporation, where the unions have found it impossible to maintain their position against the highly centralized, well-managed, highly financed company, such corporations as a means of overcoming union influence and democratization frequently grant their employees more in wages and comforts than the union standard demands. But "man can not live by bread alone." Men must have industrial liberty as well as good wages.

Chairman WALSH. Do you believe that the existing State and Federal legislation is adequately and properly drawn to provide against abuses in industry, so far as the employees are concerned?

Mr. BRANDEIS. I have grave doubt as to how much can be accomplished by legislation, unless it be to set a limit upon the size of corporate units. I believe in dealing with this labor problem as in dealing with the problem of credit. We must meet this question.

Chairman WALSH. Of what? Excuse me.

Mr. BRANDEIS. Size. And in dealing with the problem of industrial democracy there underlies all of the difficulties the question of the concentration of power. This factor so important in connection with the subject of credit and in connection with the subject of trusts and monopolies is no less important in treating the labor problem. As long as there is such concentration of power no effort of the workingmen to secure democratization will be effective. The statement that size is not a crime is entirely correct when you speak of it from the point of motive. But size may become such a danger in its results to the community that the community may have to set limits. A large part of our protective legislation consists of prohibiting things which we find are dangerous, according to common experience. Concentration of power has been shown to be dangerous in a democracy, even though that power may be used beneficently. For instance, on our public highways we put a limit on the size of an autotruck, no matter how well it is run. It may have the most skillful and considerate driver, but its mere size may make it something which the community can not tolerate, in view of the other uses of the highway and the danger inherent in its occupation to so large an extent by a single vehicle.

Chairman WALSH. Commissioner Lennon has a few questions he would like to ask.

Commissioner LENNON. Mr. Brandeis, in speaking with regard to the physical betterment that has come about in some instances in these great industries, did you mean to indicate that these physical betterments were not something of an element toward progress, toward democratic manhood?

Mr. BRANDEIS. I think they contribute a very material amount, provided they do not result in a bribe to forego that which is more important.

Commissioner LENNON. Now, to apply it to the work that the unions have done for physical betterment, increase of wages and limitation of the hours and the elimination of children like in the coal industry.

Mr. BRANDEIS. Oh, I think those are all positive gains, unqualified gains.

Commissioner LENNON. Gains for manhood?

Mr. BRANDEIS. They are all gains for manhood; and we recognize that manhood is what we are striving for in America. We are striving for democracy; we are striving for the development of men. It is absolutely essential in order that men may develop that they be properly fed and properly housed, and that they have proper opportunities of education and recreation. We can not reach our goal without those things. But we may have all those things and have a nation of slaves.

Commissioner LENNON. Now, in speaking of the exercise of power by those that acquire it through any means, what is your view as to the exercise of power in foundations, like the Rockefeller Foundation and the Russell Sage Foundation—the possibility of that power being applied not for the welfare of humanity, but whether or not there will be difficulties likely for the people to overcome the exercise of that power some time in the future.

Mr. BRANDEIS. I have never given that subject very close study, and I have never questioned any way that those foundations arose from the highest motives. So far as I have known anything about them, they express a desire, a

jealous purpose to aid humanity. But I have such faith in democracy and such a distrust of the autocratic power of wealth, that I am sometimes at times as to what ultimately the effect of these foundations, when the control shall have passed into the hands of those who at present are directing them, or those who may not be governed by the identical intent of the grantors.

Commissioner Lennon. That is, the creation of such institutions does bring into being a great power that is possible of application not for the good of humanity but sometimes under different directions?

Mr. Brandeis. It is. I mean it is granting the power and we do not know into what hands it ultimately may get and how it may be used. And I think there is this also in regard to it. It seems to me on the whole inconsistent with our democratic aspirations. I have, and I think many must have, a grave apprehension as to some of the great educational endowments of the so-called private universities in contrast with the State universities. I think we are fortunate in having in this country both the one and the other; and that other foundations, if they are not too large, may be very beneficial; provided always that there are other forces in governmental agencies which can counteract them. Still I can not help feeling a certain apprehension as to future results of these foundations.

Chairman Walsh. Commissioner Weinstock has some questions he would like to ask.

Commissioner Weinstock. The question, Mr. Brandeis, has been put to various witnesses that have come before us, as to what, in their opinion, was the prime remedy for industrial unrest, and different witnesses have offered different remedies. One has suggested that the prime remedy in modern industry is scientific management, with a bonus system; another has suggested arbitration; still another, mediation and conciliation; yet another, profit sharing; another has expressed the opinion that the remedy lies along the line of legal minimum wage. I take it your prime remedy for industrial unrest, from what you have said this morning, is a condition of industrial democracy?

Mr. Brandeis. That is fundamental, and I should adopt each one of these five remedies that you have named also as an incident, as an aid.

Commissioner Weinstock. As subsidiary?

Mr. Brandeis. Yes; as subsidiary.

Commissioner Weinstock. But the prime remedy, in your opinion, is industrial democracy?

Mr. Brandeis. Yes.

Commissioner Weinstock. That is the first, the essential?

Mr. Brandeis. Yes; it is not only a prime remedy, but absolutely essential.

Commissioner Weinstock. Will you tell us, please, Mr. Brandeis, whether your opinion is that this industrial democracy should be voluntary or compulsory?

Mr. Brandeis. I do not believe it can be made compulsory at the present time.

Commissioner Weinstock. Let us be sure, please, that we understand alike the meaning of industrial democracy. I understand by industrial democracy a condition whereby the worker has a voice in the management of the industry—a voice in its affairs. Do we agree on that?

Mr. Brandeis. Yes, sir; and not only a voice but a vote; not merely a right to be heard, but a position through which labor may participate in management.

Commissioner Weinstock. Has a right of action in regard to its affairs?

Mr. Brandeis. Yes; the power contributing to action—of participating in action.

Commissioner Weinstock. Recurring then, to the question as to whether you would make that voluntary or compulsory, what do you say?

Mr. Brandeis. I think that certainly for the present it should be made voluntary, and the great work now is the work of education. I referred a few moments ago to a protocol in the garment trade, and I think the accomplishment in that trade—in the cloak, suit, and skirt trade—is my mind, the most promising indications in the American industrial world.

Commissioner Weinstock. To what degree, in the garment industry, as conducted in New York, does labor have a voice?

Mr. Brandeis. Labor has a voice in this way: The protocol which was adopted on September 2, 1910, did this: In the first place it removed certain known grievances—long hours and a number of other grievances incident to the ordinary conduct of business which were then specified, and, among other things,

the removal of remediable conditions. Such results are accomplished by many agreements between the union and employers. But it went very much further. It created a system of government for employers on the one hand and employees on the other hand. In many agreements between employers and unions you find a provision for a grievance committee, but such committees are only for occasional use. The protocol established a government with administrative officers, courts, and a legislature always ready to take up questions arising in the trade.

Commissioner Weinstock. You mean it is a continuous performance?

Mr. Bauman. It is absolutely as continuous as our political Government. They have a well-equipped office on both sides. There are hundreds of manufactures operating under the cloak, suit, and skirt protocol—the oldest one of the existing protocols—and perhaps [illegible] members already employed in about 500 shops.

The questions arising there, in view of the character of the industry, are very numerous, and the officials of the union on the one hand and of the employers on the other hand are constantly passing upon these questions.

The regular judicial officers, like administrators in the city or State government, act from day to day and many times a day on questions presented. But besides these come up from time to time questions more serious and far-reaching, similar to questions submitted to our courts. And there come up other questions, like those we have to submit to our legislatures. Then representatives of employers and employees come together to determine the problems of the trade in precisely the same way that members of the legislatures and the judges of the courts come together to decide the matters for the Nation or of the State or of the city. It is participation in the decision of such questions arising between employer and employee which brings these men constantly into relation with each other.

Some of these questions are very difficult questions; they are questions which call for the inventive faculties, questions which involve experiments, questions which compel deep thinking. But the representatives of employers and employees called together to solve these questions have come to realize that the problems which arise are problems of the trade and not problems of one side or the other of a controversy; that no satisfactory solution can be reached by shifting the responsibility and getting rid of the question by throwing the burden on to the other side, saying, "The fault is yours; solve the problem." Most of the members of this industrial government have come to recognize that conscious fault or wrongdoing on either side is rather uncommon.

Their board of arbitration, of which I have acted as chairman, is not an arbitration board acting like one settling a strike. It is comparable rather to the highest court of appeal on judicial questions and theoretically Congress on legislative questions.

Early in the history of the protocol there was often the claim that one side or the other was at fault; there was mutual recrimination, such as is constantly occurring in controversies between employer and employee. Now the attitude is just the opposite.

At one of the most heated hearings last year one of the employers came to me, who had been very bitter in the earlier days and said, "We can not do this thing that the union wants; but if I were the union representative, I should ask for the same thing." Now, that is the way they approach the problems, each side recognizing that the other person has rights. And when there is a conflict, it is seen that usually this presents a condition to be remedied; that it is the joint obligation of both sides to remedy it; that they must get together and work out the problem if the difficulty is to be removed. They recognize that it is the business of both sides.

Commissioner Weinstock. I take it that in this particular industry, there is an earnest and sincere effort on both sides to find equity?

Mr. Bauman. It is not merely to find equity—that is one thing. I think as a rule we have gotten past the point, except in the heat of individual questions that come up—but usually both sides desire equity. They have reached now a desire to solve industrial problems, and the recognition that the problems of the employer can not be solved by shifting them onto the employee, and that the problems of the employee can not be solved by shifting them onto the employer; that some way must be found to arrive at the cause of the difficulty, to remove that cause, and relieve the trade, as a whole, from the crushing burden. That is a hopeful attitude, and it is the only attitude that can lead to the solution of these industrial difficulties.

Commissioner WALSH. How many of these suggested remedies are applied in the conditions that prevail in the garment industry of New York—scientific management with house, is that a part of it?

Mr. BRANDEIS. I think it has a recognition. I think they recognize, as I believe all intelligent and enlightened thinkers will recognize, that the only way to permanently and appreciably better the condition of labor, is to increase productivity and to eliminate the waste. That is what scientific management is. It means merely getting more with less effort. It means stopping all waste effort either in the creation of the individuals or in goods. Just how you are going to apply the principle is a matter of detail. It is most important that it shall be applied democratically. It can not be successfully applied otherwise in the long run; that is, both employer and employee must come to recognize the fact that the elimination of waste is beneficial to both sides and that they must cooperate to produce the best results and the most effective methods of production. That condition is recognized under the agreement of the protocol referred to, not by express declaration in the protocol, but by the action and attitude of the leaders.

Commissioner WALSH. Before I put my next question I want to preface it by asking another question to lay the foundation. You and I have heard a great deal about overproduction and underconsumption. Now, as an economic student do you believe there is such a thing as overproduction, or is it because of underconsumption?

Mr. BRANDEIS. I think it is underconsumption, or maladjustment in distribution. I think it is entirely true that at a given time you may have produced an amount that the market can not take. You may disarrange conditions or produce an article which the market does not want. But we have not the power to produce more than there is a potential desire to consume.

Commissioner WALSH. In other words, so long as there are hungry mouths and naked bodies in the world there can not be overproduction?

Mr. BRANDEIS. Not only hungry mouths and naked bodies, but there are many other things that people want.

Commissioner WALSH. Well, then, if we are laboring under a condition of underconsumption rather than of overproduction, is it or is it not wise to minimize production?

Mr. BRANDEIS. I believe it is one of the greatest economic errors to put any limitation upon production. If we took all the property there is in the country to-day and distributed it equally among the people of the country, we should not improve conditions materially. The only way in which we can bring that improvement in the condition of the workers which Mr. Lennon referred to, and in which I heartily agree, is to make not only the worker but all the people produce more so that there will be more to divide.

Commissioner WALSH. Exactly.

Mr. BRANDEIS. Then to see to it that the division is a fair division.

Commissioner WALSH. Exactly.

Mr. BRANDEIS. And I have felt in connection with scientific management, with the introduction of that method of producing more, that we ought to make up for the opportunity we lost when we changed from hand labor to machine labor. I think it is perfectly clear that when that change was made the employer got more than he ought to have got; and labor did not get its share, because labor was not organized. Now, when labor is to a very considerable extent organized, labor ought to insist upon scientific management. It has a just cause of complaint if a business is not well managed. Then, when the proceeds of good management are secured, labor ought to insist upon getting its share; and, as I have said, I think its share ought to be large, because of the reason that when machines were introduced labor did not get its share.

Commissioner WALSH. Well, then, assuming Mr. Brandeis, that our machinery for distribution was perfected so that everything that we produced reached the parties that needed it, and it was placed within his power to buy—assuming that, then the more that was produced under those circumstances, the more there would be to divide between employer and worker. Is that not right?

Mr. BRANDEIS. I think that is; yes.

Commissioner WALSH. Well, then, if I, as your fellow worker, should advocate or advise you to minimize your output, would I be your friend or your enemy?

Mr. BRANDEIS. A condition might well arise where it might be to my individual benefit to restrict production, but the benefit to labor as a whole would be infinitely advanced by increasing production. We ought to develop en-

lightened conditions, as a substitute for the old, wasteful, enlightened selfishness; and enlightened unselfishness would give us all a great deal more than we have.

Commissioner Weinstock. And while it is unimportant, and would be, I think, that organized labor officially has never advocated a diminished output, yet the general opinion is that unofficially many branches of organized labor look with favor upon a diminished output. Do you regard that as a wise or unwise thing?

Mr. Brandeis. Unwise. I think it is due probably to two causes. In the first place it has an historical cause. Workingmen have known that in a great many instances employers encouraged an increased output, particularly when business was depressed, and then when earnings grew large they cut the rate of pay. In that way increased profits have resulted not necessarily in a decrease of pay, but not in a corresponding increase in the wages of the worker. That was unfair. The employers were thus cheated in a great many cases by individual employers; and in many minds has arisen the belief that labor will not gain by increased production. That this is going to be perhaps it. Now, that is the historical cause. It is merely an instance showing how the wrongful act of each person is injuring an immense number of other persons, how one employer has the capacity to injure a thousand employees.

Commissioner Weinstock. I see.

Mr. Brandeis. That is one thing.

The other thing is, I think, uneconomic thinking. Many labor leaders have regarded demand as static, as something fixed. They have therefore assumed that if there is a hundred per cent to divide, it will last longer if we each do less, and it will go further. That I believe to be absolutely unsound, as shown by experience. There is no fixed demand. Demand is capable of almost any degree of expansion. It is partly this unfortunate lack of confidence in employers, as a whole, and partly a failure to recognize the results of economic experience to which the tendency of many labor leaders to restrict production by the individual worker is due.

Commissioner Weinstock. Well, now, Mr. Brandeis, you, in your position, are not an employer nor are you a wage earner. You have been an economic student.

Mr. Brandeis. Yes; and to a great extent an adviser both of employers and of wage earners.

Commissioner Weinstock. Exactly. Now, for the information of the commission, will you be good enough to point out, Mr. Brandeis, what you have observed to be the mistakes of employers in dealing with labor. Will you brief them?

Mr. Brandeis. I think the main mistake that the employers have made has been a failure to acquire understanding of the conditions and facts concerning labor. There has been ignorance in this respect on the part of employers—ignorance due in large part to lack of imagination. Employers have not been able to think themselves into the labor position. They do not understand labor, and many successful business men have never recognized that labor presents the most important problem in the business. One of the ablest business men I ever came in contact with, and who later made some very important advances in dealing with labor problems, said to me when I first had occasion to discuss a pressing labor problem with him "I want to take up the labor question when I get around to it." He had been proceeding for years with a reorganization of his business in all other respects—in respect to distribution, in respect to financing and factory organization—but he postponed taking up the labor question until he should be through with all the other problems. Now, he was a man who looked upon business as applied science—as something to be thought out. His was a master mind; he was also a man of splendid heart and character in every way. But he had held the traditions generally prevailing that labor was something you could leave to the superintendents of your factories. He held an attitude similar to that which the chairman called attention to as being the attitude of directors who had testified here. Instead of recognizing that in most businesses the labor problem is the most important one, even from the business standpoint; that if you solve that satisfactorily all other problems are comparatively simple, it had seemed to him one that could be left to a subordinate. The fact that this man, whose record as a business man is very high, both in character and ability, was putting off the labor question until he got through with all the others, shows why labor has been so often misunderstood by employers.

The other cause of employers' difficulties is a failure to think clearly. The employers' refusal to deal with a union is ordinarily due to erroneous reasoning or false sentiment. The man who refuses to deal with the union acts ordinarily from a good motive. He is impressed with "union dictation." He is apt to think "this is my business and the American has the right of liberty of contract." He honestly believes that he is standing up for a high principle and is willing often to run the risk of having his business ruined rather than abandon that principle. They have not thought out clearly enough that liberty means exercising one's rights consistently with a like exercise of rights by other people; that liberty is distinguished from license in that it is subject to certain restrictions, and that no one can expect to secure liberty in the sense in which we recognize it in America without having his rights curtailed in those respects in which it is necessary to limit them in the general public interest. The failure of many employers to recognize these simple truths is a potent reason why employers have not been willing to deal with unions. I think our employers, as a rule, are kind hearted; they mean to do right; they mean to be just; and there is no difference between the men who have fought the hardest against labor unions and those who have yielded to and dealt with labor unions in that respect, except that the former have not had that education which comes from actual active cooperation with unions in the solution of these problems.

I had my first practical experience in dealing with labor problems while acting for manufacturers in the effort to settle or prevent strikes. I found if I wanted to bring about a settlement it was absolutely necessary that the head of the business be brought into the conference. If the employer was a large corporation, nothing less than the president would do, and on the other hand we required the president of the international union to deal with the man in real authority. My effort was to bring these two men together and make each understand the problems of the other. And when I could bring that about, when I could make the union understand the employers' problem and the employer the union's problem, a settlement was almost certain. The next step was to make the individual employee feel that whatever the system of dealing, either through superintendents or otherwise, that there was no individual in that employ who was so insignificant but that if he believed a wrong was done him, he could, in the last analysis, appeal to the highest official of the corporation. When once that principle was established the danger of a rupture between employer and employee was usually passed. The labor men felt faith; they felt that they could deal with the employer in full confidence; and under these circumstances I found that the laboring man would accept the definite statement of the corporation as to what they could afford to pay and what they could not afford to pay. I offered the union representative the opportunity of going through the employer's books; offered them every facility to learn the actual facts and requested their suggestions. They withdrew manfully from the opposition, for they were convinced they were being dealt with fairly, and that the rights of each individual laboring man were recognized as important as those of the highest official. The corporation operated many factories, but the president was not burdened with numerous appeals. The fact that he recognized that there was nothing more important than the rights of the individual laboring man to human treatment was all the assurance needed.

Commissioner Weinstock. You feel, then, Mr. Brandeis, that one mistake that employers have made is not putting themselves in the other fellow's place?

Mr. Brandeis. Yes; in not putting themselves in the other fellow's place is one thing, and not recognizing that in order to put themselves in the other fellow's place they must come into actual contact with him. Now, one of the great things that has been accomplished in the garment trade through this protocol is, that the employers have sat down with the laboring men again and again to deal with individual problems, and these men, no matter how much they differ—and they differ very radically and with the greatest of intensity—have the greatest respect for one another. They have the same respect for one another which opposing lawyers have for each other. Their conflict does not create enmity. The men though contending for exactly the opposite results become friends.

Commissioner Weinstock. Are there any mistakes that employees have made that you care to touch upon?

Mr. BRANDEIS. Well, I think that embodies the principal mistake. Now, the other thing which I think is involved in what I have said, is the tendency to deduce a wrong motive from what appears to be a wrong result. In things economic and social, wrong results do not proceed to any very great extent from wrong motives. The motives are, in the main, right, meaning by "motives," intent. But the results sought are very often wrong. People fail to recognize true values. It is failure to recognize things at their real worth which leads to unfortunate results.

Commissioner WEINSTOCK. On the other hand, Mr. Brandeis, what are the mistakes of organized labor, as you see them?

Mr. BRANDEIS. Well, in many ways they are similar—they are the correlative of the mistakes of the employers.

I think in the first place the commonest mistake is a belief that the employer is earning a tremendous amount of money at the expense of labor. Taking all things into consideration, the employer rarely earns "a tremendous amount of money." He earns in a great many cases far less than is proper for the industry. The margins of earnings in most business is less than it should be—less than is required for safety. The workingmen are mostly unfamiliar with large figures and are misled by them. They do not readily understand percentages, and they do not consider the risk that is involved. Very few workmen appreciate how necessary it is that there should sometimes be large profits in order to set off the losses. Few people care to advertise their losses, but the profits are advertised freely, and very often are exaggerated.

Now, what the employer needs most is to have proper representatives of labor understand the problems of his business; how serious they are, how great is the chance of losing money, how relatively small is the chance of making large profits, and how great is the percentage of failures. Put a competent representative of labor on your board of directors; make him grapple with the problems whether to do or not to do a specific thing, and undertake to balance the advantages and disadvantages presented, and he will get a realizing sense of how difficult it is to operate a business successfully and what the dangers are of the destruction of the capital in the business. A few years ago, when union leaders were demanding from my client an increase in wages, and I asked them: "How much do you think the employer ought to earn before he increases your wages"? they named a figure which was far above his actual earnings, and I said to them, "Gentlemen, the books are open. If you can find either that more is being earned, or can show any way in which the employer can earn more than he is earning, the balance shall go to you." That put the responsibilities upon the labor leaders; they came to realize the difficulties under which the employer was laboring and acquiesced in the situation. The second cause of discord is the natural distrust felt by labor due largely to their lack of knowledge and of opportunities for knowledge.

The third cause is the sense of being subject to the power of the employer. That feeling of subjection can not be removed without changing the conditions under which industry is being carried on. Perhaps the greatest of labor's mistakes is the practice in many trades or communities of restricting production. That is a very serious difficulty. Nothing would do so much to win the employer to collective bargaining as action on the part of the labor leaders favoring increased production. If employers could be satisfied that unionism meant increased production and better discipline and that the unions were striving for that result, a large part of the apprehension of employers would be removed and collective bargaining would be wisely extended.

Both labor and employers should bear constantly in mind that each is his brother's keeper; that every employer is injured by any single employer who does labor a wrong; and that every laboring man and every union is injured by every individual unionist who does an employer a wrong. The influence of a single wrongful act by one who can be classified, is tremendous. It affects every other member of the class. When an employer acts improperly toward his employees, it is the business of other employers to see that such conduct is prevented, for his wrong will injure them. And in the same way any lack of fairness and any act of lawlessness on the part of labor is certain to injure other workers and the unions as a whole, and the individual members of labor unions with employers.

Chairman WEINSTOCK. Am I right in assuming, Mr. Brandeis, that if you were a wage earner, you would be a unionist?

Mr. BRANDEIS. Decidedly.

Commissioner WEINSTOCK. Now, as a wage earner and a unionist, who has abiding at heart the welfare of your fellow workers, what would be your preachment to them?

Mr. BRANDEIS. My first one would be to endeavor to make union men, in their accomplishment and in their conduct, superior to nonunion men, so that a man would want a unionist in his employ as against a nonunion man. It is to raise the effectiveness and the morale and to make every member of a union realize he is a traitor to the cause if he does not do the best that is in his power.

Commissioner WEINSTOCK. What would be your preachment to your fellows on the questions of violence in——

Mr. BRANDEIS (interrupting). Oh, of course, absolute; it must be avoided, because such acts ruin the reputation of labor unions.

Commissioner WEINSTOCK. What would you have the unions do to its members who committed violence in labor troubles?

Mr. BRANDEIS. I think they ought to discipline them in the most serious way, and that, instead of protecting them where they have been in the wrong, they should be the first to apply corrective measures.

Commissioner WEINSTOCK. Do you know of any greater enemies to unionism outside of the unions than the unionist lawbreaker?

Mr. BRANDEIS. No; he furnishes the most potent weapon to those fighting the unions.

Commissioner WEINSTOCK. You mean that he puts a weapon into the hands of the community——

Mr. BRANDEIS (interrupting). He does—he puts it there.

Commissioner WEINSTOCK. If you were an employer, on the other hand, Mr. Brandeis, and had to deal with an unreasonable union, a union which would come to you and thereafter that unless you acceded to certain demands that you knew were unfair and unreasonable, they would strike, what would you do?

Mr. BRANDEIS. If it was clear that they were unfair and unreasonable, I think the only thing to do is to resist, either on the part of the union or on the part of the employer ultimately, unless there is some way of settling this by arbitration; and I believe it should not be an arbitration specially created for the purpose, but it should be an existing government, as I have described in the case of the protocol. It seems to me, then, in the absence of such machinery, the only thing to do, if you are sure you are right, or, rather, if you are sure that the other person is wrong, is to resist to the end. That is the only thing you can do, unless you have created a government which is the substitute for force. Valuable as mediation has been, valuable as are the offices of the public officials in trying to bring people together when there is a difficulty, such arbitration usually involves substituting for the decision of the parties who know something, the decision of somebody else who knows practically nothing.

But if you have a continuing government in which these questions are being taken up from day to day and grievances are averted rather than settled, the representatives of employer and employee learn to respect each other's intelligence as well as each other's motives. There are very few difficulties which can not be adjusted by a careful discussion of the facts. But then the parties should come before their tribunal not with demands, but with requests. Demand should be resisted. Requests should be carefully considered; and upon proper consideration and the development of relevant facts a satisfactory solution is apt to be found.

During a long period in which I undertook to adjust matters between employers and employees, although the agreements contained provision for arbitration, the problems were settled through investigation and discussion and not by arbitration. Usually the facts were found to be something different from that which either party had supposed them to be.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell would like to ask you a question.

Commissioner O'CONNELL. This question of the union being—taking up the punishment of members for alleged violation of law, and that sort of thing, I suppose what you have said in that regard applies just the same to the employer?

Mr. BRANDEIS. Absolutely; absolutely.

Commissioner O'CONNELL. And that there is no more lawbreaking on one side than the other?

Mr. BRANDEIS. I have no question but that there is equality in that respect.

Commissioner O'CONNELL. Mr. Brandeis, we have had before our commission on a number of occasions during our sitting here so far, large captains of industry connected with large corporations who speak of their belief that men have the right to organize and should organize, but they do not want to recognize them as an organization. They speak of being willing to do so if they were a good organization. Now, in your experience with a large number of employers and employees, and the adjustments with which you have been associated you have probably heard the expression or heard it said that there were good and bad unions. Could you give this commission some idea of what is meant by a good union?

Mr. BRANDEIS. Well, I don't think very much of the distinction between a good and a bad union, that there is anything very clear there. There are good and bad corporations and good and bad unions and good and bad individuals. I think we have got to deal with all of them; but how we deal with them will depend very much on the character of the individual.

There are unions, as there are corporations, where the only way you can deal with them is to deal with them by war until they are properly managed; but to recognize them is something you ought to do anyhow; that is, the idea that you won't recognize them, the idea that you won't talk with them, the idea that you won't communicate with them seems to me to be entirely erroneous. They are there, and you must recognize them reasonably. You are doing a perfectly foolish thing if you do not recognize them. But if they do not behave properly, do not behave decently in the ordinary relations of men, the only thing to do, in the absence of some tribunal or some government which will make them behave properly through its power, is to recognize them as belligerents instead of recognizing them as friends and allies and associates.

Commissioner O'CONNELL. Various employers give various reasons for their refusal to treat with organized labor or their employees jointly, preferring to treat in the open field, as they say, with the individual worker, thus not interfering with a man's American rights, citizenship, and so on. And among the things that they assign as reasons for not wanting to deal with organized labor is that it is unincorporated. Do you think that is a justifiable reason?

Mr. BRANDEIS. Oh, I think not. I think there is nothing whatever to that. In fact, if labor is to incorporate, I suppose it would be rather for its own protection than the protection of the other side, that it would be necessary.

Commissioner O'CONNELL. Be rather in a corporate form where it would be placing itself in a position to be constantly dragged before the courts and justices of the peace and mulcted and so on?

Mr. BRANDEIS. I have thought myself that labor's apprehension of incorporation was largely unfounded; but I see no reason whatever why an employer should say, "We won't deal with you because you are not incorporated"—that is, there seems to me to be no reason in the world why an employer should say it. On the other hand, I have thought that many of the reasons given by labor unions for not incorporating were not sound reasons. I think it is really a question of no very great importance. And the main reason that I would suggest to labor, or might suggest, why they should incorporate would be to remove this more or less groundless idea on the part of employers that there was something in incorporation which would put a union on an equality with the corporation itself. I don't believe there is anything in it of any material importance, however.

Commissioner O'CONNELL. Do you believe the officials of the organizations of labor should have the power and authority vested in them by their members so as to speak for them and bind them the same as the president of a corporation should or has?

Mr. BRANDEIS. Well, I think it very important—of course, that differs with different questions. The union is a democratic organization, and it differs from the corporation in respect to the fact that in a corporation it is money that votes; that is, a man with 50,000 shares has more voice than the man with one share—legally. I think it is important that the officers should, so far as possible, be vested with a discretion, because I think in important matters it is essential that they should have that discretion in order to get the best possible terms when they are negotiating. But we have got to recognize that a union is a democracy, and therefore the officials should in some form have the confirmation of the members of the union of what they are doing so far as possible.

Commissioner O'CONNELL. You believe the organization of the wage workers in their unions, be they good or bad or indifferent, have been of some service in improving their opportunities in life.

Mr. BRANDEIS. Oh, of very great service.

Commissioner O'CONNELL. One of the largest employers heard before the commission here in answer to a question said that he believed that conditions would be as good, and industrial benefits to workingmen, as they are, if there had not been organization at all.

Mr. BRANDEIS. I think they would have been intolerable.

Commissioner O'CONNELL. You think just the reverse?

Mr. BRANDEIS. Yes, sir.

Commissioner O'CONNELL. You believe that all things, except possibly the question of wages, and that even not minimum wage, should be regulated by law?

Mr. BRANDEIS. No; I think the question of what we should regulate by law is purely a question to be determined by experience. We should not regulate anything by law except where an evil exists which the existing forces of unionism or otherwise, labor, are unable to deal with it. You can not lay down any better rule than this, that it is desirable that people should be left with the powers of free contract between one another except so far as experience shows that the existing forces will prevent contracts fair in their results. The provisions made law for the protection of women and children or for sanitary conditions and safety of all wage earners are justified, so far and only so far as experience shows that without them we shall suffer evils. We ought to go as far as, from time to time, it may be necessary to protect the community from those evils, but no further. How far we must go will vary in different communities. And we can very well see that in certain trades; for instance, where there is a complete organization there may be no need for legislation, because the trade-unions are able to protect the workers. In other trades and other communities where organization is absent for any reason, such as lack of public education or sex, it may be necessary to enter upon the field of legislation in order that the great public needs may be preserved.

Commissioner O'CONNELL. Do you believe the fact that there has been an organization of the wage workers in our time in this country, that it has had a tempering effect upon the—sort of a keeping of them down—in other words, having an effect of the prevention of trouble and prevention of violence.

Mr. BRANDEIS. I think it has been a very conservative tendency.

Commissioner O'CONNELL. Hasn't it had an educating effect upon the wage workers?

Mr. BRANDEIS. Undoubtedly.

Commissioner O'CONNELL. And no other influences had any more educational effect?

Mr. BRANDEIS. I don't know of any.

Commissioner O'CONNELL. Has the single individual as a wage worker or wealth producer in our town any opportunity or chance, as an individual, to protect and take care of himself and get right and justice as a wage worker?

Mr. BRANDEIS. He has not in many trades and many occupations.

Commissioner O'CONNELL. I am speaking of the unorganized individual.

Mr. BRANDEIS. I think there are some occupations where he probably has, and in some industries where he has; but it is a question of the relation of force. When you have a large employer, who not only is large in size but who has large means, and who can exert those means in summoning aid in any contest, and has great power of endurance, there the individual has no standing against him. If you make that unit large enough, as in case of the Steel Corporation, even the existence of a union will leave the individual worker practically without protection.

As an industry develops into a larger unit, the chances of the individual being able to protect himself diminishes. Self-protection is possible only where real freedom of contract exists. The only freedom the individual worker has is to leave and go to another employer. But if that is the only alternative and the other employer is equally as large, then the worker passes from pillar to post, and he has no protection at all. But where the situation is that the workman has some other alternative or where the employer needs the workman as much as the workman needs the employer, he may get protection, even without being a member of a union. But such cases are growing constantly less.

Commissioner O'CONNELL. Has not whatever consideration he does get—is it not based upon consideration that has been brought about by or through the unions of organized men—what they have set as a basis?

Mr. BRANDEIS. I think very largely, directly or indirectly, and I think that the unions have to a very considerable extent improved the conditions in nonunion factories; sometimes more than they have in union factories. Owners of the nonunion factories often seek to keep out unionism by "going the unions one better."

Commissioner O'CONNELL. Just one question on the efficiency matter.

From the discussion back and forth between yourself and Commissioner Weinstock, I want to ask if the sole purpose of the employer in introducing the efficiency into his business, is for the purpose of increasing output, that the great public may be benefited by it? Has he no other motive, no other purpose, no other consideration of the workman to be better and more powerful?

Mr. BRANDEIS. Yes; I think there are a large number and a rapidly increasing number of employers whose purposes are laudable from every standpoint; from the standpoint of improving the condition of labor and of serving the community as well as serving themselves. We have in this country to an extraordinary degree an awakening of desire on the part of employers to improve the conditions of labor, and to be of service to the public as a whole.

Commissioner O'CONNELL. And——

Mr. BRANDEIS (interrupting). Of service to themselves.

Commissioner O'CONNELL. And as a business proposition at the basis, at the best?

Mr. BRANDEIS. Business men have come to recognize that you can not serve yourself well without serving the public, and I think the desire of a great many employers is just as great to serve the employees and the public as it is to serve themselves.

Commissioner O'CONNELL. In your experience as a lawyer, and having dealt for the employer and with the employer, for labor and with labor, and the opportunity that you have had of studying this matter, have you, in all that, heard of a union being in favor of waste?

Mr. BRANDEIS. I do not think I have ever known of a union which would declare that it was in favor of waste.

Commissioner O'CONNELL. I am speaking now not of soldiering of someone?

Mr. BRANDEIS. No; that would be the work of the individual man. But I have known of a good many instances where the union men were in favor of that which was waste, although they did not put it in that way; that they believed mistakenly in wasteful practices, just as employers have believed mistakenly as to what was for their own best interest or perhaps the best interest of the community. I think the work that is necessary among the unions, among a great many leaders, as well as among the rank and file, is education to make them realize that they are doing harm to other union men and to the community at large when they are not doing the best work and the most work they can. The need is, of course, not confined to unionists, it is equally needed among nonunion men.

In connection with scientific management, I heard an interesting illustration of just how the possibility of increasing production affects the mind of the individual worker. One of my friends was at an exposition in England where he saw a girl pasting labels upon a box. She was doing it apparently very rapidly and with great dexterity. As a matter of fact, looking at the process with his trained mind, my friend saw that she was making about three times the number of motions that were really necessary. She did not have the boxes at the right place; she did not have the labels at the right place; she did not have the paste at the right place; and so she was wasting a great deal of effort. He said to his friend, "I am going to see whether I can get her to do it in another way." And he induced her to undertake to put on the labels in his way. After considerable demur she consented to try it. He had with him a stop watch and timed her. She said, "I told you I couldn't do it as rapidly your way"; but as a matter of fact she had done the work twice as rapidly, even the first time that she tried the new method. She was quite interested when she learned this.

Commissioner O'CONNELL. With no additional energy, with no additional expenditure of energy?

Mr. BRANDEIS. With much less. A fortnight afterwards he came back and found she was doing the work in the old way——

Commissioner O'CONNELL. Was the energy on her part increased or decreased?

Mr. BRANDEIS. No, indeed; the energy required was less. When he came back again in a fortnight she was doing the work in the old way. He asked

her why, and she said, "Well, as I thought it over I concluded that I would not get any more money for doing more work and I was taking away work from somebody else. So I thought I would return to the old way of doing it."

Now, that is what I believe is happening quite generally without any wrongful intention to waste, but by reason of false economic doctrine. Of course, the unjust action in the past is one of the causes. But confidence and appreciation of economic truths are essential to prevent such waste.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. Mr. Brandeis, you spoke of probably your first experience in adjusting disputes between employers and employees while with a very large concern, and that you finally made agreements with the unions and worked with them. Has that continued ever since with the unions and dealt with them?

Mr. BRANDEIS. It did throughout the life of the employer who made the agreement.

Commissioner BALLARD. When later, however, it was replaced.

Mr. BRANDEIS. Well, there came changes—and there were two changes, changes in personnel and also changes in size. The business grew to be several times as large, for it was very successful. With that increase in size and the sense of power there was less patience with the demands of labor. I think the motive was good; yet there came a different attitude toward labor.

Commissioner BALLARD. It has been said, I have frequently heard it and sometimes read it, that one objection to the labor unions was, in the building trades where they organized plants, that every man was put on exactly the same basis; that individual effort was discouraged; individual ambition was discouraged; in fact, the man that did a little more than a certain task was held back by being told that he must not set such a pace, and that therefore the ambition of the common man was to some extent deterred and held down by the union principle. Has that been your experience?

Mr. BRANDEIS. I have observed instances of that, just as on the other hand there are other trades in which there is a complete absence of any such thing.

For instance, I had a great deal to do with the boot and shoe workers, and it was a common experience to find two men, one close to another, one might earn twice as much as his neighbor.

Commissioner BALLARD. That is probably in piecework.

Mr. BRANDEIS. Piecework.

Commissioner BALLARD. You spoke in answer to a question of Commissioner Weinstock and gave four or five things that you looked upon as being—well, among others, I understood you to mention the minimum wage.

Mr. BRANDEIS. Yes.

Commissioner BALLARD. I think in our study of industrial conditions a minimum wage is bound to come into the question. I think it would not be out of place if, perhaps, you could tell your views of the minimum wage.

Mr. BRANDEIS. Whether or not the minimum wage should be adopted or not would depend upon the conditions in the particular community and trade to which it applies. There ought not to be any adjudication establishing minimum wage unless an evil exists that can not be remedied otherwise. In many of the trades in which women are employed the data ascertained show that a very large percentage of the women are earning less, and in many cases much less, than is required for decent support, and that this condition is so definitely fixed that there appears to be no way of eradicating it except by the compulsory processes of law. Where that condition does exist it seems to me society demands that the law should interfere, just as it has interfered by limiting the hours of labor for women, the times in which they may work and the periods of rest.

The question presented is one of fact and not of theory. The principle is perfectly clear that you ought not to interfere with the right of contract unless society demands that you should. But the principle is equally clear that we should interfere with the right of contract so far as the conditions make it necessary in order to protect the community—present and future generations.

The condition is such in many of our industrial communities that this necessity exists. The women in industry are largely unorganized; they are largely untrained, being to a great extent in business only for a short time; the percentage of the young and inexperienced is large. In all those respects their condition differs from that of men, and the consequence of their receiving less than a decent wage is far more serious than in the case of men. It is necessary, therefore, for the protection of society that we should fix or rather

create boards which can upon investigation fix a minimum wage, having due regard to the position of employers as well as of the employee. And in fixing a minimum wage, it merely sets up a prohibition designed to protect the community from social danger.

We set up a prohibition that a person can not be an engineer upon a railroad or a stationary engineer unless he has had certain training. We set up the prohibition that a man can not operate an elevator unless he has reached a certain age. There are certain prohibitions which society has found it necessary, just as prohibitions about tenement houses and the like to protect the public health, safety, and general welfare. I believe that experience in many instances has shown that that condition exists in respect to women workers in industry calling for intervention in certain trades and communities. So far as it does exist and is serious, there is need of the interposition of the law to protect the communities and to protect the race against evils that are incident to such a condition.

Commissioner BALLARD. Rather than have the legislature make and fix a minimum wage you would have a board which should in special cases, perhaps, by consideration of the various cases, fix a minimum wage in those places?

Mr. BRANDEIS. I think it is absolutely clear that there ought not to be any general rule; for there can not be a general rule that is fair and just. The conditions as to what should be the minimum wage, what is the least on which you could live in the city of New York, is very different than what it is in some small village up the State. The conditions are different in different trades and occupations—the minimum wage in a department store, for instance, ought to be higher than the minimum wage in a factory, because the girl in the department store has to dress well all the time and that costs money. You ought to take into consideration locality and conditions; and in introducing the minimum we should also take into consideration the ability of the employer and give him time to make the change. Any law which undertakes to fix a definite wage as a minimum wage for the whole State is absolutely unscientific and uneconomic and would tend to create a great deal of suffering.

Commissioner BALLARD. That is all.

Chairman WALSH. Commissioner Garretson would like to ask a few questions.

Commissioner GARRETSON. Mr. Brandeis, in following out your investigations on efficiency systems, have you come in contact, in any great degree, with the personality of the men themselves affected thereby?

Mr. BRANDEIS. I have to some extent.

Commissioner GARRETSON. Have you found—have you or have you not found that a very large part of the objection on the part of the workman who has heretofore not had a voice in fixing the conditions of his service is founded on the position of absolutism assumed by the expert himself as a representative of industry?

Mr. BRANDEIS. I think that is true.

Commissioner GARRETSON. Do you believe it will ever be accepted by the men until their right to a voice in things is recognized as well as in other conditions?

Mr. BRANDEIS. I think not and I do not think it ought to be.

Commissioner GARRETSON. Do you believe that a proper corollary of scientific management would be a scientific method of distribution of the earnings or profits of the industry?

Mr. BRANDEIS. There is no such thing as a scientific distribution. When you get to the question of division of profits that is a question for the exercise of judgment and discretion, except so far as it may be a field for the exercise of power. But there ought not to be, to my mind, the slightest difference between the employer and the employee as to determining that they are going to earn the greatest amount they can; that is, to produce the greatest amount they can produce, consistently with the physical and mental health of the individual. That is a matter on which men ought not to differ in intent at all. Then having found that you can produce two, or in some instances three times as much as you did by some old rule of thumb method—when you find that out, then there is room for difference as to how the added profit shall be divided. Then the two sides should bargain with one another; but except as to the matter of dividing the profits the interests of employer and employee should be recognized as the same. No man ought to be required to work harder or in a different way from that which is consistent with the maintenance of

health, but he ought to work as hard as he can consistently with that. There ought to be unity of purpose until you come to a division of the increased profits, and then the two sides should bargain with one another in a large-minded way. As I stated in answer to a question of Mr. Weinstock, I think the time has come when labor should get the larger share of the increased profit.

Commissioner GARRETSON. Science is quite sufficient in producing but falls down in dividing?

Mr. BRANDEIS. Absolutely. I do not think science knows anything about the division of the excess profit; that is, for question of human judgment and discretion.

Commissioner GARRETSON. Or inhuman in some cases?

Mr. BRANDEIS. We refuse to recognize that.

Commissioner GARRETSON. There is one phase of the creation of foundations which I would like to have your opinion on, and that is not applied to any one, but to the idea of their creation. Do you believe a method of self-perpetuation of control is a safe principle as applied to institutions of that class?

Mr. BRANDEIS. Self-perpetuation—absolute self-perpetuation?

Commissioner GARRETSON. Yes.

Mr. BRANDEIS. I am afraid of it, and yet I recognize the great difficulty in suggesting a substitute. I think that also is a very difficult thing.

Commissioner GARRETSON. I do not question the difficulty thereof. It is only whether or not there is danger in that principle when improperly exercised.

Mr. BRANDEIS. I have no question about that.

Commissioner GARRETSON. It is the potential, and not the actual exercise at any given period.

Mr. BRANDEIS. I think that is clear.

Commissioner GARRETSON. Do you believe that the possession of unlimited power—and I am using the word "unlimited" only in the sense of untrammeled power or unlimited wealth—destroys the sense of proportion in the individual possessing it?

Br. BRANDEIS. I think so.

Commissioner GARRETSON. If that is correct, do you hold—do you believe that a concentration of such power in the hands of any individual could be safely transmitted?

Mr. BRANDEIS. I think it can not.

Commissioner GARRETSON. Does the possession of that sense of power, or its concentration, always of necessity go with the possession of wealth, in the same unlimited degree?

Mr. BRANDEIS. Oh, no. I think some people have a sense of power that is so potent that it overrides all other questions with them. In other people there is a sense of duty. They are weighted down by the responsibility of their position and it may affect them in a very different way. But the creation of great power ordinarily does prevent the exercise of proper judgment and it is not safe in a democracy.

Commissioner GARRETSON. Is it not historic that the possession of the source of wealth has always created or given that power?

Mr. BRANDEIS. I think it has; and it is particularly dangerous when the power is transmitted from those who have amassed wealth to those who have not done anything to earn it.

Commissioner GARRETSON. Who have not touched the ground themselves?

Mr. BRANDEIS. Yes; and who have not had what is frequently the ennobling experience of creating it.

Commissioner GARRETSON. From your connection with investigations, I should be glad to have an expression from you on two conflicting opinions that have been given before this commission, because it seems to me that you have had unexampled opportunity for determining which of the two might have a foundation in fact. It has been testified to before this commission that control—financial control—of industrial and transportation interests can be traced to certain well-defined banking groups. Another witness criticized that statement as absurd. If you feel free to tell us from your experience and information I would be glad to know whether you think such control can be traced?

Mr. BRANDEIS. I believe it perfectly clear that it can be traced, and I believe the difference of opinion to which you refer is due to a difference of definition. Those who deny control are using that word "control" in a very restricted sense. They mean that these particular individuals have not definitely said, "This thing shall be done and that thing shall not be done." But, as a matter

of fact, control is exercised and exercised to an extraordinary degree by the existence of a great power whom people believe and usually have reason to believe, would be pleased or displeased with the adoption or rejection of a given course. Great power controls without issuing orders.

Commissioner GARRETSON. You were asked a little while ago as to what would be your style of preachment to employees, if you were a union man. I am rather curious to know one thing, because your experience has been wide in dealing with the two interests in the matter that is before us, and according to your own statement you entered into it originally on the ground of an adviser of the employer. The question was asked you about only the legal phase of this preachment, and I am going to ask only about certain legal phases of the other side. In your experience, have you ever known an instance where an employer was in any way disciplined by any association or combination—local or general, national or international—with which you are connected, for violation of law, even after he had been convicted by the courts for such law violation, let alone violation of labor contracts?

Mr. BRANDEIS. I have known, in connection with the garment workers' protocol of employers being disciplined, not only where there was violation of law but where there was violation of rules of fair and honorable dealings with the union. A number of them have been disciplined by fines and a number of them have been disciplined by expulsion from the organization.

Commissioner GARRETSON. Good. Have you ever known of any other association of men that have done it?

Mr. BRANDEIS. I do not now recall any instance of employers, either in organizations or outside of organizations, who have undertaken to discipline members of their craft for dealing unjustly with employees.

Commissioner GARRETSON. That is all, Mr. Brandeis.

Mr. BRANDEIS. There may be such, but I do not happen to recall them.

Commissioner GARRETSON. Do you not believe that a wide dissemination of that knowledge, that the association had done such a thing, would be of more value in the minds of laboring men in establishing honest methods of procedure than any other one agency?

Mr. BRANDEIS. I do, and I think more than that. I believe that in regard to dealing with not only labor, but all problems where, for instance, capital is being unjustly attacked, as it is many times attacked, as well as justly, that there is no possible way of bringing about justice in the protection of classes, except the assumption by the class of the obligation of making the members of that class conform to proper moral standards; that the injustice that many railroads are suffering from to-day results from the transgression of individual railroads; that the injustice that bankers are suffering from, as a whole, is because of the transgression of individual bankers, and that this is due in large measure to the fact that there was not a recognition of the occupational or professional obligation. Each class has an obligation for its own protection, as well as that of the community, of being the one that sees to it that the higher standards of that organization are lived up to by its members. I do not think you can secure justice in any other way.

Commissioner GARRETSON. Is it not a fact, perfectly apparent to all familiar with the question, that many unions discipline every member that violates his agreement with his employer and often replace him if he has to abandon the service?

Mr. BRANDEIS. I have known one instance in connection with the boot and shoe workers' union where the union spent at that time $100,000 to fill its contract to supply workers where the workmen went out on a strike as a result of the union contract.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman would like to ask a few questions.

Commissioner HARRIMAN. Mr. Brandeis, do you think that Government ownership of public utilities would be of any advantage to labor?

Mr. BRANDEIS. I am uncertain whether it would or not. It might, perhaps, produce at the time more content, but I am not certain that it would in the end produce more content. It would depend upon what government it was; what community, and how it was administered. I doubt whether the question could be answered in the affirmative or in the negative comprehensively.

Commissioner HARRIMAN. You do not know any advantages, for example, that the employees of the Post Office Department have over employees of private express companies?

Mr. BRANDEIS. I should think, that on the whole, the post-office employee had, at all events, the advantage of being happier, more content, and that they have, on the whole, less of a feeling of not being treated fairly. I should say that the employees of the Federal Government have generally a sense of being fairly treated, and that they do not feel that they are subject to absolutist control. That is a very large element in their feeling happier. They feel they are a part of the organization, particularly where they have been selected under civil-service rules.

Commissioner HARRIMAN. One more question, please. In your opinion, has labor in this country anything to fear from immigration?

Mr. BRANDEIS. I think it has in certain ways; but I believe that the proper method of meeting these dangers is not to restrict immigration except as to definitely unfit classes.

Chairman WALSH. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. I would like to ask a question on the legal aspect of this matter of the obligation of directors to their stockholders. Suppose the directors should start out to adopt a policy of paying considerably higher than the market rate of wages. Say that the wages were $2 or $3 a day and they should put the wages up to $5. Would a minority stockholder have a right to go into court and get an injunction against the directors on the ground that it was something like the dissipation of funds? That they were taking away from the stockholders property which they really had in trust for the stockholders? What is the law at the present time, or is there any law that would touch that?

Mr. BRANDEIS. Yes; I think there is a general rule of law that could be properly applied to the case to which you call attention. The rule is that the directors have, in the absence of a vote of the stockholders, the discretion as to the running of the business. The business is a business of money making and it can not be run for benevolence; but it is a business in which the directors have the discretion as to how they shall proceed in order to make money for the company. If the directors believe that the welfare of the business as a whole, present and future, will be best advanced by the payment of larger wages, and that not necessarily the profits of this year, but the profits of years to come—of the future—are going to be best advanced by paying wages far above the standard that ordinarily obtains, I think it is clear that the directors have, as a rule, power to compensate employees in that way. But it is not within their power to raise wages for the purpose of making presents to individuals, except where the additional payments are in pursuance of a plan to secure greater efficiency. You may call these additional payments bonuses or anything you like, if the purpose is to produce a more efficient and more successful organization in the long run, it is wholly within the power of the directors to make them.

Commissioner COMMONS. Would it be a question of fact?

Mr. BRANDEIS. Yes.

Commissioner COMMONS. Would the courts pass upon it?

Mr. BRANDEIS. What the court would pass upon is whether the directors had reasonable ground to believe that the policy would be profitable. The court might come to the conclusion that the business policy was not correct; it might be proven at the end of five years that it was incorrect to pay such high wages; but that fact alone would be immaterial. The fact that the directors had reasonable ground to believe that the policy pursued was for the financial interest of the company and believe it to be so would justify their action.

Commissioner COMMONS. At what point could the court enjoin such action?

Mr. BRANDEIS. The court could enjoin such action if it was clearly an arbitrary and unreasonable thing to do, considering the financial interests of the company.

Commissioner COMMONS. If, for example, it was shown that dividends were not being paid, would that be evidence?

Mr. BRANDEIS. The mere cessation of dividends would not be proof that the course pursued was unwise. A manufacturer might say, "I am going to make changes in my business which will prevent me from paying any dividend this year and next year, but I expect in the future to earn three times as much as I did before."

Commissioner COMMONS. Would the same thing hold if the State should legislate a minimum wage? Would the court hold that if the legislation affected profits so that dividends could not be paid, would that be unconstitutional?

Mr. BRANDEIS. I think the case of the minimum wage is even stronger for the validity of the act, but it presents a different question. What the legislature does in providing a minimum wage is not to compel the payment of any wage, but to prohibit a man doing that in business which is deemed dangerous to the public welfare. It is a prohibitory and not a compulsory law; it is not mandatory that particular wages be paid but a prohibition against employing a person unless at least the minimum wage be paid. There is no difference in principle in prohibiting a man from employing a woman at less than a certain wage, which is to be fixed by such a board as may be appointed, or than in prohibiting her from being employed more than eight hours a day or than in prohibiting the employment of girls under 16 years of age. In each case there is a prohibition of certain things, deemed dangerous to the public welfare. If one looks at the minimum wage law as a safety law, as a protective measure, its value seems clear. It does not compel a man to pay any certain wage; because he is not compelled to employ any person who is not worth, in his opinion, the amount of the minimum wage which is fixed.

Commissioner COMMONS. Assuming that a man has an established business that has been going on, under the existing conditions, and assuming that this minimum wage which is fixed is such a change in the existing condition that it puts him practically in a position of not being able to pay interest on the investment, or possibly on the bonds; could the court enjoin a law of that character?

Mr. BRANDEIS. Not merely because of that. Take the situation that was put to me yesterday by a gentleman high in station in New York, interested largely in the real estate business. He says that as a result of the Triangle Waist Co. fire certain legislation was enacted in regard to the safety of buildings which required changes in factories so extensive as to rob much property of its earning power. Nevertheless that law was constitutional if the requirements were necessary for the public safety. It may be unfortunate for the property owners but if there was reason to believe that those fire precautions were necessary to save life and limb the act would be perfectly constitutional. Precisely the same rule must be applied in regard to the minimum wage.

There is room for the exercise of a wise discretion in determining when and in what trade or community the minimum wage should be applied but the legislative power exists to provide that a business can not be carried on which is injurious to that community; and whether that injury comes through employing persons at wages which are less than a living wage and therefore results in injury to health or morals and to the race, or in increased taxation, or whether it comes from noxious smells or any other nuisance, that would seem to involve different facts but no difference in principle. The right exists generally to legislate so that those things shall not be done which injure the public welfare.

Commissioner COMMONS. I will ask my next question after the noon adjournment.

Chairman WALSH. There will be no session this afternoon. You may go ahead now, Mr. Commons.

Commissioner COMMONS. Would legislation be required in order to protect a board of directors which might decide to raise the wages above the market rate—above the market rate of wages, in order to protect such a board against an injunction that a court might issue on behalf of minority stockholders?

Mr. BRANDEIS. I do not think any legislation would be necessary, or any legislation that you could pass would be valid. I mean this: If it is within the principle which I have stated—the principle of raising wages with a view of advancing the interests of the corporation as a whole, then there is no need for legislation. If the proposed legislation is for the purpose of enabling the managers of the corporation to make presents—that is payments which have no relation to an increase in the earning power, then no legislation would be valid which sought to authorize the giving away the money of any existing corporation without the unanimous consent of existing stockholders. There is ample power in the board of directors, as a rule, to provide methods of remuneration. Of course the power is sometimes limited by statute or by-laws; there may be all sorts of limitation which stockholders may have placed upon the power of their directors. In some instances there are restrictions placed by the organic law of the corporation; but as corporations are generally created, and as powers are ordinarily vested in directors in this country, the power does exist in boards of directors to adopt such method of remuneration as in the judgment of the directors will best advance the interests of the corporation, and that would per-

mit paying very high wages—paying bonuses and the like—there is no such thing as a proper market rate of wages for all people, because people vary in efficiency, or at least in their possibilities of efficiency. If a man came to the conclusion that he would have nobody in his employ who was not worth $5 a day, he could undoubtedly succeed in getting men who were just as well worth $5 a day as his neighbors could get people that were worth but $2 a day. With the variable standard of efficiency there is in the strict sense no standard wage applicable to all men.

Commissioner COMMONS. I had thought of asking Mr. Brandeis questions on the boycott, on the open shop, and on the preferential union shop from a legal standpoint, but if you are going to close at this hour, I suppose we can not talk longer at this time, but I can ask him those questions at a later time.

Chairman WALSH. I understand that it will be impossible for Mr. Brandeis to appear again to-day.

Mr. BRANDEIS. I could, perhaps, answer the question as to the preferential shop.

Commissioner COMMONS. I wanted to ask with regard to the legal aspects of it. I understand that the opinion of the courts is that the closed-shop demands of unions is an illegal demand. I think that is the statement of the anthracite-coal strike commission. On the other hand, the records of the anthracite-coal strike commission take the ground that there should be only an open shop. The question is, Has the employer the right to maintain only a nonunion shop if he desires—that is, has he the right to refuse to recognize a union or employ union men? Further, if it is legal to have the closed shop, why should it be legal to prescribe a preferential union shop?

Mr. BRANDEIS. I think the preferential union shop—I have never heard any question raised, and I do not see how any question can be raised, as to the legality of the preferential union shop. The preferential union shop is this: It is a shop in which union standards and conditions prevail, and in which the employer agrees, other things being equal, that he will employ union men—that he will give the union man a preference over a nonunion man. Now, that preferential union shop has seemed to me, certainly in many trades, to be a necessity if we are to have an effective union. I had, in early dealings with labor problems, found this situation to be very common where there was a perfectly honest open shop—that is, where the employer was willing to deal with the union fairly and squarely, making a contract with the union and agreeing with that union that he would not change conditions in his shop except upon negotiation with the union, but allow men in that shop to be either union or nonunion men, the better that worked, the stronger was the tendency of the men to drop out of the union. They felt that they were getting all of the benefits of the union without having to submit to any of its burdens. So a relatively small part of the men had to bear the burden of the union, not only in money, but in the administrative work of the union and in submission to those restrictions which are put upon the members of the union for the common benefit. So in the perfect operation of the union shop, in those instances, conditions existed which undermined the union itself. The very perfection of the operation of the open-shop agreement worked to the detriment of the union. Furthermore, it was unfair and was demoralizing to the nonunion men to get the benefits of the union without in any way contributing either by restriction or by money.

The question then came up as to how you can secure to the employer and others certain liberty of action and at the same time maintain the union. Justice and practical experience showed the necessity of creating some incentive to join the union, and, on the other hand, some disadvantage in not joining the union. On the whole the most advantageous incentive was to give preference in employment to him who joined the union; to say to the man who joins that union, "I will give you preference, but you must be up to the standard; you must be as good as the other man." And if the union can not supply such men, then, that you may take some nonunion man. Under this system the closed shop is avoided. In the preferential union shop certain men are given preference over other men; and that is the principle which underlies the protocol in the garment workers' trade.

Commissioner COMMONS. Do you advise unions now giving up the closed-shop idea and asking for the preferential shop?

Mr. BRANDEIS. I do; and I think such a course would remove to a large extent the opposition of employers to unionism, and their refusing to enter into agreements with unions.

(At this point Chairman Walsh retires and Commissioner Lennon takes the chair.)

Commissioner COMMONS. Is your reason legal or given on legal grounds?

Mr. BRANDEIS. It is partly legal, partly sentimental, and partly a recognition of economic rights and a sound social policy.

Commissioner COMMONS. Employers that now stand for the open shop, what is your advice to them?

Mr. BRANDEIS. I should say to those employers who stand for the open shop, that they ought to recognize that it is for their interests as well as that of the community that unions should be powerful and responsible; that it is to their interests to build up the union; to aid as far as they can in making them stronger; and to create conditions under which the unions shall be led by the ablest and most experienced men. A large part of all union activity to-day, and in the past, has been devoted to the struggle for existence; and that fact accounts also for a large part of union excesses. As nearly as possible union existence should be assured so that the efforts of the leaders might be devoted to solving the fundamental and difficult problems of discipline and organization, and the working out of other problems of the trades.

Acting Chairman LENNON. Professor, we would like to adjourn in a moment or two, and some of the other commissioners have given notice that they are going.

Commissioner COMMONS. I have enough to occupy all the afternoon, but I am not going to ask another question.

Acting Chairman LENNON. The commission will then stand adjourned until 10 o'clock Monday morning, January 25, 1915.

(At 12.45 in the afternoon of this Saturday, January 23, 1915, an adjournment was taken until Monday, January 25, 1915, at 10 o'clock a. m., in the board of estimates' room at the city hall, Borough of Manhattan, New York City.)

EXHIBITS.

UNTERMYER EXHIBIT.

NEW YORK, *February 5, 1915.*

HON. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations.

DEAR SIR: In compliance with the request of the commission contained in its communication to me I have had certain facts and figures compiled from official sources in answer to the testimony of Messrs. Schiff and Morgan and in support of the statement made by me at the opening of the investigation to the effect that the potential and eventual control of the majority of the great railroad systems of this country is under the domination of two great banking houses in the city of New York and their allies and associates.

This assertion was not based upon surmise, opinion, or suspicion. It is founded on provable facts and is supported, among other things, by the official findings of a committee of the House of Representatives, concurred in by 10 of the 11 members of that committee, including all the Democratic members and 2 of the 3 Republican members. It is based on the oral and documentary evidence furnished by the representatives of these banking houses and others.

The conclusion that there is such control was not intended to and does not involve an attack upon or criticism of the members of these banking houses. It is the fault of our governmental system and is due to the absence of proper regulative laws, such as exist in other countries. It is not necessary here to discuss the extent, if any, to which the influence of these gentlemen is responsible for the absence of such laws and for the grave abuses that have grown out of this defective system.

The observations made by me were entirely impersonal and I have yet to learn of any attempt to refute the facts—unless the very sweeping unsupported and inconsequential statement of Mr. Schiff, of Kuhn, Loeb & Co., to the effect that it was all "sheer nonsense" may be looked upon as rising to the dignity of an argument or refutation of the facts presented.

I take the opportunity in this connection of expressing my high regard for the character and public spirit of Mr. Schiff and for his exceptional judgment on subjects in which he is not obsessed by self-interest; but the situation affects too closely the people of the country and is too far-reaching in its results to be disposed of by the mere ipse dixit of one of the interested parties, however eminent and well-intentioned.

Mr. Morgan's statement that "If we dominate half the railroads of the country, I have never noticed it"—which is not what I said—reminds one forcibly of the like attitude and testimony of his distinguished father before the Pujo committee of 1913, as follows—

"Q. You do not think you have any power in any department of industry in this country, do you?—A. I do not.

"Q. Not the slightest?—A. Not the slightest."

which was followed almost immediately by the following answers to the following questions put to him as to the way in which he compelled Mr. Thomas F. Ryan to surrender to him the control of the Equitable Life Assurance Society, involving the disposition of over $500,000,000 of money, securities, and other assets—

"Q. Did Mr. Ryan offer this stock to you?—A. I asked him to sell it to me.

"Q. Did you tell him why you wanted it?—A. No; I told him I thought it was a good thing for me to have.

"Q. Did he tell you that he wanted to sell it?—A. No; but he sold it.

"Q. He did not want to sell but when you said you wanted it he sold?—A. He did not say that he did not want to sell it.

"Q. What did he say when you told him you would like to have it and felt you ought to have it?—A. He hesitated about it and finally sold it."

The fact that Mr. Morgan, jr., has "never noticed" that his firm and that of Kuhn, Loeb & Co. together dominate a majority of the great systems—I did not say all of the railroads of the country—is neither persuasive nor surprising if he knows as much or as little about such conditions as he professes to know about the corporations of which he is a director.

You will recall my furnishing you a partial list of the great railroad systems that had come under the control of Messrs. Morgan & Co. as the result of our defective laws for the reorganization of insolvent corporations, among which were named the Reading, the Atchison, the Erie, the Southern, the Northern Pacific, the Pere Marquette, the Chicago Great Western, the Cincinnati, Hamilton & Dayton, and the Chesapeake & Ohio, besides a list of others of which control was acquired otherwise than through reorganization, among which may be named the New Haven, the Lake Shore, the Michigan Central, and others.

It would be interesting to inquire what part his firm took in the selection of the presidents, executive officers, and directors of these roads.

In Mr. Morgan's testimony before you on Monday he is reported as stating with respect to the control of these reorganized properties that—

"When you reorganize a railroad company it is necessary that the policy of that company for the first few years should be controlled. Consequently, on most all occasions in my experience in reorganization, there has been a voting trust which carries control of the company as a consistent policy throughout the first 5 years and sometimes it has been extended to 10 years, at which time the voting trust terminates, and when the voting trust terminates the company runs that road from that time on. After the reorganization the financial interests would feel that it was necessary for them to retain control."

A voting trust to whom? The list submitted shows that the voting trusts have put the selection of the directors absolutely in Mr. Morgan's firm. But the statement is only partly accurate. It is incomplete. A number of these roads have been reorganized by the banking houses to which I have referred without voting trusts but the officers and boards of directors have almost uniformly been designated by the banking house that has acted as reorganization manager, whether there was or was not a voting trust in their favor under which they did so. After the expiration of the voting trust the personnel of the board named by the bankers under the voting trust almost uniformly continues, except where changes have been made necessary through death or resignation and in those cases the bankers have dictated or participated in selecting the successors, so that in effect the management installed by them has continued.

Nor is it quite accurate to say that the voting trusts continue only for 5 or 10 years after reorganization. In the case of the Southern Railway, for instance, the voting trust to Messrs. Morgan and Baker, which in express terms placed the absolute control in their hands, continued for 19 years and until it was dissolved within the past year as a result of the agitation brought about by the disclosures of the Pujo investigation with respect to that property and to the effects of voting trusts generally.

In further support of the statement as to the potential power of these banking houses I submit to you the following data that has been collated as above stated, which was supplied from official sources in answer to the following questions:

1. The total railroad mileage in the United States.
2. A list of all railroads in the United States over 100 miles.
3. A list of the interstate railroads, separately indicated.
4. A separate list of the great systems—say the roads of 1,000 miles and over.
5. A list of directors of the large roads (to show their interlocking character) and whom they represent.
6. A list of all the roads reorganized since 1890.
7. The names of the committee and banking house, together with the names of the voting trustees.
8. A list of the roads that are now in the hands of receivers and those that are undergoing reorganization, whether through receivership or readjustment, which would include the Rock Island and the Missouri Pacific, together with the names of the committees connected with them and the banking house.

Those parts of these statistics that are material to the present discussion may be briefly summarized as follows:

1. There are 56 railroad systems in the United States of over 1,000 miles in length each.

2. These great systems together own 203,835 miles out of 253,303 miles of railroad in the country that are represented in all by 290 railroad companies.

3. There have been 81,851 miles of road reorganized since 1890 in insolvency proceedings, of which I find that over 50,000 miles was accomplished under the direction of these two banking houses.

4. There are now 43,299 miles in the hands of receivers or otherwise undergoing reorganization, readjustment, or change of management, of which I find that 31,000 miles and upward are headed for like control, of which the Missouri Pacific, Wabash, and the Wheeling & Lake Erie are illustrations. All three of them are confessedly going into the hands of Kuhn, Loeb & Co. and the interests they represent.

5. These figures do not include systems such as the New York Central, the Chicago, Burlington & Quincy, the Delaware, Lackawanna & Western, the Illinois Central, the Louisville & Nashville, the Lake Shore & Michigan Southern, and the Michigan Central, with a total mileage of 29,389.26, the ultimate financial management of which is wholly or partially dominated by these interests and their recognized associates; nor does it include the many other properties in which they have a potent voice; nor the tens of thousands of miles of road that are dependent for existence upon the patronage of the great systems thus controlled.

The smaller roads are largely "feeders" to the great systems and are dependent on the latter for business. The small roads must have the good will of the great systems. To that extent the latter dominate, so that if we want to determine where lies the potential power over the railroads and over the banks and industries that depend upon them, we must ascertain the source of control of the great systems. It should rest with the stockholders, but in point of fact they are a negligible quantity.

6. At page 147 of the Pujo report we find the following finding that was concurred in by 10 of the 11 members (including all the Democratic members and 3 of the 4 Republican members) of that distinguished committee of the House of Representatives as the result of many months of painstaking investigation:

"Your committee finds that vast system of railroads in various parts of the country are in effect subject to the control of this inner group—a situation not conducive to genuine competition."

Under the heading of "Railway reorganizations as an instrument of concentration" the committee says (p. 149):

"In that way and as the result, also, of reorganizations in which there was no voting trust, but in which the initial officers and directors were named by the bankers as reorganization managers, banking domination of the following railroad systems was secured by Messrs. Morgan and Kuhn, Loeb & Co.:

"First. The Baltimore & Ohio, where Kuhn, Loeb & Co., with Speyer & Co., were the reorganization managers, the plan of reorganization being approved by J. P. Morgan & Co., and Mr. Coster, of that firm, becoming a voting trustee.

"Second. The Chesapeake & Ohio, where the reorganization managers were Drexel, Morgan & Co., as the present firm of J. P. Morgan & Co. was formerly named.

"Third. The Cincinnati, Hamilton & Dayton, where Morgan & Co. were reorganization managers and Mr. Morgan is a voting trustee, the voting trust being still in force.

"Fourth. The Chicago Great Western, where Morgan & Co. were the reorganization managers and Mr. Morgan and his associate, Mr. Baker, are voting trustees, the voting trust being still in force.

"Fifth. The Erie, where Morgan & Co. were the reorganization managers and Mr. Morgan became a voting trustee.

"Sixth. The Northern Pacific, where Morgan & Co. were the reorganization managers and Mr. Morgan became a voting trustee.

"Seventh. The Pere Marquette, which was reorganized by Morgan & Co.

"Eighth. The Southern, which was reorganized by Morgan & Co., Mr. Morgan and Mr. Baker becoming voting trustees and still continuing as such.

"Ninth. The Reading, which was reorganized by Morgan & Co., Mr. Morgan becoming a voting trustee.

"Tenth. The Union Pacific, which was reorganized by Kuhn, Loeb & Co."

7. Mr. George M. Reynolds, the president of the Continental & Commercial National Bank of Chicago, which is the second largest banking institution in

this country, testified before that committee, among other things, as follows, on the subject of concentration of the control of credits and properties (p. 105 of the report):

"Q. What would you say as to that concentration of the control of money and credit being a menace to the country?—A. That involves a very deep question. Personally, I am inclined to believe that an excess of power of any kind in the hands of a few men might properly be called a menace. I do not mean to say that the people who had that control and power have used it improperly. I do not mean to say that at all.

* * * * * * *

"Q. Taking the present situation, as you find it, Mr. Reynolds, what is your judgment as to whether that situation is a menace?—A. I am inclined to think that the concentration, having gone to the extent is has, does constitute a menace. I wish again, however, to qualify that by saying that I do not mean to sit in judgment upon anybody who controls that, because I do not pretend to know whether they have used it fairly or honestly or otherwise."

8. Mr. George F. Baker, the life-long business associate of Mr. Morgan and one of the two most powerful factors in the railroad and financial world, testified as follows on the general subject of the control of credits, as represented by the domination over the railroads, banks, and trust companies (p. 106 of the report):

"Q. I suppose you would see no harm, would you, in having the control of credit, as represented by the control of banks and trust companies, still farther concentrated? Do you think that would be dangerous?—A. I think it has gone about far enough.

"Q. You think it would be dangerous to go farther?—A. It might not be dangerous; but still it has gone about far enough. In good hands, I do not see that it would do any harm. If it got into bad hands, it would be very bad.

"Q. If it got into bad hands it would wreck the country?—A. Yes; but I do not believe it could get into bad hands.

"Q. You admit that if this concentration, to the point to which it has gone, were by any action to get into bad hands, it would wreck the country?—A. I can not imagine such a condition.

"Q. I thought you said so?—A. I said it would be bad; but I do not think it would wreck the country. I do not think bad hands could manage it. They could not retain the deposits nor the securities.

"Q. I am not speaking of incompetent hands. We are speaking of this concentration, which has come about and the power that it brings with it, getting into the hands of very ambitious men, perhaps not overscrupulous. You see a peril in that, do you not?—A. Yes.

"Q. So that the safety, if you think there is safety in the situation, really lies in the personnel of the men?—A. Very much.

"Q. Do you think that this is a comfortable situation for a great country to be in?—A. Not entirely."

9. Among the documents I have submitted you will find a list of directors which, when taken in connection with the charts and lists attached to the Pujo report, and the table at pages 92–100 of that report, will give you a faint conception of the extent of the control to which I have referred. If you will look at Exhibit 134–C of December, 1912, contained in volume 2 of the testimony of that investigation, under the heading of "Explanation of table of interlocking directorates," you will get further enlightenment as to the extent of such control. These tables were not compiled out of the inner consciousness of the members of the Committee on Banking and Currency. They were made up from data furnished by the banking houses, including the two houses to which I have referred.

The domination of these same interests and their associates—more particularly the Morgan-Baker interests—over the coal industries of the country, and especially in the anthracite region, is still more impressive than is their control over the railroads. They have been potent factors in the ultimate decision of the policy to be pursued with respect to every great general coal and railroad strike for the past 10 years.

The history of the New Haven road furnishes a fair illustration of the extent of the autocratic power of these gentlemen over the properties that they thus dominate without holding substantial pecuniary interests in the securities. They select the executive officers, who in turn hold themselves accountable to them instead of to the directors and shareholders. I believe it is broadly and literally true, as stated by Messrs. Schiff and Morgan, that

in some cases this responsibility is reluctantly assumed and still more reluctantly exercised, notwithstanding the vast patronage that is involved in the way of marketing the securities of these companies and of controlling their vast purchases. It is the fault of the system, which renders it practically impossible for the widely scattered shareholders to assume control of their properties. My chief purpose in again and again calling attention to this situation is to endeavor to secure a reform of the system that will put the shareholders in control of their properties and scatter this dangerous concentration of power. It is increasing with startling rapidity, especially in the railroad world, as is apparent from the figures above quoted.

It indirectly involves an autocracy over our industries and moneyed institutions and a potential power over our political life that can not be tolerated. We may assume that the power is at the moment being wisely administered. We are not prepared for that kind of an autocracy, no matter how administered. The ramifications of such control may be endless. The patronage that can be dispensed or withheld and can make or unmake other and tributary industries, and that can prevent competition and further railway construction renders the development of the present methods too unsafe. Railroad control over our political life in the past has been vicious. With the increase and concentration of that power in ambitious or unscrupulous hands it would become dangerous to our institutions.

I do not mean to imply that that sort of criticism applies to present conditions nor that the properties are now being exploited as in the past, for I am satisfied that the worst of these scandals is over, at least for the time being, and that we are approaching an era of higher sense of responsibility.

The remedy for this increasing banking domination lies in more effective public control, in the reform of our methods of selecting directors, and a better form of representation for stockholders, and in paying directors adequately for their services and holding them to a higher degree of responsibility.

I would briefly summarize the relief that is needed in this connection as follows:

First. The enactment of a national corporation law under which all interstate corporations would be required to incorporate and which will provide the following additional safeguards for stockholders:

(a) The right to minority representation, which will divide the stock into as many parts as there are directors to be elected. If there are nine directors to be elected, one-ninth of the stock may elect one director; two-ninths may elect two directors, and so on. The majority would always control, as it should; but the minority will be represented. That will give the stockholders the hope and incentive to combine for representation.

(b) Proxy voting should be abolished. Stockholders should vote either in person or by mail and directly for the candidates, instead of intrusting their proxies to unknown men to vote for undisclosed candidates. The election should be under the supervision of the Interstate Commerce Commission.

(c) The management should nominate its candidates 90 days before the election. The stockholders should have the right to nominate 30 days before the election. The lists of all candidates nominated on the various tickets should be sent to the stockholders, who should select their representatives.

The power to enact such a national law with respect to interstate corporations can no longer be questioned. I believe it exists also independently of the commerce clause of the Constitution and can be resorted to with respect to intrastate railroad corporations under the post-offices and post-roads clause of the Constitution.

Second. There should be a separate law for the reorganization of insolvent corporations similar to the British reconstruction act and to the law prevailing on that subject in Germany. It should provide for an official receiver to be appointed by the Interstate Commerce Commission, thus superseding the present scandalous methods of appointing receivers. We had the same difficulties with respect to banks until the system was changed. I would liken this procedure to that now applicable to the winding up of national banks and of State banks under the laws of New York. The plan of reorganization should be subject to the approval of the court and of the Interstate Commerce Commission, which would protect the rights of minorities and would, I hope, result in abolishing the present self-styled, self-constituted reorganization committees that are set up by the bankers to execute their will. In this connection I beg to direct your attention to pages 185-186 of the Pujo report, where the present system is fully set forth and its defects pointed out.

Third. There should be a smaller number of directors, with greater concentration of responsibility. They should be paid substantial salaries, and, if need be, a small interest in the net profits over and above a given amount, as is customary in the continental countries. They should be prohibited from speculating in the stocks of their own companies, and short selling by a director of the stock of his corporation should be a felony.

Fourth. No securities should be issuable except with the approval of the Interstate Commerce Commission.

Fifth. The funds of interstate railroad corporations should be deposited only in incorporated banks and not with private bankers.

Sixth. The system of fiscal agents should be abolished and the securities of corporations should be sold under proper safeguards by public offerings or by a form of competitive bidding to be prescribed by the Interstate Commerce Commission.

With the inauguration of these reforms I believe that the development of our railroads will proceed with better satisfaction to the public than under Government ownership and that banking control will be reduced to a minimum.

Very truly, yours,

SAMUEL UNTERMYER.

[The figures and data contained herein have been obtained from sources believed to be reliable; we do not, however, hold ourselves responsible for the accuracy of any of the statements.—Moody Manual Co.]

1. The total railroad mileage in the United States.
2. A list of all railroads in the United States over 100 miles.
3. A list of the interstate railroads, separately indicated.
4. A separate list of the great systems—say, the roads of 1,000 miles and over.
5. A list of the directors of the large roads (to show their interlocking character) and whom they represent.
6. A list of all the roads reorganized since 1890.
7. The names of the committees and banking houses, together with the names of the voting trustees.
8. A list of the roads that are now in the hands of receivers and those that are undergoing reorganization, whether through receivership or readjustment, which would include the Rock Island and the Missouri Pacific, together with the names of the committees connected with them and the banking house.

QUESTION NO. 1.

The total railroad mileage in the United States on June 30, 1913, as filed with the Interstate Commerce Commission, was 249,808 miles. These are the latest figures obtainable from official sources. From unofficial data we would judge that about 3,500 miles of additional mileage was laid from June 30, 1913, to December 31, 1914.

QUESTIONS NOS. 2 AND 3.

[The companies indicated by an asterisk (*) are those whose mileage is located in more than one State.]

Alabama & Vicksburg Ry.
*Alabama Great Southern R. R.
*Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.).
*Alabama, Tennessee & Northern Ry.
Albany & Susquehanna R. R.
*Ann Arbor R. R.
Apalachicola Northern R. R.
*Arizona & New Mexico Ry.
Arizona Eastern R. R.
*Arkansas Pacific Ry.
*Atchison, Topeka & Santa Fe Ry.
*Atlanta & Charlotte Air Line Ry.
*Atlanta, Birmingham & Atlantic R. R.
Atlantic & Danville Ry.
Atlantic & St. Lawrence R. R.
Atlantic City R. R.
*Atlantic Coast Line R. R.
*Baltimore & Ohio R. R.
Baltimore & Ohio R. R. in Penna.
*Baltimore & Ohio Southwestern R. R.
*Baltimore, Chesapeake & Atlantic Ry.
Bangor & Aroostook R. R.
*Beaumont, Sour Lake & Western Ry.
Beech Creek Extension R. R.
Beech Creek R. R.
Bessemer & Lake Erie R. R.
*Boston & Albany R. R.
*Boston & Lowell R. R. Corp.
*Boston & Maine R. R.
Boyne City, Gaylord & Alpena R. R.

Questions Nos. 2 and 3—Continued.

Brimson Ry.
*Buffalo & Susquehanna R. R. Corp.
*Buffalo, Rochester & Pittsburgh Ry.
*California, Arizona & Santa Fe Ry.
*Camas Prairie R. R.
Cane Belt R. R.
Cape Girardeau Northern Ry.
Carolina & Northwestern Ry.
Carolina, Atlantic & Western Ry.
*Carolina, Clinchfield & Ohio Ry.
Catawissa R. R.
*Central Indiana Ry.
*Central New England Ry.
*Central of Georgia Ry.
Central Ohio R. R.
*Central Pacific Ry.
*Central R. R. of N. J.
*Central R. R. of Oregon.
Central Ry. of Arkansas.
*Central Vermont Ry. (Mileage partly in United States and partly in Canada.)
*Charleston & Western Carolina Ry.
Charlotte Harbor & Northern Ry.
*Chesapeake & Ohio Ry.
*Chesapeake & Ohio Ry. of Indiana.
*Chicago & Alton R. R.
*Chicago & Eastern Illinois R. R.
*Chicago & Erie R. R.
*Chicago & North Western Ry.
*Chicago, Burlington & Quincy R. R.
*Chicago Great Western R. R.
*Chicago, Indiana & Southern R. R.
*Chicago, Indianapolis & Louisville Ry.
*Chicago, Milwaukee & Gary Ry.
*Chicago, Milwaukee & St. Paul Ry.
*Chicago, Peoria & St. Louis R. R.
*Chicago, Rock Island & Gulf Ry.
*Chicago, Rock Island & Pacific Ry.
*Chicago, St. Louis & New Orleans R. R.
*Chicago, St. Paul, Minneapolis & Omaha Ry.
*Chicago, Terre Haute & Southeastern Ry.
*Choctaw, Oklahoma & Gulf R. R.
*Cincinnati, Hamilton & Dayton Ry.
*Cincinnati, Indianapolis & Western Ry.
*Cincinnati, New Orleans & Texas Pacific Ry.
*Cincinnati Northern R. R.
Cleveland & Mahoning Valley Ry.
Cleveland & Pittsburgh R. R.
Cleveland, Akron & Cincinnati Ry.
*Cleveland, Cincinnati, Chicago & St. Louis Ry.
Cleveland, Lorain & Wheeling Ry.
Coal & Coke Ry.
*Colorado & Southern Ry.
*Colorado & Wyoming Ry.
Colorado Midland Ry.
Colorado R. R.
Colorado, Wyoming & Eastern Ry.
*Connecticut & Passumpsic Rivers R. R.
*Concord & Montreal R. R.
Copper Range R. R.
Copper River & Northwestern Ry.
Corvallis & Eastern R. R.
Cripple Creek Central Ry.
*Cumberland Valley R. R.
Dawson Ry.
Dayton & Michigan R. R.
*Delaware & Hudson Co.
*Delaware, Lackawanna & Western R. R.
Delaware, Maryland & Virginia R. R.
*Delaware R. R.
*Denver & Rio Grande R. R.
Denver & Salt Lake R. R.
Des Moines & Fort Dodge R. R.
Detroit & Mackinac Ry.
Detroit, Grand Haven & Milwaukee Ry.
*Detroit, Toledo & Ironton R. R.
Detroit, Toledo & Milwaukee R. R.
*Dodge City & Cimarron Valley R. R.
*Dubuque & Sioux City R. R.
Duluth & Iron Range R. R.
Duluth & Northern Minnesota Ry.
Duluth, Missabe & Northern Ry.
*Duluth, South Shore & Atlantic Ry.
El Paso & Northeastern Ry.
El Paso & Rock Island Ry.
*El Paso & Southwestern Co.
*El Paso & Southwestern R. R.
*Elgin, Joliet & Eastern Ry.
Erie & Pittsburg R. R.
*Erie R. R.
Escanaba & Lake Superior R. R.
European & North American Ry.
Evansville & Indianapolis R. R.
*Fitchburg R. R.
Florence & Cripple Creek R. R.
Florida East Coast Ry.
*Fort Smith & Western R. R.
*Fort Wayne & Jackson R. R.
*Fort Worth & Denver City Ry.
Fort Worth & Rio Grande Ry.
Galveston, Harrisburg & San Antonio Ry.
Geneva, Corning & Southern R. R.
Georgetown & Western R. R.
*Georgia & Florida Ry.
*Georgia, Florida & Alabama Ry.
Georgia R. R.
*Georgia Southern & Florida Ry.
*Gilmore & Pittsburg R. R. (Ltd.).
*Grand Rapids & Indiana Ry.
*Grand Trunk Western Ry.
*Great Northern Ry.
Green Bay & Western R. R.
Gulf & Ship Island R. R.
*Gulf, Colorado & Santa Fe Ry.
*Gulf, Florida & Alabama Ry.
Gulf, Texas & Western Ry.
Hartford & Connecticut Western R. R.
Hawkinsville & Florida Southern Ry.
Hocking Valley Ry.
Houston & Texas Central R. R.

Questions Nos. 2 and 3—Continued.

*Houston East & West Texas Ry.
*Idaho & Washington Northern R. R.
*Illinois Central R. R.
*Illinois Southern Ry.
*Indiana Harbor Belt R. R.
International & Great Northern Ry.
Jackson, Lansing & Saginaw R. R.
Jamestown, Franklin & Clearfield R. R.
*Jasper & Eastern Ry.
*Kanawha & Michigan Ry.
*Kansas City, Clinton & Springfield Ry.
*Kansas City, Fort Scott & Memphis Ry.
*Kansas City, Memphis & Birmingham R. R.
*Kansas City, Mexico & Orient R. R.
*Kansas City, Mexico & Orient Ry. of Texas.
*Kansas City, St. Louis & Chicago R. R.
*Kansas City Southern Ry.
Keokuk & Des Moines Ry.
*Lake Erie & Western R. R.
*Lake Shore & Michigan Southern Ry.
Las Vegas & Tonapah R. R.
*Lehigh & Hudson River Ry.
*Lehigh & New England R. R.
Lehigh & New York R. R.
*Lehigh & Susquehanna R. R.
*Lehigh Valley R. R.
Lehigh Valley R. R. of New Jersey.
Lehigh Valley Ry.
Lexington & Eastern Ry.
Little Miami R. R.
Long Island R. R.
*Louisiana & Arkansas Ry.
Louisiana & Missouri River R. R.
*Louisiana & Northwest R. R.
Louisiana & Pine Bluff Ry.
Louisiana Ry. & Navigation Co.
Louisiana Western R. R.
*Louisville & Nashville R. R.
*Louisville Henderson & St. Louis Ry.
*Macon & Birmingham Ry.
*Maine Central R. R.
Manistee & Northeastern R. R.
Maryland, Delaware & Virginia Ry.
*Mason City & Fort Dodge R. R.
*Memphis, Dallas & Gulf R. R.
*Michigan Air Line Ry.
*Michigan Central R. R.
*Midland Valley R. R.
Mineral Range R. R.
*Minneapolis & St. Louis R. R.
*Minneapolis, St. Paul & Sault Ste. Marie Ry.
Minnesota & International Ry.
*Mississippi Central R. R.
*Missouri & North Arkansas R. R.
*Missouri, Kansas & Texas Ry.
Missouri, Kansas & Texas Ry. of Texas.
*Missouri, Oklahoma & Gulf Ry.
*Missouri Pacific Ry.
Mobile & Birmingham R. R.
*Mobile & Ohio R. R.
*Morgan's Louisiana & Texas R. R. & S. S. Co.
Morris & Essex R. R.
Mutualng, Marquette & Southeastern Ry.
*Nashville & Decatur R. R.
*Nashville, Chattanooga & St. Louis Ry.
*Nevada-California-Oregon Ry.
Nevada Northern Ry.
New London Northern R. R.
New Mexico Central R. R.
New Orleans & Northeastern R. R.
*New Orleans Great Northern R. R.
*New Orleans, Mobile & Ohio R. R.
*New Orleans, Texas & Mexico R. R.
New York & Harlem R. R.
*New York Central & Hudson River R. R.
*New York, Chicago & St. Louis R. R.
New York, Lackawanna & Western Ry.
New York Central R. R.
*New York, New Haven & Hartford R. R.
*New York, Ontario & Western Ry.
*New York, Philadelphia & Norfolk R. R.
*New York, Susquehanna & Western R. R.
*Norfolk & Western Ry.
*Norfolk Southern R. R.
North Carolina Ry.
*Northern Central Ry.
Northern Ohio Ry.
*Northern Pacific Ry.
Northwestern Pacific R. R.
*Nypano R. R.
Oklahoma Central R. R.
*Old Colony R. R.
Oregon & California R. R.
*Oregon Short Line R. R.
*Oregon Trunk Ry.
*Oregon, Washington R. R. & Navigation Co.
Pacific Coast Ry.
Pacific Ry. & Navigation Co.
*Paducah & Memphis Division (L. & N. R. R.).
*Pecos & Northern Texas Ry.
Pennsylvania & New York Canal & R. R.
*Pennsylvania Co.
*Pennsylvania R. R.
*Peoria & Eastern Ry.
Peoria & Pekin Union Ry.
*Pere Marquette R. R.
*Philadelphia & Reading Ry.
*Philadelphia, Baltimore & Washington R. R.
Pierre, Rapid City & North Western Ry.

QUESTIONS NOS. 2 AND 3—Continued.

*Pittsburg & Lake Erie R. R.
Pittsburg & Western R. R.
*Pittsburg, Bessemer & Lake Erie R. R.
*Pittsburg, Cincinnati, Chicago & St. Louis Ry.
*Pittsburg, Fort Wayne & Chicago Ry.
Pittsburg, McKeesport & Youghiogheny R. R.
*Pittsburg, Shawmut & Northern R. R.
*Pittsburg, Youngstown & Ashtabula Ry.
Pontiac, Oxford & Northern R. R.
*Portland & Ogdensburg Ry.
Raleigh, Charlotte & Southern Ry.
*Reading System.
Rensselaer & Saratoga R. R.
Rio Grande Southern R. R.
*Rock Island, Arkansas & Louisiana R. R.
*Rutland R. R.
*St. Johnsbury & Lake Champlain R. R. (leased to Maine Central).
*St. Joseph & Grand Island Ry.
St. Louis & Hannibal Ry.
*St. Louis & San Francisco R. R.
St. Louis, Brownsville & Mexico Ry.
*St. Louis, Iron Mountain & Southern Ry.
St. Louis, Rocky Mountain & Pacific Ry.
St. Louis Southwestern Ry.
St. Paul & Kansas City & Short Line R. R.
San Antonio & Aransas Pass Ry.
San Antonio, Uvalde & Gulf R. R.
*San Pedro, Los Angeles & Salt Lake R. R.
Sandusky, Mansfield & Newark R. R.
Sandy River & Rangeley Lakes R. R.
*Seaboard Air Line Ry.
South Dakota Central Ry.
South Pacific Coast Ry.
*South Western R. R.
Southern Kansas Ry. of Texas.
Southern Pacific Co.
*Southern Pacific R. R.
*Southern Ry.
*Southern Ry., Carolina Division.
*Spokane International Ry.
*Spokane, Portland & Seattle Ry.
Stephenville, North and South Texas Ry.
*Tennessee, Alabama & Georgia R. R.
Tennessee Central R. R.
Terre Haute & Peoria R. R.
Texas & New Orleans R. R.
*Texas & Pacific Ry.
Texas Central R. R.
Toledo & Ohio Central Ry.
Toledo, Columbus & Ohio River R. R.
*Toledo, Peoria & Western Ry.
Toledo, Saginaw & Muskegon Ry.
*Toledo, St. Louis & Western R. R.
Tonopah & Goldfield R. R.
*Tonopah & Tidewater R. R.
Trinity & Brazos Valley Ry.
Ulster & Delaware R. R.
*Union Pacific R. R.
United New Jersey R. R. & Canal Co.
*Vandalia R. R.
*Vicksburg, Shreveport & Pacific Ry.
*Virginia & Southwestern Ry.
*Virginian Ry.
*Wabash R. R.
Washington Central Ry.
West Jersey & Seashore R. R.
*West Shore R. R.
*Western & Atlantic R. R.
*Western Maryland Ry.
*Western New York & Pennsylvania Ry.
*Western Pacific Ry.
*Western Ry. of Alabama.
Wheeling & Lake Erie R. R.
*Wichita Falls & Northwestern Ry.
*Wisconsin & Michigan Ry.
*Wisconsin Central Ry.
*Wichita Falls & Northwestern Ry.
*Wisconsin, Minnesota & Pacific R. R.
Wrightsville & Tennille R. R.
Wyoming & North Western Ry.
*Yazoo & Mississippi Valley R. R.

QUESTION NO. 4.

[Total miles, 208,835.63.]

Atchison, Topeka & Santa Fe Ry	10,961.23
Atlantic Coast Line R. R	4,661.05
Baltimore & Ohio R. R	4,478.22
Boston & Maine R. R	2,301.90
Central of Georgia Ry	1,924.09
Chesapeake & Ohio Ry	2,375.90
Chicago & Alton R. R	1,033.48
Chicago & Eastern Illinois R. R	1,282.41
Chicago & North Western Ry	8,094.94
Chicago, Burlington & Quincy R. R	8,203.96
Chicago Great Western R. R	2,150.91
Chicago, Milwaukee & St. Paul Ry	9,067.30
Chicago, Rock Island & Pacific Ry	8,223.03

Chicago, St. Paul, Minneapolis & Omaha Ry	1,752.81
Cincinnati, Hamilton & Dayton Ry	1,015.27
Colorado & Southern Ry	1,696.48
Delaware, Lackawanna & Western R. R	442.51
Denver & Rio Grande R. R	2,595.05
El Paso & Southwestern Co	1,028.75
Erie R. R	2,297.49
Galveston, Harrisburg & San Antonio Ry	1,342.08
Great Northern Ry	7,304.35
Hocking Valley Ry	331.50
Illinois Central R. R	4,708.51
International & Great Northern Ry	1,159.50
Lake Shore & Michigan Southern Ry	1,802.97
Lehigh Valley R. R	1,448.74
Louisville & Nashville R. R	7,586.66
Maine Central R. R	1,208.84
Michigan Central R. R	1,799.74
Minneapolis & St. Louis R. R	1,646.47
Minneapolis, St. Paul & Sault Ste Marie Ry	4,101.68
Missouri, Kansas & Texas Ry	3,865.07
Missouri Pacific Ry	7,284.53
Mobile & Ohio R. R	1,122.48
Nashville, Chattanooga & St. Louis Ry	1,290.52
New York Central & Hudson River R. R	8,753.12
New York, New Haven & Hartford R. R	2,009.10
Norfolk & Western Ry	2,080.35
Northern Pacific Ry	6,441.32
Pennsylvania Co	5,283.84
Pennsylvania R. R. system	6,409.08
Pere Marquette R. R	2,321.77
Philadelphia & Reading Ry	
Pittsburg, Cincinnati, Chicago & St. Louis Ry	1,472.19
Reading System	2,215.60
St. Louis & San Francisco R. R	5,259.09
St. Louis, Iron Mountain & Southern Ry	3,865.12
St. Louis Southwestern Ry	1,753.80
San Pedro, Los Angeles & Salt Lake R. R	1,131.86
Seaboard Air Line Ry	3,097.55
Southern Pacific Co	10,477.00
Southern Ry	7,009.94
Texas & Pacific Ry	1,584.62
Union Pacific R. R	7,777.17
Wabash R. R	1,879.30
Wisconsin Central Ry	1,120.23
Yazoo & Mississippi Valley R. R	1,371.78

QUESTION No. 5.

Abbot, George:
Aroostook Construction Co.
Abbott, Gordon:
Fitchburg R. R.
Ackerman, E. A.:
Central R. R. Co. of New Jersey.
Adams, C. F., 2d:
Boston & Lowell R. R.
Adams, Edw. D.:
Carolina, Clinchfield & Ohio Ry.
Denver & Rio Grande R. R.
Western Maryland Ry.
Adams, Fred. B.:
Atlantic Coast Line R. R.
Chicago, Indianapolis & Louisville Ry.
Louisville & Nashville R. R.
Adams, H. H.:
Kansas City Terminal Ry.
Adams, I. G.:
West Jersey & Seashore R. R.
Adams, Karl:
Boston, Revere Beach & Lynn R. R.
Adams, Melvin O.:
Boston, Revere Beach & Lynn R. R.
Adams, Thad:
Georgia & Florida Ry.
Allen, Milton E.:
Seaboard Air Line Ry.
Ainsworth, F. K.:
South Pacific Coast Ry.
Alderman, Edwin A.:
Southern Ry.
Allen, Fredk. A.:
Chicago & Eastern Illinois R. R.
Allen, Philip:
Norfolk Southern R. R.

Question No. 5—Continued.

Ames, Oliver:
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Union Pacific R. R.
Andrews, A. B.:
Alabama Great Southern R. R.
Southern Ry.
Andrews, Horace E.:
Missouri, Kansas & Texas Ry.
Angus, Richard B.:
Canadian Pacific Ry.
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Appleton, F. H.:
Maine Central R. R.
Armour, J. Ogden:
Chicago, Milwaukee & St. Paul Ry.
Illinois Central R. R.
Armstrong, E. N.:
Peoria & Pekin Union Ry.
Toledo, Peoria & Western Ry.
Armstrong, Geo. F.:
Savannah & Northwestern Ry.
Ashley, J. M.:
Georgia & Florida Ry.
Atkins, G. C.:
Pittsburg, Shawmut & Northern R. R.
Atterbury, W. W.:
Baltimore, Chesapeake & Atlantic Ry.
Cumberland Valley R. R.
Long Island R. R.
Norfolk & Western Ry.
Northern Central Ry.
Pennsylvania Co.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
West Jersey & Seashore R. R.
Western New York & Pennsylvania Ry.
Auchincloss, John W.:
Illinois Central R. R.
Yazoo & Mississippi Valley R. R.
Austin, P. R.:
St. Louis, Brownsville & Mexico Ry.
Axtell, Decatur:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Ayer, Chas. T.:
Cripple Creek Central Ry.
Bacon, E. R.:
Baltimore & Ohio R. R.
Cincinnati, Hamilton & Dayton Ry.
Kansas City Southern Ry.
Bacon, G. S.:
West Jersey & Seashore R. R.
Baird, David:
West Jersey & Seashore R. R.
Baker, G. F.:
Central R. R. Co. of New Jersey.
C., C., C. & St. Louis Ry. Co.
Colorado & Southern Ry.
Delaware, Lackawanna & Western R. R.
Erie R. R.
Lake Erie & Western R. R.
Lehigh Valley R. R.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
New York, Susquehanna & Western R. R.
Northern Pacific Ry.
Philadelphia & Reading Ry.
Reading Co.
Rutland R. R.
Lake Shore & Michigan Southern Ry.
Baker, G. F., jr.:
Chicago, Peoria & St. Louis R. R.
Colorado & Southern Ry.
Delaware, Lackawanna & Western R. R.
Northern Pacific Ry.
Baldwin, A.:
Yazoo & Mississippi Valley R. R.
Baldwin, LeRoy W.:
Denver & Salt Lake R. R.
Wisconsin Central Ry.
Ballou, M. H.:
Wisconsin Central Ry.
Bancroft, Joseph:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Bancroft, S., jr.:
Baltimore, Chesapeake & Atlantic Ry. Co.
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Bancroft, W. H.:
San Pedro, Los Angeles & Salt Lake R. R.
Banks, A. F.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Bannard, Otto T.:
Detroit, Toledo & Ironton R. R. Co.
Barbey, H. G.:
Buffalo, Rochester & Pittsburg Ry. Co.
Barkman, W. E.:
Memphis, Dallas & Gulf R. R.
Barnes, W. H.:
Pennsylvania Co.
Pennsylvania R. R.

Question No. 5—Continued.

Barnes, W. H.—Continued.
West Jersey & Seashore R. R.
Western New York & Pennsylvania Ry. Co.
Barney, C. D.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Barney, D. Newton:
Central New England Ry.
New York, Ontario & Western Ry. Co.
Barnwell, W. G.:
Northwestern Pacific R. R.
Barrett, Thomas, jr.:
Georgia & Florida Ry.
Bartlett, Frank L.:
Western New York & Pennsylvania Ry. Co.
Bartlett, Philip G.:
Buffalo & Susquehanna R. R. Corp.
Bartol, George E.:
Western New York & Pennsylvania Ry. Co.
Beale, Wm. G.:
Chicago & Alton R. R.
Beasley, John T.:
Chicago, Terre Haute & Southeastern Ry.
Beekman, Chas. K.
St. Louis, Rocky Mountain & Pacific Co.
Bell, J. S.:
Chicago Great Western R. R.
Belmont, August:
Long Island R. R.
Louisville & Nashville R. R.
Bemis, E. L.:
Georgia & Florida Ry.
Benjamin, W. E.:
Virginian Ry.
Benson, R. D.:
Philadelphia, Baltimore & Washington R. R.
Bent, C. C. F.:
Cincinnati, Hamilton & Dayton Ry.
Bent, L. S.:
Northern Central Ry.
Berg, L. S.:
New Orleans, Mobile & Chicago R. R.
Chicago, Peoria & St. Louis R. R.
Berger, H. W.:
Peoria & Pekin Union Ry.
Bernet, J. J.:
Peoria & Pekin Union Ry.
Berry, W. W.:
Nashville, Chattanooga & St. Louis, R. R.
Berwind, Edward J.:
Atchison, Topeka & Santa Fe Ry. Co.
Cuba R. R.
Erie R. R.

Berwind, Edward J.—Continued.
New York, Susquehanna & Western R. R.
Toledo, St. Louis & Western R. R.
Best, Thos.:
Kansas City, Mexico & Orient R. R.
Bestel, O. A.:
Illinois Southern Ry.
Biddle, W. B.:
New Orelans, Mobile & Chicago R. R.
St. Louis & San Francisco R. R.
Bierd, W. G.:
Chicago & Alton R. R.
Kansas City Terminal Ry. Co.
Peoria Ry. Terminal Co.
Terminal R. R. Association of St. Louis.
Bihler, L. C.:
Bessemer & Lake Erie R. R. Co.
Pittsburg, Bessemer & Lake Erie R. R.
Billings, Richard:
Savannah & Northwestern Ry.
Bingham, C. W.:
Cleveland & Pittsburg R. R.
Binney, Henry P.:
Bangor & Aroostook R. R.
Bissell, W. A.:
Northwestern Pacific R. R.
Black, Harry S.:
Missouri, Kansas & Texas Ry.
Toledo, St. Louis & Western R. R.
Blanckburn, W. W.:
Bessemer & Lake Erie R. R. Co.
Pittsburg, Bessemer & Lake Erie R. R.
Blackmer, H. M.:
Cripple Creek Central Ry.
Blair, C. Ledyard:
Carolina, Clinchfield & Ohio Ry.
Green Bay & Western R. R.
Blair, Frank W.:
Pere Marquette R. R. Co.
Blair, James A.:
Kansas City Southern Ry.
Seaboard Air Line Ry.
Bliss, C. N.:
Southern Pacific Co.
Bliss, C. W.:
Boston & Albany R. R.
Bliss, W. P.:
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.
Chicago, Milwaukee & St. Paul Ry.
Southern Pacific Co.
Bloss, J. O.:
Duluth, South Shore & Atlantic Ry. Co.
Boettcher, Chas. H.:
Denver & Salt Lake R. R.
Bog, W. A.:
Duluth, South Shore & Atlantic Ry. Co.

Question No. 5—Continued.

Boisot, E. K.:
Chicago, Terre Haute & Southeastern Ry.
Illinois Southern Ry.
Bonnell, W. S.:
Pittsburg, Youngstown & Ashtabula Ry.
Bonner, G. T.:
Alabama & Vicksburg Ry.
Vicksburg, Shreveport & Pacific Ry.
Boomer, H. A.:
Peoria & Pekin Union Ry.
Borden, E. R.:
Atlantic Coast Line R. R.
Borden, H. L.:
Atlantic Coast Line R. R.
Borg, Sidney C.:
Detroit, Toledo & Ironton R. R.
Bosworth, Charles W.:
Boston & Maine R. R.
Botts, L. W.:
Louisville & Nashville R. R.
Louisville, Henderson & St. Louis Ry.
Bourne, F. G:
Central R. R. Co. of New Jersey.
Long Island R. R.
Boyle, R. J.:
San Antonio & Aransas Pass Ry.
Bracken, E. P.:
Terminal R. R. Association of St. Louis.
Bradley, W. C.:
Central of Georgia Ry.
Braithwaite, Cecil:
Kansas City, Mexico & Orient R. R.
Branch, John K.:
Southern Ry. Co.
Brewington, M. V.:
Baltimore, Chesapeake & Atlantic Ry.
Brewster, F. F.:
Central New England Ry.
New York, New Haven & Hartford R. R.
Bright, Alfred H.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Wisconsin Central Ry.
Bringhurst, Edward, 5th:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Britton, F. H.:
St. Louis Southwestern Ry.
Terminal R. R. Association of St. Louis.
Bronner, Harry:
Cincinnati, Hamilton & Dayton Ry.
Colorado & Southern Ry.
Brooks, Walter R.
Maryland & Pennsylvania R. R.
Broughton, Urban H.
Virginian Ry.
Brown, Alex.:
Maryland & Pennsylvania R. R.
Brown, Clarence:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Brown, E. L.:
Denver & Rio Grande R. R.
Brown, Elisha R.:
Concord & Montreal R. R.
Maine Central R. R.
Brown, F. Q.:
Georgia & Florida Ry.
Seaboard Air Line Ry.
Brown, F. V.:
Spokane, Portland & Seattle Ry.
Brown, James:
Bangor & Aroostook R. R.
Brown, J. E.:
Canada Southern Ry.
Brown, J. H.:
Gulf & Ship Island R. R.
Brown, John Wilson:
Maryland & Pennsylvania R. R.
Brown, T. A.:
Louisiana & Arkansas Ry.
Brown, W. C.:
Louisiana & Arkansas Ry.
Brown, W. W.:
Memphis, Dallas & Gulf R. R.
Brownell, G. F.:
New York, Susquehanna & Western R. R.
Brunner, Henry:
Missouri, Oklahoma & Gulf Ry.
Buchanan, J. A.:
Louisiana & Arkansas Ry.
Buchanan, Robert:
Louisiana & Arkansas Ry.
Buchanan, Wm.:
Louisiana & Arkansas Ry.
Buchanan, W. J.:
Louisiana & Arkansas Ry.
Buckland, E. G.:
Central New England Ry.
Budd, R.:
Spokane, Portland & Seattle Ry.
Bull, Frederic:
Norfolk Southern R. R.
Bull, Henry W.:
Cuba R. R.
Bullock, A. G.:
Boston & Albany R. R.
Burguieres, Jules M.:
New Orleans, Texas & Mexico R. R.
Burke, T. C.:
Georgia Southern & Florida Ry.
Burke, W. P.:
New Orleans & North Eastern R. R.
Quanah, Acme & Pacific Ry.
Burr, Geo. H.:
Denver & Salt Lake R. R.

Question No. 5—Continued.

Bush, A. P.:
Mobile & Ohio R. R.
Bush, H. F.:
Denver & Rio Grande R. R.
Bush, S. P.:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Butler, J. G., jr.:
Pittsburg, Youngstown & Ashtabula Ry.
Butler, W. R.
Lehigh Valley R. R.
Buttorff, H. W.:
Nashville, Chattanooga & St. Louis Ry.
Byram, H. R.:
Colorado & Southern Ry.
Byrd, A. A.:
San Antonio, Uvalde & Gulf R. R.
Cabot, Henry B.:
Boston & Lowell R. R.
Cadwallader, Edward:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Caldwell, John D.:
Chicago, St. Paul, Minneapolis & Omaha Ry.
Calloway, Trowbridge:
Colorado, Wyoming & Eastern Ry.
Campbell, Benjamin:
New York, New Haven & Hartford R. R.
Campbell, Geo. H.:
Cincinnati, Hamilton & Dayton Ry.
Kentucky & Indiana Terminal R. R.
Campbell, R. W.:
Elgin, Joliet & Eastern Ry.
Caner, Harrison K.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Canniff, W. H.:
New York, Chicago & St. Louis R. R.
Capps, Charles R.:
Seaboard Air Line Ry.
Carleton, Murray:
St. Louis & San Francisco R. R.
St. Louis Southwestern Ry.
Carpenter, Frank P.:
Boston & Maine R. R.:
Concord & Montreal R. R.
Carpenter, N. J.:
Chicago, Terre Haute & Southeastern Ry.
Carr, C. M.:
Chicago Great Western R. R.
Carr, Samuel:
Boston & Maine R. R.:
Carstensen, John:
Peoria & Pekin Union Ry.
Carter, Geo. L.:
Carolina, Clinchfield & Ohio Ry.
Carter, S. F.:
Houston & Texas Central R. R.
Cary, Guy:
Chicago, Indianapolis & Louisville Ry.
Mobile & Ohio R. R.
Virginia & Southwestern Ry.
Chadbourne, T. L., jr.:
Norfolk Southern R. R.
Cheney, Benj. P.:
St. Louis & San Francisco R. R.
Cheney, B. P.:
Atchison, Topeka & Santa Fe Ry.
Chesten, Radcliffe, jr.
Buffalo & Susquehanna R. R. Corp.
Chew, W. B.:
Houston & Texas Central R. R.
Chisholm, Hugh J.:
Maine Central R. R.
Church, George H.:
Duluth, South Shore & Atlantic Ry.
Clark, A. B.:
Central New England Ry.
Clark, J. Rose:
San Pedro, Los Angeles & Salt Lake R. R.
Clark, Jas. T.:
Chicago, St. Paul, Minneapolis & Omaha Ry.
Clark, L. L.:
Norfolk Southern R. R.
Clark, W. A.:
San Pedro, Los Angeles & Salt Lake R. R.
Clarke, R. D.:
Peoria Ry. Terminal Co.
Clayton, Powell:
Missouri & North Arkansas R. R.
Clement, P. W.:
Rutland R. R.
Clemesha, W. L.:
Pere Marquette R. R.
Clemson, D. M.:
Bessemer & Lake Erie R. R.
Pittsburg, Bessemer & Lake Erie R. R.
Close, R. N. B.:
Seaboard Air Line Ry.
Clothier, Morris L.:
Lehigh Valley R. R.
Clough, W. P.:
Chicago, Burlington & Quincy R. R.
Colorado & Southern Ry.
Northern Pacific Ry.
Clowry, R. C.:
Texas & Pacific Ry.
Clyde, Wm. P.:
Lehigh Valley R. R.
Cobb, Wm. T.:
Maine Central R. R.

Question No. 5—Continued.

Coe, T. U.:
Bangor & Aroostook R. R.
Coe, W. E.:
Virginian Ry.
Cohen, H. L.:
Oklahoma Central R. R.
Collin, Edmund:
El Paso & Southwestern Co.
Cole, W. R.:
Nashville, Chattanooga & St. Louis Ry.
Colgate, Jas., Co.:
Seaboard Air Line Ry.
Colgate, R. R.:
Norfolk Southern R. R.:
Collier, N. C.:
Nashville, Chattanooga & St. Louis Ry.
Colpitts, W. W.:
Kansas City, Mexico & Orient R. R.
Comer, E. T.:
Savannah & Northwestern Ry.
Comstock, W. H.:
San Pedro, Los Angeles & Salt Lake R. R.
Conover, C. H.:
Chicago Great Western R. R.
Cook, Charles Sumner:
Boston & Maine R. R.
Cook, Fred. W.:
International & Great Northern Ry.
Cooke, R. B.:
New York, Philadelphia & Norfolk R. R.
Cooke, W. P.:
New Orleans Great Northern R. R.
Cooper, Henry E.:
Texas & Pacific Ry.
Wabash R. R.
Western Maryland Ry.
Coppell, Arthur:
Cuba R. R.
Denver & Rio Grande R. R.
Corey, W. E.:
Norfolk Southern R. R.
Cotting, Chas. E.:
Boston & Lowell R. R.
Cottingham, G. R.:
Galveston, Harrisburg & San Antonio Ry.
County, A. J.:
Baltimore, Chesapeake & Atlantic Ry.
Cumberland Valley R. R.
Long Island R. R.
New York, Philadelphia & Norfolk R. R.
Northern Central Ry.
Philadelphia, Baltimore & Washington R. R.
West Jersey & Seashore R. R.
Western New York & Pennsylvania R. R.
Couzens, Jas.:
Kansas City, Mexico & Orient R. R.
Cox, C. W.:
Green Bay & Western R. R.
Cox, J. D.:
Cleveland & Pittsburg R. R.
Cox, R. M.:
Nevada-California-Oregon Ry.
Cox, W. R.:
Georgia Southern & Florida Ry.
Coxe, Henry R.:
Lehigh Valley R. R.
Coykendall, R.:
Ulster & Delaware R. R.
Coykendall, Frank:
Ulster & Delaware R. R.
Coykendall, Frederick:
Ulster & Delaware R. R.
Coykendall, H. S.:
Ulster & Delaware R. R.
Coykendall, Thos. C.:
Ulster & Delaware R. R.
Crandall, W. S.:
Missouri, Kansas & Texas Ry.
Crane, B. D.:
Midland Valley R. R.:
Crane, W. Murray:
New York, New Haven & Hartford R. R.
Crane, Zenas:
Boston & Albany R. R.
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Crary, Jerry:
New Orleans Great Northern R. R.
Crawford, W. W.:
Alabama Great Southern R. R.
Cray, Robert:
Quanah, Acme & Pacific Ry.
Creelman, A. R.:
Canadian Pacific Ry.
Crocker, Alvah:
Fitchburg R. R.
Crocker, Chas. T.:
Fitchburg R. R.
Crosby, Geo. H.:
Peoria Ry. Terminal Co.
Cross, W. E.:
Carolina, Atlanta & Western Ry.
Chicago & Eastern Illinois R. R.
Croxton, S. W.:
Cleveland & Pittsburg R. R.
Cullinan, J. S.:
Texas & New Orleans R. R.
Cunningham, Henry V.:
Boston, Revere Beach & Lynn R. R.
Cunningham, J. M.:
St. Louis, Rocky Mountain & Pacific Co.
Curran, D. D.:
Alabama & Vicksburg Ry.
New Orleans & Northeastern R. R.
New Orleans Terminal Co.

Question No. 5—Continued.

Curran, D. D.—Continued.
Vicksburg, Shreveport & Pacific Ry.
Curran, Geo. A.:
Maine Central R. R.
Cuyler, T. De Witt:
Atchison, Topeka & Santa Fe Ry.
Long Island R. R.
New York, New Haven & Hartford R. R.
New York, Ontario & Western Ry.
Pennsylvania R. R.
Rutland R. R.
Western New York & Pennsylvania Ry.
Danforth, W. A.:
Bangor & Aroostook R. R.
Dargan, Geo. E.:
Carolina, Atlantic & Western Ry.
Darlington, H.:
Cleveland & Pittsburg R. R.
Grand Rapids & Indiana Ry.
Pittsburg, Youngstown & Ashtabula Ry.
Darlow, Edw. R.:
Buffalo & Susquehanna R. R. Corp.
Davies, G. W.:
Kansas City, Clinton & Springfield Ry.
Davis, B. F.:
Pere Marquette R. R.
Davis, F. H.:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Minneapolis & St. Louis R. R.
Missouri, Kansas & Texas Ry.
Pittsburg, Shawmut & Northern R. R.
Toledo, St. Louis & Western R. R.
Davis, H. G.:
Coal & Coke Ry.
Davis, J. L.:
New Orleans Great Northern R. R.
Davis, J. M.:
Cincinnati, New Orleans & Texas Pacific Ry.
Terminal R. R. Association of St. Louis.
Davis, J. T.:
Coal & Coke Ry.
Davis, L.:
Boston & Albany R. R.
Dawes, C. M.:
Chicago, Burlington & Quincy R. R.
Toledo, Peoria & Western R. R.
Day, Arthur:
Missouri, Oklahoma & Gulf Ry.
Day, Henry B.:
Boston & Maine R. R.
Dean, A. D.:
Mississippi Central R. R.
Dean, Herbert H.:
Buffalo & Susquehanna R. R. Corp.

De Forest, Henry W.:
Delaware & Hudson Co.
Galveston, Harrisburg & San Antonio Ry.
Houston & Texas Central R. R.
Illinois Central R. R.
Morgan's Louisiana & Texas R. R. & S. S. Co.
Southern Pacific Co.
Texas & New Orleans R. R.
De Forest, Robt. W.:
Central R. R. Co. of New Jersey.
Lehigh & Hudson River Ry.
De Gersdorff, Carl A.:
St. Louis, Brownsville & Mexico Ry.
Delano, F. A.:
Chicago & Western Indiana R. R.
Delano, Warren:
Atlantic Coast Line R. R.
Louisville & Nashville R. R.
Dennis, John B.:
Carolina, Clinchfield & Ohio Ry.
Depew, C. M.:
Canada Southern Ry.
Chicago & Northwestern Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Delaware & Hudson Co.
Michigan Central R. R.
New York Central R. R.
New York Central & Hudson River R. R.
New York, Chicago & St. Louis R. R.
Lake Shore & Michigan Southern Ry.
d'Erlanger, Baron Emile Beaumont:
Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.).
Dewar, W. P.:
Missouri, Oklahoma & Gulf Ry.
Dexter, Philip:
Boston & Lowell R. R.
Dickinson, Edw.:
Kansas City, Mexico & Orient R. R.
Dickinson, W. J.:
Louisville & Nashville R. R.
New Orleans, Mobile & Chicago R. R.
Dickson, Samuel:
Reading Co.
Dinkey, A. C.:
Pittsburg, Bessemer & Lake Erie R. R.
Dixon, Geo. D.:
Baltimore, Chesapeake & Atlantic Ry.
Cumberland Valley R. R.
Lehigh & Hudson River Ry.
Long Island R. R.
Northern Central Ry.

Questions No. 5—Continued.

Dixon, Geo. D.—Continued.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
West Jersey & Seashore R. R.
Dixon, R. B.:
Baltimore, Chesapeake & Atlantic Ry.
Doan, A. C.:
Minneapolis & St. Louis R. R.
Dodge, Cleveland H.:
El Paso & Southwestern Co.
Dodson, C. W.:
Memphis, Dallas & Gulf R. R.
Doherty, James L.:
Boston & Maine R. R.
Donham, Wallace B.:
Carolina, Clinchfield & Ohio Ry.
Donnell, J. J.:
Pittsburgh & Lake Erie R. R.
Donovan, W. O.:
Georgia & Florida Ry.
Doran, Joseph L.:
Norfolk & Western Ry.
Dorchester, C. B.:
Quanah, Acme & Pacific Ry.
Douglas, Alex.:
St. Louis & San Francisco R. R.
Douglas, James:
El Paso & Southwestern Co.
Douglas, Walter:
El Paso & Southwestern Co.
Drake, F. H.:
Louisiana & Arkansas Ry.
Dresser, H. L.:
Duluth, Missabe & Northern Ry.
Drew, Frank:
Florida East Coast Ry.
Drew, George L.:
Florida East Coast Ry.
Duer, B. W.:
Georgia & Florida Ry.
Dufour, W. C.:
New Orleans Terminal Co.
New Orleans, Texas & Mexico R. R.
Dumaine, Frederic C.:
Boston & Maine R. R.
Duncan, E. C.:
Norfolk Southern R. R.
Dunlap, C. K.:
Galveston, Harrisburg & San Antonio Ry.
Dunne, Edward F.:
Illinois Central R. R.
Dunsmuir, James:
Canadian Pacific Ry.
Du Puy, Raymond:
Virginian Ry.
Durban, F. A.:
Cleveland, Akron & Cincinnati Ry.
Durden, F. R.:
Georgia & Florida Ry.
Duval, H. Rieman:
Atchison, Topeka & Santa Fe Ry.

Earling, A. J.:
Chicago, Milwaukee & St. Paul Ry.
Indiana Harbor Belt R. R.
Union Pacific R. R.
Earp, J. B.:
Quanah, Acme & Pacific Ry.
Eastman, Edwin G.:
Boston & Maine R. R.
Eaton, E. F.:
Gulf & Ship Island R. R.
Ecker, Fred H.:
Detroit, Toledo & Ironton R. R.
Edson, J. A.:
Kansas City Southern Ry.
Kansas City Terminal Ry.
Edwards, T. O.:
Central Pacific Ry.
Eldredge, A. B.:
Duluth, South Shore & Atlantic Ry.
Elkins, Davis:
Coal & Coke Ry.
Elliott, Howard:
Central New England Ry.
New York, New Haven & Hartford R. R.
New York, Ontario & Western Ry.
Rutland R. R.
Ellis, J. H.:
Louisville, Henderson & St. Louis Ry.
New Orleans, Mobile & Chicago R. R.
Ellis, Rudolph:
New York, Philadelphia & Norfolk R. R.
Pennsylvania R. R.
Ellyson, J. Taylor:
Richmond, Fredericksburg & Potomac R. R.
Endicott, William C.:
Boston & Lowell R. R.
Engel, E. J.:
St. Louis, Rocky Mountain & Pacific Ry.
English, J. W.:
Atlanta & West Point R. R.
Central of Georgia Ry.
Erb, Newman:
Denver & Salt Lake R. R.
Minneapolis & St. Louis R. R.
Evans, Henry T.:
Kentucky & Indiana Terminal R. R.
Evans, J. H.:
Savannah & Northwestern Ry.
Fahnestock, H. C.:
Delaware, Lackawanna & Western R. R.
Fahnestock, William:
Delaware, Lackawanna & Western R. R.
Fall, J. H.:
Nashville, Chattanooga & St. Louis Ry.

Question No. 9—Continued.

Fargo, J. C.:
Chicago & North Western Ry.
Farlee, Jacob S.:
Buffalo & Susquehanna R. R.
Farnum, C. S.:
Huntington & Broad Top Mountain R. R. & Coal Co.
Farrell, J. A.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Farwell, J. V.:
Chicago & North Western Ry.
Fay, Thornwell:
Morgan's Louisiana & Texas R. R. & S. S. Co.
Texas & New Orleans R. R.
Febiger, C. C.:
Philadelphia, Baltimore & Washington R. R.
Fell, H. E.:
St. Louis, Rocky Mountain & Pacific Ry.
Felton, Samuel M.:
Chicago Great Western R. R.
Kansas City Terminal Ry.
Pere Marquette R. R.
Fenley, Oscar:
Louisville, Henderson & St. Louis Ry.
Fenno, John A.:
Boston, Revere Beach & Lynn R. R.
Ferguson, J. G.:
Louisiana & Arkansas Ry.
Ferguson, Walton:
Detroit & Mackinac Ry.
Field, E. C.:
Chicago, Indianapolis & Louisville Ry.
Field, J. S.:
Chicago, Indiana & Southern R. R.
Chicago, Terre Haute & Southeastern Ry.
Peoria & Eastern Ry.
Field, Stanley:
Chicago, Milwaukee & St. Paul Ry.
Filbert, W. J.:
Duluth, Missabe & Northern Ry.
Elgin, Joliet & Eastern Ry.
Fink, O. N.:
Missouri, Oklahoma & Gulf Ry.
Finkbine, E. C.:
Chicago Great Western R. R.
Fish, Stuyvesant:
Missouri, Kansas & Texas Ry.
Fisher, H. C.:
Atlanta & West Point R. R.
Fitch, W. F.:
Duluth, South Shore & Atlantic Ry.
Wisconsin Central Ry.
Fitzgerald, John:
Terminal R. R. Association of St. Louis.
Fitzhugh, W. H.:
Yazoo & Mississippi Valley R. R.
Fleming, Sir Sanford:
Canadian Pacific Ry.
Follansbee, M. R.:
Erie R. R.
Forsyth, Harry:
Detroit, Toledo & Ironton R. R.
Fordyce, S. W.:
Kansas City Southern Ry.
St. Louis & San Francisco R. R.
Foster, R.:
Boston & Albany R. R.
Fowler, Thomas P.:
Atchison, Topeka & Santa Fe Ry.
Lehigh & Hudson River Ry.
Fox, F. C.:
St. Louis, Rocky Mountain & Pacific Ry.
Foy, C. E.:
Norfolk Southern R. R.
Francis, D. R.:
Missouri & North Arkansas R. R.
Frank, Edwin M.:
Savannah & Northwestern Ry.
Frank, Solomon:
Maryland & Pennsylvania R. R.
Franklin, J. H.:
San Antonio, Uvalde & Gulf R. R.
Franklin, Lewis B.:
Colorado, Wyoming & Eastern Ry.
Franks, R. A.:
Bessemer & Lake Erie R. R.
Pittsburg, Bessemer & Lake Erie R. R.
Frazier, F. P.:
Minneapolis & St. Louis R. R.
Missouri, Kansas & Texas Ry.
Toledo, St. Louis & Western Ry.
Frazier, George H.:
Lehigh & Hudson River Ry.
Freeman, J. W.:
Missouri & North Arkansas R. R.
Freeman, Thomas J.:
International & Great Northern Ry.
Texas & Pacific Ry.
French, Amos T.:
Northern Pacific Ry.
Frew, W. N.:
Pittsburg, Bessemer & Lake Erie R. R.
Frick, H. C.:
Atchison, Topeka & Santa Fe Ry.
Chicago & North Western Ry.
Norfolk & Western Ry.
Pennsylvania R. R.
Philadelphia & Reading Ry.
Reading Co.
Frost, Frederic W.:
Pittsburg, Shawmut & Northern R. R.
Fryer, Robert L.:
Western New York & Pennsylvania Ry.
Fuller, H. C.:
Kanawha & Michigan Ry.

Questions No. 5—Continued.

Fuller, S. L.:
Seaboard Air Line Ry.
Virginian Ry.
Gage, Carl M.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Gahan, E. W.:
Aroostook Construction Co.
Galloway, R. M.:
Chicago, Indianapolis & Louisville Ry.
St. Louis Southwestern Ry.
Southern Ry.
Texas & Pacific Ry.
Wabash R. R.
Gardiner, R. H.:
Boston & Albany R. R.
Gardner, Wm. A.:
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Indiana Harbor Belt R. R.
Peoria & Pekin Union Ry.
Garrett, Robert:
Baltimore & Ohio R. R.
Garrett, W. A.:
Pere Marquette R. R.
Gary, E. H.:
Bessemer & Lake Erie R. R.
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Erie R. R.
Pittsburg, Bessemer & Lake Erie R.R.
Gates, Frederick T.:
Western Maryland Ry.
Geddes, Donald G.:
Chicago, Milwaukee & St. Paul Ry.
Gibbs, G. G.:
Galveston, Harrisburg & San Antonio Ry.
Gibson, N. A.:
Oklahoma Central R. R.
Gilbert S. C.:
Cumberland Valley R. R.
Gillett, L. M.:
New York, Ontario & Western Ry.
Gilman, L. C.:
Spokane, Portland & Seattle Ry.
Given, T. H.:
Pittsburg, Bessemer & Lake Erie R. R.
Gleed, Chas. S.:
Atchison, Topeka & Santa Fe Ry.
Gleason, E. T.:
Chicago, Indiana & Southern R. R.
Peoria & Eastern Ry.
Godfrey, Lincoln:
Pennsylvania R. R.
Godchaux, F. A.:
Morgan's Louisiana & Texas R. R. & S. S. Co.
Goelet, Robert:
Southern Pacific Co.
Wabash R. R.
Goelet, Robert W.:
Illinois Central R. R.
Union Pacific R. R.
Texas & Mississippi Valley R. R.
Goodbody, Thomas R.:
Savannah & Northwestern Ry.
Goodyear, A. C.:
New Orleans Great Northern R. R.
Gordon, W. F.:
Missouri & North Arkansas R. R.
Gortner, William E.:
St. Louis, Rocky Mountain & Pacific Ry.
Gould, Claude W.:
Pittsburg, Shawmut & Northern R. R.
Gould, Edwin:
Colorado Midland Ry.
St. Louis Southwestern Ry.
Texas & Pacific Ry.
Gould, Frank J.:
International & Great Northern Ry.
Texas & Pacific Ry.
Gould, George J.:
Denver & Rio Grande R. R.
Texas & Pacific Ry.
Wabash R. R.
Western Maryland Ry.
Gould, Howard:
Texas & Pacific Ry.
Gould, Kingdon:
Denver & Rio Grande R. R.
International & Great Northern Ry.
Texas & Pacific Ry.
Gould, W. T.:
Nevada-California-Oregon Ry.
Gowen, F. I.:
Midland Valley R. R.
Graham, C. K.:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Granbery, E. C.:
Midland Valley R. R.
Grant, John W.:
Southern Ry.
Graves, Henry, jr.:
Central R. R. Co. of New Jersey.
Gray, Carl R.:
Western Maryland Ry.
Green, F. W.:
Louisiana & Arkansas Ry.
Green, J. P.:
Cleveland & Pittsburg R. R.
Cumberland Valley R. R.
Fort Wayne & Chicago Ry.
Long Island R. R.
New York, Philadelphia & Norfolk R. R.
Norfolk & Western Ry.
Pennsylvania Co.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.

Question No. 5—Continued.

Green, J. P.—Continued.
Vandalia R. R.
West Jersey & Seashore R. R.
Western New York & Pennsylvania Ry.
Greene, Jerome D.:
Western Maryland Ry.
Grieg, A. S.:
St. Louis & San Francisco R. R.
Gresham, T. B.:
Georgia Southern & Florida Ry.
Grier, T. A.:
Peoria Ry. Terminal Co.
Grim, W. R.:
Louisiana & Arkansas Ry.
Grimston, Viscount:
Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.).
Grisch, Oscar:
Buffalo, Rochester & Pittsburgh Ry.
Griswold, R. H., jr.:
Maryland & Pennsylvania R. R.
Groff, Robert H.:
Richmond-Washington Co.
Gross, H. J.:
Norfolk Southern R. R.
Guinness, B. S.:
Kansas City Southern Ry.
Hackney, Leonard J.:
Cleveland, Cincinnati, Chicago & St. Louis Ry.
New York Central R. R.
Hadley, Arthur T.:
New York, New Haven & Hartford R. R.
Haff, D. J.:
Kansas City, Mexico & Orient R. R.
Hale, Arthur H.:
Concord & Montreal R. R.
Hall, Charles P.:
Boston & Maine R. R.
Hall, Henry:
Mobile & Ohio R. R.
Hall, H. F.:
Kansas City, Mexico & Orient R. R.
Halsall, W. F.:
Boston, Revere Beach & Lynn R. R.
Hamilton, Alexander:
Atlantic Coast Line R. R.
Louisville & Nashville R. R.
Richmond, Fredericksburg & Potomac R. R.
Hamilton, Charles:
Nevada-California-Oregon Ry.
Hamilton, T. B.:
Terminal R. R. Association of St. Louis.
Hamilton William P.:
Erie R. R.
New York, Susquehanna & Western R. R.
Hamlin, C. C.:
Colorado Central Co.
Hancock, J. D.:
Pittsburgh, Youngstown & Ashtabula Ry.
Hand, D. R.:
Mississippi Central R. R.
Hannaford, J. M.:
Chicago, Burlington & Quincy R. R.
Northern Pacific Ry.
Spokane, Portland & Seattle Ry.
Harrahan, W. J.:
Richmond, Fredericksburg & Potomac R. R.
Richmond-Washington Co.
Seaboard Air Line Ry.
Harding, J. H.:
Central New England Ry.
New York, New Haven & Hartford R. R.
Southern Pacific Co.
Wabash R. R.
Harkness, C. W.:
Chicago, Milwaukee & St. Paul Ry.
Southern Pacific Co.
Harriman, J. W.:
Norfolk Southern R. R.
Harriman, W. Averell:
Baltimore & Ohio R. R.
Illinois Central R. R.
Union Pacific R. R.
Harris, B. H.:
Chicago, Milwaukee & Gary Ry.
Harris, George B.:
Chicago, Burlington & Quincy R. R.
Colorado & Southern Ry.
Harris, John F.:
St. Louis & San Francisco R. R.
Harrison, C. C.:
Philadelphia & Reading Ry.
Reading Co.
Harrison, Fairfax:
Alabama Great Southern R. R.
Chicago, Indianapolis & Louisville Ry.
Cincinnati, New Orleans & Texas Pacific Ry.
Georgia Southern & Florida Ry.
Mobile & Ohio R. R.
Richmond, Fredericksburg & Potomac R. R.
Richmond-Washington Co.
Southern Ry.
Virginia & Southwestern Ry.
Hart, L. S.:
New Orleans Great Northern R. R.
Harvey, W. V.:
Alabama & Vicksburg Ry.
Hawley, James D.:
Detroit & Mackinac Ry.
Hebden, R. Y.:
Duluth, South Shore & Atlantic Ry.

Question No. 5—Continued.

Hellner, Samuel:
Colorado, Wyoming & Eastern Ry.
Heitman, F. A.:
Houston & Texas Central R. R.
Helm, John L.:
Louisville, Henderson & St. Louis Ry.
Hemingway, J. S.:
Central New England Ry.
Hemingway, W. L.:
Missouri & North Arkansas R. R.
Hemphill, A. J.:
St. Louis Southwestern Ry.
Henderson, C. C.:
Memphis, Dallas & Gulf R. R.
Hendley, C. M.:
Coal & Coke Ry.
Henry, John J.:
Western New York & Pennsylvania Ry.
Herbert, J. M.:
Colorado, Wyoming & Eastern Ry.
Herrin, William F.:
Central Pacific Ry.
Northwestern Pacific R. R.
South Pacific Coast Ry.
Heuermann, George W.:
San Antonio & Aransas Pass Ry.
Hewitt, Erskine:
St. Louis, Rocky Mountain & Pacific Co.
Hiester, Isaac:
Reading Co.
Higgins, R. H.:
Mississippi Central R. R.
Higginson, Francis L.:
Boston & Lowell R. R.
Hill, James J.:
Colorado & Southern Ry.
Hill, James N.:
Colorado & Southern Ry.
Northern Pacific Ry.
Hill, L. W.:
Chicago, Burlington & Quincy R. R.
Hilliard, C. W.:
New Orleans, Mobile & Chicago R. R.
Hine, F. L.:
Rock Island Co.
Chicago, Rock Island & Pacific Ry.
Hines, Walker D.:
Atchison, Topeka & Santa Fe Ry.
Hitch, R. M.:
Savannah & Northwestern Ry.
Holden, Hale:
Chicago, Burlington & Quincy R. R.
Colorado & Southern Ry.
Kansas City Terminal Ry.
Toledo, Peoria & Western Ry.
Holland, W. P.:
Yazoo & Mississippi Valley R. R.
Holt, Charles S.:
Chicago & Eastern Illinois R. R.
Holt, Herbert S.:
Canadian Pacific Ry.
Hood, William:
Canadian Pacific Ry.
Hopkins, Guy:
Morgan's Louisiana & Texas R. R. & S. S. Co.
Hopkins, W. R.:
Cleveland Short Line Ry.
Horan, James F.:
Atlanta, Birmingham & Atlantic R. R.
Horton, W. R.:
Peoria & Pekin Union Ry.
Hosmer, Charles R.:
Canadian Pacific Ry.
Hoschkiss, C. W.:
Virginian Ry.
Houston, A. W.:
San Antonio & Aransas Pass Ry.
Howard, A. R.:
International & Great Northern Ry.
Howard, A. W.:
Chicago, Terre Haute & Southeastern Ry.
Howard, R. H.:
New Orleans Great Northern R. R.
Howell, John W.:
Midland Valley R. R.
Hoyt, James H.:
Hocking Valley Ry.
Hubbard, Thomas H.:
Toledo, St. Louis & Western R. R.
Wabash R. R.
Hudson, R. N.:
Louisville, Henderson & St. Louis Ry.
Huffer, J. C., jr.:
Georgia & Florida Ry.
Hughart, J. H. P.:
Grand Rapids & Indiana Ry.
Hughitt, Marvin:
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Indiana Harbor Belt R. R.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Union Pacific R. R.
Lake Shore & Michigan Southern Ry.
Humphrey, Alex P.:
Kentucky & Indiana Terminal R. R.
Hunter, John H.:
Savannah & Northwestern Ry.

Huntington, P. R.:
Hocking Valley Ry.
Huntington, H. E.:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Minneapolis & St. Louis R. R.
Missouri, Kansas & Texas Ry.
Southern Pacific Co.
Toledo, St. Louis & Western R. R.
Huntsman, O. R.:
Texas & Pacific Ry.
Hurdle, Frederick:
Kansas City, Mexico & Orient R. R.
Hurley, E. N.:
Chicago Great Western R. R.
Hurst, W. C.:
Peoria & Pekin Union Ry.
Hustis, James H.:
Boston & Maine R. R.
Hutchins, C.:
Colorado, Wyoming & Eastern Ry.
Hutchins, J. C.:
Illinois Southern Ry.
Hutchinson, J. B.:
Baltimore, Chesapeake & Atlantic Ry.
Hyams, G. M.:
Virginian Ry.
Hyde, John S.:
Maine Central R. R.
Imbrie, James:
Savannah & Northwestern Ry.
Ingersoll, C. R.:
Midland Valley R. R.
Pennsylvania R. R.
Irvine, William:
Wisconsin Central Ry.
Irwin, W. T.:
Peoria Ry. Terminal Co.
Iselin, Adrian, jr.:
Buffalo, Rochester & Pittsburg Ry.
Chicago, Indianapolis & Louisville Ry.
Mobile & Ohio R. R.
Southern Ry.
Iselin, C. O'D.:
Buffalo, Rochester & Pittsburg Ry.
Iselin, Ernest:
Buffalo, Rochester & Pittsburg Ry.
Mobile & Ohio R. R.
Iselin, O'Donnell:
Buffalo, Rochester & Pittsburg Ry.
Iselin, William E.:
Buffalo, Rochester & Pittsburg Ry.
Jackson, R. A.:
Norfolk Southern R. R.
Jackson, R. A.:
Chicago, Burlington & Quincy R. R.
Jackson, W. J.:
Chicago & Eastern Illinois R. R.
Chicago & Western Indiana R. R.
Jaques, E. R.:
Central of Georgia Ry.
Jaffray, C. T.:
Wisconsin Central Ry.
James A. Curtiss:
Rock Island Co.
Chicago, Rock Island & Pacific Ry.
El Paso & Southwestern Co.
Northern Pacific Ry.
James, C. H.:
Central of Georgia Ry.
James, C. L.:
New Orleans Great Northern R. R.
James, N.:
Northern Central Ry.
Jarvis, George T.:
Rutland R. R.
Jarvis, J. N.:
Southern Pacific Co.
Jeffery, E. T.:
Colorado Midland Ry.
Denver & Rio Grande R. R.
Texas & Pacific Ry.
Wabash R. R.
Jemison, Robert:
Alabama Great Southern R. R.
Southern Ry. Co.
Jenkins, George C.:
Maryland & Pennsylvania R. R.
Jenkins, Michael:
Atlantic Coast Line R. R.
Louisville & Nashville R. R.
Northern Central Ry
Jenks, John S., jr.:
Midland Valley R. R.
Jerome, Frank J.:
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.
Cleveland Short Line Ry.
New York Central R. R.
Jobes, A. C.:
Atchison, Topeka & Santa Fe Ry.
Johnson, L. E.:
Norfolk & Western Ry.
Johnson, W. O.:
Chicago & Western Indiana R. R.
Johnson, W. T.:
Kansas City, Clinton & Springfield Ry.
Jones, C. D.:
Mississippi Central R. R.
Jones, Charles H.:
Kansas City, Mexico & Orient R. R.
Jones, F. J.:
Cleveland & Pittsburg R. R.
Jones, G. R.:
Gulf & Ship Island R. R.
Jones, Howel:
Atchison, Topeka & Santa Fe Ry.
Jones, J. H.:
Houston & Texas Central R. R.
International & Great Northern Ry.
Jones, J. T.:
Gulf & Ship Island R. R.

Question No. 5—Continued.

Jones, Lars A.:
Alabama & Vicksburg Ry.
New Orleans & Northeastern R. R.
New Orleans Terminal Co.
Vicksburg, Shreveport & Pacific Ry.
Jones, M. H.:
Gulf & Ship Island R. R. Co.
Jones, P.:
Cleveland, Akron & Cincinnati R. R.
Jordan, J. A.:
Green Bay & Western R. R.
Juilliard, A. D.:
Atchison, Topeka & Santa Fe R. R.
Kahn, Otto H.:
Union Pacific R. R.
Kaul, J. L.:
Alabama Great Southern R. R.
Kean, Hamilton F.:
Buffalo, Rochester & Pittsburg Ry.
Kearney, E. F.:
Texas & Pacific Ry.
Kearns, Thomas:
San Pedro, Los Angeles & Salt Lake R. R.
Keefe, J. S.:
Missouri, Oklahoma & Gulf Ry.
Keeley, W. V.:
Chicago, Burlington & Quincy R. R.
Keep, Chauncey:
Chicago & Eastern Illinois R. R.
Chicago & North Western Ry.
Kelley, Howard G.:
Chicago & Western Indiana R. R.
Kemper, W. T.:
Kansas City, Mexico & Orient R. R.
Kempton, E. S.:
Duluth, Missabe & Northern Ry.
Kennedy, M. C.:
Cumberland Valley R. R.
Norfolk & Western Ry.
Kennedy, S. G.:
St. Louis, Brownsville & Mexico Ry.
Kenefick, William:
Missouri, Oklahoma & Gulf Ry.
Kepler, G. W.:
Bessemer & Lake Erie R. R.
Pittsburg, Bessemer & Lake Erie R. R.
Kerckhoff, W. G.:
San Pedro, Los Angeles & Salt Lake R. R.
Kerens, R. C.:
Coal & Coke Ry.
San Pedro, Los Angeles & Salt Lake R. R.
Kerr, D. G.:
Bessemer & Lake Erie R. R.
Duluth, Missabe & Northern Ry.
Pittsburg, Bessemer & Lake Erie R. R.
Kerr, John B.:
New York, Ontario & Western Ry. Co.
Keyser, R. Brent:
Baltimore & Ohio R. R.
Kilgo, John C.:
Southern Ry. Co.
Kimball, David P.:
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Kimball, Benjamin A.:
Concord & Montreal R. R.
Kimball, George M.:
Concord & Montreal R. R.
King, G. L.:
Central Pacific Ry.
South Pacific Coast Ry.
King, W. V.:
Kansas City, Mexico & Orient R. R.
Kinnear, Wilson S.:
Seaboard Air Line Ry.
Kirby, Fred M.:
Lehigh Valley R. R.
Mississippi Central R. R.
Kittredge, E. W.:
Cincinnati, New Orleans & Texas Pacific Ry.
Kleburg, Robert J.:
St. Louis, Brownsville & Mexico Ry.
Knapp, K. K.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Knowlton, Marcus P.:
Boston & Maine R. R. Co.
Knox, S. H.:
Mississippi Central R. R.
Koehler, Hugo A.:
St. Louis, Rocky Mountain & Pacific Co.
Koehler, Max:
St. Louis, Rocky Mountain & Pacific Co.
Koontz, F. L.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Krauthoff, Louis G.:
Chicago & Alton R. R.
Krech, Alvin W.:
Chicago & Eastern Illinois R. R.
Norfolk Southern R. R.
Wabash R. R.
Western Maryland Ry. Co.
Kruttschnitt, Julius:
Chicago & Alton R. R.
Galveston, Harrisburg & San Antonio Ry.
Houston & Texas Central.
Morgan's Louisiana & Texas R. R. & S. S. Co.

Question No. 5—Continued.

Kruttschnitt, Julius—Continued.
Southern Pacific Co.
Texas & New Orleans R. R.
Kurns, J. M.:
Detroit, Toledo & Ironton R. R.
Kurrie, H. R.:
Chicago, Indianapolis & Louisville Ry.
Lamb, E. T.:
Atlanta, Birmingham & Atlantic R. R.
Lamont, Thomas W.:
Northern Pacific Ry. Co.
Lane, Mills B.:
Seaboard Air Line Ry.
Savannah & Northwestern Ry.
Lane, W. C.:
Alabama Great Southern R. R.
Virginia & Southwestern Ry.
Lanier, C.:
Cleveland & Pittsburg.
Fort Wayne & Chicago Ry.
Southern Ry. Co.
Lawlor, Oscar:
San Pedro, Los Angeles & Salt Lake R. R.
Lawton, A. R.:
Atlanta & West Point R. R. Co.
Central of Georgia Ry.
Western Ry. of Alabama.
Lazarus, Sam:
Quanah, Acme & Pacific Ry.
Lea, Preston:
Philadelphia, Baltimore & Washington R. R.
Ledyard, H. B.:
Canada Southern Ry.
Indiana Harbor Belt R. R. Co.
Michigan Central R. R. Co.
Ledyard, L. C.:
Canada Southern Ry.
Pittsburg, Fort Wayne & Chicago R. R.
Michigan Central R. R. Co.
Northern Pacific Ry. Co.
Lee, Arthur:
Coal & Coke Ry.
Lee, F. B.:
West Jersey & Seashore R. R.
Leiper, C. I.:
New York, Philadelphia & Norfolk R. R.
Lemann, Myer:
New Orleans & Northeastern R. R.
Leming, M. E.:
San Antonio, Uvalde & Gulf R. R.
Leonard, J. C.:
Baltimore, Chesapeake & Atlantic Ry.
Leonard, W. R.:
Gulf & Ship Island R. R. Co.
Lesley, Geo. H.:
Oklahoma Central R. R.
Lewis, E. C.:
Nashville, Chattanooga & St. Louis Ry.
Lewis, Weston:
Maine Central R. R.
Lightner, A. D.:
New Orleans, Texas & Mexico R. R.
Linen, J. A.:
Delaware & Hudson Co.
Lisman, F. J.:
Oklahoma Central R. R.
Loesch, F. J.:
South Chicago & Southern R. R.
Lombard, G. M.:
Georgia & Florida Ry.
Long, E. C.:
Georgia Southern & Florida Ry.
Long, G. D.:
Florida East Coast Ry.
Loree, L. F.:
Baltimore & Ohio R. R.
Cincinnati, Hamilton & Dayton Ry.
Delaware & Hudson Co.
Erie R. R.
Seaboard Air Line Ry.
Kansas City Southern Ry.
New York, Ontario & Western Ry. Co.
Southern Pacific Co.
Louis, W. L.:
Elgin, Joliet & Eastern Ry.
Lovelace, F. L.:
New York, Ontario & Western Ry.
Lovett, R. S.:
Central of Georgia Ry.
Chicago & Alton R. R.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Delaware & Hudson Co.
Illinois Central R. R.
Lake Erie & Western R. R. Co.
New York Central R. R.
New York Central & Hudson River R. R.
New York, Chicago & St. Louis R. R.
San Pedro, Los Angeles & Salt Lake R. R.
Union Pacific R. R.
Yazoo & Mississippi Valley R. R.
Low, jr., W. G.:
Savannah & Northwestern Ry.
Lowry, Horace:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Lowry, Robert J.:
Atlanta, Birmingham & Atlantic R. R.
Lucas, John R.:
Kansas City, Clinton & Springfield Ry.
Lucas, William G.:
Kansas City, Clinton & Springfield Ry.
Luttgen, Walter:
Illinois Central R. R.

Question No. 5—Continued.

Lyerly, C. A.:
Alabama Great Southern R. R.
Lyford, W. H.:
Chicago & Eastern Illinois R. R.
Lyman, Arthur:
Boston & Lowell R. R.
Lynde, S. C.:
Chicago, St. Paul, Minneapolis & Omaha Ry.
Lyon, J. D.:
Pittsburgh & Lake Erie R. R.
MacKie, J. Steuart:
Chicago & Alton R. R.
Toledo, St. Louis & Western R. R.
MacMillan, F. C.:
San Antonio, Uvalde & Gulf R. R.
MacNeill, C. M.:
Cripple Creek Central Ry.
MacRae, Donald:
Atlantic Coast Line R. R.
McAllister, Rutherford:
Buffalo & Susquehanna R. R. Corp.
McBurney, E. P.:
Georgia Southern & Florida Ry.
McCabe, D. T.:
Cleveland, Akron & Cincinnati Ry.
Grand Rapids & Indiana Ry.
Pennsylvania Co.
Pittsburg, Youngstown & Ashtabula Ry.
Vandalia R. R.
McCarty, R. E.:
Cleveland, Akron & Cincinnati Ry.
McCaw, J. N.:
Georgia Southern & Florida Ry.
McChesney, Jr., W. G.:
Terminal R. R. Association of St. Louis.
McCloskey, Hugh:
Morgan's Louisiana & Texas R. R. & S. S. Co.
McCormack, G. B.:
Central of Georgia Ry.
McCormick, C. H.:
Chicago & North Western Ry.
McCormick, E. O.:
Central Pacific Ry.
Northwestern Pacific R. R.
South Pacific Coast Ry.
McCullough, C.:
Pittsburg, Fort Wayne & Chicago Ry.
McCullough, John G.:
Atchison, Topeka & Santa Fe Ry.
Erie R. R.
New York, Susquehanna & Western R. R.
McDonald, Morris:
Maine Central R. R.
McGarrah, G. W.:
Erie R. R.
New York, Susquehanna & Western R. R.
McGonagle, W. A.:
Duluth, Missabe & Northern Ry.
McHarg, Henry K.:
Detroit & Mackinac Ry.
New York, New Haven & Hartford R. R.
New York, Ontario & Western Ry.
McHarg, Henry K., Jr.:
Detroit & Mackinac Ry.
McIntyre, William H.:
San Antonio & Aransas Pass R. R.
McKean, Henry P.:
Reading Co.
McLean, Benjamin F.:
Kansas City, Mexico & Orient R. R.
McLean, James:
Chicago, Rock Island & Pacific Ry.
El Paso & Southwestern Co.
Rock Island Co.
McManus, P. L.:
Kentucky & Indiana Terminal R. R.
McMillan, J. D.:
Wisconsin Central Ry.
McMurtry, George G.:
Chicago, Rock Island & Pacific Ry.
Rock Island Co.
McNair, E. O.:
Cripple Creek Central Ry.
McNicoll, David:
Canadian Pacific Ry.
McRoberts, Samuel:
Chicago, Milwaukee & St. Paul Ry.
Kansas City Southern Ry.
Virginian Ry.
McSwiney, W. P.:
Chicago, Milwaukee & Gary Ry.
Macdowell, William G.:
Norfolk & Western Ry.
Mackall, W. W.:
Atlantic Coast Line R. R.
Mackay, Robert:
Canadian Pacific Ry.
Macomber, George E.:
Maine Central R. R.
Macy, George H.:
St. Louis Southwestern Ry.
Maddox, Robert F.:
Seaboard Air Line Ry.
Madeira, Percy:
Buffalo & Susquehanna R. R. Corp.
Maher, N. D.:
Norfolk & Western Ry.
Mallory, W. R.:
Yazoo & Mississippi Valley R. R.
Maloney, Walter J.:
Detroit, Toledo & Ironton R. R.
Malcott, V. T.:
Vandalia R. R.
Mann, Isaac T.:
Carolina, Clinchfield & Ohio Ry.

Question No. 5—Continued.

Mansfield, Howard:
Cuba R. R.
Mapother, W. L.:
Louisville & Nashville R. R.
Louisville, Henderson & St. Louis Ry.
Markham, C. H.:
Central of Georgia Ry.
Illinois Central R. R.
Peoria & Pekin Union Ry.
Yazoo & Mississippi Valley R. R.
Marston, Edgar L.:
Denver & Rio Grande R. R.
Western Maryland Ry.
Marston, E. S.:
Virginian Ry.
Martin, W. L.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Wisconsin Central Ry.
Mather, W. G.:
Cleveland & Pittsburg R. R.
Matteson, Frank W.:
New York, New Haven & Hartford R. R.
Matthews, S. C.:
Colorado Midland Ry.
Matthews, W. D.:
Canadian Pacific Ry.
Maxwell, Francis T.:
New York, New Haven & Hartford R. R.
New York, Ontario & Western Ry.
Maxwell, Howard W.:
Central R. R. of New Jersey.
May, Augustus L.:
New York, New Haven & Hartford R. R.
Meldrum, N. S.:
Seaboard Air Line Ry.
Merriam, Seward L.:
Perre Marquette R. R.
Merryday, W. A.:
Georgia Southern & Florida Ry.
Meyers, W. H.:
Baltimore, Chesapeake & Atlantic Ry.
Michaelson, Herman:
Cuba R. R.
Middendorf, J. Wm.:
Seaboard Air Line Ry.
Milbank, Dunlevy:
Texas & Pacific Ry.
Miller, Andrew J.:
Kansas City Southern Ry.
Rock Island Co.
Miller, Homer A.:
Chicago & North Western Ry.
Miller, H. I.:
Buffalo & Susquehanna R. R. Corp.
New Orleans Great Northern R. R.
Miller, H. W.:
Kentucky & Indiana Terminal R. R.
Miller, T. F.:
San Pedro, Los Angeles & Salt Lake R. R.
Milligan, Edward:
New York, New Haven & Hartford R. R.
New York, Ontario & Western Ry.
Milliken, Chas. A.:
Bangor & Aroostook R. R.
Mills, Geo. J.:
Central of Georgia Ry.
Mills, Ogden:
Chicago, Rock Island & Pacific Ry.
Erie R. R.
New York Central & Hudson River R. R.
New York Central R. R.
Rock Island Co.
Southern Pacific Co.
Mitchell, John J.:
Chicago & Alton R. R.
Chicago, Rock Island & Pacific Ry.
Colorado & Southern Ry.
Kansas City Southern Ry.
Pittsburgh, Fort Wayne & Chicago Ry.
Mohler, A. L.:
Kansas City Terminal Ry.
Monroe, J. Blanc:
New Orleans & Northeastern R. R.
Vicksburg, Shreveport & Pacific Ry.
Monserrate, M. D.:
San Antonio & Aransas Pass Ry.
Monson, Lord:
Kansas City, Mexico & Orient R. R.
Moon, Dewitt C.:
Cleveland Short Line Ry.
Moore, Edward S.:
Chicago, Rock Island & Pacific Ry.
Lehigh Valley R. R.
Rock Island Co.
Moore, Henry:
Louisiana & Arkansas Ry.
Moore, Jas. H.:
Chicago, Rock Island & Pacific R. R.
Chicago, Rock Island & Pacific Ry.
Rock Island Co.
Moore, Paul:
Rock Island Co.
Moore, Wm. H.:
Chicago, Rock Island & Pacific Ry.
Delaware, Lackawanna & Western R. R.
Lehigh Valley R. R.
Rock Island Co.
Moran, A. D.:
Detroit & Mackinac Ry.
Nevada-California-Oregon Ry.

Question No. 5—Continued.

Moran, Chas.:
Nevada-California-Oregon Ry.
Morewetz, Victor:
Norfolk & Western Ry.
Morgan, J. P.:
Northern Pacific Ry.
Morris, E. B.:
Pennsylvania Co.
Pennsylvania R. R.
Morrison, Thos.:
Pittsburgh, Bessemer & Lake Erie R. R.
Morrison, Wm. H.:
Pittsburgh, Youngstown & Ashtabula Ry.
Morron, John R.:
Baltimore & Ohio R. R.
Chicago Great Western R. R.
Morrow, Walter K.:
International & Great Northern Ry.
Morse, E. R.:
Rutland R. R.
Morton, Joy:
Chicago & Alton R. R.
Moses, Wm. H.:
Concord & Montreal R. R.
Mudge, H. U.:
Chicago, Rock Island & Pacific Ry.
Mulvane, J. R.:
Kansas City, Mexico & Orient R. R.
Munn, J. P.:
Texas & Pacific Ry.
Munson, J. R.:
Georgia Southern & Florida Ry.
Murdock, S. T.:
Chicago, Indianapolis & Louisville Ry.
Murphy, J. E.:
Central of Georgia Ry.
Murray, Oscar G.:
Baltimore & Ohio R. R.
Cincinnati, Hamilton & Dayton Ry.
Cincinnati, New Orleans & Texas Pacific.
Myers, W. H.:
New York, Philadelphia & Norfolk R. R.
Northern Central Ry.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
West Jersey & Seashore R. R.
Nance, O. H.:
St. Louis, Brownsville & Mexico Ry.
Nanton, A. M.:
Canadian Pacific Ry.
Neff, N.:
Cleveland, Akron & Cincinnati Ry.
Nelson, C. C.:
Kansas City, Clinton & Springfield Ry.
Nelson, J. M.:
Haiti, Chesapeake & Atlantic Ry.
Nesbitt, Abram:
Lehigh Valley R. R.
Newbold, A. E.:
Midland Valley R. R.
Newcomer, Waldo:
Atlantic Coast Line R. R.
Northern Central Ry.
Newell, G. R.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Newman, W. H.:
Canada Southern Ry.
Chicago, Indiana & Southern R. R.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Cleveland Short Line Ry.
Indiana Harbor Belt R. R.
Lake Erie & Western R. R.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.
Rutland R. R.
Lake Shore & Michigan Southern Ry.
Ney, Rudolph:
Midland Valley R. R.
Nicols, Edw. T.:
Colorado & Southern Ry.
Nicholson, S. M.:
Norfolk Southern R. R.
Nicoll, Benjamin:
Texas & Pacific Ry.
Niles, Henry C.:
Maryland & Pennsylvania R. R.
Niven, J. B.:
Kansas City, Mexico & Orient R. R.
Nixon, W. C.:
Kansas City Terminal Ry.
New Orleans, Mobile & Chicago R. R.
New Orleans, Texas & Mexico R. R.
St. Louis & San Francisco R. R.
Terminal R. R. Association of St. Louis.
Noonan, W. T.:
Buffalo, Rochester & Pittsburg Ry.
Norton, Porter:
Western New York & Pennsylvania Ry.
Oak, C. E.:
Bangor & Aroostook R. R.
Oakman, W. G.:
Alabama Great Southern R. R.
Buffalo, Rochester & Pittsburg Ry.
Long Island R. R.
Louisville & Nashville R. R.
Odell, J. T.:
Pittsburg, Bessemer & Lake Erie R. R.

QUESTION No. 5—Continued.

Officer, A. H.:
St. Louis, Rocky Mountain & Pacific Co.
Ogden, Isaac G.:
Duluth, South Shore & Atlantic Ry.
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Oglesby, Ira D.:
Midland Valley R. R.
Oglesby, Ira D., Jr.:
Midland Valley R. R.
Olcott, W. J.:
Duluth, Missabe & Northern Ry.
Olyphant, R. M.:
Delaware & Hudson Co.
Opdyke, Wm. S.:
Delaware & Hudson Co.
Osborn, Wm. Church:
Detroit, Toledo & Ironton R. R.
El Paso & Southwestern Co.
Osler, Sir Edmund B.:
Canadian Pacific Ry.
Owen, Carl M.:
Colorado, Wyoming & Eastern Ry.
Owen, W. F.:
New Orleans, Mobile & Chicago R. R.:
Palmer, Edgar:
Green Bay & Western R. R.
Palmer, W. S.:
Northwestern Pacific R. R.
Park, W. L.:
Peoria & Pekin Union Ry.
Terminal R. R. Association of St. Louis.
Parker, A. D.:
Colorado & Southern Ry.
Parker, E. B.:
Galveston, Harrisburg & San Antonio Ry.
Texas & New Orleans R. R.
Parker, Walter M.:
Concord & Montreal R. R.
Parrott, G. W.:
Georgia Southern & Florida Ry.
Patterson, C. S.:
Pennsylvania Co.
Pennsylvania R. R.
Patton, Wm. A.:
New York, Philadelphia & Norfolk R. R.
Paul, Drexel A. J.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Paul, R. H.:
Florida East Coast Ry.
Payson, A. H.:
Northwestern Pacific R. R.
Peabody, Chas. A.:
Baltimore & Ohio R. R.
Central of Georgia Ry.
Delaware & Hudson Co.
Illinois Central R. R.
Pittsburg, Fort Wayne & Chicago Ry.

Peabody, Chas. A.—Continued.
Union Pacific R. R.
Yazoo & Mississippi Valley R. R.
Pearson, E. J.:
Kansas City Terminal Ry.
Terminal R. R. Association of St. Louis.
Pearson, F. S.:
Denver & Salt Lake R. R.
Pearson, Ward E.:
Minneapolis & St. Louis R. R.
Peck, E. S.:
Mississippi Central R. R.
Peck, F. L.:
Mississippi Central R. R.
Peck, G. L.:
Cleveland, Akron & Cincinnati Ry.
Grand Rapids & Indiana Ry.
Pennsylvania Co.
Pittsburgh, Youngstown & Ashtabula Ry.
Vandalia R. R.
Peck, William H.:
Duluth, South Shore & Atlantic Ry.
Pendleton, A. S.:
Georgia Southern & Florida Ry.
Pennington, E.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Wisconsin Central Ry.
Penrose, Spencer:
Cripple Creek Central Ry.
Perkins, A. T.:
Chicago, Milwaukee & Gary Ry.
Missouri & North Arkansas R. R.
St. Louis, Brownsville & Mexico Ry.
Perkins, Charles E.:
Chicago, Burlington & Quincy R. R.
Perkins, E. B.:
Cleveland & Pittsburgh R. R.
Pittsburgh, Fort Wayne & Chicago Ry.
Perkins, G. W.:
Cincinnati, Hamilton & Dayton Ry.
Erie R. R.
Perry, E. J.:
Kansas City, Clinton & Springfield Ry.
Perry, M. J.:
Norfolk Southern R. R.
Peter, James R.:
Perre Marquette R. R.
Peter, J. S.:
San Antonio & Aransas Pass Ry.
Peters, Ralph:
Long Island R. R.
Petit, L. J.:
Chicago, Milwaukee & St. Paul Ry.
Peyton, J. H.:
Nashville, Chattanooga & St. Louis Ry.

Question No. 5—Continued.

Phipps, Lawrence C.:
Denver & Salt Lake R. R.
Pierce, H. H.:
St. Louis & San Francisco R. R.
Pierce, W. R.:
Colorado Midland Ry.
St. Louis Southwestern Ry.
Wabash R. R.
Pillot, C. G.:
Texas & New Orleans R. R.
Pillsbury, C. S.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Pillsbury, E. S.:
Northwestern Pacific R. R.
Pillsbury, J. S.:
Wisconsin Central Ry.
Pinkney, H. K.:
Peoria & Pekin Union Ry.
Plant, M. F.:
Atlantic Coast Line R. R.
Chicago, Indianapolis & Louisville Ry.
Pleasants, William H.:
Central of Georgia Ry.
Pomeroy, Robert W.:
Erie R. R.
Ponder, A. R.:
San Antonio, Uvalde & Gulf R. R.
Ponsonby, C. W.:
Alabama, New Orleans, Texas & Pacific Junction Rys. (Ltd.).
Poor, A. J.:
Missouri, Kansas & Texas Ry.
Porter, Charles:
Chicago, Terre Haute & Southeastern Ry.
Porter, George F.:
Chicago & Eastern Illinois R. R.
Porter, H. H.:
Chicago & Eastern Illinois R. R.
Porter, J. T.:
Mississippi Central R. R.
Porter, William H.:
Pere Marquette R. R.
Potter, Mark W.:
Cumberland Corp.
Powell, G. M.:
Florida East Coast Ry.
Powell, T. C.:
Alabama Great Southern R. R.
Cincinnati, New Orleans & Texas Pacific Ry.
Terminal R. R. Association of St. Louis.
Powell, R. T.:
Midland Valley R. R.
Powers, R. H.:
Gulf & Ship Island R. R.
Pratt, C. M.:
Long Island R. R.
Pratt, John T.:
New York, New Haven & Hartford R. R.
Prendergast, James M.:
Boston & Maine R. R.
Prentice, John H.:
Alabama Great Southern R. R.
Virginia & Southwestern Ry.
Preston, Henry M.:
Vicksburg, Shreveport & Pacific Ry.
Price, G. E.:
Coal & Coke Ry.
Priest, George T.:
Kansas City, Clinton & Springfield Ry.
Priest, H. S.:
Kansas City, Clinton & Springfield Ry.
Prince, F. H.:
Pere Marquette R. R.
Pritchett, H. S.:
Atchison, Topeka & Santa Fe Ry.
Proctor, William C.:
Cincinnati, New Orleans & Texas Pacific Ry.
Prouty, George H.:
Boston & Maine R. R.
Pruyn, R. C.:
Delaware & Hudson Co.
Pryor, E. B.:
Chicago & Western Indiana R. R.
Kansas City Terminal Ry.
Terminal R. R. Association of St. Louis.
Wabash R. R.
Pryor, J. T.:
San Antonio, Uvalde & Gulf R. R.
Pryor, S. F.:
Denver & Rio Grande R. R.
Pyeatt, J. S.:
New Orleans, Texas & Mexico R. R.
St. Louis, Brownsville & Mexico Ry.
Pyne, M. T.:
Delaware, Lackawanna & Western R. R.
Quinlan, J. J.:
Chicago, Rock Island & Pacific R. R.
Rock Island Co.
Quinn, F. K.:
Oklahoma Central R. R.
Ramsay, J. B.:
Philadelphia, Baltimore & Washington R. R.
Ramsey, A. O.:
Memphis, Dallas & Gulf R. R.
Ramsey, John P.:
Chicago, Peoria & St. Louis R. R.
Randall, B.:
Philadelphia, Baltimore & Washington R. R.
Randolph, Edmund B.:
Southern Ry.
Randolph, G. H.:
Cincinnati, Hamilton & Dayton Ry.

QUESTION No. 5—Continued.

Randolph, N. P.:
Morgan's Louisiana & Texas R. R. & S. S. Co.
Randolph, T.:
St. Louis Southwestern Ry.
Rawson, Fredk. H.:
Chesapeake & Ohio Ry.
Chicago, Burlington & Quincy R. R.
Rea, R. S.:
Missouri, Kansas & Texas Ry.
Rea, Samuel:
Cumberland Valley R. R.
Long Island R. R.
Pennsylvania Co.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
Pittsburg, Fort Wayne & Chicago Ry.
Richmond, Fredericksburg & Potomac R. R.
Richmond-Washington Co.
West Jersey & Seashore R. R.
Ream, Norman B.:
Baltimore & Ohio R. R.
Carolina, Clinchfield & Ohio Ry.
Cincinnati, Hamilton & Dayton Ry.
Erie R. R.
New York, Susquehanna & Western R. R.
Seaboard Air Line Ry.
Ream, Robt., Co.:
Carolina, Clinchfield & Ohio Ry.
Redington, C. H.:
Central Pacific Ry.
South Pacific Coast Ry.
Reed, J. H.:
Bessemer & Lake Erie R. R.
Pittsburg, Bessemer & Lake Erie R. R.
Reid, D. G.:
Chicago, Rock Island & Pacific Ry.
Lehigh Valley R. R.
Rock Island Co.
Reid, Fergus:
Seabord Air Line Ry.
Reid, G. T.:
Spokane, Portland & Seattle Ry.
Renfro, N. P.:
Western Ry. of Alabama.
Reynolds, F. J.:
Hocking Valley Ry.
Rice, Wm. H.:
Fitchburg R. R.
Richards, Jas. L.:
New York, New Haven & Hartford R. R.
Richards, T. J.:
Quanah, Acme & Pacific Ry.
Richardson, Geo. A.:
New York, Susquehanna & Western R. R.
Richardson, W. P.:
Vicksburg, Shreveport & Pacific Ry.
Richmond, S. C.:
Cleveland & Pittsburg R. R.
Pittsburg, Ft. Wayne & Chicago Ry.
Rickard, R. D.:
New York, Ontario & Western Ry.
Rieker, E. P.:
Maine Central R. R.
Ridgway, A. C.:
Kansas City Terminal Ry.
Peoria Railway Terminal Co.
Ridgway, Frederic H.:
Pittsburg, Shawmut & Northern R. R.
Riley, Lewis A.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Lehigh & Hudson River Ry.
Ripley, Edw. P.:
Atchison, Topeka & Santa Fe Ry.
St. Louis, Rocky Mountain & Pacific Ry.
Ritter, W. M.:
Carolina, Clinchfield & Ohio Ry.
Roach, Wm. H.:
Pere Marquette R. R.
Roberts, Percival, jr.:
Long Island R. R.
Pennsylvania R. R.
Robertson, A.:
Terminal R. R. Association of St. Louis.
Robertson, A. Heaton:
Central N. E. R. R.
New York, Ontario & Western Ry.
Robertson, W. G.:
Mississippi Central R. R.
Robinson, A. H.:
Nashville, Chattanooga & St. Louis Ry.
Robinson, J. G.
Pittsburgh & Lake Erie R. R.
Rockefeller, J. D., jr.:
Delaware, Lackawanna & Western R. R.
Rockefeller, P. A.:
Chicago, Milwaukee & St. Paul Ry.
Rockefeller, Wm.:
Chicago, Milwaukee & St. Paul Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Delaware, Lackawanna & Western R. R.
Indiana Harbor Belt R. R.
Lake Erie & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.

Question No. 5—Continued.

Rockefeller, Wm.—Continued.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.
Rutland R. R.
Union Pacific R. R.
Rockefeller, Wm. G.:
Union Pacific R. R.
Rodd, Thos.:
Pittsburgh, Fort Wayne & Chicago Ry.
Rogers, Henry H.:
Virginian Ry.
Rogers, H. T.:
Colorado Midland Ry.
Rogers, S. M.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Roosevelt, G. R.:
Buffalo, Rochester & Pittsburgh Ry.
Roosevelt, W. Emlen:
Buffalo, Rochester & Pittsburgh Ry.
Chicago & Eastern Illinois R. R.
Mobile & Ohio R. R.
Ross, W. F.:
West Jersey & Seashore R R.
Rosen, Walter T.:
Carolina, Clinchfield & Ohio Ry.
Kansas City Southern Ry.
Seaboard Air Line Ry.
Rosenfeld, Maurice:
Illinois Southern Ry.
Ross, John K. L.:
Canadian Pacific Ry.
Ross, W. L.:
Toledo, St. Louis & Western R. R.
Rowlands, T. F.:
Central Pacific Ry.
Rumrill, C. C.:
Boston & Albany R. R.
Russell, A. D.:
Delaware & Hudson Co.
Russell, C. T.:
Fitchburg R. R.
Russell, Jos. B.:
New York, New Haven & Hartford R. R.
Russell, S. M.:
Peoria & Pekin Union Ry.
Rutherford, Morris:
Lehigh & Hudson River R. R.
Ryan, John D.:
Chicago, Milwaukee & St. Paul Ry.
Ryan, Thos. F.:
Carolina, Clinchfield & Ohio Ry.
Sabin, Chas. H.:
Seaboard Air Line Ry.
Sadler, L. S.:
Cumberland Valley R. R.
Sanders, Newell:
Nashville, Chattanooga & St. Louis Ry.
Sanderson, Henry:
Colorado, Wyoming & Eastern Ry.
Kansas City, Mexico & Orient R. R.
Sands, Geo. L.:
Missouri & North Arkansas R. R.
Sargent, C. S.:
Boston & Albany R. R.
Sartori, J. F.:
San Pedro, Los Angeles & Salt Lake R. R.
Saunders, R. L.:
Yazoo & Mississippi Valley R. R.
Saxon, G. W.:
Florida East Coast Ry.
Sayles, F. A.:
Norfolk Southern R. R.
Schaff, C. B.:
Missouri, Kansas & Texas Ry.
Terminal R. R. Association of St. Louis.
Schiff, Mortimer L.:
Union Pacific R. R.
Schlacks, C. H.:
Colorado Midland Ry.
Schley, Grant B.:
Northern Pacific Ry.
Schofield, A. D.:
Georgia Southern & Florida Ry.
Schoonmaker, J. M.:
Pittsburgh & Lake Erie R. R.
Schreiner, Chas.:
San Antonio & Aransas Pass Ry.
Schumacher, T. M.:
Chicago, Rock Island & Pacific R. R.
Chicago, Rock Island & Pacific Ry.
El Paso & Southwestern Co.
Rock Island Co.
Schwab, V. E.:
Nashville, Chattanooga & St. Louis Ry.
Scott, F. W.:
Atlantic Coast Line R. R.
New Orleans, Mobile & Chicago R. R
Scott, S. C.:
Cleveland, Akron & Cincinnati Ry.
Scott, Townsend:
Seaboard Air Line Ry.
Scott, W. B.:
Galveston, Harrisburg & San Antonio Ry.
Houston & Texas Central R. R.
Morgan's, Louisiana & Texas R. R. & S. S. Co.
Northwestern Pacific R. R.
South Pacific Coast Ry.
Texas & New Orleans R. R.
Scotten, S. C.:
Chicago, Burlington & Quincy R. R.
Scullin, John:
Missouri & North Arkansas R. R.
Seaman, H. W.:
Chicago, Milwaukee & Gary Ry.

Question No. 5—Continued.

Semple, Lorenzo:
Cripple Creek Central Ry.
Sewall, R. D.:
Indiana Harbor Belt R. R.
Kansas City Terminal Ry.
Seybt, C. H.:
Vandalia R. R.
Shaffer, J. C.:
Peoria & Eastern Ry.
Shallcross, William H.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Shaughnessy, Sir Thomas G.:
Canadian Pacific Ry.
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Shaw, E. G.:
Pittsburgh & Lake Erie R. R.
Shear, H. H.:
San Antonio & Aransas Pass Ry.
Shedd, John G.:
Baltimore & Ohio R. R.
Illinois Central R. R.
Shelby, W. R.:
Grand Rapids & Indiana Ry.
Sheldon, Edw. W.:
Louisville & Nashville R. R.
Sheldon, F. B.:
Kanawha & Michigan Ry.
Sheldon, G. R.:
New Orleans, Mobile & Chicago R. R.
Shepard, Finley J.:
Denver & Rio Grande R. R.
Texas & Pacific Ry.
Shepard, Sidney:
Mobile & Ohio R. R.
Shepley, J. F.:
Chicago, Milwaukee & Gary Ry.
Sheppard, George B.:
Pittsburg, Shawmut & Northern R. R.
Shofner, J. N.:
Nashville, Chattanooga & St. Louis Ry.
Shonts, Theodore P.:
Chesapeake & Ohio Ry.
Minneapolis & St. Louis R. R.
Toledo, St. Louis & Western R. R.
Shortridge, N. P.:
Cumberland Valley R. R.
Northern Central Ry.
Pennsylvania Co.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
West Jersey & Seashore R. R.
Western New York & Pennsylvania Ry.
Shreve, F. H.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Shriver, George M.:
Cincinnati, Hamilton & Dayton Ry.
Sielcken, Hermann:
Kansas City Southern Ry.
Simmons, George D.:
St. Louis & San Francisco R. R.
Sims, C. S.:
Ulster & Delaware R. R.
Skinner, C. W.:
Savannah & Northwestern Ry.
Skinner, Sir Thomas:
Canadian Pacific Ry.
Skinner, William:
Rutland R. R.
Sleeper, A. E.:
Pere Marquette R. R.
Sliddell, Alfred:
New Orleans & Northeastern R. R.
Sloane, William:
Northern Pacific Ry.
Sloeum, Joseph J.:
Texas & Pacific Ry.
Wabash R. R.
Small, P. A.:
Northern Central Ry.
Smith, A. H.:
Canada Southern Ry.
Chicago, Indiana & Southern R. R.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Cleveland Short Line Ry.
Indiana Harbor Belt R. R.
Kanawha & Michigan Ry.
Lake Erie & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Peoria & Eastern Ry.
Pittsburgh & Lake Erie R. R.
Rutland R. R.
Smith, Albert L.:
Buffalo & Susquehanna R. R. Corp.
Smith, Edw. B.:
Buffalo & Susquehanna R. R. Corp.
Lehigh Valley R. R.
Smith, E. M.:
Kansas City, Clinton & Springfield Ry.
Smith, F. A.:
Chicago, Rock Island & Pacific R. R.
Smith, F. H.:
Peoria Ry. Terminal Co.
Smith, Frank S.:
Pittsburg, Shawmut & Northern R. R.
Smith, H. F.:
Houston & Texas Central R. R.
Smith, Joseph P.:
Union Pacific R. R.

Question No. 5—Continued.

Smith, J. W.:
Philadelphia, Baltimore & Washington R. R.
Smith, M. H.:
Atlanta & West Point R. R.
Louisville & Nashville R. R.
Louisville, Henderson & St. Louis Ry.
Nashville, Chattanooga & St. Louis Ry.
Western Ry. of Alabama.
Smith, R. K.:
Mississippi Central R. R.
Smith, W. Hinckle:
Buffalo & Susquehanna R. R. Corp.
Midland Valley R. R.
Smyth, Charles H.:
Kansas City, Mexico & Orient R. R.
Sommer, C. H.:
Quanah, Acme & Pacific Ry.
Spalding, J. J.:
Atlanta, Birmingham & Atlantic R. R.
Spaulding, W. C.:
Bangor & Aroostook R. R.
Speer, C. R.:
Midland Valley R. R.
Spence, L. J.:
Southern Pacific Co.
Spence, W. W.:
Maryland & Pennsylvania R. R.
Spencer, H. B.:
Mobile & Ohio R. R.
Virginia & Southwestern Ry.
Speyer, James:
Baltimore & Ohio R. R.
Rock Island Co.
Spoor, J. A.:
Chicago Great Western R. R.
Sprague, A. A., 2d:
Chicago Great Western R. R.
Springer, Charles:
St. Louis, Rocky Mountain & Pacific Co.
Sproule, William:
Central Pacific Ry.
Northwestern Pacific R. R.
Philadelphia, Baltimore & Washington R. R.
South Pacific Coast Ry.
Southern Pacific Co.
Squire, A.:
Cleveland & Pittsburg R. R.
Stair, E. D.:
Kansas City, Mexico & Orient R. R.
Stouffer, W. B.:
New Orleans & Northeastern R. R.
Steele, Charles:
Atchison, Topeka & Santa Fe Ry.
Chicago Great Western R. R.
Northern Pacific Ry.
Southern Ry.
Steiner, Robert E.:
Central of Georgia Ry.
Western Ry. of Alabama.
Sterling, J. W.:
Duluth, South Shore & Atlantic Ry.
Virginian Ry.
Stetson, Francis Lynde:
Erie R. R.
New York, Susquehanna & Western R. R.
Stetson, I. K.:
Aroostook Construction Co.
Stevens, A. H.:
Mobile & Ohio R. R.
Stevens, E. B.:
Missouri, Kansas & Texas Ry.
Stevens, Frederick W.:
Pere Marquette R. R.
Stevens, George W.:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Kanawha & Michigan Ry.
Richmond, Fredericksburg & Potomac R. R.
Richmond-Washington Co.
Stevens, H. D.:
Savannah & Northwestern Ry.
Stevenson, W. F.:
Duluth, South Shore & Atlantic Ry.
Stevenson, W. W.:
Chicago, Peoria & St. Louis R. R.
Stewart, G. H.:
Cumberland Valley R. R.
Stewart, John A.:
Chicago, Milwaukee & St. Paul Ry.
Stewart, J. D.:
Louisville, Henderson & St. Louis Ry.
Stewart, W. T.:
Gulf & Ship Island R. R.
Stillman, James:
Chicago & North Western Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Delaware, Lackawanna & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York, Chicago & St. Louis R. R.
Rutland R. R.
Stockton, Philip:
Illinois Central R. R.
Stone, A. J.:
New York, Susquehanna & Western R. R.
Stone, J. F.:
Kanawha & Michigan Ry.
Storey, W. B.:
Chicago & Western Indiana R. R.
Kansas City Terminal Ry.

Question No. 5—Continued.

Stotesbury, Edward T.:
Central R. R. Co. of New Jersey.
Lehigh & Hudson River Ry.
Lehigh Valley R. R.
Philadelphia & Reading Ry.
Reading Co.
Street, H. M.:
Mobile & Ohio R. R.
Street, W. G.:
Kansas City Southern Ry.
Stroud, Morris W.:
Huntingdon & Broad Top Mountain R. R. & Coal Co.
Stubbs, F. P., jr.:
Vicksburg, Shreveport & Pacific Ry.
Sullivan, W. H.:
New Orleans Great Northern R. R.
Sullivan, W. R.:
Georgia & Florida Ry.
Sutton, F. W.:
Chicago, Lake Shore & Eastern Ry.
Elgin, Joliet & Eastern Ry.
Swartwout, R. H.:
Norfolk Southern R. R.
Sweet, A. E.:
Terminal R. R. Association of St. Louis.
Swenson, E. P.:
Southern Pacific Co.
Swift, Geo. D.:
Duluth, Missabe & Northern Ry.
Swinney, Edw. F.:
Chicago Great Western R. R.
Kansas City Southern Ry.
Symonds, J. W.:
Maine Central R. R.
Tait, Edwin E.:
Pittsburg, Shawmut & Northern R. R.
Taliaferro, J. P.:
Seaboard Air Line Ry.
Talmage, J. F.:
Delaware, Lackawanna & Western R. R.
Tatnall, H.:
Baltimore, Chesapeake & Atlantic Ry.
Cumberland Valley R. R.
Long Island R. R.
Northern Central Ry.
Pennsylvania Co.
Pennsylvania R. R.
Philadelphia, Baltimore & Washington R. R.
Pittsburgh, Fort Wayne & Chicago Ry.
Western New York & Pennsylvania Ry.
West Jersey & Seashore R. R.
Taylor, David H.:
St. Louis Southwestern Ry.
Taylor, E. B.:
Cleveland, Akron & Cincinnati Ry.
Grand Rapids & Indiana Ry.
Pennsylvania Co.
Pittsburgh, Fort Wayne & Chicago Ry.
Pittsburgh, Youngstown & Ashtabula Ry.
Vandalia R. R.
Taylor, Henry:
Green Bay & Western R. R.
Taylor, H. A. C.:
Delaware, Lackawanna & Western R. R.
Taylor, E. V.:
Mobile & Ohio R. R.
New Orleans Terminal Co.
Taylor, Walter H.:
Norfolk & Western Ry.
Terry, J. W.:
San Antonio & Aransas Pass Ry.
Thaw, B.:
Pittsburgh, Youngstown & Ashtabula Ry.
Thayer, E. V. R.:
Pere Marquette R. R.
Thomas, D. H.:
Philadelphia, Baltimore & Washington R. R.
Thomas, Eben B.:
Central R. R. of New Jersey.
Lehigh & Hudson River Ry.
Thomas, J. W.:
Gulf & Ship Island R. R.
Thomaston, W.:
Baltimore, Chesapeake & Atlantic Ry.
Thompson, E. W.:
Nashville, Chattanooga, & St. Louis Ry.
Thompson, Jesse:
Georgia & Florida Ry.
Thompson, R. H.:
Alabama & Vicksburg Ry.
Thorne, Samuel:
Colorado & Southern Ry.
Thorne, W. V. S.:
Union Pacific R. R.
Tiedman, Geo. W.:
Central of Georgia Ry.
Tilden, Edw.:
Chicago & Alton R. R.
Toledo, St. Louis & Western R. R.
Timmermann, L. F.:
Western Maryland Ry.
Tinsley, T. D.:
Georgia Southern & Florida Ry.
Tift, H. H.:
Georgia Southern & Florida Ry.
Tod, Wm. S.:
Northern Pacific Ry.
Todd, Percy E.:
Bangor & Aroostook R. R.

Questions No. 5—Continued.

Toland, W. H.:
Memphis, Dallas & Gulf R. R.
Tomlinson, J. M.:
Central New England Ry.
Tootle, Milton, jr.:
Chicago Great Western R. R.
Trimble, R.:
Elgin, Joliet & Eastern Ry.
Tourtelot, E. M.:
Illinois Southern Ry.
Truesdale, Wm. H.:
Delaware, Lackawanna & Western R. R.
Lehigh & Hudson River Ry.
Trumbull, Frank:
Chesapeake & Ohio Ry.
Hocking Valley Ry.
Kanawha & Michigan Ry.
Minneapolis & St. Louis R. R.
Missouri, Kansas & Texas Ry.
Union Pacific R. R.
Tuckett, P. D.:
Kansas City, Mexico & Orient R. R.
Turnbull, Arthur:
Kansas City Southern Ry.
Turner, J. J.:
Cleveland & Pittsburgh R. R.
Cleveland, Akron & Cincinnati Ry.
Grand Rapids & Indiana Ry.
Pennsylvania Co.
Pittsburgh, Fort Wayne & Chicago Ry.
Pittsburgh, Youngstown & Ashtabula Ry.
Toledo, Peoria & Western Ry.
Vandalia R. R.
Tweed, Charles H.:
Toledo, St. Louis & Western R. R.
Twitchell, R. E.:
St. Louis, Rocky Mountain & Pacific Ry.
Tyson, George:
Kansas City, Mexico & Orient R. R.
Underwood, F. D.:
Cincinnati, Hamilton & Dayton Ry.
Erie R. R.
Lehigh & Hudson River Ry.
New York, Susquehanna & Western R. R.
Upham, James D.:
Boston & Maine R. R.
Utley, E. H.:
Bessemer & Lake Erie R. R.
Pittsburg, Bessemer & Lake Erie R. R.
Valle, Joel F.:
Denver & Rio Grande R. R.
Vallery, Geo. W.:
Colorado Midland Ry.
Van Horne, Sir Wm. C.:
Canadian Pacific Ry.
Cuba R. R.
Van Houton, Jas.:
St. Louis, Rocky Mountain & Pacific Co.
St. Louis Rocky Mountain & Pacific Ry.
Van Vleck, W. D.:
El Paso & Southwestern Co.
Van Winkle, J. Q.:
Kanawha & Michigan Ry.
Vanderbuilt, Cornelius:
Delaware & Hudson Co.
Illinois Central R. R.
Yazoo & Mississippi Valley R. R.
Vanderbilt, Frederick W.:
Canada Southern Ry.
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Lake Erie & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.
Vanderbilt, H. S.:
Chicago & Northwestern Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Delaware, Lackawanna & Western R. R.
Kanawha & Michigan Ry.
Lake Erie & Western R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.
Vanderbilt, Wm. K.:
Canada Southern Ry.
Chicago & North Western Ry.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Indiana Harbor Belt R. R.
Lake Erie & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.

QUESTION No. 5—Continued.

Vanderbilt, W. K., jr.:
Boston & Albany R. R.
Chicago & North Western Ry.
Chicago, Indiana & Southern R. R.
Chicago, St. Paul, Minneapolis & Omaha Ry.
Cleveland, Cincinnati, Chicago & St. Louis Ry.
Lake Erie & Western R. R.
Lake Shore & Michigan Southern Ry.
Michigan Central R. R.
New York Central & Hudson River R. R.
New York Central R. R.
New York, Chicago & St. Louis R. R.
Pittsburgh & Lake Erie R. R.
Peoria & Eastern Ry.
Rutland R. R.
Vanderlip, F. A.:
Missouri, Kansas & Texas Ry.
Vandiver, M.:
Baltimore, Chesapeake & Atlantic Ry.
Varley, John:
Alabama, New Orleans, Texas & Pacific Junction Rys. (Ltd.).
Veeder, Herman G.:
Vandalia R. R.
Wadden, W. M.:
Denver & Salt Lake R. R.
Wade, F. J.:
St. Louis & San Francisco R. R.
Waffle, Jonas:
Chicago, Milwaukee & Gary Ry.
Waite, M. R.:
Cincinnati, New Orleans & Texas Pacific Ry.
Waldo, Henry L.:
St. Louis, Rocky Mountain & Pacific Ry.
Wales, C. E.:
Wisconsin Central Ry.
Walker, Bertrand:
Chicago, Indiana & Southern Ry.
Walker, G. H.:
Quanah, Acme & Pacific Ry.
Walker, Joe., jr.:
Chicago & Eastern Illinois R. R.
Walker, Roberts:
Chicago & Alton R. R.
Chicago, Rock Island & Pacific R. R.
Chicago, Rock Island & Pacific Ry.
Walker, W. W.:
Duluth, South Shore & Atlantic Ry.
Wallace, Geo. R.:
Fitchburg Ry.
Wallace, John F.:
Savannah & Northwestern Ry.
Wallace, J. N.:
Galveston, Harrisburg & San Antonio Ry.
Houston & Texas Central R. R.
Southern Pacific Co.
Texas & New Orleans R. R.
Wallace, Sumner:
Concord & Montreal R. R.
Walmsley, R. M.:
New Orleans & Northeastern R. R.
Walsh, J. W.:
Illinois Southern R. R.
Walters, H.:
Atlanta & West Point R. R.
Atlantic Coast Line R. R.
Louisville & Nashville R. R.
New Orleans, Mobile & Chicago R. R.
Northern Central Ry.
Richmond-Washington Co.
Western Ry. of Alabama.
Warburg, Felix M.:
Baltimore & Ohio R. R.
Ware Chas. E.:
Fitchburg R. R.
Warfield, S. D.:
Carolina, Atlantic & Western Ry.
Seaboard Air Line Ry.
Warner, A. D.:
Philadelphia, Baltimore & Washington R. R.
Warner, Percy:
Nashville, Chattanooga & St. Louis Ry.
Warner, R. S.:
Hocking Valley Ry.
Warren, C. H.:
Chicago, Peoria & St. Louis R. R.
Warren, P. B.:
Chicago, Peoria & St. Louis R. R.
Warriner, S. D.:
Lehigh & Hudson River Ry.
Washington, J. E.:
Nashville, Chattanooga & St. Louis Ry.
Waterbury, John I.:
Chicago, Indianapolis & Louisville Ry.
Louisville & Nashville R. R.
Waters, Dudley E.:
Pere Marquette R. R.
Watson, E. F.:
Carolina, Clinchfield & Ohio Ry.
Watson, John:
Bangor & Aroostook R. R.
Wattles, G. W.:
Chicago Great Western R. R.
Watts, George T.:
Seaboard Air Line Ry.
Webb, W. Seward:
Lake Shore & Michigan Southern R. R.
Rutland R. R.

Question No. 5—Continued.

Webber, H. W.:
San Antonio, Uvalde & Gulf R. R.
Webster, F. G.:
Boston & Albany R. R.
Weis, S. W.:
Yazoo & Mississippi Valley R. R.
Weissinger, Harry:
Louisville, Henderson & St. Louis Ry.
Wells, C. H.:
Mississippi Central R. R.
West, Thomas H.:
St. Louis, Brownsville & Mexico Ry.
Wetmore, F. O.:
Chicago, Terre Haute & Southeastern Ry.
Illinois Southern Ry.
Whigham, George H.:
Cuba R. R.
Whigham, W. K.:
Carolina, Clinchfield & Ohio Ry.
Whitaker, Edwards:
Chicago, Milwaukee & Gary Ry.
White, Benjamin C.:
Concord & Montreal R. R.
White, L. C.:
St. Louis, Rocky Mountain & Pacific Co.
White, W. H.:
Richmond, Fredericksburg & Potomac R. R.
Whitehead, C. N.:
Kansas City Terminal Ry.
Whitney, Eli:
New York, New Haven & Hartford R. R.
Whitney, Payne:
Northern Pacific Ry.
Whittemore, Harris:
New York, New Haven & Hartford R. R.
Whittington, A. G.:
International & Great Northern Ry.
Wick, H. K.:
Pittsburgh, Youngstown & Ashtabula Ry.
Wickersham, Charles A.:
Atlanta & West Point R. R.
Western Ry. of Alabama.
Wickes, E. A.:
Canada Southern Ry.
Widener, Joseph E.:
Philadelphia & Reading Ry.
Reading Co.
Wiggin, A. H.:
Erie R. R.
Seaboard Air Line Ry.
Wight, Pearl:
New Orleans & Northeastern R. R.
Wilbur, A. H.:
Lehigh & Hudson River Ry.
Wilbur, G. L.:
Delaware & Hudson Co.
Ulster & Delaware R. R.
Wilbur, R. H.:
Lehigh & Hudson River Ry.
Wilbur, W. A.:
Western Maryland Ry.
Wilkinson, J. M.:
Georgia & Florida Ry.
Willard, Daniel:
Central R. R. Co. of New Jersey.
Cincinnati, Hamilton & Dayton Ry.
Cincinnati, New Orleans & Texas Pacific R. R.
Kentucky & Indiana Terminal R. R.
Philadelphia & Reading Ry.
Reading Co.
Richmond-Washington Co.
Willard, William C.:
Kanawha & Michigan Ry.
Williams, A. T.:
Florida East Coast Ry.
Williams, H. R.:
Chicago, Milwaukee & St. Paul Ry.
Williams, J. G.:
Vandalia R. R.
Williams, L. M.:
Georgia & Florida Ry.
Williams, Moses:
Fitchburg R. R.
Williams, Moses, jr.:
Fitchburg R. R.
Williams, M. R.:
St. Louis, Rocky Mountain & Pacific Ry.
Williams, R. Lancaster:
Georgia & Florida Ry.
International & Great Northern Ry.
Williams, Wm. H.:
Delaware & Hudson Co.
Kansas City Southern Ry.
Williamson, Bright:
Carolina, Atlantic & Western Ry.
Wilson, Bluford:
Chicago, Peoria & St. Louis R. R.
Wilson, D. L.:
Pittsburgh & Lake Erie R. R.
Wilson, Lewis, F.:
Pittsburg, Shawmut & Northern R. R.
Wilson, Wm. J.:
Green Bay & Western R. R.
Wilson, Wm. W.:
Pittsburg, Shawmut & Northern R. R.
Winburn, W. A.:
Atlanta & West Point R. R.
Central of Georgia Ry.
Western Ry. of Alabama.

QUESTION No. 5—Continued.

Winchell, B. L.:
New Orleans, Texas & Mexico R. R.
Winsor, Robert:
Fitchburg R. R.
Winslow, Edward B.:
Maine Central R. R.
Winthrop, H. Rogers:
Wabash R. R.
Wise, E. M.:
Missouri & North Arkansas R. R.
Wistar, J.:
West Jersey & Seashore R. R.
Wolcott, Samuel H.:
Aroostook Construction Co.
Wolff, Jacob:
San Antonio, Uvalde & Gulf R. R.
Wollman, Wm. J.:
Minneapolis & St. Louis R. R.
Wood, Edward:
Aroostook Construction Co.
Wood, George:
Pennsylvania Co.
Pennsylvania R. R.
West Jersey & Seashore R. R.
Western New York & Pennsylvania Ry.
Wood, Joseph:
Norfolk & Western Ry.
Pennsylvania R. R.
Toledo, Peoria & Western Ry.
Woodward, A. H.:
Seaboard Air Line Ry.
Woodward, D. J.:
San Antonio, Uvalde & Gulf R. R.
Woolford, C. W.:
Cincinnati, Hamilton & Dayton Ry.
Woolverton, Samuel:
Buffalo, Rochester & Pittsburgh Ry.
Mobile & Ohio R. R.
Woolworth, C. S.:
Mississippi Central R. R.
Worcester, H. A.:
Terminal R. R. Association of St. Louis.
Workum, Julius F.:
Buffalo & Susquehanna R. R. Corp.
Wortham, H. M.:
Georgia Southern & Florida Ry.
Wright, C. R.:
Cincinnati, New Orleans & Texas Pacific Ry.
Wyman, O. C.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Wynn, F. S.:
Alabama Great Southern R. R.
Virginia & Southwestern Ry.
Yarnell, Charleton:
Buffalo & Susquehanna R. R. Corp.
Yoakum, B. F.:
New Orleans, Mobile & Chicago R. R.
St. Louis & San Francisco R. R.
Seaboard Air Line Ry.
Yoakum, R. D.:
Quanah, Acme & Pacific Ry.
Young, E. A.:
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Young, Howard R.:
Maryland & Pennsylvania R. R.
Young, H. G.:
Ulster & Delaware R. R.
Young, Joseph H.:
Norfolk Southern R. R.
Zerbe, J. B.:
Hocking Valley Ry.

QUESTION No. 6.

[Total miles, 61,651.23.]

Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.) (Holding Co., no mileage).	Miles.
Ann Arbor R. R.	291.99
Atchison, Topeka & Santa Fe Ry	10,961.23
Baltimore & Ohio R. R.	4,478.22
Buffalo & Susquehanna R. R. Corp.	252.56
Central Indiana Ry	127.04
Central of Georgia Ry	1,924.09
Central Pacific Ry	2,206.48
Chicago Great Western R. R.	2,150.91
Chicago, Indianapolis & Louisville Ry	617.94
Chicago, Peoria & St. Louis R. R.	293.47
Chicago, Terre Haute & Southeastern Ry	374.29
Cincinnati, Hamilton & Dayton Ry	1,015.27
Colorado & Southern Ry	1,266.43
Colorado Midland Ry	337.64
Colorado, Wyoming & Eastern Ry	111.86
Cripple Creek Central Ry	100.81

	Miles.
Denver & Salt Lake R. R.	255.09
Denver, Laramie & Northwestern R. R.	58.59
Detroit & Mackinac Ry.	404.44
Detroit, Toledo & Ironton R. R.	441.29
Erie R. R.	2,257.40
Georgia Southern & Florida Ry.	395.00
Grand Rapids & Indiana Ry.	568.36
Green Bay & Western R. R.	225.00
Houston & Shreveport R. R.	39.78
Houston, East & West Texas Ry.	190.94
Illinois Southern Ry.	139.05
International & Great Northern Ry.	1,159.50
Kanawha & Michigan Ry.	176.60
Kansas City, Mexico & Orient R. R.	[1]967.72
Kansas City Southern Ry.	827.17
Kentucky & Indiana Terminal R. R.	16.44
Louisville, Henderson & St. Louis Ry.	199.80
Maryland, Delaware & Virginia Ry.	83.02
Middletown & Unionville R. R.	15.53
Midland Valley R. R.	375.00
Minneapolis & St. Louis R. R.	1,046.47
Mississippi Central R. R.	164.00
Missouri & North Arkansas R. R.	365.24
Missouri, Kansas & Texas Ry.	3,965.07
New Orleans & Northeastern R. R.	293.78
New Orleans, Mobile & Chicago R. R.	402.90
New York, Philadelphia & Norfolk R. R.	112.00
Norfolk & Western Ry.	2,036.85
Norfolk Southern R. R.	900.04
Northern Pacific Ry.	6,441.32
Nypano R. R.	440.55
Oklahoma Central R. R.	135.67
Pacific & Eastern Ry.	32.96
Pere Marquette R. R.	2,321.77
Philadelphia & Reading Ry. / Reading Co.	2,215.69
St. Louis Southwestern Ry.	1,753.90
San Antonio & Aransas Pass Ry.	723.80
Savannah & Statesboro Ry.	90.20
Seaboard Air Line Ry.	3,097.55
Southern Ry.	7,009.94
Tennessee Central R. R.	293.71
Tennessee, Kentucky & Northern R. R.	17.00
Toledo, St. Louis & Western R. R.	450.58
Toledo Terminal R. R.	31.27
Union Pacific R. R.	7,777.17
Vicksburg, Shreveport & Pacific Ry.	188.47
Western Maryland Ry.	661.23
Western New York & Pennsylvania Ry.	509.98
Wheeling & Lake Erie R. R.	508.39
Wheeling Terminal Ry.	9.05
Wisconsin Central Ry.	1,120.23
Wisconsin, Minnesota & Pacific R. R.	277.43
Zanesville Terminal R. R.	16.44

QUESTION No. 7.

[Total miles, 81,851.23.]

Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.):

In October, 1890, a plan of reorganization was formulated and carried through without foreclosure, the receiver (Francis Pavy) being discharged April 6, 1891. Plan of reorganization submitted in London, by Capt. Francis Pavy.

[1] Including 226.20 miles in Mexico.

Ann Arbor R. R.:

Incorporated September 21, 1895, in Michigan; successor to the Toledo, Ann Arbor & North Michigan R. R., sold under foreclosure, July 2, 1895. Wellington R. Burt, of Toledo, Ohio, was receiver of the old company. Reorganization committee was composed of G. W. Quintard, chairman, 6 Wall Street, New York; A. F. Ban, J. Edward Simmons, R. M. Galloway, R. K. Wright, R. C. Martin, and Cyrus J. Lawrence. Depositaries: Central Trust Co. and Metropolitan Trust Co., New York.

Atchison, Topeka & Santa Fe Ry.:

Incorporated December 12, 1859, in Kansas; successor, as of January 1, 1896, to the Atchison, Topeka & Santa Fe R. R., sold under foreclosure December 10, 1895. Receivers were J. J. McCook, Boston; J. J. Wilson, Topeka, Kans.; A. F. Walker, Chicago. Reorganization committee included Edward King, chairman, R. Somers Hayes, Edward N. Gibbs, George G. Haven, Adrian Iselin, jr., C. Stigo De Pothonier, Robert Fleming, John Lyden, Victor Morawetz, with Herman Cobbs as secretary. Counsel for committee, Charles C. Beaman, and Victor Morawetz.

Baltimore & Ohio R. R.:

Property of company was placed in the hands of John K. Cowen and Oscar G. Murray, as receivers, on February 20, 1896, but was restored to the company July 1, 1899, under a reorganization plan, dated July 22, 1896, carried out without foreclosure. Reorganization managers were Speyer Bros. of London, and Speyer & Co., and Kuhn, Loeb & Co., New York, acting in conjunction with an advisory committee composed of Louis Fitzgerald, R. R. Bacon, Henry Budge, and William A. Read, with Alvin W. Krech as secretary and William C. Gulliver as counsel. Plan had indorsement of the following banking firms: J. P. Morgan & Co., Brown Bros. & Co., Baring, Magoun & Co., Kuhn, Loeb & Co., Vermilye & Co., J. S. Morgan & Co., Brown, Shipley & Co., Baring Bros. & Co. (Ltd.), Speyer & Co., and Speyer Bros. Both classes of stock of reorganized company were vested in the following five voting trustees for a period of five years: William Salomon, Abraham Wolff, J. Kennedy Tod, Louis Fitzgerald, and Charles H. Coster.

Buffalo & Susquehanna R. R. Corp.:

Incorporated December 30, 1913, in Pennsylvania, and acquired as of January 1, 1914, property of the Buffalo & Susquehanna R. R., sold under foreclosure December 4, 1913. H. I. Miller was receiver of the railroad company. Protective committees were formed in the interests of preferred stockholders and bondholders, as follows: For preferred stock, J. N. Wallace, chairman, Frank Bergen, Walter P. Bliss, Henry Evans, Joseph S. Frelinghuysen, with Hugh Rankin, secretary, 41 Cedar Street, New York, and the Central Trust Co. as depositary. For refunding bonds, Alvin W. Krech, John L. Billard, J. S. Farlee, Charles L. Pack, Edward B. Smith, Robert Windsor, Arthur L. Allin, with Lyman Rhoades, secretary, 37 Wall Street, New York, and the Equitable Trust Co., depositary. Voting trust: The common and preferred stocks of the Buffalo & Susquehanna R. R. Corp., other than 30 shares of preferred stock issued to persons who became directors, were issued in the names of and delivered to Philip G. Bartlett, Jacob S. Farlee, and Edward B. Smith, voting trustees, to be held for five years. Edward B. Smith & Co. have offered the bonds of the new corporation.

Central Indiana Ry.:

Incorporated March 16, 1903, in Indiana, successors to Chicago & South eastern Ry., sold under foreclosure February 19, 1903. President J. T. Dye was the receiver of the old company. The new bonds of the reorganized company were purchased by Pfaelzer, Walker & Co., and Dominick & Dominick.

Central of Georgia Ry.:

Incorporated October 17, 1895, in Georgia, to succeed Central R. R. & Banking Co. of Georgia, and the Savannah & Western R. R., sold under foreclosure October 7 and October 5, 1895, respectively. The bondholders' committee connected with the reorganization consisted of Frederick Cromwell, chairman, New York, Edward M. Gibbs, and Adrian Iselin, jr. Depositary: New York Guaranty & Indemnity Co.

Central Pacific Ry.:

Incorporated July 28, 1870, in Utah, and acquired all the property, etc., of the Central Pacific R. R. under a plan of readjustment, issued February 8, 1899, prepared by Messrs. Speyer & Co. and their associates. According to this plan the Southern Pacific Co. acquired the entire capital stock and guaranteed the principal and interest of the two new bond issues of the re-

organized company. F. G. Banbury was chairman of the London stockholders' committee; Speyer & Co., New York, looked after the first-mortgage bonds; and Speyer & Co., Deutsche Bank, and Teixeira De Mattos Bros., formed a committee for holders of the 6 per cent bonds, due 1929, of the old railroad company. Speyer & Co. acted as syndicate managers for the sale of the new Central Pacific Ry. bonds, and the Southern Pacific bonds, which the syndicate agreed to take under the readjustment plan. Messrs. Brown Bros. & Co. and F. S. Smithers & Co. were interested.

Chicago Great Western R. R.:

Incorporated August 19, 1909, in Illinois; successor to Chicago Great Western Ry., sold under foreclosure August 21, 1909. J. P. Morgan Co., New York, acted as reorganization managers. Receivers of the old company were President Stickney and C. H. S. Smith, of St. Paul. The following protective committees were appointed: (1) For noteholders—Otto T. Bannard, New York, chairman, Sydney C. Borg, and Winthrop Burr, with New York Trust Co., depositary. (2) For debenture stock—William Read, chairman, Edwin M. Bulkley, George P. Butler, Frederick H. Ecker, and Frederick W. Whitridge, with Bankers' Trust Co., New York, depositary. (3) For common and preferred stock—John W. Castles, chairman, Myron T. Herrick, Hugo Blumenthal, and J. Horace Harding, with Guaranty Trust Co., New York, depositary. Voting trust for stock of new company was vested for five years in J. P. Morgan, George F. Baker, and Robert Fleming as voting trustees.

Chicago, Indianapolis & Louisville Ry.:

Incorporated March 31, 1897, in Indiana as reorganization of Louisville, New Albany & Chicago Ry., sold under foreclosure March 10, 1897. Reorganization committee consisted of F. P. Olcott, Henry W. Poor, and Henry C. Rouse. Depositary for committee was Central Trust Co., New York. Pomroy Bros. and W. D. Barbour & Co., both of New York, opposed the plan prepared by the above reorganization committee.

Chicago, Peoria & St. Louis R. R.:

Incorporated December 6, 1909, in Illinois, and on January 1, 1913, took possession of property of Chicago, Peoria & St. Louis Ry. of Illinois, sold under foreclosure November 18, 1912. Receivers of the old company were John P. Ramsey and Henry M. Merriam, Springfield, Ill. The reorganization committee consisted of Charles H. Warren, chairman, George F. Baker, jr., and Alfred Shepherd, with W. W. Stevenson, secretary, 34 Nassau Street, New York, and Bankers' Trust Co., New York, depositary. Voting trust: Stock is held in voting trust expiring in 1915. Voting trustees are George F. Baker, jr., Charles H. Warren, and Alfred Shepherd.

Chicago, Terre Haute & Southeastern Ry.:

Incorporated November 26, 1910, in Indiana; successor to Southern Indiana Ry., sold under foreclosure November 3, 1910, and Chicago Southern Ry., sold under foreclosure November 4, 1910. Myron J. Carpenter was receiver of the old company. The reorganization committee consisted of Emile K. Boisot, Anton G. Hodenpyl, C. D. Smithers, Melvin R. Johnson, and Festus J. Wade, with Girard Trust Co., Philadelphia, and First Trust & Savings Bank, Chicago, depositaries. F. J. Lisman & Co., New York, purchased $2,500,000 first and refunding fives issued under the reorganization plan.

Cincinnati, Hamilton & Dayton Ry.:

On December 4, 1905, Judge Judson Harmon was appointed receiver for the company. Finances of the company were adjusted, without foreclosure, under a plan dated June, 1909, and the company resumed possession of its properties on August 19, 1909. In accordance with this plan the Baltimore & Ohio R. R. Co. acquired control. For further details see question 8.

Colorado & Southern Ry.:

Incorporated December 19, 1898, in Colorado; successor to Union Pacific, Denver & Gulf Ry., and Denver, Leadville & Gunnison Ry., sold under foreclosure November 19 and 18, 1898, respectively. Frank Trumbull, receiver of old companies. Committee for the consolidated bondholders of 1899 included Grenville M. Dodge, chairman, George M. Pullman, J. Kennedy Tod, Oliver Ames, Harry Walters, Henry Budge, Henry Levis, and Uriah Hermann, with Central Trust Co., New York, and American Loan & Trust Co., Boston, depositaries. A syndicate was formed by Hallgarten & Co. and J. Kennedy Tod & Co. to underwrite stockholders' payments and purchase new security provided in the plan. Voting trust: All classes of stock were vested in the following voting trustees—Grenville M. Dodge, Frederick P. Olcott, Harry Walters, Henry Budge, and J. Kennedy Tod.

Colorado Midland Ry.:

Incorporated October 11, 1897, in Colorado; successor to Colorado Midland R. R., sold under foreclosure September 8, 1897. George W. Risting was receiver of old company. The reorganization committee included Frederick P. Olcott, chairman, Charles F. Ayer, James N. Jarvie, George Meade, William D. Rathbone, William D. Sloane, with Central Trust Co., New York, depositary, and Adrian H. Joline, counsel.

Colorado, Wyoming & Eastern Ry.:

Incorporated June 2, 1914, in Colorado and took over, June 4, 1914, property of Laramie, Hahns Peak & Pacific Ry., sold under foreclosure in May, 1914. Fred A. Miller was receiver for old company. The reorganization committee consisted of Alexander J. Hemphill, W. Frederick Snyder, Henry Sanderson, and Lawrence Barnum, with the Guaranty Trust Co., New York, depositary. Voting trust: All shares of stock, except directors' shares, are deposited in voting trust agreement with Alexander J. Hemphill, Henry Sanderson, and Trowbridge Callaway as voting trustees. Voting trust shall continue until all accrued interest on income bonds shall have been paid and current interest on said bonds paid regularly for two consecutive years.

Cripple Creek Central Ry.:

Incorporated September 30, 1904, in Maine; successor to Denver & Southwestern Ry., sold under foreclosure October 4, 1904. Reorganization committee consisted of Charles F. Ayer, Arthur H. Day, R. B. F. Flinsch, C. E. A. Goldman, Montgomery Rollins, with New York Security & Trust Co., State Street Trust Co., Boston, and Toronto Safe Deposit & Agency Co., depositaries.

Denver & Salt Lake R. R.:

Incorporated December 16, 1912, in Colorado, and on May 1, 1913, acquired property of Denver, Northwestern & Pacific Ry. Co., sold under foreclosure April 28, 1913. D. C. Dodd and S. M. Perry were receivers of old company. The reorganization plan, dated September 3, 1912, was entered into between the noteholders' committee of the Denver Ry. Securities Co. and Newman Erb. Committee included Benjamin Strong, jr. (chairman), George H. Burr, E. F. Shanbacker, Herman Waldeck, and Henry H. Wehrhane, with Bankers' Trust Co., New York, depositary. Newman Erb received $1,650,000 new first mortgage bonds, and the entire $10,000,000 outstanding capital stock of the new company was distributed to the Erb syndicate and the Denver Ry. Securities Co.

Denver Laramie & Northwestern R. R.:

Incorporated February 8, 1910, in Wyoming; successor to Denver, Laramie & Northwestern Ry., the authorized capital stock having been increased from $5,000,000 to $30,000,000. No committees were appointed at the time.

Detroit & Mackinac Ry.:

Incorporated December 29, 1894, in Michigan; successor to Detroit, Bay City & Alpena R. R., sold under foreclosure November 8, 1894. Don M. Dixon was receiver of old company. Messrs. J. P. Morgan & Co. issued a plan of reorganization dated January 10, 1895.

Detroit, Toledo & Ironton R. R.:

Incorporated February 21, 1914, in Delaware; successor to Detroit, Toledo & Ironton Ry., the Ohio Southern division of which was sold at foreclosure sale April 17, 1913, and the northern and southern divisions on June 28, 1913. The Detroit, Toledo & Ironton Ry. was incorporated May 2, 1905, as successor to the Detroit Southern R. R. The reorganization committee for the Detroit, Toledo & Ironton Ry. included William Church Osborn (chairman), Otto T. Bannard, Sidney C. Borg, Frederick H. Ecker, with New York Trust Co. depositary. The chairmen of the various committees of old securities were as follows: J. N. Wallace for Detroit, Southern-Ohio Southern first mortgage bonds; Otto T. Bannard for general lien and divisional bonds; Francis Henderson for consolidated mortgage bonds; Joseph Ramsey, jr., for collateral trust notes; Willard V. King for stockholders; Alexander J. Hemphill for preferred stockholders.

Erie R. R.:

Incorporated November 14, 1895, in New York; successor as of December 1, 1895, to the New York, Lake Erie & Western R. R., sold under foreclosure November 6, 1895. The reorganization committee plan was prepared under supervision of Messrs. J. P. Morgan & Co. The reorganization committee included C. H. Coster, Louis Fitzgerald, and Anthony J. Thomas. Stock of the new company was held for five years in a voting trust whose members were

named by J. P. Morgan & Co. and J. S. Morgan & Co. A syndicate formed by Harvey Fisk & Sons, New York, purchased from the underwriting syndicate the $15,000,000 first consolidated prior lien issue provided for in the reorganization plan.

Georgia Southern & Florida Ry.:

Incorporated May 22, 1906, in Georgia; successor to Georgia Southern & Florida R. R., sold under foreclosure April 2, 1906. Willis B. Sparks was receiver for old company. Reorganization committee included H. P. Smart, Savannah; Thomas B. Gresham, Baltimore; D. U. Herrmann, New York; William C. Shaw, Baltimore; Charles Watkins, Richmond; Henry Rice, New York; Charles D. Fisher, Baltimore; with Mercantile Trust & Deposit Co., Baltimore, depositary. Maryland Trust Co., Baltimore, offered $1,500,000 first mortgage 5 per cent bonds of new company authorized under reorganization plan.

Grand Rapids & Indiana Ry.:

Incorporated July 11, 1906, in Michigan, and July 13, 1906, in Indiana; successor to Grand Rapids & Indiana R. R., sold under foreclosure June 10, 1906. Reorganization committee included James R. Potter, New York; Harry F. West, Philadelphia; and Moses L. Scudder, New York; with Commonwealth Title, Insurance & Trust Co., Philadelphia, depositary.

Green Bay & Western R. R.:

Incorporated June 5, 1896, in Wisconsin; successor to Green Bay, Winona & St. Paul R. R., sold under foreclosure May 12, 1896. The following two committees were formed: (1) For first consolidated bonds of old company—Mark T. Cox (chairman), William J. Hunt, and C. Ledyard Blair; (2) for stockholders and income bondholders—John I. Waterbury (chairman), Mayer Lehman, Edwin S. Hooley, and H. Tuckerman. Depositary: Manhattan Trust Co., New York. These two committees agreed upon a plan of reorganization dated September 11, 1896.

Houston & Shreveport R. R.:

Incorporated in December, 1891, in Louisiana; successor to the Shreveport & Houston Ry., sold under foreclosure June 2, 1900. M. E. Howe was receiver of old company.

Houston East & West Texas Ry.:

Incorporated in 1897 in Texas; reorganization of company of same name in August, 1906, without foreclosure or receivership. In June, 1906, control acquired by Blair & Co., New York. The reorganization committee consisted of James A. Blair, John B. Dennis, H. O. Seixas, C. Lombardi, W. K. Gillett, with Blair & Co., New York, depositary.

Illinois Southern Ry.:

Incorporated May 21, 1900, in Illinois; successor to Centralia & Chester R. R., foreclosed May 16, 1900. C. M. Foreman, of Nashville, Ill., was receiver of old company.

International & Great Northern Ry.:

Incorporated August 8, 1911, in Texas; successor to International & Great Northern R. R., sold under foreclosure June 13, 1911. Reorganization plan was issued by committee of third-mortgage bondholders of old company, consisting of Alvin W. Krech, Edward T. Jeffery, and Frank Jay Gould, with Equitable Trust Co., New York, depositary. An agreement was made with Redmond & Co. and J. & W. Seligman & Co., of New York, and Middendorf, Williams & Co., Baltimore, for the sale of $11,000,000 of three-year 5 per cent notes created under reorganization plan. An agreement was also made with a syndicate under the management of the Equitable Trust Co., New York, for the sale of additional securities issuable under plan to provide for cash requirements.

Kanawha & Michigan Ry.:

Incorporated April 24, 1900, in Ohio and West Virginia; successor to Kanawha & Ohio Ry., sold under foreclosure March 4, 1900, to Nelson Robinson and W. B. Post, representing bond and stockholders and other interests. The Mercantile Trust Co., New York, brought foreclosure proceedings.

Kansas City, Mexico & Orient R. R.:

Incorporated July 7, 1914, in Kansas and acquired property of Kansas City, Mexico & Orient Ry., sold at foreclosure July 6, 1914. Committee: The following committee was formed to protect first-mortgage bondholders of old company—Lord Muncaster, chairman, Cecil Braithwaite, Harry Brunner, Granville Farquhar, Frederick Hardie, Willard V. King, L. F. Loree, Henry P. McIntosh, T. P. Shonts, George A. Tomlin, S. Davies Warfield, W. T.

Kemper, E. D. Stair, with Columbia-Knickerbocker Trust Co., New York, and Glyn, Mills, Currie & Co., London, depositaries. Notes of the new railroad company were offered in April, 1914, by the Columbia-Knickerbocker Trust Co. and Charles D. Barney & Co.

Kansas City Southern Ry.:

Incorporated March 19, 1900, in Missouri; successor to Kansas City, Pittsburg & Gulf R. R., sold under foreclosure March 19, 1900. Webster Withers, of Kansas City, and S. W. Fordyce, of St. Louis, were receivers of old company. Two committees were formed as follows: (1) Philadelphia committee—William F. Harrity, chairman, Seaboard National Bank, New York; Provident Life & Trust Co. and Guardian Trust Co., Philadelphia, depositaries; (2) New York committee—Ernst Thalmann, chairman; Mercantile Trust Co., New York, depositary. The Harrity committee issued a reorganization plan which was approved by the New York committee. Voting trust: Stock of new company was placed in a five-year voting trust. Voting trustees were J. W. Gates, William Edenborn, Herman Stelcken, John Lambert, Samuel R. Shipley, Louis Fitzgerald, James Stillman.

Kentucky & Indiana Terminal R. R.:

Incorporated August 8, 1900, in Kentucky, as the Kentucky & Indiana Bridge & R. R.; successor to Kentucky & Indiana Bridge Co., sold under foreclosure January 18, 1900, to A. P. Humphrey, of Louisville, representing the Southern Ry. Co., and Judson Harmon, of Cincinnati, representing the Baltimore & Ohio Southwestern R. R. Name was changed in December, 1910, to Kentucky & Indiana Terminal R. R.

Louisville, Henderson & St. Louis Ry.:

Incorporated May 29, 1896, in Kentucky; successor to Louisville, St. Louis & Texas Ry., sold under foreclosure. The reorganization committee consisted of John J. McCook, Charles G. Van Nostrand, New York; Harry Weissinger, Oscar Fenley, Louisville. Voting trust: Preferred and common stock of new company was issued to John J. McCook, Brayton Ives, and Oscar Fenley, as trustees, to be held for 10 years.

Maryland, Delaware & Virginia Ry.:

Incorporated January 30, 1905, in Maryland; successor, under plan of reorganization, on February 1, 1905, to property of Queen Anne's R. R. Co., Chester River Steamboat Co., and Weems Steamboat Co. Scott & Co., of Wilmington, Del., arranged consolidation. Maj. John S. Gibbs, president of the Citizens' National Bank, of Baltimore, was chairman of the reorganization committee. The $2,000,000 first mortgage 5 per cent bonds of new company were offered by Rudolph Kleybolte & Co. in March, 1905. A large block of preferred stock was held in a pool expiring January 2, 1910. This trust included John F. Williams (chairman), John S. Gittings, and Douglas H. Gordon.

Middletown & Unionville R. R.:

Incorporated November 14, 1912, in New York State; successor to Middletown, Unionville & Water Gap R. R. sold under foreclosure October 25, 1912. Committees were formed as follows: (1) For first-mortgage bondholders—Garrett T. Townsend, chairman, Newman Erb, Charles I. Henry, Ferdinand V. Sanford, Frank H. Flinn; (2) for second-mortgage bondholders—Charles I. Henry, chairman, Newman Erb, C. A. Henriques. Voting trust: All the stock of the new company is held in a five-year voting trust with power in the majority of the voting trustees to sell the same. Voting trustees are Charles I. Henry, Newman Erb, B. F. Wellman, New York; G. T. Townsend, F. H. Fine, Middletown, N. Y.

Midland Valley R. R.:

Incorporated June 4, 1903, in Arkansas. Company's finances were readjusted without foreclosure in 1910 and again in 1913. A committee consisting of Rudulph Ellis, P. Morris, and E. T. Stotesbury issued a circular dated June 10, 1910, urging deposits of securities with Drexel & Co., Philadelphia, depositary, under a plan which relieved the railroad from the drain of burdensome car-trust payments. A committee consisting of Edward T. Stotesbury, chairman, Rudulph Ellis, Effingham B. Morris, Sidney F. Tyler, Edward B. Smith, J. R. McAllister, and W. B. Henry presented a plan dated February 1, 1913, for readjustment of securities of company and the Wichita & Midland Valley R. R. Co., with Drexel & Co., Philadelphia, as depositary. Voting trust: The plan of February 1, 1913, provided that all common and preferred stock should be held under a voting-trust agreement dated May 15, 1913, terminating January 1, 1924, or any time after May 1, 1918, at discre-

tion of voting trustees, who are as follows—Edward T. Stotesbury, Sidney F. Tyler, J. R. McAllister, Lloyd W. Smith, Francis I. Gowen. The $4,500,000 new first mortgage 5 per cent bonds, dated April 1, 1913, were first offered in May, 1913, by Harris, Forbes & Co., New York; N. W. Harris & Co. (Inc.), Boston; Harris Trust & Savings Bank, Chicago; and Drexel & Co., Philadelphia.

Minneapolis & St. Louis R. R.:

Incorporated October 11, 1894, in Minnesota; successor to Minneapolis & St. Louis Ry., sold under foreclosure October 11, 1894. W. H. Truesdale was appointed receiver for old company. In August, 1892, the following stockholders' committee was appointed: F. P. Olcott, August Belmont, W. A. Read, W. L. Bull, J. Kennedy Tod, with Central Trust Co., New York, depositary. Messrs. August Belmont & Co., Vermilie & Co., and J. Kennedy Tod & Co. acted as managers of underwriting syndicate for above stockholders' reorganization committee and completed subscriptions for the entire $7,500,000 new bonds and stock provided for in the amended plan of reorganization.

Mississippi Central R. R.:

Incorporated March 15, 1904, in Mississippi; reorganization of Pearl & Leaf Rivers R. R. without foreclosure and receivership.

Missouri & North Arkansas R. R.:

Incorporated August 4, 1906, in Arkansas; successor to St. Louis & North Arkansas R. R., sold under foreclosure May 29, 1906. The reorganization committee was composed of John Scullin, David R. Francis, Powell Clayton, Robert S. Brookings, R. C. Kerens, with St. Louis Union Trust Co. depositary.

Missouri, Kansas & Texas Ry.:

Incorporated September 25, 1865, in Kansas as Union Pacific-Southern Branch Co.; name changed May 22, 1870, to present title. In November, 1880, a plan was proposed by a committee composed of F. P. Olcott, Joel F. Freeman, Henry W. Poor, Henry Budge, Colgate Hoyt, and Louis Fitzgerald. Subsequently this plan was adopted and reorganization was carried through without foreclosure.

New Orleans & Northeastern R. R.:

Incorporated October 14, 1868, in Louisiana and March 30, 1871, in Mississippi. In May, 1902, finances of company were readjusted without foreclosure under a plan agreed to by the Alabama, New Orleans, Texas & Pacific Junction Rys. Co. (Ltd.).

New Orleans, Mobile & Chicago R. R.:

Incorporated December 1, 1906, in Alabama, Mississippi, and Tennessee; successor to Mobile, Jackson & Kansas City R. R. and Gulf & Chicago Ry. sold under foreclosure August 23, 1906. A syndicate formed by interests in control of the Mobile, Jackson & Kansas City R. R., Messrs. Berg, Wexler, McDonald, Stratton, and others, agreed to assume the entire floating debt of existing companies and obligated itself to pay $500,000 new money into the treasury. Metropolitan Trust Co., New York, acted as depositary for purposes of reorganization.

New York, Philadelphia & Norfolk R. R.:

Incorporated September 27, 1881, in Virginia; successor to Peninsula R. R. of Virginia; reorganized without foreclosure and without change of name January 24, 1896. Reorganization committee consisted of Rudulph Ellis, H. W. Biddle, and John Lloyd, of Philadelphia, with Cassatt & Co., Philadelphia, depositary.

Norfolk & Western Ry.:

The Atlantic, Mississippi & Ohio was a consolidation of Norfolk & Petersburg, Southside, and the Virginia & Tennessee roads, foreclosed February 10, 1881, and reorganized as Norfolk & Western R. R. On February 6, 1895, President F. J. Kimball and Henry Fink were appointed receivers. The Norfolk & Western Ry. was incorporated September 24, 1896, as successor to the railroad company of the same name. Committees: A committee for the protection of the bondholders was formed in London, England, in February, 1895. Personnel was as follows: Alexander Brown, of Brown Bros. & Co. (chairman); Henry Parkham Sturgis, director of London & Westminister Bank; N. J. de Lancy Meyer, of Blake Boissevain & Co.; C. Bligo de Pothonier, of the Investment Trust Corporation; and Mr. Vivian, of Vivian, Gray & Co., all of London, England. New York committee: George Coppell, J. Kennedy Tod, A. A. H. Boissevain, Robert Fleming, and Gen. Louis Fitzgerald, president of Mercantile Trust Co. Subcommittee: J. Kennedy Tod, A. A. H. Boissevain, and Robert Fleming. Reorganization committee, London: A. H.

Brown, H. P. Sturgis, N. J. de Lancy Kiger, C. Kloz de Pothonier, Howard Gilliat, Robert Fleming, Lord Welby, William Vivian. New York reorganization committee: As above, with C. S. de Pothonier and H. F. R. Hutrecht. About 98 per cent of the bonds were deposited with the Mercantile Trust Co. and 90 per cent of the stock.

Norfolk Southern R. R.:

In July, 1905, Thomas Fitzgerald, Harry K. Walcott and Hugh R. Kerr were appointed receivers of the predecessor company, the Norfolk & Southern Ry. A reorganization committee, consisting of George C. Clark, of New York; Rathbone Gardner, of Providence; Oakleigh Thorne; John L. Waterbury; and S. N. Schoonmaker, was formed. Judge Waddill, in the United States district court at Richmond, Va., ordered the sale of the road on October 14, 1908. Harry K. Walcott; R. R. Baird, jr., of Norfolk; Thomas J. Jarvis, of Greenville, N. C.; and Fred Holt, of New York, were appointed special masters to conduct the sale. The sale took place on December 7, 1909, and the property was bid in by Rathbone Gardner, acting for the reorganization committee, for $8,000,000 (R. T. Thorp, representing Philadelphia interests, bid $8,100,000). The circuit court of appeals at Richmond, Ga., affirmed the sale March 12, 1910, and, in addition, ruled very strongly in favor of the reorganization committee on other matters. The relations of Edward Sweet & Co. to the financing of the company and other points criticised by Fergus Reid (the minority bondholder), in his efforts to block the sale, were justified by the court. The United States Supreme Court on April 25, 1910, denied the petition of the Van Dyke-Zell Syndicate, of Philadelphia, for a writ of certiorari to review the decision of the lower court. This did not end the litigation, as in July, 1910, a fourth attempt to annul the sale to the New York interests was being made by the Van Dyke-Zell Syndicate. The name of Marsden J. Perry is given as being chairman of the reorganization committee of the old Norfolk & Southern Ry.

Nypano Railroad:

This company was incorporated in Ohio as a reorganization of the New York, Pennsylvania & Ohio R. R., which in turn was a successor to the New York, Lake Erie & Western R. R. The New York, Lake Erie & Western R. R. was organized in August, 1895, under a plan prepared under the supervision of J. P. Morgan & Co. For the purpose of carrying the reorganization into effect, Messrs. C. H. Coster, Louis Fitzgerald, and Anthony J. Thomas undertook to act as a committee. The plan provided that the stock of the new company should be held by voting trustees to be named by J. P. Morgan & Co. and J. S. Morgan & Co. for five years and thereafter until the new first preferred stock should have received 4 per cent cash dividend in one year, although the voting trustees were at liberty to deliver the stock at an earlier date. At a meeting of the holders of first-mortgage bonds of the New York, Pennsylvania & Ohio, held September 4, 1895, it was voted to authorize a foreclosure proceedings and to accept the proposition contained in the Erie reorganization plan published in August of that year. The New York, Pennsylvania & Ohio was sold February 25, 1896, for $10,000,000 to C. C. Mason, of Cleveland, and Roswell G. Rolston, of New York, representing the bondholders. This foreclosure sale was ordered on the application of Farmers' Loan & Trust Co., New York. Receiver John Tod was named master commissioner of sale.

Northern Pacific Ry.:

Successor to Northern Pacific R. R. In April, 1908, Andrew F. Burleight was receiver for the Northern Pacific R. R. in Washington, Oregon, Montana, and Idaho, 2,329 miles; Edward H. McHenry and J. G. Bigelow were receivers in Minnesota, Wisconsin, and North Dakota, 1,989 miles, and also for property in New York and Manitoba, Canada. Under date of March 16, 1896, a committee, consisting of Edward D. Adams (chairman), Louis Fitzgerald (vice chairman), John C. Bullitt, Charles H. Godfrey, J. D. Probst, James Stillman, and Ernst Thalmann, with A. Marcus, secretary (address Mills Building, New York City), issued a plan of reorganization, with the cooperation of J. P. Morgan & Co., Drexel & Co. and the Deutsche Bank and a syndicate formed by them representing $45,000,000. The plan was also approved by all the Northern Pacific committees, including the stockholders' protective committee, Brayton Ives, chairman; the second-mortgage committee, Johnson Livingston, chairman; the third-mortgage committee, Evans R. Dick, chairman; the collateral-trust committee, R. G. Rolston, chairman;

and the Reorganization committees. Voting trust: This plan provided that both classes of stock of the new company (except directors' shares) be vested in the following five voting trustees: J. P. Morgan, George Siemens, August Belmont, Johnston Livingston, and Charles Lanier.

Oklahoma Central R. R.:

Incorporated July 31, 1914, as successor to Oklahoma Central Ry., sold at foreclosure sale July 31, 1914, to the reorganization committee formed in the interests of the first mortgage 5 per cent bonds of the old company. Committee: Frederick J. Lisman (chairman), Willard V. King, Francis K. Quinn, Chauncey D. Parker, Charles MacVeagh, with William G. Edenborn, secretary, 30 Broad Street, New York, and Paskus, Gordon & Hyman, counsel. Depositary, Columbia-Knickerbocker Trust Co. Central Trust Co., subdepositary, Amsterdam, Holland; plan of reorganization issued May, 1914.

Pacific & Eastern Ry.:

Incorporated May 27, 1907; successor to Medford & Crater Lake R. R., sold under foreclosure May 11, 1907. The line was bid in for $82,500 by George Estes, of Portland, Oreg., representing a local syndicate. Mr. Estes became treasurer of the new company. His address was given, care of Oregon Trust & Savings Bank, Portland, Oreg. Oregon Trust & Savings Bank was trustee of an issue of $1,000,000 first 6 per cent bonds, dated July 1, 1907.

Pere Marquette R. R.:

Incorporated December 11, 1907, in Michigan and Indiana as consolidation of the first Pere Marquette R. R. (of Michigan), and Pere Marquette R. R. of Indiana. On December 4, 1905, Judson Harmon, of Cincinnati, was appointed receiver for Pere Marquette R. R. and Cincinnati, Hamilton & Dayton. Stockholders' protective committee, formed about December, 1905: Nathaniel Thayer (chairman), Mark T. Cox, George H. Norman, Francis R. Hart (secretary), W. W. Crapo. Depositaries: Old Colony Trust Co., Boston, and Manhattan Trust Co., New York. The protective committee completed a plan with J. P. Morgan & Co. about June, 1907. This plan was communicated to stockholders by F. S. Mosely & Co., who were "acting for shareholders' protective committee."

Philadelphia & Reading Ry.:

Incorporated November 18, 1833, to acquire railroad lines of the Philadelphia & Reading R. R. Sold under foreclosure September 23, 1896. Reorganization committee: F. P. Olcott (chairman), Adrian Iselin, jr., J. Kennedy Tod, Henry Bridge, Thomas Denny, New York; George H. Earle, jr., S. F. Tyler, Samuel R. Shipley, Richard Cook, Philadelphia. Reorganization plan was issued by committee under direction of J. P. Morgan & Co.

Reading Co.:

Incorporated May 24, 1871, in Pennsylvania; name changed to National Co., January 18, 1973. Control acquired at receiver's sale on September 23, 1896, by committee representing the reorganization managers of the Philadelphia & Reading R. R. Co., which committee on the same day purchased the railroads, property, and corporate franchises of Philadelphia & Reading R. R. Co. A large portion of these properties was conveyed to National Co., which changed its name to Reading Co., after having increased its capital stock from $160,000, first to $40,000,000 and afterwards to $140,000,000, of which $28,000,000 was first preferred and $42,000,000 second preferred. Voting trust: All of this stock was deposited with Messrs. J. P. Morgan and Frederick P. Olcott, of New York, and Henry N. Paul, of Philadelphia, as voting trustees under an agreement that it should be held by them until January 1, 1902, and until such time as the first preferred stock should receive cash dividends of 4 per cent per annum for two consecutive years.

St. Louis Southwestern Ry.:

Incorporated January 12, 1891, in Missouri; successor to St. Louis, Arkansas & Texas Ry., sold under foreclosure October, 1889. Reorganization plan published January 18, 1890. Reorganization committee: F. P. Olcott (chairman), Henry Bridge, James Speyer, J. Kennedy Tod, Edmund Smith, Central Trust Co., New York, depositary. Plan provided that accounts of reorganization committee be audited by the president of United States Trust Co., of New York, and of Farmers' Loan & Trust Co., New York. A second plan of reorganization was issued by following committee: William Mertens, of L. von Hoffman & Co.; G. T. Wetzler, of J. D. Probst & Co.; M. Oppenheim, of M. Oppenheim & Co.; and F. G. Reuter, of Worthington & Co. Depositary: Farmers' Loan & Trust Co. Subsequently the two committees settled their differences and (about Apr. 1, 1900) Mr. Mertens, of the second committee,

became a member of the firm, and, in view of the compromise entered into, urged holders who had deposited securities with Farmers' Loan & Trust Co. to transfer them to the Olcott plan. July 2, 1900, Judge Thayer granted decree ordering sale of road and appointing Col. D. R. Dyer special master in chancery to conduct sale.

San Antonio & Aransas Pass Ry. Co.:

Incorporated in 1902 in Texas; reorganization of a company of the same name. Under the reorganization agreement of March 2, 1901, and a modified reorganization agreement of December 14, 1899, the reorganization committee effected without foreclosure a reorganization of the mortgage debt of the company. Committee: Frederic P. Olcott, Joseph Wharton, Henry Bridge, Frederic Cromwell, J. Kennedy Tod, Alfred S. Heidelbach, Eric P. Swenson. New bonds were issued, and the mortgages of the old ones satisfied and discharged of record. New bonds guaranteed by Southern Pacific Co. Trustee: Central Trust Co. of New York.

Savannah & Statesboro R. R.

Incorporated 1897 in Georgia as successor to Cuyler & Woodbarn R. R. Sold under foreclosure September 7, of that year, to W. F. Carter, of Meldrim, Ga., for $37,000 (road had been previously sold to W. A. Adams, but the bid was not paid). Incorporators of new company: D. C. Wood, Ellen R. Wood, T. E. Robertson, Lee Hutchins, Thomas W. Buckley, Charles A. Douglas, A. H. MacDonnell, William R. Leakin, and J. R. Saussy, Jr.

Seaboard Air Line Ry.

Incorporated April 10, 1900, in Virginia, as successor to the Richmond, Petersburg & Carolina R. R. Consolidation of Raleigh & Gaston R. R., Seaboard & Roanoke, Florida Central & Peninsula R. R., etc. This consolidation was voted upon December 27, 1899, Mr. Thomas F. Ryan objecting. At this voting 13,069 shares were represented out of a total of 13,694. These shares were entitled to 3,180 votes. Ryan's representatives mustered 462 votes, which were cast against consolidation. President Williams, about April 12, made public a statement in which he said "neither our syndicate nor any railway company in the system nor any allied corporation owes $1 to any bank, bankers, or trust company in New York, Philadelphia, or Boston."

Southern Ry.

Incorporated February 22, 1894, in Virginia. Successor to Richmond & Danville R. R. In July, 1893, Samuel Spencer was appointed one of the receivers of the old company. Mr. Spencer represented the banking house of Drexel, Morgan & Co. January, 1894, coupons on a number of bonds issued were paid at Chase National Bank. Reorganization committee: C. H. Coster, George Sherman, Anthony J. Thomas, with Bangs, Stetson, Tracy & McNeagh, counsel. Drexel, Morgan & Co., depositaries. Central Trust Co., custodian of securities.

Tennessee Central R. R.

Reorganization without foreclosure in 1904. March 17, 1904, W. J. Oliver was appointed receiver. With a view to reorganization company filed two new mortgages in April, 1904, viz. (1) a prior lien mortgage to the Mississippi Valley Trust Co., of St. Louis, as trustee, for $3,652,750, and (2) a general mortgage to the Mercantile Trust Co., of St. Louis, as trustee, for $9,000,000. Receivership ended in June, 1904.

Tennessee, Kentucky & Northern R. R.

Originally incorporated March 18, 1904, in Tennessee as Overton County R. R. Co. On August 12, 1912, this property was sold at foreclosure sale under the mortgage of the Continental & Commercial Trust & Savings Bank, and Frank H. Jones, as trustee. Purchased by Thomas A. Fitzsimmons, of Chicago, presumably representing the bondholders. The Tennessee, Kentucky & Northern R. R. was incorporated August 14, 1912. The incorporators of the new company were George A. Clark (who had been receiver for the Overton County R. R.), C. C. Trabue, Avery Handley, Claiborne E. Bryan, and F. J. Reedy, Jr.

Toledo, St. Louis & Western R. R.

Successor to Toledo, St. Louis & Kansas City R. R., sold under foreclosure March 27, 1900. Purchased for $19,200,000 by Morton S. Paton and R. B. Hartshorn, representing the bondholders. Two interests were seeking control, the preferred stock and the bondholders. Bondholders' committee plan: John C. Havemeyer, chairman, prepared a plan of reorganization which amongst other things provided that the stock of the company, as reorganized, should be vested in the following voting trustees: Charles Parsons, Bergen

O. Armour, Simon Borg, C. Sidney Shepard, and Otto T. Bannard. The stock to be so held for five years, but the voting trustees to have the power at their discretion to deliver it at an earlier date. The trustees to have the power during the existence of the trust to sell the stock subject to the approval of a majority in amount of each class of the trust certificates. A syndicate under the management of Vermilye & Co. and Hallgarten & Co. entered into a contract with the bondholders' committee for the purchase of $9,000,000 first-mortgage bonds represented by Continental Trust Co. certificates. A new reorganization committee, consisting of F. P. Olcott, chairman, H. Bridge, J. Kennedy Tod, and William A. Read, with J. N. Wallace, 54 Wall Street, as secretary, was formed in June, 1900. Depositary, Central Trust Co. Voting trust: All of the preferred and common stock was vested in the following voting trustees—Frederic P. Olcott, Thomas H. Hubbard, and William A. Read, to be held by them for five years. The voting trustees to have full power to sell the stock subject to the approval of a majority in amount of each class of the outstanding trust certificates representing the stock.

Toledo Terminal R. R.:

Incorporated December 4, 1900, in Ohio; successor, November 1, 1907, to property of Toledo Ry. & Terminal Co., sold under foreclosure. In January, 1906, Judson Harmon was appointed receiver of Toledo Ry. & Terminal Co. In beginning of January, 1906, new officers representing J. P. Morgan & Co. were elected, G. W. Perkins being made president. In March, 1906, Bioren & Co., Philadelphia, requested names and addresses of bondholders. Bondholders' committee: Andrew T. Sullivan, president Nassau Trust Co., Brooklyn, chairman; R. R. James, president Easton Trust Co., Easton, Pa.; Samuel C. Eastman, president New Hampshire Savings Bank, Concord, N. H.; Daniel McCoy, State Bank of Michigan, Grand Rapids, Mich.; John G. Reading, president Pennsylvania State Bankers' Association; H. M. Verrill; C. H. Gilman; Francis B. Sears. Depositaries: Columbia Trust Co., New York, and Portland Investment Co., Portland, Me.

Union Pacific R. R.:

Incorporated July 1, 1897, in Utah; successor to Union Pacific Ry. under reorganization plan dated October 25, 1895. The reorganization committee included the following: Louis Fitzgerald, Jacob H. Schiff, T. Jefferson Coolidge, Chauncey M. Depew, Marvin Hughitt, Oliver Ames, 2d, with Alvin W. Krech, secretary, and Winslow S. Pierce, counsel. Depositaries: Mercantile Trust Co., New York; Old Colony Trust Co., Boston; Bank of Montreal, London; Amsterdamsche Bank, Amsterdam; Deutsche Vereinsbank, Frankfort-on-Main. Messrs. Kuhn, Loeb & Co., New York, acted as bankers for reorganization committee.

Vicksburg, Shreveport & Pacific Ry.:

Incorporated April 23, 1901, in Louisiana, and on May 1, 1901, assumed possession of all property of Vicksburg, Shreveport & Pacific R. R. Co. (except the United States land-grant lands), having purchased same at foreclosure sale March 30, 1901. On April 23, 1906, J. H. McCormick, of Monroe, La., was appointed receiver. In June, 1906, Goepel & Baeguet, of 280 Broadway, New York, in view of appointment of receiver, requested holders of third-mortgage and land-grant bonds to communicate with them in order that protective measures might be taken.

Western Maryland Ry.:

Incorporated December 1, 1902, in Maryland; successor to Western Maryland R. R., sold under foreclosure November 19, 1900. The reorganization plan dated July 26, 1900, was adopted by committee of holders of general lien and convertible mortgage bonds. This committee included Alvin W. Krech, Byron T. Herrick, Henry S. Redmond, George F. Butler, Winslow S. Pierce, Frederick T. Gates, Henry E. Cooper, with Equitable Trust Co., New York and City Trust Co., Boston, depositaries. A syndicate, of which Blair & Co., New York, were managers, agreed to purchase over $20,000,000 of the immediate issue of about $24,000,000 new common stock issuable under the plan.

Western New York & Pennsylvania Ry.:

Incorporated March 18, 1905, in New York and Pennsylvania; successor to Western New York & Pennsylvania R. R., sold under foreclosure February 5, 1906. The reorganization committee consisted of Isaac N. Seligman, chairman, Gustav H. Kissel, C. H. Tretherton, Carl Jaeger, George E. Bartol, N. Thauron, and S. G. De Gozzey. Plan provided that stock of new company

should be held in trust for five years by George B. Bartol, Millard Thomas, and Samuel G. De Coursey, with full power to vote thereon.

Wheeling & Lake Erie R. R.:

Incorporated April 23, 1890, as reorganization of Wheeling & Lake Erie Ry. A bondholders' committee, of which George Coppell was chairman, prepared a plan of reorganization. Guaranty Trust Co. acted as depositary in conjunction with this committee. Following firms acted as stockholders' committee: Dick Bros. & Co., Bell & Co., Clark, Ward & Co., Webb & Pratt, Thompson & Mairs. Central Trust Co., depositary. The reorganization committee was changed to be representative of each class of securities and ultimately was as follows: Gen. Louis Fitzgerald, representing the Wheeling division first-mortgage bonds; George Coppell, of Maitland, Coppell & Co., representing the Lake Erie division first-mortgage bonds; J. Kennedy Tod, of J. Kennedy Tod & Co., representing consolidated 4's; Eugene Delano, of Brown Bros. & Co., representing first-extension bonds; and William Dick, of Dick Bros. & Co., representing the stockholders.

Wheeling Terminal Ry.:

Incorporated June 7, 1900; successor to Wheeling Bridge & Terminal Co., sold under foreclosure May 27, 1900. Reported December, 1900, that majority of first-mortgage bonds, also second-mortgage bonds, and the stock of old company had been acquired by Kuhn, Loeb & Co. for $1,515,000 in the interest, it was reported, of the Pennsylvania Co.

Wisconsin Central Ry.:

Successor under plan of reorganization, as of July, 1900, to the properties of the Wisconsin Central R. R., etc. Property of old company was sold July 7, 1899, at Eau Claire, Wis., to Mr. George Coppell, representing the reorganization committee; price, $7,900,000. Voting trust: Both classes of stock were vested in voting trustees, George Coppell, John Crosby Brown, William L. Bull, Fred T. Gates, and Francis R. Hart, for five years, the trustees to have the power to deliver the stock at an earlier date.

Wisconsin, Minnesota & Pacific R. R.:

At St. Paul, October 7, 1898, a final decree of foreclosure was awarded in the case of Metropolitan Trust Co., of New York, against company. Property was acquired by Chicago, Rock Island & Pacific Ry. for $5,204,818.

Zanesville Terminal R. R.:

Successor to Zanesville Terminal Ry. sold at foreclosure March 22, 1902, for $92,000 to R. R. Rogers, New York, representing the bondholders. New company was incorporated April, 1902, in Ohio, with $300,000 authorized capital. Incorporators: Richard R. Rogers, Walter D. McKinney, James C. Moses, Edward R. McCune, and Ben R. Nelson.

Question No. 8.

[Total, 13,599.98 miles.]

Atlantic, Birmingham & Atlantic R. R.	636.00
Boston & Maine R. R.	2,391.00
Buffalo & Susquehanna Ry.	97.00
Chicago & Eastern Illinois R. R.	1,282.41
Chicago, Peoria & St. Louis R. R.	255.47
Chicago, Rock Island & Pacific R. R. (No tracks.)	
Chicago, Rock Island & Pacific Ry.	8,339.63
Cincinnati, Bluffton & Chicago R. R.	62.00
Cincinnati, Hamilton & Dayton Ry.	1,015.27
Colorado Midland Ry.	337.64
Council City & Solomon River Ry.	35.00
Denver & Rio Grande R. R.	2,395.00
Denver, Laramie & Northwestern R. R.	90.00
Fort Smith & Western R. R.	223.75
Illinois Southern Ry.	139.65
International & Great Northern Ry.	1,199.00
Kansas City, Clinton & Springfield Ry.	102.00
Kansas City, Outer Belt & Electric R. R.	8.00
Louisiana & Northwest R. R.	121.00
Macon & Birmingham R. R.	105.00
Marietta, Columbus & Cleveland R. R.	42.00
Missouri & North Arkansas R. R.	303.70
Missouri, Oklahoma & Gulf Ry.	282.10

Missouri Pacific Ry	7,294.53
New Mexico Central R. R.	116.00
New Orleans, Mobile & Chicago R. R.	402.90
New Orleans, Texas & Mexico R. R.	285.87
New York, New Haven & Hartford R. R.	2,093.10
Ohio River & Columbus Ry	24.42
Pere Marquette R. R.	2,321.77
Pittsburg, Shawmut & Northern R. R.	294.06
St. Louis & San Francisco R. R.	5,259.09
San Antonio, Uvalde & Gulf R. R.	314.63
Tennessee Central R. R.	292.71
Toledo, St. Louis & Western R. R.	450.58
Trinity & Brazos Valley Ry	463.00
Valdosta, Moultrie & Western R. R.	42.00
Wabash, Chester & Western R. R.	64.83
Wabash-Pittsburg Terminal Ry	93.40
Wabash R. R.	1,379.20
Watauga & Yadkin River R. R.	23.00
West Side Belt R. R.	22.63
Western Maryland Ry	961.23
Wheeling & Lake Erie R. R.	506.39
Williamsville, Greenville & St. Louis Ry	35.00
Wisconsin & Michigan Ry	128.10
Western Pacific Ry	950.00
Rock Island Co. (Holding company; no mileage.)	
Wisconsin, Minnesota & Pacific R. R.	386.25

Atlanta, Birmingham & Atlantic R. R.—The properties of the Atlanta, Birmingham & Atlantic R. R. Co. were sold at foreclosure sale on June 5, 1914, for $4,641,000. The property was bid in by Martin D. Wylly and Frederick Belts, jr., representing the general protective committee. The sale was confirmed by Judge Pardee on June 17, 1914. Proposed successor company: The Atlanta, Birmingham & Atlantic Ry. Co. was incorporated in Georgia, August 22, 1914, with E. T. Lamb as president (receiver of the railroad company), and the Georgia Railroad Commission, in August, 1914, authorized the new company to issue $30,000,000 common and $10,000,000 preferred stock; also $8,000,000 6 per cent bonds. Official notice of reorganization was filed October 2, 1914, in the office of secretary of state of Georgia, this notice stating that the railroad company had been withdrawn from the hands of the receiver. On November 20, 1914, however, an order was signed by Judge Pardee in the United States district court at Macon, Ga., with the consent of the committees representing holders of the receivers' certificates and the bondholders, again formally placing the road in hands of F. T. Lamb as receiver. The purchasers of the railroad property notified the court that on account of present financial conditions they were unable to complete the purchase. Committee for receivers' certificates: Owing to the default in payment of principal of the $4,700,000 one-year 5 per cent receivers' certificates due July 1, 1913, the following committee agreed to act for the holders: Howard Bayne, George C. Clark, jr., Harold B. Clark, Lewis B. Franklin, and Carl E. Steere, with G. E. Warren, secretary, 60 Broadway, New York, and Shearman & Sterling and Spooner & Cotton as counsel. Depositary: Columbia Trust Co., New York. Over 80 per cent of the receivers' certificates have been deposited with this committee. Committee for first-mortgage fives: S. H. Fessenden, Philip Stockton, and F. H. Farrar. Old Colony Trust Co., depositary. Committee for joint collateral notes and first-mortgage fives: George C. Clark, chairman; George C. Clark, jr., secretary; Equitable Trust Co., New York, and American Trust Co., Boston, depositary. General protective committee: E. S. Marston (chairman), John L. Waterbury, S. S. Palmer, New York, and Samuel Carr, Francis R. Hart, and Frederick Ayer, Boston.

Boston & Maine R. R.—In June, 1907, the New York, New Haven & Hartford R. R. Co. acquired $10,004,800 of the capital stock of the Boston & Maine R. R. which was subsequently exchanged, share for share, for stock of the "New Haven Co." In consequence, however, of agitation in the Massachusetts Legislature with respect to "foreign" control the stock was sold in June, 1909, to John L. Billard. Additional stock was subsequently acquired in the same interests, and in February, 1909, authority was granted by the Connecticut Legislature for a charter for a corporation under the style of the Billard Co., with power to purchase, hold, pledge, and sell shares of stock and other securities

of the Boston & Maine R. R. In June, 1909, the Massachusetts Legislature passed a law authorizing the Boston Railroad Holding Co. to hold the securities of the Boston & Maine R. R., and on October 8, 1909, that company took over the $10,994,900 Boston & Maine stock purchased from the Billard Co. at $140 per share. As of June 30, 1914, the Boston Railroad Holding Co. owned $11,018,900 common and $654,900 preferred stock of the Boston & Maine R. R. Co. The Boston Railroad Holding Co. was, in October, 1914, placed in the hands of Frank P. Carpenter, Henry B. Day, Charles P. Hall, James L. Doherty, and Marcus P. Knowlton as trustees, for the purpose, amongst others, of disposing of its holdings in Boston & Maine stock. In connection with the Boston & Maine situation W. B. Lawrence, the largest holder of the stock, aside from the Boston Railroad Holding Co., is quoted as saying: "I am against a reorganization of the Boston & Maine. I want a receivership. It must consist of three men—three honest men—with the present president of the road at the head, doing the directing." (Boston Post, Jan. 29, p. 3.)

Buffalo & Susquehanna Ry.—The company having defaulted May 1, 1910, on the interest due on its $6,000,000 first-mortgage 4½ per cent bonds, Harry L. Miller was appointed receiver on May 2, 1910, by the Supreme Court of the State of New York, and on May 5, 1910, was appointed receiver in Pennsylvania by the Court of Common Pleas of Potter County. Bondholders' protective committee: William Salomon (chairman), Gordon Abbott, Alex. Brown, Benjamin Strong, jr., and Asa S. Wing; George G. Henry, secretary, 36 Broad Street, New York. Depositary: Bankers' Trust Co., New York.

Chicago & Eastern Illinois R. R.—During the month of May, 1913, it became evident that financial embarrassment of the St. Louis & San Francisco R. R. Co., the owner of all the outstanding common stock and over 75 per cent of the preferred stock of the Chicago & Eastern Illinois R. R. Co., would lead to the appointment of receivers of the property of the St. Louis & San Francisco R. R. Co. and the consequent appointment of receivers of the Chicago & Eastern Illinois R. R. In anticipation of the impairment of the company's credit which would follow, and in view of the condition of its property and affairs, a creditor filed a bill in the United States District Court for the Northern District of Illinois praying for a receivership of the company's property, pursuant to which William J. Jackson, vice president of the company, and Edwin W. Winter, of New York, were appointed receivers May 27, 1913, took possession as of midnight that date, and are operating the property. Protective committee for trust certificates and stockholders: In May, 1913, the following committee agreed to act for the protection of the holders of St. Louis & San Francisco R. R. trust certificates for Chicago & Eastern Illinois R. R. preferred and common stock and of the preferred stockholders of Chicago & Eastern Illinois R. R.: Alvin W. Krech (chairman), Henry H. Porter, W. Emlen Roosevelt, Gordon Abbott, W. Redmond Cross, Horace J. Morse, Henry A. Vernet, with Richard R. Hunter as secretary. Depositary: Equitable Trust Co., New York. Counsel: Murray, Prentice & Howland. Protective committee for Evansville & Indianapolis R. R. first sixes and first consolidated sixes: Default having occurred in the July 1, 1914, interest on both these issues the following committee was formed for the protection of holders: Frederick H. Shipman (chairman), W. R. Cardozo, E. W. Gladwin, R. H. Ladd, jr., E. M. Smith, with Geller, Edelson & Horan counsel and Edwin Gibbs, secretary, 22 William Street, New York. Depositary: Farmers' Loan & Trust Co., New York. Protective committee for holders of mortgage debt and equipment obligation: John W. Platten (chairman), James G. Brady, Franklin Q. Brown, Frederick H. Ecker, Robert Fleming (London), Donald G. Geddes, Otto H. Kahn, William C. Poillon, with Calvin Brewer, secretary, and Kuhn, Loeb & Co. as bankers for the committee. Depositary: United States Mortgage & Trust Co., New York. Counsel: Spooner & Cotton. This committee in March, 1914, asked for deposit of refunding and improvement bonds. Protective committee for Chicago & Indiana Coal Ry. Co. first 6's: W. W. Jacobs (chairman), James B. Mabon, Edwin S. Hunt, R. H. Carleton, J. S. Farlee, with Charles E. Sigler, secretary, 54 Wall Street, New York, and Sullivan & Cromwell, New York, as counsel. This committee, on June 30, 1914, in view of the impending default in the July interest, called for deposit of the bonds. Time for deposit expired December 1, 1914. In January, 1915, the Metropolitan Trust Co., of New York, as mortgage trustee, brought a suit to foreclose the Chicago & Indiana Coal Ry. mortgage of 1903. This suit was brought at the instance of the protective committee of Chicago & Indiana Coal Ry. bondholders, acting through their counsel, Sullivan & Cromwell. Separate receivers for coal properties: In November, 1914, United States district court

at Chicago appointed Francis S. Peabody, Jackson K. Dering, and James Wooley separate receivers for the coal properties. As a result of these appointments the leases under which the Illinois and Indiana mines owned by the road were operated by the coal companies have been canceled. The special receivers now operate properties for the road.

Chicago, Peoria & St. Louis R. R.—The circuit court at Springfield, Ill., on July 31, 1914, appointed Binford Wilson, of Springfield, Ill, president of the road, and William Cotter, of New York, receivers for company. General and refunding bondholders' committee: Owing to default in June 1, 1914, interest on the general and refunding four-and-a-halfs, the below-named committee urged deposit of these bonds with Bankers' Trust Co., New York, depositary. Committee: Frederick J. Lisman, chairman, and Alfred Shepherd, with Graham Adams as secretary, 30 Broad Street, New York, and White & Chase, counsel. The agreement provides that in case of a vacancy in the membership of the committee the successor of Frederick J. Lisman shall be designated by F. J. Lisman & Co., New York, and the successor of Alfred Shepherd by the directors of the Car Trust Realisation Co. (Ltd.), Great Britain. The committee may add to its number. The agreement gives the committee the customary powers for the protection of the bondholders and provides that any plan of reorganization presented by the committee shall become binding on all depositors when assented to by certificates representing 51 per cent of the bonds, deposited hereunder, but that each dissatisfied depositor shall be allowed 30 days in which to withdraw. If the holders of more than 49 per cent in principal amount of the outstanding certificates of deposits shall so dissent, the plan will not become effective. Time for deposit was limited to December 15, 1914, since which date no deposits have been received, except upon such conditions as committee has imposed. A substantial majority of the bonds has been deposited. Prior-lien bondholders' committee: Default having been made in payment of September 1, 1914, interest on the Chicago, Peoria & St. Louis Ry. of Illinois prior-lien four-and-a-halfs, the below-named committee urged deposit of these bonds with the Equitable Trust Co., New York, depositary. Committee: Sidney C. Borg, of Simon, Borg & Co.; Henry H. Cooper, vice president of the Equitable Trust Co., New York; Thomas Denny, of Denny, Pomroy & Co.; Robert Struthers, jr., of Wood, Struthers & Co., with J. N. Babcock, secretary, 37 Wall Street, New York, and Leventritt, Cook & Nathan as counsel. Time for deposit was limited to November 30, 1914, since which date no deposits have been received except on terms imposed by committee.

Chicago, Rock Island & Pacific R. R.—The Chicago, Rock Island & Pacific Ry. Co. having failed to declare a dividend on its common stock in 1914, the Chicago, Rock Island & Pacific R. R. Co., the holding company, was left without resources with which to pay the May, 1914, coupons on the collateral trust fours of 2002. In view of the impending default in this interest a bondholders' protective committee, consisting of James N. Wallace, chairman; Charles Hayden, James Brown, Bernard M. Baruch, Henry Evans, Frederick Strauss, with Joline, Larkin & Rathbone and Cravath & Henderson as counsel, and C. H. Sigler as secretary, 54 Wall Street, New York, was formed, and in order to secure concerted action requested deposits of the bonds with the Central Trust Co. of New York, depositary. The formation of this committee and the deposit of bonds was protested by N. L. Amster, of Boston, who subsequently, in the interests of the undeposited bonds, formed a second protective committee, consisting of himself as chairman, L. Laflin Kellogg, George Warren Smith, Warren C. Crane, Frank W. Bauder, Courtlandt Linkrom, Alfred K. Keppelman, Edwin S. Dickerson, and George G. Prentice. Owing to the default in the payment of the May, 1914, interest on the collateral trust fours, the Central Trust Co. of New York, as trustee of these bonds, brought foreclosure suits on September 3, 1914, in the United States district court, and a foreclosure decree was signed October 10, 1914, by Judge Mayer, who directed that the stock of the Chicago, Rock Island & Pacific Ry. Co. pledged as collateral for these bonds be sold at auction in the interests of the bondholders by Bronson Winthrop as special master. In connection with this sale the "Wallace" protective committee (which ultimately represented a majority of the bonds) announced a plan of reorganization, which provided for the purchase in a single block of the stock pledged (which had a total par value equal to the face value of the outstanding bonds), and for the distribution of it to the depositing bondholders on the basis of 10 shares of stock of a par value of $100 each for each $1,000 bond, the depositing bondholders to pay the nondepositing bondholders their share of the proceeds of the sale of the stock, and to receive the excess stock in proportion to

their holdings. This plan of selling the stock en bloc was opposed in the courts by the minority bondholders represented by N. L. Amster, who contended it was unfair to them. The court of appeals on November 19, 1914, reversed Judge Mayer's decision, giving it as their opinion that the undepositing (minority) bondholders had a right to be made party defendants to the foreclosure suit. Eventually an arrangement was made between the two committees (Wallace committee and Amster committee) which allowed the stock to be sold. This arrangement was made on order of court, and provided that whilst the stock may be sold en block all the shares applicable to the undeposited bonds shall be turned over to a special master, appointed by the court, and be distributed to the bondholders who had not deposited their holdings to pay their proportion of the committee and foreclosure expenses amounting to 44¼ cents per share. On December 22, 1914, this stock ($71,805,600) was sold to the "Wallace" committee for $7,155,350, equivalent to $10 per share. This sale was confirmed by Judge Mayer on January 6, 1915. No bondholder will be entitled to exchange his bonds for stock after February 27, 1915; after that date bondholders must accept for their bonds their proportionate share of the proceeds of the sale. The special master must be notified on or before February 10, 1915, of intention to subscribe for unexchanged stock of the railway company.

Chicago, Rock Island & Pacific Ry.—On December 22, 1914, the control of the Chicago, Rock Island & Pacific Ry. Co. passed into the hands of the holders of the Chicago, Rock Island & Pacific R. R. Co. collateral trust fours—see statement above. In March, 1914, Edw. B. Smith & Co., Philadelphia and New York, issued the following notice to holders of Choctaw, Oklahoma & Gulf R. R. general fives, due 1919; Choctaw, Oklahoma & Gulf R. R. consolidated fives, due 1962; Choctaw & Memphis R. R. first fives, due 1914, and Chicago, Rock Island & Pacific Ry. Choctaw collateral trust fours: "In view of the uncertainties surrounding the whole Rock Island proposition, which has caused holders of the above securities to express to us concern as to their status, we feel, upon information, that the situation demands concentrated action for mutual protection. Committees have been formed to protect junior securities, whose interests may conflict with these underlying issues. Under the circumstances we urge holders of the Choctaw issues to communicate with us promptly, looking to united action." The $2,500,000 6 per cent bank loan, maturing December 31, 1914, was extended to April 30, 1915, at 6 per cent. This loan was negotiated to guide the company over the period of heavy payments, beginning with July 1, 1914. The date of the annual meeting which has several times been postponed, has again been postponed, this time to March 15, 1915. A reorganization committee, it is stated, may be formed to undertake the work of readjustment. The method expected in Wall Street to be used is for the stockholders of the company to agree to raise a large part of the new capital required as the consideration for retaining an interest in the property. The Phelps-Dodge interests, who are considered the leading interests in the company, although understood to be against a further investment in the company, are looked upon as the most likely source of new capital.

Cincinnati, Bluffton & Chicago R. R.—This road was sold at receivers' sale on October 15, 1914, to Fred A. Dolph, of Chicago, representing a syndicate of creditors. The price to be paid is $300,000. Judge Cook, in the circuit court, gave Mr. Dolph four months to make final payment. The receiver will operate the property until the sale is fully consummated. A new company, it is stated, will probably be organized some time prior to February 15, 1915. On March 14, 1908, John C. Curtis was appointed receiver in a creditor's suit.

Cincinnati, Hamilton & Dayton Ry.—Judge Hollister, in the United States court in Cincinnati, on July 2, 1914, because of the defaults in interest payments below mentioned, appointed Judson Harmon and Rufus B. Smith as receivers of the property on application by Bankers Trust Co., of New York, trustee. The defaults on July 1, 1914, were: Cincinnati, Hamilton & Dayton first and refunding mortgage unguaranteed bonds, $1,677,000; Cincinnati, Indianapolis & Western Ry. first and refunding fours, $4,722,000; Indiana, Decatur & Western Ry. fives, $3,162,000. The committee which represented the old 4½ per cent collateral trust notes exchanged under the readjustment of 1909 for general mortgage bonds has been reorganized, and in circular of October 2, 1914, to holders of bonds, said: "In view of the appointment of receivers of the railway company the committee requests that bondholders furnish it with their names and addresses and the amounts of their holdings. The committee will keep in touch with the progress of the receivership, and if advisable will later

call for the deposit of bonds. Bondholders are reminded of the existing contract with the Baltimore & Ohio R. R. Co., providing for the purchase or exchange of their bonds not later than during July, 1916, and the committee will be prepared to advise with bondholders in regard to the consummation of said agreement." (Signed: Charles H. Sabin, chairman; Harry Brenner, Samuel L. Fuller, J. H. McClement, and Gordon Abbott, committee, with Arthur B. Hatcher, secretary, 140 Broadway, New York, and Joline, Larkin & Rathbone, counsel.) A committee, consisting of Wilmer Palmer, Osman F. Rheinhard, and Rudolph Kleybolte, representing a large part of the $216,000 outstanding Kleybolte 4½ per cent equipment notes of 1905, called for the deposit of the notes, with the Bankers' Trust Co., New York, as depositary under a protective agreement dated November 2, 1914. A circular dated November 2, 1914, says, in substance: "On October 1, 1914, the receiver of the Cincinnati, Hamilton & Dayton Ry. Co. defaulted on the principal of the $54,000 of notes maturing October 1, and also the interest due on all the outstanding equipment notes. On the same date the company, through its receiver, paid the interest and principal of all its other outstanding equipment notes, maturing on that date, thus preferring said notes to those held by yourselves. The default in the Kleybolte equipment notes is placed upon the fact that the Pere Marquette R. R. has failed to make the payments due under contract of July 20, 1908, whereby about one-half of the equipment securing the issue was sold to that company with the sanction of the United States circuit court, but contrary to the provisions of the trust deed, and without the knowledge of the trustee." Owing to default in the payment of November 1, 1914, interest on Cincinnati, Findlay & Fort Wayne Ry. first fours, the below-mentioned committee asked for the deposit of bonds on or before January 15, 1915, with the Bankers' Trust Co., New York, depositary. Committee: F. N. B. Close, chairman; Sidney C. Borg, Henry F. Whitcomb, Albert H. Wiggin, with P. D. Bogue as secretary, 16 Wall Street, New York, and Alfred A. Cook counsel. The receivers on September 10, 1914, applied to the United States district court for permission to issue $3,000,000 receivers' certificates for improvements and equipment. The receivers, however, early in October, 1914, in view of the financial situation, decided to postpone application for permission to issue the above amount of certificates until some later date, when it is hoped conditions may have improved. The Interstate Commerce Commission on July 30, 1914, made an order announcing that an investigation of the road will be made in connection with a similar one into the affairs of the Pere Marquette R. R. An agreement was made July 1, 1900, between J. P. Morgan & Co. and the Baltimore & Ohio R. R. Co., under which the latter will acquire, at expiration of seven years from that date, at a price then to be agreed upon or determined by arbitration, the controlling stock of the Cincinnati, Hamilton & Dayton Ry. Co. During said seven years the controlling stock is to be vested in three voting trustees, one to be the president for the time being of the Baltimore & Ohio R. R. Co. In this connection a plan was effected for adjustment of future interest charges, and the payment or adjustment of the floating debt of the Cincinnati, Hamilton & Dayton Ry. Co., and providing approximately $7,000,000 for improvements and working capital. Under this plan the Baltimore & Ohio R. R. Co. guarantees $12,509,000 of the Cincinnati, Hamilton & Dayton Ry. first and refunding 4 per cent bonds, dated July 1, 1900, and took up at maturity the $11,567,000 of that company's 4 per cent notes, due July 1, 1913, secured by deposit of $13,000,000 of the first and refunding bonds, and now holds the notes and collateral. Also, upon the acquisition under the agreement of the stock of the Cincinnati, Hamilton & Dayton Ry. Co., the Baltimore & Ohio R. R. Co. is obligated either to purchase at 85 or guaranty $20,000,000 of that company's general mortgage bonds, due July 1, 1930.

Colorado Midland Ry.—On December 18, 1912, President George W. Vallery was appointed receiver by the United States district court at Denver on application of Central Trust Co., of New York, acting at the request of the protective committee. In view of the default by the company on one of its outstanding notes, a committee was formed in November, 1912, consisting of James N. Wallace, chairman; James N. Jarvis, Harry Brenner, E. Ayman Sands, Francis Leyland, Clark Williams, and W. de Lancey Kountze, requesting the holders of the first mortgage fours of 1997 to unite for mutual protection by depositing their bonds with the Central Trust Co. of New York, depositary. The Swiss Bank Verein, London, England, acts as London depositary. C. M. Sigler, 54 Wall Street, New York, is secretary.

Council City & Solomon River R. R.—Jerome D. Cadwgan was appointed receiver in October, 1907, by the court of chancery of New Jersey.

Denver & Rio Grande R. R.—It is stated that "the board of directors of the Denver & Rio Grande R. R. has authorized the announcement that the interest which will fall due September 1, 1914, upon Western Pacific Ry. first-mortgage bonds will be paid, but that if the Denver & Rio Grande R. R. is to continue its support of the Western Pacific Ry., some plan of readjustment of Western Pacific Ry. finances and the relation of the Denver & Rio Grande R. R. thereto must be devised, which will be acceptable to the holders of the bonds, and that a call for the deposit of these bonds will be put forth at an early date, by a committee of responsible bankers, looking to the adoption of a plan which will at once lighten the burden which the Denver & Rio Grande R. R. is now carrying, to place the financial structure of the system upon a basis of recognized solvency and credit, and as far as may be practical provide means for the development of the Western Pacific Ry."

Denver, Laramie & Northwestern R. R.—On June 12, 1912, the company was placed in the hands of receivers on complaint of F. A. Bridge, as a creditor, bondholder, and stockholder, in the district court, city and county of Denver, Colo. The Continental Trust Co. (Allen F. Ayers, representative) and Marshall B. Smith, of Denver, Colo., were appointed as receivers and assumed charge of the properties June 18, 1912. On March 7, 1913, at the request of the below-mentioned bondholders' protective committee, representing a large majority of the bonds, the Bankers' Trust Co. of New York, trustee under the mortgage, filed a complaint in foreclosure proceedings and asked for the appointment of receivers. The two preceding cases were consolidated with the Bankers' Trust Co., and the same receivers were appointed and are now in charge of the properties. The trustee has not, as yet, asked for a foreclosure decree. Committee: William Barth, J. R. Pearson, W. E. Green, William Semke, Stansbury Thompson, J. H. Bender, Denver, Colo.; J. P. Wallace, A. E. Oppenheim, New York; Fred R. Silsbee, Charles B. Martin, Chicago, Ill.; Otto Huber, Rock Island, Ill.; L. W. Crumly, Colby, Kans.

Fort Smith & Western R. R.—In November, 1910, holders of the securities of the Fort Smith & Western R. R. and the San Bois Coal Co., were asked to deposit their holdings with a committee composed of W. L. Brown, A. W. Mellon, Colgate Hoyt, W. H. Cunniff, W. G. Mather, J. J. Sullivan, George S. Russell, James H. Hoyt, S. H. Tolles, C. C. Bolton, and A. C. Dustin. In February, 1911, circulars in the shape of an agreement to deposit bonds with the Superior Savings & Trust Co., Cleveland, and vesting in the above-named committee the power to take absolute charge of the business were sent to bondholders of the Fort Smith & Western R. R. and the San Bois Coal Co. The agreement effective for three years, was signed by over 70 per cent of the bondholders, and conferred on the committee the power to vote all the stock of the signers of the agreement. The agreement was extended for two years to January 1, 1915. The stock of the San Bois Coal Co. was deposited with the Bankers' Trust Co. of New York, for the benefit of first-mortgage bondholders. The agreement also authorized the committee to sell, exchange, or dispose of the property of the Fort Smith & Western R. R. Co., the bonds deposited, or the San Bois Coal Co., as it may consider best, although the understanding is that no sale or exchange is to be made, nor money borrowed in excess of $100,000, without the unanimous vote of the committee.

Illinois Southern Ry.—A friendly reorganization, as of June 1, 1911, was consummated about December 1, 1911, whereby holders of the $4,000,000 first-mortgage 4 per cent bonds, dated December 1, 1903, exchanged their holdings for 20 per cent ($1,200,000) of new first-mortgage 5 per cent bonds and 80 per cent ($1,880,000) of new income 5 per cent bonds. In addition to the new first-mortgage bonds issued under the plan there were issued $350,000 for the construction of a new incline on the east bank of the Mississippi River and for other corporate purposes. The company induced the holders of 1,000 first-mortgage bonds to temporarily carry their December 1, 1913, coupons for the benefit of the company. The company has sufficient funds on hand to pay the balance of these December coupons; but if this payment was made it would leave it almost bare as to working capital and without funds to pay the June 1, 1914, coupons. It was therefore deemed desirable by the directors to make no disbursement, either on account of the balance due on the December 1, 1913, interest, or on the June 1, 1914, interest, and to keep what money the company had for additional working capital. The majority of the bondholders have been consulted and approve of these arrangements.

International & Great Northern Ry.—Judge Burns, in the United States court at Houston, Tex., on August 11, 1914, appointed James A. Baker, of Houston, and Cecil A. Lyon, of Sherman, Tex., as receivers of the property at the instance of the note holders' protective committee, see below. President Thomas J. Freeman stated it was impossible to meet either interest or principal of the notes due August 1, 1914, and as there was no market for the bonds a default resulted. The executors of the J. Gould estate consented to the plan for extending the notes for two and one-half years at 6 per cent, but the unsettled financial situation brought about by the European war and a less favorable outlook for the cotton crop along the line caused the plan to fall through. Note holders' committee: Alexander J. Hemphill, Alvin W. Krech, Benjamin Strong, jr., S. H. Voorhees, Franklin Q. Brown, R. Lancaster Williams, Frederick Strauss. Depositary: Guaranty Trust Co., New York. On July 31, 1914, this committee asked for the deposit of the $11,000,000 three-year 5 per cent notes, due August 1, 1914, in order to effect under what was believed to be advantageous conditions an extension thereof to February 1, 1917, with interest at 6 per cent. Unforeseen circumstances brought about a receivership of the property and made the plan impracticable of execution at the present time. Holders of notes were requested to deposit them at once with the depositary. To November 15, 1914, 90 per cent of the notes had been deposited with the committee.

Kansas City, Clinton & Springfield Ry.—Default having been made in the April, 1914, interest on the first mortgage 5 per cent bonds, protective committee was formed, consisting of E. V. R. Thayer (chairman), Alfred D. Foster, F. R. Hart, and F. L. Higginson, with Frank H. Damon as secretary, and Story, Thorndike, Palmer & Dodge as counsel. Bondholders were urged to deposit their holdings with Bankers' Trust Co., New York, or Old Colony Trust Co., Boston, depositaries. In the early part of May, 1914, this interest was paid with funds provided by the receivers of the St. Louis & San Francisco R. R.

Kansas City, Outer Belt & Electric R. R.—On October 31, 1912, Thomas A. Bigger was appointed receiver. Receiver's certificates to the amount of $40,000 have been issued to pay taxes and provide for care of property.

Louisiana & Northwest R. R.—On August 22, 1913, President George W. Hunter was appointed receiver by Judge Foster in the United States district court at New Orleans, on application of the Baldwin Locomotive Works.

Macon & Birmingham Ry.—S. F. Parrott, vice president, was appointed receiver of company on February 1, 1908, upon the application of the Old Colony Trust Co., Boston, trustee of the first 5 per cent mortgage. In September, 1910, J. B. Munson was appointed receiver to succeed S. F. Parrott.

Marietta, Columbus & Cleveland R. R.—D. B. Torpy, a director of the company, was on July 10, 1914, appointed receiver on application of the Columbia Trust Co., New York, trustee of the first mortgage 40-year 6's, on which no interest has been paid.

Missouri & North Arkansas R. R.—On April 1, 1912, Federal Judge Trieber appointed W. S. Holt, George L. Sands, and Jesse McDonald as receivers of the property, on application of the St. Louis Union Trust Co., the trustee of the first mortgage, dated July 1, 1906. On March 4, 1914, John Scullin was appointed receiver to succeed George L. Sands, resigned.

Missouri, Oklahoma & Gulf Ry.—President William Kenefick was appointed temporary receiver December 11, 1913, for the properties of the Missouri, Oklahoma & Gulf Ry. and the Missouri, Oklahoma & Gulf R. R. by Judge Hook in the Federal court at St. Louis, on application by the Baldwin Locomotive Works, a secured creditor to extent of approximately $306,000. The November, 1913, and subsequent coupons on the first mortgage bonds are in default. On January 12, 1914, L. S. Posner, of New York, and Alexander New, of Kansas City, Mo., were appointed receivers in place of William Kenefick, who asked to be relieved of the duty. Judge Hook, in the United States district court at Kansas City, on October 21, 1914, heard the application of the receivers to issue $1,700,000 certificates for improvements, equipment, etc. As they supplant the lien of the bondholders, the court will not grant the application for their issuance until consent in writing of a majority of bondholders is presented.

Missouri Pacific Ry.—The undersigned are prepared to act as a proxy committee for stockholders at the forthcoming annual meeting. Committee: Alex. J. Hemphill, Otto H. Kahn, Seward Prosser, James N. Wallace, and Robert Winsor, with Charles E. Sigler, secretary, 54 Wall Street, New York. It is reported that an official of the company, on January 19, 1915, stated to Kuhn, Loeb & Co. and Blair & Co., of New York, that the Deutsche Bank of Berlin

are expected to become financial managers of the company and to provide funds to meet the maturing obligations of the road.

New Mexico Central R. R.—In December, 1914, the district court at Santa Fe, N. Mex., appointed Ralph C. Ely, Deming, N. Mex., as receiver, succeeding Charles Murray.

New Orleans, Mobile & Chicago R. R.—The Federal court at Mobile, Ala., on December 19, 1913, placed the property of company in the hands of President William F. Owen, as receiver on petition by the Metropolitan Trust Co., of New York, as trustee under the first and refunding mortgage, the coupons due July 1, 1913, on the outstanding bonds remaining unpaid. Owing to the default in the July 1, 1913, interest the following committee was appointed: John W. Platten, chairman; James G. Cannon, Robert Fleming (London), Frederick William Scott, and T. Nelson Strother, depositaries; United States Mortgage & Trust Co., New York, and Mercantile Trust & Deposit Co., subdepositary, Baltimore. C. H. Murphy, 55 Cedar Street, New York; Bothman, Monlux & Griscom, counsel, New York.

New Orleans, Texas & Mexico R. R.—On July 9, 1913, the United States district court at New Orleans appointed John D. O'Keefe, of New Orleans, and Frank Andrews, of Houston, Tex., permanent receivers for company on application of the New York Trust Co. On July 25, 1913, Mr. O'Keefe tendered his resignation as receiver of the Beaumont, Sour Lake & Western Railway and Orange & Northwestern Railroad Co. This left Frank Andrews as sole receiver of the last two mentioned companies, and also of the St. Louis, Brownsville & Mexico Railway Co. Mr. O'Keefe continues as sole receiver of the New Orleans, Texas & Mexico Railway in Louisiana, with headquarters at New Orleans. The United States District Court for the Southern District of Louisiana in October, 1914, authorized Receiver O'Keefe to issue not exceeding $3,500,000 one-year 6 per cent certificates, dated October 15, 1914. Of these certificates the receiver was to issue sufficient to retire the $2,000,000 outstanding series A certificates, due October 15, 1914, and $300,000 St. Louis, Brownsville & Mexico Railway certificates. The remainder are reserved for further order of the court. Holders of the old outstanding certificates were offered in exchange therefor new certificates on the basis of $1,025 face value of new certificates for each $1,000 face value of the old certificates, being the equivalent of approximately an 8½ per cent interest basis for the new certificates. Under the order of the court the new certificates are made a lien on the property of the company, prior to the outstanding first mortgage bonds. Judge Foster in the Federal court at New Orleans in August, 1914, in the suit brought by the New York Trust Co., trustee, has ordered foreclosure sale of the road.

New York, New Haven & Hartford R. R.—At a meeting of the stockholders on April 21, 1914, the directors were authorized to complete negotiations with the Department of Justice for a peaceful solution of the so-called "New England" railroad situation, and to arrange for the segregation of the various properties that were under dispute. The department filed its petition in the District Court of the United States for the Southern District of New York on July 23, 1914, and the company filed its answer on September 17, 1914. An agreed decree was entered October 17, 1914, the result of which is shown in the company's annual report to its stockholders for the year ended June 30, 1914.

Ohio River & Columbus Ry.—The common pleas court at Georgetown, Ohio, on October 8, 1914, appointed Secretary and General Manager Charles J. Finger as receiver of this company on application of ex-Gov. Judge Harmon.

Pere Marquette R. R.—Owing to final refusal of Michigan State Railroad Commission to permit the company to carry on arrangement which it had made for borrowing money to meet maturing obligations, it became necessary that receivers be appointed, and on April 5, 1912, in the United States district court at Detroit Judge Angell placed the property in the hands of Newman Erb, New York; Frank W. Blair, Detroit, and Dudley E. Waters, Grand Rapids, Mich., as receivers. On April 9, 1912, Frank W. Blair was also appointed ancillary receiver by United States District Judge Landis, at Chicago. On August 27, 1912, S. M. Felton was appointed co-receiver succeeding Newman Erb, who resigned. On June 3 1914 Paul H. King, of Grand Rapids, was appointed chairman of the receivers, to succeed S. M. Felton, who resigned. Frank W. Blair also resigned as receiver, effective September 30, 1914. No successor has been appointed. Judge Landis in the Federal court at Chicago on May 28, 1912, granted permission to the Bankers Trust Co., New York, and

South Bend & Co., South Bend, Ind., to file suit for foreclosure of the improvement and refunding general mortgage. Later he granted leave to consolidate the suit with that brought by the American Brake Shoe & Foundry Co., filed in April, 1912, in which receivers were appointed. A bill to foreclose the consolidated mortgage was filed in the Federal court at Detroit, in April, 1914. Suit to foreclose the refunding mortgage was filed in the circuit court at Detroit on October 21, 1914. Refunding mortgage bondholders' committee: In April, 1912, holders of the refunding mortgage 4 per cent bonds of 1955 were invited to deposit their bonds with the Bankers Trust Co., New York, or Old Colony Trust Co., Boston, under the terms of a protective agreement. Committee: Gordon Abbott, Frank O. Brown, F. N. B. Close, Colgate Hoyt, F. J. Lisman, and Frederick Strauss. Bethune W. Jones, secretary, 16 Wall Street, New York. Joline, Larkin & Rathbone, counsel. Five-year 6 per cent debenture committee: In April, 1912, holders of the 5-year 6 per cent debentures, due July 1, 1912, were requested to deposit their holdings with Guaranty Trust Co., New York, or Old Colony Trust Co., Boston, by the following committee: A. J. Hemphill, chairman; F. R. Hart, R. V. R. Thayer, A. H. Wiggin. Counsel, Parker, Hatch & Sheehan, New York. L. R. Franklin, secretary, 140 Broadway, New York. C. R. Humphrey, assistant secretary, 17 Court Street, Boston. Preferred shareholders committee: In April, 1912, holders of first and second preferred stock were requested to deposit their shares with Bankers Trust Co., New York, or Old Colony Trust Co. Committee: Philip Stockton, chairman; C. W. Cox, John M. Graham, Guy Norman, W. J. Wollman, C. R. Weeden, with F. W. Denio, secretary, 17 Court Street, Boston. Depositaries: Old Colony Trust Co., Boston, and Bankers Trust Co., New York. Counsel, Storey, Thorndike, Palmer & Dodge, 53 State Street, Boston. Consolidated mortgage bondholders' committee: In June, 1912, holders of Consolidated mortgage 4 per cent bonds of 1951, were requested to deposit their bonds with the Farmers' Loan & Trust Co., New York, by the following committee: E. S. Marston, W. W. Crapo, C. W. Cox, A. R. Kuser, and C. W. Weld. Counsel, Cadwalader, Wickersham & Taft, New York. Time for deposit was limited to November 30, 1914. Five-year 6 per cent collateral note-holders' committee: William H. Porter, chairman; C. H. Sabin, I. H. Mason, D. E. Pomeroy, and Fred. W. Stevens, with Francis Lynde Stetson, as counsel. Depositary, Guaranty Trust Co., New York. E. S. Pegram, secretary, 15 Broad Street, New York. Committee for all underlying bonds: R. V. R. Thayer, chairman; Arthur Adams, E. T. Crapo, F. R. Hart, Henry R. Heyt, Oliver Prescott, A. H. Wiggin, F. H. Ecker, H. F. Whitcomb, with W. R. Denham, 17 Court Street, Boston, as secretary. Committee for equipment obligations on and after March 15, 1914: Howard Bayne, Harold Benjamin Clark, and Robert L. Bacon, with Columbia Trust Co., New York, depositary. This committee has arranged a plan under which $37,833 will be paid monthly by the receivers up to June 30, 1915, to provide for interest and principal of equipment trusts and $65,000 for repairs of equipment covered thereby. Interstate Commerce Commission investigation: Public hearings in the investigation of the Interstate Commerce Commission, under resolution of the House of Representatives, of financial operations of the Pere Marquette R. R. were begun at Detroit, Mich., on November 30, 1914, by Commissioner Hall. The inquiry has been in progress for several months.

Pittsburg, Shawmut & Northern R. R.—On August 1, 1905, Frank Sullivan Smith was appointed receiver upon application of the Central Trust Co. of New York, default having been made in the interest of the refunding fours of 1952. No plan of reorganization had been formulated up to January 1, 1915.

St. Louis & San Francisco R. R.—Upon application by creditors, Judge W. H. Sanborn, in the United States district court at St. Louis, on May 27, 1913, placed the company in the hands of Benjamin L. Winchell, president of the company, and Thomas H. West, chairman of the board of directors of the St. Louis Union Trust Co., as receivers. The Federal court at St. Louis, on July 7, 1913, appointed Vice Presidents W. C. Nixon and W. B. Biddle as coreceivers with Thomas H. West, to succeed B. L. Winchell. On December 2, 1913, Thomas H. West resigned as receiver, and was succeeded by James W. Lusk, an attorney, of St. Paul. On May 29, 1913, William J. Jackson, vice president of the company, and Edwin W. Winter, of New York, were appointed receivers for the Chicago & Eastern Illinois R. R. Protective committee for general lien 50-20-year 5 per cent bonds: Under deposit agreement, dated May 28, 1912, Speyer & Co., New York, invited holders of this issue to deposit their bonds with the following depositaries: Bankers Trust Co., New York; Illinois

Trust & Savings Bank, Chicago; Girard Trust Co., Philadelphia; Old Colony Trust Co., Boston; Mississippi Valley Trust Co., St. Louis; Speyer Bros., London; Deutsche Treuhand-Gesellschaft, Berlin; Associatie Cassa, Amsterdam; Credit Anversois, Antwerp; Schweizerische Kreditanstalt in Zurich, Switzerland. Committee for refunding 4 per cent bonds: Frederick Isaac Stevens, chairman; J. N. Wallace, Alexander J. Hemphill, Edwin G. Merrill, Harry Bronner, C. W. Cox, Breckinridge Jones, with Charles E. Sigler, secretary, 54 Wall Street, New York City. Johnson, Larkin & Rathbone, counsel. The July 1, 1914, interest on these bonds having been defaulted, this committee invited holders to deposit their bonds with any of the following depositaries: Central Trust Co. of New York, Mississippi Valley Trust Co., St. Louis; Berliner Handelsgesellschaft, Berlin, and Associatie Cassa, Amsterdam. As of October 1, 1914, about 35 per cent of these bonds had been deposited. Committee for New Orleans, Texas & Mexico division first mortgage 5 per cent bonds: Willard V. King, chairman; Stedman Buttrick, Lewis L. Clarke, Carl A. de Gersdorff, Lewis B. Franklin, Alfred Lichtenstein, G. G. W. Packard, J. V. Shipley, G. H. Walker, with George E. Warren, secretary, 60 Broadway, New York. Columbia Trust Co., New York, and St. Louis Union Trust Co., St. Louis, depositaries. Carter, Ledyard & Milburn, counsel. The interest due September 1, 1913, on these bonds was defaulted. In November, 1914, it was intimated that suit would shortly be instituted by the receivers, disclaiming liability for these bonds. Committee for two-year 5 per cent notes due June 1, 1913: Sewall H. Fessenden, Philip Stockton, and Louis Y. Wright, Old Colony Trust Co., Boston, depositary; Lawyer's Title Insurance & Trust Co., New York, depositary's agent. Rogers, Gray & Gorham, counsel. Principal of these notes, due June 1, 1913, was defaulted. Committee for two-year 6 per cent notes due September 1, 1914: Henry E. Cooper, chairman; C. J. Rhoads, Thomas A. Whelan, jr., with A. Ludlow Kramer, secretary, Equitable Trust Co., New York, depositary. Murray, Prentice & Howland, counsel. Interest due September 1, 1913, on this issue was defaulted. Over 85 per cent of these notes have been deposited. Committee for Chicago & Eastern Illinois Trust certificates and stock of that company: Alvin W. Krech, chairman; Henry H. Porter, W. Emlen Roosevelt, Gordon Abbott, W. Redmond Cross, Horace J. Morse, Henry A. Vernet, with Richard R. Hunter as secretary, Equitable Trust Co., New York, depositary. Murray, Prentice & Howland, counsel. Committee for Kansas City, Fort Scott & Memphis securities: The below mentioned committee was formed in May, 1913, and called for deposit of the following securities: Kansas City, Fort Scott & Memphis Ry. refunding fours, Kansas City, Fort Scott & Memphis Ry. consolidated sixes; Kansas & Missouri R. R. first fives; Kansas City, Memphis & Birmingham R. R. general fours and income fives; Kansas City & Memphis Ry. & Bridge Co. first fives; Kansas City, Clinton & Springfield Ry. first fives; Current River R. R. first fives; trust receipts for guaranteed 4 per cent preferred stock of Kansas City, Fort Scott & Memphis Ry. committee: E. V. R. Thayer, chairman; F. L. Higginson, Francis R. Hart, Alfred D. Foster, with Frank H. Dumas as secretary, 50 State Street, Boston. Old Colony Trust Co., Boston, and Bankers Trust Co., New York, depositaries. Counsel: Storey, Thorndike, Palmer & Dodge. Committee for Ozark & Cherokee Central Ry. first fives, due October 1, 1913: E. S. Page, chairman; Howard Bayne, Robert G. Drayton, A. B. Leach, Robert L. Montgomery. Counsel: Roberts, Montgomery & McKeehan. Girard Trust Co., Philadelphia, and Columbia Trust Co., New York, depositaries. Committee for stockholders of St. Louis & San Francisco R. R.: Charles H. Sabin, chairman; E. V. R. Thayer, Stacy C. Richmond, Frederic Ball, with Theodore H. Price as secretary, care of Guaranty Trust Co., New York. Committee for French bondholders: The Association Nationale des Porteurs Francais de Valeurs Etrangeres, Paris, has constituted itself a protective committee to represent French holders of the company's bonds, of which it owns $20,000,000 general lien 5 per cent bonds and $5,000,000 New Orleans, Texas & Mexico division first mortgage four-and-a-halfs were brought out in France. St. Louis stockholders' committee: Samuel F. Fordyce and Albert T. Perkins. Foreclosure suits: A suit was filed in the United States district court at St. Louis, Mo., on May 12, 1914, by the Bankers Trust Co., New York, to foreclose the general lien mortgage. Suit has also been brought to foreclose the refunding mortgage. Restitution suit dropped: Judge Trieber in the United States district court at St. Louis, on November 10, 1914, at the request of the receivers, dismissed the suit brought in January, 1914, against 10 men who were directors of the company between December, 1909, and June, 1910, to recover $14,408,921, which, it is alleged, was illegally caused

by them to be paid out in connection with the construction and acquisition of new lines. The dismissal of the suit is part of the plan of the receivers to disclaim liability of the St. Louis & San Francisco R. R. Co. on the $25,582,000 outstanding New Orleans, Texas & Mexico division bonds.

San Antonio, Uvalde & Gulf R. R.—Judge Burns in the Federal court at San Antonio, Tex., August 14, 1914, appointed Duval West receiver for the company.

Tennessee Central R. R.—On December 31, 1912, W. K. McAlister and H. B. Chamberlain were appointed receivers by Judge Sanford in United States district court at Knoxville, Tenn., on application of the Mercantile Trust Co., St. Louis. On April 1, 1914, the receivers were authorized to issue $350,000 one-year 6 per cent certificates. Of these, $150,000 were sold, and $150,000 pledged as collateral for a loan by receivers. Protective committee: In view of the receivership the following protective committee was formed in January, 1913, requesting deposits of general mortgage 6 per cent bonds of 1954 with the Guaranty Trust Co., of New York, depositary. A. J. Hemphill, chairman; G. H. Harris; Breckinridge Jones; W. T. Rosen; and Albert H. Wiggin; with L. B. Franklin, secretary, 140 Broadway, New York, and Roberts Walker and Van Vorst, Marshall & Smith, as counsel.

Toledo, St. Louis & Western R. R.—Judge Killits in United States district court at Columbus, Ohio, on October 23, 1914, appointed President W. L. Ross receiver. The application was made by Horatio C. Creith, of H. C. Creith & Co., Columbus, Ohio, contractors, on a claim of $10,711, for material and labor. It is alleged that the floating debt exceeds $400,000. Bondholders' committee: Default having occurred on the payment of the August 1, 1914, coupons on the collateral trust 4 per cent bonds, the below mentioned committee requested holders of series A and series B to deposit the same with the Union Trust Co., New York, depositary, in order that their interests might be adequately protected. Committee: Edwd. G. Merrill, president of Union Trust Co., New York, chairman; R. Walter Leigh, of Maitland, Coppell & Co.; Roberts Walker, of White & Case; and A. V. Morton, vice president of Pennsylvania Co., for insurance on lives and granting annuities, Philadelphia; with Louis C. Krauthoff, as counsel, and G. K. B. Wade, as secretary, 30 Broadway, New York. The time for making deposits expired December 15, 1914. Over 80 per cent of the bonds has been deposited. Stockholders committee: At the request of a very large majority of the holders of the preferred and common stock, the following have agreed to act as a protective committee to safeguard the interests of the said stockholders. Deposits of stock will be asked for in due course. Committee: Jules S. Bache, chairman; Walter S. Crandall; Edmon G. Hammersley; Colgate Hoyt; and Walter C. Taylor; with E. P. Goetz, as secretary, 42 Broadway, New York. In January, 1915, the above committee stated that a substantial amount of the stock has been deposited. Also that conditions are such that protective measures should be taken at once. Further deposits without delay were urged. Empire Trust Co., New York, is depositary. The time for making deposits is limited to expire February 1, 1915, after which date no further deposits will be received, except upon such conditions as the committees may impose.

Trinity & Brazos Valley Ry.—On June 16, 1914, on petition of the Old Colony Trust Co., Boston, trustee of the first mortgage bonds, alleging that company had defaulted on interest due January 1, 1914, the road was placed in the hands of J. W. Robins, president, as receiver. The receivership is friendly. Trackage agreements have been abrogated and service terminated by company between Houston and Galveston, between Dallas and Fort Worth, Fort Worth and Cleburne, and Dallas and Waxahachie. Receiver Robins has announced that all parties to the trackage contracts have agreed to their abrogation, making it immediately effective. This will result in saving of $210,626 yearly to road.

Valdosta, Moultrie & Western R. R.—Judge Thomas in the superior court at Valdosta, Ga., on August 28, 1914, on application of the Valdosta Bank & Trust Co., trustee for the bondholders, under suit to foreclose the mortgage, appointed B. P. Jones permanent receiver. On petition of the minority stockholders A. L. Davis and C. I. Harrell were appointed coreceivers, and Frank Roberts and W. B. Conchey advisory receivers and sales commissioners. Judge Thomas, on July 29, 1914, ordered the foreclosure sale of the road on December 1, 1914, in the suit brought by B. P. Jones as holder of the $300,000 bonds. Mr. Jones obtained a verdict for the amount loaned, with interest at 8 per cent. Stockholders and creditors will, it is stated, appeal and carry the case to the supreme court.

Wabash, Chester & Western R. R.—Judge Burnevitz in the circuit court at Chester, Ill., on July 15, 1914, appointed J. F. Gillster, of Chester, as receiver of the property in the foreclosure proceedings brought by Edwards Whitaker and St. Louis Union Trust Co., mortgage trustees. Taxes and bond interest are in default, the interest due January 1, 1914, on the $300,000 first-mortgage bonds, it is said, remaining unpaid, as well as the interest for 20 years passed on the $200,000 first consols. For two years past the road has failed to earn even its operating expenses, and President C. H. Cole and associates have been carrying it.

Wabash, Pittsburgh Terminal Ry.—On May 10, 1909, the United States circuit court at Pittsburgh, Pa., appointed Francis H. Spalding and Henry W. McMaster as receivers of the property. On March 30, 1912, F. H. Spalding resigned as coreceiver. On December 18, 1912, an order was made appointing Horace F. Baker receiver to succeed Henry W. McMaster, who resigned. The bill of complaint stated that the company had defaulted on the payment of the principal and interest of a $800,000 7 per cent note made November 30, 1906, to the Wabash Railroad Co., and was unable to meet the interest due June 1, 1908, on the $30,236,000 first-mortgage fours. Protective committees have been formed as follows: First-mortgage bondholders' committee—(1) James N. Wallace, chairman; Haley Fiske, Paul Morton, Gordon Abbott, George F. Butler, Harry Bronnee, D. Crawford Clark, Charles C. Jackson, Asa S. Wing, with Franklin Babcock, secretary, 54 Wall Street, New York; Zelius, Larkin & Bathbone, counsel. Depositaries: Central Trust Co., New York, and Old Colony Trust Co., Boston. (2) Opposition committee—James C. Chaplin, chairman; William R. Nicholson, Clarence L. Harper, Meigs H. Whitnel, Richard Sutro, with William C. Taylor, secretary, 37 Wall Street, New York; Samuel Untermyer, counsel. Depositaries: Columbia Trust Co., New York; Colonial Trust Co., Pittsburgh; Land Title & Trust Co., Philadelphia, and Connecticut Trust & Safe Deposit Co., Hartford. Second-mortgage bondholders' committee: Alex. J. Hemphill, chairman; H. S. Redmond, A. J. Miller, A. R. Wiggin, New York, with Lewis R. Franklin, secretary, 140 Broadway, New York. Hornblower, Miller & Potter, counsel. Depositary: Guaranty Trust Co., of New York and London, England. Foreclosure: The Mercantile (now Bankers) Trust Co., as trustee under the first mortgage, brought suit in the United States court at Pittsburgh, Pa., on September 2, 1909, to foreclose the mortgage, which court on January 8, 1913, ordered foreclosure sale of the property, with an upset price of $6,000,000. Reorganization and merger plan: Early in May, 1913, Daniel R. Ely & Co., of New York, issued in pamphlet form their plan for the reorganization of the company, and the Wheeling & Lake Erie R. R. under title of Wheeling, Lake Erie & Pittsburgh R. R. Co. The pamphlet presents two plans which differ merely in the manner of raising the $25,500,000 necessary new cash. Plan No. 1 calls for the sale of $30,000,000 first and refunding mortgage 5 per cent bonds. The alternate plan provided in view of the then market conditions, that in place of selling the first and refunding bonds there should be sold $21,000,000 3-year 6 per cent notes, secured by pledge of said bonds, and that for the remainder of the cash there should be paid an assessment of 11 per cent, for which there would be given at 86 $5,000,000 first and refunding mortgage bonds, stamped as incomes for seven years. Government investigation: Chairman Adamson, of the House Committee on Interstate and Foreign Commerce, on July 16, 1914, announced that he had received assurances from the Interstate Commerce Commission that it would make an investigation into the affairs of the company as soon as it had completed its inquiry into the Pere Marquette R. R.

Wabash Railroad.—On December 18, 1911, receivers were appointed by the Circuit (now District) Court of the United States for the Eastern District of Missouri, of all the railroads and property, and default having been made on January 1, 1912, in the payment of the interest which fell due on that date upon all first-refunding and extensions-mortgage bonds, an action was instituted in the above-named court for the foreclosure of the first refunding and extensions mortgage, and a receivership was extended to the foreclosure action and still continues. A decree for the foreclosure of the mortgage was entered by the District Court of the United States for the Eastern District of Missouri on January 20, 1914, and has also been entered in all courts of ancillary jurisdiction. Edward B. Pryor is now sole receiver. Judge Adams

in the United States district court of St. Louis on January 30, 1914, ordered the foreclosure sale of the road. Upset price, $24,000,000. Charles H. Krum, of St. Louis, was appointed special master to execute the sale. Readjustment committee: Winslow S. Pierce, chairman; Robert Goelet, Thomas H. Hubbard, Alvin W. Krech, Johannes Laden, Robert Fleming, with H. R. Winthrop, secretary, and Equitable Trust Co., New York, depositary. Murray, Prentice & Howland and Pierce & Greer, counsel. First-refunding and extensions-mortgage bondholders' committee: James N. Wallace, chairman; Henry R. Carse, John J. Mitchell, Robert L. Montgomery, H. K. Pomroy, William A. Read, J. Herndon Smith, Alex. M. White, Willard V. King, and Albert H. Wiggin, with Franklin L. Babcock, secretary. J. P. Cotton, jr., counsel. Central Trust Co., New York, depositary. Stockholders' protective committee: J. Horance Harding, chairman; Franklin Q. Brown, Charles H. Keep, Frank B. Keech, Arthur Koppell, Philip Lehman, and Frank K. Sturgis, with Pemberton Perman as secretary, and Carter, Ledyard & Milburn as counsel. Columbia Trust Co., New York, depositary. Noteholders' committee: The receivers of the company having defaulted in the payment of the principal of the $5,000,000 extended 4½ per cent notes, due May 1, 1913, the following committee representing a majority of the notes agreed to act for the protection of the noteholders: John W. Platten, chairman; Otto T. Bannard, and Henry R. Ickelheimer, with Calvert Brewer, 55 Cedar Street, New York, secretary, United States Mortgage & Trust Co., New York, depositary. The committee advanced the amount of the May 1, 1913, coupon to depositing noteholders who desired it. Judge Lacombe, in the United States district court in New York on January 11, 1915, by consent of all parties, dismissed the cross bill of the Bankers' Trust Co. in the suit brought by the Central Trust Co. to foreclose the $5,000,000 4½ per cent notes of 1905, payment of which was extended to May 1, 1913. First-refunding and extensions 4 per cent bonds; $35,602,000 of these bonds (being the entire amount issued, except those owned by the Wabash R. R. Co., and either held in its treasury or pledged as collateral security for certain of its obligations) have been listed on the New York Stock Exchange. The entire amount was deposited and pledged by the Wabash R. R. Co. with certain bankers on or about February 11, 1911, as further security for an obligation of the Wabash R. R. Co. incurred in connection with the purchase of $8,000,000 of 3-year 5 per cent notes of the Wheeling & Lake Erie R. R. Co. By the terms of the agreements under which said bonds were pledged the pledgee thereof were entitled, upon default being made in the payment of the principal of said obligation or of the interest thereon, to sell all or any part of the securities held as collateral, and default having been made by the Wabash R. R. Co. in the payment of the principal of said obligation, which became due and payable on August 1, 1913, all of the securities held as collateral were offered for sale at public auction in the city of New York, and were sold and are in the hands of bona fide holders for value and by the terms of the foreclosure decree above mentioned the holders thereof are entitled to enforce the aforesaid bonds together with the coupons annexed thereto, maturing January 1, 1912, and subsequently against the Wabash R. R. Co. and its property.

Watauga & Yadkin River R. R.—W. J. Grandin was appointed receiver of company on November 12, 1914.

West Side Belt R. R.—On June 22, 1908, F. H. Skelding and H. W. McMaster were appointed receivers of the property. On March 30, 1912, F. H. Skelding resigned as coreceiver. On December 18, 1912, Horace F. Baker was appointed receiver to succeed Henry W. McMaster, who resigned. In August, 1912, Judge Young, in the United States district court at Pittsburgh, Pa., entered a decree directing the sale of the property to take place October 29, 1912, under the judgment of the Pittsburgh Construction Co., at an upset price of $1,500,000. On September 16, 1912, Judge Orr entered a decree in the same court reducing the upset price from $1,500,000 to $1,250,000. The lien of the construction company of about $483,000 has been taken over by the reorganization committee of the Wabash Pittsburgh Terminal Ry. Co, in order to give the committee an opportunity to arrange a plan of reorganization which may make it unnecessary that the property be sold. No sale had taken place to January 23, 1915.

Western Maryland Ry.—The interest due January 1, 1915, both on the $10,000,000 5 per cent notes of 1912 and on the $6,000,000 unsecured 6 per cent notes (all of which mature July 1, 1915), was deferred. The company invited the cooperation of the note holders to the end that the comprehensive plans for a financial

readjustment may be more speedily and effectively consummated. The committee named below is accordingly urging the immediate deposit of all the notes with the January, 1915, coupon attached at the Bankers' Trust Co., New York, depositary, under agreement dated December 14, 1914. As of January 1, 1915, over 85 per cent of the aggregate amount of the notes had been deposited. Note holders' committee: Frederick T. Gates, chairman, Ivy L. Lee, Alvin W. Krech, Edgar L. Marston, and Edward D. Adams, with Hunter S. Marston, secretary, 24 Broad Street, New York, and Lawrence Greer, counsel. Under date of December 14, 1914, a circular was issued by the note holders' committee. Among other things the circular stated that the company has had under consideration for some time past plans of financial readjustment, embracing the separation of the properties of the system into three distinct units, viz, the railroad lines, the terminal properties, and the coal properties, and the establishment of appropriate capital resources for future needs and development. The progress of these plans has been temporarily checked through the outbreak of the war in Europe, and the company has determined that a postponement of the entire consummation of its plans is necessary, pending the restoration to more normal conditions.

Western Pacific Ry.—The following announcement was made on August 6, 1914: "The board of directors of the Denver & Rio Grande R. R. has authorized the announcement that the interest which will fall due September 1, 1914, upon Western Pacific Ry. first-mortgage bonds will be paid, but if the Denver & Rio Grande R. R. is to continue its support of the Western Pacific Ry. some plan of adjustment of Western Pacific Ry. finances and the relation of the Denver & Rio Grande R. R. hereto must be devised which will be acceptable to the holders of the bonds, and that a call for the deposit of these bonds will be put forth at an early date by a committee of responsible bankers, looking to the adoption of a plan which will at once lighten the burden which the Denver & Rio Grande R. R. is now carrying to place the financial structure of the system upon a basis of recognized solvency and credit, and as far as may be practical provide means for the development of the Western Pacific Ry."

Wheeling & Lake Erie R. R.—On June 8, 1908, Judge R. W. Taylor, in the United States district court at Toledo, appointed R. A. Worthington receiver for the company, on application made by the National Car Wheel Co., a creditor to the extent of $87,910. On July 21, 1910, receiver purchased at foreclosure sale the property of the Toledo Dock & Coal Co. for $62,400, it being deemed advisable to retain control of this dock property on the Toledo Harbor. In June, 1912, William M. Duncan was appointed receiver to succeed R. A. Worthington, who resigned. In December, 1912, Judge Day, in the United States district court at Cleveland, granted the request of minority stockholders of the Wheeling & Lake Erie R. R. Co. to make the Wabash R. R. Co. a party defendant in the Wheeling & Lake Erie receivership suit. Stockholders' protective committees: J. R. Nutt, William J. Mather, George T. Bishop, Cleveland; John W. Platten, New York; with Calvart Brewer, 55 Cedar Street, New York, and John M. Garfield, Cleveland, Ohio, as secretaries. United States Mortgage & Trust Co., New York, and Citizens' Savings & Trust Co., Cleveland, depositaries. Frank H. Ginn, counsel, Cleveland. The following constitute a temporary stockholders' committee: Joseph Ramsey, jr., and Ralph E. Sizeress, New York, and J. & J. Taussig and Werner & Dickman, St. Louis, Mo. Decision: Judge Day, in the United States district court at Cleveland, Ohio, on January 8, 1914, sustaining the contention of the minority stockholders, held illegal and void the contracts of 1902 and 1904, under which the Wheeling & Lake Erie and Wabash R. Rs. were to turn over to the Wabash Pittsburgh Terminal Ry. 25 per cent of the gross receipts on all traffic interchanged. Judgment was also awarded for $578,198 against the Wabash and the Wabash Pittsburgh Terminal Ry., lessening by that amount the sum (said to be about $1,000,000) due by Wheeling & Lake Erie to those companies. The court also upheld the validity of the $3,000,000 notes issued in 1905, which were secured by deposit of general mortgage bonds, and deposited as part collateral for the Wabash loan, the latter having been purchased at auction on August 1, 1913, by the Kuhn, Loeb & Co. syndicate that made the loan. Foreclosure sale: Judge Day, in the United States district court at Cleveland, Ohio, on April 1, 1914, ordered the foreclosure sale of property; upset price $20,000,000. The upset price was increased from $12,000,000 at the request of the minority stockholders. The property was advertised to be sold at auction in Cleveland on September 25 under foreclosure of the general mortgage of 1906. The sale was to be made subject to the several

prior lien mortgages executed by the company and its predecessor prior to August 1, 1905, and subject also to all equipment trust agreements, including the receivers' equipment trust, dated March 1, 1913. No bids were received on September 28, 1914, the upset price, $30,000,000, being declared too high. The sale was postponed indefinitely and the matter referred back to Federal Judge Clarke for further action. Upset price reduced: In December, 1914, press dispatches stated that Judge Clarke had fixed $18,500,000 as the price at which the road may be sold.

Williamsville, Greenville & St. Louis Ry.—The United States district court at St. Louis, Mo., on September 6, 1913, appointed R. B. Slowey, of Greenville, Mo., as receiver. The road was sold at foreclosure sale on November 10, 1914. The Ozark Valley R. R. Co. has been incorporated as the probable successor to the Williamsville, Greenville & St. Louis Ry.

Wisconsin, Minnesota & Pacific R. R.—In September, 1912, a protective committee was formed requesting the deposit of bonds with the Central Trust Co., New York, depositary, or Martin's Bank (Ltd.), London, as agent for depositary. Committee: James N. Wallace (chairman), Sidney C. Borg, Charles R. Cox, R. W. Leigh, and L. B. Schlesinger, with F. L. Babcock, secretary, 54 Wall Street, New York, and L. C. Krauthoff, C. A. Severance, and A. A. Cook, as counsel.

Wisconsin & Michigan Ry.—Effective February 1, 1912, S. N. Harrison, of Peshtigo, Wis., was appointed receiver pursuant to order of the district court of the United States.

Rock Island Co.—The following committee in February, 1914, urged deposit of the common and preferred shares with the Bankers' Trust Co., New York, depositary: William A. Read, Arthur Curtiss James, William Church Osborn, Ogden Mills, Francis L. Hine, Andrew J. Miller, Benjamin Strong, jr., and Festus J. Wade, with F. W. Mowle, 28 Nassau Street, New York, as secretary, and R. W. Jones, 16 Wall Street, New York, as assistant secretary. Counsel: Hornblower, Miller & Potter and Cadwalader, Wickersham & Taft. Mr. Mills is a member of the firm of Boissevain & Co. and represents the large Dutch holdings. The above stockholders' protective committee sent in November, 1914, a circular to holders of certificates of deposit of the preferred and common stock announcing its intention to disband. Tentative plan abandoned: The stockholders' protective committee, William A. Read, chairman, on July 21, 1914, announced: "A tentative plan for the reorganization of the Chicago, Rock Island & Pacific Ry. Co. was adopted by the bondholders and stockholders' protective committees on June 19, 1914. The plan contemplated that about $30,000,000 should be raised by subscription by the bondholders of the railroad and the stockholders of the Rock Island Co. to a proposed 7 per cent preferred stock of the railway. At the request of the committee a revised balance sheet and estimate of earnings has been prepared by the officers of the railway to conform, in their opinion, to the accounting rules of the Interstate Commerce Commission as revised and made effective July 1, 1914. This statement was presented on July 17, 1914, and after careful consideration the stockholders' protective committee has deemed it inadvisable to proceed with the tentative plan. The syndicate which was formed to underwrite the plan, and which was oversubscribed, has declined to proceed and has been dissolved." Investigation: Inquiry by the Interstate Commerce Commission at Washington into the affairs of the Rock Island System was commenced October 16, 1914, before Commissioner Clements and Chief Counsel Folk. Inquiry is the result of introduction in House in February, 1914, of a resolution calling for information as to "nature of control exercised by said holding companies," Rock Island Co. and Chicago, Rock Island & Pacific R. R. Co., over the Chicago, Rock Island & Pacific Ry. Co.; the amount of profit made by the promoters of said transactions and banks or financial institutions connected therewith, and the effect of these transactions upon the status of the Chicago, Rock Island & Pacific Ry. Co."

GUGGENHEIM EXHIBIT.

LIST FOR THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, SHOWING COMPANIES IN WHICH THE MEMBERS OF THE FIRM OF M. GUGGENHEIM'S SONS ARE DIRECTORS, ETC.

Isaac Guggenheim, director in the following companies: American Smelting & Refining Co., American Smelters Securities Co., Guggenheim Exploration Co.,

Yukon Gold Co., Chile Exploration Co., Chile Copper Co., National Park Bank, and Mexican Union Railway. Holdings in the following companies: Guggenheim Exploration Co., Chile Copper Co., Chile Exploration Co., Yukon Gold Co., American Smelting & Refining Co., and American Smelters Securities Co.

Daniel Guggenheim, director in the following companies: American Smelting and Refining Co., American Smelters Securities Co., Garfield Smelting Co., Guggenheim Exploration Co., Yukon Gold Co., Chile Copper Co., Chile Exploration Co., Mexican Union Railroad Co., Guaranty Trust Co., National Bank of Commerce, American Surety Co., and Gimble Bros. (Philadelphia). Holdings in the following companies: American Smelting & Refining Co., Guggenheim Exploration Co., National Bank of Commerce, Guaranty Trust Co., Yukon Gold Co., Braden Copper Mines Co., Utah Copper Co., American Smelters Securities Co., Gimble Bros. (Philadelphia), New River Collieries Co., American Congo Co., Alaska Syndicate, Bunker Hill & Sullivan Mining & Concentrating Co., Chile Copper Co., Angola Mines (Kongo), and Royal Typewriter Co.

Murray Guggenheim, director in the following companies: American Smelting & Refining Co., American Smelters Securities Co., United States Zinc Co., Baltimore Copper Smelting & Rolling Co., Guggenheim Exploration Co., Utah Copper Co., Yukon Gold Co., Nevada Consolidated Copper Co., Nevada Northern Railroad Co., New River Collieries Co., Chile Copper Co., Chile Exploration Co., Braden Copper Co., Braden Copper Mines Co., and Mexican Union Railroad Co. Holdings in the following companies: American Smelters Securities Co., American Smelting & Refining Co., International Steam Pump Co., Guggenheim Exploration Co., Central Railroad of New Jersey, Utah Copper Co., Braden Copper Mines Co., Gimble Bros., Bunker Hill & Sullivan Mining & Concentrating Co., Alaska Syndicate, Sidney Blumenthal & Co., New River Collieries Co., American Kongo Co., Yukon Gold Co., Guaranty Trust Co., Chile Copper Co., and Angola Mines (Kongo).

S. R. Guggenheim, director in the following companies: American Smelting & Refining Co., American Smelters Securities Co., American Smelters Steamship Co., Braden Copper Co., Braden Copper Mines Co., Guggenheim Exploration Co., Interborough Metropolitan Co., Nevada Consolidated Copper Co., New River Collieries Co., Utah Copper Co., Yukon Gold Co., Chile Copper Co., and Chile Exploration Co. Holdings in the above and following companies: Electric Boat Co., Royal Typewriter Co., Gimble Bros. (Philadelphia), and Alaska Syndicate.

Hon. Simon Guggenheim has holdings and is director in the following companies: American Smelting & Refining Co., American Smelters Securities Co., Guggenheim Exploration Co., Nevada Northern Railroad Co., Braden Copper Co., Chile Exploration Co., Chile Copper Co., and New River Collieries Co.

BERWIND EXHIBIT.

NEW YORK, *March 2, 1915.*

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In reply to your letter of the 23d of February, which has not been answered earlier on account of my absence, I would say:

1. Minimum yearly income for unskilled labor.

We assume this refers to outside labor, $514.80. Inside labor, also unskilled, would be at least 20 per cent higher.

2. Statement showing policy of company with reference to the amount of compensation given by the company in case of accidents, covering loss of limbs, eyes, permanent disability, or loss of life.

Our various interests operate under compensation acts in all States except Pennsylvania, in which State accidents covering loss of limbs, eyes, and permanent disability are dealt with individually. In case of loss of life the beneficiaries of every employee receive compensation from our relief fund in addition to what is paid by insurance companies in cases of liability.

3. Wages paid monthly to miners and rate per ton upon which wages are based.

Hand mining, $0.72 run of mine; machine mining, $0.53 run of mine; wages paid semimonthly.

4. Working hours of drivers, dumpers, and other unskilled labor.

Working hours of drivers, dumpers, motormen, spraggers, and unskilled labor, 8 to 10 hours.

5. The minimum rent rate for company houses and the percentage of cost upon which the rent is figured.

The minimum rent on six-room company houses is $5 per month, including water. House rents are not arrived at on percentage basis of their cost of construction. A house to-day costs double what it did 10 or 15 years ago. All wages paid have advanced from 65 to 100 per cent. The cost of construction of miners' houses has increased at least 100 per cent. Rents have advanced about 20 per cent.

We trust the above affords the information you desire.

Very truly, yours,

EDWARD J. BERWIND.

GOMPERS EXHIBIT.

NATIONAL LIBERAL IMMIGRATION LEAGUE,
150 Nassau Street, New York.

Agreement entered into June 17, 1912, by and between the National Liberal Immigration League of New York, party of the first part, and Bela A. Sekely, of New York, party of the second part, witnesseth:

First. Party of the second part agrees to endeavor to raise financial support for the National Liberal Immigration League and party of the first part agrees and obliges itself to pay to party of the second part commissions as stated in the following paragraph for each and all contributions and donations secured by party of the second part.

Second. It is mutually agreed by the contracting parties that party of the first part will pay to party of the second part the following commissions on each of the donations and contributions secured by party of the second part:

(a) On sums over $10,000 (ten thousand dollars), a commission of 10 per cent (ten per cent);

(b) On sums over $5,000 (five thousand dollars) up to $10,000 (ten thousand dollars), a commission of 15 per cent (fifteen per cent);

(c) On sums over $1,000 (one thousand dollars) up to $5,000 (five thousand dollars), a commission of 20 per cent (twenty per cent);

(d) On sums amounting to $1,000 (one thousand dollars) or less, a commission of 25 per cent (twenty-five per cent);

(e) On all contributions and donations made by parties after one year has elapsed since their first contribution was made, party of the first part will pay to party of the second part a commission of only 10 per cent (ten per cent), irrespective of the size of such contributions or donations.

Third. It is mutually understood and agreed that when a single contribution is made by business concerns known as trusts or holding companies, this contribution comprising the contributions of several subsidiary companies of such trust or holding company (like the United States Steel Corporation), then the amount of such contribution is to be subdivided by the number of companies belonging to such trust or holding company and the percentage of commission is to be determined by and to be paid on each of the average amounts shown by the subdivision stated above.

Fourth. Party of the first part agrees to pay to party of the second part a weekly sum of twenty-five dollars ($25) to cover his personal expenses, the total of such payments, however, to be deducted from the total of commissions due to party of the second part.

Fifth. Party of the first part agrees to pay the traveling expenses for party of the second part and such necessary business expenses as typewriting, etc.

This agreement can be discontinued by either party in giving two weeks' notice to the other party.

N. BEHAR.
BELLA A. SEKELY.

WIESBADEN, COLN, *August 22, 1912.*

MY DEAR MR. SEKELY: I am going shortly to Liverpool, as everything depends on the decision taken there. I will do my best—as far as argument and persuasion can go.

Received your friendly lines the 5th inst. I hope by this time you have received from Mr. Waren or otherwise the $30.

Very glad to hear that you will go often to the office.

I enjoyed the trip in the steamer where I could do good service by refraining from sitting at table at night for supper. No more so, since I must count the sous and the pfennigs.

Let us hope, with kind regards for you and Mr. Berlin,

Yours,

N. BEHAR.

My address: 9 Rue Wauquelin, Paris.

I hope you will obtain from Mr. O'Brien to sign a letter to the signatories, which I will send by next mail. The object of the letter in question is to notify our signatories that we will append their names to our arguments.

This is one of a series of circular letters appealing to corporations for the customary contributions and cash signed by the field representative, who is R. A. Sekely:

EDUCATIONAL DEPARTMENT.

Educational committee: N. Behar, managing director; John E. O'Brien, secretary; R. A. Sekely, field representative; Arthur F. Day; George M. Dodge; Michael J. Drummond; Charles W. Eliot; Judson Harmon; John J. Hynes; G. Gumby Jordan; Charles R. Parkhurst; Charles L. Stickney; William E. Story; William Sulzer; F. William Vogt.

NATIONAL LIBERAL IMMIGRATION LEAGUE.

(Selection and distribution rather than restriction.)

Headquarters, No. 150 Nassau Street, New York City. Telephone, 4762 Beekman. P. O. Box, 1261.

OCTOBER 14, 1915.

SUSQUEHANNA COAL CO.,
907 Arcade Bldg., Philadelphia, Pa.

GENTLEMEN: There are now eight new restrictive bills before Congress. One of them, introduced by Representative Boddenbery, provides for an educational test, increase of head tax from $4 to $25, possession of $100, and a physical test like that imposed on recruits for the Navy.

Worst of all these bills is the new Dillingham measure, providing that not more than 10 per cent of the number of any nationality in this country shall be admitted in any one year.

As soon as the regular session of Congress opens there will be started a bitter fight on immigration. We must be prepared, and the most effective way is to strengthen the hands of this league, which is the official organization of the liberal immigration movement. To do this is the duty of every citizen who believes in keeping the gates of America open to deserving immigrants.

This league has no lobby in Washington and never has had one. It has always worked openly in legitimate and commendable ways, by educating public opinion, by holding meetings in various parts of this country, and sending delegations to Washington when necessary. We believe this honest expression of enlightened public sentiment will in the end triumph over the methods of the restrictionists. But we must present a united front, and to that end we ask you to send your contribution, as you did last March.

Very truly, yours,

NATIONAL LIBERAL IMMIGRATION LEAGUE,
Per FIELD REPRESENTATIVE.

BAS/SP.

SOME CORPORATIONS' CONTRIBUTIONS.

1912.

Nov. 20.	Berwind-White Coal Mining Co., New York	$500.00
May 24.	Jones & Laughlin Steel Co., Pittsburgh	250.00
Aug. 20.	Pittsburgh Coal Co., Pittsburgh	200.00
Nov. 25.	Pittsburgh Plate Glass Co., Pittsburgh	100.00
May 2.	Jacob H. Schiff, New York	100.00
Sept. 23.	Standard Sanitary Manufacturing Co., Pittsburgh	80.00
	91 contributions ranging from $0.50 to $25	357.80
	Total	1,587.80

1913.

Mar. 1.	Susquehanna Coal Co., Philadelphia	$500.00
Feb. 2.	Lackawanna Steel Co., Lackawanna, N. Y.	100.00
Mar. 24.	Rogers-Brown Iron Co., Buffalo	50.00
Mar. 26.	Keystone Coal & Coke Co., Greensburg, Pa.	50.00
	76 contributions ranging from $0.50 to $25	304.00
	Total	1,004.00

MAY 29, 1913.

Income of the National Liberal Immigration League from Jan. 1, 1913, to date:

Mar. 1.	Susquehanna Coal Co., Philadelphia, Pa.	$500.00
Feb. 2.	Lackawanna Steel Co., Lackawanna, N. Y.	100.00
Mar. 24.	Rogers-Brown Iron Co., Buffalo, N. Y.	50.00
Mar. 26.	Keystone Coal & Coke Co., Greensburg, Pa.	50.00
May 27.	Carnegie Corporation of New York	250.00
	114 contributions ranging from $0.50 to $25	538.40
	Total	1,508.40

Rough drafts used as basis for letter to Andrew Carnegie, appealing for contributions and indorsing National Association of Manufacturers:

DEAR SIR: May I for a moment claim your kind attention to the character and labors of the National Liberal Immigration League?

The chief aim of our league is to preserve for our country the benefits of immigration while keeping out undesirable immigrants.

Amongst our definite achievements, I may say that since December, 1905, our league has, by means of open agitation, through mass meetings and the distribution of argumentative literature, defeated all anti-immigration bills, beginning with the Gardner bill, No. 8495, introduced that year, which provided for a $40 head tax. Conspicuous amongst such bills defeated by us was the Hayes bill of 1910.

All along we have ceaselessly been advocating the distribution of immigrants and labor, improvements in steerage conditions, and increased facilities for the naturalization of aliens worthy of that privilege, while on the other hand it has been our continued aim to promote good citizenship and patriotic sentiment amongst immigrants.

Up till recently we were receiving from a steamship line (name) $15,000 per annum, which, however, scarcely covered our running expenses, considering the vast amount of literature we print and distribute during the year. But the steamship line in question no longer see their way to keep up their contribution, and so we are compelled to fall back for support upon appeals to private citizens. We are confident that the responses will come in according to our deserts.

As a friend of our cause, as shown by yourself in your letter to our president, February 2, 1911, we would appeal to you to head our list of subscribers.

Sincerely, yours,

The league, however, is fully inclined to indorse the National Council for Industrial Defense, organized and conducted under the leadership of the National Association of Manufacturers. We are convinced that their acivities are beneficent to labor as well as to capital, to employees as well as to employers.

Yours, very truly,

The foregoing paragraph was evidently an afterthought.

NATIONAL LIBERAL IMMIGRATION LEAGUE.

Statement of income and liabilities, July 1, 1910–November 20, 1911:

Cr.

Receipts—		
Paris	$15,000.00	
Subscriptions for the distribution of Prof. Charles W. Eliot's letter	1,584.30	
Dues and donations	380.42	
Total income		$16,964.72

Dr.

Expenditures—	
From July 1, 1910, to Nov. 20, 1911	$19,478.19
Deficit	2,511.47
Deficit July 1, 1910	1,680.78
Total deficit, Nov. 20, 1911	4,192.17
Liabilities to date	1,974.97
Total deficit and liabilities	6,167.14

The foregoing financial statement discloses a deficit of $6,167.14 and shows the reason why Mr. Behar, managing director of the National Liberal Immigration League, sent the following cablegram and letter confirming the same:

[Postal Telegraph Commercial Cables Telegram.]

DECEMBER 15, 1911.

Director STORM,
Hamburg-Amerika Linie, Hamburg, Germany:

We owe over seven thousand dollars in salaries, rent, printing, etc. Unless we pay immediately, we will be sued and put in bankruptcy with disagreeable consequences for all concerned.

BEHAR.

DECEMBER 15, 1911.

Mr. ADOLPH STORM,
Director Hamburg-Amerika Linie, Hamburg, Germany.

DEAR SIR: This morning I said to Mr. Boas that I am continually annoyed by creditors to whom we are indebted for rent, printing, etc. I added that it had been suggested to me to send these people to him, but he had always acted so kindly and gentlemanlike that I found it my duty to spare him any trouble. He suggested to me to address to you the following cablegram:

"We owe over seven thousand dollars in salaries, rent, printing, etc. Unless we pay immediately, we will be sued and put in bankruptcy, with disagreeable consequences for all concerned."

which I did.

Very truly, yours.

The following is a banking statement of Nissim Behar in account with the Guarantee Trust Co. of New York, on the company's financial blank:

Nissim Behar, 150 Nassau Street, New York, in account with Guaranty Trust Co. of New York.

If no report be made within ten days the account will be considered correct.—Vouchers returned.

Line No.	Day.	Checks.	Day.	Total Checks.	Date.	Deposits.
1	10	$1,083.13	10	$1,083.13	9	$11,083.13
2	17	200	17			
3	28	9,800	26	9,800		
Balance interest to Dec. 28						8.13
Total (Dec. 31, 1910)				11,083.13		11,091.26
Balance						8.13

The following is a carbon copy of a letter sent by Mr. Behar, managing director of the National Liberal Immigration League, to Messrs. Japhet & Saget, Compagnie Generale Transatlantique, Rue Auber, Paris, France, appealing for contributions to start a tremendous agitation throughout the country against immigration legislation. The letter discloses the activity of former Congressman Bennet and the "service" rendered by the [illegible] paper, the New York Call.

N. L. I. LEAGUE.

Correspondence file.
Subject:

NOVEMBER 23, 1910.

MESSRS. JAYMOT & SAGOT,
Compagnie Generale Transatlantique, Rue Auber, Paris, France.

GENTLEMEN: We arrived safely on the 22d instant. I was permitted to leave the steamer without any formality, as an American citizen; but my baggage naturally went with the rest to Ellis Island, causing me some annoyance and loss of time. On the 24th I went to Washington to see the Secretary and hand him over a letter from the secretary of our league, of which I inclose copy. I inclose also clipping from the Sun on this subject. The same has been appearing throughout the press generally, even in the Call, which is the Socialist paper.

Though I am personally not unknown to the Secretary, still I took with me my friend, Mr. William S. Bennet, who is prominent in the Republican Party. The Secretary assured us that he and the President are anxious to prevent the breaking of family ties of American residents, but the law must be obeyed, according to the decision given by the Solicitor, as per inclosed. But he will do his best to make the application as rare and as lenient as possible.

As to the consequences of the last election, I was told at Washington that they would be felt in the tariff question, the Democrats being since long declared against the tariff, if not unanimously, at any rate in an overwhelming majority. As to the immigration question, there are Democratic restrictionists as well as liberals, and to be more correct, they go according to the manifestation of public opinion.

I will urge all my friends to start a tremendous agitation throughout the country, beginning in December and continuing through January. I shall be very glad to receive your contribution as soon as possible, as I am compelled to make inroads now before the end of November in the supplies which are to last until August, 1911.

Respectfully, yours.

NB-SRP.

The following letter is from Mr. Rene Sagot to Mr. Behar, responding to the latter's letter of November 23, 1910:

PARIS, *30th December, 1910.*

DEAR MR. BEHAR:

I was glad to hear that you had a good crossing on the *Chicago* and that you landed safely on the other side.

I suppose my chiefs have now written to you. Anyhow I most thank you for the very interesting literature you have forwarded to me.

Would you mind in future addressing your correspondence to my chief alone and not mention my name on the address, as I am far from being on the same footing in the firm.

Wishing you a happy, healthy, and prosperous new year, believe me, dear Mr. Behar,

Yours, very truly,

RENE SAGOT.

Here is a copy of the original letter sent by Mr. Pannes, on the official letterhead of the Hamburg-American line:

H. A.
P.
A. G.

HAMBURG-AMERICAN LINE,
902 Olive Street, St. Louis, January 20, 1909.

Mr. E. L. BOAS,
Resident Director and General Manager Hamburg-American Line,
45 Broadway, New York.

DEAR MR. BOAS: Your wire arrived too late to secure to-day the information you want on Charles Nagel, but I shall do my best to write you fully to-morrow. The inclosed article appeared in the St. Louis Globe-Democrat on January 19.

Yours, very truly,

J. PANNES.

The following is a copy of a newspaper dispatch printed in the St. Louis Globe-Democrat:

NAGEL SLATED FOR CABINET POSITION—SECRETARY OF COMMERCE AND LABOR PORTFOLIO FOR NATIONAL COMMITTEEMAN—HIS NAME ON THE LIST—TAFT PLANS TO KEEP IT THERE, ACCORDING TO RELIABLE REPORT—NO PULLING FOR HIM—ST. LOUISAN'S WORK ATTRACTED ATTENTION OF PRESIDENT-ELECT LONG AGO.

(Special dispatch to the Globe-Democrat.)

WASHINGTON, *January 15.*

From a source whose reliability can not be brought into question, it was learned to-day that the name of Charles Nagel, of St. Louis, appears at this time on the tentative list of the Cabinet of President-elect Taft. The place opposite the name of Mr. Nagel is that of Secretary of Commerce and Labor.

From the same source comes the story that Mr. Taft, having completed a tentative draft of his Cabinet slate, does not propose to change it before his departure for Panama. He will upon his return take up with Senator Knox, who is to be his Secretary of State, some of the Cabinet places which have not been definitely offered to the men picked out for them. Close up to March 4, when he is to be inaugurated, the President elect will make his final revision in the light of some inquiries which Mr. Knox is to make for him.

WANTED MISSOURI TO HAVE PLACE.

It develops that early in his consideration of his Cabinet the President-elect determined that Missouri should have a place. One of the fond desires of Mr. Taft was to carry Missouri. He felt that there would be a labor defection which would make him suffer in some parts of the country.

Mr. Roosevelt, during the campaign, twitted Mr. Taft repeatedly about carrying Missouri, telling the candidate that he might make a good race (the President was always confidence of Mr. Taft's election, and said so to all who asked him), but he never would duplicate his own performance in introducing the "mysterious stranger" into the Republican camp. When the show returns made it apparent that Taft had carried Missouri there was a rapid-fire exchange of pleasantries between the two.

HEARD GOOD ABOUT NAGEL.

Mr. Nagel was brought to the favorable attention of Mr. Taft during the administration of Mr. Roosevelt. Mr. Taft was several times the guest of Mr. Nagel. Mr. Taft often heard eulogistic references to Mr. Nagel from Mr. Roosevelt. While the national campaign was on, the best of reports came from Chicago as to the intelligent advice which Mr. Nagel was able to give to the campaign managers. Not only was he referred to in many steps taken in the Middle West, but he had a controlling voice, so it was said, in many of the general policies adopted in the national campaign.

It was also asserted to-day that no member of the Taft Cabinet will come into his place with less of wiring pulling and solicitation in his behalf. It is said that after a dignified presentation of Mr. Nagel's name from the right quarters no campaign was carried on in his behalf, and that the only further representations made were at the solicitation of Mr. Taft, who sought additional information.

ONLY ONE ADVERSE REPORT.

The only adverse movement in connection with Mr. Nagel's name was that which involved bringing the President-elect's attention to the fact that Mr. Nagel's law firm had as clients a big brewery concern, and also, at one time, the Standard Oil Co. This information was conveyed to Mr. Taft by one of his senatorial friends with whom he went over his tentative Cabinet list. Recently the President-elect has fully informed himself as to the reports. After weighing them carefully, he is said to have fully determined that Mr. Nagel's high personal character and the character of his law service has been such as in no way to disqualify him for the service which Mr. Taft seeks at his hands.

Although Mr. Nagel's name has been frequently associated with the place of Secretary of the Interior, it is said that place will go to R. A. Ballinger, of the State of Washington.

TREASURY PORTFOLIO UNVEILED.

AUGUSTA, GA., *January 18.*

That the President-elect has not determined who is to be his Secretary of the Treasury is indicated by the circumstance that he to-day had a conversation with J. Shaffer, president of the Chicago Post, regarding the qualifications of the several Chicagoans whose appointment has been urged by Schaffer, who came here at the special request of the President-elect for this conference. He says Mr. Taft is giving careful attention to the Treasury portfolio, and that he may not decide the matter until immediately before his inauguration.

Walter S. Dickey, Republican State chairman of Missouri, will talk politics with Mr. Taft to-morrow.

The following letter is upon the official letterhead of the Hamburg-American Line, and discloses the campaign to make Mr. Charles Nagel Secretary of Commerce and Labor of President Taft's Cabinet:

H. A.
P.
A. G.

HAMBURG-AMERICAN LINE,
902 Olive Street, St. Louis, January 21, 1909.

Mr. E. L. BOAS,
Resident Director and General Manager Hamburg-American Line,
45 Broadway, New York.

DEAR MR. BOAS: The inclosed abstract from the Book of St. Louisans contains condensed information on Mr. Nagel's professional and political career, also of the career of his former partner, Judge Finkelnburg.

Mr. Nagel is an intimate friend of Mr. Adolphus Busch and is attorney for the Anheuser-Busch Brewing Association.

I am now waiting for additional information from Mr. Joseph A. Wright, an attorney, with whom I am very well acquainted and on whose discretion I can rely absolutely.

Information secured from other sources is too general in its nature and, I suppose, of no use to you. I refer to the general statements that he is highly respected, upright, a conservative, etc.

The inclosed clipping is from to-day's Globe-Democrat.

I hope to have other particulars to-morrow morning in time for the mail, which reaches New York on Saturday afternoon.

Yours, very truly,

J. PANNES.

NAGEL QUITS PIERCE CASE—FILES FORMAL NOTICE OF WITHDRAWAL IN MISSOURI SUPREME COURT—HIS CONNECTION WITH SUIT—ACTION IS NO SURPRISE, BUT MAY HAVE BEEN HASTENED BY TALK OF A CABINET OFFICER.

(Special dispatch to the Globe-Democrat.)

JEFFERSON CITY, MO., *January 20.*

Charles Nagel, of the firm of Nagel & Kirby, of St. Louis, who is said to be on the Taft Cabinet slate for Secretary of the Department of Labor, to-day filed with the clerk of the Supreme Court of Missouri formal notice of the withdrawal of his firm as associate counsel for the Waters-Pierce Oil Co., which in the ouster suits was shown to be largely owned by the Standard Oil Co. The notice of withdrawal was sent by mail.

When Gov. Hadley, then attorney general, filed his oil suits to oust the Standard Oil and Republic Oil Cos. from the State and to revoke the charter of the Waters-Pierce Co., the latter a Missouri corporation, Charles Nagel was to have been general counsel for the Waters-Pierce Co. His outlined policy of defense did not suit Mr. H. Clay Pierce, president of the board of directors of the company, and Judge John D. Johnson was made general counsel and Judge Sam Priest his associate. Nagel was retained in a minor capacity and took little part in the hearing of the oil cases before Commissioner Anthony. About his only connection with the case was in consultation and in making a final argument of about an hour before the commissioner in St. Louis when the case was submitted on the testimony.

Although Mr. Nagel stated some time ago that he meant to withdraw from the case, the fact that President-elect Taft has slated him for a Cabinet post-

tion as a reward for his good work for Republicanism in Missouri while serving as national committeeman may have hastened his action.

Here is a biographical writeup of Mr. Charles Nagel:

(From Book of St. Louisans, published by the St. Louis Republic, 1906. Data for biographical sketches furnished by the parties themselves.)

NAGEL, CHARLES, lawyer, born in Colorado County, Tex., August 9, 1849; son of Dr. Herman and Fredericka Nagel; educated in country school in Colorado County, Tex.; academic course in private school and high school, St. Louis, two years' course in St. Louis Law School, and one year in University of Berlin, where studied Roman law, political economy, etc.; married, first, Louisville, Ky., 1870, Fannie Brandeis; one child, Hildegard, living; married, second, St. Louis, 1895, Anne Schepley, four children, Mary S., Edith, Charles, and Anne Dorothy. Returned to St. Louis after studying abroad in 1873, and engaged in practice; associated at different times with various partners, and January 1, 1903, became partner in firm of Finkelnburg, Nagel & Kirby, which changed, on the withdrawal of Judge Finkelnburg, June, 1905, to Nagel & Kirby. Since 1875 has been professor at St. Louis Law School. Has been a member of the board of trustees, public library, trustee Washington University; member of board of control of St. Louis Museum of Fine Arts; member St. Louis Turner Society. Republican. Member Missouri House of Representatives, 1881–82. President city council, St. Louis, 1893–1897. Clubs: St. Louis, University, Commercial, Mercantile, Round Table, Noonday. Office: 700 Security Building. Residence: 3728 Washington Boulevard.

FINKELNBURG, GUSTAVUS ADOLPHUS, lawyer, born near Cologne, Prussia, April 6, 1837; educated in Germany and St. Charles, Mo.; attended St. Charles College, Missouri, and graduated Cincinnati Law College; married, first Emma Rombauer; married, second, Ida M. Jorgensen. Admitted to Missouri bar 1860. Member Missouri Legislature 1864–1868. Member of Congress 1868–1872; Republican nominee for governor of Missouri 1876, defeated; same for supreme judge 1888, defeated; appointed district judge May 20, 1905. Member American Bar Association. Republican. Author. Practice in the supreme court and the courts of appeal in Missouri, 1894. Wrote article on the power of the State to regulate prices and charges, American Law Review, July, 1898. Clubs: Mercantile, University. Office: Room 320 Custom House. Residence: 4312 Westminster Place.

The following is another letter on the official letterhead of the Hamburg-American Line, which is self-explanatory:

H. A.
P.
A. G.

HAMBURG-AMERICAN LINE,
902 Olive Street, St. Louis, Mo., January 23, 1909.

Mr. EMIL L. BOAS,
Resident Director and General Manager Hamburg-American Line,
45 Broadway, New York City.

DEAR MR. BOAS: Mr. Wright could not let me know until to-day the result of his inquiries about Mr. Nagel. Mr. Wright says that in the opinion of Mr. Nagel's intimate friends he is well fitted for the post and not likely to favor legislation restricting immigration, since Missouri and the Southwest are in great need of immigrants.

This and the information already sent you is all I can secure at present. If you wish me to try for more definite information, I shall do my best to find out more.

Yours, very truly,

J. PANNES.

Here is a most illuminating and interesting letter from Mr. Behar, managing director of the National Liberal Immigration League, to Mr. Emil L. Boas, resident director of the Hamburg-American line:

JANUARY 24, 1909.

Mr. EMIL L. BOAS,
Resident Director Hamburg-American Line,
35 Broadway, New York.

DEAR SIR: The league has so far succeeded in checking the efforts of the restrictionists, but the foes of immigration are the kind of people whose greedy

is increased by opposition, and whose earnestness and enthusiasm grow by defeat. The Junior Order tents have multiplied in Pennsylvania and in other parts of the country, and the delegates of the Immigration Restriction League and of other restrictive organizations are agitating everywhere.

We have sent to Washington a number of delegations composed of members of various nationalities, but the delegates were not really chosen by bodies of their own nationality. If we are to continue the campaign successfully we must penetrate into the masses and interest them to send delegations and instruct Congress that they are opposed to further restriction of immigration.

Our agitation should be carried on in the following ways:

First. Through mass meetings organized in all important centers—voting resolutions.

Second. Through delegations to Congress and to all important conventions.

Third. Through public lectures and through special delegates visiting men's and women's clubs throughout the country.

Fourth. Through delegates visiting the societies of various nationalities, as Italians, Hebrews, Hungarians, etc., including the unions, for the purpose of advocating liberal immigration.

Fifth. Through literature. The league ought to continue to send pamphlets and other publications to the Members of Congress and other notable citizens and to the public in general.

Sixth. Through correspondence. We have to send appeals and communications to some 15,000 influential persons, most of them clergymen.

In order to prove effective, the propaganda must be carried on steadily all the year round. It would require vast financial resources to cover adequately all the above-enumerated points. However, if we had a definite sum of money to spend annually, we could arrange a plan for a systematic campaign, selecting the most important means of agitation. The formulation of such a plan is obviously impossible when we have no idea to what amount we may commit ourselves. We therefore suggest that a regular subvention would greatly enhance the value of our activity.

Hoping you will take this matter into consideration for the present year, I remain,

Sincerely, yours,

_____,

Managing Director.

The following is a circular letter sent out by the National Liberal Immigration League, of which Mr. Edward Lauterbach at the time was president:

(Edward Lauterbach, president. S. M. Newman, first vice president. Wm. D. Eckert, second vice president. Frank Y. Anderson, third vice president. J. B. Young, fourth vice president. Antonio Zucca, treasurer. N. Behar, managing director. Mark J. Katz, John E. O'Brien, secretaries.

Advisory committee: William S. Bennett, Benjamin F. Buck, David James Burrell, Frank S. Gannon, Louis N. Hammerling, J. J. B. Johnsonius, Herman C. Kudlich, Louis Edward Levy, R. D. Silliman, Thomas R. Slicer, Benjamin F. Tracy, Gallus Thomann.)

NATIONAL LIBERAL IMMIGRATION LEAGUE.

(For the proper regulation and better distribution of immigration.)

Headquarters, No. 150 Nassau Street, New York City. Telephone, 4762 Beekman. P. O. box, 1261.

GENTLEMEN: Since 1906 this league has kept America's door open to deserving immigrants. Without it, as Members of Congress and others have repeatedly asserted, laws would have been enacted to shut out yearly hundreds of thousands of immigrants, whose labor is so much needed for our great industries.

In addition this league has constantly advocated remedial legislation, such as Federal distribution of immigrants, deportation of criminals, and other measures that would take away the evils of immigration while preserving its great blessings.

We also do educational work by distributing our literature among libraries and debating societies, from whom we receive daily requests for pamphlets. In this way we are building up a public opinion in favor of liberal immigration among future citizens.

Our league had fully carried its claims for support from all public-spirited citizens, and especially those who are connected with industries whose existence is made possible by the influx of alien unskilled labor that can not be replaced by the native element. In default of such support we will not be able to keep up our work, and the Immigration Restriction League, of Boston, will have the field to itself.

Mr. B. A. Sekely, our field representative, will call on you, and we bespeak your kind consideration on his behalf.

Yours, very truly,

_____,
President.

EL-NCM.

No contract binding upon this league unless countersigned by the managing director. No person is authorized to use the name of the league otherwise than in connection with its corporate activity.

The following are financial statements of the National Liberal Immigration League showing moneys which they received from some of the corporations:

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, April 10, 1907.

STATEMENT.

Dr.		
Amount brought forward from statement of Nov. 9, 1906	$411.60	
To expenditures from Nov. 9, 1906, to Apr. 10, 1907, as per detailed account herewith	14,913.71	
		$15,325.31
Cr.		
By cash received	15,008.00	
By donations received	46.50	
By membership dues received	36.00	
		15,082.50
Balance due		232.81
Liabilities		2,071.15
		2,303.96

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, January 1, 1908.

STATEMENT.

Dr.		
To expenditures from Apr. 8, 1907, to Dec. 31, 1907, as per detailed account herewith		$6,042.92
Cr.		
By cash received:		
On Apr. 23, 1907	$500.00	
On May 6, 1907	500.00	
On May 13, 1907	225.00	
On June 4, 1907	500.00	
On July 3, 1907	500.00	
On Aug. 5, 1907	500.00	
On Sept. 4, 1907	500.00	
On Oct. 3, 1907	500.00	
On Nov. 4, 1907	1,500.00	
On Dec. 17, 1907	500.00	
	$5,725.00	
By subscriptions to league, Apr. 8 to Dec. 31	17.00	
By donations to league, Apr. 8 to Dec. 31	82.00	
By subscriptions to Federation Review, Apr. 8 to Dec. 31	42.00	
By advertisements in Federation Review, Apr. 8 to Dec. 31	31.00	
		5,897.00
Balance due		745.92

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, February 1, 1908.

STATEMENT.

Dr.		
To balance as per last statement	$745.92	
To expenditures from Jan. 1 to Jan. 31, 1908, as per detailed account herewith	932.46	
		$1,678.38
Cr.		
By cash received, Jan. 8, 1908	1,500.00	
By subscriptions to league, Jan. 1 to 31, 1908	3.00	
By donations to league, Jan. 1 to 31, 1908	14.00	
By subscriptions to Federation Review, Jan. 1 to 31, 1908	.50	
		1,517.50
Balance due		160.88

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, March 1, 1908.

STATEMENT.

Dr.		
To balance as per last statement	$160.88	
To expenditures from Feb. 1 to Feb. 29, 1908, as per detailed account herewith	1,111.02	
		$1,271.90
Cr.		
By cash received, Feb. 6, 1908	1,000.00	
By subscriptions and donations, Feb. 1 to 29	26.38	
By advertisement in Federation Review	2.50	
		1,028.88
Balance due		243.02
Liabilities:		
To William Siegrist, printer	569.08	
To H. Berlin, for arrears in salary	100.00	
To H. S. Ely & Co., March rent	52.50	
		721.58
Deficit		964.64

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, April 1, 1908.

STATEMENT.

Dr.		
To balance as per last statement	$243.08	
To expenditures from Mar. 1 to Mar. 31, 1908, as per detailed account herewith	1,309.70	
		$1,552.78
Cr.		
By cash received, Mar. 2, 1908	1,250.00	
By subscription and donations, Mar. 1 to 31	2.00	
By advertisements in Federation Review	5.00	
		1,257.00
Balance due		295.78
Liabilities:		
To William Siegrist, printer	382.46	
To H. Berlin, for arrears in salary	100.00	
To Law Reporting Co., for reporting league meeting	45.00	
To H. S. Ely & Co., April rent	52.50	
		579.96
Deficit		875.74

NATIONAL LIBERAL IMMIGRATION LEAGUE,
New York, July 1, 1908.

STATEMENT.

Dr.		
To balance as per last statement	$295.78	
To expenditures from Apr. 1 to June 30, as per detailed account herewith	4,402.58	
		$4,738.36
Cr.		
By cash received, Apr. 1	1,250.00	
By cash received, May 1	2,500.00	
By cash received, June 1	1,250.00	
By subscriptions and donations to league, April	18.50	
By subscriptions and donations to league, May	80.80	
By subscriptions and donations to league, June	2.00	
By subscriptions and advertisements, Federation Review, April	1.50	
By subscriptions and advertisements, Federation Review, May	18.50	
By subscriptions and advertisements, Federation Review, June	12.00	
		5,123.30
Balance on hand		384.94

MURDER PROCEEDINGS RELATING TO COLORADO STRIKE, LARGE FOUNDATIONS, AND INDUSTRIAL CONTROL

FURTHER PROCEEDINGS RELATING TO COLORADO STRIKE, LARGE FOUNDATIONS, AND INDUSTRIAL CONTROL

(For exhibits under this subject, see Vol. IX, pages 8378 to 8480)

FURTHER PROCEEDINGS RELATING TO COLORADO STRIKE, LABOR FOUNDATIONS, AND INDUSTRIAL CONTROL

COMMISSION ON INDUSTRIAL RELATIONS.

New York City, *January 23, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman Walsh. Will the house please be in order, and will the audience kindly maintain as perfect order as possible?

Mr. Rockefeller.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.

Chairman Walsh. Will you please state your name?

Mr. Rockefeller, Jr. John D. Rockefeller, jr.

Chairman Walsh. And where do you reside, Mr. Rockefeller?

Mr. Rockefeller, Jr. 10 West Fifty-fourth Street.

Chairman Walsh. New York City?

Mr. Rockefeller, Jr. New York City.

Chairman Walsh. What is your business, please?

Mr. Rockefeller, Jr. That is rather difficult to describe, Mr. Chairman. I spend a large part of my time in directing, with others, the various foundations which my father has established and in giving time to questions of investment.

Chairman Walsh. Now, Mr. Rockefeller, the commission has received the document entitled "Information Furnished by the Rockefeller Foundation in Response to Questionnaires Submitted by United States Commission on Industrial Relations." We thank you for this. Each member of the commission has been furnished one, and one has been furnished to the record, so that it is made already a part of the record of the commission.

Mr. Rockefeller, Jr. Thank you. I was going to ask that that might be done, so as to make the record complete. I appreciate that.

(The document referred to by title above is printed at the end of this subject as "Rockefeller, jr., Exhibit No. 1.")

Chairman Walsh. For the present I will touch upon some general topics.

Mr. Rockefeller, Jr. Mr. Chairman, may I say just a word?

Chairman Walsh. Yes; certainly.

Mr. Rockefeller, Jr. The commission has been so courteous as to send me several weeks in advance the general questions which it proposed to take up at this session. I greatly appreciated that courtesy. It has given me an opportunity to consider very carefully the important matters to which the questions refer, and I have thought that it might best suit the purposes of the commission if I were to present a somewhat careful consecutive statement, which I have prepared in writing, and with your permission, Mr. Chairman, I should be glad to be allowed to read that statement at this time.

Chairman Walsh. Very good. Just proceed, Mr. Rockefeller.

(Mr. Rockefeller, jr., read as follows:)

New York, *January 23.*

The commission has asked my views as to what extent the stockholders and directors of a corporation are responsible for the labor conditions which exist in it and for the social conditions which are produced; how generally and in what manner such responsibilities are assumed by stockholders and directors; and in actual practice how and upon what general basis the labor policies of large corporations are determined.

The responsibility of stockholders is practically limited to the elections of directors. They have no power to elect officers, to employ labor, to make contracts, or to intervene directly in the management of the business. A large stockholder, however, is able to exercise considerable moral influence over the directors and officers and is responsible for exercising that influence properly.

The directors are responsible for the general conduct of the business; they have the power to elect officers and to determine the policies of the business. All large business has to be organized. The responsibility has to be divided and vested in various officers, and the officers have to be given powers commensurate with their responsibilities. These responsibilities are, in general, divided in such a way that the directors attend principally to the financial affairs of the corporation, leaving the actual conduct of operations to the officers.

Labor conditions, so far as they are within the control of a corporation, are matters for which the officers of the corporation are primarily responsible and with which they, by reason of their experience and their first-hand acquaintance with the facts, are best qualified to deal.

Labor policies are initiated and determined by the officers, whose efficiency is largely measured by the harmony and good will which they are able to maintain between the company and its employees. It is not customary to submit labor policies to a board of directors for action. Conference regarding them is often had with the directors or executive committee at the instance of the officers, and suggestions are made to the latter by both these bodies. A business to be successful must not only provide to labor remunerative employment under proper working conditions, but it must also render useful service to the community and earn a fair return on the money invested. The adoption of any policy toward labor, however favorable it may seem, which results in the bankruptcy of the corporation and the discontinuance of its work is as injurious to labor, which is thrown out of employment, as it is to the public, which loses the services of the enterprise, and to the stockholders, whose capital is impaired.

Social conditions surrounding an industry depend upon many factors other than labor conditions. The responsibility of a corporation located in a thickly settled and highly organized community depends upon the relative importance of the corporation to the other factors in the community. Where the activities of a corporation are carried on in new and undeveloped sections of the country social conditions are largely influenced by the attitude of the corporation and its officers, and the corporation is required to provide for many things which in a more settled community would be taken care of by the community as a whole.

Since these questions have a special significance, in so far as I am concerned, because of events in Colorado, I feel that I owe it to the commission to make a statement in reference thereto which will help to further answer the questions asked.

Anyone who has followed the controversy which has arisen out of the Colorado situation will have observed that no effort has been spared to make it appear that I have attempted to exercise a kind of absolutism over the coal industry in Colorado, and particularly that I have sought to dictate a policy of nonrecognition of unions. An attitude toward industry and toward labor such as is here implied is so abhorrent to me personally and so contrary to the spirit of my whole purpose and training that I can not allow these allegations to pass unnoticed without at least outlining my responsibilities as I have viewed them and my obligations as I have sought to discharge them. While it has been said that I have exercised an absolute authority in dictating to the management of the Colorado Fuel & Iron Co., it has also been said that I have been too indifferent, and that as a director I should have exercised more authority. Clearly, both can not be true.

What are the facts? First, with reference to my attitude toward labor unions: I believe it to be just as proper and advantageous for labor to associate itself into organized groups for the advancement of its legitimate interests as for capital to combine for the same object. Such associations of labor manifest themselves in promoting collective bargaining in an effort to secure better working and living conditions, in providing machinery whereby grievances may easily and without prejudice to the individual be taken up with the management. Sometimes they provide benefit features, sometimes they seek to increase wages, but, whatever their specific purpose, so long as it is to promote the well-being of the employees, having always due regard for the best interests of the employer and the public, leaving every worker free to associate himself with such groups or to work independently, as he may choose, I favor them most heartily. Combinations of capital are sometimes conducted in an unworthy manner, contrary to law, and in disregard of the interest both of labor and the public. Such combinations can not be too strongly condemned nor too vigorously dealth with. Although combinations of this kind are the exception, such publicity is generally given to their unsocial acts that all combinations of capital, however rightly

managed or broadly beneficent, are thereby brought under suspicion. Likewise it sometimes happens that combinations of labor are conducted without due regard for the rights of the employer or the public, and methods and practices are adopted which, because unworthy or unlawful, are deserving of public censure. Such organizations of labor bring discredit and suspicion upon other organizations which are legitimate and useful, just as is the case with improper combinations of capital, and they should be similarly dealt with. I should be the last, however, to allow the occasional failure in the working of the principle of the organization of labor to prejudice me against the principle itself, for in that principle I strongly believe. In the further development of the organization of labor and of large business the public interest, as well as the interest of labor and capital alike, will, it seems to me, be best advanced by whatever stimulates every man to do the best work of which he is capable; by a fuller recognition of the common interest of employers and employed; and by an earnest effort to dispel distrust and hatred and to promote good will.

As respects the question of the recognition or nonrecognition of labor unions in Colorado, my attitude has been in conformity with the views I have expressed relative to the responsibilities of stockholders, directors, and managers. The hiring and discharging of men and the framing of agreements as respects the same are functions which I have regarded as rightfully belonging to the management and not to the stockholders or directors. The Colorado Fuel & Iron Co. has been managed on this principle. The decision of the officers with respect to the recognition of the union was reached without any consultation or communication with me, and I had no knowledge of their decision until after the strike had been declared.

The correspondence between myself and the officers of the Colorado Fuel & Iron Co. during the strike has been produced before this commission and is now public. If one thing more than another is shown by the letters exchanged, it is that, as respects conditions of employment and the interest of the company's employees, I have sought to inform myself and have not hesitated to make suggestions looking toward more adequate representation on the part of the employees and participation by them in the determining of matters pertaining to their working conditions. It is not less apparent, however, that I have studiously avoided anything that might afford ground, either to the employees, the management, or the public, for the belief that in any particular I was seeking to dictate a policy or to arbitrarily control any situation. The only coal property in Colorado in which we are in any way interested is the Colorado Fuel & Iron Co. In addition to this company, there are many other coal mining companies in that State, in none of which either we or the Colorado Fuel & Iron Co. have any interest whatsoever, and a large number of these companies were involved in the strike. For me to have attempted to dictate a policy or control the situation would have meant an assumption of authority far beyond what the investment which I represent in the Colorado Fuel & Iron Co. would have justified, and, if tolerated by the management of that company, would have been resented by the other companies involved in the dispute.

Since we first acquired an interest in the Colorado Fuel & Iron Co. in 1902, the company has paid out in wages to its employees over $62,000,000. During the same period we have received dividends amounting to $371,000 on our investment in the company's capital stock. Therefore our stock interest in the Colorado Fuel & Iron Co. has yielded a return of about two-thirds of 1 per cent per annum on an actual cash investment of about $6,000,000. It should be stated that we hold, in addition to the stocks above mentioned, a block of bonds, but that our entire investment in the stocks and bonds of the Colorado Fuel & Iron Co. has yielded during a period of twelve years not more than 3½ per cent per annum. Yet during that time, instead of exploiting the industry, as has been frequently stated, we have supported a policy of development by devoting surplus earnings to improvements, thereby increasing employment, and generally extending the business, rather than paying dividends.

In testifying last year before the congressional committee which investigated the Colorado strike, Mr. James Dalrymple, coal mine inspector of the State of Colorado, said:

"I believe it fair to give credit to those operators who have cooperated with this department in making improvements recommended beyond the requirements of the present mining law. In acknowledging the concessions made by them, it must be further added that there is no authority embodied in the law by which these conceded improvements could have been enforced, no matter how

essential they were to protect the life and health of the employees. The Colorado Fuel & Iron Co. ranks first in making improvements not compulsory or demanded by the law; it complied cheerfully with most of our recommendations."

Doubtless mistakes have been made and conditions are still imperfect. I have no desire to defend any conditions that are justly subject to criticism; I only ask that the responsibility for them be apportioned fairly. The problem now is for all concerned to develop increasing good will and to improve conditions as far as may be possible. To that end my thoughts and activities have for some time been devoted.

As to the strike itself, its many distressing features have given me the deepest concern. I frankly confess that I felt there was something fundamentally wrong in a condition of affairs which rendered possible the loss of human lives, engendered hatred and bitterness, and brought suffering and privation upon hundreds of human beings. Without seeking to apportion blame, I determined that in so far as lay within my power I would seek means of avoiding the possibility of similar conflicts arising elsewhere, or in the same industry in the future. It was in this way that I came to recommend to my colleagues in the Rockefeller Foundation the instituting of a series of studies into the fundamental problems arising out of industrial relations, which resulted in securing the services of Mr. Mackenzie King, former minister of labor of Canada, to direct the studies.

The correspondence will show that, in addition to having taken steps as early as the beginning of June last to secure Mr. King's services, I also sought and obtained advice with respect to machinery for the prevention and adjustment of industrial differences, to which I invited the consideration of the officers of the Colorado Fuel & Iron Co. In early August I wrote the president of the company, forwarding, with my indorsement, a letter from Mr. King, written in answer to my request, outlining a plan previously discussed to establish—

"A board on which both employers and employees are represented, and before which, at stated intervals, questions affecting conditions of employment can be discussed and grievances examined."

In reply to this communication the president of the company indicated that measures of the kind I had suggested were in contemplation, but that their adoption while the strike was on would only serve to embarrass their successful introduction. He further indicated that, when the strike was terminated, steps would be taken immediately to secure to the employees of the company a more direct representation of their views as regards grievances and conditions affecting their employment.

The strike was called off December 10, 1914. On December 18 Mr. David Griffiths, formerly State coal-mine inspector of Colorado, was appointed an intermediary between the company and its employees respecting matters of mutual interest.

On January 5 a notice was posted at all the company's mines inviting the employees at each of the mines to assemble in mass meeting to select by ballot one representative to every 250 employees in each camp, to represent the men at a joint meeting of themselves and the executive officers of the company in Denver "for the purpose of discussing matters of mutual concern and of considering means of more effective cooperation in maintaining fair and friendly relations."

In the published notice of these meetings it was stipulated that in order that the men might feel the greatest freedom in making their selection they should choose their own chairman and neither superintendents nor pit bosses should attend.

The notice added: "The person selected to attend the Denver conference shall be the duly accredited representative of the employees, not only at the first joint meeting, but at all subsequent joint meetings and in all matters of cooperation between the company and its employees until the employees in like meeting shall designate some other person to represent them. It is therefore highly important that the employees choose with the utmost care the one of their number in whom they have most confidence."

I have received from the president of the company a telegram informing me that this joint conference was held at Denver on the 19th instant, that the meeting had proved most satisfactory to all concerned, and that its spirit had convinced the management that it would lead to more active cooperation between the company and its employees in the future.

Thus it will be seen that the company has already taken steps to initiate a plan of representation of its employees. It is my hope and belief that from this will develop some permanent machinery which will insure to the employees of the company, through representatives of their own selection, quick and easy access to the officers with reference to any grievances, real or supposed, or with reference to wages or other conditions of employment.

In the improvement of industrial conditions in the State of Colorado, which all hope for, I am sure that the friendly cooperation of the commission of which Mr. Seth Low is chairman, recently appointed by the President of the United States, will be of assistance to all the mining companies of the State. Shortly after this commission was appointed and following conferences had at his invitation I wrote Mr. Low on December 30, asking him to assure the President of my desire and purpose to cooperate with the commission which he had appointed.

In conclusion, Mr. Chairman, quite apart from any particular situation, may I express in utter frankness the views which as an individual and a citizen I hold toward the problems into which your commission has been appointed to inquire? I believe that the ultimate object of all activities in a republic should be the development of the manhood of its citizens, that such manhood can be developed to the fullest degree only under conditions of freedom for the individual, and that industrial enterprises can and should be conducted in accordance with these principles. I believe that a prime consideration in the carrying on of industry should be the well-being of the men and women engaged in it, and that the soundest industrial policy is that which has constantly in mind the welfare of the employees as well as the making of profits, and which, when the necessity arises, subordinates profits to welfare. In order to live, the wage earner must sell his labor from day to day. Unless he can do this, the earnings from that day's labor are gone forever. Capital can defer its returns temporarily in the expectation of future profits, but labor can not. If, therefore, fair wages and reasonable living conditions can not otherwise be provided, dividends must be deferred or the industry abandoned. I believe that a corporation should be deemed to consist of its stockholders, directors, officers, and employees; that the real interests of all are one, and that neither labor nor capital can permanently prosper unless the just rights of both are conserved.

I further believe that, in matters pertaining to industrial relations, the public, quite as much as the parties engaged in industry, is entitled to confidence and consideration. Industrial relations are essentially human relations, and human relations should be not less the concern of the State as a whole than of individuals engaged in industry. My appreciation of the conditions surrounding wage earners and my sympathy with every endeavor to better these conditions are as strong as those of any man. I believe it to be the duty of every citizen to do all within his power to improve the conditions under which men work and live. I believe that that man renders the greatest social service who so cooperates in the organization of industry as to afford to the largest number of men the greatest opportunity for self-development, and the enjoyment by every man of those benefits which his own work adds to the wealth of civilization. If, with the responsibilities I have and the opportunities given me, I am able to contribute toward promoting the well-being of my fellow men through the lessening of injustice and the alleviation of human suffering, I shall feel that it has been possible to realize the highest purpose of my life.

Chairman WALSH. Have you made more than one copy of the paper which you have just read?

Mr. ROCKEFELLER, Jr. I have, Mr. Chairman.

Chairman WALSH. Has it been printed?

Mr. ROCKEFELLER, Jr. It has not been published, but it has been given to these gentlemen [indicating newspaper men].

Chairman WALSH. It was given to the press?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Would you now kindly furnish a copy for each member of the commission?

Mr. ROCKEFELLER, Jr. I think we have them here [handing a number of copies to the chairman]. If that is not sufficient I should be glad to furnish others, Mr. Chairman.

Chairman WALSH. The house will be in perfect order, because we are going to proceed immediately with the balance of the examination. Please maintain perfect order. In what corporations are you personally a director, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. The Manhattan Railway Co., the Merchants' Fire Association, and the Colorado Fuel & Iron Co.

Chairman WALSH. Any others?

Mr. ROCKEFELLER, Jr. No others.

Chairman WALSH. Have you ever been a director in the Delaware, Lackawanna & Western Railway?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. You are retired from that, are you?

Mr. ROCKEFELLER, Jr. I retired from that within the last six months.

Chairman WALSH. And the American Linseed Co.?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. Retired from that also?

Mr. ROCKEFELLER, Jr. Retired from that also.

Chairman WALSH. In what other corporations do you own or represent any considerable amount of stock or bonds?

Mr. ROCKEFELLER, Jr. That, Mr. Chairman, would be very difficult to answer offhand. I might secure for you such information, but I have not it in mind.

Chairman WALSH. Could you mention the principal ones in which you represent any considerable amount of stock and bonds, and I use the words "principal ones" in point of amount as well as employment of workers?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I represent certain investments on behalf of my father with his other associates. I also represent certain investments on behalf of the several foundations with which I am connected. As you will understand from the list which was printed in one of the questionnaires that was submitted by the commission, the list even of the holdings of the Rockefeller Foundation is very considerable. The other foundations have large holdings. My father's interests are also in addition. It will be very difficult to point out in a direct answer to your question. Can't it be taken possibly from this list of securities published in the questionnaire?

Chairman WALSH. Well, my question was, leaving that for the present, whether or not you could name here now the larger interests in which you represent any considerable amount of stock—perhaps the basic industries—steel, lumber, oil, transportation?

Mr. ROCKEFELLER, Jr. Of course, the railroad securities, Mr. Chairman, as you observe from examining this schedule submitted, are very numerous. There are also a number of oil securities. There is no timber, that I recall, in this list. I have forgotten the other heading you mentioned.

Chairman WALSH. Mines.

Mr. ROCKEFELLER, Jr. I think there—I do not recall at the moment any mining interests at all in this list; but the lists are rather long, and I do not try to keep them fresh in my mind—the various items of investment.

Chairman WALSH. The list you refer to now is the list submitted in answer to the written questionnaire given to the record in which the foundation itself holds securities?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I am leaving the foundation for the moment and just applying it to the other securities, for instance—but, before I leave that, you say there are no mines represented, so far as you recall, in the list submitted—that is, in the foundation list of securities?

Mr. ROCKEFELLER, Jr. I do not recall any; but I do not keep that list entirely in mind.

Chairman WALSH. What is the Colorado Industrial Co.?

Mr. ROCKEFELLER, Jr. I can only say, generally, it is one of the companies included in the Colorado Fuel & Iron Co.

Chairman WALSH. Is it a holding company that holds stock in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I can not tell you that Mr. Chairman. My recollection is not clear on that.

Chairman WALSH. I notice there is a contribution from that source—the Colorado Industrial Co. Will you kindly at the noon recess ascertain, if possible, at your office what that company represents?

Mr. ROCKEFELLER, Jr. I shall be glad to do so.

Chairman WALSH. Of what does the property of that company consist—the Colorado Industrial Co.?

Mr. ROCKEFELLER, Jr. Doubtless the annual report of the Colorado Fuel & Iron Co. would cover that question.

Chairman WALSH. Well, you may obtain it from there or any other place that you see fit.

Mr. ROCKEFELLER, Jr. The Colorado Industrial Co.?

Chairman WALSH. Yes. Are you familiar with the corporation known as the Colorado Supply Co.?

Mr. ROCKEFELLER, Jr. I know that is one of the corporations which is owned by the Colorado Fuel & Iron Co. That is my understanding.

Chairman WALSH. And will you kindly see whether or not the stock of the Colorado Supply Co. is held or controlled in any way by the Colorado Industrial Co—unless you can say it offhand?

Mr. ROCKEFELLER, Jr. No, I could not, offhand. Is the Colorado Supply Co.'s stock controlled by the Colorado Industrial Co.? Is that it?

Chairman WALSH. Yes. Owned or controlled.

Mr. ROCKEFELLER, Jr. I might say, in general, Mr. Chairman, that the different names and different companies which go to make up the Colorado Fuel & Iron Co. are to some extent the outgrowth of a combination or a bringing together of several smaller companies which took place before we became interested in the company; and my impression is that the Colorado Industrial Co. was a company formed in connection with the reorganization—the financial reorganization—of the Colorado Fuel & Iron Co. in order to supply the mortgage which would cover the entire properties—my recollection would suggest—and make possible the further financing of the company. It was simply a plan—a part of a plan—to put the company on a secure and adequate financial basis. That is my recollection. It has no significance as a separate company. And the Colorado Supply Co. is simply, as I recall it, one of the smaller of several companies which is owned—the stock is owned—either by the Colorado Fuel Co. or the Colorado Industrial Co., and which I do not recall; but it is not significant. I do not know whether that satisfactorily covers your inquiry. I can get more specific information.

Chairman WALSH. Well, I will ask you a question or two and see if we can get it here, and not put you to the trouble, if possible, of getting it out for us. Does the Colorado Industrial Co. perform any other function than that you have mentioned?

Mr. ROCKEFELLER, Jr. I couldn't say offhand, but my impression is it does not.

Chairman WALSH. What is the capital stock of the Colorado Industrial Co.?

Mr. ROCKEFELLER, Jr. I couldn't tell you that, sir. You see, even with a list of that sort it is impossible for me to keep the figures in mind; and I have to refresh my mind from time to time as these matters come up.

Chairman WALSH. Could you state where the stock of the Colorado Industrial Co. obtained its value?

Mr. ROCKEFELLER, Jr. Mr. Chairman, if I may ask your indulgence a moment—the question of the different companies and the different bonds pertaining generally to the Colorado Fuel & Iron Co. was a question that came up in my examination before the committee of the House—the committee of Congress of the House—last year, and I think I can give you, in just one word, those facts which are here, if you care to have me, stating what the different bonds are.

Chairman WALSH. Well, if you can give that in a very short space, it will be all right. Otherwise I should like to proceed with the examination.

Mr. ROCKEFELLER, Jr. I think I can, Mr. Chairman.

Chairman WALSH. Very good.

Mr. ROCKEFELLER, Jr. This refers to the different mortgages, some six or more in number, but it does not indicate any relation between the two. It shows the funded debt of the Colorado Fuel & Iron Co. general 5 per cent bonds; the Colorado Fuel & Iron Co.'s general mortgage 6 per cent bonds; the Colorado Industrial Co. first mortgage 5 per cent bonds—those are giving the names of the different bonds of the company; the Rocky Mountain Coal & Iron Co. first mortgage 5 per cent bonds; the Grand River Coal & Coke Co. first mortgage 6 per cent bonds; the Pueblo Realty & Trust Co. mortgage 6 per cent bonds. That covers the different mortgages that form a part of the general interest of the Colorado Fuel & Iron Co.

Chairman WALSH. My question was, if you know, where does the stock of the Colorado Industrial Co. obtain its value?

Mr. ROCKEFELLER, Jr. I can not answer that offhand, Mr. Chairman.

Chairman WALSH. Will you kindly get that information for the commission?

Mr. ROCKEFELLER, Jr. Gladly.

Chairman WALSH. And at the same time of what does its property consist. What is the business of the Colorado Supply Co.?

Mr. ROCKEFELLER, Jr. Well, generally I assume to supply or provide the supplies which are necessary in various localities where the mining industry of the company is carried on.

Chairman WALSH. It is the corporation that maintains and operates the supply stores at the various plants of the Colorado Fuel & Iron Co., is it not?

Mr. ROCKEFELLER, Jr. That is as I understand it, Mr. Chairman.

Chairman WALSH. And do you recall its total capital stock?

Mr. ROCKEFELLER, Jr. No; I am sorry I do not.

Chairman WALSH. Will you please explain to the commission as definitely as possible the character of your connection with the corporations in which you are directly interested—excluding the foundations?

Mr. ROCKEFELLER, Jr. You mean, as director, Mr. Chairman?

Chairman WALSH. Yes, sir. That is, I take it you have no direct connection except as director. If you are an executive officer or manager in any other corporation, of course, that would be included; but I am assuming those you have mentioned are the ones in which you are directly interested.

Mr. ROCKEFELLER, Jr. The assumption is entirely correct, Mr. Chairman. My duties in connection with the three companies which I have mentioned are simply the duties of any director, and those I undertook to outline in the paper which I have read. I shall be glad to reread that portion.

Chairman WALSH. If you will kindly and briefly restate it—your particular duties in connection with the corporations in which you are directly interested, other than the foundations?

Mr. ROCKEFELLER, Jr. Of course, the duties of a director, as I conceive them, are the same in any corporation in which any man happens to be a director.

Chairman WALSH. Kindly describe those briefly. Do you meet with some other gentlemen and pass upon reports or what do you do? Just generally give a brief description of what you do in connection with these corporations in which you are particularly interested.

Mr. ROCKEFELLER, Jr. What I particularly do?

Chairman WALSH. Yes; what you do personally.

Mr. ROCKEFELLER, Jr. The fire insurance corporation in which I am a director has its monthly meetings. I attend whenever I find it possible. I talk with the president of the company at his convenience or mine, if either cares to advise with reference to matters which would properly be taken up by a director or a stockholder.

In the Manhattan Railway Co.—that company is a leased company—the elevated railway being leased to the Interborough Co., which operates it; and the directors have only to see that the terms of the lease are complied with. Those meetings, I think, are quarterly. I attend those whenever I can.

As regards the other company, the Colorado Fuel & Iron Co., when we first became interested in that company the directors' meetings were held in New York. The financial condition of the company required careful and prolonged attention. For a number of months we gave almost constant thought—myself and my colleagues, with our counsel—to devising a plan—sound financial plan—which would put the company on a sound financial basis. We had various meetings from time to time of the directors. That was finally accomplished after a number of months of prolonged and careful study. Later the meetings of the directors were discontinued in New York, and since have been held in Denver. According to the by-laws of the company there is an annual directors' meeting which is stated to be held immediately following the annual meeting of stockholders. Monthly directors' meetings are to be held as required. Of course, the eastern directors have not been able to attend those monthly meetings. According to a by-law of the company, when any matters have been passed upon by the western directors without a quorum, or requiring the signature—the ratification of additional directors than those present in the West—by by-law it is made proper for the minute book to be sent to any other directors absent from the meetings, who read the minutes and, if they approve, sign their names thereto. That covers the question.

Chairman WALSH. Will you kindly refer to the portion of the document furnished—the original document furnished to the publication, the press notice issued December 7, 1914? I believe it is indexed here.

Mr. ROCKEFELLER, Jr. Issued by what, Mr. Chairman?

Chairman WALSH. I suppose by one—it is the one that announces the appointment of Mr. Ivy L. Lee by Mr. Jerome D. Greene, on page 82.

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. In what way, briefly, is its publicity furnished to the press, such matters as this?

Mr. ROCKEFELLER, Jr. On behalf of the foundation?

Chairman WALSH. Yes—such as this. I am not saying on whose behalf it is, but here is a communication which reads, "26 Broadway, New York, December 7, 1914," and begins, "Mr. Jerome D. Greene." How was that given out?

Mr. ROCKEFELLER, Jr. Well, that was prepared in our office. Mr. Greene, I think, himself gave it out. Mr. Greene has been, for several years, a member of our personal staff; at the same time he has been filling the position of secretary of the Rockefeller Foundation, which position was created as the foundation was created, after he had come with us. The demands of the position have been rapidly increasing, and it was no longer possible for him to fulfill those demands and carry on his work in connection with our other affairs, and it became desirable, therefore, that he should devote himself exclusively to the work of the foundation as its secretary. He therefore resigned from my father's personal staff and took the position, giving his entire time to it—the position of secretary of the Rockefeller Foundation. We then selected Mr. Ivy Lee to become a member of our personal staff, and his appointment dated from the same date as Mr. Greene's resignation.

Chairman WALSH. The question was, Mr. Rockefeller, who wrote the article?

Mr. ROCKEFELLER, Jr. I think Mr. Greene wrote it. It was a matter that was discussed in our office by my associates and myself as to how most appropriately to advise the public of this change, in justice to both gentlemen, that their positions might be understood.

Chairman WALSH. Now, I notice the statement is made there that Mr. John D. Rockefeller, having retired from active business 15 years or 20 years ago, his staff, of which Mr. Lee becomes a member, are his immediate advisers in matters both of business and philanthropy, and are his direct representatives in the various corporations in which he is financially interested and on the large philanthropic boards which he has created.

Now, I will ask first, would you mention who are the personal staff of Mr. John D. Rockefeller, and will you kindly give me the names of the gentlemen who are upon that staff?

Mr. ROCKEFELLER, Jr. Mr. Starr J. Murphy, Mr. Ivy L. Lee, and myself.

Chairman WALSH. Is Mr. Gates upon that staff?

Mr. ROCKEFELLER, Jr. Mr. Gates was for many years. About two years ago he resigned.

Chairman WALSH. What connection has Mr. Gates with the business interests mentioned here at the present time, if any?

Mr. ROCKEFELLER, Jr. You mean the interests of the foundation?

Chairman WALSH. No, sir; just the purely business interests.

Mr. ROCKEFELLER, Jr. My father's business interests?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. Only such relations as because of an association of 20 years he is interested to contribute.

Chairman WALSH. Is he upon a salary?

Mr. ROCKEFELLER, Jr. He is not. We regretted greatly to have him withdraw from the association. He insisted that he required more freedom and leisure, that he would be glad to continue in the philanthropic works which he had helped to develop, but that he positively declined to accept a salary or to be related to the business except as he might care from time to time to cooperate purely in a voluntary way.

Chairman WALSH. Would you kindly name any other gentleman who has been a member of the personal staff of Mr. John D. Rockefeller, your father, during the year 1914?

Mr. ROCKEFELLER, Jr. Mr. Jerome D. Greene.

Chairman WALSH. He was the only other individual who during that year—I believe you have stated Mr. Lee was not upon that staff—he was the only other individual during that year. I believe you have stated Mr. Lee was not upon that staff.

Mr. ROCKEFELLER, Jr. He was not.

Chairman WALSH. Is Mr. Starr J. Murphy a director in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. What is his place of residence, please?

Mr. ROCKEFELLER, Jr. Montclair, N. J.

Chairman WALSH. And where is his office?

Mr. ROCKEFELLER, Jr. 26 Broadway.

Chairman WALSH. During 1914 were you a director, Mr. Rockefeller, in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. During the year 1914 was Mr. Jerome D. Greene a director in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes. I may say, if you will allow me, Mr. Chairman, with reference to Mr. Greene, that when he came into the office he went into that position, among others—the Manhattan Railroad is another.

Chairman WALSH. I wish to inquire particularly in regard to this so we can keep the continuity up.

Mr. ROCKEFELLER, Jr. I simply meant to say that he gave his time more to the foundation work than to those others, so that he has not had the personal knowledge or touch with the Colorado Fuel & Iron Co. as a director that those who have been longer in the directorship have had.

Chairman WALSH. Did Mr. Ivy Lee occupy any position with the Colorado Fuel & Iron Co. prior to December 7, 1914, when he became a member of the personal staff of Mr. John D. Rockefeller?

Mr. ROCKEFELLER, Jr. May I correct you there, Mr. Chairman? It was January 1, 1915, that he became a member.

Chairman WALSH. The announcement was December 7.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I stand corrected.

Mr. ROCKEFELLER, Jr. To take effect January 1. Mr. Lee had no connection with the Colorado Fuel & Iron Co. other than that he was cooperating with the operators' committee of three operators in Colorado in helping to present the facts which they knew and collated regarding the conditions in Colorado that they might be made public.

Chairman WALSH. Did the personal staff of Mr. John D. Rockefeller receive salaries or compensation in any form as such?

Mr. ROCKEFELLER, Jr. Mr. Murphy does.

Chairman WALSH. Anyone else?

Mr. ROCKEFELLER, Jr. Mr. Lee does.

Chairman WALSH. Anyone else?

Mr. ROCKEFELLER, Jr. The only other member is myself. I do not.

Chairman WALSH. You do not?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Now, did Mr. Lee, during the year 19—when did the salary of Mr. Lee commence with that personal staff?

Mr. ROCKEFELLER, Jr. January 1, 1915.

Chairman WALSH. 1915. Prior to that time had he received any salary so far as you know from any corporation in which you represented your father?

Mr. ROCKEFELLER, Jr. That is quite a simple matter, Mr. Chairman. We had felt as individuals, or stockholders, as directors in the Colorado Fuel & Iron Co. last spring, that the public was not getting the facts. For many years large corporations and individuals have been criticised for their taciturn policy. Many times we have been so criticized. We have maintained a policy of——

Chairman WALSH. Will you excuse me, please, until I sign a voucher?

Mr. ROCKEFELLER, Jr. Certainly. I beg your pardon.

Chairman WALSH. Now, you may proceed, Mr. Rockefeller.

Mr. ROCKEFELLER, Jr. I was just saying it had been the policy of most large corporations and individuals to maintain silence with reference to their affairs. I think the public feeling has been growing of late years that that attitude toward the public was unwise, and that the public was entitled to know about large concerns, whether private or public. The importance of that policy has been growing and we have felt for some time that we should adopt the modern policy of greater publicity.

We, therefore, when this situation in Colorado developed last year, finding that there was much said that was not true, and that it was difficult to get the facts before the public, we felt it our duty as individuals and stockholders and directors in the company to do what we could to get the facts before the public, and I personally took pains to inquire as to who could assist in what I believed was an important public work. After careful inquiry I was told of Mr. Lee, whom I saw with my colleagues, and asked him if he could undertake

to assist the operators' committee and ourselves in the matter of properly presenting the facts in this situation. Of course, Mr. Lee could only consent with the consent of the president of his company, whom I saw, and he graciously consented. Mr. Lee spent his vacation and extra time in cooperating with us and the fuel company, I think, from early June of last year, in an earnest, straightforward effort to put the facts before the public.

Mr. Lee had nothing to do with assuming responsibility for the facts regarding Colorado. He simply acted in behalf of the operators' committee who were themselves informed of the facts, putting in shape the material they had in hand. He assumed no responsibility for the accuracy of the statements and they went out over their names. Does that cover it, Mr. Chairman?

Chairman WALSH. Thank you, Mr. Rockefeller, but did Mr. Ivy Lee receive any compensation or salary from any corporation in which you were interested as a representative of your father during 1914?

Mr. ROCKEFELLER, Jr. Pardon me, I meant to add that. I made the arrangement with Mr. Lee myself, and I advised Mr. Welborn, in whose—in the interest of whom with the other operators I was also working, that we regarded the matter of such importance that while it might be the operators would pay the whole expense, that any part they could not pay we would be glad to pay. That was the arrangement made.

Chairman WALSH. Thank you, but did Mr. Ivy Lee receive any salary or compensation from any corporation in which you are a representative of your father, during the year 1914?

Mr. ROCKEFELLER, Jr. I am not trying to evade, but maybe I am stupid.

Chairman WALSH. Please keep your mind on that question.

Mr. ROCKEFELLER, Jr. The cost of the publications has been paid by the operators. Mr. Lee's personal compensation has been paid by my father. What adjustment the operators may be disposed to make, I do not know.

Chairman WALSH. What compensation was paid to Mr. Lee for the work he did during the year 1914?

Mr. ROCKEFELLER, Jr. My recollection is—Mr. Chairman, if you feel that it is a question I ought to answer in this public way——

Chairman WALSH (interrupting). Yes.

Mr. ROCKEFELLER, Jr. One thousand dollars a month.

Chairman WALSH. One thousand dollars a month?

Mr. ROCKEFELLER, Jr. That is my recollection.

Chairman WALSH. Was that money paid by your father, on behalf of the Colorado Fuel & Iron Co., as a contribution to that company?

Mr. ROCKEFELLER, Jr. It was paid by my father as a contribution to the general public situation, which he felt it was his duty to make any proper contribution toward.

Chairman WALSH. Was there any charge made against the Colorado Fuel & Iron Co. for the money your father paid to Mr. Lee?

Mr. ROCKEFELLER, Jr. There was not. My letter to Mr. Welborn stated, frankly and clearly, that I assumed the operators would pay what they could, and whatever they could not pay that we would pay. I have made the payment on my father's behalf to Mr. Lee, and I have not had opportunity yet to see the officers of these several companies to see what portion of the money, if any, they feel they can bear. But the arrangement was satisfactory to us, whichever way it worked out, because we felt that it was an important matter and in the common and public interest.

Chairman WALSH. Have you charged against the Victor-American Fuel Co. or the Rocky Mountain Fuel Co. or the Colorado Iron Co. any money whatever to pay the compensation of Mr. Ivy L. Lee?

Mr. ROCKEFELLER, Jr. No, sir. My letters very clearly stated it would be a matter for those gentlemen to decide entirely as to what they felt they could pay.

Chairman WALSH. Did I understand you to say that you have not yet had an opportunity to ascertain whether or not they were going to return any of that money?

Mr. ROCKEFELLER, Jr. Yes; because I have not seen them. If they can contribute, all right; and if they do not feel they can, the account is settled and satisfactory to us.

Chairman WALSH. Did Mr. Lee have any other or further connection with your father or any of the companies in which you represent your father than that you have stated?

Mr. ROCKEFELLER, Jr. No, sir. I never knew Mr. Lee personally, or knew of him, until last June, when I was seeking a man that had experience along those particular lines.

Chairman WALSH. Where was the policy of publicity which was finally entered upon by the Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and the Victor-American Fuel Co. finally determined, in New York or Colorado?

Mr. ROCKEFELLER, Jr. That question I could not answer; I was not a party to it.

Chairman WALSH. You were not present when the policy was determined, you have stated, of giving more publicity to the conduct of the corporations and of getting the best man available for that purpose?

Mr. ROCKEFELLER, Jr. Yes, sir; I was present as a member of my father's staff when the eastern directors and representatives of my father personally discussed the desirability of this matter. But I never have discussed the matter with the gentlemen representing these various companies in Denver. I wrote them, stating our views as a result of the conferences had in our office between my colleagues and myself.

Chairman WALSH. That is, as to the publicity campaign or policy and the method of carrying it out? That was determined by the personal staff of your father?

Mr. ROCKEFELLER, Jr. No; the idea of appropriate publicity originated there; but as to how it should be carried out was a matter which the three operators in Colorado and Mr. Lee worked out among themselves.

Chairman WALSH. I made my question too broad, perhaps. The policy was adopted by the personal staff of your father, and the determination to employ some good person to carry on the work was also thus adopted?

Mr. ROCKEFELLER, Jr. Yes; the general policy of adequate publicity.

Chairman WALSH. But, then, as a member of your father's staff you made the arrangement with the president of the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I merely asked his consent to allow Mr. Lee to render this additional service.

Chairman WALSH. Then who made the agreement with Mr. Lee?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. As to the work he was to do and the compensation which he was to receive?

Mr. ROCKEFELLER, Jr. Only generally.

Chairman WALSH. I mean generally, of course; not the details that went into the bulletins.

Mr. ROCKEFELLER, Jr. Not only that, but I did not pretend to lay out the program; that was for him to suggest. That is why we employed him, because we believed he could make those suggestions. But the general policy that publicity was desirable—fair, honest, and open publicity—was originated in our office, and the arrangement with Mr. Lee was made by myself, as I have stated.

Chairman WALSH. Following the agreement that you made as to the general policy——

Mr. ROCKEFELLER, Jr. (interrupting). The general policy, I want to make clear, was that there should be adequate and proper publicity. How that should be accomplished was a matter that Mr. Lee subsequently took up.

Chairman WALSH. Did you give Mr. Lee any instructions, after you employed him, as to where he was to go, for instance, for his information?

Mr. ROCKEFELLER, Jr. When we employ people we expect them to be competent along the lines as to which we have no knowledge; we look to them for information and suggestion. I was not able to make suggestion to Mr. Lee as to how to effect that publicity. I looked to him for suggestions, and he was free to do what was necessary and proper, and he so acted.

Chairman WALSH. Then you did not give him any instructions, is your answer?

Mr. ROCKEFELLER, Jr. I did not; I was not competent to do so.

Chairman WALSH. Did any of the other officers undertake to give him any directions?

Mr. ROCKEFELLER, Jr. Not to my knowledge.

Chairman WALSH. Did he go to Colorado?

Mr. ROCKEFELLER, Jr. He did.

Chairman WALSH. Was there any understanding, when he was employed, as to the means he was to take to acquire information?

Mr. ROCKEFELLER, Jr. I do not recall that. It was left entirely to Mr. Lee.

Chairman WALSH. Was it determined by the personal staff of Mr. John D.

Rockefeller that bulletins should be issued from time to time purporting to give, or endeavoring to give, what might be called the truth as to the Colorado situation?

Mr. ROCKEFELLER, Jr. That was a suggestion made by Mr. Lee; not by us. We were not familiar with matters of that kind. We felt that he was competent and that it was perfectly safe to leave the matter with him.

Chairman WALSH. Was that suggestion made before or after he was employed—that suggestion of Mr. Lee?

Mr. ROCKEFELLER, Jr. Of course, Mr. Chairman, when we first met Mr. Lee—our first conference with Mr. Lee was for the purpose of getting suggestions from him as to how adequate and proper publicity might be brought about. We did not at that time know that we could avail ourselves of his services. Our thought was more to ask him how such a thing could be done and what he could suggest. As a result of that first conference it developed that it might be possible for Mr. Lee to undertake the work, and we subsequently took the matter up, as I have stated, with the president of the Pennsylvania Railroad.

Chairman WALSH. Did your father keep a set of books covering the expenditures, such as the payment of a salary to Mr. Lee?

Mr. ROCKEFELLER, Jr. I think it is perhaps in his regular accounts. It was a regular expense, simply an ordinary office expense.

Chairman WALSH. An ordinary office expense of what office?

Mr. ROCKEFELLER, Jr. Of his office; because this publicity, we felt, was so important for ourselves, as well as the Colorado Fuel & Iron Co., that we, as I stated, stood ready to pay the whole cost, or such part of it as the other gentlemen felt they could not pay.

Chairman WALSH. What is the name of the individual that keeps the books?

Mr. ROCKEFELLER, Jr. There are half a dozen gentlemen.

Chairman WALSH. Who is the head of that department that keeps the books in which the charge was made, or the item entered, covering the salary of Mr. Ivy Lee?

Mr. ROCKEFELLER, Jr. Mr. Jenkins is the gentleman in charge of the bookkeeping.

Chairman WALSH. When you say that it was in Mr. Rockefeller's office, is that the office in which are kept track of and managed his general investments?

Mr. ROCKEFELLER, Jr. My father's personal business. That is all I have anything to do with or his staff—his personal business, his private affairs.

Chairman WALSH. Then, am I to understand that anything Mr. Lee did in Colorado toward publicity, his compensation for that came from your father, and that it was charged in the books of your father's general private business?

Mr. ROCKEFELLER, Jr. Mr. Chairman, that is accurate, but it is not quite comprehensive.

Chairman WALSH. Any explanation that goes with it, kindly give it now.

Mr. ROCKEFELLER, Jr. I think one should bear in mind what was done—what was contained in the letter I wrote to Mr. Welborn, in which I spoke of our feeling that publicity was very desirable for the sake of the Colorado situation and our general interests, and I said "the Colorado Fuel & Iron Co. and the other operators, we expect, want to pay their share of this expense. We assume they may want to pay it all, they will if they can, but we regard the matter as so important and of such public interest that whatever expense they do not feel able to pay——

Chairman WALSH (interrupting). Who do not feel able to pay?

Mr. ROCKEFELLER, Jr. The three operators acting as the operators' committee and representing the operators—"whatever portion of the expense they do not feel able to pay we will pay." It has happened that they have paid the cost of the publications. It has happened since I made the arrangement with Mr. Lee and was responsible to him on behalf of whom it might concern that I have paid him with my father's funds. What portion of that compensation the operators may feel they are able to pay back I do not know. If they pay back nothing then the account will stand as it is. So it appears that we have paid Mr. Lee's salary to date with that understanding——

Chairman WALSH. With the understanding that it was charged to your father's private business?

Mr. ROCKEFELLER, Jr. I do not know just where it was charged, Mr. Chairman. It was charged, I presume, to office expenses. I do not keep track of the books, but it was as ordinary expense that we passed in the ordinary way.

Chairman WALSH. Will you kindly obtain from Mr. Jenkins, whom I believe

you stated was the head of the bookkeeping department—we do not want to call him personally—a statement as to how this charge was made?

Mr. ROCKEFELLER, Jr. I will gladly do so.

Chairman WALSH. That is, as to what account?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. On January 1 what connection was established between Mr. Ivy L. Lee, the personal staff of Mr. John D. Rockefeller—any corporations in which Mr. John D. Rockefeller or yourself is interested, including business and philanthropic organizations? Begin with the first, please—the staff.

Mr. ROCKEFELLER, Jr. My impression is that Mr. Lee was automatically put into such positions on boards as Mr. Greene had resigned from. The only two I recall are the Colorado Fuel & Iron Co. and the Western Maryland Railroad.

Chairman WALSH. How about the personal staff of Mr. John D. Rockefeller; did he become part of that?

Mr. ROCKEFELLER, Jr. That is what the notice states, that he did.

Chairman WALSH. I am asking you to repeat that, if you please.

Mr. ROCKEFELLER, Jr. He became a member of Mr. Rockefeller's personal staff, to take the place of Mr. Greene.

Chairman WALSH. And the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes; as representing my father, as were my father's other representatives.

Chairman WALSH. He owned no stock in that himself?

Mr. ROCKEFELLER, Jr. No; he owned no stock himself.

Chairman WALSH. And he merely has representation, or qualifying stock now?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. What connection, if any, did he assume with what is known as the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. No connection, no official connection, or connection as a director, but our office staff is a sort of family affair. We talk over all kinds of matters of our common interest. We have not drawn sharp lines between business and philanthropic interests. We have developed both among us as a part of our common daily work, and we discuss in the office any matters of any kind that may seem to be of interest.

Chairman WALSH. So, am I to understand from that, that while Mr. Ivy L. Lee is not a trustee of the Rockefeller Foundation and has no official connection with it and no salaried position with it, yet nevertheless, on account of his being on the staff of your father, you do discuss with him the affairs of the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. I do not know that I have, but I should not hesitate to discuss with him such matters or the affairs of the Rockefeller Institute or the General Education Board, or any other matters that might come up in the day's business for discussion or action.

Chairman WALSH. Do you recall any conversations which you have had in the meetings of the trustees of the Rockefeller Foundation in which Mr. Lee participated?

Mr. ROCKEFELLER, Jr. No, I could not; I would not be able to recall that, Mr. Chairman, because we are constantly meeting informally in the office and discussing one matter and then another, but it is hardly possible that we do not discuss various matters in connection with the foundation with Mr. Lee—the various questions I could not specify, but we would feel entirely free to do so. That is what a member of the staff is expected to do, confer on any matters that come up.

Chairman WALSH. So that Mr. Lee would have an influence in shaping the activities of the Rockefeller Foundation, due to the fact that he was a member of your father's staff?

Mr. ROCKEFELLER, Jr. He would have just as much influence as any competent, intelligent, able-minded man would have whom we might ask to meet and confer with us.

Chairman WALSH. He would not have any more influence on account of being a member of your father's staff than would any other outside man of ability and integrity that you might confer with?

Mr. ROCKEFELLER, Jr. Whose judgment we might seek.

Chairman WALSH. Whose judgment you might seek?

Mr. ROCKEFELLER, Jr. Yes, I think that is a fair statement.

Chairman WALSH. Now, as to the directors of the Rockefeller Foundation; are you one, Mr. Rockefeller? I believe you are.

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. And your father is a director?

Mr. ROCKEFELLER, Jr. He is a director.

Chairman WALSH. And Mr. F. T. Gates is a director?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I believe you have already stated that Mr. Gates at the present time has no official connection with any of the corporations in which your father is interested?

Mr. ROCKEFELLER, Jr. I do not think I stated that; if I did, I must correct the statement. I said that Mr. Gates was no longer a member of our office staff, as he had been for many years; he is no longer under salary, at his own request. Mr. Gates has continued as a director, in the Western Maryland Railroad, as a representative of my father, where he has been for many years. I think that is the only business directorate which he retained. Several times he has expressed his desire to resign, but we have asked him to continue, and he has been willing to do so.

Chairman WALSH. Outside of his compensation for attending directors' meetings of that one corporation does Mr. Gates receive any salary from your father?

Mr. ROCKEFELLER, Jr. Not since he insisted that his salary should terminate, several years ago. We have urged him to accept a salary, because we have been desirous of continuing to avail ourselves of his services.

Chairman WALSH. Does he receive salary from any corporation in which your father is interested?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Mr. H. P. Judson, I notice, is also a member of that board of directors; what is the business or profession of Mr. Judson?

Mr. ROCKEFELLER, Jr. Mr. Judson is president of the Chicago University.

Chairman WALSH. Mr. Wickliffe Rose I see mentioned.

Mr. ROCKEFELLER, Jr. Mr. Rose is secretary of the International Health Commission. It was he who conducted the work of the eradication of the hookworm disease in the South on behalf of the health commission which was established by my father some years ago.

Chairman WALSH. That Mr. Wickliffe Rose?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. What is the name of the organization you say he is the head of?

Mr. ROCKEFELLER, Jr. He is the executive secretary of the International Health Commission, which is, as described in the answer to these questionnaires, one of the organizations which has been created by the Rockefeller Foundation, directing its attention largely to matters of health and sanitation.

Chairman WALSH. As executive secretary he receives a salary from that activity?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Mr. C. W. Eliot?

Mr. ROCKEFELLER, Jr. Ex-President Eliot, of Harvard University.

Chairman WALSH. Mr. A. B. Hepburn?

Mr. ROCKEFELLER, Jr. Chairman of the board of directors of the Chase National Bank of this city.

Chairman WALSH. Is he engaged as a director in any industrial corporations that you know of—any large industrial corporation?

Mr. ROCKEFELLER, Jr. You mean that we have an interest in?

Chairman WALSH. No, sir.

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. You might answer that part of it, however, and save asking you again.

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. Now, what large industrial companies is Mr. A. B. Hepburn connected with as a director?

Mr. ROCKEFELLER, Jr. I understand he is to testify later, Mr. Chairman. I am afraid he will have to speak for himself, because I don't know.

Chairman WALSH. Who is S. Flexner—Dr. Flexner?

Mr. ROCKEFELLER, Jr. He is the head of the Rockefeller Institute for Medical Research—Dr. Simon Flexner.

Chairman WALSH. On a salary?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Mr. Starr J. Murphy—if you have told us what his business connection was with your company, I have forgotten it.

Mr. ROCKEFELLER, Jr. He is a member of my father's personal staff.

Chairman WALSH. And he receives a salary?

Mr. ROCKEFELLER, Jr. He does.

Chairman WALSH. Mr. C. O. Heydt?

Mr. ROCKEFELLER, Jr. Mr Heydt has been associated with me as private secretary for a number of years.

Chairman WALSH. He is your private secretary?

Mr. ROCKEFELLER, Jr. He is.

Chairman WALSH. And Mr. J. D. Greene, you have mentioned.

Mr. ROCKEFELLER, Jr. Mr. Greene is secretary of the Rockefeller Foundation.

Chairman WALSH. And a salaried man?

Mr. ROCKEFELLER, Jr. As secretary of the foundation he receives a salary.

Chairman WALSH. Did he receive a salary as a member of the personal staff of your father?

Mr. ROCKEFELLER, Jr. Oh, yes. I am the only one who is not included in the salary roll of the personal staff.

Chairman WALSH. Well, none of these gentlemen, as I understand you have already answered, receives any salary from the foundation?

Mr. ROCKEFELLER, Jr. Except Mr. Greene. He is the secretary of the foundation.

Chairman WALSH. None of the others?

Mr. ROCKEFELLER, Jr. None of the others.

Chairman WALSH. Did Mr. Lee have any connection of any sort with the Rockefeller Foundation during the year 1914?

Mr. ROCKEFELLER, Jr. Well, he has no connection now, Mr. Chairman, and——

Chairman WALSH (interrupting). I understood you to testify that he had no connection now, except as you described as you might meet with him as any other outsider whom you might call in who had judgment—I recall. Did he have any connection with the foundation during the year 1914?

Mr. ROCKEFELLER, Jr. He did not.

Chairman WALSH. The three members of your father's general staff that were connected with the Colorado Fuel & Iron Co., and with the foundation during the year 1914, were yourself, Mr. Starr J. Murphy, and Mr. Jerome D. Greene; that was all?

Mr. ROCKEFELLER, Jr. That was all, and that was, of course, a natural outgrowth of the fact that we were representing my father in any matters that he was interested in.

Chairman WALSH. Of course, as I understand—is your father a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. You represent him on that?

Mr. ROCKEFELLER, Jr. We three represent him.

Chairman WALSH. Now, I don't recall—when did you become interested in the Colorado situation industrially? I mean in the properties out there?

Mr. ROCKEFELLER, Jr. In 1902; it has been about 12 years.

Chairman WALSH. What information do you regularly receive regarding the labor conditions in the corporations in which you are interested either directly or as the representative of your father?

Mr. ROCKEFELLER, Jr. It is not customary in any corporations I have ever been connected with as director to receive regular information regarding labor matters.

Chairman WALSH. Do you receive reports from any of the corporations in which you are a director, which gives you direct information in regard to labor conditions?

Mr. ROCKEFELLER, Jr. I have never known of a director who received such reports; not in my experience; I do not.

Chairman WALSH. Do you make it a practice to visit the plants of the corporations in which you are interested and make personal inquiries and observations regarding conditions?

Mr. ROCKEFELLER, Jr. In so far as possible.

Chairman WALSH. Please mention any that you visited during the year 1914?

Mr. ROCKEFELLER, Jr. None.

Chairman WALSH. Please mention any that you visited during the year 1913?

Mr. ROCKEFELLER, Jr. May I state, Mr. Chairman, that of the three corpo-

rations I am director of one is an insurance company, so there would not be much to inspect. The other is the Manhattan Railway Co., and, of course, I ride in that system from time to time, it being in New York; and the third is the Colorado Fuel & Iron Co.

Chairman WALSH. How many mines have the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. My impression is about 24 mines in operation a year or more ago when the times were normal.

Chairman WALSH. Located in what States, during the year 1914, were the mines of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Well, I can not say other than Colorado. I think they are largely concentrated there. I would not be prepared to say there were not some over the border line, but my impression is they are all in Colorado.

Chairman WALSH. Do they not also operate mines in the State of Wyoming?

Mr. ROCKEFELLER, Jr. Coal mines?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. Well, they may, but I don't know, Mr. Chairman.

Chairman WALSH. Do they operate iron mines in the State of Wyoming?

Mr. ROCKEFELLER, Jr. I think they do.

Chairman WALSH. Sir?

Mr. ROCKEFELLER, Jr. I think so.

Chairman WALSH. As a director of that company have you received—as a director of the Colorado Fuel & Iron Co., have you received reports from time to time from the executive officials of your company in the State of Wyoming?

Mr. ROCKEFELLER, Jr. My impression is that the large supply of iron ore which the Colorado Fuel & Iron Co. uses in its steel plant comes from its mines in Wyoming, and that those iron mines are under the general care of the officers of the Colorado Fuel & Iron Co. We have no specific reports with reference to that.

Chairman WALSH. The reports you get upon the financial condition, as well as the activities of the Colorado Fuel & Iron Co. in the State of Wyoming, come to you from, or did come to you for the past five years, did they not, from the following gentlemen: L. M. Bowers, chairman; J. F. Welborn, president; F. T. Gates, vice president; J. A. Writer, auditor; and Joseph Chilberg, sales manager?

Mr. ROCKEFELLER, Jr. Usually, Mr. Chairman, and I think solely, from Mr. Bowers, the former chairman of the board, and Mr. Welborn, the president of the company.

Chairman WALSH. Have you with you, Mr. Rockefeller, or have you been asked to produce, the report made by Mr. L. M. Bowers, as chairman, and also signed by Mr. J. F. Welborn, F. T. Gates, J. A. Writer, and Joseph Chilberg, of the Colorado Fuel & Iron Co., to its stockholders in the year 1909?

Mr. ROCKEFELLER, Jr. I have not been asked to produce the report and have not it with me.

Chairman WALSH. Does the company make reports to its stockholders every year?

Mr. ROCKEFELLER, Jr. It makes reports, I presume, at the annual stockholders' meetings, Mr. Chairman. I have never attended but one stockholders' meeting. They occur, as I have stated, in Denver.

Chairman WALSH. Do you believe, Mr. Rockefeller, that the stockholders of a corporation, aside from the directors, have any responsibility in regard to labor conditions in the industrial concerns in which they own stock?

Mr. ROCKEFELLER, Jr. That I stated, Mr. Chairman, in my original paper, that while the powers of the stockholders are limited to the electing of directors, a stockholder certainly, if he has any amount of stock, has a moral responsibility and a moral influence over directors and officers, which he needs to use with care and with thought and in justice.

Chairman WALSH. Have you ever been present at any of the meetings in Colorado at any time since the time your interests acquired the ownership out there?

Mr. ROCKEFELLER, Jr. Yes; I have been several times to Colorado in the earlier days of our acquiring the interest, and went about quite extensively at that time.

Chairman WALSH. When was the last time that you were personally in Colorado?

Mr. ROCKEFELLER, Jr. Just about the time of the financial reorganization. I think it was about 10 years ago.

Chairman WALSH. Have you inspected any factory or mine or railroad in any of those industries in which you are a director during the past 10 years, personally?

Mr. ROCKEFELLER, Jr. As I have stated, Mr. Chairman, the insurance business does not lend itself to current inspection.

Chairman WALSH. Well, leave out the insurance feature of it and answer the rest, to save time.

Mr. ROCKEFELLER, Jr. You have asked a general question and I want to answer it fully. The Manhattan Railway Co. I ride on from time to time. That is in New York City. The Colorado Fuel & Iron Co. I have not visited in the last 10 years.

Chairman WALSH. When you ride on the Manhattan Railroad Co., do you make some inquiries into the condition of the labor of the road?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman, because, as I have said, the Manhattan—the elevated railway—is leased to the Interborough; the Interborough operates it. The duties of the directors of the Manhattan Railway are confined to seeing that the terms of their lease are lived up to, so that the question of operating the road is not a question which would come to the directors.

Chairman WALSH. During the past five years, have you, as a director of the Colorado Fuel & Iron Co., received any specific reports regarding labor conditions in the mines of the company in Colorado or Wyoming?

Mr. ROCKEFELLER, Jr. It has not been customary, Mr. Chairman, to send specific formal reports. I have received through the several officers of the company, as is shown by our correspondence, information from time to time which they thought it was desirable that we should have, and which we desired to have; but there has never been any specific formal method of currently informing the directors in the East of labor conditions.

Chairman WALSH. Verbally, has any officer of the Colorado Fuel & Iron Co. made a statement to the eastern directors as to labor conditions, living conditions in the camps of the company in Colorado?

Mr. ROCKEFELLER, Jr. When either of the officers that you have mentioned have been in the East we have discussed the general affairs of the company, and such matters have doubtless come up, as they would with other matters of importance in connection with the company.

Chairman WALSH. Were these statements of the executive officers taken down in shorthand?

Mr. ROCKEFELLER, Jr. It has not been customary to do so.

Chairman WALSH. Then there is no statement in the office in New York—during the past 10 years there has been no statement in the office in New York as to the labor conditions in Colorado?

Mr. ROCKEFELLER, Jr. There has been the correspondence, Mr. Chairman, which would touch upon that, together with the other divisions and other phases of the companies—we have had constant correspondence.

Chairman WALSH. Has this commission received all of the correspondence with respect to labor conditions in Colorado through the original letters received and copies of letters sent, in its hearing in Colorado, so far as you know?

Mr. ROCKEFELLER, Jr. Through the periods covered, so far as I know.

Chairman WALSH. Does that include all the correspondence that has been had between the New York office and the Colorado office during the past 10 years?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman. Of course, there has been constant correspondence.

Chairman WALSH. Including, among other things, a reference to labor conditions.

Mr. ROCKEFELLER, Jr. My recollection as to correspondence running over a period of 10 years would be quite vague; but it has been customary, in correspondence as well as in conference, to touch upon the various matters of interest in connection with the company.

Chairman WALSH. In the year 1914, was there correspondence between the New York office and the Colorado office with reference to labor conditions in the plants of your company in Colorado?

Mr. ROCKEFELLER, Jr. I presume that there was, Mr. Chairman. I have not turned out the correspondence to see the exact dates, but that is the way we have gotten our information currently.

Chairman WALSH. Has the commission called upon you for that correspondence, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

Chairman WALSH. Will you kindly, at your convenience, Mr. Rockefeller, produce all the correspondence between the New York office and your Colorado office in which any reference is made to labor conditions in Colorado or Wyoming during the years 1913-14?

Mr. ROCKEFELLER, Jr. (making note). During 1914?

Chairman WALSH. From the 1st of January, 1913, up to and including the 1st day of January, 1915.

Mr. ROCKEFELLER, Jr. Excluding, I presume, of such letters as already have been presented to you in Denver?

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

(See Rockefeller, Jr. Exhibit No. 2.)

Chairman WALSH. What general principles, other than what you have stated in the document which you read this morning, have controlled in determining labor conditions in corporations in which you are interested?

Mr. ROCKEFELLER, Jr. I undertook to present those principles pretty fully, Mr. Chairman. I do not think I could add to that statement. I would be happy to read it again if you so desire.

Chairman WALSH. Not unless you care to, Mr. Rockefeller.

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Or some member of the commission cares to have it read. I have noted here only very short statement, very concisely put, by your father in his Random Reminiscences of Men and Events, as follows:

"The best of philanthropy, * * * the investment of effort or time or money, carefully considered with relation to the power of surrounding people to a remunerative wage, to expand and develop the resources at hand, and to give opportunity for progress and healthful labor where it did not exist before."

What efforts have been made by the directors in New York for applying that principle to the State of Colorado and also to the State of Wyoming?

Mr. ROCKEFELLER, Jr. The effort has been made to the extent, Mr. Chairman, of practically no returns on the investment during the period of 12 years, and to put all the surplus earnings back into the development of the company.

As I pointed out in my statement, during a period of 12 years the company has paid over $22,000,000 to the employees of the company in wages, and my father has received on his interest in the stock of the company $871,000. My only fear as a director has been that the many stockholders in the company might very justly find fault with the trustee of the property for having expended so large an amount of the current surplus earnings in the development of the property, in increasing the wages and in providing, as they could, for the employees, instead of making any return other than the slight return to the stockholders I have mentioned, which is inconsequential. I fear we have been open to criticism very sharply on that ground.

Chairman WALSH. Is there an added value, or has there been during the past 12 years, to your real ownership of wealth, growing out of these properties, aside from that represented by dividends upon its capital stock and interest from its bonds?

Mr. ROCKEFELLER, Jr. If anyone can show such added value and would make us an offer of anything approaching what the properties originally cost, we would be only too happy to do business, Mr. Chairman.

Chairman WALSH. I read from the alleged report—first, I will ask you whether or not the Colorado Fuel & Iron Co. does not own a very large amount of coal lands that are not being commercially exploited at the present time?

Mr. ROCKEFELLER, Jr. That is true.

Chairman WALSH. What area does it own in the State of Colorado?

Mr. ROCKEFELLER, Jr. I can not tell you.

Chairman WALSH. Does it also own a large amount of iron land that is not being commercially exploited at the present time?

Mr. ROCKEFELLER, Jr. I have not in mind the extent of the iron holdings.

Chairman WALSH. Does this company own a tinplate plant whose book value is $1,262,000, in the State of Colorado, that is not being operated now?

Mr. ROCKEFELLER, Jr. As to whether it is being operated now or not, I could not tell you. I think that there is, among the various steel industries, a tin plant.

Chairman WALSH. Has it been operated?

Mr. ROCKEFELLER, Jr. I should say yes. But I would not be accurate on that matter.

Chairman WALSH. Do your companies consider any added value to the property through the subject of the imposition or failure to impose taxes upon the property? For instance, if it owns large areas of property of great potential value when it is worked, do they consider what might be called the added wealth of that property in paying taxes while it is being held for future development?

Mr. ROCKEFELLER, Jr. If in the meantime, Mr. Chairman, the company is driven into bankruptcy, that prospective profit that might be derived for many years to come would not be of any great comfort.

Chairman WALSH. But I asked whether or not that was considered in estimating the value of property?

Mr. ROCKEFELLER, Jr. I do not know, but it would be so slight that it would not be consequential, in my judgment.

Chairman WALSH. When you went into the field in Colorado, or your interest went into the field in Colorado, it was with the intention, of course, of commercializing and exploiting the property and bringing it to its highest reasonable state of development, was it not?

Mr. ROCKEFELLER, Jr. Mr. Chairman, our investment there was not entered into from the start of the enterprise—we did not sit down and determine that we would go to Colorado and develop the coal mines and the steel industry in Colorado. But we rather bought a small original stock interest, and when the situation as regards the financial condition of the company was unsatisfactory, it became necessary for us to cooperate with the other stockholders in reorganizing the business. And in that way our interest was increased. We did not set out to enter that business. We did originally set out in the buying of iron ores in the State of Minnesota to get into that business and to develop it, but that was not our purpose here. It was simply a stock investment, as a result of which we were drawn into a larger relationship and as a result of which there came upon us the necessity for cooperating with the other stockholders in undertaking to build up the business. But in so far as our responsibility is concerned, our desire and purpose has been to do all in our power, as stockholders and directors, in developing the business in the State in the common interest.

Chairman WALSH. Before you went in there, plainly speaking, they owed you money? Before you made that stock investment?

Mr. ROCKEFELLER, Jr. I do not just catch the bearing of that question.

Chairman WALSH. Did the properties owe you money; did you hold the bonds, interest-bearing bonds, of the company before you made any stock investment in Colorado?

Mr. ROCKEFELLER, Jr. My impression is that there was an investment in stock first.

Chairman WALSH. What is the total capital stock of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I can not tell you that offhand, Mr. Chairman.

Chairman WALSH. Could you approximate it, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. No; I could not. I do not keep these figures in mind.

Chairman WALSH. Has there been any change in the amount of stock since the year 1909?

Mr. ROCKEFELLER, Jr. Well, that I could not tell you, offhand, Mr. Chairman.

Chairman WALSH. I will ask you, if I can refresh your memory by calling your attention to what seems to be a report of your officers to the stockholders, in which the capital stock of the Colorado Fuel & Iron Co. is given as follows:

Common stock	$34,225,900
Preferred stock	2,000,000
Total	36,225,900

Do those figures appear familiar to you, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Well, if they appear in the report signed by those gentlemen whose names you have just read, I should regard them as accurate, Mr. Chairman.

Chairman WALSH. This report is copied into a State document in Wyoming and is purported to have been——

Mr. ROCKEFELLER, Jr. (interrupting). It is easy to get those figures from the annual report, Mr. Chairman.

Chairman WALSH. And it purports to be signed by L. M. Bowers, chairman; J. F. Welborn, president; F. T. Gates, vice president; J. A. Wilson, auditor; and Joseph Chilberg, sales manager.

Mr. ROCKEFELLER, Jr. If the original of that document is as signed I should feel perfectly safe in putting confidence in the amount, Mr. Chairman.

Chairman WALSH. Without construing lack of confidence in the report of itself, inasmuch as it does come in a second-hand way, I thought I did ask you to furnish, but will you please furnish us those reports to stockholders from the year 1906 to the year 1914, both inclusive?

Mr. ROCKEFELLER, Jr. I didn't understand that you had made that request.

Chairman WALSH. I thought I had.

Mr. ROCKEFELLER, Jr. I think not, Mr. Chairman.

Chairman WALSH. I intended to do so.

Mr. ROCKEFELLER, Jr. What reports do you refer to?

Chairman WALSH. Reports made by the officers of the Colorado Fuel & Iron Co. to the stockholders for the years 1908 to 1914, both inclusive.

Mr. ROCKEFELLER, Jr. You mean annual reports, I suppose, or any other reports?

Chairman WALSH. Annual reports?

Mr. ROCKEFELLER, Jr. I presume we have them on file.

Chairman WALSH. I intended to ask for them, and thought I had.

Mr. ROCKEFELLER, Jr. No; I think you did not, Mr. Chairman.

Chairman WALSH. Has the 1915 report been issued yet, the report for 1915?

Mr. ROCKEFELLER, Jr. The report is issued after the annual stockholders' meeting, which occurs in, I think, October.

Chairman WALSH. I do not want any confusion by my naming reports for 1914 or 1915. If the report for 1914 comes in in 1915, I would like to have that if it is ready?

Mr. ROCKEFELLER, Jr. Yes; you want the latest report?

Chairman WALSH. The latest report.

Mr. ROCKEFELLER, Jr. Yes; I understand.

(Ten Annual Reports of the Colorado Fuel & Iron Co. for the fiscal years ended June 30, 1905, to June 30, 1914, inclusive, published at Denver, Colo., were subsequently submitted in printed form.)

Chairman WALSH. What is the total bond issue of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. That I would be glad to get for you from the reports. I do not bear it in mind, Mr. Chairman.

Chairman WALSH. You could not recall it at the present time?

Mr. ROCKEFELLER, Jr. No; I could not.

Chairman WALSH. Did you observe that in the report for 1909 that the capital was given, as I have stated, in round figures, thirty-six million and a quarter, and in that report this statement was also made:

"Net appreciation from 1880 to 1909, on iron ore, coal properties, developed and undeveloped, equipment at mines, steel and other plants, railroads, rolling stock, etc., $19,206,627.40."

Mr. ROCKEFELLER, Jr. I probably observed it when I looked over the annual report. I do not bear it in mind now, Mr. Chairman.

Chairman WALSH. When you stated that the total return upon the investment of the group of which you have spoken was 8½ per cent on the stock and bonds, you did not take into consideration that appreciation in the value of the property which, if your report is correct, amounted to $19,206,000 and odd?

Mr. ROCKEFELLER, Jr. Mr. Chairman, a business man does not usually count his profits until he has them in hand. And those are profits which may or may not be realized. It would depend upon whether or not there proved to be coal in those mines, perhaps, as to whether they were worth anything. We hope they are and we believe they are.

Chairman WALSH. Do not your executive officers have a method for appraising real estate like they have for appraising equipment at the mines?

Mr. ROCKEFELLER, Jr. I presume they do.

Chairman WALSH. Steel stock on hand, rolling stock, and other matters.

Mr. ROCKEFELLER, Jr. I presume that that is the method which has been employed there.

Chairman WALSH. And you pass upon those and accept those as a verity?

Mr. ROCKEFELLER, Jr. You are asking about the return on our investment, Mr. Chairman. I think my statement is still entirely accurate, that the return

which we have received has been less than 5½ per cent of the entire investment. I was not including—it would not occur to me to include returns which might some day come in. In the meantime we might have discontinued our interest in the company so that the return would not accrue to us.

Chairman WALSH. In giving the value of the property, however, Mr. Bowers includes that, does he not, in his annual report for 1900, the appreciation in its real value during those years?

Mr. ROCKEFELLER, Jr. I do not get, Mr. Chairman, the bearing of that statement, which I do not doubt is true, if it is in that report.

Chairman WALSH. It may not have any bearing. I am simply asking you for the fact.

Mr. ROCKEFELLER, Jr. If it appears in that statement, then he so includes it, Mr. Chairman.

Chairman WALSH. What is your information—has that property increased in value during those years approximately $20,000,000?

Mr. ROCKEFELLER, Jr. I presume, Mr. Chairman, that any natural resources which are being drawn upon in constantly increasing quantity would increase in value. Other than that I can not say definitely about the amount of increase or the appropriateness of that estimate. But I assume if it is made—if those men made it, it is according to the best of their judgment accurate.

Chairman WALSH. Now, you have stated that a business man would not take such increase in value into consideration, if I understood you, for the reason that before the increase was realized he might be out of the corporation, he might dispose of his holdings?

Mr. ROCKEFELLER, Jr. I think I did not quite state that, Mr. Chairman. I stated he did not count the profits except as they came into his hands, that is, prospective profits which the business man hopes exist. I was speaking of the profits that could be counted, that had been realized, not of the prospective profits. I think you will agree that there are two quite different matters.

Chairman WALSH. I do.

Mr. ROCKEFELLER, Jr. Certainly a business man takes into consideration, as the holder of real estate does, as the holder of any business does, appreciation in the valuation of the property which he may be related to, because of the increase of the demand for the commodity and because, as with real estate, of the development of the community in connection with that real estate, and so on.

Chairman WALSH. Have any portion of the earnings been put back into the property during the 12 years that you have had investments there?

Mr. ROCKEFELLER, Jr. All of the surplus earnings, such as there have been, which have not been paid in dividends, have been so put back, Mr. Chairman.

Chairman WALSH. Of course, that adds to the value of the property.

Mr. ROCKEFELLER, Jr. Oh, yes; but, Mr. Chairman, in so far as those surplus earnings have gone into increased wages and into improved living conditions and things of that sort, of course, while they add to the property they do not add to its monetary value.

Chairman WALSH. Does a business man who controls a company or who owns a large amount of stock in a company, whether he directs it or controls it or not, take into consideration the statements of the executive managers of the business of his company in disposing or not disposing of his stock and securities, the alleged fact that the property within a certain number of years has increased twenty millions of dollars in value?

Mr. ROCKEFELLER, Jr. I think he would take into consideration in contemplating his continuance in the property, or the sale of his interest, what he thought the prospects were of his realizing on his investment. And while, of course, such a statement as you have read shows an increase in the value, it may be fifty or a hundred years before those coal properties will require to be developed in order to supply the demands of that locality, in which event the return to the stockholders of to-day would be indefinitely postponed.

Chairman WALSH. Then, as I take it, this statement contained in this report, if it is so contained, that the net appreciation from 1899 to 1900 on iron ore and coal properties, developed and undeveloped, equipment at mines, steel and other plants, railroads, rolling stock, etc., $10,000,000 you hold merely in the nature of an estimate of value that the property may have at some later period, as suggested by you, perhaps 50 or 100 years hence.

Mr. ROCKEFELLER, Jr. As value which exists, but which can not be realized on until the property is developed. That is the sort of information which is appropriate and accurate in valuing the property. But I do not believe that the

stock market, those who buy and sell stock, would pay very much attention to such data in connection with the value to-day of that stock.

Chairman WALSH. The sum approximately of $19,200,000 added to the book value of the Colorado Fuel & Iron Co. is or about the year 1903.

Mr. ROCKEFELLER, Jr. If the statement so indicates it was, Mr. Chairman. But I have no personal recollection of the data, but I assume that the valuation was entirely correct and conservative, if made by those gentlemen.

Chairman WALSH. That is that amount of real wealth added when a sale takes place?

Mr. ROCKEFELLER, Jr. A sale of what—the stock?

Chairman WALSH. A sale of the stock or of the properties.

Mr. ROCKEFELLER, Jr. If the sale of the properties were effected, that would enter in.

Chairman WALSH. I will let it stand at that, Mr. Rockefeller, for the present. If a sale of the properties took place, what would be told the buyer was the value of the stock, I mean was the value of the property of the company?

Mr. ROCKEFELLER, Jr. The value of the property, the book value of the property, but the buyer would be very careful, if he was simply buying a stock interest, to consider what the stock value was, which is an entirely separate thing from, and, as you know, has no immediate relation to the intrinsic value of the property.

Chairman WALSH. It can be controlled by many other artificial matters other than the real value of the property and its intelligent and honest operation.

Mr. ROCKEFELLER, Jr. I think those who know more than I do about buying and selling stocks would tell you that the intrinsic value of a property has not any close relation to its present market value.

Chairman WALSH. I am going to ask you this one question at this point which was handed to me by another commissioner. Does the valuation of $38,000,000 include the appreciation of $19,000,000, and was the 2½ per cent figured on this appreciated value?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the 2½ per cent was the actual money which was returned to my father in dividends on the stock and in interest on the bonds which he held. It has no relation whatever to the value, the intrinsic value, the potential value, the book value of the company.

Chairman WALSH. Does that answer your question, Mr. Weinstock? If not, you may interpolate a question. I thought that answered the question fully.

Commissioner WEINSTOCK. No; that is not quite clear to my mind. The point, Mr. Rockefeller, is whether this 2½ per cent paid out, practically paid to capital, was figured on the original investment, or was figured on the present appreciated value of the mines.

Mr. ROCKEFELLER, Jr. Mr. Weinstock, the 2½ per cent is the actual cash that has been paid in to my father as an owner of certain stocks of the company in the one dividend which was paid during the 12 years, and as an owner of certain bonds of the company representing the current annual interest of those bonds simply as an investor. If you buy bonds in a company, you get currently the interest, and if you buy stocks you are fortunate if you get currently the dividends. We were not so fortunate as to get them currently here. But my statement refers to the actual cash, either in interest on bonds or in the single dividend on the stock, which was paid to my father on account of his holdings, his personal holdings of stocks and bonds in that company.

Commissioner WEINSTOCK. In other words, you got 2½ per cent on the actual money put into the enterprise, regardless of its present valuation?

Mr. ROCKEFELLER, Jr. Actual money which he has put into the corporation. That is exactly it.

Commissioner WEINSTOCK. So it had no relation to any appreciated value?

Mr. ROCKEFELLER, Jr. It has no relation, the returns of the stocks and bonds would not have any relation, would it, to the——

Commissioner WEINSTOCK (interrupting). If the property has appreciated, say, $19,000,000, and there have been no dividends declared on that $19,000,000——

Mr. ROCKEFELLER, Jr. (interrupting). There have been no dividends declared at all except that one small dividend on the preferred stock. As I said in my statement, the surplus earnings which resulted from each year's operations have been put back into the property, either in the development of the property or in the increase of wages; as you will recall, two years ago there were two increases in wages amounting to a total of $900,000 a year. That is a cu-

ated fixed charge. The stockholders have had to be put off so far as their return on the property is concerned that the employees might currently have that additional $550,000 in wages.

Commissioner WEINSTOCK. This point, then, is not clear, Mr. Rockefeller: Assuming, in order to illustrate the point, that the mine earned $100,000 during the year, and assuming that $50,000 of that is paid out to either bondholders or stockholders, and the other $50,000 is used in the way of betterment, in improvements in the mine. How would that $50,000 be treated on the books of the corporation? Would it be treated purely as an expense item, or would a stock dividend be declared to cover it, or would it be treated as a surplus fund, resources and surplus?

Mr. ROCKEFELLER, Jr. When you refer to the $100,000, I assume you mean net profit after operating expenses, net surplus after operating expenses?

Commissioner WEINSTOCK. Yes.

Mr. ROCKEFELLER, Jr. The $50,000 which you speak of would go back into the property—if it went into the building of a new steel plant, or the development of a coal property, matters of that kind would properly be charged as this $19,000,000 was charged—to capital—increase in capital value.

Commissioner WEINSTOCK. Surplus?

Mr. ROCKEFELLER, Jr. Well, that it would be transferred from surplus to capital. Surplus—the surplus earned in cash is either distributed in dividends or held as working capital, or put back into the development of the property, in which latter instance, if it is used in permanent development of the industry or in the erecting of a plant and not in the payment of wages, then it would be properly charged to capital.

Commissioner WEINSTOCK. Well, now, I am afraid I have not got this quite. Let me try and illustrate in a very simple way. You have a thousand dollars' worth of assets that represent the investment, and that thousand dollars earns, say, $500 the following year; $250 of that $500 is paid out in interest on bonds or dividends to stockholders. There is a balance of $250 that is used for improvement. The thousand dollars of assets, then, are worth $1,250 in place of that $1,000. That is clear?

Mr. ROCKEFELLER, Jr. If it is put into permanent improvement.

Commissioner WEINSTOCK. Now, what is paid out? What is there to offset that added investment to balance the account? Is $250 of additional stock dividend issued for that $250 put into the reserve fund? How do you balance the account; how do you deal with it?

Mr. ROCKEFELLER, Jr. Of course, it goes to increase the capital value. Stock might be issued against it, but it would not ordinarily be done unless there was some necessity for issuing additional stock.

Commissioner WEINSTOCK. Otherwise you see your balance sheet would read: Paid-up capital, $1,000; assets, $1,250; surplus, $250.

Mr. ROCKEFELLER, Jr. That is a matter of bookkeeping that I am rather stupid about, Mr. Weinstock; I don't know that I can explain it to you.

Commissioner WEINSTOCK. Ordinarily that would be charged either to surplus account, or there would be treasury stock issued in the nature of a stock dividend to offset it?

Mr. ROCKEFELLER, Jr. Well, I am sure we have not had the latter. I am desirous of making it perfectly clear, but it is a matter that I do not understand myself about the bookkeeping there.

Chairman WALSH. The dividend that was collected by your father, that was spoken of, was not 3½ per cent, of course, of the value of the property, but 3½ per cent of the par value of the shares or of the security?

Mr. ROCKEFELLER, Jr. You see, Mr. Chairman, in order not to cause misapprehension I have made two statements there with reference to the return from the investment. The first was that on the stocks which he held, common and preferred, he received during the period of 12 years when $92,000,000 was paid in wages, my father received in a single dividend on that stock $371,000 as representing the return to him on the stock which he held.

Chairman WALSH. Whatever the percentage was, however, he received it on the par value. It was based upon the par value of the stock?

Mr. ROCKEFELLER, Jr. That would figure a return on the money, $6,000,000, which he invested in the stock, of two-thirds of 1 per cent. That is the return he got on the stock.

Chairman WALSH. On the par value of the stock?

Mr. ROCKEFELLER, Jr. No; on the money he paid for the stock, $6,000,000, as stated. That was the return he got on his money. You take your money

to the savings bank and you get 3½ or 4 per cent on your money. My father put into the stock of this company certain moneys amounting to $6,000,000, and he got out two-thirds of 1 per cent on that money. Now, then, that is his return on his stock investment. Then he had a bond investment. He loaned money to the company by taking bonds, as any bondholder does. He received interest on those bonds. After having stated that his return on the stock was two-thirds of 1 per cent per annum, I put the stocks and the bond investment together and said, assuming that he may have invested in the property $10,000,000 or $15,000,000 in the stocks and bonds, the entire return on the actual cash he had put into the property has represented 3½ per cent per annum. That is the return he has gotten on the money—the actual cash which he has invested in the company—in its stocks and bonds. Do I make that clear, Mr. Chairman?

Chairman WALSH. You make it very clear to me and straighten out a little error I was falling into.

Commissioner WEINSTOCK. If I may be permitted I wish to make just one point clearer.

Chairman WALSH. Yes.

Commissioner WEINSTOCK. In other words, this 3½ per cent has been paid on the money actually loaned and the original investment in the stock?

Mr. ROCKEFELLER, Jr. Yes, sir.

Commissioner WEINSTOCK. It has not been paid on any watered stock?

Mr. ROCKEFELLER, Jr. No. My father put into the property certain cash, a certain amount of money, and he has gotten out in the 12 years an average return on the cash of 3½ per cent per annum, quite irrespective of par or of the value of the property or anything. In other words, he has gotten a little less than he would if he had put that same amount in a savings bank.

Chairman WALSH. We will proceed now.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Just picking up one proposition for the moment; you say there have been increases in wages twice within a given length of time in these industries?

Mr. ROCKEFELLER, Jr. Yes. I did not mean to cover the whole situation, because I do not recall that; but I did have in mind that, I think it was in 1913, there was an increase in wages made to the coal miners of $300,000, and to the steel operatives of $200,000, making a total increase in that year of $550,000, a total permanent increase. Now, I may have those two figures reversed as to their application——

Chairman WALSH. Well, that does not affect the general question I was going to ask you. Was there also an increase during the same time in the prices of coal and steel or of both to the consumer?

Mr. ROCKEFELLER, Jr. Well, that I do not recall, Mr. Chairman; but if there was, may I add that it was not sufficient to make any earnings on the property.

Chairman WALSH. Now, I will ask you if you recall the following statements made in the report of 1909 by Mr. Bowers, your chairman, and the other gentleman that I have mentioned, to the stockholders. Now, that we have left the question, I believe, clearly stated, clearly cut as to the valuation of stocks and the valuation of bonds—

"Since the entries made on the books during the past 25 years the iron industry has developed to enormous proportions, and iron ore properties are considered among the most valuable minerals in the United States. The development of your coal and coke properties during the same period of years shows a large increase in tonnage over former estimates. The large acreage of undeveloped coal lands warrants their being appraised at many millions more than the old book valuations. They are valuable assets for the coal operations alone, and a very important one in connection with the iron industry. We have for reasons above stated, proceeded to have valuations made without reference to the almost worthless entries made on the books so many years ago and under conditions that have entirely changed between 1880 and 1900. While the old valuations have been in most instances increased we have cut down and wiped out for depreciation and for poor, abandoned coal mines a very large amount; the estimated value of these properties by experts is more than that now placed upon them, and is submitted herewith. We present this new appraisement of the properties you own based upon what your executive officers believe to be a conservative and proper valuation in 1909."

Do you recall this report being made and signed by L. M. Bowers, chairman; J. F. Welborn, president; F. T. Gates, vice president; J. A. Wrinn, auditor; and Joseph Chilberg, sales manager?

Mr. ROCKEFELLER, Jr. I recall the general appraisal of the properties, which was only correct in accordance with good business usage.

Chairman WALSH. Has there been any appraisement of the property since 1909?

Mr. ROCKEFELLER, Jr. I don't recall; there may have been.

Chairman WALSH. Have or have not those properties appreciated in value according to the estimates made by your own experts, since 1909, in the sum of $8,000,000?

Mr. ROCKEFELLER, Jr. I don't know whether they have or not, Mr. Chairman.

Chairman WALSH. Do you recall that in the statement submitted to the congressional committee that inquired into the Colorado situation that the total liabilities of the Colorado Fuel & Iron Co. was given as $69,283,000, and that the excess of assets over liabilities of that company given at that time was $22,827,645?

Mr. ROCKEFELLER, Jr. I do not recall that.

Chairman WALSH. You do not recall?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Did you in person furnish those figures or supervise them or check them up before they were sent in to the congressional committee?

Mr. ROCKEFELLER, Jr. Do you refer to testimony that was taken by the congressional committee in Denver?

Chairman WALSH. Yes; in Denver.

Mr. ROCKEFELLER, Jr. Why, I would not have anything to do with that.

Chairman WALSH. Did you submit certain reports to the congressional committee at Washington during the time of the hearings there on the Colorado situation, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Did I personally submit reports?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I had with me a report of the Colorado Fuel & Iron Co., the last annual report, to facilitate my answering any questions that might be raised. Whether I left the copy with the commission or not I do not recall. Very possibly I did.

Chairman WALSH. Mr. Manly calls my attention to the statement in the congressional report that the annual report of the Colorado Fuel & Iron Co., submitted by Mr. Rockefeller, was as follows——

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Of course, if you did that, you secured that at the offices of the company at the hands of those who had charge of those things, and submitted it as the report of the company?

Mr. ROCKEFELLER, Jr. It was one of the reports we have in our office as submitted from year to year, and so I took it down with me, as I stated.

Chairman WALSH. Did you furnish any other reports to the congressional committee, as you recall, at that time?

Mr. ROCKEFELLER, Jr. I don't recollect that any others were asked for.

Chairman WALSH. Where an investment is made in securities, either for the personal account of Mr. Rockefeller or in his benefactions, is any inquiry made to determine whether or not the conditions in such corporations are those which would measure up to the standards which Mr. Rockefeller has set out, and which I read to you, if you recall, from his Random Reminiscences?

Mr. ROCKEFELLER, Jr. Of course, in the current investment, Mr. Chairman, of a sum of money here and a sum of money there, which may be made to-day, and a year hence, when conditions differ, may be parted with, where the investment is small in proportion to the total capital of the company, it would hardly be possible for my father or his representatives to go into the details of the management. Wherever my father's interest is large enough—is conspicuously large—is materially large—such questions would come up.

Chairman WALSH. At this point, Mr. Rockefeller, we will adjourn until 2 o'clock. Kindly resume the stand at 2 o'clock.

(Thereupon, at 12.30 o'clock of this Monday, January 25, 1915, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Will the house please be in as perfect order as possible? You may resume the stand, Mr. Rockefeller.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I have been asked to ask a little more specifically about the investment of your father in the Colorado Fuel & Iron Co. What was the total amount which he invested in stocks and bonds of that company in money?

Mr. ROCKEFELLER, Jr. I find, Mr. Chairman, that the total investment, the actual cash that he had put into the stocks and bonds up to date amount to $24,109,818, and that investment at the present market prices is now worth $19,200,189. In other words, my father would have been $4,909,629 better off if he had locked his money up in a savings bank so far as the present value of those securities is concerned, as related to the money originally put in.

Chairman WALSH. How much of the $24,000,000 was represented by stocks and how much by bonds.

Mr. ROCKEFELLER, Jr. I have not that on this statement; but the statement which I made this morning indicated that six millions was the amount in stock, and I presume the balance is made up in the bonds.

Chairman WALSH. And what interest do the bonds bear?

Mr. ROCKEFELLER, Jr. I think 5 per cent.

Chairman WALSH. Does he own any bonds in the Colorado Fuel & Iron Co. that bear 6 per cent?

Mr. ROCKEFELLER, Jr. I have no list of them except those bonds I read this morning from this testimony in Washington, which shows the different mortgages. There are several I see here that pay 6 per cent.

Chairman WALSH. How much in amount, please?

Mr. ROCKEFELLER, Jr. I do not believe I can—yes; I think I have that here. General mortgage 5 per cent bonds, $376,000, par value [reading from a printed copy of his testimony before subcommittee of the Committee on Mines and Mining of House of Representatives, taken in Washington, April 6, 1914]. Colorado Industrial 5 per cent bonds, $14,550,000 par value.

Chairman WALSH. Has the company, the Colorado Fuel & Iron Co., ever defaulted in payment of interest upon its bonds?

Mr. ROCKEFELLER, Jr. Not that I recall, Mr. Chairman.

Chairman WALSH. I will get back to the questions that we were on before luncheon. I believe your answer was that where investments were made in securities, in comparatively small amounts, there was no inquiry made to determine labor conditions in the inquiry?

Mr. ROCKEFELLER, Jr. Investments which were made to-day and next year might be parted with.

Chairman WALSH. When an investment has been made by your group in securities to the extent—I will ask you first, what is the extent of your holdings in the Colorado Fuel & Iron Co.? What per cent does it bear to the whole?

Mr. ROCKEFELLER, Jr. Forty per cent, I think, in stocks and bonds.

Chairman WALSH. Does that give you the control of the corporation?

Mr. ROCKEFELLER, Jr. Well, it does not give stock control, but, of course, as I stated this morning, any large stockholder has an important influence. Stock control would be 51 per cent, I presume.

Chairman WALSH. Yes; does the 40 per cent give you absolute control over the affairs of the company?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. I do not mean absolute legal control; but does it, as an absolute fact, give you absolute control, your 40 per cent, in the selection of the executive officers, and a potential power to dictate its policies?

Mr. ROCKEFELLER, Jr. What the potential power is you can judge as well as I. We have never attempted to dictate the policy, or put any particular policy through.

Chairman WALSH. What is your idea of that—could you, if you desired, do that with 40 per cent of the stock?

Mr. ROCKEFELLER, Jr. I presume if the stockholders and directors were convinced of the wisdom of any policy suggested by the officers, the fact that we favored it would not make it more difficult to get it through, or to gain their consent.

Chairman WALSH. Have you observed the relative percentage, as to the total percentage, of the holdings of all of the coal industry in the State of Colorado, held by the three companies—the Colorado Fuel & Iron Co., the Victor-American, and the Rocky Mountain Fuel Co.?

Mr. ROCKEFELLER, Jr. No; I do not know the relative percentage.

Chairman WALSH. Have you observed the statements made by the officers of those companies, that those three companies owned sixty-six and some fraction of per cent of all of the coal properties in Colorado?

Mr. ROCKEFELLER, Jr. If I have seen it, it has not remained in my mind, Mr. Chairman.

Chairman WALSH. When an investment is made by you in securities which give you potential control—power to control an industry, either for the personal account of Mr. Rockefeller or any of his benefactions, is any inquiry made to determine whether or not the conditions in such corporations are those which measure up to the standard Mr. Rockefeller has set?

Mr. ROCKEFELLER, Jr. Mr. Chairman, that question of potential control is a very nebulous one. I presume in some corporations if we had five shares it might be that the other stockholders would say, "Here are people that have had business experience and seem successful." They might say they would follow our judgment. In other companies it might be quite the opposite, and I do not feel that I could make any definite statement. I think you can see how difficult it would be to make any definite statement in answer to that question.

Chairman WALSH. Please indicate any industry in which an investment has been made in securities, either for the personal account of Mr. Rockefeller or any of his benefactions, in which inquiry was made to determine whether or not the conditions in such corporations are those which measure up to the standard which Mr. Rockefeller set.

Mr. ROCKEFELLER, Jr. If I may speak first with reference to these several foundations, most of the present investments held by those foundations remain in the same form in which they were received. There have come due certain securities—certain securities have been sold and reinvestment of such sums has been made; income also has been invested. The investments have been made in blocks of from $100,000 to $500,000—too small an interest to justify the holders of the securities in undertaking to go into the details of the management of the companies. In such instances where my father's interest has been such as to justify, in his mind, his having a personal representative as a director, those are the instances in which the questions of conditions would be more likely to arise.

Chairman WALSH. Please name those companies, then.

Mr. ROCKEFELLER, Jr. The only company outside the Colorado Fuel & Iron Co. which I can at the moment think of in which my father has a substantial interest is the Western Maryland Railroad, and he has had two representatives on that board who have considered, in their current executive committee meetings with the officers, the different questions coming up requiring attention. I am not a member of that board or executive committee and I could not say definitely what steps have been taken to inquire into the various conditions of that company.

Chairman WALSH. Does that answer apply likewise to the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. No; because I have been a director there, and with my associates we have taken such steps as were thought necessary to keep us informed. We have made suggestions as seemed to us appropriate and in the discharge of our proper duty and responsibility as directors. And the correspondence, Mr. Chairman, which was brought out in Colorado by this commission, had between the officers of the Colorado Fuel & Iron Co. and my father's representatives, as referred to before in my statement this morning, would indicate quite fully the personal interest which we had taken—the inquiries we had made and the suggestions we have made.

Chairman WALSH. Do the gentlemen to whom you have referred—the gentlemen you have named as members of your father's business staff—have a vote in the determination of business policies and of the conduct of your father's business, or are they merely acting in an advisory capacity?

Mr. ROCKEFELLER, Jr. Mr. Chairman, in our office family we do not arrive at conclusions by vote. We discuss matters and come to an agreement; no votes are taken or recorded. It is as if my father and his several sons, or close associates, were discussing interests which they are all associated together in caring for. There has been no formal action taken there.

Chairman WALSH. Who of those four gentlemen you have named finally pass on a business question?

Mr. ROCKEFELLER, Jr. Quite usually we all may pass on it. Quite often one of my father's representatives devotes more time to a certain line of investments, and another to another. We are apt to divide up in that way in some part, but we are all subject to call for conference at the request of anyone on any subject which each may have specially in charge.

Chairman WALSH. Do you recall any disagreement between the four as to any large investment in property, for instance?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the gentlemen whom I have mentioned do not necessarily act in concert in regard to investments for my father. They simply pass on such investments as any one of us may bring up, or answer such questions as my father may ask in his desire to get information.

Chairman WALSH. Does or does not your father finally have the exercising—the final disposition of all matters that come before you?

Mr. ROCKEFELLER, Jr. That is a pretty general term, Mr. Chairman, and I could not say yes or no to that. In matters of investment my father usually—as to whether to buy these bonds or those bonds he expects some of us in the office, his representatives, to make a study of the merits of the investment and make some recommendation. He is quite apt to act on the recommendation, but he knows what funds he may wish to invest at the time—as we may not know—and he simply seeks our suggestions and acts on them, so far as the making of specific investments is concerned, when other conditions may make it seem wise to him to so act.

Chairman WALSH. As to the question whether or not funds will be paid out, in the matter of finally deciding to make the investment the word is uttered that pays out the funds by your father—he controls that? Is that correct?

Mr. ROCKEFELLER, Jr. He directs the making of his own investments, availing of any advice he may get from any source from which he may desire to seek it. When you say "control" it should not be understood as meaning managerial control, because my father for many years has not been in active business, not desiring to be tied down by any such matters, and having long since left those matters to those whom he may appoint to represent him. He takes no responsibility whatever along managerial lines.

Chairman WALSH. There is no vote taken, I believe you said, by those advisers; there is no requirement for agreement between your father and his advisers with reference to the investment of his own money? Is that the idea?

Mr. ROCKEFELLER, Jr. That is correct, when it comes to the final investment.

Chairman WALSH. After the information is received and advice taken, of course your father separates himself from his own funds in that way?

Mr. ROCKEFELLER, Jr. I do not quite get the bearing of that expression, "separates himself from his own funds."

Chairman WALSH. He finally orders the money taken and invested in the security?

Mr. ROCKEFELLER, Jr. He says to whatever clerk or representative may be the one, "Buy 100,000 of those bonds."

Chairman WALSH. In which of the corporations in which you are interested, either directly or as a representative, have there been strikes or other symptoms of industrial unrest during the past five years?

Mr. ROCKEFELLER, Jr. I do not recall any at the moment except the Colorado Fuel & Iron Co.

Chairman WALSH. Did you have any in any of these other concerns you have mentioned, that you can recall, in the last five years?

Mr. ROCKEFELLER, Jr. That I am now related to?

Chairman WALSH. That you have been related to in the past five years, the American Linseed Co., or any of the railroad companies?

Mr. ROCKEFELLER, Jr. I do not recall any strikes in the Linseed Co. There was, I think, a strike in which the employees of the Delaware, Lackawanna & Western, with other railroads, were involved a few years ago—I think so.

Chairman WALSH. What action, if any, was taken by you in regard to the strike on the Delaware & Lackawanna road?

Mr. ROCKEFELLER, Jr. I think that the board, in line with the generally accepted policy, which I have outlined at some length, never was called upon to pass upon the questions of the strike. The board or boards of the corporations with which I have been connected have felt that those were matters, as I have

stated, which the executive officers familiar with all of the details of the business on the spot were better fitted to deal with, and they have dealt with them so far as my experience has gone.

Chairman WALSH. In the corporations in which you are interested—I will limit it to the Colorado Fuel & Iron Co. in this question—in the case of the Colorado Fuel & Iron Co., what person or persons are held primarily responsible for the labor conditions which exist in that corporation?

Mr. ROCKEFELLER, Jr. The various executive committee officers.

Chairman WALSH. Please name those whom you say are primarily responsible in your organization, in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. It is not "our" organization. It is an organization which we found. The president and chairman of the board are of course the two leading executive officers. What authority they may delegate in such matters to those who cooperate with them I am unable to state, but our knowledge of the situation and our information has come from one of those two officers.

Chairman WALSH. Mr. L. M. Bowers and Mr. J. F. Welborn are the names of those two officers?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Have you any knowledge yourself of any other executive official who is responsible for labor conditions in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I would not know, Mr. Chairman, what other official.

Chairman WALSH. You have no knowledge other than of those two?

Mr. ROCKEFELLER, Jr. I would not be in a way to know.

Chairman WALSH. What scope of authority is given to Mr. Welborn and to Mr. Bowers to establish and maintain proper labor conditions in the industry in Colorado and Wyoming?

Mr. ROCKEFELLER, Jr. Just such scope as is customarily given to all executive officers in so far as I know, under, always, the board of directors who, as I have stated, assume the responsibility for the management of the company.

Chairman WALSH. Do you give them specific instructions with regard to the conditions that they should maintain, so far as their employees are concerned?

Mr. ROCKEFELLER, Jr. Those gentlemen were selected, Mr. Chairman, and I fancy other men filling as important positions, because they have expert knowledge and familiarity with just such matters. Specific instructions are not given, nor would the board expect to undertake to dictate to the officers whom it selects with care, whom it trusts, how they should handle such a problem, or any other of the administrative problems which develop in the conduct of the business.

Chairman WALSH. Do you give such officials equal scope without a specific recommendation and accounting in financial matters?

Mr. ROCKEFELLER, Jr. As pointed out in my statement this morning, Mr. Chairman, the financial policies are more usually dealt with by the board of directors.

Chairman WALSH. I am asking you in the specific case, Mr. Rockefeller, of the Colorado Fuel & Iron Co., if the executive officials are given equal scope without specific instructions or accounting in financial matters as to that which they are given in the matter of the welfare of their employees and the labor conditions in the industry?

Mr. ROCKEFELLER, Jr. The question of financing the company is one which would come before the board of directors. But after the financial policy has been established by the board the officers have full scope in conducting the business along the lines of those financial policies. If there is a question of a large additional expenditure, that properly would be brought, as is customary, to a board of directors for consideration.

Chairman WALSH. Is that true also with reference to labor conditions in the company—that you lay out a general plan and that the local executives are supposed to adhere to that plan?

Mr. ROCKEFELLER, Jr. It is not true, Mr. Chairman, because the directors of a company are usually men who are more familiar with financial policies than with the practical questions of the administration of the business, and of necessity they select as the executive officers of the company men who are competent to deal with the latter questions.

Chairman WALSH. If executive officials are found to maintain or operate under improper financial conditions, what action would be taken?

Mr. ROCKEFELLER, Jr. If executive officials are found, in the judgment of the board, not to be properly fulfilling the trust which has been imposed in them

along whatever lines, it would be the duty of the board to take the matter up with the executive officials. If the situation could not be remedied, to replace them; but so long as the board has reason to trust the integrity and the ability of the executive officers which it has selected it is customary and appropriate, it seems to me, that they should be given that authority which is necessary if they are going to be given the responsibility.

Chairman WALSH. If the executive officials should be found to maintain improper labor conditions, what actions would be taken?

Mr. ROCKEFELLER, Jr. I think I have covered that, Mr. Chairman, by saying that wherever executives are found to be doing what in the judgment of the directors was not best the directors would find it their duty to take such questions up and remedy them or change the officials.

Chairman WALSH. So that the responsibility finally, you think, should be the same in the operations of the executive officials whether it refers to finance or maintaining proper conditions for the workers in the industry?

Mr. ROCKEFELLER, Jr. I think the responsibility of the directors covers all of the things which the executive officers do, and they must take the final responsibility. But, as I have pointed out, in the organization of large business there must be a subdivision of the various large questions that come up, and it is customary for the executive officers to have charge of the administrative questions of the business, including the questions of labor.

Chairman WALSH. As a matter of fact, in the actual operation of these corporations are not labor conditions the only matters under the control of the executive officials which are not subject to a close audit and check of some kind?

Mr. ROCKEFELLER, Jr. So far as I know, Mr. Chairman, the general financial policies are the only ones which come under the close supervision of a board of directors—quite the contrary from your suggestion.

Chairman WALSH. Well, I was not endeavoring to make a suggestion; I was endeavoring to ask a question—if it is not a fact that labor conditions are the only matters under the control of executive officials which are not subject to an audit or check of some kind?

Mr. ROCKEFELLER, Jr. My answer would be, I think there are very many such conditions; practically all, excepting the larger financial policies.

Chairman WALSH. In which of the corporations in which you are interested either directly or as representative are the employees organized?

Mr. ROCKEFELLER, Jr. I suppose that the employees of the Manhattan Railroad Co. are organized, but I am not sure about that, because, as I have stated, the Manhattan Railroad is operated by the Interborough. The directors of the Manhattan Railroad are charged only with the duty of seeing that the terms of the lease are lived up to. They have nothing to do with the operation of the company. Therefore I should not be able to state that. In the insurance company with which I am related I suppose the questions of labor organizations or the lack of affiliation with them would not arise. In the Colorado Fuel & Iron Co. the situation is, as I am told, that the large majority of the men who have worked there are nonunion men, although union men also work there, as they see fit.

Chairman WALSH. Did you, after the declaration of the strike in the Colorado Fuel & Iron Co., take up with Mr. Welborn and Mr. Bowers the alleged causes for the strike and the details of the controversy?

Mr. ROCKEFELLER, Jr. As stated in my statement this morning, Mr. Chairman, the executive officers, in line with the responsibility imposed upon them, had decided the question of recognition or nonrecognition of the union without conference and without our knowledge.

Chairman WALSH. Was it afterwards submitted to you by those officers?

Mr. ROCKEFELLER, Jr. It was simply stated to us as a matter of information in connection with the current information regarding the conditions of the business that came to us from time to time.

Chairman WALSH. It seems that the strike was called, if I remember correctly, on September 23, 1913?

Mr. ROCKEFELLER, Jr. About that time.

Chairman WALSH. About that time; and when, with reference to that time, did Mr. Bowers or Mr. Welborn, or both, report to you or to the other directors in connection with you, that the fight was over the recognition of the union and the other details of complaint?

Mr. ROCKEFELLER, Jr. The correspondence which you asked for this morning, and which I have not been able yet to secure, will show that. My memory would not enable me to name the dates.

Chairman WALSH. Could you approximate how shortly it was after the strike was called?

Mr. ROCKEFELLER, Jr. I should say it was within a few days, or a couple of weeks, surely.

Chairman WALSH. Do you think, Mr. Rockefeller, aside from the legal power that is given by the ownership of stocks and bonds or your representation upon the directory, that your group in New York does have a great influence upon the local executives in Colorado?

Mr. ROCKEFELLER, Jr. That would be rather a difficult question to answer, Mr. Chairman. With reference to this particular matter, as I have stated, the officers had determined what their attitude would be with reference to this matter of the strike before we were even advised of it. They announced to us their decision.

Chairman WALSH. There were certain occurrences that were called to your attention in Colorado of a disturbing character, violence on both sides, was there not, after the strike was instituted September 23, and through that fall and winter and into the next summer, the summer of 1914?

Mr. ROCKEFELLER, Jr. Most regrettable occurrences were taking place.

Chairman WALSH. And you were kept advised from time to time as to what took place?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Do you recall receiving a letter from Mr. Welborn dated July 27, 1914, a copy of which has been submitted at Denver, which contains these words:

"My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy."

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I didn't get your answer.

Mr. ROCKEFELLER, Jr. You asked if I recalled receiving such a letter from Mr. Welborn.

Chairman WALSH. Yes; from Mr. Welborn.

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Now, you stated in general terms in answer to the question submitted to you, your personal attitude toward the organization of employees for their protection and the advancement of their interest. I do not wish to quote you. I would like you to briefly state what your personal position is.

Mr. ROCKEFELLER, Jr. May I read that portion of my written statement? I made it just as brief and inclusive as possible.

Chairman WALSH. I wish you would.

Mr. ROCKEFELLER, Jr. With reference to my attitude toward labor unions—I think that is the passage.

Chairman WALSH. That is it.

Mr. ROCKEFELLER, Jr. (reading):

"I believe it to be just as proper and advantageous for labor to associate itself into organized groups for the advancement of its legitimate interests as for capital to combine for the same object. Such associations of labor manifest themselves in promoting collective bargaining, in an effort to secure better working and living conditions, in providing machinery whereby grievances may be easily and without prejudice to the individual be taken up with the management. Sometimes they provide benefit features, sometimes they seek to increase wages; but whatever their specific purpose, so long as it is to promote the well-being of the employees, having always due regard for the just interests of the employer and the public, leaving every worker free to associate himself with such groups or to work independently, as he may choose—I favor them most heartily."

Chairman WALSH. Do you believe that such organizations should be created and maintained democratically; that is, that the men should have a right to get up the organizations themselves without any influence upon the part of the employer, and conduct them as they see fit, of course, within the limits of the laws of the land?

Mr. ROCKEFELLER, Jr. I believe fully in the principle of democracy and of freedom, Mr. Walsh, in every relation in life where it does not infringe on the rights, as I have stated, of others who are interested.

Chairman WALSH. Then your answer to my question would be yes. I am trying to be as specific as possible.

Mr. ROCKEFELLER, Jr. Yes, sir; but it is rather difficult for me to be specific in that, because so much depends upon specific instances, Mr. Chairman; but generally, I should say, of course, that labor should be free to take such steps in its own interests as are compatible with the interests of the public and of capital.

Chairman WALSH. From your experience in industry and from your duties as a citizen and a philanthropist, do you believe that men ought to organize into labor organizations and that it is necessary for them to do so to protect themselves?

Mr. ROCKEFELLER, Jr. My experience, Mr. Chairman, in that respect, has been very limited. I have never had the personal handling of labor questions. My study has not been as deep as that of many. I have had such matters before me, but beyond making what I have tried to have a very complete statement of my position I do not feel sufficiently qualified to discuss intelligently and usefully the details relating to the matter.

Chairman WALSH. I was not asking you for a detail, or else I did not make myself clear. I was asking you, from your experience in industry and your studies, do you believe that workingmen ought to organize into unions for the purpose of protecting themselves?

Mr. ROCKEFELLER, Jr. But you say, from my experience, and I have had no experience.

Chairman WALSH. From your studies?

Mr. ROCKEFELLER, Jr. And my studies have been so limited as not to enable me to speak with authority; but I should say, generally, that if workingmen find their interests are best served by organization, they certainly should organize just as much as capital. At the same time, as I pointed out here, they should be equally free to organize or not to organize, as they see fit.

Chairman WALSH. Well, after the workingmen in an industry have organized a union of reasonably large proportions as relate to the whole number engaged in the industry, and if a situation should arise like this—I had better specify it—Mr. Berwind has testified here that in his coal operations he does not deal with any union, but that nevertheless the price per ton for coal mined is that price which is fixed from time to time by the unions in those industries which are organized. If that is true, have you observed sufficiently the operations of unions in industry to say, as a matter of equity, whether or not a person—an individual—should have the benefit of such economic conditions without bearing his share of the expense?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I have desired, as I am sure you have seen, to answer your questions as directly and as much to the point as possible; but my lack of experience in these matters as contrasted with that of Mr. Berwind and many others of the gentlemen who have testified here make it impossible for me to express an opinion that would be of any value.

Chairman WALSH. Do you believe it would be a useful and proper study for directors in large corporations that have influence in very great basic industries to make a study of what might be called the underlying philosophy of trade-unionism and organizations of workmen and the like?

Mr. ROCKEFELLER, Jr. I think it would be a very profitable study for any man interested in his fellow men to make, so far as he can.

Chairman WALSH. How would that apply, then, to the question I asked you?

Mr. ROCKEFELLER, Jr. Well, it would apply in so far as one was able and could, Mr. Chairman.

Chairman WALSH. Do you believe that a director in a company operating in a great basic industry, employing many thousands of men, should make no deeper study into the underlying philosophy of organization—trade-union organization—than any other patriotic citizen studying out what might be for the welfare of mankind?

Mr. ROCKEFELLER, Jr. If, as I assume, Mr. Chairman, your question has relation to my connection with the Colorado Fuel & Iron Co.—and that is the only industry in which I have had any opportunity for touch with these questions——

Chairman WALSH. Well, do you not think you ought to study it, then?

Mr. ROCKEFELLER, Jr. I was about to say that because I felt it was so grave and important a matter it was for that very reason that I urged upon my colleagues in the Rockefeller Foundation to undertake just such a study, because I felt my own lack of knowledge on the subject, and because I felt there was much that could be gathered by a careful, thorough study.

Chairman WALSH. Well, what about a study by yourself into the underlying philosophy of trade organizations and their benefit or lack of benefit to the workmen growing out of the vote that you had as a director in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. There are many studies of economic and social questions, Mr. Chairman, which I should be very glad, if I had the opportunity and ability, to make. I have not the opportunity and I have not the ability to study into questions that men who are more particularly trained in those lines of work have; and the layman finds himself usually under the necessity of turning to those whom he regards as most competent to make such studies. I have hoped that through the foundation, coming in touch with Mr. Mackenzie King, as you know, it might be possible to get just such light as you are referring to, for I see the great necessity for it and feel my own ignorance in regard to it.

Chairman WALSH. What is your attitude toward permitting union organizers who are not employed by your corporation to address employees and otherwise carry on their work without interference?

Mr. ROCKEFELLER, Jr. I have never had occasion to take any attitude on that subject, because, as I have pointed out, it is a matter which has been left with the executive officers.

Chairman WALSH. Do you think that union organizers ought to be allowed to address your employees and otherwise carry on their work without interference?

Mr. ROCKEFELLER, Jr. There, again, Mr. Chairman, you are inquiring in a field in which I regret to say I have no opinion of any value. I have not been able to study the question.

Chairman WALSH. Do you think it is to the benefit of mankind for workmen to be organized, as you say it is for men to bond themselves together in corporations? Is the question of education along these lines not a very important one?

Mr. ROCKEFELLER, Jr. To whom, Mr. Chairman?

Chairman WALSH. The education of these men on both sides as to the desirability or undesirability of belonging to such organizations as those of which you seem to give approval in your testimony.

Mr. ROCKEFELLER, Jr. I would not pretend to decide, Mr. Chairman, for other men, as to whether it was wise or unwise for them to associate themselves. My feeling is that the same freedom should be allowed to the workingmen which is allowed to the capitalist to decide whether or not he wishes to be associated in his work with others or whether he wishes to work by himself.

Chairman WALSH. And in an orderly way you would acknowledge the right of any person claiming to have information upon the subject or views upon the subject to publicly give his views and to address them publicly to any person that might care to hear?

Mr. ROCKEFELLER, Jr. That is a question that has not come up in my experience, and I would not have a view on it.

Chairman WALSH. Do you believe in free speech?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Will you explain to this commission as definitely as possible the principle of delegated authority under which you outlined in your testimony before the congressional committee, as follows:

"In these days, where interests are so diversified and numerous, of course, it would be impossible for any man to be personally responsible for all the management of the various concerns in which he might be a larger or smaller stockholders. It would be simply impossible to do that, and all that any man can do is to find the ablest men that he can find and put the responsibility squarely on that."

Mr. ROCKEFELLER, Jr. I do not know how to make that statement any clearer, Mr. Chairman. If you will ask me any specific question I shall be glad to answer it.

Mr. WALSH. I will proceed, and maybe it will illumine itself a little. Is it not a fact that Mr. John D. Rockefeller, sr., as owner of various properties, delegates his authority to the members of his personal staff, which in, turn, are delegated to executive officials?

Mr. ROCKEFELLER, Jr. I do not know of any properties that my father is the owner of. He has interests in a number of properties. In so far as he has an interest which he thinks sufficient to justify his being represented on

the board of directors he so delegates any authority, any power, which would come to him as stockholder in the selection of directors.

Chairman WALSH. Do you see any analogy between this condition in industry and absolutism in political government?

Mr. ROCKEFELLER, Jr. I can not say that I do, Mr. Chairman.

Chairman WALSH. Is not this situation likely to develop the same abuses which history has shown to be the inevitable consequences of absolutism in political government?

Mr. ROCKEFELLER, Jr. That is an abstract question which I would not venture an opinion on, Mr. Chairman.

Chairman WALSH. Do you consider that the workers are justified in seeking to have a voice in determining the conditions under which they are employed?

Mr. ROCKEFELLER, Jr. I have stated I entirely believe that they are entitled to a voice.

Chairman WALSH. Do you consider that the workers are justified in seeking to secure an effective means of protest against such abuses as may arise?

Mr. ROCKEFELLER, Jr. I think they should have every means of access to the officers of the company, with reference to any matters of common interest which they may wish to take up.

Chairman WALSH. Collectively or individually?

Mr. ROCKEFELLER, Jr. As may seem best.

Chairman WALSH. As it may seem best to them?

Mr. ROCKEFELLER, Jr. To them.

Chairman WALSH. Are not abuses inevitable wherever unrestricted power exists?

Mr. ROCKEFELLER, Jr. I think, so long as we are all human beings, Mr. Chairman, there are bound to be abuses wherever we are associated.

Chairman WALSH. No person can be intrusted with arbitrary power; that is the experience of mankind, is it not?

Mr. ROCKEFELLER, Jr. Well, I would not venture an opinion; I would not venture to generalize on that. I think that power is something which needs to be used and assumed with great, great care, and with a great sense of personal responsibility. I believe that the people are the ones who should generally and always have the final power.

Chairman WALSH. And in industrial life the people would include every human being engaged in it, from the owner of the property to the humblest employee?

Mr. ROCKEFELLER, Jr. Of course, I do not think, Mr. Chairman, that the owner of any property would be properly expected to turn over the management of his property to others, although he might feel agreeable to so intrusting it, if that is the point you have in mind. I do not think you, if you had an interest, would want to have some one else—anyone whom I might appoint—care for your interest. You would feel that you had some responsibility as well as right to yourself select those who should have charge of your interest.

Chairman WALSH. Would you say that the man had a voice in the making of his own conditions in your industry unless there was some means of carrying it out, unless it was a compelling voice, either by agreement on the part of himself and the owners or by the weight of his own influence collectively with many others?

Mr. ROCKEFELLER, Jr. I think that every laboring man is entitled properly to such a voice. Just how it might be most in his interest in this case or in that to make his voice heard is a matter which I am not sufficiently familiar with to venture to suggest. But I have stated clearly that I think he has—believe he has such a right.

Chairman WALSH. If it is true that abuses appear inevitable wherever unrestricted power exists, how can the workingman be protected, if the proposition is laid down and adhered to strictly that the owner of the industry can not be interfered with in the carrying on of his own business?

Mr. ROCKEFELLER, Jr. I do not, Mr. Chairman, feel myself competent to adequately deal with this subject. I have frankly admitted my lack of familiarity with it. And I have indicated that, believing it to be so very important, I have taken what steps I could to get further information. I should be glad to discuss these questions more specifically, but, frankly, I do not feel competent to do so.

Chairman WALSH. Well, is there any person upon your board of directors who has made a special study of this subject, to whom you could refer this commission as a person who might be competent to answer that question?

Mr. ROCKEFELLER, Jr. The one whom we have selected in the foundation, Mr. Chairman, to answer such questions, to give such information as is possible, is Mr. Mackenzie King.

Chairman WALSH. Is he a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. I understand—just going to the foundation for a moment—that the study that Mr. Mackenzie King is making may take very many years to conclude?

Mr. ROCKEFELLER, Jr. I think it would be highly probable that, in dealing with any problem so vast and so important as that one, one could only hope to make progress very slowly, and that it would take many years. I do not suppose coming generations will solve the problem which the past generations have not succeeded in solving.

Chairman WALSH. Well, under the existing conditions in Colorado and Wyoming, do you not think it might be well, aside from the general study that may run through the generations, for some director or directors to study the underlying principles or philosophies in trade-unionism or the extension of the power to employees to have a compelling voice in the conditions of their own labor?

Mr. ROCKEFELLER, Jr. I think, as I have stated, that it would be a desirable thing for any director in any company, where men are employed, to make such studies. It does not often happen that the directors or the executive officers can take the time to go into the deep philosophical questions, Mr. Chairman. That it is desirable for any man to make such studies is readily agreed.

Chairman WALSH. Are you only a director in three industrial companies?

Mr. ROCKEFELLER, Jr. I am a director in only the three companies that I have mentioned; one is a railroad company and one is an insurance company and the other is an industrial company.

Chairman WALSH. In the selection of executive officials to whom power is delegated have not mistakes been made, in your experience, and has not confidence at times been misplaced?

Mr. ROCKEFELLER, Jr. Far be it from me, Mr. Chairman, to claim infallibility. I make mistakes quite as frequently, and often much more frequently, than the other man. I recognize it frankly.

Chairman WALSH. Should the workers be subjected to suffering from the effects of misplaced confidence without having any effective means of protest to a higher official in the industry than these executive officials that you have just mentioned?

Mr. ROCKEFELLER, Jr. I do not see how it is possible for us to get perfect executives so long as there are not perfect human beings, Mr. Chairman. We have to get the best that we can find. We have to use as directors ourselves simply the best that we can find, and the same is true of the administrative officers.

Chairman WALSH. Mr. Langdon, will you please read that answer and see if it answers the question? If it does, I do not want to ask it again.

(Last preceding question read.)

Mr. ROCKEFELLER, Jr. I wish no one need be subject to mistakes because of misplaced confidence. But unfortunately the way we are constructed that is constantly happening, Mr. Chairman. I see no way of avoiding it other than to select the best material that can be gotten.

Chairman WALSH. Have you heard directly, and at first hand from any workers in the industry in Colorado, as to what they claim conditions should be in that industry?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Do you not think that it would be a wise thing to hear at first hand directly from the workers in the industry about claims as to any abuses which may have existed?

Mr. ROCKEFELLER, Jr. I have been hoping for some time, Mr. Chairman, that it might be possible for me to go to Colorado myself and come in closer touch with the employees and the managers of the company. I might, perhaps, have been there now if it had not been for this hearing. I am still hoping within the year to so make my plans that that will be possible.

Chairman WALSH. Had you expected to go to Colorado, Mr. Rockefeller, prior to the calling of this hearing?

Mr. ROCKEFELLER, Jr. I have been wanting to go to Colorado for a number of months, Mr. Chairman.

Chairman WALSH. Well, this hearing was first called, I believe, for the 19th of October, this general hearing?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. At which you were to be a witness. Did that stop your going to Colorado?

Mr. ROCKEFELLER, Jr. It did not seem to me that any good purpose could be served, Mr. Chairman, by my going to Colorado while the strike was on. I think you will agree to that. The strike was called off on December 10, and since about the middle of October, as you will recall, I have held myself at the disposition of the Industrial Relations Committee, to appear before it at its pleasure, and whenever I can arrange during the balance of the year to make such a trip that is my purpose.

Chairman WALSH. Well, do I understand that had you not been holding yourself subject to the call of this commission that you would have gone to Colorado after the strike was declared off and before the present day?

Mr. ROCKEFELLER, Jr. My purpose was to go as soon as I found that I could conveniently after the strike was called off. I had never set a date, but I had hoped to go at an early date. Other engagements, of course, would have to be considered.

Chairman WALSH. Can you conceive of effective protest against abuses in a large industry where it is without organization on the part of the employees?

Mr. ROCKEFELLER, Jr. There, again, Mr. Chairman, that is a practical question to which my lack of practical experience makes it impossible for me to reply.

Chairman WALSH. What had Mr. L. M. Bowers been before he became chairman of the board in Colorado?

Mr. ROCKEFELLER, Jr. Mr. Bowers had been for some years in charge of a fleet of ore-carrying steamers on Lake Erie. He was the executive head of that company.

Chairman WALSH. Did he deal with labor organizations in that company?

Mr. ROCKEFELLER, Jr. That I can not say, Mr. Chairman.

Chairman WALSH. What qualifications did Mr. Bowers have as an expert in handling labor problems?

Mr. ROCKEFELLER, Jr. He had handled labor in that relationship and in other private businesses of his own off and on all his life.

Chairman WALSH. Is there effective organization among working people without provision for financial support for the activities of the organization?

Mr. ROCKEFELLER, Jr. That question is a technical question which I am sorry to say I can not furnish a satisfactory reply to.

Chairman WALSH. Can a local organization in other lines of business be effective particularly where conditions in one location are dependent upon the activities of similar organizations in other localities?

Mr. ROCKEFELLER, Jr. That is simply a question, Mr. Chairman, that I am sorry not to be able to reply to.

Chairman WALSH. Can local organizations in any line of business be effective, particularly where conditions in one locality are dependent upon the activities of similar organizations in other localities?

Mr. ROCKEFELLER, Jr. I should call that a similar question, Mr. Chairman, that I am sorry not to be able to reply to.

Chairman WALSH. It is suggested by Mr. Manly and it appeals to me that that might be called a business proposition.

Mr. ROCKEFELLER, Jr. As I have stated, Mr. Chairman, my experience has not been in direct personal contact with labor questions, so that I have no first-hand experience or knowledge of those questions.

Chairman WALSH. But any business; is it not necessary for correlation and organization with other companies in order to get the best financial results and the best results for the business sought to be obtained by the corporation?

Mr. ROCKEFELLER, Jr. Is not what necessary?

Chairman WALSH. Organization.

Mr. ROCKEFELLER, Jr. I have stated——

Chairman WALSH. To companies and individuals.

Mr. ROCKEFELLER, Jr. I have stated, it seems to me, that the principle of organization for labor is entirely as applicable and appropriate as it is for capital; equally so.

Chairman WALSH. Do not business organizations regularly form associations for dealing with conditions which are common to all?

Mr. ROCKEFELLER, Jr. I do not know to what you refer, Mr. Chairman; I can not think of any.

Chairman WALSH. Well, I will repeat this: Did not the coal operators' association in Colorado include practically all of the operators in the State?

Mr. ROCKEFELLER, Jr. That it included a large per cent of the coal output of the State I presume is true; that it included practically all of the coal operators, company by company, I should say was probably not true. But I have not exact information.

Chairman WALSH. Could the oil business have been developed by small local corporations having no means of relation and communication with other companies? Was it not in itself a process of organization, development, and organization?

Mr. ROCKEFELLER, Jr. It seems to me, Mr. Chairman, that the principle of organization is one which the people in this country and the world are increasingly favoring and finding to be necessary.

Chairman WALSH. And that on a large or national basis in the big basic industries?

Mr. ROCKEFELLER, Jr. I think the prosperity of this country is being best conserved by large combinations in industries.

Chairman WALSH. Would or would not national organizations of employees be necessary both from a logical and practical standpoint?

Mr. ROCKEFELLER, Jr. There you are again getting into a technical question that I am sorry I have not the information with which to answer, Mr. Chairman.

Chairman WALSH. Well, in principle, could you not say, Mr. Rockefeller, that the national organization of employees was as necessary from the standpoint of logic as the national organization in any industry?

Mr. ROCKEFELLER, Jr. I know of no national organization of capital, Mr. Chairman, which would be an analogy.

Chairman WALSH. Not a complete analogy, perhaps, but take the oil companies, would you say that they had assumed national proportion? The steel company, would that not be one?

Mr. ROCKEFELLER, Jr. Well, it is true there are a number of steel industries related together in the larger steel companies to-day; that they are national in proportions I think would hardly be true.

Chairman WALSH. Should not the representatives of such organizations of employees be permitted to exercise their functions without interference or restriction so long as they use lawful means?

Mr. ROCKEFELLER, Jr. I am not able to deal with that question, Mr. Chairman.

Chairman WALSH. Specifically, should not organizers be permitted to visit employees, to hold public meetings, to distribute literature, and to collect views in such manner as the employees themselves may elect?

Mr. ROCKEFELLER, Jr. That is a question that I think would have to be answered by those who are familiar with the problems of employment. I could not answer it.

Chairman WALSH. Do the investments you have mentioned include all securities held by your father, yourself, Starr J. Murphy, and Mr. Jerome D. Greene, or yourself and those other joint holders of securities outside the amount you say is held by your father?

Mr. ROCKEFELLER, Jr. Investment in what particular company, Mr. Chairman?

Chairman WALSH. The Colorado Fuel & Iron Co.

Mr. ROCKEFELLER, Jr. I think that my father and myself are the only ones who have an investment in the fuel company, unless in some of the bonds—yes; some of the bonds were given by my father, I see here, to the General Educational Board, and some to the Rockefeller Institute for Medical Research. They were originally my father's holdings. When he made his several gifts to those various foundations they were usually made in securities, and the bonds of this company were given to these two boards, a block of them.

Chairman WALSH. For fear I have not made this perfectly plain to you, I am not going to ask your opinion, as a business man or as an expert upon industrial subjects or as one who has made a special study, but simply as a citizen: "Are not national organizations of employees necessary, both from a logical and practical standpoint?"

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not feel like trying to take a position on any so important a matter without having knowledge which would be adequate to back up such a position. Frankly, without any desire to avoid the question, I have not the knowledge, practical or theoretical, which would enable me to form an opinion on that matter.

Chairman WALSH. As a citizen, I ask you, should not the representatives of such organizations of employees be permitted to exercise their functions without interference or restriction so long as they use lawful means?

Mr. ROCKEFELLER, Jr. As a citizen it is a question with which I have never had experience, Mr. Chairman.

Chairman WALSH. Again asking you as a citizen specifically, should not organizers be permitted to visit employees, to hold public meetings, to distribute literature, and to collect dues in such manner as the employees themselves may elect, acting always strictly within the law?

Mr. ROCKEFELLER, Jr. As a citizen, again I must say I am unable to express an opinion on that subject.

Chairman WALSH. Have you any information with regard to the number of employees in the iron and steel work which possibly work 12 hours a day?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Do you know whether or not 50 per cent of such employees work 12 hours a day?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you consider that 12 hours work in steel works in the rolling mills is a hardship to employees?

Mr. ROCKEFELLER, Jr. I am not familiar enough with the work to know.

Chairman WALSH. Do you know whether or not any efforts have been made by the Colorado Fuel & Iron Co. to reduce the number of employees which work 12 hours per day?

Mr. ROCKEFELLER, Jr. I know generally that their effort is to do everything that they can in the interest of the employees. More specifically I can not say.

Chairman WALSH. You could not describe any efforts that have been made by that company to reduce the number of employees who work 12 hours per day other than the statement you have just made?

Mr. ROCKEFELLER, Jr. I would not be in a position to have such specific knowledge.

Chairman WALSH. Do you know whether or not employees in the blast furnaces and a large proportion in the open hearth department are employed seven days per week?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Would you consider that a hardship if such was the case?

Mr. ROCKEFELLER, Jr. I think that any man who works seven days a week the year around would regard it as pretty hard work.

Chairman WALSH. What proportion would you divide that up in, anyway? Could a man work seven hours a day, in your opinion, for any portion of a year?

Mr. ROCKEFELLER, Jr. Seven hours a day?

Chairman WALSH. I mean seven days a week. You said if he did it all the year you would consider it a hardship. What portion of the year would you regard it a hardship to work seven days a week?

Mr. ROCKEFELLER, Jr. I regret to say that I often work seven days a week myself for considerable periods.

Chairman WALSH. I will change the question, then. What proportion of a year would you still say it was a hardship for a man, if he was required to work seven days a week in a blast furnace or open hearth?

Mr. ROCKEFELLER, Jr. Not being familiar with the character of the work, I would not be able to approximate an opinion.

Chairman WALSH. Did you see the blast furnace when you were out there in 1912?

Mr. ROCKEFELLER, Jr. I was not out there in 1912.

Chairman WALSH. Well, about 10 years ago?

Mr. ROCKEFELLER, Jr. I presume I must have seen them at work there.

Chairman WALSH. Do you recall whether or not you did see them at work at it or not?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Do you know the nature and character of the work that men do in blast furnaces?

Mr. ROCKEFELLER, Jr. No; I do not, except very generally.

Chairman WALSH. Do you know its effect upon a man so far as bodily fatigue is concerned?

Mr. ROCKEFELLER, Jr. No; I do not.

Chairman WALSH. Have you given consideration to the number of hours per day a man can work at laborious employment and maintain physical efficiency?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Have you made a study of the cost of living? What a living wage ought to be in the various States of the Union where you have large industrial holdings?

Mr. ROCKEFELLER, Jr. I have not, Mr. Chairman; I should think that would be a very interesting study, but I fancy that would be even a longer study than the effort to solve the industrial problems, but I have not had the opportunity nor have I the experience to fit me to undertake such a study.

Chairman WALSH. Did you have any personal correspondence with Mr. Bowers, with reference to the strike in Colorado, prior to September 23, 1913?

Mr. ROCKEFELLER, Jr. Our office, Mr. Chairman—the several of us there—have been in correspondence with the officers of the Colorado Fuel & Iron Co. always, and matters have currently been spoken of in the correspondence. I do not recall just what matters, or when.

Chairman WALSH. I will direct my question now, Mr. Rockefeller, to communications between yourself personally and Mr. Bowers personally.

Mr. ROCKEFELLER, Jr. Regarding the strike?

Chairman WALSH. Regarding the strike.

Mr. ROCKEFELLER, Jr. Previous to the calling of the strike?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I think none.

Chairman WALSH. Or regarding labor conditions previous to the calling of the strike?

Mr. ROCKEFELLER, Jr. Simply as any letters, during the year, from Mr. Bowers or Mr. Welborn might mention labor questions, as well as any other questions relating to the company.

Chairman WALSH. Who is Mr. J. H. McClement?

Mr. ROCKEFELLER, Jr. One of the directors of the Colorado Fuel & Iron Co.

Chairman WALSH. Is he a large holder of stock in the Colorado Fuel & Iron Co., to your knowledge, or have you any knowledge on the subject?

Mr. ROCKEFELLER, Jr. I have no knowledge, but I presume he is not a large stockholder.

Chairman WALSH. Did you follow closely the bulletins issued by Mr. Ivy L. Lee with reference to the situation existing there in Colorado?

Mr. ROCKEFELLER, Jr. They were sent to me, as well as to many other people.

Chairman WALSH. Did you not see them until they were sent out to the public generally?

Mr. ROCKEFELLER, Jr. No; I think in no instance.

Chairman WALSH. Where were they actually prepared?

Mr. ROCKEFELLER, Jr. That I could not tell. After I had made the arrangements with Mr. Lee, which I fully outlined this morning, the matter was left with the operators' committee in Denver and with Mr. Lee.

Chairman WALSH. What percentage of the men in the employ of the Colorado Fuel & Iron Co. went on a strike on September 23, 1913?

Mr. ROCKEFELLER, Jr. Well, I do not remember how many went out on that day. I have not kept track of the numbers, and it has been often difficult to tell.

Chairman WALSH. Is Mr. McClement a representative of your family, or of your father?

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. Is Mr. McClement a representative of your father and those upon the board of directors?

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. I will ask you, just to make the matter clear, what you meant by this language used before the congressional committee? I will have to go back a little, I am afraid:

"I can only speak"—

Speaking on a subject I do not think is material; that is yourself speaking, Mr. Rockefeller—

"I can only speak for the directors which represent my father's interest."

"The CHAIRMAN How many are there of those?

"Mr. ROCKEFELLER, Jr. There are three. Shall I speak of that?

"The CHAIRMAN. Yes, sir.

"Mr. ROCKEFELLER, Jr. There are three immediate representatives of his, of which I am one; from the staff of his personal office there are two others.

"The CHAIRMAN. Who are they? Would you mind giving their names?

"Mr. ROCKEFELLER, Jr. Yes; I will give them, certainly. Mr. Starr J. Murphy, J. D. Greene, and myself are the three personal representatives of my father.

"Mr. BYRNS. Is Mr. Bowers a director?

"Mr. ROCKEFELLER, Jr. I was just coming to him in connection with the other two, who might be said to indirectly represent my father's interest. The first is J. H. McClement, an independent business man in New York, who has been on the board for some years, and I am not sure whether his appointment was originally suggested by some of the other large stockholders or by ourselves. He has been for a long time on the board. He represents the other stockholders quite as much as he does ourselves."

Mr. ROCKEFELLER, Jr. That is entirely true.

Chairman WALSH. Does he represent you?

Mr. ROCKEFELLER, Jr. Mr. McClement, I think, has been on that board since we first took an interest, and whether he went on as representing us I frankly can not recall. He is a man whose judgment we have a high regard for, and he is a man who has made some studies of the Colorado Fuel & Iron Co.'s properties, and we have availed ourselves of those studies made largely in earlier years. Whether, when he first went on at the time those studies were made, it was partly at our suggestion I can not recall, but as it lies in my mind it was that he did not represent us. We would be very glad to have him represent us. We think him a very capable man, and so far as my point is concerned it would be immaterial, and I should be glad to include him as a representative, if that is a fact, but I don't recall it; it occurred a great many years ago.

Chairman WALSH. You do not recall then that he in any way did, to any extent, represent yourself upon that board?

Mr. ROCKEFELLER, Jr. As I said, I do not recall how his appointment came about, except that the various stockholders thought that he was a man who would be valuable to have related to the company as a director, and we agreed with that view.

Chairman WALSH. Did you observe the bulletin issued by Mr.—written by Mr. Ivy L. Lee, which stated that there were comparatively few employees of the Colorado Fuel & Iron Co. that were dissatisfied with conditions, on the 23d of September, 1913?

Mr. ROCKEFELLER, Jr. I do not recall whether I have that in mind in connection with those bulletins, or whether that information I had received direct from the officers of the company, but that is an impression which was distinctly in my mind.

Chairman WALSH. Did Mr. McClement show you a letter which he received from Mr. Welborn, dated September 6, 1913, something over more than two weeks before the strike was called, and before the miners' convention, at which the strike was voted, written to Mr. McClement, informing him that a strike was to be called, and that he predicted that most of the men would respond to the call and go on the strike?

Mr. ROCKEFELLER, Jr. I do not recall that letter, Mr. Chairman.

Chairman WALSH. Did you have any such information on the 23d day of September, 1913?

Mr. ROCKEFELLER, Jr. That the majority of the men would go on the strike?

Chairman WALSH. That most of the men would go on the strike.

Mr. ROCKEFELLER, Jr. The impression I had, from the correspondence that had passed between Denver and our office, was quite to the contrary, Mr. Chairman.

Chairman WALSH. So that if Mr. Welborn had information on the 6th day of September, 1913, that the condition of unrest was such among the employees of the Colorado Fuel & Iron Co. that most of them would go on a strike, if called, that was not imparted to you by Mr. Welborn?

Mr. ROCKEFELLER, Jr. I do not recall any such letter from Mr. Welborn.

Chairman WALSH. If that information was in the hands of the executive officers and was imparted to one of the directors, was there any machine in your organization by which that condition of affairs could be indicated to the rest of the directors?

Mr. ROCKEFELLER, Jr. If it came to any of the directors in our immediate office the letter would in all probability have been passed to the other directors, as is customary in the office there.

Chairman WALSH. Do you think that was such information as should have been given to the directors, as a whole, by the executive officers of your organization, if it existed?

Mr. ROCKEFELLER, Jr. I am surprised at the information, because the information which has come to me has always been quite to the contrary.

Chairman WALSH. Have you read the transcript of the testimony taken by the subcommittee of the Committee on Mines and Mining of the House of Representatives, in its investigation of the Colorado strike?

Mr. ROCKEFELLER, Jr. Only part of it.

Chairman WALSH. Have you read the transcript of the testimony taken by this commission in its investigation of the Colorado strike?

Mr. ROCKEFELLER, Jr. I have read the testimony of only two or three of the witnesses. I did not suppose the testimony generally was available as yet. Mr. Chairman, may I make one remark about a matter we have discussed?

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. With reference to the seven day a week work, my answer indicated that I had no definite knowledge of these conditions, but I do not want to leave the impression that I favor for myself or other men seven days of work a week year in and year out. I should think for any man that was unwise and not in the interest of his best development, and I should, for myself and where I could use my influence, hope to do what I could to prevent—to constantly minimize that sort of thing, and to help see to it that every man should have one day in the week for rest, and to constantly look toward a proper day of rest. I want to make that clear as my personal idea, and do not want to be understood as believing that any man, whatever the character of his work might be, even if he could stand it physically, ought to work seven days a week year in and year out.

Chairman WALSH. Was any machinery provided in the plants of the Colorado Fuel & Iron Co. in Colorado and Wyoming for adjusting grievances on the part of the workmen?

Mr. ROCKEFELLER, Jr. There is such machinery now.

Chairman WALSH. Was there prior to the strike?

Mr. ROCKEFELLER, Jr. It was always, as I understand, possible for any man to come to the officers of the company with any matter which he might care to take up.

Chairman WALSH. Who was the chief officer of the company; would you say, Mr. Bowers or Mr. Welborn?

Mr. ROCKEFELLER, Jr. I presume that the chairman of the board is always the ranking officer in any corporation.

Chairman WALSH. Prior to September 23, 1913, to whom were the grievances of the men taken, Mr. Bowers or Mr. Welborn?

Mr. ROCKEFELLER, Jr. That I could not say definitely, but I assume that seldom, if ever, would grievances need to come as far as those officers. They would come naturally to the local superintendent or mine superintendent.

Chairman WALSH. Where was the local superintendent in the southern coal field of Colorado located?

Mr. ROCKEFELLER, Jr. I could not say.

Chairman WALSH. What was his name?

Mr. ROCKEFELLER, Jr. Mr. Weitzel was superintendent of the coal department of the company.

Chairman WALSH. Before or since the strike have you learned where his office was?

Mr. ROCKEFELLER, Jr. That is not a matter that I have inquired about?

Chairman WALSH. Didn't you know that the office of the general manager of the company was in Trinidad?

Mr. ROCKEFELLER, Jr. You mean the general manager of the coal company?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I had that impression, but it was not sufficiently clear in my mind to lead me to make the statement.

Chairman WALSH. Did you ever hear of any grievance on the part of the men engaged in the mines being presented to Mr. Weitzel?

Mr. ROCKEFELLER, Jr. I would not be in a position to hear.

Chairman WALSH. Did you know they had grievances prior to September 23, 1913?

Mr. ROCKEFELLER, Jr. I suppose that we all have grievances, and they are human and I suppose they must have had grievances.

Chairman WALSH. Do you know of any particular grievances the men had in regard to working hours which they objected to, or conditions in the mines, so far as safety was concerned that they objected to?

Mr. ROCKEFELLER, Jr. I know that every effort that could be made was being made by the officers of the company to reduce to the minimum the possibility of danger and the possibility of grievances. Beyond that as to the details I was not in a position to know.

Chairman WALSH. Do you believe with complete lack of any machinery for adjusting grievances of such a character, that justice for the workmen would depend upon the mere benevolence of the company's agent, who would be sure to naturally cause unrest?

Mr. ROCKEFELLER, Jr. I do not think I quite get that question.

Chairman WALSH. In other words, unless there is this machinery by which the grievances of the employees could be adjusted, aside from mere benevolence on the part of your agents, would that not be a cause for industrial unrest?

Mr. ROCKEFELLER, Jr. It seems to me that the question of the men having an opportunity to present grievances is perfectly legitimate and proper, and the fact that I took steps myself nearly a year ago to inquire as to methods as to the formation of such machinery, and made suggestions along this line to the officers of the company, which I found were being turned over in their own minds, and which I have stated this morning were subsequently formulated into the definite plans which I have stated have since been put into effect, would indicate my belief in the desirability of having some such machinery, that there might be free communication between the men and the officers in regard to matters of any character which the men might wish to take up.

Chairman WALSH. Then, if that machinery were lacking, it would be a cause of protest and unrest on the part of the men working in the industry?

Mr. ROCKEFELLER, Jr. I can not quite answer that in that way, but I should say that where the machinery was at hand there would be less possibility of lack of unrest or of disquiet.

Chairman WALSH. Did you know that prior to the calling of the strike that officers and organizers of the United Mine Workers of America were in Colorado attempting to induce the men in your industry to join the union?

Mr. ROCKEFELLER, Jr. I knew in a general way that the men in the northern part of Colorado had, some five years ago, I think, been unionized, and that there was a tendency—a disposition—to attempt unionizing the entire district.

Chairman WALSH. From whence did you get that information?

Mr. ROCKEFELLER, Jr. As I get all my information—through the officers of the company, either in conference or in correspondence.

Chairman WALSH. Was there any system in effect in Colorado by which men injured by accident, or the families of men killed in accident, would be compensated according to the extent of the loss inflicted?

Mr. ROCKEFELLER, Jr. There was a system by which men and their families were compensated. What the system was I do not know in detail.

Chairman WALSH. Did that system depend entirely upon the benevolence of the company?

Mr. ROCKEFELLER, Jr. I am not sufficiently familiar with it, Mr. Chairman, to answer that question.

Chairman WALSH. Is it a fact that the average amount paid for the death of the heads of a family in the industry in Colorado for several years prior to September 23, 1913, was $700?

Mr. ROCKEFELLER, Jr. That I do not know.

Chairman WALSH. Were the men engaged in the mining industry in Colorado permitted to own their own homes?

Mr. ROCKEFELLER, Jr. So far as I know they would have been entirely welcome to own their own homes if they had desired to buy real estate in isolated parts of the mountain fastnesses where these mines were generally located.

Chairman WALSH. Could they own them in your closed camps?

Mr. ROCKEFELLER, Jr. I have not definite knowledge, but I presume that anyone who wanted to risk his money buying property in a mining camp that at any time might be exhausted—the mine might be exhausted or abandoned—I presume he would be at liberty to do so, and I see no reason why he should not be.

Chairman WALSH. Did the companies generally in Colorado own the townsites surrounding their camps or property?

Mr. ROCKEFELLER, Jr. I have no information as to how extensively their ownership might have been, Mr. Chairman.

Chairman WALSH. Was it the policy of your company, expressed through your officers, not to permit men to own their own homes, even though they desired to take all these difficulties that you have mentioned, and all of the risks you have mentioned, to have a home of their own?

Mr. ROCKEFELLER, Jr. I don't know what the policy may have been.

Chairman WALSH. When the mines were exhausted by you, of course you would have to dispose of your real estate?

Mr. ROCKEFELLER, Jr. But the difference would be, Mr. Chairman, that it would be hoped that the original cost put into the purchase of the real estate, including the coal, would have been taken out in producing the coal, if the industry had been successful in that particular mine. That is, the company would have gotten its money back, if the venture had been successful, the same would not be true of the employes.

Chairman WALSH. Did you charge so much a room for the houses that were given to these employees to live in, do you know?

Mr. ROCKEFELLER, Jr. I never had anything to do with that; our interest was only a minority interest. It was not our company. The officers were responsible for dealing with these matters, and how they have handled them I am not able to say.

Chairman WALSH. Did your board of directors ever take up the question as to the amount of moneys that was paid to injured persons and the survivors of the victims of fatal accidents in the mines?

Mr. ROCKEFELLER, Jr. Mr. Chairman, with no desire to criticise, but simply for accuracy's sake, may I point out that it could hardly be called "our board." We had a 40 per cent interest in the Colorado Coal & Iron Co.

Chairman WALSH. Well, I refer at this time really to the board of directors of the Colorado Fuel & Iron Co., when I said your board.

Mr. ROCKEFELLER, Jr. I just wanted to be clear on that point. I think such matters have never come before the board, nor would they.

Chairman WALSH. Well, these facts were developed at our hearing: Mr. Welborn furnished me a list of the last 25 settlements that had been made in cases of persons that had been injured and killed in the mines prior to November 25, 1914, and it runs as follows. In these cases the company claimed no liability in many of them and partial liability in others of them, or disputed liability, but the last 25 seem to have been Giovanni Gambasin, fatal injury, paid $300; Charles Paoland, loss of leg—artificial leg furnished, $100; amount of payment $700——

Mr. ROCKEFELLER, Jr. (interrupting). These are matters that the board of directors would not pass on, Mr. Chairman.

Chairman WALSH. Do you think it would be wise for the board of directors to make ascertainment of such questions as this?

Mr. ROCKEFELLER, Jr. It might be desirable, but quite difficult, Mr. Chairman. That is one of the regrettable questions which come up in connection with the management of any large industry, as is customary, that and similar matters of operation are handled by the administrative officers.

Chairman WALSH. As a citizen, do you not think that the directors of a corporation should be compelled by law, if necessary, to advise themselves of matters of this kind; that is, the number of lives that were lost or persons who were crippled and the amount of compensation that was paid therefor?

Mr. ROCKEFELLER, Jr. I strongly believe in the workmen's compensation act, Mr. Chairman, and understand that the present governor of Colorado proposes to present such legislation to the legislature of Colorado this year. I should strongly favor it.

Chairman WALSH. Well, when I was interrupted—Henry Lott, left foot injured, $100; Frank Zwerdowski, fatal, represented by attorney, payment, $700; Charles H. Werden, fatal, amount $700; Frank Krashitz, fatal, $300; Mark Tesak, right cornea perforated, $1,000, represented by attorney for Austrian consul; Theodore Pappas, fracture left leg, $500; Abel Silva, fatal, $300, represented by attorney; John De Monti, $500, settled with Italian consul; John Sebben, fatal, $700; William Demsted, amputation of two fingers of left hand, $115; Jose Lerma, spinal cord injured, $700; C. Romero, fracture of left femur, $500; James R. Davis, fracture of right tibia and fibula, $275, represented by attorney; Patrick McGovern, right shoulder bruised, $400; John Brice, fracture of right femur, tibia, and fibula, $300; I. V. Burt, loss of right leg above knee, artificial leg furnished, $100, payment $400; Juan Mora, fractured left femur,

payment $150; Antonio Tarone, fractured three dorsal vertebrae, payment $225; Donato Di Cicco, fracture left tibia, $400; Bassani Bartolomeo, fractured left femur, artificial leg furnished, $100, payment $600; P. L. Woody, loss of left hand, $600; Henry Miller, dislocation of right hip, $700; Diego Godinez, dead, payment $200.

Now, assuming that these are the last 26 accidents in the industry, going back from November 28, 1914, what would you say, if anything, as to the necessity of the directors of a corporation having full knowledge at all times through regular reports of the fatalities and injuries in the industry?

Mr. ROCKEFELLER, Jr. No one could regret more, Mr. Chairman, than the directors of a corporation that injury or loss of life should ever result from the prosecution of a business. At the same time the directors have it surely as their responsibility, to be exercised through their carefully appointed officials, to see that every precaution is taken to reduce to a minimum the accidents which may arise in the industry. The directors in these industries who are unfamiliar with mining, with coal mining or with the production of steel, you can see yourself would be less competent to deal with such questions and to suggest ways of preventing such accidents than the officers whose business it is to consider carefully such matter in connection with other of their managerial work. Therefore it seems to me the directors are doing the thing which, according to their judgment, is most in the interest of the employees in delegating the careful attention to all such matters to men who, by experience and close contact with the affairs, are best qualified to prevent accidents and to deal sympathetically with those who unfortunately are injured.

Chairman WALSH. Was your attention ever called to the alleged fact that the managing officers did not deal sympathetically with those persons who were injured or with the survivors of those persons who lost their lives in the industry?

Mr. ROCKEFELLER, Jr. It certainly was not, and if it had been I certainly should have made inquiry. And I can not conceive that the officers could have dealt any other way. Their representatives may have, but certainly that would be very reprehensible, and no one could regret it more than I.

Chairman WALSH. Do you believe that proper conditions exist, whether it comes from the inside of the industry or whether it comes from the weakness of the law as executed by the civil or criminal authorities, where in an industry 26 men are killed or injured, and the compensation paid to such as I have read to you from that list?

Mr. ROCKEFELLER, Jr. I think it would be difficult for anyone to form any judgment on such a matter without knowing more about the facts, Mr. Chairman, than I do.

Chairman WALSH. What is the proportion of industrial accidents during the past five years in Colorado as compared with other States in the country?

Mr. ROCKEFELLER, Jr. I don't know. I would not have those figures.

Chairman WALSH. As compared with other States in which large operations are carried on in the coal fields?

Mr. ROCKEFELLER, Jr. I don't know; I simply know that the officials of the Colorado Fuel & Iron Co. have been diligent in their efforts to reduce to the minimum the possibility of accidents.

Chairman WALSH. Have you ever heard that there was political corruption in Colorado, and that the money to corrupt the electorate came from the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Such charges I have heard with reference to every State in the Union and every company that I have happened to know about, Mr. Chairman.

Chairman WALSH. Well, then, does that include the Colorado Fuel & Iron Co.? Did you hear it about that—that is the charge; I am not saying whether it is correct or not?

Mr. ROCKEFELLER, Jr. I have heard such rumors.

Chairman WALSH. Do you believe that it is the duty of a director of a company to investigate such questions as that?

Mr. ROCKEFELLER, Jr. I had no reason to believe that they were well founded, Mr. Chairman.

Chairman WALSH. If it should appear from testimony given under such conditions and from such persons as to carry verity with it that such had occurred, as a director would you be in favor of discharging the executive officer who was responsible for the payment of moneys for such purposes?

Mr. ROCKEFELLER, Jr. I certainly would be strongly opposed to any officer dealing in that way.

Chairman WALSH. My question was would you vote to discharge him?

Mr. ROCKEFELLER, Jr. I would want to know the conditions, Mr. Chairman.

Chairman WALSH. If you were satisfied, then, that an official of the company took a certain amount of money, passed it to another man for the purpose, you will say, of buying liquor and spending money at elections, and you were satisfied that was done, would you vote, as a director, to discharge the officer?

Mr. ROCKEFELLER, Jr. I certainly would not want to sanction anything of that kind, Mr. Chairman—any such action on the part of the officer.

Chairman WALSH. Would you vote to discharge him if he did it?

Mr. ROCKEFELLER, Jr. Well, it would depend on who the officer was; it might be one of the senior officers, who would not be appointed by the board; I certainly would do everything that I could as a director to see that such things as that were not done.

Chairman WALSH. Would you investigate the question as to whether the officer higher than he had authorized it or as to how the funds of the company could be taken from its treasury for such purposes?

Mr. ROCKEFELLER, Jr. If I had any reason to believe that such statements were more than the kind of idle rumors that are current in any political campaign with reference to any corporation, I certainly should.

Chairman WALSH. If you believed that the officers of a local corporation in which you were a director got together and elected the public officials who were to pass the laws—that is, to select nominees in the party conventions of persons who were to run as officers for the legislature and for the executive officers of the counties and State in which your companies operated—would you consider that a legitimate reason for discharging the officers?

Mr. ROCKEFELLER, Jr. Well, it might be, of course, Mr. Chairman, that such men, as citizens of the State, would have a responsibility as any other citizens would of looking toward the selection of whom they thought were proper and desirable candidates to fill the offices in the interests of the people at large. I should want to know the facts in each case before passing any judgment.

Chairman WALSH. Are you acquainted with James B. Northcutt?

Mr. ROCKEFELLER, Jr. I am not.

Chairman WALSH. Ever meet him?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Ever heard the name before?

Mr. ROCKEFELLER, Jr. I think so, but I don't know what his relations are.

Chairman WALSH. Is he not the attorney for the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I don't know that.

Chairman WALSH. Did you read the speech made by Mr. Northcutt; did you know he was a judge of the district court in your coal field prior to becoming your attorney?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Did you read a speech of Mr. Northcutt's made in 1912, the time before this strike, in which he declared that the Colorado Fuel & Iron Co. nominated, elected, and controlled public officials in Las Animas and Huerfano Counties?

Mr. ROCKEFELLER, Jr. I did not; I never have heard of the speech to my knowledge.

Chairman WALSH. Have you a printed copy of the preliminary statement that you made this morning?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. Would you kindly refer me to that part of your statement where you set forth the necessities of providing certain things—housing and sanitation, etc., on account of the remoteness of these mines?

Mr. ROCKEFELLER, Jr. I made no such statement——

Chairman WALSH. Well, not in those words, but I what you would refer to that part of the statement, you understand?

Mr. ROCKEFELLER, Jr. Oh, yes; I understand.

Chairman WALSH. It says:

"Social conditions surrounding an industry depend upon many factors other than labor conditions. The responsibility of a corporation located in a thickly settled and highly organized community depends upon the relative importance of the corporation to the other factors in the community. Where the activities of a corporation are carried on in new and undeveloped sections of the country social conditions are largely influenced by the attitude of the corporation and

its efficacy; and the corporation is required to provide for many things which in a more settled community would be taken care of by the community as a whole."

Now, I wish you would designate, Mr. Rockefeller, the main and substantial things that you feel that the company must take care of, that in an ordinary community would be taken care of by the community as a whole.

Mr. ROCKEFELLER, Jr. My thought there is a general one, Mr. Chairman, that where an industry is located in the center of a highly civilized community homes for the workers are easily obtainable usually, and are frequently provided by other people. The water supply is cared for, school facilities are provided by the community, recreation facilities are provided by the community, and matters of such a nature in a highly civilized and thickly settled community are naturally provided. But when one goes out to a remote district in the establishment of an industry, where no community life existed prior to the location of the industry, just as it is usually necessary to provide houses in which the men will live, on the ground that it would be a hardship to ask a man to buy a house in a remote district of the mountains where he could not be sure of permanent occupation, as it would be an imposition to ask him to buy his house there, it becomes necessary for those who would develop an industry in such a locality to provide means for living in which the labor that is willing to come to that locality can be housed. Similarly, where a community is built around an industry, no community having existed previously, it may be necessary at the outset that the industry should cooperate in and possibly provide entirely school facilities, facilities for social recreation, water facilities, and such other matters.

Chairman WALSH. Did you mention the commissary store, where they might buy their provisions?

Mr. ROCKEFELLER, Jr. I did not, but that is——

Chairman WALSH (interrupting). That is one matter.

Mr. ROCKEFELLER, Jr. (continuing). That is one matter and that is a matter which some one must provide. Now, that is not the ideal thing, but that is a necessity which follows the pioneering of an industry, when it is started in a remote locality. After such an industry has been developing for some years and there has grown up a settlement, a village, a town in the community, and others have come in for other purposes, if such be the case, the community naturally broadens, and those responsibilities which would naturally not be taken care of at all at the outset if not by the company, very properly are taken over increasingly by the community itself as it becomes capable of developing the means and ability to care for such matters. I think it highly important that all such matters should be cared for by the community; but rather than that those who come to such a locality in order to secure employment should suffer from the lack of them it seems to me inevitable that the corporation which is developing the industry at that point should provide outside of these things.

Chairman WALSH. Is it not necessary—highly necessary—during this pioneering process, as you have mentioned, Mr. Rockefeller, to provide also a physician and hospitals?

Mr. ROCKEFELLER, Jr. I did not undertake to cover the subject exhaustively.

Chairman WALSH. Well, I am just calling your attention to that one thing.

Mr. ROCKEFELLER, Jr. Anything which the people in the community may require and which the community has not developed sufficiently to supply itself, I think it would be highly proper and quite necessary that the corporation should supply at the outset.

Chairman WALSH. Now, in Colorado, where we have a remote State so far as the center of population is concerned and again where the coal fields are in territory remote even from the center of the population in that State, is it not a fact that these activities that you say the companies are, by the necessities of the case, required to carry on, remain practically permanent on account of the necessary situation of the case?

Mr. ROCKEFELLER, Jr. Unless population is directed to the community for other reasons than because employment is found in the specific industry, such a condition might continue for some time.

Chairman WALSH. How long has Primero been running as a mining town?

Mr. ROCKEFELLER, Jr. I have no idea, sir.

Chairman WALSH. How long has Delagua been running as a mining town?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Very many of those properties have been operated—yes, of course; recall the name of the town, do you not—Delagua?

Mr. ROCKEFELLER, Jr. Oh, yes.

Chairman WALSH. Well, the Delagua mine has been operating ever since you came into the company 12 years ago?

Mr. ROCKEFELLER, Jr. Well, that might be true, Mr. Chairman; but if the location is an isolated one to which people are not attracted, other than those employed in the mines, I should think it would probably be true that the community itself would not be able to provide those facilities and that the company would be obliged to do so.

Chairman WALSH. In order to carry on the industry the company would be obliged to provide those facilities on account of the isolated character of the neighborhood?

Mr. ROCKEFELLER, Jr. I think where men have themselves to provide all the things that life demands, it is highly desirable; and if any way could be suggested by this commission whereby such a community as you have described could be rendered competent—I mean competent so far as financial and other questions are concerned—to provide such things themselves, I should think it was the ideal thing and that it was very much to be desired.

Chairman WALSH. Before that time comes—and it may be that no human being can make any such suggestion—before that time comes, at any rate, is there not a grave responsibility on the part of the directors for the welfare of those people that are so economically situated on account of the remoteness of the industry and those other reasons which you have given?

Mr. ROCKEFELLER, Jr. There certainly is.

Chairman WALSH. For instance, in the commissary. Do you believe that the commissary ought to be run on the same plan that a store would have to be run in a highly competitive neighborhood and in a neighborhood where access could be had to other means of supply?

Mr. ROCKEFELLER, Jr. Do you mean by that as regards prices, or what?

Chairman WALSH. As regards prices to the consumer.

Mr. ROCKEFELLER, Jr. I think the prices should be reasonable when one considers the cost of the original article, the cost of bringing it to the point at which it is sold, and the cost of its handling and sale.

Chairman WALSH. Inasmuch as the workman is the only consumer in the neighborhood, and as he has no place else to get these supplies or commodities, naturally the amount charged by the company would have a very great effect upon the real wages which he receives, would they not?

Mr. ROCKEFELLER, Jr. The company certainly would have an opportunity to charge a high price or a low price. I should think that the company that was trying to do the fair thing would charge just what the goods would properly be worth there in proportion to the prices at other places in the nearest neighborhood, adding the cost of transporting and selling them to the prices mentioned.

Chairman WALSH. As a director of the Colorado Fuel & Iron Co., did you ever take up specifically the charges for the supplies at the stores in the coal camps of Colorado?

Mr. ROCKEFELLER, Jr. It is not a matter which would naturally fall to the directors to take up, Mr. Chairman.

Chairman WALSH. When the mines are running full, how many families would you say—how many people live in the coal camps of Colorado owned by the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Would you not consider it advisable for the directors of a corporation of that character to determine the percentage of profit that a store ought to make under such circumstances when one is so powerful economically and the other so weak?

Mr. ROCKEFELLER, Jr. I should consider, Mr. Chairman, that the men whom the directors feel to be competent to handle the other managerial questions of the company in connection with the operation of the company ought to be competent to handle that question, and if they were not they should not be intrusted with the responsibility of operating the company.

Chairman WALSH. Do you feel that an executive official might have a divided duty, one being to earn dividends and the other to look out for the health and well-being of the people in the industry, and that one might conflict with the other?

Mr. ROCKEFELLER, Jr. I think we are all of us in life, Mr. Chairman, meeting just such conflicts constantly and having to decide between what seem to be

conducting duties and responsibilities. Now, as I pointed out this morning, it seems to me that a corporation should be considered to consist of its stockholders, its directors, its officers, and its employees, and that the corporation should be administered by the executive officers under its directors in the interests of all those four classes, and that the officer who did not properly and fully regard the interests of all four classes would not be living up to his fullest share of responsibility.

Chairman WALSH. Do you think that the director has a responsibility to see to it that the officer does that?

Mr. ROCKEFELLER, Jr. I think it is not possible in practice, Mr. Chairman, for the director to follow the officer in every detail of the managerial position which he fills. The director must take such steps as seem to him right and proper to satisfy himself of the integrity of purpose and of the ability of the officer, and then, I think, he must trust him. If he has reason to believe that the officer is not properly handling the trust, then some change should be made.

Chairman WALSH. Should the trust simply be a general trust in him as a man or the trust which grows out of a constant general supervision and a noticing as to how he carries on the activities in finance and otherwise?

Mr. ROCKEFELLER, Jr. I think, Mr. Chairman, the common experience is that we can not get the best out of any man if we put a responsibility on him and then follow him up to see how he acquits himself of that responsibility in every detail. We must trust him and must take care, as must any individual in life, in the selecting of those on whose shoulders we place responsibility; but having made a careful selection, I think you will agree that a man develops an ability to carry responsibility when it is placed fairly and squarely upon him.

Chairman WALSH. Is all of the stock of the Colorado Supply Co. owned by the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I presume that it is, but I don't know.

Chairman WALSH. For the last 10 years has the Colorado Supply Co. made a net profit of 20 per cent on its capitalization of $1,000,000?

Mr. ROCKEFELLER, Jr. That I don't know.

Chairman WALSH. Do you know what the capitalization of the Colorado Supply Co. is?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you not think that the return made upon the investment in the Colorado Supply Co. would be an indication of a strong character as to the fairness with which the individual is dealt with in those camps worked and by the situation in which you say he must necessarily be.

Mr. ROCKEFELLER, Jr. I should think so; but I think what would be a proper return would have to be considered in connection with what the returns on similar stores in other localities may be.

Chairman WALSH. In other localities where competitive industries and competing stores exist, other localities such as those like the Victor-American or the Rocky Mountain Fuel Co.—which do you mean?

Mr. ROCKEFELLER, Jr. Well, I mean in other communities where other stores that were comparable were in existence.

Chairman WALSH. Now, isn't the difference very great between an ordinary store and a community where there was diversified industry or such a town as you have described? In the first place, there is no risk of bad debts in the stores of the Colorado Fuel & Iron Co., is there?

Mr. ROCKEFELLER, Jr. That I do not know, Mr. Chairman, because I have not had to do with that department of the business, nor am I conversant generally with the keeping of a store.

Chairman WALSH. Do you know whether or not in the Colorado Fuel & Iron Co. the check-off system is used by the company; that is, that the amount of goods that they buy at the store is taken from the pay of the man before his envelope is turned over to him?

Mr. ROCKEFELLER, Jr. I do not suppose that that exists; I did not know that it did, but I am not clear on that point. I think it does exist.

Chairman WALSH. Are you not aware of the fact that the man is not allowed a dollar's worth of goods unless he has a dollar earned as wages?

Mr. ROCKEFELLER, Jr. I had no knowledge of that, Mr. Chairman.

Chairman WALSH. And from your general business knowledge, you think it would be a very great advantage not to have bad debts in a retail grocery or provision business, would you not?

Mr. ROCKEFELLER, Jr. I never have had any experience with bad debts in a retail grocery or provision business, but I have in a general business. I think they ought to be avoided when possible.

Chairman WALSH. That is would be out of competition when you come to the question of profit that a business ought to receive if one was in a condition where it could lose through bad debts and the poor extension of credit and the other where they were sure to get their money for every dollar's worth of goods that went out?

Mr. ROCKEFELLER, Jr. I should think it would doubtless have a power, but I am not familiar with storekeeping, so I would not know how direct a bearing it would have.

Chairman WALSH. Do you think it would have a great bearing also for the storekeeper or merchant to know the character of his goods that were going to be called for in advance so that he could make purchases with such knowledge of what he might have an opportunity of selling?

Mr. ROCKEFELLER, Jr. I should think that would be very helpful. I do not know the policy of the officers of the Colorado Fuel & Iron Co. is, but if anyone wants to come into any of those towns and start a store on an independent basis if they thought there was anything in it for them, I, personally as an individual, would be glad to see them do it.

Chairman WALSH. Are you aware that the check-off system takes the money out of the pay of the men and sees that he does not get any goods until he has the money earned?

Mr. ROCKEFELLER, Jr. That is a matter I am not familiar with, that sort of operation, Mr. Chairman.

Chairman WALSH. Your general statement, as we entered this subject, that on account of the isolation of these places it is impossible for other persons to run the stores, and therefore the company runs the stores; I mean that holds good?

Mr. ROCKEFELLER, Jr. Not necessarily impossible for them to run it, but not attractive for them to run it, Mr. Chairman. If a man is willing to take the chances of going in there and taking a store and taking the risk of competing for the business, he might be able to make a success of it. If he could, well and good. I do not know what his chances would be.

Chairman WALSH. Do you know the basis upon which the rents are charged to the workers in the mines of Colorado?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you know the basis upon which charges are made for medical service?

Mr. ROCKEFELLER, Jr. You mean the hospital facilities?

Chairman WALSH. Yes, sir; the hospital facilities and aid to the injured and any extension of medical attention to the families of the workers?

Mr. ROCKEFELLER, Jr. My impression is that every employee pays a dollar a month, which entitles him to full hospital privileges for whatever length of time may be necessary, and I have generally understood that that was a customary arrangement in similar corporations.

Chairman WALSH. You recognize the fact that when a company undertakes these activities which you say includes the establishment of schoolhouses——

Mr. ROCKEFELLER, Jr. (interrupting). May include, Mr. Chairman.

Chairman WALSH. May include—that the greatest responsibility rests upon the company for the physical and moral life of the inhabitants, do you not?

Mr. ROCKEFELLER, Jr. Well, I certainly think that the company would not undertake these things unless it regarded seriously its responsibility. It is in recognition of that responsibility that it does these things.

Chairman WALSH. Do you believe the executive officers—and that you say must be the ones upon whom those duties would be—discharged by the executive officers under your organization—under the organization I mean of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. That is customary, I think, Mr. Chairman, in large business organizations.

Chairman WALSH. Well, after the executive officers establish a schoolhouse within a very few hundred feet of a saloon, with no intervening buildings, would you say that that was a violation of the duty that was imposed upon them on account of these conditions that you have mentioned?

Mr. ROCKEFELLER, Jr. Well, I should want to know all of the facts entering in, Mr. Chairman, which would lead to the establishment in juxtaposition of those two buildings before feeling competent to express an opinion.

Chairman WALSH. Suppose the company owned all the property in the camp; that it was surrounded by a fence, and gates opened to give access and

known and seen, and that there was sufficient local control to do so; would you consider it in a very grave offense against the lives and homes of those people to establish two buildings, one a public school, upon its own property, and the other a saloon, close to each other, with no intervening buildings?

Mr. ROCKEFELLER, Jr. I should think always that the greater the distance between a saloon and a school the better, in a thinly settled community or in a thickly settled community.

Chairman WALSH. Well, in the particular case of a coal camp, where responsibility could be fixed for it, would you be in favor of discharging an executive officer that did such a thing for no reason except perhaps the lack of the same moral standards that you have expressed here?

Mr. ROCKEFELLER, Jr. I should feel it would be desirable to know all of the reasons which entered into it, Mr. Chairman, and I would hardly think I could pass judgment on so abstract a case. I have expressed my views as favoring the widest possible separation, consistent with other considerations which would come up, between a saloon and a school always, and that would hold quite as much in a small community—perhaps more even—than in a large community, in so far as it would be possible.

Chairman WALSH. What considerations do you deem could move the executive officers of the Colorado Fuel & Iron Co. to maintain a saloon and a school house in juxtaposition to each other?

Mr. ROCKEFELLER, Jr. I was not aware that the Colorado Fuel & Iron Co. did maintain saloons.

Chairman WALSH. You are not aware now that they do?

Mr. ROCKEFELLER, Jr. That the company itself maintains saloons.

Chairman WALSH. Are you not aware that they do maintain saloons?

Mr. ROCKEFELLER, Jr. I did not know that the company itself maintained saloons.

Chairman WALSH. Are you aware of the fact that the company builds buildings of a value, we will say, of two or three thousand dollars, and then leases that building to a saloon keeper at a rental of $125 a month?

Mr. ROCKEFELLER, Jr. No; those are matters that I do not know anything about. But is that an instance of the company's maintaining a saloon, Mr. Chairman?

Chairman WALSH. I am not speaking of what I say, but asking if you would not say that company was maintaining a saloon?

Mr. ROCKEFELLER, Jr. If a man owned a piece of land in New York, we will say, and rented it to a saloon keeper, would you say he maintains a saloon? I hardly think so.

Chairman WALSH. I would not, of course, like to testify, but I will submit a statement to you.

Mr. ROCKEFELLER, Jr. I did not mean——

Chairman WALSH (interrupting). Although I have some strong opinions on it.

Mr. ROCKEFELLER, Jr. I did not mean that; I was just trying to develop the fact.

Chairman WALSH. Well, we will suppose a case of this kind: That company owned all the land in a camp—the Colorado Fuel & Iron Co. owned all the land in a camp; that the whole camp was surrounded by a high board fence, upon the top of which there were three rolls of barbed wire; that they had absolute control of the real estate, and in renting it that they built a saloon, and that the value of the saloon proper, we will say, was $3,000, and that they then rented the saloon to an individual for $125 a month—that land that they owned and controlled and the building, which only cost them $3,000—and the man went right ahead selling liquor to those people who also owned homes in that camp and who were the only patrons served. Would you or would you not say that the company was in the saloon business, with a very thin veneer of alleged facts that might hide the real question?

Mr. ROCKEFELLER, Jr. I should say, Mr. Chairman, that the amount of the rental, whether large or small, had no bearing on whether the company was in the business or not.

Chairman WALSH. Very good, then.

Mr. ROCKEFELLER, Jr. I should say in the matter of saloons, when I was in Colorado that was a question which I gave as little thought to. Personally I always have been a teetotaler. I appreciated when I was going through there cause the great difficulty which the management is confronted with in undertaking to change the customs with reference to the use of beer, and so forth,

which many of the men working in the mines have been brought up with. The question was up at that time as to how the evil of drinking could best be dealt with. And I remember visiting, with no little interest, a clubhouse which had been established at a certain camp, in which the men and some of the officers of the company in that vicinity participated in the management. The clubhouse was run on the theory that a man who wished to drink should have the opportunity to drink; that it was not for the company to undertake to say that he should not drink, but that it was in the interest of the community that drinking should be discouraged, that excessive drinking and drinking to intoxication, drinking as in treating, should be done away with as far as possible. That was one of the experiments which was tried at that time in dealing with the question of drinking. How successful it is to-day I can not now say, but that is one method that was tried. Others, I understand, were tried. I know that the purpose of the company has been to reduce drinking to the minimum; but I know that the company—I know that any company would not feel that it had a right to say that no man should drink if he so desired. I speak at length simply to indicate that my attitude as a director, and, as I understand it, the attitude of the management of the company—of this particular company—is to reduce to the minimum the drinking evil.

Chairman WALSH. Are you aware of the fact, of the alleged fact, that in these saloon buildings—I believe you have mentioned them as clubs—they call them saloons out there?

Mr. ROCKEFELLER, Jr. That was true of one club that I speak of, but I also said there were various methods which had been tried of dealing with the question. The club, I think, was not general.

Chairman WALSH. Are you aware of the fact, if it be a fact, that these saloons—over these saloons halls are provided for meeting places for the employees, and in some instances for religious services?

Mr. ROCKEFELLER, Jr. I was not aware of that fact; and if it is true I presume, offhand, it would be because that was the only building of sufficient size in the community to provide a particular meeting hall of sufficient capacity for either of those purposes, undesirable as it might be, and contrary to the public interest, as it would be, to have the building used for those purposes.

Chairman WALSH. Can you find justification from an economic or financial standpoint for providing the meeting places for the people in those villages where the company is undertaking to provide all those facilities over a saloon—social and religious purposes?

Mr. ROCKEFELLER, Jr. Mr. Chairman, whether a place for meeting, even under unfavorable circumstances is more desirable than no place to meet in is a question which I think would depend upon the conditions of the town and how much a place to meet in was desired by the inhabitants. Generally speaking, I would not be able to express an opinion on that subject.

Chairman WALSH. Would there be anything standing in the way of providing those places in those small camps in Colorado except the matter of expense?

Mr. ROCKEFELLER, Jr. I assume not; but I do not know. I think, so far as that is concerned, Mr. Chairman, that the point which I made, undertook to make, this morning should be borne in mind, namely, that the stockholders of this company—I do not speak of ourselves or other large stockholders, but the very many other small stockholders—are entitled to some consideration, and I think that you will recognize that the position of a director is one of responsibility, both to his employees—I mean the position, too, more particularly of the executive officers—is one of responsibility both for the condition and comforts and welfare of the employees and also of responsibility to the smaller and all of the stockholders. Now, the fact that the Colorado Fuel & Iron Co. officials and directors have put any surplus profits back into the development of the business and into endeavoring to increase wages and to improve the working conditions, almost to the extent of substantially no dividends, would seem to indicate that they had gone further than they could continuously go and maintain the financial credit of the company.

Chairman WALSH. Has the Colorado Fuel & Iron Co. within the past few months instituted a sociological department?

Mr. ROCKEFELLER, Jr. I had understood that such a department had been in existence for some years.

Chairman WALSH. How many years?

Mr. ROCKEFELLER, Jr. There was such a department when I was in Colorado 10 years ago.

Chairman WALSH. Has there been any change made in the sociological department in the past few months?

Mr. ROCKEFELLER, Jr. I have no definite recollection of that, but I would not be apt to have information on that point, Mr. Chairman.

Chairman WALSH. Who is the head of the sociological department of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Who is the head of the sociological department?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I have assumed that Dr. Korwin, who is the head of the hospital, has had general charge of all such matters.

Chairman WALSH. Please name the activities of the sociological department of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I should not be able to, Mr. Chairman; I don't know.

Chairman WALSH. Does the sociological department undertake to have a censorship over the publications that are sent into the camps of the company in Colorado?

Mr. ROCKEFELLER, Jr. That is a matter that I would not know about.

Chairman WALSH. Do you know of any instances in which the individuals who run the saloons are also upon the board of school trustees?

Mr. ROCKEFELLER, Jr. That I would not know about.

Chairman WALSH. In the camps of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I would not be in a position to know that.

Chairman WALSH. Do you know of any instances in the camps of the Colorado Fuel & Iron Co. where the publications of the sociological department are sent to the saloonkeeper for distribution among the inhabitants of the community?

Mr. ROCKEFELLER, Jr. I do not; but I have no knowledge on that subject and I could not say yes or no.

Chairman WALSH. Do you believe that the directors of a corporation of the size of the Colorado Fuel & Iron Co., with its activities in these isolated communities and charged with the duty, the company being charged with the duty necessarily of providing all of the things that you have mentioned, should have an intimate first-hand knowledge of all of the conditions which I have mentioned through a system of definite written reports from the executive officers?

Mr. ROCKEFELLER, Jr. While I think it would be desirable, it seems to me it would be impossible. I do not see how the directors could give the intimate attention to those matters and, as I have said before, it seems to me that if the officers appointed are not men of sufficient ability, sufficient breadth, sufficient humanity to properly deal with those questions, it would be a question of strengthening the executive end of the company.

Chairman WALSH. How do the executive officers of the Colorado Fuel & Iron Co. deal with those activities?

Mr. ROCKEFELLER, Jr. That I do not know. That is left in their hands.

Chairman WALSH. How can you judge whether they are proper people to deal with those activities unless you know how they deal with them?

Mr. ROCKEFELLER, Jr. I can only judge by what I know of the men.

Chairman WALSH. Their general characteristics?

Mr. ROCKEFELLER, Jr. Their general characteristics and their general experience and training, and so forth.

Might I say, Mr. Chairman, in this connection, that the commission has doubtless gotten as much information with reference to the subjects that have been developed to-day, and personally as a director of the Colorado Fuel & Iron Co. I should be very happy to have any such matters of abuse or of wrongs as you may have found, that may be incorporated in your final report, brought to my personal attention. I would regard it as a courtesy on your part, and I can assure you that I should be only too happy to do everything in my power to right, to see that such wrongs are righted, because it is my desire as a director to do all that I can to have conditions in connection with the workers just as favorable and just as healthful and as proper as is possible, and I would greatly appreciate your cooperation and any suggestion of specific things which should be taken up in that way.

Chairman WALSH. At this point the commission will stand adjourned until to-morrow morning at 10 o'clock.

Please resume the stand at that time, Mr. Rockefeller.

(At 4.30 in the afternoon of this Monday, January 25, 1915, an adjournment was taken until to-morrow, Tuesday, January 26, 1915, at 10 o'clock a. m.)

NEW YORK CITY, January 24, 1915—10 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Gompers.

Chairman WALSH. We will proceed now. The house will be in order. Mr. Rockefeller, please resume the stand.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. Mr. Rockefeller, as you left the stand last night, you made the following statement, which I will read to you just to bring you to the point that I desire to make: "I might say, Mr. Chairman, in this connection, that the commission has doubtless gotten as much information with reference to the subjects that have been developed to-day, and personally, as a director of the Colorado Fuel & Iron Co., I should be very happy to have any such matters of abuse or of wrongs as you may have found, that may be incorporated in your final report, brought to my personal attention. I would regard it as a courtesy on your part, and I can assure you that I should be only too happy to do everything in my power to right, to see that such wrongs are righted, because it is my desire as a director to do all that I can to have conditions in connection with the workers just as favorable and just as healthful and as proper as is possible, and I would greatly appreciate your cooperation and any suggestion of specific things which should be taken up in that way."

Now, prior to this strike was there a strike in Colorado in 1903 in your industry, after you took charge of this company, or the present organization took charge of it?

Mr. ROCKEFELLER, Jr. There was a strike in Colorado about 1903 or 1904.

Chairman WALSH. And it lasted for the greater part of a year, about nine months, I believe?

Mr. ROCKEFELLER, Jr. My impression was it was hardly as long in duration as that; I do not recall.

Chairman WALSH. How long do you remember that strike to have been in existence?

Mr. ROCKEFELLER, Jr. I thought five or six months, possibly, but my memory is not clear on that.

Chairman WALSH. The testimony shows eight. But, at any rate, there were human beings lost their lives, and violence took place in that strike?

Mr. ROCKEFELLER, Jr. I think so. My recollection is not clear.

Chairman WALSH. And the men in that strike had grievances, real or fancied?

Mr. ROCKEFELLER, Jr. Real or fancied; yes.

Chairman WALSH. Objected to conditions?

Mr. ROCKEFELLER, Jr. I do not know about that, Mr. Chairman. I think the chief question involved there, and I have always so understood it, was the recognition of the unions.

Chairman WALSH. There were men deported from your camp?

Mr. ROCKEFELLER, Jr. That I do not know.

Chairman WALSH. Do you not recall that there were many claims on the part of individuals that their constitutional rights had been taken away from them at that time?

Mr. ROCKEFELLER, Jr. No, sir; I do not recall that, Mr. Chairman.

Chairman WALSH. Did you read the testimony of President Welborn, of the Colorado Fuel & Iron Co., given in this investigation?

Mr. ROCKEFELLER, Jr. I have gone through it hastily.

Chairman WALSH. Did you read his statement that the investigation of the Commission on Industrial Relations was the twenty-seventh investigation of conditions in Colorado?

Mr. ROCKEFELLER, Jr. I knew there had been a number, but I did not recall it was as large as that.

Chairman WALSH. Do you recall that that is the number Mr. Welborn gave?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Is the twenties?

Mr. ROCKEFELLER, Jr. I do not hold that in my memory.

Chairman WALSH. Did you read the alleged facts brought out of those investigations?

Mr. ROCKEFELLER, Jr. I read the testimony of Mr. Welborn only hastily.

Chairman WALSH. Will you kindly suggest, following your statement of last evening, what you think should be done by this commission to bring these facts

lems and to secure your cooperation, as you have succeeded in remedying any conditions that may exist out there that are wrong and improper?

Mr. ROCKEFELLER, Jr. I hardly would venture to suggest to a body as important as this, Mr. Chairman, how it might see fit to prevent questions of that kind. I would appreciate suggestions in whatever form the commission might deem it best to present them.

Chairman WALSH. Might it suffice for you to just read the testimony taken before the commission and thus obtain the information?

Mr. ROCKEFELLER, Jr. That would certainly throw light on it. I felt after the commission had completed its investigation there would be certain specific things which it believed could be taken up at an early date, with a view to improving conditions, and I had hoped that the commission would be disposed to make some specific suggestions of that character.

Chairman WALSH. Do you believe that there is any danger in a purely industrial corporation one organized for the purpose of profit controlling anything which has to do with the source of education and the spread of the gospel, for instance the management of churches?

Mr. ROCKEFELLER, Jr. As I stated yesterday, Mr. Chairman, I think the ideal thing is for any community to provide for itself all of those facilities. I undertook to make clear that there were certain conditions in the organization of this industry in remote districts, where a corporation, in order to be humane and to fulfill its just obligations, is necessarily called upon to provide certain things which later on in a more settled condition of the country would not be necessary, but I always would deplore that necessity and regard it only as expedient, not as the ideal thing.

Chairman WALSH. Then it might be expedient and necessary for an industrial corporation organized for profit to appoint and discharge ministers of the cities which they control?

Mr. ROCKEFELLER, Jr. I don't understand and did not understand, Mr. Chairman, that was done in the cities. I understood it was in the small villages and communities that were largely, if not wholly, occupied by the employees of the specific corporation.

Chairman WALSH. Well, do you think that such a course might tend to deflect at least the teaching of religion?

Mr. ROCKEFELLER, Jr. If it were a choice as between having no ministers and having them paid by the company my own feeling would be that it would be in the interest of the community to have religious service conducted, but that would be only my own feeling.

Chairman WALSH. Do you think that your executive officers should in any way control or influence what the ministers said?

Mr. ROCKEFELLER, Jr. I should say decidedly not. I should always want any minister to speak, as any other citizen, with the utmost freedom.

Chairman WALSH. And if on that very important matter an executive officer of your company should attempt to dictate or to influence what a minister was to say, would you have any hesitancy in discharging him or casting your vote as a director to discharge him?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not want to seem to evade the question, but I think in fairness to the officers of the company it would hardly be just in me to pass judgment in any case without knowing all the facts. I think you will appreciate my delicate feeling on that subject. It is only a desire to show entire justice. I say unhesitatingly on the question of the propriety of any minister speaking just what he thinks, what I think that should obtain.

Chairman WALSH. Was your attention called to a letter written by Mr. Jesse F. Welborn, president of the Colorado Fuel & Iron Co., to Mr. Starr J. Murphy, a director in that company—the same Mr. Murphy, I assume, that is one of your father's advisers in his private matters, and also connected with the foundation?

Mr. ROCKEFELLER, Jr. The same Mr. Murphy is in those several relationships.

Chairman WALSH. Did you see a letter written by Mr. Welborn in answer to a letter of Mr. Murphy's, the letter of Mr. Welborn being dated October 31, 1914?

Mr. ROCKEFELLER, Jr. I could not recall it by date; I am quite apt to see all of the correspondence that comes in the office on the subject.

Chairman WALSH. This letter reads as follows:

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 21, 1914.

MY DEAR MR. MCCARTY: I have yours of the 20th instant regarding charges made against certain of our employees at Sunrise, Wyo., by a lady living at that place. The name of the person signed to the paper which you sent me is the same as that of the minister at Sunrise, and I assume that she is the minister's wife.

At the time of the Ludlow affair the minister was very outspoken in his criticism of the coal companies, but seemed to regret his action when informed of the facts concerning that disturbance. He has socialistic tendencies, however, and I have been informed that his wife is a Greek, yet they may both be perfectly honest, and it is possible the charges made by the lady are true. At the same time it is rather hard to understand that such practices as the doctor is charged with could have been indulged in without our hearing complaints from other quarters, unless the mine superintendent and others in authority are in the conspiracy with him.

The matter is of such grave importance that I will have it investigated thoroughly at once, and, of course, will advise you of the results.

We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak.

The charges against the doctor rather overshadow those made against the foremen referred to, yet I shall investigate the latter quite as thoroughly as the former, and if I find that the charges against the foremen are correct I shall not only put a stop to the practices but dispense with the services of the men who have been guilty.

Yours very truly,

JESSE F. WELBORN.

Do you know that letter? Was that letter presented to you?

Mr. ROCKEFELLER, Jr. I think I have seen that letter.

Chairman WALSH. What disposition, if any, was made of the minister at Sunrise?

Mr. ROCKEFELLER, Jr. I have not heard.

Chairman WALSH. The Ludlow affair referred to there was a conflict that took place between certain of the striking miners and the military in which a number of lives were lost?

Mr. ROCKEFELLER, Jr. The Ludlow affair?

Chairman WALSH. I say the Ludlow affair, to which this minister referred, was a conflict between the military and certain striking miners in which a number of lives were lost.

Mr. ROCKEFELLER, Jr. Are you asking a question?

Chairman WALSH. Yes; in a leading form.

Mr. ROCKEFELLER, Jr. I do not think I get the question.

Chairman WALSH. Probably you have not carried the letter with you as I have, as it was easier for me to do. One of the paragraphs says:

"We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak."

Was not the Ludlow outbreak a conflict between the military and certain striking miners and persons with them in which a number of lives were lost?

Mr. ROCKEFELLER, Jr. So I understand.

Chairman WALSH. You know that, do you not? That has been brought to you directly by reports?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. You say you do not know what became of the minister at Sunrise?

Mr. ROCKEFELLER, Jr. I have not heard.

Chairman WALSH. Suppose that the minister at Sunrise was sent away from there or discharged by your executive officers on account of the indiscreet remarks about the company, would you consider that within the scope of their executive duties?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I should hardly feel that it was fair to the officers for me to try to pass judgment on a matter of that kind without having all of the facts, and it seems to me that the spirit shown in the letter of Mr. Welborn indicates his earnest desire to find out the facts. If the facts are to any considerable degree prejudicial to the man in question, the situation should be properly dealt with. It seems to me that it is a perfectly fair letter and shows an entirely praiseworthy spirit, and what the outcome has been I have not heard, but I am sure that it will be followed up by Mr. Welborn and proper action taken.

Chairman WALSH. Then you think, if it turned out to be the fact that in the judgment of Mr. Welborn the remarks made by the minister were indecent, it would be perfectly proper to discharge him, do you?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not understand that is the only matter mentioned in the letter about the minister; that is only one thing in passing. As the letter was read, and you are more familiar with it than I, I gathered that there were other things charged.

Chairman WALSH. The charges were that he was outspoken in his criticism of the coal companies, that he had socialistic tendencies, and the information was that his wife was a Greek.

Mr. ROCKEFELLER, Jr. I am not dealt with any of those situations, because I do not know the facts.

Chairman WALSH. Do you say, then, as a citizen, leaving out the question of your being a director, that an industrial company engaged in business for profit should have anything to say about the remarks of a minister?

Mr. ROCKEFELLER, Jr. I think decidedly not, but that the minister should be allowed to say things which he believes to be right without question. I thought you were trying to get me to answer in regard to specific things, and I did not feel adequately informed to deal with them.

Chairman WALSH. I will leave the Colorado Fuel & Iron Co. matter and ask the general question, whether as a citizen you think the executive officers of an industrial company ought to have the power to discharge a minister for expressing his views on matters of the life and death of human beings?

Mr. ROCKEFELLER, Jr. My answer was, without exception, that there should be absolute freedom of speech.

Chairman WALSH. And that would apply to the Colorado Fuel & Iron Co. as well as any other company?

Mr. ROCKEFELLER, Jr. It would certainly include that company.

Chairman WALSH. Where the whole village is owned—that is the property in a whole village—is owned by one company, do you think the director has any duty to see that republican institutions are maintained?

Mr. ROCKEFELLER, Jr. I certainly think that a director has every duty with reference to the conduct of the affairs of the company, and it is the purpose always of the directors—it has been in this case—to see that republicanism—that is the principles of democracy—were given free scope in every instance.

Chairman WALSH. Have you ever met a gentleman by the name of Jefferson Farr?

Mr. ROCKEFELLER, Jr. I never heard of him.

Chairman WALSH. You never heard of Jefferson Farr?

Mr. ROCKEFELLER, Jr. I never had the pleasure.

Chairman WALSH. What are the names of the counties in which your mines are located in Colorado?

Mr. ROCKEFELLER, Jr. I could not tell you.

Chairman WALSH. Did you ever hear of the political subdivision of Colorado known as Huerfano County?

Mr. ROCKEFELLER, Jr. Yes; I know there was such a county there.

Chairman WALSH. Did you know you were a director of a company that owned mines in that county?

Mr. ROCKEFELLER, Jr. Yes; I know the Colorado Fuel & Iron Co. owns mines in that county.

Chairman WALSH. Did you ever hear of a political subdivision of Colorado known as Las Animas County?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. Does the Colorado Fuel & Iron Co. own mines in that county?

Mr. ROCKEFELLER, Jr. I think it does; but I do not pretend to remember the counties in which its mines are situated.

Chairman WALSH. And likewise Mr. Rockefeller, did you ever hear of a gentleman by the name of Welsh?

Mr. ROCKEFELLER, Jr. I do and know that gentleman.

Chairman WALSH. You are, of course, opposed to the use of violence in labor disturbances as any place else?

Mr. ROCKEFELLER, Jr. I certainly am.

Chairman WALSH. You believe, of course, in the integrity of the law and the duty of every citizen to uphold it, whether a director in an industrial company or otherwise?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Did you know that Jefferson Farr was the sheriff of Huerfano County and that your company uses its influence to elect him sheriff, and has been doing so for the past 15 years?

Mr. ROCKEFELLER, Jr. No; I do not know anything about that, Mr. Chairman.

Chairman WALSH. Was your attention called to the fact that on and before September 1, 1913, and before any strike was called affecting any of the mines in Huerfano County that Mr. Farr swore in 526 men and commissioned them as deputy sheriffs; that Mr. Farr did not know these men personally and that, so far as he knew, many of them might have been red-handed murderers and criminals; that the county did not pay these men, but that Superintendent Mattison, of the Colorado Fuel & Iron Co., told them that they were to be furnished arms and paid by the Colorado Fuel & Iron Co.? Assuming those facts to be correct, would you say that such conduct was a menace to the peace of the county as well as a republican form of government?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I am not familiar with the matters in connection with the handling of the strike, and it would be impossible, for me, at this distance, to have suggested how proper protection should be secured for the property which the officers of the company represent and for the lives of the men working for the Colorado Fuel & Iron Co. I do not see how I could express an opinion on those matters.

Chairman WALSH. Speaking as a citizen, would such a practice be a menace to the peace of the community where it was carried out and dangerous to democratic institutions?

Mr. ROCKEFELLER, Jr. I should have to get you to make that statement again, because it is a little involved, and I do not retain the details of it in mind.

Chairman WALSH. Mrs. Harriman suggests that I make it clear to you that it was testified to by Jefferson Farr on the stand, as to what he did in securing these men and commissioning them, and the dates thereof. It was not testified to by Sheriff Farr on the stand that he was elected through the influence of your company, but he did testify that he was supported by the officers of your company. I think that makes it clear.

Mr. ROCKEFELLER, Jr. Would this give you the information you want? If not, I would like to have the question repeated in detail. That anything that interferes with the operation of a democratic form of government is to be deplored and should be avoided. You know that cases sometimes arise that can not be foreseen, and situations arise that have to be dealt with separately; but anything that interferes with a democratic form of government should not be tolerated.

Chairman WALSH. Is it not true always—does ever an occasion arise where the practice and theory of a democratic form of government should be set aside temporarily, in your opinion?

Mr. ROCKEFELLER, Jr. I should conceive, for instance, that if a man should break into my house that it would be the duty of the officers of the law to deal with such a case, yet, for the protection of my family and myself, it might be necessary for me to take some action. That I would regard as unfortunate, but that would be a situation, a distinct situation, that would require specific treatment; and that illustrates a situation when the regular forms of law for the preservation of the peace might for the moment not be adequate.

Chairman WALSH. Do you recall my question enough to think that the necessary defense of persons and property furnishes a parallel case to what I have stated? Or perhaps I had better have the question read to you.

Mr. ROCKEFELLER, Jr. I should say——

Chairman WALSH (interrupting). I will have the question read. Mr. Reporter, please read that question.

The REPORTER (reading):

"Was your attention called to the fact that on and before September 1, 1913, and before any strike was called affecting any of the mines in Huerfano County, that Mr. Farr swore in 526 men and commissioned them as deputy sheriffs; that Mr. Farr did not know these men personally and that so far as he knew

many of them might have been red-handed murderers and criminals; that the county did not pay the men, but that Superintendent Matthews, of the Colorado Fuel & Iron Co., told them they were to be furnished arms and paid by the Colorado Fuel & Iron Co.? Assuming those facts to be correct, would you say that such conduct was a menace to the peace of the county as well as a republican form of government?"

Mr. ROCKEFELLER, Jr. I should say that if the officers of the Colorado Fuel & Iron Co. thought there was danger impending to the company and the lives of its employees in a remote section of the country where the ordinary forms of protection were not adequate, that it would be their duty to take any steps they might feel should be taken in an emergency case to protect such lives and such property, and I can fancy that a situation like that arising might not make it always possible to do the thing most desirable, but one has to be aware that it is an emergency. I assume this situation was a situation of that kind, and the officers of the company felt their first duty was for the protection of lives and property, and they did what seemed to them wise. I should not be able to pass on the propriety of their actions in that instance without knowing all of the circumstances; but I would say unhesitatingly that anything that interferes with a democratic form of government is always to be deplored, and avoided absolutely unless the protection of lives and property in such a situation as that makes it necessary that some immediate action be taken.

Chairman WALSH. You observe the question states that this was done on and prior to September 1, 1913, and the strike was not called until September 23, and you also had in mind in answering that question, Mr. Rockefeller, that this sheriff appointed men whom he did not know and who, as far as he knew, might have been criminals and red-handed murderers; you observed all of that when you made your answer, did you not?

Mr. ROCKEFELLER, Jr. Yes; and it is fair to say that while they might have been red-handed murderers and criminals, yet, on the other hand, they might not have been, but might have been peaceable and law-abiding citizens desirous of maintaining order. And might I also say that although this was before the strike was called, the officers of the company believed that difficulties were planned, and thought they owed it to the lives of their employees and the property intrusted to them, to be prepared to protect such lives and property? I think there are many circumstances which one would have to know much more about than I do in order to judge fairly of that situation.

Chairman WALSH. Did you read the reports in the dispatches of the Associated Press containing the testimony of Jefferson FAYE, sheriff of Huerfano County in the congressional investigation and in the investigation of this commission?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

Chairman WALSH. Do you believe that it should be made unlawful for private detective agencies to keep bodies of armed men enrolled for the purpose of transporting them from State to State to be used while labor disputes are in progress?

Mr. ROCKEFELLER, Jr. That is a question that I have no knowledge at all about, Mr. Chairman.

Chairman WALSH. What is your information about it as a citizen?

Mr. ROCKEFELLER, Jr. I believe whatever measures may be necessary in order to protect life and property in emergency situations, must be adopted. If my wife and my family were thus threatened I should take whatever measures I could. I would consider afterwards the propriety of them, but I would adopt the thing that I felt was my first duty.

Chairman WALSH. Do you believe the Government is strong enough in this country to protect the property and lives of its citizens, or that a stage has been reached where that matter must be left to private endeavor?

Mr. ROCKEFELLER, Jr. I certainly believe that the Government is strong enough to protect the lives of its citizens. I should think, as is constantly shown, Mr. Chairman, there arise instances where the forces of law are not gathered in sufficient quantity at a specific point to meet every emergency that may arise, and I should think that situation had developed in Colorado, that there was a time when the State of Colorado was not able to maintain law and order.

Chairman WALSH. Did I understand you to say that you knew nothing about the alleged system of transporting men from State to State by detective agencies in industrial disputes—armed men?

Mr. ROCKEFELLER, Jr. It is a matter I have never had any occasion to know about, Mr. Chairman.

Chairman WALSH. Has your attention ever been called to any such practice?

Mr. ROCKEFELLER, Jr. I have heard, as one hears, that detectives are employed from time to time, and in one place or another.

Chairman WALSH. Was your attention ever called to the fact—I will ask you—was your attention ever called to the fact that your company in Colorado had made a practice for a long time of having detectives go into the mines pretending to be regular workmen, for the purpose of spying upon the workmen and reporting to the company what their attitude might be toward organization?

Mr. ROCKEFELLER, Jr. My attention has never been called to that fact.

Chairman WALSH. If they did that, would you believe, when the detectives reported that the men were in favor of organization and talking organization, that they were discharged—would you believe that to be in conformity with the expressed desirability upon your part of workmen organizing for their own protection?

Mr. ROCKEFELLER, Jr. Whenever men might seek to propagate the politics or labor doctrines or religion any place where it did not interfere, during the daytime, with the work of the men, or where it did not interfere with the peace of the community, I certainly feel that the greatest freedom should be given.

Chairman WALSH. And if you found that great freedom was denied the men working in the Colorado Fuel & Iron Co., what would you do to the executive officer; what action would you take if you found it was denied them?

Mr. ROCKEFELLER, Jr. I should expect the executive officers to be able to justify their course, or else to stand ready to take whatever criticism or whatever action the directors might think appropriate under the circumstances.

Chairman WALSH. What action would the directors, would you as a director, think appropriate, assuming that these rights were denied in that matter?

Mr. ROCKEFELLER, Jr. There, again, Mr. Chairman, it does not seem to me I could be entirely fair to the employees of the company in which we have an interest were I to pass judgment on their specific acts without knowing all the facts in relation thereto. While I am not in any way endeavoring to, nor do I desire to, evade the question, I do not think it is a fair position for me to take to pass such judgment.

Chairman WALSH. Have you ever undertaken to make a personal investigation of any case of alleged abuse of that kind?

Mr. ROCKEFELLER, Jr. No; I have not had the opportunity.

Chairman WALSH. You made some mention yesterday about having intended to go to Colorado if it had not been for this hearing. Have you been to Colorado since the strike of 1903?

Mr. ROCKEFELLER, Jr. I have not been there for 10 years. Whether it was just before the strike or just after the strike I can not recall, but it is about 10 years.

Chairman WALSH. Can you recall whether you made an inspection of conditions when you went there, with reference to any strike that had taken place in your industry prior to your going to Colorado?

Mr. ROCKEFELLER, Jr. I made such inquiries as I went about over the works, the mines, etc., as would naturally suggest themselves to a director who was interested in the properties, in the various matters pertaining to their management, but I can not recall at this time, 10 years distant, just what inquiries I did make.

Chairman WALSH. And do you recall the fact as to whether the strike took place before or after your visit?

Mr. ROCKEFELLER, Jr. I am not clear on that, Mr. Chairman.

Chairman WALSH. Do you believe that a corporation such as the Colorado Fuel & Iron Co. should take part in politics, the election of public officials?

Mr. ROCKEFELLER, Jr. I do not believe that any corporation, as a corporation, can take part, or should take part. It is illegal for a corporation, as I understand it, according to the laws of many of the States, to take part.

Chairman WALSH. If that were the case in Colorado, what action would you take toward the executive officer that did take part in politics and sought to, and at times did, control party conventions and the result of elections, both of the election of officers and the adoption of constitutional amendments where the people have that power?

Mr. ROCKEFELLER, Jr. I should always use my influence as a director and as a stockholder to the fullest extent possible in preventing anything of that kind, because I utterly disbelieve in it.

Chairman WALSH. If you were brought face to face with a concrete case, that an executive officer did do it, it was absolutely proven, or at least the executive officer admitted it, would you cast your vote to discharge him?

Mr. ROCKEFELLER, Jr. Again, Mr. Chairman, in justice to the official, I should feel that it would not be appropriate for me to pass judgment in advance of knowing all of the facts and the circumstances surrounding such an instance. But I should say unhesitatingly I should always use my fullest influence against a practice of that kind, because I believe that it is harmful and wrong in every way.

Chairman WALSH. But I am asking now, if the officer admitted that he did do it—I am not saying any specific officer—would you cast your vote as a director to discharge him, or would you just tell him that you utterly abhor such a practice and allow him to go on through to the next election?

Mr. ROCKEFELLER, Jr. My course would have to be governed, Mr. Chairman, by the facts as they developed, as considered in all their aspects, and I should use my influence always in every way to prevent that kind of practice.

Mr. WALSH. Do you care to state, specifically, Mr. Rockefeller, whether or not if an executive officer admitted that in order to influence the officers after they were elected, as an officer of your company, he took part in an election, used money and used influence, and that he admitted it, admitted it to you, would you, in that event, cast your vote to discharge the officer from the employment of the company?

Mr. ROCKEFELLER, Jr. I should think, without question, that any man who would do a dishonest act in one situation would do it in another. I would not want him associated with me.

Chairman WALSH. Then do you mean by that, that your disinclination to have him associated with you would go so far as for you to cast your vote as a director to discharge him from the service of the company?

Mr. ROCKEFELLER, Jr. I think I should want to use all the influence I had to separate such a person from the corporation with which I was related. I would want to use my influence as far as possible to separate such a person from the management of the corporation in which I was interested.

Chairman WALSH. Then I take it you would discharge him as the first step?

Mr. ROCKEFELLER, Jr. I should assume that would be one of the steps, Mr. Chairman. I would not like to describe just what the course would be, but I certainly would not want to have him associated in the conduct of the business I was interested in or responsible for.

Chairman WALSH. Very good. Now, what other process of separation would there be, aside from the discharge from the company?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. I read you a list yesterday of personal injuries and deaths of employees in the Colorado Fuel & Iron Co., and the amounts that were paid to the injured persons or their survivors. Now, that was the list, I might inform you, that was furnished by the president of your company in Colorado; and it contained the names or the cases of the last 25 persons killed or injured, running back from November 26, 1914, and the amount that the companies paid them. I just state them for your information, to begin with. Are you aware of the fact there has been no verdict rendered in a case of an injured person or the survivors of a dead workman killed in your industry for the past 25 years?

Mr. ROCKEFELLER, Jr. I am not.

Chairman WALSH. In Huerfano County, has your attention ever been called to that fact, if it is a fact?

Mr. ROCKEFELLER, Jr. It has not.

Chairman WALSH. Would you believe, if such was the fact, and if the company did exercise an influence in elections, that there was a connection between those two conditions?

Mr. ROCKEFELLER, Jr. I do not think I know enough of the situation to know, Mr. Chairman. But I can not too strongly express my view as utterly deploring and being opposed to anything that subverts or is antagonistic to or destructive of the full exercise of the principle of democratic government. You have desired me to answer in specific cases. I have not wanted to avoid

such answers, but I want you to understand me that my attitude is abhorrent to that sort of thing, and my influence would always be exercised against it.

Chairman WALSH. Have you received letters from time to time, communications from injured persons, complaining against disability to receive compensation or to receive justice?

Mr. ROCKEFELLER, Jr. I do not recall any such letter from any such person.

Chairman WALSH. I read you a letter, handed me by Mr. Manly, of January 17, 1915, as follows:

"Your letter of the 14th received, and I will endeavor to answer your questions.

"I first went to work for the Colorado Fuel & Iron Co. August 4, 1903, as a roll hand in the rod-mill department. While working in this department, I received my first injury, on August 29, 1903. While cutting off a bar a piece flew from the hot rod and bounced back, striking me in the right eye, splitting the eyeball, with several minor burns. The result—blind in my right eye and disfigured for life. After I recovered John Y. Brooks, the superintendent in charge at the time, told me I would have a lifelong position with the Colorado Fuel & Iron Co.

"The next injury I received was on August 13, 1906—a sprained right limb, caused by the company putting a wooden cover where there should have been an iron cover, over a grease box on a line shaft. I fell through this wood cover, my foot caught and twisted my leg. This injury resulted in a compound rupture of the ligaments and nerves, which is also incurable.

"The last injury I received was on the 21st of May, 1909. The company was at fault for putting an inexperienced man in a responsible position. Through his mistake I received a blow on the left knee from a hot rod, causing a broken cartilage in the knee. This knee bothers me greatly at times and will the rest of my life.

"After this injury I had to come home to my people in this city. After recovering enough to do some light work, I tried to go back to the Colorado Fuel & Iron to work, but they had no work for me. Then I wrote to the claim agent in Denver, but through moving around I lost his letter. I am sorry, as I would like very much to send it to you. He told me the Colorado Fuel & Iron could do nothing for me and sent me his deepest sympathy. Then I tried to in many ways get a personal interview with John D. Rockefeller, sr., but always failed. Then I wrote on two different occasions to Mr. John D. Rockefeller, jr., at 26 Broadway, New York, but received no answer. I finally wrote to William Jennings Bryan, Secretary of State, but received no reply. I then wrote to J. W. Bryan, Representative from Washington. I will send you his reply. I will also send you the only letter I received in regard to this and in answer to all I wrote. If through your influence you could get some compensation for the crippled and disabled condition I am in, I would surely appreciate it and perhaps will be able in the future to do something in return. I find it hard to find employment with any livable wages, for no one wants to have a cripple, and I have got to live and look out for my family, which comes very hard at times.

"Thanking you for the interest that you have shown, and hoping to hear from you in the near future, I remain,

"Respectfully, yours,

"W. J. DALTON,
"*567 East One Hundred and Fifteenth Street, Cleveland, Ohio.*"

Mr. ROCKEFELLER, Jr. May I ask to whom the letter is addressed?

Chairman WALSH. Well, it is addressed to Mr. Basil M. Manly. Mr. Dalton having written in and saying inasmuch as a hearing was to be had here he would like to call attention to his own condition. It is one of the many letters received by Mr. Manly, and he answered the letter and asked him to give his statement in order to ascertain, if possible, what knowledge you gentlemen had of the conditions and what responsibilities you felt therefor. Now, this is the letter he refers to as the only letter that he received:

POCANTICO HILLS,
Cleveland, Ohio, June 24, 1915.

DEAR SIR: Answering yours of recent date addressed to Mr. Rockefeller, we regret, but as Mr. Rockefeller is here simply for rest and recreation he makes no appointments to take up business matters.

Mr. Rockefeller does not personally consider questions of business or benevolence, having left these matters to his committee at No. 26 Broadway, New York, since his retirement some 10 or 15 years ago.

Very truly, yours,

HARRY D. SIMS, Secretary.

You don't recall receiving the letter from Mr. Dalton or any other letters of a similar nature?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Would you be kind enough at the noon recess to ask whoever may have charge of the correspondence to produce any correspondence that may be with Mr. Dalton in your files?

Mr. ROCKEFELLER, Jr. May I have the name in full, please?

Chairman WALSH. William J. Dalton, 507 East One hundred and fifteenth Street, Cleveland, Ohio. The letter from Mr. Harry D. Sims, secretary, is dated June 24, 1912.

Mr. ROCKEFELLER, Jr. William J. Dalton, 507 One hundred and fifteenth Street, Cleveland, Ohio.

Chairman WALSH. Yes; Cleveland, Ohio.

Mr. ROCKEFELLER, Jr. And the date of the other letter?

Chairman WALSH. The date of the other letter of Mr. Sims in reply to Mr. Dalton's letter is June 24.

Mr. ROCKEFELLER, Jr. And Mr. Dalton's letter is of what date?

Chairman WALSH. Mr. Dalton's letter is not here; the only letter quoted was the letter signed Mr. Harry D. Sims, secretary.

Mr. ROCKEFELLER, Jr. I thought you read a letter of Mr. Dalton to Mr. Manly.

Chairman WALSH. Yes—that I gave to you, but I am asking you to have here the correspondence that may be in your file.

Mr. ROCKEFELLER, Jr. Whether we received any letter from Mr. Dalton?

Chairman WALSH. Yes; and any correspondence had with Mr. Dalton or your secretaries may have had with him.

Mr. ROCKEFELLER, Jr. It would be interesting to know what replies Mr. Dalton has received from Mr. Bryan and other people.

Chairman WALSH. Well, now, you have that address, Mr. Rockefeller, and Mr. Dalton is a gentleman that seems to express himself very clearly, and if you drop a note to Mr. Dalton he would undoubtedly let you know. We have no such replies. So I have no doubt that Mr. Dalton would give you further information, Mr. Rockefeller.

Mr. ROCKEFELLER, Jr. Yes; thank you.

Chairman WALSH. Do the superintendents of the Colorado Fuel & Iron Co. dictate the selections of school-teachers?

Mr. ROCKEFELLER, Jr. That I do not know.

Chairman WALSH. Do you think it would be proper for an industrial corporation engaged in an industry for profit to do that?

Mr. ROCKEFELLER, Jr. I should think it would be most unfortunate.

Chairman WALSH. Do you, as a director of the Colorado Fuel & Iron Co., have your attention called to the general orders issued by the executive heads of the corporation in Colorado and posted at its mines?

Mr. ROCKEFELLER, Jr. I do not. I think that is not customary in any organization of the kind.

Chairman WALSH. Do you think it ought to be customary to know at least the general orders that are issued in writing by the superintendents and other executive heads touching upon the relations of the company with its employees?

Mr. ROCKEFELLER, Jr. I think it would be highly desirable, Mr. Chairman, if it were possible.

Chairman WALSH. Just one question before I get to that situational proposition. You made statements as to your lack of knowledge as to certain conditions yesterday on account of being pressed with other matters. Have you ever estimated the amount of time that it would take, and effort, to inform yourself fully as to all these conditions?

Mr. ROCKEFELLER, Jr. I have not had the time to make that estimate, Mr. Chairman.

Chairman WALSH. In a general way, please describe how you are occupied—how your time is occupied.

Mr. ROCKEFELLER, Jr. I described in a general way yesterday, Mr. Chairman, that I devoted a considerable portion of my time to directing, with others,

the interests of the several foundations which my father has established and in giving time to questions of investment.

Chairman WALSH. How much time would you say of your day is devoted to the foundation work?

Mr. ROCKEFELLER, Jr. It is so utterly irregular, Mr. Chairman, that it would be difficult to say. I do not have an hour for this and an hour for that. Sometimes I give a whole day to the matters of the foundations and sometimes I do not give any time to them.

Chairman WALSH. Have you ever considered the question of delegating to some other body or department the duty of taking care either of the finances or investments so that your attention might be turned directly on to the affairs of the Colorado Fuel & Iron Co., so far as the conditions of the workers in the industry are concerned?

Mr. ROCKEFELLER, Jr. I have never thought of it just in that light, namely, the giving up of all the other interests which have seemed to come to me to look out for and devote myself solely to the Colorado Fuel & Iron Co.

Chairman WALSH. How many directors' meetings of the three companies that you have mentioned would you say you have attended during the past year?

Mr. ROCKEFELLER, Jr. As I said, the Manhattan Railroad Co., I think, has a quarterly directors' meeting. I think I have attended in the last year two, anyhow, and perhaps three of those meetings.

Chairman WALSH. How long did it take?

Mr. ROCKEFELLER, Jr. Well, as I said before, the duties of the directors are simply to see that the conditions of the lease are properly complied with, so that the meeting is not usually a long meeting. It is a question of reading the minutes of the last meeting and considering any detailed business that may come up. I suppose 15 or 20 minutes or half an hour.

Chairman WALSH. Now, what other companies—the insurance company you mentioned—how many meetings of the directors of that company did you attend during 1914?

Mr. ROCKEFELLER, Jr. I couldn't state, but I presume I have attended at least half of them, and they are held monthly.

Chairman WALSH. And about how long do those meetings last?

Mr. ROCKEFELLER, Jr. Well, I should think half an hour would cover the usual meeting.

Chairman WALSH. Now, the Colorado Fuel & Iron Co.

Mr. ROCKEFELLER, Jr. The meetings of the directors of the Colorado Fuel & Iron Co., as I stated yesterday, have been held in Colorado for a number of years past. Therefore I have attended none of those meetings.

Chairman WALSH. On the question of what might be called the general condition of the workers in the industry in Colorado, do you believe that you could get reports touching upon all of these subjects and consider them, say—go over them—say, within the week of the meeting of the board of directors, if it was held continuously that long?

Mr. ROCKEFELLER, Jr. Oh, I would suppose so.

Chairman WALSH. Did you hear Mr. Ford testify when on the stand?

Mr. ROCKEFELLER, Jr. I was not so fortunate.

Chairman WALSH. Did you read his testimony

Mr. ROCKEFELLER, Jr. I have just skimmed it.

Chairman WALSH. How many men, when you are running full time—how many workers are engaged in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I could not state that, Mr. Chairman.

Chairman WALSH. Approximately how many?

Mr. ROCKEFELLER, Jr. A number of thousand.

Chairman WALSH. Running normally and free-handed, I believe Mr. Welborn stated that there were about 15,000 employed in the Colorado Fuel & Iron Co.

Mr. ROCKEFELLER, Jr. In the Colorado Fuel & Iron Co. alone, or generally in the industry?

Chairman WALSH. In the Colorado Fuel & Iron Co., my recollection is, and Mr. Manly's, I may be wrong about that, however, Mr. Rockefeller——

Mr. ROCKEFELLER, Jr. (interrupting). Well, I could not give you that, because I do not recall.

Chairman WALSH. I think the estimate is 6,000 in the mines and the balance scattered. Could you say within several thousand how many employees there are in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. No; I would not know, Mr. Chairman.

Chairman WALSH. Where are the properties of the Colorado Fuel & Iron Co. located that are being worked at the present time—how many States?

Mr. ROCKEFELLER, Jr. You mean coal properties?

Chairman WALSH. Any properties of the Colorado Fuel & Iron Co.—coal properties, blast furnaces, or anything of the sort.

Mr. ROCKEFELLER, Jr. The coal properties, so far as I know, are in the State of Colorado. The blast furnaces are at Pueblo. The iron property to which you referred yesterday is in Wyoming. I think there is some ownership in an iron property in Utah, though I am not sure.

Chairman WALSH. Is it being worked at the present time?

Mr. ROCKEFELLER, Jr. That I don't know.

Chairman WALSH. Well, the suggestion was made by Mr. Ford here that he not only conducted the operations of that business, but that he had a department of that business that even went so far as to find out how the men lived after they left the industry, and that there were 18,000 engaged in the industry, scattered all over the world. Did you read that, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. No; I did not.

Chairman WALSH. Could a department be established under the board of directors of the Colorado Fuel & Iron Co. in the city of New York that would keep you thoroughly apprised of all conditions affecting your employees, whether at work in your mines, or as they might be affected by the social activities which you say you are compelled to undertake, such as the furnishing of schoolhouses and the like and the commissary?

Mr. ROCKEFELLER, Jr. I think it would be entirely possible. May I point out, Mr. Chairman, now that you have spoken of Mr. Ford, just this thing; I think Mr. Ford's testimony revealed the fact that his company was making a great many millions of dollars a year in profits in addition to the wages paid and the moneys put back into the business. Of course, it would be possible, in entire justice to the stockholders, to develop a very extensive sociological department at a high cost with such very satisfactory profits. I think you will agree that in the case of the Colorado Fuel & Iron Co., where the common-stock holders have had no return—well, for 12 or 14 years; I don't know when they ever did have a return—that the officers, in justice to the stockholders as well as to the employees, must not increase the expenses of departments, however desirable, any more than is absolutely necessary. I think that is a fact which is proper to be considered in connection with comparing the two companies.

Chairman WALSH. But when they undertake to indulge in these enterprises of a social nature that you have mentioned, growing out of the necessities on account of the isolation of the industry, would you not say that so far as the workers were concerned they should discharge that duty with understanding and with justice, and that what you said yesterday would apply to that situation—that unless the well-being of the worker be taken care of the industry should be abandoned?

Mr. ROCKEFELLER, Jr. It may come to that with this industry. We can not go on indefinitely without profits. The stockholders would naturally want to withdraw their money. It may come to that. It will be a question, probably, whether the workers would prefer that the industry be closed.

Chairman WALSH. My question was, Was that one of the duties that you would feel ought to be discharged if the industry was to go on?

Mr. ROCKEFELLER, Jr. Why, certainly, Mr. Chairman; and that is what the officers are trying to do, so far as I understand it. They may not be doing all that they should do or doing it in the best way. Few of us are; but that they are trying, I certainly think is clear. And the alternative would be as to whether they should disregard that duty entirely and provide no such facilities. For myself, as a director—I was saying, Mr. Chairman, that perhaps the alternative should be that the officers should abandon the effort to provide these facilities to which you refer; but for myself I, as a director, would feel that it was better to perform and deal with those obligations fairly well than not to deal with them at all. Of course, the ideal thing would be to deal with them in the very best and most satisfactory way.

Chairman WALSH. What effort have you made personally to reach the ideal which you have expressed?

Mr. ROCKEFELLER, Jr. Mr. Chairman, that is a matter which we have left to the executive officers, and I can only believe that according to the opportunity and ability which they have they are undertaking to discharge that important responsibility.

Chairman WALSH. Am I to take from that that that matter having been left to the executive officers that you have made no effort toward reaching that ideal, so far as your personal effort is concerned?

Mr. ROCKEFELLER, Jr. I have not supposed that a director could take up on the ground and undertake personally to direct such matters. But now that this and other matters of a similar nature have been specifically called to my attention through the courtesy of the commission, they are matters which I shall very naturally take up with great care as the opportunity presents itself.

Chairman WALSH. Were there matters brought out and called to your attention by this commission that were not brought out to your attention by the investigation by the committee of Congress?

Mr. ROCKEFELLER, Jr. I have never read the full testimony of that investigation, Mr. Chairman, which is exceedingly voluminous.

Chairman WALSH. Did you read the accounts of it published in the New York newspapers?

Mr. ROCKEFELLER, Jr. Only just as I say—the headlines, and that sort of thing.

Chairman WALSH. In your office have you a branch of your publicity department which collects the clippings from newspapers touching on matters affecting your industries?

Mr. ROCKEFELLER, Jr. You mean all industry?

Chairman WALSH. Your industries.

Mr. ROCKEFELLER, Jr. Are you speaking in the plural or referring to the Colorado Fuel & Iron Co.?

Chairman WALSH. I say your industries; that would include others as well as the Colorado Fuel & Iron Co.

Mr. ROCKEFELLER, Jr. No; we have not had such a bureau.

Chairman WALSH. But you have a department in your office which takes the clippings covering what things might be in the newspapers regarding the Colorado Fuel & Iron Co. and the Colorado situation?

Mr. ROCKEFELLER, Jr. Since the strike came on and since the events which developed out of that have occurred I have myself in reading the papers, whenever I have seen anything that had a direct bearing, made it a point to have such items cut out and kept.

Chairman WALSH. You say you did not read the congressional record or transcript of the evidence taken by the congressional committee?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. And did you read the details published in the New York newspapers concerning the alleged testimony brought out?

Mr. ROCKEFELLER, Jr. There was such a mass of matter that came out in the papers and other publications at that time that I did not undertake to read it all.

Chairman WALSH. Did you read the headlines?

Mr. ROCKEFELLER, Jr. I did; I read the morning and evening papers. Other than that I did not. I did not undertake to read it all.

Chairman WALSH. Did you read the headlines?

Mr. ROCKEFELLER, Jr. I did, as I read the morning and evening papers. Other than that I did not.

Chairman WALSH. Do you not read anything but the headlines about the matters that took place in Colorado as brought out in the hearing of the Committee on Mines and Mining?

Mr. ROCKEFELLER, Jr. You asked me if I had read the testimony or comments on the testimony. I have not read them.

Chairman WALSH. Do you read the editorial notes in the newspapers in regard to matters growing out of dealings of the Colorado Fuel & Iron Co. with its employees, and what might be called the Colorado situation?

Mr. ROCKEFELLER, Jr. I do not take all the papers with that in view; but the papers I do currently read. I read the editorials, and am apt, of course, to see them.

Chairman WALSH. What papers do you currently read?

Mr. ROCKEFELLER, Jr. That is rather an embarrassing question to ask me in the presence of the fraternity of the press.

Chairman WALSH. Well, I don't think that these gentlemen—that it will make much difference to them. Just go ahead and tell us.

Mr. ROCKEFELLER, Jr. Well, with apologies to them, I will say that I usually read the Times in the morning and the Sun and the Post in the evening.

Chairman WALSH. Now, Mr. F. H. Weitzel is the general superintendent of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He is the general superintendent of the coal department of the Colorado Fuel & Iron Co.

Chairman WALSH. Of the coal department. Was your attention ever called to a general letter issued by him to all superintendents dated July 2, 1912, notifying them in their capacities as superintendents and school directors that one Walter Merritt had been appointed supervisor to camp schools and requesting all superintendents to send the names of the applicants for school-teachers to Mr. Merritt, and that in future the selection of teachers should be taken up with Mr. Merritt before any selection is made?

Mr. ROCKEFELLER, Jr. No; I never heard of that letter.

Chairman WALSH. You never heard of that? If it were true, would you, in your capacity as a director, take action in accordance with your views on that subject as expressed a few moments ago?

Mr. ROCKEFELLER, Jr. May I just say this, Mr. Chairman, to make that situation a little clearer? I don't know whether the Colorado Fuel & Iron Co. in any of its more isolated mines supports a school-teacher or not. If it does, I should think that the officers of the company would naturally be responsible for the selection of the incumbent of that position. Now, in so far as that might be the condition, I would say that they were entirely justified in so doing.

In a community where the Colorado Fuel & Iron Co. did not support such a teacher, and where it made no contribution toward the support of the teacher, I should think the company as a company should naturally not have anything to do with the selection of the teacher. But it may very possibly be that the officials of the company in that community would have responsibilities as citizens which might lead them to make suggestions in such matters. I am speaking in a hypothetical way, because I do not know the facts.

Chairman WALSH. Do you believe that an industrial company engaged in business for profit alone under any pretext should select the teachers for the children of the employees of that company?

Mr. ROCKEFELLER, Jr. My previous answer was intended to cover that, Mr. Chairman. If it was in an isolated community of which the company owned all the property and the inhabitants of which were all employees of the company, and there was no one else to supply the teacher and there would be no teacher unless the company paid the teacher, I should think it was not only proper but the duty of the company to select its teacher and to have its local officials use their best judgment in making the selection. I do not see how else a teacher could be provided.

Chairman WALSH. Then you do believe that an exigency might arise in which an industrial company, organized for profit, might provide all of the school-teachers, following your logic, for all of the children of the workers in that industry?

Mr. ROCKEFELLER, Jr. If it were true, following the logic, that every town in which the workers of the industry lived was inhabited solely by these workers, and there was no machinery of the town or money of the town to supply the teachers, that would be true. The alternative, Mr. Chairman, would be—it seems to me that the alternative would be to have no schools; and as between the two, without knowing definitely the conditions, I should think it was better to have a school even under the management of the company.

Chairman WALSH. I do not exactly understand what you mean, that there is no money in the town. There is no money, of course, except as raised by taxation for public purposes, but why should not there be any money in one of your towns or camps any more than in any other villages?

Mr. ROCKEFELLER, Jr. What I meant by that was that a small community in an isolated part of the community, where just workers gathered—50 or 100 or 200 of them—might not have so developed as a social community that it could supply the things which it would much profit by and which it would be desirable for it to have.

Chairman WALSH. Why should not there be money in a town where there are workers? Isn't that the way money should come?

Mr. ROCKEFELLER, Jr. I am not saying why there should not be. I am saying if there was not.

Chairman WALSH. Is that true in any of your towns in Colorado?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. You are aware, are you not, that the towns we speak of—all of your camps—had much more than 50 or a hundred people in them?

Mr. ROCKEFELLER, Jr. I am not aware of the population of those camps. May I just say on this point, Mr. Chairman, that it is not the province of an industrial corporation to run schools and churches. It is not a line of activity that a corporation would naturally choose; but I ask, Is it not better, if they can not be provided in some other way, for them to be so provided? And, of course, the officers simply use their judgment in a matter of that kind.

Chairman WALSH. Now, you say you read all the bulletins written by Mr. Lee after they were published?

Mr. ROCKEFELLER, Jr. I saw them all, and I very probably did read them; but I would not make that definite statement, because I don't recall.

Chairman WALSH. And they were assuming or undertaking to publish what you called the facts concerning the struggle in Colorado?

Mr. ROCKEFELLER, Jr. I was not undertaking to publish them, Mr. Chairman. The coal operators in Colorado were so undertaking, and I was glad to be of any service in helping them to find a person to assist in that matter.

Chairman WALSH. But you were furnishing the writer to publish them and undertaking to pay him if the operators did not pay him?

Mr. ROCKEFELLER, Jr. I was glad to render any assistance in my power to make public what seemed to me an important thing in the public interest.

Chairman WALSH. Did you notice that Mr. Lee, in his bulletin, referred in many places to what he called the obnoxious and tyrannical check-off system—that is, the system of deducting the union dues and fines before the men received their pay, and that that was fundamentally wrong?

Mr. ROCKEFELLER, Jr. If you will allow me, Mr. Chairman, that the situation with reference to Mr. Lee may not be misunderstood, may I say that Mr. Lee was not responsible for the bulletins? He acted in preparing, in getting together the data, which was published in every instance over the signatures of the operators' committee, individually or collectively, the full responsibility for which was taken by the operators' committee, individually and collectively. I simply wanted to make that statement so that Mr. Lee's relationship may not be misunderstood. May I ask you to repeat the question you put in connection with the matter?

Chairman WALSH. Did you read what was written in the bulletin containing the alleged facts concerning Colorado, where it was stated in a number of instances that the check-off system was obnoxious and tyrannical, the check-off system being the custom of deducting the union dues from the salaries of the workmen and paying them over to the union?

Mr. ROCKEFELLER, Jr. I don't recall seeing that in the bulletins, but I very probably did.

Chairman WALSH. You are acquainted with the system?

Mr. ROCKEFELLER, Jr. I have heard the system described.

Chairman WALSH. And the characterization of the system, as described in the bulletin by the committee of operators, meets with your approval, does it—that it is tyrannical and obnoxious?

Mr. ROCKEFELLER, Jr. That was a statement made by the coal operators, who knew the facts in the case.

Chairman WALSH. What do you think about it?

Mr. ROCKEFELLER, Jr. I am not in a position to say. I am not in possession of the facts in the case; I do not feel that I could express any opinion that would be of any value on that subject.

Chairman WALSH. Do you not feel any personal responsibility for the alleged facts and characterization of men, motives, and things in this bulletin, due to the fact that the money for actually writing the same was paid by your father?

Mr. ROCKEFELLER, Jr. I assume no such responsibility, Mr. Chairman, but so far as the point is concerned, without knowing anything about the facts, I should think that any company would somewhat hesitate to deduct from the wages of its men in the interest of some other institution. Just a passing observation. I do not know anything about the facts.

Chairman WALSH. Why? Why would they hesitate if a man agreed that it should be deducted from his wages?

Mr. ROCKEFELLER, Jr. Well, I do not know why they should take it upon themselves to make payments on his behalf, but then it is a matter I ought not perhaps to have introduced myself, because I do not feel competent to discuss it.

Chairman WALSH. Were you aware of the fact, or are you aware of the fact that the Colorado Supply Co. has such deductions made from the wages of the men covering bills at their stores?

Mr. ROCKEFELLER, Jr. I am not familiar with the details of the management.

Chairman WALSH. Were you familiar with the fact that by that system deductions of money to pay for the conduct of the hospitals for your company is raised?

Mr. ROCKEFELLER, Jr. I am not familiar with that.

Chairman WALSH. Are you familiar with the fact that in some of those camps the water is sold to the inhabitants, to the workers, and that where water is sold to them the money is collected by the check-off system, by deducting it from the wages?

Mr. ROCKEFELLER, Jr. I have no knowledge of that, Mr. Chairman.

Chairman WALSH. Have you ever seen what is called a check that is given to the workingmen in the Colorado Fuel & Iron Co., showing his earnings and what amounts may be taken from them?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. By the company?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Mr. Manly has just handed me a check of this Mr. W. J. Dalton, who sent them in with his letter, and suggested it be offered in the record and turned over to you. I see that first a blank is left for the work, the number of tons and the amount earned; then there is a space left and a memoranda for the following deductions: Brass check, hospital, company, rent, labor advances, coal, store, insurance, time check, with a place for the total deductions. Do you believe that a corporation is justified in maintaining what is mentioned in the law and known in industry as a blacklist?

Mr. ROCKEFELLER, Jr. Would you define that Mr. Chairman, so that I may understand it?

Chairman WALSH. I will define it to be a list of men that for certain reasons are considered undesirable, and that list kept open to the inspection, or at least open to the access, of other companies that might also be employing labor.

Mr. ROCKEFELLER, Jr. That is a matter that I never have had any knowledge of. I should think that every company would need to take proper means to see that men who had not proved efficient, or for some reason were undesirable in that company, were not reemployed in its other departments.

Chairman WALSH. Do you believe that the list should be sent to other companies that might wish to employ labor?

Mr. ROCKEFELLER, Jr. Personally, I should say no.

Chairman WALSH. Is such a list maintained by any of the industries—companies, being those in which you are a director?

Mr. ROCKEFELLER, Jr. Not that I know of, Mr. Chairman.

Chairman WALSH. Do you believe that a man otherwise—a man who is perfectly law-abiding and a good citizen should be discharged from an employment on account of the views he held on the labor question?

Mr. ROCKEFELLER, Jr. I think every man is entitled to hold such views as he sees fit as long as he does not interfere with similar rights on the part of his colaborers and associates.

Chairman WALSH. Has the Colorado Fuel & Iron Co. a form card for new employees that has a place for their name, description, and views on the labor question?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. I am going to ask you a few specific, general questions not applied to your views; probably ask you to analyze them a little deeper, as given upon yesterday. Do you believe in the principle of democracy in political government? That is, the principle that citizens should be allowed to have a compelling voice in determining the governmental conditions that affect their lives?

Mr. ROCKEFELLER, Jr. Most certainly I do.

Chairman WALSH. Do you believe this same principle should be applied in the organization of industry?

Mr. ROCKEFELLER, Jr. To questions of industry? I don't quite get the point.

Chairman WALSH. You believe in the principle of democracy in political government—namely, that citizens should have a compelling voice in determining the conditions that affect their lives—you say that you do?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Now, I say, do you believe in that same principle in its application to the organization of industry?

Mr. ROCKEFELLER, Jr. I do most heartily so far as it does not come in conflict with other interests—the same as any political situation must be regarded.

Chairman WALSH. Do you believe that the employing interests can be trusted to safeguard voluntarily at all times the interests and rights of workingmen in their industries?

Mr. ROCKEFELLER, Jr. I think it is highly desirable that the laborers—the workers should be participants in the consideration of all questions pertaining to their living and working conditions, wages, and so forth, and my view along that line is indicated in my having suggested to the Colorado Fuel & Iron Co. officers some months since that steps be taken to develop such machinery. I heartily approve of it.

Chairman WALSH. My question was, do you believe that the employing interests can be trusted to safeguard voluntarily at all times the interests and rights of the men?

Mr. ROCKEFELLER, Jr. I think, Mr. Chairman, that the employees should have a voice.

Chairman WALSH. I will ask you the question again. I do not wish to be persistent, but I will ask the question once more. Do you believe the employing interests can be trusted to safeguard voluntarily at all times the interests and rights of the workingmen?

Mr. ROCKEFELLER, Jr. I think anything which helps them in doing that is always desirable.

Chairman WALSH. Is that all you care to say in answer to that question?

Mr. ROCKEFELLER, Jr. I am trying to make my thought just as clear as I can.

Chairman WALSH. Perhaps I will depart from the rule which I have laid down, and ask it once more. I will ask you whether you can answer it yes or no——

Mr. ROCKEFELLER, Jr. (interrupting). Mr. Chairman, I have not given extensive thought to a great many of these general basic questions you are discussing, and while I have expressed my general views, it would seem hardly fit for me to try to make pronouncements on certain principles that I have not considered with full care and thought. It is not that I am desirous at all of evading or avoiding any of your questions. I am trying to give my views and at the same time not express opinions on matters which I have not carefully and fully gone into. My opinion, thus expressed, would be of no value to you, I fancy.

Chairman WALSH. Very well, then I will ask you the question and ask you please to answer it yes or no, or say that you do not care to do so. Do you believe that the employing interests can be trusted to safeguard voluntarily at all time the interests and rights of the working men?

Mr. ROCKEFELLER, Jr. I should be glad to answer it directly, but I can not and express my views.

Chairman WALSH. I will proceed then to another question. Without an organization of workmen, equipped to make its demands effective, when these demands are just, what recourse has the individual workmen against injustice?

Mr. ROCKEFELLER, Jr. Your question is a broad question that I have—that I am not sufficiently familiar with to make a pronouncement on. It would be very simple for me to say yes or no to any of these questions, but I have assumed that you wish me to express views only where I have them and do not want me to answer carelessly or make expressions which are not backed up with careful thought.

Chairman WALSH. Certainly not. So far as I am concerned, I shall be content with your statement that you do not care to answer those or that you have no views or answer in any way you wish to make answer. I would not indicate by a question any end that might be desired in an answer, but necessarily some of these questions are asked in a very leading form.

Mr. ROCKEFELLER, Jr. I am anxious to give my views on any questions asked, where I have them, but where I have not formulated such views I do not suppose the commission would care to have me make an expression.

Chairman WALSH. No; and if you should ask me for a suggestion, I would suggest that you answer the questions yes or no, or state that you have no views on the subject or do not care to give them.

Mr. ROCKEFELLER, Jr. I have not formulated views on the subject; and I shall be glad to act on your suggestions.

Chairman WALSH. Is the individual workman with a family able usually to choose the place and character of his employment?

Mr. ROCKEFELLER, Jr. Not always. If he has got a family, it is much more difficult for him to choose. It would also depend on his wages whether he could move from one place to another.

Chairman WALSH. It was stated in Colorado by a gentleman at the head of a large industry, and I will say that it is not yours, that the way the subject should be dealt with was the way that the sale of ordinary matters of commerce is conducted; that is, if a man went into a store to buy goods—a retail store—and was not satisfied with the prices and conditions of the sale, that he might retire. Likewise, that a workman could go into a place and ask for work and if he was not satisfied with the terms and conditions, that he could likewise retire. Am I to take it that you see a difference in these two situations, and that especially in the development of modern industry in a large and concentrated form, such as you have to-day, that the workman does approximately choose the conditions of his employment?

Mr. ROCKEFELLER, Jr. I think very frequently he would be unable to do so.

Chairman WALSH. And could not a political monarchy or despotism be justified logically on that ground that those persons who objected to that form of government could move elsewhere? [No answer.] In the development of modern industry and in our present economic condition is that not impossible for the employee in seeking employment?

Mr. ROCKEFELLER, Jr. Frequently he can and frequently he can not.

Now, will you please put the other question again?

Chairman WALSH. Will the reporter please read that question?

The REPORTER (reading):

"And could not a political monarchy or despotism be justified logically on that ground that those persons who objected to that form of government could move elsewhere?"

Mr. ROCKEFELLER, Jr. I have not studied the question of government sufficiently to allow me to answer that question intelligently.

Chairman WALSH. I believe you stated that you were in favor of collective bargaining?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. Unless collective bargaining in some form is had the employee is at the absolute mercy of his employer, is he not?

Mr. ROCKEFELLER, Jr. I should not be able to pass an opinion there. I should think his influence was much stronger when he was able to bargain with his fellows.

Chairman WALSH. You would not be able to pass an opinion on that, for what reason?

Mr. ROCKEFELLER, Jr. I do not know all of the circumstances that might develop. For instance, there might be a company where, as frequently happens, the question of wages is taken care of in an entirely satisfactory and appropriate way without the intervention of the workers.

Chairman WALSH. That would be a case of the employer being just and kind?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. But if the employer was not just and kind, what I say is the employee is at the mercy—I don't suggest that he extends it in a benefi cent way, but he would be at the mercy of the employer?

Mr. ROCKEFELLER, Jr. I think he would.

Chairman WALSH. You read that also, did you not, in the examination of Mr. Welborn, who has the first-hand touch with your industry in Colorado—your president—did you read that part of his testimony where he stated that the employees were at the mercy of the employers where there was not collective bargaining?

Mr. ROCKEFELLER, Jr. I do not recall it.

Chairman WALSH. Do you recall the passage in his letter to you of August 20, 1914, where he stated:

"So far as we know there was in our employ at the time of the strike but one superintendent who was unnecessarily arbitrary or severe with his men. He had shown a disposition, as well as an ability, to improve and because of his general fitness in other directions was retained in our service until very recently."

Would you not consider that a concrete illustration of the potential power for injustice in the hands of a company, such as the Colorado Fuel & Iron Co., where there was no organization?

Mr. ROCKEFELLER, Jr. It would illustrate the possibility.

Chairman WALSH. It would be a concrete case, would it not, where your superintendent writes there was a man unnecessarily arbitrary and severe but had other qualities which made it wise to retain him in your employ?

Mr. ROCKEFELLER, Jr. And I think if this present system that is now in vogue in the Colorado Fuel & Iron Co. was then in vogue that man would have been discovered sooner. I think it is desirable that such a man should not exist.

Chairman WALSH. Do you believe that a committee of employers, such as suggested by Mr. W. L. Mackenzie King, Mr. Starr J. Murphy, and Mr. Welborn, would be sufficient to safeguard the welfare of the men without some organization of the men behind it?

Mr. ROCKEFELLER, Jr. Of that I can not speak. The plan which had been entered into by the men and the employees of the Colorado Fuel & Iron Co. is in effect an organization, I assume. How satisfactorily it will work, what additional features may be added as time goes on, I do not know; but I feel that the management, and I know that the directors, are anxious to proceed in developing the plan as rapidly as the conditions at the different places may so suggest.

Chairman WALSH. Do you believe that organized labor can act effectively unless it has funds and is in a position to call a strike as a last resort, with the support of a national organization?

Mr. ROCKEFELLER, Jr. I should think it ought to be, that it ought to be effective.

Chairman WALSH. Without having a national organization behind it?

Mr. ROCKEFELLER, Jr. I do not see why it could not. It seems to me that such an organization ought to entirely do away with the ill will which arises so often simply because there is no opportunity to come in contact—to have contact between the employee and the officers of the company.

Chairman WALSH. I will read Mr. Welborn's views upon collective bargaining and ascertain if you will be kind enough to state whether or not they contain what might be called your definition of the term "collective bargaining." Mr. Welborn testified before this commission as follows: "I think if two or three men go to a superintendent or manager with suggestions or grievances, whatever you may call them, that are not wholly individual, that in a way represents collective bargaining." Would you consider that an exercise of the principle of collective bargaining?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I have not undertaken to define the principle of collective bargaining. I mentioned it in my paper as one of the things which labor organizations undertake to promote in the interests of labor. Just what its definition is, what varieties of it there are, I do not know.

Chairman WALSH. I see in your statement that you favor collective bargaining?

Mr. ROCKEFELLER, Jr. I did not put it that way. I said I favored the organization of men. I did not venture to suggest what organization, because I feel myself unable, from lack of knowledge of those matters, to suggest, but whatever organization would properly safeguard their interests, as I went on to describe. I did not make any statement as to my own view, because I had none on collective bargaining as one of the things which the organization of labor often takes on.

Chairman WALSH. What did you mean by the expression "collective bargaining" as contained in the statement which you made to the commission on yesterday?

Mr. ROCKEFELLER, Jr. I meant simply in a general way, a bargaining of employees together. I had not thought it out to have in mind any general plan. I am simply familiar with the general form of collective bargaining, which means, in my mind, the employees in groups or masses bargaining together.

Chairman WALSH. I notice that Mr. Welborn wrote to Mr. Starr J. Murphy, under date of October 9, as follows—October 9, 1914, as follows:

"There are some mines at which undoubtedly our managers could select three miners who would be glad and could be safely depended upon to assume the responsibility suggested by you and would in every sense of the word be safe. In considering this forward work, which I feel we must certainly keep in mind, I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent the same interest. In other words, that there is but one interest which is in every sense of the word common yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one entirely of their own selection."

Would you call that the principle of collective bargaining?

Mr. ROCKEFELLER, Jr. I am not undertaking to describe that principle, because I do not feel competent to. But the fact is that Mr. Welborn's own view has developed since the writing of that letter and a more extensive plan has appealed to him as a wiser thing than the plan he outlined, which other and more extensive plan he has adopted. When I say "other" I mean the plan in which the representatives of the men were not appointed by the company as there outlined, but the men in each mine were invited to meet in mass meeting as stated in the circular which I quoted here yesterday, no superintendents or pit bosses being present, and then elect by ballot their representatives.

Chairman WALSH. What would you say is the substance of the principle of collective bargaining?

Mr. ROCKEFELLER, Jr. I should not be able to describe it, Mr. Chairman. I have not dealt with the question sufficiently.

Chairman WALSH. Is there a claimed right existing in society to do upon the part of the workers that which they designate the rights of collective bargaining, to your knowledge?

Mr. ROCKEFELLER, Jr. I hear that term used, but I am not able to define it.

Chairman WALSH. What sort of collective bargaining did you have in mind, Mr. Rockefeller, when you wrote this statement which was submitted to the commission yesterday?

Mr. ROCKEFELLER, Jr. Simply the general thought, which I have already undertaken to express, that it means bargaining by men in larger or smaller groups. I had not attempted to formulate an idea. I was not trying to discuss collective bargaining, but simply mentioned it in that paper as one of the methods which the organizations of labor adopted.

Chairman WALSH. I will read you an extract first. Do you think—I will ask you this: Do you think it would be proper for any person acting on behalf of the Rockefeller Foundation to undertake, by influence or suggestion, to determine labor supply in a particular industry such as in Colorado, to determine the policies of your company as to labor supply in an industry such as the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. There has never been any disposition on the part of the directors of the Colorado Fuel & Iron Co., so far as they are any of them related as individuals, to the foundation, to formulate labor policies.

Chairman WALSH. Would it be proper for any man to be paid out of the funds of the foundation to do work for the foundation and undertake to lay down the rules which govern the labor supply in a particular private industry in which a large amount of stocks and bonds were owned by those whom you represent?

Mr. ROCKEFELLER, Jr. There would be no disposition. There is no connection between the Rockefeller Foundation and the labor policies of the Colorado Fuel & Iron Co., or either I do not get the point.

Chairman WALSH. I will read you an extract from a letter of McKenzie King, of whom you have spoken, dated August 11, as follows:

"In certain industries it is going to be easier on account of the war in Europe"—

As he had explained earlier in the letter—

"to find all the laborers they desire and unions will be confronted with a new problem. Recognition simply for the sake of recognition is going to be seen to be less pressing as an immediatate end than that of maintaining standards already existing."

Do you recall that statement?

Mr. ROCKEFELLER, Jr. I would appreciate it, Mr. Chairman, if you would read the whole letter so as to make the matter so much fresher in my mind.

Chairman WALSH. Very good. I will read the whole letter and then go back and take up certain portions.

Mr. ROCKEFELLER, Jr. Thank you.

Chairman WALSH. It is dated the 11th of August. I will ask you a preliminary question, too. Mr. McKenzie King is employed by the foundation; is he?

Mr. ROCKEFELLER, Jr. Mr. McKenzie King is employed by the foundation.

Chairman WALSH. And his compensation is paid out of the income from the hundred millions of dollars given by your father to the foundation?

Mr. ROCKEFELLER, Jr. The Rockefeller Foundation.

Chairman WALSH. And he is not an adviser of your company in the investments; he is not on the general staff?

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. Or on the general staff of your father, and he has no connection with any corporation in which you are interested, to your knowledge?

Mr. ROCKEFELLER, Jr. He has not.

Chairman WALSH. Now the question at issue, you have stated, in Colorado, was recognition of the union; was it not?

Mr. ROCKEFELLER, Jr. That is what I understand.

Chairman WALSH. And the substance of the strike, so far as its outcome was concerned, as between you and your employees, was the question alone of labor supply, wasn't it; getting the men to operate your mines peacefully?

Mr. ROCKEFELLER, Jr. The question of the recognition of the union, Mr. Chairman.

Chairman WALSH. I know that was the question, you say, of contention between you. But the result, the only result interesting to you after that was stated was the continued peaceful operation of your mines?

Mr. ROCKEFELLER, Jr. That is what we want, the continued peaceful operation.

Chairman WALSH. That is what you want, and that outcome, of course, depended upon the labor supply—is that correct?

Mr. ROCKEFELLER, Jr. It has never been difficult to get all the labor that has been needed, Mr. Chairman, in spite of conditions. The unfortunate situation now is that the companies are not able, as I am advised, to employ all of the men who formerly worked for them, or whom otherwise they would be glad to take back, because the business conditions are such as not to justify the running of the mines at full capacity.

Chairman WALSH. And the only thing after the contention arose was the labor supply to operate the mines peacefully, was it not?

Mr. ROCKEFELLER, Jr. Will you ask that once more, please? I did not get the point of the question.

Chairman WALSH. You had a falling out, as I understand, and a strike was called by the United Mine Workers of America in your Colorado mines. You have stated that the point of difference between the employees that went upon the strike, represented by the officers of the United Mine Workers, was the right of recognition of that union?

Mr. ROCKEFELLER, Jr. That is what I understand.

Chairman WALSH. That is what you understand the condition was? After the contention arose it was your desire to be permitted peacefully, as I understand you to say, to operate your mines to the capacity which the situation of the trade demanded?

Mr. ROCKEFELLER, Jr. That is always our desire.

Chairman WALSH. Well, it was in that instance?

Mr. ROCKEFELLER, Jr. Certainly; it was not changed.

Chairman WALSH. So that the only thing you needed to operate your mines were the employees necessary?

Mr. ROCKEFELLER, Jr. We needed peaceful conditions under which they could work.

Chairman WALSH. I said that to operate your mines in peace.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Naturally the men would have to operate your mines in peace?

Mr. ROCKEFELLER, Jr. Peace and employees are the two necessary factors.

Chairman WALSH. So that the final consideration was simply one of labor supply?

Mr. ROCKEFELLER, Jr. Mr. Chairman, of course, you have to have the demand for the output as well as the labor supply.

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. As well as conditions which permit that.

Chairman WALSH. I stated specifically in my question that labor supply necessary to produce what was demanded by the trade?

Mr. ROCKEFELLER, Jr. Yes; it was necessary to have peaceful conditions and labor.

Chairman WALSH. And labor supply. So that was in its last analysis merely a question of labor supply, so far as operating the mines is concerned, after the contention arose?

Mr. ROCKEFELLER, Jr. After peaceful conditions were maintained, certainly.

Chairman WALSH. Well, of course, we are assuming peaceful conditions in all of our questions.

Mr. ROCKEFELLER, Jr. But through the strike—we can not assume——

Chairman WALSH. All right, if we can not agree on the phrasing of that. I am trying to make myself clear, and I do not seem to be able, so I will leave the subject.

Mr. ROCKEFELLER, Jr. I am trying to give you the facts just as clearly as I can.

Chairman WALSH. Yes; I think you are. You have so refused it under the question of words it is impossible for me to make it clear, so I will drop the question.

Mr. ROCKEFELLER, Jr. Only because during the time of the strike peaceful conditions did not exist, and it is difficult to divorce the two.

Chairman WALSH. Well, if it is satisfactory to you, I will drop the matter.

Mr. ROCKEFELLER, Jr. Yes; certainly.

Chairman WALSH. And, perhaps, come back to it again when I get the letter of Mr. King. What responsibility do you feel as a director for the Colorado Fuel & Iron Co. on the question of violence of statute law, if any, by the executive officers in Colorado?

Mr. ROCKEFELLER, Jr. I feel a responsibility in any corporation in which I am a director or a stockholder to use my full influence to prevent such violations by any officers.

Chairman WALSH. And if a law of the State was violated—and I will leave the Colorado Fuel & Iron Co. out of the question for the moment—do you believe that it is the duty of a director upon ascertaining that to separate the violator of the law from the service of the company in which he is a director?

Mr. ROCKEFELLER, Jr. On general principles, of course I do.

Chairman WALSH. On general principles. Well, as a matter of direct application, do you believe that if the attention of a director is called to the violation, a specific violation of the statute law by an executive officer, that he should at once take steps to get that man away from any connection with his company?

Mr. ROCKEFELLER, Jr. I should think so, Mr. Chairman.

Chairman WALSH. Have you observed charges that were made by certain employees of the Colorado Fuel & Iron Co. with reference to the violation of the statute law of Colorado by the executive officers?

Mr. ROCKEFELLER, Jr. Have I so observed?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Has any such thing been called to your attention?

Mr. ROCKEFELLER, Jr. It has not.

Chairman WALSH. Did you read the grievances of the employees of the Colorado Fuel & Iron Co. submitted to the governor of Colorado?

Mr. ROCKEFELLER, Jr. I don't know whether I did or not, Mr. Chairman. I have read many of the statements that were made.

Chairman WALSH. Has your attention ever been called to the claim on the part of your employees that certain State laws of Colorado were persistently violated by the executive officers of that company?

Mr. ROCKEFELLER, Jr. It has not.

Chairman WALSH. Has your attention ever been called to the alleged fact that certain laws of the State of Colorado were violated by your executive officers?

Mr. ROCKEFELLER, Jr. It has not.

Chairman WALSH. If your attention was called to any such occurrence or situation in the past in accordance with what you stated a few moments ago, would you proceed as a director to have that officer discharged?

Mr. ROCKEFELLER, Jr. That certainly would be my feeling, Mr. Chairman; but it might have occurred that a law had been violated without the officer knowing it. Therefore, I would not be justified in determining in advance what my action would be. I should want to know all the facts.

Chairman WALSH. If a law had been persistently violated by the officer himself, would you cast your vote to discharge him as a director?

Mr. ROCKEFELLER, Jr. I certainly would not want any officer to be connected with any company I was related to that was persistently violating the law, with his knowledge.

Chairman WALSH. Then, would you cast your vote as a director to discharge him if it was brought to your knowledge that he had violated the State law of the State?

Mr. ROCKEFELLER, Jr. If all the facts justified that belief, I should.

Chairman WALSH. You testified yesterday that as a director you were not responsible for the labor policies of the Colorado Fuel & Iron Co., and also

that you had not given enough thought and study to the issues involved to have an opinion. Last April you testified before the congressional committee at Washington as follows:

"Our interest in labor is so profound and we believe so sincerely that that interest demands that the camps shall be open camps that we expect to stand by the officers at any cost. It is not an accident that this is our position; it is a great principle."

You also testified:

"It is because of such a profound interest in those men and the workers that I expect to stand by the policy which has been outlined by the officers, which seems to me to be first, last, and always in the greatest interest of the employees of the company."

Why did you feel competent to take such a decided stand if, as you said yesterday, you had not given sufficient thought and study to labor problems to justify you in expressing an opinion to this commission as to the general issues between employer and employee?

Mr. ROCKEFELLER, Jr. That testimony, Mr. Chairman, which you have just read, taken before the congressional committee, has been purposely unfairly construed as being a declaration on my part of warfare against the unions. Any such expression is, I think, entirely unjustified from the text and most contrary to my own feeling and belief. The opinion expressed there relates, to no extent at all, to the question of unionism as unionism. The point there was that the officials of the company had stated that if the principle of unionism was to be admitted in connection with the mines of the Colorado Fuel & Iron Co., it would involve the discharge of all of the employees in the company who were not union men. On that principle of the right of every man to determine for himself whether he should join the union or not, I said what you have read. For I felt it was a principle of justice and of right that every man should be accorded freedom under the Constitution to determine whether or not he would work independently or with others. And I think that that principle is one which would meet with your own full accord and approval. But it is in no sense a declaration that my attitude was antagonistic to labor unions, because, as I have stated in my statement yesterday, and many times since, I firmly believe in the organization of labor.

Chairman WALSH. That is all the answer you care to make to my question?

Mr. ROCKEFELLER, Jr. Yes. I therefore see nothing inconsistent in the two statements. I have made this statement to show you the utter sincerity with which both were announced and the fact that both are in entire accord with my view as expressed before this body yesterday.

Chairman WALSH. Did you not depart from your rule of leaving the labor policies of the company to the local officers when Mr. Lee went to Colorado after his appointment on your father's staff?

Mr. ROCKEFELLER, Jr. Mr. Lee has not been to Colorado since his appointment on my father's staff.

Chairman WALSH. Hasn't he been to Colorado to aid in working for the Colorado Fuel & Iron Co. since his appointment?

Mr. ROCKEFELLER, Jr. He was only appointed on the 1st of January of this year.

Chairman WALSH. You make a distinction between his appointment on your father's general staff and this publicity work that he did for you. Whom did he do that for?

Mr. ROCKEFELLER, Jr. As I stated yesterday, he did it for the officers, for the mine owners' committee and for my father.

Chairman WALSH. Who asked him to go to Colorado?

Mr. ROCKEFELLER, Jr. No one asked him to go to Colorado.

Chairman WALSH. I believe that you have testified that your father paid him for what he did in Colorado?

Mr. ROCKEFELLER, Jr. Paid him for what he did in the interest of bringing about proper publicity on these general matters, both with reference to ourselves and our interests in the Colorado Fuel & Iron Co. and the general coal industry. It was a matter I felt was a public duty.

Chairman WALSH. I am asking you if it is not a fact, Mr. Rockefeller, in consideration—have you read the correspondence that was produced before our commission in Colorado covering your views and the views of your local officers with respect to labor conditions and the institution of some system of presenting the grievances of employees?

Mr. ROCKEFELLER, Jr. Yes; I am familiar with the correspondence.

Chairman WALSH. Have you read it lately?

Mr. ROCKEFELLER, Jr. I read it shortly after it was brought out, Mr. Chairman.

Chairman WALSH. You read the letter of President Welborn, so I will not read it again. You recall it, as to how he thought it might be done with three safe men who might be selected by the management to meet with the committee representing the employees; you have in mind that letter?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. Now, that was Mr. Welborn's plan for dealing with the laborer on October 9, 1914, was it not?

Mr. ROCKEFELLER, Jr. That was the suggestion that he made at that time; that he had finally formulated any plan I have no evidence. You will note that that correspondence indicated the opinion that existed at the time on the part of the New York directors and the officers in Colorado. It was an opinion that was developing and forming.

Chairman WALSH. What brought Mr. Welborn, if you know, to change his opinion?

Mr. ROCKEFELLER, Jr. What brought him to change his opinion?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. I do not know. I hope that the more suggestions were made to him, the more he began to see the views of others were worthy of consideration.

Chairman WALSH. Suggestions made by whom?

Mr. ROCKEFELLER, Jr. I think I am the one that took the responsibility, feeling it my duty and even my province to make any suggestions to him as an officer of the company.

Chairman WALSH. Do you believe, then, that a suggestion coming from you as the representative of your father to Mr. Welborn would be acted upon beyond the peradventure of a doubt?

Mr. ROCKEFELLER, Jr. I think his letter in reply indicates that is not true and would not be true unless his own judgment confirmed the suggestion, because his reply to my letter of August, setting forth the outline of the plan which Mr. King had prepared at my request, was to the effect that while generally he was in accord with such a plan, in his judgment it would not be wise to undertake to introduce any such machinery until the termination of the strike. After that time he would be anxious to take the matter up, and his judgment prevailed.

Chairman WALSH. And your committee is selected now by the manager taking "three safe men"?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman; as pointed out in my statement of yesterday morning, the company has no committee. The men have been asked at each camp to select in the mass meeting, at a meeting at which neither the bosses nor managers shall be present, a man whom they choose by ballot to represent them, and in that manner 25 representatives—about 25 representatives—of the miners have been selected at the various camps, wholly and entirely by the men. Such men as the plan outlines, as I read yesterday, are to represent that group of miners in any conference which they may wish to suggest—in the taking up of any matters any of them may care to take up with the company's officers, or which the officers of the company may, in turn, care to take up with them. These men thus elected by ballot continue to represent the groups which elected them until such time as at the pleasure of such group the group shall determine to elect from their number some other man to represent them. The miners are the ones who alone and solely elect their representatives.

Chairman WALSH. That was the plan suggested by Mr. MacKenzie King and sent by you to Mr. Welborn?

Mr. ROCKEFELLER, Jr. That is the plan adopted and which is now in force.

Chairman WALSH. Was it suggested to you, Mr. Rockefeller, I asked you, directly, by Mr. MacKenzie King and by you sent to Mr. Welborn?

Mr. ROCKEFELLER, Jr. That plan was never, in its present form, suggested by anyone. It was the outgrowth of suggestions made by Mr. MacKenzie King, which I thought would be highly valuable to the company, and of other suggestions made by others of the directors. It was a composite plan and development, as all these things were considered together.

Chairman WALSH. You recognize the radical difference between that plan and the suggestion of Mr. Welborn in his letter of October 9, that the committee

should consist of three safe men, appointed by the managers; you see the difference?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. And this was the plan, generally speaking, you submitted to Mr. Welborn in your letter after conference with Mr. King?

Mr. ROCKEFELLER, Jr. Only generally speaking, because this plan does not cover all of the features. Some of its features that plan did not have. Only generally speaking.

Chairman WALSH. But if that is not the plan suggested in the letter to which you refer, you say you do see the radical difference between three safe men appointed by the managers and the election of their representatives in a more democratic way; that is, under the present plan?

Mr. ROCKEFELLER, Jr. That is quite obvious.

Chairman WALSH. And Mr. Welborn changed his mind in some way, and that very radically, as to how these questions should be met?

Mr. ROCKEFELLER, Jr. I do not think Mr. Welborn had ever finally made up his mind. I think Mr. Welborn's opinion was crystallizing the same as the opinions of the eastern directors were crystallizing. We were all working together in making suggestions which we hoped would result in something that would be to the advantage of the laboring conditions. I hope that has been the result, Mr. Chairman; time will tell.

Chairman WALSH. I will ask you the question directly; do you believe that if you stated to Mr. Welborn that in your opinion the interests of the Colorado Fuel & Iron Co. and the interests of its employees demanded that they should have democratic representation in presenting their grievances collectively that Mr. Welborn would be influenced by your suggestion?

Mr. ROCKEFELLER, Jr. He certainly would be influenced by the suggestion, but if it did not accord with his own opinions and views on the subject, he would certainly differ with me, and if he did not as a director I should not want to have him in that position, so far as I am concerned.

Chairman WALSH. Do you believe then that as matters come up that would indicate that practices existed which were inimical to the welfare of your employees, that you should in that way make suggestions that might influence him, if you could show him that fair dealing and a just regard for the rights of the employees demanded it?

Mr. ROCKEFELLER, Jr. That is just what I want to do, make the suggestion. The other directors do likewise, and I am glad to get such suggestions and take them up with Mr. Welborn.

Chairman WALSH. Do you depend on governmental information, or information outside of your company, for these matters that occur, if they do occur, which interest the organization of which you are a director?

Mr. ROCKEFELLER, Jr. On the contrary, Mr. Chairman, I had assumed that the commission would be glad to cooperate in any way it could to make suggestions along these lines.

Chairman WALSH. Is it your answer that you do not depend on commissions or outside agencies, but that you feel it is your personal duty as a director to ascertain conditions at first hand yourself?

Mr. ROCKEFELLER, Jr. I do not say at first hand, because I think that would be often entirely impossible.

Chairman WALSH. Leave out the first hand?

Mr. ROCKEFELLER, Jr. I think it is the duty of every director to ascertain the conditions as far as he can, and if there are abuses, to right them.

Chairman WALSH. Without outside intervention?

Mr. ROCKEFELLER, Jr. With or without, but to right them.

Chairman WALSH. Is it your belief that the company's new machinery for meeting its employees will be a success?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I can not express an opinion on that, because I do not think it is possible to prophesy. I have every reason to believe that it will immediately improve the situation, I so hope.

Chairman WALSH. Is it instituted upon the theory at least that there is but one interest in the industry, which is in every sense common?

Mr. ROCKEFELLER, Jr. That was set forth in my statement of yesterday, that I believed every corporation should be regarded as including its stockholders, its directors, its officers, and its employees, and the interest of all four is one interest.

Chairman WALSH. Suppose that when a grievance—we will take the case of a grievance being submitted by the committee of three——

Mr. ROCKEFELLER, Jr. (interrupting). May I ask what committee of three you refer to?

Chairman WALSH. The committee of three employees that would meet and confer?

Mr. ROCKEFELLER, Jr. There is no such committee that I know of.

Chairman WALSH. What is the number of the committee?

Mr. ROCKEFELLER, Jr. Twenty-five.

Chairman WALSH. Would the whole 25 meet with your directors without selecting a smaller committee?

Mr. ROCKEFELLER, Jr. That would be a matter for the 25 and the officers to determine. I don't know whether they have worked out that point.

Chairman WALSH. Has the suggestion been made that a committee of three be appointed by the general committee to work mines?

Mr. ROCKEFELLER, Jr. I know of no further suggestions than those outlined in my statement.

Chairman WALSH. When was the plan instituted?

Mr. ROCKEFELLER, Jr. I think I have the date here. [Witness examines papers.] On January 5 a notice was posted in the mines with reference to the election I have spoken of. I go on to state that I have received from the president of the company a telegram notifying me that this general conference was held at Denver on the 19th instant, so that the final step in the plan so far as it has been worked out was taken in that meeting of the delegates of the men with the officers of the company in Denver on the 19th of January.

Chairman WALSH. So there has been no opportunity to receive any report of any progress up to this date?

Mr. ROCKEFELLER, Jr. You see that was the 19th of January, only a week ago.

Chairman WALSH. I say, you have not had time to receive any report of progress of anything being done?

Mr. ROCKEFELLER, Jr. I have the report contained in the telegram which I read on yesterday. That was the last word. That was a telegram.

Chairman WALSH. If a disagreement should arise between the management and this committee of employees, do you believe that the employees alone would have the power to resist any decision made by the management?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the further development of the plan is yet to come. I do not know how that will work out, but you see the earnest purpose of the officers and directors to develop a machinery that will insure to the benefit of both sides, and I can only say that the plan will be developed as rapidly as the interests of the employees and the employers shall dictate to that body.

Chairman WALSH. And you will not object if this committee of 25 allies itself with committees in other industries in the State of Colorado?

Mr. ROCKEFELLER, Jr. That is a matter that has not come up, and I have no opinion about it.

Chairman WALSH. Would you object?

Mr. ROCKEFELLER, Jr. I would not be able to express an opinion; I would want to know the facts.

Chairman WALSH. Would you accord it to them as a right to the employees to seek organization with men in the same industry but working in other companies?

Mr. ROCKEFELLER, Jr. Mr. Chairman, my attitude and my view so far as it is developed is expressed here, and I can not prophesy what my opinion might be in the further development of this plan. I could not reply to that question until it came up in a more specific way.

Chairman WALSH. Do you see a parallel, it has been suggested to me to ask, between such cooperation and the cooperation of business corporations one with another?

Mr. ROCKEFELLER, Jr. I do not know of any cooperation of a similar nature between business corporations, I do not think of any at the moment.

Chairman WALSH. In case of a conflict over a grievance, which could not be reconciled, do you believe that the employees of your company, under their present wage and condition, could finance themselves in such a way as to resist the attitude of the management?

Mr. ROCKEFELLER, Jr. That I could not say because I have not information.

Chairman WALSH. What information do you feel you would have to have before you could answer that general question, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. I know nothing about the facts, Mr. Chairman.

Chairman WALSH. The other question which has just been handed me by Mr. Manly is an epitome of certain matters, and he advises me that he has not yet finished the question and will not be able to finish it until after recess, and as it is now only two or three minutes of that time, we will stand adjourned until 2 o'clock this afternoon, at which time you will please resume the stand.

(At this point a recess was taken until 2 o'clock in the afternoon of Tuesday, January 26, 1915.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The house will please be in perfect order.

Mr. Rockefeller, will you kindly resume the stand.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. Mr. Rockefeller, I see that the letter of Mr. Mackenzie King occupies 10 full pages. It is of extreme length, and unless you insist upon it, I would prefer to call your attention to certain extracts of it.

Mr. ROCKEFELLER, Jr. Mr. Chairman, the letter was not quoted in full, but only extracts from it, which cover four pages. The letter has been put in my hands, and the extracts were all that went into the letter to Mr. Welborn. I would be glad if that could be read.

Chairman WALSH. I would like, if you please, to let me read my extracts, and ask you about them, and then you can read whatever you desire to read of the letter and save us reading anything except what you consider important.

Mr. ROCKEFELLER, Jr. I should be glad, if you are willing, to have the whole letter read, simply because, taken as a whole, it gives——

Chairman WALSH. Very good, if you insist I shall be——

Mr. ROCKEFELLER, Jr. I do not insist. I simply make the request; I would appreciate it.

Chairman WALSH. Have you the whole letter here?

Mr. ROCKEFELLER, Jr. I have the extracts that were included; all of the extracts that were included in the letter to Mr. Welborn. That is the only part to which I am referring.

Chairman WALSH. Have you the letter of Mr. Mackenzie King?

Mr. ROCKEFELLER, Jr. I have not; only such portions as were included in the letter to Mr. Welborn.

Chairman WALSH. Will you produce the whole letter from Mr. Mackenzie King?

Mr. ROCKEFELLER, Jr. Gladly.

Chairman WALSH. I have not seen that—that part of the four pages you have; the only part I have is contained in about 10 lines that I want to ask you about.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Now, why do you not take my suggestion that I ask you in regard to the extracts which I have and then you may read any portion of it you may desire.

Mr. ROCKEFELLER, Jr. You would not prefer I should read the letter in advance?

Chairman WALSH. No; I prefer that I ask the question in advance.

Mr. ROCKEFELLER, Jr. And then I may read the letter?

Chairman WALSH. You may read it in full or any part of the letter.

Mr. ROCKEFELLER, Jr. Thank you.

Chairman WALSH. You are welcome.

Mr. ROCKEFELLER, Jr. Mr. Chairman, before we proceed, may I say one word with reference to one of the questions asked this morning?

Chairman WALSH. One minute until we get that letter.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Now you may make your statement.

Mr. ROCKEFELLER, Jr. I simply wanted to refer to a certain question which you very courteously put to me three or four times this morning in an effort to have me understand it. In looking over that matter at lunch the question has been made plain to me in conference. It was something like this: You asked me if I believed that in all cases employers could be trusted to voluntarily secure justice to employees in respect to all matters. I did not get the question, simple as it seems to me now, but my answer is, of course not.

Chairman WALSH. Now, then, I will quote you from the letter of Mr. Mackenzie King, you having stated that Mr. Mackenzie King was connected with the foundation about, as I understand it.

Mr. ROCKEFELLER, Jr. He was connected with the foundation about the 1st of October.

Chairman WALSH. And prior to that time did he have any connection with you?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Did he have any connection with your father?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. I will ask you if Mr. Mackenzie King wrote you a letter August——

Mr. ROCKEFELLER, Jr. August 5—is that the date, Mr. Chairman?

Chairman WALSH. Yes, sir; I will ask you if Mr. Mackenzie King did not write you a letter dated August 6, 1914, in which he used the following language:

"In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition, simply for the sake of recognition, is going to be seen to be less pressing as an immediate end than that of maintaining standards already existing, and unions may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain the standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of their conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach inward restoring normal conditions in Colorado."

Did you understand from that that the standard conditions meant the amount of food and clothing that those people were getting and that the war would place them in such economic condition on account of competition with their fellow workers that the matter would be settled?

Mr. ROCKEFELLER, Jr. That was not the part of the letter that my attention was concentrated on, and it was only incidental to Mr. King's answering questions that I had asked, and indicating that the war conditions, which necessarily affect materially the conditions of trade and industry, would make it much more difficult for employment to be found for all labor.

Chairman WALSH. And that, if you waited long enough, they would give up the fight for the recognition of the union in order to maintain the living conditions which they then had.

Mr. ROCKEFELLER, Jr. The whole question, Mr.——

Chairman WALSH (interrupting). Is that the way you understand it?

Mr. ROCKEFELLER, Jr. I can not remember how it affected me at the time, because that was not the part of the letter I paid any great attention to.

Chairman WALSH. How does that part affect you now?

Mr. ROCKEFELLER, Jr. Would you be good enough to read it again?

Chairman WALSH. Yes.

"In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition, simply for the sake of recognition, is going to be seen to be less pressing as an immediate end than that of maintaining standards already existing, and unions may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of fair conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado."

Did you understand from that, on account of the war, competitive conditions would be so great in the field of labor, one individual against the other, that the worker would be glad to maintain its conditions of living and give up any fight for the recognition of a union democratically formed?

Mr. ROCKEFELLER, Jr. That the question would have to be on maintaining what had already been accomplished by unionism, rather than seeking to extend the scope of the accomplishments.

Chairman WALSH. That is the way you understand it?

Mr. ROCKEFELLER, Jr. That is the way I get it from the way you read it.

Chairman WALSH. Did you get that from the last line here: "Here, it seems to me, lies a possible avenue of approach inward restoring normal conditions in Colorado."

Mr. ROCKEFELLER, Jr. I think the meaning there doubtless was that it would be naturally unwise for any union to continue the condition of unrest and of large expense when the economic conditions of the country were such as to make it an exceptionally difficult fight.

Chairman WALSH. That was your understanding of it?

Mr. ROCKEFELLER, Jr. Yes. May I read the letter now?

Chairman WALSH. Yes; you may read any part of that letter now or all of it, Mr. Rockefeller, if you see fit.

Mr. ROCKEFELLER, Jr. I will read such portions of this letter from Mr. Mackenzie King as were included in my letter to Mr. Welborn, my letter of August 11, 1914. These are the extracts from the letter of Mr. Mackenzie King, dated August 6, 1914:

"I agree with you in believing it to be extremely unlikely that the United Mine Workers of America will call off the strike. They might be willing to drop open active support by degrees, but I am inclined to think that where recognition has been the principle for which they have been fighting, they will not openly abandon the struggle with anything short of what they may be able to construe as such.

"It may be, however, that organized labor in the United States will realize the opportunities and handicaps likely to come to certain industries through the changed conditions of Europe and will be prepared to lessen hostilities where industrial strife at present exists, in order that on the one hand labor may reap with capital a fuller measure of the harvest, or, in the industries that may be differently affected, protect itself against consequences that are certain to arise. I fear that the view likely to be taken by some of the leaders may, at the outset, be the short-sighted one of endeavoring to persuade their followers that the opportunities which may come to American capital through the crippled condition of industries elsewhere will induce a recognition which under less favorable circumstances might not be granted. This is almost certain to be the immediate effect, and I think you are wise, therefore, in dismissing altogether from your mind the possibility of the United Mine Workers calling off the present strike, even if under any circumstances short of recognition they would be likely so to do. It will not be very long, however, before the inevitable effects of the European war on American labor conditions are certain to make themselves felt, both because of the scarcity of capital available for investment and the crippled condition of industry on the other side, and once this becomes apparent the unions will have to revise considerably some of their present policies.

"It would be fortunate, indeed, if out of the changed conditions which this European war is certain to produce, a means might be found of restoring industrial peace in the United States in industries such as coal and fuel, where there is a certainty of a direct bearing. It may be that among those who are embarrassing the situation in Colorado there are many foreigners who may feel compelled to return to Europe, and that may prove an immediate factor of importance. Looking at the ultimate rather than the immediate effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of this war, and once the war is over thousands of men and their families in the Old World are going to seek future employment in the New. In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition simply for the sake of recognition is going to be seen to be less pressing as an immediate end than that of maintaining standards already existing, and unions may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly seem to lose the substance of fair conditions, while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado.

"The possibilities here set forth might be pointed out by employers in a perfectly frank and open manner. It might be said with equal frankness that were it desired to profit by such a situation employers may seek later to enforce individual agreements with all men desiring to enter their employ; may even consider, as some doubtless will, altering conditions of employment to their supposed immediate advantage. Between the extreme of individual agreements on one side and an agreement involving recognition of unions as national and international character on the other lies the straight acceptance of the principle of collective bargaining between capital and labor immediately concerned

in any certain industry or group of industries, and the construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means on the one hand of preventing labor from being exploited, and on the other of insuring that conflict nor operation which is likely to further industrial efficiency.

"Granting the acceptance of the principle outlined, the machinery so to be fixed should aim primarily at securing a maximum of publicity, with a minimum of interference, in all that pertains to conditions of employment. By this I mean that the hope of establishing confidence between employers and employed will be more in a known willingness on the part of each to confer frankly with the other than in anything else. Similarly, the avoidance of friction likely to lead to subsequent strife is likely to be minimized by agencies which will disclose the existence of irritation and its cause, at or near inception; trouble most frequently follows where ill feeling is allowed to develop, unknown or unheeded.

"A board on which both employers and employed are represented and before which at stated intervals questions affecting conditions of employment can be discussed and grievances examined, would appear to constitute the necessary basis of such machinery. The size of this board and whether there should be one or many such boards would depend upon the numbers employed and the nature of the industry and whether or not the work is carried on in one or several localities. Where, for example, there are different mines or smelting plants, as well as mines—it might be that boards pertaining to each individual concern might be combined, with a provision for reference to a joint board covering the whole industry or group of industries, to which matters not settled by smaller boards might be taken for further discussion and adjustment.

"In determining the character of representatives on such boards, broadly speaking, a line might be drawn between those who are 'paid salaries,' on the one hand, and those who 'earn wages,' on the other. This is very rough and very general, for there are in some industries a class of petty bosses whose interests may appear to identify them more closely with wage earners than with salaried officials; but, broadly speaking, men who have authority to give orders and to direct operations fall into the salaried class, while men who have no authority to direct others and whose own work is subject wholly to direction fall into the category of wage earners. The selection of representatives on such boards should be made at a meeting or meetings of employees called expressly for the purpose. It might be left optional for the employees as may whether they desired a permanent form of organization, of which their representatives on a board would be the officers, or whether they would prefer the selection of individuals at stated periods, without reference to any permanent form of organization. It would also be left optional with the workers themselves as to whether they wished to allow representatives so chosen a salary in payment of their services or whether such services would have to be voluntary. A company might with propriety offer to provide the place of meeting for the boards, and possibly go to the length of supplying the employees with permanent office accommodation for their representatives, leaving it, however, to the employees themselves to provide whatever might be necessary in the way of salaries and expenses in the keeping up of such offices.

"It would not appear desirable at the outset that these boards should have anything to do with benefit features. They should not be framed with a view of restricting, through possible benefits, the liberty of any man as regards the continuance of his employment, but should aim primarily at affording a guarantee of fair play in determining, in the first instance, the conditions under which men would be obliged to work and the remuneration to be paid; and, secondly, the carrying out of these conditions in a spirit of fair play.

"One thing to be especially aimed at in the construction of such boards should be the making virtually certain of the possibility of grievances or conditions complained of being made known to, and subject to, the review of persons in authority over and above the parties immediately concerned, where the parties fail to adjust these differences between themselves—this to be carried even to the point that directors, if need be, should have, where the questions in dispute affected are likely to justify it, a knowledge of the situation and power to pass upon it. This feature will probably not appeal to pit bosses and managers who may desire absolute authority. On the other hand, I am convinced it should be possible so to frame a constitution for these boards that the possibility of this review would in no way interfere with discipline, but would be a material assistance, rather than a handicap, to those who are charged with responsibility.

[illegible] expected of boards of this kind would be that employees before taking up any question with the officers of the company would try to adjust or settle it among themselves. Failing adjustment in this manner, differences and grievances would be presented to the officers of the company, not by the individuals immediately affected, but by the duly constituted representatives chosen to safeguard the interests of all. Having had a preliminary sifting in this manner, cases would be brought before a committee of the board, and before the whole board in any one industry, for adjustment. If it should be found that an individual board could not definitely determine a matter of importance, there might be brought a further appeal on stated conditions to a board chosen to represent the industry as a whole, or a group of allied industries, the purpose here being to get away to a degree, for purposes of adjustment, from the parties immediately concerned, but not wholly away from parties finally to be ultimately affected. This would make it an essential that all members of such boards, excepting, possibly, persons chosen as chairman, referees, or arbiters, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside. It should be possible, however, for workmen to select one or more of their number who could give their entire time to acting in a representative capacity and pay them a salary, pending their acting in such capacity.

I think, in a very rough way, this covers the points mentioned in our conversation. I really hesitate to send this letter in such rough outline and without more care in preparation. I believe so strongly in never advising in regard to any situation until one has made oneself familiar with all its phases that I feel I am running a great risk in even setting forth what this letter contains, as there may be conditions or reasons which will render the suggestions wholly inapplicable to some of the industries with reference to which consideration is invited.

Chairman WALSH. I have been asking Mr. Rockefeller—it has been suggested to me to have you make more clear just how this committee is selected in the plan referred to in the letter of the 10th instant?

Mr. ROCKEFELLER, Jr. Just how the committee is selected?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I would be glad to do so. You mean the committee of 10?

Chairman WALSH. Yes; the committee of 10—is that the only committee mentioned?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I confess that I was confused; I thought there was a subcommittee of three.

Mr. ROCKEFELLER, Jr. I think the previous letter perhaps you have had that in your mind from the correspondence and the suggestions made from time to time by various people. I assume you now understand what has been done?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. The plan, as described in my statement of yesterday, consists of a committee of 10. I think in individuals selected by the men at each camp, and notice was posted at each camp asking the men to assemble in a mass meeting—a meeting at which neither [illegible] nor superintendents should be admitted, to elect by ballot from their number one representative for every 200 men, who should represent the men in taking up with the representatives of the company any matters of mutual concern, who should also represent the men in a conference with the officers of the company at Denver from time to time. These men thus elected by the representatives of the miners in each camp are to continue to represent the interests of the group which chose them until such time as any group might desire by similar election in mass meeting to elect some successor to the original man chosen.

Chairman WALSH. Now, Mr. Rockefeller, you stated yesterday, I believe, that your father, during the 12 years in which he has held an interest in the Colorado Fuel & Iron Co., has received a return of $571,000 upon his stock; is that correct?

Mr. ROCKEFELLER, Jr. I think it is, Mr. Chairman—I will look in the statement—$571,000 on the capital stock, or his investment in the capital stock of the company.

Chairman WALSH. You stated also that during the same period he has held bonds of [illegible] Colorado Industrial Co., $15,000,000; Colorado Fuel & Iron, general 6's, $5,000,000.

Mr. ROCKEFELLER, Jr. I think that may have been from that statement. Read that again.

Chairman WALSH. You stated also, if I understood you correctly, that he had had bonds as follows: Colorado Industrial 6's, $14,500,000; Colorado Fuel & Iron, general 6's, $600,000.

Mr. ROCKEFELLER, Jr. I must have made the statement from this statement which reads: "Colorado Industrial 6's, personal holdings, $12,500,000, par value."

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. General mortgage 6's, $600,000, par value. I think those must be the two items.

Chairman WALSH. I guess so. I gathered that from the record as I ran along and may not have got it correct; but it is correct enough for the purposes of this question. You also stated that the Colorado Fuel & Iron Co. had not defaulted on its bonds; is that correct?

Mr. ROCKEFELLER, Jr. It has not defaulted to my knowledge.

Chairman WALSH. I have made a calculation on the basis of those figures——

Mr. ROCKEFELLER, Jr. (interrupting). Pardon me; they have not defaulted to my knowledge.

Chairman WALSH. I have made a calculation on the basis of those figures which shows that your father received during those 12 years income on the bonds amounting to $8,850,000, and on the stocks $571,000, making in all $9,250,000 income from the Colorado Fuel & Iron Co. Is that approximately correct?

Mr. ROCKEFELLER, Jr. I have not figured it that way. I have simply figured the return in rate per cent on the total investment.

Chairman WALSH. I am trying to get at, if possible, the actual amount of cash gotten by your father.

Mr. ROCKEFELLER, Jr. I can give it.

Chairman WALSH. I analyze it this way, with this little difference in figures, $14,500,000 Colorado Industrial 6's, 6 per cent for 12 years, $8,670,000; $600,000 C. F. & I. general 6's, $210,000; income on stocks, $571,000; making a total of $9,250,000.

Mr. ROCKEFELLER, Jr. That is very likely correct and doubtless if you have figured it; I have not figured it.

Chairman WALSH. I will give you this when I have finished, so that you may verify the figures. I believe you stated that you could not give the number of employees of the Colorado Fuel & Iron Co. in normal years employed there?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Mr. Welborn has stated that the number of employees employed in normal years is about 15,000; would you assume that as correct if we have no reason to his testimony?

Mr. ROCKEFELLER, Jr. I should.

Chairman WALSH. The combined statement shows then that your father's total income has been $9,250,000, while the employees have received in wages $62,000,000, I believe you stated?

Mr. ROCKEFELLER, Jr. Yes; approximately.

Chairman WALSH. Through that period.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Would you consider it just and equitable distribution that 15,000 employees should have worked for 12 years, and many of them have been crippled and sacrificed their lives—that they should at least receive 10 times as great a return as one man who has never visited the property through that period and whose representative has visited it but once?

Mr. ROCKEFELLER, Jr. Mr. Chairman, strictly as a matter of investment, you put your money in a savings bank and you get at least 3½ or 4 per cent, and the total income my father has gotten has not run as high as 6 per cent. I can not see that there is any particular connection between what a man gets for money that he lends and what may be paid in any industry as the total in wages to the employees of that industry.

Chairman WALSH. My question is finally, would you consider it just and equitably distributive that 15,000 employees who had worked for 12 years and many of them have been crippled and sacrificed their lives, should, as a matter of justice, receive 10 times as great a return as the man who had not visited the property—as a matter of social justice?

Mr. ROCKEFELLER, Jr. I can not make any comparative statement. I think the employees should receive fair wages and I think they have. I think capital

be entitled to a fair return. There has not been a fair return, I think as between the two, the employees have fared better than the capital.

Chairman WALSH. How much more would you consider a fair return?

Mr. ROCKEFELLER, Jr. On capital?

Chairman WALSH. On capital, considering the conditions in Colorado such as you did observe when you were there 10 years ago?

Mr. ROCKEFELLER, Jr. The rate of 5 per cent on the ordinary bond was thought was about the fair bond interest. There are bonds often that pay 6 per cent. Around there would seem to be a fair return for money loaned on bonds. I should regard the return of two-thirds of 1 per cent per annum on the cash invested in any industrial enterprise as utterly inadequate. Certainly capital would not long be led into industry on any such return as that.

Chairman WALSH. Which would be utterly inadequate there, to properly stimulate investment of capital in industries?

Mr. ROCKEFELLER, Jr. I think two-thirds of 1 per cent, certainly.

Chairman WALSH. I just wanted to gather what you meant by that being utterly inadequate.

Mr. ROCKEFELLER, Jr. Two-thirds of 1 per cent.

Chairman WALSH. Would be utterly inadequate for what?

Mr. ROCKEFELLER, Jr. To stimulate capital to go into industries. Capital naturally flows into savings banks at 3½ or 4 per cent, where there is no risk, where the capital can be drawn out at any time, rather than into industry where the risk is enormous and where the capital can not be drawn out at the will of the investor.

Chairman WALSH. Now, I am going to leave the subject of general industries, as well as—I believe I made a request for you to kindly produce to the committee the letter of the Rockefeller King Coal Co. which that operative read that you read to us.

Mr. ROCKEFELLER, Jr. I did not understand that, Mr. Chairman. I would be glad to produce the letter.

Chairman WALSH. Please produce the original letter.

(See Exhibit, Jr., Exhibit No. 2.)

Chairman WALSH. Have you enough data to get that letter?

Mr. ROCKEFELLER, Jr. Oh, yes.

Chairman WALSH. I was going to say that I would leave your direct examination on the general industrial topics as well as on Colorado, and call your attention more particularly to the work of the foundations or the philanthropic activities of your father and the organizations which he had created. Of what philanthropic foundations are you a trustee?

Mr. ROCKEFELLER, Jr. The Rockefeller Foundation, the General Education Board, the Rockefeller Institute for Medical Research.

Chairman WALSH. Is the International Sanitary Commission one of your activities?

Mr. ROCKEFELLER, Jr. The International Health Commission is one of the organizations created by the Rockefeller Foundation as a subsidiary organization to deal with certain particular questions. I did not know that you included in your request the subsidiary organizations.

Chairman WALSH. Well, perhaps I did not. I do not know that we did. But just briefly explain whether or not it stands upon any different basis from the Rockefeller Foundation, the General Education Board, and the Rockefeller Institute for Medical Research.

Mr. ROCKEFELLER, Jr. Oh, yes.

Chairman WALSH. If you please briefly state what it is.

Mr. ROCKEFELLER, Jr. The Rockefeller Foundation and the General Education Board and the Rockefeller Institute all have their own independent organizations and boards of trustees and officers. The International Health Commission is an organization created by the Rockefeller Foundation for the purpose of dealing with questions of health. At the present it is dealing with the eradication of the hookworm disease throughout the world, as a previous organization whose work it has taken over, dealt with the hookworm disease in the Southern States of this country.

Chairman WALSH. Were those foundations established by Mr. John D. Rockefeller?

Mr. ROCKEFELLER, Jr. May I just add one word——

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. In connection with that question: That the International Health Commission has no funds of its own. Its funds are received from

the Rockefeller Foundation. That may set forth in an answer to one of the questions in one of the questionnaires.

Chairman WALSH. Were these foundations established by Mr. John D. Rockefeller?

Mr. ROCKEFELLER, Jr. They were.

Chairman WALSH. Of what other philanthropic and civic, educational, or religious agencies are you a member of the governing board?

Mr. ROCKEFELLER, Jr. I am a member of the board of trustees of the Bureau of Social Hygiene, which is a small organization which has been dealing with certain social questions for several years past. I am a member of the board of trustees of the church of which I am a member. I do not at the moment think of any other.

Chairman WALSH. Any civic organizations of any sort?

Mr. ROCKEFELLER, Jr. Not that I recall.

Chairman WALSH. Any educational organizations other than those which you have mentioned?

Mr. ROCKEFELLER, Jr. Not that I recall.

Chairman WALSH. Did you confer with your father in advance of the establishment of these foundations?

Mr. ROCKEFELLER, Jr. My father has always advised with me and the other members of his staff on these matters.

Chairman WALSH. You were therefore familiar with the purpose, methods, instruction, and method of management, and results of these various foundations then?

Mr. ROCKEFELLER, Jr. Quite so.

Chairman WALSH. Have you in addition given considerable study to the question of the relations of private benefactions to social and economic conditions, to government, industry, and the life?

Mr. ROCKEFELLER, Jr. Well, in connection with these several organizations, I have.

Chairman WALSH. What proportion of your time, would you say, during the past 10 years, since the General Education Board was established, have you given to studying the management of these philanthropies?

Mr. ROCKEFELLER, Jr. Of course, during the past 10 years I have not given any time——

Chairman WALSH (interrupting). That is, study and management; also, I might add.

Mr. ROCKEFELLER, Jr. Yes. During the past 10 years I have not of necessity given any time to the study and management of the Rockefeller Foundation, because that was founded about 10 months ago; only that long has it been in existence. The Bureau of Social Hygiene has been in existence some 4 or 5 years, possibly.

Chairman WALSH. Your father's philanthropies have extended over a period longer than 10 years, I believe?

Mr. ROCKEFELLER, Jr. Since his early boyhood.

Chairman WALSH. The question I asked you was: What proportion of your time, during the past 10 years, since the General Education Board was established, have you given to studying the management of Mr. Rockefeller's foundations?

Mr. ROCKEFELLER, Jr. I thought you said those foundations.

Chairman WALSH. I probably did.

Mr. ROCKEFELLER, Jr. That is why I say, Mr. Chairman, it would be difficult, as I stated this morning, to accurately approach even a guess as to how much time I give to philanthropic and educational matters and how much to business matters. One effect is so organized that we deal with any of the problems that come up in the day—educational, business, philanthropic; whatever does come up. As I stated this morning, I might spend all of to-day on matters bearing on the foundation. I might spend no time for a week from this on on such matters. I might spend to-morrow half an hour on matters connected with the General Education Board; or I might spend to-morrow, as I should if I were not to be here, sitting with the board during the entire day, because the meeting comes to-morrow. And so it is irregular, Mr. Chairman, and difficult for me to make a specific answer to the question.

Chairman WALSH. Could you approximate or compare the proportionate time given during the past 10 years to the study of philanthropic questions and the management of philanthropies with the proportionate time you have given to

the study of industrial questions such as have been presented since you have been on the witness stand at this hearing?

Mr. ROCKEFELLER, Jr. I have given very little time to the study of industrial questions. As I have stated in answer to other questions, those are questions which I have not taken up to any extent.

Chairman WALSH. What is the total amount to date of your father's public giving?

Mr. ROCKEFELLER, Jr. There is no accurate record that I am familiar with, at least no record has been made. I think, if I may make a guess, Mr. Chairman, as close as possible that it would approximate a quarter of a billion of dollars.

Chairman WALSH. Of these gifts what totals have been given to foundations established by Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. One hundred millions to the Rockefeller Foundation. About thirty-three or thirty-four millions at present in the hands of the General Education Board, and that I must explain. Another larger gift has been made to the board, but as regards a portion of the income my father at the time of the making reserved the right to designate the objects to which such portion should be given within the corporate purposes of the board. And in that way certain moneys were given to the University of Chicago and to the Rockefeller Institute for Medical Research. So that the funds now in the hands of the General Education Board, those funds having passed out, amount to about $82,000,000.

Chairman WALSH. About what amount has been given other than through the foundation?

Mr. ROCKEFELLER, Jr. I think the sum of the gifts to the——

Chairman WALSH. Subtract the gifts from the total and we would have the approximate, I would suggest.

Mr. ROCKEFELLER, Jr. The Rockefeller Institute for Medical Research has received something under $10,000,000 direct from my father, I should say, and including the gift of two and one-quarter millions made recently, but not yet paid, through the Rockefeller Foundation. But it would not be accurate to count that both in the Rockefeller Foundation and in the Institute for Medical Research. Therefore, I should say that the gifts thus far to the Rockefeller Institute would represent in round figures about $10,000,000; to the General Education Board, about $34,000,000; to the Rockefeller Foundation, $100,000,000; to the University of Chicago, about $38,000,000 or $34,000,000. I have added to the sum of these four or five figures, a figure which it seems to me would about approximate what my father's further and separate gifts have been along those lines during the many years in which he has been interested in such matters.

Chairman WALSH. Do you think more public service has been rendered through the foundations than would have been rendered if Mr. Rockefeller had given these amounts to employees in industries in which he had investments?

Mr. ROCKEFELLER, Jr. I think my father has always felt, Mr. Chairman, and I certainly have, very cordial sympathy with his feeling, that one of the best forms of philanthropy is the investment of money in the building up of productive industry. I think at the same time he has felt that while that was doubtless one of the highest and most productive forms for the use of money, that there were certain things which could best be accomplished by gifts of sums to other organizations, educational, philanthropic, etc.

Chairman WALSH. Have you ever had a description prepared for you, Mr. Rockefeller, of what might have been accomplished if the sums which have been given through your benefactions of various kinds had been given in increased wages or improved the conditions of labor and standards of living in the communities from which the investments of Mr. Rockefeller have drawn the profits?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Will you please describe Mr. Rockefeller's purpose in establishing foundations as a means through which to render public service.

Mr. ROCKEFELLER, Jr. Generally speaking, the various lines of activities which are being carried on through these several foundations were to a smaller extent carried on by my father personally prior to the establishment of these foundations. And in assisting him in accordance as him in carrying on these private philanthropies and educational matters, those who had been on his personal staff have been his associates and assistants. As my father's desire and ability to enlarge his contributions in the interest of education and of

general direction of interest in humanity at large increased, he commenced to feel that it would be desirable to crystallize into separate and distinct organizations the several activities which he had been carrying on himself. The first one which was thus created was the General Education Board. Up to that time my father had been making contributions to educational institutions as a result of studies and inquiries made by his own associates and representatives. He came to feel that a larger and more permanent contribution to the cause of education throughout the United States as a whole could be rendered were he not to limit the information and advice upon which in regard to giving to such purposes to the group, necessarily small, of his own advisers, but rather to place in the hands of an increasingly large group the responsibilities for the wise giving of such funds. And so in the establishment of the General Education Board, as the personnel of the board itself clearly will indicate, it was my father's desire and purpose to bring in to the counsels in considering and dispensing these funds, as broad and intelligent and representative a group of men, well equipped to consider such questions, as might be brought together. That covers his purpose generally in the establishment of the General Education Board. Shall I speak of the other foundations similarly?

Chairman Walsh. Yes; I would like you to go as exhaustively as you think the importance of the subject demands into the question. The commission would like to be fully informed as to your father's purpose in establishing foundations, as fully as it is possible for you to do. We think that would be the best sort of information we can get on that subject.

Mr. ROCKEFELLER, Jr. There came to my father also the growing impression that one of the great causes of misery in the world was disease. That if in any way he might be able to make a contribution toward the securing of information which would lead to the prevention of disease and possibly to the eradication of disease in some lines, he would be making a real and permanent contribution to the welfare, not only of this country, but of the world at large. The idea of medical research was in his mind, a field not frequently entered by philanthropists because so frequently unproductive and because so costly. Believing it to be an important field he undertook to enter it. And starting, as has been his custom in the development of these several foundations, he made his first gift in a small and modest way, amounting to $200,000, to be drawn upon as a board of the most competent medical directors whom he could get together should see fit. These men used the funds placed at their disposal in the employment of trained men to study various problems of disease. The men so employed worked in various laboratories. There was no plan as to the future, there was no suggestion by my father as to how this work should develop. For it had always been his feeling that those who are most highly trained and fully versed in any such matters should be the ones alone to lay the plans and to execute them.

The preliminary gift of several hundred thousand dollars led the directors in whose hands it was placed to develop several men of special ability as investigators in disease. As to whether these investigations should be centered in this city or that was not suggested by my father. The question of whether such an institute, if it took definite form, should be related to some existing university or other institution was not treated of by my father. That and all of the questions in regard to the development of this work of medical research, as is his universal custom, was left to the wisdom and discretion of the board of able experts into whose hands he had committed this trust. The result was that little by little those different problems commenced to solve themselves. But, without taking your time to trace the development, the present situation is that the Rockefeller Institute of Medical Research has a laboratory building, a hospital in this city, and it is constructing an additional laboratory building where a number of highly trained medical experts are associated together in studying such medical problems as the board of medical advisers who direct their work from time to time suggest and designate. That is, generally, the development of the Rockefeller Institute of Medical Research.

I may say that the studies are now along the line of one disease, now another, as was the case a few years ago when an effort was made to arrive at the cause and the possible cure of cerebrospinal meningitis. That effort was successful, and whereas cerebrospinal meningitis always exacted a deadly toll up to that time of 75 per cent of the cases affected with the disease, as the result of the application of the remedy which was discovered through the able medical men working in the institute, the first 600 cases that were observed subsequent to the

discovery of this remedy, reduced the average from 75 per cent of deaths to 25 per cent of deaths.

Chairman WALSH. In what number of cases?

Mr. ROCKEFELLER, Jr. In 600 cases. So that, I suppose, it would be fair to say 300 lives which otherwise would have been sacrificed were saved in that first 600 cases. The remedy has been used quite generally throughout different parts of the world since and as is customary with all of the discoveries—of any discoveries that may be made in any such institute—after they have been tried out they are turned over to the public to be used in the general interest of the public. That, in brief, outlines the purposes which the Rockefeller Institute for Medical Research was organized to meet and the method of its development.

The Rockefeller Foundation was the most recent development. It was organized in order that the various lines of altruistic and other endeavor, many of which my father had up to the time of its organization been endeavoring to assist through personal contributions might continue to receive its increasing amount the attention of those who were placed in charge of the fund. The fund was purposely made very broad in its purpose, because it has been my father's view that each generation can best determine what its own specific needs are, and that he who endeavors in advance to prescribe for what purposes, as the years go by, a fund shall be used, is not as apt to render as useful service to mankind, to humanity, as he who leaves the decision as to the use of that money to the best judgment of such groups as may in each succeeding generation be in charge of the fund. The fund is so expressed that any purpose, any object, which comes within the broad field of being helpful in the development of civilization and benefiting humanity can be undertaken, as is stated in the charter, which has been made a part of one of the questionnaires, I think, specifically, that covers the situation.

Chairman WALSH. Has Mr. Rockefeller himself formulated his purpose and his viewpoint in any written memorandum?

Mr. ROCKEFELLER, Jr. Never.

Chairman WALSH. I would call your attention specifically to the amazing, ready printed in sections, in the World's Work in 1906-9.

Mr. ROCKEFELLER, Jr. I assumed that you meant his purpose with reference to any one of these specific foundations.

Chairman WALSH. No; not in reference to that.

Mr. ROCKEFELLER, Jr. My answer was in answer to that question.

Chairman WALSH. But as a general point of view along those lines.

Mr. ROCKEFELLER, Jr. I recall the publication to which you refer.

Chairman WALSH. Those articles were afterwards collected and published in book form, were they?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. I see they are called "Random Reminiscences of Men and Events," by John D. Rockefeller.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Copyright, 1908—1909-9. What led to his writing this series of articles, if you know, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. I presume it was as much as anything the result of the desire of his family, expressed for many years, to have him put down in writing his own views with reference to matters of general importance; and we had hoped his own views and experiences in the history of his life. I have cried for many years to interest him in preparing for his descendants an outline of his life history. This is as far as I was able to get.

Chairman WALSH. So the initiative was taken by his family in having these written?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Was there any special reason for making this biography through that particular publication, the World's Work?

Mr. ROCKEFELLER, Jr. Not that I know of.

Chairman WALSH. Were the articles written entirely by your father or prepared in outline for him?

Mr. ROCKEFELLER, Jr. I did not personally have to do with the preparation of the articles or have any part in the work, so I could not state definitely on that subject.

Chairman WALSH. After the family had got to the point where Mr. Rockefeller was willing to do this, do you know whether or not it was a part of his object to give the public his views about private business and public giving?

Mr. ROCKEFELLER, Jr. I do not know as he has spoken to me in writing those chapters.

Chairman WALSH. Did he ever mention it to you?

Mr. ROCKEFELLER, Jr. No; he did not.

Chairman WALSH. Was there any special effort made upon the part of Mr. Rockefeller or his family or his personal attorneys to give any special circulation to the magazine containing the articles?

Mr. ROCKEFELLER, Jr. Quite the contrary, so far as I know.

Chairman WALSH. The book that followed, was it the task in general circulation, or was there any effort made to circulate it?

Mr. ROCKEFELLER, Jr. I think it was published and put on sale as any other book would be.

Chairman WALSH. Any other book?

Mr. ROCKEFELLER, Jr. Certainly; the family made no effort in any regard.

Chairman WALSH. For himself?

Mr. ROCKEFELLER, Jr. Nor himself either.

Chairman WALSH. What has been Mr. Rockefeller's main line of counsel or members for the various foundations, mainly, what types of men, what type of experience, has he endeavored to secure for the foundations?

Mr. ROCKEFELLER, Jr. In the selection of the directors of the several foundations Mr. Rockefeller has been guided very largely by the suggestions made to him by his advisers, and they have usually represented on various boards. In connection with the board of medical directors of the Rockefeller Foundation, I think I myself had to do with the effort to ascertain who among the medical men of the country ranked highest as medical authorities, and I conferred in that study with various people. I think the board as finally made up was suggested entirely to my father by myself and my associates who had that matter in charge.

Chairman WALSH. Did you suggest the names of persons personal to your father, yourself and those advisers, first whom we finally selected the persons which he desired?

Mr. ROCKEFELLER, Jr. My recollection is not clear, but I think it would be only in line with our usual method in making recommendations to him on any matter to make them as concrete as possible. I think it is highly probable that we suggested specific names, having gone over the field carefully, and having arrived at a list for final consideration, which we felt we could properly recommend.

Chairman WALSH. We have had taken from the testimony of Mr. Starr J. Murphy before the Senate committee on the question of chartering the Rockefeller Foundation the following statement. I will ask you if this correctly represents the type of men you are endeavoring to get:

"We find that the kind of men you want on these boards are men of wide vision, men of wide experience, men of sound wisdom, and men of enthusiasm in the work which is before them, and who are willing to give freely of their time. None of the members of our board receive a dollar compensation for their work, and some of them come thousands of miles to attend the meetings of these boards and give freely of their time and strength to the public service. That is all we wish to preserve."

Mr. ROCKEFELLER, Jr. I think that describes very admirably what is usually in mind in the selection of men for these boards.

Chairman WALSH. Have vacancies occurred upon these boards from time to time since the original institution?

Mr. ROCKEFELLER, Jr. I think in all the boards, Mr. Chairman, the members are elected for a term of three years only, the first board being divided by lot into three groups, one serving for one year, another group for two years, and another group for three years, and as vacancies have occurred, successors to the original occupants of the position have been elected by the board.

Chairman WALSH. In what respect, if at all, have the boards as at first constituted by Mr. Rockefeller been changed, so far as type of men and experience, as placed upon the board as vacancies have occurred, are concerned?

Mr. ROCKEFELLER, Jr. Vacancies which have occurred have been few in number. In the board of medical directors of the Rockefeller Institute the only vacancy, I think, has occurred by death. The man who took the place of Dr. Herter, who died, was Dr. Theodore C. Janeway, a man of the same general type. In the General Education Board, the men, as I recall at the moment, whose places have become vacant, have been, Mr. William H. Baldwin, who died; Mr. Robert C. Ogden; and I think ex-President [illegible]

formerly president of Brown University. I do not recall at the moment any other vacancies that have occurred in that board. Men of generally similar type have been selected by the members of the board, as a body, who were in existence at the time vacancies came up to be filled.

Chairman WALSH. Who are those gentlemen?

Mr. ROCKEFELLER, Jr. Who have been added?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I have not got the list at hand.

Chairman WALSH. Very good. I will reach it later. What method of removal of trustees has been provided in the various laws incorporating Mr. Rockefeller's foundations?

Mr. ROCKEFELLER, Jr. I do not recall that any method of removal has been incorporated. As I have stated, in all instances the term of office for the members of the board is fixed at three years, so that if it was desirable to replace a man it would be possible to do so at the end of that time and his place would be filled by some one else at the end of his term. But the men who have been selected have been chosen, Mr. Chairman, with a view to the selection of such men as it might be hoped would be continued in office after their initial term had expired for such longer terms as they might find themselves able to serve.

Chairman WALSH. Do you contemplate any conditions under which privately endowed corporations might become a menace either to the general cause of education or to the industrial welfare of the people?

Mr. ROCKEFELLER, Jr. You speak now of any form of endowment or endowments, or is it a general question?

Chairman WALSH. First, as a general question.

Mr. ROCKEFELLER, Jr. Is that in substance, Mr. Chairman, may I ask, the last of the six questions which the commission sent to me? Because if it is so nearly like it that I assume it is, and I have prepared a brief written answer, which I would be glad to read if I may.

Chairman WALSH. You may read the answer, because I do not have question 6 fixed in mind, and if your answer does not answer my question I will propound it again.

Mr. ROCKEFELLER, Jr. Question 6 is, "Do the large foundations constitute a possible menace either to the general cause of education or to the industrial welfare of the people? If so, what regulation or supervision is desirable?"

Answering in respect to the two foundations with which I am connected—by those, of course, I mean the General Education Board and the Rockefeller Foundation—the Rockefeller Institute for Medical Research we have not regarded as a foundation in the same sense, it having a specific purpose [reading]:

"The two foundations with which I am connected, namely, the Rockefeller Foundation and the General Education Board, are not endowed; their funds, both as regards principal and interest, in accordance with the deeds of gift, are subject to distribution at any time in the discretion of the trustees. These corporations, as is true of all modern corporations, are subject to the reserved power of the legislative bodies which created them to modify or repeal their charters whenever the public interests require."

Chairman WALSH. Under what conditions, leaving aside your foundations, would you consider privately endowed foundations might become a menace to either the general cause of education or to public welfare?

Mr. ROCKEFELLER, Jr. The problem with which I have been charged here is rather how such foundations could be made serviceable to humanity. I have given no thought to the other phase of it.

Chairman WALSH. You have given no thought to the question of whether or not these large endowed foundations might become a menace to the general cause of education or to the public welfare of the people?

Mr. ROCKEFELLER, Jr. I have not thought it was necessary with reference to these two foundations of which I speak, or generally to broad foundations, because of the power of the legislative body granting the charter to repeal or modify the charter.

Chairman WALSH. Then your answer is that you have not given that question any thought?

Mr. ROCKEFELLER, Jr. Not beyond thinking that that seemed to be an absolute safeguard.

Chairman WALSH. Not beyond the thought that the legislature could repeal it if the members of the people were so inclined?

Mr. ROCKEFELLER, Jr. I have had such confidence in the processes of democracy that I have felt that the people could be relied upon to act when the necessity arose.

Chairman WALSH. During the period that the question of granting a Federal charter to the Rockefeller Foundation was before the Congress of the United States did you read the editorial comments of the newspapers of the country and the magazine articles upon the subject?

Mr. ROCKEFELLER, Jr. I saw a part of them.

Chairman WALSH. What steps did Mr. Rockefeller's advisers take to secure copies of editorial comment upon either the benefits or dangers or criticisms of Mr. Rockefeller's foundations?

Mr. ROCKEFELLER, Jr. They have never taken any definite and organized steps to secure such information.

Chairman WALSH. Did you subscribe to the clipping service during that period when the request for a national charter was before Congress?

Mr. ROCKEFELLER, Jr. Very possibly at that time, although I do not recall.

Chairman WALSH. Did you personally read generally the comments that were made by the publications of the country upon the question of the granting of a charter to the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. How generally I could not state; I saw a number of comments.

Chairman WALSH. Did you personally secure an analysis—a summary of their contents?

Mr. ROCKEFELLER, Jr. I did not personally secure an analysis or summary of their contents—contents of the criticisms, you mean?

Chairman WALSH. Yes; of the criticism or comments in the publications of the country?

Mr. ROCKEFELLER, Jr. Not generally, but I have had in mind quite clearly the several points which were raised at that time.

Chairman WALSH. Has Mr. Rockefeller, referring to your father, of course, recognized any dangers connected with the future of foundations established by him?

Mr. ROCKEFELLER, Jr. I think I am justified in saying that he has thought, as I have thought, that the powers of the legislative bodies granting the charters to modify or repeal these, made that risk nil.

Chairman WALSH. Do you feel that the present safeguards give adequate assurance that the various Rockefeller Foundations will never become a menace?

Mr. ROCKEFELLER, Jr. I do not see how they can if the people, as the years go by, perform their part.

Chairman WALSH. What means have been provided by which the public would promptly know in case one of the Rockefeller Foundations was being used, whether knowingly or unknowingly, against the public interests?

Mr. ROCKEFELLER, Jr. It has been increasingly the purpose and endeavor of these several foundations to have their work very generally known, believing that the success of the work, particularly in the foundation which has a very broad scope, would depend to a great degree upon the public interest and cooperation in the use of the fund.

Chairman WALSH. Has the Rockefeller Foundation ever rendered a public report?

Mr. ROCKEFELLER, Jr. The Rockefeller Foundation has only been in existence since, I think, March, 1913. Its first year was a partial year and no report was written. Its second year is terminating with its annual meeting this week. A report is being prepared—has been, I think, prepared—for that meeting. It has been the purpose and is the purpose of the directors of the foundation to have annual reports prepared covering fully the activities of the preceding year, but although such reports have not yet been made, or made public, for the reasons I have stated, we think quite extensive publicity has been given to the work of the foundation, and it is the desire and purpose of the directors to have the public fully informed at all times of the work of the foundation.

Chairman WALSH. And that will include what, please, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. What methods of informing the public?

Chairman WALSH. Yes; these reports; what will go to the public?

Mr. ROCKEFELLER, Jr. Everything, Mr. Chairman, that the directors deem to be of the slightest public interest—everything that the public ever had the slightest interest in.

Chairman WALSH. When was the first publication made as to what constituted the $100,000,000 in the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. Do you mean the securities which went to make up the $100,000,000?

Chairman WALSH. Yes; the securities which went to make up the $100,000,000?

Mr. ROCKEFELLER, Jr. I can not give you the date. I think the first publication was made within the past few months.

Chairman WALSH. And where was it published?

Mr. ROCKEFELLER, Jr. It was published in a general statement that was given out by the officers of the foundation to the press of the country.

Chairman WALSH. When was that given out with reference to the submission of the questions of this commission as to what constituted the property of the Rockefeller Foundation? Was it after the questionnaire of the commission was submitted to you?

Mr. ROCKEFELLER, Jr. I think it was.

Chairman WALSH. And was the same information given to the press that was given in answer to the questions from the commission as to that point?

Mr. ROCKEFELLER, Jr. There was. The first questionnaire, as well as the second questionnaire, was answered with the utmost care. We spent days in preparing in the fullest and most accurate way possible the answers which were requested, and it seemed to the members of the foundation that a considerable portion of the material thus gotten together might appropriately be made public and might be of general public interest without waiting for the publication of the annual report. The general question of the foundation being up in the public mind, as a result of the proposed inquiry of this commission, the foundation directors thought that they owed it to the public to give all the information which the public might be thought to be interested in, and therefore did not wait, since the question was up, until the annual report, which would be the natural yearly time at which publication should be made of such information.

Chairman WALSH. I am going to ask the stenographer to please read again my question and ask you to kindly give me a direct answer to it, if possible.

The REPORTER (reading):

"When was that given out with reference to the submission of the questions of this commission as to what constituted the property of the Rockefeller Foundation? Was it after the questionnaire of the commission was submitted to you?

"Mr. ROCKEFELLER, Jr. I think it was.

"Chairman WALSH. And was the same information given to the press that was given in answer to the questions from the commission as to that point?"

Mr. ROCKEFELLER, Jr. Portions of it, would be the answer.

Chairman WALSH. Was that the first public announcement as to the character of the securities which constituted the $100,000,000?

Mr. ROCKEFELLER, Jr. It was.

Chairman WALSH. Should the size of an endowment be limited in the incorporating act of the State legislature, or of Congress, or by general law of the State or Nation?

Mr. ROCKEFELLER, Jr. My own opinion on that question is, Mr. Chairman, that the larger the foundation the safer it is, because the more sure it is to attract very general public interest, and there is nothing that could be so helpful in keeping any foundation directed along lines calculated to be of service to the rearing generations as that careful and critical and general public attention to the purposes and acts of such foundation.

Chairman WALSH. Mr. Reporter, I wish you would please repeat the question.

The REPORTER (reading):

"Should the size of an endowment be limited in the incorporating act of the State legislature, or Congress, or by general law of the State or Nation?"

Chairman WALSH. You gather understand me as I misunderstood your answer.

Mr. ROCKEFELLER, Jr. I thought I was conveying my opinion on that subject——

Chairman WALSH (interrupting). Then I did not gather it.

Mr. ROCKEFELLER, Jr. (continuing). Better than I could by simply saying yes or no. Yes or no does not give the idea. I think there is no danger, rather I think the danger is less with a large foundation. Therefore I think it

is not necessary to safeguard the public by safeguarding the interest of the public to limit the amount.

Chairman WALSH. Should foundations be required to announce their income each year or be prohibited from showing an increase in capital out of income accruals for a stated period of 5 or 10 years, say?

Mr. ROCKEFELLER, Jr. I suppose you mean, Mr. Chairman, should a general policy of increasing the funds be entered into? I suppose you do not mean that several years might not go by and a surplus might not accumulate which might subsequently be more than expended; but your mean the general policy, do you, of increasing the fund?

Chairman WALSH. Should foundations be required to announce their income each year, or be prohibited from showing an increased capital out of income accruals?

Mr. ROCKEFELLER, Jr. I should not regard such a requirement necessary.

Chairman WALSH. Should the minimum number of trustees of a self-perpetuating body be prescribed in the incorporating act?

Mr. ROCKEFELLER, Jr. I should think it would be wise.

Chairman WALSH. Speaking generally, what is the best number for a governing board of a large foundation?

Mr. ROCKEFELLER, Jr. That is a difficult question to answer, Mr. Chairman. I should think that from 10 to 20 would be the two desirable limits; not more than 20 for the sake of convenience and ability to get meetings, and I should think that with any large foundation that 10 would be a small enough number for the permanent board.

Chairman WALSH. Should the incorporating act, whether by Congress or legislature, specifically provide for the optional wind-up of the foundations within 25 or 50 years, or in any limited number of years?

Mr. ROCKEFELLER, Jr. Well, that would depend, Mr. Chairman. If the purpose the foundation was so broad that it never could be outlived, I should not think it was necessary. If the purpose was a specific purpose which one might conceive might be outlived in a hundred years or five hundred years, I should think it would be desirable.

Chairman WALSH. Do you think it would be desirable for the act creating the Rockefeller Foundation to provide for the optional winding up of it at the end of, say, 50 years?

Mr. ROCKEFELLER, Jr. By "optional" do you mean optional by the action of the trustees?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. That is not necessary, for, as I stated, the fund is not an endowment fund but may be paid out in its entirety, both interest and principal, by vote of the members of the board, as provided by the by-laws—that is, as to the number who should vote on such a matter and the method of taking such vote.

Chairman WALSH. Then your answer is, I take it, that there should be no optional winding up of the Rockefeller Foundation at the end of 50 years?

Mr. ROCKEFELLER, Jr. My answer was that it was not necessary, because it has already been provided for.

Chairman WALSH. You mean in the by-laws of the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. No; I mean in the letter of gift. In the letter of gift it was stated——

Chairman WALSH. Do you mean in the deed of gift?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. But that is not provided for in the incorporating act from the State?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Should the incorporating act specifically provide for the compulsory closing of the endowment in any stated time—25 or 50 or 100 years?

Mr. ROCKEFELLER, Jr. I should see no necessity for that, Mr. Chairman, in view of the fact that the legislature granting the charter can at any time amend or rescind the charter.

Chairman WALSH. Should the incorporating body retain for the public an outside veto of proposed members of private foundation charters?

Mr. ROCKEFELLER, Jr. That is a matter which, in so far as the Rockefeller Foundation is concerned, came up when the charter was being sought from Congress. It was suggested that such a veto would be desirable. I am not prepared to say that it might not be desirable. It may be that as the foundation

devised and its processes have reached today the requirements of economy, that they will suggest something of that kind. The reason why that suggestion made in connection with the request for the charter from Congress was not introduced in the State charter was that those who were seeking the charter were not convinced at that time of the wisdom of this suggestion and thought that a wiser measure was to let the desirable procedure in such matters develop as more experience was had.

Chairman WALSH. Should the real and personal property held by foundations be exempt from local or State taxation?

Mr. ROCKEFELLER, Jr. Well, I see no reason why they should not be, any more than other charitable organizations which are thus exempt by State laws.

Chairman WALSH. Should exemption relate only to property used for benevolent purposes?

Mr. ROCKEFELLER, Jr. Do you mean real and personal property?

Chairman WALSH. Real or personal property.

Mr. ROCKEFELLER, Jr. I think it does so relate now.

Chairman WALSH. Well, does it relate both to real and personal property?

Mr. ROCKEFELLER, Jr. I should think so.

Chairman WALSH. Why should not foundations be taxed?

Mr. ROCKEFELLER, Jr. I have not undertaken to consider why the State legislatures in passing their general acts under which charitable corporations have been formed, have thought it unwise or unnecessary or undesirable to tax such corporations. I assume that the feeling has been that such corporations were making a substantial contribution to the wealth of the community, large or small, in which they might be located or in which they might be operating, and that such contributions were so desirable that it was in the public interest that the funds should be left as large as might be.

Chairman WALSH. What is the New York law relative to taxation of property such as is held by the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. My understanding is that only such real property as is actually being used for the purposes of such foundation is exempt from taxation. Other realty held as investment would be taxed. As regards personal property, there is no tax.

Chairman WALSH. In your opinion, is the exemption of such property equivalent to taxing all of the public for work of special interest as a part of the public and subject to the control only of a part?

Mr. ROCKEFELLER, Jr. I have no opinion on that subject.

Chairman WALSH. If foundations were taxed, would they be apt to keep in closer touch with public needs and would they be more apt to be interested in efficiency of government?

Mr. ROCKEFELLER, Jr. I should not think it would make any substantial difference.

Chairman WALSH. Should payment of foundation funds to members of the governing board be prohibited or specifically restricted in the act of incorporation?

Mr. ROCKEFELLER, Jr. It never has occurred to me that such a restriction or prohibition would be necessary.

Chairman WALSH. Should any limit be placed upon reasonable compensation paid to members of the governing boards of such an institution?

Mr. ROCKEFELLER, Jr. I had not supposed that that would be necessary.

Chairman WALSH. Is there any probability that officers of foundations will be paid larger salaries than would govern in universities and charitable and religious agencies?

Mr. ROCKEFELLER, Jr. As to that I couldn't say.

Chairman WALSH. Should any restrictions be placed upon itineraries for expenses; for example, only the expenses of the officer or the officer and his immediate family?

Mr. ROCKEFELLER, Jr. I should not assume it would be necessary.

Chairman WALSH. Should restrictions upon the payment of principal be made part of the incorporating act; as for example, that advance notice be given?

Mr. ROCKEFELLER, Jr. (interrupting). Restrictions on payment of principal, Mr. Chairman?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I don't understand.

Chairman WALSH. Should any restrictions be made upon the expenditure of principal, and should that be made a part of the incorporating act; as for

income, advance notice of such expenditure to the State officer, the public, or at least to members of the board?

Mr. ROCKEFELLER, Jr. I should think that was a matter which could properly be left to each board in its own by-laws. Mr. Chairman, I want to make clear the fact that in none of these foundations with which I am connected are any of the members of the boards compensated in any way. Of course, Mr. Chairman, I don't need to make clear the fact that the secretary of any such board would naturally be paid. I mean the members of the board other than the secretary. Of course, the treasurer——

Chairman WALSH (interrupting). The provision of the act seems to be that no officer, member, or employee of this corporation shall receive or be lawfully entitled to receive any pecuniary profit from the operation thereof except reasonable compensation for services in effecting one or more of its purposes, or as a proper beneficiary of its strictly charitable purposes.

Mr. ROCKEFELLER, Jr. I had forgotten that that was in the act.

Chairman WALSH. Do you believe that Congress, or the legislature, should prescribe qualifications for trustees of such foundations as the Rockefeller fund?

Mr. ROCKEFELLER, Jr. I should not think it either necessary or desirable, Mr. Chairman.

Chairman WALSH. As to professions, as to residence, as to previous experience, as to employment within the foundation itself at the time of election?

Mr. ROCKEFELLER, Jr. I should not think it necessary.

Chairman WALSH. Should the incorporating act provide for the automatic withdrawal of trustees who are unable to attend, or who do not attend half, two-thirds, or four-fifths of the meetings of the board, or by regular committees of the board?

Mr. ROCKEFELLER, Jr. I should not think it necessary.

Chairman WALSH. Do you see any danger in interlocking directorates in these boards?

Mr. ROCKEFELLER, Jr. I should think on the other hand there might be a great strength in that.

Chairman WALSH. Is it on boards of foundations that are entirely independent, one of another? I am asking you now on the subject of interlocking directorates. First, do you see any danger in directors interlocking on the boards of foundations which are entirely independent of each other?

Mr. ROCKEFELLER, Jr. I do not. I should think if a man was a desirable member of one board, another board that had generally the same kind of questions to deal with, would be equally glad to get him, if they could.

Chairman WALSH. Then it follows that you see no objection to the acting of the same individual on several foundations that might be established by the same donor?

Mr. ROCKEFELLER, Jr. No interest objection.

Chairman WALSH. Is the question of the qualification and interlocking directorate a proper subject for charter, constitution, or by-law of such foundation?

Mr. ROCKEFELLER, Jr. I should not think it necessary to be treated in the charter.

Chairman WALSH. Should benevolent corporations be required to report both fiscal and service operation to officers of the States, or National Government, which incorporate them as required by such State or National officer?

Mr. ROCKEFELLER, Jr. Will you read that again, please?

Chairman WALSH. Should benevolent corporations be required to report both fiscal and service operations to officers of the States, or of the National Government, which incorporate them, as required by such State or National officer?

Mr. ROCKEFELLER, Jr. I think it is true now that corporations that have a Federal charter are required to report on fiscal matters; I think not on others. As regards corporations formed under State law, I think no report is required, but I think it is desirable that reports should be made to the public or to any specific officer that may be the best person to receive such report.

Chairman WALSH. Do those reports include both fiscal and service activities of the foundation?

Mr. ROCKEFELLER, Jr. They might well do that, Mr. Chairman. I do not suppose that the service activities of the foundation would be of great interest to the average State official.

Chairman WALSH. If you think that such reports are desirable, do you believe that they ought to be required by law?

Mr. ROCKEFELLER, Jr. I should not think it would be necessary to require them.

Chairman WALSH. Then, you do not think they should be required by law?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. On the ground of lack of necessity?

Mr. ROCKEFELLER, Jr. I do not think they should be required.

Chairman WALSH. How should reports of these foundations be made then, if not required by law?

Mr. ROCKEFELLER, Jr. You mean through what medium?

Chairman WALSH. Yes. First, to whom should the report be made?

Mr. ROCKEFELLER, Jr. To the board of directors.

Chairman WALSH. And then how should publicity be given to it?

Mr. ROCKEFELLER, Jr. I should think through the public prints and in any other manner that might bring about as wide publicity as possible, through the distribution of reports to as large a list of people who might be interested as might be made up; and publicity further sought in whatever ways might be suggested. I could not suggest them though.

Chairman WALSH. How would you provide a check upon the accuracy of such reports by the public?

Mr. ROCKEFELLER, Jr. I should not assume that such a check was necessary, Mr. Chairman.

Chairman WALSH. Should the report contain the total number and character of applications received but not acted upon favorably?

Mr. ROCKEFELLER, Jr. I should think it would be quite unwise to have a report include such data, because I think it would work an injustice to organizations which had made appeals and which might have been declined for no lack of appreciation of the organization, or no lack of belief in the value of its work, but simply because, as must necessarily often happen, such organizations from time to time might not be included in the then purposes of the board.

Chairman WALSH. My question was, should the report include the total number and character of applications received but not acted upon favorably?

Mr. ROCKEFELLER, Jr. I should see no value in so requiring.

Chairman WALSH. Should work done by the foundation be reported upon as to scope, cost, and results?

Mr. ROCKEFELLER, Jr. Reported upon to whom, Mr. Chairman?

Chairman WALSH. To the public.

Mr. ROCKEFELLER, Jr. Well, I should assume that the annual report would cover generally such matters.

Chairman WALSH. Should that report cover the scope, character, and result of the work done by the foundation during the period covered by it?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. The different classes of work, or just the total?

Mr. ROCKEFELLER, Jr. Well, it would be almost impossible to report on the work without saying what the different classes were, Mr. Chairman. I should think it would be desirable to make the reports just as full as, in the judgment of the directors, would be of interest to the public.

Chairman WALSH. Should power be lodged in any public body representing the people to remove, on charges, trustees of foundations who have either misused their power or who have failed to discharge their duties efficiently?

Mr. ROCKEFELLER, Jr. The necessity of such power I have not considered.

Chairman WALSH. Do you believe now that such power should be lodged in some body representing the people?

Mr. ROCKEFELLER, Jr. I do not. I think a better way would be, as was previously stated, to lodge with power in the selection of officers.

Chairman WALSH. Should the records of foundations incorporated by legislature or by Congress be open to public inspection as are the records of public offices?

Mr. ROCKEFELLER, Jr. I think there might be no harm, and again there might be harm in exposing, as I have just stated, applications which have been made and declined for good reasons, the publication of which could serve no useful purpose.

Chairman WALSH. Could you suggest any method of public inspection more limited than the one I have first suggested which would be desirable?

Mr. ROCKEFELLER, Jr. I have not thought that any method of public inspection was desirable.

Chairman WALSH. Should such incorporating act require that when foundations materially modify their method of work, basis of allowances, fields, etc.,

special notice of the fact be given in advance of final action, both to public officers and to the public?

Mr. ROCKEFELLER, Jr. I should think it entirely unnecessary.

Chairman WALSH. What means are now available to the public for ascertaining the work being done by large private foundations, such as the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. What means are available?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. Well, the Rockefeller Foundation has made occasional public statements from time to time with reference to various phases of its work which it thought would be currently of interest to the public, and the foundation is proposing, as I have stated, to publish an annual report and to give to that report the fullest publicity possible.

Chairman WALSH. Please state when the first public statement was made by the Rockefeller Foundation as to the work being done by it?

Mr. ROCKEFELLER, Jr. I can not make that offhand, Mr. Chairman. There has been no complete public statement made. The first complete public statement will be the annual report; but, as I have stated, there have been public statements made from time to time regarding certain features and special features of work, as they have developed.

Chairman WALSH. Can you recall how many reports have been given publicity as to the work being done by the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. I can not.

Chairman WALSH. You say you can not tell offhand. Will you please ascertain and give to the commission the date of the first report as to the work being done by the foundation and the number of such reports which have been given publicity?

Mr. ROCKEFELLER, Jr. I think, Mr. Chairman, that all the publicity which has been given to the foundation is indicated in an exhibit in answer to one of the questions in the questionnaire which the commission has had.

Chairman WALSH. What page, please? Then the first statement issued was issued by Mr. Jerome D. Greene, secretary of the Rockefeller Foundation, on October 1, 1914; is that correct?

Mr. ROCKEFELLER, Jr. Well, if this includes all, it is; I am not sure whether it does or not. I have forgotten what the question was which called forth this exhibit, Mr. Chairman.

Chairman WALSH. Then you can not say whether or not the answer to the questions propounded—the printed answer to the questions propounded by this commission give all the reports given out to the press as to the work of your foundation?

Mr. ROCKEFELLER, Jr. I can not say offhand; but if you will allow me to turn to this question, I can probably tell you now.

Chairman WALSH. Question 28, on page 49:

"Please furnish copies of any bulletins, statements, or notices issued to the press by the foundation.

"Answer. A complete list of statements issued to the press is furnished herewith. (See Exhibit D, p. 73.)"

Mr. ROCKEFELLER, Jr. Yes, sir; I should think that that was accurate, Mr. Chairman.

Chairman WALSH. So the first publicity given as to the work of the Rockefeller Foundation was the statement issued by Jerome D. Greene, October 1, 1914, and is entitled "The Rockefeller Foundation inaugurates a far-reaching investigation of industrial relations, and has appointed as director Hon. W. L. Mackenzie King, former minister of labor in Canada, author of industrial disputes act, and experienced mediator in labor disputes."

Mr. ROCKEFELLER, Jr. No, Mr. Chairman, I think there have been statements made of very brief character from time to time, and in connection with different gifts made by the foundation. For instance, I have in mind a pledge to Wellesley College toward its building fund. I think a statement was made at the time that pledge was made, and my impression is that other statements regarding specific matters which have been dealt with have been made. I think a statement was made at the time of the purchase of a number of thousand of acres of land for a bird refuge in the Southern States. I think a public statement was made at that time.

Chairman WALSH. Who answered this question propounded by the commission, question 28, on page 49?

"Please furnish copies of any bulletin, statements, or notices issued to the press by the foundation, and then answered a complete list of the statements issued to the press is furnished herewith. (See Exhibit D, p. 78.)"

Who wrote that?

Mr. ROCKEFELLER, Jr. Well, I had to do with the writing of all these answers. I suppose that the secretary is the one that prepared that matter, Mr. Chairman.

Chairman WALSH. Who is that?

Mr. ROCKEFELLER, Jr. Mr. Jerome D. Greene.

Chairman WALSH. I will ask you if the next item is not on page 75, headed: "Released for publication in morning papers of Sunday, October 4," and entitled "For the preservation of bird life of the North American Continent, the Rockefeller Foundation has purchased 85,000 acres of land on the Gulf of Mexico and has placed it under the protection of the Louisiana Conservation Commission."

Mr. ROCKEFELLER, Jr. It may be that was the first announcement of that purchase; but my recollection is, Mr. Chairman, that an announcement was made some time before. Our purpose, of course, has been to give all of the statements as requested—all of the printed statements—and it may be this contains all. My impression is that earlier statements had been made. Mr. Greene, the secretary, could refresh my memory on that subject, and it will be easy to ascertain.

Chairman WALSH. It was your purpose, of course, to furnish an answer to the question which would show all the publicity which was given to the work of the Rockefeller Foundation and the date thereof as called for.

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. Now, then, I note that the next item of publicity is dated October 31, 1914, on page 77, and the next on page 78, dated November 8, 1914. Is that correct?

Mr. ROCKEFELLER, Jr. So stated here, Mr. Chairman.

Chairman WALSH. And the next item of publicity on page 82, December 7, 1914, and the next on page 84, released for publication Tuesday, December 8.

Mr. ROCKEFELLER, Jr. Mr. Chairman, if this statement is not accurate and correct, I should be glad to have the opportunity of making it so.

Chairman WALSH. You may do so.

Mr. ROCKEFELLER, Jr. Of course, it was my purpose that it should be, and I am assuming that it is; but my recollection was that statements had been made earlier.

Chairman WALSH. Yes. Well, you have stated that, and we will be glad to have any of the others if you wish to correct that; and, of course, I am not assuming that you did not desire to make answers just as requested.

Mr. ROCKEFELLER, Jr. I think you have seen, Mr. Chairman, from the fullness with which these answers have been made, which required many days in their preparation, that the information has been given to this commission in the fullest and frankest way, answering every detail which the commission has sought.

Chairman WALSH. I will now call your attention to page 84 and resume the question, if the next publicity, which is headed "Released for publication Tuesday, December 8." That, I say, appears on page 84. Then, on page 85, there is a statement issued showing that it was released January 1, 1915.

Mr. ROCKEFELLER, Jr. It so appears.

Chairman WALSH. So that the publications as to the work of the Rockefeller Foundation appear to have been made between the dates of October 1, 1914, and January 1, 1915, so far as this answer is concerned, and you say that you will look up any publications prior to that time and submit them to the commission?

Mr. ROCKEFELLER, Jr. I will be glad to do so.

Chairman WALSH. But for the present the answer to the question there shows that they have all been made since October 1, 1914?

Mr. ROCKEFELLER, Jr. Yes. If that proves to be the case, Mr. Chairman, as it doubtless will, it simply is an indication of the facts which I have already stated, that while the foundation would have expected, particularly in its first year of work when it was feeling its way along, to have made its first report at the time of the annual meeting, in view of the general interest in foundations which was created very naturally when the commission determined to look into such matters, it seemed to the foundation that it was highly desirable that full publicity should be given, without waiting for the annual report, of everything that was of interest that had been done up to that date.

Chairman WALSH. Did it not occur to the trustees to give publicity to any of this work prior to the asking of the questions?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman; the several publications with reference to the Belgian relief, of course, had no relation whatever to the inquiry of this commission.

Chairman WALSH. Should facts in regard to conditional gifts to these foundations be stated to the public?

Mr. ROCKEFELLER, Jr. Well, in so far as such statement could be of public service to the recipient of the gift, I should say yes.

Chairman WALSH. Should the expenditure of additional gifts be separately accounted for to the public?

Mr. ROCKEFELLER, Jr. The expenditure of additional gifts?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. Be separately accounted for?

Chairman WALSH. Yes; I am asking now if you believe it to be desirable to give publicity to the activities of the foundation. Now, then, if any gifts are conditional, should the condition be stated to the public?

Mr. ROCKEFELLER, Jr. I should think that generally it would be wise for the foundation to allow the recipient of the gift to state the conditions, if at all, in the way that would be most helpful to the object had in mind by the recipient.

Chairman WALSH. Is there apt to be confusion of work done by the foundation on its own initiative which is not separately reported from work done in its name by the initiative of a conditioning donor?

Mr. ROCKEFELLER, Jr. I did not grasp the question.

Chairman WALSH. Is not a public statement desirable as to work being done by the foundation on its own initiative and work that is being done by the donor who has given that foundation a gift with certain conditions attached thereto?

Mr. ROCKEFELLER, Jr. I should think it highly desirable that both gifts should be stated in the annual report, and these made public—both kinds of gifts.

Chairman WALSH. From the standpoint of inherent power to influence independent thought and action, do you see any material difference between a large foundation that gives away money and a foundation that itself spends its income or capital through investigations, business enterprises, and the like?

Mr. ROCKEFELLER, Jr. Will you kindly read the first part of the question again?

Chairman WALSH. From the standpoint of inherent power to influence independent thought and action, do you see any material difference between a large foundation that gives away money and a foundation that itself spends its income or capital through investigations, business enterprises, and the like?

Mr. ROCKEFELLER, Jr. I don't know what kind of a foundation would spend its funds in business enterprises, Mr. Chairman. I thought we were dealing with philanthropic foundations.

Chairman WALSH. Could a foundation with the unrestricted power that the Rockefeller Foundation has conclude to engage in business as an agent or means of the betterment of mankind?

Mr. ROCKEFELLER, Jr. I think it would be entirely contrary to its charter powers.

Chairman WALSH. Do you feel that the public welfare requires restrictions in the case of a giving corporation that are not intended with respect to an investigating corporation or vice versa?

Mr. ROCKEFELLER, Jr. I am sorry; I will have to ask you to read the question again.

Chairman WALSH. Should there be any difference in a corporation that merely undertakes to give and a corporation that as well undertakes to investigate, we will say, social conditions?

Mr. ROCKEFELLER, Jr. Difference in what respect, Mr. Chairman?

Chairman WALSH. The public restriction.

Mr. ROCKEFELLER, Jr. I see no reason why there should be.

Chairman WALSH. No public restriction?

Mr. ROCKEFELLER, Jr. You ask if there should be any definite public restriction? I say "no."

Chairman WALSH. If a foundation had for its trustees gentlemen that were interested in large basic industries, do you think that any public restriction should be placed upon the activities of such foundations, so far as making

investments was concerned, which might affect the financial welfare of the private corporations operating the industry?

Mr. ROCKEFELLER, Jr. I think the whole matter must be covered by a proper selection of the directors. In any such foundations whose directors have been carefully selected it seems to me that the interests of the public are best served when full discretion is left with directors in such matters.

Chairman WALSH. But does a foundation controlling a hundred million of dollars exert an influence in the financial world?

Mr. ROCKEFELLER, Jr. Simply as a large investor, Mr. Chairman.

Chairman WALSH. Is it considered a desirable connection for financial concerns?

Mr. ROCKEFELLER, Jr. You mean to have the opportunity of suggesting investments?

Chairman WALSH. I should think it would be. Might it be used to influence the standing of financial institutions and the prices of stocks?

Mr. ROCKEFELLER, Jr. I don't see how.

Chairman WALSH. Is there any inherent danger of that sort that should be guarded against by a foundation?

Mr. ROCKEFELLER, Jr. I do not see what the danger is, if any.

Chairman WALSH. Is a foundation with $100,000,000 or more more dangerous than a foundation with $1,000,000?

Mr. ROCKEFELLER, Jr. I think it is less dangerous.

Chairman WALSH. Is a foundation of $200,000,000 or $500,000,000 more powerful than one with $100,000,000?

Mr. ROCKEFELLER, Jr. You are dealing with figures so much beyond my ability to imagine, Mr. Chairman, that I could not express an opinion. I think generally that a large fund, as I have stated before, is more apt to have centered on it the thought and attention of the day than a small one, probably. Now, I should think that a fund of fifty or a hundred millions would be sufficiently large to benefit by that emphasis as contrasted with a fund of one or five or ten millions, and I should think that there would not be anything particularly gained by increasing the fund beyond that amount for the sake of increasing the public attention that will be paid to it.

Chairman WALSH. What safeguards, if any, should be provided for in acts of incorporation of large foundations?

Mr. ROCKEFELLER, Jr. That is a very general question, Mr. Walsh.

Chairman WALSH. Well, we will say in the first place as to financial investments, should there be any?

Mr. ROCKEFELLER, Jr. I think it unwise.

Chairman WALSH. Should or should not the act incorporating it specifically provide at least the general lines upon which such foundation should proceed in the work of the betterment of mankind?

Mr. ROCKEFELLER, Jr. I should not think it necessary.

Mr. WALSH. Do you believe, then, such foundations should have unlimited power under the general expression of its work being for the betterment of mankind?

Mr. ROCKEFELLER, Jr. With the constant and always near at hand power to amend and to rescind its charter which the legislature granting the charter has, I think the other matters are entirely safe in the hands of the directors.

Chairman WALSH. Should a large foundation retain supervisory relation over the different kinds of work which is aided by its gifts; namely, if $100,000 is given a college or to an investigating agency, should the foundation which gives require evidence as to how its gift is being expended, and with what result?

Mr. ROCKEFELLER, Jr. I think the two instances named are hardly parallel, Mr. Chairman.

Chairman WALSH. You may separate them and answer the question first as to each one, if there is a different answer.

Mr. ROCKEFELLER, Jr. I believe it would be unwise for a foundation to make a contribution for an educational institution which was not made out-and-out.

Chairman WALSH. Why?

Mr. ROCKEFELLER, Jr. Which involve the foundation continuing or having any power of consecutively molding the policy of the educational institution. I think that contributions to educational institutions, generally speaking, should be made without retaining any means of control on the part of the giver. As regards the making——

Chairman WALSH. First say why that should be, Mr. Rockefeller. What is your reason for that?

Mr. ROCKEFELLER, Jr. Because I think every educational institution—I am speaking now particularly of the highest type, namely, colleges and universities—should be entirely free to express itself as its respective board of trustees and faculties may from time to time think to be in the interest of the institution.

Chairman WALSH. Any other reason?

Mr. ROCKEFELLER, Jr. That is the chief reason, I think; an important reason. I do not think at the moment of any other.

Chairman WALSH. Then I will ask you the separate question: Should a large foundation retain supervisory relation—I will ask you the direct question first: In an educational institution do you believe that the large foundations undertake to retain a supervisory control over their benefactions or undertake to require evidence as to how their gift is to be expended, and what the results would be—that the foundation giving the money would exercise undue influence over the education of the children or the individual in the school?

Mr. ROCKEFELLER, Jr. I should think that case would bring in another element, Mr. Chairman.

Chairman WALSH. Bring it in then.

Mr. ROCKEFELLER, Jr. I have expressed my view with reference to contributions to universities and colleges. I would say that in the development of a school system of primary and the other grades of schools there might be instances where it would be desirable for foundations to help to cooperate in developing a system. And if such instances arose I should think that the foundation should be free to cooperate along those lines. Whereas, with the university or college which had been established and had a fixed policy, well known and understood, I should think any control would be unwise.

Chairman WALSH. Well, for what reason?

Mr. ROCKEFELLER, Jr. The former or the latter?

Chairman WALSH. Both. Begin with the first and give that and then give the second. In other words, do you believe in the first instance, that the education of the individual in the school first mentioned might be influenced by the views of the man that gave the money to the foundation?

Mr. ROCKEFELLER, Jr. If you are referring to the Rockefeller Foundation or General Education Board, I may say unqualifiedly that the views of the man who gave the money have never reached to the recipient of the gift, except in so far as in the case of the Rockefeller Foundation the man who gave the money is a member of the board, and is looked to for his expression of opinion whenever he is willing to give it, the same as any other member of the board. I have expressed my view as to the reason why it seems to me unwise for the foundation to make a gift to a college or university, and maintain a subsequent hold on the institution through that gift, because I think that institutions of that character which are naturally directed and maintained by the leading men of the community or of the country are much better managed by those who deal with the specific and current requirements of that institution; but if on the other hand an educational foundation or a foundation capable of entering into educational work was to go into an unsettled or undeveloped section of the country, where public schools have not been developed, I can conceive that a service might be rendered in helping develop a system of public schools.

Chairman WALSH. Now, I wish you would get back to my question, if you please, Mr. Rockefeller. In the instance of the first schools that you have mentioned, do you believe that the extension of money aid to those schools, followed by a supervision as to how the gift was expended and the results, leaving the Rockefeller Foundation out of the question, might result in the persons being educated taking the viewpoint, consciously or unconsciously, of the man that gave the money or of the foundation that gave the money?

Mr. ROCKEFELLER, Jr. It would be, of course, appropriate and necessary that the foundation making the contribution to any college or university should have the assurance that the gift was spent in accordance with the purpose for which it was given. I think such assurance is quite proper and desirable. After the gift had been made and the assurance had been received that it had been or was being spent for the purposes for which it was intended, I should think that the foundation would be unwise if it desired to continue, because of that gift, to have any control over that institution.

Chairman WALSH. I will now ask Mr. Langdon to read the question, please, which I asked, and I would be obliged if you will give a direct answer to it.

Mr. ROCKEFELLER, Jr. I have tried to give it, Mr. Chairman.

Chairman WALSH. Perhaps I may not be correct, but I do not accept it as a direct answer.

(Question read as follows: "Now, I wish you would get back to my question, if you please, Mr. Rockefeller. In the instance of the first schools that you have mentioned, do you believe that the extension of money aid to those schools by a supervision as to how the gift was expended and the results, leaving the Rockefeller Foundation out of the question, might result in the persons being educated taking the viewpoint, consciously or unconsciously, of the man that gave the money or of the foundation that gave the money?")

Mr. ROCKEFELLER, Jr. You have asked two questions, one relates to a gift to educational institutions——

Chairman WALSH. If it requires two answers I may have to ask two questions. But we will leave that to be answered in the morning.

We will stand adjourned until to-morrow morning, at 10 o'clock. Please resume the stand at that time, Mr. Rockefeller.

(At 4.30 o'clock p. m. Tuesday, January 26, 1915, an adjournment was taken until to-morrow, Wednesday, January 27, 1915, at 10 o'clock a. m. at the same place.)

NEW YORK CITY, *January 27, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. We will proceed with the hearing now.

Mr. Rockefeller, will you please resume the stand.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. When you left the stand last evening, Mr. Rockefeller, I asked you a question and you have not yet been afforded an opportunity to answer. I will read the question to you:

"In the instance of the first schools which you have mentioned, do you believe that the extension of money aid to the schools by a supervision as to how the gift was expended and the results, leaving the Rockefeller Foundation out of the question for the time being, might result in the persons being educated taking the viewpoint, consciously or unconsciously, of the man that gave the money or the foundation that gave the money?"

Your answer was that it required two answers, one relating to a gift to educational institutions, so I will ask you these questions and will ask you to give us the answer as briefly as possible.

Mr. ROCKEFELLER, Jr. I had understood, Mr. Chairman, that your question originally related to colleges and also to primary education, and that is why I said it needed to be divided.

Chairman WALSH. I wish you would define them yourself, if possible. I would prefer not to go right to the question, but just answer that question as applying to both.

Mr. ROCKEFELLER, Jr. Mr. Chairman, I can not give a single answer that will convey my thought with reference to the two, because my view is different with reference to each. In regard to the higher form of education, my answer would be I think there is a possible danger if the giver retains any kind of a control; I think it is unwise.

Chairman WALSH. Now as to the next, the other form?

Mr. ROCKEFELLER, Jr. As to the lower forms of education, I see many instances which might arise in helping to develop an educational system where it would be highly desirable that any educational board that had experts so familiar with such matters should be in touch for some period in helping to develop such a school system. I think the danger there would be much more remote.

Chairman WALSH. Refer, please, to page 10 of the answers to the questionnaire submitted by the commission, Mr. Rockefeller.

Mr. ROCKEFELLER, Jr. Yes; Mr. Chairman.

Chairman WALSH. In schedule under A, "Charter of the Rockefeller Foundation," I will read you preliminary to a few questions which I have to ask about that clause of the law which states the objects and powers of the

foundation: "John D. Rockefeller, John D. Rockefeller, Jr., Frederick T. Gates, Harry Pratt Judson, Simon Flexner, Starr J. Murphy, Jerome D. Greene, Wickliffe Rose, and Charles O. Heydt, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of the Rockefeller Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. It shall be within the purposes of said corporation to use as a means to that end research, publication, the establishment and maintenance of charitable, benevolent, religious, missionary, and public educational activities, agencies, and institutions, and the aid of any such activities, agencies, and institutions already established and any other means and agencies which from time to time shall seem expedient to its members or trustees."

Now, the charter was obtained from the State of New York upon what date, please, if you have it in mind?

Mr. ROCKEFELLER, Jr. This says just above there, Mr. Chairman, "became a law May 14, 1913, and with the approval of the governor."

Chairman WALSH. Now, prior to that time, had an application been made by the gentlemen desiring to institute this foundation for a Federal charter to the Congress of the United States?

Mr. ROCKEFELLER, Jr. There had.

Chairman WALSH. And please state, if you have in mind, when that application was made to Congress.

Mr. ROCKEFELLER, Jr. I think I have the data right here, Mr. Chairman. On March 2, 1910, a bill——

Chairman WALSH (interrupting). March 2, 1910?

Mr. ROCKEFELLER, Jr. (continuing). A bill was introduced in the Senate.

Chairman WALSH. Who had the bill introduced?

Mr. ROCKEFELLER, Jr. Do you mean who took the matter up from our office?

Chairman WALSH. Yes; first.

Mr. ROCKEFELLER, Jr. I think Mr. Murphy, as one of our associates. My impression is that he took it up.

Chairman WALSH. Who drafted the bill in its original form?

Mr. ROCKEFELLER, Jr. I think Mr. Murphy drafted the bill, following, as he stated in his testimony before the Senate committee, following almost the exact phraseology of the bill granted by Congress previously to the General Education Board.

Chairman WALSH. Now, after that was introduced in Congress, was a hearing had before the House committee on the bill?

Mr. ROCKEFELLER, Jr. Before the Senate committee?

Chairman WALSH. Was there any before the House committee, first?

Mr. ROCKEFELLER, Jr. Well, I don't recall any such, Mr. Chairman.

Chairman WALSH. Very good. Now, the bill passed the House of Representatives, did it not?

Mr. ROCKEFELLER, Jr. That bill, I think, did not, Mr. Chairman.

Chairman WALSH. Well, I know that bill—but a bill chartering the Rockefeller Foundation did pass the House of Representatives, did it not?

Mr. ROCKEFELLER, Jr. May I read you just half a page there covering that bill and the other bill?

Chairman WALSH. If you will allow me to put this to you, logically, Mr. Rockefeller, I think it will save a great deal of time, and I am going to do that. Did the lower House, the House of Representatives, pass a bill chartering the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. It did.

Chairman WALSH. Now, then, I will ask you to turn to page 97 of the answers to the questionnaire submitted by this commission, please, and are you have you that page?

Mr. ROCKEFELLER, Jr. I have, sir.

Chairman WALSH. If before that bill was passed the following amendments were not made to it—tell me please:

"Section 5: Congress specifically reserves the right to impose such limitations upon the objects of the corporation as it may deem the public interest demands.

"Section 8: The total amount of property held at any time, whether absolutely or in trust, is limited to $100,000,000.

"Section 6: The income of the property is not to be accumulated or added to the principal, but is to be currently applied to the objects of the corporation.

"Section 7: The corporation is empowered to distribute the principal of any property 50 years after its receipt; it is required to make such distribution after 100 years, if Congress shall so direct.

"Section 9: The election of new members of the corporation is subject to disapproval within 60 days by the four Federal officers and five university presidents specified in the bill."

And on the following page, 23, amendments made by the House Committee on the Judiciary:

"Section 1: The following persons are added to the list of incorporators: Harry Pratt Judson, Wickliffe Rose, Simon Flexner, and Edwin A. Alderman, making nine in all.

"Section 2, on page 2, line 4, after the word 'promotion,' are inserted the words 'by eleemosynary and philanthropic means.'

"Section 8: The minimum number of members of the corporation is increased from five to nine. In the event of the number of members falling below nine, the corporation is forbidden to make any gifts until the vacancies are filled."

Those amendments were added, I believe, in the House of Representatives?

Mr. ROCKEFELLER, Jr. They were.

Chairman WALSH. And did the bill then go to the Senate?

Mr. ROCKEFELLER, Jr. It did.

Chairman WALSH. Did you appear before the Senate yourself, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Did Mr. Murphy appear before the Senate?

Mr. ROCKEFELLER, Jr. I think not.

Chairman WALSH. Did Mr. Jerome D. Greene appear before the Senate?

Mr. ROCKEFELLER, Jr. Whether he appeared before the Senate committee or not, I do not know. He appeared before some representatives.

Chairman WALSH. After the bill was amended, as I read the amendments to you, a unanimous report favorable to the passage of the bill was made by the Judiciary Committee of the House of Representatives, was it not? The bill was passed and sent to the Senate?

Mr. ROCKEFELLER, Jr. Yes; Mr. Chairman.

Chairman WALSH. And in the Senate the bill was referred to the Judiciary Committee?

Mr. ROCKEFELLER, Jr. I have no record of that. Very likely—doubtless that is true.

Chairman WALSH. I call your attention to page 102 of the answers to the questions there.

Mr. ROCKEFELLER, Jr. I have it.

Chairman WALSH. When the bill reached the Senate Judiciary Committee I will ask you if Mr. Jerome D. Greene, on behalf of the other gentlemen—himself and the other gentlemen promoting the bill—did not send the following communication to the Senate:

"The bill to incorporate the Rockefeller Foundation, after a unanimous report by the Judiciary Committee of the House, was passed on January 20 by a vote of 182 to 65 and sent to the Senate.

"This bill was originally introduced by Senator Gallinger in 1910 and favorably reported by the Committee on the District of Columbia. At this point it received wide discussion in the press and some criticism, but the latter proceeded largely from sources by no means hostile to the general purposes of the proposed foundation, and directed toward the improvement of the bill in certain particulars. With the cordial approval of the incorporators the bill was accordingly amended and reintroduced by Senator Gallinger as Senate bill 2875, which is substantially the same as House bill 21032, the significant changes being the insertion of the words 'By eleemosynary and philanthropic means,' as an explicit qualification of all the activities of the foundation, and the increase of the minimum number of members of the corporation from five to nine, together with a provision that no gifts could be legally made by the foundation so long as the members should remain by any chance less than nine. With reference to the criticisms and suggestions that have been made before the public the following features of the bill in its present form should be noted:

"(1) The element of perpetuity has been removed, provision having been made for the dissolution of the corporation and the distribution of its funds, either voluntarily or at the direction of Congress."

"(2) The amount of the endowment has been limited and the income is to be spent, not added to the principal.

"(3) The trusts are not to be a close corporation, the election of new members being subject to disapproval by certain specified representatives of the public interest.

"(4) Congress has complete power to impose such limitations upon the objects of the corporation as the public interest may demand; and all gifts must be accepted subject to this provision.

"(5) No exemption from State taxation is or constitutionally could be, conferred by the bill, and no exemption whatever is conferred with respect to real estate.

"(6) A charter is sought through Congress solely because the gift is to the people of the United States, and is to be controlled by them rather than in the interest, however beneficent of any one section.

"The accompanying circular gives the history of the program up to the time of its latest introduction into the House and also describes in some detail the changes referred to above and the considerations on which they were based. I trust that you will recognize in these features of the present bill an ample safeguard against any dangers that may have been attributed to the original plan, and that by promoting the early passage of the bill you will enable the incorporators to enter upon the important work along the lines of education, research, and public health, to which we are pledged.

"Respectfully, yours,

"JOHN D. ROCKEFELLER.

"*Trustee for the Rockefeller Institute for Medical Research and member of the General Education Boards.*"

That circular, I believe, was sent to the Members of the United States Senate, that circular letter. Is that correct?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman; it is so stated.

Chairman WALSH. Please now, refer to page 101 of the answers to the questionnaire: The bill, when it reached the amended stage in the Senate, provided, did it not—

"That the successors to the incorporators named herein and the additional members of the corporation and their successors shall be elected by the members of the corporation for the time being, but before such election shall become effective written notice thereof shall be mailed by said corporation to each of the following-named persons at his official post-office address, viz: The President of the United States, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, and the presidents of the following institutions, viz: Harvard University, Cambridge, Mass.; Yale University, New Haven, Conn.; Columbia University, New York City, N. Y.; Johns Hopkins University, Baltimore, Md.; and the University of Chicago, Chicago, Ill.

"If such election shall be disapproved by a majority of the persons above named, it shall be void; but it shall become effective if and when it shall be approved by such majority, or at the expiration of 90 days from the mailing of such notices, if it shall not have been disapproved by such majority."

Now, that provision had been added to the bill?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. Now, did that bill in that form pass the Senate?

Mr. ROCKEFELLER, Jr. It did not.

Chairman WALSH. Was it ever submitted to the vote of the Senate?

Mr. ROCKEFELLER, Jr. It was not acted upon by the Senate.

Chairman WALSH. The Senate adjourned before the bill was acted upon, I believe; is that correct?

Mr. ROCKEFELLER, Jr. Yes; Mr. Chairman.

Chairman WALSH. The charter, which you are now operating under, was obtained from the State of New York?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And the bill that passed was a senate bill and introduced by Senator Foley, of New York?

Mr. ROCKEFELLER, Jr. That I do not recall. Have you the facts? I presume that is correct.

Chairman WALSH. Do you know who drew the bill that was submitted by Senator Foley? We will assume that he introduced it; the record so shows.

Mr. ROCKEFELLER, Jr. I think it was practically the same bill that was originally introduced in the Senate in 1910.

Chairman WALSH. But without these amendments which I have read to you that were in the Peters bill?

Mr. ROCKEFELLER, Jr. I think so.

Chairman WALSH. The original bill without these restrictions or so-called safeguards?

Mr. ROCKEFELLER, Jr. Without the amendments.

Chairman WALSH. Who asked Senator Foley to introduce the bill, if you know, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. I presume Mr. Murphy did; that is my recollection.

Chairman WALSH. Mr. Starr J. Murphy?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Was the request to Senator Foley in writing or verbal?

Mr. ROCKEFELLER, Jr. That I do not recall; I do not know that I ever knew.

Chairman WALSH. Will you ascertain whether or not there was any request from Mr. Starr J. Murphy to Senator Foley to introduce this bill, and if there was such, will you kindly produce it to the commission?

Mr. ROCKEFELLER, Jr. Mr. Greene, who is here, says to me that he asked Senator Foley, not Mr. Murphy—Mr. Greene.

Chairman WALSH. Then I will leave that subject, if you have no knowledge of it, until Mr. Greene takes the witness stand. You do not know Senator Foley?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. You do not know what was said to him or anything that was written to him about this bill, of your own knowledge?

Mr. ROCKEFELLER, Jr. I might have known at the time, but I do not recall; it was simply a matter of routine business.

Chairman WALSH. Had the Congress of the United States adjourned prior to the time that Senator Foley introduced this bill in the New York Legislature?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. When was it decided to seek incorporation in New York State?

Mr. ROCKEFELLER, Jr. As soon as Congress had adjourned and had not acted upon the measure.

Chairman WALSH. Was there any particular reason why Senator Foley was secured to introduce the bill—why it was introduced through Senator Foley—that you know?

Mr. ROCKEFELLER, Jr. Not that I know of, Mr. Chairman.

Chairman WALSH. Was any written explanation of Mr. Rockefeller's purpose submitted with the proposed bill to the New York Legislature?

Mr. ROCKEFELLER, Jr. That I do not know.

Chairman WALSH. Was the publicity material used in 1912 and 1913, while the bill was pending in Congress, submitted to the New York Legislature?

Mr. ROCKEFELLER, Jr. As to any of that detail I could not tell you.

Chairman WALSH. Was the correspondence which Mr. Jerome D. Greene had with the Congress of the United States submitted to the New York Legislature?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Was any public notice issued by your office of the intention to introduce this bill in the New York Legislature?

Mr. ROCKEFELLER, Jr. It would have been rather strange if there had been such public notice issued; I do not know that there was.

Chairman WALSH. You say it would have been rather strange if there had been?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. What is your recollection of that?

Mr. ROCKEFELLER, Jr. I do not recall any such notice being issued.

Chairman WALSH. Was any public hearing held upon the bill while it was pending in the New York Legislature?

Mr. ROCKEFELLER, Jr. I do not recall, from my own knowledge.

Chairman WALSH. The bill was introduced March 25, 1913, I believe your record shows?

Mr. ROCKEFELLER, Jr. I have not the records right here. Mr. Chairman, Mr. Greene has handed me this statement, answering that last question, and perhaps it will clear the matter up if you will allow me to read it.

Chairman WALSH. Just for the sake of time and having our record straight, I would like to take your testimony, and if you are not conversant with the

details and you will say so and he will preserve this conversation, he can answer as to that, and your testimony will be yours and Mr. Greene's testimony will be his. You may make any explanation on that score, as long as you have it in your hand.

Mr. ROCKEFELLER, Jr. It is not material, but it answers your question and I have it here.

Chairman WALSH. Well, read it.

Mr. ROCKEFELLER, Jr. Mr. Greene says:

"I asked the majority leader who should introduce the bill, and he suggested Senator Foley. I then went to the leaders of the Progressive and Republican Parties in the house and was assured of their hearty support. The bill was passed unanimously, and the charter was drawn following the precedent established by other foundations practically word for word."

Chairman WALSH. Did Mr. Rockefeller and his associates believe that the safeguards provided for in the amendment in the bill as submitted to the Congress of the United States were in the public interest?

Mr. ROCKEFELLER, Jr. We all believed that the provisions were entirely satisfactory, if it were thought best to put them in. We did not ourselves think they gave a strength to the bill.

Chairman WALSH. I call your attention, Mr. Rockefeller, to the statement made by Dr. Jacob Schurman. Did you read that? It was made on Friday, April 22, 1910, before the Cornell congress?

Mr. ROCKEFELLER, Jr. I probably did read it, Mr. Chairman; but I do not know to just what you refer.

Chairman WALSH. I will read an extract from it referring to this bill that was introduced in Congress, and which afterwards became a law by the act of the New York Legislature, and ask you if you consider, as one of the incorporators of the foundation, that it has the scope suggested by Dr. Schurman, as follows:

"Under the terms of this broad charter there is scarcely anything which concerns the life and work of individuals or nations in which the Rockefeller Foundation would not be authorized to participate. As the safety of the State is the supreme condition of national civilization the foundation might in time of war use its income or its entire principal for the defense of the Republic. In time of peace it might use its funds to effect economic and political reforms which the trustees deem essential to the vitality and efficiency of the Republic. The foundation might become the champion of free trade or protection, of trusts, or of the competing concerns out of which they grow, of socialism or individualism, of the program of the Republican Party or the program of the Democratic Party. It might endow the clergy of all religious denominations, or it might subsidize any existing or any new religious denomination. To-morrow it might be the champion of the Christian religion and a hundred years hence furnish an endowment for the introduction of Buddhism into the United States. It might build tenement houses for the poor in New York City or carry the results of science to enrich the exhausted soils of the East or the arid tracts of the West. It might set up an art gallery in every State of the United States or endow universities which would rival the great State universities of the West. With the consent of the legislature it might relieve any State of the care of its insane, pauper, and dependent classes or construct roads for the benefit of farmers and motorists. These may not be likely objects for the application of the funds of the Rockefeller Foundation. I am not, however, attempting to forecast its work but to understand its charter. And so far as I can see the proposed charter would authorize all these and a multitude of similar activities. If the object of the Rockefeller Foundation is to be coextensive with human civilization, then it may do anything and everything which its trustees think likely to effect reform or improvement in the material, economic, intellectual, artistic, religious, moral, and political condition of the American people or of mankind."

Do you take that view of the broad powers and scope of the foundation?

Mr. ROCKEFELLER, Jr. I do not, Mr. Chairman, because I think you will find in the charter that the Rockefeller Foundation is to proceed by philanthropic and eleemosynary means, a strictly legal expression which is put in such charters. I think those expressions are there.

Chairman WALSH. Now, are they all in section 1? Just go back to section 1, please.

Mr. ROCKEFELLER, Jr. Which page, Mr. Chairman?

Chairman WALSH. Page 19 of the questionnaire, and I will ask you the question, to get it straight in the record, and to clear up the minds of the commission on it, if those very words were not left out of the charter introduced by Senator Foley in the Legislature of New York?

Mr. ROCKEFELLER, Jr. I did not know whether they were left out or not. I supposed they were in.

Chairman WALSH. I will read it again to you, because I am going to ask you a few specific questions along that line, if this is what is not said in the charter under which you are now operating, and I want to get your understanding of this also, Mr. Rockefeller, and not the understanding of Mr. Greene or any person else, if this is what is not said, and if it is not all that is said:

"SEC. 1. John D. Rockefeller, John D. Rockefeller, Jr., Frederick T. Gates, Harry Pratt Judson, Simon Flexner, Starr J. Murphy, Jerome D. Greene, Wickliffe Rose, and Charles O. Heydt, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of the Rockefeller Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. It shall be within the purposes of said corporation to use as means to that said research, publication, the establishment and maintenance of charitable, benevolent, religious, missionary, and public educational activities, agencies and institutions, and the aid of any such activities, agencies, and institutions already established and any other means and agencies which from time to time shall seem expedient to its members or trustees."

Does not your present charter contain that provision and none other limiting your activities?

Mr. ROCKEFELLER, Jr. Yes; that is as it reads, Mr. Chairman.

Chairman WALSH. As it reads. Now, then, I am going to ask you some further questions a little more specific, as to your ideas of the powers of this corporation. Could this corporation, under that provision that I have read to you circulate a presidential message?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not know. I could not answer that. I never have thought of the things that it could do.

Chairman WALSH. Could it circulate a party platform, a political party platform?

Mr. ROCKEFELLER, Jr. I should think it would be utterly unappropriate and entirely contrary to anything that was in the mind of the founders or of the board of directors.

Chairman WALSH. But as I understand you the founders are to be perpetuated by the vote of this board and go on through time?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman; but at any point in the history of the world when the foundation has done anything that is in the judgment of the people contrary to the public interest, the charter can at once be rescinded or amended by the legislature, and that is the one power which we have always thought was utterly and entirely sufficient to protect it. We have purposely left the charter in that way, that it should be broad in its scope so that as the years went by each generation could do the things that it regarded in the common interest with these funds.

Chairman WALSH. Is the provision that you have just mentioned in the charter that you are now operating under?

Mr. ROCKEFELLER, Jr. The provision of the State legislature——

Chairman WALSH. Or do you say that that is the general law upon the subject?

Mr. ROCKEFELLER, Jr. The provision that the State legislature——

Chairman WALSH (interrupting). May amend at any time?

Mr. ROCKEFELLER, Jr. It was not necessary to put it in because it is the law on the subject.

Chairman WALSH. You take that as your opinion of the general law upon the subject?

Mr. ROCKEFELLER, Jr. I am told that that is the law of the State in regard to any charter.

Chairman WALSH. Please answer these questions——

Mr. ROCKEFELLER, Jr. The State has the power to rescind or to amend the charter and it was on that understanding that we presented the bill in this form.

Chairman WALSH. Was that provision put in the law as amended so that it could be amended at any time?

Mr. ROCKEFELLER, Jr. In what law, Mr. Chairman?

Chairman WALSH. In the proposed law that passed the House of Representatives, but did not pass the Senate?

Mr. ROCKEFELLER, Jr. The bill to incorporate the foundation?

Chairman WALSH. Yes; did it not contain the specific provision that it could be amended at any time?

Mr. ROCKEFELLER, Jr. It did; and it was put in simply because the public did not seem to understand that the Congress which was asked to grant the charter had the same power which the State and legislature had to amend it or to rescind it at any time.

Chairman WALSH. Did the person who advised you as to the law upon the subject make any suggestion as to what the state of the law might be with reference to contracts already entered into by the corporation under this charter before an attempt was made to repeal or modify it and which had been wholly or partially performed by individuals or organizations?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Now, then, I will go through as rapidly as I can the certain activities that I wish to ask you whether or not in your opinion you think could be entered into legally under the provisions which I have read to you?

Mr. ROCKEFELLER, Jr. Mr. Chairman, may I say my opinion will be utterly valueless on that, because I have not thought of all the things that the foundation may do.

Chairman WALSH. You may answer it in that way by simply saying that you do not know, or you have not thought of it. I am going over them rapidly.

May it circulate a criticism of a church or religious body?

Mr. ROCKEFELLER, Jr. I should have no opinion.

Chairman WALSH. Might it circulate editorials written by newspapers or other publications in regard to the Government and its branches?

Mr. ROCKEFELLER, Jr. May I ask, for my guidance in answering the question, do you mean could it legally?

Chairman WALSH. Could it legally.

Mr. ROCKEFELLER, Jr. Has it the power to do it?

Chairman WALSH. Has it the power to do it. Suppose a speech was made in Congress, and a newspaper or magazine published an editorial—the speech was made in Congress at any time affecting some activity of the foundation—for instance, I will just take this: Suppose it was an investigation into industrial relations; would it be within the scope of the powers of the foundation when that editorial was published to use the money in circulating it among the people?

Mr. ROCKEFELLER, Jr. I should think a lawyer would have to answer that, Mr. Chairman; I could not construe the law.

Chairman WALSH. Might it buy a chain of stores?

Mr. ROCKEFELLER, Jr. I should say decidedly not.

Chairman WALSH. Might it decide to render its benevolent services through business enterprises, partially or wholly?

Mr. ROCKEFELLER, Jr. I think it could not.

Chairman WALSH. Might it organize a real estate company for the purpose of building model houses, or some such activity, and employ all of its capital in that company?

Mr. ROCKEFELLER Jr. My impression would be that it might.

Chairman WALSH. Might the foundation, if it wished, conduct a propaganda against trade-unionism?

Mr. ROCKEFELLER, Jr. I should say no.

Chairman WALSH. Might it conduct a propaganda in favor of workmen's compensation acts?

Mr. ROCKEFELLER, Jr. I should say no.

Chairman WALSH. Might it conduct a propaganda against workmen's compensation?

Mr. ROCKEFELLER, Jr. Same answer.

Chairman WALSH. Might it finance its institutions subject to opposition to trades-unions or subject to the condition that they could not circulate literature upon the subject of trades-unions?

Mr. ROCKEFELLER, Jr. I should say no.

Chairman WALSH. Might it pay for advertising space for its own activities and in behalf of its own activities, no matter what they might be?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Might it furnish funds to pay publicity agents to give out publicity regarding the activities of the company, of the foundation?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And suppose now the foundation—I will see if I can strike a concrete case. The foundation now has in its employ Mr. Mackenzie King, has it not?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And Mr. Mackenzie King's letter to you upon the subject of the plan that might be used in Colorado, if made by the foundation, the funds of the foundation could be used to give that wide publicity throughout the Nation, could it not?

Mr. ROCKEFELLER, Jr. I think whatever the directors felt was in the interest of the work in hand would be appropriate.

Chairman WALSH. That could be sent out, and it could be in that way matched against any publicity that through individuals or portions of the press would be given to the other side of the work?

Mr. ROCKEFELLER, Jr. I don't know what you mean by "matched," Mr. Chairman.

Chairman WALSH. I will draw this illustration if I can or will take this concrete case. We will suppose that Mr. Frank J. Hayes, of the United Mine Workers of America, or Mr. Edward J. Doyle, made a speech in a hall some place, desiring great publicity and urging the proposition that the workmen—their proposition—I am not passing on it of course—that workmen could not be organized in a way to secure proper conditions except by national means, by means of a great body of men getting together with a treasury that might maintain them in case they wanted to strike and calling upon the thought of the American people to back them in that plan and furnishing whatever argument they might have. That speech might receive publication, we will say, in the Denver Post or the New York Sun; and under the constitution and powers of your foundation, if Mr. Mackenzie King gave forth his views to the effect that that was not the proper way, but that the proper way was to have a committee, one man from each mine or three single men selected by the management of a mining company, that being a member of the foundation the funds could be used to circulate broadcast the statement of Mr. Mackenzie King as a statement against the views of Mr. Doyle or Mr. Hayes.

Mr. ROCKEFELLER, Jr. I don't see why any foundation should not have the same right to legitimate means of publicity as any such organization as you have spoken of.

Chairman WALSH. So that could be done. Now, where would you draw the line, then, as the dispenser of the money for philanthropic and charitable purposes of yourself, Mr. Rockefeller, and in your capacity as a personal adviser to your father's investments and in your capacity as a director of the Colorado Fuel & Iron Co.? How could you, in human understanding, draw that line?

Mr. ROCKEFELLER, Jr. Will you repeat the question, kindly, Mr. Chairman?

(Question read, as follows: "Now, where would you draw the line, then, as the dispenser of the money for philanthropic and charitable purposes of yourself, Mr. Rockefeller, and in your capacity as a personal adviser as to your father's investments and in your capacity as a director of the Colorado Fuel & Iron Co.? How could you, in human understanding, draw that line?")

Mr. Chairman, the question is apparently based upon the assumption that if a man has one interest he can not be conscientious in the performance of his duty in relation to any other interest. That is not the basis on which the foundation has proceeded. If that basis were accepted, no man could do but one thing. I am assuming that there are men in this country, and hundreds of thousands of them, who can be trusted to try to do what they think is right in various circumstances; and if there can not be found men who may be so trusted, then there should be no funds, and there should be no responsibility of any kind given to men. I think we must rely upon the integrity of men to a great degree in all the matters of life.

Chairman WALSH. I asked you if you felt—do you notice, Mr. Rockefeller, what might be called a divided duty in the matter that I suggested to you?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. That is, as a director of the Colorado Fuel & Iron Co., if you believed that the men ought not to organize, that it was financially to your

disadvantage that they should organize, that as a director of the Rockefeller Foundation you were advised by Mr. Mackenzie King or by whomever made your investigation, that as an abstract social proposition they should be allowed to organize, and if the majority of the advisers of your father's investments should decide that they should be allowed to organize, but that certain definite limits should be put upon them, would you not recognize there, or do you not recognize there, a divided duty which might arise and which would make it impossible for you to act in one capacity without doing an injustice to the other or without contradicting your action in the other capacity?

Mr. ROCKEFELLER, Jr. Will you—was that question at the outset purporting to be a statement of my views with reference to organization, because you stated that I was opposed to organization?

Chairman WALSH. No, sir——

Mr. ROCKEFELLER, Jr. (interrupting). Opposed to the organization of labor?

Chairman WALSH. No; that is a hypothetical question and contains assumptions that do not bind the interrogator or not bind you in the answer as proving anything therein.

Mr. ROCKEFELLER, Jr. No, sir. It is understood that the question in its premises is hypothetical?

Chairman WALSH. Entirely.

Mr. ROCKEFELLER, Jr. I should regard myself as unfit to serve either as a member of the Rockefeller Foundation or on the directorate of the Colorado Fuel & Iron Co. if I was not capable of forming opinions that would be fair in a case like that in relation to both matters.

Chairman WALSH. Suppose that Mr. Mackenzie King, in his letter of August 6, had said to you that from the study he had made that in his opinion the only fair way to handle the situation in Colorado was to recognize the United Mine Workers of America and allow them to put in the check-off system, to require the company to collect the dues of the men; would you have acted in that way as a director and followed that way as a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I would not consider that question as a director. If it came up in his report as a member of the Rockefeller Foundation, in which I have one vote with many others, I should hope as a director of that corporation to use my best judgment. I could not do more, Mr. Chairman; and I fancy that the officers of the Western Federation of the United Mine Workers of America would have confidence enough in me to believe that I would be fair in such a matter.

Chairman WALSH. Then upon the next day or the same day you met with the board of directors of the Colorado Fuel & Iron Co. you would feel free then to cast your vote in a way which would be diametrically opposed to the way you cast it in the foundation?

Mr. ROCKEFELLER, Jr. I should feel free to do what I thought was right on both occasions, if the two were diametrically opposed.

Chairman WALSH. And on the same day?

Mr. ROCKEFELLER, Jr. The date would not make any difference, Mr. Chairman.

Chairman WALSH. The date would not make any difference? Now I read further from President Schurman's address, and I will ask you a question or two. He refers to Mr. Murphy's declaration as follows?

"'That is one characteristic of all these boards Mr. Rockefeller has created. There is not on one of his boards'"——

This is a quotation by Dr. Schurman of Mr. Murphy——

"'There is not on one of his boards a single man who has been appointed there for any other reason than his qualifications to contribute something of substance to the work of that particular board. There is not a stick of deadwood in it, and there is not a piece of ornamental timber anywhere.'"

Now, follow what Dr. Schurman says, and I say that because I am not going to read this all, and, as you probably know, Dr. Schurman here pays high tribute to the present organization and to the intent, objects, and acts of your father in making the gift.

Mr. ROCKEFELLER, Jr. I thank you for so stating.

Chairman WALSH. Well, I would not want it to appear as though I was giving extracts, but I want to call attention to what Dr. Schurman may have considered as a criticism and ask you your opinion on that. He follows:

"This is extraordinarily high praise for any board. And I doubt very much whether any of us who have had experience on different boards could truthfully repeat the encomium which Mr. Murphy passes, and I doubt not deservedly

persons on the boards established by Mr. Rockefeller. But this succession, which I venture to say differentiates Mr. Rockefeller's boards from almost all other boards in the world, is not a proof but, if anything, a refutation of Mr. Murphy's claim that a self-perpetuating board of trustees is the best form of organization for the proposed foundation. Why is it that Mr. Rockefeller has secured boards whose members all have peculiar qualifications for the work, who all contribute something of importance to the position of the board, and not one of whom could be described as a stick of deadwood or a piece of ornamental timber? Is it because of any miraculous efficacy in a self-perpetuating board? Directly the reverse is true. It is because these boards are, as they very naturally should be, dominated by Mr. Rockefeller's influence, because Mr. Rockefeller and the associates whom he has trained have themselves selected the new members. In other words, the unique virtues and excellencies which characterize Mr. Rockefeller's boards are due ultimately to the single fact that Mr. Rockefeller is a man of transcendent genius for business organization. I desire that the public should have the benefit of that transcendent genius in all his philanthropic schemes so long as Mr. Rockefeller lives, and even so long as his spirit and influence may be supposed to survive in his family and associates. But his amazing skill and success in organizing his philanthropic enterprises is no argument for a close corporation with a self-perpetuating board of trustees. We can only hope that when the day comes—which we all fervently desire may be far off—that Mr. Rockefeller is no longer here to select his boards, some other elector or electors may be found who will in some measurable degree imitate the success he has so conspicuously achieved; but that fifty or a hundred years hence, when Mr. Rockefeller and his son are no longer living, the then existing board of trustees of the Rockefeller Foundation would be the oblest and wisest electors of their associates on the board is a proposition I can not accept, no matter by whom it is made or with what assurance it is asserted. Mr. Murphy's argument in a single sentence is that because Mr. Rockefeller has proved himself almost infallibly wise in the selection of his associates in the philanthropic work of giving away his fortune for the benefit of mankind, therefore a group of men fifty or a hundred years hence, who are named by men who have been named by other men who have been named by still other men who have been named by Mr. Rockefeller will evince the same infallible wisdom. What a stupendous claim to apostolic succession and infallibility! But it is a mere fiction of the lawyer."

Do you agree with that?

Mr. ROCKEFELLER, Jr. I do not think, Mr. Chairman, that it was ever contemplated that my father or his associates could continue to have their influence felt; but at any time in any generation, when the board having the charge of such a foundation is not, in the judgment of the public, a proper board, the legislature can introduce an amendment limiting, qualifying, and modifying the method of election of directors, and adding at that time any restriction which it may think desirable. Our thought was that until experience had taught along what lines it was wisest to put up barriers the public interest would best be served by leaving the matter as free as possible, and leave each generation to put up such barriers and safeguards as it might think necessary at that time.

Chairman WALSH. Do you have any objection now to the charter being amended, the New York charter, so that the governor of the State of New York, the chief justice of the court of last resort of the State of New York, the president of the New York Senate, the speaker of the house of representatives, the presidents of Harvard, Yale, Columbia, Johns Hopkins, and the University of Chicago shall have the same veto power that was given to the President of the United States, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, and those same college presidents in the act which passed the House of Representatives and was submitted in the Senate?

Mr. ROCKEFELLER, Jr. If you ask whether I have any objections, I say no. If you ask whether I think it is wise, I say I think it would not be wise.

Chairman WALSH. Very good. I have been asked to ask you this question by another commissioner, and I will ask it at this point: Can the legislature invalidate work already done by any action with respect to the charter of the original foundation?

Mr. ROCKEFELLER, Jr. That is a legal question I could not answer.

Chairman WALSH. Why is it not, when it has the power of revision or repeal of the general charter?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Why do you think it is unwise in New York State to have the veto power which I have read to you?

Mr. ROCKEFELLER, Jr. I do not think it is unwise in New York State any more than it would be unwise in Congress. I simply think we do not know enough yet about the desirability for limiting and protecting such a fund to make action at this time necessary or wise, when it can be done at any time. I should rather act on experience, rather than in forecasting the future.

Chairman WALSH. What study have you made of the work of the world on the establishment and maintenance of foundations for philanthropic and educational purposes?

Mr. ROCKEFELLER, Jr. What do you mean by "what study"? That I have written——

Chairman WALSH (interrupting). No; I would have asked you what you had written on it, if I had wanted that. I asked you what study you had made.

Mr. ROCKEFELLER, Jr. I have never made any study. It is a question I have discussed and thought of very extensively.

Chairman WALSH. Do you know that there has been a vast experience in the world on the subject of perpetuating large fortunes or large sums of money for specific purposes?

Mr. ROCKEFELLER, Jr. I do; but that is not the condition here. When sums of money are perpetuated for specific purposes, which purpose may cease to exist as time goes on, I think such perpetuation very unwise.

Chairman WALSH. Did you have some attorney or some student of history or expert make a study of the activities of the world in times past with reference to tying up large sums of money for special or general purposes after the death of the owner?

Mr. ROCKEFELLER, Jr. I never caused such a study to be made; but a study of an informal character was made by various of the men interested in seeking this charter.

Chairman WALSH. Please state what studies, if any, you made of it, Mr. Rockefeller. What countries did it cover?

Mr. ROCKEFELLER, Jr. I have made no formal studies. I have simply talked with other people who I thought would have information on that subject.

Chairman WALSH. Do you recall with whom you talked?

Mr. ROCKEFELLER, Jr. I could not begin to say, Mr. Chairman. I have talked with any man who I thought might have information.

Chairman WALSH. I believe you stated that the foundation had decided to publish an annual report?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. When was that decision arrived at?

Mr. ROCKEFELLER, Jr. I think some time last winter.

Chairman WALSH. Was it the subject of a resolution by the board of trustees?

Mr. ROCKEFELLER, Jr. I can not recall whether there was formal action taken. It was the consensus of opinion at a board of trustees' meeting that it was desirable and should be done.

Chairman WALSH. It was at a meeting of a full board of directors or a quorum of the board of directors?

Mr. ROCKEFELLER, Jr. That is my impression.

Chairman WALSH. I don't know whether I asked you yesterday or not, but if I did, you may answer just briefly. Do you think that the charter for such an organization as this should require annual publication of the money spent and work done?

Mr. ROCKEFELLER, Jr. I think you did yesterday, and I may have said "no." I see no possible harm, however, in such required publication, and I think there would be a certain advantage in having a definite requirement of that kind for any such bodies.

Chairman WALSH. Now, I will ask you a few questions in regard, again, to Mr. King. Mr. King's letter which you read—by the way, do you have the original letter?

Mr. ROCKEFELLER, Jr. Yes; I have it right here, Mr. Chairman. I have the original and I have a copy. Will you have both, or see the original and have the copy?

Chairman WALSH. It is immaterial; just as you say.

Mr. ROCKEFELLER, Jr. Do you care to have me read the parts not included in the letter read yesterday?

Chairman WALSH. I do not, unless you have some desire in that direction.

Mr. ROCKEFELLER, Jr. No; not at all.

Chairman WALSH. Now, this letter was written, I see, from The Rockefeller, Ottawa, on August 6, 1914. Is that correct?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. Prior to that time had you had a conference with Mr. Mackenzie King at Tarrytown, N. Y., at which were present your father, Mr. Jerome D. Greene, and yourself?

Mr. ROCKEFELLER, Jr. I don't recall any conference at which all of those parties were present, Mr. Chairman, at Tarrytown.

Chairman WALSH. Did you have a conference at Tarrytown at which were present your father, yourself, Mr. Mackenzie King, and Mr. J. F. Welborn, the president of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. We had no conference with that group. It is true that Mr. King and Mr. Welborn spent a night with me, and I invited my father to dinner; but we had no conference, simply an informal chat.

Chairman WALSH. Did you discuss the proposed employment, during that chat, of Mr. King with any of the Rockefeller activities?

Mr. ROCKEFELLER, Jr. We did not.

Chairman WALSH. Had you discussed with Mr. King prior to that time his probable or likely connection with the Rockefeller fund?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And this letter was written upon August 6, and laid down the plan, a portion of which you afterwards recommended to Mr. J. F. Welborn as being proper to put into effect in your industry in Colorado?

Mr. ROCKEFELLER, Jr. Yes; only, in justice to Mr. King, I think we should say that he did not lay down a plan, because he apologizes for the rather hurried way in which he expresses his ideas.

Chairman WALSH. Yes; but the plan was suggested, and you submitted the plan to Mr. Welborn?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. Yes; and that plan, in its essence, was afterwards adopted by the Colorado Fuel & Iron?

Mr. ROCKEFELLER, Jr. There were certain features of it adopted and other features added.

Chairman WALSH. Well, were not the principal features or basic features adopted by the Colorado Fuel & Iron?

Mr. ROCKEFELLER, Jr. I think that is a fair statement of it.

Chairman WALSH. That is a fair statement of it. Now, that was in August, 1914? Is that correct?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And in August, 1914, the workers that had been formerly in your employ in the Colorado Fuel & Iron Co. were contesting with you for recognition of their union?

Mr. ROCKEFELLER, Jr. That was said to be the issue of the companies; yes, sir.

Chairman WALSH. Now, then, was there any compensation paid Mr. King for any work that he did prior to October 1, 1914?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. This was done at whose request?

Mr. ROCKEFELLER, Jr. As stated in my letter to Mr. Welborn, at my request.

Chairman WALSH. Have you produced, or did I ask you to produce—I probably did not, because I gather the information from the beginning of this letter, and do not recall whether I had it in the questionnaire before or not. This letter begins by saying:

"As stated in my wire to you, I did not receive your letter of August 1 until the late mail on Thursday, the 6th."

Have you produced the letter of August 1 which called for or brought forth this answer of August 6 of Mr. King?

Mr. ROCKEFELLER, Jr. You have not asked for it, Mr. Chairman.

Chairman WALSH. Will you kindly produce that?

Mr. ROCKEFELLER, Jr. I will.

Chairman WALSH. Your letter of August 1, to Mr. King, to which the letter of August 6, which you have submitted, is reply. You will produce that?

Mr. ROCKEFELLER, Jr. I will, Mr. Chairman.

Chairman WALSH. Under the act of incorporation of the Rockefeller fund, can the number of members be reduced?

Mr. ROCKEFELLER, Jr. My impression is that it can not, below the number of incorporators.

Chairman WALSH. May I ask, Mr. Rockefeller, from where you get the idea that the number of incorporators can not be reduced? Is it under the general law of New York, or has the advice been given you that such is the law?

Mr. ROCKEFELLER, Jr. I had assumed that the number of incorporators never could be changed, Mr. Chairman; the incorporators are those who have asked for incorporation.

Chairman WALSH. And as a matter of general law or statutory law of the State of New York, they can not be reduced. That is your idea of it?

Mr. ROCKEFELLER, Jr. I don't see how they could be.

Chairman WALSH. Now, first you have this foundation—you have these general philanthropic and educational activities—the foundation, the General Education Board, and the Rockefeller Institute for Medical Research, I believe?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman.

Chairman WALSH. Now, on the foundation board, the following gentlemen appear as directors, I believe, on each of these boards and upon the personal staff of Mr. Rockefeller, except Mr. Gates: John D. Rockefeller, Jr., Starr J. Murphy, Jerome D. Greene, and Mr. Heydt?

Mr. ROCKEFELLER, Jr. Mr. Heydt is not——

Chairman WALSH (interrupting). He is your secretary?

Mr. ROCKEFELLER, Jr. He is not a member of the Rockefeller Institute board, as I recall it.

Chairman WALSH. But he is of the General Education Board?

Mr. ROCKEFELLER, Jr. He is of the General Education Board, and the Rockefeller Institute—no; pardon me, he is not a member of the General Education Board. He is a member solely of the Rockefeller Institute board—no; I mean the foundation board—solely of the foundation board, Mr. Heydt.

Chairman WALSH. Now, the funds of the Rockefeller Foundation are paid out on the orders of a finance committee, I believe?

Mr. ROCKEFELLER, Jr. They are paid out, Mr. Chairman, as stated quite fully in answer to the questionnaire, on the general vote of the board of directors or of the executive committee.

Chairman WALSH. Who are on the executive committee?

Mr. ROCKEFELLER, Jr. I think that is also stated there.

Chairman WALSH. Mr. Rockefeller, could you recall it and state it?

Mr. ROCKEFELLER, Jr. The members of the executive committee, if my memory serves me, are Mr. Murphy, Mr. Greene, Dr. Simon Flexner, Mr. Heydt, and myself. That is subject to correction. I think that is correct; but we have given that information there, and, if I am not correct, it will be corrected by the data there.

Chairman WALSH. Has any estimate been made of what the taxes would have been upon the property contained in the Rockefeller fund?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

Chairman WALSH. Has any estimate been made by any member of your father's personal staff as to the relation that the amount of taxes exempted by the foundation would bear to the income of the foundation minus the cost of operation?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Now, then, with reference to the time of the incorporation of the foundation, did the securities go into it?

Mr. ROCKEFELLER, Jr. There was a gift made, I think, as I stated in answer to the questionnaire, of a few millions of dollars shortly after the time of incorporation. Later that same year my recollection is that there was a further gift of something around $30,000,000; and the final gift, making the total of $100,000,000 was made, my recollection is, some time in 1914. Just when, I do not recall.

Chairman WALSH. The following condition, I see, is contained in the deed of gift from your father:

"It is a condition of this gift that from the income of the foundation the sum of $2,000,000 annually, or as much thereof as I shall designate, shall be applied during my lifetime to such specific objects within the corporate purposes of the foundation as I may from time to time direct. If, at the close of any fiscal year, there shall remain any balance of the $2,000,000 which I have not thus designated during that fiscal year, such balance shall be transferred to the general unrestricted income of the foundation, to be used as the foundation shall see fit. Subject to the foregoing provision, the principal, as well as the income of this gift, may be used in your discretion for any of the corporate purposes of the foundation."

Now, what was the total income of the foundation last year?

Mr. ROCKEFELLER, Jr. I think that appears in this statement.

Chairman WALSH. Please refer to it.

Mr. ROCKEFELLER, Jr. No; that does not, Mr. Chairman, because the statement was made before the end of the year. I may have it here. The total income from January 2, 1914, to January 1, 1915, was $5,152,761.50.

Chairman WALSH. Does the Rockefeller fund keep a statement of the disbursements of the $2,000,000 retained for the personal benefactions of your father?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And that will appear, I take it, in the annual report?

Mr. ROCKEFELLER, Jr. It will, in full. I might explain, Mr. Chairman, that the development of the foundation was simply a development into a more permanent form of the philanthropic work which my father had been carrying on personally before.

Chairman WALSH. Will you please make a chart for us, or have one made in your office, Mr. Rockefeller, showing all of these activities and the names of the persons who are on them. To make it very clear to you, I asked you yesterday several questions along the proposition of what might be called "interlocking directorates," and I would like you to just state the facts, if you will, in a simple little chart.

Mr. ROCKEFELLER, Jr. I think that information is here, and I will be glad to give it to you again.

Chairman WALSH. I wish, of course, you would include in that the committees—the executive committees and the finance committees—showing who the individuals are.

Mr. ROCKEFELLER, Jr. The members of the board and the executive committee?

Chairman WALSH. And all of the standing committees of the organization, such as the executive committee or finance committee and such others as you may have.

Mr. ROCKEFELLER, Jr. Of the foundation, the General Educational Board, and the institute?

Chairman WALSH. Yes, sir. Is the Bureau of Social Hygiene part of this and does it have standing committees?

Mr. ROCKEFELLER, Jr. It is not a part of this and has no standing committee.

Chairman WALSH. Is the sanitary commission——

Mr. ROCKEFELLER, Jr. The International Health Commission is, as I stated yesterday, an organization which has been created by the Rockefeller Foundation to enter into the field of sanitation.

Chairman WALSH. Will you please submit any standing committees that there are on that, along with this little chart? How many meetings a year must the corporation hold, referring to the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. I think the stated number of meetings is three—maybe four; but my recollection is three.

Chairman WALSH. How are the absent members notified, or are they notified of the action taken?

Mr. ROCKEFELLER, Jr. I think not, except as they get the annual report—as they will get it.

Chairman WALSH. Are the minutes of the meetings printed?

Mr. ROCKEFELLER, Jr. The minutes of the meetings are typewritten and sent to the—I am not sure whether they are sent to the members or simply laid on the table at the current meetings. I have forgotten which.

Chairman WALSH. Between meetings I suppose that the control of the corporation is in the hands of the executive committee?

Mr. ROCKEFELLER, Jr. Along lines laid down by the board.

Chairman WALSH. And that committee consists of yourself, Mr. Murphy, Mr. Greene, Mr. Heydt, and Dr. Flexner?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And they are all, as you have stated—see if this statement is correct—all connected with your father's investments, with the companies in which those investments are had, or upon your personal staff or your father's personal staff, with the exception of Dr. Flexner, who is the salaried head of the Rockefeller Institute?

Mr. ROCKEFELLER, Jr. I think that is substantially correct.

Chairman WALSH. I am going to ask your opinion upon some things here. Do you think three meetings a year frequent enough for the trustees of so powerful a corporation?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. How many meetings a year does the executive committee hold?

Mr. ROCKEFELLER, Jr. Just as many as may be needed. There is no stated number.

Chairman WALSH. Can you state how many the executive committee held last year?

Mr. ROCKEFELLER, Jr. I think that shows here, Mr. Chairman, with the attendance at each. The number does not remain in my mind.

Chairman WALSH. And the record is kept of the proceedings of the meetings of the executive committee?

Mr. ROCKEFELLER, Jr. Definite minutes of all the actions taken.

Chairman WALSH. In what way are trustees who are not members of the executive committee notified of its action taken between board meetings?

Mr. ROCKEFELLER, Jr. My recollection is that the minutes of the meetings of the executive committee are read at the next meeting of the board, if not submitted to the directors for their perusal.

Chairman WALSH. Is there any formal machinery for notifying the trustees of action taken by the executive board between meetings?

Mr. ROCKEFELLER, Jr. There is not.

Chairman WALSH. How are the executive committee members notified of action taken in their absence?

Mr. ROCKEFELLER, Jr. They are not notified.

Chairman WALSH. What is a quorum of the executive committee?

Mr. ROCKEFELLER, Jr. Three, I think. That is stated in the answers. I think three, of course.

Chairman WALSH. Should the charter require the minutes of the board and of the executive and finance committees to be printed?

Mr. ROCKEFELLER, Jr. We have not thought it necessary or we would have inserted that requirement in the charter.

Chairman WALSH. Would you welcome an amendment to the charter of the foundation which would provide for the printing of the minutes?

Mr. ROCKEFELLER, Jr. I would not think it necessary.

Chairman WALSH. Then I take it you would not welcome it?

Mr. ROCKEFELLER, Jr. I should not be hostile to it, but I should not recommend it. I should simply think it was unnecessary.

Chairman WALSH. Please state as briefly as you can the provision or provisions that the foundation has made for making public its work.

Mr. ROCKEFELLER, Jr. I do not know of any provisions that it has made.

Chairman WALSH. There is no provision for such publicity in the charter?

Mr. ROCKEFELLER, Jr. Well, if there is——

Chairman WALSH. In the charter granted from the State.

Mr. ROCKEFELLER, Jr. Not that I know of.

Chairman WALSH. There is no provision for publicity in the constitution of the body itself, the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. Not that I know of.

Chairman WALSH. And there is no provision for publicity in the by-laws of the corporation?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Was the decision to publish annual reports made at a meeting of the board of trustees, or by the executive committee?

Mr. ROCKEFELLER, Jr. As I stated in answer to a previous question, by the board of trustees.

Chairman WALSH. What mailing list does it plan to use in distributing this report?

Mr. ROCKEFELLER, Jr. I think it has made no plans as yet.

Chairman WALSH. Who will prepare this publicity matter for distribution?

Mr. ROCKEFELLER, Jr. The secretary of the foundation will prepare the report. No plans have been made with reference to its circulation.

Chairman WALSH. Was there some one present in charge of the preparation of this printed document, the questionnaire, or was the actual work of writing done by some particular person?

Mr. ROCKEFELLER, Jr. It was done by the several of us in the office who are familiar with those matters, each contributing as he might have time.

Chairman WALSH. Did Mr. Lee have anything to do with that, Mr. Ivy L. Lee?

Mr. ROCKEFELLER, Jr. I think it is highly probable that he did, as one of our associates.

Chairman WALSH. Is it within your knowledge whether he did or not?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. He did?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Did he write a number of the matters that went to the newspapers with regard to the Rockefeller Foundation; did Mr. Ivy L. Lee prepare that publicity matter?

Mr. ROCKEFELLER, Jr. I do not know whether he prepared it. He has cooperated with us in any way that we have desired to have him. As I stated yesterday, in seeking his advice last spring, it was quite as much in the interest of the various matters which we were interested in as——

Chairman WALSH. How is that?

Mr. ROCKEFELLER, Jr. As I stated, in seeking Mr. Lee's advice last spring, it was quite as much that matters with respect to our own affairs and the philanthropies and other work which we had in hand might be given proper publicity as that the situation in Colorado might receive attention.

Chairman WALSH. Did I understand that Mr. Lee receives part of his compensation from the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. He does not.

Chairman WALSH. He receives none of it from the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. He does not; he receives none of it.

Chairman WALSH. You have already stated that the pay for his work in distributing the bulletins containing the facts with regard to the Colorado situation was paid by your father?

Mr. ROCKEFELLER, Jr. Yes; and I have the entry here if you care for it.

Chairman WALSH. What entry is that?

Mr. ROCKEFELLER, Jr. You asked me to produce the entry in my father's books in connection with the payment of that amount to Mr. Lee.

Chairman WALSH. I would be very glad to have it now.

Mr. ROCKEFELLER, Jr. It reads—this is a copy by the bookkeeper:

"November 25, 1913, check No. A64963, to the order of Ivy L. Lee, instructions J. D. R., jr., November 24, at the rate of $1,000 per month from June 1 to December 1, 1914, $6,000. Charged to office expense account."

And the check itself, which I have here, as is customary with the checks of our office, has certain references to vouchers, etc., in the printed place for the date, November 24, 1914. J. D. R., jr., and makes reference to my letter instructing—my letter to Mr. Lee inclosing the check, which is here, and I shall be glad to read it.

Chairman WALSH. If you please, you may do so.

Mr. ROCKEFELLER, Jr. (reading):

"Mr. LEE: Inclosed please find check for $6,000, being the compensation agreed on at the rate of $1,000 a month for the services you have rendered to our interests from the beginning of our relationship—the 1st of June to the 1st of December. It is understood that compensation at the same rate is to be continued for the month of December.

"Greatly appreciating the valuable assistance you have rendered to us, I am,

"Very truly,

"JOHN D. ROCKEFELLER, Jr."

Chairman WALSH. Please hand that to the sergeant at arms.

Mr. ROCKEFELLER, Jr. May I ask that it be returned?

Chairman WALSH. Yes; I will see that it is returned at once. Was there any reason why Mr. Ivy L. Lee was not paid $1,000 a month as he went ahead with the work?

Mr. ROCKEFELLER, Jr. The question of compensation was not discussed when I made the arrangement with Mr. Lee.

Chairman WALSH. I think the sergeant at arms did not get the book entry.

Mr. ROCKEFELLER, Jr. This is the book entry [indicating].

Chairman WALSH. This general expense book of your father, are you familiar with it?

Mr. ROCKEFELLER, Jr. No; except that I know that any office expenses, such as salaries, incidental stationery, and other things of that sort—traveling expenses—are charged to it.

Chairman WALSH. Is Mr. Lee receiving any compensation for the publicity matter he is writing for the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. He is not.

Chairman WALSH. He is just contributing that on account of his employment upon your father's private staff?

Mr. ROCKEFELLER, Jr. Mr. Lee, as one of the members of my father's staff, and just as the rest of us do, contributes any services that may be in the interest of any of the general matters we have in hand.

Chairman WALSH. Financially?

Mr. ROCKEFELLER, Jr. On any subject.

Chairman WALSH. In the business management of corporations?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Or in the philanthropic activities?

Mr. ROCKEFELLER, Jr. In all my father's interests.

Chairman WALSH. Did the normal school department of the National Educational Association at its St. Paul meeting in July, 1914, pass the following resolutions:

"We view with alarm the activity of Carnegie and Rockefeller Foundations, agencies not in any way responsible to the people, in their efforts to control the policies of our State educational institutions, to fashion after their conception, and to standardize our courses of study, to surround the institutions with conditions which menace true academic freedom and defeat the primary purpose of democracy as heretofore preserved inviolate in our common schools and normal schools and universities."

Mr. ROCKEFELLER, Jr. I was not invited to attend that meeting, and I could not say whether such resolution was passed or not.

Chairman WALSH. You were not invited to attend the meeting of the International Educational Association?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Was the resolution called to your attention after it was passed?

Mr. ROCKEFELLER, Jr. I think I saw it in the papers.

Chairman WALSH. Kindly make any comment you might wish to make on that.

Mr. ROCKEFELLER, Jr. I have not any comment to make, Mr. Chairman.

Chairman WALSH. And a State superintendent of education in the South wrote to the commission to the effect educational freedom in the South was being threatened by private donors—the colleges and public universities—the private colleges and public universities.

Mr. ROCKEFELLER, Jr. What letters might be addressed to this commission I am not in a way to know, Mr. Chairman.

Chairman WALSH. Has there any such letter been addressed to your institution, to the Rockefeller Foundation?

Mr. ROCKEFELLER, Jr. Not that I have heard of.

Chairman WALSH. Do the southern colleges to which this General Education Board gives money for the purposes of secondary education consult the board informally in regard to the persons to be appointed?

Mr. ROCKEFELLER, Jr. That I do not know. They certainly do not consult the board. It is a matter in the hands of the officers of the board; and I understand that the secretary of the board is to appear before you and he can give you the information and I can not.

Chairman WALSH. You have no recollection upon that subject?

Mr. ROCKEFELLER, Jr. My recollection is not clear on it.

Chairman WALSH. Commissioner Garretson has a few questions he wishes to ask you, Mr. Rockefeller.

Commissioner GARRETSON. Mr. Rockefeller, in speaking of the question of discipline or removal of trustees, you refer to the fact that a veto power as to the election of trustees would be sufficient, in your opinion?

Mr. ROCKEFELLER, Jr. Yes.

Commissioner GARRETSON. Is not the veto power purely preventive and not corrective?

Mr. ROCKEFELLER, Jr. Mr. Garretson, it had never occurred to us that men could get on this board who would need correction.

Commissioner GARRETSON. Are there not rather striking examples of the inability of any power to choose a number of men among whom there might not be, to use the Methodist term, backsliders?

Mr. ROCKEFELLER, Jr. If such a backslider were to develop in any of these boards, in the first place he would be entirely in the minority, and in the second place, at the end of his term of office, which does not exceed three years, he could easily be replaced, if he could not be put out at an earlier date.

Commissioner GARRETSON. Might it not be necessary, with the formal repudiation, to place the foundation on record as passing judgment?

Mr. ROCKEFELLER, Jr. It might, but we did not consider that possibility.

Commissioner GARRETSON. With a sort of perpetuating power as is here described—by the way, have you followed up any of the analyses of the war situation in Europe, particularly by noted university men of those countries?

Mr. ROCKEFELLER, Jr. I have not read those with any care at all.

Commissioner GARRETSON. Where it is asserted, wrongly or rightly, that there has been a continuous campaign, for instance in Germany from 1848, accentuated since 1870, of domination by the militarist idea of all channels of the State, church, educational, social, and otherwise with the apotheosis of the divine mission of Germany to regenerate the world, considered as connected with the present condition there?

Mr. ROCKEFELLER, Jr. I have heard that theory advanced, Mr. Garretson.

Commissioner GARRETSON. Might it be possible that a foundation of the character of some that exist that with a change of the personnel, and I am applying this absolutely to a condition which may arise after the present generation is gone—that with a personnel devoting the potential power to a domination of the educational, as outlined in the resolution passed by the educational association, to the spiritual as applied to the endowment of churches or of theological universities—to the social as applied by ordinary, well-recognized methods of molding public opinion—could a foundation of that character, self-perpetuating in its nature, exercise an influence that would be deadly to liberalism? I go no further than liberalism?

Mr. ROCKEFELLER, Jr. It is remotely possible, Mr. Garretson, but my answer would be that with the power of the legislature to amend and restrict in any way, that such power at any time ought to be sufficient to safeguard against that possibility.

Commissioner GARRETSON. But, if that campaign were so thoroughly conducted, under the rose, that before thinking men wakened to its influence it had been able to exercise and create a degree of domination, what then?

Mr. ROCKEFELLER, Jr. I think that would be hardly possible; that the American people would know the trend of such an attempt before it had gotten any such hold. And may I say, Mr. Garretson, right here, that I think it must be obvious to you all that one reason why the founders of the Rockefeller Foundations made such strenuous, persistent, and patient efforts to get a Federal charter, was that this large work, running through the ages, might be most conspicuously located, might be at a point where the eyes of the people of the whole country would center upon it, and where the representatives of the people, as a whole, would be constantly working and where they could see what it was doing, and direct, as they might see fit, or limit its activities.

Commissioner GARRETSON. Going, for a moment, to the plan that has been in effect tentatively for relations between employer and employee in the mining region of Colorado, what safeguard is there, Mr. Rockefeller, in that plan for the independent man who is chosen by his associates on that committee as their representative?

Mr. ROCKEFELLER, Jr. Safeguard in what respect?

Commissioner GARRETSON. His service with the corporation as against the resentment of any petty officer?

Mr. ROCKEFELLER, Jr. I should think the large number of men who were back of him would be a pretty strong safeguard.

Commissioner GARRETSON. Are you aware of the fact, Mr. Rockefeller—I will draw from my own experience—that the railway organizations that are recognized as having as great a voice in dealing with their own affairs with their employees as almost any labor organization—that they for 20 years have found it necessary to have inserted in all their agreements, as outgrowth of large experience with men behind those committeemen, that no committeeman should be discriminated against in his service on account of contending against the views of the company—against the companies' viewpoint—and that 1,000 men would be a small estimate of the number of men who have been protected under this clause against that very thing?

Mr. ROCKEFELLER, Jr. What is the question?

Commissioner GARRETSON. How would you be protected against this plan, this plan that is suggested or that is put in effect?

Mr. ROCKEFELLER, Jr. As I understand it, Mr. Garretson, this plan is a plan which is doubtless going to develop as occasion may require. I fancy the officers of the company and the men who have cooperated in its formation to this point will purpose to develop any additional features which their combined counsel and experience might indicate to be desirable, and I should not regard it as a finished and final plan, but subject to such strengthening in weak points as you have suggested or as others may suggest.

Commissioner GARRETSON. You realize, of course, the absolute necessity of such safeguards as long as citizens remain human?

Mr. ROCKEFELLER, Jr. Your experience I should take as final on that, Mr. Garretson.

Commissioner GARRETSON. It has not been final yet; we still have occasion for it.

Mr. ROCKEFELLER, Jr. It would have great weight with me.

Commissioner GARRETSON. You spoke of the necessity for a corporation performing certain services under pioneering conditions. When a corporation takes upon itself, either pioneering or otherwise, to furnish all the elements of community life, and that naturally comprises schools, churches, publications in many cases, school boards, city governments—all of those agencies when they come from the company and are administered by the company—is there not thereby created an element of feudalism?

Mr. ROCKEFELLER, Jr. I think it is a highly undesirable situation to have exist.

Commissioner GARRETSON. Well, is it not true that passing to the final stage, and that is with an open mind, because that can only be properly applied to that one condition—that of taxation—the company owning the property for taxation, and that is applied only on the farm lands, all of the funds necessary for the community to provide for itself should be properly available as in any other community?

Mr. ROCKEFELLER, Jr. I should hope that just as quickly as the community could take care of those interests it should do so.

Commissioner GARRETSON. Has there been any tendency in that direction to what are known as closed camps?

Mr. ROCKEFELLER, Jr. That I do not know.

Commissioner GARRETSON. Do you know as to the truth of whether or not the company activities have, first named the tax commissioners through political action, next lowered the tax rate until funds were not available, and then proceeded on the surface to furnish those facilities as philanthropic necessities, after throttling the right of the people to them from the State boards?

Mr. ROCKEFELLER, Jr. I do not know.

Commissioner GARRETSON. It would be an undesirable condition, from my standpoint, if it were shown that that had arisen, and that that was the reason why the company had to exercise those paternalistic rights.

Mr. ROCKEFELLER, Jr. Utterly undesirable.

Commissioner GARRETSON. You gave expression in your original statement that you believed in the right of organization of labor on precisely the same lines or to exactly the same extent—I am only making a free quotation—that you believed in it for capital. I am not misquoting you there, I think?

Mr. ROCKEFELLER, Jr. You are correct.

Commissioner GARRETSON. Then you followed that with a statement, in another part of the testimony, as to the responsibility of stockholders and directors, in which you took a view that the executive must of necessity conduct the business. I am using the executive in the sense of the full executive staff, presumably the president and those below him, but the president being held responsible for that executive staff. Now, if the executive of a business corporation has plenary power and is held responsible for the conduct of that business, may you properly be asked to accept exactly the same idea as applied to the conduct of the labor affairs; that is, the organization of the men? In other words, I want to make an example, to illustrate so that you will know what I mean before you reply. You, as the president of a great corporation, decide all questions that arise on the labor question—we will take that alone—without referring to your board of directors, under the plenary powers that you have described as being necessary. I, as the executive of labor unions, come to you to deal for your employees. Would you consider that any more unfair

should place in an executive officer's hands the executive of that unlawful power to put those men on strike without the consent of the men?

Mr. ROCKEFELLER, Jr. That is a question leading into your field, Mr. Garretson, that I do not feel I could answer.

Commissioner GARRETSON. Wouldn't it be a damnable power?

Mr. ROCKEFELLER, Jr. I think it would be.

Commissioner GARRETSON. To apply to us?

Mr. ROCKEFELLER, Jr. It might be.

Commissioner GARRETSON. For instance, the brotherhood of which I am a part, if its members all went on a strike, associated with those who follow the same pursuit—the trainmen and engine service—for one day, tied the continent up, we could paralyze commerce; and if it extended beyond three days, make a large part of the population hungry, if, as it is claimed, the city lives from hand to mouth. Should the law permit power to be in the hands of four men to do that?

Mr. ROCKEFELLER, Jr. I should think it was very unsafe.

Commissioner GARRETSON. Is it more unsafe that the men we deal with, representing exactly the same relation to the public—that is, the president of the railway—should have the power to precipitate war without returning to their constituency to know whether or not it was proper?

Mr. ROCKEFELLER, Jr. I have said, Mr. Garretson, that I should think, as a director—that the directors of any corporation must take the final responsibility for the acts of the officers whom they elect, and it is their responsibility to get the best officers. Now, it would come back on to them, and if any such situation did arise it would be entirely appropriate that it should come back to the directors for consideration.

Commissioner GARRETSON. Do you consider that it could be appropriate that the power should be placed on the other side on the same way?

Mr. ROCKEFELLER, Jr. I think the situation ought to be paralleled absolutely.

Commissioner GARRETSON. Now, in that connection—if I thunder out my subject, will you kindly understand I am not thundering at the man?

Mr. ROCKEFELLER, Jr. I quite understand it, sir.

Commissioner GARRETSON. You heard—or were you present when Mr. Brandeis gave his testimony?

Mr. ROCKEFELLER, Jr. No.

Commissioner GARRETSON. Did you read the excerpts of it with regard to the responsibility of stockholders and directors?

Mr. ROCKEFELLER, Jr. Not carefully. I just glanced at it.

Commissioner GARRETSON. Have you had any—this is a question that is purely personal, and you are at liberty, perfect liberty, if you do not want to answer it, I will have no fault to find——

Mr. ROCKEFELLER, Jr. I want to answer it if I can.

Commissioner GARRETSON. Have you seen any reason in the past—and I am going to make it wide enough, six months—to change your views in any degree in regard to the responsibility of either stockholders or directors for the conduct of a corporation or of any other institution of which he is a part?

Mr. ROCKEFELLER, Jr. You mean as regards the views which I have expressed in my written statement, or those previously stated?

Commissioner GARRETSON. I put it back six months so that it would cover a very considerable period, probably cover all your public expressions on the subject to any tribunal or through any channel.

Mr. ROCKEFELLER, Jr. I should hope, Mr. Garretson, that I would never reach the point where I would not be constantly progressing to something higher, better—both with reference to my own acts and with reference to the general situation in the company. My hope is that I am progressing. It is my desire to.

Commissioner GARRETSON. You are like the church says, you are "growing in grace."

Mr. ROCKEFELLER, Jr. I hope so, too. I hope the growth is in that direction.

Commissioner GARRETSON. What is the function of a publicity agent, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. I do not know. I never was one.

Commissioner GARRETSON. What is his value based on?

Mr. ROCKEFELLER, Jr. I haven't any knowledge.

Commissioner GARRETSON. Bear in mind this is purely a practical question. I have been wondering if the publicity agent's value was based upon, first, his ability to tell the truth, the whole truth, and nothing but the truth——

Mr. ROCKEFELLER, Jr. Well, if I——

Commissioner GARRETSON (interrupting). Or upon his ability to put in enough of truth in a statement to make it appear plausible, or, to put it, to use the train phrase, the views that his employer desires put forward?

Mr. ROCKEFELLER, Jr. Mr. Garretson, if I had information that an employee, a publicity agent, did not have that first qualification, the ability to tell the truth, the whole truth, and nothing but the truth, and was willing ever to tell anything else in reference to matters that I had anything to do with, I would not want him related to me in any way for a minute. That would be the prime qualification, in my judgment.

Commissioner GARRETSON. Would you expect to find him in the regular trade?

Mr. ROCKEFELLER, Jr. I dare not answer that question.

Chairman WALSH. We must have perfect order. I know it is rather difficult under such a provocation.

Commissioner GARRETSON. If the witness will agree with me we will not break the rule, I mean agree that we won't break it, not on the subject matter.

Mr. ROCKEFELLER, Jr. I think I can agree in both.

Commissioner GARRETSON. Do you believe, Mr. Rockefeller, that a director has any moral right to set up the plea that he is too busy to perform his duties for which he is elected as a director?

Mr. ROCKEFELLER, Jr. No.

Commissioner GARRETSON. In your statement you recited three conditions that went with the exercise of a certain—well, whether rights or privileges is always debatable—but that an enterprise should render the remunerative rate and fair conditions for its labor; that is, should pay that to those who serve it; that it should render service to the public, presumably satisfactory service, proper service; second, the return on capital. Which of these three would you give precedence as the obligation resting upon a business enterprise?

Mr. ROCKEFELLER, Jr. If I was the only one to be consulted I would give preference to the proper living conditions of the employees. That would be my own feeling. If I were representing the management of a company, the directors of a company, and had to secure capital for the company, however much as an individual I might want to make that the first consideration, my ability as a director to get capital in order to give employment to labor in that industry would depend upon my ability, my being able to show that a reasonable return upon that capital could be expected. If I could not show such a reasonable prospect I could not hope to secure the capital which would be necessary in order to develop the business.

Commissioner GARRETSON. And has a business a moral right to exist, an enterprise, unless it can support its employees in human style?

Mr. ROCKEFELLER, Jr. Just because I believe with you there I stated that if it could not do that and make a return to capital the alternative would be to go out of business.

Commissioner GARRETSON. That is the only legitimate thing to do. Does not business itself in dealing with business fully recognize that idea? To illustrate, you as a coal merchant won't sell coal to a railway company or a business enterprise whose balances are all written in red for any less money than you will one paying 85 per cent, will you?

Mr. ROCKEFELLER, Jr. No.

Commissioner GARRETSON. You referred, when you first came on the stand, when you were asked regarding labor troubles, the necessity of strikes taking place—you referred to the Lackawanna Railroad. Did you refer to the trouble between that road and its train and engine men in 1910?

Mr. ROCKEFELLER, Jr. That was what I had in mind. I did not know the exact date.

Commissioner GARRETSON. Are you aware of the fact that that never came to a strike; that 15 minutes before the strike was set a settlement was reached, and consequently the men did not quit?

Mr. ROCKEFELLER, Jr. I probably was at the time. But it had slipped my mind. I knew there were troubles brewing, at least.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. Ballard would like to ask you some questions.

Commissioner BALLARD. Mr. Rockefeller, do you believe the person in hiring help, domestic help or otherwise, in the private family, has a right to inquire about the character, and so forth, of the help that may apply for work?

Mr. ROCKEFELLER, Jr. I think it is essential that they should so inquire.

Commissioner BALLARD. Do you believe that a person in the profession of law, for instance, has the same right to inquire about the past record and opinions of those who apply to him for position?

Mr. ROCKEFELLER, Jr. I should think so.

Commissioner BALLARD. Don't you think that some privilege should be accorded to those in industries?

Mr. ROCKEFELLER, Jr. I do not see why they should be differentiated against.

Commissioner BALLARD. We have heard a great deal of the great high-sounding phrase that workmen have a right to organize for their own protection. I think so one—I do not think you have ever stated anything that would indicate that you do not approve of that.

Is not that a very different thing from a union sending paid emissaries and agitators into camps for the express purpose of making the men discontented, and inducing them to organize a union?

Mr. ROCKEFELLER, Jr. It would seem to me entirely different.

Commissioner BALLARD. The habits and customs and relationships in the coal mines in Colorado are not very different from other coal mines in the outlying districts, are they?

Mr. ROCKEFELLER, Jr. I have assumed they were very generally the same.

Commissioner BALLARD. I understood you to say in your direct testimony that in the outlying districts where men started to build, to develop mines, it was necessary to build houses and to have doctors and to build schools, because there were none in that district. And I also understood that as time went on and these developments increased, then the public could take them over themselves and handle them. There is no objection to that in Colorado, is there?

Mr. ROCKEFELLER, Jr. I should say there should never be objection to that, and the time at which that transfer in units should be reached as rapidly as possible.

Commissioner BALLARD. Something has been said about directors' responsibilities and stockholders' responsibilities. Don't you think that the whole country has been educated, has been undergoing very considerable change in the last few years as to the duties and responsibilities of employers toward their labor?

Mr. ROCKEFELLER, Jr. I am glad to say that I do think so.

Commissioner BALLARD. That is, the employer and the employing class are willing to establish and to extend the helping hand to the laborer wherever they can?

Mr. ROCKEFELLER, Jr. In every way.

Commissioner BALLARD. The chairman suggested the other day that might it not have been better to distribute all the profits in the Colorado Fuel & Iron Co. to the workmen rather than to receive them partly in the form of profits or dividends, and let the workmen enjoy them in their own way. Could that have been better than to have received them and then to have established foundations and to give educational institutions an authority which would be permanent and continuously benefit mankind?

Mr. ROCKEFELLER, Jr. I should not think it would, Mr. Ballard.

Commissioner BALLARD. Is there any law in the State requiring publicity of foundations and trusts of that kind.

Mr. ROCKEFELLER, Jr. Not in the State of New York, that I know of.

Commissioner BALLARD. It has been brought to your attention, of course, during the investigations of this foundation and this work that this commission is making studies of that kind. Would you be willing to receive suggestions from this commission and give them serious consideration, if the commission came to any conclusions that might add to the permanent welfare and benefit of the public through your foundation?

Mr. ROCKEFELLER, Jr. As I said yesterday with reference to the industry in Colorado, in so far as our relationship is concerned, I not only would welcome but I would invite any suggestions, and the same would be equally true with reference to the foundation.

Commissioner BALLARD. That is all.

Chairman WALSH. Commissioner Commons would like to ask some questions.

Commissioner COMMONS. Mr. Rockefeller, would it be advisable in a large corporation to have a director whose business it should be to give his attention to the labor conditions? I understand that some corporation has chosen Mr. Neill, who was formerly Commissioner of Labor, whose special duty it is—

don't know whether he is a member of the board of directors or simply a subordinate.

Chairman WALSH. He said he was a member of the board of directors.

Commissioner COMMONS. A member of the board of directors?

Chairman WALSH. That is the testimony.

Commissioner COMMONS. The essential thing is he does not report to the executive officers, he reports to the directors. Did you ever consider whether that would be a useful way in which the directors themselves could have information apart from that which would come up to them from the superintendents and general managers?

Mr. ROCKEFELLER, Jr. The matter had not been brought to my attention, but as you present it I should think it was an excellent idea.

Commissioner COMMONS. I do not indicate that it should be a person connected with labor at all.

Mr. ROCKEFELLER, Jr. I understand.

Commissioner COMMONS. But a person selected with reference to his especial aptitude for making that class of investigations and keeping the company informed on those things. You feel that would keep the directors informed in ways that would be valuable in carrying out a scheme of this kind that has been installed?

Mr. ROCKEFELLER, Jr. It would seem to me very applicable.

Commissioner COMMONS. That is the only suggestion I have.

Chairman WALSH. Did you have some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

The question has been raised, Mr. Rockefeller, about the wisdom of using surplus along the lines of foundation work, and as to whether it would not have been better to take this surplus and use it in the way of a higher wage. Now, I do not know, of course, what is the policy of the Rockefeller enterprises on the Atlantic seaboard, but I do know what is the policy of the Rockefeller enterprises—the Standard Oil Co.—on the Pacific coast. So far as I know, the Standard Oil Co. on the Pacific coast pays the full standard wage, and in the matter of workmen's compensation, in which I happen to be interested, as State commissioner, I do know that the Standard Oil Co. was one of the first companies to come in under the compensation law when it was voluntary, and that it has treated its injured workers with unusual liberality. Recently there was a case where an injured worker brought suit against the company, believing he could get more out of the courts than he could out of the compensation. The case was decided against him and in favor of the company. But, despite that fact, the company paid him the full compensation, not desiring to take advantage of a legal technicality.

Now, if the policy of your enterprises at this end of the continent are the same as they are on the Pacific slope, and the full standard wage is paid, and the workmen are treated with every consideration, then this surplus rightfully belongs to the company, to the owner; and if he sees fit to use it in the manner in which it is being used—through foundations—can not a greater good be accomplished by that surplus treated as a unit than the same amount would accomplish if distributed in small amounts among a great many people? In other words, can it not in a concentrated form, if wisely and intelligently used, bring about a greater good to society than if scattered in very little sums among a multitude of people?

Mr. ROCKEFELLER, Jr. Mr. Weinstock, you speak of surplus. The opinion seems to have prevailed, in the discussion of the matter of the return which has come to my father on his investment in the Colorado Fuel & Iron Co., the opinion seems to have prevailed that the return was surplus belonging to the company. That is an entirely incorrect impression. What surplus there has been in the earnings of the company from year to year, as has been stated, has gone back into the company, either in the development of its properties or in increasing wages and in improving living conditions.

Now, this amount of money under discussion is not surplus. It is merely the interest paid on a debt, the bonds which my father holds being the debt. The company has not anything to say, nor the public, I should assume, with reference to whether that interest should be paid on the debt or not. That is a question, of course, that is self-evident. A debt should be paid and its interest should be paid. If that interest were paid to some other bondholder than my father, we would concede the right that he should have the interest and do with the interest what he saw fit, whether it was an establish foundation or whatever he desired to do with it.

Now, the sense in true with reference to the trifling amount which has been returned to my father as a dividend on the capital stock, and all of the other stockholders have been treated in the same way.

I want first to make clear that those returns are not dividends, they are, firstly, the payment to capital of interest on a loan, at a fixed rate agreed upon, and, in the second place, such return in a dividend upon the stock as the earnings of the company justified at the time the dividend was paid. I hope I have made clear that point.

To answer your specific question, no one raises the question as to what should be done with the bond interest paid to any of the other bondholders of the company, of which there are a very large number, nor what should be done with the trifling dividends that have been paid to such parties. They are at liberty, of course, to use that legitimate return in any way they see fit. Just because that return comes to my father, and because, in order to feed and clothe himself, he may not be dependent on that particular return, the impression seems to arise in the public mind that he should not keep it, as every other stock or bond holder does who has no greater right to it than he, but just the same right, simply because he does not need it. Why should he not throw it back into the hands of the public as he may think wise? I simply want to make the point that, it seems to me, the stockholders and the bondholders should all be conceded the same rights. So much preliminary to the answer to your question.

As to the relative wisdom of a bondholder or a stockholder using the return on his investment or his debt in voluntarily increasing a wage already as high as the standard average wage in the industry throughout the country, as regards the relative value of his doing that voluntarily, or putting that money in some, to his mind, useful public service, I should think that the latter course, under these particular circumstances, would be productive of a greater general public benefit. Because only when funds which are not required for the support of the owner exist in sufficient quantity is it possible to endow colleges, to establish hospitals, to build institutes of medical research, and to forward those kinds of work which need large aggregations of capital and which, if dependent upon the small giver for establishment, could hardly be expected to be established. Is my answer clear?

Commissioner Weinstock. Yes; entirely so. In connection with the Colorado Fuel & Iron Co., Mr. Rockefeller, I have been endeavoring to reconcile certain figures, and they have confused me, and I would ask you to help me out in it and see if I can get the thing straightened. In your preliminary statement, among other things, you said, on page 6:

"Since we first acquired an interest in the Colorado Fuel & Iron Co., in 1902, the company has paid in wages to its employees over $62,000,000. During the same period we have received dividends amounting to $371,000 on our investment in the capital stock. Therefore our stock interest in the Colorado Fuel & Iron Co. has yielded a return of about two-thirds of 1 per cent per annum on the actual cash investment of about $6,000,000."

Now, I understand your interests in that company do not exceed 40 per cent.

Mr. Rockefeller, Jr. No.

Commissioner Weinstock. That is, you own and control 40 per cent of the stock. But in looking over the reports that were handed me yesterday, the annual reports of the Colorado Fuel & Iron Co., I noted that the capital stock was $36,000,000. Is that correct?

Mr. Rockefeller, Jr. Why, I think it is; I am not sure.

Commissioner Weinstock. Now, 40 per cent of $36,000,000 would be equivalent to about $14,400,000.

Mr. Rockefeller, Jr. But you are figuring at par, Mr. Weinstock. This is the actual cash at the market price at which the stock was purchased.

Commissioner Weinstock. I see. Now, what is the market value of that $36,000,000?

Mr. Rockefeller, Jr. It is constantly changing from day to day. I have no idea what it is to-day. But taking the different investments made in the stock from time to time as they appear on my father's books, it shows that he had spent $6,000,000 in buying the stock at whatever the price of the stock might have been at the time of the respective purchases.

Commissioner Weinstock. That is the stock, purely and simply, and nothing to do with the bonds?

Mr. Rockefeller, Jr. Not in that transaction, now has it anything to do with the par value of the stock. You see this statement does not indicate how many

shares of stock my father had. This simply says that he has invested $5,000,000 in the stocks of that company. He may have paid $75 a share for some, and $25 a share for some. I do not know, but that is the way it stands.

Commissioner WEINSTOCK. If he had bought at par value, he would have one-sixth and not 40 per cent? He would have $6,000,000, or one-sixth of $36,000,000?

Mr. ROCKEFELLER, Jr. Yes, sir.

Commissioner WEINSTOCK. So evidently he must have bought a good deal of it below par value?

Mr. ROCKEFELLER, Jr. I have never known the stock to be anything approaching the par value. And, as I showed in the subsequent statement, the investment stands my father to-day, at the present market price, a number of millions of dollars of loss.

Commissioner WEINSTOCK. Now, in common with myself, you probably have heard and read the statement made broadly by anticapitalistic advocates that in industry, under our present system, capital gets the lion's share of the production and labor gets the small end. Haven't you heard those statements made and seen them written?

Mr. ROCKEFELLER, Jr. They have a familiar sound.

Commissioner WEINSTOCK. Yes. In fact, I have heard the statement made at public gatherings that under our present system of production labor gets not to exceed 10 per cent of the production and capital gets the remaining 90 per cent. Now, in looking over the figures that have been presented here I find these facts—I will not vouch for their accuracy; I think they are approximately correct, and for the information of the commission and for part of our record I am sure we would appreciate it if you would be good enough to have your office go over these approximate figures and verify them and make them as accurate as possible so we may have them as part of our proceeding.

(See Rockefeller, Jr., Exhibit No. 4.)

I find from the annual reports that I looked over yesterday that the gross earnings from 1902 to 1914 of the Colorado Fuel & Iron Co., the gross earnings were $241,000,000, in round figures. The pay roll, according to the statement made here, during that period was $92,000,000, and the amounts paid out for interest, dividends, and reserves, as taken from your annual report rather hurriedly, aggregate in round figures $24,000,000. That means this, that for every dollar received by the Colorado Fuel & Iron Co., 38 cents was paid to labor, nine and a fraction cents was paid to capital as interest, dividends, and reserve funds, and that fifty-two and a fraction cents on the dollar was used for all kinds of other expenses like taxes, insurance, depreciation and betterments, etc. If these figures are correct, and I think they are substantially correct, this would indicate that labor has gotten four times as much out of the industry as capital has.

Mr. ROCKEFELLER, Jr. And may I suggest, Mr. Weinstock, that to make that statement quite complete, it ought to be indicated that a large part of that 9 cents—was it 9 cents that capital got?

Commissioner WEINSTOCK. Yes; nine and a fraction cents.

Mr. ROCKEFELLER, Jr. (continuing). Was payment of interest on debt. It was not a profit, because the bond interest is the very large charge there.

Commissioner WEINSTOCK. Yes; the bond interest. I think I have those figures here——

Mr. ROCKEFELLER, Jr. (interrupting). I think the total dividends that have been paid in that company to all the stockholders have been under a million dollars.

Commissioner WEINSTOCK. The bond interest was $17,275,000; the amount put into reserves was $5,750,000; and the dividends were $2,060,600.

Mr. ROCKEFELLER, Jr. Well, now, the $17,000,000 of bond interest, of course, is simply paying interest on capital borrowed.

Commissioner WEINSTOCK. Yes; but still that would be capital's cut of it.

Mr. ROCKEFELLER, Jr. Yes; but it is not profit.

Commissioner WEINSTOCK. No; it is not profit.

Mr. ROCKEFELLER, Jr. The $5,000,000 that has gone into reserves, my understanding is, is simply to preserve the integrity of the mortgage and provide for its retirement. So that that $5,000,000 is simply related to the payment of interest on the debt and keeping the debt—to keep it in perfect condition. The $2,000,000 is the return on the capital invested.

Commissioner WEINSTOCK. You explained also in this statement, Mr. Rockefeller, that since the strike has been declared off in Colorado the company is

appealing a system whereby the men will be afforded a hearing through their own committee. Now, specifically you say this:

"With reference to my attitude toward labor unions, I believe it to be just as proper and advantageous for labor to associate itself into organized groups for the advancement of its legitimate interests as for capital to combine for the same object. Such associations of labor manifest themselves in promoting collective bargaining, in an effort to secure better working and living conditions, in providing machinery whereby grievances may easily and without prejudice to the individual be taken up with the management."

Now, is it contemplated that this joint committee that has now been appointed representing the employees on the one hand, the workers on the other, shall not only deal with grievances, but shall also enter into collective bargaining? Can you give us any information on that particular point, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. As I have undertaken to indicate, Mr. Weinstock, this plan in its present form is as far as the officers and the men have developed it at this moment. I assume that it is the purpose of the officers to add to the plan and to develop it in cooperation with the representatives of the men just as rapidly and along just such lines as the experience in the working of this part so far agreed on shall indicate to be wise; and that it will include collective bargaining is certainly one of the possibilities. I have no information as to the thought in the mind of either the officers or the men as to what further development there may be.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. At this point we will stand adjourned until 2.30 o'clock this afternoon, instead of 2 o'clock.

Will you kindly resume the stand at 2.30 o'clock, Mr. Rockefeller?

(Thereupon, at 12.35 o'clock of this Wednesday, January 27, 1915, a recess was taken until 2.30 o'clock p. m.)

AFTERNOON SESSION—2.30 P. M.

Chairman WALSH. The house will be in perfect order and we will proceed with the inquiry.

Mr. Rockefeller, will you kindly resume the stand?

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. Commissioner O'Connell says he would like to ask you a few questions.

Commissioner O'CONNELL. Mr. Rockefeller, I want to ask a question in connection with this proposed investigation, this industrial investigation. I want to state very frankly I know of no work in which you might be engaged that would bring greater results to the entire populace of the country than a work of that character. I am intensely interested in knowing with what thoroughness the investigation is to be made; whether it is simply to be an academic investigation and then pass off, or whether there is to be represented in that investigation men of scientific knowledge, men with practical knowledge. I should like very much and I am sure the commission will be interested to know just what the plan is or who will be associated with the investigation that is to be undertaken.

Mr. ROCKEFELLER, Jr. Mr. O'Connell, that question in substance, I think, was one the questions in one of the questionnaires. I am glad to have this further opportunity of answering it.

Commissioner O'CONNELL. Yes. I read the answer in the questionnaire, but I think it might be elaborated a little to enlighten us all.

Mr. ROCKEFELLER, Jr. I have taken a good deal of the time of the commission during this examination in explaining somewhat fully the method which has led to the development of several of the activities which have been discussed here. I took time yesterday to speak of the development of the idea of the Rockefeller Institute of Medical Research, how that it started with a group of able scientific men into whose hands, without any suggestion or restriction, was put a limited sum of money, and how the whole thing has developed from that beginning of $200,000, without any suggestion as to the line to be followed, into the present Rockefeller Institute of Medical Research. That is only typical of the method which has always been my father's method in developing any such work, and it is the method which the directors of the Rockefeller Foundation propose to follow in connection with this study of industrial rela-

those in which you refer. The purpose is to select the ablest men, whom the directors can find for a work of that kind. And with that in mind Mr. John Lincoln King was selected.

Now, it would be quite contrary to the policy of the board, quite contrary to what I think the views of the members would be and to the way to get results, were the board to undertake to make any plans or any suggestions to Mr. King as to what methods, what line, what process he should follow in making this study. We have entrusted entirely in Mr. King's hands. He is absolutely free to develop the investigation along any line that seems to him to be in the public interest. To answer more specifically, the foundation would have no interest in such an investigation or in any investigation which it did not believe eventually might give promise of resulting in some large or small contribution to the general well-being of the people at large. That is the goal, a very practical goal. But the merely scientific investigation, an academic study, simply the collating of facts would not seem adequate or satisfactory or sufficiently worth while to the board of directors of the Rockefeller Foundation. Their hope is that under Mr. King's leadership something that will appeal to the labor interests of the country, to the capitalistic interests of the country may result. If it does not appeal to both of those groups; if the result of the study is not something practical that both desire to try and may find to work, that is the end of it; nothing will have been accomplished.

Commissioner O'Connell. Then I take it from that that some thought has been given by your board to the fact that there is some industrial unrest existing in the country; that there is some fundamental difference between employer and employee in the country; following that up, this commission is instructed by act of Congress to investigate the underlying causes of industrial unrest. I am sure this commission, and myself personally, and I think the public generally, would be glad to know what you consider to be the underlying causes of industrial unrest. You are engaged in a large way in employing people, you have to do with big things financially, you have your board; and you have given notice to the world that you are going to make an investigation of this kind, and more thought must have been given to it; and I am sure that this commission would appreciate your experience and what you believe to be the underlying causes for industrial unrest.

Mr. Rockefeller, Jr. With all men who are interested in the highest and best interests of their fellow men, I have been conscious of this spirit of unrest to which you refer. As made plain in my statement made at the outset of the inquiry, the difficulties which developed in Colorado culminated in a concrete way that spirit of unrest, and as stated in that same paper, the developments there led me to feel the great importance of undertaking, in so far as I might be able through any influence I might have, to contribute toward a discovery of the underlying facts of which you speak. Now, if I had myself known these facts, or felt that I was myself capable of discovering them, I should have in the one direction made an difference as to my views, if I thought that would be helpful or would, in the other instance, have proceeded to make a personal study. But, as I felt that one trained to investigate, with broad experience on the human side of the problem and having represented the people's interest, would be far better able than I to make such a study, with a reasonable measure of hope that results would eventuate, I was glad to use my influence as a director of the Rockefeller Foundation in urging upon the foundation that it should enter upon such a study, and I am utterly incapable, Mr. O'Connell, of venturing an opinion as to the causes of this unrest.

Commissioner O'Connell. Just one other question, please, and this will probably be answered in the other. In my opinion a large part of the struggles that have occurred between employers and employees is caused by the fact that they do not meet each other and do not get together; that there are no means taken to bring them together, and as a result of that difference arises, strikes and lockouts, and all that sort of thing. Do you believe that if the Government established a board—a national board—with authority to investigate, with the moral influence of the Government submitted to it, that the instance, this commission has, that would stand as a permanent institution for the purpose of mediating, adjusting, and facilitating the adjustment—nothing compulsory about it, but purely voluntarily—of such differences, that an institution of that kind might have a considerable influence in minimizing the differences that may arise between employer and employee?

Mr. Rockefeller, Jr. I fully agree with your first statement and I make it even broader than you have, that most of the differences in life and the causes

of misunderstanding, simply because we do not know each other. If men and women could get closer together and talk face to face, I think there would be vastly less misunderstanding and unrest. I think anything which leads toward that end would be very helpful. As to your direct question regarding the efficiency of such a national organization, I hardly feel that I could express an opinion which would be of any value on that matter.

Chairman WALSH. Commissioner Lennon would like to ask a few questions.

Commissioner LENNON. Mr. Rockefeller, you have been—you have not yet heard as to any of these subjects which were discussed between the managers in Colorado and the committee of 25, have you?

Mr. ROCKEFELLER, Jr. Not yet; no, sir.

Commissioner LENNON. Well, if a deadlock should arise in a conference of that kind, would either party—would the representatives of labor have the right to appeal to the directors of the company?

Mr. ROCKEFELLER, Jr. I have tried to make clear, Mr. Lennon, that this plan which I have stated I am advised has been entered into by the officers of the Colorado Fuel & Iron Co. in cooperation with the representatives of their men, is in a formative stage. These different points have been mutually agreed on. I think it seems but natural that the further development of the plan will best be worked out by the two parties in interest, as they consider in this friendly spirit of contact their mutual interest, and I would be unable to prophesy as to what further steps might be taken; but I should feel sure that both sides would be anxious to have their views meet in planning for what would be in the common interest.

Commissioner LENNON. Well, if such agreement as to methods of appeal has not been arrived at yet—has not reached that development—do you believe that a matter of that character would be conductive to peace in the industry—that if the workmen were dissatisfied and a deadlock ensued that they would have a right of appeal to the board of directors and bring the matter up to headquarters?

Mr. ROCKEFELLER, Jr. My personal opinion is that it would be entirely advisable that they should feel perfectly free to lay their case before the directors, and I should feel that the officers would be entirely glad to have them do so.

Commissioner LENNON. Are you aware of the fact that in industry one of the great causes of unrest is the fact that the laboring people have to meet with only the representatives and not the employers themselves, and that the working out of this plan so that they could reach the directors, if that could be arrived at, possibly some of that unrest might be eliminated?

Mr. ROCKEFELLER, Jr. I think that is quite in line with the suggestion made by Commissioner O'Connell, and I think it would help very much to increase and advance mutual understanding if there was contact between the representatives of the men and the directors. I should think it would be desirable, and I hope, Mr. Lennon, when I go to Colorado as a director that I may be so fortunate as to be able to meet with the representatives of the men.

Commissioner LENNON. I want to ask one question regarding the foundations. Should the legislature enact some law that had a bearing on the foundation, amending the charter and its operations to an extent that was entirely unsatisfactory to the trustees, how could the fund be distributed? What would then become of the foundation itself? Would it go on as a personal institution or would the trustees probably distribute the money?

Mr. ROCKEFELLER, Jr. Of course, there, it is only a question of opinion—a guess, and your guess would be as good as mine, but I should think that the State, through its legislature—any amendments which it felt were in the interests of the public, the directors at the time would, of course, acquiesce in. I think it would be their duty to express their views as to the advantage or disadvantage of the proposed amendment, but if it passed, to most cordially cooperate in operating thereafter under the amendment. In the event of the charter being rescinded, the fund would, I understand, pass into the hands of the State, to be controlled by the legislature or state court, such as would be necessary, to be used for such purposes within the judgment of either of those bodies as would most nearly relate themselves to the charter purposes of the organization.

Commissioner LENNON. This point I want to get at: Is it your understanding that under the law, if the charter is recalled, that the fund then comes under the control and power of the State?

Mr. ROCKEFELLER, Jr. I understand that is the law with reference to any such foundation.

Chairman WALSH. That is all, Mr. Rockefeller. You may now be excused permanently; thank you.

Mr. ROCKEFELLER, Jr. Mr. Chairman, may I express to you and the other members of your commission my great appreciation of your courtesy and patience? I fear I have tried the patience of the entire commission in my efforts to answer in a clear and accurate way the questions which have been put with reference to these very important matters that have been under consideration.

I greatly appreciate the courtesy that has been shown me, and I want to repeat what I said the other day, that I am anxious to avail myself of any suggestions that the commission may feel disposed to make with reference to any of the matters under consideration, and that I very much hope that as a result of this full and patient hearing which you have accorded me there may be developed a better understanding among all the parties at interest in connection, not only with this general western situation, but the general questions that have come up, and that as a result a real improvement may be forthcoming in this general situation.

Chairman WALSH. Thank you, Mr. Rockefeller. That will be all. [Applause.] Any person that gives any audible expression will be asked to retire. Dr. Allen.

TESTIMONY OF DR. WILLIAM H. ALLEN.

Chairman WALSH. Will the bodies please be in perfect order?

Please state your name.

Dr. ALLEN. William H. Allen.

Chairman WALSH. Where do you reside, Mr. Allen?

Dr. ALLEN. In this city.

Chairman WALSH. What is your business, please?

Dr. ALLEN. The promotion of public knowledge of public business.

Chairman WALSH. What positions have you occupied here or elsewhere? Please state and describe what your field of activity has been, Dr. Allen.

Dr. ALLEN. My last work has been jointly directing a survey of the University of Wisconsin. Prior to that I was director of the Bureau of Municipal Research of New York and of the training school for public service. Prior to that, general agent of the New York Association for Improving the Condition of the Poor; formerly the secretary of the New Jersey State Charity Aid Association; and prior to that, instructor at the University of Pennsylvania.

Chairman WALSH. What were you doing at the time you were invited to assist in this study that the commission is making?

Dr. ALLEN. Completing a survey of the University of Wisconsin.

Chairman WALSH. How did you come to participate in this work?

Dr. ALLEN. I received a long-distance telephone from Chicago, and was asked to meet Mr. Manley, who was in charge of public hearings, had a conference with him there, after which a formal invitation to participate was extended.

Chairman WALSH. Please give your instructions as to the scope and method of the study that you were to make and that the commission is to make upon this subject, Dr. Allen?

Dr. ALLEN. We were asked to learn the names of the principal foundations, particularly those bearing nationally, to learn and state their purposes, their powers, financial and legal, their methods of operation, results so far as could be obtained in the limited time; questions arising with regard to their method of operation, powers, and results, and get as quickly as we could through the questioning of witnesses and examination of records any constructive suggestions that might seem serviceable at this time.

Chairman WALSH. I wish you would state now who has been asked to testify and give the nature of the questions about the foundations or individuals to be questioned.

Dr. ALLEN. The foundations it seemed feasible to get information about in a short time were the various Carnegie Foundations, the Carnegie Institute at Washington; the Carnegie Foundation for Advancement of Teaching, and certain facts as to the hero fund and the peace fund, and the Carnegie Corporation; the Sage Foundation, the American Scandinavian Foundation, the Cleveland Foundation, and the three Rockefeller Foundations, so-called Rockefeller Foundations, the Rockefeller Institute for Medical Research, and the General Education Board. The method that has been used——

Chairman WALSH. First—well, if you are still on the subject you may proceed.

Dr. ALLEN. I was going to say, we have written to the officers of these various corporations asking first for a constitution and by-laws, articles of incorporation, their officers, their securities, the powers as defined, programs as defined in their various publications. These have been followed up by questions, generally in installments, based upon a study of these first returns as to legal powers and financial status. In several instances there have been visits to the offices of these corporations. Mr. Manly has interviewed Mr. Carnegie and there have been visits to the Carnegie Foundation, the General Education Board, examinations of documents, follow-up letters to individuals and to officers based upon the examination of documents and answers to questions. So far as possible we have tried to establish facts in cases where allegations have been made through the press and by letter or orally to the commission with regard to the foundations, and the type of questions asked was fairly well illustrated in several of the questions asked this morning. Who the officers are, what the interlocking of directorates, as these groups, Carnegie-Rockefeller group, or as between groups, and the questions have gone further into the relation of these different groups and the outside bodies which they have given funds to or have investigated.

Chairman WALSH. I asked you, I believe, to give the names of the witnesses who have been asked to testify.

Dr. ALLEN. For the Carnegie group, Mr. Carnegie and the president of the Carnegie Foundation for Advancement of Teaching, President Pritchett. For the General Education Board, executive secretary, Mr. Buttrick; for the Sage Foundation, Mr. Glenn, a director; for the Cleveland Foundation, President Goff.

Chairman WALSH. In a general way, what is the Cleveland Foundation?

Dr. ALLEN. The Cleveland Foundation is different from any of the others. It is a foundation established by the Cleveland Trust Co., first, for securing gifts, by endowment or otherwise, in the hope of having a clearing house within the city, of information regarding what is needed by the city, so that those who give may be assured that their gifts will be directed to the need that is uppermost at the time that gifts become available.

Chairman WALSH. Have you illustrated enough to show the general nature of the study by concrete example?

Dr. ALLEN. You mean have we studied enough to furnish some illustrations?

Chairman WALSH. Yes.

Dr. ALLEN. I think so.

Chairman WALSH. Can you give us an illustration so that we can get the general drift of it, and the different further witnesses that are called?

Dr. ALLEN. Well, the Carnegie Foundation for the Advancement of Teaching is an investigating body and at the same time a giving body. It gives, maintains a retirement plan for professors of colleges and universities. We have learned how extensive those retirement allowances are, and we are asking the question what the net result of the Carnegie allowances has been upon the independence of the universities, upon the interests and independence of the States that are relieved from paying allowances because of the Carnegie allowances; the extent to which other divisions of public education have been provided with an allowance, has been through secondary schools and the normal schools, etc.

With regard to the investigations the Carnegie Foundation, for example, has made an examination of the public schools of Vermont. We have attempted to ascertain the nature of the findings, how the study was outlined, how it was supervised, how the results were checked, whether the findings were submitted to the officers whose work was described by the foundation, what steps were taken to come into agreement as to facts before publicity, and what constructive suggestions were made and how far they were carried out.

Chairman WALSH. Briefly state what effect in your opinion has the teaching of political economy upon the first-hand, everyday, industrial life thereafter. Are studies of labor being made in all of these departments?

Dr. ALLEN. You mean, now, within the colleges or within the foundations?

Chairman WALSH. Within the colleges.

Dr. ALLEN. Within the colleges. Because of the/men turned out from a college or university, especially because I know extension work that may be done within colleges or universities, it is possible through imparting information and teaching methods of examination to make a university or college a

center for study and a center for propagating interest in a sense of justice regarding labor questions. It is possible, of course, and perhaps the most important solution can be found up to date in the effect of such studies upon the governmental agencies with which universities may establish contact and for which they may furnish men.

Chairman WALSH. Could you suggest, Doctor, what constructive results may be hoped to be accomplished by this particular study of foundations?

Dr. AZARIA. So far as our instructions are concerned as to who are to make investigations, we have been asked to look into the powers granted to great foundations, to see whether or not that power should be more clearly defined in acts of incorporation. If the inquiries develop that during these hearings facts which would lead the commission to feel that as yet the powers of foundations have not been adequately limited or defined, it would be an important next step for Congress, for legislatures, to consider how to prescribe the relation between the general public and those who establish and conduct foundations.

With regard perhaps to the publicity that shall be given to the working of foundations, it was thought even from the studies that have been made and from the testimony that has been heard to date that perhaps constructive suggestions, easy to carry out, can result from this study.

With regard to the inspection studies of the holding of foundations accountable through some State or national department, in effect, licensing, such as one of the witnesses this morning has suggested, it may be testimony will suggest that it would be of great help to the work that the foundations do and a great protection to the public if there is somebody representing the public that is permanently responsible for the use made of powers, financial and legal, by the various foundations.

Chairman WALSH. Now, you have made studies during your connection with this commission and have discovered many facts bearing upon the general topic; that is, the attitude of certain groups of people toward the foundation and their attitude toward certain groups, and the light that would grow particularly, dropping into the line of the foundations that would disclose these facts, and I will ask you, Doctor, at this time, to put off the further giving of your evidence until after we call some other witnesses. I just want you to know that you will be called upon to give all of these facts growing out of your studies. That will be all for the present.

Mr. Ivy L. Lee.

TESTIMONY OF MR. IVY L. LEE.

Chairman WALSH. State your name, please.

Mr. LEE. Ivy L. Lee.

Chairman WALSH. What is your business?

Mr. LEE. I am a member of the personal staff of Mr. John D. Rockefeller.

Chairman WALSH. How long have you been a member of the staff of Mr. John D. Rockefeller?

Mr. LEE. Since January 1, 1915.

Chairman WALSH. And what was your business prior to that time?

Mr. LEE. I was executive assistant of the Pennsylvania Railroad Co.

Chairman WALSH. What were your duties as executive assistant of the Pennsylvania Railroad Co.?

Mr. LEE. Well, Mr. Chairman, the Pennsylvania Railroad has a book of organization which describes the duties of each officer, and, as near as I can recall it, my duties were described about as follows: The executive assistant shall perform such duties as may be assigned to him by the president, vice presidents, or the board of directors.

Chairman WALSH. Just what duties were assigned to you?

Mr. LEE. I had general charge of the publicity department of the company. I also performed a great many special assignments on behalf of different officers.

Chairman WALSH. Please state first what your duties were in the publicity department.

Mr. LEE. Mr. Chairman, the theory of the Pennsylvania Railroad was that it was desirable that the public should be fully informed concerning its various activities. It was in a general way my duty to keep in close touch with the activities of the company and to advise with the officers as occasion suggested itself as to matters in which the public would be interested and as to how they should be made public. But I should also add that the feeling de-

veloped that publicity would pretty generally take care of itself providing the things to be made public were in themselves interesting and praiseworthy. Out of the functions of publicity grew the additional function of constantly studying the activities of the company, the activities which the company should undertake, with a view to making suggestions as to policies which should commend themselves to an enlightened public opinion.

Chairman WALSH. When you found them out, what did you do?

Mr. LEE. Those were suggested to the officers in different departments, and if they approved the suggestion it was carried out.

Chairman WALSH. That is, you gathered what you thought would be interesting facts and praiseworthy facts, I believe you stated, and then submitted them to the officers, and if they approved did you write them for distribution?

Mr. LEE. Oh, no.

Chairman WALSH. Then I did not understand you.

Mr. LEE. What I said was, I suggested to officers as occasion developed any policies which it seemed to me the company should undertake in addition to those it already had, which would commend themselves to an enlightened public opinion. My feeling was that the writing of the facts and the actual routine of the publicity were matters that would pretty likely take care of themselves.

Chairman WALSH. Then you did not write anything about the policy, did I understand?

Mr. LEE. Oh, yes.

Chairman WALSH. Well, what did you do?

Mr. LEE. I did not catch that.

Chairman WALSH. Just describe what you did then with the same policies you discovered, you thought, and told them to the management, and then what was done.

Mr. LEE. I assisted constantly in the preparation of material to be given to the press.

Chairman WALSH. Did you write the material yourself?

Mr. LEE. A good deal of it. Some of it was written by others, while many of the statements and much of the information given to the press by the Pennsylvania Railroad I had nothing to do with writing.

Chairman WALSH. Was it under your general charge?

Mr. LEE. Yes.

Chairman WALSH. Did you pass on it before it was given to the press?

Mr. LEE. Not if it had been previously passed on by some officer of superior authority.

Chairman WALSH. Well, now, what officer would you say in the Pennsylvania organization had that authority?

Mr. LEE. Well, certainly the president and vice presidents and the general manager. I should like to answer your question more comprehensively, but I am afraid I could not; I would not mean to assume I was superior in authority to officers other than those.

Chairman WALSH. Very good. So much for the publicity. Now what were the other duties that were given you outside of the publicity department?

Mr. LEE. I should say I had many special assignments.

Chairman WALSH. Of what nature generally? I do not want specific assignments, but what was the nature of your general assignment outside of the publicity department?

Mr. LEE. In a general way, my job was to study the activities of the company; to criticise at any point where it seemed to me criticism was deserved; to bring, if I could, a somewhat detached viewpoint to the service of the railroad, in order that the viewpoint of a layman might be obtained with reference to the various policies of the company.

Chairman WALSH. Prior to your employment by the Pennsylvania—how long were you in the employment of the Pennsylvania Railroad?

Mr. LEE. I was in their employment twice; the last time for a period of somewhat over two years, I think. Before that I had acted for three years as general manager in Europe for a banking house, and before that time I had been connected with the Pennsylvania for several years.

Chairman WALSH. What was your general connection with the banking house—was it in the publicity business?

Mr. LEE. No.

Chairman WALSH. In the interval between the time that you worked for the road what did you do? You say you worked for them twice. Was it in the interval you worked for the banking house?

Mr. LEE. Yes; for three years I had charge of the business of this firm in Europe.

Chairman WALSH. Have you ever been in the newspaper business?

Mr. LEE. Yes.

Chairman WALSH. As a reporter?

Mr. LEE. Yes.

Chairman WALSH. Upon what papers?

Mr. LEE. I was on the New York Journal, as it was then called, now the American; the New York Times, and the New York World.

Chairman WALSH. When were you first approached in regard to undertaking the publicity work in connection with the strike in the coal fields of Colorado?

Mr. LEE. Mr. Chairman, if you will permit me, I will tell you the whole story of the Colorado publicity and perhaps save your time.

Chairman WALSH. Very good.

Mr. LEE. It was about the last of May that Mr. Rockefeller, jr., asked me to come to see him.

Chairman WALSH. Had you ever met him before?

Mr. LEE. No.

Chairman WALSH. Do you know how he came to ask you to come?

Mr. LEE. I do not.

Chairman WALSH. That was May, 1914?

Mr. LEE. 1914; yes.

Chairman WALSH. The strike was going on then?

Mr. LEE. Yes; I understand so. Mr. Rockefeller asked me to come to see him. His first request was to know if I could suggest some one who could cooperate with his office and his associates in Colorado in getting the facts concerning the situation in Colorado before the public. We had quite a talk concerning the general situation. Mr. Rockefeller explained to me his very strong feeling that the public had wholly misunderstood his attitude and had misunderstood the essential attitude of the operators. We discussed various ideas, and I told him that so far as I was concerned I should be glad to think the matter over, and if I could suggest anyone to do this work for him I should be glad to do so. I went to St. Louis, I believe, the same afternoon; and while I was away Mr. Rockefeller had a talk, I understand, with the president of the Pennsylvania Railroad, and asked him if he could lend my services to him for the time being. Mr. Ren, I think, told Mr. Rockefeller that that would hardly be feasible, but that there would be no objection to my advising with him to such extent as would not interfere with my regular duties with the railroad. I then saw Mr. Rockefeller again, and told him that it seemed to me the first and most important feature of any plan of publicity should be its absolute frankness; that there should be no devious ways employed. It had been suggested to Mr. Rockefeller that it would be a good idea to advertise in the newspapers extensively his viewpoint on this subject. I advised him that that would be in the highest degree unwise, and that no money should be used in any way, directly or indirectly, to influence the attitude of the press on this subject; that if the operators had a story to tell they ought to tell it themselves, and tell it frankly, and tell it fully, so that everybody would know it was they who were telling it. Mr. Rockefeller fully agreed with this idea.

Then the question came up as to how this might be done. This was in the early part of June. The excitement in Colorado had died down somewhat. There was no newspaper interest in the subject at the time. It was quite obvious, therefore, that the newspapers would not print any information that would be given to them. And yet it was of the greatest importance, it seemed, that the true attitude of the operators, as they themselves understood it, should be made known to the public. I therefore suggested a plan which had been followed by the railroads in their propaganda for an increase of 5 per cent in freight rates, with the publicity in which case I had had the pleasure of having something to do. The plan there was to prepare abstracts of the more important material in hand and send it out from day to day to the newspapers, to Members of Congress, commercial bodies, to economists, and to anyone else who might have a reasonable interest in that subject, always sending it in the name and on behalf of the committee of railroad presidents which had the

matter in charge, declining at all times to pay anybody for the printing of it, sticking as closely as possible to the text of the material presented to the Interstate Commerce Commission. It seemed to me that the only way of getting before a considerable number of people in the country the essential facts of the attitude of the Colorado operators was to issue a series of bulletins of somewhat similar character.

I therefore asked Mr. Rockefeller to put me in touch, if he would, with the operators, and I suggested to him that anything that was put out should be in the name of the operators and on their full responsibility; for it was quite impossible for me to make an investigation of the conditions; and even if that had been possible and I should have put out anything in my own name it would have been of no value, for the people directly involved should be the ones to tell their story. Mr. Rockefeller then put me in touch with the committee of which Mr. Welborn was chairman. Various bulletins were prepared on the basis of information supplied to me by Mr. Welborn. I think that was in the latter part of June when the issuance of the bulletins began. I was unable to go to Colorado myself until my vacation period in August. Up to that time——

Chairman WALSH. What time in August?

Mr. LEE. I think it was the 3d or 4th, Mr. Chairman. Up to that time all the bulletins issued had consisted of extracts from material which had been published by some official authority or of material which I had sent to Mr. Welborn for his approval before putting it into type. In order that the typography might be as effective as possible, the bulletins were printed in Philadelphia, where my office was. In order, however, that the full responsibility for the bulletins should be placed upon the operators, the envelopes addressed from a list prepared in my office in Philadelphia, and the bulletins were sent in separate packages to be inclosed in Colorado if they met the approval of the operators; and that policy was followed from beginning to end.

Chairman WALSH. Did you intend also, or was it any part of your intention, to convey the idea that they came from Colorado, that they were compiled in Colorado?

Mr. LEE. That thought never entered my mind. The essential point was that they should be issued by the operators. It would not have been in keeping with that thought if they had been mailed anywhere else.

Chairman WALSH. You may proceed.

Mr. LEE. Now, in October I went to Colorado, where I met a number of the operators and had many conferences with the members of the operators' committee. One or two bulletins were prepared in Colorado.

Chairman WALSH. How long were you there in August?

Mr. LEE. I should say about three weeks; maybe four.

Chairman WALSH. Was publicity given to the fact that you were there and what your business was?

Mr. LEE. No.

Chairman WALSH. Proceed.

Mr. LEE. The reason for no publicity being given to my presence was that I was still acting in a purely advisory capacity and was in no sense an intermediary, represented no one, and was spokesman for no one. Therefore, for me to have injected my personality into the matter would have been to introduce a foreign note which would have been wholly unnecessary. As noted, while I was in Colorado several additional bulletins were prepared after consultation with members of the operators' committee. Using extracts from the official documents, using material which was supplied me by the different operators——

Chairman WALSH. Just describe the material as you go along. That is, what it consisted of.

Mr. LEE. It consisted of statements, compilation of material——

Chairman WALSH (interrupting). Personal press notices?

Mr. LEE. Press notices and clippings and a great variety of matter which would naturally be called to my attention in such an undertaking. That plan was continued until along in October, I think it was, when we found a very great demand had grown up for copies of these bulletins, and we thought the wisest plan would be to reprint them in a small pamphlet, to include in addition to the bulletins a summary of the whole situation. The material for that summary was obtained from Mr. Welborn and Mr. Bowers, one of the officers of the Victor American Co.

Chairman WALSH. That was in October?

Mr. LEE. The document was published in Denver. In order that even this compiled document should still be subject to the supervision of the executive committee, after some hesitation I sent these documents out to Denver——

Chairman WALSH (interrupting). From where?

Mr. LEE. From Philadelphia—where they were all printed. It was a very expensive proceeding to send them out to Denver, but it seemed to me the responsibility should be definitely placed and that everything should go out in the name of the operators, should be sent out by them, so that everybody would know whence it came.

While these documents were en route I received a telegram from Mr. Welborn stating that there was an error in one of the bulletins, and asking if I did not think that this error should be corrected in the compiled pamphlet. I wired him, I think October 1, to the effect that the pamphlets had been shipped, but I suggested that an errata slip be printed in Denver and be inclosed with the pamphlets when sent out. I did not know what the error was, or anything about it. It never occurred to me that it was an error of any consequence. The error, as I afterwards learned, was one which was serious and unfortunate; that was, a mistake in stating the amounts of salaries which had been paid to union officers as being for a period of nine weeks when the amounts had actually been for one year.

Chairman WALSH. Who discovered that error?

Mr. LEE. My first knowledge of it was in this telegram from Mr. Welborn.

Chairman WALSH. And what was the date, your say—the 1st of October?

Mr. LEE. That was the 1st of October.

Chairman WALSH. That was about two months before the hearing of this commission in Denver?

Mr. LEE. I so understand. I assumed, of course, that this correction had been made. I knew nothing of the nature of the error, because the original matter on which this particular bulletin had been prepared consisted of an advertisement which had appeared in one of the Colorado papers, a copy of which had been given to me by Mr. Welborn.

Chairman WALSH. What paper was it, do you know?

Mr. LEE. I really do not know, Mr. Walsh, but I had no doubt of the authenticity. As I say, I knew nothing of the nature of the error which had been made, but sent this telegram as one would concerning any error which had been discovered. The next information that I myself had concerning the nature of the error was in the newspaper reports which I had seen concerning the hearing of this commission in Denver. As soon as I found out what had been done I again telegraphed Mr. Welborn my own view that a new bulletin should be issued correcting the error and any other errors that might have been made in the bulletins.

After sending that telegram I advised Mr. Rockefeller that I had sent the message, and he told me that he would like me to send a message in his name saying the same thing—saying that we felt that the cause for which the operators stood was sufficiently strong to be justified upon the basis of the facts and facts alone. In order that there might be no delay, and in order that the suggestion might be put in concrete form, as soon as I could find out just exactly what the situation was and what had happened, I myself prepared an additional bulletin, setting forth the fact that this error had been made, and stating the facts as we had ascertained them. I then recommended to Mr. Welborn that this new bulletin should be issued and that through the means for a confidential of the propaganda that caused a copy of that bulletin should be sent to every person who had received any of the others. Such a bulletin, I think, was issued about the 1st of January.

Chairman WALSH. That covers the whole situation?

Mr. LEE. That covers all that I have to suggest.

Chairman WALSH. Were any letters written to you either proposing or making arrangement for your going to Colorado?

Mr. LEE. I don't think so, Mr. Chairman. As I recall it, Mr. Rockefeller said during one first few talks that he thought it was desirable for me to go to Colorado as soon as I could to have a talk with the executive committee in order primarily that they might understand his point of view and my point of view, with reference to the policy of this publicity, and that we thought above all else it should be frank, open, and on the responsibility of the operators.

Chairman WALSH. Did any letters pass between you and Mr. Rockefeller before you went to Colorado?

Mr. LEE. Yes; I had many letters from Mr. Rockefeller between the both of my first relationship with him and the date I went to Colorado.

Chairman WALSH. With reference to the Colorado situation?

Mr. LEE. I don't think so, Mr. Chairman. I think all his letters were of a general character relating to——

Chairman WALSH. With reference to publicity?

Mr. LEE. I don't recall their nature.

Chairman WALSH. With reference to your employment?

Mr. LEE. May I ask what you mean by that question?

Chairman WALSH. With reference to your employment in the publicity line?

Mr. LEE. No; he had no occasion to write me any letter on that subject.

Chairman WALSH. Well, upon what subjects were the letters—you didn't know Mr. Rockefeller before?

Mr. LEE. No.

Chairman WALSH. Will, would you have any objection to just producing the letters themselves?

Mr. LEE. I will be very glad to show you all that I have.

(The letters referred to were subsequently submitted by Mr. Lee, but having no relevance to the work of the commission, it was not considered necessary to make them a part of the official records.)

Chairman WALSH. Did you have a discussion with Mr. Rockefeller before you went into employment as to what your duties were to be, any other than what you have already detailed?

Mr. LEE. None.

Chairman WALSH. When you went to Colorado you were sent there to publish the facts as given to you by the executive officers of the Colorado Fuel & Iron Co., or what?

Mr. LEE. I was to get my information, and this work was to be done in co-operation with and under the supervision of the operators' committee.

Chairman WALSH. And Mr. Rockefeller told you to be sure to get the truth about the matter?

Mr. LEE. Certainly.

Chairman WALSH. Now, take the material they gave you in the form of newspaper clippings, did you ask them what newspapers they came out of?

Mr. LEE. I don't recall that the necessity of asking that question arose.

Chairman WALSH. Did they tell you that one of their attorneys owned a newspaper in Trinidad, that was giving very great publicity to one side of the case out there?

Mr. LEE. They did not.

Chairman WALSH. Did they tell you or did you know that any of their employees owned newspapers out there?

Mr. LEE. I did not.

Chairman WALSH. Did you ask them whether or not they were interested in any way in the newspapers that contained these clippings?

Mr. LEE. I did.

Chairman WALSH. What did they say?

Mr. LEE. They said they were not.

Chairman WALSH. Just detail now what steps you took to ascertain the facts before you wrote any of these articles—give us all of the steps.

Mr. LEE. I had an opportunity, Mr. Chairman, to ascertain the facts from my own point of view. I had to ascertain the facts as the operators' committee saw them. It was their story that I was to assist in getting before the public, and not my own.

Chairman WALSH. And, therefore, you did not question any fact that was presented to you, any alleged fact that was presented to you, as to its alleged authenticity?

Mr. LEE. Not when presented by Mr. Welborn or one of his committee.

Chairman WALSH. You were expecting to get as wide publicity as is possible for the case of the operators there in Colorado, were you not?

Mr. LEE. I was expecting to get their point of view and their case as they saw it as definitely as I could before the largest number of people who would be apt to read it.

Chairman WALSH. I wish you would just describe now, when the material was handed you, that went into this book, what personal efforts you made to ascertain its accuracy or reliability.

Mr. LEE. None whatever, beyond what Mr. Welborn told me and the information that he and the members of his committee gave me. I took their

work as being given with the utmost good faith, and I still believe it was done with the utmost good faith.

Chairman WALSH. Did you make any attempt to secure the testimony of disinterested persons?

Mr. LEE. I did not.

Chairman WALSH. Did you make any efforts to secure statements from the workers themselves or from the representatives of the labor unions?

Mr. LEE. I did not.

Chairman WALSH. Did you read the testimony that had been given before the congressional committee?

Mr. LEE. I did not read it all, Mr. Chairman.

Chairman WALSH. What part did you read?

Mr. LEE. I don't recall the part that I read. I read a considerable portion of it, because, to my mind, my effort was to enable the operators to tell their own story. I can not too strongly impress upon you the fact that it was the operators' story being told, and not mine.

Chairman WALSH. Did you read the testimony before the commission of the militia appointed by the governor of Colorado, Gov. Ammons?

Mr. LEE. I did not.

Chairman WALSH. How many copies of the bulletin were issued?

Mr. LEE. Approximately 40,000.

Chairman WALSH. From whom did you get your mailing list?

Mr. LEE. The mailing list was prepared mainly under my direction, Mr. Chairman.

Chairman WALSH. How was it prepared? Where did you get the names?

Mr. LEE. I suggested to one of my clerks that he get up a list containing the names of Members of Congress, of members of State legislatures, of the leading newspapers of the country, of the leading officers of the American Federation of Labor, of all of the officers I could obtain of the United Mine Workers of America, of all the other important labor leaders in the country, as well as a good many others. The idea was, and it was Mr. Rockefeller's idea, that the truth, as it was understood by him, and as it was understood by the operators, was sound; that we ought to make it known to the public; that if it was not sound, any publicity for it would clear it up; and we wanted everybody, the labor leaders, the press, and everybody else to get our point of view.

Chairman WALSH. Then, you assume the full responsibility, as I understand it, of securing the mailing list to whom these bulletins were to be sent?

Mr. LEE. I do.

Chairman WALSH. Who paid for the publication of the bulletins?

Mr. LEE. The Colorado Fuel & Iron Co. paid the bills I submitted to them.

Chairman WALSH. By whom were the bulletins printed—what printing house?

Mr. LEE. Rock Engraving Co., of Philadelphia.

Chairman WALSH. What did it cost?

Mr. LEE. I don't recall. I think Mr. Welborn testified all the bills were sent to him.

Chairman WALSH. Well, approximately the cost.

Mr. LEE. The only summary I have seen of the cost was the one which Mr. Welborn made, which I understand was $12,000.

Chairman WALSH. Who paid for the mailing of the bulletins?

Mr. LEE. The same.

Chairman WALSH. What was the cost?

Mr. LEE. I really don't know, Mr. Chairman. I should be very glad to submit to the commission the entire detailed bills.

Chairman WALSH. You are now connected with Mr. Rockefeller's personal staff?

Mr. LEE. Yes, sir.

Chairman WALSH. Have you had occasion yet to read the record of the hearing before the congressional committee in this matter in Colorado?

Mr. LEE. I have not had occasion to read the entire record.

Chairman WALSH. Have you read the testimony given in Colorado before this commission?

Mr. LEE. I have not.

Chairman WALSH. Did you read the newspaper accounts of what purported to be the testimony given before this commission in Colorado?

Mr. LEE. Some of them.

Chairman WALSH. After receiving any additional knowledge that you may have acquired I would ask you whether or not you consider this book, Facts Concerning the Struggle in Colorado for Industrial Freedom, fairly representative of the publicity of average corporations—large corporations?

Mr. LEE. I would not be able to answer your question, Mr. Chairman, but I would say that I believe the book represents the honest point of view of the operators' committee in Colorado, with the exception of the error which has been corrected.

Chairman WALSH. What arrangements were made in advance for the correction of any inaccuracies that might be discovered in the bulletins?

Mr. LEE. They were sent to Mr. Welborn in Denver not inclosed in envelopes, so that in the event that any corrections should be necessary they could be made before mailing. The inclosing and mailing was done under Mr. Welborn's direction, and the entire responsibility for getting them out was that of the operators' committee.

Chairman WALSH. Have you written publicity in labor disputes before?

Mr. LEE. Yes, sir.

Chairman WALSH. For coal companies?

Mr. LEE. Yes, sir.

Chairman WALSH. And you were acquainted with Frank J. Hayes?

Mr. LEE. No, sir.

Chairman WALSH. You knew who he was, that he was an executive officer of the United Mine Workers of America?

Mr. LEE. I don't think, Mr. Chairman, that I ever saw Mr. Hayes; that is, in connection with this.

Chairman WALSH. Or knew who the gentleman was?

Mr. LEE. Not as far as I remember.

Chairman WALSH. Was this advertising matter which you took—this material—did it show on its face what newspaper it came from?

Mr. LEE. I don't recall.

Chairman WALSH. I wish you would just state how. You actually wrote the pamphlet or bulletin yourself, did you not, or dictated it?

Mr. LEE. I suppose so. I do not recollect all of the bulletins, although I think I compiled all of them, and I went over them carefully.

Chairman WALSH. I wish you would state what appeared in the bulletin with reference to Frank J. Hayes, John R. Lawson, and Mother Jones with reference to their compensation and what the actual fact was that you ascertained afterwards.

Mr. LEE. The statement as given in the pamphlet covered the salary and expenses of these leaders of the union for what purported to be a period of nine weeks. I afterwards learned during the Denver hearings of this commission—and, as I say, it did not come to my knowledge before that—that the figures which purported to be for a period of nine weeks, were, as has been stated in the correction, for a period of one year.

Chairman WALSH. What would you say was the effect that that bulletin would have upon the reader?

Mr. LEE. I don't know; but I know the impression given me by the bulletin was a very exaggerated one of what I afterwards found to be the fact.

Chairman WALSH. What was your purpose in placing such information before the public anyway as to the amount of compensation they received from their own union?

Mr. LEE. That would involve a statement of Mr. Welborn's purpose, Mr. Chairman, which I have no opportunity of making.

Chairman WALSH. Did you ask him what was his idea in publishing those facts?

Mr. LEE. I did not. Mr. Welborn gave me this statement and suggested we put it in the bulletin.

Chairman WALSH. Didn't you think at the time that to put it in the bulletin would have a tendency to destroy the reputation and undermine the influence of such men and women in their own organization and in other labor organizations, and in the minds of the public generally—that they received such huge compensation.

Mr. LEE. It struck me that the figures were very large.

Chairman WALSH. Did you say anything to Mr. Welborn at the time.

Mr. LEE. I think I made the same remark to him.

Chairman WALSH. Did you ask Mr. Welborn whether or not the giving out of such a statement was not designed to injure the reputations of these people.

Mr. LEE. I do not think so; I think Mr. Welborn believed firmly that that statement was true.

Chairman WALSH. When was the accuracy of this particular statement first brought to your notice?

Mr. LEE. October 1.

Chairman WALSH. By whom?

Mr. LEE. Mr. Welborn.

Chairman WALSH. October 1. And when did you take your first step to correct it?

Mr. LEE. That day.

Chairman WALSH. And when was the publication made?

Mr. LEE. The publication of a bulletin covering the whole subject was made on January 2, I think.

Chairman WALSH. I want to know when you first sent out the notice that that was an error that those people received any such amount of money.

Mr. LEE. I never sent out such a notice. The operators sent out such a bulletin on January 2.

Chairman WALSH. Did you write it for them?

Mr. LEE. I did. Now, Mr. Chairman, let us understand this, because it is very important to get this exactly correct. Mr. Welborn called to my attention by telegram on October 1, as I have stated, that an error had been made. He did not state the nature of the error, and asked that if I did not think the pamphlet should be corrected. I telegraphed him that the pamphlets had been sent to him at Denver and suggested that he have a slip printed in Denver, correcting the error.

Chairman WALSH. Will you please submit those telegrams to the commission?

Mr. LEE. I should be very happy to do so.

Chairman WALSH. That date was about October 1?

Mr. LEE. Yes, sir.

Chairman WALSH. Were you aware of the fact that about that time attention was called of Frank E. Gove, attorney for the Victor-American Fuel Co., by Mr. John R. Fitch, a newspaper man and one of the editors of the Survey of this city, to the effect that that was inaccurate and that those men received no such money?

Mr. LEE. I was not.

Chairman WALSH. Did you not have any machinery provided by which a misstatement of that kind could be corrected in less time than three months?

Mr. LEE. I thought, Mr. Chairman, that it would be done immediately in accordance with my telegram suggesting it. And, while I did have charge of certain other publicity, so far as the bulletins were concerned, I only had charge of the compilation of the material, the printing of it, and sending it to Denver. The operators issued all the statements from Denver. With that I had nothing whatever to do.

Chairman WALSH. Where was the mailing list that the first copy as to these men went out from, right at that time?

Mr. LEE. As I told you, the envelopes were addressed and the mailing list kept in Philadelphia.

Mr. WALSH. Was that mailing list in Philadelphia at that time, October 1?

Mr. LEE. If you mean the original stencils from which the envelopes——

Chairman WALSH. (interrupting). The mailing list you sent out the first 40,000 of these bulletins containing this statement from. Was that in Philadelphia October 1?

Mr. LEE. I think—I want to answer your question accurately if I can get it exactly.

Chairman WALSH. Yes.

Mr. LEE. The only form in which the mailing list was kept was in the form of stencils to use on an addressing machine. I presume you mean the envelopes in which it was designed to inclose these pamphlets.

Chairman WALSH. Where did you get the names from—the names and addresses of the people to whom the bulletins—that bulletin was first sent?

Mr. LEE. Well, that bulletin was sent to the first list I have named.

Chairman WALSH. Where did you get the names, and how did you keep them?

Mr. LEE. As I told you a few moments ago, Mr. Chairman, I had one of my clerks prepare the list from such data as he was able to get access to. These

lists were then put on stencils for use on the addressing machine. Then the envelopes were addressed by the addressing machine.

Chairman WALSH. And if you had some more envelopes to address you could easily use the same stencils?

Mr. LEE. Yes.

Chairman WALSH. Where were the stencils?

Mr. LEE. In Philadelphia.

Chairman WALSH. Are they still in Philadelphia?

Mr. LEE. Yes.

Chairman WALSH. And they remained there until you sent out this correction on January 2?

Mr. LEE. Yes; they have been there all the time.

Chairman WALSH. You knew there was no bulletin sent out, at least to some of the persons to whom you sent out the original statement with regard to these men, during October, November, and December, did you not?

Mr. LEE. I assumed the correction would be made as I suggested in the form of an errata slip in the pamphlet.

Chairman WALSH. Did you see any of the pamphlets that were sent out from Denver after they were sent out?

Mr. LEE. I do not recall whether I saw them or not; I might have seen some of them.

Chairman WALSH. Were you not interested enough, you having written the original bulletin, to ascertain whether or not that statement was made in them as sent out?

Mr. LEE. Mr. Chairman, Mr. Welborn was the chairman of the committee in charge, and I was hardly employed to give Mr. Welborn instructions as to what he should do.

Chairman WALSH. When did you receive the telegram from Mr. Welborn that an error had been made?

Mr. LEE. The 1st of October.

Chairman WALSH. Where were the originals at that time—the original pamphlets?

Mr. LEE. They were en route to Denver.

Chairman WALSH. How would you know that they were en route to Denver and had not arrived there?

Mr. LEE. In that case I do not believe Mr. Welborn would have sent me the telegram suggesting that this correction be made in the pamphlet.

Chairman WALSH. You were satisfied they had not reached there?

Mr. LEE. I had sent them, but took it for granted he had not received them.

Chairman WALSH. So then he sent out the pamphlets with that knowledge that that was not the truth?

Mr. LEE. That would be an inference, Mr. Chairman, to which I could hardly testify.

Chairman WALSH. When was the strike called off?

Mr. LEE. I do not recall.

Chairman WALSH. Did you or did you not see many of the newspaper publications following this bulletin with the same statement in it?

Mr. LEE. I do not think I saw any. The material in these bulletins was published but little in the newspapers.

Chairman WALSH. Did you ever perform any work for any of the corporations of which Mr. Rockefeller was president or for any corporation in which he was interested or for any business or philanthropic enterprises prior to your agreement to go to Colorado?

Mr. LEE. I did not.

Chairman WALSH. Is the compensation which you have received from Mr. Rockefeller intended to cover your compensation for writing these bulletins in full?

Mr. LEE. I do not think I can add anything to what Mr. Rockefeller said on that point, Mr. Chairman.

Chairman WALSH. Well, just repeat it, then; it has gone out of my mind. It is all right with me if it is a repetition.

Mr. LEE. As I recall it, he stated he had paid me for my services, but that he had not yet taken the matter up with the Colorado operators. I may say that I do not expect to receive any additional compensation and that I consider the matter closed.

Chairman WALSH. When did you go to work? I will ask you, first, did you prepare the statement to the press issued by Mr. Jerome D. Greene, secretary of

the Rockefeller Foundation, dated October 3, 1914, with the following heading: "The Rockefeller Foundation has inaugurated a far-reaching investigation of industrial relations, and has appointed as director Hon. W. L. Mackenzie King"?

Mr. Lee. I did not.

Chairman Walsh. Did you write the article dated October 31, 1914—maybe I can cover several of these. When did you write your first publicity for any of the Rockefeller enterprises, after you did this Colorado piece of work?

Mr. Lee. I hardly know how to answer that question, Mr. Chairman. During the fall, after Mr. Rockefeller returned from his vacation and I came back from Colorado, I heard Mr. Rockefeller say on a number of occasions that he thought a policy of somewhat broader publicity ought to be entered upon by his various enterprises, and he asked my advice and collaboration in the preparation of some material which was issued. I do not recall just which document was the first one concerning which I was called into conference.

Chairman Walsh. Did you write the document released for publication Sunday, December 27, with the heading, "The boys' corn-club movement"?

Mr. Lee. Mr. Chairman, the documents you have in your hand are the preliminary extracts of the first comprehensive report of the General Education Board. These documents are compilations of portions of the report. I suggested to the General Education Board that they make their report public in that form, in addition to the book form in which it was to be published, and I assisted Dr. Buttrick, the secretary, and the other officers in the preparation of the articles in this form.

Chairman Walsh. Did you do any of the writing yourself?

Mr. Lee. If you will examine them you will see that they are almost wholly quotations from the book.

Chairman Walsh. Did you do any of the writing in them yourself? In this one, entitled "Boys' corn-club movement"?

Mr. Lee. I may have written a paragraph to introduce the subject.

Chairman Walsh. Did you write the headline, "The boys' corn-club movement"?

Mr. Lee. Yes; I did.

Chairman Walsh. The article released for publication Thursday, December 17, entitled "Disposition of funds"——

Mr. Lee (interrupting). I can probably save your time if I tell you frankly that I wrote the headlines for all those articles, and I compiled the various bulletins. The publication of this preliminary matter was turned over to me and I was asked to put it in such shape as would be most available for the purpose.

Chairman Walsh. You know what I have in mind from seeing it in my hands?

Mr. Lee. Perfectly.

Chairman Walsh. What interest did you understand you were at work for while you were preparing these notices?

Mr. Lee. I understood I was assisting Mr. Rockefeller in one of his larger interests.

Chairman Walsh. Did you understand—did you think at the time you were working for some business corporation in which Mr. Rockefeller was a director, as a member of Mr. Rockefeller's personal staff, or for the Rockefeller Foundation, or for the General Education Board, I should say?

Mr. Lee. Of course the Rockefeller Foundation had nothing to do with it.

Chairman Walsh. Or the General Education Board?

Mr. Lee. So far as I can analyze my purpose, it was simply to assist the General Education Board to get the material in their own report effectively before the public.

Chairman Walsh. Is it a fact that all of the publicity material and press notices issued by the—by any of the Rockefeller institutions since the time you went to Colorado has been compiled or prepared by yourself?

Mr. Lee. That is not a fact.

Chairman Walsh. If not, please specify the particular pieces of material that were not compiled by you.

Mr. Lee. Mr. Chairman, I am not familiar with all of the material that has been made public by all of the Rockefeller interests. I only know those which I had a part in preparing.

Chairman Walsh. Recall, if you please, any that you know that were issued that you did not have this part in preparing or compiling.

Mr. LEE. You have just called my attention to one—the announcement of Mr. King's appointment.

Chairman WALSH. Any other than that?

Mr. LEE. Mr. Chairman, that would involve a familiarity with all of the material which has been issued for publication by all of the Rockefeller interests, and I am not familiar with it. I am quite prepared, Mr. Chairman, to tell you all those with which I had any connection at all.

Chairman WALSH. Very good; if you have any others in mind, please tell them.

Mr. LEE. I do that simply to save your time. I assisted in the preparation of several documents which have been included in the exhibits to the questionnaire, giving information as to the activities of the Rockefeller Foundation and several others. They are all included in the questionnaire.

Chairman WALSH. Now, did you have any further communication with Mr. Welborn, other than this telegram that you received, stating that an error had been made in the bulletin in regard to the matter?

Mr. LEE. I do not recall, Mr. Chairman; I have had numerous letters from Mr. Welborn.

Chairman WALSH. How do you know that that was the error he referred to? That is the inaccuracy of the statement as to the amount of money that Frank J. Hayes, John R. Lawson, and Mother Jones had received from the United Mine Workers of America.

Mr. LEE. Because in his telegram to me he stated that an error had been made in the bulletin with reference to that subject. He did not state, however, the nature of the error. I shall be very glad to show you the telegram.

Chairman WALSH. You are going to produce it?

Mr. LEE. Yes; with pleasure.

Chairman WALSH. Did you read the testimony of Mr. Welborn upon that topic before this commission in Denver?

Mr. LEE. I did not.

Chairman WALSH. I will read a few paragraphs of it. This was given on December 5, 1914:

Chairman WALSH. Please refer to page 67"—

That is, of your bulletin—

"In the first paragraph I see there you have 'Frank J. Hayes, nine weeks' salary, $4,052.92; Frank J. Hayes, nine weeks' expenses, $1,667.20; total for salary and expenses, $5,720.12. Frank J. Hayes was thus paid over $90 a day; at the rate of over $32,000 a year. For just the same period of nine weeks John McLennan received for salary $2,683.65 and for expenses $1,469.55, or $68 a day. John R. Lawson received for nine weeks' salary $1,772.40. Mother Jones, whose sole duty was to agitate, received $2,008.02 salary for the same period; $42 a day.'"

Then this question was asked:

"Chairman WALSH. Did you give that statement to the publicity man that actually wrote the matter?

"Mr. WELBORN. I did not specifically give it to him. He took that along with a lot of other information that I had that was taken from my office in connection with the difficulty at that time.

"Chairman WALSH. Is that one of the statements that you accept personal responsibility for the truth of, Mr. Welborn?

"Mr. WELBORN. I accept the same responsibility that I would as to any published statement that had gone undenied in which, as in the case of this one, I referred before the congressional committee without a denial having been entered as to its correctness.

"Chairman WALSH. I heard Mr. McLennan testify that his salary during this time was $4 per day. If that turned out to be the truth, had you some means to correct the misstatements that occurred here?"

This was December 5.

"Mr. WELBORN. I doubt if there is any means of determining whether or not that is true. I would just as soon believe these figures as true as the others."

Did you know that Mr. Welborn so testified before this commission in Denver?

Mr. LEE. I did not.

Chairman WALSH. Is it your understanding that in the future you will direct the publications—the publicity for the General Education Board, for the Rockefeller Foundation, for the Colorado Fuel & Iron Co., for the Standard Oil Co., and for the Rockefeller interests generally?

Mr. LEE. It is not my understanding that I will do that, Mr. Chairman. On the contrary, it is my understanding that I will not do that.

Chairman WALSH. What publicity do you expect to attend us in the future, for what might be called the Rockefeller interests?

Mr. LEE. If I may be permitted to express Mr. Rockefeller's views, as he expressed them yesterday very much better than I can, I would be felt that greater publicity should be given to the activities in which he was interested.

Chairman WALSH. What are those?

Mr. LEE. That the public should be taken into his confidence and into the confidence of those whom he could influence, and I have no doubt that one of the duties which will fall to me to perform will be in advising with reference to effective methods of giving publicity to various material.

Chairman WALSH. And will that include all of the business activities which I have mentioned?

Mr. LEE. It will not.

Chairman WALSH. What will it include?

Mr. LEE. I do not know, Mr. Chairman. Mr. Rockefeller would, doubtless, when such matters arose in which his interests were concerned, probably ask my collaboration. I have only been there a very short time. I do not know into what it will develop.

Chairman WALSH. If you were called upon to suggest publicity or compile publicity for these corporations, would you go ahead and do so? Would you feel you were being paid for that?

Mr. LEE. I should feel I was being paid to do anything in the common interests of Mr. Rockefeller's office.

Chairman WALSH. And with regard to the publicity for any of these business or philanthropic activities which I have mentioned to you?

Mr. LEE. I should consider I was advancing the very best interests in contributing in any way in my power to secure publicity for the activities of any of those institutions.

Chairman WALSH. In the preparation of the various pieces of publicity for the Rockefeller Foundation or the General Education Board, from whom did you obtain the material used in the statements?

Mr. LEE. So far as the Rockefeller Foundation is concerned, I did not obtain these from anybody. I was called into consultation in the preparation of various statements which were given to the press.

Chairman WALSH. Do you know personally whether or not the statements were in every way correct?

Mr. LEE. I believe that any statement which Mr. Rockefeller's staff would prepare, or which would emanate from his office, would be absolutely correct.

Chairman WALSH. Was there a change in the status of your work after the 1st of January, from what it had been prior to that time?

Mr. LEE. A very great change, Mr. Chairman. Before the 1st of January I was simply called into consultation with reference to a few of Mr. Rockefeller's interests, and specifically with reference to a few matters specially relating to publicity. After January 1 I became a member of his father's staff, which involved a variety of activities.

Chairman WALSH. Following the obtaining of the material upon——one minute, please.

Now, outside of the facts and alleged facts that were contained in this Colorado bulletin, did you write the comments and the argument yourself?

Mr. LEE. I assume you mean the introduction to the pamphlet; the first part of it?

Chairman WALSH. Any comment?

Mr. LEE. The only thing that could be called a comment would be the introduction, and I assume you have that in mind. That, as I told you, was a compilation of material given to me by Mr. Welborn and Mr. Gove, and almost entirely in their language.

Chairman WALSH. I will ask you if you wrote this: "Why the strike was forced on the Colorado miners. A transcendent consequence is the fact that the Colorado coal strike was not due to the dissatisfaction of the men with their working conditions."

Did you know whether it was or not?

Mr. LEE. I did not. That statement was given to me, as I have told you, by the operators' committee.

Chairman WALSH. "The union decided at its headquarters in Indianapolis that there should be a strike. Agitators were accordingly sent to Colorado to

stir up trouble and to arouse the men to fancied grievances." Did you write that?

Mr. LEE. I should have to make the same answer.

Chairman WALSH. Did you write this argument, "Recognition of the union was the underlying motive of the strike planned." Did you say that?

Mr. LEE. Mr. Welborn, Mr. Chairman, has assumed complete responsibility for every statement in these bulletins. That responsibility I must allow him to retain. I assisted in the compilation of the material; the statements of fact, the opinions expressed, the interpretation of facts is all that of the members of the operators' committee.

Chairman WALSH. I would like to find out specifically whether a few are yours. Is this statement yours: "Recognition of the union was the underlying motive of the strike planned"?

Was that yours?

Mr. LEE. I would have to repeat the same answer.

Chairman WALSH. You wrote that, however?

Mr. LEE. I do not recall whether that is my language or a paraphrase of the language of one of the gentlemen referred to.

Chairman WALSH. Do you recall whether or not this is your language: "Why should that be so important to anyone? Why should it be important to anyone to force itself on men of the community even when there were no wrongs to redress, no demands from the men for union assistance"? Did you write that?

Mr. LEE. I do not recall whether I did or not; I don't recognize the language.

Chairman WALSH. Commissioner Garretson would like to ask a question or two, please.

Commissioner GARRETSON. Mr. Lee, you used the—you made the statement—I think I have it exactly as you said it—that your mission was to present—now I am quoting—"the true attitude of the operators as they themselves understood it." That is the end of the quote.

Mr. LEE. That was the effort.

Commissioner GARRETSON. There is a very nice distinction there, that your mission was that of the average publicity agent, was it not, to give the truth as the man you were serving for saw it? [Laughter.]

Mr. LEE. That would represent a characterization on your part, Mr. Commissioner. I have tried to tell what happened. As to your characterization, I don't know that I can give the answer.

Commissioner GARRETSON. Well, I was simply attempting to interpret the language that you yourself used, as applied to the practical form of a publicity man's work. I am not making it a particle more personal to you than the average publicity agent.

Mr. LEE. The whole effort I made was to assist the operators in presenting their own case.

Commissioner GARRETSON. And not anybody else's case? [Laughter.] I may say that in a sense you were not looking after somebody else's case but after the operators' case?

Mr. LEE. It was my effort to assist the operators to present their own case.

Commissioner GARRETSON. You did not give any publicity to the fact that you went to Colorado to confer with them?

Mr. LEE. For the reasons I have suggested.

Commissioner GARRETSON. Publicity has its limitations? I mean its valuable limitations?

Mr. LEE. Mr. Garretson, I can not let that go unchallenged, because publicity, to be publicity, must be public. Now, the essential fact about these bulletins was that they were issued by the operators and in their own names, and on their responsibility. If I had interjected my name into it, it would have been irrelevant and would in no sense have had anything to do with the essential merits of the case.

Commissioner GARRETSON. Is it not a valuable element in a publicity campaign—the insertion of another personality?

Mr. LEE. I have never believed very much in the value of personality in publicity. I believe that the material that is given to the press must stand on its own merits and without reference to the personality behind it. I have always disbelieved thoroughly in the use of money or influence to secure in any way the publication of anything in the newspapers. I do not believe in using friends in that way. I believe that all material should be issued on the

responsibility of the man who makes the statement, and with regard to that personality the newspapers should regard it as they desired.

Chairman WALSH. [Reading.] At this point we will adjourn until to-morrow morning at 10 o'clock. We will have to recall Mr. Lee, anyway.

The commission will stand adjourned until to-morrow morning at 10 o'clock.

(At this point an adjournment was had until Thursday, January 28, 1915, at the same place at 10 o'clock a. m.)

New York, *January 28, 1915*—10 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. If the house will be in order, we will resume now. Mr. Lee, please.

TESTIMONY OF MR. IVY L. LEE—Continued.

Commissioner GARRETSON. At closing time last night, Mr. Lee, the pending question was—I had asked the question, "Is it not a valuable element in a publicity campaign, the insertion of another personality?" To which you answered, "I have never believed very much in the value of personality in publicity. I believe that the material that is given to the press must stand on its own merits and without reference to the personality behind it. I have always disbelieved thoroughly in the use of money or influence to secure in any way the publication of anything in the newspapers. I do not believe in using friends in that way. I believe that all material should be issued on the responsibility of the man who makes the statements, and with regard to that personality the newspapers should regard it as they desire."

Then the chairman intervened and adjourned the meeting.

Now, on the question of whether or not personality enters into publicity, is it not a fact—we were dealing at the time that question came up with your own trip to Colorado and the advisability, as it appeared, of not inserting your own personality in there. Is it not a fact that the insertion—that the insertion or noninsertion of a certain individual is dependent in a very considerable degree on whether it—the sense of values of the publicity agent who is directing the campaign determines that—that personality would be favorable or unfavorable to the cause that he is retained for? Now, before you answer that I want to make clear what I mean. You are recognized as connected with the publicity of the greatest railway corporation—I am using the language of the railway itself, as it says it is the greatest railway corporation on earth—you have been the publicity agent of the associated railways in the entire Eastern Association territory in the presentation of the matter as affecting the increase of rates before the Interstate Commerce Commission. On this question of values, would it not naturally have been the conclusion of a publicity man that his personality might not be as desirable when connected beforehand with great corporate interests in a case of this kind?

Mr. LEE. Mr. Garretson, I think you and I have a somewhat different opinion as to the function of a publicity agent. My theory of a publicity agent is that he should not act as an intermediary. The old theory of a publicity agent is that his functions should be to take what his employers gave him to hand to the press, and then to use his influence or any other ways that suggested themselves to him, to get it published. That is totally foreign to my idea. My idea is that the principal himself should be his own publicity agent; that the function of a person like myself, for example, when acting in that capacity, should be to advise with the man who is to take the responsibility for the act itself as to what he should do and what he should say, and that he should do the same.

Now, for instance, in the case of the railroads, while it is true that I acted with them and for them, everything that was done, was done in their name and on their responsibility; and very few people, outside of such well-posted individuals as yourself, knew that I had anything to do with it. There was no effort to conceal the fact, but on the contrary there was no occasion to advertise it.

Commissioner GARRETSON. Let us carry it away from your own connection. Then when a very prominent publicist made a proposition in regard to the

writing of judicious articles favoring the contention of the operators, was that brought to your attention?

Mr. Lee. It was. I would like to tell you the story of that.

Commissioner Garretson. Very good. I would like to hear it.

Mr. Lee. You are speaking of Albert Hubbard.

Commissioner Garretson. I am speaking of Fra Elbertus Hubbard.

Mr. Lee. Yes; Mr. Hubbard; and I have not corresponded with him or had anything to say to him concerning this statement; but, the matter being raised, I want to make it clear, and at the same time to indicate Mr. Rockefeller's views. Mr. Hubbard wrote to Mr. Rockefeller some time last spring that his magazine, the Fra, expected to publish an article concerning the Colorado situation and he wanted Mr. Rockefeller's cooperation in the preparation of it. I think he suggested also that Mr. Rockefeller should assist in the distribution of it. Mr. Rockefeller conferred with me on the subject, and I told him that in my judgment the wise thing to do was to refer this correspondence to the Colorado operators themselves and to suggest to them that if Mr. Hubbard came to Colorado they should give him every facility to find out any facts over which they had command; that then he should be at liberty of course to write any article he liked; that if after the article was written and published the operators found it desirable to circulate any additional copies of it, they should be perfectly free to do so if their judgment might so suggest. Mr. Rockefeller so communicated these views to the Colorado operators.

Commissioner Garretson. Accompanied by the price per copy.

Mr. Lee. The price per copy was never mentioned.

Commissioner Garretson. You mean to you?

Mr. Lee. To me or to Mr. Rockefeller, as I recall.

Commissioner Garretson. The letter that is part of the records addressed to the coal operators, have you seen that?

Mr. Lee. I do not——

Commissioner Garretson. In which the price per thousand copies is quoted?

Mr. Lee. Mr. Hubbard's letter to the operators?

Commissioner Garretson. Yes.

Mr. Lee. That may be; I have not seen that.

Commissioner Garretson. You have not seen that. Are you aware of Mr. Welborn's statement on the stand in regard to the number of copies of the Fra which the Michigan mineral operators had bought on account of a judicious article contained therein as to the Michigan situation?

Mr. Lee. I do not know anything about that, Mr. Garretson.

Commissioner Garretson. I think Mr. Welborn testified that the Michigan operators had bought—a million copies, was it?

Chairman Walsh. My recollection is that Mr. Hubbard said in his letter that the operators had bought a million copies.

Commissioner Garretson. A million copies, and Mr. Welborn subscribed for one or two thousand. Do you know the number?

Mr. Lee. I really do not, Mr. Garretson.

Commissioner Garretson. Now the question of value arises. As an average publicity man—a man of average publicity—would you consider the value of one undamaged philosopher greater—that is, his first expression on the subject—greater than a second publication along the same line?

Mr. Lee. I do not quite get the idea.

Commissioner Garretson. Well, if a great moral reformer had never expressed an opinion in favor of the operator, would not his opinion as expressed in the publication be worth far more in a money value as publicity than a second expression along the same line?

Mr. Lee. If I can exactly grasp the meaning of your question, my answer to it would be this: That the value of any independent expression to the public depends, of course upon the standing of the man who made the expression. Mr. Hubbard, of course, was presenting his own views and his independent views, whereas, of course, Mr. Welborn was presenting a distinctly partial side of the story—his own view of it.

Commissioner Garretson. But when an opinion becomes marketable——

Mr. Lee (interrupting). I do not think that it is fair to suggest Mr. Hubbard's opinion in this case was marketable.

Commissioner Garretson. Did you read the letter?

Mr. Lee. I want it understood that I hold no brief for Mr. Hubbard, but I have seen no correspondence that suggested that his opinion on this subject was marketable.

Commissioner GARRETSON. I have not a copy of the letter here but only excerpts from it; an excerpt from the letter is as follows:

"I am writing something on the subject——

This is a letter to Mr. Welborn——

"a letter after the general style of my article on 'The copper country,' in the Pre Magazine for May. I will get a copy of the Pre to-day. I believe you will be interested in what I have to say about the situation in northern Michigan.

"Just now it seems very necessary that some one should carry on a campaign of education, showing this country, if possible, that we are drifting at present in the direction of I. W. W. socialism.

"Are you interested in distributing a certain number of copies of the Pre containing my article on the Colorado situation?

"Also, what do you think of the inclosed booklets? I have distributed these on my own account up to the extent of nearly a million, but I have not the funds to distribute a million more, as I would like to do.

"Any suggestions from you in the line of popular education will be greatly appreciated."

The rate is quoted in the other place, from Mr. Welborn's testimony, "The price for extra copies of the Pre is $200 a thousand," and it accompanied, according to the testimony of Mr. Welborn, that communication. That is upon what I base the use of the word "marketable."

Would you consider the value of that publication greater before the publication of the copper article than it was after it for your purposes?

Mr. LEE. Mr. Garretson, I really do not think I can say more than that the value to the public of the expression of an editor must depend upon the standing that editor has with the public.

Commissioner GARRETSON. Therefore personality would enter into the value of his statements?

Mr. LEE. Any independent expression, certainly.

Commissioner GARRETSON. Do you believe, Mr. Lee, that the publication—and this is purely impersonal—that the publication of misinformation is a prolific cause of unrest, when it is afterwards determined that it is misinformation?

Mr. LEE. I think it is in the highest degree undesirable that misinformation should be distributed at any time by anybody.

Commissioner GARRETSON. And it undoubtedly would be one of the many elements that contribute to the general distrust and unrest?

Mr. LEE. I think misinformation distributed by either side of a controversy that may affect selfish interests, is apt to cause very great hard feeling on both sides.

Commissioner GARRETSON. It goes without saying that what is false either on one side, must of necessity be so on the other side?

Mr. LEE. Absolutely.

Commissioner GARRETSON. Going back to the relation that exists between the publicity agent and those who employ him; have the personal note comes in again—I am bearing in mind your own statement of the relation existing between them. Have you ever seen the time when you would have cared to guarantee the correctness of the information you were expected to give to the public, or that you have assumed the attitude of so doing?

Mr. LEE. I should never give to the public any information that depended upon my own say so, that was not, so far as I knew, accurate.

Commissioner GARRETSON. You never go further in your guaranty than your belief that it is the honest opinion of the person that desires put it across?

Mr. LEE. So long as it is the honest opinion of a man who I believe is acting in good faith, I think it is perfectly proper that the public should have his view of the situation.

Commissioner GARRETSON. Is it a common device on the part of publicity agents to take an article, an inspired article, to a friendly or questionable publication, and then disseminate it widely as plain matter, simply independent expression?

Mr. LEE. It may be, but I do not believe in the policy and never adopted it myself.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. May we ask, Mr. Lee, whether your work immediately after your employment by Mr. Rockefeller was confined to the purpose

tion of bulletins in connection with the Colorado strike troubles, or whether that was simply one of the various functions?

Mr. LEE. You mean last summer, and not since the 1st of January?

Commissioner WEINSTOCK. That is correct.

Mr. LEE. Soon after Mr. Rockefeller and I got to be better acquainted, Mr. Weinstock, I think Mr. Rockefeller began to feel that it was desirable that much greater publicity be given to many other things in which he was interested, and if I may say, the idea which I had that publicity should be absolutely frank and responsible and given out in the most open manner for the freest use by all the papers, was one that appealed to Mr. Rockefeller. He asked my advice with reference to that, and in connection with many other topics.

Commissioner WEINSTOCK. Well, about how much of your time, Mr. Lee, was devoted to the Colorado situation, and how much of it to other work?

Mr. LEE. Of course, you understand that during this whole time I was performing very active work for the Pennsylvania Railroad Co.

Commissioner WEINSTOCK. So you were not giving your entire time to the Rockefeller interests?

Mr. LEE. Oh, no; all this work I did for Mr. Rockefeller was purely incidental to my main work, which was continued as actively as I knew how.

Commissioner WEINSTOCK. I gathered from your testimony of yesterday that you acted solely as editor and you edited the matter furnished you by the coal operators?

Mr. LEE. That is correct.

Commissioner WEINSTOCK. And under your direction, clerks prepared the matter and your work was purely supervisory?

Mr. LEE. My work was, as you say, simply that of an editor, attempting to take material which the operators gave me and present it in a typographical style which would be apt to commend it to the reader.

Commissioner WEINSTOCK. How often were those bulletins issued? Was there any regularity in the interval?

Mr. LEE. No, sir.

Commissioner WEINSTOCK. Just every once in a while?

Mr. LEE. Yes.

Commissioner WEINSTOCK. Whenever occasion arose to issue one?

Mr. LEE. Correct.

Commissioner WEINSTOCK. Can you explain to the commission, Mr. Lee, why so long an interval was permitted to take place, an interval of over three months, from October to January, as I recall it, before the serious blunder which had been made in the October bulletin relative to the earnings of the labor representatives was corrected?

Mr. LEE. As I suggested yesterday, Mr. Weinstock, the first knowledge that I had that there had been any error at all was in a telegram which I am to produce before this commission, from Mr. Welborn, stating that there had been an error. The nature of the error was not stated to me, and I assumed it was a typographical error and of no special consequence. I suggested that an errata slip be inclosed in the pamphlet in sending it out. I assumed that that had been done. I never gave the matter any further thought until the hearing before the commission in Denver, and then I saw in the newspapers the nature of the error which had been committed. I then telegraphed to Mr. Welborn that this error and any other errors that might have been ascertained ought to be corrected at once by another bulletin. And to reinforce that suggestion and in order to provide a basis on which to work, I prepared a draft of a possible bulletin and forwarded it by mail within a few days, suggesting a method of treatment of the subject to make it perfectly clear that it was the desire of the operators to correct whatever injustice may have been done by the previous error.

Commissioner WEINSTOCK. Whom do you hold responsible, then, Mr. Lee, for that delay, that unreasonable and unexplainable delay in making the correction?

Mr. LEE. Why, Mr. Weinstock, I would prefer not to express an opinion. I personally had not the right to hold any one responsible. I was in a subordinate capacity.

Commissioner WEINSTOCK. Let me modify that question by saying, Whom do you regard as responsible for that delay?

Mr. LEE. I certainly think that the operators' committee should have corrected that error as promptly as they ascertained it.

Commissioner WEINSTOCK. Of course, you can appreciate, with us, that for the operators to send out a statement, making it appear that a year's salary

and a year's traveling expenses was only a month's payment, would give the readers the impression that these labor leaders were exploiting their fellow workers.

Mr. LEE. It was an unfortunate statement which ought never to have been made, but having been made, ought to have been corrected the moment it was ascertained. There can not be any two opinions about that it seems to me.

Commissioner WEINSTOCK. But you had no control over that?

Mr. LEE. I had no control over it; no responsibility for it.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Was there any return card on the envelope that these bulletins were sent out in?

Mr. LEE. I think so, Mr. Chairman. A return card bore the room number of the offices of the Colorado Fuel & Iron Co. in Denver.

Chairman WALSH. Did it have the name of the Colorado Fuel & Iron Co. upon the envelope?

Mr. LEE. I do not think so. The envelopes, however, contained a slip and the pamphlet copy a brief introductory page, signed by the operators' committee, so that anyone who received the document would have no doubt as to whence it emanated.

Chairman WALSH. The slip was separate from the bulletin itself?

Mr. LEE. The slip in the smaller bulletins was separate, yes; but it was inclosed in the same envelope.

Chairman WALSH. Now, you first issued these bulletins separately, as you stated, and then gathered them together?

Mr. LEE. That is right.

Chairman WALSH. I call your attention to this Bulletin No. 4, which you are probably familiar with, as to how a Congressman views the situation. Might it not have been the idea being conveyed to the mind of whoever did not see the slip that it was a Congressman that was sending them out?

Mr. LEE. I hardly think so, Mr. Chairman, for the slip was inclosed. Every effort was made to have it clearly understood as to who sent this out.

Chairman WALSH. You recall the form of this one, Mr. Lee?

Mr. LEE. I do.

Chairman WALSH. Now, I have been asked, Mr. Lee, to have you state concisely what your everyday duties are in this publicity matter that you are working on. Now, give briefly what it is you do every day about the publicity?

Mr. LEE. Since I joined Mr. Rockefeller's staff I have had very little to do with publicity. I have had my attention taken up with many other matters. I have been made a member of various boards of directors, and placed in various different relationships, which have taken a good deal of time.

Chairman WALSH. Have you called at any of the newspaper offices?

Mr. LEE. I think since the 1st of January I have been in only one newspaper office.

Chairman WALSH. Do you address communications to newspaper editors and writers?

Mr. LEE. I should not hesitate to do so, but I do not recall having done so lately.

Chairman WALSH. When you prepare matter, how do you get it in the newspapers?

Mr. LEE. I have as many copies prepared as I think will serve the purposes of the newspapers, and where I feel that the exigencies of time or the pressure of news demand it, I telegraph. If I think it is a matter of general interest, I am very apt to send a complete copy to a great many papers outside of those who would ordinarily receive it simply locally.

Chairman WALSH. Do you send it by mail? Do you hand it to the gentlemen in person, or do you have some one to take it to them?

Mr. LEE. Well, I should not hesitate to employ all those methods.

Chairman WALSH. What I am trying to get at is what you really do?

Mr. LEE. I have done all of those things, and probably would do them all again.

Chairman WALSH. Now, could you suggest something perhaps that you do now in addition to what I have suggested?

Mr. LEE. I am anxious to tell you anything——

Chairman WALSH (interrupting). No doubt about that.

Mr. LEE (continuing). Mr. Walsh——

Chairman WALSH. But that don't do it.

Mr. LEE. My relations with newspaper men are quite frank, and I simply——

Chairman WALSH. I understand that, but my question was: Could you suggest anything else that you do other than what I have stated about giving the publicity out, or have I covered it all in my question, so we conclude. Regardless now of your attitude or your methods, do not think of anything except the particular question, how you get the publicity to the newspapers.

Mr. LEE. I will communicate on that I can cover the situation.

Chairman WALSH. Yes; as briefly as you can, and then we will be through.

Mr. LEE. I take anything in which I think the press is apt to be interested, and see to it that all the copies are made that I think will serve the uses of the press, and then take occasion to furnish copies of it at such newspapers as I desire to receive it by messenger, in person, by mail, or by telegraph, if necessary, in addition, any matter to me to be most desirable.

Chairman WALSH. That is all, thank you. You may be excused.

TESTIMONY OF DR. JOHN HAYNES HOLMES.

Chairman WALSH. Please state your name.

Dr. HOLMES. John Haynes Holmes.

Chairman WALSH. And your calling.

Dr. HOLMES. Clergyman.

Chairman WALSH. Where do you live?

Dr. HOLMES. I reside in Brooklyn, 28 Garden Place.

Chairman WALSH. And are you a pastor of a church in New York City?

Dr. HOLMES. The Church of the Messiah, in the Borough of Manhattan, Park Avenue and Thirty-fourth Street.

Chairman WALSH. Have you as a citizen or as a student of industrial problems, been accustomed to examine the organization and operation of large philanthropic foundations, Doctor?

Dr. HOLMES. As a citizen and as a student, yes, sir.

Chairman WALSH. Will you please give the commission your opinion and conclusions in regard to the effect which such institutions have had or may have on American life and ministry?

Dr. HOLMES. I have made a very brief outline, sir, of what I should like to say upon this subject, and, with your permission, I will speak with this outline before me.

Chairman WALSH. Very good.

Dr. HOLMES. So that my remarks may be as clear and definite as possible.

Chairman WALSH. I think the commission would like very much for you to state it in your own way.

Dr. HOLMES. Thank you. First and foremost, I, of course, recognize that the growth of the great foundations is one of the most substantial developments of recent times, and presents a problem which I think calls for not only consideration like that of industrial relations, but for the consideration of all persons who have at heart the best interests of our community.

May I say at the very start, sir, in anything I may say about the foundations I am making no personal reflection of any kind? I am not impugning the motives of the founders of these great foundations. I would be glad to take it for granted, and think you would take it for granted that their motives are of the very best and highest; that these men possessed of large wealth personally that a portion of that wealth, perhaps a large portion, should be used for the benefit of the community, and that, in all sincerity, they set the foundation system in the best way to safeguard and perpetuate these things.

I would like also to say that I take it for granted that the men who are now directing these foundations—for example, the men who are administering the Rockefeller Foundation—are men of wisdom, men of insight, of vision, and are also animated by the very best motives. In my own thought and view upon this subject I have come to these conclusions along these lines. In the first place, my assumption is the whole thought of democracy. I believe that all of our problems, you social and political, should be finally stated in terms of democracy, and the interests of the great democratic system which we are trying to work out in our best way to be the interest which we have closest at heart. From this standpoint it seems to me that this foundation, the very character, must be regarded as essentially repugnant to the whole idea of a democratic society. I think, for example, in the first place, of the origin of these foundations. It is very easy for us to get hazy of elsewhere and discuss these foundations which have so much money at their disposal, representing, most of them, as the way they [illegible]

money as mined down somewhere and coming like the plant producing diamonds which are cut off and used. But the thing which comes to me, I must confess, as I contemplate a fund like $100,000,000 is this: That that fund is produced, or the income of the fund is being produced every day by the labor of men and what we have here are thousands and perhaps tens of thousands of men brought up to the support of a great permanent institution in the direction of which they have no voice whatsoever, and from the beneficiaries of which perhaps they may receive no good or profit whatsoever. In other words in starting these foundations we must never forget the human relationship that is involved between the money as produced and used for any purpose, however beneficent, and the labor of men which goes into the production of that money.

In the second place I think of the administration of such income, and I note that this administration is in the hands of a small board of men, which, if I may simply say, is self-perpetuating; that these men are chosen in the first place, I suppose, by the founders themselves, and later on by those who are at that time directors, chosen thereafter from the point of view of those men who have organized the foundations and are interested in some particular phase of the work and in the perpetuation of some phase of that work.

In other words, we have here in the midst of a society supposed to be democratic that which is essentially an autocratic system of administration, of an institution which represents power, which is, of course, simply stupendous, and that relationship is therefore, of the most serious character to mankind, the autocratic administration on the one hand and the democratic administration upon the other.

The third and I offer this suggestion not in any spirit of sentiment but as a matter of very real conviction. I feel as a citizen and I find as a matter of inquiry with others with whom I talked that there is a growing feeling, and it is a healthy feeling, that democracy invites to do its own business along the lines of development represented by the good accomplished by these benefactions.

In other words, I feel personally a kind of a sense of outrage when a large sum of money which has been gotten together by methods which may be wholly ethical and laudable and administered by a very small body of men comes into a community and studies that community from its own standpoint, as a doctor studies a case, and then applies a remedy from the funds at its disposal. Now, the whole essence of our democratic society is it can do its own business, that it does not depend upon the outside influences of interests of any kind.

May I use an illustration? A very recent illustration, and I use this illustration because I believe it one of the noblest instances of what the Rockefeller Foundation has been doing in recent years, I refer to the work which the foundation is now doing, sending food and other materials of relief to the Belgians. There can be no doubt whatsoever in any decent man's mind as to the perfect beneficence of that activity, the unending good that it is going to do. I confess to you, sir, however, in all frankness, when I read that the Rockefeller Foundation was going to do this thing, that I felt somewhat a sense, not of a grievance, but of the feeling of regret that it had not been left to the great sympathetic democracy of America to do this thing in its own way and its initiative and out of the resources of its own competency.

Not in particularize, that we had not as yet found a way for our political machinery, representing the people of the country, to do this thing as one institution which is very being done so graciously and so generously by the Rockefeller Foundation. I feel the same thing to use another illustration, about democracy. It seems to me the very idea of it is that it shall safeguard its own interests, overcome its own evil or progress, heal its own ills and daily foster its own ideals. In other words, I am very jealous of the activities of this autocratic society of ours and I greatly fear—but I can not point to any indication of it now—I greatly fear the paralysis of the possibilities of democracy when an institution or such power as this enters into the field, and therefore, after taken every due precaution, which is the challenge to democracy to do these things.

Entirely aside, however, from these methods which may be, as I say, I feel are constantly repugnant to democracy I want to make a second point, that is, namely, that in these are the best of peril to our democratic institutions. And let me say to you once again, I am making no reference to any of the founders of these present foundations or to those who are now sitting upon any boards of administration in any one of them. But no man can guarantee the future. When I consider the industrial situation of this country to-day I sometimes tremble about the future. I disagree utterly with a good deal of what the

possibility of the development of every source of power which may play a part in the development of the industrial drama here in America. Now, I mean that away from prejudice. The stronger a man is the stronger are his convictions, and the greater is his courage in standing by those convictions and putting through the things that he really wants to do, for himself, or for those associated with him or for society at large.

Now, it seems to me inevitable that in the industrial situation of this country develops the prejudices upon both sides should develop, the men who administer these funds, however high minded and idealistic and unselfish they may be, will be men, necessarily strong men, working for strong men. They will be men who will have courage to stand by those ideas, and the very virtues therefore which ennoble their manhood will be the very things which will lead them to have an interest in the administration of this fund, I can easily conceive. In other words, that the benefactions might be from the best motives in the world swung to one side of a great controversy and the two sides who are fighting the thing out will not therefore have the opportunity to fight it out on a fair field with no favor to any.

And then, more serious than that, if I may speak of that one more thought, that those trusts I regard in their possible development to democracy—I would return to my original proposition that they are essentially autocratic in their administration. What we are doing here, it seems to me, is setting up inside of our democracy a great system of autocracy, and that to my mind lays the foundation—if I may use a confused piece of imagery—lays the foundation for a more serious fight than we have got on at the present time.

In other words, I might agree that our present conflict should be solved, our present breaches should be bridged or healed; and now to introduce into the field two antagonistic systems which must, of course, in time come into conflict is rather, in my judgment, to complicate the problem than to simplify and reduce the danger. In other words, safer to do it now and not put it off until the time to come. These systems may be regarded as the infection rather than the healthy life of the people, and therefore if by their operation they threaten the whole life of society, should they not be cut out as a cancer may be cut out of the human body.

As institutions therefore leading to democracy, on the very point of democracy itself, institutions which contain the seed of great peril to all our society, I feel that such foundations as that are to be deplored and studied and the problems which they present carefully considered.

Chairman WALSH. Do you consider it possible, Doctor, for such institutions to have an influence on educational matters?

Dr. HOLMES. I should say that they are already having an influence, are they not, in giving sums of money to certain chosen institutions.

Chairman WALSH. In what way do you consider that such influence can be exerted, stating the matter concretely, by the bestowal of this money? What might happen to the institutions and the persons being educated in them?

Dr. HOLMES. I was not thinking so much, Mr. Chairman, of the influence upon those who were being educated in the institutions, as the direct result, as that institutions which win the favor of these administrators for any reason would be strengthened and other institutions, from the comparative point of view, impoverished. For instance, I can not conceive of any foundation now in existence or likely to be in existence giving a large benefaction to the Rand School of Social Science in this community. There may be many reasons why such money should not be granted; but even though that school were everything that could be desired from the standpoint of efficiency, I can not in my mind conceive of benefactions being given that school. Therefore, in those institutions the influence is inevitable.

Chairman WALSH. Can you cite any concrete cases in your own knowledge, in which such influence has been exerted or is now being exercised?

Dr. HOLMES. I would cite, perhaps, the institutions of the teachers' pension fund, which is the result of one of the great benefactions—Mr. Carnegie's. It seems to me that the history, so far as I know it, of that benefaction shows that many institutions for years and years of a denominational character have been trying their utmost to get rid of their denominational affiliations and connections, in order to receive the gifts of the foundation, which specifies, if I am correctly informed, that only institutions undenominational or nonsectarian can participate.

Let me say that I am most emphatically undenominational and nonsectarian, I have no interest in denominationalism. But here is an illustration of a very

sharp line of demarcation which is having its influence upon many institutions, like the influence of a colored cloth upon a chameleon. These institutions are seeking—that is, many of them—to change their denominational character, so as to come within the scope of the teachers' pension benefits.

Chairman WALSH. Any others that you have in mind, Doctor?

Dr. HOLMES. Not for the moment, sir.

Chairman WALSH. Have you had occasion to consider whether any action by the State is necessary or desirable in relation to these institutions?

Dr. HOLMES. I have, but it is an exceedingly difficult thing to exactly state it. The refusal of the United States Government to meet the exact conditions required by the Rockefellers, if I am correctly informed, led to the retreat of the foundation to New York State. I can easily imagine that a refusal of New York State to comply with these conditions might have led to the retreat to other States. In other words, with so many States in our country, it is easily possible for a foundation to escape the desires of any particular political agencies. Therefore what to do, practically speaking, is exceedingly difficult to say. My own idea, however, if the foundation can be confined within the scope of a single political agency, is that the State should immediately insist upon most generous kind of representation and a very large voice in the changes of administrators, so that the representatives of the people, and therefore the people themselves, should perhaps be the ultimate controllers of the work of these benefactions until such time as we can transfer to the sources from which the money came, any value at the disposal of the——

Chairman WALSH (interrupting). Commissioner WEINSTOCK would like to ask you a question.

Commissioner WEINSTOCK. If you were so fortunate, or unfortunate, as to be the possessor of $100,000,000 that you wanted to use for the common good, what would you do?

Dr. HOLMES. I should consider, sir, that I was confronted by one of the most difficult problems that could confront any man. For the sake of my own individual integrity, I should try as best I could to get rid of that $100,000,000, and my own thought which occurs at the moment here, I should want to place it upon the Government, the representatives of the people, to assume that great responsibility, as Mr. Roosevelt placed the $40,000 Nobel prize not in his own hands or in any private personal control, but in the hands of the Government. The fact that the Government did not know how, or the Government or its citizens did not respond to that generous and wise gift, does not impugn, it seems to me, the wisdom of what was done.

Commissioner WEINSTOCK. You would, then, place the matter entirely out of your own hands and put the $100,000,000 into the hands of the employees of the Government?

Dr. HOLMES. I should get rid of it just as quickly as I could. I feel that no man has a right to such a sum of money.

Commissioner WEINSTOCK. Would you have any strings tied to that gift to all the people?

Dr. HOLMES. I should hope not. I should, not believing it to be ethically right to have such a sum of money, want to be rid of that responsibility.

Commissioner WEINSTOCK. You would simply take this $100,000,000 and turn it over to Congress and say, "Do with it what you consider best"?

Dr. HOLMES. I should suppose I would think the matter over carefully—more carefully than I can at present—but I think that is the thought I should have, and my object would be to get into the hands of the people the money they have produced.

Commissioner WEINSTOCK. You mean just put it in the Common Treasury just to be used for any purpose it wanted, or would you specify?

Dr. HOLMES. I might think it a matter of wisdom to specify. I do not think I should attach any binding condition, as Mr. Roosevelt did, that this money should be used for any particular industrial benefits, or anything of that kind.

Commissioner WEINSTOCK. That is, you would do it without qualification as to the use of the gift?

Dr. HOLMES. Qualifications of recommendation rather than, perhaps, insistence or dictation.

Commissioner WEINSTOCK. That is, in the nature of suggestions?

Dr. HOLMES. Yes; in the nature of suggestions, as a donor to a college might say, "I would like to have this used for books or for scholarships or for a library; but if it can be used better, use it as you see fit."

Commissioner Weinstock. Well, if Congress should see fit to take your $100,000,000 and simply put it into the Government Treasury, and to use it for operating expenses within a very brief time that $100,000,000 would disappear, and comparatively little permanent good might flow from it. Would you think that would be wise?

Dr. Holmes. Why, it probably would disappear in serving the interests of the people. The fact that it went back into those interests would not in itself, it seems to me, be an ill. I can imagine the Government might well suggest it for purposes that I was not at all concerned with—such as the Army and Navy, for example; but if I made the gift under those conditions I should have to take the result.

Commissioner Weinstock. But I take it if you had this vast sum of money, if you were burdened with it, that you would naturally want to use it for the most permanent good, so that the largest number of your fellows might be helped, not temporarily, but that it might be used as a means for continuing to aid those who were worthy of being aided.

Dr. Holmes. What right, sir, have I to assume that I have any knowledge as to what is the highest permanent good for this country?

Commissioner Weinstock. Well, we have a right to assume that you ought to have more than average knowledge as to what is the highest permanent good, because the country has given you the benefit of its better educational resources, and assumes, for example, that you are using that intellectual development in the common interest; and therefore you ought to know more than most of us, and that money should be expended so that it will result in the best good to the greatest number. You are an educator, you are an uplifter, and therefore we have a right to expect more from you than from some of the rest of us.

Dr. Holmes. I should feel that those advantages, if they exist, sir, should be used for the exertion of the strongest kind of personal influence as a member of the community; but not as to the dictation, to the administration of such boundless, unparalleled source of power as is contained in $100,000,000.

Commissioner Weinstock. Were you present, Doctor, when Mr. Rockefeller testified?

Dr. Holmes. I was not, sir.

Commissioner Weinstock. Have you had an opportunity to read——

Dr. Holmes (interrupting). I have read his testimony only as it appeared in the press.

Commissioner Weinstock. Well, you may recall—perhaps that phase of it was published—that the point that you make was made with Mr. Rockefeller, and the question was raised as to whether or not his foundation might not turn into a menace—might not be used for unholy purposes as well as holy purposes—and his answer to it—and I should like you to criticise that answer if the answer is not a sound answer. His answer was that the people had the matter wholly in their hands; that if the funds at the command of the foundation were improperly used it remained with the people of the State of New York, through their representatives, to annul the charter or to modify the charter; and that therefore the people really retained control and could, in the exercise of their power, prevent the fund from being improperly used.

Dr. Holmes. I suppose, sir, that that is technically correct, and when I say "technically" I do not mean to say that Mr. Rockefeller was trying to save himself on a technicality. That, I suppose, is technically correct; but I think the history of our country and the political experiences of our country indicate that a battle against a power representing $100,000,000 is not an easy one, and that the attempt of our political machinery representing the people to get back that power which it has granted in the charter would be a very long and a very persistent and a very difficult fight, especially if the administrators were men who really believed in themselves and in the cause they represented and felt it was their duty to safeguard the trust committed to them. In other words, the difficulty would be exactly proportional to the ability and sincerity and the courage of the men administering the trust.

Commissioner Weinstock. Now, if we follow out your line of reasoning, Doctor, to the logical line of conclusion, it would lead us to a position where we would feel that any good-sized sum of money placed in the hands of trustees to be perpetuated and to be used for the common good is unwise; that there is only one channel through which that money should be used, and that is the channel of all the people. Does history in this country demonstrate the correctness of your theory? For example, while such benefactions as those that

were not aided by men like Girard and Peter Cooper and men like Benjamin Franklin or men like Leland Stanford, of California, from very small comparatively with the foundation fund set aside by Rockefeller, yet in their time they were relatively almost as large. Now, these foundations have been in existence, some of them, for a hundred years or over? Can you point out where they have had bad effects? Can you point out where they have proved harmful or——

Dr. Hanus (interrupting). At the moment I can think of only one possible instance, to which I shall refer in a moment. You will notice that all these foundations which you have mentioned, if I may be permitted to make this observation, have been of an educational character. The educational field, until very recent years, has been quite remote from the controversial disturbances of political life, as they have on the religious side, but in more recent years the question of institutions of learning has become a burning one, and it is before us now for settlement. So while I should say that with this one exception, while no very serious dangers have been indicated in the past, yet with the formation of these foundations if in bringing these foundations in to the field of the general life, and especially the appointees of these great foundations which have this particular field, match to the situation just now. Now, as to the Girard Foundation, Mr. Girard was a man of religious prejudice, and he perpetuated and immortalized his prejudice in that institution; I think to-day we are realizing that the motive which led him to make that restriction has disappeared, if it ever really existed in his own time; and the fact that that institution is permanently debarred from the influence of organized religion, if I am correctly informed, is an instance of the harm that can be done by any benefaction.

Commissioner Weinstock. You think, then, that on the whole the Girard benefaction has been a disadvantage to society rather than an advantage?

Dr. Hanus. No, sir; I am glad you asked me that in order that I may correct any false impression that I may have made. I should say on the whole that the balance was on the side of good when you consider all that it has done. But here is a restriction which indicates what one man may do and which may become more serious in the future as religion becomes the more socialized.

Commissioner Weinstock. It may be that you and I as individuals may make mistakes, and that our judgment may not be the best; may that not also apply to collective groups; such as legislative bodies and parliaments, may they not make mistakes?

Dr. Hanus. Yes; but the price of their blunders is paid for by those who make them; if we interpret parliament as acting for the people. The price of the mistakes of the administrators of great foundations was not paid by them but by those to whom they give benefactions and the whole body of society which may be affected.

Commissioner Weinstock. Let me see if I can sum up your answers and whether I have caught the spirit correctly of what you have said. I get it from your statements, Doctor, that in your opinion large benefactions on the whole are along the lines of a distributive tendency; that is, they are likely to become a blessing they may not, but they are likely so?

Dr. Hanus. Very likely so.

Commissioner Weinstock. And that therefore, if you had the power, you would discourage rather than encourage them, and speaking for yourself, if you had a large sum of money which you wanted to use for the common good, you would, in place of administering that money yourself and having the revenue from it put in the shape of a fund administered by a stock perpetuating body, you would place it in the hands of all of the people or be used in accordance with the best judgment of the representatives of all of the people?

Dr. Hanus. The fund to which you refer, of course, is a stupendous fund?

Commissioner Weinstock. Yes. Have I correctly caught the spirit of your opinion?

Dr. Hanus. Yes; so far as I understand your statements.

Commissioner Weinstock. That is all I care to ask Dr. Hanus.

Chairman Walsh. Commissioner Garretson would like to ask a few questions.

Commissioner Garretson. I think you made a distinction between the title which these large owners have to their property as between an ethical title and a legal title. I take it that you hold that they have a legal title but not an ethical title to their property?

Dr. HOLMES. I have never thought of questioning the legal rights or title of any of these men to the wealth they had accumulated under the laws of the land. I suppose that if laws have been violated in specific instances there might be some question, but as a general proposition I should say that it was rather foolish to question the legal title to a man's property which he has accumulated under the laws as they exist to-day and as they are well understood.

Commissioner COMMONS. What are your views as to the ethical title?

Dr. HOLMES. Ethics and matters of law never run along together; the legal is so much slower than the ethical. I believe the employment of large bodies of men for the making of fortunes by single individuals is unethical. I believe that a person is entitled to compensation for the labor he gives to society, but beyond that nothing.

Commissioner COMMONS. That is to say, you would say that the investment of capital is not a contribution to society?

Dr. HOLMES. No, sir—well, it may be an economic contribution. I would not deny there was, from a certain standpoint, a certain economic advantage in the investment of capital and in the payment of dividends; but I regard it as unethical, and I would refuse to invest any little money I might have in a large corporation.

Commissioner COMMONS. Your idea then is that the laboring force produces the wealth and not the capital?

Dr. HOLMES. Not specifically the laboring force, but it enters more largely into its production. Into the result goes labor, goes brain, and goes the capital which, of course, is the accumulation of vast labor; they must all make a contribution as I understand it. I do not pretend to be a skilled economist.

Commissioner COMMONS. I am trying to get the economic basis on which you base your opinion that this property should be turned over to the Government and should not be administered by the people who have accumulated it.

Dr. HOLMES. I should not say on my idea of ethics as an economist, but from my standpoint as a public teacher.

Commissioner COMMONS. How would you abolish that situation?

Dr. HOLMES. It is very difficult for me to indicate how this great change in society must be brought about, but I believe that it must come. My own ideas are like this: I believe there are two great movements under way to-day, which point the direction in which we shall have to go and are going, and the union between these two great movements is going to bring in the kind of economic organization I would welcome. In the first place is what we call socialism from the economic standpoint, state socialism, the public ownership of all these things that properly belong ethically to the public, by which I mean forest lands, mines, railroads, the telegraph, the telephone, public transportation, and public utilities of that kind, many of which, of course, are the source of our largest fortunes. I believe, however, that that alone can never solve our problems. Therefore I welcome that other movement, more conspicuous abroad than in our own country, which we understand as cooperation. It was more successful before the war, and it is the coming together of the people to do their buying, manufacturing, distributing, and in that way solving the problems of their own economic life. Some time these two things are coming together. I can not say how, but the union of cooperative endeavor with state ownership is going to be the basis of social activity which I would welcome, and which I think is coming.

Commissioner COMMONS. Now, if the State, in taking over these properties, must issue bonds which will be subscribed to by private parties, the State, according to your ideas, would pay interest to those private parties on those bonds, would it not?

Dr. HOLMES. I confess that I feel utterly incompetent to say how these large properties should be taken over. I know nothing about bonds or stocks or things of that kind, for I never owned any. But I would say that society has never found it impossible to do anything that it has found necessary to be done. When a State goes to war it gets the money for that purpose; and I believe the way will be found, as soon as it becomes as important to save life as to destroy it, for the proper acquisition of all these things.

Commissioner COMMONS. Is it your proposition to equip the Government with the political machinery for doing this kind of work that you suggest, such as the aid of politicians and the other things these foundations are doing?

Dr. HOLMES. I see no difficulty. The history of our country shows that we have been able, in situations of this kind, to find the ways and means of ex-

tending its activities in the direction of solving these problems. Personally I feel that the recent developments in the political field, along the lines of commissions, the appointment of experts, the initiative and referendum, are bringing a larger responsibility on the part of the people, and all these things show that our democracy is awake on this question and is now feeling its way toward the building up of machinery and methods which will enable it to handle these things.

Commissioner Commons. Do you think that at the present time our democratic institutions are adequate to do this work?

Dr. Holmes. That is, the work that is being done by the foundations.

Commissioner Commons. Not only that, but the management of industry as you have outlined—to conduct both industry and foundations?

Dr. Holmes. I believe the Government is not now competent. I mean by that, if I may define it particularly, that if all these things were placed on the Government to-morrow a catastrophe would follow—it would be unspeakable disaster. But I believe that society, as the individual, gains strength and learns method by the acquisition of responsibility, and that our democracy will fit itself as in the natural course of evolution these responsibilities are placed upon it.

Commissioner Commons. Upon the reaching of that stage where our democracy would be competent, I take it, you would have our democracy designate the directors and trustees of these foundations?

Dr. Holmes. I suppose that would be the next step. The thing I am after is this, that the people shall be made responsible by some method for these benefactions. That responsibility will come, and the people will become intelligent enough to take over the entire directorship. I would like to see the benefactions in the hands of the people, but later they must disappear, as we want to get away from the unequal distribution of wealth.

Commissioner Commons. Do you feel that our Governments, State and Federal, under the present system, would be competent to designate competent men to direct these foundations and also these industries?

Dr. Holmes. It does designate competent men for the accomplishment of as great or greater tasks; for instance, if a peace conference is held at the conclusion of the present war in Europe our Government will appoint representatives to attend that conference and take part in its action, and that is a greater task than the one you mention.

Commissioner Commons. Have you ever investigated instances where governments had appointed one or two directors out of a number, as in the case of the Baltimore & Ohio Railroad and other cases?

Dr. Holmes. In cases of that kind I should say I have no knowledge. I am only familiar with such commissions as the Anthracite Coal Commission and such bodies as this—large commissions which have attracted public attention and which therefore I have noted.

Commissioner Commons. You are not aware, then, of any evidence that would go to show that when the Government goes into cooperation with these private enterprises and appoints directors that immediately the private enterprises get control of the Government in order to designate the politicians who shall be named on the boards of directors? Has that been brought to your attention?

Dr. Holmes. I have heard rumors of that sort, one from your own State. I am acquainted with one of the regents, I believe you call them, of your university, and I have heard stories of undertakings of that kind, nothing but rumors. I do not know of any such fact. That does not frighten me a bit. Those things correct themselves.

Commissioner Commons. Do you not think there would be more danger in the Government participating partially in these private foundations than there would be in it taking them over altogether?

Dr. Holmes. I was thinking only of the difficulty of doing that thing all at once. I do not think it is feasible to take over these foundations to-day; I do not think the state of the public opinion would warrant that. I should welcome that as a better way of doing things than the things I have proposed, but I have learned by experience that the step-by-step method is the only proper way.

Commissioner Commons. Have you thought that step-by-step method could involve great political corruption?

Dr. Holmes. I wish I could make my mind clear on that matter of political corruption. That does not disturb me any because the people have it in their own power to correct occurrences of that kind. Indeed, I would go so far as to

say that I would rather see democracy die of its own corruption than be revived by the unscientific benefaction or service of any one particular individual. A new democracy would rise to take advantage of the mines buried in the fall of the old one.

Commissioner Commons. Have you considered the proposition of what a national university ought to do to offset what you call the sinister influence of these private foundations?

Dr. Holmes. I have never considered that except along the line of thought in my own mind, that it seems to me ridiculous for the United States Government to do into the establishing of large universities when we have now more universities, large and small, than 90,000,000 people know what to do with. I believe in the public university, especially as they are exemplified in the States of the Middle West, but I can not see where there is any field of the United States at the present moment going into the university business.

Commissioner Commons. So it your feeling, Doctor, that the State should take over these private universities?

Dr. Holmes. It seems to me that is going to come eventually.

Commissioner Commons. And have them all operated by the State as the foundation should be?

Dr. Holmes. I think so, that is a logical corollary, the great universities like Harvard, Yale, the Chicago University, and so forth.

Commissioner Commons. Have you considered whether or not the establishment of these private universities has not been the great stimulus which has urged the States on to set up their own universities? For example, in the State of Illinois, the State never took any steps toward State university of any great consequence until the Chicago University was established by Mr. Rockefeller. Is competition between State and private institutions a good or bad thing?

Dr. Holmes. Competition is undoubtedly advantageous. Purely from an ethical and democratic point of view, I should say that I will welcome the time, but shall never see it, when education shall be only in the hands of the public.

Commissioner Commons. You do not see any particular spur that might come to our democracy to offset these private foundations in construction by these public institutions?

Dr. Holmes. I see the spur in the present condition of the public mind, the present state of the public intelligence; the example of a private institution, well managed is, of course, a stimulus to a public institution. The taking over of the private institutions will not come until the public mind is educated to that point, and then it will take that step. My idea is that no corruption of men by legislatures shall be forced upon the public in the ownership or control of these things when the public is fully educated to a knowledge of them.

Commissioner Commons. Do you apply your position equally to those lines of activity which might be called scientific, such as medical research, the astronomical, and also as to those which are industrial and political? Is there a distinction in your mind between the foundation going into these industrial questions of political questions, and as to going into the field of medical research?

Dr. Holmes. The contrast between the work done in this Colorado situation and that of the Rockefeller medical institution?

Commissioner Commons. Yes.

Dr. Holmes. There is a very real distinction there because the Rockefeller Medical Institution does not touch these controverted questions as does, for example, the other in the matter of the Colorado miners. To investigate the germ of infantile paralysis is one thing, and to investigate the rights and mode of living of the Colorado miners is quite another thing. There is a distinction there. Nevertheless, the distinction is not so sound that I would ever feel it necessary to keep scientific research in the hands of private individuals, although I believe it will always be there so long as human beings remain curious as a result of their natures. Take for example the successful investigation into the causes of yellow fever; that shows what can be done by the Government when it sets itself out to do it.

Commissioner Commons. You would not apply your reasoning there to the Rockefeller Institute for Medical Research in the same way that you would to the Rockefeller Foundation going into the industrial situation?

Dr. Holmes. Logically, I would not apply it the same way. The thing that you are investigating does not impress itself on us in the same way these other things do.

Commissioner Commons. Have you followed the work of the Carnegie institution in its investigation of industrial questions?

Dr. Holmes. Not to any extent, sir; no.

Commissioner Commons. You do not know whether the tendency of these foundations is to avoid, rather than take up, these industrial and political questions?

Dr. Holmes. I could not answer that question. I have no knowledge which would warrant an answer.

Commissioner Commons. Do you consider, you perhaps have considered Mr. Rockefeller's statement that he thought that the present control the legislatures have over charters is sufficient to guard against, or perhaps you saw that in his testimony?

Dr. Holmes. Yes. I answered that question of Mr. Walsworth's. Perhaps you were not in the room at the time.

Commissioner Commons. I was here, but did not see your idea. The question is whether there should not be some change in the power of the legislature at the present time to regulate these foundations or modify the election of directors, or is it sufficient, as seemed to be the tenor of his argument, to leave it to those future generations to take care of those things when they wished, the understanding being that the reserve power of the State over charters and contracts is adequate protection when a menace becomes serious; or do you think it is as serious at the present time that it should be taken up by the legislatures at the present time?

Dr. Holmes. I believe the menace is already with us. I should welcome a report on the part of this commission pointing out that menace and recommending the amendment of the charter, directing that all action should be put into the hands of the people, and ultimate responsibility for the direction of these great benefactions. Mr. Rockefeller is undoubtedly technically correct. I have no knowledge of the charters, but I assume he is technically correct.

Commissioner Commons. The State would have to fall back on its reserve power if it attempted to amend any of these charters at the present time, and your idea is that it should amend these charters at once?

Dr. Holmes. Yes; the longer a foundation like this lasts, the harder it is to make a change. After it has gone on a certain length of time you can not change it, you have to break it.

Commissioner Commons. Do you consider that might discourage the further establishment of foundations, if parties having these large fortunes find that they are to be regulated in some drastic way and they would not make further endowments?

Dr. Holmes. I suppose that would be the result, and I should welcome such a result. Any new foundation is an added menace along the lines which I have tried to indicate.

Commissioner Commons. So you would not consider that a disadvantage, the matter of establishing more drastic regulation in the way of public control?

Dr. Holmes. Not at all; I should say it was a great advantage, as indicating to our wealthy men and families that society was learning that these things ultimately are to be put in the hands of the people.

Commissioner Commons. A great many people having large fortunes spend their money in other ways, such as giving entertainments, in traveling, on yachts; would you correct that also?

Dr. Holmes. Why, I can not see that at the present time we have any particular need of going into sumptuary legislation. If people want to spend the money that comes to them in legal channels that way, that is their business.

Commissioner Commons. Would you consider it better for the State to let them spend their money in those ways, simply for their own enjoyment, or let them have liberty to carry out their own ideas for spending it for the public welfare?

Dr. Holmes. My idea is that the action of the State should always be determined by the public necessity and interest so far as it is directly affected by the acts of individuals. To my mind if a person should endeavor to spend a large sum of money, not only for his own pleasure, but to set up a house or institution of corruption, the State could immediately interfere. It has learned to interfere, as it is now interfering, in the liquor and brewery business in many States, but the matter of individual expenditure along the line of individual follies or vices and that sort of thing, I confess for the moment I can not see how interference is going to be done even though such interference might be welcome from an ethical point of view.

Commissioner COMMONS. Suppose that Mr. Rockefeller had spent this $100,000,000 for his own pleasure, and his son should go ahead in the same way, would you say that you would not interfere in that, but that you would interfere if he proposed to spend it in what he considered a public movement?

Dr. HOLMES. That is one of the strange anomalies of the situation and analogous to the preliminary statement I made, that the menace of these benefactions is in proportion to the integrity, vitality, and courage of the man who administers them.

Commissioner COMMONS. Does that answer my question, do you think?

Dr. HOLMES. I did not try to evade it. I have tried to state clearly my opinion that this is not the time for sumptuary legislation. I understand that is what your question covers. If Mr. Rockefeller spent his money in that way and not in the other, he would be a man of lower character. And I do not mean that he is a man of low character.

Commissioner COMMONS. I understand that your proposition signifies that you would enact legislation that would entirely discourage the spending of it in the way he proposes to spend this money, and the alternative would be for him to spend it in the other way, for his own pleasure?

Dr. HOLMES. Your questions have brought us to a very important point, from the standpoint of ethics, and that is that a man who has a large fund of money and faced with the problem of spending it he can not do it ethically. The ethical problem of spending a large fortune is one of the strongest indictments against the accumulation of it.

Commissioner COMMONS. Then we get to your idea that this property does not really belong to him, and that he should turn it back to the State?

Dr. HOLMES. That is for him to say, whether he should turn it over to the State, from an ethical point of view. I think that the acquiring of large fortunes, which are gained by the efforts of others, is wrong, and the person holding that fortune is faced by ethical problems which he can not solve.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. I understand you to say that you do not invest your savings in securities such as stocks and bonds; how would you advise a man to invest his savings?

Dr. HOLMES. I never have been faced with the problem of investing savings, and I do not know what to say. I will state frankly what I do. As a matter of fact, I live on my salary, and I use a portion of that salary for such life insurance as I feel is sufficient to properly safeguard the future of the woman I married and the children I may bring into the world. In addition to that I keep a small sum in the bank for the education of my children and as a protection against disease and other hazards of modern life. The interest that comes to me as an income from that money which I have in the bank, and which I keep at a definite figure and never go above, I spend apart from my own personal interests. I have tried to adjust myself to things as they are.

Commissioner BALLARD. Then you recognize the propriety of people looking forward to the future and making provision for those dependent upon them? And of course you know that insurance companies, in order to provide funds so that they can pay their policies have to invest their money in these very stocks and bonds that you state individually you would not care to invest in?

Dr. HOLMES. Yes, sir; and that is one of the incidents of the present situation, and one that I am utterly unable to meet myself. I find that it is necessary to make provision for my wife and children in order to protect them, and I know of no other way to do it than by taking out a policy in a private life insurance company.

Commissioner BALLARD. I gather from something you said in the beginning that you were inclined to the opinion that in these industries they should be more or less cooperative and that all of the individuals in them should work for their own good. I think there have been a good many so-called societies which have gone to rather sparsely settled parts of the country and endeavored to work out their lives independent of others. Would you not recommend small industries of that sort?

Dr. HOLMES. They always offer an interesting experiment, but we all know that the great majority of them have been practical failures. Cooperative movements, like the cooperative movements of Belgium and England and other countries which are coextensive with the whole national fabric, are what I have in mind.

Commissioner BALLARD. You of course recall that the law creating this commission requires that we should make a recommendation to Congress giving

sense of the situations of the problem of unrest or industrial unrest. Can you in short suggest to us what we should report in that line?

Dr. HOLMES. My feeling on the subject of industrial unrest, sir, if I may speak for a few moments on this question, is that on the surface and in the most superficial way that unrest comes from a desire on the part of the great masses of the working people for better conditions of living and better labor conditions as the result of education. People educated to a certain extent come to demand certain things, and rightly so. Developing out of that, I believe, as one of the causes there is recognition of the inequitable distribution of wealth, of which a great foundation of $100,000,000 is an imposing example. People are coming to feel that these enormous inequalities represent nothing that is ethical.

Then underneath all that I think as the deepest root of all is the fact that we are beginning to recognise that there is no proper relationship between our industrial and our political systems. In other words, we have in this country to-day, as we did before the war, a house divided against itself, and that there is in some part a political democracy, and inside of that or alongside of it an industrial autocracy. Those two things can not live together in the same family. And I believe that right there is the real one of all of our causes of unrest. In other words, if some humane and proper conditions of life and labor were established, and if some way were found to distribute the wealth more equitably I believe that the unrest would still be here, and that as expressive of this feeling people must have a voice of responsibility in the democracy of industry, the same as they do in government and politics. Now, I don't know whether you want me to go on and state just how I would meet that unrest.

Commissioner BALLARD. Yes; I think so.

Chairman WALSH. Oh, yes, indeed.

Dr. HOLMES. Let me take the last matter first—that unrest is the expression of a desire for true industrial democracy. Underneath that, as I view it, is the problem of reconstructing our society upon a democratic basis. In other words, it is a problem of transition from autocracy to democracy in industry. Now, experience has usually shown us that transition is made by revolution, violence, and conflict upon the part of groups of people. I pray and trust, and I know you and others pray that that method may not be the method resorted to in this case. In other words, are not we wise enough and sane enough and sympathetic enough, especially have not we learned the lesson of democracy enough to make this transition along the lines of sane development rather than along the lines of violent outbreak.

One of the greatest disappointments of the present situation in America to-day is that our laboring people, especially our trades-unions, have shown no ability to establish the cooperative merchandising in industry or cooperative mercantile establishments in connection with industry after the example of those which have been so successful in Belgium and England. One of the strangest things in the world to me is the fact that trades-unions or labor unions have not undertaken to work along that line as has been done and been approved in other countries. A long step in advance would be made if our laboring people should show constructive initiative in that direction rather than resort to violence and outbreak and strikes and everything of that kind.

As another, and as I regard it the second, cause of unrest, the inequitable distribution of wealth, I believe that very radical measures along the line of Government action must be taken sooner or later. In other words, I can not see that that thing is ever going to cure itself. The public ownership of railways and natural resources and the readjustment along scientific lines of the tariff and taxation along the lines of the Lloyd George principles in England, taxation of land values, and taxation of incomes and inheritances, which is just beginning to adjust itself to our people, and above all the result of grappling with problems of dividends, all these things must contribute to the solution of this problem, and we must determine along what lines action is to be taken if we are ever to get hold of this problem of the inequitable distribution of wealth as it now is. And the appeal, as I say, is all to Government action.

As regards the bringing about of better conditions of life and labor, I believe here that the trades-union movement, of course, has done a great deal of good, recognizing also what enlightened employers like Mr. Ford, who appeared before this commission, have accomplished. In neither of these cases, however, do I see any solution of the problem of better conditions of life and labor. The trades-union movement has used the wasteful means of strike. While I agree

pathize with the strike in 99 cases out of 100, it is so wasteful and accomplishes really so little that is tangible. Then the trade-union movement itself is essentially autocratic. It is approaching now the point, to my mind, where trade-unionism is itself to be considered as undemocratic rather than the friend of labor as far as the ultimate solution is concerned.

As regard these employers like Mr. Ford, whose generosity, wisdom, and vision we all of us recognize gladly, here again I see no solution of the better conditions of life and labor. In the first place, there are very few men with business like that of Mr. Ford and the comparatively few who have attempted to work along his lines.

Miss Tarbell, who appeared before this commission, indicated that the golden rule was now being practiced more in business than ever before, but I believe it is not an exaggeration to say that the golden rule is somewhat of an exception. Mr. Ford has won his international fame largely because he is not a type, but is an exception.

Then, in the second place, this resort to the enlightened employer offers no permanent solution here, by reason of the fact that many, many men, some of whom I know, as you undoubtedly do, might be likewise disposed, but they are not in industries that pay them over a thousand per cent profit on the work done. I have myself visited many of these places in England and in this country, some of them, and in each case I have found conditions—business conditions—which have brought in profits which have enabled this thing to be done. And I will venture to say that when you talk with these men in your own parish and within your own circle of friendship and say to them, "Why don't you do this?" he holds up his hands in holy horror and talks about profits of 6 per cent and 7 per cent and 8 per cent and 9 per cent.

In other words, I think in this case, as in that of the inequitable distribution of wealth, that the people of the United States have in their hands the machinery to solve this thing of industrial democracy as they have solved other problems. And if they fail to use that machinery, as they failed before the war to use the machinery that they had to settle the slavery question—and we know to-day that that machinery could have been used, for I feel that that conflict, which we speak of as an irrepressible conflict, was, as Mr. Seward said, irrepressible because of the passions of men, and not because there was not at the disposal of the Government men of capability to settle it. Now we have this machinery. Are we going to solve this problem free from prejudice and the passion resulting on both sides and which expresses itself in the outbreaks of the respective parties, or are we going to let the Government settle it on the basis of legislation? So as to the proper conditions of labor, as to the number of days, and the six days' work a week, and the eight-hour day, and the minimum wage, and the abolition of child labor, all these things are things that can be immediately solved and disposed of as we know they have been in certain communities where laws have been passed for the solution of these difficulties. I hope and pray for the establishment everywhere, by devices of this kind, of proper conditions of life and labor. The pressure of that sort of thing, the starving, the freezing, the unemployment—when these have been removed, then we shall be able to get hold of this thing of inequitable distribution of wealth, which is so potential though in the background.

Commissioner BALLARD. That is all, thank you, Doctor.

Chairman WALSH. Mr. Lennon has just a question or two.

Commissioner LENNON. I want to ask you a question that will give me some personal information that I feel as though I desire. I want to know how your life has been cast as giving you the knowledge that you express as to industry?

Dr. HOLMES. Of course, you understand, sir, that in talking about personal matters and biographical matters that I do not voluntarily intrude upon your attention; but if you ask the question, I have nothing to conceal. I was brought up in a family that never had any very great amount of money. If I may say that when I went through college I had to work my way part of the way, and through scholarships, and I never have known what it is to have sums of money at my disposal. I graduated from the public high school in Massachusetts and went to Harvard University, went to the college three years, and took three years in the divinity school, graduating in 1904. In 1904 I was called to a church in the suburbs of Boston, and remained there until 1907, when I came to this city, and I have been the pastor of the Church of the Messiah since that time.

My father had been in various lines of occupation, as clerk and in the furniture business, and one thing and another of that kind. I came out of college, if that is any enlightenment to you, I came out of college a Spencerian, sociologically as well as biologically. I became fascinated by Spencer and his economic philosophy while I was in college, and I studied him extensively and came out a convinced individualist to the extent that in my early years as a minister my opposition to trades-unions was bitter, and I denounced socialism in the time and tried method of the man who knows nothing about it. [A laugh in the audience drew from the chairman an injunction to order.] You will understand, sir, that I was not trying to raise a laugh——

Chairman WALSH. Indeed, I know that. I have to do this very frequently.

Dr. HOLMES. I meant that very sincerely. I knew nothing about it.

Chairman WALSH. You do not need to regret anything. I have had to do this with many witnesses. You may proceed.

Dr. HOLMES. In the first one or two years of my ministry I spent all of my time in preaching and my views were somewhat academic, as, I suppose, any college student. My first invasion into the social field was through the Associated Charities of Boston. I sat on the neighborhood board in which my church was located for a period of three years, and in that time gained more or less experience as to the conditions of poverty and the problem of living by the wage earner. Then when I came to New York I got launched into this great community and began to learn things very rapidly; and I suppose from perhaps a period of six years ago I have given myself as a clergyman principally to the study not of theology or Christian history or biblical criticism—I don't suppose I have read a book on biblical criticism in five years, save perhaps to glance at one then as it came from the press. I have given myself principally to the study of economics and of industrial conditions. I believe, sir, that the problem of the church to-day is the problem of industry. I believe that applied religion finds its application to-day in that field and that no minister can serve his own parish, least of all serve his community and country at large, unless such ways are open to him in the public discretion and the study of and meeting of all sorts and conditions of people and trying to serve, and that he acquaints himself with conditions as they are and in his thought and of course in his modest way tries to analyze causes and to find cures.

Commissioner LENNON. Thank you, Doctor. Do you believe that the principles as indicated in the parable of the Good Samaritan are necessary for application by a true Christian?

Dr. HOLMES. The principles told us in the story of the Good Samaritan are, of course, a fundamental part of Christianity. Charity from person to person in the ordinary individual relationship will never disappear from this world, no matter how perfect a state of justice may be established. But this I believe, and I say it with all reverence, that had Jesus of Nazareth, when he told that story of the Good Samaritan, been living in these days, he would have told it in very different terms. In other words, there is another problem involved than the healing of the wounds of the man he found on the roadside.

Commissioner LENNON. I think so, too. In speaking of the necessity for democracy, has your study convinced you that as you placed greater responsibility on mankind in the exercise of democracy that they will grow to make good in the administration of it?

Dr. HOLMES. It is difficult for any man, I suppose, to have experience wide enough to speak out of experience on that; but so far as I can speak, with the limitations of my own experience, I would say yes, that that is the only way to develop power; that is, to impose responsibility. We find that in the life of a child every once in awhile parents' training goes to pieces because the burden of responsibility is too great. That happens also in society. But the method is not vitiated by reason of that fact.

Commissioner LENNON. Do you recall any instance where the retention of teachers or professors in colleges largely endowed by donations of individuals or by foundations whether that has had to do with the retention of those professors? Do you recall any of those instances where it seemingly on the surface had that operation?

Dr. HOLMES. I have heard the same stories, of course, that you have; but upon my word I have never been able—I have no personal knowledge that would warrant my expressing myself. Of course, the Ross episode and the Chancellor Brown episode and things of that kind are familiar to me, but I know nothing at all about them.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. Doctor, you made the statement earlier in your testimony that the ethical was always in advance of the legal aspect of a case. Isn't there a further subdivision somewhat necessary there in the statement of that opinion, to the effect that the ethical is always in advance in its concept, but the legal is always in advance in its practicality?

Dr. HOLMES. I should say yes. The dificulty is that we have our ethical ideals, but when we try to put them up in practice we run plumb up against the law.

Commissioner GARRETSON. The legal man has already got there.

Dr. HOLMES. Yes, sir. In other words, ethics would at times advocate a violation of law, and I would not recommend that process.

Commissioner GARRETSON. From your observation and as your opinion, would you be of the belief that the State is exactly like an individual in this, that the nonuse of a series of muscles, failing properly to exercise their function, or failing to exercise their proper function, they become atrophied by nonuse?

Dr. HOLMES. That is a very difficult question, Mr. Garretson. I do not feel like answering it except by generalities.

Commissioner GARRETSON. The question is only general.

Dr. HOLMES. That question, it seems to me, depends upon the familiar analogy between the state of an organism and the individual as an organism. I believe that in many points the analogy made so familiar to us by Herbert Spencer has broken down, but I do not really feel competent to point out one instance against another where it has fulfilled it, as it has in many cases, and where it has broken down.

Commissioner GARRETSON. The further application of it would be simply this, that if private agencies were enabled through noninterference of the people to take up the burden of education, the burden of information, the burden of spiritual direction, would that eventually result in the paralysis of the State in those directions, unless they reasserted the right?

Dr. HOLMES. The tendency, it seems to me, would be markedly in that direction. I hesitate to answer that, however, because I can not think of any specific instance to warrant the opinion.

Commissioner GARRETSON. There is no specific instance of those functions being exercised that I can point to; but if the tendency is in that direction, what I desired was your opinion as to what would probably be the natural result thereof.

Dr. HOLMES. So far as I can understand, what you are aiming at by that question, it is the thing to which Prof. Commons referred in his reference to the conflict between the private agency and the public agency.

Commissioner GARRETSON. Exactly.

Dr. HOLMES. Yes.

Commissioner GARRETSON. Only applied in a little different way.

Dr. HOLMES. Yes; it seems to me—well, may I put it this way: My idea about social problems is that the people shall come to do all those things that they can do for themselves. For instance, the matter now pressing upon this city of unemployment, we are just beginning in that feeble way to take up the matter of the city unemployment bureau. Here, and only a few days ago, we had a meeting at my church on the matter of unemployment, and a gentleman came up there representing an organization—private employment agencies—to protest against the organization by the city of a municipal agency which would try to bring the job and the man together without expense to the man.

Commissioner GARRETSON. Is not the greatest existing evidence of the effect, as evidence not by decadence, but by the growth of the Interstate Commerce Commission as at present constituted, considered from the standpoint of the history of its inception where every constitutional ground was set up that the Government could not do it, still it has grown to where it exercises a potential control directly along the line that it was denied the Government had the power to exercise?

Dr. HOLMES. You mean that the Government, any Government institution will inevitably develop an enlarged function?

Commissioner GARRETSON. Regarding the statement that was made here on the stand as to the control of foundations and as to those references to the reserve power—that was not the phrase used, but that is what it comes to, the reserve power of the State to control—and the statement that it was believed to be efficient in the case of those foundations that are now existing,

have you seen any instance where that reserve power which must apply equally to all or none has ever exercised effective control over a vast combination of capital in corporate form?

Dr. HOLMES. I do not think of any at the particular moment.

Commissioner GARRETSON. Prof. Commons calls my attention to the fact of national control of railways, corporations, as a possible evidence of that. Has that control ever dealt with anything but the question of simply power?

Dr. HOLMES. Has that to do with reserve power like the granting of a charter? I do not exactly get the idea.

Commissioner GARRETSON. The parallel is not perhaps exact, but aside from that then you know of none?

Dr. HOLMES. If I may speak of that analogy, in one sense it seems to me to compare with the reserve power of the State. With reference to the Rockefeller Foundation, it seems to me stretching things a good deal when you come to dictate rights of that kind. I think the legislature of New York would hesitate to dictate anything of that kind in reference to the Rockefeller Foundation.

Commissioner GARRETSON. Could or could not this tendency readily arise? We heard some testimony here in regard to the influence that is exercised educationally by already existing institutions, and the suspicions evidenced in the minds of some as evidence in a resolution passed by the National Educational Association in regard to the domination already exercised in this direction by existing foundations. Follow that to its logical sequence. Allow the educational institutions to be dominated from the kindergarten to the high school. Follow it up with endowment of colleges both theological and secular, reinforced by pension to the spirits dominating those institutions. What would reserve power be worth after 20 years and its influence?

Dr. HOLMES. I think, sir, it would be worth practically nothing. That is the reason I called it a technicality.

Commissioner GARRETSON. That is all.

Commissioner WEINSTOCK. You expressed the hope, Doctor, that this commission would recommend that the charter granted by the State of New York to the Rockefeller Foundation be altered or modified or changed. Did I understand you correctly?

Dr. HOLMES. Yes; I think I said that, but through the asking of the question it raises in my mind whether it should refer to the United States Government. We are in New York City.

Commissioner WEINSTOCK. Now, what modifications and changes in that charter would you advise or suggest?

Dr. HOLMES. I believe the modifications and the changes should be in the direction that I have proposed, perhaps sketchily indicated here; that is, I would welcome by some method—I do not know as I can specify it—that the people, or the representatives of the people, shall themselves have a very large and perhaps predominating voice in the administration of the foundation. That is the only way to escape this conflict, it seems to me, between the public interests and the ideas and ideals of a small group of men exercising stupendous power.

Commissioner WEINSTOCK. In other words, you would have the State of New York, through its representatives—for example, say, through the governor—appoint a certain percentage of the trustees of that fund?

Dr. HOLMES. Yes; that particularizes it pretty definitely, as it would in the case of the State university have the same kind of control.

Commissioner WEINSTOCK. You also made the statement, I think, Doctor, that in your opinion the great accumulation of wealth, while it might be legal, is unethical. Did I understand you correctly?

Dr. HOLMES. Yes, sir.

Commissioner WEINSTOCK. Well, now, where would you draw the line and at what point would you say that the volume of wealth is unethical?

Dr. HOLMES. I do not know as I ever have in my mind been able to draw the line as to just where a certain amount of money is ethical and a certain other amount unethical. But I look at what we call fortunes, either these fortunes have come on the whole from resources, from places, by methods which do not bear any very close relationship to the individual or the group of individuals enjoying the fortune.

Now and again a man makes a great invention. Now and again he strikes the happy combination of business like Mr. Ford and he takes full advantage of it and reaps enormous profits. These are exceptions. But the problem of the fortune and the problem of the inequitable distribution of wealth and the

money that comes in the form of dividends and investments and one thing and another, from definite areas of land, the mineral resources and special privileges and things of that kind—in my private life I feel I should always get worried if I found that an amount of money was coming into me—pardon me for putting it in personal form—if I found an amount of money was coming in to me which did not in my mind bear a fair relation to the kind of work I am doing.

Now one man may think a minister in any city is not worth much more than five or six hundred dollars on an average—the average wage that they get. I may say from my own point of view I believe that a minister is an important member of the community and has the opportunity of offering very valuable service and is entitled to compensation. But if that compensation got up into thousands of dollars a year, because he was a member of a rich church, or rather a minister of a rich church, or because he had been fortunate in making investments or because he inherited property, I personally should feel worried and look for a way of getting rid of it.

Commissioner WEINSTOCK. Where, Doctor, would you fix the limit, where you would you draw the line as to what should be permitted and what should not be?

Dr. HOLMES. If it may again make a personal reference, the way I look at the matter, if I got an amount—which I do not get—that was equal to $10,000 a year, I can not imagine that I could possibly be worth that much.

Commissioner WEINSTOCK. Don't you think $500 a year—the $500-a-year preacher would look upon you as exploiting if you got $10,000?

Dr. HOLMES. I imagine that he would. I rather think he would think there would be an inequity there, that any minister should serve a church 12 months in a year and seven days a week for five hundred or six hundred a year is an outrage. The change must be made there and not at the other end.

Commissioner WEINSTOCK. On the other hand, might not the $500-a-year minister, who may be able to live within the modest income, look upon it as an outrage, another who would get the $10,000?

Dr. HOLMES. That is a matter of personal opinion which inevitably comes in. That is where such great foundations which we are talking of are vitiated by the personal idea that comes into the administration. We can't go behind this question.

Commissioner WEINSTOCK. And you also made the statement, Doctor, that you think that the wealth made by the labor and brains of other people ought to belong to all the people?

Dr. HOLMES. Brains of other people?

Commissioner WEINSTOCK. Yes; I think I took down your expression literally. You spoke about wealth being made by the labor and the brains of other people.

Dr. HOLMES. I think I was referring to the private individual or family that received a large income from the labor or brains of other people; yes.

Commissioner WEINSTOCK. And you regarded that wealth as unethical?

Dr. HOLMES. It seems to me so, if it offers no fair return for what the person is doing.

Commissioner WEINSTOCK. Would you say, Doctor, that all great wealth is unethical or only certain kinds of great wealth is unethical? If you differentiate it, what would be the line of differentiation?

Dr. HOLMES. Why, the line of differentiation, of course, is the relationship between the person receiving the money and the service which he offers to the community. I can not conceive of any of our great fortunes bearing any relation to that particular kind of service. Grant, if the personal reference is not out of order—Mr. Rockefeller, granting that he is a very wise and good and generous man, as we all like to think that he is, is it conceivable that the fortune which he is to enter upon some day, if he has not already done so, or any portion of that fortune, can be justly regarded as property his, even though it belonged to his father? I am not questioning it does not belong to him.

Commissioner WEINSTOCK. What amount of great wealth would you regard as ethical?

Dr. HOLMES. I do not know of any great wealth I would regard as ethical; but I say the service given to the community is limited.

Commissioner WEINSTOCK. Let me cite a case and let me ask you whether you would regard the wealth as ethical or unethical. Let us take, for example, Mr. Edison, who by virtue of his inventive genius has revolutionized industrial conditions. Mr. Edison brings forth ideas that add tremendously to the wealth

of the Nation, that open out new and better avenues of employment to untold thousands, that injure no one but help everyone, and by virtue of his doing that he accumulates great wealth. Is that wealth on his part ethical or unethical?

Dr. HOLMES. I believe that the case of a man like Mr. Edison offers a very fair—although I think it would be possible to argue that it comes within the generalization—offers a very fair exception. There is, of course, no way of knowing or estimating the contribution that a man like Edison has made to the community. The thing that tends to persuade me to dismiss that sort of thing from my mind as representing anything that is at all perilous is the fact that he may be such a man who cares nothing about money.

Commissioner WEINSTOCK. He keeps it, just the same.

Mr. HOLMES. I do not happen to know about Edison's private affairs; but I am not aware that he is a man—is he?—I was not aware that he is that kind of a man.

Commissioner WEINSTOCK. I am speaking in taking Mr. Edison as a man of reputed wealth. He may not care about it, but he has it just the same, I take it.

Dr. HOLMES. Yes.

Commissioner WEINSTOCK. Now, furthermore, in answer to questions of Prof. Commons, you emphasized the fact that you regard these great foundations as a menace. If they are a menace, they are an evil; they are not a good. On the other hand, I take it that you will admit that if a man with Mr. Rockefeller's wealth were to spend it in reckless and riotous living, which would not only be injurious to himself but, by example, injurious to society generally, you would regard that also as an evil, would you not?

Dr. HOLMES. I certainly would regard it as an evil.

Commissioner WEINSTOCK. Which of the two would you regard as the lesser, the recklessness of the life of the one or the great foundations for the general uplift as the other?

Dr. HOLMES. That is a question, it seems to me, quite impossible to estimate, certainly to any great degree. We must agree to this, that from the standpoint of the individual no man can—to treat the thing from an ethical standpoint. Mr. Rockefeller could not but regard himself as custodian of this wealth. He believes he is entitled to his wealth. There is nothing to prevent him from spending it for the good of others rather than upon his own selfish whims and fancies. But that hard and fast comparison and that dilemma breaks down, it seems to me, the very moment we come to view this thing from the standpoint of the ethics of the individual and find the man burdened with that stupendous sum of money and with the whole of the society of which he is a single member. Now, from that standpoint that stupendous burden, both from the standpoint of its origin and of its expenditure, is a potential evil. But there is another way out, it seems to me. Shall Mr. Rockefeller sit down and say, "Shall I start a foundatiton or shall I be a prodigal and spend my money in riotous living?" Not at all. There is a third way. He may even use his wealth for working out with the United States Government a way of taking it over and handling it; or he might consecrate it to social work which will lead directly to the elimination of great fortunes; or he may do the perhaps what you would call the silly thing; or he may turn it over to the Government, as Mr. Roosevelt passed over the $40,000 Nobel prize. There are other recommendations.

Chairman WALSH. Might I ask you to get from our files the Peters bill, which was the proposed act of Congress chartering the Rockefeller Foundation, the present charter of the Rockefeller Foundation, and secure any other data that you may desire and give us written recommendations as to what restrictions might be placed upon these foundations, following the questions asked by Commissioner Weinstock?

Dr. HOLMES. I should be very glad to do so.

Chairman WALSH. If we might ask that without considering that an imposition?

Dr. HOLMES. Not at all. I should consider it an opportunity.

Chairman WALSH. Thank you. You may be excused permanently.

At this point we will take a recess until 2 o'clock this afternoon, at which time I understand we are to meet in the aldermanic chamber across the hall.

(At 12.30 of this Thursday, January 28, 1915, a recess was taken until 2 o'clock in the afternoon of the same day.)

AFTER RECESS—2 P. M.

Chairman WALSH. The house will please be in order. We will proceed now. Mr. Cutting.

TESTIMONY OF MR. R. FULTON CUTTING.

Chairman WALSH. What is your name, please?

Mr. CUTTING. Robert Fulton Cutting.

Chairman WALSH. Where do you live, Mr. Cutting?

Mr. CUTTING. New York, sir.

Chairman WALSH. What is your business or profession?

Mr. CUTTING. I am altogether out of active business. I am trustee in some of the corporations.

Chairman WALSH. What was your business when you were active?

Mr. CUTTING. Well, I was really—I only have been a trustee in a variety of corporations.

Chairman WALSH. Were you an attorney at law to begin with?

Mr. CUTTING. No.

Mr. WALSH. Just name the corporations, please, in which you were an active trustee; or were you an active trustee when you were in business?

Mr. CUTTING. Well, I was in the St. Louis & Terre Haute Railroad Co., as a member of the executive committee; the Florida Central, as a member of the executive committee; the American Beet Sugar Co.—those were the main concerns; the Paterson Ranch Co., of California; and the Florida Land Co.

Chairman WALSH. You have been for many years associated with charitable and civic enterprises in New York City and elsewhere?

Mr. CUTTING. Yes, sir.

Chairman WALSH. Please name the principal organizations with which you are at present a trustee, and state your position in each organization.

Mr. CUTTING. I am president of the New York Trades School; I am trustee in the Cooper Institute; trustee of the Association for Improving the Condition of the Poor—chairman of the finance committee; president of the Bureau of Municipal Research. Those are the principal ones. I think there are, perhaps, half a dozen others that I do not now recall.

Chairman WALSH. Will you as briefly as possible, consistent with giving a fair——

Mr. CUTTING (interrupting). I am chairman, I might say, of the City & Suburban Homes Co., model tenement houses.

Chairman WALSH. I wish you would go back, if you please, and state the particular activities of each one of those in order.

Mr. CUTTING. The Cooper Institute, which you all know about——

Chairman WALSH. We will assume none of us know about that, for the record here at least. I guess some of us do know about some of them.

Mr. CUTTING. It is technical and artistic——

Chairman WALSH. You mentioned one before the Cooper Institute, as I carried it in my mind. What was the first one; the New York Trade School? Please put them in order, if you can.

Mr. CUTTING. That is for the instruction of—the elementary instruction in the trades—in all of the trades.

Chairman WALSH. Just describe how the funds are secured for the operation of that school, and its general plan?

Mr. CUTTING. It is endowed to the extent of about $350,000. And then it charges a small sum for instruction, and that, with the aid of the endowment, covers the whole expense. It is simply for the instruction in trades, at the bench as well as with the books; mostly at the bench.

Chairman WALSH. What is the source of the endowment?

Mr. CUTTING. The source of the endowment is income derived from a gift of $100,000 from the founder of the school, Col. Anthony, a gift of $500,000 from J. P. Morgan.

Chairman WALSH. Where is that school located?

Mr. CUTTING. At the corner of First Avenue and Sixty-seventh Street.

Chairman WALSH. What trades are taught?

Mr. CUTTING. Bricklaying, plumbing, carpentering, metal cornice work, electrical journeymen, painting (house and sign), typesetting, steam fitting; I guess that is all.

Chairman WALSH. The school has accommodations for how many pupils?

Mr. CUTTING. The school has accommodations for about 900. We have had as many as 900 there.

Chairman WALSH. How many have you there now?

Mr. CUTTING. Our enrollment this year, I think, is about 450.

Chairman WALSH. Have you literature which covers the entire subject of the activities of the school?

Mr. CUTTING. We have reports every year and programs as to what the nature of the work is.

Chairman WALSH. What are the requirements leading up to attendance at this school?

Mr. CUTTING. The only one is that the young man shall be of good health and 18 years of age. We have taken them 17 years of age, if the young men happened to be able-bodied and healthy.

Chairman WALSH. How many trustees are there?

Mr. CUTTING. Five.

Chairman WALSH. How are they selected?

Mr. CUTTING. They are selected by themselves; that is, they are practically for life.

Chairman WALSH. In case of a vacancy, how are they filled?

Mr. CUTTING. The other trustees select them.

Chairman WALSH. Was that provided for in any gift to the institution, or how?

Mr. CUTTING. Yes; by the trustees that turned over the institution originally. When a vacancy occurs it is filled by a meeting of the other members of the board.

Chairman WALSH. How long has the school been in operation?

Mr. CUTTING. I think for 27 years—either 26 or 27 years.

Chairman WALSH. What has been the attitude of labor organizations toward the school?

Mr. CUTTING. It has been always antagonistic; that is to say, the young men who graduate from the training school are never given labor cards, although competent.

Chairman WALSH. Do you know the reason for that, Mr. Cutting?

Mr. CUTTING. The reason for that, more than anything else, is ignorance, because I have sat down several times with committees from the unions, and around the table we have on every occasion arrived at a consensus of opinion as to the fact that it was a good thing for us to cooperate.

Chairman WALSH. So I take it the feeling is more or less widespread among labor organizations—that is, they feel hostile to the school?

Mr. CUTTING. Yes.

Chairman WALSH. Have you any way to gauge the attitude of workers who are not connected with organizations, as to their feeling toward the activities of the school?

Mr. CUTTING. I know of no way to gauge that except by the experience of the young men who come—the numbers that come to the trade school.

Chairman WALSH. The school is liberally patronized? The parents of the young men seem to be anxious to get them in?

Mr. CUTTING. We have now 450 there.

Chairman WALSH. Why is it lower now than it has been, if there is any particular reason which you have observed?

Mr. CUTTING. It is always lower when industry is dull. That has been noticed in years gone by, but there is much more competition now, because the city of New York has opened vocational schools. There is a new trade school at Yonkers, and in the last few years Mr. Carnegie's great schools at Pittsburgh have been opened.

Chairman WALSH. Is the Yonkers school a private school?

Mr. CUTTING. No.

Chairman WALSH. What is the attitude of labor organizations toward the public trade school?

Mr. CUTTING. It is, I understand, favorable.

Chairman WALSH. What is the attitude of the public generally toward the trade school of which you are a trustee?

Mr. CUTTING. Well, so far as I am able to understand, it is altogether favorable.

Chairman WALSH. What means have you, if any, for securing positions for the young men that come out of those schools, or is there any effort made along that line?

Mr. CUTTING. No effort is made along that line at all. The unions have always thought that we supplied strike breakers, but we never have done that in any instance.

Chairman WALSH. Is there anything taught in the school except the trades themselves?

Mr. CUTTING. Nothing.

Chairman WALSH. Is there any sort of instruction?

Mr. CUTTING. Nothing.

Chairman WALSH. And so far as you have observed, has there ever been any attempt on the part of the employees of the school to direct the thought of the young men naturally along the lines of organization or against it?

Mr. CUTTING. I think nearly all of our instructors in the trade school are union men.

Chairman WALSH. You have never observed any disposition to take either side of this question?

Mr. CUTTING. No. There is no opposition; in fact, the young men are encouraged to join the unions as soon as they can; it is the only way for them to get employment.

Chairman WALSH. What is the attitude of the employers of the community toward the school?

Mr. CUTTING. It is favorable. We have trade committees from the master workmen of a number of trades that come regularly there to inspect and give their advice from time to time upon the methods of instruction.

Chairman WALSH. Are the employers likewise friendly toward the public trade schools?

Mr. CUTTING. Really, I do not know; but I fancy so. It is for their interest to have a larger supply of trained labor.

Chairman WALSH. In your meetings with the leaders of labor organizations, which you say you have had from time to time, or from any other source that you may be able to draw upon, could you give the commission the claims made by workers, if any, as to why they opposed this school?

Mr. CUTTING. Well, the claims made by the workers is the rather natural one that they do not want to increase the number of those who are engaged in the trade. You know, perhaps, that the unions do quite a number of things to-day to restrict the number of those engaged in the trades. It is not an unnatural standpoint.

Chairman WALSH. Do they give that reason? Have they given that reason to you?

Mr. CUTTING. Well, as I say, when you sit about the table and take the matter up and talk it over seriously that rapidly disappears.

Chairman WALSH. Is there or is there not any objection voiced by the workers as to the fact that it is not a democratic proposition, but rather a matter of benefaction?

Mr. CUTTING. I never have heard that from any individual at all.

Chairman WALSH. Now, the Cooper Institute—Just briefly, Mr. Cutting, describe its activities.

Mr. CUTTING. It is a great school in technical science, in artistic work—where all sorts of technical scientific work and chemistry and the physics are taught, and in the arts, art drawing, modeling, and covering the whole ground of artistic development of men and women. It is entirely free and no charge made.

Chairman WALSH. Describe it, please, as to management, the number of scholars, and the whole matter of it, historically and practically, for the record, in your own way.

Mr. CUTTING. It was originally founded by Mr. Peter Cooper, who himself was originally a tradesman, and was in deep sympathy with those who were trying to get the sort of instruction he obtained only by very diligent and hard labor; and he founded this institute. Its corporate body is five members, who are elected for life. He was the original, the first one, and was succeeded by his son, Edward Cooper, and then by his son-in-law, Abram S. Hewitt. It conducts these various classes. I would say that within the last three years the city of New York has turned over to it the site of the old arsenal on Third Avenue, almost directly opposite the Cooper Union, where they have erected a two-story building which they hope to make six, and we have increased the

number of those we are able to accommodate. I think the attendance now is 8,700 individuals, and the applications run up to about 9,000.

Chairman WALSH. About how many persons have taken advantage of its work, if you can approximate it?

Mr. CUTTING. Oh, I could not approximate that; I can, of course, find that all out for you, but I can not tell from memory.

Chairman WALSH. You have publications, have you, that give all those details?

Mr. CUTTING. Well, I am not sure whether the reports contain that particular detail or not, but we can easily obtain it for you. We can take the graduating classes. It would be difficult, however, to give the full number, because we have a large number that come in and stay but a year. The whole course is five years, and it is evening tuition. Some come and stay but a year or two and then get positions, so that by taking the graduating classes it would be rather difficult, and then some drop out very rapidly.

Chairman WALSH. We would like to get the approximate number that have taken advantage of it. I can get the approximate figure, I should think, from figures that could be obtained.

Mr. CUTTING. It can.

Chairman WALSH. For the moment I am going to take up the trade school and ask you to state a little more in detail as to the finances—the first one you mentioned. Please state the amount of the original endowment, what the income is, and how it is expended, and if it is not fully expended what becomes of it, and such details as that, briefly.

Mr. CUTTING. The income derived from it—I say it was originally $100,000, and then $500,000 added by Mr. Morgan's gift. The income on that has been—I think has been about twenty-five or twenty-six thousand dollars a year, until the last year, when it suffered a rather serious curtailment for the reason that in the gift there was a considerable amount of New Haven stock that is not paying a dividend. As it is running to-day it is not paying the whole expenses of its operation, but the deficit has been made up by the trustees.

Chairman WALSH. By the trustees individually?

Mr. CUTTING. Yes, sir.

Chairman WALSH. By their own contributions?

Mr. CUTTING. Yes, sir; and I should say also by the widow of Mr. Avenely, the founder of the school.

Chairman WALSH. Of what does the property of the school consist?

Mr. CUTTING. It consists of the buildings that cover the whole front between Sixty-seventh and Sixty-eighth Streets on First Avenue, and which run back, I think, about 175 feet; they cover the whole space. They are mostly one-story buildings in order to give light from the roof, but the rear building, which is 75 by 200 feet, is two stories high.

Chairman WALSH. What sort of securities is the principal of the fund invested in?

Mr. CUTTING. They are mostly in funds and some mortgages.

Chairman WALSH. In what sort of industries, or are they in industrial bonds or stock?

Mr. CUTTING. I think not; I think they are mostly all railroad bonds.

Chairman WALSH. Some municipal bonds?

Mr. CUTTING. I do not think we have any municipal bonds now. They are mostly railroad bonds and mortgages on real estate.

Chairman WALSH. Mortgages on real estate in New York City?

Mr. CUTTING. Yes; mortgages on real estate in New York City.

Chairman WALSH. I wish now you would please describe in the same way the funds of the Cooper Institute.

Mr. CUTTING. The Cooper Institute has an endowment fund to-day of about $3,000,000.

Chairman WALSH. What was it at its inception? Describe what the first figure was and if there was more than one; please state that and whether or not it has been added to or the capital diminished in any way.

Mr. CUTTING. I am afraid I could not give that with any degree of accuracy. I do not know how much Mr. Cooper originally endowed the institution with. He gave a large gift at the time he erected the buildings, but at that time the interest on the gift was not sufficient to carry on the operations of the school. However, since that time a great deal of money has been given—first by his son, Edward Cooper, and by his son-in-law, Abram S. Hewitt, and the Cooper Hewitt family and Mr. Carnegie.

Chairman WALSH. What are the total expenses of the school per annum?

Mr. CUTTING. I would rather give you that from the report, because I do not have it in mind now. It is all expended.

Chairman WALSH. How large a staff has it?

Mr. CUTTING. We have a pretty large staff, but I could not give you the numbers.

Chairman WALSH. Could you approximate it so we could get into the record an idea of the size of the school?

Mr. CUTTING. We have a staff of about 30 professors, I should think, but I would rather not have that put on the record, because I can give you all these facts with absolute accuracy.

Chairman WALSH. Very well, you will be called upon by a representative of the commission for that.

Mr. CUTTING. I will give you all of that.

Chairman WALSH. Mr. Commons sends me a request from the back part of the room to the effect that you speak a little louder. We are all very anxious to hear what you have to say. What was the next one you mentioned?

Mr. CUTTING. I shall have to refer to the record.

Chairman WALSH. The reporter who took that part of your testimony is now absent from the room.

Mr. CUTTING. Very likely it is the Association for Improving the Condition of the Poor.

Chairman WALSH. Just describe that, please.

Mr. CUTTING. That is a large agency for improving the condition of the poor, as described—as its name indicates—and it acts in a variety of ways. Of course, it has a large relief body, which works in visiting the homes of the poor and the nursing in the homes of the poor and provides for their needs. It also has a very large department known as the "social-welfare bureau," which conducts a great variety of enterprises, such as a school-lunch committee engaged in furnishing lunches to children in the public schools, and the public bath and laundry. It has a cooperative health department in a number of ways.

Chairman WALSH. What other governmental agencies does it cooperate with?

Mr. CUTTING. It cooperates with the health department and it has cooperated with other departments of the city, but I do not recall now which ones.

Chairman WALSH. What form does its cooperation take with the municipal body?

Mr. CUTTING. For instance, in the providing of lunches in the public schools there was originally a small committee known as the "school-lunch committee," an independent committee which secured the providing from the department of education of cheap food for the children of the schools. That was taken over by the Association for Improving the Condition of the Poor, and it is now operating in 18 schools in New York City, and will operate in a short time in 36.

Chairman WALSH. What sort of a staff has the association in that work; that is, the number and by whom they are paid? If a portion is paid by the association and a portion from the school fund, please state just how it is.

Mr. CUTTING. All the salaries are paid by the association. The school fund has not provided anything at all. It has provided a small sum, in some instances, in the way of furnishing equipment. The salaries are all paid by the association.

Chairman WALSH. Are the employees all appointed by the association?

Mr. CUTTING. Yes; the employees are all appointed by the association.

Chairman WALSH. What sort of cooperation is there with the health department?

Mr. CUTTING. Well, there has been quite a variety of methods of cooperation. At one time the association organized a milk committee, which cooperated with the milk department in an effort to provide a proper kind of milk for New York, and that milk committee is operating now. It also cooperated with the health department last summer in an experiment made to test the carrying of disease by flies in tenement houses.

Chairman WALSH. What other activities has the Association for the Improvement of the Condition of the Poor, Mr. Cutting?

Mr. CUTTING. It carries on, for instance, what is called the home hospital, which is an enterprise to show that those who are suffering from tuberculosis can be treated more successfully and cheaply in their own homes than they can in sanitariums. In doing that, it conducts a large work in what are known

as the Vanderbilt Tenements, at the foot of Seventy-fifth Street and the East River. Those tenements are so constructed that the occupants can get a great deal of air. The association has altogether about 100 families in those buildings to-day. It has done a very important thing in demonstrating that families could be kept together and that the wage earners could go on with their work while at the same time they were living under conditions of health which enabled them to be absolutely cured of tuberculosis.

Chairman WALSH. Are there any employees of the Association for Improving the Condition of the Poor that receive a part of their salaries from the association and a part from any unit of the government—municipal, county, or State?

Mr. CUTTING. None that I know.

Chairman WALSH. Are there any employees of the association whose whole duty is with the municipality or with any other department of the government?

Mr. CUTTING. None at all.

Chairman WALSH. Now, what are the social activities of the association? I do not recall your expression exactly. Did you say it had a department of social survey?

Mr. CUTTING. Social welfare.

Chairman WALSH. I wish you would describe that.

Mr. CUTTING. For instance, as an institution, it conducted a public bath and laundry; it conducted this experiment that went on with the board of health about the carrying of disease by flies. It conducts the public school—this lunch committee. It also conducts a large food-supply store from which it supplies relief and food to those who come to the association for relief.

Chairman WALSH. How many employees has the association?

Mr. CUTTING. It has over a hundred, but the exact number I do not remember now.

Chairman WALSH. From whence comes the fund?

Mr. CUTTING. The fund comes almost entirely from the public in contributions.

Chairman WALSH. I wish you would name—first, state whether or not there are any permanent endowments.

Mr. CUTTING. If I remember rightly the permanent endowment—oh, yes, we have a considerable amount of permanent endowment that is specified not to be used that amounts to something more than $800,000. That is to carry on such enterprises as the one that I have not mentioned, the Caroline Rest, which is a home to which we send convalescent women with small children.

Chairman WALSH. I wish you would describe the source of their income, of the association.

Mr. CUTTING. The source of the income outside of those specific funds here is entirely from contributions and legacies.

Chairman WALSH. What is the total cost of operation?

Mr. CUTTING. I should say it had in what we call a reserve fund, which was an accumulation that had not been touched up to that time of about $70,000 at the commencement of October; the commencement of the fiscal year, rather at the end of this fiscal year, it had about $70,000 reserve for emergencies, what it calls its reserve fund, which happened to be the surplus from certain legacies which had not been used.

Chairman WALSH. Has the association studied the unemployment question?

Mr. CUTTING. It has, of course, given a great deal of attention to that; yes.

Chairman WALSH. And does that come under the social welfare department?

Mr. CUTTING. No; that comes under the general relief department. We have an employment bureau connected with the department which endeavors to get situations wherever it can.

Chairman WALSH. Do you have any employment offices?

Mr. CUTTING. We have one who is in charge of this employment bureau, and then, of course, the visitors of the association go about from house to house and make calls and sometimes those whom the applications are referred to also endeavor to find situations.

Chairman WALSH. You maintain places where work may be obtained temporarily by those out of work?

Mr. CUTTING. Yes.

Chairman WALSH. What are they?

Mr. CUTTING. We have a large department that gives [illegible] to women, but nothing else; nothing for men. It give out a large amount of sewing, a large

amount of material which is sewed into garments which are finally afterwards disposed of by us to other applicants that are needy, or sold.

Chairman WALSH. You may pass to the next organization, if you will. I may come back for some questions from time to time later on.

Mr. CUTTING. I can not recall particularly what the next one was you referred to. Will you give it to me?

Chairman WALSH. The bureau of municipal research. Please describe its activities.

Mr. CUTTING. It is an organization founded on a principle to supply expert service to municipal officials, cooperation with the officials of cities; to improve the forms and the operations of government.

Chairman WALSH. From whence does it obtain its funds?

Mr. CUTTING. From the public.

Chairman WALSH. And is there any endowment?

Mr. CUTTING. None at all.

Chairman WALSH. Would you please state the names of the largest contributor?

Mr. CUTTING. Yes.

Chairman WALSH. To both of these. Please go back to the Association for the Improvement of the Condition of the Poor. First, name the largest contributors and the amount contributed.

Mr. CUTTING. That is rather difficult. Take the association for the poor first.

Chairman WALSH. Yes.

Mr. CUTTING. I do not know that I can say in past years who the largest contributor is. But in this present year that they are operating upon now, since the 1st of October, the largest contributor is Mr. Rockefeller.

Chairman WALSH. And does the money which comes from Mr. Rockefeller come from him or does it come through any of the philanthropic corporations that they have instituted, the foundations?

Mr. CUTTING. Well, I am not quite sure whether it comes from Mr. Rockefeller direct or the foundations—the foundation I think; perhaps the foundation. I am not the treasurer and I am not now president, so that I only heard that that amount of money came from that source; but I am not quite sure. My impression is that it comes from the foundation.

Chairman WALSH. Approximately, what was Mr. Rockefeller's contribution to that activity?

Mr. CUTTING. He gave us this autumn, when the pressure for relief was so great indeed, $25,000. He also has contributed to what is called our widows' pension fund the sum of $20,000 for this year to enable us to enlarge the work of pensioning widows, which we have been carrying on successfully for several years. But we had a large number of widows and we did not have enough money to pension them, as we called it, and in order to carry out that policy further he promised $20,000 for this year.

Chairman WALSH. Now please name any other contributors of large amounts.

Mr. CUTTING. I think Mr. Cleveland Dodge gave us $10,000.

Chairman WALSH. Any others?

Mr. CUTTING. A number of others; yes.

Chairman WALSH. I mean any that you have in mind; large contributors of large amounts?

Mr. CUTTING. I am rather a large contributor myself.

Chairman WALSH. Please set aside your modesty for the time being and state yourself, Mr. Cutting, with the others?

Mr. CUTTING. Well, I think for this year under the peculiar demands of the association that we figured up, I have given $15,000.

Chairman WALSH. What did you say the total was, the total expenditure?

Mr. CUTTING. I did not mention the total expenditure budget.

Chairman WALSH. I had intended to ask that. What is the total budget of the association?

Mr. CUTTING. I think it is $230,000—over that.

Chairman WALSH. Well, kindly state.

Mr. CUTTING. I am not very confident of the exact figures now, because they have changed so of late years. We have been increasing so rapidly as the work developed that I have not kept it very clearly in my mind. We always operate upon a budget.

Chairman WALSH. I wish you would go ahead and state the number of other large contributors.

Mr. CUTTING. Well, I do not want to leave out any. I do not recall any more that I think of. We have received a number of contributions of a thousand dollars.

Chairman WALSH. Do you recall any other contributions greater than, say, $10,000?

Mr. CUTTING. No.

Chairman WALSH. Any of $5,000 or greater?

Mr. CUTTING. Well, I think there was one of five, but I am not sure enough to answer.

Chairman WALSH. Will you please furnish us with that?

Mr. CUTTING. I will furnish you with a list—full information.

Chairman WALSH. I wish you would describe the widows' pension fund.

Mr. CUTTING. The widows' pension fund is simply the adequate care, as we take it, of widows with small children. The reason why it is called the pension fund is to differentiate it to some degree from the treatment of all the widows in charge of the association. We have between four and five hundred widows with small children; but as many of those as we have been able to take care of we simply inform them that they are to receive a regular pension of so much a week, so that we will relieve them of the anxiety of knowing what is to become of them if we stop the supply to them of food and clothing at any time. And we have about 100 widows now upon the list who are supplied in that way, which we call the widows' pension.

Chairman WALSH. About how many such widows have you now?

Mr. CUTTING. We have between four and five hundred; we take care of them all.

Chairman WALSH. And how is the amount determined? Is there a definite amount set apart for each widow, based upon the number of children that she has?

Mr. CUTTING. Oh, yes; a very careful study is made, not only upon the widow and her condition, her ability to work, because some of them are able to work and earn something, and the number of children and upon the condition of their health, also—a very careful study is made of their food supply, so that they are instructed how the money shall be spent, in such and such kind of food; and they are required to keep a regular budget of their own and as to how they expend the money.

Chairman WALSH. Who passes upon the individuals that receive the benefits?

Mr. CUTTING. That is done by the officers of the association, the paid executives.

Chairman WALSH. Who are they?

Mr. CUTTING. They are Mr. B. D. Butler, the general director; Mr. Matthews has the charge of what is called the family department. Those two are the ones who really study the pension question; Mr. Matthews more than anybody else.

Chairman WALSH. And does that gentleman pass on the amount that should be paid to the widows?

Mr. CUTTING. They report——

Chairman WALSH. The widows report?

Mr. CUTTING. They report always to the executive committee, at least they take an individual case which they study with great care, and after they have obtained all the information that is to be obtained they report that case, with their information, to the executive committee, which then decides whether or not this widow shall go upon the pension list.

Chairman WALSH. Do you have a great number of applications for such pensions, Mr. Cutting?

Mr. CUTTING. Well, we have, as I say, four to five hundred widows, all of whom are receiving the pension.

Chairman WALSH. I wish you would try and inform the commission if—first, as to the percentage of those who apply to receive the pension.

Mr. CUTTING. Well, I do not know that any really apply to be put upon the pension list. I have not heard any ask to be put upon the pension list. That is a matter for our decision entirely. We study a case carefully and finally report to the executive committee and they then determine what should be done in the case.

Chairman WALSH. I wish you would proceed now to the bureau of municipal research and give the contributors to that, and in detail the activities of the bureau of municipal research, together with its staff and equipment.

Mr. CUTTING. Yes. Well, now, the activities are those of cooperating with nearly all the departments of the city government, the finance department, the

health department, the legal department, civil service commission, and I dare say there are several others.

Chairman WALSH. Does it operate outside of the city of New York?

Mr. CUTTING. Yes; to some degree.

Chairman WALSH. Would you kindly state the cities in the Union, or the departments of any cities in the Nation, in which work is being done by the bureau of municipal research?

Mr. CUTTING. In which work has been done?

Chairman WALSH. Yes.

Mr. CUTTING. Oh, I could not undertake to do that without going to the records, because there are a large number of cities.

Chairman WALSH. You can furnish us that?

Mr. CUTTING. Yes; I can furnish everything like that.

Chairman WALSH. Has its work extended to all the parts of the United States?

Mr. CUTTING. To all parts of the United States; yes.

Chairman WALSH. How large a staff have you?

Mr. CUTTING. The staff now, I think, is between 30 and 40.

Chairman WALSH. How is the staff organized? Who is director?

Mr. CUTTING. Yes; there is a director, and then the others are all of his subordinates.

Chairman WALSH. How many trustees?

Mr. CUTTING. Well, I might add also it conducts a training school at the head of which there is a separate director, the head of the training school.

Chairman WALSH. How many directors are there?

Mr. CUTTING. One.

Chairman WALSH. How many trustees are there of the bureau of municipal research?

Mr. CUTTING. I think there are 11.

Chairman WALSH. And how are they selected?

Mr. CUTTING. They are selected by ballot.

Chairman WALSH. How are the first ones selected?

Mr. CUTTING. Under the act of incorporation.

Chairman WALSH. And it had 11?

Mr. CUTTING. At that time I think not; no, I do not think it had 11. I think we had about that number.

Chairman WALSH. Is it a fact that under the incorporation laws of the State of New York, relating to philanthropic and educational corporations, that the number of the incorporators can be increased——

Mr. CUTTING. One minute—I am not a lawyer.

Chairman WALSH. Just a minute until we straighten this out. May a corporation created by general or special law of this State by vote of the majority of its members present at an annual meeting, or any special meeting called for that purpose, for that specific purpose and so specified in the notice of the said meeting, change the number of directors of the corporation?

Mr. CUTTING. I do not know, sir.

Chairman WALSH. Have, in the practical operations of any organizations with which you have been connected, there been changes made in the number of directors and trustees?

Mr. CUTTING. Not that I remember.

Chairman WALSH. Will you please give first the amount of income of the bureau of municipal research?

Mr. CUTTING. You mean for the past year, or when?

Chairman WALSH. We will say for the past two or three years, enough to give us a general idea of its extent.

Mr. CUTTING. I can only give you a general idea. I am not accurately informed on the subject, but its income would average, I should say, for the past two or three years, about $70,000 a year; that is to say, for its local work.

Chairman WALSH. Please give the names of the contributors.

Mr. CUTTING. There are a large number of them.

Chairman WALSH. Well, the largest ones?

Mr. CUTTING. The largest ones for what particular year, because, of course, they change very much in the course of time.

Chairman WALSH. Say the last fiscal year?

Mr. CUTTING. The fiscal year ended on the 1st of October I take it?

Chairman WALSH. Yes.

Mr. CUTTING. Well, the largest contributor for that year—well, I am not sure whether I can say with absolute accuracy whether I can give it or not. I should have to look at the books to say.

Chairman WALSH. The names of the large contributors, then, without the amounts. That will be a little too much of a tax upon your memory I should say.

Mr. CUTTING. Oh, no; I think that the Rockefeller Foundation contributed more last year than I did. Mrs. Harriman is a large contributor—Mrs. E. H. Harriman.

Chairman WALSH. And any others that you can recall, large contributors, without undertaking to specify the amounts?

Mr. CUTTING. Well, there are a large number of contributors—up to last year the bureau was operated upon a subscription founded upon a five-year basis, which was reduced by 20 per cent a year, and among those who subscribed were J. P. Morgan & Co., Kuhn Loeb & Co., Thomas Spegar, Vanderbilt, Perkins, Guggenheim, and quite a number of others, Mr. Hopkins and Mr. Morawetz.

Chairman WALSH. Do any of its employees work part of the time with the municipality or with any municipality?

Mr. CUTTING. To some slight degree, yes; as for instance, they are now and have been—Philadelphia makes calls on us and the director goes over to Philadelphia and they pay him for the time occupied.

Chairman WALSH. How about the city of New York?

Mr. CUTTING. We receive nothing from the city of New York itself.

Chairman WALSH. When you do work in any other city?

Mr. CUTTING. The citizens of that city pay for it.

Chairman WALSH. You send the experts out, those that you have in your department, and the city pays for the work, or private individuals in the city?

Mr. CUTTING. It is not paid for by the city. It is paid for by private individuals living in that city.

Chairman WALSH. In any instances has the municipality called upon your people for work?

Mr. CUTTING. I think that is probably so. But I do not recall any such, if they have.

Chairman WALSH. Do they make reports from time to time?

Mr. CUTTING. You mean the cities?

Chairman WALSH. Does the organization itself, the bureau of municipal research, make public reports from time to time, as to the conduct of the business of the municipalities which they have investigated?

Mr. CUTTING. Those reports are always published.

Chairman WALSH. And they do make reports from time to time?

Mr. CUTTING. Yes.

Chairman WALSH. And these reports are critical, are they?

Mr. CUTTING. Always constructive.

Chairman WALSH. Critical and constructive?

Mr. CUTTING. Yes.

Chairman WALSH. Do the reports deal with the subject of taxation by municipalities?

Mr. CUTTING. I do not believe we have touched that in any instance yet.

Chairman WALSH. Is it within the scope of the activities of the organization to do that?

Mr. CUTTING. Yes; I think probably it is within the scope, but the real object of the association, of the bureau, is to correct faults in administration, and it applies to that and administration and not to the resources from which the funds are drawn, but to the expenditure of funds.

Chairman WALSH. Has it in any case undertaken to indicate methods of taxation?

Mr. CUTTING. I do not think the bureau has ever yet; not at all.

Chairman WALSH. Where can its objects be found?

Mr. CUTTING. What did you say?

Chairman WALSH. Where can its general objects be found?

Mr. CUTTING. In its publications.

Chairman WALSH. For instance, what publications?

Mr. CUTTING. I will send you a number of them, a whole lot of them, which will state the purposes.

Chairman WALSH. I want to get the name of one in which could be found its scope in the briefest presentation. What would that be? Would it be the annual report, or what?

Mr. CUTTING. I do not think it was in any annual report. It was in the early publications, I think, which would show that. There were two publications, one of which was called "Six Years of Municipal Administration," or something of that kind.

Chairman WALSH. Is it an incorporated institution?

Mr. CUTTING. Yes.

Chairman WALSH. Under the general laws of New York?

Mr. CUTTING. Yes.

Chairman WALSH. In what way have there been through these organizations studies of labor problems, labor legislation, and questions such as workmen's compensation act and widows' pension, that is, from the Government, and the like?

Mr. CUTTING. We have not studied them at all.

Chairman WALSH. What position have you taken, have these organizations taken, at any time? Now, I am referring to all of them, because I am grouping them.

Mr. CUTTING. What did you say?

Chairman WALSH. What positions have these organizations taken with respect to compensation acts, workmen's insurance, widows' pensions, and the like?

Mr. CUTTING. They have not taken any attitude.

Chairman WALSH. What have the officers of the organization done?

Mr. CUTTING. The Association for Improving the Condition of the Poor, which, as I say, as far as pension fund, has made a statement that it would not oppose legislation which is now proposed in our State legislature. It has not gone far enough to indicate what it will do until it knows what form legislation itself is going to take. But it will not oppose the State itself taking the initiative in widows' pensions.

Chairman WALSH. Has it at any time opposed the State taking the initiative in widows' pensions?

Mr. CUTTING. My impression is that it did last year.

Chairman WALSH. Please state the ground of it.

Mr. CUTTING. The ground of it was that we at that time were only just commencing the widows' pension ourselves. It was a new thing with us, and we were engaged in testing it out. It was our hope that we should be able in time perhaps to secure a large enough fund from the public ourselves to be able to undertake the widows' pensions alone, without recourse to the State. We thought that we could do it better than the State could, which I still think we can do more satisfactorily than it could be done by the State. But we have arrived at the conclusion that the problem is too large for us entirely, and that we shall be unable to do it.

Chairman WALSH. When did you arrive at that conclusion, Mr. Cutting?

Mr. CUTTING. Well, I should say a few months ago.

Chairman WALSH. Did your opposition to the institution of a widows' pension system by the State manifest itself while the legislature was in session?

Mr. CUTTING. My impression is that we sent a representative to Albany last winter.

Chairman WALSH. Did you issue any publicity on the matter?

Mr. CUTTING. No, I do not think we did.

Chairman WALSH. Was there a widows' pension bill introduced in the New York Legislature last winter?

Mr. CUTTING. Well, I am not very clear about that matter. There was a commission at that time operating, as you remember, that was collecting information upon that particular subject but I am not clear whether there was a bill introduced or whether we did oppose it or not. But that commission finished its labors and now has introduced a bill. I may be entirely wrong in stating that we ever opposed it at all. I was thinking that it had been—that there had been a bill introduced and there may have been.

Chairman WALSH. What did you say about your present attitude in regard to the matter, Mr. Cutting, with regard to the proposed legislation?

Mr. CUTTING. We are inclined to favor it if we can get a satisfactory bill, but I can not, of course, speak for the association. I am not its president now; but we have passed a resolution that we would not oppose it.

Chairman WALSH. What was the occasion of passing a resolution upon that particular bill?

Mr. CUTTING. We did not pass it upon any particular bill at all, but upon principle only.

Chairman WALSH. I mean upon a bill covering the particular subject matter of widows' pensions?

Mr. CUTTING. We did not act upon any particular bill at all. There are two bills up there. Only on the principle involved; only on the principle involved, that is all.

Chairman WALSH. That is what I was trying to get at.

Mr. CUTTING. Yes; only the principle.

Chairman WALSH. How did it happen that you passed a resolution on that subject?

Mr. CUTTING. For the reason there was considerable pressure upon us to take an attitude, by those who were promoting the measure, and we felt that they were entitled to have our opinion.

Chairman WALSH. Did I understand you to say that you personally still believed that the work could be better and more scientifically done by the association than by the State?

Mr. CUTTING. Well, suppose you say more sympathetically done.

Chairman WALSH. More sympathetically done?

Mr. CUTTING. Yes; I do think so.

Chairman WALSH. You do not think the State could do it as well, and that the officials charged with the administration of the law would not have the sympathy that these persons connected with your organization might have?

Mr. CUTTING. We have been at it for over 70 years—since 1843.

Chairman WALSH. Was there any other ground than the fear of lack of sympathetic consideration in administration by the State?

Mr. CUTTING. Any other ground?

Chairman WALSH. Yes; any other ground for your belief?

Mr. CUTTING. No; only that we had a great deal of anxiety as to what would happen if the State took over the widows, all the widows in the State, as to whether or not there would not be a good deal of favoritism and if we were confident that we could secure the funds to carry on the widows ourselves, in New York City, we would fight the widows pension bill to the end, by the State.

Chairman WALSH. I did not get that.

Mr. CUTTING. We felt ourselves competent financially to take care of all the widows and small children who—that if we were competent financially to take care of all of them, we would fight an enactment by the State of a widows' pension bill. That is my personal opinion. I do not speak for the board, of course.

Chairman WALSH. Now, have you taken any position on workmen's compensation acts?

Mr. CUTTING. None at all.

Chairman WALSH. Do you find an appreciable amount of the disatisfaction that you are called upon to deal with coming from industrial accidents and occupational diseases?

Mr. CUTTING. A good deal; not so much from occupational diseases as from accidents.

Chairman WALSH. Have you made a study of the conditions that might have a tendency to produce such a result?

Mr. CUTTING. You mean in factories?

Chairman WALSH. Yes.

Mr. CUTTING. No.

Chairman WALSH. Generally, have you made any study of that condition?

Mr. CUTTING. No; we have not made a study of the condition; that is, of course, one of the functions of the State.

Chairman WALSH. Have you inquired into the method with which the State deals with such questions?

Mr. CUTTING. No; I do not think that we have given much attention to that.

Chairman WALSH. If the widows' pension act passes, do you think the private agencies should be asked to make investigations?

Mr. CUTTING. Asked to make investigations?

Chairman WALSH. Yes; into the needs of the widows, or into the advisability of granting the pension?

Mr. CUTTING. You mean to have the State pay for the service, you mean as a voluntary act?

Chairman WALSH. Well, either way you may state it.

Mr. CUTTING. Well, I do not think I believe very much in subsidies to private charities. It would have to be done as a voluntary act, and if the Association for Improving the Condition of the Poor undertook at the request of the State to visit all the widows who applied, it would swamp us, of course.

Chairman WALSH. The suggestion has been made by one of our staff that perhaps it is proposed by the charities societies that if such a bill should pass, a widows' pension bill should pass, that the private agencies should make the investigation. Is there such a position?

Mr. CUTTING. We have taken no position of that kind. The Association for the Improvement of the Poor——

Chairman WALSH. Have you in your capacity as trustee for these organizations made any study of the underlying grounds or of the underlying reasons for the condition of the persons whom you deal with?

Mr. CUTTING. Oh, yes.

Chairman WALSH. To what extent has that been made?

Mr. CUTTING. It is made, of course, with every individual case, and then tabulated under various headings.

Chairman WALSH. Does it cover the question of compensation for labor as to the wages that are paid to them and the conditions under which they work?

Mr. CUTTING. No; it has not touched the question of wages.

Chairman WALSH. Has it touched the question of conditions of employment, say sanitary conditions and conditions of hygiene?

Mr. CUTTING. No; it has not touched either, because that was the function of the State. We do not interfere unless we have to. But we have tabulated under the various heads all the various causes, unemployment, and illness, accident, intemperance, everything that comes in except the fact of insufficient wages. I do not think we have a heading of insufficient wages. I am not quite sure whether we have that or not.

Chairman WALSH. Might that be a proper or time basis from which to approach both the questions of necessity and the cause for it?

Mr. CUTTING. Yes; I think it might.

Chairman WALSH. Has it ever been suggested to you as a trustee that that be done?

Mr. CUTTING. No.

Chairman WALSH. Has any suggestion ever been made upon any board of trustees of which you are a member that that should not be done?

Mr. CUTTING. That that should not be done?

Chairman WALSH. Yes.

Mr. CUTTING. In connection with the question of insufficiency of wages?

Chairman WALSH. Yes.

Mr. CUTTING. Never that I can remember.

Chairman WALSH. Do you think it would be feasible for directors to require statements regarding labor conditions and relations which would summarize briefly the facts as to safety provisions, sanitation, range of wages, presence of company stores property or saloons on company property, etc.?

Mr. CUTTING. Well, we have never made any study of that kind at all. All the rates of wages, of course, are all tabulated in the individual statement in every case, the rate of wages always ascertained.

Chairman WALSH. But suppose you receive quite a number of applications, say, from one industry, and there are kept upon cards, I assume, a card index or something of that kind?

Mr. CUTTING. Yes.

Chairman WALSH. And a very great number of cards would show insufficient wages was the cause; would your investigation take the breadth of ascertaining the conditions in that industry?

Mr. CUTTING. It could always, but I do not think that we had any volume of information bearing upon any trade that would lead us to indicate that the wages in that trade were insufficient.

Chairman WALSH. Do you think that a private foundation, incorporated for benevolent purposes, should require current evidence regarding labor conditions in the corporations or securities which they hold?

Mr. CUTTING. If they had to do that I hardly see how they could conduct their business. I mean I think the trustees would have to turn them over to some employee.

Chairman WALSH. You think that the volume of information required would be too great to make it feasible?

Mr. CUTTING. That is my impression. I am not a member of any one of the great foundations.

Chairman WALSH. Well, outside of the amount of work involved, or the extent to which work would have to be done in that field, do you think it would be desirable to do so?

Mr. CUTTING. Well, it seems to me that the first thing to do for the trustees is to make the right kind of a man their executive officer, and then trust them.

Chairman WALSH. Are you familiar with the work of the various principal foundations, such as those established by Mr. Rockefeller, Mr. Carnegie, and Mrs. Sage?

Mr. CUTTING. I have only but a very limited information about any one of them.

Chairman WALSH. Do you feel that any safeguards are needed in the acts which incorporate foundations?

Mr. CUTTING. I should have liked to have seen the Rockefeller Foundation incorporated as they proposed it should have been incorporated by Congress. It seems to me a very wise provision that you remember provided for a number of the officials of the United States Government to be on the board. That struck me as being a very wise provision.

Chairman WALSH. Do you consider the charter of the Rockefeller Foundation as granted by the State too broad?

Mr. CUTTING. I have never read it.

Chairman WALSH. In its powers?

Mr. CUTTING. I have never read it at all.

Chairman WALSH. I will read you a section, Mr. Cutting, first naming the incorporators: "Together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of the Rockefeller Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. It shall be within the purposes of such corporation to use as means to that end research, publication, the establishment and maintenance of charitable, benevolent, religious, missionary, and public educational activities, agencies, and institutions, and the aid of any such activities, agencies, and institutions already established, and any other means and agencies which from time to time shall seem expedient to its members or trustees."

Would you say that was or was not too broad?

Mr. CUTTING. I should say it was not too broad.

Chairman WALSH. Or that any limitation should be imposed upon it?

Mr. CUTTING. I can not think of any just now. If there were some suggestions made to me I might think of some, but I can not think of any now.

Chairman WALSH. The proposed bill which passed the House of Representatives and which received a favorable report by the Senate committee but did not pass, contained the following provisions:

"Congress specifically reserves the right to impose such limitations upon the objects of the corporation as it may deem the public interest demands."

Mr. CUTTING. Is that in the act of incorporation?

Chairman WALSH. That was the amendment made by the Peters bill. Do you believe that is a wise provision?

Mr. CUTTING. No.

Chairman WALSH. For the lawmaking body to make?

Mr. CUTTING. No.

Chairman WALSH. "The total amount of property held at any time, whether absolutely or in trust, is limited to $100,000,000."

Do you believe that was a wise and proper provision for a lawmaking body to insert?

Mr. CUTTING. I do not think there is anything in that either.

Chairman WALSH. "The income of the property is not to be accumulated or added to the principal, but is to be currently applied to the objects of the corporation."

Do you believe that to have been a wise provision?

Mr. CUTTING. I think that within some limitations, yes. I would not have demanded that every penny be spent at the end of the year, but if toward the end of the year they had not found the proper means of using it, so far as it was carried over, I would make that period two or three years, I should say that they should dispose of all surplus income.

Chairman WALSH. "The corporation is empowered to distribute the principal of any property 50 years after its receipt; it is required to make such distribution after 100 years, if Congress shall so direct."

Do you believe that was a wise or proper limitation?

Mr. CUTTING. That is a section I do not see any virtue in.

Chairman WALSH. "The elections of new members of the corporation is subject to disapproval within 60 days by the four Federal officers and five university presidents specified in the bill."

Do you recall what the specification was in the bill?

Mr. CUTTING. I have forgotten.

Chairman WALSH. As to the officers. It was the President of the United States, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives, and the presidents of Harvard, Yale, Columbia, Johns Hopkins, and the Chicago University.

Mr. CUTTING. I think that is a wise provision.

Chairman WALSH. That the following amendment also was incorporated in the grant, the inserting of the words, "by eleemosynary and philanthropic means."

Do you believe it was wise to put that limitation upon it?

Mr. CUTTING. I think that is pretty good; yes. I do not remember that.

Chairman WALSH. Do you believe that it was necessary to limit it, so that it might not go into a business activity or real estate activity?

Mr. CUTTING. I should say that that was a wise provision.

Chairman WALSH. Do you believe it is a necessary provision?

Mr. CUTTING. I would not think so, but I think it is wise.

Chairman WALSH. "That the minimum number of members of the corporation should be increased from five to nine, and that in that event of the number of members falling below nine the corporation is forbidden to make any gifts until the vacancies are filled."

Do you believe that that was a wise provision?

Mr. CUTTING. That seems to be wise, too; yes.

Chairman WALSH. What suggestion would you make regarding publicity of the work done by foundations, if any?

Mr. CUTTING. I think it ought to be. I think they ought to be required to publish annual reports.

Chairman WALSH. Do you think that foundations should publish the number and character of applications not favorably acted upon, not giving the names, but the number and character of the applications?

Mr. CUTTING. I do not see any particular virtue in that.

Chairman WALSH. So that the public might know whether or not it was discriminating against any class, for instance, or against persons in a particular industry in which the trustees were also directors or such matters as that? I merely suggest that as one of the reasons that might be given.

Mr. CUTTING. I do not see any objection to it at all.

Chairman WALSH. Do you not think it would be well to do that?

Mr. CUTTING. Well, I think it is rather trifling. I do not think myself there is any virtue, but I see no objection to it if there was the number given.

Chairman WALSH. Do you feel that the records of foundations should be open to public examination similar to such restrictions as govern public examination of official records in New York City?

Mr. CUTTING. Well, that is a question that I would want to think of a little bit. I do not know really whether or not there may be in dealing in the work of the foundation a good deal of a delicate nature—I mean in dealing with individuals, or with institutions—that would not want this sort of help they get acknowledged, but I do not know that that would be necessary.

Chairman WALSH. Under what circumstances do you consider that foundations—under what circumstances, if any, do you consider that very large foundations might become a menace to government or to industry or to the general cause of education?

Mr. CUTTING. I could readily conceive that, of course, there might—I do—if that got into the hands of narrow-minded men; I can conceive that anything that they might do——

Chairman WALSH. If a very large foundation got into the hands of narrow-minded men, or, of course, men of anything less than very lofty purpose?

Mr. CUTTING. Yes.

Chairman WALSH. Do you think that these large foundations should be subject to current inspection on the part of State or national bodies?

Mr. CUTTING. I do not see why they should.

Chairman WALSH. Do you see any objection to such a course on the part of the Government?

Mr. CUTTING. No; I do not think there is any objection to it at all.

Chairman WALSH. If so, to what bodies would you give the right of inspecting the foundations' records, and in New York such as the Rockefeller Foundation, the General Education Board, the Carnegie Foundation for Advancement of Teaching, and the Carnegie Corporation?

Mr. CUTTING. I really do not know.

Chairman WALSH. Have you ever thought of that?

Mr. CUTTING. Never; no.

Chairman WALSH. Which of the organizations of which you are a trustee has received funds from the following sources: Carnegie Foundation?

Mr. CUTTING. I do not think any institution with which I am connected.

Chairman WALSH. The Russell Sage Foundation?

Mr. CUTTING. I do not think of any institution.

Chairman WALSH. The General Education Board?

Mr. CUTTING. I do not think of any.

Chairman WALSH. The Rockefeller Foundation?

Mr. CUTTING. The Rockefeller Foundation, as I have already stated, the Association for the Improvement of the Condition of the Poor and the bureau of municipal research.

Chairman WALSH. How much money has the Rockefeller Foundation given to the bureau of municipal research altogether?

Mr. CUTTING. I should have to figure it up. I can give you all those details exactly.

Chairman WALSH. You could not approximate it offhand?

Mr. CUTTING. Well, there would have been gifts from time to time, so that I might refer to some memorandum I have I brought along with me, and perhaps that will help me to do so. Well, I should say, as far as I can make out with my additions here, a little less than $100,000, which would not include $30,000 that is provided for the investigation of the police department by the current committee of the lawmaking body, which money was dispensed through the bureau of municipal research.

Chairman WALSH. Do you have in mind any instances in which public employees or officials have been discharged or removed from office growing out of the criticism made by the reports of that organization of municipal research?

Mr. CUTTING. Yes.

Chairman WALSH. What department?

Mr. CUTTING. The Borough of Manhattan, Mr. Ahearn, discharged for that reason very largely, and to the publication of a report from his department.

Chairman WALSH. Any others?

Mr. CUTTING. Commissioner, or rather the president of the Borough of The Bronx—Haffen—was removed, and that was through the agency of the commissioner of accounts with whom the bureau cooperated.

Chairman WALSH. Any employees or officers of any municipal corporation outside of the city of New York?

Mr. CUTTING. I really could not recall and tell you now.

Chairman WALSH. The statement was made last summer that the Rockefeller Foundation had in addition given money to be spent by officers of the bureau as trustees although not given directly to the board of trustees of the bureau.

Mr. CUTTING. I do not recall that.

Chairman WALSH. If you have any knowledge of any such condition.

Mr. CUTTING. I did not remember anything of that kind at all to be expended as trustees or——

Chairman WALSH. That did not go into the bureau as a whole?

Mr. CUTTING. I do not know of any such instance.

Chairman WALSH. Did the General Education Board, the Rockefeller Education Board, ever make a study of the bureau of municipal research?

Mr. CUTTING. Ever make a study of it?

Chairman WALSH. Yes.

Mr. CUTTING. They have been familiar with it from its inception.

Chairman WALSH. And did they ever make a specific study of it?

Mr. CUTTING. Of the whole bureau?

Chairman WALSH. Of the bureau of municipal research?

Mr. CUTTING. I do not think they ever did. They made a study of its educational activities.

Chairman WALSH. Of the board of municipal research?

Mr. CUTTING. Yes.

Chairman WALSH. That bureau asked the General Education Board to make a study, did it?

Mr. CUTTING. I think that one of the directors of the bureau did.

Chairman WALSH. What director?

Mr. CUTTING. Dr. Allen.

Chairman WALSH. Did you, as an officer of the bureau, see a copy of the General Education Board's report?

Mr. CUTTING. Yes.

Chairman WALSH. Did you read it?

Mr. CUTTING. Yes.

Chairman WALSH. Do you consider its conclusions sound?

Mr. CUTTING. No.

Chairman WALSH. Why not?

Mr. CUTTING. I thought it was too superficial.

Chairman WALSH. You thought it was superficial?

Mr. CUTTING. Yes.

Chairman WALSH. Does the bureau—did the bureau make answer to the General Education Board?

Mr. CUTTING. Yes.

Chairman WALSH. And you, as chairman, prepared the bureau's answer, did you not?

Mr. CUTTING. Yes.

Chairman WALSH. Would you kindly summarize for the commission the answer sent by the bureau to the General Education Board's report?

Mr. CUTTING. It contained almost entirety of opinions of the value of the work of the bureau as they were submitted by the representative men in various cities in which the bureau had worked.

Chairman WALSH. Did you send copies of bureau's answer to the press?

Mr. CUTTING. No.

Chairman WALSH. Was the bureau's answer presented to the board of directors of the bureau?

Mr. CUTTING. It was.

Chairman WALSH. And read aloud to them so that they were familiar with its contents?

Mr. CUTTING. It was.

Chairman WALSH. Was the bureau's answer given to any newspaper whatsoever?

Mr. CUTTING. No.

Chairman WALSH. The General Education Board's reply was given to the newspapers, was it not?

Mr. CUTTING. No.

Chairman WALSH. Why was not the report published, and were there any steps taken so far as you know to prevent its publication?

Mr. CUTTING. It was intended by the General Education Board as a private—for private circulation among its own members only, and it was regarded by them as a private document.

Chairman WALSH. Has the General Education Board replied to the bureau's answer?

Mr. CUTTING. No.

Chairman WALSH. Is it true that the General Education Board's report was submitted to the bureau of municipal research in March, and the reply submitted to the General Education Board early in April, and that the gift to the bureau from the Rockefeller Foundation came toward the end of June or the beginning of July, 1914?

Mr. CUTTING. I dare say that those are approximately the dates. I can not recall that exactly.

Chairman WALSH. That statement is correct so far as you know?

Mr. CUTTING. Yes; I think it is. I do not know the date any amount was received from the foundation, and I can not recall it.

Chairman WALSH. Do you understand that John D. Rockefeller, jr., is a member of the General Education Board, of its executive committee; a member of the Rockefeller Foundation and its executive committee?

Mr. CUTTING. I believe so, but I am not familiar with the organization.

Chairman WALSH. Do you understand also that Mr. Starr J. Murphy is a member of the General Education Board and the Rockefeller Foundation and of the respective executive committees?

Mr. CUTTING. I really do not know. I do not know anything about the organization of those bodies at all, but I dare say he is.

Chairman WALSH. Do you remember that while the board of trustees of the bureau of municipal research were reading aloud the General Education Board's report on the bureau, an invitation was received from Mr. Rockefeller by telephone, and that this invitation asked two of the trustees of the bureau of municipal research to meet Mr. Rockefeller at lunch two or three days later?

Mr. CUTTING. I do not recall that. It may have been at any time, but I do not recall the time when the invitation came at all.

Chairman WALSH. Do you recall there was such an invitation?

Mr. CUTTING. Yes.

Chairman WALSH. To which trustee of the bureau did this invitation come?

Mr. CUTTING. It came to me, and it came to Mr. Victor Morawetz.

Chairman WALSH. The Rockefeller Foundation has written to this commission that at this time Mr. Morawetz was a member of a special committee appointed by the foundation. Did you know of this in April when you received the message through Mr. Morawetz from Mr. Rockefeller?

Mr. CUTTING. He was a member of the committee of the Rockefeller Foundation.

Chairman WALSH. Let me read it over again, because it is a question submitted, and I am reading a written question. I did not get it up myself. It was gotten up by a member of our staff.

"The Rockefeller Foundation has written to this commission that at this time Mr. Morawetz was a member of a special committee appointed by the foundation. Did you know this in April when you received the message through Mr. Morawetz from Mr. Rockefeller?"

Mr. CUTTING. I did not know at any time that Mr. Morawetz had any connection with the Rockefeller Foundation.

Chairman WALSH. Can you tell whether the other trustees of the bureau of municipal research knew this fact at the time?

Mr. CUTTING. I do not know anything about it.

Chairman WALSH. Did you accept the invitation and meet Mr. Rockefeller two days later at luncheon?

Mr. CUTTING. Yes.

Chairman WALSH. Who else was in the party?

Mr. CUTTING. I think Mr. Starr J. Murphy.

Chairman WALSH. So the party consisted of Rockefeller, Murphy, Morawetz, and yourself?

Mr. CUTTING. Yes.

Chairman WALSH. Was the purpose of the meeting to discuss the General Education Board's report to the bureau?

Mr. CUTTING. No.

Chairman WALSH. What was the purpose?

Mr. CUTTING. I would like to read a memorandum in regard to that.

Chairman WALSH. Very good.

Mr. CUTTING. If you do not mind. It was thought it might be inquired about, and I put my recollection down on paper: "In the spring of 1914 Mr. John D. Rockefeller, Jr., invited Mr. Victor Morawetz and myself to lunch with him and Mr. Flexner of the General Education Board." That is a mistake. He was not at the meeting. Mr. Flexner was not at the first lunch that we had.

Chairman WALSH. He was not?

Mr. CUTTING. Mr. Flexner was not there. It was Mr. Starr J. Murphy. When we met, Mr. Rockefeller inquired with reference to the financial status of the New York Bureau of Municipal Research. He was informed that the five-year pledges which had maintained the bureau's work expired with 1914. He then expressed his warm interest in the bureau's local work and said that he would like to contribute for its continuance in 1915, but he said that he did not approve of the practice of the bureau of undertaking work outside of the State of New York for compensation, nor the action of the directors of the bureau in undertaking to deal with the strictly pedagogical problems involved in the management of the public schools. He stated that as he felt that these activities of the bureau were prejudicial to its usefulness as a local

institution he was not disposed to contribute to the fund of the bureau so long as these activities were continued.

The views expressed by Mr. Rockefeller were those already entertained by Mr. Morawetz and me and by several other members of the board of trustees. For several years members of the board had been much disturbed on account of controversies which had arisen in consequence of the activity of Dr. Allen, one of its directors, in connection with the management of the schools in New York City. Certain members of the board had indeed resigned because of their disapproval of the participation of Dr. Allen in pedagogical controversies, the bureau's original purpose being to confine itself to administrative matters and to seek from specialists the expert knowledge required by the city in dealing with technical questions. Whether right or wrong, upon the issues involved Dr. Allen's methods for promoting the adoption of his views were objectionable to the trustees and had completely alienated from the bureau some of its warmest friends and supporters.

I had several times reasoned with Dr. Allen and attempted to show him the inexpediency of the policy he was pursuing, and finally I had to request him to make no more public utterances in the pedagogical conflict which was going on.

The board of trustees of the bureau had also been discussing during the preceding year the advisability of separating the work of the bureau outside of New York from the New York work and of organizing an independent corporation to carry out the work outside of New York. Several plans for the accomplishment of this purpose had actually been formulated and laid before the trustees for their consideration.

Therefore when Mr. Rockefeller expressed the views which he did he found them entirely in harmony with those of Mr. Morawetz and myself.

At the next meeting of the board of trustees a report was made of the proposal of Mr. Rockefeller, and as it was found that members of the board were in entire agreement with Mr. Rockefeller in the views expressed by him his substantial offer of cooperation for 1915 was welcomed.

Chairman WALSH. One minute right at that point. What was the offer of cooperation?

Mr. CUTTING. He said he was glad to propose $20,000 for the year 1915.

"However, the board felt that as a matter of principle it would be unwise for it to accept gifts subject to any condition which might restrict their freedom of action or future activities of the bureau."

Chairman WALSH. Was the contribution made?

Mr. CUTTING. It was made later on in the year; yes. It was made for 1914. It was made in 1914 after it was found that the bureau's activities might be supplemented in New York if it had funds for that year, so it was made in 1914.

Chairman WALSH. Did you know what the purpose of the meeting was—that lunch—before you attended?

Mr. CUTTING. I did not.

Chairman WALSH. Did you know that the purpose of the meeting was to discuss the General Education Board's report to the bureau and the bureau's answers?

Mr. CUTTING. I did not.

Chairman WALSH. Was the meeting upon your initiative or Mr. Rockefeller's?

Mr. CUTTING. Mr. Rockefeller's.

Chairman WALSH. Had Mr. Rockefeller read the bureau's answer?

Mr. CUTTING. He had received the answer that morning, but whether he had read it or not I can not say.

Chairman WALSH. Did you gather that he had personally read the General Education Board's report?

Mr. CUTTING. Well, I have gathered it from what he said, although we did not discuss it. We did not discuss the report at any length at all.

Chairman WALSH. What proportion of the luncheon time was given to the discussion of the General Education Board's report and the bureau's answer?

Mr. CUTTING. Very little.

Chairman WALSH. Sir?

Mr. CUTTING. Very little.

Chairman WALSH. Was the most of the time, then, given to discussing the bureau's finances?

Mr. CUTTING. The bureau's finances and its activities.

Chairman WALSH. Did Mr. Rockefeller at this time make suggestions as to the work the bureau should do and the way it should be done?

Mr. CUTTING. No; except those that I have enumerated in this memorandum.

Chairman WALSH. Were suggestions made by Mr. Rockefeller that were later embodied in a formal notice to the trustees of the bureau of municipal research in order that the trustees might know of them in advance of a board meeting?

Mr. CUTTING. No.

Chairman WALSH. Were the suggestions that were made by Mr. Rockefeller at that meeting put in writing?

Mr. CUTTING. Yes; they were put in writing; yes.

Chairman WALSH. Have you them written suggestions in your files, Mr. Cutting?

Mr. CUTTING. Yes.

Chairman WALSH. Will you kindly submit a copy of them to the commission?

Mr. CUTTING. Certainly.

Chairman WALSH. How much was Mr. Rockefeller giving to the bureau of municipal research at that time?

Mr. CUTTING. In 1904 he was giving $1,000.

Chairman WALSH. Please summarize Mr. Rockefeller's proposal regarding the scope, form of organization, and method of the bureau of municipal research.

Mr. CUTTING. He never made any special expression of opinion upon the subject.

Chairman WALSH. I will ask you if his proposal contained the following suggestions: (1) Discontinue school work in New York City.

Mr. CUTTING. Not in that language; I am quite sure not.

Chairman WALSH. Well, in any language?

Mr. CUTTING. I am quite sure he never asked at any time to have the bureau discontinue the school work. He did object to the technical pedagogical interference of the bureau—I won't say interference, but its activities; activities which, as I have stated, were very objectionable to the trustees.

Chairman WALSH. Just indicate what you mean by the technical pedagogical work.

Mr. CUTTING. Well, I mean the curriculum of the schools, the method of instruction.

Chairman WALSH. He objected to that?

Mr. CUTTING. He objected to that; yes.

Chairman WALSH. At this luncheon?

Mr. CUTTING. Yes; at his luncheon.

Chairman WALSH. Was that written down?

Mr. CUTTING. I have a copy of the data.

Chairman WALSH. And that will be contained, whatever it was, in that?

Mr. CUTTING. That is the only memorandum there is.

Mr. WALSH. I will ask you if another of Mr. Rockefeller's proposals was to discontinue the bureau's current publicities through postal cards, weekly bulletins, and so forth?

Mr. CUTTING. He made no condition of that kind at all.

Chairman WALSH. Did he object during that conversation to the bureau issuing current publications, postal cards, and weekly bulletins?

Mr. CUTTING. No; he did not object. He did object to the form of a good many things, the form of which had been objectionable to the trustees.

Chairman WALSH. Is that suggestion as to the form of the publicity—bulletins and postal cards—contained in the letter that you are to submit to us?

Mr. CUTTING. I do not think that there is any reference made to it at all, if I remember correctly.

Chairman WALSH. Did he object to separate training schools from the bureau?

Mr. CUTTING. Did he object to a separate training school—object to it?

Chairman WALSH. Yes.

Mr. CUTTING. That would imply that it was operating a training school; therefore, no.

Chairman WALSH. Was there one projected?

Mr. CUTTING. No. There is a school that was part of the bureau's work, a training school.

Chairman WALSH. I believe you have already stated that he objected to any out-of-town work being done by the bureau?

Mr. CUTTING. He thought it was unwise; yes; interjected.

Chairman WALSH. And prior to that time you had been doing outside work in the municipalities of the United States?

Mr. CUTTING. Yes.

Chairman WALSH. Covering in its general scope the whole country?

Mr. CUTTING. The trustees had determined to discontinue it as a part of the bureau's work and to organize it as a separate organization.

Chairman WALSH. Did you at this time consider the proposals—the objections—of Mr. Rockefeller as objections on the proposed gift of $20,000?

Mr. CUTTING. They were such, of course.

Chairman WALSH. They were such?

Mr. CUTTING. Inasmuch as I have already stated the objections of Mr. Rockefeller were those held by the trustees, there was no objection implied to it at all.

Chairman WALSH. And they were objections; they were the views of the board. If they had not been the views of the trustees you would not have gotten the money?

Mr. CUTTING. Would not have gotten the money.

Chairman WALSH. And the trustees discussed them as conditions, did they not?

Mr. CUTTING. I can not recall really how the discussion ran, but it was the one meeting we had.

Chairman WALSH. Then you passed a vote that you would not accept the money upon conditions?

Mr. CUTTING. Yes.

Chairman WALSH. When did you pass that vote with reference to the time that this luncheon was had in which the finances of the institution were discussed with Mr. Rockefeller and this promise of $20,000 made?

Mr. CUTTING. It was made some time after that, of course.

Chairman WALSH. How shortly after that?

Mr. CUTTING. I can give you the record, but I really do not know.

Chairman WALSH. Could you approximate it within a week or a month, or how long after?

Mr. CUTTING. I should say within a month or so.

Chairman WALSH. And the vote was unanimous, you say?

Mr. CUTTING. Yes.

Chairman WALSH. And has the board continued its work in connection with the New York public schools?

Mr. CUTTING. I do not think it is doing anything in the public schools now; I do not know; I am not quite sure.

Chairman WALSH. As a matter of fact it thereafter discontinued its work in connection with the New York public schools?

Mr. CUTTING. It did. I do not think that at that time it was doing any work in connection with public schools at all. The only work being done in connection with public schools was being done on his own initiative by one of the directors.

Chairman WALSH. Did he cease doing that work afterwards?

Mr. CUTTING. He went at that time to the West.

Chairman WALSH. He went out West?

Mr. CUTTING. Yes.

Chairman WALSH. So there was no more work of that kind done?

Mr. CUTTING. I am quite sure at that time the bureau itself as an institution was not taking any part whatsoever.

Chairman WALSH. Who was the trustee who was doing the work, and who afterwards went out West?

Mr. CUTTING. Dr. Allen.

Chairman WALSH. Has the bureau itself continued its publicity through postal cards and weekly bulletins?

Mr. CUTTING. Yes. It is not doing it that way, but it is now issuing a monthly—more in the shape of a magazine—a larger publication.

Chairman WALSH. Did the magazine contain the same subject matter—same general subject matter—as the postal cards and bulletins that were sent out prior to the luncheon of which you have testified?

Mr. CUTTING. It differentiates from that very decidedly.

Chairman WALSH. Very different from what you were doing at that time?

Mr. CUTTING. Very different, indeed. That was exceedingly objectionable to the bureau trustees.

Chairman WALSH. Commissioner Weinstock wishes to ask you some questions.

Commissioner WEINSTOCK. I understood from your testimony, Mr. Cutting, that organized labor was opposing industrial training?

Mr. CUTTING. Yes, sir.

Commissioner WEINSTOCK. Well, did it change its attitude and favor it?

Mr. CUTTING. Yes; as far as doing it by public authority, and not private. It still retains its opposition, I think, to privately maintained enterprises.

Commissioner WEINSTOCK. That is, its present attitude does, as you understand it, oppose private industrial training, but does not oppose the public industrial training.

Mr. CUTTING. Yes. I think on the occasion of the convention of the federation of labor in Denver about three years ago, it took the position that it was not opposed to it when conducted by public institutions.

Commissioner WEINSTOCK. Do you know, and can you tell us if you know, why they differentiate as between private and public industrial training efforts?

Mr. CUTTING. Well, one reason, I suppose, was that they saw industrial training was coming, and they knew they should not oppose it. I know of no other reason. I am not in their counsel.

Commissioner WEINSTOCK. But why should they differentiate between private industrial training and public industrial training?

Mr. CUTTING. It may be on account of the prejudice involved and thinking perhaps that it was intended to supply strike breakers. That may have been one of the reasons.

Commissioner WEINSTOCK. Now, is there any good reason that you know of, Mr. Cutting, why industrial training should not be carried on by the State in the place of private beneficence?

Mr. CUTTING. None at all.

Commissioner WEINSTOCK. If the State would undertake to do it, would your society oppose it in any way?

Mr. CUTTING. Not at all; in no way.

Commissioner WEINSTOCK. You would be willing to retire from the field if the State would perform that function?

Mr. CUTTING. That is the fact.

Commissioner WEINSTOCK. You are only waiting for State action?

Mr. CUTTING. That is all. There was an objection, I think, in connection with the question of the method of apprenticeship.

Commissioner WEINSTOCK. Are those connected with your societies making any effort to get the State to introduce vocational training?

Mr. CUTTING. No; we have not done anything in that respect at all. It is coming slowly under the board of education now.

Commissioner WEINSTOCK. That is, you have taken no action either for or against it?

Mr. CUTTING. I heartily approve of it myself.

Commissioner WEINSTOCK. Of course you, in common with the rest of us, I take it, Mr. Cutting, realize that one thing that adds to value is scarcity?

Mr. CUTTING. Undoubtedly.

Commissioner WEINSTOCK. If, for example, gold was as abundant as iron is and iron as scarce as gold now is, their values would be reversed; and that one reason why mere muscle, pure and simple, is of less value than skilled labor is because muscle is more abundant that skilled labor. Now, suppose the situation should be reversed, Mr. Cutting. Suppose by virtue of vocational training throughout the public schools that there should be an oversupply of skilled labor and an undersupply of unskilled labor, would not the wage rate be likely to change?

Mr. CUTTING. It would seem likely that would be the case, but yet that has not been the experience with Germany, which has gone farther than any other country, and where apparently the wage rate has not been reduced at all; but that is a country of industrial training.

Commissioner WEINSTOCK. Is that not because in Germany production has increased even more rapidly than the number of graduates of their technical schools? That if they had gone on turning out as many trained hands as they have turned out in the last 20 years, and production had remained where it was 20 years ago, there would be a surplus of skilled labor?

Mr. CUTTING. Undoubtedly.

Commissioner WEINSTOCK. But that has not happened in Germany, because production has even kept ahead of the number of skilled workers?

Mr. CUTTING. Yes.

Commissioner WEINSTOCK. Now, from what you know of industrial conditions in this country, Mr. Cutting, do you think that there is any danger—any proximate danger—of even having an oversupply of skilled labor?

Mr. CUTTING. I think it is a long distance ahead yet. I know that every spring vast numbers of artisans come over here from the other side.

Commissioner WEINSTOCK. Trained workers?

Mr. CUTTING. Trained workers.

Commissioner WEINSTOCK. Skilled workers?

Mr. CUTTING. Skilled workers, and they spend the whole summer over here, and spend enough money to come over and go back, and take just so much money out of the pockets of the untrained Americans who ought to be trained to do that work.

Commissioner WEINSTOCK. Your opinion, then, I take it, is that so long as we are obliged to import skilled workers from abroad to supply the demand, there is no danger of oversupply of skilled workers being suffered in this country?

Mr. CUTTING. Yes; and I meant to have with me to-day the number of those who came over last spring. I always get it from the office, but I have not got it here.

Commissioner WEINSTOCK. I have never had the opportunity of analyzing the immigration to this country, but I was under the impression that comparatively few skilled workers came from abroad, and that those who came were largely persons——

Mr. CUTTING (interrupting). We get a good many of those.

Commissioner WEINSTOCK. You do get a good many of those?

Mr. CUTTING. Yes.

Commissioner WEINSTOCK. Of skilled workers?

Mr. CUTTING. Yes.

Commissioner WEINSTOCK. From the cities of Europe?

Mr. CUTTING. Yes; in all trades.

Commissioner WEINSTOCK. And that in itself is an evidence that we have an undersupply of skilled workers?

Mr. CUTTING. It would seem so.

Commissioner WEINSTOCK. So you have no fears of our overdoing it?

Mr. CUTTING. Not for a long time yet. These men have what is called international union cards which permits them to work anywhere, and the young American who wishes to learn a trade is shut out.

Commissioner WEINSTOCK. You say if he wants to learn a trade he is shut out?

Mr. CUTTING. Yes, sir.

Commissioner WEINSTOCK. By whom?

Mr. CUTTING. By the unions.

Commissioner WEINSTOCK. By the unions, on account of their apprenticeship limitations?

Mr. CUTTING. Yes, sir.

Commissioner WEINSTOCK. Now, that point was raised, Mr. Cutting, while we had a representative of organized labor on the stand, I don't recall just where, whether in Washington or in Chicago, and the answer made was this: That as a rule the employers are taken into consultation when the question is being determined as to how many apprentices should be allowed; and that in many instances employers did not avail themselves of the limit placed by organized labor on apprentices; that they employed even less than the trades-union laws permitted; and that therefore the claim that American boys would be admitted into American trade is, like Mark Twain's death, grossly exaggerated. Now, do you know anything to the contrary?

Mr. CUTTING. I only know that, for instance, we got 500 or 600 young men in our New York Trade School who come from all sections of the United States, and who when they have had four months of seven hours a day have acquired a good deal more skill at their trade than the ordinary journeyman. True they have not yet got the flexibility of wrist and the strength of forearm that they will get through working a year, but with four months vocational training and a year's practice they are more competent than the average journeyman. Yet when those young men complete the course and come out and want to get into the union they can not get a helper's card.

Commissioner WEINSTOCK. Is there any allowance made on the part of the union for technical training? Is not the apprenticeship lessened by the trades-union on that account?

Mr. CUTTING. Well, the apprenticeship training is from four to five years, and during the first year a young man is not allowed to even touch a tool.

Commissioner WEINSTOCK. Now, here are two lads who come to a trade-union, one graduated from a technical school and the other not; are both required to serve the same period of apprenticeship, or does the trades-union give an allowance for the technical training?

Mr. CUTTING. It makes absolutely no allowance at all.

Commissioner WEINSTOCK. It does not?

Mr. CUTTING. None at all.

Commissioner WEINSTOCK. So they put no value on the technical training?

Mr. CUTTING. None at all.

Commissioner WEINSTOCK. Have you ever been able to ascertain the reason for trades-unions taking that attitude toward the graduates of technical schools?

Mr. CUTTING. Only to limit the number of those who went into the trades. That is what the law on apprenticeship is for, that for two years the young man is kept merely in the position of an unskilled laborer, and is not allowed to use the tools in the ordinary trade.

Commissioner WEINSTOCK. Now, if that is so, Mr. Cutting, what incentive is there for a lad to enter your technical schools?

Mr. CUTTING. There is not much. I mean there is not much with reference to the large cities; but there are a large number of these young men who take this training that come from other sections of the country where the unions are not as strong as in New York, and they go back to their homes or back into the country where the unions are not so strong, and then they come back to New York City with a union card.

Commissioner WEINSTOCK. Then they really have to invade trade-unionism?

Mr. CUTTING. Yes; they all try to join the unions as soon as they can.

Commissioner WEINSTOCK. Do you think trade-unionism is justified in taking this attitude?

Mr. CUTTING. I do not think it is, but at the same time I do appreciate the standpoint of the unions. Many of the men in them are along in years and have families, have children dependent upon them, and they argue they have to take care of themselves and say, "Why should we encourage young men to take the bread out of our mouths?" At the same time I do not think that society at large ought to encourage it.

Commissioner WEINSTOCK. Well, then, you think that the trade-unionist is very much like the rest of us in being absolutely opposed to monopolies except our own?

Mr. CUTTING. Exactly.

Commissioner WEINSTOCK. How would you overcome that situation?

Mr. CUTTING. Well, in the first place, I think, of course, it is one of the by-products of the closed shop. I do not believe in the closed shop a bit.

Commissioner WEINSTOCK. You do not believe in the closed shop?

Mr. CUTTING. No.

Commissioner WEINSTOCK. What are your objections to the closed shop?

Mr. CUTTING. Will you allow me to read a few words I have here?

Commissioner WEINSTOCK. Yes, sir.

Mr. CUTTING. "I thoroughly believe in trades-unionism. So long as we lack real cooperation between employer and employed it is necessary for the protection of the wage earner. I do not, however, believe in the closed-shop policy, and for their own sakes I hope the unions will soon come to discern its dangers. I am persuaded that this same policy under different names has appeared in nearly every phase of society in every age, and that its temporary success invariably demoralizes those who adopt it. It is discoverable in commerce, in industry, in politics, and in religion. In the last two it has been particularly mischievous. In politics we call it 'the machine,' and it all tends to create dependence upon the party task rather than on party merit.

"In religion it is sometimes called 'orthodoxy,' and it has too often led religious organizations to treat their 'open-shop' members as unions treat nonunion workmen. In industry its success can only lead to the deterioration in the value to society of the tradesman as a producer and a citizen. With the closed shop in successful operation he does not need merit to assure his employment, for he can limit the supply of skilled labor. In this city several unions have adopted the expedient of high initiation fees to keep down their numbers, and, as you probably know, the term of apprenticeship is arbitrarily fixed at from four to five years in order to increase the difficulty in entering a trade. At the same time the number of apprentices is rigidly restricted. In

the electrical journeyman's trade employers are only permitted 1 apprentice to every 10 journeymen. In the plumbing trade the number of helpers in the shop can not exceed the number of journeymen. After two years he has to pass an examination before a joint committee of employers and journeymen. If he passes he becomes an 'improver,' and is at liberty to get any wages he can secure from his employer, but without help from the union. After two years more he becomes a journeyman. During 1914 only 16 helpers became improvers. In the sheet-metal workers' trade only one apprentice is allowed for every four men. In the marble-cutters' trade one apprentice is allowed in every shop and one additional to every five extra cutters, carvers, and setters employed until the number of apprentices reaches 10, which is the limit. In this trade the apprentice's pay is $4.60 a week the first year and rises until it gets to $2 a day for the fourth year. The carpenters only allow 1 apprentice for every 10 journeymen; the same conditions apply in the industry of metal-covered doors and windows and elevator manufacture.

"It is perfectly possible for a young man to perfect himself as a journeyman by a trade-school training of four months, seven hours a day, and a year's experience as a helper. He is, however, denied a union helper's card in this city, no matter how great his proficiency.

"Whether the tradesmen who take the civil-service examination in this city are representative or not I do not know, but their measure of capacity is not very creditable to American tradesmenship. We have every year a large immigration of foreign tradesmen who readily secure employment and find it profitable to travel across the ocean and back in the autumn with earnings that ought to go into the pockets of home industrials. Certain it is that the closed-shop policy and the limited membership in the union result in deterring our young men from learning trades. Many of them unquestionably drop out during their apprenticeship, discouraged with the difficulties and the unnecessary delay in acquiring a trade. For the first two years of the apprenticeship in some trades they are not even allowed to handle tools.

"As long as these by-products of the closed shop continue in this city our expectations of the value to industrialism of trade instruction will not be realized. Indeed, I do not believe that our recently opened vocational public schools have attained to the popularity that we anticipated. I think that a statistical inquiry should also be promptly started by the board of education to discover, as far as possible, how many of the youths who would take trade instructions actually reach the ranks of journeymen.

"That many tradesmen are now out of employment does not, in my opinion, indicate a continuous oversupply of labor. I am persuaded that building enterprise is suffering from a rate of wages in some trades that has defeated its own ends. I am sure I am glad to have wage earners enjoy as large an income as possible, but I believe that the bricklayers' wage of $5.60 per day has gone far to make building so unprofitable as to partially paralyze the industry, and I think he will make more money annually from the increased activity in the trade if he were receiving $4.50 a day instead of $5.60.

"At the present moment I believe we can start a building boom if bricklayers, carpenters, plumbers, ironworkers, stonecutters, and steam fitters would agree to cut their wages 15 per cent for the next 12 months.

"In expressing my views about the closed shop, I am not inappreciate about the viewpoint of the wage earner. To him the immediate personal advantage is the great.destratum, and this the closed shop seems to promise, but that this policy should be encouraged by employers seems to me to be most shortsighted and positively demoralizing."

Commissioner WEINSTOCK. You spoke of certain unions that fixed the high initiation fees in order to discourage membership and in order to create a monopoly. Can you state any specific instances, for the information of the commission, of unions which have established those initiation fees?

Mr. CUTTING. I think they all have an initiation fee of at least $50, and some as high as $100.

Commissioner WEINSTOCK. Fifty dollars is the minimum?

Mr. CUTTING. Yes.

Commissioner WEINSTOCK. In practically all trades?

Mr. CUTTING. Yes; I think so.

Commissioner WEINSTOCK. In the building trades?

Mr. CUTTING. Yes, sir. It is true that sometimes they let the bars down to the extent that a young man can pay $10 down and $10 a month. My impression is that a large number of our young men, who are about as fine a class of

Americans as is to be found in the country, 95 per cent of them being American born, jump out because they find they can not get employment in their trades on account of the unions, and thus lose the benefits of the education they have acquired; and I think our public schools are going to suffer from that same thing; and it seems to me that some inquiry should be instituted right away to see how many graduates of our vocational schools become journeymen.

Commissioner WEINSTOCK. The inference of your statement is that trade-unionism is not—stands not only for the closed shop but for the closed union?

Mr. CUTTING. That is a by-product of the closed shop. It could not happen with the open shop.

Commissioner WEINSTOCK. Would you object to the closed shop if there was an open union? If all decent, respectable men were admitted into the union on a small initiation fee, with small weekly dues, would you then object to the closed shop?

Mr. CUTTING. I do not think that the closed shop could exist without the other; I think it is the foundation of all the other. We have a union known as a preferential union among the cloak makers that was the open shop, and it is the most successful union in the city. It has no initiation fee.

Commissioner WEINSTOCK. I do not understand that the preferential union has the open shop. What I understand by preferential union was as explained by Mr. Brandeis.

Mr. CUTTING. I should perhaps not have spoken of open shop, but there was absolutely no initiation fee. Anyone can join the union, and so far as preference is concerned it can not demand that its members alone shall be supplied. If they can not supply them, they may go outside.

Commissioner WEINSTOCK. What I understand it to be in the cloak trade is that the employer agrees to give the unionist preference and will employ non-unionists only when a unionist is not available?

Mr. CUTTING. Yes.

Commissioner WEINSTOCK. But if the unionists are available, it becomes practically a closed shop?

Mr. CUTTING. Yes; only the employer has the right at any time to discharge anybody who has no merit, and they employ people with merit.

Commissioner WEINSTOCK. Do you understand that under the closed-shop plan the employer has a right—the privilege to discharge an incompetent man?

Mr. CUTTING. In the steam fitters' trade he does not have anything to say about the employment of his helpers—the union employer—and he has to pay them $3 a day.

Commissioner WEINSTOCK. Regardless of merit?

Mr. CUTTING. No; I suppose for bad behavior he is thrown out.

Commissioner WEINSTOCK. If the workman is inefficient, he can not discharge him?

Mr. CUTTING. I do not say that he can not discharge him, but he has to take the man, whether efficient or inefficient, certified by the union; he has no voice in that.

Commissioner WEINSTOCK. That is all, Mr. Cutting.

Chairman WALSH. Prof. Commons would like to ask some questions.

Commissioner COMMONS. Apparently the impression one would get from your answer is that this donation of Mr. Rockefeller's to the Rockefeller Foundation was the influence which changed very fundamentally the policy of the bureau of municipal research with reference to three or four points.

Mr. CUTTING. That is a mistake. I do not think I said that, Prof. Commons.

Commissioner COMMONS. What I want to get at is this: Has any public statement been made to the effect that his influence or the influence of the Rockefeller Foundation was used for that purpose?

Mr. CUTTING. Has any statement of that kind been made?

Commissioner COMMONS. Yes.

Mr. CUTTING. Well, I rather think it was made by Mr. Allen yesterday, if I remember rightly.

Commissioner COMMONS. At what time was such a statement made?

Mr. CUTTING. I think at a time when his term of office had ended with the bureau.

Commissioner COMMONS. When was that?

Mr. CUTTING. That was after the expiration of his fiscal year; I think about the first meeting in October.

Commissioner COMMONS. Do you remember what the charge was he made?

Mr. CUTTING. No; I have forgotten, but I think it appeared in a letter he made public. He offered his resignation at that time.

Commissioner COMMONS. Was any reply made by you or the board of the bureau of municipal research?

Mr. CUTTING. At that time?

Commissioner COMMONS. Yes.

Mr. CUTTING. I do not think any.

Commissioner COMMONS. You have stated here that you had determined upon a policy practically the same as that which Mr. Rockefeller approved of at some time prior.

Mr. CUTTING. Oh, yes.

Commissioner COMMONS. Had you ever, as a board, approved the policy which Mr. Allen was conducting, which you then changed?

Mr. CUTTING. No; I do not think at any time at all. The fact is, that I had reasoned with him at several times, and finally forbade him to appear in the public print as representing the bureau in any controversy.

Commissioner COMMONS. What controversy was that?

Mr. CUTTING. In a pedagogical controversy going on at that time between those that represented an investigation made of the board of education and Profs. Connees and Moore.

Commissioner COMMONS. What time did the board begin its activity through Dr. Allen in investigating the public schools?

Mr. CUTTING. The bureau never at any time took any part in that controversy, except in so far, of course, as it was involved by the fact that this controversy was carried on by Dr. Allen.

Commissioner COMMONS. Did your board make any appropriation of any budget to enable him to make that investigation?

Mr. CUTTING. I do not recall that it did. I think whatever expense there was—and I do not think there was any expense in matters of that kind—came under the general heading of the bureau's activities. I can only say it was exceedingly distasteful to the trustees of the board, and on more than one occasion Dr. Allen had endeavored to get me to take part in the controversy and I had declined.

Commissioner COMMONS. Was it the unanimous opinion of the board during this time that that should not be kept up?

Mr. CUTTING. Oh, yes.

Commissioner COMMONS. And why had not action been taken earlier, Mr. Cutting?

Mr. CUTTING. Out of consideration for Dr. Allen. All the trustees had a very high opinion of him at that time and all liked him. He was more involved in that than anything else; that is, his particular gift was pedagogy and he devoted himself more to that than anything in the bureau at all.

Commissioner COMMONS. Now, the bureau, from the standpoint of the trustees, made a distinction between pedagogical questions and administrative questions?

Mr. CUTTING. Yes.

Commissioner COMMONS. Do you consider that the administrative functions of the public schools come under your legitimate field?

Mr. CUTTING. Entirely so.

Commissioner COMMONS. But not their pedagogical affairs?

Mr. CUTTING. We are going to take that up at an early date—the administrative side.

Commissioner COMMONS. For what reason did you feel that he should not enter into the pedagogical questions?

Mr. CUTTING. On account of its technicalities. No one of the trustees was at all familiar with the pedagogical side of the subject, and it was thought too complicated and abstruse for us to give the time required to understand it. We did not want to do it, and could not do it.

Commissioner COMMONS. In the administrative questions did you give time to that or leave it to the directors?

Mr. CUTTING. To the directors, who reported from time to time to the board.

Commissioner COMMONS. But you approved of them?

Mr. CUTTING. Yes.

Commissioner COMMONS. What caused you to be more informed on that class of questions?

Mr. CUTTING. They were easier for us to understand as trustees.

Commissioner COMMONS. Why?

Mr. CUTTING. Well, you are an educator, and those are simple problems to you—the pedagogical; but to those who are not educators, they are really very abstruse. I know nothing about it myself.

Commissioner COMMONS. That is, you consider that the trustees feel that they are business men, and feel that they should not go into the pedagogical field?

Mr. CUTTING. That is it exactly. For instance, we have had a large and important work going on for some time past with reference to the relative cost of the public service by the Edison Co. and the city, and we have employed experts, not being ourselves sufficiently expert to go into that question.

Commissioner COMMONS. Could you furnish us with files of this publicity material as to which you objected? Also of the kind of reports or investigations which were being made of the school system, which you objected to, for our exhibits?

Mr. CUTTING. I do not think they were published in reports of any kind at all. The trustees took no part in that at all.

Commissioner COMMONS. I mean the publicity matter that was being published by Mr. Allen, which you said——

Mr. CUTTING (interrupting). I would have to get that from clippings from newspapers and letters over Dr. Allen's signature.

Commissioner COMMONS. And postal cards?

Mr. CUTTING. Cards and newspaper articles.

Commissioner COMMONS. Would not your office have files of all publicity material that has been sent out?

Mr. CUTTING. Yes.

Commissioner COMMONS. Could we have exhibits selected from them?

Mr. CUTTING. Yes; you can send anyone and he will be allowed to go all through the files and pick out what he likes.

Commissioner COMMONS. What I am trying to get at is the particular question of publicity that you and Mr. Rockefeller agreed was not attributable.

Mr. CUTTING. I can give you—you can go over all the files we have in our office—anyone you send down can get all the facts you want. We objected to it on account of its phraseology and style which seemed cheap and unworthy of the bureau of municipal research.

Commissioner COMMONS. It was simply on account of its cheapness?

Mr. CUTTING. Yes.

Commissioner COMMONS. Were there any other objections to it?

Mr. CUTTING. Those were the main objections. At one time we did object to a good deal that appeared in these things and passed a resolution that those bulletins should contain nothing except clippings from newspapers, because there was a good deal that came to us at that time that was objectionable, and we had to shut down on it in that way.

Commissioner COMMONS. Regarding the publications you objected to, were the bulletins gotten out by the bureau under Mr. Allen's direction, that involved the bureau in this pedagogical controversy?

Mr. CUTTING. There were so many that came out, because they came out weekly; but I do not recall all of those. I do not remember really what appeared on that subject.

Commissioner COMMONS. I suppose your answer about furnishing them, is the same as the other?

Mr. CUTTING. Yes; I can look over them, but I would rather that you would go over what we have and select what you want.

Commissioner COMMONS. That would—we would then be sending a man to determine as to what was your thought, and that we do not know.

Mr. CUTTING. What would you like to have exactly?

Commissioner COMMONS. I would like to know the kind of publicity and the kind of investigation which your board thought was not a proper thing to be sent out.

Mr. CUTTING. I will try to find out and send it to you.

Commissioner COMMONS. Which will be your own selection?

Mr. CUTTING. I will try and find some and send it to you. I might say that that kind of publicity has already cost us one of the most valuable members of our board, who, after a number of protests, finally resigned.

Commissioner COMMONS. Was Mr. Allen's resignation based on your discontinuance of this policy?

Mr. CUTTING. His resignation was based on the fact that he had been informed that he would not be reelected a director at the expiration of his term.

Commissioner COMMONS. On what grounds?

Mr. CUTTING. That we did not want his services any longer.

Commissioner COMMONS. For what reason?

Mr. CUTTING. We found his methods objectionable.

Commissioner COMMONS. Which methods?

Mr. CUTTING. Nearly all of them; his relation to public officials, his manner of approaching almost everybody interested in the work. He had made so many enemies for us in our work that if he had not discontinued his connection with the bureau we should have gone to the wall soon.

Commissioner COMMONS. In what sense would you have gone to the wall?

Mr. CUTTING. He had created and succeeded in creating such a body of opposition to us of people who objected to the methods of the bureau because of the methods of Dr. Allen that we were not only losing friends, but making enemies very rapidly in New York.

Commissioner COMMONS. Then, what, in your own way of putting it, would be the part that Mr. Rockefeller and the foundations which he represented—what part or influence did they have in this general situation of discontinuing this work and of discontinuing Mr. Allen's services?

Mr. CUTTING. He never made any protest against Dr. Allen at all as a director of the bureau.

Commissioner COMMONS. He never what?

Mr. CUTTING. He never made any protests about the connection of Dr. Allen with the bureau.

Commissioner COMMONS. There was action by the bureau itself?

Mr. CUTTING. By the bureau itself entirely. He never made any suggestion at that time whatsoever.

Commissioner COMMONS. How about your policy, then, with reference to these public investigations, investigations of these schools and other things? What was the influence that Mr. Rockefeller had as against what the board had determined as their own policy?

Mr. CUTTING. I don't think I quite follow you, Professor. I don't quite understand your question.

Commissioner COMMONS. The question is, this action of the board was taken after Mr. Rockefeller had promised this $20,000.

Mr. CUTTING. Oh, yes, sir.

Commissioner COMMONS. Now to what extent—you say you had made up your mind before that time to take the same action. To what extent did his influence as against the board's action determine the policy—the final policy? I just want to see how you would state it in your own way. The issue is very square and very plain there and it is a very important consideration if tremendous fortunes of this kind are to dominate men like you and those associated with you in these lines of public work.

Mr. CUTTING. Precisely.

Commissioner COMMONS. And I wish you would state definitely in your own way how you think that situation affected you in those lines of work?

Mr. CUTTING. Well, I can say this, that it affected me so far as this: That we did not quite see how we were going to continue on such a scale of work as we had been in the past, in 1915. We had been considering a number of policies, and Mr. Rockefeller's suggestion that he would give us $20,000 a year—at least, $20,000 in 1915—was a very gracious proposition to us, no doubt. And as we found that his view about the continuance of the bureau were those already entertained by us, we were glad to accept it immediately. What his proposition did probably was to bring to a head the somewhat nebulous condition of the bureau at that time. I am afraid the trustees are a little too busy men. It was rather hard for us at times to get a meeting; and this brought to a head the issue that we had been considering for some time.

Commissioner COMMONS. That is all.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. The situation, as I have got it—it is difficult to hear over there—is this, Mr. Cutting: The Rockefeller fund, through whatever channels it may have been, offered you $20,000 with certain conditions attached thereto. The trustees of your institution immediately, by unanimous vote, refused to accept the money with the conditions. Is that correct?

Mr. CUTTING. Yes.

Commissioner GARRETSON. Then you immediately proceeded to correct every one of those conditions, so that the money could be given virtually without any conditions, and it was given and you immediately accepted it. Is that it?

Mr. CUTTING. No; I don't think that is a correct statement of the case, because that implies, of course, that we changed our minds, which was not the case. We did not change our minds. Our minds had already been made up on those identical subjects.

Commissioner GARRETSON. Well, is that a statement of the results that were attained regardless of whether you changed your mind or not?

Mr. CUTTING. Well, even then—no, it is incorrect. Our policy was changed in this respect only: The one man in the bureau who had been conducting this policy to which we objected in reference to pedagoging the public schools at that time went West. No one else in the bureau had been conducting it, and no one else of the trustees wanted to conduct it, and when he left and went West it ceased.

Commissioner GARRETSON. Well, where did you stand on the basis of your first resolution that you would not accept the money with conditions attached, and your second action accepting it when you had beforehand complied with those conditions?

Mr. CUTTING. We stood just exactly as I have said. That proposition had made a little more concrete in our minds what had before been a little bit nebulous, and we had determined to carry out a policy to which we were all agreed. No conditions when the money came to us were attached to it at all.

Commissioner GARRETSON. Would not a parallel condition be that if a church was a member of a certain denomination and on account of the fact that it belonged to that denomination it could not get certain money, and would refuse the money that was offered it if it changed its denomination, and it spurned the offer, and then changed its denomination and took the money.

Mr. CUTTING. Not if that religious organization had before determined that it was going to join the other.

Commissioner GARRETSON. Wherefore, if you had already determined, what was the necessity for the declaration of refusing?

Mr. CUTTING. Because we knew that it would be put up to us exactly in that way, and we did not choose to condition ourselves from any future gifts that might come to us.

Commissioner GARRETSON. And you proceeded to free yourselves from that necessity?

Mr. CUTTING. Yes.

Commissioner GARRETSON. That is all.

Chairman WALSH. I have a question or two further along that line, so that I may perhaps get a little better understanding. Now, one of the objectionable things to Mr. Rockefeller was this examination of municipalities and of local bodies of government outside of the State of New York; is that correct?

Mr. CUTTING. Yes.

Chairman WALSH. And in a sort of nebulous manner the trustees were objecting to that also. That is correct, is it?

Mr. CUTTING. We have before us two distinct plans, yes, for the organization of that particular work on a separate basis which the trustees at that time were considering.

Chairman WALSH. Now, the gift of $20,000, among other things, brought that immediately to a head?

Mr. CUTTING. As a matter of fact, the bureau has not discontinued that work. So that the conditions of that gift have not been complied with. It is to-day carrying on work outside of the city of New York.

Chairman WALSH. Is it going to discontinue it?

Mr. CUTTING. We are going to let it go slowly, by degrees, I think, for the reason that we have not got the capital to maintain it. It requires a considerable amount of capital, of course, because our men have to be paid, and we have to wait for the municipalities to pay us, and we have got involved somewhat too deeply.

Chairman WALSH. On the day of this luncheon an investigation was being made by the municipal bureau experts in Colorado, including an investigation into the juvenile court presided over by Judge Ben B. Lindsey?

Mr. CUTTING. My impression is, so far as I recollect that, that that was being conducted by the bureau of municipal research founded in Denver by citizens of Denver, and we were supplying them with a certain number of men.

Chairman WALSH. Well, that was the way you supplied men always, wasn't it, to other organizations outside of the State of New York?

Mr. CUTTING. No, because it rarely happened that we go where our organization has been effected. They will get together a few citizens, say, and provide

three or four thousand dollars or so; but my impression was at that time and is to-day that there was a local bureau of municipal research and that it had a number of our men working for it.

Chairman WALSH. And your experts of the board of municipal research then were in the State of Colorado on the date of this luncheon?

Mr. CUTTING. Very likely; I do not recall. We were carrying on the work at that time on rather a large scale all over the country.

Chairman WALSH. Did or did not the investigation at Denver include an investigation of Ben B. Lindsey, judge of the juvenile court of Denver?

Mr. CUTTING. I don't know at all.

Chairman WALSH. Have you the result of that investigation in your office?

Mr. CUTTING. It may be; I have never seen it.

Chairman WALSH. In whose particular charge would that report be?

Mr. CUTTING. That would be the director of the bureau now.

Chairman WALSH. Who is that?

Mr. CUTTING. Dr. Cleveland.

Chairman WALSH. Will you kindly submit that report if you can to-morrow?

Mr. CUTTING. Certainly.

Chairman WALSH. Thank you.

(See Cutting exhibit.)

Chairman WALSH. Commissioner Weinstock has a question.

Commissioner WEINSTOCK. The statement has just been made to me, Mr. Cutting, by a labor representative, who shows me his card as a member of the painters' and decorators' association, that the statement that the minimum fee for initiation is $50. He tells me that in his union it is $5.

Mr. CUTTING. I think he is entirely right. I have a great deal of sympathy with the painters. I think their wages are entirely too low, whether on account of the fault of their organization, because it is not as strong as it ought to be, I can not say. They get only $3.50 a day, and they ought to get $4 or $4.50. They can not keep up their union anyhow; and with reference to the painters, I have no doubt that is right.

Chairman WALSH. You will be excused, Mr. Cutting, and kindly submit——

Mr. CUTTING. I would appreciate it if I can get a reference to all the various things you want me to furnish you.

Chairman WALSH. Yes; our organization contemplates turning over to you and calling your particular attention to the particular things we have been asking you about.

Mr. CUTTING. There is something you wanted of me to-morrow.

Chairman WALSH. Well, I asked you particularly for to-morrow for the report on Colorado by the experts that were making that examination at the time that this discussion and acceptance took place.

Mr. CUTTING. Yes; if we have that in the office you shall have that to-morrow.

Chairman WALSH. If you find it in the office, will you kindly ask Mr. Cleveland to drop over here so we may ask him a question or two about it?

Mr. CUTTING. Certainly.

Chairman WALSH. You will be excused temporarily, and thank you for your patience.

We will now stand adjourned until to-morrow at 10 o'clock, to meet in this room.

(Thereupon, at 4.30 o'clock p. m. of this Thursday, January 28, 1915, an adjournment was taken until 10 o'clock a. m. of Friday, January 29, 1915, to meet in the aldermanic chamber.)

NEW YORK, *January 29, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. The commission will please come to order. The house will be in order, please, and we will now proceed.

Dr. Eliot.

TESTIMONY OF DR. CHARLES W. ELIOT.

Chairman WALSH. Please state your name.

Dr. ELIOT. Charles W. Eliot.

Chairman WALSH. And your business or profession, please.

Dr. ELIOT. Education.

Chairman WALSH. Where do you reside, Doctor?

Dr. ELIOT. Cambridge, Mass.

Chairman WALSH. Are you a member of the General Education Board, established by Mr. Rockefeller, the Rockefeller Foundation and the sanitary commission conducted by the Rockefeller Foundation?

Dr. ELIOT. I am of all three.

Chairman WALSH. Are you connected with any other boards, Doctor?

Dr. ELIOT. Any other boards?

Chairman WALSH. In which Mr. Rockefeller's foundations take part?

Dr. ELIOT. No other boards. I am connected with various other boards, of course, but not in connection with the Rockefeller interests.

Chairman WALSH. I understand. Are you a member of the bureau of social hygiene?

Dr. ELIOT. Of the American Social Hygiene Association; yes; I am.

Chairman WALSH. You were for several years a member of the Carnegie Foundation for Advancement of Teaching, I believe.

Dr. ELIOT. I was.

Chairman WALSH. Were you during 1913 a member of both the General Education Board and the Carnegie Foundation?

Dr. ELIOT. I think I was. I am not perfectly sure, but—yes; I must have been for about a year a member of both.

Chairman WALSH. Are you now a member of the Carnegie Peace Foundation?

Dr. ELIOT. I am.

Chairman WALSH. Please name any other foundations established by Mr. Carnegie of which you are now a member.

Dr. ELIOT. No other.

Chairman WALSH. Do you believe it is to the public interest to have interlocking directorates among the private foundations of large active foundations, Doctor?

Dr. ELIOT. Interlocking directorates?

Chairman WALSH. Meaning by that a large number of the same persons serving on the different boards of the large foundations.

Dr. ELIOT. I suppose it contributes to efficiency in a good many of these endowments for the same men of experience serving more than one board.

Chairman WALSH. Are there any circumstances under which you would consider it inadvisable to have interlocking directorates of that sort?

Dr. ELIOT. I have no experience of any such—I have no observation of any such conditions.

Chairman WALSH. Do you have in mind any circumstances under which, having the same directors upon the different boards, ill might come about, bad results might come, either from the point of the persons not being able to give the proper personal attention to the duties of all of the boards or from ingrossing the viewpoints in one upon the other?

Dr. ELIOT. The only observations I have made on that point are that in some of the endowments with which I have been connected the offices have been undermanned, partly in consequence, I think, of the efforts to employ the same men in more than one capacity, the result being that the men so employed are overworked, can not transact efficiently the business of the different endowments.

Chairman WALSH. With the large number of the country's business and professional men and educators to draw from, Doctor, do you think that there is any substantial reason for having the same men serving upon different boards, leaving aside for the present those that might be considered extra efficient or with a peculiar knowledge?

Dr. ELIOT. It has seemed to me in these boards with which I have been connected that the most efficient men were the men of widest experience—largest experience—and that there was great value in keeping such men in constant service, and as wide a service as is physically practicable. It has not been my observation that there is any abundance of such men in the American community.

Chairman WALSH. It has been shown here, Doctor, that Mr. Rockefeller, jr., Mr. Murphy, Mr. Greene, and Mr. Gates, until a short time ago, are on each of the three foundations established by Mr. Rockefeller, and on the sanitary commission, as well as on Mr. Rockefeller's personal staff. These men also constitute largely the majority of the executive committee of the foundation, its financial committee, its nominating committee, and the executive committee of the General Education Board. Do you consider that is desirable interlocking in this particular instance?

Dr. ELIOT. I do not, because those men you have mentioned have not the physical strength to bear such complicated and constant labor. That just illustrates what I mean by saying that I have seen often endowments rendered less effective because they were undermanned; that is, did not employ men enough for their work, and that is just the case now with the Rockefeller endowments.

Chairman WALSH. How much attention do you, as trustee, Doctor, find it necessary and possible to give to the work of the Rockefeller Foundation and the work of the General Education Board?

Dr. ELIOT. That is a little difficult to define, the amount of attention one gives, but I find it possible to attend all of the meetings of these boards, and to read all their reports, and to inform myself generally with regard to their functions. I have given a very substantial portion of my time since 1903 to the Rockefeller boards, a substantial portion.

Chairman WALSH. Could you, in a general way, Doctor, state about what part of your time is given to the duties that you have performed; that is, meeting with the boards, advising with them through correspondence or otherwise, or any other matter that might suggest itself to you?

Dr. ELIOT. The General Education Board I have been a member of since 1903, and they have at least three, and sometimes four, meetings a year, and they are long and strenuous meetings. The members of the board are always provided beforehand with reports upon the work to be done at the coming meeting, and throughout the year they receive a series of reports of the work going on. It takes a good deal of time to read all these reports. I have been in the habit of giving whatever time is needed. For instance, yesterday I was in a meeting of the General Education Board from half past 10 until 5, and it was a fully occupied meeting, and its doings related to subjects which I have always been very much interested in. I take a keen interest in the proceedings of the board consequently. They relate to education, public health, and sanitation.

Chairman WALSH. Do you know of any instances where educators have been unduly influenced, whether consciously or unconsciously, in their educational views or methods by their desire to secure funds of the General Education Board or the Carnegie Foundation?

Dr. ELIOT. Influence in a bad direction?

Chairman WALSH. In any direction; and, if so, how, Doctor?

Dr. ELIOT. I have known many instances in which presidents of colleges and technical schools were influenced by the policy of the General Education Board, but I never knew of any bad influence; it has always been for good.

Chairman WALSH. Well, indicate, if you will, Doctor, along what lines they were influenced, either as broad and general, if it suggests itself, or specifically if you can think of instances.

Dr. ELIOT. I have known gentlemen seeking gifts from the General Education Board to be very much informed as to the method in which they could procure great gifts for education, not only from the General Education Board, but others. I have known their efforts to be greatly stimulated toward getting money from others as well as from the Rockefeller board. I can, perhaps, illustrate that by saying what happened to myself before I was a member of the General Education Board. Indeed, I think it was before the General Education Board was created by Mr. Rockefeller, sr. We were engaged in the medical school of Harvard University in erecting new buildings of great utility and beauty, and we were also very much concerned in how we should be able to live in those buildings after we had got them, because we had not the means of carrying on those buildings in the proper manner. I hoped that Mr. Rockefeller, sr.—it was before the institution of the General Education Board—would give us a considerable sum of money. With a committee of the medical faculty I applied for a gift, without specifying the amount, and supported this application with a statement of what the buildings were going to cost, how much money we had got toward them, how much money I supposed it would be necessary for us to have to maintain and live in those buildings, and what we got toward that charge. In the first place, Mr. Starr Murphy was sent by Mr. Rockefeller, sr., to the Harvard Medical School, and he examined the whole institution in all its details, its resources, its funds, its management. He also inquired into the general management of their property and funds by the president and fellows of Harvard College—that is, the charter body, chartered in 1650, which holds all the property of our university and manages it. After an examination of three weeks he went away and left me with the statement that he was going to prepare a report to Mr. Rockefeller, sr.

A few weeks later I was invited to come to the Rockefeller office in this city for an interview with Mr. Starr Murphy and Mr. John D. Rockefeller, jr. Mr. Rockefeller, sr., did not appear. Mr. Rockefeller, jr., was the spokesman at this meeting, and he told me that our calculations of what would be necessary to have in hand as a fund to support those buildings and live in them effectively—that my calculations were not correct; that it would take more than I supposed, but that if Harvard University and its friends would raise $875,000 more than they had raised—they had already raised a considerable sum—then his father would give the Harvard Medical School $1,000,000, either to use on buildings or to hold as an endowment. Now that at the moment was somewhat discouraging; but it was a very valuable instruction to me and to Frank Bowditch and Warren, who accompanied me. I accepted the condition on the spot, and Mr. Rockefeller's purpose as indicated by his son was carried out after we had raised $875,000 more. We then proceeded to finish those buildings and live in them, and the statement made to me by Mr. John D. Rockefeller, jr., was absolutely justified. He was right entirely in the instruction he gave me in order to carry out the job which I had in hand.

Now, I have known a good many other presidents of colleges, technical schools, and so forth, much instructed in those ways by the agents and officers of the General Education Board; that is, their function in that respect seems to me a very useful one. The result can be seen in facts which are published and, I doubt not, are before the commission. By giving away $72,000,000 to the institutions of higher education, the General Education Board has brought into education additional amounts to the extent of $117,600,000; that is, in all nearly $200,000,000 have been put into American education through the working of the General Education Board since 1903. You see, it is a young board; it was not really endowed until 1906.

I hope I have answered, Mr. Chairman.

Chairman WALSH. I think that covers it. Doctor, do you feel entirely free to criticise publicly the report of the General Education Board?

Dr. ELIOT. The published reports?

Chairman WALSH. Yes.

Dr. ELIOT. Perfectly.

Chairman WALSH. Did you see the report of 1902 to 1914 before it was published?

Dr. ELIOT. I did not.

Chairman WALSH. When did you first see the report, please?

Dr. ELIOT. I think it was about a fortnight ago; about 10 days ago.

Chairman WALSH. And when was it published?

Dr. ELIOT. I am not quite sure. I don't know the date when it was published. It was printed when I saw it—fully printed and bound.

Chairman WALSH. When was your attention first called to the fact that there was to be a report?

Dr. ELIOT. I think it was three years ago.

Chairman WALSH. Three years ago?

Dr. ELIOT. I should think so. The General Education Board discussed the matter of annual reports and expressed a desire to have the officers prepare an annual report; and the first one would necessarily go back to the beginning, which covers several years. I think that was three years ago.

Chairman WALSH. Was there formal action taken at the meeting of the board, Doctor, with respect to this subject of issuing annual reports?

Dr. ELIOT. Not, I should think, three years ago. I think that was informal.

Chairman WALSH. That was informal?

Dr. ELIOT. But there has been formal action taken. I think it was a year ago, or perhaps last May; I don't remember; but there was formal action taken.

Chairman WALSH. This was the first formal report, was it, that was issued by the board of education—the General Board?

Dr. ELIOT. No.

Chairman WALSH. This 1902 to 1914?

Dr. ELIOT. No; not the first report issued; certainly not.

Chairman WALSH. What other reports were issued, please?

Dr. ELIOT. The charter requires that an annual report should be presented to one of the commissioners at Washington. I don't remember the precise official to whom that report is to be presented, but the charter requires that.

Chairman WALSH. And had there been annual reports issued each year in conformity with the charter?

Dr. ELIOT. In conformity with the charter always.

Chairman WALSH. Do those reports in full or substantial appear in this publication—this report of 1902 to 1914; this book which has been published?

Dr. ELIOT. They can not have the same order, of course, as this report, covering 12 years; but the annual report made to the Government officials at Washington covers the whole proceedings of the board—not in detail, of course, but covers the whole financial account of the board and its general doings. But that is a clerical recapitulation and did not proceed from the board at all.

Chairman WALSH. Has the General Education Board recently undertaken a survey of the schools of Maryland?

Dr. ELIOT. It has not undertaken the investigation as yet, but it has made preliminary—taken preliminary steps toward doing it.

Chairman WALSH. Upon what request is that being done, Doctor, if there is any request?

Dr. ELIOT. There was a request from persons representing the State, but I don't know who they were.

Chairman WALSH. Was there a State commission on education appointed in the State of Maryland which made that request?

Dr. ELIOT. Was there not one?

Chairman WALSH. Yes. Didn't the request come from the State commission on education of Maryland?

Dr. ELIOT. I don't know; I don't remember that I heard from whom it came.

Chairman WALSH. Was the State of Maryland to pay a part of the expenses and the General Education Board a part?

Dr. ELIOT. I think that is the arrangement.

Chairman WALSH. Do you know what part the General Education Board is to pay—what proportion, and what proportion is to be borne by the State?

Dr. ELIOT. I do not. I have heard; but I don't remember.

Chairman WALSH. Is this work projected in the State of Maryland any departure from the policy of the General Education Board in the past?

Dr. ELIOT. Hardly to be called a departure; it is perfectly consistent with the policy of the General Education Board in general. But it is a departure in the sense that this is a new undertaking for the General Education Board.

Chairman WALSH. Were you present when the action was decided upon?

Dr. ELIOT. I was.

Chairman WALSH. Will you please state the nature of the study that is to be made and whether or not you have personally gone over the plan of that study and the instructions given to the investigators of the board.

Dr. ELIOT. Certainly not. I should not regard that as my function.

Chairman WALSH. Whose duty would it be to do that?

Dr. ELIOT. The nearest person to it was Dr. Wallace Buttrick, the secretary.

Chairman WALSH. Do you see any essential difference, so far as the power to affect freedom of thought and study is concerned, between the foundation that conducts investigations like the Institute for Medical Research and the foundation that gives money to colleges or other agencies?

Dr. ELIOT. Do I see any difference——

Chairman WALSH. Any essential difference, so far as the power to affect freedom of thought and study is concerned?

Dr. ELIOT. No; I did not see any difference between truth seeking in either case.

Chairman WALSH. Do you think that the same agencies which give the money should conduct the investigations?

Dr. ELIOT. Do you refer to such investigations as the Rockefeller Institution conducts? I do not understand the scope of the question.

Chairman WALSH. I am trying to ask the question in a general way and not trying to apply it to any particular foundation. The question is: Do you think that the same agencies which give away the money should conduct the investigations?

Dr. ELIOT. It seems to me quite impossible that the same agencies that supply the money should conduct the investigation. Such investigations as are conducted by the Rockefeller Institute require the life labor of men expert in the highest degree. And persons or boards who provide the money for those investigations would be absolutely incompetent to conduct the investigations themselves.

Chairman WALSH. I desire to ask you a few general questions on labor—labor subjects, industrial subjects—Doctor.

Dr. ELIOT. Yes, sir.

Chairman WALSH. What information do you consider that a stockholder or a director should possess concerning labor conditions in the industry in which he is a stockholder or director?

Dr. ELIOT. The more the better I should say. But my observation as a shareholder to a very limited extent is that the shareholder has not any information as a rule, and he gets no information.

Chairman WALSH. In your opinion to what extent are the directors and stockholders of a corporation responsible for labor conditions which exist in the industries in which they hold stock and act as directors?

Dr. ELIOT. Shareholders do not seem to me responsible at all unless their attention is drawn to an existing evil or wrong; unless their attention is forcibly drawn to an existing evil or wrong. Then they may have some responsibility to induce efforts to correct that evil or wrong. In general the shareholders do not seem to me to be capable of giving any intelligent attention to the conditions of labor in the institutions or factories, mines, etc., in which their money is invested.

The directors are more responsible, but the chief responsibility of directors has seemed to me to be the selection of their agents, the immediate managers. It is, I suppose, quite impossible for directors generally to do more than that, and their responsibility is therefore chiefly that, in my view.

I ought to say, however, that I have no experience whatever in business directorates and never was a member of one and am only an outsider as an observer.

Chairman WALSH. Of course those questions are asked you, Doctor, rather from the standpoint of your general studies and your contact with such matters.

Dr. ELIOT. Yes.

Chairman WALSH. In an educational way, of course. According to your standards what would you consider to be proper labor conditions as regards the following points: First, length of working day?

Dr. ELIOT. I have never been able to see there could be any general rule on that subject; the industries differ so that what is a reasonable day's work in one industry is a wholly unreasonable one in another. And therefore I hope that the community, the American community at least, which values liberty very highly, would be able to avoid uniformity of legislation on that subject. Uniformity is almost invariably, as far as my observation goes, an evil; it is a horrid evil in education, for instance, and therefore I have been inclined to believe we ought not to seek to make a day's work uniform in all our different industries.

Chairman WALSH. What would you consider to be a proper or necessary yearly income for unskilled workmen?

Dr. ELIOT. I suppose that depends entirely on whom he lives. The desirable income, the necessary income, in the United States is very different from what it is in Germany; it is very different again from what it is in China.

Chairman WALSH. Well, applying the question specifically to this country.

Dr. ELIOT. Solely to the United States?

Chairman WALSH. Yes.

Dr. ELIOT. I have very little observation of fact on that subject. I once wrote an account of the manner of life of the native people of the island of Mount Desert, and undertook to describe their mode of life, and the money the man of a family needed to earn in cash during the year in order to support suitably well his family. I made a large number of inquiries as to the amount of cash earnings of the men that I knew there. I live in Mount Desert in the summer, and I came to the conclusion that if a man had his house, his cottage, and a garden and a wood lot, those things at that time—this was perhaps 25 years ago—cost very little in Mount Desert, and any young man could get the necessary cash of those requirements in the first four or five years of his coasting and fishing. I came to the conclusion that $200 in cash earnings was sufficient for the family. I called a family five on the average. This statement of mine, when printed, was criticized in two ways: The richest family in the community which I was describing complained that I had put the cash receipt much too low. And finally the daughter of the house alleged, "We spend much more than that in the year. We have got a house and garden and wood lot, and we need more than $200 a year." I pointed out, in the first place, that she had not the richest family on the island, with the exception of two or three at Bar Harbor. The community in which I lived is 10 miles from Bar Harbor. She acknowledged that. I then asked her how much her family needed in cash earnings, of the husband and father. She said: "Why, we sometimes spend as much as $400." That was a very intelligent family and [illegible] to do in that

part of the island. On the other hand, the town treasurer, one of the most admirable citizens I have ever known, serving his town as town treasurer for over 30 years, told me: "Mr. Eliot, you have made a bad mistake in that account you have given of our people; $600 is altogether too high. They do not get it. And first nobody lives in this town that is cold or hungry in winter." That is just one town, a very desirable town, and the occupations of the people are desirable; that is, they are out-of-door men, on the water and in the woods—out-of-door occupations. I have never been able to make up my mind what the proper answer to the question you have asked, sir, is. I do not know what the minimum sum of earnings of husband and father is. I suppose it would be different in different parts of the country.

Chairman WALSH. We will take, for illustration, the city of Boston. What would you say as to that?

Dr. ELIOT. I do not know. I can not say because I have not the facts, and I have never seen any presentation of the facts in that matter which satisfied me.

For instance, I have never been able to make up my mind what the proper or desirable spending of a family of five for food is. I have always been very much interested in public-health questions, and I am afraid that the diet of the ordinary American working family costs a great deal more than it should, and is not the best diet from a health point of view. I am quite sure of that latter point. I believe that all of us in all walks of life eat a great deal too much and particularly a great deal too much meat, and therefore all elements of the necessary cost of food for a family of laboring men seem to be questionable, or that I have ever seen.

Chairman WALSH. What observation or study, or what access have you had, to information which indicates to you the amount of meat that is used by the families of workmen here in the city of New York, or in the city of Boston, or the workers in the steel industry in the vicinity of Pittsburgh?

Dr. ELIOT. I have only had the facts presented in such reports as the survey of Pittsburgh, for instance, in the reports of the boards of health and of institutions where a diet is prescribed—the usual source of information on this point, but no opportunities of observing.

Chairman WALSH. Have you observed—you have observed of course, Doctor, the modern trend of taking care of persons who meet with accidents in industries, as evidenced by what are called workmen's compensation acts, I believe.

Dr. ELIOT. Yes.

Chairman WALSH. According to your opinion, what do you believe the proper compensation for industrial accidents, beginning, say, with the loss of an arm, the loss of both eyes, the loss of life, or permanent disability?

Dr. ELIOT. What amount should be paid?

Chairman WALSH. Yes; what amount approximately should be paid for those things, considering the modern standards of living?

Dr. ELIOT. I do not feel competent to answer that. I am not familiar with life insurance statistics or with accident insurance really. I have rejoiced very much in the institution of accident insurance, but I think the Germans have gotten very much ahead of us in that respect.

Chairman WALSH. Briefly and generally, in what particular, Doctor, have the Germans advanced further than we have?

Dr. ELIOT. They seem to me to have started first, to begin with, and in the next place their arrangement for the division of the cost of things is a just one and sound in all respects—good business as well as good humanity.

Chairman WALSH. According to your standards, Doctor, what would you consider to be the age and conditions under which children should be employed in industry?

Dr. ELIOT. My standards in that respect relate altogether to health, the question of the health of children. I think it is a great misfortune for a child not to take part in the earning of the living of the family, so to speak, and in the household work and in the farm work. That, from my point of view, as a teacher, as an educator, is the great difficulty that the urban communities suffer from, the great difficulty in education I mean. The child on a farm has a chance to work in that healthy way in the helping of the family. A city child, with the factory system in the city, has no such chance. My belief is that children should never be employed in any machine industry indoors—should never be employed in a machine industry indoors.

Chairman WALSH. When you say "children," Doctor, what age limit do you fix, or is there any difference as to sexes?

Dr. ELIOT. I believe the school age—the age of compulsory going to school, which is usually in this country 14 years, is a pretty sound basis, scientific basis, but personally I should desire that that limit be raised for all factory industries. I believe 16 is as low a limit of age as should be used in factory industry.

Chairman WALSH. What is your attitude, Doctor, toward the organization of employees into labor unions for the alleged protection of themselves and for the advancement of their interests?

Dr. ELIOT. I am of course very much in favor of that; I believe in the organization of labor.

Chairman WALSH. And upon what information or experience is your attitude based?

Dr. ELIOT. I suppose it is very probably based upon my consciousness observation of the value in all higher professions of organization; in all the higher professions there is organization. I do not mean like unions, but they are organized, all the higher professions in which men work and enjoy their profession and its prospects, they have organizations for promoting those interests; and the trades and various labors in which men have common interests—it has always seemed to me they should be similarly organized.

Chairman WALSH. What features of present-day labor union organization activities would you consider to be specially undesirable as you have observed their creation and development?

Dr. ELIOT. Certain policies of the unions have long seemed to me to be very undesirable, not only for the community but for their own members; and my theory has been that the greatest injury done to the community through the members of the unions were in these respects: The closed shop, the boycott, union label, limited output. I think those are the four I have believed to be policies of the unions which were seriously injurious to the community, and more injurious still to the members of the unions.

Chairman WALSH. As a result of your observation and experience, Doctor, do you believe that industrial discontent in America is increasing or decreasing?

Dr. ELIOT. I have seen neither one nor the other lately. I do not know whether during the last five years the unrest has been increasing or decreasing, but before that time it seemed to me it was increasing. Conditions have been very extraordinary of late, and I really do not know whether it has been going up or down, the general unrest.

Chairman WALSH. Up until what time did you say it was increasing, Doctor?

Dr. ELIOT. About four years ago, I think it was; up to that time I felt it had been increasing, and since that I have been doubtful; I do not know.

Chairman WALSH. You have been doubtful as to whether or not it was increasing?

Dr. ELIOT. Yes.

Chairman WALSH. What forces have been at work during the past five years that you think would make for an increase or decrease in industrial discontent—what forces or agencies?

Dr. ELIOT. The force which seems to me to perhaps have diminished the industrial discontent—I do not speak with confidence about this—is that I think I have seen a very considerable change in the disposition of employers toward their employees during the last few years.

Chairman WALSH. In what way, please, has that been experienced, Doctor?

Dr. ELIOT. In the first place, I think there is much more disposition than there used to be toward what is called in our days "cooperative management"—giving a share in the management to the employees, and an effective share. That is the first tendency I have seen among employers. And another is, and I have known of this because I have studied the subject—I know that many experiments are going on in profit sharing in large variety, and I think that has affected the industrial discontent; it is only beginning to.

Chairman WALSH. Do you believe, Doctor, that the fact, if it be a fact, that a large foundation like the Rockefeller Foundation is making a survey of industrial conditions, the relations between capital and labor in the United States, and the fact that upon the board of trustees of the foundation are a number of persons who are also the directors in industries in which very serious labor disputes and conflicts are going on, might be a matter of irritation to a vast number of the workers in those industries, and thus being about further discontent upon the part of the laborers?

Dr. ELIOT. This refers, of course, to the investigation which is proposed by the Rockefeller Foundation?

Chairman WALSH. Yes; I have that one particularly in mind in asking the question.

Dr. ELIOT. I had something to do—I had a good deal to do with approving that particular investigation into industrial conditions, and therefore I am not entirely impartial in answering this question.

Chairman WALSH. We might get your viewpoint, Dr. Eliot, which you indicate very clearly.

Dr. ELIOT. I believe that an honest investigation of industrial conditions by the Rockefeller Foundation can shed much light on the existing causes of industrial unrest, and that it is reasonable to hope that it will also find means of diminishing the source of discontent, the source of friction between capital and labor, so that I see no reason for apprehension with regard to this particular investigation by the Rockefeller Foundation, but, on the contrary, I see good hope in it.

Chairman WALSH. But while it is going on, conceding for the sake of this question that the conditions I have mentioned about the same individuals being on the boards of trustees, my question was, do you not think while it was going on it might be a source of irritation to the laborers involved and directly connected in these labor troubles?

Dr. ELIOT. I do not see any good reason why it should.

Chairman WALSH. My attention has been called to the fact that the Rockefeller Foundation holds 500 bonds of the American Agricultural & Chemical Co., with a plant at Roosevelt, N. J., where this unfortunate occurrence has just taken place. Do you believe that the foundation, as a foundation, has any special obligation, because of its benevolent purpose, to look into the conditions of labor in the particular industry that this investment represents?

Dr. ELIOT. I see no obligation on the part of the Rockefeller Foundation, as a charitable and educational endowment, to take part in that investigation of that particular disaster.

Chairman WALSH. Does the fact, if it be a fact, that a member of the foundation board is also a director of the corporation of the American Agricultural & Chemical Co. in any way affect the foundation's freedom of action in its work in the industrial field?

Dr. ELIOT. Not in the least.

Chairman WALSH. You think that if a member of the foundation was a director in a company where there was a dispute going on in which lives were lost and an effort was being made to fix responsibility, that in the field of industrial investigation generally that director would not be hampered in any way?

Dr. ELIOT. He ought not to be hampered as a member of the Rockefeller Foundation in any way. His function as a member of the Rockefeller Foundation is totally distinct from his function as a director in this or that commercial or industrial concern.

Chairman WALSH. Commissioner Lennon would like to ask a question or two.

Commissioner LENNON. Doctor, you have mentioned the fact that when Harvard applied for a donation from Mr. Rockefeller, sr., Mr. Starr J. Murphy came and made an investigation as to the necessary funds required to make the buildings effective and carry on the work. Now, where such requests have been made by other colleges, by smaller colleges, have you ever known an investigation to be made as to the methods of teaching and the principles that are taught and the giving of money made dependent upon a change in policy in those directions?

Dr. ELIOT. Never. I never heard the suggestion of such a thing. I may add perhaps that when the General Education Board makes an award to a college or university, and it makes such awards to hundreds, it gives the money outright to the corporation aided, or body of trustees aided, and keeps no control whatever over the expenditure of the money, unless, indeed, there is some condition that the money should be used for a building; but it has no control whatever over the subsequent expenditure of the money.

Commissioner LENNON. And seeks to exercise no influence as to what shall be taught?

Dr. ELIOT. I could not say quite that, because there is a general condition imposed which goes with all gifts made by the Rockefeller General Education Board to institutions of learning.

Commissioner LENNON. What is that condition?

Dr. ELIOT. The condition is no part of the money shall be used for what is ordinarily called "theological education." The attitude of the board has been from the beginning that it did not wish to contribute to any instruction which could possibly be called sectarian, and therefore this universal condition is attached to their gifts.

Commissioner LENNON. That is the principal condition, or only one?

Dr. ELIOT. It is the only one; only one which I have ever heard of.

Commissioner LENNON. In reply to a question—I can not repeat the question, but I think I have your reply—you said that in advance of meetings of the education board that you were furnished with an outline of the work that was to be performed at that meeting?

Dr. ELIOT. Docket; yes.

Commissioner LENNON. Yes; a docket. Who gets up that docket?

Dr. ELIOT. I suppose it would be got up by the secretary, Dr. Buttrick, and his two assistants. He has two assistant secretaries. I suppose it to be; it is always signed by him.

Commissioner LENNON. Now, at a meeting of the board can you originate legislation that does not appear on the docket?

Dr. ELIOT. Any member can. The matter may have to be laid over to the next meeting, but any member can bring in any proposal at any meeting.

Commissioner LENNON. Regarding the matter of organization, you expressed your approval, that as the higher professions, as you were pleased to call them, were organized that the right should extend to labor—the same right to organize in a general way. You objected, however, to what is known by the world at large as the closed shop. Doesn't that principle prevail in the professional organizations? Will the physicians in practice in the allopathic school admit homeopaths, or eclectics, or other schools? Will they practice with them?

Dr. ELIOT. The admission to the profession is regulated by public law, as a rule, in our country. In Massachusetts there is—all the schools of medicine are equally admissible to the practice of a profession. They have in Massachusetts an ancient society more than 100 years old called the Massachusetts Medical Society; and practitioners of the different schools are also admitted to that organization.

Commissioner LENNON. Have you ever noticed any evidence of physicians of different schools by their organization trying to obtain exclusive control of city and State and municipal charities that had to do with public health?

Dr. ELIOT. I have noticed such things.

Commissioner LENNON. Have you noticed the same thing as regards the organization of the bar associations?

Dr. ELIOT. The bar associations generally admit with great freedom persons whose standard of education satisfies them. They also exercise the power of dismissal, and turn people out of the bar association. That is, however, a power exercised very seldom and with a great deal of care. I suppose it to be necessary for the protection of the profession against incompetent or unjust persons.

Commissioner LENNON. In other words, they exercise their right of judgment as to the best methods of protecting their organization?

Dr. ELIOT. They do. But yet they never undertake to prevent any private person from employing whomever he wishes to employ. A lawyer, for instance, dismissed by the action of a State bar association may be employed the next day by any private person who wishes to do so.

Commissioner LENNON. Can he be employed before the court in trying cases if he has been disbarred?

Dr. ELIOT. That varies in different States, I think. In some States he can not be employed before the court, but he can be employed for all chamber work, as it is called.

Commissioner LENNON. Well, in so far as these principles may be exercised without the violation of law have not the labor organizations an equal right with the professional organizations to exercise them?

Dr. ELIOT. So far as their own members are concerned, they have equal right, of course; but what I object to in general in regard to the closed shop is that they undertake to prevent the employment of men not members of their profession.

Commissioner LENNON. Well doesn't the medical fraternity undertake to prevent men or women from practicing medicine who had not put the standards in their organization?

Dr. ELIOT. That is done by State law always.

Commissioner LENNON. Yes; but who promotes the law; is it not the physicians' organization?

Dr. ELIOT. Yes; backed by all persons interested in education and in the competency of men who have public responsibilities.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman would like to ask you a question or two, Doctor.

Commissioner HARRIMAN. Dr. Eliot, are you familiar with the industrial arbitration council—of course, not compulsory as to arbitration—in England in labor disputes?

Dr. ELIOT. No.

Commissioner HARRIMAN. Well, there is such a council there.

Dr. ELIOT. I think so.

Commissioner HARRIMAN. Would you think it would work well if the same were applied to this country—the same idea?

Dr. ELIOT. I really do not know enough about the method of work of that council to say whether it would work well in this country or not. Many things do work well in Europe which it is very difficult to transplant, and that may be one of them. I am not well enough acquainted with what that council really does to answer your question. I am sorry——

Commissioner HARRIMAN. May I put it another way? Would you think that arbitration and mediation—I mean again not, of course, compulsory arbitration—would work well over here?

Dr. ELIOT. So far as I have had the opportunity to observe the arbitration method in this country it has seemed to me to be a failure. I have not seen good results from the arbitration methods, because it generally results in a compromise which satisfies neither party. With regard to conciliation I have seen good results in the way of truce, and truce in the fight is often of very great value; but I have not seen results from conciliation toward permanent peace. There is a very great difference between the result desirable from the point of view of truce and the result desirable from the point of view of permanent peace. And so far as I have been able to learn, the conciliation methods in this country have not, as a fact, led toward permanent peace. I used to be a member of the executive committee of the civic federation, and I withdrew from it because the conciliation employed by that organization did not seem to me to tend toward industrial peace.

Commissioner HARRIMAN. Have you any suggestions to make as to bringing about permanent industrial peace—what methods might be used?

Dr. ELIOT. The first method that seems to me to go that way is a constant and perfect publicity—a knowledge in both parties to a strike of what is going on and what has been done; and the great enemy to peace is secrecy, and that is true in international war and in what precedes international war, in my view.

Now, after publicity, any effort to offer to the workingmen precisely the same motive for doing a good day's work that the employer or manager feels tends toward permanent peace. The two parties must feel the pressure of the same motive—that is, the welfare of the family, the profits to the individual, something in the way of a prospect of receipts or income in addition to wages. It has not seemed to me that we could get permanent peace on a basis of mere or plain wages. The human desire for a profit and for a new advantage ought to be brought into the industrial situation.

Commissioner HARRIMAN. Does that mean that you would approve of a profit-sharing plan?

Dr. ELIOT. Yes.

Commissioner HARRIMAN. Such as the steel company?

Dr. ELIOT. I like very much all profit-sharing plans as leading to real industrial peace, but I am confident that there is no one profit-sharing plan which will work in all the different industries. Profit-sharing plans have got to be adapted to a particular industry in which they are employed, and there must be great variety, and they must always be associated with cooperative management, if they are to work. Of course, we all know that many profit-sharing schemes have been tried and have failed. So that there is a great study to be done in all industries to bring in cooperative management and profit sharing.

Commissioner HARRIMAN. How do you feel about industrial democracy—labor having a vote in the management of the industry or the corporation?

Dr. ELIOT. Acting as representative?

Commissioner HARRIMAN. On the board.

Dr. ELIOT. Labor into the board of directors? I see no harm in that at all. I dare say it would do good. But the composition of directorates seems to me to be a very great problem in general.

Now, what we want in directorates are experts in management. We want the men of genius for the industrial organization. We are not getting them under the present arrangements, and I am afraid we should not get them if we undertake to make directorates representing capital on the one hand and labor on the other in equal proportions, say. But then we are now speaking of one of the great problems in modern industries—the right of organization of directorates.

I suppose we all agree we have not proceeded with that problem thus far. And that, I may say, is the case with regard to boards of trustees generally. It is a great problem of institutions of education to get competent, devoted boards of trustees—I mean for religious, charitable, and educational institutions. It is not a wonder that it is difficult to get good directorates in industrial corporations, because it is very difficult to get them in institutions and boards which are not carrying on operations for profit.

Commissioner HARRIMAN. Have you any suggestions, Doctor, how that might be improved—the present method?

Dr. ELIOT. It seems to me that we have seen a good deal of improvement in the last 15 years. And that improvement resulted from, I suppose, fair to say, the life insurance investigation in this State and city. And we must hope that all inquiries like this which this commission is carrying on can bring something to pass in the way of the improvement of directorates. But it will not be an easy problem to solve. I ought perhaps to say that I have been for many years associated with a directorate for Harvard University, a body of seven men, created by charter from the English Government in 1650. Now, that directorate has never been altered in composition. It has always been seven men, of whom the president and treasurer were two, and none of them were paid ever, except the president and treasurer, and they not as members of that board.

Now, the personal composition of that board has been extraordinarily well made up ever since 1650. But it has been a result, I think, of a somewhat public opinion in Massachusetts as to how such boards should be composed—the public opinion which was sound at the beginning and remains sound to-day. And I really believe that it is public opinion that has got in the last issue to be relied on for the improvement of commercial industrial directorates. We shall get as good boards as public opinion, intelligent public opinion, will call for. And I suppose that this commission could render a great service by contributing to the formation of an intelligent public opinion upon that point, on that method.

Commissioner HARRIMAN. Just one other question, Dr. Eliot, do you think if organized labor would eliminate the four policies which you have mentioned, which you regard as evils—the closed shop, the boycott, union label, limited output—that it could command attention on the part of unreasonable employers?

Dr. ELIOT. Command attention? Yes; I should suppose; but whether the labor union would actually effect on the object for the promotion of higher wages, for example, of shortening hours, as effectively if they abandoned their present instruments of warfare I should doubt. The conditions of things at the present time is a warfare, and the effective instruments of that warfare for the unions are those conditions that I have mentioned. But it seems to me that we do not sufficiently recognize the fact that these four instrumentalities are instruments of war. I meet a good many people who do not understand, for instance, that the boycott is a fight—a warfare. And its effects are often very destructive. I meet a great many people who do not understand at all that the union label is an instrument of warfare, and who know it. Now, the unions have been carrying on a warfare for a hundred years, and certainly that was a very justifiable warfare for many, many years. What we are looking for now is the means of finding a way out of that warfare, at least that is what I look for, and I have no doubt all members of this commission.

Commissioner HARRIMAN. Thank you.

Chairman WALSH. Commissioner O'Connell says he would like to ask you a few questions, Doctor.

Commissioner O'CONNELL. Doctor, in addition to the four matters you say that labor should eliminate, do you justify the strike of the organization?

Dr. ELIOT. Do I justify that?

Commissioner O'CONNELL. The strikes; yes.

Dr. ELIOT. Yes; if there is no other way.

Commissioner O'CONNELL. What is the difference between the strike and the boycott or the label?

Dr. ELIOT. The strike is essentially nothing but a statement that "We, the employees of this factory, will not work any longer on the present condition. We have been refused an improvement of conditions. We say we will not work any longer on the present condition without improvement." Now, that is everybody's right, every freeman's right. The boycott says, "We will kill your business"—a merchant having nothing to do with the factory in which the unions are employed—"we will kill your business because you buy goods that are made free of union rules." Now, that is an attack on another man by the union. In my opinion it is an unwarranted attack, and therefore I feel that the unions ought never to use that weapon.

Commissioner O'CONNELL. Suppose the union orders a strike because the employer won't use the label; suppose they say to them, "We won't use the label," and they say, "We won't work for you; we will strike"; is that strike justifiable?

Dr. ELIOT. I am afraid I do not understand the question.

Commissioner O'CONNELL. You say you justify the strike; that they have a right to strike. Supposing that strike is to compel the employer to use the label, which you say is one of the things that they should not have.

Dr. ELIOT. To compel the employer to?

Commissioner O'CONNELL. To use their label.

Dr. ELIOT. Yes.

Commissioner O'CONNELL. On his product.

Dr. ELIOT. They do not strike. They boycott; if they strike because they are not willing to work themselves under existing conditions, they are within their rights. If they strike because they wish to compel the employer not to use any label—the union label—except the union label, they are without their rights, in my view.

Commissioner O'CONNELL. Of course, if that is a strike to compel the employer to use the label, naturally it goes that they must employ the union label?

Dr. ELIOT. What I mean, should that justify the strike?

Commissioner O'CONNELL. No matter what the cause. You say make four propositions which you believe labor should eliminate?

Dr. ELIOT. Yes.

Commissioner O'CONNELL. But we differ; of course, that is not conceded by some?

Dr. ELIOT. Yes.

Commissioner O'CONNELL. Let me say, in those four, is not there included the strike, hence the strike, I take it from you, is not justifiable, you concede their right to do it regardless of what the cause may be?

Dr. ELIOT. Yes.

Commissioner O'CONNELL. They may strike for just the four things or some of them which you say they should not have?

Dr. ELIOT. Then I believe the strike to be unjustifiable.

Commissioner O'CONNELL. Then in some circumstances you think the strike ought to be added to the four you have named?

Dr. ELIOT. I should not like to add that, because under some circumstances the strike is justifiable, in my view.

Commissioner O'CONNELL. There is only one thing——

Dr. ELIOT. The other four are never justifiable.

Commissioner O'CONNELL. There is only one thing after the four which you have mentioned to add to the organization, as I see it, and that will be to the one "strike," and then there would be nothing for them to organize for; an organization would mean nothing.

Dr. ELIOT. Therefore I should not advise you to add strike. I would not add or advise you to put strike in the list.

Commissioner O'CONNELL. Behind it all, all the other things, is the word "strike" or not?

Dr. ELIOT. Is what?

Commissioner O'CONNELL. Strike. Is not the fact that the organizations do strike—is not that the cause behind it all why the employers, at least a great proportion of them, would not concede to deal with labor as organized labor? Does not that contain in it the closed shop, the boycott, the label, and all these other things of which we hear complaint?

Dr. ELIOT. It has not seemed to be so. On the contrary, I should say it distinctly did not belong in the list with the boycott and limited output and does

not belong there, because there is a legitimate right to strike in the sense that "We refuse to work for you under present conditions." There is the rightful thing. The other four are wrongful things.

Commissioner O'Connell. Ethically the right to strike. Doctor, in your four propositions does not boycott—a certain employer is manufacturing a certain article, and he has trouble with his employees because he pays too small wages, or he works the people too many hours per day, or he works them under insanitary conditions, or a dozen and one things which the men think wrong. They strike. And he sends the work across the street to some other manufacturer to produce for him, and the employees over there refuse to work on that work and strike, too. That is a so-called secondary boycott. Do you think that strike is unjustifiable?

Dr. Eliot. Utterly.

Commissioner O'Connell. Utterly unjustifiable, regardless of the conditions for which the other men struck?

Dr. Eliot. Yes. The justifiable strike is, in my thinking, when men or women say, "We will no longer work for you under those conditions." The strike for the purpose of a boycott, to enforce the boycott, does not come under that description. It is for another purpose altogether. It is to promote an attack on somebody else.

Commissioner O'Connell. The men across the street have not the same right to strike to force the conditions which the men are striking for on the opposite side of the street, to aid in compelling the introduction of what they would consider such reasonable and sane conditions of employment for their fellow employees, fellow members of the organization?

Dr. Eliot. I think not. It is a sympathetic strike you refer to, I suppose.

Commissioner O'Connell. So-called; yes. I do not see anything sympathetic about it, the men in the same organization, of the same family, of the same union, strike simply when in order to force the employer across the street to recognize the conditions which the men are striking for, which are the very worst that can be imaginable.

Now, if they have not that right, then should not the word "strike" be added to your four propositions?

Dr. Eliot. Not by me, because I believe there is a justifiable strike and there is an unjustifiable strike.

Commissioner O'Connell. Would you give a justifiable strike?

Dr. Eliot. Just that employees request of their employer an increase of wages or shortening of hours or improvement of the sanitary conditions, and the employer refuses. The employees say, "We will go out."

Commissioner O'Connell. Then no one can, under that case they would not have the right, ethically or otherwise, to ask the cooperation or assistance of their fellow workers in the battle, the battle would be absolutely between them and their employer, absolutely?

Dr. Eliot. Not necessarily; not necessarily.

Commissioner O'Connell. To where would it go?

Dr. Eliot. It must not go to the boycott.

Commissioner O'Connell. Who will step in and adjust it, force an adjustment?

Dr. Eliot. You call boycotting a means of enforcement, means of compelling the employer, and you make the strike a part of it. That is to say, as far as I understand you, you believe that the strike should be used as a force to compel the employer to obey the unions. Is not that it?

Commissioner O'Connell. I am trying to get that point: Is it not in effect saying, "I won't buy your article," saying to somebody else, "You must not buy that article—I am not going to manufacture your article, the members of our organization, regardless of where they may be employed, are not going to manufacture it, and a strike at one place; we are against you all through the whole proposition"; would you say that is right?

Dr. Eliot. I think not.

Commissioner O'Connell. Then do you not consider the word "strike" ought to be added to the four propositions?

Dr. Eliot. No; because there is a justifiable strike which does not go to that length as a fighting force.

Commissioner O'Connell. What power or influence does the strike become, then, if a man can not appeal, if the organization can not appeal to its sister organizations and ask for service; to come and render you service in the other organizations it is in violation of the principle.

Dr. ELIOT. The strike which I regard as justifiable is not helpless necessarily by no means. It appeals to public opinion strongly. It may appeal very strongly to public convenience. It is not the useless act, the hopeless act. It has force in itself. It may very well have the force behind it of justice and expediency. The strike does not, it seems to me, which I claim to be a right, does not seem to me to require the additional use of the boycott and label, and so forth, which are other means of compelling other people to do your will, which are elements in the general industrial strike, which, I think, ought to be eliminated by an intelligent people from the present industrial conditions.

Commissioner O'CONNELL. I will not argue with you, Doctor. But let me see if I can not bring a concrete case. I am not mentioning the name of the firm for any reason, but it just comes to my mind. Take the United States Steel Corporation, it has an immense number of plants scattered all over our country. The men go on strike at the Pittsburgh plant against a reduction of wages. They do not pretend to reduce the wages any place else, but just at Pittsburgh. The men go on a strike against that reduction. The firm proceeds to have its work done at South Chicago, or Milwaukee, or wherever there are other plants located. Now, the men in the other plants say, "We will not work on this material, we will not manufacture this article, because our brothers are on strike at the Pittsburgh plant." Would that be a justifiable strike if they went on strike also?

Dr. ELIOT. Not to my thinking.

Commissioner O'CONNELL. Then, all the steel company would have to do would be to keep up the fight with that little portion of their firm or concern or manufacturing plant at Pittsburgh, while they could move the work around to the other plants and starve the men out at Pittsburgh?

Dr. ELIOT. Yes.

Commissioner O'CONNELL. That would be justifiable?

Dr. ELIOT. Yes.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Ballard says he would like to ask you some questions.

Commissioner BALLARD. Doctor, there has come up a number of times—I think, this morning—in the questions of Commissioner Lennon, perhaps, a confusion between the rights of workmen to require that their labor unions should have the entire right to work in a certain way, and also the association of the professions, such as doctors and lawyers. Let me see if I have in my mind correctly the thought. From what you stated in regard to colleges, when young men are graduated they take an examination, perhaps, before the State board for their admission to the bar or admission to practice in the professions. They may or may not join these associations of the bar or of the medical profession. Whether they do or do not, they are allowed to practice in that State wherever they have taken out their proper license. Now, is that different at all, for instance, from, we will say, a stationary engineer? The law of the State might say that no man could run a stationary engine unless he had two years' experience, and after that he should apply to the State and get a license. As I understand it, the labor union might say no man in the State shall run a stationary engine unless he also has a card in the stationary engineers' union. Would you consider that an analogous case, where the medical or the legal profession have their associations?

Dr. ELIOT. No; I do not.

Commissioner BALLARD. You approve of the one and not of the other, then?

Dr. ELIOT. Yes.

Commissioner BALLARD. That is all.

Chairman WALSH. Commissioner Garretson says he has a question he would like to ask.

Commissioner GARRETSON. Doctor, you have stated you believe in the organization of men. You have criticised some features of labor organizations. I should be glad to have an expression from you on one point, if you feel free to give it. That is, the officer of a labor union is charged with an offense—we will say it is ethical and immoral—accepting of a bribe or other embarrassing an employer or of embarrassing the rival of an employer. I suppose that you would hold that an utterly improper practice on his part?

Dr. ELIOT. Yes.

Commissioner GARRETSON. Now, would you hold the union which he represented responsible if, on proof of the fact, they failed to discipline him? Would

you hold by that that they assumed a responsibility for his act or gave tacit approval to that line of conduct?

Dr. ELIOT. I think they assume a moral responsibility. I do not know whether they assume a legal responsibility or not.

Commissioner GARRETSON. Well, moral responsibility.

Dr. ELIOT. I am not a lawyer.

Commissioner GARRETSON. Then, as stockholders in that union, they are responsible morally for the acts of their executives, unless they apply the remedy?

Dr. ELIOT. For instance, if they reelect a man who has been convicted of a crime, that sort of thing——

Commissioner GARRETSON. They accept responsibility, then, for his former acts?

Dr. ELIOT. They seem to me to.

Commissioner GARRETSON. You do not believe in a double standard of ethics for two sets of men?

Dr. ELIOT. No; not at all.

Commissioner GARRETSON. How can the Rockefeller Foundation, as a holder—it being an artificial person under the laws of New York, and the holder of a large amount of bonds of the institution at Roosevelt—evade that same moral responsibility for the acts of its executives?

Dr. ELIOT. The trustees, the directors of the Rockefeller Foundation, have nothing whatever to do with the acts of that particular commercial company which led to a great wrong and investors. They have no connection with it whatever.

Commissioner GARRETSON. Except that they own the stock?

Dr. ELIOT. The stock or bonds.

Commissioner GARRETSON. I am using stock, not bonds.

Dr. ELIOT. Stock; yes. They have no connection. As stockholders they have no control over the action of the real management of the company, where the difficulty occurs.

Commissioner GARRETSON. What control has the member of the labor union over its officers, except as stockholders?

Dr. ELIOT. As I understand it, the members of a labor union vote for their officers.

Commissioner GARRETSON. They do.

Dr. ELIOT. When they vote for officers who have been convicted of crime, they take a serious moral responsibility.

Commissioner GARRETSON. How about those stockholders in any corporation who vote for an officer who has been convicted of a crime, or give their proxies to a man they know will vote?

Dr. ELIOT. They will bring upon them an equal moral responsibility if they know what they are doing.

Commissioner GARRETSON. Then there is exactly the same responsibility between the stockholder in one and a stockholder in the other, the same moral responsibility?

Dr. ELIOT. Not necessarily. I think your statement covers too much ground altogether. You say the "same" responsibility. It is different.

Commissioner GARRETSON. How can it be otherwise unless a proper qualification is attached to moral responsibility?

Dr. ELIOT. I do not think I see the bearing of that question.

Commissioner GARRETSON. In other words, the stockholder in a million-dollar corporation, can he evade any moral responsibility that the stockholder in a labor union, that has no assets except what those individual stockholders pay in as dues—can one evade the moral responsibility that the other can not?

Dr. ELIOT. Still I do not see what analogy there is between the two cases.

Commissioner GARRETSON. I do not care to press the question.

Chairman WALSH. Dr. Commons would like to ask some questions.

Commissioner COMMONS. You spoke of moral responsibility?

Dr. ELIOT. Yes.

Commissioner COMMONS. Do you think that unions should be made legally responsible in civil damages, we will say, in those cases where there is in any case damage done to employers' property?

Dr. ELIOT. Yes; I do.

Commissioner COMMONS. How would you accomplish legal responsibility?

Dr. ELIOT. I am not enough of a lawyer; I am not a lawyer at all; I should not know just how to accomplish it. One method of accomplishing it has been

suggested, I think, incorporation of unions, in order that the union might be responsible as a person, just as an ordinary corporation is. I do not know whether there would be any other means.

Commissioner Commons. But in general you think it should be made legally responsible in civil damages?

Dr. Eliot. I do; for injuries inflicted by the officers of unions.

Commissioner Commons. By the officers of the unions?

Dr. Eliot. Certainly; just like any other industrial body.

Commissioner Commons. Would you extend that responsibility to injury inflicted by a strike?

Dr. Eliot. Such as destruction of property, for instance?

Commissioner Commons. No; just merely a strike as you have defined it.

Dr. Eliot. No; I should not. If it was—the strike consisted merely in refusing to work for the employer concern.

Commissioner Commons. You made a distinction between a justifiable and unjustifiable strike.

Dr. Eliot. Yes.

Commissioner Commons. Would you extend the responsibility to an unjustifiable strike; could that be made legally responsible for an unjustifiable strike?

Dr. Eliot. If that unjustifiable strike involved injury to other persons?

Commissioner Commons. Yes.

Dr. Eliot. Or property?

Commissioner Commons. So that if a justifiable strike involved injury they would not then be held legally responsible in damages, according to your idea of what it should be?

Dr. Eliot. Not for injury to the employer which resulted simply from refusing to work for him.

Commissioner Commons. What would be an unjustifiable strike? Would a strike to oppose a union employee be unjustifiable?

Dr. Eliot. I think so.

Commissioner Commons. And a strike to have a nonunion man discharged would be unjustifiable?

Dr. Eliot. Certainly; because it interferes with his liberty.

Commissioner Commons. What other strikes would be unjustifiable?

Dr. Eliot. Boycott strikes, I should say.

Commissioner Commons. Sympathetic strikes?

Dr. Eliot. Yes.

Commissioner Commons. And you would impose a penalty, a legal responsibility in damages, on the unions for engaging in a sympathetic strike?

Dr. Eliot. From which damage resulted?

Commissioner Commons. From which damage resulted; yes, sir. Would you apply that also to the illustration that Mr. O'Connell mentioned with reference to the Steel Corporation?

Dr. Eliot. Yes; any strike in support of a boycott.

Commissioner Commons. And you would impose civil damages, if damage was proved?

Dr. Eliot. If damage was proved.

Commissioner Commons. You would carry the legal responsibility, then, in such form as would be effective either by incorporation or otherwise, to all unjustifiable strikes?

Dr. Eliot. I would. But I would like to say this in general with regard to the tendency of the questions to which I have been lately responding, that I have no faith whatever in law—legal action—as conducing to permanent industrial peace. I do not believe that industrial peace can be arrived at by the present process, and that therefore I am hoping and looking for other measures than those of legal responsibility, for instance, for the bringing on of real peace in our industries. Such discussion as we have been lately having has no great interest for me because I despair of arriving at the desirable conclusion, and the peaceful cooperation of capital and labor by any such process as that which has been going on in this country for the last 25 years, including all the legal contrivances.

Commissioner Commons. That is based upon your idea that they are simply war measures?

Dr. Eliot. These are all war measures, and nothing else.

Commissioner Commons. You would penalize the unions for using these war measures?

Dr. ELIOT. War measures—I would penalize the employers just so much if they used war measures.

Commissioner COMMONS. Penalize both sides?

Dr. ELIOT. Yes.

Commissioner COMMONS. Would you apply that same rule to the unjustifiable lockout?

Dr. ELIOT. Oh, yes.

Commissioner COMMONS. If it damaged the members of the union?

Dr. ELIOT. The unjustifiable lockout, I suppose, is damage. I should think.

Commissioner COMMONS. And to the black list?

Dr. ELIOT. The blacklist. I am not clear about. I have not ever seen any effective black list, and I do not know how that works.

Chairman WALSH. Commissioner Ballard overlooked one question he would like to ask you, Doctor.

Commissioner BALLARD. Doctor, I had one other question in mind to ask you. You gave us four things that you thought the union perhaps did that they should not do. That if they would abandon they might relieve some of the friction between the workmen and the employer. Have you thought of or have you considered in your mind, anything that the employing class in industrial work, the owners of manufacturing plants, could do that they should also eliminate from their present methods to relieve the friction between themselves and their employees?

Dr. ELIOT. Yes; I have some such things in mind very clearly.

Commissioner BALLARD. Would you mind telling us some of them?

Dr. ELIOT. I think they should invariably procure the cooperation of their employees in the management and discipline of the works, whatever the works are. That has not been much practiced until lately.

Commissioner BALLARD. Do it through the groups of men who are elected by the various groups of men in their employ, and meeting with those foremen or those men selected?

Dr. ELIOT. Yes; by the election on the part of the employees in suitable groups of representatives in a committee of management and discipline in which same committee the employers or the managers are represented.

Commissioner BALLARD. Would you let that committee of employees go so far as to request a share of the earnings of the company, a share of the profits in addition to their wages?

Dr. ELIOT. That seems to me to be a separate matter. I am a believer in the profit-sharing question pretty strongly, but that is separate from cooperative management.

Chairman WALSH. Commissioner Weinstock would like to ask a question or two.

Commissioner WEINSTOCK. Among the other things here that this commission are called upon to determine is as to whether the great foundations, such as the Rockefeller Foundation, are a good or bad influence to society. Therefore we are inviting all the opinions, all those opinions we value that we can get.

Yesterday at our hearing Dr. Holmes, pastor of the First Unitarian Church, expressed certain views concerning the question of foundations. For your information I would like to present to you his views and his opinion and to ask in how far you concur with this point of view.

Reading from the record, this appears:

"Q. If you were so fortunate or unfortunate as to be the possessor of $100,000,000 that you wanted to use for the common good, what would you do?—A. I should consider, sir, that I was confronted by one of the most difficult problems that could confront any man. For the sake of my own individual integrity I should try as best I could to get rid of that $100,000,000 and my own thought which comes at the moment here, I should want to place it upon the Government, the representative of the people, to assume that great responsibility, as Mr. Roosevelt placed the $40,000 Nobel prize, not in his own hands or in any private personal concern, but in the hands of the Government. The fact that the Government did not know how, or the Government or the citizens did not respond to that generous and wise gift, does no impugn, it seems to me, the wisdom of what was done.

"Q. You would, then, place the matter entirely out of your own hands and get the $100,000,000 into the hands of the employees of the Government?—A. I should get rid of it just as quickly as I could. I feel that no man has a right to such a sum of money.

"Q. Would you have any strings tied to that gift of all the people?—A. I should hope not. I should, not believing it to be ethically right to have such a sum of money, want to be rid of that responsibility.

"Q. You would simply take this $100,000,000 and turn it over to Congress and say, 'Do with it what you consider best'?—A. I should hope—I should suppose I would think the matter over carefully, more carefully than I can at present; but I think that is the thought I should have, and my object would be to get into the hands of the people the money they have produced.

"Q. You mean just put it in the common treasury just to be used for any purpose it wanted, or would you specify?—A. I might think it a matter of wisdom to specify. I do not think I should attach any binding condition, as Mr. Roosevelt did, that this money should be used for any particular industrial benefits, or anything of that kind.

"Q. That is, you would do it without qualification as to the use of the gift?—A. Qualifications of recommendation rather than perhaps insistence or dictation.

"Q. That is, in the nature of suggestions?—A. Yes; in the nature of suggestions as a donor to a college might say, 'I would like to have this used for books or for scholarships or for a library; but if it can be used better, use it as you see fit.'

"Q. Well, if Congress should see fit to take your $100,000,000 and simply put it into the common treasury, and to use it for operating expenses, within a very brief time that $100,000,000 would disappear and comparatively little permanent good might flow from it. Would you think that would be wise?—A. Why, it probably would disappear in serving the interests of the people. The fact that it went back into those interests would not in itself, it seems to me, be an ill. I can imagine the Government might well expend it for purposes that I was not at all concerned with, such as the Army and Navy, for example; but if I made the gift under those conditions I should have to take the result.

"Q. But I take it if you had this vast sum of money, if you were burdened with it, that you would naturally want to use it for the most permanent good, so that the largest number of your fellows might be helped, not temporarily, but that it might be used as a means for continuing to aid those who were worthy of being aided?—A. What right, sir, have I to assume that I have any knowledge as to what is the highest permanent good for this country?

"Q. Well, we have a right to assume that you ought to have more than average knowledge as to what is the highest permanent good, because the country has given you the benefit of its better educational resources and assumes, for example, that you are using that intellectual development in the common interests, and therefore you ought to know more than most of us and that money should be expended so that it will result in the best good and to the greatest number. You are an educator, you are an uplifter, and therefore we have a right to expect more from you than from some of the rest of us.—A. I should feel that those advantages, if they exist, sir, should be used for the exertion of the strongest kind of personal influence as a member of the community; but not as to the dictation, to the administration of such boundless, stupendous source of power as is contained in $100,000,000."

Would you be good enough, Doctor, to tell us in how far you are in agreement with Dr. Holmes's attitude?

Dr. ELIOT. I agree with him in thinking it is a grave responsibility to be the possessor of $100,000,000, and if I had it I should want to get rid of it; but I do not agree with him, I suppose, so far as I can judge his sentiments from this reading, in thinking that the Government is the strongest agency for administering money which is intended to promote the public welfare. We have seen in Germany a large amount of money used by the Government with the intent to promote the public good, but, although that money was used with immense intelligence, it does not seem to have conducted the German people to a fortunate state of mind. Now, free governments, on the other hand, have long relied, and I think are going to rely, on two different modes of promoting the public welfare; one is by the expenditure of the public welfare of money raised by taxation from private property, and the other is what I may call the corporation method of using large sums of money for the promotion of human welfare. The freer governments have already relied on both these methods, and more and more on the second, and I think that we are likely to do the same. We have done it already with one of the chief means for promoting the public welfare, and that is education. Education in this country has been conducted in a

very important particular—in large measure—by chartered corporations or boards of trustees established under the public law, and I believe that on the whole the promotion of the public welfare through such chartered educational and religious corporations has been more effectively promoted than by the governmental agencies. And I suppose this will be the case in the future as well as in the past; and moreover, I believe that such corporations, in the training of men and the management of such corporations, is a very great reenforcement of free institutions in general, and an extraordinary enforcement of free institutions and public liberty, and therefore I hope for a prolongation of the great service of these corporations, dependent on public law and dependent also in a great many respects on publicity of their actions toward the public. I look for their continuance and a great development of their services, and I seem to differ from my friend, Dr. Holmes, in this expectation.

Commissioner WEINSTOCK. You do not, then, in common with Dr. Holmes, regard great foundations as a menace to society?

Dr. ELIOT. I do not. I have been in the service of such corporations all my life, I may say; and my testimony may not be regarded as impartial. But I have never known a charitable or educational corporation to do anything which threatened the welfare or the liberties of the American people. I have had no observation of any such corporation—of any such attempts. And I have, on the other hand, seen a great deal of the activity and intelligent promotion of the public welfare by such corporations. There is in them, so far as my experience teaches me, not only no menace, but a very great hope for the Republic.

Commissioner WEINSTOCK. Do you know of any wiser or any better or any more effective way that Mr. Rockefeller, for example, could have used his hundred million of dollars than by creating the foundation?

Dr. ELIOT. The Rockefeller Foundation is the largest and freest attempt to do permanent good in the world, not only in this country, but in the world, that I have ever heard of or known anything about—in any country. And in its management it is absolutely free. To use the common expression, there are no strings to it at all, and its purpose seems to be just that which is expressed in its fundamental deed of trust. It is for the benefit of mankind without regard to race, cast, or religion. I have been a member of the board only for about a year. I was not one of the original members, but through all I have seen of it, I should describe it as the most admirable charity that I have ever known anything about. And by "admirable" I mean wise in its objects and effective in its organization.

Commissioner WEINSTOCK. What is your comment on the criticism or the suggestion that has been offered by some that the State should have a voice in the management of a foundation of that character?

Dr. ELIOT. By "a voice" you mean a representation in its board of directors?

Commissioner WEINSTOCK. Yes.

Dr. ELIOT. I have known of several trusts of this general nature in which the State had a voice. For instance, the Massachusetts General Hospital in Boston. That is a very valuable trust and has been of enormous beneficence. Now the management really is in what may be called the hands of private citizens, but the State is represented on the board; and I dare say that that representation has been useful, because the public has felt that it has been represented in the board, and the hospital has worked all over the State, and, indeed, accepts patients from all over New England. But this has been the experience of that particular charity. The State's representatives in the board are never active. They have plenty of good will, but, as a matter of fact, they are not active, and the business of the corporation is done by the other members. Nevertheless that representation in that particular trust may have been useful. Whenever, in my experience, ex-officio members are put into a trust they are liable to be so much occupied with their other duties that they do not get time to attend to the trust in which they are ex-officio members.

Commissioner LENNON. Your opinion, then, I gather, Doctor, is that State representation on the board would prove inefficient?

Dr. ELIOT. In that sense that the ex-officio members appointed by the State would not be able to take part, active part, in the work of the charity, the hospital, or whatever it was.

Commissioner WEINSTOCK. Therefore I take it that you would regard it as comparatively of little restraining value?

Dr. ELIOT. Precisely. I do think it has a very moderate influence either in restraining value or in the commanding of public confidence. But, then, it may not be the same in the future as it has been in the past.

Commissioner WEINSTOCK. Taking up the question of the labor problem, Doctor, do you think that organized capital should recognize and deal with organized labor?

Dr. ELIOT. I do recognize it, surely. Deal with it in what sense?

Commissioner WEINSTOCK. Well, establish contractual relations?

Dr. ELIOT. Oh, yes; certainly.

Commissioner WEINSTOCK. You think it should?

Dr. ELIOT. Yes.

Commissioner WEINSTOCK. If you were an employer you would recognize and deal with organized labor?

Dr. ELIOT. Certainly, in the sense of holding communion with them; but I ought to add that I have never been an employer.

Commissioner WEINSTOCK. Should the funds of organized labor be placed within the reach of the law when labor unions become lawbreakers?

Dr. ELIOT. Should they—that is, is it right?

Commissioner WEINSTOCK. Yes; that is, is it right morally and should it be made legally so?

Dr. ELIOT. It seems to me so.

Commissioner WEINSTOCK. To hold the unions responsible for their illegal acts?

Dr. ELIOT. Yes.

Commissioner WEINSTOCK. In answering questions submitted by some of my fellow commissioners, you stated, among other things, that you regard it as unethical and unwise to elect or to reelect officers of their organizations convicted of crime. Do you know of any instances where that has been done—where unions have elected or reelected officers who have been convicted of crime?

Dr. ELIOT. "No" is rather a strong word. I only have such knowledge as one gathers from the publications of the moment. Those publications have given me the impression that, in regard to the dynamiting convictions, the unions reelected men who had been convicted.

Commissioner WEINSTOCK. You have reference to the case of John Ryan, president of the Structural Iron Workers?

Dr. ELIOT. That is one of them.

Commissioner WEINSTOCK. Do you regard that as a mistake on the part of organized labor?

Dr. ELIOT. I regard that as something worse than a mistake.

Commissioner WEINSTOCK. How would you describe it?

Dr. ELIOT. As a serious moral offense against the community as a whole.

Commissioner WEINSTOCK. I gather also, from what you said, Doctor, that you regard the greatest enemies of organized labor to be within the ranks of organized labor rather than without the ranks of organized labor; and I inferred from that, and, if my inference is in error I will be glad to have you correct it, that you regard a unionist as an enemy to labor if he becomes a lawbreaker in the so-called interest of unions?

Dr. ELIOT. I do; but that is not precisely my point of view when I say that. The boycott and the limitation of output by union labor are injurious to the workmen themselves—to the members of the unions themselves. That is rather, perhaps, going to the bottom of things, but I believe that whatever injures the prospect of a man for happiness in this world is a wrong thing to him; and have we not all seen that the conditions of the laboring men of our country who belong to unions make it impossible for them to be happy. They can not be happy in their work—their daily work—and no one of us could ever be happy in working under such limitations as the unions prescribe. Take, for example, the limitations of the output. Now, no ambitious, energetic, zealous man can be happy or contented even under conditions of a limited output. That condition alone makes it impossible for him to have a happy life. And that is what I mean by saying that the conditions imposed on labor by the unions are seriously injurious to the men themselves, and that is the worst wrong that the unions do, in my opinion, the injury that they inflict on their own members. Therefore, my reply to your question, sir, would be that these policies of the unions are unhappy to the last degree, and, therefore, injurious not only to the unions but to the entire community.

Commissioner WEINSTOCK. I gather from what you say, Doctor, that your conception of one of the causes that lead to human happiness is development of the individual to his highest efficiency? That is, the highly efficient individual is naturally more happy than the inefficient individual or the individual whose efficiency has been stunted and blunted? Do I understand you correctly?

Dr. ELIOT. That is what I believe, most assuredly.

Commissioner WEINSTOCK. And therefore anything that tends to minimize the efficiency of the individual is harmful to the individual?

Dr. ELIOT. Precisely. And that is the only conclusion to which any man can come whose life has been spent in education. The whole object of education is to develop the individual to his highest capacity, not only for production, but for enjoyment and happiness, and that is what these unions cut all their members off from.

Commissioner WEINSTOCK. I take it, then, Doctor, if you and I were unionists and the union should say to us you shall do so much and no more, thus minimizing our efficiency, it would be an enemy in disguise?

Dr. ELIOT. Not much disguised, I should say. I never would consent to work under such conditions, and there has never been a moment in my life when I would have consented to work under such conditions, and that I believe to be true of most vigorous and independent men.

Commissioner WEINSTOCK. You speak also of the fact that in your judgment industrial peace can not be arrived at by present methods. What do you regard as a weak spot in the present method?

Mr. ELIOT. The present methods are fight—both sides. I can look for no permanent peace out of such conditions. And peace to me means conditions of community happiness and of personal happiness.

Commissioner WEINSTOCK. Well, what methods would you substitute for the method of fight?

Dr. ELIOT. Publicity, cooperative management, and profit sharing in great variety.

Commissioner WEINSTOCK. I gather, then, that you are a believer in the wisdom of industrial democracy?

Dr. ELIOT. Entirely—in a proper sense; in a proper sense.

Commissioner WEINSTOCK. That is, you would give labor a voice in industrialism?

Dr. ELIOT. In the management; yes, sir—in general, and in discipline.

Commissioner WEINSTOCK. From your observation, Doctor, what do you think is the present tendency? Is the tendency, so far as you can see, for a higher degree of industrial peace or for a lesser degree of industrial peace?

Dr. ELIOT. I have not been able to make out the tendency. As I think I have said before, up to three or four years ago I thought that the tendency was to continued fighting without peace, but latterly I have begun to think that there are a good many forces making toward peaceful adjustments.

Commissioner WEINSTOCK. Do you or do you not believe, Doctor, that much of the industrial friction that has taken place in this country in more recent years is due very largely to misunderstanding—largely to the fact that each side looks at the situation through one eye in the place of looking at the situation through both eyes——

Dr. ELIOT (interrupting). Yes, sir.

Commissioner WEINSTOCK (continuing). Due to the fact that the one side does not put itself in the other fellow's place?

Dr. ELIOT. I think that is part of it—ignorance on both sides of the other fellow's feeling, and also of human nature in general. But I am afraid there is another serious difficulty, and that is the demonstration and manifestation of intense selfishness on both sides—the manifestation of selfishness being most acute, I should say, on the side of labor.

Chairman WALSH. I have been aked to ask you a few questions, Doctor, which I will put to you now. First, with respect to the economic doctrine bearing on the tariff. What has been the prevailing doctrine of those business interests of New England from whose resources the fund of Harvard College have been largely drawn?

Dr. ELIOT. Some of the fund—no very large proportion—of Harvard College came in before the tariff question arose in this country. We have seventeenth-century and eighteenth-century funds. The greater part of them have come in the nineteenth century and the twentieth. In the nineteenth century I should say that a considerable portion of the funds came from men who had been believers in protection.

Chairman WALSH. And what has been the characteristic doctrine of Harvard College economists on the same subject?

Dr. ELIOT. There has been no characteristic doctrine on the subject of protection or the tariff in Harvard College. We never had a professor of political economy until 1870–71, I think, and since that time we have had four or five professors at work at the same time. There has never been an agreement of opinion among them on the tariff. The professor that gave a quarter part of his time to political economy before 1870 was an extreme protectionist, and he taught protection quite actively, with the result that among his disciples a good many free traders were developed. But then in general Harvard College enjoys a very great degree of freedom, both on the part of the teachers and upon the part of the students on all subjects, I may say.

Chairman WALSH. One other question. Following the line of your testimony that the boycott was never justified, this question has been handed to me:

If strikers of one shop were to announce to the public that the products that were being manufactured in a nonunion shop were being manufactured under exactly the same insanitary conditions under which they struck and in which the public is deeply concerned, would you call that a justifiable boycott?

Dr. ELIOT. So far as giving to the public this information, entirely so. That is merely an element, as I understand it, in publicity—publicity of the existing conditions.

Chairman WALSH. Commissioner Ballard says he has one other question he would like to ask you.

Commissioner BALLARD. Doctor, I was afraid there was a slight misunderstanding occurred, and I would like to have you clear it up, and that is this: Do you consider the responsibility of a stockholder in a corporation the same as the responsibility of a bondholder? Do you see any difference in the responsibilities of those two methods of ownership?

Dr. ELIOT. Yes; I do.

Commissioner BALLARD. If then, for instance, one of your foundations held bonds in an industrial corporation, you might not feel any responsibility, whereas if it held stock you might feel some responsibility. The questions that Commissioner Garretson brought out, I am afraid, left you or your expressions a little confused in that regard.

Dr. ELIOT. The responsibility of a stockholder, so far as my observation goes, is limited to a choice of the directors. Now, the bondholders have not any such responsibility as that. They have nothing to do with it. Therefore it seems to me the responsibility of the bondholder is really different from the responsibility of the stockholder. Is that what you meant?

Commissioner BALLARD. Yes; I thought there was a little confusion.

Chairman WALSH. Commissioner Weinstock, I believe, has a question.

Commissioner WEINSTOCK. Just one more question, Doctor, if you will bear with me. Referring to the question of foundations, if you had all the wealthy men of the country assembled before you and were discussing with them the wisest way to use their wealth, would you or not advise them to follow the example of Mr. Rockefeller, Mr. Carnegie, and others and to establish foundations to be used for the common good?

Dr. ELIOT. I should not know any better advice to give them. All methods of using great sums of money for the public welfare, to do good with in permanent ways, are difficult—very difficult. I have never seen as much care used in setting up large funds for the permanent benefit of the public as in the case of the Rockefeller Foundation, in the sense of the public or in the sense of the whole world. I have never seen greater care exercised than in those cases of the disposition of the permanent benefit to the people of the great sums of money such as have come into the hands of the Rockefeller family.

Chairman WALSH. You may be excused permanently now, Doctor, and we are very thankful to you for your testimony.

We will now stand adjourned until 2 o'clock, to meet in this room at 2 o'clock sharp.

(Whereupon, at 12.30 o'clock p. m. of this Friday, January 29, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. The house will be in order, please, and we will proceed. Mr. John Hays Hammond.

TESTIMONY OF MR. JOHN HAYS HAMMOND.

Chairman WALSH. State your name, please.
Mr. HAMMOND. John Hays Hammond.
Chairman WALSH. What is your place of residence?
Mr. HAMMOND. Gloucester, Mass.
Chairman WALSH. What is your business?
Mr. HAMMOND. Engineering.
Chairman WALSH. I believe some questions were submitted to you by this commission, Mr. Hammond?
Mr. HAMMOND. Yes, sir.
Chairman WALSH. Have you prepared answers to the same?
Mr. HAMMOND. Yes; Mr. Chairman.
Chairman WALSH. Would you prefer to just read the questions and answers, Mr. Hammond?
Mr. HAMMOND. I think I would, Mr. Chairman.
Chairman WALSH. Please do so, then, and I would suggest that you pitch your voice a little higher for the reason that it is difficult for some of the commission to hear and also the auditors in the rear of the room.
Mr. HAMMOND. I will do so; but in presenting this statement I wish to absolve any of my associates in the National Civic Federation for any expression of views that I give. I am chairman of the industrial, economic department, and I have not consulted with them as to the statements I make, and it is therefore only fair to state that. Moreover, as I shall touch on some subjects which may not be very popular, I wish to state very emphatically that I have no connection whatsoever with any trusts, directly or indirectly, nor have I ever had, nor am I interested in a protective tariff, but on the contrary my interests are elsewhere. I only state this to give a little credibility to my position in making statements that may seem in conflict with them.
Now, as to the question of responsibility of stockholders and directors, I would state that the stockholders of corporations are only remotely responsible for the labor conditions which exist in it and for the social conditions which are produced, since the stockholders delegate their responsibility to a board of directors of their choosing. It would obviously be impossible for stockholders to be conversant with the details of operation of a corporation, and it would be impracticable for them to exercise administrative functions. Directors are responsible for the general policy of corporations and are specially responsible for the executives whom they select to conduct its operation; but the responsibility directly falls upon the manager as far as the labor conditions of the corporation are concerned. The general labor policy may be determined by the board of directors, and should be determined by the board of directors, but the details as to the carrying on of this policy must be left to the manager, who, from a constant and intimate connection with the labor conditions arising in the operation of the corporation, is more competent to determine the details of the labor problems than the directors of the corporations.
As a matter of fact, no high-class manager would submit to the constant dictation by the directors of a corporation as to the details of administration, which are often responsible for the beginning of labor troubles. Moreover, in the interest of all concerned, stockholders, directors, and wage earners themselves, the manager should be experienced in handling labor, one thoroughly conversant with labor conditions and especially with local labor conditions, and he must be backed up by his board of directors to be able to carry out the general policy of the corporation; but there should be a managing director to keep the other directors in close touch, by personal visits to the property, of conditions there. The directors, or some committee of directors, should be compelled in the case of labor disturbances to make a personal visit to the property and acquaint themselves with the actual conditions. The directors of corporations rarely have had the kind of experience necessary to qualify them to deal directly with labor conditions, their activities having been confined as a rule to the financial management of corporations, and in that sphere men of ability, experience, and high standing are required to protect the inter-

ests of the stockholders and to so finance the corporations as to enable the manager to carry out his work under those advantageous conditions; and this in turn should result in more steady employment and better wages for the employees.

Every successful manager knows the importance of establishing good relations between the management and the employees and that it is bad business—it does not pay—to have seething discontent among the employees. For that, if for no other reason, a good manager would endeavor to win the confidence and respect of his employees by giving them fair treatment, able and resolute management, and by showing a personal interest in their welfare. These are the underlying conditions that exist between stockholders, the executives of a corporation, and employees; but, of course, in practice the personal equation comes into play. Often the local managers are hampered by unreasonable and unwise intereference by the directors, the effect of which is to discredit them with the employees and to weaken their authority. On the other hand, the managers themselves are too often unreasonable and arbitrary and are directly responsible for well-founded discontent, which may develop into labor troubles. Then, too, managers have often to deal with unreasonable employees who have become disaffected because of the pernicious activities of labor agitators. Very much of the trouble between corporations and the employees is caused by the walking delegate and this is especially so where the dominating element among the employees is foreign labor, ignorant as to American labor and social conditions. Such a situation is often aggravated by the political demagogue, who plays his selfish rôle in abetting the labor agitator in order to secure the labor vote. There is no doubt also that the responsibility for this condition very often lies with the large corporations, which have for selfish purposes employed an undue percentage of the kind of labor to which I have referred because of the lower wages paid, to the exclusion of higher-grade labor, which, having been elevated to the higher standards of American living and citizenship, require higher wages to maintain those standards. I regard a policy of that kind on the part of corporations as not only culpable but shortsighted, and one which will always be costly in the end. If we are to build up responsible citizenship in this country we can not lower the standards of living of the wage earner. Unless the great protected industries of this country can pay an adequate wage they should not be accorded the benefits of a protective tariff. This is good civics, good business, as well as humanitarianism.

As to the broad question of unemployment, the underlying causes are economic, but there are other factors which accentuate and sometimes determine conditions locally. The question of supply and demand is, of course, basic. It is unfortunate that the solution of great problems of this country, purely economic in character, is not always dissociated from politics. Legislation dealing with the tariff, the currency, the trusts, and other economic subjects vital to the welfare of the entire Nation is in a large measure determined on strictly political lines, indeed is often determined by superficial orators on the political stump in times of a heated campaign, rather than by the deliberations of business men in boards of trade.

One of the most important adverse factors in the problem of the unemployed is the "briefless" lawyer who, despite an absolute lack of experience in business affairs of any kind whatsoever, is selected to legislate on economic problems of national import. But the self-centered business man is in a large measure responsible for this condition, because of his failure to take an interest in civic and political affairs. This condition is due to the fact that at one time in our political history some great corporations, by generous contributions to campaign funds, were able to elect legislators who would attend to matters of legislation for them. Fortunately for the country and, indeed, for the corporations themselves, this order has changed, and large corporations would now be perfectly satisfied to receive only what is due them under equitable laws. But the pendulum has swung too far in the other direction, and political demagogues, taking advantage of the unpopularity of corporations, which some years ago was in a large measure deserved, because of their reprehensible practices, are still at times making political capital out of this circumstance by promoting anticorporation legislation.

As bearing on the question of unemployment, one of the economic lessons taught by the present European war is the complete vindication of the fiscal policy which has resulted in the building up and expansion of our great national industries. We learn more clearly than ever the interdependence of our in-

dustries; the total dependence, for example, of that great industry of agriculture on the prosperity of the manufacturing industry, for in the manufacturing centers it finds its best market. We learn the importance of all of our industries to the extensive classes employed in our great transportation systems, in our agencies of distribution, etc., and we must conclude, therefore, that the keynote of our economic and fiscal legislation must ever be to preserve unimpaired the integrity of our home industries and the purchasing power of our domestic markets.

With a rapidly increasing population we obviously must extend our industries, but we must nevertheless not lose sight of the fact that overextension inevitably causes depression in times of business recession. Indeed, authorities agree that we are now rapidly approaching the limit—that is to say, the point of saturation—in our domestic markets, at least in so far as present demands under normal conditions are concerned. It is obvious, therefore, that we must either curtail the capacity of our factories, which would result in throwing out of employment millions of wage earners, and the disorganization of complementary industries as well, or we must depend upon the exploitation of foreign markets for the relief of our congested home industries.

In competing with foreign markets we are to meet our great trade rivals, who have by years of experience and by the expenditure of colossal sums obtained a foothold more or less firm in the markets we seek. Therefore, to successfully compete with these nations we must secure for ourselves every advantage that can be derived from the most efficient exploitation of our national industries, fostered by constructive legislation at home, and promoted by able commercial diplomacy abroad. This has been the policy of Germany, and its success is evidenced by the unparalleled strides she has made in the development of her great foreign commerce.

Economics is too often subordinated to politics. The vehement attacks of our Government on corporations, indiscriminately impeaching the integrity of corporate practices—I say indiscriminately—and of our business men, has not only prejudiced our position as exporters in foreign markets, but has increased the difficulty of obtaining in foreign financial centers capital for our industrial needs. This has a far-reaching consequence, having regard to the fact that we have borrowed from abroad upwards of five billions of dollars for the development of our home industries. It is by our excess of exports that we are able to pay the interest on this large sum, and to gradually wipe out this indebtedness.

There has been much unintelligent prejudice, partly inspired for political purposes, against what we call "big business," but the people of the country should be convinced that unless our industries can be developed on large-scale production, as is the practice of our European rivals, we will be seriously handicapped in our quest for foreign markets, because of the inevitably higher cost of production at home. England permits, France encourages, and Germany frequently compels combinations, which inure to the advantage of cheap production and the country's export trade.

One of the essentials of efficiency in production is industrial peace. This is too large a subject to discuss at present, but, while realizing the complexity of the problem, I do not believe that I am too optimistic in expressing the opinion that the relations between employer and employee are better to-day than for many years past. The employer is recognizing the justice and the advantage, when properly conducted, of the principle of collective bargaining, and both employer and employee recognize more than ever their interdependence and their reciprocal obligations as well, and with the spirit of fair play that generally prevails, and must ultimately prevail, we have every reason to believe that the labor agitators, on the one hand, and the unreasonable employers, many of them on the other, will soon become less serious obstacles to industrial peace generally.

While I am opposed to the principle of the closed shop, believing it to be thoroughly un-American, I nevertheless strongly favor labor organizations when the leadership is in the hands of the best class of labor leaders, and I believe that employers of labor would do well to support labor organizations of that kind to prevent the growth of organizations of the radical stripe.

I do not believe that there are any irreconcilable differences of an "irrepressible conflict" between capital and labor. While it may be true that both are not equally benefited by the maintenance of industrial peace, it is true that they both are greatly hurt by industrial warfare. I believe that if the managers of corporations would more generally take into their confidence their

employees as to the business necessities and as to the disastrous effect of adverse legislation to their business, they would not only stimulate the interest of the employees in their work, but also enlist their support and influence against injurious legislation. It is necessary for managers of corporations to impress upon employees that they are "in the same boat," and for their own safety they both should oppose either political demagogues or selfish labor agitators "rocking the boat."

One of the great labor problems is efficiency. Some years ago America enjoyed a great advantage in industry—the superiority of American labor in respect of its productivity—compared with the labor of other countries. Unfortunately we now enjoy that advantage only in a limited measure, owing to the improvement in the standard of foreign labor through vocational education, scientific training, and especially owing to the introduction into those countries of improved machinery, for the great part of American design or manufacture. Therefore, if we are to compete with foreign countries, and at the same time maintain the higher wages of the American wage earner, we must attain the highest possible efficiency of labor without, of course, the imposition of the "speeding-up" system, which is in all respects objectionable.

I believe that American industry would be greatly benefited by the extension of vocational training, for those who directly supervise labor and for a more general scientific training for the higher officials themselves, and, indeed, for the directors of corporations.

It is said that "he is idle who is not best employed." There are certainly a lot of misfits not only in industry but in all branches of human activities, because of the fact that they were not properly sorted out in their collegiate training. The more scientifically trained leaders of industry there are the more men will be added to the producing and taken away from the nonproducing class of the community. I believe that it is a misforune for the country and adds to the number of the unemployed that the universities are yearly turning out an overproduction of nonproducers, who crowd into the already congested so-called "polite professions." Graduates of technical schools would be a far better asset to the Nation.

The people of the country, of all classes, irrespective of political affiliations, are beginning to recognize the fact that politicians have, in a large measure, by their indiscriminate attacks on national industries, created a lack of confidence, which has contributed to periods of depression. For that reason there is to-day a strong revulsion of feeling throughout the country against the attitude of such legislators, and I believe we have every reason to hope that the compelling force of enlightened public opinion will in the future result in legislation facilitating rather than has hitherto been the case, obstructing the processes of industrial development, while at the same time adequately safeguarding the interests of the State, community, and individual. There will always be social unrest—not often, it is to be hoped—in the form of accentuated discontent, but due to a natural and commendable desire for social betterment, a perfectly normal and healthy aspiration, which makes for progress unless it is stimulated by the pernicious activity of designing and unscrupulous individuals, or unless it is repressed by selfish, greedy employers of labor until it becomes abnormal and radical and then attempts to progress by revolution rather than by evolution.

I believe that many strikes and lockouts could be prevented by boards of mediation if these boards were composed of men who commanded the respect and confidence of the community. An impartial report, made public, by a board of high character on the issues in controversy between the employer and employee would so crystallize public sentiment on the merits of the controversy as to make it unprofitable for whichever side is adjudged in the wrong by the board to continue the strike or lockout in defiance of public opinion. It would enable the public to judge between good employers and bad employers and good labor organizations and bad organizations, and to be able to discriminate in that way is advantageous to employer, employee, and the public.

"Do the existing private and public agencies deal adequately with these problems?"

I do not believe that existing private and public agencies deal adequately with these problems. I favor a national employment bureau to facilitate the distribution of labor and to prevent its congestion in certain centers, which, of course, is the direct cause of unemployment at that point.

It is better for the job to hunt the man than for the man to hunt the job. It is better to have too few men than are necessary for present requirements of labor, than to have a surplus of labor and men go unemployed and hungry.

Furthermore, I believe that every wage earner in the country capable of working and willing to work is entitled to employment, and that our immigration laws should have this important matter in view. To assure the employment of these wage earners would not, I believe, be a very difficult problem, as the surplus labor would occur only at rare intervals, in which case the Federal Government should provide employment, rather than have self-respecting and deserving wage earners become objects of charity.

This I know is contrary to the laissez faire theory of economics, but is, nevertheless, a prerequisite to removing just causes of social unrest; for I believe that the criterion of good government should be the degree attained in the prevention and alleviation of misery, rather than in the promotion of prosperity. Great national wealth, even though it be widely distributed, insuring general prosperity, is by no means indicative of good government if there exist in the community in which we live preventable or remediable distress among any considerable number of its citizens.

"Do the large resources of endowed foundations constitute a possible menace? If so, what regulation or supervision is desirable?"

I do not believe that any menace exists which can not be obviated by making public the object and the operations of the foundation. There can be no doubt that such foundations have contributed inestimable service to the welfare of the people generally, and that many of the larger foundations are managed very much more efficiently than many private charities, the direction of which is more or less desultory. They are, as a rule, conducted by men of achievement and not by place seekers.

I have no sympathy with stimulated discontent, and I believe all capitalists who are not animated solely by considerations of present expediency, but who, having ordinary provision, must recognize the fact that the safety valve upon which the country must depend for industrial peace is the opportunity for the wage earner to earn a livelihood for himself and family according to the American standards of living, and, moreover, to have the opportunity for advancement provided he possesses character, ability, and energy, and is willing to make the personal sacrifices always essential to success.

Profit sharing undoubtedly is an important step in the solution of this problem. It should not have any of the taint of charity, but should be incorporated in the wage to which the wage earner is entitled.

Safety devices in industry, proper sanitation, etc., I regard as a part of the mechanism of industrial operations and not a concession to the welfare of the wage earners.

Employers of labor should anticipate its just demands and not be compelled to make unreasonable concessions to labor at the point of the pistol.

While I have great sympathy for the oppressed of other lands, and especially for those politically oppressed, I believe that "charity begins at home," and that no immigration should be allowed to threaten the maintenance of the American standard of living among the industrials by an oversupply of labor, even though it be temporarily of advantage to our national industrial development. I would prefer the test of admission of immigrants be determined by the character of the immigrant, the reputation he has borne in his home country, and his availability as a future member of the body politic, rather than by a literacy test, because I believe that the educational feature can be supplied by our public-school education, whereas moral delinquency will always be a menace to our democracy.

I do not believe in what is called, as I understand it, the democratization of labor; that is, to have industrial methods, processes, and direction determined by employees, as this would result in bringing politics—that is to say, intrigues—and other factors, which would have an undermining and subversive influence in industrial operations. But I believe thoroughly in the men in each department of the management keeping in close touch with the work of those departments, and that has been done in all the activities that I have attempted, with the result that I have never had a strike on the part of any of the employees I have had all over the world.

Such a policy would, I am sure, be opposed by labor itself, recognizing that it is absolutely incompetent to determine the technical and complex questions involved in industrial operations, and that those problems must be left to technically trained and experienced specialists.

Chairman WALSH. I have been asked to ask you the following questions, reasonably short questions: Do you believe that all the people of this Nation are properly fed and sufficiently clothed?

Mr. HAMMOND. I do not.

Chairman WALSH. Until they are so, can there be any such thing as overproduction?

Mr. HAMMOND. Overproduction of what—what do you mean?

Chairman WALSH. Of wealth.

Mr. HAMMOND. Of supplies?

Chairman WALSH. Of supplies.

Mr. HAMMOND. Well, the overproduction of supplies would be determined by the market for the supplies. I think that has really no direct bearing on the fact that there is unemployment in the industry.

Chairman WALSH. Is not the inequality of distribution of wealth responsible for the inexplicable condition of unemployed land and unemployed factories existing at the same time with unemployed men and women?

Mr. HAMMOND. That is a difficult question. I may say this, that I believe that we must arrive at a better distribution and more equitable distribution of wealth. Now, I am not quite sure that I have got that question——

Chairman WALSH. Perhaps I had better read it again, because it was written and sent to me, and I will read it over: "Is not the inequality of the distribution of wealth responsible for the inexplicable condition of unemployed land and unemployed factories at the same time with unemployed men and women?"

Mr. HAMMOND. That is a very difficult question to answer, because it does not seem to me to be so very clear. The interrogator himself in that confessed that is was inexplicable, you know. But if I understand the meaning, the factories being idle and lands not being developed, and there being unemployed, I think that has very little to do with where wealth is located, because, as a matter of fact, that wealth goes again into industrial development. It is not locked up. It is helping out the development of the country. That has nothing to do with the question of equitable distribution.

Chairman WALSH. I suppose that answers the question.

Mr. HAMMOND. I would state this on that very question—I think I see where it is pointed—that while I would much prefer to see a more equitable division, I do not think that large wealth itself should be criticized. The question should be asked not so much what a man has, but how did he get it and what he is doing with it. That would be my criterion.

Chairman WALSH. Commissioner Ballard has a question or two that he says he would like to ask you, Mr. Hammond.

Commissioner BALLARD. Mr. Hammond, you speak of the American conditions of living and of men being educated up to the American conditions of living. The statistics show that we have had in the past practically a million immigrants a year. Now, if they are going to require immediate American conditions of living, should they also be educated to the American conditions of production, or would they be given immediately the American conditions of living, which means a certain wage, probably three or four times what they have been getting in the old country, without their being immediately educated up to giving the American output of labor?

Mr. HAMMOND. Well, I think it would take some time to develop them up to the American standard of production; but I should nevertheless insist that those men be paid the American standard of wage so as to make it impossible for the great corporations to bring in a whole lot of cheap labor and dump it on America. I should make no incentive to the great corporations to bring in that cheap labor, provided—the basic position should be that we must preserve the American standard of wage. We can not expect to develop good citizens in this country if we are going to make our men come down to the low level of living that the foreigners are willing or have to as a matter of fact assume. Now, that is the basic principle, I think, in the question.

Commissioner BALLARD. You spoke of stimulated discontent. By that do you mean that where factories are apparently working satisfactorily and under satisfactory conditions that paid organizers come to those factories and plants and stimulate discontent? Is that what you mean by stimulated discontent?

Mr. HAMMOND. Yes, sir; I do.

Commissioner BALLARD. In speaking of the limitation on immigration, you know that has been up recently——

Mr. HAMMOND (interrupting). Yes.

Commissioner BALLARD. And I do not want to inject any politics into this question, but I have the impression that the immigration that has existed in the years past was more or less voluntary to this country. In fact, as we all know, in the early stages of the Nation it was a great and serious and difficult thing for a man and his family to come to this country at all, and it required great sacrifice and effort. It has been suggested that immigration in the last few years has been immensely stimulated by the foreign steamship companies. In fact, that there have been a great many steamship companies, on account of the desire of other countries to have ships which they could use in time of war, and those ships desired to get traffic or tonnage from that bringing in of immigrants, just like railroads solicit freight, and that they have stimulated immigration, and that that has been one cause of our perhaps large overimmigration and more than the country could absorb. Have you given any study to that particular view?

Mr. HAMMOND. I have not in detail; but I am absolutely convinced that it is true. I think a great many of them land labor and dump them where convenient and where it happens to suit their purpose. I happen to know something about that thing, because I was chairman of this American committee that looked after the immigrants when they were landed here for some years. We saw the terrible straits they were in without money and without anything else, and evidently brought over here not for their own benefit but for some advantage to the steamship companies, to make all they could out of them, and the thing ought to be very thoroughly regulated and supervised by the Government.

Commissioner BALLARD. Our commission has been directed by Congress to study the causes of industrial unrest. Do you think that is one of the causes?

Mr. HAMMOND. It is a very serious question, and I think the restriction should be made on the other side of the water and not here. I think that is where the investigation and the Ellis Island should be established, through our consulates in the countries where these men come from, so that they might find out the history of the men and make it up to the men to justify their coming into this country rather than have us justify or find a reason why they should not come. Let them bring certificates of good moral character. That is possible.

Commissioner BALLARD. Would you think it would be possible to perhaps make some limitation on the advertising methods of the steamship companies, which they indulge in to persuade people to come to this country, whether they wanted to come or not?

Mr. HAMMOND. Where they are misleading and misrepresenting facts and conditions there most certainly should.

Commissioner BALLARD. Would you prefer some such method or a literacy test, or both?

Mr. HAMMOND. I would not have the literacy test. A great many good people came to this country who could not read and write and have developed into some of our very best citizens. I think that is a very mean and narrow test. It is a character test that I would advocate; and that is not simply academic in character. We can determine by investigation a man's status in the community where he lives. If he came from a bad family and had bad antecedents, we could stop him from coming.

Commissioner BALLARD. You would strongly urge some effort along that line?

Mr. HAMMOND. I do, very strongly, Mr. Commissioner.

Chairman WALSH. Commissioner Garretson would like to ask a question or two.

Commissioner GARRETSON. Just one expression of your own experience that I would like to have, Mr. Hammond—if you feel free to make it—and it is because of the experience you have had that I would desire the opinion. Have you or have you not known of many instances where an intelligent and liberal and humane manager was absolutely blocked from making the reforms that he believed to be proper and that he should make in the way of hours, or the conditions under which the men were working, or wages, by what has been referred to in these hearings frequently as absentee landlordism and impersonal direction?

Mr. HAMMOND. Yes; that has come under my observation; but I never knew a self-respecting manager who would remain after that. He would leave.

Commissioner GARRETSON. If he was strong enough to stand that influence he would disregard it.

Mr. HAMMOND. Either disregard it and defy it or tender his resignation.

Commissioner GARRETSON. But if he did not have the moral fiber to stand against it he would simply go with the stream?

Mr. HAMMOND. He simply went with the stream and lost all the respect of his men and then trouble began.

Commissioner GARRETSON. Isn't that very factor one of the great elements entering into the misunderstanding between man and master?

Mr. HAMMOND. I think it is.

Chairman WALSH. Commissioner Weinstock has a question.

Commissioner WEINSTOCK. I gather from your statement, Mr. Hammond, that you deny the employer the advantage of the protective tariff unless he paid the standard wage?

Mr. HAMMOND. No; unless he would pay a wage sufficient to keep up the American standard; yes.

Commissioner WEINSTOCK. Well, now, how would you put your idea into practice; into practical operation?

Mr. HAMMOND. I am presupposing that he will be accorded protection that will enable him to pay the difference between the cost of labor abroad and here. That is fundamental. If he gets that wage and professes not to be able to pay a living wage to his employee I should cut off the benefits of the tariff.

Commissioner WEINSTOCK. Suppose there were 100 employers engaged in an industry and 90 per cent of them would pay what would be regarded as a standard wage, and 10 per cent paid a wage below the standard; how would you apply your ideas to that 10 per cent?

Mr. HAMMOND. Of course there are times of temporary expediency, when it might be a question of arrangements between the employer and the employee, that he will skin along, times are hard, and he will be able to economize and get down to the barest necessities, but that should not prevail long because, as a matter of fact, if the industry does not pay a wage charity has to do it. The wage has to come from somewhere or else we will have demoralized our labor.

Commissioner WEINSTOCK. One other thing: Suppose that became a permanent, chronic condition, that 90 per cent of the employers did pay the standard wage and 10 per cent of the employers persistently and intentionally paid less than the standard wage. What is not clear to me is how you would employ your thought of denying them the benefit of the protective tariff.

Mr. HAMMOND. That is a difficult question in practical application. It would not be fair to take it off of the 90 per cent.

Commissioner WEINSTOCK. For your information, Mr. Hammond, in this connection, it may be interesting to know that Australia tried that very idea. Australia started out on the theory that the protective tariff was intended not for the employer, but for the worker, in order that the worker should be insured a living wage. A law was enacted by the Parliament of Australia to the effect that whenever it could be shown that an employer was not paying the standard wage he would be individually denied the protection of the tariff; but that law was thrown out as unconstitutional, and would doubtless be unconstitutional in this country as well.

Mr. HAMMOND. I had in mind advocating a minimum wage; I had in mind to employ that.

Commissioner WEINSTOCK. You would establish a minimum wage?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. And the employer who failed to pay that minimum wage would be individually denied the protection of the tariff?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. I suppose you are not sufficiently familiar with the legal phase of it to know whether it would be constitutional?

Mr. HAMMOND. No; but I hope we can make the law conform to the necessities of the case, for the welfare of the country.

Commissioner WEINSTOCK. I also gather from your statement that you are not a believer in what has been termed as "industrial democracy"?

Mr. HAMMOND. No; if I understand the definition of it.

Commissioner WEINSTOCK. If I understand the definition of industrial defocracy as given by Mr. Brandeis, who is an advocate of it himself, it is giving labor a voice in the management of the industry.

Mr. HAMMOND. I do not believe in that.

Commissioner WEINSTOCK. Then you would differ from Mr. Brandeis and Dr. Eliot, who testified this morning?

Mr. HAMMOND. Yes, sir; I do not think that either one of those gentlemen has had anything to do with labor.

Commissioner WEINSTOCK. You have been an employer of labor?

Mr. HAMMOND. I have all my life, and that does not work out. Labor does not want idealism. They are practical, and labor knows that that is impracticable. I heard Dr. Eliot testify this morning to that effect, and I beg to differ with him.

Commissioner WEINSTOCK. At what point would the scheme fail?

Mr. HAMMOND. The scheme would fail when labor was taken in beyond that of an advisory capacity. When it came to directing it would absolutely fail, and labor itself knows that it would be unsafe. That would be one point, and it would fail from the fact that labor had not been trained—that is, the average laborer—it would not have the ability to produce at a profit; it would close up industry and it would be bad for all. I can not see one thing that could be urged in its defense.

Commissioner WEINSTOCK. But is it not a fact, Mr. Hammond, that so far as the question of wage, and the question of hours, and the question of working conditions, that so far as those questions are concerned, that you practically have industrial democracy where there is collective bargaining? That is, the labor there has a voice?

Mr. HAMMOND. That is a very different thing.

Commissioner WEINSTOCK. Where would you draw the line? At what point, if you admit that collective bargaining is practically industrial democracy, and give labor a voice in that particular?

Mr. HAMMOND. They ought to have that.

Commissioner WEINSTOCK. Where would you draw the line of industrial democracy?

Mr. HAMMOND. There comes the question of where a certain number of hours of labor can be determined—the number of hours that labor in a special direction can do efficient work and keep its health and find enough time to be human, and I think that does not require any expert to accomplish; but when it comes to laying out great metallurgical works or railroad enterprises, I do not think that labor knows anything about it or professes to.

Commissioner WEINSTOCK. Then you draw the line at anything that affects the immediate welfare of the worker, so far as wages, hours, and working conditions are concerned?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. That is, you would give him a voice in determining those questions of hours, wages, and working conditions, but not beyond that?

Mr. HAMMOND. Not beyond that; no, sir.

Commissioner WEINSTOCK. You draw the line at that?

Mr. HAMMOND. Yes, sir; I draw the line at that.

Commissioner WEINSTOCK. We have had employers, very large employers, testify before this commission, Mr. Hammond, who admitted that organized labor was a good thing; that labor had the right to organize and should, in its own interests, organize. They have even admitted it was a good thing for the other fellow to do with, but that when it came to themselves they wanted none of it.

Mr. HAMMOND. That is a selfish view; that is the view of the employers who generally want to reform the other fellow. [Laughter.]

Chairman WALSH. You will please preserve order and make no audible expression of your feelings.

Commissioner WEINSTOCK. You are not in sympathy, then, Mr. Hammond, I take it, with this kind of employers?

Mr. HAMMOND. No; I am not.

Commissioner WEINSTOCK. You have been a large employer of labor, have you not?

Mr. HAMMOND. Yes, sir.

Commissioner WEINSTOCK. And as you stated a little while ago, you never had a strike?

Mr. HAMMOND. I never had a strike of my own laborers.

Commissioner WEINSTOCK. Have you dealt with organized labor?

Mr. HAMMOND. Yes; I have dealt with organized labor, the open shop, and the closed shop, and all kinds of shops. I never had a strike or was connected with a strike, except the strike in the Coeur d'Alene district, where I protected my labor, and that is where the strike occurred.

Commissioner WALSH. You can not give the commission an expression of your opinion on scientific management?

Mr. HAMMOND. I do not think I am as well qualified as a good many others, and I would rather not, for the same reason that I have not answered very definitely the questions about the foundation.

Commissioner WALSH. The question of scientific management is one that this commission has gone into quite extensively, and there seems to be a difference of opinion, and you have been called on to give your opinion of scientific management, and we are anxious to know whether it is a good or a bad thing, and we have heard conflicting testimony on that point. We have had witnesses who pointed out that scientific management is good for the employers, is good for the workers, and good for society; and we have had other witnesses who claimed that scientific management was simply a system of speeding up in disguise, and that it was meant in the end to exploit the workers.

Mr. HAMMOND. I am against that, as I said in my statement.

Commissioner WALSH. From what you know of scientific management, and I suppose you have been more or less in touch with it, assuming that it is properly and wisely managed, do you think it is a good or a bad thing for the worker and for the employer and for society?

Mr. HAMMOND. I think a little introduction of scientific management would be very good, but there might be an abuse of it. I see the other side of it.

Commissioner WALSH. That is, unabused; you favor unabused scientific management?

Mr. HAMMOND. Unabused scientific management. And I have not had very much experience with that. That is one of the new fads that has come in lately. I have gone on the good, plain, old business plan of getting the best work I could out of my men. I have had to work not as closely perhaps in the old days as may be necessary now where we have to skin the thing down pretty close.

Commissioner WALSH. As a man of long experience in handling labor, Mr. Hammond, what have you found to be the best ways to get the best results out of labor?

Mr. HAMMOND. To go right straight to them, get in touch with them. That is the way to do it.

Commissioner WALSH. Now, is that physically possible with a man who employs a great many men? If you had 10,000 men, could you do that; if you had that many under your control? You could not possibly come in touch with them?

Mr. HAMMOND. No; not with each one individually. But there are many opportunities to meet them—in the evenings and in their assemblages, their societies, discussions, in which the managers and the submanagers could get pretty close and keep pretty close with them there. It is a great deal the personal equation, in my judgment. We have all kinds of managers. Some make trouble every chance they get and some do not. And so it comes.

I may tell you an experience. Some years ago I went up to a mine that was situated in Colorado about 12,000 feet above sea level, and the men are locked in there all winter, four or five months, and you can imagine the discontent that arises in a place like that, how they hate the sight of one another, even the best of them. I went over on what is called an aerial tram line about 9 miles and got to the men. They were just ready to kill everybody that had anything to do with the company. I called them in. I had a talk with them. I said, "I am not the offender. I have not been here for a year. You can not have it in for me particularly. Now, what is the trouble?" They said, "That Italian cook." I said, "What is the matter with the Italian cook?" "Well, he gives us the same old thing from time to time to time again. Same thing Monday, same thing Tuesday, and the same thing Wednesday." So I called the cook in and I said—told him what they had said, and he admitted it. I said, "How many things can you cook? Take potatoes. Can't you do better than boil potatoes?" I found out really the man could cook potatoes in half a dozen different ways. And so I went on through the list. I said, "Instead of having potatoes boiled on Monday and then Tuesday and then Wednesday, have them boiled on Monday, and then have them fried on Wednesday, and go on through the week and make a meal." I appointed a mess committee of the miners. I said, "You will have to decide what kind of meals you are going to have." The thing went all around. I went up afterwards, a year later, and the same conditions—peace and prosperity—prevailed. If the manager had been able to get up there, he could have stopped it. They were on the point of a strike—for nothing. That is the whole thing.

Commissioner WEINSTOCK. You believe, then, that the correct line is the get-together idea?

Mr. HAMMOND. I do absolutely. You can not have any peace without it.

Commissioner WEINSTOCK. That is, the long-distance manager is apt to bring about the evil results?

Mr. HAMMOND. I think so. Of course, it is not possible for a board of directors running large corporations to be able to personally visit all these different corporations. But unfortunately I do not think most of the directors would do any good if they were there, because they have never been up in touch with labor. That is the whole trouble. A man born in New York City who has never been West and rubbed elbows up against the people and has never shaken the hand of a workingman. Take the mining case—that he can not talk to them in their language; he has no influence with them at all.

Commissioner WEINSTOCK. He has got to be one of them?

Mr. HAMMOND. He has got to be one of them; that is it.

Commissioner WEINSTOCK. You were speaking, Mr. Hammond, about the difference between the job hunting the man and the man hunting the job. Of course, we all realize that when two men are hunting one job wages are low.

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. And when two jobs are hunting one man wages are high?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. Does that not bring about a conflict of interest between the employer and the worker?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. In other words, it is in the interest of the employer that two men shall hunt one job?

Mr. HAMMOND. It is a selfish interest, shortsighted.

Commissioner WEINSTOCK. And the interest is contrary when the two jobs are hunting one man?

Mr. HAMMOND. I would rather have it that way, though.

Commissioner WEINSTOCK. Now, in the interest of two jobs hunting one man, unionism first establishes unionism to maintain the volume of labor, and on the other hand is opposed to immigration to minimize the volume of labor. Do you find yourself in sympathy with these two attitudes of organized labor, first to maintain the supply by unionizing it, and second to minimize the supply by diminishing immigration?

Mr. HAMMOND. No; not that way. I go on the basic principle without regard to how it affects organization or unionism. I am thinking of the welfare of the country generally, because there are a great number of men who do not belong to the union. I am not speaking of the union; I do not care for that at all. I would determine those questions entirely by how it affects the welfare of the American workmen generally, whether he belongs to the union or whether he does not.

Commissioner WEINSTOCK. Having that end in view, the welfare of the Republic?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. The welfare of all the people?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. What would be your attitude on the matter of immigration, for example?

Mr. HAMMOND. If I found a million people were coming in here, was going to make an overproduction of labor——

Commissioner WEINSTOCK. Oversupply.

Mr. HAMMOND. Oversupply of labor. I would cut down the inequity.

Commissioner WEINSTOCK. You would not leave the gate wide open?

Mr. HAMMOND. No, sir; I would not.

Commissioner WEINSTOCK. Then, your test was, I understood, a moral test rather than illiteracy test?

Mr. HAMMOND. Yes.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Mr. Hammond, on the question of the labor being represented in the directorate of corporations, we will say, you think they would be unfit because of their unfamiliarity with the affairs of business corporations. How about the director who is unfamiliar with the affairs of the

company of which he is a director, and which a number of them who have appeared before this commission have stated they know nothing of the business in which they are directors, and stated their readiness to direct?

Mr. HAMMOND. You refer to the conduct, the actual conduct of operations, do you, the big factories and the mills and all that?

Commissioner O'CONNELL. Yes; a director who is directing, if not on the ground, from away; he is made a director of the business.

Mr. HAMMOND. As I said in the beginning, no self-respecting, high-minded manager would stand for dictation from that kind of a direction. I know I should not.

Commissioner O'CONNELL. The laborer would be as able in that case to direct as a director?

Mr. HAMMOND. Yes; directly.

Commissioner O'CONNELL. And probably more so because of his familiarity with the business?

Mr. HAMMOND. Yes; I think he would.

Commissioner O'CONNELL. I want to get your idea of what is an open shop. We have had the open shop advocated before our commission by men in every walk of life, and I think probably most of them would differ as to really what the meaning is. What do you understand the open shop to be?

Mr. HAMMOND. I take it in the broad sense the open shop would take a man whether he belonged to the union or whether he did or not. If he is a union man there is no discrimination against him, and if he is a nonunion man there is no discrimination against him. There is no discrimination against him whatever.

Commissioner O'CONNELL. If an employer runs what he calls an open shop, and he don't employ union men, is he operating an open shop, so called?

Mr. HAMMOND. No; he is not.

Commissioner O'CONNELL. If he discriminates against union men he is not operating an open shop?

Mr. HAMMOND. No; I would not call that an open shop. I think that is very much of a closed shop.

Commissioner O'CONNELL. With the open shop, as I understand, the freedom of the individual to contract for himself; in other words, here is a shop that pays so much money and works so many hours and if you want it take it, and if you don't, don't take it. Has labor a fair chance under that condition of open shop?

Mr. HAMMOND. I think it has, providing you establish the wage, the standard of wage.

Commissioner O'CONNELL. But the employer sets the standard of wage, the hours to be worked, and the condition of employment. I come along and want a job as a machinist. I find the wages set, the hours set, the conditions of my employment set. He says, "Yes, I want a machinist. Here are the conditions. If you want to work, take, and if you don't, don't take it." Is that a fair condition or a fair chance in that condition of open shop?

Mr. HAMMOND. There comes the question for the strike, does it not? I mean if those are satisfactory, he is simply taking one extra man; it seems to me he has that right.

Commissioner O'CONNELL. Suppose I get the job. I do not like the wage after I get the job, and as an individual I strike; what have I accomplished? What effect have I on the situation?

Mr. HAMMOND. That is where collective bargaining comes in.

Commissioner O'CONNELL. I want to get to that.

Mr. HAMMOND. Yes; that is where it comes in.

Commissioner O'CONNELL. I would have no chance?

Mr. HAMMOND. No; not individually.

Commissioner O'CONNELL. In the present industrial world I would have no chance?

Mr. HAMMOND. No; not at all; not individually.

Commissioner O'CONNELL. The open shop, with open shop and employee dealing individually?

Mr. HAMMOND. Yes.

Commissioner O'CONNELL. Now, in the great industrial world of which we are a part, what chance have I as an individual dealing for my own condition of employment?

Mr. HAMMOND. You would not have any; you could not do a thing. You ought to join the union; if you have got the right kind of a union, join the union. That is what I would do.

Commissioner O'CONNELL. We change our citizens occasionally, as we change the officers of our Government occasionally.

Mr. HAMMOND. I understand.

Commissioner O'CONNELL. As I understand the open shop, it means the employer claims to maintain the right of hiring whom he pleases under any condition of employment that the person making an application will agree under.

Mr. HAMMOND. Yes.

Commissioner O'CONNELL. If he is satisfied, and that is a bargain?

Mr. HAMMOND. With always the instruction that he must not work below the right standard of wages, and I always keep that in mind.

Commissioner O'CONNELL. The employer in operating the open shop sets the standard of wages; he does not deal with anybody; he sets the standard of wages, or it is set by his directors; the company sets them.

Mr. HAMMOND. That is coming in sometime. That depends on the laws of the country, of each State, as I understand it, the State law. They have already introduced the law of the minimum wage in some States, and that will prevent the greedy, unreasonable employer trying to establish a standard below what the law requires.

Commissioner O'CONNELL. Well, we only have the minimum so far as affects women and children.

Mr. HAMMOND. It will come; it will go on further than that, in my judgment. But I am told labor opposes that; labor itself opposes the minimum wage.

Commissioner O'CONNELL. They do not want to adopt a standard.

Mr. HAMMOND. No; I do not believe in a standard either.

Commissioner O'CONNELL. You mean the minimum standard. That is what labor would be afraid of.

Mr. HAMMOND. I do not think that would be. That is the opinion of a great many of the labor leaders; they think if you establish the minimum wage it would be made a standard of wages.

Commissioner O'CONNELL. If the employer wants to operate what he is pleased to call the open shop and he wants to be fair, should he deal with the employees collectively as to their conditions of employment, agree upon hours and wages and other things that go with it?

Mr. HAMMOND. Yes.

Commissioner O'CONNELL. How is he going to do that without some form of organization with his employees?

Mr. HAMMOND. He leaves that to the employees. If they do not wish to take advantage of their right to organize and wish to see him individually by the appointment of a committee simply having a temporary organization, he treats with that committee. If they are organized, then he treats with the organized committee. It is a little difficult to work out. You will get into what you call a twilight zone very often, and that is where the good, intelligent manager can do the most effective work.

Commissioner O'CONNELL. I understand the twilight zone is just what is in this industrial question where we get into it. You have said in the paper that you read that you believe one of the things necessary for peace was profit sharing. But first we must and should have a fair wage.

Mr. HAMMOND. Yes, sir.

Commissioner O'CONNELL. You mean by that that the wage should first be agreed upon?

Mr. HAMMOND. Yes.

Commissioner O'CONNELL. And then a system of profit afterwards?

Mr. HAMMOND. Yes.

Commissioner O'CONNELL. We have had a number of gentlemen before us who have spoken of profit sharing. Dr. Eliot did this morning. You heard him. And that is used almost as freely as the words "open shop." They have got all kinds of styles, forms, and conditions of so-called profit-sharing plans which are not profit-sharing plans at all.

Mr. HAMMOND. No; a good deal of it is not.

Commissioner O'CONNELL. Different bonuses and premiums and things given to stimulate men in the employment in the industry?

Mr. HAMMOND. Yes.

Commissioner O'Connell. Have you in mind any definite thing you can suggest to the commission so we may know what you mean by profit sharing?

Mr. Hammond. It is a very difficult thing. You have to depend on each case. In that respect I happen to agree with Dr. Gompers. I do not think there can be any general law worked out as to profit sharing. It must be dependent on the individual case.

I am trying an experiment out in California myself—a company which I happen to control absolutely, where I do not have to consult other directions or shareholders. I do not know how it is going to work out. I would be very glad to let you know the solution of it some time. It is a very difficult problem. You want to do something that is not in the way of giving a man a greater amount than he is entitled to; otherwise he will be discontented. You want to give him as much of the profit as possible above the standard of wages to make it one of the incentives of the development into a good citizen, to give him more hope, with the result that his hard labor will be rewarded. The profit-sharing part of it is not my idea, to give a man enough to live and pay his daily wages. It is something beyond that. It is to enable him to save up for the future. That really is a definite profit sharing.

Commissioner O'Connell. Would there be a possibility of the employer agreeing upon a plan whereby the wage, the daily rate, might be so arranged that they would get every day the higher rate of wage?

Mr. Hammond. I doubt if that is feasible, because the profits can not be determined that way. If you take an industry that is making no profits, very often an industry is kept up in the hope of better times, in order to keep the organization intact and to give their employees wages. I do not think at that time the wage earner should expect his profits. It has got to be something that cuts both ways.

Commissioner O'Connell. You would not expect him at the time to accept a reduction in wage below the standard rate, would you?

Mr. Hammond. No; but I believe in the smaller operations. I do not mean the large corporations. If an employer goes to his men and explains fairly and honestly the exact condition, his temporary embarrassment, I am confident lots of them will say, "We will cut down our wage a little while and you can make it up in better times." I have that much confidence in the fair spirit of the employees, if you get the right kind of employees and they have your confidence.

Commissioner O'Connell. Is your opinion, Mr. Hammond, that a great portion of our industrial unrest, our strikes and lockouts and boycotts and black lists and all those things that keep society disturbed are the result of the employer and the employee not getting together and meeting each other?

Mr. Hammond. I think so.

Commissioner O'Connell. And seeing each other?

Mr. Hammond. I think so.

Commissioner O'Connell. And understanding each other?

Mr. Hammond. Absolutely.

Commissioner O'Connell. Is that not fundamentally at the bottom of all of our troubles?

Mr. Hammond. I think the employer has been unreasonable. I know very many of them can not see the other side at all. Of course, you sometimes have the same kind of trouble with the labor agitator. I must be fair in that way, but the unreasonable man is being put out of commission. The people have not any use for the pirkood, whether a labor agitator or a politician or whether he is an employer. The people of this country are broad-minded and they want the man that is level-headed and is fair. That is all. I think the conditions are very much better than they have ever been, and what we want is plenty of publicity.

Chairman Walsh. Commissioner Commons would like to ask a few questions.

Commissioner Commons. Is your idea that unions should be made responsible for damages, civil damages in case they have damaged the property or business of an employer—legally?

Mr. Hammond. You mean going to the question of whether unions should be compelled to incorporate?

Commissioner Commons. Well, not necessarily incorporate, but in some way should be made liable, from the funds in their possession, should be made liable to the employer in damages?

Mr. HAMMOND. You can't do that if they were not incorporated. I think they should be made individually, the men that are directly responsible should be compelled to pay, but I do not think it is fair to hold the union itself responsible, especially if it is not incorporated.

Commissioner COMMONS. Would you favor their incorporation for the purpose, then, that they should be made——

Mr. HAMMOND. I didn't catch the question.

Commissioner COMMONS. Do you favor incorporation of the union so that it may be made liable in damages to the employer for the acts of individuals or their agents?

Mr. HAMMOND. I think it ought to be. It is a poor rule that does not work both ways. But as a matter of fact I would be inclined to be skeptical and inconsistent in the attitude toward labor, because I think that until they get a little bit better organized—I mean in the cases of getting more in touch with the big economic conditions—that they ought to be treated with a good deal more leniency. Capital has the advantage of the very best kind of talent and can take care of itself better than labor. I think we can put up with a great deal that is inequitable for the time being in that respect, and of our treatment and exactions from labor. But I have no patience whatsoever with the unreasoning labor agitator, the labor leader and agitator that resorts to violence.

Commissioner COMMONS. But the question would arise, if a union has such a leader and through his influence the union damages the property of the employer, would you hold simply that leader liable or would you have a law imposing liability upon the union as a whole?

Mr. HAMMOND. I rather would see the criminal punishment than the civil punishment in a case of that kind.

Commissioner COMMONS. Have no civil damages against either the leader or the union?

Mr. HAMMOND. No; I should not. I would make the man that commits the infraction personally responsible as a malefactor.

Commissioner COMMONS. And if he had committed a crime or inflicted damage or trespass in the way in which you have mentioned, acting for the union, would you hold the other members of the union liable also?

Mr. HAMMOND. No; I think that public sentiment would control that a good deal.

Commissioner COMMONS. Would you consider, then, that in the use of particular individuals?

Mr. HAMMOND. I think that is the only redress you can have.

Commissioner COMMONS. You would not incorporate them, or any other means by which the union as a whole could be brought in?

Mr. HAMMOND. That is a pretty difficult question to answer. I might only say ultimately the man punished. If the union is going to exact certain rights, then it has got to be put on a parity with capital in that respect. But I think that a good deal of trouble between capital and labor for the infraction of law can be determined by the punishment of the individual directly concerned.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. Arising out of another question that was asked of you, Mr. Hammond. Would you hold that if an industry, protected by a tariff, went into the markets of the world, was able to sell its product in that market of the world in competition with unprotected production, would you consider that fact alone as a reasonably conclusive proof of one of two things—either that the industry combined in the protection of the tariff or that it was paying less than the wage necessarily guaranteed by that tariff?

Mr. HAMMOND. No. In other words, would I justify the selling abroad of American products cheaper than at home?

Commissioner GARRETSON. Yes.

Mr. HAMMOND. Yes; I would, most certainly.

Commissioner GARRETSON. You would?

Mr. HAMMOND. I think I can explain to you.

Commissioner GARRETSON. Do so.

Mr. HAMMOND. The only justification is that you can keep your industry running full force here in times of overproduction by sending your surplus abroad and dumping it abroad. You can meet conditions over there where it is absolutely necessary to sell below the market price in this country. How, you accomplish something more than that. You are putting out of employment

raising the development of large-scale industry in your foreign competitors, and if you can make them, confine them, to a smaller unit production by keeping their markets or occupying their markets, then you have a better field elsewhere, in some other country, foreign country, to get a higher price for your product. In other words, it is better, it seems to me, for the wage earner that he be allowed, because it gives him employment, and it is better for the consumer, because he should get some benefit out of large-scale operations.

Commissioner GARRETSON. If that condition is true as applied to anything but periodic action, what result must it have the year around on the domestic consumer if the goods abroad are sold at less than a profit? Does not the domestic consumer have to pay the freight?

Mr. HAMMOND. Well, now, that is a question, I think, for each individual case. It may be that if a large corporation sells 10 per cent of its output abroad that the very fact that it is able to work up to 100 per cent efficiency instead of 90 per cent would enable them to sell domestically in the home market at a price very much better than if they did not produce that extra 10 per cent because of unrestricted operations, and consequently higher cost of production.

Commissioner GARRETSON. On the other hand, if that industry reduce its production for a very considerable portion of the year, a considerable portion of its plant, would the theory be tenable?

Mr. HAMMOND. If it reduced—I think that is the question for each industry. I do not know how much it would reduce it.

Commissioner GARRETSON. I am only speaking—I am making the industry impersonal.

Mr. HAMMOND. Yes; I understand. But that is done by every other great nation. They do it in England and France and Germany, and must have some justification over there.

Commissioner GARRETSON. In your experience—this is brought up by the twilight song—have you ever had a practical exhibition of the desire of the laboring man to be taken into partnership, to do more than arrange his wages and the conditions under which he will serve and live?

Mr. HAMMOND. I have never heard of it. Some of these theoretical economists have been agitating the question recently. It was new to me.

Commissioner GARRETSON. Practically that means the twilight note does not in fact exist?

Mr. HAMMOND. No; not at all.

Commissioner GARRETSON. Your attitude on immigration—if I understand your attitude on immigration, it is founded purely on two things: First, the welfare of the State, and, second, on your conception of what are the responsibilities of the State to furnish labor to a man and pay for it if he desires to work?

Mr. HAMMOND. That is it exactly.

Commissioner GARRETSON. That is all.

Chairman WALSH. What do you consider to be the standard wage for an American workman? I mean unskilled labor.

Mr. HAMMOND. Do you want me to discuss like President Eliot did about that this morning?

Chairman WALSH. No; if you can fix it I wish you would.

Mr. HAMMOND. The corporations would have to fix that. It would depend on the different industries, the conditions in the different sections of the country. I think it could be determined, though.

Chairman WALSH. Who sets the American standards of living?

Mr. HAMMOND. Well, what individuals?

Chairman WALSH. Yes; or what class of individuals or how?

Mr. HAMMOND. I think that is pretty well accepted without ever being definitely formulated. It is pretty well accepted by all disinterested, fair-minded citizens that the man must be able to support his family, not with extravagance, but give them certain things that they demand in the way of comforts, of schooling, and give him enough time to devote to his family, not to simply become an animal, as in the mine, and worked to death. I think it would be difficult to establish just what the standards were or how it would be determined.

Chairman WALSH. Would you suggest any class of workmen or any particular large basic industry in which may be found what would be called an American standard of living, the American standard of living?

Mr. HAMMOND. I never employed any labor that did not live that way, and live pretty well. I found it good business. In the mining, of course, that is different. A great deal of my work has been out in the West, where the men are respectable and educated; where the men are self-respecting, and they demand certain things and they always get them.

Chairman WALSH. That is all. You may be excused—well a moment. Commissioner Weinstock would like to ask another question.

Commissioner WEINSTOCK. You made some references, in answer to Mr. O'Connell's questions, I think, or Prof. Commons's, about the dynamiters. What, in your opinion, should be the attitude of organized labor among members in their own ranks who commit violence?

Mr. HAMMOND. It should be unrelenting, absolutely unrelenting, relentless. It is one of the unfortunate things that creep into a labor organization, and it is, of course, something that should be condemned not only by the labor organization and American citizens, but in their own interest. And I do not believe it is condoned by the better class of labor leaders at all. I do not think they are so shortsighted, because it affects them; they do not get anywhere by it.

Commissioner LENNON. Mr. Hammond, are the employers of New Jersey under equal obligation, if their hired gunmen did the killing over there without provocation, to prosecute and punish the men who committed it equal with what the labor man would be?

Mr. HAMMOND. Absolutely.

Commissioner LENNON. Do you know of any labor organization that has justified violence in labor disputes?

Mr. HAMMOND. I never have.

Chairman WALSH. That is all. Thank you for your attendance and your testimony. You will be excused permanently.

Mr. John R. Lawson.

TESTIMONY OF MR. JOHN R. LAWSON.

Chairman WALSH. What is your name?

Mr. LAWSON. John R. Lawson.

Chairman WALSH. And your place of residence?

Mr. LAWSON. Denver, Colo.

Chairman WALSH. How long have you lived in Denver, Colo.?

Mr. LAWSON. About seven years.

Chairman WALSH. Where did you live before you came to Denver?

Mr. LAWSON. I lived in several different parts of Colorado; Pueblo, New Castle, and Palisade, principally.

Chairman WALSH. What is your present position or employment?

Mr. LAWSON. I am a member of the international executive board of the United Mine Workers of America, representing district 15, which comprises Colorado, Utah, and New Mexico; and act as international organizer because of that fact.

Chairman WALSH. You addressed a communication to this commission asking to be heard at this time, I believe?

Mr. LAWSON. Yes, sir.

Chairman WALSH. Please state why you wished to be heard at this hearing.

Mr. LAWSON. When the miners of Colorado learned that the Rockefeller Foundation fund was going to be investigated here they felt that it was within their duty to come to New York and request that they be permitted to put their side of the question before the commission, feeling that when every man lost 100 pounds of coal he contributed to the foundation fund; that when he failed to receive payment for dead work he contributed to that same fund; that when he was not paid a sufficient amount of wages for his labor he contributed to that fund. So, Mr. Chairman, we decided to come here and to bring Mr. Howard P. Costigan, our legal representative, with us, and ask your permission to state these facts.

Chairman WALSH. How did you come to occupy your present position with the United Mine Workers of America?

Mr. LAWSON. I was elected by the miners of district 15 to that position.

Chairman WALSH. How long have you held that position?

Mr. LAWSON. I was elected in the fall of 1905, and I have been connected with the international organization since that time.

Chairman WALSH. Are you a practical coal miner?

Mr. LAWSON. Yes, sir.

Chairman WALSH. Were you present during the giving of the testimony of Mr. John D. Rockefeller, jr.?

Mr. LAWSON. Yes, sir; I heard most of Mr. Rockefeller's testimony.

Chairman WALSH. Is there anything in the testimony of Mr. Rockefeller that you would care to comment upon?

Mr. LAWSON. Yes, Mr. Chairman, there are several things that I would like to comment on. I would like to comment on some testimony given before this commission and perhaps before the congressional hearing. I have with me a brief document that I have prepared, and I should like, with your permission, to read it into the record.

Chairman WALSH. Do you desire to read it at this time?

Mr. LAWSON. Yes.

Chairman WALSH. You may proceed.

Mr. LAWSON. I would like to state very much, Mr. Chairman, that in giving testimony before this commission at this time relating to the foundation fund and the Colorado situation that I hope to do it without any malice and with the most kindly feeling. And I sincerely hope it will be taken in that way. I feel it my duty that this commission should get at the facts as far as we can give them [reading]:

The Commission on Industrial Relations was created to inquire into the underlying causes of industrial unrest. Speaking for the many thousands of men, women, and children who suffered through the recent coal strike in Colorado, I say to your honorable body that you can well afford to let the testimony of John D. Rockefeller, jr., bring your investigation to an end. Out of this mouth came a reason for every discontent that agitates the laboring class in the United States to-day, and if remedies are provided for the injustices that he disclosed a long step will be taken away from industrial disturbance.

For more than 10 years he has been a director of the Colorado Fuel & Iron Co., vested with what is virtually the power of life and death over 12,000 men and their families, for the isolated nature of the coal mining industry lends itself to an absolutism unknown in other activities. This power, let it be pointed out, came to him by no healthful process of struggle and achievement, but entirely through the fact that he was the son of his father. His huge control of men and money was, in effect, a gift that marked the attainment of his maturity.

In those first days, when he might have been expected to possess a certain enthusiasm in his vast responsibilities, Colorado was shaken by the coal strike of 1903-4. It is a matter of undisputed record that a mercenary militia, paid openly by the mine operators, crushed this strike by the bold violation of every known constitutional right that the citizen was thought to possess. Men were herded in bull pens like cattle, homes were shattered, the writ of habeas corpus suspended, hundreds were loaded on cars and dumped into the desert without food or water, others were driven over the snow of the mountain ranges, a governor elected by 15,000 majority was unseated, a man never voted on for that office was made governor, and when there came a thing called peace, the blacklist gave 6,000 miners the choice between starvation or exile. The Colorado Fuel & Iron Co. organized and led that attack on the liberties of freemen, and yet you heard from Mr. Rockefeller's own lips that he never inquired into the causes of the strike, the conduct of his executives or the fate of those who lost. So little interest did he take in the affair, so faint was the impression it made upon him, that he could not even answer your questions as to its large facts.

To take the place of the banished workers thousands were imported, and the extent of the company's dragnet for new material may be judged from the fact that over 30 languages and dialects have been spoken in the mines since 1904.

Ten years pass, and in 1913 Colorado is once more goaded to the verge of bankruptcy by another strike. Many strike breakers of 1903, reaching the limit of human endurance, followed the example of those whose places they had taken, choosing hunger and cold in tents on the mountain side and gaining in preference to a continuance of unbearable conditions in the mines. By actual count, the union was supporting 21,562 men, women, and children in the various colonies in January, 1914.

What course did Mr. Rockefeller pursue in connection with this upheaval of employees? His duty was clear, for he is on record with this admission, "I

think it is the duty of every director to ascertain the conditions of the men, and if there are abuses, to right them." Putting their justice to one side, the fact remains that we claimed many abuses and cited them specifically.

The statute law of Colorado ordered a semi-monthly pay day, checkweighmen so that we might not be cheated, the right to form unions, the eight-hour day, and payment in cash—not scrip. We charged that the Colorado Fuel & Iron Co. had violated these and other laws, and in addition we told of evil housing conditions, high rents, company-store extortions, mine environment, armed guards, and the denial of freedom in speech, education, religion, and politics. When 12,000 men back up such claims by taking their wives and children into wind-swept tents, surely they would seem to be deserving of consideration.

Yet upon the stand, throughout three whole days this week, John D. Rockefeller, Jr., insisted that he was absolutely ignorant of every detail of the strike. He stated that he had not received reports on labor conditions, he could not tell within several thousands how many men worked for him in Colorado, he did not know what wages they received or what rent they paid, he had never considered what the proper length of a working day should be, he did not know what constituted a living wage, and, most amazing of all, he had never even read the list of grievances that the strikers filed with the governor of Colorado and gave to the world through the press. He did not know whether or not 50 per cent of his employees worked 12 hours a day, and when asked whether or not he considered 12 hours a day in front of a blaze furnace to be a hardship he answered that he was not familiar enough with the work to judge. He did not know how many of his employees worked seven days a week the year around, but judged that it would be a hardship, yet when asked what part of a year could be worked under such conditions without hardship, refused to approximate an opinion.

He knew that there was a system by which injured men or their families were compensated, yet he did not know what the system was, and when a list was read showing the beggarly amounts paid to cripples, mangled widows he could say nothing but that they were not matters that a board of directors would pass on. He did not know that his company's control of the courts had resulted in a condition where not one damage suit has been filed against it in years, and he did not know that men were treated like criminals for daring to mention unionism. He could not even define collective bargaining, nor had he ever made the slightest study of the great union or its principles against which the Colorado Fuel & Iron Co. threw its power and its millions. He expressed himself in favor of unions and then proceeded to negative this belief by refusing to answer affirmatively a number of questions that bore upon the manner by which unionization could be achieved. Asked whether he would vote to discharge an executive officer if it should be proved that he had spent money to corrupt the electorate, he answered, "I should want to know the conditions." He did not know what the capitalization was of the subsidiary that operates the mine stores or what it paid on the investment.

He did not know that the company built special buildings for unions, charging high rental, or that church meetings were compelled to be held over saloons, and that in some cases saloons were in close contact with the schools. He knew that the company had maintained a sociological department, but he did not know what its activities were, nor was he aware that its officials dictated the appointment of our preachers and schoolteachers, and exercised the right of discharge if they offended by criticism. As an excuse for this amazing lack of knowledge, he insisted that the board of directors had placed control of such matters in the hands of J. F. Welborn and L. M. Bowers and held them responsible for wise and just administration of labor affairs. He admitted that, aside from these two, he had knowledge of no others who would be responsible for labor conditions.

On the witness stand, L. M. Bowers, who gave his residence as Binghamton, N. Y., stated that he was concerned only with the finances of the Colorado Fuel & Iron Co., and knew nothing of labor conditions. J. F. Welborn admitted that until his election to the presidency he had been connected with the sales department, always in Denver, and that it was not his habit to visit the mines. They pointed to M. H. Wetmore as the man in charge of labor conditions, and Welborn stated that while he did not visit all the camps "frequently" he got to them as often as he could.

What has been Mr. Rockefeller's attitude to this development? How has he, in spite of his own lack of knowledge, instituted any investigation to discover whether Bowers and Welborn, his trusted associates, are equally ignorant and

indifferent? I invite him to point to one single admission that would show the slightest activity in this direction or the least intent to summon those men before the board of directors to give an account of their stewardship. His answer was, "I have not had the opportunity." Fourteen months thousands of men, women, and children suffered on the mountain sides and prairies, and two more months have gone since we called off the strike as a result of President Wilson's proposal, and yet he has not had the opportunity for a personal investigation. His excuse for his lack of knowledge and his failure is that he is "too busy." What is his business? He explained it by stating that "I spend a large part of my time in directing, with others, the various foundations which my father has established and in giving time to questions of investment." I beg you to contrast this attitude with that of Henry Ford, a man who has built up his tremendous business with his own hands, and who follows every detail in its huge ramifications, and yet who finds the time to take a deep personal interest in every one of the 18,000 workers in his employ.

In reply to this, he spoke of the rich returns given by Ford business as compared with the beggarly returns of the Colorado Fuel & Iron Co. He complained that his father had only received $371,000 in all of his stock, which was but a 2½ (½) per cent interest on the cash investment. It was only under questioning that he confessed that his father had received $2,000,000 from his bonds; that the assets of the company were $22,000,000 in excess of liabilities; and that this item did not take in an appreciation in property values of some $19,000,000. Nor did he mention the vast holdings that the Colorado Fuel & Iron Co. refuses to develop, keeping it idle while the population increase adds to its value.

Let me say to you in this connection—and I have spent a large part of my life in direct contact with the Colorado Fuel & Iron Co.—that whatever appearance of poverty clings to the company is not due to anything but its own stupid and corrupt policy. Had it taken the money it has spent in controlling officials and the electorate, in purchasing machine guns, the employment of gunmen, and in crushing the aspirations of human beings and spent it in wages and the improvement of working conditions they would have had rich returns in increased productivity. Henry Ford's 15 per cent wage increase, it will be noted, was followed by a 50 per cent increase in efficiency.

These, Messrs. Commissioners—this record of indifference respecting human life and human happiness—are vital causes of industrial discontent. An employer who is never seen, and whose power over us is handed down from man to man until there is a chain that no individual can climb; our lives and our liberties passed over as a birthday gift or by will; our energies and futures capitalized by financiers in distant cities; our conditions of labor held of less account than dividends; our masters too often men who have never seen us, who care nothing for us, and will not, or can not, hear the cry of our despair.

There is another cause of industrial discontent, and this, too, flows from a Rockefeller source. This is the skillful attempt that is being made to substitute philanthropy for justice. There is not one of these foundations now spreading their millions over the world in showy generosity that does not draw those millions from some form of industrial injustice. It is not their money that these lords of commercialized virtue are spending, but the withheld wages of the American working class.

I sat in this room and heard Mr. Rockefeller read the list of activities that his foundation felt calculated "to promote the well-being of mankind"—an international health commission to extend to foreign countries and peoples the work of eradicating the hookworm, ten millions for the bureau of municipal research, a retreat for migratory birds in Louisiana, $100,000 for the American Academy in Rome, the promotion of medical education and health in China, thirty-four millions for the University of Chicago, one million for the Belgians, $20,000 a year for widows' pensions in New York, the investigation of vice conditions in Europe, and thirty-four millions for a general education board. A wave of horror swept over me during that reading, and I say to you that that same wave is now rushing over the entire working class in the United States. Health for China, a refuge for birds, food for the Belgians, pensions for New York widows, university training for the elect, and never a thought or a dollar for the many thousand of men, women, and children who starved in Colorado, for the widows robbed of husbands, children of their fathers, by inter-existing conditions in the mines, or for the glaring illiteracy of the coal camps. There are thousands of Mr. Rockefeller's ex-employees in Colorado to-day who wish to God that they were in Belgium to be fed or birds to be cared for tenderly.

As if this were not enough, labor is now informed that this foundation has appropriated $1,000,000 for the purpose of doing what this commission was appointed to do. An industrial-relations division has been formed to find out why we are discontented. Who, let it be asked, are the directors of this foundation out of which comes this investigation? The two Rockefellers, their professional advisers, Murphy, Gates, Green, and Hoyt, their secretaries, Fleener and Hoag, on the Rockefeller pay roll; and three others, Miles, Hepburn, and Judson, who furnish an outward appearance of independence. The same control that has directed the affairs of the Colorado Fuel & Iron Co., the same voice that declared through young Rockefeller that the defeat of the union in Colorado was a great American principle, for which he was willing to sacrifice his money and the lives of his workers; and they ask the laboring class to believe that what they feel as coal-company directors they will not feel as directors of the foundation.

And who is the man chosen to conduct this million-dollar investigation into industrial unrest? One Mackenzie King, an alien, whose contribution to the industrial problem is a law that prescribes a jail sentence for the worker who dares to lay down his tools. If labor had any doubt as to his real intent, that doubt was removed by the letter read at this hearing. Under date of August 8, 1914, Mackenzie King wrote to John D. Rockefeller, jr., as follows:

"It will not be long, however, before the inevitable effects of the European war on American labor conditions are certain to make themselves felt, and, once this becomes apparent, the unions will have to revise considerably some of their present policies. Looking at the ultimate rather than the immediate effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of the war; in certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado."

The same thought was stated by President Welborn in a letter to Director McClement when he expressed pleasure over a 24-foot fall of snow in Colorado, exclaiming, "This ought to make a good many of the strikers who are living in tents provided by the organization to seek the comfortable houses and employment at the mines."

Even were the source of the investigation less objectionable, what bearing can it possibly have on existing conditions? Mr. Rockefeller himself admitted that the Mackenzie King investigation will probably take many years. What is labor to do in the meantime? What is Colorado going to do? In response to this, Mr. Rockefeller says that "the problem now is for all concerned to develop increasing good will." Labor has been crushed by machine guns and hired soldiery; men, women, and children have died; homes have been ruined and futures blighted; new thousands have been imported for another decade of exploitation; and we are to "let bygones be bygones."

Mr. Rockefeller, sr., is quoted as saying that God must be brought to New York. In Colorado there is a suffering multitude that asks only for a little of the spirit of the Christ who died for human brotherhood.

The causes of industrial unrest, Mr. Commissioners, are not to be removed by promises of endless investigations or by a sudden willingness to hold conferences. They lie in the treatment of free men not as chattels, to be disposed of by deed and will, in absentee landlordism, in the theft of natural resources, or in indifferences to the necessities and aspirations of those who toil in the dark for the benefit of those in the light. See will Mr. Rockefeller's proposal for the election of men in coal camps meet the needs of collective bargaining. This is in truth the shadow and not the substance, for men so elected, unless backed by an organization wider even than State lines, will be utterly helpless in the hands of those who have sanctioned past grievances.

Nothing has been more clearly shown by your investigation than that workers are unable to protect themselves as individuals, but can only gain this protection through organization in local, State, National, and international forms. It has been admitted by great operators that wage scales in nonunion mines, as well as the working conditions, are based upon the wages and conditions won by the efforts of organized labor.

In theory, at least, Mr. Rockefeller agrees to the principle of unionism. All that remains is to give his theory purpose and effect, something that can not be done by simple expressions of good will or a modestly expressed desire for meetings.

The United Mine Workers of America is the one organization that represents labor in this great industry. It has been in existence for 45 years. It has a present membership of more than 400,000 and enjoys contractual relations with employers in 17 States. It has kept these contracts inviolable.

With these facts held clearly in mind, I insist that Mr. Rockefeller can not give effect to his new point of view except with the cooperation of the United Mine Workers of America. By official conference with the executives of this organization action should be taken to guarantee the enforcement of the mining and labor laws long violated in Colorado and the establishment of the principle in practice of collective bargaining.

Press reports give great publicity to meetings that are alleged to have been arranged between Mr. Rockefeller and the United Mine Workers' officials. Let me say on that subject that our one great desire is for lasting industrial peace. We rejoice that after all these years Mr. Rockefeller is at last disposed to consider and confer with the workers his company officials have despised, ignored, and endeavored to crush.

We welcome any and every conference, but these meetings should be official and purposeful, not mere social visits designed to give the utterly false impression that industrial war has had as more vital cause than a failure on Mr. Rockefeller's part to shake hands. So far as possible the remedies must equal and be as real as our great wrongs. [Applause.]

Chairman WALSH. We must have perfect order, please.

In your opinion, Mr. Lawson, does the machinery for securing representation by the men in the management of the Colorado Fuel & Iron Co., as outlined by Mr. Rockefeller, and now being put into effect in Colorado, constitute an effective basis for collective bargaining?

Mr. LAWSON. No, Mr. Chairman, it does not.

Chairman WALSH. Why not?

Mr. LAWSON. In the first place, under the plan as outlined by Mr. Rockefeller and being put into effect by the operators in Colorado, the men are completely at the mercy of the operators, as much as they ever were, for this reason: Under this plan the miners have no organization behind them, they do not even have a local union organization, and the miners in this country to-day, without local unions, without State organizations, and without an international organization to stand behind them in enforcing their just demands, are without power, and I say again, entirely at the mercy of the employers.

Chairman WALSH. What are the essentials of collective bargaining?

Mr. LAWSON. The essentials of collective bargaining are strong unions on each side, with a division of power in which each side may be represented properly and equally by those who are intelligent enough to being about and negotiate agreements and have power enough to enforce just demands.

Chairman WALSH. Why do you say a national organization is required? Why would not a State or even a local organization do as well?

Mr. LAWSON. Because, in this day and age of great combinations of capital—great corporations combined—labor must also put itself in a position, that when the workers are compelled to strike against injustice, they shall have some way—they must have some manner of getting relief from some other source than among themselves, and they can not do that, Mr. Chairman, for the reason that if a body of men have been compelled to go on strike—working men, the world over, are usually within a very few days of starvation, and it is necessary to have this relief so that they can maintain themselves and exist until the employers shall grant their demands.

Chairman WALSH. I wish you would review briefly the history and form of the organization of the United Mine Workers and its aims and policies?

Mr. LAWSON. The United Mine Workers of America is a democratic organization—an organization formed by and with all the miners and those who work in and about the mines in this country. Its purposes are, first, to protect life and limb and health; to raise wages to a point above the standard cost of living, or placed above the cost of living; to care for the sick, to bury the dead; to help assist the orphans and the widows; to bring about better working conditions and more sanitary conditions, and to give the child of every man an equal opportunity for an equal education.

Chairman WALSH. How many members are there in the organization?

Mr. LAWSON. The United Mine Workers have an organization of something over 400,000 members.

Chairman WALSH. Can you mention how many States of the Union it operates in?

Mr. LAWSON. The miners' national organization operates in about 30 States.

Chairman WALSH. What has been the influence of the organization on the moral, social, and economic condition of the members and of the community in which they live?

Mr. LAWSON. The effect on the communities has been great, Mr. Chairman. Where there is organization the men have the right and full freedom of enjoying their religious, social, political, and industrial freedom. In places where there is no organization this, so far as my observation goes and speaking for Colorado, does not exist.

Chairman WALSH. What is the attitude of the coal operators in the States where mine workers are under contract with your organization?

Mr. LAWSON. The attitude of the operators in the States where our organization has contracts has been friendly. They get together and negotiate wage agreements for, say, a period of two years or a time, and during that period there is always, or very nearly always, a period of industrial peace, Mr. Chairman.

Chairman WALSH. What is the policy of this organization toward strikes?

Mr. LAWSON. The policy of the United Mine Workers of America is that strikes shall only be used as a last resort—not until every other means of effecting a settlement has failed will or can there be any strike.

Chairman WALSH. Does your organization seek written contracts with the employers?

Mr. LAWSON. Yes, sir.

Chairman WALSH. What is your reason for doing that?

Mr. LAWSON. There are several reasons. In the first place, it gives a stability to the industry; it gives the operators a chance to make contracts, and they know that for the period of that contract there is not going to be any strikes. And there is another reason: In the coal mines the work is mostly contract, and the worker is paid so much a ton or so much a yard, as the case may be, and therefore it is necessary to stipulate exactly what each kind of work is going to be paid, so the men may know and have an understanding.

Chairman WALSH. Will you please tell the commission, Mr. Lawson, what has been your practical experience in mining outside of your activity as an officer of the Mine Workers' organization?

Mr. LAWSON. My experience, Mr. Chairman, has been perhaps somewhat varied. I have worked in a number of different States and under a good many different kinds of conditions. I commenced working in or around the coal mines when I was 8 years of age; I worked in the anthracite breakers in Pennsylvania at that time.

Chairman WALSH. Where were you born?

Mr. LAWSON. I was born in Pennsylvania, in Schuylkill County.

Chairman WALSH. Was your father an American citizen?

Mr. LAWSON. Yes, sir; and a coal miner formerly.

Chairman WALSH. What is your nationality?

Mr. LAWSON. My parents are Scotch.

Chairman WALSH. Proceed; you say you commenced in the mines as a breaker boy when you were 8 years old?

Mr. LAWSON. Yes, sir.

Chairman WALSH. Following that condition, give your actual experience as a miner.

Mr. LAWSON. I worked the mines of Pennsylvania, and after I gave up I went West. I went out first to Oregon and worked there a while prospecting in coal and returned from there to Colorado, or, rather, to Wyoming, and worked in Rock Springs, Wyo., in the mines there, and then went to Colorado and worked in the mines of the Colorado Fuel & Iron Co. and other companies in the State mostly since that time.

My experience as a coal miner has been varied on account of the many different conditions that surround a coal miner's life.

The dangers that men are confronted with is one of the things that I tell a great many people do not take into consideration. I feel—in fact, I know that the corporations which have no close contact with their employees never can realize, never can understand, what the men undertake in their behalf or what dangers they go through in working for the companies. I want to cite one little incident that occurred in my experience in Colorado, which occurred at New Castle, in one of the mines of the Colorado Fuel & Iron Co. This mine was known to be one of the most gaseous mines in the country, a mine the dust

of which was very highly explosive. This mine had a vein of coal about 60 feet thick. It was worked on what we call—it was a pitching vein, by the way.

Chairman WALSH. What is a pitching vein?

Mr. LAWSON. This vein of coal pitched at an angle of about 35°.

Chairman WALSH. Proceed.

Mr. LAWSON. This mine took fire, and, as I stated, it was commonly known to be full of gas, or made a great deal of gas, and the dust was highly explosive. The mine took fire, and the men employed at that mine, although they knew this character of the mine, stayed in the mine until just a short time before the fire finally came in contact with the gas and blew the mine up; in fact, almost literally blew it to pieces—that is, the entry in which they were working. Every one of the men, and I want to speak for the other men there at work and not for myself—all of the men remained there, notwithstanding all those dangers and notwithstanding the hardships existing, notwithstanding the bad air, caused by the smoke. The entries were full of smoke and occasionally a great flame would go down the entries. Two or three of the men were burned in this manner, but they stayed there uncomplainingly until it was decided that the mine could not be saved and that the only thing to do was to get out of the mine and fill it with water, which was done. But before the water managed to reach the fire, the gas and fire got together, and the explosion occurred. This, Mr. Chairman, with a great many experiences which I will not take the time to relate, is the life of a coal miner. Those are some of the hardships the men undergo, and those are some of the things his family must continually bear in mind while he is working in the mine.

Chairman WALSH. In the pamphlet which has been introduced in evidence here, entitled "Facts in Regard to the Colorado Situation," it is noted that at page 20 there is a criticism of what is known in the coal industry as the "check-off system," and it is mentioned as being obnoxious and tyrannical. What is the check-off system?

Mr. LAWSON. What is commonly called the check-off system, Mr. Chairman, is the checking off of the union dues by the clerk of the company, who is given the amount of dues to be checked off by the secretary of the local union. This is turned in at the end of every pay period, for illustration; and the clerk simply deducts from the pay of each and every man who toils in or about the mines or belongs to the union the amount of the dues or assessments charged against him. I want to say in connection with this, that the check-off has received a great deal of criticism from the operators and has been held up to ridicule and to the scorn of the public all over the land, and I want to say that in my almost 30 years' experience in or about the coal mines the operators themselves have employed constantly the use of the check-off system. It was they who inaugurated this system, because they took off from the pay of every man, without his consent; and I want to say in connection with the checking off of dues, that the dues are checked off after the men have given their consent to have them checked off, after they have given in many instances a written order to the company to have their dues checked off; but the operators arbitrarily take away from the men their rent, for instance, their store, their board; they check off for the company doctor; they check off for tools, for tool sharpening, for powder, fuse, caps, coal, and for all and things of that kind, Mr. Chairman.

Chairman WALSH. Is there any difference, so far as the experience of the individual miner is concerned, who seeks employment in the coal camps of southern Colorado, where unions exist and where they do not exist? And, if so, state what those differences are.

Mr. LAWSON. Yes, Mr. Chairman, there is a good deal of difference. The fact of the matter is, I think the difference might be summed up by saying that in union camps men who seek work spend just so much time in locating a place where men are needed. In the nonunion camps, as a rule, it might properly be termed an experiment. For illustration, let us assume that a single man should be in one of the southern field camps in our State and was seeking work; let us assume that he may be given a job. There is no organization; there is no one there to advise him as to what the conditions are, because the men who have worked in the mines there realize that if they are found talking to any one in the effort of explaining what the conditions are or telling of any grievances that may exist in the camp, those men realize they can not remain in that camp and work. This man may go there and get a job. If he is a man that has a lot of backbone and is not afraid of the boss,

he might ask the boss what he pays a ton for his coal; he might ask the boss of the yard for his yardage; he might ask if he is paid for dead work.

Chairman WALSH. What is dead work?

Mr. LAWSON. Dead work is a thing that comes in during a contractor's experience. For illustration, many veins of coal have impurities between the coal, such as dirt, rock, sulphur, or bone. Many veins of coal have a soft bottom, which continually comes up with the coal, also some have a soft, or what we call a rotten top, which comes down with the coal when the coal is shot down. Those are some of the dead work that the miners are confronted with. If this man should ask those things he might be told the wages paid; he might be told, and as a rule is told, that the company does not pay for dead work except in specific or particular cases. That is no way for him to find out. Then, when he gets to work, he goes into the mine, and the conditions may not be what he had hoped they would be, the wages may not be what he believed he would get, the deductions may be greater, and because of the fact that there is no checkweighman in the tipple he may be greatly surprised to find that his car which may have had 2 tons of coal on it may only have a ton and a half when it gets out of the tipple. This and other things, such as having a place without good air, having a place that has water in it, or any other bad condition. If this man went to the boss and complained about those things he might say, "This is the best I can do for you, and you will have to accept this." If he goes about among the workmen and talks of the bad conditions and of having those conditions made better and having the air carried to the vein, for instance, as described in the mine law, or if he asks about or insists upon being paid for dead work, or similar hardship or timber, he is told that if he does not like it he can go down the canyon. This man may not have enough money to leave this place and go somewhere else to seek a job. As I stated, he has come there actually broke, and after working there 30 days finds himself in no better condition than he was when he went there, and in no condition to quit. If he goes to a camp that is unionized he has his transfer card with him, and that, Mr. Chairman, is his recommendation and his credential. It shows where he came from, whether he was a coal miner or not, and it shows something about his experience. It guarantees, if he goes into a union camp, that he is going among friends, and he can freely ask questions as to whether the mine is safe to work in and what the conditions are, and he can safely ask all about those things. But he can not open his mouth about them in a nonunion camp, because if he does he is told, "If is down the canyon for you."

If this man should happen to be a married man and have a large family, he perhaps works in the mine under those conditions in the hope that day after day something will improve—conditions will improve rather—so that he may get a better place, or that he may save enough money or borrow enough, as the case may be, to move his family into this camp. After he gets his family into the camp he is compelled to live under those conditions and compelled to keep his mouth shut, because there is no union there, or he is under the necessity of being compelled to leave that camp and seek work elsewhere and leave his family in the camp behind him with the full knowledge that the company owns the house, and it is only a matter perhaps of 10 days when his family will be compelled to move from the house and from the property of the company.

Chairman WALSH. What have you to say as to the suggested necessity for closed coal camps of the coal companies controlling the schools, churches, saloons, houses, lands, town officials, the company stores, because of the difficulty of getting outside capital interested in those things?

Mr. LAWSON. There is no more reason or real justification in a coal company owning and controlling a closed camp, and all those things therein, any more than there is in one man owning and controlling the city of New York. Let me say this: It is true that sometimes, because of the isolated position of the coal where mines are opened and operated, that the company must of necessity build some houses, build houses for the men who are going to come there and live, build boarding houses and things of that character; but there is no necessity for that company or corporation forever owning those things, Mr. Chairman. The question has been raised, I have heard it discussed before this commission on several occasions, to the effect that it is absolutely necessary that the company should own those houses and keep them, and that the miners would not want to buy a house in a coal camp.

Let me ask why not. They say a man would not want to buy property where he did not have a permanent job. Let me ask, Mr. Chairman, where is there a

workmen in these United States who is permanent. The job is from day to day just the same in a coal camp as elsewhere. I know the miners in Colorado. They have been working ever since I first went to that State. And when I happened to be in Pennsylvania a few weeks ago I passed near by a coal mine—it is the Alaska breaker, to make it specific, located in Alaska, in Northumberland County—that I worked at myself 35 years ago. Now, I don't see any reason why a man should not have a right to own his own home, the right to buy his own home, even if the company did build it. If a man were able to buy his own home he could invest the few dollars he would be able to save, if he could save any, in purchasing that home in the place of paying rent. In a few years, if he stayed there, he will pay for that home, whereas otherwise he would have to pay out nearly as much for rent. Let us assume he was not able to continue work in this particular mine, that for any reason, whether he is discharged or quits of his own volition, or for any other reason—why he could sell that home to some one else, or he could rent the home to some one else. I don't see any reason why he could not own the home as well as the company.

Now, so far as the store is concerned, I will agree that it is a difficult question to answer. Perhaps as a matter of convenience to the employees and to the company, too, the company should start out and establish a company store in the camp; but there is one thing, Mr. Chairman, in connection with that that I want to say, that the miners of Colorado have no objections to any company establishing a store in any camp so long as they leave the gate open for men to come in from the outside to sell their goods to them, or so long as they leave their gate open for their employees to go elsewhere and spend their money in the purchase of the necessities of life as they choose, and where they see fit.

Chairman WALSH. Isn't that done?

Mr. LAWSON. It is not, Mr. Chairman. It has not been done in the closed camps in Colorado. There are other things in connection with that matter. You take, for illustration, the doctor question. There is another question that has aggravated the miners of Colorado for a great many years. Why should men who are willing to pay, and who do pay their money for a doctor to take care of themselves or their families, why should they be compelled to take the choice of some company official who has not the interest in their family that they must have themselves. Why should they employ a man and have, say, 500 or 300 men or 200 men pay this man a dollar a month, and then pay the fellow perhaps $75 or $100 a month for the services rendered to the men? Why should they have a right to select their own doctor? Why should they not have the right to see who it will be that will enter their home, perhaps when they are at work in the mine, to look after the welfare, so far as the practice of the physician is concerned, of their families and their babies. I say, Mr. Chairman, of all the things—all the wrongs that have been done, that the miners of Colorado have suffered, that has been one of the grievances that they have been justified in complaining against. They should have a right to select their own doctor.

I was going to say, further than that, the question of the boarding place has been brought up here. It is also true that, as a matter of convenience, the company has a right to build a boarding house. It has a right to perhaps bring some one in to take care of the boarding house, but, I ask the question, Mr. Chairman, has any company or any man in this great country of ours the right to say that you must board there when you yourself pay the bill? I say they have not.

Chairman WALSH. Are you familiar with coal-mine disasters and industrial accidents in Colorado? And also with the compensation ordinarily paid there for accidents and deaths?

Mr. LAWSON. Yes, Mr. Chairman. I am more or less familiar with nearly every mine disaster that has happened in Colorado since I have been there, and with some, through reading of them and being told about them, before I went there. I shall not enumerate the number or particular accidents in the coal mines of Colorado except to say that in no place in the world, in the coal-mining industry, have there been so many and as great terrible coal-mine explosions and disasters as we have had in Colorado. Men—speaking as I was a while ago of camps that are closed and where no organization can exist—the men have no opportunity, without jeopardizing the job, of insisting that the conditions must be remedied if they are wrong; and notwithstanding that we have had coal-mining laws on our statute books, and perhaps the best law,

for a great many years; but there has been a coal-mining law on our statutes for about 25 years. Notwithstanding that fact, year after year has seen the coal mines of Colorado the scene of the greatest explosions and disasters, the greatest loss of life, of any place in the world. Men can not, as they would in a union camp, even find fault, or they can not, as they would in a union camp, notify the mining inspector of the conditions that exist there without jeopardizing their positions.

Now, so far as compensation is concerned for death or injury, I think again that Colorado leads the world in the lack of compensation paid to those people who have lost their lives in the mines through explosions, accidents, and so forth. I would like, Mr. Chairman, to just read briefly the amount of money, amount of compensation paid to the miners of Colorado for the year 1913, or to those who were left after them. I will just state that this amount was paid, or assumed that this amount was paid only to the families or the dependents of those who have been killed, and I will not say anything about the 554 miners who have been injured in the mines, but speak of the 110 cases where the men have been killed. They were paid—but I want to say further in this connection, the mine inspector's report from which I read this or copy it states that there are still some claims pending that he was not able to get. I want to be as fair as I can in the matter, so as not to leave a wrong impression; but I think most of us can easily understand just about how much may be still pending in the State of Colorado. There was paid in the year 1913 $33,998.63 for compensation to those who were killed and injured.

Commissioner O'Connell. There were 110 men killed.

Mr. Lawson. Yes, sir.

Commissioner O'Connell. And in the case of these 110 men——

Mr. Lawson (interrupting). No; that is the case of the 110 killed and 554 injured, but basing it just on those that were killed, I think you will find that it figures out something like $350.40 per man killed in the mines of Colorado. That, Mr. Chairman, is the amount of compensation paid to those people and their dependents. I would like to read briefly the report on a few of the accidents.

Chairman Walsh. What is it you are proposing to read now?

Mr. Lawson. Just the names and the reports of accidents where men were killed; just a very brief few names, Mr. Chairman; I think 9 altogether, or probably 10.

Chairman Walsh. Go ahead then.

Mr. Lawson. Perfecto Clark, Mexican; this was January 2; car oiler on tipple; age, 17; was killed by having his arm torn off; was caught in gear wheel at the Delagua mine, operated by the Victor-American Fuel Co., in Las Animas County.

January 3: James Batey, American; miner; age, 52; married; eight children; was killed by a fall of coal in the South Canyon mine, operated by the South Canyon Coal Co., in Garfield County.

January 3: William Snedden, Scotch miner; age, 55; married; two children; and Andrew Snedden, Scotch miner; age, 16; were killed by fall of coal at the Reliance mine, operated by the Alliance Coal Co., in Huerfano County.

January 10: Joe Mohora; night pump man; age, 45; married; five children; was electrocuted by coming in contact with live wire at the Royal mine, operated by the Royal Fuel Co., in Las Animas County.

Chairman Walsh. What year was that?

Mr. Lawson. In 1913.

April 15: Narso Dami, an Italian; miner; age, 37; married; five children; was killed by fall of roof at the Pinacle mine, operated by the Routt County Fuel Co., in Routt County.

April 22: Alegro Bounolas, Mexican; miner; age, 23; married; three children; was injured by fall of rock at the Morley mine, operated by the Colorado Fuel & Iron Co., in Las Animas County; died April 23.

May 8: Mike Streenar, English; miner; age, 57; married; six children; was killed by fall of rock at the Williamsville mine, operated by the Thomas Coal Co.

Chairman Walsh. At this point the hearing will stand adjourned until to-morrow morning at 10 o'clock. Please resume the stand to-morrow morning at 10 o'clock.

(Thereupon at 4.30 o'clock p. m. of Friday, January 30, 1915, an adjournment was taken until 10 o'clock of Saturday, January 30, 1915, at the same place.)

64TH CONGRESS, 1ST SESSION } SENATE { DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. IX

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(For exhibits under this subject, see pages 8378 to 8480)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, *January 30, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. The house will please be in order.

Mr. Lawson, you will please take the stand.

TESTIMONY OF MR. JOHN R. LAWSON—Continued.

Chairman WALSH. What are the social conditions—the social life—of the miners in coal camps?

Mr. LAWSON. The social life of the miners in coal camps has been very little, Mr. Chairman, particularly in the closed camps, where the mine operators have what we may term absolutism, or have practiced it, and where despotism prevails, because of the fact that they own the—not only the mines, but all of the grounds, all of the buildings, and the places of recreation, as well as the schools and church buildings. I had not quite finished reading this matter that I was putting in the record last evening, about the accidents that occurred.

Chairman WALSH. Just finish where you left off last night.

Mr. LAWSON. I thought perhaps you might just as well get it in consecutively.

June 18: George Yohannovich, Montenegrin, miner; age, 35; married; 3 children; was killed by a fall of rock at the Royal mine, operated by the Royal Fuel Co., in Las Animas County.

November 17: Juan Vigil, Mexican; miner; age, 51; married; 9 children; was killed by a fall of rock at the Morley mine, operated by the Colorado Fuel & Iron Co., in Las Animas County.

November 27: John Garlic, Pole; miner; age, 36; married; 3 children; was injured by a premature shot at the Oakdale mine, operated by the Oakdale Coal Co., in Huerfano County; died at the Pueblo Hospital November 28.

December 16: Thirty-seven men were killed in a dust explosion at Vulcan mine, operated by the Coryell Mining Leasing Co., in Garfield County.

That makes a total of 81 men—a total of 81 children, rather, and 27 widows; 44 men. The question, Mr. Chairman, I want—or the point to which I want to draw the attention of the commission—is the number of widows and the number of fatherless children left because of those coal-mine disasters which have happened in our State; and I want to repeat that the fatalities in the State of Colorado are so much higher than any place else in the world—so much so that it shocks humanity.

As has been stated yesterday, we just take the deaths of the miners killed in the mines and the compensation paid to them, not including any of the injuries—they get a rate of $305.40 apiece. What are those poor widows; what are those fatherless children going to do with that $304 to start out in life? That is one of the things that I think ought to be considered; I think that is the human side that seems to get so little consideration from the operators of these great corporations.

I might go back just a little way and again draw your attention to the thing I mentioned yesterday when I said that a young man goes into a coal camp and seeks employment. Let us assume under all of the conditions I have recited that he gets employment, and he is compelled to remain there because he does not know where else to go. He has to keep his mouth shut against conditions, because if he does not do so he is going to be discharged. Let us assume that working under those bad and dangerous conditions that so many men have been compelled to work under—in fact, I have been compelled to

work under them myself, and that is the reason I speak about them as I do; this young man works there, and let us assume that he has been injured, quite badly by the way. He is surrounded, not by his friends, not by people who have taken an interest in him, but he is in this land owned by the corporation that owns the homes, that owns the boarding houses, that owns every single thing there is there.

Then he is taken to the company doctor, a man not chosen by him or by his fellowmen, but a man selected by the company and paid out of the money checked off from his wages by that despicable check-off system we hear so much about. This man, because of his lack of experience, because of his lack of knowledge in the medical profession, experiments on this young man; then finally he finds that he is not able to do anything for him and he sends him to the company hospital in Pueblo, where the man dies.

I want to say, Mr. Chairman, in connection with this matter, that so far as the company hospital is concerned, it has a good reputation in Colorado, and I do not want to say anything that reflects on it, but I want to call the attention of the commission to the fact that it is a company hospital. Now, this young man dies there; and who sits at the inquest over the remains of his dead body? I say it is a company coroner, a man with a selection of men who are friends of the company, and the reason I say that is this: In all of the years, so far as my knowledge goes that coal has been mined in the State of Colorado, only two verdicts that I can recall have ever been rendered not in favor of the coal companies. So, I say again that it is a company coroner.

They have a habit, a rather stereotyped affair in giving their verdicts, to say this or these men—this man or these men have committed suicide or were killed by their own carelessness; and let me just repeat a note that was made on one case in Colorado, of a young man that was killed to illustrate my point, that without a union and without a union card in his pocket as his credential he has no friends. This coroner in his note said: "No relatives and damn few friends." That, Mr. Chairman, is the reason I say that it is a company affair, and I do not know exactly, but perhaps after all the company has something to do with the cemetery the man is buried in. If the county is not able to furnish schools, if the county is not able to furnish churches, I am not sure but the company also furnishes the cemetery the poor fellow is buried in after all. But it does not matter so much about the men to me, they are not so important to me as the men who have families, the men who have family ties and leave those behind them, who leave a number of fatherless children with nothing to face the world with. Those are the things which I believe should receive the deep and earnest consideration of this commission in making their report.

Men often face danger because of the fact that they have a feeling that the property of the company even deserves all the protection they can give. I recited yesterday, in a brief way, one of the incidents that happened in a mine that was the property of the Colorado Fuel & Iron Co. in which I worked. I told how the mine took fire and the mine was filled with water, and in the meantime it exploded. I want to say, Mr. Chairman, that after that water was pumped out of the mine I went back into the mine with a number of other men to help clean up the mine and put it in condition to work; and while we were working in the mine word came that something had gone wrong. A man came running into the entry in which we were working, running quite out of breath and very much excited, and the thing I can remember best was that he called to me. He called my name. Everybody stopped working to inquire what was wrong. He did not get close to us, but just close enough to call out his message, and he said, "Jack, go in and tell the men to come out; go inside and tell the men to come out; tell every one of them to come out." The men he had reference to were working about a mile farther back in this entry. We knew that the mine was filled full of marsh gas. We knew that the men were back in there and that there were miles of entries so filled with this explosive mixture; the most dangerous thing, excepting the dust, that can be found in a mine anywhere. We had been informed just the day before by the fire boss, who told us he felt it was his duty to tell us that the mine had begun to develop fire, and that there was danger of the fire and the gas coming together.

It was necessary to go in 1 mile farther than where we were working and notify the men and see to it that every man was notified. To see that every man was notified that there was danger, and that they must at once leave the mine. I want to say that in doing this I don't want to leave the impression that it was any great act of courage on my part—it was an act of duty that a

coal miner has never yet failed, to my knowledge, in performing, Mr. Chairman. That is one of the things in a coal miner's life. They have never, to my knowledge, failed to do their duty, either in protecting life or limb or in assisting to preserve and protect the property of those they are working for. I mention that in passing, Mr. Chairman, just to illustrate what I said about the dangers to all of the people who toil in the mines.

Chairman WALSH. Going back to my first question, please, what has been the social life of miners in the camps and coal mines? I want you to as briefly as you can, but broadly, include all of that—that is, what their broad social life is, and so far as education and religion are concerned, and then what their social life is so far as having a good time is concerned—a little pleasure and amusement, and the like of that, if they have it.

Mr. LAWSON. The pleasure and amusement afforded men who work in the mines, particularly in the closed camps—I want to talk particularly about those, Mr. Chairman, because I think I can get at this more specifically and had mostly in what is commonly called and known as the company saloon in these camps. In these camps the men are not permitted even to meet in their fraternal orders; they are not permitted to have societies even of their choice, very often. They are watched over and guided over and spied on by company detectives and company gunmen marshals, and if they should get together in a manner that seems to be in the least, in the minds of the marshals, suspicious, or if they should talk about the matters with which they come in contact every day, or if they should discuss the grievances that they have, or if they should talk about the wrongs that exist and prevail in the capms, they know they are put out of the camp. They know they can not remain there and work. Even the company marshal has the power to drive them down the canyon, and he has done it many, many times.

As far as the church part is concerned, we have the testimony in the congressional hearing of Dr. Cook and Rev. Dr. McDonald. These testimonies speak for themselves. They demonstrate that there is no social life, so far as the church end of it is concerned. They say they don't interfere with it, but I say to you that they do interfere with it and with the preacher or the minister of the gospel who lives in one of those camps; he has got to do and say the things that the company boss and superintendent wants him to do and say. And the same thing prevails so far as the school-teachers are concerned. As far as my knowledge goes, there is very little, if any, effort on the part of the company to provide night schools and to educate men who work in and about the coal camps.

In that connection I want to simply state this: That to give an illustration between the nonunion camps, the closed camps, and the union camps, or where the organization operates.

In Colorado to-day, my colleagues and myself, with the assistance of President Friend, of the Colorado University, and a number of his professors, he has agreed to extend the extension work of the State university throughout the entire State of Colorado to give the miners an opportunity for a higher and better education. So they do not have an opportunity to have any social life to speak of. And they are compelled to go out of the camp probably on Saturdays or Sundays, if the mine is not working.

Chairman WALSH. What are the ordinary amusements? Do they have theaters or social gatherings of any kind or prize fights or anything?

Mr. LAWSON. They have an occasional dance. They have not theaters in their places of amusement that I can recall now. They have occasional dances, and once in a while there is a meeting, probably held by the church people. But so far as my knowledge goes I can not in my memory recall where they have any real place of amusement except in one place that has been mentioned to this commission. I happened to be in the camp when it was opened up first. Mr. Osgood, in Denver, drew your attention to the club they had formed in one of the C. F. I. camps when he was president of the Colorado Fuel & Iron Co. I do not remember if he said where it was or not, but that was at Coal Basin. Coal Basin is located about 10,000 feet above sea level and far away from any other town. It is not a large camp. It was not a large camp and does not exist now. But they started the club there. And I want to say when that club started it started on what I thought and what appeared to me as being a good basis. But I want to say it did not run very long on that basis. It was not very long until the club was practically worthless so far as the purpose it was intended to serve was concerned. That is the only one, Mr. Chairman, and the

only place I can now recall where there was anything gotten up, any place provided for social recreation for the men who work, I mean.

Chairman WALSH. Where were you during the strike of 1903 in the Colorado coal field?

Mr. LAWSON. I was in New Castle, Mr. Chairman, during that period. I might stop just a moment to draw your attention to one or two things that occurred in connection with that. In connection with that I would like to draw the attention of this commission to a statement made by Mr. Rockefeller, jr., before the congressional committee.

In 1903, as most of you know, there was a strike in the coal fields of Colorado. The men of the entire State struck. Just about that time the governor of Utah made the statement, if the press reports him correctly, something to this effect: That if the miners of his State should go on strike, every agitator and every man who went on strike would be driven out of the State. I think that statement was made either in the latter part of November or early part of December, and to show the significance that was attached apparently to that statement by some people, on the 17th day of December, 1903, the homes of five of the local leaders in New Castle, of which I happened to be one, were dynamited and blown up; and I want to say in connection with that, Mr. Chairman, that no one has ever been punished for the crime.

I want to state just as briefly as I can also in that connection—I don't know whether it has any connection or not, and I hope it has no connection—but I want to draw your attention to the fact that on the 6th day of April, 1914, Mr. Rockefeller made the statement that so far as his company was concerned they would not recognize the United Mine Workers of America; that they would rather lose all they had invested in the mines in Colorado, which meant in effect that it was a fight to a finish so far as they were concerned. On the 20th day of April, just two weeks to a day, Colorado had its Ludlow. I am sure, Mr. Chairman, I hope it had no connection, but I want to draw the attention of the commission to that. That is the point I want to make. I want to draw to the attention of this commission that men of such great power, these great captains of industry upon whose word hangs so much in the minds of especially the gunmen in the industry, that they should be extremely choice in their language and careful what kind of statements they make.

Chairman WALSH. You mentioned something about the use of scrip in the company's store. Has not that been discontinued by all the companies in Colorado—the use of scrip?

Mr. LAWSON. The use of scrip, Mr. Chairman, has been discontinued by most of the stores. I want to——

Chairman WALSH (interrupting). Is there a law in Colorado now forbidding the use of scrip?

Mr. LAWSON. Yes, Mr. Chairman.

Chairman WALSH. And it is being observed, isn't it?

Mr. LAWSON. There was a law passed abolishing the use of scrip and truck system in 1899 placed on the statutes of our State—15 years ago. January 1, 1913, the Colorado Fuel & Iron Co. posted notices that scrip should be abolished from among their camps.

Chairman WALSH. Well, had it been partially abolished previous to that time, or wholly abolished?

Mr. LAWSON. It may have been partially abolished, Mr. Chairman; I am not sure. But it was being used quite extensively up to that time, and I want to say in connection with the scrip, lest the commission may not fully understand, that a man who went to work in any of those mines, notwithstanding the fact that they had a company store operated by one of their subsidiary companies, of course—but I can not see the difference—a man must take scrip from the mine before he could get anything out of the store, unless he had the cash. But should a man go to the mine clerk, where he had to go first and get the scrip which he may have coming to him—let us assume he had $20 worth of scrip coming—he went and drew the $20 worth and went to the store and spent $10 of that in groceries and merchandise and things of that kind that he might need. When he quit his job, if he quit then, he could not get that scrip cashed and get $10 from the company which issued it to him, but he had to take it to perhaps the saloon keeper or the storekeeper or somebody else and give it to them at a 10 per cent discount.

Chairman WALSH. Mr. Lawson, you said something about "checkweighmen." Very briefly, I wish you would state what a checkweighman is. I am going to

ask you some other questions about it, and I know it is a long subject, but please state briefly——

Mr. LAWSON (interrupting). I shall be brief, Mr. Chairman——

Chairman WALSH (interrupting). I do not mean your testimony generally, but on that.

Mr. LAWSON. A checkweighman is a man selected and employed by the miners and paid by the miners out of their wages to check the weights of their coal, with the company weighman, a man whose duty it is to go on the tipple outside of the mine and watch the cars as they go over the scales and see that the coal is properly credited to each man in accordance with the true weights.

Chairman WALSH. Now, is there not a law in the State of Colorado requiring or permitting employees, at their option, to select their own checkweighman?

Mr. LAWSON. Yes, sir. In 1897 the checkweighman law was first adopted in Colorado. April 11, 1912, the Colorado Fuel & Iron Co. posted notices that the miners should have a checkweighman if they so desired. Now, I want to say in connection with that something just briefly, Mr. Chairman, something else. Some operators in testifying stated that the miners had a perfect right to have a checkweighman. If they wanted, they could have a checkweighman on any tipple. I happen to know that is not a true and correct statement. But there was one mine there pointed to in Colorado that had a checkweighman. That was the Starkville mine at Starkville, in Las Animas County, in the southern part of Colorado. That mine, when the strike came on—as I say, to show how much the checkweighman means to the men—when the strike came on that mine quit work and never was able to turn a wheel until the strike was settled, because every man went on strike there and remained on strike. The checkweighman without an organization to back him up is not strong enough to enforce the just demands of the men. He is of no value to the mine and the men realize that. They know it is not of any use to go and select a checkweighman in the manner that those men are being selected to-day in the State of Colorado to represent the miners of that State, for the simple reason that safe men will be selected and the operators will have a very large hand in the selection, to see that the coal is properly weighed from the operators' standpoint. That is the reason that the miners have no confidence in the statements that they can have checkweighmen without an organization.

Chairman WALSH. You stated that during the strike of 1903 your home was blown up. Just describe your house after the disaster.

Mr. LAWSON. Well, the entire side of the building, Mr. Chairman, was blown out or blown in, as the case may be. It happened most fortunately for my wife and baby, a little 3-year old daughter, at that time that we had moved what had originally been the bedroom away—or I might state Mrs. Lawson had. I did not have much to do with it. She insisted that we would not use what had originally been the bedroom, because it was too small for a bedroom, and we would use what had been the dining room. Now, the powder or explosives were put under the window of the bedroom, and had we been in that room I am satisfied I would not have been here to tell the story to you to-day and neither would my family be alive and as well as they are.

Chairman WALSH. Was your family in the house at the time?

Mr. LAWSON. Yes, sir; my family was in the house. In fact we were all in bed asleep when the first explosion took place, which my home was honored with, if I may use the term.

Chairman WALSH. What effort was made to apprehend the persons who had committed the crime?

Mr. LAWSON. There was not much of an effort, Mr. Chairman. At a mass meeting of the people of New Castle I was elected as a member of a committee to search out and see if we could locate the people who had committed the crime; and after quite some research—a detective also in the meantime had been employed—we gathered together enough evidence so that the district attorney, Mr. John C. Gentry by name, told me personally we had enough evidence at least to convict some of the men who were involved in the dynamiting. But they were not ever arrested, Mr. Chairman.

Chairman WALSH. Why not?

Mr. LAWSON. For the same reason that very, very few men, if any, have ever been arrested and tried, let alone convicted, who have committed any depredations against the miners who have been on strike in our State.

Chairman WALSH. Is it true, as published in the press, that you had an interview yesterday with Mr. John D. Rockefeller, Jr.?

Mr. LAWSON. Yes, sir.

Chairman WALSH. I wish you would kindly state the substance of that interview.

Mr. LAWSON. Yesterday morning, I might state, Mr. Chairman, or rather to go back a little further, I was told several days ago that Mr. Rockefeller had sent an invitation for me to come to his office and meet him. I was unable to go, and yesterday I was informed on two occasions that Mr. Rockefeller desired to meet me, and he would remain in his office until 1 o'clock if I would go down and call on him. I believed it was a proper and right thing for me to do, to accept the invitation, and so Mr. Doyle and I went down to his office and met Mr. Rockefeller and Mr. Mackenzie King there, and we had an informal meeting. I want to say it was a very pleasant, agreeable conversation. We discussed several things. We discussed the Colorado situation in a very informal way. I informed Mr. Rockefeller that I did not think very much of the plan outlined in Colorado to bring about an adjustment of the grievances, and suggested that in my opinion the best way would be for him to arrange with himself and some of his officials a meeting with our international president, for instance, or some of our international officers, Mr. Hayes or Mr. Green, and have a conference with them, and if that was held I believed that a plan could be evolved that would bring peace to the coal-mining industry of Colorado. Outside of that there was not much else said concerning the Colorado situation except he asked me about my experience in coal mines, and we talked about those in a most informal way. I want to say that the meeting was friendly. I went there and met him as one American citizen meeting another. I did not go there as an official of the organization. I went there as a citizen, and met him as a citizen. That is about the extent of our visit.

Chairman WALSH. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. Were you present yesterday when Dr. Eliot was testifying?

Mr. LAWSON. Yes, sir; I heard most of Dr. Eliot's testimony, but not all. I could not catch all that he said, Mr. Weinstock.

Commissioner WEINSTOCK. Let me read to you this from his testimony, and let me ask you in how far you agree with Dr. Eliot on these points:

"Question. In answering questions submitted by some of my fellow commissioners you stated among other things that you regarded it as unethical and unwise to elect or to reelect officers of the organization"—

Meaning the unions—

"convicted of crime. Do you know of any instances where that has been done, where unions have elected or reelected officers who have been convicted of crime?

"Answer. 'No' is rather a strong word. I only have such knowledge as one gathers from the publications of the moment. Those publications have given me the impression that in regard to the dynamiting convictions the unions reelected men who had been convicted.

"Question. You have reference to the case of John Ryan, president of the structural-iron workers?

"Answer. That is one of them.

"Question. Do you regard that as a mistake on the part of organized labor?

"Answer. I regard it as something worse than a mistake.

"Question. How would you describe it?

"Answer. As a serious moral offense against the community as a whole.

"Question. I gather also from what you said that you regard the greatest enemies of organized labor to be within the ranks of organized labor, rather than without the ranks of organized labor; and I infer from that—and if my inference is in error I would be glad to have you correct it—that you regard a unionist an enemy to labor if he becomes a lawbreaker in the so-called interest of unions?

"Answer. I do."

Now, how far, Mr. Lawson, do you agree with Dr. Eliot in his attitude?

Mr. LAWSON. Let me answer in this fashion, Mr. Weinstock, that question, because of my knowledge and experience and observation that great corporations and great combinations of capital nowadays can take any man or any woman and convict them of any crime. And until the time comes when the laboring man has the same standing in court that the millionaire has I do not agree with Dr. Eliot. However, I do not know anything about the merits

of the case of the structural-iron workers. That is something I never studied carefully, and I want to make this statement: I have nothing in common—I have no interest and do not believe that a criminal of any kind ought to be fostered or encouraged. I do not care whether he is the humblest laborer or the greatest millionaire that ever put his foot in this country.

Commissioner WEINSTOCK. You believe that criminals ought to be punished whether they are within or without the ranks of labor?

Mr. LAWSON. I believe that all criminals ought to be punished; yes, sir. Society can not help but insist on their punishment.

Commissioner WEINSTOCK. What is your attitude, Mr. Lawson, in the matter of the observance of law—what is the citizen's duty, as you understand it, in dealing with what he considers a bad law. Should he take it upon himself to violate it because he thinks it is a bad law, or should he use his influence in educating others to aid him in having the law changed?

Mr. LAWSON. I think, Mr. Chairman, in answer to this question, that every man owes it to society to live up to and obey every law; and if the law is not a good law, to use his influence to have it taken from the books or have it amended. In that connection I want to draw your attention to one or two things here so that I can make my point clear.

In Colorado in 1885, nearly 30 years ago now, a mining law was adopted and placed upon the statute books of our State. So far as I can remember myself, no attention was paid to it by the men who operated the mines of our State. In 1901, 23 years ago, a mine-guard or deputy-sheriff law was placed upon the statutes of our State, and so far as I have ever been able to observe this law was ignored by the operators. As I stated a moment ago—no; rather in 1889, 25 years ago, a law was placed upon our statutes which granted the miners of that State, or men or women in any other industry, the right to belong to a labor organization, church, political party, or society, if they chose. In 1897—17 years ago—an anticoercion act was passed in our State, also in connection with the right to join a labor union. This, or these, laws have never been lived up to by the corporations of our State. As I said, the check-weighman law was passed in 1897—17 years ago—but only since April 11, 1912, has it been lived up to by the operators. The scrip system, in 1899—15 years ago—and the C. F. & I. posted notices January 1, 1913, that they would now live up to this law. The eight hour a day law adopted in 1899—15 years ago—and the C. F. & I. posted notices March 1, 1913. Of course, in connection with the eight hour a day law we can say several things. The law was first declared unconstitutional by the Supreme Court, who said that the people of the State or the legislature ought to submit an amendment to the people to have it voted on, and when they did the people of the State of Colorado voted in favor of the miners having an eight-hour day by a majority of about 48,000.

Commissioner WEINSTOCK. And that was through the referendum?

Mr. LAWSON. Yes. Well, it was not through the referendum, because it was submitted to the people as an amendment to the constitution at that time. We did not have the referendum then. So the eight-hour day law has been in controversy ever since that time—15 years ago. Then we find that in 1911 the legislature adopted an eight-hour day law and the operators of our State, under the initiative and the referendum, submitted that law through petition back to the referendum of the people; and then they initiated a fake eight-hour law, and the people of the State, who were not able to understand or distinguish the difference but who were anxious that the miners should have an eight-hour day law in our State, voted and elected both—the original bill by something like 37,000 majority and what I term the fake eight-hour day law by something like 3,700 majority, with the result that the members of organized labor were compelled to go into the legislature and through that channel to the Supreme Court, who declared that the legislature could annul any initiated measure; and in that manner he was successful in getting through the present eight-hour day law, which, by the way, was the same that was submitted to the referendum and held up two years longer.

Commissioner WEINSTOCK. I take it, then, that you have the initiative in Colorado, and the referendum and the recall?

Mr. LAWSON. Yes, sir. If you will pardon me, I just want to make this one brief statement in connection with the eight hour a day law. We have here—on March 1, 1913, the C. F. & I. posted notices that they would accept the eight hour a day law and miners would work eight hours. Yes; we have those things.

Commissioner WEINSTOCK. Then, coming back to my question, your attitude is that the law should be observed whether it is a good law or a bad law; that if it is a bad law the remedy lies in educating the voters so that they will have the law changed, or correct the law?

Mr. LAWSON. Yes, sir. I want also to give you the names of two other laws, while we are at it, so as to get that all in completely.

Commissioner WEINSTOCK. I am not interested particularly in the law. But I want to get at the principle and to find out what is your attitude that you take, which I take it is that you reflect the sentiment—your sentiment is the sentiment of your fellow unionists on that subject?

Mr. LAWSON. I think I reflect the sentiment of most of them.

Commissioner WEINSTOCK. And you know, doubtless, as the commission was made to know, one of the reasons offered by the operators in Colorado for refusing to deal with or recognize the United Mine Workers of America was the charge that they made against the United Mine Workers of America that they were lawbreakers?

Mr. LAWSON. Yes, sir; that is one of the charges they made.

Commissioner WEINSTOCK. Now, as proof of that——

Commissioner O'CONNELL. Just a minute, that they were what?

Mr. LAWSON. They were law violators.

Commissioner WEINSTOCK. The operators refused to deal with the United Mine Workers on the ground that they were lawbreakers?

Mr. LAWSON. I admit that was one of their charges.

Commissioner WEINSTOCK. And as one of the proofs that the United Mine Workers of America were lawbreakers this was offered in testimony at Denver. I am now reading from the Denver record of our hearings in Denver.

Mr. LAWSON. What page, please.

Commissioner WEINSTOCK. Page 2630.

Mr. LAWSON. I have that here [picking up bound volume].

Commissioner WEINSTOCK. Not the congressional hearing.

Mr. LAWSON. Oh, your hearing in Denver?

Commissioner WEINSTOCK. Yes; our hearing.

Mr. LAWSON. That is all right.

Commissioner WEINSTOCK. They said, and I want to call your attention to a pamphlet issued by the coal-mine managers, series 1 under title "Facts Concerning the Struggle in Colorado for Industrial Freedom." On page 12 of that pamphlet the following appears:

DENVER, COLO., *April 22, 1914.*

Organize the men in your community in companies of volunteers to protect the workers of Colorado against the murder and cremation of men, women, and children by armed assassins in the employ of coal corporations serving under the guise of State militiamen.

Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once, by wire, phone, or mail, to W. T. Hickey, secretary of the State federation of labor.

Hold all companies subject to order.

People having arms to spare for these defensive measures are requested to furnish same to local companies, and where no companies exist send them to the State federation of labor.

The State is furnishing us no protection, and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State, and we expect to break no law; we intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

John R. Lawson, international board member, district 14, U. M. W. A., also president State federation of labor; John McLennan, president district 15, U. M. W. A.; E. L. Doyle, secretary-treasurer district 15, U. M. W. A.; John Ramsay, national organizer, U. M. W. A.; W. T. Hickey, secretary State federation of labor; E. R. Hoage; T. W. Taylor; Clarence Moorehouse; Ernest Mills, secretary-treasurer, W. F. of M.

It was pointed out that that was a call to arms in violation of the State law; that the miners were defying the State authorities; that they were acting as rebels; and that they were doing unlawful things in an unlawful way.

Now, doubtless, there is some answer to that?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. I am sure the commission will be glad to hear it.

Mr. LAWSON. In the first place I want to point out the thing I have always said, that the operators have used every subterfuge, have not failed to make statements that are not true concerning miners who were their former employees. And when they state that that is a violation of any law I want to deny the fact, and I want to ask the question, if you will permit it, Mr. Weinstock, to point out to me wherein that message is any violation of law of Colorado at all. I deny it is a violation of law in that message.

Commissioner WEINSTOCK. It seems to me, Mr. Lawson, if you put the question to me, any call to arms means war, and that there is only one power in the United States that has the right to declare war, and that is the Government itself. That is, if I organize men with arms to fight the State authorities, I am certainly not a law-abiding citizen. I am certainly a lawbreaker, in fact, I am a rebel.

Mr. LAWSON. Do you understand, Mr. Weinstock, in your statement in answer to my question that if you and I were neighbors—let us assume on a farm—and you called to me to come to your home and bring my gun, that your home was being invaded by outlaws, that your family was in danger of being exterminated, as well as yourself, would you be violating the law of the State?

Commissioner WEINSTOCK. I think if I issued a call, circulated all over the State, and called on everybody to arms I would be violating the law of the State.

Mr. LAWSON. What would be the difference, asking one man and asking every man?

Commissioner WEINSTOCK. I can stand in front of a house or a building without violating anything, but if I bring a thousand men to stand in front of that house or building I am.

Mr. LAWSON. What offense?

Commissioner WEINSTOCK. I am obstructing the sidewalk.

Mr. LAWSON. That is all.

Commissioner WEINSTOCK. And interfering with the rights of the public.

Mr. LAWSON. I grant that. But that is all. I simply state, Mr. Weinstock, and I want to state as quietly and as positively as I know how, that there is nothing in that call, so-called call to arms, that is in violation of our State law.

Commissioner WEINSTOCK. Mrs. Harriman asks me to allow her to ask a question.

Commissioner HARRIMAN. I want to know the date when the miners were armed, the strikers were armed—September 18, was it?

Mr. LAWSON. The date they say they were armed, Mrs. Harriman, according to that call, I think was the 23d day of April, or three days after Ludlow.

Commissioner WEINSTOCK. The 22d?

Mr. LAWSON. Twenty-second—I beg pardon.

Commissioner HARRIMAN. Two days after Ludlow?

Mr. LAWSON. Two days after Ludlow.

Commissioner HARRIMAN. When the deputy sheriffs who were appointed by Jeff Farr, the sheriff of Huerfano County?

Mr. LAWSON. Yes, ma'am.

Commissioner HARRIMAN. When he testified that they were armed?

Mr. LAWSON. Yes, sir.

Commissioner HARRIMAN. As soon as he appointed them?

Mr. LAWSON. Yes.

Commissioner HARRIMAN. What was the date?

Mr. LAWSON. September 1, if I recall.

Commissioner HARRIMAN. Before September 1, or September 1?

Mr. LAWSON. About September 1, 1914.

Commissioner HARRIMAN. 1914?

Mr. LAWSON. 1913 I mean to say.

Commissioner HARRIMAN. Ludlow was 1914—April, 1914?

Mr. LAWSON. Yes, ma'am.

Commissioner HARRIMAN. Do you know of any strikers being armed before those gunmen, deputy sheriffs, were armed by the C. F. & I. Co.?

Mr. LAWSON. No; I do not know of any, Mrs. Harriman, but if you will pardon me, because of the many indictments against hundreds of our people in the State of Colorado because of those disturbances, I will have to decline to go into the details of the things that have taken place. I happen to be one of the many individuals indicted on a number of charges, and if you will

excuse me, I will have to decline to go into the details as to the arming of men and things of that kind. I will be glad to answer any questions, however, that you may ask if I can that are outside of that particular zone.

Commissioner WEINSTOCK. I wanted to ask some questions in that connection, but under the circumstances, as you explain, that there are indictments out and it would embarrass you to make answer, I shall refrain from asking the question. There is one other point on which I would like to get your statement, Mr. Lawson. In the document that you read yesterday afternoon to the commission among other things, as nearly as I can recall the language, you made the statement and went on to say that you believed that the United Mine Workers of America were worthy to be recognized and dealt with because they always observed their contracts?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. That they had not violated any of their agreements?

Mr. LAWSON. Yes; I made that statement—pardon me, or a statement similar to that.

Commissioner WEINSTOCK. That was the substance?

Mr. LAWSON. Yes; that was the gist of it.

Commissioner WEINSTOCK. Again quoting from the proceedings at the Denver hearing, I want to read this, which was offered in testimony by the operators, and ask the answer to it, if there is an answer.

I have here a clipping from the Coal Age, a publication issued somewhere in the East, under date of December 20, 1913, which contains—I will not read the whole thing, but will just take the heart out of it, and you can answer it. It is issued by the Association of Bituminous Coal Operators of Central Pennsylvania, 301 Betz Building, and addressed to Mr. Patrick Gilday, president district No. 2, U. M. W. A., Morrisvale mines, Pennsylvania, dated Philadelphia, December 12, 1913, and it says:

"DEAR SIR: The executive board of the Association of Bituminous Coal Operators of Central Pennsylvania held a meeting here to-day, approved and directed that the following communication be forwarded to you at once."

And then it goes on through several whereases, and I will just deal with the one touching on broken contracts.

"Whereas rules 12 and 13 of said agreement provide 'should differences arise between the operators and mine workers as to the meaning of the provisions of this agreement, or about matters not specifically mentioned in the agreement, there shall be no suspension of work on account of such differences, but an earnest effort be made to settle such differences immediately.'"

Then it goes on to say further:

"Whereas, notwithstanding the fact that rule No. 15 provides 'the right to hire and discharge, the management of the mine, and the direction of the working forces' are vested exclusively in the operator, and the United Mine Workers of America have absolutely disregarded this rule in that they have at numerous times served notices on substantially every operator belonging to our association that unless all of the employees working for such operators should become members of the union on or before certain dates mentioned in said notices that they, the mine workers, would close or shut down the operators' respective mines, and in many instances did close the mines for this reason, and refused to return to work unless such nonunion employees were discharged. This conduct is in direct violation of your contract, and specifically interferes with and abridges the right of the operator to hire and discharge; of the management of the mine and of the direction of the working forces; this conduct in violation of contract on part of the mine workers, as well as that mentioned in the preceding paragraph, has resulted in more than 100 strikes during the life of our scale agreement; and

"Whereas, notwithstanding the fact that the operators appealed to you as president of the United Mine Workers of America of district No. 2 to enforce and carry out your contract, and your repeated admissions that the mine workers were not living up to their contract, but that you individually were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date."

Then it goes on to say:

"*Be it resolved, therefore,* That the operators enter a vigorous protest and demand of Patrick Gilday, president, and executive board of the mine workers of this district an immediate cessation of the conduct hereinbefore recited, and

that they strictly enforce on the part of the mine workers their covenants contained in said contract, and in event of the failure to cease such conduct within the next 10 days that the president and secretary of the operators' association shall call a special meeting of the members thereof for the purpose of considering the final dissolution of its association on the specific ground that it is useless to enter into contract obligations with a body that steadfastly refuses to fulfill the same and which no official apparently has power to enforce.

"Yours, truly,

"W. R. ROBERTS, *Secretary.*"

Will you tell us what you know about this case, Mr. Lawson?

Mr. LAWSON. I would like to know if that is all that is contained in that, if you know what happened as a result of that?

Commissioner WEINSTOCK. No; we do not, and for that reason we invite your statement in that connection.

Mr. LAWSON. I think, in the first place, Mr. Weinstock, the Coal Age is the official journal of the coal operators. This statement is published concerning district No. 2, a partially organized district. I do not know very much about the statement or the conditions that prevailed over in Pennsylvania, but I want to reiterate my statement, that if that condition prevailed and was taken up with the international executive board of the United Mine Workers, those men, if they were under contract and had violated the contract, would either have returned to work or gotten out of the organization.

Commissioner WEINSTOCK. You note the claim is made here that there were a hundred strikes in violation of the contract.

Mr. LAWSON. Yes; I have heard that claimed so many times all over the country that it is familiar to me.

Commissioner WEINSTOCK. Is it a fact?

Mr. LAWSON. It is not a fact.

Commissioner WEINSTOCK. How many strikes did take place in violation of the contract?

Mr. LAWSON. There might have been—and I will be as fair as I can in this matter. Let me admit that there may have been here and there in this country a local strike, wherein some members of a local union who were not perhaps good union men succeeded in misguiding members of that particular local. Those very few instances have been charged up against the United Mine Workers of America as a violation of contract, when, as a fact, in nearly every instance I can recall that has ever come before the international executive board—and I have been a member of that board since 1906—the matter has been taken up, and the men have either gone back to work and stayed at work under the contract or the charter has been taken away from them and they have been put out of the union.

Commissioner WEINSTOCK. You notice that in this connection Mr. Gilday, the president of the district, is quoted as saying that he had not been able to enforce the law, but that he was doing the best he could—that up to that time he had failed to enforce it. Now, I gather from what you said—he says here:

"*Be it resolved, therefore,* That the operators enter a vigorous protest and demand of Patrick Gilday, president, and the executive board of the mine workers of this district, an immediate cessation of the conduct hereinbefore recited, and that they strictly enforce on the part of the mine workers their covenants contained in said contract."

And before that it said:

"Notwithstanding the fact that the operators appealed to you as president of the United Mine Workers of America of district No. 2, to enforce and carry out your contracts and your repeated admissions that the mine workers were not living up to their contract, but that you individually were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date."

Now, seemingly the officials there were utterly unable to carry out their part of the agreement. There is nothing to indicate to us that these men were disciplined or that the charter was taken away, or that they were ordered to go back to work, unless you had testimony to that effect.

Mr. LAWSON. In the first place, I wanted to again call your attention to the fact that the Coal Age is one of the official journals of the operators.

Commissioner WEINSTOCK. The Coal Age is not saying this; this is a resolution passed by the operators.

Mr. LAWSON. That is the same thing, so far as I am concerned.

Commissioner WEINSTOCK. The Coal Age simply published it.

Mr. LAWSON. The operators are making the contention there that these things are taking place, and until I could know all of the facts and what action was taken by Mr. Gilday or by the international executive board, I would not be in a position to answer that question as you would desire to have it answered, but I am not willing to take the operators' statements that the miners of any State have violated the law without having more full information.

Commissioner WEINSTOCK. You do not know, then, what action was taken by Mr. Gilday?

Mr. LAWSON. No.

Commissioner WEINSTOCK. Your answer, then, is that you can not state more specifically because you are not familiar with the facts?

Mr. LAWSON. As I stated in the first place, in every case that has ever been brought before the district organization—those men—if there have been any violations, and I do not pretend to say that the coal miners' union is so perfect yet that every man in the organization is trying to do everything he can to keep the contracts, any more than the operators do, but I have found a good many dozens of operators in my experience who had no regard whatever for a contract, Mr. Weinstock.

But until we know what action Mr. Gilday has taken, and until we know what action—in the event he failed in his duties—the international board has taken, it is not possible to get at the facts in the case and give an intelligent answer to your question.

Commissioner WEINSTOCK. I think it is material for the commission to know what the facts are in this case, otherwise the charge that the coal miners were guilty of contract breaking would stand uncontradicted, and I think, in the interests of the United Mine Workers of America, Mr. Lawson, you should get the facts and transmit them to us for our records.

Mr. LAWSON. I will try and get them, Mr. Weinstock.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Lennon wishes to ask some questions.

Commissioner LENNON. Mr. Lawson, have you any idea as to the number of mines being operated in the central district of Pennsylvania?

Mr. LAWSON. No; I have not; I can not say how many, but I know there are a great many.

Commissioner LENNON. Do you think it would be an exaggeration to say there were over 1,000?

Mr. LAWSON. No; I do not think it would; I am satisfied there are a great many more than that, but I have not got the exact number.

Commissioner LENNON. Now, contracts are agreements entered into between the United Mine Workers, as an organization, and the operators' organization, are they not?

Mr. LAWSON. Yes, sir.

Commissioner LENNON. If there were violations of the contract or of the terms that are embodied in the contract by individual miners or by a bunch of miners who are on the shift in a mine, would that be a violation of the contract by the United Mine Workers?

Mr. LAWSON. It would not, but it has been so considered by the operators, and that is the way they get these many violations, Mr. Lennon.

Commissioner LENNON. Do you know anything of the alleged violation of contract which took place in the Danville district of Illinois two or three years ago, and the subsequent action of the miners of Illinois in that case?

Mr. LAWSON. I can not recall the details of it.

Commissioner LENNON. Never mind them.

Mr. LAWSON. I remember something about it, but I can not recall the details.

Commissioner LENNON. Do you know as a member of the executive board of the United Mine Workers of any incident where individual miners have broken contracts or the terms of a contract and it had been brought to the attention of the general executive officers where they have not undertaken to the utmost of their ability to see that the individual members complied with the agreement?

Mr. LAWSON. Yes; there have been a number of cases of that kind that have happened in our organization. It had some, I think—one or two in the Southwest; I think there have been one or two in Illinois, and I think perhaps one or two in Pennsylvania of that kind. I went once myself to a local union in our district where the operators claimed a violation of contract and I found a number of grievances there; I think seven grievances the miners claimed,

and the men had gone so far that they quit. The operators complained of it, and the president of the district requested me to go with him to the local union and see if we could not get the matter straightened out. I went to the local meeting with him and learned that the men had quit their places because they claimed they were justified in so doing. They claimed that the pit boss and the superintendent had been so arbitrary and had violated the terms of the contract themselves to a point where they could not stand it any longer, and they finally quit the mine. I took a copy of the agreement out of my pocket and I took a copy of our international constitution out of my pocket and read both of them, or parts of both of them, and I said, "Why, it does not make any difference whether the operators have violated the contract or not; the fact remains that you yourselves have not taken your grievances through the proper channel. Now," I said, "I want you to pass a motion in this meeting to wipe out the motion passed already calling the strike, to have it rescinded, and when you pass that motion I want you to pass another motion putting these men back to work." They passed both motions as I asked them to do, and asked me if I would go with them or with the president of the district to the mine the next day to take up their grievances, and I told them I would. I told them in talking to them about this matter, "You have violated this contract and the international organization will not stand for it, and if you do not go back to work to-morrow morning, as an international officer I will take your charter off of the wall myself."

The next morning we went to the mine; we went to the pit boss and the superintendent. There was a good deal of feeling there amongst those two sides. I listened to them a little while and got them all out of the room, everyone except the pit boss, the superintendent, and the president of the district, and asked them what the trouble was. I said to them, "Although the men are wrong they insist on an adjustment of their grievances, but they will go back to work at once because they have agreed to do that. Now, let us find out how far the grievances claimed by the men are right." We went over them one by one, and they admitted to me that every one of the seven grievances—that in every one of the seven grievances the men were correct in making their complaint, and they adjusted them and they got the men back to work, and they never had any more trouble. That is the way the organization does business concerning those matters.

Commissioner LENNON. If the individual operators in any State where you have collective bargaining with regard to contracts fails to live up to the terms of the contract, do you then charge the operators as an organization with having violated the contract?

Mr. LAWSON. Positively not. The miners do not charge up to the operators, or the operators' association, any violation of contract because of the fact that one individual operator, or in fact a group of operators, has violated the contract.

Commissioner LENNON. Now, I want you to make clear, and this is the first time I have ever indicated by any premise how I wanted a question answered. There have been a number of witnesses who have testified as to what collective bargaining consists of; quite a number of them have indicated that it is an attempt on the part of the unions to secure a controlling voice, or at least a potent voice, in the financial management of the companies, in the business management of the corporation or individual employer; that it goes into all of the ramifications of the business of the employer. I want you to tell us what collective bargaining is as understood by the United Mine Workers and as applied by them; just what it covers, and whether it does cover at all any of those things that I have mentioned which have been testified to, directly in some instances and indirectly in some others.

Mr. LAWSON. Collective bargaining by the United Mine Workers of America is the negotiating and the reaching of a written agreement between the miners and the operators, the terms of which are specified in the agreement.

The miners have always conceded the right of the operator to employ the men he chooses, to discharge the men he chooses, so long as the men discharged have done something that the company is justified in discharging them for. The miners do not have anything to do with the operating end of the company; they do not have anything to do with the selling of their coal or the dictating to them what they shall charge for their coal; they claim that is the operator's business.

So far as the question of the miners interfering in any manner with the operating end of a corporation or coal company, I want to say this, that while in

Denver before a State joint legislative committee the operators were contending, or pretending—let me put it that way, for that is all it was, just another subterfuge—that if the miners would put up a bond for their good behavior, if they would incorporate just enough so they would do differently than they were doing, then perhaps things would be all right. I asked how much bond they thought we ought to put up, and I forget just the amount in dollars and cents agreed on by the operators. This was Mr. C. L. Bond, of Denver, who represented the operators of our State as president of the operators' association at that time. I said to him, "Do I understand you to say, Mr. Bond, that the miners of Colorado should put up a surety bond guaranteeing they would not violate their contracts in any manner?" He said, "Yes." I said, "Are you willing that the company should put up the same kind of a bond that they would not violate their contracts?" He said, "That would be right." I said, "You know that the miners themselves have not the amount of property or money to enable them to put up a bond themselves?" He said, "Yes." I said, "You know the district organization or the local organization has not enough money to put up this bond?" He said, "Yes." "Then," I said, "the international organization will be compelled to put up this bond for the miners." He said, "Yes." "Then, do I understand that the international organization should put up a bond for men they have never seen and over whom they have practically no control and do not know who they are? Do I understand you to say that the miners should have something to say about who should be employed?" And he said, "The miners should say who should be employed in the mine, as to every man that should be employed in the mine." I said, "Mr. Bond, I have been in this organization a good while and as an official for some time, but the time has not yet come when I am willing to ask or to accept any such concession from the operators, because we do not ask it. If the miners should select all the men themselves who are going to work in the mines, or put all of the men out of the mines they do not choose to keep there, they could bankrupt any company in this State. On the other hand, if the miners put up a bond the operators could bring in men who would continually violate agreements, and under that bond the operators could bankrupt any international organization."

Commissioner LENNON. Mr. Lawson, that is pertinent, of course, to the general conditions and the existence of these contracts, or collective bargaining, but I will ask the question a little differently. In presenting these agreements to the employers does the United Mine Workers of America endeavor to cover anything except the wages, the hours of labor, protection for life and limb, and the conditions that have to do with the workmen and their employment in the mines?

Mr. LAWSON. No, sir; it does not.

Commissioner LENNON. That is what it covers?

Mr. LAWSON. That is what it covers, exactly; things of that character. I will put it that way.

Commissioner LENNON. Just one or two other questions. Were you present at the Denver hearing at the time Mr. Welborn testified?

Mr. LAWSON. I may not have been there all of the time; I was not able to be there at all of the hearings. I was there a part of the time.

Commissioner LENNON. Are you aware of the fact that he testified that the Colorado Fuel & Iron Co. expended, I believe it was, $30,000 for arms to arm the deputies and the gunmen that were operating in southern Colorado?

Mr. LAWSON. I either heard it or read it in the press.

Commissioner LENNON. That testimony was given. Has the union, so far as you know, in Colorado, ever approved a violation of law, or have they ever permitted their members to violate the law?

Mr. LAWSON. No, sir; not in one single instance, so far as I know.

Commissioner LENNON. Do you know of any people who have been charged with violations of law in connection with the contest in Colorado who were, for instance, members perhaps of the Protestant Church or of the Catholic Church or of some military society, where those churches or societies have been charged with criminality because of these individual members being charged with crime of some kind or other?

Mr. LAWSON. Not that I know of.

Commissioner LENNON. How do you account for it, then, that if a union is similarly charged—that if a union member is similarly charged with the commission of some offense that the union is immediately charged with being the criminal?

Mr. LAWSON. It seems to be the common custom of employers of labor in this country who are opposed to organized labor to charge every crime in the calen-

due to the door of labor; it seems to be one of the subterfuges they use so much; one of the things they give out to the public, leaving the inference that the organization is a lawless organization, and also that it is despotic in its dealings, when the fact of the matter is that it comes as near being a democratic organization as any in the country. Every man in the organization has an opportunity to voice his sentiments. He has an opportunity to cast his ballot. He has an opportunity to speak on every question.

Commissioner LENNON. Mr. Lawson, in the industry in which you have spent your life work, of course there must have been union and nonunion workers. What has been your observation as to law-abiding citizenship as compared between the two? Which of the two have had more of its numbers arrested for drunkenness, for wife beating, and the abandonment of their families and children, and the other crimes and misdemeanors that are committed usually in and among the members of industrial communities?

Mr. LAWSON. Well, if I could give a particular and specific answer to that question I should say, first, the very men who are selected by the operators through the sheriffs of those southern counties, that they are the men who have violated those laws and principles the most; and, in fact, there are a great deal more of those men found in the ranks of the nonunion miners than those in the ranks of the unions.

Commissioner LENNON. I think that is all.

Chairman WALSH. Commissioner Ballard has a few questions to ask.

Commissioner BALLARD. I understand you to state, Mr. Lawson, in those camps in Colorado, run or operated as nonunion camps, the men do not have the pleasures and do not have clubs; they do not have theaters and the ordinary pleasures that men in the cities and towns and other places have.

Mr. LAWSON. Yes, sir; that is my knowledge.

Commissioner BALLARD. Are there not some camps in Colorado where they do treat with the union and where they are unionized?

Mr. LAWSON. Yes.

Commissioner BALLARD. In those camps do the men have clubs and theaters, and are there not better schoolhouses than in the camps that are not unionized?

Mr. LAWSON. Yes, sir; the men in any camp of any size have a union hall of their own where they hold their meetings, and other public meetings are held there, too. Let me cite as an illustration the camp of Lafayette or Louisville or Superior or Marshall or Erie or Frederick, in the northern fields. They have halls which they own or lease, but Louisville and Lafayette have their own halls and have their meetings every week, and they go there and meet, and the hall is open to anyone else who wants to hold a meeting. They have a little theater and other forms of amusement; in fact, they enjoy a good deal more liberty, as well as social pleasures, than they enjoy in the closed camps.

Commissioner BALLARD. There has been some little confusion perhaps about checkweighmen. One of the mine operators in Colorado testified that in selling coal which was shipped on the railroads an accurate weight was kept of it, and the companies, in fact, have books to show that they paid their men for as much coal as that showed, and that therefore there had been no discrimination against the men in the amount of coal as to the amount of the coal, and that the men had really gotten pay for all of the coal mined, because it tallied with the amount of the coal sold. Is that true or accepted by the laboring men?

Mr. LAWSON. That question, Mr. Ballard, brings to mind one of what I call the cheapest and smallest tricks the operators have been known to employ in this way: It is perhaps true that the railroad weights—I will assume that it is true that the railroad rates may tally with the amount of coal paid to the miners, but wherein does the miner get justice and get the correct weights if the operator or the pit boss or superintendent—and I am assuming, of course, they are all operators, because they are under their jurisdiction—wherein I say do they get justice or their just weight if those superintendents or pit bosses take from 100 men so much coal and give it to other men in payment for dead work or day labor performed? You see that in mining the work is nearly always on the contract basis and the men get so much a ton. There is no checkweighman on the tipple. The coal comes out and the weigh boss—why, it is a common thing that I do not think anyone will dispute—the weigh boss on top helps push the cars. I have stood on many of the tipples and seen it myself; he will push the car clear across the scale and dump it without paying any attention to the weighing of the coal. They keep the checks underneath the car to keep them from being stolen. Then he takes the check back to the

little weighing room and looks and sees how much that man was paid for the day before or the week before, and if it is 2,000 pounds he takes his pencil and marks 2,000 pounds or any other amount he feels like putting down. He guesses what it is on that car and has no other way of knowing. In that way there is a great deal of coal purloined from every car. I will admit that there are some exceptions and that there are some operators who are honest enough to see that the men get their just weights without having checkweighmen to keep watch over it. But where the superintendent comes to check up the amount of coal on a railroad car, if he employed you to do dead work, which would amount to $300, $400, or $500 in the pay period, he could take from this amount of coal on hand and pay you that with so many pounds of coal, and in that way pay you for the dead work. And that is the way it is done, and that is why the operators are able to say, "Why, we do not take their coal; the same amount of coal is paid for." And they can show on their books they have paid for so much coal, when they have stolen it from some man and paid it to another for payment of dead work.

Commissioner BALLARD. I understand it, but never did before. But the man that gets the coal in payment would he not have some ticket showing that he received coal and not money for dead work?

Mr. LAWSON. No; it would show he has been given so much coal, he has so many pounds of coal a month, and that is added to the other tonnage. In all probability the man would know that he was paid in coal, but he could not tell where the coal came from; he would not be in position to go to the boss in a nonunion camp and say, "You stole this coal from some other man and gave it to me." He would not stay there long if he did.

Commissioner BALLARD. That is the way it is done, is it?

Mr. LAWSON. Yes, sir.

Commissioner BALLARD. There is another question. We have heard a great deal of the check-off system, and I would like to have that explained a little more in detail and whether or not your miners' union always insists on that method of collecting your dues?

Mr. LAWSON. When the men or miners in any district go into a joint conference with the operators they each submit to the other parties a written agreement. Then they take both of them and sit down and discuss them and go over every detail until they arrive at a conclusion, when the contracts are signed. Usually in that contract it stipulates that the check off shall be one of the provisions and that from the wages of every man will be checked his dues, assessments, etc. Now, in Colorado, let me speak for our district, and there are so many districts alike, but I prefer to speak of that one—we have had the check-off system there since 1900. We signed our first joint contract with the operators and have had that system from that time up until now. Each man signs a blank form which states that, "I hereby desire to have my dues and my assessments, etc., checked off by the company." And that is given to the clerk. It is given to him as a protection to the company against any criticism. Then when the pay day comes around at the end of the month or whatever time the checkweighman turns into the clerk the number of names and the amounts of the dues or assessments, to be deducted from the wages of every man, and they are deducted in the same manner as they deduct powder, oil, house rent, board, doctor, and everything else. But there is no discussion; there is no dispute in the matter at all; the men agree to have it checked off.

The point, I think, in your question is this: Suppose a man comes and he is not willing to agree to the check off. Well, assume that he is not willing to agree to the check off of his powder, of his oil, of his tools, of his tool sharpening, and all other things that contribute to the management of the mine. If he says, "I am not willing to be checked off," he must mean it all, and the boss says, "I will not employ you then," and he is not employed.

Commissioner BALLARD. In this way the mine operators collect the dues for the labor unions?

Mr. LAWSON. Yes, sir.

Commissioner BALLARD. Is that done in any other labor unions that you know of except the United Mine Workers of America?

Mr. LAWSON. I am not sure. The United Mine Workers of America operate, perhaps, differently than most other unions, and their work is so much of it contract work that it demands a different form of bargaining with the operators.

Commissioner BALLARD. That is all.

Chairman WALSH. Mrs Harriman has a question.

Commissioner HARRIMAN. Is anybody taxed for the saloons?

Mr. LAWSON. The saloonkeeper has been taxed, according to my understanding, in Colorado, and the testimony adduced before this commission and the congressional investigating committee is to the effect that the saloonkeeper is taxed 40 or 50 cents a month for *every* man that works in the mine as rental in certain of those coal camps.

Commissioner HARRIMAN. Who is that done by?

Mr. LAWSON. By the company.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. As your experience in dealing with employers—has your experience in dealing with employers taught you that for the purpose of inspiring that mutual confidence that is necessary to the making of an agreement, and that mutual respect that is necessary for the maintenance of it, that there must also be a mutual apprehension in regard to what the result of breaking the contract would be? In other words, the fear of each for the other if unfairly dealt with?

Mr. LAWSON. Yes, sir.

Commissioner GARRETSON. And any system of dealing between employer and employee that has not that element of fear in it is valueless?

Mr. LAWSON. That is correct.

Commissioner GARRETSON. Has it occurred to you or is it your belief that the refusal to sell homes to the men in these closed camps is founded on the economic advantage that accrues to the company from its ability to evict or the stifling of competition in the sale of material and goods to the men?

Mr. LAWSON. Yes, sir; that, in my judgment, is the real reason at the bottom of the whole thing. They will not sell them homes for the reason that if a man quits or is discharged or if he violates their local town laws in any manner, by going out, for illustration, to Trinidad or Walsenburg or any other place and buying groceries, they may discharge him, and he can not remain in the house; he must leave the camp and take his family with him.

Commissioner GARRETSON. In the course of your dealings or connection with these industrial problems in Colorado has it ever been brought upon you personally criminal assault from any employer?

Mr. LAWSON. Well, I have been followed around, I expect, probably as much as any man in this country, Mr. Garretson, by some of the company's thugs. I have been arrested and thrown in jail and accused of carrying a gun when I did not happen to have a gun with me, and I have also been shot down on the main street of a little town in the West in broad daylight by an operator, because of the stand I had taken in the strike of 1903. Several little things like that have happened. [Laughter.]

Chairman WALSH. Ladies and gentlemen, please make no audible expression. Commissioner O'Connell would like to ask a question.

Commissioner O'CONNELL. You say you are under indictment in Colorado at the present time?

Mr. LAWSON. Yes, sir; a few.

Commissioner O'CONNELL. How many times have you been indicted?

Mr. LAWSON. At the present time I think there are about 19 indictments against me; I think 19 specific charges, 14 for murder, a couple for assault with intent to kill, 1 for arson, and I think 3 for conspiracy in restraint of trade. They got rid of 3 a little while ago for trying to impeach a judge for throwing some of our boys in jail in the northern field, but I think there are 19 still pending.

Commissioner O'CONNELL. How many indictments were there altogether in Colorado during the strike?

Mr. LAWSON. I do not know how many indictments there have been altogether, but I think it would run up into the thousands if they were counted, but I think there are something over 500 men under indictment now in the different counties.

Commissioner O'CONNELL. That is in connection with this late strike?

Mr. LAWSON. Yes, sir; in connection with this recent strike.

Commissioner O'CONNELL. Are there any indictments against the operators?

Mr. LAWSON. Not one.

Commissioner O'CONNELL. Were there any suits or cases brought against the operators, individually or collectively?

Mr. LAWSON. No; there was not any against the operators that I can recall just now, except the operator who I said shot me on the street in New Castle in 1903, but I was speaking about this present time. No; there was a number

of the militia who were tried by the military court in Colorado for the murder of three men who were killed after they had been taken prisoners, and also for the murder of the 14 women and children that were murdered in Ludlow, but those people have all been exonerated and turned loose. In fact, they are still, I understand, in the employ of the operators.

Commissioner O'CONNELL. That is, they were turned loose by the lower court?

Mr. LAWSON. Turned loose by the military court, the militia.

Commissioner O'CONNELL. What was done in the case of the man that shot you?

Mr. LAWSON. Nothing.

Commissioner O'CONNELL. He was exonerated or discharged?

Mr. LAWSON. He was not—I will tell you what happened to him.

Commissioner O'CONNELL. Did I understand you to say that he was arrested or that suit was brought against him?

Mr. LAWSON. He was arrested and taken home and gotten out of the country.

Commissioner O'CONNELL. Who was he arrested by?

Mr. LAWSON. By a deputy sheriff, one of his friends.

Commissioner O'CONNELL. Was he ever brought to trial?

Mr. LAWSON. I was just going to tell you about that. When the case came up for hearing, the night before the hearing, the district attorney, John L. Gray by name, of the ninth judicial district of Colorado, got up just before court adjourned and nolle-prossed the case. He said, "These charges come out of the strike we are just going through and it is a strike charge and I do not believe we ought to press the case." So the case was nolled and never came to trial.

Commissioner O'CONNELL. He was an operator?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. Operating a mine in that district?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And he left the country, you say?

Mr. LAWSON. No; he is still in the country.

Commissioner O'CONNELL. I thought you said he was taken away.

Mr. LAWSON. He was taken away for that period. He was not in jail. He was taken off and hid out by some of his friends. He was arrested by Deputy Sheriff Ritter.

Commissioner O'CONNELL. Was he active in the strike afterwards?

Mr. LAWSON. No; he was not very active in the strike afterwards.

Commissioner O'CONNELL. Why did he shoot you? What was the particular reason assigned for it?

Mr. LAWSON. It happened something like this, if I can tell you briefly. I would rather that some one else should talk about this.

Commissioner O'CONNELL. If there is anything you do not want to answer because of its reflection, you need not do so.

Mr. LAWSON. No; but I would prefer that some one else should talk about me than to talk about myself.

The fact is that an article appeared in a paper he ran also and I was informed that another man had written the article. A little fellow that weighed about 280 pounds. I met him one day and asked him to explain it. The result was that in my desire to have it explained he struck me, and when we got through this other fellow took it up in his paper and challenged me to meet him in New Castle, which was our home. I met him in a barber shop a few days afterwards——

Commissioner O'CONNELL (interrupting). And what was implied in his challenge to meet you; was it to debate or combat?

Mr. LAWSON. He challenged me to meet him and fight him. He talked about the fight this other fellow and I had, and he was not satisfied, and said he wanted to meet me, and three or four days afterwards I happened to meet him in a barber shop and we spoke to each other and I said, "I understand you have challenged me in your paper." And I said "I have." I said "You know these things don't get any better after they have aged," and we talked quietly about it, just as quietly as we are talking here, and he invited me into the street. I said, "Your wife and babies are in the buggy out there in the street and you had better take them home." He said, "You don't need to think about them; I am able to take care of them," and I said, "You had better do that and if we have any differences we can settle them all right." There was no talk about a gun or anything of that kind; I did not have any gun with me

as it developed later. He insisted that we go out in the street and I said, "All right; the street is good enough for me," and I did not have any hat or coat and my vest was open and he went into the street and I jumped off of the sidewalk, which was 2 or 3 feet above the roadway, and he walked to his buggy and pulled a pump shotgun out from under the lap robe and turned around and threw a shell into it and invited me to take my medicine, and I did, and that was about the extent of it.

Chairman WALSH. Mrs. Harriman has another question she wishes to ask you.

Commissioner HARRIMAN. I want to know when was martial law declared in Colorado?

Mr. LAWSON. It has not been declared since 1903, to my knowledge, Mrs. Harriman.

Commissioner HARRIMAN. Not declared since 1903?

Mr. LAWSON. No.

Commissioner HARRIMAN. Did not the militia make arrests?

Mr. LAWSON. Yes; the militia made many and many arrests.

Commissioner HARRIMAN. Did any of these people arrested serve terms in prison?

Mr. LAWSON. Yes, madam; a great many of them; some are in there yet.

Commissioner HARRIMAN. Who tried those cases? Before whom were those cases tried?

Mr. LAWSON. A great many of them have not been tried—in fact I don't believe any of them have been tried, or with very few exceptions. The military commission never tried any cases, but they held persons there sometimes as many as 40 days at a time, and then turned them loose; did not prefer any charges against them in a civil court at all.

Commissioner HARRIMAN. How many?

Mr. LAWSON. Oh, I couldn't say. There must have been hundreds of them altogether. There were so many that we did not keep count of them, Mrs. Harriman. It got to be such a common thing that—women even were arrested and held in jail. It did not seem to make very much difference who they were, as long as they were in sympathy with the strikers.

Chairman WALSH. I have been asked to ask you this question: If the conditions were such as you have described in the closed mining camps, why didn't the miners move away from there?

Mr. LAWSON. If I knew who asked that question I would ask him where they were going to go to. The miners, like most other workmen, have got to keep on working every day to keep the wolf from the door. And they are brought into those countries, or mining fields, or induced to go into them, with the understanding that conditions are pretty good; and after they got there—I am speaking of the closed camps now again—after they get there they find, to their great disappointment, that they are not what they seemed to be, and they are not able—they have not got the money to move their families away from there, and they would have to leave the State almost to find a place to work.

Chairman WALSH. Commissioner Weinstock says he has another question.

Commissioner WEINSTOCK. If the operators were guilty of lawbreaking or crimes, has any effort been made on the part of the unions to have them indicted?

Mr. LAWSON. The unions in Colorado have discovered some time back, Mr. Weinstock, that where the operators have such a great influence and such a great part in electing the officials of our State, and particularly the judiciary in these counties, it is not of very much use trying to have them indicted. At least we have decided not to bother them at the present time.

Commissioner WEINSTOCK. You say you do not think it worth while to have them indicted because the operators have the power to elect the officials of the State.

Mr. LAWSON. I say they have in a large measure the power and they do exercise that power; yes, sir.

Commissioner WEINSTOCK. May I ask this question, Mr. Lawson: In nearly every State in the Union the wage earners are in the majority of the voters. Does that hold with Colorado?

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. The majority of the voters there are wage earners?

Mr. LAWSON. Yes. That holds good, in my judgment, in Colorado.

Commissioner WEINSTOCK. Are the wage earners in Colorado in sympathy with the miners?

Mr. LAWSON. Yes; the great majority of them, and have so expressed themselves.

Commissioner WEINSTOCK. Now, you have the recall there, have you not?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. Then if officials are elected that, in the judgment of the workers, are incompetent or dishonest or unfit, what is to prevent them from applying the recall?

Mr. LAWSON. The recall is such an expensive article or luxury, I should call it, and so cumbersome yet in our State, that it would be quite a good long time before we could recall any officer. And we understand that the question of recalling officials is not always the best thing to do, because of the fact that you can not get to the people to get them to understand the grievance. And while it is true that the wage earners are in a majority, it is a most unfortunate thing that they do not all possess the intelligence that they should possess and the understanding of politics and its ways.

Commissioner WEINSTOCK. Well, then, are we to understand from that, Mr. Lawson, that despite the fact that the people of the State of Colorado have given practically to the workers the right to prevent bad laws being put on the statute books by virtue of the referendum and the right to put on the statute books laws in their interest and in their protection by virtue of the initiative, and the right to recall derelict officials, despite the fact that the people of Colorado have given those blessings—political blessings—to the wage earners of the State——

Mr. LAWSON (interrupting). Yes.

Commissioner WEINSTOCK (continuing). That democracy in Colorado is practically a failure?

Mr. LAWSON. Yes. I want to make this statement quite frankly and quite candidly. Democracy in Colorado has been a most miserable failure for some years.

Commissioner WEINSTOCK. Isn't that a most serious reflection on the people of the State of Colorado?

Mr. LAWSON. Yes; I think it is; and I think the same reflection might be spread out to other States than Colorado in this Union.

Commissioner WEINSTOCK. If democracy is a failure, then wherein lies any hope?

Mr. LAWSON. In making it effective.

Commissioner WEINSTOCK. Well, how else would you make it effective than to put the ballot in the hands of every voter in the State to enact laws which will be in the interest of the majority of the State?

Mr. LAWSON. I will tell you how I think it could be made effective—by every man at the head of or in every corporation complying with the laws himself and giving to the working people social and political liberty and industrial justice. Then democracy will reign in their or in any other State.

Commissioner WEINSTOCK. Well, if the people of the Commonwealth give to the workers of that Commonwealth every opportunity, by their votes, to enact such laws as seem to be in their best interest, and they either will not or can not or decline to avail themselves of those possibilities, what more can be done?

Mr. LAWSON. How can you avail yourself of a law, if the men whom it applies to refuse to live up to the law and the officials of certain counties fail or refuse to prosecute them. In other words, it amounts to this much: It is getting to the place, in my judgment, where men must recognize it as their duty to society to live up to the laws themselves without being penalized, without being convicted of wrongdoing.

Commissioner WEINSTOCK. Don't you see, Mr. Lawson, that when it is admitted that the majority of the voters in Colorado, as in other States, are wage earners, and when it is admitted that the law makes it possible for them to legislate in their own selfish interests if they want to, because they have the power of the majority vote, and they fail to do that, that it is an awful reflection upon the intelligence and civic spirit of the wage earners themselves?

Mr. LAWSON. Yes; I will plead guilty to the indictment so far as the wage earners are concerned; and I also want to say that it is a greater reflection upon the people who understand the law and have the intelligence to know what law means, to violate it continually and every day.

Commissioner WEINSTOCK. Then how can you hold the operators responsible for the neglect of the wage earners themselves in performing their civic duty?

Mr. LAWSON. I am not finding the fault with the operators for the wage earners not doing their duty; but I am finding fault with the operators violat-

ing every law that pertains to labor and mine inspection in our State year after year when those laws are on our statute books. That is the fault I am finding with them.

Commissioner WEINSTOCK. The remedy had been placed, according to your own statement, absolutely, in more recent times, in the hands of the workers, and they have failed to apply the remedy.

Mr. LAWSON. Yes, sir; and they will eventually apply the remedy. It will take time for them to be educated to the place where they will understand that they must effectively wield the ballot and not let the other fellow do all the dictating to them. And that time is coming, in my judgment.

Commissioner WEINSTOCK. I am asked to put to you this question: That the Survey—a weekly publication called the Survey—in an article on the Colorado strike, states that wages are generally conceded to be good in Colorado. Have you any comment or correction to make on that statement?

Mr. LAWSON. I did not get that last part.

Commissioner WEINSTOCK. The Survey, in an article on the Colorado strike, states that wages in Colorado are generally conceded to be good. Have you any comment or correction to make on that point.

Mr. LAWSON. I have got this comment to make on it, Mr. Weinstock: That the wages of Colorado are lower than Wyoming, Montana, and Washington; and, in my judgment, they are not conceded, by me at least, to be good, and I want to say this in connection with that, for fear I may be misunderstood or misinterpreted. It is not what a man earns in Colorado that counts; it is what he gets when they get through with him.

Commissioner WEINSTOCK. You were saying a little while ago, Mr. Lawson, that if an applicant for a job at a mine should refuse to pay for the things that he uses—his powder, his fuse, and other things—that the company would refuse to employ him?

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. Of course the company would be thoroughly justified in the refusal to employ him if he failed to do that——

Mr. LAWSON (interrupting). Pardon me. Let me get this—if a man refuses to let the company check off his wages the amount of the store and rent and powder and all tools, blacksmithing, and so forth, that they will be justified in discharging him?

Commissioner WEINSTOCK. Perhaps I did not understand the situation. I understood the situation, as you explained it, to be substantially this: If I, as a miner, for instance, am employed in a mine, there would be furnished to me by the company at my expense——

Mr. LAWSON (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Powder, fuse, and certain other things that would be necessary; and they would be deducted from my pay.

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. Now, of course, if I started out and said: "I propose to use your powder and your fuse, but I am not going to pay you for it. I am not going to allow you to deduct it from my wages." I can understand that, under those circumstances, the company would be justified in refusing to employ me.

Mr. LAWSON. Would you permit me again to get it clear in my mind, to ask this question: You are the employer, now, and I am a miner coming to you for employment. Suppose I say you shall not deduct from my wages powder, oil, or anything else. I will pay it on pay day. What would you say?

Commissioner WEINSTOCK. Well, I should say to you, if I were dealing with you personally, "That is all right, Mr. Lawson. I know you and I have confidence in you." But if I were employing 5,000 men, the great majority of whom I knew nothing about, who might be here to-day and there to-morrow, I do not think I could afford to take chances on it.

Mr. LAWSON. Yes; you would check off my wages.

Commissioner WEINSTOCK. Yes.

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. But, now, supposing, as an applicant for a job, I said to the mine owner, "I am perfectly willing you should deduct from my pay the things I have bought and used, but I am unwilling you should deduct from my pay the dues to the union, because I am unwilling to join the union." Then, what would happen?

Mr. LAWSON. Now, to illustrate my answer to your question, I will have to ask another question. Assume that you are the employer and I the miner who

comes to you, and I say: "I will not submit to my dues being checked off. You have made an agreement with the rest of the miners in that mine, and I say that I will not comply with that agreement because I will not permit my dues to be checked off by the organization, or to the organization." Would you employ me?

Commissioner WEINSTOCK. Not if I, as the applicant, had agreed that it should be checked off. In that case it would be a violation of agreement on my part. But if I came in as an applicant, without having any agreement——

Mr. LAWSON. No; your are the employer and I am the applicant for a job.

Commissioner WEINSTOCK. Oh; that is quite right; if I, as an employer, entered into an agreement with the union that I was to deduct from each worker a certain sum and turn it over to the union, of course I would want to stand on my agreement.

Mr. LAWSON. Yes; there is the check off exactly, and that is the way it works.

Commissioner WEINSTOCK. Yes; all right; but the part I want to get at is this, Mr. Lawson: Why should the union demand for itself privileges that it is not willing to concede to others—for instance, a church organization or a fraternal order could not come to the employer and ask that the employer shall deduct from the wages of the miner his church dues or his fraternal dues. Now, why say that he must deduct the dues for a union?

Mr. LAWSON. Well, I don't know any difference—any reason why they should not come along and deduct church dues if it is agreeable to a man to pay church dues, and other moneys out that way. I happen to know that I have paid, through the check-off system, contributions to the sisters who used to come around. In fact, I don't remember ever refusing one. I would say, "Why, yes, I'll give you a dollar. Just mark it down there." And it was taken off my wages; taken out just the same as oil or anything was taken out. I had agreed to it just the same as a man agrees to have his dues checked off.

Commissioner WEINSTOCK. But isn't that one of the reasons, Mr. Lawson, that is given by the employer for refusing to go into a contract with the United Mine Workers of America, because they claim that the union demands, as one of the conditions, that the employer shall deduct from every worker, whether he is willing to agree to it or not, the union dues, and that unless the employer will agree to do that, will agree to use his machinery for the collection of the union's dues, they will not enter into a union agreement with him?

Mr. LAWSON. I contend, Mr. Weinstock, that is not the reason, but a subterfuge that they give. They do not use it as a reason. There is no reason in it because they check off themselves at every mine. They have done it to my knowledge for more than 35 years. They do use it for a subterfuge, because they do not want to enter into collective bargaining with the employees, and they think that sounds well in public to people who do not understand what the check off really means—people who do not understand that the operators themselves inaugurated that system.

Commissioner WEINSTOCK. I can easily understand, Mr. Lawson, that where the employer is in perfect sympathy with the union he might be extremely willing and anxious to enter into an agreement with the union and would cooperate in an agreement of that kind; but where the employer reluctantly deals with the union, that he would raise that as one of the objections to doing so.

Mr. LAWSON. Well, of course, the difference between a man who does it reluctantly, or a man who deals at all, or willingly—I think the line is very finely drawn there, Mr. Weinstock. And if he agrees at all I imagine he does it willingly. You and I, if we reach an agreement, it will be a mutual understanding and be an agreement; that is all there is to it.

Commissioner WEINSTOCK. Do all unions in all industries establish the same condition that the employer must deduct from the worker's wages his union dues?

Mr. LAWSON. I can not state about that, Mr. Weinstock. I don't know much about any other organization.

Commissioner WEINSTOCK. Do you know any other organization that makes that condition?

Mr. LAWSON. No; I can not recall any; but I want to say again that I do not know much about the workmen in other organizations.

Commissioner WEINSTOCK. You think, from your point of view, the union is justified in demanding of the employer that he shall use his clerical machinery for the collection of the union dues?

Mr. LAWSON. Why, absolutely, as long as he checks off the other things arbitrarily or otherwise. He has just as much right to collect union dues from me and other men as long as we agree to it as he has to take off for powder or oil or the store or the doctor or rent or anything else. It is just the same rights. And I want to say this in connection with that; just one word in connection with that. Where the union is recognized, where it has an agreement, and where there is a complete check off, there is the most harmony and the best results gotten in any mine. Where there is no check off and the mines are what they call in some places the open shop, one half union and the other half nonunion men, the mine is a state of turmoil all the time, and they do not get the efficiency from the men in a mine of that kind.

Commissioner O'CONNELL. Getting back to this democracy in Colorado—you attended our Denver hearing; at least I saw you there occasionally.

Mr. LAWSON. Yes; I attended some of them.

Commissioner O'CONNELL. And you heard the evidence of a number of the citizens from Huerfano and those other counties in that part of the State?

Mr. LAWSON. Yes.

Commissioner O'CONNELL. Regarding the political situation and the number of men having political liberty, how are the judges and the election boards, and so on, selected in those counties?

Mr. LAWSON. Well, they are selected a little bit like this: Of course, each party has a right to select its own judges. In those counties they have got enough men on both sides of the house to select safe men who are always with the company. That is the way they select them.

If you will pardon me I would like to answer a little more fully just a question Mr. Weinstock asked; that is, in connection as to why the people of Colorado did not recall the judges. I stated a while ago there were a number of indictments, eight indictments, against a number of other men, myself included, that have been quashed some time ago. We were indicted on eight counts because we attempted to impeach Judge Greeley W. Whitford, of Denver, for throwing about 32 men into jail. That is the reason that the people of Colorado do not or are not able to enforce the law, for the democracy does not reign there.

Commissioner O'CONNELL. Had there been saloon keepers and mine bosses, and so on, on election boards?

Mr. LAWSON. Oh, yes; that is a very common thing in Colorado.

Commissioner O'CONNELL. Have there been election stations where there were no boards at all to go ahead with the work and the mine boss simply appointed a board, acted as the court, and appointed election boards?

Mr. LAWSON. I have heard statements of that kind, and I believe testimony was given to that effect. But there is something else in connection with that that is, I think, even more wonderful in Huerfano County, the domain of Jeff Farr.

Commissioner O'CONNELL. I am coming to that in a second.

Mr. LAWSON. Where the boundary line was changed?

Commissioner O'CONNELL. I am coming to the kingdom of Jeff Farr in a minute.

Mr. LAWSON. I was just going to say they changed the boundary line in that county wherever—changed the boundary line of the proceedings where men were going to vote, in their opinion, against the interests of the coal companies, or Jeff Farr; those boundary lines were changed so that those people had to travel for miles and miles and had either to go by foot or go around in a wagon to get into the precinct in which they lived.

Commissioner O'CONNELL. Have you heard of them voting sheep in those counties?

Mr. LAWSON. Yes; that is a common thing with them and has been for the past; mules also and box cars and things of that kind.

Commissioner O'CONNELL. In order to bring the necessary vote up for a certain proposition, a certain majority, if there was a number of sheep being driven by, they would count the sheep as many votes?

Mr. LAWSON. That has been a custom in Colorado to vote in that way. They always hold their returns back in those counties, and particularly those where they do not know the count; they hold it up until the rest of the returns were counted, and then they would call in and say, "How many do you need?" That is common knowledge everywhere.

Commissioner O'CONNELL. Now, in this county Sheriff Farr is recognized as the king, as was said before our commission in our hearing in Denver?

Mr. LAWSON. Yes.

Commissioner O'CONNELL. He has been sheriff of this county for how many years?

Mr. LAWSON. I think about 18.

Commissioner O'CONNELL. And he is practically recognized as the political boss in these counties?

Mr. LAWSON. Yes; there is no dispute in that country.

Commissioner O'CONNELL. He dominates not only in politics, but he dominates the entire liquor business of the community?

Mr. LAWSON. Yes; that is true; he and a few others dominate the entire liquor business in that county.

Chairman O'CONNELL. And he is a representative as said, he is a representative of the coal companies in these counties?

Mr. LAWSON. Yes; and he does not deny it; and I don't think they do.

Commissioner O'CONNELL. He is the man who appointed in the course of 30 or 60 days, I don't remember just which, more than 1,000 deputy sheriffs, men he had never heard of before or had not seen, and did not know who they were?

Mr. LAWSON. Yes.

Commissioner O'CONNELL. Nor did he know where they went after he had appointed them or commissioned them, simply commissioned them and they were turned loose during the strike there, armed and turned loose without anyone having control of them at all?

Mr. LAWSON. That is correct.

Commissioner O'CONNELL. According to the evidence before this commission?

Mr. LAWSON. That is common knowledge.

Commissioner O'CONNELL. And did not know where they were going, did not know anything with regard to them, and did not know who they were?

Mr. LAWSON. Men he had never seen.

Commissioner O'CONNELL. They were just turned loose on that, for the purpose, for no other purpose than breaking the strike or committing crimes even to the extent of murder?

Mr. LAWSON. Yes; that is correct. That has been done even to the extent of murder.

Commissioner O'CONNELL. That is all.

Mr. LAWSON. Common robbery is not paid any attention to among those fellows.

Commissioner HARRIMAN. I have two questions which I have been asked to put to you: One is about whether you have any knowledge of the kind of receipts they give for post-office orders?

Mr. LAWSON. Yes; I had a list till one time of company-store money orders that the men received when they asked for the United States post-office money orders. They had a habit, the Colorado Fuel & Iron Co., of issuing—the Colorado Supply Co.—the same thing, it is a subsidiary company, when a man or a person went to ask for a money order they issued them a company money order instead of a United States money order. That was very common also.

Commissioner HARRIMAN. Do they still do that?

Mr. LAWSON. No. Mr. Welborn testified in Trinidad before the congressional committee that he stopped that as soon as he heard about it. But that was the first time he heard about it, by the way, I think.

Commissioner HARRIMAN. Can anyone go in or out of the mining camps if they happen to be undesirable to the company?

Mr. LAWSON. Yes, madam.

Commissioner HARRIMAN. And come into the camps?

Mr. LAWSON. They perhaps may come but they go out awful quick again.

Commissioner HARRIMAN. In other words, then, they can not go?

Mr. LAWSON. They can't stay there; that is what I want to state. They might get in but they can't stay in, Mrs. Harriman, very long.

Commissioner HARRIMAN. Have you had any experience?

Mr. LAWSON. Yes; I have had some experience of that kind. I have gotten in any stayed in quite a while because they didn't know me, but that is the only way you can stay in these camps.

Chairman WALSH. Thank you, Mr. Lawson. You will be permanently excused now.

Amos Pinchot.

TESTIMONY OF MR. AMOS PINCHOT.

Chairman WALSH. Please state your name.

Mr. PINCHOT. Amos Pinchot.

Chairman WALSH. Where do you live, Mr. Pinchot?

Mr. PINCHOT. New York City.

Chairman WALSH. What is your business?

Mr. PINCHOT. I am a lawyer, Mr. Chairman.

Chairman WALSH. Have you given any particular study to industrial matters and to the relations between employers and employees?

Mr. PINCHOT. Yes, Mr. Chairman, I have for the last two years—the last three years.

Chairman WALSH. In a general way will you kindly state along what lines your experience and study has been?

Mr. PINCHOT. It has been largely along the lines of the relations between capital and labor, especially into the organization of large industrial companies, which we speak of as monopolies or trusts. I have from time to time taken active part in the investigation of troubles between capital and labor. I visited strike points and made reports.

Chairman WALSH. Have there been some questions submitted to you, Mr. Pinchot, covering certain topics that are under consideration at this hearing?

Mr. PINCHOT. Yes, Mr. Chairman.

Chairman WALSH. Have you prepared yourself to reply to those, first by reading? I believe you mentioned to me yesterday that you had prepared some written answers?

Mr. PINCHOT. I received from the commission six questions, and in order to be specific I prepared the answers in writing.

Chairman WALSH. Well, then, would you prefer to read from this point?

Mr. PINCHOT. I would rather, Mr. Chairman.

Chairman WALSH. Very good.

Mr. PINCHOT. If it is convenient to the commission.

Chairman WALSH. The commission will be very pleased to hear you in that way.

Mr. PINCHOT. The first question that was submitted to me, Mr. Chairman, is, "What is your opinion of collective bargaining?" At this stage in the world's development it seems to me utterly futile to discuss whether or not labor should have the right to bargain collectively with capital. We might as well, Mr. Chairman, discuss whether slavery or freedom is the better plan.

The idea that powerful, highly organized corporations should refuse to treat except with individual employees, who are utterly helpless to drive a bargain, is so feudal and barbarous that it is not worthy of serious consideration; at least it would not be if such corporations as the Colorado Fuel & Iron Co., the United States Steel Corporation, and other great combinations of capital did not still take this antediluvian stand. I call the attention of this commission to the fact that even college presidents and professors of economics, who are often the last to look at labor questions from a human or practical point of view, have in the last few years again and again reiterated the necessity of the recognition of labor unions and collective bargaining. In 1913, Seth Low, ex-president of Columbia, made a strong statement urging the fundamental justice and practical necessity of recognizing labor unions. And last year Prof. Seligman, of the same university, pointed out that where collective bargaining existed labor troubles were minimized. Even the more enlightened presidents of our great railroad systems admit not only the fundamental justice, but the need to both employer and employee of recognizing unions and bargaining collectively. Within a few months, the president of one of our largest systems told me that to deny recognition to a union was a thing which, from the point of view of both morals and expediency, was hopelessly out of date.

If I belonged to the labor class I would spend whatever spare time I had in strengthening my union and forcing its recognition by my employers. For I would be well aware that through recognition of the union only is it possible to break the system of so-called benevolent absolutism by which our great corporations are taking away every right from labor except the right to work at a wage hardly large enough to supply physical efficiency.

In the old slavery days, Mr. Chairman, Abraham Lincoln said that if some smart Yankee could invent a strong-armed man without a head he would receive the everlasting gratitude of the advocates of slavery. He also said that no man was good enough to govern another man without that man's

consent. But in the system of Golden Rule absolutism, of which so many advocates have appeared as witnesses before your commission, complete control—a control touching the most vital things in a man's life, and fixing the conditions in which he must work and live and try to support his family—is assumed by the employer. And in spite of the obvious injustice and impracticability of this régime, we find many men of general education and refinement coming before this commission and defending the continuance of this system.

In the questions submitted to me a second question was: "What in your opinion is the cause of industrial unrest in this country?"

My answer to that question is as follows:

In my opinion the cause of the industrial unrest in this country is the fact that there are more men than there are jobs all the time, and in hard times often a dozen men for each job. This results in a condition where the men are bidding against each other for the jobs. The line which we ought to take in attacking such a situation is to develop industry to a point where there are more jobs than there are men. And this can not be done simply by forcing the employers to recognize the unions and assent to collective bargaining.

When the employer admits the right of labor to share in fixing the conditions under which it shall work and live, it is a step in the direction of giving the men who have the jobs some degree of freedom and a living wage. But it does not provide jobs for the jobless men. This can only be done by opening up opportunities for more industry and consequently for more labor. The real duty of labor unionism goes beyond the establishing of collective bargaining. It is to cooperate with all intelligent citizens in forcing the public to realize the paramount necessity of increasing the total of productive industry, so that the opportunties for both capital and labor will be increased—so that a point will be reached, Mr. Chairman, where employers will be bidding against each other for men instead of men bidding against each other for employment. To-day in this country, which contains to an almost unlimited extent the natural resources and raw materials which are the bases of both industry and labor, a condition of restriction exists which limits industry and therefore limits the amount of labor which is used in industry. This is the bottom of the labor trouble.

In almost every great industry the things which both capital and labor must have in order to apply themselves are so cornered or controlled by a small monopolist group that business can not be extended and employment can not be increased, and there results on the one hand a restriction of product and consequent high prices to the consumer, and, on the other hand, a restriction of labor and consequent unemployment and poverty in the labor class. This is what all of us who are interested in legitimate enterprises or in the labor situation must turn their minds to. Mr. Chairman, I will be specific.

Last year the Legislative Assembly of New Jersey made a report which stated that 57 per cent of all the anthracite coal of the United States was owned or controlled by a close combination of 11 railroads, in which the Philadelphia & Reading alone controlled 63 per cent of all the unmined coal. This cornering of the anthracite coal deposits, which are a basis of both industry and labor, produces a condition of restriction in industry and labor. In the last three years in which reports are available, 80 per cent of the anthracite coal mined in the United States was produced by this combination of railroads, which was commonly and correctly termed "the coal trust." The fact that this monopolistic group controls both the coal deposits themselves and the railroads which transport the coal makes it utterly impossible for new capital to break into the situation in a large way. The vast majority of this coal is held by the operators out of use, partially in order to profit by a rise in price and partially to prevent competition. While this condition exists, Mr. Chairman, while the thing which both labor and capital must have access to in order to apply themselves is held out of reach by those who will not use it themselves, it is evident that a vast limitation of industry and of labor is the result. It is patent that in this one example of the monopolistic control of hard coal we have a key not only to the high price of the necessities of existence, but to the fact that men are bidding against each other for jobs instead of jobs bidding against each other for men.

The same condition exists to a great extent in the soft coal deposits of Colorado. Mr. Rockefeller disclaims control over these coal fields on the ground that he is only the controlling force in one company of the group. But nevertheless we know that Mr. Rockefeller is morally as well as financially the

controlling factor in the situation of southern Colorado. We know that there is no competition in this one field, the soft coal industry in southern Colorado, and we are aware that during the recent strike the monopoly of the owners was so open that a committee representing them advertised over their own names that if the people of Colorado would help them to put down the strike they would, in return, put down the price of soft coal.

The Steel Corporation owes its ability to prevent competition and to fix prices in the steel industry to the same two elements, the ownership of vast tracts of the best iron ore and coking coal, and the possession of the railroads necessary to transport the ore and coal. Mr. Schwab, himself, who was the Steel Corporation's first president, testified in 1912 that from 80 to 90 per cent of the steel produced in the whole of the United States is made from ores from the Lake regions from Michigan and Minnesota. This percentage may have changed somewhat since he gave his testimony. Mr. H. K. Smith, the Commissioner of Corporations under President Roosevelt and President Taft, is authority for the statement that 75 per cent of all this merchantable ore was bought or leased by the Steel Corporation at or shortly after its organization. Mr. Gary has admitted on the stand before the same inquiry that the Steel Corporation held what he termed an "ultimate monopoly" in this country's ore lands.

Mr. James J. Hill, in 1912, said that all of the available ore on the northern American continent, both large and small deposits, was preempted. And Mr. Carnegie and Mr. Schwab both testified that no large new steel business could be initiated in America on account of the existing control of ore lands.

In addition to this control of natural resources as a means to restrict both industry and labor, the Steel Corporation owns the railroads which haul the ore from the lake regions to its own plants and those of the independents. The result is that the Steel Corporation, through its ownership of roads, can assemble the raw materials necessary to produce a ton of steel or pig iron from two to three dollars cheaper than an independent in the steel business.

Mr. Gary, in 1912, stated on the stand that this differential in transportation between the trust and the independents amounted to about $2. An estimate was made for the investigating committee of Congress at this time which placed the differential at $3 or more. The Steel Corporation does not prevent competition, restrict industry, and limit the opportunities of labor by making steel more cheaply than the independents, for the actual mill costs of the corporation and the independents is approximately the same; but owing to its control of ore and transportation, it can begin the operation of making the steel at its plants with an advantage over independents so large that no independent can compete in the steel industry, and no new capital can go into steel making except with the Steel Corporation's consent.

Again, in addition to this, the customers of the steel trade are largely the railroads; and the groups which control the steel trust also control the railroads. So that one who would compete against the Steel Corporation in selling rails would not only have to buck against the differential which I have described above, but would have to sell rails to the railroads in competition with the Steel Corporation which practically controls such railroads.

The beef-packing business is under much the same limitations as the hard coal, the soft coal, and steel business. Through its relation with the railroads it can and does obtain transportation upon a better basis than any independent. The recent complaint of the Argentine packers who have tried to break into the American market has demonstrated this fact. For instance last year the Armours stated that they owned $11,000,000 worth of private cars. The railroads ice these cars. If at the end of a year the Armours send in a bill to the railroad for damages on account of defective icing or delays in transportation, who is to say whether this bill is really a just charge upon the railroads, or a rebate which the beef trust gets as an advantage over outside competitors?

Miss Ida Tarbell, who has testified before this commission, long ago published a story of how the Standard Oil fortune was made and industrial competition restricted, and finally killed by Mr. Rockefeller's criminal alliance with the railroads. The story of that episode is told when we say that Mr. Rockefeller went to the railroads and said, "You must ship for me cheaper than for anybody else." That ended competition. By this simple means industry and labor were restricted in the oil trade and prices were fixed.

Later on the Standard Oil found a cheaper method of transportation in pipe lines, and last year the Interstate Commerce Commission, speaking of the Standard Oil Co.'s pipe lines, said:

"The possession of these pipe lines enables the Standard to control the price of crude petroleum, and to determine therefore the price which its competitors in a given locality shall pay."

And now I want to call your attention to the next sentence in the Interstate Commerce Commission's statement:

"In any industry, whoever controls the avenues of transportation of either the raw material or the finished product can speedily drive all competitors out of business."

Here we have the highest authority in the land plainly stating that through the control of transportation a corporation can cripple or destroy industry, and this means that it can also close opportunities of labor. This power still exists to-day unabated. It has never been broken. As laws have driven monopolies from old forms of rebating they have discovered new ones. Division of freight rates favoring those who initiate business, leasing properties to railroads at fancy prices, granting illegal damage claims, deliveries made to private terminals without charge, and a hundred other devices by which railroads favor great corporations have not only kept rebating alive but have actually largely increased it.

Commissioner of Corporations Garfield informs us that it was utterly impossible to prevent or even trace the methods of establishing transportation differentials or rebates which the Standard Oil Co. and other great industrial groups pursue. Last year's disclosures before the Interstate Commerce Commission of a dozen different kinds of rebating on gigantic scales has taught us that this control over industry and labor has not been weakened up to date and that we can not expect it to be weakened as long as production and distribution remain in the same hand.

The lumber industry is subject to much the same concentration of ownership as the other great industries which I have mentioned. And, finally, the land itself is becoming more and more concentrated in the hands of fewer people. I have high authority for the statement that the tenant farmers are increasing four times as fast in this country as the owner farmers. I have myself visited farms in Texas ranging from 200,000 to 1,000,000 acres. In the East and the West alike the land, every 5 acres of which is a potential living for an unemployed man, is being more and more held out of use. The firm of Miller & Lux boasted when I was in California that it could drive its cattle over its own lands from San Francisco to Los Angeles.

Every day an immense index of thousands of men and women land from Europe upon American soil. And yet the opportunity for labor on the soil is more restricted yearly as the number of foreign laborers pours in. Unemployment will continue to increase. The power of these great employers, whose economic interest it is to see that at least two men are asking at the same moment for one job, will continue to increase until we take effective steps to make accessible to industry the natural resources—the mines, the great waterpowers, the timber and agricultural tracts—which are the absolute necessities of both new capital and new labor.

To this problem all thoughtful, serious-minded citizens must turn their attention; to this the labor unions as much as the general public must devote their efforts; and to this capital—for after all the major portion of capital in America is not identified with the great price-fixing monopolies, but hostile to them because it is oppressed by them—must also bend its energies.

Mr. Ford said in his testimony before this commission that the Government should own the mines and other natural resources, which are the foundation of industry and labor. This is the only doctrine in which there is any hope.

The monopolist group will fight this doctrine to the death, but not until it prevails will we realize the maximum of industrial development, of democracy in industry, or a fair opportunity for employment on equitable terms.

The methods of accomplishing these ends, Mr. Chairman, Government ownership of railroads and of natural resources are not my business and they do not involve insurmountable financial problems. But we could better afford to make the change at any price than to continue as we are going. Through the restriction of industry and the consequent power to fix prices of products and oppress labor the people of the United States are to-day giving up to private monopolies more than a million dollars a day as a conservative estimate. I can prove these figures. Rather than allow this enormous exploitation it would be cheaper for the Government to issue bonds and buy at once some of our major railroad systems.

The condition of nonuse of natural resources through their cornering by monopolies can be attacked as it has been attacked in England with success, as well as in Denmark and France and Germany, by a superfax upon unused land; and by land I mean all of the natural resources which are the source of energy and the raw materials of production. All of this talk, Mr. Chairman, about ameliorating conditions by economically unsound palliatives amounts to walking around in a circle. It is useless, and a growing realization of its futility is producing a demand for intelligent consideration of fundamental economic problems.

The next question, Mr. Chairman, which was asked of me was: "What do you think of the Golden Rule policy as advocated by several gentlemen and a lady who have testified before this commission?"

My answer is the Golden Rule policy simply amounts to saying that because capital has in the past controlled labor it must continue to do so, only its control is to be tempered by a Christian spirit. My opinion is that such a course does not suggest a solution.

The Golden Rule policy was as applicable to slavery as a solution as it is to the absolutism in industrial conditions which exist to-day. It was just as reasonable to hope that the increasing enlightenment and Christian spirit of the southern slaveholders would do away with the wrongs of slavery as it is to hope that manufacturers to-day by this principle will gradually come to solve the problem through individual fair treatment of their employees. When Lincoln said that no man is good enough to govern another man "without that man's consent," he did away with the Golden Rule policy once and for all. To-day no man is good enough to govern another man and fix the conditions under which he must live and work, without sitting down and compromising with that man.

Industrial absolutism, the supreme power of a few individuals over a great body of men working for them, can not, in my opinion, even be materially mitigated by the Golden Rule policy. For experience has shown over and over again inasmuch as the interest of the employing few often conflicts with the interest of the employed many, disputes arise, and when disputes arise, we have seen in Colorado, in Pennsylvania, in Calumet, Mich., in Paint Creek, W. Va., in Lawrence, Mass., in Paterson, N. J., in Carteret N. J., and in a dozen other strike points, the Golden Rule has been hung up in the closet and the Winchester repeater, loaded with buckshot, has been taken out in its stead.

This will go on indefinitely, especially as the most sincere advocates of the Golden Rule are absentee landlords, who remain utterly oblivious to the living conditions of the employees and whose only instructions to their agents at the plants are suggestions as to financial management. The utter ignorance of actual conditions in Colorado which Mr. Rockefeller has not only confessed but insisted upon is a typical instance of how those who advocate the Golden Rule also maintain an impersonal absolutism which makes the whole Golden Rule plan a tragic farce.

Mr. Rockefeller's claim that the actual management of the mines is left to the local managers may be nominally true, but it is not true in fact. It may be true that no specific orders have been issued to managers to get the last cent out of the employees. The fact remains that these managers know that they can hold their jobs only so long as they turn up an amount of profit that is satisfactory to the owners. They also know that as long as this profit is forthcoming no inquiry will be made by the owners as to how the profit is obtained. Under this system even good-hearted managers are tempted by the fear of losing their jobs to oppress the employees by forcing them to accept low wages, by robbing them of a part of the proceeds of their labor through company stores, high rents in company houses, and other devices. The cornerstone, Mr. Chairman, of this system of industrial exploitation is that the owners shall keep themselves in ignorance of the actual acts of oppression practiced by the managers in charge of the property.

That this ignorance of working conditions is an essential part of the system of exploitation is disclosed by Mr. Rockefeller's testimony both before this commission and before the congressional committee as well as by his correspondence. This shows that he was familiar with such details as the building of churches on the C. F. & I. property, the hiring of Mr. Elbert Hubbard to carry on publicity work, the retaining of Mr. Ivy Lee at $1,000 a month, the existence of clergymen of socialistic views in the mining camps, the hiring of an automobile for imported clergymen in the mining district, and the payment of members of the militia out of the company's funds.

But as to wages and living conditions in general and especially as to the tyranny of the company over the thousands of men and women who are dependent on it, Mr. Rockefeller claims, and I believe his claim is true, that he kept himself in the most complete ignorance. In his testimony before the congressional committee he goes so far as to state that he was unaware of the existence of the slightest discontent on the part of the miners.

"Do you know," asked the chairman of the congressional investigating committee, "whether there are any grievances or any claimed by the miners out there?"

"Mr. ROCKEFELLER. By our miners? No.

"The CHAIRMAN. No grievances at all?

"Mr. ROCKEFELLER. Not that I know of."

This statement Mr. Rockefeller practically repeated in his testimony before this commission on Tuesday, January 20.

Ignorance on the part of the actual controlling interest of an industrial corporation and the delegation of full responsibility to the management at the plant, becomes an asset to business under the present system of absentee control. It works to the advantage of both Mr. Rockefeller, using him merely as an illustration, and of Mr. Welborn. For Mr. Rockefeller is protected because he can plead ignorance of actual conditions, and Mr. Welborn is protected because he can maintain that his first duty is toward the company.

This is exactly what happens not only in Colorado, but in almost every similar situation.

For instance, the strike at Carteret, N. J., is a particularly pertinent example. The Liebig and Clark & Williams plants at Carteret are subsidiaries of the American Agricultural Chemical Co., a combination incorporated under the laws of Connecticut. The chairman of the board of directors lives in Boston. The vice presidents live in New York, in New Jersey, and in Cleveland, Ohio, and the directors are scattered all over the country. One of them, Mr. A. Barton Hepburn, is a director of the Rockefeller Foundation. Last October the directors informed the local superintendent, whom I know, and whom I believe is an intelligent and decent man, that wages of the employees should be cut 20 per cent.

In January the employees decided that they could not continue to support their families on $1.00 a day. They struck, and next day, in order to protect the property of the company 100 gunmen were sent for and sworn in as deputy sheriffs. The result of the importation of these gunmen in Jersey was practically the same as that of Mr. Welborn's importation of gunmen into the coal fields of Colorado. On the 19th of January, O'Brien's gunmen shot into a mass of unarmed strikers and kept on shooting for 15 minutes, although the strikers fled and offered no resistance. Again using Mr. Rockefeller merely as a type of absentee landlord, his innocence of knowledge of conditions upon the property gives him the privilege of appearing before the public as free from responsibility for the atrocities in Colorado as Little Eva in Uncle Tom's Cabin was guiltless of the acts of Simon Legree.

Mr. Rockefeller before your commission has again and again emphasized his appreciation of the fact that the Colorado Fuel & Iron Co. was making unsatisfactory financial returns upon his father's investment. He has demonstrated clearly his belief that his father's money under Welborn's management was not yielding enough. He says it has only paid a savings-bank percentage. Counting the actual dividends which the Rockefellers chose to take out of the company, this is technically true. But it is far from true that Mr. Welborn's management was weak in regard to the annual earnings, which were put back in the company in the form of surpluses.

Moody's Manual shows, just as Mr. Rockefeller, jr., states, that preferred dividends were not paid until 1912 and 1913, when 5 per cent and 43 per cent were declared, respectively. But it also shows that in 1910, 1911, 1912, and 1913, the company earned and carried forward as surplus over charges $1,500,000, $1,200,000, $1,800,000, and 1,700,000, respectively. This is a remarkable tribute to Mr. Welborn's efficiency in getting profits out of a concern which not long ago was in a deplorable financial condition. It is also a testimonial to the business acumen of the controlling interest that chose and retained Mr. Welborn in the position of managing president and gave him a free hand to do anything he liked at the plant.

In its analysis of the Colorado Fuel & Iron Co., Moody's Manual for 1914 remarks upon its progress during the last five years in strengthening its finances and adding to its available revenues.

It continues: "The surplus which the company has recently been showing has now accumulated to such an extent that the company is in a position to pay back unpaid dividends on the preferred stock, and during the fiscal year ending last June, 48 per cent of these back dividends were paid, leaving about 20 per cent still to pay. It is probable that with another year's business equaling that of 1913 the company will have no difficulty in paying the remainder of these back dividends and will be in a position to disburse moderate payments on the large common-stock issue." As a matter of fact, the next year was a bad year, on account of the strike, and showed a deficit, instead of a surplus, of, I think, about $800,000.

The next question that was asked me was: "What is your opinion as to the influence of large donations by the Rockefeller or other foundations on schools and universities"?

My answer, Mr. Chairman, is nothing more powerful and subtle than the influence of such donations upon institutions whose existence is largely dependent on donations.

Some years ago an arms company offered the Audubon Society of America a large annual income for a stated period for protecting birds. As I remember it was $25,000 a year. The arms company imposed absolutely no conditions, and, in the letter offering the money, it expressly stated that it did not seek to hamper the activity of the association, although it hoped—merely hoped—that the association would not take a position hostile to repeating shotguns for the purposes of killing game.

After considerable controversy, the association decided that the feeling of gratitude which its directors would naturally have toward the arms company, and their natural desire that the donation should be continued beyond the period stated, would inevitably have a very real influence upon their future attitude. The gift was rejected, with thanks. I have since heard members of the association state very frankly that they thought they had a narrow escape from losing a considerable degree of liberty.

In spite of every good intention, we can not get away from the fact that when we accept large benefits from anybody we want to pay for them, and we also want to act so that the benefits will continue. And in this very creditable desire to pay one's way, as well as in the expectation of more benefits, in the future lies the danger to independence.

Some cynic has described gratitude as a lively sense of more favors to come.

The Rockefeller Foundation is a corporation organized under the laws of the State of New York with a charter so broad as to include almost every human activity. On the other hand, its control is absolutely a Rockefeller control. A majority of its directors are men who are or have been employed by Mr. Rockefeller, and who have publicly expressed the opinion that the Rockefeller system, as exemplified in the Colorado coal fields, is a high expression of American industrialism. The Rockefeller Foundation has an immense annual income, which will probably average about $5,000,000. The General Education Board, whose report has just been published, is also a Rockefeller concern. Into the treasury of the board Mr. Rockefeller has paid $53,000,000, a part of which was in bonds of the Colorado Fuel & Iron Co.

Assuming that the Rockefeller Foundation, as well as the General Education Board, may have to do with educational matters as well as investigations, I can see a grave danger in the acceptance by universities, schools, and institutions of donations upon a large scale from such sources.

Take, for example, the influence upon courses of economics in schools, colleges, and universities. Suppose a young instructor of economics were giving a course of lectures upon industrial production and the relations between capital and labor. It is natural that in his lectures he would want to go very fully into such subjects as price-fixing monopolies, the recognition of unions, collective bargaining, etc. He might analyze production under the private monopoly system and expose its dangers to consumer, to industry, and to labor. Again he might give his frank opinion of the results of absentee landlordism and of the whole structure of undemocracy and concentrated absolutism which companies like the C. F. & I. and the United States Steel Corporation have inaugurated and successfully maintained throughout their plants.

Now, what I say is this: The gratitude which the faculty and trustees of a university ought to feel to an instructor who showed the students the utter unsoundness of production under a system of absolutism might seriously con-

flict with the gratitude which they could not but feel toward those whose gifts were making the university prosperous and useful.

I say that this instructor who treated with frankness and intelligence the economic system for which the directors of the educational board and the foundation stand would find himself in a peculiar position. He would gradually realize that, somehow or other, through nobody's fault perhaps, there had arisen a feeling of strain, or at least, a lack of sympathy between himself and the members of the faculty and the trustees, whose duty it was to care for the university's financial well-being. Sooner or later he would become convinced that full appreciation of his efforts in this particular college or university had been rendered exceedingly improbable. His chances of a Sabbatical year, the acceptance by the university of his lecture courses as textbooks, the probability that he would be sent to represent the university at important conferences—these and many other things would seem to have become more remote, because he had committed the error of preaching a doctrine hostile to the sources from which the university had drawn and probably would continue to draw large and necessary sums of money.

Mr. Chairman, I speak advisedly and after some inquiry when I say that the smaller colleges of this country are full of instructors and professors who have not been deliberately driven from larger universities on account of economic opinions unfriendly to benevolent exploiters in industry, but who nevertheless have found their chairs in the large universities untenable, and have left them owing to influences which were irresistible but too subtle to complain about aloud.

I do not say that this has been anything in the nature of a conspiracy on the part of the interests who give millions, but the ever-present and powerful spirit of acquisition, which is an integral part of the consciousness of our monopolistic combinations, has moved instinctively along logical, self-protective lines.

In 1815, when Metternich saddled Austria, Prussia, and Bavaria with a system of feudal absolutism, his powerful weapon against the spread of what he called "revolutionary ideas" was control of education by vigilant censorship of universities. The decree of the conference at Carlsbad provided that this censorship, and now I quote, "without directly interfering with scientific matters, should give salutary direction to instruction, having in view the future attitude of the students." Thus Metternich guided the thought of the rising generation so that the young men who graduated from universities should be free from the taint of democracy.

The Rockefeller Foundation and the education board are doing to-day, less openly but quite as effectively, what Metternich did in 1815. They are providing to the best of their ability, conscientiously if you will but none the less effectively, that our young men in the course of their education shall gain as little understanding as possible of the problems of industrial democracy. To-day, Mr. Chairman, our universities are teaching practically nothing in the realm of up-to-date economics. To-day they choose to deal with issues which are dust-dry, which are dead, and have already passed into the region of history.

But we need not go back to 1815 to find examples of the control of thought by influence exerted over educational institutions. The militarist movement in Germany offers a still more vivid illustration. For 20 years official Germany has been instilling into the people the necessity for a world-wide extension of German institutions. The writings of von Bernhardi and Treitschke carry one message, and that message is the duty of exercising power that rests upon those who are fit for power. That is the bottom of militarism—of a doctrine utterly and diametrically opposed to democracy. In order to carry forward the militarist gospel so that Germany would accept the theory that it was her destiny to impose German kultur upon the world, with a powerful but benevolent hand, the Government directed its attention toward the universities. It saw to it that the men who held the principal chairs of economics and history should be in sympathy with its policy.

When we read of the expenditure of $57,000,000 by the General Education Board, when we think of the annual expenditure of $5,000,000 by the Rockefeller Foundation, our minds irresistibly compare the probable results of this, in its relation to things industrial, with the known results of the activities of Metternich and of the German militarists in the field of things political.

A few days ago, Prof. Ross, of Wisconsin, speaking of our great foundations, said: "Thousands of experiences have shown the tendency of boards to ad-

minister a charitable foundation in a narrow or class spirit or according to obsolete ideas or exploded theories."

Chairman WALSH. At this point we will adjourn until Monday morning at 10 o'clock. I desire to announce that, on account of the other uses to which these two rooms in this building will be put so incessantly during the coming week, the further hearings of the commission will take place at the Metropolitan Building, No. 1 Madison Avenue, in the assembly hall, on the eleventh floor. We will adjourn to meet at the Metropolitan Building at 10 o'clock Monday morning.

(Thereupon, at 1.05 o'clock p. m., on this Saturday, January 30, 1915, an adjournment was taken until 10 o'clock Monday morning, February 1, 1915, to meet in the assembly hall in the Metropolitan Building, New York City.)

NEW YORK CITY, *February 1, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. The house will please be in order. We will proceed now. Mr. Pinchot, will you please resume the stand?

TESTIMONY OF MR. AMOS PINCHOT—Continued.

Chairman WALSH. You may proceed now.

Mr. PINCHOT. When I stopped reading on Saturday, Mr. Chairman, I was quoting the statement of Prof. Ross, of Wisconsin, which he made last week—I think it was the early part of last week—in regard to the Rockefeller and other foundations. He said:

"Thousands of experiences have shown the tendencies of boards to administer a charitable foundation in a narrow or class spirit or according to obsolete ideas or exploded theories. To make these foundations safe, the whle basis of control should be changed."

That is the end of his quotation. [Reading:]

"It seems to me that, if these great foundations are allowed to exist, one of the problems of this commission is to suggest a means of control which will, to some extent, insure their being used in the interest of the public and in accordance with democratic principles."

The next question which was asked me by the commission was: "What suggestion can you make looking toward the more peaceful settlement of industrial disputes?"

My answer is: There are many things which can be done to facilitate a more equitable adjustment of the questions arising between capital and labor. I have mentioned collective bargaining as a fundamental principle which is to be insisted on at this time. Discontinuance by the operators of the practice of using irresponsible private armies will also help.

But there is one matter which seems to me of immense importance. Labor should be able to feel that its side of the controversy will be fully and fairly treated in the public press.

In my opinion there is no one element, not even the attitude of the often isolated and ignorant controllers of industrial corporations, which gives labor a feeling of such helplessness and bitterness as its knowledge that the merits of its side of the question will not be presented to the public through the press. When I speak of the press, I refer to the newspapers in general, and particularly to one of the great news associations, whose business it is to furnish information to the newspapers.

There are two major news furnishing associations—the Associated Press and the United Press. The former sells news chiefly to morning newspapers, the latter to evening papers. The United Press is conducted by a group of younger men who have a broader attitude toward industrial questions, and who usually give fair treatment to both sides in their reports of conflicts between labor and capital, but the Associated Press, under older and more conservative management, take affirmatively the side of capital.

I was informed by a representative citizen of Colorado, himself a newspaper man of high standing and a subscriber to the Associated Press, that the failure of the Associated Press to carry news impartially in the labor troubles was a serious element in giving the strikers the feeling that they could not hope for justice.

Last year in the strike which occurred in the soft-coal districts of West Virginia the Associated Press gave characteristic evidence of its partiality to the operators side of the case. I will mention one instance, which is typical.

Early in February an armored train, later described in the testimony before the Senate investigating commission as the "Death Special," was run during the night through the tent colony of strikers at Holly Grove, W. Va. It was 10 o'clock, and the miners were just going to bed, when suddenly the armored train poured a heavy fire from rifles and machine guns into the tents with fatal effects. I quote now from the testimony of Lee Calvin before the Senate committee. He was on the armored train in the capacity of a guard and at the invitation of the sheriff of the county. He says:

"It came down to Charleston for us and we got on the train, about 9 or maybe 10, some where around there, and went on up to Paint Creek, * * * and I was leaning out of the window that way [indicating] and they commenced streaming fire out of the baggage car—you know—flashes, reports, and cracks from the machine gun at a lot of tents, and the train went along with a stream of fire, which continued coming out of the Gatling gun all along."

That is the end of the part of the testimony of Mr. Calvin that I have quoted.

Commissioner WEINSTOCK. The testimony presented where?

Mr. PINCHOT. Before the committee of the Senate of the investigation of the strike in Michigan [West Virginia] in what they called the Calumet & Hecla group of mines. [Mr. Pinchot corrects this reference below.]

Mrs. Estep, one of the miner's wives, who with her husband and family was going to bed at the time shooting began, described the incident as follows:

"We heard the train come shooting, and he hollered for us to go to the cellar, and he (her husband) went out the front door. Him and some more boys that were in there, they ran out of the front door and I went through the kitchen, and I never got any farther than the kitchen door. We were all trying to get to the cellar. He was standing right at the corner of the cellar near the kitchen door where I was standing, hollering for me to go and get into the cellar."

That is the end of the quotation. At this point her husband was killed and some members of her family were wounded. The whole matter was fully covered by the investigation, and the accuracy of the evidence of both Calvin and Mrs. Estep was fully established.

An examination of 12 leading papers carrying Associated Press dispatches shows that the Associated Press reported the matter as if the miners had made an unwarranted attack upon a passenger train. I quote from one Associated Press dispatch in the Los Angeles Times:

"The first serious outbreak in over a month occurred Friday (the 7th) when a passenger train was fired on. Mucklow was riddled with bullets and a number of persons shot down."

The commission can find this in the Los Angeles Times, Associated Press dispatch for February 11, 1913, page 1, column 1.

I also desire to call the commission's attention to another typical instance of suppression and perversion of news by the Associated Press in regard to labor troubles.

In December, 1913, a great strike was in progress in the copper mines of Michigan.

I would like to correct what I said a moment ago. You asked me where the testimony appeared concerning the Mucklow incident, and I said it appeared in the investigation before the Senate committee that investigated the Michigan strike. I was speaking of the West Virginia strike, of course. The word "Michigan" was a mistake.

Commissioner WEINSTOCK. I see.

Mr. PINCHOT. On December 26, Charles H. Moyer, president of the Western Federation of Miners, was kidnaped from his hotel and shot in the back by a committee of citizens representing the mine operators. Moyer's account of the shooting, which was substantiated by the evidence before the congressional investigating committee—this was not a senatorial committee at this time; it was a committee of the House which Congressman McDonald instigated—is as follows:

"I had taken down the telephone receiver to telephone a friend when the mob entered the room. They shouted, 'Where is Moyer?' I turned around and told them I was Moyer. Then they attacked me. I was struck on the head with an automatic revolver. I was leaning forward, and the man with the revolver stood over me. When he hit my head the revolver exploded and the

bullet entered my back. Then the crowd began to go mad. I was dragged from the room, down the stairs, and out into the street. Frequent changes were made of the men dragging me along, when two had exhausted themselves in kicking me in the back and beating me, two others would grab my arms and begin upon me anew. This kept up until we reached the Houghton depot. The mob kept shouting 'Kill him! Hang him! Throw him into the lake!'"

Moyer was then put on the train. He found himself in charge of guards, who he says had instructions to kill him if he tried to get off. The Associated Press's account of this, as sent out under the date of December 26 and published in the Chicago Record-Herald on December 27, page 4, is as follows:

"Charles H. Moyer, president of the Western Federation of Miners, was put on a train and sent out of the copper country strike district to-night. It is believed he will go to Chicago. Moyer, it is said, refused to make a retraction satisfactory to the committee. A short time later he and John Tanner, an organizer of the Western Federation, were observed on a street car going from Hancock to Houghton. Just across the bridge connecting the two towns, and about 400 feet from the structure, is the depot of the copper-range railroad. There it was noticed that Moyer and his companion boarded a train bound for Chicago. They were accompanied by three men who seemed to be guarding them, although there was no visible demonstration of force or coercion."

That is the account which the Associated Press sent out of the shooting and the deportation of Moyer.

Both in the West Virginia and Michigan strikes the Associated Press grossly misrepresented the real condition of affairs. This was due in part to the fact that in West Virginia it got its information from a man identified with the coal companies, while in Michigan, during a large part of the strike, the Associated Press received its information from two newspaper offices controlled by the mine operators. They had no man there of their own during a large part of the strike, but got their information from two newspaper offices which belonged to the mine operators. But whatever the machinery may have been through which suppression and misrepresentation occurred, the fact remains that it did occur, and that it resulted in blinding the public to the actual facts until congressional investigations brought them out. It also produced, upon the part of the strikers, a feeling of intense and natural bitterness, and a belief that the merits of their cause would never be fully brought before the American people.

I have quoted this, showing these dispatches, because I think they represent cases that are typical, because most of the cases of misrepresentation and suppression have been less easy to demonstrate. But these two cases are so plain that I thought they ought to be in the record. And with regard to that I would like to say, Mr. Chairman, that in all probability the testimony which I give in regard to the Associated Press will not be carried throughout the country by the Associated Press wires. There is a rule, which I believe is contained in the by-laws of the Associated Press, that any newspaper editor, people that subscribe to the Associated Press, will be disciplined if he prints as news in his paper matter that is deemed derogatory to the Associated Press.

I believe that it is of the highest importance that an investigation should be conducted by this commission or some similar body into the handling of news in labor controversies. The influence of public opinion can only be justly exerted when the public is put in possession of the facts.

The next question which the commission asked me was: "Do you believe that the solution to industrial troubles is through the Government taking a larger part in industrial life?"

My answer is: I do not believe that either the city, the State, or the Federal Government should go into industrial production. Industrial production should be conducted by private concerns. I believe in competition in industry. I do not hold with either monopolist or socialist, for both advocate the elimination of competition in industry. In order to have competition in industry, which spells efficiency, we must make transportation and the raw materials which are the basis of industry accessible to all on equal terms. That is why I advocate Government ownership of railroads and Government ownership of natural resources, with a leasing system such as is now in practice with regard to water power on Federal property. That is all.

Chairman WALSH. I notice, Mr. Pinchot, that the rule that you say the Associated Press has does not appear in the written answers. Will you repeat that rule?

Mr. PINCHOT. I could not repeat it verbatim, Mr. Chairman, but there is a rule that the members of the Associated Press, the newspapers which belong to the Associated Press throughout the country, are subject to discipline and the loss of the Associated Press franchise if they publish matter which the Associated Press governors, directors, deem to be derogatory or unjustifiable.

Chairman WALSH. Well, has that rule been admitted by the Associated Press any place?

Mr. PINCHOT. It has.

Chairman WALSH. Is there a record of it?

Mr. PINCHOT. I know of members of the Associated Press who have been disciplined. Mr. Medill McCormick, who was part owner of the Chicago Tribune, was disciplined for publishing matter in the Associated Press which the governors of the Associated Press deemed derogatory.

Chairman WALSH. What character of matter was it?

Mr. PINCHOT. I do not remember the particular case, Mr. Chairman. It is some time since Mr. McCormick described the incident to me.

Chairman WALSH. Has there been a public record made any place in any investigation in which the rule of the Associated Press has been set out?

Mr. PINCHOT. Yes, Mr. Chairman, there is. Last year Mr. Shearn, now Justice Shearn, was counsel for the New York Sun in the complaint which was laid before the Department of Justice in Washington, and that complaint, which Mr. Shearn handed in in the form of a written brief, contains the matter which you speak of.

Chairman WALSH. Would you be kind enough, inasmuch as you have referred to it, to ascertain where it can be obtained and, if possible, submit it to the commission?

Mr. PINCHOT. I have one copy myself, which I will submit to you, sir.

Chairman WALSH. Very good.

(A pamphlet entitled "The Freedom of the Press from Unlawful Restraints and Monopoly," in the matter of the complaint of the Sun Printing & Publishing Association against the Associated Press, being a statement of facts addressed to the Hon. James C. McReynolds, Attorney General of the United States, was subsequently submitted by Mr. Pinchot in printed form.)

Chairman WALSH. That is all. You will be permanently excused. We are very much obliged to you for your attendance.

Mr. PINCHOT. Thank you, sir.

Chairman WALSH. Mr. James MacKaye.

TESTIMONY OF MR. JAMES MacKAYE.

Chairman WALSH. The house will please be in perfect order—the entire house. We can not proceed until all discussion at the end of the hall is ended and there is perfect quiet.

Please state your name.

Mr. MACKAYE. James MacKaye.

Chairman WALSH. What is your business, Mr. MacKaye?

Mr. MACKAYE. Engineer.

Chairman WALSH. What sort of engineer?

Mr. MACKAYE. Chemical engineer.

Chairman WALSH. Chemical engineer?

Mr. MACKAYE. Yes.

Chairman WALSH. Where do you reside?

Mr. MACKAYE. Cambridge, Mass.

Chairman WALSH. How long have you lived at Cambridge, Mass.?

Mr. MACKAYE. About 20 years.

Chairman WALSH. I wish you would state definitely what branch of that profession you have practiced—that is, in what line and what your work has been, say, for the past 10 years.

Mr. MACKAYE. It has been in the investigation and development of industrial chemical processes.

Chairman WALSH. Now, please explain fully the nature of it, where you do your work, and the general character of it.

Mr. MACKAYE. The work is done largely in the laboratory or laboratories, and where investigations are required we, of course, use reference books, etc. Most of the work is carried on in the laboratory.

Chairman WALSH. Aside from your laboratory work, have you made any study of industrial problems?

Mr. MACKAYE. I have.

Chairman WALSH. Please state what study you have made, how extensive it has been along that line?

Mr. MACKAYE. It has been mostly in the nature of reading about them, and making an attempt to apply the engineering method to them.

Chairman WALSH. Please state with what concerns you have been connected, and what industries you have done engineering work for in the strict line of your profession.

Mr. MACKAYE. Practically all of the time with the firm of Stone & Webster.

Chairman WALSH. What is their business?

Mr. MACKAYE. Engineering in general, mostly electrical engineering.

Chairman WALSH. For what concerns do they do work?

Mr. MACKAYE. Well, so many different ones that it would be difficult to enumerate them, but I could give you a book that enumerates them—there are 60 or 70 under their control.

Chairman WALSH. In order that we may get a little better opinion during this testimony, please state what the large concerns are, whether they are transportation companies throughout the United States, and control, if any, that the concern has over them.

Mr. MACKAYE. They are connected largely with water power. They are popularly classed as one of the members of the so-called water-power trust, I suppose. Their largest concern in that line is at Keokuk, Iowa, where they have dammed the Mississippi River. They have large electrical interests in Oregon, Washington, Florida, Georgia, Massachusetts, Texas, and other States. They are interested particularly in electrical properties, transportation, lighting, and power; but, of course, Mr. Chairman, I am not here as their representative, you understand.

Chairman WALSH. I understand that.

Mr. MACKAYE. It is entirely in my individual capacity that I am here.

Chairman WALSH. I understand; but we would like to get the information gained by your experience, and the errors that you have had to institutions that might stimulate your research along these lines personally, and that might give you the experience.

Mr. MACKAYE. I do not think that anything I have to say can acquire authority from any of their operations. With the management of such operations I have had nothing to do, as my capacity is entirely technical.

Chairman WALSH. Have you, as a result of your study, worked out a constructive plan, deemed by you to be of value in connection with the labor policies and methods of large corporations?

Mr. MACKAYE. I have a plan that would be along that general line.

Chairman WALSH. Will you please explain this plan to the commission?

Mr. MACKAYE. With your permission I will read the plan, because it is rather specific.

Chairman WALSH. Very good; please do so.

Mr. MACKAYE (reading):

SUGGESTION OF A METHOD FOR THE IMPROVEMENT OF INDUSTRIAL RELATIONS THROUGH COMPETITION BY PUBLICLY CONTROLLED COMPETITORS.

The method outlined herein for regulating industrial relations between employers, employees, and the public is applicable to all large-scale competitive industries, and may be extended to public monopolies. To determine its efficacy experimentally it should preferably be applied simultaneously in several industries of widely differing types, although much could be learned from its application to a single industry. Such an isolated experiment, however, would deprive the method of the advantageous interindustrial relations which are a proper part of it.

The method in brief is to establish, in all lines of industry to be regulated, competing and self-supporting industries, chartered by the Federal Government, and operating under regulations adapted to secure the greatest possible benefit to producers and consumers, these industries to be a means of establishing standards by which competing industries may be judged, and to which, if desired, they may be made to conform, either by extending sufficiently the competition of standard industries or by prescribing by law standard conditions of competition.

The method involves the following features, subject to such modification and extension as experience may suggest:

The appointment by the President of a commission to assume general charge of the work.

The creation by the commission, in each line of industry which they may select for regulation, of at least one large scale standard establishment or enterprise. In establishing these enterprises the commission should have the benefit of such expert advice as they may deem well to secure.

The appointment by the commission of proper officers to carry on the affairs of each such establishment, including a treasurer, a works manager, and a sales manager, or their equivalents.

The charter of each such establishment to be in the name of the officers specified as charter grantees.

The issue by the United States of bonds in amounts to be determined by the commission, subject to the control of Congress, sufficient to finance each of said enterprises.

The operation of each standard unit of industry should be open to inspection and study by the commission, and subject to the following 10 conditions of control:

(1) The fixing of minimum wages and salaries of operatives, including those of the grantees, either by a statistical board or expert of the Bureau of Labor or by the commission. The wages and salaries so fixed to be those current in the given industry for the same class of service, and to be varied only as said current wages and salaries vary.

(2) The fixing of maximum prices by the same or a corresponding board or expert or by the commission, said prices to be those current in the given industry for the same classes of product or service, and to be varied only as may be necessary to maintain competition.

(3) The prescription and enforcement by the commission of regulations fixing standards of products or service in each establishment.

(4) The prescription by the commission of regulations relative to safety, sanitation, and working conditions in general throughout each establishment.

(5) Probably, but not necessarily, the prescription by the commission of regulations governing the employment, promotion, and discharge of operatives, constituting a sort of civil-service system.

(6) The establishment of reserves for contingencies for the purpose of preventing excessive fluctuations of operating and maintenance expenditures.

(7) The establishment of mutual reserve deficit insurance between the several standard establishments to prevent the occurrence or minimize the amount of deficits resulting from causes beyond the control of the grantees.

(8) The establishment of mutual facilities for the transfer of operatives between the several standard establishments to prevent or minimize the discharge of competent operatives through unavoidable fluctuations in the demand for their services.

(9) The payment into the Treasury of the United States by each establishment, at the close of each fiscal year, of 6 per cent of its bonded indebtedness to meet interest and sinking-fund charges.

(10)—

This is the most important section, Mr. Chairman—

The division (either equal or in some other definite proportion) at the close of each fiscal year of any surplus, after all charges have been met, between the operatives of the establishment, including the grantees, and the customers thereof; each operative to receive a share of the operatives' allotment proportionate to his wage or salary, and each customer a share of the customers' allotment, proportionate to his purchases, during the fiscal year in question.

The advantages of the establishment of such standard industries are of three kinds—advantages of operation, of regulation, and of information.—

The principal advantages in operation would be as follows:

Capital is procurable at a low rate of interest.

Thorough inspection by the commission of books, operations, products, and services is possible, subject to no harassing restrictions.

There is no conflict of interest between employers in the persons of the grantees and other operatives, because, in the first place, all have a common economic interest in making the surplus in each establishment as large as possible, and, in the second place, because the fixation of wages is removed from the control of the grantees.

There is no conflict of interest between producer and consumer in any matter affectable by the former, because, in the first place, they have a common economic interest in making the surplus in each establishment as large as possible,

and, in the second place, because the fixation of prices, as of wages, is removed from the control of the grantees, leaving to them the sole function of directing the purely productive and distributive operations of the establishment.

The principle illustrated in the foregoing plan as modified particularly by conditions 1, 2, and 3 providing for control of production and sale by interested persons (the charter grantees) and the control of wages, prices, and quality of products by different and disinterested persons, I call the principle of divided economic function, because it divides these several functions of conducting industry (which under the present system are combined) in a manner essential to harmonious industrial relations.

The principle illustrated in condition 10 providing for the division of the annual surplus between producers and consumers I call the principle of conditional or proportional compensation, because it renders the compensation of the producer conditional upon and proportional to the service he renders the consumer.

By the adoption of these two principles the industrial relations which are most potent in producing the difficulties of modern industry—the relations which create the labor problem on the one hand and accentuate the problems of high prices on the other—are reversed. In place of a conflict is substituted an identity of interest of all parties concerned. Employer and employee pull together, because they have a common, substantial, and proportional interest in the efficient conduct of industry, and producer and consumer pull together for the same reason, since the method of organization so operates that, with given current wages and prices, the lower the actual price the higher the actual wage. Thus in place of the conflict inherent in the present industrial relations of the community, the method proposed substitutes not the neutral or indifferent relation characteristic of ordinary public operation but a relation actively reverse to that of conflict. By these devices the ordinary incentive of economic gain is made to result in an identity instead of an antagonism of interest throughout the community, and the way becomes open to combine the advantages and avoid the disadvantages of both the private and public methods of conducting economic operations and to convert the irrepressible conflicts of modern industry into equally irrepressible harmonies.

The principal advantages in regulation would be as follows:

The regulation would be through competition, and hence would have the advantages of that oldest and most natural form of regulation, a form which has operated since prehistoric times and is still in operation, though modified in considerable degree in modern industrial nations. The main advantage of the competitive form of regulation is that it is not arbitrary and tends to a natural equilibrium of industry through the law of supply and demand.

But competition, though having this advantage, has certain great disadvantages which can be eliminated by imposing proper restrictions, such as minimum wages, maximum hours of labor, safe and sanitary conditions of employment, and penalties for adulteration, misbranding, wasteful exploitation of natural resources, etc.

Such restrictions upon competition could, under the system proposed, be made uniform, applying to all units of an industry alike; that is, the competition could be made fair, the Government imposing no restrictions on any competitors of a charter grantee not imposed upon the grantee also, so that all would stand upon the same footing in these respects.

If it be objected that on account of certain advantages enjoyed by the charter grantees in virtue of their Government backing and their methods of operation the competition would not be fair to other operators not enjoying these advantages, the reply is that if, by means of the advantages cited, the charter grantees can serve the public interest better than their competitors, then to forbid their competition would be unfair to the public, since the public is entitled to the best and most efficient service it is possible to give it. Any other standard of fair competition is based on the view that the public exists for the benefit of industry, not industry for the benefit of the public.

By imposing restrictions thus uniformly the effect of the same upon industry could be directly observed in the units of industry operated by the charter grantees and thus the reasonableness or otherwise of the restrictions properly gauged. The justice of the complaints of those subject to restrictive industrial legislation could thus be estimated at its true value and modifications made accordingly.

Compared with other methods of regulation, particularly the common method of regulation by litigation practiced under the Sherman Law, the method proposed should be exceedingly cheap, because the charter grantees are self-reg-

porting. Of course, it is conceivable that during some time of widespread and long-continued depression in industry, even deficit insurance would not prevent the occurrence of deficits in the business of the charter grantees, and thus the Government would become a loser through being the creditor of bankrupt concerns. But it is far more likely that during such times the establishments of the charter grantees not being subject to the disease known as "the timidity of capital," would tend to steady industry in general and thus forestall, or at least diminish, the severity of depressions. If sufficiently extended they would certainly have this effect.

There are, however, plenty of precedents for the risk of public money in order to perform a public service. The money invested in the Panama Canal, the Federal reclamation projects, and the Alaskan Railroad are examples. Forty-odd years ago the Government even loaned loans to privately owned enterprises—the Central and Union Pacific Railroads—on the same principle. At any rate the method of regulation proposed merely substitutes a risk for a certainty of expense, since the adoption of alternative methods does not offer even the possibility of self-supporting regulation.

The advantages accruing from increased information would be the most important of all—some of the principal being as follows:

First-hand and detailed knowledge could be acquired of various factors in industry and their effect upon the welfare of both producers and consumers. Among them may be mentioned the effect of properly directed incentives, the working of efficiency schemes, such as those of scientific management under conditional compensation, the relation between size of unit and efficiency in various industries, the part played in efficiency by industrial training, the advantages of separating financial and certain other functions from productive functions in industry, the extent to which conditional compensation renders efficiency automatic, etc.

Under the conditions proposed it would be possible for the first time to fairly test a rule that, in theory, is supposed to guide the economic conduct of nations, but which can not be applied on any extensive scale for lack of data. I refer to the rule that whatever economic function in a nation can be performed best by the public should be assumed by the public, while whatever functions can be performed best by private enterprise should be left to private control. In order that this rule can be used we must have in the first place tests of what is "best" that shall include all aspects of the public interest, and shall not mean merely what is cheapest; and in the second place we must have a means of comparing the two modes of operation on even terms. Such a comparison can be made by causing public and private methods of operation to compete with one another under prescribed conditions of fair competition—an experiment not hitherto attempted on an extended scale.

The running ability of two men can not be compared if one runs on a track in running togs while the other runs in a crowded street carrying a heavy bag. No more can the ability to serve the public of two methods of operation be compared when the conditions under which they operate are not comparable. In the one case as in the other the competitors must be subject to the same restrictions or the result will not be conclusive.

Operation by charter grantees under the conditions specified has all the characteristics of the best present methods of public operation, except that it includes the devices of divided function and conditional compensation; devices adopted to remedy the inadequate incentive of public, and the misdirected incentive of private, operations.

Thus public operation at its best and private operation at its best could be compared on equal terms in a great variety of industries over a term of years sufficiently extended to give conclusive results. The two methods of operation should be tested by a variety of tests, including the relative success of the two methods in securing low prices, good quality of products, high wages, favorable working conditions, and efficiency generally, security of employment, progressiveness, economical use of natural resources, freedom from political corruption, development of good citizenship in operatives and other results representing the various aspects of the public interest.

By careful study and experiment along these lines, modifications in procedure being made in accordance with the wisdom thereof, a body of knowledge could be secured which would enable the nation to find its way out of the economic wilderness in which it is wandering, and to deliberately adopt the method found to be best as a means of satisfying the material requirements of the people. It is not too much to hope that the practical abolition of poverty

itself would eventually result from such a course of investigation, for, in the present condition of applied science, such a goal is not an unreasonable one to seek.

Research in the direction and by the means indicated, is likely to lead within a few years to one or the other of two national policies: Either a system of regulation in which competition will be maintained on a beneficent basis throughout industry, through the competition of merger-proof standard units of industry backed by the public; or to a gradual displacement of private operation in those industries least adapted to private operation, and their replacement by public industry. As to which of these results is the more likely to occur we can not at present definitely say. The evidence now available is not conclusive; but so far as I am able to estimate it the second result appears somewhat the more probable of the two.

Indeed, it seems rather likely that should the policy suggested be adopted by the United States, the present economic system would gradually develop into a central group of great nationalized industries, surrounded by a zone of regulated private industry, probably destined to dwindle relatively if not absolutely. At any rate, whatever system resulted from such a policy, it would not be founded on the dreams of Utopians or the dogmas of doctrinaires. It would be based, not on any theory, but on the carefully studied experiences of a nation which first takes deliberate steps to secure the evidence and then follows it; adopting the socialistic or democratic method of conducting industry where it is found to be best, and not adopting it where it is not found to be best. The test of actual practice deciding in each case whether the people shall attend to their own business or let private parties attend to it for them.

Chairman WALSH. Did you have any questions to ask, Commissioner Weinstock?

Commissioner WEINSTOCK. No.

Commissioner O'CONNELL. What did you mean by the private parties?

Mr. MACKAYE. I meant parties who are not responsible to the public through any machinery of democracy, such as the President of the United States, for instance, is responsible. I referred to directors of corporations, railroad or otherwise, and persons in like positions.

Chairman WALSH. I just have a few question that I would like to ask you about one or two points. You say that the study might be made of the manner of conducting industrial enterprises by the public and by private activity. Are there any such conditions existing in the United States to-day? Are there any industries so closely connected, geographically, as to the work of the industry itself, that the study could be made at the present time?

Mr. MACKAYE. It could not be made on even terms so far as I am informed by any comparison now possible. Approximate results might be obtained, but nothing that would be conclusive.

Chairman WALSH. Well, now, then, what would have to be done according to your idea, before conditions could be made for such a study, and would the whole plan have to be put in operation?

Mr. MACKAYE. No; it could be applied in one or in a few industries.

Chairman WALSH. For instance?

Mr. MACKAYE. I submitted to Mr. Manly, for submission to the commission, a plan specifically adapted to the Alaskan situation, in which these general methods are applied to the competition in the coal-mining industry in Alaska, and to the public monopoly in the Alaskan Railroad. That will indicate where a beginning might be made. But, of course, it might be made in other places also. Alaska, however, would appear to be a particularly favorable situation because of the control that the Government already has there.

Chairman WALSH. Have you observed an operation of the municipally owned street railways in the city of San Francisco?

Mr. MACKAYE. I have read the report issued by the Government on that matter, but I have not observed it directly.

Chairman WALSH. What reason would there be why the study could not be made in a situation of that kind, where a reasonably large mileage of street railway, urban transportation, was in the hands of the municipality, while a very large amount was still in the hands of private ownership?

Mr. MACKAYE. An approximate comparison could be made. But I think that in the case of railroads that are adapted particularly to private monopoly the opportunity for comparison by competition would not be so good as in a mining or manufacturing industry.

Chairman WALSH. Is there no instance that your attention has been called to in the United States in those industries where a comparative study might be made with any benefit to the Government?

Mr. MACKAYE. Some specific instances which would be particularly favorable?

Chairman WALSH. Yes, sir; and the study approximately favorable where the proper deductions have been made.

Mr. MACKAYE. I think that the best place would be in the coal-mining industry; but this is not a very carefully considered judgment, as I have not studied that particular matter very much.

Chairman WALSH. I note that you speak that there was a great variety of industries in which the plan could be readily worked out, and I thought I might ask you to state in a general way what those industries were and if your plan, for instance, could be put into operation aside from mining.

Mr. MACKAYE. I think it could be put in operation in any large-scale manufacturing or mining industry, and by the proper modifications could be applied to agriculture. Of course, it can always be applied to transportation systems and to public monopolies in general.

Chairman WALSH. You, I believe, have turned over to us a more elaborate consideration and statement of your plans?

Mr. MACKAYE. There is a more specifically stated plan in the printed copy of the Alaskan bill, which I have just referred to.

Chairman WALSH. And is that the matter that you have turned over to the commission? It came up on Saturday and I did not have a chance to personally examine it, and I do not know that the other commissioners have.

Mr. MACKAYE. That is the matter; yes, sir.

Chairman WALSH. Now please describe in a general way what that is that you turned over to the commission.

Mr. MACKAYE. It is the application of the general plan, which I have just read to you, to the Alaskan Railroad and to the mining of coal in Alaska.

Chairman WALSH. Would you kindly pass me that paper. [Paper handed to the chairman.] I will ask you first, in your opinion, what changes in legislation would have to be made to put such a general plan in operation in the United States?

Mr. MACKAYE. General plan?

Chairman WALSH. Yes.

Mr. MACKAYE. A general plan would have to follow—it would seem to me it would have to follow the application of the plan to certain specific instances, in order to see how it would operate. In other words, it should go through a preliminary stage.

A bill along the general lines of the Alaskan bill, applied to the railways in Alaska and the coal mines there, could be made to apply to any industry, only it would require a little modification, perhaps, in the financial handling of it, because in Alaska the Government already owns the land and the railway and would not have to purchase from private parties. This would not be the case where the plan was applied to many other industries where the Government would have to establish enterprises much as any private financier would do—only, of course, the Government could get capital at a lower rate than the financier.

Chairman WALSH. Have you made a study of the existing conditions in any industry in the United States so the plan might reasonably be expected to be put in operation without any change in the organic law of the State or Nation? For instance, your first suggestion was the appointment by the President of a commission to assume general charge of the work; that would require legislation, and does your plan as a whole contemplate any work to be done by this commission that would need any specific power from the people, in the way of a constitutional amendment, for instance?

Mr. MACKAYE. I am not lawyer enough to say just how that would be, in the case of the different industries, but I should say that if the Constitution permitted the present ship-purchase bill, permitted the Government to operate a coal mine, as I understand it does in Minnesota, and permitted it to operate other public utilities, such as the Alaskan Railroad, that it probably would permit it to operate almost any industry; but, of course, just what is constitutional and what is not can not be known, I suppose, until the Supreme Court has said something about it, and then perhaps it is not known.

Chairman WALSH. To start it, for instance, suppose an effort was made on the part of the Government to start in to-day to put the plan in operation, the first thing would be to at least consider those legal questions?

Mr. MACKAYE. Yes, sir.

Chairman WALSH. Of course, we do not know what the Supreme Court is going to decide, but there is an assumption that we are governmentally operating under both constitutional and common law, and perhaps an investigation might be made along those lines—the interpretation of our present laws that would give us at least an idea of whether we could do it; so the first approach would have to be thoughtfully studied out—a carefully studied out investigation as to the legal aspects of it?

Mr. MACKAYE. You would need the advice of lawyers to see just how to do it, of course.

Chairman WALSH. Have you any definite thought as to the creation of this commission, as to how it should be constituted, as to the particular lines it should work upon at once?

Mr. MACKAYE. I have not thought about how it should be constituted; I have not got as far as that. It should be composed of persons competent to study these particular matters, and the first thing it should do would be to make investigations along legal and other lines and to discover what industries it would be best to start experimentation upon.

Chairman WALSH. So that its first work would be of an investigatorial character almost exclusively?

Mr. MACKAYE. Yes, sir.

Chairman WALSH. Would it require a very broad field of investigation? Have you given thought to how much work there would be to prepare the ground in investigating both the plan and the legal aspects that might be given it?

Mr. MACKAYE. I do not know just how to measure the amount of work that would be required. I do not know that I can give any definite idea. You can see yourself, as well as I, from my general description what would be required.

Chairman WALSH. Approximately. Is this a matter where the approach, we will say, to the beginning of definite work upon the plan would be a matter of months or a matter of years?

Mr. MACKAYE. I should think, if the commission would proceed diligently, it would be not more than six months or a year at the most.

Chairman WALSH. That is all, Mr. MacKaye; thank you.

Commissioner WEINSTOCK. Just a moment, please. I would like to ask a question.

Are you a Socialist, Mr. MacKaye?

Mr. MACKAYE. I call myself one.

Chairman WALSH. Commissioner Garretson wants to ask a question.

Commissioner GARRETSON. From your own consideration of this question, Mr. MacKaye, has it seemed to you that, provided the enterprises—semiprivate enterprises, which the Government has of various kinds in its history embarked upon—that what would be required would be special legislation in each instance of a permissive character rather than mandatory—that that is what would be necessary?

Mr. MACKAYE. In this case it would be mandatory from the commission, that is, they would have to establish these enterprises.

Commissioner GARRETSON. But permissive as to the enterprise?

Mr. MACKAYE. I suppose it would be best for Congress to take the advice of the commission as to the enterprise to apply the plan to, or else leave it to the commission to decide.

Commissioner GARRETSON. Is your idea of the commission founded upon the original commission that was created to dig the canal?

Mr. MACKAYE. I had not that commission particularly in mind, but a similar commission would be perfectly suitable, I suppose.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all; thank you, Mr. MacKaye.

Mr. John Mitchell.

TESTIMONY OF MR. JOHN MITCHELL.

Chairman WALSH. Please state your name.

Mr. MITCHELL. John Mitchell.

Chairman WALSH. Where do you reside?

Mr. MITCHELL. Mount Vernon, N. Y.

Chairman WALSH. What is your business?

Mr. MITCHELL. I am now a member of the New York State workmen's compensation commission.

Chairman WALSH. And prior to that time what positions have you held. I wish for the record you would sketch back from this time, say, for the last decade your activities either in the labor world or in industry.

Mr. MITCHELL. Well, I have held many positions, but principally from 1894 until 1908 I was active in the affairs of the United Mine Workers of America, having been its president from 1898 until 1908—a period of 10 years.

Chairman WALSH. Have you any connection with the United Mine Workers of America at the present time?

Mr. MITCHELL. I represent them as one of their delegates in conventions of the American Federation of Labor. That is all.

Chairman WALSH. I suppose during your term as president and in other executive positions you have held with that organization you have had much to do with the making of contracts with the United Mine Workers of America?

Mr. MITCHELL. Yes, sir.

Chairman WALSH. And the maintenance of conditions under those contracts?

Mr. MITCHELL. Yes, sir.

Chairman WALSH. And investigations into those that had been violated by one side or the other, and such matters?

Mr. MITCHELL. Yes, sir.

Chairman WALSH. So you have had a large first-hand knowledge of the mining industry, so far as it applies to the labor end of it?

Mr. MITCHELL. Well, up until about seven years ago. It is nearly seven years since I retired from the presidency of the United Mine Workers of America; and for 15 years I was one of the vice presidents of the American Federation of Labor, and retired from that position a little over a year ago.

Chairman WALSH. Down to a year ago, then, you were still in close first-hand connection with these matters?

Mr. MITCHELL. Yes, sir.

Chairman WALSH. I would like to ask you first, Mr. Mitchell, if you have observed the effect of the creation of large corporations on the conditions of labor in American industry upon general industrial conditions?

Mr. MITHELL. Yes, sir; I have had some observance of the effects as to the formation of great combinations and the effect of those combinations on labor conditions in industry.

Chairman WALSH. Now, is the creating of large corporations improving the physical conditions under which workmen are employed, or not?

Mr. MITCHELL. Well, I should have to qualify my answer to that statement, Mr. Chairman.

Chairman WALSH. We wish, Mr. Mitchell, on account of your knowledge of this subject, that you would not confine yourself to the questions that we ask, but that anything that suggests itself to you growing out of or that you think would throw light upon our present investigation, that you would proceed at length?

Mr. MITCHELL. Well, it has been largely—my own observation has been that it has been largely through the past 15 years that the great combinations of capital have come into being; that is to say, industry has been merged into great combinations within the past 15 years. The effect of these large combinations of capital and large control of industry has, in some instances, resulted in certain improvements in the conditions of employment, as, for instance, in the United States Steel Corporation. They have introduced systems of reducing accidents, of providing better sanitary conditions. On the other hand, the organization of these great combinations has tended to deprive the workman of what is to them their most fundamental right; that is, the right of association, the right of forming labor unions.

Now I do not want to detract one bit from the credit due great corporations for whatever good work they have done. On the contrary, I desire to give the fullest measure of credit to them for whatever good they have done. But I do say that the denial of the right of organization—I do say whatever improvements they have made in no way compensates the workingman for the deprival of their right of organization, because, gentlemen, in my judgment, there can be and there should be no permanent industrial peace unless that peace be founded upon industrial righteousness. And workingmen can not be deprived of their right of organization and their right of collective bargaining except by depriving them of their right to attainment and happiness.

Now I understand one of the objects of the inquiry of this commission is to find the causes of industrial unrest. Of course I assume it is not intended that industrial unrest of itself is to be regretted; but, on the contrary, unrest may be and often is the most healthy sign of the times. I think that what is not only necessary, but inevitable, is a constructive healthy discontent among the people and among the workingmen; but that discontent must be a constructive discontent, a discontent which makes men want to build for better things, better homes, better citizenship, better civilization. Among organized workingmen I find that character of discontent, men who are striving for a gradual improvement of their conditions of life and labor; whereas among unorganized workingmen—that is, among those who are denied the right to organize—their discontent finds expression not in acts that make for constructive improvement, but it finds its expression in periodical rebellions and industrial revolutions, which is perhaps typified better in the strike of the workmen at Lawrence, at Paterson, at McKees Rocks, at Bethlehem, and in the coal fields of West Virginia, and in other places which I can not remember and which are not so well known to the public. But in all those great industrial outbreaks it was the denial of the right of association which led the men and women to go on strike. If these working men and women had been permitted to form trade-unions, had their employers recognized the regularly established unions of the trades, I dare say those conflicts would have been averted.

Now, among the great combinations of capital which come to my mind now, that have deprived the working people of their legal and moral right to organize, have been the American Woolen Co., which represents and controls the great woolen industry of the United States, the American Tobacco Co., the United States Steel Co.—these companies, particularly the United States Steel Co., making improvements in the sanitary conditions of their employees, have persisted in their opposition to the right of their workingmen to organize and to bargain collectively for the sale of their labor.

It seems to me, gentlemen, I repeat, that there can be no permanent industrial peace until workingmen have the right and exercise the right to collectively bargain with their employers for the sale of their labor. It does not matter that the head of some great corporation may be generous, that he may desire to improve the conditions of the working people. The working people are not satisfied with those gifts and benefactions which are given to them by their employers. What they want is not gifts; they want independence; they want security in their jobs—that reasonable security that makes them feel that they may not be dismissed from their employment without good cause, and that they can not have in the absence of united action.

The coal industry, with which I am most familiar, is, of course, an organized industry.

Chairman WALSH. Largely an organized industry?

Mr. MITCHELL. Yes, sir; with the exceptions of Colorado, West Virginia, Alabama, and certain large districts in Pennsylvania, the coal miners of the United States are practically all organized. In Colorado, and in most of the districts in West Virginia and in parts of Pennsylvania and in all of Alabama, the right of organization and of collective bargaining is denied to the workingmen. The result of it has been that not only are the miners required to work for less wages and work longer hours in these nonunion coal fields but, as was testified here the other day by a representative of the miners, the death roll of this industry in the unorganized coal fields is so much higher than in the organized fields that it is impossible to separate the death ratio from the fact that the men are unorganized. As, for instance, Colorado has double as many fatalities and accidents that do not result in fatality per thousand employed as is the average for the United States.

Indeed, if you make a chart by States showing the rise and fall of industrial accidents, you find just as organization proceeds the ratio of deaths decreases. In Colorado, as I recall the last figures their death rate was 6 per thousand employed annually. In West Virginia about the same. In Alabama about the same. Whereas the average of the United States, including these States, unorganized, is about 3, or, to be exact, I think it is 2.65 per thousand employed, the lowest ratio being found in Missouri, where the rate is less than 1 per thousand employed annually.

When men are unorganized, and where they have no power of united expression, they will take risks—I mean unnecessary risks—that organized workmen will not take.

Furthermore, the mining laws in the States in which men are not organized are not so well enforced as in the States where the men are organized. As a matter of fact where the men are organized they have a political power—I do not mean a party political power, but I mean the potential political power—which results in the enforcement of the mining law and results in the enactment of mining laws.

Chairman WALSH. Does the large corporate type of organization, in your opinion, tend to produce a higher grade of workmen and a more constant citizenship, or otherwise?

Mr. MITCHELL. I think the large corporations specialize more than the smaller ones, and to that extent the men are perhaps not so well all-round trained mechanics as they are in the smaller industries, and the very fact that in these great combinations of capital, in the industries controlled by these great combinations of capital, men work longer hours and for less wages on the whole, which must result in a lowering of the standard of living and consequently in a lowering of the standard of citizenship, because I think it is a truism that the standard of citizenship is inseparably related to the standard of wages. You can not expect a high order of citizenship among men who earn less than is necessary to maintain themselves in health and decent comfort.

Chairman WALSH. Has the high concentration of industry in the form of the modern corporation acted as a preventive, or has it accelerated the growth of trades-unions?

Mr. MITCHELL. I should say that it has acted as a preventive, that it has prevented the growth of trades-unionism, as indicated by the great industry to which I have referred. For instance, the steel industry was formerly—many of the skilled workmen were formerly—an organized industry. And my recollection is that when Mr. Carnegie was in control of the Carnegie Steel Co., that the skilled workmen were members of the Amalgamated Association of Iron, Steel, and Tin Workers; that the unskilled men were not organized; therefore their wages were very low. But in the other industries, in those industries now controlled by the United States Steel Corporation, I understand that none of the members are members of the organization except those employed on their railroads; that all the men in the mills are unorganized.

Chairman WALSH. Have you observed the extent, if any, to which potential control over labor conditions is concentrated in the hands of financial directors of the large corporations?

Mr. MITCHELL. No; I have no knowledge of it at all.

Chairman WALSH. Have you any knowledge as to the extent to which control is exercised by the large financial interests in connection with these corporations in labor matters?

Mr. MITCHELL. Perhaps the most striking instance I can refer to is that of the settlement of the anthracite coal strike.

Chairman WALSH. I wish you would go into that in a concise way; detail it, Mr. Mitchell.

Mr. MITCHELL. Well, the anthracite coal strike was inaugurated in the late spring of 1902, and was inaugurated after the representatives of the miners' union had exhausted every means in their power to adjust their differences with the mine owners by negotiation and conciliation, and the strike continued until the late fall.

In October—I think it was the 2d day of October—1902, the President of the United States invited the presidents of the coal-carrying railroads and one independent coal operator—and by that I mean an operator whose mines were not owned by a railroad company—and he invited also a representative of the United Mine Workers to confer with him at Washington, for the purpose of trying to bring about a basis upon which the strike could be adjusted, and his efforts in that respect failed—failed because the representatives of the coal-carrying railroads would not agree to arbitration or to mediation or to any basis of adjustment. Some four or five days later—I think some two weeks later—the representatives of certain large banking firms in New York City journeyed to Washington and proposed a basis of settlement which, after being modified to meet in part the objections raised by me, did result in a settlement.

Now, in that instance, it seemed that the representatives of the financial houses, financial firms were able to control a situation despite the fact that those in active charge of the railroads had refused to make an adjustment. Now, that is the most notable instance of which I have knowledge in which there seemed to be large control of industry by the financial institutions of this country.

Chairman WALSH. Do you see any analogy between the situation now existing in Colorado and the conditions which existed in the anthracite region of Pennsylvania prior to this settlement?

Mr. MITCHELL. Well, I do not think the cases are parallel at all. In one case it was a banking firm, for instance, Mr. Morgan's firm, that I believe brought about and made a proposition to the President that resulted in a settlement of the strike.

Chairman WALSH. I do not mean with reference to any efforts that have been made to settle it heretofore—that is, I do not mean the suggestion of the President or the efforts of the Labor Department or anything of that sort—but do you see an analogy or analogies in the general situation out there with the conditions prior to the creation of the Anthracite Commission and the settlement of that question? For instance, were the owners determined, were the miners in a state of deep unrest, was the situation acute—if there is any analogy?

Mr. MITCHELL. Yes; I think in that respect that there is a very close parallel. Of course, I know a good deal; that is, I did know a great deal about the situation in Colorado. As a matter of fact, the strike which has just terminated in Colorado by the men resuming work is a repetition of an occurrence there in 1903, when I was president of the United Mine Workers of America.

I think it was on November 9, 1903, that the Colorado miners, the miners of part of New Mexico and Utah, went on strike. Their demands were substantially the same demands that were made in the strike which has just been brought to a close. The strike lasted for nearly a year—that is to say, at any rate, it lasted from November 9 until about July 1—when the officers of the United Mine Workers ordered the men to resume work, as we were not able to financially support the strike and were compelled to advise them to call a convention and to order resumption of work, and to advise them that we could furnish no further financial aid.

The men did have a convention and refused to order the strike off, and what is rather unusual, they continued that strike for, I think, two months afterwards, even though they had no money upon which to live; that is, they were furnished no money by the United Mine Workers of America. But eventually they were compelled to return to work on the terms offered by the mine owners.

Chairman WALSH. Was there violence in that strike, and alleged invasion of constitutional rights, destruction of property—those concomitants that have gone with strikes?

Mr. MITCHELL. Yes; I think so.

Mr. W. R. Fairly, who, by the way, was appointed by the President of the United States as one of the mediators to bring about an adjustment of the present Colorado strike, and Mr. James Mooney, representative of the United Mine Workers of America, while traveling between Starkville and Trinidad, Colo., were set upon by a gang of ruffians and were severely beaten, one of them having to go to a hospital and is to this day carrying the marks of the beating he received at that time. Mr. Fairly was many months before he recovered from the assault made upon him.

Mr. Evans, than whom there is no better citizen in the United States, a man whose home is in Ohio and who represented the United Mine Workers of America as its financial agent in Colorado during the strike of 1903, while traveling on a train between Trinidad and Denver, was set upon by armed guards and beaten into insensibility.

Mr. Wayonn, another representative of the United Mine Workers of America, was similarly beaten and sent to a hospital at Salida.

At the time they were assaulted these men were pursuing their own business in a peaceful way and certainly the men on the train traveling as passengers could have been engaged in no act that would have provoked anyone assaulting them, because they were assaulted far from the coal field. I dare say, as I recall the distance, it is something over 100 miles from the field where the men were on strike.

Now, men were deported, a large number of men was taken from the coal fields of Colorado over the Raton Pass into New Mexico and ordered not to return to the coal fields again.

There was violence on the other side, too. The violence was not confined to the representatives of the corporations. As to the amount of violence, of course, it is a long time ago and I can not remember——

Chairman WALSH. Give the general outline of violence on the other side—was there organized violence, was there conflict between the bodies of men and the authorities, or how was it?

Mr. MITCHELL. My recollection now is that the men who were attacked, these men who were standing waiting for strike breakers to persuade them not to go to work, were provoked into acts of violence, that there was from time to time overt acts committed between the strikers and the guards.

Now, of course, I had to depend upon reports made to me as to the causes. As far as I can remember these reports they were that the strikers had been provoked, had been goaded until they could no longer endure this provocation, and had to resort to fights.

However, I do not recall that there were serious fights between the guards and the strickers which resulted in the loss of life.

One of the guards—that is, one of the detectives—was killed in Denver, but it was while—the newspapers had at first charged that his death was the result of some act of a striker, and the investigation demonstrated, as much as it was possible to demonstrate, that he had been killed by one of his own men. The record there was that he knew too much, and he was shot, and found dead in the streets of Denver. I might say that the mining fields are 200 miles from Denver.

Chairman WALSH. Please outline the main provisions of the settlement made by or growing out of the Anthracite Strike Commission.

Mr. MITCHELL. Well, the commission recommended that there should be an advance of 10 per cent in the wages of all contract men, and that the hours of labor of men who worked by the day should be reduced from 10 to 9, which was equivalent to an advance in wages of about 11 per cent—eleven and a fraction per cent—that engineers and pump men who had formerly worked 12 hours per day should have their hours of labor reduced to 8 hours per day, and that they should receive the same rate of pay for 8 hours that they formerly received for 12 hours.

Now, this also applied to certain classes of firemen, so that on the whole the settlement resulted in an advance of about a little more than 10 per cent in wages.

It provided also that the right of the workmen to join their trade-union should not be denied, but that men who did desire to join the United Mine Workers of America should not be interfered with in their right to work. It provided for the creation of what is called a board of conciliation. This board of conciliation is composed of three men representing the workmen, and three men representing the employers, these six being given authority to appoint a seventh disinterested party to adjust any grievances that could not be adjusted by the board of conciliation itself. Now, when the time came to appoint the representatives of the miners on this board, a convention of the United Mine Workers of America was called—that is, a convention of the three anthracite districts of the United Mine Workers of America was called—and that convention designated the three presidents of the anthracite districts of the United Mine Workers of America as their representatives on the board of conciliation. Whereupon the mine owners refused to recognize them as the representatives of the anthracite mine workers. And another convention was immediately called and I recommended that either the miners in the anthracite field be permitted to select their own representatives free from interference on the part of the mine owners or we would stop work again. And thereupon Judge Gray, who had been chairman of the Anthracite Coal Strike Commission, intervened and decided that the United Mine Workers of America had the right to select these representatives and that the coal companies had no right, under the agreement, under the decision, to deny to recognize, to refuse to recognize the men selected by the United Mine Workers of America.

The result was that they then did recognize them and from that day to this that board of conciliation is in existence and all questions of dispute, except questions of wages—that is, all questions of dispute arising out of the decision of the Anthracite Coal Strike Commission—are referred to this board and they have been continued to be referred to them.

Chairman WALSH. What was the date of the decision of the commission, if you can recall it, Mr. Mitchell, of the Anthracite Commission?

Mr. MITCHELL. I think it was in April, 1903, that their decision was made, and their report is now in the records of the Labor Department at Washington.

Chairman WALSH. Was the strike going on in Colorado at that time?

Mr. MITCHELL. No; the strike in Colorado began about November 9, 1903.

Chairman WALSH. Was there any effort at that time to apply the principles laid down in the report of the Anthracite Strike Commission in Colorado, it following so closely on that strike?

Mr. MITCHELL. No, sir; there was no proposal made by either side. It was impossible to make proposals, because we were not able to confer. The president of the Colorado Fuel & Iron Co. would not grant an interview or conference to any representatives of the United Mine Workers of America.

Chairman WALSH. Did they take the same position in 1903 that they have taken in this controversy?

Mr. MITCHELL. Precisely.

Chairman WALSH. Had that not been the position at least of some of the anthracite operators prior to the creation of the Anthracite Commission?

Mr. MITCHELL. It was their attitude up to 1901. May I say that the great strike in the anthracite fields in 1902 was not the first strike. In the fall of 1900 a strike was inaugurated involving nearly all of the mines in the anthracite field, and that strike lasted six weeks and was settled by a notice of an advance of 10 per cent being posted at the tipples and washers of the companies. In 1901 we then opened negotiations with the presidents of the anthracite coal carrying railroads for a conference looking to the making of an agreement, and we had conferences with them in 1901 and in 1902 prior to the great strike. As a matter of fact, the right of conference was never denied by the railroad presidents after the strike of 1900. Prior to that time they would not confer with us.

Chairman WALSH. Was that a position that had extended over a number of years?

Mr. MITCHELL. No; I can not say that, because the miners' union had no strength in the coal fields until 1899; then its growth began.

Chairman WALSH. What has been the result of the agreement reached in the strike field in 1903 as regards wages and general working conditions in the mines?

Mr. MITCHELL. The wages in the anthracite coal fields are approximately 36 per cent—approximately 40 per cent higher now than they were prior to the strike of 1900. An advance of 10 per cent was made in 1900 and an advance of 10 per cent in 1902, which would indicate an advance of 20 per cent; that does not represent, however, all of the advance made. Prior to 1900 the men were employed on a sliding-scale basis, a so-called profit-sharing basis; that is to say, when coal sold at New York Harbor at a given price per ton—no; change that. When coal sold f. o. b. cars at the mines at $2.50 a ton, the miners received a certain amount per ton for mining it and a certain amount per day; I can not give the figures, because they varied so much. When coal sold at a less price than that there was a falling off in wages, and when coal sold at an advanced price over that wages were raised. It happened that prior to 1900 coal sold at the mines at less than the basis price, and consequently the miners' wages were from 10 to 12 per cent less than the basis price, so that the advance of 10 per cent in 1900 really meant an advance of 18 per cent, because the advance of 10 per cent was on the basis price; therefore really it was a gain to the amount of about 18 per cent.

The advance secured in 1902, or awarded in 1903, also provided for the payment of certain amounts for dead work, deficiency work, etc.; so in respect to that advance it really totaled about 18 per cent. Since that time, about two years ago, another advance of 5 per cent was made, so that it amounts to a total advance of wages in the last 15 years of about 40 per cent.

Chairman WALSH. What have been the results, from your observation, of the settlement of the anthracite controversy with respect to the living conditions and general social surroundings of the workmen engaged in the industry?

Mr. MITCHELL. There has been a decided improvement. The anthracite coal strike and the publicity given to it so shocked the finer sense of the American people, and I say, too, Mr. Chairman, that I think it called to the attention of the men who operate these mines the real conditions existing, and as a consequence there were put in force after that strike many improvements. In some of the camps, where the men had lived in shacks and huts, they were pulled down and rather decent houses were put up in their places.

My own observation has been that with the higher wages there has come a general elevation of the whole intellectual and moral standard of the people in that industry. Just to illustrate: Prior to the strike of 1900—by the way, the anthracite miners are largely non-English-speaking people. Many of them being recently arrived immigrants. They speak more than 20 languages, and

they brought with them from their own countries the racial animosities that prevailed there, and the result was that it was difficult for them to live in peace together. The English-speaking miners failed to treat them with the proper consideration; that is, these fellow workers of theirs who did not speak the English language. It was hard to pronounce their names, and they often called them "Hunks" or by the name of John or Jim. And when I went among them I insisted that they should stop that practice and give these foreigners as much consideration as they demanded for themselves. I insisted that they should stop calling them Hunks, and to call them Mr. So-and-so, or to learn their first names and address them in that way. That was done, and as an evidence of how important it was regarded, this transformation—at the end of the strike several of the consuls of various nations and several of the bankers who do business with the immigrants and the representatives of all their great newspapers, came to Wilkes-Barre and presented me with the most beautiful badge, made by the man who designed the badge given to Lincoln by the freed slaves. And they said the reason for doing so was that I had succeeded in securing for their people that recognition which they were entitled to as American citizens. That condition exists there now.

I do not mean to say that these men are sufficiently paid. The anthracite miners are not sufficiently paid yet, and hours of labor are still too long, but they are infinitely better off now than they were 15 years ago.

Chairman WALSH. What have you observed as to the results on what might be called the democratic situation—the general political conditions? Have you observed any?

Mr. MITCHELL. Well, the first—perhaps I might illustrate the greater freedom of political action that followed better living conditions by stating that prior to the strike nearly all their representatives in the legislature were chosen from either the business class or from the employing class; that following the strike, when the men felt some greater degree of freedom, they were largely chosen from the working people. Inasmuch as the population is 75 per cent miners it might be expected that they would elect to the legislature some of the miners as members, and after the strike they did send quite a number of miners to the legislature.

I am not prepared to say that there was any attempt by the companies to control the political action of the men before the strike; I do not think it was necessary, inasmuch as the voters were largely men who were non-English speaking and without training in democracy, and it was rather difficult for them to find the means of properly expressing their political preferences.

Chairman WALSH. What effect, if any, did you observe this settlement to have had upon the character and habits of the men in the industry?

Mr. MITCHELL. Well, I suggested, in my answer to another question, the effect has been most desirable. There has been a marked improvement in the intelligence and moral standards of the people in the anthracite coal fields.

Chairman WALSH. Did the settlement of the controversy involve this question of the check off, so called—that is, the deduction from the wages of the men of their union dues?

Mr. MITCHELL. No; the settlement did not, with respect to the checking off of the union dues; but it did involve the checking off of checkweighmen and check-docking bosses. An anthracite mine is different from a bituminous mine. In the anthracite mine the weighing of the coal is not practical, although demanded in some cases by the men, but in some cases it is entirely impractical because of the peculiar physical conditions of the veins. But there is another question similar to it involved. That is to say when men are paid by cubical measurement, as they are over there, the contention was there should be a man employed by the men to act as the company's representative to determine the amount of coal that is in a car, as required by the agreement. Under the old system, if the car was loaded to the water level, as required under the agreement, the man might be docked. The coal, as it moves a great distance underground and up to the surface, shakes down, and a car that might have left the working place at water level might be less than water level when it reached the place of dumping. The men were docked, and they demanded they had the right to employ a check-docking boss to see that they were not wrongly docked, and that was granted, and all the men working in the colliery were checked off for his wages. And this was done by agreement of the majority of the men.

Chairman WALSH. I refer particularly to the checking-off system as applied to union dues. You noticed in Colorado that the operators said it was ob-

noxious and tyrannical to have the companies do that. Was that dealt with in the settlement of the anthracite strike?

Mr. MITCHELL. No; the demand was made before the Anthracite Coal Commission that the anthracite miners of American should be recognized officially as members of the United Mine Workers, but that request was denied by the commission, although it did recognize the rights of representatives of the United Mine Workers of America on the board of conciliation.

Chairman WALSH. Is that what might be called an open-shop agreement?

Mr. MITCHELL. Yes; it might be called an open-shop agreement.

Chairman WALSH. After being put in effect, was it so recognized by the workers and operators as being a real open-shop agreement?

Mr. MITCHELL. Yes.

Chairman WALSH. Has the so-called check system existed there since that time; that is, the principle of the company deducting the union dues from the wages or salaries of the employees still exist?

Mr. MITCHELL. With only one or two exceptions the companies do not deduct the union dues, but, Mr. Chairman, they do this: By agreement with the coal companies made subsequent to the decision of the anthracite coal-strike commission, the right of the union to have committees at the pay car or at the mine to collect dues from all of the mine workers is recognized, so that the present arrangement with the miners' union does give them every opportunity to collect dues from their members, although it does not require that the men must belong to the union in order to have the right to work there.

Chairman WALSH. Do you consider that the adoption in Colorado of the general provisions of the anthracite agreement would produce good results?

Mr. MITCHELL. I think it would produce results so much better than prevail there now that it would be desirable. Personally, I favor the system of industrial conditions that prevails in the organized coal fields of the United States. I think where the companies and the representatives of the union bargain as to the conditions of employment, and their decisions are formulated into an agreement, that is the best method.

Chairman WALSH. Has your attention been called to a proposed plan or to a plan adopted by the Colorado Fuel & Iron Co. with reference to dealing with their employees collectively?

Mr. MITCHELL. I have read the accounts in the papers. I think it is substantially that at each mine the men are to select a representative who are to go to Denver and meet the representatives of the company.

Chairman WALSH. Well, I may be wrong, but my recollection of the testimony was that every 250 miners had a right to select one representative who would confer with the mine operators at Denver and with their representatives, and present any grievances that they might have, the labor representatives being selected at mass meetings of the workmen without any compulsion or without any observation, even of the employers. Is that about it?

Commissioner WEINSTOCK. Without the presence of the pit foreman?

Chairman WALSH. Without the presence of the pit boss or foreman, or any other representative of the employers. Now, assuming those to be the outlines, I will ask you what do you think of the efficacy of that plan for producing results?

Mr. MITCHELL. Simply absurd. It would result in no good at all.

Chairman WALSH. Why?

Mr. MITCHELL. Because the men would not be free to select representatives of their own choice. If they are unorganized, they will do as they have always done in unorganized districts. They will select the persons that the company wants selected. They may not do that by direct instructions, but where men have no security in their positions they will do what the company wants them to do. The men must be organized in order that they may have freedom to select the proper men to represent them. No good at all can come of it, because, as a matter of fact, the men at the mines will not believe that they are being really and truly represented by those selected in that way.

Chairman WALSH. Now, have you observed any efforts having been made in the past to so have conducted the affairs between employers and employees in large corporations upon which you base your conclusions which you have just given?

Mr. MITCHELL. Yes, sir; prior to 1897 the coal industry of the United States was an unorganized industry. In 1897 the coal miners of the United States—of all the Central Western States—went on strikes, and they made a slogan of the statement "We might as well starve idle as starve working." Conditions had

become so bad that they could not live on the wages they were earning. That strike had not been on but a short time before men who were either opposed to the strike or who were in the employ of the companies met—for instance, they went to St. Louis to confer with the mine owners, and in some cases they reported the strike should be called off. In other words, there was no free expression on the part of the men in the selection of their representatives, and there can not be unless the men are organized.

Chairman WALSH. What do you believe, Mr. Mitchell—what is your opinion as to the responsibility of directors in these large corporations for the labor conditions of the people engaged in them?

Mr. MITCHELL. I think in most cases it is very unfortunate that the directors know very little about the actual conditions prevailing at the plants or mines. Usually in great corporations the directors are usually busy men having other interests, and they have not got the time even if they had the inclination to visit the plants; and when they do visit them it must be a brief visit. Their observations must be in large measure superficial. They can not have time to investigate thoroughly.

Chairman WALSH. What seems to determine the importance of the work which they have to do, if you have observed? For instance, what is the character of the duties that they seem to consider more important than first-hand knowledge of labor conditions?

Mr. MITCHELL. Well, my judgment is that they consider the financial situation, the financial conditions of their companies as being the most important consideration. I think that is to be expected of them, because I think they can not give the time to acquaint themselves minutely with the conditions of employment at their plants, particularly if the plants be far distant; but I think they should have.

Chairman WALSH. What do you think of the relative importance of these duties that they have assumed?

Mr. MITCHELL. I think there is a great obligation upon them to know all about the conditions of employment, the industrial conditions, at the plants of which they are directors.

Chairman WALSH. What have you observed as to those conditions as affecting the financial well-being of the institutions?

Mr. MITCHELL. Well I do not know as to what the effect of it has been.

Chairman WALSH. Does the fact that many large corporations—that is, the stockholders, among whom are now large numbers of employees, such as the steel company, which is selling stock to its employees—in any way affect the control of the policies of these corporations?

Mr. MITCHELL. You mean their selling stock to their employees?

Chairman WALSH. Yes. Does the fact that the employees hold stock in these large corporations affect labor policies either one way or the other?

Mr. MITCHELL. Why, I think that selling stock to the employees may in some cases make the working people think they have a real interest in the property of the plant; but I do not think it means anything to the workman. I do not think it means anything for his material betterment at all, because the workman could just as well go and buy his stock on the market if he had the money to do it with. The only thing is it gives him the stock at a few dollars less than he might have to pay for it in the market and gives him time in which to pay for it; but I don't think that gives the workingman any real voice in determining the policy of the industry. He is not represented on the board of directors, and even if he were their holdings are so small that they could have no real voice in determining the labor policies of the company.

Chairman WALSH. Commissioner Weinstock has a few questions that he would like to ask you, please, Mr. Mitchell.

Commissioner WEINSTOCK. You have specialized in recent years on workmen's compensation, have you not?

Mr. MITCHELL. Well, I have given some study to it and been a member of various committees that had to do with the subject.

Commissioner WEINSTOCK. Well, in this connection, I think it only fair, Mr. Mitchell, to say that as a member of the California Workmen's Compensation Commission, I have learned to regard you as one of the authorities and one of the experts on that problem. And as an authority and expert, Mr. Mitchell, has it or has it not been your observation that in States where workmen's compensation laws are now on the statute books that the percentage of fatalities due to industrial accidents are less by a more or less considerable number than in States where there is no workmen's compensation law?

Mr. MITCHELL. Well, the only information I have on it—because in compiling their statistics there are very few of the commissions that have attempted to demonstrate that compensation acts have reduced accidents—my judgment is that it has and will reduce the number of accidents. Of course, in our State the State of New York, our law has been in operation only seven months, and consequently we are not as yet able to analyze our statistics. But I have had reports from various companies, for instance, the Lackawanna Steel Co. Their report shows that their accidents have been materially reduced since the law went into effect. And we have isolated cases of that sort, indicating a substantial diminution on the number of accidents.

And the president of the Michigan State Federation of Labor in an address delivered here in New York City a little while ago said that in the whole State of Michigan since the compensation law went into effect that accidents have been reduced by one-third. That, I think, perhaps is not quite exact. I don't see how there could be a reduction of one-third in accidents due to compensation acts alone, but that would be probably due to some other causes.

Commissioner WEINSTOCK. Practically, doesn't it have to work out along these lines, Mr. Mitchell, that when an employer is approached in a State that is not under workmen's compensation laws and is asked to introduce safety measures, you can use simply moral suasion?

Mr. MITCHELL. Yes.

Commissioner WEINSTOCK. Whereas, if the State were one where there were workmen's compensation acts on the statute books, it becomes to that employer a matter of profit in this, that it has been brought out in the testimony here that the amount allowed on the part of the coal operators of Colorado, for example, in death cases, was all the way from $300 to $700 to the dependents of the deceased workmen; whereas in States where workmen's compensation is the law the usual award to the dependents of the deceased workman is a sum equal to about three years' earnings; I don't know that it is in New York, but in California it is equal to three years' earnings—which make it on an average about $2,700 as against an average of somewhere between $300 and $700. Well, now, when the employer finds he is called on to pay a sum of $2,700 in case of a fatality as against a sum of $300 to $700 it becomes to his own selfish interest to see that safety appliances and methods are introduced.

Mr. MITCHELL. Yes. I think there is no doubt about it. In other words, if it costs less to save a man than to kill him they will probably save him.

Commissioner WEINSTOCK. Yes; exactly. Another point of information, Mr. Mitchell, may I ask whether in the State of New York you have the initiative, referendum, and recall?

Mr. MITCHELL. No; we have not.

Commissioner WEINSTOCK. Do you regard the initiative, referendum, and recall as being of any advantage to labor?

Mr. MITCHELL. Well, I think in Oregon it has been of decided advantage, and I think perhaps in California it has been of some advantage.

Commissioner WEINSTOCK. In what way is the initiative, referendum, and recall of advantage to labor?

Mr. MITCHELL. Well, it gives labor the opportunity to initiate legislation which they believe is necessary to their well-being. It gives them the opportunity of defeating legislation which they believe to be hostile to their interests. I am not suggesting at all that the workingmen or any other class of citizens always exercise wisely this new power which they have acquired by the introduction of the initiative, referendum, and recall; but I do think that in course of time it will be of tremendous advantage as an educational factor. In other words, men never wisely discharge responsibilities until they have responsibilities. You put a great responsibility on a man and in the course of time he will wisely discharge that responsibility.

Commissioner WEINSTOCK. You think, then, Mr. Mitchell, that it is an advantage to labor to have the initiative, referendum, and recall on the statute books of the Commonwealth?

Mr. MITCHELL. I think it would. I may say I am not an advocate—it is a subject that I have not specialized in at all, but I believe in democracy—the general terms of democracy I believe in. In other words, I believe in government by the people, and I believe it is wise to place upon people the greatest measure of responsibility, just as I believe it is in the industrial world. I believe in industry by agreement, and if I were an employer, in making a contract with a labor union, I would place upon the union every bit of responsibility I could. Too many employers seek to reserve to themselves the re-

sponsibility they should place on the workingmen. In making a contract, I say, I would give them all the responsibility I could put upon them, and then I would hold them to strict accountability for the discharge of their responsibilities.

Commissioner WEINSTOCK. I gather from that what you have said, Mr. Mitchell, if the initiative, referendum, and recall are part of the law, it enables the workers, through their votes, to recall incompetent or dishonest or derelict officials, does it not?

Mr. MITCHELL. I say it would give them that power, if they knew how to exercise it.

Commissioner WEINSTOCK. Exactly; and it further gives them the right to have placed on the statute books, regardless of the attitude of the members of the legislature, such laws as in their judgment are for their good or interest?

Mr. MITCHELL. It would give them that opportunity; yes.

Commissioner WEINSTOCK. And furthermore it would enable them to prevent a legislative act from becoming a law if that act was inimical to the interests of labor?

Mr. MITCHELL. Yes; they would have that opportunity.

Commissioner WEINSTOCK. Now, then, with the initiative, referendum, and recall on the statute books, is there any excuse for workers taking the short cut and taking the law in their own hands?

Mr. MITCHELL. Well, of course, there is justification for a man to take a short cut under some circumstances regardless of what resources he has under the law. If a man were to come up and assault me I would not be willing to wait until I could invoke the aid of the people of the State of New York to repeal the law and make a new law to protect myself. I would protect myself.

Commissioner WEINSTOCK. That would be a matter of self-defense?

Mr. MITCHELL. Yes; and so it is. You can not—of course it is necessary to say in connection with such legislation, the initiative, referendum, and recall, that they must be workable laws. You can not—you can provide for the initiative, referendum, and recall and you can provide machinery that makes it absolutely unworkable. Now, it must be a workable law, one that you can invoke within a reasonable time. As a matter of fact, nearly all the laws of this kind require the lapse of months before you can recall an officer. I think it is usual—its advocates say, it ought to be three or six months after the petition is filed before the officer could be recalled, and perhaps that is wise, in order that men may not act in anger or under great provocation, that they shall have time to act with calmness or deliberation.

Commissioner WEINSTOCK. Yes. I think there can be no room for issue on that, Mr. Mitchell, that you or I or any other citizen has the right to defend ourselves if we are attacked regardless of the law; that the law would justify self-defense. In fact, I do not believe it would be possible to get a jury anywhere in this country to bring in a verdict against a man who had simply defended himself when attacked.

Mr. MITCHELL. Yes; but, more than that, I think, Mr. Commissioner that a man has a right to take into his hands the law, even though it be not he himself who is attacked. For instance, if I saw a ruffian assaulting a woman I would not wait—I would not run down to the police court to get an officer. I would protect the woman, and if I were able to I would assault the man who assaulted her.

Commissioner WEINSTOCK. Well, that would be along the line of defending the innocent and helpless?

Mr. MITCHELL. Yes.

Commissioner WEINSTOCK. Surely.

Mr. MITCHELL. Yes. May I say this, that I do not want even that suggestion to indicate that I am in favor of overt acts. Quite the contrary. I believe in observing the law, and I believe that everyone should observe the law.

Commissioner WEINSTOCK. Good or bad?

Mr. MITCHELL. Yes; I believe that not only the workman and the employer alike should observe the law, and I do not think as is so often done that citizens should select—that because some representative of a labor union or a group of men in a labor union commit some overt act, or that that act should be held up as typical of trade-unionism in general, because it would not be fair to do it. Then I think that capitalism and capitalists ought not to be condemned as a class because some of a number commit the most atrocious acts; nor do I think bankers, as a general rule, are to be condemned because

some scoundrel amongst them wrecks his bank and wrecks the fortunes of thousands and thousands of men.

In other words, I think that if we are going to hold up an institution to public gaze that we should select its best men or its average men as being typical and not its worst men. That, I am sorry to say, has not been and too often has not been done in the case of labor unions, trade-unionism. It is the worst men that have been held up as the types and not their best men.

Commissioner WEINSTOCK. Would you hold the union responsible where its officials officially did certain things under their official titles?

Mr. MITCHELL. It would depend entirely upon the circumstances, it would depend upon circumstances.

Commissioner WEINSTOCK. Well, under what circumstances would you hold the union responsible, and under what circumstances would you not?

Mr. MITCHELL. Well, if a gang of hired guards or thugs were to shoot down a lot of defenseless women and children and the officers of a union were to say that "Come, let us protect them, let us protect our home," I would feel that there was justification. Now, I would say there was some justification for that act. So that would be an instance in which I would say it would depend upon circumstances.

Commissioner WEINSTOCK. You are fairly familiar, Mr. Mitchell, are you not, with Colorado so far as that is concerned from start to finish?

Mr. MITCHELL. I only know from newspaper reports. I have not been in Colorado for many years. And there are no reports made to me by any of the representatives on the part of the union. Of course I have more than the ordinary interest in the struggle, because I think there was a righteous effort to secure better conditions, and I think the men deserve to succeed.

Commissioner WEINSTOCK. I take it, Mr. Mitchell, that you are probably aware of the attitude of the coal operators in Denver, and the reasons that they have offered as to why they refused to recognize or to deal with the United Mine Workers of America. You doubtless know that among other reasons offered by them are primarily these three reasons: "That the United Mine Workers of America are lawbreakers; second, that the United Mine Workers of America are contract breakers; and, third, that the operators absolutely refuse to enter into any agreements that will compel them to use their machinery to collect the dues of the union." You doubtless are familiar with their attitude on those points, Mr. Mitchell?

Mr. MITCHELL. Yes.

Commissioner WEINSTOCK. And you doubtless know that one of the proofs that the operators in Colorado have offered as evidence that the United Mine Workers of America are lawbreakers is that famous circular that was produced by the mine workers of Colorado, known as the "Call to Arms." And to refresh your recollection I will read it from the proceedings. It is dated Denver, Colo., April 22, 1914:

"Organize the men in your community in companies of volunteers to protect the workers of Colorado against the murder and cremation of men, women, and children, by armed assassins in the employ of coal corporations, serving under the guise of State militiamen.

"Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of the State federation of labor.

"Hold all companies subject to order.

"People having arms to spare for these defensive measures are requested to furnish same to local companies, and, where no companies exist, send them to the State federation of labor.

"The State is furnishing us no protection, and we must protect ourselves, our wives and children from these murderous assassins. We seek no quarrel with the State and we expect to break no law; we intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

"John R. Lawson, international board member district 14, U. M. W. A., and also president State federation of labor; John McLennan, president district 15, U. M. W. A.; M. L. Doyle, secretary-treasurer district 15, U. M. W. A.; John Ramsay, national organizer, U. M. W. A.; W. T. J. Hickey, secretary State federation of labor; E. H. Hoage; T. W. Taylor; Clarence Meredeuse; Ernest Mills, secretary-treasurer W. F. of M."

It was pointed out that that was a call to arms in violation of the State law; that the miners were defying the State authorities, that they were acting as rebels and that they were doing unlawful things in an unlawful way. Now, what would be your comment on that, Mr. Mitchell?

Mr. MITCHELL. Well, I would like to comment on that statement just as you gave it. What was the first statement?

Commissioner WEINSTOCK. That they refused to recognize the United Mine Workers of America because of being law breakers.

Mr. MITCHELL. I am not a lawyer, but I have understood that in law he who comes into court must come in with clean hands. It seems to me rather strange that the Colorado mine owners would give as a reason their failure to recognise the United Mine Workers of America their statement that they were a lawless organization, when, as a matter of fact, the strike itself was called to enforce the laws of Colorado; that is, five of the demands of the miners were for the enforcement of the law. And I think it is not seriously contended by the owners themselves that the law had been violated by them constantly, constantly violated; that the men were not permitted to have checkweighmen; that they were required to deal in company stores; that they were required to board in certain boarding houses of the company's. That they were not paid in cash. Now, if those mine owners were themselves persistent violators of the law surely it would not be a sufficient defence for their action to say that the men, that they denied recognition to other men because they called them violators of the law.

Now, the next reason given by them was what?

Commissioner WEINSTOCK. Well, before we pass from that, Mr. Mitchell, I would like to develop a point or two there. Now, admitting, for the sake of argument, that the mine owners were themselves lawbreakers. I would take it you in common with the rest of us would not take the ground that two wrongs make a right?

Mr. MITCHELL. No.

Mr. WEINSTOCK. That because the mine owners were lawbreakers that therefor the mine workers were likewise justified in being lawbreakers?

Mr. MITCHELL. No; I would not make that statement. But the statement I would make is this, Mr. Commissioner, that I should try to be reasonably consistent, and if I were a constant and persistent violator of the board, I would not say that I would refuse to recognize another man because I said that they are a violator of the law. The fact of the matter is that being a violator of the law themselves would be no reason why they should recognize other alleged violators of the law. If they were all lawbreakers, they ought all to flock together.

Commissioner WEINSTOCK. What would be your comment on this circular that was issued by the mine workers?

Mr. MITCHELL. Mr. Commissioner, it is a—if I had been in charge of Colorado, I should not have signed that circular.

Commissioner WEINSTOCK. Why not?

Mr. MITCHELL. I should not have signed it.

Commissioner WEINSTOCK. Why not?

Mr. MITCHELL. Because I would think it wrong to do it, and it would serve no good end. But I do not want my statement to be recorded without this explanation. These men signed that circular, as I understand it, three days following the Ludlow massacre——

Commissioner WEINSTOCK. Two days.

Mr. MITCHELL. Now, what was the state of mind of the men who signed that circular? We must take into consideration, in passing judgment, the condition of mind of the person who does an act. Two days prior to that day the circular was signed some considerable number, I forget the number, I think 11, women and babies were smothered or burned or shot to death in a camp at Ludlow. These women and children, whether they were shot to death by guards of the company, whether they were smothered by some guards of the company, whether their death was caused at all by that act of those guards, is not so material. But the men believed that their death was due to that; they believed murder had been committed, and that the women and babies had been murdered. Now, with that impression on their minds, that their wives and babies had been smothered by the hired guards of the coal companies, they issued this circular. I do not think the man who issued the circular would have done it under other circumstances. So that while I should not have advised this issuance of any such circular, and would not have signed the circular

had I been in charge of the strike, yet I do want to say that I can understand the state of mind of the people who issued the circular.

Chairman WALSH. At this point we will take a recess until 2 o'clock this afternoon. Will you kindly resume the stand at that time, Mr. Mitchell?

(At 12.30 of this Monday, February 1, 1915, a recess was taken until 2 o'clock in the afternoon of the same day.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The house will please be in order so that we may proceed. Mr. Mitchell, please resume the stand. Commissioner Weinstock is continuing his examination.

Commissioner WEINSTOCK. You made the statement, Mr. Mitchell, that while there were extenuating circumstances in the Colorado situation in connection with the issuance of that call to arms that you nevertheless considered it wrong, and that, if you had been in charge of the strike, you would not have signed the call to arms. Will you please be good enough to tell this commission why you regard that call to arms as wrong?

Mr. MITCHELL. Well, as I understand it, under the laws of the United States men do not have the right to make calls to arms. I may say that I am informed that the men who did make those statements did not understand that it was contrary to law. I am told they were advised by counsel that under the Constitution of the United States the right to bear arms included the right to issue a call to arms, and I think in that respect legally there was a distinction which was not recognized. The right to bear arms does not legally mean the right to issue a call to men to gather arms.

Commissioner WEINSTOCK. In your opinion, then, they were badly advised?

Mr. MITCHELL. I should not say that. I say that the conditions—the state of mind in which the men were placed—the men found themselves—at that time accounts, perhaps, more than anything else, for their action. When I say if I had been in charge of the strike, I should not have advised that. I am speaking of my mind in its present state; I am not speaking as of a day or two days following the killing or death of a large number of men and babies and women. Therefore I can not say with certainty what I should have done two days after the Ludlow matter. But speaking now, I say, and with the state of mind I am now in, I should not have signed the call, but should have advised a different course.

Commissioner WEINSTOCK. The second reason offered by the coal operators, as I have explained it, Mr. Mitchell, why they would not enter into a contract with the United Mine Workers of America was that they are contract breakers. Do you care to make any comment on that?

Mr. MITCHELL. Why, it seems to me that the excuse is not sufficient to justify the refusal to make contracts. As a matter of fact the United Mine Workers of America is not a contract-breaking organization; on the contrary it is a contract-observing organization.

I might relate here an incident that demonstrates that the United Mine Workers of America is not a contract-breaking organization, but is a contract-observing organization, because it observed its contracts under the greatest stress to which a labor union in America has ever been subjected. During the long coal strike, after there 150,000 miners had been idle for three months, at a time when nearly a million men, women, and children were on the verge of starvation, I was required by the United Mine Workers of America to convene a national convention of miners that met at Indianapolis, Ind., on the 14th of July, 1902. The proposition submitted to that convention by the anthracite miners was that if the bituminous miners of the United States would suspend work, even temporarily, that their action would result in the immediate settlement of the anthracite strike; that is to say, that by shutting off the coal supply of the United States that would force the mine owners to immediately settle the strike. The bituminous miners believed that, but when they met in convention not only the delegates from our bituminous coal miners' union voted unanimously against a suspension of work in violation of contract, but the anthracite miners, these very men who at that time believed their very lives were dependent upon a settlement of the strike, also voted for contract observance, and not for contract breaking.

I do not know—I am quite sure there has never been a circumstance of such magnitude that has arisen in the industrial history of the United States in which men took so firm a position in favor of contract observance, as I have

just narrated. They said, "Yes, we could win the strike if the anthracite men suspended work, but we have pledged our word to the contract in the bituminous fields, and will not break that word." And I repeat, the anthracite men, when the vote was presented to them, also voted in favor of the maintenance of the contract.

Of course there are often local violations of contract on both the part of the miners and on the part of the mine owners. I do not know which side has violated contracts oftenest; I have never attempted to keep any record of the number of contract violations, but I do say that in proportion of the number of men employed, and in proportion to the number of unions—the number of local unions that are members of the United Mine Workers of America, there have been comparatively few violations of contract. Of course if you gather together all the local and incidental things that occur covering a great many years it will look like a serious matter, but if you compare the violations of contract with the number of cases in which contracts have not been violated it will prove a tribute and not a source of condemnation of the union.

May I repeat a statement I made personally to Commissioner Weinstock? Some years ago an unbeliever, a man who was an atheist, held a mass meeting in one of our great halls in New York City, and undertook to demonstrate, first, of course, that religion itself was evil; but, second, that the preachers of religion were vicious men and unholy men; and when challenged to prove it he produced the records appearing in the papers of the country for the prior 20 years of every case where a minister or a clergyman had erred, which cases he had recorded. The consequence was that he presented a formidable array of instances in which clergymen had fallen from grace. But when you compared the number of clergymen who had fallen from grace with the number of clergymen who had not fallen from grace, his condemnation amounted to a tribute, because it was such a small part of the total number of splendid men who had not fallen, that instead of indicting them, he was commending them. And so it is in the union. If you take the number of local violations of contract and compare them with the number of cases in which the contracts have been observed, you will find that there is no justification for refusing to recognize the union on the ground that they are contract breaking.

And, after all, violation of contract is subject to a good many explanations. It does not necessarily follow that the men who go out on a strike while there is a contract in force are violators of the contract. It may have been those who provoked them to do it. A strike may be the culmination of repeated grievances. As it is said, it is the last straw that breaks the camel's back; and so it is in industry. Frequently there are aggressions here and there until the men finally rebel and they strike; and, of course, the union is held responsible for the violations of the contract and not those who may have goaded them to do it. Now, I say the United Mine Workers of America has been a contract observing organization.

Commissioner WEINSTOCK. As proof that the United Mine Workers are contract breakers, the Colorado operators submitted to the commission at its hearings in Denver the following communication. I submitted it on Saturday to Mr. Lawson and asked him if he could answer it, and he admitted he was not sufficiently familiar with the final facts in the case to be able to give any satisfactory answer; and I want to submit this to you now in the hope, Mr. Mitchell, that you may have been more familiar with the facts in the case and perhaps can answer it more satisfactorily than Mr. Lawson would be able to do. I quote now from the hearings at Denver [reading]:

"I have here a clipping from the Coal Age, a publication issued somewhere in the East, under date of December 20, 1913, which contains—I will not read the whole thing, but will just take the heart out of it, and you can answer it. It is issued by the Association of Bituminous Coal Operators of Central Pennsylvania, 301 Betz Building, and addressed to Mr. Patrick Gilday, president, district No. 2, United Mine Workers of America, Morrisdale mines, Pennsylvania, dated Philadelphia, December 12, 1913, and it says:

"'DEAR SIR: The executive board of the Association of Bituminous Coal Operators of Central Pennsylvania held a meeting here to-day, approved and directed that the following communication be forwarded to you at once.'

"And then it goes on to several whereases, and I will just deal with one touching on broken contracts.

"'Whereas rules 12 and 13 of said agreement provide "should differences arise between the operators and mine workers as to the meaning of the provisions in this agreement, or about matters not specifically mentioned in the

agreement, there shall be no suspension of work on account of such differences, but an earnest effort be made to settle such differences immediately."

"'Whereas notwithstanding the fact that rule No. 15 provides "the right to hire and discharge, the management of the mine and the direction of the working forces are vested exclusively in the operator," and the United Mine Workers of America have absolutely disregarded this rule in that they have at numerous times served notices on substantially every operator belonging to our association that unless all of the employees working for such operators should become members of the union on or before certain dates mentioned in said notices that they, the mine workers, would close or shut down the operators' respective mines, and in many instances did close the mines for this reason and refused to return to work unless such nonunion employees were discharged. This conduct is in direct violation of your contract and specifically interferes with and abridges the right of the operators to hire and discharge; of the management of the mine and of the direction of the working forces; this conduct is in violation of contract on part of the mine workers, as well as that mentioned in the preceding paragraph, has resulted in more than 100 strikes during the life of our scale agreement; and

"'Whereas notwithstanding the fact that the operators appealed to you as president of the United Mine Workers of America of district No. 2, to enforce and carry out your contract, and your repeated admission that the mine workers were not living up to their contract, but that you individually were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date.'

"Then it goes on to say:

"'*Be it resolved therefore*, That the operators enter a vigorous protest and demand of Patrick Gilday, president, and of the executive board of the mine workers of this district, an immediate cessation of the conduct hereinbefore recited, and that they strictly enforce on the part of the mine workers their covenants contained in said contract, and in event of the failure to cease such conduct within the next 10 days that the president and secretary of the operators' association shall call a special meeting of the members thereof for the purpose of considering the final dissolution of its association on the specific ground that it is useless to enter into contract obligations with a body that steadfastly refuses to fulfill the same and which no official apparently has power to enforce.

"'Yours, truly,

"'W. R. ROBERTS, *Secretary*.'"

Now it is quite possible, Mr. Mitchell, that you may know what was the outcome of this and how the thing finally ended?

Mr. MITCHELL. No; I don't know anything about it. Some recent letter, is it?

Commissioner WEINSTOCK. It is dated December 12, 1913.

Mr. MITCHELL. I don't know anything about it; never heard of it at all, and so have no knowledge of it.

Commissioner WEINSTOCK. So you see, according to this, that there were over 100 strikes in that one district in violation of the agreement that there should be no cessation of work and that differences should be peaceably adjudicated.

Mr. MITCHELL. Well, of course, in the mining industry it frequently happens that men stop work simply because there are such infractions of law that they can not continue at work; and in most districts where they have a contract that is not regarded as a violation of the contract. For instance, the mine owners now have come to understand that it is no violation of the contract for men to refuse to go to work when a mine is unsafe. For instance, very frequently it happens in a mine there is a dangerous accumulation of gases, and although there is no provision in the contract which says that they shall stop work, yet the men do stop work. Again, cases arise where the scales are not in order and the coal can not be correctly weighed; and the men then refuse to work until the scales are put in order, and then they go to work. Now, instances of that kind can be referred to as violations of the contract, yet no one familiar with the trade would charge a violation of contract if they were doing it for a purpose and a good purpose.

Commissioner LENNON. Just one question on that: Mr. Mitchell, that district where Mr. Gilday was president, is it not the district in which only part of the mines are union and part nonunion?

Mr. MITCHELL. Yes.

Commissioner LENNON. Might that have any bearing on this matter?

Mr. MITCHELL. I don't know whether that would account for it or not, but there is a large territory in central Pennsylvania that is entirely nonunion.

Commissioner WEINSTOCK. You are perhaps not aware, Mr. Mitchell, in this particular case it was not a question of wages or hours of labor or of working conditions, but of the closed shop, for it goes on to recite:

"Whereas notwithstanding the fact that rule No. 15 provides 'the right to hire and discharge, the management of the mine and the direction of the working forces are vested exclusively in the operator,' and the United Mine Workers of America have absolutely disregarded this rule in that they have at numerous times served notices on substantially every operator belonging to our association that unless all of the employees working for such operators should become members of the union on or before certain dates mentioned in such notices that they, the mine workers, would close or shut down the operators' respective mines,'"

Mr. MITCHELL. Mr. Commissioner, it is important to properly understand that section of the contract that other sections of the contract be also read. As a matter of fact, that section of the contract is to be taken into consideration with other sections. For instance, it provides that men can not be discharged at the whim of the operator; it provides that if a man be discharged, he may demand payment for the time that he is idle if it be shown that he was unjustly discharged. The contract is predicated upon the fact that the men in the mine are members of the union, because the union is held responsible for the contract, and that language is in every contract we write in all the coal fields of the United States. And yet there is no question arises about the question of unionism or nonunionism. Nonunion men may be employed under the section of the contract which provides that the union may then—that the operator will then deduct from his wages the amount of his dues and the amount of the initiation fee. So I take it that the central Pennsylvania contract also has that provision, and therefore the other and following sections would very much modify the section you have just read. I would say it would be necessary for the commission to read the whole contract before they could formulate a judgment as to whether or not a refusal to work with nonunion men was a violation of the contract.

Commissioner WEINSTOCK. In this particular case you are not qualified to answer, because you are not familiar with the facts.

Mr. MITCHELL. I do not know the facts at all.

Commissioner WEINSTOCK. And the third, the objection raised by the operators for entering into a contract with the United Mine Workers of America. I would suggest, is the check-off system. Will you give the commission your point of view on that, the reasonableness or unreasonableness of the check-off system?

Mr. MITCHELL. Yes. It would be necessary to go back a good many years, to the early history of the United Mine Workers of America, to explain it.

The United Mine Workers of America was organized in January, 1890, and it had a precarious existence up to 1897. At that time a national suspension of work occurred in the Central and some of the Western States, which resulted in the establishment of, in a general way, the United Mine Workers of America.

Now, after they were organized, and after they had entered into contractual relations with mine owners, the miners adopted a system of card inspection, as is customary in other trades; that is to say, once each month a committee of the miners would meet the men going to or coming from the mines and ask them to show their cards to see whether their dues had been regularly paid; and if the men did not pay their dues, the members of the miners' union said: "Gentlemen, you can go to work if you want to, but we are not going to work."

The operation of the mines was interfered with in this way, and the mine owners in some States stated to the representatives of our union: "Gentlemen, rather than have this constant quarreling about the question of paying dues and showing cards, we will check off these dues through our officers. We will be your bookkeeper. Now, in some of our districts that was the basis upon which what is called the check off in the mining industry was introduced. It has grown. It is a general condition of employment in coal mining wherever mines are operated by union men, except the anthracite coal fields, the check-off system exists. It exists not alone by demand of the miners, but it exists in many cases by reason of the mine owners' determination that the United Mine Worker of America shall be responsible for the contract.

Most all mine owners say that of course they would rather operate their mines and properties without union men at all, but "If we are going to have

union men, we want them all to be union men, and we want your union to be responsible for this contract, and we hold you responsible."

So that is the history of the check off.

Commissioner WEINSTOCK. Well, then, from the explanation you make, Mr. Mitchell, the initial step was really taken on the part of the operators?

Mr. MITCHELL. In some of our districts; not in others.

Commissioner WEINSTOCK. I see.

Mr. MITCHELL. In some; not in others. In others that was demanded by the miners themselves.

Commissioner WEINSTOCK. Have you any way of telling how many coal mines are in the country?

Mr. MITCHELL. Oh, no; but a great many thousand—eight or ten thousand. I may be two or three thousand wrong about it.

Commissioner WEINSTOCK. Is there any data showing what proportion of these mine owners recognize and deal with organized labor?

Mr. MITCHELL. Well, it would be quite easy; it would not be difficult to get that information. I can get it for you, but I can not get it now. I can not give it now, but I say, generally, that all the miners and mine owners of the following States make a contract with each other and are union mines: All the mines in the State of Washington, Montana, Wyoming, Kansas, Missouri, Arkansas, Oklahoma, Illinois, Indiana, Ohio, and most of Pennsylvania.

Commissioner LENNON. Iowa, does it not?

Mr. MITCHELL. Iowa, Michigan, and I think that perhaps covers it. Now, the State of——

Commissioner WEINSTOCK. And West Virginia?

Mr. MITCHELL. No. In the following States the unions are in some districts: West Virginia, part of the State; the only State that I recall as entirely non-union, in which much coal is not mined, is the State of Utah, which does not produce very much coal; Colorado and West Virginia and the small part of Virginia which produces coal.

Commissioner WEINSTOCK. Where could this commission, Mr. Mitchell, get a list of the operators who recognise and deal with organized labor in the mining industry?

Mr. MITCHELL. Well, they have organizations of their own, the mine owners have State organizations, such as in Chicago could be found the operators of Illinois, the Illinois Operators' Association, and in Columbus, Ohio——

Commissioner WEINSTOCK. Could the mine workers' association furnish us with the list?

Mr. MITCHELL. Yes; their trade in general would furnish it, the editor of any of the coal operators' trade papers would have the list. I can not give it to you myself, because I do not recall just what it is.

Commissioner WEINSTOCK. But it is available?

Mr. MITCHELL. Oh, it is available; yes.

Commissioner WEINSTOCK. Then, I gather further——

Mr. MITCHELL (interrupting). By the way there is what is called the American Federation of Coal Operators, of which Mr. H. N. Taylor, now of Kansas City, is its president, and can be found by addressing a letter to the Keith & Perry Building, Kansas City, Mo.

Commissioner WEINSTOCK. That would take in all the operators in all the States?

Mr. MITCHELL. It is an attempt to organize a national organization of coal operators, but it does not include all of them. But they do have the addresses of all the State associations.

Commissioner WEINSTOCK. Well, roughly speaking, what proportion do you think, Mr. Mitchell, speaking offhand, of the men work under union conditions?

Mr. MITCHELL. I should say approximately 75 per cent.

Commissioner WEINSTOCK. About 75 per cent?

Mr. MITCHELL. Yes. Now, that will not be clearly reflected in the membership of the United Mine Workers' of America. Their membership will be approximately 400,000, whereas there are about 700,000 men in the mines. But the difference between the 75 per cent and the two figures I have given is accounted for by the fact that the coal miners, like some other citizens, do not do what they should, and dodge their taxes and that don't show on their full membership.

Commissioner WEINSTOCK. Is it possible for operators to enter into agreements with the United Mine Workers' of America and have what is known as

the open shop, or is the closed shop one of the conditions, one of the unavoidable conditions?

Mr. MITCHELL. It is not referred to at all in the contract. There is not a word stated in the contract about whether it is open shop or closed shop. I presume you use the term "closed shop" as being a union shop?

Commissioner WEINSTOCK. Yes, certainly; union.

Mr. MITCHELL. Of course we do not—that is, we regard that as a misnomer—and we never call a shop that employs all union men a closed shop.

Commissioner WEINSTOCK. You would call it a union shop?

Mr. MITCHELL. A union shop. We call the shop where no union men can be employed a closed shop.

Commissioner WEINSTOCK. We have discovered in our investigations, Mr. Mitchell, that three or four different kinds of shops are designated; there is what is known as the closed shop, which is ordinarily understood to be a union shop.

Mr. MITCHELL. Yes.

Commissioner WEINSTOCK. And then there is what has been called the open shop where union and nonunion men are employed regardless of their affiliations, and then there is what is known as the nonunion shop where union men will not be employed knowingly.

Mr. MITCHELL. Yes.

Commissioner WEINSTOCK. Now, the United Mine Workers' of America does work under which of these three conditions?

Mr. MITCHELL. In the anthracite coal fields, in which there are employed now about 170,000 mine workers, they have what might be termed an "open shop." I mean that in the sense that either man can work, whether members of the union or where a contract is made not with the union but with the representatives of the union. That is, the anthracite contract now in existence is not a contract between the United Mine Workers' of America and the anthracite coal operators; it is the contract between the representatives of the anthracite coal miners and representatives of the coal operators. But these representatives are the officers of the United Mine Workers' of America, and in that case both union and nonunion men are employed, although an overwhelming majority of them are union men.

Commissioner WEINSTOCK. Well, if an employer is given the right to employ anybody that he please conditionally; that is, he must check off every man regardless of his affiliations and turn into the union a certain fee, monthly dues to the union; doesn't that automatically make of the worker a union man?

Mr. MITCHELL. It does.

Commissioner WEINSTOCK. Whether he wants to be one or not; that is, he has no option in the case?

Mr. MITCHELL. Well, of course he wants to be one. There are no workmen who do not want to belong to the union. I mean that the number of workmen in America or in the world who are outside of the union are not because they wanted to, but simply because they are where they can not join. The reason that they are not members of them is because either there is no union of their trade, as in some of the smaller trades, or that they are prevented from joining the union; but it is just as natural for the workmen to want to and desire to join a trade-union as it is for a citizen to want to vote.

Commissioner WEINSTOCK. Well, are there not many workers who, while they are very willing to enjoy all the advantages that unionism gives them, are not willing to bear their share of the burden?

Mr. MITCHELL. Not many.

Commissioner WEINSTOCK. That is, they want the other fellow to hold the umbrella while they stand under it?

Mr. MITCHELL. No; I think there are not so many. I think that they desire to belong to trade-unions—that the desire to belong to the trade-union is general among workmen.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Harriman would like to ask you some questions.

Commissioner HARRIMAN. Mr. Mitchell, would you give us your definition of industrial democracy?

Mr. MITCHELL. Well, of course, I know of the various definitions that have been given by some, stating that democracy in industry means the ownership of industry by the people, or that they may own stock in an industry, or that they may share in the profits of industry, but I can not accept any of those

definitions as being the correct one. In my judgment, democracy in industry is the freedom of the workmen to belong to their unions, the right of the workmen to sell their labor collectively, and I think that you come nearer to industrial democracy in a well-organized industry than you do in any other place that you can find. The unions themselves are the most democratic of all institutions. Every member, whether he be a member 10 years or 1 year, has precisely the same rights and the same voice.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. Mr. Mitchell, in answering questions as to collective bargaining—as to what collective bargaining is—quite a number of witnesses have testified that it means an attempt on the part of the union to control absolutely the industry, to have to do with the financial part of the industry, to have to do with the business policy of the industry. Now, will you tell us what collective bargaining really is in the mine workers and what it deals with?

Mr. MITCHELL. Well, in the miners' union it deals with no other question except wages and hours of labor and their conditions of employment. There is absolutely no attempt to control the business end of the industry. The mine owners have absolute control of that feature of it. They sell their coal wherever they please and at whatever prices they please. They operate their mines whatever periods they please, and the miners have nothing to do with that.

Collective bargaining in the mining industry simply means that once every one or every two years, as the case is now, the mine owners of a number of of States, as, for illustration, we have what is called our central competitive coal fields and our southwestern coal fields and our eastern coal fields, but our central competitive field includes Ohio, Indiana, Illinois, and western Pennsylvania. Every two years delegates are sent from the miners and from the mine owners and they meet there in conference and mutually agree as to wages, hours of labor, and conditions of employment that shall prevail during the life of the contract. All that is discussed are the wages, hours of employment, and conditions of work.

Commissioner LENNON. Is that true of every trade—is that true of every other trades-union, so far as your information goes?

Mr. MITCHELL. Yes, sir; as far as my information goes.

Commissioner LENNON. In the matter if violence in labor disputes, is it from the initiative of the individual or the initiative action by the union wherever such things occur?

Mr. MITCHELL. So far as I have known, it has been simply quarrels that might arise between individuals if there were no strikes and no union of men. The violations of law are between individuals and not on the part of the union as a union. I do not think any union would tolerate any violence in the union.

Commissioner LENNON. We have had that kind of testimony, that it was authorized by the unions. You have had a large experience, and I will ask if you know anything of the kind?

Mr. MITCHELL. I do not. I never knew of anything of the kind.

Commissioner LENNON. Take the district of the country where you lived so long, in Illinois, in Spring Valley, in that coal district; what change have you noticed in the miners and in their families in that neighborhood as to the way they live, as to their sobriety, the improvement of their morals, the education of their children, and the other things that are fundamentally essential to growth?

Mr. MITCHELL. Well, the change has been so remarkable that it is difficult for anyone to appreciate the change unless they had observed it. For instance, when I started to work in the mines it was lawful to work children at any age at all. I was more fortunate myself in that I was not compelled to go into the mine until I was 12 years of age, but sometimes they started to work when they were but 8 years old. However, I worked two years on a farm, and so I did not go into the mines until I was 12.

Now, in Illinois they are not permitted to work in the mines until they are 16. The wages of their fathers are sufficient to take the boys and give them opportunities they could not have had years ago.

Now, as to the moral elevation of the workers, I think that if sociologists, and if scientists, were asked they would agree that a reduction in the hours of labor means an advancement in the moral and intellectual standard of the people. I think that it is the uniform testimony of the scientific men who have

investigated the subject. The miners of Illinois when I was a boy worked from 12 to 13 hours a day; they now work a maximum of 8 hours a day.

May I point out this result? In the early days of mining drinking was quite the custom of miners. It was one of those trades in which drinking was quite the custom. I recall when I went to Colorado, when I was 16 years of age, and went into the mining camp, and at that time I did not drink, I was regarded then with disfavor and referred to as a "sissy" coming out of the East because I could not and would not drink. That is all changed. After the United Mine Workers of America had become strong and wages had been advanced until they were tolerably reasonable, the mine workers of Illinois voted every saloon out of the country. In those particular counties the miners were in an overwhelming majority—in some instances as high as 95 per cent were miners—and in those districts the saloons were voted out of existence, and in the State of Ohio in nine counties the miners were in the majority and voted the saloons in those counties out of existence. In some places they have been voted back. I speak of this as an indication of the attempt on the part of the miners to drive out of the industry the sources of evil, and this is typified by the southern Illinois miners voting the saloons out of business.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. I understood you to say in the first part of your testimony that the union should have greater responsibility. Do you mean by that that the union should be incorporated, so that thereby they should be more responsible, or in other ways?

Mr. MITCHELL. No; I mean that in contracting with employers a great degree of responsibility—the greatest degree of responsibility should be placed on the union. Instead of withholding responsibility, the employer should insist on responsibility; that is to say, the contract should be drawn in such a way that the union is made morally responsible for its observance, so that the union men could not say, if the contract were violated, that it was because they had no responsibility.

Commissioner BALLARD. You are not in favor, then, of the incorporation of the unions in order to make them financially responsible?

Mr. MITCHELL. I do not think incorporation gives financial responsibility or creates financial responsibility. As a matter of fact, I understand that firms incorporate not to give but to limit responsibility. That is the purpose of the incorporation; to limit financial responsibility and not to increase it.

Commissioner BALLARD. It is to limit individual responsibility, but to increase collective responsibility?

Mr. MITCHELL. It is not to limit financial responsibility, because the financial responsibility is limited by the amount of the incorporation—of the capital stock.

Commissioner BALLARD. You are not in favor of that incorporation?

Mr. MITCHELL. I think it would lead to no good purpose and would lead to bad purposes.

Commissioner BALLARD. Don't you feel that a vast and powerful organization like the United Mine Workers of America, with its 400,000 members, and their large financial contributions monthly—don't you think that gives it a power to coerce individual employers who are perhaps not in so powerful an organization and not able to withstand them?

Mr. MITCHELL. You mean employers who have contracts with the union?

Commissioner BALLARD. I mean, does it not give the union the power to enforce or coerce employers and dominate them under those circumstances?

Mr. MITCHELL. They can not do that because the small employer has the same contract with the union as has the large employer; it is not made with the small employer, but with the employers collectively. But, if you referred to employers whose men are not members of the union, of course, powerful organizations have funds to prosecute the work of the organization, but the operations of the union would not be involved in that question because, whether incorporated or not, they would legally and morally have the right to try to organize the men in that trade.

Commissioner BALLARD. It does not take very long for the average immigrant to become a coal miner, does it?

Mr. MITCHELL. Well, it takes a long time for him to become a skilled coal miner. He does become a coal miner without any experience at all; that is, is given work in the mines.

Commissioner BALLARD. I mean, with the unlimited and unrestricted immigration we have, and the fact that the miners' union has raised conditions and shortened hours, and raised wages, does that not present a very tempting thing for the average immigrant to try to get into, and does that not have a tendency to overrun the unions, and how does the union prevent so many men coming in that there would not be more workers than there is work?

Mr. MITCHELL. They do not do it; there are more workers than there is work. The number of average days that the union men work is 200 in a year. I think during 15 years it will not average to exceed 200 days a year. There have always been employed in the mines one-third more men than necessary to produce the amount of coal consumed in the United States and exported from it, and it is an industry that is at all times overrun with workers; but the union does not attempt to prevent it. The union admits to membership anyone who comes, and they do not attempt to prevent men from securing employment. Of course, I say the industry is made up very largely of non-English speaking immigrants.

Commissioner BALLARD. I asked the question of Mr. Lawson the other day and he answered it very comprehensively as to checkweighmen; that is, his idea was that they wanted checkweighmen because—in order that the individual man might be treated fairly?

Mr. MITCHELL. Yes; they wanted checkweighmen in order that he might see the coal weighed and that he might make a record of it. The company's weighman carries one sheet and the checkweighman carries another sheet, and they compare their sheets, and they must be alike or otherwise there has been a mistake somewhere, and that has been a demand on the part of the miners for so long back that I can not remember, and the laws of practically every State in the United States provide that miners shall be permitted to employ checkweighmen.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson has a few questions to ask.

Commissioner GARRETSON. Mr. Mitchell, in your opinion, when the law as personified in the State fails to perform or to furnish—fails to furnish the protection that the law guarantees to the individual, what usually happens?

Mr. MITCHELL. The men take the law in their own hands. That has been the story all through history. That men have attempted to make laws for themselves in their own way. As a rule, every great advance in human betterment has been accompanied by failure to observe law. Historically, I should say that nearly every step that has been made in human progress has been the result of failure to observe law; I suppose the American Government was founded on refusal to observe law. [Applause.]

Chairman WALSH. Will that gentleman retire who started that, please? If that occurs again, I will have to ask that you be escorted from the room by the sergeant at arms. We do not allow anything like that.

A VOICE FROM THE AUDIENCE. I did not know the rule.

Chairman WALSH. Preserve perfect order, please. Please proceed, Mr. Mitchell.

Mr. MITCHELL. Slavery was abolished through a violation of law. The conspiracy laws of the United States and of the State—I will not say of the United States, but the conspiracy laws of the States of this Union were repealed because men refused to obey them.

Commissioner GARRETSON. As lawbreakers—assuming that law has been broken, whether it was or not, was the assembling or enlisting of a large body of men, armed and paid by the mine owners, exactly equivalent and a fair parallel with what would have taken place had men in large numbers answered the call to arms that was issued by the miners in Colorado?

Mr. MITCHELL. Why, I should think that precisely the same question was involved—whether technically one was kept within the law and the other outside of it, but surely when a mine guard, paid by the coal companies—when mine guards paid by the coal companies were given suits—given the uniform of State troops and given arms to go out and represent the State of Colorado, that in that instance there was a most flagrant violation of law—that it violated the spirit of the law, whether it violated technically the letter of the law I do not know, but I have never in all my life heard of a proceeding that was so contrary to a true and proper conception of law as putting a soldier's uniform on a private guard and letting him go out and perform the functions of the State.

Commissioner GARRETSON. Great emphasis has been placed before this commission by many witnesses in regard to the incorporation of unions on the ground that it constitutes a means whereby legal liability could be placed upon the unions. Have you ever known of an instance where a union has brought legal proceedings for damages against an incorporation or individual employer for damage suffered during a lockout?

Mr. MITCHELL. I do not know of one instance.

Commissioner GARRETSON. Now, in regard to one or two social questions. There has been a great deal of testimony given here in regard to the so-called beneficial or philanthropic phases of benefit schemes originated by individual employers. Do you believe that any system of social insurance, whether—well, with one exception, and that is the payment of death benefits—can be properly and equitably applied, except under State supervision, and I am using "State" in its broadest sense; can it have value if it depends upon, at any rate, faithful or loyal service?

Mr. MITCHELL. I think that the private benefaction, the undertaking of various systems of benefits by employers themselves, have this very great element of weakness: What it is within the power to give is within the power to withhold or withdraw. Therefore the workmen have no guaranty at all that these so-called benefactions will continue for any given length of time. They will probably continue during good behavior and be withdrawn at the wish or will of the employer, and therefore, I think, they can not be of the greatest permanent value; and I repeat again that I want to give full credit to the employers who do introduce systems helpful to the employees, but if they expect or hope that such private benefactions will prove a substitute for collective bargaining and for trade-unionism, then they are in error, because they will not prove a substitute. They may for a period, but ultimately the workers will assert their right to organize; that is, they will assert their right to a real voice, an effective voice, in determining the conditions of their labor.

Commissioner GARRETSON. Does not any such system founded upon tenure reflect an attitude of the employer which is vicious and unwise?

Mr. MITCHELL. Well, I think it is. I think it is an attempt to hold the worker to his job, and, of course, that has been, from the very beginning of history, in some form or another—the desire has been to compel workers to stay at their jobs, whether it be in the days when all labor was performed by slaves or whether it be in the period when men were tied to the land in the feudal ages or whether it be now at this present time, attempts are constantly being made to compel the workmen to stay on their job.

Commissioner GARRETSON. Great stress has been laid upon various forms of industrial and social legislation that have been enacted in the past few years for the benefit of workers. I assume your experience as a labor unionist has impressed the history of such legislation in this country upon your mind?

Mr. MITCHELL. Yes; I have some knowledge of it.

Commissioner GARRETSON. Now, in your experience what has been the greatest agency in causing agitation for and the securing of improvement in labor conditions?

Mr. MITCHELL. Oh, trades-unionism. There is no question about it. There is not one bit of legislation for protecting the workingmen on the statutes of any of the States that did not have its inception in the minds of organized wage earners. It is true that the workers have received and are now receiving splendid aid from other associations. Other associations of men and women have aided and are aiding in securing excellent remedial legislation. But it is the wage earners who have inspired such legislation; it was they who initiated it; it was they who secured its passage.

Commissioner GARRETSON. Now, on one other subject: In your experience in dealing with the problems that confront laboring men have you found any greater factor in creating the evils to which labor is subjected than the one of want of continuity of employment?

Mr. MITCHELL. Oh, I think that the irregular employment and lack of security in their employment have contributed more to unrest than anything else I can now think of, of course, except this, and it is related to it: I think the great cause of unrest in America, and perhaps among the workers of the world, is the inequitable distribution of wealth; and that, of course, is caused partly by irregularity in employment and, of course, by low wages.

Commissioner GARRETSON. But accepting the industrial condition as we have it, you would assume the other to be one of the most potent factors in the creation of the causes as they do exist?

Mr. MITCHELL. Yes; I would think it was a very great factor.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell says he has one or two questions to ask.

Commissioner O'CONNELL. I had a whole list of questions here, Mr. Mitchell, but they have all talked them out. But I have one here that I wish to refer to in regard to organizations being incorporated and so becoming liable. There have been such things as organizations being held liable to the employer without being incorporated, for instance, in the case of the hatters.

Mr. MITCHELL. Oh, yes; the hatters is a case in point, where the union members were sued, by decision of the United States Supreme Court affirming the award made against them running into something like $300,000.

I have just been a witness in a suit in which a lawyer sues the United Mine Workers of America for $200,000; and his right to sue was not denied. I think we would have won the case on its merits. He was thrown out of court simply on the ground that he had not properly brought his suit; but the right to pursue the United Mine Workers of America for $200,000, even though they be an unincorporated organization, was not denied.

Commissioner O'CONNELL. There have been a number of suits instituted against the organization, have there not, in the years gone by, and during the time in which you were president of the United Mine Workers of America, for larger sums than that?

Mr. MITCHELL. And in Colorado where there were suits instituted against the United Mine Workers of America for half a million dollars. It was settled out of court, but it was not settled out of court because there was any denial of the right of the companies to sue.

Commissioner GARRETSON. Mr. Chairman, one other question along that line: Have you any knowledge from your actual experience in the services of the State as to the fact that fraternal insurance companies unincorporated are regularly sued in the courts for the recovery of certificates or policies which they issue?

Mr. MITCHELL. Yes; that is my information, although I do not know so much about that.

Commissioner O'CONNELL. Mr. Mitchell, if you were a member of this commission and, as we are instructed by Congress to recommend some remedial legislation for industrial unrest, what would be your recommendation along that line?

Mr. MITCHELL. Well, gentlemen, I should regard that as the most difficult of all the questions you have asked me to-day. I think that Congress should do a good many things—not to prevent unrest, but to direct unrest into wise and into constructive channels. For instance, I think that Congress should pass the law now pending prohibiting the transportation of goods made by children in interstate commerce. I think that is one of the things that they should do.

After some reflection, and I say this yet with some qualifications, I think Congress should create a permanent commission that would have power to mediate in industrial disputes. I think a commission of high-class men—representative men—having authority from the Federal Government to investigate a pending industrial dispute or a dispute that has arisen, and endeavoring to do what it could to adjust the question in controversy, would be of value, and that it would be attended by few dangers.

I think that the functions of these great foundations should be so defined by law that they would be compelled to limit their activities in harmony with the charters under which they were founded.

I think perhaps it would be of great advantage if corporations doing an interstate business would be required to make periodical reports as to the number of their employees and hours of labor and wages paid to these employees in such divisions or classifications as to give the public a real understanding of what wages the men were paid. I have observed the testimony put in before this commission, saying, for instance, that the workmen receive an average of so much—that their employees received an average of so many hundred dollars a year. But unless the papers have failed to report fully the proceedings, it did not indicate what employees received these wages. Perhaps the president of the company may have been classed as an employee in the schedule of earnings filed with the commission.

I think that the State governments should establish a minimum rate of wage for women and minors. I think that the State should limit the hours of labor of men. I believe that they should limit to eight the number of hours which

any man may be employed in industry; and I think the Government itself should see that its eight-hour law is made or extended so as to include materials purchased for the Government. As an illustration of that, I think that when the United States Government purchases its fuel supply it ought to be required to purchase that supply from companies whose men work eight hours a day instead of doing, as it now does, pass by the 75 per cent of mine owners whose men work 8 hours a day and go to the few miners whose men work 10 hours a day to buy their coal for the Government. I have not in mind just now other suggestions which I think would be of value.

Commissioner LENNON. What about vocational education?

Mr. MITCHELL. Yes; I think our Government should take up systematically the question of vocational training. In other words, I think that our school system should be so remodeled as to provide—particularly in the high schools—for courses of technical training that would give to the boy or girl who is going into industry the same advantages that are now given by the high schools to the boy or girl going into the professions. The children of the workingmen are at a very great disadvantage, inasmuch as there is no training for them in the high-school system unless perchance for those who are to enter the professions.

Commissioner LENNON. You mean, too, when you speak of legislation which should prohibit, you mean that you would prohibit the interstate transportation of armored guards?

Mr. MITCHELL. I would. I testified before the congressional committee investigating the Colorado strike. I testified there that in my judgment the Federal Government should prohibit the interstate transportation of armored guards.

Commissioner LENNON. And that would apply to private detective agencies?

Mr. MITCHELL. It would.

Commissioner LENNON. And apply to detective agencies of all kinds except those otherwise by law authorized to go from State to State?

Mr. MITCHELL. Yes, sir.

Commissioner LENNON. You would prohibit by legislation the transportation of persons from one State to another unless their purpose was legalized by law; in other words, was not illegal?

Mr. MITCHELL. Yes.

Chairman WALSH. That is all. Thank you. You will be excused permanently.

Mr. Morgan.

TESTIMONY OF MR. JOHN PIERPONT MORGAN.

Chairman WALSH. The house will please be in order so that we may proceed with the hearing.

Will you please state your name?

Mr. MORGAN. John Pierpont Morgan.

Chairman WALSH. Where do you reside?

Mr. MORGAN. New York.

Chairman WALSH. What is your business?

Mr. MORGAN. Banker.

Chairman WALSH. In what corporations are you a director at the present time?

Mr. MORGAN. I am a director of the United States Steel Corporation, the Northern Pacific Railway, and the International Mercantile Marine, the Pullman Co.; I do not think of any others at the moment.

Chairman WALSH. The Western Union?

Mr. MORGAN. No.

Chairman WALSH. Have you ever been a director in the Western Union?

Mr. MORGAN. I was for a short time; yes.

Chairman WALSH. In what other corporations do you own or represent any considerable amount of stock?

Mr. MORGAN. I do not know, sir. Represent in what way do you mean?

Chairman WALSH. Well, in any way that you might as a banker habitually hold as collateral. I would suggest as one way?

Mr. MORGAN. It would be a very long list. I could not give list without going to the books and make up a list of the people that borrow on stocks and have them on deposit with us. It would be too long for any use.

Chairman WALSH. Do you have in mind what you might call the principal ones; the largest ones?

Mr. MORGAN. No.

Chairman WALSH. That you say you habitually represent?

Mr. MORGAN. No; we have large numbers of people, clients that hold New York Central stock and Southern stock and the Erie stock and a dozen or fifty corporations.

Chairman WALSH. Please outline briefly the character of your connection with all the corporations in which you are interested; begin with your own banking company first.

Mr. MORGAN. I am a partner; it is not a company, it is a firm.

Chairman WALSH. A partnership?

Mr. MORGAN. A partnership firm. I am a director of the companies I gave you the names of.

Chairman WALSH. Are you on any executive committees or finance committees of any of these companies?

Mr. MORGAN. I am on the executive committee of the steel company and of the Pullman Co.

Chairman WALSH. What is the business——

Mr. MORGAN (interrupting). And of the International Mercantile Marine.

Chairman WALSH. What is the business of the International Mercantile Marine?

Mr. MORGAN. The International Mercantile Marine, it is the owner of stock in certain steamship companies and the owner of some steamships directly.

Chairman WALSH. What steamship companies is it an owner of?

Mr. MORGAN. A line, the White Star Line, the Dominion Line, and a certain amount of stock in the Leland Line, and it is the American Line; it holds those steamers directly, and the Atlantic Transport Line. There may be one of two other smaller companies that I do not now recall.

Chairman WALSH. How many employees would you say there are in the International Mercantile Marine and in those companies in which it owns the stock?

Mr. MORGAN. I have not an idea, sir.

Chairman WALSH. Could you approximate it?

Mr. MORGAN. No; I could not approximate it.

Chairman WALSH. Could you give it within thousands?

Mr. MORGAN. I do not know.

Chairman WALSH. Have you ever made any inquiry, Mr. Morgan, to ascertain?

Mr. MORGAN. The total number? No.

Chairman WALSH. What is the Millbrook Co.?

Mr. MORGAN. The Millbrook Co.? The Millbrook Co. was a company that was formed by the New Haven road, I believe, about 1906 or 1907; but that I have no interest in.

Chairman WALSH. Were you ever a director in that company?

Mr. MORGAN. No.

Chairman WALSH. Are you on any committee of the Northern Pacific Railway Co.?

Mr. MORGAN. No. I have been on it, but I am not on it at the moment.

Chairman WALSH. What committee did you serve on?

Mr. MORGAN. On the executive committee there.

Chairman WALSH. How many employees would you say that the Northern Pacific Railroad Co. had?

Mr. MORGAN. I do not know, sir. That is all a matter of publication.

Chairman WALSH. Could you tell within thousands?

Mr. MORGAN. No; I have not an idea. I have not made an inquiry about it.

Chairman WALSH. How many employees has the United States Steel Corporation?

Mr. MORGAN. And its subsidiary companies?

Chairman WALSH. And its subsidiary companies.

Mr. MORGAN. I believe somewhere about 170,000 at the moment.

Chairman WALSH. And how many employees has the Pullman Co.?

Mr. MORGAN. That I do not know either.

Chairman WALSH. First, as a director in the International Merchant Marine, do you receive reports which give you information regarding the conditions, financial and otherwise?

Mr. MORGAN. Financial condition; yes.

Chairman WALSH. And what other reports do you receive? Does the financial report contain a report of all of their activities?

Mr. MORGAN. I think so.

Chairman WALSH. Do you receive any reports other than financial reports?

Mr. MORGAN. No; I do not see any.

Chairman WALSH. What report do you receive in your capacity as a director in the Northern Pacific Railway?

Mr. MORGAN. I read the minutes of the executive committee, and we receive reports of the officers and financial reports and the report of general conditions along the line.

Chairman WALSH. What is the report of general conditions; what does it consist of?

Mr. MORGAN. Condition of the prospect for business, crop outlook, and all that sort of thing which has to do with the railroad.

Chairman WALSH. How do those reports come to you, Mr. Morgan?

Mr. MORGAN. They come to us at the meeting; the financial report I get by mail.

Chairman WALSH. Now, would you please indicate again fully the character of the reports that come to you at the meetings that do not come through the mail—financial reports, for example?

Mr. MORGAN. The minutes of the executive committee, which are read and approved or disapproved and commented on; they are general reports from the officers of the company on the conditions of business along the line and the prospect for the line, and what it needs.

Chairman WALSH. Includes sales?

Mr. MORGAN. Sales of land.

Chairman WALSH. Anything else?

Mr. MORGAN. That is all the Northern Pacific has to sell, except transportation, sir.

Chairman WALSH. Now, the United States Steel Corporation—what general reports do you get from that company aside from financial reports?

Mr. MORGAN. We get reports of orders in hand, get reports of how the business is going, reports on anything that comes up in the management of the subsidiary companies about which they wish information of the finance committee.

Chairman WALSH. In the annual reports of the United States Steel Corporation do you get the physical condition of the plants and what might be called an inventory of its property?

Mr. MORGAN. That is all in the annual report.

Chairman WALSH. That is all in the annual report?

Mr. MORGAN. Yes.

Chairman WALSH. And you do not get that in any other reports that you recall?

Mr. MORGAN. No; I do not know anything more than we get in the annual reports.

Chairman WALSH. Did I understand you to say that you held some position on a committee in the Pullman Co.?

Mr. MORGAN. Yes; but that is—the amount of work done there is very small.

Chairman WALSH. What position do you hold in that company?

Mr. MORGAN. Simply I am one of the directors, and on the finance committee and executive committee.

Chairman WALSH. What is the function of the finance committee of the Pullman Co.?

Mr. MORGAN. To hear financial reports.

Chairman WALSH. Anything else?

Mr. MORGAN. I have not—the meetings that I have been to, I have only been on that for a year or a little more, and the meetings that I have been to there has been nothing but that.

Chairman WALSH. The financial report of the Pullman Co.; does that contain a statement as to the amount and the physical condition of its property?

Mr. MORGAN. Yes; the number of cars on the road and all that part of the business; yes.

Chairman WALSH. And indicates the cars that it has built and the number they have to propose to build, and such matters as that?

Mr. MORGAN. Yes.

Chairman WALSH. How many meetings of the board of directors of the International Mercantile Marine have you attended during the year 1914?

Mr. MORGAN. I do not know. They meet approximately once a month and the executive committee, the finance committee, meets once a week, and when I am here on the Tuesday that it meets I always go.

Chairman WALSH. And as a member of the board of directors how many would you say you have attended during the year 1914?

Mr. MORGAN. During the year I should think I probably attended, if there were 12, I probably attended 10 of them.

Chairman WALSH. Now, some questions as to the United States Steel Corporation:

How many would you say you have attended during the year 1914?

Mr. MORGAN. Probably the same amount. They come on the same day of the week.

Chairman WALSH. And the Pullman?

Mr. MORGAN. The Pullman meetings come less often—about three or four meetings.

Chairman WALSH. Take the case of the International Mercantile Marine; how long do those meetings last?

Mr. MORGAN. They may last half an hour or they may last five minutes or they may last an hour, depending upon what comes up for discussion.

Chairman WALSH. How many—it would range somewhere between five minutes and an hour, I take it?

Mr. MORGAN. Yes; probably.

Chairman WALSH. Now, the United States Steel Corporation.

Mr. MORGAN. The finance committee meeting takes about the same time. They never take so little as five minutes; take from 20 minutes to an hour.

Chairman WALSH. And the directors' meetings?

Mr. MORGAN. The directors' meetings vary, depending on how much business there is to come before them; perhaps half an hour.

Chairman WALSH. And you probably in the United States Steel Corporation devote altogether during the year probably 12 or 15 hours, if added together, to the meetings?

Mr. MORGAN. That is, at the meetings; yes.

Chairman WALSH. And outside of the meetings?

Mr. MORGAN. No, wait a minute. Fifty-two weeks in the year, the finance committee meets every week; the finance committee meetings take at last half an hour, I should think.

Chairman WALSH. That committee meets every week?

Mr. MORGAN. Yes.

Chairman WALSH. I will leave the finance committee out for the moment and take the directors' meeting.

Mr. MORGAN. Yes.

Chairman WALSH. You have probably attended 10 of them?

Mr. MORGAN. Probably.

Chairman WALSH. And ranging from five minutes to——

Mr. MORGAN. The directors' meeting probably lasted on an average of 25 minutes to a half an hour.

Chairman WALSH. A half an hour?

Mr. MORGAN. Yes.

Chairman WALSH. Now, then, you have attended during the time you were in the city practically all of the meetings of the finance committee?

Mr. MORGAN. Yes.

Chairman WALSH. And those are weekly meetings?

Mr. MORGAN. Those are weekly meetings.

Chairman WALSH. Now, between the meetings, what duties do you perform, if any, as a director of the United States Steel Corporation or a member of the finance committee?

Mr. MORGAN. I am on call if the officers wish to discuss anything at any time, and they often do.

Chairman WALSH. They frequently discuss business policies?

Mr. MORGAN. Yes; frequently. That sort of thing, of course, is always done.

Chairman WALSH. And about how frequently, how general, is it? Is it a matter of daily consultation of some sort?

Mr. MORGAN. No. It depends on what is going on. If there is anything very important that may come up there is no reason for waiting for a meeting; we go around and see the people and talk it over.

Chairman WALSH. So that sort of work, I would take it, some duty in connection with this, is almost part of your daily business life?

Mr. MORGAN. Yes. If I am called upon, it would be, and I have been on tap for that.

Chairman WALSH. You are called on quite frequently?

Mr. MORGAN. Quite often; yes.

Chairman WALSH. Do you make it a practice to visit the plants of corporations in which you are interested and make personal inquiry and observation in regard to the conditions in the plant?

Mr. MORGAN. The conditions of what kind, sir?

Chairman WALSH. Of any sort; do you visit the plants?

Mr. MORGAN. No; I haven't visited all of them; I have visited some of them.

Chairman WALSH. What factories or railroads have you personally inspected during the past year?

Mr. MORGAN. During the year 1914? I do not think in 1914 I inspected any.

Chairman WALSH. Did you inspect any during the year 1913?

Mr. MORGAN. I don't remember.

Chairman WALSH. Please name any factories or mines or railroads that you have personally inspected during the past five years.

Mr. MORGAN. I have been over the Gary mills, the Gary plant of the steel company, the Edgar-Thompson Works and other works of the Carnegie Steel Co. I have been over the tube works at Pittsburgh. I have not inspected the Northern Pacific Railroad, but I have been over several of the ships of the International Mercantile Marine and various companies. I have been on some of them and inspected some of them.

Chairman WALSH. Outside of the ships, have you visited within the past, during the past, five years any more than once?

Mr. MORGAN. No.

Chairman WALSH. In your opinion, Mr. Morgan, to what extent, first, are the stockholders of corporations responsible for the labor conditions that exist in the industry?

Mr. MORGAN. The labor conditions—meaning what—wages paid?

Chairman WALSH. Meaning the wages paid, the conditions under which the work is performed, their work, hours that they work, and everything pertaining to their welfare so far as the industry itself is concerned?

Mr. MORGAN. I do not see the stockholders have anything—any responsibility in that matter.

Chairman WALSH. In your opinion, to what extent are the directors of corporations responsible for the labor conditions existing in the industries in which they are the directing power?

Mr. MORGAN. Not at all, I should say.

Chairman WALSH. In so far, then, as the stockholders and directors may not be responsible, whom do you consider to be responsible?

Mr. MORGAN. The officers.

Chairman WALSH. That is, do you mean by that the executive officers of the organization?

Mr. MORGAN. The executive officials or the people that they appoint to take charge of that work.

Chairman WALSH. In your opinion, can the executive officials appoint persons to take charge of that matter—I am referring now to labor conditions and the welfare of the workers—and thus discharge their direct responsibility?

Mr. MORGAN. No; it is their responsibility. They have got to see that those people carry out the idea.

Chairman WALSH. Then not only, in your opinion, would they appoint them but also have the general direction of them?

Mr. MORGAN. Obviously; yes, sir.

Chairman WALSH. And overseeing?

Mr. MORGAN. Yes.

Chairman WALSH. What scope of authority do you, as director, give them to establish and maintain proper labor conditions?

Mr. MORGAN. I do not quite grasp that.

Chairman WALSH. What is the scope of authority given to the executive officials in the corporations in which you are a director so far as labor conditions are concerned? Do you plan out a certain maximum or minimum, or do you give any line or limitation to the authority that they have in regard to labor conditions—that is, salaries, hours, condition of labor?

Mr. MORGAN. No; I should say that they had entire authority about that. Though, of course, if they wanted advice or opinion or help or counsel about it at all, they certainly would go to the directors for it, and if consulted the

directors would advise to the best of their ability, no doubt; but the responsibility, the officers of the company are held responsible, in my opinion.

Chairman WALSH. Do you give any such officials equal scope without accounting in financial matters or in the other phases of the plan of the corporation?

Mr. MORGAN. Equal scope without accounting?

Chairman WALSH. Yes; without an accounting; or do you just simply, in other words, to make it clear, or do you simply say, "You look after the labor conditions, the conditions of labor, in your own way," or do you hold them to any accounting?

Mr. MORGAN. They are accountable for the results. They would, of course, be responsible for labor conditions, for the financial conditions; in both cases they would probably discuss; certainly in the financial question, because the directors are responsible for financial conditions, for the finances of the company, and there the committee would at least be responsible.

Chairman WALSH. Have you finished?

Mr. MORGAN. But the labor conditions, they are not responsible for that—the directors; the officers are.

Chairman WALSH. I wish you would state what reports you get from your executive officers in detail that would cover the labor conditions as they do the financial condition—the physical condition of the plant, as you describe it—in the Pullman Co. and the United States Steel Co.

Mr. MORGAN. I should not expect a report from them of that sort at all.

Chairman WALSH. Why not?

Mr. MORGAN. Because, in the first place, the circumstances do not change constantly, as they do with the financial situation.

Chairman WALSH. How do you know?

Mr. MORGAN. And when there is one change they make they ask about it, talk about it, and if it is desirable to talk about.

Chairman WALSH. You say there are not constant changes in labor conditions?

Mr. MORGAN. Not the same way that there is in financial conditions. We don't have to have weekly reports of labor conditions.

Chairman WALSH. Is it a fact, Mr. Morgan, that that policy is adopted by directors merely because it has been a custom or habit in these larger corporations, in industry, so and so to do?

Mr. MORGAN. The policy is adopted by the directors because that is the natural way of running the company.

Chairman WALSH. Why is it the natural way—because a great many other people have done it?

Mr. MORGAN. Because——

Chairman WALSH. Determine it as a policy themselves?

Mr. MORGAN. Because the directors determine the policy. Their duty to the stockholders is to select, as far as they know it, the proper men to run the company, and then let the people run it.

Chairman WALSH. What instruction, if any, have been given the executive officials in the companies in which you are a director that proper labor conditions must be maintained—that is, that living wages must be paid, that the hours of labor shall not be too exacting to the persons in it, and that sanitary conditions shall be observed, proper sanitary conditions? Do you give any general orders of that kind to your executive officials?

Mr. MORGAN. No.

Chairman WALSH. Do you give them, in a general way, orders with reference to the conservation of the financial resources of the concern?

Mr. MORGAN. Those resources have to come before the directors to be sent, of course.

Chairman WALSH. You do give them directions with reference to the——

Mr. MORGAN. I should think so.

Chairman WALSH. As a matter of fact, Mr. Morgan, are not labor conditions the only matters under the control of the executive officials which are not subject to constant audit and check of some sort?

Mr. MORGAN. That question is very limiting, and I should have to think it over.

Chairman WALSH. Well, I will come back to the specific questions that I have to ask, and they will probably elucidate it.

Do you not require as a director a balance sheet of profit-and-loss account showing in detail the disposition of all financial matters?

Mr. MORGAN. Yes.

Chairman WALSH. Do you not require cost-of-production sheets showing comparative costs of different plants in different years?

Mr. MORGAN. No.

Chairman WALSH. Do you require periodical inspection of machinery and reports to you?

Mr. MORGAN. No.

Chairman WALSH. Do you require periodical inspection of material?

Mr. MORGAN. No.

Chairman WALSH. Do you require periodical inspection and inventories of all assets?

Mr. MORGAN. Those come into the balance sheet.

Chairman WALSH. So they do require those?

Mr. MORGAN. Yes.

Chairman WALSH. Well, then, can you think of any condition in the plants, in your industrial plants, in which you are a director, that are not held under your control through the executive officials by constant audit and checks except labor conditions?

Mr. MORGAN. If I have given the impression that we do not know anything about the labor conditions, that the board of directors do not know anything about them, I have given you an erroneous one. We feel we are informed about them, but they don't come in in the balance sheet, the financial statement, and we are constantly in touch with the way the men are working, how the things are going along, what arrangements are had with the men.

Chairman WALSH. Are those reports made in writing in any instance in the Pullman Co. or the United States Steel Corporation or the International Mercantile Marine?

Mr. MORGAN. No, sir; I should think not.

Chairman WALSH. Would the minutes of the executive committee, the finance committee, or the board of directors show either any report as to the labor conditions or any action taken by those various bodies as to labor conditions?

Mr. MORGAN. They would show wherever there was a question of a raise in wages to come up in the steel company; for instance, the finance committee would pass on it. But that would show in those minutes.

Chairman WALSH. Would the minutes show anything else except that?

Mr. MORGAN. That I can not tell you what the minutes will show.

Chairman WALSH. Will you kindly, Mr. Morgan, have submitted to this commission an extract from any of the minutes of the Pullman Co. that would show anything regarding labor conditions in the plant, in the Pullman Co., and likewise the extracts from any of the minutes of the International Mercantile Co. that would show reports on labor conditions, or action by the board of directors upon the same? We would not ask you to bring all the minutes in.

Mr. MORGAN. It is a good, long undertaking, but they are there and I can get them, I think.

Chairman WALSH. I wish you would. I do not expect you to produce them while you are on the stand.

Mr. MORGAN. No.

Chairman WALSH. But we will have our investigator call upon you so that he may make arrangements to have them submitted so that they may get into our records.

Mr. MORGAN. I do not know. It is a question whether the Pullman Co. will give me access to the past records, way back.

Chairman WALSH. If they do not, please indicate to the investigator who refuses to give you such access.

Mr. MORGAN. I think that probably can be arranged.

Chairman WALSH. We must not have any audible expression if this hearing is to be continued, ladies and gentlemen.

According to such standards as you can determine, what would you consider to be the proper labor conditions as regards the following points: Length of working day?

Mr. MORGAN. I do not know. I have not an opinion on that matter.

Chairman WALSH. The income for an unskilled workman?

Mr. MORGAN. There again I have no opinion.

Chairman WALSH. Do you believe that $10 a week is sufficient compensation for a longshoreman?

Mr. MORGAN. I do not know, sir.

Chairman WALSH. Do you know Capt. John Watson?

Mr. MORGAN. I don't think I do.

Chairman WALSH. Ever hear of him?

Mr. MORGAN. I don't remember.

Chairman WALSH. It seems to me that he is at the head of one of your departments, if I remember, of the International Mercantile Marine, and our record seems to show that he said that the wages of longshoremen were from $10 to $12 a week. Do you think $10 a week is enough for a longshoreman to earn?

Mr. MORGAN. I do not know, sir. If that is all he can get and he takes it, I should think it was enough.

Chairman WALSH. Ladies and gentlemen, we must have perfect order or we will have to adjourn this examination now and continue this at some other time. There must be no audible expression of feeling.

According to such standards as you may determine, what would you consider to be a proper age or conditions under which children should be employed in your industries?

Mr. MORGAN. I have not any definite opinion about that. It is a question of facts and the kind of industry and the hours of the employment and the whole thing.

Chairman WALSH. Well, we will take the——

Mr. MORGAN (interrupting). Any more than I should say the later the better.

Chairman WALSH. The later the better?

Mr. MORGAN. Yes.

Chairman WALSH. Have you thought of any age limit that should be fixed upon the permission of the child in any industry?

Mr. MORGAN. No; I have not.

Chairman WALSH. Have you thought of the length of workday that children should be permitted to labor?

Mr. MORGAN. No, sir.

Chairman WALSH. According to such standards as you can determine, do you believe that it is proper to have a rule in any industry prohibiting the employment of unskilled workmen over 35 years of age and skilled workmen over the age of 45?

Mr. MORGAN. That would be a question I would refer to the people who were running the industry.

Chairman WALSH. Is it true in the American Steel & Wire Co. and other subsidiary companies of the United States Steel Corporation that there is a printed rule not to employ any unskilled workman over 35 years of age?

Mr. MORGAN. I could not say.

Chairman WALSH. Do you believe that would be a good rule socially?

Mr. MORGAN. That is purely a matter of opinion.

Chairman WALSH. What is your opinion?

Mr. MORGAN. I haven't any. The question of fact——

Chairman WALSH. If you were convinced that labor conditions in any of the corporations in which you are interested were such that workmen were unable to support their families without putting their wives and younger children to work, and if the nature of the employment resulted in industrial disease, or if the accident rate was excessive as compared with other corporations, what action would you take?

Mr. MORGAN. I should do my best to get the conditions remedied.

Chairman WALSH. How would you find out whether they existed in the industry in which you were a director?

Mr. MORGAN. You will find that out from the officers.

Chairman WALSH. And after you found it out what would you do?

Mr. MORGAN. I would consult with the officers and consult with the members and do all in my power to see that those conditions should be changed.

Chairman WALSH. Did you ever make any inquiry into the shipping interests, for instance, into the wages of longshoremen?

Mr. MORGAN. No; I never have.

Chairman WALSH. Well, have you ever seen or has it ever been placed before you as a director in this company as to the wages that the longshoremen receive?

Mr. MORGAN. No.

Chairman WALSH. Have you observed whether or not their labor was laborious?

Mr. MORGAN. No.

Chairman WALSH. Do you know whether or not the longshoreman's work is extra fatiguing?

Mr. MORGAN. Judging from what I have seen of him when I have seen him at work I should say it might be fatiguing; yes.

Chairman WALSH. Do you know the number of hours that men work in the United States Steel Corporation?

Mr. MORGAN. It varies in the different places.

Chairman WALSH. Do you know how many of them work 12 hours a day?

Mr. MORGAN. No; there are a certain number that do.

Chairman WALSH. Do you not think that is too long or too short a number of hours for a man to work in a day, please?

Mr. MORGAN. I don't know; I can not answer that question.

Chairman WALSH. Have you ever been present at a meeting of the directors or at a meeting of any of these corporations in which you were a director in which the labor policies to be pursued by the corporation either during a strike or during normal times was being discussed?

Mr. MORGAN. I don't remember. You say either during a strike or during normal times?

Chairman WALSH. Either during a strike or during normal times when labor policies were being discussed?

Mr. MORGAN. Yes, sir.

Chairman WALSH. Now, take it first during a strike. When were you present during a strike when labor policies were being discussed?

Mr. MORGAN. I have not been present during a strike. You asked as to both.

Chairman WALSH. Well, take it during normal times.

Mr. MORGAN. I have been present many times.

Chairman WALSH. When was the last one?

Mr. MORGAN. I am not able to recall exactly.

Chairman WALSH. Was it during 1914?

Mr. MORGAN. Yes, sir.

Chairman WALSH. And with what corporation were you dealing?

Mr. MORGAN. Undoubtedly the United States Steel Corporation.

Chairman WALSH. Any other during that year?

Mr. MORGAN. I don't recall any other.

Chairman WALSH. In which of the corporations in which you are interested are the employees organized?

Mr. MORGAN. I don't know.

Chairman WALSH. Do you know whether there are organizations of unions in any of the corporations in which you are interested?

Mr. MORGAN. I presume on the Northern Pacific there are; but I don't know which ones there are and which are not.

Chairman WALSH. How about the shipping interests?

Mr. MORGAN. There is a certain amount—there is an organization or there are organizations among them, I know in England, and, I think, here, too; but I don't know the details of it.

Chairman WALSH. You know that the Union Pacific has several organizations, do you not?

Mr. MORGAN. I don't know anything about the Union Pacific.

Chairman WALSH. The Northern Pacific, I should say.

Mr. MORGAN. Very possibly; I don't know.

Chairman WALSH. Do you know whether or not they deal with the order of railway conductors?

Mr. MORGAN. I suppose they do; but I don't know about it.

Chairman WALSH. At the meeting of the board of directors have labor conditions upon that road ever been discussed?

Mr. MORGAN. Not that I remember—when I was there.

Chairman WALSH. What have been the effects of such organizations, in so far as you are informed, in those companies in which they exist?

Mr. MORGAN. I don't know that; I don't know which companies they exist in.

Chairman WALSH. What is your attitude toward the organization of employees for what they may deem to be their own protection and the advancement of their own interests?

Mr. MORGAN. What do you mean, my attitude toward it?

Chairman WALSH. Are you in favor of the men organizing in industry, or are you opposed to it?

Mr. MORGAN. Why I am not opposed to anything they want to do that is lawful and proper.

Chairman WALSH. Is that as definite as you care to be about it, Mr. Morgan?

Mr. MORGAN. I can not answer that question without knowing the surround-

ing circumstances. A general statement like that I can not make any specific answer to.

Chairman WALSH. First, as a director, do you have any objection to the men being organized in the United States Steel Corporation?

Mr. MORGAN. Organized inside of the corporation itself?

Chairman WALSH. The employees of the Steel Corporation, the laborers and skilled workmen, have you any objection to their being organized so that they may deal with your company collectively, en masse, as it were, instead of individually?

Mr. MORGAN. As long as they are employed by the corporation, no; I don't care one way or the other.

Chairman WALSH. If they are not employed by the corporation do you have objection to their interfering with the plan?

Mr. MORGAN. I certainly do.

Chairman WALSH. Is it the fact that the United States Steel Corporation has been largely responsible for the breaking down of the following unions: The Amalgamated Association of Iron, Steel, and Tin Workers, the Seaman's Union of the Great Lakes, and the Structural Iron Workers?

Mr. MORGAN. I did not even know they had broken down, sir.

Chairman WALSH. Do you know whether they were employed by the Steel Corporation or not—members of those organizations?

Mr. MORGAN. No; I don't know.

Chairman WALSH. What is your attitude toward permitting the union organizers not employed by your corporation to address employees and otherwise carry on their work?

Mr. MORGAN. Why, if they want to do it—I couldn't object to their doing anything they have a right to do; but I should object to their coming in on the corporation's property and doing that.

Chairman WALSH. Or the corporation's time?

Mr. MORGAN. Or the corporation's time.

Chairman WALSH. Do you believe that under existing conditions the rights and interests of the employees of corporations receive proper recognition and due protection?

Mr. MORGAN. I should think so; yes.

Chairman WALSH. As a result of your observation and experience, do you believe that industrial discontent in America is increasing or decreasing?

Mr. MORGAN. Industrial discontent—how do you mean—the dissatisfaction?

Chairman WALSH. The dissatisfaction and protest against conditions, whether based upon fact or not.

Mr. MORGAN. Well now, excuse me; I want to get at the question.

Chairman WALSH. What is your opinion on the whole matter? We put it to you as a gentleman engaged in large operations and large duties and responsibilities. So we ask you that, from your experience, of course, and your observation.

Mr. MORGAN. It seems to me that the conditions are improving; that a great deal is being done, and, therefore, I suppose, that the discontent will decrease; I don't know.

Chairman WALSH. Please tell me what has been done. What has been done, say, within the past five years that had not been done theretofore that you believe is operating to bring about conditions which should decrease discontent among the working classes?

Mr. MORGAN. I was thinking of the Steel Corporation.

Chairman WALSH. Yes.

Mr. MORGAN. There they have spent very large amounts of money on additional safety appliances and proper houses for workmen, in the mines particularly, and in all sorts of ways. Whenever there is any opportunity of getting more safety or respectability of work in there, there has never been any question about it at all. It has always been voted at once; and I think that has all helped. I think the men employed by the Steel Corporation feel friendly toward the corporation because they feel the corporation meets them on the best ground it can. And more than once since I have been director in the corporation and before that several times, wages have been raised without any question of a strike or attack at all.

Chairman WALSH. Do you consider that the wealth produced in the United States is generally distributed in proportion to the value to society of the services performed?

Mr. MORGAN. That is too big a question for me. I could not answer that.

Chairman WALSH. Did you ever study that or kindred questions——

Mr. MORGAN (interrupting). No.

Chairman WALSH (continuing). From the standpoint of citizenship or mere educational information?

Mr. MORGAN. No.

Chairman WALSH. If it should be true that a very large proportion of the population fail to secure an adequate living from industry while others enjoy a superfluity, what would you say was the cause, if you have observed any cause for such condition?

Mr. MORGAN. I have not observed any cause for such condition; I do not know.

Chairman WALSH. Has the extent of poverty and suffering in the United States ever been brought to your attention?

Mr. MORGAN. No.

Chairman WALSH. What is your opinion regarding the causes of poverty, if it does exist?

Mr. MORGAN. I have not any opinion about it, sir.

Chairman WALSH. Your attention has not been called to it?

Mr. MORGAN. Well, but I haven't any opinion about it. It is a very large question.

Chairman WALSH. Do you consider that industrial conditions are responsible in any large measure for poverty?

Mr. MORGAN. No; I should say not.

Chairman WALSH. What have you personally done, please, Mr. Morgan, to mitigate any of the evils of society?

Mr. MORGAN. I don't know, sir. I don't know whether I have done anything.

Chairman WALSH. I will suggest, please, first, contributions to philanthropic organizations and institutes?

Mr. MORGAN. Oh, I don't think I can give any list of those. I have helped where I can, as most people do, I think.

Chairman WALSH. Sir?

Mr. MORGAN. I say I have helped where I can, as most people do.

Chairman WALSH. Any action that you have taken as a director in any of these corporations or as a citizen to improve industrial conditions?

Mr. MORGAN. I think the actions I have taken have been in regard to the steel company. They might come in under that.

Chairman WALSH. Anything else?

Mr. MORGAN. I should not say anything else; I don't know anything else.

Chairman WALSH. And what have been the results of your efforts to improve industrial conditions? Do you think they have been improved some?

Mr. MORGAN. I think they have been improved some; yes.

Chairman WALSH. What is your opinion regarding the social desirability of heavily endowed foundations with self-perpetuating boards of trustees as a method of dealing with social conditions?

Mr. MORGAN. I do not know what they can do to social conditions. If they can help, I should say they are very desirable.

Chairman WALSH. Well, can they or do they?

Mr. MORGAN. I don't know. Certainly, the Rockefeller Foundation has been marvelously helpful in a great many medical directions and in a great many ways. And Mr. Carnegie's libraries have certainly helped many hundreds of people, many thousands, many millions.

Chairman WALSH. Then, I take it from that you have noticed it sufficiently to say that so far as your observation goes, they have been beneficial socially?

Mr. MORGAN. I should think so, certainly; yes.

Commissioner WALSH. Commissioner Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. When Mr. Untermyer, the attorney, was on the stand, Mr. Morgan, these questions were put to him, and these were his answers, and I would like to ask in how far you agree with Mr. Untermyer in his opinions.

"Question. You made the statement, Mr. Untermyer, that the railways of this country, as a great body of railways of this country, are practically under the control of two financial groups.

"Answer. A large part of them are. A large part of that mileage is under the domination or under the potential domination of these groups."

Now, in how far is Mr. Untermyer correct, so far as you know, in making that statement that the railways of the country are under the domination of two financial groups?

Mr. MORGAN. I should say he was entirely incorrect.

Commissioner WEINSTOCK. Entirely incorrect? Well, what are the facts as you know them, Mr. Morgan?

Mr. MORGAN. What does he mean by the two financial groups, exactly?

Commissioner WEINSTOCK. Well, he did not mention the groups?

Chairman WALSH. Yes; I think he finally spoke of Mr. Morgan's group and of Kuhn, Loeb & Co.

Mr. MORGAN. Well, I don't know about Kuhn, Loeb & Co.'s business. I can not say about that. I say for ours, if we dominate the railways of the country I have never noticed it. I should like to think we did.

Commissioner WEINSTOCK. Well, what is the relationship, then, Mr. Morgan, say, between your banking house and the railroads of the country?

Mr. MORGAN. Well, we very often have been able to serve them by selling securities for them, and very often in many companies we have been directors, and in many cases we have reorganized them and started them out, and they have gone along pretty well, most of them; and when the directors or officers want advice on questions which they think we are competent to advise them on, they come and ask us. That is the only relation I know.

Commissioner WEINSTOCK. I think in another part of Mr. Untermyer's testimony that I can not now locate, as near as I can remember, he pointed out that when a railroad gets into trouble, and there is occasion for reorganization, that one of these banking groups steps into the breach and aids in the reorganization and from that time on dominates that railroad company. Now, how far do the facts accord with that statement?

Mr. MORGAN. When you reorganize a railroad company it is necessary that the policy of that company for the first few years, at the beginning of it, should be controlled; consequently in most all occasions in my experience in a reorganization there has been a voting trust, which carries control of the company as a consistent policy throughout the first five years, and sometimes it has been extended to 10 years, at which time the voting trust terminates, and when the voting trust terminates the company runs the road from that time on.

Commissioner WEINSTOCK. But up to that time the financial interests would retain the control of the company?

Mr. MORGAN. After the reorganization the financial interests would feel that it was necessary for them to retain control, for the reason that they have got a lot of other people to invest in the property on their say-so, and they feel responsible to those people, and that is the only way they can carry it out.

Commissioner WEINSTOCK. That is, they are under moral obligation to the investors to see that the road is properly managed?

Mr. MORGAN. Yes, sir.

Commissioner WEINSTOCK. I take it, Mr. Morgan, that as a man holding a position of power, trust, and responsibility, that in common with the rest of us who find ourselves in positions of responsibility, you doubtless have been a student of social and economic problems which, of course, includes the problem of problems, the labor problem?

Mr. MORGAN. I have not been a great student of those problems; I have had other problems to study, and I have not had much time to attend to those.

Commissioner WEINSTOCK. From what study you have been able to give to it and what observation you have been able to make along those lines, what conclusions, if any, have you come to in the matter of the organization of labor? Have you found that, as a result of your observation, the organization of labor is a good thing or a bad thing for society generally? Is it a good or bad thing for the laborer himself and society generally?

Mr. MORGAN. I do not know about that; I have not made up my mind on that.

Commissioner WEINSTOCK. You have no opinion about that?

Mr. MORGAN. No definite opinion. It depends upon the organization and the laborer and who runs the organization. It depends upon so many different elements that each case must be taken by itself.

Commissioner WEINSTOCK. Take labor organizations as found in this country at this time, and I suppose the standard organization would be the American Federation of Labor. So far as you have been able to judge, do you think

the American Federation of Labor has been of advantage or of disadvantage to the workers?

Mr. MORGAN. I do not know. I am not able to pass on that.

Commissioner WEINSTOCK. Have you ever taken any attitude on the question of the recognition of organized labor? For example, if you were interested in an enterprise where labor was an important factor, would you or would you not recognize and deal with organized labor?

Mr. MORGAN. That would depend upon the circumstances at the time.

Commissioner WEINSTOCK. Well, under what circumstances, for example, would you deal with it, and under what circumstances would you decline to deal with it?

Mr. MORGAN. I do not know; I would say that I should be disinclined against labor if it came to me and said that I must employ that kind of labor.

Commissioner WEINSTOCK. You would be opposed, in other words, to the closed shop?

Mr. MORGAN. Absolutely. I would be opposed to any unionist or any one else that came to me and told me who I must employ.

Mr. WEINSTOCK. We know that there are those kinds of unions that make one of the conditions the recognition of the closed shop, but there are other organizations where they do not insist on that.

Mr. MORGAN. I think there are many cases where the unions have been admirable. I can not, however, point to each one and say "That is so" and "That is so."

Commissioner WEINSTOCK. But, if the question of the closed shop was not in issue, would you consider what is known as collective bargaining?

Mr. MORGAN. I am anxious to know exactly what is meant by collective bargaining.

Commissioner WEINSTOCK. Perhaps I can make it clear. There are two kinds of bargaining with the workers. One is the individual bargain, where the employer makes his bargain with the individual separately; and there is what is known as collective bargaining, where the employer deals with a representative or a group for all.

Mr. MORGAN. A group in its own employ; that is, a group in the employ of the company?

Commissioner WEINSTOCK. Sometimes, and sometimes with representatives not in the employ of the company, but who represent its workers. For example, it may be the American Federation of Labor, which consists of a federation of a great many different unions in the different crafts which have what is known as union organization. Usually the local union will select as its representatives the members of the international union to deal for them and be their representatives or advocates, on the theory that those men can deal more independently than the man who is in the employ of the employer. Now, the international representatives will represent the workers in dealing with the employer for all. That is called collective bargaining, as I understand it, Mr. Morgan.

Mr. MORGAN. For all of the employers' workmen of that kind or of all kinds?

Commissioner WEINSTOCK. For all the employers' workmen in that particular craft. For instance, if the employees are boiler makers, then the national representatives of the boiler makers will deal with the employers, and if the employers are machinists, the national representative of the machinists will deal with the company, and so forth.

Mr. MORGAN. That would be a serious question, and I should take each case individually as it came up.

Commissioner WEINSTOCK. You are interested in railroads, Mr. Morgan?

Mr. MORGAN. Yes, sir.

Commissioner WEINSTOCK. You know their four great federations?

Mr. MORGAN. Yes, sir; I understand they have them.

Commissioner WEINSTOCK. The conductors, the engineers, the firemen, and the brakemen?

Mr. MORGAN. Yes.

Commissioner WEINSTOCK. Now, each craft has its own representatives who deal with the railway managers and make conditions that will apply to them.

Mr. MORGAN. That has been found to work very well with the railroads.

Commissioner WEINSTOCK. Then, as an employer, would you look with favor or with disfavor upon collective bargaining?

Mr. MORGAN. It would depend entirely upon whether that case of collective bargaining I thought infringed my right or not.

Commissioner WEINSTOCK. There is an infringement, of course, in collective bargaining both ways; it robs the individual worker of his right to make a bargain for himself, and on the other hand it robs the employer of the right to make a bargain with any individual worker. There are concessions made on both sides. The employer agrees to make a bargain with a representative of the group.

Mr. MORGAN. As I see it, it is not a question of morals, but a question of convenience.

Commissioner WEINSTOCK. There is no law that compels you to do so.

Mr. MORGAN. No; and no moral law that compels you to.

Commissioner WEINSTOCK. No; but the workers seem to believe it is in their interest and they contend also that it is in the interest of the employer to bargain with them collectively, and what I want to get at from you is whether you, as a representative financier and an employer, think favorably or unfavorably of that kind of bargaining? I want to know whether you think it would be a good thing for society, generally?

Mr. MORGAN. I do not know whether it would be a good thing or a bad thing. If the matter was presented to me in a certain case, I would see whether I would take it up or not. It is not a moral question, and you can not make an answer to every individual case. It does not go back to principles.

Commissioner WEINSTOCK. No; it does not go back to principles except as the workers make it a principle in that they say their only hope lies in collective bargaining. We have had coal miners tell us on the stand that they are absolutely helpless; that if a coal miner goes individually to the manager with a grievance, such as wanting to get better wages, or have his conditions improved, that he is helpless, because he can be thrown out of his employment and another man hired to replace him, but that if he can go collectively his request will receive consideration; and therefore it is in his interest that collective bargaining shall prevail.

Now, if there are serious objections to that, if that is an unwise policy and a harmful policy to society, generally, we ought to know it, and it occurred to me that, perhaps, from your experience and observation you might be able to express an opinion that would be valuable.

Mr. MORGAN. I am afraid that I can not.

Commissioner WEINSTOCK. The contention made by a great many workers is that the men of power and the men of influence do not give sufficient thought and sufficient consideration to the condition of their workers to be able to understand them, or to be able to sympathize with them, and that, to that degree, they are derelict in their duties; that labor is one of the most important factors in industry, and certainly one of the most important factors in society, and that if labor is affected unfavorably it is harmful to the Republic; that the perpetuity of the Republic rests very largely upon the well-being of the workers, and of course you and I can see the force of that, because if a great body of the workers of this Nation were in a very bad way the possibility of maintaining law and order and peace would be remote. Now, if it is true, what they contend, that the men holding high places, and the men of real power—the men behind the management—do not understand them and do not understand their conditions, do not understand their problems, and do not understand the seriousness of the problem, what would be the answer?

Mr. MORGAN. Now, I should say that the workmen—labor if you want to call it that—had got themselves up in a corner and thought themselves different from anybody else, and they are not.

Commissioner WEINSTOCK. They say that if the worker is not comfortable, or if the workman is not properly attended to, the Republic will fail, so it applies to all citizens just the same; of course, we know the workers are in the very great majority.

Mr. MORGAN. The most of us work in this country, sir.

Commissioner WEINSTOCK. That where there is one employer there are hundreds of workers.

Mr. MORGAN. That is true.

Commissioner WEINSTOCK. And that they have the great burden to carry because of their numbers.

Mr. MORGAN. Each one has to do his part, the employer as well as the workman.

Commissioner WEINSTOCK. Now, what would you take to be the part of the employer, Mr. Morgan; what part should the employer play in the situation?

Mr. MORGAN. The part of any decent man, I suppose, I don't know. He has got to do what he can to help conditions.

Commissioner WEINSTOCK. And what would constitute doing what he can?

Mr. MORGAN. That is a question for each man to decide for himself, is it not?

Commissioner WEINSTOCK. Yes. Well, is it a part of my duty as an employer and citizen of the Republic to study those problems?

Mr. MORGAN. It is part of your duty, if you are an employer—it is certainly a part of your duty to study your own problem. When it comes to a question of the general problem of this whole question of workmen, I do not know; I do not know how much duty is on one to study that.

Commissioner WEINSTOCK. Should a study of the condition of my workers be a part of my duty as an employer?

Mr. MORGAN. I should think so.

Commissioner WEINSTOCK. And it should be a part of my duty to study their conditions, so that I could discuss the matter intelligently?

Mr. MORGAN. Yes—wait a minute; now, you say discuss it intelligently. I am not talking about the discussion of it, but carrying out one's views.

Commissioner WEINSTOCK. What I mean by that is to know how to deal with it intelligently.

Mr. MORGAN. Yes.

Commissioner WEINSTOCK. Congress has placed upon this commission, Mr. Morgan, the burden not only to inquire into the underlying causes of industrial unrest, but to make recommendations along the line of remedial legislation, and I am sure this commission will be very grateful to you, Mr. Morgan, if you could aid it. We can not dig these things out from our inner consciousness; our only way to arrive at an intelligent, wise, and proper legislation is to invite the cooperation and the opinion of the best men in the ranks of labor and the ablest men in the ranks of employers, and this commission would greatly appreciate if you have any helpful suggestions to throw out along the lines suggested—that is, along the line of suggestions to Congress as to such legislation as would be liable to establish a higher degree of industrial peace and a more cordial relationship between the employer on the one hand and the worker on the other.

Mr. MORGAN. The purpose is commendable, but it is beyond me. I have not enough knowledge, I have not enough power or capacity to grasp it and to suggest legislation which would not do more harm than good. That is away beyond me; I hope it is not beyond the commission.

Commissioner WEINSTOCK. Well, we find it a very, very great problem, Mr. Morgan.

Mr. MORGAN. I should think you would.

Commissioner WEINSTOCK. And we should get aid outside of the commission as well as within the commission.

Mr. MORGAN. I would be very glad to give it to you if I had any.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell wishes to ask you a question or two.

Commissioner O'CONNELL. Do you believe that there should be equality before the law of the rich and the poor man?

Mr. MORGAN. How do you mean, equality before the law?

Commissioner O'CONNELL. In the treatment of all before the law and by the law?

Mr. MORGAN. Certainly.

Commissioner O'CONNELL. I take it, because of your very large interests that you look with favor upon the combinations of those things that make for savings, of things that go to bring together combinations?

Mr. MORGAN. That is, increased efficiency in productiveness; yes.

Commissioner O'CONNELL. And that would mean the bringing together of the members of the steel industry in this country into the United States Steel Co.?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. And, as a director of that company, you assign to certain persons the duty and authority of handling the affairs of that company, as far as they are a manufacturing concern?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. And the handling of labor?

Mr. MORGAN. Yes; and the adjusting of the hours of labor and the wages paid the men, and the conditions under which they shall be employed.

Commissioner O'CONNELL. That power is delegated to some person or persons by the board of directors?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. And he represents the company in dealing with the employees, as to questions of wages, hours of labor, and conditions of employment?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. As representing the United States Steel Co.?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. Have not the employees the same right to organize and select one of their representatives who shall be their delegate or adviser to meet with the officer of your company for the purpose of mediation or conciliation and adjusting wages, hours of labor, and conditions of employment?

Mr. MORGAN. I should think he had the same right; yes.

Commissioner O'CONNELL. Do you recall that the United States Steel Corporation adopted a resolution setting forth that it would not treat or permit the corporation to treat with or permit an organization of labor in the United States Steel Co.'s plant?

Mr. MORGAN. I think there is such a resolution; there may be.

Commissioner O'CONNELL. And is that in accordance with the opinion which you have just expressed that you think they should have the same right?

Mr. MORGAN. You said the same right under the law.

Commissioner O'CONNELL. Yes; and in the sense of meeting you as a corporation?

Mr. MORGAN. They have no right to tell the corporation who they shall employ. They have the right to cease to be employed by the corporation if they do not like it. Absolutely.

Commissioner O'CONNELL. Yes; I suppose that is a privilege enjoyed by any citizen.

Mr. MORGAN. Absolutely.

Commissioner O'CONNELL. In other words, your company would hold that if a workman came along seeking employment, and the wages or the hours or the conditions of employment did not suit him, that he could take the position or not, as suited him?

Mr. MORGAN. Yes. You say "my company." I am not speaking for my company, but for myself.

Commissioner O'CONNELL. I mean the United States Steel Corporation, and you are a director of it?

Mr. MORGAN. Yes; and I feel that way.

Commissioner O'CONNELL. You are familiar with the policy of it?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. Then the individual is not given the right to join with his fellow workmen, and through them select a representative who might be in the employ of the corporation or outside, to meet with your representative of the United States Steel Co.?

Mr. MORGAN. I do not know; you will have to ask the officers of the company about that.

Commissioner O'CONNELL. Because of the resolution adopted by your board of directors a few years ago embodying instructions that they should not treat with recognised organized labor?

Mr. MORGAN. Yes.

Commissioner O'CONNELL. Now I want to ask again a question which Mr. Weinstock asked, which I have in mind because of the line to which I am leading up. Has a man of large influence—a man of big affairs, and who deals with big things—I will ask you what opportunity the individual workman employed by the United Steel Corporation has to change his hours of labor, increase his wages, or change the conditions of his employment or work under which he is employed, as an individual?

Mr. MORGAN. I do not know.

Commissioner O'CONNELL. Is there any possibility that he could come into the headquarters of the United States Steel Co. and meet the president of that company and in a talk or discussion with him bring about a change in his hours of labor as an individual? If he should say to the president of that company that if they did not increase his wages, or something or other, he would quit the employ of the company; what effect would that have on the United States Steel Corporation?

Mr. MORGAN. I do not know; it might have a very great deal.

Commissioner O'CONNELL. I think that is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson wishes to ask some questions.

Commissioner GARRETSON. Mr. Morgan, how many railroad companies are you fiscal agent for, or your house?

Mr. MORGAN. Only one, I think, now.

Commissioner GARRETSON. Only one?

Mr. MORGAN. I think so.

Commissioner GARRETSON. What influence is exercised by the fiscal agent of a railway over its methods and management?

Mr. MORGAN. None at all, I should say.

Commissioner GARRETSON. Taking good times and bad times?

Mr. MORGAN. None at all, I should say, sir.

Commissioner GARRETSON. In the character of fiscal agents for a railway company, has an accredited representative of your banking house ever met and dealt or discussed with the representatives of labor unions in considerable numbers the desirability or undesirability, or the necessity or nonnecessity, of a reduction of wages?

Mr. MORGAN. Not that I know of, sir. That would not have anything to do with the fiscal agency.

Commissioner GARRETSON. Well, if he appeared in the character of a fiscal agent and stated that was his only interest in the matter would it cut any figure?

Mr. MORGAN. I should not think so at all; no. That is not his job. That is not the job of the fiscal agent to go and discuss wages on the road.

Commissioner GARRETSON. This was a question broader than wages alone. It was the cutting of wages on a territory covering a fourth of the continent.

Mr. MORGAN. I should not know of it; I should not think it was any part of his business at all—fiscal-agency business.

Commissioner GARRETSON. Would you know when he came, then?

Mr. MORGAN. No.

Commissioner GARRETSON. You don't know whether or not that happened?

Mr. MORGAN. I don't remember of it happening.

Commissioner GARRETSON. In 1907?

Mr. MORGAN. I don't know it if it did.

Commissioner GARRETSON. You, as a member of the board of directors of the Northern Pacific, receive reports covering finances, as to receipts and disbursements by the road?

Mr. MORGAN. Yes, sir.

Commissioner GARRETSON. Monthly or weekly or how?

Mr. MORGAN. I get them quite often; whether monthly or biweekly I forget.

Commissioner GARRETSON. Those cover, of course, revenue and operating expenses.

Mr. MORGAN. Yes, sir.

Commissioner GARRETSON. The percentage of operating cost to the gross revenue?

Mr. MORGAN. Yes; to taxes and all—the usual railway statements.

Commissioner GARRETSON. On questions of operation that report also covers tonnage moved?

Mr. MORGAN. Not as a rule, except at longer intervals.

Commissioner GARRETSON. It is at longer intervals?

Mr. MORGAN. That comes with the annual report, probably.

Commissioner GARRETSON. Well, are not reports made to you monthly on the gross tonnage moved?

Mr. MORGAN. I don't think so.

Commissioner GARRETSON. And a comparison of some months with the preceding—the same month the preceding year?

Mr. MORGAN. I don't recall the tonnage question. The dollar question I do, but tonnage I do not.

Commissioner GARRETSON. And the progress of improvements under way?

Mr. MORGAN. Those are not mentioned except at the meetings.

Commissioner GARRETSON. Stock reports and as to acreage?

Mr. MORGAN. Those are, at the meetings.

Commissioner GARRETSON. They never come to you at any other time?

Mr. MORGAN. No.

Commissioner GARRETSON. Have you read the statements that appeared in yesterday's papers by Mr. Daniel Willard, president of the Baltimore & Ohio Railway?

Mr. MORGAN. I did not see it; no.

Commissioner GARRETSON. In regard to the prominence of the labor question on American railways?

Mr. MORGAN. I did not see it.

Commissioner GARRETSON. That is was the greatest question that concerned them in any way?

Mr. MORGAN. Well—I have not seen it.

Commissioner GARRETSON. You would consider Mr. Willard an authority?

Mr. MORGAN. Oh, admirable.

Commissioner GARRETSON. If Mr. Willard is absolutely committed to the idea that the greatest problem that confronts the American railways is the labor problem, would it not follow in sequence that at least as definite reports as to the labor conditions on a line of railway should be furnished to its board of directors as those covering its financial status which the labor problem threatened?

Mr. MORGAN. That is a doubtful question. It depends who is in charge of it, sir. The directors are in charge of the finances and the executive officers are in charge of the labor situation. Consequently the directors have their reports frequently on the finances, and I presume the officers have theirs on the labor question.

Commissioner GARRETSON. Well, would it naturally follow because in all the years gone by in which the system of administration of a railway has been built up that if the executive had to report to the directors on the financial condition, on what was considered the main and most important problem, the financial problem, if that problem had been superseded by another or greater problem, would that fact carry with it the necessity of reports of that then primal problem?

Mr. MORGAN. Possibly may; I don't know how that would be.

Commissioner GARRETSON. In your opinion are the average board of directors, by personal knowledge and personal experience, qualified to deal with that problem?

Mr. MORGAN. I should say not; no.

Commissioner GARRETSON. You made the statement that the executive was at liberty, if he so desired, to consult with the members of the board of directors, and that they would give him the best advice there was at their disposal?

Mr. MORGAN. Yes.

Commissioner GARRETSON. Now, if the average board of directors were in the same fix that you have stated you are in regard to certain questions, as that you have no opinion as to what is the proper length of a working day; and second, that you have no idea of what is the proper daily wage for a laborer; and third, that you have no knowledge or have never formed an opinion on the conditions of employment for children or others; that you have no idea of what would be proper for the establishment of an age limit for the hiring of men in various capacities; that you do not know whether or not organization exists in a number of branches of the various industries with which you are connected as a director; that you are not familiar with the underlying causes of poverty—now, if a practical operating officer went to a board of directors qualified like that, could he get valuable advice from them?

Mr. MORGAN. Probably not—on that subject.

Commissioner GARRETSON. Now, in regard to the equal rights of men in the two classes—and I am using "class" not in the doctrinaire sense, but only as to those who control and those who do not, those who serve, you have asserted your idea of organization of business to be that when a railway company as constituted at present is made up, that the power to do certain things is vested solely in the executive branch to deal with the industrial problems.

Mr. MORGAN. Yes.

Commissioner GARRETSON. Can you consistently take that position? Have you noticed that very many men have testified here that labor unions ought to be incorporated to render them equally legally liable with corporations?

Mr. MORGAN. I had not noticed or heard of that.

Commissioner GARRETSON. Well, that has been testified to here. We will assume for the moment that a labor union is incorporated and stands in its relation to a railway company as corporation against corporation. Now, if your method of safe organization is good that places all this responsibility in the hands of the executive, I suppose you will be perfectly willing that when an organization such as that on the Northern Pacific—I am going to take a concrete case which exists——

Mr. MORGAN (interrupting). Yes.

Commissioner GARRETSON (continuing). If the Northern Pacific was confronted with wage troubles—and some of its men made a settlement there only last week—if during that trouble the officer of that labor union had exercised just the powers as you have here advocated as belonging to the executive of the railway company and, without consulting the men on the road, had ordered them to refrain from work and tie the company up——

Mr. MORGAN (interrupting). Possibly.

Commissioner GARRETSON (continuing). Would you have considered that the public interest could allow a performance of that kind? Shouldn't he have been put in jail?

Mr. MORGAN. I don't know what law you could put him in jail under.

Commissioner GARRETSON. Well, wouldn't you go so far as to wish you had a law?

Mr. MORGAN. Well, I don't know. That would be a question of circumstances of the road.

Commissioner GARRETSON. Wouldn't that be a power that no man should be allowed to exercise?

Mr. MORGAN. I don't know. I would like to think that over and take a little time—you have got so much hypothetical question there that I don't——

Commissioner GARRETSON (interrupting). Well, if the president of your railway company could exercise that power under your system, wouldn't it be equally legitimate for the executive of the labor union to do it?

Mr. MORGAN. But could the president of the railway company exercise that power?

Commissioner GARRETSON. As you have stated, he could refuse to do anything in the way of settlement of grievances, and therefore would precipitate exactly that condition.

Mr. MORGAN. Yes.

Commissioner GARRETSON. Or he could lock all his employees out?

Mr. MORGAN. Yes.

Commissioner GARRETSON. Under your explanation of your safe system, he would be clothed with that practical responsibility, but this walking delegate, under labor-union laws, must go back and get the consent of two-thirds of the men he represents before acting. You would hold that proper?

Mr. MORGAN. That is one of the rules of the union?

Commissioner GARRETSON. Oh, well, as a citizen, would you hold that as proper?

Mr. MORGAN. I don't know. I don't know anything about that. I am not passing on whether other people do the proper thing or not.

Commissioner GARRETSON. Does every citizen owe anything to the State or not?

Mr. MORGAN. I think a citizen owes a great deal to the State; yes.

Commissioner GARRETSON. Then, as a citizen, don't that man owe more than that to the State?

Mr. MORGAN. More than what, sir.

Commissioner GARRETSON. More than the exercise of arbitrary, unquestioned, and untrammeled power?

Mr. MORGAN. As against the State or——

Commissioner GARRETSON (interrupting). As against the good of the people, and the people are the State, or supposed to be, in this country.

Mr. MORGAN. I hope so. I don't quite grasp the bearing of the thing. Do you mean as a man can I do that, or what do you mean?

Commissioner GARRETSON. Oh, has he a moral right?

Mr. MORGAN. Oh, that is a moral question. I should say not; no.

Commissioner GARRETSON. Has the executive of your company, you think, the moral right to do it?

Mr. MORGAN. No; and I do not suppose he would do it for a moment.

Commissioner GARRETSON. For what reason do you think he would not exercise it?

Mr. MORGAN. I think he would go back to the board of directors that made him president and say, "This is the situation. Now, what am I to do about it?" Wouldn't he?

Commissioner GARRETSON. Well, now, considering your statement of a moment ago that the board was so constituted that it could not give him intelligent advice, what then?

Mr. MORGAN. Well, then, I can't help it. That is the end of the story.

Commissioner GARRETSON. I am citing exactly two parallels, Mr. Morgan, to determine from your opinion whether or not you can safely, as a citizen—because you and I are equally citizens of the Republic—whether you could tolerate or defend an action on the part of the employing corporation that would be considered improper on the part of an employees' association, that is all.

Mr. MORGAN. It would depend on whose rights were attacked.

Commissioner GARRETSON. Has the public rights that both are bound to respect?

Mr. MORGAN. Absolutely, but what those rights are is a question.

Commissioner GARRETSON. Well, then, does the obligation rest equally on the stockholders of a railway to curb the powers of its executive as it rests upon the stockholders of a labor union, who are its members, to curb the power of their executive?

Mr. MORGAN. On the stockholders of the railway?

Commissioner GARRETSON. Yes; as represented by the directors?

Mr. MORGAN. I should say that they would have to work together with him; yes—certainly.

Commissioner GARRETSON. Now, as for responsibility being or not being exercised by boards of directors, didn't it use to be a proverb all through this region—I am speaking of some years back—that the New Haven Railroad could not buy a keg of spikes until after they had held a directors' meeting?

Mr. MORGAN. I don't know. Did it?

Commissioner GARRETSON. I do not dare to testify. But isn't it a fact that in dealing with labor matters for a period of 15 years that a representative of the executive officers of the New Haven Railroad always went back and got the consent of the board of directors before he could sign any form of agreement?

Mr. MORGAN. I don't know anything about the New Haven then.

Commissioner GARRETSON. That was prior to Mr. Mellen's day?

Mr. MORGAN. Very possibly, I should think; but I don't know.

Commissioner GARRETSON. Do you believe, Mr. Morgan, that power and responsibility can be dissociated?

Mr. MORGAN. No.

Commissioner GARRETSON. Can a man who wields power properly evade performing the duties that are incumbent upon him because of the possession of that power?

Mr. MORGAN. Well, that would depend on the circumstances again, I think.

Commissioner GARRETSON. What circumstances could justify the evasion of responsibility by the man who held the power?

Mr. MORGAN. Ill health.

Commissioner GARRETSON. Ill health?

Mr. MORGAN. For one.

Commissioner GARRETSON. Take directors in general, the rate of mortality is not extra high.

Mr. MORGAN. No; probably not. But I don't know what we—you were leading up to something else, and I don't know what it is.

Commissioner GARRETSON. No; I have nothing behind me this once. I am playing in the open.

Mr. MORGAN. My feeling is that the responsibility and the power must go together, and the man who has the power has got to take the responsibility.

Commissioner GARRETSON. Well, and neither you as representing a financial power that is great, nor the officer of a labor union exercising—well, I will say social for want of a better word, or industrial power that is considerable, are free from responsibility, but you are equally bound by your responsibilities that come with that power no matter what its form.

Mr. MORGAN. Absolutely.

Commissioner GARRETSON. And do you believe that the obligation rests as heavily on him who exercises the power you represent to make himself absolutely conversant with those questions that must of necessity come to him?

Mr. MORGAN. I think in his responsibility he can delegate that power and he can delegate that responsibility.

Commissioner GARRETSON. A certain amount; but he can not delegate—well, there is a form of power or responsibility that can not be delegated, is there not?

Mr. MORGAN. I suppose so.

Commissioner GARRETSON. Moral responsibility you can not delegate?

Mr. MORGAN. Well, you do your best to carry it out by delegating the power——

Commissioner GARRETSON (interrupting). But if there is a failure to act, does the moral responsibility rest on the one doing the delegating as well as the one to whom it is delegated?

Mr. MORGAN. Rests on him for his erroneous choice.

Commissioner GARRETSON. For nonperformance, too?

Mr. MORGAN. No; for erroneous choice. I do not see anything else.

Commissioner GARRETSON. Well, that might be.

Mr. MORGAN. If he has used his best endeavor to get the right men.

Commissioner GARRETSON. Well, you know what hades is said to be paved with?

Mr. MORGAN. Yes.

Commissioner GARRETSON. With good intentions?

Mr. MORGAN. Yes.

Commissioner GARRETSON. Will an intention in any case ever deliver a man from legal responsibility?

Mr. MORGAN. I think no man is responsible for not doing more than his best.

Commissioner GARRETSON. I grant you. Then you would hold that he must do his best?

Mr. MORGAN. I would—as he sees it.

Commissioner GARRETSON. That is all.

Chairman WALSH. Thank you, Mr. Morgan. You are excused permanently. The commission will now adjourn until to-morrow morning at 10 o'clock.

(Thereupon, at 4.35 o'clock p. m. of this Monday, February 1, 1915, an adjournment was taken until 10 o'clock Tuesday morning, February 2, 1915, at the same place.)

NEW YORK, *February 2, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. The commission will please come to order.

Is Mr. Goff in the room?

TESTIMONY OF MR. FREDERICK H. GOFF.

Chairman WALSH. What is your name, please?

Mr. GOFF. Frederick H. Goff.

Chairman WALSH. And your residence?

Mr. GOFF. Cleveland, Ohio.

Chairman WALSH. And your business or profession?

Mr. GOFF. My profession, a lawyer; my occupation at present is a banker.

Chairman WALSH. Are you connected with some financial institution in the city of Cleveland?

Mr. GOFF. I am president of the Cleveland Trust Co.

Chairman WALSH. You are the president, I believe, of the Cleveland Foundation, of Cleveland, Ohio?

Mr. GOFF. There is no president of the Cleveland Foundation. I had something to do with suggesting the idea of the Cleveland Foundation.

Chairman WALSH. What official connection have you with it?

Mr. GOFF. Perhaps I can best describe it as the originator.

Chairman WALSH. Might I ask you, Mr. Goff, to describe the whole plan as well as its development up to date, the genesis of it, its creation, and its operation up to date?

Mr. GOFF. The thought of the Cleveland Foundation grew out of experience had in helping others to make charitable disposition of their estates. It occurred to me, after some years' experience in connection with such matters, that donors often limited the scope of their benefactions to too narrow purposes. In one instance I had to do with the drafting of a trust agreement which provided for the ultimate use of a large estate exclusively for hospital purposes. In another large estate it was to be used exclusively in beautifying a cemetery in the city of Cleveland. The thought occurred to me that I was not serving to the best those who were consulting me in not being able to suggest some broader and better use. The foundation is not a foundation in fact. My understanding of a foundation is a present gift, in perpetuity, for charitable purposes. The Cleveland Foundation is rather a plan to gather into a foundation

the surplus wealth of the community for community purposes. It was established on January 2, last year, by a resolution of the board of directors of the Cleveland Trust Co., providing in effect that the company would accept of gifts made by deed of trust or become trustees under testamentary bequests, under certain powers and for certain purposes indicated in the resolution. The foundation, therefore, is rather a declaration of a willingness upon the part of the Cleveland Trust Co. to accept of gifts made in lifetime, or by testamentary disposition, to serve the interests of Cleveland, in the broadest and biggest sense, under uniform powers of administration and for common purposes, the purpose being in substance the good of mankind.

Chairman WALSH. Have you prepared articles of incorporation?

Mr. GOFF. No, sir; there are no articles of incorporation. It exists solely by virtue of the resolution to which I have referred.

Chairman WALSH. Is it the intention to have it incorporated under the laws of Ohio?

Mr. GOFF. No, sir. Under the plan as announced the Cleveland Trust Co. will be the custodian of and administer the property which may be received for foundation purposes; the income derived from such property will be expended for welfare work in the community by a committee to be composed of five members, each serving for five years, unless reappointed, that being the limit of their service, the term of one trustee or member of the committee expiring each year. The committee to be appointed as follows: One by the mayor of the city of Cleveland, one by the probate judge or officer administering testamentary matters in the county in which Cleveland is located, one by the judge of the United States district court, and two by the trustee, the Cleveland Trust Co., the disposition of income being lodged entirely in that committee.

Chairman WALSH. In the announcement of the foundation, which you were kind enough to send to this commission, you state the purposes are as follows: To promote civic, moral, and mental welfare of the people of Cleveland in the widest, wisest, most economical, and most efficient manner.

Mr. GOFF. That is hardly correct. May I quote the exact language?

Chairman WALSH. I wish you would, please. I have understood to have it quoted.

Mr. GOFF. It is not quite correctly quoted. "After income becomes available from gifts made or bequeathed, such income, less proper charges and expenses, shall be annually devoted perpetually to charitable purposes. It shall be available for assisting charitable and educational institutions, whether supported by private donations or public taxation; for promoting education, scientific research; for the care of the sick, aged, or helpless; to improve living conditions or provide recreation for all classes; and for such other charitable purposes as will best make for the mental, moral, and physical improvement of the inhabitants of the city of Cleveland, regardless of race, color, or creed," according to the discretion of a majority in number of the committee to be constituted as I have previously described.

Chairman WALSH. As I understand it, the basis of the plan at the present time is a resolution of the board of directors of the Cleveland Trust Co.

Mr. GOFF. Yes, sir.

Chairman WALSH. And, so far as your present intention is concerned, that resolution is simply to be followed out without any law or any pro forma decree of courts or anything of that sort?

Mr. GOFF. Absolutely.

Chairman WALSH. I want to ask some questions following the declared purposes to ascertain what, in your opinion, can be done. Under your resolution and plan could you conduct model stores?

Mr. GOFF. I would think not. It is to be confined exclusively to charitable purposes. Under the laws of our State a trust in perpetuity, as I understand it, must be limited in scope to charitable purposes.

Chairman WALSH. Could you operate a newspaper, disseminating news covering charitable purposes and welfare work?

Mr. GOFF. I should think not.

Chairman WALSH. Could you conduct a campaign of what you might call education upon a topic as specific as industrial relations; for instance, the relation between capital and labor?

Mr. GOFF. I would think not; no sir.

Chairman WALSH. There seems to be one provision in the Cleveland Foundation different from the other foundations which we have thus far examined into, and that is in relation to the election of the committee to distribute the

income. In Cleveland it seems that three members of the committee are to be named by the mayor of the city of Cleveland, the presiding judge of the probate court, and the presiding judge of the United States district court. Why was this provision put in your plan?

Mr. GOFF. Well, it was my belief that wealth—property—belonged to and should be administered by the living rather than by the dead.

Chairman WALSH. Was there any idea, democratic idea, involved in it—that is, to let the people have something to do with it?

Mr. GOFF. Yes, sir; that is what I intended to say by my answer—that property belongs to the living, and should be administered by the living and not by the dead.

Chairman WALSH. I take it, of course, having gotten up this plan, you have given some thought to the general plan of foundations, the work of foundations.

Mr. GOFF. Well, some; but I could hardly qualify as an expert, Mr. Walsh.

Chairman WALSH. No; but I guess the art, if you could call it such, is quite young, and we have to take those who have given what little thought that has been given to it, and would be glad of your expression, for the time being, at least.

Mr. GOFF. I am willing to serve as an expert for the time being, but do not want my opinion to be given much weight.

Chairman WALSH. Do you feel that Government officials should have the power to name the members of the boards of foundations that have wide scope?

Mr. GOFF. Personally I would fear the result in remote years in the operation of a large foundation by a self-perpetuating board of trustees, fearing that it would not be responsive either to the needs of the community and that the zeal and purposes of the founders might not be continued. I would prefer myself to see upon boards of administration, or rather boards of distribution, for I would distinguish between the management—the custody and management of the assets and the distribution of the income—I would personally prefer more democracy rather than less upon boards having charge of distribution of income, however secured, whether by appointment of governmental officers or otherwise.

Chairman WALSH. Are you familiar with what was known as the Peters bill, the proposed bill chartering the Rockefeller Foundation by the Congress of the United States?

Mr. GOFF. I am not; no, sir.

Chairman WALSH. Did you read the original bill and the amendments to the original bill granting the charter to the Rockefeller Foundation?

Mr. GOFF. I did not; no, sir.

Chairman WALSH. The Peters bill provided that vacancies in the trustees following the incorporation should be filled by the existing board of trustees, but that four Federal officers and five university presidents should have power to veto such elections. Do you believe, Mr. Goff, that it is necessary or desirable that the Government should have a control over the trustees of such foundations?

Mr. GOFF. Well, that would seem to me a little complicated, Mr. Walsh. Preferably—perhaps because of pride of opinion growing out of my study of the Cleveland Foundation—I should rather have members of the public designated by governmental officers, if you please, by the President of the United States, by the Chief Justice of the Supreme Court of the United States, and by the governor of New York, or something of that kind, such officers to have the power to designate members of the public for a limited time to serve as members of the committee. This would give the public, in effect, the right or opportunity of recall.

Chairman WALSH. A reading of the resolution creating your foundation, the Cleveland Foundation, indicates that the management of the fund rests with the Cleveland Trust Co.

Mr. GOFF. The management of the estate?

Chairman WALSH. The management of the estate.

Mr. GOFF. Yes, sir.

Chairman WALSH. The trust fund?

Mr. GOFF. Yes, sir.

Chairman WALSH. And I believe it provides that the trust company shall be paid proper charges and expenses?

Mr. GOFF. Yes, sir.

Chairman WALSH. Have you defined yet what constitutes proper charges and expenses?

Mr. GOFF. My recollection is that the resolution fixed that definitely at 5 per cent of the gross income, which is the customary charge for administering estates in our community.

Chairman WALSH. The resolution includes among its provisions—but I will not undertake to quote it—but a provision intended to limit the foundation's activity to what would be called eleemosynary and philanthropic purposes wholly?

Mr. GOFF. Well, no; for instance, educational purposes, which would hardly be eleemosynary, and scientific research and recreation, which I suppose would cover playgrounds, bathhouses, museums of art, and music halls.

Chairman WALSH. You have endeavored in your resolution to specifically set out the activities that might be or could be undertaken by your foundation, have you not?

Mr. GOFF. I tried to state it in the broadest possible terms, but boiled it down; it seems to me that the use authorized is any use that will promote the well-being of mankind. Such language, however, would not have been construed as limited to a charitable use under our laws, which prohibit a trust in perpetuity for political or industrial purposes.

Chairman WALSH. Is it true that under the present plan of the Cleveland Foundation, the Cleveland Trust Co. will actually have control, in that, of the five trustees, two are to be appointed by the directors and three are to be appointed by the directors after selection by——

Mr. GOFF (interrupting). You have that wrong. It does not so provide. It provides that in the event of the failure of any of the appointing powers to exercise the appointing power lodged in them, that then, in order to fill such vacancy, the board of directors of the Cleveland Trust Co. may designate to fill the vacancy. I can not conceive that the board of directors of the Cleveland Trust Co. can exercise in any sense control over the distribution of the income.

Chairman WALSH. What was the idea of having this administered through a trust company.

Mr. GOFF. Personally, I believe that there is gathered about a financial institution men of greater experience and ability in dealing with financial affairs. I think their judgment with regard to investments is likely to be better than that of any committee not having had such training.

Chairman WALSH. My attention has been called to the provision in your prospectus or the statement here, as follows:

"That the power to distribute principal or income shall be vested in the committee constituted as hereinafter provided, with the exception only that the member provided to be selected by the judge of the United States district court shall be appointed by the board of directors of the Cleveland Trust Co."

Mr. GOFF. I don't think that is in there, sir. Will you call my attention to that?

Chairman WALSH. The pages are not numbered. It is the fourth page, paragraph 3——

Mr. GOFF. If you will turn over—that is page 4 of the printed matter?

Chairman WALSH. Of the printed matter.

Mr. GOFF. Well, that is a statement of the scope and purposes of the foundation. The plan itself starts on the next page.

Chairman WALSH. Well, this seems to be in the resolution creating the foundation adopted by the board of directors of the Cleveland Trust Co., January 2, 1914. Now, the second page of that resolution, No. 3, it says:

"That the power to distribute principal or income shall be vested in the committee constituted as hereinafter provided, with the exception only that the member provided to be selected by the judge of the United States district court shall be appointed by the board of directors of the Cleveland Trust Co."

Now, I wish you would be good enough to analyze that, because you can readily see how we might drop into the error that we did.

Mr. GOFF. There are certain optional rights under the plan given to donors. Unless those optional rights are exercised the committee will be constituted as provided at the bottom of the page to which you have referred:

"Two by the directors of the Cleveland Trust Co., preferably to be designated from their own number.

"One by the mayor or chief executive officer of the city of Cleveland.

"One by the senior or presiding judge of the court for the time being having jurisdiction of the settlement of estates in Cuyahoga County.

"One by the senior or presiding judge of the United States District Court for the Northern District of Ohio, or of the court that may hereafter exercise the jurisdiction of said court in Cuyahoga County."

But should any donor disapprove——

Chairman WALSH. Where is that?

Mr. GOFF. I am coming back now to the recital providing for the committee for distribution. Providing that the donors shall specifically so elect, the following optional rights are given. I am going back now to the paragraph No. 1 to which you called attention. No. 3 is the one providing that if the contributors to the foundation in the instrument creating their trust indicate their desire first as to how, when, and for what purposes the principal contributed by them should be used, or next as to the purposes for which their income shall be used, or next that the committee, instead of being constituted as provided in the portion of the plan to which I have called attention, indicate a desire that three members of the committee shall be designated by the Cleveland Trust Co. instead of two, they shall have such right.

I don't know whether I make myself clear. Unless donors in the instrument creating the trust specifically express a desire to have what I call a more conservative board of trustees for distribution of income, the other obtains. I am pleased to say, however, that so far as we have gone, no one has elected to exercise their rights under that option, but it may be interesting for me to give you my experience in connection with that matter.

Of course, there is no compelling power to influence donors to accept this plan. With some the democratic plan of selection of the committee is more satisfactory, with others not.

Mr. Thomas H. White, president of the White Automobile Co. and the White Sewing Machine Co., who created a trust just prior to the establishment of this plan, a large trust, for quite as broad purposes as indicated in the plan, was asked by me, after the establishment of the plan, to consent to have his trust come under the Cleveland Foundation. He has since died, and the trust is public, so I am at liberty, I feel, to give the reasons for his having decided not to come in. It will give you the viewpoint of some donors. I am reading from a letter written by Mr. White to me from Florida on January 29 of last year:

"Now, regarding the Cleveland Trust Co., I went into it expecting that the 20 directors of the company would manage the funds finally. If five directors, and three of them from the outside, are to manage it I do not want to go in it at all. A Tom Johnson mayor would soon manage the whole thing."

I simply give that as indicating how you have to guard in arranging a plan so as to meet the wishes of the donors. Mr. White died before returning to Cleveland, or before, rather, I had an opportunity to discuss the matter with him verbally. I have no doubt he would have accepted at least the optional right under the plan to which you refer had I had the opportunity of discussing it with him.

Chairman WALSH. What provision is made in the present resolutions for making public the reports of work done and moneys spent?

Mr. GOFF. The plan requires, first, an audit by a certified accountant, annually; the publication of the report of the auditor, giving details in regard to each trust and securities held under each trust, income received, and disbursements made.

Chairman WALSH. Do you feel that such a foundation ought to be accountable to some public officer or body?

Mr. GOFF. Well, either some public body, or preferably, I think to the public itself; for trusts of this kind are created for the benefit of the public. They are the beneficiaries under the trust, and I think are entitled to the fullest information.

Chairman WALSH. In what way would the representation of the public be had, you say, either to make it a public officer, which would mean, I suppose, elective or appointive officer of the Government, the State, or municipality, or how would you apply it? What do you mean by that?

Mr. GOFF. Well, the publication in the newspapers, as provided in the plan of the Cleveland Foundation, two newspapers having the largest circulation in the city of Cleveland, of the results of each year's operation, I regard as an accounting to the beneficiaries of the city of Cleveland. Further, the plan provides for visitorial power to the law officer of the city of Cleveland and to the attorney general of the State, and gives them the fullest opportunity to inspect the records.

Chairman WALSH. I wish you would please detail the provision—read it from the book there, Mr. Goff—the provision for the public examination of the records of the foundation.

Mr. GOFF. The resolution provides that either the attorney general of the State of Ohio or the law officer of the city of Cleveland shall have the right to institute appropriate proceedings in any court of competent jurisdiction to restrain, correct, or recover for any maladministration of the trust estate, either by the trustee or the committee, and shall at all reasonable times have the right to inspect the books, vouchers, and records of the trustee and the committee in any way pertaining to the foundation.

Chairman WALSH. Do you feel that all foundations should be required to publish such facts?

Mr. GOFF. Oh, I think publicity is one of the very greatest safeguards in an endowed charity; yes, sir.

Chairman WALSH. Was it a part of that plan to publish a complete list showing the number and character of the applications received for dispensation of funds?

Mr. GOFF. I think there has been no such provision made; no, sir.

Chairman WALSH. Was it intended to have them made? Is it intended to be made?

Mr. GOFF. I would think that would be an administrative matter, entirely in the hands of the committee for distribution.

Chairman WALSH. What would you think of publishing such matters as showing the public what opportunities there were for you to help and in a general way where you were reaching, what you were aiding, what you were failing to aid or refusing to aid?

Mr. GOFF. I do not believe I have any very firm convictions on that. It would seem to me that a detailed statement of how funds were expended, especially in a community like Cleveland, would make it quite apparent to the citizens of Cleveland what might have been done as well as what had been undertaken.

Chairman WALSH. Among other things we are trying to do is to see what application could be made of the principal and practice of your plan to foundations generally of national wide character, we might say. You have certain provisions restricting freedom to disburse capital, namely, to exceed 20 per cent during a period of five consecutive years. Please state your reason for this.

Mr. GOFF. People might act under impulse without sometimes giving mature consideration to some larger problem affecting a community, and it seemed to me desirable, before distribution of the entire principal constituting the foundation be made, the judgment of the community should in some respects be considered to be had through public discussion and the public prints. A distribution of 20 per cent in a period of five years, with the approval not only of the members of the committee, but of the trustee, was quite as rapid and as large an amount as ought to be made, it seemed to me.

Chairman WALSH. Complete control in regard to capital and income as vested in the Cleveland Trust Co. You have stated here that you give no power over capital to the disposition?

Mr. GOFF. That is with regard to the disbursement of principal?

Chairman WALSH. Yes.

Mr. GOFF. The committee have joint power of disbursement of principal with the directors of the Cleveland Trust Co.

Chairman WALSH. Can the foundation, if it so desires, spend its income or capital in directing such work as a survey of the city, for example?

Mr. GOFF. I think so.

Chairman WALSH. Describe what sort of survey is going on at the present time.

Mr. GOFF. The plan of the Cleveland Foundation was announced, as I have said, on January 2, 1914. It appeared from—not contributions, because that is not the right term—but from assurances or pledges received before the 1st of March in that year, that at no remote time the responsibility would come upon the committee having charge of the disbursements of income for disbursing a large amount of income. In other words, a railroad accident or a *Titanic* disaster would impose immediately the responsibility for handling the income from a large amount of property.

It seems to me the community ought to be thinking along the lines of how such income could be best used. And I invited the cooperation of some of the citizens of Cleveland in the matter of making for that purpose, a survey of social conditions existing in Cleveland. I suggested as the scope of such an

effort, the ascertaining of the causes and remedies for poverty, crime, disease, and accident. I have forgotten just the scope of it, but it was pretty broad.

I suggested that to try out the plan involved in the foundation itself for handling income, that a committee be appointed as provided in the foundation, namely, two by the Cleveland Trust Co., one by the Federal judge, one by the probate judge, and one by the mayor, to have the charge of making such survey. Such committee was appoined, and perhaps on or about September 1, after some months' effort and with the cooperation of the Russell Sage Foundation of this city, Mr. Allen T. Burns was selected as a director of that survey and actively began work about September 1.

Chairman WALSH. Well, will the scope of your survey include an investigation into the wages paid laborers, conditions of labor?

Mr. GOFF. I think so. The scope suggested is broad enough for that; yes, sir.

Chairman WALSH. Is it the intention to have it cover that in arriving at the causes of poverty and disease and crime and the like?

Mr. GOFF. I am not on that board, I am not a member of that committee, but judging from the character of the committee I do not think they would hesitate, Mr. Chairman, to go into such matters and believe they would find them both desirable and important considerations.

Chairman WALSH. You have the right, I suppose, to spend a portion of the income for publicity?

Mr. GOFF. That is, the income of what? Of the foundation or funds received for the survey—there is no foundation as yet. The funds that would be available for the making of this survey would be available for giving publicity to the reports.

Chairman WALSH. From whence do the funds come that this survey is to be made from?

Mr. GOFF. Private contribution.

Chairman WALSH. Of persons in Cleveland?

Mr. GOFF. Yes.

Chairman WALSH. Is there any objection to stating who they are?

Mr. GOFF. I think I would rather not. I am willing to state I am one of the contributors.

Chairman WALSH. Might it be anybody who would have a very pecuniary interest in the result in the question of wages and the publicity that might be given to the reports?

Mr. GOFF. No; none whatever.

Chairman WALSH. Any stockholders in large concerns in which there have been labor disputes or in which there have been charges?

Mr. GOFF. No.

Chairman WALSH. Of improper conditions?

Mr. GOFF. Not that I am aware of; no, sir.

Chairman WALSH. Do you think that would have to be provided against?

Mr. GOFF. I do not think so, sir. The committee will have charge of the expending the funds, of the publishing of the reports. The member of the committee appointed by the mayor of Cleveland is the president of the consumers' league.

Chairman WALSH. What would you think of the proposition if the committee did consist of men that were stockholders and directors in large industries in which there was a great deal of labor strife and in which the conditions of the labor were severely challenged and criticised; do you think that such a committee could be intrusted to make an investigation into the causes of poverty that would include wages, conditions of labor, hours of labor, and the alleged grievances of the workers with unlimited power and publicity as to active work and conclusions?

Mr. GOFF. It seems to me that the credit and fairness of any report made by such committee would entirely depend upon the character of the committee.

Chairman WALSH. Regardless, of course, of the personal character of the individuals, I suppose you do not mean that; but if they were men that as directors and stockholders or owners were involved in very great industries in which these conditions were alleged to exist, do you think that men with those interests, leaving out the personal character, could make a survey that would be disinterested and would be received by the workers in the industry as disinterested?

Mr. GOFF. No; I would doubt both.

Chairman WALSH. In general, do you feel that there is any menace to industry or to government or to education in very great foundations?

Mr. GOFF. It depends upon the purpose—the scope—of the foundation, as I would view it. I suppose you are directing my thoughts toward the Rockefeller Foundation. Personally I can not help but feel that it is one of the greatest benefactions the world has ever had.

Chairman WALSH. And you have studied it——

Mr. GOFF (interrupting). May I just finish my answer?

Chairman WALSH. Certainly.

Mr. GOFF. If I have understood its purpose—and I get misinformation principally from what I have learned of it in the public prints through the proceedings here—if the purpose of the foundation is to promote the welfare of mankind, none of us could differ as to the worthiness of the purpose. We may entertain different opinions as to whether the purpose will be carried out by the administrative officers; personally I can not help but feel that the handling of so important a trust by a self-perpetuating board of trustees is not likely to carry out the wishes of the founder. In other words, you have, I assume, to-day in charge of that foundation men of rare ability—Mr. Murphy, Mr. Greene, Mr. Gates, Mr. Rockefeller. They have the zeal of the mind conceiving it. But how that is to be perpetuated in the remote years to come I do not know. The tendency is for those possessing such power to become indolent, indifferent, and slothful. I am getting away, however, from the question you put, which was, Do I regard it as a menace?

Chairman WALSH. Improperly administered—yes—it might be a menace. I have myself the feeling that we are living in a different age than obtained years ago. There is an increasing spirit of service and a lessening spirit of self-seeking. What might have been possible 50 or 100 years ago is quite impossible now because of the great publicity. Such publicity as grows out of the hearings in such investigations as this, which the public are free to make at any time. I do not fear myself evil result from even such administration as has been provided under the Rockefeller Foundation. The menace of foundations in the past, from the little I know of them, is that they soon become obsolete. They are stupid. There are upward of 50,000 endowed charities in England to-day, as I understand it, the majority of which have proved harmful; but not harmful because they have undertaken to thwart governmental purposes or to disturb the relations between employers and labor, but because they become obsolete. Instead, if you please, of conceiving what the evil was which they sought to remedy, founders have adopted methods that often increase the evil. Following the confiscation of the property of the monasteries in the early part of the fifteenth or sixteenth century, the poor came upon the community of England. Charity took the form of giving doles, handing out sums of money, and that, of course, only tended to increase pauperization. Foundling asylums were created with the thought that they serve a charitable purpose and worthy purpose, but they only tended to increase illegitimacy. The great menace of a foundation, as it seems to me, is its narrowness of conception.

Chairman WALSH. Have you known of any foundation or organization having for its purpose the betterment of mankind by philanthropic and eleemosynary means that has undertaken to make a survey as to the relations between capital and labor or between employer and employee in industry?

Mr. GOFF. None except the Rockefeller Foundation.

Chairman WALSH. There is no other institution of the kind and no other instance of it in history that has been called to your attention?

Mr. GOFF. I know of none.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Commissioner LENNON. Mr. Goff, must the committee on distribution absolutely expend money received from donors for the purposes the donors set out in their bequests?

Mr. GOFF. No, sir; the donors may indicate a desire for a certain period of time to have the income from their trusts expended in a certain way, but there is lodged with the committee on distribution the power to do otherwise should it see fit.

Commissioner LENNON. Then this foundation in charge of the Cleveland Trust Co. would not be in a position to receive bequests that had a specific end and only one end in view, and could not be used for any other purpose?

Mr. GOFF. Not unless the donor agreed that the committee might have a revisionary power and control.

Commissioner LENNON. What was the substantial reason back of the provision putting the distribution of money from the funds in the hands of a trust company under a different committee and board from the directors of the trust company? What did you expect to serve by having those two boards handle the funds?

Mr. GOFF. Well, I believe personally that the directors of the Cleveland Trust Co. would more safely and prudently care for the investment and reinvestment of the fund; but I believed that the community, through the control given it in the committee on distribution, would make a more wise and beneficial use of the income for community purposes than the directors of the bank.

Commissioner LENNON. Now, in setting out the purposes of some of these great foundations, the statement is made that they are established to promote the welfare of mankind. Is it not possible that in Cleveland, for instance, there are a great many excellent people, equally honest, equally intelligent, who fundamentally differ as to what might be or might not be for the welfare of mankind in the handling of such fund?

Mr. GOFF. Yes, sir.

Commissioner LENNON. Well, is there a possibility of danger in the future that the directors, even though with an honest intention and conscientiously, should undertake to devote a large fund for what they belived to be the welfare of mankind, that another large element of the community would believe that it was for the detriment of mankind; would then such a trust be of benefit to the community?

Mr. GOFF. Mistakes of that kind, it is quite possible, may be made. It seemed to me, through the shifting of the membership of the committee—the membership being limited to five years' service unless reappointment be made by the appointing power—that errors and mistakes of that kind would, through public discussion, become corrected.

Commissioner LENNON. And the people come to see the thing the same way?

Mr. GOFF. Not always in the same way; no, sir, that is quite impossible.

Commissioner LENNON. That is the great question I have in my mind as to these foundations, the difference in our viewpoint as to what is for the welfare of mankind, and how that is to be safely handled in the future—either by a self-continuing board of trustees or even by the plan that you have.

Mr. GOFF. Welfare of mankind under the laws of Ohio must have reference solely to charitable ends, which would include education, scientific research, the maintenance or establishment of art galleries or music halls; they are such things as have been approved by courts, by Parliaments in England, and by legislative bodies in this country as are included as charitable purposes. As to what would be the wisest and most beneficial use of the funds available for charitable purposes is something about which the people might differ, but I do not know of any scheme which is limited, as the Cleveland Foundation necessarily must be, to charitable ends that could be held to be a menace or harmful to the community.

Commissioner LENNON. The greatest difference would arise on the very first word you used, that of education. Might not the city of Cleveland, although I am not well acquainted in Cleveland—I imagine that the city of Cleveland would divide into half a dozen different sections as to what was for the welfare of mankind in the way of education, the method and lines of education.

Mr. GOFF. That is true. There are said to be 350 endowed educational institutions in England serving a harmful rather than a beneficial purpose, one a secondary school where they have two masters and but one pupil, or did have a few years ago.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell would like to ask a few questions.

Commissioner O'CONNELL. I would like to know something about the amount of funds in this foundation.

Mr. GOFF. I tried to make that quite clear, that the Cleveland Foundation being only a little over a year old, and dependent on gifts made by will largely and deeds of trust, has come into possession of no funds directly. In October of last year I estimated, and I felt somewhat conservatively, that upward of $30,000,000 at that time had been committed, if that is the word to use, to the foundation. The funds are lodged with the foundation or with the Cleveland Trust Co. largely after the death of the donors.

Commissioner O'CONNELL. Has there been any funds used up to the present time?

Mr. GOFF. The foundation has received no funds.

Commissioner O'CONNELL. Consequently there have been none to expend?

Mr. GOFF. No, sir.

Commissioner O'CONNELL. But you have got the possibility in sight of about $30,000,000.

Mr. GOFF. Somewhat more than that. In October of last year my estimate was something over $30,000,000, and it is increasing.

Commissioner O'CONNELL. I understand from that that it will be necessary for some one to die before any of that money will be available?

Mr. GOFF. Yes, sir; and after the death of many donors the income is reserved for the use of children and beneficiaries designated. The Cleveland Foundation is rather for the day after to-morrow than for to-day. It is undertaking to gather up for community purposes what I will describe as surplus wealth that very often in a community goes to waste, and making it of service to the community and under the management of the community when available.

Commissioner O'CONNELL. When, in your judgment, will some portion of this fund be available?

Mr. GOFF. The things happen pretty fast; there are three trusts within the last two years of very considerable amount where the purposes are quite as broad as the—I won't say that, but there is one, and that is the Thomas White, where the purposes indicated are similar to those set forth in the foundation—two other trusts of large amounts where unexpectedly large funds have been given for charitable purposes. Some contributors, if I may use that term, of the Cleveland Foundation are well advanced in years, some are childless, some have families to be cared for and their estates will only be available after their deaths and the death of their families. It would simply be guessing as to the length of life of people who have contributed, and that I do not like to do.

Commissioner O'CONNELL. I understand that for the foundation to become the sole possessor of the fund the entire family would have to disappear, as it were—all of the heirs?

Mr. GOFF. No, sir; you can not create a trust for such a time under the laws of Ohio, and I guess it is the same under any one of the States of the Union; there is a limit to the time for which a trust can be created for private purposes. A very considerable amount, as I have stated, of property that has been donated—pledged to the fund—is contributed by those who have no families.

Commissioner O'CONNELL. Has your committee so far arranged for any work of any kind in Cleveland? Are they figuring ahead for taking up any particular work?

Mr. GOFF. Nothing except through this survey committee which has been doing active and, I think, very excellent work since about the 1st of October.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Now, that is all, thank you, Mr. Goff.

TESTIMONY OF MR. EDWARD P. COSTIGAN.

Chairman WALSH. Please state your name.

Mr. COSTIGAN. Edward P. Costigan.

Chairman WALSH. Where do you live, Mr. Costigan?

Mr. COSTIGAN. Denver, Colo.

Chairman WALSH. What is your business, please.

Mr. COSTIGAN. Attorney at law.

Chairman WALSH. How long have you lived in Denver, Colo.?

Mr. COSTIGAN. For about 30 years.

Chairman WALSH. Have you had anything to do with the trouble existing in the coal industry in Colorado during the past several months?

Mr. COSTIGAN. In February, 1914, Mr. Chairman, I was engaged by the United Mine Workers of America to represent them in a hearing held by the congressional committee to investigate the Colorado coal strike conditions. I acted in that capacity during the entire hearings through the filing of the briefs before the congressional committee.

Chairman WALSH. You have asked to be heard here, Mr. Costigan, I believe, in connection with both of the questions now under investigation by this commission at this particular hearing; that is, the effect of absentee ownership in industry and the activities of the large foundations so far as the industrial field is concerned. Are you prepared to make a statement covering these questions?

Mr. COSTIGAN. I am, Mr. Chairman, and I should like to explain the circumstances under which the request was presented to the commission, if I may.

Chairman WALSH. Very good.

Mr. COSTIGAN. In the latter part of December of last year, among others, I testified before this commission in Denver on the causes and remedies for industrial disturbances existing in the State of Colorado. About that time, and at that time I was not representing the United Mine Workers of America but was testifying simply as a citizen; about that time the word reached us that an investigation was to be held in the city of New York on the subject of the Rockefeller and other foundations, and the United Mine Workers requested me to come with some of their people to the city of New York for the express purpose of requesting that the investigation of the Rockefeller Foundation be considered from the standpoint of the Colorado situation.

As a result, Mr. Lawson, international board member of the United Mine Workers; Mr. Doyle, secretary-treasurer for the State of Colorado, of district 15; Mr. Morgan, secretary-treasurer of the State of Wyoming; and some other witnesses came to New York. One week ago last Saturday they formally presented a request to this commission for an opportunity to be heard. Pursuant to that request Mr. Lawson has been heard. That, I think, explains the circumstances under which this request was made.

Chairman WALSH. Are you prepared to make the statement, and could we ask you to be kind enough to make it in your own way, without direct questioning, so far as you can, confining it to the two topics indicated; that is, the results of absentee ownership in industry as you have observed them—the operations of it and the activities of these foundations, so far as the industrial field is concerned.

Mr. COSTIGAN. Mr. Chairman, it certainly is proper, as the miners of Colorado have requested that any investigation of the Rockefeller Foundation as a benevolent enterprise, a social asset, or a community liability should be tested by the human drama recently enacted in that State. This is particularly true in the light of the recent report that the sum of $10,414,918 out of the $100,000,000 owned by the Rockefeller Foundation is in the shape of stocks and bonds of corporations doing more or less business in the State of Colorado.

My authority to speak from the Colorado standpoint is twofold: First and primarily, as a citizen of that State deeply interested in human welfare and in the close relation that does or should exist between economic justice and the dispensing of charity; secondly, because of the intimate knowledge derived through the professional relations of which I have spoken, and, in a measure, as a representative of the United Mine Workers of America.

The moderation of their demands, the well-grounded nature of the complaints, the conservatism for the most part and with few exceptions of their leadership through long, weary, and heart-breaking months, and the unforeseen and shocking character of their sufferings in the State of Colorado—on all these subjects I speak from definite personal knowledge.

We had on the witness stand yesterday, Mr. Chairman, Mr. John Mitchell, under whose leadership the United Mine Workers attained an international fame. I was reading this morning in the record of this commission the testimony of Mr. Peabody, one of the leading bituminous mine operators of the Middle West, delivered before this commission on April 6, 1914, which, by the way, was the very day on which Mr. Rockefeller, before the congressional committee was delivering the statement in Washington which precipitated Ludlow in the State of Colorado.

In this testimony of Mr. Peabody, which the commission may remember, Mr. Peabody, questioned by Commissioners O'Connell and Weinstock, developed what is, of course, known to be true—the fact that the United Mine Workers of America have promoted in this country higher and better standards of living and have greatly advanced the habits of the mine workers of to-day. Notwithstanding the fact, as Mr. Peabody testified, that the English-speaking and Anglo-Saxon element among the miners is diminishing rapidly and that the places of these people are being rapidly taken by miners from southern Italy and northern Italy, and Hungarians, Slavs, and so forth; and among other things Mr. Peabody said:

"I think the whole standard of the miner has improved greatly. I have been very much interested with my friend Mitchell"—referring to Mr. John Mitchell, who testified here yesterday—"in going to the miners' houses, to see his picture hanging there rather enshrined. He is rather typical of the Higher Being. I am not joking in this. I am very serious. I am very fond of Mitchell, and I

think his work and the work that has been done under him has elevated the higher standard of their lives. Mitchell is there more as an idea than as a person. He has done wonders for the men socially and in every other kind of way."

This is the testimony, as I say, of a great coal operator, nor is it unusual from the lips of such men.

Prof. Edward R. A. Seligman, of Columbia University, says in a paper published in the New York Times Annalist for the first week of May, 1914:

"The United Mine Workers of America is not an irresponsible organization; on the contrary, it is numerically the strongest union in the world; it has a membership of more than 400,000 paying dues to it; it is established in practically every coal-producing State in the country and in practically every mining Province in Canada; 75 per cent of all coal miners on this continent are employed under the terms of contracts which the organization negotiates with mine owners; the relations existing between the miners and operators are cordial and friendly; the officers of the miners' union are men of high character and marked ability. Mr. John P. White, the president, is recognized by employers in the coal industry as a man of high ideals, great intelligence, and unquestioned honesty. Mr. Frank J. Hayes, the vice president, is equally well regarded. Mr. Greene, the secretary-treasurer, is the majority leader in the Ohio State Senate and speaker pro tempore of that body. Are these the kind of labor leaders to be encouraged or to be frowned down?"

I cite those matters, Mr. Chairman, in passing in order that the propriety of the request made of this commission for a hearing may be estimated by the commission.

At the outset of what I desire to say I wish it particularly understood that nothing testified to may fairly be construed as a reflection on the resources or quality of the people of the State of Colorado.

Colorado is, by natural endowment, matchless among the States of America, particularly the inland States. Her people, taken all in all, are as high spirited, as gifted, as industrious, as humane, as cosmopolitan as any in the world. Her economic history, as I view it, Mr. Chairman, is important to this commission and to the country, not because it has been exceptional, but rather because it is at least potentially typical. What happened to us at Ludlow last April is in some striking respects similar to what happened at Lawrence, Mass., some years ago, and across the line in New Jersey within the last few weeks; and the condition bordering on civil war which prevailed in Colorado in April of last year is one which, with like provocation, may become the situation any day in New York, Pennsylvania, or Ohio, or Illinois, or any other industrial Commonwealth.

For these very reasons that discredit should have been brought on that State in the past year, as we see it, by the very forces that are now striving for public approbation under the guise of philanthropy, is all the more regretable.

The Rockefeller Foundation, if I am correctly advised, and if I understood Mr. Rockefeller correctly the other day, was incorporated in the State of New York in 1913 for the dissemination of knowledge, the prevention of suffering, and the promotion of the well-being and civilization of the people of the United States and of the world.

Practically within a year after its incorporation its promoters had the responsibility properly laid at their very doors for a record of total failure along each of the designated lines of activity. They, or at least those most influential in the foundation, had sanctioned or permitted the spread of misinformation on matters of public importance of the first grade, the concrete enlargement of human misery, and an unmistakable lapse from just living human standards entirely at variance with our boasted civilization.

In a great human crisis, precipitated within the very household, industrially speaking, of Mr. Rockefeller, his foundation has been heedless or impotent. And the conclusion forced on an unprejudiced public has been and is that Mr. Rockefeller, the business man, has cold-heartedly and without hesitation brushed aside and imposed silence upon Mr. Rockefeller, the philanthropist.

In the State of Colorado, he and his associates have looked on without emotion while communities have been endangered, homes have been desolated, and men, women, and children who might have been saved to efficient service for society have gone down to most pathetic graves. Without protest these captains of industry have seen their corporation subordinates in Colorado oppose the organization of workers in a State which by law sanctions the right of organization.

Nor was it a matter of any consequence to them that the situation represented a fourth like crisis in thirty years, springing from like causes, and that the unyielding attitude of the employers threatened for a time to involve that great third party, the unoffending public, not only in one but in other States, in the throes of civil war. In 1884, 1894, 1904, and again, most menacingly of all, in 1914, the industrial clock in Colorado struck with solemn and insistent warning.

Yet not even the proposed benevolences of Mr. Rockefeller and his associates have modified their rigid and implacable attitude.

The foundation has purported to represent disinterested and untrammeled investigation, and the activities of Mr. Kneeland in Chicago, Mr. Fosdick in New York, and Mr. Flexner here and abroad, had led the nation to cherish higher hopes of an inspired and fearless probe of wrong economic conditions, high and low.

The testimony of young Mr. Rockefeller before the congressional committee on April 6, 1914, however, dramatically and unforgetably did three things:

1. It dashed these hopes to earth for the time being at least.

2. It demonstrated the dangers and unreliability of charity and the inferiority of charity to economic justice.

3. It proved that absentee landlordism in Colorado has been the foundation of a feudalism on the part of employers toward employees which has been indifferent to State and even Federal law, which at times in parts of Colorado has dominated government in all its branches, executive, legislative, and judicial, which through the use of hired detectives and gunmen has promoted and made private war and ignored the necessary view that the levying of war is a public function. It would appear unnecessary to review the laws which were shown in the congressional hearing to have been violated by the coal companies of Colorado, including the Colorado Fuel & Iron Co., of which Mr. Rockefeller is the dominant figure.

Mr. Lawson testified on this subject the other day, and there is of course a great deal of testimony in the record. I myself have already testified on this subject of law violation.

I may say briefly that in my judgment the laws of the State of Colorado touching semimonthly pay days, discrimination against union men, blacklists, the eight-hour day, scrip, checkweighman; those looking to the prevention of mine accidents and deaths; those touching deception of workmen brought in to break strikes; those requiring peace officers to be bona fide citizens, and residents of the State; the Federal law also dealing with post offices and peonage, not to mention the constitutional guaranties of free speech, the right to petition for the redress of grievances, the right of assembly, and open courts, with or without militia in the field, have been long disregarded by the coal companies of Colorado, including the company of Mr. Rockefeller.

In the testimony given before the congressional committee, Mr. Welborn and others presented some matters which show the undisputed situation as to feudalism. Perhaps some references to that should be read into the record. Mr. Welborn enumerated the closed camps in Colorado, such as Morley, Primero, Segundo, Tercio, Frederick, Rouse, Lester, Ideal, Cameron, Walsen, Robinson, McNally, and he might have mentioned Berwind and Tabasco in that connection.

Mr. Welborn, before the congressional committee, also testified that in these camps the charge for rent was arbitrary and the company is unwilling to sell homes to the miners even where they have been employed by the company in such camps for as long a period as 24 or 25 years.

The publication known as Facts, given to society by Mr. Ivy Ledbetter Lee during the fall or winter of last year, enumerated many of these arbitrary charges and defined part of the company management in the various camps.

So we have in the record of this commission, Mr. Chairman, many letters and admissions which show the character of the feudalism growing out of the absentee landlordism to which I have referred.

For instance, at page 1936 of the Commission on Industrial Relations record, we have the letter from Mr. Weitzel to all the superintendents of the C. F. & I. in southern Colorado, and in their capacity as school directors, instructing them to select teachers after consultation with Mr. Merritt, with the clear implication that the teacher must be acceptable to the Colorado Fuel & Iron Co.

There has already been comment and testimony introduced in this record on the same sort of interference with the church of these closed camps. The letter from Mr. Welborn to Mr. Murphy, of October 31, 1914, suggesting the change

of the minister in Sunrise, was commented on, and Mr. Rockefeller was questioned upon that subject the other day.

That letter is also in the records of this commission. The same line of testimony shows the entire control of the saloons in these closed camps. Mr. Lawson, I think, testified fully about that matter. And the record upon the subject of the violation of law, the undisputed record, is interesting and pertinent in this connection.

Mr. Welborn admitted in the congressional testimony, copies of which I have here, that the semi-monthly pay-day law which was enacted in 1901 had been put into effect by his company for the first time February 1, 1913; that scrip, which was abolished presumably by law in 1899, was abolished by his company January 1, 1913; and he admitted that the eight-hour law was put into effect by his company March 1, 1913, the original law on that subject being passed in Colorado in 1899. There was much controversy in the courts over it, and it was declared unconstitutional. The constitution was amended, and a long period of legislation ensued in which certain acts went into effect prior to the date Mr. Welborn indicates. But enough is shown from these admissions and from the undisputed record to make clear that the absentee landlordism did in fact eventuate in the feudalistic type of control about which so much has been said to this commission.

The blacklist was shown in the congressional hearing to have continued for years, notwithstanding the laws of 1897 and 1905.

Discrimination against the union men has been shown down to the present time, notwithstanding the laws of 1897 and 1911. Interestingly in this connection may be mentioned the fact that Mr. Welborn admitted at the Denver hearing before this commission—his admission being found on page 1091 of this commission's record—that the men employed by the Colorado Fuel & Iron Co. and other companies "are more or less at the mercy of the employers"—I am quoting his exact words—"more particularly where there is no collective bargaining."

Following this admission we have the letters introduced by Mr. Welborn, in one of which—namely, the letter of October 9, 1914, in your records at page 1401—Mr. Welborn pointed out how easy it would be to designate three safe men in certain camps of the Colorado Fuel & Iron Co. for the purpose of putting into effect what might to the public appear to be collective bargaining. The purport of that letter, if it is to be interpreted in the ordinary sense in which language may be interpreted, is, of course, that Mr. Welborn and his associates are willing to allow collective bargaining if they control its outcome. They are willing to allow arbitration if they may name the arbitrators. And, of course, this proposition ties up closely with the proposition of Mr. Mackenzie King, which will be mentioned later.

In the face of the complaints of men based on such grievances and such a situation, the leading officials of the Colorado Fuel & Iron Co. and other allied coal companies in Colorado, both before and during the strike of 1913-14 in that State, consistently refused to meet for the discussion of grievances, real or otherwise, at the same time, in the same room, under the same roof with the representatives of organized labor, who have been so highly spoken of by Prof. Seligman, Mr. Peabody, and others, and it can be fairly established that this arrogance of a feudalistic type was sustained by the intolerance toward public rights and needs, made possible by the absentee landlordism of Mr. Rockefeller.

Mr. Rockefeller's testimony before the congressional committee on April 6 should be recalled in this connection.

Mr. Lawson, the other day, summarized the testimony of Mr. Rockefeller before this commission, but did not, I believe, contrast it with the testimony of Mr. Rockefeller on that occasion.

In its most striking aspects Mr. Rockefeller's testimony was as follows: The Colorado Fuel & Iron Co. produces approximately 40 per cent of the coal mined in Colorado, and Mr. Rockefeller's father owns 40 per cent of the stock and bonds of that company. Beyond being the dominant industrial individuality in the country at large and in the Colorado Fuel & Iron Co., Mr. John D. Rockefeller, jr., made clear that he represented his father in that company; that he had not attended a directors' meeting and had not visited Colorado for 10 years; that he did not know what wages are paid the Colorado miners by his father's company, what rent is charged for the company's houses, what profit the company makes from its stores, whether the miners can acquire title to their homes, whether the company had bought ammunition or guns

during the strike; and he added that he hoped there were no saloons on the company's property, revealing by his reply definite ignorance on that subject.

He stated that he relied upon Mr. Welborn and Mr. Bowers, who, he understood, were in constant touch with the employees of the company. With apparent conviction he defended his attitude, pointing out that he was accustomed to rely on the most efficient subordinates he could find, taking the position of Mr. Morgan yesterday on that subject; that having placed his confidence in such men he said that he was determined to back them up; that they had stated to him that the strike was without merit, and that 90 per cent of the men did not want unionism. He planted himself in this connection firmly on the proposition that it was preferable to lose the Rockefeller millions than to recognize the unions in Colorado. He called the fight against unionism in Colorado and for the privilege of employing men when and under what conditions they chose one for principle; and he made evident his determination not to investigate reports outside of subordinate officers, although fully aware that conditions in Colorado were reported to be shocking, and he added that his conscience entirely acquitted him.

Mr. Rockefeller's testimony should be read in connection with that of Mr. Welborn and Mr. Bowers, also given before the congressional committee.

Mr. Bowers said he took all matters of importance up with Mr. Rockefeller, notwithstanding he was ignorant of Mr. Rockefeller's holdings in the Colorado Fuel & Iron Co.

Mr. Welborn testified that he was not personally acquainted with all the company's mine superintendents; that he was not accustomed even to talking with the coal miners, and had not even met them personally when they were discussing the strike at the time when it was called.

General Manager Weitzel under Mr. Welborn further revealed the remote and absentee character of landlordism by testifying that not even he visited the mines frequently, and there was testimony such as that of James Fyler, given before the congressional committee, to the effect that Mr. Weitzel did not come around among the miners enough to be personally known to them, even by sight.

If ever absentee landlordism, a landlordism of an absentee character in many successive stages, was proven to exist, it was shown in the State of Colorado by the admissions of Mr. Weitzel, Mr. Welborn, Mr. Bowers, and Mr. John D. Rockefeller, jr., himself, who now comes before the country in the humanitarian aspect of president of the Rockefeller Foundation.

On another side, however, the testimony as to Mr. Rockefeller's remote reliance upon his subordinates in Colorado does not appear to have been entirely ingenuous. Letters and telegrams were produced before the Commission on Industrial Relations at its Denver hearing tending to show that Mr. Rockefeller manifested at times a very lively interest in the conduct of the Colorado Fuel & Iron Co. The voice was the voice of Welborn, but the hand was the hand of Rockefeller. Mr. Rockefeller's telegram to Mr. Welborn of April 30, 1914, was direct evidence of Mr. Rockefeller's active participation in the Colorado management. Mr. Rockefeller's letter of August 11 to Mr. Welborn, inclosing a memorandum prepared by Mr. W. L. Mackenzie King, of Canada, discloses the same intimate, observant, and controlling attitude, and the inclosure from Mr. King interestingly indicates a plan in contemplation by Mr. Rockefeller and Mr. King of providing for collective bargaining and arbitration in labor disputes, though without the compulsion and quite independently of law.

Mr. King's recommendations, which were evidently invited—and I believe Mr. Rockefeller admitted here that he invited and approved them—are commented upon by Mr. Rockefeller in this correspondence and show a decided hostility to dealing in any manner or form with the United Mine Workers of America. He points out that because of the European war—and I am quoting his exact language—"there are many foreigners who may feel compelled to return to Europe, and that may prove a factor of importance" in terminating the Colorado strike.

He further coldly asserts, to quote him exactly, that "in certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition," he says, "simply for the sake of recognition is going to be seen less pressing as an immediate end than that of maintaining standards already existing, and the union men may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the sub-

stance of fair conditions while wasting resources in fighting for the shadow of recognition."

It will be observed, in passing, that the proper point of view, the democratic self-governing point of view, as to the right of association, as Mr. Mitchell called it yesterday, is entirely lost sight of in this statement of Mr. Mackenzie King. The right to organize and deal collectively are fundamental, and every argument in opposition has been used in times past by those who have denied such other elemental rights as free speech, and even political self-government. Any open-minded reader of what has just been quoted from Mr. Mackenzie King and the other correspondence submitted to this commission at the Denver hearing must have concluded, even without the admission of Mr. Rockefeller last week, that the appointment of Mr. Ivy Ledbetter Lee as the secret publicity man for the coal operators of Colorado, at a salary of $1,000 per month, in the political campaign of last summer and fall, was a further act directly sanctioned by Mr. Rockefeller. This selection of one standing high in the councils of Mr. Rockefeller and his foundations resulted in the circulation of gross falsehoods, among which those untruths relating to alleged excessive salaries paid officers of the United Mine Workers have been publicly admitted, although somewhat belatedly, and these widely circulated libels and the undoubted effect of prejudicing public opinion and arousing public passion in a vital hour of industrial struggle against the officers and misrepresented practices of the United Mine Workers of America.

We have, then, clear proof in the testimony in the Colorado hearing of an undemocratic, feudalistic state of industry existing there—a remote landlordism dipping into the management of its foreign property whenever so disposed and shielding itself against responsibility for shocking practices whenever assailed by public opinion on the pleas of humane generosity or reliance on subordinates. We have, too, the direct promotion of misinformation given widespread public currency and the moving picture revealed of coldly calculated schemes set on foot to compel the workers to accept the mere largesse of big business, while big business demands the surrender of the rights and advantages of collective labor in a world of collective capital and offers what is termed the substance rather than the shadow of union recognition. The plan on analysis reveals nothing but a determination on Mr. Rockefeller's part to deal out feudalistic benefits and to resist compulsion in that direction. Most sinister of all, we discover an attitude of hard indifference to public consequences precipitated by autocratic determination to run business as its masters prescribe, without legal restriction or public control of any genuine sort. This is the very heart of the criticism, both by Mr. Lawson and Mr. Mitchell, of the impracticability of the proposed conference between the operators and the representatives of the mine workers who are to be selected by the miners in groups of 250. The suggestion of Mr. Lawson and Mr. Mitchell in that connection do not require, I assume, any addition from me at this time.

All this testimony, interestingly enough, ties up with the very forces which now seek public favor under the title of the Rockefeller Foundation, organized to do the very things which in their domination of the recent coal strike in Colorado from the employers' standpoint they have signally neglected and failed to do, namely, diffuse information, prevent suffering, and promote well-being and civilization of the people in the United States and in the world.

The fundamental fault alike of Mr. Rockefeller's business methods and his philanthropies would appear to lie in its personal direction and its promotion of personal advantage to the exclusion of the public welfare. In the investigations of the bookworm in the South, the vice districts in Chicago and New York, and in his generous donations to the Belgium fund, Mr. Rockefeller has shown the splendid side and possibilities of intelligent charity. For these beneficent acts he is entitled to and will doubtless receive proper public appreciation. The one danger in them in the light of Colorado's experience is that these philanthropies may obscure the sordid practices of big business in Colorado and elsewhere, out of which Mr. Rockefeller and others derive vast funds, a portion only of which they expend in directions tending at one and the same time to their laudation and their further earning power.

The fundamental fault in Mr. Rockefeller's attitude toward the public and the workers appears to lie in its undermining autocracy. We have in the Rockefeller Foundation a supreme example of the philanthropy which deadens, by its large benefactions, a public criticism which otherwise would be as formidable as inevitable.

In Colorado, where Mr. Rockefeller is financially interested on the earning side, he has ignored the standards to which the foundation is dedicated. He has relied on Mr. Bowers, Mr. Welborn, and Mr. Weitzel, taking their report of conditions as conclusive, regardless of disinterested advice. He did not so proceed when the vice districts of New York and Chicago were under scrutiny. There he sent expert and incorruptible investigators, but he sat indifferent, his eyes closed, and his ears deaf to the sorrows and cries of men, women, and children in Colorado, allowing Mr. Welborn and his associates to act as judges in their own case with reference to complaints against tyrannous and lawless practices uttered by thousands of men in their employ.

Is it too much to say that a philanthropy so inconsistent, unless corrected and liberated, must become a menace to the civilization it purports to serve? The presumption which should be indulged against the withdrawal of great fortunes from productive industry for eleemosynary purposes will therefore certainly be called into play against the Rockefeller Foundation until such practices as have prevailed in Colorado are corrected, and unless science and humanitarianism, as a matter of fact, walks hand in hand under the banner of charity. Society has a right to demand that charity shall no longer cover a multitude of economic sins. Mr. Rockefeller, who appears to the world in the relief afforded Belgium, a liberal benefactor, stands convicted before the workers of Colorado as a narrowly biased and visionless money-maker. Philanthropy so conducted from the beginning of the world to the present day has been a barrier to the correction of economic wrongs. It has promoted aristocracy; it has retarded democratic equality of opportunity, and so considered the Rockefeller Foundation and other like philanthropic undertakings may themselves be counted by this commission vital causes of present-day industrial unrest.

One question remaining to be investigated, to which insufficient attention has been given, is this: Who have been the victims of the antisocial feudalism and the absentee landlordism complained of, leaving the unoffending public out of the question for the time being? No charge has been more frequently made than the one that ignorant foreigners have precipitated all the industrial difficulties in Colorado.

I hold in my hand a pamphlet of the character given circulation in Colorado last summer and fall, this being part of a report of a subcommittee appointed to investigate the strike situation by the Kensington Council, No. 16, Junior O. U. A. M., circulated by the coal operators of Colorado last fall. In it occurs this statement, which has been commonly made in that State:

"Practically all of the miners involved in this strike are ignorant, depraved, and brutal foreigners, from the lowest and poorest class of people of southern Europe, who know little and care less for the principles of free government."

If these charges were true they would not relieve the employers from a grave responsibility, since, as Mr. Welborn himself indicated in his letter to Mr. McClement of December 4, 1913, the Colorado Fuel & Iron Co. had established, as it established in prior strikes in Colorado, an employment organization for the active movement of men from the East. These men, imported as strike breakers, as the congressional investigations showed, were the commonest order of foreign labor. Many of them were illiterate. They were of scattered nationalities and, as the testimony on the subject of peonage showed, some of them were far below the human average, physically and mentally. The responsibility for their importation manifestly rests directly on the employers, and the correspondence and testimony of the employers will be searched in vain for any apology for their sweeping of the dregs of human labor to displace old-time employees in the State of Colorado.

On the contrary, the correspondence of Mr. Welborn and Mr. Rockefeller alike and the frankly outspoken attitude of Mr. Osgood leave no doubt of the determination of the employers to use every means available for economic profit. This attitude is bolstered up by any and every argument. For instance, in Mr. Welborn's letter to Mr. McClement of December 4, 1913, Mr. Welborn gives as an excuse for not discussing with employees even just grievances the following explanation:

"There has never been any substantial objection to meeting our own employees or our former employees for the purpose of discussing proper matters, yet we have felt that such a meeting might be construed as an indirect recognition of the officers of the union."

Under what conceivable circumstances, assuming the correctness of this position, might similar refusal not be made? Mr. King's interesting suggestions

of August 6, 1914, already mentioned, show the same determination to run the business of the Colorado Fuel & Iron Co. as that corporation sees fit. Mr. King points out that the situation in Europe and the large amount of unemployment resulting from the war are going to eventuate in thousands of men from the Old World seeking employment here. Without reference to the right or wrong of a proper adjustment of the industrial situation, Mr. King is evidently urging on Mr. Rockefeller a waiting policy, which he anticipates will undermine unionism and tend to restore what he calls "normal conditions in Colorado."

It is perfectly manifest, therefore, that Mr. Rockefeller's position is not in essence one of assault on the so-called "ignorant foreigner" except when Mr. Rockefeller figures that the foreigner is not working in harmony with the Rockefeller plans. Indeed, Mr. Welborn, in his letter of May 27, 1914, to Mr. McClement, pays tribute to the great loyalty to employers manifested by foreign employees in Colorado in the difficulties after Ludlow.

An impartial investigation of the chief sufferers in the Ludlow catastrophe will conclusively demonstrate that they were not for the most part ignorant or undesirable citizens, as so often represented. The industrial war in Colorado involved and ruined many exceptional and valuable types of men and women representing the best foreign elements of our population. Moreover, it indiscriminately cut down American citizens of the first, second, and even third generation.

Mrs. Petrucci, whose three children were smothered at Ludlow, was born at Hastings, Colo., within 3 miles of their death place. Her husband is a naturalized citizen. She is a citizen by birth, and her children were, of course, citizens.

Mr. Fyler, who died unarmed at Ludlow, shot while a militia prisoner on the night of April 20, was an American citizen, frank, intelligent, religious, and home-loving. He testified twice before the congressional committee in Colorado last February. His wife and three girls, his married daughter and her baby, his grandchild, were all in the zone of fire and in imminent peril throughout the Battle of Ludlow.

Louis Tikas, who died at the same time and under the same circumstances with Fyler, after first being subjected to assault, having a rifle stock broken over his head by Militia Lieut. Linderfelt, was commonly understood to be a graduate of the College of Athens and a descendant of famous Greek leaders. He wielded an unusual influence among all foreigners in southern Colorado, especially among the Greeks, and Capt. van Cise, formerly of the Colorado State Militia, has repeatedly declared that Tikas was the greatest single agent for peace during the strike in southern Colorado.

Mrs. Dominicke, who witnessed and was in danger through almost all the thrilling incidents of the Battle of Ludlow, the mother of three children of tender years, who accompanied her throughout the day, is of English birth, and an American citizen by marriage, her husband having been born in Pennsylvania.

I mention these things because Commissioner Weinstock questioned Mr. Mitchell closely yesterday upon the conditions surrounding the violence following Ludlow and because the same questions were directed the other day in much detail to Mr. Lawson; and I desire to say in this connection, Mr. Chairman, that the United Mine Workers of America have to-day in this room, in the presence of this commission, Mrs. Dominicke, to whom I have referred, and Mrs. Petrucci, to whom I have referred, typical representatives of the people who were in the Ludlow colony on the day when it was destroyed. And I think there can be no proper answer given to the inquiries made of Mr. Mitchell yesterday by Commissioner Weinstock, and very properly made, but there can be no adequate reply given to those inquiries as to the violence which occurred after Ludlow except through this commission calling these witnesses to the stand and letting them tell in their simple, self-respecting ways what occurred on that occasion. This commission should know the story.

These women are of humble circumstances, but they are, as I have indicated, respectable in every sense. They are entitled to be heard here, and neither one, so far as I am informed, has ever given her testimony publicly and broadly upon this subject. And on behalf of the United Mine Workers of America, I desire to present formally to the commission a request that Mrs. Dominicke first and Mrs. Petrucci next be permitted to tell their stories of Ludlow for the consideration of this commission in connection with the so-termed "Call to Arms," about which Mr. Mitchell and Mr. Lawson were particularly interrogated.

It is needless to enumerate further; neither Mr. Rockefeller nor any portion of the public can escape the conclusion that our industrial methods, when dominated by feudalism of Mr. Rockefeller's type, are bringing ruin and death on men, women, and children who are naturally equipped to exalt rather than lower the standards of our citizenship.

In the long controversy in Colorado's latest strike the United Mine Workers demanded law enforcement and fully recognized the principle that the rights of society were of more importance than the rights either of labor or of capital.

It appears certain that the Colorado strike might have been settled from that standpoint months after its origin by the simple device of a conference for the discussion of grievances, where the public's primary rights could have been made the basis of reasonable terms. With or without excuse, the request for a conference was denied from first to last by the operators. As a result the principles of feudalism have again triumphed in Colorado and we now have the beneficent suggestion made that the Rockefeller Foundation, following the Rockefeller triumph over union labor in Colorado, will investigate the labor conditions in that State.

In other words, Mr. Rockefeller plans to do his own investigating, as he conducted his own settlement of our industrial difficulties. He does not recognize the supremacy of social rights or the soundness or impartiality of governmental investigation. He plans to drive all the time with the reins forever in his own hands. Nothing could more clearly demonstrate that the Rockefeller Foundation is primarily an asset of the Rockefeller industrial system, and only secondly a public charity. It is pertinent to remember that even feudalism and slavery boasted of their occasional generosity.

Certain conclusions from the analysis of the Rockefeller Foundation in its relation to the Colorado situation would appear to be warranted. One is that feudalism in industry must yield to democracy among the workers if permanent peace is to prevail and society's welfare is to be paramount. Another is that justice is more important than charity, and society may even need to limit fortunes, if their generous employment is to be in the direction of their further reckless accumulation. Another is that private charity, whether from a dead or from a living hand, closes the mouth of criticism, blinds society to the faults of the benefactor, whether of omission or commission, and permits the philanthropist to plume himself on virtues, forgetful of offenses, with consequent false standards all along the line, delaying the day of democracy of labor and equality of opportunity.

Finally, may it not be said to be established that justice and charity are alike functions of the State, which may and should employ them in the interest of all rather than some? When private philanthropy results merely in further exploitation, is it not time to turn to public agencies for the conservation alike of property and of the rights of men, women, and children? The most generous estimate that the somewhat disillusioned public will place on Mr. Rockefeller's activities is that the foundation is dealing with effects, while through the Colorado Fuel & Iron Co. and other industrial agencies he is actually and visibly feeding the flames and causes of industrial unrest.

Chairman WALSH. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. Before putting the question to you, Mr. Costigan, that I am about to submit, it may be well, in order that it may not be misunderstood, to call attention to the fact that as an employer I am on record as being in favor of organized labor and being in favor of recognizing and dealing with organized labor, and in my own affairs wherever there has been organized labor I have invariably recognized and dealt with it. Yet I want to ask you this question: Would you regard it as a moral or legal crime for an employer, for any reason or for no reason, to decline to recognize or deal with organized labor?

Mr. COSTIGAN. At the present time, Mr. Weinstock, I know of no law which makes it a crime, legally speaking, to refuse to deal with organized labor. Ethically, I believe that society has about arrived at the point of view that men who desire to organize should be permitted to organize and deal through their representatives with collective capital.

Commissioner WEINSTOCK. Again speaking for myself, Mr. Costigan, while I think it wise and proper and in the interest of the common good as an employer to recognize and deal with organized labor, I feel that my neighboring employer, my competing employer, has just as much moral right and legal right to refuse, for any reason or for no reason, to recognize or deal with

organized labor. Now the crux of this whole issue, Mr. Costigan, as I gather it, in the Colorado situation is the one point, the recognition and dealing with organized labor. When we get at the heart of what you have presented in so able and so exhaustive a manner before this commission we find that seemingly from your point of view the sin of the Colorado operators was in their refusal to recognise or deal with organized labor; and yet I think we will have to admit that when they did that they stood upon their rights; and while you and I and many of us might criticise their judgment, might feel that it was a mistake on their part not to have done so, they have a right to the exercise of their judgment, to the exercise of their opinions, precisely as you and I have the right to the exercise of our judgment and of our opinions. Does it not then resolve itself down to this one thing simply, to a criticism of their judgment in the exercise of their moral and legal rights?

Mr. COSTIGAN. I think not, Mr. Weinstock. They ignored the rights of society, and I do not want in my former reply to suggest that I believe that they may ignore the ethical appeal of modern society and refuse to deal with the employees. The coal operators in Colorado ignored society's rights and went further. They indulged in practices which made it exceedingly difficult for their employees to meet the economic burden thrown upon them. They not only refused to confer with our organized labor, they refused to confer with any group of employees, whether within or without a union, who might have desired to meet together and select a representative. They refused to go even so far as they now purport to be going, and I am not speaking at this time of the violations of law which I have somewhat hastily sketched, which provoked a great portion of the disturbances in the State of Colorado. I don't know that I answer your question, but if not I shall be glad enough to elaborate my views.

Commissioner WEINSTOCK. Well, now, be good enough, Mr. Reporter, to read my question. I don't think it does quite answer my question, Mr. Costigan.

(Question read as follows: "Again speaking for myself, Mr. Costigan, while I think it wise and proper and in the interest of the common good as an employer to recognize and deal with organized labor, I feel that my neighboring employer or my competing employer, has just as much moral right and legal right to refuse, for any reason or for no reason, to recognise or deal with organized labor. Now the crux of this whole issue, Mr. Costigan, as I gather it, in the Colorado situation is the one point, the recognition and dealing with organized labor. When we get at the heart of what you have presented in so able and so exhaustive a manner before this commission we find that seemingly, from your point of view, the sin of the Colorado operators was in their refusal to recognise or deal with organized labor; and yet I think we will have to admit that when they did that they stood upon their rights, and while you and I and many of us might criticise their judgment, might feel that it was a mistake on their part not to have done so, they have a right to the exercise of their judgment, to the exercise of their opinions, precisely as you and I have the right to the exercise of our judgment and of our opinions. Does it not then resolve itself down to this one thing simply, to a criticism of their judgment in the exercise of their moral and legal rights?")

Mr. COSTIGAN. One answer that I should give to that question, if I understand it, is that, in my judgment, the crux may or may not have been the failure to recognise or deal with organized labor. My judgment is that the failure to recognise was not important; that the failure to confer was important. But beyond that the coal companies of Colorado, had they obeyed the laws of the State of Colorado, would have averted the distressing strike which occurred in that State, with or without the recognition of organized labor and with or without conference with its people. That is my judgment.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon.

(Thereupon, at 12.30 p. m. of this Tuesday, February 2, 1915, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Costigan, will you please resume the stand?

We will have perfect order, ladies and gentleman, and we will proceed.

Commissioner WEINSTOCK. Mr. Reporter, will you kindly read Mr. Costigan's last answer just before the noon recess?

(Answer read as follows: "One answer that I should give to that question, if I understand it, is that, in my judgment, the crux may or may not have been the failure to recognise or deal with organized labor. My judgment is that the failure to recognise was not important; that the failure to confer was important. But beyond that the coal companies of Colorado, had they obeyed the laws of the State of Colorado, would have averted the distressing strike which occurred in that State with or without the recognition of organized labor and with or without conference with its people. That is my judgment.")

Mr. COSTIGAN. May I continue my answer, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Mr. COSTIGAN. I should like to read into the record, in connection with that answer and bearing especially on the subject of the morality phase of Commissioner Weinstock's inquiry, the following statement made by Seth Low in an address as president of the National Civic Federation at Washington in March, 1912:

"It appears to me utterly impossible for stockholders united in a corporation to sustain themselves in a position of claiming for themselves every privilege of combination and at the same time to insist upon dealing with their employees only as individuals and to deny them the right of collective bargaining. When a corporation declines to recognise a labor union, is it not doing precisely this? I understand perfectly that the employer would rather be entirely free to do as he pleases. The precise point I am trying to make clear is that he can not expect to be free to do as he pleases under the combinations of modern industry. Men are combining in all departments of life as never before, and industry can not expect to be exempt from this world-wide tendency. The old personal relation between the employer and employee has gone by the board, with the result that the men are, in a sense, forced to look after their own interests because the impersonal employer perhaps without meaning to be so, is perhaps less interested in them than the employer was in the old days when master and workmen worked side by side.

"And above everything else, the spirit of democracy is in the air so that men who are constantly influencing the government under which they live, are naturally determined to have something to say about the conditions under which they are called upon to work. The employer can decline, as he often does, to recognise a union, and in that way he can provoke strikes, which, in their turn, result in violence. When he does this simply because he is unwilling to recognise a labor union, he perpetuates, if he does not create, a state of war in industry. And he must share the responsibility for this result when he acts so illogically.

"The so-called open shop, in most instances, is not a shop in which union men and nonunion men work side by side. Ordinarily it is a shop from which union men are excluded if they are known to belong to a union, or, if they are admitted, they are admitted only upon condition that they forego many of the advantages for which they joined the union, conspicuous among the advantages to be derived being the right of collective bargaining through representatives of their own choice."

I need not add, of course, that Mr. Low has been mayor of New York, mayor of Brooklyn, president of Columbia University, a business man in the partnership of A. A. Low & Sons, and an arbitrator in many important disputes. I should like to add also as part of my answer the following brief quotation from the work of Adams and Sumner, known as Labor Problems, reading from page 227:

"The present function par excellence of labor organization is the collective bargaining, and collective bargaining, it is believed, is the inevitable precursor, historically speaking, of the era of industrial peace."

I think it will be sufficient to supplement those two quotations by the expression of the opinion that it is ethically wrong in our time, and in the light and in the modern view of the relations which should exist between capital and labor, for collective capital to decline to confer with collective labor.

Commissioner WEINSTOCK. Coming back, then, to your answer, Mr. Costigan, you state that in your judgment the failure to recognise organized labor was not important; that the failure to confer was important. If I, as your employee, Mr. Costigan, should, for any reason or for no reason, suddenly leave your employ and do it in a way to cause you the greatest inconvenience and the greatest loss to your business, should do it with a deliberate intention to cripple your business if I could, would you be blamed if you refused thereafter to confer with me?

Mr. COSTIGAN. Will you permit me to answer something that your question first suggests before I take up the latter end of the question.

When I made the statement that the failure to recognize organized labor was not important, and the failure to confer was, in my judgment, important, I referred to methods for obtaining industrial peace in the particular dispute which occurred in the State of Colorado. I was not laying that down as a broad social proposition.

I believe, Mr. Weinstock, that in the instance you speak of, there would be some ethical obligations on the part of the employee, ordinarily speaking, to consider the welfare of the employer. I think, however, that that suggestion should be supplemented by the statement that the human right to work or to quit work ordinarily should be regarded as something superior to the convenience of an employer. And I think that the instance you cite is one of the instances which justifies laying some emphasis upon what we term human rights as distinguished from property rights.

Mr. WEINSTOCK. Well, then, your position, I take it, Mr. Costigan, is practically this: That when a body of workers come together and organize themselves into a union, and they come to the employer and want recognition, that it is the ethical duty of the employer to grant them recognition? Is that your position, Mr. Costigan?

Mr. COSTIGAN. My position, Mr. Weinstock, briefly, is this: That when any number of employees, let us say five out of any number, say as many as a thousand, desire to act concertedly with their employers, those five should be permitted to organize, elect a chairman, a secretary, or other representatives, and whether in a closed or an open shop should have the right to present their grievances and their point of view to the employer. It is not necessarily a position calling for a closed shop.

Commissioner WEINSTOCK. Well, then, substantially, Mr. Costigan, I think I stated your position correctly: That if a group of workers come together and organize and appoint representatives, that it is the ethical duty of the employer to recognize and to deal with that.

Mr. COSTIGAN. If by that you mean recognize, I certainly so believe.

Commissioner WEINSTOCK. Very well. Now, if you were an employer, Mr. Costigan, would you care to recognize or to deal with a group of men, no matter who they were or what they were, that you know in advance were contract breakers, for example, and that any agreement that you might make with them would last only so long as it suited their purpose—would you care to recognize or to deal with a group of men such as that, for example?

Mr. COSTIGAN. Granting your hypothesis, I presume I should not care to. I am not saying that there may not be some social obligation, though, to deal with such men.

Commissioner WEINSTOCK. You and I know, for example, that the I. W. W.'s, to illustrate, boldly announce the statement that they will not respect any contract made with employers; that they regard themselves at perfect liberty to break any contract or any agreement made with an employer when it suits their will. Would you, therefore, for example, recognize or deal with a group of I. W. W.'s?

Mr. COSTIGAN. To the extent to which I have committed myself, I certainly would. That is, if any group of employees in my establishment desired to meet, elect representatives, and send them with their grievances or their complaint to me, I should feel that that right was well grounded in social necessity.

Back of the question you ask, Mr. Weinstock, lies the economic fact that the employer must first employ the men of whom you speak. He is not obliged, in other words, to begin the relation at all. But if he does create the relation with these men, he ought to hear their grievances, if they have any, whether real or imaginary.

Commissioner WEINSTOCK. Well, then, as an employer, I take it, Mr. Costigan, even if it developed that your employees, for example, were I. W. W.'s, and they shouted from the housetops that they were perfectly frank and straightforward in their statements that any agreement they entered into with you would not be respected by them whenever they thought it was to their interests not to respect it—despite that fact you would recognize and deal with them, would you?

Mr. COSTIGAN. To the extent I answered you, I certainly should.

Commissioner WEINSTOCK. Would you accord to other employers, under the circumstances, the right to refuse or decline to deal with them?

Mr. COSTIGAN. I should not, referring to the standard I have attempted to state. As I see it, the employer would have ordinarily the right to discharge or the right to employ, and those safeguards ought to protect the employer under normal circumstances.

Commissioner WEINSTOCK. In passing, Mr. Costigan, you are quite familiar, of course, with the laws and regulations of the United Mine Workers of America. I take it you have thoroughly informed yourself on them. May I ask for information? Are the United Mine Workers of America, as a body, socialistic? Are they committed to socialism collectively; that is, officially?

Mr. COSTIGAN. My understanding is that they are not. However, I do not speak on that with final voice, but I think the general public are advised that they have not openly advocated socialism.

Commissioner WEINSTOCK. Do you know whether it is a part of the by-laws of the United Mine Workers of Americrca that they are committed to socialism?

Mr. COSTIGAN. I assume that it is not; but I should prefer to have Mr. Lawson, who is here, answer questions of that kind.

Commissioner WEINSTOCK. If Mr. Lawson is here, I will put that question to him, if he will answer.

Chairman WALSH. He is sitting over there [indicating]. Please stand up, Mr. Lawson; Commissioner Weinstock would like to ask you one other question.

TESTIMONY OF MR. JOHN R. LAWSON—Recalled.

Commissioner WEINSTOCK. Is the United Mine Workers of America officially committed to socialism?

Mr. LAWSON. It is not.

Commissioner WEINSTOCK. That is, it is left to the individual member to be a Socialist or not, as he chooses?

Mr. LAWSON. Absolutely.

Commissioner WEINSTOCK. But collectively they are not committed to it officially?

Mr. LAWSON. No, sir.

Commissioner WEINSTOCK. Thank you for the information.

TESTIMONY OF MR. EDWARD P. COSTIGAN—Continued.

Commissioner WEINSTOCK. Now, of course everybody must concede, Mr. Costigan, the right to you, if you were an employer, to recognize or deal with any group or body of men, no matter what their policies or attitude might be. On the other hand, I think you and I will have to admit that the employers have an equal right to determine for themselves their policy. And if I was an employer, for example, and differed with Mr. Costigan and did not think that it was wise or proper or expedient for me, as an employer, to deal with a group such as the I. W. W., who are avowedly contract breakers, and that to deal with them is to be a waste of time, for whatever agreement is entered into with them to-day would be broken to-morrow, and time is too precious to waste in dealing with contract breakers—I certainly would have the right ethically to take that position, would I not?

Mr. COSTIGAN. That would be my judgment, assuming that your hypothesis is correct.

Commissioner WEINSTOCK. We find, whether right or wrong, that that was the attitude of the Colorado operators. They did charge—whether it is so or not, and I am frank to confess that up to this time I do not know; we have not had sufficient evidence—but they did charge that the United Mine Workers of America were contract breakers, and that therefore they did not care to recognize or deal with contract breakers; and so long as they honestly and sincerely believed that to be true, where did they violate any ethics?

Mr. COSTIGAN. They did not honestly or sincerely believe it to be true, Mr. Weinstock. The charge was investigated before the congressional committee and was not substantiated.

Commissioner WEINSTOCK. You believe, then, that they were not sincere when they offered that as a reason for declining to recognize or deal with the United Mine Workers of America?

Mr. COSTIGAN. My answer would justly lead to that impression, I think.

Mr. WEINSTOCK. Further, in your answer you pointed out, had the coal companies of Colorado obeyed the laws of the State of Colorado they would have averted the distressing strike which occurred in that State, with or without

recognition of organized labor, and with or without conference with the people. May I ask whose duty it was to enforce the laws of the State of Colorado?

Mr. COSTIGAN. It was the duty of every citizen who had it in his power to obey and to see that those laws were not violated. It was the duty, of course, of the public officials to enforce the laws, but had the employers complied with the laws there would have been no burden of enforcing the laws placed upon the State officials.

Commissioner WEINSTOCK. Well, let us grant for the time being that the charges that the employers deliberately, intentionally, and knowingly violated the laws were true, what State officials should have enforced them?

Mr. COSTIGAN. Of course, it is customary in such cases in our jurisdiction for the district attorneys to prosecute violators of the law, by the filing of information directly in our criminal courts or with the assistance of grand juries in the bringing in of indictments. The governor of the State has certain powers in Colorado which might be invoked in the direction of law enforcement also, and other State officials might in various ways be used to the end you have indicated.

Commissioner WEINSTOCK. If these public officials were derelict in their duties, is it or is it not a fact, Mr. Costigan, that you have the recall on the statute books of Colorado, and could not the wage earners, who are greatly in the majority in Colorado, have had recourse to the recall so that these derelict officials might have been put out of office and others chosen in their places who would enforce the law?

Mr. COSTIGAN. The State of Colorado adopted the recall of State officials two years ago. The policy of the governor of Colorado took an acute form in our industrial difficulties many months later. Under the provisions of the recall amendment as adopted in Colorado it would have required a good many months to have submitted the question of the recall of the governor, for example, to a popular vote. In fact, at the time the suggested recall of the governor of Colorado was being discussed it was estimated by competent attorneys that it would be impossible to reach a popular vote upon that question with the ordinary legal obstacles interposed—the ordinary difficulties encountered, to be overcome, short of about three months before the expiration of the term of office of the governor of Colorado. Our term of office is for two years, and there were practical difficulties to be overcome in the State of Colorado which prevented the trial of that experiment. The matter was widely discussed in Colorado during these troubles.

Commissioner WEINSTOCK. Therefore the recall was not resorted to?

Mr. COSTIGAN. Not as to that particular office.

Commissioner WEINSTOCK. Do you know of any better way, Mr. Costigan, that the people of the State of Colorado could make it possible for the workers of the State to punish a derelict official than through the medium of the recall?

Mr. COSTIGAN. Personally, I am a strong believer in the system of the recall and have long publicly advocated it in my State, Mr. Weinstock. I believe, however, that the recall, the initiative, and referendum are alike far more effective in their indirect influence than in their direct.

Commissioner WEINSTOCK. Now, granting that all that you point out is just as you point it out, granting that in the judgment of the workers in Colorado the governor had not been efficient in enforcing the laws, and granting that it would have involved time and labor and expense to make use of the recall, and granting that if the recall had been successful, it would have taken away from the governor only three months of his administration, but despite all that, would that not have been the most effective way of establishing an example to other public officials and burning it into their hearts that unless they performed their duties and enforced the laws that they would be subject to the same sort of legal treatment at the hands of the voters?

Mr. COSTIGAN. From the standpoint of other officials, I think that is true, but one of the difficulties about using these great tools of democracy, as they are termed, is that the taxpayers are prone to criticize frequent elections, and the expenses connected with them, and to blame the promoters of such elections for what they are frequently inclined to term "unnecessary expense," so that you frequently will not obtain the same popular judgment undimmed by passion and side currents in such elections that you will in the ordinary popular elections.

Commissioner WEINSTOCK. Now, then, on the other hand, Mr. Costigan, if the violations of laws were so flagrant as claimed, when could the voters of

Colorado ever hope to get another combination of circumstances affecting so many people as were affected by this industrial strife in Colorado, when could they ever hope to have a better opportunity to exercise the right of the recall and show its effectiveness than they had just at that particular time?

Mr. COSTIGAN. I have been a fairly close observer for a great many years of the course of elections in Colorado, Mr. Weinstock, and I never knew a State election in Colorado in which all other elections did not seem relatively unimportant. We have had burning public issues year after year in that State, and what appears to you an extraordinary situation as indicated by your question, from the standpoint of many voters of Colorado did not appear so phenomenal. Thus it was difficult in Colorado and it is always difficult in Colorado to arouse public opinion to the actual pressing immediacy of the problems presented, whether in a local election or in an ordinary election.

Commissioner WEINSTOCK. Well, that being the case, then, of what value is the recall. Why have it on the statute books?

Mr. COSTIGAN. I believe it is valuable, Mr. Weinstock, for most of the reasons that have been assigned in the testimony before the commission. It is valuable for its possible use in the humiliation of recreant public officials; valuable when a public opinion can be aroused to exercise it intelligently; and valuable as many rights are valuable which may not themselves be exercised. I have in mind, in that connection, that the recall is simply the assertion in governmental affairs of a principle which is as old as the law of agency—that when the agent proves false to his trust the principal may set him aside and substitute a new agent in his stead. That principle, in my opinion, ought to be established in active governmental affairs as a principle, even if it does not operate in a particular election in practice, just as the right of manhood suffrage or womanhood suffrage, in my opinion, should be allowed to men and women whether they wisely or unwisely exercise the voting privilege in a particular election.

Commissioner WEINSTOCK. A point of information, Mr. Costigan: In this circular letter that was issued by the strikers under date of Denver, Colo., April 22, 1914—in the records it is headed "A Call to Arms"—did those words appear in the circular itself?

Mr. COSTIGAN. I don't know, Mr. Weinstock. I had nothing to do with its preparation, and I never saw it. In Mr. Ivy Ledbetter Lee's publication it is termed "A Call to Rebellion."

Commissioner WEINSTOCK. Yes.

Mr. COSTIGAN. Again, I should like to refer to Mr. Lawson, if you desire to know that information.

Commissioner WEINSTOCK. Yes; I should be glad to know that.

Mr. COSTIGAN. If Mr. Lawson knows.

TESTIMONY OF MR. JOHN R. LAWSON—Recalled.

Commissioner WEINSTOCK. I will ask you to answer that question, Mr. Lawson; how was that circular letter headed?

Mr. LAWSON. I don't recall exactly now, Mr. Weinstock, offhand, but I think we can get a copy of the original circular, which might speak for itself.

Commissioner WEINSTOCK. I think we have a copy of it in our records, though it is not convenient to look it up at the moment. It reads here, I see, "A Call to Arms."

Chairman WALSH. We have had it introduced in evidence several times. It says, "A Call to Arms."

Commissioner WEINSTOCK. That is the original heading.

Chairman WALSH. That is the original.

Commissioner LENNON. That is the original document. I have seen it, and it is headed, "A Call to Arms."

Commissioner WEINSTOCK. That is all, then. Thank you, Mr. Lawson.

Chairman WALSH. Commissioner Ballard——

Commissioner WEINSTOCK (interrupting). I meant that was all with Mr. Lawson.

TESTIMONY OF MR. EDWARD P. COSTIGAN—Continued.

Commissioner WEINSTOCK. For your information, Mr. Costigan, let me read, from the testimony of Mr. Mitchell given before the commission on yesterday:

"Question. You made the statement, Mr. Mitchell, that while there were extenuating circumstances in connection with the Colorado situation, in con-

section with the issue of that Call to Arms, that you nevertheless considered it wrong, and that if you had been in the strike you would not have signed the 'Call to Arms.' Will you state to this commission why you regard that 'Call to Arms' as wrong?

"Answer. Well, as I understand it, under the laws of the United States men do not have the right to make calls to arms. I may say that I am informed that the men who did make these statements did not understand that it was contrary to law. I am told that they were advised by counsel that under the Constitution of the United States the right to bear arms included the right to issue a call to arms, and I think in that respect, legally, there was a distinction which was not recognized. The right to bear arms does not legally mean a right to issue a call to men to gather arms.

"Question. In your opinion, then, they were badly advised?

"Answer. I should not say that. I should say the conditions, the state of mind in which the men were placed or the men found themselves at that time accounts, perhaps, more than anything else for their action."

Now, in how far, Mr. Costigan, are you in accord with the attitude taken by Mr. Mitchell where he says it was wrong to have issued that call, and that it was in violation of law.

Mr. COSTIGAN. The constitution of the State of Colorado, Article II, section 13, contains this language:

"The right of no person to keep and bear arms in defense of his home, person, and property, or in aid of the civil powers when they are legally summoned, shall be called in question."

I assume that it was under that provision of the constitution that the legal advice given, if it was given, as Mr. Mitchell testifies, was offered. Permit me to say I had nothing to do with counseling at that time with reference to this call or any phase of it. Permit me also to say, Mr. Weinstock, that I do not believe it to be humanly possible to say accurately what a man would do under the provocation which was given to the signers of this declaration, without being in the actual situation. And that is one of the reasons why I asked—why I took the liberty this morning of requesting this commission on behalf of the United Mine Workers of America to hear the story of these women who passed through April 20 in the tent colony, at Ludlow.

Some of the signers of this document were close friends and associates of the men, women, and children who died at Ludlow. These people had acted in cooperation through a good many months to gain ends that labor considered indispensable for the protection of the most elemental rights. And the condition which arose at Ludlow was one, as suggested by Mr. Mitchell, in which the people who lived at Ludlow affiliated with the United Mine Workers of America believed if it was not a fact, that they were being set upon and had been set upon by armed thugs rather than by representatives of the State of Colorado. I wish in this connection to read into the record two or three phrases from the military commission report prepared by Messrs. Boughton, Van Cise, and Danks, three members of the militia who first investigated from the standpoint of the State Militia of Colorado what had occurred at Ludlow. Among other things, the report contained this language:

"There is no question but that there were instances where the mine guards unnecessarily provoked the residents of the tent colonies"—

Referring now to the time preceding the 20th of April, and perhaps including the day as well—

"these latter in turn seemed honestly to believe that they and their families were in danger from the mine guards. They therefore armed themselves for protection."

On the ninth page of the same report we have this language, with reference to these mine guards in the State Militia and the strikers:

"The intensest hatred of each other in their hearts; ready to fly at each other's throats."

With reference to the particular events preceding Ludlow, we have this description:

"Practically all National Guards were enlisted about the middle of April among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps. This unit of the National Guard was designated Troop A, but so recently was it recruited that at the time of the battle at Ludlow it had not yet selected its officers nor was it supplied with uniforms, arms, and ammunition. When this company was called to reenforce the uniformed guardsmen at Ludlow its members appeared

in civilian clothes and gave rise, perhaps excusably, to the belief of the strikers that they were armed mine guards, a class much hated by the colonists."

We have also on page 8 of this report—and earlier than page 8—the following language with reference particularly to the event that occurred on the day of the destruction of the tent colony at Ludlow:

"During the evening Louis Tikas and James Fyler and an unknown striker were taken prisoners. Lieut. K. E. Linderfelt swung his Springfield rifle and breaking the stock over the head of the prisoner Tikas."

These statements are incorporated in the findings, I say, made by three members of the State militia immediately after or shortly after the tragedy had occurred at Ludlow. In addition 2 women and 11 children were found smothered at Ludlow. They were, as I say, close friends of a number of the men who signed this so-termed "Call to Arms." And speaking for myself, Mr. Weinstock, under those circumstances I am not prepared to say what I should have done the day after Ludlow, had I been called on to pass on the propriety of issuing a similar call.

Commissioner WEINSTOCK. Mr. Mitchell is quite in accord with your feelings, Mr. Costigan, that there were extenuating circumstances, but he expressed it as his opinion that despite that fact he regarded the Call to Arms as wrong, and had he been in charge he would not have permitted it, in so far as it was possible to prevent it, and he would not have signed the call. Now, do you agree with him on that point?

Mr. COSTIGAN. I think Mr. Mitchell did not consider, Mr. Weinstock, the whole range of possibilities that might have affected his conduct under the circumstances, and without the slightest desire on my part to evade your question, I wish to say that I think it is entirely impossible for men acting under the provocation under which these men acted, to pass, except in a purely speculative way, upon your inquiry.

Commissioner WEINSTOCK. Well, the issuance of that call, Mr. Costigan, was either right or wrong. If it is right we ought to know it, and if it is wrong we ought to know it.

Mr. COSTIGAN. I am trying, Mr. Weinstock, to impress upon this commission the desirability of having this story told and then I should like to ask you yourself how you would have felt under the conditions which surrounded the events of that day. I do not hesitate to say that, speaking from my own standpoint, I should not have advised the issuance of this particular call had I been consulted. But what I want to impress upon the commission is that from the standpoint of labor, as conceived even by the most disinterested members of the militia, for Capt. van Cise and Capt. Danks are both in that class—from the standpoint of labor, when the Call to Arms was issued I have no doubt that there was the feeling that it was issued under the constitutional clause which I have quoted. It was issued with the idea of self-preservation, and it was issued, as its very language indicates, not with the design or purpose of taking up arms against the authority of the State of Colorado, but solely from the standpoint of protecting men, women, and children against the depredations of men who were in the State Militia of Colorado, and who should never have been allowed to be employed in that service.

Commissioner WEINSTOCK. In your statement this morning, Mr. Costigan, you pointed out—I can not recall the precise language, but I think I have the sense of it—you pointed out what you regarded as a potential menace in foundations such as the Rockefeller Foundation. Did I catch your attitude correctly?

Mr. COSTIGAN. I do not think I used the word "potential" in that connection. I spoke of our situation in Colorado as being potentially typical rather than exceptional, but I do think that I made it perfectly apparent, Mr. Weinstock, that the Rockefeller Foundation, in my judgment, is being used to obtain public favor for men who are more or less careless of their economic practices, and who are playing by the very virtue of the approbation they secure to hide the commission of economic wrongs.

Commissioner WEINSTOCK. You mean then, that it is used, as it were, to throw dust in the eyes of the public?

Mr. COSTIGAN. That would be one way of expressing the situation, I think. I suggested that the mouth of criticism had been closed by very virtue of the size of the benefactions handed out in these philanthropies. Men hesitate to criticise when large gifts are coming to them from the sources they would criticise in the absence of gifts. That is what I had in mind. For instance, I have no doubt, Mr. Weinstock, that ministers in Colorado have spoken in instances less openly on the practical aspects of human brotherhood raised by

the Colorado strike because of benefits either received or hoped for from the sources that were connected with the economic wrongs of which I have spoken.

Commissioner WEINSTOCK. So far as I can recall the testimony that was submitted to this commission in our hearings in Denver, it was testified to by members of the coal operators that the average wage of a Colorado coal miner was $4 a day. Do you know, or have you any facts at hand that would prove the contrary?

Mr. COSTIGAN. We had a great deal of testimony upon the wage question, Mr. Weinstock, taken before the congressional committee, and any testimony along that line, of course, must first of all be subjected to scrutiny, because the occupation is admittedly more or less seasonal. Men do not work all the working days of the year. And it was felt wiser, as we considered the question at that time, and I think all parties agreed that it was juster, to estimate wages rather from the annual standard.

Commissioner WEINSTOCK. That is taking earnings rather than wages?

Mr. COSTIGAN. Yes. There should be in addition account given with reference to deduction. There are a great many deductions that come off the amounts you mentioned, but generally speaking I think the testimony overwhelmingly showed that no such average as you have indicated prevailed throughout Colorado. We had testimony in that committee hearing to the effect that the average earnings of a coal miner in northern Colorado, prior to the calling of the northern strike, had been $350 to $600 a year; and that after the strike the average wages had gone up from $868 to $918 a year. These wages, of course, being earned among the nonunion miners who were getting the advantage of the strike conditions in the northern field at that time. We found pretty generally that witnesses testified as a practical matter that their wages were less, by far, than the wages you have spoken of indicated.

Mr. Osgood, president of the Victor-American Fuel Co., directly admitted that the wages in Colorado were lower than those in Wyoming and Montana, and the same is true of the State of Washington.

Speaking on the subject, Mr. Osgood, who ought to be an authority, testified as follows [reading from p. 431 of the congressional record]:

"The day wage for timbermen in Wyoming is $3.45 a day; in Colorado, $3.12 a day; for track layers it is the same; for shot firers in Wyoming, $3.90; and in Colorado, $3.25; machine runners in Wyoming are paid $3.90, and in Colorado, $3.84." You can see there is no continuity. I am just giving you a few of these: Machine helpers, $3.45 a day in Wyoming and $3.36 in Colorado. So I can not figure the average. I can only say that their wages, as a rule, are higher for day labor than ours. This, of course, refers to day labor, and I think the testimony referred to contract labor. But the same parallel prevails.

Generally speaking, and I ought to mention in that connection, I think, Mr. Weinstock, as of course the commission knows, that in Wyoming the United Mine Workers are under contract with the operators. You have union conditions in Wyoming and nonunion conditions in Colorado.

We had a great deal of testimony in the Colorado hearing which showed wages much below the wages of which I have spoken, through deductions. A number of witnesses who testified about peonage had worked, as I remember their testimony, approximately two months under contract, and a large part of them were still in debt to the company for their original supplies.

I ought to say, however, on this general subject of wages, Mr. Weinstock, that it was not the wage feature of the complaint which was regarded by the miners as most important. The absence of checkweighmen, the failure to have the social and economic and industrial opportunities that men desire were also in my relations with the United Mine Workers of America regarded as far more important than the mere daily wages about which you have been inquiring.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Lennon would like to ask a few questions.

Commissioner LENNON. Mr. Costigan, there has been much testimony as to the responsibility of directors of corporations. Will you please give us your idea as to the responsibility of directors to study and know something about labor conditions in the corporations of which they are directors. I do not mean legal responsibility, but responsibility as men who are directing industry?

Mr. COSTIGAN. In my opinion, Mr. Lennon, directors should direct. That is their legal function and their moral function. If they are unable to keep

in touch with the industries that come under their direction from both standpoints they should retire.

Commissioner LENNON. Do you believe that the law should make any provision of a specific character governing that phase of the duty of directors to take cognizance of labor conditions?

Mr. COSTIGAN. I believe, Mr. Lennon, that the law should hold directors as to personal accountability for improper working conditions and for lack of knowledge of conditions reasonably open to discovery which result directly in disaster.

Commissioner LENNON. In the organizing of great corporations the individual contact which existed a long time ago had disappeared. Now, who are the responsible parties in the corporations who come as nearly as possible to that individual contact between the employer and employees?

Mr. COSTIGAN. The directors, unquestionably.

Commissioner LENNON. I want to ask you just a question regarding the matter of foundations. What limitation do you believe should be placed on foundations as to directorship, as to investment, as to services that should be limited, and as to whether or not directors of foundations should also be directors of industries in which the foundation has investments?

Mr. COSTIGAN. Directors in industries should clearly not be directors in foundations, if the analysis given this morning of the activities of the Rockefeller Foundation in Colorado is correct. There is, of course, a divided duty, and it is impossible, in my judgment, with equity for a director to sit in the morning in one capacity and in the afternoon in another and opposite capacity. The directors ought, of course, everywhere, to permit private foundations to be independent of economic conditions with which they may be called upon to deal. The investments, I think, students of the subject are pretty well agreed, should be of a character which would eventually consume both principal and interest, without allowing too long a time for the disappearance of both. I do not know whether that covers the entire range of your question.

Commissioner LENNON. I want to cover this: We find in these foundations the declaration to this effect, that they are to promote the welfare of mankind. Do you believe that such foundations—do you believe if such foundations are permitted to exist that there should be a more precise statement of what they can do than this broad declaration? Is there not a possibility of differences of opinion as to what the welfare of mankind is, and such as makes such a declaration as the only substantial one dangerous?

Mr. COSTIGAN. There is that danger, and the divided responsibility emphasizes it. I should prefer, however, if you are going to have private foundations to see their powers enlarged, provided you can secure their independent management. Your difficulty lies more in that direction, I think, than in the other; but one of the deductions drawn in my testimony this morning was that the work planned by the foundations ought really to be a governmental task. That under modern industrial organization it is difficult, if not impossible, to get such an independent use of foundation money as will guarantee the public against the abuse of the objects, however high sounding they may be.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ballard would like to ask a few questions.

Commissioner BALLARD. Mr. Costigan, you have suggested, in answer to one of the questions just asked you, that a man who sits on one board in the morning and on another board in the afternoon might be influenced in his attitude in the one case by his attitude in the other. This morning you presented your arraignment of the Colorado coal companies in an exhaustive manner, and I thought that perhaps in your arraignment of the coal companies you might be influenced by the fact that you are retained by the United Mine Workers of America and had not given the coal companies quite full justice in their efforts to handle their men properly and give the men fair and good working conditions.

Mr. COSTIGAN. The question is, I think, entirely proper, and, as your very question suggests, my opinions ought to be criticised by this commission from the standpoint of my views as a citizen and as an attorney. I do not attempt to pass upon the justice of my own deductions, except in so far as they speak for themselves. Permit me, however, to say this: That I believe your investigation will disclose the fact that the views I hold are not new, but were held by me long ago, long before I was in any sense invited to represent the United Mine Workers of America, and that, without question, that is one of the reasons why I appear here to-day in that capacity.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Mrs. Harriman would like to ask some questions.

Commissioner HARRIMAN. Mr. Costigan, I received the following letter, which I would like to read to you. It came this morning, and I would like to ask for your opinion on certain subjects mentioned here. The letter is as follows:

"MY DEAR Mrs. HARRIMAN: As you are the only member of the Industrial Relations Commission whom I have the pleasure of knowing, I am taking the liberty of addressing this letter to you.

"The newspaper reports of the testimony of Mr. John R. Lawson before your commission are so at variance with the actual conditions existing in our coal camp at Oakview, Colo., that I feel, in justice to the coal industry of the State of Colorado, that some of the facts as I know them should be presented to you.

"I have been interested in the coal industry of Colorado for the past 12 years and have always taken an active interest in our camp, not only by a continuous correspondence with our officials but by regular visits to the mines of our companies. During the continuance of the late coal strike I visited our property at Oakview four or five times, so that I have a thorough personal knowledge of the conditions that existed there.

"We had knowledge of the strike there more than two months prior to the date on which it was called, and a number of our employees left after informing us that a strike was imminent, saying that they did not wish to be identified with the strike and wished to remain in good standing with our companies, so that they might retain their situations after the strike was ended. This to me indicated that they were not dissatisfied with the conditions that existed in our camp and that their life there was not a burdensome one.

"Our camp at Oakview was one of the first to be attacked. With absolutely no warning or indication of trouble, on the morning of September 29, 1913, six days after the strike had been called, our camp was fired upon by several bodies of strikers and the lives of the women and children of the camp put in imminent danger.

"You have no doubt heard of the murder trials now taking place at Pueblo, Colo., which are of some of the strikers who deliberately ambushed and killed four of our men and guards.

"There are many other incidents and particulars that I could give you of the conduct of the strike on the part of the miners, and a number of other particulars of the conditions existing at our camp, and the methods we use in running it, but to do this in a letter would take too much space. The testimony that has been given before your commission has had nothing whatever to do with the conditions of the camps and the social life of the miners, except that given by Mr. Lawson, as Mr. Rockefeller's testimony was very general and did not go into details, and it seems to me, to get at the true facts of the situation, the conditions existing at more than one company's camp should be gone into by your commission.

"I would be very glad if you could appoint some time and place where I could talk the matter over with you.

"Trusting that you will be able to arrange an interview before your commission ends its sittings in this city, I beg to remain,

"Sincerely, yours,

"HOWARD WILLETS,

"*Chairman Executive Committee of the Oakdale Coal Co., 40 Wall Street.*

Mr. COSTIGAN. Do you wish me to comment on that letter, Mrs. Harriman?

Commissioner HARRIMAN. Yes; if you please.

Mr. COSTIGAN. I do not suppose it is necessary to state, but I perhaps should say that violence in every form has been abhorrent to the attorneys who have been associated with me in these various hearings, bearing upon the Colorado situation, and we feel this particularly because violence tends to unsettle the public judgment, so that the remedies which should be applied for social disorders are often postponed.

Personally I have no doubt that has been the effect of violence in the State of Colorado recently, yet we have had occasion a number of times to point out in Colorado that the first acts of violence in that State in connection with the strike there were not on the part of the strikers. The first man shot in the Colorado difficulties, I understand, was a man by the name of Lippiat, a union organizer. He was shot just before the strike was called by a Baldwin-Felts detective on the streets of Trinidad. The very unfortunate shooting at La Veta, Colo., for which trials are now being held in Colorado, was preceded by another

unfortunate shooting in the city of Walsenberg, on a public street, where several union men were shot without any known cause; and in the same way there have been acts of violence playing back and forth. I think it is fair to say that almost all of the preliminary acts of violence were not on the side of the strikers.

With reference to Mr. Lawson's testimony, I think it should be said that he gave no testimony, so far as I am aware, about conditions at Oak Creek. I do not believe that is one of the coal properties of the Colorado Fuel & Iron Co., and I think he was directing his testimony primarily to the Colorado Fuel & Iron Co.'s properties, and more particularly to the closed camps outside of his general experience throughout Colorado.

I may say, too, that if I am not mistaken during the long hearing in Colorado by the congressional committee no testimony of any consequence was offered with reference to the conditions at Oak Creek. I do not believe any testimony was offered as to those early violations as to which this letter refers.

Conditions in northern Colorado, it should be added, Mrs. Harriman, have always been better than those in southern Colorado. Oak Creek is among the northern properties. The northern strike was called in 1910 primarily as a strike for wages. The strike of 1913 was in the southern field, and it ought to be said that the conditions in northern Colorado have never had the severe features prevalent in the southern part of the State, so that I should not say offhand that an investigation of those properties will not disclose a slightly better condition than that about which Mr. Lawson testified. And, of course, the United Mine Workers of America have no objection in the world to having the facts at Oak Creek or in any other part of Colorado thoroughly investigated by this commission.

Commissioner HARRIMAN. This was Oakdale Co. Would that be at Oak Creek?

Mr. COSTIGAN. I thought you were referring to a property in Routt County, Mrs. Harriman. Mr. Lawson has just advised me that the property you refer to is in Huerfano County, and it is then in the southern part of the State, and I think that is a subject that Mr. Lawson would be the best witness upon. But my general remarks, I think, hold in relation to the testimony not having been offered in reference to that property.

Chairman WALSH. Commissioner O'Connell would like to ask you a few questions, please.

Commissioner O'CONNELL. Have you there the late issue of "Facts in Connection with the Struggle in Colorado," in which there was an explanatory statement sent out recently in relation to the salaries of Messrs. Hayes, McLennan, and Mother Jones?

Mr. COSTIGAN. I have it among my papers somewhere, Mr. O'Connell, and I am familiar with the publication. I referred to it this morning.

Commissioner O'CONNELL. When was that issued?

Mr. COSTIGAN. Issued in January of this year, I believe.

Commissioner O'CONNELL. Have you the original issue in which the salary and expenses of these three parties were quoted on page 67?

Mr. COSTIGAN. I have.

Commissioner O'CONNELL. I want to read into the record the original and then the explanation. On page 67 it reads:

"The committee in charge of the campaign in Colorado consisted of Frank J. Hayes, John McLennan, and John R. Lawson. The report of the secretary-treasurer of the general organization covering the period ending November 30, 1913, shows that out of the daily wages of the miners of the country there had been collected money to pay, among other things, salaries and expenses as follows:

"Frank J. Hayes, nine weeks' salary, $4,062.92; Frank J. Hayes, nine weeks' expenses, $1,667.20; total for salary and expenses, $5,720.12. Frank J. Hayes was thus paid over $90 a day, or at the rate of over $32,000 a year.

"For this same period of nine weeks John McLennan received for salary $2,693.55; for expenses, $1,469.55—$66 a day.

"John R. Lawson received for nine weeks' salary, $1,773.40.

"Mother Jones, whose sole duty was to agitate, received $2,068.62 as salary for the same period—$42 a day."

When our commission was in Colorado and the president of the Colorado Fuel & Iron Co. was on the stand, I called his attention to these figures, and I had before me the annual report of the general secretary-treasurer of the United Mine Workers of America, from which report these figures were taken. The report, however, was taken for a full year's salary and expenses for each of

these persons, which is here credited as nine weeks. And we asked if it was discovered if these figures were wrong and an injustice had been done these three persons, or four, as the case would be, what they would do in order to rectify the wrong.

The January Bulletin No. 4, series 2, issued January 2, 1915, "The Struggle in Colorado for Industrial Freedom," was issued signed by Mr. J. F. Welborn, president of the Colorado Fuel & Iron Co., and this item appeared:

"We are now authoritatively advised that the figures referred to covered a period of an entire year instead of only nine weeks, as stated in the bulletin; but we are also advised that a correct statement of the case would have been"—and then he gives the names and the correct figures, and so on. What I want to ask is in comparing the statement made in the original bulletin issued, have you in mind what the purpose in quoting these salaries at all, or these expenses at all? What was the purpose behind the issuance of that?

Mr. COSTIGAN. Presumably the object was to discredit the calling of the strike and the continuance of the strike, and to discredit the alleged grounds for it by suggesting that the officers of the United Mine Workers were large beneficiaries of organized labor. The purpose was to suggest, I suppose, that they profited largely both in ordinary times and probably more largely in unusual times. The suggestion is, of course, that they have been guided in their activities solely by financial considerations. In fact, it has been quite common throughout the West to suggest that this strike never would have been called or prosecuted but for what are termed foreign agitators; and by "foreign agitators" are meant these very men, high officials in the United Mine Workers, of whom Prof. Seligman spoke with such great praise in the article to which I referred this morning. People are prone, of course, to discredit those who for a financial consideration appear to be advancing certain opinions, and, as I suggested this morning, the Rockefeller Foundation, in so far as Mr. Ivy Ledbetter Lee represented it, loaned itself in a critical hour of industrial struggle to the dissemination of this gross misinformation, not only in Colorado, but throughout the country. The object was to create public opinion favorable to the operators, and without question that object was successful in a large measure. It is doubtful whether this correction will ever reach thousands of people who received the original information. And it must be remembered in that connection that the use made of these bulletins was in a political controversy in the State of Colorado which determined what the character of the government of the State of Colorado was to be for the next two years.

Commissioner O'CONNELL. I have in mind to ask whether you considered this explanation—you might say an apology—of the error committed or offense; that that would receive anything like as wide a circulation as the papers that had copied the original figures and used them when the heat of the affair was at its height in Colorado, this being issued after the strike had been declared off, and little or no attention having been paid to it in a public way—in view of that and that the damage and injustice done these men and women by holding them up as accepting or taking money; the inference I get from it is that they took money, large sums of money, beyond all reason, as salary and expenses, that did not belong to them—and thus, with a view to poisoning the minds of their members and associates against them——

Mr. COSTIGAN (interrupting). And the public.

Commissioner O'CONNELL (continuing). And the public, that that was done by not ignorant men, not uneducated men, not unbusinesslike men, but men who were educated and in public life and in everyday business life, and was done with forethought of what the purpose was—comparing that action with the action of men in the heat of battle, with women and children dying as the result of the battle in which they were engaged, issuing a circular headed "A Call to Arms," in the stress that they were laboring under—is there, for instance, any greater fault on the part of the men issuing the Call to Arms than there was on the part of the men issuing this deliberate statement of an untruth for the purpose of absolutely blackening the character of men who were leaders in that strike?

Mr. COSTIGAN. I don't care to pass on the last question, Mr. O'Connell, but unquestionably this is neither an adequate apology nor can it remedy the wrong done. The publication came too late—as suggested by you; it came after the strike was ended, after the opportunity was given the voters of the State of Colorado to meet the serious political and industrial questions that confronted them.

Chairman WALSH. Commissioner Garretson, I think, has some questions he would like to ask you.

Commissioner GARRETSON. Mr. Costigan, in regard to the letter that was just read from the Oakdale Coal Mining Co. to the effect that they had not had a look-in on the investigation, is it not a fact that the Oakdale Coal Mining Co., through their president, signed the letter of May 4, addressed to the President of the United States, in which they completely and thoroughly upheld the attitude of the officers of the Colorado Fuel & Iron Co. in all the measures they had taken?

Mr. COSTIGAN. I assume it is, because of your inquiry, Mr. Garretson. I have not seen recently that signature.

Commissioner GARRETSON. If you will turn to the Bulletin No. 1 of June 22, you might be able to determine whether or not that is the Oakdale Coal Co. You will find it on page 19.

Mr. COSTIGAN. Page 21 here.

Commissioner GARRETSON. The signatures are on page 21; yes.

Mr. COSTIGAN. I find the signature on page 21, as suggested.

Commissioner GARRETSON. That letter embodied the language, did it not, as follows:

"Our position with respect to the United Mine Workers of America is absolutely independent of that which has been or hereafter may be taken either by the Colorado Fuel & Iron Co. or by its officers or directors or by Mr. Rockefeller or John D. Rockefeller, jr., although we heartily indorse the position they are now taking."

You will find that on page 18.

Mr. COSTIGAN. That is true. It is printed in heavy black type on that page.

Commissioner GARRETSON. Moreover, did not that letter declare that they were, all the signers, conducting their business and had conducted it in a purely legal manner? In other words, in conformance with the laws of Colorado?

Mr. COSTIGAN. That is the substance of it.

Commissioner GARRETSON. Before the congressional committee—you were asked a moment ago in regard to wages that obtained in Colorado mines—and before that committee it was stated an average of $4 a day was mentioned as obtaining. Is it not a fact that the miners presented for another series of those coal companies that were represented under those signatures which showed a general average not to exceed $2.10?

Mr. COSTIGAN. There was testimony to that effect, Mr. Garretson.

Commissioner GARRETSON. Was it ever disproved any more than the other was disproved?

Mr. COSTIGAN. It was not.

Commissioner GARRETSON. What was the attitude of the people in general toward the investigation of the State militia made by a committee of three militia officers, headed by Maj. Boughton. Did the people of Colorado regard that as conclusive, fair, and determinative, or did they not?

Mr. COSTIGAN. They did not, although, as I said before, Capt. van Cise and Capt. Danks were and are two of our best citizens.

Commissioner GARRETSON. Have those two officers ever testified that the chairman of that commission, a higher official than themselves in military rank, used his seniority as an officer to circumscribe both their liberties of investigation and expression?

Mr. COSTIGAN. They have privately so stated, and it may be that they have publicly stated it to this commission.

Commissioner GARRETSON. As a general proposition, would an investigation made of an industrial situation dominated wholly by either the employing interests or the employee interest be received by the public generally as conclusive or determinative?

Mr. COSTIGAN. Manifestly not.

Commissioner GARRETSON. In the matter of interlocking directors in the vast charitable institutions and vast industrial corporations, it has been put before this commission that the affiliation with one or the other would in no sense cloud the judgment of the other. We will take the declared purpose of one of the foundations which is for the betterment of humanity. If a director in an industrial corporation who put in five and a half days in the week in the pursuit of dividends, putting on all that the traffic would bear, as a sound definition or interpretation of benefiting humanity do you believe he could be entirely impartial on a half day in the week when he sat as a director of the philanthropic institution?

Mr. COSTIGAN. As I answered when interrogated before, I do not.
Commissioner GARRETSON. That is all, Mr. Chairman.
Chairman WALSH. Thank you, Mr. Costigan. That will be all.
Mr. Greene, please.

TESTIMONY OF MR. JEROME D. GREENE.

Chairman WALSH. State your name, please.
Mr. GREENE. Jerome D. Greene.
Chairman WALSH. And where do you reside?
Mr. GREENE. 116 East Sixty-third Street, New York City.
Chairman WALSH. What is your business?
Mr. GREENE. I am secretary of the Rockefeller Foundation.
Chairman WALSH. We had prepared here, Mr. Greene, some questions which are in leading form and which undertake to epitomize much that is to be inquired about, and I will read them to you, of course, so that you may correct any of them that you see fit to——
Mr. GREENE (interrupting). Mr. Chairman, may I ask whether I may also have an opportunity to make a statement which I think will bear very closely on the points that have been brought out as to the relation of Mr. Rockefeller to his boards and as to the policies of the boards either before or after this question?
Chairman WALSH. Yes; and you may select your own time or place, if you think best to read that at the inception, which has been done by a great many witnesses, you may feel at perfect liberty to do so, or if you care to wait until the end of it, you may do that, or you may pick out such time as you wish.
Mr. GREENE. It is not that I intend to read the whole statement, but there are certain points that I wish to bring out.
Chairman WALSH. Very good. You may proceed in your own way.
Mr. GREENE. Mr. Rockefeller was asked by one of the questionnaires recently submitted for a graphic exhibition of the so-called interlocking directorates of the Rockefeller boards. I have had such a chart prepared, Mr. Chairman, and have copies here for the members of the commission.
(Copies are here distributed to the members of the commission.)
I should like to read the names of the personnel of all these boards in alphabetical order. It is as follows:
Edwin A. Alderman, president of the University of Virginia.
Hermann M. Biggs, commissioner of health, State of New York.
Wallace Buttrick, secretary, General Education Board.
Andrew Carnegie.
P. P. Claxton, United States Commissioner of Education.
Charles W. Eliot, president emeritus, Harvard University.
Hollis B. Frissell, principal, Hampton Institute.
Abraham Flexner, assistant secretary, General Education Board; associate, bureau of social hygiene.
Simon Flexner, director of laboratories, the Rockefeller Institute for Medical Research.
Frederick T. Gates, formerly a member of the personal staff of John D. Rockefeller; chairman, board of trustees, the Rockefeller Institute, General Education Board, and the Rockefeller Sanitary Commission for the Eradication of Hookworm Disease.
Frank J. Goodnow, president, Johns Hopkins University.
William C. Gorgas, Surgeon General, United States Army.
Jerome D. Greene, secretary, the Rockefeller Foundation.
A. Barton Hepburn, chairman of the board of directors, Chase National Bank; formerly president, New York Chamber of Commerce.
Charles O. Heydt, secretary to John D. Rockefeller, jr.
L. Emmett Holt, professor of pediatrics, College of Physicians and Surgeons, New York City.
David F. Houston, Secretary of Agriculture.
Theodore C. Janeway, professor of medicine, Johns Hopkins University.
J. V. Joyner, superintendent of education, State of North Carolina.
Harry Pratt Judson, president, University of Chicago.
Edgar L. Marston, member of the firm of Blair & Co., New York City.
John R. Mott, associate general secretary, International Young Men's Christian Association.
Starr J. Murphy, member of the personal staff of John D. Rockefeller.

Walter H. Page, American ambassador at London.
Francis W. Peabody, Peter Bent Brigham Hospital, Boston, Mass.
T. Mitchell Prudden, formerly professor of pathology, College of Physicians and Surgeons, New York City.
John D. Rockefeller.
John D. Rockefeller, jr., president, the Rockefeller Foundation; chairman, International Health Commission.
Wickliffe Rose, director general, International Health Commission; formerly executive secretary, Rockefeller Sanitary Commission for the Eradication of Hookworm Disease.
Albert Shaw, editor, Review of Reviews.
Theobald Smith, director, department of animal pathology, the Rockefeller Institute for Medical Research; formerly professor of comparative pathology, Harvard University.
Charles W. Stiles, United States Public Health Service; formerly scientific secretary, Rockefeller Sanitary Commission for the Eradication of Hookworm Disease.
Anson Phelps Stokes, secretary, Yale University.
George E. Vincent, president, University of Minnesota.
William H. Welch, professor of pathology, Johns Hopkins University.

If you will permit me, Mr. Chairman, I should like to state very briefly the way in which these boards have been constituted.

For a great many years, Mr. John D. Rockefeller, through his office associates, carried on philanthropic work along lines similar to those indicated by the titles of these boards of which I will read the titles of: The Rockefeller Foundation, the International Health Commission, the China Medical Board, the Rockefeller Sanitary Commission, the General Education Board, the Rockefeller Institute for Medical Research, and the Board of Scientific Directors of the Rockefeller Institute. As time went on, he thought it would be advantageous to make more permanently available for the benefit of the public the experience of his office, which, I may say as a newcomer into it, had won well-nigh universal approbation for the general principles which were represented in his giving.

I shall have something to say about those principles a little later, with your permission.

Determining, then, to alienate perpetually from himself and put into the power and protection and control of the State separate organizations and funds for carrying on these lines of work, he put into those boards, in the first place, the group of men to whom chiefly in constant collaboration with him was due the credit for such wisdom as there may have been in what had been known as the Rockefeller method of giving. In the executive committees of these boards you will find repeated the names of three or four of those men in each one.

Some questions have been asked as if it were necessary to discover by ingenious inquiry a fact which is patent, namely, the very striking influence exerted on these boards by the group of men who have been associated with Mr. Rockefeller. In other words, Mr. Rockefeller, in giving for all time to the people of this country a large part of his fortune, wished that the initial impulse to the work made possible by his gifts should be given by the men who had determined in general their character in the preceding years. And while forfeiting all his control for the future and very definitely limiting his control for the present, Mr. Rockefeller, by that process, made more largely available to the public funds which had previously been exclusively under his domination and control.

Now, one of the next steps to be taken in the organization of these boards was the addition to this nucleus of men frankly representing the experience of Mr. Rockefeller's office other men holding positions of trust and prominence in the country who had and have the confidence of the American people. I have read you their names, and no question or insinuation which may have been heard here will for one moment check the confidence of the American people in the character of these men as men would not for a moment be a party to benevolences which were secondary to the consideration of promoting the pecuniary welfare of the donor. The question hardly needs to be stated it is so patently absurd.

Now, reference has been made to the interlocking of the directorates with each other. The word "interlocking" has been given a bad name for a perfectly obvious reason. When a man is a director of one company and in such a capacity

sells goods to another company in which he is a director he may use the influence which he thus has for his own individual profit. Is there anything analogous to that in the action of a man who at one moment is giving a part of his time to the public service on the education board and at another moment as a member of a sanitary commission? Certainly the analogy has absolutely no bearing in the matter, and the only drawback, the only objection to such interlocking is one which President Eliot stated, the limitation of the time and health and strength of the men.

There may be, it is true, a question of interlocking as between members of Mr. Rockefeller's boards and the boards of institutions that are aided by Mr. Rockefeller. And as to that I will say, although there is no rule or law on the subject, that the unwritten rule of his office has been that the members representing him on these boards do not accept trusteeship and directorship in other philanthropic institutions.

When, to speak personally, I came to into Mr. Rockefeller's office and became a member of the General Education Board I resigned from the board of overseers of Harvard University and from the board of trustees of a local school for girls and from an academy for boys. That is the unwritten rule, designed with just that intention, of enabling the members of Mr. Rockefeller's board to maintain as independent a position as possible. I went into Mr. Rockefeller's office, Mr. Chairman, in 1912 from the position of general manager of the Rockefeller Institute for Medical Research, in which I was a salaried employee and not at that time a director or trustee.

Shortly after the establishment of the Rockefeller Foundation we earnestly considered what its policy should be, what limitations, if any, should be set up on the choice of future trustees, because, Mr. Chairman, I can not impress upon you too strongly the fact that if you and the public feel concerned as to the future control of these boards you can not possibly feel a greater degree of anxious interest and solicitude than we who are the trustees of these boards feel ourselves. And if there is any subject to which we have given earnest consideration it is exactly that subject. At the first meeting at which we had time to consider at length our policy I took the liberty of presenting, on my own responsibility and without previous consultation with my associates, a memorandum in which I formulated certain general principles and policies of giving which seemed to me as an observer coming in from the outside characteristic of Mr. Rockefeller's office and of the boards established by him. While the foundation did not adopt this memorandum as an official expression of its views, nevertheless the memorandum was favorably received as a fairly adequate expression of principles that had been observed.

These principles were stated as follows:

"1. Individual charity and relief are excluded, except as the indirect result of aid given to other institutions well organized for such purposes."

And that the Rockefeller Foundation is obviously not well organized for answering such requests for gifts and loans is very evident.

"2. Applications for the aid of institutions or enterprises that are purely local are excluded, except as aid may be given to these establishments as models to other localities and as part of a general plan for the encouragement or improvement of similar institutions. Such a general plan is that in accordance with which the General Education Board has aided colleges and universities in all parts of the country in order to promote higher education generally.

"3. It may be said that when an individual or an institution goes into a community with the intention of making a contribution to its welfare no gift of money, however large, and no outside agency, however wise or good, can render a service of unqualified good and permanent value except so far as the gift or the agency offers the means or the occasion for evoking from the community its own recognition of the need to be met, its own will to meet that need, and its own resources, both material and spiritual, wherewith to meet it. Illustrations of this policy are to be found in the work of the General Education Board and the Rockefeller Sanitary Commission for the Eradication of the Hookworm Disease. Financial aid given by the General Education Board to colleges and universities has been conditioned upon larger aid being furnished by the friends of those institutions. The farm-demonstration work of the board has succeeded because the money contributed was used solely for the purposes of demonstration, and even the cost of running the demonstration farms was met by the labor and farm equipment of private owners. The sanitary commission has operated exclusively through State and local authorities, with the aid of State, county, or town appropriations. The work accomplished has been initi-

atory and educational, in no sense leaving the communities served in a state of continuing dependence on outside philanthropy."

I would have you believe, Mr. Chairman and members of the commission, that nobody can exceed Mr. John D. Rockefeller in the desire to avoid paternalism in giving. If he has made any contribution to the art of giving, it has been that particular thing, and it is so recognized in this country.

"4. In general it is unwise for an institution like the Rockefeller Foundation to assume permanently or indefinitely a share of the current expenses of an endowed institution which it does not avowedly control."

I mean by "avowedly control" runs itself openly, just as the Rockefeller Foundation runs the International Health Commission.

"Such a continuing relation inevitably carries with it a continuing responsibility for the conduct of the institution that is aided. The relation should therefore not be entered into unless with the deliberate intention of assuming such responsibility; for an endowed institution a gift outright for endowment, buildings or equipment or some other specified purpose, without any condition to hamper the future administration and policy of the institution aided, is the best kind of a gift from the standpoint both of the giver and the receiver. Antecedent conditions, such, for example, as that the institution shall be free from debt, that its accounting methods shall be in accordance with approved standards, and that evidence shall be given of sufficient moral and financial support from its own constituency, may—and, indeed, must—be imposed. A continuing contribution for current expenses and the implied continuing approval or responsibility for management tend to make the receiver subservient to the giver, thus detracting from the receiver's independence and self-respect, and, consequently, from his efficiency."

That, if anything, Mr. Chairman, is the policy of giving in Mr. Rockefeller's office.

"5. On the other hand, the Rockefeller Foundation must carefully"——

Chairman WALSH (interrupting). Will you read that last paragraph again?

Mr. GARRETT. "A continuing contribution for current expenses and the implied continuing approval or responsibility for management tend to make the receiver subservient to the giver, thus detracting from the receiver's independence and self respect, and, consequently, from his efficiency.

"5. On the other hand, the Rockefeller Foundation must carefully avoid the dangers incident to gifts in perpetuity. Having the qualities of permanence and universality it is better able than any private individual to adapt its gifts from generation to generation"—and by permanence, I mean, that it is a corporation, not an individual; and by universality I mean that it is for the betterment of mankind; it is not limited to education or public health—" it is better able than any private individual to adapt its gifts from generation to generation to the most urgent needs of the time. It should therefore be careful not to hamper its own trustees nor the trustees of other institutions by gifts in perpetuity narrowly limited to particular uses."

Reference was made this morning to the obsolescence of certain philathropic purposes. The Rockefeller Foundation was chartered with that danger specifically in mind.

"These considerations may often lead the Rockefeller Foundation to make its gifts from year to year, or for periods of 5, 10, or 15 years. This will usually be the case when the object of the gift is that of initiating or demonstrating some improvement especially along lines of education or public health. Gifts for endowment will therefore probably be rare and they will be strictly limited to institutions which, like well-established colleges or universities, are destined to be permanently maintained by the endowment method as distinguished from the method of support by public taxation.

"6. As between objects which are of an immediately remedial or alleviatory nature, such as asylums for the orphan, blind, or crippled, and those which go to the root of individual or social ill-being and misery, the latter objects are preferred—not because the former are unworthy, but because the latter are more far-reaching in their effects. Moreover, there are many charitably disposed persons to whom remedial and alleviatory agencies make the more effective appeal.

"7. As a general rule it is not expedient to entertain applications for the aid of projects, however meritorious, that have not been carefully thought out by their promoters, so that the purposes to be accomplished, the form or organization to be employed, the persons prepared to assume the permanent responsibility for the project, the precise program to be followed and the amount of

financial support already secured, may be stated with precision as to the basis of the application. It may often happen that good but half-formed schemes are suggested, requiring only a vigorous initiative to bring them to maturity. The promoters of a scheme lay it before some philanthropic agency, expecting that if the suggestion is thought promising the initiative, the subsequent responsibility, and the necessary organizing efficiency will be supplied by the agency in question, the promoters either retiring or remaining as partners in the undertaking. Favorable action on such applications must be limited to those rare exceptions in which the philanthropic agency sees in the plan thus imperfectly presented a suggestion that it can adopt, and for the development of which it is willing to be responsible. But the limitations of time, energy and intelligence in even the best organization would not be equal to the demands made upon it if it assumed the burden of studying and maturing every vague though promising suggestion made to it."

In the same memorandum, Mr. Chairman, I said, "No great philanthropic trust can permanently endure as a paternal institution far ahead of the people in wisdom and foresight. Its wisdom and foresight must in some true sense, like the political government, express the will and intelligence of the people. Its wisdom and foresight must at least be susceptible of recognition by the people in order that they may follow willingly and effectively where it leads. In short, the policy of the trust must, in the long run, be democratic. To accomplish this result a plan should be devised whereby the accountability of the Rockefeller Foundation to the people of the United States should be clearly expressed through periodic reports."

Again: "The early demonstration that the foundation was seeking the best possible way of keeping alive its sense of responsibility to the people and of keeping in touch with the varied and changing needs of the country, would have a moral effect on the public that would greatly strengthen the foundation's position and enlarge its influence."

The policy of the Rockefeller Foundation and its advisers is very well expressed in regard to another matter which has been brought before this commission. It is stated in another document to which brief reference has been made in the answers to the questionnaires.

Evidently one investigation of industrial relations, or any investigation, looms up in the minds of many as implying an inquiry into disputed facts and the bringing in of a definite adjudication and an appraisal. That is very far from the spirit in which the Rockefeller Foundation has entered into the question of industrial relations. The object is to supply, if possible, with a certain scientific detachment the facts not as related to any one dispute but facts which are characteristic of the industrial situation generally in many places with a view to providing the fundamental social and economic facts on which others who will determine public opinion will make up their mind.

The committee of economists which was invited by the Rockefeller Foundation to advise it in regard to the establishment of some sort of permanent organization made report in which this paragraph occurs:

"After full discussion the committee was unanimous in holding that such a proposed institute of economic research should not at the outset attempt work directly educational in character. Although it is recognized that there is great need of popular education in economics, it is inadvisable that such work of propaganda be undertaken as the first or main task of an institution for scientific research. Proper means of publicity should be sought for the publication of the results of its investigations; but any systematic effort at influencing public opinion might, if at all, be better attempted by a separate organization. Quite apart from the existing disagreement of scholars even as to many fundamentals in economics which without careful preliminary studies would make dogmatic teaching of doubtful utility, it is essential for the permanent standing of an institute of economic research that it should early establish its reputation as scientific, impartial, and unprejudiced in its finding and presenting of the facts as to economic and social conditions."

To illustrate what I said about paternalism I think I could hardly do better, Mr. Chairman, than to give one graphic example——

Chairman WALSH. Just a moment with the question, Mr. Greene. Is the full report of that committee of economists available?

Mr. GREENE. I should have to read it to see whether the recommendations of the report were not adopted.

Chairman WALSH. Please bear that in mind. Proceed with what you were going to say when I interrupted you. Mr. Garretson asked in regard to that.

Mr. GREENE. I think the disposition of that report was referred to in the answers to the questionnaires. I want to give an example of the kind of work which I think can be called characteristic and to have it judged by the considerations which those have had in mind who have thought of the menace of such foundations and of the danger of putting the public into a state of subserviency.

You are all familiar in a general way with the purpose of the Rockefeller Sanitary Commission for the Eradication of the Hookworm Disease. Let me mention just one example. When that commission was being undertaken a traveling dispensary had been organized by the local health authorities with the aid of our sanitary commission. It came, in the course of its travels through the country, to a small village in a Virginia mountain county. In that village, living upon an impoverished farm, barely able to keep soul and body together, was a family of nine, living in a one-room shanty—father and mother and seven children—every one of them afflicted with the hookworm disease, illiterate, and barely able to keep soul and body together. They were examined and found to be infected. They were given the extremely simple treatment for the hookworm disease, which usually cures permanently if the conditions are permanently improved—the sanitary conditions—and the dispensary passed on.

Two years later on revisiting that farm one would find a two-story frame house built by the father and elder sons, the younger children in school, the farm productive, at a total expenditure of about $1.10 per capita on the part of Mr. Rockefeller's sanitary commission.

Now, think of the economic enrichment of the country by work of that kind. Who can say that the application of Mr. Rockefeller's effort by that act—and I am not sure that those people even knew of Mr. Rockefeller, because they were dealing with the public-health authorities, through whose invitation alone our commission has done its work—who can measure the economic results of work of that type?

Farm-demonstration work, which the General Education Board promoted in the South, and which it conducted at an expense of three or four hundred thousand dollars—I have forgotten the exact figures—in a few years made possible an increase in the productiveness of corn and cotton per acre to such an extent that if carried to the entire arable land of the South by methods of cultivation and demonstration already known would make an increased annual yield, I am told, in cotton alone of $240,000,000 per annum.

Now, how in the world is service of that kind going to be called a corrupting or pauperizing service where the man's own labor with the information supplied produces for him an overwhelming share of the final result?

A statement has been made which seems to me so strange and almost grotesque that I wonder if it was not made with some humorous intent but partly concealed. It was that in the development of such foundations as this public criticism would be stifled. Can anyone say, in this presence and with knowledge of this hearing and of the public agitation which is going on at all times through the press, that the American people can not through publicity and public discussion criticise freely the gifts of anybody? I could hardly believe that anyone could take such a low or timid view of the strength of the American democracy as to think that it could not protect itself by free discussion from any insidious influence growing out of such foundations as this.

Mr. Chairman, there is one other point, if you will allow me, with reference to the appointment of Mr. King. The trustees of the Rockefeller Foundation have been held very rigidly accountable for the condition of affairs existing in an industry in which they had a bond investment. I should not be one to deny the responsibility attaching even to a bond investment, although one must differentiate between that and the responsibility attaching to a stock investment, but supposing that any of us found ourselves put in the position of trustee for large funds of money which had to be invested in stocks and bonds, and conscientiously sought to discharge the responsibility, not only by carrying out the terms of our trust, but by meeting such obligations as attached to our ownership of securities. Supposing we tried to execute that trust properly, could we do more than to look through the country for the man who seemed to us on the whole the best adviser on the general subject of industrial relations, and to identify him with our organization, not with reference to the adjudication of any particular dispute, but to guide us permanently in the discharge of our responsibility?

I think perhaps I wrote the first letter to Mr. King with reference to his coming into our employ, and I remember saying to him in that letter that it might turn out that in the proper discharge of our responsibility as the holders of investments we could perhaps do a greater service to our country than by so-called philanthropic work.

Now, gentlemen, we can not be held accountable at the same time both for taking no interest whatever in that aspect of our duties and at the same time for having taken the most intelligent and promising steps we could to inform ourselves as to those responsibilities, and I do not think that anyone can seriously maintain—anyone who knows Mr. King—that trustees or directors who exposed themselves to his influence were on that account going to be less humane, less considerate of the rights of workingmen, than if, as some one has said, they were going to devote their time exclusively to promoting their business to the extent "that the traffic would bear."

We do not claim to have done anything especially laudable or creditable, but it is a step, and we think a promising step in the right direction.

We do not claim for any particular plan that has been put forward that it is a final plan, that it has met all of the objections—it is perfectly clear that it has not met all of the objections—but as to whether our attitude has been one of unyielding self-satisfaction and complacency with present conditions, or an attitude of open-mindedness and desire to do our full duty in the matter, it seems to me, Mr. Chairman, that on the whole the public will make a fair and reasonable judgment.

I should be very happy to answer your questions, Mr. Chairman.

Chairman WALSH. As I told you, I am going to ask you these questions in leading form, and will ask you to be very free to correct any question and also any inference that might not be drawn fairly from the questions, because I have had them prepared by others, of course.

The funds of the foundation amount to approximately $104,000,000?

Mr. GREENE. Yes, sir; that is true; but it requires this qualification, that certain sums pledged—appropriated and which are now liabilities of ours—are still in our treasury because the time for payment, in accordance with the terms of the pledges, has not yet arrived, and we practically hold and are, indeed, responsible for funds in excess of the amount of our capital, $104,000,000. For example, the $750,000 pledged to Wellesley College has not been called for under the terms of the pledge, and therefore it helps to make our total funds somewhat in excess of $100,000,000. As a matter of fact, we made pledges to an extent which brought our total unappropriated holdings on the 1st of January somewhat below $100,000,000, so there was no accumulation.

Chairman WALSH. The funds of the foundation may be increased indefinitely by such future gifts as the foundation may receive from any source?

Mr. GREENE. Yes, sir; that is true, I think, Mr. Chairman. If we accept them.

Chairman WALSH. The annual income of the foundation is now approximately $5,500,000?

Mr. GREENE. Approximately.

Chairman WALSH. Of this income it is provided that $2,000,000 annually shall be applied to such specific objects within the corporate purposes of the foundation as Mr. John D. Rockefeller, sr., may direct?

Mr. GREENE. Yes; the explanation of that item, Mr. Chairman, is that Mr. John D. Rockefeller, sr., through his office, had been for many years giving to a large number of charities which were worthy, which had perhaps some personal claim upon him by virtue of his citizenship in New York and his residence in Cleveland. They were not necessarily objects of charity which ordinarily would commend themselves to the foundation as within its general policies, and it was thought that it would be entirely proper, provided they were clearly within the corporate purposes of the foundation, for the foundation to relieve Mr. Rockefeller of the actual handing over of the money and accounting for the funds, but when any such gifts are made by Mr. Rockefeller they have to be passed upon by the Rockefeller Foundation, and a formal vote is taken in each case, and it has to be approved as coming within the corporate purposes of the foundation. If the trustees were requested to make a gift for purposes that did not come within the corporate purposes of the foundation, even if Mr. Rockefeller asked us to do so we should be obliged to decline.

Chairman WALSH. Has any such circumstance arisen?

Mr. GREENE. No, sir. As the list which has been sent to the commission with the questionnaire of January 23 will show, there have been many purposes which the foundation would have been very glad to make contribution to on its own initiative. The largest was $2,500,000 to the Rockefeller Institute for Medical Research, for the construction of new buildings and the enlargement of its work.

(The questionnaire referred to by the witness is printed among the exhibits as "Greene Exhibit.")

Chairman WALSH. There seems to be no actual limitation upon the corporate purposes of the foundation, as shown by the clause in the charter as follows [reading]: "Any other means and agencies which from time to time shall seem expedient to its members and trustees." Does this clause leave the foundation absolutely unrestricted so fas as its purposes are concerned?

Mr. GREENE. It is restricted within the legal definition of charitable, eleemosynary, and philanthropic work. Those words are not in the charter and I do not think they need to be. If there should be anything objectionable—over the border line—in the direction of a commercial or business undertaking, it would be proper of course for the attorney general to investigate, or for such legal steps to be taken as might be necessary. It would clearly be a breach of trust, in other words.

Chairman WALSH. And the general law would apply to it?

Mr. GREENE. Yes; the general law would apply to it.

Chairman WALSH. Of the trustees of the foundation there are two members of the Rockefeller family, John D. Rockefeller, sr., and John D. Rockefeller, jr.? Is that correct?

Mr. GREENE. Yes, sir.

Chairman WALSH. Four are now or have recently been members of Mr. Rockefeller's personal staff or secretaries?

Mr. GREENE. Yes.

Chairman WALSH. They are Starr J. Murphy, Jerome D. Greene, Charles O. Heydt, and F. T. Gates?

Mr. GREENE. That is correct, Mr. Chairman.

Chairman WALSH. There are salaried employees of the foundation, two of whom are on the General Education Board, Mr. Wickliffe Rose and Dr. Simon Flexner?

Mr. GREENE. Dr. Flexner is not on the General Education Board, but is trustee and scientific director of the Rockefeller Institute.

Chairman WALSH. And a salaried employee?

Mr. GREENE. Yes; but responsible to his trustees and not to the foundation.

Chairman WALSH. Mr. Harry Pratt Judson is president of the Chicago University, endowed by Mr. Rockefeller?

Mr. GREENE. Yes, Mr. Chairman.

Chairman WALSH. And the others, Charles W. Eliot and Mr. A. Barton Hepburn, are the only ones not directly related to Mr. Rockefeller in some business way?

Mr. GREENE. My impression is that that is correct.

Chairman WALSH. The members of the foundation's finance committee are John D. Rockefeller, jr., Starr J. Murphy, and Jerome D. Greene, all of whom are or have been until the last few days members of Mr. Rockefeller's personal staff?

Mr. GREENE. That is correct, Mr. Chairman.

Chairman WALSH. The members of the executive committee are John D. Rockefeller, jr., Starr J. Murphy, Mr. Heydt, yourself, and Simon Flexner?

Mr. GREENE. They are.

Chairman WALSH. And you have been on Mr. Rockefeller's personal staff as secretaries or salaried employees?

Mr. GREENE. We have been.

Chairman WALSH. The meetings of the executive committee of the foundation, according to Mr. Rockefeller's testimony, are regularly held at Mr. Rockefeller's office at 26 Broadway, and not only are general industrial and financial matters taken up at these meetings, but outside persons, such as Mr. Ivy L. Lee, who has no relation to the foundation, are there present and advise freely with regard to the policies of the foundation; is that correct?

Mr. GREENE. Yes; that may be true as applied to informal conferences, but not to meetings that are called. That is not true of meetings of the foundation, or of the executive committee. I want to say that it would not be improper to invite Mr. Lee to attend the meetings, but I do not recall that it has ever been

done in his case. There are occasions when an outsider who happens to be present is asked to stay, but my positive recollection is that has never occurred in the case of Mr. Lee.

Chairman WALSH. Not assuming anything improper, but putting the question in order that you may analyze it and give a correct impression about it; you gather the point of the question?

Mr. GREENE. I do. Mr. Rockefeller has associated with him a personal staff, which advises him with regard to his affairs, both business and philanthropic. Mr. Rockefeller, in the discharge of his duties as president of the Rockefeller Foundation is at perfect liberty to invite the opinion of anybody in or out of his office on any subject, and it is to be expected that men who have his confidence in the office would be frequently consulted by him with reference to the activities of the foundation, in the formation of his own opinion and in the determination of his own vote, but, of course, that is a very different matter from identifying these outsiders with the foundation.

Chairman WALSH. I gathered from Mr. Rockefeller's testimony given the other day that perhaps his father had some other staff of advisers on purely investment matters; is that correct?

Mr. GREENE. No, sir.

Chairman WALSH. That is the only staff he has?

Mr. GREENE. Yes; that is the only staff he has; of course, it includes clerks as well as the members of the staff.

Chairman WALSH. The funds of the foundations are not subject to taxation?

Mr. GREENE. No, sir; not these things that are used for what may legally be called charitable purposes. They would be taxable if used for any other purpose, but I suppose our charter would be forfeited in that case?

Chairman WALSH. What would be the tax upon the funds of that foundation if it was regularly assessed and paid?

Mr. GREENE. I have not figured it out, Mr. Chairman.

Chairman WALSH. Has anyone ever figured it out?

Mr. GREENE. You can figure it at any rate you choose on $100,000,000.

Chairman WALSH. I mean taking into consideration the actual tax that would ordinarily be levied against that class of property under the laws of New York?

Mr. GREENE. As I understand it, stocks are not taxable now and bonds are in most cases exempt by the payment of a tax in the beginning. The Rockefeller Foundation does not use any real estate. It would be entitled to freedom from taxation on any real estate, if it had its own office building, so far as that building was used for the purposes of the foundation, but an investment in real estate would be taxable just as much as investment of anybody else. That is the protection, which is the protection in this country against the mortmain. Real estate held by a hospital, or charity of any kind, if used for business purposes has to pay taxes; and that will prevent the happening in this country of what has happened in others, the gathering into charitable trusts of large amounts of land. That can never happen in this country on account of this restriction.

Chairman WALSH. I was going to ask you, Mr. Greenee, what suggestions of your own, with respect to the general principles that should govern giving and taking were made a part of the policy of the foundation?

Mr. GREENE. They had no authority attached to them, and I ask you to attach only such authority to them as you can ascribe to my having written them, no more, no less. I had been engaged in educational work, and the administering of charitable work for several years. I was secretary at Harvard for nine years and two years at the Rockefeller Institute. Those were my observations.

Chairman WALSH. Please state at this point, Mr. Greene, your experience from the beginning; that is, prior to your connection with the foundation or the Rockefeller activities. Please sketch back, say, from the present day, what you have been doing for the past 10 years.

Mr. GREENE. On January 1, last, I ceased to be a member of the personal staff of Mr. Rockefeller and resigned from all the directorships in which I represented him.

Chairman WALSH. What significance did that have with reference to all of the activities? What changes were taking place, and what caused that to be done?

Mr. GREENE. It was the final determination of a matter which had been very actively discussed from the beginning. The Rockefeller Foundation should have its own organization and habitation, but it is still a very young institution, barely a year old, and some of our expectations with reference to an officer who might perhaps hold the office I am now holding, were not realized

on account of his health, and the question came up as to whether I should try to do both, to administer the Rockefeller Foundation as its executive secretary and hold my various business directorships and assist in any way I could in the management of investments, and it was finally decided that was too much for one man, and my request to be relieved was accepted, but I may say that I took the initiative.

Chairman WALSH. Do I understand that the offices of the foundation are being removed to another and separate building?

Mr. GREENE. The Rockefeller Foundation has its office now at 61 Broadway, and they have been there in temporary headquarters since the 6th of January.

Chairman WALSH. Is it the intention that the whole foundation is going to that building, and that all of its activities will proceed from there?

Mr. GREENE. Yes, sir.

Chairman WALSH. And it is to be separated permanently hereafter from the offices at 26 Broadway?

Mr. GREENE. Yes, sir. That has been a subject of recommendation by me on three occasions during the last year and one-half.

Chairman WALSH. What determined that course in your mind, Mr. Greene?

Mr. GREENE. The evident impossibility of one man trying to do as much work as is implied in being the executive officer of the Rockefeller Foundation and attending to the very many activities of Mr. Rockefeller's office.

Chairman WALSH. Now, please make the sketch, Mr. Greene, that I asked for of your own employment and activities?

Mr. GREENE. On the 1st of July, 1912, I entered Mr. Rockefeller's office. Before that for two years I was general manager of the Rockefeller Institute for Medical Research, and had charge of the administrative side, as distinguished from the scientific side of its activities. Before that I was secretary to the Harvard University corporation for five years; before that, secretary to President Eliot for four years; before that, connected with the University Press of Cambridge for two years; and before that I studied law.

Chairman WALSH. You were educated at Harvard?

Mr. GREENE. Yes, sir; a graduate of Harvard.

Chairman WALSH. And admitted to the bar?

Mr. GREENE. No, sir; I was never admitted to the bar. I gave up my idea of practicing before I finished the law school.

Chairman WALSH. With respect to the submission of this general plan of giving on your part, when was that submitted to the foundation?

Mr. GREENE. On October 22, 1913.

Chairman WALSH. Was the entire membership present at the time?

Mr. GREENE. Yes, sir; with the exception of Mr. John D. Rockefeller, sr.

Chairman WALSH. Was it submitted to Mr. John D. Rockefeller, sr.?

Mr. GREENE. I never heard that it was. It was a volunteer act wholly on my part, and I am not sure that any great weight was attached to it. It seemed to be received as a fairly accurate expression, but I doubt if any importance was attached to it by my associates.

Chairman WALSH. That was October, 1913?

Mr. GREENE. Yes.

Chairman WALSH. Has that general plan been followed since that time?

Mr. GREENE. Yes, sir; there was a tacit understanding, I think, that I should in general be guided by this policy, but no vote to that effect was passed.

Chairman WALSH. Did this policy differ in any material respect from the general policy that had been followed by Mr. John D. Rockefeller, sr., in the past?

Mr. GREENE. No; my purpose was practically to put on paper what I supposed to be his policies as I had observed them.

Chairman WALSH. Take for a period of, say, five years prior to the institution of the Rockefeller Foundation, what amount per annum would you say that John D. Rockefeller, sr., had spent personally, or through any agents, along the same lines that have been and are intended to be followed by the Rockefeller Foundation?

Mr. GREENE. I am sorry that I do not know, Mr. Chairman. It was not my business to know. I have not summed them up in any way; I had no occasion to sum them up, although I advised Mr. Rockefeller upon a great many of them.

Chairman WALSH. You could not approximate them?

Mr. GREENE. No, sir; I could not even approximate them.

Chairman WALSH. As I understand you, there was no marked departure in the policy as adopted by the Rockefeller Foundation, and perhaps no change in its activities except as to amounts?

Mr. GREENE. My impression is that there was no special change, but my impression is not worth much on that, Mr. Chairman.

Chairman WALSH. Now, this chart that you have submitted to the commission shows the personnel of all Mr. Rockefeller's boards?

Mr. GREENE. Yes, sir.

Chairman WALSH. There are none omitted? We may take this as complete?

Mr. GREENE. Yes, sir. There is a board referred to in one place under the title of "The Bureau of Social Hygiene," which is not one of Mr. Rockefeller's boards. That is a bureau initiated largely by Mr. John D. Rockefeller, jr., and the membership consists of four persons, Mr. John D. Rockefeller, jr., Starr J. Murphy, Paul Warburg, and Dr. Katherine B. Davis.

Chairman WALSH. The questionnaire contains an answer to the question as to the activities of that last board and the amount of its expenditures, does it?

Mr. GREENE. No, sir; I do not remember anything about that with regard to the bureau of social hygiene.

Chairman WALSH. Will you please sketch the bureau of social hygiene, how it is organized, its activities, and its endowment or contributions?

Mr. GREENE. I can do that on the strength of my general information, but I am not a member of the bureau and know of its activities simply because of my close association with Mr. John D. Rockefeller, jr.

I think the first activity of the bureau was making a study of the problem of prostitution, and the idea was, if possible, to precede any discussion of policy, of regulation, or anything else by a knowledge of the precise facts, and the first matter published had reference to the actual facts in regard to commercialized vice in New York City. A book was published on that subject by George J. Kneeland. Mr. Costigan referred to that as an admirable achievement of Mr. Rockefeller's this morning.

The second study was on prostitution in Europe—I think I see the volume in your hand now—by Abraham Flexner. This work was not along the line of argument, but a plain statement of facts about the ways of dealing with that problem in Europe, and I think there is substantial evidence that the mere knowledge of the facts as to certain legislative and other expedients in Europe has very greatly affected the opinions of magistrates and others in this country who have to deal with that problem.

Chairman WALSH. Does this book contain all of the conclusions that have been made public up to this date?

Mr. GREENE. That is the latest publication.

Another undertaking bearing on social hygiene was the establishment at Bedford, N. Y., in connection with the State Reformatory for Women, of a so-called laboratory of social hygiene, the purpose of which was to precede the final commitment and disposition of any case by a careful study of the economic and social conditions and background of each person committed to the reformatory, and learn her physical, mental, and moral condition. It hardly seems to need argument that before an intelligent disposition could be made those factors should be taken into account, but it never had been done adequately, and the bureau of social hygiene thought that an experiment of four or five years along those lines would perhaps point the way to an improvement in the administration of our prisons and reformatories.

Chairman WALSH. When was this work begun, Mr. Greene? Can you recall when it was?

Mr. GREENE. Probably about five years ago; I do not know.

Chairman WALSH. Did this organization undertake to make a study upon the subject as to whether or not wages and working conditions had any relation to vice and prostitution?

Mr. GREENE. My impression is that those factors are not ignored, but I think it was not the purpose of either of those inquiries, at least I do not think either of them pretended to go exhaustively into that aspect of the matter; but it would not be fair for judgment to be formed as to this feature of the matter on my recollection of it.

Chairman WALSH. No; but I was trying to call your attention to that to find out whether or not, as a matter of fact, the inquiry was made and conclusion reached and publicity given upon that question?

Mr. GREENE. My impression is that Dr. Davis has dealt with that aspect of the matter. I think she has certain opinions on the subject.

Chairman WALSH. Have they been given publicity?

Mr. GREENE. There is one chapter in that book written by Dr. Davis.

Chairman WALSH. At this point we will adjourn until to-morrow morning at 10 o'clock, and you will again resume the stand, Mr. Greene.

(At this point, at 4.30 o'clock on Tuesday, February 2, 1915, an adjournment was taken until Wednesday, February 3, 1915, at 10 o'clock a. m. at the same place.)

NEW YORK CITY, *February 3, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. The house will now please be in order. We are about to resume.

Mr. Greene, will you please resume the stand?

TESTIMONY OF MR. JEROME D. GREENE—Continued.

Mr. GREENE. Mr. Chairman——

Chairman WALSH. Was there something you wished to say, Mr. Greene?

Mr. GREENE. Yes, Mr. Chairman. In telling you yesterday that I had resigned from my business relations in Mr. Rockefeller's office, and from the directorships which I held, I did not wish to appear to be evading any responsibility I had during the period of time which especially has the consideration of this commission. I am quite prepared to be asked about my connection with Mr. Rockefeller's office during that time, and should rather hope to be given an opportunity to testify about that.

Chairman WALSH. If there was anything said or asked that had that appearance, it was certainly far from my mind or the mind of any of the commission. It is quite interesting to know that your whole matter seems to be passing through quite a stage of transition—that is, the moving of the office—and nothing you said gave that impression and nothing was intended to be implied. I have tried to have these questions prepared so they would go right to the root of things, and so that you would have an opportunity as broad as any criticism to make answer. Therefore, if I put it in that way, I do not wish you to think it contains the seed of any belief or judgment on the part of any of the commission of that kind.

Mr. GREENE. I appreciate your statement highly.

Chairman WALSH. Have you mentioned all of the civic, educational, or philanthropic bodies of which you are at the present time a trustee or a director?

Mr. GREENE. I am a member of all of the boards indicated on the chart where my name appears.

Chairman WALSH. Does the chart contain all of your activities in that direction?

Mr. GREENE. Not all. I hold one as an exception, a position as member of the board of directors of the American Social Hygiene Association.

Chairman WALSH. Any others?

Mr. GREENE. I am a trustee of a country hospital in New Hampshire for personal reasons.

Chairman WALSH. Exactly what connection have you at the present time with Mr. Rockefeller's personal investments?

Mr. GREENE. None whatever.

Chairman WALSH. Do you still confer with Mr. Rockefeller's personal staff on matters pertaining to his personal affairs, and have you so conferred since January 1, 1915?

Mr. GREENE. Since January 1, 1915, I have conferred with Mr. Rockefeller's staff on a great many matters in which I was jointly interested with them on account of the investigation of this commission. Otherwise I think I have hardly had time.

Chairman WALSH. You have assisted in getting up these voluminous documents?

Mr. GREENE. Yes, sir; I have.

Chairman WALSH. And it required a great deal of detail work, and the application of a large number of the managing persons in your office?

Mr. GREENE. You are entirely right, Mr. Chairman.

Chairman WALSH. What do you understand—you have answered this at least in part, but I will ask it again, in view of what you said about the almost impossibility of rendering effective service where there are many boards to be served on—what do you understand to be the reason for your appearance individually on all these boards?

Mr. GREENE. I do not think I said it was possible, Mr. Chairman. I think the membership of all these gentlemen on all these boards is proper and justified. It does, however, place a pretty heavy burden on them, and the difficulty, if any, lies in the weight of that burden.

What was the rest of your question?

Chairman WALSH. I believe I asked you if you felt that you could render effective service on these many boards?

Mr. GREENE. That suggests another aspect of this question of interlocking, which I am very glad to have the opportunity of explaining.

It is almost impossible to draw a sharp line of distinction between the fields of education, social betterment, and public health. These are convenient classifications of our work. Conceivably, the Rockefeller Foundation might openly and avowedly be responsible for them all with subcommittees dealing with the separate fields. As a matter of fact separate corporate entity has been given to these related works, but I should regard it as a great misfortune if they became so separated that those points at which these fields touched each other should be treated with insufficient knowledge of what was going on in the related fields. That is a very strong justification of such interlocking as there is.

For example, in considering such a question as the health of workers in factories, a question of public health—there are educational aspects of that question, the teaching of sanitation and hygiene, there are medical aspects in the working out of the medical features of it, and there are legislative aspects, and so forth; those all touch each other, and I believe the efficiency of these interlocking directors in each of these fields is very greatly increased by the knowledge each inevitably derives from the others.

Chairman WALSH. Do you expect to give your full name to the work of the foundation hereafter?

Mr. GREENE. I do.

Chairman WALSH. In your conferences, do you ever at one sitting take up questions relating to the three boards and the health commission and Mr. Rockefeller's affairs? Of course, Mr. Greene, this question refers to the past, assuming that your time has been taken up with this other work recently.

Mr. GREENE. Are you referring to formal meetings or informal conferences, which can not take definite action?

Chairman WALSH. I would like you to express your doings in both. Perhaps we can get to an end better by asking you to state the whole proposition—any sort of conference or any sort of meeting, official or otherwise. I will ask the question again.

In your conferences, do you ever at one sitting take up questions relating to the three boards and the health commission and Mr. Rockefeller's personal affairs, investments or otherwise?

Mr. GREENE. We certainly should not do so at formal meetings. At informal conferences it is possible that those of us who have been in both relations would discuss—would turn from one to another of those matters. It is perfectly possible.

Chairman WALSH. How do you keep separate your different personalities? How do you know when a trustee of one board leaves off and the trustee of another board begins? How do you know when a philanthropic matter leaves off and Mr. Rockefeller's personal matters intervene?

Mr. GREENE. I have never discovered, Mr. Chairman, that that question presented any difficulty whatever, except the difficulty as to time and strength. It has never raised questions of incompatibility of interest or conflict of interest in my whole experience, never.

I should be very glad, Mr. Chairman, if you could put that question more concretely and suggest what kind of conflict of interest might arise.

Chairman WALSH. I will try to illustrate as you have asked. Suppose you are all in conference there and the question came up as to a plan for settling the Colorado difficulty, and Mr. King, for instance, submitted a plan of this sort:

We will say he submitted the plan that he did submit of this question of publicity, and you recognize, of course, that publicity is a great force, the force of education. I will withdraw that question. I am going to put it in an extreme case, so as to give you an opportunity to go over the whole question.

Suppose Mr. King had written out a plan for you and said the only way to bring about industrial peace and establish justice in Colorado—this was some time back, of course—was to call an immediate conference between John R. Lawson, Ed. Doyle, John D. Rockefeller, jr., John D. Rockefeller, sr., and Mr. Welborn, and that they should enter into a contract with the United Mine Workers of America for the next two years, based upon the outlines of contracts with other coal companies. Then the question of publicity should arise—shall we use a large part of this fund on behalf of the foundation to circulate that principle as applying to industry and as being a means of establishing industrial peace everywhere?

Mr. GREENE. My answer to that question is that I should feel perfectly at liberty to differ with Mr. Mackenzie King as to the wisdom of that proposition, and should probably, during the pendency of the strike, have differed with him if he made that suggestion. In the second place, I am emphatically opposed to the use of what you apparently mean by "publicity," and I should object, as secretary and trustee of the foundation, to the funds of the foundation being used that way.

Chairman WALSH. Could you search your conscience and feel that the reason you did not want publicity on that was that it conflicted with the personal interests of Mr. Rockefeller?

Mr. GREENE. I should be opposed to the use of the funds of the Rockefeller Foundation generally for propaganda or publicity on matters of public controversy. The sole use of the funds of the Rockefeller Foundation for propaganda, I should say, should be limited to matters like sanitation, public health, in so far as they are not controversial, where there is a common agreement that what is needed is a diffusion of existing knowledge and information having to do with the public health.

But as to publicity, there are two meanings to that word, Mr. Chairman. The word has been given quite a black eye, chiefly because of a discredited method of publicity. I am referring now to the method of ingratiating the public and winning over the support of newspapers either through the publication of advertisements, which may be thought to bring pressure on the expression of editorial opinion, or by the deliberate buying up of editorial and news space, if that is possible.

Suspicion that that has been done has undoubtedly existed in the United States. Now, that method of publicity has been entirely discredited and its place has been taken in the enlightened usage, I think, of most of our corporations by a method of stating frankly the facts from the interested point of view of the corporations, with the names signed to the statement in such a way that there can be no question as to who is responsible for it. Statements thus made are set up to be refuted by anybody who can bring to bear contrary facts, and, in my opinion, Mr. Chairman, at this moment the chief exponent of that honest, candid, and fair method of publicity, which stands up and takes the responsibility for what is done, is Mr. Ivy L. Lee. I made his acquaintance last June, I think it was, and from the very first I was impressed with the fact that that was Mr. Lee's contribution toward the Colorado situation, and it was a contribution which, in my opinion, was very much needed.

I have not the slightest hesitation in saying that I think the operators were very delinquent in not taking steps to bring out what they considered the facts of the situation as the United Mine Workers of America were doing, and I am glad to be able to say that the United Mine Workers of America used what I may call the modern method of publicity. Even their pamphlet on the Ludlow strike, which they entitled, I think, the "Ludlow Massacre," they had printed on the title page the name of the publicity agent of the United Mine Workers of America, who was responsible for that statement.

I do not think anything is to be gained on this occasion, Mr. Chairman, by mere recrimination, nor should your time be taken up by people who have nothing of their own knowledge to testify to directly, but I find it very hard to let this opportunity pass without saying that, so far as I know, not a single one of those gross misstatements and criminal accusations that occurred in that pamphlet and other pamphlets issued by the Mine Workers of America, though disproved on the witness stand before this commission and others, has been retracted by the United Mine Workers of America. A great deal has

been said about the mistake that was made as to the compensation paid certain union officials. I think that was a very serious error, but it could only injure the operators themselves who were responsible for letting out that statement. It came to my notice very soon after it was brought out before your commission at Denver, or subsequently in the newspapers, and I know I said at once, and my colleagues agreed with me, that that thing should be corrected, and why it was not corrected until the 1st of January I do not at this moment know any better than you do; but, of course, it should have been corrected promptly. No one but the operators had anything whatever to lose by the publication of that statement, and as for the relative publicity given to the retraction of that statement, I think I have heard it read into the record of the proceedings of this commission three times, and it has been made a matter of such wide discussion that I presume five times as many people know the correction as heard of the lie as it was told. I do not know who is responsible, but the fact that it is false has received more publicity than the original statement.

Chairman WALSH. Just for the moment, going back to my illustration. What I mean by publicity is, Mr. Rockefeller said that the money of the foundation could be used that way under its powers.

Mr. GREENE. There are a great many things, Mr. Chairman, that are injudicious, and possibly some things that are wrong, which could be done by the foundation before coming up against the arm of the law; and the only safeguard that I know of against that, as in the case of the management of a hospital or university or any other charitable foundation, is the force of public opinion brought to bear upon the selection of trustees and the force of public opinion as a constant influence in their work, and the ultimate power of the legislature to abolish a trust if it is unwisely used.

Chairman WALSH. State the number of persons now employed by the foundation, for all kinds of service, if you please, Mr. Greene?

Mr. GREENE. The foundation, Mr. Chairman, is a very young institution. Its executive staff is at present very small. Its salaried staff consists, in addition to the secretary, at present of only three or four clerks. And the extension of its organization will depend upon the development of work during the next year or two.

The foundation has instituted the International Health Commission, and it is carrying on the hookworm work around the world. And it would be impossible for me to say, offhand, how many men were being paid with money of the foundation. I think somewhere between one and two hundred, possibly.

Chairman WALSH. You may give us a list of that, if you have not already done so.

Mr. GREENE. I will be glad to give you such a list.

I want to say with reference to the International Health Commission, Mr. Chairman, that that was established primarily in order to extend around the world the hookworm work, the method which has been worked out in this country.

Now, that is a case very much in point, for this reason: We have had a sort of contract or understanding with the British colonial office for teaching the public health authorities of the tropical colonies how to deal with the hookworm disease.

Now, what could we teach the expert medical authorities of Great Britain on that subject? They have better facilities for training public health officers than we have. The first pathological work in the study of the hookworm was done by the English in Egypt, and they have a public health service organized in their various colonies. What could we teach? What we could teach was just this: That public health work of that character to be successful must first enlist the understanding and sympathy and the active cooperation of the common people.

Now, what has made our work in the past successful? Not that Mr. Rockefeller came down and poured out a few millions of dollars, but that going down there and working in a small way at first the people got interested. They got interested and convinced that they had this disease and that it was a great economic handicap, and by their own effort they could get rid of it.

The other method of public health work is by regulation of the central authorities, and such regulation applied to colonies is often odious and is not observed, and we could teach there something quite new, I think, to the British authorities, the possibility of interesting the people in their own salvation. That is the Rockefeller Foundation's constribution to the public health of the world.

Chairman WALSH. Please give a list of the principal studies the foundation has and is now conducting?

Mr. GREENE. The principal study is the investigation of industrial relations, on which Mr. King is now beginning. He is devoting probably the whole of this year to the study of the best possible approach to that subject. He is drawing what he calls a chart, which brings in almost every aspect of human relations, I should say, in order that when he does begin his great intensive work he will do it with knowledge of all other aspects of the matter and after consultation with others. The foundation as at present constituted is employing no other investigators.

Chairman WALSH. How many assistants has Mr. King in his department?

Mr. GREENE. Mr. King has a private secretary and a stenographer. He has received a great many applications from persons desiring to serve as investigators, but has been obliged to decline them all on the ground that his present work was that of intensive study.

Chairman WALSH. When do you think any publication will be given out as to Mr. King's work?

Mr. GREENE. That would be entirely a matter for Mr. King to say. I do not know.

Chairman WALSH. Is it a matter of years?

Mr. GREENE. I should hope that what he regards as the approach to the problem would become known within a few months. But as to publication thereafter I have not any idea whether it will be a year, two years, or five years.

Chairman WALSH. Please state the study which you as secretary make, to make sure that the plan of investigation is broadly conceived and carefully, and that the work is scientifically conducted and scientifically tested?

Mr. GREENE. The only case to which I can now refer, of course, is that of the investigation of industrial relations. My method of making sure of that is to acquaint myself with the investigator, get a knowledge of his character and his ability; we take some chances, of course, Mr. Chairman, of having made a mistake in some cases, but trust to experience to show whether the original confidence was justified.

Chairman WALSH. Was Mr. King the author of the Lemieux Act, the Canadian industrial trades dispute act?

Mr. GREENE. He is so regarded, I think, in Canada.

Chairman WALSH. One of the administrators of it?

Mr. GREENE. As minister of labor I think it was his duty to have to do with the administration of the act.

Chairman WALSH. Did it occur to you that perhaps the working people of the United States would feel that he was deeply committed to that by reason of having been the author of it and the administrator of it, and did it occur to you that perhaps you were taking an investigator with a very staunch preconceived attitude?

Mr. GREENE. I expect to find in Mr. King a prejudice in favor of the characteristic feature of that act. And the characteristic feature of that act was complete publicity as coming from the investigation of both sides in advance of the tieing up of any public-service corporation, including the coal companies. That, I think, was a prejudice which we should not seriously lay up against Mr. King.

As to whether that is a panacea, Mr. Chairman, I do not believe Mr. King so regards it. But it has been applied to the general situation in Canada, meeting with opposition on the part of both labor sometimes and of capital sometimes, but on the whole commending itself to the public.

Chairman WALSH. Did you as secretary think that that was a pretty good thing when you got Mr. King's services?

Mr. GREENE. I thought it had worked pretty well in Canada, and that it was certainly good in those features of which I spoke, but I am not aware whether it would be applicable to this country and whether it would be possible to enact into law certain features which are essential to it.

Chairman WALSH. Speaking now generally, Mr. Greene, and looking forward, say 10 years, do you believe that there should be such interlocking of directorates as now exist among the three Rockefeller Foundations, or between Mr. Rockefeller's personal staff, and a majority of each of the three executive committees?

Mr. GREENE. Of course, Mr. Chairman——

Chairman WALSH. In referring to this group that we have been talking about here, what other term might be used than "interlocking directorate"? It is a common term, and whether or not it can be properly applied to this in view of the explanation you have given as to what we might also call the interlocking information, it is necessary to use some term.

Mr. GREENE. I don't think of a better word, unless it be "overlapping" might be used, or "overworked" might be used, Mr. Chairman.

Chairman WALSH. If this group of interlocking, overlapping, or overworked gentlemen wanted to give special encouragement, or, as suggested by Brother Ballard, "underpaid" gentlemen—that, I believe, we have not gone into as yet—if this group so designated and characterized wanted to give special encouragement to a particular college or particular civic agency or particular denomination or particular method of teaching economics has it the legal and financial power to select the individuals or agencies and subjects to be specially encouraged?

Mr. GREENE. I am afraid we could do a lot of damage, Mr. Chairman, before we could be stopped. But the risk is not, perhaps, as great as that would imply. I think wherever large discretion is placed, reliance is put on the judgment of the trustees. Public opinion, I think, is extremely exacting in such matters. There has been a great deal of talk about academic freedom and limitations on it in this country. The question was asked of President Eliot, Mr. Chairman, on my suggestion, as to the traditional doctrines on economics of Harvard University. He said there had been no characteristic doctrine, in spite of the fact that the protected industries of Massachusetts were largely responsible for the growth and prosperity of the college. He neglected to state that he was the most conspicuous free-trader in Massachusetts during the period when four-fifths of the endowment of Harvard was obtained. Now, public opinion in Massachusetts would not tolerate anything different; and I do not think public opinion in the United States generally would tolerate a lower standard of independence and integrity.

Chairman WALSH. What is there to prevent the Rockefeller Foundation from unduly influencing public thought and unduly influencing the agencies which in turn may influence public officials and university professors?

Mr. GREENE. I think what I have already said, Mr. Chairman, answers that question.

Chairman WALSH. The forces of public opinion?

Mr. GREENE. The force of public opinion, and, in the event of vicious or very unwise trustees being imported into the organization, a wholesome fear of the consequences.

Chairman WALSH. Is there any legal provision which at present would prevent such misuse of power?

Mr. GREENE. I want to be perfectly clear as to what you mean by "such misuse."

Chairman WALSH. By a misuse of power such as I have designated—that is, unduly influencing public thought, unduly influencing agencies which might influence public officials, or university professors.

Mr. GREENE. I do not see any legal provision to safeguard the foundation on that point.

Chairman WALSH. Is there any provision in the constitution or by-laws of the organization?

Mr. GREENE. No, sir. I think that that is a point upon which the trustees must be free essentially, just as every citizen is free to use or abuse his powers, his liberty, and take the consequences.

Chairman WALSH. Several witnesses, including Mr. Rockefeller, have called our attention to a provision in the membership corporation law of New York State which gives the legislature power to amend or repeal a charter given, a charter like that of the Rockefeller Foundation, and I want to ask you a few questions as to that. Would not a misuse of power have to be very great to attract enough public attention so that the legislature would make an issue of the charter—a political issue or a legislative issue?

Mr. GREENE. The public would have to make up its mind, Mr. Chairman, as to whether the abuse was of such importance as to merit legislative interference. But it seems to me that the exact nature of the legislative interference would be determined by the gravity of the danger. If it was very grave and serious the charter might be annulled. If dangerous tendencies were indicated,

the charter might be amended or provision made for designating some of the trustees or something of that sort. In other words, a safeguard, a precautionary measure, could be very nicely adapted, it seems to me, to the degree of danger that was exhibited.

Chairman WALSH. You have observed, I suppose, that in many of these fields requiring legislation which is now admitted by all to have been to the great benefit of the whole body of the people, have been matters of controversy before legislatures for many years before the thought was finally worked into legislative action? That is true, is it not?

Mr. GREENE. Yes; I think that is true.

Chairman WALSH. Can you name any case now in which a legislature has acted except after most flagrant abuse? I want to go your thought thoroughly upon this subject.

Mr. GREENE. I am not enough of a student of legislation to be able to answer that question in the form in which it is put; but I think there has been a great deal of legislation which I think probably has procured abuse and a great deal which has followed it.

Chairman WALSH. Suppose the public interest were aroused after the legislature had adjourned, or suppose, again, that the particular grievance was that the foundation controlled the legislature, what public action could be taken?

Mr. GREENE. I should think that if any such shocking state of affairs occurred as that, that the life of the offending corporation would be very short.

Chairman WALSH. Well, you are familiar with the shocking conditions that obtained in the railroad industry, are you not, extending over a period of many years, and the efforts of legislatures to control the situation and pass remedial laws. Suppose, now, that the foundations should fall into bad hands, and that the men operating the foundations, and having this potential power of publicity and public education, should likewise be interested in industries like the railroad industry, for instance, where they did openly control legislatures and avenues of publicity. What would become of the power to repeal the charter or to amend it?

Mr. GREENE. Your first question was as to railroads and other corporations which had grossly——

Chairman WALSH. No; I cited that—I put the proposition down because I do not think that it applies to your present organization, or to the Rockefeller Foundation itself. But we will say now that a very rich and powerful economic organization, or powerful man, had charge of a foundation, and one that had unlimited resources of publicity, and he was also engaged in what might be called an exploiting industry that was doing a great deal of harm to the community, could he not use the foundation to help him in his what might be called nefarious conduct—improper conduct?

Mr. GREENE. With your hypothesis I think it is perfectly possible. As I said before, I think a lot of harm could be done before you could stop him; and that is equally true of anybody in a responsible position, whether the President of the United States, or a governor of a Commonwealth, or the chief of police, or the chairman of this commission.

Chairman WALSH. Yes. Well, you recognize the great power that goes with the foundation of that sort, of course?

Mr. GREENE. Yes; I do.

Chairman WALSH. Granting that these are remote possibilities, I am very glad to assume even that they are remote possibilities, do you feel that the public should embody safeguards in the incorporating act along the old and well-known theory of locking the barn before the horse is stolen, instead of afterwards?

Mr. GREENE. Mr. Chairman, the barn has existed in this country with a tolerable degree of security for 300 years, and the American people have been using the endowment method of contributing to the public welfare during that period, and I do not think merely a priori considerations will probably lead them at this time to change a policy which has been productive of so much good. The alternative to a rich man is to blow his money in on his own amusement, or pile it up for his own aggrandisement, or to make it somehow serviceable in this country. This country is unequaled by any other in the strength and the duration of that tradition by which men of means in this country have dedicated a part of their means to the public welfare.

Chairman WALSH. Might a person controlling or having the potential power to control a very large industry have another outlet—that is, to fail to make

so much—to intentionally fail to make it just as he intentionally and very properly devotes it afterwards to some good cause?

Mr. GREENE. I didn't get that question.

Chairman WALSH. I say, might there not be another outlet for this excess, if you could call it so, of wealth—that is, for a man who has charge of a large industry to refrain from making so much; for instance, like giving the workers in that industry a greater compensation or a greater share of the product?

Mr. GREENE. Mr. Chairman, I think that we all agree that, given certain standards of decency and justice and considerate treatment, the American workingman does not ask for a gift or for bonuses over and above what is a fair rate of remuneration. I am very much mistaken if he would.

Chairman WALSH. But not calling it bonuses, though that seems to be a common term, but not calling it bonuses, is it your idea that a workman would receive a larger portion or share of the product of an industry, and if he did receive a larger share, should he be looked upon as a man receiving charity?

Mr. GREENE. I can speak only from my own feelings, in the matter, Mr. Chairman. I did not suppose that workingmen wished to profit by exceptional treatment of the kind you indicate.

Chairman WALSH. Of course, that is not their viewpoint. Their viewpoint, if I may state it, as expressed often before this commission, is that it is a matter of justice; that a fair share of the product is being withheld from them by the machinery of modern industrial devices.

Mr. GREENE. They should certainly have what is regarded as just. Over and above that, I should suppose that any payment would be in the nature of a gratuity.

Chairman WALSH. Take the concrete case—it is a compelling sort of case, perhaps, in its aspects—in New Jersey, where it has been reported to this commission that the unfortunate conflict which came up was over a question of 40 cents per day in wage, and assume that some man had potential control of that property that had a great deal of money, a great excess of wealth that he might bestow after he got it from the industry. Do you believe it would or would not be a proper outlet for him and an act that would not detract from the self-respect of the worker, for instance, to pay him $4 a day instead of $1.60 a day?

Mr. GREENE. That would depend on whether the amount asked for was reasonable. If it was reasonable, certainly it would be better for him to pay his employees more. If it was an unreasonable demand I should say it would be better for him to dedicate his money in some way to the public good. That is a case on which I have no information as to the facts.

Chairman WALSH. In what way do you arrive at what is or what is not reasonable?

Mr. GREENE. I do not arrive at it, because it does not happen to be my business. But if it were, I should try to get some criterion.

Chairman WALSH. Well, I am trying to draw out now, if I can, to follow up the thought that you left here as to the alternatives, that a man with money has; that is, that he should blow it in or have a good time or think he was having a good time, or spend it improvidently, we will say——

Mr. GREENE. I think that is not. Mr. Chairman, the only alternative. There is another alternative, which I think is of the utmost importance, and that is spending his accumulation in the promotion of additional industry and giving employment to additional labor—and what is more important than giving employment to labor?—because I think that is not the best way to put it, but increasing economic production for the benefit of the world; and that, I think, is just as good philanthropy as giving money away.

Chairman WALSH. Since the legislature has the power to repeal or amend a charter such as yours, do you believe that it was wise to, or would it not be a better situation, to have the foundation start with such limitations of its power, and then come back to the legislature whenever such limitation might prove to be an obstacle to real public service?

Mr. GREENE. The matter seems to me, Mr. Chairman, rather academic than otherwise, because the limitations proposed for the proposed charter in Washington would not in any way, I think, hamper or embarrass us or change anything that we have done or intend to do. But when we were not successful in finally getting the charter in Washington and came up here, we thought that the best and most proper way to proceed was to ask for a charter on exactly the same terms on which it had been given to at least three other foundations in the State. But at all times I think we should be prepared to consider pro-

posals for limitation, and as I said yesterday, I do not think anyone can be more interested than we are in those limitations, in the discussion of those limitations, so far as they may be shown to be necessary. We are more interested than anybody else, we might say, in having our limitations properly arrived at.

Chairman WALSH. You made a statement some time ago about the terrific force of public opinion—well-directed public opinion—well-thought-out public opinion. How does it find its expression in the field of legislation? That is the part I am trying to arrive at. Would you accept the Congress of the United States—the House of Representatives and the Senate—as being expressive of the will of the people based upon its thought?

Mr. GREENE. It does not always instantly express the state of public opinion, the Senate being elected for longer terms is less quickly responsive than the House; but they both undoubtedly show the effect of public opinion in their make-up.

Chairman WALSH. In its last analysis is there any other way for the American people to arrive at a state of public sentiment except through their legislative body: that is, in the field that might require legislation?

Mr. GREENE. I should say that is the way in which their wishes are recorded, Mr. Chairman; but in the formulation of their wishes I should attribute greater importance to the newspapers and to public speech and discussion.

Chairman WALSH. There were thousands of criticisms and suggestions published in the newspapers and magazines when the question of the incorporation of your foundation was before Congress, were there not?

Mr. GREENE. There were many suggestions.

Chairman WALSH. The matter was debated in Congress, and a hearing was had before two committees, one of the House of Representatives and the Senate committee?

Mr. GREENE. The hearing before the Senate committee was on the original bill in 1910. The hearing before the House committee was in 1912. It was not a public hearing, as I recall it.

Chairman WALSH. But they heard the matter, and they received advices from the foundation?

Mr. GREENE. Yes.

Chairman WALSH. And they received the Peters bill?

Mr. GREENE. They did.

Chairman WALSH. Containing the amendments that the House of Representatives thought proper to be made and the limitations placed upon the foundation?

Mr. GREENE. The limitations were made in the second draft of the Senate bill, and in the form that later was introduced into the House of Representatives.

Chairman WALSH. So, then, they did have a public hearing on the substantial features of the bill in both the Senate and House.

Mr. GREENE. Public in the sense that the subject was a matter of public discussion; not in the sense there were two public hearings at which arguments pro and con were heard.

Chairman WALSH. There was an extensive and serious discussion of the matter in the Senate, was there not, certain Senators expressing their grave fears of the granting of power and others accepting the viewpoint practically as expressed by yourself?

Mr. GREENE. There was no discussion, Mr. Chairman, of the bill itself, but several Senators found it relevant to other matters under discussion in the Senate to devote several pages of the Congressional Record to the expression of their opinions on that subject.

Chairman WALSH. So the Senate was reasonably well informed in that matter in that somewhat roundabout way you have mentioned as to the points at issue?

Mr. GREENE. I think so, as the whole public were.

Chairman WALSH. After that bill failed to go through both Houses, by reason of Congress adjourning at the time, I understood from Mr. Rockefeller, then you handed Mr. Rockefeller a memorandum which he read to the commission the other day at the City Hall, which stated that you went to the majority leader of the New York Assembly and asked him to get the State assembly to pass the act incorporating the foundation?

Mr. GREENE. That is my recollection.

Chairman WALSH. You did that, did you?

Mr. GREENE. Yes.

Chairman WALSH. Who was the majority leader?

Mr. GREENE. My impression is it was Senator Wagner. At any rate I had been previously acquainted with Senator Wagner, and naturally went to him as the leader—I think he was the leader; he was at that time or had been. I think at the moment he may have been presiding; at any rate, I asked him, and he said Senator Foley would introduce the bill if I asked him. Then I went to the Republican leader, and I think also to the Progressive leader if there was one. My recollection is a little indistinct, but I went to the leading men in both houses and was assured that they were all enthusiastically in favor of the measure and would support it when it came up.

Chairman WALSH. Who said that?

Mr. GREENE. All of the leaders, all of the party leaders; both the majority and the minority.

Chairman WALSH. Of what measure?

Mr. GREENE. Of the bill.

Chairman WALSH. The bill granting the charter?

Mr. GREENE. Yes. There was no opposition at all. I offered to do whatever was necessary, in the way of circularizing the assembly, pointing out the general characteristics of Mr. Rockefeller's benefactions and our policies and methods and everything to enable them to form an opinion of the merits of the enterprise. But in the absence of any disagreement among any of the party leaders, I was told that that was unnecessary; I was very glad to save the time.

Chairman WALSH. Who told you, Senator Wagner or Senator Foley?

Mr. GREENE. When the bill was finally in Senator Foley's hands I think it was he that told me it would not be necessary to circularize.

Chairman WALSH. Was there any publication in the newspapers of the terms of the charter before it was passed?

Mr. GREENE. I do not remember having seen one. The newspapers paid very little attention to it, to its passage, which was rather a surprise to me, as I could not understand why it only had an inch or two in the papers at the time.

Chairman WALSH. Have you observed since this inquiry came up—do you have a press-clipping service at your office, Mr. Greene?

Mr. GREENE. I have received press clippings, limited, I think, to an expression of editorial opinions. I have also had voluntarily sent to me a great many others, so that I have a large and unopened collection of clippings.

Chairman WALSH. Have you observed that some of the leading newspapers in the United States have carried statements since this inquiry was projected to the effect that the Rockefeller Foundation was operating under a charter granted by the Congress of the United States?

Mr. GREENE. That has not come to my attention.

Chairman WALSH. Your attention has not been called to that?

Mr. GREENE. No.

Chairman WALSH. Did you tell the majority leader, or Senator Foley, about the alleged safeguards which were put into the national charter and explain to them that those safeguards were not needed, according to your opinion?

Mr. GREENE. I do not recall that, Mr. Chairman. He may very naturally have asked me whether it was the same, and if he did, I told him; and if he did not, I may not have said it to him.

Chairman WALSH. Did you give the majority leader, Senator Foley, copies of the publicity matter which you have included in your answer to this commission?

Mr. GREENE. I do not think I did, Mr. Chairman. They were very hurried interviews that I had, hurried because they hurried them, and my recollection is that they accepted my representations very quickly and with avowed confidence in the propriety and the advisability of this legislation.

Chairman WALSH. Well, outside of the general reputation which you might have in the community with which they were acquainted, had you had any other legislative matters up, or anything of that sort?

Mr. GREENE. It had been my duty for several years, Mr. Chairman, serving with the committee on experimental medicine of the State medical society, to oppose legislation which threatened if carried out to make it impossible to carry on medical research and that ostensibly for the protection of animals.

Chairman WALSH. Where did you meet Senator Wagner when you took up the question of having the State of New York charter the foundation?

Mr. GREENE. I think I met him in the majority leader's room. I am quite sure.

Chairman WALSH. At Albany?

Mr. GREENE. Yes.

Chairman WALSH. Did you have your act with you when you went to see him?

Mr. GREENE. I certainly did.

Chairman WALSH. Was he notified by anyone, or do you know, that you were coming?

Mr. GREENE. Probably. I do not recall the circumstances.

Chairman WALSH. Was there any person present when you met Senator Wagner?

Mr. GREENE. My impression is there were two or three gentlemen waiting to see him in the same room.

Chairman WALSH. Do you recollect who they were?

Mr. GREENE. No, sir.

Chairman WALSH. And you then handed him the proposed charter, which omitted all of this matter that had been put in the Federal charter, and said what to him?

Mr. GREENE. I think I told him that we had decided now to seek a charter, and that we were taking a form upon which the people of New York, the Assembly of the State of New York, had already passed, and that with the necessary changes indicating that this was the Rockefeller Foundation rather than the Sage Foundation, and so on, that it was almost identically the same bill.

Chairman WALSH. Did you have legal advice in the drafting of the bill?

Mr. GREENE. We had the advice of Mr. Murphy in drafting the bill. In fact, I think he drafted the bill.

Chairman WALSH. Mr. Starr J. Murphy drafted the bill?

Mr. GREENE. Yes.

Chairman WALSH. Did he examine it as to its constitutionality, whether or not the power under the constitution was in the legislature to grant a charter with such wide powers as had been indicated here?

Mr. GREENE. I assume that he had an opinion on that point, Mr. Chairman.

Chairman WALSH. Did you at any conference with the majority leader, with Senator Foley, regarding the incorporation of the Rockefeller Foundation, also discuss other proposed or pending legislation?

Mr. GREENE. No, sir; certainly not. I had no other relation with Senator Foley either before or after. I did write a letter when I heard the bill had passed, thanking him for his good offices in the matter, and that ended my relation.

Chairman WALSH. During the period when you were seeking a charter for the Rockefeller Foundation, did you appear before the Legislature of New York for or against any legislation affecting the public schools of New York?

Mr. GREENE. While this was pending?

Chairman WALSH. During the same legislature we will say?

Mr. GREENE. I appeared at the hearing of the McKee bills.

Chairman WALSH. What were the McKee bills?

Mr. GREENE. At that time I think the Rockefeller Foundation was already in existence. I think it was already in existence when this hearing took place. I am sure it was.

Chairman WALSH. Did you appear as a member of the General Education Board, or as a member of Mr. Rockefeller's personal staff, or in a private capacity?

Mr. GREENE. I appeared as a citizen of New York City.

Chairman WALSH. Did you make—you wrote a letter that has been read here making an explanation as to the Rockefeller Foundation to the senate, or was it to the house committee—to whom was that letter?

Mr. GREENE. That letter was sent to members of the senate, I think, upon the passage of the bill in the house by a large majority.

Chairman WALSH. Did you make any written explanation to the legislature?

Mr. GREENE. Never.

Chairman WALSH. Similar to the statements which had been sent to the Senators and Congressmen of the United States?

Mr. GREENE. No; I was quite ready to do so, and should have considered it only proper to do so, but was told it would not be necessary.

Chairman WALSH. By whom?

Mr. GREENE. By the senator in charge of the bill, I think; I can not imagine who else.

Chairman WALSH. Senator Foley?

Mr. GREENE. Yes, sir.

Chairman WALSH. Well, do you remember as a matter of fact whether it was Senator Foley or Senator Wagner?

Mr. GREENE. I think I could state with a degree of definiteness it was Senator Foley, because when I had once been introduced to Senator Foley it was he and he alone with whom I discussed any such matters as that.

Chairman WALSH. Were public notices issued at your office of the intention to introduce the bill, or as to its scope?

Mr. GREENE. No, sir.

Chairman WALSH. Was anything said by your office, any publicity given as a comparison between the charter applied for or received from the State of New York and the bill known as the Peters bill in Congress?

Mr. GREENE. No, sir; not the slightest.

Chairman WALSH. Why did you not include in the New York charter the alleged safeguards which had been publicly discussed, which according to your statement to the United States Senate had met with the cordial approval of the incorporators of the Rockefeller Foundation?

Mr. GREENE. Because we put them in in deference to a sentiment expressed in order to secure the passage of the bill, because we thought they would not materially affect the bill. They were all restrictions which Congress could at any time have put in if it found it necessary to, but which if we had had a perfectly free choice, as we did have here, we should not ourselves include at this stage in our history.

Chairman WALSH. Please state the steps that you believe would be necessary on the part of the public to secure through the legislature or through the courts an annulment or restriction of the foundation's charter; that is, just what would the public do about it if convinced that the foundation was acting against the interest and welfare of all the people?

Mr. GREENE. A lawyer would have to say, Mr. Chairman, what legal steps should be taken. I believe information can be given to the attorney general ordinarily, and the attorney general can proceed against the trustees who violate their trust.

Chairman WALSH. The point I am trying to give you, just bearing upon the study of the question of limiting such charter in advance or depending or relying upon the power to amend or nullify by the courts, have you thought of the possibility, for instance, if it fell into bad hands, of unlimited publicity by the foundation to confuse the public mind, court procedure, of delays, blandishments, promises, for example, that the courts have declared that the alteration of any charter must be reasonable, I believe, which might suggest a very long drawn out fight in the court and so forth—have you thought of all those things?

Mr. GREENE. I have thought of them more since they have been brought to our attention at this hearing, Mr. Chairman, than before, because they did not seem to me to be really very grave dangers.

Chairman WALSH. Has the constitutionality of the act ever been questioned since its passage?

Mr. GREENE. Never at our office or anywhere in any quarter, so far as I am aware of.

Chairman WALSH. The constitution of the State of New York seems to provide that the subject of an act shall be expressed in the title; that no private bill, I think it says, may be passed by the legislature which shall embrace more than one subject and that subject shall be expressed in the title. The title of the act to incorporate your foundation, it seems, reads as follows: "An act to incorporate the Rockefeller Foundation." Have you ever considered whether or not that did express the title, and whether the proposition or failure to express the subject in the title had a large part to do with the bill being passed by the legislature of New York without that consideration which the Congress of the United States gave it and to the people at that time?

Mr. GREENE. I think that makes a pretty large demand upon one's credulity, Mr. Chairman. The title of the act exactly expresses its subject, which was to create the Rockefeller Foundation, and the purpose of the Rockefeller Foundation was defined a few lines lower down; and I can not imagine anybody

who was seriously interested in that matter failing to read the description of the purpose of the foundation and observing its very wide scope.

Chairman WALSH. I probably involved too much in my question. Had the foundation considered that requirement of the constitution of New York, or had Mr. Murphy, before he drew this act?

Mr. GREENE. I do not know whether that specific point had occurred to him.

Chairman WALSH. Now, I am going to ask you some questions that I have asked heretofore, because I believe perhaps you are better equipped to answer them than some of the other witnesses. That is, as to the powers under the act of the Rockefeller Foundation, as you understand them; what the foundation, if it wished, could do? I would like to abstract the personal, of course, Mr. Greene.

Mr. GREENE. Yes; I perfectly understand that.

Chairman WALSH. And in answering you might go to the very greatest extreme of it falling into bad hands; might the foundation, if it wished, conduct a propaganda against trades-unionism?

Mr. GREENE. I can imagine it making a start in that direction; I can not imagine anything more atrocious.

Chairman WALSH. But I mean, has it the power to do it?

Mr. GREENE. I do not think it takes any special knowledge of the facts to say that——

Chairman WALSH. I am sorry to put that in, but I put these questions to you as I would put to anyone.

Mr. GREENE. Yes; I have got the opportunity of going out into the street and firing off a gun and killing somebody, if I had the gun.

Chairman WALSH. You do not think it is parallel?

Mr. GREENE. What I mean is to limit——

Chairman WALSH (interrupting). The misuse of legally granted power, to go out and kill a man?

Mr. GREENE. What I mean is liberty to do wrong, to do very great wrong, is the commonest, the very commonest attribute or corollary of complete human liberty, and persons who have intrusted to them important responsibilities have the power for a while by complete lapse of all consideration of ethics, morality, and law, of doing a lot of mischief. But it does not take any particular legal knowledge to know that.

Chairman WALSH. No; nor expert knowledge.

Mr. GREENE. No; nor expert knowledge. To that extent I am willing, with the extraordinary hypothesis that you put before me, I am willing to make an affirmative answer.

Chairman WALSH. That is, your answer is yes; that the foundation might, if it wished, conduct a propaganda against trade-unionism?

Mr. GREENE. Yes.

Chairman WALSH. Might it use its influence against the use of the union label in the publication of agencies which apply to it for funds?

Mr. GREENE. I do not like the question, Mr. Chairman.

Chairman WALSH. That is, I ought to put another question?

Mr. GREENE. I do not like any of these questions, because they suggest different types of wrongdoing which are perfectly open to a person who has a discretionary function. You might make me feel very uncomfortable by asking many questions as to what I personally might do in violation of the laws and customs and proprieties of our society. But they don't seem to me to be quite fair questions.

Chairman WALSH. Well, I am asking——

Mr. GREENE (interrupting). I hope you do not mind my saying so.

Chairman WALSH. No; I do not. Nevertheless, I have framed these questions in such a way as to give you an opportunity to answer them, and it is not done without thought, some thought, the best we are capable of, nor is it done merely to ask a question that is unfair. You have probably noted the criticisms, have you not, of persons that represent a very large number of people in the body politic—you have observed these and you note the extreme to which they go?

Mr. GREENE. Yes; I do.

Chairman WALSH. In the opinion of some of us?

Mr. GREENE. I do.

Chairman WALSH. Now, I am stating these questions not to be unfair but that you who have the information and the facility of expression, if I may say it, might make answer to them.

Mr. GREENE. I will do my best.

Chairman WALSH. So I hope you will not have understood that there is any intention to do anything unfair. Might the foundation circulate literature against workmen's compensation acts?

Mr. GREENE. It could, but it would not, because I believe compensation acts are, happen to be unanimously approved. And, moreover, I will say in answer to that further, that that type of activity is repellant, so far as I am aware, to every member of the Rockefeller Foundation.

Chairman WALSH. You say that compensation acts are unanimously approved. Have they not been adopted in States after the most bitter opposition to them and the expenditure of very great sums of money—have they not been defeated time and again before finally passed?

Mr. GREENE. I mean to say, Mr. Chairman, I think there would be no disagreement in our body as to the desirability.

Chairman WALSH. Oh, in your body?

Mr. GREENE. It is simply based on my personal impression.

Chairman WALSH. But I might perhaps pick out, in good time, pick out a number of gentlemen, the number that would fill your entire body, good men, men of honesty of purpose that do oppose workmen's compensation acts and are opposing them before legislatures to-day.

Mr. GREENE. I should say that they were violating the proprieties, if they so used their position as members of a trust, a charitable trust.

Chairman WALSH. And if they were all of one opinion, if they all thought the workmen's compensation act was to the detriment of the workman, as there is one line of thought, that he ought to be allowed to have the recourse that everyone else has, to the courts of his country, and get perhaps greater compensation than he could, if they were all of one mind and opposed it upon that philosophic and commendable ground, they could do it, could they not?

Mr. GREENE. I think they could for a time violate the proprieties of their position to that extent. But I think that they should not do so, whether they favored or opposed legislation of that kind.

Chairman WALSH. Has the foundation the power to finance institutions opposed to trade-unionism or to circulate their literature, I am asking, under its powers now?

Mr. GREENE. If such an act could come within the scope of legally charitable or eleemosynary work, that power exists.

Chairman WALSH. Could it buy advertising space to state the arguments against any legislative proposition that it thought had to do with the betterment of the welfare of mankind?

Mr. GREENE. I think it could violate the proprieties of the case for awhile in that manner.

Chairman WALSH. Of course, you understand that in the congressional act you were limited by express terms to activities along eleemosynary and philanthropic lines?

Mr. GREENE. That was sheer surplusage, Mr. Chairman, put in at the suggestion and to meet the objection of a lawyer in the Judiciary Committee of the House, rather to make the bill commend itself to the House, but not because it added anything to it. It did not add anything to the bill.

Chairman WALSH. But it was in there?

Mr. GREENE. It was in there.

Chairman WALSH. It is not in the bill that you handed to Senator Foley, which was passed?

Mr. GREENE. There were a great many other conditions. The bill that was passed was a shorter bill, but my claim is that the mere absence of these terms could not in any way alter the fact; that is, a charitable agency of this sort, like the Rockefeller Foundation, is confined to charitable work. We thought there would be no harm in putting the words in, nor could there be any good done by putting them in.

Chairman WALSH. Has Mr. King received any payment for his services except from the foundation?

Mr. GREENE. No, sir; and not a cent from the foundation except after October 1, although he was in conference with Mr. Rockefeller and the rest of us between June and October.

Chairman WALSH. Did he go to Colorado at any time?

Mr. GREENE. No, sir.

Chairman WALSH. Did he come from Canada to visit your office at your instance and request?

Mr. GREENE. Yes, sir; and that happened to be at my personal instance.

Chairman WALSH. Who paid his traveling expenses and the like?

Mr. GREENE. His traveling expenses were paid at that time by Mr. Rockefeller.

Chairman WALSH. By Mr. John D. Rockefeller, jr.

Mr. GREENE. I think so; I can not recall at this time. I really do not know, but my impression is that is correct; it would be perfectly proper, because he had not then entered into the employ of the foundation.

Chairman WALSH. The report he made as to a scheme to bring about better industrial conditions in Colorado——

Mr. GREENE (interrupting). If you will allow me, I recall more definitely now approving the payment of those bills by the foundation of all of Mr. Mackenzie King's traveling expenses.

Chairman WALSH. Could the foundation use its funds to secure private reports regarding conditions in a particular industry, or plans in a particular industry that might bring about what the owners conceived to be industrial peace?

Mr. GREENE. I think if the Rockefeller Foundation, while it was not primarily in any existing dispute, if however it had the means of injecting into that dispute, through such a man as Mr. Mackenzie King, any suggestion or series of suggestions looking toward a closer contact between the employers and employees, and a more sympathetic relation between them, that the foundation would be doing a very great service.

Chairman WALSH. On August 9 Mr. King wrote a letter submitting in substance the plan afterwards adopted by the Colorado Fuel & Iron Co.—August 6, 1914—did he not?

Mr. GREENE. Yes.

Chairman WALSH. And he has never had any connection with the Rockefeller interests except as an investigator or the head of the department of research and investigation into industrial relations?

Mr. GREENE. He has never had any other relationship to the Rockefeller Foundation than that.

Chairman WALSH. And whatever he did at that time with reference to the Colorado Fuel & Iron Co. was paid for out of the funds of the Rockefeller Foundation?

Mr. GREENE. Mr. Chairman, there is a leading quality to that question which I think justifies my saying this——

Chairman WALSH (interrupting). Very good. I put it in a leading form and direct as I could.

Mr. GREENE. I think I must explain how Mr. King entered into the situation.

Chairman WALSH. Could you answer my question first and then explain?

Mr. GREENE. It is true that while Mr. King was coming occasionally to New York to discuss the possibility of his entering into a permanent or definite relationship with the Rockefeller Foundation that on one occasion while Mr. King was in Ottawa it occurred to Mr. Rockefeller that Mr. King might be able to make a suggestion which would have a bearing on the establishment of better relationship between employers and employees in the Colorado Fuel & Iron Co., and asked him, as one man has a right to ask any other man, if he would feel like embodying on paper certain ideas he had suggested. Mr. King gratuitously and very reluctantly, because he had not had the time to elaborate the thing to his own satisfaction, sent his ideas on the subject. It was an entirely proper, and I may add a fortunate, transaction. I think we are very greatly indebted to Mr. Mackenzie King, Mr. Chairman, for the point of view which he has enabled us to put into the problem of industrial reintions. It is a point of view tending distinctly toward immunity and mutual understanding.

Chairman WALSH. Suppose that his report had been of a character that you thought was—that the plan was inimicable to public welfare—would that have had an influence or not? Suppose it was radically opposed to what you conceived to be the best interest of society as a whole, do you think you would have employed Mr. King to make this study for the foundation?

Mr. GREENE. The qualifications which I should impose, if I was alone determining it, and I shall say the same for the foundation, are experience to deal with such a problem, coupled with complete integrity. I should give a man employed under those circumstances a large degree of trust and confidence. One of the last things which I should expect of such a man would be that, at

the beginning of his service, he would present in a final and conclusive form a panacea for the solution of the very things he had been employed to investigate, and had he submitted a plan in any spirit of that kind I should have thought that it could hardly be taken very seriously. And if it was, in my opinion, contrary to the best interests of capital and labor, I should have felt it was inconsistent with the proper function of an investigator, and that would not be the kind of man I could trust.

Chairman WALSH. And would you not have had the fear that it was inimicable to the public welfare?

Mr. GREENE. No. I should allow a man I trusted to go to great lengths contrary to my opinion, if I had confidence in his ability and if he knew, as did Mr. King, a thousand times more than I did on the subject.

Chairman WALSH. Is it true that at that time it was the carefully thought out and definite policy of yourself and associates to combat with the whole power of the Rockefeller fortune, the right of the independent American workman to select his own place of work, without dictation from any other person as expressed by the so-called closed-shop union, including the check-off system?

Mr. GREENE. I did not find myself, Mr. Chairman, where I had to pass judgment on that particular issue. I did believe, conscientiously, but perhaps mistakenly, that the real issue in Colorado, after the beginning of the strike, was the restoration of peace; I believed that; that that was the primary issue. I believed that if, in the course of this discussion, facts came out which showed that the operators, including those for whom as directors we were personally responsible, either before or after the strike, had done things that should not have been done, I should say I would be prepared, as a director, to assume the responsibility which a director has for the acts of the person he has chosen to represent him, and of whom he presumably approves as long as he is in his employ. In spite of that, however, I believed as a director, it was not my business nor in the public interest to discuss questions of better relations between capital and labor and the terms of future employment until the restoration of peace. That was my own belief, that it would have been a mistake; and that is the reason why I did not myself personally, although I was a new director and much in need of information, go to Colorado during the pendency of the strike.

Chairman WALSH. You have the report made by letter of date of August 6, 1914, from Mr. King to Mr. Rockefeller; you have that in mind, Mr. Greene?

Mr. GREENE. Yes, sir.

Chairman WALSH. Do you consider that that report was made to Mr. Rockefeller as the representative of his father and as an investor in the Colorado Fuel & Iron Co. or to Mr. Rockefeller in his capacity as the representative of his father and a director, a trustee of the Rockefeller Foundation?

Mr. GREENE. It had nothing whatever to do with the Rockefeller Foundation, Mr. Chairman. It was a piece of advice gratuitously given by a man whose opinion had been asked by Mr. Rockefeller with reference to his duties, undoubtedly, as a director of the Colorado Fuel & Iron Co.

Chairman WALSH. Was not he working for the foundation at the time he did it?

Mr. GREENE. No, sir.

Chairman WALSH. Was not his work——

Mr. GREENE (interrupting). But if he had been it would have made no difference. If it happened that July 1, rather than October 1, had been the date at which he began his study, and there was a chance for longer experience of that kind, I think Mr. Rockefeller should be commended rather than criticized for asking his advice, but it happens that he was not then employed by the foundation.

Chairman WALSH. Where I gathered the notion was his letter where it says: "Under those circumstances I am inclined at this time to believe that you will think I am taking the right course in not giving my whole time to the work of the foundation until October 1." Was he doing a part of the work of the foundation prior to October 1?

Mr. GREENE. No.

Chairman WALSH. Did he do anything before this work in the field of industrial relations?

Mr. GREENE. No; he meant he was going with the foundation on a full-time basis on October 1, but it did not imply that he was on part-time basis before that.

Chairman WALSH. I am going to call your attention, as I did the attention of Mr. John D. Rockefeller, jr., to some statements made by Dr. Schurman, of Cornell——

Mr. GREENE (interrupting). I heard them all. That may save the time of the commission.

Chairman WALSH. I am much obliged, but I prefer to ask the questions and put them in the record, because, no matter how accurately we think our memory may be, there may be some lapse which would be unfortunate. Might not the foundation, as suggested by Dr. Schurman, champion free trade or protection?

Mr. GREENE. I have already answered that. I think that might occur.

Chairman WALSH. Or trusts or competing concerns out of which trusts grow?

Mr. GREENE. I think it could.

Chairman WALSH. Might it not become the champion of socialism, or individualism, or the program of the Democratic or the Republican Party?

Mr. GREENE. I can conceive such things might happen.

Chairman WALSH. And might it not endow a college of a certain religious denomination?

Mr. GREENE. I do not know whether they could legally do that or not.

Chairman WALSH. Might it not subsidize any existing or any new religious denomination?

Mr. GREENE. It might find some devious method of accomplishing that end if it was ingenious enough and totally unmindful of its obligations.

Chairman WALSH. And might it not do anything, as Dr. Schurman says, and everything which its trustees think likely to effect reform or improvement in the material, economic, intellectual, artistic, religious, moral, and political conditions of the American people or of mankind?

Mr. GREENE. In the sense in which Dr. Schurman apparently means they might do it, meaning thereby a fair possibility that they would do it, I totally disagree with Dr. Schurman, whom I know and respect highly.

Chairman WALSH. If it was possessed of the legal right to do those things, would the public learn that an amendment of the charter was needed before great damage might be done in the hands of dishonest and unwise persons?

Mr. GREENE. I think the public could be trusted to look out for itself in all those respects, Mr. Chairman.

Chairman WALSH. Is there anything to prevent the doing of any or all of those things aside from the wisdom and disinterestedness and honesty of its trustees?

Mr. GREENE. Yes; the ultimate power of the legislature and the influence of public opinion.

Chairman WALSH. Mr. Rockefeller testified last week that he understood that under the laws of the State of New York the corporation—a corporation like the Rockefeller Foundation—could not reduce its incorporators below the number provided in the original charter; is that your understanding, Mr. Greene?

Mr. GREENE. I do not think Mr. Rockefeller was correct on that point; I do not think he had thought of it before; I think that is wrong.

Chairman WALSH. As a matter of fact the statute provides that may be done, that you may reduce at any meeting of the board of trustees—reduce the number below the number provided for in the original charter.

Mr. GREENE. If you say so, that is the case.

Chairman WALSH. I do not say so, and have no knowledge, and I do not think you would want to put me in that controversial position in this matter. I would like the question to be read.

Mr. GREENE. What I meant was that I assumed that was based on your information, which I have not got. That is what I meant by that remark.

Chairman WALSH. Aside from any information I may have received from any source, as a trustee of the foundation, and as a person having this power, if it does exist, what would you say about the proposition of whether or not you could meet and under the terms of your charter reduce the number of the trustees say to three?

Mr. GREENE. I think that is another one of those possibilities of which we have spoken, although that could be done of course, only by a vote of the body.

Chairman WALSH. How is your charter amended? I mean how is your constitution amended, rather?

Mr. GREENE. The constitution is amended, I think, only at a stated meeting, or meeting duly called for that purpose, and notice of the precise change having previously been sent to the members. The exact language of it I do not remember, but it is adequate.

Chairman WALSH. Has any question ever been raised as to the legality of an increase or decrease in the number of the trustees of the Rockefeller Foundation, prior to the time the question was asked of Mr. John D. Rockefeller, jr., a few days ago?

Mr. GREENE. I think not. The whole tendency of our boards is to start with a few, 7, 8, 9, or 11—11 is the present number of the Rockefeller Foundation—and gradually, as men are discovered, to increase the number. The General Education Board I think now has 17 or 18 members. We are only too glad, when we can find the sort of man we want, to associate him with us. That is our policy, but has nothing whatever to do with the legal question you have just asked. I suppose if the law says we can reduce our number to three, we could, and that is one of those extremely unwise, imprudent, and improper things which we might do, but which we would never dream of doing.

Chairman WALSH. It depends upon the honesty, in other words, the honesty and disinterestedness of the trustees, whoever they may be?

Mr. GREENE. And their common sense.

Chairman WALSH. Now, how long has the foundation been in existence? What was the date of its charter?

Mr. GREENE. May 14, 1913.

Chairman WALSH. Have you observed, from the work you have done, the necessity for any safeguards or restrictions in a charter of this kind, based upon this short experience of a year?

Mr. GREENE. No, sir; I have not. I do place great stress on the accountability to the public for our acts.

Chairman WALSH. Is there anything in the constitution or by-laws to limit compensation or limit the members who may receive compensation?

Mr. GREENE. There is something, I think, in the—in either the law or charter or constitution which limits compensation to reasonable compensation for services rendered. That would, of course, always be a matter of interpretation.

Chairman WALSH. Would you be at liberty, say, to vote a salary of $50,000 a year to a secretary?

Mr. GREENE. I should not say so.

Chairman WALSH. Or $10,000?

Mr. GREENE. I can not pretend to have an unbiased opinion on that point.

Chairman WALSH. Perhaps I am unfortunate in my selection of the illustration, and it was not intentional, I assure you, Mr. Greene.

Mr. GREENE. I think it should have some relation to the existing standards of compensation for the general kind of work—educational, philanthropic, or administrative.

Chairman WALSH. We have seen salaries in certain departments of activities, as commercial and otherwise, increase prodigiously during recent years.

Mr. GREENE. And also diminish since the time of the insurance scandals.

Chairman WALSH. Yes; when it was thought to have been discovered that it was a very great abuse of funds that belonged to many persons who did not have a very good chance to control them; that was found.

Do you believe there should be any limitation in your constitution or by-laws, for instance, for future generations, as to compensation to be allowed?

Mr. GREENE. As the constitution and by-laws can always be modified by the boards themselves, I do not think any restriction of that sort would have any effect, any greater validity, than the establishment of a series of precedents, I think, on the contrary, the precedents established would be the stronger safeguard against excessive salaries.

Chairman WALSH. What procedure did you take in adding to the number of the board, Mr. Greene?

Mr. GREENE. We talked over the question of possibly adding on new members. I remember the question came up as to what was the best way of perpetuating sound traditions in the board, whether they should be incorporated in statements of policies in the records, or in rules and regulations, and the prevailing opinion was that the better way was to train young men for future trustees in the responsibilities and methods of trusteeship in the foundation.

Rather curiously, the first name suggested after that determination was reached was that of President Charles W. Eliot, who was then 81 years old.

At the mention of his name there was a general agreement that it would be very fortunate if the foundation could prevail on him to serve on the board, and at the next regular meeting of the full board at which members were elected, his name was presented and he was elected. It was the same in the case of Mr. Hepburn. His name was discussed informally among the members of the board and at a special meeting of the board called for another purpose his name was put in the notice of the meeting, and I think something like two weeks' notice was given. But there was no resolution providing for increasing the number of the board and there would not be, I take it, in any case. If we should know of a good man to put on the board we would discuss the matter and elect him at the next regular meeting.

Chairman WALSH. I want to refer to your analogy made a moment ago. For how many years had those practices out of which grew the insurance scandal been in effect before any investigation was had?

Mr. GREENE. I suppose a good many years.

Chairman WALSH. What fight was made by the companies to prevent publicity of the scandal?

Mr. GREENE. You are asking me now, Mr. Chairman, about a subject which I am but very superficially informed about.

Chairman WALSH. Did the companies fight to maintain the practices, so far as your observation goes, or did they, when their attention was called to them, acquiesce?

Mr. GREENE. They may have, but it was the whole point of that movement, that those companies regarded themselves as organized solely for profit—that is what they were organized for. And men who take such a limited view of their responsibility could be expected to resist any such attempted interference with their affairs.

Chairman WALSH. Were you present when Mr. Rockefeller testified that, as a director of the Colorado Fuel & Iron Co., he could not be expected to take the time to learn the details about health condition, methods of compensation for accidents and for deaths, and so forth?

Mr. GREENE. Mr. Rockefeller's position, Mr. Chairman, is different from that of other men. It might be said to be unique, solely on account of the very mass or volume of his investments. I believe that a man who has many investments, should, as a shareholder or director, give a maximum of his personal attention without overriding or interfering with the proper exercise of their functions by his executives. I think Mr. Rockefeller has to do the next best thing; he has to surround himself with men who can help him by directly representing him on these boards, and that any legislation which makes it more difficult for him—for a man of very large wealth to have such representation, is legislation not in the public interest. It forces him either not to have any representation or the most perfunctory sort, that is, limited representation—limited by the amount of time at his disposal. Mr. Rockefeller has endeavored to have his associates aid him in conducting the affairs of these companies.

Chairman WALSH. Might I ask if you feel the same in regard to your position as one of the directors representing Mr. Rockefeller's interest in the company as you have stated?

Mr. GREENE. Yes; I do. I think it is my duty to get as well informed as possible with the conditions in the company. But I had to take them up one at a time, and I did not happen to be familiar at the outset with the affairs of the Colorado Fuel & Iron Co., but I studied its reports, and acquainted myself with its financial history and took such opportunities as I had to become acquainted with the officers in Colorado.

Chairman WALSH. Did you see the reports showing the labor conditions in Colorado and Wyoming?

Mr. GREENE. My opinion is that I did not.

Chairman WALSH. Or the financial statements that might contain anything in reference to labor conditions—did those financial statements contain anything about the labor conditions?

Mr. GREENE. Not the financial statements that I refer to.

Chairman WALSH. Did you personally see the list of alleged grievances of the miners?

Mr. GREENE. I think I have seen the list several times.

Chairman WALSH. Did you personally know the amount of the company's allowance to miners for the loss of limbs or to survivors of those who lost their lives?

Mr. GREENE. Not until I heard them read by yourself. I thought, however, it was possible to draw an unfair inference perhaps——

Chairman WALSH (interrupting). I wish, Mr. Greene, you would clear up any inference of that kind from your standpoint.

Mr. GREENE. I do not wish to understate in any way the responsibility of directors for the conditions of the companies which they manage. I do think, however, that in judging their accountability one must take into account what may be called the general standards of that business and of the community in that field. I think that a high-minded and progressive director would not be content with that standard, but I think he would not be wholly open to censure if in general he observed the standards of his time with regard to the industry in which he was interested.

My information is, with reference to the Colorado Fuel & Iron Co., that although there are many intolerable conditions which have been described here as feudal, as to which Mr. Rockefeller expressed his own disapproval, that many of those conditions have been more or less incidental to the remoteness of the region in which they occurred and the crude state of society in those remote places. I believe, in spite of those facts and the allowances made for them, that the Colorado Fuel & Iron Co. has, on the whole, done not less than its neighbors, and probably somewhat more in the direction of maintaining suitable conditions for its employees. I have satisfied myself of one thing, and that is as to the integrity and the good will of the leading officials of the company. I do not know enough yet of the actual conditions of the company to satisfy myself, or to have a right to speak or express any opinion as to the ability of their executive management, but I have heard the testimony here—the testimony read to the effect that, on the whole, considered by the standards of its neighborhood, the Colorado Fuel & Iron Co. was not the least progressive, but was perhaps the most progressive of all of the companies; and that it was amenable to suggestion from the State department of labor, and that it was perhaps a leader in welfare work for its employees.

Now, I have no particular defense to make of welfare work, and certainly no defense for welfare work as a substitute for wages, but I believe it to be true and supported by evidence before this commission, that on the whole the wages paid to the employees of the Colorado Fuel & Iron Co. have been high as compared with the standards by which that matter should be judged; that, in addition to paying wages at a time when the company was practically making no money on its stock, the officers of the company have also interested themselves in the erection of hospitals, in the maintenance of schools, and the provision for medical attendance, and that all that should be counted in their favor.

I do not like any better than the members of this commission some of the feudal aspects of that work, but the alternative undoubtedly to the providing of schools of the company would be that there should be no schools at all.

Chairman WALSH. You heard the testimony of Mr. Robert Fulton Cutting with reference to the contributions which Mr. Rockefeller had made to his organization; that was private widows' compensation?

Mr. GREENE. I heard it or read a reference to it in the newspapers, but I do not know how adequate it was.

Chairman WALSH. Well, now, in the light of that, do you believe that the allowances made to those widows in Colorado are a fair allowance to the family—to the wives and children—for the loss of the life of their father and husband?

Mr. GREENE. They seem to me, Mr. Chairman, very inadequate in amount, but I am not prepared to say that in paying anything at a time when the company was practically making no money, that they were not, in so far as they were paying, taking a step in advance. I am not prepared to say they were not.

Chairman WALSH. What allowances are made to widows in this city that are paid out of the Rockefeller Foundation?

Mr. GREENE. The very essence of that experiment is that there is no fixed amount. Each case is given careful investigation and the resources of each widow taken into account. If she has children beyond the school age, who can work, their wages are taken into account and the allowance is justly adapted to the need in each case. It was the possibility of discrimination in that way, which would be more difficult if legislation was adopted, which made it seem best to us for a number of years to carry on experiments in that regard.

Chairman WALSH. Might that policy not be adopted by the Colorado Fuel & Iron Co. in the case of the death of a father or husband?

Mr. GREENE. I think, perhaps, that would be a proper field of effort, but my belief is that those problems should be worked out like the workmen's compensation act, with reference to the economic situation.

Chairman WALSH. But would you feel that the necessities of the case were quite immediate if there were a large number of men killed in an industry per year?

Mr. GREENE. It seems to me that is one of the most striking cases of where to apply the compensation act, and I am glad one is contemplated in Colorado.

Chairman WALSH. What steps have you taken since the testimony of last week, either as a director or as administrative secretary of the Rockefeller Foundation, to have a list of accidents and compensation therefor at the Colorado mines investigated?

Mr. GREENE. It has not been incumbent upon me, as secretary of the Rockefeller Foundation, during this particular period, to consider that subject.

Chairman WALSH. Did the reading of the list of the names of the dead and injured make a deep impression upon your mind, Mr. Greene?

Mr. GREENE. It did make an impression on my mind.

Chairman WALSH. Could your foundation do something in that field? Would it be within its scope, for instance, to apply even the New York proposed plan?

Mr. GREENE. I am not sure, Mr. Chairman, that the Rockefeller Foundation should take up the work in that field over against any other equally urgent field on account of the fact that it has a bond investment there, if that is what you mean.

Chairman WALSH. On account of that fact—what I mean is, and I will put it straight—that it has a bond investment and that it has a potent and actual control over the industry?

Mr. GREENE. The Rockefeller Foundation has no potent or actual control and no control whatever, and nothing to do with the industry, Mr. Chairman.

Chairman WALSH. I perhaps did not state that correctly. I mean on the ground that the Rockefeller interests, or that Mr. Rockefeller has the power—the potential power—and the actual control over the industry, and that he is also a trustee and his representatives are trustees of the Rockefeller Foundation, so that they have the information at one side and the means at the other, and a concrete case of, perhaps, what might call for an intervention by an agency of that sort.

Mr. GREENE. I think in general, Mr. Chairman, that the Rockefeller Foundation should consider its proper field of activitiy without primary or secondary references to Mr. Rockefeller's business investments among which the Colorado Fuel & Iron Co. investement is but a small fraction. Moreover, I think, with reference to the situation in Colorado, that the problems there are chiefly economic rather than problems of charity—that is, the issues that have been raised by this great struggle are not issues with which, at this time, the Rockefeller Foundation is the best agency to deal, except in so far as our investigation of the general problems of industrial relations may yield material applicable either there or anywhere else to the amelioration of industrial unrest.

Chairman WALSH. If a controversy arose in any part of the world where 12,000 or 15,000 people were being subjected to strife, cold, hunger, and discomfort, would you feel that the Rockefeller Foundation should hasten to relieve that great number of people so suffering?

Mr. GREENE. I think the Rockefeller Foundation is open to appeals for emergency relief from any part of the world.

Chairman WALSH. Would the fact that there was no economic base for a war or a conflict that left the people so situated make the Rockefeller Foundation refrain from going hastily to the aid of those human beings?

Mr. GREENE. I think the Rockefeller Foundation would consider absolutely nothing but the needs on the merits of the question.

Chairman WALSH. Then, if you found, for instance, that there were great numbers—is it familiar to your mind the account of the names of the people and their injuries that were read into the record, constituting the list of 25 accidents, fatal or otherwise, in the Colorado Fuel & Iron Co.?

Mr. GREENE. Yes, sir; I remember that distinctly.

Chairman WALSH. If there was a great body of people so situated, would the fact that their injuries and suffering arose primarily from an economic

base, as in Colorado, cause the Rockefeller Foundation to hesitate to go to their relief in any way that might suggest itself as being wise and humane?

Mr. GREENE. I think they would consider the question purely as a humanitarian question. If there was such a situation in Pennsylvania and North Carolina, or anywhere else, where a certain amount of suffering was going on, I should say that the Rockefeller Foundation would not consider it as its own function to replace the local agencies which might deal with such a situation.

Chairman WALSH. But if it was widespread, like it is in Belgium, growing out of the war?

Mr. GREENE. That was a question of five or six millions of people certain to starve unless something was done and done quick.

Chairman WALSH. I used that simply as an illustration. What is the number that you would consider widespread enough disaster to call for that aid?

Mr. GREENE. I could not fix the number.

Chairman WALSH. What I want to elucidate to the commission, and want you to elucidate to them, is exactly what you mean by stating that the trouble in Colorado was economic, and should be approached along those lines?

Mr. GREENE. That the problem is not a problem or question of charity. There are certain conditions there that must be remedied by legislation partly and partly by improving the relationship between employers and labor, and perhaps by a new definition of capital on the part of the workmen and a new definition of labor on the part of capital. That is the question uppermost in Colorado. Incidentally, there may be human need of an acute sort, but not in that respect much different from that which exists in localities where we do not feel called upon to intervene, because primarily that kind of intervention should be left to the local agencies, for reasons which on the whole are consistent with those that limit the functions of such a foundation.

Chairman WALSH. Mr. Greene, you have kindly sent us a complete list of gifts which have been made by the Rockefeller Foundation from May 13 to January 1, 1915.

Mr. GREENE. Yes, sir.

Chairman WALSH. This list shows that the foundation through its own members has made 19 gifts to 13 different agencies amounting to $1,834,000, and that through Mr. Rockefeller the foundation has made 56 gifts to 50, totaling $3,116,600. Is that a fair epitome?

Mr. GREENE. I think so.

Chairman WALSH. Kindly explain how this list was made up before it was sent to the commission. What part did you have in the preparation of the list and the effort made to have it compiled?

Mr. GREENE. It is extracted from the minutes. It does not include the things like the investigation of industrial relations, but consists of gifts to outside agencies. It does not include appropriations for the support of our own administration and work.

Chairman WALSH. Please distinguish the nature of the bookkeeping as applied to work done for Mr. Rockefeller as compared with work done for the Rockefeller Foundation on its own initiative; is there some distinction made in your books?

Mr. GREENE. Yes. Those gifts which Mr. Rockefeller designates or indicates to us, which we call, for convenience, "Founder's requisitions," these founder's requisitions are communicated to me by John D. Rockefeller, jr., or his agent, and instructions are issued to the treasurer by me in the form of a duplicate of that requisition indorsed by me. Those gifts are assembled at each meeting of the Rockefeller Foundation board or of its executive committee—are reported by me as designations by the founder and are approved as coming within the corporate purposes of the board. As I have said to you, there are many things within the corporate purposes of the board which have personally appealed to Mr. Rockefeller, such as gifts to his denomination, gifts to the Baptist organizations, which the Rockefeller Foundation might not itself select, but which it has every reason to help on Mr. Rockefeller's recommendation; merely continuing gifts he has made in the past.

Chairman WALSH. Different gifts have been noted to government offices, for the New York Department of Health, the city superintendent of schools, the supervisor of the poor for Westchester County?

Mr. GREENE. Yes, sir.

Chairman WALSH. Do you see any possible embarrassment in such connection between the Rockefeller Foundation or any foundation and governmental agencies?

Mr. GREENE. No, sir; I feel there is great good in such gifts, because they illustrate a function these boards can fulfill to the great advantage of the public, viz, the function of initiating certain lines of public expenditure, which, if approved, ought to be taken care of by the public, but which the public will not always initiate, because it is not sufficiently certain how the experiment would work. In that way the gift, for instance, to the department of health enabled it to establish, I think, the first public diagnostic clinic for venereal disease in the world, so far as I know, at least the first in this country. It made it possible for any person or any physician to obtain a diagnosis by means of the most approved modern methods for two years, during which time this experiment was made here in New York City. And in a year when there was univeral retrenchment in the city expenses that work was regarded as being so well demonstrated, and of such great public benefit, that it effected so much for the health and happiness of the citizens, that provision for it was included in the city budget of this year.

Now, I regard that as a triumph of that particular policy of a private organization, and the same is true in the case of the schools. There has been a gift to further an experiment in the matter of the feeding of the school children, a matter in which more experience is probably necessary.

The General Education Board work is another instance where there has been an admirable result. The Federal Government never felt authorized to carry on farm demonstration work except in the States affected with boll weevil, although it was just about as badly needed in the other States, on account of some constitutional limitation; but when the General Education Board had carried on farm demonstration in all the other Southern States with great advantage to those States, Congress, this last year took over the entire cost of the farm demonstration work to our complete satisfaction.

Chairman WALSH. So that from your experience you have no doubt and no embarrassment of any kind, nor do you see any that might occur in the future from carrying on work of that kind through governmental agencies?

Mr. GREENE. No, sir.

Chairman WALSH. On the contrary, you see some difficulty——

Mr. GREENE. That, I think, is going to be one of the great things that private foundations can accomplish, in taking the initiative.

Chairman WALSH. How much, all told, has the foundation given for that Belgian relief, Mr. Greene?

Mr. GREENE. It has given something like a million dollars. It has engagements involved in the appointment of our war relief commission, and they are taking on expenses in Europe of which we are informed from time to time, which will go beyond that somewhat; but I think at the present moment it is a little under $1,000,000—more like $950,000.

Chairman WALSH. Who made that gift, was it Mr. Rockefeller's initiative or was it made by the foundation?

Mr. GREENE. It was the intention of the foundation to go into that field, and it was voiced by every member of the board at the meeting on October 21, 1914; and the executive committee were instructed to take the matter up at once with a view to generous action. Mr. Murphy and I were made a subcommittee of the executive committee to take further action, because much had to be done, and quickly, in the way of chartering ships, etc., and what has been done subsequently has been done largely under Mr. Murphy's and my personal supervision.

Chairman WALSH. Were the Belgian gifts listed to our commission? In the questionnaire my attention has been called to the alleged fact that they are not, and I wish now to ask the reason?

Mr. GREENE. The reason is the expenditures by the foundation itself were not gifts, properly speaking. We did not send any money to Belgium, but chartered ships and bought food. I could, of course, with entire propriety—I might just as well have added that, but I took you at your word and put in the gifts to other agencies, and excluded such expenditures as Mr. Mackenzie King's work, which is not a gift, but our own work. Our relief work is not exactly a gift, but is the carrying on of humanitarian work by our staff.

Chairman WALSH. Are the dates given in your list intended to mean the dates when the appropriations were made or the dates when checks were drawn?

Mr. GREENE. Dates when appropriations were made.

Chairman WALSH. Of the 75 gifts, how many were determined upon at a full board meeting, or were they all so determined?

Mr. GREENE. That would be impossible to answer without going into every meeting; but all, of course, were determined at meetings at which a quorum was present.

Chairman WALSH. What I want to get at is whether in the actual operation of the work done it is done by the whole board of trustees or the executive committee.

Mr. GREENE. The executive committee acts with complete authority between the meetings of the board and actually determines many of the gifts; but on the more important matters——

Chairman WALSH. Oh, I see; it has been amplified a little here so I take it in fairness to you I ought to put it to you in advance.

Mr. GREENE. I see.

Chairman WALSH. Because it is more a matter of getting your attention directed to the whole subject. It seems that of 19 gifts by the foundation to 13 agencies, 5 were on dates when the board met, one when neither met, 13 when the executive committee met.

Mr. GREENE. I see.

Chairman WALSH. That is what I meant by that first question.

Mr. GREENE. It does not refer to what I may call the founder's requisitions?

Chairman WALSH. Those are the foundation's own gifts—the larger number I am going to come to next were at the direction of Mr. Rockefeller.

Mr. GREENE. That is contrary to my understanding of the record.

Chairman WALSH. Well, will you look it up?

Mr. GREENE. If you will be good enough to call my attention to the specific case.

Chairman WALSH. Yes; I will. Now, your written record seems to show that of 56 gifts through 40 agencies at the direction of Mr. Rockefeller, one was made on the date of the board meeting; 47 when no meeting is recorded for either the board or committee meeting. Is that according to the accepted practice of the foundation?

Mr. GREENE. Yes; those gifts for purposes obviously within the corporate objects of the foundation are made by the treasurer on my authorization and subject, of course, to repudiation by the executive committee at its next meeting; but those gifts are made by the treasurer on my authorization; that is, with the complete understanding of the board, of course.

Chairman WALSH. The foundation has been working since the middle of May, 1913, has it not?

Mr. GREENE. It can hardly be said to have been working since then, but to have been in existence since then.

Chairman WALSH. The earliest gift recorded is December 5, 1913. Did the foundation spend no money between May and December except for administration purposes?

Mr. GREENE. I have no doubt that is so. It seems to me that we should be very well justified, perhaps, in spending even a longer time in deciding what we were going to do with so large an income; I think we should have been justified in accumulating the whole income for a year, in order to go very slow in the determination of our policies.

Chairman WALSH. About how much time was spent in investigating the 13 agencies which the foundation has, of its own mind, without Mr. Rockefeller's recommendation, given money to?

Mr. GREENE. Well, I should say a great deal of time. I could not possibly measure it.

Chairman WALSH. Could you tell who did the investigating—what individuals?

Mr. GREENE. Of the applications which come to us?

Chairman WALSH. Yes, sir.

Mr. GREENE. I should think that Mr. Murphy and I did the most in the way of assembling the information, and passing judgment on the various representations made to us; and that Mr. Rockefeller, jr., came next.

Chairman WALSH. It has been extended beyond what I intended, and I am going to run through with some generalizations which I think you can answer very briefly, Mr. Greene, regarding large foundations in general. Under what conditions do you consider that endowed corporations might become a menace to education or to the industry and welfare of the masses?

Mr. GREENE. I think they might become a menace if they departed from the relationship which I laid down or described in my statement of yesterday; that is, by having a continuing indefinite relationship to such organizations.

Chairman WALSH. Has Mr. Rockefeller, yourself, or the trustees recognized any dangers in connection with the future foundations established by him of such moment or such immediacy, as you might call it, to call for some action upon their part?

Mr. GREENE. No, sir; we have not.

Chairman WALSH. Do you feel that the present safeguards give adequate assurance that the various Rockefeller foundations will never become a menace?

Mr. GREENE. I hope so.

Chairman WALSH. What means have been provided by which the public would promptly know in case one of the Rockefeller foundations was being used, whether knowingly or unknowingly, against the public interest?

Mr. GREENE. All our actions nearly are public; that is, when we make a gift to an agency, usually it is published at the other end, whether we publish it at our end or not. The essential publicity of those gifts, the large number of persons who know what is going on, seems to me to constitute a safeguard.

Chairman WALSH. Do you feel that the size of endowments should be limited either by the State or the national law—the endowment of a foundation?

Mr. GREENE. I do not, Mr. Chairman, because I do not want to see any obstruction put on the disposition of rich men to dedicate their money to the public welfare. I think it would be a great misfortune to have anything said here or in any other connection which tended to make a rich man who was going to dedicate money to the public say: "No; that will get me in for a lot of trouble, and I will blow it in on myself." I think nothing should be done which would tend to make men of wealth less inclined to dedicate their money to the public good.

Chairman WALSH. Should foundations be required to consume their income, or be prohibited from showing an increase in capital out of income accruals for a stated period of five or ten years?

Mr. GREENE. I think the urgent things needing to be done are so much in excess of any income that that question is rather academic. If any abuse threatened in that direction, I should be entirely in favor of such limitation. It is possible the foundation might want to accumulate an income for a year or two in anticipation of some very large appropriation, but ordinarily I should consider that a wholly theoretical and academic question.

Chairman WALSH. Should the payment of foundation funds to members of governing boards be prohibited or specifically restricted in the act of incorporation?

Mr. GREENE. I think there should be a restriction to reasonable compensation for services rendered.

Chairman WALSH. Is that in the act itself?

Mr. GREENE. I do not recall exactly, but it is in our fundamental law somewhere.

Chairman WALSH. Should the legislature or Congress prescribe minimum qualifications for trustees or prescribe that qualifications be stated in the record?

Mr. GREENE. I should find it almost impossible to imagine any formal qualification which would be desirable to which legislative sanction could be given. My answer therefore would have to be in the negative.

Chairman WALSH. Should benevolent corporations be required by their incorporating acts to report both fiscal and service operations to officers of the State or national government which incorporate them, as required by such State or national officers?

Mr. GREENE. Yes.

Chairman WALSH. How often should such reports be rendered?

Mr. GREENE. At least once a year.

Chairman WALSH. Should the records of foundations incorporated by the legislature or Congress be open to public inspection as are the records of public officers?

Mr. GREENE. I should feel doubtful on that point. I think that they should be accessible to well-qualified persons. I think they should not be public because, as Mr. Rockefeller pointed out in his testimony, unfavorable action on many applications is often taken for reasons not at all derogatory to the applicant, and it might have a very injurious effect. We are obliged constantly to decline to take up many charitable activities which merit support. And if

it was known that we declined to aid them it might be thought that that was some reflection upon them.

Chairman WALSH. Could you suggest any other limitation that you think should be placed upon—at least partial public inspection of the records of the foundation?

Mr. GREENE. No; I can not suggest any specific measure of that sort. I should be perfectly willing to have the published report made twice a year or quarterly. I think those reports should not be so frequent as to be vexatious and interfere with the work of the foundation; but anything that seemed to be a reasonable published report—reasonably frequent public report—should be made yearly, semiannually, or quarterly.

Chairman WALSH. Should trustees be expected to inform themselves as to the qualifications of their investigators?

Mr. GREENE. They certainly should.

Chairman WALSH. Would you say that an officer of one of the large foundations carries the weight of the foundation rather than his own personal weight when he participates in the local activities within the field of the foundation's program? For instance, do you think his word would carry more weight along these governmental lines that we have mentioned than that of an individual?

Mr. GREENE. I think that is a factor we must undoubtedly take into account, that he can not wholly disassociate himself. That is often a great detriment, but a member of a foundation, feeling an interest in certain matters as any other citizen is just as much entitled as any other citizen to express his opinion, though he may feel a little more hesitation on that account. But I do not think that should be any reason for inaction. As a citizen, I think he should participate actively in public affairs.

Chairman WALSH. At this point we will adjourn until 2 o'clock p. m. Kindly resume the stand at that time, Mr. Greene. I think I am about through, but others may have some questions.

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The house will please be in order and we will proceed. Mr. Greene.

TESTIMONY OF MR. JEROME D. GREENE—Continued.

Chairman WALSH. Commissioner Weinstock says he has some questions he would like to ask.

Commissioner WEINSTOCK. Will you tell this commission, Mr. Greene, how many of the directors of the Rockefeller Foundation are interested in the Colorado Fuel & Iron Co.?

Mr. GREENE. Mr. John D. Rockefeller jr., and Mr. Starr J. Murphy are now directors of that company. I was until January 1.

Commissioner WEINSTOCK. What control has the Rockefeller Foundation over the Colorado Fuel & Iron Co.?

Mr. GREENE. None whatever. Did you say what interest?

Mr. WEINSTOCK. Yes; the foundation as a foundation.

Mr. GREENE. It has a bond investment in the bonds of the Colorado Industrial Co. to the amount of $1,600,000.

Commissioner WEINSTOCK. That is in the nature of an investment?

Mr. GREENE. That is in the nature of an investment.

Commissioner WEINSTOCK. That is a little over 1 per cent of its gross holdings; that is, the gross holdings of the foundation are $100,000,000?

Mr. GREENE. Yes.

Commissioner WEINSTOCK. And out of that $100,000,000 is $1,600,000 investment on the part of the Colorado Fuel & Iron Co.?

Mr. GREENE. Yes. Mr. Costigan yesterday stated that we had other interests in Colorado to the extent of about $10,000,000. Of course he was counting for Colorado, I suppose, every railroad security of a railroad that passes through Colorado, but I think that was perhaps somewhat straining the meaning of the words that our real interests there, investment interests, were something very far short of the figure Mr. Costigan named.

Commissioner WEINSTOCK. What power, if any, has the Rockefeller Foundation, or rather the board of directors of the Rockefeller Foundation, in controlling or guiding or directing the Colorado Fuel & Iron Co.?

Mr. GARRETT. It has no interest whatever, Mr. Weinstock. If the identity of interest in the sense that Mr. Rockefeller and Mr. Murphy are members of both has any bearing on the situation, I should hope that it would mean, as to the future policies of the Colorado Fuel & Iron Co., if there were any effect, it would be an effect in which the general humane interest of that body of men—the foundation—was a factor. It certainly would go in that direction rather than in a contrary direction.

I can not imagine how the fact that nine-tenths of the time of those gentlemen was spent in very earnest consideration of how best to fulfill their functions as trustees of the Rockefeller Foundation would have an adverse effect on their judgment as directors of an industrial corporation. May I say one thing more, however, with reference to that point? A good deal of reference has been made to the Colorado Fuel & Iron Co., as if Mr. John D. Rockefeller were in business there. It is true that that is one exceptional case in which largely on account of fortuitous circumstances he had an interest to an amount which justified his standing by the property, so to speak, during a building-up period, in order to place it upon a firm financial basis. That process has been going on. There are very few instances wherein Mr. Rockefeller can be said to be in business in that sense. He has retired from business, and so far as I know it is not the intention of Mr. Rockefeller, or Mr. Rockefeller, jr., or Mr. Murphy, or any other member of the foundation, to go into business or to keep in business in the sense that has been attributed to their connection with the Colorado Fuel & Iron Co.

I might call it almost an accidental condition. I recall only one or two companies in which Mr. Rockefeller may be said to be standing by the property, with all that that means, for its financial stability during a period when it is gradually being worked up on to a strong financial basis, and his mere standing by, I think, in some instances is a matter of tremendous value to a large body of small stockholders whose interests are thus safeguarded. But it is an accidental relation.

Commissioner WEINSTOCK. If the directorate of the Rockefeller Foundation has no control and no influence over the Colorado Fuel & Iron Co., what foundation was there, then, yesterday for this statement made on the part of Mr. Costigan. I read from his testimony. He said: "The Rockefeller Foundation, if I am correctly advised, and if I understood Mr. Rockefeller correctly the other day, was incorporated in the State of New York in 1913 for the dissemination of knowledge, the prevention of suffering, and the promotion of the well-being and the civilization of the people of the United States and of the world.

"Practically within a year after this incorporation its promoters had the responsibility properly laid at their very door for a record of total failure along each of the designated lines of activity. They, or at least those most influential in the foundation, had sanctioned or permitted the spread of misinformation on matters of public importance of the first degree, the concrete enlargement of human misery, and an unmistakable lapse from just living human standards entirely at variance with our boasted civilization."

While this does not say so directly, yet it leaves the very pronounced inference that the situation in mind on the part of Mr. Costigan was the Colorado situation.

Mr. GARRETT. In so far as the statement implies that the Rockefeller Foundation, a new organization, born hardly over a year ago, is a factor in the Colorado situation, it is absolutely false and unjust.

Commissioner WEINSTOCK. Pardon me; he goes on further to say:

"In a great human crisis, industrially speaking, precipitated within the very household of Mr. Rockefeller, his foundation has been heedless or impotent. And the conclusion forced on an unprejudiced public has been and is that Mr. Rockefeller, the business man, has cold heartedly and without hesitation brushed aside and imposed silence upon Mr. Rockefeller the philanthropist."

Mr. GARRETT. I hardly care to debate that assertion, Mr. Weinstock. It was made by a gentleman who, however well informed with regard to general conditions in Colorado, was delivering here as a witness material which was the summing up of an attorney rather than the statement of a man, of facts of his own knowledge. And I should rather not be drawn into a debate as to those assertions.

In saying that the Rockefeller Foundation is not concerned with the situation, and has not been concerned with the situation in Colorado, I think I have said all that it is incumbent upon me to say.

Commissioner WEINSTOCK. Then, from your point of view there was no foundation for Mr. Costigan's statement?

Mr. GREENE. I think it was unfair, Mr. Weinstock.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Mr. Greene, according to your statement, continuity of gifts or aid continuously given, might tend to create a spirit of subserviency on the part of the receiver?

Mr. GREENE. It seems to me so.

Commissioner GARRETSON. And then you followed with the statement that in some directions you had given for a period of 10 or 15 years?

Mr. GREENE. Yes; we have made some pledges, I think, for 10 years. So far as I know, none for longer than 10 years.

Commissioner GARRETSON. I think the language used was 10 or 15 years. I only want to quote that correctly.

Mr. GREENE. Yes.

Commissioner GARRETSON. Now, isn't the very thing that you say might be brought about by continuous performance reasonably engendered by a period of continuity of 10 years?

Mr. GREENE. I think not where the purpose of the gift, as is usually the case, is that of initiating or demonstrating a line of activity which the public has not yet fully decided to support. The purpose of the Rockefeller Foundation has not been and is not primarily to do the community's work for it. A self-respecting community, like a self-respecting individual, rather prefers to do its own work; but a community will accept the function, it seems, of such an organization as the Rockefeller Foundation in the way of experiment and demonstration.

As to local charities in the State which created the Rockefeller Foundation, a slightly different situation arises, because the foundation may be considered to be, in a sense, a citizen of that State, and to have certain obligations of citizenship to support charities and other obligations. That danger might arise under those conditions; but there is no more constantly pressing consideration in our minds than that of not creating a condition of dependence upon the foundation which will prevent the community from having the right sense of its own obligation. That sense on our part is often considered a hardship by persons who think we have plenty of money and who have difficulty in raising funds themselves, and who would much prefer to have us do the whole thing. You would be surprised, I think, at the number of times we are asked to assume the whole load, and we decline to do so.

Commissioner GARRETSON. If it is the settled belief and policy of the foundation to inculcate self-respect in the community and to encourage the community to assume those burdens that are properly its own, is not the corollary of that that you should also breed it in the individual in exactly the same degree and follow a policy that is liable to go against the paternalism theory of the employer wherever you find it?

Mr. GREENE. But the Rockefeller Foundation does not make gifts to individuals.

Commissioner GARRETSON. I am not speaking of gifts at all; but will not the inculcating of an independent spirit lead to an attitude which does inculcate that?

Mr. GREENE. By what means?

Commissioner GARRETSON. By every means legitimately within its power. In other words, that is the exact doctrine that men associated together in trade-unions stand for—that is, the breeding of self-respect and the assertion of right on the part of the man to certain things and not to be given to him as a dole.

Mr. GREENE. Yes.

Commissioner GARRETSON. The idea is the same and the opportunity is the same.

Mr. GREENE. Yes; and in so far as that idea exists, it seems to me one which is entirely consistent with our ideas and should have our moral support.

Commissioner GARRETSON. Now, following up the idea of continuity of gifts and, in line with your own testimony in some respects, as to what might take place under a pernicious management at some time in the future if the foundation entered upon a steady campaign, great reference has been made to public

opinion as a regulating power and as a correcting power. If they started out under the educational system with a plan of teachers' pensions and other methods recognized as legitimate, if legitimately applied, of affecting and controlling the whole corps of teachers extending from the kindergarten to the higher collegiate institution, pensions for all classes of instructors, with a steady campaign of that kind conducted for a generation, what would be the condition of public opinion at the end of that generation? Would it be a natural or an artificial public opinion fostered and created by the very influence——

Mr. GREENE. I think very likely it would be artificial; but it requires an expenditure of a sum of money compared with which the capital of the Rockefeller Foundation would be only a small fraction.

Commissioner GARRETSON. Then the pernicious foundation would be limited only by the amount of money at its disposal in carrying out a propaganda of that kind?

Mr. GREENE. Assuming that it was carrying such propaganda?

Commissioner GARRETSON. Certainly.

Mr. GREENE. It would certainly—the experience of pensioning agencies shows that even for higher education the resources likely to come to any one giving institution or foundation are going to be very inadequate to come anywhere near dealing with that problem. So it is an academic question, wholly outside of the range of possibility, I should say, as to any extensive use of the funds of the foundation for that purpose.

Commissioner GARRETSON. In your opinion, has there at any time been an influence of that kind exercised either on the press or the pulpit or any form of education that has had that effect?

Mr. GREENE. Influence——

Commissioner GARRETSON. Financial influences.

Mr. GREENE. So far as I have observed, none that has had any evil effect. I think there has been great pressure brought to bear to improve some of the minimum standards of school efficiency—minimum standards for admission to college—which has enormously improved education throughout the United States—not by specifying doctrines to be taught, but by holding communities up, perhaps, to a standard—a very moderate standard—and thus inciting the members of the communities affected to put a pressure on their own fellow citizens, which has resulted in a great improvement of education in the United States.

Commissioner GARRETSON. Assuming that public opinion in the United States is absolutely uninfluenced by any man, what has public opinion as evidenced either by court action or legislative enactment really accomplished in the way of creating activities, pernicious or other, according to the opinion of any great corporation on this continent—industrial corporation?

Mr. GREENE. I should say that one had only to keep his ears and eyes open and to have been a person of average intelligence living in the United States in the last 15 years to see that public opinion had had an enormous influence in changing the whole attitude of the persons who were carrying on business in this country.

Commissioner GARRETSON. Has it curbed actual activities in any actual direction?

Mr. GREENE. It seems so to me.

Commissioner GARRETSON. Legislative or court?

Mr. GREENE. It seems to me so. The whole ethics of business, it seems to me, has had a great change during the last 15 years. As Mr. Eliot testified, a great many things used to be done by men who now frankly admit them, but who say they would not dream now of doing any such thing.

Commissioner GARRETSON. That is ethics; but neither legislative nor court procedure.

Mr. GREENE. No; but——

Commissioner GARRETSON (interrupting.) If the ethics have been bettered, that is one thing; but what practical result in the way of creating those activities has taken place.

Mr. GREENE. That would require a greater familiarity with the recent legislation than I have, and I am not a competent person to speak on that point My impression, however, is very strong that desirable legislation has taken place along those lines.

Commissioner GARRETSON. Now, going over to another feature, have you any personal familiarity with the Lemieux Act, as it is called?

Mr. GREENE. I have read it through, I think, several times.

Commissioner GARRETSON. Well, its practical workings in Canadian industry—that is a Canadian industrial act.

Mr. GREENE. No; I have not studied its practical application in relation to strikes and threatened strikes as to which it has been used.

Commissioner GARRETSON. Well, are you aware as to whether or not it has been conformed to or has been absolutely disregarded by both interests?

Mr. GREENE. I am not aware as to the extent to which it has been followed. I am aware that it has been the means of preventing strikes which would have been disastrous to the general public on some occasions—by information. I could not tell you.

Commissioner GARRETSON. Have you studied any as to what its effect had been in destroying the power of labor unions and paralyzing that power?

Mr. GREENE. I do not see, Mr. Garretson, how it could paralyze them in any legitimate activity, because what the act calls for is to withhold aggressive action, leading to strike or lockout, until there has been an opportunity for the public to get the facts. I do not see how anybody could complain of that.

Commissioner GARRETSON. Are you aware of the fact that the employer has provenly in scores of instances used that interval to fortify himself against the impending struggle?

Mr. GREENE. Fortify himself in what way, do you mean?

Commissioner GARRETSON. By preparing and hiring men to take the places of the men who threaten to leave his service, and other——

Mr. GREENE (interrupting). I suppose those facts among others would become public, would they not?

Commissioner GARRETSON. They are notoriously public.

Mr. GREENE. That is the result that I should hope would occur.

Commissioner GARRETSON. They are notoriously public. You have never heard of them?

Mr. GREENE. I have heard of the fact that the act has not in all instances applied in the way in which it was hoped, but as a contribution to industrial peace through the greater publicity of the acts of both employers and employees, I think it is a significant contribution. I do not think anyone would deny that.

Commissioner GARRETSON. Referring to publicity, what is the difference between a system of publicity that buys the space in a newspaper through paying the money for a place in its advertising columns, or using methods to influence editorial columns, or using what are called the frank, open publicity systems, provided the two were arranged for putting across exactly the same fact or misstatement of fact?

Mr. GREENE. All the difference between a deceptive or dishonest method and a frank, open, and honest method.

Commissioner GARRETSON. Then a frank misstatement of the fact is desirable and a hidden method of putting out a misstatement of fact is undesirable?

Mr. GREENE. Yes; because the responsibility is fixed by the statement that it is put out by authority, is put out to be knocked down by anybody who has got the fact to knock it down with.

Commissioner GARRETSON. Then the dissemination of untruth, if done openly and by a responsible person, is not subject to criticism?

Mr. GREENE. If done in good faith it is subject to criticism possibly on grounds of judgment or want of intelligence; but it is not open to criticism on the ground of honesty. The reason why the indirect method of publicity is not as desirable as the direct is that the indirect method makes use of a blind or shield and any artificial prestige which the journal, magazine, or editorial column may give in addition to the intrinsic merit of the proposition which is being supported.

Commissioner GARRETSON. Then an open statement that it is the truth, the whole truth, and nothing but the truth, when in fact it is only a fraction of a truth, is the proper method of presenting it?

Mr. GREENE. We are all under obligations to try to get the whole truth and state the whole truth; and any failure to take reasonable precaution to get the whole truth in a statement that purports to be the whole truth can not be too severely censured.

Commissioner GARRETSON. You referred to certain feudal characteristics in the conduct of affairs in Colorado as a necessity in a crude community. Is not what constitutes a crude community largely a matter of opinion?

Mr. GREENE. I think I did not state that perhaps. I did not make the sweeping general statement that they were a necessity in crude communities. They seem to be necessary under certain conditions of society in order to supply con-

veniences or facilities of education, or what not, which would otherwise not be obtained.

Commissioner GARRETSON. Why should they not be obtained in such communities?

Mr. GREENE. Presumably, they would be provided by the corporation only because they were not provided, or would not be provided, in any other way. Where that is not true it certainly would not be justifiable.

Commissioner GARRETSON. Does an obligation rest upon the State to furnish certain of those?

Mr. GREENE. I think the obligation rests primarily upon the State, and it reflects upon the State that that issue should arise. Although I think there is a feeling that as the corporation is presumably getting a profit from its operations, it should, through the incidence of taxation, be paying a substantial part of the costs. But I think the State should assume the function.

Commissioner GARRETSON. But if on the other hand the corporation is evading the payment of proper taxes through influence it exerts——

Mr. GREENE (interrupting). Of course——

Commissioner GARRETSON (interrupting). Over the taxing powers——

Mr. GREENE. That is absolutely abhorent to any decent man.

Commissioner GARRETSON. Have you ever made any investigation to find out whether or not the companies that perform this—that on account of this system of feudalism are evading any of those responsibilities, Mr. Greene?

Mr. GREENE. Oh, it is possible.

Commissioner GARRETSON. I say have you made any investigation?

Mr. GREENE. I have not made any investigation.

Commissioner GARRETSON. Would you consider that a proper thing for investigation by a director of that corporation—which you are not now?

Mr. GREENE. I should feel that it was entirely a proper subject of investigation. It is one of those things which, with the proper degree of contact between the director and the officers of the company and the property, would become a matter of knowledge to be observed—it would be observed. That state of affairs would become known, if there was the proper amount of contact.

Commissioner GARRETSON. If a director knew he could not evade the responsibility for the pernicious form of action, would it?

Mr. GREENE. The question as to his precise responsibility for it and the reasonable efforts which he should make to prevent such a state of affairs would be another question that I should not be able to pass upon without knowing the facts.

Commissioner GARRETSON. I am not talking about the degree of responsibility, but there would be responsibility there?

Mr. GREENE. Certainly.

Commissioner GARRETSON. Going back to this question of interlocking directors, the question of interlocking directorates has only been dealt with by the foundation in its reports from the standpoint of interlocking among the various institutions that are gathered in the general group?

Mr. GREENE. Yes.

Commissioner GARRETSON. Carrying it further into its ordinary meaning as applied to-day, as between an institution like the foundation and large industrial corporations, there is very little of it at present in that direction; but if it existed, if men who were in charge as directors of those large enterprises, were likewise directors of the foundation, do you believe the man whose moral sense permitted him to exploit the public in his business could dissociate himself and that that moral sense would rise up and dominate his vote in the foundation on an entirely different basis?

Mr. GREENE. I think that kind of a man would be wholly unfit to be a member of a foundation. I think that as a practical matter it is a good thing for charitable corporations to have on their boards of directors men of affairs. I should not specify that they necessarily needed to be directors of corporations, but they might frequently be such. I think that they are likely perhaps to be men of more practical vision than men whose lives are exclusively devoted to philanthropy, because I think there is always a tendency on the part of those of us who are dealing wholly with philanthropy to become perhaps a little theoretical, perhaps a little sentimental, not sufficiently practical, and that it is of advantage to have men of affairs associated with us. I think that in the case of an executive like myself, whose whole time is supposed to be devoted to the foundation, it would be a mistake for such an executive to hold exacting directorships.

Commissioner GARRETSON. Then you believe that a man who conducted a business on what might be termed an unmoral basis that the moral could not dominate him altogether in the other connection?

Mr. GREENE. A man of that sort I should not seek as a colleague in the Rockefeller Foundation.

Commissioner GARRETSON. Do you believe from your own experience, Mr. Greene, that a man of strongly dominant character being the founder of an institution like this, that men can be associated with him in the conduct thereof without being compelled to bow to the dominancy of the individual himself, if it is asserted?

Mr. GREENE. I think it is possible. There is no use blinking the fact when a man's salary is paid from a certain source it has just this degree of significance: His tenure is dependent upon his giving satisfaction to his employer, and there are men perhaps of a type such that that would mean subservience. I happen to know that Mr. Rockefeller has no use for a man of that type whatsoever. I have never known, with the exception of President Eliot, a man with whom I have been associated who is more completely dominated by the idea of coming to his decisions by conference and consultation on the part of men who he thinks will be independent and fearless in the expression of their opinions. He does not care where a suggestion comes from. He is perfectly willing to reverse his own opinion the next minute, even if the office boy or anybody else suggests the idea, which on its intrinsic merits is better than the idea which he previously followed. That happens to be his characteristic. I think it is a most fortunate one, and, in fact, most people would not be content to be associated with a man who conducted his affairs differently.

Commissioner GARRETSON. Then that very influence does reach not only from the immediate circle of those in contact with the founder, but on the application of the same principle would reach as far as the benefactions went, provided they entered in any degree into the same set of human feelings?

Mr. GREENE. There is always the possibility, it seems to me, of setting up a relationship of undue subserviency. We can only guard ourselves from it by care and good judgment in the exercise of our function.

Commissioner GARRETSON. Then, in every criticism that has been made, first, against the existence of foundations, and, second, against the menace that they might present once you grant the premise that it might fall in the future into evil hands, your own testimony has confirmed the attitude of those who have seen the menace there if that condition did exist?

Mr. GREENE. I do not resent in the slightest degree the suggestion that there might be a menace. Foundations of this type are rather new, although endowments are not new, and any public-spirited citizen is entitled to the full expression of his views on the subject, and the suggestion that they might be a menace a priori by no means ought to be dismissed in an off-hand way; I should think that that question was one in which nobody could be more interested than we are, because, after all, we are limited by the tenure of our lives, and we have some interest in the carrying on of the foundation into the future.

Commissioner GARRETSON. Just one more question, and this is of a practical nature. I do not know whether you will care to express an opinion upon it or not. I do not know whether your investigations have ever taught you anything of the attitude of the lower official strata in an industrial corporation; that is, the bosses who come directly in contact with the men. Have you ever had occasion to notice how thoroughly that class of officials, the miners, reflect the attitude and opinion of the head of the industry?

Mr. GREENE. I think they often do reflect the attitude and opinion of that head. I think sometimes also they fail to reflect it, and that men coming up from the laboring class into positions of responsibility for which they are not accustomed are often more likely to be martinets to the men under them than the owners of the property would have any idea of.

Commissioner GARRETSON. There is no doubt. I think that is true. What I desire to bring out more fully is this: Your idea is exactly that that was embodied in the old slaveholding theory, that a negro made a worse taskmaster?

Mr. GREENE. I wouldn't say that as a general reflection on such men, because I have been told, on what I think is good authority, that that is a danger which has been kept in view in the corporation with which I am connected, with which I have been connected.

Commissioner GARRETSON. Now, speaking of this phase of it, that there is an immense power lies for either good or evil in the full expressed attitude of the head of a corporation as reflected by the downstairs boss?

Mr. GREENE. I think so. I think it is apparent in everything. It is apparent in the public-service corporations, where an attitude of indifference to the welfare of the public is expressed right away by the behavior of the lowest employee in his contact with the public, and if the head of the company is attentive to the public interest and is himself courteous and open in his relations you see at once a difference in every rank of employee in relation to the public.

Commissioner GARRETSON. Then, if for any reason the head of the corporation, the executive head, had seen fit to change his opinion in regard to certain matters in the conduct as to what he considered desirable in the conduct of a business affecting the personal relation, no greater agency for its successful carrying out could be utilized than the full operation of that change to that class of men?

Mr. GREENE. I think that all of us, if we, to use the expression that you used yourself the other day, "grow in grace," we shall probably exercise a better influence upon such organization as we happen to be connected with, and that any improvement or change such as you suggest would tend to be reflected in the conduct of the business.

Commissioner GARRETSON. In that case open confession would not only be good for the soul, but would be good for the other fellow's body?

Mr. GREENE. I should think it would be good for everybody.

Commissioner GARRETSON. That is all.

Chairman WALSH. How often do you see Mr. John D. Rockefeller, sr.?

Mr. GREENE. Very rarely.

Chairman WALSH. Is it true that Mr. Gates, who formerly had charge of these activities, did not see him for eight years at one time?

Mr. GREENE. I do not know whether it is true or not. That surprises me.

Chairman WALSH. Have you heard that statement made?

Mr. GREENE. Have I heard that statement made?

Chairman WALSH. Have you heard it made before?

Mr. GREENE. I think not.

Chairman WALSH. You say very rarely. I would like you to state just about how frequently do you see him. Do you see him as much as once a week?

Mr. GREENE. I think I have seen Mr. John D. Rockefeller, sr., twice in the last five years.

Chairman WALSH. Twice in the last five years?

Mr. GREENE. Yes, sir.

Chairman WALSH. What period of time——

Mr. GREENE (interrupting). And never at a meeting of the Rockefeller Foundation.

Chairman WALSH. Never at a meeting of the Rockefeller Foundation?

Mr. GREENE. No, sir.

Chairman WALSH. Well, where do you gather this view that you have just given of Mr. Rockefeller, sr.? Was it prior to five years ago, or during those two visits, or through some one else, or how?

Mr. GREENE. It was through the policies of his associates, which I knew to be policies in which—in the making of which he had had a very important part. Of course, largely through my intimate association with Mr. John D. Rockefeller, jr. But it was to that extent secondhand acquaintance. It has been confirmed by a visit of some weeks with Mr. Rockefeller last year, in which I had a good opportunity to verify my impression.

Chairman WALSH. Your statement about accepting suggestions that grew out of a conference with the office boy is a mere statement of what other persons connected with him or tradition, as it were, of his life?

Mr. GREENE. My statement had reference to Mr. John D. Rockefeller, jr. I have no right to extend it to Mr. Rockefeller, sr.

Chairman WALSH. How often has Mr. Ivy Lee seen John D. Rockefeller, sr., if you know?

Mr. GREENE. I do not happen to know, but I think probably two or three times.

Chairman WALSH. He has seen him, though?

Mr. GREENE. I think it has been testified to here.

Chairman WALSH. How about Mr. Starr J. Murphy; how often does he see Mr. Rockefeller, sr.?

Mr. GREENE. Mr. Murphy is Mr. Rockefeller's personal counsel, and has frequently been in conference with him, but how often I could not say. But I should suppose many times a year.

Chairman WALSH. You are on the personal staff of John D. Rockefeller, sr.?

Mr. GREENE. I was.

Chairman WALSH. And the duties of the staff were to advise Mr. Rockefeller about investments? How did you advise with him?

Mr. GREENE. With the committee, as he called it, we formulated our recommendation.

Chairman WALSH. In writing?

Mr. GREENE. Often in writing and often transmitted through Mr. John D. Rockefeller, jr., for him to pass upon.

Chairman WALSH. And Mr. Mackenzie King, how often has he seen Mr. Rockefeller, more than once, Mr. Rockefeller, sr.?

Mr. GREENE. I do not know, sir. I think he has seen him once. I am not sure whether he has seen him twice or not.

Chairman WALSH. The reason I asked you about Mr. Gates was that it had been stated to one of our investigators—and I want you to know that——

Mr. GREENE. Yes.

Chairman WALSH. That is the reason I asked you the question.

Mr. GREENE. It is quite possible.

Chairman WALSH. Mr. Gates stated himself, while he was the personal adviser of John D. Rockefeller, sr., attending to those various activities, that he had not seen him for eight years at one period.

Mr. GREENE. Mr. Rockefeller, sr., has been in retirement from active participation in business for about 15 years. I think it is about 15 years, and it is quite possible that during those 15 years eight years elapsed during which Mr. Gates's communications were made wholly in writing or through the medium of Mr. John D. Rockefeller, jr. That is quite conceivable. May I make one other statement, very briefly?

Chairman WALSH. Yes. If you will kindly hold it over until I ask you a few questions, then you may make it.

Mr. GREENE. Certainly.

Chairman WALSH. Have you ever conducted any investigation along any of the lines planned by the foundation?

Mr. GREENE. No.

Chairman WALSH. Have you ever supervised any?

Mr. GREENE. May I follow that by saying——

Chairman WALSH. Certainly; make any explanation you desire.

Mr. GREENE. The Rockefeller Foundation has not planned many things yet. It has planned this investigation in industrial relations.

Chairman WALSH. Did you ever——

Mr. GREENE (interrupting). I have never made a study of industrial relations.

Chairman WALSH. Have you ever supervised any such investigation as is planned by the Rockefeller Foundation?

Mr. GREENE. I have not supervised such investigation, but I have had experience in university administration, in which one is brought in contact with men who are qualified investigators, and it gives a certain amount of experience in forming opinions of men, their methods of work, and certain scientific standards which apply generally.

Chairman WALSH. That leads to another question. Will you briefly state now what part of your past experience you consider has particularly fitted you to direct the many lines of activity planned by the Rockefeller Foundation? Give the character of the work that has preceded this work.

Mr. GREENE. I would rather have that question answered by those who are responsible for my appointment, Mr. Chairman. I do not claim any special qualification for this work. If I have any, I presume it is derived largely from my experience in university administration, and the administration of the Rockefeller Institute for Medical Research.

Chairman WALSH. Well, briefly and as concisely as possible, of what did your university investigation consist, or, for instance, that might equip you to supervise the investigation of industrial relations of the country and the world?

Mr. GREENE. Intimate association with men of that type in the Harvard faculty, with every one of whom I was intimately acquainted, and with general lines of work. But I do not pretend to be an expert in that or in any other line of special investigation. I do not think it is necessary. I do not think it follows that the executive of a charity like this or of a university needs to be an expert in the various branches of inquiry carried out. The president of

the university can not be an expert chemist, an expert sociologist, and an expert lawyer, but he may be very competent to form an opinion as to men in all those fields of activity.

Chairman WALSH. Will you please furnish the commission with a transcript of any resolution or memoranda or other data which exists in regard to the increase in membership of the trustees of the foundation?

Mr. GREENE. There are no such resolutions or memoranda with regard to the increase. There are resolutions appointing or electing President Eliot and Mr. Hepburn and those I gave to the agent of the commission day before yesterday I think.

Chairman WALSH. You have given us all of that that you have?

Mr. GREENE. Yes.

Chairman WALSH. I have been asked to ask you a couple of questions, which I will. We have the practice of allowing a few questions to be asked. Some gentleman wants to know this:

Is there no possibility for a great nation such as this to provide itself with all of the institutions which are of vital necessity to its life, without having them bestowed by the good will of an individual?

Mr. GREENE. The resources of this country would undoubtedly be sufficient, but I think that most people would agree, without lacking in any deference to the independence and patriotism of our legislators that in the field of activity in which we are engaged, private institutions have a certain advantage, particularly in the way of initiation.

Chairman WALSH. You stated this morning——

Mr. GREENE (interrupting). They are all equally in the control of the people. It was a disappointment to me when I had charge of the Rockefeller Foundation charter bill in Congress, that it did not pass there, because it seemed to me that it was nothing more or less than creating a trusteeship or receivership for the benefit of the American people, that no matter what the person's opinions were with regard to the money in question, here was an opportunity to see that fortune, or a substantial part of it, put it in trust for the American people.

Chairman WALSH. What work have you, any of your foundations or boards, initiated that have not in some respects been carried on before?

Mr. GREENE. I think it would be impossible to name anything probably that had not been done before in this world. There was the institution for medical research. There are but few in Europe, and none of them now in Europe actually endowed as the Rockefeller Institute. The hookworm work had elements of novelty in it, of course, but whether it was unprecedented or not I should not be able to say.

Chairman WALSH. You stated this morning that you do not think it necessary to have reports of foundations open to general public inspection. That is, you would extend the privilege of inspection to those who might be particularly interested or for some reason. Is that a fair statement? This is handed to me by some one else.

Mr. GREENE. I should not wish to have anything concealed. It would not be to the interest of the foundation that any of its doings, it seems to me, be withheld from the public. Of course, there are matters under discussion, half formulated schemes, the pros and cons of which are being urged, and the publication of which prematurely might prejudice the end in view. But when the thing is done and becomes a matter of record, money appropriated, there is nothing, it seems to me that ought not to be known, and if it were thought best to permit some representative of the public interest to inspect the minutes, there certainly should not be anything in the minutes that we should object to having inspected in that way.

Chairman WALSH. This is followed by the question: Suppose the foundation knowingly or otherwise did something against the interest of the people, how can the people, the ordinary man, get this information if you would not allow the complete public inspection of the foundation's work?

Mr. GREENE. By the condition or terms of that very question if it is a matter of such serious import I fancy it would be known.

Chairman WALSH. If there is anything that you wish to submit that you have not been asked in emplification or explanation of your testimony, we will be glad to have you do so.

Mr. GREENE. There is just one thing I should like to mention, because on two or three occasions I have heard reference made to the bird refuge in Louisiana bought by the Rockefeller Foundation.

I imagine that that has appeared to some people perhaps as the setting up of an aviary for somebody's amusement, or to take care of birds for considerations merely of humanity. I am not saying that that would not be an adequate motive. I think it could not be justified, however, on grounds of great urgency.

The reason the Rockefeller Foundation paid $225,000 for a large tract of land—I have forgotten how many acres, 85,000 acres I think—in Louisiana was that one of the most serious dangers which is now threatening American agriculture is its total blight, now in one region and now in another, by insects, and the enemy of the insects, and the protector of our agriculture of our farmer is the insectivorous birds. These birds have certain migration, seasons of migration, and at certain times of the year they congregate in some parts of our country, and the pothunter can go in there and slaughter them by the million, for food or for sport, or plumage or what not. It takes them when they are defenseless, when they are there in enormous numbers and threatens to obliterate the whole species, as whole species have been thus obliterated, unless some one, a public-spirited man, something such as the Russell Sage Foundation, which has bought Marsh Island, in the same region and as McIlhenny which dedicated another tract in the same region to the same work, unless the American public follows the example and has a reservation elsewhere there is great danger that will threaten the agriculture of our country.

We have only to look at the object lesson in Jamaica where vegetation was blighted because the equilibrium was destroyed through the importation of the mongoose which destroyed the birds, which was finally itself destroyed, and the birds being destroyed, insects came in and blighted the whole thing, and then finally the parasite attacked the mongose, he was removed; the birds came back and vegetation returned. That has had a very graphic illustration in Germany where the landowner was saved during a blight, he had set apart a large area for the birds to take refuge on his land. That is one example. There is nothing sentimental, I think, about that, because it was just good business.

Chairman WALSH. Is this place where the land was selected a place in which there is a seasonal, a natural refuge for birds?

Mr. GREENE. Yes.

Chairman WALSH. If you will, briefly, tell us what sort of birds usually are there.

Mr. GREENE. Our interest in it was chiefly to get the insectivorous birds. I presume they are the kind of birds usually used for food and sport.

Chairman WALSH. Where did the request come from?

Mr. GREENE. That consideration alone would not have interested us.

Chairman WALSH. Where did the request come from?

Mr. GREENE. The chief promoter of this preserve, Mr. McIlhenny, of Louisiana.

Chairman WALSH. Mr. McIlhenny, of the Civil Service Board—National Civil Service Board?

Mr. GREENE. It may be a brother. I do not know, but it is not that one.

Chairman WALSH. What is his viewpoint? What is his motive, if you know?

Mr. GREENE. I think the motive——

Chairman WALSH. Is it that of a sportsman, or in regard to the insects?

Mr. GREENE. I think his motive is the love of birds and appreciation of this agricultural interest.

Chairman WALSH. I believe that is all. You may be finally excused. Thank you, Mr. Greene.

Mrs. Dominiske.

TESTIMONY OF MRS. MARGARET DOMINISKE.

Chairman WALSH. What is your name?

Mrs. DOMINISKE. Margaret.

Chairman WALSH. Margaret Dominiske?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Where were you born?

Mrs. DOMINISKE. In Newcastle, England.

Chairman WALSH. Newcastle, England?

Mrs. DOMINISKE. Yes.
Chairman WALSH. How long have you been living in the United States?
Mrs. DOMINISKE. Twenty-six years.
Chairman WALSH. How long?
Mrs. DOMINISKE. Twenty-six years.
Chairman WALSH. Twenty-six years. Are you married or single?
Mrs. DOMINISKE. I am married.
Chairman WALSH. Is your husband a citizen of the United States?
Mrs. DOMINISKE. Yes.
Chairman WALSH. Where was Mr. Dominiske born?
Mrs. DOMINISKE. In Tioga County, Pa.
Chairman WALSH. Have you any children?
Mrs. DOMINISKE. I have three.
Chairman WALSH. What are their ages?
Mrs. DOMINISKE. Ten, eight, and six.
Chairman WALSH. When did you move to Colorado and where have you lived there, please?
Mrs. DOMINISKE. We moved to Colorado about 17 years ago, and I lived in Erie, Lafayette, Tollerburg, and Ludlow.
Chairman WALSH. Ludlow. Where are those places located, please, Mrs. Dominiske, with reference to the northern or the southern coal field? Lafayette, as I remember, it is in the northern coal field.
Mrs. DOMINISKE. Lafayette and Erie are in the northern field.
Chairman WALSH. Yes.
Mrs. DOMINISKE. And Tollerburg and Ludlow are in the southern field.
Chairman WALSH. What has been your husband's business?
Mrs. DOMINISKE. He is a coal miner.
Chairman WALSH. How long have you been married?
Mrs. DOMINISKE. Eleven years.
Chairman WALSH. Eleven years?
Mrs. DOMINISKE. Yes.
Chairman WALSH. What kind of churches are to be found in the coal fields of southern Colorado?
Mrs. DOMINISKE. I never saw one only in Trinidad.
Chairman WALSH. How is that?
Mrs. DOMINISKE. I never saw any one only in Trinidad.
Chairman WALSH. In Trinidad. Are there any halls in these camps for the people to meet in?
Mrs. DOMINISKE. No.
Chairman WALSH. Do you know why not?
Mrs. DOMINISKE. No; I do not.
Chairman WALSH. Are there any saloons?
Mrs. DOMINISKE. Lots of saloons.
Chairman WALSH. Did you ever trade at the company's stores in those towns in which you lived in Colorado?
Mrs. DOMINISKE. Yes.
Chairman WALSH. How do the prices in those stores compare, would you say, from your everyday standpoint as a housekeeper, with those stores in the little towns nearby?
Mrs. DOMINISKE. Why, they were quite a bit higher in the camps.
Chairman WALSH. How did you come to observe that, Mrs. Dominiske? How did you come to know they were higher in the camps?
Mrs. DOMINISKE. Well, whenever I got a chance I would go to those other stores and buy, and then you could see the difference.
Chairman WALSH. Did you ever know of anybody having trouble because of not trading in the company's stores?
Mrs. DOMINISKE. Well, a friend of mine told me when she lived in Tercio, Colo., that the prices were so high in the company's stores that they could not buy there, and they used to go and take their trunks to Trinidad and get what they wanted and ship them back. But on one occasion one of the men was caught, and he was fired, lost his job; and after that they were not allowed to take their trunks any more unless they were going to stay or on a long visit.
Chairman WALSH. Why did you trade in the company's stores when you could get stuff cheaper at the towns nearby?
Mrs. DOMINISKE. We was not allowed to go to those other places. I know my husband would be discharged if it was found out.

Chairman WALSH. Well, now, why do you say that, Mrs. Dominiske? Was it anything except suspicions, or a thought, or had anything been said to you about it?

Mrs. DOMINISKE. The people that were in these coal camps before I went there told me.

Chairman WALSH. So that was the thought of the coal camp?

Mrs. DOMINISKE. Yes.

Chairman WALSH. That you had to trade there?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Have you ever gone to the expense of trying to determine what difference it made in your husband's wages trading under those circumstances in the camp as compared with what you might do if you could get out and buy where you could get cheaper?

Mrs. DOMINISKE. I don't understand your question.

Chairman WALSH. The point is—maybe it is too involved—Mrs. Dominiske, did you ever try to determine how much of a difference that made in your husband's real wages; that is, the increased amount that you had to pay for provisions in the coal camps? I will try to put it plainer. About how much higher would you say that the provisions in the camps were over what they were in the little towns nearby?

Mrs. DOMINISKE. I couldn't say how much higher, but they were quite a bit higher. I do not know just how much.

Chairman WALSH. Is that generally known among the women keeping house in those camps?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Do you remember what took place the day before and on April 20? Where did you live on April 20, 1914?

Mrs. DOMINISKE. Ludlow tent colony.

Chairman WALSH. In the tent colony?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Was your husband in the colony with you?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Do you remember what took place the day before and on April 20, 1914?

Mrs. DOMINISKE. Yes, sir. A ball game the day before.

Chairman WALSH. A ball game?

Mrs. DOMINISKE. Yes; on Sunday.

Chairman WALSH. You heard read here, I believe, by the commission, and you have probably seen it in our records before, or read it, a so-called publication that was made, signed by Mr. Lawson and many others, and entitled "A call to arms"? You saw that, did you?

Mrs. DOMINISKE. Yes, sir.

Chairman WALSH. And that was issued on April 20, 1914, according to its purport. Now, do you remember what took place the day before and on April 20, 1914? Just describe the happening at Ludlow on those two days as concisely as you can in your own way.

Mrs. DOMINISKE. On April 19 there was a ball game, and all the people from the tent colony was over there watching the ball game.

Chairman WALSH. How many people were in the tent colony?

Mrs. DOMINISKE. Oh, I don't know how many, but I should judge maybe five or six hundred.

Chairman WALSH. Women and children living there in the tents?

Mrs. DOMINISKE. Yes.

Chairman WALSH. That was after the strike?

Mrs. DOMINISKE. Yes.

Chairman WALSH. The miners bought or leased a tract of land and put up tents, and you were all living there, Mrs. Dominiske?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Go ahead.

Mrs. DOMINISKE. We were over at this ball game, and four militiamen, one on horseback and three afoot, and the ones on foot had rifles with them, and they had them pointed toward the men that were playing ball. And one of the men in there said: "You can watch this ball game, but it does not need any guarding." And one of the ladies that was there said in a joking way that if they would take some H. B. guns and start after those militia that they would take those guns and run for their lives. He said: "Go ahead, have your good time to-day, and to-morrow we will get your roast."

Chairman WALSH. Get your what?

Mrs. DOMINISKE. Roast. The ball game was over, and we went on home, and didn't think no more about it till next day.

Chairman WALSH. What occurred on April 20?

Mrs. DOMINISKE. About 10 o'clock next morning we were late getting up that morning, later than usual; it was about 8.30, I guess, when my husband went up to the office tent. And I had let the children sleep late on account of their being up late the night before, and I had thought I would wash and put on my wash water, and I went up to Mrs. Jolly's to get some postal cards I was going to send away from our Easter; and I went up there to get the cards, and while I was up there somebody came and said that the militia was out there and wanted to see Mr. Tikas.

Chairman WALSH. Who is Mr. Tikas?

Mrs. DOMINISKE. He was the Greek leader.

Chairman WALSH. What kind of a man was he personally?

Mrs. DOMINISKE. Well, he was an awful quiet man.

Chairman WALSH. And as to disposition, was he a kind man?

Mrs. DOMINISKE. Yes.

Chairman WALSH. With reference——

Mrs. DOMINISKE. Well, he was an awful kind man and everybody liked him.

Chairman WALSH. Proceed.

Mrs. DOMINISKE. And when he went out to talk to this militia——

Chairman WALSH. Now, please speak a little louder, Mrs. Dominiske. I know you are not accustomed to speaking, but you will have to lift your voice so that it will carry farther.

Mrs. DOMINISKE. When he went out to see this militia, Mrs. Jolly and I went with him, and they handed him a piece of paper with a name on it and told him they wanted that man, and Tikas asked him who gave them authority to come after him—did he get it from the militia or civil authorities, and they said they got it from the military authorities. And he said that the military authorities was at Las Animas and Huerfano County now. And they told him to produce that man in half an hour or they would search the camp and take him, and he told them that he could not produce the man because the man did not live there, and he was not in the camp. And so we came on back over to Mrs. Jolly's house. And we had just got in there—was in there a few minutes—I don't know how long—when they came and telephoned for Louis Tikas and said that Mr. Hamrock wanted Tikas to go over to the military camp.

Chairman WALSH. Who was Mr. Hamrock; was he a soldier?

Mrs. DOMINISKE. Yes; he was one of the militia.

Chairman WALSH. Maj. Hancock, of the militia?

Mrs. DOMINISKE. Yes; I believe he was in charge of the militia.

Chairman WALSH. He was some sort of an officer?

Mrs. DOMINISKE. He was an officer, yes; and Tikas told him he would meet him half way. Tikas went, but Maj. Hamrock did not come, so Tikas came on back. He had only been over to the house, to the tents a few minutes when he got another phone to go up to the depot, Maj. Hamrock wanted to see him at the depot, the Colorado Southern depot. So he went up. And then I went on down home. And I heard some singing and music and I looked out the end of my tent, and I had a window in it, and I went and looked out and it was the Greeks celebrating their Easter Monday. They were singing and dancing and playing music.

Chairman WALSH. What sort of music?

Mrs. DOMINISKE. They had mandolin and a violin and a flute, I think. While I was standing there, there came a lady by and she told me, she said "You better get out, the militia are coming." I said I didn't care; let them come. They have been here before and they won't hurt us.

She went and a few minutes after she left there was a bomb fired. I went out and looked up toward the tracks to where the military camp was and I could see the smoke; I saw the men going, that is, these militiamen going on horseback over toward Water Tank Hill, what we call it. Then in a few minutes there was another bomb fired. So the lady that lived next door to me said "I am going over to the pump station and get over there out of this; I think there is going to be something doing." I asked her if she would take my children over, that I wanted to see my husband before I went. So she took my children and went to Water Tank Hill—to the pump station; and I went up to where my husband was. We saw Tikas coming running over from the

depot and he had a handkerchief in each hand, waiving a handkerchief, and he said something to us, but we didn't hear what he said. When he got near enough to us he called to us to get back, to go up to Water Tank Hill. And so then there was another bomb fired, and I ran over to the pump station. After we got over there, there was, oh, several, I don't know how many—maybe 15 or 16 women and children standing on top of this well looking around, when they started to fire at us. And so then we got down the well as quick as we could.

Chairman WALSH. How many went down into the well?

Mrs. DOMINISKE. Oh, I don't know, maybe there was 30 or 35 in there, counting the women and children and all.

Chairman WALSH. It is a great large well which contains the water that is used to put in the tank for the railroad?

Mrs. DOMINISKE. Yes. The boy that was left in charge of the pump house came, and he told us, "If you don't want to get shot you better go to that barn." So we ran to the barn, two of my children had got in the well, and I took the youngest one to the barn, and about half past 2 one of the children, the little girl, got up out of the well and came over to where I was, and the men—that is, the militia—shot at her. And they had just quit shooting when the little boy came, and they shot at him and the bullet whizzed right through the top of the barn where we were. It was banked up and we were all laying down. About 3 o'clock was when they started to shoot so awfully hard. And about a quarter to 6 one of the men from the arroyo came up to where we were.

Chairman WALSH. What is that arroyo?

Mrs. DOMINISKE. It is a ditch back of this barn. And he came up where we were and he said we had better get out of here because he said there is about 50 militia right close to the camp and he said they are burning up the tents and if you crawl out here you can see it. So I crawled out, and I looked down and I saw about six or eight tents burning. And then I saw five militiamen cross from the tents that was burning over to those that was not burning, and three of them had torches and two had cans. I don't know what was in the cans, but I think it was oil. They went into one of those other tents, and I got back into where my children were. Pretty soon some said it looks like there is a train coming, and maybe we had better get out under the cover of this train, that that will be our only chance of escape. So I went and crawled back out and looked out again to the tents and I saw the militia going into them, they was all on fire, so I judge from that they had set it on fire, and when this train came——

Chairman WALSH. You say that they had torches and that they were lighted?

Mrs. DOMINISKE. Well, it looked like a broom to me; that is what it looked like from where I was at, looked like they were brooms lit. Then when the train came, why, we all got out of the well and out of the barn and went to the arroyo. And on the way there as she stooped to get under the fence, one of the ladies had a big apron on, and she stoops to get under the fence and there was a bullet passed right through her apron and another passed over my head and exploded. It was an explosive bullet and expleded in front of another lady, and she had a baby in her arms, and she fainted. We got into the arroyo and we went down to a ranch about 5 or 6 miles from Ludlow. Next day we went to Trinidad.

Chairman WALSH. The next day you went to Trinidad?

Mrs. DOMINISKE. Yes.

Chairman WALSH. How many people lost their lives at Ludlow on April 20, 1914?

Mrs. DOMINISKE. There were 12 children and 2 women and 5 men, I think.

Chairman WALSH. Who were those people and what positions, if any, did they hold among the striking miners?

Mrs. DOMINISKE. Tikas was a Greek, and he was a Greek leader. Fyler was the secretary of the local.

Chairman WALSH. What local, the miners' local union?

Mrs. DOMINISKE. Yes; in Ludlow.

Chairman WALSH. How many of his family were at Ludlow on that day—Mr. Fyler's family?

Mrs. DOMINISKE. There were two boys and three girls, and one of them a married daughter with a child.

Chairman WALSH. Did you spend part of the day with any of them?

Mrs. DOMINISKE. Yes; I was.

Chairman WALSH. Did you later identify any of the dead?

Mrs. DOMINISKE. Yes.

Chairman WALSH. When and where?

Mrs. DOMINISKE. In Trinidad, at the undertaking parlors.

Chairman WALSH. Had you ever seen this cellar in which the women and children lost their lives?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Just describe what kind of a cellar it was, whether it had been used as a room or a place to sleep, or what was it?

Mrs. DOMINISKE. It was a cellar; it was all timbered up and finished nice and was used as a bedroom, and it had a bed in it when I saw it.

Chairman WALSH. Was it used for any particular purpose among the people there?

Mrs. DOMINISKE. I think it was.

Chairman WALSH. Had children been born there?

Mrs. DOMINISKE. Children were born in there.

Chairman WALSH. It was a place where they took women?

Mrs. DOMINISKE. Yes.

Chairman WALSH. So that they could be kept away from any noise in case of any trouble, away from being disturbed?

Mrs. DOMINISKE. I think it was.

Chairman WALSH. Was the cellar timbered and did it have steps?

Mrs. DOMINISKE. Yes.

Chairman WALSH. When did you see the cellar after the colony was destroyed?

Mrs. DOMINISKE. About a week after.

Chairman WALSH. Describe the cellar as it then appeared.

Mrs. DOMINISKE. Well it was all smoky on the inside and it was right after a rainstorm, and it had quite a bit of water in it, and we did not get to go right in the inside of it.

Chairman WALSH. What day did you identify the bodies; was that on the 21st or the 22d?

Mrs. DOMINISKE. Twenty-first.

Chairman WALSH. The 21st?

Mrs. DOMINISKE. The day after.

Chairman WALSH. This occurred on—the deaths occurred on the 20th.

Mrs. DOMINISKE. The 20th.

Chairman WALSH. And you identified them on the 21st?

Mrs. DOMINISKE. No; it was on the 22d.

Chairman WALSH. On the 22d?

Mrs. DOMINISKE. Yes; two days later.

Chairman WALSH. Did you advise Mr. Lawson and these other men who signed that call of what you testified before the commission here substantially? Did you tell your story to the mine leaders of the mine workers?

Mrs. DOMINISKE. I told it to some of them.

Chairman WALSH. You told it to some of them?

Mrs. DOMINISKE. Yes.

Chairman WALSH. Upon the 22d instant when the so-called call to arms was issued?

Mrs. DOMINISKE. Yes.

Commissioner WEINSTOCK. Did you see the fire when it started, Mrs. Dominiske?

Mrs. DOMINISKE. No; I did not.

Commissioner WEINSTOCK. You do not know—how do you know how it started?

Mrs. DOMINISKE. No; I do not know.

Commissioner WEINSTOCK. Did you see the members of the militia in the tent colony immediately before the fire started?

Mrs. DOMINISKE. The first I saw of them is when this man told me that if I looked out I could see the tent burning.

Commissioner WEINSTOCK. I see. Then you saw the militia?

Mrs. DOMINISKE. I saw the militia in the tent colony then.

Commissioner WEINSTOCK. You do not know whether the militia came there before or after the fire started?

Mrs. DOMINISKE. No; I do not, I am sure.

Commissioner WEINSTOCK. Well, did you hear from anybody how the fire did start?

Mrs. DOMINISKE. No; I do not believe I did, but one of the——

Commissioner WEINSTOCK. Of your own knowledge?
Mrs. DOMINISKE. Not of my own knowledge.
Commissioner WEINSTOCK. You do not know how the fire started?
Mrs. DOMINISKE. No.
Commissioner WEINSTOCK. At what time did the women and children and men begin to leave the tent camp?
Mrs. DOMINISKE. In the morning, you mean?
Commissioner WEINSTOCK. Yes; in the morning.
Mrs. DOMINISKE. Right after the bomb was fired.
Commissioner WEINSTOCK. That was about—do you remember about what time that was?
Mrs. DOMINISKE. Close to 10 o'clock, if not at 10.
Commissioner WEINSTOCK. They began to leave at that time?
Mrs. DOMINISKE. Yes.
Commissioner WEINSTOCK. How many left?
Mrs. DOMINISKE. Well, I guess everybody left that could get out. They started the machine gun as soon as the last bomb was fired. They started to firing the machine gun and everybody tried to get out.
Commissioner WEINSTOCK. How many children and women, so far as you can judge left the camp on that morning?
Mrs. DOMINISKE. Well, I don't know.
Commissioner WEINSTOCK. Would there be as many as a hundred?
Mrs. DOMINISKE. Well, I do not know; I couldn't say about that at all.
Commissioner WEINSTOCK. How many women and children in the camp altogether?
Mrs. DOMINISKE. I do not know that either. There was quite a few.
Commissioner WEINSTOCK. They started to scatter right at that time?
Mrs. DOMINISKE. Yes.
Commissioner WEINSTOCK. When did the fire happen, about what time?
Mrs. DOMINISKE. Close to 6 o'clock.
Commissioner WEINSTOCK. Was it after dark?
Mrs. DOMINISKE. It was just getting dusk.
Commissioner WEINSTOCK. That is all.
Chairman WALSH. Commissioner Lennon would like to ask you a few questions.
Commissioner LENNON. I would like to ask you to describe the water tank for fear the people would not just comprehend what it is, and how 50 or 70 people could get into the well, and how they supported themselves.
Mrs. DOMINISKE. Well, this is it.
Commissioner LENNON. Just describe it so that the people may understand.
Mrs. DOMINISKE. It is an awful big well; it had three landings.
Commissioner LENNON. Running around the inside?
Mrs. DOMINISKE. Yes; it had three landings.
Commissioner LENNON. A well 18 or 20 feet across, was it not?
Mrs. DOMINISKE. Oh, yes; I guess it was; it was an awful big well. I do not know just how big.
Commissioner LENNON. There were steps going down from one landing to the other?
Mrs. DOMINISKE. Yes.
Commissioner LENNON. And the people stood on the landing?
Mrs. DOMINISKE. Yes.
Commissioner LENNON. That is all.
Chairman WALSH. Is that all underground?
Mrs. DOMINISKE. Yes.
Chairman WALSH. Commissioner Ballard would like to ask a few questions.
Commissioner BALLARD. I understood you to say that you sent your children up to the well, but you did not go first because you wanted to see your husband?
Mrs. DOMINISKE. Yes.
Commissioner BALLARD. Where was your husband?
Mrs. DOMINISKE. He was up to the office tent.
Commissioner BALLARD. What was he doing there?
Mrs. DOMINISKE. It was Saturday—was their pay day also—and on Monday they always check up and examine their checks and he had went up there to check up with Mr. Fyler.
Commissioner BALLARD. How long were you in the tent colony—how long did you live in the tent colony?

Mrs. DOMINISKE. Since September, 1913.
Commissioner BALLARD. You were there some months?
Mrs. DOMINISKE. Yes.
Commissioner BALLARD. Who paid your expenses while you were there?
Mrs. DOMINISKE. The union.
Commissioner BALLARD. Who is paying your expenses now?
Mrs. DOMINISKE. The union.
Commissioner BALLARD. That is all.
Chairman WALSH. That is all. You are excused.
Mrs. Petrucci.

TESTIMONY OF MRS. MARY PETRUCCI.

Chairman WALSH. What is your full name?
Mrs. PETRUCCI. Mary Petrucci.
Chairman WALSH. Mary Petrucci?
Mrs. PETRUCCI. Yes.
Chairman WALSH. How old are you, Mrs. Petrucci?
Mrs. PETRUCCI. Twenty-four.
Chairman WALSH. Twenty-four?
Mrs. PETRUCCI. Yes.
Chairman WALSH. Where do you live now?
Mrs. PETRUCCI. Ludlow.
Chairman WALSH. Ludlow, Colo.?
Mrs. PETRUCCI. Yes.
Chairman WALSH. What is your ancestry; your father and mother were natives of what country?
Mrs. PETRUCCI. Italy.
Chairman WALSH. You are of Italian descent?
Mrs. PETRUCCI. Yes.
Chairman WALSH. Where were you born?
Mrs. PETRUCCI. In Hastings, Colo.
Chairman WALSH. What is Hastings, Colo.—is that a coal-mining camp?
Mrs. PETRUCCI. It is a mining camp.
Chairman WALSH. About how many people are there in Hastings?
Mrs. PETRUCCI. I could not tell you.
Chairman WALSH. Are you a married woman?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Is your husband a citizen of the United States?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Do you know whether or not your father was a citizen of the United States?
Mrs. PETRUCCI. He was.
Chairman WALSH. You are a native born Coloradian?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Where did you go to school, Mrs. Petrucci?
Mrs. PETRUCCI. In Hastings.
Chairman WALSH. In the mining camp?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. You were raised in Hastings, were you?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. When did you leave there?
Mrs. PETRUCCI. When I was 13 years old.
Chairman WALSH. At what age were you married?
Mrs. PETRUCCI. Sixteen.
Chairman WALSH. Where did you say you lived now?
Mrs. PETRUCCI. At Ludlow, Colo.
Chairman WALSH. I am going to ask you, if you will, to give a little brief description of your life, when you lived in Hastings; that was a mining camp of what company?
Mrs. PETRUCCI. I think of the Victor-American Fuel Co.
Chairman WALSH. Was your father a miner there?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Did you live in a company house?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Was there a school in the camp to which you went?
Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Did you go to school at any place outside of Hastings?
Mrs. PETRUCCI. Not when I lived in Hastings.
Chairman WALSH. Were there any church facilities in Hastings?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. None at all?
Mrs. PETRUCCI. None.
Chairman WALSH. You had had some religious training, your ancestry were religious people, were they not?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. What faith did they profess?
Mrs. PETRUCCI. They were Catholics.
Chairman WALSH. After you left Hastings where did you go then?
Mrs. PETRUCCI. I went to Tabasco and Berwind.
Chairman WALSH. Are both of those mining camps?
Mrs. PETRUCCI. Yes, sir; they belong to the C. F. & I.
Chairman WALSH. They belong to the Colorado Fuel & Iron Co.?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. What age did you leave Hastings?
Mrs. PETRUCCI. When I was 13 years old.
Chairman WALSH. What was the first place you went to?
Mrs. PETRUCCI. Starkville.
Chairman WALSH. Where were you when you were married?
Mrs. PETRUCCI. In Ramey.
Chairman WALSH. Was Mr. Petrucci a miner when you lived there?
Mrs. PETRUCCI. No; he was running a box-car loader.
Chairman WALSH. For the railroad company?
Mrs. PETRUCCI. No; for the mining company.
Chairman WALSH. You married him at what place?
Mrs. PETRUCCI. In Walsenburg.
Chairman WALSH. That is a mining town, is it?
Mrs. PETRUCCI. I suppose so.
Chairman WALSH. Where were you living at the time you married him?
Mrs. PETRUCCI. In Ramey.
Chairman WALSH. Is that a mining camp?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. You simply went to Walsenburg to be married?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. After your marriage where did you live—in what mining camp, in Ramey?
Mrs. PETRUCCI. In Ramey.
Chairman WALSH. The Ludlow mine called Ramey?
Mrs. PETRUCCI. Yes.
Chairman WALSH. How long did you live in Ludlow before April 20, 1914?
Mrs. PETRUCCI. Since January.
Chairman WALSH. Where did you live prior to that time?
Mrs. PETRUCCI. In January?
Chairman WALSH. Before January?
Mrs. PETRUCCI. I lived in a house on a ranch. It was leased by my husband and this other man.
Chairman WALSH. Where were you when the strike was called?
Mrs. PETRUCCI. In Ramey.
Chairman WALSH. And Mr. Petrucci was working for a mining company, was he?
Mrs. PETRUCCI. No; he was out on strike.
Chairman WALSH. He went out on strike, did he?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. What sort of weather was it when he went out on strike?
Mrs. PETRUCCI. I could not tell you; it was in September.
Chairman WALSH. Now, when you went out on strike where did you go? Where did the miners and their families go?
Mrs. PETRUCCI. In the tent colony.
Chairman WALSH. In Ludlow?
Mrs. PETRUCCI. Yes.
Chairman WALSH. About how many folks were in the camp when you went to the tent colony.
Mrs. PETRUCCI. I could not tell you how many.

Chairman WALSH. Was there a large number?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Were there 1,000 people, men, women, and children, or 500, or what?
Mrs. PETRUCCI. I suppose about 600 or 700.
Chairman WALSH. And they had tents there side by side, did they, with streets running down between them?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. And did they start a little organization there and have some leader that exercised some authority about keeping order and things like that?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Who were the different leaders of the Ludlow colony?
Mrs. PETRUCCI. Louis Tikas and Mr. Fyler.
Chairman WALSH. Louis Tikas and Mr. Fyler?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. How did the people in that camp get along together? Was there disorder and fights or anything like that?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. What were your relations to each other while you were in the camp? I am trying to put it into everyday terms. Were you happy there and friendly with each other, and did you visit back and forth?
Mrs. PETRUCCI. Yes, sir; we had a good time.
Chairman WALSH. How did you like it in comparision with the coal camp?
Mrs. PETRUCCI. I liked it better in the tent colony.
Chairman WALSH. You would rather live there in the tent colony all the year around, would you?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Where were you living when the strike of September, 1913, began in Colorado?
Mrs. PETRUCCI. I was living at Berwind.
Chairman WALSH. At Berwind.
Mrs. PETRUCCI. In 1913?
Chairman WALSH. Yes.
Mrs. PETRUCCI. At Ramey then.
Chairman WALSH. Stating it briefly, did you have some unpleasant experience with the militia in speaking to you?
Mrs. PETRUCCI. Yes; they came up there and insulted us every day until we had to move down so we would not be insulted.
Chairman WALSH. Did you stay at Ludlow until the colony was destroyed in April, 1914?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Was that the day after the Greek Easter Sunday?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Who brought you to this meeting, Mrs. Petrucci?
Mrs. PETRUCCI. Mr. Lawson.
Chairman WALSH. Mr. John R. Lawson?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. Was that the day after the Greek Easter Sunday, that the occurrence at Ludlow took place?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. What did the members of the colony do on the Greek Easter?
Mrs. PETRUCCI. They were just having a good time.
Chairman WALSH. What did they do? I think the lady who preceded you stated that they had a ball game or something?
Mrs. PETRUCCI. Oh, yes; on Sunday.
Chairman WALSH. Did the crowd turn out to the ball game?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. During the winter following the strike in September, was there any severe or cold weather?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. How did you find it in the tent colony?
Mrs. PETRUCCI. It was pretty warm; we had coal and everything.
Chairman WALSH. And your conditions were comfortable?
Mrs. PETRUCCI. Yes, sir.
Chairman WALSH. You did not suffer in that way?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. Did you visit back and forth with the others there in the camp?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. What time of day did you leave your camp?

Mrs. PETRUCCI. When?

Chairman WALSH. On April 20?

Mrs. PETRUCCI. I didn't leave my tent at all.

Chairman WALSH. You are the lady, I believe, who lost the four children?

Mrs. PETRUCCI. Yes.

Chairman WALSH. Was the basement in which these lives were lost under your own tent?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. When and how did you get to that place?

Mrs. PETRUCCI. Well, in the evening when the fire started I came out of my tent; it was all on fire, and I came out of my tent, and as I was coming out of my tent under that tank there was a lot of militiamen, and I was running out and hollering with my three children, and they hollered at me to get out of the way and they were shooting at me and I ran into this place.

Chairman WALSH. It was three children you had?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. You ran into this place where that basement was?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. What had that basement been used for—to take care of ladies during confinement in the camp?

Mrs. PETRUCCI. Yes.

Chairman WALSH. And they were kept away from the noise and any disturbances that might take place?

Mrs. PETRUCCI. Yes.

Chairman WALSH. Did anyone see you and your children leave the tent?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. What did anyone say or do when you and your children left the tent?

Mrs. PETRUCCI. These were the guards that saw me. As I was coming out of my tent they were hollering at me to look out, and shooting after me, and that scared me, and I went into the cave.

Chairman WALSH. How far were the guards from you when they hollered at you and shot at you?

Mrs. PETRUCCI. About 25 yards from my tent.

Chairman WALSH. They could see you plainly and you could see them?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Into what tent did you and your children run in connection with the other tent?

Mrs. PETRUCCI. Right at the back of mine. My tent was No. 1 and this was No. 58, right on the back of my tent.

Chairman WALSH. When you went in there was it your intention to take the children into the cellar of that tent?

Mrs. PETRUCCI. Yes, sir; for protection.

Chairman WALSH. How did you get into the cellar of that tent? Was there boards over the cellar?

Mrs. PETRUCCI. There was boards, but there was steps to go down.

Chairman WALSH. Was the door open or shut when you reached the tent?

Mrs. PETRUUCCI. Open.

Chairman WALSH. Was it left open or shut after you went down?

Mrs. PETRUCCI. Left open.

Chairman WALSH. If it came to be closed, did you ever know how it came to be closed?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. Where were the steps into the cellar of the tent into which you went, after you left your tent? Where were the steps in this tent you ran to for protection?

Mrs. PETRUCCI. They was dug in the earth.

Chairman WALSH. Just earth steps?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Where were they with reference to the front or back of the tent?

Mrs. PETRUCCI. They were just like this [indicating], right in front of me.

Chairman WALSH. After you walked right in there you could go down the steps into this basement room?

Mrs. PETRUCCI. Yes.

Chairman WALSH. How deep was the room under the surface of the earth?

Mrs. PETRUCCI. I think about 6 feet.

Chairman WALSH. How many people were in the cellar when you got down into it?

Mrs. PETRUCCI. Three women and eight children.

Chairman WALSH. Who were the women?

Mrs. PETRUCCI. Mrs. Costa, Mrs. Valdez, and Mrs. Patragou, and myself.

Chairman WALSH. Were those other women friends of yours that had been in the tent colony?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. How did you get your children in there?

Mrs. PETRUCCI. They followed me; I had my baby in my lap and the little girl by the hand and the oldest walked by himself.

Chairman WALSH. How old were the children?

Mrs. PETRUCCI. One was 4; he would have been 5 yesterday; the little girl was 2½, and the baby 6 months old.

Chairman WALSH. Did you talk to Mrs. Costa after you got in the tent?

Mrs. PETRUCCI. Yes.

Chairman WALSH. What conversation did you have when you got in there?

Mrs. PETRUCCI. I said to Mrs. Costa "They are burning the tent and we had better get out." She said, "Oh, Mary, you had better stay in, because it is safer in here, and we could not burn," not realizing about the smoke.

Chairman WALSH. What time was that with relation to the time you went into the tent—how long afterwards?

Mrs. PETRUCCI. It was not more than 10 minutes after I was in there that the tent started on fire, and we soon became unconscious.

Chairman WALSH. You were in there 10 minutes before you lost consciousness?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Before you lost consciousness did you realize that the tent was on fire?

Mrs. PETRUCCI. I seen that it was on fire.

Chairman WALSH. It was not on fire when you went in there?

Mrs. PETRUCCI. No, sir, or I would not have gone in.

Chairman WALSH. Were you unconscious all night?

Mrs. PETRUCCI. Yes, sir; until the next morning at half past 5.

Chairman WALSH. What was your first consciousness the next morning?

Mrs. PETRUCCI. Just as soon as I came out I went to look at my barrel for a drink of water, I was so suffocated, and then I happened to look back and there was five or six more tents that were not burned, and I was going to the depot, and when I was going to the depot there were guards coming down and I was looking back for fear they would shoot me.

Chairman WALSH. Now, did you suffer when you came to, Mrs. Petrucci? Were you in bad physical condition? Did you feel badly?

Mrs. PETRUCCI. I suppose I was worse than a drunken person. Every place I would go the road was all mine.

Chairman WALSH. The road——

Mrs. PETRUCCI (interrupting). Yes; like a drunken person.

Chairman WALSH. And how long did you feel that way that morning? How long did that last? That bad feeling?

Mrs. PETRUCCI. I don't know how long it lasted, because as soon as I got to Trinidad I had to go to bed.

Chairman WALSH. How long were you in bed?

Mrs. PETRUCCI. I was in bed nine days. I took pneumonia.

Chairman WALSH. Pneumonia, and in bed nine days?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Now, did you suffer a great deal during that time and before you were taken to your bed?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. When did you get to Trinidad, and how were you taken to Trinidad?

Mrs. PETRUCCI. Well, I went up at the depot that morning, and when I got there somebody paid my ticket, and when I got in Trinidad I didn't know nothing, or didn't know nobody.

Chairman WALSH. Now, did you relate your experiences to the leaders of the miners after you got to Trinidad?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. Who first did you tell your story to?

Mrs. PETRUCCI. I told my first story to Mrs. Champion.

Chairman WALSH. Is that a friend of yours?

Mrs. PETRUCCI. No; she lives in Denver.

Chairman WALSH. Mrs. Champion?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. She made an investigation down there?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. That was a lady that lived in Denver?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. And you told her this same story?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. Did you know your children were dead when you were taken out that morning?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. And when did you find it out?

Mrs. PETRUCCI. Well, when I went around up to the depot, I sent Mrs. Holleran down to see, and she couldn't find this place where the children were.

Chairman WALSH. Have you ever been out of Colorado before this trip?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. This is the first time, of course, you ever were in New York or these cities that you passed through?

Mrs. PETRUCCI. Oh, I was in Washington in May.

Chairman WALSH. You were in Washington in May?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. After this Ludlow affair?

Mrs. PETRUCCI. Yes.

Chairman WALSH. And that was the first time you were ever out of Colorado?

Mrs. PETRUCCI. Yes, sir.

Chairman WALSH. And you don't know what school facilities other people had?

Mrs. PETRUCCI. No.

Chairman WALSH. You didn't know, except from what you heard, that people went to church and got religious——

Mrs. PETRUCCI. Yes.

Chairman WALSH. You had just been told that. Did you go to church in Trinidad any?

Mrs. PETRUCCI. Yes.

Chairman WALSH. Was there any place in the towns in which you lived to which the people could resort for social intercourse—that is, to meet each other daily or nightly?

Mrs. PETRUCCI. No, sir.

Chairman WALSH. There was no such place?

Mrs. PETRUCCI. No.

Chairman WALSH. Did you have some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. Do you know, Mrs. Petrucci, how the fire started?

Mrs. PETRUCCI. No; I do not.

Commissioner WEINSTOCK. You did not see the fire at the start?

Mrs. PETRUCCI. No; I did not see the fire at the start, because I had my cellar door shut; because the bullets were coming in there so thickly I had to close it. And when I saw it, it was kind of a stream across the door—there was, you know, that was carried down—you know I got out of my tent; it was all on blaze.

Commissioner WEINSTOCK. At the time you left the tent it was already on fire?

Mrs. PETRUCCI. Yes, sir.

Commissioner WEINSTOCK. That is, the fire had spread from one tent to another?

Mrs. PETRUCCI. Yes, sir.

Commissioner WEINSTOCK. All down the line?

Mrs. PETRUCCI. I don't know if it spread or they set them on fire, but I suppose some one set my tent on fire, because my tent was the first one burning.

Commissioner WEINSTOCK. The fire started in your tent?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. That was the beginning of the whole fire, right in your tent?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. What time of the day did that happen?
Mrs. PETRUCCI. Well, it happened in the evening, I guess about 6——
Commissioner WEINSTOCK. At night or in daylight?
Mrs. PETRUCCI. It was still light.
Commissioner WEINSTOCK. Did you notice anybody around your tent?
Mrs. PETRUCCI. No, sir.
Commissioner WEINSTOCK. Did the fire start inside the tent or outside?
Mrs. PETRUCCI. From the outside, it was, but when I saw it it was all on fire.
Commissioner WEINSTOCK. Were you in the tent when it took fire?
Mrs. PETRUCCI. Yes; I was inside of my cellar.
Commissioner WEINSTOCK. At the time the fire started?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. Then couldn't you tell how it happened?
Mrs. PETRUCCI. No, sir; I got frightened, you know. I had my three children with me, you know, and to save me——
Commissioner WEINSTOCK. Did you have a cellar in your tent?
Mrs. PETRUCCI. Yes.
Commissioner WEINSTOCK. And you were down in the cellar?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. And then when you saw the fire you came out of the cellar?
Mrs. PETRUCCI. Yes; I jumped out of the cellar with the baby in my lap, and then took one of the other children, one by one, by the hand and pulled them out of there and run into this cave.
Commissioner WEINSTOCK. What had become of your neighbors, the ones that had the tents next to you?
Mrs. PETRUCCI. I don't know. There were three of them in that hole—in that cellar.
Commissioner WEINSTOCK. With you?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. Then you took them from your cellar——
Mrs. PETRUCCI. No; they was not in my cellar; they were in this bedroom cellar that we just spoke about.
Commissioner WEINSTOCK. Now, let me make sure that I understand it. Did every tent have a cellar, too?
Mrs. PETRUCCI. Not every one of them.
Commissioner WEINSTOCK. Your tent had a cellar?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. And then this other tent that you went to also had a cellar?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. And then you came out of your cellar and went over to this other one?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. Now, as you came out of your tent to go to this other cellar did you notice any people around there?
Mrs. PETRUCCI. No, sir.
Commissioner WEINSTOCK. Nobody?
Mrs. PETRUCCI. No; just the militiamen under that tank.
Commissioner WEINSTOCK. How far were they from where you were?
Mrs. PETRUCCI. About 25 yards, I think.
Commissioner WEINSTOCK. They were the closest persons to your place?
Mrs. PETRUCCI. Yes, sir.
Commissioner WEINSTOCK. And you have no idea how the fire started?
Mrs. PETRUCCI. No, sir.
Commissioner WEINSTOCK. That is all.
Chairman WALSH. Just one question. Did they keep away from you the knowledge of your children's death when you were taken out that morning?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. Did the people tell you that your children were dead?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. They took you right off to Trinidad?

Mrs. PETRUCCI. No. This—I sent Mrs. Holleran down to see if my children were alive yet. I sent her down, and nobody knowed that place.
Chairman WALSH. And what did this lady tell you? Did she tell you your children were dead?
Mrs. PETRUCCI. She did not.
Chairman WALSH. She did not find them?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. And who went to Trinidad with you?
Mrs. PETRUCCI. There was lots more women up at the tent colony depot.
Chairman WALSH. Did you try to find your children again before you went to Trinidad?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. What did you think had become of them?
Mrs. PETRUCCI. I was not thinking any way.
Chairman WALSH. Your mind was in such a condition that you could not think?
Mrs. PETRUCCI. No, sir.
Chairman WALSH. Commissioner Lennon wants to ask you a question.
Commissioner LENNON. Were your children and the others found after you had gone to Trinidad?
Mrs. PETRUCCI. Yes, sir.
Commissioner LENNON. They were found afterwards?
Mrs. PETRUCCI. Yes, sir.
Commissioner LENNON. Those were all the children you had, were they—the three?
Mrs. PETRUCCI. I had four, and one had died the 7th day of March, and this was the 20th of April.
Chairman WALSH. Commissioner Ballard would like to ask you a question or two.
Commissioner BALLARD. Mrs. Petrucci, you finally came to yourself and came out yourself?
Mrs. PETRUCCI. Yes.
Commissioner BALLARD. And walked away?
Mrs. PETRUCCI. Yes, sir.
Commissioner BALLARD. You were sort of half dazed and half unconscious?
Mrs. PETRUCCI. Yes, sir.
Commissioner BALLARD. Do you remember whether, when you went in that cellar, whether the door was closed?
Mrs. PETRUCCI. It was open.
Commissioner BALLARD. The door was open?
Mrs. PETRUCCI. Yes, sir.
Commissioner BALLARD. And after you all got in there why it was closed, after the tent was on fire?
Mrs. PETRUCCI. No, sir. We couldn't close it because we didn't have time to.
Commissioner BALLARD. The door never was closed?
Mrs. PETRUCCI. No, sir.
Commissioner BALLARD. The smoke came right in?
Mrs. PETRUCCI. Yes, sir.
Commissioner BALLARD. Did you all pull any bedclothes over you or bed covers down there?
Mrs. PETRUCCI. I did not, but Mrs. Costa did. There was one in there, and she took it and put it over herself and her two children, and I asked her to give me some of it and she said there was not enough for herself.
Commissioner BALLARD. Well, how long had you been in the tent colony?
Mrs. PETRUCCI. Since January.
Commissioner BALLARD. And you liked it there very much?
Mrs. PETRUCCI. Yes, sir.
Commissioner BALLARD. Who paid the expenses while you were there?
Mrs. PETRUCCI. The union.
Commissioner BALLARD. Who is paying your expenses now?
Mrs. PETRUCCI. The union.
Commissioner BALLARD. That is all.
Chairman WALSH. Commissioner Garretson would like to ask you a question or two, Mrs. Petrucci.
Commissioner GARRETSON. Were you the only one that came out of that cellar alive?
Mrs. PETRUCCI. No, sir; I and another woman.

Commissioner GARRETSON. Did she regain consciousness before or after you did?

Mrs. PETRUCCI. She regained before I did.

Commissioner GARRETSON. Did she arouse you?

Mrs. PETRUCCI. No.

Commissioner GARRETSON. She left on her own volition?

Mrs. PETRUCCI. Yes, sir.

Commissioner GARRETSON. And you afterwards

Mrs. PETRUCCI. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you very much, Mrs. Petrucci. Call Mr. Lawson, please.

TESTIMONY OF MR. JOHN R. LAWSON—Recalled.

Chairman WALSH. Mr. Lawson, Commissioner Weinstock wanted you recalled for a few more questions, or some more questions.

Mr. LAWSON. Yes.

Chairman WALSH. Just take your seat.

Commissioner WEINSTOCK. You are international board member, district 15?

Mr. LAWSON. District 15.

Commissioner WEINSTOCK. United Mine Workers of America?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. And you are also president of the State Federation of Labor of Colorado?

Mr. LAWSON. No, sir; that is a mistake. Mr. John McLennan is president of the State federation of labor.

Commissioner WEINSTOCK. I see. Well, for the information of this commission, Mr. Lawson, will you tell us what you know about a journal called the United Mine Workers' Journal?

Mr. LAWSON. That is the official organ of the United Mine Workers of America.

Mr. WEINSTOCK. It is published and owned by the United Mine Workers?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. Well, is it regarded as a reliable journal?

Mr. LAWSON. I think it is by the miners; yes, sir.

Commissioner WEINSTOCK. That is, they have confidence in its character and in its integrity?

Mr. LAWSON. Yes, sir; I believe they have.

Commissioner WEINSTOCK. And the United Mine Workers' Journal would not knowingly or intentionally publish any misinformation, would it?

Mr. LAWSON. I believe not.

Commissioner WEINSTOCK. You yourself have confidence in its character and standing?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. You remember that when you were on the witness stand the other day, Mr. Lawson, I read to you out of the records of the hearings a document that had been placed in evidence by the mine owners of Colorado which contained a set of resolutions adopted by the miners of Pennsylvania?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. In which they charged——

Mr. LAWSON. Pardon me; you read that out of the Coal Age, I believe.

Commissioner WEINSTOCK. Well, it was a clipping from the Coal Age that I read from the Denver proceedings—that is, from our transcript of the testimony.

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. And you will recall that those resolutions, adopted by the mine owners, charged the United Mine Workers of America in Pennsylvania as having broken their contract.

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. And that there had been a hundred strikes in violation of their contracts?

Mr. LAWSON. Yes; that was the charge, as I recollect.

Commissioner WEINSTOCK. Now, to refresh your memory and mine, let me read from the proceedings of the other day just what was said.

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK (reading): "In the document that you read yesterday afternoon to the commission, among other things as nearly as I can recall the language, you made the statement and went on to say that you believed that the United Mine Workers of America were worthy to be recognised and dealt with because they always observed their contracts.

"Answer. Yes, sir.

"Question. That they had not violated any of their agreements?—Answer. Yes; I made that statement, or a statement similar to that.

"Question. That was the substance?—Answer. Yes; that is the substance.

"Question. You note the claim is made here—referring, of course, to the resolutions passed by the employers—that there were a hundred strikes in violation of their contract?—Answer. Yes; I have heard that claimed so many times all over the country that it is familiar to me.

"Question. Is it a fact?—Answer. No; it is not a fact.

"Question. How many strikes did take place in violation of the contract?—Answer. There might have been, and I will be as fair as I can in this matter—let me admit that there may have been here and there in this country a local strike wherein some members of the local union who were not perhaps good union men, succeeded in misguiding members of that particular local. Those very few instances have been charged up against the United Mine Workers of America as a violation of contract when, as a fact, in nearly every instance I can recall that has ever come before the international executive board, and I have been a member of that board since 1905, the matter has been taken up and the men have either gone back to work and stayed at work under the contract, or the charter has been taken away from them, and they have been put out of the union.

"Question. Now, seemingly from the resolutions passed by the mine owners the union officials were utterly unable to carry out their part of the agreement. There is nothing to indicate to us that those men were disciplined or that the charter was taken away or that they were ordered to go back to work unless you have testimony to that effect.—Answer. In the first place, I want to again call you attention to the fact that the Coal Age is one of the official journals of the operators.

"Question. The Coal Age is not saying this. This resolution was passed by the operators.—Answer. That is the same thing, so far as I am concerned.

"Question. The Coal Age simply published it.—Answer. The operators are making the contention there that these things are taking place, and until I could know all of the facts and what action was taken by Mr. Gilday or by the international executive board I would not be in a position to answer that question as you would desire to have it answered; but I am not willing to admit that the miners' organization of any State violated the law without more full information."

If you were here when Mr. Mitchell was being examined, you must remember that I put the same question to him, and that Mr. Mitchell answered substantially as you did, that he was not familiar with the facts and therefore was not in a position to make answer. Whereupon I asked that this letter be sent to the mine operators—or rather I wrote a letter to Prof. Charles McCarthy, who is managing director of our commission and has charge of the machinery of the commission—and I wrote to him as follows [reading]:

"Among the charges made by the Colorado coal operators against the United Mine Workers of America is that the unions are contract breakers; and as proof thereof they have submitted at our Denver hearing a set of resolutions adopted by the coal operators of Pennsylvania, which set forth that in over a hundred instances did the United Mine Workers of America break their contract and go on strike despite a provision in the contract that there should be no cessation of work, but that all disputes should be submitted for peaceful adjudication.

"The attention of Mr. John McLennan, of Colorado, and also Mr. John Mitchell, while testifying before the commission, was called to these alleged violations. Neither of these witnesses, however, were sufficiently familiar with the facts to answer the charge.

"I think it of great importance in our work to know authoritatively what are the facts. I therefore ask that you have a circular letter sent to every coal company in the country asking what has been their experience in the matter of the observance of agreements on the part of the coal miners and to cite specific

instances where contracts, if any, were broken. It might be well in this same circular to ask each company also to state what advantages and disadvantages they find in unionizing their mines."

Since I dictated that letter, Mr. Lawson, there has come into my possession a clipping from the United Mine Workers Journal, which, you tell us, is the official organ of the United Mine Workers of America and which is dependable and reliable and which would not knowingly or intentionally publish any misstatement——

Mr. LAWSON (interrupting). Yes, sir; that is my judgment.

Commissioner WEINSTOCK. I have here a communication sent to the United Mine Workers Journal by Mr. W. O. Smith, who, from all I can learn, is ex-president of ex-chairman of the executive committee of the Kentucky district of the United Mine Workers of America.

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. I take it that he represents probably the highest type of unionist; that he seemingly is a man of influence within the union, because, as he goes on to recite here, he was asked by the unionists to intercede in their behalf and in the interest of certain strikers in a certain coal mine to get them reinstated. Now, I have found in my experience, Mr. Lawson, two kinds of unionists. I have found one type of unionist who substantially says: "May unionism ever be right; but, right or wrong, unionism." I have another type of unionist who says, substantially: "May unionism ever be in the right and may it ever strive to right wrongs; but when it is in the wrong and when it ceases to right wrongs I am no longer a unionist."

I want to say, further, before I read this, Mr. Lawson, and invite your comments on it, that I have also found two kinds of critics of unionism, the one critic who slaps the unionist on the back and calls him a horny-fisted son of the soil, but who takes mighty good care not to call the attention of that unionist to the weaknesses and failings and shortcomings of unionism. I have found other critics of unionism like the man whose letter I am about to read, who is a real friend of the unionists, and in a friendly and helpful spirit does not hesitate to point out to the unionist and to unionism its shortcomings and failings, in order that it might be better able to correct those shortcomings and failings, and who therefore, in my judgment, is the best friend of unionism. You will recall that when Dr. Eliot was on the witness stand that he made the statement that in his opinion some of the worst enemies of unionism were to be found within its own ranks—the unionist who was a contract breaker, the unionist who was a violator of law.

Now, Mr. Smith in sending his communication to the United Mine Workers of America Journal has this to say in the matter of contract breaking. He says, among other things [reading]:

"For many years the United Mine Workers of America has preached and practiced the doctrine of the inviolability of contracts, and by so doing has won the respect and confidence of the general public—a mighty influence, affecting all industrial disputes and conflicts. But for the past two or three years this respect and confidence has been waning, not because the officials have failed to do their duty, but because of the indifference of the conservative members of our unions and the activity of the later radical element, which is responsible for the greatest menace that has ever threatened the United Mine Workers of America—the local strike. During the past two or three years the international as well as the district and subdistrict officials, have been confronted with many perplexing problems, some of which seem to threaten the very life of the organization; but I believe I am safe in saying that no problem has given them as much concern as the problem of local strikes in violation of agreements.

"Thousands of dollars are expended every year in the effort to organize the 200,000 nonunion miners in the United States, while hundreds of our members go on strikes almost every day in absolute inexcusable violation of existing agreements."

Now, here we have testimony from a most reliable source and from the ranks of unionism itself that the United Mine Workers of America are contract breakers; and your comment is in brackets.

Mr. LAWSON. I think, Mr. Weinstock, the letter of Mr. Smith might be well taken as an honest criticism by a member of our organization or by an official who has a desire—as I believe every good member of our union or every good official of our organization—to show that the organization is maintained through the fact that it does not believe in violations of contracts. I believe that is one of the things that the organization can boast most proudly about, is the fact

that it does not violate its contracts when once entered into. I desire to reiterate that statement and make it just as strong and emphatic as I know how.

This statement from Mr. Smith has reference to individual membership and, perhaps, local unions. I want at this point, first, to draw your attention to the fact that there is a channel through which every single grievance, whether it be from a member in our ranks or whether it may come from a local union or a subdistrict or from officials in the organization; and the operators who have signed a contract with our organization have also and likewise the proper channels in which and through which to take their grievances up to the head of our organization. And I want to say, again, and make it as strong as I know how, there never has yet come, to my knowledge, since I have been a member of the international board since 1906—and I don't know of any before that time from reading the records of the organization—when our international board have ever encouraged or sanctioned a violation of contract.

Now, in regard to this letter, I think, and I know Mr. Smith, I think he is a bright, honest, and good member of our union. He was at one time president of the Kentucky miners. This man may see or may think he sees a danger confronting the organization from even the individual violations of contracts, but to cite you an illustration, Mr. Weinstock, I have read in the public press of this country many times lately articles drawing the attention of the National Government of this country to the fact that New York is without protection in case it was invaded by one of the countries now a war, and San Francisco is in the same position. Any man in this country, whether he be a citizen of the humblest rank or whether he be in some official capacity, would have a perfect right, in my judgment, to offer an honest criticism of any weakness in our Government or point out any danger ahead. That is what Mr. Smith has done, and I appreciate his effort, and I think he is working along the right line. This organization does not want and does not believe in and does not foster and will not encourage the violation of contracts, and I want to say again, as in international representative, I have been sent to various States in this Union outside of my own district; for illustration, I have been sent to Wyoming to adjust grievances there between the miners and the operators. I have been sent to Montana on the same mission. I have gone to Washington—the State of Washington—on the same mission. And each and every time the record will show that where the men were wrong they either went back and resumed work at once or they were told their charter would be taken off the wall and away from them. That has happened a great many times in our organization, but I think you will agree with me that in an organization of something over 400,000 mine workers men from all walks of life, men of so many different nationalities—for illustration, in Colorado we had 22 different nationalities in the coal mines in Colorado, and I think you will agree with me that with that great conglomeration of different nationalities, if I may call it such, men who are brought to this country by the operators, men who have not had a chance to understand what unionism means, men who have not been members of organizations long enough to get the education that we are trying to give them, Mr. Weinstock, men who do not understand how necessary it is not to violate contracts—sometimes those men do make mistakes, and sometimes men who are sent into our union by the coal companies and are paid as spies come into our union and work on our union members, and they themselves bring about and encourage discontent and do what they can to stir up local strikes.

Commissioner WEINSTOCK. May I ask, Mr. Lawson, are you a member of the I. W. W.?

Mr. LAWSON. No, sir; and I want to say this in connection with that: Our organization, the United Mine Workers of America, have no connection at all with the I. W. W.

Commissioner WEINSTOCK. You are, of course, familiar with the doctrines of the I. W. W. more or less, as most laboring men are?

Mr. LAWSON. Well, I am somewhat, as an ordinary citizen would be, perhaps.

Commissioner WEINSTOCK. You are, among other things, that they advocate and practice an utter disregard for contracts?

Mr. LAWSON. I only know what I see in the press about those things, Mr. Weinstock. I can not speak authoritatively on that question, because we have no connection with the I. W. W.

Commissioner WEINSTOCK. Well, I can speak authoritatively on the question, because I have had occasion to investigate the I. W. W.

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. I am thoroughly familiar with their literature and doctrines and preachments, and unless you may be prepared to dispute them——

Mr. LAWSON (interrupting). I would be glad to hear it.

Commissioner WEINSTOCK (continuing). That one of the officials—one of their chief tenets is that they will not respect contracts; that they feel themselves at liberty, whenever it suits their purpose, to break a contract at their will.

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. Now, that being the case, if you were an employer, Mr. Lawson, would you care to enter into an agreement with the I. W. W., knowing beforehand that it would not be respected?

Mr. LAWSON. Well, in the first place, as I have stated, I have no personal knowledge——

Commissioner WEINSTOCK (interrupting). But if the facts were as I stated them to you, would you care to enter into an agreement with them——

Mr. LAWSON (interrupting). Our organization does not have any dealings with the I. W. W., and in the third place, as limited as my knowledge is, I understand that they do not make contracts.

Commissioner WEINSTOCK. They do, but they break them at will. Now, if you were an employer—this is my question——

Mr. LAWSON. Yes.

Commissioner WEINSTOCK. Let us get it straight. If you were an employer and knew that the I. W. W.'s were contract breakers, that they did not make any secret of it, but shouted it from the housetops and stated it frankly and candidly and openly, would you enter into a contract with them?

Mr. LAWSON. Well, I would have to answer that by asking this very brief question, because I haven't knowledge, Mr. Weinstock, if you will excuse me, but do you know of the I. W. W.'s making contracts anywhere in which they keep them?

Commissioner WEINSTOCK. No; I don't know whether they keep them. I do know that they break them at will, and that they themselves tell you so frankly, and make no bones about it.

Mr. LAWSON. I think like this, about any organization, just the same as I feel about the operators, if their word is not good I am chary about accepting their word after they break it once. I agree to that.

Commissioner WEINSTOCK. Very true. In other words, you, in common with the rest of us, feel that it is useless to waste time with a group that are unreliable and that will not make good on keeping faith?

Mr. LAWSON. I have always made it a rule, Mr. Weinstock, never to trust any man who lied to me.

Commissioner WEINSTOCK. A very wise rule, Mr. Lawson. Now, just as I, for example, from my knowledge, look upon the I. W. W.'s, it is very evident that the operators of Colorado looked upon the United Mine Workers of America——

Mr. LAWSON (interrupting). Well——

Commissioner WEINSTOCK (interrupting). Pardon me. As evidence that in their opinion that the United Mine Workers of America were either unwilling or unable to keep their contracts, they submitted to this commission the experience of Pennsylvania mine owners, who claimed that in a hundred cases the workers had deliberately broken their contracts and gone out on strike against their agreement. Now comes this corroborative testimony from within the ranks of the United Mine Workers of America, not expressing opinions, not saying what might happen, but saying what has and is happening. The language here is unmistakable. Mr. Smith says [reading]:

"Thousands of dollars are expended every year in an effort to organize the 250,000 nonunion miners in the United States, while hundreds of our members go on strike almost every day in absolute inexcusable violation of existing agreements."

Now, in the face of those facts can you blame employers if they should decline to do business with the United Mine Workers of America on the ground that however earnest and however zealous and however well meaning the officials may be they are unable to deliver the goods?

Mr. LAWSON. Let me go back just a little to make my answer, Mr. Weinstock; you draw the comparison between the I. W. W. and the coal miners' union. Of course, I can not speak for the I. W. W. organization, and I have so stated; but I can talk for the United Mine Workers of America. And I want

to say if your investigations were not more thorough toward the I. W. W. than the investigation of the coal operators who have taken snap judgment and have condemned the entire organization because of what they claim is certain local violations of contracts, then I am afraid that you have not investigated it very thoroughly.

Commissioner WEINSTOCK. But let me remind you, Mr. Lawson, that it is not necessary to investigate the I. W. W. on that for they admit it, they plead guilty.

Mr. LAWSON. We do not do that.

Commissioner WEINSTOCK. But here are the evidences.

Mr. LAWSON. No; I beg your pardon; that is not evidence. That is a statement written in our official journal, or published in our official journal as a warning, and as a criticism just the same as you can hear in any church in this town on any Sunday that you want to go to church; the minister will get up and tell men and women that if they do not be good they will go to some place else. I do not think those are facts. That is a letter, and it states quite specifically, I think it is plain. It is a warning against violation of contract, and I think that ought to be used from my side of this argument, showing you that we do not believe in the violation of contract.

Commissioner WEINSTOCK. Please let me remind you again, Mr. Lawson, that it does not say, If you will violate the contracts in the future such and such will happen, but it says, "You have been and are violating contracts now every day."

Mr. LAWSON. Does it state where.

Commissioner WEINSTOCK. No; it does not state where, but it makes it a common condition.

Mr. LAWSON. I want to repeat again for the benefit of the commission and of the record, my statement that I defy the coal operators, any or all of them in the United States, to point to a single instance where the international executive board has ever sanctioned or encouraged a violation of contract in this country or in Canada.

Commissioner WEINSTOCK. This does not say so, nor did the letter or the resolutions passed by the employers of Pennsylvania say so; it did not charge the officials. It simply says—this indicates clearly, as did the resolutions passed by the employers, that the officers were unable to control the rank and file; that the officers were unable to compel the rank and file to make good.

Mr. LAWSON. On that point I want to direct your attention to one point: If you will investigate central Pennsylvania, where Mr. Gilday was president, you will find in a large measure, at least, that they did not have any check off in that part of the State, and because of that fact there are a great many men, some members perhaps of our union, who are not under the same discipline as are the miners where they have the check off. That is where the check off is an advantage to the operators, and they can not violate their contracts, either as a local or as individuals where they have the check off.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell would like to ask a question or two.

Commissioner O'CONNELL. Mr. Lawson, in Commissioner Weinstock's introduction of this subject he asked you to certify to the fact that the Miners' Journal was the official organ, and that its contents therefore were certified to because it was that organ.

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. That is the sense of his proposition?

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. No; if you will pardon the interruption, that was not exactly the thought I had in mind; I did not expect the Journal to certify to anything. My question was, would it knowingly and intentionally publish any misinformation, and the answer was no.

Commissioner O'CONNELL. In other words, if it was published in this Journal it was a certification that established that.

Mr. LAWSON. Yes.

Commissioner O'CONNELL. That is a signed article and not an editorial?

Mr. LAWSON. Yes, sir; that is correct.

Commissioner O'CONNELL. That is a contributed article signed by a member of your organization?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And published in that open forum of your organization?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And the editor of the Journal has no say in the matter at all, he must publish it; each member has a right to send in those communications for publication?

Mr. LAWSON. Yes, sir; and I am glad you brought that out.

Commissioner O'CONNELL. So that this article, simply by being published in your magazine, has no more weight as a truth than if it was published in any other publication issued and distributed publicly to the people?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. The fact that it was published in your open forum does not make it any more a truth or a lie than if it was published anywhere else?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. If, however, the editor had written this, or the international president of your organization had written it, and written it as coming from John P. White, president of the United Mine Workers of America, he would have been speaking as the spokesman of your organization?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. So that this article simply is entitled to no more credence as being true or untrue because of its being published in the Journal of your organization than if it was published in the Manufacturers' Journal, or the Journal of the I. W. W., if it happened to get one out?

Mr. LAWSON. No, sir. May I comment on that point?

Commissioner O'CONNELL. Yes.

Mr. LAWSON. Your statement is exactly correct, and I had that point in mind, but I overlooked it as we talked at some length on the question. In the forum, when our members send letters to it, if they sign their names to the communications, or whatever they may be, they are usually published perhaps without the editor giving it very much consideration, especially if it is along the line of criticism against the miners in the organization or against the policies of the organization. It is up to the editor to publish all those articles or as many of them as they can get in.

Commissioner O'CONNELL. Now, Mr. Lawson, as to this effort to make of your organization a contract-breaking organization, or nonrespecting contract organization, in order that we may understand, your organization does not make, through its local union, or its membership, local contracts here and there in this coal field and that coal field and the other coal field?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. Those contracts are made with the operators' association, covering the entire territory or coal field?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. A contract is made for two or three States, for instance?

Mr. LAWSON. Yes.

Commissioner O'CONNELL. One contract covers that entire territory?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And the individual member is not a signer of that contract?

Mr. LAWSON. No.

Commissioner O'CONNELL. And in that territory there may be men who speak 15 or 20 different languages?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. There are all nationalities employed in that coal field?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And the fact that one individual out of several thousand, or 10,000, or, as in the State of Illinois, 80,000 to 100,000 miners are employed—the fact that at one tipple a man quits work in what may technically be called violation of contract—he stops work or refuses to do his work, and the rest of the men have to stop on that account—that is called by the operators a violation of contract, is it?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. And with possibly from 80,000 to 100,000 miners in one State under contract, it is easily possible for 100 violations of contract, so far as the workers are concerned, to take place in a day?

Mr. LAWSON. Yes.

Commissioner O'CONNELL. And yet no great damage has been done?

Mr. LAWSON. No.

Commissioner O'CONNELL. And the great fundamental principle underlying the contract made between your organization and the operators has not been violated?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. Your organization, as an organization—the international organization—your executive board, has not violated contracts that you have signed for your organization?

Mr. LAWSON. No.

Commissioner O'CONNELL. It is the individual here and there who takes upon himself to say, "I will not do this," or "I will not do that," and he stops work and that may result in others stopping work?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. That, however, is only an incident to your general contract?

Mr. LAWSON. That is all.

Commissioner O'CONNELL. Have you ever violated a contract with the Colorado coal operators?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. You have never had a chance, have you?

Mr. LAWSON. Well, yes.

Commissioner O'CONNELL. In the northern fields, in the field of the present difficulty, where you have been charged with being contract breakers, have you ever broken contracts with them?

Mr. LAWSON. Not with the C. F. & I. or the Victor-American.

Commissioner O'CONNELL. Have you ever had an opportunity to break a contract with them?

Mr. LAWSON. No, sir; we never signed with them.

Commissioner O'CONNELL. Then, their charging you with being contract breakers is hearsay entirely?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. They have never tested your honesty or integrity as to whether you would break a contract?

Mr. LAWSON. No, sir.

Commissioner O'CONNELL. But they are taking the statement of some operator in some other territory that you are a thief?

Mr. LAWSON. Yes, sir.

Commissioner O'CONNELL. Just the same as trying to make a thief out of a man because some one in his family stole?

Mr. LAWSON. It is just along the lines you have stated, Mr. O'Connell. We can not expect the entire organization to be held responsible for a violation—that is, a technical violation of a contract by some individual member, or a dozen members, any more than we can expect the operator to be blamed as an operators' association if some individual operator should violate his contract.

Commissioner O'CONNELL. As to the I. W. W., Mr. Weinstock says that the I. W. W. makes contracts and that it will break contracts. We have had before this commission the officers of two factions, one known as the Chicago faction and one known as the Detroit faction, having different methods and different theories; one practicing what they at all times preach—destruction—and stating that they do not make contracts with anybody, and the other the reverse; they make contracts and say they will break them at their will. Now, Mr. Weinstock asked you if you would, as an employer, make a contract with an organization that told you beforehand that they would not keep a contract. Would not the answer be largely based upon how badly you wanted men to work for you whether you would make a contract with them or not?

Mr. LAWSON. Yes, sir; I rather think it would.

Commissioner O'CONNELL. If you wanted men, and had to have them, you would make a contract; and if you did not want—did not need—the men, you would dictate whether you would contract with them or not.

Mr. LAWSON. Yes.

Commissioner O'CONNELL. The whole proposition is based on whether you have the men or need them?

Mr. LAWSON. Yes, sir; I think it would very largely depend on that. There is one thing more, Mr. O'Connell, to which I want to draw attention in connection with this matter. The operators of our State who have never had any contracts with us are the people who are going about and shouting from the

housetops, as Mr. Weinstock has said the I. W. W. do. Now, they may do that, I don't know, but I do know that the operators of Colorado are, and have been for a long time, shouting from the housetops that we, as the United Mine Workers, are contract breakers. I want to draw attention again to this other particular, and as Mr. Costigan well said yesterday, "Men ought to come into court with clean hands" when they come at all and especially when they bring a grievance.

I have in my hand a partial list of the labor and mining laws of our State, and I want to say that there are a dozen or more of those laws, and there are no better labor or mining laws in the United States than we have on the statute books of Colorado. And I want to make this statement before this commission, and I want to make it also as emphatic as I can, that certain operators, and I will select as example the oClorado Fuel & Iron Co., have violated continuously and repeatedly for a great many years every single law of these dozen laws I hold in my hands up until about two years ago. Within that period of time they have posted notices at their mine, "We will live up to the checkweighman law"; "We will give miners the 8-hour day"; "We will pay twice a month," and "We will abolish the scrip." And they also have abolished paying company store orders for postal money orders. Now, if the operators were trying to ocntend, and they are, that the United Mine Workers are contract violators, why don't they themselves live up to the law of the State and then come in and say, "We will keep contracts"?

Commissioner WEINSTOCK. Is it not a fact, Mr. Lawson, according to your own statement, that the companies simply have seen salvation and have reformed?

Mr. LAWSON. No, sir.

Commissioner WEINSTOCK. You say that for the past two years they have observed the law.

Mr. LAWSON. No; I did not mean to say two years. I will tell you what they saw; they saw the handwriting on the wall of the United Mine Workers of America. That is what they saw.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Ballard would like to ask a question or two.

Commissioner BALLARD. I was just going to ask—apparently the Colorado Fuel & Iron Co., who control that group of operators there are very determined not to treat with the United Mine Workers of America?

Mr. LAWSON. That is so.

Commissioner BALLARD. And also, coming back to that claim of contract breakers, can you suggest any reason for that feeling on the part of the operators? Has there been any quarrel or trouble, or what is it all about?

Mr. LAWSON. Yes; I can suggest a reason for it. It is not because of any quarrel or trouble between the United Mine Workers of America as an organization and the Colorado Fuel & Iron Co.; it is because they can not keep their coal camps closed while dealing with the union; it is because they have to comply with the laws of the State, which means the checkweighman, which means that they can not have company stores where the people have to sneak their trunks out of camps and go to Trinidad or some other town and buy the necessities of life and then sneak them back again, because if they do not they will lose their jobs and go down the canyon; they can not have their own company doctors, which we call horse doctors, and they can not hire company marshals to intimidate the people in the camps. When they sign a contract with the union they are compelled, through the agreement, to stipulate what they shall pay for all kinds of work, whether it be piecework or daywork or yardage, or contract work, or so much a ton, and so forth. Those are the reasons they do not want the union; they know they have to pay for those things, and they know they have to pay every man alike for like service. They can not take some poor man that they bring in from southern Europe who has perhaps never seen a coal mine before and expose him to the dangers of coal mining, and keep that man in poverty or peonage, which are the same things in reality.

Chairman WALSH. Commissioner Commons would like to ask a question.

Commissioner COMMONS. What are the rules of your organization requiring discipline of a local union that goes out on an illegal strike?

Mr. LAWSON. I think I have here——

Commissioner COMMONS (interrupting). You do not need to read it, you can just state it.

Mr. LAWSON. A local union that goes on a strike in violation of its contract is ordered back to work at once.

Commissioner COMMONS. By whom?

Mr. LAWSON. First, by the district officials.

Commissioner COMMONS. And then if they do not go back to work, what?

Mr. LAWSON. Then by the international president, international executive board, or international convention; it would be in rotation; and if they refuse they violate their charter and are no longer a member of our organization.

Commissioner COMMONS. Who can take away the charter?

Mr. LAWSON. The international president, the international board, or the international convention.

Commissioner COMMONS. Can a district organizer do it?

Mr. LAWSON. No, sir; the district officers can not take away charters; but they can have it taken away by the international president, board, or convention.

Commissioner COMMONS. As I understand it, both Mr. O'Connell and you agree that there have been violation of agreements by local unions.

Commissioner O'CONNELL. No; I did not speak of local unions; I spoke of individuals.

Commissioner COMMONS. Have you had occasion, in the history of your organization, when individuals have gone out and the local union has gone out, to back them up, in violation of agreements?

Mr. LAWSON. I have known of several occasions where the local union has stopped work, yes, sir; and on each of those occasions an officer has been sent to that local union—to that community—and those men have been sent back to work at once, always with the understanding that if they did not return immediately to work they would be put out of the organization. As I stated before, I went to Wyoming, Montana, and Washington on cases similar to this where they had grievances that had not been settled.

Commissioner COMMONS. They had quit work anyhow?

Mr. LAWSON. Yes; at several places.

Commissioner COMMONS. You might not call it a strike?

Mr. LAWSON. Yes; there was a dispute as to whether the contract was being lived up to in each instance by the operators, and I want to say this much, that in each of them it was a question of both the local union and the operators violating the contract together—they both violated it before they got through with it.

Commissioner COMMONS. Has it ever been necessary for your international organization to revoke the charter of a local organization?

Mr. LAWSON. I think they have revoked the charter of a local organization in the Southwest; but I can not give the name of the local union. I think there have been a few, but not many. A threat to do so is generally sufficient.

Commissioner COMMONS. Your records would show to what extent you have revoked charters, would they not?

Mr. LAWSON. Yes; if there have been any revoked.

Commissioner COMMONS. You think it has occurred, do you, once or twice?

Mr. LAWSON. It seems to me so, but I won't be sure. I remember several occasions where the board has taken action, where the president has taken action, and even the convention has taken action, notifying certain unions that if they did not comply with the terms of the contract and continue to comply with it, they would revoke their charters.

Commissioner COMMONS. What is the longest time any local union has been out on an illegal strike or quit work of this kind when an officer ordered them back?

Mr. LAWSON. I could not answer that just in the proper way, perhaps, because I do not know how long—not very long. It depends in this way, for illustration: If you were an operator and got into a quarrel with the men working in your mine, and it may be that you have violated the contract yourself, as I have said so many have done, and before you got through, instead of taking your grievance through its proper channel the men and you got into a fight and they stopped work, it may be some time before you take your case up to the international organization. Some of the operators do not want to do so, because they want to get into a fight with the men.

Commissioner COMMONS. I suppose this is the kind of case Mr. Weinstock speaks of in Pennsylvania, where they quit work and went back to work shortly afterwards when the officers came?

Mr. LAWSON. I don't know exactly, but I know in that part of Pennsylvania they have different conditions; they do not have the complete check off and the same discipline does not prevail there that prevails, for instance, in Iowa.

Chairman WALSH. At this point the hearing will stand adjourned until to-morrow morning at 10 o'clock. Please be in attendance so that you may be recalled, Mr. Lawson.

(Thereupon, at 4.45 o'clock p. m., Wednesday, February 3, 1915, an adjournment was taken until Thursday morning, February 4, 1915, at 10 o'clock.)

NEW YORK CITY, *February 4, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, Weinstock, and Garretson.

Chairman WALSH. Please be in order. The commission will now resume.

Mr. Lawson, please resume the stand. Dr. Commons does not seem to be here, and Mr. Lennon would like to ask a few questions.

TESTIMONY OF MR. JOHN R. LAWSON—Continued.

Mr. LAWSON. Mr. Chairman, before being asked any questions I would like to make a very brief statement.

Chairman WALSH. Very well.

Mr. LAWSON. My attention has been called to a statement issued through the press, supposed to be some of my testimony of a few days ago, to the effect that in 1903 I am supposed to have said that Mr. Rockefeller had made a statement that the miners and agitators would be run out of the State. I want to say that that is not a correct statement of my testimony, and I make the statement in this manner so that no injustice will be done Mr. Rockefeller or anyone else.

The statement I made was concerning the governor of Utah. The governor of Utah was reported through the press in either late November or early December of 1903 as having stated that if the miners of Utah went on strike they would be run out of the State of Utah.

My statement concerning Mr. Rockefeller was with reference to his testimony in Washington at the congressional hearing, on April 6, 1914, or just two weeks before the Ludlow affair.

And I would like also to supplement my answer to Mr. Weinstock concerning the purposes of our organization and to show why men do not desire to violate, or rather the organization does not desire to violate our contracts. The objects of our organization are to protect the lives and limbs and the health of men in and around the coal mines, to raise wages, to shorten the hours of labor, to improve the home life, and to make the home life more happy and comfortable; to demand that the child of every man shall have equal opportunity for education; to care for the sick, to bury the dead, to assist the widows and orphans, to raise the standards of citizenship and to secure industrial justice. I want to say that in attempting to raise the standards of citizenship there is no better way that I know of than through education, and to educate the men that when they make contracts with employers it is absolutely necessary for them to keep their contracts.

Commissioner WEINSTOCK. May I be permitted just one word at this point?

Chairman WALSH. Yes, sir.

Commissioner WEINSTOCK. I simply want to correct your point of view, Mr. Lawson, in relation to the questions that were put to you on the matter of contract breaking. It is not the contention of anybody that I have heard or anything I have read that the United Mine Workers of America start out deliberately and intentionally, like the I. W. W., to break contracts. It is conceded that the aim and hope and the desire of the United Mine Workers of America is to observe contracts.

Mr. LAWSON. Yes, sir.

Commissioner WEINSTOCK. But the facts that have been presented would indicate that in a goodly number of instances they have been unable to make good; they have not been able to deliver the goods.

Mr. LAWSON. Purely of a local character.

Commissioner WEINSTOCK. But widespread.

Mr. LAWSON. Over a territory embracing the United States and Canada.

Commissioner WEINSTOCK. You heard the statements as they were presented to you?

Mr. LAWSON. Yes.

Commissioner LENNON. Can you tell us, approximately, how many local unions there are in the United Mine Workers?

Mr. LAWSON. Something about 3,000, if my recollection is clear.

Commissioner LENNON. Do you know as to whether in these local unions the miners work in more than one mine belonging to one local union? Are there local unions containing workers from two, three, or four different mines?

Mr. LAWSON. Sometimes there are. It depends on the size of the mine and in what vicinity. I have known a good many cases where they are.

Commissioner LENNON. Well, that would mean possibly that in the country there were operated somewhere from 3,000 to 5,000 mines.

Mr. LAWSON. Yes.

Commissioner LENNON. In a general way?

Mr. LAWSON. Yes; I should think so; at least that many, and I think more.

Commissioner LENNON. You have been a member of the general board of the international for some time, have you not?

Mr. LAWSON. I was elected a member of the international executive board in 1905.

Commissioner LENNON. And it has been your duty, along with other members of the board, and the president, to go to places where difficulties arise and endeavor to settle them, is that true?

Mr. LAWSON. Yes; I have been sent by the international president quite a number of times to do that work.

Commissioner LENNON. In making those investigations and attempting a settlement, did you find in any cases that wherever there was violation of contract it was always the fault of the miners, or that sometimes the operators broke the contracts?

Mr. LAWSON. My experience has been in nearly every instance, I won't say every instance, but in nearly every instance where the contract had been broken by the miners, it was broken by both miners and operators about the same time; or it came up through their grievances that the miners had at the mine.

Commissioner LENNON. Did it not arise sometimes from an interpretation of an agreement where both sides got stubborn and both were responsible for the cessation of work?

Mr. LAWSON. Yes; it nearly always came about because of misinterpretation, we may call it, of the agreement by one side or the other.

Commissioner LENNON. Do you believe that the record could be secured indicating the causes of these cessations of work, as to whether the responsibility lay with the United Mine Workers of America or the employers, or in such cases as might lie equally with both—could any approximate record be had of that?

Mr. LAWSON. I think from our international office we could get such a record.

Commissioner LENNON. Would you undertake, for the commission, to get a record of that kind for the Pennsylvania district, for Illinois and Iowa—say, those three States.

Mr. LAWSON. Yes.

Commissioner LENNON. You need not go any farther. That will be sufficient to properly show the general tendency.

Mr. LAWSON. Yes, sir; you have reference to district No. 2, which Mr. Gilday was president of?

Commissioner LENNON. Yes.

Mr. LAWSON. Districts 2, 12, and 13?

Commissioner LENNON. That is all of Illinois?

Mr. LAWSON. And Iowa.

Commissioner LENNON. I could testify a lot about Illinois, but that is not my province. Now, I would like to ask if you can give any testimony or whether you can cite this commission to where testimony can be had as to whether or not there was purposely firing on the tents in the tent colony by the guards or militia?

Mr. LAWSON. I think——

Commissioner LENNON. After the people had been driven out.

Mr. LAWSON. I think that a great deal of testimony could be gotten on that very subject, Mr. Lennon, and might from the reports of the three members, officers of the Colorado National Guard, who were sent by Gov. Ammons into the strike district at Ludlow to make an investigation on the part of the

militia first. That is, speaking about Maj. Boughton, Capt. Danks, and Capt. van Cise.

Commissioner LENNON. Have you what they said on the subject?

Mr. LAWSON. Yes; I have at least extracts from their report with me here.

Commissioner LENNON. Bearing on that question?

Mr. LAWSON. Bearing directly on that question.

Commissioner LENNON. Read it into the minutes if you have it.

Chairman WALSH. Let me see just a moment. There were what you call two military courts out there when the trouble arose, a military court was set up at Trinidad, of which Maj. Boughton was the judge advocate general?

Mr. LAWSON. Yes; that is correct.

Chairman WALSH. And they assumed to bring in persons whom they considered were impeding the operations of the militia, as they called it?

Mr. LAWSON. Yes.

Chairman WALSH. And did not undertake to try those people, but they simply held them, and it was out of that that grew the complaints that men were held as high as 15 days without trial, and so forth?

Mr. LAWSON. Yes, Mr. Chairman; and in connection with that——

Chairman WALSH. I do not want to go into any detail, but I want to get clear now what you are going to read from.

Mr. LAWSON. Yes.

Chairman WALSH. This is not a report from that body, is it?

Mr. LAWSON. No.

Chairman WALSH. But after the Ludlow disaster?

Mr. LAWSON. Yes.

Chairman WALSH. Maj. Boughton advised, as the evidence shows here that he gave——

Mr. LAWSON. Yes.

Chairman WALSH. And had the governor to refrain from appointing the judge of the supreme court who had offered his services?

Mr. LAWSON. That is correct.

Chairman WALSH. And he suggested to Gen. Chase that they go and hold a military inquiry and that that military inquiry was held, a court was constituted, of which Maj. Boughton was again the judge advocate general and Messrs. van Cise and Danks, two of his subordinate officers, sat upon the board with him?

Mr. LAWSON. Yes.

Chairman WALSH. Is that correct?

Mr. LAWSON. Yes.

Chairman WALSH. And then tried the question of the alleged killing of Tikas by Linderfelt, and all those matters?

Mr. LAWSON. Yes; that is, the military board did that.

Chairman WALSH. And what you are going to read from now, do I understand that to be a portion of the findings of the military commission headed by Maj. Boughton and called by Gen. Chase, of the State militia?

Mr. LAWSON. Yes; the military commission appointed to investigate Ludlow.

Chairman WALSH. The Ludlow affair?

Mr. LAWSON. Yes.

Chairman WALSH. Confine yourself, then, to the extracts bearing upon this particular question.

Mr. LAWSON. Yes; that is very brief, Mr. Chairman. It is from the brief submitted by our counsel, Mr. Edward P. Costigan, Mr. Brewster, and Mr. Hawkins, in that matter. It is very brief.

Chairman WALSH. Now, are you going to read a part of the brief, or an argument or a citation from the report itself?

Mr. LAWSON. Yes; this is a citation from the report itself.

Chairman WALSH. A report made by Maj. Boughton and Capt. Danks and Capt. van Cise?

Mr. LAWSON. Yes, sir. This is brief, and says in a few words [reading]:

"A commission of the militia, composed of Maj. Boughton and Capts. Danks and Van Cise, reported on investigation that—

"'A troop of National Guards were enlisted about the middle of April among the superintendent and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps. This unit of the National Guard was designated Troop A, but so recently was it recruited that at the time of the battle of Ludlow it had not yet selected its officers, nor was it supplied with uniforms, arms, or ammunition. When this company was

called to reinforce the uniformed guardsmen at Ludlow, its members appearing in civilian clothes gave rise—perhaps excusably—to the belief of the strikers that they were armed mine guards, a class much hated by the colonists.'"

Then it goes on to say:

"We find that the tents were not all of them destroyed by accidental fire. Men and soldiers swarmed into the colony and deliberately assisted the conflagration by spreading the fire from tent to tent. This, too, was accompanied by the usual loot."

Chairman WALSH. What did that mean? What evidence was there of looting?

Mr. LAWSON. They took the property of the people of the tent colonies. It was a common occurrence, Mr. Chairman, earlier than this period; at times when I myself was in the tent colony, when the militia came to the tent colony on a pretended search, or a real search, for arms, they very often tore up the tents, broke open the trunks and everything; and it was a common occurrence and admitted and proven to be so that in many instances they took everything there they got their hands on—money or jewelry, for illustration.

Chairman WALSH. So when those officers say those things with reference to Ludlow—that the conflagration was accompanied by the usual looting—you take that to mean that they stole the property of the inhabitants?

Mr. LAWSON. Yes, sir; that they carried off everything that they could lay their hands on.

Chairman WALSH. Prof. Commons was interrupted in his examination of you last night, and I suppose he wishes to proceed now?

Commissioner COMMONS. I wish to see if we understand in regard to these statistics that you promised Mr. Lennon.

Mr. LAWSON. Yes.

Commissioner COMMONS. In reference to them, could you include there in each of these cases, I think they are the cases of the shutdowns owing to local grievances—that is, what you were going to report on?

Mr. LAWSON. Yes; the contention of Mr. Weinstock, I think, the other day, that he asked me at that time if I would produce the record on district No. 2 case in Pennsylvania where Mr. Gilday was formerly president.

Commissioner COMMONS. Now you were going to add to that Illinois and Iowa?

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. Now, will you include in that this question, first, whether it was simply a few individuals that quit work, or whether it was the entire local union that quit?

Mr. LAWSON. Yes.

Commissioner COMMONS. And will you also add the number of days they were out?

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. Then add the action that was taken by the general organization—State organization—or if it went up to the international board, the action that the officers of the union took in order to get the men back to work?

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. Now, might I ask what do you mean—what is your idea of what constitutes a violation of an agreement? Is it a part of the agreement—does a part of the agreement always consist in this that each side must continue at work until the grievance is settled? That is, there must be no lockout on the one side and no strike on the other until the grievance is settled. Is that part of the agreement itself?

Mr. LAWSON. That is usually in the agreement. You see each agreement is made by the different districts, and they are made by the districts or groups of districts, for illustration——

Commissioner COMMONS. Well, then, will you include that information, as to whether in each—what was the nature of the agreement on the question of stopping work? You get my point there, I think?

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. Whether the agreement provided that there should be no cessation of work pending the settlement of the grievance?

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. I infer from the nature of the agreements that every stoppage of work by an individual or by a local is a violation of the agreement?

Mr. LAWSON. Well, it depends some on the nature of the agreement entered into between the miners and the operators.

Commissioner COMMONS. How about Illinois?

Mr. LAWSON. I think the Illinois agreement has such a clause in its contract, but I am now speaking offhand. There are so many that I can not keep them all in my mind.

Commissioner COMMONS. I think it is a provision that there will be no stoppage of the work pending the settlement of the grievances?

Mr. LAWSON. We have in our contract in Colorado such a clause; if it is considered material I will read it into the record, but it is along the same line. It states how grievances will be taken up.

Commissioner COMMONS. I think that would be an essential thing in an agreement from the operators' standpoint, that what he is after in all these cases is to stop these short strikes and thus be able to fulfill his contract for delivery of coal. Would that not be essential to the operator?

Mr. LAWSON. Yes. There are several things that might be a cause for men to refuse to work, even with an agreement, that are not touched on in the agreement.

Commissioner COMMONS. That is what I want to get at also; I would like to know, from your standpoint, seeing that the big thing in these agreements is to prevent strikes,

Mr. LAWSON. Yes, sir.

Commissioner COMMONS. What is your justification for such strikes as have taken place in violation of agreement?

Mr. LAWSON. I can not tell you, of course, what the justification for strikes in violation of agreement would be, but there are one or two things that might occur that would bring about a strike notwithstanding an agreement. For illustration, there is a checkweighman on the tipple, and the scales have gone wrong, and the company refuses to fix the scale, and the men go to work this morning, for illustration, and the scales have not been fixed and they do not weigh correctly or exactly, and the men know they can not get their correct weights, and the checkweighman has no way of checking the proper weight. He might tell the men, "I can not guarantee you proper weights this morning because I have discovered the scales are not weighing correctly, and I have so reported, but they refuse to fix them." In my judgment where the wages of the men are put in that position, and they can not get their just weights, it might be that the men would refuse to go down in the mine, and say, "We will not send coal over the scale if they have been notified they are not correct and will not fix them."

And then again if a condition is discovered in the mine where the air is extremely bad and the health of the men is endangered by going in and the mine owners have been notified by the pit committee or pit boss, but pay no attention to it, as I have known of in many instances—under such circumstances the men may be justified in refusing to work under those conditions.

Then there are other conditions that the men might object to that might be extremely dangerous to life and limb, and an explosion might be imminent in a mine because of the nature of the different gases and the dust in the mine. Now, the company may have understood that and the men discovered this condition, and I want to say in connection with that that I have gone in mines and worked in mines when the men in the mine realized that there was a very great danger of an explosion at any time. Now, it probably sounds off color to say that I have worked under those conditions, but I have and other men have, because they did not have any other place to go, and if they made a complaint that they were not going to be able to stay there they would probably lose their jobs. But in union mines the workmen can not work under those conditions, because the pit boss would report to the men that it was discovered that the mine was dangerous, that there was fire in a certain portion and gas in another and there was danger of a gas explosion—because the State law applies to that—and the mine is saturated with moisture or adobe dust, and the mine is dangerous and the men know this circumstance, and like circumstances would in my mind be a justification for refusing to go into the mine, notwithstanding a contract which does not specify those exact things.

Commissioner COMMONS. In this report which you make state, in the case of each of these shutdowns, what the grievance was and whether it was covered by the agreement.

Mr. LAWSON. Very well.

Commissioner COMMONS. You have already got down the procedure as to whether it was taken up by the pit committee, and so on?

Mr. LAWSON. Yes.

Commissioner COMMONS. What years do you want?

Commissioner LENNON. I should say either 1912 and 1913 or 1913 and 1914; two years ought to be sufficient.

Commissioner COMMONS. It is understood then it is to be for 1913 and 1914, that they will be the years.

Now, could you, in making that report also report the same facts as to the anthracite coal fields?

Mr. LAWSON. Yes.

Commissioner COMMONS. And in addition to that will you not only send a copy to us, but also send a copy to the operators, to the secretaries of the operators' associations?

Mr. LAWSON. Yes; Mr. Commissioner, I would be glad to do that. In getting this record naturally I will be compelled to get it through the national secretary and his office, and I will request them to do this. I will tell them you have requested it.

Commissioner COMMONS. So that the operators concerned may see the report you send to us.

Mr. LAWSON. You want it made public, in other words?

Commissioner COMMONS. I want the operators to send us a report also.

Mr. LAWSON. You want the operators to send you a report?

Commissioner COMMONS. Yes; I want them to send us a report on the report you send and which will be sent to them.

Commissioner COMMONS. Mr. Chairman, I would have it noted in the minutes that our secretary be requested to ask the operators to send us in the report.

Chairman WALSH. This witness need not ask for any report from the operators' association.

Mr. LAWSON. I understand, Mr. Walsh.

Chairman WALSH. Let the Director of Investigation and Research for the commission call upon the coal operators for the—now just put in the list, Mr. Commons.

Commissioner COMMONS. Notify the coal operators that Mr. Lawson through his executive secretary, is that it?

Mr. LAWSON. Yes; the international secretary.

Commissioner COMMONS. International secretary will send to them a report of the following points: That this commission request them to examine that report and send in to the commission their comments on the report so submitted.

Mr. LAWSON. Yes, sir. And will you kindly add: That a copy of the operators' report shall be sent to our international office?

Commissioner COMMONS. And that a copy of the operators report be furnished to whom?

Mr. LAWSON. International offices of the United Mine Workers of America.

Commissioner COMMONS. I think that is all.

Chairman WALSH. I have been asked to submit some questions to you which I will do categorically. I have been asked first [reading]: "If precisely the same condition in the mines—that is, physical dangers to the miners—such as you have indicated, and other matters, would not justify the operators and owners from stopping the operations and excluding the miners, notwithstanding the contract provided for no cessation of work during disputes?"

Mr. LAWSON. Yes, sir.

Chairman WALSH. That is the first question. Here are a series of questions which I will ask [reading]: "Has any individual a right to invest his money in the securities of industrial corporations like the Colorado Fuel & Iron Co., for instance?"

Mr. LAWSON. I suppose they have the right, Mr. Chairman.

Chairman WALSH (reading). "If so, must the investor be a resident of the State in which the company is located?"

Mr. LAWSON. I do not think so.

Chairman WALSH (reading). "Must he live on the job, so to speak—that is, in the town or camp in which the company's work is located?"

Mr. LAWSON. I am not sure about that, Mr. Chairman.

Chairman WALSH. I am afraid you do not understand the question. If a man invests in securities of the Colorado Fuel & Iron Co. he is required to live in the place where the mines are being operated? I mean by law or under the law.

Mr. LAWSON. No; not to my knowledge, I should say.

Chairman WALSH. He buys the securities in the open market like anyone else, any security, and, of course, he can reside wherever he pleases?

Mr. LAWSON. That is my understanding, but I do not want to quote the law. The law is such a peculiar thing.

Chairman WALSH. These questions have been brought to me, and they involve some legal questions. So kindly do your best to answer them categorically.

Mr. LAWSON. Of course——

Chairman WALSH. And if you do not understand them I will elucidate them as far as I can.

The next question is [reading]: "How can he reside on the job if a company has work in several towns or camps in more than one State?" What is your answer to that?

Mr. LAWSON. He can not reside on the job very long unless the company wants to let him stay, not in our part of the country particularly.

Chairman WALSH (reading). "If he has the right to invest in the securities of any industrial corporation which may be offered to him, and it is not compulsory that he live on the job, is it necessary that he take any action to control or influence the management of the corporation because of his investment?"

Mr. LAWSON. Well, I suppose if he is a stockholder or a holder of bonds he would be entitled to the same rights that other men have, but I do not think he should. I do not know how he would go about it to secure the desired end.

Chairman WALSH (reading). "What would be the effect upon the management of any industrial corporation having several thousand investors on its list of security holders if each one of the investors attempted to control or influence the management of the corporation?"

Mr. LAWSON. Well, I do not know what the influence would be, Mr. Chairman. I can not tell you that.

Chairman WALSH (reading). "How much new capital could industrial corporations hope to obtain the use of if the present attitude of labor is continued, and labor insists upon a voice in the management of the industry, which voice would naturally give labor the control of both the industry and of the funds of investors tied up in the securities of industrial corporations?"

Mr. LAWSON. Well, there seems to be several points in that question. But it seems to me that when the time comes when labor is more generally recognized and gets more of the things that they produce I imagine there will be a great deal more capital invested in many ways; there would not be so much of it tied up in a manner that it is tied up to-day and not being put in use. For illustration, in such manner as the foundation that we are discussing here has tied up the funds.

Chairman WALSH. So that your answer to that, then, is that you think new capital would go in? I do not know who sent in these questions, but I want them to be very fully answered by you, if you can. Of course if you do not know and you can not answer it, you may say so. I will read this over again, because it is not clear in my own mind whether you have fully answered it or not.

Mr. LAWSON. The question is not clear in my mind.

Chairman WALSH. I will read it over again: "How much new capital could industrial corporations hope to obtain the use of if the present attitude of labor is continued and labor insists upon a voice in the management of the industry, which voice would naturally give labor the control of both the industry and of the funds of investors tied up in the securities of industrial corporations?"

Mr. LAWSON. Well, I do not see that giving the labor a voice—giving them an equal voice in the sale of their labor—will make any particular difference so far as the investment of capital is concerned. In fact, I think it will help bring more capital on the market, because it will settle to a large degree this industrial unrest, and because of the fact that labor, and not capital, is the basis of all value, I think it would increase the very things that we hope to bring about instead of decreasing them. I am not sure, Mr. Chairman, that that is a proper answer, even.

Chairman WALSH. Do you think that it is, Col. Weinstock?

Commissioner WEINSTOCK. The writer of the question assumes that a voice means control, and Mr. Lawson says that a voice does not necessarily mean control.

Chairman WALSH. I think that fully covers it.

Mr. LAWSON. It does not mean control.

Chairman WALSH. Maybe you had better explain. The writer of this question, Col. Weinstock, seems to assume that labor insisting upon a voice means that it insists upon a part in the management of the plant in other respects than related to labor conditions.

Commissioner WEINSTOCK. The assumption in that question as I see it, Mr. Chairman, is that voice means control. As a matter of fact, voice does not necessarily mean control.

Chairman WALSH. With that view of what I think about it, and what Col. Weinstock sees, maybe you can make a further answer. And there is not any question, so far as the United Mine Workers of America—their organization—is concerned, that they do not try to control the coal-mining industry at all.

Mr. LAWSON. And they concede to the operator this one thing—we find it in article 5 in the copy of the agreement from district 15, Colorado—the right to hire and discharge, the management of the mine, and direction of the working force is vested exclusively in the operator, and the United Mine Workers of America shall not abridge this right. The intention of this provision in regard to the discharge of employees or the refusal of employment or applications because of personal prejudice in matters affecting the operator or the United Mine Workers of America. But the right to hire and discharge is vested exclusively in the operators. They do not ask to control the industry, Mr. Chairman, but they do ask the right to sell their labor collectively. They contend they are entitled to that right.

Chairman WALSH. The next question [reading]: "What would be the condition of labor to-day if people who have had funds for investment had not put some of their money into securities of industrial corporations without regard to the present-day attitude of labor?"

Mr. LAWSON. I do not believe there would be so many unemployed in the country if there was not so much money tied up and kept tied up in that way.

Chairman WALSH. Would not the present condition of unemployment be largely overcome if labor were to cease its attacks upon industry and the funds invested therein, and thereby offer the greatest possible assistance to industry and investors in an endeavor to restore prosperity?

Mr. LAWSON. Yes, sir, Mr. Chairman; I expect there would probably be a great change come over this country and over the world if labor would cease its agitation. I think in a very few years there would not be any so-called unrest amongst the unemployed. They would be beyond that condition of creating unrest. There would not be anyone in this country who would dare open his mouth or say he was dissatisfied, any more than a coal miner can in one of the closed camps, of which the C. F. & I have 15 in Colorado—go in there and say, "I am dissatisfied; I have been robbed; or, have not been given my just weights and just wages or conditions"; and all the working people of the United States would be in that same identical condition. And that is why this unrest would be done away with.

Commissioner O'CONNELL. You say "closed camps." You don't mean union camps?

Mr. LAWSON. No; I mean closed against everybody by the company.

Commissioner O'CONNELL. That is what you mean by "closed camp"?

Mr. LAWSON. Yes; the closed camps of southern Colorado are called closed camps, because the company owns the ground, owns the homes, owns the stores, the post-office building, the saloons, the church if there be one, the school, and the recreation, and owns the camp marshals, and owns, in fact, everybody; and the officials of the town—I say they own them, for they control them. That is what I mean when I say a "closed camp."

Chairman WALSH. That is all. You will be excused now permanently.

Dr. Kirchwey will take the stand.

TESTIMONY OF DR. GEORGE W. KIRCHWEY.

Chairman WALSH. Will you kindly state your name, Doctor?

Dr. KIRCHWEY. George W. Kirchwey.

Chairman WALSH. And where do you reside, please.

Dr. KIRCHWEY. At 900 Riverside Drive, in this city.

Chairman WALSH. What is your profession, please?

Dr. KIRCHWEY. I am a lawyer; a professor of law in Columbia University.

Chairman WALSH. You were formerly dean of the Columbia Law School, I think?

Dr. KIRCHWEY. Yes, sir; for a good many years.

Chairman WALSH. I was going to ask you, covering what period of years, Doctor?

Dr. KIRCHWEY. 1901 to 1911, approximately; let us say, 10 years.

Chairman WALSH. Ten years, about. In these various relations you have made a special study of constitutional and corporation law both as applying to business operations and eleemosynary and charitable and philanthropic institutions?

Dr. KIRCHWEY. I have been called upon to make some study of those topics in the law; yes.

Chairman WALSH. As we understand, you have made a study for this commission of the present legal powers of the Rockefeller Foundation, have you not?

Dr. KIRCHWEY. I have.

Chairman WALSH. At the same time you have examined the law which would govern any foundation similarly incorporated, have you not?

Dr. KIRCHWEY. Inevitably.

Chairman WALSH. I am going to ask you now, Doctor, categorically, what is it, under its present charter, that the Rockefeller Foundation could not do? First, might it circulate a presidential message or a party platform or a criticism of a church or religious body?

Dr. KIRCHWEY. I am inclined to think, Mr. Chairman, that all those questions could be answered better together than separately.

Chairman WALSH. Would you be kind enough, Doctor, just to go through the list, if you have it there——

Dr. KIRCHWEY (interrupting). Yes, sir; I have.

Chairman WALSH. I suppose these questions you have seen?

Dr. KIRCHWEY. Yes; they were submitted to me last evening.

Chairman WALSH. I wish, then, that you would, in your own way, proceed and state what things the Rockefeller Foundation could or could not do under its present charter.

Dr. KIRCHWEY. By the present charter there is a very wide discretion vested in the trustees or directors, as well as a very extensive power vested in the corporation. It is, as you know, incorporated for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. And it is provided in the second section of the act that it may deal with and expend the income and principal of the corporation in such manner as in the judgment of the trustees will best promote its objects. That appears, upon the face of it, to vest pretty nearly absolute power without restriction of law in the corporation as administered by its trustees.

I am of opinion, however, that notwithstanding the wide discretion vested in the directors by the act incorporating the foundation, the foundation is restrained by general law from doing anything not comprehended within its expressed purpose. Any grant of power, however broad, is subject to this general principle affecting all corporations. A corporation as such, if we may assume a corporation to be incorporated without any specific granted power, as for example, if an act should be passed by the New York Legislature constituting this body a corporation, and saying nothing further, the corporation would have only two or three rights which inhere in the corporation by its very nature, the right to sue in its corporate name, the right to be sued as a corporation, and the right to have what is called perpetual succession. It would have no power to do anything else, not even to sue without special legislative permission. Any further power, in other words, must be derived from the acts creating it, from the expressed grant of authority contained in the act. What its directors think to be for the well-being of mankind, then, in the case of the Rockefeller Foundation, is not the test of its capacity. It can not, for example, do an act concededly immoral or illegal, as compounding a felony, or promoting immorality, or, shall I say, lending money at usurious rates of interest.

And, then, a corporation of this character is restricted by certain special laws. For example, a corporation not organized under the banking law or specially empowered to carry on a banking business is prohibited by law from carrying on a banking business. The constitution of the State forbids the legislature by special act to authorize any corporation to lay down railroad tracks. Therefore no right in the Rockefeller Foundation exists to lay down railroad tracks or could be inferred from the most general language of the act creating it. It is, in the same way, prohibited from exercising any exclusive privilege, im-

munity, or franchise. It is also prohibited in the same way by the same constitutional provision from receiving any grant or power to construct public bridges except under certain circumstances in certain places. The constitution also prohibits any grant of municipal aid to a corporation of this character. About all these things there is not and can not be any question, notwithstanding, that is to say, the liberal language of the act incorporating the Rockefeller Foundation. It is restricted by positive law in the matters and in the instances I have referred to.

As to the other acts which may be assumed to be exercised, the question is, Do they come within the authority conferred by the charter, or do they not? and the answer to this question rests, as I have said, not with the trustees of the corporation but with the courts. As to any act of the corporation, the question may be raised whether it is or is not guilty of having exercised a privilege or franchise not conferred upon it by law. The question may be raised by methods provided by statute, and the determination of the question rests, in the analysis, as I have said, with the courts.

Then, if I may turn back to the specific cases put in this question, Might the Rockefeller Foundation circulate a presidential message or party platform or a criticism of a church or religious body? There is nothing in the law that I have found prohibiting an individual or a corporation, or prohibiting a corporation of this character from doing that—from doing any of those things. The question is a question of judicial interpretation of the charter powers, and the question might present itself in this form: Is the act of circulating a presidential message or party platform or the criticism of a church or religious body an act promoting the well-being of mankind?

Chairman WALSH. Who would bring the lawsuit?

Dr. KIRCHWEY. The question may be raised in one of two several ways; ordinarily by a proceeding instituted by the attorney general by leave of the supreme court to which he has applied, the proceeding being for the dissolution of the corporation. Another proceeding which may be instituted under a variety of circumstances would be for a justice of the supreme court of the State to exercise his visitorial power, which he may do on the application of a creditor or a member of the corporation, not of the general public. In the exercise of that visitorial power a justice of the supreme court, or a person designated by him for the purpose, may make such an inquisition as this commission is making, may inquire into the proceedings, the state of the funds or finances of the Rockefeller Foundation; it may embody its findings in the form of an order or judgment, and that order or judgment becomes then the basis of further proceedings to be brought, as in the other case, by the attorney general.

Chairman WALSH. Proceed, if you please, Doctor.

Dr. KIRCHWEY. May I add that in either of these cases, whichever method of procedure is adopted, the corporation may be restrained by injunction pending the suit from the wrongful use or misuse of its powers.

Chairman WALSH. You may proceed, Doctor, through that list and state what these foundations might do prima facie under the powers given them by such a charter as the one you have under consideration.

Dr. KIRCHWEY. I will reread the first question: "Might it circulate a presidential message or a party platform or a criticism of a church or religious body? Might it distribute editorials praising public officials or criticising them? Might it confine its benevolent service to the organization of business enterprises? Might it conduct a propaganda against trade-unions? Or against workmen's compensation acts? Or against widows' pensions? Might it finance institutions opposed to trade-unions or circulate their literature? Might it furnish publicity agents to the Colorado Fuel & Iron Co.? Might it hire strike breakers?"

My answer is that it might conceivably do any of these things, no one of these acts being specifically forbidden by law. I began by enumerating the things a corporation can not do; I omitted one. The Rockefeller Foundation can not establish a hospital or dispensary under the name of "Lucretia Mott"; that is one of the whimsical prohibitions sometimes found in the law; it is an absolute prohibition in the exercise of its powers.

No one of these things I have read, nine possible exercises of its activity—no one of these is actually prohibited by law. Each one of these raises the question as to whether the act performed is or is not in the interest of—is a promotion of the well-being of mankind; and it will, in any case, be for the court to determine whether it is so or not. To my mind some of them would be clearly sustained by the courts as a proper exercise of the powers conferred on

it. I think we must assume that the circulation of a presidential message contributes to the well-being of mankind; politically, I think we are bound to assume that.

Chairman WALSH. Or a party platform?

Dr. KIRCHWEY. Yes; a party platform. I am not so sure about the criticism of a church or religious body. The court might divide on that, and it might think it was very undesirable that a private corporation should engage in religious propaganda.

Chairman WALSH. Courts might divide on any of these things?

Dr. KIRCHWEY. Yes; might divide on anything, I was going to say, except the circulation of a presidential message or a party platform, but they might divide on party lines possibly with respect to either one of these, in a given case.

Chairman WALSH. Now, using its funds for distribution of editorials praising public officials or criticizing them?

Dr. KIRCHWEY. I see some objections to that myself. I am not sure that the court of appeals of this State would sustain me in a given case, however. There, again, it is a question for the discretion of the court.

Chairman WALSH. Have you observed that the Rockefeller Foundation has instituted what they call an intensive investigation and an inquiry into the industrial relations of the United States and the world?

Dr. KIRCHWEY. I have, indeed.

Chairman WALSH. Have you observed that it has been testified by one of the trustees that funds could be used in this wise: That a statement made as to the proper conduct of an industry, the application of so-called democracy to industry, or of union principles or of nonunion principles could be circulated without stint—that is, that it was within their powers to do all of them, to circulate literature of that kind; that is, their conception of it?

Now, what do you think of that as a matter of law; could they do that? Or to put it this way—to put it in a concrete way—I will say this: For instance, that Mr. John R. Lawson, who has just been upon the witness stand here, for instance, makes a speech in the city of Denver in which he laid down what he understood to be the correct humane principle in the conduct of relations between the employer and employees, and that it could be assumed to be correct and a proper statement; that another person could make a statement, a contrastatement containing sophistries, false statement of basic economics, and such things as that, and then that this foundation as a foundation could conclude that the one which was truthful they should say nothing about and the sophistical one could be circulated to the extent that they desired it to be circulated, and all the funds necessary to be used from the income of the foundation should be used in that way. Now, I have stated the matter broadly. But the answer was that they believed that was strictly within their powers and rights.

Dr. KIRCHWEY. I am inclined to think that that was a correct answer. The power lodged in this corporation necessarily, I should say, carries with it the power to abuse and to mislead, as well as to lead aright, public opinion by any educational method.

Chairman WALSH. Yes; and you may assume that perhaps they did not know it was sophistical.

Dr. KIRCHWEY. I am assuming, of course, that they are acting in good faith.

Chairman WALSH. I am assuming that; that they did not know they could do it.

Dr. KIRCHWEY. They could do that.

Chairman WALSH. And thus establish broadcast a system of false education, improper information?

Dr. KIRCHWEY. I think there is no doubt that that is within their power, unless the matter circulated by them was so offensive to public opinion, so contrary to the trend of opinion or of morality in this country, that the courts would regard it as being contrary to the best interests of humanity, rather than a promotion of them.

There, again, we always come back to that question, as to the attitude of the judiciary, reflecting or not reflecting, as the case may be, the public opinion of the day.

Chairman WALSH. Under the present state of the law could the courts intervene if the matter published were not libelous?

Dr. KIRCHWEY. No; not directly.

Chairman WALSH. And they would have the right, under the general rule of free speech, to utter anything that they wished, being responsible only to those individuals who were damaged thereby?

Dr. KIRCHWEY. Yes.

Chairman WALSH. So, how would the public get at it if they did conclude to follow out a system of false education of the masses?

Dr. KIRCHWEY. In one of two ways: Either by the method I have suggested, of proceedings instituted for purposes of inquiry, and then the dissolution of the corporation; or by legislative action. I know of no other way.

Chairman WALSH. Now, you may run through those questions: "Might it conduct a propaganda against trade-unions?"

Dr. KIRCHWEY. Might I take the preceding one first, "C"?

Chairman WALSH. Yes.

Dr. KIRCHWEY. "Might it confine its benevolent service to the organization of business enterprises?"

That, I should say, comes very close to the danger line, and one is almost justified in saying that the organization of business enterprises for private profit, or merely for the profit of the corporation, is not a proper exercise of its functions, which, on the face of it, appear to be purely benevolent.

The organization is what in law is called a charitable trust, and I should say that if it goes outside the scope of a charity and engages in business that its activities would be likely to be condemned as not coming within the scope of the charter.

Chairman WALSH. The representative of the founder, himself one of the trustees, says he so interprets that they could build model tenements.

Dr. KIRCHWEY. That, I am inclined to think, they might do. Remember, I restricted my answer to the case of business enterprises whose primary object was profit. I do not believe they could engage in the manufacture of munitions of war for sale, for example, for profit. But I do not see why they could not spend their money in building model tenements, that being an accepted method of benevolence and of the amelioration of the condition of the congested masses of our society.

Chairman WALSH. Could the law then limit them renting the houses for the strict amount, or could they charge interest on the investment?

Dr. KIRCHWEY. Oh, I suppose they could do the latter.

Chairman WALSH. And then put that into something else?

Dr. KIRCHWEY. Doubtless.

Chairman WALSH. Go ahead.

Dr. KIRCHWEY. "Might it conduct a propaganda against trade-unions?"

Doubtless, if the directors honestly believed and the court of last resort before which the question comes also believes that it is in the interest of humanity that trade-unions should be put down, doubtless they might do so. Of course, the security that we have against any particular exercise of its activities is the state of public opinion, which is to a greater or less degree reflected in the attitude of the courts.

Chairman WALSH. And could we take the experience that this country has had with reference to righting other abuses as a sort of indication of the effort that would be required to be made and the length of time taken to correct any such abuses?

Dr. KIRCHWEY. I think we might draw some reasonable inference not too definite in character. It takes a long time. At the same time there is this to be said: Let us assume that the Rockefeller Foundation devotes itself to a wide-spread, sweeping, direct attack on trade-unions. I take it that the trade-union principle has become so well established as a matter of economic policy in the United States, as well as in England and in Europe generally, that it is fair to assume that the court before which the question would come as to whether such was or was not a proper use of the corporation's funds would to-day—any court of appeals or supreme court in the land—find that it was an improper use. I should expect that, without finding it necessary as a preliminary to educate public opinion and through public opinion to educate the courts.

Chairman WALSH. But that would have to be a sweeping denunciation of a principle that you believe to be accepted as a correct one by mankind in general?

Dr. KIRCHWEY. Yes.

Chairman WALSH. I will put another concrete case to you to see whether or not the courts would interfere, and also for you to say whether or not perhaps

the same result, so far as misinformation and improper education would ensue, without judging at this time as to who was correct.

Mr. Mackenzie King, working for the Rockefeller Foundation alone, not for the Colorado Fuel & Iron Co., they being an entirely separate organization, except that certain directors of the Colorado Fuel & Iron Co. are also trustees of the Rockefeller Foundation, suggests a plan or scheme which is said by the controllers of the Colorado Fuel & Iron Co. to be collective bargaining. That is, that the workers have a certain representation in the mines under certain circumstances through which they may appeal to the owners, or the managers, and I will state it in its broad aspects. The men involved, we will say, if not all advocates of trade-union principles or of the present-day labor organizations as they are planned, do not so recognise it. Mr. John Mitchell—I will draw the parallel case—goes upon the witness stand and says that that is a sham and a fraud upon the workers; that it is not collective bargaining and it does not so work out. Do you believe that the plan of Mr. Mackenzie King, even assuming that it is what Mr. Mitchell says it is, could not be circulated by the funds of this foundation with which he is connected, to any extent, without the intervention of the courts? Would that question not be such a broad one and so capable of different construction that the courts would not interfere?

Dr. KIRCHWEY. I am quite clear that in such a case, there being room for difference of opinion, and there being actual difference of opinion among fair-minded, intelligent people, I am quite clear that is a case in which the courts would not feel justified in interfering—because, remember, that interference means dissolution of the corporation, which is a rather drastic remedy.

Chairman WALSH. I did not understand that, Doctor, as a matter of law, then, the interference would have to be; that is, if taken by the present legal means that you have referred to, would mean that they dissolved the corporation, and then the capital would return to the donor or the heirs?

Dr. KIRCHWEY. That is a delicate question, but I should be very much surprised if the deed of trust conveying Mr. Rockefeller's millions to this corporation had not provided for that. And if it has provided for it in legal form, then the matter is settled.

Chairman WALSH. But if it does not provide?

Dr. KIRCHWEY. If it is not provided for in any such way, why, then, I imagine the old rule of the common law would apply, that upon the dissolution of the corporation its real property—I mean the real property conveyed to it for the purposes of the trust—would revert to the donors. But I believe there was no real property so transferred.

Chairman WALSH. No. It seems to be all personal.

Dr. KIRCHWEY. And the personal property would be forfeited to the State. But I presume that the matter was not left in that predicament.

Chairman WALSH. No audible expression please, ladies and gentlemen. We must proceed without it. Now, just go on down the line with those questions.

Dr. KIRCHWEY. Well, the next two or three questions might easily be grouped together: "Might it conduct a propaganda against workmen's compensation acts, or against widows' pensions?"

Well, the principle of the workmen's compensation act has become more firmly established than that of the widows' pension; yet there is still a great deal of doubt in the community as to the one of those that has been accepted—the workmen's compensation principle.

I find many very intelligent people, mostly employers and people closely connected with employers in a professional capacity, who are still hostile to the principles of the workmen's compensation acts. I should say that there was grave doubt as to whether the court would interfere with the Rockefeller Foundation by dissolution or otherwise if it undertook to use its funds in an educational campaign against workmen's compensation acts, even, or against widows' compensation.

The same thing might be said with reference to "G": "Might it finance institutions opposed to trade-unions or circulate their literature?"

Obviously, if it may conduct a campaign against trade-unions, and obviously not, if it can not. As I said before, I should say it depends entirely on whether it is a broad, sweeping attack on the trade-union principle, and perhaps a little bit upon the question of the particular court it came before, because judges differ also, as well as other men.

"Might it furnish publicity agents to the Colorado Fuel & Iron Co.?"

I should say that was extremely doubtful because of the fact that it is promoting a specific business enterprise, and it would, I think, be very hard for

it to persuade a respectable court that was not wholly under the influence, let us say, of the Colorado Fuel & Iron Co., that that was a proper use of the corporation's funds.

"Might it hire strike breakers?"

I should say in the present state of public and judicial opinion, yes. Perhaps 10 years from now, no. It depends upon the progress of public opinion in the meantime.

Chairman WALSH. Then the underlying idea that you have is that, as Judge Holmes expressed it, law is the final crystallization of what the people think?

Dr. KIRCHWEY. It is undoubtedly that, judge-made law.

Chairman WALSH. And a good deal would depend on the attitude that the judge took toward labor unions?

Dr. KIRCHWEY. A good deal would depend upon the attitude of the individual judge. An individual judge does not necessarily reflect public opinion. He may be in advance of public opinion, or he may be, as Mr. A. V. Dicey, of England, says, "two generations behind it." But Mr. Dicey was speaking, I hasten to say, of English judges when he said that.

Chairman WALSH. All of these things being true, Doctor, what would you think about the lawmaking body placing any restrictions upon a fund of that kind that might seem necessary to guard against a present-day abuse, or any abuses in the future which might come from lack of knowledge, from bias, one way or the other, or from design?

Dr. KIRCHWEY. Mr. Chairman, if the supreme authority to frame such regulations could be committed to you and me, I should be strongly in favor of our undertaking the task. I am a little afraid of committing it, if I may say so without being guilty of high treason, to a legislative body. I am not sure that a legislative body has the insight into conditions. I am not sure that it has the provision or foresight that would be needed to effect a radical reconstruction at any rate of such a character as this. I am not undertaking to say that some restriction may not be necessary. I only mean that I have not complete confidence in the agencies at hand for effecting those restrictions. It is, of course, clear, I suppose it is undisputed, that the legislature has very ample power in the way of modifying or altering, and complete power of repealing, the charter of such a corporation as this.

Chairman WALSH. I was going to ask you that, Doctor: Under the present law a charter could be varied, a corporation annulled, and the grant of the corporation annulled on the ground also that the privileges and franchises have been forfeited by failure to exercise its powers?

Dr. KIRCHWEY. Yes. That is not a legislative annulment that is intended there. I take it to mean an annulment by judicial proceedings. It is a fact that a failure to exercise its powers is a ground for instituting proceedings for the dissolution of a corporation. The right to dissolve, however, is not absolute in such a case, but is largely a matter in the discretion of the court, to determine whether the suspension of its powers was justifiable or not under existing conditions.

Chairman WALSH. We have some questions to ask under "A," "B," and "C." Have you those questions there?

Dr. KIRCHWEY. Yes.

Chairman WALSH. Will you please take them up and answer them?

Dr. KIRCHWEY. The first: "Would failure to spend half of its income be failure to exercise its privileges?" "(B) Would failure to use 75 per cent of its income be failure to exercise its privileges?" And "(C) Would failure during a period of one year or two years constitute failure to exercise its privileges?"

The only one of these three questions with regard to which we have a specific provision of law, is the third. It is expressly provided by the general corporation law of this State that the failure of a corporation during a period of one year to exercise its privileges is a cause of forfeiture and proceedings may be instituted in the usual way by the attorney general in order to bring about such forfeiture. And in that case and, I believe, in that case only, if the attorney general fails to act for a period of two months after being requested to do so and having the case before him, a creditor or a member of the corporation may proceed to have it wound up. But not, again I say, any member of the general public, the attorney general being deemed to be the representative of the public for such purposes.

With regard to the other cases, I should say that unless the failure to spend 50 or 75 per cent of the income were continued for a considerable number of

years, and even then, unless the court should regard the procedure as having some ulterior, secret, and improper motive—I do not see how the mere failure to spend half or three-quarters of the income could be regarded as a failure to exercise its powers, because there must, after all, be a very considerable discretion vested in the corporation to determine the rate at which its income shall be spent. It may, perhaps, properly save three-quarters of its income this year in order to have a very much greater amount to devote to some great purpose the next year.

Chairman WALSH. The present law, it seems, Doctor, does not require that the foundation shall publish the record of its transactions under those circumstances. How is the public to learn whether the foundation's conduct calls for the intervention of the attorney general, as you suggest in your previous answer?

Dr. KIRCHWEY. Well, the corporation is liable to be attacked by legal proceedings, instituted, as I have pointed out, for the purpose of winding it up and putting it out of business, for any one of the following purposes and reasons: Offending against any provision of the act by or under which it was created, altered, or renewed, or any act amending the same; violating any provision of law whereby it has forfeited its charter or become liable to be dissolved for abuse of its power; forfeiting its privileges or franchises by failure to exercise its powers, or exercising a privilege or franchise not conferred by law. Perhaps it is not necessary to analyze those various grounds, for they run into one another.

Chairman WALSH. But how is the public going to get at it?

Dr. KIRCHWEY. In one or both of two ways; by laborious or cumbrous inquisition, to be conducted under the inquisitorial power of a justice of the supreme court, as pointed out by me before, which becomes a matter of public record.

Chairman WALSH. But the public would have to get the justice of the supreme court to consent to this in the first instance.

Dr. KIRCHWEY. The judge is required, if a case is made out, to institute such an inquisition on the demand of a creditor or member of the corporation, not of a member of the general public. This inquisition is, of course, a public matter.

Chairman WALSH. There would be no creditor of this corporation. That would apply, perhaps, only to business corporations?

Dr. KIRCHWEY. No; I suppose there would be no creditor of this corporation.

Chairman WALSH. It would have to be a member of the corporation?

Dr. KIRCHWEY. Yes.

Chairman WALSH. How would the public get at it, then? Supposing that some individual was animated with a very deep idea that all was not proper; say, that he was a needleworker on the East Side or a miner in Colorado or a thinker or a writer or something of that sort, how would he have to go at it?

Dr. KIRCHWEY. He would apply to the attorney general to institute proceedings.

Chairman WALSH. Nothing could be done, in this inquisitorial matter, in that way?

Dr. KIRCHWEY. No; not unless he could get a member of the corporation to apply to the court for such an investigation.

Chairman WALSH. We will assume for the purposes of this question he could not; what would he do then?

Dr. KIRCHWEY. He could do nothing under existing circumstances except to secure the cooperation of the attorney general. It seems to me, if I may interject something which I think is relevant, Mr. Chairman, that the remedies open to the public are defective in one or two respects. The courts had no power to grant an injunction to restrain a corporation from an improper exercise of power, excepting in connection with proceedings instituted by the court, as I have pointed out before, on a motion of a member or creditor, or as an incident of proceedings instituted by the attorney general.

Chairman WALSH. Of course, this construction could not be placed upon that, could it, Doctor? That a person or class of persons that clearly needed the relief and that clearly came within the expressed policies under the by-laws of the organization, under no circumstances could be deemed a creditor?

Dr. KIRCHWEY. Under no circumstances; no. Then another objection, it seems to me, to the present list of remedies is that the courts have no power to compel the attorney general to proceed against a corporation. The matter is left wholly to his discretion, and he exercises that discretion in instances that have come under my observation, very freely, sometimes, refusing to in-

stitute proceedings very wisely, I imagine. The only exception to that is where the corporation has for a year or more ceased to perform its functions. In that case a creditor or stockholder may institute proceedings for dissolution of a corporation, the attorney general having neglected to perform his duty. In all cases, however, it is the duty of the attorney general—not only his right but his duty—to institute proceedings in a proper case, and I suppose a gross violation of duty in that respect would render him liable to political penalties.

Chairman WALSH. Would there be any other approach except these you have mentioned on the part of the public to apply?

Dr. KIRCHWEY. There is no other approach by legal proceedings. What remains is to provide for publicity. I think that is of the first importance, that the public shall be informed and kept informed with regard to the doings and even the plans of corporations wielding such extensive power over the public.

Chairman WALSH. And that would depend entirely upon the integrity and freedom of the press? The people as a whole, perhaps, would have no other definite means of publicity.

Dr. KIRCHWEY. No; not under existing conditions.

Chairman WALSH. In your informal report to this commission, please—I believe you reported as to the provision of the constitution of New York with reference to the requirements for setting out in the titles of these bills the subjects of them. I wish you would state what the requirement of the constitution of New York is and whether or not it has been met in the instances of the Rockefeller and Carnegie Foundations. I believe the Carnegie, the Russell Sage, and the Rockefeller are all corporations of the State of New York.

Dr. KIRCHWEY. They are all corporations incorporated by special act of the Legislature of the State of New York.

Chairman WALSH. And I believe Mr. Greene stated yesterday that this bill was modeled after the bill of the other foundations.

Dr. KIRCHWEY. They are all almost identical in terms.

Chairman WALSH. Which one of the Carnegie institutions is so chartered?

Dr. KIRCHWEY. The Carnegie Corporation; the act is entitled, "An act to incorporate the Carnegie Corporation of New York." The act incorporating the Russell Sage Foundation is entitled "An act to incorporate the Russell Sage Foundation."

Chairman WALSH. What is the wording of the title of the act by which the Rockefeller Foundation is chartered, being chapter 488 of the New York statutes.

Dr. KIRCHWEY. I have the act before me. It is entitled "An act to incorporate the Rockefeller Foundation."

Chairman WALSH. Does the expression "An act to incorporate the Rockefeller Foundation" define the subject of the act? Does the title fairly express the general purpose of the act under the constitution of New York?

Dr. KIRCHWEY. Well, you have stated the provision of the constitution in your question. It expressly provides that no private or local bill which may be passed by the legislature of this State—each one of these corporations was created by such a private bill—shall embrace more than one subject, and that subject shall be expressed in the title.

My answer to your question can be only a matter of opinion, Mr. Chairman, as the question has not been so directly passed upon by the courts as to make it possible to give a dogmatic or even a very confident answer. I may say I have very grave doubts, however, as to the constitutionality of the acts incorporating these three great foundations.

Chairman WALSH. Please give the reasons for your opinion, stating as briefly as you possibly can, please, the decision upon which you base that opinion.

Dr. KIRCHWEY. No one decision covers it exactly, as I have said, or else I should be more confident.

Chairman WALSH. Is there something——

Dr. KIRCHWEY (interrupting). The general principle is that the title of a private bill or of a local bill must point out sufficiently to make it intelligible to the casual reader or to persons having dealings with the corporation created, the purposes of the corporation, the objects for which it is created. The case which I have in mind, and which comes nearest to involving this particular question is the case reported in 106 New York, at page 286, being the case

of the Economic Power & Construction Co. v. The City of Buffalo. The Economic Power & Construction Co. was incorporated for the purpose of developing and distributing electric power to cities and villages of this State, and the court held that the act creating it was unconstitutional on the ground that the title of the act gave no notice whatever that within the act might be found a grant of the specific powers or franchises granted. There are numerous cases in this State in which the principle is discussed and certain discriminations made. I can cite those cases to you, but they are valuable mainly if not solely, because of the language employed by the courts in commenting upon the specific cases.

Chairman WALSH. If you will kindly just submit that into the record that will suffice, in so far as it supports your opinion, unless some of the commission would like to hear the cases cited. Would you, Dr. Commons?

Commissioner COMMONS. No.

Chairman WALSH. You may submit them into the record.

Dr. KNOWLTON. Very well.

Chairman WALSH. Please summarize the procedure by which the constitutionality of an act incorporating a private foundation might be tested, and indicate different steps that might be taken by other parties from which you can give this commission an estimate of the probable time that might be involved in securing a final decision.

Dr. KNOWLTON. The question is a difficult one, because it is a little hard at first glance to see how a corporation of this kind can be haled into court for any reason excepting, as I pointed out, at the instance of the attorney general for a breach of its corporate franchise. It has, as you have pointed out, no creditors. If it were to issue bonds, then the question of the constitutionality or validity of the bonds could be raised, and then, indirectly in a suit by a private person, a bondholder, the question of the constitutionality of the act incorporating it could be tested. But I presume it is not going to do anything of that kind. It is simply going to go on with its educational, research, and other benevolent work. That does not, as you point out, create any rights. Nobody becomes a creditor by reason of his reasonable expectation of a benefit. And the result is that the question can be raised in only one way, and that a way, so far as I have been able to discover from my rather hasty examination of that question, which has not yet been attempted.

The attorney general may institute quo warranto proceedings to inquire by virtue of what authority these particular gentlemen, who are merely private citizens, are venturing to perform the functions of a corporation, when, in fact, they are not a corporation because of the invalidity of the act under which they are professing to act. I can think of no other way in which the result can be achieved, and so we come back to the same old situation, that the attorney general, as the legal agent and representative of the public, is the one person and the only person who can make the requisite inquiry and secure the application of the proper legal remedy.

Chairman WALSH. Is there anything in the charter of the Rockefeller Foundation which would prevent its spending its money to defend the constitutionality of the act?

Dr. KNOWLTON. Nothing whatever.

Chairman WALSH. Is there anything in the charter which would prevent the foundation spending money and hiring lecturers and circulating editorials, buying advertising space in the newspapers, or from instituting and conducting a lobby to prevent the repeal of the act or the amendment of its charter?

Dr. KNOWLTON. Nothing whatever, always conceding that those acts and efforts, like that and others that might be enumerated, are for the well-being of mankind; and I suppose the protection of a trust fund against an attack from outside, which is conceived to be an illegitimate attack, and to which defense is made in good faith—I suppose that might be regarded as coming within the general purposes of the corporation.

Chairman WALSH. Whatever you have stated with respect to the Rockefeller charter would apply to any charter of any institution along the same lines?

Dr. KNOWLTON. In the same terms as those incorporated in similar form.

Chairman WALSH. That is, having a title simply, for instance, of the Rockefeller Trust or Foundation?

Dr. KNOWLTON. Yes.

Chairman WALSH. The charter of the Russell Sage Foundation has the title "An act to incorporate the Russell Sage Foundation." Does this title state the purpose of the act?

Dr. KIRCHWEY. I can not see how it can be argued that it does, unless it should be said, and unless it might be held by the court that the term "foundation" has acquired a distinctive signification by reason of its recent use, and has come to mean a foundation for promoting the well-being of humanity. It seems to me it would be straining a very good old-fashioned word to a considerable degree to put that interpretation upon it. Unless, however, the phrase "the Rockefeller Foundation" or "the Sage Foundation" or "the Carnegie Foundation" is construed somehow or other to embody in it the subject matter, the purpose, to which the foundation is to be devoted, we should have no clearer indication of its purpose than we should have if—well, if the legislature should incorporate the George W. Kirchwey Foundation, for example, or the George W. Kirchwey Corporation.

Chairman WALSH. They would have to imply in that event how much money you had?

Dr. KIRCHWEY. Why the legislature would have to furnish me with an endowment as well as to direct me how to employ it.

Chairman WALSH. The title of the act, it may be observed, of the Carnegie Foundation, however, reads as follows: "An act to incorporate Carnegie Corporation of New York."

Dr. KIRCHWEY. Yes.

Chairman WALSH. Does that present a different legal proposition?

Dr. KIRCHWEY. That presents possibly an opportunity for a different interpretation. I should say that the term "corporation" did not even remotely point to a benevolent end, while the term "foundation" might conceivably be interpreted to carry with it the implication of a benevolent or charitable purpose.

Chairman WALSH. Prof. Commons has some questions he would like to ask you, Doctor.

Commissioner COMMONS. Have you answered fully what powers the legislature has of its own initiative, and without giving any reasons, to amend these foundations?

Dr. KIRCHWEY. I have not gone very fully into that. I could perhaps supplement what I have said by a few words more on that point.

Commissioner COMMONS. Well, will you please state——

Dr. KIRCHWEY (interrupting). As the result of the reaction against the decision in the famous Dartmouth College case the constitutions of all our States, I imagine, contain, as the constitution of New York does, provisions which are to the effect that every charter thereafter to be granted by the legislature shall be subject to amendment, suspension, or repeal by the legislature; and in most of our States probably, if not all of them, as in New York, in the general incorporation law there is an additional provision to the same effect. So that there isn't any question that this act, however broad and sweeping its terms, is subject to be altered, suspended, or repealed by legislative act, and that power may be exercised by the legislature at its own sweet will, whether the corporation is accused or suspected of wrongdoing, or because the legislature is tired of its well-doing—in either case.

Commissioner COMMONS. Well, suppose an individual wished to have it amended or dissolved, the usual way and natural way for him to do would be for him to go to the legislature, I take it, putting this with your other answers.

Dr. KIRCHWEY. Well, that is an easy way to start, though it may be a difficult process to get the amendment through, of course. I have sometimes found it difficult, so I speak from experience.

Commissioner COMMONS. Well, that is the procedure?

Dr. KIRCHWEY. Yes, sir.

Commissioner COMMONS. He would not attempt all this judicial procedure you have previously described at all, but would have to go to the legislature.

Dr. KIRCHWEY. Why, the individual would have to go to the legislature unless he could persuade the attorney general to act by judicial means; and I imagine that the judicial process would be a more expeditious one than the legislative process. I should think so.

Commissioner COMMONS. Well, the legislative process probably would involve a considerable public opinion having already been expressed, and a certain number of the legislature having joined in that public opinion.

Dr. KIRCHWEY. Yes. There is this difference. If the violation of its powers by the corporation is considerable, if it is plain, then the judicial process would be a comparatively simple one and fairly expeditious. Whereas, even in that case, it might take two or three legislative campaigns before the legislation could be secured altering or revoking the charter.

Commissioner COMMONS. I take it the legislature, according to what you say, could adopt any administrative scheme of supervision, publicity, or regulation of these foundations that it chose.

Dr. KIRCHWEY. I should say yes to that. The only restriction which the courts have placed upon its power is this: It may wholly repeal the act creating a corporation like this. It may to any reasonable degree alter or amend the act.

Now, it would be unreasonable and improper for it, under the guise of alteration of its charter, to convert the corporation into something wholly different from what it is—for instance, to convert a philanthropic trust into a manufacturing or water-power enterprise; but short of that, it has the power, and such power is practically unrestricted, and there can be no question of the right to set up any advisory or administrative functions of its own with the aim of securing publicity and public control.

Commissioner COMMONS. Suppose these foundations had been created as a trust instead of a corporation, what would be the legal situation in regard to these questions that have been raised? Could a trust be dissolved by judicial process, by legislative enactment?

Dr. KIRCHWEY. Dealing with a pure trust is in some ways easier than dealing with a charitable corporation, because it does not involve the formidable proceedings for its dissolution. A trustee of a trust for a definite beneficiary can always be controlled by a court of equity, and any beneficiary of such a trust may come into court and demand that the trustees account; in other words, the supervision by the court is more intimate, more close and more effective than in the case of an ordinary corporation—in the case of what we may call a corporate trust. Of course, in dealing with such a trust it makes no difference whether the trustee is a corporation or an individual.

Commissioner COMMONS. Could the Legislature of Pennsylvania modify the Girard Corporation or Trust in the way in which you have described, with reference to these foundations and on what ground? Or why could it not?

Dr. KIRCHWEY. If it could not it would be only on the ground that there is no reserved power in the courts to alter the legal rights created by the trust.

Commissioner COMMONS. Was that a trust?

Dr. KIRCHWEY. I am not familiar with it; I was under the impression it was; it is always known as the Girard Trust.

Commissioner COMMONS. Could the Legislature of Pennsylvania modify it?

Dr. KIRCHWEY. I am not familiar with the constitution of Pennsylvania, but if it be, as I assume it to be, a pure trust with definite beneficiaries and not a mere corporation, exercising functions like the charitable functions of our corporations here, unless there is some special provision in the Pennsylvania constitution, I do not see how the legislature could materially modify such a trust. The legislature can no more modify a trust that it can take away my property without due process of law and without making due compensation. In other words, a trust is protected as any other estate, real or personal, is protected by the constitutional sanctions which have been thrown around property.

Commissioner COMMONS. Suppose the public opinion of Pensylvania had reached the stage where it was dissatisfied with certain features of the Girard Foundation, are you in a position to tell how the State of Pennsylvania, or the authorities affected, could proceed to modify that trust or that foundation, whatever it may be?

Dr. KIRCHWEY. Of course, everything depends on what it is; if it is a corporation like these we are discussing here, then the method of dealing with it is the same as that I have described, and the legislature has practically unrestrained power in dealing with it; if it is a pure trust—an administrative trust with definite beneficiaries, neither more or less than that—I do not see how property can be taken away from the trustees or the use of it materially affected, even in deference to public opinion, unless, under the exercise of the police power some general regulation should be adopted by the legislature prohibiting the use of the trust funds for certain purposes deemed inimical to the public interest. I can not think of any other way of modifying the trust. May I, for example, put a case in order to get your idea clear?

Commissioner COMMONS. Yes, sir.

Dr. KIRCHWEY. Suppose the Girard Trust, assuming it to be a simple trust and not a charitable corporation, to make the rough distinction which we have been making here—suppose it should, its founder having been hostile to evangelistic religion—suppose it should undertake an active propaganda

for breaking down all the religions that flourish in Pennsylvania, and suppose that Billy Sunday should previously have converted the people of Pennsylvania to such a frame of mind that this would be regarded as conduct seriously detrimental to the public welfare; in that case I doubt not that the Legislature of Pennsylvania could pass an act prohibiting the dissemination of irreligious or antireligious literature, and if the judges of the Supreme Court of Pennsylvania should also have become sufficiently religious in the meantime, why, such legislation might be sustained as being a proper exercise of the police power.

Commissioner COMMONS. Would that police power apply in the State of New York with these foundations?

Dr. KIRCHWEY. Yes, sir.

Commissioner COMMONS. That could be invoked?

Dr. KIRCHWEY. Yes; and that was a point not brought out in the direct examination, that the power of the legislature is not limited to altering, repealing, or abolishing a specific charter; it may enact general laws in the exercise of the police power which would seriously restrict the privileges of corporations, always assuming that those acts are sustained by the courts as a proper exercise of the police power.

Commissioner COMMONS. One question on a little different matter. I think you said this Rockefeller Foundation could employ strike breakers. Do you mean to say that, and following that out—did you understand what you answered? Do you know what a strike breaker is?

Dr. KIRCHWEY. I do; and I think I must withdraw my answer if I said that. What I had in my mind was the question whether the Rockefeller Foundation could promote the employment of strike breakers. In my opinion, it certainly could not maintain an employment agency for strike breakers and use them directly for commercial purposes in breaking up strikes, if that is the meaning of the question?

Commissioner COMMONS. In what way could it promote the use of strike breakers?

Dr. KIRCHWEY. Why, I am assuming, in making that qualification, that the public is not yet unanimously or even so generally convinced of the wickedness of employing strike breakers that we may count on a definite public opinion or a definite judicial pronouncement against the practice.

Commissioner COMMONS. By "promotion" you simply mean it may advocate the employment of strike breakers?

Dr. KIRCHWEY. Yes; I presume it might in the present state of public opinion advocate the use and employment of strike breakers.

Commissioner COMMONS. And defend the Colorado Fuel & Iron Co. when it so employed strike breakers?

Dr. KIRCHWEY. Yes, sir.

Commissioner COMMONS. That is as far as you intend to go?

Dr. KIRCHWEY. Yes; that is as far as I intend to go, and if I went further in my previous answer I shall have to take a backward step.

Commissioner COMMONS. In the exercise of the police power, could the State control the publications of this association or foundation?

Dr. KIRCHWEY. I should think not, as a general proposition. It might enact a general law prohibiting certain classes of publications, but it seems to me it would clearly be outside any proper exercise of the police power—and by "proper" I mean likely to be sustained by the courts as proper—to prohibit the publication, the general publication, of matter by a particular corporation.

Commissioner COMMONS. That is all.

Chairman WALSH. Commissioner Lennon has a question which he would like to propound.

Commissioner LENNON. Professor, under the powers granted to this corporation in the first instance, the board of directors or trustees are the ones that have sole power to pass on the subject matter as to what is for the welfare of mankind?

Dr. KIRCHWEY. Yes.

Commissioner LENNON. The power rests with them?

Dr. KIRCHWEY. Yes.

Commissioner LENNON. What is your opinion as to whether or not the investment of such power in the hands of a few men is promotive of industrial or social unrest? Does the existence of such corporations, vesting such great power in the hands of a few men, promote industrial or social unrest, or otherwise?

Dr. KINCHWEY. I am inclined to think, Mr. Commissioner, that concentration of enormous wealth in the hands of any individual or corporation is probably productive of more or less discontent and unrest. I should say that the situation was distinctly bettered by the transfer of that enormous wealth from an individual who is legally irresponsible to a corporation which is legally, to a considerable degree at least, responsible to the public. I should not think, in other words, that the possession of great wealth by the Carnegie—by the Rockefeller Foundation—I should not think that would be as apt to cause irritation and discontent and unrest as the possession and conspicuous use of that same wealth by Mr. Rockefeller himself.

Commissioner LENNON. Well, in your replies to the several questions indicating the power of these few individuals to pass upon that marvelous question as to what is for the welfare of mankind, which does not rest with individuals—no individual has any such power vested in him by the legislature—they may exercise such power, but they have no such power granted by law, now does the vesting of such power in the hands of a few not tend to social unrest? I do not wish to urge any further answer if you do not wish to make one.

Dr. KINCHWEY. My own feeling is that it may possibly produce such an effect through emphasizing the fact that the power exists in a given case. Possibly the legislature may, by calling attention to the existence of the power, give rise to a certain amount of such unrest; but my own impression has been that the exercise of that power, which everybody knows is practically untrammeled, by a single individual—my observation has led me to believe that that is very much more irritating and likely to cause unrest.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Weinstock would like to inquire.

Commissioner WEINSTOCK. On the whole, Doctor, do you regard a foundation such as the Rockefeller Foundation an advantage or disadvantage to society?

Dr. KINCHWEY. You are asking me to pass upon a question which the commissioner who just questioned me said was a very difficult thing for any individual or group of individuals to pass on, namely, what do the best interests of humanity require? My own personal opinion is that it marks a distinct advance in the direction of social well-being to have great wealth transferred from irresponsible private hands and placed in the responsible hands of a group of persons who are incorporated and supervised by the State; and that for two reasons: First, because of the fact that corporations are supervised, and there is an opportunity to require of them a degree of publicity and conformity to public opinion, which one can not exact of a private owner; and second, because the administration of a private fortune is apt to be personal and selfish and for the benefit of the family of the owner and not apt to be devoted to the same extent to the public interest.

Commissioner WEINSTOCK. I infer, then, from what you say, Doctor, that if you had the power you would rather encourage than discourage foundations like the Rockefeller Foundation?

Dr. KINCHWEY. May I answer your question in a slightly different form? I would encourage the transfer of private wealth to quasi-public institutions: Whether in the last analysis such institutions or foundations are in the public interest, is a question I do not want to go into. It may well be that the world—that humanity—would be better and more virtuous if there were no accumulations of great wealth anywhere in the hands of the State, of corporations, or of individuals; but these accumulations do exist, and as long as they exist it seems to me that it is better that they should be in the hands of corporations under a public responsibility and under public control than in the hands of private individuals.

Commissioner WEINSTOCK. Well, from what you know of economic conditions, Doctor, do you think that our present industrial and commercial progress could have been possible if fortunes, for example, had been limited by law to say $1,000,000?

Dr. KINCHWEY. I am not a professed economist, but only a lawyer. My friends who are economists are divided in opinion on that question. I have always entertained the belief that the period of industrial development through the employment of great accumulations of capital was an essential phase of the development of industrial society. Whether that same result could have been secured through a wider distribution of capital and its concentration in some other form under laws preventing individual control, I think is a question that is fairly debatable.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Garretson has some questions to ask.

Commissioner GARRETSON. Doctor, on that last question and answer as to your belief in regard to the creation of foundations; do you believe that—and I am only asking for an expression of opinion—do you believe that the passing of all of these foundations into quasi-public control would be beneficial?

Dr. KIRCHWEY. Do you mean actual public control?

Commissioner GARRETSON. I would say actual domination by representatives of the public?

Dr. KIRCHWEY. I shall have to confess, in order to answer the question, that I am quite out of sympathy with the prevailing tendency to concentrate the actual administration of and control of private affairs in governmental hands. I do not mean by that that I do not believe that rigid inspection and supervision by the State of our industrial and benevolent corporations may not be necessary. I do believe that thoroughly, because I believe no man nor any group of men is quite great enough, quite good enough, to be trusted with the well-nigh absolute power which these great corporations would wield were it not for State control.

On the other hand, I do not see anything in our political experience to justify us in feeling very sanguine as to the benefits of political control or administration of such matters. We shall, doubtless, have more and more of that, and I presume that, like everybody else, as I become more and more socialized, or shall I say socialistic—which is the danger that we all stand in now—that I shall become reconciled to, and perhaps welcome, various forms of municipal and State ownership. But it will be a long time, I think, before I take the view that great charitable trusts could more safely, more wisely, and more disinterestedly be administered through political agencies than through private agencies which are rigidly supervised by the State.

Commissioner GARRETSON. It was in defense to that very existing opinion I used the term "quasi control," instead of actual, and afterwards modified it. You do, then, think and believe in supervision and regulation?

Dr. KIRCHWEY. Distinctly.

Commissioner GARRETSON. As apart and from the individualist untrammeled control, either individual or a group, as in this case?

Dr. KIRCHWEY. By all means. As I have stated, I do not believe the individual exists, or the group of individuals, who can safely be trusted with unlimited power.

Commissioner GARRETSON. Now, under the legal remedies which you have named, if a foundation like this can maintain domination over the members of the corporation—that is, the trustee under this act, I believe—and are able by any means, legitimate or otherwise, to secure nonaction from the attorney general, there is no legal remedy open?

Dr. KIRCHWEY. There is no remedy by legal process open. What remains is to secure, through public opinion, legislative action.

Commissioner GARRETSON. I am using legal in the sense of court processes?

Dr. KIRCHWEY. Yes; you are quite right.

Commissioner GARRETSON. Then, the only thing open is legislative action in one of two ways, either general or specific?

Dr. KIRCHWEY. Yes.

Commissioner GARRETSON. Generally, as applied not only to the foundation or corporation in question, but to all alike, corporations or foundations, the special could only be legitimately exercised in the way of limitation of the powers of the foundation along the lines of its original intention?

Dr. KIRCHWEY. Yes; quite right.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, thank you. You will be permanently excused. Antoni Winter.

TESTIMONY OF MR. ANTONI WIATER.

Commissioner WALSH. Your name, I believe, is Antoni Wiater?

Mr. WIATER. Yes.

Chairman WALSH. A-n-t-o-n-i W-i-a-t-e-r?

Mr. WIATER. Yes.

Chairman WALSH. Where do you live?

Mr. WIATER. Chrome.

Chairman WALSH. Chrome, N. J.?

Mr. WIATER. Yes.
Chairman WALSH. What is your age?
Mr. WIATER. Thirty-eight years.
Chairman WALSH. Please speak a little louder, so that this last gentleman can hear you.
Mr. WIATER. All right.
Chairman WALSH. Are you a native of this country?
Mr. WIATER. No; old country.
Chairman WALSH. Where were you born?
Mr. WIATER. Pole country.
Chairman WALSH. Poland?
Mr. WIATER. Yes.
Chairman WALSH. How long have you lived in the United States?
Mr. WIATER. Twenty-three years.
Chairman WALSH. Are you an American citizen?
Mr. WIATER. Yes.
Chairman WALSH. Naturalized and a voter in this country?
Mr. WIATER. Yes.
Chairman WALSH. Are you married or single?
Mr. WIATER. Yes—married.
Chairman WALSH. How many children have you?
Mr. WIATER. Five.
Chairman WALSH. What are their names?
Mr. WIATER. Adam, Johnnie, Mary, and Andy.
Chairman WALSH. What are their ages?
Mr. WIATER. And Steve.
Chairman WALSH. And Steve?
Mr. WIATER. The last.
Chairman WALSH. How old are they?
Mr. WIATER. Thirteen, eleven, nine, six and a half, and fourteen months—the last.
Chairman WALSH. The last is 14 months old?
Mr. WIATER. Yes.
Chairman WALSH. How many of them go to school?
Mr. WIATER. Four.
Chairman WALSH. And what schools do those children go to?
Mr. WIATER. The public school.
Chairman WALSH. At Chrome?
Mr. WIATER. Yes.
Chairman WALSH. How long have you lived at that place?
Mr. WIATER. Twenty-three years.
Chairman WALSH. Are you working now?
Mr. WIATER. Worked before, not working now; strike now.
Chairman WALSH. You are on a strike now?
Mr. WIATER. Yes.
Chairman WALSH. How long did you work—what company were you working for before you went on a strike?
Mr. WIATER. The copper work there.
Chairman WALSH. Whereabouts?
Mr. WIATER. In Chrome.
Chairman WALSH. In Chrome?
Mr. WIATER. Yes.
Chairman WALSH. At what place were you working when you went on a strike?
Mr. WIATER. When I was to be working at the copper, I went away and just came back to the Liebig.
Chairman WALSH. The Liebig plant? What do they do?
Mr. WIATER. Fertiliser factory.
Chairman WALSH. Now, how long have you been back? You say you quit and came back?
Mr. WIATER. I came just before election day.
Chairman WALSH. That was last fall?
Mr. WIATER. Last fall.
Chairman WALSH. What did you do in the Liebig plant?
Mr. WIATER. I shovel and pick.
Chairman WALSH. Is that work hard?
Mr. WIATER. Yes.

Chairman WALSH. What do you shovel?
Mr. WIATER. Stuff, phosphate, what they call them.
Chairman WALSH. What is that used for?
Mr. WIATER. That makes up, they mix up the acid and that together.
Chairman WALSH. Is that work hard?
Mr. WIATER. Work is hard.
Chairman WALSH. How many hours per day do you work?
Mr. WIATER. Ten hours.
Chairman WALSH. Is it dirty work?
Mr. WIATER. It is dirty work.
Chairman WALSH. Do you smell bad when you come home?
Mr. WIATER. Yes.
Chairman WALSH. And the work is of a very offensive nature?
Mr. WIATER. It is awful bad.
Chairman WALSH. And the place stinks?
Mr. WIATER. Stinks like anything.
Chairman WALSH. And the men who work there stink?
Mr. WIATER. Yes.
Chairman WALSH. If there is any audible expression we will have to adjourn until such time as it ceases.
Mr. WIATER. People come from the city and they can't go past the place.
Chairman WALSH. The people who come from New York and such places can't go past the works? Why not?
Mr. WIATER. They take a handkerchief and put on their nose and their mouth.
Chairman WALSH. It smells so offensive?
Mr. WIATER. Yes.
Chairman WALSH. Last fall when you came back there what wages did you receive?
Mr. WIATER. One dollar and sixty cents.
Chairman WALSH. And what did you receive before when you were there?
Mr. WIATER. Two dollars.
Chairman WALSH. When did the $1.00 a day rate go into effect?
Mr. WIATER. Before about four months, I think.
Chairman WALSH. How much rent do you pay?
Mr. WIATER. Nine dollars and a half.
Chairman WALSH. Your wife is living?
Mr. WIATER. Yes.
Chairman WALSH. Have you a receipt for your rent?
Mr. WIATER. Yes.
Chairman WALSH. Hand it to the sergeant at arms.
Mr. WIATER. I didn't bring that receipt, I bring it and give it to the gentleman over in the office before, the rent and coal and wood.
Chairman WALSH. You pay $9.50 rent?
Mr. WIATER. Yes.
Chairman WALSH. And who do you rent from?
Mr. WIATER. A fellow over there.
Chairman WALSH. Your landlord is a resident of Chrome?
Mr. WIATER. Yes.
Chairman WALSH. And he has no connection with the company?
Mr. WIATER. I don't understand about what kind of company, what it is.
Chairman WALSH. You rent from whom; what is his name?
Mr. WIATER. Steinberg.
Chairman WALSH. Has he any connection so far as you know with the company you work for?
Mr. WIATER. I think he no.
Chairman WALSH. You think he what?
Mr. WIATER. I think he no.
Chairman WALSH. Does he work for the Liebig Co.?
Mr. WIATER. That fellow?
Chairman WALSH. Yes.
Mr. WIATER. No; he is a business man; got a grocery.
Chairman WALSH. He has nothing to do with the company you work for; you rent from him?
Mr. WIATER. Yes.
Chairman WALSH. How many rooms are there in your house?
Mr. WIATER. Three.

Chairman WALSH. And you pay $9.50 a month rent?
Mr. WIATER. Yes; $9.50.
Chairman WALSH. How much is your grocery bill?
Mr. WIATER. Thirty-five dollars.
Chairman WALSH. Have you got the bill for that?
Mr. WIATER. Yes.
Chairman WALSH. Hand it to the sergeant at arms.
(Papers handed to the commissioner.)
You say you pay a grocery bill per month of $35?
Mr. WIATER. Yes.
Chairman WALSH. Is your wife a saving sort of woman?
Mr. WIATER. Oh, yes.
Chairman WALSH. Does she run the house as cheap as she can?
Mr. WIATER. Yes; she washes some people's clothes.
Chairman WALSH. She goes out and does some washing herself?
Mr. WIATER. Yes.
Chairman WALSH. Is she a woman that is careful about spending her money?
Mr. WIATER. Yes.
Chairman WALSH. Now, this says "J. Steinberg." That is your landlord, and he also runs the grocery store?
Mr. WIATER. Yes.
Chairman WALSH. And in a month your bill is $35?
Mr. WIATER. Yes; that is what they say.
Chairman WALSH. What month is that?
Mr. WIATER. Last month.
Chairman WALSH. And how does it compare with other months before that?
Mr. WIATER. I don't pay the bill. I got no money, and he trusts me.
Chairman WALSH. I know, but before, when you did work, how much was the bill?
Mr. WIATER. Sometimes $35, sometimes $34, sometimes $33; something like that.
Chairman WALSH. It runs about that?
Mr. WIATER. It don't come every month the same.
Chairman WALSH. How much do you pay to your butcher per month?
Mr. WIATER. I got it here. Last month $10.17. Last month I don't pay and he don't trust me; he don't give me any more meat.
Chairman WALSH. What do you say—this month they don't give you any more meat?
Mr. WIATER. He don't give me any more. He stopped the meat now.
Chairman WALSH. While you were working you bought on credit and had it charged on the book?
Mr. WIATER. Yes.
Chairman WALSH. Is that right?
Mr. WIATER. Yes.
Chairman WALSH. Now that you are on a strike——
Mr. WIATER. He don't give me no more.
Chairman WALSH. He don't give you any more meat?
Mr. WIATER. No.
Chairman WALSH. Before that it was $10.17 that you paid; was that about what you paid each month?
Mr. WIATER. Each month; yes.
Chairman WALSH. And did you in your family, did you observe that you eat more meat?
Mr. WIATER. That I can buy no more; we can't buy no more; I can hardly pay; got no money—no more money.
Chairman WALSH. That is not what I mean. The point is that when you did have the money did you eat any more meat than the ordinary workingman over there?
Mr. WIATER. Oh, yes.
Chairman WALSH. I guess you do not understand me. Please do not interrupt. What I am trying to say is, did you eat meat just about like every other man does in his family over there?
Mr. WIATER. No; I see people different altogether. I buy just 13, 13, 14 cents to the soup, a quarter pound only for work myself for dinner.
Chairman WALSH. You paid what for soup?
Mr. WIATER. Thirteen cents and fourteen cents they charge for soup.

Chairman WALSH. For soup meat?
Mr. WIATER. Yes; 1 pound.
Chairman WALSH. And what was it you took to work?
Mr. WIATER. A quarter of a pound.
Chairman WALSH. A quarter of a pound you took to work with you?
Mr. WIATER. Yes; dinner time.
Chairman WALSH. Was that everything that you had? That would show that you didn't use an extra large amount of meat.
Mr. WIATER. I had something else; sometimes my wife would fix—sometimes sauerkraut, sometimes potatoes, and send them by the boy; bring just a small dinner pail.
Chairman WALSH. The boy brought your dinner pail to you?
Mr. WIATER. Yes.
Chairman WALSH. Did you buy more meat or less meat than the neighbors?
Mr. WIATER. I don't buy.
Chairman WALSH. Did you buy more or less before that time?
Mr. WIATER. Well, like it.
Chairman WALSH. Just like it?
Mr. WIATER. Yes.
Chairman WALSH. How much did you pay to the baker?
Mr. WIATER. Eight dollars and thirty-one cents.
Chairman WALSH. Have you got the bill there?
Mr. WIATER. Yes, sir.
Chairman WALSH. What month was that?
Mr. WIATER. Last month.
Chairman WALSH. We must have perfect order, ladies and gentlemen.
Did you bring over a bill that you were asked by the investigator who called upon you, Mr. West, I believe it was?
Mr. WIATER. Yes; that is all the bill I had. I suppose that is a good bill.
Chairman WALSH. Did he ask you to bring over your baker's bill?
Mr. WIATER. I got it right there in the book. This is a good bill; this is paid; last month I pay.
Chairman WALSH. You paid last month?
Mr. WIATER. Yes; I paid right here in the book.
Chairman WALSH. Are you still running an account with the baker now?
Mr. WIATER. Eight dollars and thirty-one cents.
Chairman WALSH. Are you still getting bread on the book from the baker now?
Mr. WIATER. No.
Chairman WALSH. Why?
Mr. WIATER. No steal—what do you call?
Chairman WALSH. Do you still buy bread and have it put on the book? I said, "Do you continue"—I didn't say steal, I mean still. I said, "still," not "steal." Do you still buy bread and have it charged on the book?
Mr. WIATER. They charge me on the book every month, everything on the books.
Chairman WALSH. You still get credit, do you?
Mr. WIATER. Yes.
Chairman WALSH. They still give you credit?
Mr. WIATER. I don't understand you. I don't get any more; another fellow come from Elizabeth and he start the business in the butcher shop and he don't know me.
Chairman WALSH. The butcher does not know you like the baker?
Mr. WIATER. No.
Chairman WALSH. And he won't sell you meat?
Mr. WIATER. No.
Chairman WALSH. But you can still buy your bread on credit from the baker?
Mr. WIATER. Yes.
Chairman WALSH. Because he knows you?
Mr. WIATER. He know me.
Chairman WALSH. What do you pay per month for coal?
Mr. WIATER. Two dollars and a half.
Chairman WALSH. That is in winter time?
Mr. WIATER. Yes; winter time.
Chairman WALSH. Have you got your bill for that here?
Mr. WIATER. I told him to bring that over.

Chairman WALSH. You know that is the amount you have to pay?
Mr. WIATER. Yes.
Chairman WALSH. Do you use wood, too?
Mr. WIATER. Yes.
Chairman WALSH. What do you use the wood for—$2.50 per month?
Mr. WIATER. Start them up and put the wood on first and after put coal.
Chairman WALSH. Have you your life insured for your family?
Mr. WIATER. Yes; I got him right here.
Chairman WALSH. Have you got the book there?
Mr. WIATER. Yes.
Chairman WALSH. The house will please be in perfect order. It is difficult to examine this gentleman; he does not understand the language. Please keep perfectly quiet.
How much are you insured for?
Mr. WIATER. The children?
Chairman WALSH. No; you.
Mr. WIATER. Myself? I got right here another bill. That is two lodges. This is my wife's, and this is mine.
Chairman WALSH. Are you insured in the lodge?
Mr. WIATER. Yes.
Chairman WALSH. The Polish National Alliance?
Mr. WIATER. Yes.
Chairman WALSH. How much are you insured for?
Mr. WIATER. For $1,000.
Chairman WALSH. For $1,000?
Mr. WIATER. Yes.
Chairman WALSH. Are your children insured?
Mr. WIATER. I got them here.
Chairman WALSH. Have you got your insurance paid up in the lodge?
Mr. WIATER. Yes; I got a book.
Chairman WALSH. That is the book?
Mr. WIATER. Yes.
Chairman WALSH. That shows what your payments are?
Mr. WIATER. So much per month.
Chairman WALSH. And what are your children insured for?
Mr. WIATER. Ten cents per week.
Chairman WALSH. That is insurance enough to bury them if they die?
Mr. WIATER. I guess it is.
Chairman WALSH. How much do you get from that insurance in case the child dies?
Mr. WIATER. I do not know. In the book, it says.
Chairman WALSH. Don't you yourself know how much it is?
Mr. WIATER. I can't read nor spell it.
Chairman WALSH. How many children are insured—all of them?
Mr. WIATER. Four.
Chairman WALSH. Four of them—three in the Prudential Insurance Co., and the other in the Colon Insurance Co., you don't know the name?
Mr. WIATER. Yes; the collector come—he lives in Chrome.
Chairman WALSH. The collector lives in Chrome?
Mr. WIATER. Yes.
Chairman WALSH. How much do you pay for insurance for yourself per month, yourself and children?
Mr. WIATER. It is $2 one insurance, and another $1; $2 and $4 for $1,000.
Chairman WALSH. How much is it? Do you know how much you pay per month for insurance for yourself?
Mr. WIATER. I don't know how much money; I don't count it.
Chairman WALSH. Don't you know how much it amounts to?
Mr. WIATER. No; I do not.
Chairman WALSH. You pay $2 a month?
Mr. WIATER. For one.
Chairman WALSH. For one?
Mr. WIATER. Yes; and another $1 for $500.
Chairman WALSH. Mr. West seems to have figured it up here, and I will see whether that recalls to you. He says for insurance about $4.60 a month for yourself and children. Do you know whether that is correct?
Mr. WIATER. Yes; $4.60.
Chairman WALSH. Is your wife insured, too?

Mr. WIATER. Yes.

Chairman WALSH. Well, we will assume it is $4.00. It amounts to $4.00 according to this.

Mr. WIATER. More than that.

Chairman WALSH. Do you owe the grocery man?

Mr. WIATER. Yes.

Chairman WALSH. How much do you owe him?

Mr. WIATER. Thirty-five dollars.

Chairman WALSH. And do you owe the butcher?

Mr. WIATER. The butcher, too.

Chairman WALSH. How much do you owe him?

Mr. WIATER. Ten dollars and some pennies. I got a bill in there.

Chairman WALSH. Does the grocer still give you credit?

Mr. WIATER. He give me credit, just because he know me ever since I am married, and I am 19 years married.

Chairman WALSH. You said the butcher won't trust you; won't give you credit because he lately came from Elizabeth and he does not know you?

Mr. WIATER. He came from Elizabeth.

Chairman WALSH. How do you get your meat now?

Mr. WIATER. I don't eat meat this time.

Chairman WALSH. What do you and the family eat?

Mr. WIATER. Eat bread and coffee.

Chairman WALS. Just what you can get on credit?

Mr. WIATER. That is all.

Chairman WALSH. How much does your clothing cost you per month?

Mr. WIATER. My clothes cost, some shoes last $2.70; for the shoes a month and sometimes more.

Chairman WALSH. You pay $2.70 for the shoes. How much would you say your clothes altogether cost?

Mr. WIATER. I can't tell you just for sure because they sometimes last longer and sometimes wear out.

Chairman WALSH. How much do your wife's shoes cost?

Mr. WIATER. Two dollars and fifty cents.

Chairman WALSH. Two dollars and fifty cents?

Mr. WIATER. Yes.

Chairman WALSH. And your children's shoes?

Mr. WIATER. One dollar and eighty cents.

Chairman WALSH. One dollar and eighty cents. And how long does a pair of shoes last for you?

Mr. WIATER. Last one month, a pair of shoes I use to work.

Chairman WALSH. Why don't your shoes last longer?

Mr. WIATER. The acid eats it up.

Chairman WALSH. The acid eats up the shoes?

Mr. WIATER. Yes. Sometimes two months and sometimes three months.

Chairman WALSH. And the children's shoes?

Mr. WIATER. Every month got to buy.

Chairman WALSH. Every month; they wear them out fast.

Mr. WIATER. Yes; because the children go to school, and they run out and the boys run out.

Chairman WALSH. The boys run around?

Mr. WIATER. Yes.

Chairman WALSH. And the children, how much do you pay for the children's clothes?

Mr. WIATER. I can't tell sure.

Chairman WALSH. Before you went on a strike did your children have plenty of warm clothes?

Mr. WIATER. No; just have; when I could work I couldn't make money enough for clothes. I can't make money, I no work before Christmas three days and before New Year's three days. I got no cent now.

Chairman WALSH. When you were making $1.00 a day, was that enough to buy warm clothes for the children?

Mr. WIATER. Nothing at all.

Chairman WALSH. Not enough? What were your wages before you went on a strike?

Mr. WIATER. One dollar and sixty cents.

Chairman WALSH. And how many days in the month did you work?

Mr. WIATER. Well, work every week six days.

Chairman WALSH. I see that this is marked here by Mr. West, 27 shifts at $1.60 a day. What do you mean by "shifts"?

Mr. WIATER. I don't know what you mean by "shift." I think about $30 a month, and I got to pay about $60 or $71 to the butcher and baker and more of them, making that I come back all the time because I can not pay just all my bills.

Chairman WALSH. That is, when you were working at $2 a day you couldn't make enough to support yourself and family?

Mr. WIATER. No.

Chairman WALSH. Are you a man of good habits?

Mr. WIATER. Yes, sir.

Chairman WALSH. Do you drink?

Mr. WIATER. No; don't drink at all.

Chairman WALSH. Do you chew?

Mr. WIATER. No.

Chairman WALSH. Smoke?

Mr. WIATER. I smoke a pipe.

Chairman WALSH. And your wife works hard?

Mr. WIATER. And my wife works hard.

Chairman WALSH. And keeps the family well kept and the house clean?

Mr. WIATER. Yes, sir.

Chairman WALSH. And cooks for you?

Mr. WIATER. Yes, sir.

Chairman WALSH. You say she always goes out and helps about washing?

Mr. WIATER. Yes.

Chairman WALSH. For whom does she wash?

Mr. WIATER. Some English people come and ask her and she goes out.

Chairman WALSH. And she goes out and washes for them?

Mr. WIATER. Yes, sir.

Chairman WALSH. So when you got $2 a day, now, with your wife and five children that would be insufficient to live the way you do live over there and to buy one's clothing? I notice this is figured up, the total expenses for yourself and five children amounts to a little bit over $70.

Mr. WIATER. I know that is there.

Chairman WALSH. And if you got the $2 a day you would not still have enough for them to live on comfortably?

Mr. WIATER. Why, gentlemen, I tell you just now the truth. When I worked for $2 before, my wife you know when the peddlers come around and bring cabbage and potatoes and things in the wagon, and she can buy cheaper than at the grocery if she pay the cash money on the street.

Chairman WALSH. Yes; when she had the cash money she could buy things cheaper.

Mr. WIATER. Yes.

Chairman WALSH. But you have been compelled, as I understant it, ever since you have been back there this last fall, to buy on credit?

Mr. WIATER. Yes.

Chairman WALSH. And you never have caught up?

Mr. WIATER. No.

Chairman WALSH. Did you try to pay your debts as far as your money would go?

Mr. WIATER. I asked the fellow to give me a bill before I come over here, and he says all right, and he says I show you the bill, you show the gentlemen you are a good man. You say you go to the offices, and they ask you why you no pay your bill, and you say I am a good customer for you, because I am 19 years by you and toward July I get married and I buy groceries from him.

Chairman WALSH. The groceryman told you you could take the bill over and show it to us?

Mr. WIATER. Yes.

Chairman WALSH. And show that you had been a customer for a long time?

Mr. WIATER. Yes; I live all the time at Chrome——

Chairman WALSH. You lived at Chrome, and he knew you 19 years?

Mr. WIATER. Twenty-three years.

Chairman WALSH. In ordinary times what do you do for amusement? Do you ever go to the theater or anything like that?

Mr. WIATER. No; we got no theater, only just the last year started.

Chairman WALSH. The children, do they go to picture shows?
Mr. WIATER. Don't have my children go.
Chairman WALSH. Why don't they go?
Mr. WIATER. I keep them home all the time and stay home and watch the book and read in the paper.
Chairman WALSH. You keep the children at home to read books and papers?
Mr. WIATER. Yes, sir.
Chairman WALSH. And would you let them go to picture shows and the like of that if you had the money?
Mr. WIATER. We got no money.
Chairman WALSH. Commissioner Ballard would like to ask you a few questions.
Commissioner BALLARD. You said you had been working in the copper works five years?
Mr. WIATER. Yes.
Commissioner BALLARD. Where was that?
Mr. WIATER. At Chrome.
Commissioner BALLARD. In the same place?
Mr. WIATER. Yes, sir.
Commissioner BALLARD. What did you get at the copper place?
Mr. WIATER. I had 25 cents an hour.
Commissioner BALLARD. How long did you work there?
Mr. WIATER. Eight years.
Commissioner BALLARD. Is that where you got the money ahead before you worked for the fertiliser company?
Mr. WIATER. No; I had more working over there because I worked on Sunday and worked overtime and made a little more money. I made about $2.50 some days; I worked $15 or $16 a week doing copper work, because I worked every Sunday and overtime.
Commissioner BALLARD. And you struck there?
Mr. WIATER. No strike at all.
Commissioner BALLARD. You left there to come to this other place?
Mr. WIATER. They put me out from the work because it is all slack in the shop. They put 21 men out from the shop, and I got back to where I was working before 14 years, and I asked the man to give me a job, and he say, I can give you a job, but I give you only so much money, about $1.00. I say I am satisfied; I got to do something; I got to keep my family.
Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon. Be back here at 2 o'clock, Mr. Wiater, to take the stand.
(Thereupon, at 12.40 o'clock p. m., Thursday, February 4, 1915, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION.

Chairman WALSH. The house will be in order; we will proceed now.
Mr. Wiater, please resume the stand.

TESTIMONY OF MR. ANTONI WIATER—Continued.

Now, Mr. Wiater, at the noon recess I checked over these books and bills just a little and I am afraid, perhaps, that we do not understand each other. The book would indicate that your grocery bill, that is, for groceries alone, was in the neighborhood of about $10 a month, so I thought perhaps the $20 you stated included some of your debts, that is, included some back money you owed the grocery man. Do you understand?
Mr. WIATER. Yes.
Chairman WALSH. Well, how is that?
Mr. WIATER. Gentlemen, the clerks that are in the office here told me to bring all the bills and I got them from the coal dealer, from the butcher, from the baker, and from the grocer.
Chairman WALSH. Assuming that your grocery bill includes some money you owed the grocer before and that would not fall in one month, and say your expenses figured up about $40 per month, and it did not allow for shoes or clothing or anything, so I would think from the way the book looks, and it is not very plain, that perhaps $35 would not be for one month's groceries alone, but would include something that you owed the grocery man before or since.

Mr. WIATER. There was nothing but only the last month. I owed the $35 because I know the fellow gave me the bill just on the last month.

Chairman WALSH. The grocery clerk gave you that bill?

Mr. WIATER. Yes.

Chairman WALSH. You said you had to buy one pair of shoes a month at least—that they did not last a month.

Mr. WIATER. No; they don't last a month.

Chairman WALSH. How great a part of a month do they last? How long do they last—three weeks?

Mr. WIATER. Three weeks sometimes, and sometimes two weeks and a half, or something like that.

Chairman WALSH. We will say that your shoes cost $3.25 a month, and the children's shoes you say they were out in about a month, and there are four of them?

Mr. WIATER. Yes.

Chairman WALSH. How much do you say you paid for the children's shoes?

Mr. WIATER. One dollar and eighty cents.

Chairman WALSH. And your wife, you say, wears a pair of shoes perhaps three months and pays $2.50 for them?

Mr. WIATER. Yes.

Chairman WALSH. So that costs 80 cents a month?

Mr. WIATER. Yes.

Chairman WALSH. Is there any way by which you can estimate the cost of your clothing and keeping up your house—buy new bedding and such as that and new kitchen stuff? First, I will ask you if you can tell what your clothes cost you a month?

Mr. WIATER. What do you mean? My clothes and the children's clothes, do you mean?

Chairman WALSH. For the whole family.

Mr. WIATER. I can't tell it because I don't get no bill. Sometimes I buy things one week and sometimes I buy things another week.

Chairman WALSH. Now assuming, and perhaps I should not, that your grocery bill proper is about $10 a month, we have $90 a month that you spend and you have bought no clothing; of course you have to buy warm underclothing for the children?

Mr. WIATER. Yes.

Chairman WALSH. And for your wife?

Mr. WIATER. I don't buy it because I don't have the money. If I don't have the money, how can I buy?

Chairman WALSH. When you do have money you buy it?

Mr. WIATER. How can I get money? From who I get the money?

Chairman WALSH. Well, I know, but you have some clothes; where do you get your clothes?

Mr. WIATER. Here is my clothes [indicating suit he is wearing]. Here is all my clothes in seven years; it is nine years since I get these clothes.

Chairman WALSH. Well, you have the clothes you appear in here; are those your Sunday clothes?

Mr. WIATER. Yes.

Chairman WALSH. Have you got more than one suit?

Mr. WIATER. No, sir. That is all I got. What I have got on here now, gentlemen. I am ashamed to go in the city because I ain't got good clothes.

Chairman WALSH. Do you say you have not been able to buy a suit of clothes for nine years?

Mr. WIATER. This is all the clothes I have had for nine years.

Chairman WALSH. How about the children, they have to be clothed?

Mr. WIATER. They have pants and sweater and undershirt and a jacket.

Chairman WALSH. When did your wife buy a dress last?

Mr. WIATER. She don't buy them; she sews herself on the machine.

Chairman WALSH. Well, she buys the goods and makes her clothes, does she?

Mr. WIATER. Yes.

Chairman WALSH. Does she have any dresses made?

Mr. WIATER. Not at all. She makes them ever since I was married.

Chairman WALSH. Then your wages are are not sufficient with which to buy any clothing at all?

Mr. WIATER. I can't buy clothes.

Chairman WALSH. You can't even pay your bills, if I understand you, for what you have to eat?

Mr. WIATER. What?

Chairman WALSH. For your living you can not pay all the bills even when you are working?

Mr. WIATER. No; I can't.

Chairman WALSH. Commissioner Weinstock wants to ask you some questions.

Commissioner WEINSTOCK. Do you owe anybody any money?

Mr. WIATER. No, sir.

Commissioner WEINSTOCK. Are you in debt?

Mr. WIATER. No, sir.

Mr. WEINSTOCK. You don't owe anybody anything?

Mr. WIATER. Just the baker and the grocer.

Commissioner WEINSTOCK. How much do you owe the baker?

Mr. WIATER. Eight dollars and thirty-one cents.

Commissioner WEINSTOCK. How much do you owe the grocer?

Mr. WIATER. Thirty-five dollars.

Commissioner WEINSTOCK. Do you owe anybody else?

Mr. WIATER. That is all, and the butcher, too, I mean.

Commissioner WEINSTOCK. How much do you owe the butcher?

Mr. WIATER. I guess $10.17, or something like that.

Commissioner WEINSTOCK. Ten dollars and seventeen cents.

Mr. WIATER. Something like that.

Commissioner WEINSTOCK. So all your debts are $53?

Mr. WIATER. Yes.

Commissioner WEINSTOCK. If you had $53 and could pay up the butcher, the baker, and the grocer, then you would not owe anybody anything?

Mr. WIATER. No.

Commissioner WEINSTOCK. You say you have been earning $1.60 a day?

Mr. WIATER. Yes, sir.

Commissioner WEINSTOCK. And had been working 26 days a month?

Mr. WIATER. Not yet. Before Christmas I worked only three days, and before New Year's I worked three days.

Mr. WEINSTOCK. When you worked right along, you worked six days in the week for $1.60 a day?

Mr. WIATER. Yes.

Commissioner WEINSTOCK. That would be equal to $41.50 a month, and the chairman has figured out that it cost you about $60 a month to live without buying clothes. Now, there are seven in your family?

Mr. WIATER. Yes, sir.

Commissioner WEINSTOCK. Yourself and wife and five babies?

Mr. WIATER. Yes.

Commissioner WEINSTOCK. I suppose $10 a month for clothing would be very little for seven people?

Mr. WIATER. Very little.

Commissioner WEINSTOCK. That would make it $70 a month?

Mr. WIATER. Yes.

Commissioner WEINSTOCK. Now, if it costs you $70 a month to live, and you have only been earning $41.50 a month, that would be $28.50 short every month; that would be at the rate of $325 a year. How do you explain that when you say you only owe $53?

Mr. WIATER. It don't come that way every month, $35; sometimes it is only $20 or $25, or $30.

Commissioner WEINSTOCK. What?

Mr. WIATER. The grocery bill; I don't pay $35 every month.

Commissioner WEINSTOCK. The chairman has only figured groceries at $10 a month and not $35, and after figuring groceries at $10 and those things, including your clothes, cost according to this statement about $70 a month to live, and you earn $41.50; that makes a shortage of $28.50 a month, which would be equal to nearly $340 a year, so you would be $340 worse off at the end of the year than you were at the beginning of the year, and if that was kept up for two or three years you would be in debt at the end of that time nearly a thousand dollars; yet you say that you are in debt only $53.

Mr. WIATER. I don't work for $1.60 all the time; I told you before dinner I work in the copper plant, and I get $3.

Commissioner WEINSTOCK. You made $3 a day there?

Mr. WIATER. Yes, sir; working Sundays and overtime.

Commissioner WEINSTOCK. How long have you been working for $1.60 a day?

Mr. WIATER. I started before election.

Commissioner WEINSTOCK. That would be about the month of November?

Mr. WIATER. Yes, sir; the other people gave me a job over there about three days before election.

Commissioner WEINSTOCK. When you worked in the copper works you got $3 a day for six days in the week, and when you worked on Sunday you got overtime?

Mr. WIATER. Yes, sir.

Commissioner WEINSTOCK. How much for overtime?

Mr. WIATER. Time and a half.

Commissioner WEINSTOCK. So on Sundays you would get $4.50?

Mr. WIATER. Just time and a half.

Commissioner WEINSTOCK. When you worked in the copper works did you work overtime every Sunday?

Mr. WIATER. I worked every Sunday 8 hours; they only worked 8 hours; then I worked 10 hours a day, and that made overtime.

Commissioner WEINSTOCK. You worked every Sunday?

Mr. WIATER. Yes, sir; for three years. And on Easter and Christmas.

Commissioner WEINSTOCK. Then in the copper works you worked for $3 a day for six days in the week and you got $4.50 every Sunday, and that made $22.50 a week?

Mr. WIATER. Yes, sir.

Commissioner WEINSTOCK. That gave you about $90 a month, and a little over?

Mr. WIATER. About that. Sometimes I worked three hours overtime and sometimes I worked only two hours overtime.

Commissioner WEINSTOCK. Then this bad condition has only been for the last two or three months, when you had no work in the copper works, and you had to go back to the pick and shovel?

Mr. WIATER. Yes.

Commissioner WEINSTOCK. How soon do you expect to go back in the copper works?

Mr. WIATER. The boss told me when they shift the copper and they get a little busy they take me back again.

Commissioner WEINSTOCK. Then this pick and shovel job is only temporary and you are not going to work at it all the time?

Mr. WIATER. No, sir; I don't work steady at that.

Chairman WALSH. How much does your wife make taking in washing?

Mr. WIATER. Sometimes $1 and sometimes $1.50.

Chairman WALSH. For what time?

Mr. WIATER. A day.

Chairman WALSH. Does she contribute—does she use that money to live on?

Mr. WIATER. She buys something for the children.

Chairman WALSH. How many days a week does she wash?

Mr. WIATER. She don't wash every day; sometimes three days in the week, and sometimes two days in the week; and the rest of the time she cleans up the children's clothes.

Chairman WALSH. What she earns washing goes toward keeping up your house—that is, she buys things for the children, as clothes and such like?

Mr. WIATER. She buys what she wants for the children.

Chairman WALSH. But it goes into the house?

Mr. WIATER. It goes into the house.

Chairman WALSH. Now, the common laborers in that Liebig plant only get $1.60 a day, do they?

Mr. WIATER. Not all of them; some work in the machine shop at $2.50 a day.

Chairman WALSH. I say the common laborers. Those that work with pick and shovel, they get $1.60 a day?

Mr. WIATER. Yes.

Chairman WALSH. And assume that they all try as hard as you do to get along, they are just as bad off as you are; that is, the common laborers that have no chance to go back to the copper works; there are many that can not go to the copper works, of these common laborers?

Mr. WIATER. Not everybody can go to the copper works.

Chairman WALSH. You worked there before?

Mr. WIATER. Yes, sir.

Chairman WALSH. Are there a whole lot of men in the Liebig Co. that work like you are now working all the time, common laborers, with pick and shovel?

Mr. WIATER. I never seen many of them working in the copper works; most of them are Americans that get the job there; I am a Polack.

Chairman WALSH. Who owns the copper works?

Mr. WIATER. I can't spell them.

Chairman WALSH. Is there a union there?

Mr. WIATER. No union; they work eight and nine hours a shift.

Chairman WALSH. Is it Guggenheim's plant?

Mr. WIATER. No.

Chairman WALSH. Then when you made $3 a day that was $3 for eight hours work?

Mr. WIATER. Yes.

Chairman WALSH. Then you worked overtime, sometimes two and sometimes three hours a day?

Mr. WIATER. Yes.

Chairman WALSH. And you say you worked every Sunday for three years?

Mr. WIATER. Yes; and Christmas, too.

Chairman WALSH. What time did you go to church, or what time did you have with your family?

Mr. WIATER. There are two of us that work 24 hours; we have 24-hour shifts, and we change every two weeks.

Chairman WALSH. You work 24 hours continuously?

Mr. WIATER. I work right along continuously.

Chairman WALSH. How often did you say you changed shifts?

Mr. WIATER. Once every two weeks.

Chairman WALSH. You worked 24 hours continuously?

Mr. WIATER. Yes.

Chairman WALSH. How long was that?

Mr. WIATER. The last three years.

Chairman WALSH. How much did you get for your 24 hours' work, $6?

Mr. WIATER. No; they put me on a shift.

Commissioner WEINSTOCK. If it was time and a half, you got $9, didn't you?

Mr. WIATER. No; it was a shift.

Chairman WALSH. You say you worked in the copper works on holidays?

Mr. WIATER. Yes.

Chairman WALSH. On Christmas and the Fourth of July?

Mr. WIATER. Yes.

Chairman WALSH. And New Year's?

Mr. WIATER. Yes.

Chairman WALSH. And Thanksgiving?

Mr. WIATER. Yes; Thanksgiving.

Chairman WALSH. Commissioner O'Connell wants to ask you some questions.

Commissioner O'CONNELL. Are you a member of a union of any kind?

Mr. WIATER. There ain't no union down there; we have only one shop belonging to the union and that is the wheelers and the people are machinists; there is only one in Chrome.

Commissioner O'CONNELL. Do you belong to a union?

Mr. WIATER. Not now.

Commissioner O'CONNELL. Did you ever belong to a union?

Mr. WIATER. I did in the old country.

Commissioner O'CONNELL. What kind of a union was that?

Mr. WIATER. I forget about it.

Commissioner O'CONNELL. Did you ever learn a trade?

Mr. WIATER. I was a pipe fitter.

Commissioner O'CONNELL. Did you ever work at it in this country?

Mr. WIATER. Yes; and in the copper works.

Commissioner O'CONNELL. Copper-pipe fitting?

Mr. WIATER. Yes.

Commissioner O'CONNELL. You are a coppersmith, then? Do you do copper work, work on copper pipes?

Mr. WIATER. I can't explain what the copper is.

Commissioner O'CONNELL. Did you learn that in the old country?

Mr. WIATER. I did a little over there and in this country, too.

Commissioner O'CONNELL. Is there any union at all in this plant where you are working?

Mr. WIATER. No.

Commissioner O'CONNELL. In this place where you are working now?

Mr. WIATER. They have started one.

Commissioner O'CONNELL. And that is where the strike occurred?

Mr. WIATER. Yes.

Commissioner O'CONNELL. Did you belong to the union then?

Mr. WIATER. No; because I ain't got a dollar to pay.

Commissioner O'CONNELL. You didn't join because you didn't have a dollar?

Mr. WIATER. No.

Commissioner O'CONNELL. Wouldn't they take you in without the dollar?

Mr. WIATER. They didn't take me because I ain't got no money to pay.

Commissioner O'CONNELL. You wanted to join?

Mr. WIATER. Yes; I wanted to join. It is a good thing.

Commissioner O'CONNELL. You think it is better to belong to the union?

Mr. WIATER. Yes; because it is good for all the people. When they had the strike they put me on the committee, and they sent me to the office of the Armour plant and they sent me and another two fellows, and I go over there and talk a little bit. I explained in English that I want the superintendent, and the superintendent came outside of the gate, and told him what I can about the strike, and I ask him if he like the union, and he told me, he said, "I like the union." And I told the superintendent that we want more than $1.60 a day, and he said "I can't pay any more than $1.60 a day," and I said "Why?" And he said that they were having the war over in Belgium and they couldn't ship copper to Belgium because there was a war in Europe; and he said "When we are busy, we raise your wages." He said "If you like to work for $1.60 you can work; and if you don't, we can't raise it any more."

Commissioner O'CONNELL. Who said that?

Mr. WIATER. The superintendent.

Commissioner O'CONNELL. They did pay $2 at one time?

Mr. WIATER. Before the strike; and they cut wages to $1.60—40 cents.

Commissioner O'CONNELL. Did they promise to give you $2 again sometime?

Mr. WIATER. He said they can't now, because it is too slack.

Commissioner O'CONNELL. And before you struck you had a committee go up there to see if you couldn't get the $2 wage back?

Mr. WIATER. I went and asked him and he said "Why do you go on a strike," and I said "Why don't you put up the wages; you cut the boys 40 cents"; and he don't say nothing, and we go out on a strike.

Commissioner O'CONNELL. Did the boss say anything to you about not joining the union?

Mr. WIATER. He said they like the union, because if the company had trouble they could settle it, and it was good for the working people, too.

Commissioner O'CONNELL. Who was the boss?

Mr. WIATER. Philips.

Commissioner O'CONNELL. Was he manager or superintendent?

Mr. WIATER. The superintendent.

Commissioner O'CONNELL. The head boss?

Mr. WIATER. The head boss; yes.

Commissioner O'CONNELL. He told you he liked the union?

Mr. WIATER. Yes.

Commissioner O'CONNELL. Did he want to make any arrangement with your committee to treat with you as union men or recognise you as union men?

Mr. WIATER. The fellows from New York came to start the union—the Italians and one Hungarian.

Commissioner O'CONNELL. Do you think he likes the union now?

Mr. WIATER. Yes, sir.

Commissioner O'CONNELL. You think the boss likes the union now?

Mr. WIATER. Yes; he told me at the office; at the gate.

Commissioner O'CONNELL. Have you talked with him since you have been out on strike?

Mr. WIATER. Yes; I talked to him about three weeks after the strike was on.

Commissioner O'CONNELL. Have you talked with him lately, in the last week or so?

Mr. WIATER. I talked with him one time.

Commissioner O'CONNELL. Have you seen him or has your committee gone to him and tried to get back to work, or make a settlement of your trouble?

Mr. WIATER. The committee was over there last week. And he said he would give 20 cents an hour or $2 for 10 hours. He said he take the men back to work.

Commissioner O'CONNELL. You are talking now about the Armour plant, are you?

Mr. WIATER. Yes.

Commissioner O'CONNELL. I am talking about the chemical plant.

Mr. WIATER. I don't know about that; that is too far away.

Commissioner O'CONNELL. Was it the Armour plant or the chemical plant where the boss said he liked you? Which manager was it that said he liked the union?

Mr. WIATER. The Armour plant.

Commissioner O'CONNELL. I want to talk about the chemical plant.

Mr. WIATER. I don't know nothing about the chemical plant.

Commissioner O'CONNELL. Where were you working when the strike occurred?

Mr. WIATER. I worked for the Liebig plant.

Commissioner O'CONNELL. That is near the Armour plant?

Mr. WIATER. Yes.

Commissioner O'CONNELL. Where are you working now?

Mr. WIATER. Nowhere.

Commissioner O'CONNELL. Where was the last place you worked?

Mr. WIATER. At the Liebig plant.

Commissioner O'CONNELL. You did not work in the chemical plant at all?

Mr. WIATER. No.

Commissioner O'CONNELL. Oh, you were in this strike over there? You went on strike?

Mr. WIATER. Yes.

Commissioner O'CONNELL. Then you must have been working for the chemical company?

Mr. WIATER. No.

Commissioner O'CONNELL. There has been no strike at Armour's?

Mr. WIATER. The chemical plant is outside of town, and the strikers don't go over there.

Commissioner O'CONNELL. You are working for the Liebig Co.?

Mr. WIATER. Yes, sir.

Commissioner O'CONNELL. That is a fertilizing company?

Mr. WIATER. Yes, sir.

Commissioner O'CONNELL. That is one of the plants that went out on strike?

Mr. WIATER. Williams & Clyde and the Liebigs and the chemical and the Armour plant and Newark—the Newark people was just the same company.

Commissioner O'CONNELL. Was it the manager of the fertilizer company told you he liked the union?

Mr. WIATER. Didn't I tell you before Phillips, the superintendent of the Armour plant, told me he liked the union.

Commissioner O'CONNELL. You were on a committee to go to the Armour plant?

Mr. WIATER. Yes, sir.

Commissioner WEINSTOCK. Up to three months ago you were working in the copper plant?

Mr. WIATER. No; three months.

Commissioner WEINSTOCK. Three months?

Mr. WIATER. Before election I start to work at Liebig.

Commissioner WEINSTOCK. How long did you work in the copper plant?

Mr. WIATER. Eight years.

Commissioner WEINSTOCK. And you made $3 a day there?

Mr. WIATER. Three sometimes and sometimes more, I make.

Commissioner WEINSTOCK. And you worked every day in the week—seven days in the week?

Mr. WIATER. Seven days and sometimes more.

Commissioner WEINSTOCK. Sundays you got $4.50?

Mr. WIATER. Time and a half.

Commissioner WEINSTOCK. Thirty days a month, $3 a day is $90, and $1.50 extra for four Sundays made $6. You say that your wife did washing two or three days in the week, and she got $1.50 a day when she washed?

Mr. WIATER. She never washed when I make a little more money—she got to wash now.

Commissioner WEINSTOCK. When you were working in the copper she did not have to wash?

Mr. WIATER. No.

Commissioner WEINSTOCK. And you earned $90 a month, and the chairman figured out that it cost you to live, including clothing, $70 a month?

Chairman WALSH. I didn't figure that.

Commissioner WEINSTOCK. Somebody figured it $70 a month.

Chairman WALSH. You added a certain amount for clothing yourself.

Commissioner WEINSTOCK. And you made it $30?

Chairman WALSH. Ladies and gentlemen, I do not want to be dictatorial or anything of the sort, but I notice this afternoon many new people here and a disposition to give audible expression to your feelings. If it continues we will be compelled to adjourn and clear the hall and only allow a number to come in afterwards that can be controlled. I am going to ask you to cooperate with us, and if we are to have a fair understanding of this testimony we must have perfect order and no expression whatsoever. Something may be said that for the moment will appear very popular to the audience, and then shortly thereafter something may be said that you will want to give disapproval to, and you can see the necessity for cooperation and for the maintenance of the most perfect order.

Commissioner WEINSTOCK. You had arrived at $60?

Chairman WALSH. Without any clothing.

Commissioner WEINSTOCK. And I added $10 a month, making the $70.

Well, now, that would leave you a balance of $20 a month that you could save, if those figures are right. How comes it that you could not buy a suit of clothes in seven years when you had $20 a month over—a surplus?

Mr. WIATER. I sure I got just money to buy clothes, but I see folks over here in New York, I never see such a thing where I come from; clothes all the different here and no care for their clothes over here in New York like there.

Commissioner WEINSTOCK. If you wanted to buy a suit of clothes you had money to buy them, didn't you?

Mr. WIATER. I had; when I worked in the copper I saved a little money.

Commissioner WEINSTOCK. Say you would rather save your money, then, than buy clothes with it.

Mr. WIATER. Certainly.

Commissioner WEINSTOCK. But you could have bought clothes if you had wanted to buy them?

Mr. WIATER. I just need some; never get no money; just before this last month I got no money; I didn't work, and that fellow will throw me out on the street; I have a little money, and I pay my bills, and this time I got no money, and the fellow stop my meat, and I get credit from my grocery man.

Commissioner WEINSTOCK. You took $20 a month and saved it up?

Mr. WIATER. I save sometimes a couple or a few dollars.

Commissioner WEINSTOCK. If you were thrown out of work you would have this money in a bank to take care of you.

Mr. WIATER. I don't have no bank; keep home money; a few dollars.

Chairman WALSH. When his wife was confined he had doctor bills; how did he pay them?

Commissioner WEINSTOCK. The theory was he could not buy a suit of clothes on account that he had no money, and it developed he saved money in place of buying clothes.

Chairman WALSH. Commissioner O'Connell suggests that I ask, so that I will not have to go over it and he may not have to go over it, whether or not he paid for doctor and things like that?

Commissioner WEINSTOCK. No objection to that.

Chairman WALSH. I do not want to carry it any further. But when you made these better wages in the copper company were any of your family ever sick, and did you have to pay any doctor bills?

Mr. WIATER. Certainly I have to pay doctor bills.

Chairman WALSH. Have you lost any children?

Mr. WIATER. I lost two children.

Chairman WALSH. You lost two children, and, of course, you had to pay the funeral expenses?

Mr. WIATER. I know before about 18 years now.

Chairman WALSH. It is suggested probably they were insured. Were those children insured?

Mr. WIATER. One 11 months and one 6 weeks I lost.

Chairman WALSH. When your wife was confined, having these children, you had to pay for doctors?

Mr. WIATER. Certainly, I had to pay $10.

Chairman WALSH. When you were making $90 a month, did you have any fun; did you go to the theater or to picture shows?

Mr. WIATER. We got none over there.

Chairman WALSH. How much, when you were getting these better wages, were you able to save?

Mr. WIATER. I don't understand what you mean.

Chairman WALSH. How much did you save—you say you saved some?

Mr. WIATER. Sometimes $2 or $3, or maybe $5 a week.

Chairman WALSH. I will see if I can straighten this out with you. The Liebig plant and the Williams & Clyde plant both belong to the American Agricultural & Chemical Co., do they not, or do you know that?

Mr. WIATER. I don't understand about that. I heard a gentleman say the Williams & Clyde and the Liebig had the Armour plant and the Newark; I don't know what the company is, all fertilizer factories, I heard, belonged to the same company, the trust company; that is all I know, because the fellows did talk over there by the meeting.

Chairman WALSH. How much money did you have saved up when you lost your job?

Mr. WIATER. Thirty-five dollars.

Chairman WALSH. You had that much on hand?

Mr. WIATER. Yes.

Chairman WALSH. And did not owe anybody anything?

Mr. WIATER. No.

Chairman WALSH. That is all. Witness excused.

Mr. Hepburn.

TESTIMONY OF MR. A. BARTON HEPBURN.

Chairman WALSH. State your name, please.

Mr. HEPBURN. A. Barton Hepburn—A. B. Hepburn.

Chairman WALSH. Where do you reside, Mr. Hepburn?

Mr. HEPBURN. 205 West Fifty-seventh Street.

Chairman WALSH. New York City?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. What is your business, please?

Mr. HEPBURN. I am a dealer in credit—a banker.

Chairman WALSH. You are the chairman of the board of directors, I think, of the Chase National Bank, of New York City?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. You are a director in the American Car & Foundry Co.?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. And a director in the American Agricultural Chemical Co.?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. And a director in the F. W. Woolworth Co.?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. And in the Remington Typewriter Co.?

Mr. HEPBURN. No.

Chairman WALSH. In the Sears-Roebuck Co.?

Mr. HEPBURN. Yes.

Chairman WALSH. And also a member of the board of trustees of the Rockefeller Foundation?

Mr. HEPBURN. I am.

Chairman WALSH. When did you become a director in the American Agricultural Chemical Co.?

Mr. HEPBURN. It was soon after the panic of 1907.

Chairman WALSH. Did your bank have something to do with the reorganization of the company?

Mr. HEPBURN. It was not reorganized. Everybody had difficulty during the stringency that existed, and this company was undercapitalized, and they asked me to go on the board to aid them in increasing their capitalization. I told them I could do it just as well as a banker; I knew nothing of their business and could not afford to give attention to their business. They said they did not want that, but they did want some one in the board who could discuss the questions with the board as a whole; and I went in the board for that reason.

Chairman WALSH. How many directors are there of the American Agricultural Chemical Co.?

Mr. HEPBURN. Well, it is a large board—some twenty-odd; I don't remember.

Chairman WALSH. Is there an executive committee in the board?

Mr. HEPBURN. Yes.

Chairman WALSH. Are you a member of the executive committee?

Mr. HEPBURN. I am not.

Chairman WALSH. Who are the members of the executive committee?

Mr. HEPBURN. The president of the company, Peter B. Bradley, and the chairman of the board, Robert B. Bradley, Mr. Preston, Mr. Gifford, and Keno, I think.

Chairman WALSH. How many are there, Mr. Hepburn?

Mr. HEPBURN. Well, I don't know; I am not positive.

Chairman WALSH. Have you ever personally inspected the plants of the American Agricultural Chemical Co.?

Mr. HEPBURN. No, sir.

Chairman WALSH. When did you first hear there was a strike at that plant?

Mr. HEPBURN. When the papers published the fact.

Chairman WALSH. Was that prior to the difficulty that took place over there?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. Did you learn what the demands of the strikers were?

Mr. HEPBURN. I called up the office and asked them about the strike and what occasioned it and what was involved. They told me they were striking for more pay and less hours, but that the matter was not difficult—the gist of the statement was that they had very many applications for employment, the difficulty was with the common laborers, and that they thought or hoped that when the strikers realized that there were so many people who wanted their places at the prices they were paying that they would resume work. They said they did not regard the situation as serious. The next thing I saw the account of the catastrophe over there.

Chairman WALSH. Did they say how much the men were being paid?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. What did they say they were being paid?

Mr. HEPBURN. One dollar and sixty cents.

Chairman WALSH. One dollar and sixty cents per day; and did they say what hours they worked?

Mr. HEPBURN. Yes; I understood nine hours.

Chairman WALSH. Well, who did you talk to over the phone, Mr. Hepburn?

Mr. HEPBURN. Mr. Gifford.

Chairman WALSH. Who is Mr. Gifford?

Mr. HEPBURN. I believe—he is the vice president of the company and also a lawyer by profession, and their attorney, and actively connected with the management of the company.

Chairman WALSH. Does he live in New Jersey?

Mr. HEPBURN. No; he lives in New York. I can not give you his address—James M. Gifford.

Chairman WALSH. Did you or did you not ask him how many hours they were working?

Mr. HEPBURN. In this conversation?

Chairman WALSH. In this conversation.

Mr. HEPBURN. Well, my recollection is they stated nine hours.

Chairman WALSH. Have you given the substance of the conversation that you had with him?

Mr. HEPBURN. I think so.

Chairman WALSH. You saw in the papers that there was a strike in the plant, and you were a director in the plant and called him up and asked him about the strike?

Mr. HEPBURN. Yes.

Chairman WALSH. And he told you the strike was for more pay and shorter hours of work?

Mr. HEPBURN. Yes.

Chairman WALSH. And he told you the pay the common laborers were getting was $1.60 per day and the number of hours was nine?

Mr. HEPBURN. That is my recollection; yes.

Chairman WALSH. And that the strike was only among the common labor—no skilled laborers involved; and that he thought, on account of the very great number of men that would come to take the strikers' places, it would be of very short duration? Do you know whether any of the men on strike had had homes there and lived there for any considerable time?

Mr. HEPBURN. I know nothing about it whatever.

Chairman WALSH. How large a place is Chrome?

Mr. HEPBURN. I don't know.

Chairman WALSH. Were you ever in Chrome?

Mr. HEPBURN. No.

Chairman WALSH. What sort of a plant has the American Agricultural Chemical Co. in Chrome?

Mr. HEPBURN. I don't know. It has plants all over the country, from Maine to Texas, more or less.

Chairman WALSH. What is the company capitalized for?

Mr. HEPBURN. Well, they have a bonded indebtedness, I think, of about $15,000,000.

Chairman WALSH. And do you know what the total amount of their capital stock is?

Mr. HEPBURN. It is a large amount. They have an authorized preferred and common stock of $50,000,000 each, and I think there are about $27,000,000 of preferred stock issued, and I should think about $10,000,000 less of the common.

Chairman WALSH. And the bonded indebtedness is $15,000,000?

Mr. HEPBURN. About that.

Chairman WALSH. Does this one company operate all the plants, or are some of the others operated by subsidiary companies?

Mr. HEPBURN. Well, the company was made up originally by putting together a large number of companies, and they have gone right on, those separate companies, with their local management in practically the same way. I am speaking now generally. I know nothing whatever about the manufacturing plants—never have given any attention to it, further than such as might be reported to the board. The board only meets four times a year. The members of this board representing the different plants are widely separated and meet only four times a year. The executive committee is given power—very large powers—and they are in, I should think, practically continuous session.

Chairman WALSH. Did you make any attempt to find out whether the demands of the men that had been in the employment of that company were based upon justice or not?

Mr. HEPBURN. I made that inquiry after the shooting there. Then I tried to get some further information; but I found the officers were very much excited and very much surprised and were in possession of no information, and the matter ended there.

Chairman WALSH. What attempt did you make to find out, Mr. Hepburn, after the shooting occurred?

Mr. HEPBURN. What—after?

Chairman WALSH. Yes. Did you call some one over the telephone, or correspond——

Mr. HEPBURN (interrupting). Oh, yes; and I saw Mr. Gifford and talked with him about it.

Chairman WALSH. Where?

Mr. HEPBURN. I think he came into the bank. I saw him uptown.

Chairman WALSH. Whereabouts uptown?

Mr. HEPBURN. Well, at—we came from the same college, and I saw him at an alumni dinner held at Delmonico's.

Chairman WALSH. When was that after the shooting?

Mr. HEPBURN. I think it was the 22d or 23d of January.

Chairman WALSH. How much time had elapsed between the time that you heard in this first conversation that there was a strike on and the time you say you were advised by some one connected with the company or it came to your knowledge that a shooting had taken place over there?

Mr. HEPBURN. Why, I think it was a couple of days; very soon; very little difference.

Chairman WALSH. Has the strike ever been discussed in the meeting of the board of directors?

Mr. HEPBURN. There has been no meeting of the board of directors. It meets only four times a year.

Chairman WALSH. When was the last meeting of the board of directors of the American Agricultural Chemical Co.?

Mr. HEPBURN. Well, I don't know. I was not present at the last meeting. I should think it was some four or five weeks ago, more or less.

Chairman WALSH. When was the last meeting prior to that one?

Mr. HEPBURN. I can not give you the date, but they hold them four times a year.

Chairman WALSH. Were you at the meeting prior to the last one, four or five weeks ago?

Mr. HEPBURN. Yes; in the fall; early in the fall.

Chairman WALSH. What reports do the directors of that company receive from the management of these various plants?

Mr. HEPBURN. As I told you before, I am on the finance committee, and in going through the general business of the company, the reports of the general condition—finances of the company, and so forth. They then have reports from the managers of each of these factories, and it takes a very long time, and I do not attend them; I do not stay to them.

Chairman WALSH. But you would have an opportunity? It is your privilege, if not your duty, to stay throughout?

Mr. HEPBURN. I could stay there; yes.

Chairman WALSH. What information do you have? Are you a stockholder in the American Agricultural Chemical Co.?

Mr. HEPBURN. Yes, sir.

Chairman WALSH. To what extent?

Mr. HEPBURN. One hundred shares.

Chairman WALSH. What is the value?

Mr. HEPBURN. Ten thousand dollars par value.

Chairman WALSH. Do you control any other shares in it?

Mr. HEPBURN. No.

Chairman WALSH. What information do you, either as director or as stockholder, possess concerning the labor conditions in the American Agricultural Chemical Co.?

Mr. HEPBURN. None, except we have the information that is reported.

Chairman WALSH. Is the report in writing?

Mr. HEPBURN. Why, the reports are made in writing at the general meeting—especially the annual meeting—at the dividend meetings—they have four meetings a year.

Chairman WALSH. Do you receive any reports from the corporations which give you any information regarding labor conditions?

Mr. HEPBURN. I don't think so. The executive committee may have, but I——

Chairman WALSH. You never saw any?

Mr. HEPBURN. No; I have never seen any.

Chairman WALSH. Have you ever visited the plants to ascertain?

Mr. HEPBURN. No.

Chairman WALSH. In your opinion, to what extent are directors and stockholders responsible for labor conditions in their plants?

Mr. HEPBURN. I think they are decidedly responsible—wholly responsible. I think the board, as a whole, is responsible for labor conditions and all other conditions.

Chairman WALSH. What scope of authority do you give your executives with reference to the establishment and maintenance of labor conditions?

Mr. HEPBURN. The executive committee is given—the salaries of the general officers of the company, I think, are fixed by the board, and all subordinates and all employees are employed by and their compensation fixed by the executive committee. And that is the only arrangement that bears upon that question as to the fixing of labor conditions—as to the compensation. What were the other parts of your question?

Chairman WALSH. Well, it was the scope of the authority that you give to the executive officials to make labor conditions?

Mr. HEPBURN. Oh, they have full authority—the same authority that the board, as a whole, possesses.

Chairman WALSH. Did I understand you to say that the directors of corporations are responsible for the labor conditions in them fully?

Mr. HEPBURN. Well, they are, to an extent. They are responsible for making labor conditions proper.

Chairman WALSH. Did you hear the testimony of this man who was on the witness stand—Mr. Winter—this morning?

Mr. HEPBURN. I heard him, but I did not understand very much of it.

Chairman WALSH. I will try and interpret part of it. That he is a man of, we will assume it is true for the purpose of this question, of fine personal habits; he does not drink; he does not carouse in any way; he does not chew tobacco; and he smokes a pipe; he has five children and he gets $1.60 a day, using the pick and shovel, and that he works 10 hours a day, not 9; that simply

paying for the actual food and wants that it costs him $10 a month more—that is, not counting clothing—to live than he would have received if he worked every day. Do you think such a condition ought to be allowed to exist?

Mr. HEPBURN. It seems to me a very low compensation and the conditions as you describe them were most unsatisfactory.

Chairman WALSH. Were most unsatisfactory?

Mr. HEPBURN. Yes.

Chairman WALSH. And you feel a full responsibility for it as a director of the company?

Mr. HEPBURN. No; I do not. I feel I have discharged my duties in the selection of the officers and the selection of the committees and given them that authority and responsibility.

Chairman WALSH. Then, that is, do you tell them not to pay the men but $1.60 a day, whether they could live on it or not?

Mr. HEPBURN. Tell them nothing.

Chairman WALSH. You mean when you fix the compensation of the men you appointed?

Mr. HEPBURN. When we select the officers and the committees we assign them this task of looking after all these plants all over the country, for the labor conditions are very different in different places. In Florida, where the phosphate beds are and where help is essentially colored, and in Massachusetts, where the help is of an entirely different character, there is no uniformity of conditions, and those have to be considered by the people locally in charge, under the supervision of the executive committee and the officers, who receive a salary and who are supposed to look after those things.

Chairman WALSH. Has a director, or has the board of directors as a whole, ever given these executives any instructions as to what labor conditions should be maintained?

Mr. HEPBURN. I do not think so.

Chairman WALSH. Would you feel that you did your full duty if a vast number of men worked in your industries and were not making living wages?

Mr. HEPBURN. On that subject I would not feel myself competent to instruct anybody. I have never been brought in contact with the employment of people in a large way. In different sections of the country; personally, I would not be competent. These other men are supposed to be. Most of the members of this board are practical manufacturers and marketers of fertilizer. That was their business.

Chairman WALSH. I know, but a man simply a marketer or a manufacturer of fertilizer, would he have any broad knowledge over you as to what a living wage was for a man?

Mr. HEPBURN. He ought to have in these different localities.

Chairman WALSH. Are you not on some of these foundations that undertake to ascertain what widows' pensions should be and what should be given for the support of the family and such matters as that to educate them?

Mr. HEPBURN. We have those general subjects under consideration; yes.

Chairman WALSH. And you are on the directorate of this foundation?

Mr. HEPBURN. Of that foundation; yes.

Chairman WALSH. As a matter of fact, are not labor conditions the only matters under the control of executive officials which are not subject to a close audit and check of some kind?

Mr. HEPBURN. Labor conditions?

Chairman WALSH. Yes; the conditions of the men that work in your factories, are they not the only—is not that the only thing that you do not check up?

Mr. HEPBURN. Labor is fundamental to the success of any enterprise, and as a matter of justice and also of intelligent selfishness it ought to be properly managed and properly paid and properly cared for in order that they might realize the best results.

Chairman WALSH. It weakens the State terribly, if they are not?

Mr. HEPBURN. Yes.

Chairman WALSH. There is an economic basis—you have learned this from your philanthropic activities, have you not—that there is an economic basis for all of the ills of mankind, disease, immorality, crime, and everything else that threatens the State, is there not?

Mr. HEPBURN. Yes.

Chairman WALSH. Going back to the question as I asked it, do you not as a director in this corporation or in the other industrial corporations that you

are connected with, require statements as follows: A balance sheet of profit and loss account showing in detail the disposition of all financial matters?

Mr. HEPBURN. Certainly.

Chairman WALSH. Cost production sheet showing comparative cost at different plants in different years?

Mr. HEPBURN. Now, that would involve the item of labor as well; yes.

Chairman WALSH. But you have one that shows the cost of production?

Mr. HEPBURN. Yes.

Chairman WALSH. Showing the comparative costs at different plants and in different years?

Mr. HEPBURN. Yes.

Chairman WALSH. And you require a periodical inspection of machinery in the plants, do you not?

Mr. HEPBURN. I do not know. I presume so. I am not a machinist.

Chairman WALSH. But you require periodical inspections of material, do you not?

Mr. HEPBURN. I do not know just what you mean by that.

Chairman WALSH. Well, all the material, for instance, that the company manufactures, the manufacturing material, the raw material, so that you are informed in a broad way just what material is on hand all of the time?

Mr. HEPBURN. They have chemists to do that, and make reports.

Chairman WALSH. But they have to make reports to you as directors; that is correct, is it not?

Mr. HEPBURN. They make reports to the executive committee. I do not think they have ever made report to the board in this corporation.

Chairman WALSH. May they not have made a report at some of these meetings when you retired and before the meeting was over?

Mr. HEPBURN. Yes; they may have.

Chairman WALSH. And they require in all these corporations periodical inspection or an inventory of all the physical assets and material assets, do they not?

Mr. HEPBURN. Yes; should.

Chairman WALSH. According to your own standards, what would you consider to be proper living conditions as regards the following points: The proper length of workday for labor with pick and shovel?

Mr. HEPBURN. Well, I do not know. I can not answer that question. It depends upon the kind of work, I should think. I am not a student on that subject.

Chairman WALSH. What should be a yearly income for an unskilled workman with a wife and three children?

Mr. HEPBURN. Well, would you differentiate between——

Chairman WALSH. Well, say in the State of New Jersey?

Mr. HEPBURN. Well, would you differentiate between a man with a wife and three children and any other man?

Chairman WALSH. I would.

Mr. HEPBURN. As to the wages paid, working alongside of each other?

Chairman WALSH. I am asking you. If I was hiring, do you mean—if I was running the plant I do not believe, if you ask me the question and you wished my answer, I do not believe I would. But I am asking——

Mr. HEPBURN. I wanted to know to understand your question. I did not mean to examine you. Pardon me.

Chairman WALSH. I was asking you now to get at, if possible—for the commission to get at your standpoint. What do you think should be the yearly income for unskilled workmen?

Mr. HEPBURN. Mr. Chairman, I would answer that question with great pleasure if I could, but I have never studied this question. I have not studied this subject, and I never was brought in contact with the employment of labor in a large way. These boards that I am on I have have been on simply because these corporations have to use their own credit—they have to extend credit—and a man who is a dealer in credit may be useful to them in that way. That marks the limitation of my duties in every one of the boards I am on—the service I can render in respect to credit and finance.

Chairman WALSH. But when you went on you expected to assume the responsibility that went with such membership, did you not?

Mr. HEPBURN. Oh, yes.

Chairman WALSH. And the public naturally would assume that that would be the case?

Mr. HEPBURN. Yes.

Chairman WALSH. Have you any information as to what should be the yearly income for unskilled workmen; for instance, a man and his wife?

Mr. HEPBURN. I have not. I haven't any knowledge upon which to base an opinion.

Chairman WALSH. What should be the compensation for an industrial accident involving, first, the loss of an arm?

Mr. HEPBURN. Oh, well, I can't answer that.

Chairman WALSH. And, second, the loss of both eyes?

Mr. HEPBURN. It ought to be ample.

Chairman WALSH. And, third, the loss of life—to the survivor? What compensation should be made to the survivor—the dependent?

Mr. HEPBURN. Those are matters of legislation in various States. They are matters that are fixed in the practices of different countries like Germany, for instance. I do not recall what their requirements are, but I am a great admirer of the German system in doing things. I should presume they had it about right. I can not help you any, if you need information on that subject.

Chairman WALSH. According to your own standards, what should be the age and conditions under which children should be employed in any industry?

Mr. HEPBURN. Well, the conditions ought to be favorable and the age ought to be sufficiently advanced so that the employment could not in any wise interfere with their proper growth and development.

Chairman WALSH. How many years would you say—what age?

Mr. HEPBURN. Well, I do not know. I do not know how to answer that, either. There are families in this town who depend more or less upon their children in selling papers on the street. I was for 15 years treasurer of the Children's Aid Society, and we had thirty-odd schools here. The school body was made up mainly of children who could not get into the public schools. The public schools lock the doors at 5 minutes before 9, and the children could not get there because they were employed in helping support the family; they helped make their living by selling papers and otherwise. That may be wrong. Those children ought to be in the public schools, but if they were deprived of such work it would still further deprive their families of support. It is a question that will be extremely difficult to regulate by a general postulate, and I think that every case or class would have to be judged by itself.

Chairman WALSH. If you were convinced that labor conditions in any of the corporations in which you are interested were such that the workmen were unable to support their families without putting their wives and younger children to work, what action as a director would you take?

Mr. HEPBURN. Well, I would try to improve the condition.

Chairman WALSH. Just restate. What would you do as a director?

Mr. HEPBURN. What would I do as a director?

Chairman WALSH. Yes.

Mr. HEPBURN. I should call upon the committee, the people in charge of the matter, for a report of conditions first.

Chairman WALSH. Yes.

Mr. HEPBURN. I think you better do that in this case and in this particular happening here.

Chairman WALSH. We are proceeding—we will fumble along in our own way about this; but if you will kindly——

Mr. HEPBURN. I mean by that, that you will get some people here who can give positive explicit answers, which I can not.

Chairman WALSH. I would like, if you will permit me, not to state what the present intention of the committee is—not that we have anything to withhold that we do not want to give out, but because they have announced publicity that until after the State authorities get through with the criminal investigation that is being made nothing will be done. So in the meantime, if you will just say what you would do as a director—I am not confining it to this corporation, because I see you are on a number of them—but if you were convinced that labor conditions in any of the corporations were such that the workmen were unable to support their families without putting their wives and younger children to work, what would you do? I believe you said first you would call upon the executive officials to ascertain what truth there was in the charges. What next?

Mr. HEPBURN. Ascertain the facts; ascertain the possible remedies, and if we could not continue the business without such conditions, I think it would be better to abandon the business.

Chairman WALSH. Were you ever present at a meeting of the directors, of any of the corporations of which you are a director, at which labor policies to be pursued by the corporation, either during strikes or during normal times, were discussed?

Mr. HEPBURN. No; I do not remember of any strike in any of the corporations that I was ever connected with that I can recall now, except this one. I do not believe the subject ever was discussed.

Chairman WALSH. You are a director in that plant or were in 1912?

Mr. HEPBURN. What plant?

Chairman WALSH. The American Agricultural Chemical Co., of Chrome, N. J.?

Mr. HEPBURN. Yes.

Chairman WALSH. Did you know there was a strike there in 1912 in which one man was killed and two were seriously wounded?

Mr. HEPBURN. No.

Chairman WALSH. You did not read that in the newspapers?

Mr. HEPBURN. At what time did it occur?

Chairman WALSH. At what time?

Mr. HEPBURN. No; I did not know it.

Chairman WALSH. To refresh your memory, in the month of June, 1912.

Mr. HEPBURN. I do not think I was in this country then. I was just about returning from Africa at that time.

Chairman WALSH. How long had you been in Africa?

Mr. HEPBURN. Four months.

Chairman WALSH. Before you went to Africa in 1912——

Mr. HEPBURN. I was abroad four months I mean.

Chairman WALSH. Abroad in 1912. Did you know the working hours in the fertilizer plant of the American Agricultural Chemical Co., in Chrome, N. J., were 12 hours?

Mr. HEPBURN. No; I did not know.

Chairman WALSH. Did you know that prior to June, 1912, that the work day in the plant at Chrome, the fertilizer plant of your company at Chrome, N. J., was 12 hours, and the wages $1.80 for 12 hours, and that the men went on a strike and out of that strike they shortened hours, reduced the hours to 10 hours per day, and raised their wages to $2 per day, and that during the strike there was one man killed and two wounded?

Mr. HEPBURN. I did not.

Chairman WALSH. And did you ever hear that was true, that this man was killed and these others wounded by the fire of special deputy sheriffs or guards of your company?

Mr. HEPBURN. No.

Chairman WALSH. In which corporations in which you are interested, Mr. Hepburn, are the employees organized into labor unions?

Mr. HEPBURN. I couldn't say.

Chairman WALSH. Have you observed the effect of such organization upon the men and the owners of the industries?

Mr. HEPBURN. I have never had any opportunity.

Chairman WALSH. Have you ever studied the question which seems to be discussed a great deal, and the gentlemen have expressed their views, as Mr. Kirchway this morning did?

Mr. HEPBURN. Yes; I heard the close of his testimony. No; I never have. Of course, I have read upon the subject, but I have not formulated any theories. There are so many men who are students of those things, men of ability and character and force studying it, that I would prefer to take their views. I haven't any views on the subject to present.

Chairman WALSH. What is your attitude toward the organization of employees for their own protection and the advancement of their own interests?

Mr. HEPBURN. Perfectly proper.

Chairman WALSH. Upon what information or experience is this attitude based that it is perfectly proper for them to organize?

Mr. HEPBURN. Common justice.

Chairman WALSH. Common justice. What is your attitude toward permitting union organizers who are not employed by your corporation to address employees and others, and to carry on their work without interference?

Mr. HEPBURN. Well, under what circumstances? While they were at work?

Chairman WALSH. Outside of the plants when their hours of labor are over?

Mr. HEPBURN. There is certainly no objection to doing it at a proper time.

under proper circumstances. I can conceive that it might be done at improper times. I believe in free speech, and free action so far as it may be had.

Chairman WALSH. As a result of your observation and experience, Mr. Hepburn, do you believe that industrial discontent in America is increasing or decreasing?

Mr. HEPBURN. I think it is increasing—has been for the last 15 years, say.

Chairman WALSH. Why do you think this is so, Mr. Hepburn? Why is it so in your opinion?

Mr. HEPBURN. You mean what has produced it?

Chairman WALSH. Yes; what has produced it?

Mr. HEPBURN. Well, there is the extension of liberty of action, and the development of individuality and the sense of individuality which has taken place in politics and in business the world over; and people have come to assert themselves. The doctrine of hereditary government, which everybody accepted a few years ago, is being discounted and done away with in almost all nations, and we have gone back to the foundations, and I think the increased wages, the increased wealth—I use that dangerous term wealth—the increased means of subsistence, of living and enjoyment which people have attained; the farmers, for instance, with their enormous crops, and other branches of industry. They have come to have more and to want more, and the increased efficiency of machinery, which provides so many things so cheaply and brings them within the range of ordinary workmen—things which were luxuries to people of ordinary wealth or affluence 25 years ago. The fact that so many of these things are attainable, and the natural desire to have more which is born of the proper ambition of everyone, have begotten a spirit of restlessness—that is, I don't quite like the word "restlessness," but a spirit of self-assertion, a spirit of ambition, a spirit of acquisition, whatever it may be, which makes each individual and each class of individuals desirous of participating in a greater degree in the good things of the world, if I may be understood by that expression. I think that fairly covers what I have to say.

Chairman WALSH. What would be your opinion or what is your opinion regarding the social desirability of heavily endowed foundations with self-perpetuating boards of trustees as a method of dealing with social ills?

Mr. HEPBURN. My judgment is that it would be very effective and very helpful as an element in the general make-up of the affairs and influence of the Government and people.

Chairman WALSH. When did you become a member of the governing board of the Rockefeller Foundation?

Mr. HEPBURN. Well, May or June of last year.

Chairman WALSH. 1914?

Mr. HEPBURN. Yes.

Chairman WALSH. Who was it invited you to become a member?

Mr. HEPBURN. The letter was addressed to me by the president of the board, in behalf of the board.

Chairman WALSH. Who was that?

Mr. HEPBURN. John D. Rockefeller, jr.

Chairman WALSH. Now, what considerations, Mr. Hepburn, led you to accept the invitation?

Mr. HEPBURN. A belief that the funds with which the foundation was endowed could be productive of very great and lasting benefit to mankind, and a desire to contribute what I could by participating in the labors which were incident to the administration of the fund.

Chairman WALSH. Had you read the charter of the foundation before you became a member?

Mr. HEPBURN. It was incorporated in the letter.

Chairman WALSH. And were the constitution and by-laws likewise submitted to you?

Mr. HEPBURN. I don't think so—not at that time.

Chairman WALSH. The law creating the body was incorporated in the letter?

Mr. HEPBURN. Was quoted.

Chairman WALSH. Was quoted in the letter?

Mr. HEPBURN. Yes.

Chairman WALSH. Please state briefly the purpose of the Rockefeller Foundation.

Mr. HEPBURN. I think that was very well stated by Mr. Gates[1] much better than I could state it.

Chairman WALSH. Well, to be perfectly frank, the commission desires to gather your own conception of it. You are a trustee and charged with adminis-

bring a very large amount of funds per year and taking care of the capital, and we would like to get your conception of it. What is the purpose of the Rockefeller Foundation?

Mr. HERBURN. The purpose was to be of benefit to mankind along the lines which individuals could not pursue because of the expense involved, and which the Government would not pursue because it seemed to be against governmental policy. I refer to the amount expended in medical research and in the studying of disease, and various other matters which our Government has not undertaken and which I believe to be very essential to the welfare of mankind. And then the educational question—the question of education in its higher sense, and especially along lines of research, differentiating somewhat from what the General Education Board would do or contribute to. And then any other question that might come up. They have sent $1,000,000 for the relief of the Belgians over there who have suffered in this war; and they would have equal right to use the funds for anything else that made for the benefit of mankind. In the case of any enormous calamity, which I regard this war to be, and consequent suffering on the part of people entirely innocent of any part in bringing about the suffering, and various other matters that we may conceive of now, and those which the changing conditions of the future may present and which we can not foresee now. I think it is extremely important to have a large fund of that kind under the control of good men who can meet the varying conditions of life as they present themselves with our advancing civilization, and contribute to the welfare of mankind as may seem best and wisest under the circumstances of each age, each era, or each year.

Chairman WALSH. Up until a very short time ago I believe the offices or headquarters of the Rockefeller Foundation have been at 26 Broadway, New York City?

Mr. HERBURN. Yes.

Chairman WALSH. How many meetings have you attended since May, 1914?

Mr. HERBURN. Well, let me see—four, I think.

Chairman WALSH. How long were you there each time?

Mr. HERBURN. The meetings generally begin at 10 o'clock and last all day. They are very hard-working meetings, I assure you of that.

Chairman WALSH. Remain there all day meeting together?

Mr. HERBURN. Except to go out to lunch.

Chairman WALSH. Except when you go out to lunch?

Mr. HERBURN. Yes.

Chairman WALSH. Now, between times, between these four meetings at which you have been there, how do you keep in touch with the board's work?

Mr. HERBURN. Only by consultation and conference at times and perhaps not at all. The executive committee is in charge, and their reports are made to the general board, and they proceed under the general directions of the board.

Chairman WALSH. As a matter of fact, the executive committee, between the meetings, conduct the operations and report to you at the meetings?

Mr. HERBURN. That is right.

Chairman WALSH. And any conversation you would have might be a casual one—to meet somebody or something of that kind?

Mr. HERBURN. Yes; and I might be specially consulted.

Chairman WALSH. And you have been at four meetings?

Mr. HERBURN. I have been at all the meetings since I have been a member.

Chairman WALSH. When did you first hear the executive committee had made an arrangement with Mr. Mackenzie King to conduct an investigation into industrial relations of the country?

Mr. HERBURN. The question of making an arrangement with him was brought forward for discussion in the board before it was made, and canvassed pro and con, and information sought in regard to Mr. King by different people—different members of the board.

Chairman WALSH. That meeting was on August 13, I believe?

Mr. HERBURN. I can not tell you the date.

Chairman WALSH. What is that?

Mr. HERBURN. I presume so; I can not tell you the date.

Chairman WALSH. Did you know prior to that meeting that Mr. Mackenzie King had had a meeting with Mr. J. P. Welborn, the president of the Colorado Fuel & Iron Co., and Mr. John D. Rockefeller, jr., Mr. Jerome D. Greene, and Mr. John D. Rockefeller, sr., at Tarrytown?

Mr. HERBURN. No.

Chairman WALSH. Did you know at that time that Mr. Mackenzie King had made any study of the conditions or given any advice with respect to the troubles existing in the mines of the Colorado Fuel & Iron Co. in Colorado?

Mr. HEPBURN. I did not.

Chairman WALSH. Was anything said about it in the meeting of the board of directors at the time the question of employing Mr. King was up for discussion?

Mr. HEPBURN. I don't think the Colorado strike was ever mentioned at any meeting of the board at which I have been present.

Chairman WALSH. May you not be mistaken about that, Mr. Hepburn. I see the meeting that my attention has been called to was a meeting of the executive committee on August 12. Were you on the executive committee?

Mr. HEPBURN. No.

Chairman WALSH. Isn't it a fact that no meeting of this board was held between May 27 and November 5—no; October. Isn't it a fact that you were not present at any meeting of this board between May 27, 1914, and October 21, 1914?

Mr. HEPBURN. Quite likely. There was a long interval there.

Chairman WALSH. Do you say, Mr. Hepburn, that Mr. Mackenzie King was under discussion as early as May 27, 1914?

Mr. HEPBURN. I would not undertake to fix any dates of the meetings. I haven't them in mind. But the question of employing Mr. Mackenzie King was under discussion, and the matter was canvassed pro and con, and information as to his past work, so far as known, was disclosed—at that time he had not been employed; no arrangement had been made. What I mean to say is that this discussion was preliminary to the arrangement made with him, and might have been in May or might have been——

Chairman WALSH. Was the arrangement made at a board meeting?

Mr. HEPBURN. Oh, no; it was made by——

Chairman WALSH (interrupting). Sir?

Mr. HEPBURN. No. It was made by the executive committee—or made by the officers under the general approval of the board. Everybody seemed to think he was the most desirable man to secure.

Chairman WALSH. Who finally hired Mr. Mackenzie King? Who finally employed him?

Mr. HEPBURN. That I could not answer. I do not know who made the arrangement with him.

Chairman WALSH. You do not know who made the arrangement with him?

Mr. HEPBURN. No.

Chairman WALSH. Or you do not know what instructions were given him?

Mr. HEPBURN. No.

Chairman WALSH. And you have never learned yet?

Mr. HEPBURN. No.

Chairman WALSH. And you simply know in a general way that he is to inquire into industrial relations?

Mr. HEPBURN. There were no directions given him—absolutely none. He was employed because of his success in dealing with labor problems in Canada, and because it was thought that if he made a survey of the labor situation he would present to the foundation a report which would be helpful in enabling them to determine what to do.

Chairman WALSH. Did you ever talk to him?

Mr. HEPBURN. Mackenzie King?

Chairman WALSH. Yes.

Mr. HEPBURN. I have, recently.

Chairman WALSH. Since this hearing has been on?

Mr. HEPBURN. Yes.

Chairman WALSH. About the subject of the hearing?

Mr. HEPBURN. No. Well, I won't say that. We sat together here. We have been paying a good deal of attention to you during the past three or four weeks. I have sat here with this group and we have passed casual remarks, I suppose, about what was going on.

Chairman WALSH. You met him here as an auditor in this hearing?

Mr. HEPBURN. I was introduced to him in your presence.

Chairman WALSH. I had forgotten that. Did you see the answers which the foundation submitted to this commission before they were sent to the commission?

Mr. HEPBURN. I did not.

Chairman WALSH. Did you see the publicity matter which appeared regarding the foundation during last autumn, as shown in the exhibits, and the answers to this commission before it was given to the press?

Mr. HEPBURN. I did not.

Chairman WALSH. What have you to do with the financing of the foundation?

Mr. HEPBURN. Nothing. Let me understand just what you mean by that.

Chairman WALSH. Well, I am going to ask you the questions specifically as they are printed here. Is your advice sought about the placing or selling or transferring of the securities of the foundation?

Mr. HEPBURN. It never has been. I don't think there have been any sold.

Chairman WALSH. What part of the total securities held by the foundation are the securities of the Colorado Fuel & Iron Co.?

Mr. HEPBURN. I could not answer.

Chairman WALSH. What part of the total securities held by the foundation are the securities of the American Agricultural Chemical Co.?

Mr. HEPBURN. I don't know that they form any part.

Chairman WALSH. What part of the securities are the securities of the Standard Oil or the subsidiary oil companies?

Mr. HEPBURN. There is quite an amount of them.

Chairman WALSH. Did you read in the public press the suggestion that some of the securities were the securities of the American Agricultural Chemical Co.?

Mr. HEPBURN. Well, I have had the list, and some may have been in there; but it was quite an extensive list, and I don't remember.

Chairman WALSH. Did you ever hear the suggestion before it was made in the question I have asked you that some of the securities in the Rockefeller Foundation were the securities of the American Agricultural Chemical Co., of Chrome, N. J.?

Mr. HEPBURN. No.

Chairman WALSH. Have any of the securities lost in book value since they were given to the foundation, do you know?

Mr. HEPBURN. No; I could not answer that. That would have to be answered by a comparison of market values with dates.

Chairman WALSH. Do you consider it important that you, as a trustee, should know that?

Mr. HEPBURN. No. We own the securities, and the fluctuations in the value are not at all material.

Chairman WALSH. Well, if you felt that the securities were decreasing or continuing to decrease—say, for instance, the pipe-line securities—would you recommend selling them?

Mr. HEPBURN. I think I should.

Chairman WALSH. Do you consider that the foundation is free to sell securities at any time?

Mr. HEPBURN. Perfectly so. They have that power.

Chairman WALSH. If securities were to be sold, how are they sold under your scheme of organization?

Mr. HEPBURN. If they were to be sold, they would follow the usual course of marketing securities, I presume; they are listed.

Chairman WALSH. Is there any policy on the part of the foundation as to the details of selling securities?

Mr. HEPBURN. They have never, so far as I know, contemplated selling securities; the question has not been discussed.

Chairman WALSH. The truth of the matter is—I will ask you if the truth of the matter is not that those securities, so far as their sale is concerned, are controlled by Mr. John D. Rockefeller, sr.?

Mr. HEPBURN. No, sir; I understand it is absolutely within the control of the trustees of the foundation.

Chairman WALSH. Have you not delegated that power to the finance committee under the by-laws—the trustees as a whole?

Mr. HEPBURN. To the finance committee?

Chairman WALSH. Yes.

Mr. HEPBURN. I can not answer.

Chairman WALSH. Have you ever read the by-laws?

Mr. HEPBURN. Yes.

Chairman WALSH. And the constitution?

Mr. HEPBURN. Yes.

Chairman WALSH. I will ask you if it is not a fact that the finance committee, consisting of Mr. Rockefeller's son; Mr. Starr J. Murphy, of Mr. Rockefeller's personal staff; and Mr. Jerome D. Greene, as the secretary, and formerly a member of Mr. Rockefeller's personal staff, may sell any part of the bonds or shares or notes or other forms of investment held by the foundation?

Mr. HEPBURN. You mean that the executive committee may?

Chairman WALSH. The finance committee.

Mr. HEPBURN. Very likely they have that power. It would be necessary to give them that power in the by-laws for this reason: If they were to sell them the sale would have to be accompanied by a certified copy of a resolution of authority, and that authority is commonly placed in the by-laws of various corporations, even though its use may not be at all contemplated at the time; but that is a usual precaution.

Chairman WALSH. This property is all exempt from taxation?

Mr. HEPBURN. I think so.

Chairman WALSH. Have you ever figured what the tax would be upon that property, the income tax, or any tax that might be assessed against it?

Mr. HEPBURN. I have not.

Chairman WALSH. Would it be approximately $300,000?

Mr. HEPBURN. I could not say.

Chairman WALSH. If it was, would not the Government, the people, as represented by their Government, have a direct money interest to that extent in the foundation?

Mr. HEPBURN. They have a direct money interest now to an extent greater than whatever that might be because of what the foundation is doing for the public.

Chairman WALSH. I am just assuming for the sake of this question that that is what the tax would be, because I have not been able to have that figured as yet. Is it not a fact that if the Government was exempting taxation upon its property to the extent of $300,000 a year that the public ought to have at least one direct representative in the board of trustees?

Mr. HEPBURN. I am not prepared to say that. The theory upon which all property of that character is exempt from taxation is that it is doing a public service, and the public good it might do would be inquired to the extent of the taxation.

Chairman WALSH. I will ask if you are familiar with this provision in the by-law of the Rockefeller Foundation [reading]:

"The finance committee shall have power to make investments and to change the same and may from time to time sell part of the bonds, shares, or notes or other forms of investment held by the corporation, or any rights or privileges that may accrue thereon. In making investments or changes of investments all of the members of this committee shall be consulted when that is reasonably practical, but the committee shall be deemed to be in continuous session, and may act without formal notice of meeting, and the joint action of any two members shall be valid and binding."

Did you know that was a provision of the by-laws?

Mr. HEPBURN. I have read them.

Chairman WALSH. Then the two members might be Mr. Greene and Mr. John D. Rockefeller, jr., or Mr. Murphy and Mr. John D. Rockefeller, jr. Now, is it probable that a personal employee of the founder would not be greatly influenced by any suggestion coming from his executive, who was a son of the founder—coming down to the question of what perhaps would be the real power of disposition?

Mr. HEPBURN. So far as the members of that board are concerned, I do not think that any would be influenced against their better judgment.

Chairman WALSH. Might that be true if the membership were changed and men of less resolute characters substituted for those now on the board?

Mr. HEPBURN. I think that Mr. Rockefeller is the last man in the world that would seek to do anything that was not eminently in the interest of the purpose of the foundation.

Chairman WALSH. Mr. John D. Rockefeller, sr.?

Mr. HEPBURN. Mr. John D. Rockefeller, jr.

Chairman WALSH. Or Mr. John D. Rockefeller, sr.?

Mr. HEPBURN. I am speaking of Mr. John D. Rockefeller, jr.; I do not know Mr. John D. Rockefeller, sr., so well.

Chairman WALSH. When did you see Mr. John D. Rockefeller, sr., last?

Mr. HEPBURN. I have seen Mr. John D. Rockefeller, sr., but once, and that was 20 years ago—15 or 20 years ago.

Chairman WALSH. And so far as his purposes or conduct in connection with the foundation is concerned, you know it only through hearsay?

Mr. HEPBURN. Yes.

Chairman WALSH. Which of the banks with which you are concerned hold deposits from the foundation?

Mr. HEPBURN. None.

Chairman WALSH. In what banks do they carry cash?

Mr. HEPBURN. I do not know; I simply know they do not carry them in mine. I wish they did. They have moved into the same building that we occupy, and perhaps they will later.

Chairman WALSH. It would be considered a good account by bankers, would it?

Mr. HEPBURN. I think so; yes.

Chairman WALSH. Have you ever made an analysis of what you could do under this foundation, under the authority of this foundation?

Mr. HEPBURN. Only as we have considered the various propositions that have come before us, and a great many have been submitted. We considered what we might do as to those. You mean as to the range of possibility?

Chairman WALSH. Yes.

Mr. HEPBURN. No.

Chairman WALSH. You simply know your powers are very wide and your discretion as to what are the best interests of mankind—that they are broad and unlimited?

Mr. HEPBURN. Yes.

Chairman WALSH. And, of course, there might be a difference of opinion as to what was for the best interest of mankind?

Mr. HEPBURN. Conceivably, yes.

Chairman WALSH. Are you familiar with the safeguards, if they might be called such, in the act passed by the House of Representatives in January, 1913, which the secretary of the foundation said in a statement to the Senate that he cordially approved of?

Mr. HEPBURN. No, sir; I am not familiar with it at all.

Chairman WALSH. You have not read those?

Mr. HEPBURN. No, sir.

Chairman WALSH. Have you heard of that since this commission started this investigation?

Mr. HEPBURN. No, sir.

Chairman WALSH. Do you think there should be any provision limiting the accumulation upon this foundation?

Mr. HEPBURN. The accumulation of funds?

Chairman WALSH. Yes.

Mr. HEPBURN. I do not think so, Mr. Chairman; you can not have anything in this world better than men. There is no system or law or statute or purpose which at some time and some point does not depend for its proper execution on men, and you can not have anything better than men.

Chairman WALSH. Do you believe in the system of what we might call interlocking directorates in these charitable foundations—the same persons serving upon several of these boards?

Mr. HEPBURN. Why, yes; that seems to me indispensable. Many of the trustees give their services gratuitously, and with others their service is continuous and they receive salaries, and naturally their work is interlocking; that is, all in the same general purpose.

Chairman WALSH. Would you agree with President Eliot in his statement that perhaps there are not enough able and willing men to give their time to supply these foundations without overlapping some?

Mr. HEPBURN. Yes; and these men working along together I think work more effectively.

Chairman WALSH. What is the particular qualification would you say that should go to make up a trustee for a foundation of this kind, a wide social vision and knowledge of conditions in industry and in business, philanthropy, or what?

Mr. HEPBURN. All of those. They should be made up just as you make up a board of directors, of men possessing different qualifications, men whose judgment would be good in regard to one branch of work, and other men whose

judgment would be good in other branches, so that they would make up a harmonious and symmetrical whole.

Chairman WALSH. Assuming that for some reason the present trustees should be no longer upon the board, through death or resignation or some other cause, and if the next board of trustees desired to exercise undue influence upon editorial opinion, upon universities and colleges, upon labor leaders, upon legislatures and leaders of thought—are they in a position, by the pinching or withholding of money, to exercise such influence?

Mr. HEPBURN. With the publicity going on in this world, I do not believe they would be. I think that any attempt of that kind would be soon discovered and they would be so thoroughly discredited that it would react. It is not probable, but, of course, all things are possible.

Chairman WALSH. Might such influence be exercised by executive officers, or executive committees without the fact being known to the trustees or to the public?

Mr. HEPBURN. That is not at all probable. All things are possible, but I do not think that is a probable danger. It does not seem to me it is.

Chairman WALSH. Commissioner Garretson has a question or two to ask you.

Commissioner GARRETSON. Mr. Hepburn, in answer to a question I understood you to say that you considered foundations of this character very helpful as a means of settling social ills. Do you regard the regulation or the settling of social ills as a governmental function or not?

Mr. HEPBURN. Yes; it is a governmental function. But as good citizens we should help the Government in every way we can.

Commissioner GARRETSON. That is an obligation that lies upon every citizen whether he be native born or a person who has acquired naturalization.

Mr. HEPBURN. Yes.

Commissioner GARRETSON. If it is good, proper, and helpful for the Government to delegate one of its functions to a private agency, why should it not contract out its other functions to private agencies, as, for instance, France has farmed out taxation under the Crown.

Mr. HEPBURN. Taxation has been farmed out in a number of countries and it worked badly. The Government does farm out its functions. It has a governmental duty to provide highways and transportation and it farms that out.

Commissioner GARRETSON. Who has it farmed it out to?

Mr. HEPBURN. To the railroads.

Commissioner GARRETSON. Highways?

Mr. HEPBURN. Yes; railroad highways.

Mr. GARRETSON. You mean in that sense?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. And is there not a strong tendency to resume that function at the present time?

Mr. HEPBURN. I think there is.

Commissioner GARRETSON. Has not the farming out of that branch to private agencies brought conviction that the governmental agency should be performed by a private agency?

Mr. HEPBURN. I did not get the gist of your question.

Commissioner GARRETSON. Has not the farming out of that branch—transportation, distribution—brought convincing evidence that the function is properly performable by a private agency in all directions?

Mr. HEPBURN. It has not been properly performed in all respects by private agencies. Everybody knows that. But many believe, and I am one, that it is better performed in this way, under supervision, than it would be if the Government were to take them over.

Commissioner GARRETSON. Would you go so far as to hold that the Government should delegate the educational powers to a private agency entirely—that is, the "entirely" applies to educational agencies.

Mr. HEPBURN. No, sir; I certainly would not. You mean the public schools—the educational system?

Commissioner GARRETSON. Yes.

Mr. HEPBURN. I certainly would not.

Commissioner GARRETSON. As well as the higher system?

Mr. HEPBURN. Well, the distinction is this: It is the duty of the Government to educate its citizens or to provide them with the facilities for education up to a certain point, and they do that in the public schools. But the

progress of every country calls for higher education, and the Government does very little for higher education in this country, and colleges prosper mainly by reason of endowments contributed by men of very large means.

Commissioner GARRETSON. Which has set the pace in the last 20 years in the higher education, the State universities or private institutions?

Mr. HEPBURN. That is a debatable question.

Commissioner GARRETSON. The fact that it is debatable will make it perfectly evident that the State-controlled institutions have at least made it neck and neck.

Mr. HEPBURN. Perhaps so; we have some very excellent State-controlled institutions, I concede you.

Commissioner GARRETSON. What was the former capital of the American Chemical Association? It has more name than that.

Mr. HEPBURN. I can not tell you.

Commissioner GARRETSON. You stated it was undercapitalized when you were invited into the board.

Mr. HEPBURN. I meant this, that there is no industry that has grown so rapidly as the manufacture of fertilizer. Scientific and intensive farming has gotten to be almost a fad and the demand for their product was such that they needed more capital in their business—that is what I meant.

Commissioner GARRETSON. When you were invited into the board to aid in that phase of it, didn't you know the amount of what the then capitalization was as contrasted with what it is now?

Mr. HEPBURN. They had about $18,000,000 of preferred stock and about $18,000,000 of common stock.

Commissioner GARRETSON. Yes.

Mr. HEPBURN. And they authorized an issue of $12,000,000 of bonds.

Commissioner GARRETSON. You are not classing that as capitalization—the bonds?

Mr. HEPBURN. Oh, yes.

Commissioner GARRETSON. Working capital?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. Go ahead.

Mr. HEPBURN. And a part of those were sold; I don't remember whether it was eight or ten millions that was sold to Lee Higginson & Co., and Clark, Dodge & Co.; and very soon they needed more capital and about two or two and one-half years ago they sold ten millions of preferred stock to Lee Higginson & Co., and that made the preferred stock about twenty-seven millions or twenty-eight millions, and the common stock about ten millions less. They had some serial notes at the time these bonds were authorized—some debentures or serial notes running for periods of years, so I think the bond issue—those serial notes or debentures—amount to about sixteen millions and about twenty-seven millions of preferred stock and ten millions less of common.

Commissioner GARRETSON. This bond sale was really a refunding of floating notes to a large degree?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. Was all of the preferred stock sold at par value or better?

Mr. HEPBURN. The last ten million was sold at exactly par, and it was a very good sale, too; it is 90 now.

Commissioner GARRETSON. How about the first sale?

Mr. HEPBURN. I do not know about the first sale. Do you mean at the time that the company was organized?

Commissioner GARRETSON. No; if there were two sales. You mentioned the last sale.

Mr. HEPBURN. There was only one sale of stock that I know about.

Commissioner GARRETSON. How about the common stock; what price did it sell at? Was there an addition to the common stock?

Mr. HEPBURN. No.

Commissioner GARRETSON. What interest does the preferred stock bear?

Mr. HEPBURN. Six per cent.

Mr. GARRETSON. It is paid before the common stock or anything?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. No addition after a certain rate?

Mr. HEPBURN. No.

Commissioner GARRETSON. Nothing cumulative about it?

Mr. HEPBURN. No.

Commissioner GARRETSON. Has that interest always been paid on the preferred stock?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. In advance of the common?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. What is the rate on the common?

Mr. HEPBURN. Four per cent.

Commissioner GARRETSON. No failure of payment?

Mr. HEPBURN. It has been paid for about two years only. About two years ago they began to pay a quarterly dividend of 1 per cent on the common, and they have maintained it.

Commissioner GARRETSON. How much of the surplus has the company accumulated during the period?

Mr. HEPBURN. Surplus?

Mr. GARRETSON. Yes; undivided profits?

Mr. HEPBURN. I should think it would be five or six or seven millions.

Commissioner GARRETSON. Had there been any addition to that surplus in 1912 or 1913 or 1914?

Mr. HEPBURN. Yes, sir; I think so; each year in a very modest amount.

Commissioner GARRETSON. In the conversation which you held over the phone with Mr. Gifford—Vice President Gifford—and a director he made it plain to you, as I gather from your testimony, what was just a confirmation of the preceding witness's statement, that the cut in wages was because there were plenty of men available?

Mr. HEPBURN. I did not know there had been a cut of wages until it was disclosed here.

Commissioner GARRETSON. Then I will phrase it differently. The refusal to return to the old standard of wages, $2 a day, you say that he simply said they were paying $1.60?

Mr. HEPBURN. That they wanted $2.

Commissioner GARRETSON. And could get plenty of men?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. Therefore that the real thing was not the inability of the company to pay, because there was not sufficient margin between the cost of production and the selling price to justify a return to the old rate, but because the necessities of men let the company have the ability to get them regardless of the justness of the wage?

Mr. HEPBURN. He did not put it that way.

Commissioner GARRETSON. Oh! I have no doubt he did not. But that was the real information furnished you, that on account of the great supply of men who were applying for positions——

Mr. HEPBURN. Yes.

Commissioner GARRETSON (continuing). That the company could operate at a $1.60 rate, whether it was just or not?

Mr. HEPBURN. He expressed——

Commissioner GARRETSON. And that did not enter in there?

Mr. HEPBURN. There was no discussion of it at all.

Commissioner GARRETSON. That is what I mean; it did not enter into the discussion?

Mr. HEPBURN. No; not at all.

Commissioner GARRETSON. It was testified here, Mr. Hepburn, that you were added to the number of trustees of the Rockefeller Foundation on account of wide experience and knowledge that you possess, that it was felt that you would add strength to that board. On the basis of your knowledge and experience, actual contact and experience with the questions here of industrial life, have you the actual experience?

Mr. HEPBURN. I have never been brought in contact—I have never been a large employer of labor, except perhaps indirectly, as a member in these different boards.

Commissioner GARRETSON. Well, if you got as much information about the substratum of the corporation as you have on the chemical board, for instance, is that an available experience as to how the submerged half live?

Mr. HEPBURN. I will concede I am not qualified without any further discussion if you choose.

Commissioner GARRETSON. Well, now, the question here is with a board of trustees constituted as that one is, and how is a board of trustees to administer a great foundation like this equipped to determine what will promote the well-being of mankind the world over?

Mr. HEPBURN. By their investigations and by their employing men of expert ability. That is one thing we hope to reach by the employment of Mackenzie King and others. If you have got any good men, we will be very glad to use them. It is by a matter of investigation on the part of people that are more competent than I, at least; I won't speak for the rest of the board.

Commissioner GARRETSON. The question I want to get at, if you have to have recourse to practical, upright—of course, I assume that is one of your qualifications for a man in that position that you put those investigators in, whose services you expect to avail yourself of—if such practical, upright men are available, why not put men of that kind in partial control of the foundation?

Mr. HEPBURN. Well, it is not necessary to put them in control of the foundations in order to have the advantage of their judgment and experience.

Commissioner GARRETSON. No; but it takes one link out of a roundabout road, does it not?

Mr. HEPBURN. I can not see any objection to a good, competent, practical man being a member of the foundation.

Commissioner GARRETSON. That was one of the phases that appealed to me; why go around when you might just as well go through?

Mr. HEPBURN. This—pardon me, I do not want to interrupt you, but most men serve without pay.

Commissioner GARRETSON. That was all.

Mr. HEPBURN. But it is quite a labor, the administration of this foundation.

Commissioner GARRETSON. I should judge.

Mr. HEPBURN. And it is difficult to get the right kind of men, and you have got to have them available at one point in order to be able to do business; you could not distribute a board all over the country. It would be in the same condition that the American Agricultural Chemical Co. is; we have our plants all over the country which I have not visited and can not.

Commissioner GARRETSON. You spoke of the question of the obligation of the delegation of power, and you made a rather broad statement in regard to the responsibility of directors in general. Then you spoke of the delegation of certain powers to the executive committee. I am referring to the chemical company now.

Mr. HEPBURN. Yes.

Commissioner GARRETSON. Are you a believer that moral responsibility can be delegated?

Mr. HEPBURN. No. But I—moral responsibility—no. But men that are doing things in a large way have to act through people whom they employ. I sign a report of the condition of my bank, which goes to Washington, five times a year, based upon confidence in the figures of the bookkeeper who gives me those statements. I do not keep the books.

Commissioner GARRETSON. But who is held responsible for it, though?

Mr. HEPBURN. I am. I have performed a duty by employing men whom I feel confident are honest and competent.

Commissioner GARRETSON. That is it. You can not delegate responsibility there, although you have delegated the duty.

Mr. HEPBURN. I have performed a duty by employing men who I feel confident are honest and competent.

Commissioner GARRETSON. But the responsibility is yours?

Mr. HEPBURN. Yes; that is right.

Commissioner GARRETSON. Both legally and morally?

Mr. HEPBURN. I agree to that.

Commissioner GARRETSON. Then, if the man to whom you have delegated the responsibility for performing a duty along the line that you have yourself stated to be correct, that is justice, common justice, if they fail to perform that duty, the moral responsibility for their failure does rest greatly upon the directors by whom the power was delegated?

Mr. HEPBURN. Yes.

Commissioner GARRETSON. Good; that is all.

Chairman WALSH. That is all. Thank you very much.

Morris Hillquit.

TESTIMONY OF MR. MORRIS HILLQUIT.

Chairman WALSH. What is your name?

Mr. HILLQUIT. Morris Hillquit.

Chairman WALSH. Where do you reside?

Mr. HILLQUIT. 246 West One hundred and thirty-ninth Street, city of New York.

Chairman WALSH. What is your profession?

Mr. HILLQUIT. Lawyer.

Chairman WALSH. Are you a student of social conditions?

Mr. HILLQUIT. To some extent.

Chairman WALSH. As a student of social conditions and as a lawyer, have you formed any opinions with regard to the social desirability of large foundations such as the Sage Foundation, the Carnegie Foundation, and the Rockefeller Foundation?

Mr. HILLQUIT. I have, Mr. Chairman.

Chairman WALSH. You have been called upon by this commission to state them. Will you kindly state your conclusions in your own way?

Mr. HILLQUIT. With pleasure. I think, Mr. Chairman, the large foundations such as you mention, like the Rockefeller Foundation, or the Russell Sage Foundation, or the Carnegie Corporation, represent a very significant phase in modern development, and probably one that has not as yet been fully appreciated by the people of the United States. I believe it is a highly significant development. I should say in brief that they represent in the domain of philanthropy just what trusts represent in the industrial field.

To make my comparison somewhat clearer: Industrial development has proceeded from individual ownership and operation to corporate management, and then finally the corporate management has extended more and more to the formation of trusts, and I think we can observe a similar development in the line of philanthropy—that is, our philanthropic efforts begin with the individual almsgiving. Now, that continues until about the 70s of the last century. Then, and practically synchronous with the formation of corporate organizations, begins the formation of charity organization societies—that is, organizations formed for the purpose of systematic business and introducing scientific methods, methods of sifting every application for relief and a general desire to rather repair the needy, to repair their industrial fitness, than to help present needs.

And, finally, just about as the trusts make their first appearance and after they have developed to some extent, this giant philanthropy of modern days, the foundations, make their first appearance.

Historically, I think Mr. Andrew Carnegie was the pioneer in this line of modern foundations. His first institute in Pittsburgh was followed by the Carnegie Institute in Washington; the latter had an endowment fund and still has of about $22,000,000 and is engaged in almost every conceivable branch of scientific research and sociological investigation.

Then, the next few years witnessed the birth of the Carnegie Institute for Advancement of Teaching, with an endowment of about $15,000,000. That is to provide pensions for college professors, and then a hero fund with an endowment of $20,000,000 to reward deeds of courage and bravery.

Then comes the Carnegie Peace Fund, with an endowment of $10,000,000 to promote peace and amity among nations.

Then the library fund of about $17,000,000 to enable cities and towns to erect library buildings.

Finally the Carnegie Corporation of New York was organized with a capital of $125,000,000. That is a sort of holding company for all of Mr. Carnegie's benefactions. It is specified in the certificate of incorporation, or rather the act of incorporation of the Carnegie Corporation, that it is to continue the existing Carnegie benefactions along various lines.

Closely on the heels of Mr. Andrew Carnegie followed Mr. Rockefeller, first, endowing on a munificient scale the Chicago University, then following this up with the Rockefeller Institute for Medical Research, both of which were merged in 1903 in the General Foundation Board, which represents expenditures and capital amounting to about $73,000,000.

Finally, a little more than a year ago, the Rockefeller Foundation was organized in New York with a capital of $100,000,000; I believe, as I shall endeavor to show later, that this is the perfect type of what we may call philanthropic trusts, a prototype which will either be followed generally hereafter or the development of which will be curbed within a short time.

The Russell Sage Foundation is a somewhat similar, and again a somewhat dissimilar enterprise. It is organized purely for sociological research, and it has a capital of $10,000,000. It differs from the others in that it is not created by a person actively engaged in business, but is created by the widow of Mr.

Russell Sage, who has no active business interests in connection with that institution.

The movement of philanthropic consolidation, we may call it, bears a very close analogy tod the movement of industrial consolidation. nd this is a point worth noticing, that just as the first two American trusts were the Oil Trust and the Steel Trust, so the two great first American Foundations are the Rockefeller Foundation so closely allied with oil, and the Carnegie Corporation, so firmly founded on steel.

And it is not merely this one parallelism or resemblance. There is a more substantial parallel between the two developments. In the first place, these foundations are the creations of great capitalistic interests, and the expenditures which the capitalists gain, the methods which they have evolved in their business they transfer ready-made to the benefactions and find pretty ready application in them.

Now, furthermore, I maintain that the general trend of industrial development necessarily reflects itself upon the philanthropy of a given time. For instance, it is not an accident that the early philanthropies are represented by individual almsgiving. That is, they are mostly cases where the individual benefactor knows the individual person to be relieved and directly gives whatever aid or succor he can. And later on in the form of charity organization societies aid assumes a more general and better organized and less personal character, and finally in the foundation it there assumes a purely impersonal character. One of the reasons for it seems to me to be the following: Generally in the middle of the last century poverty was not general because unemployment is not; unemployment is a passing condition and poverty as a result of it may be expected to be permanently relieved by securing employment for the needy workers. Then as our industries assume more and more the corporate form, accompanied by large industrial consolidations, as the factory system arises and improved machinery is introduced, followed by division of labor, and as the productivity of labor grows, the labor time remains the same, the labor population increases, unemployment becomes more and more a permanent institution. It is no more sufficient to help the unemployed, the poor worker, over a certain short period. It is necessary to maintain and organize permanent machinery for his relief. Hence the charity organization society.

But then finally we reach a stage where unemployment attains the dignity of a permanent social institution where it can not be relieved by methods of philanthropy in any way. For instance, at the present it is estimated that here at this time, the number of unemployed workers is between three and four millions. In normal times it is figured that at least six million workers are unemployed at least part of the time; and in best times a million and a half to two million are unemployed at one time.

Now, that combined with low wages which the workers receive during the period of employment naturally creates a condition of general and extended poverty and misery, so that the estimates of the number of poor in this country vary according to different standards from two to three millions up to ten millions.

It seems to me it is perfectly apparent that under such conditions even tremendous amounts of money available for philanthropic purposes can not shelter, feed, and clothe all of the needy workers of this country. And therefore philanthropy has abandoned the task altogether.

It is a noteworthy characteristic of these modern foundations that they are not and do not pretend to be charitable institutions. They do not attempt to relieve distress of men by way of old-fashioned charities. Taking as an example Mr. Carnegie's benefactions; they are said to amount to about $300,000,000 or more. Of all of these various funds which go to make up this huge amount only one item may possibly be regarded as aiming to relieve the distress of workers; that is an item of $4,000,000 representing a fund for the relief of injured workers, or of the dependents of workers killed in Pittsburgh, in connection with the works of the United States Steel Corporation. This endowment of $4,000,000 is part of a larger sum of $12,000,000 maintained by the Steel Corporation for the purpose of establishing a general pension fund for its employees. And it is not always easy to say whether an endowment of this kind may be considered in the nature of charitable relief, or rather in the nature of a business investment. But even if it should be considered in the nature of charitable relief, it is $4,000,000, and is the only item on the entire list of Mr. Carnegie's benefactions.

The next item which overshadows it somewhat is the item of $5,000,000 for church organs; then $30,000,000 for the hero fund. All the rest, or most of the rest, is for educational purposes, or for social-welfare work.

Now, if you take Mr. Rockefeller's benefactions you will find that only very recently, and under certain pressure of public opinion, it has devoted $45,000, that is less than 1 per cent of its annual income, to what is commonly termed charity. That is donated to three institutions in the city of New York and in the borough of Brooklyn engaged in charitable work.

One million dollars, or thereabouts, was expended for the relief of the Belgian war sufferers, and that was done under very extraordinary circumstances, and I understand has been discontinued now.

The Russell Sage Foundation has never undertaken to spend any of its funds on charitable relief at all. It devotes its entire resources and income to the investigations of social conditions and the publication of its results.

So that we find that as far as actual charity in the relief of needy fellow men is concerned the modern foundations have departed from the established old-fashioned charity systems.

Then it seems to me there is another feature in which the foundations differ very radically from the old-fashioned charitable societies. The old proverb was, "Charity begins at home." These foundations, it seems to me, often get away with their philanthropies as far as possible from home; at least where they attempt philanthropic work. I mentioned before that the only substantial item of charitable relief expended by the Rockefeller Foundation went to Belgium, and I want to say here it was a good deed. I have no criticism to make of it. I should be the last person in the world to criticise the act, from a narrow nationalistic or pseudo-patriotic point of view. On the contrary, I rejoice always in the growth of the spirit of international brotherhood of men. But I can not help noticing this fact, that, while these ships were being loaded with wheat and corn and other food supplies for the relief of the Belgian war sufferers, there were probably, here in the city of New York and within less than 1 mile from 26 Broadway, tens of thousands of American workers who were suffering for lack of food just as much, perhaps even more, than those Belgian war sufferers. Our bread lines extended, especially during the cold December and January nights, from day to day, and there were in these lines hundreds of men who had given useful service to society in this community, who had given the better part of their lives to useful work, perhaps some of them, perhaps many of them, engaged in some of the divers industries in which Mr. Rockefeller is interested, perhaps having helped to augment his fortune and to enable him to create his foundation. And I say it is rather one-sided not to think of these men right around here.

Now, take the other activities—for instance, one which the Rockefeller Foundation has so far undertaken and which does smack of philanthropy, the International Health Commission. This, it appears from the testimony before you, has directed its main work to the eradication of the hookworm in the British West Indies, in Central America, in Egypt, in Ceylon, and in the Malay States, and in the Philippines, and also to the promotion of medical knowledge and public health in China. And, again, I say, in common with all broad-minded American citizens, that I have no criticism to make of this form of relief. I should rather see any Malayan free from the hookworm than suffering from the hookworm, but here there are in this country unnumbered workingmen and workingwomen dying annually from tuberculosis. It is a disease that is preventable and curable by proper sanitary conditions, wholesome food, fresh air, and some period of rest, all of which can be procured with, comparatively speaking, small investment of funds. Thousands of these victims of the white plague could be saved right here in the United States by judicious application of money.

In the same way I must think of the 30,000 or more of American workmen annually killed, injured, seriously maimed, in the mines, mills, factories, and on the railroads of this country; in other words, hurt by the corporations in which the funds of the foundations have been largely invested and from which its founder has very largely derived his fortune. Now, the greater part of these accidents are likewise preventable by the application of proper safeguards, by the establishment of proper rules. And it seems to me that a foundation as powerful as the Rockefeller Foundation, or as powerful as the Carnegie Corporation, and having the connections and influence with the industrial world that the founders of these foundations have, could very well decrease the number of these fatalities in a very large extent; and I repeat, it

means to me out of proportion somewhat to devote these tremendous funds accumulated after all by the work of American workers exclusively, as was the case here, to the eradication of the hookworm disease in foreign countries, while entirely neglecting the suffering at home.

Chairman WALSH. This is a convenient moment, and we will adjourn and you may resume in the morning, please.

We will stand adjourned until 10 o'clock in the morning.

(Thereupon, at 4.30 o'clock p. m., Thursday, February 4, 1915, an adjournment was taken until 10 o'clock in the morning of Friday, February 5, 1915, at the same place.)

NEW YORK CITY, *February 5, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Ballard, Weinstock, Garretson, and Commons.

Chairman WALSH. Mr. Hillquit.

The house will please be in perfect order and we will proceed.

Mr. Hillquit, please continue where you left off.

Mr. HILLQUIT. At the conclusion of my testimony yesterday, Mr. Chairman, Mr. Greene, of the Rockefeller Foundation, called my attention to the fact that the work of curing or eradicating the hookworm disease has not been confined by the Rockefeller benefaction to foreign countries alone, but that about 500 cases also had been treated in this country. I cheerfully make this correction. I understand also that the work of hookworm eradication in this country was undertaken long before the Rockefeller Foundation came into existence.

Commissioner LENNON. Was it 500 or 500,000?

Mr. HILLQUIT. Five hundred was my impression.

Commissioner LENNON. All right.

Mr. HILLQUIT. Now I do not know whether the Rockefeller Foundation or the International Health Commission are continuing this work in this country. From the published statements of the foundation it would not appear that they do. At any rate the point is of no importance. I have no fault to find with a work, a good work, being done in foreign countries. All I meant to bring out by this point was the decidedly international character of some of the modern philanthropic work, particularly that represented by the large foundations.

I might call attention to the fact that even in the work of social research—that is, investigating social conditions in the United States—the Rockefeller Foundation has engaged a resident of a foreign country, and I might perhaps add also that even in the treatment of birds a certain partiality is shown to the traveling variety, to the migratory birds in preference to the domestic American birds.

In Mr. Carnegie's benefactions we find likewise a large tendency toward international work. For instance, the foreign hero fund, which represents an endowment of more than $5,000,000, and the Peace Palace in the Hague, which I understand is now pretty well deserted, and the various philanthropies in Scotland.

Now, what I claim is that this is not an accident, but that there is a certain well-defined method and a certain purpose, unconscious perhaps, in this international character of capitalistic benefactions.

To my mind these philanthropies are very closely akin to the foreign missionary work done among the heathens of uncultured and undeveloped countries and the basis of both is business; they are both business enterprises.

The American industries to-day have reached an international stage, particularly the large and trustified industries. They find an insufficient market in this country and are bound to create foreign markets. They can not increase those markets in the advanced countries where the conditions are similar to ours, and they must bring in undeveloped territory where the conditions are backward, and for that purpose they are under the necessity of having the population in those countries use the articles of our manufacture, and the population of those undeveloped countries must also in turn render some equivalent to us in the way of some useful work or the production of some useful commodities.

Hence our modern capitalism, the capitalism engaged in international world-wide business, send missionaries to the foreign countries to emancipate the heathen, to get him to the ways of our civilization, including the wearing of civilized clothes, preferably of American manufacture, and also to increase

the productivity, the economic efficiency, of those very same heathen. And it seems to me these efforts, say, for instance, the eradication of the hookworm disease, are in that line.

In other words, we have reached this stage that the welfare of the American worker is no more as important to the American capitalist as is the well-being and economic efficiency of the worker or of the population in foreign undeveloped countries, for we can not sell more commodities to our own population, which is deprived of the means to purchase, so we must undertake to sell them or exchange them for other commodities in the foreign countries.

Now, that this was the actual object of these great foundations we learned from the testimony of Mr. Rockefeller, jr., right here before this commission. "It must be mentioned," he says in reply to one of the questions put to him in the questionnaire, "that the ravages of the hookworm disease have a most important effect upon the economic efficiency of the infected persons."

Here is the main point. It is not a question of improving the well-being of mankind generally. It is not a question of making better men, better women, more useful citizens of them. It is a question of improving their economic efficiency. Hence this particular work of eradicating the hookworm disease, to some extent here, and more largely in foreign countries.

What I maintain, Mr. Chairman and gentlemen, is that the foundations, such as the Rockefeller Foundation or the Carnegie Corporation are not philanthropies at all. It is a mistake to designate them as such. What they are actually is sort of supplements, appendices to the business enterprises of certain large capitalists. Just as we find that the large factories, for instance, maintain laboratories for scientific research with a view of improving their methods of work, just so these large business interests have now reached the point where they institute sort of sociological laboratories for researches and investigations, with the same object, and that is to help their business.

For instance, Mr. Rockefeller, again, testifying before this commission characterized the spirit of modern benevolence admirably when he said—and I want to call the attention of the commission to this part particularly—he said: "We have not drawn a sharp line between business and philanthropic enterprises."

Now this might have been a sort of unconscious admission, but it is pregnant with meaning, if you consider it properly—no sharp line drawn between business and philanthropic enterprises. One is considered a part of the day's work just as well as the other, and the details of Mr. Rockefeller's testimony before this commission bear out the statement fully. There it appears that the offices at No. 26 Broadway are the headquarters of Mr. Rockefeller's individual fortune and business enterprises, of the various corporations in which he takes a leading part, and of various benefactions in which he is interested. There Mr. John D. Rockefeller, jr., as representative of his father, meets with his personal staff of two or three men. Now they are constituted informally as individual capitalists and his advisers; now, as the controlling members of the board of directors of the industrial corporation; now, again, as the finance committee, or the executive committee, or a quorum of the executive committee, of a large so-called philanthropic foundation. They discuss matters relating to the one or the other as they come up. There is a logical smooth transition from the one to the other. They are all blended in one. And these three persons do not even take the time to change their mood or mode of approach from one of these pursuits to the other.

And we find that this character of modern foundations is fully expressed in all of their activities. In the few activities that may be considered in the nature of philanthropic work, we find them engaged principally in two lines—educational and social welfare.

Under the first, the educational, we may take the foundation of Mr. Rockefeller, including the Chicago University, and also a great many of Mr. Carnegie's benefactions. Under the head of social reform work, or social welfare work, we must class such institutions as the Russell Sage Foundation, the Carnegie Peace Endowment and Hero Funds, and finally the Rockefeller Foundation, which has recently announced its intention to institute a thoroughgoing research into social conditions.

As to the social effects of these foundations and this activity, this may be said of them:

That they have all the advantages and all the disadvantages of large modern trusts. They have the advantages of concentrated capital and of great means. They have the disadvantages of [illegible]

agement. And this is to be noted in connection with educational work primarily. It is limited entirely to so-called higher education, and so does not extend any part of its activity to the common schools or primary education. Why? Because the actual object of this educational work is not philanthropic; is not to in any way elevate the general intellectual condition of the people or of the working people; but it is to train a sufficient and efficient corps of workers, of helpers, of assistants, in the great industrial establishments. And that is why the educational work is limited very largely to universities and colleges.

Now if our universities and colleges had been merely institutions for abstract learning, such, say, as natural sciences or mathematics, there might have been no social danger in that. But the fact is that in modern times our institutions of learning are forced more and more to take up and to occupy themselves with the vital social affairs of the country. In other words, such sciences as economics or politics or sociology come to the fore all the time, and these are not exact sciences; these are not sciences which anyone, no matter what his personal views may be, may take up and render impartial, efficient services. In all of these sciences the views of the men who teach them are of importance, and they can not be impartial. They are live problems, they are live topics; they are based on social struggles, on conflicting interests, and no matter how unbiased a man may be he must have certain views on the subject. What I claim is that when a teacher of these subjects feels that he owes his entire existence to an endowment of a private individual, or of certain interests, industrial interests, he can not be unbiased in his teaching. He may want to be, but if he feels all along that his own salary, the salary of the college president, the entire existence of the college or university depends upon certain endowments coming from certain well-defined economic interests, if he should ever impartially arrive at conclusions hostile to these interests, it will require more than the ordinary courage to announce such conclusions. Generally he will feel under restraint, and it is not necessary at all that such endowments be given with any conditions attached to them. There may be no condition of any kind. And there is, first of all, in the normal human being the sense of gratitude and recognition, which is hampering in this case. And furthermore there is always this additional consideration, that the institution that once has had to apply to a foundation of this kind may have to do so again. That in order to do so it may keep or must keep in good and proper standing toward the endowment, toward the men or the interests which have furnished the means for the existence of the institution.

Mr. Rockefeller has admitted here that there is a possible danger with reference to the influence of such endowments on higher education. I quote his words, and he added, "If the giver retains any kind of control I think it is unwise," but, as I mentioned before, the giver always retains at least moral control.

Now, President Eliot, as I understood it, has testified before this commission that he knows of a number of cases in which colleges have been influenced by such gifts, or, rather, by the foundation or institutions which have endowed them, but the influence, in his opinion, has been wholly for good. For whose good? Has it been for good in the view of the giver or in the view of the recipient? What is good and what is not good is always a debatable question and depends on the views of one person or another. Now, whether it has been good or not is a debatable question; but the fact that it has influenced, admittedly influenced, the administration and teachings of such colleges shows in itself a very unhealthy condition.

After all, the education of our studying youths, the education of the young men who will have our destinies in their hands in the future, is one of the most sacred functions of Government, and when these functions are allowed to be exercised for good or otherwise, by such agencies and interests, then I claim the future of this country is in danger.

Perhaps a more subtle influence is exercised by another method of so-called philanthropy, as applied to colleges, and that is Mr. Carnegie's pension system. The average college professor is a very much underpaid man; as a rule he can not lay aside, he can not save up anything toward a rainy day; he always must have in mind the approaching period of his life when he will be unable to continue his academic work; he must think of old age; he must think of his family. The Government does not come to his relief; the college does not come to his relief because it has no funds for that purpose. Mr. Carnegie here plays the rôle of kind Providence, and the man, knowing that his future

and that of his children, perhaps, depend upon these benefactions, can not, even if he would want to, be entirely unhampered and entirely free in his judgment.

I may mention here an instance of actual fact, which will throw some light on the subject. Mr. Carnegie, it is well known, is, among other things, interested in the peace movement. His peace fund recently decided to publish a very interesting work on the attitude of the labor movement toward militarism and the Army. This was to be a work of international scope and it was intrusted to a very well-known German scholar, a man of progressive ideas. This editor assigned the portion of the work dealing with conditions in America to another scholar, a scholar who was a social investigator in the United States. Now, considering the attitude of the working class toward militarism and toward the Army, he had to take into account the rôle the militia played in labor disputes. The work would not have been complete or unbiased otherwise, and it so happens that this is a very interesting, very important, part for American labor, and it also happens that one of the most striking instances of the interference of the militia in labor disputes occurred in Homestead, in which Mr. Carnegie himself was very largely interested.

Now, here was the dilemma. The book was written with Mr. Carnegie's money, and in order to be true it had to contain an indictment of Mr. Carnegie's business methods. The man was conscientious, and wrote on the subject in a very mild way and matter-of-fact tone. But when it came to the editor in chief he looked it over and frowned and called on this author and went over the subject with him and said, "After all, how do you expect us to publish an indictment of Mr. Carnegie with Mr. Carnegie's money?" "Well, what can we do; we can not omit this chapter, it is very important"; and they discussed it for some time and made some compromise, and as far as I know the book has not been published yet. This is one of the influences which the donor, the generous giver, must have upon impartial scientific investigation.

Then if you take another branch of this activity, the libraries endowed by Mr. Carnegie, there are 2,300 of them in the United States, representing an investment of about $17,000,000. Now, libraries, after all, are practically the only source, or the main source, of information for the adult workers or members of the community generally. What we get from the books, what we get from past investigations, from the best thought of our fellowmen, is contained in these libraries, and while it may be true that Mr. Carnegie does not make up the catalogues of these libraries, still we can hardly expect that a work which may be perfectly truthful and important, but which may oppose Mr. Carnegie's business interests in a very pronounced way, will find its place among such books. In other words, there is a certain restriction even to the intellectual food given to our population through these libraries.

And thus we find that the great corporations of this country, those that have sprung up within the last 10 or 20 years, have not only succeeded in robbing the people of this country of their economic independence but they are making an assault against the intellectual independence of the people of the United States, and I say that these foundations are the chief instruments of such assault.

But even very much more fatal than the influence on the educational work is the influence of such foundations on the work of social reform, on the social welfare work of the country, for after all, if this Nation has any one particular task which is more important than another it is the improvement of the condition of its people, the physical, moral, and intellectual strengthening and the independence of each and every member of the community, and this work should go on unhampered, uninfluenced, and unbiased. It should devolve on the people themselves, and not be left to any biased instrument, and the social foundations which have been formed recently do introduce that element of bias into such work.

Now, let us take this Rockefeller Foundation at present. It is supposed to make an unbiased inquiry into the relations of capital and labor. Let us assume the unbiased investigator who is engaged by Mr. Rockefeller, through his foundation, comes to the conclusion that one of the main evils of modern society is the enormous accumulation of wealth in the hands of individuals. Let us assume he comes to the conclusion that these large accumulations must result in a corresponding decrease in the earnings of the large masses of the people. Let us assume that he sees in Mr. Rockefeller a type of this unhealthy social development, and let us assume that his conclusions, and his honest conclusions, are in truth an absolute condemnation of Mr. Rockefeller's business methods and of Mr. Rockefeller's great and immense fortune. Would such an

investigator, paid from this very fortune—paid by Mr. Rockefeller—would be be likely to publish the results of his investigations if they are apt to strike directly against his patron? Of course not. He would have to compromise with truth as he sees it.

The Rockefeller Foundation, it seems to me, is one of the most typical instances of the great danger which lurks in the institutions or enterprises of this kind. We heard through this commission and from the mouth of Mr. Rockefeller the story of this foundation, and it appears that the elder Mr. Rockefeller—in the testimony of his son—had some such plan under consideration for several years. The disturbances in Colorado impressed Mr. Rockefeller, jr., with the great need and public importance of finding effective means of preventing such conflicts and caused him to urge a far-reaching study of industrial relations. Now, it would seem to the ordinary mortal that if Mr. Rockefeller's attention were called to the industrial ills by this particular situation in Colorado, in view of the fact that he was so strongly interested in it, in view of the fact that the Colorado conflict presented very definite and concrete issues to be solved, that the first thing he would do would be to investigate those particular grievances of the workers in Colorado in order to see whether or not they could be adjusted. But no. Mr. Rockefeller did not reason that way. He says that in view of the passion aroused in Colorado and the many divergent interests—the many divergent interests being practically the different interests between him and other stockholders and owners of the Colorado Fuel & Iron Co. and the 15,000 men—these different or many divergent interests involved here, "the foundation itself should not interfere in that situation, but that it was of the utmost consequence that the root cause of that and similar disturbances should be ascertained and, if possible, removed not only in Colorado, but elsewhere."

And so Mr. John D. Rockefeller, as the employer of labor, had neither interest nor function, as he claims, to investigate the conditions in Colorado and to redress the grievances of the workers.

Mr. Rockefeller, jr., as a member and prime mover of the foundation, felt that he should not at all interfere with these disturbances which happened to be in the Colorado Fuel & Iron Co. in Colorado, but should go out and make a general search for the root causes. And that was all the easier, because in Mr. Rockefeller's own estimation it would take several generations to discover that elusive root cause of all trouble.

His exact statement is that he does "not suppose that coming generations will solve that problem which the past generations have not succeeded in solving." So that Mr. Rockefeller, as representative of the foundation, puts off for several generations the discovery of the root causes of industrial discontent.

The workers in Colorado in the meanwhile suffer to-day. They require some sort of relief to-day, relief from oppression, relief from underpay, relief from overwork, from all maltreatments of every kind. And Mr. Rockefeller answers: "Why, within a few generations we may come back to you with a discovery of the root causes of all social unrest and maladjustment not only in Colorado, but all through the world."

Now, this puts the point definitely upon the objects of these foundations. It is not to grant relief. It is to switch the issue into a general abstract prolonged study with somewhat debatable uncertain conclusions. If Mr. Rockefeller actually had the welfare of mankind, the well being of mankind in mind, as the charter of his foundation calls for, why, it seems to me the easiest thing to do would have been to go over to Colorado and to see to it that his corporation enforced the laws of the State and improved somewhat the conditions of labor; to satisfy his workers who do produce large profits for him, and the root causes would take care of themselves.

And the peculiar point in connection with the embarking into social research by the Rockefeller Foundation is this: That it has come at the peculiar time and under circumstances calculated to throw some suspicion upon the motives of the founders. Bearing in mind that while Mr. Rockefeller, jr., was impressed with the necessity of the thorough research into social relations, and while he was in search for the root causes of it, a Commission on Industrial Relations was then in existence, created by authority of the Government of the United States and given ample powers to investigate, with the right to subpœna witnesses, with the right and powers which a private institution never can possess, and that that commission was actively engaged just at that time in such inquiry, in such investigation; that such investigation, among other things, also

extended to the trouble in the Colorado Fuel & Iron Co.; in other words, Mr. Rockefeller's concern. And that just at that time Mr. Rockefeller was not satisfied to wait for the conclusions of this commission for its results, for its report, which, perhaps, might throw some very interesting light on the root causes; that just at that time and just after his own company had been investigated by this commission, he announced to the world that now he would go on his own hook and reinvestigate the entire thing upon an entirely new basis and upon his individual initiative. To the unbiased mind it seems like an attempt to hurl the weight of his hundred millions of dollars against the modest allowance of the United States Government; to throw the power of his private wealth, his great accumulated wealth, against the collective powers of the people of the United States. And, to my mind, the announcement by the foundation of its intention to go into a field of research paralleling that of the commission appointed by the United States was a direct challenge to the Government of the United States and to the people of the United States.

Then, also, there is another interesting point in connection with this new research by the Rockefeller Foundation. Mr. Rockefeller, jr., does not propose to follow any definite lines of investigation. What he has done was to engage Mr. Mackenzie King and to leave the methods and work to him exclusively. He says, "We have proceeded in this same way, as we have in the case of the Rockefeller Institute for Medical Research. In one case we engaged Dr. Flexner and left it to him to work out the details; in the other case we engaged Mr. Mackenzie King and left it to him to work out the details."

But this comparison is only apparently and superficially true. It is not true in fact. When you undertake medical research the personal convictions and views and attitude of the man who undertakes that work plays very little part. It is a definite concrete science. The methods to be applied are technical methods worked out by scientific investigators. When you undertake social inquiry, on the other hand, you are not dealing with concrete matters of this kind. You are dealing here with social relations. You are dealing with struggles between different classes, different interests. You must have a view, and your views must lean toward one side or the other. There is no such thing as absolute scientific impartiality in cases of this kind. And the man selected for the purpose of handling that research work must have a definite view and a definite attitude for social problems. Unless he has, unless he had done some work before he would not be selected for the position. In other words, Mr. Rockefeller would not select a man who had not expressed himself before on the subject, one way or another. In order that he may have qualifications for the position he must have done some work in this line before.

Now, what was known of Mr. Mackenzie King to Mr. Rockefeller before this appointment—before he was intrusted with the task of discovering the root causes of all social evils? Two things: Mr. King had been minister of labor in Canada and as such he had fathered and gotten through and administered a law which penalized the workers and the labor organizations for going on strike before submitting their disputes to arbitration and mediation. In other words, a law which, in the opinion of the labor unions, tends to paralyze their aggressive activity and to wrench from them the only instrument they have for self-protection.

Now, imagine a similar law existing in Colorado, for instance. With the Government, from the governor to the sheriff, bailiff, and marshal in every camp, in the hands of the mining companies absolutely controlled by the Colorado Fuel & Iron Co.; imagine that in this particular strike notice would have to be given first to those representatives of the Government, so thoroughly influenced by the Colorado Fuel & Iron Co. What would be the result? Why, a very simple thing. Investigation would be dragged on for a few months, and in the meanwhile strike breakers supplied and the strike made absolutely impossible.

What else was known of Mr. King? There, it seems to me, was a very interesting chapter contained in the correspondence between Mr. King and Mr. Rockefeller, jr., particularly the letter of Mr. King addressed to Mr. Rockefeller read here. It appears that prior to his appointment Mr. King was consulted by Mr. Rockefeller about the concrete situation in Colorado, and it just so happened that Mr. Rockefeller, jr., trustee and president of the foundation, for a moment mixed up his part with that of Mr. John D. Rockefeller, jr., the director of the Colorado Fuel & Iron Co., and consulted Mr. King practically

in the latter capacity. Mr. King's answer is illuminating. He says, in substance: "Do not worry very much over this demand of the union for recognition. Better times are coming. This war will send thousands and tens of thousands of workers into the Colorado field to compete with your workers, who will oversupply the market and depress the wages to such an extent that the workers will be glad to get any kind of a job on any kind of terms and not talk about union recognition." Now, I am giving you the substance of it in my own words, and not in as polished and diplomatic language as Mr. King gave it to Mr. Rockefeller, but the substance is absolutely the same.

And a significant fact is his saying that under such circumstances the workers would not care for the "shadow of union recognition," but would have to concentrate all their efforts to maintaining standards, "thus creating a possible avenue of approach toward restoring normal conditions in Colorado." Normal conditions in Colorado, in the view of Mr. King, are conditions of an oversupply of labor, of fierce competition between workers for a job, and of a condition in which the workers will have to surrender to their employers upon any and all terms. Those are normal conditions.

These views of Mr. King are very definitely expressed, and they were known to Mr. Rockefeller, perfectly well known, before his engagement; and now, I will ask you, why does Mr. King need a full catalogue of references? Why does Mr. King need several generations of work to evolve a plan for reaching the root causes of the social evils? It seems to me he has already evolved it and his evolution or solution of these difficulties, as he sees it, has been the main reason for his appointment to this important position by the Rockefeller Foundation.

Another point of interest is this: In the advance information a little booklet issued by the Rockefeller Foundation, and also repeated, I believe, in the answers to the questions printed for this commission, the foundation states this:

"The Rockefeller Foundation is, moreover, a large owner of corporate securities, and in that capacity is itself directly concerned in maintaining harmonious relations between the companies in which it is interested and their employees."

Now, mark you, the Rockefeller Foundation, which is going out to make an impartial investigation of social conditions, and once and for all do away with social strife, is itself a large owner in some of the largest corporations whose securities it holds and is interested in the solution of social problems—interested, as frankly stated, as owner and as employer. And there is where the bias of this enterprise is clearly demonstrated. Again it is the blending of business and philanthropy. Again it is a biased investigation from the point of view of the owner. Assume the United States Government undertakes an investigation of social conditions. Assume that it would say that it is largely interested on the part of the employers. What would the people of this country say to an investigation of this kind, if any kind of a movement is inaugurated for the study of social discontent or social strife, or for the evolution of social remedies—what would the public say if such an investigation were made up wholly of employers or wholly of workers? Still Mr. Rockefeller believes that it is a point in favor of the foundation; that it is also a large employer and interested directly financially in the results of such investigation.

My answer, then, to the first question as to the social desirability of these foundations is briefly that I believe the influence is pernicious in every way; that it militates against democracy in every field of human endeavor, industrial, political, intellectual. I think particularly the Rockefeller Foundation, as far as it engages in social research work, is disingenuous, and is opposed to true social enlightenment and progress.

Now, then, I am asked, as a second question, if these are my conclusions, what remedy or what measure do I propose as against them. I will say, first, that the reason why these great foundations have been able to spring up and, no doubt will increase and multiply in the future if allowed an unchecked development, is, that the Government has unfortunately neglected the most legitimate fields of endeavor which it should occupy and fully fill.

Nothing is more peculiarly a field for governmental activity than social education and betterment. A true democracy, one depending upon self-reliance of its citizens—of the members of the community—must be more jealous of these governmental functions and of their proper exercise than of such prerogative, for instance, as the coining of money. I hold that all institutions for higher learning, just as well as our elementary schools, should be owned, managed, and conducted by the State or the National Government.

should not be dependent on individual benefactions, and should be conducted democratically and with a view to the development of the full and untrammeled academic freedom. I hold further that an institution like this commission—this Commission on Industrial Relations—or any commission similar to this, but with larger powers and larger appropriations should be made a permanent institution, and would be a very valuable adjunct to the Government of this country. A commission always at hand, always ready to go from place to place all through the country, and to take up the problems as they arise from time to time; a commission which would have the right, if possible, to make some immediate adjustments where it finds the law violated or moral principles trampled upon; a commission with power to recommend legislation and executive action whenever required; a commission of this kind in permanent session would certainly contribute a large deal toward the solution, if not of the main problems confronting the public to-day, then, at least, of such problems as spring up from day to day. I believe further that a commission of this kind, if in permanent existence, would avoid such outrages as may have occurred in Colorado or in New Jersey here, for instance, recently; that they would not occur at all; because the employers would be more careful. They would know that in case they exceeded the bounds of propriety and lawfulness and exceed them very flagrantly, the commission would be there immediately, and that the entire situation would be made public, every fact would be fully investigated and looked into; and, as I say, they would be more careful.

Now, this is another measure which I advocate. I should advise that the powers and the functions of the foundations should be strictly limited. Take for instance the Rockefeller Foundation, and I always refer to that because, to my mind, it is the most typical instance of these modern foundations. It is incorporated by special act of the legislature for the purpose of "receiving and maintaining a fund or funds and applying the income and principal thereof to the promotion of the well-being of mankind throughout the world," and it may use, according to its act of incorporation "such means to that end which from time to time as shall seem expedient to its members or trustees." It may "invest and reinvest the principal and deal with the principal and expend the income and principal of the corporation in such manner as in the judgment of the trustees will best promote the object."

Now, then, bearing in mind, first of all, that the objects of the corporation are absolutely unlimited, the words "well-being of mankind" in themselves mean nothing, but if read in conjunction with the other parts they mean, "well-being of mankind" such as in the judgment of the board of trustees they may consider to be such well-being, and it means that the foundation is practically given absolute unlimited and unrestricted functions and powers.

Now, it is a corporation without membership, it consists simply of trustees or directors without a constituency; there is no election by anybody. The members or trustees are designated by the charter, and the charter does not even specify the number of such directors. That is left to the by-laws, which may be changed from time to time. The by-laws may increase or decrease the number of such directors or trustees. There is nothing in this law, I hold, which would prevent the foundation from reducing the number of its members or trustees to three, Mr. Rockefeller, perhaps, Mr. Greene, and Mr. Lee; they may constitute the entire foundation. There is nothing in the act to prevent it. Now, then, they may use this vast fund of $100,000,000 for any purpose. They may exercise this tremendous power for good or evil as they choose, but my point is that whether it should be for good or evil the public can not determine, the Government can not determine. The views of the men who constitute this corporation may alone determine what shall be for the well-being of mankind.

Let us assume that we are facing a national election; let us assume that we are facing an election of more than usual importance, and such an election is not at all impossible. Say, that in 1916, or perhaps 1920, the people of this country will face vital issues going to the very root of their existence and democratic institutions. It may be the question of the public ownership of railways and it may be the larger question of industrial democracy against industrial feudalism; it may be a question of the entire life and mode of existence of this country. It is possible that in an election of this kind the Rockefeller Foundation alone would be perfectly capable of swinging it one way or the other as it chose. It would not have to subsidize political parties, but by subsidizing a large portion of the American press, by buying in newspapers and flooding the

country with literature, it would be enabled to swing a national election; less than a hundred million dollars has been known to do that in the past, and at a crucial point the Rockefeller Foundation may step in and decide the fate of this country.

Now, furthermore, there is one point which I want to make as emphatic as I can, and that is I claim that the Rockefeller Foundation is in no sense a philanthropic or charitable enterprise at all, that it masquerades as such, and that it is time for the people of the United States to throw off that mask. Why? What is the Rockefeller Foundation? It is a slice of the Rockefeller fortune, a segment of it, $100,000,000 of the same stocks and bonds of which the rest of his fortune consists, segregated and set apart and named the Rockefeller Foundation instead of John D. Rockefeller, jr.

Now, bear this in mind, that Mr. Rockefeller is supposed to own, according to popular opinion, something like $1,000,000,000. For immediate personal purposes he does not need his billion dollars, as both he and his son are popularly supposed to be frugal and modest men, so that they could well get along with the income on one or two million dollars, which is but one-tenth or one-fifth of 1 per cent of the amount. The rest represents industrial power, political power, general power—the power to handle these funds and to invest and reinvest them in support of one movement or another; that is what constitutes the essence of these great swollen fortunes.

Now, Mr. Rockefeller does not part with this power in creating the Rockefeller Foundation, for all these hundreds of millions remain in bonds and stocks in which he can deal or can change, he can sell or replace, just in the same way as the stock and bonds remaining in the other compartments of his safe. And when the time should ever come that he would have to resort to this particular $100,000,000 for personal purposes, for household expenses, for instance, why I hold that under its present act of incorporation there is nothing to prevent him from doing so.

I hold that this $100,000,000 that Mr. Rockefeller does not need for actual purposes of consumption, and which he retains for general business purposes, that that may accumulate year after year, and I am speaking of the charter, or may increase year after year free from taxation, and when the time comes and the board of trustees has been reduced to John D. Rockefeller, jr., and his personal staff, they may be returned to Mr. Rockefeller and his heirs, in some indirect way, under some guise of being for the well-being of mankind.

I repeat that there is no membership in that corporation, there is no public control of the corporation, no Government control, and for this reason I believe this should be done: I would suggest that what is required at the present time while this foundation is in existence is a law amending its charter so as to restrict its functions in some particulars.

For instance, it should be subject to supervision by the State, as insurance companies or banking corporations or fraternal and benevolent societies. The State should have powers of visitation, should see to it that its income is properly expended, and principally that it be all expended annually and not allowed to accumulate. The foundation should have a certain minimum number of members fixed by law, members as distinguished from trustees, members who should elect the trustees and to whom the trustees should be accountable. It should file annual accounts of all of its doings, its income, expenses, and the application of its funds. And, above all, it should not be exempt from taxation.

The chairman raised the question yesterday while I happened to listen to Mr. Hepburn's testimony, I believe, whether it is not a fact that the taxes which this particular slice of Mr. Rockefeller's fortune saves would amount to about $300,000. It would under the income-tax law. But I want to call your attention that it is not the question of the income alone, but also of the principal.

The Rockefeller Foundation is a New York corporation, a domestic corporation. Its property is personal property of a domestic corporation. Our present tax rate is about 2 per cent, a little less than that, say 1.90. Upon this basis I hold that this $100,000,000 would be liable to a tax of well-nigh $2,000,000 annually, a property tax as distinguished from the income tax. The income tax would be about $300,000. But against which the tax on the personal property, the property tax would be offset. The total in taxes, I hold, on this fortune is over $2,000,000 annually. And when the time comes when the present founder, the chief founder should pass away, it will owe an inheritance tax of many, many millions again.

Now, what does that mean? That means the following: A tax, after all, is imposed for necessary governmental work and functions. It amounts to a certain sum, which is required for the maintenance of the government of the State of New York, the city of New York, and of the Federal Government. If the taxes fall below that amount, they have to be made up by the rest of the taxpayers. If $2,000,000 are taken out of the taxable property of the State of New York, the people of the State of New York will have to make up these $2,000,000, and every one of the citizens contributes something to it.

I hold that indirectly the Rockefeller Foundation receives from the people of the State of New York, through the Government, something like $2,000,000 a year in which the people as such have absolutely no say of any kind. There is absolutely no good reason in the world why a private philanthropy should be exempt from taxation, because it allows the private endower to fix the nature of the so-called philanthropy, and it makes the public contribute to it, and contribute to it heavily. This is my answer to the second question. And the other questions I will go over more rapidly.

The next question which you have asked me was——

Chairman WALSH. Let us have perfect order, please, ladies and gentlemen.

Mr. HILLQUIT. Has the growth of large corporations improved the physical conditions under which the workmen are employed?

My answer to that is that on the whole they have not. There has been some improvement in some industries. Large corporations are based on large plants, and large plants have better facilities for sanitary conditions, for instance, and some of them have actually introduced better sanitary conditions than prevailed under the reign of small industries. But I find as a general rule that work in large corporations, in large plants, is more intense, more consuming than in small plants under the reign of small corporations and small managements. The average industrial life of the worker has perceptibly decreased since the introduction or development of trusts.

The next question is, Have the large corporations increased wages as rapidly as the prices of commodities increased, or shortened working hours as rapidly as the development of the industry would warrant?

My answer to that is, that as a rule they have not. The best available figures show an increase of 25 per cent approximately of the cost of living, that is, the most necessary articles to be consumed by working people's families. In some trades, particularly those that have well-organized labor unions, wages might have risen in proportion; that is, say, 25 per cent more. But in a majority of the trades wages have remained stationary or they have fallen back, and similarly as to the hours of labor. The increased productivity of each of these large corporations with their improved machinery, their division of labor, their improved methods have served not to shorten the hours of labor, not to relieve the work of the laborer, but to throw a number of workers out of employment. We have to-day a standing army of unemployed larger than ever in the history of the past. That is caused by the fact that the hours of labor have not been shortened; that the workers have been allowed to work as long as in the past, and the increased productivity has simply created a surplus population.

We have to-day in the United States several million men able to work, capable physically, mentally, and in every other respect, and eager to work, but whom our industrial machinery has discarded, thrown out, and made permanently useless. An artificial surplus population has been created.

Another very interesting observation that may be made in connection with the testimony on that point given by Mr. John D. Rockefeller, jr., is the method of distributing wealth between employers and employees as exemplified by the Colorado Fuel & Iron Co. Now, here are the figures, as I gather, from Mr. Rockefeller's testimony. In the course of the 12 years during which he has been connected with Colorado Fuel & Iron Co., Mr. Rockefeller has received as profits in the shape of interest on bonds and dividends on stock, amounting to over $9,200,000. Mr. Rockefeller's interest represented 40 per cent of the total, both in stocks and in bonds. Consequently if he received $9,200,000 and that represented 40 per cent, the other bondholders and stockholders must have received the remaining 60 per cent, one and one-half times as much as Mr. Rockefeller, and all of them together a total of $23,000,000. The company has also accumulated a reserve fund, undivided profits as security fund for the payment of bonds and dividends, and preferred stock, amounting to about $5,800,000. The company property has appreciated—increased—in value during that period $12,300,000 approximately.

Now, this increase in value, Mr. Rockefeller seemed to be unable to interpret properly. But we all know what it means. It means that the property represents an additional value, an additional investment, if you want, of $19,000,000. These $19,000,000 are profits, just as clear profit as those distributed. In fact the directors might have, or the stockholders might have distributed among themselves and then reinvested $19,000,000 for the purposes of enhancing the future earnings of the company. They are investing new money in the same or other enterprises all the time anyhow. Thus we find the total profits of the stockholders and bondholders of the company during the 12 years of Mr. Rockefeller's connection with it, to amount something like $48,000,000. During the same period of time the workers are said to have received $92,000,000. When we say $92,000,000, that means the pay roll. That includes no doubt management, salaries of officials, and the actual wages of the laborers, of the workers, must have been considerably less. Doubtless it amounted to no more than $80,000,000. And thus you will find that the proportions of the division of the earnings between capital and labor was about 35 to 65, or perhaps 40 to 60.

Now, take another aspect of the case. Here was an investment of $90,000,000. Mr. Rockefeller testified that the capital stock which represents a nominal value of something like $34,000,000, I believe, actually stood at $15,000,000 in cash. He had paid $6,000,000 for 40 per cent, that is $15,000,000 for the total. The bonds amounted to $45,000,000, making a total of $60,000,000 invested in that industry. As against this, there are 15,000 workmen. So what you have there, if you speak of the relation of capital and labor, is one worker on one side to $4,000 represented by stocks and bonds, on the other side, to balance that—an investment of $4,000 for every worker employed. This block of stocks and bonds representing $4,000 receives 40 cents for every 60 cents paid to the worker. And if you want to equalize this share, you would have to put the worker on the one side and $6,000 on the other side. If you have that, both of them draw from the industry an equal amount. That is, in the Colorado Fuel & Iron Co., which is concededly one of the least profitable investments of Mr. Rockefeller or any other capitalist. It is in its pioneer days. It has not developed its full earning powers, and it is safe to assume that in the normal average industries the share would be about 50 and 50, and it would require about $5,000 in capital, stock, and bonds to equal and parallel the income of one workingman. And there you have it. Here you have pitted against each other the worker who gives his entire life, his energy, his work, his toil to the production of some useful commodity. And here you have, on the other side, the dead accumulation of $5,000; each of them drawing equally upon the industry, the dead $5,000 clips off one-half of the products of the worker.

And more than that. There is this distinction, that the worker draws his share only so long as he remains active in the industry, only so long as he can actually produce. When he becomes old and feeble he is discarded. When he dies of course he drops out. His industrial life may be 20 years or 25 years or 30 years, according to the industry. But the accumulated capital, the $5,000 in stock and bonds remains eternal. It is an investment forever and ever, and it is matched not against an individual worker but against an entire generation of workers, one following the other, in eternity.

Upon this calculation, take Mr. Harry K. Thaw. If he is deemed worth a million dollars, he may not do a stroke of work and probably does not, but his worth is equal to that of 200 generations of workingmen actively engaged in the industry, working day after day and year after year all through their lives.

If the figures of Mr. Rockefeller's worth are approximately correct, although Mr. John D. Rockefeller has withdrawn from industrial activity 15 or 20 years ago, his money to-day matches, neutralizes, and equalizes the life efforts of 200,000 workingmen in the United States.

Now, that, it seems to me, appears clearly from the figures of Mr. Rockefeller himself, or from an analysis of them.

But I hold, of course, that the large corporations tend to perpetuate that absolutely abnormal, impossible condition.

Your next question is: Does the corporate type of organization tend to produce a higher grade of workmen or citizens?

My answer is, it does not. On the contrary, it has a degrading and demoralizing effect on American citizenship. You have before you, Mr. Chairman and gentlemen of the commission, two different types of employers

testifying, the "good" ones and the "bad" ones—the benevolent despot and the malevolent despot—and in both cases they have been despots; they have been demoralizing and degrading the workers.

Take the case of the employer who provides the playgrounds and baseball field and the pension funds and all sorts of welfare work, and even pays them voluntarily a decent wage. He means well. But the effect on the workers is nevertheless to take out from them the self-reliance, their economic independence. They are treated well in the same sense that a slave would be treated well by a kind-hearted master. But they remain abjectly dependent upon that master. They do not develop any self-reliance, and it is a very unhealthy and very unstable condition.

Take the case of Mr. Ford, who has justly been entitled to some share of the admiration of his fellow men. Now, he has certain high and broad ideas which he applies to his industry, and his workers are happy while it lasts—as happy as well-fed animals, and no more. Suppose Mr. Ford passes out of existence, and suppose the successors or purchaser of his stock have different ideas and introduce an entirely different régime, cut off all benefits of welfare work, and exploit the workers to the bottom. The workers have not been trained to resist it. On the other hand, if the same workers had the well-organized union, if the same workers had acquired these privileges by their own struggle, by their own organization, by their own power, they could maintain them, Mr. Ford or no Mr. Ford, whatever the inclination of the employer may be. Then the other type of employer is one who has the same powers, but does not have the same philanthropic inclinations. And, then, you have the characteristic régime of Colorado. You have the brutal oppression, which likewise tends to curb the American worker, his spirit of independence. I hold that only that nation will be great and powerful which will train its individual members to industrial, political, and intellectual independence and self-reliance, and that any nation which depends upon a group of men, powerful men, powerful in industry or otherwise, that that nation is bound to reach a state of retrogression, and that in a very short time.

Have the large corporations, you ask further, acted as bulwarks to prevent the growth of trades-unions?

I think they have. You have only to glance over the list of the unions affiliated with the American Federation of Labor, and you will find the strongest of those in industries in which industrial concentration has not so far progressed very far, or has been impossible. For instance, the mining industry is naturally and necessarily tied to certain spots in the United States where the mines are. It is scattered, and a physical concentration of the mines is impossible, such as the concentration shown in the steel works and similar industries. For this reason there are numbers of competing mining companies. The miners are the strongest union on the list of the American Federation of Labor. You take the carpenters, the building trades, the brewers, the clothing workers, the printers, the cigar makers, the bakers—all these are workers employed in, comparatively speaking, smaller industries, whereas you look in vain for the strong organization of steel workers and oil workers and of the workers engaged in any of the great industrial and consolidated trusts. So, I hold those trusts, those large concerns, did prevent and do prevent the development of labor organizations.

In the next questions I think I shall best group a few of them together and try to answer them together. The questions are: The extent to which potential control over labor conditions is concentrated in the hands of the financial directors of large corporations; the extent to which this potential control is exercised in connection with the labor methods; and, finally, responsibility of absentee landlords of industry for the conditions existing in corporations in which they are financially interested.

My answer to those, Mr. Chairman and gentlemen, is that we have had a very concrete illustration here before this board in the testimony particularly of Mr. John D. Rockefeller, jr., and in the testimony of several other witnesses themselves interested in large industrial enterprises. And we have found a very peculiar and a very recent development. When some people of radical notions object to the distribution of wealth between capital and labor, and to capital receiving a very large portion of the general earnings of the American people, the answer usually is and has been, "Well, but without capital there would be no labor. Capital is entitled to a large share because it organizes and manages the industry, and thus furnishes the opportunity

to the workers to earn a living." The profits of capital have been variously style wages or compensation of management or of direction.

Now, then, how well the present modern capitalist, particularly those of the highest type of development—I mean highest financially, the banking director—directs the industry has been shown in the case of the Colorado Fuel & Iron Co. particularly. Here is a community of 15,000 workers gathered in one part of the State of Colorado. They are all massed around certain coal mines and ore deposits in the State. They are engaged in the business of converting them into such shape as will make them articles of use and consumption to the world at large. With their families they probably represent a community of about 60,000 or 70,000 men, women, and children, all dependent upon this industry, this industry being particularly a natural one, one dependent upon the treasures embedded in the earth right there. And in their work and industry there springs up a civilization of its own. These men and women have their needs. They have their social requirements. They have their degree of civilization, such as it is; they develop camps, villages, towns, and other habitations. They have to have dwellings; they must have some recreation; they must have some food for their intellectual and moral lives as well as for their physical lives. And all this industry and all these people dependent upon it are managed and controlled by a corporation known as the Colorado Fuel & Iron Co. And Mr. John D. Rockefeller, jr., in behalf of his father, whom he represents, practically has the controlling interest in that corporation. He owns 40 per cent, he says, of its stock. He says he, as a stockholder, has nothing more than a large moral influence. We know better. We know that he practically has the actual control, because everyone more or less familiar with the affairs of this kind knows that the annual meeting of a large corporation is never attended by over 70 or 75 per cent of the stockholders. That would be a large per cent. Forty per cent concentrated in one hand has the absolute voting power. Mr. Rockefeller no doubt is fully chargeable legally and morally with the conduct of that community—that section of the American population, representing about 60,000 or 70,000 persons.

Now, then, what does Mr. Rockefeller know or do about this community? He comes before your commission with a very elaborate theory of corporate responsibility; he divides the corporation into four parts—the stockholders, the directors, the officers, and the employees. The functions of the stockholders are limited to the election of directors; they have nothing else to do, nothing to say about the management. They elect directors once a year and then do nothing until the next year. The function of the directors is limited to the election of executive officers and to the financial affairs of the corporation. The officials have the direct management of the industry, the direct control of it. The workers—well, the workers are there and that is about all they are, too.

Now, then, let us consider what does Mr. Rockefeller—and Mr. Rockefeller's case is used as an illustration because it is a typical case as has been described time and again on this stand and elsewhere—what does Mr. Rockefeller know or care about the actual industry in which he has a controlling share? It appears that he was last in Colorado about 10 years ago, and then made a very superficial examination of the plant of the Colorado Fuel & Iron Co. He does not know in what counties of the State the mines are located; he does not know where the principal office of the general manager of the corporation is located; he is absolutely ignorant of the working conditions in the mines; he does not know whether 12 hours' work in a rolling mill a day is too much or too little or just sufficient. He does not know whether 7 days a week of continuous work would be too much or too little or what effect it would have on the workers. He does not know whether the company owns the homes of the workers, whether it owns the saloons in the camps; he does not know whether it maintains a system of company stores; he does not know the first thing about the actual operations of the concern in which he has invested $24,000,000, and which employs 60,000 or 70,000 men, in which he is a controlling factor. He is, however, interested in the financial part of the concern, that, of course, he has to be as a director, he states. But when it comes to summarizing his knowledge of the finances of the company, here is what appears. When the chairman of this commission asked him what the amount of the capital stock of the Colorado Fuel & Iron Co. was—and the amount of the capital stock of a corporation constitutes the financial side of it—Mr. Rockefeller did not know; when he was asked what the bonded indebtedness of the corporation was he likewise did not know. When he was asked whether the Colorado Fuel & Iron Co. held all of the stock of the Colorado Supply Co. he did not know. He did not know

what the Colorado Supply Co. practically represented, and when he was asked about the Colorado Industrial Co., whether that company was the holding company for the Colorado Fuel & Iron Co., he did not know. He did not know the capitalization of either of the corporations, and, most amazing of all, he did not know the amount of his own investments. He said he could ascertain what it was by looking into the books. The most comical part of it, if it were not so serious, was the fact that the chairman of this commission had to inform Mr. Rockefeller about his investments, about the revenue on his investments, about the capitalization of his company, about the real conditions of his company in its relation to the subsidiary companies, etc., and Mr. Rockefeller was only able to say, "If you say so, I suppose it is so."

Now, that is the extent to which Mr. Rockefeller contributes in knowledge, activity, usefulness, management, and direction of the Colorado Fuel & Iron Co.

Now, I do not hold that to be a crime. Ignorance is a pardonable offense; we all have the privilege of being ignorant on certain points, but the question nevertheless arises why, with that absolute detachment from business generally, with absolute ignorance of any fact connected with it, why should young Mr. Rockefeller be the owner and manager and director and controller of this industry? Why should the lives and welfare of 70,000 men and women and children depend, as they do, on one who takes so little interest in the matter? The answer is that Mr. Rockefeller has invested his capital in it. True, but that capital was secured by him as interest on bonds and as dividends on stock in other corporations of which he knows just as little as he does in regard to this corporation. And the $9,200,000 which he drew from this corporation will be reinvested by him in some other industry and then he will have control of some other large section or some part of this country, and so on indefinitely and forever.

The incomes of the large industrial magnates grow without any activity on their part, and as they grow they become that much more of a perpetual mortgage upon the lives and welfare of the population generally.

The testimony of Mr. Rockefeller shows that the modern financial magnates, especially the banking variety, have passed out of any active rôle in modern industry; that they have been reduced to a purely parasitic existence.

The next question, and I have very few more, is, "Does the fact that many large corporations of thousands of stockholders, among whom are large numbers of employees, in any way affect the control or policy of large corporations?"

My answer is that they do not. The ordinary stockholder does not manage, does not control. If we take our very large corporations we will usually find that their control is vested in some one financial group, and that the thousands of scattered small stockholders do not act in conjunction or concert, or do not act at all. As a rule, they never appear at annual meetings and never vote. The employees who hold stock in corporations have, perhaps, very much less influence even than the individual stockholders. First, they never have a substantial part of the stock of any corporation, they always have a very insignificant holding, and that holding is given to them in order to make them more subservient to the corporation. Many workers have invested $100 or $200 or $300 in stock of a company. When he invests his money in the corporation he becomes dependent upon that corporation. On the other hand, his little investment gives him absolutely no real control, direct or indirect, or even potential. In conjunction with this, this may be noted, that in modern times a stockholder has practically ceased to be part owner of an industry. Stockholding no more implies part ownership of a given industry, it is not any more a permanent investment, it is only a title to the profits or dividend or interest. The banking system which has stepped on to the backs of the corporate management and has taken over the corporate management has changed the character of stockholding. Now, the ordinary investor holds whatever stocks or bonds he has only as the stock market dictates. He may hold 100 shares of United States Steel or that amount of shares in some railroad or another—he may hold these shares on one day, and the next day he may change them for shares in mines or other industrial enterprises. He does not consider himself a permanent stockholder in the United States Steel Corporation or in the Pennsylvania Railroad Co. or any other corporation of which he holds bonds or stock, but he simply has possession of them in order that he may receive the dividends paid on them, and if there is any other security which he thinks preferable he exchanges them. Industrial management under the present corporate control has become so absolutely impersonal

that stocks and bonds, except in large blocks sufficient to give control, mean no connection with the industry at all.

Now, finally, the last question, "Does experience indicate that large corporations can be trusted to reform themselves?"

The answer is that they can not, because their material interests are opposed to any such reformation, administered by themselves.

"Are the workmen employed by large corporations in positions to work out their own salvation by trades-union organizations?"

The answer to that is, partly: Trade-unions may help them largely in their resisting any attempted or actual purpose on the part of the employer, but only to a certain extent. Take, for instance, the situation in Colorado in this strike of the Colorado Fuel & Iron Co. Assuming that the workers had been fully organized in that industry, and assuming that the strike had resulted in a complete tie-up. Then what happens? Strike breakers are imported from every adjoining county and, perhaps, from Eastern States. The strikers are harassed and molested, attacked, assaulted, and practically beaten into submission. They attempt to appeal to the constituted authorities and the sheriff is found to be in the pay of the mine company; they attempt to appeal higher, to the courts, and the judge happens to be a former or a prospective lawyer of the mining company. They appeal to the governor of the State, and the governor of the State has been largely elected by the funds of the company; and they are checkmated by such conditions at every move.

I say that industrial organizations alone, the trade-unions alone, will not secure to the workers absolute industrial independence and freedom. In order to have that, in order to have the full economic power to which they are entitled and need they must necessarily also possess political power. In other words, they must see to it that the sheriff elected in their county, the judge elected in their court, the governor elected in the State of Colorado, do not represent the interests of capital. They must organize politically as well as they must economically. They must elect their men to office just as well as they elect their representatives in their unions. So my answer is that trade-unions but solve the problem partly; they would solve it completely in conjunction with political labor organizations.

And the final question is:

"Is existing State and Federal legislation adequate and properly drawn to provide against abuses; if none of the existing agencies are competent to deal with the situation, what general form of organization would you recommend as best for State and Federal action?"

It is always difficult to prescribe one general panacea or one general form of taking care of abuses, but I should recommend, first of all, the unrestricted legal right of workers to organize. By this, I mean that the workers should have the right to do all that is required for the purpose of organizing a union. They should have the right to speak freely without intervention or interference of spies employed by their employers. Spying on employees should be made a punishable offense and prohibited by law. They should have the right to meet freely and the right to persuade workers to join the union.

Now, in regard to employers having the same right to employ whoever they please, the reasoning of the recent opinion of the Supreme Court was that a law discriminating in favor of unions was unconstitutional, because just as a worker has a right to work or not work for an employer, just so the employer should have the right to employ and refuse to employ a worker connected with a union. The analogy seems perfect from the point of view of abstract legal reasoning, but it is opposed to real reason. It is not in conformity with the actual situation or the actual facts. The fact of the matter is that there is no analogy between the situation of the employer and the situation of the employee in modern conditions. The employer has all the power, the employee has none; the employee needs protection, the employer needs curbing. If we want to bring out this distinction suppose we suggest to the honorable Judges of the United States Supreme Court to try this experiment: Let them have an employer advertise to-day, "I want 100 men for my factory," and you will see thousands will appear clamoring for the job and will take it on any condition dictated by the employer. But let a working citizen of equal rights with the employer, a sovereign worker, insert an ad of this kind, "I am ready to take a job; any employer who may want a good efficient workman may call at my house to-morrow morning at 10 o'clock," and let them see how many employers will stand at his door clamoring for his services. There is no analogy between the two at all. The position of the employer is different

from that of the employer; the employee needs protection, and he can only have it by joint organization and action by a majority of the men in his trade. The decision is based upon a fundamental misconception of existing social relations and should be changed by proper constitutional amendment.

I strongly recommend a law prohibiting the State militia from interfering in labor disputes. It is not created for that purpose and should be kept out. Experience has shown whenever it interfered in labor disputes it has always been on the side of the employer, and for good reasons.

I should also advocate the prohibition of the right of employers to hire the so-called private guards. That has become an increasing abuse in industrial conflicts in the United States. Private guards, as a rule, are professional thugs and cutthroats, supplied by certain agencies existing for that purpose. In every one of the industrial disputes which we have had the outrageous massacres of workers have been committed by such irresponsible criminals and ex-criminals who parade in the guise of private guards. I think a law should be framed prohibiting the interstate transportation of such thugs and the State laws prohibiting their use in the different States.

I believe that the use of the injunction and contempt proceedings in labor disputes should be discontinued; and I believe there is another great abuse going on now as applied to industrial conditions which has so far escaped public notice. I refer to what is known under our penal law as "disorderly conduct," designed for an entirely different purpose originally, and vesting in a petty magistrate absolutely discretionary powers to fine a defendant and sentence him to jail up to a period of six months, with practically no charges being made against him and no offense being committed, and there is no appeal or redress. The law in this State and in many other States, I understand, is that disorderly conduct is such as in the opinion of the magistrate may tend to a breach of the peace. It is in the discretion of the magistrate as to what may tend to a breach of the peace. Any conduct of any kind may, in the opinion of the magistrate, tend to a breach of the peace. The practical application has been that in the case of strikers in this city, for instance, hundreds of workers—men and women—have been haled before a magistrate, and many have been sent to the penitentiary for periods of six months for no greater offense than trying to persuade strike breakers to desist from working. And there is absolutely no appeal from it, the opinion of the magistrate being supreme. He is empowered to construe the law, as the acts which constitute disorderly conduct are not defined by the legislature, and the magistrate does very often apply it to striking workers. I propose a very careful definition of disorderly conduct, such definition as applies to any other statutory crime.

I think also what is crying needed at this time is a proper and thoroughgoing system of insurance of unemployed workers. Unemployment is becoming a more and more serious evil in modern industrial conditions. It is the corporate management—the large-scale production to-day that is largely responsible for it. The burden of maintaining such a system should, therefore, be properly placed upon these industries. They created it and they should relieve it.

And, also, I should advocate other measures, such as the trade-unions of this country have been working for, such, for instance, as a proper compensation act in every State, the establishment of a legal maximum working day and of minimum wage and, finally, the public ownership, to begin with, of mines, the railroads, and gradually extending to all monopolies, trustified, large-scale industries.

If anything has been shown in this investigation from the testimony of Mr. Rockefeller particularly it has been this, that there is not an objection made against public or Government ownership of mines which can not be hurled back with tenfold more force against private management as now conducted. If a public official charged with the administration of a mining industry should exhibit as much ignorance and indifference to that industry as Mr. Rockefeller has shown, he would not hold his job for two days.

We speak of possible corruption and possible inefficiency of Government managers of such industries. The corruption that has been revealed on the part of the responsible officials of the Colorado Fuel & Iron Co., the ignorance and incompetence and indifference of its directors, and the responsibility of managers have been such that not in the blackest history of political corruption or incompetence could it be paralleled. It seems to me that his testimony establishes conclusively the fact that modern capitalists have ceased to have any claim to control of the natural industries of this country on which the

life of the people depends, and that for this reason the Government as such, the public as such, should step in and take over the management and operation. This finishes my answer.

Commissioner WEINSTOCK. For your information, Mr. Hillquit, I want to explain that this commission adjourns at 12.30. Some of the members of the commission will be unable to be here this afternoon, and they are all very desirous of hearing your answers to these questions that will be put. Under the circumstances, therefore, I must ask you to be good enough in answering whatever questions are put to you to brief them as much as possible so we may keep within our time limits.

It is not my purpose to enter into a discussion on socialism, and yet the question of socialism touches upon the problem that this commission is dealing with, and I would therefore ask you, in the first place, are you a Socialist?

Mr. HILLQUIT. I am.

Commissioner WEINSTOCK. Secondly, I want to make sure that I understand socialism as you understand it. My conception of socialism is that it advocates the cooperative commonwealth; that it advocates that there shall be but one employer and that employer shall be all the people, and that all the people shall own all the machinery for production and distribution. Have I the correct conception of what socialism stands for?

Mr. HILLQUIT. You do not have, Mr. Weinstock.

Commissioner WEINSTOCK. Will you please describe it briefly?

Mr. HILLQUIT. I shall be pleased to do so. Socialism does stand for the democratic ownership of the instruments and resources of industry. But it does not stand for the ownership by all the people of all the industries. In other words, it does not stand for national ownership of all industry. It is opposed to private industries and private exploitation; it stands for the management of industry through the Nation or State or municipality or cooperative groups of any kind as to the various industries according to the extent and character of the industry.

Commissioner WEINSTOCK. Well, I think, Mr. Hillquit, you represent a somewhat different school of Socialists from those Socialists whose doctrines I have been reading and studying. My conception was that socialism stood for the public ownership of all the machinery of production and of distribution, and I take it you are not in harmony with that particular school of socialism.

Mr. HILLQUIT. Pardon me, Mr. Weinstock. You have now given me a different definition. What you now say is public ownership of all industries or of the instruments of production.

Commissioner WEINSTOCK. Of all the instruments for production and distribution.

Mr. HILLQUIT. Yes; and what you said before was the one employer—the national ownership—all the people owning all the industries. Now, these are two entirely different things.

Commissioner WEINSTOCK. Perhaps I did not make myself clear. Let us be sure then that we understand this point alike—that socialism stands for the public ownership—common ownership—of all machinery of production and distribution. Have I got it right now?

Mr. HILLQUIT. Public ownership is right.

Commissioner WEINSTOCK. Yes; all right. I take it further that the Socialist believes that the real solution of the problems that this commission is dealing with—that the real remedy lies in socialism?

Mr. HILLQUIT. Eventually; yes.

Commissioner WEINSTOCK. That that would remove all the causes for industrial unrest?

Mr. HILLQUIT. Well, eventually.

Commissioner WEINSTOCK. And that if we were to say to the Socialists of this country, "What is your remedy for industrial unrest?" the answer substantially would be socialism?

Mr. HILLQUIT. Right.

Commissioner WEINSTOCK. And I take it further, Mr. Hillquit, that you, as a Socialist living under capitalism and not desiring to become a burden upon society, and not desiring that your dependents shall become a burden upon society, are exercising your thrift and industry and talents to accumulate whatever competence you can?

Mr. HILLQUIT. Whatever I can, is right.

Commissioner WEINSTOCK. Exactly; now, if you, by virtue of your talents, your character, and your ability, should be able to accumulate a great com-

petency and should use it to set aside that competence either in the nature of a gift or a legacy, specifying that it shall be used for the propaganda of socialistic doctrine, do you feel that you could be justly criticized for doing that?

Mr. HILLQUIT. I could not; under the circumstances outlined by you.

Commissioner WEINSTOCK. You could not?

Mr. HILLQUIT. No.

Commissioner WEINSTOCK. You would feel that you were thoroughly warranted in using your competency for the purpose of the propaganda of socialistic doctrines, believing, as you would, that that would be in the best interests of humanity?

Mr. HILLQUIT. Assuming that the amount that I had so set apart was not an overweighing as some of the amounts we have mentioned here. Assuming that I had accumulated it, as you say, by my own thrift and industry, I should say there was nothing objectionable in it.

Commissioner WEINSTOCK. Well, supposing you should fall heir to a very large sum of money, and you saw fit to take that money and use it for socialistic propaganda, do you believe that you would deserve unfavorable criticism for it?

Mr. HILLQUIT. If I were to fall heir to a fortune of, say, $100,000,000 and should place it entirely at the disposal and disposition of the Socialist Party or the Socialist movement for propaganda purposes, I think that the stability of the present order would be seriously threatened by it—for good, from my point of view.

Commissioner WEINSTOCK. Yes; well, would you think you would be justly entitled to unfavorable criticism for doing that?

Mr. HILLQUIT. I think any man who would attempt to exercise control over a sum of money amounting to $100,000,000, no matter in what way, will be justly subject to criticism. I think, in other words, Mr. Weinstock, that the mere power of any man to dispose of a fortune like $100,000,000 for any purpose which he thinks best, shows an abnormal social condition which should be curbed.

Commissioner WEINSTOCK. Well, living as we do under the capitalistic state, Mr. Hillquit, if you should wake up to-morrow and learn that you had fallen heir to $100,000,000, what would you do?

Mr. HILLQUIT. Well, I should say, "I don't believe it," first. I should say this, Mr. Weinstock, your question is entirely hypothetical, because, as a matter of fact, $100,000,000 do not usually come by unexpected gift from inheritance, but are usually accumulated by the present industrial practices, and that makes all the difference in the world. But, assuming that I allow the flight of my imagination to have free play and imagine I wake up with a fortune of $100,000,000, I should say, as I am at present inclined, I should refuse to administer it, considering that no individual would have the right to exercise such public functions as are inherent in a fortune of this kind.

Commissioner WEINSTOCK. Well, if it was yours, thrown into your lap, what would you do with it?

Mr. HILLQUIT. Throw it back to the State or Government for the use of the people from whom it has been wrung. It does not grow on trees.

Commissioner WEINSTOCK. You would then present it to the Government?

Mr. HILLQUIT. I would.

Commissioner WEINSTOCK. With or without any restrictions?

Mr. HILLQUIT. I would; if I were to have it to-day, present it to the Government for the use of such general public enterprises as I should think would go for the welfare of the community, and particularly of the working class.

Commissioner WEINSTOCK. Well, then, would you simply hand the $100,000,000 over to the Government without saying anything, or hand it over and say, "I recommend" or say, "I desire it should be used in this and this and this fashion"?

Mr. HILLQUIT. If I should follow my inclinations formed at this moment, and this is entirely an unexpected situation, I should hand it over without restriction. I should not consider myself entitled to place any restriction or to make any directions for the handling of such a vast sum of money, which I would consider social wealth and social power.

Commissioner WEINSTOCK. Now, the reason why you would do that would be purely because of the large amount involved. You said a little while ago that if you should acquire a competence and should decide to use that competence for the purpose of socialistic propaganda, you would feel you would not be deserving of unfavorable criticism. Now, where would you draw the line? At what point in the volume of the fortune.

Mr. HILLQUIT. It would always be difficult, Mr. Weinstock, to fix upon a definite figure. I should say that I should consider a sum like several thousand dollars or tens of thousands of dollars possibly representing the actual earnings of an individual under modern conditions—but that I should consider a sum such as $100,000,000 as quite impossible to be produced by personal efforts or merits.

Commissioner WEINSTOCK. Well, are we to understand then, Mr. Hillquit, that your limit for setting aside of funds for propaganda purposes would be $100,000?

Mr. HILLQUIT. I should say that I would not consider that any individual to-day could earn more than $100,000 by his personal efforts and by his contribution to the general industrial welfare of the community.

Commissioner WEINSTOCK. So that $100,000 would be the limit that you would set aside for propaganda purposes; is that correct?

Mr. HILLQUIT. We are discussing here altogether abstractions, of course.

Commissioner WEINSTOCK. Yes.

Mr. HILLQUIT. I should say that I should not feel that I had earned more than $100,000; I should not feel that I had earned that much, if I had it. If I had more, I should feel that I have abstracted that from somebody else without being morally entitled to it. What I should do if I should, nevertheless, find myself in possession of such an amount, why, whatever I should say to you would be in the nature of an unpremeditated guess.

The chances are, if I had $100,000 I could spare—if I had more, I should devote that sum to the propaganda of socialism, quite likely. The chances are, I might devote part of it to other purposes that I might consider proper. The chances also are if that fortune should mount into such figures as to cease to be, in my view, purely a private fortune, I should refuse to handle it.

Commissioner WEINSTOCK. The inference, then, from your statement is this: As you pointed out in answer to the questions, you would regard great accumulations of wealth as a menace to the welfare of society?

Mr. HILLQUIT. Right.

Commissioner WEINSTOCK. And if you had all the rich men of this Nation before you at this moment and you were asked to talk to them and give your views, I take it your speech would contain something like this: My advice to you in the interest of commonwealth of society is that you set aside sums approximating $100,000 for the propaganda of any views that you may have, and that all of the rest of your wealth you would give to the Government to be used as the Government may see fit.

Mr. HILLQUIT. Your conception is entirely wrong.

Commissioner WEINSTOCK. I will be glad to have you right it.

Mr. HILLQUIT. I should not risk to make any such statement or give any such advice to a group of the wealthy men of this country. I should rather address myself to the poor man, to the workers of this country, and I should say to them: The swollen fortunes are taken from your earnings, and I therefore consider it your duty and your business to take over the industrial as well as the political government of the country and make the system which creates such swollen fortunes impossible, leaving the present fortunes, if you please, in the hands of the present owners. I would not care for that.

Commissioner WEINSTOCK. And if the wealthy men to which you were talking should ask you how to deal with that wealth, what advice would you give them?

Mr. HILLQUIT. I should say, "Gentlemen, you are powerless to deal with your fortunes in any equitable proper way, or to deal with them at all." I should say, "You are the victims of the system which has created you abnormally and morbidly wealthy, just as the workers are victims of the same system that has made them poor and suffering."

Commissioner WEINSTOCK. Then you would have no advice to give them as to how they should use their wealth?

Mr. HILLQUIT. I should not care to give any advice. I do not think that is the crux of the situation. I do not think the manner in which they use their wealth will make much of a change as far as social evolution is concerned. I think it is a question how the workers will use their power and intelligence, and not how the capitalists will use their wealth.

Commissioner WEINSTOCK. It seems to me that that is a very pertinent question, for this reason: We are investigating into these foundations, and we want to determine whether they are good things or bad things.

Mr. HILLQUIT. Yes.

Commissioner WEINSTOCK. And we invite your opinion.

Mr. HILLQUIT. Very well.

Commissioner WEINSTOCK. On that point, to tell us whether, in your judgment, they are good things or bad things. The tendency or the trend of your opinion, as I gathered it from your statement, is that you do not regard them as good things.

Mr. HILLQUIT. I regard them as bad, Mr. Weinstock.

Commissioner WEINSTOCK. As bad things. Very well. Now, if they be bad things they ought to be discarded?

Mr. HILLQUIT. Sure.

Commissioner WEINSTOCK. And, if possible, they ought to be prevented?

Mr. HILLQUIT. Yes.

Commissioner WEINSTOCK. Very well. Now, then, what answer shall we make to the criticism that came to my ears this week from a woman, who said: "This is a very strange situation. We find fault with men because they made great wealth, and now we are finding fault with them because they are giving it away for the common good"?

Mr. HILLQUIT. Quite right, Mr. Weinstock. The answer to that would be the fault is exactly the same—the creation of such tremendous wealth is a social wrong, and the application of such wealth for any purpose is tainted with that social wrong and must carry the germ with it.

But to answer your question. Your commission is investigating the desirability or undesirability of such foundations. I take the point of view that they are highly undesirable, but that does not mean I propose to take Mr. John D. Rockefeller, jr., aside and say, "Look here, what you are going to do is wrong," because I know no matter what he will do with his billion dollars will be wrong and must be wrong of necessity. But my advice through the commission to the people of the United States is not to permit conditions which will allow a billion dollars to accumulate in the hands of one man and then make him the master of our economic destinies and our natural and political development. So my advice is not addressed to Mr. John D. Rockefeller; my advice is addressed to the people.

Commissioner WEINSTOCK. You offered as one of the reasons why, in your judgment, foundations such as the Rockefeller Foundation is not good, but is bad, is because it can influence the thought of the creators of public influence?

Mr. HILLQUIT. Yes.

Commissioner WEINSTOCK. And that it can influence the opinions of professors in colleges, for example, and so on. And that your remedy would be to have all educational institutions under Government control; that is, that all schools of learning shall be Government schools of learning and not private schools of learning. Do I get that correctly?

Mr. HILLQUIT. That is correct.

Commissioner WEINSTOCK. Now, would you go so far, Mr. Hillquit, as to prohibit private educational institutes?

Mr. HILLQUIT. I should not prohibit private educational institutions for certain specific purposes or subjects which the Government as such does not take care of. I would prohibit any private institution for general education. By that I mean general preliminary education and technical and professional education.

Commissioner WEINSTOCK. That you would confine to the Government?

Mr. HILLQUIT. Exactly.

Commissioner WEINSTOCK. Your belief is that under those circumstances the teachers in these schools of learning would be free and independent and could express their opinions, whatever their opinions might be, as long as they were honest opinions?

Mr. HILLQUIT. Always assuming that at the same time our Government will develop sufficient democracy and freedom in every respect.

Commissioner WEINSTOCK. Well, then, is it not a fact, Mr. Hillquit, that there have been innumerable occasions where in Government schools of learning, in our State universities, professors have been retired because of their opinions?

Mr. HILLQUIT. That is undoubtedly the fact, Mr. Weinstock, and it is a fact that is accounted for by the further fact that such State institutions have been very largely controlled and influenced by a dominating political party, in turn influenced by great economic interests.

Now, our program, Mr. Weinstock, is not confined to schools alone. But what we have in view is to increase the powers and functions of the Government while at the same time making the Government more democratic and

placing it in the hands of the people, so as to make such sinister influences impossible.

Commissioner WEINSTOCK. If it is admitted that public teachers and public educators have lost their positions in its educational institutes because of their opinions; if that is admitted, which I am sure can not be denied, then the proposed remedy under existing conditions is no remedy.

Mr. HILLQUIT. It is. Even while under existing conditions such cases may occur, they would, on the whole, be more bearable and more wholesome than would the private influence of such teachers in universities, and for this reason: That any fault in administration in politics can and will eventually be corrected by the public at large. You take the State university; if a teacher should be dismissed for the expression of some views, he has the public to appeal to, he has the voters to appeal to, and he has a campaign in which to fight it out.

Take the case of an individual professor dismissed for similar views by privately endowed institutions; he has no remedy of any kind. Faults of democracy can be cured.

Commissioner WEINSTOCK. Of course, you are quite aware, Mr. Hillquit, that when a professor in a university is dismissed, in the State university, on account of his opinions that that is not the reason that is given.

Mr. HILLQUIT. No.

Commissioner WEINSTOCK. He is dismissed for other reasons.

Mr. HILLQUIT. Quite right.

Commissioner WEINSTOCK. Ostensibly, but really for his opinions?

Mr. HILLQUIT. Yes.

Commissioner WEINSTOCK. So that he has no redress.

Mr. HILLQUIT. Now, pardon me. While the other opinions are stated by the authorities of the university, there is nothing to prevent the displaced or dismissed professor from telling the actual facts and from explaining them as loud as he can and making the people of the State see it and forcing redress, but there is no such avenue in privately endowed institutions.

Commissioner WEINSTOCK. Well, but that would simply tend to confuse the public mind, because the other side would deny his charge.

Mr. HILLQUIT. The question there would then be between truth and falsehood, but we never should despair of truth because somebody opposes falsehood to it.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all, thank you. You will be excused.

We will now stand adjourned until 2 o'clock.

(At 12.30 p. m. Friday, February 5, 1915, a recess was taken until 2 o'clock in the afternoon at the same place.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Will the house please be in perfect order?

Mr. Carnegie, will you please take the stand?

TESTIMONY OF MR. ANDREW CARNEGIE.

Chairman WALSH. Take that chair, please.

Mr. CARNEGIE. Thank you.

Chairman WALSH. Will you please state your name?

Mr. CARNEGIE. Andrew Carnegie.

Chairman WALSH. Where do you reside, Mr. Carnegie?

Mr. CARNEGIE. No. 2 East Ninety-first Street, New York City.

Chairman WALSH. What is your business?

Mr. CARNEGIE. My business is to do as much good in the world as I can. I have retired from other business.

Chairman WALSH. Will you kindly take your seat?

Mr. CARNEGIE. Yes, sir.

Chairman WALSH. Mr. Carnegie, you have been asked to appear before this commission to discuss two particular questions; that is to say, the responsibility of industries and directors for labor conditions in the corporations in which they are interested, and, secondly, the question of the relation of the great foundations to industry, education, and the public interests generally. I understand that you have prepared some statement, and the commission is inclined to allow you to go into these matters in your own way.

Mr. CARNEGIE. I do not know how to thank you, Mr. Chairman. That is what I would like to do, and I have prepared a statement so that I would not delay you.

Chairman WALSH. Very good.

Mr. CARNEGIE. I have followed the examination of the other gentlemen who have appeared before you. Now, may I begin?

Chairman WALSH. Yes; and if you desire to stand, you may deliver it that way.

Mr. CARNEGIE. Well, I like to stand. I am not much of an orator, but I like to be able to stand.

Mr. Chairman and gentlemen of the commission, I have read with deep interest the testimony given before you by many millionaires, Messrs. Schiff, Belmont, Guggenheim, Perkins, Gary, and notably Miss Tarbell, who, though not a millionaire, certainly deserves to be. She seems to have a firm grasp upon the problem and proves herself one who has studied the question and rightly appreciates the great progress made during her time.

I agree with her statement, "Sane publicity is the cure for most evils in American industrial life." Last but not least, the testimony of that unaccountable being, Henry Ford, who declares that he could make every convict in Sing Sing a competent, trustworthy laborer in the vineyard.

I am not disposed to question anything that this prodigy asserts. Success to him! By all means let us give him a trial. His success here would be no more of a seeming miracle than his success has been with the Ford car.

I never bought or sold shares on the exchange; all my earnings came from manufacturing. If it were necessary for me to return to that calling I should not consider the problem of labor as at all difficult. On the contrary, I enjoyed conferences with our men. We had one rule, come what may—we would never think of running our works with new men after trouble with them. Able, sober, well-behaved workmen, such as ours were, are not to be picked up on the street, Mr. Chairman, and we wished no others. We were very particular in regard to drinking; I am a total abstainer myself. A first offense, men were excluded 30 days; second offense, 60 days; third offense, we parted company.

We have only had one serious disaster with labor, but that was sad, indeed. I was coaching through the Scottish highlands on my holiday and did not hear of the lamentable riot at Homestead until days after it occurred.

I wired at once that I would take the first steamer home, but was requested not to come. My chief partner, Mr. Phipps, in a letter published in the New York Herald, January 30, 1904, explains it as follows:

"Q. It was stated that Mr. Carnegie acted in a cowardly manner in not returning to America from Scotland and being present when the strike was in progress at Homestead.

"Answer by Mr. Phipps, which was published. When Mr. Carnegie heard of the trouble at Homestead he immediately wired that he would take the first ship for America, but his partners begged him not to appear, as they were of the opinion that the welfare of the company required that he should not be present at the time."

Now, mark this:

"They all knew his extreme disposition to always grant the demands of labor, however unreasonable. I have never known of any one interested in the business to make any complaint about Mr. Carnegie's absence at that time, but all partners rejoiced that they were permitted to manage the affairs in their own way."

Some of the men at the works cabled me, "Kind master, tell us what you want us to do and we will do it for you." It was too late.

I supposed, from Mr. Phipps's cable, that all was settled and decided it best to conform to my partners' wishes. My partners made a most generous offer to the workmen. The new Homestead rolling mill increased its product 60 per cent over the old. We had spent millions in this new work, which are the greatest works, I think, to-day. There are none like them, and visitors come from all over the land to see them. The rollers were offered 30 per cent advance in wages, one-half of the total gain. We took the other half from the millions that we had spent. I would not have done more. The error was in trying to start with new men against our rules. But here, again, I understand, the governor of the State, with troops at Pittsburgh, determined to vindicate the law. With this exception, we never had one grave disaster.

One or two partners out of our 40, as Mr. Phipps states, sometimes considered me foolish "in always yielding to labor," while I am satisfied that for every dollar so spent we had, indirectly, ample, and more than ample, reward.

One of the committee asked one of the workmen: "What are you making per day?" And the roller said, "$12." And the Congressman said, "Per week?" "No, sir; $12 per day." And that was quite true.

The workmen that we had—sober, well-behaving men as they were and are to-day—are the most profitable of all; and many of them rose to permanent high salaries and not a few to partnerships, of which we have not less than forty-odd, who are organized to-day as the Carnegie Veterans and dine once a year in our home. They come from all parts of the land.

You might like to hear the following incident connected with that Homestead strike: The governor of Pennsylvania, I understand, wished certain of our workers arrested for riot and bound over for trial. Consequently, some of these disappeared, among them the burgess of Homestead. Some time afterwards my friend, Prof. van Dyke, of Rutgers College, was ordered to California for his health. Upon his return he told me that he had met the ex-burgess working as a laborer in a Mexican mine at Sonora. I asked him to offer McLuckie any help he needed, and upon his return to the West he did so. Meanwhile, McLuckie had got a position with the Sonora Railway driving wells and was succeeding admirably and making high wages. The professor said, "You don't know whose money I was told to help you with." He said that he had no idea. "Well, it was Mr. Carnegie's." Then came the slow, earnest response: "That was damned white of Andy"—words that I treasure.

When I heard this I suggested to my friend Van Dyke that it wouldn't be a bad epitaph to grace one's tombstone. If it ever did, I hoped there would be no long blanks between the two d's. Each letter must be put down to give McLuckie's proper expression.

When I talked to the Homestead rollers upon my return I told them my partners had offered liberal terms, and I could not have offered more. One roller said, "Ach, Mr. Carnegie, it wasn't a question of dollars; the boys would have let you kick them, and they wouldn't let another man strike their hair."

May I trouble you with one example of the workings of our system—another feature entirely? Upon these old things, Mr. Chairman, my memory dwells with great satisfaction. Upon one of my visits to Pittsburgh I met the men who wished a conference. They asked that payments be made every two weeks instead of monthly, as the Pennsylvania Railroad employees were then paid. We followed their example. One named Johnny Edwards, a clever workman and fine fellow, rose to state their case. He said that if they were paid semimonthly, it would be equal to a raise in their wages. He and his wife visited Pittsburgh the last Saturday of each month and bought a full month's food supply, thereby saving one-third on shop prices near the works. "Why don't other workmen do the same?" I asked. He replied: "Few of your men can afford to buy a month's food in advance. My wife and I can."

Here was an opening. I decided it will be semimonthly payments thereafter, and so it was.

Then Edwards said: "There is another unfair charge: the coal dealers here charge almost double for coal in small quantities." "Indeed," I said, "hereafter our workmen get their coal at the exact wholesale cost to us; not 1 cent of profit." "And," said Edwards, "we don't want to be too troublesome, but everything we buy here is far dearer than in Pittsburgh." "Well," I replied, "why not start a shop of your own? Rent one on Main Street, and we shall pay the rent; organize and run it, and charge our workmen just enough to pay your way." And this was done, but from one point of view I regret to say that the shop did not prove successful; but nevertheless we had a victory. The retailers reduced prices.

You have here an illustration of the difficulties workmen are often compelled to bear. There was another feature. We offered our men 6 per cent upon all the savings left with us, payable on demand. And here let me congratulate Judge Gary and his board on the greatest step yet taken between capital and labor. When workmen were made shareholders they were sold shares in the company upon a very liberal basis and guarded against loss. I consider this the greatest of all steps forward yet taken for making workmen and capitalists fellow workmen indeed, pulling and owning the same boat. This can not fail to prove highly profitable to both. Far beyond the pecuniary advantage I esteem the fellow partnership which makes to-day Judge Gary, Mr. Farrell, Mr.

Dinkey, and other high officials real fellow partners with their workmen. No greater triumph has labor ever won, nor one that will tell so much for them in the future.

All this reveals steady progress upward and onward to the benefit of both labor and capital, which will some day rank as one, notwithstanding the hesitation to cooperate shown by some labor champions—not many—who are still extremists and do capitalists injustice; but this must steadily fade away. As I told the great audience at Homestead upon my first visit after the strike, we shall one day all recognize capital, labor, and business ability as a three-legged stool, each necessary for the other, neither first, second, nor third in rank; but all equal. That is to be the solution of capital and labor.

Lest my summing up, Mr. Chairman, may seem one-sided, I will give a proof of my efforts to hold the scales equal between capital and labor. Only once have I had experience of a determined effort to commit wrong upon the part of labor. In all my experience this was the only case that I ever had to meet labor which proposed to dishonor itself. It is true that the men at the Edgar Thompson blast furnaces sent in a written demand for an immediate advance of wages, which, if refused, would end in the furnaces being left unfilled. That meant stoppage. Upon receiving a telegram to this effect I took a night train from New York and got off at the works next morning. I found a long train of our empty box cars ready to house new workmen if necessary. I directed these to be pulled out of the yard and sent away, stating there would be no strike here, and notifying the leaders of each of the three different divisions of labor in these works to appear as soon as practicable, that I might consult with them. The leader of each department, with one or two aides, arrived. We assembled in the committee room. I addressed the chairman of the committee of the converting works first. This was not the one that had done wrong. This was one we had heard nothing from.

"Mr Chairman, have we an agreement with you?" The answer came, "You have, and you haven't enough money to make us break it." "There speaks the true American workman," I exclaimed. The very words that I can never forget. "There speaks the true American workman."

Addressing the rolling mill chairman, I asked the same question, and the reply was to the same effect. I then addressed Mr. Kelly, the chairman of the furnace committee, who had presented this demand: "Mr. Kelly, have you an agreement with our company?" He said that an agreement was presented, and he had signed it and had supposed it was all right. Just then the irrepressible Capt. Jones broke in: "Mr. Kelly, you know I read all of it to you." "Silence, Capt. Jones. Mr. Kelly can speak for himself. I received many communications and documents which I haven't time to read. If they were of a formal nature, I have sometimes signed documents without giving them careful attention; but, Mr. Kelly, I have always stood prepared to take the consequences, and I never broke contracts. Now, Mr. Kelly, you have signed that treaty, and you can break it, but the grass will grow over these works before we will have such men in our employ. It will be heralded throughout the world as the deepest disgrace thrown on labor. You wished your answer at 4 o'clock. It is now a little after 3; but the answer is ready—go." And they went.

A little later some one who was coming in as they were passing out, and who had got in the crowd, said a fine-looking fellow had pushed across the hall and said to Kelly: "Kelly, you might as well understand now, there is to be no damned monkeying around these works." Some of the men being curious to know what would be the result had gathered at the blast furnaces. To their inquiries Kelly replied, "Get to work you spalpeens; by golly the little boss just hit from the shoulder" and he did.

There was no strike. And that is the best service I ever rendered labor, so that, although I was inclined to yield to labor, I drew the line at contract breaking. This was the first time I had found labor, and that was only one portion of them, ready to break a contract, and it was the last.

We once proposed making a change in the distribution—not in the amount—of wages among the different departments of the steel-rail mills, as new machinery was introduced. It was not fairly divided and we knew that; new machinery had made new conditions. The conferences were held in Pittsburgh. After several days' consideration I had to leave for New York on the night train. The men in the mills asked by telegraph if I could meet with them in our office in the afternoon. I answered, "Yes." They came to the city and were seated in the board room. Mr. Edwards, who was again spokesman,

here rose and began: "Mr. Carnegie, we agree that there is a sufficient sum proposed for our total work, but we think it is not wisely divided. Now, Mr. Carnegie, you take my job." "Order, Billy Edwards, order; Mr. Carnegie takes no man's job." Suppression was impossible, out came roars of laughter, and foot stamping, and the victory was won. We shook hands and I was off on the night train. Money is not the foremost or sole object of the better class of workmen. That play upon words with Billy Edwards did the business.

Now, Mr. Chairman, we began manufacturing with a capital of $7,500; that was a big sum then. My share I borrowed from a bank in Pittsburgh. When superintendent of the Pennsylavania Railroad I had seen a wooden bridge burn, blocking traffic for eight days, and I believed in iron bridges; the day of steel had not yet arrived. From this small beginning grew the Edward Thompson Steel Works, Homestead Works, Duquesne, the blast furnaces and locomotive works at Allegheny, our gas wells in West Virginia, and the great ore fields we bought from Mr. Rockefeller.

It is 14 years since I retired from business, in pursuance of my decision to cease accumulation and begin distribution of my surplus wealth, in which I am still engaged.

In 1888 I published an article in the North American Review, which was afterwards christened "The gospel of wealth," by Mr. Gladstone. He had read it in England, and he commented upon it in the Nineteenth Century. It attracted attention and many answers were sent to this magazine. I quote you the following extract from "The gospel of wealth," because here is my gospel that I have accepted and labored in for 15 years since I left business. This is called "The problem of rich and poor":

"Thus is the problem of rich and poor to be solved. The laws of accumulation will be less free; the laws of distribution free. Individualism will continue, but the millionaire will be but a trustee for the poor; intrusted for a season with the great part of the increased wealth of the community, but administering it for the community far better than it could or would have done for itself. The best minds will thus have reached a stage in the development of the race in which it is clearly seen that there is no mode of disposing of surplus wealth creditable to thoughtful and earnest men into whose hands it flows save by using it year after year for the general good. This day already dawns. Men die without incurring the pity of their fellows, still sharers in great business enterprises from which their capital can not be or has not been withdrawn, and which is left chiefly at death for public uses; yet the day is not far distant when the man who dies, leaving behind him millions of available wealth, which were free for him to administer during life, will pass away 'unwept, unhonored, and unsung,' no matter to what use he leaves the dross which he can not take with him. Of such as these the public verdict will then be, 'the man who dies thus rich dies disgraced.'

"Such in my opinion is the true gospel concerning wealth, obedience to which is destined some day to solve the problem of the rich and the poor, and to bring 'peace on earth, among men good will.'"

In accordance with this doctrine my first act upon retiring from business was to give $5,000,000 to the workmen of the Carnegie Steel Co. as a parting gift—$4,000,000 for pensions to the men and $1,000,000 to maintain the libraries and halls I had built for them. I say "I." My partners did not contribute to these gifts. My partners were poor and were in no condition to distribute surplus wealth and were therefore not asked to do so.

I was greatly pleased when, later, the United States Steel Corporation saw fit to join with me in this and duplicate my gift, adding $4,000,000 more to the fund for pensions. I have just read the following report of this joint fund with great satisfaction:

"The fourth annual report of the United States Steel and Carnegie pension fund, made public to-day, shows that since January 1, 1911"—that is when I started it—"when the fund was established, the retired employees of the Steel Corporation have received in pensions $1,575,021.33. For the year 1914 the total disbursement from the pension fund amounted to $511,007.90, which was a gain over the previous year of $89,152.76, and a gain over the previous year of $89,152.76, and a gain of $220,510.53 over the first year of the fund's existence.

"The Pittsburgh district leads in the amount of money paid out to the aged and infirm, former employees of the various subsidiary companies. To retired mill operatives in the Pittsburgh and valley districts the sum of $222,676.33 was paid during the year, and to this may be added the sum paid to the coke

workers in the fields adjacent to Pittsburgh, which amounted to $59,085.68, making the total for mills and mines in the district, $283,651.98.

"Pensioners in Cleveland and its vicinity received approximately $30,000. In the Chicago district the amount distributed to former mill workers was $20,137.90. In New England retired employees of the Worcester, Mass., plants received $20,858.56.

"There are now 2,521 beneficiaries of the fund. During the year 612 pensioners were added and 183 died. The average pensions of the cases added were $20.40 a month, the average age of the pensioners being 63.33 years, and the average term of the service 26.76 years. Under the rules of the fund not less than $12 nor more than $100 per month is paid."

The hero fund which I was privileged to found has always interested me most deeply, perhaps because the idea came to me through personal experience. Mr. Taylor, who was formerly superintendent of a coal mine near Pittsburgh, heard that an accident had occurred and immediately drove to the mine, called for volunteers to descend to the rescue of those below. A number promptly responded and many were saved, but Mr. Taylor, the volunteer hero, lost his life. Here was the true hero of civilization, a man who saves and serves his fellows. The heroes of barbarism wound and slay theirs. That is the difference between barbarism and civilization. I could not rest until I had founded hero funds with a total capital of $11,790,000. That is the cost to date. The report of the annual meetings held at Pittsburgh on January 20 shows awards given to 40 heroes or their wives and families, with a total of 1,027 awards since the fund began operations. Every case is most carefully investigated. We do not want bogus heroes, but want absolute proof, and the mayors of the various towns and other officials have been anxious to help us. We require absolute certainty and proof given by witnesses.

The Carnegie Institute of Pittsburgh, one of the greatest gifts I have made, has not been mentioned. It has cost so far $24,000,000 and has over 3,000 students from 42 States, 1,288 of whom are men from the industries, the sons of our own workmen, trying to improve their conditions. The fees are only nominal, averaging $25 a year, which is one-fifth to one-tenth what is usually charged. The cheapest we know of elsewhere charges $150. The highest is $500. We charge $25. We had to make a nominal charge of some kind as we had over 4,000 young men pressing to get in when we opened that institute. I have sheets to show the salaries some of these young students have received; one has received, which is the highest, $6,000 a year, and several have received $5,000 and some $3,000 or $4,000; and let me tell you the women are not behind. Numbers of them are earning splendid wages, fifteen, sixteen, or seventeen hundred dollars a year. I think we have it in detail and will leave you copies.

The students of that institution attend classes, and they only can work a portion of the time, and they do anything they can. During the past year, and I think this will surprise you, the students of this institution have earned in their spare time a total of $291,580. Another feature would, I think, surprise you. We have a women's department, educating the young to become themselves educators of others. Each goes through a course of instruction, from dishwasher and sweeper to housekeeper, and finally playing the hostess for a term and receiving her guests. Mrs. Carnegie and I always have luncheon with them, and I assure you we have the reception and attention of the genuine lady. Such distinguished foreign visitors as Baron d'Estournelle de Constant have been there, and have not failed to express and publish their surprise and pleasure.

Mr. Chairman and gentlemen of the commission, we invite you to attend our next annual meeting at the end of April. The President of the United States, when president of Princeton University, once made the opening address and has given a conditional promise to open the next exercises, should conditions permit. I beg you to come and insure you proper accommodation in Pittsburgh. We will show you everything as it is for the year around and let you judge for yourself.

Some were at first apprehensive that our work would not favor the technology schools, which teach young men advanced modes of workmanship. These fears, however, have proved groundless. The men are sending their sons to the institute and rejoicing that they are to be advanced and rendered capable of higher scientific service. This step in advance is indorsed by the unions, and let them be credited therefor. Another proof that labor is fast

supplanting prejudice. I predict that many of these pupils are to rise to eminence and be a source of happiness and pride to their parents.

There is another department I had not supposed it would be necessary to mention, but consideration has led me to believe that it is much better to make no exception whatever. After retiring from business I soon found that the widows of friends who passed away were sorely troubled how best to secure the safety of funds left to them; I volunteered to accept the money of one widow, giving her my note for the amount and agreeing to pay 6 per cent a year. The relief she felt was so surprising that I continued doing this as other dear friends passed away, until the number of depositors has now reached 140 with a total of $3,137,394.20 in deposits. I do not know of any service to widows which brings such relief. It relieves the widow of doubt about the security of the fund upon which she is able to live in comfort. Of course, the deposits and security are regularly examined by a representative of the State department of banking. Six per cent is a higher rate than banks would pay, but I feel justified in being liberal from the great good it performs.

I confess to being greatly surprised to learn within the past few days that I have no less than 421 pensioners upon my list, receiving a total of $234,954.56 a year. These pensions are continued to the widows. This fund has also been kept secret hitherto, but your call for statement of all foundations seems to embrace this.

Shakespeare has tersely put the solution of wealth and poverty before us in these words: "So distribution should undo excess and each man have enough." The trend is in this direction in our day, but its fruition may mean centuries of progress, slow but sure, for all grows better; you may depend upon that, in this life.

The complete statement up to date—up to the close of last year, shows that the total of our foundations and gifts amount to $324,957,200. The work still goes bravely on, thanks to the wise management of the able and willing trustees, and also of the employees who often assure me that it is labor in which they delight. I am, indeed, a most fortunate man, and think myself in nothing else so happy as in a soul remembering my dear friends, to whom I owe so much.

Mr. Chairman and gentlemen, we have six foundations, but I understand that three only of these have been called upon to answer questions. If at any time you wish to call the heads of the other foundations or ask further questions, they will be most happy to respond. We have nothing to conceal.

Thank you very much for the attention you have given me.

Chairman WALSH. Now, just a few questions, because the commission is not going to keep you very long.

We must have perfect order, please.

What do you say as to the responsibility of directors in industrial corporations for labor conditions in their plants?

Mr. CARNEGIE. What is that?

Chairman WALSH. What responsibility do directors have for labor conditions that exist in their industries?

Mr. CARNEGIE. Well, I would say they have responsibility, but nine times out of ten they do not have anything to do with the works, hence do not know of conditions there. They attend to the administration of the funds, and would depend a great deal upon what the president said. Suppose I went on one of the trusts, and the President of the United States——

Chairman WALSH. I am afraid I did not make my meaning clear. I am leaving the foundations now, and just have two or three questions to ask you. What do you believe to be the responsibility of a director in an industrial corporation?

Mr. CARNEGIE. An industrial corporation, not one of my corporations?

Chairman WALSH. Not in your corporation, in an industrial corporation; what is their responsibility for the labor conditions which exist in the plants of that corporation?

Mr. CARNEGIE. Well, I would say, from my experience, that a man could be a trustee in an industrial corporation—you mean if he is in the works?

Chairman WALSH. If he is a director in the corporation.

Mr. CARNEGIE. Oh, a director in the corporation?

Chairman WALSH. Yes.

Mr. CARNEGIE. Oh, if he is a director in the corporation he naturally would not hear of the trouble at the works and would not feel the responsibility;

but if he is a director he would meet with the president and a number of directors in consultation. You mean directors in the works——

Chairman WALSH. Yes.

Mr. CARNEGIE. And not a director in these foundations?

Chairman WALSH. No; not in what you are speaking of now. May I make it plainer to you? It seems to be observed that the directors in these large industrial companies—these concentrated industries, as they have been called—receive reports as to the financial conditions, inspections of machinery, comparison of production, sales, and such matters as that. In your opinion, should they also not receive as definite and frequent reports as to labor conditions?

Mr. CARNEGIE. I think that it would be well. I think that they would appreciate it, but I think if I were a director and I heard of no complaints, I would take it for granted that everything was right. It would be when notice was served that trouble had been created I should feel it my duty as a director to go down and consult with the others.

Chairman WALSH. But not until that time?

Mr. CARNEGIE. I do not know. I would be engaged in other affairs and it would not be likely I would know. Provided they are apprised of it, then I think the directors would be bound to give attention.

Chairman WALSH. Well, do you not believe, in view of the number of industrial disturbances——

Mr. CARNEGIE (interrupting). My friend, will you please put your question in another way? When you say "Do you not believe" that would imply that you would have me give acquiescence to your view, and I want to give my own. Be kind enough to say, "Do you," and ask me. [Laughter.]

Chairman WALSH. We must have perfect order, because I want to have a connected statement here.

Should a director so keep himself advised, in view of the disturbances, the recurring disturbances of labor in the large industries, as to the condition of labor, the wages paid, the hours of labor, the conditions surrounding the labor, so that he might have his voice in averting trouble?

Mr. CARNEGIE. I certainly believe that he should look into it, should give it attention, always remembering that he is apprised of the difficulty. As a director in an institution he would take it for granted, if everything is running well, the president and officers do not apprise him of trouble, he might go on perfectly innocent of there being any difficulty. But if he is apprised, then I think it would be his duty as a director to go and do the best he could to harmonize things.

Chairman WALSH. Should the director or the board of directors establish some system of reports by which they would be constantly apprised of conditions that might lead to industrial strife at any time?

Mr. CARNEGIE. I think it would be well. I think it would be a great improvement.

Chairman WALSH. That does not—or does that seem to be the custom among directors of corporations at the present time?

Mr. CARNEGIE. Well, it is so long since I was a director—you must remember I have been out of business for 15 years—although I have had a number of directorships in my time. I think that the duty there would devolve upon the president of the institution, and if there is trouble with labor the natural recourse would be to call the board together and consult. I go entirely with you there. But at the same time I could not blame a gentleman who was a director in one of these institutions that had not heard of anything. You must bring knowledge home to him.

Chairman WALSH. You say, Mr. Carnegie, knowledge must be brought home to the director. How would it be done?

Mr. CARNEGIE. Oh, I think through the president would be the natural course.

Chairman WALSH. If he did not do that, then what should the action of the board of directors be with reference to the president or other executives who fail to do that?

Mr. CARNEGIE. Well, gentlemen, I am not a director and I could not tell you unless I was one and knew all the circumstances. The man who has agreed to act as a director has taken some part of his time, and it is quite an obligation when he does it; but I think he would certainly expect to be apprised, if his counsel was wished, in any serious juncture.

Chairman WALSH. What do you say as to the desirability and right of workmen to form organizations of their own for what they believe to be their mutual protection and benefit?

Mr. CARNEGIE. Why, I should be delighted to hear from every such organization.

Chairman WALSH. Do you believe in the principle of collective bargaining, or the so-called right of men to bargain collectively with their employers?

Mr. CARNEGIE. Why, yes; I had great times. I never objected; and the more I got on the committee the better.

Chairman WALSH. Your experience, then, has been, I take it, from your answer and from what you have read from your paper it has been a pleasant experience rather than otherwise?

Mr. CARNEGIE. I never enjoyed myself so much—I tell you I look back to the old days—that is the chief joy I have. I burst out laughing many a time when I think of McLuckie, or Billy Edwards catching him there, "You take my job." That was the cleverest thing I ever did. "Order, Mr. Edwards, order; Mr. Carnegie takes no man's job."

Chairman WALSH. You never felt, Mr. Carnegie, that you could not confer with any man representing an organization of workmen that came in a business-like and respectable manner to confer with you?

Mr. CARNEGIE. I was only too glad when the workmen came. I felt pretty sure that if they came to consult with me that we would part all right.

Chairman WALSH. And did you find that it was usually a means of establishing peace to so deal with your workmen?

Mr. CARNEGIE. Undoubtedly. I knew them by name, and I delighted—and you see behind my back they always call me Andy. I like that, and I would rather have it than "Andrew" or "Mr. Carnegie." There is no sympathy about that. But you have your men calling you "Andy" and you can get along with them. [Laughter.]

Chairman WALSH. I have had no difficulty in restraining the expression of the audience until you came.

Mr. CARNEGIE. [Laughter.] That is all right.

Chairman WALSH. We must observe order.

Mr. CARNEGIE. Mr. Chairman, I congratulate you upon having such an audience and to see how many ladies are here. Do you know, one of the greatest triumphs in this age? It is the elevation of woman. [Laughter.]

Chairman WALSH. Ladies and gentlemen, if you will please keep quiet a few minutes I will ask Mr. Carnegie to repeat that sentence, as some of you may not have heard it. If you will keep quiet, I will ask him what it was.

What was it that you said, Mr. Carnegie?

Mr. CARNEGIE. I want to tell you something, that I never can forget. I was traveling in China—I went around the world and left the boys to do the work at home. But they cabled me very often. Sitting with the mandarins in China, we began to talk, and the question of course came upon the different views of the future and religion, and so forth, and one of the mandarins said to me, "Mr. Carnegie, the greatest work of your Christ is the elevation of women. They are not elevated in China, but that is Christ's great work. He has elevated women beyond any human being that ever lived."

And she is going on to-day. Just think of that young lady in our school that gets $2,340 a year.

Commissioner WALSH. Now, I just want to ask you a question or two, Mr. Carnegie, and then we will excuse you.

Mr. CARNEGIE. I am not in a hurry. I am enjoying this immensely.

Chairman WALSH. Have you considered the possibility, Mr. Carnegie, of the foundations establishing, those in which great endowments are made to educational institutions exercising undue influence upon the beneficiaries?

Mr. CARNEGIE. I can not imagine such a thing as that possible. From what point of view do you suggest it?

Chairman WALSH. I have no point of view. I am just asking you for your opinion, without holding any point of view.

Mr. CARNEGIE. I can not imagine any injury coming from that.

Chairman WALSH. President Eliot has said—whom of course you know.

Mr. CARNEGIE. Well, he is one of my pensioners. He ought to know.

Chairman WALSH. He says that the giving of these large sums of money does influence the directors, but the influence has always been for good.

Mr. CARNEGIE. Yes; I think it has.

Chairman WALSH. Do you agree with that proposition?

Mr. CARNEGIE. There are exceptions to all rules. There may be villians receiving pensions, but the ordinary educator, a man like President Eliot, who

receives a pension in his old age, why I can not imagine anything that would give him greater relief, greater happiness. He was a member on the peace fund, but has resigned now.

Chairman WALSH. This refers more particularly, I would say, Mr. Carnegie, to the grants to institutions and not to any pensions to educators individually.

Mr. CARNEGIE. Oh, to institutions?

Chairman WALSH. Yes.

Mr. CARNEGIE. Now, the question again, please.

Chairman WALSH. I say, have you considered the possibility of the grant of large sums of money to educational institutions exercising an influence upon the institution or the teachers of the institution?

Mr. CARNEGIE. Why, yes; a great influence. I think it would lead to the greatest improvement. They will have funds that they can develop with. The great want in most educational institutions is the want of funds; and with more funds they would go on developing still further.

Chairman WALSH. In your practical experience in this line, Mr. Carnegie, the granting of money to educational institutions, have you found any persons or institutions which seemed to alter their avowed principles or previous methods of procedure in order to secure your other gifts?

Mr. CARNEGIE. No; I can not remember any such thing.

Chairman WALSH. Have you ever observed any such change, for instance, in any institution to which your foundation gave money, in the teaching of vocational education and training or the teaching of political economy or in the discussion thereof by the professors?

Mr. CARNEGIE. No; I could not point out a case.

Chairman WALSH. You have never observed a case of that kind?

Mr. CARNEGIE. Never. Of course, with more money you get important books you would not otherwise get; you get better instructors, perhaps, in certain lines; and I will tell you, Mr. Chairman, one rule that I think you might use here, whenever a body of men bind themselves together to do anything mean, low, and disreputable or unjust—for instance, take New York here, just as an illustration. You know we have a bad reputation for getting up arrangements for depressing one stock and boosting another, and they go into engagements that way; and you can imagine a lot of irresponsible men and bad men may be joining together and saying, "Now, let us do this with that stock, or let us put it up to this." Now, the reason that it is so seldom successful is this: You can not get a body of men—such men as we are talking about—to organize and agree to do anything that would be injurious or to break the laws, or any of that sort, because the bad man will say to himself, "All these men are engaged with me in a nefarious operation just now, and would not like to expose it; but they are like myself. They may be taking care of themselves. Now, I will hedge on them." And it is a rule, if you follow it through life, that wherever men bind themselves to perform anything wrong and mean and disgraceful, or to gamble in stocks—which is about the most deleterious sort of gambling because it is so often done. Wherever they are joined that way two or three of them are pretty nearly sure to get ahead of the others that they suspect, and they hedge themselves. Most pools have been broken up by men who have got an advantage of their fellows. They are cheating each other. That is my observation in their case. But when you get a lot of able, good men, capable of making their fellows' condition better, elevating the world, and standing for all that is refined and pure and noble, you can always depend upon such men. And it would be as great a miracle that there should be a bad man in that line as that there be a Judas Iscariot among the Apostles.

Chairman WALSH. Has your attention even been called to an apprehension on the part of individuals that these large foundations were a possible menace to American life and education in that they might influence—perhaps not immorally, but along the line of the interests of the managements thereof—education, publicity, and the like? If you have, I would like to hear what you have to say about it, Mr. Carnegie?

Mr. CARNEGIE. I never heard that suggested.

Chairman WALSH. You never heard that suggested?

Mr. CARNEGIE. No. I can not imagine—the character of men that you get together there—I have got a list of my trustees and I have asked my secretary to leave it with you. I won't trouble you with it, but in order that you could see the class of men that you would get to work for nothing and give their time

and attention without reward, excepting the greatest reward of all, the judge within [pointing to his breast] telling them that they will become of greater use in the world.

Chairman WALSH. Is it or is it not true that many colleges have given up their denominational charters and removed all denominational connections in order to secure grants from you personally or from your foundation?

Mr. CARNEGIE. I do not—I think there was one or two at first did it, but I have not heard of any recently. I think I remember that that was a case, and I explained that I wanted all the universities to receive young men and young women, no matter to what sect they belonged. You may call them Methodists—there was a university had a case in Nashville, Tenn., lately where the ministers came in and declared that they had the ruling of the $2,000,000 I gave them, and the trustees took it up to the highest court, and they decided no—that my gift was right, and it was for a medical school. And I do certainly require that no matter what a young man thinks about the future life or any dogmas, I do not believe in my money shutting the door to that man and saying you shall not be educated as a physician because you do not believe this, that, or the other. I say that my money is for every young man and every young woman, and I do not care what he thinks or they think about the other world. My duties in this life are here in this life, and it is to benefit my fellow men in this world; and I tell you you can let the future world take care of itself if you obey the judge within.

Chairman WALSH. Do you believe, Mr. Carnegie, that the State or Federal Government should exercise any supervisory control over the great foundations?

Mr. CARNEGIE. Why, I would be delighted to welcome them. I do not believe the United States Government or the State legislature would have any desire to do anything that would not be agreeable to me. I would restrict nothing of that kind.

Chairman WALSH. Do you believe that full publicity should be given to the activities of these foundations?

Mr. CARNEGIE. Well, I have heard of that story—it is one of Burdette's, the man who just died in the West, who was the publisher of the Burlington Hawkeye—who said, "The Rev. Mr. Taylor is to preach to-night, Sunday night, upon Why was Lazarus a beggar? We have never thought there was any doubt upon the question. The question was settled long ago. He did not advertise."

Now, I believe in advertising. I would like more men, more people, to get interested in my foundations. I am so sure they will be benefited that I would welcome them all, and I would not mind have more directors to-morrow.

Chairman WALSH. To what extent do you consider it desirable for the directors in one foundation to hold offices or places on the boards of trustees of other foundations?

Mr. CARNEGIE. Ah, yes. I will tell you that. There is every—you know I have so many trustees—I know a great many trustees. Now, every now and then in one of the boards there is an element, perhaps, wanting. If we had the right men here we could manage this better, with better results. Well, as I know so many, I am very apt to think that I know a man living in Iowa and a certain man in Mississippi and a certain man here who would do; and I have been glad to suggest that, as the man may need it, and the result is that we have several interlocking men. I know men are especially fitted—fitted for special duties. Some men have a knack of doing things that is really remarkable, and there they are. Now, we have several—a great many of these men—noted men; and I have several times, I think, said, "If we had him on this board he would be adding great force to it." And he has been elected. I don't think that interlocking directors in my institutions—I do not think it has proceeded any further than benefited the case.

Chairman WALSH. Your idea is that if you observe a good man in one place, who shows he is a good man, and has some special knowledge or special adaptability, you think it well to put him in others, so far as he was willing and able to serve?

Mr. CARNEGIE. Yes; provided that other institution had not got the man who could attend to that department.

Chairman WALSH. You see nothing wrong or undesirable in what might be called interlocking directorates in these foundations, essentially?

Mr. CARNEGIE. Never had the slightest indication of anything of that sort.

Chairman WALSH. Now, we are going to excuse you permanently, Mr. Carnegie, and thank you very much for what you have told us.

Mr. CARNEGIE. The thanks are reciprocated. I have not spent a more agreeable afternoon I can not tell you when. Do not forget to come to Pittsburgh, if you want to see something there worth while.

Chairman WALSH. We are going to hold a hearing in Pittsburgh.

Mr. CARNEGIE. Oh, I see; I am very glad. I thank you very much.

Chairman WALSH. Now, ladies and gentlemen, I am going to ask you how that you will all here cooperate with the commission from this time forward to preserve perfect order. Of course, we will forget the past. Mr. Carnegie unsettled the commission and the audience both. But we are going to try to get through with a number of important witnesses, and I must say once more, that if any audible expressions of feeling are given by laughter, such as we have had in this instance, why, we will have to adjourn. It is absolutely essential that the way this witness has been examined can not be tolerated again. So I hope now you will all cooperate with us and keep quiet.

Call Mr. Rockefeller.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, SR.

Chairman WALSH. What is your name, please?

Mr. ROCKEFELLER, Sr. John D. Rockefeller.

Chairman WALSH. And where do you reside?

Mr. ROCKEFELLER, Sr. My legal residence is 4 West Sixty-fourth Street, New York City.

Chairman WALSH. And I believe that you are a retired business man?

Mr. ROCKEFELLER, Sr. I am. I have been 30 or 35 years out of active business life.

Chairman WALSH. Have you also a home at Tarrytown, N. Y., Mr. Rockefeller?

Mr. ROCKEFELLER, Sr. Well, no; at Pocantico Hills, which is back of Tarrytown.

Chairman WALSH. You are the donor of the Rockefeller Foundation, I believe?

Mr. ROCKEFELLER, Sr. I am. Mr. Chairman, may I here read the questions, if you please?

Chairman WALSH. Yes; Mr. Rockefeller, if you please. We will be very glad to let you do so. I have a few questions to ask you, and I believe we submitted some to you, and we will be very glad to allow you, of course, to just do it your own way.

Mr. ROCKEFELLER, Sr. Yes; well, if you please, I will just read these questions and the answers.

Chairman WALSH. Very good. You may proceed now, if you will, please, Mr. Rockefeller.

Mr. ROCKEFELLER, Sr. Mr. Chairman, if I do not read loud enough, I can raise my voice, if desired.

Chairman WALSH. Very good.

Mr. ROCKEFELLER, Sr. (reading):

"Information furnished by John D. Rockefeller in answer to questions submitted by the United States Commission on Industrial Relations, February 4, 1915.

"Question 1. The motive and principles which underlie the various foundations which you have established.

"Answer. The sole motive underlying the various foundations which I have established has been the desire to devote a portion of my fortune to the service of my fellow men. The principles have been fully set forth in the two chapters from my book 'Random Reminiscences,' which has already been made a part of the record of your commission.

"Question 2. Your purposes and plans with respect to the expenditure of the special $2,000,000 annual fund which is reserved for your personal use by the Rockefeller Foundation?

"Answer. The Rockefeller Foundation was a development into impersonal form of my own personal plans of giving, followed for many years. While I desired to have the directors of the foundation free to use the funds as they might see fit, in making my last gift I reserved the right to designate, during my lifetime, the specific objects to which $2,000,000 of the income should be given annually, my purpose being in this way to provide for the various philanthropies more or less personal to myself and related to the places of my

residence, to which I have been a contributor in the past. Under the terms of the clause of my letter of gift reserving this right, it is stipulated that the objects must be within the corporate purposes of the foundation and my designations are subject to review by the board as to that feature.

"Question 3. Your views regarding safeguards which have been stated to be necessary to prevent such institutions as the foundation from becoming a menace to the public?

"Answer. I regard the right to amend or rescind the respective charters of the several foundations which inhere in the legislative bodies which granted them as an entirely sufficient guarantee against serious abuse of the funds. Furthermore, I have such confidence in democracy that I believe it can better be left to the people and their representatives to remedy the evils when there is some tangible reason for believing they are impending, rather than to restrict the power for service in anticipation of purely hypothetical dangers.

"Question 4. The conference at Tarrytown with regard to the affairs of the Colorado Fuel & Iron Co., at which were present Mr. Welborn, Mr. King, yourself and others.

"Answer. The meeting at Tarrytown therein referred to was purely social in character. Messrs. Welborn and King were spending the night with my son. He asked me to meet these gentlemen at dinner. I never had had the pleasure of meeting Mr. Welborn before. No conference took place. Such mention as was made of business matters was of a purely informal and unpremeditated nature, taking place as I sat at dinner beside Mr. Welborn.

"Question 5. Your opinions regarding the responsibility of investors and directors for the labor conditions existing in the corporations in which they are interested.

"Answer. I think that the stockholders are responsible for the choice of the best men as directors. The directors are ultimately responsible for the general conduct of the business, and in discharging that responsibility it is their duty to select the best men to actually administer it. These administrative officers must have discretion and power commensurate with their responsibility. A large stockholder would ordinarily have more influence with a board of directors than a smaller one, and consequently would have a greater responsibility for the selection of directors who would see to it that the administrative officers maintained proper working conditions for their employees."

Chairman WALSH. I have a few questions I would like to put to you, Mr. Rockefeller.

We must have perfect order, ladies and gentlemen, please.

When you established your various foundations, Mr. Rockefeller, did it occur to you that they might under any conditions become a menace to the public, either through mismanagement or by exercising a great influence upon the public mind in any direction?

Mr. ROCKEFELLER, Sr. No; I can not say that I had any fears on that question.

Chairman WALSH. And from your experience, so far as you have advanced, have you found any such tendency?

Mr. ROCKEFELLER, Sr. I have had no occasion for any anxiety in that respect.

Chairman WALSH. What precautions or safeguards did you consider as a means of preventing such an outcome, say, in the future?

Mr. ROCKEFELLER, Sr. Well, I think that I have relied upon the people who are constantly to watch and to know what these foundations are doing with the fund, that is to see what use they are making of it; and the legislators will be much interested. They can not be more interested than I am.

Chairman WALSH. Would you consider that serious wrongdoing on the part of any such foundation would endanger the existence and hamper the proper activities of all?

Mr. ROCKEFELLER, Sr. I think that if there were on the part of any one of those foundations something found to be wrong that that would be corrected. I should hope it would not result in harmful inferences to the other foundations.

Chairman WALSH. In order that the great foundations should be subjected to the same regulation and afforded the same protection, would you not deem it advisable that all foundations whose activities extend to more than one State should be chartered by the Federal Government, under certain uniform requirements?

Mr. ROCKEFELLER, Sr. Well, at the present, speaking of the Rockefeller Foundation, I would feel that the interests of the public are well protected, just as we are. What the future might develop would have to be for the future.

Chairman WALSH. Do you believe that full publicity should be given to all the activities of these institutions?

Mr. ROCKEFELLER, Sr. I think it would be very well, indeed desirable, that the public should know, and that the reports should be made.

Chairman WALSH. Do you think of any definite system of public inspection that would be desirable for all foundations?

Mr. ROCKEFELLER, Sr. Well, I have not occasion to contemplate anything of that kind up to the present time.

Chairman WALSH. Have you considered the possibility, Mr. Rockefeller, of such foundations exercising an undue influence upon education?

Mr. ROCKEFELLER, Sr. I have no fear whatever in that regard. There has been nothing in my observation that has led me to have any anxieties so far.

Chairman WALSH. In your experience, Mr. Rockefeller, going back of the establishment of the foundations, from your entire experience in giving, especially to educational—well, broadly speaking, educational institutions—have you found that any persons or institutions are likely to alter or profess to alter their avowed principles or previous method of procedure, even in order to secure your gifts?

Mr. ROCKEFELLER, Sr. I have never known of anything of that kind; never heard of anything of that kind, and can not imagine of our people desiring anything of that kind.

Chairman WALSH. Is it true that colleges have given up denominational charters and removed the denominational connections in order to secure grants from any of these foundations? I am asking you now for your general experience?

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. Either in yours or observance of others?

Mr. ROCKEFELLER, Sr. As to ours I have no idea that that has been true; as to others I do not know.

Chairman WALSH. Mr. Carnegie mentioned the fact that some years ago, if I quote correctly, owing to a desire to give all persons an opportunity of education in certain sections, that colleges that had been known as denominational, I believe he mentioned, perhaps, a Methodist Episcopal college had given up their denominational character and gone upon a nonsectarian basis to secure funds. Was your attention ever called to any such case?

Mr. ROCKEFELLER, Sr. I do not recall that it was. I may have noticed at the time newspaper records, but I do not recall.

Chairman WALSH. I am not asking for your opinion, unless you recall the case.

Mr. ROCKEFELLER, Sr. No; I do not recall it.

Chairman WALSH. It is rather vague in my mind.

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. Does not the greatest power which these foundations can exercise arise out of their ability to give or to withhold money?

Mr. ROCKEFELLER, Sr. Will you kindly repeat that question?

Chairman WALSH. Does not the greatest power which these foundations could exercise arise out of their ability to give or withhold funds—money?

Mr. ROCKEFELLER, Sr. It is a great power to give. It may be equally virtuous and commendable to withhold. A great responsibility rests upon the men in that regard, the men administering the boards of trustees.

Chairman WALSH. Going back for a moment to your expressed belief in the continued integrity of trustees, of course, there have been many cases of mismanagement of mutual funds, such as was the case in the insurance companies?

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. Of men that had stood very high?

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. Of men who stood very high before the public and lost their reputations and in many cases their social life?

Mr. ROCKEFELLER, Sr. Oh, yes.

Chairman WALSH. Now, considering the experience of the past, do you conceive that there would be anything wrong about putting regulations in the constitution or these charters that might prevent any such occurrences within these bodies?

Mr. ROCKEFELLER. I think that at any time that anything of that sort is made manifestly desirable by these directors—these trustees—that they would be the ones that would be glad to take any such progressive step if, indeed, it were progressive.

Chairman WALSH. That is, that it would have to come—or more properly come from the inside of the organization? Did I understand that correctly?

Mr. ROCKEFELLER, Sr. Yes; at the present time, unless the legislatures had complaints to make.

Chairman WALSH. Well, in the insurance companies where it was concentrated at least to the extent of the interested persons being policyholders, did you not observe that the existence of the abuses covered many years and that it was with great difficulty that a large number of the policyholders and stockholders brought about even better conditions through legislative inquiry?

Mr. ROCKEFELLER, Sr. I did not follow that insurance affair—that investigation. I do not have the details or particulars of that in my mind. I had no personal interest in it, I believe, in one way or another.

Chairman WALSH. In the answers which you have already made to the commission—in addition to them, I would like to ask a few additional questions. You say under the terms of the clause of your letter of gift you reserve this right; that is, to hold personal control of a portion of it?

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. It is stipulated that the objects must be within the corporate purposes of the foundation?

Mr. ROCKEFELLER, Sr. Yes.

Chairman WALSH. I believe that letter of gift was the paper which alone transmitted the title of this $100,000,000 to the foundation, or was there another deed or document passed to the foundation?

Mr. ROCKEFELLER, Sr. My attorney would know better about that. I should think that would be the order of the transfer.

Chairman WALSH. I think we may assume that, as we received an answer to that question from your son.

Mr. ROCKEFELLER, Sr. Already?

Chairman WALSH. Yes; but I was going to ask do you consider that, in case the legislature did repeal this charter during your lifetime, the property would go back to you?

Mr. ROCKEFELLER, Sr. Well, I have been so hopeful, Mr. Chairman, otherwise that I confess I have not allowed myself to worry about that. I have a great deal of confidence in this board, and I have a great deal of confidence in our American people, in their integrity, and in their good common sense, and in that is our security.

Chairman WALSH. Now, then, in case that something were to happen after your departure from this world which would cause the legislature to repeal the charter of your foundation, was it your idea in writing that letter that under those circumstances the money would go back to your heirs or to your estate?

Mr. ROCKEFELLER, Sr. I think that you will find that there are provisions in the charter for the distribution of those funds by the trustees, perhaps. I think that they can distribute—if you will kindly read the question again, please.

Chairman WALSH. Will the reporter please read the question?

The REPORTER (reading): "Now, then, in case that something were to happen after your departure from this world which would cause the legislature to repeal the charter of your foundation, was it your idea in writing that letter that under those circumstances the money would go back to your heirs or to your estate?"

Mr. ROCKEFELLER, Sr. I have never thought of that question.

Chairman WALSH. Now, it has been stated, I believe, Mr. Rockefeller, that you have certain gentlemen who are your personal advisers as to your business and investments?

Mr. ROCKEFELLER, Sr. Yes, Mr. Chairman.

Chairman WALSH. Those are Mr. Starr J. Murphy, Mr.—I would have you repeat them, please.

Mr. ROCKEFELLER, Sr. I do not know that I could, out of hand, repeat the names of all of the gentlemen who are in such a relation. I could have a list prepared. Among the principal ones are Mr. Starr J. Murphy, my personal counsel, and my son, who has charge primarily of my affairs.

Chairman WALSH. I wish you would submit that list.

Mr. ROCKEFELLER, Sr. I shall have a list prepared; and shall I in that list include, as I may well do so, also the staff of younger men who are coming on?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Sr. And by and by will take the places of these men in the more prominent positions?

Chairman WALSH. Yes; I wish you would.

Mr. ROCKEFELLER, Sr. There are quite a number of the younger men, faithful and loyal and reliable, and I think that they would naturally come along and bear an honorable place in regard to this question you speak of.

Chairman WALSH. I wish you would do that. It would be interesting and form an important part of the history.

Mr. ROCKEFELLER, Sr. I will ask to have that prepared, and, as I say, I will have included the men in my office and perhaps elsewhere who have more or less of those responsibilities.

(See Rockefeller, sr., exhibit.)

Chairman WALSH. And in doing that, Mr. Rockefeller, will you indicate, as briefly and concisely as may be, the general functions performed by these gentlemen at the present time and those which you will expect to be performed by the younger ones who are coming on?

Mr. ROCKEFELLER, Sr. I think I could give that out of hand.

Chairman WALSH. Very good; I wish you would do it, then.

Mr. ROCKEFELLER, Sr. My policy has always been to select for the lower positions—that is, for the beginning in my office staff and in the various relations—clean young men that were ambitious to improve and make their way in the world. Now, these young men steadily move up from the lowest positions as they show themselves qualified to take the highest positions.

Chairman WALSH. Is it from these gentlemen that you select your advisers?

Mr. ROCKEFELLER, Sr. They come to be good advisers. Among the list of these younger men I know some men who are quite competent to speak intelligently in regard to the affairs of business.

Chairman WALSH. How frequently do you see Mr. Murphy?

Mr. ROCKEFELLER, Sr. Well, I see Mr. Murphy, say, perhaps once or twice in a year.

Chairman WALSH. How frequently do you see Mr. Jerome D. Greene?

Mr. ROCKEFELLER, Sr. I do not see Mr. Greene—I would not naturally see Mr. Greene as often as I see Mr. Murphy, as Mr. Murphy has been now a long time in my employ.

Chairman WALSH. Mr. Greene stated that he had met you but twice in five years during one period?

Mr. ROCKEFELLER, Sr. That is probably correct.

Chairman WALSH. And Mr. Gates, who has retired shortly from your personal staff, how frequently did you see him?

Mr. ROCKEFELLER, Sr. I do not recall, of course, definitely, but periods of years run by.

Chairman WALSH. Have you seen President Eliot since he has been on the Rockefeller Foundation; have you met him?

Mr. ROCKEFELLER, Sr. I have only met President Eliot twice in my life. I have seen him once, answering your question.

Chairman WALSH. Since the foundation was instituted?

Mr. ROCKEFELLER, Sr. Yes, sir.

Chairman WALSH. Now, you are a director of the foundation; a trustee, that is?

Mr. ROCKEFELLER, Sr. I am.

Chairman WALSH. But you do not attend its meetings?

Mr. ROCKEFELLER, Sr. I have not attended any of the meetings so far.

Chairman WALSH. In so far as the personal direction you desire to give it is concerned, does that go through your son?

Mr. ROCKEFELLER, Sr. Might I ask what personal direction you refer to?

Chairman WALSH. For instance, what I am leading up to, Mr. Rockefeller, is that an inquiry has been set upon foot by this foundation into the industrial relations of the United States, and I was going to ask you whether or not that was your conception?

Mr. ROCKEFELLER, Sr. If you will be good enough to repeat the question to see if I got it straight.

Chairman WALSH. I was inquiring whether or not the personal direction that you desired to give to the foundation, if any—your personal suggestions, perhaps, I might say—came to the directors of the foundation or the executive committee through your son or Mr. Murphy or through what source?

Mr. ROCKEFELLER, Sr. I suppose it would come from them to me more than from me to them; that is to say, they are conversant with the applications;

they are conversant with the situation the world over. I do not personally follow such questions. When a great need arises I may know before action is taken. I may not know, but I have my right as a director and my voice in giving with the others—nothing different from the other directors.

Chairman WALSH. I understand, but I understood you to say that you did not attend the meetings.

Mr. ROCKEFELLER, Sr. No; I do not.

Chairman WALSH. And when you have a suggestion to make that you desire to go before the whole board how do you transmit it to the board?

Mr. ROCKEFELLER, Sr. Well, my son often speaks to me about the things they are considering, such as the hookworm or the relief in this quarter or that quarter; and if I have any expressions to make, that would be one of the ways. Or if I were to meet any of these directors or if they communicated with me by phone or any way.

Chairman WALSH. How often have you met Mr. Ivy Lee?

Mr. ROCKEFELLER, Sr. I think I have seen Mr. Lee perhaps two or three times, possibly more.

Chairman WALSH. Referring to the occasion at Tarrytown, when Messrs. Welborn and King were present, as you say, was there a discussion there of the pending trouble in the State of Colorado? I will ask you a few leading questions to bring you directly to the point.

Mr. ROCKEFELLER, Sr. I do not recall any special discussion. It was a purely a social event; it was that and nothing more.

Chairman WALSH. Was anything said there about writing the letter in answer to the suggestions of the President with reference to relieving the situation in Colorado?

Mr. ROCKEFELLER, Sr. I do not recall about that. I do not recall that there was anything of that kind.

Chairman WALSH. Had you been told prior to that visit, Mr. Rockefeller, that it was expected to employ Mr. Mackenzie King to undertake a world-wide investigation into industrial relations?

Mr. ROCKEFELLER, Sr. My son had spoken to me about Mr. King some time before this. My son had called my attention to Mr. King.

Chairman WALSH. Was there anything said upon the occasion of Mr. King meeting or being with you on this social occasion at Tarrytown with reference to his employment by the foundation?

Mr. ROCKEFELLER, Sr. Nothing whatever. It was, as I have already stated, a purely social meeting at the dinner table.

Chairman WALSH. What responsibility, Mr. Rockefeller, do you believe that directors have for labor conditions in the industry in which they are directors? I am asking that as preliminary to another question. I would ask you to please repeat what responsibility, if any, you believe the directors have for the labor conditions in the corporations which they direct?

Mr. ROCKEFELLER, Sr. I should say that the responsibilities in connection with the labor question were lodged with the officials appointed for that particular purpose, on account of their fitness for such position.

Chairman WALSH. Do you believe that constant reports should be made to boards of directors as to thte conditions of labor, so that they may take them up as directors prior to the actual outbreak of labor difficulties?

Mr. ROCKEFELLER, Sr. Well, Mr. Chairman, I think I could not enter into that question. I am not upon any of these business boards and have not been for long years.

Chairman WALSH. From your experience as an active business man and manufacturer, what would you say as to the desirability and right of workingmen to form themselves into organizations for what they deem to be their own protection and advancement?

Mr. ROCKEFELLER, Sr. I would accord to all men the right to organize themselves—the workingmen and the business men as well—with the proper limitations in respect to safeguarding the interests of the public or parties concerned.

Chairman WALSH. I want to direct your attention to a question that has been asked frequently of witnesses—and much has been said about it—to this effect. I will try to state it as concisely as possible, although it is a question that is somewhat broad, necessarily: After an industry has been organized to the extent that it can be controlled—that is, by one man or one group of men acting harmoniously and in concert—would it be possible, out of the potential profits of that institution, to increase wages to such an extent as to raise the economic

level of all the workers in industry and relieve the necessity of extending charity, especially of those in it? Did I make myself plain, Mr. Rockefeller?

Mr. ROCKEFELLER, Sr. In part, and perhaps in all. I believe the best way to help the laboring man is to give them steady work and wages which they can earn—fair wages. I believe that that is better than any and all of the charities. And I believe that the good laboring men would prefer to have the labor and their honorable position rather than to have any charity.

Chairman WALSH. It has been stated, and I will restate to you as briefly as I can, and ask for your opinion. Of course, what I say, you will understand, I say without any personal reference.

Mr. ROCKEFELLER, Sr. Oh, yes.

Chairman WALSH. Or desire to offend. It has been stated many times that it might be better for persons controlling very large industries, instead of devoting the excess profits to the dispensation of money along philanthropic and eleemosynary lines, that they should organize some system by which they could distribute it in wages first hand, or give to the workers a greater share of the productivity of the industry in the first place. Now, as one of the great givers of the world, Mr. Rockefeller, I will ask you kindly to comment upon that statement.

Mr. ROCKEFELLER, Sr. I will be very happy to see the laborers gradually become the owners of these same prosperous businesses to which you refer. I should be only too happy to surrender my holdings, in part, in any or all, that the laborers might come into the relation to the enterprise and have their representation on the boards of directors, according to their ownership, just the same as all other shareholders.

Chairman WALSH. I want to read you——

Mr. ROCKEFELLER, Sr. (continuing). Thus giving them the profits to which you referred, giving them in addition to their labor these handsome profits which you are having in mind. I should be very happy to have them get those profits, and feel that they were my partners.

Chairman WALSH. Have you thought of any plan by which this transfer could be made?

Mr. ROCKEFELLER, Sr. The transfer of stock?

Chairman WALSH. Yes; the transfer of stock or the transfer of ownership, that would thus give the profits to the workers in greater share?

Mr. ROCKEFELLER, Sr. Yes; that has been practiced in different institutions for long years. The processes, of course, are very different, Mr. Chairman. The man who has his money to pay for one share or more simply receives his share—he is already a member of the firm, one of the shareholders. And then he gets his two shares and three, and so on. Thus he is entitled to know all the ins and outs of the affairs of business.

Chairman WALSH. Without going into the details, did you read the grievances of the miners of Colorado addressed to the executive officers of the Colorado Fuel & Iron Co., Mr. Rockefeller?

Mr. ROCKEFELLER, Sr. I did not go into those questions of detail, and they were far beyond my reach.

Chairman WALSH. Did you read the grievances of the workmen in the mines of the Colorado Fuel & Iron Co. addressed to the executive officers of that company in 1903?

Mr. ROCKEFELLER, Sr. Oh, no; I have no recollection of any of those old conditions. I was a new investor at that time in this enterprise. I had just joined with some other friends, and we saved the enterprise at about that time from bankruptcy by putting in large additional capital. I have no recollection of that.

Chairman WALSH. Have you ever been advised of the claims of the workingmen in any of these industries in which you are a large investor?

Mr. ROCKEFELLER, Sr. No, sir. That would not come to me. That would be a matter of detail that would come to the proper officials.

Chairman WALSH. Your statement that in proper limitations, wise ones, that both the owners of industry and the workmen should be allowed to organize, is based upon your experience, I believe you stated, as a business man.

Mr. ROCKEFELLER, Sr. I would not ask any privilege or right for myself that I would not accord to the humblest man. I have always stood right there.

Chairman WALSH. I will read you, Mr. Rockefeller, from the Congressional Record, covering the hearing of the subcommittee on mines and mining, before following up the testimony, being the testimony of your son:

"I have been so greatly interested in the matter, and have such a warm sympathy for this very large number of men that work for us, that I should be the last one to surrender the liberty under which they have been working and the conditions which to them have been entirely satisfactory, to give up that liberty and accept dictation from those outside who have no interest in them or in the company. We believe that the issue is not a local one in Colorado; it is a national issue, whether workers shall be allowed to work under such conditions as they may choose. And as part owners of the property our interest in the laboring men in this country is so immense, so deep, so profound, that we stand ready to lose every cent we put in that company rather than see the men we have employed thrown out of work and have imposed upon them conditions which are not of their seeking and which neither they nor we can see are in our interest. There is just one thing, Mr. Chairman, so far as I understand it, which can be done, as things are at present, to settle this strike, and that is to unionize the camp; and our interest in labor is so profound and we believe so sincerely that that interest demands that the camp shall be an open camp; that we expect to stand by the officers at any cost. It is not an accident that this is our position. Rather than allow outside people to come in and interfere with employees who are thoroughly satisfied with fair labor conditions—it was upon a similar principle that the War of the Revolution was carried on. It is a great national issue of the most vital kind."

Considering now that the outside persons who came in were the organizers of a union which existed in the mining place of the company, would you say that that is your position?

Mr. ROCKEFELLER, Sr. Well, I feel decidedly that the employer must stand by his loyal men. He can not be treacherous to those men who render service faithful in their duties; and by all means, the employer should stand by his faithful employees.

Chairman WALSH. Is that all you care to say on the subject? That was quite a long statement, and especially is that your position, or would that be a fair way to ask you to state it?

Mr. ROCKEFELLER, Sr. I would say by all means the employer must not disregard the rights and claims of his employees.

Chairman WALSH. That is all. Thank you, Mr. Rockefeller. We thank you very much.

Mr. ROCKEFELLER, Sr. I thank you.

Chairman WALSH. You may be permanently excused.

Mr. ROCKEFELLER, Sr. Thank you.

Mr. Lindbergh.

TESTIMONY OF HON. CHARLES A. LINDBERGH.

Chairman WALSH. Kindly be seated.

Congressman LINDBERGH. Mr. Chairman, in order to have this as brief as possible, I have written the matter as briefly as I could present it.

Chairman WALSH. That was very thoughtful. What is your name please?

Congressman LINDBERGH. Charles A. Lindbergh.

Chairman WALSH. And your residence?

Congressman LINDBERGH. My residence is Little Falls, Minn.

Chairman WALSH. And your business or profession?

Congressman LINDBERGH. I have practiced law in the past and farmed.

Chairman WALSH. What official position do you hold in the Government of the United States?

Congressman LINDBERGH. I am a Member of Congress from the sixth district of my State.

Chairman WALSH. That is of Minnesota, the sixth district of Minnesota?

Congressman LINDBERGH. Yes.

Chairman WALSH. We have been informed that you have given a great deal of study to the question of cost and prices?

Congressman LINDBERGH. I have.

Chairman WALSH. With reference to industrial conditions?

Congressman LINDBERGH. I have so.

Chairman WALSH. Have you been kind enough to prepare that in concise form that you might read?

Congressman LINDBERGH. I have.

Chairman WALSH. I wish you would kindly do so.

We must have perfect order ladies and gentlemen.

Congressman LINDBERGH. I realize that any report made by your commission will have the respectful consideration of the country, and therefore ask your review of certain facts, which I wish to present briefly.

"INCREASING COSTS AND SUGGESTIONS FOR A REMEDY.

"Legislatures and courts, as well as Congress, have an established rule that so-called vested property, when employed, is entitled to a so-called fair return. The enforced rule bears no relation to what men and women receive or should receive for their work in creating and conserving vested property, but corresponds somewhat with the results secured by speculators who make great profits from their respective schemes for scalping from the products of labor. The farmer, as well as the wageworker, whether mental or manual, strive year in and year out to secure success, each working his life out; but no rule was ever fixed by any legislature, Congress, or the courts that would enforce in favor of these toilers a fair return for creating the very property to which the vested rights privileges attaches. On the contrary, the rule of reasonable return established in favor of vested property when employed absolutely precludes and makes impossible a fair return to farmers, wage and salary workers. If any controversy arises as to what the farmer or wageworker should receive, the price is fixed at what others in his class receive for the same thing, which price has originally been made by the privileged class; that is, by the capitalists, and it bears no relation either to the cost of living, the cost of production, nor to its true relative service to mankind.

"No permanent reduction in the cost of living in favor of the masses can be secured as long as there is no relative rule for fixing a reasonable return for farm or other products and for labor, as compared with the so-called reasonable return for capital. The rule of reasonable return as applied—that is, the net profit, required to satisfy capital, does not change materially. It is the same now as it was for the years past, and as it is intended by the capitalist it shall continue on into the future. When the wageworker gets increased wages the employer adds the increase to the sale price of the goods the employee produces or the services he renders. If the employer did not, it would interfere with his so-called reasonable return, which it seems is a privilege regarded by legislatures and courts, as well as by Congress, as more sacred than human life. So, too, if the farmer gets more for his farm product, those who buy in just so far as they can, and if it is a special interest it can add the additional cost to the finished product and make the final consumer pay it. As a result this added cost is charged back to the farmers and wageworkers in the price they pay for the goods and the service that they must buy. Now, let us consider how the prices are continually marked up.

"VESTED PROPERTY WITH SPECIAL PRIVILEGE.

"With each additional year there is a greater amount of centralized accumulated property carrying to its possessors the special privilege of collecting reasonable profit for its use. Right there is the kernel in the nut; that is, it is the underlying reason—the fundamental cause of the increasing prices, and prevents a proper reduction of the hours of labor for the toilers.

"The interest, dividends, and profits that have been accumulated from past speculation are enormous, and they are multiplying annually. To comprehend this we must deal in concrete facts. There is over $100,000,000,000, including all kinds of property and debts owed by corporations and others, upon which the public is forced to pay interest, dividends, and profits, or what may be termed 'income property,' and to support and pay that, and also its further accumulation, the helpless masses of humanity are struggling to meet the payment of the reasonable profit upon this huge and constantly increasing sum.

"Including all ways in vogue to fleece the toilers it is understating rather than overstating to say that the profit averages not less than 7 per cent above expenses, and 3 per cent more may safely be added without overestimating it, as the cost and expenses, including upkeep, or a total of not less than 10 per cent. That is, there is an annual charge of more than $10,000,000,000 exacted from the toilers.

"I do not claim that those figures are absolutely accurate, for the exact amount can not be secured, but I do claim, and every careful student of the subject knows, that they are not exaggerated, and, in fact, are below the actual amount. They do, however, fairly demonstrate the principle I wish

to make clear, which is, that the cost to the people of supporting the so-called rule of reasonable return for the use of capital, as it is applied in business and supported by law and practice, means that the toilers upon farms, in shops, and elsewhere, mental and manual, are forced to pay in a single year over $10,000,000,000, with the certainty that it will increase annually as long as the present rule and practice prevails. It is an actual tax upon the toilers to support and accumulate capital for the capitalists. It averges more than $100 for every man, woman, and child, and is increasing yearly in proportion to the increase of vested property employed in business.

"THE ENORMITY OF THE THING.

"This $100,000,000,000 upon which more than $10,000,000,000 is collected yearly, is owned by a comparatively few persons, and the courts decree and society accepts that when it is employed, as all this is supposed to be, it is entitled to a reasonable return above the cost of upkeep. There certainly are not to exceed 30,000,000 people who do any useful work, and upon them the entire burden rests. That makes an equivalent of $333 for each worker. Thus a man who is paid $600 annually for his labor or farm product, and his wife who works at home, have had their wages, or the income for farm products reduced, and the price of what they must buy increased, in order to contribute $666 as a reasonable return for the use of capital.

"I deny that the charge called reasonable return now made by the capitalists and supported by the courts as such, is in fact reasonable; but I admit that under the present system a charge for the use of capital is necessary in order to secure its employment. The Government charge to the banks is from 2 per cent to 3 per cent, and for good measure we will calculate on a basis of 4 per cent, which a few banks pay to a few depositors. On that basis the husband and wife depending upon a present income of $600 would, if only 4 per cent were charged for the maintenance of a reasonable income to capital, have their income increased by additional wages and by a saving upon purchases, working for the two an aggregate of six-tenths or $400. But even 4 per cent is unreasonable, for we must not forget that the $100,000,000,000 upon which the reasonable profit is being collected is in part the sweat money—that is, the accumulated, so-called reasonable profit taken from the toilers of the past.

"Take as an example the case of a skilled workman employed in a plow factory capitalized at $500,000, upon which the stockholders get 7 per cent dividend, while owing a bonded debt of $200,000, with an annual interest charge of 6 per cent upon that. To meet the dividend and interest would require $47,000 above the expenses of upkeep. That $47,000 would come from the profits on the sale of plows. In order to meet this payment the profits must be made as large as possible, not only to meet the dividends, interest, and expenses, but to accumulate a surplus, as well as a provision against future emergencies, which is the common practice. This is exactly the situation which creates the trouble in all cases. It causes the low wage to the employees in the factories and elsewhere, and high prices the purchasers pay for the goods, and as a result increases the profits with which to pay for the use of capital. It is not all deducted from the wageworker's pay. He is already chafing under the injustice of his meager pay, but under the rule, the profit must be made up. Therefore it is accomplished, in part, by keeping the workmen's wages below the actual value of his service and by tacking the rest onto the consumer's cost; and since the toilers themselves are also consumers, they get the worst of it both 'going and coming.'

"Your honorable commission will quickly see the problem presented. With the enormous accumulations of property now in the possession of the few, resulting, as it does, in a continually increasing capital upon which to compute the so-called reasonable return, it is certain that we are facing the impossible; that the masses are doomed to be more and more completely crushed and weighted to exhaustion, and that it can not be avoided except by resort to socialism, or by the adoption of a new rule by which the reasonable requirements of humanity will also be measured in connection with the so-called reasonable return for the benefit of vested property—that is, that vested property shall not carry to its owners the privilege of shackling the toiling millions with the burden of paying the tribute of what now is and has been enforced as the so-called reasonable return. The plain producer—the toilers everywhere must have a truly reasonable return for their services, which is, after all, the

principal part of the world's requirements. The pay return of farmers, employees, and capitalists should be relative to their importance. The pay of the workers should not be encumbered with a charge such as that which I have described in favor of capital.

"Already the capital holdings upon which the toilers are forced to pay annual interest, dividends, and profits, averages more than $1,000 per capita. That is equal to more than $5,000 for each average family of five persons in the United States.

"Permit me to say that when the heads of the family once comprehend the fact that for each member of the family, as well as for himself, he owes a debt which he did not contract, but which nevertheless is annually increasing by force of this rule which I have described and is forced to pay interest, dividends, and profits for each member of the family be it large or small, and of the fact that upon their children and their children's children the debt will double and treble, as it must if the rule prevails in the future as it has in the past, I repeat, they will rise, and justly so, in rebellion against the system, and a new form of government will be established. If this is to be avoided, a reformed system will have to be installed to do justice to those who toil in all the useful industries that supply the needs of mankind. The rule of reasonable return can not much longer be exclusively applied for the benefit of capital.

"The other causes for the high cost of living are incidental to the one which I have presented. I shall not encumber you with a discussion of them. I wish, however, to make a few general observations before suggesting a remedy.

"THE RESULT OF THE SO-CALLED REASONABLE PROFIT.

"The rule as practiced has enabled greed, unobstructed, to appropriate the transportation systems, the most rapid systems of communication—telegraph and telephone—the forests, the valuable minerals, the water powers, the valuable patents, and the other most valuable agencies to mankind. The rule itself, as practiced, is sure to give capital the advantage which I have shown, but to facilitate its execution with the least delay and bring it to its most effective energy in behalf of capitalists, the banking and currency system has been made the agency of its hugest and most rapid accomplishment.

"THE MONOPOLY OF MONEY AND CREDIT.

"The people have now on deposit in the banks $19,100,000,000, on about half of which they receive no interest, and on the other half from 2 per cent to 4 per cent or approximately $285,000,000. But the banks have loaned more than 90 per cent of the $19,100,000,000 at from 6 per cent to 10 per cent—frequently more. In 1915 they will collect directly from the borrowers about $1,000,000,000 more than they pay for the deposits. In other words, the people take to the banks the $19,100,000,000 and get $285,000,000 from the banks for its use. But the banks collect from borrowers $1,285,000,000 which will be added to the price of the goods and services that the people must buy. In addition to these there is also the accumulated billions that the banks have collected in previous years for their stockholders, which is their vested property, and upon which those who save it collect the so-called reasonable return.

"The banks control the use of the $19,100,000,000 that belongs to the depositors and can loan it or withhold it as they please and loan to whom they please. It does not belong to them but they use it as they please. Because of that fact it is loaned in such manner and to such parties that the largest borrowers, who usually control the banks, get a decided advantage over all others and make several times greater profit out of the schemes into which they enter than the direct dividends that the banks pay to the stockholders. In other words, the bankers have a monopoly of the money and credit, which, as I stated, is the instrument for speeding up the absolute control of all property for the benefit of the capitalists.

"THE REMEDY LIKELY TO BE FIRST APPLIED.

"As I have already stated, there are two remedies that can be applied. One is pure socialism, which the people generally have refused to accept. The other is the one which I am explaining. It is to take from the banks the exclusive privilege of controlling the money and credit, which they have by Gov-

ernment authority. The interest to borrowers must be reduced to at least as low a rate as that now paid by the banks to the Government.

"An attempt will be made to fool the people by reducing the rate of interest in some cases. That will, in a measure, help the individual borrower whose interest is reduced, but the reduction will be accomplished by expanding credits, so that while the banks will collect less interest on a dollar they will collect interest on more dollars, thus preventing a reduction in the aggregate amount of interest paid. The public will find that it costs as much to pay interest, dividends, profits, and upkeep on $200,000,000,000 at 6 per cent as to pay 10 per cent on $120,000,000,000. Under our present system one or the other of those positions will develop very soon. I am referring to the process rather than the exact figures. The owners of the great banks, through their banks, having received from the Government the exclusive privilege to monopolize money and credit, will not care which way they do it, as long as they can force the public to pay as much or more than it has been paying. If the Government instead of private individuals got the interest and paid it out for annual expenses, we would not have the present accumulation of vested property in favor of a few who are permitted thereby to levy tribute to secure what they term a reasonable profit.

"The Government itself, so far as practicable, should collect the interest in lieu of taxes. There must be organization of all the useful industries in order that they may be financed by the Government as the banks are. This can be accomplished practically the same way as the organization of the banks was. The farmers, the transportation companies, the house builders, the manufacturers, and the municipalities, all should organize. To them all the Government must extend privileges such as are now given exclusively to the banks. To facilitate this great work and aid in securing the means, the postal-savings banks must be opened to all depositors for the acceptance of checks, money, and evidences of credit to aid in financing, not exclusively the banks, but all useful industries and enterprises which under the present system are burdened with the shackles of usury.

"Many are turning to the Socialist Party for a remedy, but the Socialists, I believe, do not claim that their proposed remedy could be put in full operation for a long time. If the Government will extend to all legitimate enterprise the use of the public credit, such as that which it has given exclusively to the banks, I am certain that more than half of our troubles about the high cost of living would be cured. Please understand me—I do not suggest taking from the banks all privileges of doing business, but I do maintain that bankers should have no exclusive privileges. The banks should be made our servants instead of our masters, and receive compensation as servants, for the value of their services only. This can be accomplished most quickly in a nonpartisan way. The remedy can be applied without hindering the enthusiastic office-seekers, proceeding as before in the name of their several political parties in an alleged attempt to bring about the millenium. As long as the progressive Republicans, the progressive Democrats, the progressive Progressives, and the progressive Socialists, and others, are divided into groups hostile to each other, the cause of humanity will progress slowly; for the reactionaries in all the parties are consistent and upon all problems vital to them which require their cooperation they stand together and act as a unit. It may be jealousy among the officeholders and those seeking office that keeps the progressives in all parties from acting together. But it does seem that jealousy should not exist among the voters, because their individual material interests are identical. It is the identity of material interest that ties the special interests together for united action to maintain control; but the material interest of the plain people to cooperate to prevent the special interests from having control and taking all in sight does not seem to work by the same rule. The plain people hurrah for the party and let the interests run away with the goods.

"Your honorable commission understands full well the significance of the main problem I have presented. If you broadcast its substance to the people, which the means placed by Congress in your charge enables you to successfully do, the people of this country will soon control legislatures and Congress, and a remedy will be forthcoming which will stop the increasing prices and give to the toiler less hours of toil and more of the substance that will supply them with the conveniences and demands of an honest and intelligent citizenship. It is merely a question of getting the right understanding home to the toilers on the farm, in the shop, stores, offices, on the railways, and elsewhere. Let these understand, and the manhood and womanhood of the citizenship of

this naturally great country of ours will respond to its grandest opportunities. This is the people's country, and the men and women of this country should run it for themselves and their posterity instead of, as now, ignominiously submitting to a policy enforced in practice which makes of them the slaves of usury."

Now, having closed my written statement, I wish to add verbally that what I have stated is the main proposition I have desired to call your attention to. And, Mr. Chairman and gentlemen, I want to call your attention also to a report of the Secretary of the Treasury. This report is dated February 2. You will find on that date the Government of the United States had deposited with the banks something over $71,000,000. It has been for the most of the time in the last six months about $80,000,000, but suppose we call it $70,000,000. Upon that sum the banks are paying to the Government 2 per cent. As a matter of fact the banks are collecting directly for their own benefit 6 per cent approximately upon this $70,000,000, which you will see is 4 per cent in addition to what they are paying the Government; and therefore there is an indirect tax for the benefit of the banks which is added to the commodities and the prices which we are paying for our common necessities of this difference between 2 per cent and 6 per cent. But that is not all.

You know, as a matter of fact, that the total amount of money in the banks is about $1,700,000,000, and that by the process of banking it has been expanded so that the banks now have on deposit and are owing to depositors $19,100,000,000. The $1,700,000,000 has been expanded more than ten times in the form of credit. Now, this $70,000,000 which the Government has on deposit in the banks; that is, taken from the Government Treasury, is also expanded by a like process. Therefore, instead of the bankers collecting interest upon this $70,000,000 alone, they are collecting interest also upon a large amount of credit that is established by virtue of this $70,000,000. That, I say, in regard to the general bank deposits, was multiplied more than 10 times. We will not assume that they have been able to multiply it more than 10 times in the case of the Government deposits, because the Government may draw upon the banks at any time for this sum. But they have increased and expanded the credits they are given by virtue of that $70,000,000 to a very large extent; and on that account the banks are collecting many millions of dollars in the way of interest and profit above that which is directly collected by them upon the $70,000,000. This, too, is, in effect, a tax upon the people generally.

Now, the proposition I am making to you is this: That there has got to be some measure of a reasonable return, which is comparative, reasonably favoring property in the one case, but not losing sight in the other case of the toilers of this country, whether on the farm or elsewhere. You have got to consider the two together; and instead of the courts going on in the future and legislatures and Congress itself doing likewise, and measuring a reasonable return to capital upon the basis of what it can earn in speculation, it must be done with regard to what the toilers themselves are getting. So that both the toilers and the capitalists, as long as this system is followed out, will receive proportionately a fair return for the services that are rendered in the one case by the employment of capital and in the other case by the laborer.

Now, that is the particular problem that I have wished to call your attention to, and I do not think I need to take any more of your time. Of course, I am glad to submit to any questions you may wish to ask.

Chairman WALSH. I think, as far as I am concerned, that states it very concisely and well; and we will be glad to make that a part of our record, and if we issue a bulletin, to put it in the record.

Mr. Lennon says he was convinced of that a long time ago.

Congressman LINDBERGH. I thank you, gentlemen, very much.

Chairman WALSH. We thank you very much, Mr. Lindbergh, and we are sorry, in behalf of the commission, that we could not have given you a better place in the program; but we are limited in time.

Mr. LINDBERGH. That is perfectly satisfactory to me. I wished simply to get the facts before the commission so that you may have them in your proceedings.

Chairman WALSH. Very well.

At this time the commission will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.45 o'clock p. m., Friday, February 5, 1915, an adjournment was taken until Saturday, February 6, 1915, at 10 o'clock a. m., at the same place.)

NEW YORK CITY, *February 6, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Garretson, Ballard, and Commons.

Chairman WALSH. Frederick A. Cleveland. Is Mr. Cleveland here? Please take the stand.

TESTIMONY OF MR. FREDERICK A. CLEVELAND.

Chairman WALSH. Please state your name.

Mr. CLEVELAND. Frederick A. Cleveland.

Chairman WALSH. Where do you reside?

Mr. CLEVELAND. In New York City.

Chairman WALSH. What is your business?

Mr. CLEVELAND. Director of the bureau of municipal research.

Chairman WALSH. Director of the bureau of municipal research?

Mr. CLEVELAND. Yes, sir.

Chairman WALSH. The commission received a letter from you, Mr. Cleveland, under date of the 2d, stating that there had been injected into the proceedings of the commission statements that reflected on the integrity and professional character of yourself and associates in the bureau of municipal research by Dr. Allen. First, what are the statements that were injected into the hearing and reflected on the integrity of yourself and associates?

Mr. CLEVELAND. May I read the letter, Mr. Chairman?

Chairman WALSH. May you read what letter?

Mr. CLEVELAND. The letter to which you refer.

Chairman WALSH. I will certainly allow you to. You mean the whole letter?

Mr. CLEVELAND. No; the half page of the letter.

Chairman WALSH. To which you refer?

Mr. CLEVELAND. Yes.

Chairman WALSH. You may read the whole letter if you care to; that is, the letter from which I just quoted, you mean?

Mr. CLEVELAND. The reason I ask is because it was not quoted, and this statement of my request, if I may read the letter, I think we will get it before us.

Chairman WALSH. Very good.

Mr. CLEVELAND (reads):

"Hon. FRANK P. WALSH,

"*Chairman Industrial Relations Commission, New York City.*

"DEAR SIR: Mr. William H. Allen, who is employed by your commission, has issued to the public, and there has been injected into the proceedings of your commission, statements that reflect on the integrity and professional character of myself and my associates in the bureau of municipal research. I therefore ask that you incorporate the inclosed statement of facts in the record of your commission, and in order that there may be no grounds for the charge of misrepresentation or unfairness, I ask that I may be sworn as a witness before the commission under oath. A copy of this request is already sent to each member of the commission.

"Very truly, yours."

Chairman WALSH. You do not mean to say that I made a misstatement, but that I did not read the whole letter?

Mr. CLEVELAND. I mean to say that the statement of the chairman was that the letter alleged that there had been injected into the proceedings of your commission statements that reflected on the personal integrity and professional character of myself by Dr. Allen.

Chairman WALSH. And your associates in the bureau of municipal research?

Mr. CLEVELAND. But by Dr. Allen; I made no such claim.

Chairman WALSH. You mean to say that Dr. Allen did not inject those statements into the record?

Mr. CLEVELAND. As far as I know he did not, but that he is employed by your commission.

Chairman WALSH. What I meant to ask you at first and ask you again is, What has been injected into the proceedings of this commission in the form of statements, first, that reflect on your integrity?

Mr. CLEVELAND. I assume that you wish to have me state in brief and characterize it rather than attempt to go back to the record and pick out the particular thing?

Chairman WALSH. Certainly, I would not have you go back to the record, but state what has been injected into the proceedings of the commission that you say reflects upon your integrity.

Mr. CLEVELAND. I understand that what are called the large foundations are being inquired into by your commission; that Mr. William H. Allen, formerly a director of the bureau of municipal research, has been made a special agent of the commission for this purpose; that the forms of questions asked by Mr. Allen and your commission are such as to be tantamount to the charge that the power to subsidize has been used to influence the activities and ideals of scientific, educational, and philanthropic agencies.

Now, so far, we have no greater or different status than any other citizen in this industry; but I also understand that the bureau of municipal research has been pointed to as an example, and the manner of inquiry has been such as to be tantamount to the charge that the bureau of municipal research has been subverted by the influence and the conditional gifts of Mr. Rockefeller and the Rockefeller Foundation; that as a protest against such influence Mr. Allen resigned as director from the bureau of municipal research.

Chairman WALSH. Who said that; you mean that was implied in the question?

Mr. CLEVELAND. Yes; I mean—and stated by Dr. Allen when in the employ of this commission to the public press——

Chairman WALSH. (interrupting). Please first confine yourself to anything that has been injected into the proceedings in the way of statements that reflect on your integrity.

Mr. CLEVELAND. The form of the questions so far as I have heard them.

Chairman WALSH. Please indicate the questions that reflect upon your integrity.

Mr. CLEVELAND. It would be necessary for me to have a copy of the proceedings before me and time given to indicate them.

Chairman WALSH. Have you heard any one question?

Mr. CLEVELAND. I have.

Chairman WALSH. What?

Mr. CLEVELAND. I heard a part of the testimony of Mr. Cutting while under examination by this commission.

Chairman WALSH. What was the question that reflected on your integrity that was asked of Mr. Cutting by the chairman or any member of this commission?

Mr. CLEVELAND. I can not refer to it by the page for the exact wording of the question.

Chairman WALSH. Give the substance of it.

Mr. CLEVELAND. There was a large number of them that could have no other purpose than to indicate that the purpose of the question was to bring out an undue influence exercised on the part of Mr. Rockefeller and that Mr. Allen had resigned as a protest against that influence.

Chairman WALSH. Give the substance of one question asked of Mr. Cutting or any person else that you claim now reflects upon your integrity?

Mr. CLEVELAND. My claim is this, that the import of all such questions reflected on the integrity of myself and my associates.

Chairman WALSH. Would you call this question a reflection upon your integrity if I asked Mr. Cutting whether or not he obtained $20,000 from John D. Rockefeller, jr., under conditions that he would change certain of the procedures of the bureau of municipal research; would you call that a reflection upon your integrity?

Mr. CLEVELAND. I should say that the use of such a question in an ex parte proceeding may be so used and, as I read the record, was so used.

Chairman WALSH. If you wanted to inquire into that, how would you inquire into it except by asking the question?

Mr. CLEVELAND. During any ex parte proceeding there is only part of the story brought out; that is the substance of my protest.

Chairman WALSH. And is that the substance of your claim, that statements were injected into the proceedings of the commission that reflected on your integrity?

Mr. CLEVELAND. The substance of the claim is, as I have stated, that the whole implication, if not the charge which has been made by Mr. Allen to the public press while in the employ of this commission through those questions, that those of us who are in the employ of the municipal bureau of research have been bought up for $20,000 and are simply acting as cat's-paws for the Rockefeller

Foundation. That I consider a reflection on our integrity and professional character.

Chairman WALSH. Certainly; if you think you have been called a cat's-paw, it would be a very degrading reflection and would be a reflection, but I am trying to find out now wherein there was even any question asked that you say was a reflection upon your integrity.

Mr. CLEVELAND. I will be very glad to go over the record, if I may be supplied with a copy, and mark such things for your information as seem to carry that implication.

Chairman WALSH. I have supposed that inasmuch as you had written this letter that when you were placed upon the witness stand you would be ready to state what reflection was made upon your character and integrity.

Mr. CLEVELAND. I had assumed when I came here that it would not be necessary to read into the record the things that were already in the record.

Chairman WALSH. But perhaps you have made other assumptions in which you will be disappointed?

Mr. CLEVELAND. Possibly.

Chairman WALSH. If you are not able to give us that now, I wish you would take from this record the questions asked any witness which you claim implied a reflection upon your integrity.

Mr. CLEVELAND. I would be very glad to. I will not ask you to produce, for instance, a question that was directly asked by Prof. Commons as to whether or not the $20,000 which was agreed to be given at a luncheon at which Mr. Cutting and Morawetz were in attendance did not influence the bureau of municipal research in changing certain of its policies, because that question was asked for the purpose of ascertaining whether or not that was true, and Mr. Cutting made his statement which, of course, will have to be analyzed and weighed and passed upon finally by the whole commission.

Chairman WALSH. Now, I wish you would describe what you have said about any alleged injection into the proceedings of anything that reflected upon your integrity, and please state what public statement Dr. W. H. Allen has made since he was an investigator and an assistant of this commission which reflected upon your integrity.

Mr. CLEVELAND. I will be glad to submit to you a list of those things, as gotten from the public press. I have not them at present. I was not served with notice until late last night to come here, and the staff in the office that has had charge of preparing the data for this hearing, in compliance with your former request, were all delayed until just the time of the hearing on account of the Rapid Transit tie-up.

Chairman WALSH. Please indicate the substance of any statement you had in your mind that was made by Dr. Allen since he has been an assistant to this commission which reflects upon your integrity, and refer to the statement.

Mr. CLEVELAND. That he resigned from the bureau of municipal research protesting against the undue influence of John D. Rockefeller and of the Rockefeller Foundation.

Chairman WALSH. Where did that appear since he has been an assistant to this commission?

Mr. CLEVELAND. It has appeared in the public prints, and it has appeared, as I have been informed, in many conversations with people.

Chairman WALSH. First, in what public prints did that appear since Dr. Allen has been an assistant of this commission? What paper?

Mr. CLEVELAND. In the public press of the city of New York. I will be very glad to furnish you the clippings on such things as refer——

Chairman WALSH. Do you remember any paper it was in? We might get it ourselves while we are examining you.

Mr. CLEVELAND. As I recall, the American or the Journal had some such statement in it—I would not be specific until I have a chance——

Chairman WALSH (interrupting). Attributed to Dr. Allen?

Mr. CLEVELAND. Attributed to Dr. Allen, as I recall.

Chairman WALSH. The Journal or the American. Now, do you recall any other papers had any statement attributed to Dr. Allen that reflected upon your integrity?

Mr. CLEVELAND. I would not care to answer without having an opportunity to go through my clippings.

Chairman WALSH. What is the approximate date of this paper which has caused you to make this statement here on the witness stand?

Mr. CLEVELAND. Since the commission has begun its activities in inquiring into the foundations.

Chairman WALSH. Now, just indicate the name of the persons to whom Dr. Allen, since he has been an assistant to this commission, has made statements which are deemed to be a reflection upon your integrity.

Mr. CLEVELAND. I don't know that I care to.

Chairman WALSH. Well, you ought not to do it anonymously, Mr. Cleveland, do you think?

Mr. CLEVELAND. Beg pardon?

Chairman WALSH. I say, you should not care to clothe that in anonymity, should you? Now, if you say Dr. Allen has stated something that reflected upon your integrity to certain persons, do you think that you should not give this commission the names of those persons?

Mr. CLEVELAND. I think that is a question that should be asked Dr. Allen and——

Chairman WALSH (interrupting). I now ask it of you, inasmuch as you have stated publicly before this commission that Dr. Allen has made statements to individuals reflecting upon your integrity since he has been an assistant of this commission, that you give the names of those persons, if you have any such.

Mr. CLEVELAND. I can only say that it has been so stated to me.

Chairman WALSH. By Dr. Allen?

Mr. CLEVELAND. Not by Dr. Allen.

Chairman WALSH. By whom?

Mr. CLEVELAND. By persons who said they had talked with Dr. Allen.

Chairman WALSH. Who are they?

Mr. CLEVELAND. I don't care to give their names.

Chairman WALSH. Give the name of one of them.

Mr. CLEVELAND. I would prefer not to give such names.

Chairman WALSH. Why?

Mr. CLEVELAND. Because it would be—my testimony in that respect would not be more than hearsay.

Chairman WALSH. Wouldn't you call that mere scandal mongering, if you claim he made the statements and you can not give the names of the persons who claim they made them?

Mr. CLEVELAND. I should say there has been a great deal of that here so far in these charges and implications with respect to the bureau.

Chairman WALSH. Were they ladies or gentlemen?

Mr. CLEVELAND. I don't care to suggest.

Chairman WALSH. Did they live in New York or elsewhere?

Mr. CLEVELAND. In New York.

Chairman WALSH. Did they say they did not want their names known?

Mr. CLEVELAND. They did not give me to understand that it was the purpose of having them publicly interrogated.

Chairman WALSH. Are they members of the bureau of municipal research, any of them, or on your staff?

Mr. CLEVELAND. They are not.

Chairman WALSH. Are they members of any organizations that derive their funds from the same source?

Mr. CLEVELAND. So far as I know, they were not.

Chairman WALSH. They, of course, are persons of standing and respectability?

Mr. CLEVELAND. I so consider them.

Chairman WALSH. And they did not say they did not want their names mentioned?

Mr. CLEVELAND. No.

Chairman WALSH. Now, with reference to your request that we incorporate the statement of facts in the record of the commission, I would say that that will be complied with. It will be so incorporated. With respect to the request that you be sworn as a witness and examined under oath, that request will have to be denied. The policy of the commission is not to swear witnesses.

Mr. CLEVELAND. Very good.

Chairman WALSH. The letter that was served upon you last night contained a paragraph as follows [reading]:

"The commission desires you should come prepared to tell us precisely each specific instance in which Dr. Allen has made such statements during his connection with the commission and each specific statement which appears on the record of the commission which you deem to be unfair, and that you should be prepared to make a full answer to each of such statements."

Now, then, I do not care to examine you any further upon that; but you may now take the statements that were made to these persons reflecting upon your integrity, and after stating what the statements were, make your reply thereto.

Mr. CLEVELAND. I have stated in substance what they were.

Chairman WALSH. What were they? I did not catch it. What were the statements that were made to the other persons?

Mr. CLEVELAND. That the policy of the bureau of municipal research has been changed, due to Mr. Rockefeller's influence, and that Mr. Allen had resigned as a protest against that proceeding.

Chairman WALSH. Now, without stating the source of your information or who the persons were, you may proceed now, and you will have a full opportunity to answer in your own way those statements, as you have asked.

Mr. CLEVELAND. My answer to the first proposition, that the policy of the bureau has been changed, is that it has not. And in further answer to that proposition, I wish to say that all the persons, or a very large number of the persons, who were interested in starting the bureau are still with it and guiding its policies; that from the very beginning Mr. Rockefeller was one of a very large number of subscribers; that the only pledges that have ever been made are subscriptions given by Mr. Rockefeller that have any conditions whatever attached to them were obtained by Mr. Allen; and that the board has put itself on record, and the codirectors of Dr. Allen have put themselves on record, as being against any form of contribution that had any conditions attached or that would in any manner influence or bind the policy of its future action or limit the discretion of the board or of the staff; that the bureau originally undertook to make inquiries into the organization and management of the government, to find out what the government was doing, and how it was doing its work, what results were being obtained, without any color or bias, and to do this as an independent citizens' organization; that this is still the underlying purpose, policy, and motive of the board of trustees and of all the employees engaged by them; that in order there might be no question about the unbiased and disinterested attitude of the bureau in doing its work, it started out with an established policy of first preparing a statement of facts concerning any subject under inquiry, without comment or criticism, and submitting this statement of facts to the official or person responsible for the conduct of the office that was being studied, or taking up with the responsible officer or person any suggestion for change, enlargement, or amendment of this first draft of the statement of facts as submitted. This statement of facts first having been agreed to, the bureau then undertook to place before the officer its critical and constructive recommendations based on the statement of facts. It also undertook to give to the public officer its reports before it gave them to the public, in order that the officer might take such constructive steps as he might think desirable, with the facts before him, for the public good and before making the report and the statement of facts a matter of news. This is still the policy of the bureau of municipal research.

During the first five years of the bureau's existence Mr. Allen had little to do with the research work of the bureau, this being almost entirely in the hands of Mr. Bruère and Mr. Cleveland during the last three years. While Mr. Cleveland was absent Mr. Allen had much to do with the bureau's research work, and it was during this period that serious differences developed with respect to abuses being made of the personnel of the bureau, and serious question was raised by the board as to whether the practices that had grown up under Mr. Allen's management were in harmony with its established policies. With respect to publicity Mr. Allen's views have never been in harmony with those of his associates, and within the first year of the bureau's existence a special committee was appointed to define its publicity policy, departure from which has since been the subject of frequent protest. When Mr. Allen began more actively to participate in the bureau's work, some three years ago, he first entered the educational field, and in this he not only attempted to go into the various institutional aspects of education but also to harshly criticise educational theories and the ideas of professional educators. This practice, together with his personal attacks on educators, was the subject of protest from the members of the board.

Chairman WALSH. I would like to ask you at this point, Mr. Cleveland, what does Mr. Allen's personality have to do with the subject, as you understand it, Mr. Cleveland?

Mr. CLEVELAND. I understand that the charge has been made that the bureau's policy has been changed by the influence of Mr. Rockefeller, and that Mr. Allen has resigned as a protest against it; and what I am attempting to point out to the commission is that the practices that grew up under Mr. Allen were at variance with the policy of the bureau, and it was the protest of the board against that that led to Mr. Allen's resignation.

Chairman WALSH. Well, was that charge made in the records of the hearing of this commission, do you claim, by any person?

Mr. CLEVELAND. I claim that is is a fair interpretation of the whole spirit of the inquiry with reference to the bureau of municipal research that the bureau of municipal research has been pointed out as a horrible example of Mr. Rockefeller's influence.

Chairman WALSH. By whom?

Mr. CLEVELAND. That that is a fair interpretation of the import of the inquiry.

Chairman WALSH. By whom?

Mr. CLEVELAND. That is the fair interpretation of the import of the questions in so far as the bureau of municipal research and Mr. Allen's resignation has been brought into the question.

Chairman WALSH. Do you mean questions asked Robert Fulton Cutting?

Mr. CLEVELAND. I mean the whole proceeding, so far as it relates to the bureau of municipal research.

Chairman WALSH. Of what other witnesses was any inquiry made as to the bureau of municipal research except Mr. Cutting?

Mr. CLEVELAND. I have very limited knowledge of the proceedings of this.

That growing out a part of the protest of the board against practices that had grown up under Mr. Allen's direct management a number of the members of the board resigned, including Mr. John B. Pyne, whose letter has been sent to you at your request, and which sets forth specifically the objection of the parties. That for two months after January 1, 1914, after Mr. Cleveland was out and Mr. Allen's codirector objected to the other participation in the management, and there is a sequence of conferences with Mr. Allen, both by him and by a committee of the board, seeking to get a common basis of understanding for adjustment of what perhaps were and what would be conceded to be the policies of the bureau. That these were found to be fruitless, and the result was Mr. Allen and his codirector resigned. That this resignation brought the whole matter before the general board, and the result is as known to you.

Now, with respect to the second proposition about Mr. Rockefeller's subscription and influence, I only wish to repeat what has been set forth in the statement which has been made a part of this record.

Chairman WALSH. Very good.

Mr. CLEVELAND. And to add to this the further statement that a considerable part of Mr. Allen's time has been given to an effort on his part to raise an endowment of $10,000,000 for the bureau of municipal research.

Chairman WALSH. From whom?

Mr. CLEVELAND. Various persons.

Chairman WALSH. Including Mr. Rockefeller?

Mr. CLEVELAND. Well, an appeal made to Mr. Rockefeller as well as to the Sage Foundation and the Carnegie Foundation and very many other persons. It has been one after another. He sought to obtain an endowment for the bureau of municipal research, and to that end we have letters showing his effort to obtain the influence of prominent public men to be brought to bear on those givers.

Chairman WALSH. Well, do you deem that to be a reflection on Dr. Allen that he solicited money for this purpose from Mr. Rockefeller and others and in attempting to have influential persons assist in it?

Mr. CLEVELAND. I only offer that as evidence that the inquiry which is being conducted by Mr. W. H. Allen at this time is not wholly ingenuous.

Chairman WALSH. You think that the situation created is pernicious or otherwise; when a man leaves a bureau it might be stated that he did such things, that he solicited contributions of these men—what do you think a situation like that creates; what is your comment on it?

Mr. CLEVELAND. My comment is this, that when a man persists in that down to the time that he is asked to resign and then suddenly comes out as a missionary for the people as against that sort of thing, that it indicates that the commission has in its employ one who has prejudices and can not approach the thing fairly and unbiasedly.

Chairman WALSH. In other words then, following out your answer, I am just going to ask you this one question; it is not clubby for a man to try to get money from these people and say anything to those after he goes out?

Mr. CLEVELAND. I would say that it is rather this, that if a commission which is using the power of inquisition of the Federal Government employs an agent of this kind, it is not going to get the truth.

Chairman WALSH. Why not? Suppose you were out and we employed you.

Mr. CLEVELAND. For the reason it is an ex parte proceeding and they are the very ones who are looking for the kind of thing that can be used to get somebody, which is the psychology that seems to be back of part, at least, of this inquiry.

Chairman WALSH. Who prepares all the answers to those questions?

Mr. CLEVELAND. The questions, however, direct the course of the inquiry. They can not prepare the answers to the questions, but the questions——

Chairman WALSH. Did you understand that you could not make answer to the questions which were submitted to you and give a full explanation in regard thereto?

Mr. CLEVELAND. I understood that when a person has had access to other persons' records and he is permitted to ask all the questions that he can, is in a position to put the other person in a position to explain things that need no explanation if the whole truth were told.

Chairman WALSH. Well, then, if there is anything of that kind which has occurred in this inquiry, proceed now and tell the whole thing.

Mr. CLEVELAND. That is the reason I submit this statement of fact, because the inquiry was such as to limit the discussion of things and an attempt to answer the question would leave things unsaid that if injected into the record would give an entirely different view of the case.

Chairman WALSH. And this statement you have made into the record contains the whole explanation to any questions that may have been asked by the commission?

Mr. CLEVELAND. It is an attempt to set before you a number of statements of fact about three propositions to which this statement goes.

Chairman WALSH. I will say, Mr. Cleveland, that if you deem that that does not set forth the facts in full, I wish that after you have called the attention of the commission to the statements made in the press, which you claim reflect upon your integrity and that of your associates, and after you have thoroughly considered what has been told to you by other people, that if you desire to supplement those with any statements of fact, we will be glad to have you do so and have it made a part of your record. Is there any statement you care to make orally at this time?

Mr. CLEVELAND. I wish to say that the principal questions of difference that have arisen with respect to matters of policy have had to do with the scientific character of the work on the one hand and to its impartiality on the other, and it was thought by the board and by the associates of Dr. Allen that in both respects the work of the bureau was being impaired by the manner in which he was conducting inquiries and by the use which he was making of the organization and resources of the bureau.

Chairman WALSH. Commissioner Commons would like to ask some questions.

Commissioner COMMONS. As far as I understand the situation, Mr. Cleveland, it amounts to this: That we are investigating these foundations with reference to whether they are a menace to the public and with reference to their power to control public institutions, colleges, universities, which are supposed to look out for the interests of the public. I take it that your bureau of municipal research is such an organization, and here is a concrete case presented to this commission where we may be able to pass judgment, not only on whether these foundations might possibly be a menace in the future, but whether they are actually now doing things which are a menace to freedom of investigation, to the right that a man has to hold his job in an institution of this character as against moneyed influence, and as to whether that influence is now being used to determine policy and to determine the personnel of investigations. Now, Mr. Cutting, the other day, in answering my question which I put to him, answered it in about that form, treating it in this way: That he, being a wealthy man and being as large a contributor as Mr. Rockefeller himself, must feel that was such an immaterial thing that if anybody wanted to believe it he could not help it, and so he did not give us any satisfactory answer.

As the situation is left with Mr. Cutting's testimony there is no evidence to show whether the bureau of municipal research ever examined or ever

changed its policy and would have dismissed Mr. Allen had there been no Rockefeller Foundation in the question.

The question at issue, by which we can judge of a concrete case, whether these foundations are a menace or not, would have to be decided largely by whether or not that policy would have been changed and Mr. Allen would have been dismissed irrespective of the existence of the Rockefeller institution. In order to get that, there were three things, as I understand it, the method of publicity was changed—the investigation of pedagogical methods was changed, and the training school for those who expected to be experts in this line of work was either discontinued or planned to be discontinued.

Now, what I should like to know would be such examples of the kind of publicity or the kind of investigation that was being conducted by the bureau to which you objected and from which we might then judge whether or not it was of sufficient importance to have caused a change of policy and to have caused the dismissal of Mr. Allen, irrespective of the Rockefeller Foundation?

Now, what was there on the matter of publicity that you objected to? I asked that question of Mr. Cutting, but he was unable to give me any information.

Mr. CLEVELAND. Before I answer that may I say one word as to the form of the question?

Commissioner COMMONS. All right.

Mr. CLEVELAND. Namely, that in the statement preceding it the assumption has not been that the training school would be discontinued nor that publicity would be discontinued, but that the practices and management with respect to these would be changed in such a manner as to make it square with the established policy of the institution. Coming to the point of the publicity, I say that during the last three years——

Commissioner COMMONS (interrupting). Mr. Cleveland, if you will simply read the typical ones—pick out a few typical ones and file the others—give the typical ones that you refer to.

Mr. CLEVELAND. May I say that the first publicity of the bureau was begun the first year after its organization, in which Mr. Allen, who was employed almost entirely on the publicity contact side of our enterprise and the money raising, began to use the funds of the bureau to issue small leaflets that could be sent in an envelope; that at once, these matters coming before the attention of the board of trustees, question was raised about that form of publicity, and a committee was appointed, which finally accepted this as a form of publicity and reported favorably on it, but recommended that in that form the publicity should be limited to quotations and excerpts from the public press or from any documents that were in the nature of expressions, either with respect to the work of the bureau or its interests; that these would be used simply as a way of distributing; that is, making these clippings, or a press service—or an educational service, I should say. The departure from that established policy of the bureau for municipal research has been one of the causes of irritation. It was adhered to for a time, but every little while there would be a break away from it, and finally it was brought up in the board and understood that Mr. Cutting and another member of the board—which one I have forgotten, but I think Mr. Morawetz—were to pass on every one of these things before they were sent out, but that was not done. Every little while something would get out without their having seen it. However, the exigencies or the limitations of time being urged, these were overlooked, and the matter was kept pretty well within those lines until about three years ago. I have forgotten—it is within the last three years at least, because I know it was during my absence—the publicity of this kind was converted into two weekly publications, one called Efficient Citizenship and the other called Municipal Research, thereby giving them the status of publications under the postal laws of the United States and giving to the institution the benefit of what is called second-class postage, or the newspaper postage rate.

Commissioner COMMONS. Now, have you some examples there?

Mr. CLEVELAND. Now, as examples of a departure from the policy of the bureau that these things should contain only the excerpts from others, here we have for example:

ADENOID SMILE AND ADENOID AGE TABLES.

The cat's in the dumps,
She's bothered with lumps,
And nothing is really worth while;
Her brain it is fogged,
Her nose it is clogged,
And she's wearing an adenoid smile.

This is on the first page of Efficient Citizenship, a large part of which is in the nature of comment, editorial comment within the office, and not in the nature of excerpts.

There were a large number of things of this kind, as for example, another one, No. 618; the other was 616, issued under date of May 10, 1913. This is No. 618, issued under date of May 17, 1913. There was a special number in between, which I do not happen to have before me at this time, Making Lemonade with Lemons, with some more of this kind of comment.

Now, that is the kind of thing, and I could give you hundreds of those.

Commissioner COMMONS. You might file them if you will, please. File those two with the record.

(The witness hereupon introduced, in printed form, two leaflets, entitled, "Efficient Citizenship," issued May 10 and 17, 1913, by the Bureau of Municipal Research, 261 Broadway, New York.)

And here is another in which this appears: Civicity Like Charity Begins at Home.

The REPORTER. Civicity?

Mr. CLEVELAND. Yes; that is a newly coined word coined by the bureau of municipal research.

That is the character of publicity that was repeatedly argued against while it was commented on as something that might be highly desirable for the purpose of propaganda, but for the purpose of popularizing an ideal it was thought that our agency was not one that should employ—at least devote—those weekly publications to.

Commissioner COMMONS. On what ground did you object to that kind of publicity? Why was that not consistent with your bureau, if you say it was not?

Mr. CLEVELAND. The thought was that it was—well, in the first place—it was in direct violation of the instructions of the board of trustees, which had taken this matter up and considered it in committee and decided against it.

Commissioner COMMONS. I am trying to get at the reasons.

Mr. CLEVELAND. As to what were the reasons that moved the board of trustees, I can only tell you of the discussion that took place at the meetings at which I was present. I was not present and did not take up with the committee the question in its deliberations, but the reason advanced at that time was that while it might be effective, and very effective, it would tend to give to the public a wrong idea about the methods and purposes of the bureau; that it was reaching out for publicity and that it lent itself more directly to hostile criticism than it did to constructive purposes.

Commissioner COMMONS. Now, take up the investigations or methods of investigation or subjects you refer to.

Mr. CLEVELAND. You mentioned the management of the training school. The training school was organized for the purpose of giving men who were just out of engineering or technical schools—men who had little or no practical experience, but had laid a broad foundation for a career, and who wished to get into public work in one capacity or another, such as an investigator or employee of the Government, or an employee of one or another of those citizen agencies that exist in this country having a public interest. The thought was that this would give men an opportunity to get in touch with public problems and Government work, and of working with men who were working on those problems or working under them. In other words, it would be a laboratory or clinical process of studying government. Now, as I said, the whole theory was that these men would work under direct supervision of those who had assignments on the staff, and when I came to get into active contact with that part of the management I found only a small percentage of the men had been so assigned; that most of them were working independently and many of them were employed on assignments wherein they were to be used directly as the persons to make the report, and whose reports were to be relied on as basis for bureau action.

I raised the question about this as a matter of policy, and I found that Mr. Allen and I could not get into an agreement on the matter. As illustrating the character of assignment which has been made by Dr. Allen, and it illustrates both that the person was not assigned to work under a member of the staff who had his report to prepare—a technical or expert report to prepare as a basis for a conclusion, and also illustrates assignments to a subject that to my mind was entirely foreign to the purpose of the institution. This assignment to Mr. Taylor——

Commissioner COMMONS. How much experience had Mr. Taylor had?

Mr. CLEVELAND. Mr. Taylor had had the experience of a law clerk, I think, before he had come in there, and had had a college education. He, by the way, was exceptional in that he had had some experience. But this was the assignment [reading]:

"For the next few months there will be a great deal of discussion of the possibilities of destroying or rehabilitating Tammany Hall. Talk of destroying Tammany Hall is probably absurd. Talk of rehabilitation is equally absurd unless they go further than the making up of the men at the top. So far as I know there has never been a suggestion that the charter of Tammany Hall be qualified or repealed so as to give its membership a voice in the management and more particularly a guaranty of complete publicity. It has no publicity as to what has happened. Please look into this thing and report when you see your way out as to the possibility of so reorganizing Tammany Hall by charter and by publicity provisions that it will become a veritable bureau of municipal research, plus training school for public service, plus clearing house for adequate community relief discussion."

This is assignment 480 of November 5, 1913.

One of the assignments was almost—which was before us concurrently at the time that we had our discussion.

Another assignment made on the same day to a Mr. Zeiger; the assignment is as follows:

Commissioner COMMONS. How much experience had he?

Mr. CLEVELAND. He was a man, as I recall it, just out of college. I have a list of the men with their experiences here if you would care to have it in the record [reading]:

"The portion of Mr. Shroeder's letter hereto attached which speaks of fish in Iceland. Take steps to see whether it would be possible for American shippers to have fish come from Iceland."

It was thought that that was in the nature of an expert problem in the first instance for which Mr. Zeiger was wholly disqualified, or not qualified, and second, that it had nothing to do with the purpose of our work.

Now, with respect to the utilization of the bureau, or of the training-school men, independently on assignments, here are some of the assignments I brought to the attention of the board when this subject was under discussion. This is an assignment to a Mr. Schneider, No. 690.

Commissioner COMMONS. What was his qualification?

Mr. CLEVELAND. Mr. Schneider, before he came to the training school, had been at work for—he was a college graduate and had been at work for the park and boulevards commission of Indianapolis. He had had quite a little of contact with that kind of a problem. This was an assignment that was given similarly to a large number of the men. It was entitled "Help Your City Complainants," the purpose being to investigate complaints. The instructions were these [reading]:

"Please remember that the first purpose of the assignment is to get information promptly, and to suggest remedies."

My objection to that was that the complaints in nearly every instance had to do with more or less technical or intricate parts of the city's business. At least it would require a man familiar with the subjects to know whether the complaint was well founded and what remedy, if any, should be applied. None of these men had any such qualifications, or if they had, their proper place was not in this training school.

Another, to Mr. Talmadge, a man who had just come in and who had had experience, I think, as an insurance broker, or in an insurance broker's office, or something of that kind. The assignment was [reading]: "Re Information Concerning Automobiles Owned and Used by Various City Departments."

The instructions [reading]:

"The purpose of this study is to obtain the facts stated for the use of the bureau. The assignment to get information as a basis for bureau action."

Commissioner COMMONS. We will pass from that. We have not the time to go into it any further.

Mr. CLEVELAND. I would like to say further in regard to this particular man, I brought before the board three assignments of that man, one for the investigation of automobiles, one for the purpose of obtaining information for the sinking fund commission, which will be of assistance to it in considering

requests made by the street cleaning department for renewal of leases, and one for the investigation of municipal buildings, for none of which did he have any qualifications more than any boy that was out of college, and without any assignment to any person to have him work under supervision.

Commissioner COMMONS. Take up the next question of the investigation of the public schools. What have you to say upon the question of the policy and of the method that you objected to?

Mr. CLEVELAND. The methods that we objected to there was the sort of public pickling process that grew out of that was based on one thing and another that had been published or issued either by the board of education or by the persons who had been employed by the board of estimate and apportionment to investigate the board of education, and as a large amount of the publicity which will be submitted to you as you suggest will bear out that subject.

Commissioner COMMONS. Now, on what date did you first get this matter of criticism?

Mr. CLEVELAND. Before I leave that may I say one word?

Commissioner COMMONS. We only have a very few minutes, and we will have to take that up, as I say.

Mr. CLEVELAND. I wish to call attention to the incident of my having been forced to apologise to the court of the city of New York—the supreme court—for a kind of statement that was gotten out reflecting on them, which was one of the things brought before the board.

Commissioner COMMONS. You may file that, if you will.

Mr. CLEVELAND. Be very glad to have it.

Commissioner COMMONS. What was the date when you first took up these matters of criticism, or when it was first taken up?

Mr. CLEVELAND. They were first taken up when I was still employed on the custombouse work and only occasionally at the bureau.

Commissioner COMMONS. What date was that?

Mr. CLEVELAND. Along in November and December of 1913.

Commissioner COMMONS. What did you take up then?

Mr. CLEVELAND. I was still—had the responsibility of a director, although I was not active in the management. I took up a number of these questions that I have referred to at that time and discussed them at length with Mr. Allen, and also participated in the controversy. I say participated in—was present at conferences concerning the controversies between Mr. Allen and Mr. Bruère.

Commissioner COMMONS. Have you any correspondence relating to that?

Mr. CLEVELAND. There was no correspondence.

Commissioner COMMONS. What was the next date at which you took up anything?

Mr. CLEVELAND. Then, after January 1, Mr. Bruère having resigned and I having been made free for active work, when I came into the active management or responsibilities there we had almost daily conferences on various things; and I found, after some two months and after six hours of conference on the 28th of February, that there was no possibility of Mr. Allen and me agreeing on any question that had to do with the work or the management of the work of the bureau of municipal research; and on the next day, which was Sunday, March 1, I wrote my letter of resignation and submitted it on the 2d.

Commissioner COMMONS. What action was taken by the board on your letter of resignation?

Mr. CLEVELAND. It was sent to the chairman of the board. The chairman of the board asked me—there was nothing said in it reflecting on Mr. Allen—asked me why I was resigning, and I told him, as I had indicated in the letter, that I had other work to do. And he said that he was very much disappointed, and he felt that the other members of the board would feel very much disappointed that I would go away from them, when Mr. Bruère had already gone out, and they had been depending on me to help out; and I said, "If you are going to put me in the position of running away from responsibility," I said, "the board will have some questions to decide." And he wanted to know what I meant, and I told him these questions of policy could not be agreed on and that the bureau of municipal research, as I understood, was composed of the board of trustees, and that Mr. Allen and I were only employees; and that its policy should be determined by the board and, so far as I was concerned, they would have to determine it if I remained. Then he wanted to know if there could not be some arrangement made similar to that which first obtained the first five years, under which we would have a division of responsibility; and I

said I had tried to talk out with Mr. Allen various possibilities in that line, and said I was ready to take any part of it, all of it, or none of it. And then he came to the bureau—this was over the telephone that we were talking—and he sat down with Mr. Allen and me, and on Mr. Allen's motion we agreed to a typewritten memorandum of the subdivision of responsibility, the important feature of which was that I would be given charge of the work of the staff and of the professional and technical work, and Mr. Allen would have the training school. That lasted 24 hours. It is unnecessary to say what happened, but it was found that my orders were being countermanded, and the only thing to do was to put it squarely up to the board. And on the 24th of March the board acted on the proposition presented by Mr. Cutting, practically confirming that memorandum, but to no purpose; and the thing drifted along until May 13, when the board finally took its action.

Well, I would say that there was an executive committee meeting, which finally decided on certain questions of policy which indicated very clearly that the board would not support the contentions of Mr. Allen.

Commissioner COMMONS. Was that after the arrangement was made with Mr. Rockefeller?

Mr. CLEVELAND. Mr. Rockefeller—the request sent to Mr. Rockefeller to take up the question of next year's funds, as I recall, was on the 7th of January, but there was no response to that, and no contact with him, so far as I know, except by Mr. Allen, until the 20th of April, when at his request Mr. Cutting met him at luncheon to talk over next year's finances. And while I was not present at that conference, and in fact up to that time had never been in contact with Mr. Rockefeller or any person in the Rockefeller Foundation with respect to any business of the bureau, Mr. Allen having done all those things, I was present at a conference immediately following Mr. Cutting's return to the bureau and telling Mr. Allen and me what had happened. Mr. Cutting stated that in taking up this question of funds that Mr. Rockefeller had said that he was just as much interested as he ever had been in the work of the bureau, as originally planned, and as he understood it was being carried on pursuant to the policies of the board until comparatively recently—within a recent period. That during that time the bureau had branched out on a lot of things—a number of things—with which he was not in sympathy; that if there could be some way devised whereby he could know what he was contributing to, that he would be very glad to consider a contribution for the next year, and he did not wish to be considered as having stated arbitrarily that he would not contribute in any event, but that he did not feel like contributing to things that he did not have any interest in; and in that he referred to the questions—the very questions—of publicity, of the use of the training-school men on service, which had come to his attention through the reports that had been made by the training-school men, and with respect to the—well, what was called the outside work—the use of the large part of the staff for work outside of New York.

Commissioner COMMONS. Getting back to my first question. Suppose the influence of Mr. Rockefeller had not come in at this date; do you think the policy of the bureau would have been changed in the same way as it has been changed?

Mr. CLEVELAND. May I say on that point exactly what Mr. Cutting said on that matter?

Commissioner COMMONS. He said it had not been, but I want to know what your idea is.

Mr. CLEVELAND. Well, the affairs to which the policy of the bureau—the distinguishing policies from practices—must necessarily be a matter for determination by the board. But Mr. Cutting on that day said that he told Mr. Rockefeller that he had not raised a question that had not been prominently before the board and on which they had committees at work, and that so far as he could find out that a question of that kind had already been determined in the minds of the board of trustees. Furthermore, that the expressions of meetings at which I was present showed conclusively—that is both before and after this period—that every member of the board, before this discussion arose, was firmly convinced on the subject and had firmly determined as to what his action would be with respect to making the recent practices square with what they understood to be their continuing policy.

Commissioner COMMONS. Did you put up to the board the issue of either you or Allen getting out of the board?

Mr. CLEVELAND. I only resigned. At that time I did not know how the board would stand on any question of controversy between me and Mr. Allen. He had been here all of the time and I had been away except for the last two months, and I assumed they were quite familiar with the things I had objected

to in the private conference with him that had not, up to that point, been brought up openly in the board; and therefore I resigned.

Commissioner COMMONS. Was this a personal issue between you and Dr. Allen, or was it based on a question of policy?

Mr. CLEVELAND. Absolutely on a question of policy. We never had any question of personal issue except one growing out of the methods of work and the practices that had grown up under Mr. Allen's management.

Commissioner COMMONS. That is all.

Chairman WALSH. That is all; thank you, Mr. Cleveland.

(The letter and statement previously submitted by Mr. Cleveland are as follows:)

BUREAU OF MUNICIPAL RESEARCH,
New York, February, 2, 1915.

Hon. FRANK P. WALSH,
Chairman Industrial Relations Commission, New York City.

DEAR SIR: Mr. William H. Allen, who is employed by your commission, has issued to the public and there have been injected into the proceedings of your commission statements that reflect on the integrity and professional character of myself and my associates in the bureau of municipal research.

I therefore ask that you incorporate the inclosed statement of facts in the record of your commission; and, in order that there may be no ground for charging misrepresentation or unfairness, I ask that I may be sworn as a witness and examined under oath.

A copy of this request is being sent to each member of your commission.

Very truly, yours,

F. A. CLEVELAND, *Director.*

STATEMENT OF FACTS.

THE ORIGIN OF THE BUREAU.

The one novel idea in the organization of the bureau of municipal research (the continuous employment of a staff by a citizens' agency to keep in touch with the Government and what it is doing, and to cooperate in constructive work) had been discussed for many years before 1907. In its issue of March 11, 1901, this was the subject of an editorial in the New York Tribune, which was clipped by Mr. Frank Tucker and sent to Mr. Cutting as something to which he should lend his support. Soon after this a formal proposal to create a bureau or department of civic affairs of the chamber of commerce was prepared by Mr. Tucker and taken up by Mr. Cutting with Mr. Charles Stewart Smith, a prominent member of that body. When Mr. Allen came to New York his assistance was invited. While engaged professionally on work of this kind, Mr. Frederick A. Cleveland became impressed with the need for an independent agency, supported by citizens, which would be equipped to obtain information about the management of public affairs, and follow up and support the constructive measures of public officers. When Mr. Cleveland became a member of the mayor's advisory commission on finance and taxation in January, 1905, he actually employed an outside staff in this manner.

In February, 1905, Mr. Cleveland prepared a written prospectus for the organization of a permanent "Bureau of municipal research," at the suggestion of Mr. Tucker, and placed it in Mr. Allen's hands, with the understanding that he would undertake to raise money for it. This brief was used for some time by Mr. Allen and several conferences were arranged with professional and business men. Later in November, with the help of Mr. Tucker, Mr. Allen prepared a revised statement and circulated it under the title of "Brief for the Establishment of an Institute for Municipal Research."

In the latter part of 1905 Mr. Cutting decided to support the effort at the rate of $1,000 per month for a year, to make an actual demonstration of what could be done; and with this fund Mr. Henry Bruère was employed to take charge of it, taking over on his staff some of the men who had been working with Mr. Cleveland. The work was financed by Mr. Cutting and conducted by Mr. Bruère as the "Bureau of city betterment," a branch of the citizens' union, of which Mr. Cutting was president. The success of the first year's effort led Mr. Cutting to ask Mr. Carnegie and Mr. Rockefeller to join him, and the bureau of municipal research was incorporated in 1907, with Mr. Cutting, Mr. Tucker, Mr. Allen, Mr. Cleveland, Mr. George McAneny, Mr. Richard Watson Gilder, Mr. Edwin R. A. Seligman, and Mr. Carroll D. Wright as trustees. Mr. Bruère was the first director of the bureau. Mr. Cleveland was

brought in as director on the technical side and Mr. Allen was made director in recognition of his ability as a promoter and advertiser.

THE PURPOSE AND POLICY OF THE BUREAU.

The bureau originally undertook to make inquiries into the organization and management of the Government, to find out what the Government is doing, how it is doing its work, and what results are being obtained, without color or bias. This is still the underlying purpose and motive of the board of trustees and of all of the employees of the bureau engaged by them.

In order that there might be no question about the unbiased and disinterested attitude of the bureau in doing its work, it started out with the established policy of first preparing a statement of facts, without comment or criticism; of submitting this statement of facts to the official or to the person responsible for the conduct of the office that was being studied, of taking up with the responsible officer or person any suggestion for change, enlargement, or amendment of the first draft of statement of fact, as submitted. A statement of facts having thus been agreed to, the bureau then undertook to place before the officer its critical and constructive recommendations based on the statement of facts. It also undertook to give to the public officer its report before it gave it to the public, in order that he might take such constructive steps as he might think desirable for the public good before making the report a matter of news. This is still the policy of the bureau of municipal research. During the first five years of the bureau's existence, Mr. Allen had little to do with the research work of the bureau, this being almost entirely in the hands of Mr. Bruère and Mr. Cleveland. During the last three years, while Mr. Cleveland was absent, Mr. Allen had much to do with the bureau's research work, and it was during this period that serious differences developed with respect to the uses which were made of the personnel of the bureau and serious question was raised by the board as to whether the practices that had grown up were in harmony with established policies.

With respect to publicity, Mr. Allen's views have never been in harmony with those of his associates, and within the first year of the bureau's existence a special committee was appointed to define its publicity policy, departure from which has since been the subject of frequent protest.

When Mr. Allen began more actively to participate in bureau work, he first entered the educational field; and in this he not only attempted to go into the various institutional aspects of education, but also to harshly criticise educational theory and the ideals of professional educators. This practice, together with his personal attacks on educators, was the subject of protest by members of the board.

Further questions were raised as between the directors with respect to practices pertaining to the professional-service work undertaken for compensation, management of the training school, office organization and discipline, and other matters, many of which were not brought before the board.

During the period of these controversies, several members of the board of trustees resigned, the last being Mr. John B. Pine, his letter, with statement of reasons, being dated February 20, 1914.

Effective on January 1, 1914, Mr. Burère resigned as codirector.

For two months after January 1, 1914, efforts were made by Mr. Allen's remaining codirector, who had then returned to active participation in the management, to find a basis whereon an agreement could be reached with respect to bureau work, either by a definition of duties or by a subdivision of responsibility, which could be presented as a formal proposal to the board of trustees.

Finding that this was impossible, on March 2, following a six-hour conference on February 28, Mr. Cleveland submitted his resignation to the board of trustees, recommending that the management be turned over to Mr. Allen.

The resignation of Mr. Cleveland brought the chairman of the board into the matter and an agreement, in writing, was made with respect to the division of work, to no avail.

A formal proposal along the same lines was then brought before the meeting of the board of trustees (Mar. 24, 1914) and a resolution was passed defining the jurisdiction and authority of each director, with no better result.

Again the questions in controversy were taken in hand by the chairman of the board, but as it became evident that it was necessary for the board to formally decide matters of policy, the questions in issue were formulated and a meeting was called to pass on these May 18, at which Mr. Allen submitted what he has been pleased to term, "An alternative to the Rockefeller proposal."

FACTS ABOUT THE ROCKEFELLER SUBSCRIPTIONS AND INFLUENCE.

Although Mr. Rockefeller and the Rockefeller Foundation have been among the liberal contributors to the support of the bureau, the total of all the contributions from both sources has amounted to only about 10 per cent of the funds expended. (See "List of contributors," Exhibit I.)

During 1907 Mr. Allen sought to obtain large financial support from the Sage Foundation and the Carnegie Institution, as well as from Mr. Rockefeller.

In May, 1908, Mr. Allen wrote to Mr. Rockefeller, emphasizing the need for a permanent endowment. In November, 1908, Mr. Allen again sought to enlist Mr. Rockefeller and Mr. Carnegie in obtaining large support for the bureau.

From 1910 to 1914 Mr. Allen frequently urged Mr. Rockefeller and his associates to contribute to the bureau.

In 1913 Mr. Allen obtained from the Rockefeller Foundation, on his urgent solicitation, $30,000 for a special investigation to be controlled by him, although at that time Mr. Rockefeller's subscription to the general fund of the bureau was only $2,000.

As late as December, 1913, he stated that he still hoped to get from Mr. Rockefeller an endowment, and cited the fact that he had obtained a special fund of $30,000 a year before as the reason to hope for such a result.

The only contributions to the bureau by Mr. Rockefeller or the Rockefeller Foundation with restrictions attached were obtained by Mr. Allen, and the only difference between the subscription which Mr. Rockefeller made in 1914 (the subject of Mr. Allen's hostile criticism) and the $30,000 subscription of 1913, above mentioned, is that the subscription of 1914 was to the general fund, without restrictions, whereas the 1913 subscription was to a special fund.

The fact that Mr. Allen sought and frequently obtained special funds from Mr. Rockefeller and others, instead of giving his thought and attention to obtaining general funds, the use of which would be for the free determination of the board, was one of the subjects of serious complaint against Mr. Allen by his codirectors.

During the entire period of eight years Mr. Allen was the only one who had any considerable contact with Mr. Rockefeller or his associates in asking for financial support.

During this period Mr. Allen also made various overtures to try to get Mr. Rockefeller to interest himself personally in the management and affairs of the bureau.

In 1909 Mr. Allen proposed Mr. Rockefeller as a trustee and obtained the consent of the board to write a letter to Mr. Rockefeller, urging him to become a trustee, which Mr. Rockefeller refused to do.

It was not until May, 1914, after Mr. Bruère had left the bureau and after questions had formally been raised before the board bringing into issue questions of policy concerning the management on which the trustees could not agree and when, with the resignation of his codirector before the board, there was a disposition shown not to accept it, Mr. Allen made it known that he thought that Mr. Rockefeller was exercising undue influence or that he objected in any manner to Mr. Rockefeller's contributions.

A conference between Mr. Cutting, Mr. Morawetz, and Mr. Rockefeller took place on April 10, in response to a request of Mr. Cutting made several months before, urging Mr. Rockefeller to take up the question of another five-year subscription, the last year of the previous one being about to expire.

Upon the conclusion of this conference, Mr. Cutting immediately reported the conversation to the directors and stated that Mr. Rockefeller had raised question about the publicity and about the policy of the board, but that he had been told that every question he had raised had for some months been before the board, further that Mr. Rockefeller had requested information about certain details of bureau practices, and that he had suggested that he get his information from one of the directors.

On the following day (Apr. 11), at Mr. Rockefeller's request, Mr. Cleveland lunched with him to talk over the bureau's methods and work. At the conclusion of this conference a written memorandum was made and submitted to Mr. Allen, setting forth what questions had been raised and what had been the attitude of Mr. Rockefeller, this being the first conference that Mr. Cleveland had ever had with Mr. Rockefeller about bureau work or bureau affairs.

April 22 Mr. Allen wrote to Mr. Cutting, from Madison, a letter, an excerpt from which follows:

"If it were not for the recent Flexner report, I should feel justified in writing to Mr. Rockefeller and appeal for funds to supplement the menger budget that was voted for this study. * * * It is just the kind of opportunity that those big foundations, which advertise that they are looking for opportunities to serve, ought to take advantage of."

And in the same letter he says that he had asked the chairman of the special committee to study training schools for teachers in New York to "make formal request for help of the general education board and the Carnegie Foundation."

What was heralded by Mr. Allen as a conference on the "Rockefeller proposal" in his published brief under the title "Reasons Why Mr. Allen Believes Mr. Rockefeller's Conditional Offer Should Not Be Accepted" never took place.

The meeting of May, 1914, referred to by Mr. Allen in his brief, was devoted entirely to the questions raised in a memorandum submitted by Mr. Cleveland with a view of getting an "agreement on the main question raised in previous conference," and when Mr. Allen tried to inject his so-called "alternative," he was told that there never had been such a proposition.

SUPPORTING EVIDENCE.

For all the statements of fact given there is supporting evidence in the form of letters, minutes, reports, and other documents in the files of the bureau, except in so far as they relate to personal conferences, in which cases the persons with whom the conferences were held are still in the service of the bureau and are still available as witnesses and may be sworn by the commission and their testimony obtained by the commission under oath.

EXHIBIT I.—*List of contributors to the Bureau of City Betterment and the Bureau of Municipal Research, Jan. 1, 1906, to Dec. 31, 1914.*

Name.	Total contributions.	Name.	Total contributions.
Rockefeller, J. D.	[1]$123,000	Rhinelander Real Estate Co.	$1,000
Cutting, R. Fulton	116,785	Marling, A. E.	700
Carnegie, Andrew	85,000	Harris Forbes & Co.	600
Harriman, Mrs. E. H.	51,500	U. S. Trust Co. of New York	500
Kuhn, Loeb & Co.	41,000	Kennedy, Mrs. John S.	500
Morgan, J. P., & Co.	30,200	Harmon, Wm. E.	500
Filene, Henry	25,000	Osborne & Co.	500
Weil, H. A.	19,000	Chubb, John	450
Van Ingen, E. H.	18,500	Post, Jas. H.	500
Speyer & Co.	15,100	Schroeder, J. H.	500
Whitney, Dorothy	11,000	Mason, George G.	500
Schroeder, G. H. F.	10,000	Pyne, Percy R.	500
Cutler, C. A.	7,500	Kane, John L.	450
Thompson, Col. Robt. M.	7,300	Stetson, F. L.	250
Bacon, Robert	7,000	Chambers, Frank R.	300
Lawyers' Title Guarantee & Trust Co.	7,000	Sohi & Co.	250
Hopkins, George B.	7,000	de Forest, Robt. W.	250
Seligman, Henry	7,000	Bush, Mrs. Wendell T.	250
Title Guarantee & Trust Co.	6,500	Childs Co.	250
Perkins, George W.	5,500	Fourteenth Street Store	250
Borowitz, Victor	5,000	Greenhut & Co.	250
Bankers Trust Co.	5,000	Greenough, John	250
Baker, George F.	5,000	Kingsley, D. F.	250
Ellis, Susan D.	4,100	Lord & Taylor	250
Guggenheim, Murry	4,000	Mitchell, S. C.	250
Vanderlip, F. A.	4,000	Simpson, Crawford & Co.	250
Schiff, Jacob	3,000	Smith, Howard C.	250
Schiff, Mortimer L.	2,500	426 other individuals and organizations	191,000
Day, Joseph P.	2,200	George W. Perkins, treasurer T. S. P. S.	120,000
Opdyke, L. E.	2,150	Total	940,434
Reed, William A.	1,500		
Greenhut, Siegel-Cooper Co.	1,250	DISTRIBUTION BY FUNDS.	
Blackwell, W. B.	1,000		
Davison, H. P.	1,000	New York City, general	677,451
Mercantile Trust Co.	1,000	New York City, special	70,125
Seligman, I. M.	1,000	New York State	11,125
American Exchange National Bank	1,000	Professional services (paid for)	161,750
Seligman, J. W., & Co.	1,000	Training schools for public service	120,000
Martin, Bradley, Jr.	1,000		
Warburg, Felix	1,000	Total	940,434
Dodge, Cleveland H.	1,000		
Bliss, Mrs. W. H.	1,000		
Vanamee, George	1,000		

[1] Includes $30,000 disbursed by the bureau for the Curran committee police investigation.

TESTIMONY OF MR. ROBERT W. HEBBARD.

Chairman WALSH. Your name, please.

Mr. HEBBARD. Robert W. Hebbard.

Chairman WALSH. Where do you reside?

Mr. HEBBARD. I reside in Albany.

Chairman WALSH. What is your business?

Mr. HEBBARD. I am secretary of the State board of charities.

Chairman WALSH. How long have you held that position?

Mr. HEBBARD. I have held the position altogether about 16 years, and 4 years was commissioner of public charities in the city of New York ad interim.

Chairman WALSH. Was it immediately prior to your service at Albany, Mr. Hebbard?

Mr. HEBBARD. No; it was after I had served a number of years at Albany; after I had served 10 years at Albany.

Chairman WALSH. Are you a member of the American Social Hygiene Association?

Mr. HEBBARD. I am a member of the board of directors.

Chairman WALSH. We have been directing a part of our investigation to any possible influence that may have been exercised upon any of these organizations by the donors of money to the same, and Mr. Manly advises me to say to you, please, that we are limited in time, and if you have any such in your knowledge kindly give it to the commission in your own way.

Mr. HEBBARD. The American Social Hygiene Association is an amalgamation of the American Association for Sex Hygiene and the American Vigilance Association. Dr. Morrow started the American Association for Sex Hygiene, which went into this amalgamation something like a year and a half ago, as near as I can remember. The agreement was that 14 members of the board of directors of the sex hygiene association and 7 members of the vigilance association should form the board of directors of the new organization, the intention being to have the federation policies control the work very largely. Dr. Eliot was elected president. Very shortly after that he appointed an executive committee, which virtually has charge of the work. That executive committee was, however, not truly representative of that agreement. It contained on its membership Mr. Reynolds, Dr. Snow, Mr. Greene, Mr. James—Mr. Reynolds, Mr. Greene, and Mr. James being connected very directly with the Rockefeller interests.

Chairman WALSH. Jerome D. Greene?

Mr. HEBBARD. Yes—and Miss Dodge, myself, and a Dr. Keyes. Very presently after that Dr. Eliot appointed Mr. Reynolds and Dr. Snow—or about that time—to pay positions in the service of the association, Mr. Reynolds as counsel and Mr. Snow as secretary. Mr. Reynolds being paid $9,000 and Dr. Snow $8,000 a year. This was contrary to the membership corporations law of this State, which forbids any such appointment unless the by-laws of the organization so provide, or unless the board of directors by a two-thirds vote so provides. I pointed this out in a letter to Dr. Eliot and also pointed out the fact that the executive committee was not truly representative of the board of directors, upon which I became immensely popular with the organization.

This matter ran on in this way for about a year until finally I notified Dr. Eliot that unless the matter was properly settled it would have to be taken to court. That as secretary of the State board of charities of this State I had a great deal to do with the management or supervision of the management of membership corporations, and that I was placed in the very embarrassing position in continuing to be a member of a board of directors of an organization which itself was violating the specific provision of law, and as a result of that, within about a month a meeting of the board of directors was called and the payment was legalized.

Now, I presume that Mr. Manly wishes me to testify with relation to certain action taken by Mr. Greene.

The federation for sex hygiene had always had the union label on its paper. But at about the first meeting of the executive committee Mr. Greene very strongly objected to the union label continuing on the paper. It was explained to him that we desired to secure the cooperation of labor people generally in this work of sex hygiene, and that in order to do that it had been deemed necessary to have the union label appear on the paper. He finally compromised by agreeing to allow it to appear on the paper that was used for correspondence with the labor unions.

The net result of this amalgamation and action is that the funds of this organization have been practically used up. There was a guarantee fund for three years that amounted to about $100,000. The funds are now practically gone. The organization is absolutely in the control of Mr. Rockefeller's lieutenant, and the board has its hand out to Mr. Rockefeller for money to keep the organization going.

Chairman WALSH. Will you kindly make a written statement, Mr. Hebbard, of anything in addition now that you have in mind that will have a bearing upon the same subject, so that I may ask but one or two other questions? Do you understand that at the insistence of Mr. Greene this whole board adopted this policy of sending out letterheads only to the unions with the union label on, so that they might expect their cooperation?

Mr. HEBBARD. That was a concession granted by Mr. Greene, I should say.

Chairman WALSH. And that was the policy adopted thereafter—they sent out letterheads that went to the unions particularly with the union label on, so that they might get their support, and all others they sent out without the union label?

Mr. HEBBARD. That, as I say, was the policy adopted. I am very doubtful whether any paper has since been printed with the union label on it. I have not seen any myself.

Chairman WALSH. If it were so done, Commissioner O'Connell would want to know what percentage of your general printing would have the union label?

Mr. HEBBARD. I could not say.

Chairman WALSH. Did Mr. Greene say what he objected to in the union label being on the stationery?

Mr. HEBBARD. He said it was undemocratic.

Chairman WALSH. Ladies and gentlemen, we must have perfect order.

That is all, thank you. You may be excused.

TESTIMONY OF DR. WILLIAM H. ALLEN—Recalled.

Chairman WALSH. Your name?

Dr. ALLEN. W. H. Allen.

Chairman WALSH. And you have already testified that you were formerly a director of the board of municipal research?

Dr. ALLEN. Yes, sir.

Chairman WALSH. Now, were you present when Mr. Cleveland testified here this morning, Doctor?

Dr. ALLEN. I was not present.

Chairman WALSH. I am going to ask you, if you will, because we are hurried for time, not to refer to any personalities of any kind, but from your experience state what fundamental suggestions you have with reference to these foundations, from your inside experience and your observation as an investigator from the outside, and your reasons therefor, it being the understanding that we adjourn very close to 1 o'clock.

Dr. ALLEN. We have had sent to us a vast amount of material from the various foundations, and we have had written answers to a thousand or perhaps several thousand questions. It has been possible from original data that have come in to see the inside workings of some of the present foundations as has never been seen by me before even though I have been studying these matters for some time.

I have put together and just had placed on the desks of the commissioners some suggestions which I had thought in order for this particular question to make to the board this morning.

Chairman WALSH. I wish you would read that aloud into the record, and make your comments upon the same as you go along.

Dr. ALLEN (reading):

"1. That all philanthropic agencies engaged in interstate philanthropy or investigation be required to secure a national charter and be made subject to inspection and supervision by the National Government.

"2. That no charter be granted to fewer than seven incorporators, and that the number of members be not reducible below a minimum of seven.

"3. That changes in the number of trustees above the minimum of seven be made only after advance notices of intention to change to the proper Government office and to the public."

One reason for that was that the last two members of the Rockefeller Foundation, President Eliot and Mr. Hepburn, had been added, without compliance

with the laws of the State of New York, and by an informal decision, without, as Mr. Greene stated in theh testimony, formal consideration or any formal procedure. If nine may be increased by two, nine may be decreased by two or four or six by the same process.

Chairman WALSH. So that would leave a board, if thought proper, to consist of three?

Dr. ALLEN. Easily. [Reading:]

"4. That the chairman of every such corporation require that the corporation work on the budget plan; that modern business principles of organization and procedure be followed.

"5. That the corporation budget may be voted by not fewer than the minimum number of incorporators.

"6. That annual reports be required not only of cash in and cash out, but of work done and not done; whether income has been spent or allowed to accumulate; the returns and rates of return from each investment and from bank deposits."

For example, we have been referred to one set of securities which have suffered very great decline since they were given to one of the foundations.

Mr. WALSH. What are they?

Dr. ALLEN. Particularly the pipe-line securities of the Rockefeller Foundation.

Chairman WALSH. What pipe-line securities?

Dr. ALLEN. Well, there are several; they vary, six or seven pipe-line companies.

Chairman WALSH. All carrying pipe lines?

Dr. ALLEN. Yes, sir. After the decision by the Interstate Commerce Commission that the pipe lines were common carriers there was a very great decline, and that suggested the possibility of a great shrinkage in securities, which shrinkage, for the protection of the public and for the protection of the directors, should be made concurrently known to the public. It is also important for the public to know whether bank deposits, as mentioned here, for example, are receiving the interest rates that might be received from wise investment. [Reading:]

"Opportunities met and not met; a number of meetings, and the attendance or absence of each member at each meeting of the board and of standing committees."

These are suggestions from the annual report. [Reading:]

"The organization of the corporation, its committees, and staff for the preceding year."

For example, there is nothing in the report of the Rockefeller Foundation from 1902 to 1914 to show who the executive committee are, and to show the fact which might easily develop into a very important fact in the future.

Chairman WALSH. You mean the General Education Board?

Dr. ALLEN. The General Education Board.

Chairman WALSH. You said Rockefeller Foundation.

Dr. ALLEN (reading): "And might easily prove important" that the control of this board is with a personal staff of the donor.

"The cost of each kind of work and of each important undertaking."

That, I think, is a very important beginning. Vast sums of money are being spent for investigation of various kinds, and if a foundation tries to put out a conflagration with an atomizer it is well for the public to know just how much energy has been put into one of its studies, and that is the only way to tell whether the foundation is properly grounded. [Reading:]

"7. That the number, character, and purpose of the applications received, but not acted upon favorably, be reported and accompanied by a statement that all applications have been read and accounted for; the failure to read an account for all applications to be reason for a special examination and report by the Government."

The information which in the last 20 years has gone into Mr. Rockefeller's wastebasket without being read, and has gone into Mr. Carnegie's wastebasket without being read, if stated to the public in the United States, and if a few thousand dollars had been spent upon circulating it, would have done infinitely more than has been done by the tens of millions that have been put into the so-called benefactions and into the foundations.

This statement I have made frequently both orally and published it years ago, and have proved it, I think, by analysis of one giver's mail for one year, and proved it again by information that we are getting in our returns here.

it is absolutely impossible with its present organization for the Rockefeller Foundation with its hundreds of millions of dollars if it is getting the mail which it is stated comes to Mr. Rockefeller, it is a physical impossibility for the present organization even to read the letters, to say nothing about studying them and analyzing them. [Reading:]

"8. That interlocking directorates be prohibited whether within a group of foundations established by one donor or between independent foundations; and that where donors wish to have the same man or men on several foundations, such donors be required to act under a single charter so that the ultimate control and responsibility will be constantly advertised."

Chairman WALSH. What do you say as to the explanation that was made for having interlocking directorates, that it was difficult to get men in the country that had sufficient information, and that the persons so selected were among the few that had that information and were broad enough?

Dr. ALLEN. It dates back to the too much reading of the divine right of kings, and is absolutely without warrant in fact. No effort has been made to increase the number. Any analysis of comparative work done by the organization will show that interlocking enervates and subtracts from vision and effort to do.

Chairman WALSH. You may proceed.

Dr. ALLEN (reading):

"9. That no foundation be chartered for the purpose and with the power of giving away money to any organization of individuals or to any college, civic, charitable agency, etc.; that only agencies be chartered which will direct the spending of money given away and assume responsibility for the efficiency and safety of the results, or if this proposal is too radical for immediate consideration."

It is not Mr. Carnegie who is pensioning the teachers of this country. It is the teachers of the country that are pensioning Mr. Carnegie. There is a conception of wealth stated by one man who said that "I do not own a hundred million, I owe a hundred million." And he kept on owing the hundred million so long as he is in the open, doing work, finding work for others, delivering the goods. He owns money when he sits back and retires at 40 or 50, gives 100,000,000 here and 50,000,000 there for other people to seek.

It is to enforce that, to keep men who have power to serve serving, instead of putting them in a position to withdraw all this energy from business and to affect the men, the freedom of energy that others may put into the business, I am recognizing a distinction there between a man giving away money and a man establishing a foundation. If you say to this country Mr. John D. Rockefeller's secretary does not want us to do away with the union label, there is hardly an organization in the country that has the nerve to withdraw the label, but if, however, you say the secretary of a great national organization, a great foundation, with all the $100,000,000 that it has, wants that, at once you put a stopper on which will prevent analysis and free discussion of the facts involved.

This suggestion is that we simply not in any way limit a man's freedom to give. Freedom to give in the guise of a foundation is nothing more than a personal giving, and no one should have a right to exempt his fortune, or any part of his fortune, from taxation, because he calls it a foundation instead of personal. [Reading:]

"10. That for the same reason employment agencies are prohibited from running lodging houses and mine operators from controlling railroads, no agency be chartered for the double purpose of giving away money to colleges, civic agencies, etc., and at the same time for investigating this prohibition not to include agencies which have made special appeal for gifts of money."

There is no time this morning to go into facts in connection with this, but it will develop from the statistics given of the work of the great foundations, and which are current throughout the country, which scientific men and students and workers know are absolutely untrue, but they are afraid to say they are untrue, because they all want some of that money. [Reading:]

"11. That all national charters include provision for public examination of records, subject to reasonable restriction, such as control citizen inspection of governmental records."

The Rockefeller Foundation sent us a list of its contributions, but there is one contribution which has been listed that does not appear in the present investigation or included in the gifts sent to this commission. It is an omission, but it may not be an unimportant omission; but if we had time there

are other reasons that might be given for the necessity of auditing and making it possible for closer supervision in order to see that these statements are correct. [Reading:]

"12. That in order to insure periodic comparison of work done by foundations with opportunities for service which have been presented to them, and in order to keep the burden of proof upon the foundations rather than upon an unorganized, unwatchful, and generally uninformed public sentiment, the life of a charter be limited to 20 years (suggested by Julius Rosenwald), renewable by the same process as originally granted it."

It makes all the difference in the world upon whom the proof is put. It is not to the interest of a foundation to ask for the withdrawal or appeal or amendment of its charter. Put it the other way around and say that the foundation must come back to the public and find out whether or not it should be continued, and it seems to me that the suggestion for periodic analysis would be a good thing. [Reading:]

"13. That the distribution of endowment funds or other funds not intended for current distribution be made only after notice has been given to the Government or public officers as to the intent to distribute, and as to the particular proposals for distribution."

In these charters we find it is left with the members of the foundation to decide as to the distribution of the funds, and if to-morrow the Rockefeller Foundation wanted to give away $100,000,000 that would be its own business, and they could do that before the public would know anything about it. [Reading:]

"14. That any findings of fact regarding public or private agencies or officers be submitted to such agencies or officers for confirmation or modification according to the truth before being finally incorporated in a report for the public or for the governing board of the corporation."

It is a pretty serious thing for a public official, say, out in Washington or Wyoming to find that a New York City newspaper and other papers all over the country have published unchallenged remarks in the annual report of a great foundation which he has never had a chance to protect himself against. [Reading:]

"15. That the fact base of all generalizations and proposals made with regard to the fields involved in such proposals be clearly stated, together with the proposals, namely, how many men were seen; how many records were examined; how long the investigation took; what conferences were held," etc.

"16. That each national charter require that all facts regarding matters to come before trustees at board meetings or before committees authorized by the board be submitted to trustees or committees at least 10 days in advance of meetings, and that all reports of action taken by committees be reported to trustees not on such committees immediately after such action is taken, and that consideration of any matters which have not been so reported to the trustees in advance be prohibited except for emergency reasons to be spread upon the minutes of the board.

"17. That membership by officials or employees of National, State, or city governments or bodies upon the boards of foundations be prohibited on penalty of forfeiting the foundation charter, and that when trustees are elected to public office they resign their trusteeship."

You can draw a map of the United States, and there are scores of men that can not say out loud a thing about the general actions of foundations or their relations to his particular State or section, because they are members of big national foundations, college presidents here and there, etc. [Reading:]

"18. That charters specifically prohibit foundations or officers speaking for foundations from recommending or urging the appointment of individuals to public or private offices, such as membership on boards of education, presidents of colleges and universities, professorships, and further require that all recommendations by officers in their individual capacities with respect to fields within the foundation's scope be reported to the trustees in writing and made a permanent record."

The secretary of the General Education Board told two of us for this commission that he has kept trying for the last 13 years to prevent people putting him in the position where he must make decisions for them with regard to prospective employees. Four heads of four great national foundations, in position to give or withhold money from local organizations in this city—in position, through interlocking directorates, to determine progress or retrogress by use of money all over the United States, and particularly in this city—sent to the

mayor of the city of New York, and got other men to send a protest against reappointing to the board of education its president. It makes no difference who the man was; I am not interested in the man; he may have been the right man or the wrong man; but the point is that those men never saw him; they could not pick him out in this room, and they had not studied his work, and they were men who could not pass a mark of 13 per cent on the big questions involved in what they were protesting against. Now, if that can be done in New York City, it can be done in Madison or in San Francisco, and whether they do it by the form of signatures or letters, it is but a detail, and if you ask them why they do it, they will say that they are exercising their rights as free American citizens. I am suggesting that when that right is exercised, and the foundation's name or the name of the general board is used to give momentum to that statement, the facts should be made of record, so that when the report comes in and is examined it will be found that the trustees or the executive officers have been negotiating their prestige in the community to that extent. [Reading:]

"19. That charters be refused where a majority of incorporators are of the personal staff of the donor or are responsible to the same men or institution; and that charters be withdrawn when a majority of a foundation's members or executive committee become of a donor's personal staff or of a single organization."

The General Education Board started with one member of the donor's staff on its executive committee. To-day the majority are on the executive committee. Two others are salaried officers, and the last is so intimately personally connected that practically the full control is in the personal paid staff; it happened in this case to be one donor. It was stated here the other day that men who had been chosen to fill the places of the great men who were acting without salary were men of similar kind. They are not. They are paid secretaries and officers who are in the donor's personal staff. For the same reason the Rockefeller Institute—the powers were originally given to the technical men who are honest and supposed to stand for it, but they have been delegated back by the process known as "Indian giving"; they have been delegated back to the trustees in the personal staff of Mr. Rockefeller. As the letter reads, "the powers that usually go with the directors of such a corporation," and it is to prevent that happening, after the donor has gone, and to prevent the control under any one executive management that I suggest this nineteenth proposition. [Reading:]

"20. That an outside vote upon persons proposed for membership be provided, but that this vote be by representatives of the public or by persons chosen by public officers, and not by specific officers of private agencies, such as those named in that bill.

"21. That, in view of the European war, this investigation be continued to include a thorough investigation and report as to the use made by the Carnegie Peace Fund of its funds and opportunity between the time of its founding and the outbreak of the European war."

And, finally:

"22. That such recommendations regarding foundations as are finally adopted by the Commission on Industrial Relations be specially placed before the following officers of every State—governor, executive officer responsible for supervision of charitable agencies, executive officer responsible for supervision of education, and attorney general."

Chairman WALSH. Perhaps you had better go ahead; I have some other questions to ask, but you had better go ahead now and make what further statement you desire to make.

Dr. ALLEN. The interlocking of directors and donors has been pointed out. The interlocking of directed and donees needs to be pointed out, because it is more important. No sooner does one of the great foundations turn toward or against a man or an institution than veritable hordes of people or institutions needing money or favor also turn. Newspapers turn. Subordinates turn. And the response is quicker, too, in the field of philanthropy and education than ever it was in the field of business, because dependence is more communicative than avarice.

If the Rockefeller Foundation were to invite Mr. Lawson, of the United Mine Workers, to serve on its board, trade-unionism would be introduced in the course in ethics, physiology and biology, and economics in 300 colleges almost overnight and preached from 10,000 pulpits.

Interlocking loyalty of this endless-chain kind is at work, and will always be at work in spite of the best safeguards that can be devised, until chartered foundations are forbidden to give away money. I give two illustrations of such interlocking loyalty, one of family interlocking and the other of foundation interlocking. The family tangle is as follows:

A distinguished investigator is made head of the Rockefeller Institution for Medical Research; his brother goes to the Carnegie Foundation and makes a study of medical education, which maiden effort is thought by the Nation, including most medical men, to have been done by his much advertised and much deserving Rockefeller brothers; a sister works for a local agency, the public education association; the younger brother helps this board and goes on this board. The flocking of birds of a feather and the family connection puts them on a Rockefeller pay roll; added reason for helping the local society, added cohesion of Carnegie and Rockefeller boards. The result is that without leaving the family it has already become impossible practically for Bryn Mawr, or the New York School of Philanthropy, or for men intimately connected with the Rockefeller Institute to question, criticize, or frankly discuss part of the work of the Rockefeller Foundation, which is done by one of the two salaried investigators, but it is equally impossible for them to discuss frankly and openly any other Rockefeller activity.

The foundation tangle is illustrated by four pages of the December number of the Educational Review. I call your attention to the following: First, to an advertisement on the back cover. Second, to an earnestly recommended course of reading in the fundamental principles of American government, on the inside of the back cover, and to an editorial note. This editorial note is on page 538.

This journal is nominally an organ of Columbia University, a largely endowed institution, whose annual tax exemption is many times as much as would be required to conduct an organ of complete independence for telling the truth about the program and work of great foundations, with enough money left over for currently publishing fundamental principles of American government and fundamental principles not yet formally expressed by government.

The editor is the president of Columbia University, who has a list of advisory editors not named in this issue. Its clientele is described on the back cover advertisement as follows: "Every prominent student of education, both in the United States and in Europe; representative students of education, catholic in sympathy; the broadest and most able of American periodicals devoted to education."

To this influential body, which is said to contain not only part but all the cream of educational leadership, and to their classes of teachers and students, the following list of seven books is "earnestly recommended to those who wish to understand the full significance of the grave changes that are constantly being proposed in American social and political life, the effect of which, if entered upon, will be to convert a representative republic into a socialistic democracy." The words beginning with "earnestly recommended" are quoted by me. The list is as follows:

President Butler, of Columbia University, "True and False Democracy," and "Why Should We Change Our Form of Government?"

Grover Cleveland, "Presidential Problems," that cover, inter alia, "The independence of the Executive, the duty of the Government in the Chicago strike in 1894, etc."

President Lowell, of Harvard, "Public Opinion and Popular Government."

E. P. Oberholtzer, "The Referendum in America."

Senator Root, "Experiments in Government and the Essentials of the Constitution, with Clear Exposition of the Folly of Tampering with Them."

Ex-President Taft, "Popular Government: Its Essence, Its Permanence, and Its Peril."

Of six authors, one is dead; four of the remaining five are on Carnegie Foundations; two of them are heads of Carnegie Foundations. The editor of the magazine, and author of two of the seven books recommended, is also head of the Carnegie Peace Fund, of which Mr. Root is also a member.

A mere glance at this announcement shows that on the heads of the philosophy here earnestly recommended and on the motives which prompted that selection of works on the fundamental principles of American government there can be no peace that is worth having. The point of view can not adequately direct a peace fund, for it has not human reasons enough for peace to see the opportunities of a peace fund.

In this one picture we have the foundation tangle, Carnegie Foundation, Carnegie Corporation, Carnegie Peace Fund, Columbia University, and Educational Review. Every prominent student of education in the United States and in Europe and the endless chain of contact between people who have money to give or withhold and people who can not render the public service they want to render without money.

I hope that this commission will ascertain whether foundation money or money given by persons within or responsible for great foundations is being spent to publish and circulate this course of reading, calculated to postpone international and within-national peace.

Again, the editorial note on page 538 illustrates not only the foundation tangle, but illustrates a journalistic and foundation prostitution which is more injurious to mankind than the prostitution upon which Mr. Rockefeller's bureau of social hygiene has been working four years.

This first note has to do with the very core of the questions which have been before your commission the past three weeks. [Reading:]

"Certain educators, not named but known by name to the readers of this magazine, are referred to as educational 'sappers and miners,' and as 'third-rate men,' whose school surveys have for the most part 'been dismal and costly failures.'"

These sappers, miners, and third raters are contrasted with the notably helpful and constructive educational inquiries and surveys "recently completed in and for the State of Vermont."

These jibes, which would be libelous if names had been mentioned, are particularly directed against a group of educators who conducted the New York school inquiry and who are here contrasted with the great superintendent who, as stated on the next page, "has always had clearly in mind the interests of the children and the schools that are provided for their training."

This editorial note does not say that the editor of the magazine, who is the presumptive author of the editorial, is also member of the commission whose Vermont report he commends and of the foundation, which at the commission's request, made the investigation and the report; nor did he say that the superintendent mentioned is also editor of this journal, but frequently affects its unsigned position, but was indorsed for the presidency of the college of the City of New York by the Carnegie Foundation president; nor that the editor of the magazine knows that the city's superintendent opposed the New York school inquiry and has opposed one advance after another for 20 years; nor that both the editor of the magazine and president of the Carnegie Foundation know that it would be hard to choose a less equipped man for the city college. But interlocking loyalty must praise or blame according to "follow the leader."

I can say, and I can say with a smile in my heart, that if I live 100 years, I am going to have to pay, in social connections in personal connections, and in professional connections for talking even as I am talking here to the officers of this commission, but I can not let these things go unchallenged.

But they speak of all these sums including millions and millions yet to be contributed, perhaps as the results of the efforts of the General Education Board. In the totals for the period ending June 30 are included for farm demonstration, and so forth, totaling $140,000, nearly one-fourth of all they have given in the 13 years which was to be spent during the current year, and which fact was not reported in the public statement. Even for spending a considerable portion of this sum no plans have as yet been made.

Although the board's part in several of the activities was not that of initiator or responsible agent, the headlines for the publicity items, which means headlines suggested to editors, read like these: "The Boys' Corn Club movement," "The Girls' Canning Club movement," "Educating the negro," "Farm demonstrations," "$117,000,000 dedicated to education," and so forth. I have these heads put on just to show us the nature of the heads. Mr. Ivy Lee testified he prepared the headlines on publicity. These are suggested headlines for editors all over the country, and they do not speak of Mr. Rockefeller's "part with reference to" the Girls' Canning Club, or the Boys' Corn Club, or the $117,000,000 dedicated to education, although by far the greater part of that was given by other people. But the report itself reads, on page 17, that "The board has initiated several distinct, though related, lines of activity which will be described in this volume." Not one of the activities described was initiated by the board.

Whether it was intended to misrepresent is less important than the fact that these headings which mischaracterize the General Education Board's contribution did lead to misrepresentation.

Although the board was established before Mr. Rockefeller gave it any money, and, so far as the records show, without Mr. Rockefeller knowing anything about it; although his first gift was made several weeks after it started and was then only $10,000,000; and although the expression "Founded by J. D. Rockefeller" does not appear in the charter or the constitution or the correspondence, it does appear in the preliminary announcement of the recent reports in several of the newspaper items prepared by a member of Mr. Rockefeller's personal staff, not on the General Education Board, and in the first sentence of the book.

Chairman WALSH. What is this book?

Dr. ALLEN. This is the General Education Board's report for 1912–1914. There was not a time in the three years that they spoke of that board as being founded by Mr. Rockefeller. He made it perfectly clear that he was one of the several that wanted to come in and help that proposition.

Extensive misrepresentation appears in the chapter on farm demonstrations. Perhaps the most important is the misstatement on page 25 that the Federal Government held in 1906 when the General Education Board began to finance farm demonstrations "that Government funds could be spent only for interstate purposes," and that "the Government appropriation was not available for strictly educational uses." Though they say here, and repeat it over and over again, that education could not legally have been done by the Government, officers of the Department of Agriculture assure us by letter and by quoting acts and by referring to work done, that that was not the understanding at the time and never had been the fact.

Against the background of present-day comprehension of school problems and school needs the following statements in the report are shown by examination of original records to be not merely exaggerated, but patently contrary to facts, e. g., that the board started in 1902 to secure a thorough knowledge of conditions in the Southern States; that the surveys dealt fully with high-school conditions in the several Southern States; that the surveys dealt fully with the condition of negro schools in the Southern States, public and private.

Failure to make adequate annual reports for 13 years is excused by the statement in the introductory note to explain the board's failure to make detailed reports between 1902 and 1915; for example, "Because, as the board's work was felt to be experimental in character, premature statements respecting the scope and outcome of its efforts were to be avoided." Now there is not a thing reported there to-day which would have been premature to report in 1908, because the Government was reporting it. To me it is a tremendously significant thing that that book, prepared by the officers, should go out to the world as a lasting and much-thought-over product of the distinguished men now on the board of directors of the General Education Board with deficiencies that even a casual analysis show to be serious. Later admissions have come to the commission that with respect to this and that important feature of the report, publicity would not have been premature. Obviously, the two statements can not be true—that the early studies were thorough and dealt fully with conditions and that publication of results would have been premature. Yet the trustees of the board passed resolutions at their annual meetings in January, 1915, commending the report as being excellent and a great contribution to education, after which, of course, no helpful criticism may be expected from the trustees themselves.

Although in many respects this document is as vicious in its ex parte statements and its special pleading as anything Ivy Lee wrote regarding the Colorado strike, there are not a handful of educators in the United States who can afford to criticise it as frankly as they would have criticised it had it been given to the world by its author as Abraham Flexner, Louisville, Ky., one of the officers of the board.

Now the question comes up of pressure brought to bear to control sentiment. That is the book [handing a large cloth-bound volume to the commission].

Of a thousand men not two would guess from that book, after reading all the assurances, that they ever made it a condition anywhere that before the money was used they should see the man and approve the man. I want to read just two or three of the conditions that have been imposed. To President Alderman, of the University of Virginia, a letter was written May 1, 1906, stating that the General Education Board had appropriated $3,000 for a professor of secondary education. They have furnished money for professors of secondary education to promote high-school work throughout the Southern States. They have conferences here sometimes in the offices of the General Education Board. The secretary stated that he generally saw the man before he was appointed. Now this is from the letter [reading]:

"The only additional condition made by our committee was that before the formal appointment of this member of the faculty you should confer with me regarding the man."

Last year and the year before funds were voted to Maine and New Hampshire to enlist the cooperation of State colleges, "it being understood that the agents to be employed and the work to be done shall first be approved by the secretary of this board."

Chairman WALSH. Of what board?

Dr. ALLEN. General Education Board. I am speaking only of the General Education Board. These are records which they have furnished us in answer to our questions. There are many of them. Personally I am not raising these questions because I have any question as to the excellence of the men or the method; but I am raising a question of whether any number of millions should be chartered by enactment with the power and duty of giving money on condition that a central private office anywhere in the world shall see the man first and shall approve the work first.

The Rockefeller Foundation's conditional offer to the bureau of municipal research: That John D. Rockefeller, jr., and Mr. Murphy, both of Mr. Rockefeller's personal staff and of the executive committee of the Rockefeller Foundation and the General Education Board, offered $10,000 a year to the bureau of municipal research on condition that it change the method and purpose of spending $100,000 a year, has been testified to by the chairman of the bureau.

That the bureau would have been given no money if its conduct had not met certain conditions, as stated by Mr. Rockefeller and Mr. Murphy, has been testified by the chairman of the bureau, Mr. R. Fulton Cutting.

That since the conditional offer was made no less than $110,000 has been given or pledged to the New York Bureau of Municipal Research, has been testified to by the Rockefeller Foundation.

Regarding the desire and willingness of the Rockefeller Foundation to impose conditions, both the foundation and the bureau of municipal research are in agreement.

The only open question, and a far less important question, is whether in this particular instance the bureau, which later received $110,000 in gifts and pledges, was influenced in its conduct by a conditional offer.

The original conditions, as stated to the two directors by Mr. Cutting immediately after his return from luncheon with Mr. Rockefeller, were these:

Stop out-of-town work.

Stop the postal-card bulletins.

Divorce the training school, founded by Mrs. E. H. Harriman, from the bureau, not only in organization, but physically, so that they would be in different offices, and, if possible, in different buildings.

Stop its New York school work. That was testified to by Mr. Cutting as to that part of the school work; and with one exception the only part of the school work that ever related to anything but administration, and in that particular instance the story about it appeared as a full-page story in the New York Press, the Sunday edition, illuminated by the nearly quarter-page photograph of one of my codirectors, who not only assumed full responsibility for the way we did the work I had supervised, but assumed full credit for all that had been done.

In exchange for these assets of the bureau, Mr. Rockefeller offered $10,000 a year for five years, and help in raising a total of $100,000 a year. This offer was later increased to $20,000 a year for five years. The record shows that within seven months he had actually given or pledged a total of $110,000 for 1914 to 1918. When Mr. Cutting came to my office at the bureau to report this offer he began by saying, "They are most amazing people, most amazing, and if it were not for the money I wouldn't have sat in the room and listened to them."

In May Mr. Cutting stated, first to me personally and later to the board, as he testified last week to this commission, that the bureau was sadly in need of funds, and that Mr. Rockefeller's offer was the last hope of continued support. And he stated, in detail in conversation with me before the meeting and later to the board, that a certain large contributor, not Mr. Rockefeller, was very much provoked at him, personally, and at the city chamberlain, and would not give any more money to the bureau directly, but could not refuse if Mr. Rockefeller used his influence, or, as he said to me, "Mr. Rockefeller, with the force of Standard Oil behind him, will compel him to give."

The principal conditions were sent in writing to each trustee by me, as secretary of the bureau's board. Notwithstanding Mr. Cutting's testimony, this commission has requested the letter from the bureau. Mrs. E. H. Harriman was a member of our board and had raised money for the training school. Mrs. Harriman asked me to see her. With my letter in her hand she began the conversation:

"Mr. Allen, I am going to keep this letter as long as I live. Nothing has ever made me realize as does this what a grasp money has on this country. Who is this man and what has he ever done to justify his telling the bureau of municipal research what we may or may not do with respect to our program."

Commissioner COMMONS. This was Mr. Rockefeller that is here referred to in the letter?

Dr. ALLEN. "What has he ever done for New York that makes him the proper judge of our work, and what is his paltry $10,000 toward our program?"

I was advised not to remain for the board meeting two days later, at which the subject was to be, should have been, but was not, the principal subject for consideration. Mrs. Harriman urged me to return at once to the University of Wisconsin survey, "without recognizing the Rockefeller offer even by so much as going out of my way five minutes."

In regard to this, and as a confidential matter, I immediately called up my two colleagues, Mr. Bruére, who used to be a colleague, and Mr. Cleveland, and said I had had this meeting with Mrs. Harriman. I think I used an expression like this, that if we would hold our horses and not be stampeded we could make it possible to go on with the program that had been so close to us for years without having to accept any man's conditions as to what we should do.

The occasion of the Rockefeller offer seems to me to be of great significance. The invitation to lunch came to Mr. Cutting from Mr. Rockefeller while the trustees of the bureau of municipal research were in Mr. Cutting's office reading aloud an answer to this report made upon the bureau's educational activities by an officer of the General Education Board who was acting in this instance for Mr. Rockefeller personally. The telephone message came to Mr. Morawetz, who, as this commission has declared and has been testified to before this commission, was at that time a member of one of the Rockefeller committees. Mr. Cutting testified that he had not known in April of his connection of Mr. Morawetz, and he does not yet know whether any other trustees of ours knew that at that time Mr. Morawetz was not on our side asking for money, but was also on the other side advising Mr. Rockefeller privately about our program.

The report in question by Abraham Flexner was believed by Mr. Cutting to be superficial, unsound, as he stated the other day, to be unfair, and prejudiced. Yet the purpose of the lunch was not to talk about the injustice which had been done to the bureau by Mr. Rockefeller's agent. Instead, Mr. Rockefeller played safe and offered money to two multimillionaires who were fresh from preparing, as trustees, a document which proved the ruthless disregard of true and fair and scientific methods by Mr. Rockefeller's agent.

Had the same kind of attack been printed by Tammany Hall, Mr. Cutting would have been willing to spend thousands of dollars in getting the truth before the public. Had it come from Mr. Rockefeller with assurance of no further financial aid, Mr. Cutting would have felt that his reputation and the bureau's reputation required a fight to the finish until the facts were established.

There is just enough truth in Mr. Cutting's testimony that the bureau's opinion was crystallized and not influenced by the Rockefeller offer to explain how honest men with careless memories could persuade themselves that they were not being unduly influenced by money and power.

The true part of the statement is that the bureau had for a long time considered financing its local work and out-of-town work separately. I had months before, as recorded in our minutes, secured the promise of a bank to loan money on contracts received for out-of-town work. The rest of the statement is absolutely not true. No one had dreamed of giving up our publicity for any other reason except inability to secure funds for it. Nothing was more of a surprise than the proposal to separate or divorce the training school from the bureau. It is not true that there was any intention to discontinue the bureau's work in connection with the New York schools. On the contrary,

we were "out of the woods," so to speak, and had a free field for cooperation with schools such as no agency had ever had before.

Mrs. Harriman had just given $5,000 for it. We had asked for it, and she had given it. We had acknowledged our responsibility and opportunity in the school field as we never had before. There is no absence of records in minutes and publications about our work in connection with schools. Here is a document, Six Years' Municipal Research, referred to the other day, stating what we have done. Mr. Cutting testified that we had not used money, and the board had not in any way authorized school work. But, as this report shows, there was $11,000 given into this school work, not including Mrs. Harriman's $5,000 and other items. There is a list of publications regarding schools and curiously enough, I think, it is a rather interesting fact.

Chairman WALSH. What document is that, please?

Dr. ALLEN. This is "Six Years of Municipal Research for Greater New York."

Chairman WALSH. What date?

Dr. ALLEN. 1911.

Chairman WALSH. By whom?

Dr. ALLEN. The bureau trustees; signed by all of the trustees, officers, and read by them before signing. And, by the way, particularly and very carefully and very happily read by the trustee who has been mentioned to you as having withdrawn because of publicity this year, which publicity again was under the joint direction of the other director and myself.

Commissioner COMMONS. You mean Mr. Cleveland?

Dr. ALLEN. It was Mr. Cleveland at that time; it was only Dr. Cleveland and myself.

I want to call your attention to the first two lines of this document, "no comment has ever been made by the bureau that did not relate to some specific act or record." Here [indicating document] is the story of how we have worked at different times to get the school inquiry and here [indicating document] are random statements from different educators about these bulletins that have been so objected to; here is one from the president of the National Education Association and division superintendent and other city superintendents.

Speaking of that publicity, may I inject this: We have been sent—the commission has—a number of clippings illustrating the objectionable publicity. Among these clippings is one where the word "civicity" is underscored as being very undignified. "Civicity, like charity, begins at home." Civicity means civic interest. There are several of those, and this has a personal side that is at least interesting to me. Here was a movement to fully deal with in cooperation with some educational agencies and represented an extremely important principle, representing the same principle as the national university project, which is being fought by these same privately endowed large institutions; and because we were trying to put it over, because we were trying to talk so that people could understand what we are saying, we are told that this thing must be stopped, and that it is undignified and objectionable.

I want to read one of them. Here is another bulletin with regard to the police. This chart shows the complaints made to the police department that have been put back from the police commissioners. The little notches or squares show the ones that were reported, and the black marks show those which were not reported.

(A leaflet entitled "Efficient Citizenship," issued by the Bureau of Municipal Research, 261 Broadway, New York, June 16, 1912, was submitted in printed form.)

Now, I want to show something that illustrates what happens when a leader in education becomes an apologist and becomes a vassal because of conditions that have to be explained. There are several of these down there. Here is one thoroughly approved and suggested, as it happens, by Mr. Cutting, and thought to be very clever at the time of issue. It starts off, "To Hell with Reform," with a question mark over it; and inside, for the record, I would like to read a number of the headings: "Blind man's bluff is over," "The dust of years," "Substituting work for soft soap," "Out of commission." And there are others. Here is the pamphlet from which I am reading. This is a publication of the bureau.

(At this point the witness submitted a printed pamphlet entitled "Municipal Reform Through Revision of Business Methods, New York City." Published by the Bureau of Municipal Research, 261 Broadway, July, 1910.)

Now, the records show, for example, that I made the first move to secure the western trip of the mayor and school board president which has already done so much for vocational education. The only one of the Rockefeller conditions that favored any previous bureau plan was the particular proposal which Mr. Cutting testified the bureau has not even acted upon, namely, to discontinue the out-of-town work.

For the board meeting in May, to which I was asked to return, I sent from Madison, on May 4, the following advance notice to Mr. Cutting [reading]:

"I shall stop for bureau meeting at Grand Rapids May 7 and for training-school meeting at Princeton May 8, reaching New York on May 9."

The following facts I want you to know in advance as to my personal position on reorganization. I do not intend to do more than state my position and answer any question the board may wish. Whether my work entitles me to an independent position others must judge. Having it, that I should state it seems clear:

1. To restrict the bureau men to New York City and New York State will not work, I believe, with men big enough to do the New York work.

2. To assume that the national organization shall not have a direct permanent New York base will, I believe, defeat in large measure and limit its influence.

3. To deprive the national organization of a name which shows its lineage is, I believe, to injure both services.

4. For the local and State bureau to promise to avoid any field whatever, not to mention education, I personally regard as a disloyalty to the principles which originated the bureau, and as an extravagant bargain both in influence and in money.

5. To restrict the training school work in New York to bureau supervision as in the proposed reorganization is, I believe, unfair to the training school and an unjustifiable restriction of its capabilities.

6. To have the present bureau trustees select or censor the proposed trustees of a national organization is, I believe, a mismove.

7. To attribute our failure to have funds to failure of utmost or even considerable effort to get funds is, I believe, contrary to the record. In my belief no New York civic work ever received so much money with so little effort.

It was to discuss these points that I came East. To discuss them I was asked to come to Mr. Cutting's house. Most of our discussion was with regard to point 7, namely, whether I was correct in saying that poor as we were we were not poor enough to make such a poor bargain with Mr. Rockefeller, and our poverty was due not to our cause but to our method of trying to raise money. When at this meeting Mr. Cutting told me that they hoped I would head the out-of-town work as he had written me April 16, I told him that never again, so long as I lived, would I, if I knew it, take money from a man who would go back on a movement at the height of its success.

When he pleaded that Mr. Rockefeller's Standard Oil influence would force a distinguished and venerable philanthropist to give money to a cause he did not want to help I told him that our kind of work could not be done with that kind of money.

Although I had come back from the University of Wisconsin survey on purpose to discuss the Rockefeller proposals and the reorganization plans that had been crystallized by those proposals no mention of the purpose of the meeting had been made in the call sent out by Dr. Cleveland. The greater part of the time of the board meeting, however, was given to the discussion of the Rockefeller proposals. This was May 13, more than a month after the proposals were made, yet the trustees dispersed without passing any resolution not to accept the conditions.

Instead of passing resolutions they spent most of the time trying to show me why the proposals should be accepted. Mr. Cutting pleaded before the other members our inability to raise funds. Prof. E. R. Seligman, of Columbia University, had had a private talk with Mr. Cutting and took the aggressive at the meeting. He said, "Gentlemen, this is a very simple proposition. The Rockefellers have determined to eliminate the bureau," and Allen, "from the Maxwell-Churchill school fight."

At the last board meeting, when our school activity came up, Prof. Seligman had said: "Every time I have gone into this matter I have found Allen in the right." Our only part in the so-called fight had been to get and publish facts or help school officers get them.

My answer covered the ground of the statement published in October, although more bluntly. I told the trustees that the acceptance of these condi-

tions or the withdrawal at Mr. Rockefeller's instance from even one field of public education would make me feel that my personal reputation was tarnished, that the reputation of every man who had been associated with us was tarnished, that the world would never believe one of us and would not believe in the integrity of public officers who had gone out from our group or with whom we had been intimately associated, and that such act would seriously injure every bureau of municipal research in the country, and striking at the capital character of every man who had been associated with us.

When Prof. Seligman asked why I felt so sure that I was right when the others disagreed with me, I told him that I felt sure because I was taking the position which we had always held since the bureau was organized.

I have here several things which I have not time to read which I would like to submit, in which Mr. Cutting cites his position as to the reason for the differences with the board.

When he, Prof. Seligman, asked if I would be willing, after our many years of association, to pull down the pillars of the temple, as he put it, I told him that those who wanted to accept conditions were about to pull down the pillars of the temple by destroying the temple's spirit.

Once before on the only other occasion when effort was made to throttle our independence Prof. Seligman, at a board meeting, had been the one to say, "Gentlemen, the minute we do anything or stop doing anything because of outside influence, it will be the beginning of the end of the bureau of municipal research."

But the cat got out of the bag and Mr. Cutting let it out. The directors found there had been a secret meeting between certain people and certain of our trustees. The directors went down there and said, "Gentlemen, we must have a showdown on this thing now," and they did, and the board decided to make up its mind with reference to what was right and without reference to outside influence.

Mr. Chairman, it is 10 minutes of 1——

Chairman WALSH. I was going to ask you just one question, please: In the written statement made by Dr. Cleveland he heads one portion of it, "Facts about the Rockefeller Foundation's subscriptions and influence," and he mentions many dates and occasions upon which you yourself requested contributions from Mr. Rockefeller. Make any comment you may have to make on that.

Dr. ALLEN. It is all true, Mr. Chairman. Anybody that knows anything about me knows that for 15 years I have been on the begging side of this foundation proposition and have even written a book about it. But there is all the difference in the world between trying to get Mr. Rockefeller to do something you think is right and helping Mr. Rockefeller do something that you know is wrong, and that is the difference that they have not seen in that document. At the time I made those propositions to Mr. Rockefeller he was an independent factor and he was not surrounded by men who put blinders on him, as has been done since the so-called foundation has started. Mr. Rockefeller and I talked about this thing. It was known here for 18 months and generally talked about that Mr. Rockefeller's secretary was going to help smash the bureau, and he called my secretary down to his office twice for this thing, and he offered her a job, and I thought she was going to take it, but she refused his offer of several hundred dollars advance, and he raised it again several hundred dollars, and then he asked her what her figure was, and if she had been a man she would have used language that would have given him an idea of her indignation. She came back thoroughly indignant. And he told her then in February that she had better come to the foundation, because it would always have lots of money, while the bureau was in danger of losing its money. In fact, he thought it had lost its money. I went over a similar threat with Mr. Rockefeller after a meeting of school superintendents down in Philadelphia about a year ago, or about two years ago it was, and a trip to the Pacific coast. By the way, Mr. Cutting told you that most of my work was school work, and the commission has asked for the distribution of time, and they have sent you a list of the out-of-town work. Now, it happens to be the out-of-town work and that was done by the training-school men that are now being patronized in their references. I went out to the Pacific coast and it was I that got the Denver survey, the Los Angeles survey, and the Portland survey. And while I was out there I had letters from superintendents and other men in the country saying there had been a conference in Philadelphia in which was planned a campaign to get the bureau's support.

Later in the summer Mr. Rockefeller asked me to come down to talk about some of this publicity, and in the conversation he said, "You are making a personal fight on Mr. Maxwell." I said, "Where?" He said, "You have said this and said this and that." I says, "Let's see." There were about 20 cards he had and there wasn't a personal reference on any one of them. And when I got through with them I said to Mr. Rockefeller, "Mr. Rockefeller, what has happened is that we have stated the facts impersonally; it has sunk home; and because these facts disclose work which you do not like you have made a personal conclusion from it."

In the course of that conversation I said to Mr. Rockefeller over and over again, "They say they are going to get our financial support," when he said, "I have never heard anything of it," and I replied, "That is natural; but your secretary has heard of it." That was in August, nearly a year before this whole thing came up.

Chairman WALSH. Prof. Commons, did you have some questions?

Commissioner COMMONS. What have been your relations with Mr. Cleveland since the bureau started?

Dr. ALLEN. They have been extremely intimate. I knew him in Chicago and in Philadelphia, and I asked him to serve on the original committee that made the report about school affairs—he made the report, the greater part of it; I did not. Mr. Cutting signd it and it is that document that is the foundation of these enmities we speak of. We were extremely intimate.

Commissioner COMMONS. When did your first disagreement arise, and on what ground?

Dr. ALLEN. The first disagreement arose—I will tell you the conclusion of it, and then I will go back if you wish. The last words of the disagreement were, "Cleveland, if a million men"—we were standing at Thirty-third Street and Broadway—"if a million men were to come to me and tell me on their honor that F. A. Cleveland was pussyfooting around with the trustees and talking and gossiping about the office business, I would have told the millionth man that it could not be true." We never had any disagreement until the whole thing was over; and he had had conversations with the trustees and all sorts of things had happened that I never heard about.

Commissioner COMMONS. What date was that?

Dr. ALLEN. Nothing that I knew was a disagreement happened until I came back from Wisconsin.

Chairman WALSH. What date?

Dr. ALLEN. Well, in the week probably somewhere between April—we had two disagreements. Well, they are a matter of record, fortunately, and I have the records here which show what they were and the issues involved; and they were after I had gone out to Wisconsin. Now, if you mean by "disagreement," if we disagreed as to method——

Commissioner COMMONS. That is what I mean—on method and policy of the bureau.

Dr. ALLEN. Well, I thought you meant personal disagreement. Now, I have very few friends I have not disagreements with as to methods; but nothing that you and I would not have, talking about the time of day or at luncheon, until this thing happened. We had exchanged memoranda in—I suppose it began in—February, 1914. The doctor disagreed about the national commission upon efficiency and economy. I felt that if it had told the public more it would have had more success. I raised the money for one public campaign to secure funds for it from Congress at the time the thing was on. I told one of our men that I believed with $10,000 a year used in telling the public what we already knew about these things, we could accomplish more in regard to national efficiency than with a quarter of a million dollars the way Dr. Cleveland's commission had been spending it on scientific municipal research. It took about five minutes for that sort of thing to get to my colleague; and before I knew it this thing was a matter of offense and had been reported to the board as a serious difference.

Commissioner COMMONS. Did Mr. Cleveland send in his resignation on account of a dispute with you?

Dr. ALLEN. Yes; as it has been introduced in evidence.

Commissioner COMMONS. Mr. Cleveland mentioned this morning, I think, it is in that published statement, Mr. Cleveland——

Dr. ALLEN. Well, he sent it, yes; but that is only a part of it. No one could have gathered——

Commissioner COMMONS. What date was that resignation?

Dr. ALLEN. I think it was in March. I hope you will ask for it, by the way, because it says some things that I think, as long as this is on the record, ought to be in.

Commissioner COMMONS. Well, it has been mentioned by Mr. Cleveland this morning. I am sorry you did not hear it; you might have made the connection——

Dr. ALLEN. I got the connection. I know it. I have got the thing here, I think.

Commissioner COMMONS. The question is what are the circumstances regarding his resignation at that time, and what was your relation to it?

Dr. ALLEN. The resignation was the result of something that he had not explained to me, and I and others in the office did not know to exist, and it was a part of this campaign that I have referred to as a private conference with board members about difficulties that I did not know existed.

Commissioner COMMONS. Were they or not personal differences or differences of policy as between you and him?

Dr. ALLEN. So far as I know, they were entirely differences of policy.

Commissioner COMMONS. And what were the policies?

Dr. ALLEN. The fundamental difference of policy had to do with the training of men in the school for public service.

Commissioner COMMONS. And what was his position on that question?

Dr. ALLEN. Well, they were several. He proposed, for example, that every man we took in should spend six months on what was called scientific research, six months as a staff member and six months in the office. My answer was that the scientific work should be done by the colleges before the man came to us; that we ought not to take a man whom we could not expect to do the scientific work. That my idea of training a man was not to go and let him get lost six months on some scientific study that nobody would supervise or know about, but to put him on the jump up against something to-day, something different this afternoon, and something different next week so that we would find out if there was a yellow streak in him, or if there was not a yellow streak so that we might find out the weak or the strong points and quickly size the man up and find whether he was the man who could do our kind of work. And with regard to the office, I told him that many of our men could get in six hours all they could get in six months from our office.

I hope you will call for the exchange of memoranda, because it does have an important bearing on the foundation question.

If Mr. Rockefeller had liked this publicity, if he had wanted the sort of things that were being done in the schools, the rest of this thing would have been entirely different.

Commissioner COMMONS. Did he disagree with you upon any other subject of policy—Mr. Cleveland I am speaking of now.

Dr. ALLEN. Yes. Will you ask the sergeant-at-arms if he can find outside somewhere—I had all that stuff right here—the Cleveland memoranda.

(Here envelope of papers handed witness. See Allen exhibit.)

There was the question of assigning men to public officials. That was one. In the original announcement of the training school we had letters from a number of men and in the original announcement that particular class of work was featured.

It was published in accordance with that idea, and we have letters from Mr. McAneny, Mr. Prendergast, Mr. Mitchel, and Mr. Fosdick, all suggesting they would like that kind of relation; and it is true that Mr. ——

Commissioner COMMONS (interrupting). What else? I have a memorandum from one of my colleagues asking me to shut down; but I have——

Dr. ALLEN. It is all clear on the record, and I hope you will call for it all.

Commissioner COMMONS. What was the other point of disagreement between you?

Dr. ALLEN. That is one of them.

Commissioner COMMONS. What other than training schools, publicity and what else?

Dr. ALLEN. No; publicity I was not aware of until I heard that statement yesterday, that there was a serious difference as to publicity, because at that time all the publicity was going over his desk, as did these objectionable things, and I had no—there was no indication at the office.

Commissioner COMMONS. What was the other point of difference at that time?

Dr. ALLEN. Well, I was very anxious to have staff meetings and have them frequently. We did not get those. And he promised to have them, but we did not have them.

Commissioner COMMONS. What else was there?

Dr. ALLEN. The division of labor; we asked for—he asked for a division of labor, and I was very glad to have it. I have the memorandum here showing that although we divided, the division was on the basis of my carrying most of the labor of the pressure sort, that had to do with getting things off our desk.

Commissioner COMMONS. What was the other question of difference?

Dr. ALLEN. Well, if he has testified to any, why don't you ask me if it is so? I don't know; I will answer anything—I didn't know that these personal matters would——

Commissioner COMMONS. I have not made a memorandum.

Dr. ALLEN (continuing). Would justify your commission's attention; but I am very glad to go into them if they are relevant.

Commissioner COMMONS. Well, I think the rest of it can be answered by submitting his testimony to you.

Chairman WALSH. That is all; thank you, Doctor. You will be excused.

Dr. ALLEN. May I put just two things into the record?

Chairman WALSH. What are they?

Dr. ALLEN. One is a letter from Mr. Wickersham with regard to enemies; three lines: "You can not expect to turn the light in on abuses without evoking screams of protest. Sometimes a man's best credentials are furnished by the catalogue of his enemies."

The particular card that gave so great offense last year was a card in which my colleague was as much interested as I, calling attention to the fact that our reform friends, the board of estimate, had appointed as chief official examiner a specialist in the Irish drama, and that led to a member of our board protesting, and an officer announced to his staff that there would be no more publicity, and there has not been very much since.

The second thing I want to put in the record is a report that was made by the—about the General Education Board's officer acting for Mr. Rockefeller upon the educational activities of the bureau of municipal research and the bureau's answer. The essence of the report is that if it is possible—these are the two reports—that if it is possible for an organization with the methods used to circulate privately or publicly the kind of statement that is made in this report and based on a lack of evidence represented by this report, if that is possible—and our trustees agreed with us about that—and here is the answer of Mr. Cutting to the blackguarding statement as unjust and particularly cruel in reference to the men who have done wonderful work in different parts of the United States. If it is possible to do that there is almost nothing that it is not possible to do in the name of the foundation for the welfare of mankind, and I want to speak of that in the record.

Chairman WALSH. They are before the board.

(Three printed pamphlets referred to and presented by Dr. Allen at this point as exhibits are entitled, respectively, "The Educational Activities of the Bureau of Municipal Research of New York; a Report to the General Education Board," by Abraham Flexner; "Regarding the Educational Activities of the Bureau of Municipal Research and Training School for Public Service; Mr. Cutting's Reply to Mr. Flexner's Report to the General Education Board"; "Six Years of Municipal Research for Greater New York, Record for 1906–1911," published by the Bureau of Municipal Research, 261 Broadway.)

Chairman WALSH. There are witnesses here whom, on account of the lack of time, we are unable to call. And I want to say that at a later date in New York probably there will be an additional hearing, of which public announcement will be made, or the witnesses will be called at a hearing which will later be scheduled in Washington, D. C.

Also, the investigators of the commission will call upon certain of the witnesses for written statements in answer to questions. The hearing will now stand adjourned without day.

(Thereupon at 1.08 o'clock p. m., Saturday, February 6, 1915, an adjournment was had sine die.)

STATEMENT OF MR. R. M. HUNTER.

PHILADELPHIA, *January 26, 1915.*

CHAIRMAN INDUSTRIAL RELATIONS COMMITTEE,
New York City.

DEAR SIR: According to the newspapers there have been some important business interests examined by your commission, but it seems to me that testimony such as is given by capitalists at large and those representing big business is always directed to finding a "cure" instead of treating of the "disease," which has ever existed between capital and labor. The differences will always exist so long as present conditions exist, even though the differences may be mitigated to some extent. When the Clayton antitrust laws were being prepared, I carefully went over the rough drafts and submitted my views in redrafts and amendments to Senator Newlands, chairman, having the preparation of these laws in hand, and I pointed out to him at that time that while the laws could be made excellent for their intended purpose, they did not hit the nail on the head. They did not reach the seat of the trouble.

I have advocated for many years that the trouble which exists, and will ever exist under the present system, lies in the fact that there is no restriction on capital engaged in interstate commerce for exorbitant, or what we may call usurious profits, while on the other hand, the working classes are dominated by their employers. No matter how high wages may be placed, the cost of living keeps increasing at a more rapid rate, and this is augmented by the natural increase in education and refinement of the working classes, who expect more of the comforts which they see surrounding the classes who are more successful in life.

After 40 years of constant association with corporations and those interested in corporations, backed by a more or less personal experience in these matters, and also by the preparation of thousands of contracts for such corporations, it is my opinion that the whole trouble lies in the unrestricted usurious profits possible by use of capital. There is no reason whatever for limiting the use of money on a mortgage to 6 per cent and making it a penal offense to charge 7 per cent, while permitting the same money to be juggled in commercial enterprises, and by credits enabled to make a return of 1,000 per cent.

The Massachusetts investigations under the insurance act seemed to show that manufacturers make at least 400 per cent on the cost of the materials entering in manufactures, whereas labor is only paid at about the rate of the cost of the materials entering into the manufacture. It would appear therefore that capitalists were obtaining three times more for the use of their money which enters into the cost of manufactured articles than they allow for the men who do the work. Corporations are undoubtedly entitled to a reasonably large return because of the risks incident to general business, but this should not be unrestricted, because a foolish loan might cause the loss of the loaned money just as well as a foolish business venture based upon an attempt to secure exorbitant profits. After a very careful investigation of different corporation floatations based upon growing businesses, it appears that if a corporation were permitted to make 25 per cent net profit on the actual capital invested without any restriction as to the cost of operation for its plant and workmen, it could grow in enormous proportions by reinvesting its surplus each year into new capital; and yet at all times there would be a constant tendency to better the situation of its workers, as it would have no object whatever in making more than its allowed net profits except for the improvement of its plant and, may be, of its employees. This plan when worked out shows that the tendency would be to increase the skill of the employes, to lower the price of manufactured goods for the public, and to constantly increase the production of goods in fair competition, all of which inures to the benefit of the workers and the public, with more than a handsome profit to the manufacturer.

As professional men, if taken collectively, can not make more than $1,000 a year per man, and as these are the educated people of the country, there should be a restriction to salaries for officers which would prevent a larger salary to a corporation doing interstate business than $2,000 per year.

A system like this would work automatically and eliminate all necessity for unions, strikes, and all the evils growing out of such matters; it would bring the workers and the managers closer together; it would increase legitimate and healthy competition, and would ever tend to lower prices; no matter how high tariffs were placed, unfair advantages against the public could not be

taken thereby; and the thousand and one frauds against the public by capitalizing unvaluable alleged assets would be eliminated. We would not have to consider State institutions for the interstate business, as the big business and State concerns would have to fall in line, as they could not exist unless they did so.

Laws which would restrict interstate commerce business, whether confined solely to corporations or to individuals also, in the manner above outlined, would unquestionably solve the constant unrest of the employees and automatically improve the general conditions of the country without restricting big business even though it might prevent multimillionaires being made over night. Laws for carrying out this plan will certainly come to pass sooner or later, but naturally they will never be advocated by such men who come before you representing capital.

These thoughts, I believe, are matters which should not be lost sight of, and I submit them for your consideration.

Respectfully,

R. M. HUNTER.

STATEMENT OF MR. CHARLES BUXTON GOING.

The fundamental question before the commission, as I understand it to be submitted to me, is briefly this: Whether under the present system of corporate organization with thousands of widely scattered stockholders, and with employees who may be without any organization or representation, it is possible to provide machinery which will insure the maintenance of proper labor conditions and the equitable distribution of the products of industry.

The answer, still more briefly, is that it is possible only by the acceptance of true ideals in the philosophy of both employees and employed, and by the use of intelligent and efficient policies of administration and management.

These ideals and policies can be established only through the moral pressure of enlightened public opinion. The hope of the situation lies in the fact that this opinion is at work, and that both its power and its results are increasing visibly. We can not hope for immediate and universal success any more than we can hope for instant universal goodness, or peace, or beauty. But, in spite of many and sometimes violent upheavals that seem to surge the other way, the history of the last 20 years at least, so far as the attitude and conduct of American corporations is concerned, is one of steady spread and growth of the spirit of the fair deal and of continual striving for a better understanding of the science and art of management.

My work for the last 15 years or more has compelled me to focus attention upon these movements, and so far as this observation goes the advances in what is really a great social and economic evolution have much more than offset the losses due to the extraordinary epoch of expansion, of industrial congestion, and financial centralization through which we have been passing. Industry has had to cope with this tremendous, almost overwhelming tendency toward coalescence into larger and larger units, rolling up, to quote a familiar figure, like a snowball. The same forces are seen at work in the Nation, the State, in our political institutions, in society, in the school. Everywhere we have the same problem. For example, we may see the life-savers along our coast doing immensely valuable and very hazardous service for meager pay and discarded without pension when they are superannuated. We may see mail carriers, great and small, compelled to carry enormous added burdens of parcel post without compensation. We may see teacher mothers dismissed for "neglect of duty." Toward all these things we are in much the same relation as that in which the stockholder stands to the individual employee. But Government administration evidently does not of itself enable us to make our individual just impulses bring proper treatment to individual employees. How are we going to keep track of the individual unit, the individual life, and see that it has its place in the sun? Industry has been trying as hard, I think, as any other province of human activities to find the answer. The same answer is given everywhere—organization. But organization must be adapted in its form to the purpose desired, it must be energized by true ideals and principles, and it must be provided with the best methods and devices. It is as yet deficient in all these directions.

The significant thing, however, in American industrial development in the last quarter century has been the earnest inquiry after, and the earnest preach-

d growing acceptance of better ideals and better principles of conduct, methods of management, and better devices for carrying them into This is perhaps what Miss Tarbell meant by the "silent revolution." as my observation goes it has scarcely taken the form of a revolution, cidedly it has not been silent.

ro seems to have been, however, a distinct turning point early in the ecade of the nineteenth century. Just about the time when we saw on de the keenest and in some instances the worst of activities of trust g there appeared on the other side new, or at least newly active, move- directed toward improving the condition or the circumstances of the idual worker, and especially toward preserving the individuality which ctory system first began to diminish, and the modern industrial system ened to destroy entirely.

movement so far as the employee is concerned showed at the outset ery definite phases.

first was concerned with general conditions of living and working— he provision of proper light, heat, ventilation, sanitation, very often food, pportunities for rest and medical attention. This was known at first as are work." It was not altogether altruistic in its motives. It was often y undertaken simply because of the belief that the worker who is well hed and surrounded by good light, good air, and good hygienic condi- can do better work and is a more profitable asset than one who is ill-cared ut even if selfishness had its part at the outset a better morality crept in. tandards of "reasonable working conditions" were gradually changed. ty-five years ago the establishment with well-equipped sanitary wash , rest rooms, lunch rooms, recreational facilities, was a show place, and minds of old-time managers, a freak. Now the insanitary shop is on fensive, and has no defense, even though, deplorably, we must acknowl- hat it yet exists in unfortunately large numbers.

second phase, and the one toward which my study has been chiefly ed, was the practical one of presenting methods by which the distribution he products of industry should be altered to the advantage of the worker, pecially to the advantage of the worker who would cooperate in reducing astes of industry. It appeared to some of the most earnest and practical igators of the manufacturing problem that progressive increases of wages oon led around the circle to an increase of prices and an increase in the f living, so that the wage worker could buy no more with the larger pay pe than he formerly bought with the smaller one. The employer, on the hand, under rising competition, found the cost of doing business con- y rising and at the end of the year had diminished profits and less encour- nt to carry on or expand his business.

while the trust promoter entered the field on the one side, proclaiming his fectly sound doctrine of the economy of consolidation, the industrial er entered on the other with the perfectly sound doctrine of reducing the f production, not by harder work, but by more intelligent work, by better ed work, by work of which less should be wasted in overcoming prevent- difficulties, and of dividing this saving between the worker, the employer, he customer. This meant a larger volume of production at lower prices, higher wages, and better profits, out of which more industries might be ed.

s is, briefly, the conscientious aim and the earnest project of the efficiency neer and of the advocates of science in management. Out of their study ractice has been built by degrees, but with increasing rapidity, a new pro- n, industrial engineering, which is becoming as definite in its outline and rtain in its principles as the long-recognized branches of the profession. s its differences of school of sect, as other sciences have, but it shows antly increasing agreement on fundamental doctrines accepted by all ltioners.

hape the first point of agreement is that ordinary "old-line" management ot serve under modern conditions to carry the purpose of the executive ally and intact down to the operative or to carry the needs of the opera- back to the executive. It will not serve even to assure the control of rials, equipment, and methods in the job on which the operative is work. There are too many divisions and subdivisions all down the long-branch- ne, and the so-called military system of delegating authority from man- to superintendent, from superintendent to foreman, from foreman to n, does not assure in any way that character, conscience, skill, knowledge,

tact, special fitness for the work in hand, will be distributed to each official in direct proportion to his authority. Many of the most important decisions as to when and how work shall be done, as to choice of methods, choice of materials, use of equipment, are left to the offhand decision of the worker in the rush and hurry of his work. Many of the matters that must affect the worker's personality and future are never brought to the attention or submitted to the decision of anyone above his immediate boss or foreman, the lowest noncommissioned officer in the organization.

All the more advanced methods, therefore, agree in the undertaking to establish a secondary set of activities, interwoven with the old-line organization, leaving to the latter the simpler functions of authority and discipline, but committing to this supplementary force the provision of special skill, expert assistance in the peculiar problems of the work, care of machinery and conditions, maintenance of the well-being of the operative, observation of individual merit, and provision of extra and individual compensation corresponding to superior individual performance. Whether this is done by the institution known as "functional foremanship" or whether it is done by the establishment of special staff or whether it is done under some application of the committee system, the purpose is the same. It is to restore the individual status of the workman and to establish definite channels, always open, by which he can receive special instruction and assistance in improving his position, special protection against loss through struggling with obstacles beyond his control, and special recognition for his individual achievement.

All these advanced methods of management are characterised more or less clearly by most or all of four features.

First. Analysis of existing conditions to find out exactly what is being done and to distinguish what is good and what is bad in the situation.

Second. Standardization, which means generally the establishment so far as is practicable of the best conditions, the best equipment, and the best methods for doing the work in hand.

Third. Instruction where necessary for the purpose of showing the operative how to do the work in the most efficient way, which means only the way involving the least fatigue and the least unnecessary waste of time or material. It does not mean working any harder, but it means making what work is done count toward productive results.

Fourth. Compensation; that is, an increase of the standard or established wage earnings proportionate to the increase of actual productive work accomplished.

In other words, the time or effort formerly lost in labor which, though it may have been equally fatiguing, produced no marketable result is now made profitable both to employer and employed—to the one in increased output and to the other in increased wages.

To establish and emphasize these four features, again dependence is generally placed on one major underlying idea.

This is, that every piece of work shall be planned as to method, equipment, materials, etc., and scheduled as to the time when it shall be done, the machine on which it shall be done, and the workman by whom it shall be done before the order to do it is issued, and that this planning shall be carried out by specially skilled persons, leaving to other and differently skilled persons the simplified duty of supervising the doing of the work.

Secondary to this major idea is the next most important, that the duties of the planning and of doing must either be further subdivided among specialists, each taking entire charge of certain functions, or else must be fortified by the provision of counseling experts, who do not themselves command but advise the officials who do.

Engineers, managers, and thinkers who agree on the main proposition differ decidedly, even caustically, over the secondary ways and means by which the principal purpose is to be carried out. I am perfectly well aware of their differences, which are as bitter and irreconcilable as religious sectarian differences or the quarrels between different schools of socialism. The Taylor group assert that to their system alone should the term scientific management be applied, and that nothing which does not accept its complete ritual should be received into the fellowship of the true believers. On the other hand stand the larger company of "free gospelers," who assert their faith in the same fundamentals but admit large latitude of practice, holding that the great object is to bring more science into management and that any methods which carry the industrial world even a little way along that road are to that extent praiseworthy.

s been concerned, however, with agreements rather than with differ-
ecause where competing counselors agree we may take it almost for
we have located the truth; and the general agreement is that to locate
es and wastes which impoverish both employer and employee, to
the facts which will lead to a fairer distribution of the products of
to open to every worker that possibility of best self-development
the manner and aim of true democracy, to establish the physical,
, and spiritual conditions under which industry can be made most
e and at the same time most moral, we must recognize and incorporate
methods of management and administration these fundamentals:
ete of conditions, to determine the facts and possibilities.
aptation, to incorporate in our methods of work the very best prac-
ible under the circumstances.
ection, to give each worker as quickly and easily as possible the benefit
e knowledge and experience acquired by his predecessors.
eration, to reward each man in proportion to his effort and his con-
n to the wealth of the world.
ing rapidly over the principal wage and management plans which have
tensively adopted, these elementary features appear with differing
of emphasis.
In the premium plan, widely familiar to workingmen and employers,
rcely ever, perhaps, thought of as scientific, we certainly have analysis,
xtent of separating each job for its individual timing; we have stand-
on, to the extent of agreeing upon some average time record as a (rea-
mark for the next man to reach; we have instruction, to the extent
of informing the man what his mates have done before; and we have
ation, in the form of an addition to his wages, equal generally to half
es of any time he may save. All the measures may be crude and
et, but the germ of the idea is there. Light has been let in on the
ns and influence is set at work by which the conditions are likely to be
d, although no stated provision is made for any activity other than the
n's own skill and improvement of conditions that are within his control.
remium plan aroused wide discussion, almost created a sensation, when
put forth in 1891. I think the opposition with which labor met it at
s been to a great extent relaxed, and it has probably found wider
ce than any other system, perhaps even than all others put together.
r's differential piece rate, or double piece rate, first advocated in 1895,
good deal further into the scientific study of conditions surrounding
ker; proposed a rate-fixing committee to supersede the simpler records
careful guess of the foreman under the premium plan; also carried a
ong suggestion that the management must cooperate in looking after
dition of machinery, the supply of tools, materials, and facilities for
, and other things by which the worker might be prevented from earn-
remium through causes beyond his control. It changed the basis of
ation from day wage to piece rate, and also incorporated the harsh
of penalizing the worker who did not reach the standard output as
the happier one of increasing the compensation of the worker who
is noteworthy, however, because it foreshadowed the system later
ed, highly systematized, and in many respects vastly bettered in the
system of shop management, which has now appropriated to itself the
of "scientific management."
his latter system, as described in Taylor's paper on Shop Management,
the duty of the management to provide good equipment and tools, to
out good methods, and to give the workman the best possible opportuni-
use his skill and effort productively was immensely emphasized. It
clared that in place of "putting it up" to the superintendent or the
n or the man to get out the job, the management should cooperate, their
of the work being at least half the total of the work involved. Great
was laid also upon the importance of standardization, upon elementary
studies, upon recognition of fatigue, and the provision of rest periods as
ly fixed as working times. A whole new scheme of organization was de-
to be necessary, and a highly elaborated, or as it has sometimes been
a highly ritualistic system, was described as essential to the complete
nsciousness carrying out of the principles. Extra compensation to the
n took the form either of a higher piece rate or a specified bonus added
wages.
Before Taylor's Shop Management was published, however, another
notable contribution to the betterment of industrial conditions was made

by Mr. H. L. Gantt in the publication of his Bonus System. He rather anticipated Taylor in advocacy of the advanced planning and scheduling of work, but the distinguishing feature of his philosophy is the definite provision made for individual instruction of each individual worker, so that he or she may see exactly how it is possible to perform the "task" and earn the increased pay. Second, even the learner or the worker who fails to accomplish the prescribed task is assured of ruling day wages. These are a guaranteed minimum for each case, while the successful worker receives in addition an added percentage of the day wage. This additional bonus varies according to the character of the work, but is very commonly 40 per cent. As under the premium plan, no one is compelled to try. He may work on in the old way if he so elects, but an opportunity is made and instruction is provided for those who feel their ability to learn the better way and earn the higher wage.

In Emerson's efficiency doctrines, which were first preached about five years after Taylor's Shop Management was published, the emphasis is transferred from the system to the principles. The great economic importance of advanced planning and scheduling of work is recognized, standard conditions are adopted as part of the regular institutions, and the regular "line" of the organization is supplemented by a staff of specialists, expert in the principal problems of the work and adequate to reach and help every worker. Individual performance is recorded and efficiency is measured, not job by job or even day by day, but over longer periods, either two weeks or a month, and is determined by comparing each individual worker's output with the predetermined standard output for the same period. Day wages are undisturbed, as in the Halsey and Gantt systems, but efficiency recompense takes the form of a premium added to the wages and graded on a sliding scale according to the individual record. It is peculiar, however, in that some premium is awarded even to those who do not reach the established standard. It begins, in fact, when a worker reaches even two-thirds of that standard, and increases on a rising scale up to 20 per cent added to wages of the standard worker. Perhaps, however, the most important thing about this efficiency philosophy of Emerson's is that it includes in its foundation principles not only the physical and technical matters characterizing scientific management, but the mental and spiritual ones of right ideals, the fair deal, common sense, competent counsel, and discipline.

Thus there seems to me to have been a steady progression upward in our understanding of good industrial management. Halsey establishes, as between employer and employee, the justice of gain sharing. Taylor introduces the exact scientific determination of standards and the obligation of the management to cooperate in securing right conditions. Gantt elaborates the educational features and opens wide the democratic opportunity for every man to realize the best that is in him. Emerson infuses the moral principles and shows that the whole movement is but part of a process as wide as the universe, responding to universal laws, and subject to the universal obligation to strive for efficiency.

I am perfectly well aware that the application of science to management has been stubbornly resisted by employers—not only those who adhere to the barbarous policies of "hire, drive, and fire," but others more human who distrust new ideas. I know it has been and is opposed by labor, fearing it is some new scheme of exploitation hidden under a sop. Considering labor's bitter experiences such opposition may be easily understood and met with sympathy and patient if earnest explanation. It should, however, be hammered home again and again that neither premiums, bonus, nor efficiency scale disturbs by a hair's breadth the existing minimum or existing rate of wages. This may be and is fixed by collective bargaining. Each of these scales merely opens the way to the maximum wage earnings each worker's capacity can command. The newer advanced methods clear this way by bringing in the most highly skilled experts for the single purpose of removing obstacles and making the same effort by the worker produce larger results in which he shares. They are not plans for "speeding up," they do not depend upon exploiting the worker. The new responsibility and duties they impose rest rather on the management, and the profits they create come not out of labor, but chiefly out of better administration and better use of the same opportunities, materials, and time.

The proportion of the worker's sharing in the gains is for the present experimental. Perhaps, even probably, it should be larger. I believe that can be worked out only as any other price is determined—by the free play of economic forces. But however large it may be, it can never be securely based on anything but such accurate measurement of the work against definite standards as

these new systems provide. Large increase of returns, whether to employer or employee, can come only from detecting and correcting wastes of time, of skill, of materials, of facilities, of opportunities which are hidden under the old-line system of organization and management. It is deplorable that the opposition of labor, arising I believe from misunderstanding, has given employers so good and so often used an excuse for refusing to give these new principles and methods a trial, and for clinging to the old fallacies of low wages and strenuous foremanship.

The world at large pays in the end for everything—for what it gets and for what it wastes. It wastes enormously now for lack of knowledge. If labor is the largest factor in the scheme of things, labor is paying most of this loss. It must gain most from discovery and stoppage of the losses which these newer systems detect and disclose.

I have not gone here into Hine's unit system, which is concerned almost wholly with railroad operation, nor into Carpenter's or Knoeppel's factory committee systems, because they deal with the officers rather than the privates in the industrial army, reaching the workman through his foreman. But they are nevertheless of much importance because of their effects in breaking down the lingering feudalism, or would-be feudalism, of the industrial system—in democratising industrial management to the limits to which democratization apparently can now advantageously go.

Any effort to introduce science into management—even a very little science—is praiseworthy, for science means only recognising and working in accordance with the highest law and the greatest truth. Even if we should go no further than analysis, we should do for industry and each industrial plant what this commission is doing for industry at large—open up realities, get at the facts, let in the light. Public opinion and the public conscience would go a long way toward doing the rest.

This statement—long for an answer, but all too brief for an exposition of the subject—I hope may make clear some reasons for thinking that the new and rapidly spreading science of management and administration will do much to solve the very difficulty defined in the commission's question—the difficulty of "insuring the maintenance of proper labor conditions and the equitable distribution of the products of industry."

[Before the United States Commission on Industrial Relations, February, 1915.]

Although now engaged mainly in university teaching and in directing a professional training school, I assume that it is rather because of my 18 years' connection with the charity organization society that you have invited me to appear here; and that the particular topic on which you may want information or opinion from me is that relation, if any, between industry and the kind of philanthropy which that society, and organized charity, generally, represents.

If so, what I would like to point out especially is that this society has been among the first and foremost to realize that poverty is largely due to industrial maladjustments and that charity of itself is no cure, and never can be, for industrial evils.

As recent and pertinent illustrations, it may not be inappropriate to call attention to the fact that the secretary of the charity organization society was a member of that group of social workers and economists to whom Mrs. Harriman referred in a recent newspaper interview, on whose initiative the President recommended, and Congress enacted, the law by which the present commission was created; that I was chairman, in fact, of the improvised committee which prepared a memorandum on the subject at the President's request for use in his message, drafted the bill, interested Senator Borah, Representative—now Senator—Hughes, and Representative—now Secretary—Wilson, and others in the plan, arranged the hearings on the subject, and carried on an active campaign in Congress and in the country at large for the appointment of the commission. Dr. Lindsey, who was also in the service of the charity organization society as a member of the staff of the school of philanthropy, and myself devoted a large part of our time for several months to securing this legislation, and this was done, of course, so far as our part in it is concerned, with the full knowledge and approval and in constant consultation with the president and central council of the society. I do not wish to be misunderstood. This committee of economists and social workers would not, of course, claim any of the credit for the actual work of the commission, but only for its opportunity, for the fact of its existence.

In the next place, it was one of the standing committees of the New York Charity Organization Society which conceived, planned, and carried through the Pittsburgh survey, concerning which Mr. Manly said in Washington in December, 1913:

"Some five years ago the community was rudely awakened by the Pittsburgh survey and shocked into a realization that thousands of human beings were employed under conditions which required them to labor seven days a week. Public feeling was deeply aroused and calls for immediate action for the correction of this evil were many and loud."

It will be admitted that Mr. Manly is a competent witness, not only because of his present relation to this commission, but because he was the expert of the United States Labor Bureau who, immediately after the Pittsburgh survey had, as he says, aroused public feeling on the subject, conducted an official and authoritative inquiry into the steel industry which confirmed the findings of our survey. The general character and results of that survey are too well known to require discussion.

A third evidence of the interest which the society has long taken in industrial conditions and their relation to poverty, is the establishment and publication until some two years ago of the weekly periodical originally called "Charities," then "Charities and the Commons," and now "The Survey." This periodical since October, 1912, has not been published by the charity organization society. It never has been the official organ of the society as that phrase is generally understood. It never has been "controlled," except by its editors, and it has never since its earliest days given particular attention to local relief work. Nevertheless, during the 15 years in which it was published by the society, we had full responsibility for it, moral and financial.

For several years, before this change was made as well as since, the Survey has given continuous and searching attention to industrial warfare and industrial peace, to evolutionary changes in industry on the one hand and to maladjustments and adverse conditions on the other. This had been done fearlessly, without the slightest reference to the interests or investments of the directors, contributors, or members of the society which published it. While the Pittsburgh survey was in progress and its findings were being published, the name of Mr. J. Pierpont Morgan, who is supposed to have been an important factor in the steel corporation, appeared on the periodical, as required by State law, as the treasurer of the society which published it; and Mr. Andrew Carnegie was a contributor whose name appeared with the amount of his contribution each year in our published annual report.

When the Survey published its first careful and certainly plain-spoken study of conditions in the mines and steel mills of Colorado—February 3, 1912—Mr. Rockefeller was a contributor to the society. I think it absolutely correct to say that no one in the office of the Survey considered this fact or was expected to do so by the officers or central council of the society or, so far as we ever had any evidence, by Mr. Rockefeller or his advisers.

Later, but while the Survey was still published by the society—April 20, 1912—a study was published of the actual operation of the board of conciliation in the anthracite coal industry. In general the machinery established in 1903 had maintained peace, but our study led us to believe that in certain particulars—six different points there were, I believe—it worked hardship to the miners.

Subsequently the conciliation plan was modified to remove most or all of these hardships, but what I wish to point out is that prior to such change, as a result of our own independent study, the grievances of the miners were brought before the general public, and their claims to a modification of the existing agreement supported in the periodical published by the society. In pursuance of our usual custom, we sent the manuscript of the article which we expected to publish to trade-union officials and also to officers of the coal and the coal-carrying companies—among others to Mr. Robert W. de Forest, who is vice president of the Central Railway of New Jersey. We thought that the fact that Mr. de Forest is also president of the society and was chairman of the committee in charge of the Survey should not prevent our getting his criticism. His only suggestion was that we should get the criticism of a gentleman to whom we had in fact already sent it and whose criticisms we had.

The instances which I have cited are entirely typical of the freedom from external control and the moral support which the editors of the Survey always received from organized charity with which they were officially associated.

I would like next to mention our discussion in Charities and the Commons

and in the Survey of endowments and foundations. The subject was first taken up seven years ago in an editorial on July 6, 1907, entitled the "Danger of Endowments." Speaking of the Sage Foundation, the General Education Board, and the Carnegie pension fund for college teachers, we said, if I may be permitted to read the concluding sentences:

"The brutal power of concentrated wealth is ever present in these endowments. If used judicially, wisely, with breadth of sympathy, with sufficient safeguards against abuse and incidental injury, they may be in all ways beneficent. If used carelessly, with class prejudice, or personal favoritism, or in disregard of the social effects of making or withholding grants, then neither the good intentions of the donors nor the possible balance of good accomplished will prevent their becoming also malefactions to the extent of their misuse."

I believed then and I believe now that the present trustees of these funds are intelligent and public-spirited men, who conceive their trust in a broad national sense. I believed then and believe now that if these trustees cease to do this and use their funds in such a way as to discourage honest research, or to encourage the dissemination of particular views on such subjects as the tariff, or control of corporations, trade-unionism, or socialism, merely because these views are acceptable to the founder or to the trustees, they would at once forfeit any claim to be considered philanthropic or educational institutions; and that the democracy of that time, whenever it may come, will find some appropriate way to deal with such abuses.

However, when the Rockefeller Foundation was proposed, some three years later, and a bill for its incorporation was pending in Congress, we subjected that measure to a searching criticism, which was followed by prolonged discussion and the ultimate withdrawal of the bill. While I have always regretted that the foundation did not obtain its charter from Congress, rather than from a State legislature, I have had no reason to regret the criticism. Endowments in perpetuity, managed by closed corporations, accumulating either simple or compound interest as the directors may please, seemed to me then and seem to me now contrary to the spirit of American institutions and fraught with possible danger.

The bill as originally introduced in Congress very properly provided for annual reports with financial statements. The charter later obtained from the State of New York does not, I believe, contain this provision. The bill in its original form made the charter subject, as Federal charters always are made subject, to alteration, amendment, or repeal at the pleasure of Congress. I thought these two safeguards, valuable as they are, did not go far enough. In the Survey of March 12 and of March 26, 1910, and again on January 14, 1911, this last article written after Mr. Rockefeller had caused the bill to be amended so as to incorporate some of our suggestions in a modified form, I gave reasons for believing that the public should have a voice in the selection of trustees; that the indefinite increase of endowments through the accumulation of income should be prevented; and that there should even be provision for the gradual expenditure of any given endowment, principal and interest, within a specified period. The proposed charter then pending in Congress, as amended, though the amendments did not go quite so far as I had suggested, was, I believe, the most enlightened and progressive proposal ever made before a legislature for the management of a great foundation. If enacted it would have created a precedent of the greatest value and influence.

The necessity and desirability for public control of foundations is one of the subjects on which Mr. de Forest, the president of the charity organization society, and myself have not fully agreed. His opinion is that the reserved right to amend the charter includes in effect all of the other restrictions, and that it is therefore useless to specify them. Mr. de Forest never offered the slightest objection to my stating my own views as frequently and emphatically as I liked, but in order to prevent any mistaken inference that I was speaking for him also—since we were intimately associated in many ways—he made a brief statement of his own views, which you will find in the Survey of January 14, 1911. We published several communications on the subject, reprinted one or two editorials from the New York Times replying to our own, and also reprinted from the Congressional Record the statement by Mr. Starr J. Murphy, taking up the points in which we had suggested that the charter be amended.

If it is decided that it comes within the province of the commission to make recommendations on this subject, my suggestions would be that Federal charters are to be encouraged rather than State charters; that, after the donor's

death, or before with the donor's consent—and I think the donor should have the right to choose his own trustees during his lifetime if he so desires—the Government should have a voice in the selection of trustees as vacancies occur; that annual reports with financial statements, and an opportunity to audit and test such statements, should be insisted upon; that the accumulation of income should be prevented, subject, of course, to reasonable latitude as to working balances at the end of the year; and that there might be some legal limitations, as in the case of savings banks, over the character of the investments. I think that public supervision and participation is justified not only by the exemption from taxation, which should be continued as long as any educational, religious, and charitable enterprises are exempted, but also by the legitimate public interest in the results of their activities. Such supervision and participation should not be hostile or hampering, but, as in the case of the Smithsonian Institution or the American Red Cross, sympathetic and beneficial. I do not believe that it would discourage large gifts for public purposes, but, on the contrary, that it would encourage them. If there is any one thing which is likely to deter a generous modern giver from establishing a foundation for a particular purpose, it is doubt as to the possibility of foreseeing future needs, a lurking fear lest the good he would do may become an unintended injury, or at least less beneficial than he intended. If he is assured that the future generations will be free to change the terms of his bequest to meet their needs as they see them, not only in case of extreme absurdity but gradually by actually sharing the responsibility for its administration, this will, I think, act reassuringly by the removal of the ground of such doubts.

If such supervision were to become political control, or arbitrary interference with the free exercise of proper discretion by trustees within their own province, the result would undoubtedly be to discourage such gifts. The possibility of hostile public control has no doubt already had such effect in some instances. Any recommendations as to public supervision and representation should therefore be so framed as to make it clear that it is not intended to divert trust funds from legitimate public purposes or from the particular purposes which the donor intends, if such purposes are consistent with the public welfare.

Something can be said in favor of the radical proposal that perpetual endowments should cease altogether, and that all donations or bequests for social and philanthropic purposes should be on a plan by which within a given period—fifty or a hundred years—principal and interest must be expended. If it were a mere question of advising an individual donor, I would not hesitate to urge this form of bequest, but I do not believe that there is justification for restrictive legislation in this direction. Perpetual endowments in education on the whole seem to have justified themselves. We can not say that expenditures of the principal over a term of years might not have brought even better results, but until further experiments have been made in that direction a conservative policy of public supervision and participation would seem better than any legislative restriction of the life or the amount of endowments.

The charity organization society a dozen years ago established a committee on the prevention of tuberculosis. This committee in its earliest years gave particular attention to the industrial aspects of the disease, pointing out the particular trades in which it is most prevalent and the conditions in these trades which were believed to be responsible for the excess. The committee established close relations with the Central Federated Union, and issued educational leaflets bearing the joint imprint of both their committee on sanitation and our own. We worked for the establishment of hospitals and sanatoria, for better factory laws and better housing conditions, and insisted on the bad effects of low wages and high rents as causal factors in this disease of the masses.

Even earlier we had a tenement-house committee, which secured a new and more radical tenement-house law and a municipal department to enforce its provisions.

Earlier still, before my own connection with the society, the plan was inaugurated for a provident loan society, a pawnshop for making loans on pawn pledges at half the legal rate of interest. This agency, although organized by our society and still electing each year one director on the nomination of the society, has been from the beginning—as the Survey is now—because of the character of its work, entirely independent in its operations. It has

been an important influence in keeping in check by competition the unquestionable abuses and extortions of the old-time pawnshops.

The subject of a minimum wage is now under investigation by a legislative commission in this State. I have personally appeared before that commission in advocacy of a legal minimum wage to be fixed by special boards in particular industries and localities whenever the conditions are found to be such as to make it necessary.

I have consistently supported child labor legislation, workmen's compensation and insurance, the prohibition of manufacturing in tenements where factory conditions can not be maintained because both official inspection and trade-union influence are absent.

The elimination of strikes and lockouts, boycotts and black lists, by the elimination of their causes, the maintenance of just and mutually satisfactory relations between employing corporations and wage earners, is a problem of the greatest interest to the charity organization society, as to all social agencies. If the commission solves it you will deserve eternal gratitude from all of us. The poverty directly due to industrial controversies is not perhaps as extensive as that due to some other causes. But it is least excusable.

STATEMENT OF MR. CHARLES O. HEYDT.

[In response to questionnaire submitted by United States Commission on Industrial Relations, Feb. 1, 1915.]

20 BROADWAY,
New York, February 1, 1915.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
New York City.

(Attention of Mr. W. H. Allen.)

DEAR SIR: As requested in your letter of January 30, I submit herewith answers to the questionnaire which you inclosed. Part C of question 10 is not clear and I am unable to answer it. I shall be glad to supply any further information required regarding my connection with the Rockefeller Foundation or with Mr. Rockefeller.

Very truly,

CHARLES O. HEYDT.

Question 1. Please give correct name and place of residence.

Answer. Charles O. Heydt, Montclair, N. J.

Question 2. How long have you been with Mr. Rockefeller? Give date.

Answer. Seventeen years four months. Since October 2, 1897.

Question 3. How long have you acted as private secretary to Mr. John Rockefeller, jr.? (a) What position did you hold with Mr. Rockefeller, jr., before becoming his private secretary? (b) Please state if you take stenographic notes?

Answer. Have acted as private secretary to Mr. John D. Rockefeller, jr., for 17 years 4 months, since entering Mr. Rockefeller, sr.'s employ on October 2, 1897. (b) Yes.

Question 4. What business or secretarial position did you hold before going to Mr. Rockefeller?

Answer. From April 6, 1896, to October 1, 1897, private secretary to Messrs. William Barclay Parsons and Harry DeB. Parsons. The former was at that time chief engineer of the Rapid Transit Commission, the latter a consulting engineer and professor of engineering at Rensselaer Polytechnic Institute, Troy, N. Y. From February 15, 1894, to April 4, 1896, one of the junior secretaries to Mr. Thomas Powell Fowler and Mr. John R. Kerr, respectively, president and vice president of the New York, Ontario & Western Railway. During the same period substituted at times for the secretary of the general manager of the same railway. From September 27, 1891, to February 15, 1894, clerk with Messrs. Kountze Bros., bankers.

Question 5. Of what college or university are you a graduate? (a) In what subjects do you specialize? (b) What postgraduate work did you do? Give dates. (c) What special investigations did you make?

Answer. Not a college graduate. A special student for three years at the New York University School of Commerce and Finance, 1910-11, 1911-12,

1912–13. (a) Accounting. (b) Answered in question 5. (c) Answered in question 5.

Question 6. Are you a member of the personal staff of Mr. John D. Rockefeller, sr.? (a) Have you ever been a member of the staff? Give dates. (b) Do you attend meetings of Mr. Rockefeller's personal staff?

Answer. Not a member of the staff of advisers of Mr. Rockefeller, sr. (a) No. (b) No.

Question 7. Of what voluntary bodies, civic, charitable, educational, religious, political, (a) are you a trustee of officer? Please state position held.

Answer. Trustee, the Rockefeller Foundation; member, the International Health Commission; member, Bureau of Social Hygiene (Inc.).

Question 8. Of what political or governmental body or department or bureau are you member or officer? Please name office, correct title, and date of appointment. (a) Please name any previously held position in connection with governmental.

Answer. None.

Question 9. Are you a member of the executive committee? (a) Have you been since the foundation was established? (b) Is there a quorum of the executive committee? (c) Will two votes control action of the executive committee when only a quorum are present?

Answer. Yes. (a) Yes. (b) Yes. (c) Yes.

Question 10. Has the executive committee formulated rules for its government as per Article I of the by-laws? If so, please send copy. (a) Is it true that at 9 of the 20 meetings thus far held by the foundation's executive committee the number attending was three? (b) Has the executive committee the power to fill vacancies? (c) Has given at meetings of the board all of the powers of the corporation? (d) Is it responsible for auditing bills?

Answer. No formal rules have been prepared for the government of the executive committee. (a) Yes. (b) Article I of the by-laws provides that "The executive committee may fill vacancies in its own number or in the finance committee in the interim of the corporation meetings, reporting its action at the next meeting." (c) The question is not clear. (d) The by-laws, Article I, provide, among other things, that the executive committee shall direct and control the audit of all bills.

Question 11. What investigations have you individually made since working with Mr. Rockefeller as to—(a) Labor problems? (b) Widows' pensions? (c) Workingman's insurance. (d) Workingman's compensation acts? (e) Industrial education board? (f) Conditions of laboring factors? (g) The world's experience in governing foundations. Please indicate the scope of investigation, time required, so far as these have been in bodies or publication in formal reports; please send copies or refer to commission two copies.

Answer. None.

Question 12. Did you, in any capacity, attend meetings of—(a) Trustees of the Carnegie Institute for Medical Research? (b) The general education board? (c) The executive committee of the general education board?

Answer. No.

Question 13. Please suggest any questions which you think the commission should ask regarding foundations or any persons—subjects which you feel should be investigated.

CHARLES O. HEYDT.

FEBRUARY 1, 1915.

STATEMENT OF MR. J. P. P. KELLY.

26 CLIFF STREET, *January 25, 1915.*

Hon. THOMAS P. WALSH,
Chairman Industrial Relations Commission,
City Hall, New York City.

DEAR SIR: I have attended a few of your meetings, and have listened particularly to Mr. Ford and Mr. Gompers. Have also read quite a number of the articles reporting the doings of your commission, and think one of the most serious problems to be considered has yet to be mentioned; that is, the employment of female labor.

My business takes me along Broadway for a distance of about one-half a mile during lunch hour every day, and one can not help by being impressed by the

proportions of women over men. It seems to my mind that in a great many cases—would say 60 per cent—the women are holding the positions that might be held by their own husbands. In other words, if the positions now held by these women were held by men, and the man earning a decent wage, he would be supporting the woman he displaced, and in some instances a family. What set my mind thinking on this particular subject was the observance of a bread line at Broad and South Streets, and in talking to an officer on duty there he told me of a particular instance in which his neighbor was employed by a manufacturing corporation, and earning a salary of $26 per week, and how he was displaced by the employment of two girls at $12 per week each. Personally I know of similar cases, and I think it is a matter to be seriously considered by your commission.

Trusting you will consider this letter in the same spirit in which it is written, I remain,

Yours, truly,

J. P. P. KELLY.

STATEMENT OF MR. ADOLPH LEWISHON.

1. In what corporations are you a director?

Answer. Miami Copper Co., General Development Co., Kerr Lake Mining Co., Naumkeag Copper Co., Crocker Wheeler Co., Mechanics & Metals National Bank, Importers & Traders National Bank, and the United States Mortgage & Trust Co.

2. In what other corporations do you own or represent any considerable amount of stock?

Answer. I do not own or represent any considerable amount of stock in other corporations.

3. Please outline briefly the character of your connection with the corporations in which you are interested.

Answer. I am president of Miami Copper Co., General Development Co., and Kerr Lake Mining Co., the latter is a Canadian company, and a director in the others. I own a considerable amount of stock in each of these corporations; the Miami Copper Co. is the one company among these that employs a very considerable amount of labor.

4. What information do you, either as a stockholder or as a director, possess concerning the labor conditions in corporations in which you are interested?

4A. Do you receive reports from any of the corporations which give you any information regarding the labor conditions?

Answer (4 and 4A). I receive reports regarding labor conditions in letters from the local manager and through interviews with the consulting engineer and vice president and the other officers of the company, including my son, who visit the mines and plants from time to time.

4B. Do you make it a practice to visit the plants of the corporations in which you are interested and make personal inquiries and observations regarding conditions?

Answer. I do not visit the mines personally, but my son and other associates and officers of the company do so as my personal representatives.

4C. What factories, mines, or railroads have you personally inspected during the past year? During the past 10 years?

Answer. As before stated, I have not personally visited the factories or mines either during the past year or during the past 10 years, but, as before said, have my personal representatives, including my son, make these personal inspections for me.

5. In your opinion, to what extent are the directors and stockholders of corporations responsible for the labor conditions in them?

Answer. The majority of the stockholders elect the directors. In my opinion, the stockholders should not be held directly responsible for the labor conditions of a corporation, except that they should be expected to cast their votes in favor of such directors as they have every reason to believe would carry out matters in the right way.

Directors should hold office only in such companies in which they believe the business is carried on in the right way, and that labor is properly treated. The details of the business are attended to by the executive officers, together with the local manager, who is appointed by the executive officers, subject to the approval of the directors. The directors should be kept posted at the

regular meetings, which ought to be held at least once a month, and at special meetings in case anything special occurs which makes it necessary or advisable to hold such meeting.

6. If the stockholders and directors are not responsible whom do you consider to be responsible?

Answer. The executive officers who act under the instructions of the board of directors. In the companies in which I am interested, like the Miami Copper Co., we have a general manager; that is Mr. Channing, who is vice president and consulting engineer, and who spends part of his time at the mine and part at New York, and is acquainted with all the details. If he is in New York he attends the directors' meetings, and if there is anything special he reports it.

7. If executive officials are responsible—

7A. What scope of authority do you give them to establish and maintain proper labor conditions?

Answer. The local manager should have considerable authority. As said before, Mr. Channing, the consulting engineer, spends part of his time at the mines, part in New York, and if any change occurs consults with the other executive officers and sometimes refers matters to the directors.

7B. Do you give such officials equal scope without an accounting in financial matters or in other phases of plant operation?

Answer. Probably not in financial matters; that part I attend to personally, at least keep fully posted about constantly and direct finances myself, while all the technical work, including labor, is attended to by the local manager under the direction of Mr. Channing, the vice president and consulting engineer, who advises with the other executive officers and directors in all special cases or when changes take place.

7C. What instructions, if any, have been given executive officials in the corporations in which you are interested that proper labor conditions must be maintained?

Answer. I have always given general directions to see to it that all safeguards should be provided and everything done to make conditions first rate, also that the men be kept satisfied as far as possible as to their scale of wages. I have here a memorandum showing the welfare provisions and safeguards provided at Miami Copper Co.'s works and mines.

(See "Welfare report" herewith.)

8. As a matter of fact, are not labor conditions the only matters under the control of executive officials which are not subject to an audit or check of some kind? Do you not require—

A. A balance sheet of profit and loss accounts, showing in detail disposition of all financial matters?

B. Cost of production sheets, showing comparative costs at different plants and in different years?

C. Periodical inspection of machinery?

D. Periodical inspection of materials?

E. Periodical inspection of inventory of all assets?

Answer (A to E). Not entirely. As I have already expressed, we do keep more or less of an audit check on labor conditions, though, of course, there is at present no method worked out of putting labor conditions in the exact statistical form in the manner outlined in your question. I think it is most desirable that proper laws be enacted to cover all these matters, stating exactly what safeguards should be provided, the hours of labor, the minimum wage, and everything pertaining to labor. The passage of proper laws for the protection of labor is most important. It, in fact, can be of great assistance to the executive officials and even to the directors in keeping a check upon the local management as to its proper treatment of labor, and in a way provides the audit that is suggested by your question. It has been our policy (and I think is the policy of most well-run corporations) to make the local management live strictly up to the labor laws and inquire whenever there is any evidence of violation of such laws. Such laws can provide a general standard. The best practice in such matters is thus determined, and the directors can be sure that the management is following the best known practice.

9. According to your own standards, what would you consider to be proper labor conditions as regards the following points:

9A. Length of working day.

Answer. Eight hours.

9B. Yearly income for an unskilled workman.

Answer. This depends upon the conditions and the locality of works or mines. At Miami the lowest grade labor is paid $2.50 to $3 per day.

9C. Compensation for industrial accidents involving: (a) Loss of arm; (b) loss of both eyes; (c) loss of life; (d) permanent disability.

Answer. In Arizona the State laws provide for these matters. In the case of total disability the man receives 50 per cent of his wages, and in case of partial disability 50 per cent of the difference between the wages he was receiving and what he is capable of earning. There is a maximum of $4,000. We have it understood that the laws, such as are in existence, should be liberally construed. I believe these matters should be fixed by law, and would be pleased if ample protection were given to all workmen by law.

9D. Age and conditions under which children should be employed.

Answer. I do not think there should be any children employed at manual labor under 16 years of age, and have never been connected with any industry where child labor was employed.

9E. Discharge of workmen who have become inefficient after long service with the corporation.

Answer. I would like to see laws enacted providing pensions for such men.

9F. Refusal to employ unskilled workmen who are over 35, or skilled workmen over 45 years of age.

Answer. We do not make such conditions.

10. If you were convinced that labor conditions in any of the corporations in which you are interested were such that workmen were unable to support their families without putting their wives and younger children to work, or if the nature of employment resulted in industrial diseases, or if the accident rate was excessive as compared with other corporations, what action would you take?

Answer. I would try to mitigate such condition or try to see that they are helped out or have the conditions changed so that there should not be any of these hardships.

11. Have you ever been present at meetings of directors or of the executive committee of a corporation at which the labor policies to be pursued by the corporation, either during strike or during normal times, were being discussed?

Answer. Yes; I have.

11A. Upon what information were the conditions determined in such cases?

Answer. Upon the reports of the manager and reports by officers and directors and personal representatives who had visited the mine and kept in close touch with these questions.

11B. Would a decision upon any financial policy be made the basis of a similar amount of information?

Answer. I think I have practically answered this question. I do attend to the finances and only indirectly to the technical part of the work, including the labor question.

12. In which of the corporations in which you are interested are the employees organized?

Answer. The labor at the Miami Copper Co. is not generally organized, except the mechanics and engineers.

12A. What have been the effects of such organization, in so far as you are informed?

Answer. As far as I am informed, there has been no difficulty in treating with the organized mechanics and engineers. We have also been able to treat with the rest of the labor, although not regularly organized, through the spokesmen whom they select.

13. What is your attitude toward the organization of employees for their protection and for the advancement of their interests? Upon what information or experience is this attitude based?

Answer. I believe that workmen should have a right to organize if they desire to do so, as they should have the right to bargain collectively. I am willing to treat with organized labor where it is organized.

15. What is your attitude toward permitting union organizers who are not employed by your corporation to address employees and otherwise carry on their work without interference?

Answer. My attitude is to allow them full liberty to address my employees, as I do not wish to impair the liberty of employees in any way.

17. As a result of your observation and experience, do you believe that industrial discontent in America is increasing?

17A. If so, why?

Answer (17 and 17A). It is very difficult to make a general answer to this question. It varies in different localities. I think, on the whole, there is a better feeling generally; perhaps not a very great change.

17B. In your opinion, along what general lines should action be taken to remove the causes for such discontent?

Answer. As I said before, I should be pleased to see necessary laws enacted to protect labor in every respect; have a minimum wage, pensions, and all sorts of protection; Government inspection and Government supervision.

18. What have you personally done to mitigate existing social evils?

A. Contributions to philanthropic organizations and institutions?

B. Active personal interest in philanthropic organizations as officer, director, or trustee?

C. Personal philanthropy?

D. Action to improve industrial conditions?

E. What have been the results?

Answer (A to E). I have been more or less active in public-welfare work since a good many years. My gifts are generally made without conditions. I am a director of the Hebrew Sheltering Guardian Orphan Asylum, National Child Labor Committee, United Hebrew Charities, International Child Welfare League, National Committee on Prisons and Prison Labor, Hebrew Technical School for Girls, Mount Sinai Hospital, Westchester County committee of the State Charities Aid Association. I am particularly interested in the care of dependent children and education generally, all kinds of welfare work, and the proper treatment of the prisoner. I think all this work is good and believe much good has resulted from these activities. I have made contributions to various philanthropic, educational, and social work since a good many years.

19. What is your opinion regarding the social desirability of heavily endowed foundations, with self-perpetuating boards of trustees, as a method of dealing with social conditions?

Answer. I think that foundations should be under some method of control and supervision by the Government; if Federal in scope, the Federal Government.

Activities of Miami Copper Co. with Respect to the Social and Industrial Welfare of Its Employees.

The following is an outline of the activities of the Miami Copper Co. with respect to the social and industrial welfare of its employees:

The industry of the Miami Copper Co. comprises the mining of copper ore by underground methods and concentrating it by the process of milling. I think I may safely say that our mine ranks well among large underground mines with regard to the working comfort and safeguarding of its employees. All modern mechanical devices for replacing or lessening the muscular labor of the miner and for assuring the safety of his transport are included in its equipment.

All surface industrial buildings are spacious in design and of fireproof construction. In the concentrating mill wet surroundings are avoided by concrete floors, sloped to provide a central drainage. The maintenance of cleanliness is preeminent, specially assigned laborers being provided for this purpose.

The property of the company adjoins the town of Miami, which is a new mining town that has sprung up with the industrial activities of the company about five years ago. The town having no local government housing conditions, sanitation, and environments are generally of low order, thereby imposing difficulties for carrying out plans of sanitary welfare for employees on the company property.

HOUSING.

Dwellings.—With the object of providing better housing accommodations for employees than are obtainable in the town, and also to isolate employees from the drinking and gambling environments characteristic of most mining towns as much as possible, several groups of dwelling houses have been constructed by the company upon its property. These houses are located on hills overlooking the town and about one-half mile distant from it. Except for some dormintory quarters for single men all houses are built in individual units, separated from each other not less than 25 feet. All window openings are completely screened. Drinking water lines are conveyed into all houses

and electric current is furnished for lighting. Garbage disposal is provided for free of charge by a collector hired for this purpose.

Sewage system.—Dwellings erected during the early period of the mine are provided with outhouses. These are continuously disinfected by chloride of lime and equipped with seat covers, spring doors, and screened ventilators for excluding flies. All recent houses are provided with interior flush toilets, the disposal of which is connected with sewer lines to a three-compartment concrete septic tank.

SANITATION.

Drinking water.—Water for all domestic purposes is obtained from underground flows accumulated in mine reservoirs located outside of the zone of the workings. This accumulation is pumped daily to surface through pipe lines provided exclusively for its use to steel-covered supply tanks. Therefrom it is piped into all dwellings and buildings for domestic use. With the extension of the mine workings this supply has become inadequate for the needs of the camp; so it has become necessary to obtain the deficiency from a local well not under the sanitary control of the company. However, to guard against an insanitary supply bacterial analyses of the drinking water are frequently made.

Toilet facilities.—Underground: Portable toilet cars, the use of which is compulsory, are provided for underground employees. These are continuously disinfected by chloride of lime and are brought to surface daily for cleansing.

Surface: Where it is feasible to connect with the sewage system flush toilets are provided. Outhouses are continually disinfected by chloride of lime, and seat covers, spring doors, and screened ventilating windows are provided to exclude flies. The pits of abandoned privies are covered with a layer of at least 3 feet of soil.

Change house.—The bathing facilities provided for miners are contained in a two-story steel change house of fireproof construction, located within close range of the mine exit. This building is equipped with the following conveniences:

Individual sheet metal lockers.

A pressure steam heating system for heating the interior and drying work clothes.

A ventilating system. Lockers are provided with perforated bottoms and louvered doors to effect ventilation of clothes, and main floors are equipped with Burt ventilators for conveying foul air out of the building.

Bathing facilities: Shower baths fed by hot-water heaters, with a minimum ratio of one shower per four men; washing faucets, also hot-water fed, with a minimum ratio of one faucet per 10 men. Contaminated water flows directly into a disposal trough.

Daily janitor service for maintaining cleanliness of the building and wash apparatus.

Hospital.—Because of the lack of a local hospital a building having a normal capacity of 40 patients has been erected jointly with a neighboring company for the benefit of employees and their families. An elevated, airy, and secluded site, aesthetic design, and general elegance of construction constitute its building features.

Equipment: The conveniences of this hospital consist of the following: A dispensary; 4 main wards and 13 private wards; two canvas porches and one sun porch; a main operating room and a minor operating room; an operating sterilizing room; an X-ray room; a delivering room and a recovery room; a doctor's room; a surgeon's room; a matron's room; a laboratory and drug room; a morgue; a kitchen and a diet kitchen; patients and nurses' dining rooms; a women nurses' room; a bedding sterilizing room; laundry, ironing, and sewing rooms; a nurses' home.

Staff, etc.: One surgeon, three physicians and assistant surgeons; matron, three women nurses, and two men nurses; three orderlies, cook, dishwasher, and waitress.

Benefits: Employees are entitled to dispensary and home treatment and to hospital treatment. Members of families of married employees are entitled to dispensary and home treatment.

First-aid lecture courses and practice is given to all underground bosses, and all bosses are provided with first-aid material for applying first-aid bandages to injured employees.

Educational lectures by the chief surgeon on sex hygiene and on precautions to be taken to prevent contagious diseases.

Free vaccination against smallpox and typhoid fever.

Sanitary inspection of the camp by a sanitary inspector under the direction of the chief surgeon.

MINE VENTILATION.

For the purpose of adding to the comfort of underground employees, and also to increase their working efficiency, forced ventilation by fans is practiced in this mine for cooling the workings and carrying off the noxious gases produced by blasting.

FIRE PROTECTION.

Underground.—The mine is protected from fire disasters by the following provisions: Three exit shafts; underground fire lines, fire hoses, and hand extinguishers; fire doors; sprinkler systems on all timber-head frames; helmet crews.

Surface.—Spacious design, fireproof construction, many exits, and uncrowded working conditions guard all main work buildings against fire catastrophes.

For dwelling houses and other frame structures the camp is equipped with a high-pressure fire pump, fire lines, fire monitors, chemical engines and hose carts, a fire-signaling system, and a voluntary fire brigade.

RECREATION.

Social hall.—For the diversion of employees during leisure hours, and also to detract them from the unwholesome pastime indulgences catered to in the mining town, a social building has been erected in the dwelling-house community. This building is equipped with a reading and lounging room, pool tables, and shower baths, and is conducted under the auspices of the Young Men's Christian Association. Social entertainments are given periodically herein for the benefit of the workingmen's families. The cost of construction, as also the running expenses hereof, is borne by the company.

Club house.—Further to provide for wholesome recreation there is now under consideration the erection of a club house which is to incorporate features not existent in the aforementioned social hall built during the early nonproductive stage of the property. The added features comprise a ballroom, card room, bowling alleys, and swimming pool. The cost of the building will be donated by the company, its equipment furnished by a fund obtained through an initiation fee of $25 by members, and running expenses are to be provided by monthly dues.

Tennis club.—The use of tennis grounds, comprising two courts, is available by employees for a membership fee of $5 and nominal dues for upkeep of courts.

Band.—A bandmaster is employed by the company for the development of local talent and a band house has been erected for its use. Concerts are rendered by the band to the community during the summer season, and it also furnishes music for the social entertainments of the social hall.

FINANCIAL WELFARE.

Profit sharing.—At designated periods all employees have the privilege of subscribing to the company's stock at a nominal quotation, to an extent optional with the employee, but with a prescribed maximum limit proportional to the wage or salary earned. The salient features of this plan are as follows:

Rights and interests of the subscriptions rest with the decision of the board of directors of the company.

Payments are made in monthly installments not exceeding 25 per cent of the wage or salary earned.

Declared dividends are credited as subscription payments and interest on deferred payments is charged at the rate of 5 per cent per annum.

When the subscription is fully paid the stock is issued to the subscriber and he therefore obtains the same rights of disposal as the ordinary stockholder. As an inducement to retain the stock, a bonus of $1 per share per year for a period of five years is offered him while he remains in the employ of the company.

Subscriptions are cancelled: (a) At the request of the subscriber; (b) by subscriber leaving service of the company; (c) whenever subscription payments have been discontinued without the consent of the company for a period of three months.

Upon cancellation of the subscription the payments by the subscriber are returned with interest at 5 per cent per annum, but the dividends credited to the subscription are reclaimed.

Mutual savings.—With the object of fostering the habit of saving and also teaching the policy of sane investment, a mutual savings society was formed for employees. Herein a member makes a committed monthly deposit, the sum of which is invested in bonds of proven merit. When the deposits of a member have accumulated to $1,000 he withdraws a bond of $1,000 denomination.

Accident compensation.—Compensation is paid all employees incapacitated by injuries resulting from accidents, in compliance with a workman's compensation law enacted by the State legislature. Thereby a remuneration of 50 per cent of the workman's earnings is provided for injuries causing disability exceeding 14 days, with a maximum compensation of $4,000. In carrying out the provisions of this law, compensation is paid to employees of this company for all disabilities, including those of less duration than the prescribed 14 days.

MINIMUM-WAGE LAW.

I believe in the minimum-wage law, but all these matters should be worked out by experts. I have not studied it in detail, but have given some thought to the general problem and, therefore, only care to state my general views. I think it is a sound policy if confined at the start to certain underpaid industries. It seems to me that if the minimum is not made too high it may in those cases be possible to secure wages more adequate to the needs of the workers without reducing the consumption of goods produced by such workers and thus indirectly throwing a large number out of work. Any too radical provisions might prejudice such legislation by causing serious economic readjustments, whereas if done in a conservative way it might work quite some benefit. I understand that experience has shown pretty thoroughly that where minimum-wage legislation has been enacted conservatively and with a view to proper economic necessities, it has been quite effective and successful in standardizing wages in the industries covered by such legislation and protecting those wage earners that are unable to bargain collectively.

STATEMENT OF MR. JAMES MORGAN.

CHEYENNE, WYO., *March 12, 1914.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Transportation Building, Chicago, Ill.

GENTLEMEN: At the hearing of your commission recently in the city of New York I was asked to make answer to a questionnaire submitted to me to be used in connection with testimony I expected to give. The hearing concluded without my testimony, but I am informed that you desire the submission of the answers responsive to the questions. Herewith please find the same inclosed. If further answers are desired I shall be glad to respond to your request.

Respectfully,

JAMES MORGAN.

Question. State your name, residence, and occupation.

Answer. James Morgan, Cheyenne, Wyo., secretary-treasurer of district No. 22, United Mine Workers of America.

Question. How long have you been secretary-treasurer for the United Mine Workers of America?

Answer. Ten years.

Question. How long has the organization of the United Mine Workers of America been in existence in Wyoming?

Answer. Organized in April, 1903; nearly 12 years.

Question. Can you state the circumstances under which the United Mine Workers organized in Wyoming, and what the attitude both of labor and of capital was toward such organization?

[redacted]

Answer. There were really two periods of organization in Wyoming, the northern, or what is called "the Sheridan field," was organized in 1903, and the necessity for an organization among the miners was the same there as in every other coal field. Individually the miner could not hope to have any of the grievances he complained of adjusted, nor could he enjoy the liberty guaranteed to every citizen in an economic or political way. The shift contract in favor of certain political parties was, if persisted in, likely to result in the discharge, as was equally true of spending money in saloons outside the mining camp; and the only store in the camp was the company store. The privileges were, we might say, those that are common to unorganized mines. 10 hours and 12 hours were the day's work, wages were low, gradually nothing was paid for dead work, there was no check weighman, and the weights were always a source of complaint. After several attempts at various times the men organized and the company, which operated the mines at that time, discharged or rather closed down the mine in which the men worked. Fortunately at this time the company changed hands, and the new management recognized the organization, agreed to help and adjust complaints through the organization, and in January, 1903, entered into the first written contract.

In the southern field, where two-thirds of the miners of the State are employed, the organization was effected in 1907. The wage scale of the organized miners of the northern field was higher and the conditions of employment better, so, naturally, the men desired organization, and this was finally accomplished, and, while it resulted in a two weeks' suspension in that field, due to the fact that the management in charge at that time were opposed to organization among their employees and discharged all men who joined, a new management succeeded who had dealt with the organization in other fields, and it was agreed that men could join the organization without discrimination on the part of the company. This was in May, 1907. In August, 1907, a joint conference was held and an agreement reached for the entire State, in which the operators of both the northern and the southern part of the State took part. This agreement granted an increase in wages, the eight-hour day, recognition of the union, the check off, and laid down the basis for all future agreements.

Question. Are the coal operators of Wyoming working under contract with the United Mine Workers of America; and if so, how long have these contractual relations been in effect?

Answer. Yes; contracts have been made in the northern field since 1903, and in the southern field since 1907.

Question. Under what conditions are the contracts agreed upon? State the customary procedure when the terms of the written contract are discussed.

Answer. Each contract provides a certain time, prior to the expiration of the agreement then in effect, when the representatives of the operators and of the miners shall meet to discuss the terms upon which another contract may be based. The miners meet in their own convention, where delegates from every mining camp take part in the drafting of the agreement they desire to have put into effect. The operators likewise meet together, and when each conference has finished its work there is a joint meeting, at which the propositions are submitted and a joint scale committee is selected, the miners selecting their own representatives and the operators doing the same. This joint committee meets and they go over the scale and eventually report back to the joint meeting the scale they have agreed upon. If this is ratified by each side, then the officers are empowered to sign. If the scale is not satisfactory, the joint committee makes up the objectionable features and attempt to work out a proposition that can be mutually agreed to, until finally a proposition is evolved that meets with the approval of the majority of representatives of both sides, each acting in their own convention separately.

Question. Has there been any trouble, industrially speaking, between the operators and workers over wages or other conditions in the coal mines of Wyoming?

Answer. The only general trouble occurred in 1908, when there was a three weeks' suspension. In that year the operators' association demanded a reduction in wages. This was opposed by the miners, and after three weeks' idleness a new contract was negotiated, the old agreement in every particular with the exception of the wage of digging coal. There have been no general troubles since, and with but two exceptions, on certain local grounds, and both soon adjusted quickly, no one has occurred since in effect.

Question. Are you familiar with the activities of the Colorado Fuel & Iron Co. in Wyoming? If so, state what they are.

[illegible]

Answer. Yes. They own and operate the iron mines at Sunrise, which produce many thousands of tons of iron ore each year, which they ship to the smelters at Pueblo.

Question. Are you familiar with any record for evading the payment of taxes existing among the public records of the State of Wyoming with reference to the Colorado Fuel & Iron Co.? If so, have you copies of these records?

Answer. Yes. In the issue of October 28, 1913, the Wyoming Labor Journal (Exhibit A) called attention to the fact that this company had, according to the report of Tax Commissioner McGill, represented that the gross value of their iron ore produced was to a great extent the lowest cost of production; and as the Wyoming law provides that working properties shall be assessed by the tax of "gross output, after deducting the expense incurred in production," this left no value to assess. I am submitting a copy of the report of Tax Commissioner John McGill (Exhibit B), of Wyoming, made to the board of equalization on July 31, 1913. This report shows as clearly the policy of tax evasion and in as unmistakable terms ways in which either the board of assessors are deliberately and willfully making false and erroneous statements to the shareholders or that this company's agents in Wyoming, by their affidavits as to the value for taxation of the company's property in Wyoming, are guilty of the grossest kind of perjury.

Commissioner McGill also regards this report of that of the law requires him to make an appraisement of this property, that under existing the supplies incurred in operation, he appraised it at [illegible] per ton and recommended that it be assessed at not less than $2.07 per ton.

I also submit a statement of the taxes paid by this company (Exhibit C), and the amount that would have been paid had the recommendations of Mr. McGill been followed. The comparison is for the years of 1912, 1913, and 1914. This statement, however, also shows what the ore was assessed at since 1907, and the statement that it was assessed at but 35 cents per ton for the year 1908 and 35 cents per ton for the years 1909 and 1910 upon the tonnage of ore in the mines on which taxes were paid to the State on ore as valuable as that in Wyoming also. Prior to 1908 the assessment was here as low as 15 cents per ton for certain years.

Question. Are you able to compare the Wyoming scale of wages under contract with the agreement of that State with the Colorado scale of wages, where there is no contract?

Answer. I do not know what the scale is in Colorado for the various wage classifications, but believe that even the Colorado operators will acknowledge that the Wyoming contract is higher than they pay. In fact, one of the miners' demands in Colorado was that they be paid the Wyoming day-wage rate.

Question. What is the length of the working day in Wyoming and in Colorado in their respective coal mines?

Answer. The Wyoming miners have worked under the eight-hour agreement since September 1, 1907. The Colorado operators, I believe, inaugurated the eight-hour day only after the recent strike started in that State in the southern field.

Question. Have you any figures showing the relative death rate in the coal mines of Wyoming under union conditions and in Colorado under nonunion conditions?

Answer. The reports of the United States Geological Survey for the years 1908, 1909, 1910, 1911, 1912, and 1913 show that in these six years there were 778 men killed in the coal mines of Colorado and 242 men killed in the Wyoming coal mines. This would compare as follows: Number of men killed each year, average, in Colorado, 1296; in Wyoming, 403. Number of tons of coal produced for each fatal accident, average, in Colorado, 208,501 tons; in Wyoming, 197,526 tons. Number of men killed for each 1,000 employed, average, in Colorado, 6.07; in Wyoming, 4.82.

Question. Have you any figures showing the relative production of coal, per man, per year under union conditions in Wyoming and under nonunion conditions in Colorado?

Answer. The reports of the United States Geological Survey referred to above and for the same six years show that the production per man employed in and around the coal mines in the State of Wyoming and Colorado was, average for the years, in Wyoming, 802 tons per man; in Colorado, 775 tons per man.

Question. Do you know whether the Colorado Fuel & Iron Co. is holding valuable mineral lands in Wyoming without developing the same?

Answer. The Colorado Fuel & Iron Company, a subsidiary company of the C. F. & I. Co., is the owner of 8,120 acres of undeveloped coal land in Carbon County, classed by the United States Geological Survey as being among the most valuable coal lands of that county. And in connection with this company I desire to quote quotes from the report of State Tax Commissioner McGill: "Mr. Burdick appeared before the board of county commissioners of Carbon County on December 7, 1910, and made affidavit that 8,120 acres were grazing lands and should be assessed as such, and asked for, and was granted a rebate of $16,855, making the value $60,424 instead of $77,280, as it should have been. These coal lands are near the old town of Carbon and, according to the United States Geological Survey, are among the most valuable in Carbon County."

Question. Do the miners of Wyoming desire the Colorado Fuel & Iron Co. to extend its activities in the Wyoming field?

Answer. We can only judge individuals or corporations by past records, and in passing judgment on the Colorado Fuel & Iron Co. as a corporation men must work for we must necessarily look to the plants it has in operation and the condition of the men there employed to form an opinion as to whether it would be a desirable addition to the industrial corporations of this or any other State, and, considering the history it has made in its treatment of its men, its disregard for constitutional rights, its open and flagrant violation of laws, this company is itself a powerful and highly organized institution, employing thousands of men, with more than $100,000,000 of assets, and, considering its policy toward the desire of its employees to themselves organize for their mutual protection, and the brutal and illegal methods used to stamp out every vestige of organization among its men, I believe every miner in Wyoming would answer the question most emphatically in the negative. They would, in making this decision, consider all the matters mentioned above. They would also consider that for many years they had maintained their organization in this State; that these employers had recognized it, and through the medium of the joint agreement a means had been agreed to whereby every grievance could be heard and considered and, if just, rectified, because of the agreement, while industrial war had raged in the State of Colorado, where the C. F. & I. Co. dominated the mining situation. In this State industrial peace had been in effect. The extension of this powerful corporation into the coal-mining industry of Wyoming with its attitude toward the miners' organization as proven by the two great coal strikes in our sister State of Colorado leaves no doubt in the mind of any thinking man that it would spell the end of peace in the mining industry and with the bloody history of Ludlow fresh in our minds we do not wish to see the miners and children of our State subjected to the horrors of another Colorado war. That this company has no more regard for law here than in other States is proved by the report of the tax commissioner; and in their mines at Sunrise and Chicago while the State law provides that eight hours is the legal work day underground and the coal miners of the State work but eight hours at their iron mines the 10-hour day is still in effect. This proves that the leopard has not changed its spots. In connection with this statement I am submitting extracts from the Wyoming Labor Journal of the issues of October 25 and 30, 1914 (Exhibit A), dealing with the evasion of taxes and the wages and hours of the miners employed in and around the iron mines at Sunrise and Chicago.

I also submit a copy of the report of Tax Commissioner John McGill, made to the board of equalization, July 21, 1913 (Exhibit B), and statements of taxes paid for the years of 1912, 1913, and 1914 and what these taxes should have been on the basis of the report of the tax commissioner, and this statement further shows the miserably low values assessed against this land for the years of 1908, 1909, and 1910 (Exhibit C). Also attached is extracts from the minutes of the State board of equalization, in their meetings on April 14, June 8, July 1, and July 9, 1914 (Exhibit D). These meetings cover the period whereby the taxes on land were raised to $1.65 per ton and again reduced to $1 per ton.

JAMES [illegible].

Cheyenne, Wyo., March 20, 1915.

[redacted]

blocks [redacted]. To begin with the ore that is mined at Cheyenne mines and Sunrise is known as the highest grade of iron ore; its nearest rival in this respect being the ore from the Mesabi Range in Minnesota, also owned by the Rockefellers. The Mesabi Range ore runs 1 per cent less in metallic mixtures, to all intents and purposes being worth less by considerable than that Wyoming ore.

For the year ending December 31, 1911, this company's mines, then located in Laramie County, showed a total production of 565,089.60 tons of ore, the gross value of which they represented to be $376,142.79, and "by strange coincidence," as Tax Commissioner McGill says in a report to the State equalization board, "The expense incurred in production is exactly the same amount to a cent; a fraction less than 67 cents a ton."

Why did they go to the trouble to concoct this forgery? In an attempt to evade the payment of State taxes?

The Wyoming law provides that mining properties shall be assessed by the ton of gross output, "after deducting the expenses incurred in production." If their statement had been taken at its face value, there would have been no taxes paid. It was finally assessed at 50 cents a ton, as a total value, for taxation purposes, of $282,544.80. They paid total taxes of $4,241.24 for that year.

Tax Commissioner McGill tried to have the State board of equalization place the value of ore at $2.07 a ton, a very reasonable rate when it is considered that Mesabi ore of an inferior grade has had a market value at the eastern steel mills since 1905 at $4.24 a ton.

In 1910 the equalization board, responsive to public demands (and the insistency of Tax Commissioner John McGill) raised the value of iron ore from 40 cents a ton to 90 cents, and it was on this basis that they paid their taxes. This was not adequate, and demands were still being made for a higher rate. Finally, at a meeting of this board, held on April 11, this year, when the board met to place an assessment for valuation purposes on the mines and all other output of the State, on a motion by Houx, seconded by Forsyth, iron ore was assessed at $1.15 a ton. This was still far too small for justice, but too large for the Colorado Fuel & Iron Co., for at the meeting of the board on June 6 they were represented in force by C. W. Burdick, their Wyoming lawyer, and a Mr. Gilchrist.

At this meeting Burdick quickly tried to get the newspaper men and others excluded, and an executive session of the board. Houx refused his consent to any "star chamber" session on what was the people's business, so Burdick was compelled to see the rates maintained till another meeting of the board, set for July 1. Tax Commissioner McGill served notice at this June meeting that if there was to be a meeting on July 1 for the purpose of taking up the protests over discrimination, counsel would be granted to appear for the people. We are not surprised to hear that a majority of the board found it convenient to be absent on July 1. On the 8th, however, McGill having been called to the northern part of the State, in the meantime we find the board in session as usual. At this meeting (no protestants being marked present, they having evidently first made their grievances beforehand) Forsyth moved a reduction of the C. F. & I. iron schedule to $1 a ton, Houx voting "No." Cambria Fuel to 40 cents a ton and all to 80 cents a barrel (we will have something to say of these fuel valuations in a later issue). So we see that, because the C. F. & I. is Rockefeller, their $2.07 ore is worth only $1 for purposes of taxation.

In plain terms the people are being defrauded out of 50 per cent of the taxes the company should pay, because the majority of the board of equalization favor such reduction. We are not partisan in this matter. The statement is based on the minutes of this board.

Now, we will see what this company is doing in Platte County, the company's mines being in the newly created county. Last week the Colorado Fuel & Iron Co. tendered $3,400 in full payment of their taxes for which they stand assessed $6,400, and have instituted action for an injunction restraining County Treasurer Agnew from taking the usual action for collection. This $6,400 is their assessment on a production of [redacted] tons of iron ore, based on a valuation as set by the State of $1 per ton.

In their protest directed at Platte County officials this company states that the actual value of their ore is 62 cents a ton (this same ore they reported as valuation in 1912), but that they will pay only a value of 45 cents, or one-half of their own valuation. Surely this gall is without precedent, and their defiance of law is unparalleled. They commit perjury without any hesitation for they know (and they know that the people know) that their ore is equal in value, at

[illegible]

[illegible]

[illegible] ; nature of [illegible] as [illegible] relations.

[illegible] under the law in the matter of [illegible]. It is supposed [illegible] individual or corporate body will be compelled to bear more than a just share of the burden and, [illegible], that no such individual or corporation bears less than its share of taxation.

In Wyoming we are confronted with the fact that this State board has been upon that ticket in the case of the Rockefeller holdings.

Taking the output for this company during 1911, for example, 595,682.00 tons should have been assessed for taxation purposes at $2.07 a ton, or $1,169,721.65. They were really assessed at 60 cents, or $350,649.20. A total value for which they were not taxed of $819,071.95.

In 1912 they produced 501,564 tons valued at, based at $2.07 a ton, $1,245,297.48. Value raised by board to 60, or $301,564. Ore values produced in excess of those taxed, $943,673.48. This is a total of $1,471,343.43 in values based on a conservative estimate, for only two years of operation, that this corporation has defrauded the people of the State out of taxes on.

And even this miserably inadequate value of $1 per ton they are contesting in the courts of Platte County. They say now that the ore has a value of 60 cents a ton and that they will only pay on a value of one-half, or 30 cents a ton. They can well pay that as long as they can manipulate the courts and control elected officials they care not who elects them.

Also, there should be added the rebate of $108,526 that was lifted off the value of their Carbon County coal lands by the county commissioners of that county for 1910, a proceeding that has made them another neat little sum by the saving of taxes on this sum for the last four years or $434,104. This makes a total amount for the years specified of $1,908,449.43 of taxable property that has not paid taxes. Who can say what the total amount would be for all the years they have been in business?

Do you blame them for being in politics when the pickings are so rich? Can you blame them for retaining Mr. Burdick and their able counsel when their investment can produce such results? Nor has the half been told. There are the valuable realty holdings in Chicago mines and Sunrise, for which they collect ample rent and for which they pay a miserably low tax. There are the miners and laborers working at Sunrise and Chicago mines for from $1.75 to $2.50 a 10 and 12 hour day.

The operating coal companies working under agreement with the mine workers of Wyoming pay a minimum wage of $2.50 outside and $3.00 inside for an eight-hour day. In other words, the coal operators pay a minimum of 31.25 cents an hour outside; the C. F. & I. iron mines pay a minimum of 17.5 cents an hour outside; C. F. & I. minimum lower than coal mines, 13.75 cents for outside labor; the coal operators pay a minimum of 37.5 cents an hour inside; the C. F. & I. pay a minimum of 22.50 cents per hour inside; C. F. & I. minimum lower than coal mines, 15.75 cents for inside labor.

In other words, company employees in the coal mines of Wyoming receive as much per hour as any underground worker and one top laborer at the iron mines.

Nor is this all. The C. F. & I. iron camps are "closed" camps. No unions are allowed, deductions are made for hospitals and doctors, and the men have nothing to say about the matter of disbursing the fund. A company store caters to the wants of the miners at a rate not dictated by outside competition. Mr. I. M. Bowers, himself an ex-divine, Rockefeller director in the C. F. & I. corporate, hinted in an article in Leslie's that his company paid particular attention to their employees' advantages, educational and spiritual. For this reason we suppose no word of protest escapes the camps at the methods.

There is a law on our statute books that eight hours shall constitute a day's work in all underground workings. There are underground workings at Sunrise and Chicago mines, and the shortest day is 10 hours. Is this law obedience?

Exhibit B.

Cheyenne, Wyo., July 15, 1913.

To the Honorable State Board of Equalization.

Gentlemen: The report of the output of the Colorado Fuel & Iron Co.'s Sunrise and Chicago Iron mines in Laramie County for the year ending December 31, 1911, shows a total of 595,682.00 tons, the gross value of which is represented to be $875,149.27, and, by a singular coincidence, the expense incurred in production is exactly the same amount to a cent; a fraction less than 47 cents per ton. As the law provides that the gross value of the output, after

"An officer of the company is authority for the statement that the organization is maintaining the record for the past two years under the ownership of John D. Rockefeller, and is accumulating a big surplus. Its assets showed a greater increase in the six months ending on December 31, last, than they did for the entire year ending on June 30, 1911.

"The company had assets worth $61,000,000 at the close of business on June 30, 1911. This amount was increased to $62,028,160.45 during the next six months, a gain of $1,028,160.45. The company showed a surplus of $9,000,041.01 at the beginning of this year, a gain during the six months of $1,028,490.08. The full meaning of this showing is apparent when it is known that when Rockefeller took over the property it was showing a deficit."

I submit the following extracts from the reports of the board of directors to the shareholders of the C. F. & I. Co. to show the constantly increasing values of their mines in Wyoming. In the report for the year ending July 31, 1905, is the following:

"The value and extent of the Sunrise iron mine is constantly improving under liberal prospecting with diamond drills, shafts and drifts, and the current production is steadily increasing. A still greater increase will be made possible, prior to October 1, by the completion of a branch railroad by the Burlington system to the north end of these properties, to what is known as the Chicago mine, where large bodies of both Bessemer and non-Bessemer ores have been proven, and from which shipments will be made in such quantities as transportation may be provided and the progress of the underground work will permit.

"Pending the full development of these valuable properties it has been deemed desirable to procure a quantity of iron ore from Lake Superior to enable your company to operate a sufficient number of its blast furnaces to meet the very generous demand for steel rails."

In the report for 1906 the following appears:

"The development at the iron ore properties at Pierre, N. Mex., and Sunrise and Sunrise, Wyo., has progressed very satisfactory, and the quantity of ore now blocked out and in sight is in excess of that at any period in the history of the company. The work of expanding the supply of this class of raw material will continue, and it is now expected that enough iron ore will be shipped to meet the growing demand for many years."

In the report for 1907 the following appears:

"The additional iron ore blocked out during the past year at the New Mexico and Wyoming properties greatly exceeds the consumption during that period and insures a larger supply than has heretofore been known to exist, thus removing all cause for doubt or anxiety about the ore reserves of the company."

In the report for 1909 the following appears:

To the stockholders:

Your executive officers decided early in the present year to have an appraisement of all the mines, lands, and property of the company and its subsidiaries, regardless of the original cost or book values, for the following reasons:

Most of the ore and coal lands were secured by the several companies now merged into the Colorado Fuel & Iron Co., from 15 to 25 years ago and largely undeveloped. The valuation was mainly based upon outcroppings and at figures that were almost entirely speculative. Most of the properties that have been developed during these 25 years have proven to be immensely valuable.

When these properties were secured by purchase or merger there was but little demand for iron ore, and this now great industry was of but trifling importance. As late as 1900 the iron ore properties developed at that time showed but about 6,000,000 tons, while in 1909 there is developed more than 35,000,000 tons. Estimates made by competent experts of your undeveloped iron properties give a tonnage which, with that already developed, is sufficient to supply the steel plant, running at its present capacity, for 50 or 60 years at least.

Since the entire mines on the books during the past 25 years the iron industry has developed to enormous proportions and iron-ore properties are considered among the most valuable of minerals in the United States.

The development of your coal and coke properties during the same period of years shows a large increase in tonnage over former estimates. The large acreage of undeveloped coal lands warrants their being appraised at many

[illegible] stock that the old [illegible]. They are valuable assets for coal operations since coal is very important one in connection with our iron industry.

We have for reasons above stated presumed to have valuations made with no reference to the almost worthless entries made on the books so many years ago, and under conditions that have entirely changed between 1880 and 1902. While the old valuations have been in most instances increased we have cut down and wiped out for depreciation and for poor abandoned coal mines a very large amount. The estimated value of these properties by experts is more than that now placed upon them and submitted herewith.

We have for reasons above stated proceeded to have valuations made which your executive officers believe to be a conservative and proper valuation in 1902.

T. M. Rouse, *Chairman.*
J. F. Welborn, *President.*
F. S. Gates, *Vice President.*
J. A. Wyeth, *Auditor.*
Joseph Chilcote, *Sales Manager.*
Executive Committee.

Consolidated balance sheet of the Colorado Fuel & Iron Co. and subsidiary companies made from new appraisement of property as of June 30, 1902.

ASSETS.

Fee simple coal, iron ores, and other lands		[illegible]
Interest in coal mines, coal mining rights, coke ovens, etc.		[illegible]
Less depletion	[illegible]	
Discount on bonds and stock underwriting, etc.	[illegible]	
Re-plate plant, power operated, [illegible]		
Estimated 1/2 one-half for other purposes	[illegible]	
Abandoned mines	[illegible]	
		[illegible]
Railroads:		
Road owned	[illegible]	
Less reduction by revaluation	[illegible]	
		[illegible]
Construction plant		[illegible]
Timberland, franchises, buildings, etc.		[illegible]
Inventories: supplies and manufactured stock		[illegible]
Accounts receivable		[illegible]
Cash on hand		[illegible]
Bills receivable		[illegible]
Securities, stocks and bonds		[illegible]
Cash held by trustees		[illegible]
Deferred items		[illegible]
Interest on securities		[illegible]
Interest on receivables, etc., accrued		[illegible]
Total assets		[illegible]

LIABILITIES.

Capital stock of C. F. & I. Co.:		
Common stock	[illegible]	
Preferred stock	[illegible]	
		[illegible]
Funded debt:		
C. F. & I. Co. general mortgage 5 per cent bonds	[illegible]	
C. F. & I. Co. 5 per cent 10-year convertible debentures	[illegible]	
Pueblo Flat Co. general mortgage 6 per cent bonds	[illegible]	
Colorado Industrial Co. 5 per cent bonds	[illegible]	
Rocky Mountain Coal & Iron Co. first mortgage 5 per cent bonds	[illegible]	
Grand River Coal & Coke Co. first mortgage 6 per cent bonds	[illegible]	
Colorado Coal & Iron Development Co. mortgage 6 per cent bonds	[illegible]	
		[illegible]
Accounts payable and bills [illegible]		[illegible]
Accrued [illegible] interest, rent, etc.		[illegible]
Accrued taxes, not due		[illegible]
Fund for [illegible]		[illegible]
		[illegible]
Net appreciation from 1880 to 1902 on [illegible] coal and coke properties [illegible]		[illegible]
Railroad and [illegible] equipment at actual cost [illegible] plants, railroads, rolling stock, etc.		[illegible]
		[illegible]

The report for 1910 shows for that year the total production of all the company's iron mines was 870,580 tons. Of this amount [illegible] tons, or one-ninth of the total, was mined in Wyoming.

These quotations are made to show how valuable these properties appear to be to the directors of the company. Your attention is particularly called to the quotation from the report for 1909. By the reappraisement $10,000,000 was added to the value for that year; but, so far as Wyoming is concerned, when it came to listing the company's property for taxation, we did not get a raise of 10 cents. On the contrary, Mr. Burdick appeared before your honorable body and asked that the value of the output for the year 1910 (the year following the $10,000,000 raise) be placed 10 per cent lower than the year 1909. And in Carbon County, after the coal lands (8,100 acres) of the Colorado Industrial Co., a subsidiary of the Colorado Fuel & Iron Co., had been listed by the assessor for the year 1910 at $20 per acre, making a total valuation of $162,000, Mr. Burdick, on December 7, 1910, made affidavit before the board of county commissioners that 5,000 acres were grazing lands and should be assessed as such, and asked for, and was granted, a rebate of $100,000, making the value $62,454 instead of $162,000, as it should have been. These coal lands are near the old town of Carbon and, according to the United States Geological Survey, are among the finest coal lands in Carbon County.

For the year 1910 the C. F. & I. Co. paid for State, county and school purposes a total tax of less than 0.56 of a cent per ton on their output. It is easily seen that this valuable product must be greatly undervalued when it only pays a total tax of the ridiculously small sum of 0.56 of a cent per ton for each ton of ore that is taken out of our State, and while there may have been other reasons, I have no hesitancy in stating in this public manner that they have been able to evade taxation by reason of false and perjured statements of their agents as to the valuation of this property, and an effort should now be made to compel this Rockefeller corporation to pay more nearly its just proportion of the taxes of the State. When Mr. Houx requested them by formal your honorable body with information as to the amount of iron ore, coal, coke, and limestone used and the cost of labor in producing a ton of steel rails, in order that your honorable body might be enabled to place a fair valuation on this ore, they refused, on the pretext that that would be giving their business secrets to their competitors.

In my report to you of June 2, 1911, it is shown that in 1908 the total assessed valuation of the State was $30,000,000; in 1909, under the new assessment law, it was $100,000,000; an average increase in value of 270 per cent on all the property of the State, while the net increase on this property was only about 12 per cent. The same report shows that since 1905 the freight from Minnequa to Pueblo has been reduced 95 cents per ton, making the net value that much more.

In considering the reports of the board of directors to the shareholders of the company and the affidavits of Mr. Writer, the auditor of the company, and Mr. Burdick, the company's agent or attorney, there is only one of two conclusions that can be properly arrived at. Either the directors of the company are deliberately and willfully making false and erroneous statements to the shareholders, as the United States Steel Co.'s directors were accused of doing and for which that company is now being investigated by a special committee, or Mr. Writer and Mr. Burdick, by their affidavits as to the value for taxation of the company's property in Wyoming, are guilty of the grossest kind of perjury.

It is in obedience to law that I make you this report, and as the same law requires me to make appraisement of this property, I hereby appraise the value of the gross output (900,062.00 tons), after deducting the expense incurred in operation, at $2.07 per ton, and recommend that it be assessed at not less than $2.07 per ton.

Respectfully submitted.

John McClure,
Commissioner of Taxation.

Exhibit B.

Colorado Fuel & Iron Co.

Exhibit B.

[Extract from minutes of meeting of State Board of Equalization, State of Wyoming.]

CHEYENNE, WYO., *April 24, 1911.*

The board met in open session pursuant to adjournment of April 4 for the purpose of placing a valuation for assessment purposes on the mine and oil-well output of the State.

Full board present.

After full discussion of values, followed and among numerous other of above-named industries the valuation on iron and copper ore and the oil-well output:

Colorado Fuel & Ore Co.: Iron ore, $1.15 per ton; copper ore, $62.75 per ton.

After discussion of the valuations of the oil-well output, it was by motion decided to place the valuation for taxation purposes at $1 per barrel.

CHEYENNE, WYO., *June 5, 1911.*

President of the board stated the meeting was called to grant hearing to all parties who might protest on valuation of oil, coal, etc.

Numerous protests were read, also a number of affidavits in regard to the valuation of oil.

The board was then addressed by Mr. Schuyler, representing the Midwest Oil Co.; by Judge William Metz, representing the Wyoming Crude Oil Co., the Castle Creek Oil Co., and the California Oil Co.; by Mr. E. J. Sullivan, representing the Basin Oil & Gas Co.; by Mr. Fisher, consulting oil expert; by Mr. C. W. Burdick, representing the Colorado Fuel & Iron Co.; by Mr. Gilchrist, representing the Colorado Fuel & Iron Co., who by tables and analysis showed the valuation of iron ore compared with other ores of the Michigan and other mines.

The board adjourned without taking any action until July 1, 1911.

CHEYENNE, *July 1, 1911.*

The meeting being opened, the meeting was adjourned subject to call of the president.

Cheyenne, July 2, 1914.

The president stated that at this meeting the question of the valuation on the product of the Colorado Fuel & Iron Co. and the oil output of the State and others on which protests had been made should be settled, and the following resolution was adopted:

Resolved, That after full consideration of the showing made by the producers of coal, oil, and iron, the petitions of many citizens of the State, and affidavits filed by operators and by experts relating to valuation of coal, oil, and iron, that the ends of justice and the best interests of the State will be conserved by the board reconsidering the action on April 11, 1914, as regards valuations of the Cambria Fuel Co., Colorado Fuel & Iron Co., and the oil output of the State, and that the same be placed as follows:

Colorado Fuel & Iron Co., $1 per ton; oil output, [illegible] per barrel.

A vote on the above resolution was—yes 2 and no 1.

So far as known, the above resolution was based on statements made before the board on June 8 by men representing the different companies interested. Read what the State tax commissioner has to say in regard to these valuations.

You may also refer to this report of the tax commissioner for proof of statements made in the article printed in the Wyoming Labor Journal under dates of October 22, 29, and November 5.

STATEMENT OF MR. MARTIN SAAR.

25 Wall Street,
New York, March 25, 1915.

Dear Mr. Brown: I inclose herewith the statement which you requested, as to the records of International Mercantile Marine Co.

Trusting that this covers what you want, I am,

Very truly, yours,

Martin Saar.

Mr. Lewis K. Brown,
Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

International Mercantile Marine Co.
New York, March 25, 1915.

This certifies that the minutes of meetings of the board of directors and of the finance committee of the International Mercantile Marine Co. held during the past five years contain no reference whatever to any action or report made in regard to labor conditions either here or abroad.

Attest:

Edward H. Parker, Secretary.

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25 Wall Street,
New York, March 5, 1915.

Mr. Lewis K. Brown,
Secretary Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

My Dear Sir: I send you herewith the information requested by your letter of March 1.

Very truly, yours,

Martin Saar.

Tuo Foundry Co.
Chicago, February 28, 1915.

I, A. S. Weissbrodt, the secretary of the Foundry Co. and keeper of the records and minutes of the proceedings of its board of directors and executive committee, do hereby certify that I have carefully gone over and examined all of said records and minutes for the last five years and that there is in those records, or in those minutes, nothing bearing on the questions of labor.

Witness my hand and the seal of said company this day and year above written.

[SEAL.]

A. S. Weissbrodt, Secretary.

[redacted]

[redacted]

[redacted]

Incidentally, they have taken much of the manhood out of the spirit of private charities. What do any of the great foundations claim to have done or what do they plan to do to exterminate privilege?

Fortunately, however, the malign influences of these and similar foundations is passing away, as the public realizes that they are merely the steel pincers of privilege. The people are turning to the proper power to secure economic justice—government.

I want to urge upon the commission that the most important measures to secure more employment, and automatically to shorten the working day and improve the conditions of labor generally, is to tax land, mines, etc., into proper productive use. The immediate establishment of a national labor exchange is, of course, vital, but when land speculators are forced to use their land or let others do so, necessity will be a very effective worker and devise ways of getting the jobless men on the job.

We should have relatively little destitution of the grinding sort, constantly recurring in our cities and even small towns, if three-quarters of even two-thirds of the country's population were self-sustaining on small farms.

STATEMENT OF MR. CONRAD RENO.

PARTNERSHIP EQUALITY OF REWARD BETWEEN CAPITAL AND LABOR.

A SCIENTIFIC DIVISION OF PROFITS OR JOINT EARNINGS BETWEEN CAPITAL AND LABOR.

(Reply to Mr. Brandeis.)

In reply to the statement of Mr. Louis D. Brandeis before the Federal Commission on Industrial Relations on January 23, 1915, that a scientific division of profits between capital and labor was not feasible because it was necessarily a matter of bargaining, allow me to outline a plan of capital-and-labor partnership, which, I believe, would result in a scientific division of the joint earnings between the capital partners and the labor partners, and which would be entirely feasible.

The feasibility of the proposed plan has been indorsed by President Emeritus Eliot, of Harvard, and by Sir George Livesay, of London, and many others. Will the plan effect a scientific division of their joint earnings between capital and labor?

The partnership plan is to make all the net earnings in excess of living wages for the labor partners and living dividends of, say, 6 per cent for the capital partners, the joint partnership property of all the industrial partners of each industrial partnership, and to divide such joint partnership property between labor and capital in the ratio of living wages to living dividends.

Thus, if the living wages equal in amount the living dividends for the same time, the joint partnership property will be divided between labor and capital in the ratio of 1 to 1, or equal shares to the two classes of partners. If the living wages amount to more (or less) than the living dividends, the division of the joint partnership property between labor and capital in the same ratio of living wages to living dividends would also result in partnership equality of reward, and thus effect a scientific division of the joint earnings.

Partnership equality of reward for capital and labor is the ideal condition in industry toward which we are gravitating. Such partnership equality of reward would make for a larger output of goods by the labor partners because it recognizes their equality of right with the capital partners in their joint product. A larger output would make it feasible to increase the reward of labor without decreasing the reward of capital and without increasing the cost of living.

Mr. Brandeis is right in saying that a condition of inequality between the two forces of capital and labor exists, and that even strong labor unions are not equal to the industrial trusts in bargaining power. If the division of the joint earnings between labor and capital is to be left entirely to bargaining between the parties, partnership equality of reward will be difficult if not impossible of achievement, because the side which possesses the greater bargaining power will get the best of the bargain and thus produce inequality.

of reward. Where great inequality of bargaining power exists the law has found it necessary to aid the weak side and to fix living wages for women and children and to fix the maximum workday and other terms of the relation between capital and labor.

The next step toward equality of reward between labor and capital should be a law ensuring that the capital and labor employed in our public service corporations shall constitute an industrial partnership, whose joint earnings shall be the joint partnership property of the industrial partners, and after the payment of living wages to labor and living dividends to capital, such joint partnership property shall be divided between labor and capital in the ratio of partnership equality of reward stated above. At the same time such industrial partnership for public service should be exempted from the operation of the Sherman Act of Congress and like State laws, for the reason that such capital-and-labor partnerships are not trusts or monopolies, but are co-operative partnerships based upon the fundamental principle of social justice called partnership equality of reward.

In the case of the industrial trusts such a partnership act of Congress should be permissive and should declare that upon the voluntary adoption of the partnership plan by the capital and labor of any trust the Sherman law shall cease to operate with respect to the capital and labor composing such industrial partnership.

The efficiency of such capital and labor partnerships will be greater than the efficiency of the trusts, because the labor partners will be converted from employees, with no share of the profits, into partners with a fair share of the profits. Greater efficiency means larger production per unit of industrial service. With partnership equality of reward, it means higher wages, higher dividends, and lower cost of living—or prosperity.

Labor has strong objections to scientific management without scientific division of the joint earnings, because it makes for greater inequality of reward against labor instead of evening up wages with dividends.

To restore equality of bargaining power the law has pursued the course of breaking the trusts into small units ever since the passage of the Sherman Antitrust Act of 1890. The efficiency of large units has thus been destroyed and prosperity lessened. If freedom and equality have been brought nearer to the door of the average man, it has not been the freedom and equality of prosperity but the freedom and equality of poverty. Wages have fallen with dividends.

The best practical means of getting new hope and courage and energy into both capital and labor, and of restoring general prosperity, seems to be to control monopolies and to encourage the trusts and other large units of industry to adopt the principle of partnership equality of reward for the social services of labor and capital.

It is the master-and-servant relation of inequality which lies at the root of our social unrest. The workman has ceased to regard himself as a servant or the capitalist as his master. He regards himself as the equal of the capitalist and demands equality of reward between the two social factors in industry in proportion to the value of their respective services to society at large. He claims the whole fruit of his labor and denies the right of any master or employer to take part of the fruit of his labor.

To restore equality of bargaining power between master and servant will not cure social discontent, therefore, so long as the relation of master and servant exists the remedy must cut to the root of the relation between capital and labor and must change this relation into one of industrial partnership with equality of reward for their social services.

Minneapolis, Minn., January 25, 1915. Oswald Ryan.

EXHIBITS.

ROCKEFELLER JR., EXHIBIT NO. 1.

INFORMATION FURNISHED BY THE ROCKEFELLER FOUNDATION IN RESPONSE TO QUESTIONNAIRE SUBMITTED BY THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

ORGANIZATION.

Question 1. Please furnish copies of constitution and by-laws.

Answer. Copies of the charter, being chapter 468 of the Laws of 1913 of the State of New York, and of the constitution and by-laws are hereto annexed, marked, respectively, Schedules A, B, and C.

Question 2. What boards, funds, commissions, and other organizations have been included under the Rockefeller Foundation?

Answer. None. The Rockefeller Foundation is not a consolidation of pre-existing organizations, but is a separate and distinct creation with its own funds.

Question 3. Who are the members of the present board of directors? (a) For what terms do they serve?

Answer. For the term expiring 1918: Harry Pratt Judson, Simon Flexner, Starr J. Murphy. For the term expiring 1916: John D. Rockefeller, John D. Rockefeller, jr., Frederick T. Gates. For the term expiring 1917: Charles W. Eliot, Wickliffe Rose, Charles O. Heydt, Jerome D. Greene, A. Barton Hepburn.

Question 4. How and by whom will the future directors be chosen? (a) For what terms will they serve?

Answer. "New members, whether as successors to those named in the act of incorporation or otherwise, and such additional members as they or their successors shall see fit to associate with them, shall be elected by ballot, either at the annual meeting of the corporation or at a special meeting duly called for that purpose, by vote of a majority of the members of the corporation attending such meet. Any member may withdraw from the corporation by a notice in writing to the president or secretary. The members shall be at all times divided into three classes, equal numerically as nearly as may be, and the original members shall at their first meeting, or as soon thereafter as may be convenient, be divided into three classes, the members of the first class to hold their membership and office until the first annual meeting, the members of the second class until the second annual meeting, and the members of the third class until the third annual meeting, and in every case the member shall hold office after the expiration of his term until his successor shall be chosen. At each annual meeting the successors to those members whose term of office then expires shall be chosen for the term of three years and until their successors shall be chosen." (Constitution, Art. I.)

Question 5. Who are the present officers of the foundation and its subsidiary organizations? (a) How are they chosen? (b) For what terms do they hold office?

Answer. The present officers of the foundation are: John D. Rockefeller, jr., president; Jerome D. Greene, secretary; Louis G. Myers, treasurer; Lafferts M. Dashiell, assistant treasurer.

These offices, with the exception of the assistant treasurer, were chosen by ballot at the first meeting of the foundation, held May 22, 1913, and reelected at the first annual meeting of the foundation, held January 21, 1914, in accordance with Article IV of the constitution, which is as follows:

"OFFICERS.

"The officers of the corporation shall consist of a president, secretary, and treasurer, together with such other officers as may be determined by the by-laws. These officers shall have the duties and exercise the powers assigned to them by this constitution or by the by-laws, or by resolutions adopted pursuant to the authority of this constitution or the by-laws. At each annual meeting of the corporation, or, in default of election at such meeting, then at an adjournment thereof, or at any meeting duly called for that purpose, the corporation shall elect by ballot a president, secretary, and treasurer, and it may choose such other officers as the by-laws shall from time to time provide. All the officers, whether elected or appointed, shall hold office at the pleasure of the corporation, but in no case beyond the time when their respective successors shall be elected and accept office."

The assistant treasurer was appointed by the executive committee at its meeting on March 16, 1914.

The foundation has created as a subsidiary organization the International Health Commission, the purpose of which is to extend to foreign countries and peoples the work of eradicating hookworm disease as opportunity offers, and so far as practicable to follow up the treatment and care of this disease with the establishment of agencies for the promotion of public sanitation and the spread of knowledge of scientific medicine. The members of the International Health Commission are the members of the executive committee of the Rockefeller Foundation, viz: Simon Flexner, Jerome D. Greene, Charles O. Heydt, Starr J. Murphy, John D. Rockefeller, jr.; and Messrs. Charles W. Eliot, Frederick T. Gates, William Orawford Gorgas, David F. Houston, Walter H. Page, Wickliffe Rose, William H. Welch.

The officers of the International Health Commission are: John D. Rockefeller, jr., chairman; Wickliffe Rose, director general; John A. Ferrell, assistant director general.

These officers were elected by the members of the International Health Commission at its annual meeting held January 20, 1914, for the term of one year, or until their successors are elected.

FUNDS, CHARACTER, AND CONTROL.

Question 6. Please furnish a statement showing in detail the funds, securities, and other sources of income now held by the foundation or by any subsidiary organizations.

Answer. See Schedule D.

Question 7. By what committee, board, or person are the funds of the corporation controlled? (a) Who controls the character of investment or place of deposit of the funds? (b) On whose authorization and in what manner are funds appropriated? (c) On whose warrants are funds paid out? (d) What regulation governs the expenditure of the interest or limits the accumulation of the fund? (e) What regulation controls the expenditure of the principal?

Answer. (a) The finance committee controls the character of the investments. (By-laws, Art. IX.) The executive committee controls the place of deposit of the funds. (By-laws, Art. V.)

(b) Appropriations are made by the board of directors or the executive committee on the report and recommendation of the secretary or any other officer or member of the foundation.

(c) "No bills shall be paid except those which have been incurred pursuant to a resolution of the corporation or under the authority of the executive committee, and such bills shall be paid only on a voucher approving the same for payment and referring to the specific resolution or authorization pursuant to which they were respectively incurred, which voucher shall be signed by the president and the secretary or such of the assistant secretaries as shall be designated by resolution of the corporation or the executive committee, or in the case of the absence or disability of either the president or secretary, by such other member of the corporation as such absentee shall designate in writing for that purpose.

"A current-expense account of not to exceed $5,000 on deposit at any one time may be opened with such depository as may be designated by the executive committee, which shall be subject to draft upon the signature of the cashier of the corporation, who shall be bonded at the expense of the corporation for such sum as the executive committee shall fix." (Art. V of by-laws, pars. 2 and 3.)

(d) As regards the accumulation of the fund, the charter of the foundation provides:

"The corporation * * * shall have the power to take and hold by bequest, devise, gift, purchase, or lease, either absolutely or in trust for any of its purposes, any property, real or personal, without limitation as to amount or value, except such limitation, if any, as the legislature shall hereafter specifically impose; to convey such property and to invest and reinvest any principal and deal with and expend the income and principal of the corporation in such manner as in the judgment of the trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations created by special law so far as the same are applicable thereto and are not inconsistent with the provisions of this act."

(e) As regards the expenditure of the principal and income, the only restrictions are:

1. The following provision in Mr. John D. Rockefeller's letter of March 4, 1914:

"It is a condition of this gift that from the income of the foundation the sum of $2,000,000 annually, or as much thereof as I shall designate, shall be applied during my lifetime to such specific objects within the corporate purposes of the foundation as I may from time to time direct. If at the close of any fiscal year there shall remain any balance of the $2,000,000 which I have not thus designated during that fiscal year, such balance shall be transferred to the general unrestricted income of the foundation, to be used as the foundation shall see fit. Subject to the foregoing provision, the principal as well as the income of this gift may be used in your discretion for any of the corporate purposes of the foundation."

2. By-laws, Art. VIII, as follows:

"No part of the principal of the funds of the foundation shall be distributed except pursuant to a resolution passed by the affirmative vote of two-thirds of all those who shall at the time be members of the foundation at a special meeting held on not less than 30 days' notice given in writing to each member of the foundation, which shall state that the meeting is called for the purpose of considering a resolution to authorize the distribution of the whole or some part of the principal of its funds."

Question 8. From what sources have the funds of the foundation hitherto been derived?

Answer. The foundation has received from Mr. John D. Rockefeller gifts of securities of the aggregate market value at the time of the gifts of $180,000,000. It has also received securities aggregating $45,000 from Laura S. (Mrs. John D.) Rockefeller, in trust, for certain specific purposes within the corporate purposes of the board.

Question 9. From what sources are the future funds of the foundation expected to be received?

Answer. The foundation has no expectation with regard to future funds, but under the terms of its charter it can receive gifts from any source.

Question 10. In the divisions of the foundation which have already been in operation (e. g., General Education Board), how, by whom, and for what periods have appropriations been made? (a) Are such appropriations made as a lump sum to be used at the will of the directors or responsible head, or is there an appropriation for each specific line of work?

Answer. This question is evidently based upon a misunderstanding. As stated above, the Rockefeller Foundation is not composed of organizations which previously existed. The General Education Board is an entirely independent corporation, with funds of its own. In the case of the International Health Commission lump sums have been from time to time appropriated for the use of the commission, to be expended in accordance with appropriations duly made by the commission or its executive committee.

Question 11. By whom and in what manner are the estimates for necessary appropriations made?

Answer. The major part of the work of the foundation consists in making contributions to other agencies carrying on various philanthropic activities. Applications are made by these agencies, and appropriations are made by the board or the executive committee on the report and recommendation of the secretary or any other officer or member of the foundation. In cases where estimates are necessary they are made by the persons recommending or presenting the matters.

Question 12. After an appropriation for any particular purpose has been made, to what restrictions or review is its expenditure subject, other than the ordinary business and legal procedure to insure honesty in its control?

Answer. The appropriations are in general made in the form of pledges to particular institutions for definite amounts. And when once made each pledge becomes a contract which is not subject to review by the foundation. The expenditure of other appropriations is subject to the ordinary business and legal procedure.

AGREEMENTS AND CONTRACTS.

Question 13. What agreements or understandings, verbal or written, exist between the foundation and Mr. King, regarding the scope of the work which is to be done under his direction, and the method of investigation which is to be pursued? (a) By whom was the arrangement with Mr. King made?

Answer. Mr. King was appointed pursuant to a resolution adopted at the meeting of the executive committee of the Rockefeller Foundation held August 12, 1914, of which the following is a copy:

"*Resolved*, That William Lyon Mackenzie King be, and he is hereby, appointed to make a comprehensive study of the problem of industrial relations at a salary of $_____ a year from October 1, 1914."

"It was, on motion, further

"*Resolved*, That the secretary be authorized to approve all bills for necessary traveling expenses and all other expenses incurred by Mr. King in the pursuance of his work under the direction of the executive committee. The secretary presented a recommendation from Mr. King for the employment of Robert F. Foerster, Ph. D., to prepare a catalogue of individuals and organizations, and a bibliography concerning the general subject of industrial relations.

"Whereupon it was, on motion,

"*Resolved*, That Dr. Foerster be appointed to perform the service above described, the same to be completed on or about October 1, 1914, for a total compensation of $_____.

"It was also further

"*Resolved*, That Dr. Foerster be authorized to employ as his assistant Mr. L. C. Staples, at a salary of $_____ a month, and to employ such further clerical assistance and incur such further expense incident to the preparation of the proposed catalogue and bibliography as should meet the approval of Mr. King."

The amounts of salaries have been omitted as being information of a confidential nature not material to this inquiry.

The action at this meeting had been preceded by conferences and correspondence between Mr. King and members of the executive committee of the foundation, principally the president and secretary, Messrs. John D. Rockefeller, Jr., and Jerome D. Greene. In brief, Mr. King was invited to conduct "an investigation of the great problem of industrial relations, with a special view to the discovery of some mutual relationship of labor and capital which would afford to labor the protection it needs against oppression and exploitation, while at the same time promoting its efficiency as an instrument of economic production." Mr. King was also invited to outline a method of work and organization for the proposed investigation which would enable him to make the largest possible contribution to the solution of the problem. The wish of the foundation was expressed as follows:

"It is our desire that the scope should be as broad and comprehensive as possible, for only as a result of such an intensive investigation can we hope to be in a position to make helpful suggestions looking toward the improvement in industrial relations."

There is no formal written contract between the foundation and Mr. King, other than the resolution appointing him. There are no verbal agreements or understandings.

Question 14. Is there any provision in the agreement or understanding to secure Mr. King's ability to go on with his plans, even if his policy should be divergent from that of the directors?

Answer. This and several subsequent questions appear to be based upon an entire misconception of the spirit and purpose of the investigation which Mr. King has been retained to direct. Having in mind that hardly any relation in life is more far reaching than the industrial relations, and particularly having in view the growing tendency to misunderstanding and lack of harmony between employers and employees, resulting in great injury to both as well as to the general public, the foundation has felt that no subject could be

more worthy of study, and that if it could work out sound and substantial improvements in the relation of capital and labor it could hardly do anything better calculated "to promote the well-being of mankind," for which purpose the foundation was created. In no sense will the inquiry be local or restricted, or carried on with particular reference to any existing situation, or to conditions in any one country. The experience of the several countries of the world will be drawn upon. Mr. King has been selected as a person whose broad sympathies and wide experience peculiarly qualify him to assist the foundation in this endeavor. As indicated in the statement of the foundation at the time the investigation of industrial relations was announced, the work in spirit and method will be akin to that of the Rockefeller Institute for Medical Research. In so far as Mr. King's inquiries have to do with industrial controversies, his attitude will be that of a physician who investigates the nature and causes of the pathological conditions with which he has to deal, with a view, if possible, to the discovery of effective remedies. It can not be too clearly understood that the purpose of this inquiry is not to apportion blame in present or past misunderstandings, nor to justify any particular point of view; the sole purpose is to be constructively helpful. The final and only test of the work will be the degree to which the constructive suggestions growing out of the investigation actually improve the relations between capital and labor. In a work conceived and undertaken in such a spirit, any question of divergent policies or of partiality in the investigation can have no place. Mr. King has from the outset indicated to the foundation his desire to avoid any form of organization which may cause it even to appear that his work is intended to rival or encroach upon the work of existing organizations, and in particular the work properly assignable to Government departments and agencies. It is his intention from time to time to retain experts and seek expert advice in different fields included within the scope of his study, and to employ such clerical assistance as may be necessary. In view of Mr. King's experience, the conduct of the work will be left in his hands, subject merely to such conference with the officers of the foundation as may be desirable, and to a general control by the foundation of the extent of the expenditure.

Question 15. Upon what conditions can the agreement with Mr. King be terminated?

Answer. At Mr. King's expressed wish, the period of his relationship to the foundation was limited to one year, beginning October 1, 1914, with the hope and expectation expressed by the foundation that his connection with it might continue thereafter indefinitely.

Question 16. What person, board, or committee controls the field, scope, and method of investigation?

Answer. Mr. King, as director.

Question 17. Has the foundation or its subsidiary and affiliated organizations refused at any time to continue appropriations for any piece of work or for any investigation which had been agreed upon?

Answer. No.

PURPOSE AND PLAN.

Question 18. What were the fundamental reasons and purposes which led to the consolidation and incorporation of the various Rockefeller benefactions?

Answer. There has been no consolidation of the various Rockefeller benefactions.

Question 19. Please outline briefly the work which is now being carried on by the subsidiary departments or organizations which make up the foundation, and indicate, as far as possible, their general plans.

Answer. As previously stated, the major part of the work of the foundation consists in contributions to other agencies carrying on various philanthropic activities. The work and plans of the International Health Commission and of the industrial relations investigation are described in answer to previous questions. The former is now carrying on work in the British West Indies, Central America, Egypt, Ceylon, the Malay States, and the Philippines.

Question 20. What were the facts, reasons, and considerations which led to the establishment of the industrial relations division of the foundation?

Answer. For several years past Mr. John D. Rockefeller and his advisers have had under consideration the establishment of an organization for social and economic research. Upon the establishment of the Rockefeller Foundation one of the first matters which it considered was the possibility of the

organization of such an institution, and a committee of leading economists and business men was created to consider whether such an organization could wisely and profitably be established. This is referred to in the testimony of Mr. John D. Rockefeller, jr., given April 6, 1914, before the subcommittee of the Committee on Mines and Mining of the House of Representatives. (See p. 2892 of their printed testimony.) While the general subject of economic research was under consideration, the industrial disturbance in Colorado impressed the president of the foundation with the great need and public importance of finding an effective means of preventing such conflicts, and caused him to urge a far-reaching study of industrial relations as the most important immediate inquiry to which the foundation could direct attention. In view of the passion aroused in Colorado and the many divergent interests involved there, it was felt that the foundation itself should not interfere in that situation, but that it was of the utmost consequence that the root causes of that and similar disturbances should be ascertained, and, if possible, removed, not only in Colorado but elsewhere. The Rockefeller Foundation is, moreover, a large owner of corporate securities, and in that capacity is itself directly concerned in maintaining harmonious relations between the companies in which it is interested and their employees. It was, therefore, felt that if the foundation could work out, on a basis compatible with sound economics, a substantial improvement in the relations between capital and labor, it would not only discharge its obligation as indirectly a large employer of labor but would also perform, for the general public, a greater social service than it could render along usual philanthropic lines. Realizing that the success of such an endeavor would depend almost entirely upon the character and experience of the person conducting the work, it examined the field to see whether a suitable person could be found. In this connection its attention was directed to Mr. King, and the officers determined that, in view of his broad experience and high character, if his services could be secured, they would recommend that the foundation undertake a study of this subject.

Question 21. If the industrial relations division was authorized by resolution, please furnish a copy of the resolution. If not, please state by whom, at what time, and under what circumstances its establishment was suggested and provided for.

Answer. A copy of the resolution is set forth in answer to question No. 13.

Question 22. Please outline, as far as possible, the questions in the field of industrial relations to which the investigations of the foundation may be directed.

Answer. This has been left to Mr. King to decide.

Question 23. What results does the foundation expect to secure from its industrial relations division?

Answer. As already stated in answer to questions Nos. 14 and 20, it is hoped that by a careful study of world experience there may be disclosed methods of adjusting industrial relations which, if applied, will prove of permanent value.

Question 24. Will the work of the industrial relations division be limited to investigation?

Answer. Being solely concerned with the accomplishment of the practical aim of this undertaking, namely, to improve the relations between capital and labor, the foundation has purposely avoided assigning any definite limits either to the method of procedure or to the scope of the work.

Question 25. If not, what means other than the publication of its investigations are likely to be used to make effective the findings of the investigations?

Answer. Answered by the answer to the preceding question.

Question 26. In what form and to what authority will the annual reports of the foundation be made?

Answer. The statute of New York does not require the publication or filing with any public authority of annual reports. The foundation has already decided, however, to publish annual reports of its activities.

Question 27. To whose supervision or approval will the reports of the investigations be subject prior to publication?

Answer. To the foundation or the executive committee.

Question 28. In what way will the impartiality of the foundations investigations and reports be assured?

Answer. This is covered by the answers to questions Nos. 14 and 26.

Question 29. When will the plans of Mr. King be ready?

Answer. It is not expected that plans of a formal or conventional kind will be prepared, but rather that Mr. King will proceed along such lines as may from time to time appear to offer greatest promise of practical results.

THE ROCKEFELLER FOUNDATION,
JOHN D. ROCKEFELLER, Jr., *President.*
_____, *Secretary.*

DECEMBER 4, 1914.

SCHEDULE A.

[Chapter 436.]

AN ACT To incorporate the Rockefeller Foundation.

[Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.]

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. John D. Rockefeller, John D. Rockefeller, Junior, Frederick T. Gates, Harry Pratt Judson, Simon Flexner, Starr J. Murphy, Jerome D. Greene, Wickliffe Rose, and Charles O. Heydt, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of The Rockefeller Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. It shall be within the purposes of said corporation to use as means to that end research, publication, the establishment and maintenance of charitable, benevolent, religious, missionary, and public-educational activities, agencies, and institutions, and the aid of any such activities, agencies, and institutions already established and any other means and agencies which from time to time shall seem expedient to its members or trustees.

2. The corporation hereby formed shall have power to take and hold by bequest, devise, gift, purchase, or lease, either absolutely or in trust for any of its purposes any property, real or personal, without limitation as to amount or value, except such limitation, if any, as the legislature shall hereafter specifically impose; to convey such property and to invest and reinvest any principal and deal with and expend the income and principal of the corporation in such manner as in the judgment of the trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations created by special law so far as the same are applicable thereto and are not inconsistent with the provisions of this act. The persons named in the first section of this act, or a majority of them, shall hold a meeting and organize the corporation and adopt a constitution and by-laws not inconsistent with the constitution and laws of this State. The constitution shall prescribe the manner of selection of members, the number of members who shall constitute a quorum for the transaction of business at meetings of the corporation, the number of trustees by whom the business and affairs of the corporation shall be managed, the qualifications, powers, and the manner of selection of the trustees and officers of the corporation, the manner of amending the constitution and by-laws of the corporation, and any other provisions for the management and disposition of the property and regulation of the affairs of the corporation which may be deemed expedient.

3. No officer, member, or employee of this corporation shall receive or be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of its purposes, or as a proper beneficiary of its strictly charitable purposes.

4. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the secretary of state, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office of the secretary of state, at the city of Albany, this 21st day of May, in the year one thousand nine hundred and thirteen.

[L. S.] JOHN G. RIDDOCH,
Second Deputy Secretary of State.

SCHEDULE B.

CONSTITUTION OF THE ROCKEFELLER FOUNDATION.

ARTICLE I.—*Members.*

The members of the corporation shall consist of the persons named in the first section of the act to incorporate the Rockefeller Foundation, being chapter 328 of the Laws of 1913 of the State of New York, viz, John D. Rockefeller, John D. Rockefeller, jr., Frederick T. Gates, Harry Pratt Judson, Simon Flexner, Starr J. Murphy, Jerome D. Greene, Wickliffe Rose, and Charles O. Heydt, together with such persons as they may associate with themselves, and their successors.

New members, whether as successors to those named in the act of incorporation or otherwise, and such additional members as they or their successors shall see fit to associate with them, shall be elected by ballot, either at the annual meeting of the corporation or at a special meeting duly called for that purpose, by vote of a majority of the members of the corporation attending such meeting.

Any member may withdraw from the corporation by a notice in writing to the president or secretary. The members shall be at all times divided into three classes, equal numerically, as nearly as may be, and the original members shall at their first meeting, or as soon thereafter as may be convenient, be divided into three classes, the members of the first class to hold their membership and office until the first annual meeting, the members of the second class until the second annual meeting, and the members of the third class until the third annual meeting, and in every case the member shall hold office after the expiration of his term until his successor shall be chosen. At each annual meeting the successors to those members whose term of office then expires shall be chosen for the term of three years and until their successors shall be chosen. In case any member shall, by death, resignation, incapacity to act, or otherwise, cease to be a member during his term, the successor shall be chosen to serve for the remainder of his term and until his successor shall be chosen. If and when the number of members shall be less than nine, the members remaining shall have power to add, and shall add to their number, until the number shall be not less than nine, but no act of the corporation shall be void because at the time such act shall be done the members of the corporation shall be less than nine.

All the powers of the corporation shall be exercised by its members, and they may, by general resolution, subject to the provisions of this constitution and the by-laws to be adopted, delegate to other officers or to committees of their own number such powers as they see fit, in addition to the powers specified in this constitution and in such by-laws.

ARTICLE II.—*Quorum.*

A majority of the members of the corporation shall constitute a quorum for the transaction of business at meetings of the corporation.

ARTICLE III.—*Trustees.*

The number of trustees by whom the business and affairs of the corporation shall be managed shall be the same as the number of members, and all of the members of the corporation shall be its trustees, and the election of any person as a member of the corporation shall constitute him a trustee.

ARTICLE IV.—*Officers.*

The officers of the corporation shall consist of a president, secretary, and treasurer, together with such other officers as may be determined by the by-laws. These officers shall have the duties and exercise the powers assigned to them by this constitution or by the by-laws, or by resolutions adopted pursuant to the authority of this constitution or the by-laws. At each annual meeting of the corporation or, in default of election at such meeting, then at an adjournment thereof, or at any meeting duly called for that purpose, the corporation shall elect by ballot a president, secretary, and treasurer, and it may choose such other officers as the by-laws shall from time to time provide. All the officers, whether elected or appointed, shall hold office at the pleasure of the corporation, but in no case beyond the time when their respective successors shall be elected and accept office.

ARTICLE V.—*President.*

The president shall sustain an executive and advisory relation to the work and policies of the corporation similar to that usually sustained by the chairman or president of commercial bodies. He shall preside at all meetings of the corporation at which he shall be present. He shall appoint all committees unless otherwise ordered by the corporation. In his absence the members of the corporation present shall appoint one of their own number to preside. The president, ex-officio, shall be a member of all committees, except as herein otherwise provided. He shall sign for the corporation all deeds and other agreements and formal instruments.

In the absence or disability of the president he may, by written instrument, appoint a member of the corporation to discharge such of his functions as he may assign to such appointees.

ARTICLE VI.—*Treasurer.*

The treasurer, subject to such regulations as may from time to time be prescribed by the corporation, shall have the custody of the funds and securities of the corporation, including all bonds, deeds, and other papers and documents relating to such property, and shall also have the disbursement of its money. He shall keep proper books of account and other books, showing at all times the amount of funds belonging to the corporation, which shall be at all times open to the inspection of the members of the corporation. At each meeting he shall present an account showing in detail the receipts of the property belonging to the corporation and of all disbursements thereof since his last report. He shall not pay any money except in the manner prescribed in the by-laws, or as provided by resolution of the members of the corporation, or the authority of the executive committee.

ARTICLE VII.—*Secretary.*

The secretary shall conduct the correspondence of the corporation, except as otherwise provided in the by-laws or by resolution of the corporation. He shall be the medium of communication with the corporation. He shall be ex officio a member of all committees, except as herein otherwise provided.

He shall give notice of and attend all meetings of the corporation, taking minutes of the proceedings and transcribing them in a book provided for that purpose, and attesting the same. Immediately upon the election and appointment of members he shall give notice to them of their election or appointment. He shall have the custody of the corporate seal. He shall keep the records of all committees of which he is a member.

ARTICLE VIII.—*Meetings.*

The annual meeting of the corporation shall be held on the Wednesday next preceding the fourth Thursday of January in each year. At this meeting the trustees of the corporation shall present a report, verified by the president and treasurer, or by a majority of the trustees, showing the whole amount of real and personal property owned by the corporation, where located, and where and how invested; the amount and nature of the property acquired during the year immediately preceding the date of the report, and the manner of the acquisition; the amount applied, appropriated, or expended during the year immediately preceding such date, and the purposes, objects, or persons to and for which such applications, appropriations, or expenditures have been made, and the names and places of residence of the persons who have been admitted to membership in the corporation during such year, which report shall be filed with the records of the corporation and an abstract thereof entered in the minutes of the proceedings of the annual meeting.

In addition to the annual meeting stated meetings of the corporation shall be held on the Wednesday next preceding the fourth Thursday of May and October in each year.

All meetings shall be held at such time and place in the city of New York, or elsewhere, as the corporation shall from time to time order or direct. In the absence of such direction the meetings shall be held at the office of the corporation in the city of New York.

The president or any three members of the corporation may call a special meeting of the corporation by not less than five days' written notice given by the president or the secretary or the members calling such meeting.

If any member of the corporation, other than Mr. John D. Rockefeller, shall be absent from three consecutive stated meetings, such absence, inexcused, shall ipso facto be deemed a resignation of membership of the corporation, and the vacancy so caused shall be filled as herein provided. Any member of the corporation may by writing or telegram appoint any other member of the corporation to act as his proxy at any one or more specified meetings of the corporation.

ARTICLE IX.—*Committees.*

The corporation may by by-laws provide for such committees and may delegate to such committees such powers as it shall deem wise.

ARTICLE X.—*Amendments.*

This constitution may be altered or amended by a majority vote of the members present at any duly called meeting of the corporation, provided that written notice has been sent to every member of the corporation at least 10 days in advance of the date of meeting, stating specifically the proposed

SCHEDULE C.

BY-LAWS OF THE ROCKEFELLER FOUNDATION.

ARTICLE I.

There shall be a standing committee of three members of the corporation who, with the president and secretary, shall be the executive committee. The executive committee shall be elected by the corporation at the annual meeting by ballot. The executive committee may fill vacancies in its own number or in the finance committee in the interim of the corporation meetings, reporting its action to the corporation at the next meeting.

This committee shall have and may exercise all the powers of the corporation when the corporation is not in session, except those specifically vested in the finance committee as herein provided. A quorum for the transaction of business shall consist of three members. The committee shall elect its chairman and shall make such rules and regulations as, from time to time, it may deem proper for its own government and for the transaction of business of which it may have charge, which are not herewith otherwise provided for. It shall direct and control the purchase of all supplies and the audit of all bills.

ARTICLE II.

There shall be a finance committee consisting of three members of the corporation, to be elected by the corporation at the annual meeting by ballot. The president and secretary shall not be ex-officio members of this committee. This committee shall have power to make investments and to change the same, and may from time to time sell any part of the bonds, shares, notes, or other forms of investment held by the corporation, or any rights or privileges that may accrue thereon. In making investments or changes of investments all the members of this committee shall be consulted when this is reasonably practicable, but the committee shall be deemed to be in continuous session, and may act without formal notice of meeting, and the joint action of any two members shall be valid and binding. The committee shall elect its chairman and shall make such rules and regulations as from time to time it may deem proper for its own government and for the transaction of business of which it may have charge. It shall keep regular minutes of its meetings and shall make report to the members of the corporation of all investments and changes of investments made by it.

ARTICLE III.

There shall be a nominating committee consisting of three members of the corporation, to be elected by the corporation each year at the October meeting by ballot. The president and the secretary shall not be ex-officio members of this committee. It shall be the duty of this committee to make recommendations

regarding members, officers, and elective committees who are to be elected at the annual meeting next ensuing, and also regarding members or officers to be chosen to fill vacancies which may occur during the year.

ARTICLE IV.

The corporation at any stated meeting, or at any special meeting called for that purpose, or when the corporation is not in session the executive committee, may by resolution appoint one or more assistant treasurers, one or more assistant secretaries, a cashier, and such other officers as may be deemed necessary. The same person may be appointed to hold two or more of said offices. All such officers shall hold office at the pleasure of the corporation, but in no case beyond the time when their respective successors shall be elected and accept office, and shall have such powers and be subject to such restrictions as shall be set forth in the resolution appointing them.

ARTICLE V.

The treasurer shall deposit the funds of the corporation in such banks or trust companies as may from time to time be designated by the executive committee. Such deposits of funds shall be made subject to draft only on the signatures of two persons, one of whom shall be the president, the secretary, or some member of the corporation designated by the president or secretary, and of the treasurer, and the other shall be the treasurer, or in case of his absence or disability, such member of the corporation as shall from time to time be designated by resolution of the corporation or of the executive committee.

No bills shall be paid except those which have been incurred pursuant to a resolution of the corporation or under the authority of the executive committee, and such bills shall be paid only on a voucher approving the same for payment and referring to the specific resolution or authorization pursuant to which they were respectively incurred, which voucher shall be signed by the president and the secretary or such of the assistant secretaries as shall be designated by resolution of the corporation or the executive committee, or, in the case of the absence or disability of either the president or secretary, by such other member of the corporation as such absentee shall designate in writing for that purpose.

A current expense account of not to exceed $5,000 on deposit at any one time may be opened with such depositary as may be designated by the executive committee, which shall be subject to draft upon the signature of the cashier of the corporation, who shall be bonded at the expense of the corporation for such sum as the executive committee shall fix.

The securities of the corporation shall be deposited in some suitable safe deposit vault. Access to the vault may be had by the members of the corporation, the treasurer, the assistant treasurer and such of the assistant secretaries as shall be designated for that purpose by resolution of the corporation or the executive committee, provided that there shall always be two of the foregoing present. Such securities may be withdrawn from the vault only on a written order directing the delivery of the same to the person or persons therein specified, which order shall be signed by two members of the finance committee or by one member of the finance committee and one other member of the corporation.

ARTICLE VI.

The president, treasurer, or secretary is hereby authorized and directed, upon the written request of any two members of the finance committee, to execute under seal such form of transfer and assignment as may be customary or necessary to constitute a regular transfer for the delivery of such securities as and to whomsoever may be designated in such request.

Either the president or the treasurer may execute and deliver on behalf of the corporation, from time to time proxies on any and all stock owned by the corporation, appointing such person or persons as they shall deem proper to represent and vote the stock owned by the corporation at any and all meetings of stockholders, whether general or special, with full power of substitution, and to alter and rescind such appointments at such time and as often as they see fit.

ARTICLE VII.—*Notices.*

All notices required by these by-laws, or otherwise, for the purpose of the corporation, shall be in writing and shall be either personally delivered or mailed to the members of the corporation at their addresses as entered in the office of the secretary of the corporation.

ARTICLE VIII.

No part of the principal of the funds of the foundation shall be

No part of the principal of the funds of the foundation shall be distributed except pursuant to a resolution passed by the affirmative vote of two-thirds of all those who shall at the time be members of the foundation at a special meeting held on not less than thirty days notice given in writing to each member of the foundation which shall state that the meeting is called for the purpose of considering a resolution to authorize the distribution of the whole or some part of the principal of its funds.

ARTICLE IX.—*Amendments.*

These articles may be altered or amended by a majority vote of the members present at any duly called meeting of the corporation, provided that written notice has been sent to every member of the corporation at least 10 days in advance of the date of meeting, stating specifically the proposed amendment.

SCHEDULE D.

The Rockefeller Foundation.

BONDS AND NOTES.

Name.	Number of bonds.	Book value.
American Agricultural Chemical first mortgage convertible		
Ashland Power Co		
Atlanta & Birmingham Ry. first mortgage		
Baltimore & Ohio R. R. first mortgage		
Canadian Pacific Ry. first mortgage debentures		
Central Pacific 30 year, guaranteed by Southern Pacific		
Colorado & Albuquerque R. R. refunding		
Colorado & Albuquerque Ry. Co. first mortgage lien		
Colorado City & Connecting Rys. collateral trust		
Colorado, Burlington & Quincy general mortgage		
Colorado & Eastern Illinois R. R. refunding and improvement		
Colorado, Milwaukee & St. Paul general mortgage, Series A		
Colorado, Milwaukee & St. Paul general mortgage, Series C		
Colorado, Milwaukee & St. Paul debenture mortgage		
Colorado & North Western Ry. extension		
Colorado & North Western Ry. sinking fund debenture		
Colorado Railways Co. first mortgage		
Cleveland, Cincinnati, Chicago & St. Louis, St. Louis division, collateral trustee		
Cleveland, Cincinnati, Chicago & St. Louis general mortgage		
Cleveland, Akron & Columbus first mortgage, guaranteed L. S. & M. S.		
Colorado Industrial Co. convertible		
Denver & Rio Grande R. R. first consolidated		
Erie R. R. convertible, general lien		
Equitable Building Co. bonds (Cleveland trust receipt showing $500 per bond paid)		
Illinois Central R. R. refunding		
Illinois Central R. R. general lien		
International Mercantile Marine mortgage and collateral trust, gold		
International Mercantile Co. first sinking fund		
Lake Erie & Western R. R. second mortgage		
Lake Shore & Michigan Southern Ry. first mortgage		
Lake Shore & Michigan Southern Ry. debenture		
Do.		
Lorain Steel R. R.		
Louisville & Nashville R. R. general		
Louisville & Nashville Co. first		
Missouri, Kansas & Texas Ry. general sinking fund		
National Transit Co. 40 year collateral		
New York & Perth Amboy first mortgage and refunding		
New York Central first mortgage		
New York Central lines equipment trust of 1911, gold		
New York City corporate stock		
New York City corporate stock notes		
New York City 3 per cent revenue bonds		

SCHEDULE D—Continued.

The Rockefeller Foundation—Continued.

BONDS AND NOTES—Continued.

Name.	Number of bonds.	Book value.
New York City 3 per cents public	94	$94,000.00
New York, Chicago & St. Louis first mortgage	25	25,000.00
New York, Chicago & St. Louis R. R. debentures	1,000	1,000,000.00
New York Connecting R. R. first mortgage	250	250,000.00
Norfolk & Western R. R. first consolidated mortgage	4	3,000.00
Northern Pacific Ry. refunding and improvement	300	297,000.00
Northern Pacific Ry. prior lien railway and land grant	6	6,000.00
Ohio Fuel Supply Co. debentures	53	53,000.00
Pennsylvania R. R. consolidated	1	1,000.00
Port Marquette R. R. consolidated	250	237,500.00
Philadelphia Co. convertible debentures	1,000	970,000.00
Philadelphia Co. gold convertible	400	412,000.00
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. convertible, Series D	16	16,000.00
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. convertible, Series E	200	200,000.00
Portland R. R. first consolidated	30	30,000.00
St. Louis & San Francisco R. R. consolidated	1,000	1,000,000.00
St. Louis & San Francisco, New Orleans, Texas & Mexico first	400	400,000.00
San Antonio Traction Co. first	200	200,000.00
Southern Pacific Branch Ry. first	150	147,500.00
Sunday Creek Co. coal trust	51	50,150.00
Wabash R. R. second mortgage	117	114,500.00
Wabash R. R., Detroit & Chicago extension first	2	2,000.00
Wabash R. R., Omaha division first	40	39,000.00
Washington Railway & Electric consolidated mortgage, gold	300	275,700.00
Western Maryland first	1,000	814,150.00
Western Pacific Ry. first	4,000	3,995,000.00
Wheeling & Lake Erie R. R., Lake Erie division, first	140	140,000.00
Wheeling & Lake Erie R. R. first consolidated	331	307,300.00
		24,030,387.11

STOCKS.

Name.	Number of shares.	Book value.
American Shipbuilding Co. preferred	9,477	$999,946.00
American Shipbuilding Co. common	14,973	999,998.00
Atchison, Topeka & Santa Fe common	36,000	3,697,925.00
Berwin-White Coal Co.	1,000	1,000,000.00
Buckeye Pipe Line Co. (par $50)	40,000	7,000,000.00
Central National Bank of Cleveland	1,000	97,611.00
Chesapeake & Ohio Fuel Co.	1,000	10,000.00
Chesebrough Manufacturing Co.	1,000	1,000,000.00
Chicago City & Connecting Ry. preferred participation certificate	17,000	1,700,000.00
Chicago City & Connecting Ry. common participation certificate	10,000	210,000.00
H. B. Claflin Co. common	400	40,000.00
Cleveland Arcade Co.	2,000	200,000.00
Cleveland Stone Co.	2,000	200,000.00
Cleveland Trust Co.	1,000	1,000,000.00
Colonial Oil Co.	1,000	81,000.00
Colorado & Southern Ry. Co. first preferred	7,000	679,000.00
Consolidated Gas Co.	40,000	3,000,000.00
Continental Oil Co.	7,000	1,000,000.00
Wm. Cramp & Sons Ship & Engine Building Co.	500	2,750.00
Crescent Pipe Line Co. (par $50)	14,000	700,000.00
Cuban-American Sugar Co. preferred	600	60,000.00
Cumberland Pipe Line Co.	2,000	100,000.00
Erie Railroad Co. first preferred	20,000	1,000,000.00
Eureka Pipe Line Co.	12,000	600,000.00
Galena Signal Oil Co. preferred	7,000	700,000.00
Galena Signal Oil Co. common	20,000	2,000,000.00
Great Lakes Towing Co. common	1,000	100,000.00
Great Lakes Towing Co. preferred	1,000	100,000.00
Great Northern Ry. preferred	1,000	100,000.00
Indiana Pipe Line Co. (par $50)	20,000	1,000,000.00
International Agricultural Corporation preferred	11,000	550,000.00
International Agricultural Corporation common	12,000	600,000.00
International Mercantile Marine Co. preferred	1,000	37,500.00
International Mercantile Marine Co. common	10,000	375,000.00
International Paper Co. common	200	7,000.00
H. H. Kohlsaat Co.	1,000	100,000.00
Manhattan Railway Co.	10,000	1,500,000.00
Missouri Pacific Ry. Co.	2,000	95,000.00

SCHEDULE D—Continued.

The Rockefeller Foundation—Continued.

STOCKS—Continued.

Name.	Number of shares.	Book value.
National Lead Co., preferred	1,000	$105,000.00
National Lead Co., common	75,000	6,375,000.00
New York, Chicago & St. Louis common	1,000	41,000.00
New York, Chicago & St. Louis second preferred	1,000	41,000.00
National Transit Co. (par $25)	1,000	25,000.00
New York Transit Co.	150,000	6,150,000.00
Northern Pipe Line Co.	12,000	1,117,000.00
Northern Pacific Ry. Co.	1,000	90,000.00
Northern Pipe Line Co.	2,000	200,000.00
Ohio Fuel Supply Co. (par $25)	4,000	100,000.00
Ohio Steel Co., preferred	4,112	170,112.00
Ohio Steel Co. common	100	2,000.00
Pope Manufacturing Co. common	200	2,000.00
Pope Manufacturing Co. preferred	200	2,000.00
Portland Steel Co., preferred	200	4,000.00
Pressed Steel Car Co. (par $5,000)	200	1,000,000.00
St. Louis & San Francisco R. R. second preferred	4,000	97,000.00
Seaboard Air Line Ry. preferred	4,000	200,000.00
Seaboard Air Line Ry. common	4,000	200,000.00
Vivian Milling Co.	1,000	75,000.00
Southern Pipe Line Co.	4,000	200,000.00
Standard Oil Co., Kansas	25,000	2,500,000.00
Standard Oil Co., Kentucky	2,000	1,000,000.00
Standard Oil Co., Nebraska	2,000	1,000,000.00
Standard Oil Co., Ohio	2,000	2,000,000.00
South West Penn Pipe Lines	2,000	2,000,000.00
Security Savings & Trust Co.	2,000	1,000,000.00
Swan & Finch Co.	200	20,000.00
Tilden Iron Mining Co.	200	200,000.00
Union Tank Line Co.	1,000	50,000.00
U. S. Cast Iron Pipe & Foundry Co. preferred	27,100	1,427,300.00
U. S. Cast Iron Pipe & Foundry Co. common	4,000	200,000.00
U. S. Rubber Co. first preferred	2,000	21,000.00
U. S. Steel Corporation common	200	20,000.00
Washburn Oil Co.	200	12,000.00
Wilcox Realty Co.	1,774	177,400.00
Wilcox Hotel Co.	200	20,000.00
Wilcox Hotel Co.	200	20,000.00
Wilcox Hotel Co. (dividend scrip $750)	$750	750.00
		$100,000,000.00

Original capital of the foundation	$100,000,000.00	
Net profit on securities sold and redeemed	220,722.77	
Undistributed income	3,221,627.23	
Cash on hand Dec. 1, 1914		$103,442,350.00
		657,649.00
Total funds of the foundation Dec. 1, 1914		$104,099,999.00

INFORMATION FURNISHED BY THE ROCKEFELLER FOUNDATION IN RESPONSE TO SUPPLEMENTARY QUESTIONNAIRE SUBMITTED BY THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS UNDER DATE OF JANUARY 7, 1915.

Question 1. (a) Where were the present treasurer and assistant treasurer employed at the time of election of officers of the foundation? (b) Do they give full-time service to the foundation? If not, what portion of their time is given to the foundation?

Answer. (a) The present treasurer, L. G. Myers, was formerly office manager in the private office of George Foster Peabody, the treasurer of the General Education Board, and Mr. Myers acted as assistant treasurer of that board. Upon the retirement of Mr. Peabody, Mr. Myers succeeded him as treasurer of the General Education Board and was afterwards appointed the treasurer of the Rockefeller Institute for Medical Research and the Rockefeller Sanitary Commission for the Eradication of Hookworm Disease, in which positions he was serving at the time of his appointment to the treasurership of the Rockefeller Foundation. The present assistant treasurer, L. M. Dashiell, was at the time of his appointment cashier and office manager in the office of Messrs. Simmons & Slade, bankers and brokers, 5 Nassau Street, New York City. (b) Mr. Myers is now treasurer and Mr. Dashiell assistant treasurer of the General Education Board, the Rockefeller Institute and the Rockefeller Foundation.

Their salaries are allocated to the respective boards on the basis of the proportion which the income of each board bears to the total income of the three boards.

Question 2. (a) Has the foundation a complete file of the publications issued by the International Health Commission and its predecessor, the sanitary commission, including publicity matter furnished to newspapers, departments of health, departments of education, etc.? If so, is this matter in form that it may be sent to the Industrial Relations Commission? (b) May it be consulted at the foundation's office?

Answer. (a and b) The foundation has complete files of the publications issued by the Rockefeller Sanitary Commission for the Eradication of Hookworm Disease, and of the few publications of the International Health Commission, and these are available for consultation at the office of the Rockefeller Foundation. No other publicity matter has been issued by either commission, though much effective publicity has been given to the work of each by State, county, and local authorities.

Question 3. What studies has the International Health Commission made of industrial diseases or of sanitary conditions of different industries?

Answer. The International Health Commission, since its organization, has confined its activities almost entirely to the eradication of hookworm disease in different parts of the world. It must be mentioned, however, that the reports of the sanitary commission whose work in the Southern States has now been taken over by the International Health Commission show that the ravages of hookworm disease have a most important effect upon the economic efficiency of infected persons.

Question 4. Who are the members of the foundation's finance committee?

Answer. John D. Rockefeller, jr., Starr J. Murphy, and Jerome D. Greene.

Question 5. (a) Regarding applications from various philanthropic agencies for contributions by the foundation, is it possible to state briefly the foundation's procedure in considering such applications? e. g. (1) What applications come to the attention of the executive committee? (2) What applications come to the attention of the full board? (3) What officer or employee of the foundation has authority to reject an application without submitting it to the executive committee or to the full board? (b) What is the nature of the record which explains the grounds on which applications are thought not deserving consideration, or, after being considered, are rejected?

Answer. (a) The answer to this question will be clearer if preceded by a general statement of the foundation's attitude in what must still be called, after a little more than a year of work, the initial stage of its activities. From the outset the members of the foundation, having in mind its chartered purpose "to promote the well-being of mankind throughout the world," were agreed that the foundation could probably render a more enduring service if, instead of making contributions to a large number of miscellaneous objects, its funds were primarily devoted to promoting the study of some of the more fundamental human needs, with a view to achieving results that might not be so well accomplished by agencies more limited in scope. The members of the foundation have felt that a departure from this general policy would be amply justified by the utilization of a part of the funds of the foundation to assist in meeting emergencies where the urgency of the need appeared to render such aid imperative. The Belgian relief necessitated by the European war is a case in point. The following activities upon which the foundation has embarked will illustrate how this general principle is being applied: The organization of the International Health Commission for a world-wide campaign against hookworm disease; the promotion of medical education and public health in China, a work upon which the foundation is now entering; the investigation of industrial relations, a field of study so vast as to require in all probability years of study. During the first year of its existence the foundation has responded favorably to a limited number of applications, affirmative action upon which seemed likely not only to meet a real need, but also to provide experiences which it was believed would prove illuminating and of assistance to the foundation in determining future policies; e. g., a pledge of $10,000 a year for 10 years to the American Academy in Rome; a pledge of $20,000 a year for 10 years to the New York Association for Improving the Condition of the Poor, for widows' pensions; the purchase of a large tract of land in Louisiana as a reservation for wild fowl at a cost of about $225,000. (1 and 2) Meetings of the full board of the foundation are generally devoted to discussion and determination of important matters of general policy; action is also taken on

such recommendations as are presented. Between meetings of the board applications are acted upon by the executive committee in accordance with the policies of the board. (3) Applications are usually made through the president or the secretary of the foundation. In the majority of instances, if in question for either officer to tell whether or not the proposition comes within the scope of the foundation's policies and he acts accordingly. It is the duty of the secretary to study the data submitted with applications, to secure additional data if necessary, to prepare recommendations and to submit them for formal action. Matters are sometimes acted upon at meetings of the executive committee at which only a quorum are present. In such cases the matters have usually been presented to and approved by members not expecting to be present. (4) There is no formal record explaining the grounds on which applications are thought not deserving of consideration.

Question 6. Is it possible to tell from the foundation's records how many applications have been received since the establishment of the foundation in the interest of different proposals for studying or improving labor conditions?

Answer. The records show but one such application.

Question 7. About how many conferences had members of the foundation had with Mr. King before the resolution of August 13 appointing him to make a comprehensive study of industrial relations?

Answer. Three.

Question 8. Has the outline of the method of work and organization for the proposed investigation mentioned in the answer to our question 13 been submitted? If so, may we have a copy?

Answer. Mr. King has suggested in conversation with members of the foundation the method of work he proposes to adopt, but has not submitted a formal outline or report. Intensive study rather than extensive investigation perhaps best describes the character of Mr. King's work so thus far indicated by him. He is proceeding as a student who is carefully surveying a special field of work, with a view to ascertaining in the first instance how far investigation of the great problem of industrial relations has been already profitably carried out by others and determining as to wherein further investigation may be made to advantage under such auspices and with such resources as the foundation is in a position to provide. When Mr. King was invited to enlist in this work the purpose of the foundation was set forth in the following words in a communication to him:

"The problem is so vast and the difficulties are so largely inherent in human nature that a complete solution is not to be had in five years or in a generation. On the other hand, it might be expected that hard study for a year or two could yield much light on the problem and particularly on the very question whether such studies could be profitably pursued for a longer or an indefinite time under such auspices and with such resources as the Rockefeller Foundation could provide."

To facilitate his studies Mr. King's first step was to retain Prof. Foerster, of Harvard University, to prepare a bibliography of the literature on the subject of industrial relations as found in the libraries of Harvard University, also a directory of societies, organizations, and individuals who have carried on or may at the present time be carrying on research work in the field of industrial relations. The author and subject catalogue prepared by Prof. Foerster has over 5,000 different titles, including references to publications in all parts of the world; the directory, which is also in the form of a card catalogue, is confined to America and has between seven and eight hundred references. With the literature of the subject thus indicated before him Mr. King has been engaged upon the preparation of a chart of the field of industrial relations, which when completed he hopes to have opportunity of discussing with informed persons of all classes and many points of view. Having completed a preliminary survey in this way he then proposes to develop the work along such lines as may from time to time appear to offer the greatest promise of practical results.

As regards organization, just as Dr. Foerster was appointed to do a specific piece of work, so Mr. King expects as time goes on occasionally to retain expert advice and assistance, but it is not his intention to attempt the organization of any staff such, for example, as exists in Government bureaus or commissions. With the exception of the appointment of Dr. Foerster and a secretary, Mr. King has not thus far made any request for appointments. He has employed temporary stenographic assistance as he has required it. The foundation places every confidence in Mr. King's judgment, and no attempt has been or will be

made to influence him in the selection of persons whom he may wish to retain, the questions he may wish to ask, or the course he may wish to follow in pursuing the work he has undertaken for the foundation.

Question 8. (a) Have the catalogue and bibliography which were to be prepared by Dr. Flexner by August 1 been completed? (b) Are they in form for submission to this commission, or to be consulted by it at the foundation's office?

Answer. (a) Yes. (b) They are at Mr. King's residence at the Rockefeller, Ottawa, Canada, and should the commission desire to consult them Mr. King will gladly either bring the catalogue and bibliography in whole or in part to New York or place them at the disposal of such officers as the commission may desire to have consult them in Ottawa.

Question 10. (a) Before deciding to engage Mr. King, what study did the foundation make of literature concerning industrial relations? (b) What examination was made of the work then in progress or planned by State and National bureaus and commissions? (c) With whom besides Mr. King did it consult regarding its plan for study?

Answer. (a and b) None. Mr. King's services were enlisted, amongst other reasons, with the very thought in mind that he could make just such preliminary surveys as are here implied. (c) While members of the foundation talked informally with personal friends concerning a suitable person to make a study of industrial relations there were no consultations with anyone other than Mr. King regarding a plan of study.

Question 11. (a) Referring to your answer to our question 14, how many formal interim reports have been made by Mr. King since October 1? (b) What formal reports of progress, if any, have been called for?

Answer. (a) There have been no formal interim reports made by Mr. King. (b) Formal reports of progress have not been called for. These questions are perhaps best answered by the answer to question 8.

Question 12. (a) How large a staff has Mr. King at the present time? (b) Please indicate how many and which are experienced investigators and how many clerical?

Answer. (a and b) These questions, also, are best answered by the answer to question 8.

Question 13. Will you summarize the previous experience of Mr. King in dealing with labor problems, to which at two or three points in your letter, e. g., answer to question 14, you refer?

Answer. A summary of Mr. King's experience in dealing with labor problems is attached to this reply. (Exhibit A.)

Question 14. (a) Were notices sent to all members of the foundation before the meeting of August 13, stating the purpose to consider the engagement of Mr. King for the study of industrial relations? (b) How far in advance of the meeting were such notices sent? (c) How many and which members of the foundation were present at the meeting of August 13?

Answer. (a, b, and c) The meeting of August 13, 1914, was a meeting of the executive committee, notice of which was sent by the secretary to all members on July 30, 1914. No formal statement of the purpose of the meeting was made, but all the members were familiar with the project under consideration. The following members were present: John D. Rockefeller, jr., Simon Flexner, Charles O. Heydt, and Jerome D. Greene, members of the executive committee, and Wickliffe Rose, a member of the foundation, by invitation. These constituted the executive committee, except Starr J. Murphy, who was absent on his summer vacation.

Question 15. (a) What is the foundation's procedure in considering reports of investigators and in examining responsibility for such reports; i. e., is a separate copy sent to each member? (b) Is written confirmation, or suggestion, or criticism invited—received? (c) Are reports submitted to any persons not members of the foundation? (d) Has any procedure been decided upon with reference to the final consideration of Mr. King's report?

Answer. (a, b, and c) During the very short period of the foundation's existence it has not set on foot many investigations such as the question seems to refer to, nor has it adopted any procedure in considering reports. Before undertaking so important a work as medical education in China, the foundation appointed a commission of three persons, who were sent to China and spent about four months in that country. Upon its return the commission took a month for the preparation of a very full and comprehensive report, copies of which were printed and sent to the members of the foundation. In the case of

the backward work in foreign countries, the director general, Mr. Wickliffe Rose, was sent around the world to visit the countries where the greatest interest was known to exist. Upon his return he presented written recommendations for the inauguration of work in certain countries, reported orally upon his observations and experiences during the journey, and filed with the secretary his detailed notes in such form as to be available for reference by members of the foundation. In any case where it might seem desirable to get outside expert opinion on a report made to the foundation, such an opinion would unquestionably be sought, as was the case with the report on medical work in China, which was shown to a number of persons interested in China, whose opinions were considered valuable. In all such cases of reference to competent critics the freest comment is invited, but no form, either written or oral, has been prescribed for the communication of such comment. (d) No procedure has been decided upon with reference to the final consideration of Mr. King's report.

Question 10. (a) Regarding the committee of leading economics and business men, mentioned in your answer to our question 20, may we know the names, when appointed, the number of meetings held, the number of meetings attended by each member, the number and name of investigators, whether interim reports were sent to each committee member, and how long in advance of the meeting at which it was first considered? (b) May we have a copy of any plans that were adopted in advance of the study and of the final report, or interim reports, which had been rendered at the time the industrial disturbances in Colorado caused the president of the foundation to urge the present far-reaching study of industrial relations?

Answer. (a) The question as to the desirability of establishing an institute or bureau for the study of economic questions had been informally discussed among members of the foundation, both before and after its establishment. Personal conferences were also held with the following individuals: Dean Edwin F. Gay, of Harvard University; Prof. J. Laurence Laughlin, of the University of Chicago; Mr. John Koren, president of the American Statistical Association; President Charles W. Eliot, and Prof. Wesley C. Mitchell, of Columbia University. Authority to hold these personal conferences was given by a vote of the foundation of October 22, 1913, directing the secretary "to invite suggestions as to the desirability of establishing an organization for the study of important social and economic questions vitally affecting the welfare of society at the present time." The result of these conferences, all of which were favorable to the establishment of some sort of agency for the scientific investigation of economic subjects, was reported to the executive committee at the meeting of December 20, 1913, and it was understood that further conferences would be held. Acting upon this authority, the following gentlemen were invited to a conference at the office of the foundation on March 18, 1914: Dean Edwin F. Gay, of Harvard University; Prof. J. Laurence Laughlin, of the University of Chicago; Prof. J. B. Clark, of Columbia University; Prof. Henry C. Emery, of Yale University; and Prof. W. C. Mitchell, of Columbia University. Messrs. John D. Rockefeller, jr., Frederick T. Gates, and Jerome D. Greene represented the foundation at this conference. The opinion of the economists present was that there were fields of inquiry on economic subjects, such, for example, as would require the accumulation of a large body of statistics or the extension of research in different parts of the world, which a private agency, adequately supported for as many years as might prove necessary, could undertake advantageously. Acting upon this advice, the executive committee of the foundation, in session immediately after the conference, authorized by resolution the appointment of Messrs. Edwin F. Gay (chairman), J. Laurence Laughlin, Thomas W. Page, Victor Morawetz, and Harry A. Wheeler, as a committee "to consider further the desirability of establishing an institute for economic research, to make a selection of such problems of economic importance as would in their judgment be advantageously studied through such an agency, to recommend a method of organization, and to present an estimate of the approximate cost of initiating and carrying on the work to be first proposed." This committee reported, under date of August 4, 1914, unanimously recommending that studies be initiated and be carried on for a year in some chosen field, with a view to discovering whether such studies, if continued and adequately maintained, would offer a sufficient prospect of fruitful results to justify the establishment of a more permanent bureau or institute. Four of the committee recommended the subject of prices as lying at the threshold of a great many important economic problems, while the fifth recommended a more limited and concrete problem, such as profit sharing. The committee, having been asked merely for advice as to the desirability of an agency

for research and the best way of demonstrating both the need and the way of meeting it, did not feel called upon, and indeed were not asked, to make any research themselves. Consequently, there was no occasion for the committee to do more than hold two meetings and to confer among themselves by correspondence, in formulating the report which was submitted under date of August 4, 1914. The report came up for consideration at the stated meeting of the Rockefeller Foundation on October 21, 1914. After a discussion in which the advantages of a separate organization for economic research and the possible objections thereto were considered at length, the opinion prevailed that no action should be taken at present, especially in view of the fact that since the question of establishing an institute for economic research had been under consideration, an investigation of industrial relations had been instituted under the direction of Mr. W. L. Mackenzie King. (b) It will be apparent from the answer to part (a) of this question that no written plans or reports had been rendered at the time referred to in part (b) of this question.

Question 17. (a) Regarding your answer to our question 21, when did Mr. King actively begin work? (b) Have questions formulated by Mr. King yet been submitted to the foundation or its executive committee? (c) Does your statement that the question of an outline has been left to Mr. King to decide mean that the foundation does not yet know in outline, or specifically, the questions to be asked by Mr. King?

Answer. (a) October 1, 1914. (b) This is answered by the answer to question 8. (c) This also is best answered by the answer to question 8.

Question 18. (a) What procedure is followed when engaging investigators to assist Mr. King; e. g., does Mr. King employ directly without describing qualifications to the foundation? (b) Have minimum experience qualifications been formulated by the foundation? (c) If there are certain questions asked regarding all who are considered for investigators, may we see copies of questions which call for evidence of special ability to conduct investigations in this field?

Answer. (a) This question is perhaps best answered by referring to the procedure adopted in the appointment of Dr. Foerster. Mr. King made his own selection of the person whom he desired to have prepare the bibliography, and, after estimating the time and assistance required for the work, made his recommendation, with reasons therefor, to the secretary of the executive committee, who submitted Mr. King's recommendation to the committee for approval. (b) No. (c) There are no such questions. These questions are perhaps best answered by the answer to question 8.

Question 19. Will it be possible to secure in time for the hearings, if not in advance, a statement showing how it is planned to draw upon world experience in adjusting industrial relations, and what steps have already been taken to study the experience of other countries?

Answer. As intimated in the answer to question 20 of the first questionnaire and question 8 of this questionnaire, plans of a formal nature have not been prepared by Mr. King who intends to proceed along such lines of inquiry in any part of the world as may from time to time appear to offer the greatest promise of practical results.

Question 20. (a) How many meetings of the foundation have been held since its establishment? (b) How many meetings have been attended by each of its members?

Answer. (a) There have been eight meetings of the foundation and 20 meetings of the executive committee. (b) The attendance of individual members is recorded in Exhibit B.

Question 21. What, if any, members or officers of the foundation receive compensation from the foundation?

Answer. The secretary, the treasurer, and the assistant treasurer.

Question 22. If the annual report is to be ready for the annual meeting of the foundation on the Wednesday preceding the fourth Thursday in January, will it be possible to submit to this commission by January 15, or earlier, a copy of this annual report?

Answer. A draft of the annual report is now being prepared for submission to the annual meeting of the foundation, but is subject to modification by this meeting. Upon its adoption the foundation will be happy to forward a copy to the commission.

Question 23. Who are the nominating committee?

Answer. Harry Pratt Judson, Frederick T. Gates, and Starr J. Murphy.

Question 24. Can you easily place in our hands three copies of the two chapters of Mr. Rockefeller's autobiography which have to do with principles underlying the foundation established by Mr. Rockefeller?

Answer. Three copies of the book referred to are herewith presented to the commission. (Exhibit C.)

Question 25. Regarding the various applications for national and State charters for the Rockefeller Foundation, will you send us: (a) Copies of the various successive applications and amendments? (b) Memoranda explaining the purpose of the proposed foundation, as submitted to the committees of Congress? (c) Such publicity matter as was issued in the interest of the foundation, suggesting the purposes it would serve, methods it would use, etc.?

Answer. The following material, consisting largely of file copies, is open to inspection at the office of the foundation. (a) The various drafts of the application for a Federal charter. (b and c) Information and statements given publicity in connection with the application for a Federal charter.

Question 26. Please furnish copies of any bulletin, statements, or notices issued to the press by the foundation.

Answer. A complete list of statements issued to the press is furnished herewith. (Exhibit D.)

EXHIBIT A.

SUMMARY OF MR. KING'S EXPERIENCE WITH LABOR PROBLEMS.

I. Academic record.

1896. Honor graduate in political science of the University of Toronto. Study of labor problems begun while an undergraduate.

1896–97. Fellow in political economy, University of Chicago, resident at Hull House Social Settlement. Articles published in the Journal of Political Economy: (1) "Outline of the history of trade-union organization in the United States"; (2) "The International Typographical Union: A study in trade unionism."

1898. Author of series of special articles in Toronto Mail and Empire on the sweating system, the housing of the working classes, the growth of slums, foreign colonies in cities, etc.

1896–1900. Townsend Scholar and Henry Lee memorial fellow in political economy, Harvard University. Labor problems special field of study, as post-graduate student, and for degree of Ph. D.

1897–98. Prepared report for postmaster general of Canada on methods of carrying out Government cleaning contracts in Canada and the sweating system. This report became the basis of the fair wages policy subsequently adopted by the Government of Canada.

1898. Report prepared for the Consumers' League of Boston, Mass., for presentation to the legislature, on the condition of working women in shops and stores in Boston and Cambridge, Mass.

1899–1900. Abroad, in Europe, as traveling fellow of Harvard University, studying labor problems. While in London, resident at Passmore Edwards Settlement. Also commissioned by the Canadian Government to report on methods adopted by European Governments in carrying out of Government contracts, with a view to preventing subletting and sweating.

August, 1900. Offered the position of organizing a department of labor as a new department of the Federal Government of Canada, under Sir William Mulock, the postmaster general of Canada.

II. Official record in connection with the department of labor, Canada.

October, 1900. Appointed deputy minister of labor for Canada, a position corresponding to that of Commissioner of Labor in the United States. This position was held from 1900 to 1908. It was as deputy minister of labor that Mr. King organized the different branches of work now carried on by the Federal department, including its statistical, conciliation, fair wages, library, and

other branches; also prepared, or supervised the preparation of annual and special reports on labor matters; and acted as Government conciliator in several of the largest industrial disputes arising in Canada during that time; also, while in this position, he drafted much of the legislation on labor matters enacted by the Parliament of Canada.

1903. Appointed editor of the Labor Gazette, a monthly journal issued by the Department of Labor, corresponding to the Labor Gazette issued by the Board of Trade in England, and somewhat similar to the Bulletin of Labor in the United States. This position held until September, 1908.

1900-1909. Acted successfully as conciliator and mediator representing the Government of Canada in the following strikes:

Year.	Locality.	Province.	Industry and employees involved.
1900	Telegraphers	Quebec	Cotton mill employees. (Strike failed and closing strike.)
	Cobourg	Ontario	Carpenters.
1901	Dundas	do	Machinists.
	Grand Mere	Quebec	Pulp company employees.
	Valleyfield	do	Cotton mill employees.
	Rossland	British Columbia	Metalliferous miners.
	North Wellington	do	Coal miners.
	Montreal	Quebec	Employees of sugar manufacturing. (10 Refineries)
	Toronto	Ontario	Employees of piano makers. (5 firms).
1902	Do.	do	Painters employed on piano manufacturing trade.
	Hamilton	do	Furniture factory employees.
	Halifax	Nova Scotia	Employees of 3 S. S. company, longshoremen, and others.
	Red Deer	Ontario	Wheat handlers.
	Winnipeg	Manitoba	Railway employees.
	Lauzon	Quebec	Sawmill employees.
1903	Ste. Hyacinthe	do	Railway employees.
	Nanaimo	British Columbia	Coal mining employees.
	Collingwood	Ontario	Shipbuilding employees.
	Millbury	Nova Scotia	Cotton mill employees.
	Vancouver, British Columbia, and vicinity of the Canadian Pacific Ry.		Railway employees.
	Valleyfield	Quebec	Cotton mill employees.
	Hawkesbury	Ontario	Lumber mill employees.
	Grand Trunk Ry. System.		Maintenance of way employees.
	Calgary	Alberta	Building trades employees.
	Montreal	Quebec	Railway shop employees.
	Hamilton	Ontario	Railway shop employees.
	Moncton	New Brunswick	Railway shop employees.
	Stellarton	Nova Scotia	Employees of the Intercolonial Railway.
1904	Sydney	do	Employees of the coal mining company. (Strike failed and closing strike.)
1905	Cornwall	Ontario	Street railway employees.
	Nanaimo	British Columbia	Coal mining employees.
	Stratford	Ontario	Machinists.
1906	Calgary	Alberta	Building trades employees.
	Do.	do	Teamsters.
	Lethbridge	do	Coal mining employees.
1907	Toronto	Ontario	Telegraphers.
	Nanaimo	British Columbia	Coal mining employees.

March, 1907. Canadian Parliament enacted the industrial disputes investigation act. This act was drafted by Mr. King and was based, in part, on experience gained in active intervention in above disputes.

March, 1907, to September, 1908. Registrar of boards of conciliation and investigation under the industrial disputes investigation act.

1908-1909. Served on following royal commissions, in capacity indicated: 1902-3—Secretary of royal commission appointed by the Government of Canada to inquire into industrial disputes in the Province of British Columbia. 1907—Chairman of royal commission appointed by the Government of Canada to inquire into condition of telephone operatives. Other commissioner, Mr. Justice Winchester, Toronto. This commission's work resulted in important changes in conditions of labor of telephone operatives. 1907—Appointed royal commissioner by the Government of Canada to inquire into anti-Asiatic riots in Province of British Columbia; also appointed commissioner to assess and pay losses to Japanese residents in British Columbia and to assess and pay losses to Chinese residents in British Columbia arising out of said riots. 1907—Appointed by the Government of Canada royal commissioner to inquire into methods by

which colonist labourers had been induced to come to Canada from India, China, and Japan. 1907—Appointed by the Government of Canada royal commissioner to inquire into conditions of cotton operatives in cotton mills of Province of Quebec. This inquiry resulted in enactment of certain legislation in Quebec regarding employment of children in factories.

1906–1908. Special inquiries and important missions dealing with conditions affecting labor and resulting in important legislation: 1906—Conducted special investigation into fraudulent practices to induce men to come to Canada from England to take place of others on strike. This investigation resulted in the enactment of legislation drafted by Mr. King respecting false representations to induce or to deter immigration, enacted July 20, 1908. 1906—Special inquiry into methods by which Italian laborers were induced to come to Canada, and fraudulent practices of employment agencies. 1906—Special mission to England as the representative of the Government of Canada to confer with members of the British Government respecting the enactment of legislation by the British Parliament to prevent fraudulent representations being made in Great Britain to induce immigration to Canada. The result of this mission was the enactment of legislation along the lines desired, which appears as part of the merchant shipping act, 1906 (6 Edw. VII, chap. 48). 1907—Conducted investigation and prepared report for Government of Canada into need for suppression of opium traffic in Canada. Drafted legislation which was subsequently enacted by the Parliament of Canada. 1908—Special mission to England as representative of the Government of Canada to confer with members of the British Government on the subject of immigration to Canada from India and to negotiate an agreement with the British and Indian Governments with respect to the same. An arrangement restricting immigration from India to Canada effected. 1908—Appointed by Government of Great Britain one of the British members of the international opium commission, which met at Shanghai, China. While going to China to serve on this commission Mr. King was intrusted with a further mission by the Government of Canada to the Government of India respecting immigration between that country and Canada; also with a special mission to the Government of China restricting immigration from China to Canada.

1900–1908. During this period Mr. King attended different conventions of Association of Officials of Bureaus of Labor Statistics of America and was for a time one of the vice presidents of this association.

III. Parliamentary record.

September, 1908. Elected a member of the Parliament of Canada.

June, 1909. Department of labor, Canada, created as a separate portfolio in the ministry, and Mr. King appointed a member of the privy council of Canada and minister of labor in the cabinet of Sir Wilfrid Laurier, a position corresponding to that of Secretary of Labor in the United States.

1909. Introduced in the Canadian House of Commons amendments to the industrial-disputes investigation act, shown by experience to be desirable. Amendments enacted by Canadian Parliament.

1909–10. Appointed chairman of special committee of the House of Commons to investigate the eight-hour day. Supported in Parliament on behalf of the Government, as minister of labor, a bill introduced by Mr. Alphonse Verville, president of the Dominion Trades and Labor Congress, respecting the hours of labor on public works; bill passed by House of Commons.

1910. Introduced in Parliament an act to provide for the investigation of combines, trusts, monopolies, mergers. This legislation was drafted by Mr. King and introduced by him in the House of Commons January, 1910; it was enacted May 4, 1910, and has been in force since and is known as the combines-investigation act. Advocated in Parliament and, as minister of labor, secured the appointment of a royal commission on industrial training and technical education, and outlined the scope and work of this commission. Commission was vested with authority to study conditions in the United States, Great Britain, France, Germany, and other countries. Its comprehensive report is a most important contribution to this subject. As minister of labor instituted an inquiry into prices in Canada. Appointed chairman of committee of House of Commons on proportional representation. While minister of labor, personally intervened to settle strike between Grand Trunk Railway Co. and employees. (Mr. Garretson, one of the members of the United States Commission on Industrial Relations, present representing Brotherhood [illegible] Conductors in

[illegible] regarding settlement.) Represented Government of Canada at following international conferences in Europe: (1) Conference on technical education, Brussels, Belgium; (2) conference on unemployment, Paris, France; (3) meeting of International Association for Labor Legislation, Lugano, Italy.

1911. Introduced in Parliament a bill to prohibit importation and use of opium and other habit-forming drugs, which measure was enacted by Parliament. Introduced in Parliament a bill to prohibit the manufacture and importation of matches made with white phosphorus. This measure passed the House of Commons, but did not succeed in passing the Senate, owing to dissolution of Parliament at reciprocity election. The same bill, however, was reintroduced by Mr. King's successor, the present minister of labor, at a subsequent session and enacted. This measure followed an important investigation, under Mr. King's direction, into the spread of *Phosphorus necrosis* (phossy jaw) in Canada.

1912. Visited England, on official invitation of British Government through the Rt. Hon. Sydney Buxton, president of the board of trade in British Cabinet, to confer respecting industrial problems and legislation.

EXHIBIT B.

The Rockefeller Foundation.

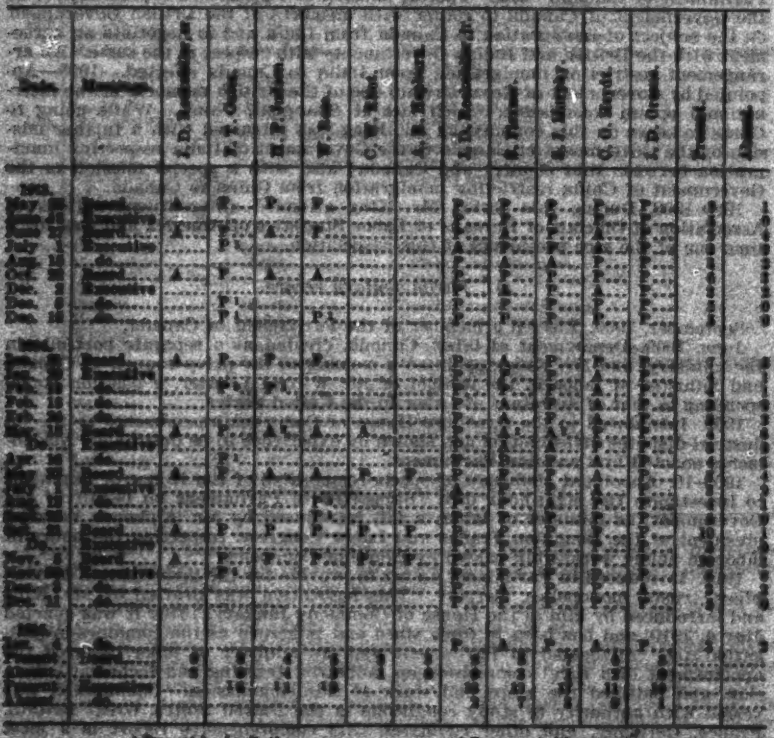

[illegible] Present by invitation. [illegible] Represented by proxy.

EXHIBIT C.

(Exhibit C, book entitled "Random Reminiscences of Men and Events," by John D. Rockefeller, New York, Doubleday, Page & Co., 1909, was submitted in printed form.)

EXHIBIT D.

STATEMENT ISSUED TO THE PRESS.

[Statement issued by Junius B. Outlaw, secretary of the Rockefeller Foundation, Oct. 1, 1914.]

THE ROCKEFELLER FOUNDATION INAUGURATES A FAR-REACHING INVESTIGATION OF INDUSTRIAL RELATIONS AND HAS APPOINTED AS DIRECTOR HON. W. L. MACKENZIE KING, FORMER MINISTER OF LABOR IN CANADA, AUTHOR OF "INDUSTRIAL DISPUTES ACT," AND EXPERIENCED MEDIATOR IN LABOR DISPUTES.

The trustees of the Rockefeller Foundation have decided to inaugurate an extensive investigation into the problem of industrial relations and have secured the services of the Hon. W. L. Mackenzie King, C. M. G., former minister of labor for Canada, as director of the investigation.

In spirit and method the investigation of the problem of industrial relations will be like that carried on by the Rockefeller Institute for Medical Research and other institutes instituted by the Rockefeller boards. All alike are practical in aim and scientific in method. In the institute for medical research the knowledge of the world is being sought by experts and brought to bear upon a limited number of human diseases. Investigation has not been deterred by the circumstances that the diseases dealt with are a part of a common inheritance through generations and that a limited knowledge sometimes prolongates them incurable.

In the commotion which modern industrial conditions disclose there is plenty of evidence of social disorder. Labor and capital, in their relations to each other, too often suggest the bitter emotion and destructive capacities of opposing and contending forces and too rarely suggest the possibilities of harmonious and united action conforming to the laws of individual and social need. The present inquiry will seek to reveal the causes of the former and the means of preventing the sinister, practical application of the latter.

In facing the problem of industrial relations the Rockefeller Foundation is deliberately attempting to grapple with what it believes to be the most complicated and at the same time the most urgent question of modern times, and it is precisely for this reason that the investigation has been instituted. The foundation is not baffled at the outset by the knowledge that the task hitherto has seemed well-nigh hopeless and that the literature on the subject and the tried experience of the world is so vast, as to be overwhelming. These may be reasons for a gradual approach and for counseling patience in the matter of results, but they afford no excuse for inaction. It is hoped that an investigation instituted on the scale and impartially and persistently pursued in the spirit and with the facilities which the foundation affords will gradually win for itself the cooperation not alone of employers and workingmen, of industrial organizations, of individuals, and institutions interested in social reform, but also of universities and governments throughout the world.

In no sense will the investigation be local or restricted or carried on with particular reference to any existing situation or, for that matter, with reference to conditions in any one country. The experience of the several countries of the world will be drawn upon. In the words of the charter of the foundation, it is intended for "the well-being of mankind throughout the world," and the means taken to further this end, both as regards the subjects to be investigated and the methods of inquiry, will be in keeping with the high purpose thus expressed.

In going to another country and selecting as the person to have the direction of this most important work, one whose public services have gained for him an outstanding position as a leading authority on industrial problems, the trustees have shown their desire not only to free the foundation from any suspicion of interest or prejudice in the investigation of the most controversial of all problems, but also their readiness to enlist the services of the best men available, no matter where they are to be found. It is no small guaranty of the spirit in which the work of this investigation will be carried on that Mr. Mackenzie King, after years of public service in the handling of labor problems has, by his known impartiality and disinterested purposes, retained the good will, confidence, and respect of employers and representatives of labor alike.

The following outline of his career may serve to illustrate to what a degree Mr. King is specially qualified for the important work he has undertaken. It illustrates wherein he brings to the task the mind of a scientific investigator, the sympathy of the social worker, and the practical experience of a man of affairs.

Mr. Mackenzie King is a graduate in arts and law of the University of Toronto. From 1896 to 1900 he pursued post-graduate studies in the United States, first as fellow in political economy at the University of Chicago and later as fellow at Harvard, from which university he received the degrees of master of arts and doctor of philosophy and was awarded a fellowship to travel abroad. Later he was appointed instructor in political economy on the Harvard staff, but resigned this position to organize in Canada a department of labor, as a new department of the Canadian Government. For eight years he held the position of deputy minister of labor for Canada, a position corresponding to that of Commissioner of Labor in the United States. During that time he established and was editor of the Dominion Labor Gazette, was registrar of boards of conciliation and arbitration, and the author of numerous reports on labor problems. As the result of investigations personally conducted by him the sweating system was abolished in Government contracts and a "fair-wages" policy introduced; laws for the protection of labor against false representations leading to the importation of strike breakers and unwarranted immigration, placed on the statutes, the laws respecting the employment of women and children in textile factories modified, conditions of operatives in the telephone exchanges improved, and the opium traffic in Canada abolished. During several years Mr. King acted as a conciliator in strikes in the Dominion, the number exceeding 40 and embracing the most serious disputes in Canada at the time. Experience gained in this way led to the provisions of the industrial disputes investigation act, of which Mr. King is the author, and which has reduced the number of strikes in mines, transportation companies, and public utilities by between 80 and 90 per cent in seven years. In 1908 Mr. King resigned the position of deputy minister of labor and entered Parliament as member for North Waterloo. He was taken into the cabinet of Sir Wilfrid Laurier as minister of labor, the first in Canada to occupy this position as the holder of a separate portfolio in the Government. He remained a member of the Laurier administration until its defeat in September, 1911. As minister of labor he instituted several far-reaching and important investigations, including an inquiry into prices and the cost of living, the appointment of a royal commission on industrial training and technical education, and the enactment of important legislation respecting the control of the opium traffic and the sale of morphine and other habit-forming drugs. He also secured the enactment of the Canadian combines investigation act, of which he is the author, and under which the monopolies, trusts, mergers, and combines in Canada are regulated.

A large part of Mr. King's work has had to do with the important question of oriental immigration. He has served on many royal commissions in this connection, having settled on behalf of the Government of Canada claims on the part of the Japanese and Chinese arising out of losses occasioned by the anti-Asiatic riots in British Columbia some years ago, and having conducted an extensive inquiry into the whole question of immigration from the Orient. He negotiated the agreement between England, India, and Canada regarding immigration from India. His investigations in Canada were supplemented by personal visits to the countries concerned and by direct negotiations with the Governments of India, China, and Japan.

In 1909 Mr. King was made companion of the Order of St. Michael and St. George by the late King Edward VII in recognition of public services. Later he was chosen by the Imperial Government as one of the British delegates to the international opium conference, which met at Shanghai, China, in 1909. In 1910 he was chosen a fellow of the Royal Society of Canada, and in 1911 was made the president of the Ontario Reform Association, which position he still holds. He also organized and is chairman of the Canadian Association for International Conciliation. Having been a cabinet minister in a Canadian administration, Mr. King remains a member of the privy council of Canada for life.

[Statement issued by Jerome D. Greene, secretary of the Rockefeller Foundation, Oct. 1, 1914.]

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In no sense will the investigation be local or restricted, or carried on with particular reference to any existing situation, or, for that matter, with reference to conditions in any one country. The experience of the several countries of the world will be drawn upon. In the words of the charter of the foundation it is intended for "the well-being of mankind throughout the world," and the means taken to further this end, both as regards the subjects to be investigated and the methods of inquiry, will be in keeping with the high purpose thus expressed.

In going to another country and selecting as the person to have the direction of this most important work one whose public services have gained for him an outstanding position as a leading authority on industrial problems, the trustees have shown their desire, not only to free the foundation from any suspicion of interest or prejudice in the investigation of the most controversial of all problems, but also their readiness to enlist the services of the best men available, no matter where they are to be found.

Mr. King is a graduate of the University of Toronto. He also pursued graduate studies at the University of Chicago and Harvard University, the latter having conferred on him the degrees of master of arts and doctor of philosophy. He was appointed instructor of economics at Harvard, but resigned this position to organize the department of labor in the Canadian Government. For eight years he was deputy minister of labor, during which time he edited the Dominion Labor Gazette, was registrar of boards of conciliation and arbitration, and the author of numerous reports on labor problems. He had much to do with the abolition of the sweating system in Government contracts, and with the introduction of the "fair wages" policy. He secured the enactment of laws for the protection of labor against false representations leading to the importation of strike-breakers, and of laws regarding the employment of women and children in textile factories, and the conditions of operatives in telephone exchanges. He was also influential in the abolition of the opium traffic in Canada. During several years he acted as a conciliator in strikes in the Dominion of Canada, the number exceeding 40 and including the most serious disputes at the time. This experience led to the enactment of the industrial disputes investigation act, of which Mr. King was the author, and which reduced the number of strikes in mines, transportation companies, and public utilities nearly 90 per cent in seven years. In 1908 Mr. King resigned the position of deputy minister of labor and entered Parliament, becoming minister of labor in the cabinet of Sir Wilfrid Laurier. As minister of labor he instituted several far-reaching and important investigations, including an inquiry into prices and the cost of living, the appointment of a royal commission on industrial training and technical education, and the enactment of important legislation respecting the control of the opium traffic and the sale of morphine and other habit-forming drugs. He also secured the enactment of the Canadian combines investigation act, of which he is the author, and under which the monopolies, trusts, mergers, and combines in Canada are regulated.

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[Released for publication in morning papers of Sunday, Oct. 4.]

FOR THE PRESERVATION OF BIRD LIFE OF THE NORTH AMERICAN CONTINENT THE ROCKEFELLER FOUNDATION HAS PURCHASED 86,000 ACRES OF LAND ON THE GULF OF MEXICO AND HAS PLACED IT UNDER THE PROTECTION OF THE LOUISIANA CONSERVATION COMMISSION.

New York, October 3, 1911.—For the purpose of establishing another wild-fowl refuge on the northern shore of the Gulf of Mexico the Rockefeller Foundation has purchased the Grand Chenier tract containing 86,000 acres in the parishes of Cameron and Vermilion, La., at a cost of approximately $225,000. An announcement to this effect was made by the secretary of the foundation to-day, upon the execution of a deed from the Rockefeller Foundation placing the land for an initial term of five years under the protection of the Louisiana Conservation Commission. The commission, on its side, has formally accepted the tract and has undertaken to protect it by game wardens.

This purchase, the arrangements for which have consumed more than a year and a half, is another step in the program to establish throughout the winter feeding and resting grounds of birds, and along their migration routes, suitable preserves where they can be protected at all times of the year and be safe from persecution. It is due to the intelligent and public-spirited activity of Mr. E. A. McIlhenny, of Avery Island, La., who brought the matter to the attention of the Rockefeller Foundation through Mr. Starr J. Murphy, one of its trustees. Mr. McIlhenny has already been distinguished among the defenders of bird life in America by his promotion of bird preserves in different parts of the country.

The Grand Chenier tract is full of shallow ponds, lakes, and bayous, abounding in cover for the protection of birds against storms. It produces an enormous quantity of natural food, sufficient to provide for the vast number of birds from the north which winter along the Gulf coast.

The great tract purchased by the Rockefeller Foundation is an integral part of the "wild life preserve system" for which persons interested in the welfare of birds have been working for years. It is only a few miles from Marsh Island, purchased, upon the recommendation of Mr. McIlhenny, in 1912 by Mrs. Russell Sage for a bird refuge, at a cost of about $150,000. Marsh Island was for many years the greatest slaughtering ground for ducks in North America.

The Grand Chenier tract and Marsh Island are a part of a preserve of 500 square miles with a frontage of 75 miles on the Gulf coast, which it is proposed to acquire. Included in this preserve will be the 60,000 acres previously dedicated to wild life preservation by Mr. McIlhenny.

The purchase by the Rockefeller Foundation constitutes the greatest gift ever made to the preservation of bird life in America, with the exception of the bequest of David Wilcox to the National Association of Audubon Societies. This bequest amounted to $882,000. Bird lovers believe it will mark one of the most important steps ever taken for the preservation of migratory fowl, because they expect it to stimulate interest in establishing preserves in other sections of the United States and Canada.

The wild-fowl preserve on the Gulf shore of Louisiana affords winter shelter for myriads of migratory song birds, woodpeckers, and shore birds, all of which are of great service in the north where insects are busy in field, orchard, and garden.

For half a century countless thousands of ducks and geese have been shot there for the markets of New Orleans, St. Louis, Cincinnati, and Chicago. The species most commonly taken were mallards, black duck, teal, and canvasback. Under the new conditions the birds which are preserved each winter on this great tract will spread out every spring in a great fan-shaped flight reaching all the way to Manitoba and spreading out in every direction.

The tract is not far from New Iberia, where it is estimated 50,000 rabbits are killed for food every winter. It is also near the famous McIlhenny heron rookery at Avery Island, where fully 20,000 egrets and herons breed their young in absolute security. These birds are expected to colonize the other tracts which have been acquired for their use.

New York, October 31, 1914.

Mr. John D. Rockefeller, jr., as president of the Rockefeller Foundation, authorizes the following statement:

"It having become clear that one of the most terrible and appalling effects of the war will fall upon the noncombatants—those most innocent of any part in the cause or the conduct of the conflict—the Rockefeller Foundation has

determined to assist itself to the extent, if necessary, of millions of dollars for the relief of noncombatants in the various countries involved.

"This action is taken as a natural step in fulfilling the charitable purposes of the foundation, namely, 'to promote the well-being of mankind throughout the world.'

"I have written the American ambassador in London that 'we foresee the probability that large resources will be very much needed for rehabilitation at a time when the resources now being drawn upon for immediate relief will be perhaps very nearly exhausted. Under the circumstances we feel the need of further advice.'

"In order to obtain expert opinion as to the time, place and method of relief that will most effectively, the foundation has arranged to send to Europe within the next few days a commission which shall visit the countries affected and advise us first hand. The chairman of the commission will be Mr. Wickliffe Rose, director general of the International Health Commission, whose successful experience in organizing the campaign against hookworm disease in various parts of the world peculiarly fits him for the task.

"We are also seeking to enlist the cooperation of one or two others experienced in the administration of relief to those in need.

"The sending of such a mission will not render unnecessary the efforts of other agencies of relief, for the need is widespread and millions of people are suffering. All steps which the Rockefeller Foundation takes will, of course, be absolutely neutral.

"To avoid delay and to provide relief at the earliest possible moment for the suffering people of Belgium, the foundation has chartered the largest neutral ship available in New York Harbor, and purchased a full cargo of supplies to be dispatched immediately.

"This action will but supplement the public spirited efforts of the Belgian relief committee, of which Mr. Robert W. DeForest is chairman. That the necessity is vital and worthy of the heartiest support is indicated by the following cablegrams, which, in reply to inquiries, we have received from Mr. Page, the American ambassador at London:

"'Belgium on verge of starvation. I emphatically repeat it most opportune to help. I have never known such a case of need. Committee to distribute food consists of prominent Americans here and influential Belgians in Belgium and American minister and consuls in Belgium, all under my direction. British Government forbids export of food and no food can be bought on continent. Help needed is food and clothing for women and children.

"'It will require a million dollars a month for seven or eight months to prevent starvation. In fact, many will starve now before food can reach them. No food can be bought and exported from any country in Europe. Every dollar you choose to give will save or prolong a human life if you give it quickly enough. No other time will come in any land when there can be greater need. Do not send money. Buy six parts wheat, two parts rice, two parts beans, and ship in neutral ships consigned to American consul at Rotterdam. Inform me when you ship and I will arrange all diplomatic requirements for landing, for transit to Belgium, and for distribution in small quantities by the commission of relief which as a means of reaching all the people have taken over all grocery stores.'

"Immediately upon receiving these messages, the Rockefeller Foundation enlisted the cooperation of the shipping department of the Standard Oil Co. of New York in securing the vessel, and at the same time gladly availed itself of the voluntary services of Mr. Lionel Hagenmeyer, a Belgian, now resident in New York and member of the Belgian relief committee, in purchasing the cargo. The foundation encountered considerable difficulty in finding a capacious vessel, and the pressure upon the market for foodstuffs was such that it was impossible to comply exactly with Ambassador Page's suggestions as to proportions. To fill and dispatch the ship called for an expenditure of about $778,000.

"On next Tuesday morning, therefore, the Massapequa, of the New York & Porto Rico Steamship Co., will sail direct to Rotterdam, Holland, laden with 4,000 tons of supplies, consigned to the American consul. The cargo will consist of 20,000 barrels of flour, 14,000 packets (100 pounds each) of rice, 8,000 bags (200 pounds each) of beans, and 1,000 boxes (100 pounds each) of bacon.

"The British consul has kindly agreed to certify that these supplies are absolutely for the aid of noncombatants and should not be delayed in transit.

"The extraordinary need in Belgium is further indicated by the following cablegram received from Mr. H. C. Hoover, of the American relief committee, in London:

"'Have received reports from members of our commission, from the American minister in Brussels, and from local officials that within three weeks the last vestige of foodstuffs in Belgium will have been exhausted and the entire population of over 7,000,000 people will be faced with starvation. The minimum supply of foodstuffs required amounts to about 20,000 tons of cereals per month, together with bacon or lard. The minimum monthly expenditure required is from four to five million dollars, of which some part returnable through sales. It therefore appears that the problem of feeding the people of Belgium transcends other Belgian relief. The one function of Americans in Belgian relief is the purchase and dispatch of food. We have expended every dollar that we have received in the purchase and dispatch of foodstuffs already, and it will take all the funds we can raise here to take care of emergency pending arrival of stuffs from America.'

"It is obvious that no philanthropic exertion will be too great to relieve the acute suffering of those victims of the war who are innocent of any participation in it."

New York, November 8, 1914.

In order that there may be the greatest dispatch in collecting foodstuffs for the relief of the noncombatant people of Belgium, the Rockefeller Foundation, in addition to the measures of relief initiated by itself, has arranged to provide a steamship pier, to charter ships, and to convey free of charge from New York to Belgium such supplies as the public may wish to contribute.

This plan is in cooperation with the Belgium relief committee of New York, of which Mr. Robert W. de Forest is chairman. The purpose is that through the facilities provided by the foundation and the activities of the committee in collecting funds and supplies, various individuals and agencies throughout the country who desire such cooperation may make their assistance most timely and effective.

To this end Mr. Robert W. de Forest and Mr. John D. Rockefeller, jr., on behalf of the foundation and the committee, have joined in an appeal to the public of the United States to give either in money or supplies for Belgium relief.

Arrangements have been made with the Bush Terminal in New York to act as a receiving depot. The Rockefeller Foundation is negotiating to obtain as quickly as possible another large neutral ship. As rapidly as a cargo is collected it will be forwarded direct to Belgium.

The facilities thus provided insure that any contribution in money will be expended solely for supplies, and in no part for organization or distribution charges. Any person who gives either in money or in food can be certain that the whole of his contribution will reach some one in Belgium who needs help.

Following the announcement that the Rockefeller Foundation would send a commission of experts to Europe to advise as to time, place, and means whereby relief can be best provided for needy noncombatants in all the warring countries, that commission has now been constituted as follows: Mr. Wickliffe Rose, chairman, director general of the International Health Commission; Mr. Ernest P. Bicknell, national director of the American Red Cross, whose supplies to Belgium, and as to whether the placing of mines in the North Sea who has had exceptional experience in the conduct of relief after the San Francisco earthquake in 1906, and in other disasters.

In reference to the war relief commission, the plans for sending cargoes of supplies to Belgium, and as to whether the placing of mines in the North Sea would interfere, Ambassador Page, of London, has cabled as follows:

"Hurry Rose. North Sea adds no difficulty or danger. British Navy will convoy your ship. The International Commission for Relief here organized committees in Holland and Belgium under diplomatic arrangements made by Governments of the United States, Spain, Holland, and Belgium, and have secured guaranty of safety from German military authorities, and made a perfect system for distribution by Belgians in every neighborhood in Belgium. This does not call for the sending of money to England. It calls only for food to be sent to starving women and children in Belgium, and this is the only channel."

The war relief commission will sail for Europe on the steamship *Lapland* next Wednesday. They will go direct to Liverpool, and then to Belgium. As rapidly as their recommendations are received the Rockefeller Foundation will take steps to carry them out. The public will be fully advised of the conditions as reported, for the cooperation of all Americans will be required if this vast problem is to be solved.

BELGIAN RELIEF: FOOD SUPPLY.

AN APPEAL TO THE AMERICAN PEOPLE.

The Belgian relief committee in New York appeals to the people of the United States to relieve the distress of the unfortunate people of Belgium whose homes have been devastated by the war, and who are now in desperate need of food. We are advised by the American committee in London that, in order to meet the absolute necessities, food must be imported in very large quantities from America. The Belgian relief committee, with the cooperation of the Rockefeller Foundation, has made the following arrangements:

Chambers of Commerce, boards of trade, trade associations, women's clubs, and other organizations or individuals throughout the United States wishing to make contributions may do so in either of two ways:

1. By sending contributions of money to the Belgian Relief Committee, No. 10 Bridge Street, New York City. Checks should be drawn to the order of Belgian relief committee. All receipts will be acknowledged and credited to the organizations, committees, or individuals from which they come, and the Belgian minister will be kept informed of contributions received. The concentration of money contributions in the hands of the New York committee will avoid competition in the purchase of supplies and the consequent increase in prices.

2. By shipping any of the following articles, charges prepaid, preferably in carload lots: Wheat, flour, rice, cocoa (one-fourth chicory), peas, beans, canned goods, and cured or salted meats.

Perishable goods, such as potatoes, apples, or other fresh fruits, can not be accepted.

All shipments should be consigned to the Belgian Relief Committee, Bush Terminal, Brooklyn, N. Y. As shipments will have to stand railroad journey, transfer at New York, and a long sea voyage, they should be shipped in good strong packages. Individual packages should have a tag showing the contents.

The Rockefeller Foundation will bear the expense of ocean transportation of all supplies thus furnished to the European port most accessible to Belgium. As the extent of need and the amount of supplies which will be contributed can not now be predicted with certainty, this offer of the foundation will for the present apply only to shipments received in New York on or before December 31, 1914, but is subject to renewal if circumstances require.

There is no purpose to interfere with the entire freedom of any individual or organization to render aid in his or its own way, but rather to provide efficient transportation and distribution facilities which may be freely utilized by all who may desire to avail themselves of such cooperation.

To save hundreds of thousands of Belgians from starvation it is evident that very large demands will have to be made upon the generosity of the American people. The Belgian relief committee and Rockefeller Foundation having determined to cooperate in sending relief as promptly and efficiently as possible, now join in asking the good people of this country to do their utmost in this extreme emergency.

The arrangements for distribution have been made by the American committee in London, of which Ambassador Page is chairman, and provide for distributing stations in Belgium under the immediate supervision of the American consuls in the afflicted region. Every precaution seems to have been taken to insure the delivery of supplies to needy persons for whom otherwise no provision whatever would be made.

Serious problems will undoubtedly arise as to the organization of relief measures, including the great task of rehabilitation which must follow emergency relief. In order that the aid coming from America may be constantly guided by the most reliable information as to the location and extent of need and the methods of relief, the Rockefeller Foundation is sending a war relief commission to Europe to supply this information from time to time. The public will be kept informed concerning the progress of relief measures so that the extent and manner of its participation may be most wisely determined.

All communications should be addressed to the Belgian Relief Committee, 10 Bridge Street, New York City.

HERBERT W. [illegible] FOSDICK,
Chairman Executive Committee, Belgian Relief Committee, New York.
JOHN D. ROCKEFELLER, JR.,
President Rockefeller Foundation, New York.

Belgian relief committee in New York.—Emanuel Havenith, Belgian minister to the United States; Pierre Mali, Belgian consul general in New York; Rev. J. F. Stillemans, president; Robert W. de Forest, chairman of executive committee; Lyman Abbott, Armand Batta, James M. Beck, Cornelius N. Bliss, Robert S. Brewster, Henry W. de Forest, Cleveland H. Dodge, Lloyd Hagenauer, Thomas H. Hubbard, Rev. O. A. Nys, H. Fairfield Osborn, W. Barclay Parsons, Bernard Baar, John van Rickstal, Thomas Thacher, Frank A. Vanderlip, Alfred T. White.

NEW YORK, *December 7, 1914.*

Mr. Jerome D. Greene, who for a year or more past has divided his time between acting as a member of Mr. John D. Rockefeller's personal staff and as secretary of the Rockefeller Foundation, has been obliged, on account of the increasing demands of the latter position, to suspend his activities as a member of Mr. Rockefeller's personal staff and will for the present devote his entire time to the executive work of the Rockefeller Foundation.

Mr. Ivy L. Lee, now executive assistant to the president of the Pennsylvania Railroad, has accepted appointment as an additional member of Mr. Rockefeller's staff, the other members of which, besides Mr. Greene, are Messrs. John D. Rockefeller, Jr., and Starr J. Murphy.

Mr. Lee is a graduate of Princeton University. After several years' journalistic work he served for three years as general manager in Europe for Messrs. Harris, Winthrop & Co., bankers. He returned two years ago to become associated with the Pennsylvania Railroad.

Mr. John D. Rockefeller, having retired from active business 15 or 20 years ago, his staff, of which Mr. Lee becomes a member, are his immediate advisers in matters both of business and philanthropy, and are his direct representatives in the various corporations in which he is financially interested, and on the large philanthropic boards which he has created.

[Released for publication Monday, Dec. 7, 1914.]

Mr. John D. Rockefeller, Jr., as president of the Rockefeller Foundation, authorizes the following statement:

The international interest aroused in the work of the Rockefeller Foundation through its efforts on behalf of Belgian relief has led to innumerable inquiries for details as to its work and purposes. The fact that the Federal Commission on Industrial Relations is contemplating an investigation of the foundation's plan to conduct an inquiry into industrial relations indicates a further interest in the foundation's activities.

Its object being wholly one of public service, the policy of the foundation is to furnish current information with reference to its work, hoping thereby to enlist that confidence and active cooperation on the part of the public which is so necessary to the successful fulfillment of its purposes. It therefore seems fitting at this time to make a brief statement of the more important work so far accomplished and planned, to be followed by the annual report now in preparation, which will contain full details of the foundation's activities and finances.

The foundation has thus far dispatched one shipload of food—4,000 tons—to Belgium, which has already been received and distributed; it is now loading a second ship in New York Harbor which will carry 6,500 tons, and has purchased for delivery at Philadelphia to a third ship 280,000 bushels of wheat. These three shiploads represent an expenditure of about $1,000,000. It has also sent a commission to Europe to advise as to how and where further relief to noncombatants may be most effectively provided, and is ready to spend millions of dollars, if necessary, in this direction.

Realizing that the war and the industrial depression have created great want at home, the foundation, acting upon requests from various local charitable organizations, has just voted to contribute $45,000 to assist in the relief of the poor of New York City. Of this amount the Association for Improving the Condition of the Poor will receive $25,000, the charity organization society, $10,000; and the Brooklyn Bureau of Charities, $10,000.

The foundation has established the International Health Commission, the purpose of which is to extend not only in this country but to foreign countries and peoples the work of eradicating the hookworm disease and the establishment of agencies for the promotion of public health and sanitation. The commission is already at work in the British West Indies, Central America, Ceylon, the Malay States, and the Philippines.

Last spring the China Medical Commission was appointed, to study the needs of medical education and health in China, and its important and far-reaching recommendations are now receiving consideration.

Other appropriations of special public significance are as follows: $2,550,000 to the Rockefeller Institute for Medical Research for addition to land, buildings and endowment; $750,000 toward the fund being raised by Wellesley College because of the emergency resulting from its extensive fire loss; $225,000 for the purchase of a tract of 26,000 acres on the Louisiana coast of the Gulf of Mexico, which has been turned over to the Louisiana Conservation Commission as a refuge for migratory birds, which gather here in winters from all parts of the North American Continent. This was done to prevent the wanton destruction of this wild life, so important to the agricultural interests in keeping down the insect pests which, it is estimated, inflict a loss upon the country of upward of $400,000,000 a year.

Next in public interest to the Belgian relief work has been the establishment of a department for the investigation of industrial relations, to direct which Mr. Mackenzie King, formerly minister of labor of Canada, has been appointed.

For several years past Mr. John D. Rockefeller and his advisers have had under consideration the establishment of an organization for social and economic research. Upon the establishment of the Rockefeller Foundation, one of the first matters discussed was the advisability of the organization of such an institution, and a committee of leading economists and business men was created to consider whether such an organization could wisely be established.

While the general subject of economic research was under consideration the industrial disturbances in Colorado impressed the president of the foundation with the great need and public importance of finding an effective means of preventing such conflicts and caused him to urge a far-reaching study of industrial relations as the most important immediate inquiry to which the foundation could direct its attention.

In view of the passion aroused in Colorado and many divergent interests involved there, it was felt that the foundation itself should not interfere in that situation, but that it was of the utmost consequence that the root causes of that and similar disturbances should be ascertained and, if possible, removed, not only in Colorado but elsewhere.

The Rockefeller Foundation is, moreover, a large owner of corporate securities, and in that capacity is itself directly concerned in maintaining harmonious relations between the companies in which it is interested and their employees. It was therefore felt that if the foundation could work out on a basis compatible with sound economics a substantial improvement in the relations between capital and labor, it would not only be discharging its obligation as indirectly a large employer of labor, but would also perform for the general public a greater social service than it could render along usual philanthropic lines. It was also felt that there was hardly anything the foundation could do which would more effectively conform to its chartered purposes, namely, "to promote the well-being of mankind."

Realizing that the success of such an endeavor would depend almost entirely upon the character and attainments of the person conducting the work, the foundation felt itself peculiarly fortunate in being able to enlist the cooperation of Mr. Mackenzie King, who had had wide experience in the actual solution of labor problems in Canada.

Mr. King has from the outset indicated to the foundation his desire to avoid any form of organization which may cause it even to appear that his work is intended to rival or encroach upon the work of existing organizations, and in particular the work properly assignable to Government departments and agencies.

In spirit and method the work will be akin to that of the Rockefeller Institute for Medical Research. In so far as Mr. King's inquiries have to do with industrial controversies, his attitude will be that of a physician who investigates the nature and causes of the pathological conditions with which he has to deal, with a view, if possible, to the discovery of effective remedies.

It can not be too clearly understood that the purpose of this inquiry is not to apportion blame in present or past misunderstandings nor to justify any particular point of view; the sole purpose is to be constructively helpful. The final and only test of the work will be the degree in which the constructive suggestions growing out of the investigation actually improve the relations between capital and labor.

The foregoing summarizes the major activities so far undertaken by the foundation. A statement covering completely the finances of the foundation is in preparation and will be made public.

[Released for publication Tuesday, Dec. 5.]

In the general summary of its work and plans given out yesterday the Rockefeller Foundation announced that it was preparing for publication in advance of its annual report a complete statement of its finances.

The funds of the foundation, all of which were contributed by Mr. John D. Rockefeller, consist of securities the market value of which at the time they were created was $100,000,000. In making this gift Mr. Rockefeller expressly empowered the directors of the corporation, in their discretion, to utilize either the principal or the income or both for the chartered purpose of the foundation, namely, "to promote the well-being of mankind throughout the world."

The directors of the foundation are Messrs. Charles W. Eliot, president emeritus of Harvard University; Dr. Simon Flexner, scientific director of the Rockefeller Institute; Frederick T. Gates, Jerome D. Greene, A. Barton Hepburn, chairman of the board of directors of the Chase National Bank; Charles O. Heydt, Harry Pratt Judson, president of the University of Chicago; Starr J. Murphy, John D. Rockefeller, John D. Rockefeller, jr., and Wickliffe Rose, director general of the International Health Commission.

The income of the foundation to date has been approximately $5,000,000; its appropriations approximately $4,500,000.

The funds which Mr. Rockefeller has given to the foundation are as follows:

(For statement of funds referred to see under Schedule D of this exhibit:)

It was for many years the custom of Mr. Rockefeller in dealing with applications or suggestions concerning philanthropic objects to base his decision upon an expert investigation of the merits of each case. As time went on the task of deciding wisely upon an ever-increasing mass of applications, and, what was even more important, of providing the constructive imagination necessary for intelligent philanthropy, became more and more onerous.

For these reasons Mr. Rockefeller felt the need of organizations or groups of counsellors specially fitted to deal with such matters, and which should be independent of the life of any individual. He has accordingly for the past 15 or 20 years delegated his activities in this direction more and more to the various organizations and institutions he has created. The more important of these, each with its separate and independent funds, are: The General Education Board, The Rockefeller Institute for Medical Research, and the Rockefeller Foundation.

JANUARY 1, 1915.

The steamship *Massapequa* was dispatched to Rotterdam by the Rockefeller Foundation yesterday with 5,500 tons of food and clothing for the Belgian war sufferers. This is the second voyage of the *Massapequa*, which was the first of the Belgian relief ships to leave this country.

The foundation has now spent over $1,000,000 on ships and cargoes for Belgian relief. The *Massapequa* sailed on her first voyage November 2, with a cargo purchased by the foundation. The next ship dispatched was the *Agamemnon*, December 4, with 2,800 tons of food purchased by the Belgian relief committee and the committee of mercy. The *Neches* sailed on December 12, with 5,600 tons of food supplied entirely by the Rockefeller Foundation.

The *Massapequa* yesterday carried a cargo made up of donations received from all over the United States, in response to the joint appeal of the foundation and the Belgian relief committee.

In addition the foundation supplied a cargo of wheat for the steamship *Ferrona*, which was dispatched from Philadelphia December 28, by the commission for relief in Belgium.

The first object of the Rockefeller Foundation in taking up the matter of Belgian relief in October was to start with the least possible delay the stream of food supplies flowing into Belgium from this country. In the extreme emergency that was presented considerations as to the efficiency of the distributing organization in Belgium and as to the possibility of obstacles being confronted in the course of distribution, had to be delayed for later inquiry, but steps were taken to make such inquiry at the earliest possible moment. Accordingly a war relief commission was appointed, consisting of Messrs. Wickliffe Rose, director general of the International Health Commission; Ernest P. Bicknell, national director of the American Red Cross; and Henry James, jr., manager

of the Rockefeller Institute for Medical Research, and this commission sailed for Europe on November 11, 1914. The commission found the London organization of the American commission for relief in Belgium active and efficient. The Rockefeller commission then proceeded to Rotterdam and Belgium and for several weeks studied the extent of the need and inspected the distributing agencies, with the result that they were able to give the highest praise to the joint activities of the American commission, the Belgian relief agencies, and the diplomatic authorities of the several countries concerned. The commission is now giving its consideration to other aspects of war relief in Europe, and a further report is shortly expected.

ROCKEFELLER, JR., EXHIBIT NO. 4.

FULL TEXT OF HOWES-ROCKEFELLER CORRESPONDENCE.

[A.—Correspondence submitted by John D. Rockefeller, Jr., to United States Commission on Industrial Relations, May 14, 1915.]

MAY 13, 1913.

DEAR MR. HEATH: Yours of the 10th, inclosing a letter of Mr. Frank H. Hess, of the Pueblo Star-Journal, is at hand.

While I know nothing about the paper referred to as a business proposition, I think it would be undesirable for the Colorado Fuel & Iron Co. to have Mr. Rockefeller interested in a newspaper at this time in a financial or any other way.

The Colorado Fuel & Iron Co. for many years were accused of being the political dictator of southern Colorado, and, in fact, were a mighty power in the entire State. When I came here it was said that the C. F. & I. Co. voted every man and woman in their employ, without any regard to their being naturalized or not and even their minor children, it need to be remarked, were registered, if they were fortunate enough to possess names. Anyhow, a political department was maintained at a heavy expense. I had before me the contributions of the C. F. & I. Co. for the campaign of 1904, amounting to $90,000, paid out personally by President Hearne. All the vouchers and checks I have examined, personally, all of which were payable to Albert A. Miller, upon which he drew the currency, and, it is said, handed the money over to Mr. Hearne, who paid it out. So far as I can discover, not one penny of graft was accomplished for the company, but Mr. Hearne was an aspirant for the position of United States Senator and devoted a vast amount of time and money with this end in view, I have no doubt.

The company became notorious in many sections for their support of the liquor interests. They established saloons everywhere they possibly could. This department was managed by one John Kebler, a brother of the one-time president of the company, who died, about the time I came here, a victim of his own intemperate habits. A sheriff, elected by the votes of the C. F. & I. Co. employees, and who has been kept in office a great many years, established himself, or became a partner, in 16 liquor stores in our coal mines. To clean up the saloons, and with them the gambling hells and houses of prostitution, has been one of the things that Mr. Welborn and I have devoted an enormous amount of time to during the past five years. The decent newspapers everlastingly lampooned the C. F. & I. Co. at every election, and I am forced to say the company merited, from a moral standpoint, every shot that was fired into their camp.

Since I came here not a nickel has been paid to any politician or political party. We have fought the saloons with all the power we possess. We have forbidden any politician from going into our camps, and every subordinate official connected with the company has been forbidden to influence any man to vote for any particular candidate. We have not lobbied in the legislature, but have gone directly to the governor and other State men and have demanded fair treatment.

We have secured, the past winter, a mining law almost entirely written by our own superintendent, H. H. Weitzel, with four other men appointed by the senate committee, including representatives of labor, a capable engineer and two representatives of the operators. It is just and fair to all concerned and meets every requirement of the labor organizations, excepting that there are no special privileges granted to labor unions.

We have now reached the point where we have the respect of the progressive men as well as the common laborers of Colorado, because of our fair treatment,

and continual efforts to improve the conditions of mining. Even the old-time bitter political enemies of the company now say they have not one word of criticism to offer against the company from a political standpoint. The newspapers, for the most part, are courteous, and it is not often we see an article upbraiding our company or its employees.

If you should become financially interested in the newspaper referred to, the C. F. & I. Co. would be immediately accused by the other newspapers of Pueblo and of the southern counties of the State as having taken a new trick in the control of politics, and we would be upbraided just the same as if we were backing the paper, because it is well known that the Rockefeller interests are managing the affairs of the C. F. & I. Co. Therefore, I think it would be a very serious matter to the company if you should take any interest in Mr. Hoag's enterprise.

I think I have never written a letter along this line, and I am doing so now for your files.

Yours, very truly,

L. M. BOWERS.

Mr. CHARLES O. HEYDT,
26 Broadway, New York, N. Y.

THE PUEBLO STAR-JOURNAL,
Pueblo, Colo., May 5, 1913.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

DEAR SIR: About eight years ago I was engaged to take the management of this newspaper, which I found to be losing from $6,000 to $8,000 a year. By hard work I have reversed conditions and the paper is now on a paying basis, and from the position of being the "trailer" in the newspaper field here it has come to be the acknowledged leading newspaper in Colorado outside of Denver.

I would like to buy the Star-Journal in such a manner that I could use its influence to do the right thing under any and all conditions, regardless of financial consequences. In other words, the trouble with most newspapers is that every time they attempt to take a stand for what they are satisfied is right some advertiser steps up and uses his club.

The Star-Journal is now so good, such a much wanted and such a widely read paper in Pueblo, that the largest department store in the city had to come back of its own accord after cutting us out for a month or six weeks, for the reason that one of the department-store owners wanted a franchise across the business section of the city, thus creating four dangerous grade crossings to which the people are opposed, and we stopped it. I mention this to let you know how the people regard this paper, and I want to get the financial burden against it, if I buy it, in such shape that I can use the paper for the purpose of advancing the best interests of the city and State in all matters that come up. We are likely to have another wet and dry fight, and I would like to get the paper in position to do the right thing on this question.

Would you be interested in making an investment of $75,000 in the shape of first-mortgage bonds at 4 per cent interest, payable semiannually, against this newspaper and its property? It would cost $100,000 to duplicate the plant and our building, while our franchise, good will, going business, etc., is worth $50,000. The Pueblo Chieftain sold for $175,000, with not as good plant as we have, with somewhat of a lost position, and I would not make propositions even with them.

The 4 per cent interest may seem rather low, but the investment is safe, and I want the financial obligations to be as light as possible to make the paper as independent as possible. I can get time on the balance of the money I will have to pay for the stock of the paper. Other information if desired.

Yours, truly,

FRANK A. HOAG.

ASSOCIATION OF MINISTERS THANK THE STAR-JOURNAL FOR ITS EFFORTS TO ENCOURAGE CHURCH ATTENDANCE.

It is the custom of the Star-Journal each Saturday to devote a portion of its first-page space to an article urging the people of Pueblo to observe the Sabbath day for the purpose for which it was set apart.

From every denomination in Pueblo for this is an undenominational effort on the part of the Star-Journal, sentiment have been rendered to show that the efforts of the Journal are but only appreciated, but also that the power of a newspaper for the accomplishment of a lofty and beneficial purpose is practically unlimited. In every place of worship more people are now attending church than before the Star-Journal began the campaign for a larger and more representative church attendance.

The Star-Journal is pleased to count its influence in this connection, but whatever claims for better citizenship in any community to a generosity of stronger community foundations, which depend upon the character of the people themselves. Below is an additional unsolicited testimonial from the ministerial association which speaks for itself:

Pueblo, Colo., April 27, 1913.

Star-Journal Publishing Co.,
Pueblo, Colo.

Dear Sirs: We, the ministers of the Pueblo Ministerial Association, desire to express our appreciation of the splendid work you are doing by editorials and news articles to encourage church attendance in this city. We feel that it is the very best help we could get. Many of the pastors have spoken of your work from the pulpit. It is indeed encouraging to meet with such loyal support.

Most sincerely yours,

THE PUEBLO MINISTERIAL ASSOCIATION,
By Geo. H. Mayes-Smith, Secretary.

[The Colorado Fuel & Iron Co., Denver, Colo., Executive Department, L. M. Bowers, chairman.]

239 Main Street,
Binghamton, N. Y., September 4, 1913.

Dear Mr. Rockefeller: Reports are almost completed for our fiscal year, and we are well pleased with the showing all things considered. Our profits would have exceeded 1912 if wages had not been advanced, costing us about $600,000 over the former year. The net profit, however, coming with 800,000 of 1912, the best year in the history of the company. Net for 1912, $1,701,220.68. Net for 1913, $1,047,192.10. Adding the extra wages paid and no advance in prices and the comparison makes a new high record. The month of August has been extra dull in all but rails, but July was $35,000.00 over July, 1912.

There has been a group of labor-disign agitators in southern Colorado for more than a month and threatening to call a strike for the purpose of securing a recognition of the Western Federation of Miners, but protests have come from nearly all the State officials from the governor down, together with the protest from the boards of trade and of commercial bodies, so that the matter has quieted down, though their national officials are still in Colorado.

This has kept us all in a state of unrest, as that any vacation has been a season of worry. A Congress of this sort would put us up against a fight that would be serious indeed.

I expect to leave for Denver the 12th.

Yours very truly,

L. M. Bowers.

Mr. Rockefeller,
New York, September 22, 1913.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

Dear Mr. Bowers: Mr. Hibbard Stewart, chief conciliator of the Bureau of Labor Statistics of the United States Department of Labor, called here with to see Mr. John D. Rockefeller, Jr., but was unable to see him, as Mr. Rockefeller had not returned from his vacation. He was told that Mr. Rockefeller was expected yesterday, as he called again yesterday morning. While Mr. Rockefeller has returned to the city, he has not yet been at the office, and, having been informed of Mr. Stewart's call, requested that I see Mr. Stewart, which I did to-day. He presented credentials from the Secretary of Labor, saying that he had been appointed as mediator in the threatened controversy between the coal miners and the coal operators of Colorado.

Mr. Stewart called personal to acquaintance and said that the coal miners had sent a letter to all of the coal operators in Colorado asking for a conference with a view to establishing union conditions in the mines of Colorado; that they

had received no reply from the operators; and that they then appealed to the Commissioner of Labor to appoint a mediator, and sent him a copy of the letter they had sent to the operators. Mr. Stewart showed me a copy. He said that he had called here with a view to ascertaining whether it would be worth while for him to go to Colorado, as he did not feel like making the trip if it would be entirely fruitless. He also said that he understood that a convention of the miners had been called which was to be held yesterday, and that the operators had been invited to attend that, but had made no reply. He was also informed that the other operators in Colorado had decided to follow the lead of the Colorado Fuel & Iron Co.

I told him that this was a matter that would have to be handled by the executive officers in Colorado; that we here in the East knew nothing about the conditions and would be unwilling to make any suggestions to the executive officers. He replied that he could, of course, understand that the situation would have to be handled by the men in Colorado, but he thought that questions of policy could be determined here. I told him that the situation was so important a factor in determining the question of policy that we could not treat it as a separate matter. He said that he had not communicated with the officers in Colorado. He referred to the situation in 1903 and expressed the opinion that if the policy which then obtained was to be continued there was very little that he could do. I told him I was not familiar with the conditions in 1903, as I was not then connected with the company. He then asked whether you were there in 1903, and I told him that my impression was that you were not. He seemed interested in that statement and said that perhaps might make a difference.

Our interview was very pleasant, and Mr. Stewart does not seem to be at all of the labor-agitator type. He referred to the Calumet & Hecla controversy, which he said was finally settled in Boston, and not in Montana. I repeated the statement that we here would certainly not attempt to interfere in the matter, nor would we be willing to make any suggestion unless, after the matter had been presented to the executive officers in Colorado, they saw fit to refer the matter to us.

I am reporting this to you without any suggestion, merely to advise you of what occurred.

Very truly, yours,

STARR J. MURPHY.

[The Colorado Fuel & Iron Co., Denver, Colo. Executive department. L. M. Bowers, chairman.]

SEPTEMBER 18, 1913.

DEAR MR. MURPHY: Your favor of the 16th is at hand and has been read by both Mr. Welborn and myself with great satisfaction. You handled the matter raised by Mr. Stewart with exceptional skill, and it leaves us unhandicapped in event there is a strike among the coal miners in southern Colorado. For the information of your office, I will state as briefly as possible the demands of the organizers and agitators of the United Mine Workers of America and our relation at the present time in connection therewith.

We have spent a great deal of time and studied with a good deal of care all the questions in connection with labor unions among miners and men employed by industrial corporations during the past two or three years, anticipating in time having to meet the demands of union labor. We follow the eastern rates of mining as to wages, prices per ton, and the several different features that obtain in the mining industries, both where union and nonunion labor is employed. This applies to our steel works as well as to our mining operations.

We have found it desirable to take up from time to time these questions that were likely to lead to controversy and study them from every angle, and where we could meet them by making certain economic changes without loss we have taken the initiative in their application in this mining district. We have been opposed by some of our competitive operators, whose notions of fairness are, in our opinion, somewhat lopsided, but our position among them was such that we have been able to inaugurate and carry out these changes without serious criticism on the part of these competitors. To-day they are putting us on our backs.

We studied the eight-hour problem, which we knew would come up in the form of bills in the legislature and would be pushed through by agitators on the ground who were looking them, as we anticipated their motives and ac-

performed with eight-hour labor. For instance, we have a large percentage of employees who work by the day—timbermen, drivers, carmen, men outside on tipples, etc.—at all of our mines. These men were on hand at 7 o'clock in the morning and stayed throughout the entire day, while the coal miners work by the ton, some coming at 7, some at 8, and some at 9, some working until 2, others until 3, others all day, averaging, however, not more than about seven hours work per man. Generally speaking, we found that working our miners eight hours saved us in overhead expenses and in other ways enough to offset any loss than might come from an 8 instead of a 9 or 10 hour day in many of our mines. After this had been thoroughly settled in our minds we established an eight-hour day for all coal miners, complying with the union rules in that respect, but operating as nonunion mines.

Another question that we knew would come up in case of agitation was the semimonthly pay. All the mining companies in Colorado paid monthly, and there was great opposition in regard to semimonthly pay on the part of some of our competitive operators. We never had any demand from our miners for a change, with one exception. In a little remote section of the State, where we had a small mine in operation, they spoke to our superintendent, asking if it would be objectionable to us if we could send their money up twice a month, so that their womenfolks could go out of town some distance to trade if they wanted to do so, or possibly take a trip to their home land without the necessity of waiting until the end of the month. No demand was made; it was simply a request on the part of a few miners there. This led us to take up the question, knowing that if we paid at one mine we would have to pay at 20 or 30 mines, and in order to satisfy these people at this place we not only made a semimonthly pay day there, but at all of our mines, very much to the delight of our employees—wholly unsolicited, as you see, but it was done as a matter of policy, anticipating that these questions might arise sooner or later as well as because of our willingness to accommodate our employees, even at some extra cost to us.

Another matter was the weighman employed at the mines. For several years our company has raised no objection but has requested our miners to select their own weighmen, as is done in eastern mines where union labor is employed. This weighman has to be paid by a small assessment against each miner. Trifling though it is, our men would perhaps employ a weighman for a month, and then becoming satisfied that our own weighman was giving them correct weights, they invariably refused to continue the one selected by them. As our miners shift more or less and new men are coming all the while, about a year ago Mr. Welborn and the writer were discussing these questions, because one or two competitive companies (both of whom tried to interest Mr. Cooper in their boards) were cheating their miners by false weights, which some newspapers had taken up, and we agreed to post circulars at all our mines stating that we had always encouraged miners to employ their own weighmen, which our old employees were all familiar with, but for the benefit of newcomers we posted the notice to advise them that they were welcome to and urged to select their own weighmen. So far as I know not a single man was selected.

Another question was the accusation that miners were forced to trade at the company stores. In order to settle this we had our storekeepers and all interested say to our employees that they were welcome to trade at our stores or go anywhere they wished, as the money was their own; that we would be glad if they would trade with us, though they were perfectly free to trade where they pleased, and no man's standing would be changed if he saw fit not to trade with us. During the past few months, since the agitators have been in the State, we have had men make a careful canvass of our camps and we have yet to find a single case of dissatisfaction on this account.

The above covers every demand being made now by the agitators, with the exception of recognition of the union and a trumped-up demand of a 10 per cent advance, which is entirely impossible, as our scales of wages practically conform to those of other bituminous coal sections, and the average wages of our men are higher than in any other soft-coal mining section we know of. This is inclosed in their demand to fool the public and to inspire our miners to unite with the union.

The main question, and, in fact, the only matter up between the United Mine Workers of America and the Colorado Fuel & Iron Co. is recognition of the union, which we flatly refuse to do, or ever agree with those agitators to discuss or take up this question directly or indirectly.

Northern Colorado has had a strike for three and a half years. The coal mines were handicapped for a year or more, but have maligned the organization and are operating to full capacity without any serious difficulty as nonunion mines. They formerly employed union miners, whose rules became so oppressive that the operators were compelled to rid themselves of union dictation.

I will not undertake to enumerate these objections to union labor here. They are many. One is the quality of the product under union domination, which is inferior. It is impossible to discharge incompetent labor without the matter being brought up for investigation by officials of the union, both in and out of the State, and numerous requirements that practically take away the mines from the control of the owners and operators and place them in the hands of these, in many cases, disreputable agitators, socialists, and anarchists.

In canvassing our nonunion mines we find practically all of our miners opposed to a strike or any disturbance in the relations existing between the company and themselves, excepting possibly 5 or 10 per cent who are inactive members of unions. These labor agitators have caused to be circulated throughout the United States false statements, which Mr. Welborn says are 100 per cent false. In other words, they claim that all the things above enumerated, which have been put in operation by our company without demands or solicitation, are enforced in northern Colorado. While they may be able to find a few little operators who are unable to meet all the requirements and who are not doing as well for their miners as we are, they make no distinction and give the impression broadcast that all the coal mines of southern Colorado, including our own, are guilty of violating all of these rules which the unions have been able to secure in many sections of the country. So far as we are concerned, every single word is false. We have the good will of our men, and they are perfectly satisfied. Not more than 20 per cent belong to unions, and these are old miners who have belonged to unions in the Eastern States for many years and retain their membership as a matter of sentiment, rather than of protection.

It is difficult to tell what the outcome of the threatened strike will be. Letters are being sent to our miners demanding that they quit their jobs or it will go hard with them. Fear of the Black Hammer, especially among those foreigners, is far from being pleasure, but is a real thing. Though we hope to be able to keep a large number of our men, many of those who do go out will, after a few days when they find we are able to protect them, return to their work. The strike is called for the 23d, but it is thought on the part of a good many operators that the officials, anticipating being whipped, will undertake to smash out if they can secure even an interview with the operators, which so far they have been unable to do, thus boasting before the public that they have secured the principal point, namely, recognition of the union.

This covers practically the whole matter, so far as the Colorado Fuel & Iron Co. is concerned.

In behalf of Mr. Welborn and myself I want to thank you again for the exceptionally able manner in which you discussed this question with Mr. Stewart.

Yours, very truly,

L. M. Bowers.

Hon. J. Murray, Esq.,
25 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo., Executive Department. L. M. Bowers, Chairman.]

September 19, 1913.

Dear Mr. Murray: Mr. Welborn has called my attention to a matter I omitted in my last letter to you (e-day, which is an important one.

This so-called convention, held on the 16th instant at Trinidad, where the strike was called, was made up principally of union men brought into Trinidad from northern Colorado, whence the strike referred to in my former letter has been going on for three and a half years or more, together with gold miners, and so far as we have been able to learn from our own men in the convention there was none from any of our mines who had been sent there as a representative of the miners. The five or six of our men who were there dropped in as mere drop into a political convention, and as delegates, with one or two exceptions. One of these exceptions, for instance, was a man who had secured con-

[illegible] in one of our mines a short time before, worked a few days, asked for his time, which was given him, amounting to $11 or thereabouts. Some remark was made to him in regard to the small amount of money he earned, and he stated that that was all right; he didn't calculate to mine much, as he was getting $5 a day from the labor officials to represent the mine in the convention as a delegate.

What is true in this single case was the practice followed by these agitators in all sections of southern Colorado. In fact, the men attending the convention that called the strike were imported and hired fellows who were self-appointed delegates, pretending to act for the mine, which was absolutely false in every particular.

We mention this to show you to what extremes these men will go in order to carry their point.

Yours, very truly,

L. M. Bowers.

Simon J. Murphy, Esq.,
30 Broadway, New York, N. Y.

September 24, 1913.

Dear Mr. Bowers: Your letter of September 4, inclosing statements for the fiscal year, was forwarded to me at Seal Harbor and read with much interest. The showing which your company has made this year is very gratifying. We are glad to have the president and vice president of the company know of our appreciation of the work which they have done and in which we know they have been so ably seconded by the loyal organization which they have built up.

I have delayed acknowledging the report, that I might have the opportunity of sending this personal word of appreciation.

Very sincerely,

John D. Rockefeller, Jr.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowers, vice president and manager.]

September 26, 1913.

Dear Mr. Rockefeller: Mr. Welborn and the writer have read your letter of the 24th, and we appreciate your very kind remarks in regard to our management of the affairs of the C. F. & I. Co.

You have doubtless read that a coal strike has been ordered over the entire coal fields of southern Colorado, including all of the companies engaged in that territory, as well as in northern Colorado and the new coal field of Routt County.

In northern Colorado, where a strike has been on for more than three and a half years, practically no attention has been given to the call of the labor disturbers and the mines are all working full force.

In southern Colorado, where we are so largely interested, from 40 to 60 per cent of the miners have quit work, but it is safe to say that out of an estimate of 8,000 men who are out, 7,000 of them have quit from fear of the Black Hand and similar organizations, who, through letters or face to face, threaten to kill the men, do violence to their wives and daughters, and practice all of the hellish villainy that these creatures possess. One of our marshals, who was one of the best men in our employ, was deliberately shot by Greeks when he undertook to stop them from tearing down a bridge. A bus carrying a few men was held up by 25 or more striking miners and the occupants ordered to leave the camp. These men happened not to be miners, but employes of railroads, which probably saved them from a severe beating up when that fact was discovered.

Hayes, vice president of the United Mine Workers of America, together with representatives here in this State, are the principal mischief makers. They have been able to lead some newspapers with their lying statements and are permitted to gather gangs and crowds together in the streets, making speeches that would scarcely be permitted in any European country. Old "Mother" Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return. We have not been able to verify this statement this morning.

Mr. Hibbert Stewart, who called at your office, is in this State and is surrounded by and associated with Hayes, Brake, Lawson, and other men of that

stamp who are at the bottom of this strike. Mr. Stewart spent part of one afternoon with me, going over every point raised by these agitators, and he confessed that the Colorado Fuel & Iron Co. were meeting every requirement of organized labor in any bituminous coal-mining section of this country. He admitted that the earnings of our miners were larger than he had ever known in any other locality, the month of August averaging $4.15 per day in all our mines to each man who worked. I challenged him to point out wherein we could better our men, or the men could better themselves by joining the union, and he was unable to say a word in reply, except to state that united labor was often able to secure what they would be unable to get unorganized.

We have given particular attention, as stated in my letter to Mr. Murphy, to the well-being of our men, as it has been one of the foremost things that I have always taken up in all of the corporations I have been connected with; and as I told your father in the first interview that we ever had, nearly 20 years ago, I would flatly refuse to be connected with any business enterprise where I would be handicapped in uplifting and benefiting mankind, especially those in our employ. This I told to Mr. Stewart, and suggested that he investigate every corporation with which I have been connected for the last 25 years or more, and see if he could find a place where this has not been one of the matters that has received my most careful consideration. He said he did not question this statement and that he had heard of it before coming here. I said that, in view of this, together with the fact that not more than 5 or 6 per cent of our men were members or unions after all the effort that had been made here for two or three years, we flatly refused to force 8,000 or 10,000 men to join the union and we be the collectors of $30,000 or $50,000 a month from our employees' wages and forward this amount to headquarters to be spent by the agitators in stirring up strife and discord and inevitable revolution in this country. He was told that we would work such mines as we could protect and close the others, and that the writer with every official of this company would stand by this declaration until our bones were bleached as white as chalk in these Rocky Mountains. We are right from every standpoint, and in justice to ourselves and our loyal men we shall never recede an inch from the stand we have taken. Several of our mines are working from one-half to two-thirds capacity, and if we can continue undisturbed, we can keep our steel works running and supply our railroad friends with coal to keep them going in good shape until the strike is over.

I will state one instance in connection with our domestic mines located in what we call the Canon City district, where a large percentage of our miners are union men, having come here from Eastern States many years ago. They have retained their membership largely, doubtless, from sentiment, having, I presume, been in trouble in eastern mines, though they may have been in strike troubles in mines in the East, which influenced them somewhat to retain their membership. Ninety-nine per cent of these union miners voluntarily signed a protest against being called out, but their protest was ignored, and, of course, they have gone out, being union men. At several other camps the men signed protests against a strike, stating that they were satisfied, had no complaint whatever to make, and wanted to work.

I have given you the situation up to date.

Yours, very truly,

L. M. BOWERS.

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

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26 BROADWAY,
New York, September 23, 1913.

DEAR MR. BOWERS: Your letter of September 19 was duly received and I thank you for your kind expressions with regard to my interview with Mr. Stewart.

We are greatly pleased to hear of the care with which the management has studied the questions in connection with labor unions among miners in the past, and the spirit evidently manifested of trying to anticipate and meet all proper demands.

Very truly, yours,

STARR J. MURPHY.

Mr. L. M. BOWERS,
The Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowers, vice president and treasurer.]

October 8, 1913.

DEAR MR. ROCKEFELLER: The strike situation in the coal fields remains about as it has been for the past week. A few more of our miners are returning to work each day, and most of our miners who still remain in the State would be back at work if it were not for fear of assassination or violence. The union officials have run in a large number of thugs and Black Hand foreigners from West Virginia, who are in the pay of the United Mine Workers of America. These men, together with what striking miners they can control, are camped in the hills as near to the mines as they can get and have several times riddled the coal camps with bullets.

It is estimated that more than 1,000 bullets were fired by these assassins into the Oakview camp of the Oakdale Coal Co., located in Huerfano County. I inclose you a clipping which gives an accurate account of this fusillade, signed by reputable persons who were eyewitnesses to the raid.

At another mine 400 cartridge shells were picked up behind the stone breastwork that these fellows had built on the side of the mountain.

None of these were our mines, as our armed guards so far have been able to protect our miners. We have eight large electric searchlights established, and each sweeps the surrounding country for 5 or 6 miles. This is a mighty fine scheme, as we can discover groups or single individuals without the slightest difficulty moving around within the circuit.

With the exception of a few small operators who have no funds to fight with and who expect to reap a rich harvest from high prices, all of the coal operators are a unit and under no conditions whatever will they submit to the dictation of the United Mine Workers of America. Unfortunately, Secretary of Labor Wilson, appointed by the President, was secretary and one of the big men in the above-named union, and all of his associates in official positions in his department have been officers or were employees of the union, which, to my mind, bespeaks a rough road ahead for our industrial enterprises during the present administration.

This man Stewart, who met Mr. Murphy at your office, has been hobnobbing continually, since coming here, with the most vicious of the labor agitators. One of these men, Hayes, vice president of the United Mine Workers of America, was heard by one of our detectives to say to a group of strikers: "What are you hanging around Trinidad for? Why don't you get out among the mines and give them hell?"

You see, we are not lying upon beds of roses these days. But for the fact that fully 90 per cent of our miners are loyal and have no grievances whatever and want to work, we would be inclined to seal up a large number of our mines and not undertake to work them during this warfare; but we are hoping to be able to control the situation and lessen the fear these men entertain of assassination, so that a large percentage of them will be able to return to their work.

While it is an exceptionally exacting situation for the writer to be placed in, especially at my age, I propose to stay in the fight until we regain our right to manage this great industry for the best interest of all concerned.

Yours, very truly,

L. M. BOWERS.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

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26 BROADWAY,
New York, October 6, 1913.

DEAR MR. BOWERS: I have your letter of September 29, with reference to the coal strike in southern Colorado. We know how earnestly desirous you have always been to have the men in your employ work under the best possible conditions and receive every consideration and advantage. We also know that you and Mr. Welborn have spared no pains to provide for the well-being and look out for the interests of the employees of the Colorado Fuel & Iron Co. Your letter simply confirms what we know to be the case.

You gentlemen can not be more earnest in your desire for the best interests of the employees of your company than we are. We feel that what you have done is right and fair and that the position which you have taken in regard to the

unionizing of the mines is in the interest of the employees of the company. Whatever the outcome may be, we will stand by you to the end.

Very, truly,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

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26 BROADWAY,
New York, October 10, 1913.

DEAR MR. BOWERS: I have your letter of October 8 and note with interest the progress of the strike. I realize that these are trying days for the management of the fuel company. Its actions are watched with great interest by this office, and its strong and just position will not lack backing at this end.

Very, truly,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

(The Colorado Fuel & Iron Co., Denver, Colo. Executive department. L. M. Bowers, chairman.)

OCTOBER 11, 1913.

DEAR MR. ROCKEFELLER: I am in receipt of your favor of the 8th, and I want to express the appreciation of Mr. Welborn and myself, together with that of several coal operators who have seen your letter, for the stand you have taken in supporting us in fighting this unjust, uncalled-for, and iniquitous strike, called by the officials of what is supposed to be a very important union.

I can say that I have never known such falsehoods and disregard for law and common decency as these men are the perpetrators of in this State. It is now proven beyond any sort of question that Winchester rifles in large numbers and revolvers with large quantities of ammunition are being supplied to the slaggers whom these men have brought in from other States together with the bloodthirsty Greeks who have just returned from the Turkish war.

We also find that Ethelbert Stewart, representing Commissioner of Labor Wilson, has been for years connected with labor unions. He came here under false colors, representing himself as being appointed as mediator, while he has been spending weeks with the labor agitators above referred to and refused to listen to the operators' side unless it was in conference with the union officials, which, of course, the operators flatly refused to consider, with the exception of a two-hour interview with the writer.

When this Government places in the Cabinet men like Commissioner of Labor Wilson, who was for many years secretary of the United Mine Workers of America, which has been one of the unions that permitted more disorder and bloodshed than any class of labor organizations in this country, we are not skating upon thin ice, but we are on top of a volcano. When such men as these, together with the cheap college professors and still cheaper writers in muckraking magazines, supplemented by a lot of milk-and-water preachers with little or no religion and less common sense, are permitted to assault the business men who have built up the great industries and have done more to make this country what it is than all other agencies combined, it is time that vigorous measures are taken to put a stop to these vicious teachings which are being sown broadcast throughout the country.

I know of no journal or magazine published in this country to-day that is doing the good work that is being done in Leslie's Weekly, and I know of no better expenditure for the common good and for the safety of this country that you could direct than to make it possible for the publisher to distribute a million copies a week of this magazine. I am personally doing all I can when attending directors' meetings of the several companies I am in, and whenever I meet business men, to call attention to Leslie's Weekly.

You know very well that I am not a pessimist of the dyspeptic sort, but I believe that if the business men do not awaken from their indifference and take aggressive measures on a large scale to right the wrongs that are being inflicted upon the business of this country, we will see a revolution, we will be under military government and our Republic will add where so many others have ended.

Yours, very truly,

L. M. BOWERS.

Mr. JOHN D. ROCKEFELLER, JR.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. Executive department. L. M. Bowers, chairman.]

October 27, 1913.

DEAR MR. ROCKEFELLER: At our annual meeting yesterday the matter of having a vice president in New York was taken up. We thought it very desirable that we have an officer there and a lawyer preferred, so we elected Mr. Murphy as vice president and a member of the executive committee. I have written Mr. Murphy that if this is not in accord with your wishes we can change it at any executive committee meeting.

Our balance sheet is practically completed, and our net earnings would have been the largest in the history of the company by $200,000 but for the increase in wages paid the employees during the last few months.

With everything running so smoothly and with an excellent outlook for 1914, it is mighty discouraging to have this vicious gang come into our State and not only destroy our profit but eat into that which has heretofore been saved.

There are a few more miners working to-day than at any time since the strike, and if the miners who were forced out on account of fear had the protection of the militia, a large percentage of them would return to work at once.

The large operators are all working in perfect harmony, which is very desirable, and unless all prophesy fails it is only a matter of time when the mines will be in operation generally.

Yours, very truly,

L. M. BOWERS.

MR. JOHN D. ROCKEFELLER, JR.,
New York, N. Y.

NOVEMBER 15, 1913.

DEAR MR. BOWERS: I have received the clippings regarding the strike which you have sent me from time to time. I am interested to keep in touch with the situation and hope the worst is over. We are profoundly distressed that such disorder, suffering, and bloodshed should result from the action of the labor leaders, and feel the sincerest sympathy with the employees of the company, who are forced to suffer, directly and indirectly, thereby.

Very truly,

JOHN D. ROCKEFELLER, JR.

MR. L. M. BOWERS,
Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. L. M. Bowers, vice president and general manager.]

NOVEMBER 18, 1913.

DEAR MR. ROCKEFELLER: I have not sent you much published matter in regard to the strike during the last few days, as we have been having a season of comparative quiet in southern Colorado.

You will be interested to know that we have been able to secure the cooperation of all the bankers of the city, who have had three or four interviews with our little cowboy governor, agreeing to back the State and lend it all the funds necessary to maintain the militia and afford ample protection so that our miners could return to work, or give protection to men who are anxious to come up here from Texas, New Mexico, and Kansas, together with some from States farther east. Besides the bankers, the chamber of commerce, the real estate exchange, together with a great many of the best business men, have been urging the Governor to take steps to drive these vicious agitators out of the State. Another mighty power has been rounded up in behalf of the operators by the gathering together of fourteen of the editors of the most important newspapers in Denver, Pueblo, Trinidad, Walsenburg, Colorado Springs, and other of the larger places in the State. They passed resolutions demanding that the governor bring this strike to an end, as they found, upon most careful examination, that the real issue was the demand for recognition of the union, which they told the governor would never be conceded by the operators as 60 per cent of the miners themselves were non-union men, and therefore that issue should be dropped.

Still the governor bickers with Hayes, Lawson, McLennan, and the rest of the gang, and either refuses or begs for more time to bring the strike to an end or to simply protect the operators in bringing in outsiders to take the

places of those who have left the State and those engaged in these murderous assaults whom we refuse to take back under any circumstances. Yet we are making a little headway.

There probably has never been such pressure brought to bear upon any governor of this State by the strongest men in it as has been brought to bear upon Gov. Ammons. We have published statements of the earnings of the miners, which the agitators disputed, and the governor expressed great doubt as to its accuracy. In order to force acknowledgment, we requested the bankers to recommend three expert accountants to examine our pay rolls, books, etc., which they did yesterday. The governor appointed these men and they are now in our office checking up and their report will be published.

While we are meeting with enormous losses we are making friends by the thousands in the State by giving to the public all of the data proving our splendid treatment of our men, not only in making it possible for them to earn more money than in any other bituminous coal section of the country, but showing the public what we have been doing in the way of improving the condition of our miners and their families. We have won the cordial support of the leading papers of the State and have won over several men who formerly supported labor unions and the agitators, so we get some comfort and a good deal of satisfaction in having our efforts recognised, covering the past five years, in the upbuilding of our company morally, commercially, and financially, through the reports of the strong men connected with the business organizations, bankers, and others, who have been given all the data and information desired—which has been an eye opener to most of them.

Personally the strain has been very great on Mr. Welborn, who has been the recognised leader among the operators. He has not spared himself day or night, and but for his vigorous make-up, would have been unable to stand up under the weight loaded upon him. I mention this so that you may know how valuable a man he is when placed in the most trying circumstances that any official has ever been called upon to encounter in dealing with labor unions whose leaders in this State can not be regarded as anything less than assassins.

Personally my hope is to be blessed with enough mental and physical strength to be able to stand four square until we win a righteous victory.

Yours, very truly,

L. M. Bowers.

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

NOVEMBER 21, 1913.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

The following is a copy of telegram received to-day and my reply thereto:

"The governor of Colorado has asked me to lend my efforts toward settlement of coal strike there. He says the situation is critical and growing worse hourly. Can you help by using your influence to have representatives of coal companies in Colorado meet representatives of miners with view to finding a mutual basis for settlement? I will be at Albany Hotel, Denver, November 21, remaining indefinitely.

"W. B. WILSON, *Secretary.*"

"Your telegram of November 20 asking that we use our influence to have representatives of coal companies in Colorado meet representatives of miners is at hand. So far as the Colorado Fuel & Iron Co. is concerned the matter is entirely in hands of its executive officers in Colorado. They have always been quite as solicitous for the well-being of the employees as for the interests of the stockholders. The men who have brought about this strike are not representatives of our miners, as only a small percentage of our men are members of unions, and all but an inconsiderable fraction of those who are have protested against the strike. The action of our officers in refusing to meet the strike leaders is quite as much in the interest of our employees as of any other element in the company. Their position meets with our cordial approval, and we shall support them to the end. The failure of our men to remain at work is due simply to their fear of assault and assassination. The governor of Colorado has only to protect the lives of the bona fide miners to bring the strike to a speedy termination."

JOHN D. ROCKEFELLER, Jr.

[The Colorado Fuel & Iron Co., Denver, Colo.]

NOVEMBER 22, 1913.

DEAR MR. ROCKEFELLER: We are in receipt of your telegram of last night giving telegraphic correspondence between Secretary of Labor Wilson and yourself. Your telegram has been shown to all the members of the executive board, in whose behalf I want to express appreciation for your splendid support and for the reply you made to Secretary Wilson.

Numerous conferences are being held day and night, and it is the opinion of the coal operators generally that the officials representing the United Mine Workers of America are all hunting for a hole, however insignificant, through which they can crawl without disgracing themselves before the membership in their failure to make the coal miners' strike general and cause complete tie-up.

There are fully 50 per cent of the miners working in the State, including both the northern and southern fields, while it is estimated that one-half of the miners, the most of whom were forced to strike, have left the State, which is both an advantage and a disadvantage to the strikers. The disadvantage comes from the reduction in fighting force in event of an outbreak, while it is to their advantage to have the men leave, as it relieves them from the burden of support.

All the hot air in regard to bad conditions and unfairness so far as the Colorado Fuel & Iron Co. is concerned, has evaporated. The only thing that is demanded now is a conference so that they can claim recognition of their union.

This strike has brought to the front an issue which will secure the attention, and I believe the cooperation, of the business men of the country, regardless of political affiliations—to force candidates for office to come out into the open and declare their attitude toward the rights of employers and employees to run an "open shop." We all know that the politicians have been giving organized labor soft soap for the purpose of securing their votes regardless of the fact that the great mass of laboring men have no connection with labor unions, including the millions of farmers and men employed in a variety of other occupations.

Hundreds of men, including many State and some national officials, have become alarmed since the uncalled-for and vicious demand of the union leaders in this State for recognition of the union and suppression of the open shop. It has become a matter of such importance in these last few weeks that it will doubtless be one of the great issues in politics in 1914. I believe there is no man in either Republican or Democratic Parties who would dare to come out in opposition to the open shop. So long as the politicians can ride two horses going in opposite directions at the same time without attracting the attention of the public, they are reasonably safe, but that time is coming to an end, and I believe that in the long run good will come from this unwise action on the part of labor leaders to force fully 90 per cent of these miners out of the open shop and into the union, contrary to their wishes. They have so overreached the bounds of reason and common decency as to attract attention everywhere, and this is what is needed to awaken the men who have the good of the country at heart to oppose and finally defeat unions of every sort from becoming dictators to both employer and employee with the hope that they will eventually control the affairs of the State and Nation.

Yours, very truly,

L. M. BOWERS.

MR. JOHN D. ROCKEFELLER, JR.,
New York, N. Y.

NOVEMBER 24, 1913.

DEAR MR. BOWERS: I have just read with the utmost interest your letter to Mr. Gates of November 18; also your letter to President Wilson of November 8. In the latter you have set forth fully and clearly the position of the coal operators. It would seem as though only one conclusion could be drawn therefrom. As the former you tell of the recent history of the strike in a way which brings home to us with fearful clearness the horror and horror of it all. You and Mr. Welborn are frequently in our minds, and we have never but words of the highest commendation for the energetic, fair, and firm way in which you have handled this very trying matter. At the same time we have the utmost sym-

pathy for the unfortunate employees of the company, who are suffering so severely, directly and indirectly, as a result of this conflict of labor which has been forced upon them much against their wills. There can be but one outcome, and we only hope it may be speedily attained.

I sent you on Friday night by night letter a copy of Secretary Wilson's telegram to me and my reply. We are with you to the end.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowers, vice president and treasurer.]

NOVEMBER 28, 1913.

DEAR MR. ROCKEFELLER: I am in receipt of your favor of November 24, which has been read to all of our executive officers, and I can scarcely express our appreciation of the support you are giving us.

Secretary of Labor Wilson has been here for some time and suggested to the governor and to the labor leaders here that the operators consent to a conference with our own men, who are old members of the union, to which we agreed, the governor acting as chairman of the meeting. The conference began at 10:30 in the morning and lasted until 1 Wednesday night, the proceedings of which and its outcome is partially given in the clipping inclosed herein. As we have maintained, there are no important differences between the operators and their miners, which the governor admits is true.

Yesterday the labor leaders got after these three miners who notified the governor that they would not sponsor the conclusions reached by the governor and Secretary of Labor Wilson. So the matter settles down squarely upon the proposition of recognition of the union and the abandonment of the open-shop policy or the strike will continue indefinitely.

You will notice in the clipping that Secretary Wilson suggests an arbitration board, but this seems to be a useless proceeding, for the reason that if the labor leaders refuse to favorably consider Mr. Wilson's recommendation they will refuse to call the strike off if an arbitration board is selected. I see a "nigger in the woodpile" in Secretary Wilson's proposition to have an arbitration board consider two points, one of which is (a) the question of an increase in wages, which if the board granted, however slight it might be, then the labor leaders would declare the country over that they had gained a victory over the operators and forced them to make a concession, which we do not propose to permit in any circumstance.

I can see no particular objection to the formation of an arbitration board as suggested by Secretary Wilson, providing the three miners are nonunion men who have remained in the employ of the coal operators during this strike, but to this I am sure that neither Secretary Wilson nor the labor leaders would consent. What they want is to get on the board three striking miners who are union men, and they would keep up a perpetual controversy on one hundred and one technicalities, which the labor leaders are notorious for doing wherever union men are employed.

I will inclose herein or forward to you later in the day copies of President Wilson's reply to my letter of November 3 and my answer to all of the points he raised. You will notice in his letter that he dodged all the essentials, excusing himself in a way that men usually take when they have the worst of the argument, and he falls back onto arbitration law and the spirit of the times. My reply to the President indicates our appreciation of compliance with the law, and also states that we are in harmony with the spirit of the times in arbitrating differences between employer and employee if any exist, as well as our desire to satisfy the public through the good offices of unbiased men, as set forth in my third paragraph. I also bring to his attention the importance of the avowed purposes of labor leaders all over the country to favor the closing of all open shops, which is really the most important part of my letter.

I have never known the public mind to shift with the rapidity that it has during the past 10 days and since Secretary Wilson's nonpartisan address at Seattle. Hundreds of thinking men who have been practically neutral in this and strike now are outspoken when they see the trend toward the closing of the open shop and domination by labor unions in all industries of this country. Editors and men in high positions in political life are asking us whether or

not we are going to force this issue to a finish. They have become alarmed as they learn the facts in regard to this coal miners' strike, unquestionably called with the approval of Secretary Wilson, who, together with men high up in labor-union ranks, are making this coal miners' strike a test case, which, if successful, will warrant a national campaign to force the closing of open shops throughout the country during Secretary Wilson's retention in President Wilson's Cabinet. My reference to this matter being a national issue in my letter to President Wilson was to give him a hint that any such attempt on the part of the Department of Labor supporting labor-union leaders in this movement would not be tolerated by the American people.

We are satisfied, all of us, that since the receipt of our letters by President Wilson and your reply to Secretary Wilson's telegram the latter has been prompted to labor for any sort of a compromise, to which we shall never consent.

Yours, very truly,

L. M. Bowers.

Mr. John D. Rockefeller, Jr.,
New York, N. Y.

December 4, 1913.

Dear Mr. Bowers: Mr. Rockefeller asked me to acknowledge on his behalf your letter of November 28 inclosing copies of President Wilson's letter to you of November 18 and your reply of the 26th, together with the newspaper clipping, and to say that he fully approves of the position you have taken in the correspondence with the President and in the handling of the matter in general. We think you and Mr. Welborn are treating the matter in a very wise and firm way.

He asked me to submit for your consideration, merely for what it is worth, a suggestion which I have made to him. The President says: "All that is asked is that you agree to arbitration by an unbiased board. * * * The questions at issue ought to be submitted to some body of men who can make an impartial determination of the case on its merits. If the investigation led to nothing more than a full understanding of both sides of the case by the public the air would be cleared and the basis of settlement would, I venture to predict, become obvious." It seems to me that the President is confusing two entirely different things—one the question of arbitration and the other the question of investigation and making public the facts. I think your position in refusing to submit to arbitration under the conditions is unassailable. I suggest for your consideration whether it might not be a tactical advantage to say that while we refuse to consent to arbitration we are not only willing, but we strongly urge an investigation of all the facts as to the relations between the company and its employees and the circumstances leading up to this strike. Your letter offers to assist the President in making a thorough investigation of the riot and destruction that has been going on, but what I have in mind is whether we can not go further and court an investigation into the whole question. If I understand the facts correctly, I am satisfied that a thorough investigation, made by a body of men of character and ability and fearlessness, would turn public opinion so overwhelmingly in favor of the operators that the strike would have to come to an end. The investigators should not be politicians, but we might suggest that the President appoint any three Federal judges, thus guaranteeing that the investigation would be made by men whose positions were not dependent upon the votes of the labor unions, who were in the habit of investigating facts, and who would be willing to tell the truth and who would dare to tell the truth.

Please understand that this is merely submitted for your consideration, without any attempt whatever to influence your action in the matter if for any reason you deem it wiser not to follow it up.

Very truly, yours,

Starr J. Murphy.

Mr. L. M. Bowers,
The Colorado Fuel & Iron Co., Denver, Colo.

[Telegram.]

Denver, Colo., December 2, 1913.

John D. Rockefeller, Jr.,
26 Broadway, New York:

Federal grand jury have indicted practically all officers of United Mine Workers' Union, and a score of strike leaders.

L. M. Bowers.

DECEMBER 6, 1913.

DEAR MR. MURPHY: Replying to your favor of the 1st. On the surface the President's suggestion looks plausible, but we are too well advised to believe that it would be possible to secure an impartial committee named by him. He knows perfectly well that there was not an atom of difference between the company and the miners, but, on the contrary, entire satisfaction. He has been advised that there has been three impartial committees who have made a fair and thorough investigation, and all reported to the governor that they found no good reasons for calling this strike. He also knows that his representative, the Secretary of Labor, has been here for two or three weeks, but he may not know that when challenged to point out one thing that should be submitted to arbitration he could not do so, except to give these labor leaders the opportunity to "argue" for recognition and to force the shutting of the "open shop." (The last dozen words are mine.)

We know that the President will not ignore the head of the Department of Labor, but will let his Secretary of Labor name the committee, if such an agreement was entered into, or else he would direct him to demand an end of the strike instantly.

No whipping around the bush is necessary on the part of the President if he really wants to end the strike; but he is too fearful of the labor voters who are in the unions to come out into the open and demand an end of the strike by those responsible for it.

Secretary Wilson is regarded as one of the most determined fighters for unionism in the country, and is the power back of United Mine Workers of America, and this strike was with his consent and is having his cordial support. Mr. Welborn, who, with the other two representatives of the operators, now believe that behind the soft voice of Secretary Wilson is the hand of Ehan; that he is a cunning schemer and has tried during his stay here to trap the operators into some corner that the labor leaders can claim that they have won recognition of the union through him.

It is a well-planned undertaking on the part of the labor-union leaders of the country to shut the "open shop," and it is their opportunity to do so, while one of their own confidential and most expert schemers is in the President's Cabinet and the head of the department that can give the movement enormous encouragement, if not direct and active support.

The writer has satisfied himself that the labor leaders in charge would laugh at any report of any committee that would leave recognition of the union open for the operators to decide for themselves. So we prefer to let the President ask Congress to make the investigation and take our chances. We are ready and more than willing to face friend or foe in connection with our legal or moral responsibility as employers of labor.

Yours, very truly,

L. M. BOWERS.

STARR J. MURPHY, Esq., *New York.*

DECEMBER 9, 1913.

DEAR MR. BOWERS: I have yours of December 6, and accept entirely your decision. In fact, as we have said many times before, we leave this matter entirely in your hands, having the utmost confidence in your judgment and the way you are handling the matter.

Very truly, yours,

STARR J. MURPHY.

Mr. L. M. BOWERS,
The Colorado Fuel & Iron Co., Denver, Colo.

DECEMBER 8, 1913.

DEAR MR. BOWERS: I am sorry to learn, from your penciled note of the 5th, that you are under the weather. It is hardly strange, however, in view of the severe strain which has been upon you these many weeks. You are fighting a good fight, which is not only in the interest of your own company but of the other companies of Colorado and of the business interests of the entire country and of the laboring classes quite as much. I feel hopeful that the worst is over and that the situation will improve daily.

Take care of yourself, and as soon as it is possible, get a little labor and rest.

Very truly,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowman,
Colorado Fuel & Iron Co., Denver, Colo.

DECEMBER 27, 1913.

DEAR MR. ROCKEFELLER: If the governor had acted on September 26 as he has been forced to act during the past few weeks, the strike would have never existed 10 days.

We used every possible weapon to drive him into action, but he was glove in hand with the labor leaders and is to-day, but the big men of affairs have helped the operators in whipping the agitators, including the governor.

Now these fellows are cursing him without regard for common decency, as everybody is giving him more or less taffy to keep him from backsliding. The inclosed is a sample of the resolutions being sent to him, besides any number of personal letters.

By the number of miners we are getting in from the South and East, we will have all we can work in a week or so. Of course, the coal trade is good for nothing after about February 1, except the railroads, and little money is made on their trade.

I received a nice note from your father and in reply stated that I was feeling much better, though I am having miserable trouble with indigestion yet, which upsets me all over, especially my sleep.

I have never known such widespread approval by all classes of business men as we are getting in our fight for the "open shop."

We are paying the 4 per cent dividend for the last half of the current year on the preferred stock.

I thank you for your suggestion to take a rest, but I have no expectation of taking even a day off before spring, unless I play out entirely.

Wishing you and yours a "happy holiday season," I remain,

Yours, very truly,

L. M. BOWMAN.

DECEMBER 26, 1913.

DEAR MR. BOWMAN: Your letter of December 27, with inclosed clipping, is received. I note with interest the fact that the miners are rapidly going to Colorado from the South and East. I assume this means that conditions have become so nearly normal that business can be very generally resumed. It is most gratifying to feel that this struggle is so rapidly becoming a thing of the past.

I know that father has followed the events of the past few months in connection with the fuel company with unusual interest and satisfaction. I am glad that you are somewhat better, and still urge you to be as careful as possible, so as to get your digestion in good condition again, even though you may not stop for a rest just yet.

Thanking you for your holiday greetings, and wishing for you and yours a happy new year, I am,

Very sincerely,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowman,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowman, vice president and manager.]

DECEMBER 26, 1913.

DEAR MR. ROCKEFELLER: I am inclosing herein letter No. 8, from President Wilson, and my reply.

His Excellency had an excellent opportunity to end this correspondence upon receipt of my second letter, but unwisely, we all think, he allowed himself to write another one, which, if from a less dignified statesman, would be regarded as a bluff, as he was well aware that the efforts of Congressman Keating, of Colorado, and some other Representatives catering to labor unions have utterly failed to induce Congress to make an investigation. We are confidentially advised that President Wilson's recommendation for a congres-

about investigation will be no more effective. Anyhow, he can meditate over his decidedly weak reply to my second letter and take such action as he sees fit.

We are mightily pleased that the President used the strong language he did in stating "that a thorough investigation of the whole matter is necessary," as it gave me an opportunity to include the Colorado Fuel & Iron Co., the United Mine Workers of America, and the Department of Labor, as the three concerned, and I hardly see how they can be separated if the "whole matter" is to be investigated. So, on the whole, I am more than pleased to receive this third letter, which no shrewd business man would have allowed himself to have written, in my opinion.

We now have in the southern fields all the miners that we can use to supply the mills, coke ovens, railroads, and the probable limited demand for domestic and other purposes from now on.

As stated in my letter to the President, there are several hundred strangers camped within the strike zone, who have rifles and ammunition in large quantities secured, and we are facing a guerrilla warfare that is likely to continue for months to come. Assassinations and destruction of property will be attempted unless the national officials and labor leaders are tried and properly punished.

I thank you most heartily for your suggestion of a rest, but I can not possibly anticipate this, unless I give out entirely. Insomnia is my trouble when worry, indoors indigestion and nervous dyspepsia, and I am considerably disturbed and am feeling the effects of lack of sleep; but I am pretty well equipped with good nerves and expect to pull through without being forced to quit.

Yours, very truly,

L. M. Bowers.

Mr. John D. Rockefeller, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. L. M. Bowers, vice president and treasurer.]

JANUARY 8, 1914.

DEAR MR. ROCKEFELLER: The Federal court, after two days' trial on the part of the Government, dismissed the case against us on the grounds of no cause of action before we had opened our defense.

This case was the one against John Brannan and the Colorado Fuel & Iron Co. to recover 160 acres of coal lands, valued, as they stated, at $1,600 an acre.

This is the last case of the Government against the company, unless the kind of Government politicians run out of a job and browse around to find something else given which to annoy us.

Everything is running along about as usual, with about as few men as ever desiring the strikers' camps every day, getting employment, if possible, in the mines where they had formerly worked.

We have all we can employ, under present conditions in the coal and steel market.

Yours, very truly,

L. M. Bowers.

Mr. John D. Rockefeller, Jr.,
New York, N. Y.

JANUARY 8, 1914.

DEAR MR. BOWERS: Your letter of December 30, inclosing copy of President Wilson's latest letter to you and your reply, has been received and read with interest. I rather fancy that the correspondence has ended. It is most regrettable that these armed trouble makers are still remaining in the Ludlow canyon, and we can only hope that the State government will take such action as will compel them to leave the country at an early date.

Thank you for keeping us posted regarding these matters.

Very sincerely,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowers, Denver, Colo.

26 BROADWAY,
New York, April 14, 1914.

DEAR MR. BOWERS: I inclose herewith a letter from the secretary of the industrial department of the Young Men's Christian Association, with a pamphlet regarding their work.

It may be that it would be worth while to consider the establishment, in connection with the steel mills, if not in the mining camps, of a Young Men's Christian Association under the management of the industrial department.

I send the data to you for such consideration as you and Mr. Welborn may see fit to give it.

Very truly,

JOHN D. ROCKEFELLER, JR.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowers, vice president and treasurer.]

APRIL 15, 1914.

DEAR MR. ROCKEFELLER: I am in receipt of your favor of the 14th, inclosing copy of pamphlet issued by the industrial department of the Y. M. C. A.

There is no doubt that a small Y. M. C. A. building, including gymnasium, reading room, etc., would be a good thing in the vicinity of our steel mills at Pueblo, but the Colorado Fuel & Iron Co. could not possibly undertake the erection of such a building or maintain it for some time to come.

We have already lost in nine months, as you will see by our March report, $284,251.12, which will reach a million by the end of our fiscal year, and besides this an entire year's profits are lost. This means at least two years of hard work, with conditions reasonably favorable, to put us in the condition we would have been in financially but for this strike.

Yours, very truly,

L. M. BOWERS.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo., L. M. Bowers, vice president and treasurer.]

APRIL 16, 1914.

DEAR MR. ROCKEFELLER: I have been so busy since I returned, and so many matters of importance in connection with the strike have come up, that I have not written you.

Speaking broadly, there is a decided pessimism all about the line on the part of the labor leaders. We have reliable information that the United Mine Workers of America are pinched as never before for funds. The present week in northern Colorado they cut off the relief of 140 miners, which has created a very bad feeling on their part, and as some of those who are still kept on the pay roll say, it is only a matter of time when they will all be cut off from any funds whatever. In southern Colorado the labor leaders are making a thorough canvass of the strikers' camps and a very large number are to be eliminated from their pay roll when the canvass is completed.

A matter of more significance, in my opinion, is the change of attitude of the local representatives of the union from that of the past few months toward the miners themselves. Heretofore they have constantly endeavored to encourage the miners to hold out, as victory was sure to be won. Now, instead of encouragement, they dodge the issue and in some cases deliberately undertake to offend the miners, expecting they will quit the camps and go back to work and thereby relieve the organization from its financial burden, knowing that the strike has been a failure and that eventually the miners will have to shift for themselves.

A large number of the militia has been withdrawn, but Mr. Welborn and other operators believe enough are retained to protect the camps, supplemented by our own guards.

Another favorable feature is the organization of a military company of 100 volunteers at Trinidad the present week. They are to be armed by the State and drilled by military officials. Another squad is being organized at Walsen-

here. These independent militiamen will be subject to orders of the sheriff of the county. As these volunteers will draw no pay from the State, this movement has the support of the governor and other men in authority.

On the whole, the strike, we believe, is wearing itself out, though we are likely to be annoyed here and there by gangs of the vicious element that are always hanging around the coal-mining camps.

Yours, very truly,

L. M. Bowers.

Mr. John D. Rockefeller, Jr.,
26 Broadway, New York.

[Article which appeared on the ticker of the New York News Bureau April 21, 1914.]

MAY SEND TROOPS TO COLORADO COAL FIELDS.

DENVER.—A special session of the legislature may be called to authorize the sending of troops back to the southern Colorado coal fields, where a strike has been in progress for some time. Reports from the fields to-day are conflicting, according to dispatches sent to Adjt. Gen. Chase. The battle which was begun yesterday, and in which six persons are known to have been killed and seven others reported dead, was resumed at daybreak to-day.

[Telegram.]

DENVER, COLO., *April 21, 1914.*

John D. Rockefeller, Jr.,
26 Broadway, New York:

Following withdrawal of troops by order of governor an unprovoked attack upon small force of militia yesterday by 200 strikers. Forced fight resulting in probable loss of 10 or 15 strikers. Only one militiamen killed. Ludlow tent colony of strikers totally destroyed by burning; 200 tents; generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia being reenforced. Suggest your giving this information to friendly papers.

L. M. Bowers.

[Telegram.]

APRIL 21, 1914.

L. M. Bowers,
Boston Building, Denver, Colo.:

Telegram received. New York papers have published full details. To-day's news is appearing on ticker. We profoundly regret this further outbreak of lawlessness with accompanying loss of life.

John D. Rockefeller, Jr.

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26 BROADWAY,
New York, April 21, 1914.

DEAR MR. BOWERS: I have your letter of April 18 regarding the progress of affairs in connection with the Colorado Fuel & Iron Co.

I am sending you herewith a copy of a letter from Frank J. Hayes, vice president of the United Mine Workers of America, to which, in conformity with the policy adopted by Mr. Welborn and yourself, I will make no reply.

Very truly,

John D. Rockefeller, Jr.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

[Telegram.]

APRIL 22, 1914.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.:

Have any of the disturbances reported in your telegram of yesterday or those reported in to-day's papers occurred in connection with mines owned by or with former or present employees of the fuel company? Please answer.

John D. Rockefeller, Jr.

[Telegram.]

DENVER, COLO., April 20, 1914.

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York:

None of the three mine tops destroyed owned by anyone connected with this company now or formerly. Reports of destruction of other mines incorrect. The situation in general to-day is critical. Militia being assembled and hope to reach disturbed district before night.

L. M. BOWERS.

[Telegram.]

NEW YORK, *April 22, 1914.*

L. M. BOWERS,
Colorado Fuel & Iron Co., Denver, Colo.:

Telegram received. Referring to my earlier telegram, were any of the people killed or injured or any of those taking part in the disturbances of the last two or three days present or former employees of the fuel company? Please wire full reports daily.

JOHN D. ROCKEFELLER, Jr.

[Western Union night letter.]

DENVER, COLO., *April 24, 1914.*

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York:

None of our employees injured nor property destroyed yet. Much less disturbance to-day than was anticipated. Train with soldiers on way to strike district is causing anxiety. Fearing dynamiting or other mischief.

L. M. BOWERS.

[The Colorado Fuel & Iron Co., Denver, Colo. Executive department. L. M. Bowers, chairman.]

April 25, 1914.

DEAR MR. ROCKEFELLER: Your letter of April 18 and 21 are at hand. I am returning herein the letter and cooperative agreement sent you by Mr. J. H. Cory, of Braddock, Pa. Mr. Cory is precisely sound in his argument placing the unrest and responsibility of strikes upon the labor parasites and the legal shysters. We have kept one copy of the contract.

The situation in the States west of the Missouri River among the coal operators is a very difficult problem, as it is utterly impossible to organize because of the great number of small mines owned by individuals and small corporations, so that no cooperative agreement has ever been possible. The Colorado Fuel & Iron Co. usually leads in fixing prices and conditions, which the larger companies usually agree to, and the smaller concerns also, if it is for their interest, but no dependence can be placed upon their adherence to any working plan for any length of time.

Again, in this present trouble the prices of mining and the income of the workmen had nothing to do with this strike, as they were getting larger pay than in any bituminous coal mining district in the United States. If they had been working under an agreement similar to that suggested by Mr. Cory, they would have been driven out just the same.

I have no suggestions to offer to you in regard to the letter of Vice President Hayes, only to say that an interview with him by yourself or any of your representatives would be spread over the United States in 24 hours, and the strike would not be called off by him unless the Colorado Fuel & Iron Co. would agree to unionize the mines.

If the matter was solely between the United Mine Workers of America and the Colorado Fuel & Iron Co. it might make some difference, but practically all of the coal operators of the entire State are concerned, many of them very large concerns, and some of them in northern Colorado, who had been under the domination of the United Mine Workers of America for several years, were

forced to throw off the yoke four years ago, and have been operating their mines independent of the union at an enormous cost. It would therefore be impossible for the Colorado Fuel & Iron Co. to settle the disputes if we should yield to the demands of the union, as the operators of northern Colorado will never be in their clutches again. We have been given altogether too prominent a place in this trouble, as we only mine about one-third of the output of the State.

I have received a large number of letters, telegrams calls, and personal visits from prominent men in all lines of business and professions complimenting you on your testimony before the congressional committee. I have not sent any of them to you, knowing that you were getting innumerable compliments direct; although it is a pleasure to men, like yourself and the writer, who propose to do the right thing whether we have the approval or condemnation of others, to receive a bit of praise now and then.

It may be proper for one who knows you so intimately as I do, to say that the estimate of your testimony for the good of this country, given in my hurried letter to you before leaving Washington, was not as strongly stated as that of scores of men whom I have met and from whom I have received letters.

We have a Congressman whose home is in Denver who is in some respects a character. There is no question in regards to his honesty, though he is sometimes reckless in his use of the English language, but he is right in his conclusions more than half the time, I am sure. I am taking the liberty of sending you letter of the Hon. George J. Kindel.

Yours, very truly,

L. M. BOWERS.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[Telegram.]

DENVER, COLO., *April 24, 1914.*

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York:

Generally quiet yesterday. Firing on one mine of Victor Co. began this morning. Can not forecast future movement strike leaders and political demagogues.

L. M. BOWERS.

[Telegram.]

APRIL 28, 1914.

L. M. BOWERS,
Vice President Colorado Fuel & Iron Co., Denver, Colo.:

How many coal companies are involved in the strike? What proportion of their normal total output does your company represent. Answer 10 West Fifty-fourth Street.

JOHN D. ROCKEFELLER, Jr.

[Telegram.]

DENVER, COLO., *April 28, 1914.*

JOHN D. ROCKEFELLER, Jr.,
10 West Fifty-fourth Street, New York City:

Telegram received. Practically all of the mines in southern Colorado are in the strike. Colorado Fuel & Iron Co. produces about one-third of the output in southern Colorado.

L. M. BOWERS.

[Telegram.]

DENVER, COLO., *April 27, 1914.*

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City:

Chandler mine, Victor property, surrendered Sunday afternoon after 30 hours continuous fighting. Two mine employees known to have been killed,

City of Trinidad in hands of 500 or more armed strikers, including many fighting Greeks brought in from New Mexico. Washington telegrams state Chairman Foster to visit New York this afternoon for conference with Council and deputizes yourself under direction of President to undertake settlement of strike before Federal troops are called into action. This delay may mean enormous loss of property and many lives. The strikers are increasing forces of men, guns, and ammunition hourly. In our opinion any proposition of Foster involving unionizing mines would be almost unanimously refused by the operators of Colorado; also anything he may press for temporary withholding Federal troops would be exceedingly detrimental and unwise. Immediate protection should be demanded and the parties responsible for calling this iniquitous strike should be forced to call it off.

L. M. Bowers.

[Telegram.]

L. M. Bowers, APRIL 27, 1914.

Care Colorado Fuel & Iron Co., Boston Building, Denver, Colo.:

Had conference with Dr. Foster this morning. No basis of settlement was suggested which seemed to us likely to secure the consent of the mine operators of Colorado. Have wired the President the result of the interview; also the substance of your telegram regarding conditions and the necessity for sending Federal troops at once.

JOHN D. ROCKEFELLER, Jr.

[Telegram.]

DENVER, COLO., *April 28, 1914.*

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York:

Our McNally mine, which is small and idle, was partly destroyed yesterday afternoon. None of our men were killed. Strikers now endeavoring to reach our Walsen mine, a large and valuable property. We have fair number of militia and men well armed there and hope to prevent its destruction. In northern Colorado strikers started firing upon mine at Louisville this morning. This property, however, is very well protected. The President has not ordered out Federal troops, notwithstanding repeated appeals from the governor, chamber of commerce, bankers, coal operators, and numerous other organizations, besides appeals from private citizens.

L. M. Bowers.

[Telegram.]

DENVER, COLO., *April 29, 1914.*

JOHN D. ROCKEFELLER, Jr.,
13 West Fifty-fourth Street, New York:

Telegram received. Not a person in our employ killed or injured. Our McNally mine worth probably $20,000. Only loss Forbes mine, Rocky Mountain Fuel Co., destroyed to-day; eight miners killed and several strikers. Number not reported. A surgeon killed wearing Red Cross badge while dressing wounded soldier. Proclamations of both President and governor practically ignored by strikers to-day.

L. M. Bowers.

[Telegram.]

L. M. Bowers, APRIL 29, 1914.

Colorado Fuel & Iron Co., Denver, Colo.:

Would not the officers of the fuel company agree, and probably the other operators as well, to have some one or three disinterested men act as mediators between the various parties directly and indirectly engaged in the present controversy? Such mediators to have no powers, but simply to go from one side to the other, undertaking to formulate in definite terms the position of each, and then to act as suggestions in seeing whether anything could be done. They

would talk with the various parties separately, privately, and confidentially. No one would surrender any rights or make any committals by consenting to confer with such mediators. If nothing was accomplished, the mediators to make a public statement, setting forth in definite terms the position of each party, such a statement to be passed upon before publication by each party.

STARR J. MURPHY.

[Telegram.]

DENVER, COLO., *April 29, 1914.*

STARR J. MURPHY,
26 Broadway, New York:

We all agree that such a scheme would be most unwise. It would simply string the matter along without the slightest possibility of a change of attitude on the part of the operators. Federal troops arriving and daylight begins to break. The statement of Mr. Rockefeller is being commented upon and cordially approved. Sentiment of good citizens decidedly favorable. Throughout State thousands of subscribers stopping muckraking papers, who are largely responsible for this outbreak of passion among the working people.

L. M. BOWERS.

[Telegram.]

APRIL 29, 1914.

L. M. BOWERS,
Boston Building, Denver, Colo.:

If it is true as reported in the papers that any of our employees have been injured in the recent disturbances, I trust that you have already taken steps to provide fully for them and their families.

JOHN D. ROCKEFELLER, Jr.

[Western Union night letter.]

DENVER, COLO., *April 30, 1914.*

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York:

Coal operators have wired reply to Dr. Foster which will be reported by Associated Press for morning papers.

L. M. BOWERS.

[Telegram.]

DENVER, COLO., *May 1.*

JOHN D. ROCKEFELLER,
26 Broadway, New York:

Operators sending Foster second telegram, including the governor's joint letter to the miners' committee and the operators, and the latter's acceptance. This message will be published by the Associated Press. We are also wiring Congressman Kindel dates of our voluntarily giving our miners all the advantages that union miners received anywhere, which Congressman Keating incorrectly insists was done by us to forestall strike. Federal troops in strike zone and everything quiet.

L. M. BOWERS.

[Telegram.]

NEW YORK, *May 2, 1914.*

L. M. BOWERS,
Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.:

Newspapers publish brief statement with regard to second telegram from presidents of Colorado companies to Chairman Foster reiterating their willingness to agree to settlement suggested by Gov. Ammons November 21. Please wire us at once full copy of this telegram. If it includes Gov. Ammons's letter, omit this part.

JOHN D. ROCKEFELLER, Jr.

[Telegram.]

New York, May 3, 1914.

L. M. Bowers,
Care Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.:

Referring to your telegram of May 1 regarding second telegram from operators to Dr. Foster, same has not yet been published. Please wire me immediately its substance.

JOHN D. ROCKEFELLER, Jr.

[Telegram.]

DENVER, COLO., May 3, 1914.

John D. Rockefeller, Jr.,
Care Charles O. Heydt, Graham Court, New York:

Following message to Kindel: To correct Hon. Keating's charges that the Colorado Fuel & Iron Co. did not voluntarily grant to its miners all the advantages of labor unions until compelled to do so to forestall a strike, we wish to advise you that a 10 per cent increase of wages not asked for was given on April 1, 1912. The circular advising miners to employ their own checkweighman was posted April 11, 1912, one year and six months before strike. This circular referred to the fact that the company had always favored miners employing their checkweighman and released for information of new men semimonthly pay day on February 1, 1913, and eight-hour day March 1, 1912, both unsolicited and six months before strike was called.

L. M. Bowers.

[Telegram.]

MAY 3, 1914.

L. M. Bowers,
Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.:

Please telegraph me copy of your telegram to Congressman Kindel referred to in your telegram of yesterday.

JOHN D. ROCKEFELLER, Jr.

[Telegram.]

DENVER, COLO., May 3, 1914.

John D. Rockefeller, Jr.,
26 Broadway, New York:

Telegram received. Following is the introductory and closing paragraphs of the telegram sent Foster yesterday signed by all the operators and given to the Associated with understanding it should be published in full:

"In connection with and as supplementing operators' telegram to you last night, permit us to call your attention to the fact that on November 26 in the governor's office a conference was held between three of the operators and representatives of their former employees then on strike. It developed in the conference that the only obstacle to settlement was the strikers' insistence upon union recognition. On November 27 the governor suggested in writing to those present at the conference a solution covering all points except recognition of the union. His letter was as follows:

"'The strikers refused to accept the terms of settlement proposed by the governor and approved by the operators and all the disorder and bloodshed in this State since November 27 has been due to this attitude of the officers and members of the United Mine Workers of America.'

"We still consider the plan of the governor legally and industrially sound and have never retracted our formal approval thereof."

L. M. Bowers.

MAY 3, 1914.

Mr. L. M. Bowers,
The Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.

DEAR MR. BOWERS: I inclose a clipping which appeared in the Evening Post last night entitled, "Mr. Rockefeller's concessions," purporting to contain copies

of the Colorado statutes and intending to show that the granting of the eight-hour day, the right to checkweighmen, freedom with regard to trading at company stores, was all pursuant to law and not in any sense a concession made by the company. At your convenience we would be glad to have a statement of facts bearing on these points.

Very truly, yours,

STARR J. MURPHY.

[Telegram.]

MAY 3, 1914.

MESSRS. WELBORN & BOWERS,
Colorado Fuel & Iron Co., Denver, Colo.:

Mr. Bowers's telegram of yesterday quoting text of operators' second telegram to Dr. Foster received. We strongly urge operators to take a vigorously active position looking toward the acceptance by all parties concerned of Gov. Ammons's plan of November 27, and in settling a method by which the parties can now get together for the reconsideration of the matter from that point unless you already have some better plan in mind. Such action will demonstrate what has always been the fact, namely, that the operators are earnestly desirous of doing all in their power to restore harmony. It may seem wise to the operators to ask the good offices of the President and the governor in bringing about the above result.

JOHN D. ROCKEFELLER, JR.

[Telegram.]

NEW YORK, *May 4, 1914.*

L. M. BOWERS,
Colorado Fuel & Iron Co., Denver, Colo.:

Telegram received. Are operators proposing to enter into communication with Secretary Wilson?

JOHN D. ROCKEFELLER, JR.

[Telegram.]

DENVER, COLO., *May 4, 1914.*

JOHN D. ROCKEFELLER, JR.,
26 Broadway, New York:

Yesterday's telegram received. Secretary Wilson is the official to force the union to reconsider Gov. Ammons's proposition, as he was present at the conference with the operators and miners' committee and on the surface seemed to regard the governor's recommendation favorably. Foster is doubtless a cat's-paw for Washington officials and the union leaders. They are evidently greatly disturbed and we believe will force the strike to be called off. The United States troops are restoring order and we have excellent reason to believe that the Government is getting some eye-opening reports from the field officers that will blacklist the union leaders as villains.

L. M. BOWERS.

[Western Union night letter.]

DENVER, COLO., *May 4, 1914.*

JOHN D. ROCKEFELLER, JR.,
26 Broadway, New York:

Telegram received. Operators writing President Wilson a long comprehensive message covering important decisions. They deplore the injustice done you personally and take upon themselves independent of you and the Colorado Fuel & Iron Co. the responsibility of the conduct of the strike and refusal to arbitrate or recognize the union. We do not join in that telegram, which will be given the Associated Press to-night. There will be an attempt made to crush Secretary Wilson later.

L. M. BOWERS.

[Telegram.]

MAY 6, 1914.

L. M. BOWERS,
Colorado Fuel & Iron Co., Denver, Colo.

New York papers have not published operators' message to the President. Please mail complete copy for our information.

JOHN D. ROCKEFELLER, JR.

[The Colorado Fuel & Iron Co., Denver, Colo., J. M. Welborn, vice president and general manager of mines, to ——, ——.]

MAY 8, 1914.

DEAR MR. MIDGLEY: Replying to your favor of the 6th. The criticism of the Northrop in the New York Evening Post of May 1 is misleading in some respects giving half the truth in others. Our legal department has furnished me some rather puzzled notes on the following points:

Eight-hour law.—The present eight-hour law went into effect April 8, 1913. This includes not only miners and coal diggers, but all underground men, even workmen eight hours a day, and as they worked by the ton it made no difference to the company whether they worked four, six, or eight hours, but it makes a vast amount of difference whether or not the 40 per cent who are not coal diggers work 8 or 10 hours, as they are paid by the day. While we established the eight-hour day on March 1 and the law went into effect on April 8 it might look on the surface as though we had forseen that this law would pass and wet the powder. But the facts are that we took up the matter of establishing an eight-hour day several months prior to the assembling of the 1913 legislature for the purpose of demonstrating whether or not we could so adjust our operations as to enable us to adopt the eight-hour day without serious loss, which we satisfied ourselves we could do, and it would have been adopted by our company whether the legislature passed that law or not. You will be interested to know that the senate committee having this eight-hour bill and all the other bills relating to coal mining in hand by agreement selected a subcommittee made up of five men, which included John Lawson, the United Mine Workers' leader in this State and a member of the international board of that organization, State Coal Mine Inspector Fairbaugh, a union man, two engineers, Mr. Weitzel representing the C. F. & I. Co. and Mr. Peart representing the Victor-American Fuel Co. and one independent engineer. Our Mr. Weitzel was selected by common consent of all concerned and was the man who practically wrote every line of the coal mining law of 1912-13, spending more than a month here at the capital. Time and time again he made concessions to Lawson and others and demanded some himself. The outcome is the present coal mining law, signed by all of the members of the committee which the senate committee agreed to present without amendment or alteration if all members of the subcommittee recommended its passage. It is spoken of as one of the best coal mining laws passed in any State.

Semimonthly pay.—The law referred to covering this point was considered unconstitutional and the supreme court was asked by the legislature to pass upon the constitutionality of the act and refused to answer the inquiry of the legislature. It is the opinion of lawyers that if the statute had been tested in the courts the act would have been declared unconstitutional. In any event no attempt was ever made to enforce it. It was absolutely a dead law and no officer or organization seemed to care enough about it to demand compliance in this State. As I have stated in a former letter, we were never asked to make semimonthly pay except in a single instance where a miner or two asked the superintendent if he thought we would be willing to pay that miner twice a month. This request was forwarded to this office and came up to me. Upon looking into the matter I found that in other States a semimonthly pay to coal miners had been agreed upon, and I felt that it would be brought us sooner or later. We therefore granted the request of this party and established a semimonthly pay throughout our mining camps. I will say in this connection that the writer did not know that there had ever been such a law passed, and if Mr. Welborn or any of our other officials knew it it had slipped their minds or I should not have emphasized this point as I have done in this controversy. However, it must have been forgotten by the strike leaders, because I have never noticed their mentioning the existence of this old law.

Checkweighmen and scale inspection.—The statute makes it the duty of the county commissioners to appoint inspectors of weights and measures in each county, and at the time in question such inspector had been appointed by the county commissioners and was performing his duties and had inspected the scales in Las Animas County, where the mines of the Colorado Fuel & Iron Co. in question are located. The statute also provides that in a county where there is no inspector the State inspector of mines shall test the scales within a reasonable time after application is made to him by either the miners or owners or those who may be operating the mine. Under this statute Factory Inspector Brake or his deputy should not have inspected the scales in these mines,

In the testimony before the congressional committee Deputy Inspector Howe stated that he was instructing another deputy, Monical by name, in regard to testing scales, and they went to these mines, as reported. This deputy, Monical, as Howe's testimony shows, was discharged for incompetency. From other sources we learned that he was a drunkard and could not accurately test scales, but he was an adept at lying about his work and was known to have been outspoken against the C. F. & I. Co., and there is little, if any, doubt that his report was absolutely false. Factory Inspector Brake, who by the way has been one of the strongest opponents of the "open shop" in the State, was more than glad to incorporate this drunkard's report into the testimony, so that he might give the C. F. & I. Co. a slap. He is an enemy of all the operators, and the governor has been appealed to repeatedly to remove him, but he is able to retain his position through political wirepulling. The statement that the men could not have checkweighmen is, as you know, absolutely false. At Starkville there has been a checkweighman for 20 years, and this property is within 7 miles of Morley, both of which are operated by the C. F. & I. Co. As our attorney says, it is incredible that the Morley miners could not have a checkweighman if they had so desired, while the Starkville miners could. I will say in a word that where miners had their own checkweighmen for a while they have invariably refused to continue them and pay the few cents a month to the checkweighmen for that service. I am now speaking of the C. F. & I. Co. and have nothing to say about our neighbors in that connection. Monical reports that there are no scales at Segundo. The reason is that it is a coking plant and the coal is sent there from other mines for coking purposes.

Company stores and scrip act.—This act simply applies to the so-called "scrip" system, which was abolished by the C. F. & I. Co. a long time ago.

Employment of armed guards.—Mr. Northrop quotes only a portion of the law. The part omitted reads as follows:

"*Provided*, That nothing contained in this act shall be construed to interfere with the right of any person, persons, or company, corporation, society, association, or organization in guarding or protecting their private property or private interest, as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising, or deceptive representations, or brought into this State under arms, or removed from one place to another in this State, under arms."

Mr. Northrop evidently in his desire to serve labor unions failed to state that the United Mine Workers of America officials came here from other States, shipped in large quantities of arms and ammunition, and hired gunmen from other States to use them, and violated the portion of the law which he did not quote; namely, "removed from one place to another in this State, under arms," as that organization has been doing before and during the present strike.

You appreciate, Mr. Murphy, that every one of us here is under a tremendous pressure, and we have an enormous amount of work to do; in fact, our offices have been kept open night and day for most part during the last two weeks. Cots have been brought in and placed in the office of the Colorado & Wyoming Telegraph Co., where Mr. Welborn and other officers of the C. F. & I. Co., with other operators, could get a little rest at times during the night. Local and long-distance telephones were in constant use, and we had to have armed guards at our office and at the houses of some of us, so we have not been able, if we wished, to dispute the statements of the score or two of the representatives of yellow newspapers and muckraking magazines who have been here writing up the Colorado strike war. As quiet is being restored and the public mind calmed and reversed very largely, newspapers are asking for the facts now, having tired the people with their exaggerated and inflammatory articles.

Yours, very truly,

L. M. Bowers.

Starr J. Murphy, Esq.,
26 Broadway, New York, N. Y.

It is possible my placing Mr. Peart with the V. A. P. Co. should have said Rocky Mountain Fuel Co. My secretary has gone home, so I will simply add this note.—B.

[The Colorado Fuel & Iron Co., Denver, Colo., to H. Bowers, vice president and treasurer.]

MAY 5, 1914.

DEAR MR. MURPHY: I should have stated in my letter yesterday that the law passed in 1912 in regard to the employment of armed guards is being operated under the "recall and referendum," not passed by the same legislature. This fact Mr. Martinez may not have known. It will come before the people again this winter.

Under the heading "Conversations and some inspection," where I refer to Factory Inspector Drake, after the words, "incorporate this preliminary report into the testimony," it should read, "incorporate this draftsman's report into Mr. (Drake's) annual report."

Yours very truly,

L. M. BOWERS.

STARR J. MURPHY, Esq.,
32 Broadway, New York, N. Y.

MAY 7, 1914.

DEAR MR. BOWERS: In the statement which Mr. John D. Rockefeller, Jr., gave out to the press, he said that the eight-hour day, semi-monthly pay, right to weigh checkweighmen, freedom to deal at the company stores or not, and the increase of wages, were all made by the company voluntarily. The statement is now made by some of his critics that all these points, except the increase in wages, were covered by law, and that the company did not make the concessions until statutes were passed requiring them. He asks me on his behalf to find out what are the facts in this connection, and would be obliged if you could inform us when the statutes went into effect, and when the various matters above mentioned were granted to our workmen, and what, if any, are the relations between the granting of them and the statutes.

Sincerely, yours,

STARR J. MURPHY.

Mr. L. M. Bowers,
Colorado Fuel & Iron Co., Denver, Colo.

[Telegram.]

MAY 20, 1914.

J. F. WELBORN, *President.*
L. M. BOWERS, *Vice President,*
Colorado Fuel & Iron Co., Denver, Colo.:

In his telegram to me of April 29, Dr. Foster said:

"William Green, secretary-treasurer of the International Mine Workers' Union, makes public statement that the mine workers will waive any recognition of the union or unionizing camps. If the President should suggest to the operators and miners that all questions affecting the relations between themselves and their present and former employees except the recognition of the union and the unionizing of the camps be submitted for adjudication to a board to be appointed by the Chief Justice of the Supreme Court, to consist of members of the Supreme Court and other Federal judges would the operators accept? Would not their acceptance be entirely consistent with the position which they took in November last in reference to the suggestions of Gov. Ammons, which position they reiterated in their telegram of May 1 to Dr. Foster? Would it not go far to remove the unfair criticism to which they are now being subjected, and if accepted by the miners, would it not put an immediate end to the present controversy? Would not the findings of such a board bring the facts before the public in an authoritative way, a result so greatly to be desired?"

JOHN D. ROCKEFELLER, Jr.

[Western Union night letter.]

DENVER, COLO., May 20-21, 1914.

JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York.

Your wire date in view of fact that two representatives of Government, one an operator apparently very favorably disposed toward our side of con-

[illegible] and other a union. Both appointed by Secretary of Labor Wilson, are now actively investigating conditions here, and that a committee of six from our own legislature has just commenced similar investigation, it would seem to me inadvisable that matters be taken up by any other body at this time. It is opinion of Mr. Rockefeller that the proposition made by Gov. Ammons in November, approved by Secretary Wilson and accepted by operators, and which at once suggested by Commissioner Weston, delivered Wilson in selection of his committee, or at least in one member of it, and that is unfortunate to go from that proposition is not improbable. Frankfurter, Green and other officers of the international organization must appreciate to have repudiated the statement attributed to him that proposition would be rejected. The points suggested by Gov. Ammons in November are all covered by our statutes and are being lived up to practically all if not all operators. This fact seems to be now well understood by the people in Colorado, and public sentiment outside of the most labor radical element is unquestionably strongly crystallizing in our favor. Newspapers generally, outside of Denver, some of whom have heretofore taken side of strikers, are condemning recent criticisms of operators and urging miners' organization to call strike off. Two papers from Cañon City, located in one of most important mining districts, showing change in attitude, have come to my desk to-day. Mr. Bowers left last night, and I am sending him copy of your message as well as copy of my reply.

J. F. Welborn.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

June 22, 1914.

My Dear Mr. Mowery: I am in receipt of yours of the 19th instant inclosing a clipping from the New York Times, reporting a statement made by J. A. Ownsby at Washington last week.

Much of what Ownsby said was entirely without foundation, and I can not believe carried any real weight with the President or others in power at Washington. We must admit, however, that the average reader will not be able to determine just how much of what he said is believe, yet I doubt the advisability of taking any public notice of his remarks. He is most unreliable and is so regarded by practically all who know him; in fact, I understand that he is very much discredited by the present members of the firm of J. P. Morgan & Co., although he had some strong influence over the late Mr. Morgan, who was a partner in his coal-mining venture in Colorado.

It is a fact that the policy of the Government with respect to the employment of men by Colorado coal operators is working a very great injury to many of the small operators, and we have been encouraging them to make their appeals for relief direct to Washington. The policy is not pleasing to us, but has not interfered with our operations where we were working a fair force of men before the Federal troops came into the field. If what Ownsby said about this, together with other cases of the other operators have reported to Washington, should make it possible for the coal operators to seek tolerance generally within the State and outside, it would be helpful to us, and it seems to me that they should come to this before long, though I believe it will be accomplished only through the efforts of the organized mining operators.

Yours, very truly,

J. F. Welborn.

Hon. J. Mowery,
New York, N. Y.

August 1, 1914.

Dear Mr. Kerr: As you have doubtless learned from the papers, the situation in the coal mines of Colorado is quiet. Practically all of the mines are in operation, the output being 70 or 80 per cent of normal, but quite all that present business conditions will absorb. Practically all of the men who are needed are obtainable. On the other hand, tent colonies are maintained in which some 1,500 or 2,000 strikers still reside. These tent colonies are a constant menace to peace and are only held in subjection by the presence of the Federal troops. If the latter were withdrawn, doubtless these unoccupied men, many of them, we believe, paid by the union to disturb the disturbances, would renew active hostilities. I wrote Mr. Welborn, the president of the fuel company, a few days ago, inquiring what the present status was of the various

conditions or indirectly succeed in bringing to termination the industrial warfare. A copy of his interesting reply I forward herewith.

There would seem to be but two ways in which a permanent condition of peace can be restored. First, by the calling off of the strike by the United Mine Workers of America. That this is likely to happen in the near future we have no definite reason to believe, unless the financial resources of the union are so depleted as a result of their industrial conflicts in several States that they can not much longer continue to support the striking miners. Secondly, by developing some organization in the mining camps which will secure to the employees the opportunity for collective bargaining, for easy and constant conference with reference to any matters of difference or grievance which may come up, and any other advantages which may be derived from membership in the union. When we had our first conference at my house you manifested an eagerness to discover some method and developed certain points which your organization would include. I am wondering whether you will take the time to dictate at your convenience, an outline of such an organization and send it to me for consideration. I think we all recognized in the conference above referred to the many difficulties in the way of devising such a plan; at the same time, there were certain points which we agreed were so essential. An outline covering these essentials and as fully developed as your experience and present thought might make possible is what I have in mind. The purpose of this outline would be to provide a basis for our further consideration of the subject and for our discussion of it with the officers of the Colorado Fuel & Iron Co. While I appreciate that after your western trip you will find yourself much better fitted to outline such an organization, on the other hand, it seems to me that a step of this kind is going to be the next move. This is only my personal opinion. I have not talked with my colleagues or with any of the officers of the Colorado Fuel & Iron Co. about it.

I understand that you are about to start on your western trip and that your time is fully occupied. I shall not expect a carefully worked out, or carefully rounded plan—simply a rough outline of those points which may occur to you, without extended thought but more as a result of your past experience with questions of this kind. I shall be in New York for the next 10 days or 2 weeks and shall be glad to hear from you at my office address. The accompanying editorial from the New York Times of July 20 is along the line of my suggestion.

Very cordially,

Hon. W. L. MACKENZIE KING, J. D. R., Jr.
5 Grosvenor Road, Toronto, Canada.

[The Colorado Fuel & Iron Co., Denver, Colo., Executive department, L. M. Bowers, chairman.]

AUGUST 10, 1914.

DEAR MR. ROCKEFELLER: Mr. Welborn has shown me your letter of recent date in regard to our taking up the question of organizing a board to consider grievances of our miners.

I have also read the copy of Mr. King's letter to you in regard to the same matter, but I will not discuss that, as Mr. Welborn will doubtless send that up and copy to it himself.

I, however, want to state some reasons why this matter should not be taken up at the present time.

As you know, there is not now, nor has there been since the present management assumed control in 1907, any disagreement between our company and its miners.

The strike was not entered into or called by or approved of by our miners but vigorously opposed by them, including the five thousand miners now in our employ.

This strike does not have in it a single feature usual in coal strikes. The word "satisfaction" could have been put over the entrance to every one of our mines.

The situation was unique and entirely different from ordinary labor troubles, in fact and the most important one, in the history of coal strikes, that it was forced upon an unwilling body of men by an organization that the men were not in favor of and would not affiliate with, because they were satisfied and wanted to continue the pleasant relations with the company. With the minors

and the company being progressive and no difference existed, therefore no board to take up grievances was required or such machinery necessary.

For us to take steps at the moment to form such a board would be regarded by the public as an admission on our part that some such committee or board was lacking prior to the strike and might perhaps have prevented it.

To form such a board now would discount every utterance we have made and indicate that there were no differences whatever and the strike was not formed because of any grievances or differences.

The United Mine Workers of America could and would justly charge us with inconsistency and that we were forced to side-step and at last compelled to admit their repeated charges that the miners had no way to reach the managers with their grievances.

We have known for some time that if we would agree to a joint committee of miners and operators being formed the strike would be called off and without recognition of the union being mentioned. Such a scheme was no longer ago than yesterday passed by the strike leaders here and submitted to the international committee at Indianapolis, who meet there Monday next, who, in turn, are expected to submit it through Mr. Davies, one of the investigating committee, to the operators.

This trick they knew would be a recognition of the union and they would shout it over the world that they had won the strike and our men got them by a horde of organizers and run into the union and followed in a year or two with a strike and the open shop would be shut.

Later on and after the strike is off, or worn out, the writer would favor and take an active part in joint conferences directly with our miners and undertake to form a scheme or plan that would give the miners a representative to whom they could go with any matter that they thought should be adjusted. I mean a board that would have a much wider field than investigating grievances and adjusting quarrels, but who would undertake to prevent quarrels—to suggest ways and means for the betterment of the miners in many ways and help solve the perplexing social conditions and a general uplift board, so to speak.

There has been some cause for complaint, I think, in some coal companies because of the inability of miners to reach the officers higher up with their coal or fancied complaints, but this has not been shown to be the case in the C. F. & I. Co. To remedy this would be one of the good features that a board would be expected to develop; they would be the "missing link" between the miner and the manager.

At the proper time the writer will give his cordial support and will take an active part in formulating such a scheme and help to make it workable to both the miners and the company alike not only to forestall trouble, but to bring about better feelings and conditions for the mutual benefit of all concerned.

To take this up at the moment would be most unwise, in my opinion, from every viewpoint. I feel certain other operators would balk; the socialistic papers would charge us with dodging and hiding behind this eleventh-hour scheme to save our faces. The union leaders would use it as a club to drive us into some other corner.

Our rugged stand has won us every foot we have gained, and we know that the organization is bankrupt in this field, while the big men in the union are at sworts' points because of their failure here. So to move an inch from our stand at the time that defeat seems certain for the enemy would be decidedly unwise, in my opinion.

The political gang at Washington are at their wits' end to find some way to get out of the pit they help these leaders to dig, so we are encouraged to stick to the job till we win.

Yours, very truly,

L. M. Bowman.

Mr. John D. Rockefeller, Jr., New York.

SKETCH OF MR. DAVID GRIFFITHS'S ACTIVITIES.

David Griffiths was born at Cry-Heath, Wales, February 1, 1858. He went to coal mining in his native country when 9 years of age. He came to the United States in 1880 and almost immediately to Colorado. He entered the coal mines of the State as a miner, has filled the positions of fire boss, mine boss, mine superintendent, and was State Coal-Mine Inspector from 1895 to

3362. He took the examination for State mine inspector twice, receiving the highest markings ever given anyone in the State, being 96.7 per cent and 97 per cent. Mr. Griffith's ready-at-hand knowledge of the geology of coal deposits in the United States is equal to that of anyone in the West. He has always taken a lively interest in the welfare of his workmen, showing the keenest appreciation of the problems affecting their welfare. He is peculiarly fitted for the work which he is now undertaking, not only because of his broad knowledge of the coal-mining industry, but on account of the unequaled confidence reposed in him, not by the coal miners alone, but by others actively engaged in the coal-mining industry.

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30 BROADWAY,
New York, October 8, 1914.

DEAR MR. WELBORN: I inclose a proof of the Atkinson report, which is about to be issued by the Federal Council of Churches. I have received a notice from the secretary of the council that the proof is being sent to about a dozen persons representing the public and both sides of the controversy in order to give them an opportunity to criticise the report. I have been told, however, that no general comments will be printed, but only evidence submitted in opposition to statements made in the report, such evidence to be incorporated in an appendix.

I have read the report so far as it relates to the Colorado situation and am impressed with its extreme fairness. It adds absolutely nothing to the discussion, and its only statements unfavorable to the operators are assertions either wholly unsupported or inadequately supported by impressive illustrations.

Will you please communicate to me your decision as to whether it will be best for you to take any notice of the report by correcting the more obvious mistakes? My feeling is that it would be well to correct the more obvious mistakes and to ignore the hostile generalizations.

Very likely a copy of the report has been sent directly to one or many of your associates, but your name was not on the list that was shown to me. Mr. Loughridge was to have a report, and will doubtless bring his copy to you.

Sincerely, yours,

JUNIUS D. GREENE.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 28, 1914.

MY DEAR MR. GREENE: I inclose herewith a brief statement in answer to some of the charges contained in Dr. Atkinson's report.

It has seemed absolutely impossible for me to find time to read the report and familiarize myself with the parts that ought to have attention from me, but Mr. Fred Harrington has given it some thought and prepared the inclosed statement.

If you think any parts should be left out, I am perfectly willing that you should rewrite the statement, modifying it as you see fit, and sign my name to it. I addressed it to no one, for the reason that I did not know to whom it would be sent.

Yours, very truly,

J. F. WELBORN.

Mr. JUNIUS D. GREENE,
30 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

It will require more space than is allowed me to answer the report of the Rev. Atkinson on the many phases he has attempted to cover. Social and religious, and even political conditions, are subjects upon which honest minds may differ. I shall therefore not enter upon a minute discussion of these phases, but submit to your readers a simple statement of facts which, to my mind, show that "right conditions of labor" have existed and do exist in our mines. While we make no pretensions to perfect conditions, yet the fact that a great majority of our men have remained at work, a great many have returned to work during

the coal year, and more applications are now being made for work by our former employees than we have employment for, which strongly and conclusively [illegible] between the great body of our employees and ourselves there is not now and never has been any serious controversy. Moreover, the circumstance that a number of our employees left our service through fear, or for other motives, and went into other fields and have returned to us, bears true witness to the claim that we have made—that our wages and our conditions of camp life are equal to, if not better, than those in any other districts in this country.

Rev. Atkinson, under the head of "Concerning wages," says: "It would be unwise to attempt to express my definite judgment as to whether the contentions of the miners or those of the operators are correct"; and under the title of "Conclusions," subhead, "Concerning welfare work": "No amount of welfare work, however admirable it may be in and of itself, will take the place of fair wages and right conditions."

This company has not labeled its efforts in behalf of its miners as welfare work, nor designated such efforts by any other philanthropic term. It has done much, however, in practice toward giving its employees comfortable and healthy conditions, as well as good wages. As I have heretofore expressed myself, I believe that the company could have done less in this respect and given the subject more publicity and met with greater favor in public opinion. There is one question, however, inferentially stated in the above quotation, that I can not permit to go unchallenged, namely, that the earnings of our men are not exactly as we have from time to time published and quoted. This is a matter of simple calculation from our books and records, and not a matter of judgment. Two committees, acting independently, one appointed by the Press Association, of Colorado, and the other by the governor of the State of Colorado, examined the books and accounts of the companies, and reported that the statements put forth by the companies were correct. This information was available to Rev. Atkinson. The report of the governor's committee is found at page 7697, Hearings of Congressional Committee. The Bonus pay roll of the Colorado Fuel & Iron Co. was one which was made the subject of much comment. The governor's auditors reported in the following language:

"By request, we made a careful examination of the pay roll for the Bonus mine for August, 1913, and found the same to agree absolutely with the published pay roll."

The statement of earnings of James Fyler for August, 1913, shows $50 deducted under heading of "Drafts." This was an advance on his wages before pay day.

Rev. Atkinson says: "The coal companies are determined that their men shall not be organized." Organization, or "recognition of the union," has been the issue and, practically, the sole issue in the strike, but it has been between the U. M. W. of A. and the companies, and not between the companies and their employees. Indeed, our present employees, in a great majority, are outspoken against that organization. We admit that, in so far as it is proper, we will not permit that organization to unionize our employees against their will by the use of the gun and the torch, the arguments employed in this strike.

So many matters have been touched upon by the Rev. Atkinson that have been answered by us in other publications, that we take the liberty of inclosing you our letters to the President of the United States, and our pamphlet of the facts concerning the strike, which, we think, fully answers most of the phases touched upon by the report. In addition, we would respectfully refer you to an article on the subject, prepared by Dr. Boris, appearing in the October number of Bibliotheca Sacra, and one by Prof. Seligman in Leslie's Weekly.

Yours, truly,

J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

DECEMBER 11, 1914.

My DEAR MR. ROCKEFELLER: The feeling of satisfaction on the part of all of us over the calling off of the strike is by no means small.

It is unfortunate that trade conditions make it impossible for us to reemploy in the near future, if at any time during this interval, all of our former employees who have not participated in the violence against those who have remained at work.

Out of the 52 mines that under normal conditions and for many years have worked steadily during the fall and winter, we have only 25 now in operation,

These 15 properties are working 4,000 men, or about the same number as those employed before the strike. This force represents approximately 70 per cent of the number employed at our 22 mines before the strike was called. Because of light business we are unable to keep the 15 mines working steadily.

The shifting about that is common among coal-mine workmen will make it possible to reemploy a few of the old men from time to time, and we will strive to give employment to those whose needs are most pressing.

Our mine superintendents have been instructed to keep a complete record of applicants for work, taking into account the extent of their families and others dependent upon them, and preference will be given to those whose employment will result in the greatest good to the greatest number.

Yesterday three of our former employees applied at the Rouse mine for work, and although every working place in the mine was full, the superintendent devoted most of his day to rearranging his forces so as to start these men to work.

The future must be very discouraging to the strikers who have remained in the State and have now been set adrift at a time when most of the winter is before them, and when the prospect for employment is so poor.

It is hardly probable that relief by the labor organization will be continued for any considerable length of time, if at all, even to the most needy. And if those who have willingly accepted the teachings of lawlessness and defiance of the rights of others, together with men who never worked in our properties and who were brought in here for the purpose of engaging in the violence, remain, they may wreak their vengeance, if opportunity offers, on the men whose only offense has been that they have remained at work.

I don't mean to paint a gloomy outlook; but I can not believe that the strike leaders who have directed the vicious lawlessness, and their willing followers, will change in spirit merely through the calling off of the strike.

We have been having a seasonable winter for a few days, and if it continues very long it will stimulate the coal trade. Yet the dullness in the steel business, which has caused a reduction of about 50,000 tons per month in our use of coal at the steel plant, and the greatly reduced consumption of locomotive coal by railroads, will, I fear, make it impossible for us to reopen any more mines this season.

Yours very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

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26 BROADWAY,
New York, December 16, 1914.

DEAR MR. WELBORN: Your letter of December 14 is received. In view of the great loss which has been suffered by the State of Colorado, the miners, the unions, and the operators, it is a source of profound gratification to all involved that the strike has been called off. At the same time we greatly deplore the fact that trade conditions are so slack, owing to the war and the general business depression, that it is impossible to find work for more than a few, if any, of our former employees at this time. We can only hope that conditions will change at an early date. In the meantime, your instructions to give the preference to men with families and others dependent upon them, so as to reduce in so far as possible the hardship resulting from the lack of work, indicate an earnest desire on the part of the officers of the company, cordially seconded by the stockholders, that the law-abiding employees who went out on strike be given the utmost consideration.

Very, truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

STATEMENT OF J. F. WELBORN.

DECEMBER 17, 1914.

In my letter of August 20, 1914, to Mr. John D. Rockefeller, jr., in connection with a suggestion of W. L. Mackenzie King, the contents of both of which have been made public through the hearings of the Commission on Industrial Rela-

Creek, I referred to plans then under consideration of providing a method (more systematic than heretofore in use) by which our workmen could reach the higher officers of the company on matters in which they were concerned.

I made further reference to the plan in my letter of September 15, 1914, to the President.

The selection of Mr. David Griffiths for the extension and direction of the plan puts it into systematic operation, and we are sure will meet the requirements in the situation where representation by committee has not been requested. Mr. Griffiths is peculiarly fitted for this work, over which he will have complete charge. The extent to which he enjoys the confidence of the men will make him their natural representative in any differences that they may have with the foremen under whom they work. If he succeeds in inducing the men to select their own checkweighman, as we earnestly hope he will, that will give them another representative.

THE COLORADO FUEL & IRON CO.,
Denver, Colo., December 15, 1914.

To our employees:

Mr. David Griffiths has been assigned to the duty of extending and directing the work of cooperation and general welfare among our employees.

He will take up his work immediately and spend practically all of his time at the mines investigating and adjusting complaints.

As he is well known to all of you, he needs no introduction, and I know he will receive the active cooperation of everyone connected with the company.

J. F. WELBORN, *President.*

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

DENVER, DEC. 15, 1914.

MY DEAR MR. ROCKEFELLER: Since writing you on August 20, 1914, in answer to your letter of August 11, with which you inclosed a copy of Mr. W. L. Mackenzie King's suggestions, we have been actively at work perfecting our plans to provide an easy means by which our employees could present their suggestions or grievances, if they had any, to officers of the company who would see that they received proper consideration.

Now, that the strike is over and the chance for misinterpretation of our motive is to some extent removed, we are putting into systematic operation the plan embodying the results of our experience, and Mr. King's suggestions as far as seemed practicable.

As will be noticed by the circulars inclosed, the plan is designated as the work of cooperation and general welfare, and has been placed under the direction of Mr. David Griffiths, a man peculiarly fitted for the work.

Through our investigation among the camps, we have found that general satisfaction still exists and that there is no demand, and apparently no desire, on the part of the men that they should have what is termed a grievance committee.

Occasionally some man will say that the doctor has not treated him right. Another will have some complaint of the treatment at the store. And some will think that they should have better working places in the mines. But these are nothing more than isolated cases, and the sentiment of the men seems to be that they do not want a committee for whose activities in handling complaints they would have to pay (according to general practice) a larger figure than the same men would earn while at work about the mines. They are, also, in the main, opposed to paying the small sum that would be necessary in order to provide their own checkweighmen.

Three workmen have been in my office in the last few weeks. One of these, a miner, came to ask me if we would provide a place in which to keep an automobile that he had bought. The other two had been called before the Commission on Industrial Relations by a special agent of that commission, and after testifying, came of their own volition, and not by request, to see me.

All these men took occasion to say, without questioning, that they were earning good wages and were satisfied with their condition.

One of them who was quite talkative volunteered the information that if he had a complaint and the superintendent would not adjust it he would go to the officer next in authority, and finally to me if he did not secure satisfaction earlier. I assured him that he should do just as he said he would.

All of these men said they did not want a checkweighman; that they felt they were receiving full credit for the coal they mined; and they did not want to pay 50 cents or $1 per month to employ a man of their own.

I am referring to these instances for the reason that they fairly represent the character of discussions that, in the main, take place between the workmen and the department officers of the company visiting the mines.

From another man, an Italian, I received a complaint not long ago of unfair treatment. The investigation of this complaint developed the fact that the man had worked in three different places within the past few months, and made four distinct complaints about his working conditions. The places about which he complained were readily taken by others, who made very good wages in them. This man's last complaint was made about a working place in our Morley mine. By some rearrangement in an effort to satisfy him, the division superintendent, together with the mine superintendent and the underground foreman, found two other places in either one of which they would allow him to work—giving him his choice of the three. All were good places and all anxiously sought by other workmen, but this man declined to take either or to remain at the mine. The facts are that he was a chronic complainer and would probably never be satisfied in any place.

This instance is mentioned to show the extent to which our superintendents go at a time when workmen are most plentiful to satisfy the men in our employ.

These cases, with a few others that have come under my personal observation, and the reports from four or five of our men in the fuel department, working in a general capacity that gives them access to all the mines, convince me that the plans consummated, which will be under the personal direction of Mr. Griffiths, will more than meet the requirements of the case, and when fully placed before the public ought to satisfy it.

If anyone can induce our workmen to select checkweighmen, Mr. Griffiths is that man; and if he succeeds in this purpose, which we earnestly hope he will, their checkweighmen will be the natural personal representatives of the other workmen. Mr. Griffiths will himself be their representative in any differences that arise between the workmen and either the superintendent, the doctor, or the mines. He is probably better known to coal miners in the State than any other man and enjoys their confidence to a degree not equaled by that of any other man in the State. He has always been the friend of the mine workmen, and will stand out for them and their interests. At the same time, he will usually be able to correct the impression of the worker whose grievance is only imaginary.

We are establishing clubhouses at several of the camps, not only at places that have heretofore had saloons but at many other mines. We are providing, and to some extent equipping, the club buildings. The men will form their own club organization at each camp and operate it with men of their own selection.

Knowing your deep interest in the work here outlined and being uncertain as to when I will be able to see you, I have written you at some length. After the work in its present form is more actively under way I shall take the first opportunity of discussing it with you and your associates.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

DECEMBER 30, 1914.

DEAR MR. WELBORN: It was a great pleasure to us that Mr. Herrington was able to stay in New York for some days. I thoroughly enjoyed coming to know him more intimately and the opportunity for a number of leisurely talks with reference to Colorado interests. At my request, he will tell you more fully than I could write of a number of things which we talked over.

I am enclosing for your information copy of a letter prepared by the commission, of which Mr. Low is chairman, appointed by the President to help bring about, if possible, better relations between the coal operators and the coal miners of Colorado, which letter I read to Mr. Herrington but requested to have copies made. The commission is disposed to send this letter to the president of each of the mining companies in Colorado. I have told Mr. Low that the spirit in which the letter is written seemed to me well calculated to assure the operators of the friendly and helpful disposition of the commission.

In due course, together with the other operators, you will receive this letter from the commission. It occurred to me that the accompanying memorandum might contain points which would be suggestive to you in making your reply.

Our feeling here is that, the strike having been terminated, it will be the wish of all those connected with the fuel company to introduce as rapidly as may seem expedient the various progressive steps in such a plan as your further thought will suggest, looking toward the prevention of a possible recurrence at any time in the future of the disorder and loss on every hand which has resulted from the recent strike. At my request Mr. Harrington told me of the tentative plan which you and he had considered, and in our several conferences I undertook to develop the idea with him more fully. We believe that the adoption of some such plan as this will be in the interest of the employees of the fuel company and of the stockholders; that it will reflect credit upon the president of the company; that it will insure the cordial and hearty good will of the employees; and that it will win for the company many friends, both in the West and in the East, among business men and State and Government officials. Its adoption would only be in line with the position which you took in your letter to me of last August, written after the receipt of my letter accompanied by certain suggestions of a plan for cooperation. I believe that after it has become effective it will render increasingly easy your work in the management of the company. At the same time I believe that your share with us the desire to show all deference and courtesy to the President's commission, and our feeling that their approval of your plans and, if necessary, their cooperation will help materially in securing the approval not only of the administration but of the public at large.

Very sincerely,

JOHN D. ROCKEFELLER, JR.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[Telegram.]

DENVER, COLO., *December 21, 1914.*

JOHN D. ROCKEFELLER, JR.,
26 Broadway, New York City:

From reports of distress among families of strikers practically without foundation, both as to their condition and number of children in families. Thorough canvass made of southern Colorado shows but 15 families in Ludlow, none of which are in want. Smaller numbers in other tent colonies. Small number at points other than Ludlow were short of shoes and clothing, and their wants supplied by coal companies for whom heads of families formerly worked. Superintendents and store managers at our idle mines where former employees are living have been instructed to see that no suffering occurs. At Starkville no workingmen are living in their own houses, and have been given permission to mine coal for their wants. In accordance with our usual custom, we have distributed presents of candy and other articles to all children in our camps, numbering about 3,000, which include those of former strikers.

J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

APRIL 5, 1915.

MY DEAR MR. ROCKEFELLER: On March 1 Mr. Heydt wrote me asking that certain information regarding the Colorado Industrial Co. and the Colorado Supply Co. be furnished in order that you might be able to answer questions with respect to these companies asked by the Commission on Industrial Relations.

The Colorado Industrial Co. was organized in August, 1904, in connection with the reorganizing of the Colorado Fuel & Iron Co. Its capital stock of $30,000 was owned entirely by the Colorado Fuel & Iron Co. Its property consisted of coal lands, iron lands, and stocks and bonds of the Colorado & Wyoming Railway Co. and the Crystal River Railroad Co., the railroads associated with the Colorado Fuel & Iron Co.

In June, 1912, the Colorado Industrial Co. was merged with the Colorado Fuel & Iron Co. and ceased its corporate existence.

The Colorado Supply Co. is engaged in general merchandising business, having wholesale and retail stores in Pueblo and Trinidad and retail stores at

mining camps of the C. F. & I. Co. Its authorized capital is $10,000,000, of which $975,000 is outstanding. None of the stock was ever owned by the Colorado Industrial Co. All of it is and has for some years been owned by the Colorado Fuel & Iron Co.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

ROCKEFELLER, JR., EXHIBIT NO. 2.

THE ROCKEFELLER FOUNDATION,
Ottawa, August 8, 1914.

DEAR MR. ROCKEFELLER: As stated in my wire to you, I did not receive your letter of August 1 until the late mail on Thursday, the 6th. The announcement of the declaration of war between Britain and Germany came a few hours later. Pressing duties arising out of this exceptional circumstance make it impossible for me to get off a letter to you yesterday, as I had hoped, and may necessitate this letter being less in detail than I should like. However, please do not hesitate to write or wire me on any point and do not hesitate to suggest my coming to New York to see you if you should desire this. I shall be quite frank in stating if it is impossible to get away for 48 hours. Just now I am with Sir Wilfrid most of the time, as this seems to afford an opportunity of service greater than any other which it is possible for me to hope to render in the present crisis.

The western trip has been called off owing to the war, and as you may have noticed, the Canadian Parliament has been called for a special session to open a week from Tuesday. It is hardly probable that this session will last any length of time, but while it is on and until there is something decisive in the European situation I almost feel that I owe it to my country to stay here and be available in contingencies that may arise. Under these circumstances I am inclined at this time of writing to feel that notwithstanding the cancellation of the western trip you will think I am taking the right course if I hold to the original intention of not giving my time wholly to the work of the foundation until about October 1, as originally planned. On the other hand, the cancellation of the western trip makes possible an earlier announcement of my association with the foundation, if any useful purpose might be served by this. If in the interests of the foundation it would seem desirable to make the announcement in the near future, I should be glad to confer with Mr. Greene, Mr. Murphy, or yourself as to the time and form in which it could best be made, having regard to the work itself.

Coming to the Colorado situation, I agree with you in believing it to be extremely unlikely that the United Mine Workers of America will call off the strike. They might be willing to drop open active support by dollars, but I am inclined to think that where recognition has been the principle for which they have been fighting they will not openly abandon the struggle with anything short of what they may be able to construe as such.

It may be, however, that organized labor in the United States will realize the opportunities and handicaps likely to come to certain industries through the changed conditions of Europe and will be prepared to cease hostilities where industrial strife at present exists in order that on the one hand labor may reap with capital a fuller measure of the harvest or, in industries that may be differently affected, protect itself against consequences that are certain to arise. I fear that the view likely to be taken by some of the leaders may at the outset be the shortsighted one of endeavoring to persuade their followers that the opportunities which may come to American capital through the crippled condition of industries elsewhere will induce a recognition which under less favorable circumstances might not be granted. This is almost certain to be the immediate effect, and I think you are wise, therefore, in dismissing altogether from your mind the possibility of the United Mine Workers calling off the present strike, even if, under any circumstances short of recognition, they would be likely so to do. It will not be very long, however, before the inevitable effects of the European war on American labor conditions are certain to make themselves felt, both because of the scarcity of capital available for investment and the crippled condition of industry on the other side, and upon this basis

suggest the unions will have to revise considerably some of their present policies.

Having regard to the more cordial relations between labor and capital, which it is hoped the foundation may be able to effect, it would be fortunate, indeed, if you could, out of the changed conditions which this European war is certain to produce, find a means of restoring industrial peace in the United States in industries, such as coal and fuel, where there is a certainty of a direct bearing. It may be that among those who are embarrassing the situation in Colorado there are many foreigners who may feel compelled to return to Europe, and that may prove an immediate factor of importance. Looking at the ultimate rather than the immediate effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of this war, and once the war is over thousands of men and their families in the Old World are going to seek future employment here in the New. In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition, simply for the sake of recognition, is going to be seen to be less pressing as an immediate end than that of maintaining standards already existing, and may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of fair conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado.

The possibilities here set forth might be pointed out by employers in a perfectly frank and open manner. It might be said with equal frankness that were it desired to profit by such a situation, employers may seek later to enforce individual agreements with all men desiring to enter their employ; may even consider, as some doubtless will, altering conditions of employment to their supposed immediate advantage. Between the extreme of individual agreements on the one side, and an agreement involving recognition of unions of national and international character on the other, lies the straight acceptance of the principle of collective bargaining between capital and labor immediately concerned in any certain industry or group of industries, and the construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means on the one hand of preventing labor from being exploited, and on the other, of insuring that cordial cooperation which is likely to further industrial efficiency.

Granting the acceptance of the principle outlined, the machinery to be devised should aim primarily at securing a maximum of publicity with a minimum of interference in all that pertains to conditions of employment. By this I mean that the hope of establishing confidence between employers and employed will lie more in a known willingness on the part of each to confer frankly with the other than in anything else. Similarly, the avoidance of friction, likely to lead to subsequent strife, is likely to be minimized by agencies which will disclose the existence of irritation and its cause at or near inception; trouble most frequently follows where ill feeling is allowed to develop, unknown or unheeded.

A board, on which both employers and employed are represented, and before which at stated intervals questions affecting conditions of employment can be discussed and grievances examined, would appear to constitute the necessary basis of such machinery. The size of this board, and whether there should be one or many such boards, would depend upon the numbers employed and the nature of the industry, and whether or not the work is carried on in one or several localities. Where, for example, there are different mines, or refining plants as well as mines, it might be that boards pertaining to each individual concern might be combined with a provision for reference to a joint board covering the whole industry, or group of industries, to which matters not settled by smaller boards might be taken for further discussion and adjustment.

In determining the character of representation on such boards, broadly speaking, a line might be drawn between those who are "paid salaries" on the one hand, and those who "earn wages" on the other. This is very rough and very general, for there are in some industries a class of petty bosses whose interests may appear to identify them more closely with wage earners than with salaried officials, but, broadly speaking, men who have authority to give orders and to direct operations fall into the salaried class, while men who have no authority in direct others, and whose own work is subject wholly to

direction, fall into the category of wage earners. The selection of representatives on such boards should be made at a meeting or meetings of employees called expressly for the purpose. It might be left optional for the employees to say whether they desired a permanent form of organization of which their representatives on a board would be the officers, or whether they would prefer the selection of individuals at stated periods, without reference to any permanent form of organization. It could also be left optional with the workers themselves to say whether they wished to allow representatives so chosen a salary in payment of their services, or whether such services would have to be voluntary. A company might, with propriety, offer to provide a place of meeting for the boards, and possibly go the length of supplying the employees with permanent office accommodation for their representatives, leaving it, however, to the employees themselves to provide whatever might be necessary in the way of salaries and expenses in the keeping up of such offices.

It would not appear desirable at the outset that these boards should have anything to do with benefit features. They should not be framed with a view of restricting through possible benefits the liberty of any man as respects the continuance of his employment, but should aim primarily at affording a guaranty of fair play in determining, in the first instance, the conditions under which men would be obliged to work and the remuneration to be paid, and secondly, the carrying out of these conditions in a spirit of fair play.

One thing to be especially aimed at in the construction of such boards would be the making virtually certain of the possibility of grievances or conditions complained of being made known to and subject to the review of persons in authority over and above the parties immediately concerned, where the parties fail to adjust these differences between themselves; this to be carried even to the point that directors, if need be, should have, where the numbers to be affected are likely to justify it, a knowledge of the situation and power to pass upon it. This feature will probably not appeal to pit bosses and managers who may desire absolute authority. On the other hand, I am convinced it should be possible to so frame a constitution for these boards that the possibility of this review would in no way interfere with discipline, but would be a material assistance rather than a handicap to those who are charged with responsibility.

What might be expected of boards of this kind would be that employees before taking up any question with the officers of the company would try to adjust or settle it among themselves. Failing adjustment in this manner, differences and difficulties would be presented to the officers of the company, not by the individuals immediately affected, but by the duly constituted representatives chosen to safeguard the interests of all. Having had a preliminary sifting in this manner, cases could be brought before a committee of the board or before the whole board in any one industry for adjustment. If it should be found that an individual board could not definitely determine a matter of importance, there might be brought a further appeal on stated conditions to a board chosen to represent the industry as a whole, or a group of allied industries, the purpose here being to get away, to a degree, for purposes of adjustment, from the parties immediately concerned, but not wholly away from parties likely to be ultimately affected. This would make it an essential that all members of such boards, excepting, possibly, persons chosen as chairmen, referees, or umpires, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside. It should be possible, however, for workmen to select one or more of their number, who could give their entire time to acting in a representative capacity, and pay them a salary pending their acting in such capacity.

I think, in a very rough way, this covers the points mentioned in our conversation. I really hesitate to send this letter in such rough outline and without care in preparation. I believe so strongly in never advising in regard to any situation until one has made oneself familiar with all its phases that I feel I am running a great risk in even setting forth what this letter contains, as there may be conditions or reasons which will render its suggestions wholly inapplicable to some of the industries with reference to which consideration is invited. I should mention, too, that in the course of the present dictation I have been subject to constant interruptions, and, in fact, have had to pick up this letter and drop it half a dozen times before reaching this point, all of which is most unsatisfactory in a matter so important. I understand, however, from your letter that for the moment you are agreeable to accepting a very rough outline, the purpose being mainly that of enabling persons immediately concerned with the industries to consider possibilities and limitations of the sug-

questions made, in order that these may be taken account of in the working out of some definite plan when the issue may come up for consideration.

With this understanding I am agreeable to letting this letter go forward. Without it I should hesitate, without opportunity of mature consideration, to attempt to give concrete expression to views which are clear in my own mind, but which, without knowledge of the conditions to which they are to apply, I find the greatest difficulty in seeking to convey.

Yours, sincerely,

W. L. MACKENZIE KING.

JOHN D. ROCKEFELLER, Jr., Esq.,
The Rockefeller Foundation, 26 Broadway, New York.

P. S.—I might mention that the best address to which to write or telegraph me is The Rosborough, Ottawa, this being my place of residence. The Toronto address, 4 Grange Road, is that of my father's residence, at which I stay whenever in Toronto.

ROCKEFELLER, JR., EXHIBIT NO. 4.

The Colorado Fuel & Iron Co.—Combined income account for 11 years, July 1, 1903, to June 30, 1915.

			Per cent.
Gross earnings from operations		$220,291,624.07	
As per annual reports	$227,810,538.07		
Add from operations of C. F. & I. Co. properties Nov. 12, 1903–July 1, 1904	2,980,986.20		
Operating and miscellaneous expenses		200,698,774.00	
Wages[1]	96,733,602.00		
Expenses	103,965,172.00		
Net earnings		19,592,850.07	
Deductions from net earnings, taxes		1,091,897.19	
Net corporate income		18,500,952.88	
Deductions from net corporate income:			
Interest on bonds	10,611,000.12		
Less interest received on securities owned	4,321,143.02		
	16,089,856.11		
Less interest and sinkings received	782,000.75		
		15,307,855.36	
Surplus after fixed charges and taxes		7,892,096.83	
Disposition of surplus:			
Sinking funds	1,114,000.00		
Renewal of equipment	1,892,000.22		
Dividends on preferred stock	980,000.00		
		3,786,000.22	
Balance credited to profit and loss		4,106,096.61	
Add sale of Rocky Mountain Timber Co. stock		12,000.00	
Add previous net surplus, June 30, 1903		627,645.31	
Profit and loss surplus, June 30, 1915		4,745,741.92	

[1] In addition to above wages, there was paid to employees of subsidiary companies $4,600,000. The earnings of said companies included in C. F. & I. Co. earnings.

OUTSIDE EXHIBIT.

BUREAU OF MUNICIPAL RESEARCH,
New York, January 28, 1915.

Hon. FRANK WALSH,
Chairman Industrial Relations Commission, New York City.

DEAR SIR: I send you herewith report[1] of the Denver survey, which deals with Judge Lindsey's court.

[1] The Report on a Survey of the Department of Finance and County Commissioners and Other Non-Judicial Governmental Jurisdiction, etc., prepared for the Colorado Taxpayers' Protective League by the Bureau of Municipal Research, New York, August, 1914, was submitted in printed form.

Let me say that it is the invariable practice of the bureau of municipal research to submit to the chief official of any department into which it inquires the draft of its report before it is shown to anybody else. This practice was followed with Judge Lindsey. He was in New York, and he and his wife lunched at the City Club with one of the bureau staff. The report was read to him at the luncheon and he pronounced it "very fair." As he made no further comments upon it, it was published as read to him.

I inclose also copy of a letter written by the judge to one of our staff who was working in Denver while the investigation was going on. It certainly does not read like the letter of a persecuted man.

Very truly, yours,

R. FULTON CUTTING.

MAY 8, 1914.

MR. C. J. DRISCOLL,
Care Bureau of Municipal Research, New York City, N. Y.

MY DEAR DRISCOLL: I hope, my dear fellow, that I am not terrorizing you by the inclosed statements. I know, after your experiences in Denver, you are beyond any such possibility, but after our very delightful and interesting visits and conference the night before you left the city, I concluded to-day that certainly you would not be offended, and if I may appeal to a somewhat different consideration from that of your official capacity, which I do not wish to impose upon, you might agree it might be wise for my own protection in view of what you must know has been the terrific and bitter community struggle here, to send you such a statement as that I inclose, and which, I hope, you will continue to show me such honor and courtesy as you have shown, to read, trusting again to a continuation of the patience you must have needed through your rather trying experiences here in Denver, especially so far as my own poor self and court are concerned.

While I did not get to read the text of your report, I do want you to know that I appreciated more than I can tell you your kindly suggestion that you should make it perfectly clear that the matters you found to criticise or recommend or suggest would be so presented as to give the enemy no subject or public handle to draw improper inferences therefrom, especially the kind that you know they are so anxious to draw, which might reflect upon my integrity and the good name that is about all I have left after 15 years of struggle against the evils of a community life in a western American city.

I may send the copies of the letters referred to under separate cover. We are in the midst of a jury term and under a possible suggestion of yours that may automatically and surely lead to bankruptcy in the case of any man who undertakes to fight for a city. I am having an outside stenographer copy these letters, as I have had much of such copying done at my own expense, even though it would seem to be in line with the work that has come here because of the fact that I had been fortunate or unfortunate enough to be returned to this court by the people 10 times within 12 years. I am sure you know that I do not wish to do anything contrary to propriety or that might be offensive, but it occurred to me that I might want to send a copy of this letter to you to the committee to whom you report. If I should, I am assuming that you would not object—if you do let me know; that is, the formal letter, addressed to Mr. Driscoll of the committee, and not, of course, this informal letter, addressed to Mr. Driscoll, whom I have had such a pleasure in meeting personally as well as in your official capacity.

With kindest regards and all good wishes, I am,

Sincerely, yours,

BEN B. LINDSEY.

When will your reports be available for inspection?

GIFTS RECEIVED.

[Supplementary information derived from Rockefeller Foundation to the United States Commission on Industrial Relations.]

JANUARY 22, 1915.

1. Complete list of the gifts made by the Rockefeller Foundation to January 15, 1915. If quite as easy, please give the gifts up to and including January 22, 1915.

Answer. A complete list is furnished herewith. (See Exhibit A.)

2. As part of Exhibit D, sent in your communication of January 7, appears the statement, "The Rockefeller Foundation has determined to exert itself to the extent, if necessary, of millions of dollars for the relief of noncombatants in the various countries involved." Later, in connection with the foundation's work for Belgium relief, a statement was made that, "The Rockefeller Foundation will bear the expense of ocean transportation of all supplies from furnished to the European port most accessible to Belgium."

(a) Has the foundation offered to pay the expense of transportation to other than Belgium ports?

Answer. The foundation has thus far not committed itself to the purchase of supplies for any part of Europe other than Belgium. Supplies for Belgium have thus far been delivered through Rotterdam. Subsequent to the Rockefeller Foundation's offer and the actual chartering and dispatching of vessels in accordance therewith the international commission for relief in Belgium has offered to reimburse the foundation for all transportation charges, thus making the foundation's funds wholly available for the purchase of supplies.

(b) State the extent to which the foundation has offered relief to other than Belgian sufferers.

Answer. Answered under (a).

(c) Is the foundation bearing other administrative expenses?

Answer. The foundation is bearing the expense of maintaining an office at 15 Bridge Street for the executive work necessary in connection with the purchase of supplies and the chartering and loading of vessels in cooperation with the Belgian relief committee of New York. As the foundation has been relieved of expenses connected with transportation, this office will be closed on February 6.

(d) Please enumerate or explain the foundation's relations with the different committees of this country which are working for relief of noncombatants.

Answer. The relation of the Rockefeller Foundation with other agencies for relief was indicated by the announcement signed jointly by Mr. Robert W. de Forest and Mr. John D. Rockefeller, jr., as printed on pages 60 and 61 of the printed pamphlet furnished by the foundation in response to previous questionnaires. Since that arrangement was put into effect the American branch of the commission for relief in Belgium has perfected an organization for the assembling of supplies and the chartering and loading of vessels so that any further contributions made by the Rockefeller Foundation will, if possible, utilize the facilities thus provided.

(e) Is it premature to summarize the consideration which the foundation's release of January 1 said would be given to "other aspects of war relief in Europe"?

Answer. One of the duties of the war relief commission sent to Europe was to obtain, so far as it found possible, a perspective view of the need in different parts of Europe and the practicability of meeting that need. Thus far the committee's reports have been limited to Belgium, although the commission is known to have visited Poland and to have conferred with various agencies as to the possibility of rendering aid in that region.

(f) What effect has the activity of the foundation had upon giving to war sufferers by private citizens?

Answer. That the activity of the foundation in accordance with its terms of cooperation with the Belgian relief committee stimulated gifts from other sources was indicated by the rapid increase in money donated to the Belgian relief committee of New York.

(g) Please submit copies of the reports sent to the foundation by the commission which was sent to Europe to investigate methods of distributing, etc.

Answer. The only report thus far received deals with conditions in Belgium. It treats very fully of the conditions found, including the extent of need, the organization for distribution, and the methods of financing followed by the Belgian authorities. The report deals with international relations of such a character that the foundation does not feel at liberty to release the report as a whole, but it will be held at the disposal of the Department of State.

(h) How many meetings has the full board of the foundation held for considering war relief?

Answer. The only meetings of the full board of the Rockefeller Foundation held since the beginning of the war were those of October 21, 1914, and November 5, 1914, at both of which war relief was discussed. The attendance at these meetings is shown on page 54 of the pamphlet containing the answers to the questionnaires.

(f) How many were present at each meeting?

Answer. It will be seen that all of the members were present at both meetings except Mr. John D. Rockefeller, jr.

(g) How many meetings of the executive committee have been held for considering war relief?

Answer. The matter of war relief was considered at the meeting of the executive committee on October 21, 1914, but was the subject of constant discussion among the members of the executive committee at all of its meetings and between its meetings, the whole matter being referred to the executive committee at the meeting of the full board on October 21 and by that committee to a subcommittee consisting of Messrs. Murphy and Greene.

(h) How many were present at each meeting?

Answer. All of the members of the committee were present.

(i) Will you submit such estimates as the foundation has prepared as to the total amount of relief which will be needed on various assumptions, as that the war will last two months, six months, one year?

Answer. No such estimates have been prepared.

(m) Did negotiations between the Rockefeller Foundation and the Belgian relief committee initiate with the committee or with the foundation?

Answer. The plan of cooperation was suggested by the secretary of the Rockefeller Foundation for the purpose of coordinating effort and preventing the entrance of the Rockefeller Foundation into the relief work from diminishing the amount of aid that would be given from other sources.

(n) What steps has the foundation, as such, taken to ascertain whether and in what ways interest in war relief has affected public interest in relief of the needy in the United States and attention to unemployment in the United States?

Answer. The foundation was made aware, by the many appeals for gifts to local and other domestic charities whose funds were reduced on account of prevailing conditions, of the great need for continued or enlarged donations at home in addition to the gifts for war relief.

(o) What are the results of such study?

Answer. The foundation has made special appropriations for local and domestic needs on the grounds just stated.

3. Regarding applications in the interest of different proposals for studying and improving labor conditions:

(a) Will it be practicable to summarize for a period of five years the applications received by Mr. Rockefeller personally before the establishment of the foundation in the interest of proposals for studying or improving labor conditions, showing number of applicants, character of work and amounts of money involved and the action with regard to it?

Answer. No such applications appear to have been received, with the single exception noted on page 88 of our pamphlet of answers to the questionnaire.

(b) If application involve the training of teachers in vocational and industrial instruction, would these be taken up by the foundation or referred to the General Education Board?

Answer. Applications involving the training of teachers in vocational or industrial instruction would probably be referred to the General Education Board, but the projects themselves, if important, would doubtless also find a place in the "chart" of industrial relations now being prepared by Mr. King.

(c) Will you have prepared, to the staffs of Mr. Rockefeller and the different foundations controlled by him, a chart which will show graphically the interrelations, e. g. trustees serving on more than one board, officers acting for more than one board, employees and investigators employed in common?

Answer. The chart requested is submitted herewith (Exhibit B). It shows the membership of all the boards. The only officers employed by more than one board are those mentioned on page 21 of the answers to the questionnaire, and in addition two clerks.

4. Regarding the publicity matter furnished in the exhibits to your letter of January 7:

(a). Were copies of the releases sent to all of the trustees in advance of issuance to the press?

Answer. It would not be possible to state exactly what members of the foundation saw and what members did not see these released papers publication. The nonresident members certainly did not see them; the names of such

[1] Not printed.

material being entirely within the discretion of the executive officers. The releases were prepared by joint conferences of members of the executive committee, with collaboration of Mr. Ivy Lee.

(b) If not, which members did not receive copies in advance of publication?

Answer. Answered under (a).

(c) Did each member of the executive committee receive copies before publication?

Answer. Answered under (a).

(d) If not, which members did not receive copies in advance of publication?

Answer. Answered under (a).

(e) Did Mr. Ivy Lee prepare the releases?

Answer. Answered under (a).

(f) In a case where service of this kind is rendered by a member of Mr. Rockefeller's personal staff, is a charge made against the foundation's funds for such service, either directly or through an overhead charge? Please explain.

Answer. No such charge is made.

5. Regarding the incorporation of the foundation:

(a) Was the foundation represented at Albany? If so, by whom?

Answer. By Jerome D. Greene, at that time general manager of the Rockefeller Institute for Medical Research.

(b) Who introduced the bill in the senate? Why was he selected?

Answer. Senator Foley. Mr. Greene consulted with the majority and minority leaders of both houses and was advised that Senator Foley would be a suitable person to introduce the bill.

(c) Who introduced the bill in the house? Was his interest enlisted through personal interview or by correspondence?

Answer. The bill was introduced in the assembly by Mr. [illegible] at the request of Senator Foley, and with the cognizance of the various leaders.

(d) What representative of Mr. Rockefeller appeared in person before the legislature or committee of the legislature?

Answer. Mr. Greene was the only representative of Mr. Rockefeller who acted in the matter. He expressed his readiness to appear before a committee if a hearing were granted, or to circularize the members of the senate and assembly; but in view of the fact that all party leaders were agreed in favoring the bill and no opposition was indicated in any quarter, those steps were not considered necessary.

(e) At how many committee meetings was the bill considered?

Answer. Answered under (d).

(f) How many of those meetings were public?

Answer. Answered under (d).

(g) How many statements which were issued from Mr. Rockefeller's office to the press and to the public prior to or while the bill was pending?

Answer. No statements were issued.

(h) Why were the limitations which were incorporated in the final act considered by Congress not incorporated in the New York act of incorporation?

Answer. The limitations incorporated in the final act considered by Congress had been cordially accepted by Mr. Rockefeller, in the belief that they tended to allay apprehension regarding the charter powers, although they imposed no restrictions that might not at any time have been imposed by Congress should the need have arisen. When it was decided to introduced the bill in the New York Legislature it was thought that the best plan would be to follow precedent as closely as possible. Accordingly, the bill was drafted on the lines of the charters of the Sage Foundation and the Carnegie corporation. It was the belief of the incorporators that the precise limitations and safeguards, some of which might possibly be found desirable, could be more intelligently determined by Congress not incorporated in the New York act of incorporation?

6. A statement showing the number of applications received by the foundation since its establishment from each State of the Union and from each of the principal cities?

Answer. No catalogue of applications has been kept, as these range all the way from innumerable requests for personal gifts or loans of money to applications in the interest of important institutions or projects.

7. Although the commission hopes to have a representative examine the material mentioned on page 22 of your letter showing various drafts and bills and committee reports, etc., in connection with the application of the Rockefeller

Foundation for charter; perhaps you will prefer to file also with the commission a digest showing:

(a) Changes made in successive drafts or bills and committee reports.

Answer: The material changes made in successive drafts and bills are indicated on pages 98–101 of the pamphlet containing the answers to the questionnaires, the changes from the original bill being indicated by italics.

(b) Dates and essence of information and statements given publicity in connection with the application for an industrial charter.

Answer. No application has been made for an industrial charter. If the word "industrial" is a misprint for "Federal," the answer is to found on pages 87–108 of the pamphlet containing the answers to the questionnaires.

8. Please send copy of the foundation report upon prostitution, and any other public reports or announcements of reports or studies.

Answer. The foundation has issued no reports upon prostitution. The inquiry doubtless refers to two reports issued by the bureau of social hygiene, which will be sent to the commission.

EXHIBIT A.

Gifts made by the Rockefeller Foundation from the time of its establishment to January 31, 1915.

I.

[By vote of the foundation.]

Dec. 5, 1913: To the American Red Cross as a contribution toward the acquisition of a site in the District of Columbia and the erection thereon of a memorial to commemorate the services of the women of the United States in caring for the sick and wounded in the Civil War, the building to serve as a permanent headquarters, upon condition that the entire sum needed, namely, $700,000, be raised	$100,000
Dec. 20, 1913: Through the bureau of social hygiene a sum not exceeding $750 a month during the year 1914 as a contribution toward the support of the diagnostic laboratory and clinics for venereal diseases maintained by the department of health of the City of New York	8,640
Jan. 21, 1914:	
To the American Academy in Rome an appropriation of $10,000 a year for a period of 10 years, beginning Jan. 1, 1914, for the general purposes of the academy	100,000
To the American Red Cross for the relief of suffering in Bulgaria	10,000
Jan. 29, 1914: To the Tohoku Kyushu Saigai Kyusaikai of Japan (relief society for the calamities in the northeastern districts of Kyushu)	10,000
Apr. 16, 1914: To the committee of reference and counsel of the Annual Foreign Missions Conference of North America for the carrying out of a program of cooperation and coordination in the foreign missionary work of the principal American mission boards a pledge of	450,000
May 27, 1914:	
To the bureau of municipal research for carrying on its work in New York City for the remainder of the current calendar year	80,000
To the American Association for the Conservation of Vision, or to such organization as should represent the merger of that association with the New York committee for the prevention of blindness, a sum of $5,000 a year for five years, upon condition that the contribution of the Rockefeller Foundation in any year shall be payable only upon the execution of other pledges to the amount of at least $10,000 so as to assure a budget of not less than $15,000 a year	25,000
To Wellesley College toward a fund of $2,000,000 for buildings and endowment, on condition that the full amount be subscribed in good and responsible pledges on or before Jan. 1, 1915	750,000

Aug. 13, 1914:
To the American Red Cross as a contribution toward the cost of sending physicians and nurses to Europe under the auspices of the American Red Cross $10,000

To Dr. Alexis Carrel, a member of the Rockefeller Institute for Medical Research, who had offered his services as surgeon to the French Government, for use under his direction for the relief of sick and wounded during the present war in Europe.. 10,000

To the New York Association for Improving the Condition of the Poor, as a contribution to help the association in its work of providing pensions for dependent widows with families, a sum of $20,000 a year for a period not to exceed 10 years..... 200,000

Sept. 25, 1914: To the New York milk committee as a special gift toward the expenses of the current year in view of the serious diminution in the receipts of the committee from sources usually depended upon 5,000

Oct. 21, 1914: To the Bureau of Municipal Research of New York City, for studies relating to the State government preparatory to the constitutional convention of 1915..... 10,000

Dec. 3, 1914:
To the New York Association for Improving the Condition of the Poor as a special contribution in view of the unusual amount of distress in the city, due to the war and the industrial depression..... 25,000

To the charity organization society as a special contribution in view of the unusual amount of distress in the city, due to the war and the industrial depression..... 10,000

To the Brooklyn Bureau of Charities as a special contribution in view of the unusual amount of distress in the city, due to the war and the industrial depression..... 10,000

Jan. 15, 1915:
To the bureau of municipal research for the support of critical and constructive studies in the administration of the government of the State of New York, provided that not less than $10,000 a year be secured from other sources for the same period, and that every effort be made to secure an additional sum of $5,000 a year for five years, making the total sum available each year $25,000, the sum of $10,000 a year for a period of five years beginning Jan. 1, 1915..... 50,000

To the bureau of municipal research for a grant toward the support of the New York City work of the bureau in the year 1915, provided that at least $40,000 be secured from other sources for that year..... 20,000

II.

[By designation of Mr. John D. Rockefeller, sr., in accordance with the terms of his letter of gift, subsequently approved by the foundation as within its corporate purposes.]

May 4, 1914:
To Mr. Charles W. Bowring, treasurer, for expenditure, under the direction of the New York general committee on the Newfoundland sealing disaster, for the relief of the families dependent on the men of the steamship *Southern Cross* and the steamship *Newfoundland*, who recently perished or were disabled at sea..... $1,000

To Mr. B. H. Fancher, treasurer, International committee of Young Men's Christian Association, 124 East Twenty-eight street, New York City, as a contribution to its foreign work for the fiscal year ending December 31, 1914, payment to be made on or about June 24. Should the international committee carry out the plan for adding 10 new workers at an additional cost of $20,000, after having raised the budget of $438,900 for work already undertaken, and raise $17,500 additional, the foundation will make a further contribution of $2,500, payable at any time during the year, when notified of the raising of regular budget of $438,900 and the additional $17,500..... 32,500

May 4, 1914—Continued.

To Mr. Thomas S. McLane, treasurer, the New York milk committee, 105 East Twenty-second Street, New York City, as a contribution toward their work for the present fiscal year, with the suggestion that Mr. Rockefeller's committee favors care in the undertaking of work which would seem to be a more natural charge of other societies $4,000

To the Baptist Union of Western Canada, room 345, Somerset Building, Winnipeg, Canada, as a contribution toward their Baptist missionary work for the current fiscal year, with the stipulation that no part of Mr. Rockefeller's contribution is to be used in the foreign field 10,000

To the Society for Italian Immigrants, 129 Broad Street, New York City, for a contribution toward the work of the society for the fiscal year ending Dec. 31, 1914 750

To the Boy Scouts of America, 200 Fifth Avenue, New York City, as a contribution toward their expenses for the fiscal year beginning Mar. 1, 1914—the first payment to be made now, and payments hereafter to be made June 1, Sept. 1, and Dec. 1, 1914 5,000

To the Prison Association of New York, 135 East Fifteenth Street, New York City, as a contribution toward the expenses of the current fiscal year 500

To the New York Association for Improving the Condition of the Poor, 105 East Twenty-second Street, New York, as a contribution to their work for the fiscal year ending Sept. 30, 1914 6,000

To the Brooklyn Bureau of Charities, 99 Schermerhorn Street, Brooklyn, N. Y., as a contribution toward the expenses of their fiscal year ending Apr. 30, 1914 2,000

To Mr. Paul M. Warburg, treasurer, New York Child Labor Committee, 52 William Street, New York City, as a contribution toward the expenses of their fiscal year 1914 300

To the National Highways Protective Society, No. 1 West Thirty-fourth Street, New York City, as a contribution to the expenses of their current fiscal year 250

To Mr. V. Everit Macy, 66 Broad Street, New York City, for the purpose of meeting the cost of salary, traveling and other expenses of one trained agent to work among the poor children of Westchester County, N. Y., the work to be done under the auspices of the State Charities Aid Association, acting through local committees 1,200

To Mr. V. Everit Macy, superintendent of the poor, Westchester County, East View, N. Y., for the purpose of paying the expenses of an additional eugenic investigator in Westchester County for one year 900

May 5, 1914: To Dr. Charles B. Davenport, Cold Spring Harbor, Long Island, N. Y., for the purpose of providing for six field workers in eugenics, for the year beginning Oct. 1, 1914, to work in State institutions on the following terms, viz, a salary of $75 a month each, to be paid by the foundation, the institutions or the State paying the maintenance and expenses of the workers in the field 5,400

May 12, 1914: To W. K. Brice, treasurer, Public Education Association, for the general purposes of the association, subject to the following conditions:

Payable at once toward the expenses of the current fiscal year	$2,500
For the year 1914–15	5,000
For the years 1915–16, 1916–17 ($5,000 each year)	10,000
Payable upon condition that similar two-year pledges to the amount of $10,000 each year be obtained from other sources, and that a total of at least $30,000 be pledged each year	17,500

May 14, 1914: To the Laymen's Missionary Movement as a contribution toward the work of the movement for the fiscal year 1914	$5,000
May 15, 1914:	
To the National Child Labor Committee as a contribution for fiscal year ending Sept. 30, 1914	1,500
To the Cleveland School of Art as a contribution toward the current expenses for the fiscal year ending Aug. 31, 1914	700
June 8, 1914:	
To the Baptist Ministers' Home Society of New York as a contribution toward the work of the society for the fiscal year 1914	200
To the Federated Council of the Churches of Christ in America as a contribution toward the work of the council for the fiscal year 1914	500
June 5, 1914: To the charity organization society as a contribution toward the work of the society for the fiscal year ending Sept. 30, 1914	6,000
June 17, 1914: To the George Junior Republic Association, at Freeville, N. Y., as a contribution toward the work of the association for the fiscal year ending Sept. 30, 1914	2,000
June 19, 1914: To the State Charities Aid Association as a contribution toward the work of the association for the fiscal year ending Sept. 30, 1914	2,000
June 24, 1914: To the Rockefeller Institute for Medical Research for lands, buildings, equipment, and additions to endowment, with the understanding that approximately the sum of $450,000 will be needed at once for the purchase of additional land; approximately $1,100,000 will be needed for buildings and equipment, to be called for from time to time as needed by the institute; and the balance for endowment to be called for after the buildings are completed and equipped	2,550,000
June 26, 1914: To the girls' branch of the Public School Athletic League, in New York City, as a contribution toward the work for the year ending June 1, 1915	300
June 30, 1914: To the New Jersey Baptist convention as a contribution toward the work of the convention for the fiscal year ending Oct. 15, 1914	1,000
July 8, 1914: To Gardiner M. Lane, treasurer, Salem fire relief fund, for the relief of the sufferers from the conflagration at Salem, Mass	10,000
July 29, 1914:	
To the Honest Ballot Association of New York City as a contribution toward the expenses of the association for the current fiscal year	1,000
To the Working Women's Protective Union as a contribution toward the work of the union for the current fiscal year	50
To the American Baptist Foreign Mission Society as a contribution toward the payment of the accumulated deficit in the missionary work of the Foreign Mission Society, Home Mission Society, and Women's Foreign Mission Society of the East, being in full payment of Mr. John D. Rockefeller's conditional pledge of June 29, 1914	50,000
To Supt. W. H. Maxwell, New York City schools, as a contribution toward a fund to provide cooking utensils for various schools and food for destitute pupils	2,500
Jan. 19, 1915: To the Tarrytown Young Men's Christian Association as a contribution toward the work for the calendar year 1915	500
Aug. 17, 1914: To Mr. E. L. Seyler, treasurer, Young Men's Christian Association, University of Michigan, Ann Arbor, Mich., for the purpose of providing the necessary land and erecting and equipping an association building thereon, it being understood that this pledge will be payable on or before Oct. 1, 1915, on condition that the entire sum needed, namely, $120,000, will be raised by that date, and that if this sum should be raised at any time before Oct. 1, 1915, this pledge will be immediately payable on receipt of due notice and request from the association	80,000

Aug. 18, 1914:
To Mr. Daniel W. McWilliams, secretary-treasurer, Brooklyn Young Men's Christian Association, as a contribution toward the cost of land and buildings for the Brooklyn Young Men's Christian Association $300,000

To Mr. James D. Williamson, treasurer, the Cleveland Federation for Charity and Philanthrophy, for the support of the Young Women's Christian Association of Cleveland, Ohio, during the fiscal period ending Sept. 30, 1914 1,400

Aug. 26, 1914: To the American Baptist Foreign Mission Society for the general purposes of said society 50,000

Sept. 9, 1914: To Mr. George A. Rudd, treasurer, the Alta Social Settlement of Cleveland, Ohio, for the following purposes, to wit: $13,500 toward the budget for the fiscal year, Sept. 1, 1914, to Sept. 1, 1915, payable the last day of each month; $1,000 toward the repair fund for the same fiscal year, payable as called for 14,500

Sept. 11, 1914: To the Legal Aid Society of New York as a contribution toward the current expenses of the society for the present fiscal year 1,000

Sept. 29, 1914: To the Cleveland Federation for Charity and Philanthropy, Cleveland, Ohio, to be used by the federation, in its discretion, for meeting the emergency disclosed by the correspondence of Sept. 18, 1914 1,000

Oct. 3, 1914: To the Public School Athletic League of the City of New York as a contribution toward the work of the league for the present fiscal year 500

Oct. 21, 1914: To the Blue Ridge Association as a contribution toward a total of $3,000 to meet the expenses of maintaining the social service summer school of the association, payment to be made as follows: $1,500 the coming summer, $1,000 the next summer, and $500 the third summer, upon condition that in each of said years a further sum shall first be collected by the association in cash sufficient with this gift to equal not less than $3,000 3,000

Nov. 2, 1914: To the International Young Men's Christian Association College at Springfield, Mass., as a contribution to the current expenses of the college 2,000

Nov. 5, 1914:
To the girls' branch of the Public School Athletic League of the City of New York as an additional contribution toward the current expenses of the present fiscal year on account of the unusual circumstances they are confronted with, this being an emergency contribution and not to be considered as a precedent in making application another year 200

To the Police Society of Westchester County (Inc.), toward the expenses of the society during the year 1915, the foundation to contribute one-fifth of the total amounts contributed by other sources up to the sum of $5,000, which it is understood is the maximum amount needed 1,000

Nov. 18, 1914:
To the American Female Guardian Society and Home for the Friendless as a contribution toward the expenses of the organization for the current year 500

To the Brooklyn Young Men's Christian Association as a contribution toward the expenses of the association for the current fiscal year 1,000

Nov. 20, 1914: To the Religious Education Association as a contribution toward the current expenses of the association 750

Nov. 23, 1914:
To the National Board of the Young Women's Christian Association as a contribution toward the work of the board for the fiscal year ending Dec. 31, 1915 10,000

To the Charity Organization Society Committee on the Prevention of Tuberculosis as a contribution toward the Red Cross Christmas seal fund 500

Nov. 30, 1914: To the Young Men's Christian Association of the city of New York as a contribution toward the general expense fund of the association for the year 1914	$3,000
Dec. 17, 1914:	
To the National League on Urban Conditions among Negroes, toward the work of the league for the fiscal year 1914-15	3,500
To Whittier House, Jersey City, N. J., as a contribution toward the current expenses for the present fiscal year	1,000
Dec. 18, 1914: To the Parks and Playgrounds Association of the City of New York as a contribution toward the work of the association for the present fiscal year	250
Dec. 30, 1914:	
To the international committee of Young Men's Christian Associations as an emergency subscription toward the work on the home field of the associations	15,000
To the Hospital Saturday and Sunday Association as a contribution toward the expenses of the association for the current fiscal year	5,000
Jan. 11, 1915: To the Travelers' Aid Society as a contribution toward the work of the society for the year 1914	1,000

ROCKEFELLER, SR., EXHIBIT.

26 BROADWAY,
New York, February 9, 1916.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
648 Transportation Buildings, Chicago, Ill.

DEAR SIR: In compliance with your request for information with regard to my personal advisers as to my business investments, I submit the following statement:

The present members of my personal staff are my son, John D. Rockefeller, jr., Starr J. Murphy, and Ivy L. Lee.

The other men whom I referred to, some of whom may in the course of time fill places which may become vacant, are Messrs. Edward V. Cary, J. Alva Jenkins, Charles O. Heydt, and Bertram Cutler.

There is no clear separation of duties as between the different members of my staff, but they all cooperate as they are able to toward the common end.

Very truly, yours,

JOHN D. ROCKEFELLER.

ALLEN EXHIBIT.

EXHIBIT A.

PUBLICITY GROWING OUT OF MR. ALLEN'S "FLIMSIES" AND OTHER FORMS OF STATEMENT TO THE PUBLIC, AND MR. CUTTING'S RESPONSE—SOME NEWSPAPER HEADLINES, JULY, 1914.

During the last year many typewritten "flimsies" and other statements have been circulated and news stories have been current which have caused friends and supporters of the bureau of municipal research to question the management. Before the Federal Commission on Industrial Relations turned its attention to investigating charges of Rockefeller domination only two statements were made by those in charge, one an interview (July 16 last) with Mr. Cleveland on the differences that had arisen between the directors, the other a signed statement of Mr. Cutting (July 19) denying the truth of Mr. Allen's claims concerning the action of the board of trustees.

The first intimation the officers of the bureau had of a news story came in the form of a telegram of inquiry from Madison, Wis., to a New York agency. Officers of the bureau refused to make a statement, until a reporter came (July 16) with Mr. Allen's claims ready to print.

The widespread publicity given to Mr. Allen's recent testimony and the renewed request for information has made it seem worth while to issue this "statement of facts" to our mailing list and correspondents.

[New York Tribune, July 16, 1914.]

SAYS ROCKEFELLERS RULE CIVIC PROBE.

Dr. Allen Quits Bureau of Municipal Research After Clash—Rival Gets $50,000 Gift to Aid Work—Dr. Cleveland Will Supervise $50,000 Expenditure—Trouble over Research Plans.

[New York American, July 17, 1914.]

DR. ALLEN WARS ON ROCKEFELLER CASH IN SCHOOLS.

Expert in Municipal Problems to Quit—Opposed to Dominance of Foundation.

[New York Evening Mail, July 17, 1914.]

JOHN D.'S CASH SPLITS BUREAU.

Municipal Research Director Allen on Absence Leave—Not Expected to Resume Duties.

[New York Evening Sun, July 17, 1914.]

ROW OVER ROCKEFELLER GIFTS.

City Research Bureau Bars "Strings" on Contribution.

[New York Globe, July 17, 1914.]

ROCKEFELLERS CAUSE SPLIT IN CIVIC RESEARCH.

Municipal Bureau Declared to Have Come Under Their Domination by Offers of Substantial Financial Aid—Conditions Would Limit That Body's Activities—Trustees "Resolve" Against This, but Effect Is Same, Some Say—Dr. Allen Enters a Protest.

[New York Sun, July 17, 1914.]

DR. ALLEN MAY QUIT BUREAU.

Said to be Irreparably Miffed by Rockefeller Foundation.

[New York Evening Journal, July 16, 1914.]

JOHN D.'S CASH CAUSE OF CIVIC RESEARCH FUSS.

[New York Herald, July 16, 1914.]

ROCKEFELLER CASH CAUSES A SCHISM.

Split in Research Bureau Likely Because of Allegations Made by William H. Allen.

[New York Evening Telegram, July 16, 1914.]

FRICTION CAUSED IN BUREAU BY ROCKEFELLER COIN.

Mr. Allen's Allegations May Cause Split in Department of Municipal Research—Managers Concerned Over Future Financial Aid.

[New York Times, July 16, 1914.]

DIRECTORS FALL OUT IN RESEARCH BUREAU.

Dr. W. H. Allen, Who Can Not Agree With Dr. F. A. Cleveland, May be Ousted—Rockefeller as a Factor—Report That His Domination Caused Friction Denied by Officers of the Organization.

STATEMENT OF MR. E. FULLER CUTTING, CHAIRMAN OF THE BUREAU OF MUNICIPAL RESEARCH, CONCERNING THE PUBLISHED REPRESENTATIONS THAT MR. ALLEN WAS THREATENING TO RESIGN ON ACCOUNT OF ROCKEFELLER DOMINATION, ISSUED JULY 19, 1914.

The articles that have appeared in the newspapers with reference to dissension in the Bureau of Municipal Research leave much untold. The trustees of the bureau do not agree with Dr. Allen with reference to the wisdom of some of the policies and methods he pursues. There is room for honest difference of opinion upon those questions.

But the trustees are unanimous. They are persuaded that they are right and Dr. Allen holds to his views. The trustees appreciate his enthusiasm for the work, his fertility of expedients, his unwearied industry, and they entertain for him personally a cordial regard.

He has not resigned as director, nor has he been asked to do so. At the inception of this bureau it attempted a form of organization very difficult to operate successfully. At the request of Dr. Allen, who was one of the founders of the bureau, an executive was created consisting of three directors with co-equal powers—Dr. Allen, Dr. Cleveland, and Mr. Bruere.

I expressed grave doubts as to the wisdom of this policy, but Dr. Allen was so positive that it would succeed that he had his way. For a considerable time the plan worked better than I expected, but of late serious differences of opinion have arisen with reference to the expediency of various policies and methods.

The fact that Mr. Rockefeller has been one of a large number of subscribers has had nothing to do with this controversy. The Rockefeller Foundation is not attempting to control this bureau in any way. Dr. Allen is wrong when he says that the board of trustees has changed its views in any respect in obedience to requirements of the foundation.

LETTER OF RESIGNATION OF MR. ALLEN AS DIRECTOR OF THE BUREAU OF MUNICIPAL RESEARCH, DATED OCTOBER 1, 1914, GIVEN TO THE PRESS WITH PAMPHLET ENTITLED "REASONS WHY MR. ALLEN BELIEVED THAT MR. ROCKEFELLER'S CONDITIONAL OFFER * * * SHOULD NOT BE ACCEPTED."

GENTLEMEN: Herewith I tender you my resignation as director of the bureau of municipal research, to take effect at the annual meeting of the corporation.

Since the May meeting with several of the trustees regarding Mr. Rockefeller's conditional offer,[1] I have hoped to be able to present in person at the annual meeting reasons for giving me an opportunity after December 1 to organize a new board around our old program and record.

In July, when untrue statements were given to the press regarding the Rockefeller offer, regarding the trustees, and regarding the bureau and the training school and their men, as well as regarding me, I was silent when perhaps I should have spoken and should have resigned. But it seemed unfair to those trustees who were away from the city or out of the country, and others who acted hurriedly without analyzing the basis for action, to make public facts which had been overlooked by or withheld from them, before first knowing that such facts had been placed before them.

How far, and in what direction, changes have been made in the bureau and the training school without the board's knowledge, and how far the board's action since May has been based upon misinformation, partial information, or no information, each trustee may now more easily ascertain from the bureau records than from me. How far, and in what ways, injustice has been done, misrepresentation fostered, and malice vented ostensibly in the name of the trustees, it is also easy to ascertain.

The university survey prevents me from coming home at this time and I can not from this distance present the essential facts as briefly, clearly, and agreeably as you can obtain them through first-hand examination.

One or two facts seem to me to add to the reasonableness and the force of two suggestions I beg to make: That trustees be elected at the annual meeting who believe in the record of the bureau and the training school; and that those

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[1] The purpose of this meeting was to consider differences between the directors concerning practices that had developed under Mr. Allen's management. Mr. Allen tried to inject what he termed "an alternative to the Rockefeller proposal," but was told that there was no proposal, and this was the only reference made to Mr. Rockefeller.

trustees be not reelected who, during the past several months, have been party to disparaging and changing both bureau and training school.

Never before had the bureau—and my so-called "methods"—so few enemies and so many friends as in early April this year, when, with your hearty approval and benediction, I started for the University of Wisconsin Survey.

Since that time, with the exception of one short visit home, I have been continually in Wisconsin. During that time I have had no audience with the board on any other subject but the Rockefeller offer, have been asked no questions, and hence have had no opportunity to present either fact or questions regarding proposals for change in the bureau or training school.

During that time a campaign of misrepresentation has been waged not merely against me—which would be insignificant—but against the fundamental spirit and method and the record of both bureau and training school—which I regard as highly significant.

During that time radical changes have been made in the program, the method, and the constituency of the bureau and training school. What these changes are you are in position to ascertain if, by chance, they have not been made clear to you.

The right of a trustee to independent judgment and independent preference no one can reasonably question. I certainly do not question any trustee's leaning toward what Mr. Rockefeller and recent statements from the bureau call "scientific research," rather than toward what the world knows and esteems as municipal research. But I do submit that such preference and leaning are reasons for being trustee of a bureau of scientific research rather than for transforming the bureau of municipal research and the training school for public service into something they were not intended to be.

The fair and just solution is simple as I see it:

(1) That the annual meeting of the bureau of municipal research elect trustees who believe that *this* is the time for emphasizing and expanding—not for changing and contracting—municipal research as it was a year ago.

(2) That the men and the money with a leaning toward "scientific," as distinct from municipal research, be organized into a separate bureau of scientific research.

By December 1 next, when I am released from this position, I shall not only be able to guarantee from entirely new sources adequate funds for promoting municipal research as the world knows and wants it, but shall have ready men equal in training and superior in vision and in ability to get things done to those now available for the emasculated program of municipal research which is proposed.

Through the years 1906 to 1914 you had continued evidence of my appreciation of working with the trustees of the bureau. I do not wish at this time either to subtract from my enjoyment of that retrospect or to divert your attention from my proposal for the future to treatment received the last summer by the program and myself, so strikingly incompatible with our previous relation.

Sincerely, yours,

WILLIAM H. ALLEN.

FURTHER REPRESENTATIONS MADE BY MR. ALLEN IN A PAMPHLET "REASONS WHY MR. ALLEN BELIEVES THAT MR. ROCKEFELLER'S CONDITIONAL OFFER * * * SHOULD NOT BE ACCEPTED," ISSUED OCTOBER 5, 1915.

The idea of using New York municipal research work for teaching purposes is worth more to the country than Mr. Rockefeller's promise to help secure $100,000 a year for five years. * * * The pedagogical contribution made by this bureau is worth more to the country than any pedagogical contribution as yet made by the General Education Board's use of its nearly $50,000,000 endowment.

Mr. Rockefeller's restrictions indicate to me that he does not understand the bureau's program, method, or result. * * * Mr. Rockefeller's right to spend his own money as he wishes I do not question. I do question anyone's right, even that of our own board or our own directors, to call an emasculated program by the name of the whole program. * * * We have made capital of the fact that we have looked at all these questions from the public's point of view and to the public's interest. As one of the many men who have given their best to this movement, I should never again expect the public to believe that I was capable of looking at this question solely from the public's point of view, if it became known that I had promised to accept for five years restrictions as to field or method such as those which Mr. Rockefeller asks our board to consider and which Mr. Cutting has informed me are to be accepted.

The offer of Mr. Rockefeller was first repeated to me by two of our trustees, one of whom began the interview by saying: "If it were not for the money I would never have listened to it."[1] For trustees of the bureau to promise to avoid any field whatsoever for any person whomsoever or for any consideration whatsoever, I personally regard as contrary to the principles which originated the bureau and as an extravagant bargain both in influence and in money.[2] The fact that it is Mr. Rockefeller who proposes the restriction does not mitigate the danger which surely exists. * * *

In May, after extended correspondence with bureau officials, I returned to consider with the trustees of the bureau of municipal research, who were not abroad or out of the city, a proposed reorganization which included provisions to secure financial support conditioned upon radical sacrifices of bureau program, method, and accountability to the public. I was officially told that except for my objections there was unanimity of intention to accept this offer with conditions.[3]

For hours on May 9 and 12 I was urged "not to make a moral issue out of a mere question of expediency" and to humor the wish of Mr. Rockefeller and others "to eliminate the bureau from the New York school fight"; i. e., the fight to secure democratic, progressive, informed management of New York City's school system.

Money plus trustees' support was offered me then and later, verbally and in writing, if I would work outside New York City. I replied each time that I did not want money for however good a cause from men who would desert a winning program such as our school program.

The trustees disbanded May 12 without motion to refuse the conditional offer. At a later meeting, however, it was voted "that no subscriptions or contributions be received subject to any conditions or limitations as to the future activities of the bureau."

Yet gifts of $55,000 from Mr. Rockefeller followed shortly, part for the bureau, part for so-called "scientific research," to be by bureau men, but not under the trustees' direction.[4] The original conditions, however, technically rejected, have, in large part, been lived up to.

On June 18 I wrote the trustees that I would rather be "alone in New York with our old program than have Mr. Rockefeller's millions, but minus our program."

What I still believe I then affirmed: "With little money, but with our old program, the bureau can accomplish more during the next 10 years than Mr. Rockefeller can hope to accomplish with his tens of millions if he continues to work with the restricted vision which he has used and would now have the New York Bureau of Municipal Research adopt."

When newspapers in July obtained from other sources than myself a rumor of the "Rockefeller conditions" I refered them to the bureau officers for the truth. The official statements, as published, were contrary to the record in letter and in reference.

The character of New York City's municipal research movement and training for public service has changed. The change is being widely felt. * * *

NEWSPAPER HEADLINES BASED UPON MR. ALLEN'S STATEMENT OF OCTOBER 5, 1914.

On October 5, when the board of trustees met, the letter of resignation and the news stories based on Mr. Allen's pamphlet had already appeared in the afternoon papers, some of which were before them. Notwithstanding this, the board of trustees unanimously decided to take no notice of the letter, pamphlet, and news stories, other than to accept Mr. Allen's resignation and to ask the chairman to refer the reporters to Mr. Cutting's statement of July 19. That Dr.

[1] Mr. Cleveland was present at the "interview" referred to; he affirms that no such statement was made by Mr. Cutting.

[2] Mr. Allen was not only told at this meeting that no such proposal had been made, as he claimed, but when it became apparent that he would not accept the statement of Mr. Cutting and Mr. Morawetz, a formal resolution was unanimously passed (June 30) binding the officers not to accept contributions which would bind the future action of the board, and a copy was sent to Mr. Allen.

[3] $50,000 only was given to the bureau for the year 1914, and this was to make up a deficit.

Allen's claims were given wide circulation appears from the following headlines, which have been selected as typical:

[Boston American.]

TOO MUCH JOHN D.

Director Quits Job.

[Boston Evening Transcript.]

REFUSE ROCKEFELLER CONTROL.

[Chicago Tribune.]

OBJECTS TO JOHN D.—RESIGNS.

Founder Quits New York Bureau of Municipal Research Because of Dominance of Rockefeller.

[Madison Journal.]

ALLEN RESIGNS AS DIRECTOR OF RESEARCH WORK.

Rockefeller's Domination Cause.

[Philadelphia North American.]

DR. ALLEN QUITS ROCKEFELLER BODY.

[Philadelphia Public Ledger.]

OBJECTS TO ROCKEFELLER INFLUENCES.

[Philadelphia Record.]

FLEES FROM ROCKEFELLERISM.

Director of Municipal Research Sees Insidious Control.

INQUIRY OF THE COMMISSION ON INDUSTRIAL RELATIONS—ONE OF THE NEWS STORIES TELLING OF THE INTENTION OF THE COMMISSION—DR. WILLIAM H. ALLEN AIDING THE COMMISSIONERS IN FRAMING QUESTIONS WHICH WILL BE PUT TO THE WITNESSES.

Whether the Rockefeller, Carnegie, and Sage Foundations and big business have interlocking directorates is one of the questions to which the United States Commission on Industrial Relations will seek an answer from witnesses at public hearings that begin Monday. An expert who will aid the commission is Dr. William H. Allen, formerly director of the bureau of municipal research. Dr. Allen is the author of Modern Philanthropy, published in 1913, and the questions he has framed for the commissioners to ask representatives of the foundations were suggested in his book at the time when skepticism toward philanthropy was being encouraged by certain groups of social workers.

Dr. Allen has been engaged in a survey of the University of Wisconsin, to determine for the people of that State whether their institution is doing the best it can. As he is said to have clashed with men directing the expenditure of philanthropic millions, and to have knowledge of their methods, he is expected to supply effective ammunition for the questioning of witnesses. The correspondence between trustees of the bureau of municipal research and the Rockefeller representatives, also correspondence in which Dr. Allen took part, will, it is said, be examined by the Federal commissioners.

Mrs. E. H. Harriman and Robert Fulton Cutting, both of whom were directing forces in the bureau of municipal research before the Rockefeller interests became identified with it, may be asked to testify as to what conditions were made to secure for the bureau Rockefeller support.

From the local bureau has sprung a bureau of municipal research for Denver. In the Colorado mine strike inquiry, conducted by the Federal commission, there was a parallel inquiry by the Rockefeller Foundation, two directors

of which are directors of the Colorado Fuel & Iron Co., whose men were on strike. At least it is so stated at the temporary office of the commission in this city. The relations of the personnel of the Denver bureau, the foundation, and the Colorado Fuel & Iron Co. will be the subject of inquiry.

Critics of the foundations believe that they are attempting to control the educational development of the country to suit the standards of the men who have created the foundations. A sample case suggested relates to the Rockefeller Foundation's attitude toward the department of education in this city. The Rockefeller Foundation is said to have looked unfavorably upon Thomas W. Churchill when he sought reelection as president of the board of education a year ago. Dr. Abraham Flexner, once identified with the Carnegie Institute, afterwards with the Rockefeller philanthropic interests, is a member of the board of education and the leader of an aggressive element with definite ideas on educational development. (News item, New York Evening Post, Jan. 16, 1915.)

EXHIBIT B.

STATEMENT OF FACTS[1] SUBMITTED TO THE COMMISSION WITH LETTER OF FEBRUARY 2, 1915.

The origin of the bureau.—The one novel idea in the organization of the bureau of municipal research (the continuous employment of a staff by a citizens' agency to keep in touch with the Government and what it is doing and to cooperate in constructive work) had been discussed for many years before 1907. In its issue of March 11, 1901, this was the subject of an editorial in the New York Tribune, which was clipped by Mr. Frank Tucker and sent to Mr. Cutting as something to which he should lend his support. Soon after this a formal proposal to create a bureau or department of civic affairs of the chamber of commerce was prepared by Mr. Tucker and taken up by Mr. Cutting with Mr. Charles Stewart Smith, a prominent member of that body. When Mr. Allen came to New York his assistance was invited. While engaged professionally on work of this kind, Mr. Frederick A. Cleveland became impressed with the need for an independent agency supported by citizens, which would be equipped to obtain information about the management of public affairs, and follow up and support the constructive measures of public officers. And when Mr. Cleveland became a member of the mayor's advisory commission on finance and taxation in January, 1905, he actually employed an outside staff in this manner.

In February, 1906, Mr. Cleveland prepared a written prospectus for the organization of a permanent "Bureau of municipal research," at the suggestion of Mr. Tucker, and placed it in Mr. Allen's hands, with the understanding that he would undertake to raise money for it. This brief was used for some time by Mr. Allen, and several conferences were arranged with professional and business men. Later in November, with the help of Mr. Tucker, Mr. Allen prepared a revised statement and circulated it under the title of "Brief for the establishment of an institute for municipal research." In the latter part of 1906 Mr. Cutting decided to support the effort at the rate of $1,000 per month for a year, to make an actual demonstration of what could be done; and with this fund Mr. Henry Bruere was employed to take charge of it, taking over on his staff some of the men who had been working with Mr. Cleveland. The work was financed by Mr. Cutting and conducted by Mr. Bruere as the "Bureau of city betterment," a branch of the citizens' union, of which Mr. Cutting was president. The success of the first year's effort led Mr. Cutting to ask Mr. Carnegie and Mr. Rockefeller to join him, and the bureau of municipal research was incorporated in 1907, with Mr. Cutting, Mr. Tucker, Mr. Allen, Mr. Cleveland, Mr. George McAneny, Mr. Richard Watson Gilder, Mr. Edwin R. A. Seligman, and Mr. Carroll D. Wright as trustees. Mr. Bruere was the first director of the bureau. Mr. Cleveland was brought in as director on the technical side and Mr. Allen was made director in recognition of his ability as a promoter and advertiser.

The purpose and policy of the bureau.—The bureau originally undertook to make inquiries into the organization and management of the Government, to

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[1] Accompanying the letter of Feb. 2, of the director of the bureau of municipal research to the members of the Commission on Industrial Relations. This was submitted to the record immediately before Mr. Allen appeared as a witness, and the opportunity was given anyone to appear to enter a denial of any of the allegations.

find out what the Government is doing, how it is doing its work, and what results are being obtained, without color or bias. This is still the underlying purpose and motive of the board of trustees and of all the employees of the bureau engaged by them.

In order that there might be no question about the unbiased and disinterested attitude of the bureau in doing its work, it started out with the established policy of first preparing a statement of facts, without comment or criticism; of submitting this statement of facts to the official or to the person responsible for the conduct of the office that was being studied, of taking up with the responsible officer or person any suggestion for change, enlargement or amendment of the first draft of statement of facts, as submitted. A statement of facts having thus been agreed to, the bureau then undertook to place before the officer its critical and constructive recommendations based on the statement of facts. It also undertook to give to the public either its report before it gave it to the public, in order that he might take such constructive steps as he might think desirable for the public good before making the report a matter of news. This is still the policy of the bureau of municipal research. During the first five years of the bureau's existence, Mr. Allen had little to do with the research work of the bureau—this being almost entirely in the hands of Mr. Bruere and Mr. Cleveland. During the last three years, while Mr. Cleveland was absent, Mr. Allen had much to do with the bureau's research work, and it was during this period that serious differences developed with respect to the uses which were made of the personnel of the bureau and serious question was raised by the board as to whether the practices that had grown up were in harmony with established policies.

With respect to publicity, Mr. Allen's views have never been in harmony with those of his associates, and within the first year of the bureau's existence a special committee was appointed to define its publicity policy, departure from which has since been the subject of frequent protest.

When Mr. Allen began more actively to participate in bureau work he first entered the educational field; and in this he not only attempted to go into the various institutional aspects of education, but also to criticise sharply matters of educational theory and the ideals of professional educators. This practice, together with his personal attacks on educators, was the subject of protest by members of the board.

Further questions were raised as between the directors with respect to practices pertaining to the professional service, work undertaken for compensation, management of the training school, office organization, and discipline, and other matters, many of which were not brought before the board.

During the period of these controversies several members of the board of trustees resigned; the last, Mr. John D. Ryan, whose letter with statement of reasons was dated February 20, 1914. Effective on January 1, 1914, Mr. Bruere resigned as collector.

For two months after January 1, 1914, efforts were made by Mr. Allen's remaining colleague, who had then returned to active participation in the management, to find a basis whereon an agreement could be reached with respect to bureau work, either by a definition of duties or by a subdivision of responsibility which could be presented as a formal proposal to the board of trustees.

Finding that this was impossible, on March 2, following a six-hour conference on February 28, Mr. Cleveland submitted his resignation to the board of trustees, recommending that the whole management be turned over to Mr. Allen.

The resignation of Mr. Cleveland brought the chairman of the board into the matter, and an agreement, in writing, was made with respect to the division of work, to no avail.

A formal proposal along the same lines was then brought before the meeting of the board of trustees (Mar. 24, 1914) and a resolution was passed defining the jurisdiction and authority of each director, with no better result.

Facts about Rockefeller subscriptions and influence.—Although Mr. Rockefeller and the Rockefeller Foundation have been among the liberal contributors to the support of the bureau, the total of all the contributions from both sources has amounted to only about 10 per cent of the funds expended. (See "List of Contributors," Exhibit 1, attached.)

During 1907, Mr. Allen sought to obtain large financial support from the Sage Foundation and the Carnegie Institution, as well as from Mr. Rockefeller.

In May, 1908, Mr. Allen wrote to Mr. Rockefeller, emphasizing the need for a

permanent endowment. In November, 1906, Mr. Allen again sought to enlist Mr. Rockefeller and Mr. Carnegie in obtaining large support for the bureau.

From 1910 to 1914 Mr. Allen frequently urged Mr. Rockefeller and his associates to contribute to the bureau.

In 1913 Mr. Allen obtained from the Rockefeller Foundation, on his urgent solicitation, $20,000 for a special investigation to be controlled by him, although at that time Mr. Rockefeller's subscription to the general fund of the bureau was only $2,000.

As late as December, 1913, he stated that he still hoped to get from Mr. Rockefeller an endowment and cited the fact that he had obtained a special fund of $20,000 a year before as the reason to hope for such a result.

The only contributions to the bureau by Mr. Rockefeller or the Rockefeller Foundation with restrictions attached were obtained by Mr. Allen, and the only difference between the subscription which Mr. Rockefeller made in 1914 (the subject of Mr. Allen's hostile criticism) and the $20,000 subscription of 1913, above mentioned, is that the subscription of 1914 was to the general fund, without restrictions, whereas the 1913 subscription was to a special fund.

The fact that Mr. Allen sought and frequently obtained special funds from Mr. Rockefeller and others instead of giving his thought and attention to obtaining general funds, the use of which would be for the free determination of the board, was one of the subjects of serious complaint against Mr. Allen by his codirectors.

During the entire period of eight years Mr. Allen was the only one who had any considerable contact with Mr. Rockefeller or his associates in asking for financial support.

During this period Mr. Allen also made various overtures to try to get Mr. Rockefeller to interest himself personally in the management and affairs of the bureau.

In 1909 Mr. Allen proposed Mr. Rockefeller as a trustee and obtained the consent of the board to write a letter to Mr. Rockefeller, urging him to become a trustee, which Mr. Rockefeller refused to do.

It was not until May, 1914, after Mr. Bruere had left the bureau, and after questions had formally been raised before the board bringing into issue questions of policy concerning the management on which the trustees could not agree, and when, with the resignation of his codirector before the board, there was a disposition not to accept it, Mr. Allen made it known that he thought that Mr. Rockefeller was exercising undue influence or that he objected in any manner to Mr. Rockefeller's contributions.

A conference between Mr. Cutting, Mr. Morawetz, and Mr. Rockefeller took place on April 10 in response to a request of Mr. Cutting, made several months before, urging Mr. Rockefeller to take up the question of another five-year subscription, the last year of the previous one being about to expire.

Upon the conclusion of this conference Mr. Cutting immediately reported the conversation to the directors, and stated that Mr. Rockefeller had raised question about the publicity and about the policy of the board, but that he had been told that every question he had raised had been for some months before the board; further, that Mr. Rockefeller had requested information about certain details of bureau practices and that he had suggested that he get his information from one of the directors.

On the following day—April 11—at Mr. Rockefeller's request, Mr. Cleveland lunched with him to talk over the bureau's methods and work. At the conclusion of this conference a written memorandum was made and submitted to Mr. Allen, setting forth what questions had been raised and what had been the attitude of Mr. Rockefeller—this being the first conference that Mr. Cleveland had ever had with Mr. Rockefeller about bureau work or bureau affairs.

On April 22, Mr. Allen wrote to Mr. Cutting from Madison a letter, an excerpt from which follows: "If it were not for the recent Flexner report I should feel justified in writing to Mr. Rockefeller and appeal for funds to supplement the meager budget that was voted for this study. * * * It is just the kind of opportunity that those big foundations which advertise that they are looking for opportunities to serve, ought to take advantage of." And in the same letter he says that he had asked the chairman of the special committee to study training schools for teachers in New York to "make formal request for help of the General Education Board and the Carnegie Foundation."

What was heralded by Mr. Allen as a conference on the "Rockefeller proposal" in his published brief under the title "Reasons Why Mr. Allen Be-

lieves Mr. Rockefeller's Conditional Offer Should Not Be Accepted" never took place.

The meeting of May, 1914, referred to by Mr. Allen in his brief, was devoted entirely to the questions raised in a memorandum submitted by Mr. Cleveland with a view of getting an "agreement on the main questions raised in previous conference," and when Mr. Allen tried to inject his so-called "alternative" he was told that there never had been such a proposition.

For all statements of fact given there is supporting evidence in the form of letters, minutes, reports, and other documents in the files of the bureau, except in so far as they relate to personal conferences, in which cases the persons with whom the conferences were held are still in the service of the bureau, are still available as witnesses, may be sworn by the commission and their testimony obtained by the commission under oath.

EXHIBIT 1.—*List of contributors to the bureau of city betterment and the bureau of municipal research, Jan. 1, 1906, to Dec. 31, 1914.*

Name.	Total contributions.	Name.	Total contributions.
Rockefeller, J. D.	[1]$125,450	Rockefeller, George	$1,000
Cutting, R. Fulton	118,722	Rockefeller Real Estate Co.	1,000
Carnegie, Andrew	15,000	Harding, A. R.	750
Harriman, Mrs. E. H.	11,000	Harris Forbes & Co.	500
Kuhn, Loeb & Co.	11,000	U. S. Trust Co. of New York	500
Morgan, J. P., & Co.	10,000	Kennedy, Mrs. John S.	500
Fabyan, Henry	10,000	Harkness, Wm. H.	500
Stott, H. A.	10,000	Griffiths & Co.	500
Van Ingen, E. H.	10,000	Clarke, John	500
Speyer & Co.	10,000	Post, Jas. H.	500
Whitney, Dorothy	10,000	Schroeder, J. H.	500
Schroeder, G. H. V.	10,000	Mason, George G.	500
Coffin, C. A.	7,500	Flint, Percy R.	500
Thompson, Col. Wirt, H.	7,500	Lane, Fabyan L.	500
Brown, Robert	7,500	Hutton, F. J.	500
Lawyers Title Guaranty & Trust Co.	7,500	Chamberlain, Frank H.	500
Hopkins, George B.	7,500	Sulz & Co.	500
Morgenthau, Henry	7,500	De Forest, Lloyd, W.	500
Title Guaranty & Trust Co.	5,000	Bonn, Mrs. Wendell T.	500
Perkins, George	5,000	Childs Co.	500
Hammond, Victor	5,000	Fourteenth Street Store	500
Hudson Trust Co.	5,000	Greenleaf & Co.	500
Baker, George F.	5,000	Greenough, John	500
Ellis, Isaac D.	5,000	Kingsley, D. P.	500
Cruttenden, Murray	5,000	Lord & Taylor	500
Vanderlip, F. A.	4,000	Mitchell, S. C.	500
Schiff, Jacob	3,000	Simpson, Crawford & Co.	500
Schiff, Mortimer L.	3,000	Smith, Howard C.	500
Day, Joseph P.	3,000	448 other individuals and corporations	104,000
Outerbridge, E. H.	2,750	George W. Perkins, Trustee U. S. S. S.	100,000
Ward, William A.	2,500	Total	$940,422
Greenough, Samuel Cooper Co.	2,500		
Kimberly, W. B.	2,500	DISTRIBUTION, BY FUNDS.	
Durham, H. F.	2,000		
Mercantile Trust Co.	2,000	New York City, general	$77,441
Seligman, J. N.	2,000	New York City, special	75,000
American Exchange National Bank	1,000	New York State	11,750
Seligman, J. W., & Co.	1,000	Professional services (paid for)	161,734
Martin, Bradley, Jr.	1,000	Training school for public service	130,000
Warburg, Felix	1,000	Total	$[illegible]
Dodge, Cleveland H.	1,000		
Bliss, Mrs. W. H.	1,000		

[1] Includes $26,500 disbursed by the bureau for the Curran Committee police investigation.

EXHIBIT B-1.

(Exhibit B-1 consisted of printed bulletins entitled "Efficient Citizenship" of the following numbers: 213, 222, 230, 241, 441, 445, 462, 509, 562, 571, 593, 602, 604, 605 (Feb. 4, 1913), 606 (Mar. 1, 1913), 608, 610, 614, 625a, 627, 643, 644, 655, 662, and 667.)

EXHIBIT C.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 330. Date: June 11, 1913.
Assigned to Franklin Zeiger.
Descriptive title of assignment: Public School No. 115, Canarsie, Brooklyn.
Instructions.—Visit Public School No. 115, Canarsie, Brooklyn. Ask for Miss Callahan, principal. Do not state your connection with Bureau unless definitely asked, when say that you are there by assignment. If possible, keep the rôle of interested citizen who has read the attached clipping. Say that you made up your mind to step in some time when you could. Use your own judgment about disclosing your connection with the Newburgh survey.
I am very anxious to learn from your judgment of the general spirit of the place; whether the teachers seem interested and happy; whether there seems to be a more indifferent attitude of principal to teacher than you find in the larger schools.
Assignment to be completed: Thursday night.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 348. Date: July 1, 1913.
Assigned to Mr. Kirshman.
Descriptive title of assignment: Moving-picture shows.
Work to be performed at: Field on Saturday and Sunday evenings.
Instructions.—Please visit the moving-picture shows named below and obtain the data called for in the accompanying schedule. You will note that all questions not requesting numerical values may be answered by "yes" or "no." Care should be taken to place at the head of the data column for purposes of identification the same number that appears opposite the house in the list. As the list has been prepared with a view of covering the district in the most expeditious manner, it is suggested in visiting these houses that the order indicated be followed. Merely note whether or not building contains tenements; it is not necessary to count them. Artificial ventilation will be indicated by the presence of electric fans. All the shows listed are so-called "store shows," in small rooms, and it should be possible to obtain the desired data by a casual observation.
Be careful to note each item on the schedule.
(1) No. 860 Eighth Avenue, (2) No. 303 West Fifty-ninth Street, (3) No. 114 West Sixty-fifth Street, (4) No. 663 Amsterdam Avenue, (5) No. 217 East Sixty-seventh Street, (6) No. 1153 First Avenue, (7) No. 1196 Second Avenue, (8) No. 908 Third Avenue, (9) No. 797 Third Avenue, (10) No. 660 Third Avenue.
Assignment to be completed: Monday morning.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: Dr. Allen. No. 445. Date: August 6, 1913.
Assigned to Mr. D. Miller.
Descriptive title of assignment: Help your city complaint bureau.
Work to be performed at office.
Instructions.—Prepare a 1,500-word article to be syndicated by the survey, which is taken by about 50 different cities. It must be popularly written and full of concrete illustrations showing the kind of questions that have come in and showing results.
As you have this in hand, it would be a pity for you not to sign this story.

Can you wedge it in among your other assignments without interfering with the complaint-bureau work? This kind of thing all of us have to do in our own time on the fly. From your knowledge of the field you should be able to turn in finished copy within one hour's time.

Please let me know how much time you put on it.

W. H. A.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 479. Date: September 22, 1913. Funds: Budget. Chargeable: N. J.

Assigned to Don C. Sowers.

Descriptive title of assignment: New Jersey budget-making methods.

Instructions.—We have made a preliminary report to a New Jersey citizen on present methods of making a budget in that State. (See report by Mr. Farmer and Mr. Heffernan.) As you see, it is a first draft only. It should be whipped into shape as a formal report which will give the bureau's best experience, judgment, and constructive suggestions to date. Feel free to use the matter from Wisconsin's blanks, from the commission of efficiency's work, Washington, your own visit to Albany. Please consider this a test of how you are to prepare to submit matter by the politicians, newspapers, and public-spirited citizens of a State. It will be an important part of this fall's campaign in New Jersey if we word it right and put into it what Mr. Driscoll calls "punch." Make it the shortest, most direct possible thing and in form which lends itself to use through press, magazines, and pamphlet purposes. You should spend not more than one day in whipping into space the data contained in the two above-mentioned preliminary reports.

Assignment to be completed: September 23.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 487. Date: November 5, 1913. Funds: T. S. general. Code No. 4028.

Assigned to Franklin Zeiger.

Description title of assignment: Reading of Schrader letter.

Work to be performed at office.

Instructions.—Read that portion of Mr. Schrader's letter hereto attached which speaks of fish in Iceland and in America. Take proper steps to see whether it would be profitable for American shippers to have fish come from Iceland.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 489. Date: November 6, 1913. Funds: T. S. general. Code No. 4028.

Assigned to Mr. Taylor.

Descriptive title of assignment: Tammany Hall organization.

Work to be performed at office.

Instructions.—For the next few months there will be a great deal of discussion of the possibility of destroying or rehabilitating Tammany Hall. Talk of destroying Tammany Hall is probably absurd. Talk of rehabilitation is equally absurd unless they go further than the make-up of the men at the top. So far as I know, there never has been a suggestion that the charter of Tammany Hall be qualified or restricted so as to give its own membership a voice in the management and more particular to guarantee complete publicity to its own membership as to what has happened.

Please look into this thing and report when you see your way out as to the possibility of so reorganizing Tammany Hall by charter and by publicity provisions that it will become a veritable bureau of municipal research plus training school for public service plus clearing house for adequate community relief and discussion.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

No. 465. Date: November 10, 1913. Funds: Comp. bur. Code No. 5690.
Assigned to H. G. Wend.
Under direction and control of Mr. Ray.
Descriptive title of assignment: Reckless driving of United States mail wagons.
Instructions.—Look up the ordinances passed by the board of aldermen concerning the regulation of street traffic. Pay particular attention to those articles which provide against reckless driving.
Note any exemptions or exceptions made in the case of United States mail wagons. When you have become thoroughly familiar with the laws on this subject make observations in the field, particularly in the downtown district.
Take the registered number of mail wagons which you observe. Note the speed; any reckless driving, street conditions, etc. Also note the time and place.
This assignment is designed to secure specific information to be used in making a recommendation to the board of aldermen that the exceptions made in the case of United States mail wagons be abrogated.
Assignment to be completed: November 13.

Training School for Public Service conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 548. Date: December 31, 1913. Funds: T. S. Code No. 5008.
Assigned to R. Moses.
Under direction and control of M. H. Ray.
Descriptive title of assignment: Bureau books and accounting methods.
Work to be performed at office.
Instructions.—Please report to Mr. Chadbourne, office manager, for work in connection with the bureau's system of accounts. Bear in mind that this system is in miniature the same system as is being recommended by the bureau for Government departments. At this time your assignment on the books will only last five days. This is in order that you may have an introduction to bookkeeping and accounting and become familiar with the terms used before going out to city offices.
Get a copy of the Handbook of Municipal Accounting and read it while engaged in the above assignment.
Assignment to be completed: January 5, 1913.

Training School for Public Service conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 549. Date: December 30, 1913. Funds: T. S. Code No. 5013.
Assigned to F. W. Fiske.
Under direction and control of M. H. Ray.
Descriptive title of assignment: Cost accounting.
Work to be performed at: Department of finance and department of charities.
Instructions.—Please report to Mr. McIntyre, who is in charge of the expert accounting department of the department of finance. He will assign you to

work under Mr. Hyer and Mr. Eggleston, of his office. Your first work will be to draw off a quarterly report of the expenses of the street-cleaning department from the general-expense ledger in the office of the chief bookkeeper of the department. This work should be completed within one week. At the end of this time you will again report to Mr. Hyer, who will assign you to work in the department of charities. In this department you will probably be required to act as an instructor in cost accounting to newly appointed bookkeepers.

During this assignment you will, of course, consult with the supervisor and directors of the training school as often as may be necessary.

Training School for Public Service conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant directors in charge: William H. Allen and F. A. Cleveland. No. 630. Date: February 25, 1914. Funds: New York C. C. B.

(NOTE.—No provision was made for any of the results being brought to my attention.)

Assigned to: Training school staff.

Under direction and control of Mr. Snyder.

Title of account to be charged: Help-your-city complaints.

Descriptive title of assignment: Office and in the field.

Investigated help-your-city complaints as assigned.

Instructions.—Every complaint, if founded on fact or if sound in policy, will relate to some city department, and will involve a knowledge both of the department's organization for attending to the complaint and its organization in general, and its relation to other city departments, including he body which votes funds.

In assigning these complaints we have in mind that those who investigate shall not only secure certain field contact with conditions, with officers, employees, and citizens, but shall secure also definite information as to department organization and methods. Incidentally, oftentimes the dispatch, accuracy, and suggestiveness, with which investigations are reported upon give helpful hints as to the next experience needed by men and women in the training school.

Please remember that the first purpose of the assignment is to get information promptly and to suggest remedies, but that the first purpose of sending you is that you shall obtain the above-mentioned experience and information.

Training School for Public Service conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: W. H. Allen. No. 643. Date: February 10, 1914.

Assigned to Mr. Howard and Mr. Crawford.

Under direction and control of Mr. Snyder.

Title of account to be charged: Snow removals investigations in Brooklyn.

Work to be performed in field.

Instructions.—You will go to Brooklyn and make a study of the snow-removal problem there, with special reference to measurements of wagons, number of trips, mode of dumping, contract data, cost, etc.

Assignment to be completed: In a day.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 674. Date: February 13, 1914.

Assigned to Mr. Talmadge.

Under direction and control of Mr. Snyder.
Title of account to be charged: Re information concerning automobiles owned and used by various city departments.
Work to be performed at office and field.
Instructions.—You will please get complete information on the following points: (1) Number of automobiles owned in the various departments of New York City; (2) on whose order they were purchased, prices paid, by whom used, cost of operation.
This study should be completed by Monday or Tuesday of next week, if possible. The purpose of this study is to obtain the facts stated for the use of the bureau and to give your experience in seeking such information in the proper sources in the city departments.
Assignment to be completed: 16th or 17th.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 675. Date: March 12, 1914. Funds: T. S.
Assigned to Mr. Talmadge.
Under direction and control of Mr. Snyder.
Descriptive title of assignment: Suitability of location of street-cleaning barns.
Work to be performed at field.
Instructions.—You will please visit the section headquarters, department of street cleaning, at the following locations: Section 30, 319 East Twenty-fourth Street, rental $360; sections 1 and 4, 74 Greenwich Street, rental $1,200; 70 Carmine Street, rental $580.
Report on the above with respect to suitability of location with reference to area served, number of men accommodated, fairness of rental for property.
In obtaining this information, if possible, confer with the district superintendent in charge of each section visited.
The work is to be done to-morrow, March 13.
The purpose of this study is to obtain information for the sinking-fund commission, which may have to assist it in considering requests made by the street-cleaning department for renewal of leases at the above locations.
Assignment to be completed: March 13, 1914.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: William H. Allen. No. 688. Date: March 18, 1914.
Assigned to Mr. Talmadge.
Under direction and control of Mr. Snyder.
Descriptive title of assignment: Municipal buildings.
Work to be performed at office and field.
Instructions.—In most communities the buildings bearing the worst reputation for cleanliness, ventilation, beauty, etc., are public buildings. This is probably as true of national and State buildings as of dingy city halls. Too often it is true of schoolhouses as well as of courthouses. Several times we have suggested to volunteers wishing to do practical civic work a quick examination of public buildings from the standpoint of what the citizen without having any special authority can observe from the outside through the corridors, calling at offices, etc. We should have here, in concrete shape, suggestions which could be used by volunteers here in New York or which could be recommended in other cities. For studying national buildings I once suggested a set of questions to the National Civic Federation, addressed to Mrs. John Hays Hammond, Washington. In Woman's Part in Government there are some other suggestions.
With a view to getting the facts about city-owned, county-owned, and nation-owned buildings in this city, obtain from the Municipal Reference Library and

from available digests, reports, inquiries, etc., the data necessary for a list of minimum essentials which you or someone else can use in testing New York buildings. Report this list of minimum essentials to Mr. Snyder and to me. (Consult with Mr. Lindheim, Dr. McCombs, etc.) The first buildings to be studied will be the courthouse; second, the city hall; third, municipal building; fourth, building now used by health department.

Assignment to be completed: March 25, 1914.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Director in charge: William H. Allen. No. 697. Date: March 23, 1914.
Assigned to Mr. Lockwood.
Under direction and control of Mr. Snyder.
Descriptive title of assignment: Corporation inspectors.
Work to be performed at field and office.

Instructions.—For many years one of the chief opportunities for paying political debts has been through the so-called corporation inspector, i. e., a man whose ostensible business is to inspect work done upon the city streets by street railway companies, gas companies, etc. His salary was paid by the corporation, but he was named by the borough president in charge of public works. See page 24 of our Municipal Reform Through Revision of Business Methods.

Just what progress has been made since the above publication no one in New York knows. Supplementing an earlier assignment calling for the facts regarding present practices, it is desired to know what is the practice in other cities. Please learn first what, if anything, can be obtained at the Municipal Reference Library. Try, secondly, the New York Public Library. Thirdly, read the indexes of the principal publications, including engineering and municipal journals; see what the Civil Service Reform Association has.

Report progress daily to Mr. Snyder or to me. We are particularly anxious to learn whether in any places the amount of work done, salaries paid, conditions of appointment etc. are reported to or controlled by the city.

W. H. ALLEN, *Director.*

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Director in charge: William H. Allen. No. 700. Date: March 24, 1914. Funds: New York health.
Assigned to Mr. Lane, Mr. Peterson, Mr. West.
Under direction and control of Mr. Snyder.
Title of account to be charged: Health department reports, New York City.
Work to be performed at office.

Instructions.—Commissioner Goldwater, through Secretary Fiske and Dr. Baldwin, now in charge of the health department's public education work, has asked that we make suggestions as to weekly bulletins, quarterly report, and annual report which will improve either form or content. More particularly we are asked to be of help with regard to the proof of the 1912 annual report, which should be issued at once. Mr. Lane is making a study of health bulletins published by cities and States.

You will be given a section of the report proof. In reading it have in mind points which I had in mind last night, as to the essential factor of a reporter—desire to know unit of inquiry, account, comparison, subtraction, percentages, summary, classification. Thus, with respect to every statement of fact for each section and every table, ask yourself: "Does this table indicate that the person writing it wanted to know the particular facts which would help the town or help the administrator? Are the things listed the right units of inquiry? Are the comparisons set up in such a way that the reader takes in at once the truth of comparison? Are unlike things put into the same column or the same total?" All these have to do with content primarily and only indirectly with form.

In addition read proof to see whether or not what has been told is told in proper English, proper spelling, proper use of plural and singular, proper brevity, proper clearness. This proof costs money. Therefore we want to make our corrections tentatively either on slips of paper or, when space permits, on the extreme left or right margins, so that there will be room enough for Mr. Fiske and Dr. Baldwin to insert their final instructions to the printer.

Remember there are three purposes in this study: (1) To improve the report if we can, (2) to give you information, (3) to show us what power of analysis and capacity for detail you can give to proof reading.

It is not possible to make radical changes in this particular proof. It is former Commissioner Lederle's report, and must go out substantially as set up, except for typographical and proof corrections. Another assignment will cover analysis and criticism of this proof to be used for the 1913 report.

WM. H. ALLEN, *Director.*

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Director in charge: William H. Allen. No. 701. Date: March 24, 1914. Funds: New York health.

Assigned to Mr. Lane, Mr. Peterson, Mr. West.

Under direction and control of Mr. Snyder.

Title of account to be charged: Health department reports, New York City.

Work to be performed at office.

Instructions.—One of the principal services of Mayor Gaynor's administration, due primarily to the interest taken by his secretary, Robert Adamson, now fire commissioner, was to start the standardization of departmental reports. As the mayor is on the board of city record, which prints reports, and as the reports must also come to him in his capacity as mayor, any mayor who wishes and knows how may set a minimum standard as to content, form, size, etc., of reports.

As stated in assignment No. 700, the training school has been asked to suggest improvements, if we can, in the health department reports. As our base we start with the proof of the health department report for 1912. We have preceding reports. From the health department we can get reports of other cities, such as Montclair, Providence, Seattle, etc. In the administrative code prepared by the bureau of Portland are the best suggestions which we were able to get last summer. We should be able to do better to-day because, in the language of the farmer, "our whiffletree is near the center of the bull wheel"—i. e., we are asked to do a task of potentially big service for our home city, to be used at once by one of our own group as well as by the department.

Take the sections of the report given to you by Mr. Snyder, indicate on separate slips of paper every statement that is not clear, every general statement that is not proved by supporting data, all tables or statistical statements which do not of themselves explain their meaning and which lack editorial interpretation, all tables which fail to show that in preparation the department did not conform to a standard of minimum essentials—unit of inquiry, account, comparison, subtraction, percentages, summary, and classification.

Individually first and later in conference with others working on this assignment, list the improvements in typography. Here we have an absolutely free hand, so far as our assignment is concerned. We may suggest any kind of type, any kind of tabular arrangement, any kind of paragraphing, illustrations, graphs; after each one of us has individually made his own suggestions we shall put them all together and in conference prepare a composite list for consideration by the department.

WM. H. ALLEN, *Director.*

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: Dr. W. H. Allen. No. 710.

Assigned to Mr. Jessup.

Under direction and control of Mr. Snyder.

Descriptive title of assignment: Inspection service in the health department.
Work to be performed at: Field.

Instructions.—You will report to Mr. Fiske at the health department for a study of the inspection service of that department. It is desired that you should become well acquainted with the inspection work done by this department, touching sanitary inspection, food inspection, and sanitary food inspection. You are to use your own judgment as to the best methods of getting acquainted with this subject, but should arrange to make the rounds of several inspection districts with inspectors of the department and then follow the same procedure on your own initiative. It is expected that when you are through with this study that you will be sufficiently well acquainted with the health-inspection service to criticise faulty methods and make recommendations as to changes which would operate for the improvement of the present inspection service of the department.

Training School for Public Service, conducted by Bureau of Municipal Research, 261 Broadway, New York City.

ASSIGNMENT ADVICE.

Assistant director in charge: Dr. Allen. No. 749. Date: April 15, 1914.
Assigned to Mr. Parlin.
Under direction and control of Mr. Snyder.
Descriptive title of assignment: Study of street cleaning department.
Work to be performed at: Field and office.

Instructions.—Commissioner Fetherston, of the street cleaning department, faces a number of interesting problems in his work. He has assured us that he believes we may be of some help to him in reaching a solution of these problems. You will therefore report to Commissioner Fetherston and put yourself at his service for work along lines as follows:

(a) Familiarise yourself thoroughly with the detail of street cleaning throughout the entire city, particularly with reference to the methods of inspection. Mr. Fetherston is considering a reorganisation of the inspection service, and your study should be so carried on that you may be helpful to him in working out this problem.

(b) Mr. Fetherston is considering the organisation of a school for employees of the street cleaning department. You will make a study of the labor required to do the several kinds of work, as street sweeping, emptying cans of ashes and garbage, so that you may be in a position to make suggestions to Commissioner Fetherston in working up a teaching plan for such a school.

(c) In attacking the problem of street cleaning, Commissioner Fetherston feels that he must bear in mind the industrial or commercial characteristics of different sections of the city, and to this end he desires to prepare a map of New York showing such parts as tenement districts, manufacturing districts, wholesale districts, retail districts, high-grade residential districts, etc. You will make a study of this problem also so that you may assist in working it out.

(d) You will use your own initiative in approaching any other problems that may present themselves to the street cleaning department.

The purpose of this assignment is, from your point of view, to give you such contact with the street cleaning department that you may familiarise yourself with every detail of its management. This study is to be completed only when we feel that you have done as much as may be done by you in the direction indicated.

EXHIBIT D.

MARCH 4, 1914.

Mr. ALFRED WAGSTAFF,
Clerk, Appellate Division,
Supreme Court, First Judicial Department, New York, N. Y.

DEAR Mr. WAGSTAFF: I find that the division of our office which handles our publicity service has made a mistake by way of furnishing to the newspapers of the city a flimsy in relation to a notice which appeared in the Law Journal

on the 20th ultimo, over your signature, designating 10 newspapers as having a circulation calculated to give notice of legal publications. The assumption was that this designation made these papers the only ones that were entitled to give notice of legal publications, and a flimsy was prepared for the press, for release on March 2, on that assumption.

Going into the matter, we now find that about November 1 some 18 papers of large circulation were designated and that this is a supplementary list.

In view of these facts, I apologize to you and to the court for the part which we have taken in such publicity as has resulted.

As a matter of fact, I find from our clipping service that the World and the Times had published editorials on the subject before the date of release of our flimsy, and so far as we know the American is the only one that had a story making use of our material.

Very sincerely,

F. A. CLEVELAND, *Director.*

ROCKEFELLER INTERESTS IN COLORADO.

(For exhibits under this subject see pages 8884 to 8948.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C.,
Wednesday, May 19, 1915—10 a. m.

Chairman WALSH. Is Mr. Gaddis present?

TESTIMONY OF REV. EUGENE S. GADDIS.

Chairman WALSH. What is your name, please?

Dr. GADDIS. Eugene S. Gaddis.

Chairman WALSH. What is your profession or calling?

Dr. GADDIS. Minister in the Methodist Episcopal Church.

Chairman WALSH. How long have you been in the ministry?

Dr. GADDIS. Twenty-seven years.

Chairman WALSH. Are you a regularly ordained minister of the Methodist Episcopal Church?

Dr. GADDIS. Yes, sir.

Chairman WALSH. What is your residence?

Dr. GADDIS. Cincinnati—I have been away from there, though, for about two years and a half.

Chairman WALSH. Are you a graduate of any school of learning or institution in this country?

Dr. GADDIS. My education has been in the schools of Dayton, Ohio, and the theological school of Evanston and Boston.

Chairman WALSH. Have you had any connection with the Colorado Fuel & Iron Co.?

Dr. GADDIS. Yes, sir.

Chairman WALSH. What was it?

Dr. GADDIS. I began as the camp minister in the Trinidad district, and about a year or 10 months after I began, I became superintendent of the social work of the entire camp system.

Chairman WALSH. That includes what camps, please, in Colorado?

Dr. GADDIS. It includes all of the work of the Colorado Fuel & Iron Co., in particular their four different branches, their coal and iron and rock and timber camps.

Chairman WALSH. Did I understand that it was confined to Colorado?

Dr. GADDIS. No, sir; it is not; there are iron mines in Wyoming, and one in New Mexico, although I never visited that mine in New Mexico.

Chairman WALSH. By whom were you employed—what individual employed you?

Dr. GADDIS. My predecessor, Rev. Walter Morritt—I obtained the work through him, through his instrumentality.

Chairman WALSH. In addition to doing this sociological work, did you have any church or parish or church of your own that you administered to people?

Dr. GADDIS. My work was first, as I stated, as religious worker principally in the nine camps of the Trinidad district. That was purely religious, taking in simply what was known as the Trinidad district, and then, when I became superintendent of the sociological work, my work was broadened into the educational and social, and I incorporated in it, looking after the work along hygienic lines.

Chairman WALSH. Now, what opportunity did you have for observation into the everyday working of the way the Colorado Fuel & Iron Co. dealt with the men and women in their camps?

Dr. GADDIS. I considered it one of the very best—a very close range. I was intimately acquainted with the miners and their families; I visited them and

they entertained me; and the relations I sustained to them and to the operators, until within a few weeks before I severed my relations with them, was one of confidence.

Chairman WALSH. Do you understand their everyday lives, the complaints, if any, they had against the company; their method of expression, how they felt leading up to this strike and afterwards, and all about it?

Dr. GADDIS. I can not say I know all about it, but I know considerable.

Chairman WALSH. You had a standpoint from which you could understand their feelings?

Dr. GADDIS. Yes, sir.

Chairman WALSH. Now, have you prepared a statement which to your mind covers generally the situation out there, so far as the company and the human beings working for them is concerned?

Dr. GADDIS. I have.

Chairman WALSH. Would you be kind enough to submit it, if you prefer to do it that way; I think we would like it.

Dr. GADDIS. Yes, sir; I would be glad to do that.

Chairman WALSH. Very good; just read it to us.

Dr. GADDIS. I would like to say, Mr. Chairman, in the reading of this I may add some things that come to me that are not here, and I have a number of quotations from various sources in this memoranda, and I am not going to stop to note that they are quotations in reading them.

Chairman WALSH. Very good; just do it in your own way, and then you can submit the whole document to the record.

(The witness submitted several documents, which appear at the end of this subject as "Gaddis Exhibit.")

Dr. GADDIS (reading):

"PRELIMINARY STATEMENT.

"The United States is the largest coal-producing country in the world, exceeding England's annual output over 200,000,000 tons.

"In 1904, the virgin year for the Colorado collieries, 500 tons was the yield; in 1910 over 12,000,000 tons were dug; last year a tonnage of some 8,000,000 was recorded, giving the State the ninth place among the 28 coal-mining States of the Union. The Centennial State is destined to take much higher rank than previous ratings, as the United States Geological Survey estimates her workable coal fields at 10,130 square miles.

"The Colorado Fuel & Iron Co. mines 35 per cent of the State's total output of coal and is the largest company loading the 'black diamonds.'

"COMPONENT PARTS.

"This corporation was formed in 1892 by a coalition of the Colorado Fuel Co. and the Colorado Coal & Iron Co. The following subsidiary branches were subsequently acquired or developed: The Colorado Coal & Iron Co., the Colorado Supply Co., the Colorado & Wyoming Railway, the Crystal River Railway, the Grand River Coal & Coke Co., the Rocky Mountain Timber Co., the Colorado Industrial Co., and the Mountain Telegraph Co. (part owners)—as I understand it, they are equal owners of this with the Victor-American Fuel Co.—the Minnequa Town Co., the Pueblo Realty Co., the Hospital Association Co., the Red Stone Improvement Co. (part owners), and the Minnequa Cooperage Co.

"The fourteenth auxiliary has lately been made an adjunct to the Rocky Mountain Timber Co."

Chairman WALSH. When was it that Mr. Bowers came?

Dr. GADDIS. I think six or seven years ago, as I understand it. [Continues reading:]

"Cattle raising on a large scale will soon be tried. Expiring leases on the Maxwell land grant are not being renewed; the acreage to be reserved for coming herds of beef on the hoof.

"The purchase of between 250,000 and 300,000 acres of the above-mentioned territory deprived many ranchers of what they had concluded was their inalienable property rights. A representative of the company, accompanied by a band of hair-trigger cowboy desperadoes, clothed with the dignity of a deputy sheriff's commission, proceeded to settle disputed claims. At Stonewall one man was shot dead in cold blood; all enemies were put to flight; and the

raid guaranteed clear titles to vast regions of coal and timber land. The leader of these bandits was lately eulogized by one of the board of directors in saying: 'They don't make 'em much better than the old man.'"

In the general melee, of course, no one knew just how the tragedy occurred; but unquestionably they murdered that man at Stonewall, and as surely as Cain killed his brother Abel, these claimed supporters of the dignity and authority of the State caused this man's blood to cry out from the ground against the Rockefeller representatives who piloted the gang.

"STAKEHOLDERS.

"In October, 1914, the twenty-second annual exhibit came from the press in pamphlet form, 'Capitalization $30,325,000; bonded debt, $45,158,000; summary of total assets, over $101,000,000.'

"Rockefellers own 40 per cent of the preferred and 40 per cent of the common stock; also 6¼ per cent of the 'general five' bonds. There are 2,000 other stockholders.

"In the early days of the strike agitation the newspapers boldly affirmed that the company had accumulated a $5,000,000 reserve fund with which to defeat the efforts of the United Mine Workers. The allegation was denied, but the smug sum furnished the foundation for a serene complacency and a course of tactics otherwise impossible. Often heavy drafts on this reserve fund for 'strike expenses'; cash on hand in the financial report, is tabulated at over four million.

"Six years ago Welborn was not regarded as a man of large enough caliber to properly conserve the allied interests of which he had been made president. He 'was not trained as an operator of a large corporation.' Bowers, clothed with authority from 26 Wall Street and sufficient proxies to constitute him sole arbitrator in all minor and major matters to which he might address his attention began to put into telling effect his former 'experience in organization and management.' 'It is true I represent the Rockefeller interests,' in his sovereration. The Damocles sword that Bowers suspended over the heads of the officers in the Boston Building in Denver reduced them to manikins and office boys."

Our predecessor in office told us when in Denver always to speak to Mr. Welborn; that he felt humiliated in his present position. [Reading:]

"Testimony was given before the Federal Commission on Industrial Relations, sitting in Denver last December that Bowers was still a resident of Denver. Absentee landlordism was not a palatable phrase for the operators. Months before this statement was made Bowers had sold his Denver property and removed his family to the East. He had fully determined to 'turn things over to the boys,' and there was much rejoicing at the prospect that he would be content to give them chiefly 'about treatment' in the future.

"At 68 years of age Bowers was wearied with carrying the reaping details of a large business; and while the case of industrial malpractice was being adjudicated in the court of public opinion, he retired to his eastern home"; having labored four consecutive days with Mr. Rockefeller before he would release him. Before leaving Denver he wrote me to address all future communications for my department to Mr. Welborn, who had greatly developed under Mr. Bowers's tuteiage. But Mr. Welborn was too busy, and he referred me to Mr. Weitzel, an ex-coal digger. E. H. Weitzel was as well qualified to act in connection with the sociological department as Johnson would be with reference to a kindergarten.

"About 25 years ago four-fifths of the men in the Colorado collieries spoke the English language. The Welsh, English, Scotch, and Irish were the predominating races. To-day the ratio has been exactly reversed; and the English-speaking employees average about one-fifth of the people in the camps.

"Aliens in the fullest sense of the word have been encouraged to crowd out the higher-grade immigrant. To lower the scale of those living in the cottages raises the total footing of the scales on the tipple. The less it costs to keep camp citizens satisfied the less danger there is of public sentiment forcing expenditures for improvements. The camp that can mine the largest amount of coal at the lowest possible figure carries the banner.

"In 1913 some 200 coal mines were operating in the State. Twenty of these represented the Rockefeller holdings. Without being too technical the coal deposits are divided into the northern, southern, and western sections. The C. F. & I. Co. are working in the southern and western areas.

"In July and August of 1914 the company had on their pay rolls 7,786 manual laborers, representing 32 different nationalities, principally from southern Europe. The heavy percentage of illiteracy fixed their rating as low almost as present conditions in old Mexico. Many of them could neither read nor write their own language."

I have signed the name of a man who handed me his card to be taken to the office. He could only make a cross. [Reading:]

"A few years ago in Las Animas County, which produces 50 per cent of the coal of the State, there was found 18 per cent of the population and one-third of the State's illiteracy. Some of the strikers thought Rockefeller was the President of the United States.

"LOCATING RESPONSIBILITY.

"Mr. Rockefeller has not been in Colorado for 10 years and seldom attends a meeting of the C. F. & I. board of directors. His ignorance of real conditions in the camp villages enables him to testify under oath: 'I should not have known how more conscientiously to carry out my full duty toward them than I have.' 'The fact that they brought no complaints at all, would indicate to me that they had no grievances.'

"For several years prior to the 15 months' war in Colorado, which aroused the whole Nation, neither Bowers or Welborn were cognizant of policies and practices in dealing with the miners, except as represented to them by inferior officers. Mr. Bowers took the position that to grant the right of appeal with the type of characters with whom they had to deal was to invite chaos—appeals to Welborn, which we are glad to say he allows, if they were considered at all, would only emphasize the severity of the régime."

He told me his men in the Boston Building did not take complaints over each other's heads; and that the camp régime was the same. I am glad to say that I know Mr. Welborn disagreed with this position.

"A 'down-the-canyon' verdict was not likely to be reversed at the office of the general boss, for he is the kingbolt of the machine that must be kept running smoothly. The superintendent can easily erect a wall between himself and the division manager, which only calloused temerity would tackle. At the bottom of the pit with pick and shovel, the miner frequently found a grafting pit boss on his back."

Just within the last three months a pit boss whom I know and can mention by name at Camp Lester was discharged for taking bribes from miners.

"The Federal grand jury which sat in Pueblo during the strike trouble thus portrays the situation: 'Miners generally fear to complain of real grievances, because of the danger of being discharged or being placed in inferior places in the mines. Many miners apparently believe that employees have been discharged because they have made a request for checkweighmen.'"

It is a common saying among miners that they invite their own "canning," or it was equivalent to being canned to ask for a checkweighman.

Chairman WALSH. The absence of checkweighmen was one of the grievances the men had that went on strike; is that correct?

Dr. GARDNER. Yes.

Chairman WALSH. They claimed the companies cheated them on the amount of coal they actually dug out of the ground; is that correct?

Dr. GARDNER. Yes.

Chairman WALSH. And the demand was that they should have men of their own selection who could see that they were paid for what their labor produced?

Dr. GARDNER. It was guaranteed them by the State law. [Continues reading:]

"The responsibility for about 50 per cent of all of the miners of the State laying down their tools lies at the door of the local coal-camp officials, supported by those immediately over them, the division superintendents and the general manager."

In support of that statement I will read a letter from a miner at Frederick, who went out as a striker September 23. I know him very well, and he is a man I am perfectly willing to vouch for any statement that he makes:

"Personally, I think the strike is of no benefit to the workers; and I even think that some of the smaller officers were more to blame than the stockholders," as he puts it.

"The camp superintendents as a whole impress me as a most uncouth, ignorant, immoral, and, in many instances, the most brutal set of men that we have ever met."

Chairman WALSH. Is that your experience generally, as to these subbosses as you went through those camps in sociological work?

Dr. GARDNER. Yes. In my first interview with Mr. Bowers at Denver, at the suggestion of Dr. Corwin, I asked him if it was not possible, in the advanced stage of the coal industry in the United States, to secure a higher grade of men to act as superintendents of the mines. At that time I spoke of these men as blasphemous bullies, and I have never been able to change my mind. [Reading:]

"When ex-mine mule drivers and 'rope riders" are given the arbitrary authority of a provost marshal, in communities varying in size from 200 to 1,000 souls, an individual has been evolved which can only be found in the closed camps of the coal barons or other mines so controlled.

"On the day of the great walkout a super ordered his gunmen to drive the red necks——

Chairman WALSH (interrupting). "Super" is an abbreviation for superintendent?

Dr. GARDNER. Yes; that is a very common expression. [Reading:]

"On the day of the great walkout a super"—at Morley—"ordered his gunmen to drive the red necks—strikers or their sympathisers—off the company property. The zealous deputies refused to permit some men to assist their families to pack their household goods. They were not allowed to stop at the Santa Fe Railroad station, not located on C. F. & I. territory. Only after telegraphic remonstrance from railway officials were the men allowed to wait for the trains."

Chairman WALSH. Were there women and children there?

Dr. GARDNER. I think these were men; they allowed the women and children to stay and pack up their effects.

"After the famous battle of the 'Hogback,' where incessant firing for 50 consecutive hours occurred, a super from the Walsen mine of the C. F. & I. Co. was drunk on the streets of Walsenburg.

"For years a super has been retained at Primero, in one of the largest camps in that district, whose periodical drunken exploits are a disgrace to the whole county."

The manager of the fuel department stubbornly refuses to remove the man. [Continues reading:]

"About a year ago the super at Gulch was let out, whose notorious camp record became unendurable. He soon afterwards opened a saloon in Denver.

"Men who do not know how to speak emphatically without blasphemy, or to enforce discipline without brutality, and who are quite likely to have their efforts seconded by 'camp marshals whose appointments and salaries are controlled by local companies, have exercised a system of espionage and have resorted to arbitrary powers of police control. These, taken with brutal assaults upon the miners, have produced a general dissatisfaction.'"

This last clause I have read is a quotation from the Federal grand jury's report.

Chairman WALSH. Is there no right of appeal to the State officials? When you say they are brutally beaten, is there no appeal to any official?

Dr. GARDNER. Yes; they can appeal to the super or the division superintendent.

Chairman WALSH. You say the superintendents are the brutal men?

Dr. GARDNER. They are.

Chairman WALSH. Is there no one to protect these people? Is not the State of Colorado represented by impartial officials that will protect these men?

Dr. GARDNER. The State of Colorado is represented in the closed camps and in some open camps by justices of the peace, who are company men.

Chairman WALSH. You mean they work for the company?

Dr. GARDNER. They do. [Reading:]

"VIOLENT DEATHS.

"The geological formations in the Rocky Mountain region makes mining peculiarly hazardous. There are two deaths here for every one in all other coal fields in the United States. The Rockefeller company has made a heavy contribution to this mortality. The following explosions in recent years have occurred in the Rockefeller mines: April 2, 1906, Quatro, 19 killed; January 23, 1907, Primero, 22 killed; May 5, 1907, Engleville, 5 killed; January 21, 1910, Primero, 76 killed; October 8, 1910, Starkville, 56 killed. Total, 178 in five years.

"When the second Primero explosion occurred, the leading pastor of Denver, Dr. Robert F. Coyle, of the First Presbyterian Church, from his pulpit declared

the lives had been sacrificed on the altar of corporation cupidity. By telephone, the Rockefeller representative, Mr. Bowers, said he wished to make explanation; to which the good man replied, 'There is nothing to be explained.' For these utterances he was blacklisted along with the 'muckraking magazines, socialistic preachers, trust-busting political shysters, and their bedfellows—the agitators and anarchists.'

"During a recent period of a little over two years there were nearly 180 violent deaths in mines in Las Animas County. Within a period of eight years and a radius of some 150 miles of Trinidad 504 lives were crushed out. In 1914 statistics presented by the United States Bureau of Mines charges 106 deaths to Colorado. More than two human lives a week was the toll exacted."

Chairman WALSH. Do those workmen out there of the intelligent class, of intelligent character, do they claim that is violence being used against them, the happening of so many accidents? Do they classify that as violence on the part of the company?

Dr. GADDIS. They dare not speak out their minds.

Chairman WALSH. Well, in their minds as they do express it, the intelligent ones, do they claim that as violence?

Dr. GADDIS. I am going to refer to that in a special instance later.

Chairman WALSH. Go ahead.

Dr. GADDIS (reading): "For three years past the number of violent deaths for every 1,000 employees has increased. Fifty per cent of these fatal accidents are preventable, and yet an adverse deliverance of a coroner's jury was but once levied against the company during the past 10 years.

"That perjury before the coroner is common no one will deny that has serious regard for a breach of the ninth commandment."

The State superintendent of mines, Dalrymple, has gone on record as saying, "The strained relations between employees and employer are responsible for many accidents." [Reading:]

"A few weeks ago a pit boss and colored miner were killed at Walsen by two runaway cars. It was a topic of conversation among the men of this camp, that the cars had not a double coupling, as required. The company was exculpated" before the grand jury, and the super assured the deputy State mine inspectors that the cars were double coupled."

A few weeks after that incident some 50 colored men were discharged from the Walsen mine, and it was there where this report originated that the cars were single coupled; it started from the colored miners. This very grave offense, we are glad to say, was corrected by the officials and the super was required to reinstate the men. [Reading:]

"Coal at any cost seems the avowed policy of not a few of the petty bosses. That a drunken spree is really a good thing, for the miner will work harder to make up for loss of time when he is able to reach the face of his room again," was the opinion of the superintendent, Charles O'Neill, of the Berwind and Tobasco mines.

Chairman WALSH. Where did you get that information, that it was the opinion of the superintendent that the men would work harder after a drunken spree?

Dr. GADDIS. He told me so in the mine office to my face, Mr. Charles O'Neill.

Chairman WALSH. Were you trying to work to have the men not go to work in that way?

Dr. GADDIS. I was; that was a part of my work.

Chairman WALSH. And you had a conversation with the superintendent in which he told you that the miner will work harder after a drunken spree?

Dr. GADDIS. Yes.

Chairman WALSH. Do you treat of that in your paper?

Dr. GADDIS. Yes.

Chairman WALSH. Do the companies substantially own the saloons where these men get drunk?

Dr. GADDIS. They do in some camps. At Primero they get $1,500 a year rent for a building that cost only $3,000.

Chairman WALSH. And they form the habits of these men?

Dr. GADDIS. Yes.

Chairman WALSH. Proceed.

Dr. GADDIS. [Reading:]

"Of the much-advertised welfare agent 'as a mediator between the company and its employees,' we believe his work will only tend to intensify the despic-

able oppressiveness of the past few years. One super at least has already been informed, sub rosa, that there need be no undue concern about this new officer limiting their assurance. He had been in the field but a few weeks when he effected the discharge of a man with a family to support on the word of a woman of questionable character. The evicted employee was given no opportunity to present his side of the case.

"It is almost farce to presume that a pet appointee would fearlessly and impartially bring things to the surface that would disturb the imperturbable equanimity of the one who must O. K. his monthly salary account.

"The assembling of camp delegates in Bower's old office on January 19, in which complaints were solicited, and a generally bumptious good time, with free auto rides, banquet, and theater party as a part of the program, in addition all expenses being paid to and from their respective camps, was a decided hit."

Chairman WALSH. What was the camp delegates? What do you mean by that? Is that this new scheme they call collective bargaining out there, by which the employees can present grievances for adjustment?

Dr. GARDNER. That is what it is claimed.

Chairman WALSH. You called them "camp delegates," and that they had a convention. How do you say it was done?

Dr. GARDNER. These men were elected, and the orders given were from Denver that no local officials should attend the meeting of any camp where they were elected, but that the men were to elect their own men—that was the supposition—to go up there and air their grievances before Mr. Welborn and Mr. Wettsel and a mediator, Mr. David Griffiths. [Continues reading:]

"And many of the men showed a freedom such as one might expect from them in a meeting exclusively of their immediate associates. If two of the members of this 'Denver convention' represented the rank and file of that body, the form of the past years will not be altered. One of these said members has for some time made more money in his camp than the super himself.

"Another son of Ham who sat in this first assembly of coal-camp patricians and plebians owed the company store a bill of over $90, which the manager had almost despaired of collecting, and for more than a year this same accredited subject had been paying back the store on a $100 advanced for his wife's funeral expenses."

Chairman WALSH. Now, this was a Negro, was he?

Dr. GARDNER. Yes, sir.

Chairman WALSH. Now, you say, however, the men were given to understand that they would choose these men democratically; that is, the company was not to interfere?

Dr. GARDNER. I do.

Chairman WALSH. Well, then, for instance, take this sort of a case, how would it work out, the criticism of this man being that he was beholden to the company for an indebtedness? First, I will ask you, is that a negro camp?

Dr. GARDNER. No, sir.

Chairman WALSH. How did he happen to be representing the white men there—a man that was so——

Dr. GARDNER. I could not say, Mr. Walsh. There are some things that happen that I can not explain.

Chairman WALSH. Go ahead.

Dr. GARDNER (reading):

"A good square kick could hardly be expected from such sources.

"Again the remembrance of so many of their former comrades being 'canned' for squealing would not be forgotten amidst the grandeur and informality of their temporary environment.

"A few weeks after this meeting a representative from headquarters inquired of a super if 'the men thought we were trying to put one over on them?' There is room for suspicion that 'one is being put over on the public and that the various investigating committees are having dust thrown into their eyes; for presto, the lion has been changed into the lamb.'"

If the investigating committees can be kept out of Colorado for the next six months or a year the old shackles of oppression will have received so many new rivets that it will take the hellish fires of another strike to loosen them. [Continues reading:]

"POLITICAL MANEUVERS.

"In the fall of 1912, the present brightest star in Rockefeller's Colorado legal galaxy publicity attacked the corporations in the following language: 'You

who have been attending conventions for the last 10 years in Colorado know very well, if you are honest with yourselves, your neighbors, that you can not put your finger on a single item of convention legislation, in the way of platform or nomination, in which you were instrumental. They have probably given the local superintendent of the mine, the number of delegates to which the community is entitled. He knows he is to select a certain number of men who are to come in and follow the dictation of a single man whose name is given them before they leave. Candidates are selected not with a view of their fitness, not with a view of their ability to discharge their duty, not with a view of their integrity, but "are they satisfactory to the company?"'"

This is a quotation from Judge Northcutt's speech at Lamar.

Chairman WALSH. When did he make that speech?

Mr. GADDIS. Fall of 1912.

Chairman WALSH. Is that the same Judge Northcutt that is prosecuting these men out——

Dr. GADDIS. I refer to that in my next clause.

Chairman WALSH. Now, just a moment. I want to ask you was Judge Northcutt, who was making that speech in the fall of 1912, stating the facts, from your observation of the conditions and of the camp?

Dr. GADDIS. I believe that he was; and I will give you a concrete illustration here in a few moments. [Reading:]

"This man," Judge Northcutt, "was too formidable an antagonist to be at large. Last year no more doughty champion than he defended the Rockefeller interests. The Chronicle-News, the Trinidad evening paper, which he owns and controls, went beyond all limits to out-Herod Herod in their fight against the miners. The city editor of this paper so exasperated the strikers that he apparently considered it the part of wisdom to seek employment in another city.

"The frequent number of conferences the manager of the Trinidad Morning Advertiser had with the Trinidad and Denver office would justify the opinion that the nature of the many columns of their advertising he was carrying needed particular attention."

Chairman WALSH. One moment. Is Judge Northcutt connected with a newspaper?

Dr. GADDIS. He owns and controls the Chronicle News.

Chairman WALSH. The Chronicle News, of Trinidad?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And they sent out editorials that were copied through the papers of the country highly laudatory of these coal companies?

Dr. GADDIS. You mean copies of Judge Northcutt's editorials?

Chairman WALSH. Yes; they published very laudatory editorials about the company and its management of its coal department, and those were sent out throughout the country, and, so far as people in the East were concerned, they would imagine they were from some independent newspaper source, but in fact and really it was owned by Judge Northcutt. Is that correct?

Dr. GADDIS. It is, so far as the Chronicle News is concerned, and I think it is also true as to the Morning Advertiser.

Chairman WALSH. Now, was it in that office of the Chronicle News after this trouble was begun that it was found that arms were stored and munitions to be used against the strikers?

Dr. GADDIS. Well, I think so; it was so reported to me. I could not verify that from personal knowledge.

Chairman WALSH. Well, in the congressional committee's investigation and in our testimony it was stated that they found boxes of ammunition and guns, etc., in this newspaper office.

Dr. GADDIS. I don't doubt it a minute.

Chairman WALSH. Go ahead.

Dr. GADDIS. [Reading:]

"The deliverance of the ex-judge was by no means an anachronism. The company camp delegates to the Las Animas Republican convention in Trinidad last spring, 1914, were closeted with the general boss of the fuel department just before they went to the convention hall," of which procedure I was a witness. I saw these men go in with him and come out, and I recognized several of them. 'If the Republican ticket is not elected, some one will be out of a job,' was a threat put up to us by the surgeon general."

Chairman WALSH. Put up to you personally?

Dr. GADDIS. It was. I considered it not a threat, but just telling me where to head in and where to use my influence.

Chairman WALSH. Well, did you hear that put up to other men working for the company there?

Dr. GADDIS. I don't know that I did. I know he made the remark to me.

Chairman WALSH. That was in the election just past, of 1914?

Dr. GADDIS. Yes, sir. [Continues reading:]

"In the ballot at polls at Tercio, November 3, 1914, the company store manager and mine weigh boss served as camp election judges, which is in open violation of the statutes of Colorado. While in this same camp the superintendent and marshal lined things up on the outside. Returns from this camp were quite satisfactory."

Chairman WALSH. Was any complaint made about that alleged violation of the law?

Dr. GADDIS. I never heard there was.

Chairman WALSH. Well, is there anyone there to look out for that on behalf of the State—that is, for the disinterested people of the State—that would complain about and bring a prosecution for a thing like that if it is true?

Dr. GADDIS. I do not think anyone will doubt it is true.

Chairman WALSH. No; but I am accepting it as true. But I asked you——

Dr. GADDIS (interrupting). The company, in communities like that, overshadows everything; and even men that oppose them politically are almost afraid, for commercial purposes, to come out in an open fight.

Chairman WALSH. Now, you say that is in direct violation of the statutes of Colorado for those people to act as election officials?

Dr. GADDIS. It is; yes.

Chairman WALSH. Now, the statute of limitations has not run against that, has it; if the law is operative in Colorado, those people could still be prosecuted for that crime?

Dr. GADDIS. They can. [Reading:]

"On this same day the clerks in the Denver office were so moved by patriotic principles as to almost desert their desks, to a man, for efforts in and about the polls.

"In the last legislature a company store manager sat as a member in the lower house, who is said to have blandly asserted that he was a corporation man."

This is the store manager for Morley, now in charge of the Trinidad store.

Chairman WALSH. Is he a member of the legislature?

Dr. GADDIS. Not the present one; the last one. [Reading:]

"Several years ago the State legislature found the large corporations so sensitive to restrictive measures that they put up dummy bills as scarecrows; and the fear of obnoxious laws subsided, as the State lawmakers were reduced to a set of blackmailers.

"From a high tribunal the charge is hurled 'the coal companies are sufficiently influential to nominate, elect, and control many country officers, and have done so, with the result of complicating the industrial situation by arousing political prejudices.'

"In 1912 a notice was posted in the camps of the company that 'every one of its employees shall be free to vote as he sees fit.' A hard-working company railway man who dared to be a Democrat was decapitated a few months ago, in spite of the declaration of political independence above quoted.

"SOCIOLOGICAL FEATURES.

"The propaganda for social-welfare work was first introduced by making the surgeon general, Dr. R. W. Corwin, the superintendent of the department. The casa vivienda (living house) of the hospital medical staff at Pueblo is a commodious structure, which modern science and a liberal amount of money have made a place of beauty and luxury. It is situated in a 20-acre cultivated wooded campus, with the hospital buildings in the same inclosure.

"The surroundings at Minnequa have had the same effect upon the sensibilities of the leaders there as the anesthetics they administer to patients in the operating room. The lack of comforts, the squalor and filth of the camps, is so far removed from these gentlemen that they are little touched 'with the feeling of infirmity' for those who must endure the hardships of camp life. An appeal to the surgeon general for relief of some despicable situation seldom meets a prompt and adequate response.

"'We are not engaged in the philanthropic business' was the deliverance of the head of the medical department when solicited to assist those near the hospital who were voluntarily supporting a work that Rockefeller's millions should have long ago put on a firm footing.

"After a few years' trial of the above plan a minister, Rev. Walter Morritt, was employed to act as superintendent of the department of sociology, and also business manager of Minnequa Hospital. To advance the religious, educational, and social work of 25 or 30 camps, necessitating the travel of over 1,000 miles to complete the circuit, is a full complement of labor for any one man. To give one-fifth time afield and four-fifths at home was to allow pressing matters to go by default along progressive welfare lines. After a somewhat lengthy tenure of office the second superintendent retired with very meager results as the sum total of his efforts.

"At this period (about two years ago) there was but one small clubhouse in the Trinidad district of nine (C. F. & I. Co.) camps, one also in the Walsenburg district of six camps, that was not cursed by saloon associations, one in a rock quarry, but so far removed from where the men lived as to be little used by them.

"At Redstone, on the western slope, a large amount of money was expended in improvements of all kinds. It is the show place of the two largest coal companies in the State. But for a number of years neither coal nor coke has been shipped from this point; and as a sociological asset for employees, the whole plant is a negligible quantity.

"At the Pueblo Steel Works, which employs from 4,000 to 6,000 men, there is not a semblance of social-welfare advantages.

"Mr. Bigelow, a well-known eastern sociologist, came to Colorado last summer to take notes of the work of the department now being considered. After a visit to a few camps he concluded there was nothing to investigate and returned home.

"One of the board of directors living in Denver candidly admitted: 'We might as well confes it, we have not given them anything but the saloon for the past 25 years.'

"In contrast to the magnificence at casa vivenda, many of miners families are living in hovels, box-car shacks, and adobe sheds that are not fit for the habitation of human beings.

"But this does not interrupt the deduction of rent from the pay check.

"A camp physician thus describes a certain Italian quarter at Sopris, 'Houses up the canyon, so called, of which 8 are habitable and 46 simply awful; they are disreputably disgraceful. I have had to remove a mother in labor from one part of the shack to another to keep dry.'

"The C. F. & I. Co. now own and rent hovels, shacks, and dugouts that are unfit for the habitation of human beings and are little removed from the pigsty make of dwellings. And the people in them live on the very level of a pigsty.

Here is another quotation.

Chairman WALSH (interrupting). Is that quotation—all that last?

Dr. GARDNER. No, sir; that is my own words. Well, the quotation from the doctor at Sopris is a quotation, and then the last sentence is my own words. [Continues reading:]

"Frequently the population is so congested that whole families are crowded in the one room; eight persons in one small room was reported during the past year.

"In one of their best paying camps, Walsen, the hotel is such a dilapidated ramshackle trap that the boarders are driven from the place offering accommodations."

The doctor at Walsen describes the conditions of the buildings there last summer. These buildings can be seen—no; I will just add here:

"These buildings can be seen to-day at Segundo, Sopris, Berwind, Morley, Robinson, and Crested Butte. A few years ago Gulch, Marion, and Sunlight furnished a type of dwelling to which Weitzel refers in his letter to Bowers as 'shacks and dugouts almost without light and heat.'"

This is several years ago.

Chairman WALSH. Who is Mr. Weitzel?

Dr. GARDNER. Manager of the Colorado Fuel & Iron Co.'s fuel department. Mr. Weitzel thus refers, in his letter to Mr. Bowers, to these buildings as "shacks and dugouts almost without light and heat." The Walsen camp's physician reports June 18, 1914, 47 houses in Red Camp are not suitable for occupancy.

Chairman WALSH. Is that the place where the so-called Battle of Walsen occurred?

Dr. GARDNER. The Battle of Hogback took place.

Chairman WALSH. Where there was a continuous firing for 40 hours?

Dr. GARDNER. Yes, sir.

Chairman WALSH. Who were they firing at?

Dr. GARDNER. Strikers and militiamen shooting each other. It was a battle between men in the camps and the militia and the strikers.

Chairman WALSH. These men in the camps that were shooting were men that lived in those places?

Dr. GARDNER. Yes, sir; and they were men—50 of these men; I think nearly all of them that were discharged from the Walsen camp. These men had taken their lives in their hands to defend the company and were discharged, and the company, I am glad to say, required the superintendent to restore them. The superintendent at Berwind, under date of June 4, 1914, reported, or the camp physician reported, 18 four-room houses unfit for occupancy. At Segundo there are 73 one-room shacks and 2 two-room shacks. [Reading:]

"At an altitude of 10,000 feet in Floresta, where the thermometer drops to an extremely low register, there is not a plastered house to be found.

"The man intrusted to answer the lengthy questionnaire sent out from Washington in my hearing was instructed to fill out the blank forms so as not to arouse suspicion that conditions would fall below the standards suggested by the interrogations."

Chairman WALSH. Now, where was the questionnaire sent from? I don't understand that.

Dr. GARDNER. I think it was sent from Secretary Wilson's office.

Chairman WALSH. The Department of Labor of the Government?

Dr. GARDNER. But it was spoken of in Colorado in my presence and hearing as a report from President Wilson.

Chairman WALSH. It was from the Bureau of Mines, as a matter of fact, was it not?

Dr. GARDNER. I know it was spoken of as a report from President Wilson and was a lengthy document.

Chairman WALSH. What do you say the instructions were about that?

Dr. GARDNER. The man was instructed to answer those questions——

Chairman WALSH (interrupting). What man? I want to get a little of the details about that. What was done about that?

Dr. GARDNER. This occurred at the camp of the physician's residence, Dr. Corwin, who was the manager of the sociological department, and I always stopped there when I went there, and I was there with Mr. Welborn on this occasion.

Chairman WALSH. He was the president of the company?

Dr. GARDNER. Yes, sir; and Dr. Corwin said, "I want you to fill out those blanks."

Chairman WALSH. He said that to you?

Dr. GARDNER. Yes, sir; and he said, "You know more about these things than anybody," and Mr. Welborn objected, and he said, "I want you to do that, Doctor, and so answer the questions that in camps where we have no social work," which comprised most of them, "they would not investigate." That was practically his instruction.

Chairman WALSH. That the Government would not investigate the conditions?

Dr. GARDNER. Yes.

Chairman WALSH. Who did fill it out?

Dr. GARDNER. Dr. Corwin filled it out, and I am pretty sure he sent it to Mr. Welborn to fix it up to suit himself.

Chairman WALSH. I assume, if this was left to you, you would have given the correct and straight information to the United States Government?

Dr. GARDNER. I certainly would, and I have tried to incorporate it in these items here.

Chairman WALSH. You are making your report, in a way, then, to the Government now?

Dr. GARDNER. Yes, sir; it could be so stated.

Chairman WALSH. And you would have made it if Mr. Welborn had not stopped it, at this instance?

Dr. GARDNER. I certainly would, and I would have given them something that would have made them sit up and take notice.

Chairman WALSH. When was that?

Dr. GADDIS. Last summer.

Chairman WALSH. The summer of 1914?

Dr. GADDIS. Yes, sir. [Continues reading:]

"The average underground workman must make the following monthly payments, before the credit side of his account is needed: Powder, caps, and fuses, $5; electric lamp, $1; oil lamp, $1.50, in substitution of the electric light; medical dues, $1; water rent per month in Frederick and Segundo"——

Chairman WALSH. What do you mean by water rent?

Dr. GADDIS. They tap the Trinidad water main at these camps, and charge them $1 a month.

Commissioner LENNON. Is the electric light measured by meter, or so much a month?

Dr. GADDIS. It is on a flat rate, they can burn it all the time if the want to. [Continues reading:]

"Blacksmith, 50 cents; house of four rooms, $8; men's club (voluntary), $1; water at Lester, 35 cents a barrel."

The water at Lester in the hydrants is unfit for use, and turns the vegetables black, and the only use it is fit for is to scrub the floor.

Chairman WALSH. That is not the water they charge for?

Dr. GADDIS. No, sir; they turn good water in at 35 cents a barrel.

Now, I have made an estimate here, and I am sure it is within bounds, during the strike period at least, and I think it would hold good outside. The company's store charged about 35 per cent of the man's pay check; and I had a storeman tell me during the strike he collected 47 per cent of the mine's pay roll for groceries. That, of course, was very exceptional.

Chairman WALSH. Collected 47 per cent of what?

Dr. GADDIS. The total amount of his bill to the miners, what he collected at that time was 47 per cent, over 47 per cent, of the money that was paid to the miners at that time.

Chairman WALSH. That is, the whole pay roll, or individual miners?

Dr. GADDIS. The whole pay roll, for that monthly account.

Chairman WALSH. That is, that out of the total pay received by the collective miners at that place?

Dr. GADDIS. The store got over 47 per cent; it was during the strike. I had this from a store manager, and I saw him working at the books in the main office, and I think he was getting at the figures.

Chairman WALSH. You think that was an exceptionally large amount of deduction?

Dr. GADDIS. Yes, sir; but I believe in place of 20 per cent, which I have seen published many times, that it is nearer 30 or 35 per cent that goes to the company's stores.

We conducted the funeral services of old man Allison near Farmer's that had been discharged because he testified in court that he believed the company were digging coal on property that was not theirs. [Reading:]

"Public schools"——

Commissioner O'CONNELL. Before you go into that, in these adobe shacks and box-car houses you spoke of, have you the rent they charge for those places?

Dr. GADDIS. The average rent is $2 a room. The box-car shack, I think was $1, or perhaps 50 cents, I am not positive, but I think they get $1 a room.

Commissioner O'CONNELL. How many rooms in a box car?

Dr. GADDIS. Two; a dollar a month.

Commissioner WEINSTOCK. Per room?

Dr. GADDIS. Yes, sir; for a two-room box-car shack. I know it is $2 for the other better houses.

Commissioner WEINSTOCK. It is $2 a month per room in the better houses?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. How does that rent compare, if you know, with rentals in cities and towns where workers live?

Dr. GADDIS. I think it is very reasonable in most places, if the houses are good. Two dollars a room, I think, for instance, in some of the camps they have cement blocks, and the houses are kept up in good shape, and the company furnishes them with free paint and calcimine, and the people keep up their houses outside and inside. They take some pride in keeping up the property.

Commissioner WEINSTOCK. Have you in your study been able to determine what is the average paid per room by workers in a modern-sized community?

Dr. GADDIS. No, sir; I have not.

Commissioner WEINSTOCK. It has been estimated, as far as I can obtain, from four to five dollars a month.

Dr. GADDIS. This would make the company then, 50 per cent cheaper. I think the rents are reasonable, when they keep the property up.

Chairman WALSH. Is there any civilized place in the world, that you know of, that under the law there are any such conditions allowed? For instance, a place where a woman was about to be confined, that she would have to be taken to another room to keep the water from running on her? In these instances, have the people any choice or selection of the houses where they shall live, or are they chosen by the company where they live?

Dr. GADDIS. They are allowed to choose their homes, if it is possible, and the camp is not too much congested. For instance, people that are living in one house and want to move, if the super. has another house, he will let them do it if he can.

Chairman WALSH. Take in Primero, the camp I was in, they have a fence run all around, and about three rows of barb wire on top, and all of them live inside of that inclosure.

Dr. GADDIS. That was a closed camp.

Chairman WALSH. And I was informed that no other houses were owned except by the fuel and iron company. Is that correct?

Dr. GADDIS. That is correct in all of the closed camps.

Chairman WALSH. Then those people have no selection of homes if they live in that little town?

Dr. GADDIS. It is optional with the super.; if he can, he generally accommodates them.

Chairman WALSH. But the company owns the one that they move from and the one they move into?

Dr. GADDIS. I mean optional in regard to location. You mean in regard to quality of houses.

Chairman WALSH. Yes, sir.

Dr. GADDIS. Certainly they have to take what is there.

Chairman WALSH. And they are all owned by the company?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. What other method could be followed than the one that is followed under the conditions that exist, by virtue of these mines being away from populated centers?

Dr. GADDIS. I believe, under proper handling, it is not an unmixed evil, the closed camp. It has its advantages and disadvantages.

Commissioner WEINSTOCK. What are they?

Dr. GADDIS. The advantages?

Commissioner WEINSTOCK. And disadvantages?

Dr. GADDIS. The company have unlimited means to improve a camp if they wish to, and they furnish everything for the people, and if the people come there, as they do in some places; in Starkville, it is an open camp, and one of the dirtiest places in Colorado; they don't live oftentimes as cleanly as in closed camps, but on the other hand, in time of strike, as I gave an instance at Morley, those people are utterly at the mercy of the company. They are at all times. It is a question of whether they get the ill will of the super. or not.

Commissioner WEINSTOCK. Well, just a further word of information. You say in time of strike they are utterly at the mercy of the company?

Dr. GADDIS. Certainly they are.

Commissioner WEINSTOCK. If these men working and living in these closed camps are nonunionists or what are called strike breakers and sometimes called scabs, is it not a sort of advantage to them to be under the protection of the company, so that they will not be assaulted by the strikers?

Dr. GADDIS. It is an advantage to them, but it is a disadvantage to the man who is to be put out because he is a union man.

Commissioner WEINSTOCK. Yes; that is true; but if he is no longer an employee of the company he has no right, I take it, to occupy space that is demanded for one who is working for the company, unless the company has room enough to accommodate both workers and nonworkers.

Dr. GADDIS. He is willing to work, the man who is put out.

Commissioner WEINSTOCK. On his own terms?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. Are you prepared to say, if you were an employer, that you would employ men on their own terms regardless of what your terms were?

Dr. GADDIS. My dear sir, I am not prepared to go into a discussion of that question here, I do not think.

Commissioner WEINSTOCK. These questions are all important to the commission; it is exactly what we want to find out.

Dr. GADDIS. I have given my impression of the situation.

Chairman WALSH. You were called on and asked to give certain facts in connection with the coal camps.

Dr. GADDIS. Yes.

Commissioner O'CONNELL. What are the facilities for these closed camps having churches and schools and places of amusement?

Dr. GADDIS. They have just what the company furnishes them. No one can go in there without the consent of the company for any purpose; it is different in a closed camp, religious or otherwise.

Chairman WALSH. Can ministers go in and preach?

Dr. GADDIS. He has to secure the consent of at least the superintendent.

Chairman WALSH. Do they furnish a place to preach in?

Dr. GADDIS. Yes; in some instances; they have a church in Primero.

Chairman WALSH. In any instance have they undertaken to direct what they shall preach?

Dr. GADDIS. No.

Chairman WALSH. Once he gets in, if he gets the permission, he can preach any doctrine he believes?

Dr. GADDIS. Do you mean religious doctrine or anything he wants to say?

Chairman WALSH. Anything that is not in conflict with the law or the rights of other persons.

Dr. GADDIS. Are you speaking of a religious worker or anybody?

Chairman WALSH. I am speaking of the religious worker; supposing the religious worker once gets permission to go in, can he speak his mind freely, as long as he does not say anything in violation of law or morals?

Dr. GADDIS. Certainly he could, I think, without any question.

Commissioner O'CONNELL. Have they schools in the closed camps?

Dr. GADDIS. Yes; some of them are very good and some could not be worse. I will speak about them in the next paragraph, which is on public schools. [Reading:]

"For 10 years a camp was operated without a public school, the nearest one being 4½ miles, or a 9-mile walk each day. Families with children moved away in order to find school privileges. A girl 13 years old lived in this camp who had not been to school."

I am glad to say the company adopted our recommendation, and at their own expense they established a school there. They could not get help from the district, and they equipped the school and are paying the teacher out there, and not only have a day school, but a night school of foreigners learning English. It was said before one of the investigating committees [reading]:

"The school facilities in our camps are the very best." This testimony was given before the congressional committee. At Old Town, "where, prior to the strike, nearly every man in the village worked for the company, an old, leaky roof, adobe building was used for a school for several years. The use of this property gave rent to a former camp marshal, Bob Lee. It is situated at Old Town, between the coke-oven washer and a stable; it is overcrowded with children and at times is filled with smoke from the company plant."

Chairman WALSH. I noticed that the school at the closed camp of Primero was a nice looking building; and they had a social center development upstairs, with moving pictures, etc.

Dr. GADDIS. I am not mentioning that part of the work.

Chairman WALSH. I am going to ask something particular about that.

Dr. GADDIS. Some of the company's school buildings are as good as are to be found in the State.

Chairman WALSH. At that place the saloon keeper stated to us that he was the school director, and that he had charge of the school building; is that true?

Dr. GADDIS. I did not know that he had.

Chairman WALSH. Do you know the saloon keeper there?

Dr. GADDIS. I do. The superintendent has been the director of that local camp since I have been connected with it, and I do all my business with him.

Chairman WALSH. You mean the school director?

Dr. GADDIS. Yes.

Chairman WALSH. How many school directors are there?

Dr. GAMMEL. They have one at Primero, and he takes charge of the school there, and they have one at Segundo and one at Frederick.

Chairman WALSH. So that the statement of the saloon keeper at Primero that he was the school director is incorrect?

Dr. GAMMEL. Unless there has been a very recent election.

Chairman WALSH. That was at the time of the hearing of the commission at Denver.

Dr. GAMMEL. I was told when I was there that the superintendent was director; I do not understand that another man has been elected since. [Reading:]

"Up to last fall a building in a closed camp at Floresta had been utilized for school purposes, located on the second floor of a hotel building owned by the company; to reach it a dark stairway must be ascended; the small windows in the room were on a level with the floor, and in dark days the children had to take their books to the windows to read.

"In another community the windows and doors of the schoolhouse had become so loose that on windy days, of which there were many, one was reminded of a ride on a motorcycle. A teacher in this building said that sessions of her school were interfered with because the room could not be warmed on cold days. For making this statement to me she was informed by the superintendent that her appointment as teacher for the coming year would not have been approved had he known of her course a little earlier.

"A State statute at least 20 years old requires fireproof fire escapes on all two-story school buildings. The company has at least six such buildings, and not one of them was protected according to law at the beginning of 1914. The threat of a penitentiary sentence, which the law imposes, caused activity in some quarters, but was ineffectual with other."

Chairman WALSH: When was that done, when was that effort made?

Dr. GAMMEL: I made this effort, and sent them the law, and submitted it to them personally, and Mr. Welborn backed me up, but I could not get some of them to act.

Chairman WALSH. As far as you know, that is not directly chargeable to the company there?

Dr. GAMMEL. They are employed, and are the company hirelings, and employed by the Colorado Fuel & Iron Co.

Chairman WALSH. And also act as school directors?

Dr. GAMMEL. Yes, sir. [Reading:]

"A young married man was suddenly deprived of his position as principal and a local official's daughter given the place. A store manager school director wished to remove a lady teacher because she did not trade with him."

There are teachers to-day in the Colorado Fuel & Iron schools who can not speak correct English. Employees with children or relatives count the camp as a private crib. [Reading:]

"A principal was not reappointed last fall on the ground that he was a red neck."

He took his appeal to Mr. Bowers from Mr. Welborn.

Chairman WALSH. You had better explain what a red neck is.

Dr. GAMMEL. A red neck is a phrase in Colorado for a striker or strike sympathizer.

I asked the assistant general manager of the fuel department for his reason, and he was supported in his position by the manager of the fuel department, the camp superintendent, the county superintendent of schools, and the store manager what they had against the teacher. Mr. Welborn and I kept in connection with him in the matter, and demanded proof or good cause as to why the man should be removed. When I asked the assistant manager of the fuel department for his proof, he replied to me [reading]:

"'So-and-so is a G. D. red neck; when I dismiss a man working for me, that settles it. If the Denver office wishes to make the appointment of schoolteachers I have nothing to say.'

"Later the man, who had appealed to both Bowers and Welborn, was taken care of in another camp."

We helped to place him. I was instrumental in having him located at a near-by camp, at a little less salary, but he was taken care of.

Chairman WALSH. Had he been a striker or sympathizer?

Dr. GAMMEL. He absolutely denied the charge that he had shown such an attitude.

Chairman WALSH. Have they power enough to remove a school director on the ground that he sympathizes with the men on strike?

Dr. GADDIS. There was a good deal of power there. The manager of the fuel department, the assistant manager, and the county superintendent, and it leaked out that this principal that was removed was a Republican, the county superintendent's opponent for his place, and I asked the principal if he believed it was a political move, and he said that it was. This county superintendent was invited at that time to come to the local school-board meeting and help to oust this man. [Reading:]

"For being instrumental in having an inefficient niece removed from a position that was paying her $80 per month we were threatened with physical violence by the camp super.

"A young man that insisted his lady teachers conduct themselves properly and that dances in the schoolhouse close at 12 o'clock Saturday night instead of 4 a. m. Sunday, was called 'too religious,' and informed that had he conducted himself as other men in the camp, he would not have lost his position.

"A store manager's daughter"—at Morley—"below legal age, and without any teacher's certificate, was made a teacher against the protest of the county superintendent and the people of the camp."

We took up the case by correspondence, and they claimed that she was teaching there without salary, but nevertheless it was improper. [Continues reading:]

"Whenever there is danger that the company clique may lose control of the school-board directorship, the indefeasible right of the electors is denied them, and an obsequious county superintendent makes a favorable appointment."

This occurred in Morley and Pictou last year. The women of the Morley camp raised their voice against this young girl teaching in school. They went to the county superintendent, but he could not discharge her. Then they made up their mind that they would get a director that would help to get her out. In order to defeat their purpose the election was not called, and a company man was appointed by the county superintendent. I called Mr. Weltsel's attention to this, the manager of the fuel department, and he excused it on the ground that it was quite common practice. In the Pictou case I referred it to Mr. Welborn, and he did nothing. [Reading:]

"In many camps a large portion of all of the school tax is levied on company property. This, together with the school directors being hirelings, has led to surprising liberties with this public fund. A $6,000 building was erected, the company carpenters doing all the work. With the building still unpaid for, no indebtedness was recorded in the county treasurer's office against the district. The mine clerk was receiving notices from company headquarters as to the amount of the debt still due the company. The president of one of the boards stated his district had paid the company enough interest on their debt to pay for the school building. The company advances money for the proposed improvements and seems to collect the principal on the terms to suit themselves.

"In order to put some additional equipment in one of the schools, inquiry was made as to the amount of money the district would have to use for the current year. The clerk of the board gave it as less than $3,000, while county treasurer said warrants to the extent of $9,000 would be honored from that district."

A camp doctor told me that whoever held warrants for their new school building were in no hurry for payment. [Reading:]

"The law of the State permits the schools of the camp grade to fix the salary of the clerk of the board. It would be an interesting item to know the exact amount of money this scribe receives."

Public school improvements are all provided for by the State law, but a private conference of the manager of the fuel department and superintendent, and the State law goes hang.

Chairman WALSH. Is there any objection on the part of the people that are not connected with the coal and iron company, that are not employees, to the school funds of the State being handled in this manner, and that part of the State's duty being handled in this way, as you have described it, by the company?

Dr. GADDIS. This is done principally in closed camps, and people are helpless, and it is not known. [Reading:]

"SANITATION.

"The insanitary plight of large portions of company property is due very largely to the fact that the hands of the camp physician are tied by the superintendent. For a man who has made hygienic science a special study, to

have his recommendations thwarted by a blockheaded super., makes the general boss of the coal regions supreme in his realm, but it is little less than a crime against the camp population. For a super. to tell a doctor who has made a request for the protection of the health of a neighborhood, 'Now, you are knocking me'"—that is a quotation one of the doctors told me—" all but makes one feel they would like to have a virile pugilist handy to place some genuine knocks."

The physician asked the super. to have the camp cleaned up, and no time should have been lost in ridding the place of its malady-breeding spots. The super. replied, "I have no men for that work; let the people clean up their own yards; if you want the camp cleaned, do it yourself," and the doctor told me rather than to have those conditions exist, that he did with his own hands remove most of this scavenger alley-surface refuse.

Here is the way another doctor last summer writes concerning the situation of a doctor being tied or under the super. concerning sanitation: "I suggest therefore, that the superintendent be plainly instructed to acquiesce in any reasonable and courteous request issuing from the physician's office and pertaining to camp sanitation and welfare. I do not mean to imply dissatisfaction with the present superintendent, but I would provide against future contingencies. On some former occasion, when I have made such request, I have been impressed with the idea that the awful, omnipotent, czarlike authority of the local power that be, rendered them capable to run this camp without any of my suggestions. [Reading:]

"As a fruit of such folly, the medical report for all camps and plants for 1912 and 1913, gave 151 cases of typhoid, or nearly three a week for the entire year. For more than a year a cesspool, within a few feet of the company's store, was allowed to relieve itself by overflowing at the top and running down across the principal thoroughfare of the camp. Both the store manager and his wife had been down with typhoid. This Stygian situation and others almost as offensive were reported to the head of the medical work, and was passed over by a reply to the 'kicker'—'better be careful or you will step on some one's toes.'"

Chairman WALSH. Was that situation cleaned up where those people had the typhoid fever?

Dr. GADDIS. Subsequently it was, but by a new superintendent.

Chairman WALSH. Is this just an isolated instance, or do they allow the hygienic situation to go unattended in that way generally?

Dr. GADDIS. In some of the camps it could not be worse, and in some it is very good, indeed.

Chairman WALSH. Have these places been called—these bad places—called to their attention?

Dr. GADDIS. The doctor's report, which I am submitting to you, speaks in stronger language than I could.

Chairman WALSH. Among the intelligent workers, is it considered an insidious and criminal violence to let it go until they take typhoid and die?

Dr. GADDIS. It is among some considered criminal negligence, but among the ignorant class they don't pay any attention to it. [Reading:]

"The mountainous situation of many camps fairly well takes care of the otherwise miserable drainage. The surface débris was allowed to collect so heavily in one camp as to appear as if the place had never been properly cleaned. The closets and public washhouses are permitted to be in degrees of unhealthiness that, were it not for the pure mountain air and its unequaled aridity in great abundance, sickness and death would run riot."

We do not believe more repulsive looking human rat holes can be found in America than those of Berwind Canyon before the strike. [Continues reading:]

"The water in most of the camps is very good, but there are some notable exceptions. The intake of a water supply at Ideal, from a so-called mountain stream, was the favorite standing ground for cattle."

I told the superintendent of this camp about such a situation, and on one Sabbath morning, when we were holding religious services, he got a gang of men and threw a barb-wire fence around the place where the cattle had been standing.

I referred to that selling of water at Lester. [Reading:]

"Seepage water from a large mine at Walsen, with a distinctively dead-rat-essence flavor, was supplied to three camps, because it was cheaper than to tap the main pipe line, of one of the best water sources in the State, even though this water main ran directly through one of the camps.

"By the payment of $1 per month, deducted from the employee's pay check, he is entitled to free medical service for himself and family at the camp; free hospital treatment for himself and one-half rate for any member of his family.

"The physicians are paid a salary, generally including house rent and coal free. They are to give gratuitous services for all cases except those of confinement, venereal diseases, and fight bruises. A monthly allowance for drugs of 3 cents per capita is also furnished.

"The apportionment for medicine, which they must freely dispense, is entirely inadequate to meet their needs. In one camp the doctor's monthly bill for drugs was $25 or more, and he was receiving about $12 for such expense from the company. That would put him nearly $150 in the hole at the end of the year. This arrearage must either be paid from the doctor's pocket, or from the extra money he receives in cases above noted, or from neighborhood practice, or extortion, which is sometimes indulged.

"By a special order from the head of the medical department at Pueblo, the doctor's charges, whether reasonable or extortionate, may be deducted from the employee's pay check."

There is not a camp hotel or boarding house in a C. F. & I. camp where the bedrooms are heated; men suffer with mountain winters. [Reading:]

"Presumably for an object lesson for the whole camp, a bill for services was collected through the mine office by the company physician when the family had been so bold as to call in a doctor of their own choice, and the father was discharged for being unwilling to pay it. This case was reported to the Denver headquarters, and no redress was ever made.

"THE COLORADO SUPPLY CO.

"A chain of 22 retail and 2 wholesale stores extending from southern Colorado to northern Wyoming represents the mercantile side of Rockefeller's work in the Rockies.

"The development of the bulk of this business from two or three small stores to its present huge dimensions was largely through the genius of one man. A few weeks ago, after having served the company for more than 25 years, he was asked to resign; having previously been compelled to surrender all his stock holdings.

"The word had gone out from one who stood second only to Rockefeller himself that retrenchment was necessary; and the head of one who had whitened with many winters of arduous service was not to be spared.

"Prior to 1910 all but 19 per cent of the stock of the company stores was held by employees. Men who had reached their salary limit, but whom the company wished to show favor, were given the privilege of profit sharing in a business that paid 20 per cent per annum. Bowers called in every scrap of paper that represented stock certificates of the store company. No action that this man performed during this Colorado career was more impolitic. Only blinded selfishness could reason that store managers and clerks who were drawing good dividends on the work they were advancing would be more zealous if the source of such money was cut off by a ukase from the Boston Building.

"One manager had paid $125 for $100 shares and borrowed money at 18 per cent to make his purchase.

"Here is one of the store manager's plans of not missing the dividends. He draws a salary of $150 per month, the average amount paid for that position. His work really pays him $7 a day—i. e., $60 extra in rake-offs. Chickens are worth 20 cents a pound in the camps; and when his chickens go into the butcher shop 20 cents per pound comes back to him. Cattle can be bought from ranchmen cheaper than dressed beef from Swift or Armour. The ranchman is paid one price and the store company is charged another, and so forth."

The deliverance of the 25 editors for the pro-operators pronouncement in speaking of the right to trade at any store, the editors make this pronouncement:

Commissioner WEINSTOCK. You said the deliverance of the 25 editors?

Dr. GARDIS. Yes, sir.

Commissioner WEINSTOCK. In what sense do you use the word "deliverance"?

Dr. GARDIS. It was a formal document adopted by those men in conference in Denver, and printed in all the papers.

Commissioner WEINSTOCK. A statement by 25 editors?

Dr. GADDIS. Yes, sir. The editors say: "This sixth demand also may not have been accorded the miners by the mine owners. It should also be guaranteed to the miners."

A former store manager at Tercio, now with the Victor-American Co., put up such thieving costs on groceries in that camp that the company had to let him go for such robbery. His successor told me what reduction he had made on sugar and flour when he took charge. The exact amount I can not recall; it was very heavy subtraction, amounting to something like 75 cents a pound, I think.

Commissioner WEINSTOCK. 75 cents a pound on sugar?

Dr. GADDIS. On flour, I think it was—no, on 100 pounds, I meant it. I have it 100 pounds here.

Commissioner WEINSTOCK. You mean he raised the cost on his inventory and put in a fictitious value?

Dr. GADDIS. I don't know what he did in his inventory, but he was charging that to the miners when this new man reduced the price.

Commissioner WEINSTOCK. In other words, he was overcharging his customers?

Dr. GADDIS. Yes, sir. [Reading:]

"That the business methods of the Colorado Supply Co. in the past few years have been little less arduous than the famous West Virginia mining-camp stores let the following facts attest: One physician who had served the company for 17 or 18 years declared if a strike is called the Colorado Supply Co. will be responsible. A man filling one of the highest positions in a local camp received a letter of inquiry as to why he did not trade at the company store. His reply contained his resignation (not accepted) but that he would trade where he thought best. A local doctor estimated he could only afford to buy 60 per cent of his groceries in camp. Lessees of company hotel buildings did not feel free to buy staple groceries except at 'the store.'"

Chairman WALSH. Was that one of the grievances that these men gave that went on strike?

Dr. GADDIS. It was one of their specific grievances, to trade where they pleased. The manager of the fuel department instructed the superintendent, and he so informed me about three months ago, to use his influence to have employees trade at the store. [Reading:]

"A few months ago a young manager asked the wife of a laborer if her husband wished to continue working in that place, and if so, their grocery business had better come his way.

"A mail-order catalogue from one of the Chicago houses was deposited in an arroyo instead of the hands of the addressee, who was a man well known in the community.

"Store managers are the postmasters in most places. For years it has been the custom of the Rockefeller stores to give a company draft when a postal order was solicited and charge the United States postal rates. The amount of money the Government has lost by this trickery would take expert accountants many days to foot up.

"Since the close of the great strike many 'gabfests' have been held; in which the managers have been told a 'square deal' must be given in the future.

"Prices in some stores have dropped 10 per cent, and 10 per cent more would still leave a handsome profit for Rockefeller in the mining-camp groceries.

"THE CAMP SALOON.

"Only a few years ago the saloon was run in connection with the company store. Bowers divorced such an unholy alliance. Now, some of the most prominent and best structures in the camps are used as saloons. In 1908 there were 82 saloons in 25 camps of the Rockefeller mines. Twelve of these saloons operated under lease from the company. In 1913 within a circle of 4 miles diameter, including four camp villages, there were 28 saloons. One of these was on company property and was bringing $1,500 rent to the credit side of coal production for that camp.

"The policy of the company has been to farm out their privilege for these joints to human ghouls, who operate them, by the camp marshal's consent, without any regard to the restrictive statutes of the State that would interfere with their business.

"At Delagua, not a C. F. & I. camp, an officer of the National Guard noticing a saloon open on the Sabbath said to the proprietor: 'Do you know of a State

law which prohibits keeping saloons open on Sunday?'—same policy was pursued on C. F. & I. property—'Oh, that's all right,' replied the liquor vender, 'I am justice of peace in this town and we don't pay much attention to such things as State laws.'

"Sabbath opening is condoned by local officials; selling to minors and drunkards is an offense that is allowed to pass without protest.

"A saloon and lodging house known as the Metropolitan Hotel, in Trinidad, was used as an employment bureau. The manager was an employee of the company, and the stock of liquors on hand was regularly invoiced by their traveling auditor.

"The former general office building in Pueblo, afterwards known as the Southern Hotel, was rented as a second-rate lodging house, and a tenth rate barroom annexed.

"A lessee of a camp saloon"—at Morley—"on company property was being credited $200 a month for advancing cash to erect the building. Terms of the lease required the company to pay him any balance due on the building, when the partnership ceased. Some years ago when times were very hard this saloon proprietor came forward with cash to assist the company to meet its pay roll."

It was President Kebler's avowed and practical policy to establish saloons for the different nationalities in the camps. [Reading:]

"The 'chamber of horrors' which a camp saloon presents after pay day is so pathetic and shameful that it must be seen in order to be fully comprehended.

"Men earning $25 or $40 a week go home penniless after a gambling and drinking bout in one of these places.

"Twice a month the coal production is seriously weakened, while the men squander their hard-earned wages, rob their families of needed clothing and food, and fill the coffers of outlaws, who carry on their traffic with a tacit approval of Rockefeller's officials.

"One of the largest saloons on company grounds is run by an Italian, and the sheriff of Huerfano County is his silent partner. In former years this official had financial interests in more than a dozen camp saloons."

Commissioner LENNON. Who was Jeff Farr?

Dr. GADDIS. Yes, sir. [Reading:]

"That camps can be run better without saloons than with them, experience in the strike zone and more than 10 years' trial in one of their large iron mines has fully proven.

"In the face of a vote of over 12,000 majority placing the State ban on the liquor business, several camp saloons were allowed to reopen for one more year of devastation."

Mr. Bowers told me that he would not allow a camp saloon to open after the vote was taken if Mr. Weitzel would concur. Mr. Weitzel would not concur. [Reading:]

"The old saw that 'every man is entitled to the fruit of his own labor' is severely dealt with by the camp saloon keeper.

"The argument that the company must conduct a high-grade saloon in order to prevent dives from starting up just outside the property line has no weight with those familiar with the conduct of the so-called company-protected saloons.

"One super. justified gambling on the same basis, and all other evils may be so exculpated.

"The one strongest inciting factor that precipitated the bloody struggle of last year was the camp saloon. Here men met and, irrationally inflamed, they planned deeds that no sober or well-balanced mind could entertain.

"The saloon managers of the Colorado collieries are well referred to by Kipling in the nineties:

"'That bids him flout the law he makes;
"'That bids him make the law he flouts;
"'Till, dazed by many doubts, he wakes
"'The drumming guns that have no doubts.'"

That is my statement, Mr. Walsh.

Chairman WALSH. Now, I have a letter here from Mr. L. M. Bowers. Mr. Bowers, as I understand it, until he retired from this company, after this strike, was the chairman of the executive board of the company, and generally understood to be the personal representative of Mr. Rockefeller in that community; is that correct?

Dr. GARDNER. Yes, sir; that is my understanding.

Chairman WALSH. And was he so looked upon and understood by the people generally in Colorado?

Dr. GARDNER. He certainly was.

Chairman WALSH. I want to read what he says in this letter of May 13, addressed to Mr. Heydt, private secretary of John D. Rockefeller, jr., and ask you a question after I read this portion to you [reading]:

"DEAR MR. HEYDT: Yours of the 10th, inclosing a letter of Mr. Frank S. Hoag, of the Pueblo Star-Journal, is at hand.

"While I know nothing about the paper referred to as a business proposition, I think it would be undesirable for the Colorado Fuel & Iron Co. to have Mr. Rockefeller interested in a newspaper at this time in a financial or any other way.

"The Colorado Fuel & Iron Co. for many years was accused of being the political dictator of southern Colorado, and, in fact, were a mighty power in the entire State. When I came here it was said that the C. F. & I. Co. voted every man and woman in their employ, without any regard to their being naturalized or not; and even their mules, it used to be remarked, were registered, if they were fortunate enough to possess names. Anyhow, a political department was maintained at a heavy expense. I had before me the contributions of the C. F. & I. Co. for the campaign of 1904, amounting to $80,000, paid out personally by President Hearne. All the vouchers and checks I have examined personally, all of which were payable to Albert A. Miller, upon which he drew the currency, and, it is said, handed the money over to Mr. Hearne, who paid it out. So far as I can discover, not one particle of good was accomplished for the company, but Mr. Hearne was an aspirant for the position of United States Senator and devoted a vast amount of time and money with this end in view, I have no doubt.

"The company became notorious in many sections for their support of the liquor interests. They established saloons everywhere they possible could. This department was managed by a brother of the one-time president of the company, who died, about the time I came here, a victim of his own intemperate habits."

I leave out the name of the man, he being dead.

"A sheriff, elected by the votes of the C. F. & I. Co. employees, and who had been kept in office a great many years, established himself or became a partner in 16 liquor stores in our coal mines. To clean up the saloons, and with them the gambling hells and houses of prostitution, has been one of the things that Mr. Welborn and I have devoted an enormous amount of time to during the past five years. The decent newspapers everlastingly lampooned the C. F. & I. Co. at every election; and I am forced to say the company merited, from a moral standpoint, every shot that was fired into their camp.

"Since I came here not a nickel has been paid to any politician or political party. We have fought the saloons with all the power we possess. We have forbidden any politician from going into our camps, and every subordinate official connected with the company has been forbidden to influence our men to vote for any particular candidate. We have not lobbied in the legislature, but have gone directly to the governor and other able men and have demanded fair treatment."

Now, I am going to ask you, considering what you have stated here, whether or not it is a fact that the C. F. & I. are still controlling the political destines of southern Colorado through the means stated by Mr. Northcutt in his speech at Lamar, and the means that you have testified to here?

Dr. GARDNER. I don't think they are controlling them to that extent now, that they were when that letter was written; but I think they are certainly doing it as far as they dare.

Chairman WALSH. Well, this letter was written May 13, 1913, immediately before the strike?

Dr. GARDNER. Yes.

Chairman WALSH. Were they controlling them in that way at that time?

Dr. GARDNER. They certainly were, that was the general topic of conversation.

Chairman WALSH. It says here, "The company became notorious in many sections for their support of the liquor interests. They established saloons everywhere they possibly could." Now, at that time—that is, in the olden times—they did not have this method, as, for instance, at Primero, where they rent a building which cost $3,000 for $1,500 a year, and where in that way they are still at that place directly connected with the profits of the saloon business?

Dr. GADDIS. They are through the rent only.

Chairman WALSH. Through the rent only?

Dr. GADDIS. Yes.

Chairman WALSH. Nevertheless, they get the rent?

Dr. GADDIS. Yes, sir.

Chairman WALSH. Just a way of covering up in a smooth way their being in the saloon business at that place?

Dr. GADDIS. Fifty dollars a month would be splendid rent for the building, or $75.

Chairman WALSH. That is in a closed camp, and nobody patronizes that saloon at that particular place, except the men that work in the mines, would you say?

Dr. GADDIS. Well, I don't believe they would stop a rancher going in there.

Chairman WALSH. Well, do ranchers go in there—these closed camps?

Dr. GADDIS. Oh, they come in there now. The ban has been lifted. During the time of the strike, at that time they were not allowed to come in; but now, and I suppose can get a drink there, too.

Chairman WALSH. And in that way the C. F. & I. has established its partnership in the saloon business. And that is only one of the saloons that is run by the sheriff out there, Jeff Farr?

Dr. GADDIS. Yes.

Chairman WALSH. And he is still there in office?

Dr. GADDIS. Yes, sir.

Chairman WALSH. Still kept there by the influence of the C. F. & I.?

Dr. GADDIS. I believe he is.

Chairman WALSH. It is generally believed in your country that he is?

Dr. GADDIS. Yes, sir.

Chairman WALSH. Is he the man that before anything was said—that is, before any vote was taken for a strike, in August of 1913—armed 320 men, paid by the C. F. & I., about whom he testified that so far as he knew they might have been red-handed murderers fresh from the scenes of their crimes.

Dr. GADDIS. Same man.

Chairman WALSH. The same man?

Dr. GADDIS. Yes.

Chairman WALSH. And he is still there?

Dr. GADDIS. Yes; right on the job.

Chairman WALSH. And held in there by the same influence, and still in the saloon business?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And controls saloons around in the mining camps in southern Colorado?

Dr. GADDIS. The saloon in the Rouse camp that I referred to as being allowed to open by the manager of the fuel department a few months ago. That saloon Mr. Farr is a partner in. About 1 mile away there is another saloon at Lester. There was no cause for opening that saloon whatever. It is one of the most notorious places in Colorado to degrade and debase men; and I think that Jeff Farr's influence opened that saloon.

Chairman WALSH. Is he interested in it?

Dr. GADDIS. He is; yes.

Chairman WALSH. Has Jeff Farr a home in Trinidad; is it?

Dr. GADDIS. He lives at Walsenburg, Huerfano County.

Chairman WALSH. Does he have a wholesale liquor store at some place out of which he works these mining camps?

Dr. GADDIS. Yes; I think he has.

Chairman WALSH. Where is his wholesale liquor store?

Dr. GADDIS. At Walsenburg. I am sure he is interested in a wholesale store there.

Chairman WALSH. Now, where did you say you saw these delegates to a political convention going into a room?

Dr. GADDIS. Into the Trinidad office of the division superintendent, Mr. Thomas. I sat there and watched them.

Chairman WALSH. And what sort of a convention was taking place?

Dr. GADDIS. It was the election of the delegates to what is called the primary convention, I believe.

Chairman WALSH. Now, you say in certain places the officers of the mining company are the judges and clerks of election?

Dr. GADDIS. They were at Tercio.

Chairman WALSH. And that was in direct violation of the State law?

Dr. GADDIS. It is.

Chairman WALSH. And the judges and clerks, as in other places, totaled up the returns and submitted them to the authorities?

Dr. GADDIS. Well, I would not say that they did not do it honestly.

Chairman WALSH. I understand that; but they have that authority?

Dr. GADDIS. Yes, sir.

Chairman WALSH. They are elected judges and clerks, and to that extent they controlled the making of the election returns?

Dr. GADDIS. Yes, sir.

Chairman WALSH. Now, I notice this letter of Mr. Bowers says that they go directly to the governor and other able men and demand fair treatment nowadays. Now, when was it that Mr. Northcutt, Judge Northcutt, made that speech in which he states that they received their instructions to State conventions from the superintendent of the mines?

Dr. GADDIS. That was in 1912.

Chairman WALSH. Just one year before that was written?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And Northcutt is known there as and he is now an attorney for the Colorado Fuel & Iron Co.?

Dr. GADDIS. He is; yes, sir.

Chairman WALSH. And represents them in the courts?

Dr. GADDIS. Yes.

Chairman WALSH. He took part in a case against a man named Zancanelli, who has just been convicted and sentenced for life for complicity in what is known as the Oakdale trouble?

Dr. GADDIS. Oakdale murder; yes, sir.

Chairman WALSH. Oakdale murder?

Dr. GADDIS. Yes; Mr. Northcutt is one of the leading atorneys in that—in what they call the La Veta murder.

Chairman WALSH. So far as your information goes, what he stated about the absolute political control, was true?

Dr. GADDIS. I do believe it; yes, sir.

Chairman WALSH. In 1912?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And that extended generally to the time this letter was written to Mr. Heydt by Mr. Bowers?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And that was the conduct in 1910 and 1911?

Dr. GADDIS. Yes, sir; in referring to Mr. Rockefeller purchasing a newspaper, I think there were some actions in regard to that—in regard to purchasing the Denver News—and Mr. Welborn said he did not think it would be wise he believed to do it. It was heavily bonded. Right after the strike, or a few months ago, there was a change in the editor of the Pueblo Chieftain, which is known as a strong Colorado Fuel & Iron Co. paper. There was a notorious exposure of the padding of the pay rolls of the Pueblo Steel Works, one of the most gigantic steals I ever heard of in America, that had gone on for 10 years, I think, and millions of dollars were lost. The whole matter was covered up as quickly as possible, and a few nominal sentences imposed on some men of that office, and they were discharged—quite a number of men in inferior positions were discharged. The new editor of this paper, in an editorial, said that he did not think the decapitation should have stopped until it reached the higher parties and for this deliverance he was threatened with expulsion from the Elite—a Monday literary club out there. Dr. Corwin was a member of that, and he was threatened to be turned out of it. A few weeks after he had made this statement I was accidentally at the casa vivienda. The editor was publicly bawled out by the assistant manager of the steel works as a misrepresentative of true journalism.

Chairman WALSH. Now, you state——

Dr. GADDIS (interrupting). Just let me add there, from the smell of brimstone around the steel works for a few weeks after this exposure, I think the editor had hit the right trail.

Commissioner WEINSTOCK. May I ask who were the sufferers in that steal?

Dr. GADDIS. The company—the Colorado Fuel & Iron Co.

Commissioner WEINSTOCK. The officials had robbed the company?

Dr. GADDIS. They were men that—yes, officials and men in their employ. I don't suppose you would call them officials. I suppose you would call them employees, unless you go higher to the heads of the departments there.

Chairman WALSH. Have you paid any attention to the trials that are going on in Colorado at the present time against the men who took part in this strike as executive officers of the union?

Dr. GARDNER. I have read all I could get hold of, Mr. Walsh.

Chairman WALSH. Have you any personal knowledge with reference to the make-up of the juries that are trying those men—any contribution that you could make of that sort?

Dr. GARDNER. Personally I knew a juror that voted to convict Mr.—what is his name there?

Chairman WALSH. John R. Lawson.

Dr. GARDNER. John R. Lawson, at Trinidad—Mr. W. W. Wilson; I know him.

Chairman WALSH. Mr. Lawson was the man who was vice president of the United Mine Workers of America, or a member of the national executive board of the United Mine Workers of America, and he has just been convicted of murder in the first degree, at Trinidad?

Dr. GARDNER. Yes, sir.

Chairman WALSH. Now, what were you going to say about your personal information about the jurors?

Dr. GARDNER. Just a few weeks before leaving Colorado I met Mr. Wilson on the train——

Chairman WALSH (interrupting). Who was Mr. Wilson?

Dr. GARDNER. Mr. Wilson was one of the jurors—W. W. Wilson—and so reported in the paper, and he is a traveling salesman in that territory of the National Biscuit Co. And he told me that he had all the camps of the C. F. & I. stores. The general manager of the Victor-American Fuel Co. was sitting in the seat, and he says, "I can't get into his camps; he won't let me. I hope that he will, but I have the business of the C. F. & I. Co." And he gave me to understand that he did not have to go there and use any genuflections of a salesman; just let the store manager know who he was and the sales were made. Now, that means thousands of dollars of business to pass through Mr. Wilson's hands. And personally I would not want such a man to vote on my verdict, if my life was at stake and the Colorado Fuel & Iron Co. prosecuting.

Chairman WALSH. A gentleman has just handed me a note, and I did not hear whether or not you stated that the privilege Mr. Wilson had was an exclusive privilege.

Dr. GARDNER. It is; yes. It is exclusive for that line of goods, and it was given to him by the officers of the C. F. & I. Co.—I mean, of the Colorado Supply Co., which is——

Chairman WALSH (interrupting). You say that the papers stated that one of the jurors in the trial that convicted Mr. Lawson was Mr. Wilson?

Dr. GARDNER. It did; it did not state—don't misunderstand me. I inferred that W. W. Wilson, who is a traveling salesman, was this man. It did not state in the paper that he was the man, but he is known as "Bill Wilson," and he is the only man in Trinidad——

Chairman WALSH (interrupting). That can be ascertained by checking that up.

Dr. GARDNER. Yes; certainly it can be very easily ascertained.

Chairman WALSH. Now, when was this conference you had with President Welborn and the doctor with reference to making a report to the Bureau of Mines and Mining of the Government?

Dr. GARDNER. That was last summer.

Chairman WALSH. That was the summer of 1914?

Dr. GARDNER. Yes, sir.

Chairman WALSH. Now, you say you would have made that report to the Government had the matter not been taken out of your hands by Mr. Welborn?

Dr. GARDNER. I certainly would.

Chairman WALSH. And you would have told the truth as you have told it here upon the witness stand?

Dr. GARDNER. As I believe what is the truth; yes, sir.

Chairman WALSH. Now, you were subsequently discharged from the employ of the Colorado Fuel & Iron Co.?

Dr. GARDNER. I was. That occurred in this way, of you will allow me to explain it.

Chairman WALSH. Well, briefly, because we are not much—I am not much interested in it, except that——

Dr. GARDNER (interrupting). Well, it won't take but a minute, and it will be a satisfaction to me, as you have made public reference to it.

I dealt with Mr. Bowers largely when I went to Denver, as to the sociological work, and I tried to see him whenever I could. Mr. Bowers wrote me a letter when he was going to Binghamton, stating that all future communications from my department should be addressed to Mr. Welborn. Mr. Welborn gave me to understand that he would not bother with them; that I must take up everything with Mr. Weitzel.

Chairman WALSH. Would not bother with the sociological work?

Dr. GADDIS. With the sociological work pertaining to the fuel department. And I was so told by Mr. Weitzel. As I said, I do not consider Mr. Weitzel at all qualified to speak the first and last word on matters of sociological import, and we did not get along. We did the first year, but he certainly turned on me, and nothing that I did could please him. The fact of it was my report made statements that I knew would offend him. I did not care. They were outrageous conditions and ought to have been reported, and for that reason he was determined to get me out of the way.

Chairman WALSH. What were the statements that were outrageous that you put in there?

Dr. GADDIS. Why, in regard to sanitation.

Chairman WALSH. Did you tell him these people were getting typhus and were dying?

Dr. GADDIS. I did. Yes; I put it into my reports. I wrote a letter to the New York office, telling them what Mr. Weitzel was trying to do to dislodge me.

Chairman WALSH. Whom did you write to?

Dr. GADDIS. I addressed Mr. Rockefeller, and the reply to it was by Mr. Mackenzie King. I think he is their attorney. He said he could not interfere in the matter. I stated in that letter that Mr. Weitzel wanted to get me out of the way, and he put an assistant mine clerk in my position, who, according to his own statement, has not the qualifications for the position. The only qualifications for it he had was that he would assume an obsequious attitude to Mr. Weitzel. That is what he wanted.

Chairman WALSH. Now, you submitted some of these letters you have read here to the secretary of this commission, did you not—Mr. Lewis K. Brown?

Dr. GADDIS. Yes, sir.

Chairman WALSH. And Mr. Brown showed you the correspondence he had with Mr. Welborn, did he, with reference to that?

Dr. GADDIS. He referred to it; didn't show it to me.

Chairman WALSH. If you have no objection, I would like to read that letter into the record at this point?

Dr. GADDIS. I have none whatever.

Chairman WALSH (reading):

"Mr. LEWIS K. BROWN,

"*Secretary United States Commission on*

"*Industrial Relations, Chicago, Ill.*

"DEAR SIR: I have yours of the 7th instant regarding the resignation of the Rev. E. S. Gaddis from the service of this company. Mr. Gaddis entered the employ of the company as a minister, conducting church services at our coal camps in southern Colorado. Some time later, after our old superintendent of the sociological department had resigned, the work of that department was in part placed under the direction of Mr. Gaddis.

"He was an earnest, faithful worker and undoubtedly is a Christian gentleman. He is, however, strongly sectarian and, for that reason, we felt handicapped in securing the best results at coal camps made up of many nationalities and sects. * * * I trust this will give you the information desired.

"Yours, very truly,

"J. F. WELBORN."

I have omitted certain parts that did not directly refer to this.

Dr. GADDIS. Mr. Chairman, there are just two items here I would like to have come out that I omitted, if you will give me the privilege.

Chairman WALSH. Very good, Mr. Gaddis.

Dr. GADDIS. Here is a quotation from Mr. Bowers's article in Frank Leslie's Weekly of February 5, 1914; it is his opening sentence [reading]:

"Corporations, however scrupulously they may comply with the laws of the State and Nation, as well as the higher laws that govern the actions of individuals and business men employing labor, do not escape the assaults of muckraking magazines," and so forth.

Then Mr. Bowers says [reading]:

"They will lend their voices and pens to the work of slandering corporations with reckless disregard for truth."

In view of the following facts—here they are [referring to the paper before the witness]—Mr. Bowers's statement is as reckless a disregard for truth as those whom he denounces:

"First. The notorious disregard for the laws affecting saloon control.

"Second. The high-handed and lawless method used in governing camp-school affairs.

"Third. The constant breach of the State law which protects the men from working on the Sabbath day.

"Fourth. Undue influence of the camp officials in civil elections.

"Fifth. For more than 15 years the State law granted miners a check-weighman, and only one was found in the C. F. & I. mines at the time of the strike.

"Sixth. The bimonthly pay day was not granted by the C. F. & I. until the law was 12 years old.

"Seventh. Compulsory trade at the company's store is a violation of the individual rights granted by the State decree.

"Eighth. The check off of the pay roll of the men's dues for the company's school rates is a violation of the constitution and laws of the State.

"Ninth. The eight-hour underground law for workmen was not given effect until 1913."

Now, there is just one other matter I wish to refer to, which to me is one of the most serious things I have to present.

Bulletin No. 8, which came out under the general head of "Facts Concerning the Struggle in Colorado," issued July 25, 1914. It was from the Denver Women's Law and Order League, and they state in this pamphlet—these are their exact words:

"No machine gun was at any time directed against the colony."

That is the Ludlow colony, during this famous battle, or massacre, as it is called. When we first read this false statement it was in the office of the president of the Colorado Supply Co., Mr. Schenck, at Denver. We told him then that nothing could be gained by such a misstatement. He questioned our authority for denying it, and here is our authority:

The Colorado Fuel & Iron Co.'s camp physician at Berwind told us that the gun was used upon the colony on that day. A man who lives in Berwind informs us that he acted as one of the supports of the gun when it was in action. We passed through Ludlow on the Colorado & Southern Railroad on the night of this famous day. We saw the tent colony in flames. Several persons—quite a number of persons boarded the train and one man who came in spoke of the raking fire of the machine gun that had been played on the camp. The operator of the gun was pointed out as a hero in Berwind Canyon.

This is a flagrant prevarication of the truth which can not be challenged—the use of the machine gun on Ludlow colony so far as we know has never been contradicted by the operators. The women who signed this we doubt if they knew anything first-handed of the actual conditions in southern Colorado.

I just want to make a reference, Mr. Chairman, and then I am through, to the condition of enforced Sabbath labor.

Colorado is the only mining State in the Union that habitually compels colliers to work on the Sabbath day. All sorts of needless and unnecessary labor is encouraged and enforced in the Colorado Fuel & Iron Co.'s camps. For months before the great strike hundreds and thousands of men did not know what a day of rest was. We have read orders signed by the superintendents in several of the mines which threatened loss of good places or actual discharge for the failure of those who would fail to report for work on the Sabbath day. After reading such orders we communicated this fact both to Mr. Welborn and to Mr. Weitzel; and, so far as we know, nothing was ever done to correct the grievance.

One young man at Primero told us that he had worked so many consecutive Sabbaths that he needed a day of rest and he refused to run a motor car, and he was summarily discharged. We took the case to Mr. Weitzel, and that was the last we ever heard of it.

Some of the foreigners driven to work on the Sabbath failed to report on Monday. The master mechanic in one of the camps told us it was not at all necessary for him to work on the Sabbath to keep abreast of his job; but the superintendent forced him to do it because the day shift was all at it and no exceptions would be made.

Special trains were run on Sunday to baseball on the company roads, all of which tended to break down respect for the holy Sabbath day and to neglect of religious opportunities; and not infrequently the men returned home in a furor of drunken revelry, caused by the liquor obtained by them from the half respectable company saloon.

Commissioner LENNON. Mr. Gaddis, we have had testimony to the effect that in so far as the rent of the saloons is concerned, that in many instances it is based on the number of employees of the company, not necessarily at this particular camp—that is, that in some cases they paid, or the rent was assessed at 50 cents per employee, and in some places 25 cents. Do you know whether that is true or not?

Dr. GADDIS. I don't believe it is true, Mr. Lennon, in the Colorado Fuel & Iron.

Commissioner LENNON. It was the Victor-American Co., perhaps.

Chairman WALSH. The Victor-American Co.

Dr. GADDIS. I have tried to get all the information I could concerning the solution of the situation, and I do not believe the Colorado Fuel & Iron Co. have ever stooped so low as that.

Commissioner LENNON. Did you hear of any of the other companies assessing the rent in that way, at so much per person?

Dr. GADDIS. I have heard of a per capita charge, regarding the number of men or people in the camp for the saloon privileges, but I am sure not in the Colorado Fuel & Iron Co.'s camps.

Commissioner LENNON. Mr. Osgood, I think, was the man who testified to that fact, together with some others.

Have the company's stores in the camps that are not immediately adjacent to considerable towns or cities, have they a monopoly in the camps?

Dr. GADDIS. In the closed camps they certainly have, unless people go to town. It is a monopoly in this way: There are a great many people feel, and the more ignorant people and foreigners feel, that they should deal there; and I do not doubt but that they get all the trade of the majority of the people in the camp, or at least a heavy percentage of it.

Commissioner LENNON. If you desired to start a store in one of those camps, could you go there and start a store?

Dr. GADDIS. Not in a closed camp.

Commissioner LENNON. What would prevent it?

Dr. GADDIS. Why the Colorado Fuel & Iron Co., that is their property.

Commissioner LENNON. And they own all the land?

Dr. GADDIS. Yes, sir.

Commissioner LENNON. Now, what effect upon the home life of people do you believe is exerted by the fact that they can not own their own homes in these closed camps; that they must live in apartments that are provided by the company; and that so far as establishing a home for themselves, it is out of the question? What effect does that likely have upon the home life of the people?

Dr. GADDIS. In the first place it makes the camp population, a very large percentage of it, entirely transient. That is, I have—that is, they will be there, say, a year; or if you see a person who has been in the camp three or four years, why they are pioneers. It keeps the people on the move, and not having their own homes they are dissatisfied. They are there simply enduring the situation as they are.

Commissioner LENNON. Well, what apparent effect does it have on the dwellings themselves? Do they take care of them as they would if they were their own, or do they let them take care of themselves?

Dr. GADDIS. Some of the people, if they own their property, would take better care of it; and a good many of the people in the camps there are very shiftless, and would not care whether it was their own or not.

When the strike was called, the Santa Fe Railway, to use a common phrase, simply did "a land-office business" selling tickets to New York to people who were going back to Europe. A great many of these foreigners of southern Europe don't give a snap of the finger concerning the contention between the operators and the mine workers. Just so they are able to make a stake and get a job with the mine operators, and are sure to be protected, they will stay there, not simply because they are loyal, because of their loyalty to the company, but because they wanted to make some money. And the statement was made in Mr. Welborn's report, I think the twenty-second annual report, published by the company, referring to the enormous increase of business that they had

had, and I have a memorandum of it here, at the company stores; and he refers to it as an evidence of the favorable light in which the people evidently regarded the company's stores. The statement, as it stands, does not prove what it stated there. The company stores did—I have that here, if you would like to have it. It is worth reading.

The company stores during the strike did an enormous business taking care of the guards. The furnishing in some instances of food for the militiamen and their supplies, and the strike breakers and their families coming in, made a volume of business that was very large indeed. It was not in regard to the loyalty to the company stores at all. I wanted to refer to it because I do not think that is a fair statement to go out to the public. [Reading:]

"It is a significant fact which bears evidence of the favor in which our mine stores are held by the workmen, retail sales in the center of the strike trouble were $47,067.52 greater than they were during the last preceding year."

Now, here is my answer to that. The company hotels and boarding houses were packed with guards who were being fed and furnished much new material for lodgings. At one period during the strike all huckster wagons were shut out of the camp—excluded. The arrival of hundreds of families as strike breakers made "the store business" boom in furnishing their houses. For months during the strike old employees who would have come to Trinidad or Walsenburg to trade occasionally were afraid to leave the camps; this extra trade went to the store. The feeding of the State militia was in itself a very large source of income to the operators.

The people who were given work and were being protected by the operators during the strike felt a new impulsion to buy only at "the store."——

Commissioner LENNON. Wasn't it a fact that during the strike the people in the camps were a little bit afraid to come out and get their stuff at other places?

Dr. GADDIS. Absolutely afraid to come out.

Commissioner WEINSTOCK. Afraid of what?

Dr. GADDIS. They were afraid of violence.

Commissioner WEINSTOCK. On whose part?

Dr. GADDIS. On the part of those who were carrying on the strike.

Commissioner WEINSTOCK. The strikers?

Dr. GADDIS. Certainly.

Commissioner LENNON. What opportunities are there in these camps for what is generally termed legitimate amusement, picture shows or entertainments of any kind, something that would take the people's attention rather than go to the saloon?

Dr. GADDIS. The motion-picture show was started during the strikes to give the people some diversion who were in these camps and who could not get out or did not want to get out. We extended that into almost every camp of the C. F. & I. system. The company was quite liberal. They bought—we got two operators, one in Walsenburg and one in Trinidad, and in the more recent camps they purchased an entire outfit and presented it to the camp to be used there.

Commissioner LENNON. Were you in that district during the strike?

Dr. GADDIS. I was; yes, sir; all the time.

Commissioner LENNON. Did you know, either by actual personal acquaintance or by sight, a number of the officials of the mine workers who were in charge of the miners who were on strike?

Dr. GADDIS. I knew them by sight. When the strike first broke out I had my room in the Toltec Hotel, at Trinidad, and that became the strikers' headquarters. I was there and had a very nice room there and did not care about moving, but I was told several times—I was told by one of the local officials that he did not think any decent man would stay there, and I was told by Mr. Weitzel that—he just as good as told me that he did not want me to stay there. I became familiar with these people, although they did not know me, I don't think.

Commissioner LENNON. What evidence was there of a character that men usually observe as to the conduct of these men during the strike? Were they a drunken lot of bums, or did they keep sober? What kind of fellows were they?

Dr. GADDIS. You mean the strike leaders?

Commissioner LENNON. Yes.

Dr. GADDIS. Why, I saw nothing of a disorderly manner whatever, so far as I could observe. I knew Mr. Hays by sight and knew Mr. Lawson and knew

Mr. McLennan. I don't know as they knew me. I never went up and told them who I was.

Commissioner LENNON. Their open conduct, so far as you know, was not seriously objectionable?

Dr. GADDIS. I never heard a charge made that it was in any respect at all. Your suggestion is the first I have ever heard of it.

Commissioner LENNON. I think that is all.

Chairman WALSH. Mr. Weinstock has some questions he wants to ask you.

Commissioner WEINSTOCK. If, as you say, the strikers were orderly and well behaved, what need was there for the strike breakers or scabs, or whatever they have been called, to fear to go beyond the limits of the camps?

Dr. GADDIS. Well, I think you misunderstood me, Mr. Weinstock. I understood the question to be the conduct of the leaders of the strike. Now, you ask me a question—if the strikers conducted themselves in a manner that was—could not be regarded as a violent attitude to the strike breakers. I say that they did so conduct themselves, and I know they did.

Commissioner WEINSTOCK. I think you have gotten the questions confused. I did not ask that question. I believe Mr. Lennon asked that question. Didn't you, Mr. Lennon?

Commissioner LENNON. Yes.

Dr. GADDIS. Well, then, I did not understand your question.

Commissioner WEINSTOCK. The point I want to get at is this: If the strikers and their representatives were law-abiding and peaceful and orderly, what need then was there for the men who took their places to fear going beyond the limits of the camps?

Dr. GADDIS. I do not take the position, my dear sir, that the strikers were or conducted themselves as Sunday-school children during the strike. I had one of the most intelligent foreigners tell me that I ever met, "What are we to do? What can we do!" They seemed to feel that, from the governor down, and Gen. Chase and his men, in constantly using the office of the company and telephone communication and the company stores carrying all kinds of bills for the militiamen and paying them and advancing money—the general impression was, as far as the militia was concerned, that the State of Colorado was dead set against them.

Commissioner WEINSTOCK. Were you there during the strike, Dr. Gaddis?

Dr. GADDIS. Yes; I was there during the whole of it.

Commissioner WEINSTOCK. From start to finish?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. So that you can speak from personal knowledge and not from hearsay?

Dr. GADDIS. Yes; that is exactly so.

Commissioner WEINSTOCK. What justification then was there, so far as you were able to ascertain, for the strikers to resort to violence to gain their ends?

Dr. GADDIS. I believe, my dear sir, that they considered that that was the only possible means of procedure for them; I do not justify it.

Commissioner WEINSTOCK. You do not justify it?

Dr. GADDIS. I do not.

Commissioner WEINSTOCK. Do you condemn it?

Dr. GADDIS. I do not know whether I would do the same way if I was a striker or not. I do not believe in shooting or the destruction of property to gain ends. I think it ought to be accomplished in lines different from that.

Commissioner WEINSTOCK. Well, if you had been a strike leader, what advice would you have given to the strikers?

Dr. GADDIS. Well, my education and all of my views are on a different channel from that, and it is a very important question, and I would not care to answer it offhand.

Commissioner WEINSTOCK. You would not care to answer it offhand?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. Then you would not have advised them to refrain from resorting to violence?

Dr. GADDIS. I do not know whether I would under the same circumstances or not.

Commissioner WEINSTOCK. Do you think that there is any time when, with the ballot at the command of the wage earners, and, in addition to that, in a State like Colorado, with the initiative, referendum, and recall at the command of the voters, and in view of the further fact that the majority of the voters of

the State of Colorado are wage earners and doubtless would be in sympathy with their fellow wage earners if their fellow wage earners had grievances, do you think that under those circumstances there is any time when wage earners are justified in taking the law into their own hands and resisting the constituted authorities?

Dr. GADDIS. I do not believe that there is ever a time that that would be justified unless it becomes apparent that the constituted authorities are unwilling to give an unbiased attitude toward all sides.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock.

(Whereupon, at 12.30 o'clock the commission adjourned until 2 o'clock.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Gaddis, will you please take the chair?

Mr. Gaddis, before luncheon in your testimony you made some reference to Mr. Mackenzie King, and I don't exactly recall what it was, but Mr. King understood you to say that he had some communication of some sort with you personally, or that he had written to you or that you had written to him, and I do not recall just what it was. Will you kindly restate it so that I may ask you some questions about it if necessary?

Dr. GADDIS. I wrote to Mr. Rockefeller, stating that Mr. Weitzel informed me that my services were no longer to be desired after the first week in February. I had worked hard, and everything that I had done had succeeded in the work, and I was not ready to give it up; I wanted to stay on further and help in the work, and I stated the fact to Mr. Rockefeller, thinking he might intercede, but the letter was answered by Mr. Mackenzie King.

Chairman WALSH. Signed by Mr. Mackenzie King?

Dr. GADDIS. Yes, sir; I have the letter here in Washington.

Chairman WALSH. I wish you would turn it over so that I can inspect it, or allow Mr. King to inspect it before he goes on the stand.

Dr. GADDIS. I would like to be permitted to correct myself. I have used the name of Mackenzie King. I have been accustomed to associate his name with that of Starr J. Murphy, but my letter was from Starr J. Murphy, and not from Mackenzie King.

Chairman WALSH. So you were mistaken?

Dr. GADDIS. Yes, sir; and I beg Mr. King's pardon.

Chairman WALSH. Has this statement that you made here, has it ever been made public before?

Dr. GADDIS. No, sir.

Chairman WALSH. Have you testified in any of the other hearings?

Dr. GADDIS. No, sir.

Chairman WALSH. This is the first time that you give what you claim to be the facts in connection with the Colorado situation?

Dr. GADDIS. Yes, sir; it is the first time.

Commissioner WEINSTOCK. Let me repeat the last question that I put to you and your last answer so we can take it up where we dropped it. My question is this: Do you think that there is any time when, with the ballot at the command of the wage earners, and, in addition to that, in a State like Colorado, with the initiative, referendum, and recall at the command of the voters, and in view of the further fact that the majority of the voters of the State of Colorado are wage earners and doubtless would be in sympathy with their fellow wage earners if their fellow wage earners had grievances, do you think that under those circumstances there is any time when wage earners are justified in taking the law into their own hands and resisting the constituted authorities, to which you replied as follows: I do not believe that there is ever a time that that would be justified unless it becomes apparent that the constituted authorities are unwilling to give an unbiased attitude toward all sides.

Now, let me ask you, Mr. Gaddis, how far then you are in accord with the opinion expressed on the witness stand a few days ago by Dr. Goodnow, the president of Johns Hopkins University. Let me read to you his statement and invite your judgment thereon [reads]:

"Taking a concrete case, Doctor, taking the case for example of the Colorado situation and analyzing it, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense, that they were first attacked by the strikers. The strikers deny

that, and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did harass and fire upon innocent people. Your advice and counsel under such circumstances to the worker is, take the result; yield for the time being, do not attempt to take the short cut and get immediate redress, but recognise the existing authorities and abide by their demand? Let your remedy come by use of the ballot; see to it that the commander in chief that is responsible for this is either recalled, under your recall law, or is condemned by public sentiment, and not reelected? Do I follow you?

"Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognise any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must, as civilized men, adopt that idea or else there is no peace for our Government.

"Question. In other words, the short cut to the remedy must be condemned?

"Dr. GOODNOW. Yes, sir; as I look at it.

"Question. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

Now, let me ask you, how far are you in accord with the sentiment expressed by Dr. Goodnow?

Dr. GADDIS. That is from the president of Johns Hopkins University?

Commissioner WEINSTOCK. Yes, sir.

Dr. GADDIS. I would say that if the reasoning of Dr. Goodnow could have prevailed we would not have had an American Nation if we had followed out his logic.

Commissioner WEINSTOCK. Will you point out why?

Dr. GADDIS. We resisted with armed force the oppression of England, and I would like to say in that connection—I would like to ask you if a man enters your home with a fast repeating revolver and begins to shoot up your family, are you justified in shooting him?

Commissioner WEINSTOCK. I am not here to be questioned, Mr. Gaddis.

Chairman WALSH. We must not have any audible expression of feeling, please, ladies and gentlemen.

Dr. GADDIS. Excuse me.

Chairman WALSH. It is all right for you to answer any way that you see fit and to ask any questions——

Commissioner WEINSTOCK. In my own way I will touch on the point that you have raised.

Chairman WALSH. I will say this, for fear there might be some misunderstanding: That it has not been permissible to address questions to the commissioners.

Commissioner WEINSTOCK. Do you regard the condition that prevails, say, in Colorado as being parallel to the conditions that prevailed in the American colonies at the time of the Revolution?

Dr. GADDIS. To a certain extent I do.

Commissioner WEINSTOCK. As a reader of American history and one who I am sure is thoroughly well informed in American history, I take it you realize the fact that the colonists rebelled against Great Britain because they were taxed without having a voice in the Government?

Dr. GADDIS. That is certainly correct.

Commissioner WEINSTOCK. That while there may have been other causes which led to revolution, the prime cause taxation without representation?

Dr. GADDIS. That is the principal one.

Commissioner WEINSTOCK. Now, is it your opinion, then, that you and I as American citizens are taxed without the right of representation?

Dr. GADDIS. Now, Mr. Weinstock, you referred to the State of Colorado having the initiative, referendum, and recall, and Dr. Goodnow says that is the way to get it there. There is a judge in Trinidad, Judge McKendrie—he was delivering opinions for some time that the people, the strikers and their sym-

pathizers, believed were biased and in violation of their constitutional rights, and in favor of the operators. There were two men started a recall petition—Mr. John Murray and John Merlonis, I think his name is—those men were summarily arrested and thrown into jail for contempt of court and are out now on bond waiting to appear before his august majesty, Judge McKendrie.

Now, those people have tried in that instance just what you say and what Dr. Goodnow says we should never go beyond. I do not agree with the gentleman at all. I believe there are times when we are justified in going beyond it, and I believe the strike in Colorado was one of those times, and the public sentiment aroused in this community by the attitude of the strikers in open rebellion, which I do not condone under ordinary circumstances, has done a great good, and I——

Commissioner WEINSTOCK. Now, will the reporter please read my question, and I would like to have a direct answer.

(Question read by reporter.)

Dr. GADDIS. Now, in the concrete case that I have represented the men tried the civil courts and could not have their case properly represented. They tried the civil statutes of the State of Colorado——

Commissioner WEINSTOCK. May I again ask you to answer my question. I will have it read again.

(Question reread by reporter.)

Dr. GADDIS. Well, if you ask that question aside from our connection with the strike trouble, or with the disputes and manners that are being contested here and disputed, I would say certainly not.

Commissioner WEINSTOCK. That is, that while we are taxed on the one hand, that we have the right of representation on the other?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. Now, isn't it a fact that in the State of Colorado you have woman suffrage—universal suffrage?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. So that even women, if they are taxed on the one hand, they have representation on the other?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. That being the case, where comes the parallel with conditions which prevailed at the time of the American Revolution?

Dr. GADDIS. Why, the parallel is very easy, to my mind. There was a situation there that obtained from the governor down. It was a conviction that had settled itself, not only in the minds of the strikers but of many citizens, that justice under the then present condition there was impossible to the strikers' cause.

Commissioner WEINSTOCK. Are you a believer in democracy, Dr. Gaddis?

Dr. GADDIS. I am, sir.

Commissioner WEINSTOCK. Do you believe that a remedy for most of the evils, political ills, and civic ills of labor is not less democracy, but more democracy?

Dr. GADDIS. I believe we want more democracy; yes, sir; not demagogism.

Commissioner WEINSTOCK. Do you know any spot on the face of the globe, then, Mr. Gaddis, where the laws have made a higher and broader democracy possible than right in the State of Colorado, not only with its vote, not only its universal suffrage, but also with its initiative, with its referendum, and with its recall? Can you add anything to those conditions that would make for a still broader democracy?

Dr. GADDIS. The laws in themselves per se are almost ideal; but, as you know, as a man of affairs, what the law is and what the execution of that law is are entirely different matters.

Commissioner WEINSTOCK. Well, if you and I and the rest of us as citizens of the Commonwealth have at our command the initiative, referendum, and recall; if it is made possible for a majority of us to initiate legislation, even though the legislature itself may be opposed to it; if we have the right through the medium of the referendum to nullify any laws passed by the legislature that we do not approve of; if it is within our power to recall unfit officials or those who have been derelict in their duties and would fail to do it, on whom rests the blame?

Dr. GADDIS. The instance I have cited would not make the men very zealous to attempt another effort of that kind, in the Trinidad district, at least. And there I say there certainly must be something wrong with the law or its interpretation by that judge.

Commissioner WEINSTOCK. Well, then, are we to infer from your statement that, briefly, this is your attitude: If the law goes your way, observe it; if it does not go your way, rebel against it?

Dr. GADDIS. I believe there are some things and some conditions in which I would be justified——

Commissioner WEINSTOCK (interrupting). Now, will you name the conditions?

Dr. GADDIS. Well, if I could not get my constitutional rights.

Commissioner WEINSTOCK. You would be justified in rebelling against the constituted authorities?

Dr. GADDIS. I believe I would.

Commissioner WEINSTOCK. Well, if you would be justified in doing that, I presume you would allow me the same privilege?

Dr. GADDIS. Yes; and a million men.

Commissioner WEINSTOCK. And all the rest of us the same privilege?

Dr. GADDIS. Yes; a million men.

Commissioner WEINSTOCK. Then, what would be the situation if all of us, laboring as we might under a real or fancied grievance, saw fit to take the law in our own hands? What would become of the Republic?

Dr. GADDIS. It would break down; and I think it ought to break down.

Commissioner WEINSTOCK. You think it ought to break down?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. Then if you and I have a difference and go into court, and it is decided your way, and not my way, you think I ought to do all I could to break down the Republic on that account?

Dr. GADDIS. Not in a single instance, that way, as you have stated it.

Commissioner WEINSTOCK. Well, I could only gather that inference, because you stated very frankly and very candidly that if we think the law is not being administered as we think it ought to be administered we ought to rebel.

Dr. GADDIS. I lived in Cincinnati, or near Cincinnati, at the time of the great riots there. The courts of Cincinnati were turning out murderers scot free almost by the dozen. There was one colored man there committed a brutal murder in a livery stable, and there was scarcely a shadow of a doubt that he was a murderer, and the citizens of Cincinnati went to the music hall in a mass, and that city was in the hands of a mob for days. I believe that riot did good.

Commissioner WEINSTOCK. Then you are a believer in riots, Dr. Gaddis?

Dr. GADDIS. I am in such instances; yes, sir.

Commissioner WEINSTOCK. That is, you justify rioting?

Dr. GADDIS. I justify clarifying the atmosphere that has become so polluted and fetid that a man is asphyxiated in it when he holds his head up.

Commissioner WEINSTOCK. Well, who is to be the judge of when a riot is justifiable?

Dr. GADDIS. Well, the consensus of opinion settles the riot.

Commissioner WEINSTOCK. Well, have you ever known of a riot in any city or in any State since the Civil War where the majority of the people of a community or the Commonwealth were in favor of a riot?

Dr. GADDIS. Well, there was enough of them to do some good, whether it was a majority or not.

Commissioner WEINSTOCK. Would you call that a consensus of opinion?

Dr. GADDIS. I call it a consensus of opinion; certainly I do.

Commissioner WEINSTOCK. You take a handful of people who get together and engage in that sort of thing, and you call that a consensus of opinion?

Dr. GADDIS. Well, I don't know of a handful of people ever starting a riot any place.

Commissioner WEINSTOCK. Do you know of a handful of people starting a riot anywhere?

Dr. GADDIS. I don't recall them; I am not an encyclopedia on riots.

Commissioner WEINSTOCK. Well, can you tell us any instance, Mr. Gaddis, within your knowledge, where a majority of the people started a riot?

Dr. GADDIS. Well, I would have to study up on that, Mr. Weinstock.

Commissioner WEINSTOCK. You don't know of any——

Dr. GADDIS (interrupting). I could not recall; no, sir.

Commissioner WEINSTOCK. Summing up, then, despite the fact that you are a clergyman, a Christian clergyman, who stands for peace and for law and for order, you would justify resistance to the constituted authorities if, in the judgment of a group or an individual they felt they were not getting a square deal at the hands of the constituted authorities?

Dr. GADDIS. In very rare instances I would. Crime is crime; whether it is committed with the ermine of a judge, or a jury, or anybody else, it is crime.

Commissioner WEINSTOCK. Would you punish such crime?

Dr. GADDIS. I would certainly try to get them out of power.

Commissioner WEINSTOCK. Well, if a body of strikers, in their mistaken notion of how to get at their rights, ill advised and ill guided and misdirected, should take the short cut and resist the authorities and resort to violence, would you punish them for having done so?

Dr. GADDIS. If a body of strikers should do that?

Commissioner WEINSTOCK. Yes.

Dr. GADDIS. Well, that would depend on all the circumstances leading up to that expression.

Commissioner WEINSTOCK. Well, you are thoroughly familiar with the circumstances in Colorado, of course. You told us you were there from start to finish. Would you punish the strikers who resorted to violence in the State of Colorado?

Dr. GADDIS. I would not.

Commissioner WEINSTOCK. You would not?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. You would let them go scot free?

Dr. GADDIS. Well, I am inclined to think I would.

Commissioner WEINSTOCK. And just give them a blanket policy of freedom despite whatever they may have done?

Dr. GADDIS. The attitude or the situation there in Colorado to my—I have never seen a situation to my mind more despicable and damnable, as I believe it, to the best interests of the American Commonwealth. It is an oligarchy that is controlling everything.

Commissioner WEINSTOCK. And you believe the way to remedy that is by violation of law, by bloodshed, and by force, and not through the ballot?

Dr. GADDIS. I don't think that, because things are on the statute books that makes them right.

Commissioner WEINSTOCK. And regardless of whether or not you have statute books you would resort to force?

Dr. GADDIS. I say, in a few rare instances I believe it is justified. Self-defense itself is the principle that God has placed in a man's heart.

Commissioner WEINSTOCK. Well, now, let's assume that the Colorado strikers, in their own hearts, believed in the justice of their cause——

Dr. GADDIS (interrupting). I—yes.

Commissioner WEINSTOCK. And believed they were doing that which is right and proper for them to do. Suppose the group of I. W. W.'s did exactly the same thing, believing they were right in doing it; supposing the group of Socialists believed in their own heart that they were right in doing it and resorted to the same methods; assume that the group of anarchists believed in their own hearts that they were justified in doing that, and should also resort to those methods; then what?

Dr. GADDIS. Well, that is the pathetic situation of the whole commercial and industrial situation, I take it, to-day.

Commissioner WEINSTOCK. Would you condone it and approve it?

Dr. GADDIS. I dont' say that I would.

Commissioner WEINSTOCK. Then you would differentiate between a group of Socialists, or a group of I. W. W.'s, or a group of anarchists, and a group of unionists?

Dr. GADDIS. Not at all, sir. I would let every case stand upon its own merits.

Commissioner WEINSTOCK. Suppose these I. W. W.'s came to you and convinced you, or these anarchists, or Socialists, convinced you that they really and sincerely believed they were doing the proper thing, and that it was their only recourse. Would you condone their acts and permit them to go unpunished?

Dr. GADDIS. It would depend entirely on what the constituted authorities and the executive officers of the State—the attitude that they would assume to them in every particular instance. I said this morning that I did not believe in the destruction of property or life, and I do not—to gain an end.

Commissioner WEINSTOCK. Very well. Here are a crowd—were you here the other day, Mr. Gaddis, when Mr. Haywood testified?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. He is the representative of the I. W. W.'s.

Dr. GADDIS. No, sir; I was not.

Commissioner WEINSTOCK. He gave it as their doctrine—this is for your information—that he believed that all the machinery for production belonged to the workers. He believed that it was a great wrong that a manufacturer should be permitted to run his factory; that the right of it was for the workers of that factory to take possession of that factory and operate it for their own pocket and their own good and to turn the employer out and, in the language of Mr. Haywood, permit him an opportunity to earn an honest living by working by their side as a manual worker. Now, suppose a group of I. W. W.'s, sincere in that belief, should take possession of a factory, turn the employer out of his property without compensation, would you, because they were sincere in their motives, permit them to go unpunished?

Dr. GADDIS. Why, I would not approve of such a course.

Commissioner WEINSTOCK. You would not?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. And yet these men would be sincere in their purpose, just as sincere, doubtless, as the Colorado strikers were in their purpose. Where would you draw the line——

Dr. GADDIS. Why, I draw the line—I believe the employer has rights. I believe in the holding of personal property. I don't believe in confiscating personal property without remuneration.

Commissioner WEINSTOCK. You do believe the employer has rights?

Dr. GADDIS. Have I said anything that would indicate anything to the contrary?

Commissioner WEINSTOCK. Very well. Now, if the employer has rights has he a right to employ anybody he pleases, or to refrain from employing anybody he pleases, for any reason, or for no reason?

Dr. GADDIS. He has.

Commissioner WEINSTOCK. He has?

Dr. GADDIS. Certainly he has.

Commissioner WEINSTOCK. Then if I had an employer who saw fit for any reason to retire me from his service, do you think I would have any right to prevent you from taking that job, if you wanted it, and would accept it from my employer, and he wanted to accept you?

Dr. GADDIS. Now, that touches upon a question of labor. I believe labor has the right to organize.

Commissioner WEINSTOCK. No; that is not the issue at all.

Dr. GADDIS. I think it is getting very close to it.

Commissioner WEINSTOCK. No; I am simply touching a vital principle that can be easily answered by yes or no. Here is the question: I have lost my position or my job, and the job has been tendered to you, or you have made an application for it, and an understanding has been arrived at between you and my former employer; have I any right to prevent your taking that job if you want to take it, and the employer wants to employ you?

Dr. GADDIS. Well, I am not a specialist on industrial disputes, and I will have to ask you to excuse me from answering technical questions of that kind.

Commissioner WEINSTOCK. This is not a technical question, but a plain everyday common-sense question, Mr. Gaddis. I am surprised that you would call it a technical question. It is a very simple question. You can either say, in your opinion, that I have a right to interfere with your accepting your job, or I have no right to interfere with your accepting that job.

Dr. GADDIS. I think there would be circumstances, Mr. Weinstock, where that man that is turned out would have the right to interfere to a certain extent.

Commissioner WEINSTOCK. Well, you were telling us a little while ago, Mr. Gaddis, that you were in the service of the Colorado Fuel & Iron Co.?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. And that you retired from the service. Now, do you feel that you would have a right to prevent another man from taking that job?

Dr. GADDIS. Well, if you mean the man they did put in, I would like to prevent it.

Commissioner WEINSTOCK. Any man? Do you feel that you would have a reasonable right to prevent that man from taking that job, no matter who he was?

Dr. GADDIS. I believe, and I wrote Mr. Rockefeller, that there was a great injustice being done in depriving me of a position that every month I was in it increased in advancement.

Commissioner WEINSTOCK. You have not answered my question, Mr. Gaddis. You have side-stepped it, if you pardon the criticism. My question was plain and simple, and one that there ought to be no difficulty in answering. Do you believe you had a right to prevent some other man from taking the job from which you retired?

Dr. GADDIS. If I was a man that had a family depending upon me and had nothing laid up whatever, and I knew that the loss of my job would mean their starvation and put them onto charity—why, you are asking me questions that I am unprepared for at all; haven't given it a moment's thought. But I think that under such circumstances that I might be justified in using at least legitimate means of preventing that man from taking my position.

Commissioner WEINSTOCK. Will you please tell us what you regard as "legitimate means"?

Dr. GADDIS. Well, I would try moral suasion first.

Commissioner WEINSTOCK. Suppose that failed?

Dr. GADDIS. Well, when I was a boy I was into trouble a good deal in school. I don't know whether I might try anything else along any more vigorous line or not, just to settle the dispute between us.

Commissioner WEINSTOCK. Well, are we to infer from that that if you endeavored to use moral suasion and that failed, that you would resort to force?

Dr. GADDIS. I think the fellow might be—there are circumstances where a good drubbing would be just the thing.

Commissioner WEINSTOCK. What about the treatment of the fellow toward you whose job you took?

Dr. GADDIS. I would consider it, if I would take it under the circumstances I mentioned, that he would do his best.

Commissioner WEINSTOCK. In other words, are we to understand then that if an employer, for any reason or for no reason, according to what suited his ideas, was to dismiss a man, and invite you to take that position, and you accepted it, that the other one ought to drive you out?

Dr. GADDIS. I have answered that question with modification, Mr. Weinstock, and I said I did think so, under certain modifications.

Commissioner WEINSTOCK. That he would be justified in driving you out and preventing you from taking that position in spite of the fact that you yourself had a wife and babies to take care of?

Dr. GADDIS. You are reading into my answer what I did not say.

Commissioner WEINSTOCK. Well, assuming that you had a wife and babies to take care of?

Dr. GADDIS. Then I would have to answer it in the light of that assumption.

Commissioner WEINSTOCK. Will you please answer it with that modification?

Dr. GADDIS. I do not concede the right to the employer to discharge a man simply at the caprice of his own will; I do not concede that right to him.

Commissioner WEINSTOCK. Do you concede the right to the worker to quit his job at the caprice of the worker?

Dr. GADDIS. I do.

Commissioner WEINSTOCK. Then the law does not work both ways?

Dr. GADDIS. The situations are not parallel at all.

Commissioner WEINSTOCK. That is, the worker has a right to quit his job whenever he pleases, for any reason, or for no reason, but the employer has not the equal right on his side to retire the worker?

Dr. GADDIS. That is my position.

Commissioner WEINSTOCK. I think it is well for us to know your position.

Dr. GADDIS. I don't think the situations between the employer and the employee are parallel at all.

Commissioner WEINSTOCK. It is interesting to find a case where the rule does not work both ways. You mentioned a few moments ago that you felt a great injustice had been done you in retiring you from the service of the coal and fuel company.

Dr. GADDIS. I did at the time, but I am glad of it now.

Commissioner WEINSTOCK. At that time you thought it was a great injustice?

Dr. GADDIS. I did.

Commissioner WEINSTOCK. You wrote to Mr. Rockefeller, did you not?

Dr. GADDIS. I did.

Commissioner WEINSTOCK. That you valued the position and wanted to retain it?

Dr. GADDIS. For the good I could do in it.

Commissioner WEINSTOCK. How long had you been employed by the company?

Dr. GADDIS. Nearly two years.

Commissioner WEINSTOCK. And these conditions that you have been telling us about this morning, I presume, existed all during that time?

Dr. GADDIS. They did.

Commissioner WEINSTOCK. From my memory of the reading of your statement it seemed to me that the company had complied with quite a number of the recommendations and suggestions you had made to the company in the way of betterments?

Dr. GADDIS. They did; yes, sir.

Commissioner WEINSTOCK. Will you please point out wherein the company failed to carry out your suggestions and recommendations?

Dr. GADDIS. They failed to carry them out just a week or two before I ceased service with them. I received a letter from one of their largest camps that the saloon keeper was selling liquor to minors—boys under age. I wrote to Mr. Weitzel and said that a word from him would stop that, and he replied to me and said, "If you will furnish me proof of the statement you made I will put the matter in the hands of the district attorney, and he will take it up." The letter absolutely made me laugh.

Commissioner WEINSTOCK. Did you furnish the proof?

Chairman WALSH. The witness had not finished his answer.

Commissioner WEINSTOCK. Had you finished?

Dr. GADDIS. All Mr. Weitzel needed to do, as manager of the fuel department, was to take up his telephone, and he would have gotten more evidence than he would have known what to do with. If I had furnished the proof and given the names, which I would have to have done, it would probably have led to those men being discharged.

Commissioner WEINSTOCK. May I ask when you retired from the service of the company?

Dr. GADDIS. The first week in February.

Commissioner WEINSTOCK. Were you in the employ of the company last December when this commission held its hearing in Denver?

Dr. GADDIS. I was.

Commissioner WEINSTOCK. Then may I ask why, in view of the fact you had all of this information at your command, you did not present it to this commission at its hearing in Colorado?

Dr. GADDIS. Mr. McCrosky called on me, and I presumed he was representing Mr. Walsh and this commission, and he talked with me for a couple of hours and then he left me, and I inferred he did not consider what I had to offer—he did not send in my name, and I was not going to send my name to Mr. Walsh.

Commissioner WEINSTOCK. Will you tell just what information you gave to our representative while you were talking with him for those two hours?

Dr. GADDIS. He asked me all sorts of leading questions in regard to my work. One of the first questions he asked me was, "I want to find out whether you are running this office or it is being run for you," and I said that I was amenable to the officer over me, and I said I did not know how a business could be conducted without being amenable to some one that way. He asked me if I would permit a man to go into a camp if I did not know what he was going to say, or if I knew what he was going to say would stir up trouble, and I said I would not if I could prevent it. Then he asked me about the library books, and tried to make out I was controlling what they should be, and the literature the men should read. I said they could buy anything they wanted to; and he asked me all sorts of leading questions.

Commissioner WEINSTOCK. Did you tell him the things that you have told this commission here?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. You describe the conditions as being very horrible?

Dr. GADDIS. I believe they are to-day.

Commissioner WEINSTOCK. Then tell us why, as a Christian minister, you remained in the employ of the company?

Dr. GADDIS. Because I could do good, and I was doing good.

Commissioner WEINSTOCK. Yet you say that the case was apparently hopeless and you could not accomplish results and the superintendent turned you down?

Dr. GADDIS. I was accomplishing results every month.

Commissioner WEINSTOCK. Don't you think you could have accomplished greater results if in protest you had resigned and given your reasons as to why you resigned?

Dr. GADDIS. No; and I think the natural course of events has made my course much better.

Commissioner WEINSTOCK. Did you write direct to Mr. Rockefeller and apprise him of the conditions that existed in the camps?

Dr. GADDIS. Not in detail. I referred to the fact of my opinion of Mr. Weitzel in this letter, and that should have been enough, it seems to me, for the company to take up the matter, but they did not care to.

Commissioner WEINSTOCK. Did you recite the things you have pictured to this commission at this time?

Dr. GADDIS. Not in detail.

Commissioner WEINSTOCK. Why did you wait until you were dismissed from the company to make all these charges?

Dr. GADDIS. Well, you do not really mean that as a serious question?

Commissioner WEINSTOCK. I certainly do; I think it is a legitimate question to ask. If evils existed and wrongs were committed and you remained silent until you were dismissed from the company, there must be some explanation of it.

Dr. GADDIS. How long do you think I would retain my position with the company if I had made such an exposition of affairs as I have made here?

Commissioner WEINSTOCK. Are we to understand that your prime purpose was to retain your position with the company regardless of results to the workers?

Dr. GADDIS. I was hopeful, sir, of bettering things, and I did. I found camps in which there was no sociological work whatever, not the merest semblance of it, and they backed me up with the money and their support until this matter was placed in the hands of Mr. Weitzel, and then it came to a quick end.

Commissioner WEINSTOCK. You made the statement in your testimony this morning that the shopkeepers in these various camps had a monopoly on the business; is that correct?

Dr. GADDIS. In the closed camps they have an absolute monopoly. I will modify that; they allow huckster wagons to come in to sell green groceries.

Commissioner WEINSTOCK. Do they permit outside shopkeepers to make deliveries of purchases within the camp?

Dr. GADDIS. They do.

Commissioner WEINSTOCK. That is, if I, as a miner living within the closed camp, should go to a neighboring community and make my purchases there, the shopkeepers could come into the camp and make deliveries of those goods and there is no objection to that?

Dr. GADDIS. I think it is done right along.

Commissioner WEINSTOCK. Then, how have they a monopoly?

Dr. GADDIS. I think that should be modified, except during the strike trouble; I had a party call me up on the telephone during the strike and ask me to intercede for him to come into the Segundo camp, and I told him that was not my province at all, that was a matter of the superintendent's.

Commissioner WEINSTOCK. Are we to understand, then, that you modify your statement made this morning that they had established a monopoly of shopkeeping?

Dr. GADDIS. If I made that statement without saying that hucksters were allowed there, I modify it.

Commissioner WEINSTOCK. You say, however, that during the strike the miners did confine their purchases to the company stores?

Dr. GADDIS. In some of the camps I think that is true, without doubt.

Commissioner WEINSTOCK. And I suppose you repeat your statement of this morning that they were afraid to go beyond the camp for fear of personal violence from the strikers?

Dr. GADDIS. The company did not want the hucksters' wagons to come into the camp, into the Segundo camp after the strike, and the men that went in there were strike sympathizers and they stirred up trouble.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mrs. Harriman wishes to ask some questions.

Commissioner HARRIMAN. What effect, if any, do you think the fact that Mr. Lawson was sentenced to life imprisonment will have on the labor question throughout the country, as far as you have knowledge of the situation?

Dr. GADDIS. I do not believe, Mrs. Harriman, that that sentence will stand at all; I think it will be reversed. It may have a temporary depression on labor trouble, but I can not see—I can not believe that there is an American jury that will make such finding when the case is properly presented. Trinidad is the headquarters—it is one of the hottest corporation towns in Colorado. The Episcopalian minister told me on the street during the strike trouble that any man in Trinidad could be arrested on the ward of the chief clerk of the C. F. & I.

Commissioner HARRIMAN. That is all.

Chairman WALSH. Commissioner Lennon wishes to ask a question.

Commissioner LENNON. Mr. Gaddis, have the officials, or the militia, or gunmen, any greater right to violate the law than a citizen?

Dr. GADDIS. Most assuredly not, sir.

Commissioner LENNON. Prior to this strike taking place, had the laws of Colorado as regards the eight-hour working day, the checkweighmen and inspection and other laws pertaining to mining—had they been violated and set aside, or had they been complied with?

Mr. GADDIS. The eight-hour law, after it was a law for several years, was respected to a considerable extent. Other laws for the protection of the miners were scarcely considered. I do not think there is a power-house man, a steam or electric power-house man in Colorado, working for the Colorado Fuel & Iron Co. but works 12 hours a day, seven days in the week. One man told me, at Primero, it was simply killing him, not the hard work, but the long work, with no vacation whatever, unless he took it out of his own pocket.

Commissioner LENNON. Regarding the matter of the law, and giving the people of Colorado the power of recall, did the authorities set that law aside and deny it in the case to which you referred, in Trinidad?

Dr. GADDIS. I presume, Mr. Lennon, they had legal reasons for doing it, but they certainly set it aside. I do not know the judge's reason for doing it, but I presume he was satisfied he was right; that will be settled, I presume, when the trial come up.

Commissioner LENNON. Are not the citizens, as such, entitled to their construction of their rights as some petty judge, as to the fundamental law of the State?

Dr. GADDIS. I think, with the material the judges are made of, that they are; yes. Common sense can decide that law and equity without being legal specialists.

Commissioner LENNON. Commissioner Weinstock asked you several questions regarding the inherent right of men, under certain circumstances, to commit violence. I can not quote the Declaration of Independence exactly, but it goes on to say that governments are instituted among men for certain purposes, and when they fail to serve these purposes, the people have the right to take into their own hands such remedies as may be essential to amend or change the governments. Do you recognise that as a fundamental right?

Dr. GADDIS. Certainly I do; I stated that, I think, very clearly.

Commissioner LENNON. I think that is all.

Chairman WALSH. Commissioner O'Connell wishes to ask a few questions.

Commissioner O'CONNELL. Doctor, I want to discuss with you a little, the political situation in Colorado, as it was discussed by Commissioner Weinstock. He asked you if the people of Colorado did not have the referendum and recall and the ballot.

Dr. GADDIS. Yes.

Commissioner O'CONNELL. By which remedies they could enact into law anything that they desired, and if an officer was elected they might, under the law, recall him; and he read from the record of a witness who appeared before us, the statement that it would be better, or at least the witness agreed that even though the workmen had serious complaints, it would be better for them to take their chances in the matter of legislation—take advantage of the referendum and the recall and not take the short cut, the short cut meaning the strike, and the so-called riot and even bloodshed, if you will. That seemed to be the opinion of a number of learned men who appeared before us. Now, you have been in Colorado for a number of years and you have made some study of this problem, and of the laws that have been enacted in Colorado, and the effect these laws have had, whether they have been effective or put into effect at all. The people of Colorado, by and through their prerogative, the legislature, enacted a law saying that eight hours should be the working day under ground.

Dr. GADDIS. Yes, sir; that is the law.

Commissioner O'CONNELL. Now, the men, before they struck, or before they rioted, or before there was any shooting on the part of anybody, or any boycott or blacklisting, went to the legislature, or to the people, and enacted a law saying that eight hours should constitute a day's work for all men under ground. Now, so far as that goes, they began what Commissioner Weinstock suggested they ought to do instead of taking the short cut, and they put that law on the statute books, but no one paid any attention to it, did they?

Dr. GADDIS. Not for some years.

Commissioner O'CONNELL. Then the men decided—they have taken this roundabout way to get on the statute books a law saying the employer shall not permit men, even though they want to, to work more than eight hours under ground, and yet the employers for 10 years, you say, paid absolutely no attention to the law?

Dr. GADDIS. Well, whatever I read.

Commissioner O'CONNELL. Well, now, regardless of that, so far as you know, have they paid any attention to the hours regarding certain limitations in the working day?

Dr. GADDIS. They did not for some time, as I understand it.

Commissioner O'CONNELL. The workmen of Colorado went to the legislature and had a bill enacted into a law saying that the companies in Colorado shall not carry on a so-called company store—that that would be a violation of law to do it.

Dr. GADDIS. To compel people to trade there only.

Commissioner O'CONNELL. Now, instead of going on strike against it, or rioting, or boycotting or having murder or anything of that character to put that into effect, they went the roundabout way that Commissioner Weinstock suggests, and did not take the short cut, and put it on the statute book, and put the mine owners paid no attention to that law, and have not for years.

Dr. GADDIS. And do not to-day.

Commissioner O'CONNELL. They are not obeying the law to-day?

Dr. GADDIS. I do not believe they are; no, sir.

Commissioner O'CONNELL. The workmen went to the legislature, the miners in particular, and wanted a law enacted that would permit use of——

Dr. GADDIS. Checkweighman?

Commissioner O'CONNELL. Checkweighman on the scale house, or tipple, as it is commonly called, so that we will get the actual production of coal that we produce here, and the legislature enacted that into law.

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. The men again did not take the short cut; they took the roundabout way to get it.

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. And they put that on the statute books.

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. And for years the mine operators have paid no attention to that law.

Dr. GADDIS. That is certainly the case.

Commissioner O'CONNELL. So that the workmen finally decided, we have taken this roundabout way, of which we were advised by professors and doctors and business men and all law-abiding citizens and all God-fearing men; we have taken this roundabout way they have talked about, and gone to the people and asked them to make laws to help us.

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. The people have made them?

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. And the boss says, in the language of the street man, "To hell with your law," and does not pay any attention to them?

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. And the men say if that is the case there is but one thing left to do—strike to enforce those laws?

Dr. GADDIS. And I believe in it.

Commissioner O'CONNELL. And when they struck to enforce those laws the employers had so infringed on their political positions in Colorado, as they have been, and the people in the counties in which those mines are located have absolutely no political freedom, and they have been dominated in every way, and the politics in that portion of the state, at least some parts of it, have been carried on illegally?

Dr. GARDNER. Mr. Bowers's language in that letter speaks stronger than I could.

Commissioner O'CONNELL. And finally, to protect their homes and families against the invasion of thugs and their helpers from all parts of the United States that were brought in here, and gunmen, and even the militia that is supposed to enforce the laws that the State of Colorado has put upon its statute books, and which the employers absolutely refuse to put into force—is that the situation?

Dr. GARDNER. Yes, sir.

Commissioner O'CONNELL. Then the suggestion offered by Commissioner Weinstock in which he tried to have you say that you were not in favor of men taking the short cut to get there——

Dr. GARDNER. I am in favor of it when they can get it.

Commissioner O'CONNELL. But there was a political field for them to go and get it, there was a sheriff and local police to do things with?

Dr. GARDNER. Yes, sir.

Commissioner O'CONNELL. And the machinery in Colorado, which these men had put into effect, had put the laws on the statute book, and then to enforce the laws they were compelled to go on strike; they were compelled to face these thugs and detectives and gunmen that were brought into the State, and in addition the State militia that were brought in there to enforce the State laws, not their wishes, but laws that were on the statute books of the State of Colorado, put there by the Legislature of Colorado and the people of Colorado, which the employers of Colorado refused to carry out?

Dr. GARDNER. Yes, sir.

Commissioner O'CONNELL. That is the situation that we find that resulted in that strike?

Dr. GARDNER. Yes, sir.

Commissioner O'CONNELL. The eight-hour law, of course, when it went on the statute book in Colorado was appealed to the courts and was declared unconstitutional?

Dr. GARDNER. Yes, sir.

Commissioner O'CONNELL. But later on it was appealed to the people and the people said——

Dr. GARDNER. We want it.

Commissioner O'CONNELL. We want the eight-hour day, and the people outside of the Legislature of Colorado and outside of the courts have declared it constitutional, the people said it is constitutional and we want it, and yet the mine owners of Colorado say, "We won't carry out the law," and they have not up to this date?

Dr. GARDNER. I think they have carried out the eight-hour law underground.

Commissioner O'CONNELL. In regard to the company store, and the right to have a man on the tipple to weigh the coal for them?

Dr. GARDNER. The eight-hour law for the last year or two is quite well observed underground.

Commissioner O'CONNELL. But what about the company stores?

Dr. GARDNER. It is a very flagrant condition, indeed.

Commissioner O'CONNELL. And what about their right to have a man to see that their coal is weighed properly?

Dr. GARDNER. They had one man in Starkville when the strike was called; that was a checkweighman for any length of time. When the man asked for a checkweighman, in the language of the super., he was getting too smart.

Commissioner O'CONNELL. And he got what?

Dr. GARDNER. He got it in the neck, generally.

Commissioner O'CONNELL. Now, what was there left for the miners of Colorado to do, when they had gone this roundabout way and got the laws put on the statute book for eight hours, and the right to have their checkweighman to see that they got the coal they produced, and for the abolition of the company stores, for the freedom of the citizens of the State of Colorado, and the laws were not objected, what was there left for the men to do?

Dr. GARDNER. I think nothing but to make a demonstration.

Commissioner O'CONNELL. And that demonstration was to strike against disobedience of the law, not on their part, but on the part of the coal operators of Colorado?

Dr. GARDNER. Yes, sir; that is my position.

Commissioner O'CONNELL. Now, you were asked if it was right for a man to quit his job at will and was it not also right for the employer to dis-

charge at will, and I think your answer was that the cases are not the same.

Dr. GADDIS. I don't think it is. I think the advantage is with the employer 100 to 1 over the employee.

Commissioner O'CONNELL. Absolutely. Now, the employee quits his job; he has a right; we concede the right to quit his job; and under general conditions, under reasonably fair conditions, we concede the employer has the right to dismiss.

Dr. GADDIS. Certainly.

Commissioner O'CONNELL. But when it comes to a question of equity—the equity between the two propositions, between the two opportunities—there is no equality?

Dr. GADDIS. No, sir; not at all; they are not parallel.

Commissioner O'CONNELL. The employee can quit his job, and the employee of the Colorado Fuel & Iron Co., employing between six and seven thousand men, one man quitting his job does not affect the operations of the Colorado Fuel & Iron Co. at all?

Dr. GADDIS. Let me give you an illustration.

Commissioner O'CONNELL. If you will allow me to continue.

Dr. GADDIS. Excuse me.

Commissioner O'CONNELL. He did not interfere with the operation of the affairs of that company in any way?

Dr. GADDIS. Not at all.

Commissioner O'CONNELL. He is hardly a cog in the wheel, as it were. If, on the other hand, if the company dismisses a man that was living in one of their company houses and the company ground, when they discharge him they depart him; he must leave that community?

Dr. GADDIS. In a hurry, too.

Commissioner O'CONNELL. And he must take his children and his wife and his household goods and put them on his back, because I suppose they could carry on their back all that they have and leave that community, so what equity of the situation is there? There is no equity in the situation at all.

Dr. GADDIS. No equity at all.

Commissioner O'CONNELL. He is driven from the community in which he probably has worked for years and built up associations with his coworkers, and he must lose all that and go to some other community and commence living anew, and there is a slight possibility when he reaches this new community that these employers in that community have heard of him and his record and that he finds it impossible to secure employment there.

Dr. GADDIS. That is admitted by the officers of the Colorado Fuel & Iron Co.

Commissioner O'CONNELL. So that equity in a man having a right to quit and the employer having the right to discharge is equity in name only?

Dr. GADDIS. Yes, sir; sound of words. The illustration of the equality between the employer and employee comes to me in regard to the Colorado Fuel & Iron Co. After this disastrous 15 months' strike, the twenty-second annual report of the C. F. & I. Co. shows a net balance of $4,000,000. They are not bankrupt by any means after this disastrous strike, which cost them $1,000,000 or more. In one instance there was a man told me in Trinidad before he left there that there were persons crying for something to eat; that they had gone out in support of what they considered their rights. There is not much equality there.

Commissioner O'CONNELL. Do you believe that the miners—and they are the large citizens of these mining communities, in these southern and northern counties of Colorado—have had the free ballot?

Dr. GADDIS. I beg your pardon.

Commissioner O'CONNELL. Have they had the free ballot—the right to ballot—the free right to vote as their conscience dictates?

Dr. GADDIS. I know that there is indirectly, and I don't know but what direct, influences brought to bear upon the political—the civil right of the miners, for instance—the manager of the fuel department of the C. F. & I. was going around during the strike and saying when he was asked about conditions, were they going to be relieved, and his reply was, and he had it stereotyped and got it off a good many times, "There will be no permanent relief until there is a change of government in Washington. When God wants to chastise the American people he gives us a Democratic administration." How can that be interpreted by men working in the camps as laborers to get what they want unless they go to work and help put out the Democratic administration?

Commissioner O'CONNELL. Do you suppose there are some of the people in those northern and southern counties in Colorado that fear that God will never reach that part of the country, or bring some wonderful influence there that will give them a change?

Dr. GADDIS. That is one reason, candidly, that I wanted to stay there, to bring God to those people.

Commissioner O'CONNELL. The coal company and their officers there in those counties, I suppose, are not politically interested in that phase of it, in bringing God to the miners or the miners close to God?

Dr. GADDIS. You mean the officers there?

Commissioner O'CONNELL. Yes, sir.

Dr. GADDIS. I don't think they are interested. There was one super. that attended pretty regularly on religious services, but when I spoke in regard to the conditions in the camp to Mr. Bowers, and also to Dr. Corwin, of the unfitness of those men to hold such prominent positions, Mr. Bower said to me, "Those men are there for a certain purpose," and that purpose was to get coal, no matter what else they did; and Dr. Corwin said to me, or substantially said, "Those men are there to get coal and not religion."

Commissioner O'CONNELL. Are you familiar with the situation in Huerfano County, in which Jeff Farr is sheriff, or "King" Farr?

Dr. GADDIS. He is known as the big boss and is worth considerable money in that community, and he has a great influence there, and, in one instance, he tried to work it on me.

Commissioner O'CONNELL. Yes, sir; I will ask you about that in a moment. He had been sheriff for a great many years?

Dr. GADDIS. I think 15 years.

Commissioner O'CONNELL. And he is looked upon—I think it was used before our hearing in Denver; I think it was "king," or some such title, that was used in connection with his name—that he dominated everything, practically, politically, industrially, and commercially, in that county.

Dr. GADDIS. I think, as far as he can, he does.

Commissioner O'CONNELL. That in elections he has used every influence, honorably and dishonorably, to influence elections in that county; that he was a party in the distribution of funds to buy votes, as was evidenced by a witness that came before our commission that was the distributor of the money; that their influence was being used upon the citizens of that county to vote all citizens—I think it has been used several times, the statement that even the sheep in that county were voted if they had names?

Dr. GADDIS. Mules.

Commissioner O'CONNELL. One instance of a witness in Denver, who said they were driving a number of sheep through the streets on election day—or through the street; I don't know whether they have more than one street there—and when the ballots were counted, the sheep were also counted.

Dr. GADDIS. I never heard that before.

Commissioner O'CONNELL. Yes, sir; that was in evidence before us, also. It was also testified to that Jeff Farr, or Sheriff Farr, was the president of a realty company of the town?

Dr. GADDIS. He is. He owns, I think, 50 per cent.

Commissioner O'CONNELL. That the realty company controls the real estate and also the wholesale liquor business in the town.

Dr. GADDIS. And a good deal of the property to rent.

Commissioner O'CONNELL. And they own property in the town or county—it is an incorporation?

Dr. GADDIS. Yes, sir.

Commissioner O'CONNELL. That no one could get a license in that community to sell liquor unless they bought their liquor from this wholesale house, of which Mr. Farr was president?

Dr. GADDIS. I think he pretty nearly dominates everything.

Commissioner O'CONNELL. So that in practically every walk of life in that one county, in which Mr. Farr is said to be the king, that when he speaks the people generally believe that he is representing the thought and wishes of the mining company?

Dr. GADDIS. There could not scarcely be a closer relation right now, and has been for years, between the C. F. & I. Co. and Mr. Farr and his clique.

Commissioner O'CONNELL. Now, that being the situation in that part of Colorado, do you wonder that the citizens, the men and women that have a

right to vote, feel that they can get no results, no justice, from the mere matter of casting a ballot in that county on any question that they are interested in, either morally, industrially, financially, or otherwise?

Dr. GADDIS. I think it has been very thoroughly driven home to them.

Commissioner O'CONNELL. So the matter of voting for them, if they vote, is a matter of form?

Dr. GADDIS. It is a waste of time.

Commissioner O'CONNELL. It was a custom that has grown up, so that Jeff Farr could see them go to the ballot box, and if they did not they would lose their jobs the next day? Is that the condition?

Dr. GADDIS. Very likely.

Commissioner O'CONNELL. Now, all that situation existing, and with the picture of taking this roundabout way that Commissioner Weinstock has spoken to you about, preferably to taking this short cut, can you conceive of the coal miners of Colorado and their families securing any justice at the hands of the ballot box by allowing the imposition of unfair industrial conditions to prevail year in and year out?

Dr. GADDIS. In some localities it is impossible.

Commissioner O'CONNELL. And to wait and wait and wait for probably this thought that you have given, for God to change the political situation of our country and then only may they hope for a change?

Dr. GADDIS. That is the only hope, I believe. God Almighty; it is beyond the human.

Commissioner O'CONNELL. Now, do you believe that a man has the right to work under any condition, for whom he pleases, regardless of the rights of others? I say moral condition, I am not speaking about the law. Do you think he has a moral right to take another man's position or to work for an employer under any condition, under any wages, under any hours of labor, under any conditions of fair or unfair treatment, under any insanitary conditions, under any dangerous conditions, merely because the law says, or at least the interpretation of the law by those that interpret it, says that he has a right to work?

Dr. GADDIS. Absolutely and unequivocally and eternally no. There was somebody said——

Commissioner WEINSTOCK. Not to what?

Dr. GADDIS. That he has not the moral right to take a man's place under any condition. There has a good deal been said in regard to documents published by the company in regard to the loyalty of people that remained in the mine, the workmen. There were a great many people that remained in the mines that were not loyal to the coal company at all, they sympathized with the unions, they stayed there, and they were undoubtedly getting information that the unions wanted, some of them. Now, in regard to the railroad, that is quite a considerable investment of these large subsidiary companies of the C. F. & I. Co., they have a very large number of men, and everyone of those men, so far as I know, were union men. I was in Segundo one evening during the strike and the word was given out that the place was going to be shot up by the strikers at Old Town. The railroad men and their families were fully one-third of that camp, if not one-half. They communicated with the superintendent of the C. & W. road, which is the company's road, asking them if they could take out a special train with their families; that they didn't want to take part in this defense of the camp and be shot or shoot, and he said, "No; you can not take a train out." They didn't cut the wires, but hung up the telephone and when the time came they fixed up their train, in direct contravention of this man's orders, and everyone, I think, except one man's wife that I heard of, left the camp in two carloads. They telephoned to Old Town before they left saying, "Don't shoot at this train, we are union people"; and before they left that camp, in order that no special train for the help of the people that were there could be used or engines could be used, they filled the fire boxes of the engines that remained there with water. Now, if that is loyalty, I don't know just exactly what disloyalty is. Quite a number of those men lost their places afterwards.

Chairman WALSH. Commissioner Weinstock has some more questions to ask you.

Commissioner WEINSTOCK. I take it, Doctor, that you, in common with myself, are sufficiently familiar with aims and purposes and objects of organized labor to understand that its objective was in part to secure a higher wage for the workers and shorter working days, better working conditions, and legislation?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. That will tend to the betterment of the workers and the enforcement of such legislation?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. I think you will agree with me that is the general aim and object of organized labor?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. Not only the securing of a higher wage and shorter workday and better working conditions and desirable legislation but also the enforcement of that legislation?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. Now, organized labor is represented in Colorado, is it?

Dr. GADDIS. I think it is.

Commissioner WEINSTOCK. They have the State federation there?

Dr. GADDIS. Yes, sir; I attended one of their meetings that met in Trinidad.

Commissioner WEINSTOCK. Do you know they have the State federation?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. And the United Mine Workers of America have also an organization in Colorado, have they not?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. Very strong. Of course, you also know, in common with myself, I take it, that one of the policies, and I think a very wise policy on the part of organized labor, is that in order not to jeopardize the jobs of the workers that when they have grievances they shall not be called upon to submit their grievances to their employers, for fear that it may lead to the loss of their position. Therefore, their organizations have officers——

Dr. GADDIS. Grievance committees.

Commissioner WEINSTOCK. Grievance committees, and who are absolutely independent of the employers?

Dr. GADDIS. Yes, sir.

Commissioner WEINSTOCK. And who go to the employers with any grievance of the individual worker, and demand what they believe is redress of those grievances?

Dr. GADDIS. That is the case as I understand it.

Commissioner WEINSTOCK. Now, I think that you probably also realize, as you have been here and heard the testimony, that there is no association in America that is in a position to raise money more effectually or more abundantly, when the occasion arises, than the American Federation of Labor. It was pointed out by a witness on the stand the other day that the American Federation of Labor claims a membership of 2,000,000; that an assessment of 1 cent per capita would mean $20,000; that an assessment of $1 would mean $2,000,000, so evidently there is ample opportunity for raising the necessary money to carry out the aim and object of the organization.

Dr. GADDIS. I am glad of it.

Commissioner WEINSTOCK. Do you know of any instance, Doctor, where organized labor of Colorado, through the State federation or the United Mine Workers of America, exercised their power and their influence to see that these laws were obeyed and respected and enforced on the part of the mine owners or operators?

Dr. GADDIS. Do I know of any instance?

Commissioner WEINSTOCK. Yes, sir.

Dr. GADDIS. Why, I can not say that I do. I was not in touch with the work there in Denver; I don't know what they tried.

Commissioner WEINSTOCK. You know, having lived in Colorado as long as you have——

Dr. GADDIS. I lived in Colorado about two years.

Commissioner WEINSTOCK. You lived in these mining towns where you say the laws were not being enforced, and if there had been any effort made on the part of organized labor to see that these laws were enforced, you would have known of it? It would have been brought to your attention very quickly?

Dr. GADDIS. I likely would have known it.

Commissioner WEINSTOCK. Then, if those laws were not enforced, did not the burden rest—we will admit that theoretically it rested with the officers, that it is their duty to enforce every law on the statute book, but we know

that laws are so numerous, and the average officer so indifferent, that he does not exercise himself to see that the law is enforced, unless there is an effort made, or a complaint made, and brought to his attention. Now, if there was no effort made on the part of organized labor, which could have been done without a single prejudice to the workers in the mine, if there was no effort made in that direction, who is to blame?

Dr. GADDIS. I will not admit that there are not; I could not admit that.

Commissioner WEINSTOCK. Well, if there was, you would be likely to know of it, would you not? It would become a matter of common talk in the camp; it would be a matter of public notice?

Dr. GADDIS. I could not admit there was not a desperate effort made.

Commissioner WEINSTOCK. Then you do not know of any effort that was made?

Dr. GADDIS. I do not recall any now; no, sir. I will take that back; the instance I quoted of the men being thrown in jail to get the right to recall certainly was an exercise of——

Commissioner WEINSTOCK (interrupting). Will you be good enough to recite that circumstance again?

Dr. GADDIS. There were several decisions rendered by a district judge, McKendry, that had an unmistakable coloring in favor of the operators, and there was a petition started, signed by some 2,000 citizens; it had nearly 2,000 names. This judge that had this thing coming at him, to get him on the hip, as the slang phrase is—he turned around and had these men arrested for contempt of court, and they were put in jail and are out on bail to-day.

Commissioner WEINSTOCK. Did organized labor come to the defense of those men?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. If organized labor came to the aid of those men, why could organized labor not also have exercised its power and influence to see that the laws established for the protection of the workers, and perhaps not in the interest of the owners, why could they not exercise whatever influence was at their command to see that those laws were enforced?

Dr. GADDIS. I believe they did so exercise that influence.

Commissioner O'CONNELL. They went on strike to enforce the laws?

Dr. GADDIS. Certainly they did; they went on the strike against the non-enforcement of the law, which is equivalent to trying to enforce the law.

Chairman WALSH. Let Commissioner Weinstock finish his questioning, please.

Commissioner WEINSTOCK. The point I want to make, and make clearly, Mr. Gaddis, is to find out whether organized labor carried out one of the chief purposes of its existence, and that is in the interest and for the protection of the workers to see that the laws created in the interests of the workers are enforced.

Dr. GADDIS. If you will grant me the privilege of asking any representative of organized labor here in this audience and who is familiar with the affairs of that labor organization in Colorado to answer that question—I say it is a matter of ignorance with me, but I think men are here who can answer it.

Commissioner WEINSTOCK. That is not admissible at this stage of the proceedings; I want to get your knowledge, and not that of others.

Dr. GADDIS. It would be a matter of fact and not of opinion.

Commissioner WEINSTOCK. Do you know of any instance where organized labor ever did exercise its power to have the laws enforced in the interest of the workers?

Dr. GADDIS. The labor convention—the State labor convention which I attended at Trinidad—some of its sessions were quite interesting to me, because they had up to this coming strike of a year hence, and I know that I heard or remember of a Mr. Doyle, I think it was, constantly referring to the recall and referendum that they were starting or going to start, and I inferred from my several attendances upon the session there that they were trying to enforce the laws of Colorado.

Commissioner WEINSTOCK. Are you sure that it was actually done?

Dr. GADDIS. I am sure it was.

Commissioner WEINSTOCK. Do you know of any instance where organized labor went to the district attorney of the county, or to the sheriff of the county, or to any of the officers whose duty it was to enforce those laws, and demanded that they should be enforced?

Dr. GADDIS. If they had gone to Jeff Farr I think they would have gotten the laugh.

Commissioner WEINSTOCK. Do you know whether they went to Jeff Farr or not?

Dr. GADDIS. I doubt it very much.

Commissioner WEINSTOCK. I take it, Doctor, that you also in common with myself highly value your citizenship and your right to vote, do you not?

Dr. GADDIS. I do, sir.

Commissioner WEINSTOCK. And if you were to be robbed of your right to vote you would feel as strong a spirit of rebellion as a man could feel under such circumstances; am I right in that?

Dr. GADDIS. I would resent that with all of the strength of my being.

Commissioner WEINSTOCK. Exactly. Now, as an American citizen who, I take it, keeps himself reasonably well informed, you are aware of the fact that for decades, especially in our larger cities, all over the country, like San Francisco, Chicago, New York, Boston, Philadelphia, and Pittsburgh, the great body of the citizenry in those cities were absolutely robbed of their vote by gangsters and by political bosses and by ward heelers?

Dr. GADDIS. I helped to defeat George B. Cox in Cincinnati; I lived there as a pastor.

Commissioner WEINSTOCK. Because of that very thing, I take it; is that right?

Dr. GADDIS. Yes; that is right.

Commissioner WEINSTOCK. All right, Doctor. Now, if the right of citizenship is highly prized and valued by yourself, and I think it is also by our fellows, and they rob us of the right to vote, they rob us of our greatest privilege?

Dr. GADDIS. They did in Camp Morley, and in Picton, in the school question.

Commissioner WEINSTOCK. Then, if men are robbed and resort to violence and bloodshed simply because they lose their jobs, how much more justified are they in resorting to bloodshed and violence when they lose their right of citizenship; and if so, the citizens of these cities would have been justified in taking their guns and shooting down the gangsters and ward heelers, would they not?

Dr. GADDIS. It was close to that in many cities.

Commissioner WEINSTOCK. Did they do it?

Dr. GADDIS. No, sir.

Commissioner WEINSTOCK. Have there been remedies along that direction?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. How was it obtained?

Dr. GADDIS. It has been, I think, through public enlightenment and awakening and uplifting of the standard of public conscience until these men could not get by with it.

Commissioner WEINSTOCK. So, in industrial matters, you say you justify violence and breaking of the law, but when it comes to political matters you do not justify it?

Dr. GADDIS. I said, Mr. Weinstock, in extreme cases; only in extreme cases would I justify an act of violence.

Commissioner WEINSTOCK. What more extreme circumstance can you think of than to be robbed of your vote year after year? I know I have been robbed of my right to vote in California, with others of my fellows. I can not conceive of a more extreme case than that, when it comes to civil and political rights.

Dr. GADDIS. What are you driving at?

Commissioner WEINSTOCK. I am driving at this, that if violence is justified under the circumstances you think it is, would it not have been equally justifiable in our large cities when men were robbed of their votes?

Dr. GADDIS. As I said, in regard to violence in industrial matters, each case would have to rest on its own merits. The fact there was no outbreak justifies the idea that there was no cause for it.

Commissioner WEINSTOCK. There was cause for it, because you said you helped to correct the condition.

Dr. GADDIS. There was some cause, but it did not reach revolution.

Commissioner WEINSTOCK. The city was being pillaged and looted of thousands and millions of dollars, and you say, under those circumstances, men were not justified in resorting to violence?

Dr. GADDIS. It did not come to that pitch.

Commissioner WEINSTOCK. Would they have been justified in resorting to violence, if they had?

Dr. GADDIS. I do not say so, because they could have gotten a remedy without that. I should say violence should be used as an extreme and last possible resort when everything else has been tried and failed.

Commissioner WEINSTOCK. Very well, your contention is that in Colorado everything had been tried, and failed?

Dr. GADDIS. That would be the inference, would it not?

Commissioner WEINSTOCK. Yes. Let us see if everything had been tried and failed. You admit the recall was not resorted to?

Dr. GADDIS. I would say so, as I view that matter; but as you may explain it, it may not so appear.

Commissioner WEINSTOCK. Well, what was tried and failed, beyond the men making the demands and striking because their demands were not granted; what had been tried beyond that?

Dr. GADDIS. I think they tried a great many things.

Commissioner WEINSTOCK. If they tried a great many things, you ought to be able to name a few.

Dr. GADDIS. I think they tried to have the laws enforced.

Commissioner WEINSTOCK. How?

Dr. GADDIS. By the recall.

Commissioner WEINSTOCK. When did they exercise the recall? Name an instance.

Dr. GADDIS. As I said to you, I am absolutely ignorant of any concrete or specific case; but I do not doubt many could be cited.

Commissioner WEINSTOCK. If you are ignorant of a concrete or specific case, how can you say that they were tried and failed?

Dr. GADDIS. I would say, in my view, violence was justified there. I may be wrong, but that is my view of it.

Commissioner WEINSTOCK. In one breath you tell us that everything had been tried and failed, and therefore they were justified in resorting to violence, and in the next breath you say you can not tell us anything that was tried and failed, except the strike?

Dr. GADDIS. We are talking pretty rapidly, and perhaps you are not giving me time to cogitate.

Commissioner WEINSTOCK. Take all the time you want, Mr. Gaddis; we are here to get information and get facts, and we can not devote our time to better advantage than to get those facts; and if it requires more time on your part, collect your thought, and if you require more time, we will give you more time.

Dr. GADDIS. I do not want you to make out that I am contradicting myself.

Commissioner WEINSTOCK. I am not trying to make out you are contradicting yourself; if you are contradicting yourself, it is not because I made you.

Dr. GADDIS. In one breath you are saying you are not trying to make me contradict myself, and in another you are.

Commissioner WEINSTOCK. The record shows it.

Dr. GADDIS. It is your talk that shows it.

Commissioner WEINSTOCK. No; it is your talk that shows it. You said a moment ago that the situation in Colorado, in your opinion, was extreme; that the limit had been reached?

Dr. GADDIS. Yes.

Commissioner WEINSTOCK. And you were asked if any effort had been made to avoid that extreme limit by seeing that the laws were enforced and to cite an instance in which it was done.

Dr. GADDIS. You won't allow men who can give concrete evidence of it to give it.

Commissioner WEINSTOCK. How?

Dr. GADDIS. You said they could not, a moment ago.

Commissioner WEINSTOCK. Mr. Reporter, will you read the record?

Dr. GADDIS. I asked to have men conversant with the situation in Colorado stand up and give an illustration.

Commissioner WEINSTOCK. I said that could not be done at this time, that what we wanted was your testimony.

Dr. GADDIS. I understood you to say you did not allow that.

Commissioner WEINSTOCK. We can not have chaos; we take one witness at at time.

Dr. GADDIS. I have professed ignorance of the matter, and you won't allow witnesses to come in and verify my statements.

Commissioner WEINSTOCK. I think you are jumping at a hasty conclusion when you say I won't allow any testimony to come in.

Dr. GADDIS. The only way you can convince me that you are right in that statement is by allowing a man to stand up and state the instances who has knowledge of them.

Commissioner WEINSTOCK. Who purposes to run this commission, the witness or the commission?

Dr. GADDIS. I am simply defending myself; you take care of the commission.

Commissioner WEINSTOCK. When we put a witness on the stand we want the opinion of the witness, and the views of that witness, and in due course we get the opinions and the judgments and the statements of all of the witnesses who are valuable and who can throw light on the subject. That has been the method of procedure of this commission, and I am sure it will continue to be the method of procedure of this commission.

Dr. GADDIS. Will you permit—will Mr. Walsh permit someone to come here after I leave the chair and testify as to how the law was obeyed, from the standpoint of labor?

Commissioner WEINSTOCK. That is the privilege of the chairman.

Dr. GADDIS. Very well, I am satisfied.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner O'Connell has some questions.

Commissioner O'CONNELL. Are you a member of organized labor?

Dr. GADDIS. I am not.

Commissioner O'CONNELL. And therefore you could not be expected to know what organized labor has or has not done in the matter of making efforts to see that legislation was carried out, that the laws of the State were carried out, or what they have done in any way at all, as Commissioner Weinstock has been trying to make you answer?

Dr. GADDIS. I have only a cursory knowledge of affairs of that kind; my work was sociological, and was very close to the industrial side of the work, and I was quite busy.

Commissioner O'CONNELL. You were not a member of organized labor, and therefore were not permitted to enter the chambers of organized labor as a member?

Dr. GADDIS. Not at all.

Commissioner O'CONNELL. And therefore could not get information as to what they had or had not done?

Dr. GADDIS. No.

Commissioner O'CONNELL. And you may have ideas from reading about these matters or discussing them with union men or nonunion men that thought they knew about it, but as you were not a member of organized labor you could not speak as to the exact conditions?

Dr. GADDIS. I have confessed ignorance that I could not, but there are others here who can.

Commissioner O'CONNELL. Commissioner Weinstock, in his examination of you, pointed out the wonderful influence the American Federation of Labor had, particularly its ability to raise money; he said they could assess their 2,000,000 members 1 cent each and raise $20,000, assess them $1 each and raise $2,000,000, and that both he and you agreed that was so?

Dr. GADDIS. Yes.

Commissioner O'CONNELL. The fact is that is not so. The American Federation of Labor can not do any such thing, and I state this for the information of both you and Mr. Weinstock.

Dr. GADDIS. I said I was glad if that was so.

Commissioner O'CONNELL. The American Federation of Labor has a law which prohibits the assessing of its members over 10 cents each in any one year, so that if there were all kinds of strikes and troubles in the country, the American Federation of Labor could not assess its members over 10 cents each in any one year.

Commissioner WEINSTOCK. That would make a maximum of $200,000?

Commissioner O'CONNELL. Yes; but never in the history of the American Federation of Labor has that assessment been levied, or that number of assessments. They can not be levied at one time in the year, but a period must elapse between the assessments; there must be two or three months between the assessments. The American Federation of Labor has great influence, and it does not become necessary to levy assessments; it simply asks for voluntary donations to carry on certain things, and the organizations contribute liberally.

Dr. GADDIS. I understood Mr. Weinstock to say that a witness here, who is supposed to know, testified they could raise any amount they wanted.

Commissioner O'CONNELL. No; I think he quoted from what he thought was in his knowledge.

Commissioner WEINSTOCK. No; I quoted from a witness here a day or two ago.

Commissioner O'CONNELL. Then, I take it that witness was not as well informed on the subject as Mr. Weinstock expects you to be on the affairs of the unions in Colorado, of which you are not a member.

Commissioner LENNON. I want to ask one question on the effort made by the unions to straighten this matter out before they resorted to strike. You may or may not have any knowledge in regard to the question I am going to ask. Do you know whether or not the union, through its proper officials, made an effort through the Government, through prominent citizens of Denver and Colorado, through the legislature and other ways, to secure a conference with employers regarding this inforcement of the law in order that a strike might be avoided?

Dr. GADDIS. I certainly do. And I know that the operators pursued the most high-handed tactics I ever heard of in my life. They did not even condescend to reply to some of their correspondence, and in one case when one of the representatives of the Colorado union was sitting in the room they refused to speak or be in the man's presence.

Commissioner LENNON. Do you know that they refused to meet and confer with the representatives of the miners?

Dr. GADDIS. They did, as representatives of the union. They said: "We will meet you as individuals." I would like to say, and then I am through, that technically the strike was lost. It was a terrible struggle, one of the worst the American unions have ever known, but in reality I believe it is one of the greatest victories ever achieved in the United States. The operators out there to-day, I tell you, have their ears to the ground, and they will be more careful indeed in regard to things in the near future, if not permanently.

Chairman WALSH. That is all, thank you, Doctor. You may be excused.

Dr. McCorkle.

TESTIMONY OF DR. DANIEL SPENCER McCORKLE.

Chairman WALSH. Will you please state your name?

Dr. McCORKLE. Daniel Spencer McCorkle.

Chairman WALSH. Where do you live?

Dr. McCORKLE. I live now in Sunrise, Wyo. I was born in central Missouri and reared there.

Chairman WALSH. What is your calling?

Dr. McCORKLE. I am an ordained minister in the Presbyterian Church.

Chairman WALSH. How long have you followed the calling of a minister?

Dr. McCORKLE. I enrolled for the work of the ministry—put myself under the care of the presbytery as a candidate for the ministry in the year 1906 at my home town in Missouri. I did not immediately take up the active work of the ministry. I was then 30 years of age and had to put myself through the academy, the college, the seminary, and the university. I began my work as a minister by occasional visits to supply other pulpits; in 1908 was the first time I had charge of a church, giving it my full time, in Carlyle, Kans. Since that time, with the exception of one or two years spent in other work, all the time outside of my school work has been devoted to work of the ministry and mission work of our church. I have preached in Montana two different summers; I have worked a part of my time during the three years I was in the seminary at the Labor Temple, under Mr. Charles Stelzle, and later under Mr. J. C. Day, in New York City, on the East Side. I also, during the middle year of my seminary work, was employed by the Children's Aid Society, and worked at the Forty-fourth Street Boys' Home, and did some work at the Union Seminary, also some work in the Episcopal Church, teaching Sunday school.

I have spent two summers and some months in addition as field investigator under the home mission board of our church, studying rural church conditions in the State of Ohio. I took up my work as minister in Sunrise on the 14th of February, 1914, and was ordained in April, 1914.

Chairman WALSH. Have you had any experience with the properties of what are known as the Rockefeller interests in Wyoming?

Dr. McCORKLE. I am—those located in Sunrise, Wyo.

Chairman WALSH. Just state what there is there, if anything, of the Colorado Fuel & Iron Co.

Dr. MCCONKIE. It is an iron-mining village where everything is owned by the Colorado Fuel & Iron Co.; no one is allowed to own any land at all in the camp or allowed to put up any public building or fixing any permanent claim whatever. The only buildings that have been allowed, I believe, at all to be erected by private persons are some barns—small barns, possibly there is something else like that—a few little shacks were built the year in view of the fact that the company houses were not sufficient to accommodate all of the men.

Chairman WALSH. What is the population of Sunrise, Dr. McConkie?

Dr. MCCONKIE. It is approximately 500 at the present time. There are something like 300 men working there. At one time they had more than 700 men, I understand, at work.

Chairman WALSH. What is the character of the work that is done there by the Colorado Fuel & Iron Co.?

Dr. MCCONKIE. The mining of iron ore for use in Pueblo.

Chairman WALSH. Is anything else done in connection with it or is the ore all shipped out? Is there any smelting done there or anything of that sort?

Dr. MCCONKIE. That is the only industry. They have the company store and the railroad.

Chairman WALSH. Have they stores with outside ownership at all?

Dr. MCCONKIE. They are not allowed. I mention that in my paper.

Chairman WALSH. Have you written out an outline of conditions as you found them there, and as you still find them?

Dr. MCCONKIE. Yes, sir; I have rather a complete outline.

Chairman WALSH. Are you still a minister at Sunrise, Wyo.?

Dr. MCCONKIE. Yes, sir; I am.

Chairman WALSH. I wish you would, if it is convenient for you to do so, to read your outline now and then perhaps I may ask you some questions, and the other commissioners may want to ask more.

Dr. MCCONKIE. Perhaps I ought to preface the reading of this article with the mention of the fact that in undertaking the work of the ministry I found myself, several years ago, required to choose between mission work in China, which appealed to me very much, and my feeling that in industrial communities in this country the foreigners were getting a very false notion of Christianity as represented by the American people. And finally I decided to give my life to religious work in industrial communities, particularly among foreign-born people. To that end I have put myself through academy and college and took my B. D. from the Union Theological Seminary in New York City and my degree of A. M.—in sociology and economics—in Columbia University.

Chairman WALSH. Columbia University, New York?

Dr. MCCONKIE. Yes, sir.

Chairman WALSH. What degree did you take?

Dr. MCCONKIE. A. M. I took my major in sociology and my minor in economics.

Chairman WALSH. Go ahead.

Dr. MCCONKIE. I wrote my M. A. thesis as a study of the conditions prevailing in the rural community near Billings, Mont., an irrigated district. I believe that thesis is referred to frequently in the work of the sociological department in Columbia University now.

Chairman WALSH. How old a man are you now, Mr. McConkie?

Dr. MCCONKIE. Well, I don't know; I am a little more than 35 years old. I was 20 years old and past before I had an opportunity to go to school at all. When I was a boy on the farm I had to work and study when I could; but after I was 20 I started in the academy.

Chairman WALSH. You began life on a farm? You were raised on a farm?

Dr. MCCONKIE. Yes.

Chairman WALSH. Go ahead; I interrupted you.

Dr. MCCONKIE. I was going to say that I undertook to get a practical acquaintance with working conditions and so, to that end, beginning in 1904, I worked in an automobile shop in St. Louis at mechanical work. I went to the harvest fields in 1905 in Oklahoma; also in 1906 I made the harvest fields from Kansas to North Dakota—Kansas, Nebraska, and South and North Dakota. I made the harvest fields again in 1907 in Kansas, in Colorado, and the Texas corn locality in Oklahoma, coming in that way to meet with a great number of the drifting, unorganized workers. I went back to the harvest fields in Kansas the year after I had graduated from college. Finishing my work there I passed

on down through Oklahoma and Nebraska and worked a while on a ranch and spent three months in roundhouse work at Raton, N. Mex., and from there I went to Billings, Mont., and worked some six weeks on concrete work on the street, and perhaps I might say—might begin my paper here, because it was in connection with these travels that I first gained information concerning conditions in the coal fields of southern Colorado.

My first acquaintance with industrial unrest in southeastern Colorado, other than what I had read in newspapers, came in connection with my work as a mechanic's assistant in the roundhouse at Raton, N. Mex. I worked there for three winter months of 1909 and 1910. Men who were working with me told me that life in the coal camps was not safe for any union sympathizer. One man told me that he knew personally of two men who had been killed in a New Mexico coal-mining camp not far from Colorado. Others told me that they knew men who had been driven out of Colorado camps near by by armed employees of the coal companies. Also that it was common for armed agents of the coal camps to enter the houses of the workingmen and search them whenever they wished. That this was done without warrant or legal authorization. When leaving Raton, I planned to make a trip through some of the coal-mining camps in southeastern Colorado. Several friends urged me not to do this, telling me they believed my life would be in danger. I did, however, cross from Raton to Trinidad, visiting two camps on my way. I met in conversation with the miners en route, as well as in the stories of men at Raton, numerous charges of unjust treatment. Men were said to be compelled to trade at the company stores. Wages were said to be as low as $1.50 per day with men with families, and practical miners complained bitterly of the great danger they must face continually because of windy shots; that is, powder charges set by inexperienced workingmen in such a way as to ignite gas in the mining passages, which in turn raised clouds of dust, causing the deadly explosions of dust so common in southeastern Colorado.

One year after leaving Raton I took charge of a church near Billings, Mont., and in that connection spent one week of each month with two congregations in the mining camps of Bear Creek and Washoe, located near Red Lodge, Mont.

In June, 1911, while on my way to Bear Creek, I fell in company with an intelligent young Serb. We spoke of the situation as it appeared to the workingman of the coal fields of southeastern Colorado. He had worked, he said in the mine at Starkville, Colo., just prior to the fatal explosion a few months previous. In this connection he told me a surprising story. I had him repeat it, and he gave it unchanged. I then put the chief items of his story on paper, and he vouched for them, item by item, as correct. He said:

"I was a mining foreman at Starkville, near Trinidad. I found gas in the mine."

He told me he found so much gas he tried to fan it out and couldn't do so.

"I found gas in the mine. I was fire boss"—

These are items that I wrote down at the time and kept in my notebook—

"I was fire boss and sent six men back home to keep them from working in the room where the gas was. The mine boss got angry. He said he was running the mine and discharged me for sending the men away. The superintendent met me and the mine boss and concurred in my discharge. This was at about 9.30 in the morning. At 10 o'clock that night the mine blew up and about 75 men were killed."

Those were his figures, or his estimate, I presume. Fifty-six, in fact, were known to have been killed.

"There was gas in three or four rooms—gas for 100 or more feet. I did not report it to the officers for fear the company would blacklist me"—

This was in answer to a question of mine—

"I did not report it to the officers for fear the company would blacklist me."

This young man gave his name, George Veydich, but begged that, if possible, his name should not be made public, because he might sometime want to get work with the company, and he could not if they found he had told.

That story was so remarkable, gentlemen, that I made a note of it in my notebook, and I have preserved it ever since.

A few months later I met John A. Fitch, who first gained distinction for his work in the Pittsburgh survey. I had, in the meantime, gone to New York City and entered Union Seminary, or the university. When relating my experience and this remarkable story of the young Serb, he told me of his own recent visit

to investigate the iron industry in southeastern Colorado and showed me notes taken in his investigation, which were similar to the things I have heard charged.

My next opportunity to gather information with regard to the Colorado Fuel & Iron Co. and its employees began unexpectedly a year and a half ago. I had under consideration a request to superintend the Presbyterian Neighborhood House, at Gary, Ind., but was persuaded to accept, instead, charge of a church in the iron-mining village of Sunrise, Wyo. Not until after I had accepted the church did I learn that the camp was in the possession of the Colorado Fuel & Iron Co. Even then I hoped a personal touch with life in the mining camp would show things less offensive to the workers than my earlier sources of information seemed to indicate. It is my conviction—I add this for your understanding—it is my conviction that capital must be accumulated in large sums in order to carry on modern industry, nor do I bear any ill will toward those who accumulate money and use it in legitimate channels for the welfare of both themselves and their employees. This must be done until the people become intelligent enough to save the capital they need in order to carry on industry for themselves.

Arrangements for me to take charge of the Sunrise, Wyo., Presbyterian Church were made through Rev. L. Harold Forde, of Cheyenne, Wyo. He was, and is, pastor evangelist of that presbytery.

A paragraph in a letter of December 12, 1913, from Rev. Forde occasioned some surprise. It is given herewith:

"There is a fine little church—at Sunrise—costing the Colorado Fuel & Iron Co. about $3,000, heated and lighted free for our work. But we do not tell anyone this. It must not be let out."

A little later in the same letter this quotation appears:

"The location of the house I will have to wait on until I know what to do since getting these letters. I will make a trip to Denver as soon as I know, to see the manager and John D. Rockefeller's personal representative. He is very loyal to us and always listens to me kindly. He is a strong Presbyterian and a supporter of a number of missionaries."

I replied to these quotations in my letter three or four days later, saying:

"Frankness in regard to the source of our income would be a great asset. Workingmen in most parts of the West where I have worked managed to find out where the churches get their support. If we treat it like a thing to be ashamed of, will we not give cause to suspicion our motives? Misgivings and manifestations of error are fewer, I am sure, when everything is open and aboveboard. I think you will agree that here is a question that is at least debatable.

"It is encouraging to find men who have ample means ready to promote the welfare of these foreigners. I am eager to begin and I believe God will prosper our undertaking. I feel that His hand has been manifest already in enlisting me for the Wyoming field."

On February 14, 1914, I arrived in Sunrise, Wyo., and took charge of the Presbyterian Church in that village. I found certain advantages possessed by the people who live in Sunrise. The climate is healthful; the company houses, in nearly every case, are comfortable. I will refer just a little farther on to some where objections are raised. Most of the English-speaking families live in four-room houses. Part of those who do not speak English are similarly housed, while others live in two-room company houses. A few live in small shacks which they themselves have built. These are perhaps better protected against cold than are the company houses, but otherwise they are not as good or as roomy. The average company house has four rooms about 12 by 14 feet, with a small closet 2 feet wide built in between the walls of two of the rooms. There is also a small pantry room about 4 by 6 feet built onto one end of each house. Frequently also there is a double closet. The houses are supplied with electric light in abundance and many families are allowed to use their electrical connection for a small toaster, flatiron, and so forth, paying a flat rate. Adjacent to the house a privy and a coal shed have been erected in most cases. Some of the foreign-born people, however, have not been given so many as were needed. The men in the compo-board houses object. I believe there was reference to that a little earlier. At Ironton, a little division of the camp more or less under separate management, there were compo-board houses, and, as I understand from some of the people, they created more or less bad feeling, just as I found among the foreigners, some of whom had lived in Sunrise. The superintendent said he made the men leave their log

cabins and move into the company's compo-board houses. Some of these cabins were far better for comfort than the company houses and had been neatly built. Most of them, I admit, were not very decent, but some of them were very decently built and represented an investment of two or three hundred dollars; but they all had to get out and live in the company houses, except two or three families who were so quarrelsome that they could not live in town.

Before passing this I must mention the fact that there is a difference in the repairs furnished to the people. The English-speaking people get repairs when the foreign-speaking people are, in a good many cases, refused them. One case I know of where the people had occupied the house for eight years and it was in very bad repair and scarcely fit to live in in the winter, and nothing had been done to the house, and it was not fit really for people to live in. Of course that discrimination, with all paying the same rentals, provokes friction.

The water which the company supplies is good. It is hauled 6 miles by raft from a large spring in the river and has been found quite wholesome.

I will say that the company has put in a cement tank with a pumping plant attached, and the water is emptied from the tank cars into this tank and then pumped to tanks on the hill. Since that has been done I believe there has been no case of typhoid in Sunrise that could be traced to this company water—a great improvement over the condition that prevailed before, and is a very commendable thing for the company to do.

Repairs and painting are furnished free once in every three years for all of the English-speaking people, except some of the single men, who live in company's so-called bunk houses. Among the non-English-speaking people repairs are seldom furnished free. Some houses are very much in need of renovation, and have been for years. A few houses have hydrants inside, but in most cases the water has to be carried from out of doors from a hydrant which is used by several families. However, considering the rental, which is $10.50 per month for a house of four rooms, with electric light and water in addition, there are few who do not speak with approval of their relations with the company in regard to housing accommodations.

I will say that in the last two years or three the company has changed its rules in regard to water, and now allows the men free water to water a small garden. Before that they had to pay something extra for water to water their small gardens. By that I mean they are very small—very few of the men have a larger garden than this platform here on which we are sitting—but it means something in the way of green food and some comfort and relief from the barrenness of the hills and the yards.

Another advantage possessed by workingmen of Sunrise is comparative safety when at work. Few are injured seriously. Men are not driven into dangerous places, but are allowed to use their personal discretion when the work involves peril. I think that the company should be commended for this. I have worked in places where life was not safe, because the men were urged to go into a dangerous situation and not allowed to use their judgment. Whether the company is responsible for it or the superintendent, I don't know, but I feel sure that the superintendent is heartily in accord in having the men to be sure they are safe before they work, and many think that the superintendent rather than the company should be commended for that protection. I hope they are both to be commended for it. Moreover, the speed at which they are required to work is not exhausting, and with a few exceptions, as in the case of pump men, the steam-shovel men, and the men in charge of the electric lighting system at night, men do not work for more than 10 hours regularly.

I will say, also, that the bookkeeper at the store is required frequently to work all day Sunday. He is required now, that business has fallen off so much in the last year at the company store, to act as clerk in addition to his duties of keeping the accounts, and he is compelled to work on Sunday. I know he told me the Sunday before I left that he had started to work at 7:30 in the morning and did not get through until a quarter of 2 at night. He seldom gets a Sunday off. There are a few men that do not get their Sunday rest. One is the pump man in the power house. Last summer the pump man in the power house said that he had had one Sunday or holiday in five years.

Chairman WALSH. Is he a churchman, or a man ordinarily who would go to church?

Dr. McCORRIE. Not a great deal; but whether he wanted to go to church or not, he has a right to rest. The men in the power plant and the pump men complain very bitterly of being kept there such long hours. The man that works at night in the electric lighting—he has not much to do, but he has to be

on 13 hours without change or relief, and do it regularly, and it is trying to a man. It seems to be one of the great injustices. I know this, that it has been the cause of producing a great unrest among them, and if you will look at the men and notice how weary they appear from those monotonous things you will realize that they have a just cause for complaint.

Sunday work is frequently required and it is particularly irksome to some. There was a thing that came up last Christmas time. As you know, the Greek calendar differs from ours about 13 days, and they don't celebrate Christmas at the same time, and it was a slack season and the men were only working part of the time, and yet they wanted to be off Christmas time, but they were served with notice if they did not come back to work they would be suspended for several days. They had some short-time work anyway and several went back. The thing provoked so much adverse comment that it was revoked a couple of days later and all were put back to work that had been suspended. There is not much injustice of that kind. I do not believe that the superintendent wanted to be unjust to the men at that time. I will say, however, I did not carry industrial unrest to Sunrise. I found it there, and I believe I can say in all my experience with working people I never have seen a situation whose any agitator could go in in a week or two and stir up serious trouble unless the people were already galled and embittered by things that they believe to be unjust. I don't want to promote a spirit of unrest and bitterness.

Shortly after my arrival there I found that a strike had been threatened during the preceding year—the same year that the strike was called in Colorado—I believe the men told me it was the latter part of the spring of 1913. Several of the foremen called their men together, and a vote was taken, at which a majority declared themselves in favor of a strike for higher wages, shorter hours, and relief from certain treatment at the hands of the company considered by the workmen unjust. The strike was abandoned, however, on account of the unwillingness of a few men to join.

Just a mere handful, a dozen men, caused them to abandon the proposition. The vote, even if not acted upon, registered a state of mind far from restful.

Shortly after this strike vote was taken the company advanced the wages of the men, but did not grant any of the other points at issue. It is believed by the workingmen in Sunrise that the strike vote was reported to company headquarters by secretly paid agents of the company, and that it was directly the occasion of the increase in wages granted to them. Everybody in Sunrise knows there are men there reporting; they know who some of them are, but not all, and they know that it was directly the occasion of the increase in the wages granted them.

When I first arrived and took charge of Sunrise Presbyterian Church I was surprised to find that the workingmen, almost without exception, seemed to mistrust my motives and work. Repeatedly I was called a "company man." Some said: "We know, of course, you have to stand in with the company." Gradually, however, they seemed to manifest confidence and confided some of the things to me which they held as grievances against the company. That some should be dissatisfied was to be expected. I looked to find a portion of the community class conscious——

Commissioner O'Connell. What do you have in mind when you say class conscious?

Dr. McConnell. I looked to find a body of men more or less imbued with socialistic ideas, believing that the industry ought to be in the hands of the working people.

Commissioner O'Connell. Did you have any other thought of class consciousness?

Dr. McConnell. I don't believe I did. I think it is economic. I did not look in Sunrise to find much class consciousness of any other kind, except it was class consciousness of a racial order, as between Japanese and colored people and Italians and Greeks and Americans. That part of class consciousness prevails in all parts of our country to some extent. I looked here to find some feeling on the part of working people that there ought not to be anybody but workingmen. I was going to say, however, the most surprising feature of our unrest to me was its extension to every class in the community—every station of people. A few days after my arrival one of the highest salaried men in the company's employ, a college graduate and expert, together with the principal of the public school, spoke with great feeling of the lack of provisions for social and educational welfare within the camp. The people were compelled, they said, to go to the saloons of Hartville, a mile distant, for almost everything of

a social nature. A hall had been petitioned for more than a year, I believe. It was two years ago last December, I think, when they sent the petition about for the hall.

Commissioner O'Connell. Do you know how the saloons were managed and who ran them?

Dr. McCorkle. The saloon at Hartville was not under the company's control.

Commissioner O'Connell. Are they under their control in Sunrise?

Dr. McCorkle. There are no saloons in Sunrise.

Commissioner O'Connell. How far is Hartville from Sunrise?

Dr. McCorkle. One mile. There is a hall at Sunrise about 40 feet square, and it has a good dancing floor, with a raised platform at one end, but there is no place for the lodges to meet except over the stables of the Colorado Supply Co., where they rent a loft, but the hall is scarcely fit for any sort of social activity.

Chairman Walsh. At this point we will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m. of this Wednesday, May 19, 1915, the commission adjourned until to-morrow, Thursday, May 20, 1915, at 10 o'clock a. m.)

Washington, D. C.,
Thursday, May 20, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Harriman, O'Connell, Lennon, and Weinstock.

Chairman Walsh. Mr. McCorkle, will you please resume the stand.

TESTIMONY OF DR. DANIEL SPENCER McCORKLE—Continued.

Chairman Walsh. Mr. McCorkle, if you would be good enough, please resume the reading of your statement.

Dr. McCorkle. In my testimony yesterday I had just reached the point where I was saying that the entire community, almost without exception, felt that it had grievances against the company, that the people had spoken in very strong terms of conditions there.

I will read about three sentences:

"The most surprising feature of the unrest was its extension to every class in the community. A few days after my arrival one of the highest salaried men in the company's employ, a college graduate and expert, together with the principal of the public school, spoke with great feeling of the lack of provisions for social and educational welfare within the camp. The people were compelled, they said, to go to the saloons of Hartville, a mile distant, for almost everything of a social nature. A hall had been petitioned for more than a year"—a new hall. They have only one small plain room, practically a dancing room, that is all there is now.

A hall had been petitioned for more than a year, I believe, but no word had come to show that the petition ever went further than the hands of the company's local superintendent. There was a plain dance hall, about 40 feet square, with a small raised platform built on one side, suitable for almost nothing save dances, and several citizens stated that was the sole provision the company had made for the social life of the people. Years before there had been a reading room with newspapers and magazines, but it has been abandoned. The fraternal, the various fraternal organizations—the Odd Fellows, Woodmen of the World, the Rebeccas, the Royal Neighbors, and the like—were compelled to rent a loft over a stable and the company's store.

Even the public schools had received little attention. They were poorly lighted, so poorly lighted indeed that reading was impossible shortly after 3 o'clock in the afternoon on cloudy days in the winter. The people wanted a school building, just as they wanted a hall, but the company would not give them.

This condition caused the college man to exclaim, "The superintendent is against everything that is for the good of humanity."

The school principal, however, felt that the failure to provide for the welfare of the people rested with officials higher up rather than with the local superintendent, and later information seems to show that that is true. I have found that consideration of the erection of a hall was going on before the higher officials. It is my personal opinion that the superintendent does all for the people that higher officials allow.

In most of the communities failure to provide public buildings might be charged to lack of public spirit on the part of the people themselves, but in Sunrise, Wyo., all of the land is owned by the Colorado Fuel & Iron Co. This company will not sell or rent land to anyone for any public building for public use. The Sunrise church is no exception, as I shall indicate later.

The grievances found by these men, whose education fitted them to speak without prejudice, were repeated by almost everyone living in Sunrise, and other and more serious charges were made.

When I suggested steps to set anything right, however, I met constantly the statement that nobody could remain in the camp who voiced any open criticism of the company. Friends warned me personally that I would be summarily removed unless I was very careful to say nothing that would reflect upon the company or the management of its affairs in Sunrise. The school election on the first Monday in May—the annual school election—was close at hand. I urged qualified voters to be present and work for improvement, but everywhere the appeal was turned down with the statement that I did not understand how such things were controlled at Sunrise.

Some of the better educated young English-speaking workingmen, men of families, told me plainly that they would be discharged if they went to the school meeting and had any improvements that the company was not willing to allow. I will say here that the superintendent is always one of the three members of the school board. Perhaps the condition was not so bad as they believed. I doubted personally whether they would have been discharged for such manifestation of interest in the school their children were attending, but the fact remains they believed this action would be taken against them, and believed it so strongly that very few attended the school meeting.

In this respect it was not very unlike other years, since at almost every election the superintendent has to send out after enough voters to make a quorum. The same lack of quorum existed on May 3, 1915. Several of the women planned to attend this school meeting, but a report was spread on the day that the meeting was to be held that there was to be no meeting, that the company was going to appoint the director, and there would be no use to go down to the hall, and as a result very few went, and the superintendent had to send out to get enough to make a quorum.

In connection with the school election discussion the allegation was made that one Greek who had taken out full naturalization papers was refused a vote in the general election because his political party was disapproved. He was a Democrat, they told me. Some of the Greek men claimed to have known this to be true, and after the experience he was so disgusted he returned to Greece and renounced his citizenship in this country. This one instance is all I have heard of where there has been any interference except with school elections.

Another grievance that was weighing upon Sunrise people was the interference of the company in church affairs. Not interference through Rev. Gaddis. He had the respect, the confidence, and perfect fellowship of the people of all denominations at Sunrise; he was never sectarian; no one in Sunrise ever brought that charge against him.

The officers of the church particularly thought they had a right to be consulted or advised with at least. "Our official title is a farce," one of the board of trustees remarked to me. "The company really keeps everything in its own hands. We trustees are figureheads, and can do nothing."

I began to understand why people at first shunned me for a "company man." I recalled how the Rev. L. Harold Forde cautioned me against speaking of the fact that the company had furnished the $2,000 which went into the building originally and to the fact that the fuel and lights were furnished regularly. The people at Sunrise knew that the Colorado Fuel & Iron Co. had done this despite Mr. Forde's secretive action. They knew even more than Mr. Forde had disclosed to me. The company, they said, had not made a gift of the church building, but held a contract wherein the people had agreed to pay a yearly charge of $180, or 6 per cent upon the cost of the erection. Several other clauses prohibitive of freedom of action on the part of the church officers were contained in the contract, but the interest clauses particularly were vital. A small, struggling congregation made up, as it was, of working people almost entirely, it had scarcely been able to pay its ministers; and the interest charge of $180 per year had been left unpaid. There was a clause in the contract which said that if the people failed to live up to any part of their agreement the Colorado Fuel & Iron Co. was to be at liberty to take the building over and transfer it to any other denomination that the company wished.

At about the same time that this revelation came to me from the members of my own Presbyterian Church I took occasion to call upon the Catholic priest who makes a Sabbath visit once a month to his congregation in Sunrise. Since he had only the poorly equipped Sunrise hall for his service I extended an invitation to use our church building at any time when it would not interfere with our own work. His reply was prompt and decisive. Thanking me for the courtesy, he refused. "This company," he said, "offered us a building on the same terms that you got yours. But we will not accept a church building upon such terms."

The month of April, 1914, had scarcely begun when I began to receive friendly warnings that I was too active and in danger of being removed by the company. My interest in the school election for the sake of better facilities and the revelation that my people felt it unsafe to vote or agitate for improvements came in this month. And then, suddenly, reports poured in of the unexpected massacre of women and children at Ludlow, Colo. The sympathy of the people of Sunrise, with few exceptions, was with the striking miners of Colorado. They themselves had come so near a strike. They felt that the union miners of Colorado were fighting for better conditions in the mine at Sunrise as well as in Colorado's coal fields. Some had friends and relatives among the Colorado strikers.

Had Ludlow been all, the tension would have been hard enough for the people of Sunrise to bear. To make matters worse there was a persistent rumor that the Colorado Fuel & Iron Co. was planning to send its hireling detectives, so called, to Sunrise armed and in sufficient numbers to overawe the people and "preserve order."

The people of Sunrise are habitually peaceable. They are accustomed to work daily for a livelihood. They respect property rights much more than in an average community which is in touch with a drifting, idle class. My own home stands open or unlocked day and night, without molestation. Yet these people had to endure the fear of an invasion by a private army recruited from among ex-convicts, marauders, and murderers schooled by their crimes in the Mexican revolution, and all other sources of moral derelicts. And if this private army came, it would come as it had come to southeastern Colorado, with its hands filled with the deadliest of weapons furnished by the Colorado Fuel & Iron Co. To make trouble would be its business, since violence would mean a longer job and more pay. Those who think honest workingmen should submit quietly to such intimidation ought to be where it would be real for themselves and families. I am glad to say that Sunrise was not quiet.

I took advantage of the situation in private and semipublic conversation and in a public sermon to discuss our Government in its relation to conditions like those prevailing at Sunrise.

In reference to the school election and the discharge of those who might vote for improvements which the company did not approve I said that no such intimidation was permissible. That the war of the American Revolution had been fought to establish the right of a community's affairs to be managed by the people residing within the community rather than by absentee owners.

Respecting the Ludlow massacre and the threat or rumor of armed company detectives at Sunrise, I urged peace and the sort of action necessary to secure peace. I mentioned the horrors of war, its wasteful destruction of property, the poverty and ignorance which follow it, the injustice it leads to for both rich and poor, the destruction it threatens for men of wealth indiscriminately without regard for those who are in fact useful producers and friends of the workingmen, and, finally, the certainty that the workingmen will lose by a war, whether the struggle ends for or against them. Peaceable progress is more rapid and thorough than progress through war.

I recognized the peril to our Nation from war, and our patriotic duty to maintain peace.

I then referred to the hiring of private armies of so-called detectives by corporations for use in labor disputes. I pointed out how men with records of violence, the convicts of our penitentiaries, the marauders of the Mexican revolution, all sorts of moral degenerates produced by the injustice of our modern social and industrial wrongs, are hired by these corporations. I mentioned the deadly weapons put into the hands of such men, who are then sent into communities where peaceable working people are seeking justice, better homes and schools for their children, and respectful consideration at the hands of their employers.

Corporations who hire such men, arm them, and send them into communities of peaceful, law-abiding people are, I say, guilty of levying war. It is an act of treason that threatens the very existence of our Nation. It will, if continued, plunge our entire country into war.

Our place, I said, is to work for peace, and seek laws that will prevent any corporation or body of men from hiring a private army and threatening our Nation's future. Let us be found always on the side of peace.

But it is our duty, I said, to mark well every man who has a part in the hiring of such a private army. We shall do all that lies in our power for peace, but if war is forced upon us every man who has helped to hire such an army, to bring it into a peaceful community, or to maintain it after brought in, must be executed for treason. It is time for us to know who these men are. And the war they create, if they succeed in creating it, must arouse working people to the necessity of executing every man guilty of such treason as quickly as they are apprehended and are found guilty. Protection against men who are willing to plunge our Nation into war can be secured, once a state of war is created, only by execution of the men responsible.

Let us remember, however, I said, not to turn upon every employer, not to attack every man of wealth, even in warfare that has been forced upon us by some men of wealth. A fair trial must be given every person accused. Only those who have violated our laws by treason should suffer. Nor do we want even these men to suffer. If we can maintain peace, restrain their violence without war, and teach their children better things, their children may turn the talents their fathers are abusing to the service rather than the injury of humanity.

If Mr. Rockefeller, Mr. Welborn, or any other official of the C. F. & I. Co., high or low, is guilty of levying war and their acts end in war, they must die for their treason. But let us hate no one merely because he is rich. And let us condemn no one without a fair trial.

The outline I have just given is, I believe, a fair résumé of my remarks and sermon. In all that I have said there was nothing of any revenge. Were Mr. Rockefeller in the miserable position that many of the employees of the Colorado Fuel & Iron have been, I would try to save him from it as quickly as to save them. But Mr. Rockefeller is not in that position. Mr. Rockefeller and his associates are not in that position. They enjoy every comfort that money can provide.

They enjoy the fuller knowledge of human life and public affairs which education alone can bring. They enjoy a liberal culture. And yet, knowing as they do the great advantages of peace, they have allowed somebody among the higher officials of the Colorado Fuel & Iron Co. to employ a private army, arm it with the machine guns and high-power weapons, and sent it into the communities of their employees, where labor disputes have arisen. In so doing private ends have been put above the peace and security of our Nation. Some day, if they and other employers persist in using such private armies, the peace and security of the Nation is certain to be overthrown. And in that time, which we pray and work to prevent from ever coming, there will be but one way open to restore peace. The Nation will demand the lives of the men who now regard their treasonable armies of private hirelings so lightly, and it will take them not in revenge, but for the sake of safety and peace.

It would be better by far that some property should be destroyed by violent strikers until an aroused public sentiment intervenes to stop them with the lawful forces of the State. Without the armed detectives in the private employ of the coal companies to provoke to violence, I venture the assertion that the destruction of property in southern Colorado during the recent strike would have been ten times less.

I am reasonably sure—I say this, gentlemen, from my knowledge of the conditions at Sunrise, Wyo.—I am reasonably sure that such a private army sent into Sunrise, even without the calling of a strike, would have resulted in bloodshed and the destruction of property to an appalling extent. And the men who sent it would be guilty above all others. But such private armies, of course, were never intended to protect property. They are sent merely to intimidate workingmen in order to get them to accept unfair, unjust terms in labor disputes. Safety for property is the last thing thought of. We are in the midst of great adjustments. We can pass through them peaceably only through justice and kindness. Employers who hire private armies of thugs are seeking to prevent justice by the harshest sort of crime. I take the position of the president

of Johns Hopkins University, mentioned here yesterday; in so far as to demand peace as the first requisite, but my remarks were and are against the primary violator of peace in the person of the men that employ the private armies and equip them.

Commissioner WEINSTOCK. Please read that again.

Dr. McCORKLE. I take the position of the president of Johns Hopkins University, mentioned here yesterday——

Commissioner WEINSTOCK. You take the position?

Dr. McCORKLE. Yes, sir; I think my position is identical. I am in so far as to demand peace as the first requisite, but my remarks are against the primary violators of peace in the person of men who employ a private army, and equip it for acts of deadliest violence.

So much for my violent remarks, as Mr. Welborn has called them in his letter. Please observe that I made them deliberately and directed them against an act of treason that threatens, above all other dangers, the life of our Nation and the safety of its people.

Perhaps there is a trifling advantage for the large corporation which refuses to treat with its employees, hiring a private army to intimidate them instead. Perhaps there is a small advantage in the immediate present—I doubt it, but perhaps there is. But the future holds a day when that intimidation will not work. It will be better for the Nation, better for both rich and poor, if the employment of the private army is ended quickly and forever.

Following my sermon, there came vigorous efforts on the part of the Colorado Fuel & Iron Co. to remove me. Rev. Forde wrote a thousand-word letter, which began thus:

"My Dear McCorkle"—this is dated May 2—"I have the following statement sent to me"——

Chairman WALSH. May 2; what year?

Dr. McCORKLE. May 2, 1914; a year ago the 2d of May.

"I have the following statement sent me: 'Rev. Mr. McCorkle is sure a hot Socialist—he missed his calling; he ought to be a labor leader.'"

Commissioner WEINSTOCK. Who wrote that?

Dr. McCORKLE. Mr. Forde.

Chairman WALSH. Who is Mr. Forde?

Dr. McCORKLE. Pastor evangelist of the presbytery. He has no authority over the church, but he has authority to visit us and has tried to exercise other authority.

Commissioner WEINSTOCK. This was an anonymous letter sent to Mr. Forde?

Dr. McCORKLE. It was signed, but he did not disclose the name of the person that signed it.

"After our frank conversation and correspondence on this subject, I hardly can believe that you are talking, much less preaching socialism. You remember my position was, we have no right to dictate to you your personal beliefs. But we do have the right to say that you or any other minister working with us shall not preach or propagate socialist doctrines or teachings. We maintain that ground. If you are even talking socialism, while drawing money from the board of home mission, you are not fair nor dealing honestly with the board—for it employs men to preach the Gospel and nothing else. We sent you to Sunrise to preach the Gospel and not socialism."

I can read the entire letter——

Chairman WALSH. What is the substance of it?

Dr. McCORKLE. You have heard the substance of it; it goes on in a continued attack on socialism, and repeats again the statement that I am not allowed——

Chairman WALSH. Had you said anything except what you have read us, the substance of it, from that sermon?

Dr. McCORKLE. No, sir; the men did not know that I was a Socialist. I took this letter, when I got it, and went to all of the officers of the church and to some of the most regular attendants besides, and told them plainly that I was a Socialist, and asked them if I had ever touched on any such thing, and they said no; they had never heard me mention it in the pulpit. I did mention it in private conversation with two or three of the congregation, but it was the sermon that I preached that was considered socialism.

Chairman WALSH. Mr. O'Connell would like to look at that letter.

Dr. McCORKLE. I have some more quotations from it.

And Rev. Forde's letter was approved; it was marked approved on the letter by the chairman of the board of home mission, and two of the members resi-

dent in Cheyenne. Before I had time to answer it another matter came up. A young Italian workman had been struck on the head by a falling fragment of iron ore while working near the hoist at the mine shaft. I visited him, found that he was not receiving careful nursing, and suggested a trained nurse. The next day five of the Italian men came to my home and asked me to telephone and secure a trained nurse for him. I did so, with money furnished by them. The nurse came, cared for him, and was paid in full.

The company physician, as soon as he heard that the nurse had been called, telegraphed Rev. Forde to come to Sunrise immediately. He came, called at my home, and invited me to come with him to the doctor's office. A somewhat spirited controversy ensued, polite but definite.

The doctor asserted that the Italians had no right to employ a nurse without his permission, ordered me to stay away from all of his patients unless I first got permission from him to visit them, and told me that "the company wants you in Sunrise to help keep the Greek and Italian people down, not to stir them up. If you do not help the company keep them down," he added, "it does not want you here at all."

I replied that I deemed it my duty to visit any who were sick, and that, looking at the matter as I did, I would continue to do so. Also, that I regarded my place in the community as a friend and helper for all, and would not undertake to keep anybody down.

After a few minutes' conversation the feeling of tension which characterized our meeting at first disappeared, and we parted pleasantly enough. Rev. Forde, though, took occasion to speak with me again before leaving Sunrise and gave strict orders that I should not involve the company to the slightest degree in criticism that I might make of things I believed wrong. He also repeated the doctor's demand that I should help the company keep the Greeks and Italians down. We came to no agreement as to the manner of carrying on the work. I specified the raffle run in the company's store as a form of gambling.

Chairman WALSH. Of what?

Dr. McCORKLE. The raffles; the raffle bills were charged against the men's pay checks.

Chairman WALSH. I don't understand that.

Dr. McCORKLE. The men who were engaged in these raffles, as an accountant of the company store said to me the other day, when I was asking about it—they can spend 20 cents and perhaps win $20 worth of stuff.

Chairman WALSH. Who put up the prizes?

Dr. McCORKLE. The company store put up the prizes.

Chairman WALSH. And it was left to chance or gambling?

Dr. McCORKLE. It was a chance game. You could spend 20 cents and win $20, or spend $20 and not get anything.

Chairman WALSH. What kind of a game was it; was it roulette or some kind of machinery?

Dr. McCORKLE. A kind of a card game; I have seen it, but never studied it out.

Chairman WALSH. Was it of common practice?

Dr. McCORKLE. Oh, yes; it must have added very considerable revenue to the store. I will say in this connection that when one of the widows of Sunrise heard Rev. Gaddis had been removed, she said he was the only friend that the people of Sunrise ever had, and she was afraid that it would be a long time before they would get another. She said that raffling game had cost her boys some money; they had spent $7 on that raffle. And I knew that she needed all that they earned. There were three boys.

Chairman WALSH. Are there gambling laws in Montana that make it a felony or misdemeanor?

Dr. McCORKLE. There are no gambling laws, it seems, at all. We have brought it up a number of times, and nothing has ever been done.

Chairman WALSH. Go ahead.

Dr. McCORKLE. This game is an evasion of the gambling laws.

I specified the raffle run in the company's store as a form of gambling where I would have to involve the company in criticism until it was removed, and Rev. Forde declared that such criticism must not under any consideration be made. Rev. Forde urged me to give him the names of the men who had complained to me against the company. He said he would have them discharged; I refused.

Chairman WALSH. That is, the men who complained about the gambling?

Dr. McCreery. Yes; who complained about the gambling and about other matters. I mentioned many other grievances that they had complained of, and he tried to get me to give him their names, and he said he would see that they were discharged at once.

Returning home, Rev. Forde sent a letter couched in friendly terms, expressing a hope for my success on the Sunrise field and advising me with many platitudes to be more quiet. I replied May 11 as follows:

"SUNRISE, WYO., *May 11, 1914.*

"Rev. L. HAROLD FORDE,
"*2022 Pobrican Street, Cheyenne, Wyo.*

"DEAR BROTHER FORDE: Many thanks for your favor of May 7, received Saturday. I am sorry that you have been so much worried about the situation here. However, if the misrepresentations of the letter you received were all of a kind with the sentence quoted to me, I suppose you could not do otherwise than wonder what would happen next.

"It has been my endeavor at all times to speak in a kindly manner. I realize that time is required for a man to see that he is in the wrong, especially if he be an ignorant man. But I do think that the men at the head of such companies, with their education and profession of Christianity, should do a little more to cultivate the self-respect and good will of the men working under them. Ministers are peacemakers when they lead their people to be just and kind.

"An important article on the Colorado situation appears in the Survey of May 2, 1914, pages 108–110. The terrible murder of those women and children at Ludlow is one of the worst crimes ever committed in our country, and the fact that it was threatened by militiamen in the pay of the coal companies before it occurred tends to the conviction that it was deliberate. I have never heard of anything quite so bad in the East. While a discussion of the thing is hardly profitable, you will further peace by using your influence to prevent a repetition of the crime.

"For my own part, I shall try to refrain from saying harsh things. Yet I know that if such things as that massacre are repeated our country will soon be plunged into war. It was such a conviction that led me to make the remarks that perhaps were misinterpreted."

On the same day, May 11, 1914, and before receiving my letter, Rev. Forde wrote to a minister in the State of New York as follows:

"DEAR MR. WERKS: Mr. Ralph A. Felton writes me that you are not employed, but would consider work in home-mission fields. We are making a change in a field that Mr. Felton writes you about—the only thing that he is mistaken about in that statement about Sunrise is that there is no mines. All property is owned by the Colorado Fuel & Iron Co.—the Rockefeller company that is so criticised and abused by the I Won't Work people and Upton Sinclair. The man"—

That is referring to me, the minister at Sunrise—

"can not remain much longer; he is simply tolerated just a little bit to give me time to secure a man for his place and to try and tone him down. He is ultraradical in socialism; unsound in other matters, too. I would like to replace him as soon as possible, for we can not permit him to remain where he is.

"Kindly let me hear from you.

"Sincerely,

"L. HAROLD FORDE."

This letter indicates that it was written in following up correspondence, looking to his plan to put me out of the Sunrise church. Afterwards, through Rev. E. S. Gaddis, sociological superintendent of the company, I learned that the company brought pressure to bear upon Mr. Forde to have me removed. The letter of Mr. Forde just given had its source in this action by the company.

It happened that the minister who received Mr. Forde's proposal for removing me communicated with me directly. In their correspondence Mr. Forde had asked him to come to Sunrise and take charge of the church.

I took his communication at once and laid it before the officers of Sunrise church. They had heard nothing whatever of the proposal to remove me and put some other person in my place. Under Presbyterian law a minister can be removed from his field only through action by the church council, called the presbytery, and presbytery always take the local congregation and its officers

into consideration. The effort to remove me secretly, therefore, provoked strong disapproval among Sunrise people. They saw in it, without the verification secured later, the work of the Colorado Fuel & Iron Co. Assurances began to come in that I would not lack for support financially if I would remain. Even the Italians, though Catholic, assured me that they themselves would support me if no one else would. I considered the matter carefully, and finally, believing that God, if He had a work for me to do at Sunrise, could be depended upon to open up the way for me to remain, I wrote Rev. Forde of my definite intention to remain in charge at Sunrise.

The letter was as follows:

"SUNRISE, WYO., June 5, 1914.

"Rev. HAROLD FORDE,

"2022 Pebriton Street, Cheyenne, Wyo.

"DEAR BROTHER FORDE: A prayerful study of the situation convinces me that I ought to remain in charge of our Presbyterian Church here at Sunrise, Wyo. My personal feelings in the matter I have put to one side. But it seems to be the desire of the people of our church that I do so, and God seems to lead so plainly that I would not think of contending against the appeal.

"The future promises some good things. There are probably many ways in which the work can be built up during the coming year. My wife and I are getting very encouraging results already.

"We shall feel a great interest in the new work you are opening in Hanna and hope the man with whom you have been corresponding may decide to develop it.

"Felton has not written me for several days. I should like to send you some report concerning his plans, but think it better to communicate at once our decision to remain here. When I do hear from him I will write you again. I hope his coming may prove a great help."

I heard nothing further, except this—no; I have not got the letter here, but Rev. Gaddis stopped at Cheyenne and visited—here is the reference; Rev. Gaddis, sociological superintendent of the company, had visited Sunrise meantime, on May 31, 1914. He inquired and found that the complaints of the people to which I was giving voice had a basis in fact and undertook to have the wrongs abated. Unknown to me he returned by way Cheyenne, visited Rev. Forde, and told him that I ought to remain at Sunrise. I had the letter from Mr. Forde, but I have not brought it with me.

Chairman WALSH. Just give the substance of the letter.

Dr. McCONNELL. The substance of the letter was this: That Mr. Gaddis had requested that I be allowed to remain at Sunrise; and they had a meeting of the home mission committee and were going to let me stay there for a while at least, but they would not tolerate any interference from Mr. Gaddis on the subject; they said that should be fairly understood, that it was their concession, and that it was not the work of Mr. Gaddis; that Gaddis had no authority in the matter.

I heard nothing further of interference in church matters from the Colorado Fuel & Iron Co. for some time. In October, after attending the church council known as Synod, in Fort Morgan, Colo. I made a short visit to Denver. Rev. H. W. Bainton, Sunday school missionary of our presbytery, entertained me at his home there, and suggested giving me an introduction to Mr. L. M. Bowers, Mr. Rockefeller's personal representative, and I consented, hoping something might come of it for the good of the Sunrise people. I spent some 30 minutes with Mr. Bowers. I noticed at the time, so I know definitely that it was 30 minutes. Save for a few sentences that I forced in, he took the whole 30 minutes for a monologue of denunciation of all kinds of social service.

Chairman WALSH. Who did?

Dr. McCONNELL. Mr. Bowers. To quote a sentence which he repeated four or five times, "All this uplift and reform work is satanic." He denounced the Methodist Church for its social-service activities, and said that such work as its social service secretary was doing was "The work of the devil."

All the churches, he said, were dabbling the socialistic devices of satan. He had not given anything to the Salvation Army for several years, because it was going in too much for social uplift and reform; whereas, formerly, he had frequently dropped them a $2 bill when passing. The work of Charles Stelzle, of the Presbyterian Church, he denounced as satanic and socialistic.

When the interview was ended, he had not given one word for the welfare of Sunrise people. It was evident that he did not want to consider anything re-

lating to their comfort, much less to hear any complaint they might desire to express. I felt that the man was to be pitied.

I will say here that Mr. Bowers, like the rest of us, had his nerve wrought upon when the great struggle was going on, and he felt like expressing himself vigorously; I think he is about as vigorous as Mother Jones, and his language was as vigorous; and if I did not express myself as vigorously, I felt like it. But for one with his views of church work to endeavor to dictate to and control all of the ministers in camps of the Colorado Fuel & Iron Co. seemed to me to threaten the very thing for which Jesus died. Trying to get a roof over the head of that poor woman whom you heard mentioned in the testimony yesterday, that the doctor had to move to another home to keep dry during confinement, is social service work; under Mr. Bowers's definition, an effort in her behalf is "satanic."

Such dictation explains the dying out of the churches that heretofore have existed in the coal camps of Colorado, as complained of by many denominations. Through my interview with Mr. Bowers, I had learned why the miners shunned a minister whom they took to be a company man.

In January, 1915, another case of company interference in church matters arose. The rector of the Episcopalian Church at Hartville requested the privilege of using the Sunrise church for services for his people, residents in Sunrise. I presented his request to the officers of the Sunrise church, and they and I alike were disposed to grant it. But the question of a forbidding clause in the contract with the company for the church building arose. We referred the matter to Rev. Gaddis by letter, as follows:

"SUNRISE, WYO., *January 2, 1915.*

"Rev. E. S. GADDIS,
"*Trinidad, Colo.*

"DEAR BROTHER: * * * Rev. Frank Chipp, the Episcopalian minister who supplies Hartville church, wrote us a letter some time ago and asked to be permitted to use the church building here on Sundays at some hour that would not interfere with our services. I took the matter up with our session, who seemed disposed to grant the request. But the point was raised that the company, in its contract, forbade the use of the church to any other denomination. And that halted the matter. I could scarcely believe that any such stipulation was in the contract, and must ask you.

"However, the immediate question is no longer a pressing one. Rev. Chipp came to see me about the matter, and after we had talked it over, he prepared a petition to you, in which the Episcopalians of Sunrise would make a request for permission to so use the church. Then, when he took the matter up with them, they decided that it would be better to help him build up the Hartville charge. I am glad they so decided, for Hartville certainly needs such work.

"But I think we ought to allow them an occasional service here, on special occasions, at least. For instance, Bishop Thomas is to be in Hartville tomorrow morning; if he came to Sunrise for a service to-morrow afternoon, I am sure we would enjoy it.

"Will you please tell us whether the company has any restrictions against such fraternal relations?

* * * * * * *

"DANIEL S. MCCORKLE."

Rev. Gaddis replied:

"I have written Mr. Bowers about other denominations using the Sunrise church. I am not prepared to answer your question.

"Personally, I certainly favor opening the church to any one of the Christian denominations, if such service would not interfere with your work."

Mr. Bowers, however, in his reply, denied the use of the building to Episcopalians. His reply is not fair, in that he seeks to lay part of the responsibility for the refusal upon the officers of Sunrise church, as if they had anticipated his refusal by themselves objecting, whereas the inquiry plainly states that they are favorably inclined to granting it.

I got this letter with Mr. Bowers's signature to it, or a copy of it. I got the letter and then made the copy myself and turned the letter over to the superintendent at Sunrise.

"JANUARY 9, 1915.

"DEAR MR. GADDIS: Your favor of the 8th is at hand. In regard to other than the Presbyterian denomination using the church at Sunrise, allow me to

say that before the church was built the Methodists had an organization and occupied the hall on Sundays. They failed completely at Sunrise and gave it up, although I undertook to arrange with them to hold the location.

"The Presbyterians applied for the privilege of reopening the services and starting a Sunday school in the hall, which was granted, and they made a success of the enterprise to the extent that we built the church for them, which is a Presbyterian Church, and one-half of the pastor's salary has been paid by the board in New York City, with the understanding that we should not build or permit to be built another church at Sunrise unless the town became very much larger and two denominations were needed."

The board in New York City there referred to was called the home mission board of the Presbyterian Church and not the company.

"I believe the elders are right in their refusal to allow any other denomination to occupy the church as long as the home mission board in New York is backing the undertaking.

"You see, it is different than if the church was self-supporting, in which case it would be a matter for the church officials to pass upon.

"The hall, which used to be used for church services, and is now, I think, used by the Catholics, could be secured, I presume, by any other denomination wishing to hold services there, but I would not be inclined to encourage such a move.

* * * * * * *

"Yours, very truly,

"L. M. Bowers."

My experience during the 15 months that I have been in charge of Sunrise church has convinced me that the Colorado Fuel & Iron Co. endeavors to control the minister and his church absolutely——

Commissioner O'Connell (interrupting). Before you go any further are you still at Sunrise?

Dr. McConnell. Yes; I am still at Sunrise. I explain that later on.

That by so doing it expects to cut out all opportunity for criticism of its relations with its employees and prevent everything in the way of welfare work. Why they do this is perhaps because of the fact the minister in the community, just as I am at Sunrise, alone of all the people who live in one of those closed camps, gets his salary independently of the company's will. They have not been able to keep the Sunrise people from giving me enough to live on.

At Sunrise the result of the company's policy has been to fuse together all religious denominations in a common resistance to its aggression. In fact, not only did the congregation at its annual meeting in January, 1915, call me to serve another year by a vote of 41 to 4, but the men of the various denominations laid down all differences in order to support me on the field. In the list of monthly subscribers to my salary for the present year, besides the churches, whose members may usually be found represented on such a list, the Catholic, Greek Catholic, Mormon, and Christian Science Churches are represented. It simply means that the whole community are standing together to hold me, irrespective of religious denominations.

As if, however, the Colorado Fuel & Iron Co. will never learn to abandon its feudal efforts to control the churches situated in its camps, I find the following sentence in a letter from my wife, written May 13, just about a week ago:

"Mr. Bainton"—

Mr. Bainton is the Sunday school missionary who introduced me to Mr. Bowers at Denver—

"Mr. Bainton made me very angry by warning you, through me, to be careful of what you say for fear that further criticism of the company might cost you your position."

I do not know, gentlemen, where the money is to come from, but I am not much afraid of not being able to stay; and if I do not, I will go somewhere else and take the work up in behalf of the people. But that is the warning that has come to me through my wife from a man in touch with the company.

Commissioner Walsh. Read that again.

Dr. McConnell. This is in a letter from my wife, written May 13:

"Mr. Bainton made me very angry by warning you, through me, to be careful of what you say for fear that further criticism of the company might cost you your position."

The next grievance I take up with some reluctance, lest it appear that I am seeking personal revenge, for it is true, as already mentioned in this report,

that a sharp controversy arose very early between me and the company physician when he demanded that I should help the company keep the Greeks and Italians down. Many of the wrongs which the Sunrise people allege they have suffered at his hands were given in a letter written by my wife eight months ago and passed by mutual friends to Mr. Starr J. Murphy. In so far as I know, he is not continuing the offenses which provoked the complaints, and I have no desire to pursue him vindictively.

But the fundamental source of almost the entire matter remains unremedied; that is, the company is allowing him still to go to the pay checks of the men and take out whatever fees he wishes to collect without the consent of the men themselves.

Commissioner WEINSTOCK. Allows who?

Dr. McCONKIE. The company's physician.

Commissioner WEINSTOCK. Is there not a stipulated monthly payment?

Dr. McCONKIE. Yes; a stipulated monthly payment of $1 taken out of every man's pay check, and then fees in addition. This $1, as I will show later, is said to be for hospital.

Commissioner WEINSTOCK. Doesn't that $1 cover all of his medical expense?

Dr. McCONKIE. No; in case of confinement the charge is $25, and if instruments are used it is $50.

Chairman WALSH. That much in confinement cases?

Dr. McCONKIE. Yes. I will mention some of the cases here; $25 is for the simplest case.

Chairman WALSH. Don't the men have a right to refuse to pay it?

Dr. McCONKIE. They do not have any choice; it is taken out, and if they ask about it they say, "The doctor has taken it out."

Chairman WALSH. Is there a protest against that generally on the part of the men?

Dr. McCONKIE. Yes; a very strong protest.

Chairman WALSH. Go ahead.

Dr. McCONKIE. Some of these men that were protesting, the Rev. Forde wanted to get their names so as to have them discharged. I don't know that the doctor is continuing some of the worst offenses charged against him, but I know he continues to take the money he wants out of the pay checks of the men. By the way, I will say that the Rev. Geddis told me that that was made through orders coming directly from Dr. Corwin. Dr. Corwin gave orders to the local superintendent to let the doctor take his money out of the men's pay checks.

Commissioner WEINSTOCK. A question at this point. A workman's wife is confined and instruments had to be used.

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. You say the fee is $50?

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. And is that $50 taken in a lump sum out of the pay check?

Dr. McCONKIE. If the pay check was not big enough to get it, he would wait.

Commissioner WEINSTOCK. But if it is big enough?

Dr. McCONKIE. He takes it out. He will leave a family with practically nothing to live on. I mention instances of that later on.

The fundamental source of almost the entire matter remains unremedied; that is, the company is allowing him still to go to the pay checks of the men and take out whatever fee he wishes to collect without the consent of the men themselves. In a case of a disagreement there is no opportunity to test the merits of the case in court. Dr. Geddis informs me that this permission is granted through the instrumentality of Dr. Corwin. Originate as it may, it means a temptation that few men can resist year after year successfully. In my opinion, the company, when it allows any man to take what he pleases out of the pay checks of its employees without their consent, is tempting such man to be dishonest and extort what is not his due. Offenses charged against him are, therefore, recounted. They will give the members of your commission an insight into much dissatisfaction with the company physician——

Commissioner LENNON. You use the word there "against" the doctor?

Dr. McCONKIE. Offenses charged against the doctor, offenses which he is alleged to have been guilty of.

They will give the members of your commission an insight into much dissatisfaction with the company physicians in all cases where such a practice prevails. Perhaps they may lead the company to rectify the evils at their

scores. If the company officials and Mr. Rockefeller really want to deal justly with their employees, they will require their company physicians to quit taking what they please out of the employees' pay checks. Company physicians will have to collect their fees like any other physician in free communities.

The company physician at Sunrise, Wyo., Dr. W. C. Foster, is the object of much bitter feeling among the workingmen who live there. Personally I have no grievance against the man. He attended my wife during a serious illness last March and rendered good service. Also he absolutely refused to accept his professional fee for the care given. It must be placed to the man's credit that he sought no revenge in my case when, in the absence of any other physician, it became necessary to call him. For the complaints against him had already been given publicity both by myself and wife.

Independently of personal relations, however, I am compelled to mention his relation to the people of Sunrise. Nothing equals it as a source of unrest, fear, and indignation. Serious labor troubles might occur in Sunrise at any time if offenses he is alleged to have committed are ever repeated. He is the only representative of the Colorado Fuel & Iron in so far as I know against whom the people of Sunrise have ever threatened personal violence. I have never heard personal violence threatened against any other man.

Commissioner WEINSTOCK. Why do they do so in his case?

Dr. McCORKLE. Through fear of harm at his hands. In fact, at the time of my wife's illness there were men that feared he would injure her, and I learned after she had recovered that a number of men had agreed together to remove him from the community by force if he harmed her. I didn't know any such thing until later, but I learned that the men had agreed among themselves if any harm came to her that they would see that the doctor went out of the community. I will say that it is a terrible situation, because a doctor might sometimes be—the doctor might have treated her as well as he could and the man might have thought he had injured her, when it was something entirely beyond his power, and he might have become a victim of personal retaliation; but they would not have done it if they had not feared him.

Commissioner O'CONNELL. Would they give him the credit of making mistakes occasionally?

Dr. McCORKLE. They are afraid he makes them purposely. There are those men that have taken graft from the people there. There are some that are afraid of the foreigners, and I know why they are afraid—because they have made those foreigners pay them for jobs and gave them graft.

Chairman WALSH. What class are they?

Dr. McCORKLE. Some are foremen.

Chairman WALSH. Are they still there?

Dr. McCORKLE. Yes, sir; but have quit that practice. I have never heard threats or suggestions of violence against men that are grafting. That is what makes me think, then, in the case of the doctor, it is not the graft that he is alleged to have taken, but the fear that he will do them a personal injury.

Commissioner WEINSTOCK. What has he done to make them fear him?

Dr. McCORKLE. I will read it here.

Commissioner O'CONNELL. Please read it through without comment.

Dr. McCORKLE. About three years ago some of the Italian employees of the company at Sunrise started a petition for his removal, but the petition was there nothing save his ill will. Ever since that time they say he has been vindictive toward them. How they feel is best expressed in the words of an Italian with a family, who said: "It is terrible the way he treats us, but what can I do? If my family gets sick, I can get no other doctor. If I say anything about what he does maybe he will kill my wife, kill my babies."

Similar fear was expressed by a native-born American, educated, industrious, and sober, one of the oldest of the company's skilled workmen. "The things this doctor does to the foreigners," he said, "are awful. But I do not dare speak out against him. He is treating my family all right, but if I object to what he does to them, and he ever 'gets me on the hip,' I believe he is a man who will get even."

This same American workman told of a case that happened, he alleged, directly under his observation: "An Italian, whose eye had been blacked a trifle, was walking past the doctor's office in company with myself and others. The doctor came out, laid hold of him, and in spite of his unwillingness pulled him into the office, where he put some water in his eye. At the end of the month $6 were taken out of the Italian's pay check for the treatment given his eye."

Another skilled workman, native-born American, a man of highest standing in the community, alleges that the doctor charged him a bill of $6 unjustly. He says he took the matter up with the superintendent, who said, "You are right; it is unjust; do not pay it." Two months later $6 was missing from his pay check, and when he protested the shortage he was told that the doctor had taken it out. He at once went to the superintendent, and indignantly demanded that a protest be carried up to the higher officials of the company. But the superintendent urged him, he says, to pass the matter over and make no fuss or complaint, inasmuch as "The doctor is in the habit of doing this way."

The usual fee for the company physician at Sunrise in confinement cases is $25; or where instruments are used $50. One Italian woman alleges that he could not be found when her child was born, and did not arrive till four hours later. He made in all three visits, merely casual, not being needed. But at the end of the month he took $25 from the pay check of her husband. His fee and the rental deducted, they had but $5 for living expenses that month. And then, when her baby was sick, and he prescribed castor oil, he refused to give her so much as a dose, although she had no money left with which to purchase it.

The harshest feeling against the company physician, however, grows out of the conviction of many people in Sunrise that he has been guilty of still greater injustice.

In the case of two native-born American families, well known and respected citizens, it is alleged that they could not find the company physician and sent elsewhere to call an outside physician, whereupon the company physician took a bill out of their pay checks for himself in addition to what they paid the other physician. And this, it is alleged, when the company physician had never been near at any time or rendered any service of any sort.

In two instances that have come to our attention, foreign-born workmen allege that they were compelled to pay bribes to the company physician in order to get injured fellow workmen sent to the company hospital. And this in spite of the fact that $1 is taken from the pay check of every man who works for the company, every month that he has any work at all, with the express agreement that he is to receive hospital treatment free if injured.

Such serious charges would be very hard to believe, save for the fact that those who make them are people of established reputation, and that they offer to give testimony before any representative the company wishes to send to investigate and learn the truth. Some offer to produce witnesses—they did so at the time of the visit of Rev. Mr. Gaddis to Sunrise in November, 1914, promising to give conclusive evidence. The only prerequisite demanded is a promise from the company that those testifying will not be discharged or discriminated against. Mr. Gaddis reported that he had put the matter up to President Welborn, but thereafter nothing has been done to carry the inquiry further, insofar as the people of Sunrise know.

Mr. Pierson came down and made a casual visit at my home, and never mentioned the thing at all. So far as I know, and the people of Sunrise know, nothing has ever been done in the way of inquiry. Certainly those people that offered to testify have not been called.

Perhaps a score of persons have lesser complaints, alleging excessive charges, harshness, neglect, and broken bones left to knit crooked. In my judgment, if the question of continuing Dr. Foster as company physician at Sunrise were put to a vote of the entire adult population, from two-thirds to three-fourths of the votes would be cast asking that he be removed. Yet some are his friends, believing that in spite of his faults, his talents as a physician make it desirable for him to remain. There is no doubt that he is efficient in some kinds of surgical work. The source of most of the trouble lies, as I see it, in the permission granted him by the company to go to the pay checks of the men and deduct from them such fees as he desires. Such collections leave no opportunity for remonstrance, and no redress in case they are unjust. Another physician, given such unjust privileges, might commit the same offenses. There are many men, who, if given such a privilege to take what is not theirs, would do so in time. And there are some, at least, who would seek revenge when objection was made to their wrongful appropriations or an effort made to remove them. When the company gives the company doctor irresponsible access to the pay checks of the men it becomes in fact a party to his acts.

The people of Sunrise have good reason for their demand of a promise from the company that they will not be discharged or discriminated against for testifying concerning the wrongs they allege they have suffered at the hands of this company physician. A little more than three years ago extortion of money from

restriction by some of the company foremen became so extreme that some of those suffering protested and presented unquestionable evidence of the vicious practice. The company had to discharge some of the worst offenders because the evidence against them was unassailable, but it also discharged all of those who gave the information against them. "Fired the whole bunch" was the expression of a company official.

Chairman WALSH. What was that particular form of graft involved in that proceeding?

Dr. McCONNELL. They fired all our men that testified against them. It was making the men pay for jobs. In one case they say that two men paid $25 apiece for jobs, and they didn't get what they wanted and actually made them return the money, and those men were making them pay for jobs and making them buy raffle tickets. One instance that I don't mention in my paper, one foreman raffled a horse off four different times for $160. He would raffle it off to some of the foreigners, who had no place to keep the horse, and they would sell it back to him for $30 or $40, and then he would raffle it again. He raffled the same horse four different times.

Chairman WALSH. Go ahead.

Dr. McCONNELL. Since that experience the workingmen feel that to object means certain discharge and perhaps a heavy expense before another job is found.

The officials of my church and practically all of the American-speaking population told me it would mean the same thing to them. If they mentioned that they had actually seen money pass from hand to hand, in grafting or raffling or anything, that they would be discharged if they told it, and have to get out of the camp.

To mention the grievance of raffling as carried on at Sunrise when I arrived there is not pleasant. For, in so far as I am able to ascertain, it has been entirely banished from the camp, thanks to the cooperation of Rev. Geddis with my own objections and the complaints of the people. I refer to it here not as anything now interposing difficulty, but in order to explain in part the unrest that prevailed in Sunrise.

Chairman WALSH. When was that abolished?

Dr. McCONNELL. About the 1st of June, 1914, I think it ceased. On the 1st day of May I think was the last time.

Chairman WALSH. Was that reform brought about by Rev. Geddis?

Dr. McCONNELL. Yes, sir; I know it. I was protesting against it and could not get it stopped, but he took it up and said that he would have it stopped. He went to the men in the company store and told them that they would have to take those games out, and they were taken out; and he went to the superintendent and told him that they must stop the matter of foremen compelling the men working under him to buy raffle tickets, and that stopped.

When I came to Sunrise I heard the complaint repeatedly that one of the company foremen was compelling his men to purchase raffle tickets from him every month. A prize, worth perhaps $12, would, it was alleged, be raffled for $50 or more. Such men as refused to purchase the tickets would be given the hardest work and could get no advancement to any job that was more remunerative. The whole thing was a matter of common knowledge and strongly condemned, but nobody dared make a move against the wrong. All remembered how when the practice was common to a number of the foremen some three years ago, everyone who testified in objection to it was discharged from the company's employ.

In the company store at Sunrise, as well as in other camps, a raffle was run, with boxes of candy, etc., offered as prizes. Young men and boys were not only permitted to spend their spare cash in this raffling, but were allowed to run bills and charge them up against their pay checks for the next pay day. It was in effect plain gambling, since a few cents might win a prize worth several dollars, while dollars were spent frequently with no prize. Often, money much needed for family support was spent thus. One poor widow, with three boys under 21 at work, and scarcely a living when the whole of their wage was turned over, would see her boys spending several dollars every month on the raffle, and had no recourse. Worst of all, the young men of the town were acquiring a taste for gambling. Gambling in secret permitted; even openly in barber shop.

Rev. Forde had demanded that I should make no mention of this store raffle, because to do so would reflect against the company. Rev. Geddis, however, demanded successfully that it, together with the foremen's raffling, be stopped.

The people of Sunrise are very much dissatisfied with their relation to the company store. They allege many grievances. One man, a railroad employee,

tells me that he has been reported by the store managers to the railway offices in Denver three times, the last time some two years ago, for discipline, because he prefers to purchase elsewhere. The railroad official, however, who told him that he had been reported, told him also that his wages were his own and that he had a right to spend them wherever he pleased.

Many of the non-English speaking employees feel that they are compelled to trade at the company store, under penalty of losing their places. And even among the American-born citizens there are many who so much fear the store's power that they order goods from outside in secret, through friends living in the country, and never let it be known except among those who will not give them away. I and wife have at times ordered for others who were afraid to order under their own names. Just what the coercion amounts to I can not say. It is known that the store manager, who has also been postmaster until this month, inspects all money orders and keeps track of where they go. This in spite of the fact that all are written by the assistant postmistress. Yet, of late years, one of the Guernsey stores has been permitted to send its wagon to Sunrise, where it has built up a very considerable trade. I myself can not help feeling that the fear of being reported far outruns the injury it involves. Unquestionably, such fear serves to hold some trade for the store which would be transferred otherwise to some other trading point. But I am convinced that the store loses a greater amount of trade through the ill will the fear engenders than anything it gains. I have never been able to understand why the company does not tell its employees plainly that they are welcome to trade where they like, and get their trade through good will and on the merits of the goods sold.

I will say in mentioning the company's store, it is also a place where money is deposited by men working there. I wanted to get some money, borrow some money from a young fellow here a while back and he said, "I have got the money deposited in the store, but if I go down there they will ask me questions, want to know where it is going." He says, "They always question us exactly to know what we are doing with the money." And he said that he was afraid to do that, and he went and got the money from another source and brought it to me, and never let it be known. He said that one of the young boys had a deposit in the postal savings bank, and he wanted to use $20, and he had to wait six days before he could get it to use it out of the postal savings bank.

Chairman WALSH. That was the fault of the Government, then?

Dr. MCCONNELL. But the store manager is postmaster. There is no show of getting it out while he is postmaster.

Prices charged in the company store are not uniform, even on the same day. Flour, for instance, was reported as sold to different persons on the same day at $2.75, $2.85, and $3, so a clerk claims. I myself last winter purchased a box of the best apples in stock at $1.75, and was very much surprised when a non-English speaking family reported to have paid $2.75 for a box at the same time. Just a dollar's difference in the boxes.

People whose word I find it very hard to doubt allege short weight, and even in some cases false entry. Though everyone, I think, believes the man who is bookkeeper keeps his books honestly and well. In the store, as elsewhere, the difficulty seems to lie in a system which tempts the heads of each department to be dishonest. These men have to get a part of their salary in the form of a commission on the profits of their department.

That rule is probably responsible for the irregularities. I had one man, a member of my church, an old man that is not there now, that was very indignant, who told me several dollars were put on a foreigner's bill that he did not owe, and he said that he had tried to have it taken off and could not, because, as he expressed it, they want everything a fellow gets, and if he doesn't trade it out, they take it anyhow. I don't know just what his experience had been; he had been working in the company store at the head of one of the departments, and he felt very strongly that the people were being wronged. I don't know the merits of the case of why they made that man pay that money, for he said the fellow did not owe it, but they made him pay it.

Other things at Sunrise caused unpleasant feelings. For instance, sidewalks so muddy, frequently, that rubbers and overshoes are pulled off in trying to wade it, yet the company sends good cinders to the dump heap. It is claimed. Were it not the climate is so dry that the streets are seldom muddy this grievance would be far more serious.

One instance that has been charged that is very serious if true, there was a man that had taken a homestead near the village of Sunrise, a man that had had trouble with his employer for quite a while, and it was reported to me by a person who said one of the company foremen alleged that this fellow was discharged because he would not turn over a part of his homestead to the company at its own price. He had his homestead there, and it seems that this homestead, or part of it, offered an opening for some other company to get in and mine property that was owned by some outside interest, independent of the Colorado Fuel & Iron Co., and the company wanted this man just to relinquish his homestead holdings, or a portion of it, to them, so that they could cut out the possibility of somebody else coming in. When he would not grant that to them they simply discharged him. That is the report that is current in Sunrise, and I got it fairly straight. I hope it is not true, but I know he was discharged. He came to work one morning, and they told him they didn't want him, and I know they wanted his homestead and could not get it, or part of it and could not get it. That occurred just a few months ago, last fall I believe it was.

There is a feeling in Sunrise, I am glad to say, that things are growing better in almost every respect. With the help of Rev. Gaddis I succeeded in getting the company to install a motion-picture machine. That was installed in July, 1914. A five-reel program is now given on Saturday night and another on Monday night; and the admission, 5 cents, is barely enough to cover the company's expenses in supplying the films, electricity, etc.

We run the machine and pictures in the church building. Rev. Gaddis also aided my wife in getting a kindergarten established last January, and this has since been made a part of the public-school system for the coming year. I have brought with me a request for a new hall for Sunrise, signed by the different lodges in Sunrise, officially. This was prepared last January, under the direction of Rev. Gaddis. The people of Sunrise are hoping that the company will care sufficiently for their need for a hall to provide it, even though Rev. Gaddis is no longer with the company to plead for their welfare.

I have the petition here, but will not read it unless necessary.

Chairman WALSH. I just want to ask you a question or two and then Commissioner Weinstock, I believe, has some questions.

Did your wife write a letter to Mr. Starr J. Murphy in October, 1914, calling attention to this matter that you detailed here about the doctor, and also abuses by certain foremen there?

Dr. MCCONNELL. I have a carbon copy of that letter made at the same time the letter was written, and if you will permit I will read the letter. It was written August 31, 1914. It went to Miss Mariana L. Woodberry, home mission secretary of the Congregational Church, who travels throughout the country and who frequently stops at the home of Mr. John Gilmore, in Montclair, N. J. Mr. John Gilmore is a personal friend of Mr. Murphy. When Mr. Gilmore heard of some of the things we had told Miss Woodberry, he says, "My friend, Starr J. Murphy, won't let those things go on, I am sure. You send and get a definite statement, and I will give it to Mr. Murphy, and I will see if we can not get something done.

Chairman WALSH. All right. Read it.

Dr. MCCONNELL [reading]:

"MY DEAR MISS WOODBERRY: There is an hour ahead of me in which I am likely to have no interruption. So I shall try to get this letter written——

Chairman WALSH (interrupting). That is being written by your wife to Miss Woodberry for transmission?

Dr. MCCONNELL. To Mr. Murphy, through Mr. Gilmore to Mr. Murphy, as a response to the request from Mr. Gilmore that something definite be put before Mr. Murphy in order that he might act.

"This camp is very prettily situated. I am sending some summer views as you requested. (One of the Japanese boys wants to become a photographer, and this is his practice work.)

"I wish the individual houses were a little clearer, so you could easily understand what I am going to write to you. The houses in picture 1 are of a uniform plan and construction, and are occupied by English-speaking tenants. Some of the buildings (their location is indicated by a circle drawn in picture 2) are built on a different plan. Foreigners occupy them.

"The company charges the same price per room in all cases. In order that you may understand more fully what a different return different persons get for the same money I will describe further. Houses for the English-speak-

ing people, such as you have seen in picture 1, are weatherboarded outside and fairly comfortable, with the exception of cold floors. They are well plastered inside, and are kept painted inside as well as outside. The company gives free repairs for the houses of English-speaking tenants every two years, and furnishes paint free to them at any time that they wish to paint for themselves.

"Many of the foreigners are treated quite differently. No repairing or painting is done for them free. One who wants repairs or painting must himself pay for the materials and for the time of the workmen; and for such material a very high retail price is charged. Some of the buildings for the foreigners are not weatherboarded outside, but are constructed of boards stood vertically, with narrow strips nailed over the cracks to keep out the weather. And inside the walls are are made of paper board instead of plaster.

"I have been in a house that has not had a stroke of repairing put on by the company for eight years. Last winter, when the door was broken and snow was coming in, the men had to shift for themselves in getting it fixed. Repairs were promised, but they never showed up. Yet these people pay exactly the same rent as do the more favored tenants."

Chairman WALSH. Say—on account of the fact that we have to hasten a little, on account of waiting witnesses, it has been suggested here, I think rather wisely by the commission, that you epitomize. Just tell us the substance of what that letter contained which your wife wrote to this lady.

Dr. MCCORKLE. Well, she speaks of some people having water in the houses——

Chairman WALSH. Well, does she set forth that there was discrimination?

Dr. MCCORKLE. Discrimination.

Chairman WALSH. Exhibited toward these workmen to the detriment of the foreigners?

Dr. MCCORKLE. Yes.

Chairman WALSH. I gather that—did she set forth to Mr. Murphy about the alleged practices of this physician?

Dr. MCCORKLE. Yes.

Chairman WALSH. Did she set forth about the alleged mistreatment and alleged unjust treatment of the foremen to employees?

Dr. MCCORKLE. Yes.

Chairman WALSH. And did it in detail? I notice there are four or five pages?

Dr. MCCORKLE. Yes; and mentioned, too, the condition in the schoolhouse—that they needed a better schoolhouse.

Chairman WALSH. Did she say anything about the efforts to exercise any influence over you as a minister, or any interference in religion?

Dr. MCCORKLE. She did not mention that, I believe, at all.

Chairman WALSH. Well, have I covered all the things that she did mention?

Dr. MCCORKLE. I think you have covered practically the whole thing.

Chairman WALSH. Tell me now, did you receive any reply to that?

Dr. MCCORKLE. No reply whatever.

Chairman WALSH. Do you know what became of the letter, Mr. McCorkle?

Dr. MCCORKLE. I have no idea——

Chairman WALSH (interrupting). Now, I would like to read you a letter——

Dr. MCCORKLE (interrupting). Except I saw some printed letters showing Mr. Murphy had received it; and I got word from Mr. Gilmore that it had gone to Mr. Murphy.

Chairman WALSH. That he had given it to Mr. Murphy?

Dr. MCCORKLE. Yes.

(The unread portion of said letter was as follows:)

"English-speaking tenants are complaining of lesser discriminations among themselves. Some time ago each tenant who wished was permitted to buy and install a kitchen sink and put a faucet in for running water. (Some of the higher-salaried officials even have bathtubs.) But this privilege to put in a faucet and sink is no longer allowed. Many women have to carry all the water they use from a hydrant outside, hydrants being allowed outside, one to every four houses. Since all the village lies on sloping lands, this means much carrying up and down hill.

"The company has built, in the English-speaking part of town, a privy for each house. But among some of the foreigners it has built only one privy for 10 houses. This is not so bad now that some of the houses are not occupied. (On account of the Colorado coal strike fewer men are now employed than at any time since the village was built up.) But it was very bad when

the mine was working full time, and every house had four to eight occupants or even more. Since there have never been any more privies in that part of the village you can imagine the unwholesome conditions under which the men were forced to live.

"I will say, however, for Supt. Weed and his assistant, Mr. Tucker, that they are considerate in directing the men at their work. The men appreciate this.

"Most of the men here work 10 hours per day, 6 days per week. Their wages range from $3.10 per day to a little over $3 per day. In other metal mines of the West it is largely true that the men work 8 hours per day and get from $2 to $5 per day.

"I can think of 6 to 10 men in the camp who work from 11 to 13 hours per day, 7 days a week regularly. Until work was cut down 3 months ago many men had to work on Sundays, and several now work a part of every Sunday. There is one man who, up to July 4, 1914, had not had a Sunday or a holiday off for 5 years. Frequently during that time he worked 36 hours at a stretch, except for meals. He got to take the last fourth only by exchanging work with the night man; he paid for the holiday by doing 32 consecutive hours of work.

"Unreasonably long hours of work do anything but create a cordial feeling for the company. Yet we are told that this camp, with perhaps one exception, is the best that the company has.

"Since we began our work here some changes for the better have been made. I told you, did I not, that Mr. Gaddis had the raffle removed from the company store?

"The schoolhouse has been somewhat remodeled this summer. Another room has been made by dividing an old one, and more windows have been added. Last winter the first and second grades met in a small, one-room building. All the other grades met in two poorly-lighted rooms of a different building, in the shadow of a big hill. Sometimes classes had to close at a few minutes after 3 o'clock for want of light. There was almost nothing in the way of equipment. Boys and girls here are much behind children of the same age elsewhere. After we saw the school facilities we understood why.

"An additional teacher is to be put in this winter, I am glad to say. Last winter there were 40 children in the primary teacher's one room. Some playground apparatus is also to be added to the school equipment.

"Mr. Gaddis got motion pictures for us the 1st of last July. We now have pictures two nights a week. Prior to this no recreation had been provided, although the camp had been running 10 or 12 years. There is a hall which can be rented for lodge meetings, weddings, and dances. There is the church building, with auditorium and one small anteroom. The company has made no other provision for community life whatever.

"The company owns everything, and the townspeople are allowed no liberty in providing anything for themselves. For instance, when Mr. Bowers, of Denver, wanted the church built as it is, where it is, his wish was final. Life here is very dull for those who do not have homes of their own. During much of the year the saloons at Hartville, 1 mile distant, offer the sole place for friendly, informal visiting, the only escape from solitude in ill-furnished rooms. A need for some decent place for men to gather of evenings has long been felt by many of the people here, and found expression some time before our arrival; that is, there were a large number who put their names to a respectful petition or request for such a building. The petition was completely ignored, they tell us, no answer whatever being returned.

"Permitted to own nothing, permitted to confer about nothing, the people have grown to feel that the company cares very little about them or their wishes.

"A year or so ago men had to pay $35 and $50 to get some of the most dangerous jobs; they even had to pay for promotions. It grew so burdensome that some of the foreigners made a fuss about it. Those who reported it were discharged. But the shake-up has resulted in a stop being put to the worst of it.

"However, there were other forms of graft that continued to flourish.

"There is one foreman, F. W. Kimble, whom we found running a little business of his own. An American of good standing first told us what he was doing; now the men who work under him are verifying it. However, they do not wish us to make their names public, thus causing them to be discharged.

"Four months ago this foreman forced the men working under him to buy raffle tickets on a watch worth probably $12, perhaps less. Since he sold many

than $50 of the tickets, he had a clear gain of about $40. Nor was this an unusual proceeding on his part. He was known as chief among those who ran raffles; and raffles had been running about twice a month; that is, every pay day.

"Men who wanted to keep their jobs felt that they must buy his raffle tickets. Those who did not buy were liable to be discharged on the least of pretexts. Those who bought heavily were rewarded by freedom to loaf on their jobs.

"When Mr. Gaddis was here in the latter part of May we protested emphatically in behalf of the men. Since then he has not sold any more raffle tickets, in so far as we have heard. We do not know how soon he may begin it again, but hope it has ceased permanently.

"Another scheme he works, which causes much ill feeling among the men, is insurance. He is agent for the Continental Casualty Co. of Chicago, and also treasurer of division 9016 of this company. Every man who works under Mr. Knable must become insured in his company. If one does not, either he is discharged or he is forced to work at the lowest wage in that department, no matter what his merits may be. Most of the foreigners belong to mutual-benefit societies of their own, so this compulsory insurance means actual hardship for them.

"Several of the other foremen are agents of other companies, but no one else seems to abuse the business so much as Mr. Knable.

"When it comes to graft, however, the company doctor is chief. An American woman who has been here several years has described him as 'the most brazen grafter of them all.'

"Every man working for the company pays a dollar a month for medical treatment. This money is taken out of every man's check. Out of this money the doctor gets $100. He also gets house rent, from this source or some other. (Houses such as his are rented by the company at $22 per month.)

"Anyone who gets hurt in the mine the doctor treats free of charge. But suppose a man has never been hurt in the mine, but has paid his dollar regularly, if some day he happens to break a leg while not at work or gets hurt in some other way, he must, in most cases, pay the doctor a fee to get treatment. And the doctor gets his money from the man's check, regardless of the patient's financial circumstances.

"The doctor's usual price for setting broken limbs is $25—$15 for setting and $10 for one subsequent visit. I know of two such cases; also of two instances where he has charged $15 for lancing a boil or for performing a similar operation.

"He charges $25 for ordinary confinement and $50 for any confinement case where he uses instruments. And he charges whether he attends or not. Three reliable Americans tell us of one man who was discharged from the camp because he refused to pay a fee to Dr. Foster, the company doctor. He had been obliged on account of Dr. Foster's absence to call in another physician. Some say that Dr. Foster's bill was $10, others say that it was $30.

"In one case Dr. Foster arrived at a house several hours after the child was born. Twice afterwards he walked a few rods to the house for simple visits. But at the end of the month he stopped the man's check and took out $25. There had been short work in the mine that month for the woman's husband. When the $25 was taken from the check in addition to house rent just $5 was left to buy coal, food, and other things necessary for a living.

"The C. F. & I. Co. runs a hospital in Pueblo for the benefit of its employees. No one may go there, however, unless sent by the camp physician. And this camp physician chooses to be bribed for such service. I have talked with men in this camp who have paid him certain sums of money to get their friends sent to the hospital.

"Some years ago the Italians sent in a petition to the company against this doctor. Either because Dr. Foster is a stockholder in the company or because he is closely related to the head surgeon of the company (perhaps for both reasons) the petition has not been heard from, except that the Italians are now the special objects of the doctor's wrath.

"Dr. Foster is so sure of his position and of his salary that he has become careless. One man, whose foot had been crushed, waited 20 days for attendance. When his foot began to gangrene, the doctor came around. But the man is now lame. The friends of another man are sure he died needlessly. The doctor would promise to come at 8 o'clock in the morning, would be hindered by such serious business as playing tennis, and appear at 4 o'clock in

the afternoon. The doctors at Pueblo told the sick man's friend that if he had been sent to the hospital three days earlier he could have been saved.

"Dr. Foster makes a practice of being out of almost every kind of medicine, and of charging extremely high prices for such as he has. One man, who has been paying a dollar a month for eight years, and who in all that time has never received any free treatment, was charged 50 cents for four headache pills.

"Both Americans and foreigners have told us that they are afraid to say anything against this doctor for fear he will take revenge.

"I think I have told you enough to indicate the kind of abuses that provoke most resentment among the people here.

"It is interesting to note that the Colorado Fuel & Iron Co. is going to fight the Colorado State campaign under the caption of "Law and order." Why does the company not send some one to find out what is going on in their own camps? I have given you well-established facts which any careful investigator could have discovered as easily as we. It is within the company's power not only to find out, but to correct abuses.

"We have heard remarks coming from two official sources here, charging that the company owns and operates the railroad in violation of law, and that in the mine many of the State laws in regard to mining are violated. There are also charges of interference with voters. We have not investigated these charges. Would it not be well for the company to clear itself before claiming to stand for law and order?

"Yours, as ever,"

Chairman WALSH. Now, I will read you a letter dated October 31, 1914, that this commission required Mr. Welborn, the president of the Colorado Fuel & Iron Co. to produce [reading]:

"[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

"OCTOBER 31, 1914."

That was August 31, I believe that you said, 1914?

Dr. MCCONNELL. Yes.

Chairman WALSH (reading):

"MY DEAR MR. MURPHY: I have yours of the 29th instant regarding charges made against certain of our employees at Sunrise, Wyo., by a lady living at that place. The name of the person signed to the paper which you sent me is the same as that of the minister at Sunrise, and I assume that she is the minister's wife."

That was correct?

Dr. MCCONNELL. Yes.

Chairman WALSH (reading):

"At the time of the Ludlow affair the minister was very outspoken in his criticism of the coal companies, but seemed to regret his action when informed of the facts concerning that disturbance."

Is that correct?

Dr. MCCONNELL. I don't think I regretted it. I regretted that the company should misunderstand what I had said, and should state that I had asked for an indiscriminate slaughter of people. I said nothing of that kind nor urged that anything should be done, except through legal acts, punishing men for treason.

Chairman WALSH. Well, that was the sermon you have already given?

Dr. MCCONNELL. Yes.

Chairman WALSH. This letter goes on as follows:

"He has socialistic tendencies, however, and I have been informed that his wife is a Greek, yet they may be both perfectly honest, and it is possible the charges made by the lady are true. At the same time it is rather hard to understand that such practices as the doctor is charged with could have been indulged in without our hearing complaints from other quarters, unless the mine superintendent and others in authority are in the conspiracy with him.

"The matter is of such grave importance that I will have it investigated thoroughly at once, and, of course, will advise you of the results."

Now, has that investigation been had?

Dr. MCCONNELL. No hearing has been given to the people who make the allegations. I will say that Mr. Gaddis came in the first part of November and said the company was going to take the matter up, and he wanted to know

if the people would testify, and they promised to testify to us; and said if the company would give them this guarantee that because of testifying that it would not cause their discharge, or they would not discriminate against them, let some impartial man come that they could depend upon not disclosing their names, they would come before him; and nothing was done.

Chairman WALSH. Now, you say that some time you were informed there was a disposition on the part of the company to have you removed. Now, when was that, with reference to this complaint made by your wife?

Dr. McCORKLE. It was prior to that complaint. But I had a letter from Mr. Caddis, along in the summer, mentioning the company, and saying that the company had brought pressure upon Mr. Forde to have me removed.

Chairman WALSH. Do you and did you challenge the authority of this company to interfere with your ministry out there?

Dr. McCORKLE. I said if they wanted to put me out they would have to evict me. I knew they could do that, but would not like to, because they would not want the publicity.

Chairman WALSH. To evict you from your home and this church?

Dr. McCORKLE. Yes.

Chairman WALSH. I will read further from this letter of Mr. Welborn's [reading]:

"We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him, or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak.

"The charges against the doctor rather overshadow those made against the foremen referred to, yet I shall investigate the latter quite as thoroughly as the former, and if I find that the charges against the foremen are correct, I shall not only put a stop to the practices, but dispense with the services of the men who have been guilty.

"Yours, very truly,

"J. F. WELBORN."

Dr. McCORKLE. I will say that I think the offenses have had a stop put to them. There has been no inquiry of the people who have been wronged to get their testimony; but the men who were guilty, of course, were not removed. I have no disposition to want to be vindictive against the men, to force them to be removed, but I think the company should remove the very thing that caused the trouble.

Chairman WALSH. That is, the taking of money out of the pay checks?

Dr. McCORKLE. Giving them access to the pay checks.

Chairman WALSH. Now, as to this correspondence you had through your wife and this lady and Mr. Gilmore and Mr. Murphy—was Mr. Gilmore connected with this company in any way?

Dr. McCORKLE. I don't know; but I think no.

Chairman WALSH. Well, after that, then, the net result might be said to have been that the complaints in regard to this doctor discontinued, did they?

Dr. McCORKLE. I have heard none since that time.

Chairman WALSH. You have heard none since?

Dr. McCORKLE. Excepting this: There are complaints that he speaks to them very harshly. The foreign people are afraid of him, because of his harsh speaking, and, as they say, they don't think they are getting the treatment they ought to get. I can not say whether that is his fault or whether it is not.

Chairman WALSH. Now it might be fair to say as a result of this, that conditions have been improved?

Dr. McCORKLE. I think so; and what is more, when I was getting ready to come here a number of people told me that they felt conditions had been greatly improved, and, as some of them put it, they were mighty glad somebody was going to have a chance to come back here and tell how conditions actually were.

Chairman WALSH. Did you know that Mr. Welborn assumed the authority to change ministers at your charge? He says, "We have thought some of changing ministers."

Dr. McCORKLE. I never knew it, until I read the quotation from that letter published in the paper.

Chairman WALSH. And you are not leaving your charge? You expect to stay?

Dr. McCorkle. Well, I don't know whether I should say "expect." We expect things we are certain of. But after that letter I got warning me that further criticism of the company was likely to cause me to lose my position. I do not know who is going to come out ahead, but I am going to stay until they find out they are able to get me out.

Chairman Walsh. You are not going unless you are evicted by process of law?

Dr. McCorkle. That is it.

Chairman Walsh. Unless your own church authority——

Dr. McCorkle. Unless the church authority or the people there want to change, or unless the company comes and throws me out of the house.

Chairman Walsh. Commissioner Weinstock would like to ask you some questions.

Commissioner Weinstock. Let me ask you, Mr. McCorkle, by whom is your church supported?

Dr. McCorkle. My church is supported, one-half by the board of home missions—half of my salary has been coming from the board of home missions of New York City, of the Presbyterian Church; the other half from contributions of the people. The people, however, subscribed so much this year that we reduced the application for aid $5 a month, and they give $5 a month more than half of my salary—the congregation does. I get $1,200 a year.

Commissioner Weinstock. And $600 is paid by the board of home missions?

Dr. McCorkle. Last year $600 was paid by the board of home missions. This coming year, $540 will be paid by the board of home missions.

Commissioner Weinstock. How large a congregation have you?

Dr. McCorkle. Well, they count everybody who contributes to the church as a member of the congregation, in the annual voting. They have 36 members, though, of the church properly speaking.

Commissioner Weinstock. Then the company does not contribute anything to the support of your church?

Dr. McCorkle. The only thing that is contributed is $2.50 from the company store. The company store gives $2.50 to the trustees every month. I was—well, I got very angry along in the summer. I got a letter from a brother minister who wrote me to keep quiet, saying that the company would probably give me my house rent and fuel free pretty soon; and I thought it was an offer from the company, and I sent back some pretty warm remarks. But I came to find out, according to his statement, that no suggestion of that kind had come from any company official, so I do not blame that upon the company now.

Commissioner Weinstock. Now, does the company own the church building and ground?

Dr. McCorkle. It owns everything, the church building, the grounds, the hall, the houses, the roads——

Commissioner Weinstock (interrupting). Does the company exact a rental for the use of the church from the congregation?

Dr. McCorkle. It exacts—it has a contract calling for, as I mentioned in my report, 6 per cent interest on the price of the building.

Commissioner Weinstock. In lieu of rent?

Dr. McCorkle. That is practically a rental contract, because they are not allowed ownership. That is $180 a year, and that has not been paid, as I mentioned.

Commissioner Weinstock. Do you pay rent for your house?

Dr. McCorkle. Yes.

Commissioner Weinstock. To the company?

Dr. McCorkle. To the company.

Commissioner Weinstock. What rent do you pay?

Dr. McCorkle. The same as the other men—$10.80 a month.

Commissioner Weinstock. How large a house have you?

Dr. McCorkle. I have a four-room house, the same as the other English-speaking people.

Commissioner Weinstock. How large a family have you?

Dr. McCorkle. Just myself and wife. I was married only a little over a year ago.

Commissioner Weinstock. How many miners are there in Sunrise?

Dr. McCorkle. Well, some of the company men told me just before more men were put on at work that there were a little over 250 on the pay roll. I suppose about 300 are on the pay roll now—and perhaps a few over 300.

Commissioner Weinstock. What proportion of those are foreigners, and what proportion are English-speaking people?

Dr. McCorkle. Well, a large majority are foreign people, though a number of foreign-born people are Cornishmen from England, and they live with the English-speaking people, and there are really no lines of distinction between them and the American-born people.

Commissioner Weinstock. Well, I take it the body of the foreigners who do not speak English are Catholics, are they not?

Dr. McCorkle. About two-thirds of the community, I should say, are non-English speaking. They do speak English, but I say they come from non-English-speaking countries. Most of them speak English now.

Commissioner Weinstock. What is the proportion of those who are members of your church, and what is the proportion who are members of the Catholic Church?

Dr. McCorkle. There are none of them members of my church. Virtually all of them are members of the Greek and Roman Catholic Churches; but several of them are contributors to the trustees of my church, and are counted as members of the congregation.

Commissioner Weinstock. I see. So, just in what way would you come into personal touch with the Greeks and Italians?

Dr. McCorkle. I go to their homes and visit them in a friendly way.

Commissioner Weinstock. Just as a pastor would?

Dr. McCorkle. Just as a pastor would. I tell them plainly that I don't want to get them to leave their church. I think it is a very foolish thing to try to get the people in the Catholic Church to come over and be poor Protestants, or in the Greek Catholic Church to come over; but I like to be acquainted with them, and do everything I can to help them.

Commissioner Weinstock. Then you do not preach to them in any way except as they voluntarily come to your church?

Dr. McCorkle. Yes; that is all.

Commissioner Weinstock. Then, what does Mr. Bowers mean when he said you should keep the Greeks and Italians down?

Dr. McCorkle. It was not Mr. Bowers, but the company physician, who said I should help them keep the Greeks and Italians down. Why that was mentioned—as I mentioned in my report, I made a visit to an Italian, who had been injured, and suggested that they get a nurse; and when five of the Italian men, men of families, mostly substantial men, came to me and asked that I telephone for a nurse, I thought nothing of going and phoning down to Chayanne and getting a nurse for them. And he said that was stirring them up.

Commissioner Weinstock. I see. Well, would you hold the company responsible for his sentiments and strictures?

Dr. McCorkle. I think, undoubtedly, everybody in Sunrise understands that he is more powerful than the superintendent; that he can take money out of pay checks against the superintendent's orders.

Commissioner Weinstock. Well, has he power to dictate the policy of the company?

Dr. McCorkle. In how far——

Commissioner Weinstock (interrupting). Outside of medical matters?

Dr. McCorkle. He is able to dictate the policy of the company in regard to financial matters, and in regard to where getting his pay is concerned; and people are not able to tell how much further he dictates the policy of the company; but I believe he does.

Commissioner Weinstock. That he is the dominating power?

Dr. McCorkle. That he is the dominating power of the company in Sunrise.

Commissioner Weinstock. That he exercises more power than the superintendent does?

Dr. McCorkle. I think undoubtedly he does. I think the company owes it to its superintendent at Sunrise—that it is due to his general kindness and consideration for the men that there was no strike at Sunrise.

Commissioner Weinstock. Are the men at Sunrise organized?

Dr. McCorkle. The men in the railroad work are organized.

Commissioner Weinstock. Are the miners organized?

Dr. McCorkle. It is a closed shop against union miners.

Commissioner WEINSTOCK. How do the wages, so far as you know, compare in that mine with wages in other mines in Wyoming?

Dr. McCONNELL. Well, they are decidedly less than the wages of the metal miners throughout the West.

Commissioner WEINSTOCK. Can you give us the percentage—any estimate?

Dr. McCONNELL. My estimate is that they are about two-thirds less.

Commissioner WEINSTOCK. About two-thirds?

Mr. McCONNELL. Yes.

Commissioner WEINSTOCK. Now, what is the average wage of the miner in Wyoming, outside of this company?

Dr. McCONNELL. Do you mean coal miners?

Commissioner WEINSTOCK. Coal miners.

Dr. McCONNELL. These are iron miners. I have reference now to metal mining.

Commissioner WEINSTOCK. Take the metal miners in Wyoming, so far as you know.

Dr. McCONNELL. So far as I know, there are almost no metal mines in Wyoming; but in Colorado and Arizona and Montana, I should say the wages are about $3.50 to $4 a day for the kind of work you would get at fourteen for say, for $2.65.

Commissioner WEINSTOCK. So that in reference to figures, it is about one-third less?

Dr. McCONNELL. That is what I said; yes.

Commissioner WEINSTOCK. Were you present yesterday when——

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK (continuing). And heard the testimony of Mr. Gaddis?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. You heard me quote from Dr. Goodnow?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. You are familiar with Dr. Goodnow's attitude in the matter of strikes?

Dr. McCONNELL. Not very familiar; no, sir; I am not.

Commissioner WEINSTOCK. Then let me read it, to refresh your memory—a question put to the doctor when he was on the witness stand. Dr. Goodnow, as you know, is president of the Johns Hopkins University.

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK (reading):

"Question. Taking a concrete case, Doctor, taking the case for example, of the Colorado situation, and analyzing it, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The national guardsmen maintain that they fought in self-defense, that they were first attacked by the strikers. The strikers deny that, and claim that the initiative was taken on the part of the national guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did barge and fire upon innocent people. Your advice and counsel under those circumstances to the worker is, take the result? Yield for the time being, do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand? Let your remedy come by use of the ballot; see to it that the commander in chief that is responsible for this is either recalled under your recall law or is condemned by public sentiment and not reelected? Do I follow you?

"Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea or else there is no peace for our Government.

"Commissioner WEINSTOCK. In other words, the short cut to the remedy must be condemned?

"Dr. GOODNOW. Yes, sir; as I look at it.

"Commissioner WEINSTOCK. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. Goodnow. Certainly. One of the many troubles seems to be that workers in the country will never gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

That question was put to Mr. Geddis, as you will recall, and this was Mr. Geddis's reply:

"I lived in Cincinnati, or near Cincinnati, at the time of the great riots there. The courts of Cincinnati were turning out murderers scot-free almost by the dozen. There was one colored man there committed a brutal murder in a livery stable, and there was scarcely a shadow of a doubt that he was a murderer; and the citizens of Cincinnati went to the music hall in a mass, and that city was in the hands of a mob for days. I believe that riot did good.

"Commissioner WEINSTOCK. Then you are a believer in riots, Dr. Gaddis?

"Dr. GADDIS. I am in such instances; yes, sir.

"Commissioner WEINSTOCK. That is, you justify rioting?

"Dr. GADDIS. I justify clarifying the atmosphere that has become so polluted and fetid that a man is asphyxiated in it when he holds his head up."

Then there are some intervening questions, and the testimony continues as follows:

"Commissioner WEINSTOCK. Summing up, then, despite the fact that you are a clergyman, a Christian clergyman, who stands for peace and for law, and for order, you would justify resistance to the constituted authorities if, in the judgment of a group or an individual, they felt they were not getting a square deal at the hands of the constituted authorities?

"Dr. GADDIS. In very rare instances I would. Crime is crime, whether it is committed with the ermine of a judge or a jury, or anybody else—it is crime.

"Commissioner WEINSTOCK. Would you punish such crime?

"Dr. GADDIS. I would certainly try to get them out of power.

"Commissioner WEINSTOCK. Well, if a body of strikers, in their mistaken notion of how to get at their rights—ill advised and ill guided and misdirected—should take the short cut and resist the authorities and resort to violence, would you punish them for having done so?

"Dr. GADDIS. If a body of strikers should do that?

"Commissioner WEINSTOCK. Yes.

"Dr. GADDIS. Well, that would depend on all of the circumstances leading up to that expression.

"Commissioner WEINSTOCK. Well, you are thoroughly familiar with the circumstances in Colorado, of course. You told us you were there from start to finish. Would you punish the strikers who resorted to violence in the State of Colorado?

"Dr. GADDIS. I would not.

"Commissioner WEINSTOCK. You would not?

"Dr. GADDIS. No, sir.

"Commissioner WEINSTOCK. You would let them go scot free?

"Dr. GADDIS. Well, I am inclined to think I would."

Now, here you have the two extremes; you have the attitude of Dr. Goodnow, who believes in law and order, and he tells us that any remedy for industrial ills is through the ballot; and here you have the sentiment of Dr. Gaddis, whom I think is equally honest in his opinion, who takes the opposite view and justifies resort to violence—in other words, justifies the short cut where men feel they are not getting what they are entitled to at the hands of the constituted authorities. Now, kindly tell us with which of the two gentlemen you agree?

Dr. MCCONNELL. I must answer that question at some length, and I hope you will bear with me patiently.

This world, and the various nations of this world, from the earliest history we have, has been struggling, so far as most of the inhabitants are concerned, toward the establishment of law, has been struggling toward the establishment of certain principles, a summary of which is given in the Ten Commandments. Law is an expression of those principles, and the great effort that humanity is engaged in—one of the greatest efforts it is engaged in is to establish the authority of the law and to secure submission to the legally constituted authorities.

For a long time in the state of savagery a man thought, if he was put up in a place of authority, that he was under no law, but was outside of the law. After a while they found out it would not work. If you put a man up in the

position of a king or judge, and he went raving crazy, you would not keep him; you would not have him as a constituted legal authority. Some of the nations left insane people like that go on in their madness and it worked great harm, and they found they would have to change that. The idea began to dawn on the people that the officer himself is subject to the law.

You remember the old story of King Ahab and Naboth's vineyard; he wanted it, and he was King, and the laws of the land did not restrain him. And King Ahab, through the work of Jezebel, went over and, independently of the law, took Naboth's vineyard. And you remember that the prophet said that Ahab and his house should be destroyed; and they brought about the destruction of the house of Ahab, applying the idea that even a king ought to be subject to the law.

"And the King, O Lemuel, shall drink no wine." That is an expression of the same idea. If you are in a position of authority you should be subject to the law, the principles laid down in the Ten Commandments.

We have the same thing with respect to the judiciary. I suppose there is no country in the world where the judges are respected so much as they are in England. You know how Bacon, as great as he was, allowed some one to give him gifts in a case he was judging, and how all England condemned Bacon, and he felt it grievously; and the judges are respected in England to-day on account of that.

As to the judges in this country, the condition is different. We have Judge Philips in Kansas City going out on a railroad train furnished by the railroad whose case he was judging and Judge Grosscup getting rich while he was a judge. The judges are not respected as much in this country as they are in England, and they do not have the force and authority with the people, because the people say, "You, as judges, are not subject to the principles and the laws like you ought to be."

In southeastern Colorado you have the coal companies selecting officials, not for the purpose of having those officials subsumsive to the law, not for the purpose of having those officials give expression to the law or to enforce it, but to prevent its enforcement. In other words, you are putting anarchists in the positions of officials; men who do not submit to the law but try to prevent the laws from being enforced; and you have the companies employing bodies of armed men and those men being enlisted in the militia.

You have anarchists in authority, men who recognise no law and no principle, but who are there and serving the company who is paying them rather than enforcing the laws of their State.

Now, place yourself in that situation; suppose you are a miner down there in Colorado. Here are some anarchists over you, and you try to reach them through the laws of your State, as they did in the case of that effort to recall that judge at Trinidad, and they stepped in and threw you in jail in violation of your rights to act under the law. They are merely anarchists and men who are subject to the law no more than a crazy man would be. They come to your homes with those men, armed with deadly weapons, and they aim a gun at your wife. You say, "My hands are tied; this man represents the legally constituted authorities." These anarchists the company has put in to violate the law are legally constituted authorities, but they are not observing the law; they are violating it; they have begun the violation of the law themselves; and you say, "I can not raise my hands to protect my wife and children; I can not do anything to save my home from ruin; I am perfectly helpless, because these anarchists who have been put here by the companies to violate the law have got the names officials"; and you sit down and let your family be killed. If you did, I do not think you would do what is right. I think you should oppose the anarchists who are put in by these companies to violate the laws of the country. I think it is just as bad for the Colorado Fuel & Iron Co. to undertake to destroy the lives of the people in violation of the laws of the country, by men called officials, as it was for King Ahab, who was an officer, to destroy the life of Naboth in violation of his country's laws. And I think that any minister who has a sense of justice will say that when the law is being violated by the men who pretend to be its exponents, when you have the anarchist in the position of an official, and he is there ready to kill your family, and you have no other recourse, then it is not only your right but your duty to defend yourself by force.

Commissioner WEINSTOCK. Are we to understand from that, Mr. McCorkle, that you are in perfect accord with the opinion expressed by Dr. Gaddis?

Dr. McCONNELL. I think I am in perfect accord with the opinion expressed by Dr. Goodnow when he said we should work for peace. What I said in my report was that we should execute these men and kill off those persons working against our Government in employing this armed force to create that condition. I am in sympathy with Dr. Gaddis's statement that if you were in Colorado where you had anarchists set in positions of authority above you and preventing your actions which under the laws of the State were guaranteed to you, you had a perfect right to stand up against them and defend your family; and if I had been there I should have done everything in my power to defend the lives of myself and family and those people being oppressed by the anarchists this company was hiring.

Commissioner WEINSTOCK. In other words, you indorse the action of the strikers; you think that they were justified in resisting and resorting to force?

Dr. McCONNELL. I think they certainly were.

Commissioner WEINSTOCK. And your reason for thinking so is that they were being robbed of their rights?

Dr. McCONNELL. My reason for thinking so is that anarchists were in the positions of officers, and the laws of the State could not be enforced to protect them and save their lives from destruction.

Commissioner WEINSTOCK. And you think the way pursued by the strikers of Colorado, which we will have to call the "short cut," is the most effective way of bringing about the change in conditions?

Dr. McCONNELL. I think the only cut is most effective.

Commissioner WEINSTOCK. That is the only cut, you say?

Dr. McCONNELL. Yes; that is the only cut. I think, when there can be legal action taken, that should be done, but when they come into your houses and undertake to destroy the lives of your wife and children, then you have no alternative, you have no opportunity to do otherwise. The company officials who deliberately put men there to violate the law that created a state of anarchy, they were the instigators of the men who began the violence.

Commissioner WEINSTOCK. Then if the strikers were justified in resorting to violence, as you have said, I suppose all of the citizens of this country who find themselves in the same position would be equally justified?

Dr. McCONNELL. It becomes a man's duty to stand up for the laws of the country and their administration against the men who, by violence, are undertaking to overthrow them.

Commissioner WEINSTOCK. A little while ago you asked me to imagine myself a coal miner living under these conditions and being robbed of my civil and political rights. I have not been a coal miner, but have lived under relatively like conditions. If you are at all familiar with the political conditions of the State of California, of which State I happen to be a citizen, you are doubtless aware of the fact that for 40 long years we had political anarchy in that State. The government of the whole Commonwealth was in the palm of the hand of the railroad companies, and I, in common with the rest of my fellows, was robbed of my political rights. This will illustrate it. I remember on one occasion, living in Sacramento, when coming down to the polls to vote one morning overhearing a political boss of that community say to one of his henchmen, pointing to a friend of mine: "Say, Bill, there is one of those purity chaps. He thinks he is going to vote for his candidate, but whether he casts his ballot for the Republican candidate or for the Democratic candidate, damn him, he will be voting for my candidate, because I own them both." That was the condition in the State of California for 40 years, and we all knew it.

Dr. McCONNELL. Just like Colorado.

Commissioner WEINSTOCK. Now, from your point of view, you would be justified in organizing a vigilante committee and using guns to wipe out the political bosses, henchmen, and ward heelers?

Dr. McCONNELL. Did they come into your house with guns and threaten the lives of your people?

Commissioner WEINSTOCK. No.

Dr. McCONNELL. He could, but he didn't?

Commissioner WEINSTOCK. That was the case; the railroads absolutely controlled that thing, the judges and the legislature, and no man would even think of being elected to the position of dog poundmaster without getting the railroad companies to recommend him.

Dr. McCONNELL. I would have done in that case as I did at Seattle and gone to work and got people enough behind me to bring about a change without violence. You say they did not come into your house with guns?

Commissioner WEINSTOCK. No.

Dr. McCONNELL. If they had done that, they would not have left me anything but force. So long as they withheld force, I withheld force. The trouble in Colorado was the company was the first to use force and violence.

Commissioner WEINSTOCK. In Colorado?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. You are familiar, are you, with the facts in Colorado?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. Are you aware of the fact that the strike was called—do you remember, Mr. Walsh? I think it was about the 15th of September, if I remember right.

Chairman WALSH. A little over a week after that—September 23.

Dr. McCONNELL. I think it was September 23.

Commissioner WEINSTOCK. My recollection of the dates is defective, but I remember this: That the strike was declared on the 23d, and we have testimony in our record, which I think has not been contradicted, that on the 12th of September, 10 or 11 days before the strike was declared, the coal miners went into the neighboring communities and bought up all the arms and ammunition, anticipating there was going to be a scrap and preparing themselves for the scrap.

Dr. McCONNELL. They were doing nothing more than the coal companies were doing in buying machine guns and ammunition, were they?

Commissioner WEINSTOCK. Admitting that the coal companies were doing that, it takes two to make a scrap, doesn't it?

Dr. McCONNELL. Certainly.

Commissioner WEINSTOCK. Have you read the testimony in the case carefully?

Dr. McCONNELL. Before the commission?

Commissioner WEINSTOCK. Yes; and other commissions.

Dr. McCONNELL. No, sir; only a part of it.

Commissioner WEINSTOCK. Are you aware of the fact that at least to my mind—I do not know how my fellow commissioners feel in the matter because we have not discussed it among ourselves and have reached no conclusions—I have yet to be convinced that the representatives of the authorities took the initiative and were the first to fire on the strikers.

Dr. McCONNELL. I do not think it was the representatives of the authorities, but the representatives of the coal companies, more or less independently.

Commissioner WEINSTOCK. No; I think the testimony shows that those who took an active part——

Dr. McCONNELL (interrupting). Who was the first man killed?

Commissioner WEINSTOCK. I do not remember.

Dr. McCONNELL. Gerald Lippiatt; he was murdered by hired gunmen in the employ of the company. Bear in mind, when I said I would not use force until they first used force, I did not mean to say I would not keep a gun in the house if I knew they are getting guns.

Commissioner WEINSTOCK. Let me ask you this question: You are a Christian minister, are you not?

Dr. McCONNELL. Yes, sir.

Commissioner WEINSTOCK. You said a little while ago that you were earning $1,200 a year?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. I do not say this to flatter you, but because I believe it; I am sure a man with your mentality and character and ability could, in some other walk of life, earn more than $1,200 a year, and I take it the difference between what you are earning and what you could earn in other walks of life is your contribution to the cause of religion.

Dr. McCONNELL. I want to say that I was offered the superintendency of the Neighborhood House at Gary, Ind., paying about $1,800 a year, with the use of a house, etc., which amounted to $1,500 or $1,600 a year as compared with what I am getting now. I could have gotten a $2,000 position with the Government, but I am working for the good of the working people.

Commissioner WEINSTOCK. You are working in a cause?

Dr. McCONNELL. Yes.

Commissioner WEINSTOCK. And that cause is religion?

Dr. McCONNELL. Well, there is a difference in what is called religion. Mr. Bowers and I had a controversy about what religion means. I am working for the religion of Christ.

Commissioner WEINSTOCK. I take it you are a Christian clergyman?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. And you are preaching Christianity because you believe that to be true generally?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. And you believe what Jesus taught, that these things are the things that human kind ought to do?

Dr. MCCORKLE. I certainly do.

Commissioner WEINSTOCK. And your aim is to have your fellow workers to follow in the footsteps of it?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. And observe His injunctions; is that right?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. Do you believe the injunctions that were offered by Jesus are practical injunctions and should be observed?

Dr. MCCORKLE. I do.

Commissioner WEINSTOCK. You do?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. You would consider yourself derelict in your duty, then, if you violated those injunctions, would you not?

Dr. MCCORKLE. Yes.

Commissioner WEINSTOCK. And that you could not be a consistent Christian teacher unless you followed in the footsteps of Jesus and followed out the injunctions laid down by the great Master?

Dr. MCCORKLE. That is correct.

Commissioner WEINSTOCK. Then how do you reconcile your statement that you would resort to force under circumstances—under such conditions, with this statement of the Master, who said, speaking of the law, "Whosoever shall break one of the least of the Commandments and shall teach men so, shall be called the least in the Kingdom of Heaven; but whosoever shall do and teach them shall be called great in the Kingdom of Heaven"; and further, "Resist not him that is evil, but when thine enemy smite thee on one cheek, turn the other also"; and furthermore, "A disciple is not above his teacher nor a servant above his master."

Dr. MCCORKLE. It is easy to take a part of what Jesus said and leave the rest out. "Resist not him that is evil," you say; but how are you going to interpret the act of Jesus in taking the lash and whipping the fellows who were changing money in the Temple and overturning the seats of those who were selling doves?

Another thing Jesus tells His disciples is to let him that hath no money sell his cloak and buy a sword; you will find that in the Gospel of Luke. Now, as I look at it, it is this way: Jesus was trying to teach His disciples to work for the good of mankind. I have no doubt that Jesus would have used strong measures if He could have gotten His disciples to have the right spirit. But you know that on the way to Jerusalem, just before He was crucified, the disciples quarreled among themselves as to who should have the biggest place. It does not do any good to turn out one body of men and put in another when that is their viewpoint. Jesus was in favor of force when it took force to secure justice, but He wanted His disciples to seek for peace.

Half of the quarrels in the world arise from the fact that the first time you are hit you are ready for a scrap. Jesus said, when your enemies smite you on one cheek you should turn the other, but I do not think He meant that you should make a windmill of yourself and go around——

(Witness here interrupted by applause and laughter.)

Chairman WALSH. Let us have order, please.

Commissioner WEINSTOCK. Are we to understand, then, that Jesus was self-contradictory; that His own utterances can be used against Him; that He preached one thing and did another; that when He said you must obey the law and respect it that He did not mean it, and when He said you should preach nonresistance He did not mean it?

Dr. MCCORKLE. I do not think Jesus was self-contradictory; I do not think I am self-contradictory in trying to do anything I could. I think I would help Mr. Rockefeller or any official of the Coal & Iron Co. if they were suffering and needed it as quickly as I would anybody else; but when they are guilty of treason and when their action is costing the lives of thousands or millions of people and there is no other way of restraining them, and they provoke violence that destroys practically every possible relief, then I would say I would prosecute them, not because I am angry with them or want to punish them, but because I want to protect the lives of the people, because there is no safety

Commissioner WEINSTOCK. Who would be the executioner?

Dr. McCORKLE. The men who were in control, power, and authority.

Commissioner WEINSTOCK. Let me see if I understand you right: you say, that if a mining company should practice anarchy and control those things; that is, put their own officials into certain places, not with the intention of observing the law, but with the intention of violating the law, that would be a case of treason in your opinion?

Dr. McCORKLE. I said hiring a private army is treason; the other is treason, but not as bad as hiring a private army.

Commissioner WEINSTOCK. And those who commit that kind of treason ought to be punished?

Dr. McCORKLE. I did not say I thought they ought to be punished; I do not think they ought to be punished.

Commissioner WEINSTOCK. What would you do?

Dr. McCORKLE. I think that we can have peace without it going that far, by trying to get people who want peace and justice to stand together and restrain them peaceably and get them to turn their talents in the right direction. They have great talents and ability, and I would not execute them as long as peace and safety could be secured without it; but my statement was that if their action ends in war, then you have come to the point where you can no longer deal with them on peaceable terms. They know exactly what the outcome of their acts will be; if they plunge the country into war then they must be executed.

Commissioner WEINSTOCK. Who should execute them?

Dr. McCORKLE. Well, if there ever comes war in this country, it would be well for the people on the other side to remember that the first struggle will be won by the workingmen, and then their officers, after a fair trial, should execute every one of these men before they get to quarreling among themselves, because as you know, and every student of history knows, if the workmen get control it will not be long before they will quarrel among themselves as to who should have the biggest places. And so I say that the first thing and the big thing we want to work for in peace without any war and execute no one; but if war comes, I am confident that the workingmen will be on top at the end of the first struggle, and every man who is guilty of hiring those private armies must be executed, for it is treason; so they will have no chance to come back after the working people.

Commissioner WEINSTOCK. Evidently I have not been able to make myself clear. Let us take this concrete case and assume that what you have said is true. Let us assume that some mining company in Colorado did unlawfully hire gunmen.

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. And let us assume that those gunmen; that the actions of those gunmen did lead to riot, and that it was a treasonable act; how would you go about punishing those who had committed the treason, the conditions as they are to-day?

Dr. McCORKLE. With the conditions as they are to-day, I would put them in some sort of a hospital where they would not have a chance to get out again.

Commissioner WEINSTOCK. Who would have the power to do that?

Dr. McCORKLE. I would get possession of the State government in Colorado.

Commissioner WEINSTOCK. How would you get possession of the State government in Colorado?

Dr. McCORKLE. By going down there and working among the people.

Commissioner WEINSTOCK. Would you do it by force or educational methods?

Dr. McCORKLE. By telling the truth, instead of sending out bulletins like Mr. Lee has.

Commissioner WEINSTOCK. Would you do that through the ballot or bullet?

Dr. McCORKLE. Through the ballot, every time; I would never use force until the other fellow used it first.

Commissioner WEINSTOCK. You are starting out, of course, on the theory that in this case the force was used first on the side of the operators.

Dr. McCORKLE. It was.

Commissioner WEINSTOCK. And your foundation for making that statement is what?

Dr. McCORKLE. My foundation for making that statement is their employment of these armed—of these so-called detectives—and arming them with deadly weapons. It is a very different proposition for me to arm myself to protect

my family and for another man, or me, to hire some stranger who may be ready to commit murder—to hire him and put a deadly weapon in his hands. When I have the weapon in my hands I am going to use judgment and not shoot until it is necessary, but when he has the weapon in his hands he is going to shoot or raise some kind of trouble in order to keep himself in a job.

Commissioner WEINSTOCK. Summing up, I want to be sure that I get your position right. Taking this very case in Colorado, your statement in brief is as follows: There was trouble between the miners and the mine operators.

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. Relating to wages or working hours or working conditions in the closed shop.

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. That that difference led to a strike.

Dr. McCONKIE. It did.

Commissioner WEINSTOCK. That the men refused to work under the conditions named by the company, and the company refused to meet the conditions named by the workers.

Dr. McCONKIE. Yes.

Commissioner WEINSTOCK. And there was a hung jury.

Dr. McCONKIE. Yes.

Commissioner WEINSTOCK. And the men exercised their rights and privilege and withdrew from the employment of the company.

Dr. McCONKIE. Yes.

Commissioner WEINSTOCK. And the company then went out and employed gunmen.

Dr. McCONKIE. Yes.

Commissioner WEINSTOCK. Exactly. And that these men, either before or after the company employed gunmen, went out and armed themselves.

Dr. McCONKIE. Yes.

Commissioner WEINSTOCK. And it led to a conflict.

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. In which blood was shed and lives were lost and property ruined.

Dr. McCONKIE. That is it.

Commissioner WEINSTOCK. And that under those circumstances you would justify the strikers in having resorted to force.

Dr. McCONKIE. Under the circumstances when the other men came as aggressors into their homes in violation of the law, with anarchists holding those positions instead of law-abiding citizens, then I justify force if it was necessary to save their families from violence, when that was the last thing and only thing left.

Commissioner WEINSTOCK. You not only do that, I take it, but when you say that, I assume that you assume that the operators took the initiative and were the aggressors when it came to real action.

Dr. McCONKIE. I believe it.

Commissioner WEINSTOCK. I further take it that your attitude is that when the strikers saw that the company were employing gunmen, or strike breakers, that they were justified in going out and providing themselves with arms and ammunition.

Dr. McCONKIE. They certainly were.

Commissioner WEINSTOCK. They had a right to anticipate that these gunmen would use their arms and ammunition against them, armed or unarmed.

Dr. McCONKIE. That was the very thing that they were buying them for; they didn't want the gunmen to catch them unawares.

Commissioner WEINSTOCK. If the Colorado strikers were warranted in doing that, I take it that you do not regard them as any specially privileged class.

Dr. McCONKIE. Not at all.

Commissioner WEINSTOCK. And you would not give them any privilege that you would not other groups of men?

Dr. McCONKIE. Not at all.

Commissioner WEINSTOCK. You know that there are groups of men that have grievances all over the country?

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. The I. W. W.'s tell us that they have them.

Dr. McCONKIE. Yes, sir; I have worked enough to know there are all kinds of grievances.

Commissioner WEINSTOCK. The Socialists and anarchists have their grievances?

Dr. McCORKLE. Yes, sir.

Commissioner WEINSTOCK. And if they did exactly what the strikers did in Colorado, you would have condoned it?

Dr. McCORKLE. If they were situated as the strikers were in Colorado, with men that were not subject to the law any more than a crazy man is, setting in the seat of authority, with men with deadly weapons, men with no principle, men that were out for murder standing over them and threatening their lives, and the lives of their families, they would be justified, and you, Mr. Weinstock, I would commend, if you defended your family in the same way.

Commissioner WEINSTOCK. You think that the methods pursued by the Colorado strikers in gaining what they believed to be their rights was a method, and a more acceptable method, than the people pursued in California in getting their right? There was plenty of bloodshed in the history of California; if you or I as a voter went to the primary election and attempted to assert our right, and attempted to cast our ballot as we wanted to have it, and should wait until the ballots were counted, we would go away with a broken head. Now, we labored under these disabilities; we had political anarchy for 40 years, but by doing the very things that you have suggested, by education, by agitation, we eliminated the sluners, we eliminated the anarchy, so that to-day the State of California, for example, is the brightest and truest political democracy. The government is in the hands of the people that operate it wisely and intelligently and economically. You think from your line of reasoning, if I am to apply it, that the people of California made a mistake, that 10 or 20 or 30 years ago they ought to have used the bullet and driven out the anarchists?

Dr. McCORKLE. I don't see that your case presents a parallel at all. In the first place, a man can take a bump on his head or a few bruises, it is not threatening his life or the lives of his family in most cases, but here is another thing. You could have gotten enough men together to have gone to the election in a body so that the other fellow could not have beaten you probably.

Commissioner WEINSTOCK. No; they had the machinery.

Dr. McCORKLE. And what you say there has been going on in Colorado right along and has been for years and years, but if they had come to your home or place of business, and every other place, and had threatened your life and the lives of your family, then I think you would have had to do something. The strikers of Colorado had borne patiently the violence that you are speaking of for years and years, but when it got outside of the matter of election day and had become a matter of life and death, they defended themselves.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock; you will please resume the stand then.

(Whereupon, at 12.30 o'clock, the commission took an adjournment until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. McCorkle, please?

Commissioner WEINSTOCK. The substance of your answers to the questions I put this morning, Mr. McCorkle, as I gather it, is that in the case of the Colorado strikers you justify their resistance and their resorting to violence because, in your opinion, it was the last resort?

Dr. McCORKLE. Yes, sir.

Commissioner WEINSTOCK. That they had no alternative?

Dr. McCORKLE. Yes, sir.

Commissioner WEINSTOCK. That politically the State was in the hands of political anarchists, and that no hope and no redress could be looked for from that channel? Did I understand you right?

Dr. McCORKLE. I was endeavoring, just before we closed, to make it clear that the position that was mentioned in California, where you had merely violence in your political work, at your elections, and the position in Colorado, where there was violence both in your effort to express yourself politically and your industrial work, indicates a different situation, and that Colorado is a place where the conditions are extreme, and where violence was justified as resistance to men that were anarchists, who were not themselves submitting to the law.

Commissioner WEINSTOCK. I gather from that you make it a point to inform yourself of conditions there, and followed this struggle as it went along?

Dr. McCORKLE. Yes, sir; in Colorado.

Commissioner WEINSTOCK. Then being well informed on the subject, will you be good enough to tell us what constitutional method the strikers followed before they went the limit of strike and resistance?

Dr. McCONKIE. I would not undertake to present that, because while I am assured perfectly in my own mind, I was not a man in the field, and there were men testifying before this commission that must have been acquainted with the steps taken.

Commissioner WEINSTOCK. Perhaps I did not understand you correctly then. I had gotten the impression from what you said a few minutes ago that you had informed yourself and was posted on the conditions there?

Dr. McCONKIE. I think that I know what the conditions were fairly well, but I don't want to give in testimony my understanding of it, when I think there are men whom the commission could call who would give it far better than I can.

Commissioner WEINSTOCK. Do you know, for example, whether the strikers before they struck and before they went the limit, whether they called, for example, upon the governor to investigate the conditions under which they were laboring?

Dr. McCONKIE. The governor to investigate the conditions?

Commissioner WEINSTOCK. Yes, sir; before they resorted to the extreme measure?

Dr. McCONKIE. As I understand, they endeavored to get the operators to meet with them, and consider the trouble, and it was impossible to do it. Now——

Commissioner WEINSTOCK (interrupting). Do you know of anything that they did? Pardon me, I thought you had finished.

Dr. McCONKIE. No; in regard to the governor, it is very little use to try to get an officer that does not want to do what is right to help you to get justice. I know a community in the State of Montana where the judge and liveryman in the town and a State senator and two other men were banded together and committed very serious crimes, and yet nobody could get any redress. In one case, where a trial was in progress, and indisputable evidence arose, the judge turned the jury loose for three days, and when he called them together again conviction was impossible. This same judge, a man in my congregation told me that he had sat on a jury under this same judge, and every day for 21 days that he sat on the jury that the judge was drunk, and one day he fell out of his chair. Conditions in the West make it useless to attempt an appeal to the authorities. You have to get different authorities.

Commissioner WEINSTOCK. So far as you know, aside from endeavoring to come to an understanding with the operators and getting a hearing at the hand of the mine operators, you don't know of any effort that was brought on the part of the strikers before they went the limit, to pursue constitutional methods?

Dr. McCONKIE. In settling their grievances?

Commissioner WEINSTOCK. Yes, sir.

Dr. McCONKIE. I think I do know a good many cases of that kind. For instance, when Mr. Fitch was out there in Colorado making investigations about three or four years ago, there was an accident happened just when he arrived there—killing three men. The workingmen wanted the coroner to investigate, but the coroner said he would not do it. He made no investigation. You appeal to an officer, and you can not get a response. There were some men, the State labor commissioners, I believe, I don't remember their official titles just exactly now, but they went to these fields and found what the conditions were, and finally were shut out, contrary to law, by some of these men in the closed camps—the company officials or company superintendents. The officers of the law that were with the company would not do anything, and the officers of the law opposed to the company were not allowed even to come in, as I understand it.

Commissioner WEINSTOCK. This accident, that you spoke of happening when Mr. Fitch was there, happened three or four years ago?

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. I want to confine our discussion, if you don't mind, to this particular strike, and I want to ask you again whether, of your own knowledge, you know of anything that the strikers did along constitutional lines to have their wrongs righted before they went the limit?

Dr. McCONKIE. I have heard that they did, and I have papers at home presenting a number of things. I remember them, but not definitely enough to give them in testimony now.

Commissioner WEINSTOCK. Well, you say a number of them?

Dr. McCONKIE. Yes, sir.

Commissioner WEINSTOCK. Can't you remember some of them?

Dr. McCONKIE. I don't think so. I read the list at the time; but I wouldn't undertake to give them.

Commissioner WEINSTOCK. And yet you said a little while ago—you made the statement that you thought these men were justified in doing what they did, because they had exhausted every other avenue—and I am sure you would not have made such a statement without knowing what you were talking about.

Dr. McCONKIE. I am sure they exhausted every other avenue. They had a perfect right to go on strike, they were committing no offense to go on strike. It is something guaranteed them under the law of the State, and, well, Mr. Farr, if you will remember, swore in about 820 men as deputy sheriffs. He did not arm them. I believe he testified before your commission that he supposed the coal company armed them. He testified also that they might have been murderers, right from their criminal operations when he put them in, but he didn't know who to put in. He put in, I suppose, the men he was told to. He did that long before the strike began.

Commissioner WEINSTOCK. The justification came in resorting to violence and resisting the authorities, as you point out, was due to the fact that politically the State of Colorado was in a state of anarchy?

Dr. McCONKIE. Just that question again, please.

Commissioner WEINSTOCK. That the justification for resorting to violence and resisting the authorities was due to the fact, as you pointed out, that they could hope for no redress in any other direction, because the State was in a state of anarchy?

Dr. McCONKIE. You are mistaken when you say that I said that. I stated not only was the State in the hands of political anarchists, men that did not obey or submit to the law, but they had gone further, and had hired a private army, and were threatening the lives of those people with violence. When the State is merely in the hands of political anarchists, I don't believe in violence. I discriminate between your condition in California and in Colorado.

Commissioner WEINSTOCK. That is, in Colorado, you had the California condition with the plus?

Dr. McCONKIE. With the plus of murders—men from the Mexican revolution; everywhere that they could be gathered up, men who were willing to be sold for a price to murder people. They were down there to intimidate those people and kill people in their homes.

Commissioner WEINSTOCK. And the outlook for the immediate future politically was such that there was no hope to be sought for along those lines?

Dr. McCONKIE. No hope at all; as I understand it.

Commissioner WEINSTOCK. Are you familiar with the last State election in Colorado?

Dr. McCONKIE. Somewhat.

Commissioner WEINSTOCK. You know, of course, that Mr. Carlson, who had been district attorney in the northern district, in which the strike had been going on since 1910, and who stood on a law-and-order platform, was elected by a majority of 37,000 over Senator Patterson, ex-United States Senator Patterson, who was a man of rare attainment, high character, and uncommon ability, but whose sympathies had been with the strikers? Therefore, Carlson was elected seemingly by a majority of 37,000, and I have not heard one whisper of any political scandal being connected with that election. You doubtless are aware of the fact that Attorney Farrar, a Democrat—Mr. Carlson was a Republican—was elected by a similar majority, showing clearly that the people voted as they wanted to vote, and were not influenced by any boss or political control. If you have heard any whisper indicating any political scandal during that election, you have heard something that I have not heard, and I have had opportunity of hearing it, when I was in Colorado recently and discussed this matter with a great many citizens.

Furthermore, you are probably also aware that despite the strenuous efforts of the so-called interests, the recent legislative body of Colorado passed what is known as the welfare commission law, the workmen's compensation law, and the public inquiry act. Every one of these, the so-called interests, have for many years been hostile to.

Now, in view of these facts, don't you think you are mistaken when you said that the political situation in Colorado was hopeless, and that there was no likelihood of anything but political anarchy continuing to reign?

Dr. McCORKLE. The political situation in Colorado is somewhat difficult to understand by people who are not conversant with the lives of the people in Colorado and with the actual state of them.

I remember a few years ago when I was working in the harvest field, just after I graduated from college, I went to the harvest fields in Kansas, and I remember the fellow who was working alongside of me in the harvest field, he was from the Colorado mines. He had not voted but 12 times at the last election, and he said a good many he knew had voted more times than that. He told me this, and I think there is no doubt but what he was telling the truth and he had voted 12 times in the election, and I don't think it created much of a scandal.

Commissioner WEINSTOCK. At this recent election?

Dr. McCORKLE. Not at this last election, but that is the state of mind in a good many communities in the State of Colorado. A man that will vote 12 times, it won't make much of scandal, but I suppose if he voted 120 times it might. Now, another thing is that Colorado is composed of people that get their livelihood from very diverse sources. I have worked on a ranch in Colorado, and mingled with them, and I know their knowledge of people that work in the mines is almost nothing, and, of course, when the coal companies had control of the State under Gov. Ammons, they were piling up debts on the farmers, which the farmers had to pay, through the taxes, and the farmers were very restless about having to pay those taxes, and they were, no doubt, a number of them, influenced to vote in favor of the present order, the present governor and legislature, because they thought maybe they could cut out the tax bills that they were going to have to pay.

Commissioner WEINSTOCK. Are you sufficiently familiar——

Dr. McCORKLE. Familiar with what?

Chairman WALSH. Were you going to say something else, Mr. McCorkle?

Dr. McCORKLE. Yes, sir.

Chairman WALSH. Please finish it.

Dr. McCORKLE. Not only do you have farmers there that are working differently, but there was a big question of prohibition in the last election in Colorado. There were many people that have just as much right to believe in not having prohibition as I or you might believe in having it, and those people seem to have influenced the Democratic convention to make a declaration in favor of retaining the saloons in Colorado, or something of that sort, and Mr. Patterson had to bear the brunt of that. Now, after that was done, a systematic effort was made by all of these various companies that were profiting by the saloons, to get a prohibition vote, and even the Colorado Fuel & Iron Co. worked for prohibition. Not as I understand it, because they wanted prohibition, but because they were so vitally involved in this political struggle, that if they lost they felt that they would have to yield to the strike.

In fact, a man told me to whom Mr. Bowers spoke personally, that Mr. Bowers told him that they would have been defeated in Colorado if they had not carried that election. I have heard they spent $2,000,000 on the strike and in the election. I don't know the part they spent on the election, but I fancy a very large part of the strike and election expenses went there, because they said unless they carried the election, Mr. Bowers said, unless they carried the election, they would lose the strike.

Now, they got behind the prohibition vote in order to bring things about in favor of prohibition, to vote for their side, and as I look upon this election, it is an election that was carried by means of that prohibition vote, in addition to urging the tax question among farmers, who were not informed as to conditions in the mines. A lot of bulletins were sent out to deceive the people. A man that was informed, and had studied in school like I had, and who would pick up those bulletins, he would realize the falsehood in them. We got a bulletin saying that, for instance, Mother Jones was getting $40 a day, and some of them were getting $80 and $90 a day; it was claimed that it had come from the report of the treasurer of the United Mine Workers. I knew that it was not so. It was not long after that that I saw he article in the Survey, taking the actual figures from the treasurer's report, showing that to get the figures they had taken the salary and expenses of the man for a whole year, and added that together, and called it salary, and then had taken the expenses in a second time, and published in their bulletin that this was what the treasurer's report showed that they got for nine weeks' work. Men that made them, had the figures before them, and people that can do that, can deceive the people of

Colorado in an election. These falsehoods were circulated among the people. It was shown to be false in the survey. Mr. Welborn, according to the testimony, in the paper admitted that it was untrue on the stand, but still the Colorado Fuel & Iron Co. did not rectify it. I have a large number of them, and there is that false bulletin in there, without any explanation. They waited until after the election, along in the winter, and finally I got a bulletin saying that they were misinformed, and that what they were now stating were the correct figures, and they gave the report as it was correctly.

There is a policy of deception carried on like that, and it will deceive the people until they get their eyes open as to what kind of regard a man has for the truth. I expect the bulletins at least to adhere to the truth. For instance, they said here is what the strikers have sent out to the people of Colorado, a call to rebellion. Now, the heading of that was not a call to rebellion, but a call to arms, and an appeal to arms in defense of their homes, and not to undertake to overthrow any government. They headed that falsely, and there are lots of other things that I know that are false, but they will be brought out some day. Men that can take the trouble, with the figures before them, on a page like that, and turn them around and make something else out of it and put it before the people, some of these days the farmers and all will know what regard they have for the truth, and then the Colorado Fuel & Iron Co. will have to spend more than $2,000,000.

Commissioner HARRIMAN. In the election that Commissioner Weinstock mentioned, if there had been three parties, Democrat, Progressive, and Socialist in the election of Gov. Carlson over Senator Patterson, what would have been the result?

Dr. McCORMICK. I think there would have been a majority in favor of Gov. Carlson, anyhow, if all of the votes had been counted, but there is no question but what the division had this much to do with it, that they prevented those people from working together to get the votes, too.

Commissioner WALSH of Colorado. Does not this fact, remain, that the legislature passed a workmen's compensation act, which was in response to a demand on the part of the workers, that they knew that the employers were against it, and could they have passed that workmen's compensation act if the mine owners had owned the legislature?

Dr. McCORMICK. The Colorado Fuel & Iron Co. know very well that they can not own all of the legislatures in Colorado, and they know that the time is coming when political control will pass out of their hands. They have been doing in Colorado, I suppose, much like at Sunrise. It has been the custom at Sunrise that when a man got injured they would have him sign a release, releasing the company from all liability, and they wanted him to sign this release to the company before they would go ahead with their treatment, and when he did sign it they went ahead with his treatment, and I understand that they gave first aid beforehand; but while a man was needing help they demanded it, and in the last two or three years they have gotten this; the foreigners have learned that under the State law they don't have to sign it, and have refused to almost unanimously, in the last two or three years. Now, in southern Colorado they have not been paying damages, and sometimes when the political control passes out of the hands of these companies and if they have not the workmen's compensation law there will be an immense lot of damages and claims that they will have to pay. If they have a law like that to protect them, they will not have to pay them and it will limit the amount that they can be sued for. They are wise enough to see what is coming.

Commissioner WALSH of Colorado. What are the mining conditions at this time in Colorado, Mr. McCormick? Would you say that the State is still in the hands of political anarchists?

Dr. McCORMICK. I think it is. I am not sure about the governor. I think they probably took a better man for governor than they wanted, because of the fact that they were afraid if they didn't get him they wouldn't get anything at all. The fact that he vetoed the act of the legislature trying to abolish the courts of Judge Lindsey, who presides over the children's court—Judge Lindsey, who has done so much for the children—the fact that Gov. Carlson vetoed it, shows me that he had a little bit of independence, and that they did not actually rule him so thoroughly and so absolutely as they have ruled men before and as they have hoped to do with him.

Commissioner WALSH of Colorado. Well, I suppose the governor of Colorado, as is the case of the governors in most of the States, is the real dominating power, isn't he?

Dr. McCORKLE. The governor of Colorado is the highest authority. As I understand, he has not all the powers that governors have in some of the other States. I think, for instance, if I remember rightly, in the matter of pardoning, he has not the liberty governors have in other States. I would not be sure about that, but I believe that is true. But he is the chief executive.

Commissioner WEINSTOCK. Would you call him a political anarchist?

Dr. McCORKLE. I said I did not know, but the fact that he vetoed the bill to get rid of Judge Lindsey leads me to hope he is not.

Commissioner WEINSTOCK. Then, do you know in what part of the administration the so-called political anarchy still remains?

Dr. McCORKLE. I think it resides in the legislature.

Commissioner WEINSTOCK. Despite the laws which that legislature passed, such as the workmen's compensation law, the creation of a welfare board, and the passage of the public inquiry act—you think, despite that progressive work, most of it in response to the demands of the workers, that the Legislature of Colorado is still a body of political anarchists?

Dr. McCORKLE. The amount of good that these measures will do the working people is negligible as long as the government remains in the hands of the coal company.

Commissioner WEINSTOCK. What is your ground for saying that the government of Colorado to-day remains in the hands of the coal company?

Dr. McCORKLE. Because every bill the coal company wanted, even to the bill abolishing Judge Lindsey's court—they hate Judge Lindsey like poison—even the bill to abolish Judge Lindsey's court was passed through the legislature.

Commissioner WEINSTOCK. It is your opinion, is it, then, that no act could have been passed in the legislature unless it met with the approval of the coal company?

Dr. McCORKLE. In my opinion, everything that passed that legislature was passed with the concurrence of the coal companies.

Commissioner WEINSTOCK. And you believe that the workmen's—and you believe that those political anarchists passed such legislation as the welfare commission, the workmen's compensation act, and the public inquiry act?

Dr. McCORKLE. They certainly would. They all want to get the name of having done something for the people without giving them the goods. It is a very nice thing to give them a good law. They have had lots of good laws, as Mr. Gaddis testified yesterday, in Colorado. But, then, the companies have control of the officers and are able to ignore the laws. Now, why shouldn't they give us welfare commission and public inquiry act and workmen's compensation laws? And if they have got the officers, whenever they see fit, they will give us some more nice laws on the statute books, and they can go out to the other States and say, "See, here is what we are doing for Colorado."

Commissioner WEINSTOCK. In other words, you have no confidence in the integrity of purpose on the part of the present administration of Colorado?

Dr. McCORKLE. I am afraid I haven't any.

Chairman WALSH. Mrs. Harriman has a question or two she would like to ask you.

Commissioner HARRIMAN. Mr. McCorkle, I would like to ask you, if a workman has a right to quit his job when he wants to, why would you say the employer has not the right to discharge workmen when he wants to?

Dr. McCORKLE. That question, I believe, was brought out and was given yesterday when Dr. Gaddis was testifying.

Nearly all industry is cooperative. It means that a good many men work together. Of course, it is possible for a man who is trained to plan and to manage business, never to manage any industry except the industry he has got the brawn and skill to furnish the labor to operate. And any man with brawn and skill may never go into business he has not brains enough to manage.

But most of us furnish either brawn and skill or we furnish education and the talents of management, and perhaps some money for operation. Now, here is the situation: Not only does the employer and the company owning the business make an investment in a given point, but the people who are working there have an actual investment. At Sunrise, Wyo., I think the average cost of a man leaving there and getting another job would be more than $100; I should say $200 per man on an average. They have got their household goods, which must be sold at a sacrifice, or moved at a high cost for freight. They have got all kinds of sacrifices to make when they give up their job. So that the workingman, even though he does not directly own an interest

in the plant, has a property right in the community. The employer, too, has property rights there. There is no use to go over that. We all admit that he has. Now, in working together, men with brawn and skill—labor, as we call it—on the one hand, and the men with the talent and training for the management of business on the other—employers, or whatever we may be pleased to call them—get into disputes as to how much of the returns from the industry as a whole are to go to the workingman in the way of wages and shop comforts and things of that sort, and how much are to go to the employer or the manager or the company in profits.

Well, there are six things that can be done.

The workingman can say, or the workingmen, working for the company, can say, "We will quit and go somewhere else and get us a job where we can make a living;" or the employer can say, "I will quit; take my money and go somewhere else and invest it, and start up an industry and make a living there." We say that the employee has a perfect right to quit and go somewhere else if he wants to. We say that the employer has a perfect right to take his investment and go somewhere else, if he wants to.

Or, again, the dispute may involve so many men that it is not convenient for them to move elsewhere and seek to invest or secure work. Then the workman can say, "We will just stop work until we get this point settled. We are not going to go off and leave and hunt another job, but we are just going to stop work and wait until we come to an agreement. We do not feel that we can live at the present basis, but we believe that an agreement can be reached on a basis on which we can live." Or the employer—the company or its management can say, "Here, we are not getting enough out of this. We can't afford to go on as it is. We will quit work and close down the shop and wait until we can come to some kind of an agreement on which we can go on with the work. We don't want to go somewhere else and invest. We want to stay." We say they both have a right to do that.

Now, of course, the subsidiary provisions under both of those heads occur. For instance, the employer, the company manager, may say, "Well, if you fellows don't want to work I will send off and get some strikebreakers that will work until you get ready to work;" or, on the other hand, the workmen may get together and say, "Here, this industry ought to be going on. We will just have somebody put in here to manage this plant until the employers get ready to operate it themselves." I believe that was done at Cincinnati in the ice plants, when they closed down here about two or three years ago—that they actually, by official actions—it was not by the workingmen themselves; it was not a private matter like the employer assumes to do when he gets the strike breakers; but it was going through the regular channels of government. They did have a manager appointed.

Commissioner WEINSTOCK. You mean for a municipal plant?

Dr. MCCONNELL. No; private plants, where the men were on strike.

Commissioner WEINSTOCK. What did the government have to do with that?

Dr. MCCONNELL. It was a health proposition. I remember reading about it at the time, but I have not spoken about it for a long time. The city health authorities, through the city administration, appointed managers for those ice plants and said to the men, "Here are your jobs, go ahead and work until the employers get ready to go to work." Just the same proposition as the employer bringing in a strike breaker, only in that case it was done through legal channels, and not as a private act. Now, those are the next two considerations—third and fourth—with possible variations.

Then in the next place it is possible for the employer, the company manager, to say to the working man, "I don't like the way you are working. I don't like the wages I am giving you," or give no reason at all—I think Mr. Weinstock asked Mr. Gaddis about that—to give no reason at all for the discharge, but just say to the men, "Here, get out of here. We don't want you here." "Get out of here. I am going to put somebody else in your place." And the workingman has an investment there. It maybe will cost him $300 or maybe $500 to move from that place elsewhere and get work. He has property interests in the district, and he has got to sell them and he can't move them. He can't get value for them. And if there are a number of workingmen discharged at once, there is no sale for their individual homes, and they have got to sacrifice them, and their household goods, too, that they can not carry with them. A great many quitting at once, those goods become almost worthless. Their

property rights are ignored. They are driven out of the community, and sent elsewhere. And they destroy the property rights that the workingman has in the community. Or it is possible for the workingman to say to the company manager or to the company, "We are not satisfied with the way you are managing this business, and are not satisfied with the way you treat us," and it is possible for them to say, "Here, we don't have to give any reason, but we don't want you here at all. We want somebody else to manage this business," and make the manager of the company or the stockholders, or some of them or all of them move out and turn the business over to somebody else. Now, in that case, the employers' property rights would be disregarded, and it would be made to suffer loss just like the workingman has to do if he is discharged.

Now, it is my position that when the workingman is discharged without a just reason it is just as wrong morally and just as wrong legally, if justice were incorporated in our laws like it is going to be—it is just as wrong morally and as wrong legally for a workingman's property rights to be destroyed—say $50,000 or $100,000 worth of property—suppose there are a thousand men working in a place and they have all got to pull out and move when they don't feel like going to live at any other place, and they are discharged without any reason, and they have all got to move, and that would mean, at $100 per man for a thousand men, $100,000, or at $200 apiece, $200,000. A large part of that is destroyed for those men, from the fact of their being discharged. And I hold that the State has a right to step in and say, "Here," to the employer, "you have got no right to discharge these men without just and sufficient reason. They have property rights in this community, and we will protect them, and let them stay here." Or it may say to the workingman, when he wants to drive the employer out, or wants to drive the company manager out, "This company has a property right here. They are living in the community and working here, and have property rights. Now, you can't drive them out. You have got to give a good and sufficient reason before you can have the management of this company changed."

As I see it, there are just six propositions, and the difference between the right of a man—the rule works both ways in each case. Where you bring up the case of the workingman who quits of his own free will, and goes somewhere else to work, and the employer who quits business of his own free will and goes somewhere else and invests in industries, the rule works both ways.

Now, in the case where they could work, where the employees quit work, which is what we call a strike, and they say, "We won't work until they get this question settled." On the other hand, the employer, when he closes the shop down, says, "I am not making enough money, and I won't work until I can"; there the rule works both ways, and what is right for one is right for the other.

Now, where one undertakes, without assigning any reason, to destroy the property rights of the other—where the employer says to the employee, "Here, get out of here. Sell what you can, or anything, I don't care, just so you get out of here," he destroys the property rights of that employee. There the State has a right to step in and say, "Here, you can't do that." Or, if on the other hand, the employees say to the employer or to the management of the company, "We don't want you here and don't have to give any reason. Get out of here," why, the State has a right to step in and say, "You are wronging these men. You are destroying their property rights." And so the rule works both ways. I think Mr. Weinstock will find that answers the question that he put to Mr. Gaddis yesterday.

Commissioner HARRIMAN. You feel that the employer should retain a man regardless of his fitness for the job?

Dr. McCORKLE. I most certainly think that neither an employer who is not fit to manage the business, nor a workingman who is not fit to do the work, ought to be retained. I think the State ought to provide for removing men who are unfit for business on both sides.

Commissioner HARRIMAN. Well, who is to be the judge of the fitness?

Dr. McCORKLE. The judge of the fitness must be some disinterested third party; ought to be.

Commissioner HARRIMAN. As things are at present there is no such system?

Dr. McCORKLE. There has been nothing created to adjust these difficulties so far. We allow the employer to destroy the property rights of the workingman, and nothing is said; but the workingman to-day is not allowed to destroy the property rights of the employer. Of course the I. W. W. people believe

that the workingman ought to be free to destroy the rights of the employer when they want to, and set up somebody else without giving a reason. In my opinion, it would be far better to have a fair presentation of the situation before an impartial court; and by that I do not mean a court that is made up of anarchists, as I said—anarchists like you have got in Colorado—people that do not submit to the law and do not look for justice; but it should be a number of men who are fair and qualified to speak their opinion, and submit to them the question of the discharge of the employees, or the discharge of the management, either one, to those persons.

Commissioner HARRIMAN. Would a system of collective bargaining answer that purpose in industry?

Dr. McCORKLE. The effort to work between the labor unions on the one hand as an organization and the employers on the other? As I understand, that is what you mean by "collective bargaining"?

Commissioner HARRIMAN. Yes, sir.

Dr. McCORKLE. I think the system of collective bargaining has been the nearest approach to it. What we have gotten out of collective bargaining after all, as in the settlement of the coal strike, or in the mediation on the railroads, has been a board of arbitration, to whom these questions are actually referred. We are just beginning to feel our way in regard to the employers' discharge of the workingmen. Now, there has been nothing developed for workingmen's discharge of the employer who is not fit to manage the business; and I think the gentlemen on this commission, and, in fact, everyone here will say, that they have seen some employers or managers of business who they thought were not fit to do it, and needed to be turned off just as bad as unfit workmen.

Commissioner HARRIMAN. Mr. McCorkle, why do you think the workmen are so anxious to maintain the unions?

Dr. McCORKLE. Labor unions?

Commissioner HARRIMAN. Yes.

Dr. McCORKLE. Well, I think I have been through this experience more or less myself. I was very much afraid of unions, like a good many people on the farm are, when I was a boy. I thought they needed to be guided awfully close.

My study in college showed me some of the work the unions were doing for the welfare of the people. Then I got out and went to work in industries that were not organized. I went out on farms among the hoboes, as they are called—the fellows that wander from place to place and work in the harvest fields. I went into ditches and dug ditches and spent some months in Kansas and North Dakota. These men are nonunion men. Some had been union men in other trades. Many of them had never been in touch with the unions. I had not worked there very long until I realized that the nonunion men even realized that they must stand by each other. It had not been that way on the farm where I lived. We lived in a community of people who lived in one place, and if you worked for a man that was mean, people soon found it out that he was mean to his employees and he found it a hard matter getting anybody to work for him, and you could quit any time and go hire to somebody that would treat you right. But I found out when I worked for these companies, particularly working in the ditches, that you had men over you that would pick up somebody else that did not know anything about the work, and that they had no public sentiment to restrain them. Men would come in there to work anyhow that did not have any chance to know whether they treated the men right or not. I found out that if the workingmen did not stand by each other, nobody would stand by them. If you did not help your nonunion fellow workingman out when he needed it, you would not really have any just claim to get him to help you out yourself when you needed it. So, as a matter of fact, I found there was a more or less silent union in the nonunion fields; that there is a strong sentiment among workingmen, that the workingman has practically come to see this. That was true among the ditch diggers and true among the hoboes on the farm. You must stand by the fellow workman first. It is particularly true among the ditch diggers. Men that have had experience in the union, as I have run across a good many of them or have several, in that connection—I have met with a great many union men since that time. They told me that the union, as a matter of fact, is the only show for the workingman. The fellow who don't stand by the union, his wages will be so low his children will never amount to anything. If he lets the union be broken up it is ruin for his family. I have heard that time and time again from both nonunion and union workingmen; that, as a matter of fact, if you want a living for your family and to have any show for your

children you have got to get in the union, where there is a chance to get enough to live on. It is the survival of the union man, that is what it is, or the children of the union man. That is the whole struggle. And union men have gradually come to feel toward their union just like you and I do toward our Government. Now Mr. Bowers—I have read some things he said and heard some things in Denver. Mr. Bowers is not very well satisfied with our Government. It has interfered with a lot of his liberties the same as I feel that the Government has interfered with some of mine. I have no doubt that Mr. Bowers is perfectly sincere. Every one of us feels sometimes that the Government interferes with our liberties as it ought not to do. Well, we do not throw the Government over, because we say a man without a government does not have the chance to survive. There isn't any people without a government in historical times that has survived very long. We say, in spite of all the Government does that we do not want it to do—and I think Mr. Bowers would say that, too—we would rather have that Government than to have none.

Now, the union men and the nonunion men look around at the actual things occurring about us, and however much we may be displeased with the conditions that the union imposes and with the interference that it makes with some of the things we would would like to be free to act in as we want to, as a matter of fact, if we are going to live at all and see our children live, we have got to get into the union. And in the nonunion communities, in the closed shop, where they have organized a union, as there in Sunrise and lots of other places I have been in, as a matter of fact, the nonunion man that is supposed to be so oppressed by the unions and so much in need of liberation is nearly always the hearty sympathizer with the union. And it is a spirit of loyalty like loyalty to your government. The union man is for his union when he feels some of the things they are doing are wrong, when they get into a struggle, just like the same thing that makes you fight for your government when it gets into a struggle; and you do it even if you think some of the things that it is doing are wrong; you stand for it still, because if you do not have a government you do not have a chance to live; and if you do not have a union, the workingmann don't have a chance to live and educate his children.

Chairman WALSH. Commissioner Lennon desires to ask you some questions.

Commissioner LENNON. Just one line of questions, Dr. McCorkle: You were asked repeatedly along different lines as to whether or not the workingmen of Colorado exhausted every possible means for a peaceful solution of these difficulties before any violations occurred. What is more fundamental that can be done by workingmen in order to avoid any struggle—that is, any embodiment of violence—than to seek a conference through representative committees, with employers, to try to adjust their difficulties?

Dr. McCORKLE. I think that is the first and best thing to do. If I disagreed with a man, I would rather go to him face to face than to try to settle it through the officials; and I think he ought to meet me face to face. But it is not true at Sunrise. The people there want to meet with the officials of the company and present their grievances; and they are not allowed to do it. And as they have told me at Sunrise over and over again, "It would do no good if Mr. Rockefeller came here. He would never see us, and he would never get a word from us." He might see some men like that minister who wanted me to give him the names of all the people who had complained against anything the company had done, and he would have them discharged. He sees those men, but he does not see and does not have an opportunity to see the men that really want to present a complaint.

Commissioner LENNON. Do you know anything of the history of the efforts made by the miners of Colorado, through the governor and through prominent citizens of the State, and through every means within their reach to have a conference with the operators?

Dr. McCORKLE. I read of it at the time. I had it in mind when I spoke to Mr. Weitzbock a while ago.

Commissioner LENNON. You have reason to believe that they exhausted their resources in that way?

Dr. McCORKLE. I believe they did everything they could to get the men to meet with them and sent them registered letters which were returned, marked "Refused."

Commissioner LENNON. Do you know something—you brought it out in part—of the effort that had been made by the miners of Colorado, union and nonunion,

for years to secure legislation governing their class of work which, after having been secured, was not enforced?

Dr. McCORKLE. I know that they got the 8-hour day. I heard about it when I was working down at Raton, N. Mex. They had an 8-hour day up there, but the company worked them 10 hours, just the same.

Commissioner LENNON. Now, after such laws have been enacted, who are in the position to enforce the laws, the employers or are the men?

Dr. McCORKLE. The men are certainly in no position to enforce them. If you take the situation at Sunrise—the constable and deputy sheriff is a company foreman; and the people would not think of trying to get any enforcement of the law through him. As a matter of fact, if you were to undertake to get a prosecution of the company for its abuses, being a resident of a closed camp like Sunrise, before the prosecution could come up, you would be put out of the camp and be going down the line hunting a place to get bread for your family; so you couldn't do anything.

Commissioner LENNON. But, take laws like those to which we are referring, isn't it within the power of the proprietor of an industry to enforce these laws without the intervention of constables and marshalls and deputies and other kinds of officials?

Dr. McCORKLE. It is within their power. They would simply have to give orders to the superintendent in regard to an eight-hour law or permitting the men to have check weighmen, and things of that sort.

Commissioner LENNON. Have you seen a copy of the compensation law that was recently passed in Colorado?

Dr. McCORKLE. I have not had an opportunity of reading that. I have had the Wyoming compensation law, and it gives a very low compensation, it seems to me. I know I would not want to be cut up and——

Commissioner LENNON (interrupting). Not only gives a very low compensation, but has several provisions in it that makes it inapplicable in many instances. I know it is considered by experts as the poorest attempt at such a law ever passed in the United States. That is all I desire to ask, Mr. Chairman.

Chairman WALSH. Mr. O'Connell, did you have some questions you desired to ask?

Commissioner O'CONNELL. I want to go back to the mines awhile, Doctor, with you; back to your home.

Dr. McCORKLE. Yes.

Commissioner O'CONNELL. I understood you to say that the mines at Sunrise were closed to union men?

Dr. McCORKLE. The railroad shops, as I say, have to employ union men, because they can not get anybody else; but the mines are closed to them.

Commissioner O'CONNELL. You speak of the railroads. Those are operated by the general railroads running in there?

Dr. McCORKLE. Yes; well, not the general railroads, but this is the Colorado & Wyoming Railroad, and they used to have tolerably cheap fare 6 miles down to Guernsey; but the prices were cheaper at Guernsey——

Commissioner O'CONNELL. Well, now, doctor, we wont go into a discussion of incidentals. I want to stick right to the very point and get through. The railroads deal with the railroad employees because they have some general arrangement with the general railroad organization.

Dr. McCORKLE. They are members of the general organization.

Commission O'CONNELL. Now, then, we will leave out the railroad men; but the mines where the miners work, they are closed to union men?

Dr. McCORKLE. They are closed to union men.

Commissioner O'CONNELL. Then, this is what you have commonly heard called here and elsewhere the so-called open shop where it is supposed that both union and nonunion men are employed.

Dr. McCORKLE. That is another fallacy. The difficulty is that it is not open for union men.

Commissioner O'CONNELL. But only for nonunion men?

Dr. McCORKLE. Better not let it be known that you are a union man.

Commissioner O'CONNELL. You would not be permitted to have employment there if it was known that you were a union man?

Dr. McCORKLE. No, sir; not at all.

Commissioner O'CONNELL. So the mine there is nonunion in every sense?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. Have you made any investigation as to the income of the doctor at Sunrise?

Dr. McCorkle. I have not had any definite way of getting at the exact facts; all I know is what was told me. I was told by different men that he is making more money than anybody in the town, that his income is by far the biggest in the whole community. They tell me, I don't know whether it is true or not, that he gets $100 a month out of this $1 a month paid in by the men. Take 300 workingmen; there is $300 going to the company for hospital fees and things of that sort, and they really are entitled to medical attention, and some of them get it, and there are some of them don't, as I understand it. The men who work in the mines do, but their families are not entitled to anything free.

Commissioner O'Connell. Now, about the doctor's income?

Dr. McCorkle. About the doctor's income, I understand out of that he is paid, I think he gets monthly $100, the people have told me that, but I don't know. It is only hearsay.

Commissioner O'Connell. You don't know?

Dr. McCorkle. No, sir.

Commissioner O'Connell. Have you heard anybody estimate what his income was?

Dr. McCorkle. I have heard nobody estimate it, but I will tell you this, that there are a great many families, growing families—there are a great many cases that bring him $25 and some $50, and his income must be large, it could not be otherwise.

Commissioner O'Connell. Now, could you make us an approximation of what you think his income is annually?

Dr. McCorkle. Well, I would say that he is getting, if I were going to estimate it, I would say he gets around $4,000 a year.

Commissioner O'Connell. Is he a young man?

Dr. McCorkle. A middle-aged man.

Commissioner O'Connell. Did he begin his practice there or come there after graduating?

Dr. McCorkle. He came there after having had quite a bit of experience. I understand that he worked in the Philippine Islands with the soldiers. He is a good surgeon, and I have heard that he administered chloroform in two or three thousand cases before he came there.

Commissioner O'Connell. Now you say that the company conducts a sort of banking system in the store there?

Dr. McCorkle. Yes, sir; they do.

Commissioner O'Connell. Is there any other bank in the town?

Dr. McCorkle. Nothing except the postal savings bank.

Commissioner O'Connell. That is a Government institution?

Dr. McCorkle. And in it, as I said awhile ago, one young man——

Commissioner O'Connell. Yes; I understand; you told us about that.

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. Then the workingmen have a choice of two propositions, either putting their money into the company store bank, so called, or taking a certificate at the post office, and that the post office is in the company store, and the postmaster is the storekeeper?

Dr. McCorkle. Yes, sir; but here is another thing, it is not really a bank at the store. They give you a sort of a note, a promise to pay you on demand, and they will pay you a certain amount of interest on it.

Commissioner O'Connell. I was going to ask you whether they did or did not pay interest.

Dr. McCorkle. It is not a bank in the true sense of the word.

Commissioner O'Connell. They do agree to pay the workmen interest that make deposits there?

Dr. McCorkle. I know that a great many have sent their money back to Greece and Italy, because they were afraid to leave it there in that place.

Commissioner O'Connell. Do you understand what interest they pay?

Dr. McCorkle. I understand 4 per cent.

Commissioner O'Connell. Have you any idea of the number of men that deposit money in the store?

Dr. McCorkle. I have never investigated it. I know that the ones that do it have about $200 or $300 limit, or most of them; they usually draw it out and they send it to the banks in the old country when they get above that.

Commissioner O'Connell. Now you say that the company has in operation the check-off system in so far as it applies to doctors, to bills that are run in the store, including the gambling system that was in effect there?

Dr. McCORKLE. I will say this about the check-off in the store: There is a State law, it seems, that it is restricted, and therefore they have to get a man to sign up an agreement to turn his salary over at the store before they can collect it out of his wages.

Commissioner O'CONNELL. Simply makes an assignment of it?

Dr. McCORKLE. In the doctor's case he makes no assignment, but in the store case he makes an assignment of his wages to the store before they allow him credit. Of course they have not asked me to do that; I have never gone in any stronger than $10 or $15 at a time, and only for a few days.

Commissioner O'CONNELL. You ran an account at the company store?

Dr. McCORKLE. Oh, yes; I have run there for about two weeks for $12 or $13.

Commissioner O'CONNELL. They can not take their check-off out of your salary, because it don't come from them?

Dr. McCORKLE. No, sir; but they demand it from the men before they let them have credit.

Commissioner O'CONNELL. Now, they do practice and have practiced the check-off system in so far as the hospital fees are concerned of $1 a month?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. And the doctors check off for themselves?

Dr. McCORKLE. Yes, sir; whatever he wishes.

Commissioner O'CONNELL. Now, one of the causes of the strike in Colorado, as I understand it, one of the demands of the men was that the mines would be unionized and they should have the check-off system; that is, that the miners, the company should pay the dues of the miners out of their earnings to the organization, just the same as it is done by paying the hospital dues of the members and the doctor's fee, out of the men's money before they turn over the balance to him? In that sense they have the check-off system, but in the sense of permitting the men to have a check off, as far as dues in their organizations were concerned; they would not agree to that, and that was one of the claims of the men in the Colorado strike?

Dr. McCORKLE. I have never heard of a company being worried about the check-off system when they were getting the money. They would not let the men check off money for the union, but they certainly exercise absolute freedom in checking off for themselves, and I think they would do it in regard to the stores if allowed to by the State law.

Commissioner O'CONNELL. Now, Commissioner Weinstock——

Dr. McCORKLE (interrupting). I will say this about the check-off system: All I know is, take a man that had sickness and was in bad shape, and he was in debt about $60 or $70 at the company store, and they made him turn over his entire salary—didn't leave him any money for a postage stamp. He could not get any spare change to get anything else outside. Of course, a man like that is absolutely helpless. He had to give his whole salary to the store until he got it paid up—not salary, but wages.

Commissioner O'CONNELL. The company simply took what was properly due them, the debt that the man had incurred at the store? It was a business proposition?

Dr. McCORKLE. Yes, sir; but there is no margin left the man for incidentals. There was not at least for this man, and they thought it was a very grave injustice.

Commissioner O'CONNELL. Now, I want to discuss with you a second the question discussed with you by Commissioner Weinstock, as to the men arming themselves, and the general insurrection that took place in Colorado. I take it that you are familiar with that, because of the way you discussed it with Commissioner Weinstock, and he pointed out that the strike of the miners took place September 23d?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. And that the miners bought all of the arms that they could get and ammunition about September 10?

Dr. McCORKLE. Yes, sir; the 12th.

Commissioner O'CONNELL. Indicating that the miners were preparing for war some 10 or 11 days before the strike occurred?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. Do you know that the sheriff, Jeff Farr, issued 828 deputy sheriff commissions about September 1?

Dr. McCORKLE. I have read that in the testimony that was brought out before this commission. I had heard it before.

Commissioner O'Connell. And you understood that it was the duty of a deputy sheriff—the right of the sheriff when commissioning deputy sheriffs, that he is the officer who should arm them and give them everything necessary, the necessary tools of the occupation they are following—the proper gun, if that is necessary, a revolver, or such things as officers of the law do carry? The sheriff would be the proper person to do that?

Dr. McCorkle. I am not absolutely sure whether the law requires it in Colorado or not, but every place that I have ever been that is expected—that the sheriff arm his deputies.

Commissioner O'Connell. Now, do you know that there were 328 deputies that Sheriff Farr appointed that immediately were turned over to the Colorado Fuel & Iron Co., and that they armed them; that a private concern armed the officers of the State?

Dr. McCorkle. I read of it at the time, and later read it in the testimony before this commission.

Commissioner O'Connell. And therefore 10 or 12 days before the miners bought their arms that has been spoken of, or armed themselves, that the sheriff of one county at least had deputized 328 deputy sheriffs, and they were armed by the officers of the coal company in that county, and put around their land, and it was probably the opinion of the miners that these men were being armed for a purpose, and knowing something of the record of men that are appointed usually as deputy sheriffs, picked up haphazard, without any knowledge by the sheriff, that was acknowledged by Sheriff Farr before this commission, that he made no investigation as to the personnel, where they came from, whether they were citizens of Colorado or not, and he didn't care, and didn't know where they practically went, or where they were employed after he had appointed them, that he had made no investigation, and had no record of them in his office, but he simply appointed them and turned them over to a private corporation, which armed them, and they must have taken it that they were armed and turned over for a purpose, and that purpose to your mind was what?

Dr. McCorkle. The purpose of arming these men was to intimidate the working men, so that they would not call a strike, and if they did call a strike to be forced to settle it at the company's terms by using violence against them to intimidate them and make them afraid. The company, as the miners well know, do not spend their money without a purpose. They don't buy high-priced deadly guns for more than 300 men unless they have an object in view to make the money back. They expect to make the money back out of the advantage they get in the settlement that they would make with their men in their employ that were forced into their employ by the guns of these deputy sheriffs.

Commissioner O'Connell. But the miners from past experience in the northern part of Colorado, where they had had trouble a few years before from their experience there in a strike lasting for months, their experience there was evidence to them that these men were being appointed for a similar purpose, and that it would be necessary for them to arm themselves, not to go out and fight these men, but to protect their homes and their wives and children and themselves against the invasion of these men, and it was further evidenced that these men would do what they did do, without warrant search the homes of these miners for firearms, tear up the floors in their houses, tear their beds apart, to ascertain if they had hidden away firearms of any kind, that all of these things in their mind would recur in this struggle, and that there was nothing left but for them to meet force with force?

Dr. McCorkle. I have never heard anything from the miners themselves. The miners at Sunrise, some of them, had relatives that they lost in that struggle, but I never heard any of them say anything except that they armed to protect themselves, that they had had trouble before. I remember when I was at Raton, N. Mex., three or four years before, they told me the gunmen went into the homes and searched them and tore up the beds to find traces of union literature. And they would go to men's homes when they were not there and intimidate their wives, and do whatever they pleased, and the only idea in getting guns was to protect themselves and their families, particularly their families, against murderous assaults on the part of these men that this company had already hired. They were peaceable workingmen that tried to make their living by honest labor, by the very labor that made it possible for these men to accumulate money in southern Colorado; they had been working all these years, but the men that they hired to intimidate them had been marauders

and stealing, and everything of the sort, and had been trained in crime, getting prepared or being prepared by the company that hired them. It was a fight of honest working people, forced to defend their homes against the most vicious criminals you can bring in, to make trouble, so that the company can settle the strike in its own favor.

Commissioner O'CONNELL. Speaking about anarchy, of the situation, I take it by anarchy you mean failure of the courts to properly carry out the functions of the courts? To dispense justice? Now, you don't mean by anarchy some one going out and knocking some one down in the street, but what you mean is the anarchy of the distribution of the law?

Dr. McCORKLE. Yes, sir; it is used in different terms.

Commissioner O'CONNELL. Now, do you remember in Las Animas County, in 23 years, there never was a conviction in any of the courts? That a company had never been convicted in a case of death of an employee for 23 years in that county? Is it possible that all of the deaths that have taken place in and about the mines in Las Animas County in 23 years that that company would not in some way be responsible for some of those deaths, in carelessness or negligence or something else?

Dr. McCORKLE. I think everybody knows that it is responsible that lives there. They will all tell you so. Like that case at Starkville that I mentioned. Now, there is no doubt but what the company was guilty, but Mr. Fitch found out when he was down there the coroner would not investigate.

Commissioner O'CONNELL. I was coming to that in a moment.

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. Now, is it not possible that judges might even make a mistake in finding the company guilty in 23 years—accidentally do it?

Dr. McCORKLE. Well, if he got his salary from the company or accepted a dividend he might not make a mistake; it would cut off his dividend.

Commissioner O'CONNELL. Might he not accidentally do something so that the company would be found guilty?

Dr. McCORKLE. If he was a judge who was not actually in the pay of the company to find a decision for them? They are given their office by the company in order that they would never let any judgment be registered against the company, and I think he might have made a mistake in their favor, as I understand it, and in fact I have heard repeatedly in many cases, in most cases, they are never allowed to get as far as the judge. They simply don't let anything be known. If a man would testify in a case he would be sent out of the community so quick he would not have anything to live on.

Commissioner O'CONNELL. There was a list furnished this commission in Denver showing the number of accidental deaths that have taken place and the basis on which most of them were settled.

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. I think the average amount was about $800 a life, or the basis upon which they were settled.

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. Now, do you know that one of the judges who presided at this court in Las Animas County—I don't know how many years, but for some years—is now the attorney—George Northcutt—is now attorney and has been trying recently cases in Colorado for the Colorado Fuel & Iron Co.?

Dr. McCORKLE. I am aware that he is now in the employ of the company.

Commissioner O'CONNELL. And he was on the bench when a number of these cases came before him?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. And that the company was held not responsible, not guilty of negligence, in connection with deaths?

Dr. McCORKLE. Yes, sir.

Commissioner O'CONNELL. And that Judge Northcutt was the man that made that speech denouncing in a political campaign the Colorado Fuel & Iron Co., charging them with every offense, practically, and otherwise in the State of Colorado?

Dr. McCORKLE. It is my opinion when he made that speech he wanted a little bigger divide up with the company.

Commissioner O'CONNELL. And when George Northcutt was on the bench that his law partner was then the attorney for the Colorado Fuel & Iron Co. in Las Animas County?

Dr. McCORKLE. I don't believe I knew that.

Commissioner O'Connell. The chairman corrects me. Judge Northcutt's partner succeeded Judge Northcutt as judge on the bench after he got off.

Coming back to Sunrise. I want to discuss a little the rents and living with you. You say you pay for your house $10.50 a month?

Dr. McCorkle. Yes, sir; that includes electric light on a flat rate and water. I have a hydrant in my house.

Commissioner O'Connell. Do you have a bathroom?

Dr. McCorkle. There are only two or three bathrooms in Sunrise.

Commissioner O'Connell. Do all your people go to those two or three bathrooms?

Dr. McCorkle. That was one of the reasons why we wanted a hall, so as to have a bathroom put in in connection with it. They were willing to pay for it; they didn't want it free.

Commissioner O'Connell. What would this house that you live in be worth? What is it worth; the real value?

Dr. McCorkle. This college man, as I said, an expert, a graduate from one of the best institutions in our country—I won't speak of it for I don't want to make trouble for him—but he told me they were not worth over $200 or $300. I think the highest estimate I have heard is $700. My own estimate would be about $450.

Commissioner O'Connell. Say, $500?

Dr. McCorkle. Yes; about.

Commissioner O'Connell. Five hundred dollars to the house?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. You are speaking of the houses alone?

Dr. McCorkle. The land of course is practically worthless, and could not be put to any other use.

Commissioner O'Connell. Is the land mined underneath?

Dr. McCorkle. No, sir; it is not mined.

Commissioner O'Connell. Is this property connected with the coal-mining operation?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. It would be of no value without the mine there?

Dr. McCorkle. No, sir.

Commissioner O'Connell. So if the property cost $500, or cost $500 to build a house and you paid $10.50 a month for it——

Dr. McCorkle. I think I heard them say that they counted the rent for the house $8, and the rent for light and water, $2.50.

Commissioner O'Connell. The highest value you could put on it would be $700, that would be $10 a month rent, would be $120 a year, that would be 24 per cent on $500.

Dr. McCorkle. If you take $8, I understand that is the rate, and $2.50 for water and light, but you take $8 a month would be $96 for the whole year, so even that is a high interest.

Commissioner O'Connell. That would be approximately 20 per cent.

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. How many houses are there in Sunrise?

Dr. McCorkle. Well, there are, I forget the number exactly; I have a map of the place here, but I would say about 100 altogether. There are not 100 four-room houses, though.

Commissioner O'Connell. They are about half and half?

Dr. McCorkle. No, sir; mostly four-room houses. I think there are about 70 or 80, but I can not remember exactly. I can count them up in a little while.

Commissioner O'Connell. The income from the house rent in that town would probably be a thousand dollars a month, approximately? For 100 families or more?

Dr. McCorkle. Yes, sir; fully that.

Commissioner O'Connell. Including the stores and other things that might be there?

Dr. McCorkle. Not including the store; it is fully $100 a month.

Commissioner O'Connell. Then, there are some offices in the town rented? Do you have a dentist in the town, or does the doctor do the dentist work?

Dr. McCorkle. The dentist comes there and rents a little room, and works every two or three or five or six months.

Commissioner O'Connell. Do you have a barber shop in the town, or does everybody do their own barbering?

Dr. McCorkle. They have a barber shop in the town with a bathroom for men that is usually in operation. I will say this, too, that the workingmen have a good washhouse. It is a good house, with a shower bath.

Commissioner O'Connell. Now, as I take it the opportunity of social life in Sunrise are, first, you have a little church?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. One church?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. Which can only be used for the purpose for which your denomination stands for?

Dr. McCorkle. They don't allow other denominations to use it.

Commissioner O'Connell. There are no other churches there but your little one?

Dr. McCorkle. That is all.

Commissioner O'Connell. Then there is a doctor in the town. Is there a hospital in the town?

Dr. McCorkle. There is no hospital; that is one of the things that we ought to have by all means.

Commissioner O'Connell. You have not got it now?

Dr. McCorkle. No, sir; we have not got it.

Commissioner O'Connell. Then a dentist that comes occasionally to look after the teeth of the community?

Dr. McCorkle. Yes, sir; there has been one there once in the last eight months.

Commissioner O'Connell. I would imagine he would be pretty busy when he does come down there.

Dr. McCorkle. He was busy for four or five days.

Commissioner O'Connell. You have a picture show on Saturday and Monday, you say, in the church?

Dr. McCorkle. That Mr. Gaddis helped; we got one in the church——

Commissioner O'Connell. You explained how you got it.

Dr. McCorkle. Since September we have been having two shows, and since about the 1st of January we have had different reels on the two nights.

Commissioner O'Connell. Now, you have a picture show twice a week?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. Now, you have a church and a picture show in the church twice a week, and a doctor in the village, and a dentist that comes there occasionally?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. And you have a dance occasionally in the church, or some other place?

Dr. McCorkle. We have a dance in the hall.

Commissioner O'Connell. In the church hall?

Dr. McCorkle. No; I said we had a little hall that was suitable for dances.

Commissioner O'Connell. And you have a little place that you have dances?

Dr. McCorkle. Yes, sir.

Commissioner O'Connell. Do you have dances often?

Dr. McCorkle. Before the motion-picture show we had them very frequently, but usually now about once a month.

Commissioner O'Connell. Now, what other amusement have you, or places where you could have amusement? Say, in the wintertime, when you can not very well get out?

Dr. McCorkle. In the summer time by going a mile on the hill they have a place to play ball. Since the agitation has been going on in Sunrise, I heard that the company has given orders for a playground to be made down near the school building for baseball. But I heard later that it was not going to be done, that they changed, and now whether it will be done or not, I don't know. There is nothing in the wintertime, and as these men said, unless you go to the saloon at Hartville, where a man can spend his idle time, there is nothing to do. A few of them sit around the barber shop, a few of them only can sit there, perhaps a dozen.

Commissioner O'Connell. Now, as I gather, the home life in your village—you say there are about 500 people there altogether?

Dr. McCorkle. Yes. Let me mention one thing else in this connection before we go further; that is, that there are several lodges, fraternal organizations there; they had the Odd Fellows' encampment, and the Odd Fellows' ordinary lodge, the lower organization; the Rebeccas; they have the Woodmen of the

World, and the Royal Netgidsore; they have the Eagles, and the Greeks have a society called the Sophocles.

Commissioner O'Connell. Where do these societies meet?

Dr. McCorkle. In the loft over the company's stables. The Odd Fellows, Rebeccas, Royal Neighbors, and Woodmen meet there, and some of the others go to Hartville and rent a part of the saloon building there. They do not like to do it, but they have no other place to go. The Dante Alleghieri, among the Italian people, they got together and built a hall at Hartville, near Sunrise, where they could get away from the saloon and have the hall under the control of their society.

Commissioner O'Connell. Now, summing up, as I understand your home life, you have got an absolutely nonunion town, in so far as the company is concerned. There may be union men there probably—by the way, are you a member of the union?

Dr. McCorkle. I joined the union in 1910, in Billings, Mont., when I was working there on the streets for about six weeks, but I did not keep up my dues only for a month or two after I left there.

Commissioner O'Connell. So you are not now a member?

Dr. McCorkle. No; I am not now a member.

Commissioner O'Connell. So you would not know the things that go on inside of the union?

Dr. McCorkle. No; I would not know.

Commissioner O'Connell. You have about 500 people in your community?

Dr. McCorkle. Yes.

Commissioner O'Connell. And they are all employees, those who are employed, in this mine owned by the Colorado Fuel & Iron Co.?

Dr. McCorkle. Yes; all of them.

Commissioner O'Connell. There is no other employment in the city at all?

Dr. McCorkle. I am the only man in the town that does not draw his money from the company.

Commissioner O'Connell. And the opportunities for amusement in the town are going to church occasionally on Sunday; that is, those who went to go to church, and those who do not believe in that way of celebrating do not have any amusement?

Dr. McCorkle. Before we got our motion pictures in Sunrise one of the annoying things was our young people going over to Hartville, where the saloon put in moving-picture reels in the back and charged 25 cents.

Commissioner O'Connell. That was in opposition to your moving-picture show?

Dr. McCorkle. No; before we put ours in. And our boys would go there and spend 25 cents or more for drinks. In that way the boys were beginning to drink and get drunk, and that is the reason I put the question up to Mr. Gaddis.

Commissioner O'Connell. You have the picture place now and the church and the hall where you have a dance occasionally, and you have some societies that meet over the stable, or in some garret in a barn?

Dr. McCorkle. Yes.

Commissioner O'Connell. And this is an absolutely nonunion town; you have no place where men meet as union men for the purpose of sitting down and calmly and collectively considering their industrial life at all?

Dr. McCorkle. No place at all.

Commissioner O'Connell. So that when men are not employed during any part of the day—do they work night?

Dr. McCorkle. Not now.

Commissioner O'Connell. When they are not employed during the day, after they get home from their work, they sit around home, and if their home is not a very pleasant place they seek their pleasure elsewhere; the church is not open every night; you do not have service every night?

Dr. McCorkle. Only on Sunday night.

Commissioner O'Connell. So possibly they go to the other little towns where the saloons are open—nothing else is going on—or else they sit down in benches on the street corner, or in a barber shop or on some vacant lot, and they grumble and growl and talk to each other about the dare things being wrong, and how they are living, and sort of brooding and breeding hatred toward people; there is a sort of something growing in them; they do not know just what it is, but something is boiling up in their systems; there is a sort of resentment within, and a spirit of rebellion. Don't you find that situation?

Dr. McCORKLE. There is very little sitting about in groups. A few may be found on the store porch, but the groups are mostly at Hartville around the saloons. The men are usually tired enough to try to get some rest after they get back from their work on the regular days. It is only when they are out of a job, when the work is slack, or on Saturday night, or something like that, that they feel there is a lack of places to go to; but there is a bitterness and feeling that the company won't do anything for their welfare and won't give them places to go to.

Commissioner O'CONNELL. Do you think the men work so hard that all they think of is going home and going to bed? Is that all the ambition they have in life?

Dr. McCORKLE. Most of them told me that is all they have a chance to do, before I got there, but they do enjoy the motion pictures and go to them in great numbers. They want something to go to.

Commissioner O'CONNELL. Do you have in the State of Wyoming the referendum and recall?

Dr. McCORKLE. No, sir; I believe not.

Commissioner O'CONNELL. So the application that Mr. Weinstock put on your opportunity to get judges out in Wyoming, or displace them, does not apply in regard to the citizens of Wyoming; they do not have that power in their hands?

Dr. McCORKLE. No, sir.

Commissioner O'CONNELL. Then, this final question: Do you believe that the workman has a right to work under any condition for whoever he pleases, and for whatever wage he pleases, regardless of the industrial life surrounding him, indifferent to the possibility of accident, without consideration for his fellow workmen, simply because the employer says, "I have the right to discharge and you have the right to quit"?

Dr. McCORKLE. I do not think that a workman has a right to disregard the life of the fellow alongside of him. I have worked in nonunion places where the man alongside of me would be discriminated against, and I felt it was not right for me to work there and let him be discriminated against, and that I ought to help protect him; maybe he has a family.

Commissioner O'CONNELL. Outside of that—you don't catch the phase of it that I want you to catch. Do you think you have the moral right, if I quit my job because I think it is not paying me enough, that you have the moral right to come along and accept the position at one or two dollars, or whatever the employer wants to pay you, less than I was formerly getting; do you think you have the right to take the place of myself, or of any man that went on a strike, for no other reason than to get the employer to carry out the laws of the State as to wages and hours of labor, and as a protest that we should not be compelled to trade at the company store unless we wished; that the mines shall be properly inspected under the laws of the State; and that the hours of labor shall be as provided under the law; do you feel that you have the right, regardless of whether these things were complied with, to take my place?

Dr. McCORKLE. I think it is pretty nearly next to murder to do it; most of the nonunion men I have worked with, that did not belong to the unions, feel about the same way, that a man who will go in and take a workman's place who is on strike, when that workman is protesting against injustice, is looked upon as in the lowest depths a man can go.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Weinstock says he has some further interrogatories. [Laughter.] Ladies and gentlemen, I desire to say that we must have strict order, and if there is any audible expression of feeling in any way, we will have to invite whoever does it to leave.

Commissioner WEINSTOCK. Will you tell us whether the eight-hour day is still being violated in Colorado?

Dr. McCORKLE. I have heard reports which lead me to believe that it is not being violated now. I have not heard that it is being violated.

Commissioner WEINSTOCK. Have you any means of knowing how long the law has been observed?

Dr. McCORKLE. Why, I have heard they began to observe it about the time that the talk of this strike arose—well, I think perhaps at the time, or a little before the time the strike was voted for at Sunrise, and they did not have it because they could not get a unanimous agreement on it.

Commissioner WEINSTOCK. That was a year and one-half ago?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. You were pointing out that the mine operators employed gunmen to intimidate the strikers?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. And you consider that wrong, of course?

Dr. McCORKLE. I do.

Commissioner WEINSTOCK. You also pointed out, a little while ago, a very interesting philosophy, new to me, and all the more interesting on that account, as to the relationship that ought to exist between employers on the one hand and workers on the other hand.

Dr. McCORKLE. What is that?

Commissioner WEINSTOCK. I will recite it. You started out with the premise that the scales should be equally balanced?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. And that one side should have no advantage that the other side was not permitted to enjoy?

Dr. McCORKLE. No, sir.

Commissioner WEINSTOCK. That there should be no special or favored legislation?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. That both should start out on an equality?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. I do not think anyone can take issue with that, as a premise. Now, if it was wrong for the employers to employ gunmen to intimidate the strikers, what about the attitude on the part of the workmen, of renting spaces controlling the entries into guarded towns or cities or whatever you call them, to intimidate the so-called strike breakers?

Dr. McCORKLE. Do you mean to say that they did that to intimidate them?

Commissioner WEINSTOCK. I think the record shows that they took positions—that they took possession of ground that controlled the entrances, and that the purpose in so doing was to prevent the strike breakers from taking their places.

Dr. McCORKLE. Let us see the situation there; was that before closed or open camps?

Commissioner WEINSTOCK. I could not say that of my own knowledge.

Dr. McCORKLE. If those were only before closed camps—in other words, the company said to the men leaving there, and whose property rights were absolutely disregarded, it told them to get out of there, that it did not want them in there, and making them go out as they did there, and some went out who were allowed to go back and get their household goods; but it did not leave men there to tell the men coming in to take the places of these men that there was even a strike in progress. If they had left men there to tell the new men that came on, "There is a strike on and we don't believe you should go in and take these jobs," it would have been different; but they said to these men, "Get out, and get as far away as you can; we are going to bring these men in here"; and they brought men in ignorant of the situation and thinking that the strike was settled. They brought them in without a chance to see any of the men that were displaced. Then the striking miners did the best they could to get an opportunity to see these men and try to persuade them not to take their positions, as they would have done if there had not been violence on the part of the company in shooting up their tents first; they wanted to persuade those men peaceably not to go in there.

Commissioner WEINSTOCK. Are you familiar enough with the Colorado law—I confess I am not—to know whether the law provides that an employer must publish the fact that a strike is going on at his place if he notifies people to come there and take the places of strikers?

Dr. McCORKLE. I think that is in the record, under the Colorado law, but I am not sure.

Commissioner WEINSTOCK. Do you know, Mr. Walsh?

Chairman WALSH. My recollection is that there is such a law in Colorado.

Commissioner WEINSTOCK. If there is, the so-called strike breakers must have known they were going into a territory where a strike was going on.

Dr. McCORKLE. Many men would be brought in who would not be able to read the advertisement, but would merely get the word that employment was to be had there, and they would not hear the statement that a strike was going on. The employment agents the company used in various places to get

men to ship in certainly were not going to explain that in such a way that the men would realise a strike was going on.

Commissioner WEINSTOCK. It is your impression then that the men that came to take the places of the strikers were ignorant of the fact that a strike was going on?

Dr. McCORKLE. It is my impression that a large number of them were; I have heard repeatedly of men coming in who were ignorant of that fact.

Commissioner WEINSTOCK. You went on to say that your conception of the proper relationship between the employer on the one hand and the worker on the other hand was this: That the worker should not leave the employ of his employer without good reason?

Dr. McCORKLE. No, sir; I said the worker has a right to leave the employ of his employer at any time he wants to without giving him any reason, and the employer has a right to quit the business and go somewhere else and invest his money anywhere he pleases; that is his right.

Commissioner WEINSTOCK. Suppose the employer does not want to quit his business, and simply wants to make a change in his men; that the men he is employing are not efficient in his judgment, not fit; what would you do?

Dr. McCORKLE. In that case, as I said, these are men who have property; they have money invested in that community; they have homes costing a thousand or two thousand dollars. He says to them, "You must get out of here and sacrifice your property; I want you to get out." He says to them, "You are not efficient"; and if they are not efficient and are not doing good work then there ought to be a change made. But he is not the man to say they are inefficient.

Commissioner WEINSTOCK. He is not to be the judge?

Dr. McCORKLE. Not to give the final decision.

Commissioner WEINSTOCK. In other words, some one else other than the man himself, despite the fact that he is the wage bearer, shall determine the efficiency of his men?

Dr. McCORKLE. Some one else is going to determine the efficiency of his men if he is going to violate their property rights by driving them out.

Commissioner WEINSTOCK. The way you have put it, it would be the case of a lockout, where he would dismiss all his men; but take the case of an individual, are we to understand that the employer has no moral right, to say nothing of his legal right, to dismiss a man because, in his own judgment, the man is unfit, or incompetent, or inefficient?

Dr. McCORKLE. I drew, as you remember, the two parallels, the management on the one side wanting to dismiss the employees as a whole, and the employees on the other side wanting to dismiss the entire management.

Let me carry that parallel further; the employees, on the one side, wanting to dismiss some one member of the management, or the employer wanting to dismiss some one man, and saying to him, whether he be employee or manager, that he must move out of the community; this man would suffer property loss.

Commissioner WEINSTOCK. I do not quite follow the matter the way you present it. I am working in the employ of a mine owner; have I the right, in your philosophy, to quit that mine owner for any reason or for no reason?

Dr. McCORKLE. You have.

Commissioner WEINSTOCK. I do not have to give any explanation to my employer as to the reason why I want to quit.

Dr. McCORKLE. No, any more than the employer would, in case he wanted to quit and invest his money elsewhere.

Commissioner WEINSTOCK. And has he not the right to dismiss me for any reason or for no reason?

Dr. McCORKLE. No.

Commissioner WEINSTOCK. Then, how are your scales evenly balanced?

Dr. McCORKLE. That he simply has the right to move away. But for him to say that some other man might manage this business so it would pay him more, he has not a right to say that. It is only a third person who knows whether you are fit to manage the business who has a right to decide that.

Commissioner WEINSTOCK. Following your philosophy, then, if I wanted to quit your employ, I would have a right to quit for any reason or for no reason, but if you wanted to dismiss me you would have to bring in a third party to pass on your right to do that?

Dr. McCORKLE. You are not drawing the same parallel; you would have a right to quit, but you would not have a right to dismiss him, and he would not have a right to dismiss you, without a just reason.

Commissioner WEINSTOCK. I am frank to confess that I can not follow your reasoning. Maybe I am very stupid, but I can not follow it. If the scales are to be evenly balanced, and no one to have an advantage over another, and if both are to have exactly the same privileges, and if you say the worker should be accorded the right to quit at any time, for any reason or for no reason, why should not the employer have the same right?

Dr. McCORKLE. The employer does have the right to quit at any time. If the worker has the right to quit at any time, then the employer has.

Commissioner WEINSTOCK. If I, as a worker, have a right to quit your employment, and the scales are to be evenly balanced, why have not you, as the employer, the right to dismiss me at any time?

Dr. McCORKLE. Because I have not the right to dismiss you at any time.

Commissioner WEINSTOCK. Why?

Dr. MCCORMICK. I can not come to you as an employer and say I would rather have some other man to manage the business——

Commissioner WEINSTOCK (interrupting). I am not talking of the manager, but of the worker.

Dr. McCORKLE. I am speaking of the two. If a man wants to quit, he has a right to quit, whether he is an employer or an employee; if a man wants to dismiss another, he has no right to do it, whether employer or employee, unless there is a just cause.

Commissioner WEINSTOCK. If you were the employer and I was the worker, and you were not satisfied with my work, what would you do?

Dr. McCORKLE. I would put your case before men who were disinterested, who would consider it on its merits.

Commissioner WEINSTOCK. You would follow their judgment more than your own?

Dr. McCORKLE. Yes; I would follow their judgment more than my own.

Commissioner WEINSTOCK. Even though nothing was to be gained?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. It is a new kind of philosophy to me, I am sure.

Dr. McCORKLE. I would follow their judgment more than my own, just because of this—that I can see the case from my own viewpoint, what is right from my viewpoint. But I could not see the loss I was inflicting upon them so plainly, and whenever you undertake to deprive a man of his property right he has a right to have the thing adjudicated, and the workman has a property right there which is denied him.

Commissioner WEINSTOCK. Would you apply that rule you have just illustrated all up and down the line, that all employers and all workers should come under the rule, or would you limit it to certain industries?

Dr. McCORKLE. That all employers and workers should be included.

Commissioner WEINSTOCK. Well, if you had a cook in your service that was unsatisfactory to you, you would call in a third party to determine her fitness before you dismissed her?

Dr. McCORKLE. Yes; if we could not come to an agreement between us. She has a right to have the case considered, whether she is fit or not. But, Mr. Weinstock, in cases of that kind there is never any serious need of any third party to adjudicate it, because she could quit her place and find a thousand other people who wanted cooks; but when you have a big corporation and a very large number of men involved, they can not quit and leave their places without a large sacrifice.

Commissioner WEINSTOCK. You have pointed out what you consider the serious causes of industrial unrest, Mr. McCorkle?

Dr. McCORKLE. Yes.

Commissioner WEINSTOCK. You are a student and have read much and thought much and have had broad experience for a man of your years. Now, will you be kind enough to tell us what is your remedy for this unrest?

Dr. McCORKLE. Why, the remedy is in the principle of establishing just relations between men and teaching them to be kind to each other and to consider the welfare of each other.

Commissioner WEINSTOCK. Applying that practice, how would you supply it to legislation?

Dr. McCORKLE. In legislation I would apply this, as I mentioned, as to the employer and employee, so that neither man could be deprived of his savings and earnings and an opportunity to make a living, without he merited it by his own failure to live up to his obligations.

Commissioner WEINSTOCK. Assuming that you could secure the enforcement of the laws, what laws that we do not have now would you create to bring about a higher degree of industrial rest?

Dr. McCORKLE. Well, I do not know whether I know what you mean by "industrial rest." If you mean a kindly spirit between workmen and employers——

Commissioner WEINSTOCK (interrupting). I think that covers it.

Dr. McCORKLE. Men should always be striving for something better, and the idea of rest is simply a state of inaction, to which I should be opposed. I do not care how good things are, if we can make them better we should do so; but at the present time there is very bitter hatred on both sides.

I was in Paterson, N. J., while a student in the seminary and observed the strike there, and I met a wealthy man on the train who said he had a hundred tenant houses and could not get any money from them because the men were on strike, and he said, "We ought to drive them out of here, law or no law." I asked him about that, and he said, "Yes; cut their livers out, law or no law." I said, "They are ten to one with you and they will be in control some day," and I asked him what he would do if they were in control. He did not know about that, but he was more violent than any labor agitator, Socialist, anarchist, or any other variety of person who is displeased with our present order of things that I have ever met on the side of labor. He would throw over the law and kill the men to get rid of them.

Now, the hatred is common, and what we need is to work in a thousand ways, in every place we can, to get justice. If there is any man who is not getting a chance to feed and clothe his family properly, if there is any man living in a house that leaks, he is going to be pretty bitter if you do not get busy and see that he has a good roof over his head. He is going to be more bitter after a while, and his children are.

Now, we can not change these things all at once. I believe the time is coming when the workingman will hire the manager of the property, just as the manager hires the workingman to-day; I think that is coming in the future, the socialistic form of government; but it is not coming here like something dropping out of the sky. Every time we get a chance to pass a law that will make things better, we should do it, and we should try to take pains to see that neither side gives the other an unfair trial. We will struggle; we need to have our unions, collective bodies of workingmen on the one side and employers on the other, and we need to provide that they shall be compelled under the law to meet with each other.

Commissioner WEINSTOCK. Have you any constructive suggestions, Mr. McCorkle, to give this commission along the lines that you have outlined?

Dr. McCORKLE. I would suggest for one thing that a law be made compelling any labor organization, any established labor organization, and any established company to meet each other, and to discuss their differences before and after a strike. I should provide that they would be required by law to meet each other.

Commissioner WEINSTOCK. And that you would make compulsory?

Dr. McCORKLE. I would not compel them to arbitrate the strike and accept the award.

Commissioner O'CONNELL. But you would adopt the Canadian system of compulsory inquiry?

Dr. McCORKLE. Yes, sir; and I would have a compulsory inquiry, and the men meet with each other; then I don't believe there would have been a strike in Colorado had there been a law of that kind in force, to compel the representatives of the operators and miners to meet each other.

Commissioner WEINSTOCK. Are you sufficiently familiar with the Canadian compulsory-inquiry act to say that it covers your ideas?

Dr. McCORKLE. I think I am sufficiently familiar with it to say that it does not. I think it works to the disadvantage of the workingman, especially where the industry is not organized. It may work fairly well where the union is established, but to deny them the privilege of striking, before the thing is brought up for consideration, may work a grave injustice to unorganized trades.

Commissioner WEINSTOCK. Then your idea would be the Canadian act modified?

Dr. McCORKLE. I would say this, too, the Canadian act requires too long delay, as I understand it, before the men are allowed to strike. I would modify it to that extent. I believe the award is not compulsory, is it?

Commissioner WEINSTOCK. No.

Dr. McCORKLE. That is my remembrance. I would modify it in that respect, but I would have the men get together; I would have the men get together and discuss their differences; and I would provide laws and try to have them enforced to do away with these abuses like we had mentioned at Sunrise and in Colorado as far as possible. Get rid of them before the men are angry enough to feel like they wanted to go on a strike. As I have told men repeatedly, workingmen don't get in the humor to go on a strike or in the humor for violence because some agitator talks to them for a day or two. It is only when they are burning with a sense of wrong through weeks and years, that finally somebody mentions the fact, and they are all mad enough to fight. I am not conversant enough with the Canadian act to speak of all its features. I don't know how acceptable it would be for the workingman. It has been quite a long while since I read it, but I remember when I was a student in the seminary in New York City that I heard it discussed, and there seemed to be features that did not give the workingman a fair show. I wrote an article for one of the papers there at the time and discussed the fact, and pointed out that it would prevent the workers from getting the advances that they needed, and promoting their organization in a number of fields at least. But I think to make an effort along that line is our duty.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is all. We thank you, Mr. McCorkle.

Mr. Rockefeller.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.

Chairman WALSH. Your name is John D. Rockefeller, Jr.?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And you reside in the city of New York?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. You have been a witness before the commission before, I believe, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. For three days, sir.

Chairman WALSH. And you were asked to produce certain correspondence and submit it to the commission afterwards, I believe?

Mr. ROCKEFELLER, Jr. I was, and did so submit the correspondence. Mr. Chairman, will you allow me to say just a word at this time?

Chairman WALSH. I would prefer, please, if you would let me ask a few preliminary questions, in order to place certain people.

Mr. ROCKEFELLER, Jr. I would be glad, in view of the fact that you have referred to the correspondence, and in view of the statement that appeared in the newspapers in regard to that correspondence, which led me to feel that there were matters in it that were not clear to all of the members of the commission, and other matters that did not seem to the commission to be consistent with testimony previously given, and I would be very glad if you would allow me, in a desire to clear up these several matters, to read a statement that I have prepared, and I would be glad to read it at this time.

Chairman WALSH. I would be very glad to have you, but there are a few preliminary questions that I think would clear up and help us in understanding your statement. Who was Mr. L. M. Bowers?

Mr. ROCKEFELLER, Jr. Who was Mr. L. M. Bowers?

Chairman WALSH. When I say was, I understand that he is now not with the company.

Mr. ROCKEFELLER, Jr. You mean who is he?

Chairman WALSH. What connection did he have with the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He was chairman of the board of the Colorado Fuel & Iron Co., and treasurer of the company up to the early part of this year.

Chairman WALSH. And what connections has he with your interests now?

Mr. ROCKEFELLER, Jr. He resigned from the position which I have just mentioned with the Colorado Fuel & Iron Co., to come into our personal staff.

Chairman WALSH. And he is on your personal staff now?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. On a salary?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, at the time of the trouble in Colorado, or up until the time he quit, where was he located?

Mr. ROCKEFELLER, Jr. Mr. Chairman, if you will allow me to interrupt a minute, I have only asked the same privilege in regard to reading my statement which has been accorded to every witness——

Chairman WALSH. Very well, I will not discuss that further. I would have liked to have had this light, but if you do not seem inclined, I will let all the questions go until you get through.

Mr. ROCKEFELLER, Jr. I would be very glad to give it to you.

Chairman WALSH. This is the time I wanted it, but if you wish to give these answers at a later time, you may read your statement now.

Mr. ROCKEFELLER, Jr. I thank you, sir.

Since I testified before the commission in New York in January my office has furnished to the commission, at its request, certain correspondence between my office and the officers of the Colorado Fuel & Iron Co. with reference to labor conditions in Colorado. Portions of that correspondence have been made public by the commission, and the press has contained statements to the effect that the correspondence shows that whereas I had testified that I had no knowledge of conditions in the Colorado coal fields, I was in reality the directing mind throughout the struggle.

The commission will recall that at the hearings in New York in January I made this statement:

"The correspondence between myself and the officers of the Colorado Fuel & Iron Co. during the strike has been produced before this commission and is now public. If one thing more than another is shown by the letters exchanged, it is that, as respects conditions of employment and the interests of the company's employees, I have sought to inform myself and have not hesitated to make suggestions looking toward more adequate representation on the part of the employees and participation by them in the determining of matters pertaining to their working conditions. It is not less apparent, however, that I have studiously avoided anything that might afford ground, either to the employees, the management, or the public, for the belief that in any particular I was seeking to dictate a policy or to arbitrarily control any situation."

I wish now to reaffirm that statement and to emphasize the fact that all policies, as well as matters of detail, were decided upon and carried out by the executive officers at Denver without asking our advice.

Neither my New York associates nor I directed the conduct of the strike. As matters progressed and we acquired fuller knowledge of conditions, our activities were directed toward making suggestions which we hoped might facilitate the termination of the controversy. To show precisely and completely what these activities were, I give below the substance of every suggestion which we made to the Denver office during the progress of the strike:

Suggestion 1: That an investigation by three Federal judges be invited.

On December 1, 1913, Mr. Murphy wrote Mr. Bowers, suggesting that he write to the President of the United States saying that:

"We strongly urge an investigation of all the facts as to the relations between the company and its employees and the circumstances leading up to this strike."

The suggestions being that the investigation and findings as to the facts be made by three Federal judges to be appointed by the President.

Suggestion 2: That provision be made for injured employees and their families.

On April 29, 1914, I telegraphed Mr. Bowers as follows:

"If it is true, as reported in the papers, that any of our employees have been injured in the recent disturbances, I trust that you have already taken steps to provide fully for them and their families."

Suggestion 3: That disinterested mediators be appointed to intervene.

On April 29 Mr. Murphy telegraphed Mr. Bowers inquiring whether or not the fuel company and possibly the other operators would agree "to have some one or three disinterested men act as mediators between the various parties directly and indirectly engaged in the present turmoil? Such mediators * * * to go from one side to the other, undertaking to formulate in definite terms the position of each, and then to act as negotiators in seeing whether anything could be done."

Suggestion 4: That the operators reiterate their acceptance of Gov. Ammons's proposition of settlement.

On April 30 I received from Chairman Foster, of the congressional committee, a telegram stating that an officer of the union had made a public statement that the mine workers would waive recognition of the union and asking if I

was willing to enter into negotiations for the settlement of the strike on that basis. I replied that the officials of the mining companies in Colorado were the only ones competent to deal with the question, but at the same time I telegraphed to the officers of the Colorado Fuel & Iron Co. in Colorado as follows:

"The letter of Gov. Ammons of November 27 to the operators and miners shows that at that time the only obstacle to a settlement was recognition of the union. He then suggested a solution covering all points except recognition, and the operators accepted his suggestion, invited their employees who had not been guilty of disorder and other unlawful acts to return on the terms mentioned by him, and assured him and their former employees that they would conform in good faith to all of his suggestions. It seems to me that the operators should * * * reiterate their willingness to accept this settlement * * *."

Suggestion 5: That a plan to get together be developed.

On May 3 I telegraphed Messrs. Welborn and Bowers:

"We strongly urge operators to take a vigorously active position looking toward the acceptance by all the parties concerned of Gov. Ammons's plan of November 27, and to outline a method by which the parties can now get together for the reconsideration of the matter from that point unless you already have some better plan in mind."

Suggestion 6: That disputed points other than union recognition be submitted to a board to be appointed by the President of the United States.

On May 26, referring to Chairman Foster's telegram of April 29, I telegraphed Messrs. Welborn and Bowers:

"If the President should suggest to the operators and miners that all questions affecting the relations between themselves and their present and former employees, except the recognition of the union and the unionizing of the camps, be submitted for adjudication to a board to be appointed by the Chief Justice of the Supreme Court, to consist of members of the Supreme Court or other Federal judges, would the operators accept. * * * If accepted by the miners, would it not put an end to the present controversy?"

Suggestion 7: That a plan of publicity be developed.

In June, having become impressed with the desirability of getting the operators' side of the controversy before the public, I suggested, and was instrumental in bringing about the adoption by the operators' committee of a means for securing such publicity which was subsequently developed under the committee's direction.

Suggestion 8: That a plan of organization to secure collective bargaining and opportunity for presenting employees' grievances be considered.

During the progress of the strike, I felt increasingly the importance of finding some way of adjusting industrial disputes and preventing their recurrence. In that connection, I made the acquaintance of Mr. W. L. Mackenzie King, formerly minister of labor of Canada, who had had exceptionally wide experience in such matters. In a letter to him on August 1, I spoke of ways in which a permanent condition of peace might be restored, one of which I said might be "by developing * * * the opportunity for collective bargaining, for easy and constant conferences with reference to any matters of difference or grievances which may come up, and any other advantages which may be derived from membership in the union. * * * I am wondering whether you can take the time to dictate * * * an outline of such an organization and send it to me * * * for our discussion of it with the officers of the Colorado Fuel & Iron Co."

In response to this request, Mr. King outlined such a plan, a copy of which I sent on August 11 to Mr. Welborn.

Suggestion 9: Suggestion in regard to President Wilson's plan of truce.

After the President of the United States had issued his letter to the Colorado operators, proposing a plan of truce, Mr. Murphy wrote to Mr. Welborn on September 15, making certain suggestions for his consideration in formulating the reply of the Colorado Fuel & Iron Co. to the President, but saying: "It is merely by way of suggestion, without in any way indicating a desire to depart from the policy which we have steadfastly maintained of leaving the decision of these questions to the executive officers."

Suggestion 10: That a plan of self-government for employees be considered.

On October 5, Mr. Murphy wrote to Mr. Welborn suggesting a plan of local self-government, under which there should be in each mine a committee consisting of representatives of the operators and representatives of the miners employed in that mine, chosen by the miners from their own number, to serve

as a medium of communication with the management in regard to any matters of common interest, and which should also be charged with the duty of enforcing the statutes of the State and the regulations of the company looking to the comfort and safety of the miners and the protection of the company's property.

In so far as I can recall or ascertain from our correspondence, these are the only suggestions of any kind which we made, and every one of them was made with a view to ameliorating conditions, and in the hope of arriving at a solution of the problems involved.

It has been stated that I knew on the admission of my own "agents in the field that the Colorado Fuel & Iron Co. controlled the prices and fixed the working conditions at the mines."

This inference is based upon a letter from Mr. Bowers to me, dated April 25. I had sent him a letter from Mr. J. B. Corey, of Braddock, Pa., inclosing a cooperative agreement in use between Mr. Corey and his miners, which provided for fixing wages, or, as it was referred to in the agreement, "the price of mining" on a sliding scale, based on the selling price of coal. Mr. Bowers, in returning the letter and referring to the agreement, wrote:

"The Colorado Fuel & Iron Co. usually leads in fixing prices and conditions, which the larger companies usually agree to and the smaller concerns also, if it is for their interest. * * * In this present trouble the prices of mining and the income of the workmen had nothing to do with this strike."

It will thus be apparent that in his letter Mr. Bowers was not referring to the prices at which coal was sold, but to the prices or wages paid the men for mining coal. To me the letter never had any other than the very obvious meaning that the Colorado Fuel & Iron Co., as the largest factor in the field, was usually first in making changes in operating conditions, their lead being sometimes followed and sometimes not.

Certain additional statements concerning the correspondence which we have supplied to the commission have appeared in the newspapers during the last few weeks. To these statements I have already publicly replied. The substance of these replies will be found in an appendix to this statement, which I will read at this time.

"APPENDIX.

"1. It has been stated that correspondence filed with this commission shows that I exercised 'a personal influence that extended even to the statehouse at Denver, and presumed to dictate letters that went out to the President of the United States and to the governors of the States, over the signature of the governor of Colorado.' The facts are as follows:

"Last May Gov. Ammons sent Maj. E. J. Boughton, adjutant general of Colorado, to New York. I never met Maj. Boughton, but he met one of my associates, and later, Mr. Lee. Maj. Boughton said that Gov. Ammons had been concerned over the misunderstanding which seemed to prevail in the East over certain phases of the strike. Maj. Boughton, as the governor's representative, called on numerous people and invited suggestions as to how the governor's position and the attitude of the State might more effectively be brought to public notice. Mr. Lee suggested that one method would be for the governor to write a letter to the President of the United States"——

Chairman WALSH. Mr. Lee suggested that to whom?

Mr. ROCKEFELLER, Jr. To Maj. Boughton.

Chairman WALSH. Were you present?

Mr. ROCKEFELLER, Jr. No, sir; I was not. I never met Maj. Boughton, as I stated before.

Chairman WALSH. Did Mr. Lee report that to you at about the time that he suggested to Maj. Boughton that a letter should be written to Gov. Ammons?

Mr. ROCKEFELLER, Jr. I don't recall when it was mentioned to me.

Chairman WALSH. When did you first find it out and put it in this document?

Mr. ROCKEFELLER, Jr. Find out what?

Chairman WALSH. That Mr. Lee had suggested to Maj. Boughton that it would be a good thing to write a letter to Gov. Ammons to write a letter to the public.

Mr. ROCKEFELLER, Jr. The matter first is mentioned in the correspondence, in the letter from me to Mr. Lee, or Mr. Lee to me.

Chairman WALSH. When did Mr. Lee tell you that Maj. Boughton was in town? Was it right after he made the suggestion to Maj. Boughton or was it before he made the suggestion to Maj. Boughton that he told you he thought it would be a good thing?

Mr. ROCKEFELLER, Jr. I don't recall it.

"Mr. Lee suggested that one method would be for the governor to write a letter to the President of the United States and another to his fellow governors of other States, setting forth the situation as Gov. Ammons saw it. Maj. Boughton stated that he could not tell how the governor would regard such a suggestion, and that even he himself would have to convey the suggestion to Gov. Ammons through Gen. Chase, Maj. Boughton's superior officer. Maj. Boughton suggested that perhaps a statement addressed to the public would be better.

"To get the matter into shape for his further consideration Maj. Boughton suggested that Mr. Lee make his ideas concrete by preparing a draft of the kind of statement or letter he had in mind. As a basis for such a draft, Maj. Boughton sent to Mr. Lee a memorandum of his own views of the situation.

"The memorandum written by me and referred to in one of my letters as having been sent by me to Mr. Lee was nothing more than a rough draft of a statement concerning the Colorado situation which I had drawn up in answer to statements which had appeared in the press, but had never been used. A copy of this memorandum, which, as I wrote Mr. Lee on June 10, 1914, was incomplete and only suggestive, was given to the press some weeks ago."

Chairman WALSH. Have you with you this statement?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. I have not seen it published. Have you a copy of that memoranda any place?

Mr. ROCKEFELLER, Jr. It is in my office; whether I have it in Washington I don't know.

Chairman WALSH. Will you please see what you have, because in none of the articles that ever came under my observation was that statement set forth.

Mr. ROCKEFELLER, Jr. I will look it up.

Chairman WALSH. I wish you would.

Mr. ROCKEFELLER, Jr. (reading):

"In reference to Mr. Lee's suggestion, it occurred to me that this memorandum contained material which Mr. Lee might find helpful in that connection.

"Personally, I have never seen a copy of the draft which was sent. Maj. Boughton has since advised Mr. Lee that he went no further with the suggestions"——

Chairman WALSH. When did Maj. Boughton advise him of that?

Mr. ROCKEFELLER, Jr. I don't know that.

Chairman WALSH. Is this your personal statement that you are reading now?

Mr. ROCKEFELLER, Jr. Yes, Mr. Chairman; but I don't recall the date.

Chairman WALSH. Oh, you don't remember. Go ahead.

Mr. ROCKEFELLER, Jr. (reading):

"and that neither Gen. Chase nor Gov. Ammons ever knew that such suggestion had been made.

"2. It has been stated that the correspondence disclosed that I 'withheld from the Department of Labor at Washington information asked for when Secretary Wilson sought to avert the strike before it began' and that in response to a full account of the interview with the Government agent, communicated by Mr. Murphy to Mr. Bowers, 'Mr. Bowers wrote back highly praising Mr. Murphy for his discretion in not giving the Government agent any information.'

"The letter of September 16, 1913, from Mr. Murphy to Mr. Bowers, which is in the record, clearly shows that no information was asked for by the Department of Labor, none was withheld, and in Mr. Bowers's letter of September 19 to Mr. Murphy there was no reference to any information having been refused the Government representative.

"3. It has been stated that 'I had a plan * * * for publishing a string of daily newspapers.'

"The apparent basis for this statement is contained in correspondence between Mr. Lee and myself, referring to a letter which I had received from a man I had never heard of and which I had forwarded to Mr. Lee. That letter began as follows: 'This note is from a stranger to you, making a suggestion * * * for a string of fearless, honest newspapers across the country.'

"Mr. Lee, in his reply to me, expressed his disapproval of the suggestion, and added:

"'I do not believe * * * that I will ever come to the point of thinking that you should establish and become responsible for a string of daily papers.'

"No further attention was paid to the suggestion.

"4. It has been stated that the correspondence shows that I 'had a plan * * * of financing the publication of the official organ of the National Chamber of Commerce.'

"The paper referred to is The Nation's Business and is distributed without charge to members of the Chamber of Commerce of the United States. The president of the chamber discussed with me on various occasions a financial plan for enlarging this publication so as to make it a more effective medium by which the chamber could place before the business men of the country facts of interest to them in regard to business, commerce, national legislation, industrial matters, etc. Although I considered the proposition entirely legitimate, it was never favorably acted upon.

"5. It has been stated that the correspondence indicates that my associates and myself were indifferent to the distressing conditions in Colorado.

"The following quotation was made from one of Mr. Bowers's letters to me:

"'Several of our mines are working from one-half to two-thirds capacity, and if we can continue undisturbed, we can keep our steel works running and supply our railroad friends with coal to keep them going in good shape until the strike is over.'

"Apparently, without other evidence, this quotation was taken to support the assertion that 'This was at a time when the people of Colorado were suffering for coal and the price had been advanced until thousands of families were without fuel.'

"The fact is that when the strike was called, the price of coal was not raised by the Colorado Fuel & Iron Co., and most energetic and effective measures were taken by the company to insure that the supply of coal for domestic use should not be curtailed."

Chairman WALSH. What was the date of the letter, I did not carry it in my mind. What was the date of the letter that Mr. Bowers wrote, saying they were running from one-half to two-thirds?

Mr. ROCKEFELLER, Jr. The date is not mentioned here.

Chairman WALSH. Was that at a much later time in the winter, after the strike was called in November?

Mr. ROCKEFELLER, Jr. It may have been.

Chairman WALSH. So the price was not raised until the time of the strike?

Mr. ROCKEFELLER, Jr. I think you will see as I go along that the price was not raised at all. [Continuing reading:]

"In response to an inquiry, Mr. Welborn, president of the Colorado Fuel & Iron Co., forwarded to me the following explicit statement concerning that point:

"'When the strike was called we discontinued shipping coal to the Santa Fe Railroad, the C., B. & Q., the Missouri Pacific, and the Colorado Southern, and continued shipping a small amount to the Denver & Rio Grande. We also stopped shipments of coke to the smelters and other large consumers.'

"After furnishing fuel to the steel works to operate on a reduced basis, we had a small amount of coal available for domestic trade. We continued shipping with no advance in price over our regular winter schedule. For our Denver retail department we bought coal from Wyoming, which cost us $1.50 per ton more than our normal supply for the Denver market."

Chairman WALSH. Now, when was that that you bought the coal from another company?

Mr. ROCKEFELLER, Jr. It was, I suppose, during the fall and winter period.

Chairman WALSH. And when you bought it from another company the retail price in Denver was raised $1.50 a ton?

Mr. ROCKEFELLER, Jr. I was about to complete the statement in which that is mentioned.

Chairman WALSH. That is mentioned?

Mr. ROCKEFELLER, Jr. May I proceed? [Continues reading:]

"The retail price on this coal was increased correspondingly. We had some of our own in stock at Denver, which lasted until about November 15, and was sold at the price prevailing before the strike was called."

Chairman WALSH. Then am I to understand that the retail price of coal of November 15 went up $1.50 a ton?

Mr. ROCKEFELLER, Jr. Not on the coal that the Colorado Fuel & Iron Co. mined, but on the coal which they had bought, that had just exactly that much advance.

Chairman WALSH. Now, if I understand this statement, it is this, that you had coal of your own on hand until November 15, and that until the weather

began to get quite cold out there you had the coal on hand and there was no advance, but on November 15 you had sold out all that coal, and you bought coal from the other company, and therefore the retail price went up $1.50 a ton.

Mr. ROCKEFELLER, Jr. We had bought coal from another State, from Wyoming, for which we had to pay $1.50 more, and this price was added to the selling price of the coal.

Chairman WALSH. So that coal cost $1.50 more, retail, in Denver after November 15?

Mr. ROCKEFELLER, Jr. Yes, sir. That was not a gain made to the seller, but an advance paid by the seller to the man from whom he bought it.

Chairman WALSH. Did not that price obtain in Denver after November 15 for all coal sold in Denver regardless of where it came from?

Mr. ROCKEFELLER, Jr. For that I will have to refer you to Mr. Welborn.

Chairman WALSH. So that the statement that the price of coal went up a dollar and a half a ton when the weather got cold was absolutely true?

Mr. ROCKEFELLER, Jr. Not the price of coal that we mined, but the price of coal we bought in order to accommodate these customers.

Chairman WALSH. Which you bought and sold?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Go ahead.

Mr. ROCKEFELLER, Jr. I have a further communication from Mr. Welborn that I will submit afterwards, but I will not do it now.

Chairman WALSH. If it is on the same line I should be glad to have you read it now.

Mr. ROCKEFELLER, Jr. I would rather finish my statement.

Chairman WALSH. Very good, take your own time.

Mr. ROCKEFELLER, Jr. (reading):

"I should like also at this time to refer to statements which have appeared in the newspapers ascribing to me and those associated with me participation in the prosecution of Mr. John R. Lawson. I desire to state unequivocally that neither I nor any of my associates has had any connection whatsoever with this case. I feel, and have so expressed myself very explicitly, that when private interests, either individual or corporate, participate in criminal prosecutions, the proceedings tend to lose that impartial quality which should characterize the administration of justice.

"As soon as I learned that this trial was coming on, I made careful inquiry to assure myself that the Colorado Fuel & Iron Co. was not participating in any way in the prosecution, and was assured by Mr. Welborn that this was the fact and that no deviation from this policy would be permitted by the officers of the company in any prosecutions.

"On April 21, the day the trial started, Mr. Welborn, president of the Colorado Fuel & Iron Co., issued the following statement to the press in Denver:

"'Reports that this company has engaged attorneys to assist in the prosecution of either Mr. Lawson or anyone else for offenses growing out of the strike are entirely without foundation. It may be that some of our employees will be called as witnesses, but as a company we have had nothing to do with the prosecution of the defendant. None of our attorneys is associated with the work of the district attorney, and no suggestions have been made to him by us or for us. We feel that the district attorney is competent to handle the case and that he probably would be averse to receiving any offer on our part of helping him, if we were disposed to make such an offer, which we are not. The strike and the occurrences growing out of it are behind us and we have no desire to resurrect them.'

"I am also informed that the attorney general of Colorado has publicly stated that the Lawson case was conducted entirely under his control and with his assistants in personal charge; that neither the coal operators nor anyone else had anything to do with the case; that he was not influenced in any way by any corporation or individual, and that the only possible ground for associating the name of the Colorado Fuel & Iron Co. with the case was the fact that he necessarily had to secure evidence from employees of that company.

"I am sure that the officers and directors of the Colorado Fuel & Iron Co. agree with me that the administration of justice should rest solely in the hands of the State. This principle I regard as so vital that I would not stop at anything which might be necessary in order to maintain it absolutely.

"In reviewing recent events in Colorado, while it is doubtless true that many of those who had a part in them would, in the light of present knowledge, have

acted differently in many respects, I can only say for myself that at each step I did what at the time seemed to me right and wise. As I see it, the vital questions now are these: Are conditions as they ought to be? If not, are sincere and effective efforts being put forth to make them better?

"I had hoped to have carried out before this the purpose mentioned to the commission in January to go to Colorado and see for myself what conditions are. But through an unfortunate succession of events, I have thus far been prevented from doing so. While I might, of course, have found time to go for a few days, I have been postponing the trip until such time as I could be free to stay for several weeks, or as much longer as necessary. It is still my purpose to undertake this mission as soon as it can be arranged, with due regard to my other obligations.

"In the meantime, I am assured by the officers of the Colorado Fuel & Iron Co. that they are cooperating with the employees to improve working and living conditions, and that these cooperative efforts are meeting with gratifying success. Following the hearings in New York in January, I was glad to avail myself of the opportunity for informal conferences with members of labor organizations, to get their point of view concerning the Colorado situation. We have also had helpful conferences with the commission of which Mr. Seth Low is chairman, appointed by the President of the United States, and have assured that commission of our desire to cooperate with it in its work of promoting harmony and good will.

"As to the future, we are bending every energy toward the development of sound conditions, and in that effort we seek the cooperation of all those interested in establishing relations of mutual confidence and advantage between the various elements associated in the industrial life of the State of Colorado."

Chairman WALSH. Would it be convenient for you to read that other letter that you got from Mr. Welborn in regard to the price of coal?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. I wish you would.

Mr. ROCKEFELLER, Jr. This is dated May 15:

"During the winter of 1913–14, following calling of coal strike, there was no shortage of coal in Denver market except on account of railroad blockades caused by unprecedented snowfalls early in December. Lignite coal produced immediately north of Denver has always been the main source of supply for this market, and was able during all of the strike to more than meet demands of Denver trade, except when operations were interfered with by snow blockade.

"The Wyoming coal, which on account of greater mine prices and higher freight rates sold here at $1.50 per ton more than coal of similar grade from southern Colorado, was purchased only by consumers desiring coal of higher grade than the lignite from north of Denver, and not because of shortage of lignite supply. With exception noted due to snow blockade there was no actual shortage of Colorado coal or consumption in State during the strike, though there was some change in source of supply."

Chairman WALSH. Do I understand from that that the price of coal remained the same—all the coal that came from southern Colorado?

Mr. ROCKEFELLER, Jr. Until that supply of coal was exhausted.

Chairman WALSH. November 15?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And after that—is the Wyoming coal of the same general character as the southern Colorado coal?

Mr. ROCKEFELLER, Jr. The Wyoming coal is of a higher grade, as I understand it, and it is used by those that want a fancy article and are willing to pay the higher price. That coal from the northern part of the State is a coal used commonly in Denver.

Chairman WALSH. What was the date of Mr. Welborn's letter?

Mr. ROCKEFELLER, Jr. This telegram?

Chairman WALSH. That telegram; yes.

Mr. ROCKEFELLER, Jr. May 15 of this year.

Chairman WALSH. That was a few days ago?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. What was the price of coal—you say there was no change in the price of coal after November 15?

Mr. ROCKEFELLER, Jr. We are talking of two kinds of coal.

Chairman WALSH. The coal that was commonly used in the retail trade in Denver, prior to November 15?

Mr. ROCKEFELLER, Jr. I would understand that there was no shortage of coal; he doesn't say what the price was.

Chairman WALSH. Whether it was short or long, was there any raise in the retail price of coal to the consumer in Denver after November 15?

Mr. ROCKEFELLER, Jr. I can not tell that.

Chairman WALSH. How long did those snow blockades last that raised the price of coal?

Mr. ROCKEFELLER, Jr. That I can not give you.

Chairman WALSH. A month?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Two months?

Mr. ROCKEFELLER, Jr. I do not know, Mr. Chairman.

Chairman WALSH. Your information derived from that letter is not very illuminating regarding the retail price of coal in Denver generally?

Mr. ROCKEFELLER, Jr. I supposed that I was expected to speak of the coal produced and sold by the Colorado Fuel & Iron Co.

Chairman WALSH. I would like to ask you a question or two before adjournment. Now that you have referred to the Lawson trial here, you say Mr. Welborn gave out a statement immediately preceding the Lawson trial that your company was not going to furnish any attorneys. I see this in that statement, "It may be that some of our employees will be called as witnesses, but as a company we have had nothing to do with the prosecution of the defendant."

Now, were these employees referred to, the men that came through the Baldwin-Felts Detective Agency, and who during the strike were pretending to be striking miners but were in reality detectives employed by your company, and did they afterwards for the pay that your company gave them go upon the witness stand and testify to that portion of the evidence which connected Joe Lawson with the crime of murder?

Mr. ROCKEFELLER, Jr. I would have to refer you to Mr. Welborn.

Chairman WALSH. Suppose that were true, with your repugnance to the taking part by the corporation in these prosecutions, would you go to Denver and take some action against the action of the officials of your company? If it proved to be that the witnesses that connected the man with the crime were in your employ as detectives and were spies, pretending to be workingmen, and, as a matter of fact, were Baldwin-Felts detectives, paid by you during all of this time and down to the time the trial took place, would you protest against that, or do you consider proper——

Mr. ROCKEFELLER, Jr. (interrupting). I presume that is a matter which the attorney general decided when he called his witnesses. I would not feel it was up to me to suggest to him.

Chairman WALSH. Even though a part of your money paid for the testimony that convicted the man of murder? You say that is up to the attorney general and "I will take no part in it"?

Mr. ROCKEFELLER, Jr. That is a matter I have no knowledge of.

Chairman WALSH. But suppose knowledge is brought to you, would you take any part to save a man from lifetime imprisonment?

Mr. ROCKEFELLER, Jr. I certainly would not be willing to stand back of anything that was not perfectly fair.

Chairman WALSH. Then you would go there and call attention to the fact that these men whose testimony convicted Lawson were paid detectives by you, and you did not believe that men that were paid to do that kind of work should be trusted where the whole lifetime of a human being was at stake?

Mr. ROCKEFELLER, Jr. I am not prepared to say what step I would take, but I meant what I said when I said that the administration of justice should rest entirely in the State, and in that I would stand for that principle at any cost. I am not prepared to say what steps I would take.

Chairman WALSH. Suppose that it should be brought indubitably to you that one of the jurors that served upon this trial had been given the exclusive privilege, he being a traveling salesman, the exclusive privilege of selling his product to all of your camps, would you suggest, if that was brought to you, to the authorities that you didn't think that was fair where a man's whole life was at stake? You met this man Lawson, he called on you at your office?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. He was one of the men that conferred with you?

Mr. ROCKEFELLER, Jr. I met him.

Chairman WALSH. And if that was brought indubitably to you, what kind of steps would you take to save his life?

Mr. ROCKEFELLER, Jr. I can not say.

Chairman WALSH. Would you think that was fair for a man that had an exclusive contract with you and was making money out of it every day, to serve as a juror in an acute conflict of this sort?

Mr. ROCKEFELLER, Jr. I am not familiar with the conditions.

Chairman WALSH. If it turns out that way, what would you do?

Mr. ROCKEFELLER, Jr. Whatever was necessary to see that right was done.

Chairman WALSH. Do you think that was right or fair, if it was true, to try a man before a juror who was so situated with reference to your company?

Mr. ROCKEFELLER, Jr. I think that the jurors should all have been selected with the greatest care, and if any jurors were not selected and properly fitted for the place, they should have been excused, and if it can be shown now that they were not proper men the attorney general would want to try the case again, I am sure.

Chairman WALSH. Now, what would you do—were you here when Dr. Gaddis testified?

Mr. ROCKEFELLER, Jr. No, sir; I was not.

Chairman WALSH. But his testimony was brought immediately to you so you could see what he said?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Were you notified that Dr. Gaddis, head of the sociological department, would testify to matters seriously affecting your corporation at these hearings?

Mr. ROCKEFELLER, Jr. I heard he had testified, and I have arranged to have a copy of the testimony and will be very glad to read it carefully.

Chairman WALSH. Is it a part of the plan in your own mind that you will not hear anything about conditions in Colorado?

Mr. ROCKEFELLER, Jr. I have arranged, as I have just stated to you, for a copy of the testimony and to go over it very carefully.

Chairman WALSH. You remember we had this discussion in 1904, men were driven down the canyon and thrown out on the prairies, and in some cases left to die, or received such treatment that they afterwards died, when you had charge of this company, and I believe you stated you knew nothing about it, and I believe you were asked to inform yourself about the true condition in the State of Colorado?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Then I will advise you of this, although it took place here yesterday. I think Mr. Heydt, your secretary, was here. Did he advise you of what Dr. Gaddis said?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

Chairman WALSH. Did you hear what Mr. Gaddis said about that?

Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

Chairman WALSH. Did you read the Washington morning papers?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Then, Mr. Gaddis said that he was informed that there was a man upon that jury by the name of W. W. Wilson, and Mr. Wilson had told him personally upon a train that he had been given the exclusive right to sell the products of the National Biscuit Co., for whom he was working, to all of your camps; that it was an exclusive right that had been given by the Colorado Fuel & Iron Co.; that he saw afterwards that W. W. Wilson actually served as a juror and was on the jury that condemned him to life, and he said that he was the only W. W. Wilson that he knew in Trinidad, and that he was reasonably sure that he was the same man that told him this on the train. A telegram was sent F. W. Clark asking if he was the same W. W. Wilson, and he replied, "Wire received. W. W. Wilson is a traveling salesman of the National Biscuit Co., your information is correct."

If this turns out to be true have you such zeal for the full administration of justice that you will make some demand on your company and the authorities of Colorado in regard to getting Mr. Lawson a new trial and tried before a jury none of whom are beholden to your company?

Mr. ROCKEFELLER, Jr. I would not be a party——

Chairman WALSH (interrupting). What would you do, if that turns out to be true?

Mr. ROCKEFELLER, Jr. I am reserving the right to decide that when I am informed as to the situation. I stand on this very definite statement, that I be-

lieve that the administration of justice should rest in the hands of the State, and regard the principle as so important that I would not stop at anything which might be necessary to maintain it absolutely.

Chairman WALSH. But I am giving you a specific instance, if that turns out to be true, what will you do? Lawson has a wife and children, and suppose he was sent to the penitentiary under this judgment delivered by this jury, would you tell them to read that statement to him in the penitentiary, or his wife and child, that you didn't believe in any such thing, or what would you do yourself when an injustice was being done?

Mr. ROCKEFELLER, Jr. If an injustice has been done I will do what I can to maintain justice, and see that justice is done.

Chairman WALSH. You heard that letter read that Mr. Bowers wrote you, in which he said that there is one sheriff down there in that county that has been on the job 16 years?

Mr. ROCKEFELLER, Jr. I was not here.

Chairman WALSH. Did anybody tell you about it?

Mr. ROCKEFELLER, Jr. Of course, I have seen the letter.

Chairman WALSH. Now, you knew that was the man, Jeff Farr?

Mr. ROCKEFELLER, Jr. I was so informed.

Chairman WALSH. And you know that he is still in there?

Mr. ROCKEFELLER, Jr. I have so heard.

Chairman WALSH. I am leaving the Lawson case for a minute, and I believe you stated in here, I never saw this before and want some time to go over it, but you stated in there, I believe, that you had no direction in what took place in Colorado; that you were not the guiding force in Colorado?

Mr. ROCKEFELLER, Jr. Yes, sir; that is what I stated.

Chairman WALSH. Now, do you, as I understand, represent your father in the management of these companies?

Mr. ROCKEFELLER, Jr. I represent my father in regard to these various investments.

Chairman WALSH. Is this one of them?

Mr. ROCKEFELLER, Jr. It is.

Chairman WALSH. He keeps very close track of matters himself?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. And you have a way of sending out to these men what your father thinks of these things?

Mr. ROCKEFELLER, Jr. I don't know of any case in which I have.

Chairman WALSH. I will read you a letter signed by yourself and submitted by your officials, dated December 26, 1918:

"DEAR MR. BOWERS:

"Your letter of December 22, with inclosed clipping, is received. I note with interest the fact that the miners are rapidly going to Colorado from the South and East."

These were men to take the place of the striking miners?

Mr. ROCKEFELLER, Jr. I presume so.

Chairman WALSH. And the men from the South were negroes?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Did you not know they were bringing in negroes in large numbers from the South?

Mr. ROCKEFELLER, Jr. I didn't state they were bringing them in; they were going.

Chairman WALSH. That there were large numbers of negroes going in there?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. I will continue with the letter:

"I assume this means that conditions have become so nearly normal that business can be very generally resumed. It is most gratifying to feel that this struggle is so rapidly becoming a thing of the past.

"I know that father has followed the events of the past few months in connection with the fuel company with unusual interest and satisfaction."

I will leave out what follows.

"Thanking you for your holiday greetings, and wishing you and yours a happy new year, I am,

"Very sincerely,

"JOHN D. ROCKEFELLER, Jr."

You sent that letter to Mr. Bowers, did you?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. Now, were you at your father's house or was he at your house on December 26?

Mr. ROCKEFELLER, Jr. I can not recall that, Mr. Chairman.

Chairman WALSH. I note the day before was Christmas; did you meet him on Christmas?

Mr. ROCKEFELLER, Jr. This last Christmas?

Chairman WALSH. 1913.

Mr. ROCKEFELLER, Jr. I can not remember that; it is very probable that he was in the country.

Chairman WALSH. Now, how did your father express satisfaction as to events in Colorado that he had watched so closely for a few months prior to December, 1913?

Mr. ROCKEFELLER, Jr. I see him as often as I can, and he is always interested in having me tell him anything that I can tell him or volunteer to tell him with reference to his various investments, and he is naturally at liberty to ask any questions that he cares to ask, and it is the natural course of our intercourse that he should mention from time to time a matter of this kind.

Chairman WALSH. Did he get information any place else than from you?

Mr. ROCKEFELLER, Jr. I don't know that he did, but he would have been at liberty to inquire of any member of his staff, or write to the company.

Chairman WALSH. Now, in what way did he follow the events there, through talking to you and getting reports from you?

Mr. ROCKEFELLER, Jr. I don't know of any other.

Chairman WALSH. How did he express satisfaction; say that he was glad to see how things were going, or just laugh?

Mr. ROCKEFELLER, Jr. It is a little difficult to recall it, it being a year and a half ago.

Chairman WALSH. You can not tell how he expressed it, but he was unusually satisfied with the trend of events in Colorado?

Mr. ROCKEFELLER, Jr. You seem to know.

Chairman WALSH. I will read it to you:

"I know that father has followed the events of the past few months in connection with the fuel company with unusual interest and satisfaction."

The fuel company is the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, on September 26, 9,000 of his faithful employees took to the canyons of Colorado rather than work under the conditions they had been working under?

Mr. ROCKEFELLER, Jr. I would hardly think the figures were correct.

Chairman WALSH. Was it 8,000?

Mr. ROCKEFELLER, Jr. I would think it was very much smaller.

Chairman WALSH. Give me the number that left and went to the canyons, or went to living in tents, or scattered away?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Was it 9,000?

Mr. ROCKEFELLER, Jr. My impression was that the total number that went out was about one-half of the total number working, which was about 9,000 altogether.

Chairman WALSH. So that there were about 4,000 or 4,500 went out and went to living in the canyons, rather than live in the camp any longer?

Mr. ROCKEFELLER, Jr. I would think something like that came out, from the reports that came to me.

Chairman WALSH. And a few months prior to the time that you wrote that letter about your father, Jeff Farr had deputized 526 gunmen and allowed your company to arm them and turned them loose in the community; that is true, is it?

Mr. ROCKEFELLER, Jr. That is the statement made; I don't know from personal knowledge.

Chairman WALSH. Is it not true that these deputized gunmen, before you wrote about your father's unusual satisfaction, that the gunmen had riddled the Forbes tent colony with machine guns, and had shot a boy of one of the striking miners nine times through one of his legs?

Mr. ROCKEFELLER, Jr. I can not say as to that.

Chairman WALSH. Prior to the time you wrote that letter about your father's unusual satisfaction, is it not a fact that an effort was made to have

the officers of this company meet the representatives of the striking miners, and they were brought together in the statehouse for that purpose, and that the representatives of your company refused to go through a door, or thin partition, to meet those men?

Mr. ROCKEFELLER, Jr. That I do not know, but I know that the officers of the company met representatives of the miners in a conference, in which Secretary Wilson, of the Labor Department, was present, and the propositions that were made by the governor looking to a settlement of the dispute were all acceded to by the operators and not by the representatives of the miners.

Chairman WALSH. I will ask you if prior to the time that you wrote that letter about your father's unusual satisfaction you had not received a letter from Mr. Bowers stating that he had used every weapon at his command to coerce the governor of the State and whip him into line?

Mr. ROCKEFELLER, Jr. I don't recall. If you have such a letter from my office I have seen it.

Chairman WALSH. Do you mean to say that on such an important matter as that, that an officer of your company boasted that he would whip the governor of the State into line, that you have forgotten it after submitting it to this commission?

Mr. ROCKEFELLER, Jr. There is a mass of letters there.

Chairman WALSH. Then you have forgotten it?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And is it not a fact that, prior to the time that your father expressed this unusual satisfaction, that a score of strikers were being thrown into jail by the military authorities and denied a hearing before a civil court, and that constitutional government had given place to despotic rule in southern Colorado? Is that true?

Mr. ROCKEFELLER, Jr. You know better than I do.

Chairman WALSH. Your father was one of the big owners of this and was following the events closely in Colorado, and that letter was the truth?

Mr. ROCKEFELLER, Jr. Certainly, it was.

Chairman WALSH. We will adjourn at this point, and will ask you to please resume the stand in the morning.

(At this point, 5 o'clock p. m., the commission adjourned until to-morrow, Friday, May 21, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C., *Friday, May 21, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Harriman, Lennon, O'Connell, and Weinstock.

Chairman WALSH. The house will please be in order. We will resume now, Mr. Rockefeller.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I would like to go back just for a moment, Mr. Rockefeller, to the question of the price of coal.

Mr. ROCKEFELLER, Jr. Mr. Chairman, I would like to add just a word to the testimony in the Lawson case.

Chairman WALSH. Would you like to do it at this time?

Mr. ROCKEFELLER, Jr. I would, sir.

Chairman WALSH. Very well.

Mr. ROCKEFELLER, Jr. Since giving my testimony yesterday I have read with care the stenographer's transcript of the questions asked by the chairman of this commission in reference to the Lawson tral, and my view of certain hypothetical cases, and the course I would take should the facts subsequently prove to be as presented. As these questions all relate to a criminal appeal at present pending before the courts of this country, I feel that my position can not be too precisely stated, both as respects the questions already asked, and questions of a similar nature which may be addressed; and I therefore desire to give to this commission my opinion on these matters in the form of a written statement, which will be unequivocal, and admit of no misunderstanding or misinterpretation.

As already expressed, my opinion is that justice should be so administered as to be above suspicion; and if in any material particular the trial of Mr. Lawson has been wanting in this respect, I, for one, should desire to see the

Supreme Court of Colorado, to which the appeal has been taken, carefully consider every ground that may be urged, and grant a new trial should any material ground be sustained.

I have no more right than has any other citizen in this country to attempt to interfere with or influence the course of justice; and questions which are so framed as to seek to put me in the position of appearing to concede that there has been willful tampering with the courts, or of stating what I am prepared to do to influence the future course of justice, either as respects Mr. Lawson or any other person, I can not regard as other than improper questions, and a direct reflection upon those who are charged with the administration of justice. To sinister reflections of this kind I must decline to be a party, even by inference.

Were I, either directly or indirectly, to attempt to influence the judiciary of Colorado as respects the present appeal of Mr. Lawson's trial, I should be guilty of the very procedure against which witnesses before this commission have so strongly protested, and which I myself have not less strongly condemned; and I hope the chairman of the commission will not expect from me replies to any questions which imply that I believe others have been guilty of unlawful or improper acts in the administration of justice, or that I entertain a position superior to that of any other citizen of the Republic, either before the law or toward its administration.

I thank you, Mr. Chairman.

Chairman WALSH. Now, with reference to the questions I ask, Mr. Rockefeller, if there are any of them that you think for any reason you should not answer, why, you state that at the time, and of course it will be given consideration, and they will be taken up for action by the commission later on. Now, I suppose this high regard you have for the law extends to all of its officers charged with its administration? Is that correct?

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. And you have not a contempt for officers who do not do your bidding, of course? You respect them, whether they do your bidding or not, do you?

Mr. ROCKEFELLER, Jr. Are you speaking of officers of the law?

Chairman WALSH. Officers of the law; yes.

Mr. ROCKEFELLER, Jr. I do not undertake to direct the officers of the law, Mr. Chairman.

Chairman WALSH. I want to read you a letter that was written to you by Mr. Bowers, and ask you if it is true. You have respect for the authority of the people's representatives, you claim, always—do you?

Mr. ROCKEFELLER, Jr. I have respect for the duly elected authorities, certainly.

Chairman WALSH. All right. I will read you this letter of Mr. Bowers, dated November 18, 1913; but do you first, before you have respect for these officers, get them in a state of mind, by coercion on your part and by combining every great financial interest, to think your way before you give them that respect?

Mr. ROCKEFELLER, Jr. I do not undertake to get the officers of the law in any position, Mr. Walsh.

Chairman WALSH. I will read you now this letter from Mr. Bowers, of November 18; but before I get to that, Mr. Bowers has been in the employ of your father for many years?

Mr. ROCKEFELLER, Jr. He was formerly in the employ of my father. He is not now in his employ.

Chairman WALSH. How long was he in the employ of your father before he went to Colorado?

Mr. ROCKEFELLER, Jr. I should say, offhand, 10 years, and perhaps 12.

Chairman WALSH. I notice in one of the letters he says that your father and he had an understanding as to how he was to conduct himself toward the employees of the enterprises he was in some 20 years before the Colorado trouble. Did you notice that letter?

Mr. ROCKEFELLER, Jr. I don't recall the number of years, Mr. Chairman.

Chairman WALSH. What did he do for your father first?

Mr. ROCKEFELLER, Jr. Mr. Bowers was the—was related to my father as the head of the lake transportation—ore-transportation business.

Chairman WALSH. The lake ore transportation business. Did he have many employees under him there?

Mr. ROCKEFELLER, Jr. Quite a number.

Chairman WALSH. About how many?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Didn't they have a strike while he was the representative of your father there?

Mr. ROCKEFELLER, Jr. That I can not recall.

Chairman WALSH. How long was he with the lake ore transportation before he went to Colorado?

Mr. ROCKEFELLER, Jr. My mind is not fresh on those dates, Mr. Chairman.

Chairman WALSH. Was it as much as 15 years?

Mr. ROCKEFELLER, Jr. I think he was with the Lake Transportation Co. until—if not right up to the time he went to Colorado, within a year or two, at least.

Chairman WALSH. How soon did he go to Colorado after your father secured the interest which he has in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I should say some years.

Chairman WALSH. Well, could you say about how long?

Mr. ROCKEFELLER, Jr. I should think five years.

Chairman WALSH. Had he ever lived in Colorado before?

Mr. ROCKEFELLER, Jr. That I don't know. I had not known that he had.

Chairman WALSH. Don't you know that he had never lived in Colorado?

Mr. ROCKEFELLER, Jr. No. It is my impression he had not, but I don't know it as a fact.

Chairman WALSH. You don't know it as a fact? Did he know Mr. Welborn or Mr. Madison or Mr. Weitnel before he went out there, so far as you know?

Mr. ROCKEFELLER, Jr. Not so far as I know.

Chairman WALSH. He went there as the representative of your father; did he not?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. What had he gone there as?

Mr. ROCKEFELLER, Jr. He went to Colorado because of his wife's health, as I stated very clearly in my testimony before the committee of Congress a year ago. Mr. Bowers's wife was ill and the doctors ordered her to go to Colorado, and Mr. Bowers of course went. When we knew that he was to be in Colorado we asked him if he would take time to acquaint himself with the interest which we had in the Colorado Fuel & Iron Co.

Chairman WALSH. Who asked him? Who do you mean by "we"?

Mr. ROCKEFELLER, Jr. I did, I presume, or some of my father's representatives.

Chairman WALSH. Didn't your father ask him?

Mr. ROCKEFELLER, Jr. My father was not in the habit of dealing personally with his representatives, Mr. Chairman.

Chairman WALSH. Now, do you remember whether it was you or some of your associates that asked Mr. Bowers to go out there?

Mr. ROCKEFELLER, Jr. I think very probably it was Mr. Gates. At that time he was active as one of my father's—one of the members of my father's staff. I think it was probably Mr. Gates.

Chairman WALSH. Were you present at the time he asked him?

Mr. ROCKEFELLER, Jr. I could not recall, Mr. Chairman, but I think not.

Chairman WALSH. In what capacity did he go out there?

Mr. ROCKEFELLER, Jr. He went out as—you mean, in what capacity did he look into the affairs of the company?

Chairman WALSH. Yes; who was he looking into them for?

Mr. ROCKEFELLER, Jr. For my father.

Chairman WALSH. And how long after he went out there was it before he became chairman of the executive board of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. That I can not state. It was some months. It might have been a year or more; but when he ceased—when he became connected with the Colorado Fuel & Iron Co., then he became a representative of all of the stockholders of the company. He was placed in any of the positions he held there in the regular way and regarded his duties to any other stockholder just the same as to my father.

Chairman WALSH. What is the regular way you have of appointing them? Just tell them there is a job, they can go take it?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I object to that method——

Chairman WALSH. To what method?

Mr. ROCKEFELLER, Jr. Of implying that we have a method of appointing to office which is irregular.

Chairman WALSH. Well, I might explain to you the reason I asked it in that way was that you said in the New York hearing that Mr. Jerome Greene went off the board of directors of the Colorado Fuel & Iron Co., and that the place was filled automatically, as I remember it, by Mr. Ivy Lee. Don't you have a meeting of the stockholders? Don't the stockholders elect the directors in your companies?

Mr. ROCKEFELLER, Jr. Mr. Chairman, there again you are implying there are irregularities in our company. I am glad to give you any information, but I object again to your implying an irregularity.

Chairman WALSH. I will ask you the direct question, Do you just put in directors and take them out without action of the stockholders in your companies?

Mr. ROCKEFELLER, Jr. The stockholders, Mr. Chairman, elect directors in any company with which I have connection the same as they do in other companies, I presume, at their regular meetings. And, as you know, it is customary if a vacancy occurs in a board of directors between stockholders' meetings such vacancy for the unexpired period is ordinarily filled by the directors.

Chairman WALSH. Do you know what was done with Ivy Lee?

Mr. ROCKEFELLER, Jr. What is——

Chairman WALSH (interrupting). Was he elected by the stockholders or put in by the directors between meetings of the stockholders?

Mr. ROCKEFELLER, Jr. My impression is, and I think I am correct in saying that he was elected by the directors, because the stockholders' meeting comes in the fall, and he did not come on my father's staff until the first of the year. So that he was not elected until after that time; and it was doubtless at one of the stockholders' meetings. But I want it understood that that is the perfectly regular ordinary way of electing directors, and that is the procedure that was adopted.

Chairman WALSH. How did Mr. Murphy get on the executive board—Mr. Starr J. Murphy—of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. In just the same way.

Chairman WALSH. Was he made vice president in just the same way? Was he elected during an interim between meetings of stockholders, or elected by the stockholders?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Do you have the authority to veto the action of the board of directors of the Colorado Fuel & Iron Co. with respect to selecting members of the executive committee?

Mr. ROCKEFELLER, Jr. Do I personally——

Chairman WALSH (interrupting). Do you personally; yes?

Mr. ROCKEFELLER, Jr. I should have no other authority than any other director, Mr. Chairman, nor do I undertake to exercise any other authority.

Chairman WALSH. I will read you this letter of November 18, 1913. That was addressed to you two months after the strike:

"You will be interested to know that we have been able to secure the cooperation of all the bankers of the city, who have had three or four interviews with our little cowboy governor, agreeing to back the State and lend it all the funds necessary to maintain the militia and afford ample protection, so that our miners could return to work, or give protection to men who are anxious to come up here from Texas, New Mexico, and Kansas, together with some States farther east. Besides the bankers, the chamber of commerce, the real estate exchange, together with a great many of the best business men, have been urging the governor to take steps to drive these vicious agitators out of the State. Another mighty power has been rounded up in behalf of the operators by the gathering together of 14 of the editors of the most important newspapers in Denver, Pueblo, Trinidad, Walsenburg, Colorado Springs, and other of the larger places in the State."

Did you get that letter?

Mr. ROCKEFELLER, Jr. If it was directed to me, I naturally did.

Chairman WALSH. That expression "our little cowboy governor" referred to the governor of the State of Colorado, did it not?

Mr. ROCKEFELLER, Jr. The inference is quite as clear to you as to me.

Chairman WALSH. It also says:

"There probably has never been such pressure brought to bear upon any governor of this State by the strongest men in it as has been brought to bear upon Gov. Ammons."

Is that true?

Mr. ROCKEFELLER, Jr. Of that I can not judge.

Chairman WALSH. That is a letter you got from Mr. Bowers, the chairman of your executive board in Colorado, is it not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. I will call to your attention a letter dated December 22, 1913, from the same source:

"DEAR MR. ROCKEFELLER: If the governor had acted in September 23 as he has been forced to act during the past few weeks, the strike would have never existed 10 days.

"We used every possible weapon to drive him into action, but he was glove in hand with the labor leaders and is to-day, but the big men of affairs have helped the operators in whipping the agitators, including the governor."

Did you get that letter?

Mr. ROCKEFELLER, Jr. If it is directed to me, I presume I did.

Chairman WALSH. "Now these fellows are cursing him without regard for common decency, so everybody is giving him more or less taffy to keep him from backsliding."

Now, that was the correspondence between you and the chairman of your executive board while this trouble was going on in Colorado, was it not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. So the policy was to get bankers and powerful people to whip these people into line and give them taffy and talk nice to them to keep them with you and to defeat these men on the strike?

Mr. ROCKEFELLER, Jr. That is apparent——

Chairman WALSH (interrupting). That is apparently the policy of Mr. Bowers. I am bringing this down to your responsibility to show whether or not it was the policy of Mr. Bowers, your executive officer in the field, who was reporting to you personally.

Mr. ROCKEFELLER, Jr. Did I write that letter or Mr. Bowers?

Chairman WALSH. How is that?

Mr. ROCKEFELLER, Jr. Did I write that letter?

Chairman WALSH. It is written by Mr. Bowers.

Mr. ROCKEFELLER, Jr. How can it be my policy then?

Chairman WALSH. You asked me the question. I will tell you, although I will say that hereafter the same rule must be applied to you as to others, that we do not answer questions. I will reply to your question by saying that I am going to read you six letters in a few minutes in which you say you back up every bit of this.

Mr. ROCKEFELLER, Jr. You asked me, Mr. Chairman, whether that was my policy.

Chairman WALSH. Whether that was your policy: yes.

Mr. ROCKEFELLER, Jr. I have stated in my statement of yesterday that neither I nor my associates ever initiated a policy or directed the details of the strike, or anything in connection with it. That statement is true. I did not initiate that policy, and did not frame it and the policy, Mr. Chairman, is simply this: It simply means that there was disorder in the State of Colorado, and naturally every citizen would use what influence he could to bring the authorities to protect life and property, and if he failed to use such influence as he properly could, to move the authorities if they were sluggish in moving, to protect life and property, I should think he was derelict in his duty, and evidently that was the view shared by a very large number of people of high standing in Colorado from that letter, which says that these various groups joined in undertaking to have the properly constituted authorities afford the protection which should be afforded to life and property. That was, of course, the first step to take to try to have the proper authorities act.

Chairman WALSH. So that you had this crowd cooperate with Mr. Bowers, as director of the Colorado Fuel & Iron Co., under this interpretation that you have just given? You agreed, then, with all that Mr. Bowers said and cooperated with him; is that correct?

Mr. ROCKEFELLER, Jr. I did not either agree or disagree. I made no expression about the details of the letter of Mr. Bowers, referred to, nor in the various letters to which you make reference, in which I stated that I stood back of the officials of the Colorado Fuel & Iron Co. I meant that when they did things that they were doing, and as we believed they were doing, in the interest of justice and of law and order and the proper administration of the trust which had been placed in their hands, men of standing and of reputa-

tion, we, of course, stood back of them, and I fancy, Mr. Chairman, it would be impossible to secure men of any ability or character to fill positions of trust in the administration of business, either large or small, unless those who are owners of and directors of such properties stood back of the men whom they put in such positions.

We consider it to be the duty of the men whom we place in charge to take such action as they saw fit, and just the moment an occasion should arise when there was a reason to feel that these men were not doing what was right it was our duty to remonstrate with them or replace them.

Chairman WALSH. So you do stand for this condition and for this interpretation:

"We used every possible weapon to drive the governor into action, but he was glove in hand with the labor leaders, and is to-day, but the big men of affairs have helped the operators in whipping the agitators, including the governor.

"Now, these fellows are cursing him without regard for common decency, so everybody is giving him more or less taffy to keep him from backsliding."

Mr. ROCKEFELLER, Jr. Mr. Chairman, I object again——

Chairman WALSH. Don't you know that the deportation of individuals was a crime; that it was a crime to drive a man, even though you called him an agitator, out of the State, and that it was a crime on the part of the governor?

Mr. ROCKEFELLER, Jr. I am not familiar with that.

Chairman WALSH. You are not familiar with that?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. I just wanted to get back to one little question here, as to the price of coal in Colorado. The first letter addressed to Mr. Welborn—the telegrams—was what?

Mr. ROCKEFELLER, Jr. May I interrupt to hand you the only copy I have of that statement that you asked for? It appears in the New York Times of the morning afterwards.

Chairman WALSH. That includes the suggestions that you made to Mr. Lee to give to Maj. Boughton to put into a letter to Gov. Ammons?

Mr. ROCKEFELLER, Jr. I think you have not quite stated the case as it was. That does not include the suggestion that I made to Mr. Lee to put in a letter. It included a statement that I had prepared some time previously in answer to certain suggestions or statements which appeared in various publications, a rough draft of such a statement, which I had never used. When this matter came up Mr. Lee——

Chairman WALSH. What matter?

Mr. ROCKEFELLER, Jr. The matter of making some suggestions——

Chairman WALSH. To whom?

Mr. ROCKEFELLER, Jr. To Maj. Boughton.

Chairman WALSH. For what purpose?

Mr. ROCKEFELLER, Jr. For the purpose of suggesting how, at his request, matters in Colorado could be brought before the attention of the public.

Chairman WALSH. Was it not for the purpose of giving it to Gov. Ammons to put in a letter which you hoped to be addressed to the President of the United States and the governors of the several States?

Mr. ROCKEFELLER, Jr. Now, again, Mr. Chairman, I must object. You are trying to make it appear that I prepared a statement. I did not prepare a statement and did not have anything to do with the statement.

Chairman WALSH. Will you answer the question?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Was the memoranda which you have now given me intended to be given to Mr. Lee to incorporate in a letter which was to be given to Maj. Boughton, and the memoranda then to be given for the signature of the governor of the State of Colorado for any purpose?

Mr. ROCKEFELLER, Jr. It was a memorandum which was sent to Mr. Lee because it contained certain facts culled from various statements which had been made which I thought he might find useful in the consideration of that letter.

Chairman WALSH. What letter?

Mr. ROCKEFELLER, Jr. The letter from the governor.

Chairman WALSH. What governor?

Mr. ROCKEFELLER, Jr. From Gov. Ammons, of Colorado.

Chairman WALSH. To be sent to whom?

Mr. ROCKEFELLER, Jr. To be sent, as Mr. Lee states, to the President of the United States and governors of other States with reference to matters in Colorado.

Chairman WALSH. Now, coming to this other matter——

Mr. ROCKEFELLER, Jr. Allow me not to leave in your mind the idea that this statement of mine was prepared with reference to the letter which Mr. Lee was suggesting to Maj. Boughton. It was simply a memorandum in my files prepared weeks before, and when the question of preparing such letter—when the suggestion was up—I said, "Here are certain data which may be suggestive."

That was the whole and sole purpose of it.

Chairman WALSH. Didn't you say that it might be well to use it in the letter of Gov. Ammons to the President?

Mr. ROCKEFELLER, Jr. I do not recall that I made any suggestion as to using that thing which I have characterized as a rough draft——

Chairman WALSH. If you had said in any letter that you had turned over the memorandum and that you thought it was good to use in the letter Mr. Lee was addressing to Gov. Ammons, it was a mistake?

Mr. ROCKEFELLER, Jr. I do not think I said that. It is possible that I said it might be used in connection with the draft which he was preparing.

Chairman WALSH (after reading letter). That is the letter you wrote?

Mr. ROCKEFELLER, Jr. Exactly.

Chairman WALSH. Now, you may go to the letter that you got from Mr. Bowers, or the telegram, with reference to the price of coal in the winter that the strike started.

Mr. ROCKEFELLER, Jr. Do you mean the quotation from my statement or telegram I read you later?

Chairman WALSH. The quotation from your statement first—I just want the date of it; I do not want you to read it again, unless you desire to do so.

Mr. ROCKEFELLER, Jr. This quotation from Mr. Welborn's letter—the date of the letter, as I stated yesterday, I think it is—I think it does not appear in this; the date of the telegram does not appear.

Chairman WALSH. It was within the last month, was it not?

Mr. ROCKEFELLER, Jr. Yes; I think so; it was just about the time I made this statement in the paper.

Chairman WALSH. This telegram that you read later?

Mr. ROCKEFELLER, Jr. That was dated May 15, as I said yesterday.

Chairman WALSH. Now, I must confess, to my mind, they both were a little involved. Do you say now that you understand the effect of those two telegrams to be that Mr. Welborn denies that the price of lignite coal, which was the kind you had, you stated, was raised the winter after the strike started?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I can of course only speak for the coal which was sold by the Colorado Fuel & Iron Co.

Chairman WALSH. Was that the same as lignite?

Mr. ROCKEFELLER, Jr. I think that is what the telegram says.

Chairman WALSH. To bring this matter to a close the attorney general at that time, named Farrar, is the present attorney general?

Mr. ROCKEFELLER, Jr. I believe he is.

Chairman WALSH. He was reelected; don't you know it is a fact that Mr. Farrar, the attorney general, went to the governor in person and asked the governor to use the militia of the State of Colorado to install the strike breakers in your mine, and that he so testified before this commission at Denver, Colo.?

Mr. ROCKEFELLER, Jr. I know nothing of that.

Chairman WALSH. I will now read you, Mr. Rockefeller, from the testimony of the same attorney general, given before our commission while we were holding our hearing in Colorado; the present attorney general, and he was at the time this strike started and was during the strike and was attorney general in the Lawson case:

"Mr. FARRAR (continuing). That was an absolute military necessity; it would be an absolute necessity to keep strike breakers out in order to maintain order. There was also a practical question involved, and that was that coal was prohibitive both in price and in supply. Winter was coming on and coal was selling here, and I mean lignite coal, such as we produce, at from $9 to $10 per ton and could not be procured in sufficient quantities at that price."

Mr. ROCKEFELLER, Jr. May I ask who the Mr. Farrar is who is speaking?

Chairman WALSH. The attorney general of the State of Colorado, testifying before our commission. Do you want this commission to gather from the letters you read from Mr. Welborn that this statement is not correct; that it is an error and untrue?

Mr. ROCKEFELLER, Jr. Of course, the commission must gather what information they like from that statement. I would not for a moment say that it was not given in the best of faith and in the belief on the part of the person giving it that it was accurate, and that it should be entitled to consideration as I should be entitled to consideration for the statements I make; and that it was made in good faith by the president of the company.

Chairman WALSH. Do you claim that the president of your company, in those two telegrams, claims that the price of coal was not increased to $9 or $10 a ton, as testified to by the attorney general?

Mr. ROCKEFELLER, Jr. He makes no reference to that; and I am not attempting to speak as to the price that might be put on coal; but I am speaking, and he was, too, for the Colorado Fuel & Iron Co.

Chairman WALSH. As a director of the Colorado Fuel & Iron Co., engaged in that great public utility of providing fuel for the wants of the people of the State of Colorado, did you or did you not know that the price of coal was prohibitive to the people and could not be had while the strike was going on?

Mr. ROCKEFELLER, Jr. I have Mr. Welborn's statement to the effect that the price of coal was not changed or the supply diminished, except when the snow tied up traffic. I read you that and I make no statement other than I have read.

Chairman WALSH. As a director of the Colorado Fuel & Iron Co., engaged in that important utility, you have no personal knowledge as to whether or not the people were deprived of coal while the strike was going on?

Mr. ROCKEFELLER, Jr. I have the knowledge the president gave me in his statement.

Chairman WALSH. That is within the last month that you got that?

Mr. ROCKEFELLER, Jr. But the statement covers the period under discussion.

Chairman WALSH. I am now trying to discuss your own knowledge as a director of the Colorado Fuel & Iron Co., mining what percentage of coal mined in the State of Colorado; 40 per cent?

Mr. ROCKEFELLER, Jr. Something like that.

Chairman WALSH. And you say you do not know the price that coal sold in Colorado in the winter following the strike?

Mr. ROCKEFELLER, Jr. No; I never know what the price of coal is there, and do not pretend to know.

Chairman WALSH. Did you hear the testimony of Mr. Doyle given before this commission?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. You knew—you were advised by Mr. Bowers that one of the grievances of the strikers was that they were not allowed checkweighmen?

Mr. ROCKEFELLER, Jr. That statement was contained in one of Mr. Bowers's letters, which you have.

Chairman WALSH. Did you hear or read the charges made that your company cheated in weights?

Mr. ROCKEFELLER, Jr. Where did I hear them made, Mr. Chairman?

Chairman WALSH. Haven't you read the newspapers and read the statement of Mr. Doyle, the representative of the miners, given before this commission?

Mr. ROCKEFELLER, Jr. Yes; you are asking me where did I hear it, and I don't know, but I have heard the statement has been made that the coal operators did what you say.

Chairman WALSH. Cheated. If they did, you would say that was a contemptible crime?

Mr. ROCKEFELLER, Jr. Absolutely.

Chairman WALSH. If the company cheated the men digging coal under the ground out of pay for their service?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And if it was done, it ought to be prosecuted to the last degree?

Mr. ROCKEFELLER, Jr. We do not disagree on that, Mr. Chairman.

Chairman WALSH. Did your company cheat?

Mr. ROCKEFELLER, Jr. Not to my knowledge.

Chairman WALSH. Not to your knowledge.

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. To your knowledge did the other companies combine with your company?

Mr. ROCKEFELLER, Jr. We never combined with any other company.

Chairman WALSH. Didn't Mr. Ivy Lee represent all of the mine operators of Colorado when he was putting out this publicity, claiming to be facts, in regard to Colorado?

Mr. ROCKEFELLER, Jr. Mr. Chairman, what connection has that with the question of checkweighmen?

Chairman WALSH. I am just coming to it.

Mr. ROCKEFELLER, Jr. You know that Mr. Lee was acting for the three operators who formed a committee representing the various operators.

Chairman WALSH. Your company formed a committee with the other coal operators to fight the United Mine Workers of America, or strikers in that field?

Mr. ROCKEFELLER, Jr. There was no effort at any time to fight anyone.

Chairman WALSH. Well, to contest with them?

Mr. ROCKEFELLER, Jr. The effort was to maintain and protect life and property and conduct the business.

Chairman WALSH. And also to obtain publicity is what you got Ivy Lee for?

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. And to conduct what you call a union educational campaign?

Mr. ROCKEFELLER, Jr. What I call?

Chairman WALSH. Yes; in your letter to Mr. Lee.

Mr. ROCKEFELLER, Jr. I do not recall that any such educational campaign was ever undertaken. That is correct, Mr. Chairman.

Chairman WALSH. You did so at that time.

Mr. ROCKEFELLER, Jr. There is a statement in the letter. Allow me to make that clear: There is a statement in the letter as to the possible wisdom of undertaking to make publications which would give the public further knowledge with reference to the unions of the country; that was not undertaken. The purpose was that the facts might be known; it was as much in the interests of the unions as not in the interest of the unions. It was to present the facts; and that was the entire purpose of the publicity campaign.

Chairman WALSH. So you called it a union educational campaign in your letter?

Mr. ROCKEFELLER, Jr. I think there is reference of that kind made, but, as I say, that was never undertaken.

Chairman WALSH. You just proposed that?

Mr. ROCKEFELLER, Jr. I don't know whether I proposed it or I discussed it with my colleagues, but I think it would have been a very useful service to perform, but it was not undertaken.

Chairman WALSH. We will get to that later, and see how much was done.

Mr. ROCKEFELLER, Jr. I will say nothing was done on that program that you refer to.

Chairman WALSH. I don't care what you call it, but Mr. Lee did send out the facts in the publicity campaign for the coal operators of Colorado?

Mr. ROCKEFELLER, Jr. Mr. Lee sent out nothing; the three operators that formed the committee——

Chairman WALSH (interrupting). Mr. Lee wrote it?

Mr. ROCKEFELLER, Jr. My typewriter writes the letters that I sign; is he responsible for them?

Chairman WALSH. Did your father pay Mr. Lee for his services in that connection?

Mr. ROCKEFELLER, Jr. He did.

Chairman WALSH. Then you did do it?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Even though you hired the man that wrote the stuff and paid him $6,000 for sending it from Philadelphia to Denver, you still say that you and your father didn't send that stuff out?

Mr. ROCKEFELLER, Jr. I think it is fair that you have all sides of this question, and if you will call to mind again the conditions under which that arrangement that my father would pay the whole, or any portion of Mr. Lee's compensation——

Chairman WALSH (interrupting). It is perfectly clear to my mind.

Mr. ROCKEFELLER, Jr. You seem to be confused. The suggestion was made to Mr. Welborn and the operators' committee that we regarded it of the utmost importance to the companies of Colorado and the people of Colorado, all of whom were being attacked publicly, and misrepresented, that the facts should be presented. We regarded it of such importance to the various interests that while we assumed the operators would want to bear the expense in whole or in part, at least, as far as they were able, that the whole matter was left entirely in their hands. As to their part of the expense, whatever they thought they could bear, well and good, and what they could not, we would bear. There was nothing concealed about it, nothing to be ashamed of, it was a perfectly open business transaction.

Chairman WALSH. But your father did pay him $6,000 for sending out the alleged facts in behalf of all of the operators engaged in the contest in Colorado?

Mr. ROCKEFELLER, Jr. There were three people that took the responsibility for everything that was sent out, and those three operators were the ones that formed that committee.

Chairman WALSH. And your father paid the actual money to Mr. Lee for getting out these bulletins of the alleged facts, sending them from Philadelphia to Denver, and from there sending them out over the country?

Mr. ROCKEFELLER, Jr. If that is the way it was done.

Chairman WALSH. Who was Mr. Starr J. Murphy?

Mr. ROCKEFELLER, Jr. He is one of my associates and a member of my father's staff.

Chairman WALSH. Was he a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He is.

Chairman WALSH. Was he during the strike a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He was.

Chairman WALSH. And he is also a member of your father's staff?

Mr. ROCKEFELLER, Jr. Yes, sir; and that is why he is a director, as one of my father's representatives.

Chairman WALSH. He is a representative of your father?

Mr. ROCKEFELLER, Jr. Yes, sir; on the board of directors of the fuel company.

Chairman WALSH. And represents you to that extent?

Mr. ROCKEFELLER, Jr. I am also a director; we are representing the interests.

Chairman WALSH. I will read you from a letter written by Mr. L. M. Bowers, September 19, 1913, which was four days before this strike was called, and call your attention——

Mr. ROCKEFELLER, Jr. That was before the strike was called?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. The strike was called—I thought it was called the 16th.

Chairman WALSH. September 23.

Mr. ROCKEFELLER, Jr. But that was the day it took effect. The day the convention met——

Chairman WALSH. The day the strike was called and the men left your mine was the 23d.

Mr. ROCKEFELLER, Jr. The convention met on the 16th and the strike was determined on on that day.

Commissioner LENNON. My remembrance is that the convention met on the 16th.

Mr. ROCKEFELLER, Jr. And it didn't take effect until the 23d.

Chairman WALSH. And your men went out on the 23d?

Mr. ROCKEFELLER, Jr. As I remember it.

Chairman WALSH. And you were at Seal Harbor at that time?

Mr. ROCKEFELLER, Jr. I may have been there, but I think I had returned to New York.

Chairman WALSH. They wired you as soon as the strike was called?

Mr. ROCKEFELLER Jr. If they say so in the correspondence.

Chairman WALSH. What do you say about it?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Did you send them a wire on the 23d that you were exceedingly gratified by the showing made by them?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. I will come down to this letter written by Mr. Bowers to Starr J. Murphy, "As our miners shift more or less new men are coming all

the while; about a year ago Mr. Welborn and the writer were discussing these questions, because one or two competitive companies—both of whom tried to interest Mr. Cooper in their bonds—were cheating their miners by false weights."

Did Mr. Murphy bring that information to you?

Mr. ROCKEFELLER, Jr. I presume I read the letter.

Chairman WALSH. Now, did you notify the authorities on September 10 that the abominable crime of robbing laborers that were digging this coal was carried on by some of the coal companies out there?

Mr. ROCKEFELLER, Jr. I don't presume I did.

Chairman WALSH. Do you call yourself an accessory after the offense for not doing so?

Mr. ROCKEFELLER, Jr. If I am, I am in the same class with the commissioners.

Chairman WALSH. You think I am in the same class with you? I have called attention to it and ask that those men be prosecuted. Will you do the same and will you give the names and get Mr. Bowers to go out there as a witness in prosecuting those men?

Mr. ROCKEFELLER, Jr. I don't regard it as part of my duties.

Chairman WALSH. I will ask you if it is a fact that after you knew those miners were being robbed by those companies that you joined those companies, and that your father paid for the information that was sent broadcast throughout the country that there was no just ground for the claim of the miners that they were being robbed and wanted a checkweighman?

Mr. ROCKEFELLER, Jr. It is a fact that this letter was written as you stated. It is a fact that that letter states just what it does with reference to the conditions in regard to checkweighmen.

Chairman WALSH. They were cheating the men?

Mr. ROCKEFELLER, Jr. That is what the letter stated.

Chairman WALSH. That is the truth.

Mr. ROCKEFELLER, Jr. I presume it is; I have no more knowledge than you have of the fact.

Chairman WALSH. What were the names of the companies?

Mr. ROCKEFELLER, Jr. I have no idea.

Chairman WALSH. Did you not ask Mr. Bowers before you joined with these companies who those companies were that were doing this robbery of those poor men?

Mr. ROCKEFELLER, Jr. I had nothing to do with the officials of the company joining with the other companies in any action they took.

Chairman WALSH. But you were a director?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And your father's personal funds paid for sending out this information that stated to the people of Colorado that the miners were making false charges against all of these companies.

Mr. ROCKEFELLER, Jr. It is easy to make charges.

Chairman WALSH. You have some doubt about this—about the men being robbed, although Bowers, the chairman of your executive board, wrote it to you?

Mr. ROCKEFELLER, Jr. You say all the companies?

Chairman WALSH. No; the two competitive companies.

Mr. ROCKEFELLER, Jr. Whatever Mr. Bowers says I have every reason to believe that he believed it was true. Beyond that I can not deny or confirm it.

Chairman WALSH. Mr. Commissioner Weinstock desires me to read this over again:

"As our miners shift more or less and new men are coming all the while; about a year ago Mr. Welborn and the writer were discussing these questions, because one or two competitive companies—both of whom tried to interest Mr. Cooper in their bonds—were cheating their miners by false weights."

Chairman WALSH. Who was Mr. Cooper?

Mr. ROCKEFELLER, Jr. I never heard of him.

Chairman WALSH. What were the names of the two companies that were cheating?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Have you asked Mr. Bowers?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Did you discuss this letter with your lawyer?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Have you discussed it with Mr. Lee?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. I will ask you a direct question, bearing upon the developments we have heard as to the cause of industrial unrest. A gentleman—Mr. Weinstock wanted me to ask you; he said that he did not know the names of those companies or who they were. Were these competitive companies? Were they the competitive companies that joined with Welborn?

Mr. ROCKEFELLER, Jr. I have no idea.

Chairman WALSH. There was a gentleman went on the witness stand here, and in answer to a very proper question from one of the commissioners, as to whether or not he believed the McNamara brothers were criminals—you know who they are, of course—they were the men that were convicted or pleaded guilty to a very atrocious crime in Los Angeles. You have read about it, of course?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. The question was asked of the witness on the witness stand whether or not he believed the McNamara brothers were criminals and his answer was a very shocking one to most of us. He said the McNamara brothers had committed no crime against his class or the better order of society, and although they pleaded guilty and were convicted, that he did not believe they were criminals. A man named Kubylak, who was questioned on the stand, said that he had been driven from the coal fields of another State, not yours, because after being appointed checkweighman by the men, and discovering that the company were cheating, that they drove him from the camp and charged him with high treason, punishable by death, and agreed if he would leave they would excuse him from the charge of treason, and he left. He said that he believed, that while the men generally were treated as he was, and were set upon violently by officers of the law, even though they were officers of the law, that he felt that he had a right to resist them, and then explained. A number of witnesses have explained that that is what is called class consciousness. Now, I want to ask you whether or not the fact that yourself, or Mr. Bowers, or Mr. Welborn did not call the attention of the authorities or publicly denounce these men that were robbing the poor, and the laborer of his hire, was not due to a sort of class consciousness in your mind, that you ought to stick together, no matter what the offense was that the other companies did?

Mr. ROCKEFELLER, Jr. Absolutely not. I have no idea what Mr. Bowers's motives in doing or not doing that might have been. I fancy they are the same as yours or mine in the town that we live, where we might happen to know that certain saloons were not closing at the hour they should close, and we might know a number of other things of that kind. Would you or I stop to bring charges against them or any other person that we might know were breaking the law?

Chairman WALSH. If I must answer your question, if I owned a saloon like the Colorado Fuel & Iron Co. do in Colorado, through accepting an immense rental out of the profit, and I would be very particular in closing that saloon, and would close it, and as long as you asked the question, I want to ask you if it is your sense of responsibility as a director of the Colorado Fuel & Iron Co., when you discovered that the owners of mines, situated as you are charged, with some crime, that you are charged with, by your workingmen, and you discovered that that crime is being committed, do you consider that you bear a different relation to that crime than the ordinary citizen does? Hereafter, I will direct my questions to you and will have answers direct.

Now, did Mr. Lee send out alleged facts stating that there was no just basis for the grievance that the miners had in Colorado, to wit, that they were not allowed checkweighmen, and were being robbed by false weights on the part of the company?

Mr. ROCKEFELLER, Jr. I will say that Mr. Lee never sent out anything; the operators' committee sent it out.

Chairman WALSH. Did Mr. Lee send them by his own hand from Pennsylvania to Denver, there to be sent out?

Mr. ROCKEFELLER, Jr. The operators' committee took the responsibility.

Chairman WALSH. Please answer my question; didn't Mr. Lee send them to the mine operators at Denver, and they sent them out there, so it would appear as if they were sent from Denver originally?

Mr. ROCKEFELLER, Jr. I take exception to your question, because you are putting on Mr. Lee the responsibility for sending out these matters. He had a

perfect right to do what he did and did it with the concurrence of the operators' committee, and they assumed the responsibility for everything that was sent out.

Chairman WALSH. I will ask you to answer my question; were these bulletins of alleged facts sent by Ivy Lee's own hand from Philadelphia to Denver to be sent out there?

Mr. ROCKEFELLER, Jr. I will have to answer that——

Chairman WALSH. Did he tell you that he did?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Did you read his testimony in New York that he did?

Mr. ROCKEFELLER, Jr. I knew the bulletins were printed in Philadelphia, where he was.

Chairman WALSH. And don't you know that he sent them out?

Mr. ROCKEFELLER, Jr. I don't know whether he sent them, or his office boy or secretary.

Chairman WALSH. Whatever Mr. Lee sent out then from his office was either by himself, the office boy, or secretary, and was sent from Philadelphia to Denver to be sent out there?

Mr. ROCKEFELLER, Jr. They were sent from Philadelphia.

Chairman WALSH. And from Mr. Lee's office?

Mr. ROCKEFELLER, Jr. It was by Mr. Lee's direction that they were sent.

Chairman WALSH. Now, as to the power that you had toward controlling these officers, I want to ask you if this did not appear in the letter of Mr. Bowers to you personally, of the date, October 21, 1913:

"At our annual meeting yesterday the matter of having a vice president in New York was taken up. We thought it very desirable that we have an officer there, and a lawyer preferred, so we elected Mr. Murphy as vice president and a member of the executive committee. I have written Mr. Murphy that if this is not in accord with your wishes we can change it at any executive committee meeting."

Did you get that letter from Mr. Bowers to the effect that they had elected out there in Colorado Mr. Murphy, who I take it to be Starr J. Murphy, the vice president of your company, but that if you wished it, they would reverse that action at once, as soon as they heard from you?

Mr. ROCKEFELLER, Jr. The letter is perfectly clear.

Chairman WALSH. And if you had said to them, "I don't want him," off he would have come?

Mr. ROCKEFELLER, Jr. I think we would have a perfect right to say whether people in our office shall fill certain positions or not, where they are representing an interest we have. If we thought it was best for him not to take up that position on account of his other duties we would have had a perfect right to say so, I think.

Chairman WALSH. I am asking about the power, if that was not in accord with your wishes off he would come?

Mr. ROCKEFELLER, Jr. I suppose that anyone employed by another naturally is under the direction of the person that employs him, and Mr. Murphy would not have taken the position unless we were willing that he should be, but I did not know it until after it was done, and it was done by the officers at their meeting.

Chairman WALSH. I note that. But if you did not want Mr. Murphy on the executive board all you would have had to do would have been to say that it was not your wish, and off he would have come?

Mr. ROCKEFELLER, Jr. I assume that he would be glad to do what his principal wanted him to do, if he was under salary.

Chairman WALSH. Although he was elected by the board of directors of the Colorado Fuel & Iron Co., of Denver, as vice president and member of the executive board, you had the power to veto that and put him off of the board if it did not conform to your wishes?

Mr. ROCKEFELLER, Jr. That power was not——

Chairman WALSH. Did you have the power, answer yes or no, and then make any explanation you wish.

Mr. ROCKEFELLER, Jr. Of course we had the power.

Chairman WALSH. You, I say, not we. Did you have the power?

Mr. ROCKEFELLER, Jr. Our office had the power.

Chairman WALSH. I will read this to you again, and if you don't want to answer it, say yes or no, and I will leave the subject. This was directed to John D. Rockefeller, Jr.:

"At our annual meeting yesterday the matter of having a vice president in New York was taken up. We thought it very desirable that we have an officer here, a lawyer preferred, so we elected Mr. Murphy as vice president and a member of the executive committee. I have written Mr. Murphy that if it is not in accord with your wishes we can change it at any executive committee meeting."

That was the letter you received?

Mr. ROCKEFELLER, Jr. Yes, sir; and I——

Chairman WALSH (interrupting). And if you wished, you could have taken him off?

Mr. ROCKEFELLER, Jr. And if I answered yes or no I will not give the facts.

Chairman WALSH. Then you may omit the answer. You received that letter and he said if it was your wish they would take him off?

Mr. ROCKEFELLER, Jr. If you want me to give the facts, I will state them; but the facts can not be given by saying yes or no; I will give you a false impression. If you don't want to pursue the question or get at the facts, very good.

Chairman WALSH. I do desire to get at them, but I desire to get at them as facts, and I might say that these long involved answers that do not state the facts and that wind up by saying that you do not recall, do not furnish any illumination——

Mr. ROCKEFELLER, Jr. (interrupting). Mr. Chairman, I sat here all yesterday morning and heard another witness testify, and a large part of the afternoon, and he was permitted to speak on without interference; and I think I am entitled to the same consideration as any other witness.

Chairman WALSH. Just the same; yes.

Mr. ROCKEFELLER, Jr. That is all I am asking; yes, sir.

Chairman WALSH. Mr. Commissioner Weinstock suggests that you answer yes or no, and then qualify it any way you please. That is the rule we have applied all along to other witnesses. Will you accept that rule?

Mr. ROCKEFELLER, Jr. I certainly will if you will permit me to answer the question yes or no and then add my explanation.

Chairman WALSH. You may say yes or no and then make any explanation thereof that you see fit.

Mr. ROCKEFELLER, Jr. Well, then, I misunderstood your question.

Chairman WALSH. You entirely misunderstood me.

Mr. ROCKEFELLER, Jr. Very well. I will be glad to make any reply——

Chairman WALSH (interrupting). Read the last question, Mr. Reporter. I don't want to have it appear there that I required you to answer yes or no without an opportunity to explain.

(It was ascertained on reading by the reporter that the portion of the testimony sought was in that taken by the preceding reporter, not at the moment present.)

Mr. ROCKEFELLER, Jr. I will say if that is your position——

Chairman WALSH. My position is that if possible you must answer yes or no; and then you are entitled, of course, to qualify your answer in any way that you see fit, or to make any explanation in regard thereto that you have to make. Now, I would like to keep to a consistent line of questions. So I am going to ask you again if it is not a fact that you had the power individually, you, John D. Rockefeller, jr., to veto the action of the board of directors in the important matter of selecting a vice president for the company and a member of the executive committee?

Mr. ROCKEFELLER, Jr. And I may make the explanation after I answer?

Chairman WALSH. After you answer yes or no.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. You had the power?

Mr. ROCKEFELLER, Jr. Yes; I had the power; and I would like to state how I had the power.

Chairman WALSH. Very good. Make any explanation you see fit.

Mr. ROCKEFELLER, Jr. Simply that the man who was appointed to this position was in the employ of my father. I was representing my father and in charge of that employee in his office. That is, a member of his staff would not expect to take a position, representing my father's interests, which my father, through me, did not think it desirable that he should take or did not want him to take or did not want him to take the time to fill. Now, for that reason, of course, if I had said to Mr. Murphy, "Mr. Bowers has suggested, and the

officers or directors have elected you to this position, but I do not feel that you can take the time to fill this position," of course Mr. Murphy would have withdrawn from it and would have been perfectly justified in so doing, and I would have been perfectly justified in asking him. But the question, as put, implies that my relation to the Colorado Fuel & Iron Co. was such as to give me this power. It was not that. It was my relation to Mr. Murphy.

Chairman WALSH. But you had the power?

Mr. ROCKEFELLER, Jr. I had the power, as I have stated, to begin with; but I had the power not by virtue of my relation to the Fuel & Iron Co., but by virtue of my relations to Mr. Murphy.

Chairman WALSH. Regardless of how you had it, he would go?

Mr. ROCKEFELLER, Jr. Perfectly true.

Chairman WALSH. That would apply to Mr. Lee, too, I believe?

Mr. ROCKEFELLER, Jr. Certainly, because those gentlemen were representing our interests there.

Chairman WALSH. And it applies to Jerome Greene?

Mr. ROCKEFELLER, Jr. He is no longer on our staff.

Chairman WALSH. But when he was a director, that applied to him?

Mr. ROCKEFELLER, Jr. Applies to any man——

Chairman WALSH (interrupting). And that applied to——

Mr. ROCKEFELLER, Jr. (interrupting). Applied to any man who does not wish to appear himself on boards, but who is entitled through his stockholdings to have representatives.

Chairman WALSH. And that would apply to C. O. Heydt?

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. And you pay them for their work they do in their positions, and then you control the question as to whether or not they shall go on and off your boards of other corporations?

Mr. ROCKEFELLER, Jr. Why, certainly. Where they are representing us, we naturally control. It is hardly—it would hardly be proper that they should control.

Chairman WALSH. No; you are paying them, and they have to do it.

Mr. ROCKEFELLER, Jr. Why, certainly.

Chairman WALSH. As you wish?

Mr. ROCKEFELLER, Jr. Certainly; they have to expect to take such positions as we ask them to take.

Chairman WALSH. As you are willing for them to take; and if the board of directors of one of your companies puts one of them on, and it don't meet with your wishes, you put them off again? You have the power to put them off?

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. I was just trying——

Mr. ROCKEFELLER, Jr. (interrupting). Certainly.

Chairman WALSH. That was on the question of your responsibility and power.

Mr. ROCKEFELLER, Jr. Certainly; no question about it.

Chairman WALSH. Now, do you recall the letter in which Mr. Bowers wrote to your father with regard to the welfare work, what he called the uplifting of the employees, in which he said that he had a talk with your father upon that subject more than 20 years ago when he first went in, and that they understood each other perfectly?

Mr. ROCKEFELLER, Jr. No; I don't recall that.

Chairman WALSH. I may not have quoted that in——

Mr. ROCKEFELLER, Jr. (interrupting). But I don't doubt the facts are substantially as you state them.

Chairman WALSH. But you recall reading the letter, do you not, since you have been here?

Mr. ROCKEFELLER, Jr. It does not remain in my mind.

Chairman WALSH. That is in the letter of September 29, 1913, six days after the strike. He says, "I told your father in the first interview that we ever had, nearly 20 years ago, I would flatly refuse to be connected with any business enterprise where I would be handicapped in uplifting and benefiting mankind, especially those in our employ." You recall that now, do you not?

Mr. ROCKEFELLER, Jr. Well, I think I recall that.

Chairman WALSH. And your father and Mr. Bowers were well known to each other?

Mr. ROCKEFELLER, Jr. I don't suppose my father has seen Mr. Bowers six times in his life. I may be wrong about it.

Chairman WALSH. They were not well acquainted with each other?

Mr. ROCKEFELLER, Jr. Not through personal relations at all; only so far as Mr. Bowers was in business connections with my father.

Chairman WALSH. How often did Mr. Gates see your father in the last 16 years he was connected with him?

Mr. ROCKEFELLER, Jr. Many years went by that he did not see him at all.

Chairman WALSH. And he was on his personal staff?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And take Mr. Jerome Greene; I think the testimony was that he saw him twice in five years, and he was on his personal staff.

Mr. ROCKEFELLER, Jr. I hardly think that could be correct, because Mr. Greene was not in relation to our affairs five years ago.

Chairman WALSH. Wasn't he? How often did he see him during the time he was his personal adviser?

Mr. ROCKEFELLER, Jr. Very seldom.

Chairman WALSH. Once a year?

Mr. ROCKEFELLER, Jr. I don't think necessarily that.

Chairman WALSH. Once in two years?

Mr. ROCKEFELLER, Jr. I couldn't state.

Chairman WALSH. The truth of the matter is this term of "personal adviser" does not mean that any of these men would see your father?

Mr. ROCKEFELLER, Jr. Does not follow at all.

Chairman WALSH. Your father tells you what his wishes are, and you discuss them, and then you tell your father's personal advisers what his preferences are?

Mr. ROCKEFELLER, Jr. My father does not tell me what his wishes are with reference to all matters; but he leaves with me and my associates, who are the advisers in the office, to determine many of these questions—most of them as they arise. If he feels disposed to advise with us, all of his people are glad to have him do so. If we want to take the responsibility of deciding various questions, or any questions, we do so.

Chairman WALSH. Do they write letters to him, these personal advisers of his?

Mr. ROCKEFELLER, Jr. Very rarely.

Chairman WALSH. And they do not see him?

Mr. ROCKEFELLER, Jr. He sees them whenever he cares to see anyone of them, but it is very seldom necessary.

Chairman WALSH. Is it true that Mr. Gates saw him only twice in 16 years?

Mr. ROCKEFELLER, Jr. If Mr. Gates says so, it is true.

Chairman WALSH. Did Mr. Greene see him—how long has Mr. Greene been his personal adviser?

Mr. ROCKEFELLER, Jr. I think Mr. Greene was in our office either a year and a half or two years and a half.

Chairman WALSH. How long was he your father's personal adviser?

Mr. ROCKEFELLER, Jr. During that two years and a half.

Chairman WALSH. How often did he see your father in that two and a half years?

Mr. ROCKEFELLER, Jr. I have stated I could not say.

Chairman WALSH. Mr. Ivy Lee is on the personal staff of your father now?

Mr. ROCKEFELLER, Jr. He is.

Chairman WALSH. How often does he see him?

Mr. ROCKEFELLER, Jr. That I can not say.

Chairman WALSH. Does he ever see him?

Mr. ROCKEFELLER, Jr. I think he has seen him three or four times.

Chairman WALSH. Now, Mr. Bowers, before this strike, September the 10th, wrote you a long letter setting forth what the grievances or claims of your employees were, didn't he?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. That there were charges made by the men that the company had violated the law with reference to checkweighmen, with reference to the hours of labor, with reference to discriminating against them because they were union men, did they not?

Mr. ROCKEFELLER, Jr. You mean that was contained in that letter?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. If I recall, it was.

Chairman WALSH. Yes. Now, then, with this authority that you had over directors and over executive officers, with that in view, I want to read you the

extracts of the letters that passed between you—that is, between Mr. Bowers and yourself, Mr. Bowers and Mr. Murphy, and yourself and Mr. Bowers and Mr. Murphy, and Mr. Murphy and Mr. Bowers. I will just read you the extracts which I believe bear upon the point.

On October 6, 1913, letter from Mr. Rockefeller to Mr. Bowers:

"We feel that what you have done is right and fair, and that the position which you have taken in regard to the unionizing of our mines is in the interests of the employees of the company. Whatever the outcome may be we will stand by you to the end."

That is signed "John D. Rockefeller, jr." You wrote that letter, didn't you?

Mr. ROCKEFELLER, Jr. I must have, if it is in the collection I sent you.

Chairman WALSH. Yes. Now, on October 10, 1913, did you not write a letter to Mr. Bowers containing this language:

"I realise that these are trying days for the management of the fuel company. Its actions are watched with great interest by this office, and its strong and just position will not lack backing at this end."

And you signed that "John D. Rockefeller, jr.," and sent it to Mr. Bowers, didn't you?

Mr. ROCKEFELLER, Jr. If you have taken it from that collection; yes.

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. On November 21, 1913, you telegraphed to Mr. Bowers, did you not—on November 21, 1913, you wrote Mr. Bowers a letter in which you quoted a telegram which you had sent to the Secretary of Labor which contained the following statement:

"Action of our officers in refusing to meet the strike leaders is quite as much in the interest of our employees as of any other element in the company. Their position meets with our cordial approval, and we shall support them to the end."

That is correct?

Mr. ROCKEFELLER, Jr. Same answer to that.

Chairman WALSH. That was written November 21, wasn't it?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And it was written before any serious troubles, such as the Ludlow massacre, occurred, wasn't it?

Mr. ROCKEFELLER, Jr. The Ludlow occurrence occurred the following spring.

Chairman WALSH. The following spring. Now, I will ask you if on October 21, 1913—so, that is the letter I quoted you with regard to the appointment of Mr. Murphy. So I will not read it again.

On November 29 Mr. Bowers wrote you a letter—November 28, 1913—in which he stated:

"I can scarcely express our appreciation of the support you are giving us."

That is correct, isn't it?

Mr. ROCKEFELLER, Jr. My answer to that would be that if it is taken from the collection of letters——

Chairman WALSH (interrupting). Well, don't you know as a matter of fact that it is? I would like to get you to testify to the fact?

Mr. ROCKEFELLER, Jr. Mr. Chairman, if I had the letters before me——

Chairman WALSH (addressing Mr. Manly). Give me the letters. Maybe I had better do it from the letters for fear there may be some misquotation.

Mr. ROCKEFELLER, Jr. These sound perfectly familiar. Quite probably I wrote the letter, but I can not tell.

Chairman WALSH. On December 9, 1913, Mr. Starr J. Murphy wrote to Mr. Bowers, did he not:

"In fact, as we have said many times before, we leave this matter entirely in your hands, having the utmost confidence in your judgment and the way you are handling the matter."

That is correct, isn't it?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Now, at that time hadn't you heard about the arming of these 326 men by Jeff Farr?

Mr. ROCKEFELLER, Jr. I think not.

Chairman WALSH. You think not?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Wasn't it published broadcast that that was done, and that it was liable to cause bloodshed?

Mr. ROCKEFELLER, Jr. It may be true it was published broadcast. I don't recall seeing it.

Chairman WALSH. Don't you recall seeing it at the time it was published?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. You don't recall seeing it?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. I will ask you this question: While that strike was going on and these tragedies were taking place, regardless of who was at fault, did you not keep informed as to the occurrences?

Mr. ROCKEFELLER, Jr. Yes; I was getting information from the office of the company——

Chairman WALSH. All the time?

Mr. ROCKEFELLER, Jr. (interrupting). Yes; as frequently as they thought it necessary.

Chairman WALSH. Now, on October 10:

"I realize that these are trying days for the management of the fuel company. Its actions are watched with great interest by this office, and its strong and just position will not lack backing at this end."

That was written, wasn't it?

Mr. ROCKEFELLER, Jr. I think so.

Chairman WALSH. Now, I will ask you if on July 27, 1914, after the horror at Ludlow had taken place, after all these deaths had taken place, after soldiers had been killed and guards had been killed and women had been killed and children had been killed, if you did not receive this written testimonial from Mr. Welborn, July 27, 1914:

"I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy."

Now, that was after all these horrors had transpired, wasn't it?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And you got that letter from Mr. Welborn that he did not even feel any strain about it; that the knowledge that he had your support made everything easy?

Mr. ROCKEFELLER, Jr. Yes; that was one of the letters.

Chairman WALSH. And that was the truth, wasn't it?

Mr. ROCKEFELLER, Jr. Well, Mr. Welborn said——

Chairman WALSH (interrupting). He did have your support and backing in everything they did, didn't he, Mr. Rockefeller, as expressed in this quoted part—as expressed in these letters written by Mr. Welborn to you?

Mr. ROCKEFELLER, Jr. He had the support and backing to the extent I stated in my paper. We never had the operators, but had left the details to the company.

Chairman WALSH. Now, I want you to take the letter from Mr. Bowers, Mr. Rockefeller, getting down to these details, and what he wrote you on April 18, you got a letter from Mr. Bowers, didn't you?

Mr. ROCKEFELLER, Jr. That I don't recall.

Chairman WALSH. Well, I am going to read some of it to you directly; but it was on April 23 that the so-called Ludlow massacre occurred, wasn't it?

Mr. ROCKEFELLER, Jr. I think about that time.

Chairman WALSH. Now, you have made some statements in your direct statement, and I might say that I have not had time to digest them. Perhaps we will give you an opportunity later when we get a little more definitely at the facts to make some further replies; but it will not be in the way of a public hearing. But take your statement in there—for instance, you made one public statement in which you said, as I recollect it, that the persons that lost their lives at Ludlow were not shot; they were smothered?

Mr. ROCKEFELLER, Jr. The persons that lost their lives underneath the floor of the tent.

Chairman WALSH. Well, you made no mention in that statement, or reference to those that lost their lives by bullets and the like?

Mr. ROCKEFELLER, Jr. I don't recall whether I did or not.

Chairman WALSH. Don't you recall what you wrote?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Why, you just wrote that about two weeks ago and sent it out publicly, saying that those who lost their lives at Ludlow——

Mr. ROCKEFELLER, Jr. (interrupting). In the pit?

Chairman WALSH. In the pit, you say now, were smothered. You remember saying that?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Did you make reference to those who lost their lives by bullets?

Mr. ROCKEFELLER, Jr. I don't recall that I did.

Chairman WALSH. Did you intend not to make that public in connection with your statement to the public in regard to the loss of life there?

Mr. ROCKEFELLER, Jr. I did not, no. The emphasis had always been put upon the women and children killed in the ground, and the point was to state that the report to us by people who should know that they were smothered and not struck.

Chairman WALSH. Did the reports that you got show that they were burned? That the arm of one of the women fell off—that the flesh fell off the bodies in taking them out?

Mr. ROCKEFELLER, Jr. I don't recall that. It might have been true.

Chairman WALSH. Did you read the coroner's inquest?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. You did not read the account of the testimony any place?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. And you have not yet?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Well, don't you think that you ought to read that to determine—you say hereafter you are going to try to have things better. Shouldn't you read that to determine what the facts are and what part your executive officers took in bringing on the train of incidents, we will say, that culminated in Ludlow? Don't you think you ought to know that, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Well, I think so long as I am undertaking to do the things that I think should be done I shall have to reserve the right to do them in the ways that seem to me best.

Chairman WALSH. Now, in 1913, you know now, don't you, that many crimes were committed by the officials of your company? You saw a letter Mr. Bowers wrote that when he got up to —— he found at the ——— Mills that everything said against him was true; and then you recalled the strike of 1903 where they took hundreds of men out of their homes and threw them out on the prairies there? You know all that, don't you?

Mr. ROCKEFELLER, Jr. I know the letter that Mr. Bowers——

Chairman WALSH (interrupting). You believe it, don't you?

Mr. ROCKEFELLER, Jr. I believe what Mr. Bowers says.

Chairman WALSH. And you know the details of the strike of 1903, how the rights of the citizens were outraged? You know that now, don't you?

Mr. ROCKEFELLER, Jr. No; I don't recall the details.

Chairman WALSH. Well, don't you think that the executive officers—that the executive committee of the company, not the executive officers but the directors, ought to know what the executive officers do, so they may determine when they come to that whether to keep them in or not?

Mr. ROCKEFELLER, Jr. That was a matter of 12 years ago, Mr. Chairman. What knowledge I may have had at that time I would not retain at this time.

Chairman WALSH. You would not have retained it at this time, but do you not think now you ought to have knowledge of what took place a few months ago, so that you could determine whether or not you would put these men back in these places again, where they could do such things over again?

Mr. ROCKEFELLER, Jr. I have such knowledge as the executive officers of the company appointed by the board could give me in support of the statements in the letters.

Chairman WALSH. You took what the executive officers said, and closed your ears to every development brought out in court, and you closed your eyes to the transcript of the evidence before the coroner's jury, and you closed your eyes to the evidence given before the military court, and just simply sat in your office in New York and took the word of the executive officers for it?

Mr. ROCKEFELLER, Jr. I have not closed my eyes to anything.

Chairman WALSH. Did you read the coroner's inquest, the testimony of the coroner's inquest over the 10 bodies taken out of the pit at Ludlow?

Mr. ROCKEFELLER, Jr. No; but that does not mean that I closed my eyes.

Chairman WALSH. Did you hear the information brought out by the regular processes of the court; that is, the coroner's jury, showing how they were killed?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Did you ever hear it from any authoritative source?

Mr. ROCKEFELLER, Jr. I have heard different statements from time to time presuming to come from authoritative sources.

Chairman WALSH. Did you read the report of the military commission that sat on the hearing of the matter at Ludlow presided over by Maj. Boughton, who was in New York to see you in regard to sending this rough draft to Mr. Lee, who was to send it to Maj. Boughton, who was to give it to Gen. Chase, who was to have it incorporated in a letter to Gov. Ammons?

Mr. ROCKEFELLER, Jr. Whether or not I got the report of the military commission?

Chairman WALSH. Of the military commission presided over by Maj. Boughton, who has been so extensively advertised?

Mr. ROCKEFELLER, Jr. I do not recall whether I saw it or not.

Chairman WALSH. As to the definite knowledge as to what was being done, I want to call your attention to this: On April 18, five days before the Ludlow horror, you got a letter from Mr. Bowers personally addressed to John D. Rockefeller, jr., in which he stated, "Another favorable feature of the strike situation"—I am putting in "strike situation"—"another favorable feature is the organization of a military company of 100 volunteers of Trinidad the present week; they are to be armed by the State and drilled by the military officers. Another squad is being organized at Walsenburg. These independent militiamen will be subject to orders of the sheriff of the county."

That is Jeff Farr referred to in the letter of Mr. Bowers as the sheriff of the county?

Mr. ROCKEFELLER, Jr. I don't know whether that is Jeff Farr or not.

Chairman WALSH. You do not know whether that is Jeff Farr?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Have you never inquired to know who the sheriff was that had charge of your men?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. The letter continues, "These volunteers will draw no pay from the State." Do you remember getting that?

Mr. ROCKEFELLER, Jr. Getting that letter?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I think so.

Chairman WALSH. From Mr. Bowers?

Mr. ROCKEFELLER, Jr. I think so.

Chairman WALSH. That is what is now known as "Troop A" of the Colorado Militia?

Mr. ROCKEFELLER, Jr. I do not know that.

Chairman WALSH. It is the only volunteer company that was organized. Didn't you get from this letter the knowledge that that was a volunteer company that you were to pay—that your company, the Colorado Fuel & Iron Co., was to pay?

Mr. ROCKEFELLER, Jr. Well, I got whatever the letter states, Mr. Chairman. I can not recall what information I got from it. If that is what the letter states, I must have understood it so.

Chairman WALSH. I am going to ask you if it is not a fact that, in addition to the women and children that were smothered, that on that day Louis Tikas was knocked down with a rifle, in the hands of one of these military officers and was shot four times in the back while he was lying on the ground and picked up dead, if James Fyler was not also shot and killed on the same day, and if you did not know it when you made that statement referring to the women and children in the pit at Ludlow?

Mr. ROCKEFELLER, Jr. I knew there had been other casualties on that day.

Chairman WALSH. Didn't you inquire who they were or what sort of men they were, whether they were good men or bad men or anything of that sort?

Mr. ROCKEFELLER, Jr. I think at the time I knew, Mr. Chairman; but I do not remember now.

Chairman WALSH. You have forgotten now the personnel of the men that were killed?

Mr. ROCKEFELLER, Jr. The names have not remained in my mind.

Chairman WALSH. Was one a little boy?

Mr. ROCKEFELLER, Jr. I think I recall a little boy who ran out from a house and was shot.

Chairman WALSH. Regarding your publication that those people were smothered, I received the following postal card, which I will hand you, and then let it be put into the record:

"TRINIDAD, COLO., *May 3, 1915.*

"Mr. WALSH, *Washington, D. C.*

"DEAR SIR: We wish to inform you that here is one of the little victims that did not smother at Ludlow, but was shot through the head while caressing his little sister.

"His parents, Mr. and Mrs. WM. SNYDER."

On the other side of the postal card is a picture of the boy with the words over it: "Frank Snyder, shot at Ludlow, Colo., April 20, 1914."

Do you care to look at it?

Mr. ROCKEFELLER, Jr. You have described it; and I see what the picture is.

Chairman WALSH. Now, after this volunteer troup that Mr. Bowers wrote you was sworn in, you learned, did you not, that they were all your own employees, and that the reason the State was not paying them was that you were paying them yourself or your company—when I say "yourself," I mean the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. If that was stated in the letter, then I have the knowledge.

Chairman WALSH. You claim you have no knowledge of any of the details except those stated in the letters, which you were asked to produce and which you have produced in the examination. Don't you have any independent knowledge besides that contained in the letters produced?

Mr. ROCKEFELLER, Jr. I saw and read different reports from time to time.

Chairman WALSH. To epitomize what this troop of your company did, I will read you from the report of the military commission presided over by Maj. Boughton; do you know Maj. Boughton?

Mr. ROCKEFELLER, Jr. I never have met him.

Chairman WALSH. Mr. Lee met him.

Mr. ROCKEFELLER, Jr. Yes; as I have stated.

Chairman WALSH. And the other officers of your company?

Mr. ROCKEFELLER, Jr. I do not know about that.

Chairman WALSH. He came to New York for the published purpose of telling what he claimed to be the truth about the Ludlow atrocity, did he not?

Mr. ROCKEFELLER, Jr. That may be true.

Chairman WALSH. Wasn't it in all the papers in New York?

Mr. ROCKEFELLER, Jr. I understood that he came to undertake—yes; to give the facts.

Chairman WALSH. And he went to 26 Broadway?

Mr. ROCKEFELLER, Jr. I do not know whether he was there or not, Mr. Chairman.

Chairman WALSH. He saw Mr. Lee?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. He saw Mr. Murphy?

Mr. ROCKEFELLER, Jr. I don't know whether he ever saw Mr. Murphy or not.

Chairman WALSH. He saw Mr. Jerome Greene?

Mr. ROCKEFELLER, Jr. Yes; he saw Mr. Greene.

Chairman WALSH. Do you mean to say now, Mr. Rockefeller, that you do not know that you have ever been advised that Maj. Boughton went to your office at 26 Broadway to see you?

Mr. ROCKEFELLER, Jr. To see me?

Chairman WALSH. Yes; first to see you, then I will ask you another question.

Mr. ROCKEFELLER, Jr. No; he never came to see me; at least I never saw him.

Chairman WALSH. Do you say now that you were not advised that Maj. Boughton was at 26 Broadway after the Ludlow massacre?

Mr. ROCKEFELLER, Jr. I never was advised that he was there at all; I know he saw Mr. Lee and Mr. Greene, but where, I do not know.

Chairman WALSH. You know he saw them, but you do not know whether he went to 26 Broadway or not?

Mr. ROCKEFELLER, Jr. No; whether he saw them at the luncheon club or not, I don't know.

Chairman WALSH. What luncheon club?

Mr. ROCKEFELLER, Jr. Some go to the White Hall Club; I don't know of any other.

Chairman WALSH. Can you suggest any other place he might have met Maj. Boughton, other than the White Hall Club?

Mr. ROCKEFELLER, Jr. No; I would not be likely to know.

Chairman WALSH. I take it, Mr. Rockefeller, that no facts, or alleged facts, presented from any other source, would cause you to change your mind as to what took place in Colorado, and the responsibility, if any, of your executive officers therefor?

Mr. ROCKEFELLER, Jr. I have not said that, Mr. Chairman. I have not said that no facts presented from any other source would not cause me to change my mind. No facts have come to my attention.

Chairman WALSH. I will ask you if, immediately after the Ludlow massacre, on the next day, you did not receive this telegram from Mr. Bowers:

"Following withdrawal of troops by order of governor, an unprovoked attack upon small force of militia, yesterday by 200 strikers. Forced fight, resulting in probable loss of 10 or 15 strikers. Only one militiaman killed. Ludlow tent colony of strikers totally destroyed by burning, 200 tents, generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia to be reinforced. Suggest your giving this information to friendly papers. L. M. Bowers."

What friendly papers?

Mr. ROCKEFELLER, Jr. If I had undertaken to carry out his suggestion, I would not have known where to turn.

Chairman WALSH. Mr. Bowers just imagined you had friendly papers to give this to?

Mr. ROCKEFELLER, Jr. I suppose he thought there were some; I don't know any more than you do; but I would not know where to turn in New York to find a friendly paper.

Chairman WALSH. Please indicate what friendly papers he meant.

Mr. ROCKEFELLER, Jr. I do not know a friendly paper.

Chairman WALSH. Did you give it out to the papers?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Did you give it to your publicity agent to give out to the papers?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. You do not recall whether you followed that suggestion or not?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. After this Troup A was organized, this Ludlow horror followed within a very few days.

Mr. ROCKEFELLER, Jr. So you have stated, Mr. Chairman.

Chairman WALSH. Don't you know whether it did or not?

Mr. ROCKEFELLER, Jr. I do not carry the dates in mind; if that is what you read, it is correct.

Chairman WALSH. I will read you from the report of the military commission:

"Troop A, a troop of National Guards, were enlisted about the middle of April among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps. This unit of the National Guard was designated Troop A, but so recently was it recruited that at the time of the battle of Ludlow it had not yet selected its officers nor was it supplied with uniforms, arms, or ammunition."

That is true, is it not; you have learned since that Troop A was made up of superintendents, foremen, the clerical force, physicians, storekeepers, and mine guards?

Mr. ROCKEFELLER, Jr. Does that say of the Colorado Fuel & Iron Co.?

Chairman WALSH. It says it was a troop of men enlisted among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps.

Mr. ROCKEFELLER, Jr. That would refer to any and all of them.

Chairman WALSH. Do you claim they were not your mine guards?

Mr. ROCKEFELLER, Jr. I do not claim one way or the other.

Chairman WALSH. I will say, that the other testimony showed, since you asked me the question, and for that reason only, that they were your mine guards, storekeepers, and others.

Mr. ROCKEFELLER, Jr. Exclusively?

Chairman WALSH. No; not exclusively; some of the Victor's were in there, also.

Now, these men, as such storekeepers, physicians, mine guards, etc., were actually paid with the money of the Colorado Fuel & Iron Co. for whatever they did that day?

Mr. ROCKEFELLER, Jr. I do not suppose they were put off of the pay rolls of the company because they went into the military service.

Chairman WALSH. What is that?

Mr. ROCKEFELLER, Jr. I do not suppose they were dropped from the pay rolls of their respective companies because they became members of the militia.

Chairman WALSH. Do you have militia raised in other States that way?

Mr. ROCKEFELLER, Jr. There is another question, Mr. Chairman, which I do not think is fair.

Chairman WALSH. You say it is not customary?

Mr. ROCKEFELLER, Jr. Is it customary in any State that you know of? I did not mean to ask a question.

Chairman WALSH. No.

Mr. ROCKEFELLER, Jr. I never heard of a case of a man serving in the militia and while doing so his pay being stopped by his employer.

Chairman WALSH. Has there a custom grown in this country, to your knowledge, that mine companies or other corporations have their employees enlisted as members of the State militia and pay them their salaries while they are acting in industrial disturbances?

Mr. ROCKEFELLER, Jr. I have never heard of any such custom.

Chairman WALSH. I will ask you the direct question: Were these men, mine guards, physicians, storekeepers, and others, that went into Troop A, paid by you for what they did that day? Were they kept on the pay roll?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. You don't know?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Do you know that afterwards that Troop A, not only fired on this camp where there were women and children, but they looted the dead, stole their property, and set fire with torches and oil to the dwellings of the people, the tents in which they were dwelling?

Mr. ROCKEFELLER, Jr. That is one of the reports that have been circulated.

Chairman WALSH. Do you have any doubt it is true?

Mr. ROCKEFELLER, Jr. I have no way of corroborating it.

Chairman WALSH. You have no way of corroborating it?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Now, I will read you from the report of the commission presided over by Maj. Boughton, and upon which Capt. Danks and Capt. van Cise were members, which reads as follows:

"During the rescuing and afterwards the tent colony was invaded by the soldiers and mine guards for quite a different purpose. By this time the uniformed guardsmen had been joined by large numbers of men in civilian attire, part of whom were from Troop A and part of them mine guards, all unknown to the uniformed soldiers and their officers, and all unused and unamenable to discipline.

"By this time, the time of the burning of the tents, the nondescript number of men had passed out of their officers' control, had ceased to be an army and had become a mob. Doubtless all were seeing red on both sides of the conflict.

"This may account for the insane shooting by the strikers during the rescue of their women and children, and it may also account for what happened in the tents.

"We find that the tents were not all of them destroyed by accidental fire. Men and soldiers swarmed into the colony, and deliberately assisted the conflagration of spreading the fire from tent to tent.

"Beyond a doubt it was seen to intentionally that the fire should destroy the whole of the colony. This, too, was accompanied by the usual loot.

"Men and soldiers seized and took from the tents whatever appealed to their fancy of the moment. In this way clothes, bedding, articles of jewelry, bicycles, tools, and utensils were taken from the tents and conveyed away.

"So deliberately was this burning and looting that we find that cans of oil found in the tents were poured upon them and the tents lit with matches."

That is the report of the military commission, signed by Maj. Boughton. Do you believe it now?

Mr. ROCKEFELLER, Jr. Of course I believe the statement made by those gentlemen they believed to be facts.

Chairman WALSH. What do you think, then, of Mr. Bowers's reference about recruiting Troop A as a favorable occurrence for the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I should regard any instance where a private company had to supplement the authorities of the county to protect life and property as most deplorable.

Chairman WALSH. Would the fact that the troops were to be paid directly by the operators constitute the favorable feature in Mr. Bowers's mind of the strike situation?

Mr. ROCKEFELLER, Jr. I should not think so.

Chairman WALSH. Is it not fair for you to assume that Mr. Bowers, Mr. Welborn, and Mr. Weitzel were sufficiently well acquainted with the character of the mine guards to understand that such occurrences as the battle of Ludlow were likely to happen if they were given the authority of the State to support them in dealing with these striking men and their wives and children?

Mr. ROCKEFELLER, Jr. And if that were true it was a question of protecting life and property. Mr. Bowers, Mr. Welborn, and others in charge of the properties had to use such men to supplement the deficiency of the State. And we had to accept their judgment of the facts as to what was necessary, and their judgment I would not question; I could not pass upon it.

Chairman WALSH. If you had known that that company, composed in large part of mine guards, was going to be put into the field, what action would you have taken as a director of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I would have taken no action; I would have deplored the necessity which compelled the officers of the company to resort to such measures to supplement the State force to maintain law and order.

Chairman WALSH. As Troop A was paid for from the funds of the Colorado Fuel & Iron Co., of which you are principal stockholder, did you not feel morally responsible for their actions during the massacre at Ludlow?

Mr. ROCKEFELLER, Jr. I should have felt greater responsibility for the officers of the company if they had not used all means in their power to protect life and property.

Chairman WALSH. Have you made an effort to recover back the property belonging to these people from the employees who constituted Troop A?

Mr. ROCKEFELLER, Jr. What efforts the officers of the company may have made I do not know.

Chairman WALSH. Have you made any effort of your own, as a director of the Colorado Fuel & Iron Co., to bring to justice those men in your own employ who are in Troop A who may have poured oil on the tents of those people and lit them with matches?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Did you hear the testimony of Judge Edgar M. Cullen?

Mr. ROCKEFELLER, Jr. No——

Chairman WALSH. Late chief justice of the court of appeals of New York City?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Well, he testified here that the alleged trial of Linderfelt before a military commission—Linderfelt being the man who admitted that he struck Tikas and knocked him down, and following that blow the shots were put into his body—I do not say that Linderfelt admitted he put the shots into his body, but he knocked him down, and while he was an unarmed prisoner, he was either shot or clubbed to death. Judge Cullen says, "It is mere subterfuge to say he was tried and acquitted by a military court; he should be arrested and tried by the civil officials."

As your company was interested in the upholding of the law, has it taken any actions, by the employment of attorneys, or otherwise, to have Linderfelt brought to justice in the criminal courts of Colorado?

Mr. ROCKEFELLER, Jr. As I understand it, Linderfelt was a member of the State militia, under orders of the adjutant general of the State, and I should regard it as interfering with the military authorities of the State, and that the civil authorities and the authorities that are upholding justice, if I were to take any such step as you suggest.

Chairman WALSH. Did you keep track of the trial of Zankennell, who was sentenced to imprisonment for life?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Did you keep track of the trial of what are known as the La Veta strikers?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Do you know that Mr. Northcutt, your lawyer, represented the State of Colorado in the prosecution of men charged with the La Veta riot?

Mr. ROCKEFELLER, Jr. I have stated what I have been informed, in reference to these matters, and I have nothing to add to what I have said.

Chairman WALSH. Was Mr. Northcutt prosecuting those men, if you know?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Do you know whether Mr. Northcutt was present at the prosecution of this Italian?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you consider that your employees—these mine guards—were justified in burning the tents of the strikers during the battle of Ludlow?

Mr. ROCKEFELLER, Jr. I don't consider that any acts of violence or depredations are justified.

Chairman WALSH. Do you consider that they as your agents and employees were justified in looting the property of the strikers after the battle of Ludlow?

Mr. ROCKEFELLER, Jr. Certainly not.

Chairman WALSH. What efforts have you taken to ascertain the conduct of your employees on that day?

Mr. ROCKEFELLER, Jr. Those are matters, according to the custom, that the officers of the company have charge of. I have not undertaken to interfere with them in the discharge of their duty.

Chairman WALSH. If it was deplorable that life and property had been destroyed by private forces, why do you think Mr. Bowers's description of getting up the Troop A is a favorable thing in the strike situation?

Mr. ROCKEFELLER, Jr. Favorable to the protection of the lives and properties of the employees of the company.

Chairman WALSH. The employees of the company?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. You saw what followed, that they burned the property of the company, and stole their property?

Mr. ROCKEFELLER, Jr. Yes, sir; but what would have followed if that troop was not organized, I don't know, neither does anybody.

Chairman WALSH. Do you know it to be a fact that there was not a single life lost among the striking people and militia until your executive officers whipped the governor into line, and had the militia protect the importation of strikebreakers into the camp?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you say that it is not a fact?

Mr. ROCKEFELLER, Jr. I don't express an opinion about it.

Chairman WALSH. If it is a fact, would you say that something more horrible than the killing of these women and children of Ludlow would have happened if your mine guards had not gone into Troop A?

Mr. ROCKEFELLER, Jr. I am not in a position to say that much more horrible things would not have happened.

Chairman WALSH. Is Mr. Lee still issuing bulletins?

Mr. ROCKEFELLER, Jr. He never issued them.

Chairman WALSH. Is he still sending them out?

Mr. ROCKEFELLER, Jr. Are the Colorado operators still sending out bulletins?

Chairman WALSH. Is Mr. Lee sending them out for anybody?

Mr. ROCKEFELLER, Jr. Not that I know of.

Chairman WALSH. Is he attending to your publicity; does he give out your statements?

Mr. ROCKEFELLER, Jr. He is one of my associates, related with me in preparing such statements.

Chairman WALSH. He is the one that hands them to the newspapers and other people?

Mr. ROCKEFELLER, Jr. That I can not tell; I do not know what methods he may employ.

Chairman WALSH. Does he give them out? Did he write the statement that you read here yesterday?

Mr. ROCKEFELLER, Jr. That is a matter I don't think pertinent into the inquiry into industrial relations that this commission was appointed to inquire into. I read it, and I am responsible for it.

Chairman WALSH. Did he write it for you?

Mr. ROCKEFELLER, Jr. I don't consider that it is an appropriate question to ask.

Chairman WALSH. I will ask you the direct question, and I want you to understand the theory of the question is fixing the responsibility for the industrial situation in Colorado now and in the past, and what it may be in the future, if it is a fact that Mr. Lee wrote that alleged statement of facts, and that you merely read it to the commission upon yesterday?

Mr. ROCKEFELLER, Jr. It is not.

Chairman WALSH. Did you write it yourself?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. To whom did you dictate it?

Mr. ROCKEFELLER, Jr. To various stenographers in the office.

Chairman WALSH. How many stenographers?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Who attended to having it printed?

Mr. ROCKEFELLER, Jr. I don't know whether one of the secretaries did, or who. I don't pay attention to those things.

Chairman WALSH. Who gives the articles to the newspapers with reference to the Colorado Fuel & Iron Co. generally?

Mr. ROCKEFELLER, Jr. I don't know that any are being given out.

Chairman WALSH. Does Mr. Lee give out any publicity?

Mr. ROCKEFELLER, Jr. For whom?

Chairman WALSH. For anyone.

Mr. ROCKEFELLER, Jr. Yes, sir; he gives out such publicity as he and my other associates think is desirable to give out.

Chairman WALSH. Who does he give it to?

Mr. ROCKEFELLER, Jr. It depends on circumstances, Mr. Chairman.

Chairman WALSH. Now, I notice in one of the letters of Mr. Bowers he refers—I have not that particular letter. Does Mr. Lee write the material that is given out?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I can not state generally. Mr. Lee writes some material that is given out. It is sent out with the authority of the office.

Chairman WALSH. What Mr. Lee writes, and your associates agree to, is sent out with the authority of the office?

Mr. ROCKEFELLER, Jr. Yes, sir; usually over my signature.

Chairman WALSH. I just want to ask you one question. I notice Mr. Bowers recommends Leslie's Weekly very highly as a means of acquiring great benefit, getting information on industrial topics. You saw that letter, did you?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. I just noticed, I had handed to me a Leslie's Weekly with that advertisement of the Standard Oil Co. on the back.

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Is there any connection between those things?

Mr. ROCKEFELLER, Jr. Between what?

Chairman WALSH. Between Mr. Bowers's thought that this was a splendid publication, and that it is a good thing to send out industrial matters to, and the Standard Oil Co.'s advertisement on the back?

Mr. ROCKEFELLER, Jr. I resent the implication. There is absolutely no connection.

Chairman WALSH. What is paid for that advertisement to Leslie's?

Mr. ROCKEFELLER, Jr. I have no idea.

Chairman WALSH. Who is representing the Standard Oil Co.?

Mr. ROCKEFELLER, Jr. There are many Standard Oil companies; you will have to tell me which one you mean.

Chairman WALSH. This seems to be the Standard Oil Co. of New York; principal stations New York, Albany, and Boston.

Mr. ROCKEFELLER, Jr. I don't know, I have no connection with any of the Standard Oil companies.

Chairman WALSH. You don't know what that cost?

Mr. ROCKEFELLER, Jr. I have not the slightest idea.

Chairman WALSH. Now, you had some correspondence with Mr. Lee before you entered into this arrangement that you have spoken of, about his attending to your publicity, did you not?

Mr. ROCKEFELLER, Jr. Do you mean when Mr. Lee first undertook the publicity for us and the operations in Colorado?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. I think there may have been some letters with reference to our arrangement.

Chairman WALSH. And those were letters that you were called upon to produce before this commission, were they not, and which you have sent to us?

Mr. ROCKEFELLER, Jr. If you have them there; yes, Mr. Chairman; I did not attend to that myself.

Chairman WALSH. Had the Rockefeller interests any publicity man before they got Mr. Lee?

Mr. ROCKEFELLER, Jr. I will have to ask what you mean by "Rockefeller interests" before I can answer the question.

Chairman WALSH. The same Rockefeller interests that are referred to by Mr. Bowers in his letter; I notice he refers to them——

Mr. ROCKEFELLER, Jr. Previous to when?

Chairman WALSH. Previous to Mr. Lee's employment?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. You understand what the Rockefeller interests are?

Mr. ROCKEFELLER, Jr. That is, my father's interests. He is the owner of the interests in these various properties, which the rest of us, as his representatives, conduct for him, or direct for him.

Chairman WALSH. Now, the first employment of Lee as publicity man—you advanced him $2,000, as shown in one of these letters?

Mr. ROCKEFELLER, Jr. Yes, sir; there were some expenses that had to be incurred before my letter to Mr. Welborn in regard to the arrangements and his part in it could be received and acted upon, and I advanced money until the bills could be sent to Denver for payment.

Chairman WALSH. That was about $2,000?

Mr. ROCKEFELLER, Jr. I think that was the sum.

Chairman WALSH. Now, on July 17—Mr. Lee was regularly employed on that date?

Mr. ROCKEFELLER, Jr. I think it was early in June or the last of May, probably. I think his employment began around the 1st of June.

Chairman WALSH. And he was first employed in an individual capacity by your father?

Mr. ROCKEFELLER, Jr. No, sir; he was employed as my—I think these letters state, or as I stated in my testimony in New York, on behalf of the general situation in Colorado, in which we were largely interested and in which the Colorado Fuel & Iron Co. was so largely interested.

Chairman WALSH. Now, Mr. Lee wrote you a letter in which he set forth his ideas, and said this—on June 11, Mr. Lee wrote you as follows:

"Desiring as I do that you should understand some of the ideals by which I work, I am venturing to inclose you a manuscript copy of an address I delivered before the American Railway Guild some weeks ago." As you employed Mr. Lee permanently after he had submitted this article to you as an expression of his ideals, I want to call your attention to some of the ideals expressed by Mr. Lee. In this article which he sent you, as showing his ideals, under the subhead of "Psychology of the multitude," Mr. Lee cites further certain alleged facts regarding the process of people and declares as follows:

"If railroad men, then, are to assume the place to which they are entitled as leaders of the public, they must consider these same elements in the psychology of the multitude. These elements may be briefly described as follows:

"First. In the first place, crowds do not reason. It is impossible to induce a crowd to proceed toward any proposition on a logical basis."

Mr. ROCKEFELLER, Jr. I presume I read the statement; but I don't recall it.

Chairman WALSH. Is this idea of Mr. Lee's that a crowd does not reason and that it is impossible to induce a crowd to proceed toward any proposition on a logical basis—did that influence you to employ him in your publicity work?

Mr. ROCKEFELLER, Jr. I think I made the arrangements with him before that.

Chairman WALSH. After this you made him a director in the Colorado Fuel & Iron Co., and now use him as your publicity agent?

Mr. ROCKEFELLER, Jr. Yes, sir; I have great confidence in Mr. Lee's ability and honor and integrity.

Chairman WALSH. "Second. Crowds are led by symbols and phrases. Third. Success in dealing with crowds, that succeed we have got to attain if we are to solve the railroad question, and rests upon the art of getting believed in. We know that Henry the Eighth by his obsequious deference in the forms of law was able to get the English people to believe in him so completely that he was able to do almost anything with them. At the present time the German Emperor has, as I see it, the most despotic government, and yet the most progressive and the most contented people in Europe, for the reason that the Emperor of Germany is absolutely believed in by his people. So he may do anything he desires, and they are glad to have him do it."

Now, you knew that was the ideal under which Mr. Lee worked as publicity agent, and you employed him and retained him as the man to give out your publicity, and was it one of the reasons that he held those ideals?

Mr. ROCKEFELLER, Jr. That had nothing to do with the appointment of Mr. Lee at all.

Chairman WALSH. But he sent it to you as containing his ideals?

Mr. ROCKEFELLER, Jr. I don't recall that he made such statements to me.

Chairman WALSH. Let me read the letter to you. I am going to read to you his letter. It is dated June 11, 1914.

Mr. ROCKEFELLER, Jr. I think that was subsequent to my employment of Mr. Lee.

Chairman WALSH. But it was after that that you selected him as a member of the board of directors of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. The more I knew of him the higher I regarded his ideals and character.

Chairman WALSH. After you saw him in action you admired him more and more?

Mr. ROCKEFELLER, Jr. Absolutely. I never saw him do or be willing to do anything that was not honest and upright. That was one thing that drew me to Mr. Lee, his idea and methods of doing these things, absolutely open and aboveboard.

Chairman WALSH. Like Henry the Eighth?

Mr. ROCKEFELLER, Jr. I was not interested in him or anybody else.

Chairman WALSH. You read this when he sent it to you:

"Fourth. The problem of influencing the people en mass is that of providing leaders who can fertilise the imagination and organize the will of crowds. Napoleon's uncanny power in France was due to his resurrection in the appeal to these same elementary crowd impulses."

Mr. ROCKEFELLER, Jr. That is an essay on psychology.

Chairman WALSH. He wanted you to know what his ideals were as a publicity man, and to do that he sent you this statement; is that correct?

Mr. ROCKEFELLER, Jr. Whatever he says in the letter is correct.

Chairman WALSH. In the next paragraph Mr. Lee says:

"My point is that in working out the railroad problem we must take account of these same principles of crowd psychology."

Does not your employment of Mr. Lee, after he called your attention to these ideals, mean that he intended and you intended to follow the methods of King Henry the Eighth or Napoleon in dealing with the American people?

Mr. ROCKEFELLER, Jr. I see no ground for any such inference.

Chairman WALSH. I will read further from his article:

"We can never be too careful in the terms we use. Some time ago a certain public-service corporation was in great financial difficulties; it could not pay its bond interest. Its skillful president induced its bondholders to agree to a reduction of the rate of interest on the bonds. Their president then announced to the public that there was to be a 'readjustment' of the finances of the company. Now, 'readjustment of finances' is so much better than saying 'Your company is bankrupt,' and no one ever suggested that his company was bankrupt. It was a matter of terms, and we must be careful of the terms we allow to be lodged in the public mind. What we say to the public, it seems to me, must be with reference to its effect and not especially with reference to its logical sequence."

Do you recall that idea?

Mr. ROCKEFELLER, Jr. I think it was very sound philosophy.

Chairman WALSH. Is it not just, in effect, a plea by Mr. Lee for mendacity to deceive the public, or for a statement of partial facts which, in effect, amounted to mendacity?

Mr. ROCKEFELLER, Jr. Absolutely not. If I had the slightest idea that that paper had any such thought in it at all, that it could be justly construed that way in his mind, I would not have touched Mr. Lee, if it can be so stated, with a 10-foot pole.

Chairman WALSH. I will read you the balance of his article: "We must tell of our work in language."

"The layman can not understand. He will not analyse figures. What he wants to know is, Are you doing the best you can? Convince him of that, and you don't need to argue details. An experience in the anthracite coal strike of 1906 will illustrate this idea; the miners asked for a standard rate of wages to apply at all collieries. It seemed monstrous to the operators. They therefore took the actual pay sheets for certain mines and applied the proposed rates to the actual rates then being paid. They found, and so stated specifically to the public, that in some cases the men's demands called for wages three times as great as were being paid. That announcement was shown to a railroad president, and he said, 'What is the use of putting out anything of that sort; the people want to know about the whole thing, not about a few petty details.' He had hardly uttered that suggestion before the evening papers were on the street with such headlines as 'Miners ask 150 per cent increase in wages.'

"Now, if you will give me the headlines, I will give you the articles and the editorials. Any man reading that heading would immediately jump to the conclusion that the miners were a set of hogs. The effect of that was instantaneous."

Now, was that one of your ideas, to publish a partial truth applying to a few details that would fit the headlines, and make the public believe that the miners were a set of hogs?

Now, I will ask you if, as soon as you got Mr. Ivy Lee in, he did not send out bulletins to the people of this country, stating that the leaders of the striking miners of Colorado, Mr. McLennan among them, got $66 a day for their work, and Mr. Lawson got $90 a day, and if that was not a falsehood, and if it was not sent out in conformity with that idea of Mr. Lee to leave the impression upon the country that the workingmen were a set of hogs and that the innocent public might be prejudiced against them?

Mr. ROCKEFELLER, Jr. The inference is entirely unjustifiable. Mr. Lee never had any thought, that I have discovered—and I have seen something of him for the past year—of printing or allowing to be printed, anything that was not true. The statement which was printed was taken from a statement, as I recall it, which had been printed in the papers of Denver for some weeks. It had not been challenged. It appeared day after day, as printed. The bulletins were made up, based to a considerable extent on the facts and reports made by various bodies and information taken from various sources which the operators thought, and which Mr. Lee thought, in supporting it, were absolutely reliable, and as giving information which was accurate. So soon as it was found that that information was not correct—as soon as I heard of it—I asked Mr. Lee at once to telegraph to Denver, that the correction of the error which had been made must be made just as broadly as the original statement was made, and Mr. Lee so telegraphed.

He also telegraphed it in his own name, as I recall. Those were the instructions which he gave, and which I gave to rectify the error just the moment he knew or I knew that an error had been made. The correction was to be made as broadly as the error had been made.

Chairman WALSH. Didn't Mr. Welborn testify before this commission in Colorado that he did not know that that was a falsehood at the time he testified?

Mr. ROCKEFELLER, Jr. I do not know that he testified so.

Chairman WALSH. Was it not brought out before this commission that this was a falsehood, and was it not emphasized afterwards before correction was sent out?

Mr. ROCKEFELLER, Jr. I do not know, Mr. Chairman.

Chairman WALSH. You said that the correction was ordered to be made immediately. Was it not months before the correction was sent out?

Mr. ROCKEFELLER, Jr. I stated, Mr. Chairman, that immediately upon Mr. Lee's hearing that this was an error he telegraphed to Denver, and I asked him to telegraph to Denver, that the correction should be made at once.

Chairman WALSH. How long was it before the correction was made?

Mr. ROCKEFELLER, Jr. I do not know. I did not have anything to do with it.

Chairman WALSH. It was sent out by Mr. Lee or his office boy or his stenographer, was it not—he sent out the falsehood?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. It turned out to be untrue, didn't it?

Mr. ROCKEFELLER, Jr. It was subsequently proved to be untrue.

Chairman WALSH. How long was it before Mr. Lee sent out something to the effect that it was not true?

Mr. ROCKEFELLER, Jr. Mr. Lee requested the man who was issuing the bulletins to issue a statement correcting the statement which was made.

Chairman WALSH. How long was it before it was issued?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Have you not heard since?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Was it not months before the correction was published?

Mr. ROCKEFELLER, Jr. It was several weeks.

Chairman WALSH. At the time Mr. Lee wrote the statement setting forth the account that the miners in the anthracite fields were a set of hogs, was he not at that time publicity agent for the anthracite operators in that strike?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Did you indorse that method of publicity?

Mr. ROCKEFELLER, Jr. I do not feel called upon to pass on the methods of publicity used by the anthracite coal operators.

Chairman WALSH. Didn't that amount to deliberately creating in the public mind a false impression as to the miners?

Mr. ROCKEFELLER, Jr. I do not see any pertinence in the question to the investigation which the commission is conducting, Mr. Chairman.

Chairman WALSH. The pertinence of it is that Mr. Lee is still sending out your publicity bulletins, and I am calling attention to his ideals and methods to find out whether you approve of them, so that the responsibility may be fixed for any unrest that may come from that action.

Mr. ROCKEFELLER, Jr. You are trying to make it appear that Mr. Lee had attempted to do what is wrong and that I have sanctioned it.

Chairman WALSH. I am asking you if you approve of his ideals and methods, and your answer may be yes or no. Do you believe that the statement I have read you of Mr. Lee's in reference to the anthracite miners did amount to a deliberate attempt to create in the public mind that impression of the men on strike?

Mr. ROCKEFELLER, Jr. I shall have to ask to have the statement reread to get the context.

Chairman WALSH. This is the same article:

"The laymen will not analyze figures"——

Mr. ROCKEFELLER, Jr. Did you reread the statement?

Chairman WALSH. I am going to reread the statement. I will begin at this point:

"An experience in the anthracite coal strikes of 1902 will illustrate this idea: The miners asked for a standard rate of wages to apply to all collieries. It seemed monstrous to the operators. They, therefore, took the actual pay sheets for certain mines and applied the proposed rates to the actual rates then being paid. They found—and so stated specifically to the public—that in some cases, the men's demand called for wages three times as great as were being paid. That announcement was shown to a railroad president, and he said: 'What is the use of putting out anything of that sort? The people want to know about the whole thing, not about a few petty details.' He had hardly uttered that suggestion before the evening papers were on the streets with such headings as 'Miners ask 150 per cent increase in wages.' Now, if you will give me the headings, I will give you the articles and the editorials. Any man reading that heading would immediately jump to the conclusion that the miners were a set of hogs. The effect of that was instantaneous."

Did this not amount to deliberately creating in the public mind a false impression as to the demands of the miners in that case?

Mr. ROCKEFELLER, Jr. It was true they asked for an increase of 300 per cent.

Chairman WALSH. You did not think that would have a tendency to create a false impression?

Mr. ROCKEFELLER, Jr. It did not state the whole fact, but it stated the truth, as far as it went.

Chairman WALSH. You believe that is right as far as it went?

Mr. ROCKEFELLER, Jr. I am not passing on that. I did not write that article.

Chairman WALSH. I will pass to another part of the article. Mr. Lee said further in the statement he sent you:

"The crowd craves leadership. If it does not get intelligent leadership, it is going to take fallacious leadership. We know that the leadership which the mob has often received not only in this country but in other countries, unless corrected, is liable to produce disastrous consequences."

Who was the mob he referred to?

Mr. ROCKEFELLER, Jr. You will have to ask him.

Chairman WALSH. Whom do you think he referred to?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Was it the American people?

Mr. ROCKEFELLER, Jr. I can not say.

Chairman WALSH. Whom do you think Mr. Lee was referring to when he says:

"We know that the leadership which the mob has often received not only in this country, but in other countries, unless corrected, is going to produce disastrous consequences."

Mr. ROCKEFELLER, Jr. I think that is true of any group of people.

Chairman WALSH. Whom do you think he referred to as the "mob"?

Mr. ROCKEFELLER, Jr. My inference is not any more accurate than yours. I suppose he was referring to the people of this country.

Chairman WALSH. The American people?

Mr. ROCKEFELLER, Jr. Wherever mobs have gathered—wherever there is a mob.

Chairman WALSH. Do you think he referred to the American people as a whole or simply to mobs in the sense that they gather to violate the law—to commit violence, or something of that sort?

Mr. ROCKEFELLER, Jr. I think Mr. Lee will have to answer that question.

Chairman WALSH. He was setting forth his ideals to you as one of his employers. Can't you tell us?

Mr. ROCKEFELLER, Jr. No; I can not tell you.

Chairman WALSH. Do you say you do not know what he meant by that term—that he did not mean the American people, but such a mob as you intimate, a mob of rioters?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. You do not know?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Do you believe that mobs that come together suddenly, for the purpose of committing violence, read newspapers?

Mr. ROCKEFELLER, Jr. I suppose so.

Chairman WALSH. I mean while the mob is being formed and while the riot is taking place?

Mr. ROCKEFELLER, Jr. No, sir; but they read that which puts them into the spirit of doing that.

Chairman WALSH. Do you understand he referred to the American people when he referred to "the mob"?

Mr. ROCKEFELLER, Jr. I do not recall what I understood at the time. I assume from what you read he meant what he said—wherever there was a mob gathered in any locality.

Chairman WALSH. He did not mean the American people as a whole?

Mr. ROCKEFELLER, Jr. I see no reason for such assumption.

Chairman WALSH. He thought only of mobs gathered in localities to commit violence—they ought to have intelligent leadership and not fallacious leadership?

Mr. ROCKEFELLER, Jr. I think it would prevent much violence if there were intelligent leadership.

Chairman WALSH. In the beginning of his article Mr. Lee sets forth three "Popular ideas of railroads," which he says has a deeply sinister meaning. He says:

"But somehow or other the public has come to have the idea that three essential evils are embedded in the railroad business:

"First. The first is that there is a vast amount of watered stock on which dividends are being paid. Now, there is no essential immorality in the existence of watered stock. It is, after all, a mere business question."

Do you agree with that?

Mr. ROCKEFELLER, Jr. Will you read it again, please?

Chairman WALSH. "The first is that there is a vast amount of watered stock in which dividends are being paid. Now, there is no essential immorality in the existence of watered stock. It is, after all, a mere business question."

Do you agree with that?

Mr. ROCKEFELLER, Jr. I think it is always undesirable to have watered stock.

Chairman WALSH. Do you accept Mr. Lee's statement that there is no immorality in the existence of watered stock in a corporation that demands the right to earn interest on all its outstanding stocks and bonds?

Mr. ROCKEFELLER, Jr. I think it is a very undesirable thing, Mr. Chairman, to have watered stock. I would not have it in any company with which I was connected.

Chairman WALSH. He says further:

"In the second place, there is a widespread feeling that the railroads are ruled from Wall Street; that a small coterie of bankers, in alliance with the so-called 'Money Trust,' are absorbing huge profits from the people."

Mr. ROCKEFELLER, Jr. So far as I know it is absolutely untrue.

Chairman WALSH. Do you mean to deny that the principal railroads of the country are controlled by a small coterie of bankers in New York, and that these groups are absorbing huge profits from the people?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Now, on July 17, following his employment, and after you had ascertained his ideals and his methods, as far as they are set forth in that paper, you sent him a communication from Seal Harbor, Me., which was your summer home, I presume.

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH (reading):

"DEAR MR. LEE: I inclose herewith an article by Prof. John J. Stevenson, of the New York University, on 'Capital and labor,' from the Popular Science Monthly of May. This seems to me one of the soundest, clearest, most forcible, pronouncements on this subject I have ever read. I am wondering whether there may not be a stage in our publicity campaign, either connected with the Colorado situation or the union education campaign, in which portions of this article might be effectively used."

Now, this was an article that you discovered yourself or read, while you were at Seal Harbor, Me., Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And it was written by Prof. John J. Stevenson, of the New York University, on the subject of "Capital and labor"?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And you considered it one of the soundest, clearest, most forcible pronouncements on this subject that you had ever read, and you sent it to your publicity man with the suggestion that he use it either in connection with the Colorado situation or the union educational campaign?

Mr. ROCKEFELLER, Jr. Yes, sir. You have read it from my letter.

Chairman WALSH. You still hold that view about it?

Mr. ROCKEFELLER, Jr. I have not read the article since that time.

Chairman WALSH. I will read statements from this article, which you say is the soundest, clearest, and most forcible pronouncement on the subject.

Mr. ROCKEFELLER, Jr. I suppose statements taken here and there will hardly give the whole idea.

Chairman WALSH. No; but I am going to read certain statements from it, and ask if they correctly represent your point of view.

Mr. ROCKEFELLER, Jr. My statement was made on the whole article.

Chairman WALSH. I am going to take some statements out of it and question you on them particularly, and ask you to answer yes or no, following that with any explanation you may desire to make as to whether or not you still believe it is the soundest, clearest, and most forcible pronouncement you have ever seen on that subject.

Mr. ROCKEFELLER, Jr. I want to call attention to the fact that I made the statement on the article as a whole. On the whole I think it is just as I stated.

Chairman WALSH. I will call your attention to the statement in the second paragraph:

"It must be evident to any thoughtful man that wife and children can not be considered in connection with the relations of wage earner and wage payer. The only question concerns the worth of the man's service."

Do you agree with that?

Mr. ROCKEFELLER, Jr. No; I do not think I do.

Chairman WALSH. But you were going to have this publicity man send that out as a whole?

Mr. ROCKEFELLER, Jr. You read the suggestion that I made.

Chairman WALSH. But it was up to him to send out any part of it.

Mr. ROCKEFELLER, Jr. I suggested that the article could be used; yes, sir.

Chairman WALSH. In the third paragraph Prof. Stevenson says:

"One is told that in each year 200,000 women in our land are compelled to sell their bodies to procure the necessaries of life, and that each year sees 700,000 children perish because their parents have insufficient nourishment. But the voices, which rise in bitter outcry against this awful condition, do not rise in protest against encouragement of unrestricted reproduction among the wretched or against the wide open door which increases the population annually by a net half million of, in great part, poverty-stricken immigrants—and this in face of the fact that our country is no longer able to provide work for those already here. If it be true that the alleged number of children die because they or their parents have insufficient nourishment, one must concede that their deaths are a blessing to themselves and to the community. Such children should not have been born."

Was that in the third paragraph in the pronouncement which you say is the the best, clearest, and most forcible you have ever read on the subject of "Capital and labor?"

Mr. ROCKEFELLER, Jr. I can not recall, Mr. Chairman, whether it was in the third paragraph or not.

Chairman WALSH. Do you agree with that statement?

Mr. ROCKEFELLER, Jr. That it is better for those children which can not be fed——

Chairman WALSH. I will read it to you again:

"One is told that, in each year 200,000 women in our land are compelled to sell their bodies to procure the necessaries of life, and that each year sees 700,000 children perish because their parents have insufficient nourishment. But the voices which rise in bitter outcry against this awful condition do not rise in protest against encouragement of unrestricted reproduction among the wretched or against the wide-open door which increases the population annually by a net half million of, in great part, poverty-stricken immigrants—and this in the face of the fact that our country is no longer able to provide work for those already here. If it be true that the alleged number of children die because they or their parents have insufficient nourishment, one must concede that their deaths are a blessing to themselves and the community. Such children should not have been born."

Now, considering the whole article as one of the soundest pronouncements you have ever seen on this subject, and considering the statement that the deaths each year from lack of nourishment of 700,000 little children is a blessing to themselves and to the community and that such children should not have been born, I ask you the direct question: Do you believe that the poor should be prohibited from marrying?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. If not, do you believe in the limitation of childbirth after marriage?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. What effect do you believe the sending out of a statement like that would have upon the millions of poor people in this country if Mr. Lee had sent it out?

Mr. ROCKEFELLER, Jr. I do not believe it would be read by them.

Chairman WALSH. You do not believe it would be read by them?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. When you were asking Mr. Lee to send out any part of that article that he might see fit to use, do you believe that if Mr. Lee had sent it out the people would not have read it?

Mr. ROCKEFELLER, Jr. I say the poor people.

Chairman WALSH. Oh!

Mr. ROCKEFELLER, Jr. I do not believe the poor people would read it.

Chairman WALSH. But there are many poor people who are very intelligent who might read it.

Mr. ROCKEFELLER, Jr. Yes, sir; that it true.

Chairman WALSH. Was it just intended to be read by people in comfortable circumstances—rich people?

Mr. ROCKEFELLER, Jr. By anyone interested in the subject.

Chairman WALSH. What effect did you believe it would have on the thousands and thousands of poor people who might read that article sent out by Mr. Lee?

Mr. ROCKEFELLER, Jr. My statement that it might be useful if broadly published was not based on one or two passages. I did not write the article. I might have changed it if I had.

Chairman WALSH. You wanted it sent out?

Mr. ROCKEFELLER, Jr. I thought the article as a whole would be a good thing.

Chairman WALSH. It did contain what I have just read you?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. At this point the commission will adjourn until 2 o'clock this afternoon.

(In accordance with which the commission, at 12.30 o'clock, adjourned until 2 o'clock, Friday, May 21, 1915.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Rockefeller, if you will please resume the stand now.

In regard to the alleged correction of a misstatement made in the bulletin, or error that you say was made in the bulletin with respect to the compensation of the officers of the United Mine Workers of America——

Mr. ROCKEFELLER, Jr. Pardon the interruption, but at the close of the morning session you had read a passage from a certain article, "Labor and capital," by Prof. John J. Stevenson, and asked my opinion in regard to it.

Chairman WALSH. Have you had an opinion written out since?

Mr. ROCKEFELLER, Jr. No, sir. This was the passage: "The wage in shops and factories is said to be so small that women are driven to prostitution; one is told that, in each year, 200,000 women in our land are compelled to sell their bodies to procure the necessaries of life, and that each year some 700,000 children perish because their parents have insufficient nourishment. But the voices, which rise in bitter outcry against this awful condition, do not rise in protest against encouragement of unrestricted production among the wretched, or against the wide-open door which increases the population annually by a net half million of, in a great part, poverty-stricken immigrants—and this in the face of the fact that our country is no longer able to provide work for those already here. If it be true that the alleged number of children die because they or their parents have insufficient nourishment, one must conclude that their deaths are a blessing to themselves and to the community. Such children should not have been born."

You stopped at that point, Mr. Chairman, and the next clause reads:

"But the assertions are a priori, they can not be proved, and are closely related to the other assertion that poverty is the cause, not merely a cause of crime."

I submit that that additional sentence changes and gives an entirely different construction to the whole passage read, and when I am being questioned on passages, it is only fair that I be given the whole article, or the whole letter be read, so that there will not be such palpable misrepresentation of facts as have appeared. In the statement that you read in regard to Mr. Ivy Lee, the memorandum from which you quoted, was, I take it, the speech delivered by Mr. Lee before the American Railway Guild, and this sentence appears in that speech, which you did not read, if it doesn't appear in your copy I would be glad to produce one for you, or give you a copy.

Chairman WALSH. There was a great deal I didn't read.

Mr. ROCKEFELLER, Jr. I think you will agree, and the commission as well, that this sentence was a most important one in view of the questions that you read.

Chairman WALSH. Maybe I will and maybe I will not.

Mr. ROCKEFELLER, Jr. "Do not misunderstand me," Mr. Lee goes on to say, "Nothing is further from my thoughts than to suggest any attempt to prove things are good which are really bad. No one should condone the bad and it should be, as I believe it, the constant aim of nearly every railroad man to make things better. What I do mean is that we should not neglect the human nature of the situation but should take full advantage of it; that we should tell our story, tell it frankly, tell it fully, and tell it with a view of its being understood and carrying conviction as to the essential truth."

Chairman WALSH. Now, I will just continue my examination along that line. Now, this article that you say you construed one of the soundest presentations you have ever seen on the subject of capital and labor, also on page 2, paragraph 3—on page 3, paragraph 3, Prof. Stevenson further says:

"Unskilled labor is merely animated manchinery for rough work and adds very little value to the final product. One E. H. Harriman is of more lasting service to a nation than would be 1,000,000 of unskilled laborers, without a Harriman they would be a menace."

Is that contained in that article?

Mr. ROCKEFELLER, Jr. It appears in this copy.

Chairman WALSH. And do you agree with Prof. Stevenson that unskilled labor, human beings, are merely animated machinery?

Mr. ROCKEFELLER, Jr. I do not see why, Mr. Chairman, I should be asked to express opinions on this article by another author. It is not an article that I have written. I don't see any connection.

Chairman WALSH. Didn't you send it to your publicity agent?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. And said it was the soundest and best pronouncement on the subject of capital and labor you had ever seen.

Mr. ROCKEFELLER, Jr. I did, and if you would desire to question me on this article, I think that it is only fair that the entire article may be read so the facts may be known.

Chairman WALSH. Well, this part of the examination I happen to be conducting myself, Mr. Rockefeller, and any strictures that you have to pass on the way I conduct my affairs may seem to you to be in good taste, and perhaps they are, but they will have no effect whatever on me. I am going to conduct this thing in my own way. I will ask you to answer the questions, with any explanations you have to make; you, yourself, with the assistance of your staff, after I get through, may put in anything you desire to put in. But so far as directing me how I shall conduct this examination, or as to the questions I shall ask you, I must decline to follow your advice, and will conclude as quickly as we can. Now, if you try to follow out that spirit——

Mr. ROCKEFELLER, Jr. (interrupting). My only purpose was that the investigation might in every way be a fair one, Mr. Chairman, but, of course, you will conduct it in any way you see fit.

Chairman WALSH. Yes; and I am to be the judge of the fairness of my way of conducting it; and your strictures will have no effect on it. I am not commenting on the way you conduct your business at this time.

In paragraph 4, page 8, Prof. Stevenson says:

"The asserted power of capital is little better than a nightmare. There can be no federation comparable with the existing federation of labor. The acquirement of capital—that is, the saving of a part of one's income or wages—demands much personal independence and self-control and individuality which makes impossible such slavelike obedience as prevails in labor unions."

That was your opinion, was it, and you wanted that sent out by your publicity agent to the world?

Mr. ROCKEFELLER, Jr. I prefer not to make an expression on that.

Chairman WALSH. Very good. Do you agree with this in the following paragraph of a letter from Mr. Bowers, then vice president and treasurer of the Colorado Fuel & Iron Co. dated November 18, 1913, to yourself, in which Mr. Bowers says:

"You will be interested to know that we have been able to secure the cooperation of all the bankers of the city, who have had three or four interviews with our little cowboy governor, agreeing to back the State and lend it all the funds necessary to maintain the militia and afford ample protection so our miners could return to work, or to give protection to men who are anxious to come up here from Texas, New Mexico, and Kansas, together with some from States farther east."

Mr. ROCKEFELLER, Jr. What is "this"?

Chairman WALSH. I say, do you agree with the paragraph here—paragraph 4 of page 8 of Prof. Stevenson's article, where he says:

"The asserted power of capital is little better than a nightmare. There can be no federation comparable with the existing federation of labor." But that letter I read you was a letter from Mr. Bowers, saying he had organized the bankers and financial interests of capital and would put into line what he calls the "little cowboy governor."

Mr. ROCKEFELLER, Jr. I prefer not to express any opinions on this paper of Prof. Stevenson.

Chairman WALSH. You prefer not to express any opinions on it?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. You still stick to your opinion that it was the soundest and best pronouncement on the subject of capital and labor you had ever seen, and sent out, but decline to express any public opinion upon any parts of it? Is that the way of it?

Mr. ROCKEFELLER, Jr. My statement, Mr. Chairman, was made on the paper as a whole, and I stand by that statement.

Chairman WALSH. You stand by the statement you made on the paper as a whole, being one of the soundest and best pronouncements on capital and labor you had ever heard?

Mr. ROCKEFELLER, Jr. As a whole.

Chairman WALSH. In another paragraph of the letter Prof. Stevenson says:

"Workmen's compensation laws are enacted freely, and are wholly against the capitalist."

Do you want the people of the United States to believe that?

Mr. ROCKEFELLER, Jr. I have no opinion to express.

Chairman WALSH. Do you agree, or do you say that workmen's compensation laws in the United States are wholly against the capitalists?

Mr. ROCKEFELLER, Jr. No. On that concrete question, I say no.

Chairman WALSH. And still you were willing for your publicity agent to send out to the world what you said to be a sound and splendid pronouncement, containing the statement that compensation laws are enacted freely and are wholly against the capitalist, and you did not believe it at the time?

Mr. ROCKEFELLER, Jr. I am not defending the paper. I thought there was much that was excellent in it, and I still think so.

Chairman WALSH. On page 4, in paragraph 3, Prof. Stevenson says:

"The owners of concerns assume all risks, while others control the workers and the methods."

Do you indorse that paragraph?

Mr. ROCKEFELLER, Jr. Will you kindly repeat it, Mr. Chairman?

Chairman WALSH (reading). "The owners of concerns assume all the risks, while others control the workers and methods."

Mr. ROCKEFELLER, Jr. I should have to get the entire context to know what that meant, what the "others" are.

Chairman WALSH. That means the worker, the others in the industry besides the owners who assume all risk.

Mr. ROCKEFELLER, Jr. I prefer not to express an opinion.

Chairman WALSH. Well, what would you say as to the relative importance of the risk by the taking of which a man might lose part of his income as compared with the risk which a man would assume by taking the risk of loss of life or of limb and the subjecting of his wife and children to poverty or pauperization?

Mr. ROCKEFELLER, Jr. You mean, which is the greater risk to the individual?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. Of course the man that loses all is risking more than the man who loses part.

Chairman WALSH. That is, the man who loses his life or limb would assume a greater risk than the man who assumes the risk of losing a part of his income?

Mr. ROCKEFELLER, Jr. I should regard life as about the most important outside of honor.

Chairman WALSH. Yet you wanted your publicity agent to send out that article, didn't you, containing that statement?

"The owners assume all the risks, while others control the workers and the methods."

You wanted that sent out?

Mr. ROCKEFELLER, Jr. My statement with reference to the article as a whole stands, Mr. Chairman.

Chairman WALSH. On page 5, Prof. Stevenson says:

"Under existing conditions agreements can be enforced against wage payers, but not against the unions."

What did you mean by that? Or what did you consider Mr. Stevenson meant by that?

Mr. ROCKEFELLER, Jr. I am not prepared to undertake to interpret Mr. Stevenson's statements.

Chairman WALSH. In the second paragraph, on page 5, Prof. Stevenson says:

"It would appear that the only solution of the problem may be in placing the control wholly in the hands of wage payers as in the nonunionized industries."

Do you believe in that?

Mr. ROCKEFELLER, Jr. I have not formulated any views on that subject.

Chairman WALSH. Do you believe that the only solution of the problem between capital and labor may be in placing control wholly in the hands of those who pay the wages, as in nonunionized industries?

Mr. ROCKEFELLER, Jr. What do you mean by the "control"? Do you mean control or management of the business?

Chairman WALSH. I will read you Mr. Stevenson's words again, Mr. Rockefeller:

"It would appear that the only solution of the problem may be in placing the control wholly in the hands of wage payers, as in the nonunionized industries."

Mr. ROCKEFELLER, Jr. What thought he had in mind, of course, I don't know. But I have expressed myself on various occasions before this commission as believing that an industry—a business—was made up of its workers, its officers, and directors, and stockholders, and that all had a common interest, and that the common interest of all should be considered; and so far as that statement may be at variance with what Prof. Stevenson has said, I stand by the statement as against his statement.

Chairman WALSH. Then you differ with him?

Mr. ROCKEFELLER, Jr. In so far as there is a difference in the statement I have made.

Chairman WALSH. And you did not believe that was sound economic doctrine at the time you told this man, or suggested to this man, that he send this out to the people of the United States.

Mr. ROCKEFELLER, Jr. I did not make any statements as to what I believed as to any portion of that. I simply said the paper as a whole, I thought, was valuable.

Chairman WALSH. Well, that is a very important matter in industry to-day. It involves the question of compelling men to bargain individually, as they call it, or not to have the protection of collective bargaining, and the right of men to bargain collectively, don't it?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And you stated on the stand in New York, and you state here now that you are a believer in collective bargaining?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And still you wanted your publicity agent to send out thousands of an article which you declare to be sound and practicable, in which it says it would appear that the only solution of the problem—that is, the problem of labor and capital—may be in placing the control wholly in the hands of the wage payers, as in nonunionized industries?

Mr. ROCKEFELLER, Jr. He says it may be; he don't say it is. That was an expression of his views; and whether I agreed with him or not don't follow.

Chairman WALSH. And yet you say, disagreeing with that now, that you wanted it sent out broadcast?

Mr. ROCKEFELLER, Jr. I thought the statement contained many points that were admirable. My suggestion was made, was it not, 18 months ago—or possibly last summer? It is a year since I recommended the sending out of this. Perhaps my views have changed in the meantime.

Chairman WALSH. Well, have your views changed in the meantime as to the right of the men to collective bargaining?

Mr. ROCKEFELLER, Jr. I stated my opinion on that.

Chairman WALSH. You said that you believed in collective bargaining. Now, you are the one that would know; have your views changed since you asked Mr. Lee to send that out?

Mr. ROCKEFELLER, Jr. I do not say whether they have or have not changed on that. I said they may or may not have changed. My views on various subjects may have changed.

Chairman WALSH. Well, have your views on that subject changed between the time you suggested that that article be sent out broadcast and now?

Mr. ROCKEFELLER, Jr. I stated—I said, Mr. Chairman, I had not formulated my views on that subject.

Chairman WALSH. If you have no views on that subject now, and have not had, how have you changed your views? You say now you believe in collective

bargaining. Are you prepared to establish collective bargaining, so far as your influence as a director goes, in the coal mining industry of Colorado, and in the iron industry of Wyoming?

Mr. ROCKEFELLER, Jr. I think that the statements which have been made in reference to the plan which has been started in connection with the Colorado Fuel & Iron Co. of cooperation between the men and the officers of meetings between the two, of constant conferences, as regards various matters of common interest, is the nucleus. It has in it the elements of collective bargaining.

Chairman WALSH. Is that your interpretation of collective bargaining; what is being done in Colorado now?

Mr. ROCKEFELLER, Jr. I think it has in it the nucleus of collective bargaining, and, as I stated before the commission in January, my understanding is that this plan is being developed from time to time as the representatives of the men and the officers of the company in conferences—they see that it is in their common interest to develop it.

Chairman WALSH. Did you read the statement made by Dr. Gaddis, your former sociological expert, with reference to the first meeting of those so-called delegates in Denver?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. That they were taken out in automobiles by the company, and that the delegate from one mine was a negro who owed the company $100 which he was paying upon installments. Would you call that a system of collective bargaining, or the nucleus of a system of collective bargaining—delegates of that kind?

Mr. ROCKEFELLER, Jr. I don't think the character of the delegates would have anything to do with whether that was the nucleus of collective bargaining or not. So far as the character of the delegates is concerned, as I have stated before to the commission, they were elected by the men at each camp in a meeting at which no officers of the company, or superintendents, or pit bosses were present, by secret ballot. If they were the men that the various camps selected to represent them I should think that they were the proper men to represent that group.

Chairman WALSH. But if you did not agree or your company did not agree with what they did, they could simply discharge them and they would have no final assistance from any source that would aid them in compelling your company to treat them fairly.

Mr. ROCKEFELLER, Jr. The plan is in its infancy, as I understand, and I have outlined to the commission the extent to which it has been developed as I have been informed.

Chairman WALSH. Prof. Stevenson says in this same paragraph:

"One might imagine that medieval conditions exist everywhere whereas they exist only among the peons of the trade-union."

Do you agree with Prof. Stevenson that members of trade-unions are peons?

Mr. ROCKEFELLER, Jr. I have no opinion to express.

Chairman WALSH. Considering the conflict you just had with your workers in the State of Colorado, do you think it made for industrial peace and good feeling in the United States to have your publicity agent send out a statement containing the assertion that the members of trade-unions were peons, which, in the general acceptance of the term is but little higher than a slave—if not a slave?

Mr. ROCKEFELLER, Jr. No such statement was sent out.

Chairman WALSH. You suggested that it be sent out.

Mr. ROCKEFELLER, Jr. I suggested that it might be sent out, but it was not sent out.

Chairman WALSH. If it was sent out, do you think that would have a tendency, considering the fact that you had just come out of this conflict with your employees in Colorado, to make for industrial peace in the United States?

Mr. ROCKEFELLER, Jr. I would not have suggested that the paper would be valuable to be sent out, unless I thought, on the whole, it contained statements and passages that would be generally helpful.

Chairman WALSH. In the same paragraph Prof. Stevenson says that the members of unions are said to number about 2,000,000 and that they thrive at the expense of the vast majority. Is that your belief?

Mr. ROCKEFELLER, Jr. I am not here to express an opinion.

Chairman WALSH. If that is true should not the vast majority be encouraged to join the unions and share in their advantages, considering there are advantages to their economical welfare?

Mr. ROCKEFELLER, Jr. My opinion is they should be allowed to do as they feel about it.

Chairman WALSH. In the next paragraph, on page 8, Prof. Stevenson says:

"Labor unions defy the law and are ever ready to demand its protection; their principles are no better than those of the India Thugs, who practiced robbery and murder in the name of Goddess Call."

Is that your opinion of labor unions?

Mr. ROCKEFELLER, Jr. That is Prof. Stevenson's opinion.

Chairman WALSH. And coming right out of this conflict, in which there was bloodshed and killing of human beings, women and children, you wanted your publicity agent to send out through this country the statement of another man who said that the labor unions defied the law; that their principles are no better than those of the India Thugs who practice robbery and murder.

Mr. ROCKEFELLER, Jr. I did not suggest that that paragraph be sent out, but the article as a whole be sent out.

Chairman WALSH. If the article as a whole was sent out do you not think it would produce in the minds of the 2,000,000 members of organized labor, and those who perhaps sympathize with them, feelings of bitterness and the thought that the educational institutions of this country were against them and were making them outcasts and classing them with robbers and murderers?

Mr. ROCKEFELLER, Jr. I certainly would not have suggested the article would be useful in that way, if I had that opinion, Mr. Chairman.

Chairman WALSH. But you wanted the article sent out as a whole containing that statement.

Mr. ROCKEFELLER, Jr. If it was used at all, I suggested that it be used as a whole, as you will notice in my letter.

Chairman WALSH. As a matter of fact, you did not believe that the members of these labor unions were no better than India Thugs, did you, at the time?

Mr. ROCKEFELLER, Jr. What labor unions are you referring to?

Chairman WALSH. The ones Prof. Stevenson referred to and the ones you referred to in the article sent to Ivy Lee with the suggestion that the whole of it, as you now say, was to be used?

Mr. ROCKEFELLER, Jr. I do not know what labor unions he referred to; is it labor unions generally?

Chairman WALSH. I will read it. Were you mad at the labor unions at the time you wrote and asked to have it sent out? Did you have a feeling of anger?

Mr. ROCKEFELLER, Jr. I have expressed myself on various occasions as believing just as firmly in the organization of labor as in the organization of capital; I believe it is just as appropriate and desirable.

Chairman WALSH. I will read this paragraph: "Labor unions and their defenders justify the use of violence because without it they could not succeed." I take it that refers to labor unions?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. "The assumptions are that labor and society are at war, that the interests are irreconcilable, and that demands by labor leaders are always just. McNamara at Los Angeles saw no moral turpitude in arson and murder, because he fought for a principle. The unions evidently agreed with him for they expended a vast sum in his defense. Thirty-eight men were convicted in Indianapolis of complicity in his and similar crimes, but the union approved their work and reelected the convicts to their offices.

"The daily papers report almost daily cases of murder and arson in localities where strikes have been ordered.

"Labor unions defy the law but are ever ready to demand its protection; their principles are no better than those of the India Thugs, who practiced robbery and murder in the name of the Goddess Call."

That refers to all labor unions, does it not?

Mr. ROCKEFELLER, Jr. I should take it that it did.

Chairman WALSH. And at that time, you did not believe, as a matter of fact, in your heart, that the members of labor unions were robbers and murderers and no better than India Thugs?

Mr. ROCKEFELLER, Jr. No; not labor unions throughout.

Chairman WALSH. But you wanted that sent out, did you not, in June, 1913 or 1914?

Mr. ROCKEFELLER, Jr. I didn't want it just sent out; I suggested it might be a desirable thing to send out.

Chairman WALSH. Now, you suggested that to the man who was drawing his pay from the investments which you represented, did you?

Mr. ROCKEFELLER, Jr. The question at that time as to who was to pay Mr. Lee had never been determined.

Chairman WALSH. You wanted Mr. Lee to send that out, did you?

Mr. ROCKEFELLER, Jr. No. I suggested to Mr. Lee that it might be desirable to publish.

Chairman WALSH. Because it was such a fine article?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And so splendidly stated the question?

Mr. ROCKEFELLER, Jr. The general subject.

Chairman WALSH. Of capital and labor?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, as a matter of fact, I will ask you the direct question, Did not you have that sent out so that it would appear to be an article by a disinterested educator, and it might instill in the minds of the people to whom the labor unions would appeal for support the thought that they were robbers, thugs, and murderers?

Mr. ROCKEFELLER, Jr. I had no such intention at all.

Chairman WALSH. You have heard much, have you not, and read much about the power of public opinion in these industrial disputes?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. It is a powerful thing, is it not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And has been expressed by many persons upon the stand, particularly by large employers of labor, that all these questions must be settled by public opinion finally, has it not?

Mr. ROCKEFELLER, Jr. Public opinion is the final court in this country.

Chairman WALSH. Now, if the members of the labor unions were not thugs and murderers, and you knew it, and Ivy Lee sent that out, was it not a palpable suggestion to him to do something that would poison the wells of public information, so that a false and incorrect opinion might be built up to the financial benefit of the Colorado Fuel & Iron Co. and your other investments?

Mr. ROCKEFELLER, Jr. Again I resent the imputation of the questions and utterly repudiate the motive. I had no such motive at all.

Chairman WALSH. Now, the second paragraph, on page 7, Prof. Stevenson says, speaking of the Standard Oil Co., the United States Steel Co., the Harvester Co., and the American Sugar Refining Co.:

"Attacks on these organizations by Government officials win great applause, in spite of the fact that so-called 'trust-made' products are almost the only ones which have decreased in price, although the great companies pay high wages and their workmen have steady work, because trade-unions can not gain a foothold to impoverish the wage earner by strikes and compulsory idleness."

Now, you read that in the article?

Mr. ROCKEFELLER, Jr. I read the article as a whole.

Chairman WALSH. Now, did you believe, in your heart, at that time that the effect of trade-unions upon the wage earner was to impoverish them, or was it, and did you not know that it was, to add to their economic independence?

Mr. ROCKEFELLER, Jr. I think that sometimes trade-unions do impoverish and sometimes they help. I hope that much more frequently they help.

Chairman WALSH. In what instance did they impoverish?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Name the union?

Mr. ROCKEFELLER, Jr. I am not prepared to.

Chairman WALSH. Name the time?

Mr. ROCKEFELLER, Jr. I am not prepared to.

Chairman WALSH. Upon what do you base your statement?

Mr. ROCKEFELLER, Jr. From what I have heard and generally understood upon the subject.

Chairman WALSH. Now, you say that trade-unions can not obtain a foothold in these corporations: The Standard Oil Co., the United States Steel Co., the Harvester Co., and the American Sugar Refining Co.?

Mr. ROCKEFELLER, Jr. Did I make that statement?

Chairman WALSH. This pamphlet made this statement in the article that you sent Mr. Lee to send out, and I am asking you for the truth of it, if you know?

Mr. ROCKEFELLER, Jr. You just said that I said it, and I did not.

Chairman WALSH. I say it is contained in the article that you sent to Mr. Ivy Lee and had sent out to the public.

Mr. ROCKEFELLER, Jr. That is not your first statement.

Chairman WALSH. I changed my statement, and now in view of it, as you now understand it, did you at that time know that trade-unions could not gain a foothold in these corporations?

Mr. ROCKEFELLER, Jr. I don't know now that they could not.

Chairman WALSH. You would not pay for the circulation of a falsehood, would you?

Mr. ROCKEFELLER, Jr. Of course I would not.

Chairman WALSH. And would you not want to know whether or not a thing was the truth before you sent it out?

Mr. ROCKEFELLER, Jr. I would have to repeat what I said before, I thought the article as a whole would be one that would be helpful. I did not analyze it or say that this ought to be omitted or that, but it was my general impression of the article that it was helpful. I have not read it since, but I thought it would be generally helpful to all interested and concerned, and it was my suggestion that it might be desirable to publish that article.

Chairman WALSH. It was on account of the alleged facts contained in the article that made you think that?

Mr. ROCKEFELLER, Jr. It was on account of the article itself.

Chairman WALSH. Now, what do you say now; is it true that trade-unions can not gain a foothold in those organizations?

Mr. ROCKEFELLER, Jr. I am not in a position to know.

Chairman WALSH. Are you in a position to say now that wages are higher and conditions are better in those corporations I have mentioned than in unionized industries?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Still you wanted that sent out containing those alleged facts to the people of the United States?

Mr. ROCKEFELLER, Jr. I don't know that it was not true, and I have not made any statement with reference to the details of the article, but simply the article as a whole.

Chairman WALSH. Do you believe it proper, in attempting to establish a public opinion in this country, to send out statements of that kind that you do not know to be true or false?

Mr. ROCKEFELLER, Jr. I would not have suggested the desirability of sending out that statement if I had not thought it was proper.

Chairman WALSH. But you did not know anything about the facts as to the wages paid in other industries compared with those?

Mr. ROCKEFELLER, Jr. I have no reason to disbelieve them.

Chairman WALSH. You have no knowledge of them at all?

Mr. ROCKEFELLER, Jr. I have a general knowledge of the subject.

Chairman WALSH. What is your knowledge as to the comparative rates of wages in these industries I have mentioned and unionized industries?

Mr. ROCKEFELLER, Jr. I meant the whole subject that the article treats of.

Chairman WALSH. I am speaking about that particular subject, the wages of the workmen.

Mr. ROCKEFELLER, Jr. I have no knowledge.

Chairman WALSH. You had no knowledge when that article was sent out, or suggested to be sent out?

Mr. ROCKEFELLER, Jr. I had no knowledge.

Chairman WALSH. Now, with reference to the statements that you now say are incorrect, that are contained in the bulletin, "Facts in regard to Colorado," sent out by Mr. Ivy Lee, or his stenographer or office boy, from Philadelphia, I will ask you if what I read you now is not the correspondence upon that subject?

Mr. ROCKEFELLER, Jr. Mr. Chairman, may I state, first you say that what I "now" say is incorrect, making it appear that that was just developed here this morning. I stated that when I learned that statement was not correct that I directed a telegram to be sent to Mr. Welborn to correct that statement.

Chair WALSH. I will state that what you still say is incorrect.

Mr. ROCKEFELLER, Jr. Certainly.

Chairman WALSH. I will ask you if that is all of the correspondence upon that subject. This is a telegram of September 30, 1914, to Ivy S. Lee, Broad Street, Philadelphia:

"It has been suggested, and I think very wisely, that on account of incorrectness of facts with respect to payments to officers of organization reported in Bulletin No. 4, that with the release of series 1, we inclose slip reading 'On page 67 it is stated that certain figures were taken from a report of secretary-treasurer U. M. W. of A.; this is a mistake.' It is believed that officers are in doubt as to what information we have concerning their financial interest in the strike, and with this slip inserted they will not make any further answer. Number 14 has brought out some questions that can not be easily answered.

"J. F. WELBORN."

And Mr. Ivy Lee has sent the following:

"Pamphlet already printed and forwarded. Suggest you have slip printed in Denver and inclosed when mailing."

Was that all of the correspondence on that subject?

Mr. ROCKEFELLER, Jr. I had nothing to do with the first telegram, but whether the second is the telegram that Mr. Lee sent at my suggestion, or sent himself when we discovered this error, I do not know, but I presume it is.

Chairman WALSH. Now, can you produce any other letter or any other telegram referring to the question of correcting the statement as to the money that the officers received in Colorado that were conducting this strike?

Mr. ROCKEFELLER, Jr. I do not recall how I made this known to Mr. Lee; my wish was the correction should be made as full and complete as the error had been made, whether by word of mouth, whether by telephone, letter, or telegram, but I do know that is what I did.

Chairman WALSH. You said, I believe, in your examination this morning that you asked Mr. Lee to make the correction at once fully?

Mr. ROCKEFELLER, Jr. I asked Mr. Lee to have the correction made.

Chairman WALSH. Fully?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And fairly?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, I will read you again the quoted part of Mr. Welborn's telegram: "On page 67 it is stated that certain figures were taken from the report of secretary-treasurer of U. M. W. of A. This is a mistake."

Was that not allowing it to stand as if it was still the truth, although not taken from the report of the United Mine Workers of America?

Mr. ROCKEFELLER, Jr. I am not undertaking to interpret Mr. Welborn's correspondence. I am stating what my own act was the moment that I heard there was an error in that statement.

Chairman WALSH. If that is all the correspondence there is, then you would say that your request to have it fully corrected was not complied with?

Mr. ROCKEFELLER, Jr. I don't know, I——

Chairman WALSH. You don't know of any other correspondence except this?

Mr. ROCKEFELLER, Jr. But you have not produced any correspondence, nor can you prove, can you, that I have not telephoned or spoken to Mr. Lee about that? I didn't say how my message went to him, but I make the statement, and repeat it, and mean it, I say as soon as I heard there was an error I sent word to Mr. Lee, whether by telephone, telegraph, letter, or word of mouth, I do not recall, but I told him the statement should be corrected at once and fully and completely as the original statement was made. That is all I had to do with the matter.

Chairman WALSH. Now, if you found out that Mr. Lee did nothing except answer that telegram from Mr. Welborn, and that there was no correction made until after the strike was all over, until after the November election, you would say that your orders were not carried out by Mr. Lee, would you?

Mr. ROCKEFELLER, Jr. Mr. Lee I do not think had anything to do with making the correction itself; Mr. Welborn was issuing the correction.

Chairman WALSH. Mr. Welborn; then, if it be true that nothing more was done in respect to correcting that misstatement until after the strike was over, until after the November election, you would say that your instructions by letter or telegram or word of mouth or telephone were not carried out, would you not?

Mr. ROCKEFELLER, Jr. They certainly were not carried out at once, if that is a fact. I don't know when the correction was made.

Chairman WALSH. Now, I am going to call your attention specifically and direct your mind to the alleged control of yourself and your associates of the legal machinery and the governor in Colorado. Now, the opinion that Gov. Ammons refused to send the militia into the mining camps of Colorado to install strike breakers is true, is it not?

Mr. ROCKEFELLER, Jr. I think he did not do so at the outbreak, at the outstart.

Chairman WALSH. Now, did you read the statement made by former United States Senator Patterson in the inquiry in Denver?

Mr. ROCKEFELLER, Jr. I don't recall it.

Chairman WALSH. Have you ever read the statement made by Senator Patterson?

Mr. ROCKEFELLER, Jr. Not that I recall.

Chairman WALSH. I will read you a part of his statement leading up to this. This is a statement of ex-Senator Thomas M. Patterson:

"I then suggested to the governor that the public ought to know the purposes for which the State troops were to be used, in calling them out. There was intense excitement in the State. The partisanship was bitter, and that it was but due to the public that it should know the use that was going to be made of the State troops; and for that reason I suggested it would be well for him to have an interview prepared for publication in the morning newspapers, which would be the first paper to give notice of the act to be taken. He entirely agreed with me, and I telephoned to the office of the News to send up a reporter. In the meantime I had dictated something in the shape of an interview to his own stenographer, and I think had it ready by the time the reporter came; and in that interview the purpose for which the troops were to be used, first, to protect all property; second, to protect all men who were at work; third, to protect all who might desire to return to work; and, fourth, not to be used for the installation of strike breakers, was clearly set forth in the interview. After it was dictated and extended, it was read carefully to the governor, and he approved every word of it. Then it was given to the reporter, and that was published in the morning paper, this interview, together with the action of the governor calling out the State troops.

"I recall with great distinctness that the telegraphic report published of the reception of the militia, when they went into the strike field, indicated that they were received with genuine pleasure by the strikers. My recollection is that the newspaper accounts published in the papers were that the strikers cheered the first militia as they were disembarking from the trains, and I think I can safely say that there was the best of feeling between the militia and the strikers, so far as outward exhibitions were concerned from that time for the next several weeks—somewhere in the neighborhood of three weeks. They were playing baseball together and football, and things of that kind."

Now, I will ask you if following that you did not get the letter from Mr. Bowers stating that he had used the bankers, that he had used the financial interests to whip the governor into line?

Mr. ROCKEFELLER, Jr. I do not recall whether that letter from Mr. Bowers, from which you are quoting something, was written before or after the speech.

Chairman WALSH. It was written on November 18, and troops were sent out on October 28. If that was true, of course the letter was written that length of time after the troops were sent out.

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. He said, in his letter, that he finally did whip the governor into line.

Mr. ROCKEFELLER, Jr. He said that he, with a number of other people in the State, was urging the governor to protect life and property.

Chairman WALSH. What he said was that he had whipped them into line.

Mr. ROCKEFELLER, Jr. That is what I interpreted that to mean.

Chairman WALSH. And he used every weapon that could be used to whip them into line.

Mr. ROCKEFELLER, Jr. He used every influence he could bring to bear.

Chairman WALSH. He said he used every weapon to whip them into line. That was the language.

Mr. ROCKEFELLER, Jr. I do not suppose that he meant that he took a cudgel or firearm or anything of that sort. I suppose he used whatever force of public opinion he could bring to bear to urge the governor to do what was necessary to protect life and property.

Chairman WALSH. Let us see if we can ascertain what force he used. You say you are willing to leave everything to the attorney general as to the administration of law?

Mr. ROCKEFELLER, Jr. The attorney general and other forces of law and order in the State.

Chairman WALSH. Would you leave it to them before they were whipped into line?

Mr. ROCKEFELLER, Jr. Always.

Chairman WALSH. Always?

Mr. ROCKEFELLER, Jr. Yes, sir; I would leave it to them always unless they failed to protect life and property.

Chairman WALSH. Then, what would you do?

Mr. ROCKEFELLER, Jr. I should do whatever might be necessary, under the circumstances, to protect life and property.

Chairman WALSH. You would meet violence with violence if the officials would not act?

Mr. ROCKEFELLER, Jr. I would do what was necessary.

Chairman WALSH. Suppose the officials did not act, and a force was starting after your property, would you arm yourself or have others armed to repel that force with force?

Mr. ROCKEFELLER, Jr. It is a matter that was left, Mr. Chairman, as I stated, entirely in the hands of the officials of the company.

Chairman WALSH. What would you do?

Mr. ROCKEFELLER, Jr. I have not been put in a position where I needed to decide that question.

Chairman WALSH. Would it be proper for men to resist force with force if violence were absolutely impending?

Mr. ROCKEFELLER, Jr. I think it would be absolutely necessary to protect life and property.

Chairman WALSH. And if the officials did not do it, you would do it yourself?

Mr. ROCKEFELLER, Jr. I think everyone would do it.

Chairman WALSH. You think that is proper?

Mr. ROCKEFELLER, Jr. I think no other course would be proper.

Chairman WALSH. Of course, you would have to make up your own mind and your own judgment and your own conscience, as to whether the officials were failing in their duty, and as to whether violence was impending against your person and property?

Mr. ROCKEFELLER, Jr. In those circumstances the officials charged with the protection of life and property would have to make up their minds as to whether——

Chairman WALSH (interposing). But you would have to make up your own mind and your own conscience as to whether or not the officials were failing in their own duty and as to whether violence was impending?

Mr. ROCKEFELLER, Jr. I do not know where anyone else could turn.

Chairman WALSH. And if you believed that, you would resist that violence with all the force you could command?

Mr. ROCKEFELLER, Jr. I mean in order to protect life and property——

Chairman WALSH. Yes; in order to protect life and property, the officials failing, you would resist that force with all the force you could command?

Mr. ROCKEFELLER, Jr. You mean the officials of the State?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. With whatever force I might be able to command.

Chairman WALSH. The officials failing you, and your property being about to be invaded or your life threatened, you would resist that force with all the force at your command?

Mr. ROCKEFELLER, Jr. With all the force that was necessary, that I could command.

Chairman WALSH. And if it meant the taking of life, to protect your property or your own life, of course you would do it.

Mr. ROCKEFELLER, Jr. I think almost any man would do it.

Chairman WALSH. It has been testified to a great many times here. [No response.] Now, as to the instrumentalities used by Mr. Bowers, I will get you to state whether or not you were informed that Mr. Bowers got the attorney general, Mr. Farrar, to go to the governor and ask him to change his order that he had made, that the troops were sent out to assist you in importing strike breakers from other States?

Mr. ROCKEFELLER, Jr. You ask if Mr. Bowers informed me to that effect?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I have no knowledge of that.

Chairman WALSH. Were the State authorities used for bringing imported strike breakers to your mines and putting them to work?

Mr. ROCKEFELLER, Jr. I have no knowledge of that situation.

Chairman WALSH. I will ask you if you did not read the testimony of Attorney General Farrar to this effect:

"I"—

Speaking of himself; he was testifying—

"told the governor that the operators had a property right in their mines that they were entitled to enjoy, that the men had a right to work, and that his position was tenable solely upon the ground that it was absolutely and imperative necessity in order to maintain order. I understand my view was not shared by Senator Patterson, but I will give you my view for what it is worth. The governor, therefore, modified that order and men were allowed to go to work. When he modified the order he gave specific instructions that the militia should see that the men brought to the mines to work were previously informed that a strike was in progress, and so far as I learned the militia required in every instance that that should be done. They gave men brought in to work the safe conduct to the mines and the production of coal was resumed by the mines.

"From the minute that the order was changed the relationship between the militia and the strikers changed also, and the strikers began to abuse them and continued to abuse them from that minute on."

Didn't you read that testimony given by the attorney general of Colorado in the hearing held in the State of Colorado?

Mr. ROCKEFELLER, Jr. I do not recall having read it.

Chairman WALSH. Didn't you know that it was a fact that the governor first ordered, under the advice of many citizens of Colorado, including ex-Senator Patterson—made an order when the militia was sent out—that they were to protect property and protect the men at work and protect the men who wanted to return to work, but they were not to be used by the company as an agency to conduct strikebreakers to the tipples in your mines in order to work in your mines?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. I will ask you again, reading from the testimony at that point of Senator Patterson:

"At the end of about three weeks the newspapers were filled with details of violence. I made inquiry and then I learned for the first time, and much to my astonishment, that the orders that he had given to Gen. Chase as to strikebreakers had been recalled or changed, and that State troops were then being engaged in conducting strikebreakers into the mines. I think miners were brought from without the State, and under the protection of State troops were sent to the different mines. And things occurred under those circumstances, as I labored under the impression they would occur, because the history of all strikes is that where operators undertake to supply the place of striking miners it is met with resistance. And then things went from bad to worse, crimination and recrimination, the operators insisting that all violence was committed by the miners and the miners insisting that there was ample provocation for whatever violence they resorted to."

And he says that these went from that time onward from bad to worse, and that trouble commenced.

Now, if that is true—that which I have read you from the testimony of Senator Patterson and Attorney General Farrar, of Colorado—would you agree with me that the cause of the trouble was not in protecting your property, but in using State troops to conduct strikebreakers to the tipples of your mines?

Mr. ROCKEFELLER, Jr. I did not have to act on this situation. Mr. Welborn and Mr. Bowers, officers of the company, were engaged in handling that situation. I can only say that I have every reason to believe they did what was right and necessary in order to protect the property.

Chairman WALSH. Now, on this question of political control I want to take you back a little. General Farrar, of course, is a credible man, and is at present attorney general, and was the attorney general at the time of the strike?

Mr. ROCKEFELLER, Jr. Yes, sir; you make the statement that he was.

Chairman WALSH. You make the statement that he was a credible man, is he not?

Mr. ROCKEFELLER, Jr. I assume that he is. I do not know him.

Chairman WALSH. You wrote a letter to Mr. Bowers congratulating him on the reelection of General Farrar, did you not?

Mr. ROCKEFELLER, Jr. I do not recall. I may have.

Chairman WALSH. Do you not recall that one of the letters that you submitted to us congratulated Mr. Bowers on the reelection of Mr. Farrar?

Mr. ROCKEFELLER, Jr. I do not recall it, but it is highly possible.

Chairman WALSH. Is there any doubt in your mind that you wrote that letter congratulating Mr. Bowers on the reelection of General Farrar?

Mr. ROCKEFELLER, Jr. If Mr. Bowers had written me that it was a good thing for the State of Colorado and the people of the State, that it was a good thing for Mr. Farrar to have been reelected, I very probably did so.

Chairman WALSH. Do you remember that you did?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. I will read it to you.

"I have just returned to the city after an absence of several weeks in the South with my wife, and find your letter of November 6 regarding the gratifying plurality for Carlson for governor and Farrar for attorney general. It would seem that the election of this Republican governor and the election of this Democratic attorney general, both of whom have established clear records as to their strong stand for law and order, would indicate that the sentiment of the people of Colorado is for law and order quite irrespective of party lines.

"Very cordially,

"JOHN D. ROCKEFELLER, Jr."

You wrote that letter, didn't you?

Mr. ROCKEFELLER, Jr. If it was the one I sent you; yes, sir.

Chairman WALSH. And law and order you referred to took place in organizing the militia and what took place at Ludlow, didn't it—that is your conception of law and order?

Mr. ROCKEFELLER, Jr. It included whatever they had done to establish law and order.

Chairman WALSH. Do you say that whatever a man does, who is clothed with official power, is right, in view of what you said about the right every man has to defend himself, where the officers of the State fail in their duty?

Mr. ROCKEFELLER, Jr. I do not quite understand the question. Will you repeat it?

Chairman WALSH. Do you say that everything a man does, clothed with official authority, is right?

Mr. ROCKEFELLER, Jr. Of course I could not say that any man was not bound to make mistakes of judgment. The millenium is not come yet.

Chairman WALSH. Your attention has been called to the fact that the sheriff mentioned in Mr. Bowers's letter has been elected over and over again for 16 years, and elected through the support of the mining companies, prior to 1904, is still in office and charged with the duty of summooning jurors in the strike cases, and he is the same man who swore in 320 mine guards to be paid by your company, before the 1st day of September, 1913.

Mr. ROCKEFELLER, Jr. What sheriff and what letter?

Chairman WALSH. Sheriff Farr and the letter, I might indicate, is the letter in which Mr. Bowers said that even the mules were voted when they had names. He is the same Jeff Farr, is he not?

Mr. ROCKEFELLER, Jr. That has done what?

Chairman WALSH. Who has been the sheriff of Huerfano County, who has been summooning coroner's juries, and is still summooning jurors for the criminal cases in Colorado.

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. You do not know?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. I will read you what General Farrar said about that, at page 4808 of the testimony.

Before I come to Farrar, I will ask if Judge Northcutt is your attorney now?

Mr. ROCKEFELLER, Jr. I do not know, Mr. Chairman.

Chairman WALSH. You do not know that Judge Northcutt is the attorney of the Colorado Fuel & Iron Co., and helped to select the jury that helped to convict Lawson and Zancanelli?

Mr. ROCKEFELLER, Jr. I do not know that he is the same man.

Chairman WALSH. You do not know that Judge Northcutt is attorney for the Colorado Iron & Fuel Co.?

Mr. ROCKEFELLER, Jr. I do not recall that that information has ever come to me.

Chairman WALSH. As a matter of fact, you do know that the company out there controlled elections, State and county, do you not?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. I will read you from the speech of the Hon. Jesse G. Northcutt, at Lamar, Colo., delivered October 10, 1912—and you say you do not know whether he is your attorney there or not?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. Did you read the details of Mr. Lawson's trial?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Were you interested in it?

Mr. ROCKEFELLER, Jr. I was.

Chairman WALSH. Are you interested to know whether the men live or die who were engaged in that strike in Colorado?

Mr. ROCKEFELLER, Jr. Very much interested.

Chairman WALSH. Did you read the trial of Zancanelli, the Italian who was convicted, and the trial of John R. Lawson, the labor leader, who was convicted?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. In what way is your interest expressed in the life or death of these people—did you inquire into anything concerning it?

Mr. ROCKEFELLER, Jr. It is expressed in a statement I made this morning in reference to my attitude.

Chairman WALSH. You do not care to go any further than that?

Mr. ROCKEFELLER, Jr. I think that covers my position entirely.

Chairman WALSH. I will read an extract from the Hon. Jesse G. Northcutt's speech delivered October 10, 1912:

"The farmer will refuse, because he feels independent and feels he is not to be driven as a sheep; and you people are fortunate in being located in a farming community where you can get indorsements for that which is good, whether some man up in Denver says you may have it or not. This has been the condition so far as the Republican Party is concerned, and I am not going to say so much about the other party because I do not know much about it. About all I have to do with it is to fight it, but recently I have concluded it is not so awful bad because it is seeking so many of the things we are seeking and they will help us to get them, and so long as they will do that I am not going to be very bad to them. But, so far as our party is concerned, there at a convention the delegates do not even claim the right to nominate a single man on the ticket. Let me tell you how they do it, because as a matter of fact you are really affected and you are interested in it, and I will endeavor to tell you why. Up there several men get together in a room some days before the convention. They have already fixed up who the delegates to the convention shall be. They have probably given the local superintendent of the mines the number of delegates to which that community will be entitled. They do not tell him whom to bring. He knows he is to select a certain number of delegates who are to come in and follow the dictation of a single man whose name is given to them before they leave. He goes around and picks out Jim Archulet or some other fellow and says to him, 'I want you to go down to a convention to-morrow down at Trinidad, to a convention, and you see Mr. So-and-so and do as he tells you.' Knowing that these delegates will come in and do as they are told, a meeting of four or five leaders is held and they proceed to make the slate. 'We will take for county clerk So-and-so; he is a good man for the purpose.' Some other man says, 'But still I think probably some time within the last 8 or 10 months he had some trouble with some pit boss,' and there is just a suspicion that the company dislikes him. He isn't right with the company; he goes off the slate, and so it is from bottom to top the candidates are selected, not with a view to their fitness, not with a view to their ability to discharge their duty, not with a view to their integrity, but 'Are they satisfactory to the company?' If they are, that settles it."

Now, that is the statement made by the Hon. Jesse G. Northcutt in October, 1912. Now, I will read you from the testimony given before this commission by Attorney General Farrar, and I will ask, before I do that, suppose the delegates were selected and candidates were selected in that manner, would you believe that that is a desirable social condition in Colorado?

Mr. ROCKEFELLER, Jr. I think anything that prevents the election and the operation of local or national or State governments in an orderly and proper way is indefensible and deplorable, and should be terminated.

Chairman WALSH. Would you resist to the utmost of your power if it were applied to you individually? Suppose a man thus selected were a judge and attempted to try a case against you that might involve your life, would you not protest against it?

Mr. ROCKEFELLER, Jr. I would want to have just—I would want to have the trial conducted with absolute fairness.

Chairman WALSH. Suppose, now, you are a striking miner; would you want a man elected in that manner to pass on your case?

Mr. ROCKEFELLER, Jr. Certainly not.

Chairman WALSH. I will read you what General Farrar said about the Colorado Fuel & Iron Co.

Mr. ROCKEFELLER, Jr. Referring to the Colorado Fuel & Iron Co.?

Chairman WALSH. And other fields.

Mr. ROCKEFELLER, Jr. If you will simply call attention to the fact that it does not refer particularly to our company—you say "our company."

Chairman WALSH. It will be difficult to do that, and I shall have to decline. As I remember, the Royal is very close to your mines, and that the operators in that vicinity are operating together, and it would be impossible for me to take the time to analyze these matters closely enough to distinguish between them as we go along.

Mr. ROCKEFELLER, Jr. If it is understood it is the operators and not any individual company, I think it will tend to clarify the record.

Chairman WALSH. It is the operators, and when I say the operators it always includes your company and maybe some others—the Colorado Fuel & Iron Co.

"Then it is not your duty"—

This is a question to General Farrar—

"to make any investigation as to whether or not the election laws are obeyed in the counties of the State or whether political corruption exists, or improper influences are brought to bear or not?

"General FARRAR. Well, I did make such an investigation; whether it is my duty or not, I made it.

"Chairman WALSH. In what county?

"General FARRAR. Las Animas and Huerfano; particularly Huerfano.

"Chairman WALSH. When did you make it.

"General FARRAR. That was made, as I stated, on my first trip down to Walsenburg after I was inaugurated. Early in 1913, early in the summer, I believe, I made a partial investigation in that regard.

"Chairman WALSH. Was it after the Ludlow incident?

"General FARRAR. Oh, no; it was the year before.

"Chairman WALSH. The year before?

"General FARRAR. Yes, sir.

"Chairman WALSH. In what month?

"General FARRAR. I can not recall the month.

"Chairman WALSH. Did you make a personal investigation?

"General FARRAR. Yes, sir.

"Chairman WALSH. And what did you ascertain, briefly, as to the condition there so far as the political control was concerned—alleged political control by the company?

"General FARRAR. I found a very perfect political machine, just as much a machine as Tammany in New York, as I have any knowledge of it; just as much of a machine as you will find in any of the places where a great many voters are susceptible to an organization of that kind. I found that the head of this political machine was the sheriff and that it was carried along lines very similar to those maintained in Tammany; that is, it had a system of relief in cases of need, and a system of giving rewards to these people, and I think, briefly speaking, the term machine covers the situation, just such a machine as you people may have in your own States or your own cities. Certainly, it was a machine.

"Chairman WALSH. Did you ascertain from what source the money came in organizing and maintaining it?

"General FARRAR. I was not able to place that definitely. I believe that the machine probably—well, I can not say that it existed with the help of the coal companies; I believe, however, it existed through its power as a machine over the coal company. That is, I can not be sure which was cause and which was effect; but there was undoubtedly some relationship between the two."

Now, that is the statement of General Farrar. Now, then, I want to ask you this question: If that control of the officials, the governor, and the attorney general, and judges, is in the control of the coal companies, I believe you stated that would be a very undesirable situation?

Mr. ROCKEFELLER, Jr. Those offices should be in the control of the people.

Chairman WALSH. How is that?

Mr. ROCKEFELLER, Jr. The control of the officers of any State or community should be solely in the hands of the people who elected them.

Chairman WALSH. When they are not in the control of the people, but one industry controls them, what relief have the people of the community, if the officials themselves become law violators?

Mr. ROCKEFELLER, Jr. The ballot, I should say.

Chairman WALSH. But suppose it goes so far they arm men to go into the homes of the citizenry, then what must the people do?

Mr. ROCKEFELLER, Jr. The ballot would eventually give them relief, Mr. Chairman.

Chairman WALSH. Would you not think they should resist to protect their life and property?

Mr. ROCKEFELLER, Jr. I think anyone whose life is threatened and can not get protection from the duly constituted authorities, would be justified in using any means at his disposal to protect his life and property.

Chairman WALSH. You heard the testimony of Mr. Gaddis and Dr. McDonald, the minister at Sunrise?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Did you read the testimony of Mr. Hansen Kubylak?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. They state the same belief that you do as to when the authorities fail in their duty and violence is immediately impending they have a right to fight back. You agree with that?

Mr. ROCKEFELLER, Jr. I think any man has a right to defend his life.

Chairman WALSH. Any man?

Mr. ROCKEFELLER, Jr. Yes, sir; any man.

Chairman WALSH. I will take a case like this: If it be true that there is an alliance between the coal companies and these officials, what would you consider as being the remedy of a man under these circumstances, that the coal company had an attorney in the State senate; that he introduced a law, promoted its passage, and got it upon the statute books creating a new judicial district; that immediately upon that being done a judge was appointed who had been the attorney for the coal company in the conduct of its cases; that you were about to come on for trial with the men who were involved in a strike against the coal company, charging them with violence; they were placed upon trial before that judge, he refusing to stand aside, although affidavits had been filed that he had been attorney for the coal companies in the very prosecutions that were coming before him. Under these circumstances what do you say that the citizen ought to do?

Mr. ROCKEFELLER, Jr. I believe I stated in the statement I read this morning my opinion is that justice should be so administered as to be above suspicion.

Chairman WALSH. Do you think that the concrete case I have given would be above suspicion?

Mr. ROCKEFELLER, Jr. I think that wherever there is a suspicion that justice can not be obtained——

Chairman WALSH. What is the relief of the individuals under the circumstances of the concrete case such as I have included in that question?

Mr. ROCKEFELLER, Jr. I am not in a position to make a reply to the question.

Chairman WALSH. Will you give a reply?

Mr. ROCKEFELLER, Jr. I am not in a position to give a reply.

Commissioner WEINSTOCK. If you will pardon me, Mr. Chairman, there is one answer that Mr. Rockefeller made that has left my mind in doubt as to what he intended to convey. Did I understand you to say, Mr. Rockefeller, that you would resist the authorities of the law?

Mr. ROCKEFELLER, Jr. No, sir; and if I seem to have made such an answer, I have given the wrong impression.

Commissioner WEINSTOCK. Then, I misunderstood you. To have it clear, I would suggest that the reporter go back and read that portion of the record.

(The reporter read as follows:)

"Chairman WALSH. But suppose it goes so far they arm men to go into the homes of the citizenry, then what must the people do?

"Mr. ROCKEFELLER, Jr. The ballot would eventually give them relief, Mr. Chairman.

"Chairman WALSH. Would you not think they should resist to protect their life and property?

"Mr. ROCKEFELLER, Jr. I think anyone whose life is threatened and can not get protection from the duly constituted authorities would be justified in using any means at his disposal to protect his life and property."

Commissioner WEINSTOCK. Do you mean to resist the duly constituted authorities?

Mr. ROCKEFELLER, Jr. No, sir; I said that he should take whatever steps that are necessary to protect his life and property.

Commissioner WEINSTOCK. But not against the duly constituted authorities?

Mr. ROCKEFELLER, Jr. Certainly not; only when they fail to do what they are appointed to do.

Chairman WALSH. Suppose they started after you with a gun—these duly constituted authorities?

Mr. ROCKEFELLER, Jr. I should always protect my life, I think, Mr. Chairman, as you would and every other citizen.

Chairman WALSH. Even though it was constituted authority?

Mr. ROCKEFELLER, Jr. I should expect any man to undertake to protect his life.

Chairman WALSH. I was going to elucidate that and make this a little clearer, but maybe this little clearing up will not make it necessary.

Suppose, Mr. Rockefeller—I believe elections are every two years in Colorado, are they not?

Mr. ROCKEFELLER, Jr. I am not familiar with the law there.

Chairman WALSH. Supposing at the next election Mr. Edward Doyle should be elected governor of Colorado—one of the officials of the United Mine Workers of America, who is a citizen of Denver, and who testified before us; supposing that when you go out to Colorado that an indictment should be returned against you, rightfully or wrongfully, charging you with responsibility for what took place at Ludlow; supposing that the United Mines Workers also had control of the State Senate of Colorado; and suppose they had influence enough to have a law passed; and suppose they passed a law creating a new judicial district; that as judge of that district he appointed Horace N. Hawkins, the attorney for the United Mine Workers of America, as judge of that district, and you were indicted and brought before Horace N. Hawkins for trial; would you consider that you could get a fair and impartial trial under those circumstances?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I should think that the chances were not the best.

Chairman WALSH. Now, then, what would you do to relieve yourself from that situation?

Mr. ROCKEFELLER, Jr. I should hardly be able to state until I was in the situation.

Chairman WALSH. Would you expect the men that were in charge of the United Mine Workers of America—at the head of it—charged with responsibility for the conduct of that organization, to come forward in their individual capacity as men and protest against your trial under those circumstances?

Mr. ROCKEFELLER, Jr. I think that the protest should be—whatever protest was made—should be made in the orderly way of going to the authorities.

Chairman WALSH. At the polls?

Mr. ROCKEFELLER, Jr. Well, if it was a question of changing the authority; yes.

Chairman WALSH. I will add one other matter to my hypothetical question. Supposing the evidence that was produced against you was the evidence of three men that had been working in your office at 26 Broadway, but who were in reality spies paid by the United Mine Workers of America for every day of the time they were in your office, and while they were testifying against you; would you consider that a proper situation in the administration of justice?

Mr. ROCKEFELLER, Jr. Decidedly not.

Chairman WALSH. And you would not expect, if that came to light, that the leaders of the United Mine Workers of America would protest against your conviction upon any such ground?

Mr. ROCKEFELLER, Jr. Whatever orderly protest should be made, I should hope would be made.

Chairman WALSH. You would want the protest made orderly, even if you were being convicted under such circumstances?

Mr. ROCKEFELLER, Jr. I should not wish any supposititious case to reflect upon the officials in charge.

Chairman WALSH. Would it be orderly for the officials in charge, when that came out, at their own volition, to make inquiry as to the truth or falsity of it, and, after having found out the truth, they did not take immediate steps to remedy the wrong done you?

Mr. ROCKEFELLER, Jr. I stated my opinion is that justice should be so administered as to be above suspicion, and I believe that always, whether in my own instance or the instance of any other man.

Chairman WALSH. I am asking this supposed case; if you were in that situation would you want the president of the United Mine Workers of America to write a statement saying, "I believe in the proper administration of justice at all times," and go no further than that to save you from a lifetime of suffering and degradation in the penitentiary?

Mr. ROCKEFELLER, Jr. I have stated clearly my position, and I do not feel that I should add to that.

Chairman WALSH. That is as far as you care to go?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Then I will not pursue the matter any further. I want to call your attention to another letter written under date of September 4, 1913, from Mr. Bowers to you, as follows:

"There has been a group of labor-union agitators in southern Colorado for more than a month and threatening to call a strike for the purpose of securing recognition of the Western Federation of Miners, but protests have come from nearly all the State officials, from the governor down, together with the protests from the boards of trade and of commercial bodies, so that the matter has quieted down, though their national officials are still in Colorado. This has kept us all in a state of unrest, so that my vacation has been a season of worry. A disaster of this sort would put us up against a fight that would be serious indeed."

That was September 4. What action did you take, as a director of the Colorado Fuel & Iron Co., to secure information regarding the extent and character of this supposed possible disaster?

Mr. ROCKEFELLER, Jr. I had been informed that for some years a strike had been carried on in northern Colorado, and that an effort had been from time to time made to extend the influence of that strike into the southern part of the State, and this I interpreted to be another effort of a similar character, and I made no comment on the letter.

Chairman WALSH. Did you and your colleagues in New York have a fixed policy with reference to your conduct toward such effort to organize the men in the southern coal fields?

Mr. ROCKEFELLER, Jr. We had no policy. The policy, as I have stated in my several statements, was made by the officials of the company in Denver.

Chairman WALSH. Did you not consider it a serious enough matter, after receiving that notification on September 4, before the convention was held that called the strike—that decided on a strike—that immediate action should be taken by your board of directors?

Mr. ROCKEFELLER, Jr. I had no knowledge that a convention was to be called, as I remember, at that time; and as I have stated, this was simply a statement like others that I have heard of; the union from the northern part of the State had been undertaking to extend its organization into the southern part.

Chairman WALSH. I call your attention to another letter dated September 19, which Mr. Bowers wrote to Mr. Murphy, as follows:

"The strike is called for the 23d, but it is thought on the part of a good many operators that the officials anticipating being whipped, will undertake to sneak out if they can secure even an interview with the operators, which so far they have been unable to do, thus boasting before the public that they have secured the principal point; namely, recognition of the union."

Did you see that letter?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. So you knew, on the 23d of September, that in the opinion of the operators in Colorado, if your officers had simply met these men they would have sneaked away and not made any further effort to organize; simply using that as a recognition of the union?

Mr. ROCKEFELLER, Jr. I had that statement from Mr. Bowers that you read.

Chairman WALSH. Did you not consider that that request for an interview was a reasonable request and should have been granted?

Mr. ROCKEFELLER, Jr. It was a matter that was left for the officers of the company to decide.

Chairman WALSH. But it was sent to you, and you were a director of the company, were you not?

Mr. ROCKEFELLER, Jr. The information was sent to me.

Chairman WALSH. And you had the power to remove the members of your own executive board at will?

Mr. ROCKEFELLER, Jr. No; that is not correct; I had the power to suggest the withdrawal of any members of our staff if for any reason we preferred to have other people represent us.

Chairman WALSH. And when you make that suggestion, they were retired?

Mr. ROCKEFELLER, Jr. I had no control over the other members of the board.

Chairman WALSH. When you made that suggestion to Mr. Bowers he retired and went back to the personal staff?

Mr. ROCKEFELLER, Jr. I have no control over the members of the board other than those we appoint to represent us, and those may stay on or leave the board as we direct.

Chairman WALSH. Does that include Mr. Bowers?

Mr. ROCKEFELLER, Jr. He was not on the board as a representative of ours.

Chairman WALSH. Would that include Mr. Bowers, that course of practice?

Mr. ROCKEFELLER, Jr. The power to withdraw him?

Chairman WALSH. And to put him back on the personal staff?

Mr. ROCKEFELLER, Jr. I had no power over Mr. Bowers when he was an officer of the company; he was not in our employ at that time.

Chairman WALSH. Who put him on the board?

Mr. ROCKEFELLER, Jr. I think I said this morning that the officers, or rather the directors, or else the stockholders.

Chairman WALSH. That was Mr. Murphy we were talking about, and I am talking about Mr. Bowers. When he first went on the executive board, who put him on? Was he put on the same as Mr. Murphy?

Mr. ROCKEFELLER, Jr. He would be elected by the board.

Chairman WALSH. And you would take them away and put them on the personal staff of your interests, if you wished?

Mr. ROCKEFELLER, Jr. If Mr. Bowers cared to resign from the position he was holding and take another, he would be free to.

Chairman WALSH. Now, in the case of Mr. Murphy, would you not express your will, and put him on the personal staff of your father?

Mr. ROCKEFELLER, Jr. I don't think you make the distinction. Mr. Murphy was in the employ of my father and paid by him.

Chairman WALSH. I think I make the distinction.

Mr. ROCKEFELLER, Jr. On the other hand, Mr. Bowers was in the employ of the Colorado Fuel & Iron Co. and not receiving salary from us.

Chairman WALSH. When Mr. Bowers was first made vice president of this company, did he receive any salary as vice president of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. He received salary always as an official of that company.

Chairman WALSH. But was he not the same as Mr. Bowers, who always received a salary, but who is now on the personal staff of your father?

Mr. ROCKEFELLER, Jr. Mr. Murphy has never received salary from the Colorado Fuel & Iron Co.

Chairman WALSH. Even when he was vice president and member of the executive board?

Mr. ROCKEFELLER, Jr. I don't recall that he is receiving a salary for that. It may be that he has a nominal salary.

Chairman WALSH. I thought you said he was on the board and received a salary?

Mr. ROCKEFELLER, Jr. I said when Mr. Bowers was an officer of the Colorado Fuel & Iron Co., he received salary.

Chairman WALSH. But Mr. Murphy did not receive any salary?

Mr. ROCKEFELLER, Jr. I don't recall that he did; if he did it is nominal salary.

Chairman WALSH. I am talking to you as a director and person made responsible by law for the conduct of the corporation, and I ask you regardless

of what Mr. Bowers thought, if you did not consider that request for a mere interview a reasonable request, and one that should be granted?

Mr. ROCKEFELLER, Jr. It was not a matter that I passed on or undertook to form an opinion on.

Chairman WALSH. What do you say about it now?

Mr. ROCKEFELLER, Jr. I did not take it up.

Chairman WALSH. It may come up again, and you are a director here, and a reasonable request——

Mr. ROCKEFELLER, Jr. I would leave it to the officers of the company to decide.

Chairman WALSH. You are a director?

Mr. ROCKEFELLER, Jr. Yes, sir; and I would leave it to the officers of the company to decide.

Chairman WALSH. Even though it might cause bloodshed and loss of property and shooting down of men, would you still not exercise any of your influence as an officer of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. If I thought the officers were not doing what was wise and best and right to all parties connected with the corporation I would have undertaken to have differed with them or removed them, as far as I had the power to that extent.

Chairman WALSH. Leaving your general policy for the moment, I will ask you, as the owner or a representative of the owner of 40 per cent of the stock of that company, did you not consider the request of the officers of the miners' organization for a simple interview a reasonable one, and one that ought to have been granted?

Mr. ROCKEFELLER, Jr. Personally I would have been inclined to have granted it, if the request had come to me, but it was for the officers to decide. You ask me, as a man, what I would have done, and I say that I would probably have granted it.

Chairman WALSH. You would have granted an interview?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Now, you having no objection to granting the interview, I will ask you this question: In refusing to grant this interview, did not the officers of the coal company assume full responsibility for all the events that followed that refusal?

Mr. ROCKEFELLER, Jr. I do not think so.

Chairman WALSH. Did you make any attempt to induce Mr. Bowers or any of the other officers to grant such an interview?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Since you acknowledge that the interview might have averted this strike, and you acknowledge that now——

Mr. ROCKEFELLER, Jr. I don't know that I made such statement.

Chairman WALSH. Now, I will say, since Mr. Bowers wrote in that letter that if they could secure even an interview, so as to go before the public boasting that they had secured the principal point, namely, recognition of the union, they would have sneaked out of it and no further effort would have been made to bring on the strike—in the light of that letter of Mr. Bowers, that an interview would probably have averted the strike—since you failed to take any action to bring about that interview, do you not yourself, with the majority stockholders of the corporation and directors of the Colorado Fuel & Iron Co., assume full moral responsibility for the events that followed?

Mr. ROCKEFELLER, Jr. I am not a majority stockholder, nor is the interest which I represent.

Chairman WALSH. Well, 40 per cent stockholder?

Mr. ROCKEFELLER, Jr. As far as the responsibility is concerned, I did not shirk that responsibility, but did what I thought was right under the circumstances.

Chairman WALSH. Then you do not think that the responsibility is yours, or any part of it, as a 40 per cent stockholder and member of the board of directors?

Mr. ROCKEFELLER, Jr. Responsibility for what?

Chairman WALSH. For all of the events that followed the refusal of the mere granting of an interview which would have averted the strike.

Mr. ROCKEFELLER, Jr. I think we have no proof that all the events which followed were the result of that.

Chairman WALSH. I am asking you that.

Mr. ROCKEFELLER, Jr. I assume responsibility for everything that, as a stockholder and as a director of the company, I should assume responsibility for.

Chairman WALSH. Is that one of the things you should assume responsibility for as a stockholder and director?

Mr. ROCKEFELLER, Jr. In so far as I have had any responsibility in regard to the stock I do not hesitate to assume it.

Chairman WALSH. As a director of the Colorado Fuel & Iron Co., do you say you have no responsibility whatsoever for the labor conditions in those camps?

Mr. ROCKEFELLER, Jr. A very great responsibility; and I undertook to discharge that in the way that I thought that was right and best.

Chairman WALSH. Now, when it was conveyed to you beforehand that a mere interview would avert a strike, why didn't you say to them, as a director and a stockholder, give them an interview and avert the strike?

Mr. ROCKEFELLER, Jr. That was simply a passing opinion that was expressed that it would have accomplished the result. I don't know that it would have.

Chairman WALSH. But you had this letter from Mr. Bowers before the strike was called.

Mr. ROCKEFELLER, Jr. Mr. Bowers expressed that as an opinion. He did not suggest that an interview be had; and he and Mr. Welborn were the officers in whose hands the directors had placed the active responsibility for the conduct of the business.

Chairman WALSH. Well, now, when you come to consider that that would affect probably 9,000 employees, and a great many more human beings, those employees, many of them, having wives and children, didn't you think that an important enough thing, as a member of the board of directors, to voice your opinion on it?

Mr. ROCKEFELLER, Jr. I evidently did not at the time, Mr. Chairman, or I should so have acted.

Chairman WALSH. Now, calling your attention again to the clause in the letter from Mr. Bowers to the effect that he and Mr. Welborn were discussing some questions because one or two competitive companies were cheating their miners by false weights. You stated that you did not know Mr.—I had better read that over again." In a letter of September 10, 1913, from Mr. Bowers to Mr. Murphy, Mr. Bowers writes:

"About a year ago Mr. Welborn and the writer were discussing these questions because one or two competitive companies, both of whom tried to interest Mr. Cooper in their bonds, were cheating their miners by false weights."

Do you know Mr. Cooper?

Mr. ROCKEFELLER, Jr. Now, that you read that again, I recall that Mr. Cooper was at that time a member of our office force.

Chairman WALSH. And which were the companies that were trying to interest Mr. Cooper in your bonds?

Mr. ROCKEFELLER, Jr. In their bonds.

Chairman WALSH. In their bonds?

Mr. ROCKEFELLER, Jr. I have no idea.

Chairman WALSH. Since the recess for luncheon have you asked Mr. Bowers, who wrote that letter, the names of the companies that were cheating their employees by false weights?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Did it interest you enough after the questions that were propounded to you this morning, with reference to these companies cheating their men, to make it the subject of inquiry of Mr. Bowers, who is here, as to who were those companies?

Mr. ROCKEFELLER, Jr. I do not regard myself responsible, Mr. Chairman, as to the operations of the many, many coal companies in Colorado with whom I have no connection whatever.

Chairman WALSH. I think you are a member of the association of coal operators, are you not, that was resisting the demands of the strikers?

Mr. ROCKEFELLER, Jr. There was an informal committee of the operators who acted together on certain matters of mutual interest during the strike.

Chairman WALSH. That was resisting the demands of the strikers?

Mr. ROCKEFELLER, Jr. They acted on certain things.

Chairman WALSH. Now, if one of the demands of the strikers, one of their grievances, was that they had been cheated by false weights, how can you claim, Mr. Rockefeller, that you had no responsibility, that you had no interest, if the Colorado Fuel & Iron Co. did not so treat its employees?

Mr. ROCKEFELLER, Jr. The Colorado Fuel & Iron Co. did not so treat its employees.

Chairman WALSH. But, I say, if you formed a combination with other mining companies that did seek to resist the grievances of those men with which you were at issue, so that they did not have checkweighmen, would you not, by the fact of joining those other miners—operators—become a party to it and assume responsibility to that extent?

Mr. ROCKEFELLER, Jr. Not at all.

Chairman WALSH. I will ask you if that statement as to the cheating of those companies was not conclusive evidence to you that the miners were justified in charging that the State law providing for checkweighmen was violated?

Mr. ROCKEFELLER, Jr. I said that Mr. Bowers said that certain companies were not obeying that law.

Chairman WALSH. If that is correct, do you not consider that the miners were justified in striking to secure their legal rights and to protect themselves from being cheated out of the results of their own labor?

Mr. ROCKEFELLER, Jr. My interest and responsibility were directed to the company in which we were interested, Mr. Chairman, and I ascertained that no such conditions existed there. And beyond that, I did not feel it my duty or responsibility to go.

Chairman WALSH. The coal companies of the State of Colorado were organized into an association for mutual protection, were they not?

Mr. ROCKEFELLER, Jr. I don't know whether it was called an association. As I stated, various of the companies did act together in certain matters.

Chairman WALSH. Do you consider that it would have been possible for the miners to have carried on a strike against any one or two members of that association without involving all the companies in the association?

Mr. ROCKEFELLER, Jr. Well, that Mr. Welborn or Mr. Bowers could answer much better than I.

Chairman WALSH. You can answer that.

Mr. ROCKEFELLER, Jr. I haven't the information.

Chairman WALSH. Do you not consider that since Mr. Bowers had knowledge of the violation of the law that he should have taken action to secure the prosecution of the violators, or at least have given information to the proper State officials, or to the miners, who were being cheated?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. You don't think he should? If he failed to do that, would you consider him, in a sense, accessory after the fact?

Mr. ROCKEFELLER, Jr. Not at all.

Chairman WALSH. If these companies were members of the coal operators' association, do you not consider that they should have been expelled from the association and legal action taken to secure the enforcement of the law?

Mr. ROCKEFELLER, Jr. Of course, Mr. Chairman, it would be very desirable if all the people with whom we are associated in life should be free from faults and failures. I think none of us are associated with people who are. We have to associate with just the best people that there are or that we are thrown with, and I think we can not assume responsibility for the actions of other people.

Chairman WALSH. Well, if you join with them to resist the demands of the men that are being robbed, then would you not feel morally responsible?

Mr. ROCKEFELLER, Jr. Joined with them to resist the demands——

Chairman WALSH (interrupting). Yes; if you joined with the companies that were cheating the men, to resist the demands of the miners who claimed they were being robbed; if you joined with them to resist the efforts of the men to get justice, to have checkweighmen to see that they were not cheated, then would you not feel that you were morally responsible in so joining to resist those efforts?

Mr. ROCKEFELLER, Jr. We were not undertaking to resist the demands of the men to get justice. We were trying to see that they did get justice in the future.

Chairman WALSH. Well, if they claimed that they were being cheated by reason of not having been permitted to have checkweighmen, and you know that some of the companies were being cheated for want of checkweighmen to resist or to protect their rights, would you not feel responsible in joining in with those companies to resist the demands of the men who were being robbed for the want of checkweighmen?

Mr. ROCKEFELLER, Jr. I would feel morally responsible to do everything I could in the company with which I was connected to prevent such things. But if they were not doing that, I should not feel responsible. As I have stated, every effort has been made in the Colorado Fuel & Iron Co. to get the men to

the various camps to have their own checkweighmen. Everything has been done, as I stated in January, at a number of the camps to get them to do so, but less than half of them voted to have checkweighmen; and after they voted to have checkweighmen, I am informed that there is only one mine where the men have been willing to have a checkweighman. The company has done everything it could to get the men to have that official to appoint one.

Chairman WALSH. On September 29, 1913, Mr. Bowers wrote to you with reference to Mr. Stewart, who, I believe, is an official of the Federal Department of Labor, and who is attempting to bring about mediation in strikes. This is a letter from Mr. Bowers to you about Mr. Stewart:

"He was told that we would work such mines as we could protect and close the others, and that the writer, with every official of this company, would stand by this declaration until our bones were bleached as white as chalk in those Rocky Mountains."

Do you approve of that sentiment?

Mr. ROCKEFELLER, Jr. Will you kindly read it again, Mr. Chairman?

Chairman WALSH. "He was told that we would work such mines as we could protect and close the others, and that the writer, with every official of this company, would stand by this declaration until our bones were bleached as white as chalk in these Rocky Mountains."

Do you approve of that sentiment?

Mr. ROCKEFELLER, Jr. The declaration was that we would work such mines as we could protect and close the others. I think he was entirely justified in making that declaration.

Chairman WALSH. Then you do approve of that statement?

Mr. ROCKEFELLER, Jr. I certainly would not expect them to work mines that we could not protect or to keep open mines that we could not protect.

Chairman WALSH. Would you have allowed the bones of a loyal official, such as Mr. Bowers is, to bleach rather than to submit to the formality of an interview with three labor leaders?

Mr. ROCKEFELLER, Jr. I think that is a question——

Chairman WALSH (interrupting). Mr. Bowers remarks that he thinks that would have ended it.

Mr. ROCKEFELLER, Jr. Well.

Chairman WALSH. I will ask you the question again: Would you have allowed the bones of a loyal official, such as Mr. Bowers is, to bleach in the mountains of Colorado rather than to submit to the formality of an interview with three labor leaders?

Mr. ROCKEFELLER, Jr. I stated, Mr. Chairman, that for myself, if the matter had been for me to decide, I probably would have had the interview.

Chairman WALSH. And not have allowed the bones to bleach.

Mr. ROCKEFELLER, Jr. I would not, if I had had it to do, whether the bones bleached or not.

Chairman WALSH. Bleached or unbleached?

Mr. ROCKEFELLER, Jr. Bleached or unbleached; yes.

Chairman WALSH. On September 29, 1915, Mr. Bowers wrote to Mr. Rockefeller—I want to call your attention to one matter to which you referred in your written statement. It is:

"Several of our mines are working from one-half to two-thirds capacity, and if we could continue undisturbed we could keep our steel works running and supply our railroad friends with coal to keep them going in good shape until the strike it over."

Who is "the railroad friends"?

Mr. ROCKEFELLER, Jr. I presume any company with whom the company does business.

Chairman WALSH. Who were your railroad friends in Colorado at that time?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Was your father a large stockholder or bondholder in the Southern Pacific Railroad at that time?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Did that refer, the "railroad friends" refer, to those railroads in which your father was a part owner or a bondholder?

Mr. ROCKEFELLER, Jr. I think it referred solely to the railroads with which the Colorado Fuel & Iron Co. was doing business, and to no other.

Chairman WALSH. Then did you understand that Mr. Bowers expected to supply all the railroads with coal, or only those railroads in which you or your father were interested and who might therefore be classed as "friends"?

Mr. ROCKEFELLER, Jr. The question of whether my father or I was interested in the railroads or not had nothing whatever to do, I assume, with determining in Mr. Bowers's mind what railroads were to be called "railroad friends," but rather the railroads that were customers of the Colorado Fuel & Iron Co.

Chairman WALSH. Did you own stock in the Southern Pacific Railroad at that time?

Mr. ROCKEFELLER, Jr. I don't know, sir.

Chairman WALSH. Did you own bonds in the Southern Pacific Railroad at that time?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Don't you know, Mr. Rockefeller, that you did?

Mr. ROCKEFELLER, Jr. No; I don't, Mr. Chairman, or I should have stated it.

Chairman WALSH. In the list of securities furnished to this commission in New York, of securities which went to make up the $100,000,000 of the Rockefeller Foundation, were not stocks and bonds of the Southern Pacific mentioned?

Mr. ROCKEFELLER, Jr. That list numbers a hundred or more, and I could not recall all of the investments. My impression is that there may be bonds or stocks in that list.

Chairman WALSH. Did you consider it was equally or more important to supply the general public with coal during that winter than it was your "railroad friends"?

Mr. ROCKEFELLER, Jr. That was a matter that I was not considering. It was a matter that the officers of the company were considering.

Chairman WALSH. On October 6 you wrote to Mr. Bowers as follows:

"We feel that what you have done is right and fair, and that the position which you have taken in regard to the unionizing of the mines is in the interest of the employees of the company. Whatever the outcome may be, we will stand by you to the end."

Did you not assume full personal responsibility, or your share of it, for all the events which followed, in notifying Mr. Bowers that whatever the outcome might be you would stand by him to the end?

Mr. ROCKEFELLER, Jr. The position therein referred to, Mr. Chairman, which had been taken by the company, as I stated clearly and fully in my testimony in New York, was not one of antagonism to organized labor. The position was one of a desire to protect the employees of the company who desired to work for the company, whether they were members of the union or not members of the union. The question of unionism did not come up in that statement of position which I stated I fully approved.

Chairman WALSH. On October 10 Mr. Rockefeller wrote to Mr. Bowers as follows:

"I realize that these are trying days for the management of the fuel company. Its actions are watched with great interest by this office, and its strong and just position will not lack backing at this end."

What steps did you take to ascertain the actions of the fuel company other than reading letters from Mr. Bowers and Mr. Welborn?

Mr. ROCKEFELLER, Jr. That was my source of information.

Chairman WALSH. Was that your sole source of information?

Mr. ROCKEFELLER, Jr. It was.

Chairman WALSH. Did they at that time, or at any time, inform you of the conditions testified to by Dr. Gaddis and Mr. McCorkle?

Mr. ROCKEFELLER, Jr. They did not.

Chairman WALSH. In failing to do this, did they not, in effect, deceive you by omitting to tell you essential facts—if Mr. Gaddis tells the truth?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the statements which I heard made by the witness yesterday were largely hearsay and personal opinion. Of course, you can understand that, as a director of the company, I am at very much of a disadvantage in undertaking to reply to any statements made 2,000 miles from the point of the occurrences alleged to have taken place; and it would have seemed to me that when the hearing was being held in Denver, where the officers of the company were and where the company's side could have been set forth in reply to such statements as were made yesterday by witnesses, that would have been the place to take up such an inquiry.

Chairman WALSH. You do not claim that Mr. Gaddis's statements were hearsay, do you?

Mr. ROCKEFELLER, Jr. I did not hear them.

Chairman WALSH. Haven't you read Mr. Gaddis's statements?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Why didn't you read them? He states some very startling things, if they be facts, about the condition of your camps at the present time; and you say, as a director, you have full responsibility for the labor conditions in your camps. Why don't you read what Mr. Gaddis testified to here?

Mr. ROCKEFELLER, Jr. I stated yesterday, Mr. Chairman, that I have copies of the testimony and am proposing to read them when I find opportunity.

Chairman WALSH. He was your representative, was he not, there?

Mr. ROCKEFELLER, Jr. I understand he was in the employ of the company at one time, there.

Chairman WALSH. And you saw the letter of Mr. Welborn recommending him as a Christian gentleman, reliable in every way?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Do you know that such a letter is in existence?

Mr. ROCKEFELLER, Jr. It seems to me that I have heard that such a letter was written.

Chairman WALSH. Where did you get that information?

Mr. ROCKEFELLER, Jr. I don't know. I have heard it mentioned in the last two or three days, that such a letter had been written.

Chairman WALSH. Now, Mr. Welborn says that "Mr. Gaddis entered the employ of the company as a minister, conducting church services in the coal camps of southern Colorado. Some time later, after the old superintendent of the sociological department had resigned, the work of that department was in part placed under the direction of Mr. Gaddis. He was an earnest, faithful worker, and undoubtedly a Christian gentleman. He is, however, strongly sectarian, and for that reason we felt handicapped in securing the best results at the coal camps, made up of many nationalities and sects."

Now, Mr. Gaddis says that the sanitary conditions are in such shape in some of your camps that people get the typhoid fever, and said that they allow cesspools to overflow, and pointed out one particular instance. Do you not believe that your company, owning all the land and controlling the whole camp, it being a closed mining camp, is responsible for its sanitary conditions?

Mr. ROCKEFELLER, Jr. I think that the company and any company should do everything that it can to make the conditions of living as comfortable and sanitary as possible.

Chairman WALSH. And if it fails to perform that duty and allows cesspools to overflow, which causes typhoid fever and death, would you not say that that is a very insidious and brutal form of violence exercised by the company as against the people who live in the camps?

Mr. ROCKEFELLER, Jr. I should say that sort of thing should not be allowed in any place where it could be prevented.

Chairman WALSH. Wouldn't you say that it was an insidious and brutal form of violence if it was allowed?

Mr. ROCKEFELLER, Jr. I would not describe it in that way.

Chairman WALSH. Even if the people sickened on account of the lack to perform this duty and died, would you not say that was violence against them?

Mr. ROCKEFELLER, Jr. I certainly would not.

Chairman WALSH. Now, why not, if they sickened and died, due solely to the failure to perform that duty?

Mr. ROCKEFELLER, Jr. You have asked me if I would characterize it in certain language that you used, and I said I would not.

Chairman WALSH. Would it be brutal violence to those that sickened and died?

Mr. ROCKEFELLER, Jr. I would regard it as very unfortunate and a thing that ought to be corrected, and if such a thing exists, I would do all that I could to see that it is remedied, and I have every reason to believe that the officers of the company have done and are taking every step they can to remedy things of that kind.

Chairman WALSH. You are a director with full responsibility?

Mr. ROCKEFELLER, Jr. I am.

Chairman WALSH. When would you take this action to see that that condition was remedied or done away with and that sickness and death were stopped?

Mr. ROCKEFELLER, Jr. I stated that I thought the officers of the company were doing everything they could do to do away with any such conditions, if they exist.

Chairman WALSH. You would leave that entirely with the officers of the company?

Mr. ROCKEFELLER, Jr. I certainly would.

Chairman WALSH. Did you ever hear of any officer of the company not discharging his duty, before this time?

Mr. ROCKEFELLER, Jr. I have heard of many officers in many companies not discharging their duties.

Chairman WALSH. I will ask you if you do not know it is a fact that Dr. Gaddis called the attention of Dr. Corwin, who has been with your company for 20 years, to the condition existing in these camps?

Mr. ROCKEFELLER, Jr. I do not know that.

Chairman WALSH. If he did, will you take whatever steps are necessary to ascertain whether or not that is a fact, what Dr. Gaddis has detailed here, and if Dr. Corwin told him not to say anything about it for fear he might step on somebody's toes, will you see that Dr. Corwin is removed as a surgeon of your company, and anybody else that is responsible for it, for the death and sickness which are caused in that way?

Mr. ROCKEFELLER, Jr. I will take whatever steps seem to me to be right and proper to see that the living conditions in the camps are made as near right as possible.

Chairman WALSH. Some of these people he claims are really dead and gone.

Mr. ROCKEFELLER, Jr. That is what you say he claims.

Chairman WALSH. If that turns out to be true, will you not take steps to either prosecute those people—those officers of your company—or at least remove them from office?

Mr. ROCKEFELLER, Jr. I will take what steps seem to me to be right and proper to correct the condition.

Chairman WALSH. But you would not go so far as to say that if that is the truth, and if they were caused to sicken and die by failure of duty on the part of the officers of your company, you would not go so far as to say you would prosecute them or discharge the officers?

Mr. ROCKEFELLER, Jr. I have stated my position—I would take whatever steps I thought were necessary and proper to remedy them.

Chairman WALSH. Would those steps be to prosecute or discharge those officials?

Mr. ROCKEFELLER, Jr. That I cannot determine now.

Chairman WALSH. If you found them guilty of such things would you have them prosecuted or discharged?

Mr. ROCKEFELLER, Jr. I do not care to answer that in advance of full facts.

Chairman WALSH. Now, Mr. Gaddis said that the foremen and officials that you have over these men treated them like brutes; that they blasphemed and cursed them when they gave orders, and acted toward them with great brutality?

Mr. ROCKEFELLER, Jr. I do not know. If it is correct, I know that Mr. Bowers, when he was an officer would have, and Mr. Welborn will do whatever is necessary to prevent that sort of thing, they would be utterly opposed to it, as they know we would be.

Chairman WALSH. When would they do it?

Mr. ROCKEFELLER, Jr. As soon as they learned of it.

Chairman WALSH. How long was Mr. Gaddis with the company?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. I believe he was there, he stated about 22 months. How often has Mr. Welborn gone into the actual places where these men work in southern Colorado?

Mr. ROCKEFELLER, Jr. He would have to testify as to that himself.

Chairman WALSH. Do you know how often?

Mr. ROCKEFELLER, Jr. I do not; except in a recent letter he told me he had been twice, in the last month, through all of the local mining camps, and talked with the men and superintendents and local people.

Chairman WALSH. Twice in the last month?

Mr. ROCKEFELLER, Jr. That is what he stated in a recent letter.

Chairman WALSH. And prior to that time do you know how often he had been to the actual working places, where the men do the work?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you think it is proper for a company organized for the purpose of profit, alone, like the Colorado Fuel & Iron Co., to assume the power and responsibility of removing clergymen from these churches in these closed camps?

Mr. ROCKEFELLER, Jr. I think that clergymen should always be put in a position and removed from them by those that attend their church.

Chairman WALSH. And what do you think of the letter which was introduced in the New York hearing from—or in the Colorado hearing, and referred to in the New York hearing, from Colorado, from Mr. Welborn, the president, who said: "We have thought for some time of removing the minister at Sunrise."

Mr. ROCKEFELLER, Jr. What do you mean, what do I think?

Chairman WALSH. You do not consider that Mr. Welborn was the congregation, he was the president of the coal company?

Mr. ROCKEFELLER, Jr. I stated that I thought it was always desirable for those who attended the church to select the pastor and remove him.

Chairman WALSH. Now, is it true that Mr. Welborn undertook to exercise that control over the church at Sunrise?

Mr. ROCKEFELLER, Jr. He would have to testify to that, I don't know.

Chairman WALSH. I believe I asked you that same question in New York as to whether or not the president of the coal company had undertaken to remove that minister at Sunrise?

Mr. ROCKEFELLER, Jr. That I do not recall.

Chairman WALSH. Do you not recall that four months ago I asked you that question and you said you didn't know?

Mr. ROCKEFELLER, Jr. No; I do not recall, Mr. Chairman.

Chairman WALSH. Have you made any effort since the New York hearing to ascertain whether the president of the Colorado Fuel & Iron Co. was exercising any such control over the churches?

Mr. ROCKEFELLER, Jr. Over the churches?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. Yes, sir; I have discussed the matter with him, and he has not undertaken to exercise control; he has undertaken to have the churches conducted by those that work in the churches, as far as they are willing to do it, and will do it. Where instances arise, as have arisen in some camps, where the people will not support a minister, and the only way to have church service in the community is for the company to select and support a minister; that has been done. While it is not ideal, it is a question between having church services in the community and not having them, and unless it can be done in that way I would regard it as better than having none.

Chairman WALSH. Did you call Mr. Welborn't attention to the letter which he wrote to Mr. Murphy, and in which he stated, "We have thought of changing the minister at Sunrise"?

Mr. ROCKEFELLER, Jr. I don't know that I did.

Chairman WALSH. Do you recall that your attention was called to this in New York?

Mr. ROCKEFELLER, Jr. I remember the subject was up for discussion.

Chairman WALSH. On October 11, 1913, you received a letter from Mr. Bowers stating:

"When cheap college professors and still cheaper writers in muckraking magazines, supplemented by a lot of milk-and-water preachers with little or no religion and less common sense, are permitted to assault the business men who have built up the great industries and have done more to make this country what it is than all other agencies combined, it is time that vigorous measures are taken to put a stop to these vicious teachings which are being sown broadcast throughout the country."

Is that your sentiment?

Mr. ROCKEFELLER, Jr. It was Mr. Bowers's sentiment.

Chairman WALSH. Is it yours also?

Mr. ROCKEFELLER, Jr. The letter was written to me. I have not been called upon to form or express a view as to whether I agree with him or not.

Chairman WALSH. Do you consider yourself one of the business men that Mr. Bowers had in mind when he made this statement?

Mr. ROCKEFELLER, Jr. I am not sure; I don't know. You will have the opportunity to ask him.

Chairman WALSH. I am asking for your understanding of the letter. Will you please explain what you have done personally to build up any industry in the United States?

Mr. ROCKEFELLER, Jr. What have I done personally?

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. I have done what any other director in a company like the Colorado Fuel & Iron Co. would naturally do, to discharge his duties as a director.

Chairman WALSH. How many board of directors meetings of the Colorado Fuel & Iron Co. have you attended in the last several years?

Mr. ROCKEFELLER, Jr. I think that was inquired into in New York, and I think I stated that for a number of years the directors' meeting had been held in Denver, I think, for the last 8 or 10 years; and I have attended no directors' meetings in Denver since I was there, 10 or 11 years ago. The meeting of the directors was held at one time in New York, when the finances of the Colorado Fuel & Iron Co. were being reorganized, and a number of directors' meetings were held for a year or two at that time. Since that time the directors' meetings have been held in Denver. I attended them in New York, but did not attend them in Denver.

Chairman WALSH. And that is a description of what you have done to build up the industry, the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. I have had correspondence and been in conference with officers of the Colorado Fuel & Iron Co. from time to time as opportunity has permitted, discussing with them such matters in connection with the company as I felt it was my duty and responsibility to discuss.

Chairman WALSH. Do you believe in the right of free speech?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. What kind of vigorous measures do you consider would probably be applied to stop the vicious teachings strewn broadcast through the country by cheap college professors and still cheaper writers in muckraking magazines, supplemented by a lot of milk-and-water preachers of little or no religion and less common sense, which is referred to by Mr. Bowers?

Mr. ROCKEFELLER, Jr. I have given no thought to that subject, Mr. Chairman. This was rather a picturesque description in Mr. Bowers's letter that I have not taken the time to formulate a reply to.

Chairman WALSH. Is it a business letter?

Mr. ROCKEFELLER, Jr. You can judge as well as I.

Chairman WALSH. What do you say about it; is it a business letter, one that you received in your capacity as a director and in an effort to build up the interests of the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. If you will read the whole letter, I can tell.

Chairman WALSH. It has been testified before this commission that the Colorado Fuel & Iron Co. has in the past, and does still, use the most vigorous measures to suppress any criticism of the company in the towns which they control.

Mr. ROCKEFELLER, Jr. May I ask what you are reading from?

Chairman WALSH. From a memoranda which I made myself, so that I would not forget to ask you that question.

Mr. ROCKEFELLER, Jr. I thought you were reading from a letter. May I ask you to reread it? I thought you were reading from a letter.

Chairman WALSH. Yes. It has been testified before this commission that the Colorado Fuel & Iron Co. has in the past, and still does, use the most vigorous measures to suppress any criticism of the company in the towns which they control. Is that correct?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Do they undertake through their mine superintendents or the proprietors of the saloon in the closed mining camps to directly attack the character of the publications that are given to the men?

Mr. ROCKEFELLER, Jr. Not that I know of.

Chairman WALSH. Who did you understand Mr. Bowers meant by the cheap college professor?

Mr. ROCKEFELLER, Jr. I am not sure; I have no idea who he had in mind.

Chairman WALSH. Did he mean the professors in the small colleges?

Mr. ROCKEFELLER, Jr. That I can not say, Mr. Chairman.

Chairman WALSH. Your attention has been called to explosions in your mines, in Colorado, followed by the deaths of the persons working in the mines, from time to time, has it not?

Mr. ROCKEFELLER, Jr. I had known that accidents have occurred in mines.

Chairman WALSH. What is that?

Mr. ROCKEFELLER, Jr. I have known that explosions have occurred; I do not know that attention was called to it at the time.

Chairman WALSH. While I am on the subject of the cheap college professor, I will leave that and come back to the question of preventable accidents later.

While on the subject of the cheap college professors is it not a fact that in your publicity bulletin entitled "Facts Concerning the Struggle in Colorado for Industrial Freedom," sent out by Ivy Lee, you quote a public letter to the Secretary of Labor sent out and signed by a number of persons, including Dean Hart, of St. Johns Cathedral in Denver; H. A. Howe, dean of the College of Liberal Arts, University of Denver; and William F. Slocum, president of the Colorado College?

Mr. ROCKEFELLER, Jr. I do not recall that there was any such quotation from such a statement.

Chairman WALSH. Bulletin No. 7. Have you forgotten these bulletins?

Mr. ROCKEFELLER, Jr. I have forgotten the detail of them, Mr. Chairman.

Chairman WALSH. "Bulletin No. 7, July 22, 1914: The Bishop of Colorado, the president of Colorado College, and other leaders of Colorado life, have addressed an open letter to Secretary of Labor Wilson urging him to use his influence with the labor leaders to have the Colorado coal strike called off.

"The grounds on which these gentlemen made this plea are—

"That so small was the number of miners belonging to the union that there never was any general strike.

"That there have been so many acts of unprovoked violence for which the leaders of the strike have not attempted to disclaim responsibility.

"That those in charge of the strike have displayed bad faith.

"That the leaders of the strike have practically assumed an attitude of rebellion toward the State of Colorado, having openly called men to arms.

"That the strike is lost, and it being a losing cause it is not fair to union men in other parts of the country that they should be paying out their hard earned money to support in 'ridiculous idleness' the little camps of the union men who are still maintaining the nominal strike."

The open letter concludes: "Let the agitators from other States be withdrawn, as the mine guards have been sent away, and much greater credit will be done to the union than is possible by continued agitation."

This is signed by H. Martin Hart, dean of St. Johns Cathedral; H. A. Howe, dean of the College of Liberal Arts, University of Denver; William F. Slocum, president of Colorado College; Robert M. Donaldson, acting president Westminster College.

I will ask you if, after the sending out of that appeal, and after its publication in your bulletin, you did not contribute from the funds of the Rockefeller Foundation, or the funds of the General Education Board, $100,000 to the Denver University, and $100,000 to the Colorado College, the president of each of which signed that appeal thereof?

Mr. ROCKEFELLER, Jr. I do not know whether such contributions were made or not, but I do know this, that if they were made, they had absolutely no connection with the authorship of that statement referred to in the bulletin.

Chairman WALSH. Sir?

Mr. ROCKEFELLER, Jr. I say, I do not know whether such contributions were made or not made, but I do know that if they were made, they had no connection whatever, absolutely none, with the statements made by these gentlemen.

Chairman WALSH. Do you think that the president of a college that received $100,000 from your hands would feel kindly toward your view of an industrial situation in which you were deeply involved?

Mr. ROCKEFELLER, Jr. I think the most severe critics which my father has ever had were those from the university to which he contributed the largest amount of money, the University of Chicago.

Chairman WALSH. Do I understand, then, that you do not believe that college professors, to whom large amounts of money—to whose institutions large amounts of the money have been given as contributions—take a kindly view toward your attitude in industrial matters?

Mr. ROCKEFELLER, Jr. I do not think it affects their view as regards our attitude.

Chairman WALSH. What happened to the men in the Chicago College that criticised your father, if you remember?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. What?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. You do not recall?

Mr. ROCKEFELLER, Jr. No. It was not a matter of any interest to us.

Chairman WALSH. Are they still there?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Do you know whether they are still there?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Mr. Commissioner Weinstock asks me to ask you this question: Was the donation made to the colleges referred to before or after the publication of this appeal that appeared in your bulletin?

Mr. ROCKEFELLER, Jr. I do not know, Mr. Weinstock, because I do not know that such a donation was made.

Chairman WALSH. Was Prof. Charles Zublin one of the men connected with the Chicago University that reflected upon your father?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. Was he not one of the men that reflected on your father, and was he not fired out of the college?

Mr. ROCKEFELLER, Jr. I do not recall either.

Chairman WALSH. Do you recall the names of the men connected with any institution of learning that received large contributions from the Rockefeller benefactions that were retained in the college?

Mr. ROCKEFELLER, Jr. Will you please read that question?

The REPORTER (reading):

"Do you recall the names of the men connected with any institution of learning that received large contributions from the Rockefeller benefactions that were retained in the college?"

Chairman WALSH. Maybe I have not made myself plain. Can you recall the names of any professors in any educational institution that have received benefactions from your father who attacked your father's methods and who were retained in the colleges with which they were connected?

Mr. ROCKEFELLER, Jr. I recall that you read at considerable length at the hearings in New York statements made by President Schurman, of Cornell University, expressing views in regard to the Rockefeller Foundation and its charter, very divergent from those expressed by the founder and his associates. How many contributions have been made by my father individually, or by any of the funds which he has established, to that institution, I do not know; but I know that several contributions were made directly by my father some years ago.

Chairman WALSH. To Cornell University?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. In what amounts?

Mr. ROCKEFELLER, Jr. That I can not recall, but I remember in the early days when I was in the office myself having to do with a contribution made to Cornell for the erection, I think, of a building of mechanical engineering, or something of that sort.

Chairman WALSH. So that your father did contribute to your own knowledge to Cornell University?

Mr. ROCKEFELLER, Jr. I was instrumental in arranging the gift.

Chairman WALSH. While we are on that subject, I will ask you this question: Do you know there was distributed to the members of the classes in Cornell University copies of a pamphlet containing an address entitled "Real Issue of the War in Colorado; A Sermon to Young Men," by Rev. Newell Dwight Hillis?

Mr. ROCKEFELLER, Jr. No, I do not; I don't know that.

Chairman WALSH. I will read a letter to you, Mr. Rockefeller, written by the dean of the law school of the Colorado University, Mr. James H. Brewster, addressed to the Rev. Dr. Newell Dwight Hillis, as follows:

BOULDER, COLO.,
838 *Fourteenth Street, January 23, 1915.*

Rev. Dr. NEWELL DWIGHT HILLIS,
23 Monroe Place, Brooklyn, N. Y.

MY DEAR SIR: There were distributed within a fortnight to the members of a class in engineering economics at Cornell University copies of a pamphlet containing an address entitled "The Real Issue of the War in Colorado; A Sermon to Young Men." My son, a member of that class, has sent me one of these pamphlets.

An introductory note states that the sermon is by you, "one of the most profound thinkers and teachers in America," and that you have "evidently given the conditions in Colorado a great deal of study after careful investigation." A note at the end of the pamphlet announces that "there is no subject of vital importance to the patriotic American citizen on which there has been forced such an amount of misinformation as on the subject of which this address treats," and that it is "therefore desired to give this pamphlet the widest circulation possible, especially among those who think for themselves and in any sense have a share in the molding of public opinion."

As the father of one of the young men to whom this "sermon" is thus especially addressed I am impelled to ask you a few questions, expecting that you will, in the interests of truth and justice, answer them.

In connection with these questions I shall direct your attention to manifest errors in statements of facts in your sermon, suppressions of truth, and to unwarranted conclusions.

I pass by such untrue statements as that there are "18 mines with 14,000 workmen," and that "silly people" "start a funeral procession in front of the house of a man who owns only a fraction of the property and 1 of 18 mines," and that the legislature passed a law ordering "payment for the removal of dead stone," with the remark that these assertions but serve to demonstrate your ignorance of some of the most readily ascertainable facts concerning the situation which it is claimed you have investigated.

You do not even set forth the demands of the men correctly, but you do say that to their demands "the operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers." Upon what "investigation" do you base this assertion? It is not only absolutely untrue, but the contrary fact has been made a matter of proud boast by the operators and all their defenders except yourself.

You say "the leader of the strikers was a Greek"; and, again, "A young Greek, knowing little about the Republic and having no stake in the country, and under the influence of the war in the Balkans, organizes his followers, ferments hate, and precipitates a war that costs the State $6,000 a day and $1,000,000 in seven months, while the miners pay $12,000 a year in taxes"; and then you say, "Alas, for men who follow a leader who points them not to God's pillar of cloud by day and of fire by night, but waves a firebrand before them with which to burn up all ships, all factories, all legislative halls, and the Constitution of the fathers."

Can you name this "young Greek," this terrible leader? There is no such man, nor was there ever such. Are you not aware that, so far as the "Republic" and the "Constitution" are concerned, it has been incontrovertibly shown that constitutional government was first destroyed by the coal-mining companies in certain counties of Colorado? A merely cursory examination of the testimony given last February before the congressional investigating committee, as well as that given before the United States Commission on Industrial Relations, would have made this clear to you. Or the admission of the governor of the State to the Rev. Mr. Atkinson, secretary of the "social-service commission of the Congregational Church," ought to have convinced you of this. That admission was as follows:

"'But, Governor,' I remonstrated, 'I hope that you will not think I am criticising; but have you no constitutional law and government in Colorado?' 'Not a bit in those counties where the coal mines are located,' he replied. 'This is a pretty serious statement; let me get it straight,' I said. 'Do you mean to say that in large sections of your State there is no constitutional liberty?' 'Absolutely none,' he replied." (Harper's Weekly, May 24, 1914, p. 11.)

As you "call the roll of the causes and conditions that have made possible this terrible conflict" you begin by noting that "nine-tenths of these miners can not read our newspapers nor speak our language nor understand our institutions," and then you state that these ignorant foreign miners "transferred their bitterness and hatred of rulers to the American Government." In view of the absolute fact that the principles underlying American Government had been ignored by the mining companies in many of the mining towns, so far as the miners' rights were concerned, what have you to say?

Did you learn in your "investigations" that miners and their friends were arrested and detained in prison by representatives of the State without charges made against them in accordance with the fundamental law of our "institutions"? Did you learn that when they sought the protection of the great writ of habeas corpus the reply made in open court to their request that they might

know why they were thus arrested and imprisoned—the reply made by the representatives of the "government"—was that "It is a matter of supreme indifference (to these representatives) whether men arrested and held are guilty or innocent of crime"? Do you know of any European tyranny worse than this?

You speak of wicked, grafting labor leaders whom you have known and others of whom you have heard, and then you say, "Not otherwise has it been in Colorado." And you describe the Colorado strike leaders as follows: "Some of them are ignorant, some of whom are misguided, some of whom are vicious, and some of whom are traitors to their followers and to their country."

In your "investigations" did you not also find some who were not possessed of the characteristics you set forth? If so, why did you not mention that fact, instead of leaving the impression with the young men to whom your sermon is addressed that all were "ignorant," "misguided," "vicious," "traitors"? Everyone else who has investigated the matter has found many leaders of a different type from those you describe.

The only labor union you mention by name is the Western Federation of Miners, and one who should rely upon your sermon for his facts would almost necessarily infer that this recent strike in Colorado was managed by this union, which you refer to solely for the purpose of telling how some of its members "served murder and death at Cripple Creek in the old days." Why do you not mention the atrocious lawlessness of those days on the part of the employers and their hirelings? It was all made a matter of official public record 10 years ago. The guardians of law and order and the "respectable people" then set a fine example for the workingmen to follow!

And then, because the international office of the United Mine Workers of America is in Indianapolis, you refer to the fact that "from Indianapolis went forth the men and the dynamite that blew up 100 great bridges in this country, with many buildings like the Los Angeles Times building"; and then you say that 10 of "these labor leaders in Indianapolis started to the penitentiary, wearing fetters," adding that some are out on bail, and that "politicians must be very gentle with criminals in the spring, when these criminals are going to vote in the autumn." Then immediately you assert, "For eight years these strikers in Colorado have breathed this atmosphere of violence and crime." Is this the method of reasoning you, a "profound thinker and teacher," would direct young men to follow? Would you have them conclude by such a process of thought that because a Baptist minister murders a young woman whom he has ruined all Baptist ministers are of the same character, or that because some bankers have gone from a certain city to the penitentiary all men of a similar occupation in that city are at heart felons?

As you truly say, "it begins to look as if many of our people had lost the power to do any fundamental thinking."

In calling "the roll of causes and conditions that have made possible this terrible conflict" why did you not do some "fundamental thinking" on the real underlying causes that led to this conflict, such as (to name but a few) the admitted disregard of State laws by the operators, the short weights, the employment of imported mine guards as peace officers and as members of the State militia, the encouragement of saloons by the mining companies in their closed feudalistic towns?

Of all the papers that have been published on the "subject of which this address treats," there hardly can be found another that contains "such an amount of misinformation" as you have crowded into this sermon. I have not enumerated nearly all your untrue statements.

You say, in conclusion, that "The increase of brotherly love and the development of social sympathy may change the atmosphere of arctic hate to good will."

Was this sermon composed in the spirit of brotherly love? Have you developed social sympathy?

You say that the press, the pulpit, and the schoolhouse "must unite to teach our people the two or three fundamental simplicities about the way to produce wealth." Some, indeed, of those you suggest as teachers have learned these simplicities. It was shown at the Denver hearings before the United States Commission on Industrial Relations that one of the most widely known editors in this country had sold himself to one of the coal-operating companies; it appears, further, that two well-known educational institutions, some of whose officials last summer joined in a public false statement concerning the strike, have just received each $100,000 from the "General (Rockefeller) Education Board."

These instances illustrate how the press and the school qualify themselves to teach "fundamental simplicities about the way to produce wealth." Now, how about the pulpit? Two important questions remain: Do you propose to prepare, now that you have had an opportunity to think the matter over, another sermon in which you will correct the errors of this one? And will you see that this later sermon is distributed to the young men to whom have been distributed copies of your former sermon?

I expect a prompt answer to these questions.

In addition to the sources of information to which I have hereinbefore referred, I would direct your attention to the files of the Survey for the past year, to the Rev. Mr. Atkinson's papers in The Congregationalist, and in Harper's Weekly, and to his recent official report.

Very truly, yours,

JAMES H. BREWSTER.

Chairman WALSH. Now, the article to which he referred was signed by the Rev. Dwight Hillis, was it not, entitled "A straight sermon to young men," a remarkable statement showing the real issue of the war in Colorado. You were familiar with that statement, were you not?

Mr. ROCKEFELLER, Jr. With what statement?

Chairman WALSH. The statement of Rev. Dwight Hillis that was sent out and referred to by Dr. James H. Brewster, the dean of the law department of the University of Colorado, in that letter?

Mr. ROCKEFELLER, Jr. I never heard of the distribution of that sermon.

Chairman WALSH. I ask you if you had not heard of the sermon.

Mr. ROCKEFELLER, Jr. If that is the sermon that Dr. Hillis preached in the early days of the strike, I have seen it.

Chairman WALSH. Very good. Do you say that you did not know anything about the distribution of the sermon in the universities of this country and in other countries?

Mr. ROCKEFELLER, Jr. I never heard of it until you just mentioned it.

Chairman WALSH. I will ask you to look at the pamphlet which I now hand you, A Straight Sermon to Young Men. A Remarkable Statement Showing the Real Issue of the War in Colorado, and ask you if you have ever seen a similar pamphlet to that to this day?

Mr. ROCKEFELLER, Jr. Not that I recall.

Chairman WALSH. Now, I want to ask you some questions in regard to this. This begins with the foreword of this kind:

"NOTE.—The following address by Rev. Dr. Newell Dwight Hillis is one that should be carefully read, and read by every good citizen in the United States. Dr. Hillis is recognized as one of the greatest pulpit orators in America. He now occupies the pulpit made famous by Henry Ward Beecher and, later, from which Dr. Lyman Abbott gained international fame. Dr. Hillis is regarded as one of the most profound thinkers and teachers in America. Coming from a man of that caliber, and one who has evidently given the conditions in Colorado a great deal of study, after careful investigation, the marked contrast between this sermon and the unreliable, sensational, hysterical matter which has been and is being printed in the Eastern press is refreshing."

And on the last page of that pamphlet I find this quotation:

"There is no subject of vital importance to the patriotic American citizen on which there has been forced such an amount of misinformation as on the subject on which this address treats. It is therefore desired to give this pamphlet the widest circulation possible, especially among those who think for themselves, and in any sense have a share in the molding of public opinion. Additional copies of this address can be obtained gratis by sending requests to 2230 Dime Bank Building, Detroit, Mich."

Now, do you know who is sending them out gratis from 2230 Dime Bank Building, Detroit, Mich.?

Mr. ROCKEFELLER, Jr. I never heard before of its being distributed.

Chairman WALSH. Whose office is 2230 Dime Bank Building, Detroit, Mich.?

Mr. ROCKEFELLER, Jr. I have no idea.

Chairman WALSH. Now, I am going to read you a particular paragraph, and I am not going to call your attention to the other statements to which attention—I will ask you if it is not a fact that that sermon of the Rev. Newton Dwight Hillis went to the same mailing list that was made up for the bulletins that Mr. Ivy Lee sent out?

Mr. ROCKEFELLER, Jr. If it did, I do not know it.

Chairman WALSH. I will read you an extract from it:

"The strikers insisted," this is the sermon itself. "That only union men be hired and that all nonunion men be refused a chance to work. As a matter of fact, in some of the mines less than one-third of the men were union men. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers."

Now, that was not the truth, was it?

Mr. ROCKEFELLER, Jr. I never before heard it was the truth.

Chairman WALSH. It is not the truth, is it?

Mr. ROCKEFELLER, Jr. That the operators said they were perfectly willing to recognize the union?

Chairman WALSH. And treat with the members of the unions collectively through their officers?

Mr. ROCKEFELLER, Jr. I never heard of it being the case.

Chairman WALSH. As a matter of fact, that was the one thing they declared they would not do?

Mr. ROCKEFELLER, Jr. So I have always understood.

Chairman WALSH. And if the person that made that statement, and that was what Mr. Bowers said, that he would let his bones bleach in the mountains of Colorado before he would recognize the union?

Mr. ROCKEFELLER, Jr. No; I don't recall that.

Chairman WALSH. You don't draw that——

Mr. ROCKEFELLER, Jr. Mr. Bowers's statement was the principle that he enunciated, and I said we stood back of, was that these men should be allowed to work, whether they were members of the union or not.

Chairman WALSH. I will ask you, then, if it is not a fact that one point that the company said, through its officers, backed up by you, that it would never yield, was the recognition of the union? That is correct; is it not?

Mr. ROCKEFELLER, Jr. I wish you would kindly repeat that.

Chairman WALSH. That is the one point that the company would never yield, was the recognition of the union?

Mr. ROCKEFELLER, Jr. That is the statement that Mr. Bowers made.

Chairman WALSH. And that is the statement that you backed him up in?

Mr. ROCKEFELLER, Jr. I backed——

Chairman WALSH (interrupting). You said you would stand by him until the end?

Mr. ROCKEFELLER, Jr. The point was, as stated in various of Mr. Bowers's letters, the recognition of the union, as demanded, meant that only men in the union could work, and when it came to the question of turning out from the mines men who were not members of the union, unless they were willing to join, on that principle I said I would stand by him.

Chairman WALSH. Did you not say that you would stand by him to the end in refusing to have a conference with the members of the union?

Mr. ROCKEFELLER, Jr. I don't recall whether the statement applied particularly to that or not.

Chairman WALSH. Did he not write to you and tell you that if they allowed a conference with the leaders of the union, that those leaders would sneak away, and then not have a strike, and claim that to be recognition of the union? And did you not say you would back him to the end in the position he had taken?

Mr. ROCKEFELLER, Jr. I said I would back the officers of the company in the general position that they had taken.

Chairman WALSH. And the position that they had taken was that they would not recognize the union?

Mr. ROCKEFELLER, Jr. That was one of the positions, the position that they had taken, but that they would not take such a step as would make it necessary for them to discharge these men unless they joined the union.

Chairman WALSH. Did you say—where is that stated?

Mr. ROCKEFELLER, Jr. I don't know where it is stated, but that is the position that I have always stood for and what the officers stood for.

Chairman WALSH. Where do you get that statement that that is what the officers always stood for?

Mr. ROCKEFELLER, Jr. It was in some letter of Mr. Bowers, in which he stated that 90 per cent of the men employed by the Colorado Fuel & Iron Co. were not members of the union, and that recognition of the union would involve the discharge of those men. I took the position that in justice to the men working for the company they ought to be allowed to work whether union men worked or not; that they were not to be discharged because union men wanted

Chairman WALSH. Did the operators ever say to the miners that they were perfectly willing to recognize their union and treat with members of the union collectively through the officers?

Mr. ROCKEFELLER, Jr. Not to my knowledge.

Chairman WALSH. On the contrary, they assumed exactly the opposite position, that they would not recognize the union; now, that is true, is it not?

Mr. ROCKEFELLER, Jr. Yes; I think that is true.

Chairman WALSH. Now, then, Dr. Newell Dwight Hillis, in his sermon that I have referred to, states that the operators answered that they were perfectly willing to recognize the union and treat with members of the union collectively through their officers, but they must also recognize the rights of the nonunion men who objected to the methods of the labor union, and claimed the right as American citizens to sell their labor at such price as they considered fair, and thus maintain their individual liberty. The strikers said, "You must unionize this mine." The operators answered, "We will recognize your union and give work to all its members, but we will also give work to men who do not want to join a union."

Did the operators ever say that to the union, that we will recognize the union and give work to all its members?

Mr. ROCKEFELLER, Jr. I don't know what the operators said, but as far as the officers of our company were concerned they had no antagonism to union men. They desired that men who were not union men would have the same right to work, though.

Chairman WALSH. Did they say that they would recognize the union, as this man states in his sermon?

Mr. ROCKEFELLER, Jr. I never have heard them say that.

Chairman WALSH. You know, on the contrary, they have said they never would recognize the union?

Mr. ROCKEFELLER, Jr. This statement is a qualified statement. This statement says that the operators would recognize the union in so far as the men working for the union were working for them, but at the same time they would also recognize the right of the other men to work.

Chairman WALSH. Let us see if it is qualified. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers. Will you say they never said that?

Mr. ROCKEFELLER, Jr. Will you read the balance of the statement?

Chairman WALSH. I have read it, and I am reading this now. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers.

Did they ever say that?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. You read that sermon?

Mr. ROCKEFELLER, Jr. I don't know. I told you I saw a sermon from Dr. Hillis in the early part of the strike. Whether this is the one or not I have no means of knowing.

Chairman WALSH. I will ask you if on July 17, 1914, following out his announced ideals, Mr. Ivy Lee did not write you the following letter:

JULY 17, 1914.

Yours of July 15 inclosing copy of Elbert Hubbard's article just at hand. I will go over the article and see if we can not make something out of it for a bulletin. You will realize that up to the present time it has been the theory of the bulletins that they be confined to statement of fact from sources of people of standing in Colorado itself. We have been seeking to lay a foundation of fact on which perhaps later we can follow with such things as Dr. Hillis's sermon, this article of Hubbard's, and perhaps other publications on the subject. It has been my hope, however, to get the basic facts stated in these earlier bulletins. I feel that we still have a little distance to go in that direction.

Bulletin No. 8 is to consist of quotations from Mrs. Helen Grenfell's statement to President Wilson, regarding the battle of Ludlow. It seems to me that a statement from an organization of women was the most effective thing we could present on this subject. The next following bulletin will deal with the question of the wages actually paid to the miners. Mr. Welborn has sent me some interesting and suggestive figures dealing with the wages paid a large number of men for an entire year.

Mr. Murphy sent me a copy of the article in the Popular Science Monthly, which concerns the subject of capital and labor. I am going to arrange to have it widely distributed, as you suggest.

Very truly, yours,

IVY L. LEE.

Now, that was the article from the Popular Science Monthly extracts from which I read you this morning, was it not?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Do you know that Mr. Murphy sent him one for wide distribution, as you suggest?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Now, you did read Dr. Hillis's sermon, did you, when Mr. Lee wrote you that he was laying the basic facts from which he would afterwards send out Dr. Hillis's sermons?

Mr. ROCKEFELLER, Jr. If this is the sermon referred to, I have seen it, which he preached in the early part of the strike.

Chairman WALSH. Perhaps you had better look at this and see whether or not it is the same sermon.

Mr. ROCKEFELLER, Jr. I could not tell you, Mr. Chairman; I have never seen it in pamphlet form. I am not able to identify the sermon.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock, when you will please resume the stand.

(Whereupon, at 5 o'clock p. m. of this, Friday, May 21, 1915, an adjournment was taken until 10 o'clock to-morrow, May 22, 1915.)

SATURDAY, MAY 22, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Harriman, Weinstock, Lennon, and O'Connell.

Chairman WALSH. Mr. Rockefeller, if you will please resume the stand.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I want to refer to a brief extract or two from your testimony, Mr. Rockefeller, given at New York, before the commission. This question was asked you:

"Did you read the reports and dispatches of the Associated Press containing the testimony of Jefferson Farr, sheriff of Huerfano County, in the congressional investigation and in the investigation of this commission?

"Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

"Chairman WALSH. You believe that it should be made unlawful for private detective agencies to keep up armed men, enrolled for the purpose of transporting them from State to State to be used where labor disputes are in progress?

"Mr. ROCKEFELLER, Jr. That is a question I have no knowledge about.

"Chairman WALSH. What is your information about it as a citizen?

"Mr. ROCKEFELLER, Jr. I believe that whatever measures may be necessary in order to protect life and property in emergency situations must be adopted. If my wife and family were thus threatened, I would take whatever measure I could, I would consider afterwards the propriety of them, but I would adopt the thing that I felt would be my first duty."

You meant by that that you would exercise what is known as the necessary self-defense of person and property?

Mr. ROCKEFELLER, Jr. I meant by that when the forces of the law were not adequate to protect me, and the actual life of my wife or family was at stake, I would protect myself.

Chairman WALSH. And necessarily you would have to determine the moment that that situation occurred, would you not, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. It would be a last resort, Mr. Chairman.

Chairman WALSH. It would be a last resort, but finally you would have to determine those facts, first, as to whether the protection which ought to come from the constituted authorities was present, or not, and next whether or not the violence, in the absence of that protection, was so close and impending that you would have to act yourself?

Mr. ROCKEFELLER, Jr. Of course, if an officer of the law were present to perform his duty, there would be no question as to the impropriety of so acting.

If an officer of the law could be gotten, or was accessible under such circumstances, I would not justify for a moment the opposing of the forces of the law. But, if a burglar, as I think I there stated, came into my house and held a revolver at my head, and it was a question, the next second, of my life being taken or acting in self-defense, under those extreme circumstances, where there was no opportunity to get the protection of the law, under those very extreme circumstances, life about to be taken, I think a man would be justified then.

Chairman WALSH. Suppose the burglar's mask fell off, and you recognized he was the sheriff of the county, and notwithstanding his official position he was about to commit violence upon your person?

Mr. ROCKEFELLER, Jr. The officers of the law should never be opposed. If the officer of the law is about to shoot me with a revolver at my head, and I have either got to die or defend myself, in that extreme and remote circumstance, a man has a right under the law to defend himself, but only in such a case.

Chairman WALSH. You would feel that there was nothing left for you to save your life, or the lives of those that were entitled to your protection, except to kill the man?

Mr. ROCKEFELLER, Jr. I don't say to kill the man.

Chairman WALSH. Or shoot him or use whatever force was reasonably necessary to repel his attack?

Mr. ROCKEFELLER, Jr. If he was about to shoot me, and had his finger on the trigger, I would feel justified in undertaking to prevent that, but not to kill him, unless it came to a death struggle, and it was a question of fight, man to man.

Chairman WALSH. Unless you thought you had to die to defend your own life or your family's?

Mr. ROCKEFELLER, Jr. It would not be a question of thought, but whether he was getting the better of me, and in the fight man to man I had to defend myself.

Chairman WALSH. Do I understand that you would wait, if it was the sheriff that was the burglar, that you would wait until he had his finger absolutely upon the trigger before you fired?

Mr. ROCKEFELLER, Jr. It is difficult, except when one is in a position of that sort, to say just how one would act at the moment.

Chairman WALSH. In other words, you would have to decide the moment the danger was presented and the amount of force you would have to use to save your own life?

Mr. ROCKEFELLER, Jr. The danger would have to be so great that I would have to feel before taking action that when I was brought before a court of justice to defend the resistance of an officer of the law, that the court would find me guiltless, and find that circumstances were such that I was justified. If I did not think that such a situation existed, I would not be justified.

Chairman WALSH. In other words, you would have to be the judge in the final instance as to whether or not you were compelled to use violence to repel the attack? Otherwise, you would not act?

Mr. ROCKEFELLER, Jr. I would have to be the judge, but I would have to have, as overbalancing the possibility of death, the possibility of sentence at the hands of the law for having opposed an officer of the law.

Chairman WALSH. Even if the officer of the law was the burglar?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. You know there have been such cases, you have read of them frequently, where a highwayman was captured and he turned out to be a police officer, and they have been convicted of it?

Mr. ROCKEFELLER, Jr. I don't recall any of them.

Chairman WALSH. You don't recall any of those cases?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. But take a case of that kind, where a highwayman attempts to hold up a citizen, and notwithstanding the citizen sees that this highwayman, with a revolver at his head—and would say, give me your money or I will kill you, and the citizen recognized the highwayman as a police official, should he give his money or take death rather than resist him?

Mr. ROCKEFELLER, Jr. I can not make my position clearer than by repeating what I have just said; the imminence of death must be so great that the individual is willing to take the chances of justifying his act before a court of justice—his act of opposition to the law before a court of justice—else he is not justified in resorting to violence.

Chairman WALSH. So you think that if an attack was made upon you by a highwayman, and you discovered that that highwayman was a detective that you had seen, that you should attempt to impartially at that moment determine what the result of the case would be in court thereafter?

Mr. ROCKEFELLER, Jr. I have stated my views on the subject.

Chairman WALSH. Very good; I will state another case. Take a case of this sort: You have a home, I believe, at Seal Harbor?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. And we will suppose that while you were in your home, conscious in your own mind that you have committed no offense against the law, that the sheriff came to your door; that he was accompanied by three other men—small, dark, strange men—that you had never seen before in your life; that the sheriff was elected, and after he was elected you heard from sources that carried conviction to your mind that that sheriff was an anarchist; that is, that he had no respect himself for the courts or for law; that he had no respect for the property rights or the liberty of the individuals in his county; that you know that; that he came to your door with these three other men in the dead of the night and aroused you without giving you an opportunity to properly clothe yourself, and said, "Come and go with me"; that you recognized him as the sheriff, but you had in mind that he was an anarchist, and you knew it. You asked him if he had a warrant, and he said he had no warrant; and you asked him then what he proposed to do with you, and he told you that he had a boat at the landing that he was going to put you in with the assistance of these other three men, and then he was going to transport you to a place where there was an empty box car; that they were going to put you in that box car and take you to Girard, Kans., and there going to throw you out of the box car; and you asked him for a warrant, and he said he had no warrant, and you appealed to the other men with him, and then you discovered for the first time that they either did not speak English or spoke it so imperfectly that you could not understand it; that they were speaking in a strange language, a sort of a corruption of the Spanish language, and that you could not understand it. Knowing the character of these men, would you leave that house without resistance and stand being put into that box car and shipped to Girard, Kans., or Walsenburg, Colo., or some other point in the West?

Mr. ROCKEFELLER, Jr. I stated the principle that I think should govern a man in any such instance.

Chairman WALSH. What was that?

Mr. ROCKEFELLER, Jr. The statement that I made a moment ago.

Chairman WALSH. You think under those circumstances he should resist to the best of his ability?

Mr. ROCKEFELLER, Jr. That is, if the man's life was the next second to be taken——

Chairman WALSH (interrupting). I am leaving out the life. I am stating that these four men were just going to up and do that with you—put you in a box car and take you to Girard, Kans., or Walsenburg, Colo., and dump you out of the box car.

Mr. ROCKEFELLER, Jr. I stated the principle upon which I think alone a man would be justified, under the extreme circumstances which I have mentioned, in opposing an officer of the law, only when death is imminent, and only when he should feel that before a court of justice, were he subsequently brought to defend his action, he could be defended and would be acquitted. I am not prepared beyond that statement, which covers fully the circumstances, to express an opinion in such cases.

Chairman WALSH. I am stating this case to you hypothetically, because I am going to read a concrete instance in the correspondence between Mr. Bowers and yourself, and I now ask you under those circumstances would you be willing to go without resistance with these four men, one of whom you know to be an anarchist, and the other three of whom did not understand your language, and without a warrant, even though one was the sheriff?

Mr. ROCKEFELLER, Jr. I have made a statement which I think covers the situation, Mr. Chairman.

Chairman WALSH. Is it not a fact, Mr. Rockefeller, that you would have your associates or your family or your servants arouse the neighborhood and bring them up to defend you against these four men who took you away from your home in the dead of night?

Mr. ROCKEFELLER, Jr. I have made a statement which I think covers this situation.

Chairman WALSH. Would you not arouse your neighbors and resist those men, this anarchist and these three strange foreigners?

Mr. ROCKEFELLER, Jr. I have not anything to add to the statement I have made.

Chairman WALSH. You would not say whether you would or would not? Do you wish to leave the implication you would tamely go with them without arousing your neighbors and allow them to take you to Walsenburg, Colo., or to Girard, Kans., if one of them happened to be a sheriff, although you knew he was an anarchist and a criminal?

Mr. ROCKEFELLER, Jr. I have not anything further to add, Mr. Chairman.

Chairman WALSH. When did your father secure this interest in the Colorado Fuel & Iron Co.? What was the date?

Mr. ROCKEFELLER, Jr. I do not recall the date. I should say some 12 or 13 or possibly 14 years ago.

Chairman WALSH. Was it not in 1902, the early part of 1902?

Mr. ROCKEFELLER, Jr. I do not recall, Mr. Chairman.

Chairman WALSH. Do you, in the conduct of this and other industries, read the Government reports relative to labor, the condition of labor and the occurrences in labor fields?

Mr. ROCKEFELLER, Jr. I have not happened to do so.

Chairman WALSH. Do you not read the Government reports respecting the labor conditions and properties in which you are interested?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Don't you ever do it?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. I say, don't you ever do it?

Mr. ROCKEFELLER, Jr. I have not done it.

Chairman WALSH. You have never done it? [No audible response.] Were you a director of the Colorado Fuel & Iron Co. while that strike was going on?

Mr. ROCKEFELLER, Jr. The recent strike?

Chairman WALSH. No; 1903 and 1904.

Mr. ROCKEFELLER, Jr. No; I can not recollect; I presume I was.

Chairman WALSH. Did you become a director as soon as your father bought his interest in the company?

Mr. ROCKEFELLER, Jr. That I do not recall.

Chairman WALSH. I will read you some extracts in regard to the labor disturbances in your own company from the Labor Commissioner's report of 1903:

"The first deportation by the militia at Trinidad occurred on the night of March 20, when Josef Paganni and Adolfo Bartolli, William M. Wardjon and 'Mother' Jones were deported. Six militiamen accompanied them from Trinidad to La Junta and warned them never to return. Paganni was the editor and Bartolli was the publisher of Il Lavatore Italiano, Wardjon was the national organizer of the United Mine Workers of America, and 'Mother' Jones was employed by that organization.

"Gov. Peabody, on being interviewed, said that he had issued no orders calling for deportations; that his orders to Maj. Hill, both public and private, had been of a general nature, placing authority in his hands to do whatever was necessary for the maintenance of law and order, and that any deportations which might be made would be carried out upon Maj. Hill's own responsibility.

"By order of Maj. Hill, saloons were permitted to reopen on March 31, saloon keepers being enjoined not to sell or give liquor to soldiers or to intoxicated persons.

"On April 2 eight men were deported from the State. They had been arrested at the several coal camps during the previous two weeks and had been confined in the county jail. They were placed on a Colorado & Southern train, conducted by a detail of soldiers to the line between Colorado and New Mexico and warned not to return. All of the men who were deported were strikers, some of them had been active in the conduct of the strike, and nearly all of them were officers in their local unions. Maj. Hill, on being asked if there were any specific charges against them, said, 'No; but I believe their absence is better for the people than their presence.'"

Further on in this same report, being the report of the Commissioner of Labor for 1903, it is said:

"On April 9 a military detail deported four men from Trinidad to New Mexico. One was the secretary of a local miners' union, another was one of the union commissary managers at Aguilar, another a local union organizer. When arrested by the militia they had been charged with intimidation of nonunion miners."

Again, further on, the report says:

"W. M. Wardjon, national organizer of the United Mine Workers of America, was attacked and severely injured while he was a passenger on a Denver & Rio Grande train. When the eastbound train reached Sargents on the evening of April 29, it stopped 20 minutes for supper, but Mr. Wardjon and a lady passenger did not leave the parlor car. Three armed men entered the car and cursed Wardjon, beat him with revolvers, and kicked him. His injuries consisted of four scalp wounds, two cuts on the face, and numerous bruises on the body. After inflicting this maltreatment the three men left the train. Wardjon proceeded to Salida, where he entered the hospital of the Denver & Rio Grande Railroad. He was positive in his identification of two of his assailants as men in the employ of Reno's Detective Agency."

Again, this report says:

"On May 19, 80 Italian strikers were marched from Berwind to Trinidad by a troop of cavalry. They had refused to register at Berwind and to have their descriptions written for future reference, according to an order issued by Maj. Hill a few days previously. The men complained that the march of 18 miles over the mountains on a hot day caused them great fatigue and that some of them dropped by the wayside, but they were cursed and driven on by the mounted soldiers. They were given water but no food either on the march or at Trinidad. On arrival at military headquarters there they were photographed in groups and registered according to the Bertillon system, then turned loose. They were fed at the commissary of the union.

"On May 22, 10 men, who had been arrested on various charges during the previous fortnight were placed on board a southbound Colorado & Southern train at Trinidad and taken across the line into New Mexico in charge of an officer and a squad of soldiers."

That is the report of the Government on certain crimes that were committed by the soldiers in the strike in your industry in 1904, and you say you never read the Government report and your attention never called to the fact, or if it was, you had forgotten that such were done in that strike?

Mr. ROCKEFELLER, Jr. I have never read the report. I had knowledge, at the time, generally, of things told that were occurring, as such knowledge came to me from the officers of the company on the ground. What that knowledge was I do not now recall, the period being many years since.

Chairman WALSH. On September 29, 1913, I find Mr. Bowers wrote you as follows:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

You got that letter from Mr. Bowers, your chief executive officer, in Colorado, on September 30, 1913, did you not?

Mr. ROCKEFELLER, Jr. If that is among the letters which have been filed with the commission, I did.

Chairman WALSH. Don't you remember yourself that you did receive such a letter from Mr. Bowers?

Mr. ROCKEFELLER, Jr. I don't recall, Mr. Chairman, the contents of the many letters I received from the officials of the company. I do not question the letter was written if it was in the batch of letters that have been supplied to the commission.

Chairman WALSH. Is it possible, Mr. Rockefeller, that you have no recollection of any of the occurrences in Colorado except such as are contained in letters which have been produced and filed with the commission?

Mr. ROCKEFELLER, Jr. I have seen statements in the papers and have received statements from various people in other publications in regard to conditions in Colorado in addition to the things which came to me from the officers of the company.

Chairman WALSH. You have answered questions repeatedly by saying, "If it is in the letter, then I receive it," or "If it is in the letter, why, that may be so." Is your knowledge or information with respect to the situation in Colorado definitely confined to the letters that have been produced before the commission or have you other and further information from interviews with the officers?

Mr. ROCKEFELLER, Jr. I have had interviews with the officers in addition to the other sources which I have mentioned.

Chairman WALSH. I will read you an extract from the letter of September 20, which your officers furnished the commission from L. M. Bowers to you, addressed and sent to you at 26 Broadway, New York City:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

Now, you got that from Mr. Bowers at the time, did you not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And a very few days thereafter you wrote to Mr. Bowers, the letter which I have already read, in which you said you backed the officers up in all they did out there, did you not?

Mr. ROCKEFELLER, Jr. Mr. Chairman, will you be kind enough to read the whole of the letter from Mr. Bowers, from which you quote that statement?

Chairman WALSH. I can not do that at this time, Mr. Rockefeller, but I will say this, that any of these letters that you desire to submit more extensive extracts from or to read in full may be handed by your staff or used by you after I conclude my examination.

Mr. ROCKEFELLER, Jr. I am unable to reply, Mr. Chairman, definitely to questions which are based upon statements contained in letters—fragmentary statements. I think you will recognize the justice of that.

Chairman WALSH. It is sometimes difficult, and at any time you are unable to answer because the further context of the letter is not given you may so indicate, and it will be accepted, so far as I am concerned, as a reason for not answering the question.

Mr. ROCKEFELLER, Jr. This is such an instance, Mr. Chairman.

Chairman WALSH. I believe it is your request that I read this. I happen to have it here, and I will read that letter through for you:

"I have your letter of September 22 with reference to the coal strike in southern Colorado. We know how earnestly desirous you have always been to have the men in your employ work under the best possible conditions and receive every consideration and advantage. We also know that you and Mr. Welborn have spared no pains to provide for the well-being and look out for the interests of the employees of the Colorado Fuel & Iron Co. Your letter simply confirms what we knew to be the case.

"You gentlemen can not be more earnest in your desire for the best interests of the employees of your company than we are. We feel that what you have done is right and fair and that the position which you have taken in regard to the unionizing of the mines is in the interest of the employees of the company. Whatever the outcome may be, we will stand by you to the end.

"Very truly,

"JOHN D. ROCKEFELLER, Jr."

That was written on October 6, 1913, and this quotation I have read to you about "Mother" Jones is in a letter of September 20; that is a letter written just a week before you said whatever the outcome would be you would stand by them to the end. The quotation I read you from this letter is the only quotation, as I recall, that had reference to "Mother" Jones or the deportation of any other persons. I do not care to read that letter in full, but I will read an extract:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

Now, your mind is thoroughly familiar with that item in the letter, is it not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And you got it at the time?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Are you aware that the deportation of persons is a violation of the fourteenth amendment to the Constitution of the United States, guaranteeing due process of law—you have often read of its being invoked—the fourteenth amendment to the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I do not recall at the moment.

Chairman WALSH. I will read it to you, then:

"Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Now, it is a familiar provision to you, is it not?

Mr. ROCKEFELLER, Jr. I have just heard you read it.

Chairman WALSH. It is very frequently invoked for the preservation of property and life, is it not?

Mr. ROCKEFELLER, Jr. I can not say that.

Chairman WALSH. You can not say that?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Were you aware that that action toward that lady was a violation of that provision of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I had no knowledge of it.

Chairman WALSH. Did you, as an official of the company, notify any public authority that the rights of this lady were about to be invaded?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Did you, as an official of the company, remonstrate with Mr. Bowers, who was in charge of the situation for your company in Colorado, for condoning or sympathizing with what would have been a violation of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I have no reason to believe that Mr. Bowers condoned or sympathized with any violation of the Constitution or any other law.

Chairman WALSH. You had no idea of condoning or sympathizing with that?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Do you recall the letter Mr. Bowers wrote you November 18, 1913, when things were quiet, comparatively, there in regard to that particular form of crime?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. I will read this, if you do not recall it:

"NOVEMBER 18.

"It is true, Mr. Rockefeller, I have not sent you much published matter in regard to the strike during the last few days, as we have been having a season of comparative quiet in southern Colorado."

This is the one in which he also says:

"You will be interested to know that we have been able to secure the cooperation of all the bankers of the city who have had three or four interviews with our little cowboy governor. Another mighty power has been rounded up in behalf of the operators"—

Referring to the newspapers. I will not read that again. Well, Mr. Manly calls my attention to the fact that the particular thing I want to call your attention to follows immediately after "the little cowboy governor":

"You will be interested to know that we have been able to secure the cooperation of all of the bankers of the city who have had three or four interviews with our little cowboy governor, agreeing to back the State and lend it all the funds necessary to maintain the militia and afford ample protection so that our miners could return to work or give protection to men who are anxious to come up here from Texas, New Mexico, and Kansas, together with some States farther east. Besides the bankers, the chamber of commerce, the real estate exchange, together with a great many of the best business men, have been urging the governor to take steps to drive these vicious agitators out of the State."

Now, Mr. Bowers wrote and told you that he had rounded up the bankers and the big business men, and that they were urging the governor of the State of Colorado to violate the Constitution of the United States and drive people that they deemed to be agitators out of the State during a season of comparative quiet—so quiet that Mr. Bowers did not think it necessary to send you any newspaper clipping of the struggle.

Mr. ROCKEFELLER, Jr. Is there a question based on that?

Chairman WALSH. Yes. The question based upon that is, Whether or not you condone the act of your executive agent in urging the governor of the State and in rounding up, as he said, the bankers of Denver to urge the governor of the State to drive these people out of the State?

Mr. ROCKEFELLER, Jr. I think it was the duty of that company or of any company to take whatever legitimate means they might see fit to see that the law was enforced and that proper protection to the people and to the interests of the State was given.

Chairman WALSH. Well, now, Mr. Bowers told you in that same letter that it was a season of comparative quiet; that there was nothing interesting enough to send you the clippings, and he said nothing here about upholding the law in this sentence; but he said they had rounded up these men, that they had had

interviews with the little cowboy governor, and they had urged him to take steps to drive these vicious agitators out of the State. Didn't you believe that the upholding of the law would be to bring any persons to answer in court for any violation of law—any agitator; but that under no circumstances could the law itself be violated—that is, that the people be driven from the State?

Mr. ROCKEFELLER, Jr. I presumed the governor would take such steps as he thought were within his rights as governor.

Chairman WALSH. But this is the supreme law of the land, the Constitution, that no man shall be deprived of his liberty without due process of law, and that every person shall be entitled to the equal protection of the laws. Now, when you got that letter from Mr. Bowers, stating that he had rounded up these powerful interests, and they were urging the governor to take steps to drive these vicious agitators out of the State, did not you know that was a violation of the fourteenth amendment to the Constitution of the United States, guaranteeing due process of law——

Mr. ROCKEFELLER, Jr. As I have already——

Chairman WALSH (continuing). And that those people were entitled to the equal protection of the law and that the State or the governor were not themselves permitted to deprive them of their liberty or of their property without due process of law?

Mr. ROCKEFELLER, Jr. I am not a lawyer, Mr. Chairman, and I did not enter into all those questions.

Chairman WALSH. Do you know now that it was a violation of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. You have so stated.

Chairman WALSH. Well, you heard me read the provision. Now, if it turns out that Mr. Welborn and Mr. Weitzel joined in that effort to have the constitutional rights of these people taken away from them, I suppose that you will not hesitate to cast your vote, at least, to remove them from the offices which they have thus abused in your company?

Mr. ROCKEFELLER, Jr. Whenever I have reason to doubt the earnest purpose of the officers of the company to do what they believe is right under the circumstances which exist, which they know about, and which I do not know about—whenever I have any reason to doubt the earnestness of their purpose to do what they believe to be right, I shall take such action as it seems to me is right and expedient to undertake, to change their view or to replace them. But I do not feel called upon to state in advance of the full statement of the facts on both sides of any case of that kind what action I should regard as justified by the facts as they might develop.

Chairman WALSH. Will you immediately take up the question as to whether or not that offense against the law was committed, so that you may act after you have full information in regard to the facts?

Mr. ROCKEFELLER, Jr. Mr. Chairman, there have been many commissions and committees sitting for several years undertaking to get the facts in connection with the disturbance in Colorado the past year or 18 months. The testimony, in so far as I have heard any of it or read any of it, is very conflicting; and it is a difficult thing——

Chairman WALSH. Well, Mr. Bowers is here. Perhaps you might ask Mr. Bowers if what he stated in his letter are the true facts.

Mr. ROCKEFELLER, Jr. It is difficult to know what the facts are. I am taking and propose to take, in the discharge of my duties as a stockholder and a director in this company, such steps as I believe are proper for me to take to see that what is right and proper is done; and I intend to continue to do that. If any injustice or wrong has been done and is proved to have been done, I am expecting, of course—no one would be quicker than I to take whatever means might be proper and I should regard as proper, to rectify a wrong done. But I am not prepared to state in advance as to what steps I would take in any instance.

Chairman WALSH. Now, as a director of this corporation and with Mr. Bowers, who wrote the letter, sitting right in this room, and Mr. Welborn, who is still president of this company, don't you think that you could determine, say, by 2 o'clock, say, during the noon recess, whether or not what is stated in that letter is true; and your attorney being here, I believe, Mr. Murphy, couldn't you call his attention to that provision of the Constitution of the United States, and thus have the facts readily at your hand so that you could begin to act promptly if any such crime had been committed?

Mr. ROCKEFELLER, Jr. The commission has been in a position to get any information which they may like from any of the officers of these companies, and I have stated and I maintain that I will do whatever seems to me right and proper in endeavoring to see that what is right is done in the companies where I am related. I do not expect, Mr. Chairman, to commit myself to any specific act in connection with the carrying out of what I may regard to be my duty.

Chairman WALSH. You say commissions have been sitting. You meant that perhaps you could get that information through the medium of this commission?

Mr. ROCKEFELLER, Jr. I meant that the commissions are able to get what information they want. They have had the opportunity of getting all the information they want.

Chairman WALSH. Now, are you ready as a director to see that the law is upheld when you get to it and see that any violation of any of the laws or of the Constitution of the United States is punished, or will you condone things done in violation of the Constitution by those who, with others, say they have rounded up other interests so that the Constitution of the United States would be violated?

Mr. ROCKEFELLER, Jr. I propose to do in any instance whatever I regard to be my duty as a citizen.

Chairman WALSH. You believe, of course, in upholding the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. And you would not think that any agitator, no matter how vicious he was, should be driven out of the State in such fashion as I read to you, in 1906, that they took "Mother" Jones out, or that 6 miners, or 10, or 16, should be driven across the hills, without sufficient nourishment, simply because a militia officer thought their presence was not necessary? You would not favor that?

Mr. ROCKEFELLER, Jr. I am in favor of absolute justice, and nothing else.

Chairman WALSH. Then you would not answer whether you favor what was done in your own industry, in that particular instance?

Mr. ROCKEFELLER, Jr. I have stated that I am not in a position and I do not feel called upon to answer in regard to questions in which I have not all the facts.

Chairman WALSH. Do you believe that the so-called viciousness of an agitator ever justifies the officers of the law in driving that agitator from the community?

Mr. ROCKEFELLER, Jr. Unless any citizen is breaking the law, they have the same right that other citizens have to live where they may choose.

Chairman WALSH. Now, suppose as a director of the Colorado Fuel & Iron Co., it was found that the men who actually drove out the agitator were in the employ and pay of your own company, would you then take action to have the officers of your company punished in the courts?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I will repeat that I do not feel called upon to state what action I might regard as necessary, as proper, in the fulfillment of my duty, with reference to any wrongs which might be proved to have existed, while I have responsibility, and I would take what action I thought was right and proper under the circumstances. I have stated that, and repeated it, and beyond that I am not prepared to make answer.

Chairman WALSH. What would constitute proof to you?

Mr. ROCKEFELLER, Jr. I don't think I need to discuss that question.

Chairman WALSH. Would you give any idea to the commission as to what you would require as proof before you would act, where your own subordinate men, elected by your own vote, were violating the law?

Mr. ROCKEFELLER, Jr. I don't feel called upon to state in what way I would act or upon what occasions, but I would satisfy my own conscience as to what action should be taken.

Chairman WALSH. Do you consider yourself a vicious agitator?

Mr. ROCKEFELLER, Jr. I have not so considered myself.

Chairman WALSH. Would you think that any person or persons who denounced you as a vicious agitator were staying with the realm of truth, or fair inference, in your actions in the Colorado controversy?

Mr. ROCKEFELLER, Jr. I don't care to enter into a personal discussion of that kind.

Chairman WALSH. I will state another hypothetical question to you: Suppose that a company of militia called at your house, and with arms ordered you to get out and walk ahead of them down Fifth Avenue and into another State,

and when you protested against it you were told that you were a dangerous agitator, that the people in that neighborhood claimed that they had discovered that you had sent out a pamphlet written by another man, or paid to have a pamphlet sent out written by another man, in which you charged old Mr. Jones, an old neighbor, who was the president of the carpenters' local union, with being an East Indian thug and robber and murderer, and in the same article you had charged Mr. Smith, the secretary-treasurer of the machinists' union, who had lived in the neighborhood for many years, and was a law-abiding citizen, with being a robber and murderer and common thug, and that they discovered that you had sent this out, or paid to have it sent out, and that they had aroused the people, and had them to believe from that that you were a dangerous agitator, and that these men, although clothed with private authority, were just undertaking, not to arrest you for that, and arraign in court, but to march you across the State line into another State, what action do you think you would be entitled to take to protect yourself?

Mr. ROCKEFELLER, Jr. I have stated that it is my belief that the officers of the law should be respected and not resisted, and I have stated the principle, in a rare case only, where life is immediately threatened, on which I think the man would be justified in resisting. I have stated what justification there would have to be—such justification as could be established before a court of law, where he might be taken, because he was opposing himself to the officers of the law, and it would have to be such justification as could be established before that court of law, and that principle is the principle I am prepared to stand on, and it covers all such cases. I am not prepared to make reply to supposititious cases beyond that principle.

Chairman WALSH. In view of the fact that Mr. Bowers was endeavoring to have the Government drive those people out of the State, I am asking the question, would you resist being driven from the State in which your home is located, without due process of law?

Mr. ROCKEFELLER, Jr. I would not resist the officers of the law.

Chairman WALSH. You would let them take you to the State line and dump you out of the box car.

Mr. ROCKEFELLER, Jr. I have stated the principle on which my action would be based.

Chairman WALSH. Say you were economically situated so that you could prosecute those people, I suppose you would go back and prosecute them?

Mr. ROCKEFELLER, Jr. I am not prepared to answer such questions.

Chairman WALSH. And if not——

Mr. ROCKEFELLER, Jr. I am not prepared to answer questions of that kind.

Chairman WALSH. Now, supposing that a body of men, living in the only homes they had, in a tent colony, concluded that the forces of the law, sheriff's office, or whatever the law forces were, were not sufficient to protect them, would they be entitled to raise a force of men and arm them with deadly weapons to protect themselves in their homes?

Mr. ROCKEFELLER, Jr. Will you kindly read the first part of that question again?

Chairman WALSH. The first part of that question was, there was a large body of men; they have their families living in the only homes they have, which is a tent colony; they become convinced that the forces of the law are not sufficient to protect their homes, their property, and the lives of the people in them, and they themselves raise a body of men and arm them with deadly weapons for the purpose of taking the places of the constituted authorities or supplementing them; would you not say that they were thoroughly justified for the purpose of protection, in taking that action?

Mr. ROCKEFELLER, Jr. I think no action would be justified which took the place of the constituted authorities.

Chairman WALSH. I will ask if you did not answer a question propounded to you in the New York hearing in this way:

"Do you believe the Government is strong enough in this country to protect the property and lives of its citizens or that a stage has been reached where that matter must be left to private endeavor?"

To which you answered:

"I certainly believe that the Government is strong enough to protect the lives of its citizens. Should there arise, as is constantly shown, instances where the forces of law are not gathered in sufficient quantity at a specific point to meet every emergency that may arise—and I should think that situ-

tion has developed in Colorado—that there was a time when the State of Colorado was not able to maintain law and order."

And in that case you will recall you armed your own mine guards. Do you not believe that if it applies to you and the Colorado Fuel & Iron Co., it should also apply to anybody who desires to protect his property, his home, and his own people?

Mr. ROCKEFELLER, Jr. I think the rules of justice which apply to one citizen apply to all citizens.

Chairman WALSH. Are you a stockholder in the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I am.

Chairman WALSH. And to what extent do you represent stock in the Pennsylvania Railroad?

Mr. ROCKEFELLER, Jr. I do not represent stock at all. I am not a director of the company.

Chairman WALSH. What amount of stock do you own in the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I think I have three or four thousand shares of the stock.

Chairman WALSH. Do you know it to be a fact that the officers of the Pennsylvania Railroad Co. have on hand thousands of deadly weapons and many thousands of rounds of ammunition constantly?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. As a stockholder in the Pennsylvania Railroad Co., would you vote to retain in office a director who ordered the executive officers of the company to hold thousands of deadly weapons and thousands of rounds of ammunition in times of peace to supplement the authorities when they, in their opinion, believed that their property was not being protected?

Mr. ROCKEFELLER, Jr. I take no voice in the management of the Pennsylvania Railroad, Mr. Chairman. I have simply a small investment, as I stated. I am not prepared to dictate to the officers of any company in which I have an investment of the kind or to suggest to them what methods they should take for conducting their business.

Chairman WALSH. Do you also own bonds of the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Are you a stockholder in the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. I am not.

Chairman WALSH. Your father is?

Mr. ROCKEFELLER, Jr. He may be; I am not sure.

Chairman WALSH. The Rockefeller Foundation is the owner of bonds in that company, is it not?

Mr. ROCKEFELLER, Jr. Very possibly; I do not recall.

Chairman WALSH. Do you, as the representative of your father's investments, know whether or not he has bought stocks and bonds of the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. Did you notice the fact that the American Agricultural Chemical Co. in the State of New Jersey, within some 15 or 20 miles from your home, while this commission was in session in New York, brought into Roosevelt, N. J., a body of armed men from without the State, although the courts were open and the sheriff of the county and the chief of police of the town were reputable officers, the governor, as chief executive of the State, was in command of the militia, and that a conflict took place between those armed men and the body of citizens, resulting in the death of some of the citizens?

Mr. ROCKEFELLER, Jr. I saw some mention of some of those facts in some of the newspapers at the time.

Chairman WALSH. Do you know that that is a fact?

Mr. ROCKEFELLER, Jr. I only saw the headlines. I never read the details of the occurrences there.

Chairman WALSH. The report which you made to this commission, I believe, showed that the Rockefeller Foundation had half a million dollars worth of the bonds of the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. If the report showed it it was true, Mr. Chairman.

Chairman WALSH. Do you now know whether the report showed that or not?

Mr. ROCKEFELLER, Jr. As I told you when you asked me in New York about the various investments held by the foundation, the number is a hundred or more, and I can not carry in my mind the different investments. I do not know of my personal knowledge. I may have known; I do not recall at the moment.

Chairman WALSH. Do you deem it perfectly proper for the officers of a corporation having a large amount of property in their possession to buy arms and keep arms for the purpose of protecting that property, outside of the officers of the law, or in cases where, in emergency, the officers of the law are not in a position to act?

Mr. ROCKEFELLER, Jr. I think the officers of the law should maintain law and order.

Chairman WALSH. But if they do not?

Mr. ROCKEFELLER, Jr. What particular instances might arise in which certain individuals charged with the responsibility might think it was necessary for them to take such action as you have stated I could not state without knowing all of the facts.

Chairman WALSH. I will submit all these facts to you. On September 1, 1913, in the county of Huerfano and in the State of Colorado, and before any strike was called affecting any of the mines of the Colorado Fuel & Iron Co. in Huerfano County, Jefferson Farr, sheriff of Huerfano County, swore in 626 men and commissioned them as deputy sheriffs; that Mr. Farr did not know them personally, and that, so far as he knew, many of them might have been red-handed murderers and criminals; that the county and State did not pay these men; but they appointed them at the request of Superintendent Madison, of the Colorado Fuel & Iron Co., who told him that they were to be furnished arms and paid by the Colorado Fuel & Iron Co. Assuming these facts to be correct, would you say that such conduct was a menace to the peace of the county as well as to a republican form of government?

Mr. ROCKEFELLER, Jr. I can not say whether that was more of a menace than not to have taken that action, because I was not on the ground.

Chairman WALSH. I am going to ask you now if that same question, or practically that same question, was not asked you on the stand in New York, and if you did not reply as follows:

"I should say that if the officers of the Colorado Fuel & Iron Co. thought there was danger impending to the company and the lives of its employees in a remote section of the country, where the ordinary forms of protection were not adequate, that it would be their duty to take any steps they might feel should be taken in an emergency case to protect such lives and property, and I can fancy that a situation like that arising might not make it always possible to do the thing most desirable, but one has to do some things in an emergency. I assume this situation was a situation of this kind, and the officers of the company felt their first duty was for the protection of lives and property, and they did what seemed to them wise. I should not be able to pass on the propriety of their actions in that instance without knowing all of the circumstances; but I would say unhesitatingly that anything that interferes with a democratic form of government is always to be deplored and avoided absolutely unless the protection of lives and property arises in such a situation that some immediate action has to be taken."

Do you stand on that statement to-day?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. An emergency may arise in which immediate action must be taken by the officers of a corporation to protect their property and the lives of the people working for them?

Mr. ROCKEFELLER, Jr. That is what I stated there.

Chairman WALSH. You stand on that proposition to-day?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Suppose it be true that there were 800 people in the Ludlow tent colony—550 men—with wives and families, numbering, altogether, more than a thousand people; that according to their best judgment their property was in danger; they were in a place remote from centralized government, as you might say, they believed that the emergency was upon them; that their lives were in danger and their property imperiled, were they not only acting within their rights, but acting as good citizens, when they armed themselves, as you say, they having a right to do so, to protect their property, as you say the company had a right to do, to protect their little property, and to protect their lives?

Mr. ROCKEFELLER, Jr. I stated, I think, in the article which you read, that the company officials on the ground would be the ones to determine that.

Chairman WALSH. And these human beings in tents would be the ones to determine what was necessary to protect their lives, would they not?

Mr. ROCKEFELLER, Jr. I would not want to determine it for them.

Chairman WALSH. Would they not have the same rights as officers of your company?

Mr. ROCKEFELLER, Jr. Any citizen would have the same right before the law.

Chairman WALSH. Now, if the Government was not strong enough to protect your property in Colorado and the lives of your employees, I want to ask you a few more questions, because you stated you believed in the ballot as a means of correcting the evil. Why did you not shut down your mines and bring an action against any peace officer that was derelict in his duty for malfeasance or misfeasance in office, and have him put out?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the officers of the company will have to answer that. I can not.

Chairman WALSH. I believe you understand they have, in Colorado, what is known as the initiative, referendum, and recall of public officers?

Mr. ROCKEFELLER, Jr. I have so heard.

Chairman WALSH. You have so heard?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, if the law was not adequate to permit you to run your property, to carry on the operations of your coal mines in peace, and the governor was not affording you the protection charged by Mr. Bowers in your letter, why did you not shut down your mines and immediately have petitions circulated in the counties of Colorado to recall the governor and then have an election or have an election to put a governor in who would protect your property and the lives of your employees?

Mr. ROCKEFELLER, Jr. That is a question that the officers of the company would have to answer, Mr. Chairman.

Chairman WALSH. Suppose now that an emergency arose, such as you have suggested here. You say anything that interferes with the democratic form of government is always to be deplored and avoided absolutely, unless protection to lives and property is necessary in an emergency situation, and that in such a situation that some immediate action must be taken. Do you believe that a situation may arise calling for the protection of lives and property immediately without holding an election?

Mr. ROCKEFELLER, Jr. I have stated the instance of the burglar with the revolver at my head.

Chairman WALSH. If a burglar got into your house and the life of yourself—and of course what you would do to protect yourself you would do to protect your family, as you stated in New York?

Mr. ROCKEFELLER, Jr. I think any man would.

Chairman WALSH. I think any man would if he was not lacking in the common, ordinary impulses.

Mr. ROCKEFELLER, Jr. But this point must be borne in mind, Mr. Chairman. My statement was if the man appears with the revolver at your head, about to pull the trigger——

Chairman WALSH. Must he have his hand on the trigger?

Mr. ROCKEFELLER, Jr. I have stated the principle twice, and I will be glad to state it again, and upon which only, I think, a man is justified in opposing an officer of the law. If his life is immediately in danger; so that if he takes no action his life is about to be taken, and if he feels that the situation is such that when he is brought before a court of justice, to defend his action, the circumstances will, in the eyes of the judges before whom he appears, lead them to acquit him of the act which he has performed, then, I think he is justified in taking that action.

Chairman WALSH. What I was asking you particularly about is that you would use the same means to defend a member of your family, looking to you for protection, as you would for yourself?

Mr. ROCKEFELLER, Jr. I would defend my family; yes.

Chairman WALSH. And if the danger was imminent and impending, at the time, you would not consider the question of attempting to circulate a petition to recall the officials, would you?

Mr. ROCKEFELLER, Jr. Not if my wife or my children were to be killed.

Chairman WALSH. Would be in immediate danger—you would not think of falling back on the constitutional provision that you have a right to circulate a petition to recall the officials?

Mr. ROCKEFELLER, Jr. I would fall back on the right possessed by any citizen.

Chairman WALSH. The right of any citizen to defend the lives of your own loved ones—you would defend them?

Mr. ROCKEFELLER, Jr. I would.

Chairman WALSH. And I believe you have also stated—but I will sum it up briefly, to see if I understand you—that you have a right to arm yourself in advance, if you think you are going to be attacked, have you not?

Mr. ROCKEFELLER, Jr. In the State in which I live, one has not the right to arm one's self without a permit. I do not know what the law is in other States.

Chairman WALSH. You are not allowed to have a revolver in your house?

Mr. ROCKEFELLER, Jr. Not under the Sullivan Act.

Chairman WALSH. The Sullivan Act requires you to have a permit to have a firearm in your house?

Mr. ROCKEFELLER, Jr. So I understand.

Chairman WALSH. I thought it was directed against concealed weapons, but you are familiar enough with it to say that under the Sullivan Act a person can not have an own firearms?

Mr. ROCKEFELLER, Jr. That is what I have understood. I do not wish to vouch for that, but that is my impression of the law.

Chairman WALSH. We will take the State of Pennsylvania or the State of Colorado. We will take a State where there is a constitutional provision that the right of the people to carry arms and have arms in their possession shall not be invaded. I understand that is the law of Colorado, that there is a constitutional provision that they shall have a right to bear arms?

Mr. ROCKEFELLER, Jr. I do not know about that.

Chairman WALSH. But if that was the case, you would certainly say that a man who was meditating an attack would have a right to arm himself in advance to repel the attack?

Mr. ROCKEFELLER, Jr. I say men would be justified in taking such measures to prevent their own death, when death was imminent.

Chairman WALSH. I will not read the case in Colorado over again, but there was a case in which, before any strike was called, the company had arms on hand. Now, those were your executive officials—Mr. Matthon; you remember him, don't you?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Don't you know he is your assistant superintendent out there?

Mr. ROCKEFELLER, Jr. I do not know that, Mr. Chairman.

Chairman WALSH. As far as you are personally concerned, he might be a very bad man, and you not know that at all?

Mr. ROCKEFELLER, Jr. I hardly imagine it, knowing our executive officers, who must know him very well.

Chairman WALSH. I will say, Mr. Matthon was your assistant superintendent there at that time, and it was testified before the various hearings of the commission that he was out there getting information upon which you might subsequently act. It was testified that he was your assistant superintendent. We will assume now that you know he was your assistant superintendent.

Mr. ROCKEFELLER, Jr. I am willing to assume that from your statement.

Chairman WALSH. On my statement backed up by the investigations made by various commissions.

Mr. ROCKEFELLER, Jr. I am entirely willing to accept it on that statement.

Chairman WALSH. He was assistant superintendent, and arms were on hand and provided before there was any strike. Now, would you say he was justified in having those arms on hand, if he had reasonable cause to anticipate that assaults were to be made upon himself or the employees of the company or that the property rights of the company were to be invaded by an armed force?

Mr. ROCKEFELLER, Jr. I am not attempting to pass, Mr. Chairman, upon the acts which the officials of the Colorado Iron & Fuel Co. have performed.

Chairman WALSH. But you would say——

Mr. ROCKEFELLER, Jr. (interrupting). They have done what they thought was right, knowing the circumstances.

Chairman WALSH. And if they thought it was right to provide themselves with arms and ammunition to repel assaults, that they felt sure would come, to protect their property against these attacks, that they felt sure would be made, you would back them up in their proposition?

Mr. ROCKEFELLER, Jr. If I had any reason to believe that the officers of the company were not doing what they thought was right, knowing the circumstances as I do, I would take such steps as I could to change things.

Chairman WALSH. But if you thought that their property was about to be taken, or their lives, you think that arms in their hands to protect themselves and their employees and their property under those conditions——

Mr. ROCKEFELLER, Jr. They would have to determine that.

Chairman WALSH. I would like to have you say as a citizen. In addition to this Colorado situation, we are trying to get the views of the most prominent men in the country, business men, controllers of large investments, college men, lawyers, and public officials, as to this whole question of violence, and the application of the law in industrial matters, and I would ask you for your opinion as a citizen, having under your control very large investments, as to the right and propriety of persons to have arms with which to protect the property under their charge, and their lives, and the lives of those that have a right to look to them for protection.

Mr. ROCKEFELLER, Jr. Mr. Chairman, unless I know in each instance all of the facts, as a man on the ground knows them, I would not be able to answer that question. You have stated that the laws of Colorado would raise any man to violence.

Chairman WALSH. But that being true, and your officers contemplating, the men that were employed by you contemplating the attack upon their property or lives, would it not be their duty to arm themselves to protect their lives and property?

Mr. ROCKEFELLER, Jr. They would have to decide about that.

Chairman WALSH. Would you not, please, outside of your connection with the Colorado Fuel & Iron Co., give us your views as a citizen? Outside of our investigation, we are required to make recommendations in regard to the situation, and there are certain of the members of the committee that are applying themselves with great assiduity to the formation of suggestions for the State and the Government to control the agencies and forces for the protection of life and property, and to throw light on that, would you please give me your opinion as a citizen, whether or not it is proper for persons that have property in their charge to keep arms and ammunition on hand for the purpose of protecting that property and protecting the lives of their employees and their lives against assaults from armed bodies of men that they have every reason to believe are armed and are about to assail their employees?

Mr. ROCKEFELLER, Jr. I have expressed my opinion, and I think I demonstrated in the three days in New York before this commission and during the past days here that I want to give the commission all of the information in my possession with reference to the subject of their inquiry. I have done everything that I could in my power to assist their inquiry. Where I have an opinion I am glad to express it, but where the questions are based on specific instances, where the facts in the case enter in, I do not feel prepared to say what a man should do in a certain position, in which he has the facts and I have not.

Chairman WALSH. I am asking for the general opinion, if you will give it, whether or not you believe it better under present conditions for those having property in their charge of their own and belonging to others to which they bear a trust relation, to have the right, and it is not proper for them to keep arms on hand to protect that property and also the property of their own, and protect their lives from assaults that may be made upon them, or attacks upon their property for any felonious purpose?

Mr. ROCKEFELLER, Jr. As it has been stated, it would depend upon the laws of the State first, and second, upon the conditions, and I can not express any further opinion.

Chairman WALSH. I have to go back, because I think I have a very illustrating case from the actual field in Colorado with regard to the time that a man ought to use violence to protect his own life, and I believe you stated this morning that you could not act until the man's hand is on the trigger, or do I draw that too strong?

Mr. ROCKEFELLER, Jr. A little too strong, because I said, in qualifying that, that he must be prepared to justify his action in a court of justice; he should be able to justify it in the eyes of his fellow men before the judge of the court of justice.

Chairman WALSH. And in addition to having his hand on the trigger, he must also be prepared to justify himself in a court of justice?

Mr. ROCKEFELLER, Jr. That is what I have stated before four times.

Chairman WALSH. Then I will read you this and ask you if after hearing this case you might not change your opinion as to the time a person ought to act to save their lives.

Mr. ROCKEFELLER, Jr. The point was, When should a man be justified in resorting to violence?

Chairman WALSH. Yes, sir; in defense of his own person.

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, with the finger on the trigger that you advanced, I want to read you from the testimony of Gov. Ammons.

Mr. ROCKEFELLER, Jr. I want to say, as you yourself have said, that was a figure of speech, Mr. Chairman.

Chairman WALSH. Yes, sir; that is what I tried to straighten out, but you added to it, having in consideration that he should justify himself before a court, and I want to be fair and say that I took that as a figure of speech.

Mr. ROCKEFELLER, Jr. What I meant was that a man should be so guarded that if he did not act that his life might be taken, and in addition to that justification, that he should be prepared to defend his action before a court of law, and unless he felt that the situation was such as to justify him before such a court, then he would have no right to act.

Chairman WALSH. Now, you will admit, will you not, that the circumstances under which a man must judge whether his life is in danger or not would be different under different circumstances?

Mr. ROCKEFELLER, Jr. I have laid down a principle that would apply in all cases, and I do not feel that I need to undertake to interpret that principle in the specific instances. I have, with reference to different questions, enunciated as clear as I could my general beliefs and principles, and those are the principles and beliefs that govern my own actions, and beyond that I can not add anything of material value.

Chairman WALSH. I want to read you the testimony of Gov. Ammons in Colorado and see whether or not you might modify your opinion as to the exact time——

Mr. ROCKEFELLER, Jr. It is not a question of time, but the conditions which I have mentioned.

Chairman WALSH. I will read you this without any preliminaries, as I am going to get this read and then ask you about it. This is from the testimony of Gov. Ammons:

"There was another, a nonunion miner, tried to break through the picket lines one night"—

That was the picket lines of the militia, you understand, not the strikers'—

"There was another, a nonunion miner, tried to break through the picket lines one night, and it was dark, and the young fellow on guard on the picket line tried to prevent his coming through, and, not knowing whether the man was trying to take advantage of him or not, had cocked his gun, and he prodded him with his bayonet and perhaps touched the trigger, probably, and in some way the gun was fired and it killed the fellow."

Now, in view of that, don't you think that circumstances arise in which a man would be justified in acting before it got so far as the person having the gun touching the trigger?

Mr. ROCKEFELLER, Jr. I have stated the principles that would govern and I am not prepared to answer that.

Chairman WALSH. On this general question of people arming themselves and corporations arming themselves to protect their property and their lives I call your attention to a part of the record of this commission. When Mr. Atterbury was on the witness stand, the vice president of the Pennsylvania Railroad Co., in which company you say you are a stockholder, he was asked certain questions which were referred to Mr. Long, the general manager. My impression is that among the questions asked him was whether or not their company maintained firearms and ammunition for use by their employees in emergency cases. I think he referred it to Mr. S. C. Long, who stated, if I recollect his testimony, that there were some arms and ammunition in the safe in Philadelphia. We had Mr. Chimary, of our staff, collect data, and we asked Mr. Long, through him, to transmit to us a statement as to the arms and ammunition they had. We find this in a letter:

"Referring to the question raised at the hearing at Washington, Friday, May 7, at which time you asked Mr. J. C. Johnson, superintendent of telegraph, to furnish you a statement of arms and ammunition stored on the system for emergency use, we find that the purchasing agent has in stock in his rooms at Philadelphia 5,115 revolvers, 130 shotguns, 64,107 cartridges, 1,041 riot clubs,

This material is furnished on regular requisition when needed and is used when a strike is in progress and then collected and again stored after the trouble is over."

Do you believe it is proper, if there is nothing in the law to forbid it, for a corporations to have firearms to be used in emergency purposes?

Mr. ROCKEFELLER, Jr. I have never been the superintendent or executive officer of any corporation, Mr. Chairman, and I have not had experience in dealing with such problems, and I have no opinion to express in regard to it.

Chairman WALSH. Speaking of violence again for a moment, do you consider a happening of preventable accidents in mines in which human beings are killed a form of violence?

Mr. ROCKEFELLER, Jr. I had never thought of it in that light. I should not say so.

Chairman WALSH. It has been stated here by numerous witnesses—one whose testimony is very strongly in my mind—that every accident that could have been prevented by reasonable precaution on the part of the owner of the mine which costs a miner his life, the intelligent workingmen believe to be criminal and a form of violence against them. Do you agree with that?

Mr. ROCKEFELLER, Jr. I have not formulated an opinion on that subject, Mr. Chairman.

Chairman WALSH. You are a director of a mining company which has thousands of men working underground?

Mr. ROCKEFELLER, Jr. I am a director in a company which owns and operates mines.

Chairman WALSH. Does it have thousands of men working underground?

Mr. ROCKEFELLER, Jr. They are working in the mines; yes.

Mr. WALSH. You have received information from time to time of explosions which occurred in those mines, in which men working for your company met with death in horrible form, have you not?

Mr. ROCKEFELLER, Jr. That is a circumstance which unfortunately happens in connection with any kind of mining.

Chairman WALSH. That is, the miners were burned and suffocated?

Mr. ROCKEFELLER, Jr. And death has resulted. Every effort is being taken and, as has been the case always, has always been taken by the officers of the Colorado Fuel & Iron Co. to reduce to the lowest possible point the risk of injury.

Chairman WALSH. You have heard it stated time and again, have you not, and read that there are more deaths in mine accidents in Colorado than from any other State in the Union, proportionately?

Mr. ROCKEFELLER, Jr. I rather think that statement has a familiar sound. That it is true, I do not know, nor do I believe.

Chairman WALSH. Did you ever look up, as director of the Colorado Fuel & Iron Co., how many men had been killed in your mine in the last five years?

Mr. ROCKEFELLER, Jr. I have not. The officers of the company are doing everything they can to prevent death. Beyond that I hardly see what could be done.

Chairman WALSH. Do you know how many explosions have occurred in your mines within the past three years?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you know how many explosions have occurred in your mines or the mines of your company within the past year?

Mr. ROCKEFELLER, Jr. I do not keep posted on that, Mr. Chairman.

Chairman WALSH. You do not know?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. You are a director of the Colorado Fuel & Iron Co. When you hear of an explosion in which a great number of lives are lost, do you not attempt to find out how many men were killed—that is, of your own company? Personally, do you not try to find out how many men were killed and what caused the killing?

Mr. ROCKEFELLER Jr. As a director of the company I have done what was my duty in selecting officers or helping to select officers whom I regarded as most competent to deal with such questions and to deal with them much more wisely and successfully than I could. I mean by successfully to prevent accidents because of their knowledge of conditions. I feel that I am doing a greater service in the selection of such men and leaving with them the questions pertaining to the prevention of accidents of every kind than as though I were to undertake myself to go into the matter.

Chairman WALSH. Suppose you heard of explosion following explosion, where many lives were lost, and you have this great responsibility as a director, which you stated you were willing to take, do you not believe that you ought to at least know the number of men that were killed?

Mr. ROCKEFELLER, Jr. I undertake to discharge the responsibility which is upon me in the way which, according to my best judgment, is wisest. Beyond that I do not believe it is possible for any man to go.

Chairman WALSH. When you hear a number of men have been killed in a mine, do you inquire their names?

Mr. ROCKEFELLER, Jr. I have not done that.

Chairman WALSH. Do you ever inquire whether or not they have families?

Mr. ROCKEFELLER, Jr. I have not undertaken to investigate, Mr. Chairman, the details of matters pertaining to such questions.

Chairman WALSH. Do you inquire as to their social surroundings?

Mr. ROCKEFELLER, Jr. These are all matters which the officers of the company are much better fitted than I to deal with in the wisest and best way.

Chairman WALSH. Do you inquire how much the company paid those men as compensation?

Mr. ROCKEFELLER, Jr. As a director, Mr. Chairman, my experience has been that when officers have been appointed to operate companies, they must be given responsibilities, and they must be free, so long as they are worthy of trust. I repose such confidence in the men whom I have had a part in selecting, and I find that that is the way to conduct business. That is the ordinary, and, I feel, a more sensible way, so far as the interests of the employees are concerned, than as though I were myself to try to deal with technical questions.

Chairman WALSH. Do you think that injustice is ever done by executive officers toward the families of miners who lose their lives in the mines?

Mr. ROCKEFELLER, Jr. I suppose that injustice is done in the various walks of life.

Chairman WALSH. But I mean in that particular line by the executive officers.

Mr. ROCKEFELLER, Jr. I don't know, Mr. Chairman. I only know that every effort is being made by the officers to see that justice is done and to prevent injustice.

Chairman WALSH. If you knew that explosion after explosion took place in your mines, do you not think it would be your duty personally to inquire into the cause of the deaths and what compensation is paid to the survivors of the dead so that you would have the personal knowledge, even though you went to the executive officers to find it out?

Mr. ROCKEFELLER, Jr. I would take such steps, Mr. Chairman, as seemed to me right and wise in the performance of my duty.

Chairman WALSH. Mr. McCorkle has information that he claims to have received from the miner; that is, that the miner complained—it was a fire boss—that there was too much gas in the chambers and that an explosion was likely to take place, but that notwithstanding that the miners were ordered back into the place and the mine did explode and killed 58 men. Did you hear that statement by Mr. McCorkle?

Mr. ROCKEFELLER, Jr. I did not hear that testimony; but I know that try as hard as the officers and superintendents of a mining company will to prevent accidents, it is often an exceedingly difficult thing to enforce regulations on the men themselves to make them careful not to take risks and not involve other men in risks. The officers do everything in their power to prevent accidents. The men who are in charge are as regretful as anyone could be when accidents happen and as anxious as anyone could be to prevent accidents. They are doing all they can, Mr. Chairman, to prevent such accidents.

Chairman WALSH. Do you believe that men go in these mines and take chances over through economic necessity on account of their requirements for housing, food, and raiment for themselves and their families and take chances they would not otherwise take?

Mr. ROCKEFELLER, Jr. I suppose any man who goes into the mining business realizes that he does that.

Chairman WALSH. But do you not think—you are complaining and saying that the workmen themselves take chances. Do you not believe that in many instances they take those chances through the force of economic necessity?

Mr. ROCKEFELLER, Jr. I do not recall having said that they take chances. What I said, Mr. Chairman, was that men are very careless about observing the requirements and regulations which prevent or help to prevent accidents. The

men themselves are often very careless in matters of that kind. That was my statement.

Chairman WALSH. Is it the first duty upon the managers of mines to make them safe before the men go into them?

Mr. ROCKEFELLER, Jr. It is the highest duty of the managers of mines to do everything they can to make the mines as safe as possible.

Chairman WALSH. I will ask you the direct question: Now, if an explosion occurs in the mine from causes which could have been prevented by a reasonable outlay of energy and care on the part of the mine managers, in which human life is lost, do you not believe that that is violence against the persons of those miners and against the rights of their survivors?

Mr. ROCKEFELLER, Jr. I believe that every effort should be made to prevent accidents, Mr. Chairman. I am not prepared to make an answer to the other question which you have presented.

Chairman WALSH. If a specific case were brought to you of the deaths of miners caused by the negligence of your employees, known to the executive officers, in which lives were lost, would you then make a personal investigation to find out the actual names of the men that were killed, the facts leading up to their deaths, and all the details surrounding it?

Mr. ROCKEFELLER, Jr. I would always take such steps as might seem to me to be wise and proper in the performance of my duty as a director, Mr. Chairman.

Chairman WALSH. What is that?

Mr. ROCKEFELLER, Jr. I would always take such steps as might seem to me wise in the performance of my duty as a director.

Chairman WALSH. As a director, when your attention was called to the fact—alleged fact—that injustice was done by your executive officers; that they were negligent; and that it did cause destruction of life and crippling of limbs; would you look into that personally to find out whether they were negligent or not, or would you still say, as a director, "I would leave it all to the executive officers whom I might pick out"?

Mr. ROCKEFELLER, Jr. If I had reason to believe that negligence was existing which might cause accident or loss of life, or distresses of any kind, I would take what steps might seem to me wise to see that that negligence was ended.

Chairman WALSH. Have you not received communication after communication from persons claiming to have been injured in Colorado in your mines, or from their survivors, pointing out injustices that have been done them?

Mr. ROCKEFELLER, Jr. I do not recall the receipt of more than one, and that was the one—possibly two; one of them was the case that you spoke of in the hearing in New York.

Chairman WALSH. One that we called your attention to—Mr. Dalton's case.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And what was the other one?

Mr. ROCKEFELLER. I don't recall what the other was, but I have an impression that I had some letter in regard to an injury.

Chairman WALSH. You did not answer the letters that those people wrote you?

Mr. ROCKEFELLER, Jr. I——

Chairman WALSH. Did you?

Mr. ROCKEFELLER, Jr. Are you asking the question?

Chairman WALSH. Yes; I am asking the question. I am putting it in a very leading form. I want you to answer that.

Mr ROCKEFELLER, Jr. You want me to answer?

Chairman WALSH. Please.

Mr. ROCKEFELLER, Jr. With reference to the matter the commission brought to my attention in New York, I caused a careful investigation to be made at once. With reference to the other matter, I referred it at once to the president of the company and received from him a report in regard to it.

Chairman WALSH. But you have not answered my question. You did not answer these letters that those people wrote you?

Mr. ROCKEFELLER, Jr. I can not recall whether I answered or not the people who wrote, but I took immediate steps to investigate the claims, and in both instances found out that the claims made in the letters in regard to improper treatment were not justified.

Chairman WALSH. Have you a definite policy by which you refuse to place yourself in personal connection with anything disagreeable in connection with the Colorado Fuel & Iron Co., such as the loss of life, or the prosecution of any criminal acts, and the like?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. When you receive letters such as Mr. Dalton claims he wrote you, registered letters, have you a system by which you turn them over to some one else, and do not answer them directly?

Mr. ROCKEFELLER, Jr. I use whatever means, Mr. Chairman, may seem to me right and wise in order to get at the facts in the case.

Chairman WALSH. Do you recall the telegram that was submitted to you during the progress of our last hearings from Mr. Harris N. Hawkins, the attorney in Denver, Colo.? Do you know Mr. Hawkins?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you know who he is?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Do you know that he is the attorney for the United Mine Workers of America; that he defended Mr. Lawson, and Mr. Zancanelli and these other men who have been on trial in Colorado, and has represented them for some time and is a highly respectable and very able lawyer of Denver, Colo.?

Mr. ROCKEFELLER, Jr. I know that he is an attorney of the United Mine Workers of America.

Chairman WALSH. Would you not agree to the rest, that he is a highly reputable and respectable lawyer of Denver, Colo., by reputation?

Mr. ROCKEFELLER, Jr. I know nothing of his reputation, and have no reason to suppose that he is not all that you declare him to be; but of my personal knowledge I know nothing about him.

Chairman WALSH. Know nothing of him but by reputation?

Mr. ROCKEFELLER, Jr. Nothing but by reputation.

Chairman WALSH. Haven't you heard his reputation as a lawyer and man?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. I will ask you if during the hearings in New York a telegram was not sent to this commission—have you a telegram there or a copy of it?

Mr. ROCKEFELLER, Jr. I have not a copy of the telegram.

Chairman WALSH. Well, I will try to state the substance.

Mr. ROCKEFELLER, Jr. I recall the substance of it, Mr. Chairman.

Chairman WALSH. You saw the telegram, did you?

Mr. ROCKEFELLER, Jr. I did. [Here a paper was handed to the witness.] This is copy of the telegram.

Chairman WALSH. May I see it, please. I have not my copy with me.

Mr. ROCKEFELLER, Jr. This is not a copy of the telegram. This is a copy of a telegram—the copy of the telegram appears in a telegram which I sent at once to Mr. Welborn upon the receipt of that telegram from the commission. I telegraphed Mr. Welborn at once, embodying that telegram in full, and I received from Mr. Welborn a reply in regard to the matter which, if you care to have me read, I will read.

Chairman WALSH. Well, I don't care for you to read it unless it is your desire to read it. The point I am trying to draw out is the fact, if it be a fact, that you have a way of personally avoiding all direct relations of all kinds to these more or less deplorable subjects where life is lost or where there is a charge of abuse of the law and everything of that sort. In other words, my inquiry—and I wish to say this respectfully—that I am inquiring whether or not you have all the power you say you have as a director and that you have a system of not taking the personal responsibility of these things, but of saying, "we," and "our associates," and referring disagreeable things to others and not coming in direct touch with them yourself?

Mr. ROCKEFELLER, Jr. I have no policy in such matters, Mr. Chairman. I undertake to deal with each case in the way that seems to me wise and best and most just.

Chairman WALSH. Do you recall the case where complaint was ever made to you by another citizen of this country working in one of your industries in which you were a stockholder or director, in which you wrote him a direct answer over your own signature?

Mr. ROCKEFELLER, Jr. I can not recall receiving other such letters, Mr. Chairman.

Chairman WALSH. Except those we have presented to you?

Mr. ROCKEFELLER, Jr. No; the one you called my attention to in New York, and the other that I spoke of as having received. I do not say that I have not, but I can not recall having received other letters of that kind.

Chairman WALSH. Well, at any rate, you knew Mr. Hawkins, did you not?

Mr. ROCKEFELLER, Jr. I knew of Mr. Hawkins.

Chairman WALSH. Yes; you knew of Mr. Hawkins?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Mr. Hawkins sent a telegram—may I look at the telegram you have there?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And I will also look at the other matter, and if it will add to our record I will thank you to leave it.

Mr. ROCKEFELLER, Jr. Well, Mr. Hawkins's telegram is repeated in full in that telegram to Mr. Welborn.

Chairman WALSH. May I look at the other telegram? I will not say whether I will want it for the record or not.

Mr. ROCKEFELLER, Jr. Yes; it may be filed. It is included in the telegram to Mr. Welborn. You will see the quotation.

Chairman WALSH. I see the quotation.

Mr. ROCKEFELLER, Jr. I thought perhaps it was not marked.

Chairman WALSH. I will read you this telegram, which was addressed to myself as chairman of the commission while we were sitting in New York.

"On November 8, 1913, a battle occurred"—

This is a telegram from Horace N. Hawkins to our commission—

"near La Veta, Huerfano County, between mine guards of Oakdale Coal Co. and striking miners, resulting in death of three guards and chauffeur of automobile in which guards had been riding. Company claims its men were ambushed; strikers claim they did not fire until guards attacked them. Murder charges against strikers removed here for trial and trials as begun January 4; on that day the appearance was entered for the prosecution of Thomas H. Devine, the regular retained counsel of the C. F. & I. at Pueblo, Charles C. Hayden, for many years representative of said company in Huerfano County, and Jesse G. Northcutt, the leading counsel for said company concerning strike matters. Mr. Rockefeller's company owns no interest in Oakview property, but is employing and paying attorneys who are openly conducting and controlling the prosecution, affidavits so charging filed January 4 have not been and will not be disputed. Detectives employed by C. F. & I. have been in attendance assisting said attorneys, including Walter Belk, of the Baldwin-Felts strike-breaking agency, and Jeff Farr, the C. F. & I. sheriff of Huerfano County. Large numbers of the nonunion employees of the Rockefeller Steel Plant are on jury list, and the Rockefeller attorneys are striving to qualify them as jurors notwithstanding the bitter feeling that has existed in numbers of other cases against the strikers growing out of the strike where alleged offenders are yet to be tried and in which neither Mr. Rockefeller's company nor his employees were concerned. Mr. Rockefeller's attorneys have entered their appearance, openly announced that they are going to conduct the prosecution. I respectfully submit that Mr. Rockefeller should be asked if he knows of these things and approves of them. Why should Mr. Rockefeller's company, after the strike is over, pay attorneys to prosecute men whose alleged offenses were not against either the property or employees of his company? Will not such conduct on the part of Mr. Rockefeller's company, after the strike is over, tend to keep alive bitterness already aroused and render ineffective any proposed plans of conciliation? You are authorized to make public this message.

HORACE N. HAWKINS,
Attorney for Defendants.

I will ask you now, Mr. Rockefeller, if it is not a fact that that telegram was immediately transmitted to you at your office, 26 Broadway, New York, with a letter from myself stating that after conference with other members of the commission, we had concluded not to recall you to the witness stand, you having been on the witness stand for about three days, but you were asked to make whatever comment you wished to make upon that message, and if the only reply that any member of this commission or the commission as a whole ever received was a few lines from Heydt, simply saying that in the absence of Mr. Rockefeller your telegram of such a date was received and signed by C. O. Heydt, secretary? That is all, so far as the public knows, as to any action that you took upon the appeal of Mr. Hawkins at that time?

Mr. ROCKEFELLER, Jr. I assume, Mr. Chairman, that what I did, namely, to send that telegram at once to Mr. Welborn upon my return to the city, was the very best thing that I could do under the circumstances. I assumed that the

commission was desirous that I should make inquiry in regard to the facts. That I did.

Chairman WALSH. What comment did you make on it to the commission?

Mr. ROCKEFELLER, Jr. I certainly meant no discourtesy to the commission.

Chairman WALSH. I did not mean that it was discourteous, but I was trying to establish if it is a fact that you have a way of not taking personal responsibility for anything in connection with the Colorado Fuel & Iron Co., and you do it as a part of a policy, or intentionally? Now, you were asked to make comment, and you never did make any public comment on it, or any comment to the commission.

Mr. ROCKEFELLER, Jr. The acknowledgment of the letter, Mr. Chairman, I think, is the only reply that was made to the commission. I assumed that the action I took would be the action which would meet with the approval of the commission and of the public.

Chairman WALSH. How is that?

Mr. ROCKEFELLER, Jr. I assumed that the course which I pursued would be the course which would meet with the approval of the commission and the public.

Chairman WALSH. That was a very definite charge, was it not, that your money was being used, or money of your company was being used to do something that you have condemned here on the witness stand, that is, taking the part of private persons in public prosecutions. You condemn that, don't you?

Mr. ROCKEFELLER, Jr. I certainly do.

Chairman WALSH. You have it in the paper here. Your attention was called to a specific case, and you are director of that company, and let me see if this is what you did:

"NEW YORK, *January 30, 1915.*

"J. F. WELBORN,
"*President Colorado Fuel & Iron Co.,*
"*Boston Building, Denver, Colo.*

"Chairman Walsh has sent us a copy of telegram addressed to him"—

And then you quote the telegram. That is all you said to Mr. Welborn?

Mr. ROCKEFELLER, Jr. That is all I said in the telegram.

Chairman WALSH. Notwithstanding you thought it was wrong to do that, you would not even tell your own executive officer you thought it was wrong?

Mr. ROCKEFELLER, Jr. Mr. Chairman, you are jumping to a conclusion. Mr. Welborn was about to come to New York.

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. As soon as Mr. Welborn reached New York, which was a short time after this—he was expecting to come to New York the first week in February but was delayed from day to day, because of certain matters that he had on hand—but as soon as Mr. Welborn reached New York I discussed the matter very fully with him, as did others of my associates in their individual conferences with him, stating very clearly our disapproval of any such actions, and leaving no question in Mr. Welborn's mind as to our attitude as to what we felt was right and just and should be done. Just as soon as I heard that the trial of Mr. Lawson was coming up, although I had stated and my associates had separately stated to Mr. Welborn our fully our views, and we had received his expression of opinion—just as soon as I heard of that—I think I was in the country at the time—I telephoned to one of my associates and asked him to call Mr. Welborn up on the long-distance telephone at Denver and assure himself and myself that the views which we had expressed, with which Mr. Welborn agreed, were being carried out with reference to the trial of Mr. Lawson. Mr. Welborn assured us that the company, as I have stated to you, was taking no part in any way in the prosecution of the case; nor would it in the prosecution of any other cases. I have read to you, in my statement, a statement made by the attorney general of the State of Colorado, stating that that was the fact, and I have expressed without reserve my belief absolutely in principle that the administration of justice should remain solely in the hands of the State, and my purpose has always been to do everything within my power to see that that principle is carried out.

Chairman WALSH. And you urged that upon Mr. Welborn when he came to New York?

Mr. ROCKEFELLER, Jr. I stated it very fully to him.

Chairman WALSH. And Mr. Welborn agreed with you? [No response.] And Mr. Welborn agreed with you that it was the fair, right, and proper thing to do?

Mr. ROCKEFELLER, Jr. I do not recall whether Mr. Welborn agreed or not.

Chairman WALSH. But when he went back, in the Lawson case, he did not have the lawyers appear in the case, so that he must have taken your opinion in the matter or agreed with you?

Mr. ROCKEFELLER, Jr. He certainly did agree with me.

Chairman WALSH. As a matter of fact, don't they always agree with you, no matter how mildly you put it—" I would suggest, for instance, that perhaps it would be better for the cause of justice not to have Mr. Northcutt appear in case"—that is not a command, but very pleasantly stated, but when you state it to one of the directors, you owning the stock and having a control in the board of directors, that this executive officer, who is also a director, usually does whatever you suggest?

Mr. ROCKEFELLER, Jr. We have 8 out of the 11 members of the board of directors who are representatives of our holdings—of my father's holdings.

Chairman WALSH. How many directors have you in New York, who live outside of Colorado?

Mr. ROCKEFELLER, Jr. The three directors that are the representatives of my father's holdings are in New York—Mr. Murphy, Mr. Lee, and myself.

Chairman WALSH. How many directors, regardless of your father's holdings, live outside of Colorado?

Mr. ROCKEFELLER, Jr. I should have to count them; there are those three, Mr. Gould, and an associate of his, who until recently has been a director.

Chairman WALSH. What Mr. Gould?

Mr. ROCKEFELLER, Jr. George Gould.

Chairman WALSH. Are you interested with Mr. Gould in railroad properties—yourself and father?

Mr. ROCKEFELLER, Jr. You mean have we investments in properties which his family have investments in?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. We have.

Chairman WALSH. And Mr. Gould and his son Kingdon were directors?

Mr. ROCKEFELLER, Jr. No, sir; he was on the board until recently, when he resigned, and also a further representative of his interests, Mr. Jeffries, who recently resigned.

Chairman WALSH. Who else?

Mr. ROCKEFELLER, Jr. Mr. Ward.

Chairman WALSH. Who is Mr. Ward?

Mr. ROCKEFELLER, Jr. All of these matters were covered in my testimony in New York. Mr. Ward is the owner of some securities of the Colorado Fuel & Iron Co. and lives in New York, and Mr. McClement is another director living in New York.

Chairman WALSH. I have counted six, then.

Mr. ROCKEFELLER, Jr. Yes, sir; you said a majority of the directors.

Chairman WALSH. You said you had three, and I am taking the directors outside of Colorado. There are six outside of Colorado?

Mr. ROCKEFELLER, Jr. There are seven directors outside of Colorado.

Chairman WALSH. You have 11 directors altogether?

Mr. ROCKEFELLER, Jr. I think 11 or 12.

Chairman WALSH. So yourself and the Gould interests and Mr. McClement, whoever he may represent—in other words, the eastern directors—could get together at any time and outvote the Colorado end?

Mr. ROCKEFELLER, Jr. A majority of directors can always out vote the minority.

Chairman WALSH. So you really had the potential power to control the whole situation, and the size of your investments made your influence much greater than that of an ordinary director?

Mr. ROCKEFELLER, Jr. That I stated in the paper which I read in New York.

Chairman WALSH. Now, then, I am going to follow out the line of conduct now that was taken with reference to the situation, that you say was improper, and that Mr. Welborn then agreed with you was improper, to act in that way——

Mr. ROCKEFELLER, Jr. Mr. Chairman, would you be good enough to read the reply?

Chairman WALSH. Yes, sir; I am going to read that, but I want to get it chronologically, and logically as well.

Mr. ROCKEFELLER, Jr. Mr. Chairman, pardon me; that will give the chronological order, because those replies came in answer to the telegrams.

Chairman WALSH. How long after these telegrams came was it before Mr. Welborn got to your office in New York?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Was it weeks?

Mr. ROCKEFELLER, Jr. I think in the next month, but I also stated, Mr. Chairman, that Mr. Welborn's coming was put off from day to day because of affairs that detained him.

Chairman WALSH. I recall that very clearly. You sent the telegram containing this complaint of Mr. Hawkins—you quoted it, without any comment whatsoever—on January 30?

Mr. ROCKEFELLER, Jr. That is the telegram.

Chairman WALSH. You made no comment on it, but simply sent the telegram that Mr. Hawkins sent to me to Mr. Welborn?

Mr. ROCKEFELLER, Jr. If I had the copy, I could tell.

Chairman WALSH. I will say that you made no further comment in it except to say: "Chairman Walsh sent us the following telegram addressed to him."

Mr. ROCKEFELLER, Jr. That is a copy completely quoted in the telegram.

Chairman WALSH. And you made no comment whatever. Here is what Mr. Welborn said:

"JANUARY 31.

"Answering your telegram Saturday. Prosecution of La Veta, Huerfano County, murder trial is being conducted under supervision of J. J. Hendrick, district attorney of that county. His affiliations are with Democrats. County commissioners of Huerfano County passed resolution authorizing Northcut, Hayden, and Devine to assist Hendrick in prosecution of La Veta cases. Neither Northcutt nor Hayden was ever our attorney previous to strike. At the beginning of the strike the coal operators jointly employed them to look after all matters relating to the strike. There are many indictments pending, growing out of violence during the strike, some relating to employees of one company and some to other companies. The coal operators conceive it to be their duty and they have been requested by the State authorities to assist in bringing to trial all persons who have participated in the atrocities connected with the strike. In taking this course the operators are simply doing what in justice they owe to their employees who have been subjected to all kinds of violence and to the wives and children of employees who were murdered at their regular working places. Attorney Devine is employed by coal operators in case now on trial. He is in general practice at Pueblo, where he represents us locally, and but a small portion of his time is devoted to our business.

"J. F. WELBORN."

You did not answer that, did you? The incident stopped right there?

Mr. ROCKEFELLER, Jr. No, sir; I was expecting Mr. Welborn in New York.

Chairman WALSH. Now, on February 3 Mr. Welborn wired you:

"JOHN D. ROCKEFELLER, Jr.,

"*26 Broadway, New York, N. Y.:*

"Supplementing my telegram to you January 31. Mr. Hawkins, who has been and is defending the numerous persons indicted for violence or murder in connection with strike, has been attorney for United Mine Workers' organization for several years, and it is generally understood that that organization is paying him for his services, notwithstanding officers of the organization disclaim any connection whatever with the violence.

"J. F. WELBORN."

Now, that is all the correspondence that passed between you in reference to this until May 1, 1915, when we have a letter from Mr. Welborn inclosing a copy of telegram as requested by your secretary?

Mr. ROCKEFELLER, Jr. No, sir; that is not all the correspondence. I have a letter that I would be glad to read, if you will allow me.

Chairman WALSH. May I see the letter first?

Mr. ROCKEFELLER, Jr. It is a brief letter.

Chairman WALSH. May I see it, please?

Mr. ROCKEFELLER, Jr. May I read it afterwards?

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. This is a letter which, after Mr. Murphy had the talk on the telephone with Mr. Welborn, to which I have referred——

Chairman WALSH (interrupting). I see it is dated April the 19th, and I am very much afraid I might break into the order in which I am presenting this to you, and when we get to that——

Mr. ROCKEFELLER, Jr. You have already referred to the letter of May 4, and skipped the chronological order.

Chairman WALSH. I prefer not to read it now. I have not read the letter, but have merely referred to it as the letter of May 6, and then I asked you if that was all of the correspondence. You said it was not; but I prefer not to read this now, and didn't read the other, and unless you make it a point that you desire to read it now and unless there is some compelling reasons for getting at the truth that this should be read now, I would prefer that you read it later.

Mr. ROCKEFELLER, Jr. You said that was all of the correspondence, and I said it was not, and I would like to read the letter now.

Chairman WALSH. Unless you insist on it, I will ask you a few more questions.

Mr. ROCKEFELLER, Jr. I do not insist; I request.

Chairman WALSH. Then, I must respectfully decline the request.

Mr. ROCKEFELLER, Jr. It will be noted in the record that you have declined?

Chairman WALSH. Yes, sir; the stenographer takes down all of the proceedings that are going on here, and we are all responsible for our actions, the witnesses, commissioners, and all. I am going to ask you this question again: You gave me the particular date on which Mr. Welborn came to New York, and you had this conversation with him?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Do you know between the date that Mr. Welborn came to New York, and April the 19th, the letter that you have just handed me, was written, that the trial of the La Veta leaders had been concluded, that, notwithstanding the efforts of your attorneys, those men were acquitted? That after that a new circuit or new judicial district was made, and a man named Zancanelli was put on trial, and that the Zancanelli jury hung, although he was tried before a gentleman acting as judge that was said to have appeared in other trials by your company as their attorney; that the Zancanelli jury hung, and the vote was 8 to 4 for acquittal, and another jury was taken up, at the request of your attorneys, from the streets, and not drawn from the wheel or the box, and that Zancanelli was thereupon convicted and sentenced for life, and that of that jury taken from the street to try the Zancanelli trial, there were 23 of them left to go on the panel to try Lawson, selected by your attorneys partially? Do you know those are facts?

Mr. ROCKEFELLER, Jr. I do not know that they are facts, and the letter of Mr. Welborn stated that the Colorado Fuel & Iron Co. had nothing whatever to do with the trial of Mr. Lawson.

Chairman WALSH. At this point, now, Mr. Rockefeller, I will be glad, if you care to do it, to have you read that letter.

Mr. ROCKEFELLER, Jr. (reading):

"New York, *April 19.*

"DEAR MR. WELBORN: We, at this end, are all much gratified to learn from my telephone conversation with you on Saturday that the criminal prosecutions in Colorado are being conducted solely by the attorney general and the public prosecutors, and that no counsel in any way connected with the Colorado Fuel & Iron Co. have appeared in the case or are taking any active part in the prosecution. We feel that this is the only correct policy. While the strike was going on, we insisted that the preservation of order was a matter for the exclusive consideration of the public authorities, and we refused, against considerable pressure, to purchase immunity from criminal attacks by negotiations with persons who were making them or threatening them. The same principle, of course, applies to criminal prosecutions, and our feeling has been very strong that they also should be exclusively in the hands of the public authorities. As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions, the prosecutions begin to take on an appearance of private vengeance rather than of the impartial administration of justice. While we of course appreciate that it is much easier for us in the East, who were not in the thick of the fight, to look at this matter in a detached and impersonal way, we feel sure that you will know that our position is not due to any lack of sympathy with officers and men in Colorado, whose lives have been imperiled and some of whom friends and associates have lost their lives in the struggle. We have felt very clear in our own minds that the restoration of normal conditions and the reestablishment of industrial peace

will come quicker if the matter of vindicating the law is left wholly in the hands of the public authorities. We were therefore the more pleased to learn that you shared these views, and had already taken steps to see that they were carried out so far, at least, as our company was concerned.

"Very truly, yours,

"STAR J. MURPHY."

May I ask for those other telegrams?

Chairman WALSH. Yes. I would like to have that letter, too. I want to ask a question about it.

I will ask if that letter does not furnish an exemplification of how the real power in New York expresses itself? Here was a complaint from Hawkins that your paid men were pursuing a course which he afterwards said savored of private vengeance, and that you believed it. He wired to you and you received a confirmation, I take it, of Mr. Hawkins's charge.

Mr. ROCKEFELLER, Jr. He wired to you, Mr. Chairman.

Chairman WALSH. He wired to me, yes, and I sent it to you, and you sent it to him.

Mr. ROCKEFELLER, Jr. I sent it to Mr. Welborn.

Chairman WALSH. You sent it to Mr. Welborn.

Mr. ROCKEFELLER, Jr. You said Mr. Hawkins wired to you.

Chairman WALSH. Yes; I was a little wrong there. Mr. Hawkins wired to me complaining of this attempt to take private vengeance. I transmitted the telegram to you, notwithstanding your feeling in the matter; you transmitted my telegram to Welborn without comment. Welborn wired back confirming what Mr. Hawkins had said about the employment of your private attorney in this prosecution. He wired you some additional information shortly thereafter. So they went on with the trial, and these men that were intended, or that might have been made the victims of private vengeance, escaped, the jury acquitting them. Then Mr. Welborn comes to New York. He has justified all that in the telegram by saying this is a murder of those faithful employees, that "We owe it to their families." Then he sent another telegram stating that Hawkins was attorney for the United Mine Workers of America, and they disclaimed violence in their justification. You say nothing in reply to that until he comes, and then you tell them what you think about this thing, that it looks like private vengeance, and then we get a letter on April 19 in which Mr. Welborn says to you—or then, to get it chronologically correct, Mr. Murphy telephones out to Mr. Welborn—but I left out one occurrence there.

After these men escaped and after your conversation with Mr. Welborn, the trial of Zancanelli took place. Zancanelli was tried for murder growing out of one of these strike matters, and tried before Mr. Granby Hillyer as judge. He was defended by Mr. Horace Hawkins, Mr. Northcutt and the other attorneys, who were at the trial and conviction of the La Veta men, also appeared in the trial of Zancanelli. The jury hung eight to four. An order was made to bring in a special venire of jurors right off the street. That venire was brought in. Zancanelli was immediately put upon his trial again, convicted, and sentenced to the penitentiary for life. Your attorneys all appeared in that case. They insisted upon selecting the jury in this way. The judge permitted the jury to be selected in this manner. Then there was a bunch of 33 of those jurymen held over to be used on the panel of John Lawson. John Lawson was put upon trial. He was the man that testified before this commission, and you read his testimony, did you not?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. You did not read Lawson's testimony?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. You did not hear it?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. I am going to ask you if it has not been communicated to you that for vigor of mind and terseness of expression his testimony has not been equaled by that of any person who has been placed on this witness stand, and his apparent truthfulness. You have heard that comment?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Did you not read in the papers that he was a remarkable type—did not the papers say a remarkable type of American citizen, and showed great intelligence and apparent frankness in his testimony?

Mr. ROCKEFELLER, Jr. I do not recall that, Mr. Chairman.

Chairman WALSH. And you shook hands with him, did you not?

Mr. ROCKEFELLER, Jr. Yes; I had that opportunity.

Chairman WALSH. And you invited him to your office?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. And he called upon you at your office, did he not?

Mr. ROCKEFELLER, Jr. He did.

Chairman WALSH. And he appeared to be a frank and intelligent man, did he not?

Mr. ROCKEFELLER, Jr. He appeared to be both.

Chairman WALSH. And you heard he was an American whose ancestry reached back two generations, or one generation at least?

Mr. ROCKEFELLER, Jr. I did not take up with him the question of his ancestry.

Chairman WALSH. But he was a typical American, was he not, a clean looking man, and you gave out an interview in which you said you were glad to meet these people, that they looked like a clean, high type of American citizens?

Mr. ROCKEFELLER, Jr. Are you quoting from that interview?

Chairman WALSH. I am trying to quote from it.

Mr. ROCKEFELLER, Jr. I do not recall passing any comment upon their personal appearance.

Chairman WALSH. What did you think about Lawson, just from your talk with him and his appearance?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not feel that I am called upon to express my opinion about Mr. Lawson or any of the other gentlemen who called upon me in a personal way.

Chairman WALSH. Did he appear to be an honest, frank, intelligent man?

Mr. ROCKEFELLER, Jr. I do not feel that I am called upon to express an opinion. I had a very agreeable conference, purely informal, unofficial, with several of the labor leaders who were in New York at that time.

Chairman WALSH. I am speaking of Mr. Lawson. He was a big, healthy specimen of manhood, at any rate.

Mr. ROCKEFELLER, Jr. I do not feel called upon to make any comments in regard to Mr. Lawson's personal appearance.

Chairman WALSH. At any rate, after Zancanelli was convicted, the papers contained statements that John Lawson was going to be put on trial and tried under the same circumstances that Zancanelli was tried. You saw that, did you not?

Mr. ROCKEFELLER, Jr. As soon as I saw any reference to the next trial going on, which was Mr. Lawson's, I took the steps I have outlined.

Chairman WALSH. I am asking you, and I want to lead up to it, if I can, chronologically and as logically as possible. You saw in the paper that Lawson was going to be tried under those circumstances, did you not?

Mr. ROCKEFELLER, Jr. I did not see it in the paper, but I was told that it appeared in the paper.

Chairman WALSH. Who told you?

Mr. ROCKEFELLER, Jr. Mr. Murphy—that it appeared in the paper that Mr. Lawson's trial was going on and at once. I asked Mr. Murphy to telephone, as I have stated—but wait, Mr. Chairman, I want to make a statement in regard to that.

You have stated in regard to this telegram from Mr. Welborn to me that our attorneys were conducting the case. I want to call attention to the fact that it may be clear, Mr. Chairman, that it says:

"Prosecution of the La Veta, Huerfano County, murder trial is being conducted under supervision of J. J. Hendrick, district attorney of that county. His affiliations are with strikers. County commissioners of Huerfano County passed resolutions authorizing Northcutt, Hayden, and Devine to assist Hendrick in the La Veta case. Neither Northcutt nor Hayden was ever our attorney previous to strike. After the beginning of the strike the coal operators jointly employed them to look after all matters relating to the strike."

They were employed jointly during the strike, as this states—this is my information—to look after all matters in connection with the strike, and it was in that way that they happened to be employed, not by the fuel company, but by the several companies that were acting jointly at this time and in connection with this case.

Chairman WALSH. So they were all combined together to prosecute Zancanelli and these other men, were they—all the companies combined to privately employ these men and pay them?

Mr. ROCKEFELLER, Jr. The statement is just as I have read it.

Chairman WALSH. Read on about Devine, the local man.

Mr. ROCKEFELLER, Jr. (reading):

"There are many indictments pending, growing out of violence during the strike, some relating to employees of one company and some of the other companies. The coal operators conceive it to be their duty, and they have been requested by the State authorities, to assist in bringing to trial all persons who have participated in the atrocities connected with the strike. In taking this course the operators are simply doing what in justice they owe to their employees, who have been subjected to all kinds of violence, and to the wives and children of employees who were murdered at their regular working places. Attorney Devine is employed by coal operators in case now on trial. He is in general practice at Pueblo, where he represents us locally, and but a small portion of his time is devoted to our business."

Chairman WALSH. The explanation you desire to make is that Mr. Hawkins is not correct in his statement that these were your attorneys that you have been reading about.

Mr. ROCKEFELLER, Jr. The explanation I desire to make is that these three gentlemen referred to here were employed by the several companies or the several operators.

Chairman WALSH. They were also the attorneys for your company?

Mr. ROCKEFELLER, Jr. They were employed by the several companies, of which we were one in the group.

Chairman WALSH. But they were also your regular attorneys?

Mr. ROCKEFELLER, Jr. I do not understand so.

Chairman WALSH. Was Devine?

Mr. ROCKEFELLER, Jr. That is the only man with reference to whom that statement is made. I simply wanted to make clear that those attorneys were employed by the several companies; that they had been employed during the strike for various matters growing out of the strike; that they were not employed solely by our company.

Commissioner WEINSTOCK. A point of information, Mr. Chairman. Will you, before going into that, explain further in connection with this telegram who these commissioners are that are referred to in there.

Mr. ROCKEFELLER, Jr. I do not know, Mr. Weinstock.

Commissioner WEINSTOCK. Will you read that part of the message again?

Chairman WALSH. They are referred to as county commissioners of Huerfano County.

Commissioner WEINSTOCK. Please explain more about those commissioners and who they represent?

Mr. ROCKEFELLER, Jr. My information is limited, too, Mr. Weinstock, to what the telegram says, and it says "County commissioners of Huerfano County passed resolutions authorizing Northcutt, Hayden, and Devine to assist Hendrick in prosecution of La Veta case."

Commissioner WEINSTOCK. And the county commissioners are authorized officials of that county?

Mr. ROCKEFELLER, Jr. That is what I assume from the telegram.

Commissioner WEINSTOCK. And they authorized the employment of these attorneys to assist the district attorney?

Mr. ROCKEFELLER, Jr. That is what the telegram states.

Chairman WALSH. Those are the same people referred to by Mr. Murphy in his letter when he says, "As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions, the proceedings begin to take on the appearance of private vengence rather than of the impartial administration of justice." Those are the ones he referred to, selected in that way?

Mr. ROCKEFELLER, Jr. He referred to the counsel employed by the various mining companies together.

Chairman WALSH. Those are the men we are talking about now?

Mr. ROCKEFELLER, Jr. Very likely.

Chairman WALSH. I am getting down now to where the power is, and whether or not the power is really exercised by the New Yorkers instead of by their executive employees in Denver. Now, notwithstanding the conversation you had with Mr. Welborn, these same private counsel went out and prosecuted Zancanelli, and in the prosecution of Zancanelli they got a panel of 33 jurors that was carried over for the prosecution of Lawson. Then it appeared in the papers that Lawson was about to be put on trial for his life, and that he was to be tried by Grant B. Hillyer, who had been attorney for the Colorado Fuel & Iron Co., and there were charges that the jury was unfairly selected; did you see the newspapers—did you see the newspaper accounts?

Mr. ROCKEFELLER, Jr. I did not see the newspaper accounts.

Chairman WALSH. Did Mr. Murphy tell you what he saw in the papers?

Mr. ROCKEFELLER, Jr. Mr. Murphy told me he saw the trial of Lawson was coming on.

Chairman WALSH. Did he tell you anything else he saw in the papers about the trial of John R. Lawson?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. What made you suspect, if you did not hear about the trial of the Zancanelli case, and what caused Mr. Murphy to suspect that if private counsel were employed the proceedings would begin to take on the appearance of private vengeance?

Mr. ROCKEFELLER, Jr. The first I knew of this thing being done was the telegram you sent me from Mr. Hawkins, and the action I took at once on that I explained in full, and my subsequent talk with Mr. Welborn I have referred to several times.

Chairman WALSH. I assume Mr. Welborn agreed with the views then expressed?

Mr. ROCKEFELLER, Jr. So far as the company he was connected with was concerned; but I wanted to take no chance that so far as I was concerned, as a director of the company, and there was any possibility of my influence being exerted, and I wanted to be sure that justice was being administered without interference by the company to which I was related, and so I supplemented the talk with Mr. Welborn. So, as soon as I heard that another case was coming on, and the Lawson case was the next case, as I understood it, after the case referred to in this telegram—as soon as I heard of that case, I at once arranged for Mr. Welborn to be called, and I telephoned, and after the talk Mr. Murphy had with him I had it supplemented by that letter. I was taking every means I could to make assurance doubly sure that the company should not in any way interfere with the administration of justice. In other words, just as soon as it came to my attention that interference with the processes of justice was suspected even, I acted as I have stated, and have done everything I could to prevent a recurrence of such a thing in the company in which I am interested.

Chairman WALSH. Now, coming back again to the question of your power, and the way it is being exercised, I will go back to the question; after you saw that Mr. Lawson was going to be tried, Mr. Starr J. Murphy went to the telephone and telephoned to Mr. Welborn; that is correct, is it not?

Mr. ROCKEFELLER, Jr. Just as soon as——

Chairman WALSH (interrupting). Were you present?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Why didn't you go to the telephone?

Mr. ROCKEFELLER, Jr. That is a right I have to determine for myself, Mr. Chairman.

Chairman WALSH. Was it to keep out of what might be called a personal touch with any of these disagreeable details of the Colorado Fuel & Iron Co., such as hanging a man or sending him to the penitentiary for life, or the question of compensation of a man with his eyes out, or women whose husbands were killed; those disagreeable matters? Was it to keep from having a personal contact with those things that you had Mr. Murphy do it?

Mr. ROCKEFELLER, Jr. Not at all.

Chairman WALSH. Now, did you get a telegram, following the conversation referred to——

Mr. ROCKEFELLER, Jr. (interrupting). A telegram?

Chairman WALSH. No; a letter, which makes a complete record, which you kindly offered in evidence, and I will just read parts of it:

"We at this end [New York] are all much gratified to learn from my telephone conversation with you on Saturday that the criminal prosecutions in Colorado are being conducted solely by the attorney general and the public prosecutors, and that no counsel in any way connected with the Colorado Fuel & Iron Co. have appeared in the case or are taking any active part in the prosecution."

Then I will skip down to another place:

"As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions the proceedings begin to take on the appearance of private vengeance rather than of the impartial administration of justice."

Then there is another skip, and then I will read further:

"We were therefore the more pleased to learn that you shared those views, and had already taken steps to see that they were carried out, so far at least as our company was concerned."

Now, is not that a way you have of not giving orders, but holding the influence that you have, that was well expressed in Mr. Bowers's letter of May 13, 1913, where he says: "It is well known that the Rockefeller interests are managing the affairs of the C. F. & I. Co."? Is not that the way you exercise that power to call up and say, "That is merely suggestive," and thinking out loud that way: "but I think it might savor of private vengeance if you had a special prosecutor"; and, Mr. Rockefeller, when you were here a month or two ago you remember stated that to me, and then the man out in Colorado, who is only one of four or five, as against your seven or eight directors in New York, would say, "Yes; I have been thinking that for some time myself; in fact, I have taken steps not to have Mr. Northcutt actively in this case."

Now, does not that state what might be called a concrete case of the way you suggest your desires and the way the power possessed by the New York end is applied to the local officials?

Mr. ROCKEFELLER, Jr. I think not, Mr. Chairman. It has been our custom in any business relations we have had responsibility for to appoint men of high character and ability to positions of responsibility. Men of that type are not in the habit of receiving dictation from even those who appoint them. Men of that type would not take dictation; it would not be desirable that men should go into positions of such great responsibility, such as directors of great corporations, that were not large enough to be given responsibility and then to be held to that responsibility; they to form the policies and conduct the business. I think when Mr. Bowers is on the stand, you will very likely see quite plainly that Mr. Bowers, one of the gentlemen who was an officer of the company at this time, is not the kind of a man who would take dictation, but the kind of a man who, from his experience, ability, and training is able to conduct the business.

Chairman WALSH. You expect him to get quite savage when he gets on the stand?

Mr. ROCKEFELLER, Jr. I think it will be quite clear, Mr. Chairman, that Mr. Bowers, as is Mr. Welborn, is competent to deal with situations of importance.

Chairman WALSH. Why would you telephone out there all the way from New York about this situation where it might appear that your company was making private vengeance if you already had had a talk with him and he was a man of such strong character that he would not be dictated to and told you what he was going to do?

Mr. ROCKEFELLER, Jr. May I continue?

Chairman WALSH. Yes; I interrupted you?

Mr. ROCKEFELLER, Jr. That has been the way the business has been conducted, to appoint men and leave to them the responsibility of immediate action. Now, I think no better demonstration of the fact that the method which you impute to our office of dictating power is incorrectly suggested——

Chairman WALSH. I should say transmitting it.

Mr. ROCKEFELLER, Jr. (continuing). Is contained in the 10 suggestions which made a part of the paper which I read at the outset of my investigation; 10 suggestions made by our office to the officers of the Colorado Fuel & Iron Co. during the strike. I have not counted, as between those suggestions, but my guess offhand is that the minority were adopted and the majority rejected. That will indicate to you the attitude toward suggestions from our office, and that they are not adopted unless they coincide with the judgment and opinion as to what is wise of the officers on the ground who are conducting affairs there.

Chairman WALSH. Let us see if that indicates that to me. Suppose when you sent out those 10 suggestions they wrote back and gave certain statements as to what they thought the line of conduct ought to be, and that such statements were strictly in line with the continuing profits of your company, we will say, and that you followed that with a letter telling them that their letter was received and you would back up to the very end any suggestion that they made; would you not simply be transmitting the power, but nevertheless having a record that could be produced any place from which it could not be gathered whether or not you had transmitted power?

Mr. ROCKEFELLER, Jr. I see no connection between the remarks you have just made and the statements I made in regard to those suggestions, Mr. Chairman.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon.

(Whereupon, the commission at 12.30 o'clock p. m., of this Saturday, May 22, 1915, adjourned until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I noticed in one of your publications, Mr. Rockefeller, that you had stated you were making efforts to establish peace or maintain peace in Colorado, and that you were having the cooperation of certain union-labor leaders or certain union men in your efforts. Is that correct?

Mr. ROCKEFELLER, Jr. I do not recall the statement, Mr. Chairman. If you will point it out——

Chairman WALSH. It is not in a letter. It was in a newspaper statement. Did you write your own newspaper statements, or were they dictated, or were they written by some one else?

Mr. ROCKEFELLER, Jr. I assume the responsibility for everything that was sent out in my name.

Chairman WALSH. You assume the responsibility, but you do not seem to remember one that was published very shortly. Did you dictate it to anyone, or was it dictated by you, or did some one else write it?

Mr. ROCKEFELLER, Jr. I assume the responsibility for everything that was sent out in my name.

Chairman WALSH. Did Mr. Ivy Lee write the newspaper interviews purporting to come from you?

Mr. ROCKEFELLER, Jr. I have answered the question.

Chairman WALSH. Do you assume the responsibility for that?

Mr. ROCKEFELLER, Jr. For everything that goes out in my name.

Chairman WALSH. I am asking for the fact. Did you write it?

Mr. ROCKEFELLER, Jr. I have covered the situation, Mr. Chairman.

Chairman WALSH. You do not care to go any further?

Mr. ROCKEFELLER, Jr. I do not. I do not think it is necessary.

Chairman WALSH. I want to say, in fairness to you, that I am going to assume that the interviews were not written by you, but were written by Mr. Ivy Lee, and that you assumed the responsibility therefor.

Mr. ROCKEFELLER, Jr. It is not an inference that the premises justify.

Chairman WALSH. Very good; but that is the one I shall have to draw unless I can get a direct answer. Do you recall an interview in which you said you were having the cooperation of labor leaders in Colorado in establishing peace?

Mr. ROCKEFELLER, Jr. I do not recall it.

Chairman WALSH. Are you having the cooperation of labor leaders in Colorado in establishing peace?

Mr. ROCKEFELLER, Jr. As I have stated, I have had interviews with several of the labor leaders in New York, and I think they would feel as I feel, that, although the point of view which they might have and the point of view which I might have would be different, our purpose was the same. Our method of accomplishing it might be different, but our purpose, namely, to improve the conditions generally and to improve the situation for the workers, was the same.

Chairman WALSH. You think you and Mr. Lawson to-day would have similar views as to the establishment of peace in Colorado, he being under conviction of life imprisonment in the penitentiary and you on the stand in Washington?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not assume for a moment that the question is meant to be put in such a way, but it is referring so closely to matters that are now before the courts that I prefer to make no answer to that question other than the answer which I gave yesterday in a carefully prepared statement, and any other questions of a similar character I should be obliged to refer to the same answer.

Chairman WALSH. Did you write that answer?

Mr. ROCKEFELLER, Jr. I take the responsibility for that entire answer.

Chairman WALSH. Did you write it, or did somebody write it for you?

Mr. ROCKEFELLER, Jr. It is not a matter that I think is material.

Chairman WALSH. Did Mr. Lee write it?

Mr. ROCKEFELLER, Jr. I have no further answer to give.

Chairman WALSH. He is smiling.

Mr. ROCKEFELLER, Jr. So are you.

Chairman WALSH. And he looks proud.

Mr. ROCKEFELLER, Jr. So do you.

Chairman WALSH. I am smiling because I thought I caught him smiling in such a knowing way that perhaps I could get you to state just who did write that answer. Did Mr. Lee write it?

Mr. ROCKEFELLER, Jr. I have no further information to give on that point, Mr. Chairman.

Chairman WALSH. Name the labor leaders who are cooperating with you in Colorado to establish and maintain peace.

Mr. ROCKEFELLER, Jr. I have stated, Mr. Chairman, the point with reference to the labor leaders whom I have met. I have no knowledge of their actions other than what was stated to me at the time of the meeting.

Chairman WALSH. I know the labor leaders as the ones who appeared before our commission, and I do not believe I knew any of them or saw any of them before; but I will leave them out of this question—that is, those who called upon you and whom I know by seeing. Are there any other labor leaders you have consulted or referred to in Colorado other than those that waited upon you or met with you in New York?

Mr. ROCKEFELLER, Jr. I think that the disposition has been shown by all those in Colorado to cooperate, not only labor leaders, but others, in improving conditions.

Chairman WALSH. Did you know they are getting up a procession to march through the streets of Denver and protest against what they say is the activity of the Rockefeller interests in the efforts to convict these men out there; that that meeting is called by the citizenship of Denver for next Sunday?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Are the labor leaders who are cooperating with you in Denver those labor men who are furnished you by the Baldwin-Felts Detective Agency?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the cooperation to which you refer is limited to two things—the exchange of views informally which I had with certain labor leaders in New York, and my general observations from information which comes to me from various sources that the labor people and employers and people generally in Colorado are cooperating toward the bringing about of better conditions.

Chairman WALSH. But my question was, have you now in your pay, through the Baldwin-Felts Detective Agency, any laboring men that are in unions?

Mr. ROCKEFELLER, Jr. I do not know of any Baldwin-Felts men who are in the employ of the Colorado Fuel & Iron Co.

Chairman WALSH. Do you recall a letter that Mr. Bowers wrote to you toward the close of his service in Colorado, which wound up substantially with saying, "We will now go forward in the campaign of 1916 for an open shop?"

Mr. ROCKEFELLER, Jr. I do not recall that, but it is entirely probable that that statement is in there.

Chairman WALSH. This is dated April 7, 1914, and you testified before the congressional committee. You received a letter from Mr. Bowers which concludes with this paragraph—and I will only read the one paragraph, because it covers what I want to ask about:

"I can not put into words my satisfaction, I will say boundless delight, with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

"Sincerely, yours,

"L. M. BOWERS."

Are you now engaged in the warfare for an open shop?

Mr. ROCKEFELLER, Jr. I am engaged in no warfare, Mr. Chairman.

Chairman WALSH. Following that now, you started what you called a union educational campaign, did you not?

Mr. ROCKEFELLER, Jr. No; Mr. Chairman.

Chairman WALSH. Did you not submit in a letter to Mr. Lee certain things that you wanted published, and you said in connection with the Colorado situation as well as with your union educational campaign?

Mr. ROCKEFELLER, Jr. I stated very clearly yesterday, Mr. Chairman, just the nature of that suggestion with reference to union campaign. I also stated

that the suggestion, which was one of many suggestions that passed between us was never acted upon.

Chairman WALSH. When did you abandon your idea of a union educational campaign?

Mr. ROCKEFELLER, Jr. I never had it definitely fixed. It was simply one among other ideas.

Chairman WALSH. It was just an idea at the time you wrote the letter?

Mr. ROCKEFELLER, Jr. It was.

Chairman WALSH. I will ask if it is not a fact that you did abandon your union educational campaign at the time it became disclosed, after the question was put up to Mr. Welborn and after he refused to answer and submitted it to counsel, and then stated that Ivy Lee was the man sending out those bulletins. Was not that the time you abandoned the idea of having a union educational campaign?

Mr. ROCKEFELLER, Jr. There was no possible connection between the two, and, Mr. Chairman, it is impossible to abandon what you have never entered upon. The campaign was never entered upon; therefore it could never be abandoned.

Chairman WALSH. When did you get the idea with reference to the time you wrote the letter?

Mr. ROCKEFELLER, Jr. I presume the letter would suggest quite accurately.

Chairman WALSH. When did you abandon the idea?

Mr. ROCKEFELLER, Jr. That is all I recall about the idea.

Chairman WALSH. Did you abandon it as soon as you wrote the letter?

Mr. ROCKEFELLER, Jr. Never had it except as a thought that I expressed at that time in that way.

Chairman WALSH. Did not Mr. Lee understand that you were in a union educational campaign?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I have stated that we were not in any union educational campaign.

Chairman WALSH. But when you told him the material was for use in the union educational campaign, did you afterward tell Mr. Lee that was only an idea and you didn't propose it to be carried out, or did you tell Mr. Lee about it afterwards?

Mr. ROCKEFELLER, Jr. I think the facts appear in the letter.

Chairman WALSH. You just stand on the letter?

Mr. ROCKEFELLER, Jr. I stand on the letter.

Chairman WALSH. Now, if there is a later letter to that, referring to that union educational campaign, what would you say about that?

Mr. ROCKEFELLER, Jr. I would say it was a later letter.

Chairman WALSH. A later letter on it?

Mr. ROCKEFELLER, Jr. It was a further word.

Chairman WALSH. If there was a later letter, the union educational campaign continued a little longer?

Mr. ROCKEFELLER, Jr. It was never undertaken.

Chairman WALSH. But the idea of the union educational campaign was still in your mind, was it?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Later on?

Mr. ROCKEFELLER, Jr. I don't recall, Mr. Chairman.

Chairman WALSH. An open shop, as defined by Mr. Bowers, and as acted upon by your company, is this: In Sunrise, Wyo., if a man comes into a nonunion camp and is found out to be a union man he is put out of the camp; you know that?

Mr. ROCKEFELLER, Jr. That is not my idea of an open shop.

Chairman WALSH. I will ask you if that is the way your business is conducted in Sunrise, Wyo.?

Mr. ROCKEFELLER, Jr. I don't know how it is conducted there as distinguished from other places.

Chairman WALSH. Now, I will ask if your practice has been this, that you engaged spies that went into the unions, also into your mines pretending to be miners having no connection with your company and being loyal union men, and that they told your officers the names of the men that talked about joining unions, and they were immediately told to go up the canon, which meant to leave the camp?

Mr. ROCKEFELLER, Jr. That is a question the officers would have to answer; I am not able to.

Chairman WALSH. Did you read Mr. Welborn's testimony taken in Denver, in which he said it had been the practice of the company for years to hire detectives, who pretended to be regular miners, to get into the unions and give them the names of agitators, and they were discharged then from the service?

Mr. ROCKEFELLER, Jr. I read the testimony, but I do not recall that.

Chairman WALSH. You read all of the testimony of Mr. Bowers?

Mr. ROCKEFELLER, Jr. I did not know that Mr. Bowers had testified.

Chairman WALSH. I mean Mr. Welborn.

Mr. ROCKEFELLER, Jr. I read part of it; I think possibly all.

Chairman WALSH. Did you read that testimony where he said it had been the custom to hire spies for years?

Mr. ROCKEFELLER, Jr. If I read it all, I did; but I do not recall whether I read it completely or not.

Chairman WALSH. Do you recall the fact, if it is a fact, that that was the practice of your company?

Mr. ROCKEFELLER, Jr. I didn't know it to be a fact.

Chairman WALSH. Do you know now that your company hired spies that pretended to be regular union men for the purpose of giving information to the executive officers of your company, on which they acted and discharged the men?

Mr. ROCKEFELLER, Jr. If that is stated in Mr. Welborn's testimony, and I read all of it, I must have known it; but I don't recall.

Chairman WALSH. Is that the sort of open shop that Mr. Bowers was starting the campaign for 1913 and beyond?

Mr. ROCKEFELLER, Jr. Mr. Bowers can answer that.

Chairman WALSH. What kind of a campaign did you then have in mind?

Mr. ROCKEFELLER, Jr. My idea of an open shop is a shop where men are employed who are members of the organization or not members, each man employed on the basis of his fitness.

Chairman WALSH. And the union men are allowed freely to join the unions?

Mr. ROCKEFELLER, Jr. The question of whether a man is a member of the union or not, in the open shop, would not prevent his employment as long as he was efficient and as long as the nonunion men are given the same privilege.

Chairman WALSH. And the same privilege of joining the union—would you demand that privilege for the nonunion man, too? That is, that he should not only have the right to work in the mines, but join the union if he saw fit?

Mr. ROCKEFELLER, Jr. A man has a right to join a union if he sees fit.

Chairman WALSH. But would you invade his right and discharge him for exercising that right?

Mr. ROCKEFELLER, Jr. If I was personally in charge, I should not.

Chairman WALSH. If it is a right that a man has, and that right was invaded by your executive officers, and you, as a director of the company, you would call his attention to that, that he was invading the right of an American citizen?

Mr. ROCKEFELLER, Jr. I would take whatever steps I thought were necessary.

Chairman WALSH. Did you ever take any step?

Mr. ROCKEFELLER, Jr. I don't recall that I ever have in that direction.

Chairman WALSH. I will say that there are some other questions that I have to ask you, Mr. Rockefeller; but they are more or less of a formal nature, and I will refer them to our department of research, and they will communicate with you in writing about them.

Mr. ROCKEFELLER, Jr. I would prefer to stay here and complete my testimony in public. Ever since this investigation has been going on—some six or nine months—these things have been before the public, and there should be a time when this investigation will finally end. I would prefer to remain on the stand indefinitely until the examination is finished.

Chairman WALSH. That is not convenient at this time for the commission, and I will say, in view of the fact that you have attended for a number of days, if you feel that these questions ought not to be asked, and will indicate that, I will take it up with the commission, and, as far as my vote is personally concerned, I will excuse you from answering.

Mr. ROCKEFELLER, Jr. Thank you, Mr. Chairman.

Chairman WALSH. On that point, you have been here a number of days, and you see that Mr. Bowers declared in this letter that there was a campaign to go on in 1916 and beyond for an open shop. The commission has been given the testimony on the actual practice of the Colorado Fuel & Iron Co., deemed to be the open shop. In addition, that we have had this letter and other letters that I am quite sure—I will not stop to get them now—that indicate that you

are carrying on a union educational campaign now. Don't you know that your foundation has started an inquiry into industrial relations generally, and we have been informed that Mr. King, who is here present, has spent a lot of time in Colorado, and in view of those facts, as far as my agreement to call you in the organization of our public hearing is concerned, I deemed that you represented, probably, the largest investors in this company, and a director in this company; that you might be called the principal side of the labor controversy. And I am now going to ask you this question: Do you realize, or is it a fact, that with vast power great responsibility would always abide?

Mr. ROCKEFELLER, Jr. That with vast power——

Chairman WALSH (interrupting). With vast power great responsibility should always abide?

Mr. ROCKEFELLER, Jr. I think I have always recognized fully the responsibility that rests upon me.

Chairman WALSH. Do you mind the fact that on account of the many concerns in which yourself and father have stocks and bonds, on account of the vast number of industries in which you are interested, that you possess a power, a potential power, and an influence, especially over those that are associated with you in business, much greater in extent than an ordinary stockholder or director?

Mr. ROCKEFELLER, Jr. I stated in the statement which I read to the commission in New York that I recognized the power of the large stockholder was out of proportion to the exact amount of his stock, and that it necessarily was great. I recognize that fact.

Chairman WALSH. And the mere fact that conditions should go on in Colorado without your protest might lead these gentlemen, like Mr. Bowers, to believe that was your will, and therefore you were morally responsible, at least, for everything that took place in Colorado, leaving aside for the present the particular instances to which attention has been called?

Mr. ROCKEFELLER, Jr. I have undertaken to discharge my responsibility to the fullest of my ability. If I have failed it is not because of my desire not to do what is right, but because of the weakness of human nature, to which we are all subject.

Chairman WALSH. Do you not believe that the fact that you did not put any arresting hand upon the situation at any time, before Ludlow or afterwards, might be taken by these gentlemen to believe that it was your desire that that should go on, and that therefore it did go on?

Mr. ROCKEFELLER, Jr. These gentlemen were operating as they thought wise, and did what their judgment prompted. They knew I was free to express my opinion, and I have expressed my opinion; they have acted on it when they saw fit and have declined to act on it when they did not see fit. They knew I had the right, as a stockholder, if I felt they were not performing their duty in the way that I thought was right, that I had the right to use any influence as a stockholder to replace them, and that right I would have used if I had thought it was necessary.

Chairman WALSH. Now, you are speaking as an ordinary stockholder, but, in view of the vast influence that you have on account of the industries over which you have potential control, weren't you in a different position than the ordinary stockholder?

Mr. ROCKEFELLER, Jr. I am speaking of my responsibilities as I see them, in view of the position in which I am placed.

Chairman WALSH. Now, I want to ask you just one more question. Mr. Welborn is president of that company, isn't he?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And he was the direct representative, the executive representative, and the highest one, of your company in the field in Colorado?

Mr. ROCKEFELLER, Jr. During the strike, Mr. Chairman, and until the end of this last year Mr. Bowers, who was the chairman of the boards, was the ranking officer.

Chairman WALSH. But before that time he was the president of your company, and after Mr. Bowers left he was in complete control, so far as rank was concerned?

Mr. ROCKEFELLER, Jr. He was.

Chairman WALSH. Now he is a man, you say, of high intelligence, of fine perception, and you believe a good and kind-hearted man?

Mr. ROCKEFELLER, Jr. I believe so, absolutely.

Chairman WALSH. You believe so, absolutely. Now, then, at least 4,500 of your hitherto faithful employees went on strike against conditions in your industry in Colorado; they went out to live in tents in the canyons of Colorado. There was suffering and there was privation growing out of that difficulty. Many men were killed. Some of the men who were discharging their duties believed in every instance, I have no doubt, that they were rendering a very high service to the State, acting as an arm of the military power. There were many men killed, believing, whether right or wrong, that they were fighting for existence and better conditions for other men. Women and children were suffocated and their flesh burned off their bones. Children were shot through the head. The people of Colorado were arrayed against each other. The governor, whom we have heard spoken of contemptuously as "our little cowboy governor," and who was said to have been whipped into line; delegations were sent to the East to expose, as they said, the conditions in Colorado; people who took one side were denounced as defamers of the fair State of Colorado. People on both sides had their lives threatened. The governor of the State declared publicly that civil government had broken down in Colorado. I mention a few of the standing out marked events of the strife in Colorado. Now, I want to call your attention to the fact that after Ludlow, after the killings, after all I have stated to you and many other things had transpired, if you did not receive a letter from Mr. Welborn, this man of fine perceptions and a man of kind heart, in which he said:

"I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy."

That is, all the deaths and all the disgrace and everything was easy to him, and he felt no strain. Does that suggest to you that you have a vast influence over that of the ordinary stockholder, over the men connected with you in these industries, and that you ought to raise your voice in protest if human beings were being mistreated?

Mr. ROCKEFELLER, Jr. I see no connection whatever between the letter and the statement you make.

Chairman WALSH. You may now examine, Mr. Weinstock.

Commissioner WEINSTOCK. There was read into the record this morning, Mr. Chairman, some extracts from the report of the Commissioner of Labor for 1905, relating to the labor disturbances in Colorado. For the full information of the commission, I want to have this also included in the record——

Chairman WALSH. Mr. Weinstock, you may read anything into the record you please that——

Commissioner WEINSTOCK. Well, this is in very close relationship to that which was developed. This appears on page 840 of the report. It reads:

"Mr. Mitchell held a conference"—

"Mr. Mitchell" refers, I take it, to President Mitchell, of the miners' union—

"Mr. Mitchell held a conference with Gov. Peabody in the latter's office in the State capitol on December 6. Mr. Mitchell refused to discuss the conference, but the governor, being interviewed, said:

"'The conference was very pleasant, although it was not productive of results. At its conclusion President Mitchell stated that so far as he could see there was no immediate probability of a settlement of the strike.

"'Our conference began by Mr. Mitchell reciting the different aspects of the situation, and the causes that led to the strike, the eight-hour day, the mining of 2,400 pounds of coal for a ton, and the issuance of scrip. He stated that the union had furnished transportation to 1,500 or 1,400 strikers to other fields, where they secured employment; also that over 1,400 strikers who had money had paid their own transportation and had gone to work in other fields. The remainder are being provided with strike benefits as called for—single men, $3 per week; married men, $5. Mr. Mitchell declared that his organization would furnish the strikers with food, clothing, and shelter as long as the strike should last, or until they could be transported to other fields.

"'In turn, I told him that I would protect the people with the same jealous care as he had said he would look after his men. I called his attention to the geographical location of Colorado, and the absolute necessity of having coal, and that I would see to it that it is produced if enough laboring men can be found to mine it. I told him his men might remain in idleness as long as he cared to board and clothe them, provided they obeyed the law and committed

no act of violence. As soon, however, as they interfere with the men who care to work, that moment I will interfere with the troops and grant protection to those who care to work. I told him that I drew no distinction between organized and unorganized labor. Neither did I intend going into the merits or demerits of the controversy, but that any individual desiring to labor would have absolute and certain protection.

"'I further called his attention to the fact that I had declared qualified martial law in Teller County, and that I intended doing the same in every county of the State, if necessary, to bring criminals to trial and justice. I told him if criminals could prove their innocence in civil courts they might go free, but if I could later produce evidence I would have them rearrested and send every one of them to the penitentiary.

"'I also told him that if there was anything I could do within the scope of my duty to bring about an early settlement, I would lend my influence in that direction. But I give him to understand that I would not undertake to arbitrate the question at issue, as that is a matter concerning employer and employee, and not the general public. Mr. Mitchell expressed himself as well satisfied with my statement, and said he had no criticism to make in regard to my proposed action in the matter.'"

Now, on page 341, the following appears:

"The first cases of assault during the strike of coal miners took place in Las Animas County on December 7. In the forenoon Marshal Milton Hightower was superintending the tearing down some of the shanties of the Victor Fuel Co. at Hastings, in which some of the miners had formerly lived. He was set upon by a mob of Italian women, one of whom struck him with a clever, nearly severing one of his ears from his head.

"Thomas Jennings, an employee of the Colorado Fuel & Iron Co., and a brother of the superintendent of the company's mine at Berwind, had conducted several parties of men from Berwind to Primero. He was conducting a party of four on the afternoon of December 7, when they were fired upon by several unmasked men. None of them was hit by the bullets, but one of the mules drawing the wagon in which they rode was killed."

And on page 352 the following appears:

"An open letter to W. R. Fairley and Chris. Evans:

"Answering your communication which appears in the daily papers in this State, addressed to the public in general—

"'We admit, as you have stated, that 'five months have now elapsed with nothing but turmoil and vexation of spirit in the hearts and minds of business men and citizens in every walk of life.' We admit, also, as stated, the result is 'manifest, not only to the coal companies involved, but business men also, who have been deprived of their only source of revenue as a result of this strike.' We also indorse heartily your statement that the public in general, in its broadest sense, is 'entitled to receive due consideration in all affairs of such vital importance to them, regardless of the source from which all this trouble has originated. We further admit, as you state, 'there has been, and is at present, a large amount of money being expended on both sides,' and that the burden of expense to maintain the strike has, by the advent of the militia, been transferred from the coal companies to the taxpayers of the whole State, and that, as you suggest, it is 'a question that offers plenty of food for thought.'

"We fail to find anything in the above citation of facts and conditions which are commendable or greatly to your credit. Up to this time we have remained neutral. We have given you a free hand to correct the conditions of which you complain, and in return you have flatly boasted your determination to make the business conditions of this community as nearly unbearable as to force the people to interfere in your behalf.

"The miners, in whom you profess so deep an interest, privately advise us of their desire to return to work, to be protected from the paid emissaries whom you have placed over them in control. And we now take this opportunity of serving notice on you of our intention, from this time on, as you have it, 'to receive due consideration in all affairs of such vital importance' from the source from which it emanated.

"We are tired of you. Your misguided followers are tired of you and your methods, and we respectfully request you to withdraw from the county, to the end that we may speedily repair the injuries we are sustaining, and have sustained, on your account. We feel that from now on we will be pardoned if we pursue in the future a policy of self-protection which will be as aggressive as in the past it has been lenient."

Chairman WALSH. Who is that from?

Commissioner WEINSTOCK. "Many taxpayers and citizens."

Chairman WALSH. Does that give any place that it is from?

Commissioner WEINSTOCK. "The following communication appeared in the Trinidad Chronicle-News of April 5." Gov. Peabody, interviewed on April 20, said:

"I have made no attempt to settle this strike, except that I tried to arrange a meeting between the operators and the miners, and the operators refused to attend. Previous to that time, when Mr. Mitchell came to Denver, last December, he had been greatly misinformed by his agents here as to the true situation. However he took the word of these agents without further investigation. It has not been my business to settle this strike; my only duty has been to maintain law and order in this State.

"I told Mr. Mitchell at that time that if he wished to keep his men in idleness in Colorado he was at liberty to do so, as long as they should conduct themselves in a peaceable manner, but if they did not there would have to be military interference. Mr. Mitchell asked me to keep the soldiers out, but said that if conditions should warrant such a move he would be one of the first to sign a petition for them to be sent to the scene of the disturbance.

"The whole matter has worked itself out exactly as I told Mr. Mitchell it would. I see no reason why I should take the word of Wardjon, Bartolli, and "Mother" Jones against the word of civil authorities, senators, mayors, and reputable citizens generally as to when or when not to call out the militia. I sent the troops into the disturbed districts with only one purpose in view, that of maintaining law and order. That has been my position all along, and that is where I stand to-day.

"Gov. PEABODY."

In the discussion this morning, Mr. Rockefeller, a hypothetical question was put to you, and I am not altogether sure that I clearly and distinctly understood your attitude. The question was put to you if a sheriff, disguised as a burglar, should attempt to enter your house, and to hold a pistol, as it were, to your head, would you yield or would you resist. Now, I understood, in substance, that your answer was as follows—and let me make sure that I did understand it correctly—if he came to you as a burglar you would treat him as a burglar, and if he came as a sheriff you would treat him as a sheriff; that if he came in the name of the law, you would respond in the name of the law and offer no resistance, but if he came as an everyday burglar you would treat him as an everyday burglar. Am I right?

Mr. ROCKEFELLER, Jr. That was, in substance, my thought, but I expressed it a little differently.

Commissioner WEINSTOCK. Did I catch the spirit of your answer?

Mr. ROCKEFELLER, Jr. Yes; that I would always treat the representative of the law with the respect that was due to a representative of the law, unless, as I stated, the extreme case arose where immediate death was liable to occur unless a person were to take immediate action. I stated that such action could only be justified under such circumstances such that one would feel that before a court of justice one's position would be defended.

Commissioner WEINSTOCK. I gather then that you are in harmony with the attitude of Dr. Goodnow, president of Johns Hopkins University, who testified on that point, when the question was put to him:

"Commissioner WEINSTOCK. Taking a concrete case, Doctor, taking the case, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense; that they were first attacked by the strikers. The strikers deny that, and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume, for the purpose of our illustration and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did harass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is, take the result? Yield for the time being; do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demands? Let your remedy come by use of the ballot, see to it that the commander in chief that is responsible for this is either recalled, under your recall law, or is condemned by public sentiment and not reelected? Do I follow you?

"Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea or else there is no peace for our Government.

"Commissioner WALSH. In other words, the short cut to the remedy must be condemned?

"Dr. GOODNOW. Yes, sir; as I look at it.

"Commissioner WALSH. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

Are you in harmony with that position?

Mr. ROCKEFELLER, Jr. I am.

Commissioner WALSH. I took it upon myself, Mr. Rockefeller, to send you a letter this morning, which I desire to read into the record now, which read as follows:

WASHINGTON, D. C., *May 21, 1915.*

Mr. JOHN D. ROCKEFELLER, Jr.

DEAR SIR: It has been the uniform practice of this commission to give witnesses advance copies of the questions to be asked in order that the witness may come fully prepared to make answer. It has not been the practice of individual commissioners to do this, because the individual commissioners could not anticipate the questions which they as individuals are likely to ask.

In your case, however, you have been on the witness stand often enough and long enough to make clear in my mind just the questions among others which I shall consider it essential to ask. In order to save your time and the time of the commission, I am therefore taking it upon myself to inclose an advance copy of the preliminary statement I shall make when my turn comes to question you. This statement as you note, presents, as I see it, the three prime issues involved in the controversy. Having noted that you carry with you a great mass of material, I trust that the intervening time may be sufficient to enable you to have in readiness such part of it for submission to the commission as will bear directly on the points touched upon in the inclosure, and that you will also state which of your witnesses who have been asked to attend this hearing can give further light on these same points.

Yours, very truly,

HARRIS WEINSTOCK, *Commissioner.*

Now, this is my statement, and before proceeding with my questions I want briefly to review the situation as I see it. This commission sat between 25 and 30 days in actual hearings, including the time spent in Denver, New York, and Washington, D. C., investigating the Colorado coal strikes, and endeavoring to find the underlying causes and to locate the responsibility for the great loss of life and property in that Commonwealth. The cost to the Nation for such Colorado investigations through this commission, I should say, has been much over $10,000. There has accumulated a great mass of testimony, much of it more or less unavoidably nonessential to the vital points at issue.

What I have been able in brief to get out of it all is that the strikers and their sympathizers make these three specific charges:

(a) That at no time after the strike could they get a hearing at the hands of the operators.

(b) That the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers.

(c) That the operators through their agents were the first to resort to violence and that all the violence which followed was defensive on the part of the strikers and not offensive.

If these three charges have been established then it must be plain that the responsibility for the unfortunate happenings in Colorado must clearly be laid at the door of the operators and the strikers are entitled to all support and the sympathy of the American people.

Despite the volumes of testimony that have accumulated in the hands of the commission in this case, much of it is so befogged and so beclouded, the conten-

dictions are so pronounced, there is so much evidence of bitterness and ill will on both sides of the controversy that the impartial, fair-minded investigator, such as I hope I am, finds himself in a mental maze and more or less at sea.

Speaking for myself, I have entered this Colorado investigation without any preconceived judgment or prejudices. Not any of the participants on either side were known to me. I, for one, have absolutely no object other than to find the truth, wherever the truth may be; and, speaking for this commission as a whole, it is neither for nor against any witness; it is for the facts, whatever the facts may be.

It is in this spirit, and this spirit alone, then, that in order to crystallize the issues and reduce them to their prime essentials I ask you specifically to make whatever answer you are able to make to the three foregoing charges.

If you can show that an opportunity was afforded the strikers at some stage of the dispute to get a hearing in the presence of the representatives of the operators; if you can show that the strikers had not exhausted their constitutional rights to get justice before resorting to violence; if you can show that the strikers and not the operators or the authorities were the first to commit acts of violence in defiance of law, then these three charges made against the operators must, to my mind, fall to the ground, and the burden of responsibility for all the consequential casualties and loss of property must then, as I see it, be placed at the door of the strikers.

Now, before asking you to reply to these statements, Mr. Rockefeller, I want to ask, did you receive a copy of the questions that were to be put to you by this commission before you came here?

Mr. ROCKEFELLER, Jr. I have never received any questions in advance of coming before this commission.

Commissioner WEINSTOCK. It has been the uniform practice to furnish every witness with advance copies, so they could come here prepared intelligently to answer questions; and if none was furnished in your case, there must have been some mistake about that, which I am sure our chairman will at this time be glad to explain.

Chairman WALSH. I will be glad, if I can keep the witness here. I will explain by stating you were entirely mistaken about the facts.

Commissioner WEINSTOCK. Perhaps I am; I will be glad to be corrected.

Chairman WALSH. I have been compelled, and you know the duty has been placed upon me by the other commissioners, to arrange with the staff for these hearings. Your duties and responsibilities elsewhere have kept you away from the minutia of attending to these hearings. Mr. Rockefeller was notified by letter in New York of the New York hearing, and a communication was addressed to him asking him to come, and he gave the public notice through the newspapers showing that he knew he was to be examined on these letters. I will not at this time stop to tell you what I would like to say, but as soon as Mr. Rockefeller is excused I will place Mr. Manly upon the stand, and he will advise you as to what has been done with reference to other witnesses. I am simply saying that, with very few exceptions, every witness has appeared upon this stand just as Mr. Rockefeller has, and the labor witnesses whom you heard testify and whom you examined, and properly examined, in your own way, were not notified in advance, any more than Mr. Rockefeller, as to what they were to be asked.

Commissioner WEINSTOCK. I was under the impression that our witnesses, as a rule, had been furnished with the questions asked.

Chairman WALSH. You are mistaken, and that is because you have not given attention, and were not asked to give attention, to the details of these matters that I have given.

Commissioner WEINSTOCK. What led me to believe that was the fact that frequently a statement was made to witnesses, "You have been furnished with a copy of the questions?" and they would answer them in rotation as they appeared. That conveyed to me the idea that it was the uniform practice of the commission.

Chairman WALSH. It was not. That was only done in a very few instances, and those questions were put after a witness got here and in many instances wanted to go into matters outside of the scope of the hearing, and I ordered the questions to be prepared and submitted to those witnesses to be followed. Of course, we would have gladly given you that information—it is available here—had we had the opportunity.

Commissioner WEINSTOCK. That explanation is entirely satisfactory, Mr. Chairman.

Mr. ROCKEFELLER, Jr. May I adjust one word? Is it true that with the summons I have received in both instances there have been several general questions stated, but I supposed the question which you directed to me was as to whether the specific questions which the examining officer was to ask on the stand had been presented. Those questions, as Mr. Walsh says, have not in any instance.

Chairman WALSH. Do you claim all the questions have been presented to any witness, Mr. Weinstock?

Commissioner WEINSTOCK. No; not all. But the primal questions have been submitted, because we always digressed upon them and took very wide latitudes.

Chairman WALSH. That was not done in this case.

Commissioner WEINSTOCK. The explanation is entirely satisfactory, Mr. Chairman.

Chairman WALSH. Thank you, Mr. Weinstock.

Commissioner WEINSTOCK. Will you proceed to answer this statement in your own way, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. May I ask you, Mr. Weinstock, in regard to question A, where you say "the strikers and their sympathisers"—"What I have been able, in brief, to get out of all this is that the strikers and their sympathizers made these three specific charges."

Commissioner WEINSTOCK. Yes.

Mr. ROCKEFELLER, Jr. Do you mean men working in the mines, and who struck, or the representatives of the unions?

Commissioner WEINSTOCK. I take it the representatives of the union.

Mr. ROCKEFELLER, Jr. I ask because the representatives of the unions, so far as I know, have not met in conference with the operators; but the striking miners—as I understand it, the striking miners were present at the meeting called by Gov. Ammons on November 26, where they met three of the operators, with the governor, and discussed the situation. Briefly, it is referred to in a telegram from a number of the operators to Dr. Foster, under date of May 1, which telegram Mr. Welborn supplied in the correspondence, and which says:

"In connection with and as supplementing the operators' telegram to you last night, permit us to call your attention to the fact that on November 26 last, in the governor's office, a conference was held between three of the operators and representatives of their former employees then on strike."

That is the only conference I know of where the representatives were present.

Commissioner WEINSTOCK. Then it is not a fact, from the answer just made, Mr. Rockefeller, that the operators, from start to finish, had absolutely refused to meet with any representatives of the striking miners?

Mr. ROCKEFELLER, Jr. I can only speak definitely with reference to the Colorado Fuel & Iron Co., and they have always been ready, and always are ready, to meet with their men or with the representatives whom their men may elect—men working in their mines.

Commissioner WEINSTOCK. Can you tell us what was the result of this conference you spoke of? You say there was a conference at the office of Gov. Ammons, at which there was present three representatives of the striking miners, three operators, and the governor?

Mr. ROCKEFELLER, Jr. Yes.

Commissioner WEINSTOCK. Do you know what was the outcome of that gathering?

Mr. ROCKEFELLER, Jr. I have not the telegram which covers it, but my recollection was all of the points of difference, other than the recognition of the union, were covered by a suggestion made by Gov. Ammons, which he recommended to the representatives of the striking miners and to the representatives of the operators. The operators subsequently, in a letter, accepted the governor's recommendations. The representatives of the striking miners did not accept them.

Commissioner WEINSTOCK. And the result of the conference, then, was nil?

Mr. ROCKEFELLER, Jr. As I understand it.

Commissioner WEINSTOCK. And due to the fact that—have you the date, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Yes, sir: the date of the telegram that I spoke of is May 1, in which it is referred to, but the conference was held on November 26.

Commissioner WEINSTOCK. November 26, and the strike was declared on September 23?

Mr. ROCKEFELLER, Jr. It took effect, as I understand, on September 23.

Commissioner WEINSTOCK. And this was about two months after the strike?

Mr. ROCKEFELLER, Jr. Yes, sir.

Commissioner WEINSTOCK. You say that conference failed because, while the operators were willing to abide by the decision, the workers were not?

Mr. ROCKEFELLER, Jr. The operators expressed in writing to the governor their willingness to adopt the suggestions, and the workers or the representatives of the miners were unwilling to adopt the suggestions.

Commissioner WEINSTOCK. Take up the second part.

Mr. ROCKEFELLER, Jr. As to whether "the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers," I am not in position to state, Mr. Weinstock. I have understood testimony has been offered on both sides. I think the fact is that the election which took place in Colorado in the fall, turning out as it did, without regard to party lines, would indicate that the ballot is still powerful in that State to represent the will of the people.

Commissioner WEINSTOCK. What changes—so far as you are acquainted with the political conditions there, Mr. Rockefeller—what did that election mean in effect, the last State election?

Mr. ROCKEFELLER, Jr. It meant the election of a governor by a large majority who, as I am informed, whom the people of the State believed, would maintain the law of the State, and the reelection of an attorney general who had evidently proven satisfactory to the people of the State in his previous term of office.

Commissioner WEINSTOCK. Are both of those officers of the same political party?

Mr. ROCKEFELLER, Jr. I think they are of two political parties.

Commissioner WEINSTOCK. Then it was not, so to speak, a party victory?

Mr. ROCKEFELLER, Jr. The election was without regard to party lines.

Commissioner WEINSTOCK. It was known previously that the governor was of another political party than the previous governor? What is the answer to the third, Mr. Rockefeller, that the operators, through their agents, were the first to resort to violence, and all the violence that followed was defensive on the part of the strikers and not offensive?

Mr. ROCKEFELLER, Jr. I naturally regret, Mr. Weinstock, now [illegible] are all matters of the past, to reopen a question of where the blame may be said to properly rest in regard to the beginning of the struggle, but [illegible] information, since you asked the question, the information that I have is that the beginning of violence was on the part of the strikers, when one of the camp marshals was killed.

Commissioner WEINSTOCK. Are you familiar with the date and place, can you specify?

Mr. ROCKEFELLER, Jr. In a letter of September 29 to me from Mr. Bowers, which has been placed on file with the commission, Mr. Bowers says that one of our marshals, who was one of the best men in our employ, was deliberately shot by Greeks when he undertook to stop them from tearing down a bridge. That, as I understand, was the first act of violence in the strike.

Commissioner WEINSTOCK. Then summing up your answers to the three propositions, as I gather, it is as follows: That it is not true, at no time after the strike, could the strikers get a hearing at the hands of the operators, because you pointed out on November 28——

Mr. ROCKEFELLER, Jr. (interrupting). November 26.

Commissioner WEINSTOCK (continuing). There was a conference held in the office of the governor of Colorado at which were present three representatives of the striking miners, three representatives of the operators, and that the governor submitted what was, in his judgment, a fair proposition to both sides, and that the operators were willing to accept it, but that the strikers rejected it; and, second, you point to the last election in Colorado as showing that majority rules, and that the people have actually the kind of government and officers they want; and, third——

Chairman WALSH. What is your answer to that?

Mr. ROCKEFELLER, Jr. Mr. Weinstock has correctly given my answer.

Commissioner WEINSTOCK. And in answer to the third point, which reads that the operators, through their agents, were the first to resort to violence, and the violence that followed was defensive on the part of the strikers and not offensive, by the citing of that circumstance, which, to the best of your knowledge and belief, was the first act of violence that occurred after the strike was declared, and it was an instance where a representative of the mine owners had been assailed?

Mr. ROCKEFELLER, Jr. Had killed a camp marshal.

Commissioner WEINSTOCK. A public official.

Mr. ROCKEFELLER, Jr. I would not say killed; I don't know whether he was killed or not; but this says deliberately shot.

Commissioner WEINSTOCK. If I remember rightly I was informed, as a member of the commission, and I am not sure that my information is correct, if I am in error I am sure you will correct me, that sometime after the New York January hearing, the commission came into possession of certain correspondence that you had withheld from the commission? Will you state the facts?

Mr. ROCKEFELLER, Jr. That we had withheld?

Commissioner WEINSTOCK. Yes, sir.

Mr. ROCKEFELLER, Jr. I do not know what you mean unless it is—I think I can explain that. I was asked on the stand at New York for certain correspondence, and I was asked for other information. I directed my office to secure and send to the commission the information as asked for. Within the last couple of weeks one of the members of the office force, to whom the matter had been referred, came to me and said that from a further examination of the files there had been discovered an envelope in which certain letters were filed, which I had taken to Washington at the time of the hearing before the congressional commission last April. Those letters I had myself placed in that envelope. They were letters in regard to conditions in Colorado. That envelope when I returned to New York had been filed separately, instead of the letters being put into the general files. Through this accident, therefore, those letters, which were properly included in the request by the commission, were not forwarded with the others, but immediately that they turned up, the man in the office who had had charge of the matter, had copies made and sent them at once to the commission, writing a letter explaining the cause of the error, and apologizing for his oversight in the matter.

Commissioner WEINSTOCK. The question of mine accidents was touched upon by the commission this morning, Mr. Rockefeller. Is there such a thing as a State report, or does your company keep reports of the number of accidents which have occurred in the mines in the State of Colorado?

Mr. ROCKEFELLER, Jr. I could not answer definitely, Mr. Weinstock, but I assume there must be a State report.

Commissioner WEINSTOCK. Do you know as a matter of fact, Mr. Rockefeller, whether the number of accidents in the mining company in which you are interested are greater or less than the other coal companies in the State of Colorado?

Mr. ROCKEFELLER, Jr. I do not know from definite knowledge.

Commissioner WEINSTOCK. Is that information available, do you know?

Mr. ROCKEFELLER, Jr. I would think it could be ascertained from the officers of the company. My impression has always been that the number of accidents, taken the year as a whole, was less than in other mining camps.

Commissioner WEINSTOCK. Was less in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes, sir; that is my impression; but I would not like to state it as a fact.

Commissioner WEINSTOCK. I think that this also has been brought out in the testimony, that so long as the National Guards, who were called out in Colorado during the strike, did not permit so-called strike breakers to enter the mine there was no trouble; that the violence began when the National Guards of Colorado permitted the so-called strike breakers to enter the mines and to take the jobs vacated by the strikers. Now, can you tell us whether the Federal troops, when sent there by the Federal authorities, did or did not protect nonunion workers brought into the mines?

Mr. ROCKEFELLER, Jr. I understand that the Federal troops protected any worker in the mines.

Commissioner WEINSTOCK. Then the Federal troops did precisely what the State troops did—that is, they protected all workers whether or no they were unionized or nonunion?

Mr. ROCKEFELLER, Jr. That is what I have understood. I have no reason to think otherwise.

Commissioner WEINSTOCK. The chairman calls my attention to the fact that he was under the impression that the order was issued, I think, by the President, that the protection should be limited to the men living in Colorado, but if my memory serves me right, I am under the impression that that order was modified, and that there was no limitation put upon the protection of the workers. Have you any information on that point?

Mr. ROCKEFELLER, Jr. My recollection was that men who applied at the mining camps were to be put to work, but the men who applied at the Denver office would not be sent down to the various mining camps. That is the only restriction that I recall, Mr. Weinstock; but I couldn't speak from a definite knowledge on that subject.

Commissioner WEINSTOCK. That is all, Mr. Rockefeller.

Chairman WALSH. Just a question or two. I believe, though, that I said we would let you leave at 3 o'clock, and I believe I will. You may be excused now.

Mr. ROCKEFELLER, Jr. Thank you, very much. May I before leaving hand you two telegrams which have been received to-day, unsolicited, one from J. F. Welborn and one from W. W. Wilson, which you may put in the record if you see fit. I have copies made of the originals, and if you will allow me to keep the originals I will leave the copies with you.

Chairman WALSH. I thank you. You will be excused.

I would like to make a little statement in the record, by agreement with Mr. Weinstock, so that there will be no misunderstanding on the question that arose on the opening question by Mr. Weinstock to Mr. Rockefeller. It is to this effect, that public hearings of the Commission on Industrial Relations are managed by a subcommittee, called a committee on public hearings, of which Mr. Weinstock is not a member. When that committee was created the members of the commission were all invited, all notified that they should give all of the time they possibly could to attendance upon that committee, and to get up the plans and details of the public hearings, and that the chairman repeatedly urged upon the members of the commission, including Mr. Weinstock, that they should attend the committee on public hearings and give all the time they possibly could from their other affairs to the management of the details of these public hearings, the suggestions to witnesses, the summoning of witnesses, and the topics on which the witnesses were to be examined.

That is a statement made, of course, by agreement.

TESTIMONY OF MR. IVY L. LEE.

Chairman WALSH. I might make the announcement that these hearings will have to be continued over into next week, and therefore there will be no further witness called this afternoon. Mr. Lee will be the last witness.

Your full name, I believe, is Ivy L. Lee?

Mr. LEE. Yes, sir.

Chairman WALSH. You reside in the city of New York now?

Mr. LEE. Yes, sir.

Chairman WALSH. And you have appeared before this commission before?

Mr. LEE. Yes, sir.

Chairman WALSH. And have given your employment and your history up to this time in a general way?

Mr. LEE. I have.

Chairman WALSH. I am going to address your attention to some particular questions, Mr. Lee. In a letter of June 10, 1914, from Mr. John D. Rockefeller, jr., to you, Mr. Rockefeller writes as follows:

"Several points in my memorandum, however, could well even more appropriately be used in the letter from Gov. Ammons to President Wilson, which you are proposing to prepare as soon as the major's memorandum reaches you, which I hope will be very shortly."

Again, on June 11, 1914, you wrote Mr. John D. Rockefeller, jr.:

"I am inclined to think that at the moment the best thing we can do would be to give the letter from Gov. Ammons to President Wilson our attention, and I hope that we can accomplish something very soon."

On July 2, 1914, the letter submitted here—the copy of the letter—shows that you wrote to Mr. John D. Rockefeller, Jr., as follows:

"With reference to the letter for Gov. Ammons, I am not entirely satisfied with the draft I prepared, and I am making certain amendments to it. I sent out a draft for discussion, but will get it into shape in a day or so, and then send you a copy of it. The idea—and it is a difficult idea to execute—is to prepare a very brief statement of the case which will command public attention rather than to make any very comprehensive statement of the situation."

Do you recall those quotations as having been contained in those letters?

Mr. LEE. I do.

Chairman WALSH. The major referred to in the first letter, I understand, is Maj. Boughton—Maj. Edward C. Boughton?

Mr. LEE. Edward J. Boughton, I think.

Chairman WALSH. Edward J. Boughton?

Mr. LEE. Yes, sir.

Chairman WALSH. And Maj. Edward J. Boughton was a major in the Colorado Militia?

Mr. LEE. Yes, sir.

Chairman WALSH. He was the advocate general who presided over the military court at Trinidad that dealt with the strikers that were brought before him?

Mr. LEE. I do not know as to that.

Chairman WALSH. You have learned that since you have been in this publicity business, have you not?

Mr. LEE. I do not recall having that fact in my mind, Mr. Walsh.

Chairman WALSH. Was there not much written in the so-called "facts" in regard to the struggle for industrial freedom about Maj. Boughton and his military court?

Mr. LEE. I do not doubt the fact, but I do not recall it in my mind at the moment.

Chairman WALSH. You do not recall now that Maj. Boughton was advocate general and presided over the military court?

Mr. LEE. All I know of Maj. Boughton is that he was advocate general of Colorado. What he did I do not know.

Chairman WALSH. Did you not read the report more than once made by the military commission presided over by Gen. Boughton, with reference to the Ludlow massacre?

Mr. LEE. Is that the general pamphlet report that was made by the militia?

Chairman WALSH. Yes, sir; it was a report made by the military commission.

Mr. LEE. I read a report.

Chairman WALSH. It was the military commission consisting of Maj. Edward J. Boughton, Capt. Danks, and Capt. van Cise.

Mr. LEE. I read a report. I do not know whether that is the one you have in mind or not.

Chairman WALSH. When did you first meet Maj. Boughton?

Mr. LEE. I met him in New York. I do not recall the exact date. It was some time around the middle of June.

Chairman WALSH. Well, now, Mr. Rockefeller's first letter to you is dated June 10. It says:

"Several points in my memorandum, however, could well even more properly be used in the letter from Gov. Ammons to President Wilson, which you are proposing to prepare as soon as the major's memorandum reaches you, which I hope will be very shortly."

Was there a letter designed to be sent by Gov. Ammons to President Wilson before you saw Maj. Boughton?

Mr. LEE. I can tell you what happened. Mr. Greene, of Mr. Rockefeller's office, saw Maj. Boughton——

Chairman WALSH. Who was Mr. Greene?

Mr. LEE. He was one of Mr. Rockefeller's staff.

Chairman WALSH. Was he also a director at that time of the Colorado Fuel & Iron Co.?

Mr. LEE. Yes, sir.

Chairman WALSH. You took his place, I believe?

Mr. LEE. Yes, sir. Mr. Greene told me that Maj. Boughton was in New York representing the governor, and that the governor had been very much concerned over the misunderstanding which prevailed in the East concerning various phases of the strike situation. He said that Maj. Boughton was extremely anxious to get suggestions as to how the facts might be brought more adequately to public attention, and it was through Mr. Greene that I made the first suggestion to Maj. Boughton that it might be a good idea if the governor of Colorado should write a letter to the President of the United States, and also to the governors of the other States, setting forth the situation as he saw it.

Chairman WALSH. You made that suggestion to whom?

Mr. LEE. I made that suggestion to Maj. Boughton through Mr. Greene before I met Maj. Boughton.

Chairman WALSH. Where was Maj. Boughton when you had this conversation with Mr. Greene, if you know?

Mr. LEE. I do not know. I think he was in New York.

Chairman WALSH. He was in the city of New York when you had this talk with Mr. Greene?

Mr. LEE. Yes, sir.

Chairman WALSH. Proceed.

Mr. LEE. Then Mr. Greene, I think, gave that suggestion to Maj. Boughton, and Maj. Boughton told Mr. Greene—so Mr. Greene told me—that he did not know how the governor would regard such a suggestion, but that he, Maj. Boughton, would be glad to consider it if I would prepare any concrete illustration of the idea I had in mind as to the kind of letter which might be written, and which would do good. In order to get the governor's ideas——

Chairman WALSH. Be good for whom?

Mr. LEE. For the general cause.

Chairman WALSH. Not for the Colorado Fuel & Iron Co.?

Mr. LEE. The Colorado Fuel & Iron Co., Mr. Chairman, no less than other coal companies in this situation, and also the State of Colorado, had been accused of practically equipping a private army, and that was, we all felt, a reflection on the State as well as the company.

Chairman WALSH. Were you a resident of the State of Colorado?

Mr. LEE. Was I?

Chairman WALSH. Yes, sir.

Mr. LEE. No, sir.

Chairman WALSH. Had you ever been in Colorado up to that time?

Mr. LEE. No, sir; so it was felt, in the common interest, that that point should be cleared up, and that was a point about which Maj. Boughton was very keen, and he said the governor was very keen—that that misunderstanding should not exist. Therefore, I made the suggestion to Maj. Boughton, through Mr. Greene, and I had word from Mr. Greene that Maj. Boughton would send the memorandum of the points we had in mind to Gov. Ammons, the governor of Colorado. Some days after that I met Maj. Boughton——

Chairman WALSH. How many days after?

Mr. LEE. I do not recall, but about a week, I should think. Maj. Boughton went over the situation with me and told me how utterly ineffective he had found any efforts he could devise to produce a better understanding in the East of things in Colorado. He told me then that perhaps it would be better to issue an open statement to the American people on the subject, such a statement to be issued by the governor.

Chairman WALSH. When was that, in reference to that first conversation with Mr. Greene?

Mr. LEE. I think within a week. I do not recall the exact dates. It made no special impression on my mind, because it was the kind of suggestion that is constantly being made to men in public and private life to take up.

Chairman WALSH. To governors?

Mr. LEE. To governors and to high officials in public life generally.

Chairman WALSH. That is, to have the publicity men of corporations draft letters?

Mr. LEE. To have private citizens suggest——

Chairman WALSH (interposing). You were doing this as a private citizen?

Mr. LEE. I was doing this—certainly, as a private citizen.

Chairman WALSH. Not as publicity agent for the Colorado Fuel & Iron Co.?

Mr. LEE. Certainly not.

Chairman WALSH. All right; go ahead.

Mr. LEE. But I would have done it just as promptly in that capacity. I make no apology for the suggestion. It so happens that the suggestion was not carried out. It was submitted to Maj. Boughton. A draft of the memorandum was prepared and sent to him for his consideration, and Maj. Boughton has since told me that he went no further with the suggestion. The suggestion was not acted upon. But I insist that the suggestion was a perfectly proper one, and under similar circumstances I would make it again.

Chairman WALSH. It is customary, I believe you say, to do that?

Mr. LEE. It is customary for private citizens in all ranks of life to make suggestions to public officials.

Chairman WALSH. Would you have made that suggestion to Maj. Boughton or to Mr. Greene to be conveyed to Maj. Boughton if you had not been working for the Colorado Fuel & Iron Co. or for Mr. Rockefeller, I believe?

Mr. LEE. Very likely I would not. I probably would not have come in contact with him. If I had come in contact with him as a private citizen and as

a friend, and if he had asked me, I would have made him any suggestions that occurred to me in the same way.

Chairman WALSH. When did you see Maj. Boughton to find out what became of the draft and memorandum which you had made for the governor?

Mr. LEE. I saw Maj. Boughton for a few moments when I was in Colorado last August. I do not know whether the subject was mentioned then or not, but I also saw him in New York a few weeks ago, since this statement of yours appeared in the press, and since Mr. Rockefeller made his answer to that statement.

Chairman WALSH. Did you write it for him?

Mr. LEE. Mr. Chairman, that is a confidential matter between Mr. Rockefeller and myself.

Chairman WALSH. You wrote it for him, didn't you, Mr. Lee?

Mr. LEE. I decline to answer.

Chairman WALSH. On what ground?

Mr. LEE. On the ground that it has nothing to do with industrial relations.

Chairman WALSH. There is nothing about it that would tend to incriminate you or anything of that sort?

Mr. LEE. Of course not. It is simply a confidential matter between Mr. Rockefeller and myself concerning which I feel Mr. Rockefeller is the only person empowered to speak.

Chairman WALSH. Maybe if I would give you briefly my view, probably you would have a different opinion. An attempt is being made by this commission to fix the actual responsibility for industrial conditions in Colorado and elsewhere, and Mr. Rockefeller, being a director and possessing the vastly greater influence which he enjoys or possesses on account of the extent of his investment, is being considered as one of the factors, if not the largest factor, in the employing situation so far as the employers are concerned; and in attempting to fix that responsibility it had occurred to me that it is very important to know whether the action taken by Mr. Rockefeller is really his action and the statements made by him are really his statements, or yours, for instance.

Mr. LEE. Mr. Chairman, as to that I can only tell you that I have never known a man to be more careful and more conscientious and more painstaking about scrutinizing every line that went out over his name, whether he wrote it or whether somebody else assisted in writing it or not. I have had more or less experience with such matters, and I never knew of a man in his class doing that. Any statement Mr. Rockefeller makes to the public you may be sure he has gone over it with a fine-tooth comb.

Chairman WALSH. He likewise thinks very well of you, and has stated it, Mr. Lee. But my point was that in fixing the actual responsibility we would like to know whether the statement is Mr. Rockefeller's or some one else's.

Mr. LEE. Mr. Rockefeller has stated as clearly as words can state that every statement he puts out is his statement.

Chairman WALSH. Then you decline to answer the question. I will put it to you plainly. Is it not a fact that the statement read to this commission as a preliminary statement by Mr. Rockefeller was written by you and not by Mr. Rockefeller?

Mr. LEE. As Mr. Rockefeller has answered that question himself, I will say that it was written by him.

Chairman WALSH. That is, that he dictated it to a stenographer?

Mr. LEE. He did.

Chairman WALSH. I will ask you if this statement with reference to the proposed letter from Gov. Ammons to the President, which was published in the newspapers as the statement of John D. Rockefeller, Jr., was not in reality written by you and not by Mr. Rockefeller?

Mr. LEE. Let me get clearly just what you mean? What statement do you refer to?

Chairman WALSH. The statement published in the newspapers with reference to the drafting of a letter for Gov. Ammons to be sent to the President, and perhaps the governors of other States.

Mr. LEE. Do you mean Mr. Rockefeller's published statement?

Chairman WALSH. Yes, sir.

Mr. LEE. That was his statement.

Chairman WALSH. Was it written by you?

Mr. LEE. I decline to answer.

Chairman WALSH. We will pass that question for the present. The matter of compelling or attempting to compel you to answer that question will be taken

up at a later date by the commission, and if we conclude to do it, we will issue a process hereafter.

Mr. LEE. I will state, Mr. Chairman, that if the commission as a commission decides that they would like to have that question answered, I have no doubt Mr. Rockefeller would be willing to let me answer it.

Chairman WALSH. Suppose we were to do that, how would you get into communication with Mr. Rockefeller?

Mr. LEE. I think he has left the city for the moment.

Chairman WALSH. Very well; we will take the matter up later.

Mr. LEE. Personally I have not the slightest objection to answering it, but I do not believe that in my confidential relation to Mr. Rockefeller I have a right to answer it without his permission.

Chairman WALSH. We will take it up later, but we may forego the question as not being of sufficient importance.

Would you be kind enough to show me the memorandum which Mr. Rockefeller referred to in his letter of June 10, which he said he thought could well even more appropriately be used in the letter to Gov. Ammons?

Mr. LEE. That was supplied to you by Mr. Rockefeller.

Chairman WALSH. I thought he took it back, because I tried to find it and could not find it.

Mr. LEE. It was a clipping from the New York Times. I would be glad to get you another copy.

Chairman WALSH. I think possibly I can get it. You got that memorandum from Mr. Rockefeller, and did you use it in the draft of the proposed letter which it was intended to have Gov. Ammons sign?

Mr. LEE. I should be glad to supply the commission with a copy of the draft which I sent to Maj. Boughton. I think you will see, then, there is very little relationship.

Chairman WALSH. I am asking you now, because I haven't it at hand. Have you the draft you sent to Maj. Boughton?

Mr. LEE. I do not have it here.

Chairman WALSH. Where is it and how can you supply it?

Mr. LEE. It is in my office in New York.

Chairman WALSH. It is in your office in New York?

Mr. LEE. Yes.

Chairman WALSH. Of course, not having it at hand, I can not examine you about it.

Mr. LEE. I will state very definitely that there is very little relationship between them.

Chairman WALSH. You did not include, then, in the draft of the letter for Gov. Ammons but very little of the memorandum that was sent to you by Mr. Rockefeller?

Mr. LEE. I do not recall that I included any of it.

Chairman WALSH. But the memorandum itself will show?

Mr. LEE. Certainly.

Chairman WALSH. And you say you will send that to us?

Mr. LEE. I will be very glad to.

Chairman WALSH. On June 11 Mr. Lee wrote Mr. Rockefeller: "I am inclined to think that at the moment the best thing we can do will be to give the letter from Gov. Ammons to President Wilson our attention, and I hope we can accomplish something very soon."

When did you see Maj. Boughton with reference to the time you had this talk with Mr. Greene?

Mr. LEE. I can't give you any more information than I gave you a few moments ago.

Chairman WALSH. You think it was about a week afterwards?

Mr. LEE. I think it was about the middle of June.

Chairman WALSH. That would take us to June 16 or 17—along there. Now, where did you first meet Maj. Boughton?

Mr. LEE. I met him at the Waldorf, in New York.

Chairman WALSH. And who was present?

Mr. LEE. Maj. Boughton and myself.

Chairman WALSH. Did you meet by appointment?

Mr. LEE. We did.

Chairman WALSH. Had you ever met Maj. Boughton before?

Mr. LEE. No.

Chairman WALSH. Did you meet him in your capacity as a private citizen, or did you do it as part of the compensation that was afterwards paid you by Mr. John D. Rockefeller, sr.?

Mr. LEE. I was introduced to Maj. Boughton by Mr. Greene, Mr. Chairman.

Chairman WALSH. Where?

Mr. LEE. Well, Mr. Greene made the appointment for me to see Mr. Boughton.

Chairman WALSH. Well, Mr. Greene introduced you.

Mr. LEE. He made the appointment for me to meet him at the Waldorf.

Chairman WALSH. Did he introduce him individually?

Mr. LEE. He told me Maj. Boughton would like to have me meet him.

Chairman WALSH. Then what did he tell you?

Mr. LEE. He asked me if he could make an appointment for me to call on Maj. Boughton.

Chairman WALSH. And you told him all right?

Mr. LEE. Yes, sir.

Chairman WALSH. And you never saw Maj. Boughton before in your life?

Mr. LEE. No.

Chairman WALSH. Didn't Mr. Rockefeller write you to Philadelphia and suggest that you should meet Maj. Boughton?

Mr. LEE. Why, I don't recall that, whether he wrote me such a letter or not, Mr. Chairman. He may have.

Chairman WALSH. Now, you were writing bulletins at that time, setting forth what you said was a history of the struggle for industrial freedom in Colorado, and you were actually engaged in that work in Philadelphia at the time this was going on?

Mr. LEE. I don't recall whether any bulletins had been issued up to that date or not.

Chairman WALSH. I will ask you if you did not write a letter to Mr. Rockefeller on June 12, setting forth certain information and concluding with this paragraph:

"I have written Mr. Greene, asking him to make an appointment for me to see Maj. Boughton next Tuesday afternoon, and I shall be glad to communicate with you upon my arrival in New York and arrange as to when and where I shall meet you."

Mr. LEE. Now, Mr. Chairman, those are two distinctly different events and occasions that you are confusing in that paragraph. If you will read the whole of that letter, you will see there is a reference in it to an invitation which Mr. Rockefeller had extended to me to spend the night at his house; and that reference to meeting him was with reference to that invitation, and——

Chairman WALSH (interrupting). I will read the whole letter.

Mr. LEE. I hope I am correct as to that point.

Chairman WALSH. You are absolutely correct. It refers to that and a number of other things, but I will read it all:

"DEAR MR. ROCKEFELLER: The various documents you have sent me have been received, and I am giving them careful consideration."

What were the documents?

Mr. LEE. I can't tell you at this moment, Mr. Chairman.

Chairman WALSH. Were they matters to be published in a campaign, to be designated as a union educational campaign?

Mr. LEE. They were not.

Chairman WALSH. How do you know, if you don't remember what they were?

Mr. LEE. Because there was no union educational campaign.

Chairman WALSH. Oh! Were they documents with reference to publicity about the strike of the workmen of the Colorado Fuel & Iron Co.?

Mr. LEE. They may have been documents with reference to the strike.

Chairman WALSH. What did you think Mr. Rockefeller meant in his letter when he said we can use this Stevenson article in connection with our Colorado—or our union educational campaign? What did you think he meant?

Mr. LEE. I think he meant that that was a document that might be considered with a view to distributing copies of it. I certainly never took it as meaning beyond that, because I never distributed any copies of it.

Chairman WALSH. What did he mean by your union educational campaign?

Mr. LEE. I can't tell anything on that point more than what Mr. Rockefeller said himself.

Chairman WALSH. What did you think he meant—that he meant there was a union educational campaign then going on?

Mr. LEE. There was none going on at the time, and I didn't think there was or was not going to be one. Mr. Rockefeller and I had discussed a great many questions with reference to publicity, and with reference to the wisdom or unwisdom of issuing publicity material concerning various questions relating to unions.

Chairman WALSH. Was the subject discussed?

Mr. LEE. It was; but nothing ever came of it.

Chairman WALSH. Is Mr. Rockefeller also a man that is very careful about what he writes?

Mr. LEE. Yes.

Chairman WALSH. Careful in his phrasing?

Mr. LEE. Yes.

Chairman WALSH. Then, when you saw him, and never having heard of the union educational campaign before, did you ask him what he meant in that letter by referring to an educational campaign?

Mr. LEE. I don't recall that circumstance, Mr. Chairman. That letter was written practically a year ago. All I know is that nothing of the kind was done. We talked of such a plan, but never did anything with it.

Chairman WALSH. Well, you sent out a great number of bulletins after that, did you not—those Colorado bulletins?

Mr. LEE. I sent out no bulletins.

Chairman WALSH. Well, your office boy or stenographer.

Mr. LEE. I prepared bulletins under the direction of the committee at Denver, which were sent out by the Colorado operators.

Chairman WALSH. Did you actually write the bulletins and send them out from an office in Philadelphia to Denver, to be mailed from Denver?

Mr. LEE. Most of the bulletins, Mr. Chairman, were quotations from documents written by other people. Some of the material in some of the bulletins was written by Mr. Welborn, some written by others. I, as a matter of fact, actually wrote very little of it. I edited it, and saw to its being printed, and sent to Denver. No question about that.

Chairman WALSH. That is what I meant. I asked you the question to direct your attention to these bulletins and how they were sent out.

Mr. LEE. I think I testified very fully on that point before the commission in January.

Chairman WALSH. I was just asking you that to make clear another question about a matter that I was going to ask you later on. You were engaged in June, 1914, in writing, to a very small extent, and putting together what had been written by Mr. Welborn and others, and editing it and printing it, and either you or your office sent it out to Denver, what is known now as the Colorado bulletins.

Mr. LEE. I think now we understand each other.

Chairman WALSH. Understand each other perfectly. So, hereafter, as I refer to that as your sending out those bulletins——

Mr. LEE (interrupting). Well, I won't accept the description.

Chairman WALSH. Well, then, we will go over that each time. I will continue with the letter:

"The various documents you have sent me have been received, and I am giving them careful consideration. I have not received the series of articles by your father published in the World's Work. I remember reading them at the time, but shall be glad to read them again, as I would, of course, now go over them much more carefully."

When were those published in the World's Work?

Mr. LEE. I don't recall. I should say about 1905.

Chairman WALSH. You were not connected with either of the Rockefellers at that time?

Mr. LEE. No.

Chairman WALSH (reading.):

"I remember reading them at the time, but shall be glad to read them again, as I would, of course, now go over them much more carefully.

"The information from Mr. Finley is most interesting. I feel that about the third bulletin we should get out would be one summarizing the present strike situation in Colorado. It was with that idea in mind that I wrote the letter to Mr. Welborn.

"The printing of the bulletins is going ahead, and we expect to get the first bulletin out next week. There has been some delay owing to the fact that I want to get a typographical arrangement which is exactly as I think it should be."

You say there, "We expect to get the first bulletin out next week." Who were "we"?

Mr. LEE. Well, that referred to my office.

Chairman WALSH. You and the stenographer and the office boy and the other employees of the office?

Mr. LEE. Yes.

Chairman WALSH. And at that time you were expecting to get a bulletin out yourself right there, weren't you?

Mr. LEE. Mr. Chairman, I think you understand just exactly how that was done. There was never any thought of issuing any——

Chairman WALSH (interrupting). I am trying to save time by agreeing upon a term. I am going to refer to this as your "getting out the bulletins," with that understanding that you had in that letter.

Mr. LEE. If you add the proviso that every bulletin was sent out by the Denver operators I will agree to it.

Chairman WALSH. That is, that you furnished the mailing list yourself to the Denver operators, and the bulletins were shipped from your office to Denver, and sent out to persons included in the mailing list that you furnished?

Mr. LEE. Yes, sir. I don't want to take up time——

Chairman WALSH. I do want to get it straight. Were they not sent out in folders addressed by you, or your staff, from Philadelphia to Denver?

Mr. LEE. No; they were sent out in boxes, separately from the envelopes. The envelopes and the bulletins were sent out separately, the idea being that in the event that the Denver operators saw anything in any of the bulletins after they were printed, that they were not prepared to stand for in full, that they would not then waste the time of inclosing them in the envelopes.

Chairman WALSH. Did you send them proofs?

Mr. LEE. Yes, sir; when any bulletin involved a statement which was not a quotation from some other document. In cases where it was a mere quotation, as some of the bulletins were, I sent no proof.

Chairman WALSH. Now, when these envelopes which you sent to Denver—those envelopes which you sent to Denver already had the address on them?

Mr. LEE. Yes, sir.

Chairman WALSH (reading). "The printing of the bulletin is going ahead and we expect to get the first bulletin out next week. There has been some delay owing to the fact that I want to get a typographical arrangement which is exactly as I think it should be. After the first one is gotten exactly as we want it, the following ones can go ahead on just the same lines. My plan is that after we get this started, to get one out about twice a week for some months. The accumulative effect of this should be valuable.

"I have written Mr. Greene asking him to make an appointment for me to see Maj. Boughton next Tuesday afternoon, and I shall be glad to communicate with you upon my arrival in New York and arrange as to when and where I shall meet you. I am looking forward with pleasure to spending Tuesday night at your house.

"Very truly, yours,

"IVY L. LEE."

Now, that is the whole letter.

Mr. LEE. Yes, sir.

Chairman WALSH. Now, did you meet Maj. Boughton at the time indicated in that letter?

Mr. LEE. As far as I recall, I did.

Chairman WALSH. And you had never met him before?

Mr. LEE. No.

Chairman WALSH. And did you have an expense account with the Rockefeller interests?

Mr. LEE. I did.

Chairman WALSH. You had had some cash advanced to you for expenses?

Mr. LEE. I had.

Chairman WALSH. And out of that expense account you paid your expenses to New York at that time?

Mr. LEE. I should be glad to send you an itemized statement of expenses incurred in the publicity campaign.

Chairman WALSH. I am asking you about your recollection about that one time, did you pay your expenses to New York at that time out of this expense money which had been advanced to you by the Rockefeller interests?

Mr. LEE. I do not recall, because I was in New York on other business at the various times, and if I was there on other business it would not have been charged to Mr. Rockefeller.

Chairman WALSH. You say you have furnished the itemized account?

Mr. LEE. No, sir; but I should be very glad to.

Chairman WALSH. Please furnish us with the itemized account of your expenses, or the expenses of this publicity campaign?

Mr. LEE. I should be very glad to do so.

Chairman WALSH. And that will show whether or not the expense of this trip to New York was paid out of that?

What I am trying to locate, if possible, is that everything you did, to be plain about it, in connection with Maj. Boughton, you did as a representative of Mr. Rockefeller or the Colorado Fuel & Iron Co.

Mr. LEE. I will not contest that point for a minute.

Chairman WALSH. I thought you said a while ago that you thought what you did was as a private citizen?

Mr. LEE. I didn't mean to maintain that in any exclusive sense. I am perfectly willing to concede that.

Chairman WALSH. All right, I will leave that point.

Then as representative of Mr. Rockefeller, or the Colorado Fuel & Iron Co., you met Maj. Boughton?

Mr. LEE. Yes, sir; and he knew of my relations with Mr. Rockefeller; I didn't meet him on behalf of Mr. Rockefeller.

Chairman WALSH. You met him as the representative of Mr. Rockefeller, but not on behalf of Mr. Rockefeller?

Mr. LEE. I met him with full knowledge on Maj. Boughton's part as to my relations with Mr. Rockefeller.

Chairman WALSH. What did you meet him for?

Mr. LEE. To talk over the Colorado situation.

Chairman WALSH. What for—to get up the letter for Gov. Ammons?

Mr. LEE. I don't recall.

Chairman WALSH. Now, remember, this was the 18th, and on the 10th Mr. Rockefeller wrote and sent you some points in a memoranda that he thought would be good for a letter of that kind, and you wrote him on the 11th and said you thought the best thing he could do was to give the letter from Gov. Ammons to President Wilson his attention, and that you hoped to accomplish those things soon; and then you came down on the 19th to meet Maj. Boughton. What did you meet him for?

Mr. LEE. To talk over the whole Colorado situation. You must remember at that time I had only been connected with the Colorado situation for about two weeks and knew very little about it, and the primary thought was that I could learn from him things that would be helpful; naturally I expected to discuss with him this very letter.

Chairman WALSH. Was not that the chief thing and the only thing that you came down for?

Mr. LEE. I would not say so.

Chairman WALSH. Now, just explain anything else that you wanted to see Maj. Boughton about, in greater detail, if you can. Any particular thing that you wanted to see him about at that time.

Mr. LEE. I can not add anything to what I said a few minutes ago on that subject.

Chairman WALSH. Was there any other person present in your interview with Maj. Boughton?

Mr. LEE. No.

Chairman WALSH. You had been advised, I believe you said, that he was a direct representative of the governor of Colorado?

Mr. LEE. Yes.

Chairman WALSH. Did you read this letter, or has your attention been called to the letter by Mr. Bowers that they had finally whipped the governor into line?

Mr. LEE. I did not.

Chairman WALSH. You didn't know that letter was in existence?

Mr. LEE. No, sir; I did not.

Chairman WALSH. Did you know from anybody connected with the Rockefeller interests that they had the governor in line?

Mr. LEE. No such suggestion was made to me.

Chairman WALSH. Was there anybody else present during your conversation with Maj. Boughton at the Waldorf Hotel?

Mr. LEE. No.

Chairman WALSH. Where was the conversation had?

Mr. LEE. In Maj. Boughton's room.

Chairman WALSH. What did you say to him about this letter? I wish you would just first give us the substance of the conversation that you had with Maj. Boughton, as well as you can remember, right from the beginning to the end.

Mr. LEE. Mr. Chairman, I can not do that. I made the suggestion to Maj. Boughton, through Mr. Greene, and I probably repeated it to him in our conversation, that I thought it would be a wise thing for the governor to do.

Chairman WALSH. To do what?

Mr. LEE. To write such a letter or make such a statement to the public.

Chairman WALSH. To the public or to the President?

Mr. LEE. Both. I thought it would be wise for the governor to take some specific action, and in his official capacity to get his advice before the American people on the subject, and I may have suggested various ways to Maj. Boughton of doing it. I don't recall, but I suggested anything that occurred to me at the moment.

Chairman WALSH. How long were you there with Maj. Boughton?

Mr. LEE. I don't recall.

Chairman WALSH. Can you remember the substance of a single thing which you said to Maj. Boughton or that he said to you?

Mr. LEE. Not beyond what I have stated.

Chairman WALSH. If my memory serves me right, you have not stated anything. Can you remember the substance of any statement you made to Maj. Boughton, or he to you, in that conversation at the Waldorf Hotel?

Mr. LEE. A good deal of that conversation with Maj. Boughton was his talking to me about the conditions in Colorado as he saw them. I have heard so many people talk on that subject that I can not tell specifically what he said to me.

Chairman WALSH. Did you write down what he said to you?

Mr. LEE. No; I did not.

Chairman WALSH. Did you make any notes of what he said to you?

Mr. LEE. I did not.

Chairman WALSH. Did you see him any more in the city of New York?

Mr. LEE. I may have; I don't recall.

Chairman WALSH. Do you remember whether you did or not?

Mr. LEE. I just answered that question.

Chairman WALSH. You may have seen him; but you don't recall having seen him in New York again?

Mr. LEE. I may have; I don't recall.

Chairman WALSH. Did you go back to Philadelphia?

Mr. LEE. Probably; I live there.

Chairman WALSH. Do you remember when you went back?

Mr. LEE. I do not.

Chairman WALSH. Now, you think that was in the middle of June; now, when you got back to Philadelphia did you go to work on the letter for Gov. Ammons?

Mr. LEE. Just when I went to work on such a letter, I don't recall.

Chairman WALSH. Did you go to work on the letter after you got back to Philadelphia, to Gov. Ammons?

Mr. LEE. Some time thereafter I went to work on a suggested draft of a letter which might have been used by Gov. Ammons if he had so desired.

Chairman WALSH. And for that work you were paid by Mr. John D. Rockefeller, sr., afterwards?

Mr. LEE. Yes, sir.

Chairman WALSH. Now, you prepared one draft before July 2, and that is the one you wrote about with reference to the letter from Gov. Ammons, "that I am not entirely satisfied with draft I prepared, and am making certain amendments to it." Did you make an amendment to the first draft?

Mr. LEE. No other draft was sent.

Chairman WALSH. You said you were not entirely satisfied with the draft you had prepared, and was making certain amendments to it. Did you make amendments to that draft?

Mr. LEE. I had the draft before me, and was thinking about it, and was trying to improve it, but it so happened that I never sent another draft or did anything further with the matter.

Chairman WALSH. You never did anything further with the matter?

Mr. LEE. No, sir.

Chairman WALSH. You sent it to Maj. Boughton afterwards?

Mr. LEE. I sent it to Maj. Boughton. I wrote the letter to Mr. Rockefeller concerning the draft which I referred to in one of those letters as sent out to Maj. Boughton for discussion.

Chairman WALSH. You sent out the draft you made on July 2 to Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. Where was he located then?

Mr. LEE. Denver.

Chairman WALSH. Did he acknowledge receipt of that?

Mr. LEE. I don't know.

Chairman WALSH. Did you send him a letter inclosing that?

Mr. LEE. I did.

Chairman WALSH. Have you a copy of that letter?

Mr. LEE. Probably.

Chairman WALSH. Have you seen it lately?

Mr. LEE. Yes, sir.

Chairman WALSH. Will you send Mr. Manly a copy of that letter?

Mr. LEE. Gladly.

Chairman WALSH. Can you state the substance of it?

Mr. LEE. Yes, sir.

Chairman WALSH. Please do so, and maybe we can get along without it.

Mr. LEE. That I inclosed a draft of letter or statement that might be made to the public, and suggested that if the governor approved of it and sent it out that it would be a good idea for him to send copies of it to the governors of the other States, and suggested that the matter be very carefully considered, and if any revision was made, that it be made in the direction of greater brevity, and that copies of it when they were sent out by the governor should also be given to the press. That was the substance of the letter.

Chairman WALSH. Then, you did not make any reference in that letter to sending it to the President by Gov. Ammons?

Mr. LEE. No, sir.

Chairman WALSH. I see that your letter of June 11 here, "I am inclined to think that at the moment the best thing we can do would be to give the letter from Gov. Ammons to President Wilson our attention."

Mr. LEE. Yes, sir; and you will remember I told him that I had my interview with him, and he suggested that probably a statement to the American public would be better.

Chairman WALSH. And so you changed your mind about how you would address that letter, and you did not send him any draft to be addressed to the President?

Mr. LEE. I did not.

Chairman WALSH. The suggestion, then, was that the draft of that letter should be sent to the public and to the governors of other States?

Mr. LEE. That is right.

Chairman WALSH. Is that correct?

Mr. LEE. That is right.

Chairman WALSH. Were you informed at the time you had this interview with Mr. Boughton that in addition to being a major in the State Militia of Colorado he was the attorney—he was a lawyer, was he not?

Mr. LEE. Yes.

Chairman WALSH. That is was the attorney by the year for the metalliferous miners?

Mr. LEE. I do not recall, Mr. Chairman, any such information having been given to me.

Chairman WALSH. Did you know that, or do you know it now?

Mr. LEE. I know it now. That is, I say I know it——

Chairman WALSH. You have heard his testimony, probably?

Mr. LEE. I know it in a general way. I could not testify to it.

Chairman WALSH. And that certain of the directors of the company that employed him annually were also directors in certain of these coal companies that were involved in the strike in southern Colorado?

Mr. LEE. I did not know that.

Chairman WALSH. You did not know that?

Mr. LEE. No, sir.

Chairman WALSH. You have not learned that yet, if it is a fact?

Mr. LEE. No.

Chairman WALSH. After this letter was prepared, or this draft of a letter was prepared, you sent it to Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. Who else did you send it to?

Mr. LEE. I might have sent a copy of it to Mr. Welborn.

Chairman WALSH. Did you?

Mr. LEE. I say I may have.

Chairman WALSH. What is your best recollection at this time?

Mr. LEE. My best recollection is that I did.

Chairman WALSH. Who else?

Mr. LEE. That is all, as I recall it.

Chairman WALSH. You sent one to Maj. Boughton and one to Mr. Welborn, who was at that time the president of the Colorado Fuel & Iron Co.?

Mr. LEE. Yes.

Chairman WALSH. Did you receive any letter from Mr. Welborn acknowledging receipt of that?

Mr. LEE. I do not recall, Mr. Chairman.

Chairman WALSH. Did you receive a letter from Maj. Boughton acknowledging receipt of that?

Mr. LEE. I just told you I did not recall. If I did I will be glad to give you a copy of it.

Chairman WALSH. Will you please look it up and see if you did receive such a letter from Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. You say you did not know until probably a month ago what Maj. Boughton did with that draft of the proposed letter which you sent to him?

Mr. LEE. That is true.

Chairman WALSH. That is true?

Mr. LEE. Yes.

Chairman WALSH. And you inquired of Maj. Boughton what he did with it for the first time after this letter containing the reference to it was submitted into the record of this commission and given wide publication throughout the United States?

Mr. LEE. That is true.

Chairman WALSH. Was Gov. Ammons out of office at that time—I take it that he was, because he went out the 1st of January. That is correct, is it?

Mr. LEE. So far as I know.

Chairman WALSH. Have you had any communication by wire, telephone, or mail with Gov. Ammons with respect to this matter?

Mr. LEE. I have not.

Chairman WALSH. Within the last month?

Mr. LEE. I have never had any communication of any kind with Gov. Ammons.

Chairman WALSH. Was your communication with Maj. Boughton as to what he did with the draft of the proposed letter a matter of correspondence, or was it done over the telephone, or how?

Mr. LEE. It occurred in New York. Maj. Boughton was in New York about two weeks ago, I think, and called me on the telephone and told me he was there. I called on him and asked him if the statement which had been made in the press by Mr. Rockefeller on this subject—and the substance of the information on this point was necessarily supplied by myself—I asked him if there were any amendments to that necessary, according to his recollection, that should be made. He told me it was substantially correct.

Chairman WALSH. Was that all you said to him, in substance?

Mr. LEE. I had a general conversation with him.

Chairman WALSH. About this particular matter?

Mr. LEE. That is all I said to him.

Chairman WALSH. So really all you said to him was, "Did you see all that was published"——

Mr. LEE (interrupting). I beg your pardon; I did ask the specific question. I said: "What did you do with that memorandum?" He told me, "I did nothing with it."

Chairman WALSH. Did he say that he ever communicated it to Gov. Ammons?

Mr. LEE. He said he did not.

Chairman WALSH. Did he say he ever communicated the substance of it to Gov. Ammons?

Mr. LEE. He said he did not; and never communicated it to Gen. Chase, his superior officer.

Chairman WALSH. It was intended, when you gave it to him, that he was to take it to Colorado, and he was to give it to Gen. Chase, of the National Guard, and Gen. Chase, of the National Guard, was to give it to Gov. Ammons, and that Gov. Ammons was to put it in a letter, and that he was to send that letter to the governors of the other States and publish it throughout the United States?

Mr. LEE. Mr. Chairman, there was no intention. There was a suggestion to Maj. Boughton. Maj. Boughton, in his communications with the governor, had to report to and communicate with him through his superior officer, and so told me. I assumed that was correct. There was no intention of any kind. It was a suggestion such as one man makes to another, perfectly frankly and openly, and, as I say, I would do it again under similar circumstances.

Chairman WALSH. I will try to get that a little more definitely. You made a suggestion which was in a letter—that is, you made a suggestion to Maj. Boughton at the Waldorf Hotel—that you would prepare a draft of a letter which you desired him to have the governor of Colorado sign, if he was willing to do it.

Mr. LEE. No, sir.

Chairman WALSH. Please give the substance of your recollection of what you said to Maj. Boughton.

Mr. LEE. Maj. Boughton said the governor was very anxious to get his views before the public, and he wanted some effective way of doing it. I said one way would be to write such a letter as I suggested. His suggestion was, "If I will send you a memorandum"—or this is a combination of the conversations between Mr. Greene and myself and Maj. Boughton—"if I will send you a memorandum, will you prepare a kind of draft that you have in your mind?" There was no suggestion on my part that we desired Maj. Boughton to convey such a suggestion to the governor—nothing of that kind.

Chairman WALSH. Not even after you met at the Waldorf Hotel, there was no thought of that kind in your mind?

Mr. LEE. Not beyond what I have stated.

Chairman WALSH. It was your suggestion entirely about the letter, was it not?

Mr. LEE. It was.

Chairman WALSH. Given to Mr. Greene, and your suggestion was that a letter should be written by Gov. Ammons addressed to the President?

Mr. LEE. Yes.

Chairman WALSH. That was your first suggestion?

Mr. LEE. Quite right.

Chairman WALSH. You followed that by saying that you thought it would be a good thing to do, and that you would prepare a draft of it. Did you not tell him—did you not convey that suggestion to him—that a draft was to be made for the governor to sign to be sent to the President?

Mr. LEE. I never put it that way; no, sir.

Chairman WALSH. Very good. Did you retain a copy of the draft of the proposed letter which you sent to Maj. Boughton?

Mr. LEE. I did.

Chairman WALSH. Is that one of the things which you say you have at your office?

Mr. LEE. Yes.

Chairman WALSH. And you will supply that to us?

Mr. LEE. Gladly.

Chairman WALSH. You can do that when you go back Monday, if you go back Monday?

Mr. LEE. Yes.

Chairman WALSH. Is that correct?

Mr. LEE. Yes.

Chairman WALSH. As publicity agent, what was your occupation at that time or your relationship to Mr. Rockefeller and his business or his investments?

Mr. LEE. You know my main relationship at that time was with the Pennsylvania Railroad——

Chairman WALSH (interrupting). Yes; I understood that, and I do not care to go into that phase of it, but in doing this work what relationship did you bear to Mr. Rockefeller, either to Mr. Rockefeller or any of his companies?

Mr. LEE. Mr. Rockefeller put me into relationship with Mr. Welborn as chairman of the committee of Colorado operators, to advise with them and assist with them in getting their side of the Colorado situation before the public. Out of that relationship with Mr. Rockefeller, as we got better acquainted, other matters developed and I gave Mr. Rockefeller suggestions with reference to other of his interests.

Chairman WALSH. What kind of a publicity campaign were you intending to operate for Mr. Rockefeller in June of 1914?

Mr. LEE. I was not intending to operate any publicity campaign for Mr. Rockefeller.

Chairman WALSH. Who for?

Mr. LEE. The Colorado operators.

Chairman WALSH. I will read you from one of your letters dated June 11—one paragraph:

"I also acknowledge receipt of check for $2,000 applicable to expenses of organizing the publicity campaign. I understand that this is to be utilized as working capital and to be returned at your pleasure or when the scheme reaches a point where such working capital is not required."

Mr. LEE. Yes, sir; that is the Colorado campaign.

Chairman WALSH. How is that?

Mr. LEE. That is the Colorado campaign, Mr. Chairman.

Chairman WALSH. That was just an advancement, you claim, of $2,000, and the combined operators of Colorado at that time were supposed to reimburse Mr. Rockefeller for that and pay for all the work that you should do?

Mr. LEE. They were to reimburse me for such expenses as I incurred, and then when the operators supplied me with funds to pay the bills incurred that money was to be returned to Mr. Rockefeller.

Chairman WALSH. Now, one letter following that—the letter of June 11—when did you enter into the employ of Mr. Rockefeller properly?

Mr. LEE. You mean exclusively?

Chairman WALSH. Yes; exclusively.

Mr. LEE. January 1.

Chairman WALSH. Of what year?

Mr. LEE. This year.

Chairman WALSH. January 1 of 1915?

Mr. LEE. Yes, sir.

Chairman WALSH. And up to that time, all the work that you did was done for the operators?

Mr. LEE. All the work except, as I stated a few moments ago, such suggestions as I gave Mr. Rockefeller in reference to his general interests. There were a few matters that I handled for him with reference to some of his special interests.

Chairman WALSH. As a matter of fact, now, Mr. Lee, didn't you simply go to work for Mr. Rockefeller to do anything that he wanted you to do—that is properly—in a publicity way, and you were starting a publicity campaign and that Mr. Rockefeller, sr., paid you out of his own private funds $6,000 for all the work done up to January, and that so far as you know he had never been reimbursed by any other interest in Colorado, and you have never received payment for what you did from any other source?

Mr. LEE. The whole of the expenses connected with the publicity campaign were repaid to me from Colorado, and my information is that the Colorado Fuel & Iron Co. has, on behalf of the other operators in Colorado—what arrangement they have I do not know—had paid the greater portion of my salary up to January 1.

Chairman WALSH. On July 1—I see a letter which you have addressed to Mr. Rockefeller, as follows:

"DEAR MR. ROCKEFELLER: I have your letter of June 27 and shall take pleasure in placing upon our mailing list the names you suggest. The sermon of Dr. Hillis I am delighted to have, and shall want to make use of it."

Were you going to make use of that Dr. Hillis sermon for Mr. Rockefeller or the combined operators of Colorado?

Mr. LEE. I do not recall; but I do recall that we made no use of it.

Chairman WALSH. It contained misstatements, didn't it?

Mr. LEE. I do not recall the sermon, Mr. Chairman. I know—for what reason I can not say—that we did nothing further with it.

Chairman WALSH. Mr. Rockefeller sent the sermon to you and suggested you circulate it?

Mr. LEE. That may be.

Chairman WALSH. And the sermon did contain a statement such that the Colorado Fuel & Iron Co. offered to deal with the unions collectively—were willing to recognise unions and deal with them collectively through the officials, didn't it?

Mr. LEE. That may be. I heard that brought out yesterday. I did not know it up to that time.

Chairman WALSH. Have you seen the sermon since?

Mr. LEE. No, sir.

Chairman WALSH. As a matter of fact, it is being sent out now from some place in Detroit?

Mr. LEE. So I understand, but we have nothing to do with it at our office.

Chairman WALSH. Have you advised those people that it contained misstatement with reference to your company—the Colorado Fuel & Iron Co.—in reference to the offer to recognise the unions; that that was the whole fright, and because of the blood shed and other trouble that came about?

Mr. LEE. I have done nothing in reference to Dr. Hillis's sermon.

Chairman WALSH. Did you see the published public statements from time to time denying the statements made in that sermon and published in——

Mr. LEE (interposing). I did not. The point is, Mr. Chairman, we did absolutely nothing with that sermon, so that we have no responsibility for it. This was private correspondence between Mr. Rockefeller and myself and nothing whatever was done with that suggestion, so we had no responsibility for Dr. Hillis's sermon.

Chairman WALSH. But it was sent to you with the suggestion to send it out?

Mr. LEE. I did not send it out.

Chairman WALSH. You stated in reply that you would be delighted to have the sermon, but that no use was made of it?

Mr. LEE. No, sir.

Chairman WALSH. It was not a private letter. It had reference to work that you were doing for these corporations?

Mr. LEE. Well, it was what I call a private letter.

Chairman WALSH. Have you been advised that this Hillis sermon is being sent out from Detroit to the same mailing addresses that your bulletins are being sent to?

Mr. LEE. I have not been so advised.

Chairman WALSH. Did you give that mailing address to any other person—those addresses?

Mr. LEE. I have no recollection of having done so. I am almost sure it was not done. I heard the point brought out yesterday and my recollection is clear, but I am not prepared to testify definitely. I would be happy to inform you of it if I could, but I will say this, that I have a definite impression that nothing was done with that sermon and that that mailing list was not given to any such parties.

Chairman WALSH. Did you have any correspondence with the Cadillac Motor Car Co., of Detroit, or any of its officers?

Mr. LEE. No, sir.

Chairman WALSH. Did you have any correspondence with a man named Leland, in Detroit?

Mr. LEE. No, sir.

Chairman WALSH. Do you know who he is?

Mr. LEE. No, sir.

Chairman WALSH. Do you know anyone in Mr. Leland's office in Detroit?

Mr. LEE. No, sir.

Chairman WALSH. I will read one of the letters a little further in this matter. Perhaps I had better read the whole letter, because you might want

to call for it. It is a letter which was written July 1, at the time you were getting up these bulletins, and at the time your pay was supposed to be from the operators in Colorado. When I say "supposed," I do not mean to reflect on what you said, but in view of the fact that Mr. Rockefeller first paid it and then was reimbursed by the combined operators. July 1 took in that period before you went to work definitely with Mr. Rockefeller?

Mr. LEE. Yes, sir.

(The chairman thereupon read the letter referred to.)

Chairman WALSH. Now, the Rockefeller Institute had no connection with the Colorado Fuel & Iron Co., so far as you are informed, did it?

Mr. LEE. No, sir; none.

Chairman WALSH. What were the interviews that you had with Mr. Harry Wheeler—were they in reference to the Rockefeller interests?

Mr. LEE. Mr. Wheeler and Mr. Rockefeller had had a talk in reference to enlarging the scope of the publications of the National Chamber of Commerce, called the Nation's Business. Mr. Rockefeller asked me to see Mr. Wheeler and to get his ideas in order that I might give Mr. Rockefeller my views as to whether it was desirable to go further with the plans which he and Mr. Wheeler had discussed. I saw Mr. Wheeler and others in connection with the matter, but never made a report to Mr. Rockefeller, because, as I told him verbally, I never had become convinced that the plan was quite practicable.

Chairman WALSH. What was the plan?

Mr. LEE. The plan was to enlarge the scope of the publication of the National Chamber of Commerce of the United States—a paper called the Nation's Business.

Chairman WALSH. How to enlarge it—to put money into it?

Mr. LEE. To enlarge the size, and, of course, the number of issues, and the question as to whether or not it would be desirable to lend the chamber sufficient working capital to enable them to put the matter on a sound and paying basis.

Chairman WALSH. Who was considering lending the money?

Mr. LEE. Mr. Rockefeller and Mr. Wheeler had discussed such a proposition, a proposition to finance such an enlargement. I do not know that I can add anything more to that.

Chairman WALSH. Where was the money to come from—from Mr. Rockefeller's funds?

Mr. LEE. If Mr. Rockefeller was to finance it, it was to come from Mr. Rockefeller's funds, naturally.

Chairman WALSH. We will stand adjourned at this point until Monday morning at 10 o'clock. I believe, Mr. Lee, you stated it would be very inconvenient for you to come back Monday?

Mr. LEE. Yes; Mr. Chairman, if you will let me have until Tuesday——

Chairman WALSH. Very well; you may come back Tuesday, and we will put Mr. Bowers on the stand Monday.

(Thereupon, at 4.30 o'clock, the commission took an adjournment until Monday morning at 10 o'clock a. m.)

WASHINGTON, D. C., *Monday, May 24, 1915.—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Harriman, and O'Connell.

Chairman WALSH. Mr. Bowers.

TESTIMONY OF MR. L. M. BOWERS.

Chairman WALSH. What is your name, please?

Mr. BOWERS. L. M. Bowers.

Chairman WALSH. Where do you reside, Mr. Bowers?

Mr. BOWERS. Binghamton, N. Y.

Chairman WALSH. And how long have you lived in Binghamton?

Mr. BOWERS. In the county all my life; 48 years in Binghamton.

Chairman WALSH. What is your occupation?

Mr. BOWERS. Business affairs.

Chairman WALSH. What is your present occupation?

Mr. BOWERS. I am on the advisory staff of Mr. John D. Rockefeller.

Chairman WALSH. That is, John D. Rockefeller, sr.?

Mr. BOWERS. Senior; yes.

Chairman WALSH. Now, what, generally speaking, are your duties on the advisory staff of Mr. John D. Rockefeller, sr.?

Mr. BOWERS. I represent him in several corporations.

Chairman WALSH. What are they?

Mr. BOWERS. I am president of the Cleveland Steel Co. I am on the executive board of the American Shipbuilding Co. I am connected with the Great Lakes Towing Co.——

Chairman WALSH. I did not quite catch that; will you kindly speak a little louder?

Mr. BOWERS. I am president of the Cleveland Steel Co. and have been for 15 years, I think, and on the board of the American Shipbuilding Co.——

Chairman WALSH. That is, the board of directors or the executive board?

Mr. BOWERS. Executive board and board of directors also, and the Great Lakes Towing Co.

Chairman WALSH. Great Lakes Towing Co.?

Mr. BOWERS. Yes; those three things I am in particularly.

Chairman WALSH. Are you connected now with the Colorado Fuel & Iron Co.?

Mr. BOWERS. In no respect.

Chairman WALSH. You have been in the employ of John D. Rockefeller, sr., for something like 26 years, I believe?

Mr. BOWERS. No; this is my twentieth year.

Chairman WALSH. Your twentieth year?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What were your relations with John D. Rockefeller, sr., before you went into his employ?

Mr. BOWERS. I had no acquaintance with him whatever.

Chairman WALSH. Where I got that information—you testified, I believe, Mr. Bowers, before the congressional committee that was investigating affairs in Colorado, I believe?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Where did you appear before that commission?

Mr. BOWERS. In the senate chamber in Denver.

Chairman WALSH. In the senate chamber in Denver?

Mr. BOWERS. Yes, sir.

Chairman WALSH. I will ask you if this question was not asked you [reading]:

"What are your relations with Mr. Rockefeller?" And you said, "A hired man. Have been for nearly 26 years.

"Question. In what capacity?

"Mr. BOWERS. In a variety. I have been in a great many different affairs."

You just estimated it six years too much?

Mr. BOWERS. No; it is a mistake. They left out one or two questions and my replies.

Chairman WALSH. Yes. Well, what were they, then?

Mr. BOWERS. Well, that should not be 26 years. That is a mistake.

Chairman WALSH. It should have been 20 years?

Mr. BOWERS. Well, it should not have been 20 years then. It is not 20 years yet.

Chairman WALSH. Well, was the balance of the answer right [reading]:

"In what capacity?

"Mr. BOWERS. In a variety. I have been in a great many different affairs."

Mr. BOWERS. Yes, sir.

Chairman WALSH. And you were hired by John D. Rockefeller, sr.?

Mr. BOWERS. Yes, sir.

Chairman WALSH. About 20 years ago, as I understand from one of your letters, you had an understanding with Mr. Rockefeller, sr., as to what your attitude was toward laboring people?

Mr. BOWERS. Yes.

Chairman WALSH. And you and Mr. Rockefeller, when he put you in there, he had a perfect understanding of what your attitude was?

Mr. BOWERS. Yes.

Chairman WALSH. During all these years?

Mr. BOWERS. I think so. He knew what my attitude was at that particular time.

Chairman WALSH. At that particular time?

Mr. BOWERS. Yes.

Chairman WALSH. Let's get at your attitude; you had some thought about the uplifting of labor at that time?

Mr. BOWERS. I did.

Chairman WALSH. And the handling of labor matters generally?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You believed in what is called an open shop?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Did you have any trouble on the Great Lakes with your employees?

Mr. BOWERS. No, sir.

Chairman WALSH. Any strikes?

Mr. BOWERS. Never.

Chairman WALSH. And you believed in the principles that were announced by John D. Rockefeller, jr., on the witness stand before this congressional committee, I believe, for which you wrote him a very commendatory letter?

Mr. BOWERS. This committee here?

Chairman WALSH. No; the congressional committee.

Mr. BOWERS. I don't know that I passed on that; possibly I did. Mr. Walsh, you asked me his attitude before the committee?

Chairman WALSH. Before the congressional committee. You recall his statement before the congressional committee being to the effect that he believed in a great principle—that is, the great principle being the right of the individual American workman to work for whomsoever he pleased without the dictation or control of labor unions, and that so far as he was concerned he was willing to spend the entire Rockefeller fortune to establish that right?

Mr. BOWERS. Whatever the letters say; I won't take your time unless you wish. I assent to all that I wrote.

Chairman WALSH. Now, you were out there as chairman of the executive board of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Not at first.

Chairman WALSH. What were you at first?

Mr. BOWERS. Vice president.

Chairman WALSH. During the strike you were putting into effect the principles or the attitude that you had toward the organization of workingmen or attempting to put it into effect?

Mr. BOWERS. I had nothing whatever to do with the operation of the strike directly or indirectly.

Chairman WALSH. You had nothing to do with the operation of the strike directly or indirectly?

Mr. BOWERS. Not at all.

Chairman WALSH. You paid out all of the money for arms, ammunition, and mine guards?

Mr. BOWERS. I paid out nothing, because that was made up by a committee of operators of about 90 mines, and I was not a member of the committee and had no conversation with them directly, and some I had never seen.

Chairman WALSH. But you did pay the money that was paid by the Colorado Fuel & Iron Co.?

Mr. BOWERS. Every operator paid their proportion of whatever it was.

Chairman WALSH. But you were the individual that signed the checks, to whoever was to get it, to get the money from the bank to pay for the mine guards and the ammunition or whatever was done?

Mr. BOWERS. No, sir; our checks totaled perhaps $500 to $1,000 a day.

Chairman WALSH. And among those were the checks that you signed to pay for the ammunition and mine guards?

Mr. BOWERS. Never one of them.

Chairman WALSH. You were the treasurer, were you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. How did they get the money out of the treasury?

Mr. BOWERS. I presume through the cashier's department, by the assistant treasurer.

Chairman WALSH. Did you have to sign the vouchers to draw the money from the treasury?

Mr. BOWERS. Never. That is, rarely, except in the absence of the assistant treasurer.

Chairman WALSH. State to the record, in detail, what your duties were in Denver as treasurer.

Mr. BOWERS. Largely, as the actual treasurer, was to sign documents that were official or legal, where it required the signature of the treasurer, that they regarded it as necessary for the signature of the treasurer rather than the signature of the assistant treasurer.

Chairman WALSH. How much money was paid out by the Colorado Fuel & Iron Co. for arms and ammunition prior to September 13, 1913?

Mr. BOWERS. I have not the slightest idea.

Chairman WALSH. Did you hear it stated in the office, you were there?

Mr. BOWERS. I never did.

Chairman WALSH. Were you a member of the board of directors also?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What action did the board of directors take toward buying arms and ammunition?

Mr. BOWERS. Nothing at all that I know of.

Chairman WALSH. What action was taken by the board of directors, or executive committee, with reference to paying men that acted as mine guards, or served in the militia?

Mr. BOWERS. As far as the mine guards were concerned, that was part of the machinery of the mine all of the time that I know of.

Chairman WALSH. Did you pay them?

Mr. BOWERS. I did not pay them; I presume they were authorized to be paid.

Chairman WALSH. Were they authorized to be paid by the executive committee of whom you were in charge?

Mr. BOWERS. Not at all.

Chairman WALSH. Who did actually authorize the payment of money for mine guards and ammunition?

Mr. BOWERS. They were undoubtedly presented to the auditor and indorsed by him.

Chairman WALSH. Who was that?

Mr. BOWERS. Mr. J. H. Writer was the auditor, and undoubtedly, I don't know, I can't say from personal knowledge that they went through there, but they undoubtedly did, but I never saw one of them or heard of them. If you will allow me to say a word here——

Chairman WALSH. Certainly.

Mr. BOWERS. On account of very severe illness in my family for a couple of years, I did as little as I could of the actual work, to save any nervous or actual strain. I divorced myself absolutely, as far as I could, from that strike, as far as operation and handling of the annoying things; I had nothing to do with it.

Chairman WALSH. You had nothing to do with it?

Mr. BOWERS. Nothing to do with it.

Chairman WALSH. You heard these letters read into the record from you?

Mr. BOWERS. Yes, sir; I stand back of them.

Chairman WALSH. I might comment and say some of them sound very virile.

Mr. BOWERS. I acknowledge all those letters.

Chairman WALSH. Before I take them up?

Mr. BOWERS. Yes, sir; before you take them up.

Chairman WALSH. Would not that first letter, wherein you state that yourself and the other officers would allow your bones to bleach in the mountains of Colorado—would at least leave the impression that you, with the officers, were taking very vigorous steps?

Mr. BOWERS. We were mighty interested, I tell you, Mr. Walsh.

Chairman WALSH. That would leave the impression that you were taking part in it?

Mr. BOWERS. Will you allow me to exlpain my attitude?

Chairman WALSH. Yes, sir; certainly.

Mr. BOWERS. They had in that section of the State about 14,000 men in the coal mining business; nonunion men, largely. I think we had in the Colorado Fuel & Iron Co. perhaps 600 union men, men that had been in the mines for 10, 20, or 25 years. Never a question raised in regard to those men in the world, whether they were union or nonunion, their nationality or religion, or anything as far as I know.

Chairman WALSH. You may proceed.

Mr. BOWERS. After a year or two of agitation by speeches and gatherings, especially in southern Colorado, there were added to the 600 men perhaps four

or five or six or seven hundred more; and perhaps when the strike was called ten or twelve or thirteen hundred union men were there, and there were ten or twelve or thirteen thousand nonunion men.

I want to explain my letter. I regarded that as an attempt on the part of the leaders outside of the State to come into the State and induce or persuade or possibly force the unionization of the coal mines in Colorado. My ideas of independence, of American independence, were such that I believe in individual independence in respect to labor.

Chairman WALSH. Oh, yes.

Mr. BOWERS. My letter speaks of what I would do to stand against that sort of thing, as I saw it and understood it. Let me tell you, Mr. Walsh, if there had been twelve or thirteen thousand union men employed there, and there had been ten or twelve or thirteen hundred nonunion men that went into that camp with leaders from outside of the State and attempted to drive out the union men, I would have said that I would have stood against them until my bones were bleached as white as chalk; I would have taken just the same position with union miners as with nonunion.

Chairman WALSH. So that what you did in Colorado was due to just your idea of American citizenship and your desire to see that the men that were in your mines did not have their rights as American citizens invaded by outsiders?

Mr. BOWERS. Or anybody else.

Chairman WALSH. So that it was not a partial feeling toward the Colorado Fuel & Iron Co., or anything of that sort?

Mr. BOWERS. Not a particle; no more than I would in any concern I was interested in.

Chairman WALSH. I want to read you this letter, Mr. Bowers. You have had very strong notions on this question of open shop and closed shop all of your life, have you not?

Mr. BOWERS. Yes.

Chairman WALSH. And you have tried to put them into effect in the various organizations that you have managed for Mr. Rockefeller?

Mr. BOWERS. No; excuse me there. I have never interfered with any of the organizations that existed when I went there or prevented the enrollment of any individual in any organization for collective bargaining, or any number of them, or in any trade-unions. I never interfered with men joining a trade-union in my life in the slightest.

Chairman WALSH. You had many talks with Mr. Welborn as to how the thing was running out there?

Mr. BOWERS. As I said before, as little as I possibly could.

Chairman WALSH. You had many?

Mr. BOWERS. Yes; sure.

Chairman WALSH. And he told you during all the years you were away from there it was his custom to hire spies—that is, he would hire men to go in and pretend they were regular workmen, but in reality they were detectives working for the company and paid by the company—and when he found out a man was trying to organize men into the union he would report it to Mr. Welborn, and this man would be discharged. You knew that, Mr. Bowers?

Mr. BOWERS. No, sir; it is not true.

Chairman WALSH. Mr. Welborn did not testify to that in Denver before this commission?

Mr. BOWERS. He may have testified to it.

Chairman WALSH. It is not true you knew it?

Mr. BOWERS. Let me explain.

Chairman WALSH. Yes.

Mr. BOWERS. When I went there I found there were men employed by the coal companies——

Chairman WALSH (interrupting). Just the Colorado Fuel & Iron Co., please.

Mr. BOWERS. That were employed by the Colorado Fuel & Iron Co. as spotters, or whatever you call them.

Chairman WALSH. Spies.

Mr. BOWERS. I don't care what you call it; there were some there, and I took up the matter and said, "Why is that thing done?" And they give this reason and that reason and another. I said, "That is not my attitude toward this matter." I am going to be somewhat in conflict, you will observe, with the officials of the Colorado Fuel & Iron Co.

Chairman WALSH. With the testimony of the officers of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Well, yes. I do not believe in that sort of thing unless there is some reason for it, to have men in there to do violence or to mislead or try to control the miners.

Chairman WALSH. How do you mean by "mislead"? The doing or saying of something that does not contain elements of truth?

Mr. BOWERS. I don't think you want me to go into those things.

Chairman WALSH. Go ahead. I probably interrupted you.

Mr. BOWERS. These men—suppose, for instance, I was interested in a proposition, and I was very much interested in it, and I had a lot of associates, as I do, and if I thought it was a good thing for them, and if I thought it was a good thing for me, and if I thought it was a good thing for the company, and in general for the common good, I would be mightily inclined to talk about it and would not want to be interfered with; and if one of my miners thought unionism was good and the best thing, I could not allow myself to say so, if there was no viciousness.

Chairman WALSH. What would you think of the leaders of the miners' union if they got some one to go to Mr. Rockefeller and pretend that he was as loyal as you to him and held sacred the same general principles of conduct among men, and got Mr. Rockefeller to send him out to take a position on your executive board, but in reality he was employed by the Western Federation of Miners; that is the one I see by your letter——

Mr. BOWERS (interrupting). The American Federation of Miners.

Chairman WALSH. You first wrote about the Western Federation of Miners; maybe that is a mistake.

Mr. BOWERS. The United Mine Workers of America, I meant.

Chairman WALSH. Now, suppose in reality this man that went and got this employment from Mr. John D. Rockefeller, sr., was in their employ and got paid every day for what he did, and he sat on your board and reported back and forth, what would you think about it—that it was an honorable or proper proceeding?

Mr. BOWERS. I don't know that I really get the seed of your statement.

Chairman WALSH. I will try to state it again; suppose a man had gone to Mr. John D. Rockefeller, sr., and induced him to believe——

Mr. BOWERS (interrupting). A secret employee from the United Mine Workers of America?

Chairman WALSH. Yes; and assured Mr. Rockefeller that he held the same principles that you hold with reference to the conduct that should exist between men working in any industry, and that he secured employment from Mr. John D. Rockefeller, sr., and got his confidence to such a great extent that he put him on the executive board with you, but in reality that man was in the employ of the United Mine Workers of America, and was just trying to find out the inside methods of your organization and trying to hurt it and wreck it in any way he could; would you think that was an honorable proceeding?

Mr. BOWERS. That would be a matter for Mr. Rockefeller and the gentlemen who had the negotiations with him and for him to settle.

Chairman WALSH. You would not think it was wrong morally or ethically?

Mr. BOWERS. He would be a deceitful trickster.

Chairman WALSH. A trickster?

Mr. BOWERS. Yes; to do that thing—to impose on Mr. Rockefeller and to work himself into a position there for the purpose of spying and doing dirty work.

Chairman WALSH. You would not approve of anything like that?

Mr. BOWERS. Not for a moment.

Chairman WALSH. Are you still on the board of directors of the Colorado Fuel & Iron Co.?

Mr. BOWERS. I am not.

Chairman WALSH. Now, the man that would get the trickster to do that dirty work he would be dirtier than the man himself, if he paid him money for doing it; if there could be degrees of that sort of thing?

Mr. BOWERS. I won't pass judgment on moral conduct.

Chairman WALSH. All right. You said it would be deceitful and tricky.

Mr. BOWERS. It would be from my standpoint; I do not like a deceiver anywhere.

Chairman WALSH. Now, I call your attention—in these corporations that you are in now, are you still working hard and aggressively to keep the workers in the organization free and independent from outside dictation?

Mr. BOWERS. I would rather that you put that free and independent from inside dictation. I certainly am.

Chairman WALSH. I will read you a letter of April 7; perhaps I had better read that in full before I interrogate you.

Mr. BOWERS. I remember that pretty well.

Chairman WALSH. I will read all of this, because I want to ask you about so many paragraphs; that was after the congressional investigation and after the horror at Ludlow, and after the conflict between the military and the strikers and their organization; you wrote this letter April 7, 1914?

Mr. BOWERS. To whom?

Chairman WALSH. This was dated April 7; this was before Ludlow, the same month that Ludlow happened. First, what were you doing in Binghamton, N. Y., then?

Mr. BOWERS. I presume I was resting.

Chairman WALSH. Were you still in the employ of the company?

Mr. BOWERS. Yes.

Chairman WALSH. Were you still chairman of the executive committee?

Mr. BOWERS. Yes.

Chairman WALSH. Perhaps I had better get that straight; what was the date of your retirement?

Mr. BOWERS. December 28.

Chairman WALSH. 1914?

Mr. BOWERS. Yes.

Chairman WALSH. Now, on April 7, I see you wrote as follows [reading]:

BINGHAMTON, N. Y., *April 7, 1914.*

DEAR MR. ROCKEFELLER: You have rendered a service for the entire country in your testimony before the congressional committee that can not be overestimated for its value just at this period in our industrial history. As the writer anticipated, these biased political wirepullers utterly failed in their attempt to trip you, and every word you said simply brought out clearer and clearer your genuine American loyalty to stand against all comers, to protect every man who seeks employment in the enterprise in which you have a commanding interest in the enjoyment under the Stars and Stripes, of life, liberty and the pursuit of happiness.

I believe what you gave to the committee, and the position you so ruggedly maintained against the assaults of Dr. Foster, will do more for the cause of the millions of laboring men than all the efforts of social reformers, in as many years.

It will set thousands of faltering employers to thinking and inspire confidence and spur them to activity in opposing the schemes of political, social, and religious demagogues, who are in the clutches of the labor union leaders, whose aim is to shut the open shop.

I can not put into words my satisfaction, I will say boundless delight, with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

Sincerely, yours,

L. M. BOWERS.

Chairman WALSH. Now, were the "political wirepullers" who were trying to trap Mr. Rockefeller the Members of the Congress of the United States that were charged by the whole body with the duty of investigating the situation in Colorado?

Mr. BOWERS. I would not answer that question definitely like that. There are a great many contributing features in the political atmosphere, and so forth, not only the congressional committee, but otherwise, that undoubtedly prompted me to write a pretty strong letter.

Chairman WALSH. Well, did the "biased political"——

Mr. BOWERS (interrupting). Excuse me. His testimony before that committee is what I referred to. If I should write another letter to Mr. Rockefeller to-day, I should repeat that letter in some respects, leaving out the political aspects. I should commend his testimony on his examination here the same as I did then.

Chairman WALSH. Now, were these biased political wirepullers, as you call them, the members of the special committee on mines and mining, being a part of the Congress of the United States, and especially charged with the duty of investigating your affairs in Colorado?

Mr. Bowers. I don't think it would be proper for a private citizen to hold up or name or select that committee, even if I thought it was that committee, as the political wirepullers. I don't think I ought to answer that question that way. I don't think I want to charge any committee directly with that.

Chairman Walsh. Would you, then, circulate a private opinion that you would not express publicly?

Mr. Bowers. Yes. That is private correspondence after long years of intimate relations in business, and was never expected to be publicly presented here, but like any other private correspondence between gentlemen and business friends—a partnership, you might say.

Chairman Walsh. A partnership? Do you say that any correspondence is private that has to do with the conduct of a corporation operating with $65,000,000 of capital and in conflict with a great body of citizens of a sovereign State, and in respect to the investigations that are being made by the Federal Government through the representatives of the people? Do you call their correspondence that takes place between the officers of that corporation private correspondence in which the people have no interest?

Mr. Bowers. I would not want to admit, Mr. Walsh, that we were in conflict.

Chairman Walsh. You did not think this would ever be brought out, this correspondence, at the time you wrote it?

Mr. Bowers. I would have been—certainly I would have had sense enough if I made a public statement to leave out many things that I would not if I was writing to my own son or my own family or my own partner. I would not use the same language to Mr. Walsh as to Mrs. Bowers.

Chairman Walsh. And you would not use the same sentiments or expressions as to the public officers of the people, if you thought afterwards they were going to be shown to the people who created that officer—the people generally?

Mr. Bowers. I certainly would not, unless I was stating it before him and about him.

Chairman Walsh. You say: "I believe the hours you gave to the committee and the position you so manfully maintained against the assaults of Dr. Foster"—Dr. Foster was the regular chairman of the Committee on Mines and Mining of the House of Representatives of the United States, and presided over the committee that was investigating the Colorado situation. Do you remember that?

Mr. Bowers. Yes, sir.

Chairman Walsh. Dr. Foster?

Mr. Bowers. Why, sure.

Chairman Walsh. Well, your were referring in that letter to the representatives of the people of the United States, were you not, but you did not think it would be exposed?

Mr. Bowers. Well, I would not care to admit that.

Chairman Walsh. Well, then, you were referring to the representatives of the people of the United States?

Mr. Bowers. I was referring to the testimony of Mr. John D. Rockefeller before that committee; and I believe the committee was biased, and I think it was made up politically in a manner that was not fair to all concerned. That is my notion and my opinion of it.

Chairman Walsh. So you believed, in cases where you think the representatives of the people do not act fairly, you believed in getting the bankers and business men and all the agencies you can and whipping them into line?

Mr. Bowers. Oh, no; I did not.

Chairman Walsh. You did not believe that?

Mr. Bowers. Oh, whipping in line—I do believe in a man using every possible effort in his political and social relations and as a citizen and everywhere that he can to get what is best done for the common good, and using such methods as are necessary to bring it about—by peaceful methods. I belief in using all the methods you can for the common uplift and common good.

Chairman Walsh. You believe in using all methods, whatever the methods may be?

Mr. Bowers. As I say, if, as I recall, I wrote another letter that referred to the situation down there in southern Colorado and used some pretty vigorous language; and I stand for every jot and tittle of that letter that I wrote down there, and every one of them, the same as I will for this.

Chairman Walsh. So you believe that if you figure out yourself what is right and just industrially or financially, and the governor of a sovereign State or the Representatives of the people in Congress differ with what you think,

that it is perfectly proper to organize the bankers and the financial interests and all other interests to whip into line those public officials and representatives of the people?

Mr. Bowers. If they are wrong; yes, sir.

Chairman Walsh. If they are wrong?

Mr. Bowers. Yes, sir.

Chairman Walsh. Now, you found them wrong, you have found them wrong many times, and you have never hesitated to go after them that way?

Mr. Bowers. And speak good of them, too.

Chairman Walsh. After you got them into line, you call that giving them taffy, don't you?

Mr. Bowers. Mr. Walsh, I am not much of a politician, and I imagine that you are.

Chairman Walsh. Your imagination is running away with you. I am the poorest politician in America, or I would not be doing what I am doing now. Is that the way you do it—after you get the bankers and public officials to whip those people into line you talk nice to them?

Mr. Bowers. May I ask you a personal question?

Chairman Walsh. Look out, I warn you in advance.

Mr. Bowers. Did your mother ever spank you?

Chairman Walsh. Indeed she did.

Mr. Bowers. All right; did she ever give you a piece of candy or some cookies afterwards?

Chairman Walsh. Yes, sir. Is that your attitude before the people of the United States, in your conduct of public affairs representing the Rockefeller interests, that if a public official known as the representative of the people don't do what you think is right, you spank them and then when they come around and do what you think is right, then you give them a piece of candy, just like my mother would me?

Mr. Bowers. Sure.

Chairman Walsh. That is the way you do it?

Mr. Bowers. Sure.

Chairman Walsh. During the process, when you are whipping them into line, how do you treat them? Do you treat them with kindness or call them names and condemn them publicly?

Mr. Bowers. I have not anything in my mind where I have come out publicly and mistreated men, as you name.

Chairman Walsh. Do you think that the combined bankers of a community might exercise too much influence to call upon them to whip a public official into line?

Mr. Bowers. I wish, Mr. Walsh, that you would be kind enough to me and others to state, or allow me to state, the occasion for the whipping. It would be easier for me.

Chairman Walsh. For this particular whipping?

Mr. Bowers. Yes, sir; of the governor.

Chairman Walsh. All right, we will get down to that, if you want to do it at this time, the particular whipping of Gov. Ammons.

Mr. Bowers. Well, efforts were brought to bear for him to call out the militia, or take such steps as he saw fit to protect life and property, and he absolutely and flatly refused to do it for weeks and weeks, until he received the condemnation of the best citizens that we knew anything about, that had the best interests of Colorado at heart to protect the State. That was the whipping that was endeavored to be done, and Mr. Welborn and the committee in charge of the affairs in the disturbances of Colorado took such measures as they could to induce the best citizens and the best boards like the chamber of commerce and the board of trade, and I don't know but what the ministerial association took part, at least there were a great many letters written.

Chairman Walsh. Did you contribute to the churches?

Mr. Bowers. In Colorado? I always contribute to the churches.

Chairman Walsh. Go ahead.

Mr. Bowers. That is all I have to say. It was the best measures that we could take, by the best men.

Chairman Walsh. Did I understand you to say that you did not know that your company, after you came there, had detectives in their employ?

Mr. Bowers. I stated that they did.

Chairman Walsh. Oh, they did?

Mr. BOWERS. I took it up very early after my connection with the company.

Chairman WALSH. What did they do about it, after you took it up?

Mr. BOWERS. If I remember right they paid mighty little attention to it, and thought they knew more about it than I did; that I was a tenderfoot from the East.

Chairman WALSH. They thought that you were a tenderfoot from the East and——

Mr. BOWERS. That is about where I landed at first.

Chairman WALSH. Now, you heard what Mr. Rockefeller said here on the stand, that you were the ranking officer, and you were in command out there?

Mr. BOWERS. In the departments that I had charge of.

Chairman WALSH. You were the ranking officer, he said, above Mr. Welborn and everybody else.

Mr. BOWERS. Theoretically; yes.

Chairman WALSH. Just theoretically?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Do I understand your last question, that although you took a strong stand against these spies, when you told them about it, that they thought you were a tenderfoot from the East and didn't desist in hiring them?

Mr. BOWERS. These matters were perhaps taken up and edged along, and I think within a year or two they were almost entirely disposed of, and there was comparatively few of those fellows that you call spies. If you will allow me, I would like to tell you what I suggested.

Chairman WALSH. All right.

Mr. BOWERS. I suggested, instead of going outside of the camps and getting in spies, men that I regarded as as big rascals as you could get any place, that I would not trust any of them——

Chairman WALSH. No.

Mr. BOWERS. I said, why don't you get men in your own camps, and not get these cutthroats.

Chairman WALSH. Now, did you know about who these mine guards were that were first sworn in by Jeff Farr before there was any trouble there at all?

Mr. BOWERS. They had mine guards before I went there, years and years before this strike.

Chairman WALSH. Before the strike they had kept some of these cutthroats, and then they swore them in and your company paid them?

Mr. BOWERS. No, sir; I think not. I have a letter and a telegram in my pocket that explains that, if you care for it, from Mr. Welborn.

Chairman WALSH. I don't know what it is, but I would like to talk to Mr. Welborn a little about it on the stand.

Mr. BOWERS. Very well.

Chairman WALSH. Did you know Jeff Farr?

Mr. BOWERS. Never saw him in my life, or had a letter from him, and didn't know him at all.

Chairman WALSH. Did you hear about him?

Mr. BOWERS. I guess I did.

Chairman WALSH. He was a very strong man in Huerfano County?

Mr. BOWERS. Pretty strong.

Chairman WALSH. And they called him "King" in Huerfano County?

Mr. BOWERS. They might have called him his satanic majesty.

Chairman WALSH. And he had a way of selecting the county officers; for instance, the county commissioners?

Mr. BOWERS. I won't say about that.

Chairman WALSH. You heard about that?

Mr. BOWERS. Oh, yes.

Chairman WALSH. And if your attorney, or the attorneys of your company, were about to be put into the conduct of the prosecution of somebody by the county commissioners, that would be about the same as Jeff putting them in himself?

Mr. BOWERS. Just about the same as Tammany Hall, as Attorney General Farrar said, and I indorse that.

Chairman WALSH. And there was a connection between Jeff Farr and the company, but it is hard to tell whether the company bossed Jeff or Jeff bossed the company?

Mr. BOWERS. I won't admit that there was any connection between them after I went there.

Chairman WALSH. But the attorney general said there was up to 1913?

Mr. BOWERS. He did not know about it, after I went into office.

Chairman WALSH. You indorsed the attorney general about Jeff Farr and the conditions in Huerfano, except when you get to conditions in your own company, and as connected with you, and then you say that he was mistaken about that?

Mr. BOWERS. No; I won't deny that, but I say up to the time I went there the Colorado Fuel & Iron Co. were a party to it, and were very instrumental in establishing that deplorable condition in southern Colorado. I don't exonerate the officers of the Colorado Fuel & Iron Co. for one minute prior to October, 1907.

Chairman WALSH. And you don't believe anything that you said in that letter about voting the mules?

Mr. BOWERS. Did I say it?

Chairman WALSH. Indeed, you did.

Mr. BOWERS. I don't say anything I don't believe.

Chairman WALSH. And you found that crimes were committed against the constitution of Colorado, and the statutes of Colorado, and free government, and it was done by your company, and I suppose you notified the company that you had discovered these crimes, and appeared before the grand jury and sought to have the men indicted?

Mr. BOWERS. No, sir.

Chairman WALSH. You didn't do that?

Mr. BOWERS. No.

Chairman WALSH. Just excuse me, I want to refer to one of your letters.

Mr. BOWERS. No, sir; there were other officials, and others in authority, and I had nothing to do with the operation, I simply sandwiched in my notions of right and wrong.

Chairman WALSH. As a mere agitator, is that it?

Mr. BOWERS. Very far from it; it was more than agitation.

Chairman WALSH. But you did not go so far as to take any active action of any kind?

Mr. BOWERS. I think I did.

Chairman WALSH. What officer did you talk to about the crimes that were committed there?

Mr. BOWERS. You mean the officials?

Chairman WALSH. No; I mean the State officers, charged with the apprehension of criminals and suppression of crime?

Mr. BOWERS. I don't know that I ever met them.

Chairman WALSH. The officers you talked to were the officers of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Oh, yes; sure. No; I never had a word of conversation, and never saw the governor but once on the street in my life, or the attorney general.

Chairman WALSH. And what about the prosecuting attorney?

Mr. BOWERS. I never saw him in my life.

Chairman WALSH. Now, this letter of September 18. I want to ask you about this particular thing in that letter. You remember you said: "As our miners shift more or less and new men are coming all the while, about a year ago Mr. Welborn and the writer were discussing these questions, because one or two competitive companies (both of whom tried to interest Mr. Cooper in their bonds) were cheating their miners by false weights." Now, what companies were cheating them by false weights?

Mr. BOWERS. I would have to decline, to avoid prosecution, defining acts and attitudes as to that sort of thing. I don't know that there is a war in Europe to-day, but I have every reason to believe there is.

Chairman WALSH. You were satisfied they were cheating the miners?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What was the name of the company?

Mr. BOWERS. I would not say, because I could not legally name specific acts, which, as a lawyer, you understand would be necessary.

Chairman WALSH. What companies were trying to sell these bonds to Mr. Cooper? Were they big companies?

Mr. BOWERS. No; not so very big.

Chairman WALSH. They were afterwards in the operators' association?

Mr. BOWERS. Never a one of them.

Chairman WALSH. Won't you give us the names?

Mr. BOWERS. No; you will have to excuse me. I don't think you ought to ask me that. I will answer all that I can, and will be glad to, but I don't care to answer that.

Chairman WALSH. As far as that company was concerned, the miners were justified in saying that they needed a checkweighman?

Mr. BOWERS. If you will let me supplement what I said before, I think that one of these men that I had in mind, that I believe was a rascal, and cheating his miners, signed with the union, and has been signed with them since, if he is not busted.

Chairman WALSH. What about the other one?

Mr. BOWERS. They sold out.

Chairman WALSH. Then there were just two bad fellows that went in there cheating the miners, and one afterwards joined them and the other afterwards sold out?

Mr. BOWERS. I think there were quite a good many more of them.

Chairman WALSH. How do you think these miners could get justice if a lot of mine owners were cheating them in the weights of the coal that they dug out of the ground unless they had an organization powerful in number and somewhat powerful financially?

Mr. BOWERS. I had power enough to stop it.

Chairman WALSH. You think it could be left to the individual companies?

Mr. BOWERS. I had power enough to stop it in their individual case.

Chairman WALSH. Did you talk to them about it?

Mr. BOWERS. No.

Chairman WALSH. How did you have power enough to stop the other mining companies from cheating in the weights of coal?

Mr. BOWERS. You are asking me a question there that I am mighty happy to answer.

Chairman WALSH. We will all be happy, then, for once, sure.

Mr. BOWERS. Exactly. I have no sort of doubt but my associates believe that I have somewhat of a notion of my own, and one is I believe that it is the greatest folly, it is the most absolutely idiotic thing for any concern to be unfair to anybody, man, woman, or child, in anything. If I was the coldest-blooded man on earth, and didn't care a snap of my finger for God, man, or the devil, I would be as straight as one could be, absolutely beyond any question of doubt.

Chairman WALSH. Go ahead and tell what you did to fix those companies that were cheating?

Mr. BOWERS. One concern——

Chairman WALSH. Let's call it "X" concern, or give it some title; say the "X" concern.

Mr. BOWERS. Name it whatever you wish.

Chairman WALSH. All right.

Mr. BOWERS. My attention was called to it particularly by the fact that some of our friends, as you name them, our friends in the railway companies——

Chairman WALSH. Some of your railroad friends?

Mr. BOWERS. Yes, sir; were getting cut prices on their coal, and it seemed impossible that any straight fellow could cut prices as long as there was not more than 5 cents a ton profit on railroad coal—it seemed to be particularly difficult for a company to cut prices 10 cents a ton.

Chairman WALSH. Something crooked?

Mr. BOWERS. I think so. I said to Mr. Welborn, How can we stop them stealing the coal from the miners?

Chairman WALSH. And also cutting under your prices?

Mr. BOWERS. Yes, sir; also cutting under our prices, and we only made 5 cents a ton.

Chairman WALSH. You became convinced there was something wrong?

Mr. BOWERS. Yes, sir; and how could we end it.

Chairman WALSH. That is, for the miners?

Mr. BOWERS. Ourselves and the miners and all concerned. The men that work for me are as much my friends as the man that I work for. You have no doubt about that, have you?

Chairman WALSH. I would not like to say. Go ahead.

Mr. BOWERS. Now, then, we talked it over, and I said, How about these checkweighmen?

Chairman WALSH. Who did you say that to?

Mr. BOWERS. Mr. Welborn, and I guess to the executive board.

Chairman WALSH. You took it up before the whole executive board—the question of these mines cheating the miners?

Mr. BOWERS. I may or may not; I don't know whether I did or not. I don't assume much responsibility on the board, because I am only the chairman.

Chairman WALSH. Sometimes the chairman assumes quite a good deal.

Mr. BOWERS. Occasionally they do not. I took it up with these gentlemen—Mr. Welborn and perhaps other gentlemen—how can we stop that; put an end to it.

Chairman WALSH. Stealing from the miners?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And of cuttng your prices?

Mr. BOWERS. Cutting our prices; yes, sir.

Chairman WALSH. And stealing the coal from the miners?

Mr. BOWERS. Self-defense. In other words, they were cheating the miners and us, too. Now, I knew very well, by my own talks and interviews with our men, that the checkweighman had been optional with our miners; I had talked with superintendents in regard to it. We discussed it, and I referred to this matter in my conversation with Mr. Stewart when he visited me in Denver, stating something like this, that our own miners know that the Colorado Fuel & Iron Co. are willing and desire that the miners have their own checkweighmen. The newer men were coming in, the old men knew, and the newer men might not be advised of that, so we stated in that notice that it is the desire of the Colorado Fuel & Iron Co. that our miners secure and have their own checkweighmen.

Chairman WALSH. Was that at the time you discovered this cheating?

Mr. BOWERS. Yes, sir; just at that time—in April, 1912.

Chairman WALSH. All right.

Mr. BOWERS. That was the push.

Chairman WALSH. It was not an objection—no objection from your miners?

Mr. BOWERS. No, sir; not at all.

Chairman WALSH. Go ahead; I will not interrupt you.

Mr. BOWERS. No; I know what you were going to say. It was a matter of principle with me, and I would have done it the same as if I had had a sore finger, without it being called to my attention.

Chairman WALSH. You are opposed to sore fingers generally, but when yours is sore you begin to take notice?

Mr. BOWERS. Exactly. We agreed on that circular, and it was written in six languages and posted at the mines and at their working places, and some of them were posted when the strike was on.

Chairman WALSH. Still hanging there?

Mr. BOWERS. Yes, sir; if not, it was known in a good many places, and I understood from several sources that the Colorado Fuel & Iron Co. and your humble servant had been damned with great severity after we put those signs up. Of course immediately they saw that the Colorado Fuel & Iron Co. had posted the notices it spread all over the camp. What could those fellows do with that kind of a circular in other camps when their miners asked for checkweighmen? It didn't cost us anything, but it did the other fellow.

Chairman WALSH. It would be all right if it cost you nothing?

Mr. BOWERS. The miners pay the checkweighmen themselves. We have our weighman, but they contribute so much a month to their checkweighman. If they are honest, it is an advantage to us. If a dispute comes up with the railroad company or anyone, we have the checkweighman's testimony besides our own recorded weights. It is really an advantage; it is no disadvantage at all, and a great advantage if they are honest, and we were attempting to whip those fellows in until they would be forced to grant their miners a checkweighman.

Chairman WALSH. So they would quit cheating?

Mr. BOWERS. I can not say; a thief is a thief, wherever you put him.

Chairman WALSH. Who demanded a checkweighman?

Mr. BOWERS. That circular.

Chairman WALSH. It did not demand it of the other companies?

Mr. BOWERS. Well.

Chairman WALSH. When that circular went out in all these different languages, that was a good hint to other companies?

Mr. BOWERS. Rather a good hint.

Chairman WALSH. Did the workmen for the other companies demand checkweighmen?

Mr. BOWERS. I think they did. Some did, I know.

Chairman WALSH. It was the laborers that demanded the checkweighman when they saw this circular in all of the different languages?

Mr. BOWERS. I think so. A good many of those fellows that were cheated, in the weights on their coal, did not know it.

Chairman WALSH. How did they do it?

Mr. BOWERS. Oh, they said there was no hurry. We will run our mines; and take a good big mine, it is as large as the city of Washington, as many streets and alleys, miles long and miles wide. Here is a branch running in here, a spud, as we call it, off from the railroad, and a man would take his car and his number; I don't know that the company is responsible, but I imagine they are; that the company is responsible for running that car, and they would put on 30 or 40 shovels more on that car, or perhaps 200 or 400 more pounds put on that car than there ought to be.

Chairman WALSH. I think Commissioner O'Connell has seen that at first-hand, and described it to a witness; that is, that an honest checkweighman that wanted to cheat would do it lightly, would take off a little and put on a little?

Mr. BOWERS. Yes, sir; and you take Greeks and Servians and Italians—we have 20 nationalities or more in our mines, and they won't trust each other. You allow them to select, and they will select an Italian for a checkweighman, and it won't be any great length of time before they say that the man is taking weight off of their cars and putting it on the cars of his friends.

Chairman WALSH. They were cheating?

Mr. BOWERS. Yes, sir; they were taking off 100 pounds off of one fellow's car and putting it on the other car of their nationality.

Chairman WALSH. There was no question of nationality involved when you sent out this circular, because the company was stealing from the men; you could tell that from the price?

Mr. BOWERS. Undoubtedly.

Chairman WALSH. There was no roguery going on then?

Mr. BOWERS. Yes, sir; because they could not produce it and sell it at the price they named, that we knew, because we could produce it as cheaply as anybody in that country.

Chairman WALSH. When you got the circular out what effect did it have on the price; did they still cut under you?

Mr. BOWERS. I don't know that they did; we kept our same price.

Chairman WALSH. Did you see what effect this had?

Mr. BOWERS. The effect was that your humble servant got damned.

Chairman WALSH. Among the coal operators?

Mr. BOWERS. Yes, sir; I understand, but I did not hear them.

Chairman WALSH. But they damned you because you gave this hint to the other companies, and they told them in their various languages about this, and they began to watch this, and they came up and accused you?

Mr. BOWERS. No, sir; they didn't come up to see me.

Chairman WALSH. Didn't even call on you?

Mr. BOWERS. No, sir.

Chairman WALSH. Did you meet them socially, around at the clubs and so forth?

Mr. BOWERS. I was not a member of a club. I was stated as the best-known and the least-known man in Colorado. I didn't mix. I was not well enough, and I had too many serious illnesses in my family.

Chairman WALSH. I didn't exactly catch the drift of what you said. After you exposed them you said they didn't come up to see you?

Mr. BOWERS. I don't think they did.

Chairman WALSH. Did any of them come up before?

Mr. BOWERS. No, sir; I didn't know a half a dozen operators in the State of Colorado.

Chairman WALSH. These particular concerns, were they cutting prices with railroads?

Mr. BOWERS. I think they cheated everybody.

Chairman WALSH. You think they cheated everybody?

Mr. BOWERS. Yes; sure. They fulfill the Scriptures; they are not respecters of persons.

Chairman WALSH. You had a way to take care of your company?

Mr. BOWERS. I did.

Chairman WALSH. And you did it?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Now, suppose that these men that were working for these other mines, these cheaters, suppose they had found it out through some other source, and the question of price cutting was not in it. Suppose they had stolen and still maintained prices, what chances did the Greeks and Italians and those men that were digging the coal in order to support their families, what chances did they have to make them quit cheating?

Mr. BOWERS. About the same chance that Mrs. Walsh would have in Kansas City, if she was going to a grocery and she got better weights and measures there than at any other place.

Chairman WALSH. I am going to ask you, please, not to draw your illustrations with my family, and I will not with yours; but, however, I want to get you straight, that these Greeks and Italians would have the same chance to contest against these coal companies cheating them in weights as a housewife would have that went to a store and found out a man cheated her in the weight, and then she could go to another store? You say that is a parallel case, do you?

Mr. BOWERS. I don't say it is a parallel case; it is difficult to make a parallel case.

Chairman WALSH. The truth of the matter is that some of these men that are being cheated; at first it was a sort of petty larceny proposition; they cheated a little at a time?

Mr. BOWERS. It was not large enough for the average miner to make much of a rumpus about.

Chairman WALSH. But, on the whole, it stole that much out of his labor, and out of his sweat, and off of his table, and away from his family; if it did that, he would have an awful personal grievance, would he, Mr. Bowers?

Mr. BOWERS. Why, sure; I would.

Chairman WALSH. Now, what chances would that man have, if it is not a parallel case about the housewife and the grocer; what chances would he have to keep them from stealing his labor that way?

Mr. BOWERS. I am glad that you have asked me that question. We were able to keep our mines almost entirely filled with men that would move from one mine to another because of the conditions, and because they regarded—I think I am not overjustifying ourselves—because of better treatment and honest treatment that they believed they got from the Colorado Fuel & Iron Co.

Chairman WALSH. Now, some of these men, as I understand you, would leave these other mines and come to you because they discovered or suspicioned that they were being cheated in weights?

Mr. BOWERS. I think so.

Chairman WALSH. Now, you read the testimony of Mr. Edward Doyle, given at Denver?

Mr. BOWERS. No, sir.

Chairman WALSH. You know who he is?

Mr. BOWERS. No, sir.

Chairman WALSH. He was a checkweighman at——

Mr. BOWERS. I have not read his testimony.

Chairman WALSH. You know, I am not going into the truth of it, but you know that miners accused the Colorado Fuel & Iron Co. of cheating them in weights?

Mr. BOWERS. Possibly; I presume so.

Chairman WALSH. And you will give them credit for having a fixed conviction about the fact that they were being cheated, just like you have a fixed conviction that the war is going on in Europe, and they had a fixed conviction that the operators were cheating them?

Mr. BOWERS. Sure.

Chairman WALSH. If that is true, it was a mighty just grievance of the miners?

Mr. BOWERS. On being cheated?

Chairman WALSH. If they believed that it was a real grievance?

Mr. BOWERS. It would be with me.

Chairman WALSH. Now, that was one of the grievances that they claimed gave them the right to go into an organization of their own, to deal with your companies collectively, was it not?

Mr. BOWERS. I presume so; I can not say.

Chairman WALSH. You saw the bulletin sent out by Mr. Ivy Lee, or his stenographer or office boy, or by the association of operators in Colorado?

Mr. BOWERS. I think I never read but one of them all through.

Chairman WALSH. You never read but one of them?

Mr. BOWERS. I never read but one, and that I criticized.

Chairman WALSH. You didn't have much use for that one yourself?

Mr. BOWERS. As I say, I kept out as far as I could.

Chairman WALSH. Was that the one that gave the supposed pay of the mining officials?

Mr. BOWERS. I can not recall; he offered me the manuscript, or brought it in to me to look it over.

Chairman WALSH. What did you think about it?

Mr. BOWERS. I read it over, and he said, "Now, I think right there at that point it would be a good idea to say," so and so, and I said, "I think it is a good thing to say just exactly the opposite right at that point."

Chairman WALSH. Was the question of fact——

Mr. BOWERS (interrupting). I don't know whether it was a question of fact or imagination or what.

Chairman WALSH. But this thing that he thought was a good thing to put in, and you thought the opposite was; was that a question of fact as to some detail that was going on in the mine?

Mr. BOWERS. I don't recall what it was.

Chairman WALSH. Was it true what he wanted to put in?

Mr. BOWERS. It was his opinion; it may have been true or not. I have my opinions and he has his, and Mr. Murphy has his, and Mr. King has his. We all have our opinions. We don't agree on all things. Adam and Eve had differences with the Almighty, as I understand it.

Chairman WALSH. You take me a little off; I am going to get back to that when we come to Mr. McClurkie's testimony, but I don't want to get to these religious subjects yet. Now, I want to ask you to look at the bulletin entitled "Facts Concerning the Struggle in Colorado for Industrial Freedom" and see if you can pick out the bulletin that Mr. Lee showed you.

Mr. BOWERS. I don't know what topic it was on, even; I couldn't do it. I only read the one, and I don't remember what topic it was on.

Chairman WALSH. Now, after all this stealing went on and after the charge that the miners made that they were being cheated, and it was a real grievance, you knew that Mr. Ivy Lee published some strong bulletins for the purpose of showing that the miners did not have any grievances?

Mr. BOWERS. That may be; I have not read them.

Chairman WALSH. But the miners surely had their grievance against these other companies?

Mr. BOWERS. I so stated; some of the other companies. I would not make that too broad.

Chairman WALSH. There was enough of them so that it was interfering with you, with your profits; they were cutting in on your business?

Mr. BOWERS. No; I don't think it cut into our business a particle. One of these men—no; I will withdraw that. I am mighty sure that the men interested in one of the companies in quite a large capacity did cheat an important railroad.

Chairman WALSH. Oh, he cheated the railroad, too?

Mr. BOWERS. He was a thief. He cheated the railroad, and I understand he was compelled to refund a large amount of money to a railroad because of his shortages.

Chairman WALSH. The railroad took after him?

Mr. BOWERS. I so understand.

Chairman WALSH. It was a good big thing?

Mr. BOWERS. Yes, sir; and they got it back.

Chairman WALSH. Of course, no one individual miner, an Italian or Greek, could take after them that way and make them come back?

Mr. BOWERS. I would not like to have an Italian or Greek or any other fellow with a good grievance to take after me.

Chairman WALSH. But they were too ignorant to know generally that they were being cheated?

Mr. BOWERS. No, sir; I don't think so.

Chairman WALSH. But they stole it in such small amounts, it was a sort of petit larceny proposition; even if they caught them they couldn't tell what they had stolen?

Mr. BOWERS. No, sir; I suppose not. It is in fairness to these men—I won't accuse all these men of trying to cheat in overloading their cars. I don't know

that all of them were dishonest, but it is not a thing of much importance to say to a fellow, "Throw on 50 shovels more coal on there," and they would rather do that than to lose their job.

Chairman WALSH. And if they lost their job they could not support their families?

Mr. BOWERS. That is it, exactly.

Chairman WALSH. But the railroad, when it found they were being cheated, it said, "Here, sir, give us back this money or we will prosecute you and not buy any more coal of you"?

Mr. BOWERS. Yes, sir; they surely could, but I don't know that is what occurred.

Chairman WALSH. But you believe it as firmly as you believe the war is going on in Europe?

Mr. BOWERS. I have not the slightest doubt that there was a lot of that thing going on in the coal fields there, I will say, prior to 1908.

Chairman WALSH. I will request you, Mr. Bowers, to retire from the stand for an hour or two, so that we can use another witness.

Mr. BOWERS. It is very essential, if possible, for me—I have three very important meetings in the Middle West, and I would hate very much not to be present at those meetings; and I would like very much, if I can, to get away from here this afternoon some time.

Chairman WALSH. I think we can conclude with you this afternoon.

Mr. BOWERS. All right; if you can.

Chairman WALSH. It was suggested to me that it would be best, perhaps, not to keep you too consecutively on the stand.

Mr. BOWERS. I would just as leave stay here until 12 o'clock.

Chairman WALSH. It is all right, is it, Mr. Murphy?

Mr. MURPHY. Yes, sir.

Chairman WALSH. It was suggested to me—last week the temperature was very high, and I guess you know that Mr. Murphy spoke to me and said it might be well not to keep you too long on the stand?

Mr. BOWERS. Yes, sir. Before I came here I was laid up for a month, and my physician did not want me to come.

Chairman WALSH. If you feel the least fatigued at any time you may retire, and we will be glad to put on another witness. We will take an adjournment here for five minutes, anyway.

(After adjournment.)

Chairman WALSH. Now, Mr. Bowers, will you resume the stand, please? Did you consider the authorities—the constituted authorities—had adequate means for protecting your people in the early days of the strike?

Mr. BOWERS. Yes; I did.

Chairman WALSH. There was never any necessity for—as near as you could observe—for your company buying revolvers or guns or rifles, or anything of that sort?

Mr. BOWERS. Not if we could have secured the cooperation or help that we thought we were entitled to from the governor; but he declined to do it for several weeks.

Chairman WALSH. Oh; and was it during the time the governor declined to give you the necessary help that the arms were purchased?

Mr. BOWERS. I think it must have been; yes, sir.

Chairman WALSH. Now, you felt that if the authorities did not protect your property that you would have to take your own means to do it?

Mr. BOWERS. Well, it was in defense of our miners; we never had less than 50 per cent of our men working.

Chairman WALSH. I see; and the governor would not extend you the protection that you——

Mr. BOWERS. He did not.

Chairman WALSH. He did not?

Mr. BOWERS. No.

Chairman WALSH. What means did you take to guard your own property?

Mr. BOWERS. We always have guards, as we have perhaps 25 or 30 mines, some 12 or 15 miles removed from any county seat or any civic authority, and we had to have marshals. On pay days, sometimes, these men have brawls and fights and we have to have constables and guards. We have guards in every mine, the same as the Government and all State authorities, to prevent people coming in. We could not have people coming in and running back and forth through the mines.

Chairman WALSH. You couldn't have them running through your house either?

Mr. BOWERS. No; I couldn't have them running through the house. It was simply an enlargement of that idea. We had those guards because, if you will allow me to state, we knew from past observation and from strikes elsewhere all over the country—I am pretty familiar in my business career with the strikes in Pennsylvania, and I have been called down once or twice in my life for wishing that the strikers would win.

Chairman WALSH. In Pennsylvania?

Mr. BOWERS. Yes.

Chairman WALSH. Against what company?

Mr. BOWERS. Oh, I remember what is known as the long strike—eight or nine months—away back in, I think, 1870——

Chairman WALSH (interrupting). Among the coal miners?

Mr. BOWERS. Coal miners in the anthracite regions. I was in the wholesale grocery business and was about 23 or 24 years old, and we went down through there selling goods; and my sympathies were entirely with the strikers. They were largely Welshmen that had come over here, and were a splendid lot of citizens and a splendid population.

Chairman WALSH. Well, they may have been splendid, wherever they come from?

Mr. BOWERS. Oh, yes.

Chairman WALSH. You think so, don't you?

Mr. BOWERS. Yes. I know they were splendid men, and I thought were unjustly treated, and I hoped they would win. My sympathies were with them, but I may have been absolutely wrong, but that was my personal feelings.

Chairman WALSH. Well, I am afraid that I have taken you away from the subject. The subject was you had had experience in other places, in Pennsylvania, or from observations, and therefore had reason to anticipate certain actions?

Mr. BOWERS. Exactly. Whenever a strike is called, if part of the men continue to work and part of them did not, we were liable to have very serious trouble.

Chairman WALSH. Now, how do you provide to protect your property to keep them from committing arson or destroying property or hurting the men?

Mr. BOWERS. Under normal conditions?

Chairman WALSH. No; under strike at any of these other places?

Mr. BOWERS. Oh, I don't know. I don't recall that. I couldn't answer that. It is too long ago.

Chairman WALSH. Well, regardless of having anything to do with it or not, you did arm them in Colorado?

Mr. BOWERS. I had nothing to do with it.

Chairman WALSH. I know, but you knew of it as a citizen of Colorado, regardless——

Mr. BOWERS (interrupting). I knew the guardsmen were increased there; yes.

Chairman WALSH. But you believe, do you not, and you did believe, that if there was danger——

Mr. BOWERS (interrupting). I certainly did.

Chairman WALSH (continuing). Of causing explosions at the mine and causing destruction of property and loss of life, and the governor would not furnish you with the necessary means of defense, that you would have to defend yourself?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You believed in your God-given right to do that, didn't you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. That is, if you called on the governor who was—he should have done the act that was proper for actually protecting life and protecting against explosions and the like of that, and if he failed to do it, then the only thing you could do would be to defend yourselves?

Mr. BOWERS. And the property out there.

Chairman WALSH. To defend your property and your lives?

Mr. BOWERS. Surely.

Chairman WALSH. And, of course, you had to be the judge as to that, didn't you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And that is a rule of conduct under which all just and civilized men will act anyway?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You would not take it for yourself and not give it to somebody else.

(No answer.)

Chairman WALSH. And if you had reason to believe—to put it more locally—that a group of miners were coming to your house to attempt an assault upon you and the governor refused to act and refused to give you the protection that was demanded, you would take, as a man, whatever means were necessary to defend yourself, would you not?

Mr. BOWERS. No, sir; I would not.

Chairman WALSH. What would you do?

Mr. BOWERS. I never had a gun or a revolver or any protection myself. I never had the slightest fear, personally, of any violence whatever of that kind; never.

Chairman WALSH. What would you do?

Mr. BOWERS. I don't know.

Chairman WALSH. Suppose there was a body of men——

Mr. BOWERS (interrupting). I certainly should not go——

Chairman WALSH (interrupting). You would go just as far as you would to protect a mine?

Mr. BOWERS. I have never been placed in any position where I had fear of any man opposed to me at all. Of course the man might be a stranger or a crank and do me violence, but I have no fear. I don't know what I would do under certain circumstances, but apart from the proposition of my getting up a defense and fighting anybody that comes along that don't agree with me—I should not do that.

Chairman WALSH. No; but you would go as far in defending your life and the lives of your family as you would of property?

Mr. BOWERS. Oh, yes. If I had from the governor no defense, I should appeal to the officers of the law.

Chairman WALSH. And if the officers of the law did not act——

Mr. BOWERS. I suppose I might take to the woods.

Chairman WALSH. Would you run?

Mr. BOWERS. I would run.

Chairman WALSH. Suppose you family couldn't run.

Mr. BOWERS. I am something of a runner.

Chairman WALSH. You would simply go as far as you would go to get guards and arm them and tell them not to do anything unless an assault was made, but to be ready in case they intended to blow up the mine or take lives; you would go that far?

Mr. BOWERS. The same as I would on pay day to protect the citizens there and the people from drunken men. We had marshals and deputies and asked them to keep order, the same as any well-regulated community, and I would increase them if necessary.

Chairman WALSH. You would increase them if necessary?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And if they were guards you would arm them?

Mr. BOWERS. They would not be very effective without arms.

Chairman WALSH. And despite the matter of fact that you were simply chairman of the executive board and not in the operating department, you do know you did arm the guards.

Mr. BOWERS. Why, certainly.

Chairman WALSH. Did it for the purpose of protecting your property?

Mr. BOWERS. I have not the slightest doubt.

Chairman WALSH. They were their own employees, and if anybody had attempted to blow up that property, why, of course, these guards would have resisted and shot them?

Mr. BOWERS. I don't know what they would do. They were there with their guns to protect that property and meet the cases whenever they would come up—I would not cross the bridge until I came to it.

Chairman WALSH. Well, they would also protect life in case there was danger of assault?

Mr. BOWERS. That is what they are there for.

Chairman WALSH. That is what they are there for?

Mr. BOWERS. Yes; sure.

Chairman WALSH. And to protect life and property?
Mr. BOWERS. Yes, sir.
Chairman WALSH. And they were representing the Colorado Fuel & Iron Co.?
Mr. BOWERS. Yes, sir; and a number of other operators.
Chairman WALSH. All have their guards?
Mr. BOWERS. I think so.
Chairman WALSH. And they armed their guards?
Mr. BOWERS. It was done collectively, after the strike began.
Chairman WALSH. And collectively you made up your minds that you thought there would be some violence committed and some mines blown up, and the like of that, and you had better get ready?
Mr. BOWERS. I did not make up my mind at all or approve the judgment or discuss it or take part, directly or indirectly, or have anything to do with it.
Chairman WALSH. No; but did Mr. Welborn, the president, see you every day?
Mr. BOWERS. Mr. Welborn will answer for himself. You will have him on the stand, I understand. I myself, personally, had nothing to do with it.
Chairman WALSH. You had an office in the Boston Building?
Mr. BOWERS. Yes, sir.
Chairman WALSH. And you would see him every day?
Mr. BOWERS. A good many times a day.
Chairman WALSH. A good many times a day?
Mr. BOWERS. Yes. If you will allow me to tell, it was the understanding there that I should not be annoyed with those things, because of my physical condition and the strain I was under for various reasons, and he was very considerate of my age, if nothing else, and did not annoy me with it.
Chairman WALSH. Where did you get this information you used to send to Mr. Rockefeller and to Mr. Murphy at New York?
Mr. BOWERS. Some of it, I could not say where I did get it or who advised me; I got information from all kinds of men, politicians, and ministers, sociological workers, and doctors, and lawyers; I had a pile on my desk that high, of all kinds of suggestions as to what I should do; I did not lack anything in the way of advice.
Chairman WALSH. Leaving out the ministers and the sociological workers, and those, and getting down to the information you got from Mr. Welborn and Mr. Weitzel and the other gentlemen, you kept pretty actively informed as to what was going on in the field, did you not?
Mr. BOWERS. Yes, I did.
Chairman WALSH. I notice here that on April 18 you wrote Mr. John D. Rockefeller, jr., and you stated to him that you had been so busy since you returned and so few matters of importance in connection with the strike had come up, that you had not written him. Since your return, where had you been?
Mr. BOWERS. On a rest, which I have been forced to take for the last couple of years, every few months, for a week or so.
Chairman WALSH. And you said so few matters of importance had come up in connection with the strike that you had not written him?
Mr. BOWERS. Yes.
Chairman WALSH. And you said, "Speaking broadly, there is a decided weakening all along the line on the part of the labor leaders."
Mr. BOWERS. Yes.
Chairman WALSH. Everything had quieted down at that time?
Mr. BOWERS. My letter will answer that; I will admit everything in that letter.
Chairman WALSH. The letter continues, "We have reliable information that the United Mine Workers of America are pinched as never before for funds."
Mr. BOWERS. Yes.
Chairman WALSH. That was real information and you were transmitting it to Mr. Rockefeller?
Mr. BOWERS. Yes.
Chairman WALSH. And then the letter proceeds, "The present week in southern Colorado may cut off the relief of 140 miners?
Mr. BOWERS. Yes.
Chairman WALSH. They cut that off?
Mr. BOWERS. Yes.
Chairman WALSH. "Which has created a very bad feeling on their part"—that is, on the part of the workers to have their provender cut off?
Mr. BOWERS. It undoubtedly did.

Chairman WALSH. "And as some of them are still kept on the pay roll, say, it is only a matter of time when they will all be cut off from any funds whatever." That was reliable information you had?

Mr. BOWERS. I regarded it so.

Chairman WALSH. You regarded it as reliable enough to send to your principal, Mr. Rockefeller?

Mr. BOWERS. Yes.

Chairman WALSH. Then the letter proceeds, "In southern Colorado the labor leaders are making a thorough canvass of the strikers' camps, and a very large number are to be eliminated from the pay roll when the canvass is completed." That was your information?

Mr. BOWERS. Yes.

Chairman WALSH. Then this follows:

"A matter of more significance, in my opinion, is the change of attitude of the local representatives of the union from that of the past few months toward the miners themselves. Heretofore they have constantly endeavored to encourage the miners to hold out, as victory was sure to be won. Now, instead of encouragement they dodged the issue, and in some cases deliberately undertake to offend the miners, expecting they would quit the camps and go back to work, and thereby relieve the organization from its financial burden, knowing that the strike has been a failure and that eventually the miners will have to shift for themselves.

"A large number of the militia have been withdrawn, but Mr. Welborn and other operators believe enough are retained to protect the camps, supplemented by our own guards.

"Another favorable feature is the organization of a military company of 100 volunteers at Trinidad the present week."

If things were quieted down, and the men were being pinched for funds, and the labor leaders were trying to discourage them so they would go back to work, and that a very large number of them were about to be eliminated from their pay roll, and Mr. Welborn and other operators believed that enough were retained to protect the camps, and that these could be supplemented by their own mine guards, now, what was the favorable feature in the organization of the military company of 100 volunteers at Trinidad that week?

Mr. BOWERS. I do not recall of that; I have not read it over; it is practically new matter. I suppose there were threats going and coming, "We are going to do this" and "We are going to do that," and they were running in at that time some guns——

Chairman WALSH (interrupting). Running in what?

Mr. BOWERS. We had good reason to believe they were running in at that time some guns. I have not the slightest doubt that I felt at that time, from the information that I had, that there was still danger, because there was inflammable material—lots of it—and that there might be outbreaks somewheres, and the local company had taken the place of others that had been withdrawn.

Chairman WALSH. That was what was afterwards known as "Troop A"?

Mr. BOWERS. I do not know about that.

Chairman WALSH. There was only one volunteer company organized; wasn't that all?

Mr. BOWERS. I don't know about that; I presume that is true.

Chairman WALSH. Now, you know the company that was organized a few days before the Ludlow massacre was involved in that fight, don't you?

Mr. BOWERS. I don't know; no, sir.

Chairman WALSH. You have not heard it yet?

Mr. BOWERS. I may have heard it, but I don't know what company.

Chairman WALSH. You followed by saying "They are to be armed by the State." I had better read that whole paragraph:

"They are to be armed by the State and drilled by military officials. Another squad is being organized at Walsenburg. These independent militiamen will be subject to orders of the sheriff of the county."

That was Jeff Farr, wasn't it?

Mr. BOWERS. I don't know. What county is it?

Chairman WALSH. Huerfano County.

Mr. BOWERS. I don't know whether Walsenburg is in Huerfano County or not. Trinidad is in Las Animas County, and they have different sheriffs.

Chairman WALSH. Then the letter continues: "These independent militiamen will be subject to orders of the sheriff of the county."

Mr. BOWERS. That was a sheriff, I think, by the name of Gresham?

Chairman WALSH. Was he a friend of yours? Was he a friend of the company?

Mr. BOWERS. I never saw him in my life.

Chairman WALSH. Was Jeff Farr a friend of yours?

Mr. BOWERS. Not of mine.

Chairman WALSH. Was he a friend of the company?

Mr. BOWERS. I don't know.

Chairman WALSH. Didn't the company keep in pretty close touch with this sheriff, Jeff Farr, generally? Wasn't there some connection between him and your company?

Mr. BOWERS. I am mighty sure there was.

Chairman WALSH. What kind of a connection?

Mr. BOWERS. I don't know—a political connection; I would rather say a saloon connection.

Chairman WALSH. The company and he were both in the saloon business?

Mr. BOWERS. Mighty close to it.

Chairman WALSH. They were?

Mr. BOWERS. I guess so.

Chairman WALSH. Now, you say, "As these volunteers will draw no pay from the State, this movement has the support of the governor and others in authority." Who were the volunteers to get their pay from?

Mr. BOWERS. I do not think they had any pay at all.

Chairman WALSH. The members of this Troop A did not have any pay?

Mr. BOWERS. No; I do not think so. My understanding was they were citizens that volunteered to protect the city of Trinidad against violence—bankers and clerks in stores, professional men and lawyers and doctors were joined in a militia company without any pay whatever.

Chairman WALSH. What lawyers were in it?

Mr. BOWERS. I don't know.

Chairman WALSH. Or what doctors?

Mr. BOWERS. I don't know whether there were any lawyers or doctors in it; but it was made up of citizens of the community for the purpose of protecting the city against violence.

Chairman WALSH. After the fight at Ludlow, Maj. Boughton's commission had a hearing.

Mr. BOWERS. Where?

Chairman WALSH. At Trinidad.

Mr. BOWERS. I did not read the report of that commission.

Chairman WALSH. Now, I notice you are sending a great deal of information here to the Messrs. Rockefeller?

Mr. BOWERS. Yes.

Chairman WALSH. And you would not send it and try to disseminate it unless you had the facts—as well as you could get them?

Mr. BOWERS. I did not intend to disseminate it; that is all private correspondence, every single line and word of it is private correspondence.

Chairman WALSH. Oh, is that so—just between you?

Mr. BOWERS. All those letters are.

Chairman WALSH. And the telegrams?

Mr. BOWERS. Yes.

Chairman WALSH. It is private correspondence just like between the members of a family?

Mr. BOWERS. I would not say as private as between the members of a family.

Chairman WALSH. But very private and close. The information in them was just intended for the eyes of Mr. Rockefeller?

Mr. BOWERS. I do not assume to be on relations as intimate as family relations with Mr. Rockefeller.

Chairman WALSH. Perhaps that is putting it too strong; but it was just for his information and not intended to be published?

Mr. BOWERS. It would be made public to any bondholder or stockholder.

Chairman WALSH. But that is all?

Mr. BOWERS. It was not intended for the public.

Chairman WALSH. Now, on April 21 you sent this telegram to Mr. John D. Rockefeller, jr.:

"Following withdrawal of troops by order of governor, an unprovoked attack upon small force of militia yesterday by 300 strikers. Forced fight, resulting in probable loss of 10 or 15 strikers. Only 1 militiaman killed. Ludlow

tent colony of strikers totally destroyed by burning 200 tents, generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia being reinforced. Suggest your giving this information to friendly papers.

"L. M. BOWERS."

Mr. BOWERS. Yes.

Chairman WALSH. Wasn't that intended to be disseminated?

Mr. BOWERS. Yes; that part was. I will not let my broad statement apply to that.

Chairman WALSH. Now, Mr. Rockefeller says he did not know who you meant by the friendly papers. What papers did you think were friendly to the Rockefeller interests? You had been with them 30 years and had operated this big ship-building concern and the ore business, and you referred to "friendly papers," what ones were they?

Mr. BOWERS. I could not name them. There are two sides to these questions that come up—Mr. Rockefeller's and mine. I have friends in the newspaper business who make friendly comments, and I call them friendly, and some others damn me pretty seriously, and I don't call them friendly.

Chairman WALSH. Which ones did you mean in this instance?

Mr. BOWERS. The friendly ones.

Chairman WALSH. Which were they?

Mr. BOWERS. I don't know; we have mighty few of them—some of us have.

Chairman WALSH. I will ask you if you saw this in the report of the military commission—you did not read Maj. Boughton's report?

Mr. BOWERS. No, sir.

Chairman WALSH. Did Mr. Welborn tell you what was in it?

Mr. BOWERS. I have not the slightest recollection.

Chairman WALSH. When or where did you get the information that Troop A, that we have just been talking about, contained physicians and lawyers and other residents there—these volunteers?

Mr. BOWERS. Mr. Walsh, we were in war, as it was so called by a great many; they had their headquarters of war with their different officers there and the conduct of it was war; we did not call it anything else; I did not call it a strike; and all these matters were common newspaper talk; a great many people in and out of the office talked about this, and many of the reporters exaggerated it; I skimmed out what I thought was reliable, and revised the others.

Chairman WALSH. You say in this letter, speak in this letter, of the favorable feature of the organization of that military company—of this troop. You knew, did you not, that that was composed of your superintendents and foremen and clerks and storekeepers and mine guards, principally?

Mr. BOWERS. We did not have a mine in Trinidad at all, not one; we had no superintendents or stores; we did have one retail grocery.

Chairman WALSH. Did you have any in the neighborhood of Ludlow?

Mr. BOWERS. Well, in the neighborhood; we had nothing at Ludlow.

Chairman WALSH. What is Hastings?

Mr. BOWERS. That is not ours; I am not very familiar with the geography of that county.

Chairman WALSH. Could you give the names of your mines in Huerfano County?

Mr. BOWERS. I could not name them.

Chairman WALSH. Could you give the names of your mines in Las Animas County?

Mr. BOWERS. I could not.

Chairman WALSH. Do you say you did not have any in the vicinity of Trinidad?

Mr. BOWERS. I do not know just what you call "in the vicinity of Trinidad."

Chairman WALSH. What was the closest one you had to Trinidad?

Mr. BOWERS. None of the mines are in Trinidad.

Chairman WALSH. No; but I mean in the neighborhood of Trinidad.

Mr. BOWERS. We have what is called the Trinidad district and the Walsen district.

Chairman WALSH. Have you mines in the Trinidad district?

Mr. BOWERS. Lots of them.

Chairman WALSH. I will read you now what this report states, and ask you if you were not so advised yourself, and if you did not actually pay them the money for the time they spent at Ludlow?

Mr. Bowers. Just a moment; I will precede that with the statement that I know nothing about that, or whether a penny was paid, or how it was organized.

Chairman Walsh. Nevertheless, I am going to read it to you and ask you a question or two, and ask you whether or not the deduction is there to justify that:

"A troop of National Guards were enlisted about the middle of April among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps."

Mr. Bowers. Yes.

Chairman Walsh. Now, that was the company that afterwards shot and killed people at Ludlow; that poured oil on the tents of those striking miners and burned them down and robbed the dead and living, and looted the camp, wasn't it?

Mr. Bowers. I could not go into any such thing as that, for I know nothing about it.

Chairman Walsh. Didn't you inquire?

Mr. Bowers. I inquired as I would about any war; as I would about the European war; as I have told you a number of times, with all due respect to you, I was compelled to keep out; I could not sleep; I was suffering from insomnia, and excitement of that kind would affect me, and in two or three or four nights I would be prostrated; and I kept out of it; I would not allow that sort of stuff to come into my mind.

Chairman Walsh. What sort of stuff wouldn't you allow to come into your mind?

Mr. Bowers. Anything I could help.

Chairman Walsh. You say in this telegram, "Forced fight resulting in probable loss of 10 or 15 strikers. Only 1 militiamen killed. Ludlow tent colony of strikers totally destroyed by burning 200 tents, generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia being reinforced." It seems to me from that as though you had the detailed information that a general might have who was actually in a fight, and who was reporting it to the War Department, to draw a simile. That was a telegram from Mr. L. M. Bowers to Mr. John D. Rockefeller, Jr.

Mr. Bowers. That would come from the committee that was handling the coal properties there, like any other message, and saying that those were the facts. I have not the slightest doubt that that letter may have been referred to Mr. Welborn as I outlined it, or referred it to the executive committee to pass on it; I may have taken a great deal of pains about that; but I have no recollection whatever of the letter. I could not say positively about it, but my actual knowledge of participation in that matter is simply as I say; I gave no attention to it except as hearsay, and what I got in my office, and what I would inquire about in writing a letter to Mr. Rockefeller or any other stockholder.

Chairman Walsh. It was very detailed information; you told about the violence and the number killed, the property destroyed, and the rest of that detail.

Mr. Bowers. I may have cut out newspaper articles, and I may have got the information from others. It was a friendly letter just as though I was not connected with the company.

Chairman Walsh. Just as a citizen writing to Mr. Rockefeller?

Mr. Bowers. Yes; if you like.

Chairman Walsh. It came from you as the ranking officer, as a man who had been in their employ for almost 20 years on a letter head of this kind, "The Colorado Fuel & Iron Co., Denver, Colo.; executive department; L. M. Bowers, chairman."

Mr. Bowers. Yes; I do not dodge a single jot or tittle of that.

Chairman Walsh. Didn't you make all these reports, Mr. Bowers, as chairman of the executive committee, and, as you put it yourself before the congressional committee, as the "hired man of Mr. Rockefeller"?

Mr. Bowers. No; I was employed by 2,200 stockholders and the board of directors, and Mr. Rockefeller represented just one; he had only 1 director in 15 in that company when I went there.

Chairman Walsh. Did you write to any other of the stockholders except Mr. Rockefeller?

Mr. Bowers. Yes, sir; and bondholders, too.

Chairman Walsh. Letters of that kind?

Mr. Bowers. Letters of inquiry; I gave them the information—all the information I could gather.

Chairman WALSH. Give us the names of any other of the stockholders you wrote letters to similar to this.

Mr. BOWERS. I would have to have my memoranda in regard to that.

Chairman WALSH. Can you think of any other person except Mr. Rockefeller to whom you wrote, giving such detailed information as you give here in these letters?

Mr. BOWERS. Yes; I can recall a gentleman in Brooklyn.

Chairman WALSH. That is good.

Mr. BOWERS. This gentleman, I think, had $100,000 invested in the company. I think his name is Streetor.

Chairman WALSH. What are his initials, his full name?

Mr. BOWERS. I can not recall.

Chairman WALSH. Do you know his address?

Mr. BOWERS. No; I think he was something of a capitalist.

Chairman WALSH. Any others?

Mr. BOWERS. Then I remember of a letter from a very old gentleman—I think he told me in one of his letters that he was between 80 and 90 years of age—that he had $100,000 or $150,000 invested in the company, and he wrote me, and I wrote to him in reply to his letters.

Chairman WALSH. Did Mr. Streetor write you also?

Mr. BOWERS. I never wrote to any of these unless they wrote me, making inquiry.

Chairman WALSH. In Mr. Rockefeller's case you wrote regular reports at stated intervals and when you were not inquired of, did you not?

Mr. BOWERS. Yes.

Chairman WALSH. In other words, you were writing to him as the largest stockholder in this company, as the man you thought you were working for, and as the man who had a vast influence on account of the amount of his holdings in that company and other corporations—much vaster than that of any other man you knew of in this country?

Mr. BOWERS. Yes.

Chairman WALSH. I am going to call your attention, as quick as I can, to some of these letters.

Mr. BOWERS. I would like to add right in that connection that I was still an official in other corporations and wrote once a month a detailed report of the other companies, like the Cleveland Steel Co.; I was writing constantly to him, or frequently, about the companies he was interested in.

Chairman WALSH. And that includes also the letters you wrote to Mr. Starr J. Murphy, who was a director at 26 Broadway?

Mr. BOWERS. I do not know how I happened to write him.

Chairman WALSH. Do you think it grew out of the fact that you were chairman of the executive board and he was a director of the company?

Mr. BOWERS. I am quite inclined to believe that my relation with Mr. Rockefeller's office and with Mr. Starr J. Murphy—I have been connected with them so many years that they would naturally come to me out of courtesy and perhaps because of my age in regard to matters. As you notice from the most of the correspondence, Mr. Welborn did not get into it until about the time I stopped.

Chairman WALSH. Was that information for them personally or for the office?

Mr. BOWERS. Whatever they saw fit to do with it.

Chairman WALSH. You intended it to be information for that office, did you not?

Mr. BOWERS. I left that matter for Mr. Murphy or Mr. Rockefeller to do with as they saw fit.

Chairman WALSH. Your intention was that you were forwarding it as information for that office, was it not?

Mr. BOWERS. If you will let me go back——

Chairman WALSH (interrupting). I will read you this letter, dated September 19.

Mr. BOWERS. 1914?

Chairman WALSH. 1913. That was when Mr. Murphy wrote you that Mr. Ethelbert Stewart was coming out there. That was from you as chairman of the executive board for the information of that office.

Mr. BOWERS. I will say that Mr. Murphy was a director.

Chairman WALSH. "Mr. Starr J. Murphy, 26 Broadway, New York."

Now, you kept track of the details and what the miners were doing in their own organization, did you not; how their convention was constituted, and such matters as that, at the time the strike was called?

Mr. BOWERS. Personally I did not keep track of it.

Chairman WALSH. But you gathered the information as chairman of the executive board and transmitted it?

Mr. BOWERS. Make it as broad as you wish; I wrote that letter and you can place the absolute responsibility on me for it, if you wish.

Chairman WALSH. What I am trying to inquire of you is, is it not a fact that you went so deeply into the minute of this subject so as to be able to tell 26 Broadway the constituent elements that were in the convention of the miners that called the strike?

Mr. BOWERS. Yes.

Chairman WALSH. Is that right? If it is there, it is all right?

Mr. BOWERS. Yes.

Chairman WALSH. Then I will just refer to it without going into the contents of the letter.

And, then, did you receive this letter of September 24, 1913, from Mr. Rockefeller:

"DEAR MR. BOWERS: Your letter of September 4, inclosing statement for the fiscal year, was forwarded to me at Seal Harbor and read with much interest. The showing which your company has made this year is very gratifying. We are glad to have the president and vice president of the company know of our appreciation of the work which they have done, and in which we know they have been so ably seconded by the loyal organization which they have built up.

"I have delayed acknowledging the report that I might have the opportunity of sending this personal word of appreciation.

"Very sincerely,

"JOHN D. ROCKEFELLER, Jr.

"Mr. L. M. BOWERS,
"*Colorado Fuel & Iron Co., Denver, Colo.*"

That was a date after the men went out on a strike; is that right?

Mr. BOWERS. The date of it?

Chairman WALSH. Yes.

Mr. BOWERS. I don't remember.

Chairman WALSH. They went out on September 23, 1913, and this letter is dated September 24, 1913.

Mr. BOWERS. I do not recall it at all.

Chairman WALSH. Now——

Mr. BOWERS (interrupting). Is that Mr. Rockefeller's letter?

Chairman WALSH. Yes.

Mr. BOWERS. Was that letter written the day after the beginning of the strike?

Chairman WALSH. Yes.

Mr. BOWERS. And written in reply to a letter I wrote him?

Chairman WALSH. Yes.

Mr. BOWERS. That was 20 days before the strike. He refers to my letter of September 4, 20 days before, inclosing statement for the fiscal year, which was forwarded to him at Seal Harbor, Me.

Chairman WALSH. And on September 24, 1913, he sent you that letter in reply. Now, your estimate of the number of men that went out on strike was 8,000, was it not?

Mr. BOWERS. I do not recall that I made an estimate. I may have.

Chairman WALSH. Sir?

Mr. BOWERS. I think, perhaps, I may. I think, probably, about 50 per cent of the men—not 8,000—out of our camp.

Chairman WALSH. No; from 40 to 60 per cent of all went out, and went to other places, or went to live in the canyons out there?

Mr. BOWERS. Yes.

Chairman WALSH. Did the large number of them that did that make an impression on you to the effect that they had some real grievance if they would leave their employment and go out to live in that manner?

Mr. BOWERS. I do not believe I can throw any light—you have so much testimony from men that know all about the matter. It would simply be an opinion of mine, and I do not think you would regard it as very valuable.

Chairman WALSH. Yes; I do regard it as exceedingly valuable, and we have asked the opinions of many people, and consider it in many cases of more importance than the testimony of those who had actual knowledge of the circumstances.

Were you advised as to what took place in that industry in 1903 and 1904? About that strike?

Mr. BOWERS. Yes. I never got into that.

Chairman WALSH. Don't you know that many of the men were deported?

Mr. BOWERS. No; I do not. If you will allow me to state——

Chairman WALSH. Certainly.

Mr. BOWERS. One of my first interviews with Mr. Welborn and the manager then, a man named Thompson, when I first went there was this, "Have you good reason to be objecting to the unions?" I asked about that and heard the reasons they gave me, good or bad. I said, "In many of the States coal miners are unionized," and, as I say, I inquired of them what reasons they had, and they gave me their reasons pro and con, and they went into the reasons and conditions up in northern Colorado. They told me about their terms and rules and that they were impossible.

Chairman WALSH. That was when you first went there?

Mr. BOWERS. That was when I first went there.

Chairman WALSH. What date was that?

Mr. BOWERS. That was when I became officially connected with them; that was in October, 1907.

Chairman WALSH. When did they organize the northern fields?

Mr. BOWERS. I think there has been union mines in operation for a good many years. I don't know about that.

Chairman WALSH. You were in favor of the governor, after you got him rounded up in your way, were you in favor of his sending people out of the State—ordering people to the State line and not to return?

Mr. BOWERS. That was a matter of administration that I could not pass on.

Chairman WALSH. Did you ask him to?

Mr. BOWERS. I never saw him in my life but once.

Chairman WALSH. Did you send word through any of your subofficers that you thought that was a good thing?

Mr. BOWERS. I had absolutely nothing to do with it or with any officer of the State or of the city of Denver or with the governor or anybody connected with him. I had no conversation with them in connection with it or expressed an opinion except in a private way.

Chairman WALSH. How did you get the bankers rounded up?

Mr. BOWERS. Not by myself.

Chairman WALSH. By whom?

Mr. BOWERS. I think the bankers themselves—I think I recall now that some bankers—I know they came into Mr. Welborn's office and I was invited across the hall, and I think one or two of them stated that they had been, or were going to see, the governor. I don't know the technical name they were called.

Chairman WALSH. Rounded up?

Mr. BOWERS. No; I don't mean that; but the technical name of this association, the bankers' association, or some such body, but they came to get information.

Chairman WALSH. They just rounded themselves up, as it were?

Mr. BOWERS. Yes, sir; they did. That was their own proposition, the same as the chamber of commerce. I don't think there was a man connected with the Colorado Fuel & Iron Co. that had anything to do with it directly.

Chairman WALSH. Who were your railroad friends that you referred to?

Mr. BOWERS. The men that we sell about 25,000 tons of rails to every month, and in that connection we sell rails from the Missouri River to the Pacific coast.

Chairman WALSH. The steel works of what company?

Mr. BOWERS. Of the Colorado Fuel & Iron Co. We intended to sell all of the rails from the Missouri River west, in all of those States, and we sold a great deal of coal to them.

Chairman WALSH. Who was the detective that you claim Mr. Hayes said, or heard say to some of the workers, "What are you hanging around Trinidad for; why don't you go out to the mines and give them hell?"

Mr. BOWERS. I expect I got it from the newspapers; I don't know.

Chairman WALSH. You said one of these men Hayes heard was one of the detectives? What detective was that?

Mr. BOWERS. I can not tell you; there were a large number employed by different operators.

Chairman WALSH. This was one of yours?

Mr. BOWERS. I should use that term detective.

Chairman WALSH. They had all joined together?

Mr. BOWERS. All in one group.

Chairman WALSH. You were a unit to fight the miners?

Mr. BOWERS. Not at all.

Chairman WALSH. To fight against what you call the dictation of the unions?

Mr. BOWERS. I would not assent to that for a second.

Chairman WALSH. They were united at least on the proposition that under no condition would they submit to what you called the dictation of the miners' union?

Mr. BOWERS. I don't know whether they were a unit or not, but I don't assent to that statement.

Chairman WALSH. Your letter of October 17 says that the coal operators were a unit and under no condition will they submit to dictation?

Mr. BOWERS. Well, they were practically a unit.

Chairman WALSH. And they would not accept the dictation of the miners' organization?

Mr. BOWERS. Not 12,000 by 1,200; no. Now, I want to repeat there, and I want it in the record, that if the matter had been reversed, and there were 12,000 union men, that I would have taken exactly the same position.

Chairman WALSH. In this individual case, there were some men, some interlopers, and some others that were trying to keep these independent workers from working?

Mr. BOWERS. I think so.

Chairman WALSH. But it did not apply to all unions, but simply this situation?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Did you write this to Mr. Rockefeller under date of November 22, 1913:

"From this unwise action on the part of labor leaders to force fully 90 per cent of these mines out of the open shop and into the union contrary to their wishes. They have so overreached the bounds of reason and common decency as to attract attention everywhere, and this is what is needed to awaken the men who have the good of the country at heart, to oppose and finally defeat unions of every sort from becoming dictators, to both employers and employees, with the hope that they will eventually control the affairs of the State and Nation."

That was the way you felt about it?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Fight them off?

Mr. BOWERS. No, sir; not at all. Now, I want to put it right in here, that I never raised my hand or voice or made any move in opposition to union labor.

Chairman WALSH. Not openly?

Mr. BOWERS. Not openly. I objected, and it was a serious proposition to me: there were 12,000 men not permitted to work by 1,200 others, and I say it was wrong and wicked and pernicious, and any union that will do that will hang themselves by their own rope. I say it was unwise, and I believe that a majority of the union men will say that it was unwise to do it. I never raised my voice against unions at all.

Chairman WALSH. And you thought on November 22, 1913, that it had come time for the people to awaken, and to oppose and defeat unions of every sort?

Mr. BOWERS. Yes, sir; against the will of the men themselves.

Chairman WALSH. What other unions did you refer to?

Mr. BOWERS. I don't care what unions they are, or what they belong to or who they are, they have perfect liberty, and I have never raised my voice against any man or labor organization in my life.

Chairman WALSH. Was it reported to you, for instance, in such a place as Sunrise, Wyo., that if a man belonged to a union they would tell the man to get out of the camp and go down the canyon?

Mr. BOWERS. What was that, please?

Chairman WALSH. Did you ascertain from some of these officers, like Mr. Welborn, that in a place like Sunrise that if a man belonged to a union he was told to go down the canyon, to get out of the camp?

Mr. BOWERS. I don't believe one single whisper of that statement. It was for some other reason. Any man that would do that I would discharge him in a minute.

Chairman WALSH. You would advise Mr. Rockefeller as a director to take that action?

Mr. BOWERS. No, sir; I would take it myself; he had nothing to do with it.

Chairman WALSH. Could you have discharged Mr. Welborn?

Mr. BOWERS. I think I could have made it pretty hot for him.

Chairman WALSH. And could you have discharged anybody that was up at Sunrise that was engaged in such practice?

Mr. BOWERS. I would not do it individually. We had an executive board to pass upon those matters; I was the chairman of the board. I had my voice in it and nothing more. The executive board passed upon those matters, and I had the same voice as any other man to do with it as a member of the board, but I will state now that I did a great deal less than any other member of that committee to influence their action, I think.

Chairman WALSH. So then you could not have made it hot for them or discharged them?

Mr. BOWERS. I certainly would.

Chairman WALSH. But you had so little chance.

Mr. BOWERS. I would get chance enough.

Chairman WALSH. Notwithstanding your last statement?

Mr. BOWERS. Exactly.

Chairman WALSH. How did you get the newspapers out there; how do you round up the newspapers?

Mr. BOWERS. I scarcely know a newspaper man in the State of Colorado.

Chairman WALSH. But you stated on November 18:

"Another mighty power has been rounded up in behalf of the operators by the gathering together of 14 of the editors of the most important newspapers in Denver, Pueblo, Trinidad, Walsenburg, Colorado Springs, and other of the larger places in the State."

Who rounded them up? How did you get them together?

Mr. BOWERS. As far as I know they rounded themselves up in the common cause to discuss the situation and see what should be done. I have got confidence enough and I believe in the honesty of newspaper men, and so forth, to have common sense and act for the common good, the same as any other human beings have, and they naturally would come together in the State of Colorado and see what ought to be done in such a deplorable condition, the same as I might or you might, or any other citizen in their position might.

Chairman WALSH. The Colorado Fuel & Iron Co., then, did not round them up and did not bring them together? They just acted as independent American citizens, feeling as you and I?

Mr. BOWERS. So far as I know, that is exactly what they did. I did not know they were rounded up until they had rounded themselves up and passed resolutions—I did not know they were there.

Chairman WALSH. Mr. Northcutt was the editor of a newspaper?

Mr. BOWERS. I don't know.

Chairman WALSH. The owner of a newspaper?

Mr. BOWER. I don't know.

Chairman WALSH. On November 22 you stated that the "officials representing the United Mine Workers of America were all hunting for a hole, however insignificant, through which they can crawl without disgracing themselves before the membership in their failure to make the coal miners' strike general and cause a complete tie-up." That was your opinion, was it?

Mr. BOWERS. Would you like to have me state where I got that opinion?

Chairman WALSH. Was it your opinion, first?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And where did you gather it?

Mr. BOWERS. What is the date of that?

Chairman WALSH. November 22, 1913.

Mr. BOWERS. I will pass that, if you please.

Chairman WALSH. You will pass that?

Mr. BOWERS. Yes.

Chairman WALSH. You remember that letter? We have referred to that before. You say here that these men just rounded themselves up and that you had nothing to do with it. Perhaps you recall your letter of the 22d of December, after that, don't you, when you say, "We used every possible effort to

drive him, the governor, into action, but he was hand in glove with the labor leaders and is to-day; but the big men of affairs have helped the operators in whipping the agitators, including the governor"?

Mr. BOWERS. Yes.

Chairman WALSH. You used that language?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And you did cooperate—big men of affairs did cooperate with your company in whipping the agitators, including the governor?

Mr. BOWERS. I am not speaking of myself individually; but I am speaking now broadly of all the coal operators.

Chairman WALSH. Well, that included your company, of course? It says "we."

Mr. BOWERS. Well, you understand that.

Chairman WALSH. Well, I understand it to have included your company?

Mr. BOWERS. Sure.

Chairman WALSH. Excuse me a moment, please; I may have finished. There may be a point or two come up later.

Mr. BOWERS. Yes.

Chairman WALSH. Commissioner Weinstock would like to ask you.

Commissioner WEINSTOCK. The question was put to you some time ago, Mr. Bowers, as to whether your company and the sheriff, Jeff Farr, were associated together. I did not quite understand your answer. Will you explain whether they were or were not associated together, and if they were associated together, how and when?

Mr. BOWERS. They were not associated with me, if I represent the company. I have no belief that after October 20, 1907, the Colorado Fuel & Iron Co. had any association, politically or otherwise, with Jeff Farr, excepting officially.

Commissioner WEINSTOCK. Had no association with Jeff Farr after 1907?

Mr. BOWERS. After October 20, 1907, the day of my election to that position.

Commissioner WEINSTOCK. That is eight years ago?

Mr. BOWERS. Eight years ago.

Commissioner WEINSTOCK. You say you had no association with him except officially. Will you be kind enough to explain in what way you were associated with him officially?

Mr. BOWERS. I don't know that we were. If we had any papers to serve, as sheriff of that county we were compelled, of course, to employ him.

Commissioner WEINSTOCK. Did you or any representatives of your company render any support or any aid in his political campaigns?

Mr. BOWERS. After that date?

Commissioner WEINSTOCK. Yes.

Mr. BOWERS. Not a penny.

Commissioner WEINSTOCK. Did you in any way—you made no contribution to his campaign?

Mr. BOWERS. Never a nickel been given by the Colorado Fuel & Iron Co. for political purposes since the 20th day of October, 1907; not one nickel.

Commissioner WEINSTOCK. Did you or your associates endeavor, directly or indirectly, to influence any of the employees to vote for him?

Mr. BOWERS. Not that I know of.

Commissioner WEINSTOCK. Did you regard him as a lick-spittle of your company?

Mr. BOWERS. Well, I would myself—if you will let me explain that—I wish you would let me do so right here—make a little explanation.

Commissioner WEINSTOCK. Surely.

Mr. BOWERS. Back years ago—now, I will clear this up, or throw a little bit of light on this Jeff Farr position for you. Back in the early days—I will say years ago, 10 or 12 or 15 or 16 or 18 years ago, they had an official of the company there whose idea of conducting coal camps and dealing with the foreign population there was that he must have saloons and a lot of them. He made the saloon question the very center of—an employment bureau, as to speak, and he built up saloons and mixed the company all up with them—built buildings and cooperated with Jeff Farr and others—or I won't say Jeff Farr, but with others—to open saloons, and he made the saloon business, as I say, the very center; and Jeff Farr, as I understand, became a partner, as stated in some of my letters which you may have read, in 16 saloons in the county. Well, they may not have been all in that county, but they are in that community; and he had a wholesale liquor store. Now, not only Jeff Farr, but the whole system was a saloon system in there for the one purpose to conduct the politics and

control those counties. Now, they were not all made up by the C. F. & I. Co., but they were all made up in harmony with this man now dead; I am sorry to have to refer to him, but it was a most pernicious and damnable precedent. Now, I say this on my own account. They built up a system, as Attorney General Farrar says, that is second only to Tammany Hall, and I say you can not budge it. They control every man that is put up for office there, and they do it to-day, and they did at the last election. I am not dodging a single thing on that point; what we did, or what I did. The only thing we saw that would down that kind of political management was to prohibit the saloons and clean the whole thing up, and I worked to that end with all my time and power, and every other man connected with the C. F. & I., to make Colorado a dry State and to clean up that combination of rotten men and the whole thing, saloons and all, by State prohibition.

Commissioner WEINSTOCK. Are we to understand then, Mr. Bowers, that you, as an individual, and as representing the company, of which you were the head, condemned that policy and that condition, and did all you could to uproot it?

Mr. BOWERS. Well, now, I have been accused of using pretty vigorous language in my letters. I should imagine the chairman over there was from across the water, and my ancestors were, too, which may account for it.

Chairman WALSH. I am from Missouri, locally. My ancestors——

Mr. BOWERS (interrupting). Well, I will try to show you.

Chairman WALSH. Do.

Mr. BOWERS. Those facts; and my notion of that sort of thing is so utterly contrary to that factor in political life that I thought it my duty, so I didn't hesitate at all. I turned out 150 men, out of my offices, and saw to it that they got out and worked for the going dry of the State, and turned out everybody I could; but the Colorado Fuel & Iron Co. didn't pay one nickel, though, for that business—not a nickel. Some of us chipped in from our own pockets and helped carry it along.

Commissioner WEINSTOCK. It has been brought out in the testimony that the operators, I think, collectively, issued bulletins at regular intervals that were widely distributed, seemingly for the purpose of influencing public opinion. Now, did the strikers, as far as you know, likewise issue bulletins——

Mr. BOWERS (interrupting). The leaders of the strike.

Commissioner WEINSTOCK (continuing). Also for the purpose of influencing public opinion?

Mr. BOWERS. They did; and they came out in the same type, in the same paper, and in the same style, everything. The bulletins sent out by the strike leaders had the same outside features, so that when one got a bulletin he did not know whether it was from the Colorado Fuel & Iron Co., or Mr. Lee, or sent out collectively, or came from the other side. Exactly the same; counterfeits, you might say.

Commissioner WEINSTOCK. This method, then, of endeavoring to influence public opinion through the medium of bulletins having wide circulation was not confined to one side?

Mr. BOWERS. Not at all.

Commissioner WEINSTOCK. But were employed by both sides?

Mr. BOWERS. By both sides.

Commissioner WEINSTOCK. Both sides believing it legitimate and a fair way of getting their side of the story before the public?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. It has also been brought out in the testimony that the operators exercised every privilege and every influence at their command to get the governor of Colorado, and through him, the President of the United States, to think and see things their way, in order to influence public opinion in their favor.

Mr. BOWERS. Yes.

Commissioner WEINSTOCK. Did the strikers likewise endeavor to influence the governor, and through him public opinion, to see things their way?

Mr. BOWERS. My opinion is that they did, and very thoroughly.

Commissioner WEINSTOCK. Then that method was not confined to one side, but indulged in by both sides?

Mr. BOWERS. I think so.

Commissioner WEINSTOCK. You had no monopoly of it on your side?

Mr. BOWERS. I think not.

Commissioner WEINSTOCK. Are you aware of the fact, Mr. Bowers, that the testimony shows that ex-United States Senator Patterson, of Colorado, a man

who stands very high and who has a great deal of influence and many followers, and whose sympathies were with the strikers, used his great influence with the governor of Colorado in favor of the strikers' position?

Mr. Bowman. His partner was representing or was attorney for the strikers, Mr. Hawkins, the partner—and had been for a great many years—of Senator Patterson.

Commissioner Weinstock. You are familiar then with the phase of the testimony that Senator Patterson used his influence with the governor to have him act in favor of the strikers' position?

Mr. Bowman. Yes.

Chairman Walsh. There are only a few minutes left, and Mr. Weinstock wants to go to a new line of questions, and will not be able to finish, and we will take a recess until 2 o'clock.

Mr. Bowman. Or, half past 1, if you like.

Commissioner Weinstock. Well, say, 2 o'clock.

Chairman Walsh. Yes; 2 o'clock; that is our regular time.

Mr. Bowman. I should appreciate it very much getting away by 3 o'clock.

Commissioner Weinstock. What time does your train leave?

Mr. Bowman. I would like to get away at 2 or 4 o'clock.

Commissioner Weinstock. Better make it 4 o'clock, and I will try to get through with you by that time.

(Thereupon, at 12.30 o'clock, Monday, May 24, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF REV. EUGENE S. GADDIS—Recalled.

Chairman Walsh. I want to read in the record here two telegrams that were submitted to me by Mr. Rockefeller, being the same two telegrams that were submitted to you by Mr. Manly. One is dated May 21, 1915, from Denver, Colo., at 9.55 a. m. [Reading:]

STARR J. MURPHY,
Care New Willard Hotel, Washington, D. C.:

Press reports show charge made yesterday that Wilson, one of jurors in Lawson case and traveling salesman for National Biscuit Co., has exclusive selling arrangement with our stores for products of his company. Neither National Biscuit Co. nor any other company has exclusive selling privileges in our mining camps. During past year but 21 per cent of our purchases of goods of class manufactured by National Biscuit Co. were made from that concern.

J. F. WELBORN.

The other telegram being from Trinidad, Colo., 4.55 p. m.:

JOHN D. ROCKEFELLER, Jr.,
Care New Willard Hotel, Washington, D. C.:

I read in newspapers statement made by Mr. Welch using my name, all of which is absolutely false. Should Gaddis testify that I stated I had exclusive privileges in coal camps to sell National Biscuit Co.'s goods he will commit perjury. If he simply makes the statement to that effect, it is a villainous lie.

W. W. WILSON.

Those two telegrams were submitted to you by Mr. Manly at my request.

Dr. Gaddis. Yes, sir.

Chairman Walsh. Now, I want to give you an opportunity to make any comment upon the same that you may have to make.

Dr. Gaddis. As to the Mr. Welborn letter, first, we will take that up first. Mr. Welborn made the statement that the Colorado Fuel & Iron Co. have permitted no exclusive privileges in their camp stores——

Chairman Walsh. In the mining camps?

Dr. Gaddis. Yes, sir. I can not see what that has to do with the impression and knowledge of the conversation that was had with me that made that impression upon me, which I will give. I am personally of the opinion, from observation, I was of the impression, and I am still, that there were such exclusive privileges. There was a young man in Trinidad that was constantly going to the C. F. & I. camps taking orders for gentlemen's clothes. I never

saw any other firm represented in the camps. I knew this man very well. I was traveling in the camps all of the time, and I think if there had been such a representative I would have known it. Furthermore, on one occasion in Trinidad I overheard a conversation, which was not intended for me, which confirmed the impression I had that he had the exclusive privilege for selling clothes to the mines.

In regard to another part of Mr. Welborn's message, he says during the past year but 21 per cent of their goods were purchased—of goods of class manufactured by the National Biscuit Co.—from that concern. Now, I believe it is well known that they have a chain, I think, of 22 retail stores and two wholesale stores. The wholesale stores are located in Pueblo and Trinidad and do a very large business outside of the C. F. & I. camps. They can not hold their business without they carry other lines of goods manufactured by other companies making crackers and cakes. Mr. Welborn's low percentage base of 21 per cent, I infer, is computed on the basis of all the sales purchased from other companies through this wholesale department, because this wholesale department would very greatly pull down the percentage of goods put into the C. F. & I. camps by the National. In regard to further impressions that I had made upon me in going into the C. F. & I. camps, I have noticed that the National Biscuit Co. has their products on display in every store very conspicuously, and that helped to confirm me in what I said the other day. Taking Mr. Welborn's words on their face, 21 per cent of the business of 22 wholesale stores, in volume, for one year is simply enormous; would be simply enormous in its aggregate, and when I come to Mr. Wilson's telegram I will refer to that later in regard to how he had easy access there without having to urge the men to buy the goods. Now, Mr. Wilson, again, to just speak of him, this would naturally come under his message, but I have it under Mr. Welborn's. Mr. Wilson is known throughout that country as a company man. I meet him constantly on the trains. He is with the operators and is known as a man lining up with them in this struggle. He is a man that I met a number of times in different places, and from my impression of him I am very frank to say to you that I do not believe that he is a big enough man to have had this privilege that he held from the C. F. & I. and give an unbiased testimony in a case of life and death. There is another point, Mr. Chairman——

Chairman WALSH. He was a juryman, as I understand it, in the Lawson case.

Dr. GARDIS. Did I say testimony?

Chairman WALSH. Yes, sir.

Dr. GARDIS. I should say his attitude on the jury.

Another thing about Mr. Wilson, he is a man of very considerable natural parts. I don't know who the foreman of that jury was, but if I knew the inside of it, I am perfectly satisfied to tell you and this commission, that he was very much active in his attitude, whatever attitude it was. There is a point that I think should not be overlooked in regard to this message of Mr. Wilson. My testimony to you, as the chairman and a representative of a Government commission, I made my testimony to the commission and to you as chairman, but Mr. Wilson comments on it and sends his message to John D. Rockefeller, jr. Now, in regard to Mr. Wilson, while the conversation referred to the other day took place—as I remember it now, and I am quite sure I am correct—on a Colorado Southern train about the middle of January, Mr. Wilson and myself were traveling from Pueblo to Trinidad. To just fix the case, we were traveling for several hours together and talking about a number of things. He mentioned purchasing a Navajo blanket at a very cheap price in Pueblo. The general manager of a very large coal company, or the general manager of the stores of a very large coal company, boarded the train at Pueblo. Mr. Wilson said he had purchased some of the wooden dummy guns from the strikers and was going to keep them as souvenirs, and he left them there, and this gentleman brought those wooden guns onto the train and sat down with us. We knew each other quite well, and the third party that I have referred to was one of the best friends I had in Colorado. I knew him quite well and was on quite intimate terms with him. In the course of the conversation—this was my impression and my recollection—that he said, "I go into the C. F. & I. camps to sell my goods, but this man will not let me into his camp," and he said it in tones and looks in referring to this manager as if he had the power right there to say that he would let him go in or would not. He was reticent and made no reply, and I inferred from that, and I think it was a natural deduction, that Mr. Wilson had the privilege of the C. F. & I. Co. for the sale

of goods, which this man would not grant him, and in that regard it was a special privilege.

Now, you will notice here, Mr. Chairman, that Mr. Wilson does not deny in his testimony—in his wire—that he has the exclusive privilege of the sale of goods in the C. F. & I. camps. We may read that between the lines, but when he calls a man a villainous liar, it seems to me he ought to state specifically what he means. He simply says he has not the privilege of the sale of goods in the coal camps. He does not say the C. F. & I. camps. As soon as I read this statement of Mr. Wilson—I was in Phoenix, Ariz., and read it in the morning press dispatches—and I said to myself, "W. W. Wilson is 'Bill' Wilson." The statement that I read in the paper was that W. W. Wilson, traveling salesman—it gave all the names of the jurors and gave W. W. Wilson, traveling salesman, not of the National Biscuit Co., but traveling salesman of Trinidad. Now, Trinidad is a small place of ten or twelve thousand people and I have been there long enough to get acquainted, and I never hear of any other W. W. Wilson in Trinidad. I said to myself, "That is Bill Wilson." And never having had occasion to think of the conversation before, I said that man told me on the train he had exclusive rights; and having my own impressions of the way things had been going on in Colorado, and are going on, and will go on until something stops them that has not yet been effectual, I said to myself, "That man represented the company, evidently, on this jury." I sat right down and wrote the attorney, Mr. Clark, of Trinidad, my impressions.

That is my statement, Mr. Chairman.

Commissioner WEINSTOCK. Yes. I would like to ask him a few questions.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. You will observe, Mr. Gaddis, that Mr. Welborn is very specific in his message. He says, "Press reports show the charge made yesterday that Wilson, one of the jurors in the Lawson case and traveling salesman for the National Biscuit Co., has exclusive selling arrangements with our stores." That is quite specific. That don't mean coal mines generally; that means stores of the Colorado Fuel & Iron Co.?

Dr. GADDIS. Yes; I understand that.

Commissioner WEINSTOCK (reading.) "Neither the National Biscuit Co. nor any other company has exclusive selling privileges in our mining camps."

Dr. GADDIS. I think it is a mistake.

Commissioner WEINSTOCK (reading). "During the past year only 21 per cent of the purchases of goods of the class manufactured by the National Biscuit Co. were made from that concern."

Mr. Wilson says: "I read in the newspapers a statement made by Mr. Walsh, using my name, all of which is absolutely false. Should Gaddis testify that I stated that I had exclusive privilege in the coal camps to sell National Biscuit Co. goods he will commit perjury."

He makes it still broader; from his statement it is clear that he not only has no exclusive privilege in the stores of the Colorado Fuel & Iron Co., but he has no exclusive privilege in any of the coal camps.

Now, speaking for myself, Mr. Gaddis, I have never heard a whisper against the truthfulness or the integrity of either Mr. Wilson or Mr. Welborn. Now, would you have this commission then accept your impressions pure and simple with not an iota of evidence of what would be called real evidence behind them? Would you have us accept your impressions as facts against the positive denial and clear statement of these two gentlemen?

Dr. GADDIS. That is for the commission to decide; not me.

Commissioner WEINSTOCK. I simply ask you whether you expect us to accept your impressions as against their positive statements?

Dr. GADDIS. I do not think I am called upon to say. It would be ridiculously presumptuous for me to say what I expect this commission to do.

Commissioner WEINSTOCK. Then what is the need for you to come here and explain unless you expect us to accept your impression?

Dr. GADDIS. I am giving you my positive impressions of facts as they came—as I recollect them, in this record.

Commissioner WEINSTOCK. Then they are just impressions?

Dr. GADDIS. They are my knowledge and recollection of the transactions and incidents that I have recited here twice on this stand, to the best of my knowledge.

Commissioner WEINSTOCK. And that is all they are?

Dr. GARDNER. And that is all they are. I don't see how they could be anything else, if I am an honest man.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. That is, you gave your best recollection of the facts, and this man, by wire, undertook to this commission to call you a liar? This was submitted to you, and you came back with this further comment? You were asked to come and you asked me to read this in the record?

Dr. GARDNER. I did. I asked you at the close of the morning session—I did not know it was your intention to bring it up. I knew you had those telegrams. I said I thought they ought to be read into the record, if you remember that, Mr. Walsh; I wanted them presented.

Chairman WALSH. That is all.

Mr. Bowers.

TESTIMONY OF MR. L. M. BOWERS—Recalled.

Chairman WALSH. Mr. Bowers, when we adjourned, Mr. Commissioner Weinstock was questioning you, and he may now finish.

Commissioner WEINSTOCK. The last several questions, Mr. Bowers, that were put to you were in relation to Sheriff Farr, if you remember. Let's make sure that we understand your statement in connection with Sheriff Farr. The impression that your answers left on my mind was this, that up to 1907 the Colorado Fuel & Iron Co., in common with other coal companies in Colorado, worked jointly with Sheriff Farr with a view to controlling the political situation in that part of Colorado?

Mr. BOWERS. Yes.

Commissioner WEINSTOCK. They did it openly and aboveboard and it was notorious?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. And they did rob the voters of their political freedom——

Mr. BOWERS. I could not use that expression "rob;" but my impression is that they were political wirepullers and unscrupulous politicians and did through the influence of the saloons control the politics.

Commissioner WEINSTOCK. When you came into power, as I understood, you heartily disapproved of and condemned that policy?

Mr. BOWERS. I did.

Commissioner WEINSTOCK. And did all in your power to wipe it out?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. And through the influence of the saloons, you were unable to wipe it out, but you did minimize it?

Mr. BOWERS. Yes; some.

Commissioner WEINSTOCK. And your impression is that the only way it can ever be wiped out is through wiping out the saloons?

Mr. BOWERS. State legislation working effectively with all the machinery of the Government there can wipe it out; that is the only thing.

Commissioner WEINSTOCK. And as an evidence of your good faith and the good faith of your company in earnestly endeavoring to wipe out this political bossism, you did all that was possible for you to do as a citizen and a representative of a large industry to have prohibition carry in Colorado in order that the saloon might be wiped out, and that with it the political boss might be wiped out?

Mr. BOWERS. I did.

Commissioner WEINSTOCK. And were those efforts successful?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. And prohibition carried in Colorado?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. And as soon as it goes into force, is it your opinion that political bossism will have reached an end in Colorado, so far as the saloon helps to maintain political bossism?

Mr. BOWERS. I think the citizens of Colorado are an exceptional group of people; a great many people go there on account of their health, and so forth, and there is an exceptional condition from that class. I think public sentiment, the vote and everything, will effectually wipe out the saloons, as can be done, I know. And with the saloon wiped out, Jeff Farr and all that clique will be cleaned up.

Commissioner WEINSTOCK. There was some time spent this morning also, Mr. Bowers, in discussing such terms as giving the officeholders—the officials—a

spanking, and then giving them candy. Now, I want to make sure I got your thought and spirit. Are we to understand by the expression that the giving of officeholders a spanking when they did not do as you wanted them to do, and giving them candy when they did do as you wanted them to do, meant that you would justify resorting to illegal or immoral or improper and unholy means to influence and control public officials when they did not want to do your bidding, and to compensate and reward them when they did do unholy, unrighteous, and illegal things, or are we to understand from what you said that you believe when public officials were derelict in their duties or did not perform their duties that you felt warranted to bring to bear on them the strongest possible public opinion in order that you might get them to perform their duties, if that influence should be needed?

Mr. BOWERS. Precisely.

Commissioner WEINSTOCK. That is the thought you intended to convey?

Mr. BOWERS. Precisely that.

Commissioner WEINSTOCK. The report published—the report of the military board, consisting of Edward J. Boughton, major Second Infantry, and judge advocate; W. C. Danks, captain, First Infantry; and Philip van Cise, captain, First Infantry, and I understand this commission was appointed by the governor; was it the governor or Gen. Chase?

Chairman WALSH. Gen. Chase appointed that commission.

Commissioner WEINSTOCK. Appointed by Gen. Chase, brigadier general, commanding the military district of Colorado, to investigate into the Ludlow troubles. This report was quoted this morning, and as I remember the quotation it was that part of it which reads as follows:

"During the rescuing and afterwards the tent colony was invaded by the soldiers and mine guards for quite a different purpose. By this time the uniformed guardsmen had been joined by large numbers of men in civilian attire, part of whom were from Troop A and part of them mine guards, all unknown to the uniformed soldiers and their officers and all unused and unamenable to discipline.

"By this time, the time of the burning of the tents, the nondescript number of men had passed out of their officers' control, had ceased to be any army, and had become a mob. Doubtless all were seeing red on both sides of the conflict.

"This may account for the insane shooting by the strikers during the rescue of their women and children, and it may also account for what happened in the tents.

"We find that the tents were not all of them destroyed by accidental fire. Men and soldiers swarmed into the colony and deliberately assisted the conflagration by spreading the fire from tent to tent.

"Beyond a doubt, it was seen to intentionally that the fire should destroy the whole of the colony. This, too, was accompanied by the usual loot.

"Men and soldiers seized and took from the tents whatever appealed to their fancy of the moment. In this way clothes, bedding, articles of jewelry, bicycles, tools, and utensils were taken from the tents and conveyed away.

"So deliberately was this burning and looting that we find that cans of oil found in the tents were poured upon them and the tents lit with matches."

This was quoted, I assume, because this report is regarded as authentic and reliable.

Chairman Walsh calls my attention to the fact that what you did quote is the paragraph I am now about to read:

"A troop of National Guards was enlisted about the middle of April among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps."

"This unit of the National Guard was designated 'Troop A,' but so recently was it recruited that at the time of the Battle of Ludlow it had not yet selected its officers nor were they supplied with uniforms, arms, or ammunition."

I take it that this quotation was offered because the report is regarded as a reliable and dependable and fair report. Now, were you on the ground at that time, Mr. Bowers?

Mr. BOWERS. I was in Denver. What date was that?

Commissioner WEINSTOCK. I am not speaking about the date of the report, but the date the trouble took place; were you in Colorado at that time?

Mr. BOWERS. Yes.

Commissioner WEINSTOCK. And were you in touch with all that happened, more or less?

Mr. BOWERS. Somewhat.

Commissioner WEINSTOCK. What comments have you to make on that part of the report? Have you any facts at your command from which you could either dispute what appears in this report or corroborate it; the first part of the report is [reading]:

"The fire in the tent colony was accidental; that is to say, it was due either to an overturned stove, an explosion of some sort, or by the concentrated fire directed at one time against some of the tents. The fire began in the corner nearest the crossroads and afterwards it was deliberately spread by the combatants. During the fire the soldiers, upon learning that women and children were still in the colony, went through the tents, calling upon all the persons in the colony to come forth, and with difficulty rescuing men, women, and children to the number of some 25 or 30, including one William Snyder and his family. Then the tents were fired."

Have you any comment to make on that?

Mr. BOWERS. None at all.

Commissioner WEINSTOCK. Here is a previous paragraph, which I overlooked; this report goes on to say [reading]:

"The immediate cause of the battle was an attack upon the soldiers by the Greek inhabitants of the tent colony who misinterpreted a movement of troops on a neighboring hill. Thereupon the Greeks filed out of the colony to a railroad cut, and soon afterwards fired the first shots of the battle against the soldiers."

Have you any comment to make on that?

Mr. BOWERS. I think that is the impression; there are so many witnesses on both sides, with conflicting testimony on both sides, that it would be a very great task to get at the exact facts; one side will have one idea, and the other side another.

Commissioner WEINSTOCK. At a later period this occurs in the report [reading]:

"After the fire started it was several minutes before the men on Water Tank Hill were directed to return to it. The enlisted men in this position we had still resentful against their officers for withholding their fire so long."

Have you any comment to make on that?

Mr. BOWERS. No.

Commissioner WEINSTOCK. Later it says [reading]:

"Just before dark this was accomplished, and Martin was discovered dead and mutilated."

Martin was a member of the National Guard.

"He had been shot through the mouth. Powder stains evidencing that the gun was held against his lips. His head had been caved in and his brains had exuded to the ground. His arms had been broken. In such a way does the savage blood lust of this southern European peasantry find expression.

"As we prepare this report, Canor Lester is deliberately slain at Walsenburg while attending the wounded under the protection of the Red Cross of Geneva, recognized as inviolable by civilized men the world over. It is shocking to think of our Colorado youth defending their State and exposed to practices of savagery unheard of, save in the half-believed tales of the Sicilian Camorra."

Have you any comment to make on that?

Mr. BOWERS. No.

Commissioner WEINSTOCK. Later it says [reading]:

"It was then that Maj. Hamrock tested his range with the machine guns on Water Tank Hill and sent them directly into the first tents of the colony itself; at the same time the strikers' fire drew a return from all combatants into the same tent. It was this concentrated fire upon the nearest tents at the southwest corner of the colony that set them on fire.

"It could not be supposed that any women, children, or other noncombatants remained in the colony itself. The women and children had been seen departing early in the morning, and it was impossible to believe that the strikers would draw the fire of their opponents from all sides into the colony if any women and children remained therein.

"Shortly after the fire started the detonation of some high explosive, like some giant powder, or dynamite, was both heard and seen. From one of its tents a shower of its contents could be seen rising high in the air, emitting a blaze of fire.

"As one tent caught after another, several other explosions occurred. During this time some of the men, having nearly reached the tent colony, heard the

screams of the women, and called to men, whom they saw firing between the tents, to get their women out. The only words were 'You go to hell,' spoken with a foreign accent and accompanied by a rain of shot. The men in the colony being driven back, and the presence of the women being thus known, Capt. Carson, Lieut. Linderfelt, other officers and men made a dash in among the burning tents for the purpose of rescuing the women and children.

"At first they took several women from the tents—some of which were on fire and some not—then they discovered some subterranean pits beneath many of the tents and that some of them were stored with human occupants. The rescue work was most difficult as the women refused to accompany the soldiers and even fought against being taken away.

"They said afterwards that they believed the soldiers would kill them. They had to be dragged to places of safety. When the pits were discovered the difficulty of getting out the women and children was increased.

"Lieut. Linderfelt took a woman from one tent who could not speak English, but who made him understand that he must return. She went back with him and indicated one of these holes in the ground, from which the lieutenant took two little children just in the nick of time. He stalked from the colony with these children in his arms.

"Capt. Carson relates that when he was in an apparently open-floored tent he heard the crying or whining of something living beneath. He had to chop away the floor, which was nailed down upon these people, in order to get them out.

"These holes were so constructed as to conceal their presence, and the openings to them were usually hidden by the bed or some article of furniture being placed above them. During the whole time that this rescue work was going forward the colony was under fire from the arroyo, so that not only did the officers and men have to contend with the fire and with the reluctance of the deluded people they were rescuing, but they were taking the greatest chances of destruction by making targets of themselves in the light of the burning tents.

"We find that the work of rescuing these women and children, to the number of some 25 or 30, by Lieut. Linderfelt, Capt. Carson, and the squads at their command, was under all circumstances truly heroic, and must stand out boldly in contradistinction to the abandonment of the helpless women and children by their own people and the subsequent efforts to kill their rescuers, regardless of the safety of the rescued."

Have you any comment to make on that?

Mr. BOWERS. I don't just gather, Mr. Weinstock, what you mean by "making comment"; comment on the truthfulness of it?

Chairman WALSH. He just wants that in the record.

Mr. BOWERS. Truthfulness of the statements or what?

Commissioner WEINSTOCK. Well, you may want to add to some of the statements that are made here.

Mr. BOWERS. No, sir; I don't want to add anything to the Ludlow matter. You have evidence on both sides by the volume and volume. It was a sickening, infernal piece of work. I have no comment to make except I wish I could forget everything about it and see that justice was done to everybody, whoever it was.

Commissioner WEINSTOCK. Here is the final statement of the committee [reading]:

"We do not presume even to hint where the ultimate responsibility lies in the present strike. It may be that the coal operators or the union are wholly to blame for the conditions that have made such results possible. It may be that both sides are partly at fault. The conditions having been brought about and being actually existant, whatever the cause, we feel that for treason and rebellion against organized society with the horrible consequences of anarchy that followed, certain union leaders must take the responsibility before man and God."

"Respectfully submitted.

"EDWARD J. BOUGHTON,
"*Major Second Infantry and Judge Advocate.*
"W. C. DANKS,
"*Captain First Infantry.*
"PHILIP VAN CISE,
"*Captain First Infantry.*"

Have you any comment that you care to make on that, Mr. Bowers?

Mr. BOWERS. Only early in this inquiry a question by the chairman that in my judgment that they would have escaped anything of that kind, nothing of that kind would have happened if we had had a governor and associates there, whoever was to blame for whatever did happen, if they would have seen they were protected. That is all the comment I have to make. It was war with the hatred and bitterness and all the vast complications that enter into it when you have 20 or 30 nationalities together and many can not speak English and don't understand the directions and they get to be a mob, and in that condition they are almost irresponsible, almost insane, when they get to fighting. I don't know what I would have done or where to have shot. I think I would have run if I had been there.

Commissioner WEINSTOCK. Were you present, Mr. Bowers, when I questioned Mr. Rockefeller Saturday afternoon?

Mr. BOWERS. Part of the afternoon.

Commissioner WEINSTOCK. And you heard when I questioned him?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. Did you hear my preliminary statement to Mr. Rockefeller?

Mr. BOWERS. I was in here about a half an hour.

Commissioner WEINSTOCK. You remember my reading a statement to him and inviting answer to certain specific charges?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. Are you familiar with that statement and the charges?

Mr. BOWERS. If it was repeated to me.

Commissioner WEINSTOCK. It is brief, and I might read it to you and refresh your memory [reading]:

"Now, this is my statement, and before proceeding with my questions I want briefly to review the situation as I see it. This commission sat between 25 and 30 days in actual hearing, including the time spent in Denver, New York, and Washington, D. C., investigating the Colorado coal strikes and endeavoring to find the underlying causes and to locate the responsibility for the great loss of life and property in that Commonwealth. The cost to the Nation for such Colorado investigations through this commission, I should say, has been much over $10,000. There has accumulated a great mass of testimony, much of it more or less unavoidably nonessential to the vital point at issue.

"What I have been able to get out of it all is that the strikers and their sympathisers make these three specific charges:

"(*a*) That at no time after the strike could they get a hearing at the hands of the operators.

"(*b*) That the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers.

"(*c*) That the operators, through their agents, were the first to resort to violence and that all the violence which followed was defensive on the part of the strikers and not offensive.

"If these three charges have been established, then it must be plain that the responsibility for the unfortunate happenings in Colorado must clearly be laid at the door of the operators and the strikers are entitled to all support and sympathy of the American people.

"Despite the volumes of testimony that have accumulated in the hands of the commission in this case, much of it is so befogged and so beclouded, the contradictions are so pronounced, there is so much evidence of bitterness and ill will on both sides of the controversy, that the impartial fair-minded investigator, such as I hope I am, finds himself in a mental maze and more or less at sea.

"Speaking for myself, I have entered this Colorado investigation without any preconceived judgment or prejudice. Not any of the participants on either side were known to me. I, for one, have absolutely no object other than to find the truth, whatever the truth may be, and, speaking for this commission as a whole, it is neither for nor against any witness. It is for the facts, whatever the facts may be.

"It is in this spirit, and this spirit alone then, that, in order to crystallize the issues and reduce them to their prime essentials I ask you specifically to make whatever answer you are able to make to the three foregoing charges.

"If you can show that an opportunity was afforded the strikers at some stage of the dispute to get a hearing in the presence of the representatives of

the operators; if you can show that the strikers had not exhausted their constitutional rights to get justice before resorting to violence; if you can show that the strikers, and not the operators or the authorities, were the first to commit acts of violence in defiance of law, then these three charges made against the operators must, to my mind, fall to the ground and the burden of responsibility for all the consequential casualties and loss of property must then, as I see it, be placed at the door of the strikers."

Now, being on the ground, Mr. Bowers, and fully familiar with the conditions, are you in a position to answer those three specific charges?

Mr. Bowers. Will you please read the first one?

Commissioner WEINSTOCK. First, "That at no time after the strike could they get a hearing at the hands of the operators."

Mr. Bowers. That is not correct.

Commissioner WEINSTOCK. What are the facts?

Mr. Bowers. Secretary of Labor Wilson, when he was in Denver, had, I think, several interviews with the operators, both sides, and an agreement was reached, largely, I think, through the efforts of Secretary Wilson, to have a conference with three operators and three of the striking miners. I don't know whether they were union men or not, but that conference was held. It began, as I recall, in the forenoon——

Commissioner WEINSTOCK. Were you present?

Mr. Bowers. No. Just the six, with the governor and Secretary of Labor Wilson. It was held, and, I think, closed after midnight the next morning. The agreement was a proposition made, I take it, and it was the governor's proposition, approved by Secretary Wilson, which was agreed to by the representatives of the operators. The striking miners declined to sign the agreement. That was an opportunity to reach a solution, I will state, as I understand it, that it had been stated to the operators' committee by Secretary Wilson and the governor that if all those points were conceded by the operators, excepting the recognition of the union, it would be agreed to by all concerned, and the disturbance ended. That is as I understand it.

Commissioner WEINSTOCK. Your contention is that it is not true that after the strike the strikers could not get a hearing at the hands of the operators?

Mr. Bowers. It is not.

Commissioner WEINSTOCK. And the second is that the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers?

Mr. Bowers. I would hate to think that for a minute, in the great State of Colorado. I sincerely doubt the accuracy of it. Certain petty officers, and some of the large ones, might have been so lopsided and biased as not to give fair hearing, but I would not want to assent to that statement. I think there were courts open above suspicion, with the highest character of men as judges, in many of the counties. I certainly would not want to charge a man like Attorney General Farrar——

Commissioner WEINSTOCK. He was the attorney general?

Mr. Bowers. Yes, sir. Either that he would refuse to listen to the appeals of any citizen of Colorado, miners or operators or anybody. I would not want to think that.

Commissioner WEINSTOCK. The third charge is that the operators, through their agents, were the first to resort to violence, and that all the violence which followed was defensive on the part of the strikers and not offensive.

Mr. Bowers. The first violence that was committed was on, I think, September 20, when Marshal Lee was shot from his horse, in an attempt to arrest three or four Greeks, at a bridge that they were trying to destroy. His gun was strapped to his horse; he had no arms, as I understand it, in his hands, and expected that they would yield. He was shot, as I understand it, not by the men that he was trying to arrest, but the first shot was fired from behind a water tank or something of this sort. That was the first violence that occurred during the strike.

Commissioner WEINSTOCK. Now, were you present the other day, Mr. Bowers, when the Rev. Mr. Gaddis testified?

Mr. Bowers. Yes, sir.

Commissioner WEINSTOCK. Then, you will remember that he made certain clean-cut, specific charges against the Colorado Fuel & Iron Co.

Mr. Bowers. Yes, sir.

Commissioner WEINSTOCK. And among them he made the specific charge, which I will read to you from the record, that the feeling on the part of the

company was so bitter and so intense and so unfair and so unjust toward the strikers that they even carried it to the degree of dismissing the school-teachers, because they simply sympathized with the strikers. Let me read you his statement as he gave it, and invite your answer. [Reading:]

"A principal was not reappointed last fall on the ground that he was a red neck. He took his appeal to Mr. Bowers from Mr. Welborn.

"Chairman WALSH. You had better explain what a red neck is.

"Dr. GADDIS. A red neck is a phrase in Colorado for a striker or strike sympathizer.

"He asked the assistant general manager of the fuel department for his reason, and he was supported in his position by the manager of the fuel department, or superintendent, or local superintendent, and the county superintendent of schools, what they had against the teacher. Mr. Welborn and I kept in connection with him in the matter, and demanded proof or good cause as to why the man should be removed. When I asked the assistant general manager of the fuel department for his proof, he replied to me, 'Mr. So-and-so is a g. d. red neck; when I dismiss a man working for me that settles it; I have nothing to say. If the Denver office wishes to make the appointment of school-teacher, I have nothing to say.' Later the man, who had appealed to both Bowers and Welborn, was taken care of in another camp; we helped to place him. I was instrumental in having him located at a near-by camp, at a little less salary, but he was taken care of."

That is one case; there are several that are cited here, but this is typical of the others. Now, is it a fact that your attitude, and the attitude of your company, was such that men were dismissed there because they were purely unionists, and purely for that reason, or that they were dismissed as school-teachers simply because they sympathized with strikers?

Mr. BOWERS. If you will allow me, give me a little time—Mr. Gaddis, as he has testified here, was employed by Dr. Morritt, the second man in the sociological department. The sociological department is headed by Dr. Corwin, a very noted man in the United States as a surgeon. Dr. Morritt is now the superintendent of a sanitarium at Colorado Springs, a man of extraordinary ability and fully equipped for such a position. Dr. Morritt selected Mr. Gaddis as his assistant. At first only as a man to take charge of the Sunday schools and religious department. He was afterwards invited to join Dr. Corwin and Dr. Morritt in the sociological work, traveling about. The first interview that I had with Mr. Gaddis—he was as ardent in his expression, he sympathized with the strikers. He was also as ardent in his suppression and removal of every Roman Catholic superintendent that we had in our employ. It was the first time that I ever heard a superintendent called a super. red neck, and that was by Mr. Gaddis in my office. I said, "What do you mean by a red neck super.?" and he said, "I mean a red neck superintendent"; in other words, an Irishman, who were so largely employed in our camps. I said to Mr. Gaddis, "I will not permit anything of that kind. If it is your purpose to stir up religion, and bring in Catholicism, of which our people are about two-thirds or three-fourths, I won't have it for one minute," and I took it up with Mr. Morritt, and I said, "If that man Gaddis proceeds in that manner, he will demand that we remove every Catholic school-teacher." Let me explain, that there were men grown up from the tipple to superintendent of the mines. They have their families and children, and are sending their daughters away to be educated—I will not go into that. Now, it was so unjust and un-Christian and so unfair and so cussed, to use that word, that it stirred me up, and I demanded that he be removed. He took it all in, and elaborated, and said he didn't mean it just that way, and so forth.

I want to read to you a document, a letter that I wrote to Mr. Gaddis, besides these talks that I had with him. If you were where you could, you could bring those superintendents—a great many of them are Irish, and have grown up there, and I told him it was so unjust, where a man was getting two or three thousand dollars a year, to remove him and throw him out; that it was unjust to the girls in the camp who had been raised at home and had been educated and were teaching school there. You know how I put it to him, and he qualified, and this and that and the other. It stirred my wrath so; I don't like to get stirred up like that. Now, here is something I wish to read. On January 9, 1914, I wrote this letter in reply to a letter from Mr. Gaddis, which I have not got, and, by the way, in my attempt to get the correspondence of Mr. Gaddis—almost all of his letters to me have been stolen out of my files, and all I have is copies of my letters to him.

I don't know where they are, but they are not there. They were there when I left Denver, but they can not be found now. This is a reply to a letter from Mr. Gaddis on the subject. I wrote Mr. Gaddis as follows [reading]:

"Your letters of January 21 and 29 are at hand. You evidently are not familiar with one very important fact, namely, that the schools in all our mining camps are State schools."

Commissioner WEINSTOCK. Who is that letter from, and to whom?

Mr. BOWERS. A telegram from President Welborn to me since I have been here.

Chairman WALSH. Are you reading now from a telegram that was sent you by Mr. Welborn?

Mr. BOWERS. From my letter that he could not get to me.

Chairman WALSH. So he wired you, and you are quoting from that?

Mr. BOWERS. It is a telegraphic copy taken from my reply to Mr. Gaddis.

Commissioner WEINSTOCK. Very well, I understand it now.

Mr. BOWERS (continuing reading): "You evidently are not familiar with one very important fact, namely, that the schools in all of our mining camps are State schools, under the direct supervision and dictation of the State authorities."

I am only trying to show the facts of Mr. Gaddis's prejudices against the Catholic teachers, and I am giving you the facts. [Continues reading:]

"And we have no more right to dictate who shall be employed as teachers in our coal camps than we have to dictate as to the teachers of Denver or any other town. While men in our employ at our various camps usually are selected as commissioners they have to be elected and are responsible to the State for all of their acts."

There may be 10 or 15 such boards elected at our several camps.

Commissioner WEINSTOCK. By commissioners, you mean trustees of the public schools?

Mr. BOWERS. They are elected, a storekeeper, or doctor, or anybody, according to the law of the State. They have to be elected and are responsible to the State for all their acts. [Continues reading:]

"Therefore if we should undertake to be over dictatorial and exacting, the State would be justified in ordering us to keep our hands off. While we would be glad to employ teachers whose ideas are in harmony with yours, we have no legal right whatever to dictate or interfere with the commissioners in the selection of teachers."

He wanted those teachers, every girl, about 125 or 150 that we employed, prohibited from dancing in the camps. He wanted no one employed there except a Protestant teacher, that could teach in the Sunday schools, with two-thirds or three-fourths Catholics in our camps.

"Whose ideals are in harmony with yours, but we have no legal right whatever to dictate or interfere with the commissioner in the selection of teachers. Will say that if you should stir up this matter in your territory in the interest of Protestantism"—and I want to say that some of our Catholic teachers were some of the best Sunday school teachers we had in the camps.

Commissioner WEINSTOCK. If it is allowable, may I ask you if you are a Catholic?

Mr. BOWERS. No, sir; I am a Presbyterian. But I never threw a stone at a Catholic or members of any other denomination, it is not my right or privilege, and I protest against it with all the vigor I can. That is my stand on that. I never did it. The first 15 or 20 men I employed were Irishmen, and Catholics, all but one, and I have no better friends on earth than they. [Reads:]

"In your territory in the interest of Protestantism in undertaking to enforce an observance of the social standard you have set up you would do an incalculable amount of mischief. It is the opinion of our official board that ministers and religious workers either directly employed by us or permitted in our camps should confine themselves solely to the presentation of the gospel, as we believe that is the work which is needed and will include all moral and social reforms. The only thing we had in mind in asking Dr. Morritt when he was at Pueblo to keep an eye on the schools and to advise with the several commissioners in the various camps was the intention of giving the commissioners the benefit of his experience and to suggest the class of teachers to employ, and that is the only thing we expect Dr. Corwin, Mr. Weitzel, and yourself to do. It is impossible to vest you with any authority whatever in connection with the schools in our camps."

The copies of letters from Mr. Gaddis to Mr. Bowers referred to, as well as correspondence with other officers of company, are missing from Gaddis's records in the Denver office.

I want to present that for a few minutes, and I want to say that in my one conversation that I protested against that. To do justice to Mr. Gaddis, I will add that in December, when I was in Denver the last time officially, Mr. Gaddis came to see me and told me that things were moving along splendidly and he was very much pleased with the progress all through the camps, and then he hinted or suggested that his salary be raised $300 and he would remain, and be happy in his work. So much for that.

In January or February he was discharged for these very things I have read here, as I understand it.

Commissioner O'Connell. Not for asking an increase in wages?

Mr. Bowers. No; I did not increase it. I wanted to get rid of him, so far as I was concerned. I wanted him out of it, so far as I was concerned. I don't want any such mischief-maker, I don't care whether he is a minister or anybody else. I won't have him.

Now, just a word or two I would like to say further that in this it speaks of a number of books in foreign languages in the library, quite a number of them connected with the sociological department. In answer to my inquiry Mr. Welborn stated the reason Gaddis gave for taking these books out was that they treated largely of Catholicism and that he did not believe in circulating such teachings. Now, there you have it.

Commissioner Weinstock. Are we to understand, then, from all that, Mr. Bowers, that Mr. Gaddis used his influence with you to take away the livelihood of men and women simply because of their faith?

Mr. Bowers. I certainly do; and he said they were—well, I won't say.

Chairman Walsh. Just go ahead and finish.

Mr. Bowers. No.

Chairman Walsh. Just finish your statement.

Mr. Bowers. No; I paid my compliment to Mr. Gaddis.

Chairman Walsh. No, no; go ahead and finish.

Mr. Bowers. He accused these men of promoting the saloons. I think there was one girl that he referred to here that he protested against her employment. Now, I want to say that this is not positive, but I think it is correct, because he brought up exactly the same thing with me. She was a young daughter who had been in the schools—I think the State schools—had graduated, and wanted a position in the schools, and her father was an Irishman and a Roman Catholic. Now, he protested against that girl being employed, and stated here, but did not give the reasons; and that girl had been educated by her father and mother and brought into their own camp and their own home, and he was dead opposed in regard to it, and he did not want that young girl, and she had gone into the schools to fit herself, more without compensation than——

Commissioner Weinstock (interrupting). Then, in brief, the situation is as follows: You deny the charge made by Mr. Gaddis that you dismissed men because they were unionists or because they sympathized with the strikers, and you made the counter charge that Mr. Gaddis did at various times use whatever influence he had with you and others to have men and women dismissed from your service because they belonged to a particular religious faith?

Mr. Bowers. That was his action; and at this late date, January 14, this letter, with Mr. Welborn's statement, which I read, proves it.

Commissioner Weinstock. That is all, Mr. Chairman.

Chairman Walsh. What have you to say about Mr. Gaddis's charge? This is what particularly stands out in my mind about Mr. Gaddis's charge: That you allowed the cesspools to run over until the people got typhoid fever and died.

Mr. Bowers. Now, Mr. Chairman, every full-grown man knows that up in that mountainous country any sewerage system is oftentimes almost physically impossible to have. I have lived in the country and have had cesspools to run over. I have no doubt but what half the people here, if they have lived in the country, have had cesspools run over. We don't know the cause of this one here. Maybe a flood came down the mountains and washed it out and it oozed over.

Chairman Walsh. He said he was calling the attention of the physician to it, and that the physician—or one of the heads of the departments—and he said that if the people wanted to do that they could do it themselves. Now, as I understand, your company owned the street and the water supply and

charged so much a barrel to the people for their water where it was for drinking purposes.

Mr. BOWERS. At one place only, I think.

Chairman WALSH. Well, at one place; and other places where they control the water supply and controlled everything in the place.

Mr. BOWERS. Yes.

Chairman WALSH. Now, your answer to that charge is—that you allowed the cesspools to run over and people to sicken and die—is that there were no means of cleaning it, or that the cesspools running over did not make persons ill or——

Mr. BOWERS (interrupting). I never heard of it before and should want to know the conditions.

Chairman WALSH. You have no comments to make?

Mr. BOWERS. I have comments to make upon it that it is such a common thing in country towns where there is no sewerage at all and common on farms and places where there is no sewerage that cesspools run over.

Chairman WALSH. He also mentioned the fact that the houses were allowed to drop into such a stage of decay, although they were required to pay the same rent for it, that a woman who is about to be confined with child has to be moved to keep the water from running upon her person while she was being delivered.

Mr. BOWERS. That may be true; I don't know.

Chairman WALSH. Did you have buildings there in that condition?

Mr. BOWERS. I think the buildings of the Colorado Fuel & Iron Co. up to date are good, are as clean, and are as well managed as in any coal-mining camps, certainly in the western country, as any I have ever known.

Chairman WALSH. One question, now, and I want to ask the pardon of Mr. O'Connell for taking part of his time, and that question is, I want to ask you, now, you turned out 150 of your men to carry the prohibition amendment to the constitution of Colorado, did you?

Mr. BOWERS. I will explain that.

Chairman WALSH. Well, did you turn them out—150 men—out of your department?

Mr. BOWERS. I did not turn them out. They volunteered, I suppose. They passed it around——

Chairman WALSH. They volunteered?

Mr. BOWERS. Let me explain. I don't mean we turned them out to carry the election. It was before election day; but we were out on the campaign and had a fight on and had practically no funds to carry on the campaign, and they wanted men to do the work, to do the ward work, and distribute literature, and all that sort of thing; and the coal operators, not only the coal operators, but everybody that was interested in the question of prohibition at the election, turned out their office men, and I had been—by the way, I had nothing to do with picking out that 150 men, and I did not know it until the next day after they had been out.

Chairman WALSH. Didn't you see the prohibition sentiment that was strong in the State to get the support for what you called the law and order platform that was for the Colorado Fuel & Iron Co. and the others to aid in the ruthless prosecution of the strikers and the union officers and a relentless policy of suppressing these men?

Mr. BOWERS. It was all interlocked together.

Chairman WALSH. Now, was it due to your influence or any part of your influence—for instance, there was also a proposition submitted, or a law submitted, known as the "assumption-of-risk law"—that is, as to whether or not the law of the assumption of risks should be changed; and on the ballot it was placed in this way: "Shall the workers assume the risk of injury to their own persons and lives in the conduct of industry?" You know that, don't you?

Mr. BOWERS. I was not there during the election or for some days previous to the election.

Chairman WALSH. This was this election you were speaking of in connection with the prohibition sentiment.

Mr. BOWERS. Yes.

Chairman WALSH. Now, I will ask you if it is not a fact that in some of these mining camps the vote stood—in one in particular the vote stood 106 to 8? That is, that on the face of the returns 106 workingmen, American citizens, with the right to vote, declared on the face of the return that they wanted to assume the risk of their own lives, of their arms and legs, and in case they were

killed they wanted their wives and children to assume the risk of their own deaths rather than it should be upon your company and upon the companies engaged in industry.

Mr. Bowman. I never heard of it and I am surprised there were five.

Chairman WALSH (interrupting). Well, if you take credit for the prohibition law, will you also take corresponding credit for this?

Mr. Bowman. I didn't take any credit, only what in my way——

Chairman WALSH (interrupting). Well, but didn't you—pardon me; I don't intend to interrupt you.

Mr. Bowman. I was away during the election and some time prior to that—I would say two or three days.

Chairman WALSH. I just want to read you one other little article about what might be called the enforcement of the law. I am reading from an editorial of the New York Survey—a late editorial—referring to the conviction of Mr. Lawson. It says [reading]:

"Sending one man to prison is hardly sufficient as a deterrent, when notorious offenders against law and order walk the streets unchallenged and free. One of the witnesses for the prosecution was K. E. Linderfelt."

Do you know Mr. Linderfelt?

Mr. Bowman. I never saw him.

Chairman WALSH. You know who he is?

Mr. Bowman. Yes, sir.

Chairman WALSH (reading:) "It was this same Linderfelt who broke his gun over the head of Louis Tikas, the Greek strike leader, and it was when a captive in the hands of Linderfelt's men that Tikas met his death. But the prison doors are not opening for Linderfelt. He has not been prosecuted 'on the theory' that he was in command. He was court-martialed and exonerated by his fellow officers. He is on hand to help send the leader of the strikers to prison. Before the strike began"——

You say, I believe, that the militia was called out September 29?

Mr. Bowman. Yes; I think so.

Chairman WALSH (reading:) "Before the strike began, Lippiatt, a union leader, was shot dead on the streets of Trinidad by men in the employ of the Baldwin-Felts Detective Agency. Belk and Belcher were the men charged with the crime. Later Belcher was shot. Recently a striker, after a long wait in jail, has been found guilty of killing Belcher. Belk, indicted for the slaying of Lippiatt, has been at liberty and no word comes from Colorado of any move toward a trial of his case. But Baldwin-Felts detectives were on hand to testify against Lawson.

"On April 20, 1914, 2 women and 11 children were smothered in a cave in the Ludlow tent colony while the tent over their heads was burned to the ground—set on fire by the militiamen. The officers in command were tried by court-martial and acquitted by their fellow officers, regardless of the 'theory' that they were in command. And the governor approved the verdict. But the attorney general of the State took direct charge of the prosecution of strike leader Lawson, securing a verdict sending him to prison for life.

"Among civilized men there can be no two ways of looking at this matter. There must be punishment, or its modern equivalents, in order to deter crime. Law and order must be preserved. But it looks very much, at this distance, as if Lawson had been sentenced, not for counseling or participating in the committing of murder, but for being a leader of strikers.

"If his conviction is to stand, fairness and honesty require the attorney general to prosecute with equal vigor the men who served the coal companies and who are charged with crime. More than that, he must, to be consistent, ask for the indictment of the sheriffs of the counties in the coal regions, the coal mine managers in the field, and all who gave orders to men who took part in these encounters 'on the theory' that they were in command. Indeed, there is inexorable logic in the New York Call's challenge that, on the basis of the Lawson conviction, the attorney general should ask for the indictment of President Welborn of the Colorado Fuel & Iron Co., who testified that he purchased machine guns to be used against the strikers, and of John D. Rockefeller, jr., who upheld the acts of the Colorado mining officials."

Now, are not the facts stated in that—I don't care about these later conclusions; I wanted to read it through. Aren't the facts stated in that correct? Isn't it a fact that Lippiatt was shot on the streets of Trinidad by a Baldwin-Felts detective and that that was the first killing in that entire trouble?

Mr. Bowman. I don't know anything about the datok

Chairman WALSH. Just as stated in the Survey. Did you ever hear of the killing of Lippiatt alleged to have been done by Belcher and Belk?

Mr. BOWERS. I recall the killing of some one there; I don't know who it was. I presume that is the case.

Chairman WALSH. Now Linderfelt was never tried in the civil courts, was he?

Mr. BOWERS. I don't know. Why not? I don't know why he is not. The courts are open.

Chairman WALSH. Well, the charge there made is that a new judicial district was created. Now, this is just the charge, I don't know the facts—that the bill was introduced by one of the attorneys for the Colorado Fuel & Iron Co., a Mr. Hayden. Do you have such an attorney out there of that name?

Mr. BOWERS. I never heard of him.

Chairman WALSH. And that the judge appointed to fill that bench was a Mr. Hillyer, who had also been your attorney in these strike matters—that is the charge—and as this paper says they are prosecuting one side and not prosecuting the other. They are not prosecuting any of you gentlemen or any of the persons that were in your employ or engaged in any of these deplorable controversies. That is the charge.

Mr. BOWERS. The representatives of the United Mine Workers of America have as able lawyers and all the facilities——

Chairman WALSH. Well, have they a lawyer on the bench? Was one of their lawyers also put on the bench?

Mr. BOWERS. I don't know a thing about that.

Chairman WALSH. Oh! You were not speaking of lawyers in official positions?

Mr. BOWERS. Mr. Hawkins is attorney for them in this prosecution. They have got, as a whole, I guess, as able men as you can find anywhere in the country and resources almost unequaled. If those men do not perform their duties to see whether those men are prosecuted, and whether Mr. Rockefeller and Mr. Welborn, or whoever it is, it is their fault or that of the courts. I don't know where the fault is.

Chairman WALSH. Suppose things were like you said they were in 1907 here when you came in; that the company had gotten control of the officials—absolute control of the officials—absolutely controlled them corruptly.

Mr. BOWERS. That is only a little part of the mining operations up there in the mountains where that group are. The whole State of Colorado is not controlled by these political saloon keepers.

Chairman WALSH. What is the vote up in that little place?

Mr. BOWERS. I don't know. I will tell you, I would like to say this: I haven't any knowledge of it, but I have no doubt 90 per cent of it is the saloon vote or the saloon influence; and those men who own the saloons and other politicians there run the election, a thing we are trying to stop, Mr. Chairman, but what you say—that the machine dictated all that business—there is not the slightest doubt about it.

Chairman WALSH. And not the coal company?

Mr. BOWERS. The coal companies had nothing to do—no, wait a minute. I want to make a line between the Colorado Fuel & Iron Co. and other coal companies. These companies employed Judge Northcutt. The Colorado Fuel & Iron Co. is but one company. Judge Northcutt was employed by the group composed of about 90 companies, backed up by the others.

Chairman WALSH. I have nothing more, Mr. O'Connell.

Commissioner O'CONNELL. I want to get back, Mr. Bowers, to the report of this military board. I would not have asked you this question only it has been brought up by others. In this report, which has in part already been read to you, it says: "As a result of our investigation we submit the following findings, report, and recommendations: 1. We find the remote cause of this, as of all other battles, lies with the coal operators."

What is your impression of that portion, which is the very first part of the board's report?

Mr. BOWERS. What is that?

Commissioner O'CONNELL. This is the report of the military board that Mr. Weinstock read to you a few moments ago.

Mr. BOWERS. That is their conclusions. I have nothing to say.

Commissioner O'CONNELL. It says: "We find the remote cause of this, as of all other battles, lies with the coal operators."

Mr. BOWERS. Do they state the reasons for it?

Commissioner O'Connell. It is just simply a finding. Now, continuing to read from the one which Mr. Weinstock has already read you a portion, speaking of the things that the military did during the camp fire at Ludlow [reading]:

"One William Snyder and his family—then the tents were fired upon. We saved one William Snyder and his family." I am not reading the whole article. "Then the tents were fired upon."

Now, I want to read you the testimony before the coroner's jury given by Mr. Snyder himself. This is testimony taken at the coroner's inquest, given by Mr. Snyder [reading]:

"William Snyder, first being duly sworn," and so forth. I am not going to read all of this to you. And where I say "blank," Mr. Stenographer, it means a bad word.

"State whether or not any of your family were killed.

"Yes, sir.

"Who?

"Frank; he was 11 years and 11 months old.

"Where was he?

"He was sitting in a rocking-chair when he was struck.

"Where was he struck?

"By the temple, and tore out the brains.

"Did it affect the brains?

"Yes, sir; tore them out.

"Broke his skull?

"Yes, sir; we haven't been able to find the pieces of the skull.

"Tell what happened from the time that he was killed until you got out of there?

"He was killed, I should judge, about 5 o'clock in the afternoon of the 20th of April. I had been outside and I heard the bullet pass by me. I had stepped out, and I heard it strike something; I heard two distinct hits of the bullet. My next boy to Frank, George, said, 'Frank is shot.' I said, 'Where?' and I jumped in the other room and caught the boy before he fell out of the chair. Just then a bullet went over my head, and so I had to let the boy down on the floor on the wounded side, and I lay down beside him. My wife was in the cave, and I said to her, 'Frank is dead.' He was still in a convulsion. I picked the boy up and put him between the beds. My wife had started to come out of the cellar, and she fell in a faint, so I grabbed her. Then I went and got some water that my wife had been preparing to wash the dishes in and tried to wash the blood off of Frank's face, but the firing came so heavy that I had to stop. Finally I went over to Toller's tent, and from what I have heard since, I must have come back in all that heavy machine firing. I got back home and I got down on the floor and took both of Frank's hands, he was just drawing up, and laid them across his chest and then went into the hole with my wife and the other children.

"When did you get out of there?

"Somewhere around 12.30 or 1 o'clock.

"Did anybody come to your tent while you were there?

"Yes, sir; the militia come there.

"Who were they?

"I don't know them.

"What did they say to you?

"They set fire to the tent and opened it and come in.

"They set fire to your tent?

"Yes, sir. My wife then said, 'For God's sake save my children.' I didn't want them to know I was there, but just about that time sister said something to me.

"What did they say to you?

"They said, 'What in hell are you doing in there?' I told them I was trying to save my wife and children, and they said, 'You son-of-a-bitch get out of there and get out God damn quick at that.' My wife was out by that time; I believe one of the officers helped her out. I told them to hold on, I had a boy killed in there, and they told me to get him out damn quick. I picked the boy up and lay him down outside so I could get a better hold of him. I asked some of them fellows to help me to carry him to the depot, and he said, 'God damn you, aren't you big enough?' I said, 'I can do it.' I took him on my shoulder and sister on the other arm, and just then some one of the militiamen stopped me and said, 'God damn you, you son-of-a-bitch, I have a notion to kill you

right now.' He said, 'You red neck son-of-a-bitch, I have a notion to kill you right now.'"

Chairman Walsh. The boy was dead there?

Commissioner O'Connell. The boy was dead. [Continuing reading:]

"Do you know who he was?

"I think I do, he is a guard in uniform.

"What is his name?

"I would rather not tell it unless I just have to.

"Will you tell it to me in private?

"Yes, sir. My wife kept on pleading. He says, 'You have done as much shooting as anyone else around here,' and I just kept on going until I got to the depot.

"Did your wife go with you?

"Yes, sir.

"Were the tents burning at that time?

"Yes, sir. While I was passing Snodgrass's store this man, that officer, Mr. Linderfelt, flashed a light and said, 'What God damn red neck have we got now?'

"Which one said that?

"The one we call Jesus Christ.

"Do you mean E. K. or E. E. Linderfelt, the man with the bull face?

"That's right; he is bullfaced.

"He is a captain?

"We used to call him lieutenant, but I think he is up in the ranks now.

"Why did you call him Jesus Christ?

"He told Mrs. Lowe that he was Jesus Christ, and that the other fellows were his Jensues, and so we always called him Jesus."

I shall not read the rest. I simply cite that to show you the wonderful effort made by these soldiers to save these people in the burning tents, which Mr. Weinstock read to you. Now, in this letter of yours on November 18 to Mr. Rockefeller, you mentioned [reading]:

"You will be interested to know that we have been able to secure the cooperation of all the bankers of the city, who have had three or four interviews with our little cowboy governor."

Now, what was implied by the reference to the three or four interviews with our little cowboy governor?

Mr. Bowers. On my part?

Commissioner O'Connell. Yes, sir.

Mr. Bowers. I don't quite get your question.

Commissioner O'Connell. Well, I get the information that the bankers when they called upon you stated that they had seen the governor three or four times, and apparently must have said we have fixed the governor up, or he is with us, or against us, or something. There was some inference in it. You had something in your mind.

Mr. Bowers. Well, now, these bankers, as I stated this morning, acted for the common good—they are gentlemen of very high repute. They had nothing but the good of Colorado and the good of all concerned in view, and I have no doubt—I imagine, and I have reason to think that they thought that these men and the property and the lives ought to be protected. If the operators are accused and proven guilty of what they are charged with, certainly the governor should have put the militia in there to have protected the strikers from the operators as much as the other way. We only wanted peace, and I had no idea but those gentlemen there intended to use their very best efforts for all concerned to secure it, the same as the newspaper men and other men did.

Commissioner O'Connell. Is it your impression that the governor had agreed to put the military in and that that will stop the warfare?

Mr. Bowers. Oh, I don't think they said that. I don't think it had got along to that point. I wish it might have been. The governor, I suppose you all know by the testimony, was condemned by pretty nearly everybody on both sides because of his inactivity and various other things. I don't want to discuss Gov. Ammons; I don't know him at all.

Commissioner O'Connell. Now, just a little later on you wrote Mr. Rockefeller [reading]:

"If the governor had acted on September 23 as he has been forced to act during the past five weeks, the strike would not have existed 10 days."

Mr. BOWERS. By the public sentiment of the State—the best people there insisted that the governor should act, and if he had done that at the very beginning there would not have been a particle of trouble.

Commissioner O'CONNELL. That is, if the governor had done what?

Mr. BOWERS. Called out his militia.

Commissioner O'CONNELL. Well, he did call the militia out.

Mr. BOWERS. Not until several weeks, until after all this miserable business——

Commissioner O'CONNELL (interrupting). Well, the Ludlow affair did not occur until after that, along in April.

Mr. BOWERS. Yes, sir; but if in the interim it had been called out and put the men in charge, there would not have been, I believe, a person killed, and the matter would have been adjusted very much better.

Commissioner O'CONNELL. The reason I read that for you, I want to call your attention to the peculiar position of the governor being rounded up there. Commissioner Weinstock read to you a portion of a letter—probably all of it, I am not sure—that he sent to Mr. Rockefeller, which he read into the record on Saturday, and again read to you, and asked your opinion of it. I shall not read all the letter, but just the three queries. [Reads:]

"(a) That at no time after the strike could they get a hearing at the hands of the operators."

Now, you say they came, and Mr. Rockefeller said they had, and pointed out there was a committee of three men met the officials of the companies with the governor.

Mr. BOWERS. And Secretary of Labor Wilson—he was present.

Commissioner O'CONNELL. That was November 28, I believe?

Mr. BOWERS. I don't remember; I was not there.

Commissioner O'CONNELL. Or about two months after the strike had occurred.

Now, Commissioner Weinstock called attention to the character of Senator Patterson, his reputation, his high standing, his legal ability, and all the attainments of a high class or high type of man, and I take it when he called your attention to that that he believes that Senator Patterson was just what he asked you if he was, and therefore I take it that whatever Senator Patterson states upon this case, in his testimony given before the commission, it is given by a high type of man who would not for a moment misrepresent.

Mr. BOWERS. There would be a very great difference of opinion in Colorado about that suggestion.

Commissioner O'CONNELL. Yes; I am taking Commissioner Weinstock's picture of Senator Patterson.

Mr. BOWERS. I remember it.

Commissioner O'CONNELL. Senator Patterson, in his testimony before this commission, found on page 589 of the hearings, speaking of the representatives of the miners who called upon him and of his effort with the governor to bring about an adjustment, says:

"Mr. White—I think it was Mr. White; it was either Mr. White or Mr. Lawson; I am quite certain it was Mr. White—made this statement, addressed to the governor and myself: He said, 'We have this to say: That if the operators will but grant us a conference we know that this strike will be settled.' He said, 'All we want to do is to have a conference with these men so that we can understand each other, and if they will but grant us a conference we know that this strike will be settled.' I said to them, 'Gentlemen, do you understand the import of your language?' I said, 'You know that the operators will not recognise the union. It is generally understood that you will insist upon recognition of the union as a sine qua non of a settlement, and that the fair inference of your language is that you are willing to reach a settlement upon some other basis than the recognition of the union.' Mr. White replied, 'Whatever the import of our language is I simply reiterate that if the operators will but confer with us we know there will be a settlement.' Gov. Ammons and I felt that in view of the statement that there was some hope, and we called up the operators very promptly, and they agreed to meet us. The same gentlemen met us, and I put the matter before them. I said, 'Gentlemen, I believe that a settlement can be reached.' I said, 'These men say that if you will but grant them a conference they know that the strike will be settled.' 'Now,' I said, 'that must mean they will surrender their demand for the recognition of the union, and I think you ought to grant them a conference. They are right out here in the adjoining room; there is

but a brick wall separating the operators and the governor and myself and the miners and representatives.' They said 'No; we will not hold any conference with them.'"

Commissioner WEINSTOCK. May I ask Mr. O'Connell at this point for my information what day did Senator Patterson say that proposed conference took place or was to take place?

Commissioner O'CONNELL. Why, I have been running along here quite a while and have not got the date here, but I am going back further than that, and I will get the date of the request for a conference.

Commissioner WEINSTOCK. We want to remember that the date of the conference when Mr. Wilson was present was said to have been about November 23, and it is important to know whether this conference occurred before or after that.

Chairman WALSH. It occurred before.

Commissioner O'CONNELL. It occurred before, and before that still, before the strike occurred—a month before that strike occurred—a communication was addressed to the operators, not to the Colorado Fuel & Iron Co., but to all the operators in the mining fields—a personal letter addressed to each one or addressed personally to the company by the officers of the miners, asking for an interview. Not even an acknowledgment was had from that letter or to that request from anybody, with the exception of two very small independent operators. The conference was not given nor was the letter acknowledged in which these men asked for the conference. Had a conference been held, taken from the testimony given by Senator Patterson in his interview with the governor and with the officials of the miners, as to their willingness to concede the question of unionizing the mines, there is not a question—the only deduction that can be made from it is that the adjustment would have been reached and the strike not called at all. Now, from the question put by Mr. Weinstock to Mr. Rockefeller, it would appear because of the word "after" being used here would lead to the inference that the request was after the strike, and that if it had been granted after the strike that the trouble would not have occurred, and that it was immediately after the strike occurred that these difficulties involving the sacrifice of life occurred; but the contrary is the truth. Before the strike occurred, even on September 14, Lippiatt was killed, and the very day after the strike, the 24th, Lee was killed.

Mr. BOWERS. The day after, was it?

Commissioner O'CONNELL. The day after the strike occurred on the 23d.

Mr. BOWERS. Who was Lee?

Commissioner O'CONNELL. Camp marshal that was shot.

Mr. BOWERS. I was thinking it was the day after, but I was advised it was the 29th.

Commissioner O'CONNELL. It is here in the Congressional Record; I have it here, if you please.

Commissioner WEINSTOCK. Is that the first volume of the Congressional Record?

Commissioner O'CONNELL. Volume 1.

Commissioner WEINSTOCK. Are you using it?

Commissioner O'CONNELL. I have got those two pages marked.

Now, the point I want to make, Mr. Bowers, particularly at this time, is this: There seems to be a very great effort being made a month or two months or three months after the strike occurred to bring about a settlement. The congressional committee was out there; the Secretary of Labor was out there; the principal citizens of the community, including the governor, interested themselves in trying to bring about an adjustment one, two, and three months after the strike occurred. Life was being sacrificed right along. Property was being destroyed right along. And yet, so far as I know from all the records we have and all the testimony I have heard up to this day, the officials of the Colorado Fuel & Iron Co., or the officials of the other two big companies that was associated with them—the Victor and the Rocky Mountain Fuel Co.—that these officials, up to this day, have not met with the officials of the miners themselves. There was a committee of three—do you know how they came to be in the governor's office—three miners?

Mr. BOWERS. They were selected.

Commissioner O'CONNELL. I know how they were selected. They were selected by the coal miners themselves—so said.

Mr. BOWERS. And so said that they were not. There you have it.

Commissioner O'CONNELL. The fact is that they were not. Now, the miners who were on strike had their officers in the field there, they were there, and

some of the citizens of Colorado—they were not interlopers, as you said in your communication, Mr. Bowers—and two of the officers were citizens of Colorado and had a right to be in the State, if you think that the nonresidents had no right to be there, and these men were not met before or after the strike?

Mr. BOWERS. I will admit all of that.

Commissioner O'CONNELL. I want to get that clear, because Commissioner Weinstock has in mind that the company did meet the miners or their officers.

Mr. BOWERS. Yes, sir.

Commissioner O'CONNELL. From all of the testimony that we have heard, there was nothing to indicate that.

Mr. BOWERS. My understanding of that is this, that the representative of the union selected several men, and they were submitted to, I don't know who, but finally three men of good standing, striking miners, union men, I think, perhaps, that were satisfactory; I don't know who passed upon them, but it was submitted, and I don't know whether—their representatives, as I understand, were authorized on that side in the union's interest. If I am misinformed, I may be corrected.

Commissioner O'CONNELL. The point I want to bring to your attention is this, that for two months before the strike occurred, the miners' representatives were endeavoring to secure a conference with the officers of the company, the one you represented and other companies.

Mr. BOWERS. I think that is perfectly true.

Commissioner O'CONNELL. We have a copy of their letters.

Mr. BOWERS. Yes, sir.

Commissioner O'CONNELL. And they did not even receive an acknowledgment of their communication?

Mr. BOWERS. No.

Commissioner O'CONNELL. Now, if that strike could have been avoided, and that great sacrifice of life could have been avoided, and the destruction of property could have been avoided by a mere meeting of a few men, Mr. Welborn or yourself, or whoever might represent your company, with recognized leaders of the men, selected by themselves, as men to represent them in conference, men with some ability——

Mr. BOWERS. Grant all that.

Commissioner O'CONNELL (continuing). And not taking a man from the bowels of the earth, as he comes up from work when he comes into daylight, and is staggered——

Mr. BOWERS. Grant all that.

Commissioner O'CONNELL (continuing). But there was no justification, morally, for you men not sitting down with those men, even though you disliked them, and everything else, if that great struggle could have been avoided, and a repetition of those former struggles, by a mere meeting of the men——

Mr. BOWERS. What is the question?

Commissioner O'CONNELL. I want to know the reason why. I want to know why. You were there and ought to know. Your letters were very strong on the subject. Why didn't you meet those men before the strike occurred?

Mr. BOWERS. I was not on the committee, and was not selected by the operators to have any part or lot in that business. You ask me personally what I would have done? You put the question to me that way, and I will answer.

Commissioner O'CONNELL. What would you have done?

Mr. BOWERS. I never refused to let any man or woman with a grievance, high, rich, or poor, go away without a conference. I speak for myself. Never in my life have I refused a conference. I think it is the most foolish and ridiculous thing on the face of God's earth to refuse conferences to men, whether they are right or wrong. If they are wrong, I will try to make them right; and if I had been the man—I would go this far to avoid a very serious strike. The chairman asked if I had had a strike on the Great Lakes when I was there, and I said no; but they did have a very severe strike later, and they said that I represented the money interests. They had a great strike there, and three of the strikers came to the hotel where I was stopping and said they would submit it to me, that if I would act as the arbitrator, the other side would consent, that the strikers would submit and agree to whatever I said. I was regarded by the strikers themselves as fair on these questions, and they urged that I be selected, but I refused to do it, and I told the boys, "You are wrong in one particular, you are defeated." I stayed there a few days and I did help settle that strike peaceably and satisfactorily. That is

where I stand. I had nothing to do with that, and I have no criticism for those that did have to do with it. They were men selected by 90 operators.

Commissioner O'Connell. If you had had to do with it, you would have met the committee?

Mr. Bowers. You are just exactly right. I take it on general principles. I will meet a man if he is decent and he has anything that he thinks is a grievance and a matter to discuss with me; he will get into my office if he stays long enough.

Commissioner O'Connell. If that is your position, you must think that it was not foolish in meeting representatives, whether their grievances were wrongs or imaginary, and if they had met them there would probably have been a settlement arrived at, and the lives of those men, women, and children not have been sacrificed?

Mr. Bowers. But that applies to somebody else; I am out of that.

Commissioner O'Connell. But you were an officer of the company and a director?

Mr. Bowers. I have been criticised mightily because of some of my sentiments in regard to capital and labor, but let me say this: That every drop of my blood, all of my life, has been with the common people to uplift and help them. I myself have worked 12 hours for 30 cents and got what little education I have on that kind of a basis. I know what work is, the same as any man that goes down in a coal mine.

Commissioner O'Connell. You have nothing on me on that.

Mr. Bowers. And I shake hands with you on it. I am no less a man for it.

Commissioner O'Connell. Now, the second proposition of Mr. Weinstock's proposition, which he submitted to Mr. Rockefeller and to-day to you, was that the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers. Let me read you again——

Mr. Bowers. I have lost my train, so you might as well go on.

Commissioner O'Connell. On page 9 of the digestive document No. 50, under the heading, "Political domination by operators—this is an expression before our commission by a gentleman who has been held up to you as one of the types of citizenship that might be followed; this is his opinion [reading]:

"The men employed by the large mining companies have been used to gain political power. There is no doubt that it is the deliberate purpose of these companies to control the officials of the counties in which they are operating, and to have a great influence in the selection of judges and in the constitution of the courts. In this purpose they have been successful. Election returns from the two or three counties in which the large companies operate show that in the precincts in which the mining camps are located the returns are nearly unanimous in favor of the men or measures approved by the companies, regardless of party. The companies know whom they want elected and do not hesitate, judging from the results to now."

This is the opinion of one of your reputable citizens who was interested in bringing about a settlement and he says that the courts, the ballot boxes, and the political situation were dominated entirely and in the hands of the coal companies of Colorado; that is Senator Patterson.

Mr. Bowers. I do not think that any man in the State of Colorado knows better than Senator Patterson that Colorado has been under the domination of the Democratic Party for years and years and years, and if these scoundrels are in there, and he has been the leader of the Democratic Party for years, and help put the scoundrels in there, on whom does it rest? Not on Mr. Rockefeller or on me.

Commissioner O'Connell. You concede that situation is true, then?

Mr. Bowers. I have to admit that in certain counties that condition does exist; I do not dispute it. I do not dispute Senator Patterson, because he ought to know.

Commissioner O'Connell. In the counties where these coal companies operate they have the judges and sheriffs, and through the sheriffs can select the jurors, as was testified to in the evidence before us of Sheriff Farr himself, and by others before us as to how the juries were selected; how the election commissioners were appointed and sometimes where they did not show up at a certain precinct, Sheriff Farr said: "You and you and you act as election commissioners to-day." Under these circumstances I ask you, Mr. Bowers, as a man of great affairs and dealing with big business and big financial affairs, if you think a poor, humble miner, without any great amount of money, without

any property behind him, or any influence, has any chance of getting justice in a situation of that kind?

Mr. BOWERS. Why, no; no one need to ask me that—excuse me for that. I know those poor fellows in there ought to have the support of every decent man there is to the end that their rights are protected and they will get that treatment from me.

Commissioner O'CONNELL. I want to say I have given way to the public and the employers in this investigation of the Standard Oil Co.; I simply sat as arbitrator between them, and labor has taken the neutral position.

Mr. BOWERS. I want you to appreciate the fact that I have been able to uncover some facts.

Chairman WALSH. You may have to stay longer, Mr. Bowers, if you do not leave to catch your train.

Mr. BOWERS. I will be glad to stay if I can tell anything further.

Commissioner O'CONNELL. I would like to ask this question: How did this governor come to be called the "little cowboy governor"?

Mr. BOWERS. He was a cowboy and herder up in northern Colorado.

Now, I would like to make a statement for myself, and I ought to beg your pardon for being so vigorous, but that is my make-up. It want to say this, and I think you will believe me, that neither John D. Rockefeller, sr., or John D. Rockefeller, jr., or anyone else connected with that office has dominated me or dictated to me one single word in 20 years as to how I should do, what I should do, or when I should do it. I never had one line, and I challenge anybody to find one line of dictation from Mr. Rockefeller's office, either senior or junior, to me; you can imagine where he would land if he tried it.

Chairman WALSH. I thought you said Mr. Rockefeller and you understood each other 20 years ago, as to where you stood.

Mr. BOWERS. He sought me for years before I accepted the place, and that is the kind of man he wanted. If I was a putty chap, I could not handle hundreds of millions as I have for years; he has to have someone to handle those things.

Chairman WALSH. You said you knew nothing about this situation in Colorado?

Mr. BOWERS. That is a little too strong. I told you the reason why I have had to be away from there. Let me tell you one thing.

Commissioner O'CONNELL. I will have to take you on again, Mr. Bowers, if you are going to stay any longer.

Mr. BOWERS. I tried to get out of this position in December, 1912, and I don't work for sixpence. I tried to get out of affairs and retire and quit; I am almost 60 years old.

Chairman WALSH. You are not getting 30 cents for 12 hours now?

Mr. BOWERS. No; I am not. Now, if I can give you any further light on these matters, all right.

Commissioner WEINSTOCK. I have one question I want to get my mind straightened out. Mr. O'Connell has brought out in his questioning the fact that for two months before the strike efforts were made to get a hearing on the part of the men and they failed. Now, my question that I put to you—I think it was the first question—was that the charge was made—if it is not so worded, it ought to be—that at no time from start to finish could the men get a hearing.

Commissioner O'CONNELL. No; it says after the strike occurred.

Mr. BOWERS. I say, the only thing that would come up in this connection is whether those three men represented the unions; did those three men selected represent the union or not; my understanding is that they did.

Commissioner WEINSTOCK. Then, you still contend there was an opportunity and the men did have a meeting, not as quickly as they wanted to, but they got it?

Mr. BOWERS. It would take more than 30 minutes to convince me they did not.

Chairman WALSH. You may be excused.

(Eugene S. Gaddis stands up in the audience and addresses the chairman, as follows:)

Dr. GADDIS. My reputation as a public officer is at stake.

Chairman WALSH. If you will permit me to say, we will give you an opportunity to reply, but we can not do it at this time, because it would not be following the regular order of our hearings.

Dr. GADDIS. Won't you allow me to say a word?

Chairman WALSH. Not at this time; but you will be given a chance at the proper time.

Mr. King.

TESTIMONY OF MR. W. L. MACKENZIE KING.

Chairman WALSH. Please state your name.

Mr. KING. W. L. Mackenzie King.

Chairman WALSH. I believe you testified before the commission at the inception of our hearing.

Mr. KING. In June, last year; yes.

Chairman WALSH. What connection have you with the Rockefeller Institute, or any of the Rockefeller properties?

Mr. KING. I believe my official designation is director of the industrial relations department of the Rockefeller Foundation.

Chairman WALSH. When did you first go to Colorado? I am going to try to centralize this as much as possible, Mr. King.

Mr. KING. About two months ago, or a little over.

Chairman WALSH. When did you return East?

Mr. KING. I came here when I received the request of the sergeant at arms of this commission to be present.

Chairman WALSH. What date was that, Mr. King?

Mr. KING. I returned here on Monday of last week.

Chairman WALSH. Where were you in Colorado when you were out there?

Mr. KING. I was in Denver a good part of the time; I was in Trinidad; I was through the coal camps in the southern part; I was at Boulder, and through some of the camps in the northern part. I think that covers the main part of it.

Chairman WALSH. What was your purpose in going out there and being out there?

Mr. KING. Perhaps I could give that in the form I gave it to the public, and also to the foundation. It is a matter of sufficient importance to have it correctly stated, and if I may I will just read this.

Chairman WALSH. Just read your own statement; I think that will be the best way.

Mr. KING. Before I went out I wrote a letter to the Rockefeller Foundation. I felt that I should like to put myself on record as to my purpose and motive in going, and this letter sets out the reasons I had. This was dated March 1, 1915, and is addressed to Mr. Jerome D. Greene, and is as follows [reading]:

61 BROADWAY, NEW YORK, *March 1, 1915.*

JEROME D. GREENE, Esq.,
Secretary the Rockefeller Foundation, New York.

DEAR MR. GREENE: In the preliminary survey I am making of the field of industrial relations, I have arrived at the point where I should like to supplement a study which is more or less abstract and theoretical by reference to concrete existing conditions, and it is therefore necessary for me to consider the particular industries and localities it may be advisable to select for this purpose. I have in mind in this connection the twofold intention of the officers of the foundation as conveyed at the time I was invited to undertake the direction of the investigation, and which has since found public expression in answer to one of the questions submitted to the foundation by the United States Commission on Industrial Relations at its recent hearings in New York.

May I, for purposes of accuracy and definiteness, quote the question and pertinent paragraphs in the answer made? These are to be found at pages 14 and 15 of the pamphlet issued by the foundation containing the information furnished by the foundation in response to questionnaires submitted by the commission.

The question reads: "What were the facts, reasons, and considerations which led to the establishment of the industrial relations division of the foundation?"

The following is contained in the reply. Then I quote what was given the commission by the foundation: "While the general subject of economic research was under consideration, the industrial disturbances in Colorado impressed the president of the foundation with the great need and public importance of finding an effective means of preventing such conflicts and caused him to urge a far-reaching study of industrial relations as the most important immediate inquiry to which the foundation could direct attention. In view of the passion aroused in Colorado, and the many divergent interests involved

there, it was felt that the foundation itself should not interfere in that situation, but that it was of the utmost consequence that the root causes of that and similar disturbances should be ascertained and, if possible, removed, not only in Colorado, but elsewhere. The Rockefeller Foundation is moreover a large owner of corporate securities, and in that capacity is itself directly concerned in maintaining harmonious relations between the companies in which it is interested and their employees. It was therefore felt that if the foundation could work out on a basis compatible with sound economics a substantial improvement in the relations between capital and labor, that it would not only discharge its obligations as indirectly a large employer of labor, but would also perform for the general public a greater social service than it could render along usual philanthropic lines."

Chairman WALSH. In the quotation you just read from the reply speaks of the president of the foundation; that is, Mr. John D. Rockefeller?

Mr. KING. John D. Rockefeller, jr. Then I continue in my letter [reading]:

It has seemed to me that it will not be possible for me to fulfill the twofold purpose outlined without at some time visiting Colorado and becoming acquainted at first hand with conditions as they have existed and may be existing there. I should not desire to visit Colorado now or at any time if my purpose in so doing were liable to be misunderstood, either by the foundation, the mining companies of Colorado, or any section of the public, or if my presence there were likely to embarrass in any particular the industrial situation in that State. On the other hand, now that the strike is over, it would appear that, were I to visit Colorado in the immediate future rather than at some later time, my so doing might enhance such opportunity as my present studies may afford of ascertaining the root causes of disturbances in Colorado, and of possibly furthering in the manner indicated a permanent improvement in the relations between capital and labor.

May I, before going further in the arrangement of my plans, ask if you would kindly submit this aspect of my work to the officers of the foundation for their consideration? I shall welcome any suggestions the foundation may care to make.

Yours, sincerely,

W. L. MACKENZIE KING.

The reply I received from the foundation was this——

Chairman WALSH (interrupting). First, had you any conversation with Mr. Rockefeller before you wrote that letter? Personally, with reference to your going to Colorado?

Mr. KING. I have had a great many conversations with him, but at no conversation did he ask me to go to Colorado.

Chairman WALSH. Did you discuss the matter of your going to Colorado in any of your conversations?

Mr. KING. I think it is altogether probable I did.

Chairman WALSH. Do you recall it?

Mr. KING. I do not recall it definitely, no; I do recall that at no time did Mr. John D. Rockefeller, jr., ask me to go.

This reads as follows:

At a meeting of the Rockefeller Foundation held in New York, March 2, 1915.

The secretary presented a letter from Mr. W. L. Mackenzie King, director of the investigation of industrial relations, stating that he had arrived at a point in his investigations where he wished to supplement a study that was more or less abstract and theoretical, by reference to concrete existing conditions, and that it was therefore necessary for him to consider the particular industries and localities that it might be advisable to select for this purpose. Mr. King also pointed out the twofold purpose which it was hoped his investigation might serve; namely, first, the discovery of the root causes of industrial disturbances and the promotion of helpful experiments toward the amelioration of conditions; and, secondly, the assistance of the foundation, as a large owner of corporate securities, in interpreting aright its responsibilities as the holder of securities representing industrial investments. Mr. King stated that it seemed to him that a visit to the coal-mining region in Colorado would be advantageous with respect to both of the purposes had in view, and he asked

that this aspect of his work be submitted to the trustees of the foundation for their consideration.

Whereupon, after discussion, it was, on motion,

Resolved, That the trustees, while recording their sympathy with the two-fold object of Mr. King's investigation as stated above, desire him to be governed by his own judgment in determining the precise fields of study which seem to him most promising, whether for the ascertainment of past experience or for the promotion of plans for the amelioration of industrial conditions.

A true copy of record.

Attest:

JEROME D. GREENE, *Secretary.*

When I received that communication, Mr. Chairman, I had to consider what other bodies there were that might have a right to be consulted before I made that particular move. The President of this country had appointed a commission, Mr. Seth Low's commission, to go out to Colorado, and they had decided not to go until this fall, and I felt that my going at this time might be misunderstood by them if I did not call in the first instance and intimate my intention, and I called on Mr. Low and said I had in mind going to Colorado in connection with the studies I was taking up for the foundation, and that I would like to confer with him before going. I told him that if I was likely to prejudice the work of his commission in so doing, or he thought my going would be misunderstood from his point of view, that I would not go, and he said he did not see why my going would affect his plans. I thought the Secretary of Labor of this country should be considered, and my purpose made known to him, and I made an appointment to meet Secretary of Labor Wilson; I called on Mr. Wilson and explained to him what I had in mind, and Mr. Wilson received me most courteously and intimated that so far as he was concerned he could not see any objection to my going, and expressed his appreciation of my speaking to him before I went out there.

There was one other group entitled to consideration in this matter, and they were the citizens of the State of Colorado, so, when I arrived in Colorado I gave out an interview in typewritten form to the papers there, so that they might know just what I was in Colorado for, and to prevent any subsequent misunderstanding; and if I may have the time, I shall read it.

Chairman WALSH. Can you give the substance of it, and put the balance of it in the record? If so, it might be well.

Mr. KING. The substance of it is this: I explained the purpose of my—if you have no objection, I would rather read it.

Chairman WALSH. Very well, if you wish to read it you may do so.

Mr. KING. Yes; I should like the people of this country to know my method of procedure and intentions in the matter. [Reading:]

"In June of last year I was asked by the Rockefeller Foundation if I would undertake the direction of a far-reaching study of industrial problems, with a view of making suggestions which might be constructively helpful in improving the relations of capital and labor. It was not anticipated that these studies would relate to any particular industry, locality, or dispute, nor be confined to any one country. Much less were they intended to be concerned with the merits of past or present misunderstandings, or to justify any particular point of view. In so far as the work might have to do with the industrial controversies, its purpose was to be solely that of ascertaining the nature and causes of disorder and unrest, with a view, if possible, to the discovery of effective remedies.

"When I entered upon the work in October I intimated to the officers of the foundation that I should desire at an early date to visit localities that might serve to illustrate existing needs, in order that my studies might be given that practical trend which it was the purpose of the foundation, as well as my own wish, they should have. Colorado very naturally suggested itself as one of the States to be visited. For a number of reasons it has seemed to me desirable it should be the first. The number and variety of Colorado's industries, the stage of its industrial development, and the public interest aroused in its industrial affairs have seemed to me reasons for believing that here might be afforded a ready means of ascertaining from a variety of sources and different angles many points of view as to conditions which give rise to the most difficult problems in industry, and to suggest what is likely to give most promise of practical results in the furthering of industrial peace. This being my object in coming to Colorado, I shall welcome the opportunity of

being informed from any quarter of facts and circumstances calculated to throw light on existing industrial conditions and the problems which they present. Especially will I welcome the views and opinions of men and women actually engaged in industrial pursuits with regard to situations which affect their working conditions, and I shall be grateful for such cooperation as the authorities and the citizens of the State may be willing to afford.

"In connection with the direction of the investigation of industrial relations which the Rockefeller Foundation has instituted, I have from the outset indicated my desire to avoid any form of organization which might cause it even to appear that the work I have taken up was intended to rival or encroach upon the work of existing organizations, and in particular the work properly assignable to Government departments and agencies. It is not my intention, therefore, to attempt to duplicate in any particular what has already been done or may be attempted by the many public investigating or mediating bodies which have already visited or may intend to visit Colorado. Nor do I wish to encroach upon the work of any agencies at present existing or which are in contemplation by the State or local authorities. My purpose is wholly that of informing myself at first hand, by observation and personal interview, that I may the more intelligently discuss and, should occasion offer, cooperate with these and other bodies in furthering the public ends which they have been appointed to serve.

"Lest my purpose in any particular might be misunderstood, I took occasion, before leaving for Colorado, to call upon Mr. Seth Low, the chairman of the Coal Commission appointed by the President, and upon the Secretary of Labor, Hon. W. B. Wilson, at Washington, to explain the precise purport of my intended visit. Similarly, I shall take the earliest opportunity of calling upon Gov. Carlson to explain the object I have in view before proceeding to seek any of the many interviews I hope to be able to obtain.

"I shall be grateful for such cooperation as the press may be willing to give in helping to make clear the precise nature of the foundation's purpose in instituting the investigation of industrial relations, the direction of which I have undertaken, and the object I have in view in this visit. The aim is that solely of endeavoring to be constructively helpful in regard to relations in which the public, quite as much as the immediate parties to industry, have a paramount concern. The final and only test as to whether or not the study of conditions here, combined with similar studies in other parts of the United States and in other countries, may help to further the object they are intended to serve, will be the degree to which the constructive suggestions growing out of the several investigations are practically applied and serve to actually improve the relations of capital and labor."

One thing I would like to mention as a reason I went to Colorado is——

Commissioner WEINSTOCK (interrupting). Give the date of that interview.

Mr. KING. This was published in the Colorado papers on March 20. Then I refused to have interviews after that. I wrote this out on the train on the way out, and when I reached Colorado I typewrote it and handed it to the press the same morning.

There was one other reason. I know the public of this country and elsewhere have the impression that if a man is appointed to do a particular work that affects large interests he may be expected to work as hard as he can anywhere else but not come near the interests themselves, and I think that relates to the Rockefeller interests as well as others. I thought I should try, as far as my part of the work was concerned, to make it perfectly plain to everyone that the Rockefeller interests, or any other interests, were not influencing me one way or the other; that I should begin with the Rockefeller interests as the ones that promised, in some particulars, the greatest opportunity for research, and also the greatest opportunities for practical results.

Chairman WALSH. I will ask you your opinion, at this point, without of course protesting anything you might find, or any conclusions you might make—you heard Mr. Rockefeller testify in New York, I believe, Mr. John D. Rockefeller, jr.?

Mr. KING. Yes.

Chairman WALSH. As to the proposition that he could sit as a director of the Colorado Fuel & Iron Co. in the morning and take one course of action with reference to this matter we are talking about, that you are engaged in, and in the afternoon, as a director of the foundation, could take a position that would be entirely in conflict with the other; do you recall that?

Mr. KING. I do not recall that, Mr. Chairman; I do not think Mr. John D. Rockefeller, jr., stated he could take one position in the morning and another in the afternoon. I am sure he did not.

Chairman WALSH. Do you remember the statement he made at that time?

Mr. KING. Yes; I recall that you asked the question whether he could occupy two or three different positions, representing on the board one interest at one moment and another interest at another moment; and he was asked if he thought that was consistent. Do you want my view on that?

Chairman WALSH. No; but after hearing that testimony and this here do you think that after your finding is given out the working people of this country will be able to separate the Rockefeller interests—and especially if they do not find themselves in accord with your finding—if they will be able to separate your connection with them, and also in the conduct of the coal company? I want to put it to you frankly.

Mr. KING. I think about that that the working people are just like all other people; they base their judgment on facts as they see them, and I think they will judge the result of my work by the work itself.

Chairman WALSH. You do not think they will take it out of the headlines?

Mr. KING. I am not at all sure that there may not be a prejudice against this work. I believe there is a prejudice to a certain extent; I do not attempt to say whether it is justifiable or not.

Chairman WALSH. I do not either; but I am just asking you, if, in your opinion as a man that has been in industry for a long time, if that would not be the instant reaction of the workers themselves?

Mr. KING. No; I think not. I think if the result of my work leads to the improvement of industrial conditions the workers will be the first to say, "We want to see justice done to the men to whom injustice may have been done in the past." I trust public opinion and I trust particularly the discerning mind of the working class.

Chairman WALSH. Of course public opinion would have to be free and not come from influenced publications or bulletins; it would have to be free and honest.

Mr. KING. I absolutely agree with that.

Chairman WALSH. And public opinion is made by printed publications, largely, is it not?

Mr. KING. I think the public seen through printed publications. I think the public very soon, Mr. Walsh, realizes where certain things come from when they appear in the press. I think the public are right on to that kind of thing—it does not matter what the source is.

I would like, while we are speaking of that question of Mr. Rockefeller sitting on the two boards, I would like to make the same answer that I think he made, and I think it is this, that if a man can not occupy a half dozen positions, no matter what they represent, and be honest and honorable in every one of them he is not fit to act in any one of such capacities. Men are either honest or dishonest; you can not put them in trade-unions or churches or parliaments or anywhere else and make honest men out of dishonest men, or make dishonest men out of honest men.

Chairman WALSH. Now, let me see if I can bring this down a little more; this is the particular question that I asked Mr. Rockefeller. It was along this line. I will ask you a direct question, because it is hard to quote or answer for another person. But take a case where Mr. Rockefeller was called upon to sit as a member of the Rockefeller Foundation in the morning and received a report from you to this effect: Mr. King after an investigation has found that the great bulk of the coal trade, or digging the coal, is organized into one union; that they have 400,000 members and are known as the United Mine Workers of America, and after a very careful survey of the matter extending over a number of years Mr. King has reported that he does not believe that economic justice can be done without recognizing this union. It is the first one in the trade, it has 400,000 members, with coal miners from various nationalities, with solidarity of work, financially and otherwise, and he has reported that the only thing to do would be to recognize the United Mine Workers of America; we shall now appropriate $250,000 to circulate Mr. King's findings and to see whether or not we could establish his ideas in America. That he would meet in the afternoon as a director of the Colorado Fuel & Iron Co., and he would say, he could say, that they are such bad men, that is, because of action that perhaps has been taken, that as a member of the board of directors

of the Colorado Fuel & Iron Co. we can not afford to deal with them at all, so I cast my vote that our bones shall bleach in the mountains before we allow them to have anything to do with us.

It is a question of whether or not a man's mentality can be brought into such a position without saying as to whether he is honest or not, whether he can take both actions?

Mr. KING. There is something deeper than a man's mentality—his conscience and his own heart. If Mr. Rockefeller got a report from me saying a thing meant social justice, I don't care what board he was on, he would stand for it.

Chairman WALSH. When did you first meet Mr. Rockefeller?

Mr. KING. Last June.

Chairman WALSH. With reference to being employed in this work?

Mr. KING. May I tell you my meeting with him and what led me to take up this work?

Chairman WALSH. If you will answer my question, you can make any explanation that you desire afterwards. Was it with reference to your employment to do this work?

Mr. KING. No, sir.

Chairman WALSH. Then you may state what it was.

Mr. KING. I received a communication from Mr. Greene, in Ottawa, asking me to come to New York to advise with certain interests.

Chairman WALSH. Did you know Mr. Greene before?

Mr. KING. He had been secretary to President Eliot, of Harvard University, and I was also acquainted with him through Lord Grey in Canada.

Chairman WALSH. Have the Rockefellers interests in Canada?

Mr. KING. Not that I know of.

He asked me if I could come down and advise with him with reference to certain interests in which he was connected. I think I have the precise words of the communication. First it was a telegram and was followed by a letter, and this paragraph here in the letter of June 3 was sent to me by Mr. Greene [reading:]

"Through the Rockefeller Foundation we are already planning some economic and social studies, which may have an ultimate bearing on the solution of the labor problem; but it has seemed to us that if, in our purely corporate capacity as owners or directors of large industries, we can work out, on a basis compatible with sound finance, any substantial improvements in the relation of capital and labor, we shall be, perhaps, doing a greater social service than we could render through any of our strictly philanthropic expenditures. It is with reference to a wise approach to this great problem that I am now asking your aid."

I may say that I got that from Mr. Greene.

Chairman WALSH. Read that again; I was trying to connect it in my own mind.

Mr. KING (reading): "Through the Rockefeller Foundation we are already planning some economic and social studies which may have an ultimate bearing on the solution of the labor problem; but it has seemed to us that if, in our purely corporate capacity as owners or directors of large industries, we can work out, on a basis compatible with sound finance, any substantial improvements in the relation of capital and labor, we shall, perhaps, be doing a greater social service than we could render through any of our strictly philanthropic expenditures. It is with reference to a wise approach to this great problem that I am now asking your aid."

Chairman WALSH. Now, does the middle of that paragraph mean the coal company?

Mr. KING. The Rockefeller Foundation has investments in a large number of corporations. I think they hold bonds of the coal company. I am not sure though on that point.

Chairman WALSH. Now, let's see if I understand that. Does he mean by that—do you understand him to mean in their purely corporate capacity; does that mean the foundation?

Mr. KING. I think it means the foundation specifically. I think the foundation as a corporation holds other investments. I must say in regard to this passage that it seemed to me to register about the high-water mark of a sense of responsibility on the part of large corporations.

Chairman WALSH. Now, they were speaking as a large corporation like a coal company or an oil company or anything they might be interested in?

Mr. KING. No; they were speaking as a large corporation that owned certain securities. They were stockholders and bondholders.

Chairman WALSH. So you felt what you note there, that that was the high-water mark of corporation management, that they should want to do a thing like that?

Mr. KING. No; not that. What I felt was this—and what I felt very strongly was this: That the place to begin improvement of industrial conditions is not so much on the part of the workers as on the part of the men that have capital.

Chairman WALSH. Why? And why should not the workers jump in and do something for themselves right away?

Mr. KING. They should jump in and do something for themselves; but the more a man has in the way of power the greater his responsibility; and if I am a stockholder owning a hundred thousand dollars of stock, I think I have a greater obligation to my fellow man than if I was a working man with no capital saved at all. And this seemed to me to indicate that so far as the foundation was concerned they were taking the view that as the owners of large wealth and property they hoped to be able to render a great social service by setting an example to the rest of the world by making the industries through which they could exert their influence, if any, better industries than they had been, and improve the relations of labor and capital in them.

Chairman WALSH. Now, do I understand you to say that what you drew from this was that when these gentlemen mentioned doing something in their corporate capacity, did they mean that the Rockefeller Foundation has a corporate capacity and they were speaking from that standpoint?

Mr. KING. Certainly.

Chairman WALSH. Now, let's see. I want to get this straight. I do not get it exactly. Let me see, it seemed to say that if "in our purely corporate capacity as owners or directors of large industries, we can work out on a basis compatible with sound finance any substantial improvements in the relation of capital and labor we shall be perhaps doing a greater social service than we could render through any of our strictly philanthropic expenditures."

In other words, they had the foundation in which they were operating in the field of philanthropy, but that it occurred to them that in their purely corporate capacity as the owners or directors of large industries they could work out on a basis compatible with sound finance certain substantial improvements in the relations of capital and labor. Wouldn't you think from that, now, that their approach to you, now, was as managers and owners of industrial concerns?

Mr. KING. I grant you it may have been that, and probably it was.

Chairman WALSH. Don't you think it was, after we analyze it?

Mr. KING. No; as I recall it, at that time Mr. Greene was director in several corporations as well as in the Rockefeller Foundation.

Chairman WALSH. Well, don't you think he was talking from that standpoint?

Mr. KING. Well, I will say that I think he was, if—I think probably you are right; that it may have included every interest that Mr. Greene was a director of. That would include the Colorado Fuel & Iron, and I think they were quite right; that if they could improve conditions in the Colorado Fuel & Iron Co. that they would be rendering a much bigger service to labor and to the public than they would by any of their philanthropic expenditures.

Chairman WALSH. They say: "If we can work out on a basis compatible with sound finance." What do you understand that to be, a sound financial basis?

Mr. KING. Well, I should feel that any improvement that is not capable of being carried on on a sound financial basis is not likely to be of service to anybody—if you can't do a thing on a basis of what is sound finance. If it can be done only on a basis of unsound finance, the thing is no good for anyone. That is all that sentence means.

Chairman WALSH. The "sound finance" means that if they could do it without—what does it mean?

Mr. KING. Well, it may mean one thing to one man, Mr. Walsh, and another to another. To me it means honorable business. That is what I understand by sound finance—honorable and intelligent business—not "high finance."

Chairman WALSH. It does not mean any ultimate financial result of any sort—"sound finance"?

Mr. KING. Well, any dividends got in an improper way I should say would be unsound finance. The only thing that would be sound finance would be finance that would stand the light of day and publicity to the fullest degree.

Chairman WALSH. And that would include proper treatment of workmen and proper discharge of all the duties that were imposed upon the owner of the industry by the responsibility which comes through the thing he undertakes?

Mr. KING. Absolutely; and I would begin with the consideration of the workers, for industry can not be run without labor being considered. It ought to be the first consideration and should not be the last.

Excuse me for getting off the subject. I was asked to come down in that way to advise with these interests as to whether a course of studies on these problems would likely be of any service if undertaken by the foundation. I did not know when I received the letter from Mr. Greene that it was with reference to Mr. Rockefeller's business, one way or the other. I did not know of the existence of the Rockefeller Foundation when I received this communication. When I came to New York I found it was to meet Mr. John D. Rockefeller, jr., Mr. Murphy, and Mr. Greene, they all being members of the Rockefeller Foundation.

We went to Mr. John D. Rockefeller, jr.'s house, and Mr. Rockefeller spoke to me about the advisability of a course of studies on industrial relations; whether I thought it could lead anywhere and be helpful. I told him I most certainly thought it could. Then he asked me if I could suggest to him names of men helpful in undertaking work of that kind. As I had not known what would be talked about, I said that would have to be considered, but I mentioned several names. I mentioned, I think, six or eight names, and among others one gentleman, a member of this commission, and also, among others, Mr. Neill, former Commissioner of Labor of the United States; Sydney Webb, of the old country; and a few other persons identified prominently with the study of industrial problems. I said I thought any of those persons would be capable of undertaking work of this kind. Then Mr. Rockefeller questioned me at some length as to wherein I saw the possibilities of good resulting from impartial studies on economic questions, and I gave him my opinion. I was simply consulted as one to give an opinion. Then he spoke to me about the situation in Colorado.

Chairman WALSH. That was the first interview?

Mr. KING. The first interview, yes. He said, "I will explain to you why I am asking this question, now, and why I am asking your advice. This situation in Colorado has brought home to me"—I am not using his exact words, but this is the substance of it—"has brought home to me an aspect of the industrial trouble that I had never comprehended to the degree that I now comprehend. The situation out there where men and women have lost their lives has suggested to my mind that there should surely be some way of settling industrial differences other than by means of strife of this kind which causes loss of human life and loss of property and all this unrest." And he said, "I want to use, if I can, to use some of my wealth to make that kind of thing impossible in the future; and that is my reason for asking your advice on this matter." Perhaps I should—I suppose the reason he sent for me—one reason may have been the same reason that this commission asked me to come. As far as I know, I am the only one from Canada the commission has invited to appear before it.

Chairman WALSH. Yes; you are the only one.

Mr. KING. I was for eight years the deputy head of the department of labor and for two years minister of labor in the cabinet.

Chairman WALSH. Another reason is that you had something to do with the Canadian industrial disputes act, as the author of it, and——

Mr. KING. Yes; and with several pieces of legislation on industrial questions; and I felt that Mr. Rockefeller's purpose in asking me was to give him honest advice, so far as my experience would enable me to give it, as to the benefits that would come from studies of that kind. So, then, when he spoke of the Colorado situation he said, as nearly as I recall it, this: "The present strike, I don't see that I can ask your opinion on it. That is a matter that the operators are dealing within Colorado themselves. The question, as I understand it, is the question of the recognition of a particular union, and the operators in Colorado have taken a stand on that matter; and as long as the question remains one of union recognition, I suppose the struggle will go on." I am not giving you the exact words, but the substance.

Chairman WALSH. Yes; that you could never do anything in that line?

Mr. KING. As he understood it, the operators had made up their minds that they would not concede recognition of the organization. He said that industrial peace in Colorado might be restored if, in the industry there, some scheme were

worked out whereby there could be representation by the men themselves to the higher authorities in the industry in regard to matters pertaining to their living conditions and grievances and all——

Chairman WALSH (interrupting). Who was it said that?

Mr. KING. Mr. Rockefeller said that.

Chairman WALSH. That is, Mr. John D. Rockefeller, jr.?

Mr. KING. Yes.

Chairman WALSH. Was his father there?

Mr. KING. No; his father was not there. I think he said—that may have come either after or before a remark of mine—when he asked me if I had any opinions on the Colorado situation. Well, as I remember it, I said I had not followed it closely, but that if it were like other troubles I had had to do with, I should imagine it was the result of the men not being able to find adequate expression for the grievances they had and that probably there were a number of officers who were arbitrary in their conduct, and the mass of men under them had resented treatment of that kind. Then he said, "What method would you adopt under the circumstances to try to improve those relations?"

Chairman WALSH. Then it was you suggested, and not Mr. Rockefeller?

Mr. KING. Suggested what?

Chairman WALSH. This plan you speak of. I thought you said Mr. Rockefeller asked you if such and such and such were the case, such could not be done?

Mr. KING. Well, as I say, the order of the conversation I don't exactly remember; but I was the one who developed the plan.

Chairman WALSH. Did he suggest it first?

Mr. KING. No; he did not suggest the plan first. I was the one that suggested or outlined a first plan.

Chairman WALSH. What was it you started to say that Mr. Rockefeller said, couldn't you do this and do that? Maybe I misunderstood you, I will let the stenographer read that. I thought you said Mr. Rockefeller suggested——

Mr. KING (interrupting): Well, the point of the suggestion, Mr. Chairman, is—it is perfectly clear in my mind what did take place. If I said Mr. Rockefeller suggested a particular plan, or had a particular plan, and that that was at the outset, I am wrong in that, because I made the suggestion myself.

Chairman WALSH. If you will excuse me a moment, I am going to ask the stenographer to go back and read what you said Mr. Rockefeller said to you.

(Here the stenographer read as follows:)

"He said, 'I will explain to you why I am asking this question, now, and why I am asking your advice. This situation in Colorado has brought home to me'—I am not using his exact words, but this is the substance of it—'has brought home to me an aspect of the industrial trouble that I had never comprehended to the degree I now comprehend. The situation out there where men and women have lost their lives has suggested to my mind that there should surely be some way of settling industrial differences other than by means of strife of this kind which causes loss of human life and loss of property and all this unrest.' And he said, 'I want to use, if I can, to use some of my wealth to make that kind of thing impossible in the future, and that is my reason for asking your advice on this matter.' Perhaps I should—I suppose the reason he sent for me—one reason may have been the same reason this commission asked me to come. As far as I know, I am the only one from Canada the commission has invited to appear before it.

"Chairman WALSH. Yes; you are the only one.

"Mr. KING. I was for eight years the deputy head of the department of labor and for two years minister of labor in the cabinet.

"Chairman WALSH. Another reason is that you had something to do with the Canadian industrial disputes act, as the author of it and——

"Mr. KING. Yes; and with several pieces of legislation on industrial questions; and I felt that Mr. Rockefeller's purpose in asking me was to give him honest advice, so far as my experience would enable me to give it, as to the benefits that would come from studies of that kind.

"So, then, when he spoke of the Colorado situation he said, as nearly as I recall it, this:

"'The present strike—I don't see that I can ask your opinion on it. That is a matter that the operators are dealing with in Colorado themselves. The question, as I understand it, is the question of the recognition of a particular union, and the operators in Colorado have taken a stand on that matter; and as

long as the question remains one of union recognition, I suppose the struggle will go on.' I am not giving you the exact words, but the substance."

Chairman WALSH. Well, unless you have not gone far enough back, Mr. Reporter, I must have been mistaken.

Mr. KING. My purpose in putting that in—there is a tendency in some of the questions to imply that there may be special reasons for people being invited and being asked questions, and I want to make it perfectly plain that there was a certain motive in Mr. Rockefeller's mind, which was to get some one of experience in these questions.

Chairman WALSH. The point was, I understood you to say, Mr. Rockefeller suggested to you to get that plan in Colorado. Now, did he?

Mr. KING. Get that plan?

Chairman WALSH. To work out a plan in Colorado that might establish industrial peace and in their own industry.

Mr. KING. Well, as I remember it, he asked me if I could suggest anything or any plan that would be helpful. Yes, he did ask me that.

Chairman WALSH. Yes.

Mr. KING. Yes; that is quite right. Then I turned to give my views, having regard for the premise he had laid down in regard to the situation there. That was the substance of the conversation in the morning. Now, if I have made myself clear, I was asked to go down simply to advise whether a course of studies might be taken——

Chairman WALSH (interrupting). You came in response to this [referring to the extract of letter from Mr. Greene to witness, of date June 3, 1914, heretofore read]?

Mr. KING. Yes; it recites it there.

Chairman WALSH. And no other reason?

Mr. KING. No, sir. But you asked me at the outset whether my conversation with Mr. Rockefeller had relation to employment with the Rockefeller Foundation. My answer is, no.

Chairman WALSH. Your answer is that you came down in response to the extract from this letter?

Mr. KING. Yes; in answer to the request contained in this letter; and I gave my advice and then returned to Ottawa. I later received a communication from the Rockefeller Foundation asking me if I myself would undertake these studies. I had no more thought of having anything to do with changing the course of work I was at at the moment than I had of flying.

Chairman WALSH. Had you given your views about Colorado and how you thought the thing might be worked out?

Mr. KING. As to what plan might be adopted?

Chairman WALSH. Yes.

Mr. KING. I outlined a plan there.

Chairman WALSH. Go ahead; and then they wrote to you.

Mr. KING. Yes; and asked if I might—or rather would I undertake this course of studies myself. Well, I have to insert this personal matter because it explains my actions. I was at that time connected as president of the Ontario Reform Association, a liberal political organization of Canada; and we were fighting the provincial campaign, and I had an engagement to speak every night for, I think, a month; and when I received this communication I had to reply that I could not give any thought to this matter one way or the other for a month, or until these engagements were over. I think I received another communication asking if I could not come down just for an informal conference. Well, the only arrangement I could make was to come down on a Saturday and spend Sunday and return for my meetings on Monday, which I did about the 2nd of June. That was the time that I went out to Tarrytown, it being Sunday. I went out and met Mr. Rockefeller at Tarrytown. Mr. Murphy met me when I arrived at New York and we went out together——

Chairman WALSH (interrupting). Before we get to the Tarrytown conversation—now, in this first conversation did you make a suggestion to them that perhaps proper representation might be gotten by recognizing the union to the extent of conferring with them or even entering into contractual relations with them?

Mr. KING. As far as the union was concerned, I was told before I began to discuss that part of the situation, that the question of union recognition was a question the mine managers of Colorado had a policy on, and Mr. Rockefeller was not going to interfere.

Chairman WALSH. So whatever you did out there had to be something other than recognition of the union?

Mr. KING. No; that was not the suggestion I got; but——

Chairman WALSH. No; but any plan you might make for the situation in Colorado had to be something other than recognition of the union.

Mr. KING. Understand, what Mr. Rockefeller spoke of then was a plan that would help to bring industrial peace at that time, notwithstanding the position that the operators had taken in Colorado.

Chairman WALSH. Yes; whatever plan you got up could not include in it the recognition of the union in Colorado in this trouble.

Mr. KING. Well, it is quite conceivable that the plan that I suggested then—there was nothing in it whereby, if a company cares to grant recognition to a union, it should not be granted through this plan just as well as any other. In fact, the whole plan is a plan of representation.

Chairman WALSH. Well, but when you started on your plan it was with the understanding given you by Mr. Rockefeller that the executive officers had already passed on the question of recognition of the union, and that they would not recognize it?

Mr. KING. As far as that trouble was concerned; yes—as far as that trouble was concerned.

Chairman WALSH. Now, then, when you got to Tarrytown?

Mr. KING. Well, when I got to Tarrytown the position I took was this: I had had two or three weeks to consider the matter, and I had come to the decision that I would not accept the position that was offered to me if it meant that I would have to give up my interest in public affairs in Canada. I am not in Parliament——

Chairman WALSH. Were you holding any official position in Canada at that time?

Mr. KING. No; I was not in Parliament at that time, but I had accepted the nomination of the liberals of North York, one of the constituencies of Canada, to be their candidate at the next election.

Chairman WALSH. When was that election to be held?

Mr. KING. That is for the present Government to decide. They have not dissolved Parliament yet. As soon as they dissolve—I expected they were going to dissolve a few days ago, but they have not. They can dissolve any time, but when they do, I am going right back to contest that riding, no matter where I am.

Chairman WALSH. Proceed.

Mr. KING. I said when I came down, "There is no use of my considering this if it means my giving up my interest in public affairs in Canada."

Another thing I said was—this was in June that we had this conversation—that I could not think of entering upon the work until October. The only person I had spoken to or intimated to what had come in the way of this proposition was Sir Wilfrid Laurier, in whose cabinet I was; and when I spoke to him, he said he proposed to make a tour of the Dominion—the last political tour he probably would make through the whole of Canada, and he was kind enough to say that he would like me to be a member of his party and go with him and that he intended to make the trip during July, August, and September. And I said at once, certainly, that I would not think of taking up this work until that was over. And I mentioned those two features when I came down, that I could not consider this proposition if it meant entering upon work before October, nor could I consider it if it meant giving up my interest in political affairs in Canada. And I must say that I did not expect when I put the proposition that way that it would be accepted. So that any advice I gave, Mr. Chairman, in regard to any plan out in Colorado was not with a view of getting any position with Mr. Rockefeller or anybody else. I simply took the position that I always have taken with people.

Chairman WALSH. When you gave them the plan, did they seem to like it or assent to it or agree that it might be a pretty good thing?

Mr. KING. When I gave the plan I gave it verbally and there were no expressions of opinion one way or the other on it. And in regard to the plan I gave or suggested, nothing was said of that plan in the interview with Mr. Rockefeller, sr. That was the first interview.

Chairman WALSH. Was Mr. Rockefeller present at the first interview?

Mr. KING. No; he was not.

Chairman WALSH. Had you ever met him until you went to Tarrytown?

Mr. KING. No; I never met him until I went to Tarrytown. And I had had the offer, Mr. Chairman, as to entering upon this work before I had seen Mr. Rockefeller, sr., at all. I would like, if I might, just to place on record what I said as nearly as I can remember in regard to the plan I had in my mind.

Chairman WALSH. In the first interview?

Mr. KING. In the first interview—I was asked subsequently if I would repeat it in writing, and I did. I would like to put that plan into the record.

Chairman WALSH. I see. Proceed.

Mr. KING. Well, as nearly as I can remember, the exact words were, could I suggest the "construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both."

Chairman WALSH. Pardon me. What are you reading from?

Mr. KING. A printed document that I had printed for my own convenience.

Chairman WALSH. I know; but is it an issued or published document?

Mr. KING. No; it was not issued as a public document. I will tell you the exact nature of this, Mr. Chairman. During the hearings of the commission in New York there was a letter I had written to Mr. Rockefeller read into the testimony. I thought, as I listened to the questions there, that a very unfair inference was being drawn from a certain paragraph. I am a man in public life, and I have to protect my reputation. I do not care what any particular individual may say, but I do care as a public man what inferences are drawn from my letters and utterances. So when I thought an unfair inference was being put upon part of my letter, I had the letter printed in full with the explanation of the circumstances under which it was written.

Chairman WALSH. Were those circulated?

Mr. KING. No; not circulated; but I had them ready, because—I will explain absolutely the reason in my mind. One of the gentlemen who testified before that commission—I will not mention his name at the moment—drew inferences—there were others also who did—that I thought were unfair. Now, that part of the inference was telegraphed to Canada and published by the opposition press of that country with a view to doing me political injury. I don't know that it was so intended by anyone—any individual—but you understand when a man is in political life his enemies take advantage of anything. An unfair inference was drawn and unfair statements and false statements made concerning some part of this communication and were telegraphed and inserted in the Conservative press—a large part of it—from one end of Canada to the other.

Chairman WALSH. From New York?

Mr. KING. From New York; and when I got back from New York I was charged—it was charged that I, who had been representing labor in Canada for years, had sold out, or something to that effect; and I expect when I take up my next political contest to have to face such problems as may come from false inferences, and so I printed the documents to have them ready to circulate if that subject is brought up.

Chairman WALSH. And that is one of the documents?

Mr. KING. That is one of the documents; yes, sir.

Chairman WALSH. You can quote from it if it is all right and does not interfere in any way. If you think it does not interfere in any way, you may quote from it.

Mr. KING. Well, I will give you my version even if it is not all right. When my contest might come on I wanted to be prepared. I did not want any man to get up and cite these false statements. I want to show the statement of the facts. Now, this is the record of the thing. I was asked—as I say, the strike was on at the time and the company had taken the position that they would not yield to the question of union recognition. The men, as I understand, had taken the position that they would not drop the strike as long as that point was not conceded. And I was asked in the interval if I would or could suggest the construction of machinery which would afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means, on the one hand, of preventing labor from being exploited and, on the other, of insuring that cordial cooperation which is likely to further industrial efficiency. That is the substance of it.

Chairman WALSH. Wait a moment. How does that go, again?

Mr. King (reading): "The construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means, on the one hand, of preventing labor from being exploited and, on the other, of insuring that cordial cooperation which is likely to further industrial efficiency.

"Granting the acceptance of the principle outlined, the machinery to be devised should aim primarily at securing a maximum of publicity with a minimum of interference in all that pertains to conditions of employment. By this I mean that the hope of establishing confidence between employers and employed will lie more in a known willingness on the part of each to confer frankly with the other than in anything else. Similarly the avoidance of friction likely to lead to subsequent strife is likely to be minimized by agencies which will disclose the existence of irritation and its cause at or near inception; trouble most frequently follows where ill feeling is allowed to develop unknown or unheeded.

"A board on which both employers and employed are represented and before which at stated intervals questions affecting conditions of employment can be discussed and grievances examined would appear to constitute the necessary basis of such machinery. The size of this board and whether there should be one or many such boards would depend upon the numbers employed, the nature of the industry, and whether or not the work is carried on in one or several localities."

I had not been in Colorado and did not know anything about the geography of the State nor of the mines.

Chairman WALSH. This was a plan you suggested in your first interview?

Mr. KING. Yes; and in the dark.

Chairman WALSH. At Mr. Rockefeller's house?

Mr. KING. Yes. [Continues reading:]

"Where, for example, there are different mines or refining plants as well as mines it might be that boards pertaining to each individual concern might be combined with provision for reference to a joint board covering the whole industry or group of industries to which matters not settled by smaller boards might be taken for further discussion and adjustment.

"In determining the character of representation on such boards, broadly speaking, a line might be drawn between those who are 'paid salaries,' on the one hand, and those who 'earn wages,' on the other. This is very rough and very general, for there are in some industries a class of petty bosses whose interests may appear to identify them more closely with wage earners than with salaried officials, but, broadly speaking, men who have authority to give orders and to direct operations fall into the salaried class, while men who have no authority to direct others and whose own work is subject wholly to direction fall into the category of wage earners. The selection of representatives on such boards should be made at a meeting or meetings of employees called expressly for the purpose. It might be left optional for the employees to say whether they desired a permanent form of organization of which their representatives on a board would be the officers or whether they would prefer the selection of individuals at stated periods without reference to any permanent form of organization. It could also be left optional with the workers themselves to say whether they wished to allow representatives so chosen a salary in payment of their services or whether such service would have to be voluntary. A company might, with propriety, offer to provide the place of meeting for the boards and possibly go the length of supplying the employees with permanent office accommodation for their representatives, leaving it, however, to the employees themselves to provide whatever might be necessary in the way of salaries and expenses in the keeping up of such offices.

"It would not appear desirable at the outset that these boards should have anything to do with benefit features. They should not be framed with a view of restricting through possible benefits the liberty of any man as respects the continuance of his employment, but should aim primarily at affording a guarantee of fair play in determining in the first instance the conditions under which men would be obliged to work and the remuneration to be paid and, secondly, the carrying out of these conditions in a spirit of fair play."

Chairman WALSH. Are you not reading from the letter introduced in evidence? It is familiar.

Mr. KING. It is familiar. I was asked by Mr. Rockefeller to give the substance of it in writing.

Chairman WALSH. You are reading from the letter?

Mr. KING. Yes; in the letter I give the substance of the conversation.

Chairman WALSH. The plan you proposed to Mr. Rockefeller the first time you ever had a talk with him was that the men selected to prevent the grievances should be men actually inside the industry and not called from the outside. Is that correct?

Mr. KING. No.

Chairman WALSH. Let me look at it please. [Reading:]

"This would make it an essential that all members of such boards, excepting possibly persons chosen as chairmen, referees, or umpires, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside."

Mr. KING. Yes; what is your question?

Chairman WALSH. My question is that this presupposes that very thing.

Mr. KING. What very thing?

Chairman WALSH. That it was an essential that all members of such boards, excepting possibly persons chosen as chairmen, referees, or umpires, should be persons actually employed in the industry, or connected with it in some way, not personse chosen from outside?

Mr. KING. If they were to be representatives on boards of industry, certainly.

You remember there were certain limitations laid down I tried to have regard for in giving advice, and how, within the industry itself, certain boards could be constituted.

You do me a great injustice—I want to make this plain—you do me a great injustice if you try to infer that this was any attempt not to recognize the union or any attempt to evolve machinery which would prevent the union getting recognition.

Chairman WALSH. That is what I am asking you as directly as possible; under that could these men have chosen Frank J. Hayes, or Mr. McLennan, or any other of the members of the United Mine Workers of America?

Mr. KING. Mr. Chairman, you are a lawyer; when you are called in to advise in regard to a particular situation, you advise with regard to the situation put before you. I was, as an expert, asked to advise as to a particular situation, and I took the situation as presented to me, and I gave advice within the restrictions placed upon me. Any attempt to construe that advice to in any way show prejudice against labor unions is something I think would be dishonorable in the highest degree, and I want to make it most emphatically plain, both for my own sake and for—for the sake of my own reputation and for the sake of the reputation of this commission, that any effort of that kind is doing one of the greatest acts of injustice to any man that can possibly be done.

Chairman WALSH. So the parallel you wish to draw is that you went into that as an expert like I should have gone into it as a lawyer, to take the conditions as presented by the directors of this Rockefeller Foundation, and give my opinion, having those conditions in mind with those limitations?

Mr. KING. The way I went into it is the way I go into anything else——

Chairman WALSH (interrupting). You can answer that; you went into that as you say I should have gone into it as a lawyer, or any man should have gone into it as a lawyer; you took the limitations given by the persons employing you and gave them a plan along the lines drawn by those limitations——

Mr. KING. Let me tell you——

Chairman WALSH (interrupting). Listen, I am not going to infer anything, but I am going to ask you a direct question each time, and I will give you an opportunity to say yes or no, and you can make any explanation you please.

Mr. KING. I shall make my case as I think best and leave it to the public to determine between us.

Chairman WALSH. We will have to leave it to the commission to judge.

Mr. KING. No; I am speaking now in a country which I believe believes in fair play and decency, and I have seen witness after witness on this stand put in a position I think disgraceful.

Chairman WALSH. You do not like the way the hearings are conducted in this country?

Mr. KING. Not in this country, but in the interests of labor I protest against the way you carry them on. I make that very plain, and I think the other members of your commission take that stand.

Chairman WALSH. You think a mistake was made by the Government in selecting the instrumentalities they have adopted to inquire into the causes of industrial unrest, a part of which is to inquire into the relationship between the parties in Colorado?

Mr. KING. You may seek to excuse yourself in that way and make the Government——

Chairman WALSH (interrupting). I am not seeking to excuse myself at all.

Mr. KING. I think this hearing should be conducted in a way to appeal to fair men, and I do not think it has been, and I protest against the unfair way in which you are conducting this hearing.

Chairman WALSH. You exclude the rest, but do not like my way?

Mr. KING. I do exclude the rest, and I think they have been put in an embarrassing position by the way you are conducting the hearings; and I protest as to the way of examination of Mr. Rockefeller with reference to his responsibility in what took place in Colorado.

Chairman WALSH. Because you heard Mr. McCorkle testify your employer should be brought back there and have a trial and go to prison?

Mr. KING. No; I have followed your questions since you started this investigation.

Chairman WALSH. Oh, you have not been satisfied from the start with the way I conducted it?

Mr. KING. I do not think it will make it any plainer to go further.

Chairman WALSH. I am following this out from the remarks you made; you did not like it from the very start the way I have conducted the hearings?

Mr. KING. I regret it deeply, from the standpoint of labor, and anybody that wishes labor as much good as possible does so. This is a commission that has a possibility of rendering one of the greatest services to industry, and I regret that it has been managed in such a way that I fear such possibilities are gone.

Chairman WALSH. What salary do they pay you?

Mr. KING. That is a matter you do not have a right to inquire into. I was asked if I would undertake this work for a period of years. I said I would not, that all I would undertake to do was to take it for a year; that I wanted to be perfectly free at the end of a year to terminate my arrangement with the Rockefeller Foundation if I did not see it was going to give the opportunity for the practical results I wanted to get. I made an undertaking with them on that basis, with that understanding, and they asked me to take it for another period of time, and I refused, and I made the further stipulation that if by any chance an election should be brought on in Canada, I should resign before that time. I think under those circumstances the public would hardly expect me to answer what particular remuneration I am receiving.

Chairman WALSH. You may decline to answer that; but we have to put that question to other witnesses. If you do not care to tell what you are getting, very well.

Mr. KING. I think it is just as well that matters that are private should be kept private, unless they throw some light on the work of this commission. If you think I am the sort of man that is going to be influenced by the salary I receive, if you will say so, I will answer the question.

Chairman WALSH. I do not know the sort of man you are, but if you ask my opinion I will say that my experience in life, covering a good many years, is that a man who accepts remuneration from another man for work to be done naturally feels very much beholden to that man.

Mr. KING. That may be your way; it is not mine.

Chairman WALSH. Let me add to show my feeling on that point; you asked me that, you know, and I only answer because you ask——

Mr. KING (interrupting). The position I take is this; if I am returned to Parliament I shall serve in Parliament without remuneration from any source for the time I am there. I give up for the time I spend in political affairs in Canada every cent I receive from the Rockefeller Foundation. I believe politics to be the noblest of all callings, but the meanest of all trades, and I think that every man should be prepared to give some of his time in that way, and the question of salary and money is not a thing that enters into my mind in dealing with the public service.

Chairman WALSH. What do you say you are going to do with the money you get from Mr. Rockefeller?

Mr. KING. I did not say anything about that; I forego what I am getting for the opportunity of public service.

Chairman WALSH. If you go back to Parliament, you do not charge the Rockefeller Foundation, or do not continue your inquiry?

Mr. KING. For such time as I give up to public life, I receive nothing from the Rockefeller Foundation. Any time I give up to the public service I voluntarily forego my income.

Chairman WALSH. I ask the question directly: Is it a fact the suggestion you made to Mr. Rockefeller at his residence on the occasion of your first interview, presupposed that these boards that you mention should not consist in any part of the members of the national labor unions in the coal industry?

Mr. KING. No, sir; it did not. Every man on those boards might be labor-union men. And let me tell you this, when I talked to Mr. Rockefeller at that time, I remember distinctly of his stating to me that he had no antagonism toward labor unions as such, and he stated, as he did on this stand, that he believed labor had a right to organize as much as capital. I made it plain to him that I am a strong believer in trade-unions. The first thesis I wrote 20 years ago was on that subject.

When I take up matters of interest to labor, and I find there are certain limitations, and I can only get so much for labor, I take that. When I see a chance anywhere to advance the interest of labor, I do not forego that chance, because I can not get all I think I ought to; I take as much as possible; and if there are limitations laid down, I work within those limitations, for I believe the only service I can render is in that way.

Chairman WALSH. Did you have something more to say on that subject?

Mr. KING. No.

Chairman WALSH. Now, then, we get to Tarrytown.

Mr. KING. Yes, sir.

Chairman WALSH. Did you meet John D. Rockefeller, jr., between the time you met him in the first interview and the time you went to Tarrytown?

Mr. KING. No, sir; I never did.

Chairman WALSH. Did you communicate with any member of the Rockefeller Foundation or director of the Colorado Fuel & Iron Co.?

Mr. KING. No, sir; I did not communicate with any of them.

Chairman WALSH. What was the occasion of your going to Tarrytown?

Mr. KING. I had communicated by telegraph to try and arrange a meeting on Sunday, or something like that.

Chairman WALSH. A communication with regard to your proposed plans?

Mr. KING. No, sir; not a line.

Chairman WALSH. Now, who accompanied you to Tarrytown?

Mr. KING. Mr. Murphy met me in New York.

Chairman WALSH. Mr. Starr J. Murphy?

Mr. KING. Yes, sir.

Chairman WALSH. And was he at that time a director in the Colorado Fuel & Iron Co.?

Mr. KING. I think he was.

Chairman WALSH. You knew he was?

Mr. KING. I know now that he was; I didn't know then.

Chairman WALSH. Did he tell you at that time that he was a director?

Mr. KING. No, sir. Understand this, Mr. Walsh, that we were not discussing the Colorado Fuel & Iron Co. matters. We were discussing the advisability of beginning a course of study on industrial questions, at the interview that we had in Tarrytown.

Chairman WALSH. The first interview is embodied afterwards in this letter where you were getting up a plan that might be worked out in Colorado?

Mr. KING. I am speaking of the interview when I went to see Mr. Rockefeller, jr.

Chairman WALSH. Did you have another interview with regard to your proposed work with Mr. Murphy on your way to Tarrytown?

Mr. KING. You mean this proposed plan?

Chairman WALSH. Yes, sir.

Mr. KING. No, sir; never spoke of it. It was August before I was asked to put this plan in writing.

Chairman WALSH. But you had given in a verbal conversation that same plan in substance?

Mr. KING. This was the substance of it.

Chairman WALSH. In the first conversation you had?

Mr. KING. Yes, sir.

Chairman WALSH. Now, did you have any conversation with Mr. Murphy in his office, or on the way out to Tarrytown, with reference to what you were going to do?

Mr. KING. No, sir; I never talked on the way out with Mr. Murphy about that. I think I talked on the way out with him about the question of my undertaking this work, and, as near as I remember it, the impression I sought to give Mr. Murphy was the feeling I had in mind when I went out there, that I would not undertake it.

Chairman WALSH. Oh, you say the impression you gave Mr. Murphy, or the impression that you had in your mind on the way to Tarrytown was that you would not take the position?

Mr. KING. I came down not intending to take up these studies.

Chairman WALSH. And when was it you had not made up your mind?

Mr. KING. I said I am not going to give up participation in the public life of my own country, I have taken too active a part in its affairs, and I came down with the thought of saying that I would not take up this work, because I could not take it up until the middle of October, anyway, and I would not take it up at all if I had to give up my citizenship in Canada and my work there.

Chairman WALSH. We had that up earlier; now, when you were here, you were still of the opinion that you would not take up the position?

Mr. KING. Yes, sir; and I gave Mr. Murphy my reasons on the way out.

Chairman WALSH. Who did you meet there?

Mr. KING. Mr. Rockefeller, jr., first, I think, and then Mr. Rockefeller, sr.

Chairman WALSH. Was anybody present except you four at that conversation?

Mr. KING. That is all.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock, to-morrow morning.

(Thereupon, at 5 o'clock p. m., Monday, May 24, 1915, the commission took an adjournment until the following morning, Tuesday, May 25, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C., *Tuesday, May 25, 1915—10 a. m.*

Present: Chairman Walsh, Commissioner Harriman, Commissioner Weinstock, and Commissioner O'Connell.

Chairman WALSH. Will you please resume the stand, Mr. King.

TESTIMONY OF MR. W. L. MACKENZIE KING—Continued.

Chairman WALSH. Is the money that is being paid you by the Rockefeller Foundation being paid monthly or in one lump sum at the end of the year?

Mr. KING. I receive a monthly check.

Chairman WALSH. Do I understand you to say that your employment is simply for one year?

Mr. KING. That is the extent of my engagement at the present time.

Chairman WALSH. How long, now, have you been in Colorado?

Mr. KING. Let me amplify that, Mr. Chairman. The foundation expressed the hope that I would take up this work for a period of time. I was desirous of seeing what opportunities there were in it of accomplishing the practical results I hoped to be able to accomplish, and I felt it was quite as much in my interest as theirs that we should have a year's relationship before the term was made longer.

Chairman WALSH. Who proposed it should be just a year, Mr. King?

Mr. KING. I did.

Chairman WALSH. Had you inquired into any other investigations they had made in which they had undertaken studies, such as agriculture and things of that kind?

Mr. KING. No, sir.

Chairman WALSH. You do not know anything about it?

Mr. KING. No.

Chairman WALSH. You made some statements about the characteristics of young Mr. Rockefeller.

Mr. KING. Yes.

Chairman WALSH. I believe you stated you never met him until you went into this.

Mr. KING. Not until I met him at his house before I went into it.

Chairman WALSH. I mean when you were called down here for that purpose, was the first time you saw him?

Mr. KING. I was called down to advise with Mr. Rockefeller.

Chairman WALSH. You were called down for the purpose of seeing him in this regard?

Mr. KING. Yes; that was the first time I saw him.

Chairman WALSH. Had you made a study of the attitude of the Messrs. Rockefeller toward labor, and also their business history in the United States?

Mr. KING. No, sir; I had not.

Chairman WALSH. So all you knew about Mr. Rockefeller you gathered from the contact you had with him immediately prior to going into this work and in this work.

Mr. KING. From my personal acquaintance with him and the conversations I had with him, I formed my estimate of him.

Chairman WALSH. That was since the time you met him, and immediately prior to going into this work?

Mr. KING. Yes.

Chairman WALSH. Now, have you made a study in the field any other place except in Colorado?

Mr. KING. Colorado is the first part that I have taken in that regard.

Chairman WALSH. During our hearings in New York City, do you recall the labor disturbances at Roosevelt, N. J.?

Mr. KING. Yes.

Chairman WALSH. And the inquiry that was made into that—the short inquiry?

Mr. KING. Yes.

Chairman WALSH. And the fact was developed there that some of the bonds in this foundation, out of which this inquiry grew, was a part of the funds of the foundation?

Mr. KING. I believe it was stated that the foundation held certain bonds in that particular industry.

Chairman WALSH. Mr. A. Barton Hepburn, who is a director for the American Agriculture & Chemical Co., you knew was a director in this foundation?

Mr. KING. I know he is a director in the foundation.

Chairman WALSH. Were you present when he was examined on the witness stand before this commission?

Mr. KING. No, sir.

Chairman WALSH. Did you make any inquiry into the conditions at Roosevelt, N. J.?

Mr. KING. No, sir.

Chairman WALSH. Did the foundation make any inquiry into the conditions at Roosevelt, N. J.?

Mr. KING. No; not that I am aware of.

Chairman WALSH. It is within a very few miles of New York City, is it not?

Mr. KING. I believe New Jersey is; yes.

Chairman WALSH. Now, upon yesterday, you said something about it being your work to uplift the masses; was that the way you put it?

Mr. KING. No; I do not think so.

Chairman WALSH. What was your expression; what did you say about the masses?

Mr. KING. I do not think I mentioned the word.

Chairman WALSH. My recollection was you said it was part of your work to uplift the masses or uplift labor.

Mr. KING. I do not thing you will find the words "uplift" or "masses" in my testimony.

Chairman WALSH. What was it you said, speaking of your general purpose?

Mr. KING. If you want to know my general purpose——

Chairman WALSH (interrupting). No; I want to know what you said yesterday; I want to go back to that and examine you a little on it.

Mr. KING. I do not recall the exact words; but if I make a statement with reference to my interest and purpose in labor it would amount to this: That whenever I see an opportunity to benefit the conditions of labor in any relationship in life in which I am placed I would endeavor to take advantage of that opportunity to do the most I can.

Chairman WALSH. That is, to help labor?

Mr. KING. To help the industrial classes; I think labor needs all the friends it can get.

Chairman WALSH. Do you think it needs all the friends it can get?

Mr. KING. Yes; it has many enemies.

Chairman WALSH. Now, are you working in this matter as a friend of labor?

Mr. KING. I hope I am.

Chairman WALSH. You believe you are?

Mr. KING. I believe I am, if I did not I would not.

Chairman WALSH. Have you ever done any work for the American laboring people prior to this time?

Mr. KING. Well, I went to England one year to get the British Government to enact a law which would make it an offense for anyone in the United Kingdom to publish representations which might lead to men being taken out of the country to Canada as strike breakers, or to come in to take the place of men on strike. That law applies to the United States as well as to Canada, and when you ask if I have rendered any service to the American workman I think that, perhaps, is one service I have rendered; that to-day there is a statute in Europe, which was the result of a conversation between Mr. Lloyd George and myself, which resulted in a statute which makes it illegal for any man to publish anything in a newspaper to induce labor to leave the United Kingdom and come to another country under false representations. That was aimed at the bringing in of strike breakers.

Chairman WALSH. Any other service you have done? Any other work for the American laborer?

Mr. KING. You mean the laborers in the United States of America?

Chairman WALSH. Yes, sir.

Mr. KING. It is my belief that the labor question is such that boundary lines are not a necessary condition; that if a man renders a service to labor in one country it is helpful in another country, and for the last 12 years I have been more or less identified with introducing measures which I think will prove beneficial to labor, not only in Canada, but elsewhere.

Chairman WALSH. Except in that indirect way, has there been any work which you have done in the line of helping laborers of the United States of America? That is, the indirect work that you have done in Canada, and the passage of the law which you referred to, which would prevent strike breakers from being brought from England?

Mr. KING. I would have to look over a part of my record.

Chairman WALSH. I wish you would.

Mr. KING. That bears specifically on that. I remember one thing that comes to my mind while I am speaking here. For a great many years men in this country have been endeavoring to get an act passed, or rather were endeavoring that would put a stop to what is popularly known as "phossy jaw," to make a match without the use of phosphorous. That is, in order to stamp out a disease known as phosphorous necrosis. I was representing the Canadian Government at a meeting of the International Association for Labor Legislation in Lugano, Italy, and was asked there if, in order to help on the enactment of legislation in the United States and elsewhere, I would help to get such legislation passed in Canada. If labor is going to be permanently benefited in any one country, it is absolutely essential to have the standard raised all along the line. In other words, it is difficult to permanently raise a standard in one particular country. It was pointed out to me very specifically that an act passed in Canada would materially help all such legislation in every other country of the world. I returned to Canada and I was minister of labor at the time, and I asked the officers of the department to help me draft an act that would stamp out this particular disease. There were several match factories in Canada and some of them were using phosphorous in the making of their matches. One of the officers brought me a report which, to my mind, was particularly shocking. It mentioned where one woman in this industry had lost her jaws from the effects of the disease, but was still living in a city not far distant from Ottawa. I said this thing is so shocking I shall verify it for myself, and I went to the homes of these people and saw the conditions. I talked with the sufferers of the disease, and I came back and insisted that the law be drafted as strongly as it was possible to have it drawn. I went into Parliament and introduced that measure and stated what I had seen myself. I pointed out the international significance of a measure of that kind, and that measure is law in Canada to-day. I got it through the first reading, through

the House of Commons, and then Parliament was dissolved on account of the late reciprocity election, but my successor took the bill I had introduced and carried it through the house at a subsequent session. I contend that that measure would not have been enacted if I had not taken the position I did, and I think that American labor will be the first to say that it was a benefit to them.

Chairman WALSH. So, in that indirect manner, you think you have benefited labor?

Mr. KING. I would say in that direct manner.

Chairman WALSH. I am referring to the laborers of the United States.

Mr. KING. Yes, sir; and I think the laborers of America would be the first to say I had rendered them a service by doing that.

Chairman WALSH. But when it comes to a question of benefiting labor, would you let them say whether they were benefited or not?

Mr. KING. Most assuredly.

Chairman WALSH. You do not believe in that school of philosophy that believes in doing things for labor that they do not want to have done for them?

Mr. KING. No; but I find among men who take an interest in labor such a diversity of opinion as to what is in the interest of labor. I mean, take the labor groups themselves. You have had before this commission men who style themselves as anarchists and Socialists and trade unionists——

Chairman WALSH. Who actually worked, outside of the doctrinaire?

Mr. KING. Yes, sir; the men that actually worked.

Chairman WALSH. Such as Mr. Johannsen?

Mr. KING. I don't wish to specify the names.

Chairman WALSH. You have heard or read about a number of them, that actually work?

Mr. KING. Yes, sir. In regard to these men that work, they hold different views; they are all equally sincere, and if there is anything in their point of view which is sound and substantial, and that will ultimately make for good, my feeling is that element will prevail.

Chairman WALSH. Take the trade-unionists alone, are you a believer in giving the organized trade-unionist movement what they want in the way of help, regardless of their own desires?

Mr. KING. Excuse me a minute; I should like to finish the question as to the service I have rendered to labor.

Chairman WALSH. All right, I will come back to that. That question would logically go first.

Mr. KING. I think I may take credit to myself for having, under the direction of the then existing postmaster general, established the department of labor in Canada. There was no such department until I suggested it, and having been the one who suggested that the Government of Canada should establish such a department, I was given the duty of establishing it. That department has been in existence for 14 years. It has published each month during that time a publication known as the Labor Gazette. I wrote every line of the first number myself, I chose the style of type, and read the proof of it, and each step of the work as it followed in that department while I was deputy minister I either directly initiated or helped to initiate it.

I take it that the statistics of one country are of service to another, to help to raise the standard of labor in one country is to help to raise it in any other, and if the department in Canada has rendered any service to the laboring people of that county, it has also helped to render service to this country and all countries. You asked my service to labor.

Chairman WALSH. What I was trying to get at was whether you had any particular job in this country, for instance, like you are doing for the Rockefeller Foundation. We have taken into account what we received from the Rockefeller Foundation in reply to an inquiry which you made, that you hold in your hand there; that is, your activity in Canada and other places, and unless you desire to do so, I would not care to have you go over it again, all that you have done in Canada. We have taken that into consideration. What I was directing your attention to was any job that you did in the United States of America to help labor—that is, the country itself?

Mr. KING. If you are prepared to concede the point that I make——

Chairman WALSH. I concede the point; that is, what was really done for labor in one country applies to all, that it is an international problem, a world-wide problem.

Mr. KING. Then I am glad to leave my record on the labor matters in Canada and to stand on that record of the 10 years I was deputy minister and in the cabinet.

Coming back to your other question of work in this country, I was at the University of Chicago in the year 1896, and in the winter of 1896 I took up postgraduate study in economics. During that time I lived at Hull House, attended the university, and spent that winter making a study of trade-unions and trades-union movements.

Chairman WALSH. What trade-union movements did you study specifically?

Mr. KING. A particular study of the International Typographical Union.

Chairman WALSH. Any other?

Mr. KING. I made some study of the bricklayers' union.

Chairman WALSH. As an expert, did you indorse their form of organization?

Mr. KING. Just a minute until I answer this other question first. These studies I subsequently drafted in the form of a thesis, which don't amount to much in the light of the knowledge I have to-day—this was 20 years ago—but I think if you will read the article that appears in the Journal of Political Economy of that year——

Chairman WALSH. What year was that?

Mr. KING. 1896, I think, or 1897.

Chairman WALSH. Just give a better reference to it. Of course, I did not notice it at the time; I was not interested in these subjects.

Mr. KING. It has been given in the record that was given to the commission; if you had read that you would have seen it.

Chairman WALSH. I did read it, but I could not carry all of the details of your activities in my mind. I can find it in there?

Mr. KING. Yes, sir; there was an article on the history of trades-unions in the United States, and a study on trades-unions in an article on International Typographical Union.

Then, the next year I went to Harvard and pursued my studies of economics, and during the summer of that year—I was working my own way through college, Mr. Chairman—I received a scholarship and fellowship which helped me, but apart from that I had to earn all I had in order to get through postgraduate studies. I put in that summer in the city of Boston preparing a report for the consumers' league on the hours of working women in the shops and stores. I understand that report was made the basis of legislation subsequently enacted by the Massachusetts Legislature.

Chairman WALSH. To whom was the report made?

Mr. KING. To the consumers' league. I was engaged by the consumers' league to make that report. I spent that summer gathering data on that subject. The report is in existence. As I say, I do not think it is an elaborate study, but I was led to believe at the time that it was of some service.

You asked me again as to American labor direct. One year I was appointed chairman of a commission to inquire into the conditions of operatives in the cotton mills.

Chairman WALSH. By whom?

Mr. KING. By the Canadian Government. During that time I visited the cotton mills in New England and studied conditions there.

Chairman WALSH. How did you find them?

Mr. KING. My report will speak for itself.

Chairman WALSH. Could you epitomize it in a broad general way?

Mr. KING. No; I could not epitomize it.

Chairman WALSH. All right; go ahead.

Mr. KING. That report that I presented to the Government of Canada was made the basis——

Chairman WALSH (interrupting). Is that referred to and set out in your statement?

Mr. KING. I think it is. It ought to be, if it is not. [After examining document.] Yes; it is. The result of that report was to bring about a reduction in the hours of labor of children employed in the factories in the Province of Quebec. I have been informed—I can not say whether rightly or wrongly—that the legislation of Canada in that particular has been of some service to operatives in the cotton mills in this country. That may fall within the indirect category that you speak of, but I did some of the work in connection with it in this country.

Then, as you know, we have had, in common with the people of this country, the problem of dealing with oriental labor. I was chairman of a royal commission that inquired into the conditions, or the circumstances, rather, which induced labor to come to this continent from Japan, China, and India. I was sent by the Government of Canada to India to negotiate with the Govern-

ment of India an agreement which would help to put a stop to migration of Indian labor to this continent. I think the result of what was done at that time—I think the agreement made then is working out very satisfactorily. I think the migrations from India have been practically stopped so far as any have been made to Canada. Canada being a part of the British Empire, the problem was a little more delicate than the problem of legislating direct in this country would have been. Inasmuch as I think on the coast they will tell you that Chinese and Japanese and Indians try to work their way down into this country through the Dominion, if it has been possible for the Canadian Government to stop this oriental labor coming to Canada as a part of this continent, a service has been rendered to American labor in that particular in a very direct way.

Chairman WALSH. Did you do some of the work on that in the United States, or was that under your appointment by the Canadian Government?

Mr. KING. Yes; I must thank you for reminding me of that, Mr. Chairman. I went down to California and discussed that matter with several persons there, because the problem was the same, and I do not think I violate any confidence if I say that I was invited by Mr. Roosevelt to come to Washington and confer with him in regard to that subject, and that I took up at his request certain matters pertaining to oriental immigration for this country with the British Government. More than that I am not at liberty to say just now, but I think I rendered American labor a big service in that connection.

Chairman WALSH. What was the date of that?

Mr. KING. That is not in this record, because up to a certain point I have regarded that matter as a confidential matter; but Mr. Roosevelt himself referred to it publicly in New York after the last Canadian election. He made some reference to my own position in Parliament there, and he spoke along the lines I have just mentioned in speaking of this matter, so I do not think I am betraying any confidence.

Chairman WALSH. What is the date of it?

Mr. KING. I see another matter here to which I must refer, too. That was in 1908, Mr. Chairman. It was the same year I went to England to confer with the British Government in regard to immigration from India. I notice here a reference to the opium commission that met at Shanghai in China.

Chairman WALSH. You say you would not like to go into the details of that matter with President Roosevelt any further?

Mr. KING. I will be very glad for Mr. Roosevelt to make his statement, of course.

Chairman WALSH. I thought you said he had made some statement to the public that you felt rather unsealed your lips in the matter?

Mr. KING. He has given a statement which is ampler than the one I have just made, because I have the interview myself. I saw it in the paper after it was brought to my attention.

Chairman WALSH. I will ask you if that was at the time that a general order was made with reference to the getting of Asiatics into the country——

Mr. KING. Or keeping them out?

Chairman WALSH. Yes; keeping them out.

Mr. KING. That is more like it—keeping them out. It was at that time, I think. It was in 1908. You can fix it by that year.

Chairman WALSH. 1908?

Mr. KING. Yes; 1908. When I was inquiring in British Columbia into the conditions under which Japanese, Chinese, and Hindus and others had come to our country, with a view to helping to direct legislation to prevent their competition with Canadian labor and bringing down the standards of labor there, I found that the Chinese—that is another feature I should remember—there were riots in the country, and the Chinese and Japanese quarters were pretty well torn to pieces in sections. The Government appointed me commissioner to assess the losses that had taken place and to pay the Chinese and the Japanese for the damages which had been done. I had sole charge of that, and assessed the losses and made such payments as I thought proper. Then I took up the larger subject of the immigration to this continent and followed it subsequently by a visit to the Orient. While I was investigating this matter the Chinese put in a claim for loss to the opium traffic. This came somewhat as a surprise. I said, "Surely, you have not the right to produce opium here. How do you expect the Government of this country to compensate you for loss in it?

Chairman WALSH. That is, the Canadian Government?

Mr. KING. Yes. You will see the bearing of my question in a minute. They said there was no law against it, and I found they were perfectly right; with-

out waiting to be requested by the Government to investigate the matter I took up the subject myself. I made inquiry while I was there——

Chairman WALSH (interrupting). In California?

Mr. KING. No; this was in Vancouver and Victoria. I found the opium produced there amounted to half a million dollars turned out each year. I got the evidence sufficient to base on act of Parliament upon it. I drafted an act to prevent the opium traffic completely in Canada and returned to Ottawa, and asked the prime minister if he would introduce it. There were only two or three days until the end of the session. He told me the time was short. I said I thought the opposition would not offer any opposition to a measure of that kind. I saw the leader of the opposition and got his guaranty that they would not, and they put that legislation through and it is on the statutes to-day. I have learned since that this country was interested in that same problem at the same time; that the legislation which was enacted in Canada was followed almost literally by the Government here.

I was asked by the British Government if I would represent Canada as one of the delegates to the opium commission that met at Shanghai, which I think was appointed by this country. Bishop Brent, I think, was chairman of that commission.

Chairman WALSH. Did you meet with the commission in Shanghai?

Mr. KING. I was a member of that commission.

Chairman WALSH. Did the commission meet in Shanghai?

Mr. KING. Yes; certainly.

Chairman WALSH. I want, if possible, to eliminate the details——

Mr. KING (interrupting). Yes; but I want——

Chairman WALSH (interrupting). Of how you went to the prime minister, and all that. What I want to get, if I can, is the particular thing, discarding the details as much as you possibly can, of what you did in this country, in the United States, in helping labor.

Mr. KING. I know, Mr. Walsh, you are anxious to discredit me as much as possible, and I am equally anxious to let my attitude——

Chairman WALSH (interrupting). If you will answer my questions, Mr. King, without any explanations, and leave out your comment upon the way you think I am conducting my business, I will be obliged.

Mr. KING. I would just ask for myself the courtesy I have seen accorded to every witness here; I have seen men speak for half an hour on the stand without interruption from you, and I would like an opportunity to speak at least five minutes.

Chairman WALSH. I try to indicate when they ramble on too much into detail that I would like them to come back to the question.

Mr. KING. Yes.

Chairman WALSH. I guess I will have to do that with you and ask that you keep to the question.

Mr. KING. That is right.

Chairman WALSH. Nevertheless, if you think you should, you will be allowed to go on like the others; but I am required to attempt at least to keep this within the lines of the inquiry. And we understand each other I think perfectly, and that you think I am not conducting the matter properly.

Mr. KING. With just this further proviso, that I would like to register an objection at any point I think it is desirable to do so, where I think your attitude is unfair. I have been chairman in many commissions myself, and I know the rights a chairman has.

Chairman WALSH. You know that in a commission of this kind the power does not exist to punish for contempt?

Mr. KING. I do not think there is any question of contempt.

Chairman WALSH. Or any power to punish for refusal of a witness to answer a question?

Mr. KING. I do not know that there is not; I think there is. I think a chairman ought to take a judicial position and not that of a prosecutor.

Chairman WALSH. I know that is your point, and there is a contrariety of opinion upon that; a judicial position sometimes could be assumed that would cover up matters. Do you believe—oh, I won't go into an inquiry of that kind. Do you want to register that I am unfair along this particular line?

Mr. KING. No.

Chairman WALSH. Now, along the lines I have indicated to you, and not going into too much detail, please proceed and tell us what other work you have done to help labor in the United States of America; that is, eliminating, if you

please, what has come directly from Canadian legislation, which it has been conceded, if it is beneficial to labor in Canada, would be beneficial to labor elsewhere.

Mr. KING. As I remember, the commission that met in Shanghai—Bishop Brent was the chairman; there were American and British delegates at different conferences we had there and some of us agreed in certain matters and others differed. I mean by that my sympathies in some of the cases lay with the American members of that commission in some particulars and not in regard to others. I saw certain features that had a bearing on this continent. Whenever I saw an opportunity of assisting what the American commissioners wanted done, and I thought it would be in the interest of this country to have it done, I threw my efforts in that way.

Chairman WALSH. In Shanghai, China?

Mr. KING. Yes.

Chairman WALSH. Would you deem it unfair if I asked you to confine yourself, at least at this point, to the question asked, what you did in the United States of America?

Mr. KING. Mr. Chairman, your horizon and mine are different, and I think that is where we fall short. My point of view is that a man can render service in a very direct way to another country without residing in that country and doing the thing in that particular place. This was a commission appointed, I understand, at the instance of the United States of America; it was this country that established that commission in Shanghai, China.

Chairman WALSH. Well, conceding that, too—conceding that, would you be willing to answer my question regardless of the bearing it has on your record or anything else for that matter and just state what work you actually have done in the United States of America?

Mr. KING. That is a different question.

Chairman WALSH. That is the one I am trying to direct your attention to now.

Mr. KING. Yes; but you asked me what I had done for American labor, which is different from what I did in the United States of America.

Chairman WALSH. Very good. I told you that was conceded, what you did in Canada and other countries, Shanghai, China, or any other place, and that if it benefited labor there it would benefit labor every place. Now, with that concession, I am now asking you what else you have done actually in the United States of America like, for instance, what you are doing in Colorado or New York or any other part of this country?

Mr. KING. Do you think that will throw light on the subject of this commission?

Chairman WALSH. I do; otherwise I would not ask it.

Mr. KING. Well, would the appointment of a commission on industrial training and technical education, and which commission visted this country—would the finding of that commission have any bearing on conditions here?

Chairman WALSH. Did you visit this country with that commission?

Mr. KING. Actually come here with it?

Chairman WALSH. Yes.

Mr. KING. No.

Chairman WALSH. Then it would not have a bearing on my question.

Mr. KING. On your question; I am willing to leave it, as I said.

Chairman WALSH. Can you indicate any other work that you have actually done in the United States of America?

Mr. KING. No other thing comes to my mind.

Chairman WALSH. All right.

Mr. KING. Well, a few years ago there was a strike which tied up the system of the Grand Trunk Railroad from Chicago to Portland. A part of that Grand Trunk System runs through Canada. Now, so that we can understand each other, if I helped in any way to bring about the termination of that strike, would you think I rendered any service to American labor?

Chairman WALSH. Indeed, I would; but I am not asking about that at this time. If, in anything you did in that strike, you came to America to do it, that is what I would like you to indicate at this time.

Mr. KING. Mr. Garretson, a member of this commission, representing labor, came to Canada.

Chairman WALSH. Did you come to this country?

Mr. KING. No; but I negotiated with Mr. Garretson.

Chairman WALSH. I am now asking about any case in which you actually worked in the United States of America; you did not actually come to the United States of America in that matter?

Mr. KING. No; that is quite true.

Chairman WALSH. Can you indicate any other work you did to help labor in the United States of America which required you to come to the United States yourself, other than what you have already indicated?

Mr. KING. Well, I think some years ago I attended a conference of officials of bureaus of statistics of America.

Chairman WALSH. Where was that?

Mr. KING. I think one was held in St. Louis and one in Boston.

Chairman WALSH. There were two of those?

Mr. KING. I am not sure there was not one here; I attended several. But at one of those conferences one matter considered was how the statistics of each country could be put together so that they would be of assistance to the other countries, and legislation by one country made of assistance to desired legislation in another country.

Chairman WALSH. So, in this instance, you were actually in the United States?

Mr. KING. Yes.

Chairman WALSH. And dealt with conditions you thought would help labor in the United States as well as other places?

Mr. KING. Yes.

Chairman WALSH. You attended several of those?

Mr. KING. Yes.

Chairman WALSH. How many were there?

Mr. KING. Three.

Chairman WALSH. Were those all appointments of the Canadian Government, or did they serve voluntarily or by some other authority?

Mr. KING. Well, I think it was on my own initiative; I was head of the department of labor in Canada, and as such I came.

Chairman WALSH. Did this conference come under the head of the department in Canada?

Mr. KING. Yes.

Chairman WALSH. Was there any way in which you helped labor in the United States and came to the United States to do it?

Commissioner WEINSTOCK. Mr. Chairman, if it is allowable, in order that I may better appreciate the answers of the witness, may I ask the object of this line of questions?

Chairman WALSH. I would say I am not on the stand being examined, and I would not like to indicate in advance what the line is, or to be questioned at all by anyone.

Mr. KING. Mr. Chairman, I am on the stand; may I ask the question myself?

Chairman WALSH. No; you might not ask it either.

Mr. KING. All right.

Chairman WALSH. Proceed now.

Mr. KING. Well, there may be other things; if you had submitted this question to me in advance I would have tried to get the information a little more in detail; but I do not think I can give it more in detail at this time. I do not wish you to understand, however, that that is all.

Chairman WALSH. Now, going back to a former question. Do you believe—we were speaking of what might be called the organized trade-unions—do you believe that Government officials or other outsiders should give the organized trade-union movement legislation and other matters they think good for the organized trade-union movements regardless of the wishes of the organized trade-union movement?

Mr. KING. My feeling is that every man has to determine for himself whatever he thinks is right and proper to do, and I do not think that anyone is the keeper of another person's conscience, and each man has to decide for himself.

Chairman WALSH. For each group?

Mr. KING. Why, in the particular position each is in himself, his duty is to try and help men in other positions in life.

Chairman WALSH. Whether they want to be helped or not?

Mr. KING. Yes.

Chairman WALSH. As an expert, and after investigation of the bricklayers' union and printers' union, at the University of Chicago, did you approve, as an expert, of that form of organization?

Mr. KING. Do you mean by that, did I approve of trade-union organization?

Chairman WALSH. No; did you approve the ones you made a particular study of, of the form of the organization of the bricklayers' union and the printers' union?

Mr. KING. The printers' union; that was put in the form of an article, and that article will speak for itself.

Chairman WALSH. How about the bricklayers' union; did you approve of that?

Mr. KING. I do not recall just at the moment what view I had of it. I think the inquiry I had on the subject of the bricklayers was more with some of the officials of the bricklayers' union with regard to the trade-union methods and trade-union organization.

Chairman WALSH. Did you write on the subject of bricklayers?

Mr. KING. No.

Chairman WALSH. Did you approve of their form of organization?

Mr. KING. I could not say whether I did or not.

Chairman WALSH. Would you be good enough to epitomize to this general extent with regard to the printers, although you say it is in documentary form; did you approve of their forming an organization after you studied it here?

Mr. KING. The article was written 20 years ago, and my impression is at the time I did. I see no reason why I should not approve of it since.

Chairman WALSH. You say when you went down to meet Mr. Rockefeller and Mr. Greene you went—as you understand it, as an expert on labor conditions?

Mr. KING. Well, I do not know that I would be justified in taking that amount of credit to myself, Mr. Chairman.

Chairman WALSH. I thought you stated yesterday that you went there as an expert.

Mr. KING. If I did, I apologize, because probably I am not entitled to use that term. I had 8 or 10 or 12 years' experience in industrial problems, and used the word "expert" as it is commonly used; I presume I was asked because I had been dealing with industrial questions.

Chairman WALSH. I have heard this statement made before this commission many times, that they believed in industrial democracy, and they defined industrial democracy under the present wage system to be the absolute and inalienable rights of workers in industries to have a compelling voice in the fixing of their compensation and hours for their labor, and the conditions under which they were required to work, or under which they worked; you have heard that expression?

Mr. KING. Yes, sir.

Chairman WALSH. Do you believe in that?

Mr. KING. That represents the ideal that I should like to see achieved; certainly.

Chairman WALSH. Now, workers can not have a compelling voice in their wages unless they have some power to enforce their views upon their employers, can they?

Mr. KING. I think that is right; yes.

Chairman WALSH. Do you believe that an organization, for instance, in the industry of the Colorado Fuel & Iron Co., would be beneficial to enforce a compelling voice if the entire organization was inside of that industry?

Mr. KING. I think it would depend largely on the position taken by the directors of that company and the officers of the company.

Chairman WALSH. But how could they have a compelling voice, the workers themselves, if it depended on the directors and officers of the company? As I understand it, the compelling voice means they must be given the power to say their own conditions, and not take what the directors or managers might be willing to concede them.

Mr. KING. There are two parties to every industrial contract, and the strength of one party is estimated relatively on the basis of the strength of the other. I could imagine a very weak organization of labor, with employers who were desirous of doing what was fair and right, being in a very much stronger position in a matter of having a compelling voice than a strong organization with employers who were determined irrespective of what the consequences might be that they would not concede them what was right and proper and just.

Chairman WALSH. Well, if this is a matter of favor upon the part of the employers, a matter of the desire, no matter how commendable he treats the employer's right to grant him something, then you leave the idea of industrial democracy and go back to what might be called a beneficial autocracy?

Mr. KING. No; I think you have to take human nature as it is, and the fact that a man belongs to a trade-union doesn't make him a different man than he was before he joined it. The same is true of an employer of labor; because he employs labor and says a particular thing it doesn't follow that he is going to be any different than he was before he made the assertion. Back of all forms of organization lies character, and character is going to be the determining factor in the long run.

Chairman WALSH. It is going to depend upon the character of the men that operate the industry and the character of the men that are there, whether or not a democracy is established, or fair conditions?

Mr. KING. I could imagine that under the conditions of industrial democracy that you have described, and which I say I believe in, that men holding positions in that industrial democracy might become tyrants.

Chairman WALSH. That is, the worker might become a tyrant?

Mr. KING. Any man. I am not saying that workers might. I would like it distinctly understood as stated, men, when they are elevated to certain positions, or get a certain degree of authority, frequently become arbitrary in their conduct.

Chairman WALSH. Did you find any of them in the Colorado Fuel & Iron Co.?

Mr. KING. Let me finish. And I feel that as respects any form of organization society may take, or that any institution may take, that as long as human nature is what it is those possibilities may arise, and knowing that I fall back again on what I said in the beginning—that in the last analysis the determining factor is character.

Chairman WALSH. Is not the determining factor whether or not the worker can establish the conditions? Whether or not they have the power to do it, financially and in number?

Mr. KING. I think that financial aid and numbers increase power, but if that power is in the hands of the men that are tyrannical by nature, and arbitrary, it will add so much more to tyranny and excess in their hands. If it is in the hands of men who are benevolent in their attitude toward life, and charitable in their relations, then it will be a blessing. It depends in the last analysis on the character of the men.

Chairman WALSH. Has your investigation extended to the extent in Colorado that you can say now whether there has been any of that arbitrary abuse of power which you mentioned by any of the officers or directors of the Colorado Fuel & Iron Co.?

Mr. KING. I will answer that question, but before I answer it I would like to say this: When I went to Colorado I went with a view of getting all of the light that I could on the situation.

Chairman WALSH. Might I ask, did you take into consideration the history of Colorado?

Mr. KING. Yes, sir; I have been trying to. But in order to get inside information, as thoroughly as I could, I assured everyone with whom I had an interview that I would regard the interview as confidential, that I would not disclose the names of the parties with whom I had the interviews or discuss the substance of what was given. I feel in the work that I am doing now, as a student of these problems, that the success of it will depend upon the degree to which I get actual, true, and unbiased information. And I feel that the extent to which I may succeed will depend upon the degree of confidence I can secure of men in all walks of life. So in regard to the Colorado situation, I feel that I owe it to the assurances I have given to the people in Colorado, that such information as I have on the subject at the present time I regard as confidential, and I hope you will see the reasonableness of that point of view.

Chairman WALSH. Will it ever be disclosed?

Mr. KING. I hope it will be disclosed in this way, if no other: During the last few years in Colorado some of the mining districts have been canyons of strife; I think that would describe the geography of the situation. I would like to see them changed into valleys of happy and contented homes, and if that result is achieved in the next five years, or any period, the next five months or five weeks, I would hope that some little part of it might be due to the work that I have been endeavoring to do and suggestions I have helped to make.

Chairman WALSH. But my question, when are these alleged facts that you are gathering going to be disclosed, if ever?

Mr. KING. I don't purpose making any findings on the Colorado situation.

Chairman WALSH. You don't purpose giving out any information on which you base your findings, on which you hope to get this happy solution?

Mr. KING. There are two ways of getting results; one is by antagonism, although I don't think this always brings the results, but it is sometimes attempted, and the other is by conciliation and believing in men. My method has been to believe in men.

Chairman WALSH. No matter what they do?

Mr. KING. "There is so much bad in the best of us, and so much good in the worst of us, that it hardly behooves any of us to talk about the rest of us." That is the expression of my relation to my fellow man, and I believe I can accomplish more by believing in men than disbelieving in them, whether they are agitators or capitalists or any class you like. As I said yesterday, one of the things that moved me to take up this work was that the foundation might be perfectly——

Chairman WALSH. Are you going to make your report to anybody; are you going to give anybody these facts that you are collecting, the result of these interviews?

Mr. KING. No, sir; I have not decided that, but if you mean am I going to give them to anybody connected with the foundation or Mr. Rockefeller I would say no.

Chairman WALSH. Are you going to give them to the Government?

Mr. KING. No.

Chairman WALSH. Are you going to give them to the organizations of workers?

Mr. KING. I will give them the results.

Chairman WALSH. But as far as the facts are concerned, your purpose is to keep them absolutely secret?

Mr. KING. No, sir; I would not be telling the truth to say that.

Chairman WALSH. Who are you going to tell them to?

Mr. KING. On that I shall use my own judgment.

Chairman WALSH. Who are you going to tell them to?

Mr. KING. I would like to have a chance to talk to you about it.

Chairman WALSH. Now is your chance.

Mr. KING. It is not the place.

Chairman WALSH. You mean you would like to talk to me privately about it?

Mr. KING. I should like to have a personal, intimate conversation with you about the conditions in Colorado.

Chairman WALSH. Can you think of anybody else that you would give this information to?

Mr. KING. When I was in Colorado, or rather before I went out, I was talking with Mr. Welborn, and he said he would be glad to receive any suggestions that I might make, would be glad to get suggestions respecting the conditions as I saw them.

Chairman WALSH. Now, I take it——

Mr. KING. What do you take?

Chairman WALSH. I was going to say that I take it in doing this work, as you stated, your general purpose was that you were doing it to help labor?

Mr. KING. Yes, sir.

Chairman WALSH. And you stated before you started out that you had this conversation with Messrs. Rockefeller and Greene, and the others connected with the institution for which you are doing the work, that you called upon the Department of Labor, the Secretary of Labor, and another that you mentioned?

Mr. KING. I guess the governor of Colorado, perhaps. Or was it an interview I gave to the press—Mr. Seth Low?

Chairman WALSH. And you were going right then into the Colorado field?

Mr. KING. Yes, sir; I was on my way to Colorado.

Chairman WALSH. And of course when you get these results you expect to get not only the history of Colorado, but the opinions and observations of the men that were engaged in the conflict?

Mr. KING. Oh, certainly.

Chairman WALSH. Did you call upon the secretary or president or treasurer of the United Mine Workers of America in Denver.

Mr. KING. I read yesterday a public statement I gave to the press in Colorado, which was published there.

Chairman WALSH. Did you call on them?

Mr. KING. In which I said I would welcome information from any source, and that I would keep myself open to see anyone who wished to see me. I called on no one in Colorado, but I saw a great many. I saw a great many persons representing all sides.

Chairman WALSH. Did you talk to the president or secretary or treasurer of the United Mine Workers of America in Denver?

Mr. KING. I have said already, Mr. Chairman, that I desired to have regarded as confidential the persons that I saw.

Chairman WALSH. Did you call upon the president, the secretary, or the treasurer of the State Federation of Labor of Colorado?

Mr. KING. I have already stated that I intend to regard as confidential the interviews that I had in Colorado. That is my position in regard to that. I refused to see no one in Colorado, and among the persons——

Chairman WALSH (interrupting). I will just put this question directly to you, if it is not a fact that you went out there on this mission to examine into conditions in Colorado, and that you went to Mr. Welborn and officers of this company that were engaged in this conflict, and the testimony as to whose conduct you have heard detailed here and elsewhere and read about, and that you did not go near any officers of the United Mine Workers of America or any of the officers of the State Federation of Labor of Colorado?

Mr. KING. I will say that is a deliberate misrepresentation.

Chairman WALSH. I am not misrepresenting. I am asking if you did it.

Mr. KING. A mere insinuation is sufficient.

Chairman WALSH. Just answer the question, and you will clear up everything. Did you go to see any of those men on the labor side?

Mr. KING. I can not state that without betraying the general confidence referred to in the statement I have already made. If you ask me did I see labor men, did I see representatives of the United Mine Workers of America—I did; but I do not intend——

Chairman WALSH (interrupting). I asked if you saw the president, the secretary, or the treasurer of the United Mine Workers of America, or the president, the secretary, or the treasurer of the State Federation of Labor of the State of Colorado?

Mr. KING. I remain just exactly where I put myself before.

Chairman WALSH. You refuse to answer that question?

Mr. KING. I refuse to disclose any of the interviews I had in Colorado; and let me make this perfectly plain, Mr. Chairman: I saw some of the persons you have mentioned——

Chairman WALSH (interrupting). Name them.

Mr. KING. No; I will not. I do not intend to disclose the names, and I do not intend to let the impression go abroad that I avoided seeing anyone, not for one minute. If the president and secretary and treasurer and those other men you speak of were interested in seeing me, they knew exactly where I was staying, and there was no one that was refused an interview who asked for it, and I was most anxious to see them and most solicitious. If there was any keeping away, they were the ones that kept away, and not me. I want to have it perfectly plain there was no avoiding seeing anyone.

Chairman WALSH. I want to have it perfectly plain, too.

Mr. KING. Let me state this, too: If the president or the secretary or the treasurer or any member of the United Mine Workers of America wishes to see me, I will make an appointment to see them. I will make an appointment to stay here all week in Washington, this week, if they wish it, and see every one of them here and discuss fully the matters with them. I have no desire to avoid seeing anyone.

Commissioner HARRIMAN. May I ask a question, Mr. Chairman?

Chairman WALSH. Pardon me; you will make me lose my thread. I will let you ask it in just a moment.

But you say now you did receive a call from the president or the secretary or the treasurer of the United Mine Workers of America or of the State Federation of Labor of Colorado—that some of them called on you?

Mr. KING. Is Mr. Doyle a member of one of those organizations?

Chairman WALSH. Yes, sir.

Mr. KING. I saw him. I did not have a lengthy interview with him. The reason I did not continue my interview with him was that I got the subpœna from your sergeant at arms to come here, and I had to convey to him why I could not see him at the present time.

Commissioner HARRIMAN. May I ask a question now, Mr. Chairman.

Chairman WALSH. Pardon me; certainly.

Commissioner HARRIMAN. Did you not see the secretary and treasurer of the United Mine Workers of America and did you not also see the president of the United Mine Workers of America and have a long talk, lasting over an hour and a half—or the vice president?

Mr. KING. Mr. Hayes?

Commissioner HARRIMAN. Yes.

Mr. KING. I had a long talk with Mr. Hayes; yes.

Commissioner HARRIMAN. That is what I meant.

Mr. KING. Two or three talks with Mr. Hayes. I had talks with Mr. Hayes and Mr. Lawson—two or three different gentlemen in New York.

Commissioner HARRIMAN. That is what I wanted to bring out.

Mr. KING. I do not wish to be put in the position of disclosing—you asked about calls. I did make two calls, and they were the only calls I made on anyone in Colorado. Both of these calls were on "Mother" Jones. I felt she was a woman, and it was my place to call on her, even if I was taking the position that I did not intend to make any calls on anyone. But "Mother" Jones had intimated to me in New York that she would be able to give me a good deal of information about conditions in Colorado, and I went to see her and ask her to give me the names of the people I should see in Colorado and the different camps I should visit, and places I should go to get such information as I could, because I wanted to get at the very bottom of conditions there. She will perhaps pardon my breaking the general confidence that I had given, but I want you to understand that I have had no desire other than to get right at the bottom of this whole situation.

Chairman WALSH. As suggested by Commissioner Harriman, you met Mr. Doyle and Mr. Hayes and some others at New York?

Mr. KING. Yes.

Chairman WALSH. What I was asking about was when you went out to make your investigation in Colorado, and I think we got to the point where you asked if Mr. Doyle was one of those men.

Mr. KING. I say I saw Mr. Doyle.

Chairman WALSH. You say you saw him in Colorado?

Mr. KING. Yes; I did.

Chairman WALSH. I will read a telegram and ask you if you are not mistaken about that:

"LEWIS K. BROWN,

"*Secretary U. S. Commission on Industrial Relations,*

"*Bellevue Hotel, Washington, D. C.:*

"Wire relative to Mackenzie King consulting officers of United Mine Workers or State federation received. Mr. King did not call on or consult any of the officers of the United Mine Workers or the State Federation of Labor while he was in Colorado.

"E. L. DOYLE,

"*Secretary United Mine Workers.*

"W. T. HICKEY,

"*Secretary State Federation of Labor.*"

Is Mr. Doyle mistaken about that?

Mr. KING. If you will wire Mr. Doyle and ask him if what I say now is not true, I shall abide by whatever he says. I met Mr. Doyle one afternoon when I was calling on "Mother" Jones. I talked with him in the same room in which I talked with "Mother" Jones. I engaged to see Mr. Doyle at a future time. My secretary, who is sitting in this room at the present time, was keeping account of the interviews I was to have, and when your communication came, or rather the communication from your sergeant at arms, obliging me to be present at this hearing, I had to shorten many of the interviews I was to have had in Colorado, and I was obliged to send word to some that I could not see them at that particular time—that I might have to defer until a later time a complete interview, for which I had already made engagement. Mr. Doyle was one of that number, and—I think I am right; my secretary can correct me if I am wrong—I asked him particularly to phone Mr. Doyle and let him know the reason that I had been called away. If you care to transmit that wire to Mr. Doyle and ask him if it is not true, I have enough faith in Mr. Doyle's integrity to believe he will wire you it is an absolute statement of fact.

Chairman WALSH. Generally speaking, did you find industrial unrest existing in America?

Mr. KING. Industrial unrest exists all over the world.

Chairman WALSH. Did you find it very bitter in Colorado?

Mr. KING. I prefer not to discuss the Colorado situation at all.

Chairman WALSH. Did you find, after you started in your work, a bitter protest on the part of the organized workers of this country against Mr. Rockefeller undertaking an investigation into the causes of industrial unrest?

Mr. KING. Mr. Chairman, if a man is to stop his work because certain men or any men protest against it, nothing will be accomplished in this world.

Chairman WALSH. I am just asking if it is a fact that you found a very bitter protest on the part of leaders of organized labor against Mr. Rockefeller assuming to conduct any inquiry into industrial unrest?

Mr. KING. If you will tell me who are the leaders, I will tell you whether I heard anything from their lips.

Chairman WALSH. I will read to you an article written by Samuel Gompers, as I understand it. Mr. Gompers is president—but, of course, you know who he is?

Mr. KING. I know Mr. Gompers very well.

Chairman WALSH. In his organization he has something over 2,000,000 workers allied with it, and it is a growing organization which has been built up. It represents absolutely the men that are allied with it, does it not—the American Federation of Labor?

Mr. KING. It is a representative organization; yes.

Chairman WALSH. Outside of that it has a large and influential circle that are not allied with it?

Mr. KING. I think the American Federation of Labor has a great many friends.

Chairman WALSH. I will read you this article:

"Was it a spirit of sardonic humor or failure to understand which moved John D. Rockefeller, jr., to follow his imperious rejection to President Wilson's truce plan for the Colorado mining situation with the announcement that a commission of the Rockefeller Foundation (an institution financed by the Rockefeller millions) was to undertake an inquiry into general industrial relations between workmen and employers?

"Does Mr. Rockefeller really sense the fact that something is very wrong in the world of labor in which justice and real freedom are denied workers, or does he merely desire data to sustain the Standard Oil ideas of freedom and the economic theories he voiced before the House Committee on Mines?

"Have the American people forgotten that strange, sinister witness, his dogmatism, his absolute unyielding indifference to public sentiment, his cynical, ruthless disregard for the effects of his policies, his terrible concentration of purpose, his assumption of infallibility? This is the man who proposes to use his money to finance a world-wide quest for the truths of the causes of conflicts between 'labor and capital.' Note the abstract terms with the effect of isolating the problem from the human beings concerned. Furthermore, remember the old adage, 'He who pays the piper may call the tune.'

"This 'investigation' will be conducted by the Rockefeller Foundation. It will be remembered that this is the foundation that vainly sought a Federal charter, but was refused because Congress felt that its influence would be undemocratic and antisocial. 'In spirit and in method the investigation will be like that carried on by the Rockefeller Institute for Medical Research.' That is to say, a new germ or a new form of life has been noted. Let there be an assemblage of the savants and the scientists to observe this new bug. Let them come armed with microscopes, laboratory outfits, to observe and study the reactions and the habits of this new bug. Let the phenomena be carefully noted, tabulated, compared, in order to formulate principles and rules and reduce to scientific formulæ. Let the investigators be prepared to experiment. Vivisection promotes the interest of science—this new bug, the worker, may be improved by a few operations, or the removal of a few wants or aspirations. Let the investigators maintain the scientist's attitude of disinterested aloofness and they may be able to discover great possibilities for the miners of Colorado. Of course, the miners need do nothing but patiently submit to be 'investigated,' castigated, or dissected.

"If the efforts of this scientific inquiry could be turned upon the heart and the mind of John D. Rockefeller and infuse into them an understanding of the idea that if he and the other coal operators would only get off the backs of

the miners and loose their strangle hold from their throats, the miners would normally and rationally work out their own welfare without outside assistance. Give the workers a chance and they will establish justice for themselves as independent, capable men should. Let them be men, not dependents. Let them conduct their own investigations if they want them.

"Mr. Rockefeller's investigation can do nothing more than produce a Standard Oil card-index system of the phenomena of industrial relations. The foundation can not accept Standard Oil money and leave out Rockefeller. Rockefeller dominates all agencies and activities with which he is associated. This fact is one of the reasons why the association between the Department of Agriculture and the Rockefeller Foundation roused public indignation. Recognition of this principle led the National Educational Association to declare for education unhampered by subsidization by private foundations to endowments. Within the recent past has come an additional verification in Dr. William H. Allen's explanation of his resignation from the New York City Bureau of Municipal Research, charging that the contributions from the Rockefeller foundations were stifling the bureau and substituting so-called 'scientific' research for municipal research.

"If Mr. Rockefeller would really do labor and all the Nation a favor, he would follow a suggestion recently made: 'The one thing that the world could gracefully accept from Mr. Rockefeller now would be the establishment of a great endowment of research and education to help other people to see in time how they can keep from being like him.'"

This appears in the American Federationist of November, 1914, and it is by Mr. Samuel Gompers, president of the American Federation of Labor. Do you believe that he voices the sentiment of the 2,000,000 workers and those that you say are within the sphere of his influence when he writes that editorial with regard to this inquiry into industrial unrest by the Rockefeller Foundation?

Mr. KING. Mr. Chairman, I think I would rather not express any opinion in regard to the views expressed in that particular phraseology. I should be sorry if I thought the 2,000,000 that belong to the American Federation of Labor or are represented in it would denounce a man for taking the stand that you so strongly urged upon him when he was on the stand here. If I remember rightly, your last words to Mr. Rockefeller were that his great wealth brought with it great responsibility, and that he should for one seek to raise his voice to improve conditions.

Chairman WALSH. To the men that were working for him, I said—not for workers. What my suggestion for him to do was to take Mr. Welborn and these people, and if what was said about them was true, institute prosecutions. I did not ask him to do——

Mr. KING (interrupting). I would say that a man with as great wealth as Mr. Rockefeller has should use it to improve conditions not only as far as his own employees are concerned, but for the benefit of his fellow men generally.

Chairman WALSH. Where should he begin?

Mr. KING. Begin with his own industries. Mr. Rockefeller has done that very thing. That is the very thing he is seeking to do. He is trying to do it in all sincerity, and I humbly submit, Mr. Chairman, that no one who strives to destroy an effort of that kind, to frustrate it, is a true friend of labor, irrespective of who he may be.

Chairman WALSH. What do you think of these people who proclaim themselves friends of labor that are not laborers themselves?

Mr. KING. I judge every man, Mr. Chairman, not by his words, not by his talk, not by his professions. For example, you are not a workingman, you are not a laborer, you are not toiling with your hands, but I do not question for one minute the sincerity of your desire to improve the conditions of labor.

Chairman WALSH. If you will ask me the question, you never heard me say I was a friend of labor, did you, or that I was engaged in the uplifting of the masses or of labor?

Mr. KING. I think you have told me that that was your motive, yes, in a conversation we had together.

Chairman WALSH. That it was my motive to uplift labor?

Mr. KING. That it was your desire to do something for labor; yes. I remember it most distinctly.

Chairman WALSH. I will not get in an argument with you about what was said in our conversation, but certainly if I ever said I was a friend of labor or that I was uplifting labor, I was certainly saying something that was——

Mr. KING (interrupting). That was not true?

Chairman WALSH. That is opposed to the thought I have. You are referring to this work I am doing now?

Mr. KING. No; I am not referring to your life.

Chairman WALSH. This is just an investigation.

Mr. KING. I am referring to your life. I am not referring to this especially. I assume from your attitude in this investigation that you would never have accepted the chairmanship of this commission if you had not been a friend of labor. I think labor has had very, very much aid from men who were not in the ranks of labor itself. In fact, I think most of the unrest here to-day——

Chairman WALSH (interrupting). I want to record here——

Mr. KING (interrupting). Let me answer this first.

Chairman WALSH. I want to record here that this conversation you had was in my office in New York, was it?

Mr. KING. It was a conversation we had together.

Chairman WALSH. I want to just record here that I have no recollection of having made any such statement at all.

Mr. KING. I would not have introduced it or mentioned it except you asked me what I thought your motive was.

Chairman WALSH. I was asking about the people. I never asked what my motive was.

Mr. KING. And I referred to you.

Chairman WALSH. I was asking about the people that proclaimed themselves as friends of labor.

Mr. KING. I referred to you as one belonging to that group. My feeling is this: That men, no matter what their position in life, who have opportunities for helping their fellow men, if they fail to take advantage of those opportunities to the best of their ability, are not the friends of labor, no matter who they may be. But any man who sincerely and honestly tries to do something to benefit industrial conditions, whether he is in the ranks of labor or not in the ranks of labor makes no difference at all, he is a friend of labor. You judge men by their acts and by their habits and not by their statements or clothing.

Chairman WALSH. Did you read the protests of the men directly engaged in the Colorado industries against Mr. Rockefeller assuming to conduct an investigation into the causes of industrial unrest and to suggest remedies?

Mr. KING. No; I did not.

Chairman WALSH. Did not you read the testimony of the witnesses who declared that he had better go to Colorado and attend to the demands of the people working in his own industry than to conduct any world-wide investigation generally into the industry?

Mr. KING. Yes; and the minute I act upon that myself and go to Colorado to do the very thing that those men say should be done then those same gentlemen turn around and say that there is some ulterior motive, something that is false and wrong about it. When I find a man who takes the position that no matter what another man does—whether an action of his is thus or diametrically the opposite—it is wrong, then I begin to lose confidence in the statements he makes, and I have to take with a grain of salt anything else said by that particular person.

Chairman WALSH. Do I understand you went to Colorado for the express purpose of doing something for the industry of the Colorado Fuel & Iron Co. with respect to these workers?

Mr. KING. I had that very much in mind.

Chairman WALSH. And you are going to make some report to Mr. Rockefeller or the officers of the Colorado Fuel & Iron Co. with respect to that particular situation in Colorado?

Mr. KING. I did not say I was going to make a report. I am certainly going to discuss with Mr. Rockefeller the conditions as I saw them in Colorado. I am certainly going to tell him very emphatically what I think of certain features of it, and so far as I can, as long as I am associated with Mr. Rockefeller in any capacity, my attitude toward him will be just what it is toward any other man. I shall try to influence him all I can toward doing what he can do and is willing to do to improve conditions in the industrial world.

Chairman WALSH. Please outline for this commission the policies which you consider should be put into effect in Colorado in the industry of the Colorado Fuel & Iron Co.?

Mr. KING. No, Mr. Chairman. I have said I do not desire to discuss the Colorado situation.

Chairman WALSH. Do you believe from your investigation in Colorado that a condition of industrial freedom existed in Colorado in 1913 prior to this strike?

Mr. KING. As to that I would say that the impression I gathered while I was in Colorado was that the people in that State were mostly desirous that bygones should be bygones and that men should work together constructively to build up Colorado rather than to perpetuate a memory of the strife that has been going on there. I should like for one to believe that to be the sentiment of the people of Colorado, and not in any way do I wish to antagonize that sentiment.

Chairman WALSH. That a class of people now expressed that in Colorado——

Mr. KING. I am speaking now of the sense of a community, as a man gathers it who has been in the community for a couple of months.

Chairman WALSH. In studying the history of Colorado, did you study the strike of 1903 and 1904 in the Colorado Fuel & Iron Co.'s industry?

Mr. KING. I have a great deal of information on that subject.

Chairman WALSH. And you knew from the records there that the constitutional rights of a great number of miners were invaded, and were put into what were called bull pens and driven out of the State without process of law?

Mr. KING. I don't believe it would be possible to conceive a condition being worse than in Colorado in the past.

Chairman WALSH. Then do you believe that bygones should be left bygones when these men were thrown out on the prairie and nothing said about it, when a similar struggle arose 10 years thereafter, or do you believe that the conditions should be studied, the conditions of the men should be studied, the hearts of the men that controlled the situation should be studied and placed under the microscope, as it were, and studied better, and in that way get a peace that is based upon justice and an enduring one?

Mr. KING. That last phrase expresses my sentiment exactly.

Chairman WALSH. We must have the facts.

Mr. KING. Certainly.

Chairman WALSH. And the people must have the facts.

Mr. KING. Who do you mean by the people?

Chairman WALSH. Well, there are a great crowd of them here—the people of the United States.

Mr. KING. Yes, sir. Well, do you mean that everyone in the United States wants to know exactly?

Chairman WALSH. If it is possible to get it into everyone's mind.

Mr. KING. That otherwise it is impossible to remedy the situation?

Chairman WALSH. No, but they must know, in order to get behind it—the one most powerful public opinion that it is possible to get—so that these deplorable conditions will never occur again.

Mr. KING. I hope they will never occur again.

Chairman WALSH. Is that not the way to do it—to put it into the minds of the people—before the people?

Mr. KING. I do not know that that is the way to do it, and I don't know that you honestly think it is. The way to do it is to get hold of the forces controlling the situation, and if they are wrong, to remedy it.

Chairman WALSH. Is there any force in the American people——

Mr. KING. We are playing in words.

Chairman WALSH. No; I am not. Is there any force to control the Rockefeller interests in Colorado to do the right thing if they are not doing the right thing, except the ordinary people in America?

Mr. KING. If you are speaking of the immediate force and immediate influence, I think that the conscience of young Mr. John D. Rockefeller, jr., is more powerful on that, and will effect social justice in Colorado quicker than any other single force that you could bring to bear. I think he realizes there is a great work to do there, and he intends to have it done.

Chairman WALSH. You think that the will and conscience of Mr. Rockefeller in bringing proper conditions and enduring conditions in Colorado is more powerful than the will and conscience of all the balance of the people of the United States directed in that field?

Mr. KING. No, Mr. Chairman, I don't put it that way at all. I am speaking now of the particular question of the conditions in Colorado at the present time. You asked me what factors could do the most in Colorado.

Chairman WALSH. Pardon me; I didn't ask you that. I asked you if it was not necessary for all of the people of the country to get a knowledge of what was taking place and had taken place in 1903 and 1904 and in 1913, right down to the present time?

Mr. KING. I don't think if every man in the United States knew what took place in 1903 that that would be a factor to influence the present situation one way or the other if you had not along with it the will and intention on the part of the man that has great influence and power there.

Chairman WALSH. That is Mr. Rockefeller——

Mr. KING (continuing). To use his influence in that direction.

Chairman WALSH. That is Mr. Rockefeller?

Mr. KING. Yes, sir.

Chairman WALSH. If the heart and will of the whole country was at work toward bringing decent and just conditions in Colorado——

Mr. KING. That is a different question.

Chairman WALSH. Well, put it yourself—put it any way you want to.

Mr. KING. I assume that the purpose of the commission is to get the truth; not to distort or pervert evidence that is given.

Chairman WALSH. Will you please answer my question? There is nothing that you can say that is going to irritate me.

Mr. KING. We are talking to-day to the American people, and it can not be made too plain that we are, and I don't intend to allow you to distort or pervert anything that I may say.

Chairman WALSH. And I don't care how insulting your attitude may be toward me; I am going to pursue the same course that I did in my examination of your employer, Mr. John D. Rockefeller, jr. I am going to insist on your answers. You have given your opinion of me here, but I have not given my opinion of you.

Mr. KING. I have no doubt you will do it.

Chairman WALSH. Indeed, I will. But I would like to have you answer my questions without any further comment, if you will, with regard to how I am doing my work or personal characteristics. They have nothing to do with it. You started to explain the power that might come from Mr. Rockefeller as compared with the power that might come from the people.

Mr. KING. As a commissioner, on a work appointed by the Government, the way you put questions is entitled to consideration, and when you say to me that I am speaking as an employee of Mr. John D. Rockefeller, I say to you now you are not speaking the truth.

Chairman WALSH. I said I was going to treat you in the same way I treated Mr. John D. Rockefeller, jr.

Mr. KING. He is not my employer.

Chairman WALSH. He is a director in the Rockefeller Foundation that employs you.

Mr. KING. You as chairman should be more careful in the way you state relations. If you want other people to be exact start that way yourself.

Chairman WALSH. I am going to treat you just the same as I treated Mr. John D. Rockefeller, jr., who is a director in the Rockefeller Foundation, he being one of the directors who controls the funds contributed by his father, John D. Rockefeller, sr., out of which you are being paid a compensation for whatever work you are doing.

Mr. KING. The Rockefeller Foundation is a trust foundation; the money in that foundation has been set apart beyond Mr. Rockefeller, jr.'s or Mr. Rockefeller, sr.'s, control. On the board of that foundation are men of the highest standing in this country, and it is a trust, and my relationship is to that trust, as a man who has been asked to do a particular work under it. There is nothing to be gained in the interest of the workers, or in the interest of anyone else, by seeking to convey impressions other than what are absolutely true or right.

Chairman WALSH. I agree with you in that. Now, if you will answer my question. I understood you to say—I will put it again—that if the hearts and wills of the entire population of America were concentrated upon the desire to establish just relationships in Colorado between the employees of the Colorado Fuel & Iron Co. and that corporation that the result thus desired could not be obtained unless it had the heart and will of Mr. John D. Rockefeller, jr., with it. Do I state that correctly?

Mr. KING. You want to know if it could be done without that?

Chairman WALSH. Is that your statement?

Mr. KING. No, sir; certainly, it was not.

Chairman WALSH. Then tell me what your statement was with respect to the necessity of having Mr. John D. Rockefeller, jr.'s, will and conscience, with all the rest of the people, before proper results could be obtained?

Mr. KING. This is a practical world, Mr. Chairman, and we are trying to get practical results. If the heart and conscience and interest of every citizen of the United States could be directed to that Colorado situation, certainly there would be no need for any other force to be exerted. But it will be a long time, and you and I are going to pass off the scene before that time comes——

Chairman WALSH. Before what time comes?

Mr. KING. Before the heart and interest and conscience of every citizen is directed on Colorado, so that these questions that you ask I must feel it is a waste of time to discuss them, because we are discussing absurdities.

Chairman WALSH. Say a majority of the people, then.

Mr. KING. What my statement came to is this, if I wanted to improve conditions in Colorado to-morrow, and was looking for a force to do it, I would go after Mr. John D. Rockefeller, jr., and I would say if he would put his energy and time into that situation, and get men to put their time and energy into it, and let his support and purpose be known, that more will come about in Colorado than in a number of years spent in efforts trying to focus opinion on the conditions that took place in 1903.

Chairman WALSH. 1903 and 1904 and 1913 and 1914. That is your belief, that it could come from Mr. Rockefeller more readily than any other force?

Mr. KING. I think at the moment that he is a very strong factor. But mark you this, I would be entirely wrong if I assumed that he could do it, or go beyond his own company. In the company that he is interested in he can do a very great good. There are industrial conditions in Colorado outside of that company altogether, and what I would like to see, and expect to see, is the cooperation of public opinion and Mr. Rockefeller on conditions in Colorado—an example set by Mr. Rockefeller which will be so marked that every other concern will have to follow it. I don't think there is any antagonism of necessity between the two. I don't think it is helpful to industrial conditions to try to raise a gulf between them.

Chairman WALSH. I have two questions I want to ask you on that. You heard Mr. Bowers testify that they were powerful enough out there to make the companies quit cheating the miners?

Mr. KING. I don't know that he said that.

Chairman WALSH. He said that they made them quit.

Mr. KING. He said that the miners were cheated. I don't know that he said they were successful.

Chairman WALSH. We won't talk about that. Another suggestion was made—you heard Mr. John D. Rockefeller, jr., explain a statement made in a letter of Mr. Bowers to the effect that the Colorado Fuel & Iron Co. fixed the prices and conditions for miners—that is, took the lead in fixing the prices and conditions of mining in Colorado, and that larger companies easily followed them. You heard that, did you?

Mr. KING. With this explanation, as I remember it, by Mr. Bowers, that he meant by fixing price, the prices of mining and wages paid for mining.

Chairman WALSH. But that was Mr. Rockefeller who testified to that, not Mr. Bowers. Mr. Rockefeller was testifying about Mr. Bowers's letter, and he said that that reference meant that they easily led.

Mr. KING. I don't remember that Mr. Bowers touched on that question.

Chairman WALSH. I say that he did not; that Mr. Rockefeller was the only one that testified about it here. That is a fact, is it, that they easily lead in fixing the prices?

Mr. KING. I can not tell you.

Chairman WALSH. And if they did, your last answer would not apply. If they can lead a larger one, they can bring about the results.

Mr. KING. I think their example would be very powerful.

Chairman WALSH. Now, as to the necessity of having something for Mr. Rockefeller in bringing about just conditions as distinguished possibly from what might be brought about by popular opinion, you are aware, of course, when a sufficient number of people in this country get of one mind, they can take over the mines and run them themselves?

Mr. KING. I don't see the necessity of drawing that distinction. Mr. Rockefeller is not desirous of opposing public opinion; I think he is distinctly anxious to fall in line with it.

Chairman WALSH. But you stated, as I understand it, the way this line of questioning began was, that you did not give accord to the proposition that these facts that you were developing ought to be laid out and given to the American people, all of them; all of the facts.

Mr. KING. Our discussion had reference to what could be accomplished within a certain time, practical men dealing with practical questions; nothing more than that.

Chairman WALSH. Do you consider that the miners in Colorado were justified in demanding a recognition of their national union?

Mr. KING. I have already said I don't care to discuss the merits of that strike one way or the other.

Chairman WALSH. You heard the testimony of Mr. Bowers to the effect that certain companies were cheating their miners in their weights. Would you consider that a just grievance on the part of the miners, and a justification for their demands that the mine owners treat with them collectively through their national union?

Mr. KING. You run it along a long way. I certainly would regard it a very strong grievance, and one that ought to be remedied immediately.

Chairman WALSH. Is it strong enough to demand recognition of their national union so they could force them to weigh the coal right, or if the company did not do it——

Mr. KING. I want this to be understood, I am not saying they would not be perfectly right in asking for it to be done through the organization, but to answer your question specifically, I would say, certainly; if they could not have that grievance adjusted in any other way, they would be more than justified.

Chairman WALSH. In seeking recognition by their national union?

Mr. KING. Yes, sir.

Chairman WALSH. And they would be the ones to pass on whether they were being cheated or not—that is, the miners?

Mr. KING. Yes, sir.

Chairman WALSH. And if they honestly and fairly thought they were being cheated, then they would be justified in demanding that the company should deal collectively with them through their national union?

Mr. KING. No, sir; that does not necessarily follow. They would be justified in going to the company and saying, we want this remedied at once, and if the companies did not accede to their demands, they would be justified in bringing all the pressure they could to bear on the company to have that done, and they would certainly be justified, if they thought it was necessary to go that far, in using not only the influence of their own national organization, but all of the force in the community to get the result.

Chairman WALSH. Do you consider that the national officers were justified in asking for an interview with the company officials?

Mr. KING. Certainly, I do.

Chairman WALSH. Do you consider that such an interview should properly have been granted?

Mr. KING. Yes, sir.

Chairman WALSH. Do you agree with Senator Patterson that that interview having been denied, although it should have been granted, then that the things that happened after that should be borne on the shoulders of the Colorado Fuel & Iron Co.?

Mr. KING. No, sir; I don't agree with him there.

Chairman WALSH. Do you agree with Mr. Bowers in this letter, that if that interview had been granted, that would have been the end of the strike? Do you believe that from the study you have made?

Mr. KING. I can not say that it would have, and I could not say that it would not.

Chairman WALSH. What is your opinion as a person that has studied these labor matters as an expert?

Mr. KING. I will express my opinion in this way: If there had been in the State of Colorado a law that would have compelled the employers to meet any group of men in regard to their grievances before the men were forced to take the initiative of throwing down their tools and going out on a strike, I believe the grievances under which these men were suffering at the time would have

been more fully gone into and they would have been able to get a degree of redress which they have not been able to get, as the result of the strike, and the strike would not have been necessary.

Chairman WALSH. Have you read Mr. Bowers's letter to Mr. Heydt, secretary of Mr. John D. Rockefeller, jr., which Mr. Rockefeller testified he had read, with reference to conditions existing in southern Colorado in 1907, and prior thereto?

Mr. KING. No, sir; I have not read any letter from Mr. Bowers to Mr. Heydt.

Chairman WALSH. I believe you stated a part of your investigation included a study of the history of conditions leading up to 1913?

Mr. KING. Yes, sir.

Chairman WALSH. And going back to 1904?

Mr. KING. Yes, sir.

Chairman WALSH. Well, this letter is as follows [reading]:

MAY 13, 1913.

DEAR MR. HEYDT: Yours of the 10th, inclosing a letter of Mr. Frank S. Hoag, of the Pueblo Star-Journal, is at hand.

While I know nothing about the paper referred to as a business proposition, I think it would be undesirable for the Colorado Fuel & Iron Co. to have Mr. Rockefeller interested in a newspaper at this time, in a financial or any other way.

The Colorado Fuel & Iron Co. for many years were accused of being the political dictator of southern Colorado, and in fact were a mighty power in the entire State. When I came here it was said that the C. F. & I. Co. voted every man and woman in their employ without any regard to their being naturalized or not; and even their mules, it used to be remarked, were registered if they were fortunate enough to possess names. Anyhow, a political department was maintained at a heavy expense. I had before me the contributions of the C. F. & I. Co. for the campaign of 1904, amounting to $80,650, paid out personally by President Hearne. All the vouchers and checks I have examined personally, all of which were payable to Albert A. Miller, upon which he drew the currency and, it is said, handed the money over to Mr. Hearne, who paid it out. So far as I can discover, not one particle of good was accomplished for the company; but Mr. Hearne was an aspirant for the position of United States Senator and devoted a vast amount of time and money with this end in view, I have no doubt.

The company became notorious in many sections for their support of the liquor interests. They established saloons everywhere they possibly could. This department was managed by one John Kebler, a brother of the one-time president of the company, who died about the time I came here, a victim of his own intemperate habits. A sheriff elected by the votes of the C. F. & I. Co. employees, and who has been kept in office a great many years, established himself or became a partner in 16 liquor stores in our coal mines. To clean up the saloons and with them the gambling hells and houses of prostitution, has been one of the things that Mr. Welborn and I have devoted an enormous amount of time to during the past five years. The decent newspapers everlastingly lampooned the C. F. & I. Co. at every election, and I am forced to say the company merited, from a moral standpoint, every shot that was fired into their camp.

Since I came here not a nickel has been paid to any politician or political party. We have fought the saloons with all the power we possess. We have forbidden any politician from going into our camps, and every subordinate official connected with the company has been forbidden to influence our men to vote for any particular candidate. We have not lobbied in the legislature, but have gone directly to the governor and other able men and have demanded fair treatment.

We have secured the past winter a mining law almost entirely written by our own superintendent, E. H. Weitzel, with four other men appointed by the Senate committee, including representatives of labor, a capable engineer, and two representatives of the operators. It is just and fair to all concerned and meets every requirement of the labor organizations, excepting that there are no special privileges granted to labor unions.

We have now reached the point where we have the respect of the prominent men as well as the common laborers of Colorado, because of our fair treatment and continual efforts to improve the conditions of mining. Even the old-time bitter political enemies of the company now say they have not one word of

criticism to offer against the company from a political standpoint. The newspapers, for the most part, are courteous, and it is not often we see an article upbraiding our company or its employees.

If you should become financially interested in the newspaper referred to, the C. F. & I. Co. would be immediately accused by the other newspapers of Pueblo and of the southern counties of the State as having taken a new tack in the control of politics, and we would be upbraided just the same as if we were backing the paper, because it is well known that the Rockefeller interests are managing the affairs of the C. F. & I. Co. Therefore, I think it would be a very serious matter to the company if you should take any interest in Mr. Hoag's enterprise.

I think I have never written a letter along this line, and I am doing so now for your files.

Yours, very truly,

L. M. Bowers.

Now, assuming that that was all true at the time Mr. Bowers came there in 1907—this was written May 13, 1913—now, assuming that all that is true and following it up by the further assumption that the sheriff elected by the votes of the Colorado Fuel & Iron Co.'s employees was still the sheriff at the time this letter was written and at the time the strike of the men was had; assume that 90 men consecutively had been killed, many of them by the allegel negligence of the company; that this sheriff selected the coroner's jury; and that even dead men were found to be at fault themselves; assume that in that county for 23 years there had been no verdict against the company in personal-injury cases or for the death of an employee by negligence; assuming that when men had their limbs crushed so that they lost legs or arms or lost their lives that the amounts paid in settlement by the company ranged between $100 and $900, the highest being $900, and perhaps but $100 or $200 to some, that they averaged about $300 for lives and limbs; assume that there was still a connection between the company and this sheriff through the liquor business right down to this time in this wise; that he sold liquor to the liquor dealers that were at the company's camps; that the companies either adopted a method of this kind, that they charged a rental based on a per capita of the employees for liquor privileges; that was the Victor-American Fuel Co. and not the Colorado Fuel & Iron Co., but the Colorado Fuel & Iron Co. was connected with it to the extent that they charged large sums for rental of their buildings; assume also—and for the purpose of this question I will leave the Colorado Fuel & Iron Co. out—that some of the companies made it a practice to cheat their men on weights. Now, after hearing this letter and hearing the assumptions that have been made—and I have tried to take the uncontradicted ones—would you say the miners were justified in using every lawful means at that time to free themselves from such conditions?

Mr. King. Certainly.

Chairman Walsh. Do you know now from your investigation and from your research whether or not they had any organization to look to that could give them the moral and financial support that the United Mine Workers of America could give them?

Mr. King. Well, I would rather not discuss the Colorado situation, Mr. Chairman, but I do not want to evade your question. I think they could have received more financial support from the United Mine Workers of America than anything they had within themselves; certainly.

Chairman Walsh. And was it not, therefore, a sensible and just demand that these men should want to relieve themselves of these conditions by dealing with the United Mine Workers of America?

Mr. King. I think they were fully justified in presenting the demand on any grounds they cared to present it on, and I should think they would be justified in presenting the point of view you have just given.

Chairman Walsh. Have you read the report of the United States Commissioner of Labor, Mr. Carroll D. Wright, in regard to the deportation of men during the Colorado strike of 1904?

Mr. King. I have not read it yet, but I have it noted among the documents I intend to read.

Chairman Walsh. I believe you stated you had information generally of what took place in that strike of 1904?

Mr. King. I have some information.

Chairman WALSH. Do you consider that those men who were driven from the State were justified in taking up arms to resist such an invasion of their constitutional rights?

Mr. KING. I do not believe that usurpation of rights should be tolerated for one moment, no matter who is responsible for it. I feel pretty strongly that the best way to prevent a recurrence is not always to resort to unlawful acts—to resort to what might be construed as unlawful acts. I do not like the idea of trying to take the law into one's own hands, so to speak, although there may be times when it is pretty difficult to keep from doing it. I would not for a second, however, justify deportation.

Chairman WALSH. When those men were being deported violently and without regard for the constitution and without regard for their rights as citizens and without regard to their property rights, illegally; in other words, would you consider they were justified in taking up arms to resist that violence?

Mr. KING. I would have gone about it, I think, in a different way if I had been their adviser in the matter, or if it was in my own case I would not have tried to resist with arms; I do not think I would have shouldered a musket in that way.

Chairman WALSH. What would you have done?

Mr. KING. I would have brought up the matter in every public assembly in the United States, and I would have sought to bring to bear this public opinion you speak of on a condition that was wholly wrong.

Chairman WALSH. If you were one of the men?

Mr. KING. If I had been one interested in that particular situation—toward improving it——

Chairman WALSH. If you were one of the miners and a man came to you armed with a club and just undertook to drive you across the lines.

Mr. KING. Yes.

Chairman WALSH. To another State line.

Mr. KING. Yes.

Chairman WALSH. And you were weak and you were not fed on the way?

Mr. KING. Yes.

Chairman WALSH. And you were struck with a club on the way over.

Mr. KING. Yes.

Chairman WALSH. That you were driven on over, and when you got to the place he was willing to let you go then you would begin agitation in all public assemblages rather than resist the man with a club?

Mr. KING. I would want everyone to know of the injustice in order to help arouse the resentment of the people against the injustice.

Chairman WALSH. If you were only one man under those circumstances, what would you do if you were a laborer? This was in Utah, but they did not drive them all the way?

Mr. KING. I would bide my time and try to prevent further injustice in the future. If I was weak, I would not try to fight back with a club.

Chairman WALSH. If you were not weak, but strong muscled and had access to arms, and if the constitution of the State allowed you to bear arms, would you fight back or let them drive you that way and then depend on an agitation afterwards?

Mr. KING. I think, if I were the type of man you describe now, I would test the strength of my muscles.

Chairman WALSH. And your weapons, if you had weapons?

Mr. KING. And the law of the State allowed me to carry them, I would be sorely tempted to do it.

Chairman WALSH. You would do it, would you not?

Mr. KING. I will not say that, but I might do it. Looking at the question particularly as to what would be most in the interests of ultimate justice, I would say I would be much wiser if, for the moment, I could bear with the condition and then make an effort to make the whole condition known, so that a recurrence of it would be impossible for myself or other men.

Chairman WALSH. You knew, did you not, that Mr. Bowers was in favor of driving agitators out of the State?

Mr. KING. I did not know that thing.

Chairman WALSH. You read his letter here?

Mr. KING. I heard what you read here.

Chairman WALSH. "We hope to be able to drive these agitators from the State."

Mr. KING. I guess that would express his idea.

Chairman WALSH. What would be your opinion of the method you would pursue, after you got loose from this man that drove you from Utah, if you came back and started this agitation and would not allow it and drove you out again?

Mr. KING. I would come back again.

Chairman WALSH. You would keep on coming back?

Mr. KING. I certainly would.

Chairman WALSH. Upon whom do you consider that the responsibility for labor conditions in any given industry, under our present system, must rest in the final analysis?

Mr. KING. Well, there are a great many points that would have to be considered there. For example, industrial conditions are dependent in part upon geographical conditions; they are dependent in part upon social conditions; and they are dependent in part upon the stage of industrial development. They are also dependent upon the amount of capital available for investment, and the men controlling that capital, and what they are prepared to do with it. I do not think one could definitely lay down one single circumstance that could account for the responsibility in toto; it is a distributed responsibility, I think.

Chairman WALSH. Who was responsible for the conditions in Colorado?

Mr. KING. I could not and would not attempt to fix the responsibility. The conditions in Colorado, Mr. Chairman, in my mind—in attempting to fix the responsibility a great many things must be considered. The whole question of the way in which government has been carried on; the different features pertaining to the administration of justice; the matters that relate to legislation; all of these factors; these circumstances are factors that help to account for the present responsibility. I think you can not to-day say that any one particular person or group are responsible for conditions; the whole community, to some extent, must share that responsibility. If there had been an appreciation of citizenship on the part of all of the citizens of Colorado, this trouble could not have assumed the proportion it did. And in fixing responsibility you have to take the past into consideration. Just here, in answer to a question, when I said I could not imagine conditions worse than in Colorado, I meant the early conditions and not as they are to-day, and I wish the reporter to make a note of that.

Chairman WALSH. Mention the time specifically you mean.

Mr. KING. We were speaking of conditions of 1913, in the early part, and I am speaking of the opinions I formed from the early conditions in Colorado.

Chairman WALSH. You did not mean the conditions leading up to the strike in 1912 and 1913?

Mr. KING. No.

Chairman WALSH. What about those conditions; were those bad?

Mr. KING. I think in many particulars they were.

Chairman WALSH. I will ask the specific question: Outside of the question of the invasion of the constitutional rights of the workers—that is, their deportation—weren't conditions worse in the last strike than in the strike of 1904?

Mr. KING. I do not know enough of the strike of 1904 to make comparisons; I could not speak with knowledge.

Chairman WALSH. Whom, in your opinion, was responsible for the condition of affairs in the industry of the Colorado Fuel & Iron Co. leading up to the strike?

Mr. KING. Well, I do not know that I would fix the responsibility on any one person. There are a great many circumstances that account for conditions in the Colorado Fuel & Iron Co. being what they are.

Chairman WALSH. You said yesterday that in drafting the original plan for the Colorado Fuel & Iron Co. you were limited in certain respects through the attitude of the Colorado officials. What were the limitations?

Mr. KING. I was limited in regard to the situation in this way; the position was this. The strike was actually on at the time, and the question, as it was stated to me, was a question of the recognition of the union. It was assumed at the time I had this interview that that strike might run on for a number of years; it was not thought the strike was going to end immediately, and the question put up to me was, How can men working in an industry at the present time and feeling that they had not proper representation get that representation in the light of circumstances as they are at the present time in Colorado? In other words, Mr. Rockefeller—and I think the statement he has given the commission will show it—was trying method after method to make suggestions to the officials out in Colorado that would tend to improve the conditions out

there, and they said, "Wait until the strike is over and we will take this up," and Mr. Rockefeller did not intend to wait until the strike was over.

Chairman WALSH. That was stated in correspondence?

Mr. KING. I think it was the general tenor of the correspondence.

Chairman WALSH. Produced before this commission?

Mr. KING. Yes.

Chairman WALSH. They said to wait until after the strike?

Mr. KING. I gather their answer was to wait until this strike was over.

Now, the limitations that I had to consider were these limitations, both in the length of time the strike was running, and that this was a plan to be put in operation notwithstanding the strike was on, and the operators had taken a definite stand toward the question of recognition.

Chairman WALSH. If you had been free of such limitations what recommendations would you have made?

Mr. KING. I can not say at the moment, Mr. Chairman.

Chairman WALSH. In your testimony yesterday, you referred to a paragraph in your letter of August 6, 1914, which you stated had been incorrectly reported; which paragraph was that?

Mr. KING. Which was that?

Chairman WALSH. The letter of August 6, 1914.

Mr. KING. It was the general use that was made of that letter.

Chairman WALSH. Have you the letter here?

Mr. KING. Yes; here it is. [Witness hands letter in question to Chairman Walsh.]

Chairman WALSH. If I got your answer correctly, it was that a paragraph in that letter had been incorrectly quoted?

Mr. KING. It was not merely that letter, Mr. Chairman, but it was the examination wherever it touched myself in particular I had reference to.

Chairman WALSH. But you referred yesterday to the testimony of a witness respecting a certain paragraph in your letter as having been incorrectly interpreted. Which paragraph was that?

Mr. KING. Did I confine it to the letter?

Chairman WALSH. Yes, sir.

Mr. KING. Because, if I did, I should have made it broader than that and should have stated that the testimony with reference, for example, to the legislation that I had introduced and the nature of it and the service I had rendered to labor through that legislation—that is part of the thing I had in mind.

Chairman WALSH. Have you a copy of the letter there?

Mr. KING. Yes; I have it here.

Chairman WALSH. Is this the paragraph you referred to upon yesterday:

"It may be, however, that organized labor in the United States will realize the opportunities and handicaps likely to come to certain industries through the changed conditions of Europe, and will be prepared to cease hostilities where industrial strife at present exists, in order that on the one hand labor may reap with capital a fuller measure of the harvest or, in industries that may be differently affected, protect itself against consequences that are certain to arise. I fear that the view likely to be taken by some of the leaders may, at the outset, be the shortsighted one of endeavoring to persuade their followers that the opportunities which may come to American capital through the crippled conditions of industries elsewhere will induce a recognition which under less favorable circumstances might not be granted. This is almost certain to be the immediate effect, and I think you are wise, therefore, in dismissing altogether from your mind the possibility of the United Mine Workers calling off the present strike, even if under any circumstances short of recognition they would likely so to do. It will not be very long, however, before the inevitable effects of the European war on American labor conditions are certain to make themselves felt, both because of the scarcity of capital available for investment, and the crippled condition of industry on the other side, and once this becomes apparent, the unions will have to revise considerably some of their present policies.

"Having regard to the more cordial relations between labor and capital which, it is hoped, the foundation may be able to effect, it would be fortunate, indeed, if you could, out of the changed conditions which this European war is certain to produce, find a means of restoring industrial peace in the United States in industries such as coal and fuel where there is a certainty of a direct bearing. It may be that among those who are embarrassing the situation in Colorado, there are many foreigners who may feel compelled to return to

Europe, and that may prove an immediate factor of importance. Looking at the ultimate, rather than the immediate effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of this war, and, once the war is over, thousands of men and their families in the Old World are going to seek future employment in the New World. In certain industries it is going to be easy for employers to find all the labor they desire, and unions will be confronted with a new problem. Recognition simply for the sake of recognition, is going to be seen to be less pressing as an immediate end, than that of maintaining standards already existing, and unions may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of fair conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach toward restoring normal conditions in Colorado."

What did you mean by "the shadow of recognition"?

Mr. KING. I am greatly obliged to you for reading the entire paragraph. If these paragraphs had been read in that way in New York, I would not have had a word of exception to take to the use that was made of this letter.

Chairman WALSH. Is it one of the paragraphs which you said was misinterpreted?

Mr. KING. Yes.

Chairman WALSH. Which one?

Mr. KING. It is not the particular paragraph; it is the use that was made of a certain construction which was put upon certain sentences.

Chairman WALSH. By witnesses in New York?

Mr. KING. To be perfectly frank, by yourself.

Chairman WALSH. By the way I read that to the witness in New York?

Mr. KING. Yes.

Chairman WALSH. Then it was not the witness, but it was the part of the letter that I read to the witness.

Mr. KING. I think, perhaps, I unduly condemned the witness.

Chairman WALSH. Then read me the part of the letter I read there.

Mr. KING. Let me explain. If you will look over the questions that were asked at that time you will see that an effort was made to have it appear that I had been trying to show Mr. Rockefeller how he could defeat labor unions and such like. This letter is a reply to a letter from Mr. Rockefeller to me, in which letter Mr. Rockefeller said——

Chairman WALSH. Have you that letter there?

Mr. KING. No; I haven't it.

Chairman WALSH. Has it been introduced in our record?

Mr. KING. I think so; yes. In that letter Mr. Rockefeller said he thought the strike would run on indefinitely—that is as I remember it—he said there are only two ways in which it will appear that industrial peace will be restored in Colorado. One is giving up the strike for recognition by the United Mine Workers of America; the other is by the establishment of some machinery which will secure ready means of redress of grievances within the company itself. I was replying to that.

The first statement he made about the strike probably running on a long time I thought was right. I did not think the United Mine Workers of America would call off the strike for recognition as soon as they did. I do not believe they would have called it off if they had not been restricted in their finances.

I have a very strong feeling—I may be wrong in this—that labor makes a mistake sometimes in these long strikes for union recognition. There had been at that time a strike pending in northern Colorado for some four years for recognition. I think, if emphasis were laid upon conditions and injustice that labor is trying to remedy, rather than upon that abstract term "union recognition," the unions would receive more support, and understanding support, from the general public than they sometimes do. I think to carry on a fight for four or five years simply on the question of recognition, and leave the actual conditions out of account altogether, is losing the substance while you are chasing the shadow. What I mean to say is this: Unions need every cent they can get for the work they are trying to do. For laboring men out in the West to be using up their resources in fighting for recognition—the United Mine Workers have had within the last two years several strikes on the question of recognition, which have cost them a good deal in the way of finances. When

this war came on in Europe, by the way, that is a circumstance that accounts for that reference—the war had just started a day or two before and I had it in mind in speaking of this. My feeling was that for the unions to go ahead and use their funds to fight for recognition in Colorado, or anywhere else, was simply a throwing away of the thing they needed to back them in the kind of a situation with which they will be face to face when this war is over. Labor will have a hard time in America, as elsewhere, between two things—between the competition of European labor and the competition of labor in the Orient. My feeling is that true unionism is not an end in itself; it is a means to an end. It is a means of obtaining and improving standards for the working classes.

I was expressing an opinion there as to in what way trade-unionism, in my opinion, could best carry out what was the real objective of its aim. My feeling is, and I think it is shared by some men of the United Mine Workers—in fact, I will go so far as to say that an officer, a very prominent officer, of the United Mine Workers told me himself——

Chairman WALSH (interrupting). Who was that?

Mr. KING. I will not disclose it, but I will state that he was a very prominent officer. He told me that he thought it was a great mistake to have this long fight for recognition; that they had made a mistake in carrying on that part of it. He was not saying he did not think they had a perfectly good cause, but I think he felt if they had concentrated on the grievances they had out there and said, "These are the things we want changed, and if you do not change them we will keep these men out until they are changed," instead of fighting on that one word "recognition," conditions and results might have been achieved sooner. That is what I mean by labor having to revise some of its politics. If labor is going to fight simply for recognition, it may be that while that fight goes on the capitalists will take their capital and invest it elsewhere. They may be chasing a shadow and losing the substance.

I am looking now—I may be wrong, and it is quite probable that a great many labor men will think I am wrong, and I will admit that their point of view is entitled to just as much consideration, I should think probably more consideration in speaking upon the matters that pertain to themselves; but when speaking of policy my feeling is, and I had that idea of Mr. Rockefeller's in my mind when I wrote this letter—he made it plain to me that he did not wish to be associated with an industry that had not high standards, and what I felt was, when this war came on, if Mr. Rockefeller can do what he has indicated to me it is his wish to do—raise the status and standards of labor that he has to do with—he is an ally of the labor-union cause, because he is helping to do the very thing the labor union stands for, namely, a means to a particular end; and I should hope the day will come, and I think it is here now in the minds of a great many workers, that any man who will help to improve the standard of labor, whether he does it in parliament by introducing an eight-hour law or whether as an employer by insisting upon certain conditions being maintained in his own industry, is a true ally of trade-unionism.

Chairman WALSH. You say there were several strikes brought on by the United Mine Workers of America merely for recognition. What were those strikes?

Mr. KING. I have not any exactly in mind.

Chairman WALSH. What States were they in?

Mr. KING. I have not any exactly in mind at the moment.

Chairman WALSH. What strikes were you referring to when you said they had had several strikes merely for union recognition?

Mr. KING. I have in mind particularly the strikes taking place in Canada in the last 8 or 10 years. They spent a great deal of time——

Chairman WALSH (interrupting). Name any of the United States of America.

Mr. KING. I did not have any in mind when I spoke at the moment. There were strikes in Nova Scotia and in British Columbia. They ran on for months and months and months, and what was the result? They were beaten every time. To my mind there is a wrong judgment in the man who brings on a strike and who can not pull it off successfully. I think strike leaders ought to be just in the position of generals in an army. If a general brings his whole forces into the arena and they are destroyed and swept out, the public will soon tell him his judgment was pretty poor. I think labor has probably a feeling of that same sort toward its leaders who precipitate them into long struggles which they can not successfully pull off. I do not say they are not right to go ahead and try to fight, but you have to judge everything by its results.

Chairman WALSH. Let us see about that. The statement has been made before this commission of a concrete case. First, the general statement was made that there was no big strike, no great strike in America that was wholly lost by the workingmen, and a particular instance was given of the southwestern strike, the railroad strike. It distinctly and only involved the question primarily of the recognition of the union. They started an organization, the Knights of Labor, and they demanded of the presidents of certain railroads that they should meet with their committees and recognise their unions, they intending to put in unions and make certain demands. The question arose as to whether or not the president of one of the railroads would receive a committee. It is like they did out in Colorado. The president refused to receive the committee. A strike was called. A man named Martin Irons was at the head of it. It was called the Irons strike. It was accompanied with all the very worst details of a strike. Life was lost, property was destroyed, neighbors were set against each other, civil processes broken down. The forces of the State were threatened, and many injustices claimed to have come out of the situation. Afterwards the companies were active in prosecuting the workers that they claimed took part in the violence, the workers claiming that the ones that took part in the violence for the employers were allowed to go scot free—all thhose deplorable details.

After many weeks of struggle, after the companies were tied up, covering thousands of miles of territory, the men were required to give in—that is, the strike was lost. It had to be called off. As this witness says, at that time the pay, for the same hours, a switchman received was about $60 a month as against $120 now; that that ran all through that industry; that while Martin Irons, as you suggest here, was destroyed—they said he would not do—and he was blacklisted and compelled to go into other business; but while the leaders of that strike did suffer, just as you suggested they might suffer in losing a strike, nevertheless the president of that railroad or of any of the railroads involved in it have never since that time refused to meet a committee of any organization that wanted to call upon them in that southwestern district—that is, organizations such as that organization of labor.

In addition to that the hours of labor have been lessened in many instances. Mechanics in many instances earn three times what they did before that strike began. This man testified, with that backing, that there had been none of these great strikes lost.

Do you believe that when a strike is compelled to be called off for lack of funds, and the leaders are discredited, that the strike is lost?

Mr. KIRK. Not necessarily; no, certainly not.

Chairman WALSH. Is it not a fact further, and have not you found it, as an expert, further, as has been testified here, that even though the industry is not unionized itself that those that do deal collectively with the organization make the standard which the unorganized industries are compelled to follow?

Mr. KIRK. Your last statement I agree with very largely—that I think the standards would not be what they are to-day but for the part organized labor has played. But I do not agree with the point of view that was just stated, of anyone who says that no strike was ever lost. I think some strikes have been most deplorably lost and should never have taken place at all, and that no good has come of them, but great harm has come of them. I think the union movement has been impeded to a very large extent by many foolish strikes.

Chairman WALSH. Name the larger ones.

Mr. KIRK. I will name a large one, one that I have personal knowledge of. In 1903, I think it was, an organization was formed known as the United Brotherhood of Railway Employees—you spoke of a railway, and I will speak of a railway strike, too—on the Canadian Pacific Railway in Canada. This organization had its lodges from Vancouver to Montreal. It was an attempt to bring into the unions some labor not already organized. These men made demands on the Canadian Pacific Railway Co. for an increase in wages. There was a strike on the road. It was not successful. After that strike took place an effort was made to close up the coal mines on Vancouver Island so the company could not get coal to run its trains, because the company had overcome the men in the fight so far as the railway was concerned. I investigated these strikes myself, and what did I find? I found that the man who was the leader of that strike was in the pay of the Canadian Pacific Railway.

Chairman WALSH. A corrupt man?

Mr. KIRK. Yes; I received—in fact, it was under royal commission, just as this is, and the commission had the power to compel the production of documents. We compelled the Canadian Pacific to produce documents in its pos-

session. Among other things were a bundle of secret-service reports, and the secret-service man was the organizer of the United Brotherhood of Railway Employees. While that inquiry was going on, the man who had belonged to that union brought a charter into the court room. They exhibited it draped with crêpe, and they were asked "What is this crêpe for?" They replied "It is for the murder of Brother So-and-so." "Who was he murdered by?" "By the C. P. R." "How is that?" "The C. P. R. knows that he organized this brotherhood, and they have pursued him, and the man became so distracted that he was taken ill and had to go to the hospital. The brotherhood made some payments to his family while he was in the hospital, but he then died." The C. P. R. at the same time was paying him. These facts all came out. I myself showed this man's report to these very union men. I showed them in his own handwriting how he had been telling the Canadian Pacific Railroad the different things they were doing. When these men saw those reports they asked for transportation on the Canadian Pacific Railroad and went over that road, and they threw the charters—I am speaking metaphorically, of course—literally out of the windows. The union went to pieces.

There was a strike that was thoroughly corrupt and thoroughly bad and brought discredit on the unions and unionism. That strike was lost, and no good ever came of it.

There is an instance of where you may have a union, you may have union methods adopted, you may have the ideals of unionism in the first place, but if your men are corrupt you can not get any good out of it one way or the other; and the unions would be the very first—the unions that respect their own reputation—to denounce that kind of thing.

Chairman WALSH. Who was the president of the C. P. R. at the time?

Mr. KING. I don't know who was the president, but at that time——

Chairman WALSH. You said that the president bribed a man?

Mr. KING. I don't say that the president bribed a man.

Chairman WALSH. I thought you said he was in the pay of the president of the C. P. R.

Mr. KING. I don't say that he was.

Chairman WALSH. Who was the officer that bribed him?

Mr. KING. I don't say that an officer bribed him.

Chairman WALSH. What was done with the officer?

Mr. KING. I don't know who he was, but I do say that kind of a thing was contemptible.

Chairman WALSH. Was he put out of the organization by the railroad officials or did they retain him in his position after the Government discovered it?

Mr. KING. I don't know what was done with him.

Chairman WALSH. Was there any law in the Dominion of Canada at that time that could reach him under prosecution?

Mr. KING. I think that the law is broad enough to cover that.

Chairman WALSH. Was he prosecuted?

Mr. KING. I can not tell you what was done with him.

Chairman WALSH. The officer that brought on the whole strike, the labor leader that was bribed, and it was uncovered, and there was a law on the statute book plainly covering it, but still he was not prosecuted by the Government?

Mr. KING. The Government does not begin prosecutions.

Chairman WALSH. Did anybody prosecute him?

Mr. KING. I can not tell you.

Chairman WALSH. Did you have any official position at that time in Canada?

Mr. KING. I think I was deputy minister of the department of labor.

Chairman WALSH. Would the department of labor be the proper department to commence a prosecution against a man of that kind?

Mr. KING. I think it is the same there as the Department of Labor is here; the department does not interfere with the course of justice one way or the other.

Chairman WALSH. I have been asked to ask you a question that sounds very sensible to me, and I will ask it: Why, if you consider union recognition an unimportant abstract concession, was it so stubbornly refused by the Colorado coal operators?

Mr. KING. I don't say that union recognition is not a thing worth fighting for at times. I say it depends on the conditions. You have to consider each demand in the light of conditions as they are. A union may make a fight for

recognition while there is a good chance of getting it, but it may take a very foolish course if it takes several years' fighting for recognition with no hope for it.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock.

(Thereupon, at 12.30 o'clock p. m., Tuesday, May 25, 1915, the commission took a recess until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. You may resume the stand, please, Mr. King.

Are you making memoranda, or keeping notes of the interviews you are having in Colorado?

Mr. KING. Does that affect the matters this commission is inquiring into, Mr. Chairman?

Chairman WALSH. I think so.

Mr. KING. In what way?

Chairman WALSH. I do not care to answer, and if you do not care to answer, say so. Are you keeping notes of the data you are getting in Colorado?

Mr. KING. I have no objection in making answer, but I do object to answering questions that have no bearing on the questions this commission is inquiring into.

Chairman WALSH. I will allow you to be the judge of that, and if you do not care to answer, you need not.

Mr. KING. I am making notes.

Chairman WALSH. Where do you keep them?

Mr. KING. I am not going any further in my answer.

Chairman WALSH. Think again, and maybe you will go further.

Mr. KING. No; I won't.

Chairman WALSH. Are they in charge of anyone else, or in your possession?

Mr. KING. That is my affair, Mr. Chairman.

Chairman WALSH. Are they kept in New York or Washington, or at your home?

Mr. KING. They are not kept either in New York, Colorado, or at my home at this moment.

Chairman WALSH. In Washington?

Mr. KING. I have nothing further to say.

Chairman WALSH. It is a State secret?

Mr. KING. Yes; a State secret.

Chairman WALSH. That is all.

Commissioner WEINSTOCK. For my information, Mr. King, as well as for the information of the commission, I want to find out just how and where you stand in labor matters; do you stand with organized labor, right or wrong?

Mr. KING. Right or wrong?

Commissioner WEINSTOCK. Yes.

Mr. KING. Certainly not.

Commissioner WEINSTOCK. Are you against organized labor, right or wrong?

Mr. KING. Certainly not.

Commissioner WEINSTOCK. Are you with organized labor when it is right, and against it when it is wrong?

Mr. KING. I am with organized labor when it is right, yes. And I am against it when it is wrong. But, Mr. Weinstock, one would want to study very carefully—one would have to consider just what is meant by your question—some of the actions I might think were right others might think were wrong, and I would want to be the judge of what I thought was right.

Commissioner WEINSTOCK. Exactly; then I take it your answer would be that you were with organized labor when you believed it was right, and that you were against organized labor when you believed it was wrong.

Mr. KING. Yes. But understand this, too, that one may, in answering a question, unconsciously convey a wrong impression, and when I say I am with organized labor when it is right I mean to say that in studying the history of organized labor, organization has been one of the factors that has greatly helped to improve labor and the conditions of labor, and I believe in the right of labor to organize, and when organization of labor is carried on intelligently and fairly and with judgment, it is a very great service to labor.

Commissioner WEINSTOCK. Now, I would like to get your attitude also, for the information of the commission, on the matter of the closed shop. Are you for the closed shop, right or wrong?

Mr. KING. I am not for anything right or wrong.

Commissioner WEINSTOCK. Are you against the closed shop, right or wrong?

Mr. KING. I am not against anything right or wrong.

Commissioner WEINSTOCK. Are you for the closed shop when it is established under the proper conditions, and against it when it is established, in your opinion, under improper conditions?

Mr. KING. If you mean by the "closed shop" that no one shall have the right to be employed by another, I would say that each man ought to be the judge for himself as to whether he wishes to be a member of a group that will exclude other men, or a member of a group that will include others that think differently from themselves.

Commissioner WEINSTOCK. My conception of the closed shop, and I think it is a common acceptance of the closed shop, is a shop where only union men are employed?

Mr. KING. I have had some employers tell me they preferred to deal only with union men, and I have had other employers tell me that they preferred to deal only with nonunion men, and I am sure the men who told me they preferred to deal with union men were as sincere as the others; and I think everything depends on the nature of the union and its status and the service it is capable of rendering, both to itself and the company it is doing business with.

Commissioner WEINSTOCK. Well, now, if a body of workers engaged in any particular industry should, of their own volition, organize and practically establish a monopoly of the business by having all of the workers in that industry in that organization, and did it simply by peaceable persuasive methods, could you find any fault with them for doing it?

Mr. KING. Certainly not.

Commissioner WEINSTOCK. Then, under those conditions, you would not object to what is called the closed shop?

Mr. KING. Following your statement that the means adopted would be perfectly legitimate and proper, and that the exercise of their individual liberty would not be interfered with, and would not interfere with the individual liberty of others.

Commissioner WEINSTOCK. I say whatever part of their liberties they would see fit to give up they would give up voluntarily under those conditions.

Mr. KING. Every man should have that privilege.

Commissioner WEINSTOCK. Would you favor the closed shop for the workers in that industry if it should be brought about by coercion and intimidation and violence to force other workers into the organization?

Mr. KING. I do not think that coercion or intimidation are instruments that are calculated to render permanent service to those who employ them, or do their cause any good.

Commissioner WEINSTOCK. Then, do I interpret your position correctly when I say I understand your position to be that you are in favor of the closed shop where it can be done by persuasion and peaceable methods, and that you are against the closed shop when it can only be established by resort to intimidation, coercion, and violence?

Mr. KING. I am in favor of allowing men, if they desire to be members of a closed shop, to do so, provided that they are able to persuade their fellows that that is the best means of preserving a standard which they are anxious to maintain and can persuade their employers that that is also to the mutual interest of the parties.

Commissioner WEINSTOCK. The question was brought up in this morning's examination as to what you would do as a worker under certain conditions. The picture was drawn of your being a worker, for example, that was alone and helpless and that you were picked up by a group of men in the name of the law and deported and thrown out on a desert, and you gave your answer——

Mr. KING (interrupting). Excuse me, Mr. Weinstock, just before you give that case, I am conscious of how a phrase is sometimes used. I would not like anyone to assume that in listening to my evidence they would be justified in saying that Mr. King stated on the stand that he was in favor of the closed shop. What I have stated, I hope clearly, is that there are circumstances which would make me opposed to the closed shop, and there are circumstances which would make me feel it was perfectly legitimate and desirable, but I do not want to convey the impression to anyone that I am giving evidence for the closed shop or against it.

Commissioner WEINSTOCK. Coming back to the point that I had later taken up, Mr. King; the conditions under which individuals, or collective resistance to authorities, would be warranted and justifiable; if you were a labor leader, what would you advise your followers, if you thought that their political right and their civil liberties were being denied; would you advise them to arm themselves and resist the constituted authorities, even though you knew the constituted authorities in your opinion were exceeding their authority?

Mr. KING. No; I should not; having reference to this country and this period of the history—of political development. You have got to take the element of time into consideration. There have been times in the history of this continent when I think revolution was absolutely justified both for political and industrial reasons, but I think we have worked through that stage, and I hope we have got to a point where men to-day do not need to resort to violence in order to be sure of having justice done their case.

Commissioner WEINSTOCK. You believe, then, that it is entirely possible in this country and under our political system for us to have revolutions overnight, but without a resort to violence?

Mr. KING. Well, I don't think "revolution" comes overnight, Mr. Weinstock.

Commissioner WEINSTOCK. Is it not a fact, Mr. King, that you have seen it time and again——

Mr. KING (interrupting). An explosion may come overnight.

Commissioner WEINSTOCK. Yes; seemingly overnight. You have seen one Government turned out overnight——

Mr. KING (interrupting). I am sorry to say I have; yes, sir.

Commissioner WEINSTOCK (continuing). And another different Government with different policies and different aims and different objectives taking its place on the following morning?

Mr. KING. Yes, sir.

Commissioner WEINSTOCK. That that has been a complete revolution.

Mr. KING. I think "revolution" is the right word for it.

Commissioner WEINSTOCK. And without resort to violence?

Mr. KING. Absolutely.

Commissioner WEINSTOCK. And done through legitimate channels and through the ballot and through education.

Mr. KING. Yes, sir.

Commissioner WEINSTOCK. Coming back to my question——

Mr. KING (interrupting). In regard to that "revolution" we are talking about of Governments, I have no reference to any Government in this country, but to the last election in Canada.

Commissioner WEINSTOCK. Does not the same thing apply here?

Mr. KING. No; I would not say anything about the Governments of this country.

Commissioner WEINSTOCK. I am not asking your opinion, but if you do not know it as a fact that revolutions have taken place in this country politically——

Mr. KING (interrupting). Well, there have been political revolutions; yes.

Commissioner WEINSTOCK. Isn't the last presidential election an illustration of that where the policy was completely changed?

Mr. KING. I don't think that "revolution" would be the right word to describe it. When I was commenting on the word a moment ago it was with reference—I thought you would understand the "revolution" I had in mind.

Commissioner WEINSTOCK. No; I did not.

Mr. KING. Well, I meant by that I was in the government that was defeated, and it seemed to me like a revolution.

Commissioner WEINSTOCK. Exactly; well, does not the fact remain, Mr. King, that what we call political revolutions, the complete change of policies, complete change of officials have come under your notice time and again in this country?

Mr. KING. Oh, yes.

Commissioner WEINSTOCK. And in the Commonwealth and in the municipalities and in the country at large as well?

Mr. KING. Oh, yes.

Commissioner WEINSTOCK. And doesn't that prove the fact that it is entirely possible to have a political revolution?

Mr. KING. Yes; in that sense; yes.

Commissioner WEINSTOCK. And without resort to violence?

Mr. KING. Yes.

Commissioner WEINSTOCK. Simply through the use of the ballot, the outcome of education?

Mr. KING. Yes.

Commissioner WEINSTOCK. So, coming back to my question, if you found yourself at the head of a large organization of labor and you felt that the constituted authorities were going beyond their legal rights, beyond their legal duties, and were oppressive, and let us even go so far as to say persecuting your followers, what would be the advice you would give your followers under those circumstances?

Mr. KING. Well, I should advise them to do nothing that would put them in the same position as the men persecuting them, so their case would be very strong when they came to take action against their persecutors, and to seek the redress which the courts and the ballot and legislature and constitutional means would afford them—the press and——

Commissioner WEINSTOCK (interrupting). Am I to infer from that that if you should advise them to do anything other than that you would be playing into the hands of the opposition?

Mr. KING. I should be inclined to think I was; yes.

Commissioner WEINSTOCK. Would it be in the nature of sedition and rebellion to the constituted Government if you were to buy arms and ammunition and arm your men and encourage them to resist the constituted authorities simply because you thought, and perhaps some of your followers thought, the authorities were going beyond their legal bounds?

Mr. KING. Well, that would depend, I think, on the law of the State and the law of the country. Certainly in my own country I should feel it was.

Commissioner WEINSTOCK. Yes. I take it you are sufficiently familiar with the laws of this country to know whether that would be in the nature of sedition in this country?

Mr. KING. Well, I have heard witnesses state here what I had not known before, that there was a law which made it an offense for anyone to carry arms in a certain State. I think if the statutes permitted men to carry arms, I might be inclined to take a different view about the ownership of firearms than I otherwise would.

Commissioner WEINSTOCK. Well, admitting that it may be legal to carry arms, would or would not it be seditious to use those arms collectively——

Mr. KING (interrupting). Against the constituted authority?

Commissioner WEINSTOCK. Against the constituted authority?

Mr. KING. I think that as long as the constituted authorities were in a position to maintain authority, it certainly would be—and were discharging their duties.

Commissioner WEINSTOCK. Well, do you think you would be justified in becoming judge and jury and determining in your own mind whether the constituted authorities were keeping within their legal bounds or going beyond their legal bounds?

Mr. KING. Why, I should not think I was.

Commissioner WEINSTOCK. You would feel that if you did constitute yourself sole judge of that, that you would be usurping the powers of the courts?

Mr. KING. And a function of the State.

Commissioner WEINSTOCK. And a function of the State?

Mr. KING. Yes.

Commissioner WEINSTOCK. Would that, then, make you a desirable citizen if you did that?

Mr. KING. Well, that particular act would be undesirable.

Commissioner WEINSTOCK. From the study you have made of the labor problem, is it your opinion, Mr. King, that favorable public opinion is of value to organized labor?

Mr. KING. Emphatically so.

Commissioner WEINSTOCK. You say it is?

Mr. KING. Yes; favorable, you say?

Commissioner WEINSTOCK. Yes.

Mr. KING. Yes; it is, certainly.

Commissioner WEINSTOCK. Do you think that organized labor can hope to accomplish anything of any consequence unless it has behind it the support of public opinion?

Mr. KING. I think in the long run it has to rely on public opinion. There may be temporary opposition, but any cause that has not got in it what will

bring to it the support of the general consensus of the public won't last very long.

Commissioner WALSH. Do you believe, then, that even in such a matter as a strike, that the chances of the strike being successful are remote unless public sentiment is with it?

Mr. KING. Well, I think industry to-day is so interdependent, the lives in a community are so more or less related industrially that public sentiment is a very pronounced factor; that whereas in the early days public opinion might have been a small factor and they could have a strike and not affect more than the few people concerned, to-day it becomes more and more difficult to have a strike without affecting everybody; that people are more apt to be stirred to action and to thought when they themselves are affected; and so public opinion is, to-day, I think, more important than it has ever been in the past and will be increasingly so in the future.

Commissioner WALSH. Now, under what circumstances can organized labor hope to win and retain favorable opinion and under what circumstances is organized labor likely to lose favorable public opinion?

Mr. KING. Well, organized labor in that respect is in the same position as any other movement that is seeking the support of popular opinion. It must strive to commend itself to the public in its actions and in its spectacle, as well as in its aims.

Commissioner WALSH. Now, if you have followed these hearings, Mr. King, and have kept in touch with the testimony you are probably aware of the fact that these things have been brought out: That organized labor has elected to positions of trust and honor and responsibility in its ranks and has retained in positions of trust and honor and responsibility within its ranks men tried and convicted of high crimes. What effect is that likely to have upon public opinion?

Mr. KING. Well, Mr. Walsh, at the moment I haven't in mind anyone who has been convicted of crime and has been retained in office.

Commissioner WALSH. Let me cite some cases that have been cited here at the hearings. Mr. Frank D. Ryan, president of the structural iron workers, one of the McNamaras, who is the secretary-treasurer of the structural iron workers—men convicted of crime and retained in high places.

Commissioner O'CONNELL. He has not been retained in office.

Mr. KING. I would not want to pass judgment on any man, but I would say, speaking generally, that I think organized labor is just as quick to appreciate as any other part of the public the wisdom of not having criminals hold positions, and if I did not think they would take that view I should feel that they were very shortsighted.

Commissioner WALSH. Who would you regard, then, as the greatest enemy of organized labor? Would you say that the greatest enemy that organized labor has was the hostile press, or the manufacturers' association, or those that oppose the closed shop, or are the greatest enemies of labor really within its own ranks—those that commit crimes and violence in the name of organized labor?

Mr. KING. I have asked myself that question a good many times, Mr. Walsh; I am not sure that the greatest enemies are within the ranks of labor itself. I think any man who in the name of labor, assumedly in the interest of labor, advocates measures that are contrary to public policy, is an enemy of labor, and whether he belongs to a union or not, and whether he is a workingman or not does not matter. I imagine the worst enemy of any cause is the man who is purporting to espouse a cause and in reality is serving other ends. I say that, and I don't want to be misunderstood in saying it—it is my view of life generally—that there are people who appear to be advocates of certain causes, and if their motives are sincere I believe in them strongly, but if their motives are insincere I think no good can come, because the motive is the first thing, I think, that is the determining factor.

Commissioner WALSH. If as a member of society, outside of the ranks of labor, Mr. King, you should criticise the mistakes of labor organizations and do it, not to hurt, but to help organized labor, would it be fair to regard you as an enemy of organized labor simply because you had criticised its weaknesses and failings and shortcomings, or would you really be one of its best friends?

Mr. KING. I think any man is a poor friend to anything, or to a cause, who will see mistakes and try to justify them. I am not so sure that more is not accomplished sometimes by overlooking mistakes and seeking to see the virtue underlying them rather than their limitations, rather than pointing out mistakes

all of the time and omitting everything else. I think the more we learn of life and men the more charitable we become, and I think that a cause is furthered by seeking what is best in it and bringing it out, rather than concentrating upon its limitations or errors.

Commissioner WEINSTOCK. You said a while ago you stood with organized labor when it was right and against organized labor when organized labor was wrong. Now, as a friend of organized labor, when you see that organized labor is wrong, and being its friend I take it that you are desirous of helping it, do you then think you can help it most by remaining silent or by calling organized labor's attention to its error?

Mr. KING. Sometimes I think I can help it most by being silent. And other times I think one can do most by speaking out. I don't think that a man who spends his time preaching to others how they ought to conduct themselves is always a man who is serving the cause or the interest. I think the one who can go quietly to another and persuade him that a different attitude would probably be better and overlook for the time being and hide from the world at large what he is doing, is of greater service than the other. You say when organized labor is wrong, and I think that is putting it too strongly. I would not be against organized labor when it is wrong; I would be against the wrong, but would still be for organized labor. I think we have to be careful in the use of words, and when I say I would be for organized labor, I don't mean by that to have it inferred I have no interest in the men that are not organized. I think they deserve as much consideration as those that are. The question of whether a man is or is not a member of an organization does not change my estimate of him one way or the other.

Commissioner WEINSTOCK. You are the author, are you not, of what is commonly known as the Lemieux Act?

Mr. KING. I was deputy minister of the department of labor when Mr. Rudolph Lemieux was minister of labor and introduced in Parliament an act known as the industrial disputes investigation act. I drafted it, and he introduced it in Parliament, and we divide the honors between us.

Commissioner WEINSTOCK. That act, or a corresponding act, has been adopted by the State of Colorado about a month or two ago——

Mr. KING. I can not say as to that. I did not see what legislation was passed, and I purposely avoided studying it at the time I was there, because when I reached Denver I was asked by one or two men if I would interest myself in legislation in the State, and I said I could not imagine doing anything that would be more justly offensive, and I was very careful in having nothing to do with legislation in that State for that reason. I have not studied it, but I intend to do so and go over the laws of Colorado very carefully.

Commissioner WEINSTOCK. The Canadian act, of which you are the author, in brief, if I recall it rightly, stands for the theory that there shall be no legal strike, there shall be no legal lockout in public utility enterprises until the State has had an opportunity of intervening in the hope of adjusting the differences, and if after such intervention either side, or neither side, is willing to accept the recommendation of the board of inquiry, then a strike might be called, or a lockout; that they are both made legal. In brief, that is the law, is it not?

Mr. KING. I would prefer to put it this way as respects the strike or the lockout—there is no law against the strike or lockout in Canada. An effort has been made to make it appear there is. The act has been interpreted in that way, but to be strictly accurate and tell the truth, it is illegal to have a strike or lockout until a certain step has been taken; that step being a public investigation in which both sides to the dispute are represented. We would say that the act in Canada restrains. In other words, labor says we believe in a strike only as the last resort. Well, as long as the State is willing to provide the machinery whereby a grievance can be investigated at the expense of the State, and by means participated in by the workers, as well as the other side, and conducted in a way that affords to both parties the simplest opportunity for full investigation, you have what would appear to most people a process that should prove most beneficial in what is a just cause, and a very proper course, before the extreme step of a strike or a lockout takes place. If labor says it doesn't believe in the strike until the last resort—I may be mistaken and I would be glad to be shown if I am—where the State provides machinery of that kind, and it is at the expense of the State, the last resort does not come until that step has been taken. If labor is sincere in that view, then the Canadian act takes

away no right from labor that it desires to have. Laboring men, as I understand it, don't strike for the fun of it; they strike for justice when other means have failed. Canada has provided one other means of obtaining justice, and says until this means has been taken advantage of you can not precipitate an industrial contest until after that step has been taken, but after that you can do as you please.

Commissioner WEINSTOCK. Commissioner Garretson, of this commission, who is the president of the railway conductors of America, and whose opinion I think you in common with myself view very highly——

Mr. KING. I don't know any man anywhere that I regard more highly than I do Mr. Garretson.

Commissioner WEINSTOCK. Well, Commissioner Garretson in open meeting at other sessions here has made the statement which left on my mind at least the impression that the act had partially failed in Canada; that organized labor was opposed to it; that the railway men were opposed to it; that it had broken down by virtue of the fact that where the law was violated by large bodies of workers that it was impossible for the authorities to penalize them, and that hence it had not achieved the desired end. Now, you being an authority on the subject, what we would be very glad indeed to have is your views as you know the facts.

Mr. KING. Did I understand you to say that he left that impression?

Commissioner WEINSTOCK. He left that impression on my mind.

Mr. KING. I question, if you ask him about it, that he would convey that impression that way. The facts are these: The act has been on the statutes for nearly eight years, or seven years—no; eight years—and during that time there have been two different political parties in power. I think, if the act had in it elements which were against public policy, an effort would have been made by Parliament to repeal it before this. No effort has been made to repeal the act. We have in the Dominion of Canada the Dominion Trades and Labor Congress, which corresponds, I suppose, to a certain extent, to the federation of labor of this country. The act has been the subject of discussion there, and there have been groups of men who have suggested that it might be wise to repeal it and change it, but during the course of debates in the meetings of the federation of labor itself, the Dominion Trades and Labor Congress, I should say, they have hesitated to pass any resolution asking Parliament to withdraw that act. They asked for one or two amendments when I was minister of labor, and I conceded them, and put them in the act, but there has been no request from the organized workers, as such, to repeal that act, and I should feel that that was one evidence, at least, that Canadian labor felt the act was satisfactory. Perhaps not in all of the details, but some. I have here last year's report of the department of labor on that act, and I notice that the summary given here is that during seven years 161 cases were referred under boards appointed under this act. Out of the 161 of strikes that were not averted or ended there were only 18—that is, there were only 18 that were not averted or ended out of 161 in seven years. I can not feel that in cases where there were no strikes injustice was done, and I can not help but feel that labor found in these cases some other more effective thing than the strike.

In 1913 and 1914, I see that the report gives 19 disputes, referred to boards, that affected coal mines, street railways, railroads, shipping, civic employees, and other public utilities. There were 19 cases, and no strike whatever.

Commissioner WEINSTOCK. In these cases, both sides accepted the decision of the board?

Mr. KING. It happens——

Commissioner O'CONNELL. Am I not right in stating that the board does not render a decision?

Mr. KING. In some cases they do not.

Commissioner O'CONNELL. The law does not require a decision to be rendered?

Mr. KING. I was just coming to that.

Commissioner O'CONNELL. Mr. Weinstock has a wrong impression. They simply publish the results of their investigations without findings?

Mr. KING. That is right; what happens frequently, I think, is that when the parties meet together, in this way, that a settlement is effected as a result of the negotiations that go on.

Commissioner O'CONNELL. The bringing of the people together?

Mr. KING. Yes, sir; and as a result of that the board issues a statement that the grievance is at an end, that they have settled it.

Commissioner WEINSTOCK. I want to make sure on one point here, as I understand, if this board can not agree among themselves while the inquiry is going on——

Mr. KING. Yes, sir.

Commissioner WEINSTOCK (continuing). Does this board, or does it not, under the law, prepare a basis of settlement which in its judgment would be fair to each side?

Mr. KING. If no agreement is reached, then the board issues a report saying what in its opinion under the facts would be the fair thing to do.

Commissioner WEINSTOCK. Then it does render a recommendation?

Mr. KING. It is not in the shape of a definite finding. Some of the reports are a little indefinite in that way. They don't decide a case as a board of arbitration would decide it.

Commissioner WEINSTOCK. Have you a typical report you could read, a sort of index of the usual mode?

Commissioner O'CONNELL. Have you the law there?

Mr. KING. Yes, sir. For example, here is one with reference to a report, it states "the matters were presented to the board and an amicable settlement was effected."

Commissioner WEINSTOCK. I am not interested in that, but where they were not able to agree.

Mr. KING. Here is a report by the board, and a minority report. Each member of that board gave his own opinion. Let me explain how the boards are chosen. The workingmen are invited to name their own member of the board, and the company to name their own member. Each side may chose anyone they wish, and their representatives are given an opportunity to agree on a chairman, and if they can't agree the Government appoints a chairman. A different board is chosen for each dispute, so that the men can choose the men they have the most confidence in, in each particular dispute. The three persons chosen have all the powers that this commission has here. They may bring before them the parties to the dispute, and examine witnesses under oath, compel the production of documents, and so forth, and they then submit a report as to what, in their opinion, should be done. If they all agree, well and good. If not, each man expresses his own views. After the board reports, the parties are allowed to strike, or lockout, as they please. One can not judge of the service of the measure by the number of boards or decisions that come under it. My own opinion is that the act renders its greatest service in preventing situations developing to the point where a strike is likely to take place, or a lockout. Employers know that if labor presents its case and it is fair and they refuse it, it is liable under that act to be brought to public observation and the facts brought in the shape of an investigation.

Had the Canadian statute been on the books in Colorado, in the phraseology that it is in to-day, it would have been illegal for any strike to have taken place until an investigation had been held, and the parties would have been compelled to come together. In other words, the employers, as I understand it, took the position in Colorado that they would not meet the men; that position would have been knocked in the head by this act, because it would have given the men who were instrumental in trying to present the grievances to the employers, it would have given them the right to name a member of the board and to choose anyone they wished, and also the company the right to choose anyone they wished, and then the two of them would choose a chairman. They would also have had the right to appear personally there, whether members of labor unions or not, before that board, and they would have had the right to bring every member of the Colorado Fuel & Iron Co. before that board. There was not a condition in the mines, checkweighmen, or conditions of living, or anything else, that they could not have had fully investigated, and the act would have said, until that investigation is over and the public is fully acquainted with what the conditions are, and can understand them in an intelligent way, you can not strike. I understand there have been 200 persons killed outright in Colorado; those persons would have been living to-day if that law had been on the statute book. There are men under serious criminal indictments. None of these indictments would have been made. The State of Colorado has suffered a great loss to its mining industry and to other industries, and men that had nothing to do with the dispute have had to suffer for a year or more. None of those things would have occurred if that statute had been on the book; and my feeling is that labor, instead of being deprived of any liberty because of the penalty, which says you must postpone your strike until this step is taken, would have been in

a much stronger position in Colorado to-day, and in this country, with the force of public opinion behind it than it can hope to be in view of the confusion that has taken place there.

If industrial statistics prove anything, they prove what has taken place in the past, say 10 or 15 or 20 years, is going to take place in the next 10, 15, or 20 years, and we can say as certain as we are sitting here to-day that before another year goes by men, women, and children in this country are going to be killed on account of industrial strife. There is a way of preventing that, and that is to have labor grievances investigated by the State before a strike is occasioned, and things of that kind take place, and, I submit, for your action, in the interest of labor and the public—I think you should consider it carefully—whether a great responsibility doesn't rest upon you, appointed by the Government of this country, to frame a measure that will help prevent industrial strife and bring justice to the parties, to see whether there is not in the Canadian act, and what it has done in the last seven years, something that is very deserving of consideration at your hands.

Let me add this: It may be that this act, which works so well in Canada, might not work as well under the Constitution and laws of this country, and that would have to be considered in the light of legislation here. In one particular I can see where it would not be as effective. Under our system of Government a cabinet is responsible to Parliament, and every cabinet minister is responsible for the appointments he makes; and if a man is appointed by a minister, the minister has to consider how that appointment is going to be viewed by the entire public, and, in making it, has to consider that he involves his cabinet as well as himself in the consequences of the acts of the particular man he may appoint. And in that there is a safeguard against anything which may not be in the public interest on the part of the appointees. Whether the same thing would be true in the case where there was not that responsibility on the part of the minister, to be questioned in Parliament or Congress on the acts of everyone connected with his office or appointed by him, is a matter that would have to be considered in that relation. There may be other features as well.

Commissioner WEINSTOCK. I gather from the figures you read that there have been 161 disputes submitted to these various boards within eight years?

Mr. KING. Within the last seven years.

Commissioner WEINSTOCK. And out of that number but 18 strikes?

Mr. KING. But 18 strikes.

Commissioner WEINSTOCK. So there would be nearly 90 per cent of the cases in which strikes were avoided?

Mr. KING. This act is limited to industries in the nature of public-service utilities—coal mines, railways, telegraphs, and so forth—and not to others.

Commissioner WEINSTOCK. Have you any figures, Mr. King, that would go to show the number of strikes that have occurred in the same industries for the eight years prior to the enactment of this law?

Mr. KING. I have not got them here, but can get them, and would be glad to supply them.

Commissioner WEINSTOCK. Do you know from memory how they compare?

Mr. KING. No; I do not.

Commissioner WEINSTOCK. Anyway, there were just 18 strikes?

Mr. KING. I think the strikes before would correspond in numbers much more nearly to what the number of investigations has been under the act than to the number of instances in which the strike occurred.

Commissioner WEINSTOCK. Then approximately—there had been approximately 161 strikes in the preceding eight years?

Mr. KING. I think the act in the industries to which it applies has cut down the strikes in Canada pretty nearly 80 or 90 per cent; that would be my estimate of it. But, Mr. Weinstock, let me illustrate further. You can not say from statistics how far-reaching that law may be, but I should like to illustrate it by a concrete example. In January of this year the Grand Trunk Railway Co. served notice on its employees that it was about to introduce a new wage scale. Under this act no company to which its provisions apply is allowed to change conditions with respect to the hours or wages of its employees without giving 30 days' notice, and if the employees object then the company has no right to put that change into effect until there has been an investigation.

The minute the company served notice on its employees of its contemplated change of wages, which meant a reduction, that minute the employees called attention to the act, and the fact that a company making the change without

such notice would be liable to a penalty of $1,000 per day. The company urged that the war conditions had made it necessary to reduce wages, but when brought face to face with having an investigation the question of cutting wages was dropped, and the parties got together and they settled the matter in a manner satisfactory to each, and there was no reduction.

Now, I may be wrong, and I don't want to do the Grand Trunk Railway Co. an injustice, but I do believe that if that statute had not been on the books the chances are that those men, seeing that a plausible case might be made out and that owing to the war conditions it was difficult to go on paying the same rate of wages, they might have had to resort to a strike to hold their position, and to that extent I think a case like that helps to illustrate the service a measure of that kind renders. The parties have got to be pretty sure they have a case they can make out before the public before they throw the whole of society into the possible confusion that may result from a strike.

Commissioner WEINSTOCK. The prime objection that has been raised to the Canadian law by organised labor is that it robs the worker of the right to strike.

Mr. KING. I want to explain that it does not.

Commissioner WEINSTOCK. Let me finish. They admit it does not rob the worker of the permanent right to strike, but it robs the worker of the right to strike pending the investigation, and that organised labor feels that it is not right to deprive labor of the right to strike; as one of the representatives of organised labor said, occupying the very chair you are occupying now, "Not even for one moment." Now, what is the answer to that objection to the law, in your opinion, as a result of your experience?

Mr. KING. Well, you understand that when the State says to labor, "We ask you to postpone your right to strike," the State does not confine its request to those terms; under this act it says, "We will give you something more effective than the strike as a weapon wherewith to get justice, and we ask you to use that instrument before you use the other," and the penalty, so far as it is a matter of concern one way or the other, is simply a means whereby the use of this very effective instrument is insured; it is to prevent hasty action on the part of persons who possibly have not the fullest sense of responsibility from taking a hasty step.

Commissioner WEINSTOCK. You believe, then, that the cost to organised labor would be postponing their right to strike and that the compensation they get in return far outweighs that cost?

Mr. KING. Most emphatically I do, Mr. Weinstock. I can not see for the life of me any reason why labor would want to strike if it can gain its ends without a strike. What does a strike mean? That they give up for the time all their earnings, their income; they begin to accumulate debt; it makes all kinds of unhappiness possible. Labor is not interested in creating that condition for itself, except for one reason, and that is that it can find no other way of getting what it believes to be just. I would be the last one in the world to take away from labor any means it has to get justice, for I think labor needs all the help it can get; but I do not like to see labor get in wrong with the general public by precipitating hasty action that may not land them anywhere in the end when I can give to labor an instrument for getting justice that will avoid the possible losses which a strike will incur and which will put them in a position, if they do strike, that they will be much stronger.

My contention is that if the men out in Colorado whom we have been talking about had had an investigation and that there had been brought out some of the features brought out here, and the employers had not changed those features, and the men had struck, they would have had the support of the country from one end to the other; they would have had the people back of them and been in a position to fight; but when they are put in the unfortunate position that they have been that is impossible. I think if they had this law in Colorado they would have had this investigation, and the strikers themselves would have wished it; but they did not have it, and went out and had the strike, and what compensation conceivable can they have for the loss of life? What compensation can the State or Government give to a man who has lost a life that is dear to him?

It is the duty of the State to seek to preserve individuals from incurring sacrifices of that kind, if the means can be found to do it.

Commissioner WEINSTOCK. The next objection that has been raised against that act is that, assuming it takes from 30 to 40 days to make the inquiry, in the interval it affords the employer an opportunity to get ready to meet the

strike, should the workers not be willing to accept the recommendations made by the board of inquiry. What answer have you to that objection?

Mr. KING. Well, there is this answer: That this act is full of penalties, some of them pretty severe, one clause—I remember of writing this myself [reading]:

"If in the opinion of the board either party uses this"—that is, the provision which requires them to submit their difference and have it investigated—"if either party uses this or any other provision of this act for the purpose of unjustly maintaining a given condition of affairs through delay, and the board so reports to the minister, such party shall be guilty of an offense and liable to the same penalties as are imposed for violation of the next preceding section."

Now, let me add this, further, that a minister is responsible for the carrying out of that act—not merely the letter of it but the spirit of it. If a similar measure were enacted in this country, it would be under the administration of the Department of Labor, and, I presume, of the Secretary of Labor. When I held the position of secretary of labor in Canada I never allowed the board to wait longer than 15 days on any single dispute that it had before it without the written consent of both parties to the further delay; and during that couple of years it was possible to have that law administered in that way. It is all a matter of the sincerity and purpose of the men who are administering a measure and who are in harmony with it.

Commissioner WEINSTOCK. Did any instance come under your notice of employers taking advantage of the intervening period and getting ready to meet the strike?

Mr. KING. I do not think there is anything in that, one way or the other, Mr. Weinstock. There may be a reason for employers to get ready for a strike if they can keep secret conditions that precipitate a strike—in ignorance, so far as the public is concerned—public ignorance of general conditions. But what is the use of getting ready for anything if all along the way you are being exposed by a board that has at every moment the right to bring in and put before it every single member of a company or person concerned with it and find out whether they are taking any step that is prejudicial to the other side. And I am sure that if any gentleman on this commission were on a board of this kind it would be the very thing he would do if he thought there were unfair actions of any kind. You see you have to read the act in the light of every circumstance and the light of the means that it affords.

Commissioner WEINSTOCK. Do you know of any case——

Mr. KING (interrupting). No; not a single case.

Commissioner WEINSTOCK. Since this act has been enforced——

Mr. KING (interrupting). No.

Commissioner WEINSTOCK (continuing). Where the following has happened?

Mr. KING. Oh, I thought you had gone back.

Commissioner WEINSTOCK. That during the intervening period from the time the investigation began until it ended employers did prepare themselves for a strike, that the workers refused to abide by the recommendations made by the board, that they did go on strike, and that they lost the strike by virtue of the fact of the employers having employed the opportunity to prepare for it? Do you know of any such case?

Mr. KING. No such case; no.

Commissioner WEINSTOCK. Do you know of any good reasons, then, why the same law should not operate reasonably well in this country?

Mr. KING. Well, I have mentioned to you one or two considerations that I think ought to be taken into account, and I think they are very material and important considerations.

Another thing that I think is important: This illustrates where the labor problem is such a difficult one. It is bound up with a mass of other considerations. The judicial system of a country has a good deal to do with the way in which the laws are administered. Personally I believe in appointing judges, the entire judiciary, and magistrates, sheriffs, and officials of that kind for life, so that when a man gets office he will administer the law in such a way that—well, make him subject to removal only for malfeasance in office. Then when a man is appointed to a judicial position his aim is so to conduct himself that he will inspire confidence in himself, in the law, and the country. Now, where you have a system of electing judges every two years, and magistrates and others are subject to popular vote, and the administration is in the hands of men who are thinking about whether they will be returned to office again in the next two years, you do not have the solid foundation for law and order which you get under the other system. And an act that might work very well

under a system such as I have outlined, that exists in the Dominion, might not work with equal effectiveness where the system is different. You have to take all the institutions of a country into account. You can not say that any one piece of legislation will suit anywhere else; but the principle, I think, is absolutely sound.

Commissioner WEINSTOCK. But if such an act should be established for interstate commerce, for example, the adjudication would all be brought into the Federal courts, where the judges are appointed for life?

Mr. KING. Yes.

Commissioner WEINSTOCK. Should it not work out under those circumstances?

Mr. KING. So far as the judicial factor was a consideration, that feature would be removed as a possible consideration or objection.

Commissioner WEINSTOCK. You pointed out what might have been saved to Colorado and the people if this law had been in operation prior to the 1913 strike. Now, that the law has gone into operation in Colorado, is it not likely then to tend to prevent a repetition of these unfortunate circumstances there even though nothing more were done?

Mr. KING. Tend to, I think; yes. But let me say this, Mr. Weinstock: I have not read the Colorado act, and I would not know until I saw its provisions whether they were so framed as to meet all the points that I have in my mind. Calling an act by the same name does not make it the same act.

Commissioner WEINSTOCK. I have read it rather hurriedly, and as nearly as I can recall I think the salient points there are in harmony with and modeled after the Canadian act.

Mr. KING. Well, I think in one salient point it is not, if what I have been told about the act is correct. In Colorado the board is a permanent board, and that one board does the investigating. I may be wrong in that. Under the Canadian act for each dispute there is a separate board. That is a very different thing. For example, in Canada, where the dispute is a dispute between the miners and the coal companies, the miners themselves would choose their own representative on the board and choose whomever they wished to go and represent them before the board. Now, if in Colorado it is a permanent board, that is a very, very different thing. I do not say that it may not be equally as good a thing if the men on that board are men that inspire confidence. It may be very helpful. But confidence lies at the very basis of helpful work.

Commissioner WEINSTOCK. You know in the case of our mediation board which acts under the law relative to railroads it is a permanent board, and has worked out well.

Mr. KING. I believe so.

Commissioner WEINSTOCK. Then the fact of being a permanent board don't necessarily mean failure?

Mr. KING. No; it depends on the character of the men and the degree of confidence they inspire.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. O'Connell desires to question you.

Commissioner O'CONNELL. Do you know of the compulsory features connected with the Colorado law?

Mr. KING. No, sir; I do not.

Commissioner O'CONNELL. Do you know whether there are any compulsory features in connection with it?

Mr. KING. No; I have not seen its provisions.

Commissioner O'CONNELL. I think if you get the law and read it, it has no analogy whatever with the Canadian Lemieux Act—the compulsory features.

Commissioner WEINSTOCK. Which law are you speaking of?

Commissioner O'CONNELL. The Colorado law. Now, while we have had discussed this bill or the Lemieux Act lots of times before us very thoroughly——

Mr. KING. Yes.

Commissioner O'CONNELL. It seems like reiterating, and I do not want to go over it again excepting these one or two questions that I want to ask. I do not think they were brought out before. Why did not the Lemieux Act apply to all industrial institutions in Canada?

Mr. KING. Well——

Commissioner O'CONNELL (interrupting). If it was good for the railroads and street cars and gas companies and electric light companies and all other

commonly so-called public utilities why was it not good for the Federal and commercial business?

Mr. KING. Well, there are two reasons, as I remember it: One is in enacting legislation which introduces a new feature sometimes it is just as well to make the field limited rather than comprehensive at the outset, to give the parties a chance to see how a measure is going to work in actual practice. There was an obvious reason why in limiting it it should be limited to industries in the nature of public utilities that these were industries that affected the general community to a greater degree than other industries. That is, a strike on a railroad is much more of an inconvenience to the public than a strike in a blacksmith's shop or a tin shop or printing shop. That is one reason.

Then another reason was this, and here again you have a feature that has to be considered. This act was to be administered by the Federal Government in Canada, and not by the Provincial governments. And when it came to administering an act that applied from the Atlantic to the Pacific it seemed on the whole wise not to make it too wide in extent or scope at the outset. We thought that if we could make it successful in regard to the industries to which it applied under the Federal Government, perhaps the Provinces might then see fit at some time, in regard to local industries, to bring the same system into use, if necessary.

Commissioner O'CONNELL. For eight years you say the act has been applied there successfully, and has prevented about 90 per cent of possible strikes——

Mr. KING (interrupting). Between 80 and 90 per cent.

Commissioner O'CONNELL. Per cent of strikes that have been prevented. With that experience, has there been any effort to extend the law?

Mr. KING. There have been different applications come before the Government to extend the law, but none of them have been acted upon up to the present time.

In regard to the other strikes, Mr. O'Connell, my feeling is—if you will look at the record of the strikes, the other strikes are not, for the most part, of much significance in the Dominion; they are very local. They have not affected industry to any great extent or embarrassed anyone. If there were a great, big strike in some local industry, I should not be surprised——

Commissioner O'CONNELL (interrupting). Yes. Now, it is easy to say that there have been perhaps 126 strikes, or 1,000 strikes or cases that were brought before the board and 900 of them were settled.

Mr. KING. Yes.

Commissioner O'CONNELL. That does not mean anything unless you told us whether 50,000 or 100,000 men were engaged in them, or whether 1,000 men were engaged in them. There may have been more men involved in one strike that was investigated and did occur, or where the men violated the law and went on strike, than all the others that were settled.

Mr. KING. Quite right.

Commissioner O'CONNELL. You must have something on which to base not only the number of occurrences that came before the board, but also what number of people.

Mr. KING. Well, I will take one other thing with which I think you will agree clearly, namely, the result in the other cases.

Commissioner O'CONNELL. Yes.

Mr. KING. So far as I know, in Canada every single strike that has taken place, either in violation of the act or of terms of settlement recommended after investigation, there has not been one in which a single condition was secured that was an improvement upon what the board itself had recommended; and I think in nearly all cases the strikes were lost.

Commissioner O'CONNELL. Take, for instance, the strike of miners that occurred in British Columbia——

Mr. KING (interrupting). A complete failure.

Commissioner O'CONNELL (continuing). Say it was a failure; but I think since that time the thing has been adjusted—since the time it was declared a failure; but regardless of that, what was the number of people involved in the violation of that law—of the workmen that declined to go along with the law?

Mr. KING. Oh, quite a number.

Commissioner O'CONNELL. Were not there a number of thousands engaged in that?

Mr. KING. I should think there might have been 2,000. I don't think there were more than that.

Commissioner O'CONNELL. Yes; there were so many engaged in it that there was no attempt on the part of the Government to put the law into effect.

Mr. KING. Well, there has never been——

Commissioner O'CONNELL (interrupting). In so far as punishing people or locking them up is concerned.

Mr. KING. Well, there has never been any attempt on the part of the Government to take the initiative in prosecutions under this act. It has not been necessary, for two reasons: For the reason that labor has not sought deliberately to violate the act. In one or two instances where it violated the act the Government has taken the position that if the parties to the industry are not sufficiently interested to try to enforce the provisions of the law, so far as the penalty is concerned, or the community is not sufficiently interested, it would not be rendering a public service to prosecute the offending men; and for that reason, I say, the penalty feature of the act, excepting for the service it may render in preventing extreme men from taking extreme actions sometimes, is quite a secondary feature.

Commissioner O'CONNELL. Now, Commissioner Weinstock said there were several reasons why labor objected to this law; but he has not given you the main reason. The main reason is that labor is opposed to the position of being placed in subjection to compulsory—either compulsory mediation, compulsory conciliation, or compulsory arbitration, or compulsory anything. Labor does not believe in the word "compulsion" in the law. Now, that is the main thing that labor objects to in the Lemieux Act.

Mr. KING. Yes.

Commissioner O'CONNELL. Now, you do not find that in this country for many, many years. He has been speaking of compulsory ways of doing things—compulsory arbitration, compulsory conciliation, compulsory investigations, and all that sort of thing. I think the public mind in the United States has been cleansed from ideas of compulsory arbitration or compulsory settlements, believing that compulsion does no good to amount to anything, because if you compel men to do this or that they will break over. Now, labor objects to the Lemieux Act because of its compulsory features, and, in addition, I want to state the reason why.

Now, we have in the United States what is now known as the Newlands Act, which was formerly the Erdman Act, under which all railroads come. It is not compulsory. They don't even go to a railroad or an employer and say you must come before us under any circumstances. Both parties must come to this board here and say, "We want you," or they can not interfere. There is not a thing compulsory about it. Yet since this board has been in existence there has not been, I venture to say, actually to my knowledge of the situation there has not been over two or three very small strikes since the Erdman Act went into effect in this country without the word "compulsory" attached to it at all. Now, that is the thing, and the opposition of labor makes that without compulsory investigation or arbitration or without this board being in the position to say to railroad men on any system or to railroad employers on any system, "You must appear before us and try and adjust this thing." They have not got a scintilla of compulsion in connection with the make-up of that law. Yet they have been able to avoid practically all railroad strikes in our country for a great number of years, as you know. Well, there have been—actually been one or two break overs—but they have been very small. It has been almost so small as scarcely to be worth speaking about.

Mr. KING. Well, I concur——

Commissioner O'CONNELL (interrupting). Now, labor objects to the compulsory feature, not only in that law, but in any other law.

Mr. KING. Let me explain. I agree with you, naturally, if you can get an act that will give you the same result without a compulsory feature it is desirable not to have that feature. I think in the case of railroads there have been few strikes. Why? Because the parties have brought their disputes before this board in a voluntary way. With the railway labor is well organized. The men who are at the head of the railway brotherhoods are extremely able men, men seized very strongly with a sense of the responsibility they have, and these men see the wisdom both for themselves and their fellows of trying to get matters settled by investigation in the first instance, and they set the example and do that, and I think they are men that understand the wisdom of negotiations and of taking advantage of the laws of this country. But when you come to some other industries in this country the same can not be

said. Think of the condition of labor and of the experience of the men who lead it and you see why, while one result may obtain in the case of the railroad, it is questionable whether it would in some other instances.

Commissioner O'Connell. We have had in this country some of the most disastrous strikes, some of the greatest destruction of property in our railroad affairs that we have had in our entire industries, our entire industrial strikes in the United States.

Mr. King. But the destruction of property has not been——

Commissioner O'Connell. That is, in years gone by.

Mr. King. That has not been the thing that has gained for labor the advances that they have made. They have made their advances in spite of destruction. In regard to compulsion, every man gives up a certain amount of his rights for the good of society as a whole. If a man slanders me in the press, my feeling is to go and smash his head, but I don't take that action. I have to go to the law. I have surrendered my right to society. It is true of all law; you can not justify restraint unless you gain a wider measure of liberty from and for society as a whole, and wherever you have that by restraining men for a time the amount that is lost is insignificant compared with the great gain.

Commissioner O'Connell. Labor's first objection to the Lemieux Act is its compulsion. If you succeed, as you say, then you have succeeded by this compulsory primary negotiation of stopping them, and it is only a question of time until your legislatures or those that have the enforcement in Canada will succeed in making it compulsory on them that you must adjust it under the law, and that becomes repugnant to American workmen.

Mr. King. And also to each British workman. But instead of putting it as the entering wedge I should be inclined to put it as the widening of the horizon or the extension of area over which you give the laborer a new instrument in securing justice. Take to-day, in your civil rights, a man can go to court and get his rights adjusted without resorting to violence. Up to the present time labor has not had that right with respect to the one commodity it has to sell—its labor—and I would put it, extending the bounds of liberty to a man, rather than a restriction or an entering wedge in the direction of compulsion.

Commissioner O'Connell. I think I understand it, and we have discussed that so many times before that we will leave that subject.

I want to go back a little to the question of sedition that Commissioner Weinstock discussed with you, as to whether the workmen who armed themselves—and if that did not mean sedition. Have you heard the testimony of the officers of the Pennsylvania Railroad Co. before the commission at this hearing here?

Mr. King. No, sir.

Commissioner O'Connell. The testimony before this commission by the highest officials of the company—at least the general manager and vice president and others—was that they had stored at their Philadelphia headquarters several thousand firearms, many thousand rounds of ammunition, police clubs, and all characters and kinds of instruments for the destruction of a human body that you come in contact with; that they were kept there for the purpose of immediate use—of using in any means whereby they would keep the trains of that road running. It meant if a man tried to prevent a train running, they had a perfect right to shoot him and get him out of the way so that it could run; that that right was claimed for the purpose of getting the trains over the road and in the interest of the stockholders.

Now, would you call it sedition for a corporation so great as the Pennsylvania Railway system, traversing through a number of our States, storing and turning a portion of its great Union Station in Philadelphia into a public arsenal for the purpose of holding their firearms there, and all kinds of ammunition, and all instruments for the destruction of human life and property, prepared to go into war of any kind or character to keep their trains running, regardless of what human it was necessary to put out of existence?

Mr. King. My opinion is that in properly constituted, organized society no one except the public authorities should be permitted to either carry or store arms. The law itself should be administered by the officers of the law, and no individual or corporation, whether they be organizations of labor or organizations of capital, should be permitted to equip themselves with any outfit which implied that they were going to take the administration of the law into their own hands. A large railroad company may find it necessary to keep on hand a few rifles or give a few revolvers to their men that are running the trains to protect them from highway robbery and of train holdups. There may be justi-

Seattle for a thing of that kind; but as to storing arms to fight labor organizations, it is a thing that ought to be made a criminal offense and the whole spy business with it. I think it begets no end of trouble. I think that they would not have had a war in Europe to-day if it had not been for the spy system.

Commissioner O'Connell. Commissioner Weinstock asked you if you believed in labor, right or wrong; or the closed shop, right or wrong; and two or three other questions regarding the right and wrong thing that I don't just now recall. The implication is, or the impression conveyed to me was, labor right or wrong. That the mere fact that an individual laborer committed an act in violation of law does not mean that labor was wrong?

Mr. Kirk. Certainly not.

Commissioner O'Connell. It does not mean, for instance, that if a member of a trade-union during the time of strike or strife—that if he happened to get drunk and locked up that the whole trade-union was drunk and locked up?

Mr. Kirk. Certainly not.

Commissioner O'Connell. It does not imply that simply because a few individuals of a trade-union or labor do something wrong that the whole proposition is wrong or that a local union or number of men of a union make a mistake in their demands upon employers and make radical and outlandish demands that labor is wrong?

Mr. Kirk. Certainly not.

Commissioner O'Connell. The laborer, or a number of laborers or union men, are liable to have a wrong conception of the purpose for which they are organized? They organize rapidly at times, and many have no knowledge or conception of organization. Only overnight they are organized and come into the field of organized labor, and the next morning they start out to revolutionize modern society simply because they have organized. They do wrong and commit crimes and break laws, and life and property is sacrificed, but that does not convey the idea to you that labor is wrong?

Mr. Kirk. Certainly not. Those individual acts are wrong, and would be wrong if committed by a party of persons. I would not condemn the church because there are some scoundrels in it.

Commissioner O'Connell. We do not have laws on the statute books to make people do right.

Mr. Kirk. Certainly not.

Commissioner O'Connell. We do have them there to punish those that do wrong?

Mr. Kirk. Certainly.

Commissioner O'Connell. If they had the effect of making us do right, we would be making many more laws than we are?

Mr. Kirk. Certainly.

Commissioner O'Connell. That is my conception of right and wrong, and the right and wrong of the closed shop, as the employer calls it, the open and closed shop; the union man calls it the union and nonunion shop. The evidence before this commission indicates a very large number of the most radical advocates of the open shop are operating nonunion shops; absolutely closed to union men. Now, the corporation that you are now employed my——

Mr. Kirk. Excuse me, I am not employed by any corporation.

Commissioner O'Connell. I will withdraw that. The Colorado Fuel & Iron Co., which you are acquainted with?

Mr. Kirk. Yes, sir.

Commissioner O'Connell. At its four mines in Sunrise, Wyo., it operates not an open shop so-called, but an absolutely nonunion shop, and it is a shop that is closed absolutely to union men. You can not work there if it is known you belong to a union. In the Colorado field they talk about the open shop. If they practice the open shop at one portion of their employment, they certainly must mean the same thing at another point of employment, if their men are truthful at all. Can you see it in any other light?

Mr. Kirk. I don't quite understand the question you ask me.

Commissioner O'Connell. I asked you if the Colorado Fuel & Iron Co. was operate publicly in one of their camps in Sunrise, Wyo., what they do as an absolutely closed shop to union men, and in Colorado bringing on a great struggle between thousands of workmen and a great number of corporations in that State, in which lives are lost and property destroyed, in what they are pleased to call the open shop—if there is any way to modify or bring these two things together?

Mr. KING. I would not like to acquiesce in the statement that they brought on that struggle.

Commissioner O'CONNELL. They claim they resisted it because the men wanted a closed camp, or closed mine, where only union men were employed?

Mr. KING. That may be the argument that was urged by the men.

Commissioner O'CONNELL. Not by the men, but by the company. They say, "The men demanded of us an absolutely closed shop where only union men could be employed, and that we declared to be un-American, and all that goes with being un-American, and we won't stand for it, and we will fight first." And they did fight; the result of which you know was the horrible picture that has been painted, not of imagination, either, but things that did occur for the principle of open shop, the right of American people to work under what conditions they pleased, for whomever they pleased, and wherever they pleased, and whenever they pleased. A few miles from there they are operating an ore mine where they say no union men can be employed, it is not a place where any man can be employed, and I say to you, is that a consistent situation?

Mr. KING. It would not be consistent to say they are favorable to the open shop under the conditions that you cite.

Commissioner O'CONNELL. You have heard all of the testimony here?

Mr. KING. I have answered your question about consistency; I have not heard all of the testimony.

Commissioner O'CONNELL. I want to straighten out the record on this question that Mr. Commissioner Weinstock asked you, if you thought labor was justified in retaining in office men who were found guilty and convicted of crime, and cited to you the case of Mr. Frank Ryan, president of the structural iron workers, and who is now in the penitentiary at Leavenworth, Kans., I believe. The fact is that Mr. Frank Ryan has not been retained in office, and is not the president of the structural iron workers at this time; he was retained as president of that association up until the time his case went as far as it could be carried to justify all as to whether his conviction was justifiable or not. It was carried to the courts, the Supreme Court, and he was decided against. At the next election of that organization another man was elected president of the International Structural Iron Workers, and Mr. Ryan has not continued in office. Now, Mr. King, would you give labor the same right to organize as capital enjoys?

Mr. KING. Yes, sir; I would.

Commissioner O'CONNELL. Do you think anybody questions that seriously now? We recognize that capital will make mistakes. Great organizations of capital are brought before the courts and punished for various offenses. We have heard of the Standard Oil Co. being fined many million dollars by a judge in Chicago, and all that sort of thing, but, of course, it was never collected, but they committed the same offense and are brought up before the courts——

Mr. KING. Human nature is the same.

Commissioner O'CONNELL. Whether it is the employer or employee?

Mr. KING. Yes, sir.

Commissioner O'CONNELL. So that even if labor does commit, in the name of labor, if you will, violence, human life is sacrificed for what they believe to be an elevating purpose—there has no great struggle taken place in the interest of humanity or in the interest of the world in which life has not been sacrificed for the uplifting of humanity. History repeats that thousands of times, over and over, and so with all its frailties and weaknesses, it has the same right to organize as capital has?

Mr. KING. I think so.

Commissioner O'CONNELL. For its own protection for whatever it thinks best to do?

Mr. KING. I think so.

Commissioner O'CONNELL. Do you think that there is a possibility of labor unorganized protecting its interests in this modern, humdrum of society and industrial world in which we are now living—and the small employer has almost disappeared?

Mr. KING. I think it is distinctly difficult; yes, sir.

Commissioner O'CONNELL. It is impossible for him to reduce his hours of labor, increase his wage, and better his condition of employment. A man, for instance, employed—I do not cite the case, there may be causes for it, but the name appeals to me, the United States Steel Corporation, employs 200,000 people; do you think that one man or a few men, or unorganized men, could improve their conditions in that great army of men?

Mr. KING. I think you have to always take into account the strength of the force that we are seeking to uplift and the force opposed to it. If the force that is opposed to the other is distinctly trying to crush it down, certainly the lack of organization is a terrible handicap, but I would not like to imagine that the employers who have not seen their way to have organizations among their own workmen have had in mind the crushing of labor as the particular motive. I think as far as their motives are concerned——

Commissioner O'CONNELL. I am not speaking of it because the employer does not want it. I am speaking of the laborer, the man himself. I do not hold him responsible personally.

Mr. KING. The attitude of the employer toward labor—I could conceive of a humane employer, a man who had a sense of justice and right, refusing to draw any dividend from an industry that was sweating it from labor, or doing anything other than letting labor have all the advantages it could, and I would think in a case like that that the organization would be quite secondary. Unfortunately there are not many that are that way.

Commissioner O'CONNELL. Do you think the hundreds of stockholders of the United States Steel Co. care how they get their dividends?

Mr. KING. I think some of them care and some do not care. I think there are some drawing dividends in the steel industry who would much prefer to get a less dividend if they thought they were getting the particular dividend that they are at the expense of the men that are working.

Commissioner O'CONNELL. I never heard of but one stockholder that returned her dividend, and that was a lady in a large mill at Boston, who did return her dividend and told them to give it to the strikers. Now, as a result of your long experience, your personal investigations in all the affairs of labor, your great travel all over this country and Canada and Europe and in the Asiatic Continent, your investigations as a student in colleges, of the general knowledge that you have accumulated in all of those years that you have been associated in this work as an investigator and as an official in Canada, do you believe that the wage earners in their organized capacity, with all that has been charged against them, have done more to elevate and bring about a better standard of manhood and womanhood, to build up a higher standard of opportunity, to build up a higher standard of citizenship, that it could possibly have been done by the men in an unorganized capacity?

Mr. KING. To answer that question I would have to imagine what would have been the condition of labor to-day if they had not been organized, and I would have to say unhesitatingly that labor would not have had the standing to-day that they have had they not been organized.

Commissioner O'CONNELL. Do you believe that the organization of wage-workers has had to do with the building up of the moral standard of citizenship of not only its own membership but its influence upon the nonmembership, and its influence upon the community has been for the uplift of humanity?

Mr. KING. I don't think you can better a man in any condition without that having its effect on those that are brought into relations with his life and bettering his own life.

Commissioner O'CONNELL. If organized labor was all that it is charged with by its opponents, being law violaters, criminals, property destroyers, evaders of the law, criminals in the sight of the law, and the worst that has been charged against it were true, do you believe that they ought to be disbanded?

Mr. KING. Well, I would never judge a movement by what its opponents say; and if it were all true, I can not imagine society existing. I think the opposition has been so much overdone.

Chairman WALSH. Mrs. Harriman wishes to ask you a few questions.

Commissioner HARRIMAN. Mr. King, I would like to know what is the effect of labor, the concentration of an industry in a few hands? Do you think it makes conditions for the worker better or worse?

Mr. KING. It depends on the few hands. I can imagine it being possible to hand them a good deal better conditions if you have a few people with certain ideas, than a great many with many, and it comes back to the old question of personality of the individuals concerned.

Commissioner HARRIMAN. Well, from your experience and what you have seen of industries?

Mr. KING. I don't believe I can answer that question without considering it more fully than I have had an opportunity to do.

Commissioner HARRIMAN. I will put it this way: What is your attitude toward industrial trusts?

Mr. KING. Toward trusts?

Commissioner HARRIMAN. Toward industrial trusts, such as the Standard Oil Co.?

Mr. KING. My attitude is best expressed probably in the bill I introduced in Canada for the investigations of trusts and combines and mergers. When I was minister of labor I introduced a bill that is now a law in Canada. Under it, if any six persons think that a combine or trust is increasing prices unduly, or taking any action against the public interest, they may go before any judge from one end of the country to the other, and if they make out a prima facie case of enhancement of prices, or a case on any other ground, the judge may give an order for an investigation, and it then becomes the duty of the Government to order an investigation into that trust or combine. When that investigation is ordered each of the parties is entitled to appoint its own investigator on the board. The persons complaining choose their own investigator, and the trust its own, and those two agree on a chairman, just as under the industrial-disputes act, and those three have the power to investigate a trust; to state what, in their opinion, is the effect of its action. If it happens to be an industry that is receiving protection from the Government, the law provides that the tariff may be immediately reduced, and the industry be denied the protection it is getting; if it is taking an unfair advantage of the public through a patent, the patent may be revoked. If the board recommends that a certain course of action is contrary to the public interest, and that in 90 days it is to be discontinued, and if it is not, the trust becomes liable to a penalty for every day it continues. So my attitude toward trusts and combines is that the extent and size of the industry does not make it a criminal organization, but the things that it does. The larger the concern is, the greater the reason why the Government of the country should at all times, in the interest of its citizens, be able to see that no unfair advantage is taken because of the size. I am not against organizations on a big scale. I think there was a time when industrial competition was between industries and industries and localities and localities, but it is now between continents and continents, and to save an industry to a continent it may be necessary to organize it on a big scale. But that is more reason why the laws should make it impossible for an organization to do things contrary to public interest. Publicity is the first thing. There is nothing like the searchlight of publicity as an instrument for focusing intelligent public opinion.

Commissioner HARRIMAN. Really, then, in the right hands you think it is all right?

Mr. KING. It would depend entirely—I would judge everything by its act. If an industry is in the right hands, administered all right, in the right way, it will be carried on all right. You can judge whether it is in the right hands or not by the things it does.

Chairman WALSH. When you went to Tarrytown that night with Mr. Greene, did you take up the subject of the situation in Colorado with Mr. John D. Rockefeller, sr.?

Mr. KING. I never discussed it with him.

Chairman WALSH. Nothing said about the Colorado situation at all?

Mr. KING. No, sir.

Chairman WALSH. Nothing said about the Colorado Fuel & Iron Co.?

Mr. KING. No, sir.

Chairman WALSH. You had never met Mr. John D. Rockefeller, sr., before?

Mr. KING. No, sir.

Chairman WALSH. Have you ever met him since?

Mr. KING. Yes, sir; twice since.

Chairman WALSH. Where?

Mr. KING. Both times at his house in Tarrytown.

Chairman WALSH. At either of these meetings was the Colorado situation discussed?

Mr. KING. Not with me.

Chairman WALSH. In your presence?

Mr. KING. I may have overheard one or two things said. I remember one evening I went out with Mr. Welborn——

Chairman WALSH. President of the Colorado Fuel & Iron Co.?

Mr. KING. Yes, sir. Mr. Rockefeller, jr., asked me to come out and spend the night at his house, and Mr. Welborn went out at the same time, and I think

Mr. Rockefeller, sr., and Mr. Welborn had some conversation together. I was on the other side of the table and didn't hear what they were discussing; I was talking with somebody else.

Chairman WALSH. Who else was there?

Mr. KING. Mrs. Rockefeller, jr., was there.

Chairman WALSH. Was the subject of getting up a letter for use in Colorado discussed in your presence?

Mr. KING. Never mentioned.

Chairman WALSH. Do you recall anything that was said in your presence and Mr. John D. Rockefeller, sr.'s, presence with reference to the situation in Colorado?

Mr. KING. I don't know.

Chairman WALSH. It was a matter that was up at the time very acutely?

Mr. KING. It has been up for the last two years.

Chairman WALSH. And nothing was said about it that you recall?

Mr. KING. No, sir; I think we talked about the war in Europe mostly. I don't think I said a word about Colorado.

Chairman WALSH. And he never said a thing about it?

Mr. KING. No, sir; never spoke to me about it.

Chairman WALSH. Do you know whether or not Mr. Rockefeller, sr., from anything he has stated, knows what your activities are in Colorado with respect to this matter?

Mr. KING. I don't think he does; I don't think he knew I was going there when I went, and I have not reported to anybody since what I did.

Chairman WALSH. And, as far as you know, Mr. John D. Rockefeller, sr., has no information whatsoever on the work you are doing?

Mr. KING. As far as I know, he has absolutely none.

Chairman WALSH. And it is not your intention to make a report to him or give him this information?

Mr. KING. It is not my intention to make a report to him, but if I have the opportunity and pleasure of meeting him in the future I may discuss with him the conditions as I saw them. I may or I may not.

Chairman WALSH. When does your employment end with the Rockefeller Foundation?

Mr. KING. The 1st of October.

Chairman WALSH. 1915?

Mr. KING. Yes, sir; this year.

Chairman WALSH. And is it your intention then to make findings as to the conditions you found in Colorado?

Mr. KING. No, sir; it is not.

Chairman WALSH. I believe you said you were going to stand for Parliament in the North York riding?

Mr. KING. Constituency of North York.

Chairman WALSH. Where is that in Canada?

Mr. KING. Toronto is the county seat of it.

Chairman WALSH. It takes in all of Toronto?

Mr. KING. No, sir; the northern part of the county.

Chairman WALSH. Does it take in any part of the city?

Mr. KING. No.

Chairman WALSH. That is all, Mr. King.

Mr. KING. Mr. Chairman, just one word before I conclude. The commission has been asking different witnesses their views of the cause of industrial unrest. Not very long ago I happened to be reading the life of Pasteur and I came across a passage that seemed to me to throw a flood of light on this industrial question, and I should like to put this passage before the commission, because I think it has in it something that it is well to present. This was Pasteur, who spent his life working on the theory of germs and found that many of our ills come from a conflict between certain forces that are making for destruction and others contending against them for the making of life and health. Mr. Pasteur turned from the microscope to look out on the world, and found two similar forces at work there to-day. I have seen no similar statement that seemed to be more enlightening. It is from an address delivered on the occasion of the inauguration of the Pasteur Institute, November, 1892. I am taking it from the book entitled "The Life of Pasteur," by R. Vallery-Radot:

"Two contrary laws seem to be wrestling with each other nowadays; the one, a law of blood and of death, ever imagining new means of destruction and forcing nations to be constantly ready for the battle field; the other, a law of

peace, work, and health, ever evolving new means of delivering man from the scourges which beset him. The one seeks violent conquests, the other the relief of humanity. The latter places one human life above any victory; while the former would sacrifice hundreds and thousands of lives to the ambition of one. * * * Which of those two laws will ultimately prevail, God alone knows."

What Pasteur said of the international situation, as he saw it in 1888, we have ample evidence, is being fulfilled in a terrific scale at the present time. I think what he has said in regard to contrary laws wrestling with each other applies to the industrial world as well as to all the other relations of life; and when you ask me who the friends of labor are and who the enemies of labor are, I want to say that the men who are seeking the law of blood and death, whether it arises from viciousness or covetousness or any other cause, those men are the enemies of labor. But that the person, whether he be associated with the press, helping to give the public information, whether he be a teacher instructing, whether he be a student, whether he be an investor, whether he be a laborer, or whether he be a professional man—no matter what his capacity, or whether man or woman—if in his life a person is trying by his act to further the law of peace and work and health and to deliver man from the scourges that beset him, that person, in my opinion, is a friend of labor.

Chairman WALSH. You may be excused.

Mr. Ivy Lee.

TESTIMONY OF MR. IVY L. LEE—Recalled.

Chairman WALSH. I believe, Mr. Lee, when you were excused Saturday evening you were being asked about your conferences with Mr. Wheeler in regard to the publication of the National Chamber of Commerce entitled "The Nation's Business." Where were you having that conference with Mr. Wheeler?

Mr. LEE. I think I saw Mr. Wheeler at the Belmont Hotel in New York City.

Chairman WALSH. What connection did he have with the National Chamber of Commerce at that time?

Mr. LEE. I am not sure, Mr. Chairman, what his titular relationship was; it was quite well known that he was one of the moving spirits in that organization.

Chairman WALSH. Well, now, he had been the president of it; was he the president of it at that time?

Mr. LEE. I do not think so.

Chairman WALSH. Now, in a general way, what was the chamber of commerce, an organization of chambers of commerce, a national organization of chambers or commerce; that is, this particular one, throughout the United States?

Mr. LEE. I think that is a fairly accurate description.

Chairman WALSH. You say the proposition was as to whether or not Mr. Rockefeller should finance their publication called the Nation's Business?

Mr. LEE. That, in a general way, is correct.

Chairman WALSH. What was the proposition put up to you by Mr. Wheeler?

Mr. LEE. There was no specific proposition, Mr. Chairman. The question was as to whether it would be feasible to enlarge a publication issued by the chamber, and issue it weekly, and whether a fund of working capital could be obtained to see it through the experimental period.

Chairman WALSH. Was the paper called the Nation's Business running at the time?

Mr. LEE. Yes; it was in the experimental period.

Chairman WALSH. It was in the experimental period?

Mr. LEE. Yes.

Chairman WALSH. And it disseminates information with regard to business and industries throughout the United States to its members?

Mr. LEE. Yes.

Chairman WALSH. Did you supply the working capital?

Mr. LEE. We did not.

Chairman WALSH. Did you make any sort of arrangement by which the Rockefeller interests or the Rockefeller group was to take a certain number of the papers or render them assistance?

Mr. LEE. No; we made no arrangement of any kind.

Chairman WALSH. Are you rendering them assistance?

Mr. LEE. None whatever.

Chairman WALSH. Why didn't you go into the matter?

Mr. LEE. Well, I did not think it was practical myself, and I never made any report to Mr. Rockefeller, except to the effect that I had not yet been able to see that the scheme was practicable.

Chairman WALSH. Supposing the scheme had been practicable, would you have advised Mr. Rockefeller to go into it?

Mr. LEE. Certainly.

Chairman WALSH. And that would have been as a matter of getting publicity?

Mr. LEE. The proposition was this, Mr. Chairman: It would have been obviously undesirable that Mr. Rockefeller should finance the publication of an independent organization of that sort permanently. The theory we proceeded on from the first was, that if Mr. Rockefeller rendered any such assistance the fact should be made public at the time the assistance was rendered; consequently that such assistance, even if made public, should not be rendered unless we felt that as a practical business proposition this paper would very quickly get on its feet and be able to pay back its debts and thus be absolved from any obligations to Mr. Rockefeller. It was largely because of our feeling—I would not say the feeling, but rather the doubt as to the practicability of the idea as a business proposition, that caused me to feel that I was unable to recommend the plan.

Chairman WALSH. I received a letter from a president of the board of trade, a gentleman who says he is president of a board of trade, and is also president of a very large company, one of the largest concerns in a certain line in the United States, who asks to have his name kept a secret, and he says—he puts it this way; I will read it to you:

"In relation to current report of Rockefeller's alleged domination of the chamber of commerce, I would say that, as president of the board of trade last year, a representative of the United States Chamber of Commerce called to further interest me in obtaining membership from the board of trade, and in the course of a long conversation he made a statement, the point of which was in substance as follows: That Rockefeller had asked how much the chamber could use from him, and that the reply was that all his millions could not buy the influence of the chamber, etc. But he was quite at liberty to indicate desirable members and in that way could be of great assistance, and in that way the chamber had a great many very strong men, presumably thus selected."

Did you suggest in that meeting you had that the Rockefeller interests could supply any members for the chamber of commerce?

Mr. LEE. No, Mr. Chairman; and that suggestion—it seems to me the insinuation of that question—is very unfair to the chamber of commerce, aside from any unfairness to Mr. Rockefeller. The chamber of commerce, to my mind, has performed a remarkable public service in a most independent way. Its records are all open to inspection, and I am sure you would not have the slightest difficulty in finding out every contributor to its funds. It is not fair to that organization to make a suggestion of that kind. I told you the entire story with reference to this publication.

Chairman WALSH. I will finish the letter.

Mr. LEE. I beg your pardon.

Chairman WALSH. That is all right; I stopped to give you a chance to answer, but I want to give you what this gentleman says about this:

"The plain implication was that by indirection the chamber was very strongly backed by Rockefeller, which apparently was thought to be a recommendation to myself and my organization."

Mr. LEE. Mr. Chairman, I think it is hardly incumbent on me, but I happen to know something about the chamber of commerce. When the plan was first developed——

Chairman WALSH. Go ahead.

Mr. LEE. I am not disposed to go into this matter unless you think there is some possible doubt about the bona fide intention of the organization.

Chairman WALSH. No; I just want you to answer following this suggestion.

Mr. LEE. I have not the slightest hesitation in saying that Mr. Rockefeller is thoroughly in sympathy with the purpose of the chamber, and as a business man he would do anything in his power to promote it, as I have no doubt a good many other business men would; but his relationship to it is well known.

Chairman WALSH. Does he suggest members for it?

Mr. LEE. He does not, so far as I know.

Chairman WALSH. The chamber of commerce really has a sort of connection with the Government, has it not?

Mr. LEE. Why, I do not think it has any organic relation to the Government. I think it has placed its facilities at the disposal of the Government, and is eager to; but, Mr. Chairman, the offices of the chamber are in this city, and their officers ought certainly in fairness to be the ones to relate its activities.

Chairman WALSH. I am just asking about the connection of Mr. Rockefeller with it, if there is any, so far as you know. I will ask the question directly, and if there is any further inquiry to make, we will make it.

Mr. LEE. Mr. Rockefeller's relation to the chamber I have entirely related to you, as far as I know it.

Chairman WALSH. Is it not a fact that the chamber of commerce was founded on a call from the President of the United States?

Mr. LEE. I do not know.

Chairman WALSH. President Taft?

Mr. LEE. I do not know.

Chairman WALSH. Did you read the report of the Secretary of Commerce and Labor for 1912?

Mr. LEE. I don't recall.

Chairman WALSH. It reads as follows:

"This bureau, at my direction, in April, 1912, transmitted to over 1,100 commercial organizations in the United States an invitation to send representatives to a conference by the President to consider the establishment of a national commercial organization broadly representative of all the commercial interests of the United States.

"The need for coordination of the unrelated efforts of chambers of commerce, boards of trade, and similar associations in the field of trade promotion has long been recognized, and the time seemed opportune to aid the founding of such a national body.

"As a result of the very successful meeting, which was held in Washington on April 22 and 23 and attended by 700 delegates from 400 commercial associations in every part of the United States, the Chamber of Commerce of the United States of America was organized."

Is that your recollection of the information in regard to these men in that concern?

Mr. LEE. I only know of the organization in a very general way, Mr. Chairman.

Chairman WALSH. Did you go there at the request of Mr. Rockefeller; did you go to meet Mr. Wheeler?

Mr. LEE. Yes.

Chairman WALSH. Do I recollect it right that Mr. Wheeler wrote to Mr. Rockefeller, as shown by some of this correspondence here?

Mr. LEE. I think so.

Chairman WALSH. Did you have more than one conference with Mr. Wheeler?

Mr. LEE. No; Mr. Wheeler went to Europe the next day, I think, after I saw him.

Chairman WALSH. Has he returned?

Mr. LEE. Yes.

Chairman WALSH. You have not taken it up at any time since?

Mr. LEE. Not with Mr. Wheeler.

Chairman WALSH. Have you with anyone else?

Mr. LEE. Yes; Mr. Fahey, the present head of the chamber.

Chairman WALSH. When was that?

Mr. LEE. Well, I talked to him within the last three months.

Chairman WALSH. Now, with reference to financing this paper called the Nation's Business.

Mr. LEE. Yes.

Chairman WALSH. And loaning them money.

Mr. LEE. I ought to make that entirely clear, Mr. Chairman.

Chairman WALSH. Yes.

Mr. LEE. Mr. Fahey became the chief executive of the organization the 1st of January. At any rate Mr. Wheeler had brought this matter up to me or in Mr. Rockefeller's office. Nothing had been done about it, and Mr. Rockefeller, shortly after I came into the office, spoke to me about it and asked if I did not think we ought to have the matter closed up. I then asked Mr. Fahey, the then president of the organization, if he would come to see me, and I dis-

cussed the matter with him, I told him of my doubt as to the impracticability of the publication scheme and asked if he saw any reason why my doubts were ill founded, and he agreed with me that the scheme was not a practical one.

Chairman WALSH. Who was that?

Mr. LEE. Mr. Fahey; and, therefore, the proposition was left in that state.

Chairman WALSH. The matter, then, has dropped through?

Mr. LEE. Yes.

Chairman WALSH. Did you have a personal acquaintance with Mr. Fahey?

Mr. LEE. Well, I have known Mr. Fahey casually for a good many years; yes.

Chairman WALSH. Did you communicate with him during the time you were employed by the Rockefeller investments or companies in regard to anything except this proposed loaning of money to the Nation's Business?

Mr. LEE. No.

Chairman WALSH. Is Business America something or the same thing as the Nation's Business?

Mr. LEE. No.

Chairman WALSH. What is Business America?

Mr. LEE. All I know of that is that it is a magazine that one sees.

Chairman WALSH. Maybe you remember—was the correspondence that you had with the National Chamber of Commerce, with Mr. Fahey, or with Mr. Wheeler among that which you consider privileged on account of being private, the reason that you did not furnish it to the commission?

Mr. LEE. I had no correspondence with Mr. Wheeler or with Mr. Fahey. There were two letters from Mr. Wheeler to Mr. Rockefeller, which were referred to in one of my letters as having been returned to Mr. Rockefeller. Your commission asked me to produce that letter referred to as an inclosure, and that is the letter we felt was privileged.

Chairman WALSH. That is the letter from Mr. Wheeler, of the National Chamber of Commerce, to Mr. Rockefeller?

Mr. LEE. Yes.

Chairman WALSH. And you considered that privileged and did not produce it?

Mr. LEE. Yes.

Chairman WALSH. Would you care to state as to the substance of it, whether it referred to Mr. Rockefeller putting money into the Nation's Business?

Mr. LEE. It did not refer to the question of putting money into it at all—I say "at all," it may have referred to that indirectly, but the general subject dealt in in those letters was in reference to the general plan of enlarging the scope of the publication. It was discussed as a publication enterprise, rather than with reference to the financial features of it. Of course, the fact that if the scheme as a publication enterprise was undertaken Mr. Rockefeller would finance it was implied, but I do not think the letters dealt with that phase of the subject.

Chairman WALSH. Was any suggestion made in the letters as to matters of publicity that might be published in the Nation's Business?

Mr. LEE. I do not think so.

Chairman WALSH. Was any reference made to the situation in Colorado with reference to the Colorado Fuel & Iron Co.?

Mr. LEE. None whatever.

Chairman WALSH. Was any reference made in the letters to any other industry in which Mr. Rockefeller was an investor or stockholder or bondholder?

Mr. LEE. Not the remotest, Mr. Chairman. With reference to those letters, I am not authorized to speak, but I am very sure you would have no difficulty in seeing them privately if you cared to do so.

Chairman WALSH. Then I will ask you to let Mr. Manly see them.

Mr. LEE. If he will come to our office in New York, I will be glad to show them to him.

Chairman WALSH. Then let Mr. Manly look at them.

Mr. LEE. I want to make the reservation that they are not to go into the record.

Chairman WALSH. Now, how much did you think might be necessary in money to put up as a loan for the Nation's Business to get upon its feet?

Mr. LEE. The proposition, as it was suggested, was that it would require about $250,000.

Chairman WALSH. Two hundred and fifty thousand dollars?

Mr. LEE. Yes.

Chairman WALSH. Was that amount suggested by Mr. Rockefeller, or yourself, or by Mr. Wheeler?

Mr. LEE. That was suggested by the gentleman whom Mr. Wheeler had asked to work up a prospectus for a working scheme, for the purposes of consideration. His name, I think, if you want it, was Mr. Weldon. He had this plan in order to insure the success of which he felt would require a guaranty fund of about $250,000.

Chairman WALSH. Was the proposition that you should extend the loan to that full amount?

Mr. LEE. Yes; that is, you could hardly call it a "proposition," Mr. Chairman. That was the prospectus discussed.

Chairman WALSH. You say it was a "prospectus"; that was the suggestion, that you should put up $250,000?

Mr. LEE. Yes.

Chairman WALSH. Do you know whether or not the money was raised from any other sources?

Mr. LEE. I think not.

Chairman WALSH. When was the last time you talked to Mr. Fahey about it?

Mr. LEE. Since the 1st of January—I do not recall the date.

Chairman WALSH. Have you had any correspondence with him since you talked to him about it?

Mr. LEE. No.

Chairman WALSH. Did Mr. Rockefeller, to your knowledge, have any conversation with him, since you talked to him?

Mr. LEE. Not that I know of.

Chairman WALSH. You stated the other day with reference to conducting a union educational campaign—first, what reason did you have for turning down the proposition? Why did you say it was not practicable to put up the $250,000?

Mr. LEE. Well, I did not believe that, as a publication enterprise, it would be a success; I did not believe it would pay its way.

Chairman WALSH. You did not think, in other words, you would get the results from the $250,000?

Mr. LEE. That is not a fair way to put it.

Chairman WALSH. You put it your way.

Mr. LEE. I did not believe the scheme would be self-supporting, and I did not feel that Mr. Rockefeller should underwrite a scheme which would not be self-supporting; that it was not for the purpose of promoting Mr. Rockefeller's interests that this plan was proposed, but it was simply for the purpose of the general business interests of the country, and it did not seem to me, and I know Mr. Rockefeller felt the same way, that any such institution should be beholden to him or to his interests in the slightest particular.

Chairman WALSH. Why? That they might be influenced?

Mr. LEE. Because of the obvious impropriety of it. As I said, the feeling was from the outset that if he advanced this money it should be announced at the time it was done, and that the publication of the chamber of commerce should not be underwritten by any individual of large interests without everybody knowing all about it, and the whole plan being made known; and, assuring that should be done, it should not be entered upon unless it was considered a sound business proposition. I did not think, after analyzing it, that it was sound.

Chairman WALSH. Have you underwritten any other publication?

Mr. LEE. None.

Chairman WALSH. Leslie's Weekly?

Mr. LEE. No, sir.

Chairman WALSH. Have you agreed to take any particular number of any publication?

Mr. LEE. No; except the Masses.

Chairman WALSH. How many of these do you take?

Mr. LEE. I think we take about half a dozen now.

Chairman WALSH. Do you take them for general circulation?

Mr. LEE. I would be glad to give them to anybody who wanted them.

Chairman WALSH. What was the subscription price of the Nation's Business, if it had one?

Mr. LEE. I do not know, Mr. Chairman.

Chairman WALSH. Did it have any subscription price? Didn't it go free to the members of the chamber of commerce?

Mr. LEE. I really do not know.

Chairman WALSH. How could it be self-supporting if it did go free to the members of the chamber of commerce?

Mr. LEE. Obviously, if the scheme talked of had been worked out, there would have to be a subscription price, and the basis on which I turned it down in my mind—and I do not want to use that word in any invidious sense—was that I could not see where it could pay its way through subscriptions and the advertisements which it would get.

Chairman WALSH. Well, now, when you and Mr. Wheeler were talking this over, what was the proposed subscription price? What was said about putting the subscription price, and from what facts, if any, did you gather the fact that it would not be a paying proposition, and therefore not worth putting the money in and taking that chance?

Mr. LEE. I don't recall that detail, Mr. Walsh.

Chairman WALSH. Did you discuss the details again with Mr. Fahey?

Mr. LEE. No; I only discussed the general policy with him.

Chairman WALSH. I wish now that you would state finally and concisely, sum it up, your various activities in reference to getting out publicity for the concerns with which you are engaged connected with Mr. Rockefeller.

Mr. LEE. I get out very little, if any, publicity, Mr. Chairman. The institutions with which Mr. Rockefeller is connected get out their own publicity. I advise with them somewhat in the preparation of it.

Chairman WALSH. Very well. Now, tell what you advised with them about in the preparation of.

Mr. LEE. Well, I advised with the Rockefeller Foundation as to some matters and as to the best form in which to issue their pamphlets, but they issue a good many statements about which I do not confer with them.

Chairman WALSH. Now, you advise with them about the foundation and the foundation publications?

Mr. LEE. About the form in which they should issue some of their publications.

Chairman WALSH. And the matter that should be issued?

Mr. LEE. No.

Chairman WALSH. You advise with them about that?

Mr. LEE. I may make some suggestions with reference to some publications.

Chairman WALSH. Now, as I understand it you do not draw any of your salary, or any part of it, from the foundation.

Mr. LEE. Quite true.

Chairman WALSH. Just connected with private interests?

Mr. LEE. Yes, sir.

Chairman WALSH. Just throw that in, do you?

Mr. LEE. You must remember, Mr. Chairman, that Mr. Rockefeller, jr., is the president of the foundation, and I am a member of his staff, and I assist him as president of the foundation in any way I can, and necessarily that matter would come under his supervision.

Chairman WALSH. That is, Mr. John D. Rockefeller, jr.?

Mr. LEE. Yes.

Chairman WALSH. And what you did for the foundation—how was that, now, again, please?

Mr. LEE. Anything I do for the foundation is in my capacity as one of Mr. John D. Rockefeller, jr.'s, associates and assistants.

Chairman WALSH. And not in your capacity as a director in any of his companies?

Mr. LEE. Not in the capacity of director of the Rockefeller Foundation.

Chairman WALSH. Now, the publicity that you have gotten out with reference, say, to the Colorado Fuel & Iron Co.—any publicity you have gotten out, and I have closed with the bulletins—after the bulletins you got out after conference with Mr. Rockefeller—or did you confer with him?

Mr. LEE. About the Colorado Fuel & Iron Co.?

Chairman WALSH. Any publicity you got out with reference to that.

Mr. LEE. The Colorado Fuel & Iron Co.?

Chairman WALSH. Yes.

Mr. LEE. No. I have gotten out no publicity for the Colorado Fuel & Iron Co. since I have come with Mr. Rockefeller.

Chairman WALSH. Which was the last article which you gave to the newspapers yourself with reference, of course, to the Rockefeller interests or investments?

Mr. LEE. I don't recall, Mr. Chairman. It has been a long time since I have had any articles to give to the newspapers.

Chairman WALSH. Please describe your duties in connection with publicity for the Rockefeller interests.

Mr. LEE. When my opinion is asked I give it as to the most effective way to secure publicity for a particular idea or suggestion. That is then carried out by the institution itself.

Chairman WALSH. What are your duties as a member of the personal staff of John D. Rockefeller, sr.?

Mr. LEE. I represent Mr. Rockefeller on various boards of directors and have intrusted to me various confidential matters relating to a great many of his interests, as much as my time will allow me to take care of. I have very little to do with publicity, as a matter of fact.

Chairman WALSH. Well, have you given up the publicity idea altogether? That is, as to circulating alleged facts with reference to their industries, and all that.

Mr. LEE. I have not given up the idea of publicity, because I believe that publicity is the biggest idea that we can develop. I believe that the great fault committed by the Rockefeller interests in the past has been the absence of publicity.

Chairman WALSH. So you are an advocate of their giving everything the widest publicity?

Mr. LEE. Absolutely; every chance that develops. I believe that they ought to make known to the public their business and feelings and any facts about their affairs that they feel the public would be interested in.

Chairman WALSH. Now, then, is your duty—when the common mind of the Rockefeller interests is made up, is it your duty to see that the publicity gets out in proper shape?

Mr. LEE. When they consult with me with reference to any proposition, I make suggestions, and I do everything I can to secure their ends.

Chairman WALSH. Well, is the publicity department, you might say, or the publicity matter in your specific charge?

Mr. LEE. I want to be as frank with you as I can naturally from my point of view, Mr. Chairman. That subject would fall to me very frequently, and I want you to know that I do and will do everything I can suggest in that direction.

Chairman WALSH. Now, what piece of publicity have you gotten out for the Colorado Fuel & Iron Co. since the publication of the last bulletin or that book of bulletins?

Mr. LEE. None, that I recall.

Chairman WALSH. That is the very last, is it?

Mr. LEE. Yes.

Chairman WALSH. Is there any in contemplation now?

Mr. LEE. No; except that I have urged Mr. Welborn to follow a policy of the greatest possible publicity on his own account; but I have not made any concrete suggestions as to particular things he should do.

Chairman WALSH. What piece of publicity affecting any corporation connected with the Rockefeller group has been gotten out since the last bulletin as a publication? I suppose the last publication was the book containing all the bulletins, was it?

Mr. LEE. With reference to Colorado?

Chairman WALSH. Yes.

Mr. LEE. Well, the foundation, of course, is a corporation, and they have gotten out certain——

Chairman WALSH (interrupting). Yes; and did you have to do with the publicity that the Rockefeller Foundation got out——

Mr. LEE (interrupting). No.

Chairman WALSH (continuing). Since you have been with them?

Mr. LEE. No.

Chairman WALSH. Well, now, what publicity with regard to any other corporation connected with the Rockefeller investments?

Mr. LEE. You mean any other industrial corporation?

Chairman WALSH. Any other industrial corporation.

Mr. LEE. I have had no relation of any kind.

Chairman WALSH. You say you represent Mr. Rockefeller on other boards. What are the other boards?

Mr. LEE. I am on the board of the Equitable Trust Co. of New York, the Western Maryland Railway, and various subsidiaries of Western Maryland Railway. I don't recall their various names.

Chairman WALSH. Any other?

Mr. LEE. No.

Chairman WALSH. Are you on the Standard Oil directory?

Mr. LEE. No.

Chairman WALSH. Are you connected with the Standard Oil?

Mr. LEE. In no way whatever.

Chairman WALSH. Does any publicity you get out have to do with the Standard Oil Co.?

Mr. LEE. None whatever.

Chairman WALSH. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. You are a director, are you not, in the Colorado Fuel & Iron Co.?

Mr. LEE. Yes.

Commissioner WEINSTOCK. So to that degree you are an employer of labor?

Mr. LEE. Yes, sir.

Commissioner WEINSTOCK. I should like to put to you substantially the same questions that I put to Mr. Mackenzie King along certain lines in order to find out what is your attitude personally toward labor. My first question was, Are you for organized labor, right or wrong? But I will ask you, at the suggestion of one of the commissioners, when did you go on the directory, Mr. Lee, of the Colorado Fuel & Iron Co.?

Mr. LEE. Some time in January.

Commissioner WEINSTOCK. Now, did you get my question?

Mr. LEE. I did. Certainly not.

Commissioner WEINSTOCK. That is, you do not stand for organized labor, right or wrong?

Mr. LEE. No.

Commissioner WEINSTOCK. Are you against it, right or wrong?

Mr. LEE. No.

Commissioner WEINSTOCK. Are you for organized labor when you believe it is in the right and against organized labor when you believe it is in the wrong?

Mr. LEE. I am.

Commissioner WEINSTOCK. On the question of the closed shop, are you for the closed shop, right or wrong?

Mr. LEE. Well, I don't know that I can associate the two ideas of the closed shop and right or wrong. I am opposed to the closed shop in the sense that it forbids any man who is willing to work from taking a job which an employer wants to give him. I believe that a man who—if I want to employ a man and he wants to work for me that I should have the right to employ him.

Commissioner WEINSTOCK. Then, to make myself a little clearer, Mr. Lee, suppose all the employees of the Colorado Fuel & Iron Co. should quit of their own volition, possibly through the persuasion of some of their fellows, but peacefully and voluntarily, unite in organization and act as a unit, would you be opposed to that organization?

Mr. LEE. No, sir.

Commissioner WEINSTOCK. Then you are not opposed to closed shop when it is established through peaceful measures and purely as the result of persuasion?

Mr. LEE. No.

Commissioner WEINSTOCK. Would you be opposed to it if it was the result of coercion and force and intimidation?

Mr. LEE. I should.

Commissioner WEINSTOCK. Under these circumstances you would object to it as strenuously as you knew how?

Mr. LEE. I would.

Commissioner WEINSTOCK. Do you believe that men have the right and should organize for their betterment?

Mr. LEE. I do. I believe that laboring men should do that whenever the circumstances permit.

Commissioner WEINSTOCK. Would you, as a director of the company, refuse to meet with or listen to the grievances, real or fancied, of the workers?

Mr. LEE. I would not. I think that the employer should always meet with his men or meet with their representatives if necessary.

Commissioner WEINSTOCK. And if occasion should arise, when those in the service of the company in which you are a director should have grievances and want a hearing, you would be ready, so far as your vote would go, to grant such a hearing?

Mr. LEE. I certainly would.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. You would be willing to call a meeting of the board of directors, would you, to meet with Mr. Hayes and these gentlemen now, if they should want to present a fancied or real grievance of those in their organization, if it be situated in Colorado; you would be willing to call a meeting of the board of directors and hear their presentation?

Mr. LEE. But it would not be within my power to call a meeting of the board of directors, but so far as my personal influence went I should be in favor of listening to the grievances of anyone.

Chairman WALSH. Technically, how do you get a special meeting of the board of directors of the Colorado Fuel & Iron Co.?

Mr. LEE. I don't recall the by-law on that subject, Mr. Chairman; but I would like to state just as clearly as I can that I believe thoroughly in the principle of meeting with the men or with their representatives; and if Mr. Hayes wanted to meet with me——

Chairman WALSH (interrupting). No; with the board of directors that could act.

Mr. LEE. Well that would be a very unusual way of acting in a matter of that sort.

Chairman WALSH. It is a personal matter—a personal belief with you?

Mr. LEE. Yes, sir.

Chairman WALSH. Sort of a yearning?

(No answer.)

Chairman WALSH. Mrs. Harriman would like to ask you some questions?

Commissioner HARRIMAN. Mr. Lee, I would like to know what your relation was with the railroad brotherhood while you were in connection with the Pennsylvania Railroad. Did you come in contact with them at all?

Mr. LEE. I did not.

Commissioner HARRIMAN. The officers of all the brotherhoods?

Mr. LEE. I have met some of them, but that is all.

Commissioner HARRIMAN. Yes. Did you give out any publicity relating to them?

Mr. LEE. I did not. I think you have confused me with the conference committee of managers which had two Lees connected with it.

Commissioner HARRIMAN. No; I am told I have not confused you at all.

Mr. LEE. Well, I have got out no publicity with reference to the railroad brotherhoods.

Commissioner HARRIMAN. Well, I never was told that you did. I simply want to know if you had, or what your connection with them was.

Mr. LEE. No; I did not come in contact with them. What I started to say was that the railroad brotherhoods had a contest with the conference committee of managers in New York, and the chairman of that conference committee of railroad managers was named Lee, and their publicity man's name was Lee; but I had nothing to do with the campaign.

Commissioner HARRIMAN. May I ask what you did *do* in connection with the Pennsylvania Railroad?

Mr. LEE. Well, I was in charge of publicity, among other things.

Commissioner HARRIMAN. But had no connection with the employees at all—I mean in the case of a strike. Wouldn't you give out publicity as to the railway side of the matter?

Mr. LEE. Well, it so happens that I don't recall having given out any publicity relating to a strike while I was associated with the road.

Commissioner HARRIMAN. That is all.

Chairman WALSH. That is all, Mr. Lee.

Commissioner O'CONNELL. I have a question.

Chairman WALSH. Mr. Commissioner O'Connell will inquire of you?

Commissioner O'CONNELL. Just this question, Mr. Lee, in further connection with a question put to you in regard to your position in the matter of meeting with men in their organized capacity, or whether they were right or wrong; and you answered that you would, or their representatives.

"The strikers insisted," this is the sermon itself. "That only union men be hired and that all nonunion men be refused a chance to work. As a matter of fact, in some of the mines less than one-third of the men were union men. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers."

Now, that was not the truth, was it?

Mr. ROCKEFELLER, Jr. I never before heard it was the truth.

Chairman WALSH. It is not the truth, is it?

Mr. ROCKEFELLER, Jr. That the operators said they were perfectly willing to recognize the union?

Chairman WALSH. And treat with the members of the unions collectively through their officers?

Mr. ROCKEFELLER, Jr. I never heard of it being the case.

Chairman WALSH. As a matter of fact, that was the one thing they declared they would not do?

Mr. ROCKEFELLER, Jr. So I have always understood.

Chairman WALSH. And if the person that made that statement, and that was what Mr. Bowers said, that he would let his bones bleach in the mountains of Colorado before he would recognize the union?

Mr. ROCKEFELLER, Jr. No; I don't recall that.

Chairman WALSH. You don't draw that——

Mr. ROCKEFELLER, Jr. Mr. Bowers's statement was the principle that he enunciated, and I said we stood back of, was that these men should be allowed to work, whether they were members of the union or not.

Chairman WALSH. I will ask you, then, if it is not a fact that one point that the company said, through its officers, backed up by you, that it would never yield, was the recognition of the union? That is correct, is it not?

Mr. ROCKEFELLER, Jr. I wish you would kindly repeat that.

Chairman WALSH. That is the one point that the company would never yield, was the recognition of the union?

Mr. ROCKEFELLER, Jr. That is the statement that Mr. Bowers made.

Chairman WALSH. And that is the statement that you backed him up in?

Mr. ROCKEFELLER, Jr. I backed——

Chairman WALSH (interrupting). You said you would stand by him until the end?

Mr. ROCKEFELLER, Jr. The point was, as stated in various of Mr. Bowers's letters, the recognition of the union, as demanded, meant that only men in the union could work, and when it came to the question of turning out from the mines men who were not members of the union, unless they were willing to join, on that principle I said I would stand by him.

Chairman WALSH. Did you not say that you would stand by him to the end in refusing to have a conference with the members of the union?

Mr. ROCKEFELLER, Jr. I don't recall whether the statement applied particularly to that or not.

Chairman WALSH. Did he not write to you and tell you that if they allowed a conference with the leaders of the union, that those leaders would sneak away, and then not have a strike, and claim that to be recognition of the union? And did you not say you would back him to the end in the position he had taken?

Mr. ROCKEFELLER, Jr. I said I would back the officers of the company in the general position that they had taken.

Chairman WALSH. And the position that they had taken was that they would not recognize the union?

Mr. ROCKEFELLER, Jr. That was one of the positions, the position that they had taken, but that they would not take such a step as would make it necessary for them to discharge these men unless they joined the union.

Chairman WALSH. Did you say—where is that stated?

Mr. ROCKEFELLER, Jr. I don't know where it is stated, but that is the position that I have always stood for and what the officers stood for.

Chairman WALSH. Where do you get that statement that that is what the officers always stood for?

Mr. ROCKEFELLER, Jr. It was in some letter of Mr. Bowers, in which he stated that 90 per cent of the men employed by the Colorado Fuel & Iron Co. were not members of the union, and that recognition of the union would involve the discharge of these men. I took the position that in justice to the men working for the company they ought to be allowed to work whether union men worked or not; that they were not to be discharged because union men worked.

Chairman WALSH. Did the operators ever say to the miners that they were perfectly willing to recognize their union and treat with members of the union collectively through the officers?

Mr. ROCKEFELLER, Jr. Not to my knowledge.

Chairman WALSH. On the contrary, they assumed exactly the opposite position, that they would not recognize the union; now, that is true, is it not?

Mr. ROCKEFELLER, Jr. Yes; I think that is true.

Chairman WALSH. Now, then, Dr. Newell Dwight Hillis, in his sermon that I have referred to, states that the operators answered that they were perfectly willing to recognize the union and treat with members of the union collectively through their officers, but they must also recognize the rights of the nonunion men who objected to the methods of the labor union, and claimed the right as American citizens to sell their labor at such price as they considered fair, and thus maintain their individual liberty. The strikers said, "You must unionize this mine." The operators answered, "We will recognize your union and give work to all its members, but we will also give work to men who do not want to join a union."

Did the operators ever say that to the union, that we will recognize the union and give work to all its members?

Mr. ROCKEFELLER, Jr. I don't know what the operators said, but as far as the officers of our company were concerned they had no antagonism to union men. They desired that men who were not union men would have the same right to work, though.

Chairman WALSH. Did they say that they would recognize the union, as this man states in his sermon?

Mr. ROCKEFELLER, Jr. I never have heard them say that.

Chairman WALSH. You know, on the contrary, they have said they never would recognize the union?

Mr. ROCKEFELLER, Jr. This statement is a qualified statement. This statement says that the operators would recognize the union in as far as the men working for the union were working for them, but at the same time they would also recognize the right of the other men to work.

Chairman WALSH. Let us see if it is qualified. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers. Will you say they never said that?

Mr. ROCKEFELLER, Jr. Will you read the balance of the statement?

Chairman WALSH. I have read it, and I am reading this now. The operators answered that they were perfectly willing to recognize the union and treat with the members of the union collectively through their officers.

Did they ever say that?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. You read that sermon?

Mr. ROCKEFELLER, Jr. I don't know. I told you I saw a sermon from Dr. Hillis in the early part of the strike. Whether this is the one or not I have no means of knowing.

Chairman WALSH. I will ask you if on July 17, 1914, following out his announced ideals, Mr. Ivy Lee did not write you the following letter:

JULY 17, 1914.

Yours of July 15 inclosing copy of Elbert Hubbard's article just at hand. I will go over the article and see if we can not make something out of it for a bulletin. You will realize that up to the present time it has been the theory of the bulletins that they be confined to statement of fact from sources or people of standing in Colorado itself. We have been seeking to lay a foundation of fact on which perhaps later we can follow with such things as Dr. Hillis's sermon, this article of Hubbard's, and perhaps other publications on the subject. It has been my hope, however, to get the basic facts stated in these earlier bulletins. I feel that we still have a little distance to go in that direction.

Bulletin No. 2 is to consist of quotations from Mrs. Helen Grenfell's statement to President Wilson, regarding the battle of Ludlow. It seems to me that a statement from an organization of women was the most effective thing we could present on this subject. The next following bulletin will deal with the question of the wages actually paid to the miners. Mr. Welborn has sent me some interesting and suggestive figures dealing with the wages paid a large number of men for an entire year.

Mr. Murphy sent me a copy of the article in the Popular Science Monthly, which concerns the subject of capital and labor. I am going to arrange to have it widely distributed, as you suggest.

Very truly, yours,

IVY L. LEE.

Now, that was the article from the Popular Science Monthly extracts from which I read you this morning, was it not?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Do you know that Mr. Murphy sent him one for wide distribution, as you suggest?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Now, you did read Dr. Hillis's sermon, did you, when Mr. Lee wrote you that he was laying the basic facts from which he would afterwards send out Dr. Hillis's sermons?

Mr. ROCKEFELLER, Jr. If this is the sermon referred to, I have seen it, which he preached in the early part of the strike.

Chairman WALSH. Perhaps you had better look at this and see whether or not it is the same sermon.

Mr. ROCKEFELLER, Jr. I could not tell you, Mr. Chairman; I have never seen it in pamphlet form. I am not able to identify the sermon.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock, when you will please resume the stand.

(Whereupon, at 5 o'clock p. m. of this Friday, May 21, 1915, an adjournment was taken until 10 o'clock to-morrow, May 22, 1915.)

SATURDAY, MAY 22, 1915—*10 a. m.*

Present: Chairman Walsh, Commissioners Harriman, Weinstock, Lennon, and O'Connell.

Chairman WALSH. Mr. Rockefeller, if you will please resume the stand.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I want to refer to a brief extract or two from your testimony, Mr. Rockefeller, given at New York, before the commission. This question was asked you:

"Did you read the reports and dispatches of the Associated Press containing the testimony of Jefferson Farr, sheriff of Hinsdale County, in the congressional investigation and in the investigation of this commission?

"Mr. ROCKEFELLER, Jr. No, Mr. Chairman.

"Chairman WALSH. You believe that it should be made unlawful for private detective agencies to keep up armed men, enrolled for the purpose of transporting them from State to State to be used where labor disputes are in progress?

"Mr. ROCKEFELLER, Jr. That is a question I have no knowledge about.

"Chairman WALSH. What is your information about it as a citizen?

"Mr. ROCKEFELLER, Jr. I believe that whatever measures may be necessary in order to protect life and property in emergency situations must be adopted. If my wife and family were thus threatened, I would take whatever measure I could, I would consider afterwards the propriety of them, but I would adopt the thing that I felt would be my first duty."

You meant by that that you would exercise what is known as the necessary self-defense of person and property?

Mr. ROCKEFELLER, Jr. I meant by that when the forces of the law were not adequate to protect me, and the actual life of my wife or family was at stake, I would protect myself.

Chairman WALSH. And necessarily you would have to determine the moment that that situation occurred, would you not, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. It would be a last resort, Mr. Chairman.

Chairman WALSH. It would be a last resort, but finally you would have to determine those facts, first, as to whether the protection which ought to come from the constituted authorities was present or not, and next whether or not the violence, in the absence of that protection, was so close and impending that you would have to act yourself?

Mr. ROCKEFELLER, Jr. Of course, if an officer of the law were present to perform his duty, there would be no question as to the impropriety of so acting.

If an officer of the law could be gotten, or was accessible under such circumstances, I would not justify for a moment the opposing of the forces of the law. But, if a burglar, as I think I have stated, came into my house and held a revolver at my head, and it was a question, the next second, of my life being taken or acting in self-defense, under those extreme circumstances, where there was no opportunity to get the protection of the law, under those very extreme circumstances, life about to be taken, I think a man would be justified then.

Chairman WALSH. Suppose the burglar's mask fell off, and you recognized he was the sheriff of the county, and notwithstanding his official position he was about to commit violence upon your person?

Mr. ROCKEFELLER, Jr. The officers of the law should never be opposed. If the officer of the law is about to shoot me with a revolver at my head, and I have either got to die or defend myself, in that extreme and remote circumstance, a man has a right under the law to defend himself, but only in such a case.

Chairman WALSH. You would feel that there was nothing left for you to save your life, or the lives of those that were entitled to your protection, except to kill the man?

Mr. ROCKEFELLER, Jr. I don't say to kill the man.

Chairman WALSH. Or shoot him or use whatever force was reasonably necessary to repel his attack?

Mr. ROCKEFELLER, Jr. If he was about to shoot me, and had his finger on the trigger, I would feel justified in undertaking to prevent that, but not to kill him, unless it came to a death struggle, and it was a question of fight, man to man.

Chairman WALSH. Unless you thought you had to die to defend your own life or your family's?

Mr. ROCKEFELLER, Jr. It would not be a question of thought, but whether he was getting the better of me, and in the fight man to man I had to defend myself.

Chairman WALSH. Do I understand that you would wait, if it was the sheriff that was the burglar, that you would wait until he had his finger absolutely upon the trigger before you fired?

Mr. ROCKEFELLER, Jr. It is difficult, except when one is in a position of that sort, to say just how one would act at the moment.

Chairman WALSH. In other words, you would have to decide the moment the danger was presented and the amount of force you would have to use to save your own life?

Mr. ROCKEFELLER, Jr. The danger would have to be so great that I would have to feel before taking action that when I was brought before a court of justice to defend the resistance of an officer of the law, that the court would find me guiltless, and find that circumstances were such that I was justified. If I did not think that such a situation existed, I would not be justified.

Chairman WALSH. In other words, you would have to be the judge in the final instance as to whether or not you were compelled to use violence to repel the attack? Otherwise, you would not act?

Mr. ROCKEFELLER, Jr. I would have to be the judge, but I would have to have, as overbalancing the possibility of death, the possibility of sentence at the hands of the law for having opposed an officer of the law.

Chairman WALSH. Even if the officer of the law was the burglar?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. You know there have been such cases, you have read of them frequently, where a highwayman was captured and he turned out to be a police officer, and they have been convicted of it?

Mr. ROCKEFELLER, Jr. I don't recall any of them.

Chairman WALSH. You don't recall any of these cases?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. But take a case of that kind, where a highwayman attempts to hold up a citizen, and notwithstanding the citizen sees that this highwayman, with a revolver at his head—and would say, give me your money or I will kill you, and the citizen recognized the highwayman as a police official, should he give his money or take death rather than resist him?

Mr. ROCKEFELLER, Jr. I can not make my position clearer than by repeating what I have just said; the imminence of death must be so great that the individual is willing to take the chances of justifying his act before a court of justice—his act of opposition to the law before a court of justice—else he is not justified in resorting to violence.

Chairman WALSH. So you think that if an attack was made upon you by a highwayman, and you discovered that that highwayman was a detective that you had seen, that you should attempt to impartially at that moment determine what the result of the case would be in court thereafter?

Mr. ROCKEFELLER, Jr. I have stated my views on the subject.

Chairman WALSH. Very good; I will state another case. Take a case of this sort: You have a home, I believe, at Seal Harbor?

Mr. ROCKEFELLER, Jr. I have.

Chairman WALSH. And we will suppose that while you were in your home, conscious in your own mind that you have committed no offense against the law, that the sheriff came to your door; that he was accompanied by three other men—small, dark, strange men—that you had never seen before in your life; that the sheriff was elected, and after he was elected you heard from sources that carried conviction to your mind that that sheriff was an anarchist; that is, that he had no respect himself for the courts or for law; that he had no respect for the property rights or the liberty of the individuals in his county; that you knew that; that he came to your door with these three other men in the dead of the night and aroused you without giving you an opportunity to properly clothe yourself, and said, "Come and go with me"; that you recognized him as the sheriff, but you had in mind that he was an anarchist, and you knew it. You asked him if he had a warrant, and he said he had no warrant; and you asked him then what he proposed to do with you, and he told you that he had a boat at the landing that he was going to put you in with the assistance of these other three men, and then he was going to transport you to a place where there was an empty box car; that they were going to put you in that box car and take you to Girard, Kans., and there going to throw you out of the box car; and you asked him for a warrant, and he said he had no warrant, and you appealed to the other men with him, and then you discovered for the first time that they either did not speak English or spoke it so imperfectly that you could not understand it; that they were speaking in a strange language, a sort of a corruption of the Spanish language, and that you could not understand it. Knowing the character of these men, would you leave that house without resistance and stand being put into that box car and shipped to Girard, Kans., or Walsenburg, Colo., or some other point in the West?

Mr. ROCKEFELLER, Jr. I stated the principle that I think should govern a man in any such instance.

Chairman WALSH. What was that?

Mr. ROCKEFELLER, Jr. The statement that I made a moment ago.

Chairman WALSH. You think under those circumstances he should resist to the best of his ability?

Mr. ROCKEFELLER, Jr. That is, if the man's life was the next second to be taken——

Chairman WALSH (interrupting). I am leaving out the life. I am stating that these four men were just going to up and do that with you—put you in a box car and take you to Girard, Kans., or Walsenburg, Colo., and dump you out of the box car.

Mr. ROCKEFELLER, Jr. I stated the principle upon which I think alone a man would be justified, under the extreme circumstances which I have mentioned, in opposing an officer of the law, only when death is imminent, and only when he should feel that before a court of justice, were he subsequently brought to defend his action, he could be defended and would be acquitted. I am not prepared beyond that statement, which covers fully the circumstances, to express an opinion in such cases.

Chairman WALSH. I am stating this case to you hypothetically, because I am going to read a concrete instance in the correspondence between Mr. Bowers and yourself, and I now ask you under those circumstances would you be willing to go without resistance with these four men, one of whom you know to be an anarchist, and the other three of whom did not understand your language, and without a warrant, even though one was the sheriff?

Mr. ROCKEFELLER, Jr. I have made a statement which I think covers the situation, Mr. Chairman.

Chairman WALSH. Is it not a fact, Mr. Rockefeller, that you would have your associates or your family or your servants arouse the neighborhood and bring them up to defend you against these four men who took you away from your home in the dead of night?

Mr. ROCKEFELLER, Jr. I have made a statement which I think covers this situation.

Chairman WALSH. Would you not arouse your neighbors and resist these men, this anarchist and these three strange foreigners?

Mr. ROCKEFELLER, Jr. I have not anything to add to the statement I have made.

Chairman WALSH. You would not say whether you would or would not? Do you wish to leave the implication you would tamely go with them without arousing your neighbors and allow them to take you to Walsenburg, Colo., or to Girard, Kans., if one of them happened to be a sheriff, although you knew he was an anarchist and a criminal?

Mr. ROCKEFELLER, Jr. I have not anything further to add, Mr. Chairman.

Chairman WALSH. When did your father secure this interest in the Colorado Fuel & Iron Co.? What was the date?

Mr. ROCKEFELLER, Jr. I do not recall the date. I should say some 12 or 13 or possibly 14 years ago.

Chairman WALSH. Was it not in 1902, the early part of 1902?

Mr. ROCKEFELLER, Jr. I do not recall, Mr. Chairman.

Chairman WALSH. Do you, in the conduct of this and other industries, read the Government reports relative to labor, the condition of labor and the occurrences in labor fields?

Mr. ROCKEFELLER, Jr. I have not happened to do so.

Chairman WALSH. Do you not read the Government reports respecting the labor conditions and properties in which you are interested?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Don't you ever do it?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. I say, don't you ever do it?

Mr. ROCKEFELLER, Jr. I have not done it.

Chairman WALSH. You have never done it? [No audible response.] Were you a director of the Colorado Fuel & Iron Co. while that strike was going on?

Mr. ROCKEFELLER, Jr. The recent strike?

Chairman WALSH. No; 1903 and 1904.

Mr. ROCKEFELLER, Jr. No; I can not recollect; I presume I was.

Chairman WALSH. Did you become a director as soon as your father bought his interest in the company?

Mr. ROCKEFELLER, Jr. That I do not recall.

Chairman WALSH. I will read you some extracts in regard to the labor disturbances in your own company from the Labor Commissioner's report of 1905:

"The first deportation by the militia at Trinidad occurred on the night of March 20, when Josef Paganni and Adolfo Bartolli, William M. Wardjon and 'Mother' Jones were deported. Six militiamen accompanied them from Trinidad to La Junta and warned them never to return. Paganni was the editor and Bartolli was the publisher of Il Lavatore Italiano, Wardjon was the national organizer of the United Mine Workers of America, and 'Mother' Jones was employed by that organization.

"Gov. Peabody, on being interviewed, said that he had issued no orders calling for deportations; that his orders to Maj. Hill, both public and private, had been of a general nature, placing authority in his hands to do whatever was necessary for the maintenance of law and order, and that any deportations which might be made would be carried out upon Maj. Hill's own responsibility.

"By order of Maj. Hill, saloons were permitted to reopen on March 21, saloon keepers being enjoined not to sell or give liquor to soldiers or to intoxicated persons.

"On April 2 eight men were deported from the State. They had been arrested at the several coal camps during the previous two weeks and had been confined in the county jail. They were placed on a Colorado & Southern train, conducted by a detail of soldiers to the line between Colorado and New Mexico and warned not to return. All of the men who were deported were strikers, some of them had been active in the conduct of the strike, and nearly all of them were officers in their local unions. Maj. Hill, on being asked if there were any specific charges against them, said, 'No; but I believe their absence is better for the people than their presence.'"

Further on in this same report, being the report of the Commissioner of Labor for 1905, it is said:

"On April 3 a military detail deported four men from Trinidad to New Mexico. One was the secretary of a local miners' union, another was one of the union commissary managers at Aguilar, another a local union organizer. When arrested by the militia they had been charged with intimidation of nonunion miners."

Again, further on, the report says:

"W. H. Wardjon, national organizer of the United Mine Workers of America, was attacked and severely injured while he was a passenger on a Denver & Rio Grande train. When the eastbound train reached Sargents on the evening of April 29, it stopped 20 minutes for supper, but Mr. Wardjon and a lady passenger did not leave the parlor car. Three armed men entered the car and cursed Wardjon, beat him with revolvers, and kicked him. His injuries consisted of four scalp wounds, two cuts on the face, and numerous bruises on the body. After inflicting this maltreatment the three men left the train. Wardjon proceeded to Salida, where he entered the hospital of the Denver & Rio Grande Railroad. He was positive in his identification of two of his assailants as men in the employ of Reno's Detective Agency."

Again, this report says:

"On May 19, 80 Italian strikers were marched from Berwind to Trinidad by a troop of cavalry. They had refused to register at Berwind and to have their descriptions written for future reference, according to an order issued by Maj. Hill a few days previously. The men complained that the march of 18 miles over the mountains on a hot day caused them great fatigue and that some of them dropped by the wayside, but they were cursed and driven on by the mounted soldiers. They were given water but no food either on the march or at Trinidad. On arrival at military headquarters there they were photographed in groups and registered according to the Bertillon system, then turned loose. They were fed at the commissary of the union.

"On May 22, 10 men who had been arrested on various charges during the previous fortnight were placed on board a southbound Colorado & Southern train at Trinidad and taken across the line into New Mexico in charge of an officer and a squad of soldiers."

That is the report of the Government on certain crimes that were committed by the soldiers in the strike in your industry in 1904, and you say you never read the Government report and your attention never called to the fact, or if it was, you had forgotten that such were done in that strike?

Mr. ROCKEFELLER, Jr. I have never read the report. I had knowledge, at the time, generally, of things told that were occurring, as such knowledge came to me from the officers of the company on the ground. What that knowledge was I do not now recall, the period being many years since.

Chairman WALSH. On September 29, 1913, I find Mr. Bowers wrote you as follows:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

You got that letter from Mr. Bowers, your chief executive officer, in Colorado, on September 29, 1913, did you not?

Mr. ROCKEFELLER, Jr. If that is among the letters which have been filed with the commission, I did.

Chairman WALSH. Don't you remember yourself that you did receive such a letter from Mr. Bowers?

Mr. ROCKEFELLER, Jr. I don't recall, Mr. Chairman, the contents of the many letters I received from the officials of the company. I do not question the letter was written if it was in the batch of letters that have been supplied to the commission.

Chairman WALSH. Is it possible, Mr. Rockefeller, that you have no recollection of any of the occurrences in Colorado except such as are contained in letters which have been produced and filed with the commission?

Mr. ROCKEFELLER, Jr. I have seen statements in the papers and have received statements from various people in other publications in regard to conditions in Colorado in addition to the things which came to me from the officers of the company.

Chairman WALSH. You have answered questions repeatedly by saying, "If it is in the letter, then I receive it," or "If it is in the letter, why, that may be so." Is your knowledge or information with respect to the situation in Colorado definitely confined to the letters that have been produced before the commission or have you other and further information from interviews with the officers?

Mr. ROCKEFELLER, Jr. I have had interviews with the officers in addition to the other sources which I have mentioned.

Chairman WALSH. I will read you an extract from the letter of September 20, which your officers furnished the commission from L. M. Bowers to you, addressed and sent to you at 26 Broadway, New York City:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

Now, you got that from Mr. Bowers at the time, did you not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And a very few days thereafter you wrote to Mr. Bowers, the letter which I have already read, in which you said you backed the officers up in all they did out there, did you not?

Mr. ROCKEFELLER, Jr. Mr. Chairman, will you be kind enough to read the whole of the letter from Mr. Bowers, from which you quote that statement?

Chairman WALSH. I can not do that at this time, Mr. Rockefeller, but I will say this, that any of these letters that you desire to submit more extensive extracts from or to read in full may be handed by your staff or used by you after I conclude my examination.

Mr. ROCKEFELLER, Jr. I am unable to reply, Mr. Chairman, definitely to questions which are based upon statements contained in letters—fragmentary statements. I think you will recognize the justice of that.

Chairman WALSH. It is sometimes difficult, and at any time you are unable to answer because the further context of the letter is not given you may so indicate, and it will be accepted, so far as I am concerned, as a reason for not answering the question.

Mr. ROCKEFELLER, Jr. This is such an instance, Mr. Chairman.

Chairman WALSH. I believe it is your request that I read this. I happen to have it here, and I will read that letter through for you:

"I have your letter of September 20 with reference to the coal strike in southern Colorado. We know how earnestly desirous you have always been to have the men in your employ work under the best possible conditions and receive every consideration and advantage. We also know that you and Mr. Welborn have spared no pains to provide for the well-being and look out for the interests of the employees of the Colorado Fuel & Iron Co. Your letter simply confirms what we knew to be the case.

"You gentlemen can not be more earnest in your desire for the best interests of the employees of your company than we are. We feel that what you have done is right and fair and that the position which you have taken in regard to the unionising of the mines is in the interest of the employees of the company. Whatever the outcome may be, we will stand by you to the end.

"Very truly,

"JOHN D. ROCKEFELLER, Jr."

That was written on October 6, 1913, and this quotation I have read to you about "Mother" Jones is in a letter of September 20; that is a letter written just a week before you said whatever the outcome would be you would stand by them to the end. The quotation I read you from this letter is the only quotation, as I recall, that had reference to "Mother" Jones or the deportation of any other persons. I do not care to read that letter in full, but I will read an extract:

"Old 'Mother' Jones has been on the ground for two weeks, but Saturday, we understand, the governor ordered her to be taken to the State line and ordered not to return."

Now, your mind is thoroughly familiar with that item in the letter, is it not?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. And you got it at the time?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Are you aware that the deportation of persons is a violation of the fourteenth amendment to the Constitution of the United States, guaranteeing due process of law—you have often read of its being invoked—the fourteenth amendment to the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I do not recall at the moment.

Chairman WALSH. I will read it to you, then:

"Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Now, it is a familiar provision to you, is it not?

Mr. ROCKEFELLER, Jr. I have just heard you read it.

Chairman WALSH. It is very frequently invoked for the preservation of property and life, is it not?

Mr. ROCKEFELLER, Jr. I can not say that.

Chairman WALSH. You can not say that?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Were you aware that that action toward that lady was a violation of that provision of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I had no knowledge of it.

Chairman WALSH. Did you, as an official of the company, notify any public authority that the rights of this lady were about to be invaded?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Did you, as an official of the company, remonstrate with Mr. Bowers, who was in charge of the situation for your company in Colorado, for condoning or sympathizing with what would have been a violation of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I have no reason to believe that Mr. Bowers condoned or sympathized with any violation of the Constitution or any other law.

Chairman WALSH. You had no idea of condoning or sympathizing with that?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Do you recall the letter Mr. Bowers wrote you November 18, 1913, when things were quiet, comparatively, there in regard to that particular form of crime?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. I will read this, if you do not recall it:

"NOVEMBER 18.

"It is true, Mr. Rockefeller, I have not sent you much published matter in regard to the strike during the last few days, as we have been having a season of comparative quiet in southern Colorado."

This is the one in which he also says:

"You will be interested to know that we have been able to secure the cooperation of all the bankers of the city who have had three or four interviews with our little cowboy governor. Another mighty power has been rounded up in behalf of the operators"—

Referring to the newspapers. I will not read that again. Well, Mr. Manly calls my attention to the fact that the particular thing I want to call your attention to follows immediately after "the little cowboy governor":

"You will be interested to know that we have been able to secure the cooperation of all of the bankers of the city who have had three or four interviews with our little cowboy governor, agreeing to back the State and lend it all the funds necessary to maintain the militia and afford ample protection so that our miners could return to work or give protection to men who are anxious to come up here from Texas, New Mexico, and Kansas, together with some States farther east. Besides the bankers, the chamber of commerce, the real estate exchange, together with a great many of the best business men, have been urging the governor to take steps to drive these vicious agitators out of the State."

Now, Mr. Bowers wrote and told you that he had rounded up the bankers and the big business men, and that they were urging the governor of the State of Colorado to violate the Constitution of the United States and drive people that they deemed to be agitators out of the State during a season of comparative quiet—so quiet that Mr. Bowers did not think it necessary to send you any newspaper clipping of the struggle.

Mr. ROCKEFELLER, Jr. Is there a question based on that?

Chairman WALSH. Yes. The question based upon that is, Whether or not you condone the act of your executive agent in urging the governor of the State and in rounding up, as he said, the bankers of Denver to urge the governor of the State to drive those people out of the State?

Mr. ROCKEFELLER, Jr. I think it was the duty of that company or of any company to take whatever legitimate means they might see fit to see that the law was enforced and that proper protection to the people and to the interests of the State was given.

Chairman WALSH. Well, now, Mr. Bowers told you in that same letter that it was a season of comparative quiet; that there was nothing interesting enough to send you the clippings, and he said nothing here about upholding the law in this sentence; but he said they had rounded up these men, that they had had

interviews with the little cowboy governor, and they had urged him to take steps to drive these vicious agitators out of the State. Didn't you believe that the upholding of the law would be to bring any persons to answer in court for any violation of law—any agitator; but that under no circumstances could the law itself be violated—that is, that the people be driven from the State?

Mr. ROCKEFELLER, Jr. I presumed the governor would take such steps as he thought were within his rights as governor.

Chairman WALSH. But this is the supreme law of the land, the Constitution, that no man shall be deprived of his liberty without due process of law, and that every person shall be entitled to the equal protection of the laws. Now, when you got that letter from Mr. Bowers, stating that he had rounded up these powerful interests, and they were urging the governor to take steps to drive these vicious agitators out of the State, did not you know that was a violation of the fourteenth amendment to the Constitution of the United States, guaranteeing due process of law——

Mr. ROCKEFELLER, Jr. As I have already——

Chairman WALSH (continuing). And that those people were entitled to the equal protection of the law and that the State or the governor were not themselves permitted to deprive them of their liberty or of their property without due process of law?

Mr. ROCKEFELLER, Jr. I am not a lawyer, Mr. Chairman, and I did not enter into all those questions.

Chairman WALSH. Do you know now that it was a violation of the Constitution of the United States?

Mr. ROCKEFELLER, Jr. You have so stated.

Chairman WALSH. Well, you heard me read the provision. Now, if it turns out that Mr. Welborn and Mr. Wettal joined in that effort to have the constitutional rights of these people taken away from them, I suppose that you will not hesitate to cast your vote, at least, to remove them from the offices which they have thus abused in your company?

Mr. ROCKEFELLER, Jr. Whenever I have reason to doubt the earnest purpose of the officers of the company to do what they believe is right under the circumstances which exist, which they know about, and which I do not know about—whenever I have any reason to doubt the earnestness of their purpose to do what they believe to be right, I shall take such action as it seems to me is right and expedient to undertake, to change their view or to replace them. But I do not feel called upon to state in advance of the full statement of the facts on both sides of any case of that kind what action I should regard as justified by the facts as they might develop.

Chairman WALSH. Will you immediately take up the question as to whether or not that offense against the law was committed, so that you may act after you have full information in regard to the facts?

Mr. ROCKEFELLER, Jr. Mr. Chairman, there have been many committees and committees sitting for several years undertaking to get the facts in connection with the disturbance in Colorado the past year or 18 months. The testimony, in so far as I have heard any of it or read any of it, is very conflicting; and it is a difficult thing——

Chairman WALSH. Well, Mr. Bowers is here. Perhaps you might ask Mr. Bowers if what he stated in his letter are the true facts.

Mr. ROCKEFELLER, Jr. It is difficult to know what the facts are. I am taking and propose to take, in the discharge of my duties as a stockholder and a director in this company, such steps as I believe are proper for me to take to see that what is right and proper is done; and I intend to continue to do that. If any injustice or wrong has been done and is proved to have been done, I am expecting, of course—no one would be quicker than I to take whatever means might be proper and I should regard as proper, to rectify a wrong done. But I am not prepared to state in advance as to what steps I would take in any instance.

Chairman WALSH. Now, as a director of this corporation and with Mr. Bowers, who wrote the letter, sitting right in this room, and Mr. Welborn, who is still president of this company, don't you think that you could determine, say, by 2 o'clock, say, during the noon recess, whether or not what is stated in that letter is true; and your attorney being here, I believe, Mr. Murphy, couldn't you call his attention to that provision of the Constitution of the United States, and thus have the facts readily at your hand so that you could begin to act promptly if any such crime had been committed?

Mr. ROCKEFELLER, Jr. The commission has been in a position to get any information which they may like from any of the officers of these companies; and I have stated and I maintain that I will do whatever seems to me right and proper in endeavoring to see that what is right is done in the companies where I am related. I do not expect, Mr. Chairman, to commit myself to any specific act in connection with the carrying out of what I may regard to be my duty.

Chairman WALSH. You say commissions have been sitting. You meant that perhaps you could get that information through the medium of this commission?

Mr. ROCKEFELLER, Jr. I meant that the commissions are able to get what information they want. They have had the opportunity of getting all the information they want.

Chairman WALSH. Now, are you ready as a director to see that the law is upheld when you get to it and see that any violation of any of the laws or of the Constitution of the United States is punished, or will you condone things done in violation of the Constitution by those who, with others, say they have rounded up other interests so that the Constitution of the United States would be violated?

Mr. ROCKEFELLER, Jr. I propose to do in any instance whatever I regard to be my duty as a citizen.

Chairman WALSH. You believe, of course, in upholding the Constitution of the United States?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. And you would not think that any agitator, no matter how vicious he was, should be driven out of the State in such fashion as I read to you, in 1903, that they took "Mother" Jones out, or that 8 miners, or 10, or 16, should be driven across the hills, without sufficient nourishment, simply because a militia officer thought their presence was not necessary? You would not favor that?

Mr. ROCKEFELLER, Jr. I am in favor of absolute justice, and nothing else.

Chairman WALSH. Then you would not answer whether you favor what was done in your own industry, in that particular instance?

Mr. ROCKEFELLER, Jr. I have stated that I am not in a position and I do not feel called upon to answer in regard to questions in which I have not all the facts.

Chairman WALSH. Do you believe that the so-called victimization of an agitator ever justifies the officers of the law in driving that agitator from the community?

Mr. ROCKEFELLER, Jr. Unless any citizen is breaking the law, they have the same right that other citizens have to live where they may choose.

Chairman WALSH. Now, suppose as a director of the Colorado Fuel & Iron Co. it was found that the men who actually drove out the agitator were in the employ and pay of your own company, would you then take action to have the officers of your company punished in the courts?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I will repeat that I do not feel called upon to state what action I might regard as necessary, as proper, in the fulfilment of my duty, with reference to any wrongs which might be proved to have existed, while I have responsibility, and I would take what action I thought was right and proper under the circumstances. I have stated that, and repeated it, and beyond that I am not prepared to make answer.

Chairman WALSH. What would constitute proof to you?

Mr. ROCKEFELLER, Jr. I don't think I need to discuss that question.

Chairman WALSH. Would you give any idea to the commission as to what you would require as proof before you would act, where your own subordinate men, elected by your own vote, were violating the law?

Mr. ROCKEFELLER, Jr. I don't feel called upon to state in what way I would act or upon what occasions, but I would satisfy my own conscience as to what action should be taken.

Chairman WALSH. Do you consider yourself a vicious agitator?

Mr. ROCKEFELLER, Jr. I have not so considered myself.

Chairman WALSH. Would you think that any person or persons who denounced you as a vicious agitator were staying with the realm of truth, or fair inference, in your actions in this Colorado controversy?

Mr. ROCKEFELLER, Jr. I don't care to enter into a personal discussion of that kind.

Chairman WALSH. I will state another hypothetical question to you: Suppose that a company of militia called at your house, and with arms ordered you to get out and walk ahead of them down Fifth Avenue and into another State,

and when you protested against it you were told that you were a dangerous agitator, that the people in that neighborhood claimed that they had discovered that you had sent out a pamphlet written by another man, or paid to have a pamphlet sent out written by another man, in which you charged old Mr. Jones, an old neighbor, who was the president of the carpenters' local union, with being an East Indian thug and robber and murderer, and in the same article you had charged Mr. Smith, the secretary-treasurer of the machinists' union, who had lived in the neighborhood for many years, and was a law-abiding citizen, with being a robber and murderer and common thug, and that they discovered that you had sent this out, or paid to have it sent out, and that they had aroused the people, and had them to believe from that that you were a dangerous agitator, and that these men, although clothed with private authority, were just undertaking, not to arrest you for that, and arraign in court, but to march you across the State line into another State, what action do you think you would be entitled to take to protect yourself?

Mr. ROCKEFELLER, Jr. I have stated that it is my belief that the officers of the law should be respected and not resisted, and I have stated the principle, in a rare case only, where life is immediately threatened, on which I think the man would be justified in resisting. I have stated what justification there would have to be—such justification as could be established before a court of law, where he might be taken, because he was opposing himself to the officers of the law, and it would have to be such justification as could be established before that court of law, and that principle is the principle I am prepared to stand on, and it covers all such cases. I am not prepared to make reply to supposititious cases beyond that principle.

Chairman WALSH. In view of the fact that Mr. Rockefeller was endeavoring to have the Government drive these people out of the State, I am asking the question, would you resist being driven from the State in which your home is located, without due process of law?

Mr. ROCKEFELLER, Jr. I would not resist the officers of the law.

Chairman WALSH. You would let them take you to the State line and dump you out of the box car.

Mr. ROCKEFELLER, Jr. I have stated the principle on which my action would be based.

Chairman WALSH. Say you were economically situated so that you could prosecute those people, I suppose you would go back and prosecute them?

Mr. ROCKEFELLER, Jr. I am not prepared to answer such questions.

Chairman WALSH. And if not——

Mr. ROCKEFELLER, Jr. I am not prepared to answer questions of that kind.

Chairman WALSH. Now, supposing that a body of men, living in the only homes they had, in a tent colony, concluded that the forces of the law, sheriff's office, or whatever the law forces were, were not sufficient to protect them, would they be entitled to raise a force of men and arm them with deadly weapons to protect themselves in their homes?

Mr. ROCKEFELLER, Jr. Will you kindly read the first part of that question again?

Chairman WALSH. The first part of that question was, there was a large body of men; they have their families living in the only homes they have, which is a tent colony; they become convinced that the forces of the law are not sufficient to protect their homes, their property, and the lives of the people in them, and they themselves raise a body of men and arm them with deadly weapons for the purpose of taking the places of the constituted authorities or supplementing them; would you not say that they were thoroughly justified for the purpose of protection, in taking that action?

Mr. ROCKEFELLER, Jr. I think no action would be justified which took the place of the constituted authorities.

Chairman WALSH. I will ask if you did not answer a question propounded to you in the New York hearing in this way:

"Do you believe the Government is strong enough in this country to protect the property and lives of its citizens or that a stage has been reached where that matter must be left to private endeavor?"

To which you answered:

"I certainly believe that the Government is strong enough to protect the lives of its citizens. Should there arise, as is constantly shown, instances where the forces of law are not gathered in sufficient quantity at a specific point to meet every emergency that may arise—and I should think that situ-

tion has developed in Colorado—that there was a time when the State of Colorado was not able to maintain law and order."

And in that case you will recall you armed your own mine guards. Do you not believe that if it applies to you and the Colorado Fuel & Iron Co., it should also apply to anybody who desires to protect his property, his home, and his own people?

Mr. ROCKEFELLER, Jr. I think the rules of justice which apply to one citizen apply to all citizens.

Chairman WALSH. Are you a stockholder in the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I am.

Chairman WALSH. And to what extent do you represent stock in the Pennsylvania Railroad?

Mr. ROCKEFELLER, Jr. I do not represent stock at all. I am not a director of the company.

Chairman WALSH. What amount of stock do you own in the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I think I have three or four thousand shares of the stock.

Chairman WALSH. Do you know it to be a fact that the officers of the Pennsylvania Railroad Co. have on hand thousands of deadly weapons and many thousands of rounds of ammunition constantly?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. As a stockholder in the Pennsylvania Railroad Co., would you vote to retain in office a director who ordered the executive officers of the company to hold thousands of deadly weapons and thousands of rounds of ammunition in times of peace to supplement the authorities when they, in their opinion, believed that their property was not being protected?

Mr. ROCKEFELLER, Jr. I take no voice in the management of the Pennsylvania Railroad, Mr. Chairman. I have simply a small investment, as I stated. I am not prepared to dictate to the officers of any company in which I have an investment of the kind or to suggest to them what methods they should take for conducting their business.

Chairman WALSH. Do you also own bonds of the Pennsylvania Railroad Co.?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Are you a stockholder in the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. I am not.

Chairman WALSH. Your father is?

Mr. ROCKEFELLER, Jr. He may be; I am not sure.

Chairman WALSH. The Rockefeller Foundation is the owner of bonds in that company, is it not?

Mr. ROCKEFELLER, Jr. Very possibly; I do not recall.

Chairman WALSH. Do you, as the representative of your father's investments, know whether or not he has bought stocks and bonds of the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. I do not recall.

Chairman WALSH. Did you notice the fact that the American Agricultural Chemical Co. in the State of New Jersey, within some 15 or 20 miles from your home, while this commission was in session in New York, brought into Roosevelt, N. J., a body of armed men from without the State, although the courts were open and the sheriff of the county and the chief of police of the town were reputable officers, the governor, as chief executive of the State, was in command of the militia, and that a conflict took place between those armed men and the body of citizens, resulting in the death of some of the citizens?

Mr. ROCKEFELLER, Jr. I saw some mention of some of those facts in some of the newspapers at the time.

Chairman WALSH. Do you know that that is a fact?

Mr. ROCKEFELLER, Jr. I only saw the headlines. I never read the details of the occurrences there.

Chairman WALSH. The report which you made to this commission, I believe, showed that the Rockefeller Foundation had half a million dollars worth of the bonds of the American Agricultural Chemical Co.?

Mr. ROCKEFELLER, Jr. If the report showed it it was true, Mr. Chairman.

Chairman WALSH. Do you now know whether the report showed that or not?

Mr. ROCKEFELLER, Jr. As I told you when you asked me in New York about the various investments held by the foundation, the number is a hundred or more, and I can not carry in my mind the different investments. I do not know of my personal knowledge. I may have known; I do not recall at the moment.

Chairman WALSH. Do you deem it perfectly proper for the officers of a corporation having a large amount of property in their possession to buy arms and keep arms for the purpose of protecting that property, outside of the officers of the law, or in cases where, in emergency, the officers of the law are not in a position to act?

Mr. ROCKEFELLER, Jr. I think the officers of the law should maintain law and order.

Chairman WALSH. But if they do not?

Mr. ROCKEFELLER, Jr. What particular instances might arise in which certain individuals charged with the responsibility might think it was necessary for them to take such action as you have stated I could not state without knowing all of the facts.

Chairman WALSH. I will submit all these facts to you. On September 1, 1913, in the county of Huerfano and in the State of Colorado, and before any strike was called affecting any of the mines of the Colorado Fuel & Iron Co. in Huerfano County, Jefferson Farr, sheriff of Huerfano County, swore in 226 men and commissioned them as deputy sheriffs; that Mr. Farr did not know them personally, and that, so far as he knew, many of them might have been red-handed murderers and criminals; that the county and State did not pay these men; but they appointed them at the request of Superintendent Madison, of the Colorado Fuel & Iron Co., who told him that they were to be furnished arms and paid by the Colorado Fuel & Iron Co. Assuming these facts to be correct, would you say that such conduct was a menace to the peace of the county as well as to a republican form of government?

Mr. ROCKEFELLER, Jr. I can not say whether that was more of a menace than not to have taken that action, because I was not on the ground.

Chairman WALSH. I am going to ask you now if that same question, or practically that same question, was not asked you on the stand in New York, and if you did not reply as follows:

"I should say that if the officers of the Colorado Fuel & Iron Co. thought there was danger impending to the company and the lives of its employees in a remote section of the country, where the ordinary forms of protection were not adequate, that it would be their duty to take any steps they might feel should be taken in an emergency case to protect such lives and property, and I can fancy that a situation like that arising might not make it always possible to do the thing most desirable, but one has to do some things in an emergency. I assume this situation was a situation of this kind, and the officers of the company felt their first duty was for the protection of lives and property, and they did what seemed to them wise. I should not be able to pass on the propriety of their actions in that instance without knowing all of the circumstances; but I would say unhesitatingly that anything that interferes with a democratic form of government is always to be deplored and avoided absolutely unless the protection of lives and property arises in such a situation that some immediate action has to be taken."

Do you stand on that statement to-day?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. An emergency may arise in which immediate action must be taken by the officers of a corporation to protect their property and the lives of the people working for them?

Mr. ROCKEFELLER, Jr. That is what I stated there.

Chairman WALSH. You stand on that proposition to-day?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Suppose it be true that there were 900 people in the Ludlow tent colony—500 men—with wives and families, numbering, altogether, more than a thousand people; that according to their best judgment their property was in danger; they were in a place remote from constituted government, as you might say, they believed that the emergency was upon them; that their lives were in danger and their property imperiled, were they not only acting within their rights, but acting as good citizens, when they armed themselves, as you say, they having a right to do so, to protect their property, as you say the company had a right to do, to protect their little property, and to protect their lives?

Mr. ROCKEFELLER, Jr. I stated, I think, in the article which you read, that the company officials on the ground would be the ones to determine that.

Chairman WALSH. And these human beings in tents would be the ones to determine what was necessary to protect their lives, would they not?

Mr. ROCKEFELLER, Jr. I would not want to determine it for them.

Chairman WALSH. Would they not have the same rights as officers of your company?

Mr. ROCKEFELLER, Jr. Any citizen would have the same right before the law.

Chairman WALSH. Now, if the Government was not strong enough to protect your property in Colorado and the lives of your employees, I want to ask you a few more questions, because you stated you believed in the ballot as a means of correcting the evil. Why did you not shut down your mines and bring an action against any peace officer that was derelict in his duty for malfeasance or misfeasance in office, and have him put out?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the officers of the company will have to answer that. I can not.

Chairman WALSH. I believe you understand they have, in Colorado, what is known as the initiative, referendum, and recall of public officers?

Mr. ROCKEFELLER, Jr. I have so heard.

Chairman WALSH. You have so heard?

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, if the law was not adequate to permit you to run your property, to carry on the operations of your coal mines in peace, and the governor was not affording you the protection charged by Mr. Bowers in your letter, why did you not shut down your mines and immediately have petitions circulated in the counties of Colorado to recall the governor and then have an election or have an election to put a governor in who would protect your property and the lives of your employees?

Mr. ROCKEFELLER, Jr. That is a question that the officers of the company would have to answer, Mr. Chairman.

Chairman WALSH. Suppose now that an emergency arose, such as you have suggested here. You say anything that interferes with the democratic form of government is always to be deplored and avoided absolutely, unless protection to lives and property is necessary in an emergency situation, and that in such a situation that some immediate action must be taken. Do you believe that a situation may arise calling for the protection of lives and property immediately without holding an election?

Mr. ROCKEFELLER, Jr. I have stated the instance of the burglar with the revolver at my head.

Chairman WALSH. If a burglar got into your house and the life of yourself—and of course what you would do to protect yourself you would do to protect your family, as you stated in New York?

Mr. ROCKEFELLER, Jr. I think any man would.

Chairman WALSH. I think any man would if he was not lacking in the common, ordinary impulses.

Mr. ROCKEFELLER, Jr. But this point must be borne in mind, Mr. Chairman. My statement was if the man appears with the revolver at your head, about to pull the trigger——

Chairman WALSH. Must he have his hand on the trigger?

Mr. ROCKEFELLER, Jr. I have stated the principle twice, and I will be glad to state it again, and upon which only, I think, a man is justified in opposing an officer of the law. If his life is immediately in danger; so that if he takes no action his life is about to be taken, and if he feels that the situation is such that when he is brought before a court of justice, to defend his action, the circumstances will, in the eyes of the judges before whom he appears, lead them to acquit him of the act which he has performed, then, I think he is justified in taking that action.

Chairman WALSH. What I was asking you particularly about is that you would use the same means to defend a member of your family, looking to you for protection, as you would for yourself?

Mr. ROCKEFELLER, Jr. I would defend my family; yes.

Chairman WALSH. And if the danger was imminent and impending, at the time, you would not consider the question of attempting to circulate a petition to recall the officials, would you?

Mr. ROCKEFELLER, Jr. Not if my wife or my children were to be killed.

Chairman WALSH. Would be in immediate danger—you would not think of falling back on the constitutional provision that you have a right to circulate a petition to recall the official?

Mr. ROCKEFELLER, Jr. I would fall back on the right possessed by any citizen.

Chairman WALSH. The right of any citizen to defend the lives of your own loved ones—you would defend them?

Mr. ROCKEFELLER, Jr. I would.

Chairman WALSH. And I believe you have also stated—but I will sum it up briefly, to see if I understand you—that you have a right to arm yourself in advance, if you think you are going to be attacked, have you not?

Mr. ROCKEFELLER, Jr. In the State in which I live, one has not the right to arm one's self without a permit. I do not know what the law is in other States.

Chairman WALSH. You are not allowed to have a revolver in your house?

Mr. ROCKEFELLER, Jr. Not under the Sullivan Act.

Chairman WALSH. The Sullivan Act requires you to have a permit to have a firearm in your house?

Mr. ROCKEFELLER, Jr. So I understand.

Chairman WALSH. I thought it was directed against concealed weapons, but you are familiar enough with it to say that under the Sullivan Act a person can not have or own firearms?

Mr. ROCKEFELLER, Jr. That is what I have understood. I do not wish to vouch for that, but that is my impression of the law.

Chairman WALSH. We will take the State of Pennsylvania or the State of Colorado. We will take a State where there is a constitutional provision that the right of the people to carry arms and have arms in their possession shall not be invaded. I understand that is the law of Colorado, that there is a constitutional provision that they shall have a right to bear arms?

Mr. ROCKEFELLER, Jr. I do not know about that.

Chairman WALSH. But if that was the case, you would certainly say that a man who was meditating an attack would have a right to arm himself in advance to repel the attack?

Mr. ROCKEFELLER, Jr. I say men would be justified in taking such measures to prevent their own death, when death was imminent.

Chairman WALSH. I will not read the case in Colorado over again, but there was a case in which, before any strike was called, the company had arms on hand. Now, those were your executive officials—Mr. Mattison; you remember him, don't you?

Mr. ROCKEFELLER, Jr. No, sir.

Chairman WALSH. Don't you know he is your assistant superintendent out there?

Mr. ROCKEFELLER, Jr. I do not know that, Mr. Chairman.

Chairman WALSH. As far as you are personally concerned, he might be a very bad man, and you not know that at all?

Mr. ROCKEFELLER, Jr. I hardly imagine it, knowing our executive officers, who must know him very well.

Chairman WALSH. I will say, Mr. Mattison was your assistant superintendent there at that time, and it was testified before the various hearings of the commission that he was out there getting information upon which you might subsequently act. It was testified that he was your assistant superintendent. We will assume now that you know he was your assistant superintendent.

Mr. ROCKEFELLER, Jr. I am willing to assume that from your statement.

Chairman WALSH. On my statement backed up by the investigations made by various commissions.

Mr. ROCKEFELLER, Jr. I am entirely willing to accept it on that statement.

Chairman WALSH. He was assistant superintendent, and arms were on hand and provided before there was any strike. Now, would you say he was justified in having those arms on hand, if he had reasonable cause to anticipate that assaults were to be made upon himself or the employees of the company or that the property rights of the company were to be invaded by an armed force?

Mr. ROCKEFELLER, Jr. I am not attempting to pass, Mr. Chairman, upon the acts which the officials of the Colorado Iron & Fuel Co. have performed.

Chairman WALSH. But you would say——

Mr. ROCKEFELLER, Jr. (interrupting). They have done what they thought was right, knowing the circumstances.

Chairman WALSH. And if they thought it was right to provide themselves with arms and ammunition to repel assaults, that they felt sure would come, to protect their property against those attacks, that they felt sure would be made, you would back them up in their proposition?

Mr. ROCKEFELLER, Jr. If I had any reason to believe that the officers of the company were not doing what they thought was right, knowing the circumstances as I do, I would take such steps as I could to change things.

Chairman WALSH. But if you thought that their property was about to be taken, or their lives, you think that arms in their hands to protect themselves and their employees and their property under those conditions——

Mr. ROCKEFELLER, Jr. They would have to determine that.

Chairman WALSH. I would like to have you say as a citizen. In addition to this Colorado situation, we are trying to get the views of the most prominent men in the country, business men, controllers of large investments, college men, lawyers, and public officials, as to this whole question of violence, and the application of the law in industrial matters, and I would ask you for your opinion as a citizen, having under your control very large investments, as to the right and propriety of persons to have arms with which to protect the property under their charge, and their lives, and the lives of those that have a right to look to them for protection.

Mr. ROCKEFELLER, Jr. Mr. Chairman, unless I know in each instance all of the facts, as a man on the ground knows them, I would not be able to answer that question. You have stated that the laws of Colorado would raise any man to violence.

Chairman WALSH. But that being true, and your officers contemplating, the men that were employed by you contemplating the attack upon their property or lives, would it not be their duty to arm themselves to protect their lives and property?

Mr. ROCKEFELLER, Jr. They would have to decide about that.

Chairman WALSH. Would you not, please, outside of your connection with the Colorado Fuel & Iron Co., give us your views as a citizen? Outside of our investigation, we are required to make recommendations in regard to the situation, and there are certain of the members of the committee that are applying themselves with great assiduity to the formation of suggestions for the State and the Government to control the agencies and forces for the protection of life and property, and to throw light on that, would you please give me your opinion as a citizen, whether or not it is proper for persons that have property in their charge to keep arms and ammunition on hand for the purpose of protecting that property and protecting the lives of their employees and their lives against assaults from armed bodies of men that they have every reason to believe are armed and are about to assail their employees?

Mr. ROCKEFELLER, Jr. I have expressed my opinion, and I think I demonstrated in the three days in New York before this commission and during the past days here that I want to give the commission all of the information in my possession with reference to the subject of their inquiry. I have done everything that I could in my power to assist their inquiry. Where I have an opinion I am glad to express it, but where the questions are based on specific instances, where the facts in the case enter in, I do not feel prepared to say what a man should do in a certain position, in which he has the facts and I have not.

Chairman WALSH. I am asking for the general opinion, if you will give it, whether or not you believe it better under present conditions for those having property in their charge of their own and belonging to others to which they bear a trust relation, to have the right, and it is not proper for them to keep arms on hand to protect that property and also the property of their own, and protect their lives from assaults that may be made upon them, or attacks upon their property for any felonious purpose?

Mr. ROCKEFELLER, Jr. As it has been stated, it would depend upon the laws of the State first, and second, upon the conditions, and I can not express any further opinion.

Chairman WALSH. I have to go back, because I think I have a very illustrating case from the actual field in Colorado with regard to the time that a man ought to use violence to protect his own life, and I believe you stated this morning that you could not act until the man's hand is on the trigger, or do I draw that too strong?

Mr. ROCKEFELLER, Jr. A little too strong, because I said, in qualifying that, that he must be prepared to justify his action in a court of justice; he should be able to justify it in the eyes of his fellow men before the judge of the court of justice.

Chairman WALSH. And in addition to having his hand on the trigger, he must also be prepared to justify himself in a court of justice?

Mr. ROCKEFELLER, Jr. That is what I have stated before four times.

Chairman WALSH. Then I will read you this and ask you if after hearing this case you might not change your opinion as to the time a person ought to act to save their lives.

Mr. ROCKEFELLER, Jr. The point was, When should a man be justified in resorting to violence?

Chairman WALSH. Yes, sir; in defense of his own person.

Mr. ROCKEFELLER, Jr. Yes, sir.

Chairman WALSH. Now, with the finger on the trigger that you advanced, I want to read you from the testimony of Gov. Ammons.

Mr. ROCKEFELLER, Jr. I want to say, as you yourself have said, that was a figure of speech, Mr. Chairman.

Chairman WALSH. Yes, sir; that is what I tried to straighten out, but you added to it, having in consideration that he should justify himself before a court, and I want to be fair and say that I took that as a figure of speech.

Mr. ROCKEFELLER, Jr. What I meant was that a man should be so guarded that if he did not act that his life might be taken, and in addition to that justification, that he should be prepared to defend his action before a court of law, and unless he felt that the situation was such as to justify him before such a court, then he would have no right to act.

Chairman WALSH. Now, you will admit, will you not, that the circumstances under which a man must judge whether his life is in danger or not would be different under different circumstances?

Mr. ROCKEFELLER, Jr. I have laid down a principle that would apply in all cases, and I do not feel that I need to undertake to interpret that principle in the specific instances. I have, with reference to different questions, enunciated as clear as I could my general beliefs and principles, and those are the principles and beliefs that govern my own actions, and beyond that I can not add anything of material value.

Chairman WALSH. I want to read you the testimony of Gov. Ammons in Colorado and see whether or not you might modify your opinion as to the exact time——

Mr. ROCKEFELLER, Jr. It is not a question of time, but the conditions which I have mentioned.

Chairman WALSH. I will read you this without any preliminaries, so I am going to get this read and then ask you about it. This is from the testimony of Gov. Ammons:

"There was another, a nonunion miner, tried to break through the picket lines one night"—

That was the picket lines of the militia, you understand, not the strikers'—

"There was another, a nonunion miner, tried to break through the picket lines one night, and it was dark, and the young fellow on guard on the picket line tried to prevent his coming through, and, not knowing whether the man was trying to take advantage of him or not, had cocked his gun, and he prodded him with his bayonet and perhaps touched the trigger, probably, and in some way the gun was fired and it killed the fellow."

Now, in view of that, don't you think that circumstances arise in which a man would be justified in acting before it got so far as the person having the gun touching the trigger?

Mr. ROCKEFELLER, Jr. I have stated the principles that would govern and I am not prepared to answer that.

Chairman WALSH. On this general question of people arming themselves and corporations arming themselves to protect their property and their lives I call your attention to a part of the record of this commission. When Mr. Atterbury was on the witness stand, the vice president of the Pennsylvania Railroad Co., in which company you say you are a stockholder, he was asked certain questions which were referred to Mr. Long, the general manager. My impression is that among the questions asked him was whether or not their company maintained firearms and ammunition for use by their employees in emergency cases. I think he referred it to Mr. S. C. Long, who stated, if I recollect his testimony, that there were some arms and ammunition in the safe in Philadelphia. We had Mr. Chinnery, of our staff, collect data, and we asked Mr. Long, through him, to transmit to us a statement as to the arms and ammunition they had. We find this in a letter:

"Referring to the question raised at the hearing at Washington, Friday, May 7, at which time you asked Mr. J. C. Johnson, superintendent of telegraph, to furnish you a statement of arms and ammunition stored on the system for emergency use, we find that the purchasing agent has in stock in his rooms at Philadelphia 5,113 revolvers, 199 shotguns, 64,107 cartridges, 1,042 riot clubs,

This material is furnished on regular requisition when needed and is used when a strike is in progress and then collected and again stored after the trouble is over."

Do you believe it is proper, if there is nothing in the law to forbid it, for a corporations to have firearms to be used in emergency purposes?

Mr. ROCKEFELLER, Jr. I have never been the superintendent or executive officer of any corporation, Mr. Chairman, and I have not had experience in dealing with such problems, and I have no opinion to express in regard to it.

Chairman WALSH. Speaking of violence again for a moment, do you consider a happening of preventable accidents in mines in which human beings are killed a form of violence?

Mr. ROCKEFELLER, Jr. I had never thought of it in that light. I should not say so.

Chairman WALSH. It has been stated here by numerous witnesses—one whose testimony is very strongly in my mind—that every accident that could have been prevented by reasonable precaution on the part of the owner of the mine which costs a miner his life, the intelligent workingmen believe to be criminal and a form of violence against them. Do you agree with that?

Mr. ROCKEFELLER, Jr. I have not formulated an opinion on that subject, Mr. Chairman.

Chairman WALSH. You are a director of a mining company which has thousands of men working underground?

Mr. ROCKEFELLER, Jr. I am a director in a company which owns and operates mines.

Chairman WALSH. Does it have thousands of men working underground?

Mr. ROCKEFELLER, Jr. They are working in the mines; yes.

Mr. WALSH. You have received information from time to time of explosions which occurred in those mines, in which men working for your company met with death in horrible form, have you not?

Mr. ROCKEFELLER, Jr. That is a circumstance which unfortunately happens in connection with any kind of mining.

Chairman WALSH. That is, the miners were burned and suffocated?

Mr. ROCKEFELLER, Jr. And death has resulted. Every effort is being taken and, as has been the case always, has always been taken by the officers of the Colorado Fuel & Iron Co. to reduce to the lowest possible point the risk of injury.

Chairman WALSH. You have heard it stated time and again, have you not, and read that there are more deaths in mine accidents in Colorado than from any other State in the Union, proportionately?

Mr. ROCKEFELLER, Jr. I rather think that statement has a familiar sound. That it is true, I do not know, nor do I believe.

Chairman WALSH. Did you ever look up, as director of the Colorado Fuel & Iron Co., how many men had been killed in your mine in the last five years?

Mr. ROCKEFELLER, Jr. I have not. The officers of the company are doing everything they can to prevent death. Beyond that I hardly see what could be done.

Chairman WALSH. Do you know how many explosions have occurred in your mines within the past three years?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you know how many explosions have occurred in your mines or the mines of your company within the past year?

Mr. ROCKEFELLER, Jr. I do not keep posted on that, Mr. Chairman.

Chairman WALSH. You do not know?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. You are a director of the Colorado Fuel & Iron Co. When you hear of an explosion in which a great number of lives are lost, do you not attempt to find out how many men were killed—that is, of your own company? Personally, do you not try to find out how many men were killed and what caused the killing?

Mr. ROCKEFELLER Jr. As a director of the company I have done what was my duty in selecting officers or helping to select officers whom I regarded as most competent to deal with such questions and to deal with them much more wisely and successfully than I could. I mean by successfully to prevent accidents because of their knowledge of conditions. I feel that I am doing a greater service in the selection of such men and leaving with them the questions pertaining to the prevention of accidents of every kind than as though I were to undertake myself to go into the matter.

Chairman WALSH. Suppose you heard of explosion following explosion, where many lives were lost, and you have this great responsibility as a director, which you stated you were willing to take, do you not believe that you ought to at least know the number of men that were killed?

Mr. ROCKEFELLER, Jr. I undertake to discharge the responsibility which is upon me in the way which, according to my best judgment, is wisest. Beyond that I do not believe it is possible for any man to go.

Chairman WALSH. When you hear a number of men have been killed in a mine, do you inquire their names?

Mr. ROCKEFELLER, Jr. I have not done that.

Chairman WALSH. Do you ever inquire whether or not they have families?

Mr. ROCKEFELLER, Jr. I have not undertaken to investigate, Mr. Chairman, the details of matters pertaining to such questions.

Chairman WALSH. Do you inquire as to their social surroundings?

Mr. ROCKEFELLER, Jr. These are all matters which the officers of the company are much better fitted than I to deal with in the wisest and best way.

Chairman WALSH. Do you inquire how much the company paid these men as compensation?

Mr. ROCKEFELLER, Jr. As a director, Mr. Chairman, my experience has been that when officers have been appointed to operate companies, they must be given responsibilities, and they must be free, so long as they are worthy of trust. I repose such confidence in the men whom I have had a part in selecting, and I find that that is the way to conduct business. That is the ordinary, and, I feel, a more sensible way, so far as the interests of the employees are concerned, than as though I were myself to try to deal with technical questions.

Chairman WALSH. Do you think that injustice is ever done by executive officers toward the families of miners who lose their lives in the mines?

Mr. ROCKEFELLER, Jr. I suppose that injustice is done in the various walks of life.

Chairman WALSH. But I mean in that particular line by the executive officers.

Mr. ROCKEFELLER, Jr. I don't know, Mr. Chairman. I only know that every effort is being made by the officers to see that justice is done and to prevent injustice.

Chairman WALSH. If you knew that explosion after explosion took place in your mines, do you not think it would be your duty personally to inquire into the cause of the deaths and what compensation is paid to the survivors of the dead so that you would have the personal knowledge, even though you went to the executive officers to find it out?

Mr. ROCKEFELLER, Jr. I would take such steps, Mr. Chairman, as seemed to me right and wise in the performance of my duty.

Chairman WALSH. Mr. McCorkle has information that he claims to have received from the miner; that is, that the miner complained—it was a fire boss—that there was too much gas in the chambers and that an explosion was likely to take place, but that notwithstanding that the miners were ordered back into the place and the mine did explode and killed 56 men. Did you hear that statement by Mr. McCorkle?

Mr. ROCKEFELLER, Jr. I did not hear that testimony; but I know that try as hard as the officers and superintendents of a mining company will to prevent accidents, it is often an exceedingly difficult thing to enforce regulations on the men themselves to make them careful not to take risks and not involve other men in risks. The officers do everything in their power to prevent accidents. The men who are in charge are as regretful as anyone could be when accidents happen and as anxious as anyone could be to prevent accidents. They are doing all they can, Mr. Chairman, to prevent such accidents.

Chairman WALSH. Do you believe that men go in those mines and take chances over through economic necessity on account of their requirements for housing, food, and raiment for themselves and their families and take chances they would not otherwise take?

Mr. ROCKEFELLER, Jr. I suppose any man who goes into the mining business realizes that he does that.

Chairman WALSH. But do you not think—you are complaining and saying that the workmen themselves take chances. Do you not believe that in many instances they take those chances through the force of economic necessity?

Mr. ROCKEFELLER, Jr. I do not recall having said that they take chances. What I said, Mr. Chairman, was that men are very careless about observing the requirements and regulations which prevent or help to prevent accidents. The

men themselves are often very careless in matters of that kind. That was my statement.

Chairman WALSH. Is it the first duty upon the managers of mines to make them safe before the men go into them?

Mr. ROCKEFELLER, Jr. It is the highest duty of the managers of mines to do everything they can to make the mines as safe as possible.

Chairman WALSH. I will ask you the direct question: Now, if an explosion occurs in the mine from causes which could have been prevented by a reasonable outlay of energy and care on the part of the mine managers, in which human life is lost, do you not believe that that is violence against the persons of those miners and against the rights of their survivors?

Mr. ROCKEFELLER, Jr. I believe that every effort should be made to prevent accidents, Mr. Chairman. I am not prepared to make an answer to the other question which you have presented.

Chairman WALSH. If a specific case were brought to you of the deaths of miners caused by the negligence of your employees, known to the executive officers, in which lives were lost, would you then make a personal investigation to find out the actual names of the men that were killed, the facts leading up to their deaths, and all the details surrounding it?

Mr. ROCKEFELLER, Jr. I would always take such steps as might seem to me to be wise and proper in the performance of my duty as a director, Mr. Chairman.

Chairman WALSH. What is that?

Mr. ROCKEFELLER, Jr. I would always take such steps as might seem to me wise in the performance of my duty as a director.

Chairman WALSH. As a director, when your attention was called to the fact—alleged fact—that injustice was done by your executive officers; that they were negligent; and that it did cause destruction of life and crippling of limbs; would you look into that personally to find out whether they were negligent or not, or would you still say, as a director, "I would leave it all to the executive officers whom I might pick out"?

Mr. ROCKEFELLER, Jr. If I had reason to believe that negligence was existing which might cause accident or loss of life, or distresses of any kind, I would take what steps might seem to me wise to see that that negligence was ended.

Chairman WALSH. Have you not received communication after communication from persons claiming to have been injured in Colorado in your mines, or from their survivors, pointing out injustices that have been done them?

Mr. ROCKEFELLER, Jr. I do not recall the receipt of more than one, and that was the one—possibly two; one of them was the case that you spoke of in the hearing in New York.

Chairman WALSH. One that we called your attention to—Mr. Dalton's case.

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And what was the other one?

Mr. ROCKEFELLER. I don't recall what the other was, but I have an impression that I had some letter in regard to an injury.

Chairman WALSH. You did not answer the letters that those people wrote you?

Mr. ROCKEFELLER, Jr. I——

Chairman WALSH. Did you?

Mr. ROCKEFELLER, Jr. Are you asking the question?

Chairman WALSH. Yes; I am asking the question. I am putting it in a very leading form. I want you to answer that.

Mr. ROCKEFELLER, Jr. You want me to answer?

Chairman WALSH. Please.

Mr. ROCKEFELLER, Jr. With reference to the matter the commission brought to my attention in New York, I caused a careful investigation to be made at once. With reference to the other matter, I referred it at once to the president of the company and received from him a report in regard to it.

Chairman WALSH. But you have not answered my question. You did not answer those letters that these people wrote you?

Mr. ROCKEFELLER, Jr. I can not recall whether I answered or not the people who wrote, but I took immediate steps to investigate the claims, and in both instances found out that the claims made in the letters in regard to improper treatment were not justified.

Chairman WALSH. Have you a definite policy by which you refuse to place yourself in personal connection with anything disagreeable in connection with the Colorado Fuel & Iron Co., such as the loss of life, or the prosecution of any criminal acts, and the like?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. When you receive letters such as Mr. Dalton claims he wrote you, registered letters, have you a system by which you turn them over to some one else, and do not answer them directly?

Mr. ROCKEFELLER, Jr. I use whatever means, Mr. Chairman, may seem to me right and wise in order to get at the facts in the case.

Chairman WALSH. Do you recall the telegram that was submitted to you during the progress of our last hearings from Mr. Harris N. Hawkins, the attorney in Denver, Colo.? Do you know Mr. Hawkins?

Mr. ROCKEFELLER, Jr. I do not.

Chairman WALSH. Do you know who he is?

Mr. ROCKEFELLER, Jr. I do.

Chairman WALSH. Do you know that he is the attorney for the United Mine Workers of America; that he defended Mr. Lawson, and Mr. Zancanelli and these other men who have been on trial in Colorado, and has represented them for some time and is a highly respectable and very able lawyer of Denver, Colo.?

Mr. ROCKEFELLER, Jr. I know that he is an attorney of the United Mine Workers of America.

Chairman WALSH. Would you not agree to the rest, that he is a highly reputable and respectable lawyer of Denver, Colo., by reputation?

Mr. ROCKEFELLER, Jr. I know nothing of his reputation, and have no reason to suppose that he is not all that you declare him to be; but of my personal knowledge I know nothing about him.

Chairman WALSH. Know nothing of him but by reputation?

Mr. ROCKEFELLER, Jr. Nothing but by reputation.

Chairman WALSH. Haven't you heard his reputation as a lawyer and man?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. I will ask you if during the hearings in New York a telegram was not sent to this commission—have you a telegram there or a copy of it?

Mr. ROCKEFELLER, Jr. I have not a copy of the telegram.

Chairman WALSH. Well, I will try to state the substance.

Mr. ROCKEFELLER, Jr. I recall the substance of it, Mr. Chairman.

Chairman WALSH. You saw the telegram, did you?

Mr. ROCKEFELLER, Jr. I did. [Here a paper was handed to the witness.] This is copy of the telegram.

Chairman WALSH. May I see it, please. I have not my copy with me.

Mr. ROCKEFELLER, Jr. This is not a copy of the telegram. This is a copy of a telegram—the copy of the telegram appears in a telegram which I sent at once to Mr. Welborn upon the receipt of that telegram from the commission. I telegraphed Mr. Welborn at once, embodying that telegram in full, and I received from Mr. Welborn a reply in regard to the matter which, if you care to have me read, I will read.

Chairman WALSH. Well, I don't care for you to read it unless it is your desire to read it. The point I am trying to draw out is the fact, if it be a fact, that you have a way of personally avoiding all direct relations of all kinds to these more or less deplorable subjects where life is lost or where there is a charge of abuse of the law and everything of that sort. In other words, my inquiry—and I wish to say this respectfully—that I am inquiring whether or not you have all the power you say you have as a director and that you have a system of not taking the personal responsibility of these things, but of saying "we," and "our associates," and referring disagreeable things to others and not coming in direct touch with them yourself?

Mr. ROCKEFELLER, Jr. I have no policy in such matters, Mr. Chairman. I undertake to deal with each case in the way that seems to me wise and best and most just.

Chairman WALSH. Do you recall the case where complaint was ever made to you by another citizen of this country working in one of your industries in which you were a stockholder or director, to which you wrote him a direct answer over your own signature?

Mr. ROCKEFELLER, Jr. I can not recall receiving other such letters, Mr. Chairman.

Chairman WALSH. Except those we have presented to you?

Mr. ROCKEFELLER, Jr. No; the one you called my attention to in New York, and the other that I spoke of as having received. I do not say that I have not, but I can not recall having received other letters of that kind.

Chairman WALSH. Well, at any rate, you knew Mr. Hawkins, did you not?

Mr. ROCKEFELLER, Jr. I knew of Mr. Hawkins.

Chairman WALSH. Yes; you knew of Mr. Hawkins?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. Mr. Hawkins sent a telegram—may I look at the telegram you have there?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And I will also look at the other matter, and if it will add to our record I will thank you to leave it.

Mr. ROCKEFELLER, Jr. Well, Mr. Hawkins's telegram is repeated in full in that telegram to Mr. Welborn.

Chairman WALSH. May I look at the other telegram? I will not say whether I will want it for the record or not.

Mr. ROCKEFELLER, Jr. Yes; it may be filed. It is included in the telegram to Mr. Welborn. You will see the quotation.

Chairman WALSH. I see the quotation.

Mr. ROCKEFELLER, Jr. I thought perhaps it was not marked.

Chairman WALSH. I will read you this telegram, which was addressed to myself as chairman of the commission while we were sitting in New York.

"On November 8, 1913, a battle occurred"—

This is a telegram from Horace N. Hawkins to our commission—

"near La Veta, Huerfano County, between mine guards of Oakdale Coal Co. and striking miners, resulting in death of three guards and chauffeur of automobile in which guards had been riding. Company claims its men were ambushed; strikers claim they did not fire until guards attacked them. Murder charges against strikers removed here for trial and trials as begun January 4; on that day the appearance was entered for the prosecution of Thomas H. Devine, the regular retained counsel of the C. F. & I. at Pueblo, Charles C. Hayden, for many years representative of said company in Huerfano County, and Jesse G. Northcutt, the leading counsel for said company concerning strike matters. Mr. Rockefeller's company owns no interest in Oakview property, but is employing and paying attorneys who are openly conducting and controlling the prosecution, affidavits so charging filed January 4 have not been and will not be disputed. Detectives employed by C. F. & I. have been in attendance assisting said attorneys, including Walter Belk, of the Baldwin-Felts strike-breaking agency, and Jeff Farr, the C. F. & I. sheriff of Huerfano County. Large numbers of the nonunion employees of the Rockefeller Steel Plant are on jury list, and the Rockefeller attorneys are striving to qualify them as jurors notwithstanding the bitter feeling that has existed in numbers of other cases against the strikers growing out of the strike where alleged offenders are yet to be tried and in which neither Mr. Rockefeller's company nor his employees were concerned. Mr. Rockefeller's attorneys have entered their appearance, openly announced that they are going to conduct the prosecution. I respectfully submit that Mr. Rockefeller should be asked if he knows of these things and approves of them. Why should Mr. Rockefeller's company, after the strike is over, pay attorneys to prosecute men whose alleged offenses were not against either the property or employees of his company? Will not such conduct on the part of Mr. Rockefeller's company, after the strike is over, tend to keep alive bitterness already aroused and render ineffective any proposed plans of conciliation? You are authorized to make public this message.

HORACE N. HAWKINS,
Attorney for Defendants.

I will ask you now, Mr. Rockefeller, if it is not a fact that that telegram was immediately transmitted to you at your office, 26 Broadway, New York, with a letter from myself stating that after conference with other members of the commission, we had concluded not to recall you to the witness stand, you having been on the witness stand for about three days, but you were asked to make whatever comment you wished to make upon that message, and if the only reply that any member of this commission or the commission as a whole ever received was a few lines from Heydt, simply saying that in the absence of Mr. Rockefeller your telegram of such a date was received and signed by C. O. Heydt, secretary? That is all, so far as the public knows, as to any action that you took upon the appeal of Mr. Hawkins at that time?

Mr. ROCKEFELLER, Jr. I assume, Mr. Chairman, that what I did, namely, to send that telegram at once to Mr. Welborn upon my return to the city, was the very best thing that I could do under the circumstances. I assumed that the

commission was desirous that I should make inquiry in regard to the facts. That I did.

Chairman WALSH. What comment did you make on it to the commission?

Mr. ROCKEFELLER, Jr. I certainly meant no disourtesy to the commission.

Chairman WALSH. I did not mean that it was discourteous, but I was trying to establish if it is a fact that you have a way of not taking personal responsibility for anything in connection with the Colorado Fuel & Iron Co., and you do it as a part of a policy, or intentionally? Now, you were asked to make comment, and you never did make any public comment on it, or any comment to the commission.

Mr. ROCKEFELLER, Jr. The acknowledgment of the letter, Mr. Chairman, I think, is the only reply that was made to the commission. I assumed that the action I took would be the action which would meet with the approval of the commission and of the public.

Chairman WALSH. How is that?

Mr. ROCKEFELLER, Jr. I assumed that the course which I pursued would be the course which would meet with the approval of the commission and the public.

Chairman WALSH. That was a very definite charge, was it not, that your money was being used, or money of your company was being used to do something that you have condemned here on the witness stand, that is, taking the part of private persons in public prosecutions. You condemn that, don't you?

Mr. ROCKEFELLER, Jr. I certainly do.

Chairman WALSH. You have it in the paper here. Your attention was called to a specific case, and you are director of that company, and let me see if this is what you did:

"NEW YORK, *January 30, 1915.*

"J. F. WELBORN,
"*President Colorado Fuel & Iron Co.,*
"*Boston Building, Denver, Colo.*

"Chairman Walsh has sent us a copy of telegram addressed to him"—

And then you quote the telegram. That is all you said to Mr. Welborn?

Mr. ROCKEFELLER, Jr. That is all I said in the telegram.

Chairman WALSH. Notwithstanding you thought it was wrong to do that, you would not even tell your own executive officer you thought it was wrong?

Mr. ROCKEFELLER, Jr. Mr. Chairman, you are jumping to a conclusion. Mr. Welborn was about to come to New York.

Chairman WALSH. Yes.

Mr. ROCKEFELLER, Jr. As soon as Mr. Welborn reached New York, which was a short time after this—he was expecting to come to New York the first week in February but was delayed from day to day, because of certain matters that he had on hand—but as soon as Mr. Welborn reached New York I discussed the matter very fully with him, as did others of my associates in their individual conferences with him, stating very clearly our disapproval of any such actions, and leaving no question in Mr. Welborn's mind as to our attitude as to what we felt was right and just and should be done. Just as soon as I heard that the trial of Mr. Lawson was coming up, although I had stated and my associates had separately stated to Mr. Welborn so fully our views, and we had received his expression of opinion—just as soon as I heard of that—I think I was in the country at the time—I telephoned to one of my associates and asked him to call Mr. Welborn up on the long-distance telephone at Denver and assure himself and myself that the views which we had expressed, with which Mr. Welborn agreed, were being carried out with reference to the trial of Mr. Lawson. Mr. Welborn assured us that the company, as I have stated to you, was taking no part in any way in the prosecution of the case, nor would it in the prosecution of any other cases. I have read to you, in my statement, a statement made by the attorney general of the State of Colorado, stating that that was the fact, and I have expressed without reserve my belief absolutely in principle that the administration of justice should remain solely in the hands of the State, and my purpose has always been to do everything within my power to see that that principle is carried out.

Chairman WALSH. And you urged that upon Mr. Welborn when he came to New York?

Mr. ROCKEFELLER, Jr. I stated it very fully to him.

Chairman WALSH. And Mr. Welborn agreed with you? [*No response.*] And Mr. Welborn agreed with you that it was the fair, right, and proper thing to do?

Mr. ROCKEFELLER, Jr. I do not recall whether Mr. Welborn agreed or not.

Chairman WALSH. But when he went back, in the Lawson case, he did not have the lawyers appear in the case, so that he must have taken your opinion in the matter or agreed with you?

Mr. ROCKEFELLER, Jr. He certainly did agree with me.

Chairman WALSH. As a matter of fact, don't they always agree with you, no matter how mildly you put it—" I would suggest, for instance, that perhaps it would be better for the cause of justice not to have Mr. Northcutt appear in case"—that is not a command, but very pleasantly stated, but when you state it to one of the directors, you owning the stock and having a control in the board of directors, that this executive officer, who is also a director, usually does whatever you suggest?

Mr. ROCKEFELLER, Jr. We have 5 out of the 11 members of the board of directors who are representatives of our holdings—of my father's holdings.

Chairman WALSH. How many directors have you in New York, who live outside of Colorado?

Mr. ROCKEFELLER, Jr. The three directors that are the representatives of my father's holdings are in New York—Mr. Murphy, Mr. Lee, and myself.

Chairman WALSH. How many directors, regardless of your father's holdings, live outside of Colorado?

Mr. ROCKEFELLER, Jr. I should have to count them; there are those three, Mr. Gould, and an associate of his, who until recently has been a director.

Chairman WALSH. What Mr. Gould?

Mr. ROCKEFELLER, Jr. George Gould.

Chairman WALSH. Are you interested with Mr. Gould in railroad properties—yourself and father?

Mr. ROCKEFELLER, Jr. You mean have we investments in properties which his family have investments in?

Chairman WALSH. Yes, sir.

Mr. ROCKEFELLER, Jr. We have.

Chairman WALSH. And Mr. Gould and his son Kingdon were directors?

Mr. ROCKEFELLER, Jr. No, sir; he was on the board until recently, when he resigned, and also a further representative of his interests, Mr. Jeffries, who recently resigned.

Chairman WALSH. Who else?

Mr. ROCKEFELLER, Jr. Mr. Ward.

Chairman WALSH. Who is Mr. Ward?

Mr. ROCKEFELLER, Jr. All of these matters were covered in my testimony in New York. Mr. Ward is the owner of some securities of the Colorado Fuel & Iron Co, and lives in New York, and Mr. McClement is another director living in New York.

Chairman WALSH. I have counted six, then.

Mr. ROCKEFELLER, Jr. Yes, sir; you said a majority of the directors.

Chairman WALSH. You said you had three, and I am taking the directors outside of Colorado. There are six outside of Colorado?

Mr. ROCKEFELLER, Jr. There are seven directors outside of Colorado.

Chairman WALSH. You have 11 directors altogether?

Mr. ROCKEFELLER, Jr. I think 11 or 12.

Chairman WALSH. So yourself and the Gould interests and Mr. McClement, whoever he may represent—in other words, the eastern directors—could get together at any time and outvote the Colorado end?

Mr. ROCKEFELLER, Jr. A majority of directors can always out vote the minority.

Chairman WALSH. So you really had the potential power to control the whole situation, and the size of your investments made your influence much greater than that of an ordinary director?

Mr. ROCKEFELLER, Jr. That I stated in the paper which I read in New York.

Chairman WALSH. Now, then, I am going to follow out the line of conduct now that was taken with reference to the situation, that you say was improper, and that Mr. Welborn then agreed with you was improper, to act in that way——

Mr. ROCKEFELLER, Jr. Mr. Chairman, would you be good enough to read the reply?

Chairman WALSH. Yes, sir; I am going to read that, but I want to get it chronologically, and logically as well.

Mr. ROCKEFELLER, Jr. Mr. Chairman, pardon me; that will give the chronological order, because these replies came in answer to the telegrams.

Chairman WALSH. How long after these telegrams came was it before Mr. Welborn got to your office in New York?

Mr. ROCKEFELLER, Jr. I don't recall.

Chairman WALSH. Was it weeks?

Mr. ROCKEFELLER, Jr. I think in the next month, but I also stated, Mr. Chairman, that Mr. Welborn's coming was put off from day to day because of affairs that detained him.

Chairman WALSH. I recall that very clearly. You sent the telegram containing this complaint of Mr. Hawkins—you quoted it, without any comment whatsoever—on January 30?

Mr. ROCKEFELLER, Jr. That is the telegram.

Chairman WALSH. You made no comment on it, but simply sent the telegram that Mr. Hawkins sent to me to Mr. Welborn?

Mr. ROCKEFELLER, Jr. If I had the copy, I could tell.

Chairman WALSH. I will say that you made no further comment in it except to say: "Chairman Walsh sent us the following telegram addressed to him."

Mr. ROCKEFELLER, Jr. That is a copy completely quoted in the telegram.

Chairman WALSH. And you made no comment whatever. Here is what Mr. Welborn said:

"JANUARY 31.

"Answering your telegram Saturday. Prosecution of La Veta, Huerfano County, murder trial is being conducted under supervision of J. J. Hendrick, district attorney of that county. His affiliations are with miners. County commissioners of Huerfano County passed resolution authorizing Northcut, Hayden, and Devine to assist Hendrick in prosecution of La Veta cases. Neither Northcutt nor Hayden was ever our attorney previous to strike. At the beginning of the strike the coal operators jointly employed them to look after all matters relating to the strike. There are many indictments pending, growing out of violence during the strike, some relating to employees of one company and some to other companies. The coal operators conceive it to be their duty and they have been requested by the State authorities to assist in bringing to trial all persons who have participated in the atrocities connected with the strike. In taking this course the operators are simply doing what in justice they owe to their employees who have been subjected to all kinds of violence and to the wives and children of employees who were murdered at their regular working places. Attorney Devine is employed by coal operators in case now on trial. He is in general practice at Pueblo, where he represents us locally, and but a small portion of his time is devoted to our business.

"J. F. WELBORN."

You did not answer that, did you? The incident stopped right there?

Mr. ROCKEFELLER, Jr. No, sir; I was expecting Mr. Welborn in New York.

Chairman WALSH. Now, on February 3 Mr. Welborn wired you:

"JOHN D. ROCKEFELLER, Jr.,

"*26 Broadway, New York, N. Y.:*

"Supplementing my telegram to you January 31. Mr. Hawkins, who has been and is defending the numerous persons indicted for violence or murder in connection with strike, has been attorney for United Mine Workers' organization for several years, and it is generally understood that that organization is paying him for his services, notwithstanding officers of the organization disclaim any connection whatever with the violence.

"J. F. WELBORN."

Now, that is all the correspondence that passed between you in reference to this until May 1, 1915, when we have a letter from Mr. Welborn inclosing a copy of telegram as requested by your secretary?

Mr. ROCKEFELLER, Jr. No, sir; that is not all the correspondence. I have a letter that I would be glad to read, if you will allow me.

Chairman WALSH. May I see the letter first?

Mr. ROCKEFELLER, Jr. It is a brief letter.

Chairman WALSH. May I see it, please?

Mr. ROCKEFELLER, Jr. May I read it afterwards?

Chairman WALSH. Certainly.

Mr. ROCKEFELLER, Jr. This is a letter which, after Mr. Murphy had the talk on the telephone with Mr. Welborn, to which I have referred——

Chairman WALSH (interrupting). I see it is dated April the 19th, and I am very much afraid I might break into the order in which I am presenting this to you, and when we get to that——

Mr. ROCKEFELLER, Jr. You have already referred to the letter of May 6, and skipped the chronological order.

Chairman WALSH. I prefer not to read it now. I have not read the letter, but have merely referred to it as the letter of May 6, and then I asked you if that was all of the correspondence. You said it was not; but I prefer not to read this now, and didn't read the other, and unless you make it a point that you desire to read it now and unless there is some compelling reasons for getting at the truth that this should be read now, I would prefer that you read it later.

Mr. ROCKEFELLER, Jr. You said that was all of the correspondence, and I said it was not, and I would like to read the letter now.

Chairman WALSH. Unless you insist on it, I will ask you a few more questions.

Mr. ROCKEFELLER, Jr. I do not insist; I request.

Chairman WALSH. Then, I must respectfully decline the request.

Mr. ROCKEFELLER, Jr. It will be noted in the record that you have declined?

Chairman WALSH. Yes, sir; the stenographer takes down all of the proceedings that are going on here, and we are all responsible for our actions, the witnesses, commissioners, and all. I am going to ask you this question again: You gave me the particular date on which Mr. Welborn came to New York, and you had this conversation with him?

Mr. ROCKEFELLER, Jr. I do not know.

Chairman WALSH. Do you know between the date that Mr. Welborn came to New York, and April the 19th, the letter that you have just handed me, was written, that the trial of the La Veta leaders had been concluded, that, notwithstanding the efforts of your attorneys, those men were acquitted? That after that a new circuit or new judicial district was made, and a man named Zancanelli was put on trial, and that the Zancanelli jury hung, although he was tried before a gentleman acting as judge that was said to have appeared in other trials by your company as their attorney; that the Zancanelli jury hung, and the vote was 9 to 4 for acquittal, and another jury was taken up, at the request of your attorneys, from the streets, and not drawn from the wheel or the box, and that Zancanelli was thereupon convicted and sentenced for life, and that of that jury taken from the street to try the Zancanelli trial, there were 30 of them left to go on the panel to try Lawson, selected by your attorneys partially? Do you know those are facts?

Mr. ROCKEFELLER, Jr. I do not know that they are facts, and the letter of Mr. Welborn stated that the Colorado Fuel & Iron Co. had nothing whatever to do with the trial of Mr. Lawson.

Chairman WALSH. At this point, now, Mr. Rockefeller, I will be glad, if you care to do it, to have you read that letter.

Mr. ROCKEFELLER, Jr. (reading):

"NEW YORK, *April 19.*

"DEAR MR. WELBORN: We, at this end, are all much gratified to learn from our telephone conversation with you on Saturday that the criminal prosecutions in Colorado are being conducted solely by the attorney general and the public prosecutors, and that no counsel in any way connected with the Colorado Fuel & Iron Co. have appeared in the case or are taking any active part in the prosecution. We feel that this is the only correct policy. While the strike was going on, we insisted that the preservation of order was a matter for the exclusive consideration of the public authorities, and we refused, against considerable pressure, to purchase immunity from criminal attacks by negotiations with persons who were making them or threatening them. The same principle, of course, applies to criminal prosecutions, and our feeling has been very strong that they also should be exclusively in the hands of the public authorities. As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions, the proceedings begin to take on an appearance of private vengeance rather than of the impartial administration of justice. While we of course appreciate that it is much easier for us in the East, who were not in the thick of the fight, to look at this matter in a detached and impersonal way, we feel sure that you will know that our position is not due to any lack of sympathy with officers and men in Colorado, whose lives have been imperiled and some of whom friends and associates lost their lives in the struggle. We have felt very clear in our own minds that the restoration of normal conditions and the reestablishment of industrial peace

will come quicker if the matter of vindicating the law is left wholly in the hands of the public authorities. We were therefore the more pleased to learn that you shared these views, and had already taken steps to see that they were carried out so far, at least, as our company was concerned.

"Very truly, yours,

"STAR J. MURPHY."

May I ask for those other telegrams?

Chairman WALSH. Yes. I would like to have that letter, too. I want to ask a question about it.

I will ask if that letter does not furnish an exemplification of how the real power in New York expresses itself? Here was a complaint from Hawkins that your paid men were pursuing a course which he afterwards said savored of private vengeance, and that you believed it. He wired to you and you received a confirmation, I take it, of Mr. Hawkins's charge.

Mr. ROCKEFELLER, Jr. He wired to you, Mr. Chairman.

Chairman WALSH. He wired to me, yes, and I sent it to you, and you sent it to him.

Mr. ROCKEFELLER, Jr. I sent it to Mr. Welborn.

Chairman WALSH. You sent it to Mr. Welborn.

Mr. ROCKEFELLER, Jr. You said Mr. Hawkins wired to you.

Chairman WALSH. Yes; I was a little wrong there. Mr. Hawkins wired to me complaining of this attempt to take private vengeance. I transmitted the telegram to you, notwithstanding your feeling in the matter; you transmitted my telegram to Welborn without comment. Welborn wired back confirming what Mr. Hawkins had said about the employment of your private attorney in this prosecution. He wired you some additional information shortly thereafter. So they went on with the trial, and these men that were intended, or that might have been made the victims of private vengeance, escaped, the jury acquitting them. Then Mr. Welborn comes to New York. He has justified all that in the telegram by saying this is a murder of those faithful employees, that "We owe it to their families." Then he sent another telegram stating that Hawkins was attorney for the United Mine Workers of America, and they disclaimed violence in their justification. You say nothing in reply to that until he comes, and then you tell them what you think about this thing, that it looks like private vengeance, and then we get a letter on April 19 in which Mr. Welborn says to you—or then, to get it chronologically correct, Mr. Murphy telephones out to Mr. Welborn—but I left out one occurrence there.

After these men escaped and after your conversation with Mr. Welborn, the trial of Zancanelli took place. Zancanelli was tried for murder growing out of one of these strike matters, and tried before Mr. Granby Hilliyer as judge. He was defended by Mr. Horace Hawkins, Mr. Northcutt and the other attorneys, who were at the trial and conviction of the La Veta men, also appeared in the trial of Zancanelli. The jury hung eight to four. An order was made to bring in a special venire of jurors right off the street. That venire was brought in. Zancanelli was immediately put upon his trial again, convicted, and sentenced to the penitentiary for life. Your attorneys all appeared in that case. They insisted upon selecting the jury in this way. The judge permitted the jury to be selected in this manner. Then there was a bunch of 22 of these jurymen held over to be used on the panel of John Lawson. John Lawson was put upon trial. He was the man that testified before this commission, and you read his testimony, did you not?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. You did not read Lawson's testimony?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. You did not hear it?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. I am going to ask you if it has not been communicated to you that for vigor of mind and keenness of expression his testimony has not been equaled by that of any person who has been placed on this witness stand, and his apparent truthfulness. You have heard that comment?

Mr. ROCKEFELLER, Jr. I have not.

Chairman WALSH. Did you not read in the papers that he was a remarkable type—did not the papers say a remarkable type of American citizen, and showed great intelligence and apparent frankness in his testimony?

Mr. ROCKEFELLER, Jr. I do not recall that, Mr. Chairman.

Chairman WALSH. And you shook hands with him, did you not?

Mr. ROCKEFELLER, Jr. Yes; I had that opportunity.

Chairman WALSH. And you invited him to your office?

Mr. ROCKEFELLER, Jr. I did.

Chairman WALSH. And he called upon you at your office, did he not?

Mr. ROCKEFELLER, Jr. He did.

Chairman WALSH. And he appeared to be a frank and intelligent man, did he not?

Mr. ROCKEFELLER, Jr. He appeared to be both.

Chairman WALSH. And you heard he was an American whose ancestry reached back two generations, or one generation at least?

Mr. ROCKEFELLER, Jr. I did not take up with him the question of his ancestry.

Chairman WALSH. But he was a typical American, was he not, a clean looking man, and you gave out an interview in which you said you were glad to meet these people, that they looked like a clean, high type of American citizens?

Mr. ROCKEFELLER, Jr. Are you quoting from that interview?

Chairman WALSH. I am trying to quote from it.

Mr. ROCKEFELLER, Jr. I do not recall passing any comment upon their personal appearance.

Chairman WALSH. What did you think about Lawson, just from your talk with him and his appearance?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not feel that I am called upon to express my opinion about Mr. Lawson or any of the other gentlemen who called upon me in a personal way.

Chairman WALSH. Did he appear to be an honest, frank, intelligent man?

Mr. ROCKEFELLER, Jr. I do not feel that I am called upon to express an opinion. I had a very agreeable conference, purely informal, unofficial, with several of the labor leaders who were in New York at that time.

Chairman WALSH. I am speaking of Mr. Lawson. He was a big, healthy specimen of manhood, at any rate.

Mr. ROCKEFELLER, Jr. I do not feel called upon to make any comments in regard to Mr. Lawson's personal appearance.

Chairman WALSH. At any rate, after Zancanelli was convicted, the papers contained statements that John Lawson was going to be put on trial and tried under the same circumstances that Zancanelli was tried. You saw that, did you not?

Mr. ROCKEFELLER, Jr. As soon as I saw any reference to the next trial going on, which was Mr. Lawson's, I took the steps I have outlined.

Chairman WALSH. I am asking you, and I want to lead up to it, if I can, chronologically and as logically as possible. You saw in the paper that Lawson was going to be tried under those circumstances, did you not?

Mr. ROCKEFELLER, Jr. I did not see it in the paper, but I was told that it appeared in the paper.

Chairman WALSH. Who told you?

Mr. ROCKEFELLER, Jr. Mr. Murphy—that it appeared in the paper that Mr. Lawson's trial was going on and at once. I asked Mr. Murphy to telephone, as I have stated—but wait, Mr. Chairman, I want to make a statement in regard to that.

You have stated in regard to this telegram from Mr. Welborn to me that our attorneys were conducting the case. I want to call attention to the fact that it may be clear, Mr. Chairman, that it says:

"Prosecution of the La Veta, Huerfano County, murder trial is being conducted under supervision of J. J. Hendrick, district attorney of that county. His affiliations are with strikers. County commissioners of Huerfano County passed resolutions authorizing Northcutt, Hayden, and Devine to assist Hendrick in the La Veta case. Neither Northcutt nor Hayden was ever our attorney previous to strike. After the beginning of the strike the coal operators jointly employed them to look after all matters relating to the strike."

They were employed jointly during the strike, as this states—this is my information—to look after all matters in connection with the strike, and it was in that way that they happened to be employed, not by the fuel company, but by the several companies that were acting jointly at this time and in connection with this case.

Chairman WALSH. So they were all combined together to prosecute Zancanelli and these other men, were they—all the companies combined to privately employ these men and pay them?

Mr. ROCKEFELLER, Jr. The statement is just as I have read it.

Chairman WALSH. Read on about Devine, the local man.

Mr. ROCKEFELLER, Jr. (reading):

"There are many indictments pending, growing out of violence during the strike, some relating to employees of one company and some of the other companies. The coal operators conceive it to be their duty, and they have been requested by the State authorities, to assist in bringing to trial all persons who have participated in the atrocities connected with the strike. In taking this course the operators are simply doing what in justice they owe to their employees, who have been subjected to all kinds of violence, and to the wives and children of employees who were murdered at their regular working places. Attorney Devine is employed by coal operators in case now on trial. He is in general practice at Pueblo, where he represents us locally, and but a small portion of his time is devoted to our business."

Chairman WALSH. The explanation you desire to make is that Mr. Hawkins is not correct in his statement that these were your attorneys that you have been reading about.

Mr. ROCKEFELLER, Jr. The explanation I desire to make is that these three gentlemen referred to here were employed by the several companies or the several operators.

Chairman WALSH. They were also the attorneys for your company?

Mr. ROCKEFELLER, Jr. They were employed by the several companies, of which we were one in the group.

Chairman WALSH. But they were also your regular attorneys?

Mr. ROCKEFELLER, Jr. I do not understand so.

Chairman WALSH. Was Devine?

Mr. ROCKEFELLER, Jr. That is the only man with reference to whom that statement is made. I simply wanted to make clear that those attorneys were employed by the several companies; that they had been employed during the strike for various matters growing out of the strike; that they were not employed solely by our company.

Commissioner WEINSTOCK. A point of information, Mr. Chairman. Will you, before going into that, explain further in connection with this telegram who these commissioners are that are referred to in there.

Mr. ROCKEFELLER, Jr. I do not know, Mr. Weinstock.

Commissioner WEINSTOCK. Will you read that part of the message again?

Chairman WALSH. They are referred to as county commissioners of Huerfano County.

Commissioner WEINSTOCK. Please explain more about those commissioners and who they represent?

Mr. ROCKEFELLER, Jr. My information is limited, too, Mr. Weinstock, to what the telegram says, and it says "County commissioners of Huerfano County passed resolutions authorizing Northcutt, Hayden, and Devine to assist Hendrick in prosecution of La Veta case."

Commissioner WEINSTOCK. And the county commissioners are authorized officials of that county?

Mr. ROCKEFELLER, Jr. That is what I assume from the telegram.

Commissioner WEINSTOCK. And they authorized the employment of these attorneys to assist the district attorney?

Mr. ROCKEFELLER, Jr. That is what the telegram states.

Chairman WALSH. Those are the same people referred to by Mr. Murphy in his letter when he says, "As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions, the proceedings begin to take on the appearance of private vengence rather than of the impartial administration of justice." Those are the ones he referred to, selected in that way?

Mr. ROCKEFELLER, Jr. He referred to the counsel employed by the various mining companies together.

Chairman WALSH. Those are the men we are talking about now?

Mr. ROCKEFELLER, Jr. Very likely.

Chairman WALSH. I am getting down now to where the power is, and whether or not the power is really exercised by the New Yorkers instead of by their executive employees in Denver. Now, notwithstanding the conversation you had with Mr. Welborn, those same private counsel went out and prosecuted Zancanelli, and in the prosecution of Zancanelli they put a panel of 33 jurors that was carried over for the prosecution of Lawson. Then it appeared in the papers that Lawson was about to be put on trial for his life, and that he was to be tried by Grant B. Hillyer, who had been attorney for the Colorado Fuel & Iron Co., and there were charges that the jury was unfairly selected; did you see the newspapers—did you see the newspaper accounts?

Mr. ROCKEFELLER, Jr. I did not see the newspaper accounts.

Chairman WALSH. Did Mr. Murphy tell you what he saw in the papers?

Mr. ROCKEFELLER, Jr. Mr. Murphy told me he saw the trial of Lawson was coming on.

Chairman WALSH. Did he tell you anything else he saw in the papers about the trial of John R. Lawson?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. What made you suspect, if you did not hear about the trial of the Zancanelli case, and what caused Mr. Murphy to suspect that if private counsel were employed the proceedings would begin to take on the appearance of private vengeance?

Mr. ROCKEFELLER, Jr. The first I knew of this thing being done was the telegram you sent me from Mr. Hawkins, and the action I took at once on that I explained in full, and my subsequent talk with Mr. Welborn I have referred to several times.

Chairman WALSH. I assume Mr. Welborn agreed with the views then expressed?

Mr. ROCKEFELLER, Jr. So far as the company he was connected with was concerned; but I wanted to take no chance that so far as I was concerned, as a director of the company, and there was any possibility of my influence being exerted, and I wanted to be sure that justice was being administered without interference by the company to which I was related, and so I supplemented the talk with Mr. Welborn. So, as soon as I heard that another case was coming on, and the Lawson case was the next case, as I understood it, after the case referred to in this telegram—as soon as I heard of that case, I at once arranged for Mr. Welborn to be called, and I telephoned, and after the talk Mr. Murphy had with him I had it supplemented by that letter. I was taking every means I could to make assurance doubly sure that the company should not in any way interfere with the administration of justice. In other words, just as soon as it came to my attention that interference with the processes of justice was suspected even, I acted as I have stated, and have done everything I could to prevent a recurrence of such a thing in the company in which I am interested.

Chairman WALSH. Now, coming back again to the question of your power, and the way it is being exercised, I will go back to the question; after you saw that Mr. Lawson was going to be tried, Mr. Starr J. Murphy went to the telephone and telephoned to Mr. Welborn; that is correct, is it not?

Mr. ROCKEFELLER, Jr. Just as soon as——

Chairman WALSH (interrupting). Were you present?

Mr. ROCKEFELLER, Jr. No.

Chairman WALSH. Why didn't you go to the telephone?

Mr. ROCKEFELLER, Jr. That is a right I have to determine for myself, Mr. Chairman.

Chairman WALSH. Was it to keep out of what might be called a personal touch with any of these disagreeable details of the Colorado Fuel & Iron Co., such as hanging a man or sending him to the penitentiary for life, or the question of compensation of a man with his eyes out, or women whose husbands were killed; those disagreeable matters? Was it to keep from having a personal contact with those things that you had Mr. Murphy do it?

Mr. ROCKEFELLER, Jr. Not at all.

Chairman WALSH. Now, did you get a telegram, following the conversation referred to——

Mr. ROCKEFELLER, Jr. (interrupting). A telegram?

Chairman WALSH. No; a letter, which makes a complete record, which you kindly offered in evidence, and I will just read parts of it:

"We at this end [New York] are all much gratified to learn from my telephone conversation with you on Saturday that the criminal prosecutions in Colorado are being conducted solely by the attorney general and the public prosecutors, and that no counsel in any way connected with the Colorado Fuel & Iron Co. have appeared in the case or are taking any active part in the prosecution."

Then I will skip down to another place:

"As soon as private interests, whether individual or corporate, participate by private counsel in the prosecutions the proceedings begin to take on the appearance of private vengeance rather than of the impartial administration of justice."

Then there is another skip, and then I will read further:

"We were therefore the more pleased to learn that you shared those views, and had already taken steps to see that they were carried out, so far at least as our company was concerned."

Now, is not that a way you have of not giving orders, but holding the influence that you have, that was well expressed in Mr. Bowers's letter of May 18, 1913, where he says: "It is well known that the Rockefeller interests are managing the affairs of the C. F. & I. Co."? Is not that the way you exercise that power to call up and say, "That is merely suggestive," and thinking out loud that way; "but I think it might savor of private vengeance if you had a special prosecutor"; and, Mr. Rockefeller, when you were here a month or two ago you remember stated that to me, and then the man out in Colorado, who is only one of four or five, as against your seven or eight directors in New York, would say, "Yes; I have been thinking that for some time myself; in fact, I have taken steps not to have Mr. Northcutt actively in this case."

Now, does not that state what might be called a concrete case of the way you suggest your desires and the way the power possessed by the New York end is applied to the local officials?

Mr. ROCKEFELLER, Jr. I think not, Mr. Chairman. It has been our custom in any business relations we have had responsibility for to appoint men of high character and ability to positions of responsibility. Men of that type are not in the habit of receiving dictation from even those who appoint them. Men of that type would not take dictation; it would not be desirable that men should go into positions of such great responsibility, such as directors of great corporations, that were not large enough to be given responsibility and then to be held to that responsibility; they to form the policies and conduct the business. I think when Mr. Bowers is on the stand, you will very likely see quite plainly that Mr. Bowers, one of the gentlemen who was an officer of the company at this time, is not the kind of a man who would take dictation, but the kind of a man who, from his experience, ability, and training is able to conduct the business.

Chairman WALSH. You expect him to get quite savage when he gets on the stand?

Mr. ROCKEFELLER, Jr. I think it will be quite clear, Mr. Chairman, that Mr. Bowers, as is Mr. Welborn, is competent to deal with situations of importance.

Chairman WALSH. Why would you telephone out there all the way from New York about this situation where it might appear that your company was seeking private vengeance if you already had had a talk with him and he was a man of such strong character that he would not be dictated to and told you what he was going to do?

Mr. ROCKEFELLER, Jr. May I continue?

Chairman WALSH. Yes; I interrupted you?

Mr. ROCKEFELLER, Jr. That has been the way the business has been conducted, to appoint men and leave to them the responsibility of immediate action. Now, I think no better demonstration of the fact that the method which you impute to our office of dictating power is incorrectly suggested——

Chairman WALSH. I should say transmitting it.

Mr. ROCKEFELLER, Jr. (continuing). Is contained in the 10 suggestions which made a part of the paper which I read at the outset of my investigation; 10 suggestions made by our office to the officers of the Colorado Fuel & Iron Co. during the strike. I have not counted, as between those suggestions, but my guess offhand is that the minority were adopted and the majority rejected. That will indicate to you the attitude toward suggestions from our office, and that they are not adopted unless they coincide with the judgment and opinion as to what is wise of the officers on the ground who are conducting affairs there.

Chairman WALSH. Let us see if that indicates that to me. Suppose when you sent out those 10 suggestions they wrote back and gave certain statements as to what they thought the line of conduct ought to be, and that such statements were strictly in line with the continuing profits of your company, we will say, and that you followed that with a letter telling them that their letter was received and you would back up to the very end any suggestion that they made; would you not simply be transmitting the power, but nevertheless having a record that could be produced any place from which it could not be gathered whether or not you had transmitted power?

Mr. ROCKEFELLER, Jr. I see no connection between the remarks you have just made and the statements I made in regard to those suggestions, Mr. Chairman.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon.

(Whereupon, the commission at 12.30 o'clock p. m., of this Saturday, May 22, 1915, adjourned until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. JOHN D. ROCKEFELLER, JR.—Continued.

Chairman WALSH. I noticed in one of your publications, Mr. Rockefeller, that you had stated you were making efforts to establish peace or maintain peace in Colorado, and that you were having the cooperation of certain union-labor leaders or certain union men in your efforts. Is that correct?

Mr. ROCKEFELLER, Jr. I do not recall the statement, Mr. Chairman. If you will point it out——

Chairman WALSH. It is not in a letter. It was in a newspaper statement. Did you write your own newspaper statements, or were they dictated, or were they written by some one else?

Mr. ROCKEFELLER, Jr. I assume the responsibility for everything that was sent out in my name.

Chairman WALSH. You assume the responsibility, but you do not seem to remember one that was published very shortly. Did you dictate it to anyone, or was it dictated by you, or did some one else write it?

Mr. ROCKEFELLER, Jr. I assume the responsibility for everything that was sent out in my name.

Chairman WALSH. Did Mr. Ivy Lee write the newspaper interviews purporting to come from you?

Mr. ROCKEFELLER, Jr. I have answered the question.

Chairman WALSH. Do you assume the responsibility for that?

Mr. ROCKEFELLER, Jr. For everything that goes out in my name.

Chairman WALSH. I am asking for the fact. Did you write it?

Mr. ROCKEFELLER, Jr. I have covered the situation, Mr. Chairman.

Chairman WALSH. You do not care to go any further?

Mr. ROCKEFELLER, Jr. I do not. I do not think it is necessary.

Chairman WALSH. I want to say, in fairness to you, that I am going to assume that the interviews were not written by you, but were written by Mr. Ivy Lee, and that you assumed the responsibility therefor.

Mr. ROCKEFELLER, Jr. It is not an inference that the premises justify.

Chairman WALSH. Very good; but that is the one I shall have to draw unless I can get a direct answer. Do you recall an interview in which you said you were having the cooperation of labor leaders in Colorado in establishing peace?

Mr. ROCKEFELLER, Jr. I do not recall it.

Chairman WALSH. Are you having the cooperation of labor leaders in Colorado in establishing peace?

Mr. ROCKEFELLER, Jr. As I have stated, I have had interviews with several of the labor leaders in New York, and I think they would feel as I feel, that, although the point of view which they might have and the point of view which I might have would be different, our purpose was the same. Our method of accomplishing it might be different, but our purpose, namely, to improve the conditions generally and to improve the situation for the workers, was the same.

Chairman WALSH. You think you and Mr. Lawson to-day would have similar views as to the establishment of peace in Colorado, he being under conviction of life imprisonment in the penitentiary and you on the stand in Washington?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I do not assume for a moment that the question is meant to be put in such a way, but it is referring so closely to matters that are now before the courts that I prefer to make no answer to that question other than the answer which I gave yesterday in a carefully prepared statement, and any other questions of a similar character I should be obliged to refer to the same answer.

Chairman WALSH. Did you write that answer?

Mr. ROCKEFELLER, Jr. I take the responsibility for that entire answer.

Chairman WALSH. Did you write it, or did somebody write it for you?

Mr. ROCKEFELLER, Jr. It is not a matter that I think is material.

Chairman WALSH. Did Mr. Lee write it?

Mr. ROCKEFELLER, Jr. I have no further answer to give.

Chairman WALSH. He is smiling.

Mr. ROCKEFELLER, Jr. So are you.

Chairman WALSH. And he looks proud.

Mr. ROCKEFELLER, Jr. So do you.

Chairman WALSH. I am smiling because I thought I caught him smiling in such a knowing way that perhaps I could get you to state just who did write that answer. Did Mr. Lee write it?

Mr. ROCKEFELLER, Jr. I have no further information to give on that point, Mr. Chairman.

Chairman WALSH. Name the labor leaders who are cooperating with you in Colorado to establish and maintain peace.

Mr. ROCKEFELLER, Jr. I have stated, Mr. Chairman, the point with reference to the labor leaders whom I have met. I have no knowledge of their actions other than what was stated to me at the time of the meeting.

Chairman WALSH. I know the labor leaders as the ones who appeared before our commission, and I do not believe I knew any of them or saw any of them before; but I will leave them out of this question—that is, those who called upon you and whom I know by seeing. Are there any other labor leaders you have consulted or referred to in Colorado other than those that waited upon you or met with you in New York?

Mr. ROCKEFELLER, Jr. I think that the disposition has been shown by all those in Colorado to cooperate, not only labor leaders, but others, in improving conditions.

Chairman WALSH. Did you know they are getting up a procession to march through the streets of Denver and protest against what they say is the activity of the Rockefeller interests in the efforts to convict these men out there; that that meeting is called by the citizenship of Denver for next Sunday?

Mr. ROCKEFELLER, Jr. I did not.

Chairman WALSH. Are the labor leaders who are cooperating with you in Denver those labor men who are furnished you by the Baldwin-Felts Detective Agency?

Mr. ROCKEFELLER, Jr. Mr. Chairman, the cooperation to which you refer is limited to two things—the exchange of views informally which I had with certain labor leaders in New York, and my general observations from information which comes to me from various sources that the labor people and employers and people generally in Colorado are cooperating toward the bringing about of better conditions.

Chairman WALSH. But my question was, have you now in your pay, through the Baldwin-Felts Detective Agency, any laboring men that are in unions?

Mr. ROCKEFELLER, Jr. I do not know of any Baldwin-Felts men who are in the employ of the Colorado Fuel & Iron Co.

Chairman WALSH. Do you recall a letter that Mr. Bowers wrote to you toward the close of his service in Colorado, which wound up substantially with saying, "We will now go forward in the campaign of 1916 for an open shop?"

Mr. ROCKEFELLER, Jr. I do not recall that, but it is entirely probable that that statement is in there.

Chairman WALSH. This is dated April 7, 1914, and you testified before the congressional committee. You received a letter from Mr. Bowers which concludes with this paragraph—and I will only read the one paragraph, because it covers what I want to ask about:

"I can not put into words my satisfaction, I will say boundless delight, with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

"Sincerely, yours,

"L. M. BOWERS."

Are you now engaged in the warfare for an open shop?

Mr. ROCKEFELLER, Jr. I am engaged in no warfare, Mr. Chairman.

Chairman WALSH. Following that now, you started what you called a union educational campaign, did you not?

Mr. ROCKEFELLER, Jr. No; Mr. Chairman.

Chairman WALSH. Did you not submit in a letter to Mr. Lee certain things that you wanted published, and you said in connection with the Colorado situation as well as with your union educational campaign?

Mr. ROCKEFELLER, Jr. I stated very clearly yesterday, Mr. Chairman, just the nature of that suggestion with reference to union campaign. I also stated

that the suggestion, which was one of many suggestions that passed between us was never acted upon.

Chairman WALSH. When did you abandon your idea of a union educational campaign?

Mr. ROCKEFELLER, Jr. I never had it definitely fixed. It was simply one among other ideas.

Chairman WALSH. It was just an idea at the time you wrote the letter?

Mr. ROCKEFELLER, Jr. It was.

Chairman WALSH. I will ask if it is not a fact that you did abandon your union educational campaign at the time it became disclosed, after the question was put up to Mr. Welborn and after he refused to answer and submitted it to counsel, and then stated that Ivy Lee was the man sending out those bulletins. Was not that the time you abandoned the idea of having a union educational campaign?

Mr. ROCKEFELLER, Jr. There was no possible connection between the two, and, Mr. Chairman, it is impossible to abandon what you have never entered upon. The campaign was never entered upon; therefore it could never be abandoned.

Chairman WALSH. When did you get the idea with reference to the time you wrote the letter?

Mr. ROCKEFELLER, Jr. I presume the letter would suggest quite accurately.

Chairman WALSH. When did you abandon the idea?

Mr. ROCKEFELLER, Jr. That is all I recall about the idea.

Chairman WALSH. Did you abandon it as soon as you wrote the letter?

Mr. ROCKEFELLER, Jr. Never had it except as a thought that I expressed at that time in that way.

Chairman WALSH. Did not Mr. Lee understand that you were in a union educational campaign?

Mr. ROCKEFELLER, Jr. Mr. Chairman, I have stated that we were not in any union educational campaign.

Chairman WALSH. But when you told him the material was for use in the union educational campaign, did you afterward tell Mr. Lee that was only an idea and you didn't propose it to be carried out, or did you tell Mr. Lee about it afterwards?

Mr. ROCKEFELLER, Jr. I think the facts appear in the letter.

Chairman WALSH. You just stand on the letter?

Mr. ROCKEFELLER, Jr. I stand on the letter.

Chairman WALSH. Now, if there is a later letter to that, referring to that union educational campaign, what would you say about that?

Mr. ROCKEFELLER, Jr. I would say it was a later letter.

Chairman WALSH. A later letter on it?

Mr. ROCKEFELLER, Jr. It was a further word.

Chairman WALSH. If there was a later letter, the union educational campaign continued a little longer?

Mr. ROCKEFELLER, Jr. It was never undertaken.

Chairman WALSH. But the idea of the union educational campaign was still in your mind, was it?

Mr. ROCKEFELLER, Jr. I don't know.

Chairman WALSH. Later on?

Mr. ROCKEFELLER, Jr. I don't recall, Mr. Chairman.

Chairman WALSH. An open shop, as defined by Mr. Bowers, and as acted upon by your company, is this: In Sunrise, Wyo., if a man comes into a nonunion camp and is found out to be a union man he is put out of the camp; you know that?

Mr. ROCKEFELLER, Jr. That is not my idea of an open shop.

Chairman WALSH. I will ask you if that is the way your business is conducted in Sunrise, Wyo.?

Mr. ROCKEFELLER, Jr. I don't know how it is conducted there as distinguished from other places.

Chairman WALSH. Now, I will ask if your practice has been this, that you engaged spies that went into the unions, also into your mines pretending to be miners having no connection with your company and being loyal union men, and that they told your officers the names of the men that talked about joining unions, and they were immediately told to go up the canon, which meant to leave the camp?

Mr. ROCKEFELLER, Jr. That is a question the officers would have to answer; I am not able to.

Chairman WALSH. Did you read Mr. Welborn's testimony taken in Denver, in which he said it had been the practice of the company for years to hire detectives, who pretended to be regular miners, to get into the unions and give them the names of agitators, and they were discharged then from the service?

Mr. ROCKEFELLER, Jr. I read the testimony, but I do not recall that.

Chairman WALSH. You read all of the testimony of Mr. Bowers?

Mr. ROCKEFELLER, Jr. I did not know that Mr. Bowers had testified.

Chairman WALSH. I mean Mr. Welborn.

Mr. ROCKEFELLER, Jr. I read part of it; I think possibly all.

Chairman WALSH. Did you read that testimony where he said it had been the custom to hire spies for years?

Mr. ROCKEFELLER, Jr. If I read it all, I did; but I do not recall whether I read it completely or not.

Chairman WALSH. Do you recall the fact, if it is a fact, that that was the practice of your company?

Mr. ROCKEFELLER, Jr. I didn't know it to be a fact.

Chairman WALSH. Do you know now that your company hired spies that pretended to be regular union men for the purpose of giving information to the executive officers of your company, on which they acted and discharged the men?

Mr. ROCKEFELLER, Jr. If that is stated in Mr. Welborn's testimony, and I read all of it, I must have known it; but I don't recall.

Chairman WALSH. Is that the sort of open shop that Mr. Bowers was starting the campaign for 1913 and beyond?

Mr. ROCKEFELLER, Jr. Mr. Bowers can answer that.

Chairman WALSH. What kind of a campaign did you then have in mind?

Mr. ROCKEFELLER, Jr. My idea of an open shop is a shop where men are employed who are members of the organization or not members, each man employed on the basis of his fitness.

Chairman WALSH. And the union men are allowed freely to join the unions?

Mr. ROCKEFELLER, Jr. The question of whether a man is a member of the union or not, in the open shop, would not prevent his employment as long as he was efficient and as long as the nonunion men are given the same privilege.

Chairman WALSH. And the same privilege of joining the union—would you demand that privilege for the nonunion man, too? That is, that he should not only have the right to work in the mines, but join the union if he saw fit?

Mr. ROCKEFELLER, Jr. A man has a right to join a union if he sees fit.

Chairman WALSH. But would you invade his right and discharge him for exercising that right?

Mr. ROCKEFELLER, Jr. If I was personally in charge, I should not.

Chairman WALSH. If it is a right that a man has, and that right was invaded by your executive officers, and you, as a director of the company, you would call his attention to that, that he was invading the right of an American citizen?

Mr. ROCKEFELLER, Jr. I would take whatever steps I thought were necessary.

Chairman WALSH. Did you ever take any step?

Mr. ROCKEFELLER, Jr. I don't recall that I ever have in that direction.

Chairman WALSH. I will say that there are some other questions that I have to ask you, Mr. Rockefeller; but they are more or less of a formal nature, and I will refer them to our department of research, and they will communicate with you in writing about them.

Mr. ROCKEFELLER, Jr. I would prefer to stay here and complete my testimony in public. Ever since this investigation has been going on—some six or nine months—these things have been before the public, and there should be a time when this investigation will finally end. I would prefer to remain on the stand indefinitely until the examination is finished.

Chairman WALSH. That is not convenient at this time for the commission, and I will say, in view of the fact that you have attended for a number of days, if you feel that these questions ought not to be asked, and will indicate that, I will take it up with the commission, and, as far as my vote is personally concerned, I will excuse you from answering.

Mr. ROCKEFELLER, Jr. Thank you, Mr. Chairman.

Chairman WALSH. On that point, you have been here a number of days, and you see that Mr. Bowers declared in this letter that there was a campaign to go on in 1916 and beyond for an open shop. The commission has been given the testimony on the actual practice of the Colorado Fuel & Iron Co., deemed to be the open shop. In addition, that we have had this letter and other letters that I am quite sure—I will not stop to get them now—that indicate that you

are carrying on a union educational campaign now. Don't you know that your foundation has started an inquiry into industrial relations generally, and we have been informed that Mr. King, who is here present, has spent a lot of time in Colorado, and in view of those facts, as far as my agreement to call you in the organization of our public hearing is concerned, I deemed that you represented, probably, the largest investors in this company, and a director in this company; that you might be called the principal side of the labor controversy. And I am now going to ask you this question: Do you realize, or is it a fact, that with vast power great responsibility would always abide?

Mr. ROCKEFELLER, Jr. That with vast power——

Chairman WALSH (interrupting). With vast power great responsibility should always abide?

Mr. ROCKEFELLER, Jr. I think I have always recognized fully the responsibility that rests upon me.

Chairman WALSH. Do you mind the fact that on account of the many concerns in which yourself and father have stocks and bonds, on account of the vast number of industries in which you are interested, that you possess a power, a potential power, and an influence, especially over those that are associated with you in business, much greater in extent than an ordinary stockholder or director?

Mr. ROCKEFELLER, Jr. I stated in the statement which I read to the commission in New York that I recognized the power of the large stockholder was out of proportion to the exact amount of his stock, and that it necessarily was great. I recognize that fact.

Chairman WALSH. And the mere fact that conditions should go on in Colorado without your protest might lead these gentlemen, like Mr. Bowers, to believe that was your will, and therefore you were morally responsible, at least, for everything that took place in Colorado, leaving aside for the present the particular instances to which attention has been called?

Mr. ROCKEFELLER, Jr. I have undertaken to discharge my responsibility to the fullest of my ability. If I have failed it is not because of my desire not to do what is right, but because of the weakness of human nature, to which we are all subject.

Chairman WALSH. Do you not believe that the fact that you did not put any arresting hand upon the situation at any time, before Ludlow or afterwards, might be taken by these gentlemen to believe that it was your desire that that should go on, and that therefore it did go on?

Mr. ROCKEFELLER, Jr. These gentlemen were operating as they thought wise, and did what their judgment prompted. They knew I was free to express my opinion, and I have expressed my opinion; they have acted on it when they saw fit and have declined to act on it when they did not see fit. They knew I had the right, as a stockholder, if I felt they were not performing their duty in the way that I thought was right, that I had the right to use any influence as a stockholder to replace them, and that right I would have used if I had thought it was necessary.

Chairman WALSH. Now, you are speaking as an ordinary stockholder, but, in view of the vast influence that you have on account of the industries over which you have potential control, weren't you in a different position than the ordinary stockholder?

Mr. ROCKEFELLER, Jr. I am speaking of my responsibilities as I see them, in view of the position in which I am placed.

Chairman WALSH. Now, I want to ask you just one more question. Mr. Welborn is president of that company, isn't he?

Mr. ROCKEFELLER, Jr. Yes.

Chairman WALSH. And he was the direct representative, the executive representative, and the highest one, of your company in the field in Colorado?

Mr. ROCKEFELLER, Jr. During the strike, Mr. Chairman, and until the end of this last year Mr. Bowers, who was the chairman of the boards, was the ranking officer.

Chairman WALSH. But before that time he was the president of your company, and after Mr. Bowers left he was in complete control, so far as rank was concerned?

Mr. ROCKEFELLER, Jr. He was.

Chairman WALSH. Now he is a man, you say, of high intelligence, of fine perception, and you believe a good and kind-hearted man?

Mr. ROCKEFELLER, Jr. I believe so, absolutely.

Chairman WALSH. You believe so, absolutely. Now, then, at least 4,500 of your hitherto faithful employees went on strike against conditions in your industry in Colorado; they went out to live in tents in the canyons of Colorado. There was suffering and there was privation growing out of that difficulty. Many men were killed. Some of the men who were discharging their duties believed in every instance, I have no doubt, that they were rendering a very high service to the State, acting as an arm of the military power. There were many men killed, believing, whether right or wrong, that they were fighting for existence and better conditions for other men. Women and children were suffocated and their flesh burned off their bones. Children were shot through the head. The people of Colorado were arrayed against each other. The governor, whom we have heard spoken of contemptuously as "our little cowboy governor," and who was said to have been whipped into line; delegations were sent to the East to expose, as they said, the conditions in Colorado; people who took one side were denounced as defamers of the fair State of Colorado. People on both sides had their lives threatened. The governor of the State declared publicly that civil government had broken down in Colorado. I mention a few of the standing out marked events of the strife in Colorado. Now, I want to call your attention to the fact that after Ludlow, after the killings, after all I have stated to you and many other things had transpired, if you did not receive a letter from Mr. Welborn, this man of fine perceptions and a man of kind heart, in which he said:

"I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy."

That is, all the deaths and all the disgrace and everything was easy to him, and he felt no strain. Does that suggest to you that you have a vast influence over that of the ordinary stockholder, over the men connected with you in these industries, and that you ought to raise your voice in protest if human beings were being mistreated?

Mr. ROCKEFELLER, Jr. I see no connection whatever between the letter and the statement you make.

Chairman WALSH. You may now examine, Mr. Weinstock.

Commissioner WEINSTOCK. There was read into the record this morning, Mr. Chairman, some extracts from the report of the Commissioner of Labor for 1905, relating to the labor disturbances in Colorado. For the full information of the commission, I want to have this also included in the record——

Chairman WALSH. Mr. Weinstock, you may read anything into the record you please that——

Commissioner WEINSTOCK. Well, this is in very close relationship to that which was developed. This appears on page 340 of the report. It reads:

"Mr. Mitchell held a conference"—

"Mr. Mitchell" refers, I take it, to President Mitchell, of the miners' union—

"Mr. Mitchell held a conference with Gov. Peabody in the latter's office in the State capitol on December 6. Mr. Mitchell refused to discuss the conference, but the governor, being interviewed, said:

"'The conference was very pleasant, although it was not productive of results. At its conclusion President Mitchell stated that so far as he could see there was no immediate probability of a settlement of the strike.

"'Our conference began by Mr. Mitchell reciting the different aspects of the situation, and the causes that led to the strike, the eight-hour day, the mining of 2,400 pounds of coal for a ton, and the issuance of scrip. He stated that the union had furnished transportation to 1,900 or 1,400 strikers to other fields, where they secured employment; also that over 1,000 strikers who had money had paid their own transportation and had gone to work in other fields. The remainder are being provided with strike benefits as called for—single men, $5 per week; married men, $8. Mr. Mitchell declared that his organization would furnish the strikers with food, clothing, and shelter as long as the strike should last, or until they could be transported to other fields.

"'In turn, I told him that I would protect the people with the same jealous care as he had said he would look after his men. I called his attention to the geographical location of Colorado, and the absolute necessity of having coal, and that I would see to it that it is produced if enough laboring men can be found to mine it. I told him his men might remain in idleness as long as he cared to board and clothe them, provided they obeyed the law and committed

no act of violence. As soon, however, as they interfere with the men who care to work, that moment I will interfere with the troops and grant protection to those who care to work. I told him that I drew no distinction between organized and unorganized labor. Neither did I intend going into the merits or demerits of the controversy, but that any individual desiring to labor would have absolute and certain protection.

"'I further called his attention to the fact that I had declared qualified martial law in Teller County, and that I intended doing the same in every county of the State, if necessary, to bring criminals to trial and justice. I told him if criminals could prove their innocence in civil courts they might go free, but if I could later produce evidence I would have them rearrested and send every one of them to the penitentiary.

"'I also told him that if there was anything I could do within the scope of my duty to bring about an early settlement, I would lend my influence in that direction. But I give him to understand that I would not undertake to arbitrate the question at issue, as that is a matter concerning employer and employes, and not the general public. Mr. Mitchell expressed himself as well satisfied with my statement, and said he had no criticism to make in regard to my proposed action in the matter.'"

Now, on page 341, the following appears:

"The first cases of assault during the strike of coal miners took place in Las Animas County on December 7. In the forenoon Marshal Milton Hightower was superintending the tearing down some of the shanties of the Victor Fuel Co. at Hastings, in which some of the miners had formerly lived. He was set upon by a mob of Italian women, one of whom struck him with a clever, nearly severing one of his ears from his head.

"Thomas Jennings, an employee of the Colorado Fuel & Iron Co., and a brother of the superintendent of the company's mine at Berwind, had conducted several parties of men from Berwind to Primero. He was conducting a party of four on the afternoon of December 7, when they were fired upon by several unmasked men. None of them was hit by the bullets, but one of the mules drawing the wagon in which they rode was killed."

And on page 352 the following appears:

"An open letter to W. R. Fairley and Chris. Evans:

"Answering your communication which appears in the daily papers in this State, addressed to the public in general—

"We admit, as you have stated, that 'five months have now elapsed with nothing but turmoil and vexation of spirit in the hearts and minds of business men and citizens in every walk of life.' We admit, also, as stated, the result is 'manifest, not only to the coal companies involved, but business men also, who have been deprived of their only source of revenue as a result of this strike.' We also indorse heartily your statement that the public in general, in its broadest sense, is 'entitled to receive due consideration in all affairs of such vital importance to them, regardless of the source from which all this trouble has originated. We further admit, as you state, 'there has been, and is at present, a large amount of money being expended on both sides,' and that the burden of expense to maintain the strike has, by the advent of the militia, been transferred from the coal companies to the taxpayers of the whole State, and that, as you suggest, it is 'a question that offers plenty of food for thought.'

"We fail to find anything in the above citation of facts and conditions which are commendable or greatly to your credit. Up to this time we have remained neutral. We have given you a free hand to correct the conditions of which you complain, and in return you have flatly boasted your determination to make the business conditions of this community so nearly unbearable as to force the people to interfere in your behalf.

"The miners, in whom you profess so deep an interest, privately advise us of their desire to return to work, to be protected from the paid emissaries whom you have placed over them in control. And we now take this opportunity of serving notice on you of our intention, from this time on, as you have it, 'to receive due consideration in all affairs of such vital importance' from the source from which it emanated.

"We are tired of you. Your misguided followers are tired of you and your methods, and we respectfully request you to withdraw from the county, to the end that we may speedily repair the injuries we are sustaining, and have sustained, on your account. We feel that from now on we will be pardoned if we pursue in the future a policy of self-protection which will be as aggressive as in the past it has been lenient."

Chairman WALSH. Who is that from?

Commissioner WEINSTOCK. "Many taxpayers and citizens."

Chairman WALSH. Does that give any place that it is from?

Commissioner WEINSTOCK. "The following communication appeared in the Trinidad Chronicle-News of April 8." Gov. Peabody, interviewed on April 20, said:

"I have made no attempt to settle this strike, except that I tried to arrange a meeting between the operators and the miners, and the operators refused to attend. Previous to that time, when Mr. Mitchell came to Denver, last December, he had been greatly misinformed by his agents here as to the true situation. However he took the word of these agents without further investigation. It has not been my business to settle this strike; my only duty has been to maintain law and order in this State.

"I told Mr. Mitchell at that time that if he wished to keep his men in idleness in Colorado he was at liberty to do so, as long as they should conduct themselves in a peaceable manner, but if they did not there would have to be military interference. Mr. Mitchell asked me to keep the soldiers out, but said that if conditions should warrant such a move he would be one of the first to sign a petition for them to be sent to the scene of the disturbance.

"The whole matter has worked itself out exactly as I told Mr. Mitchell it would. I see no reason why I should take the word of Wardjon, Bartolli, and "Mother" Jones against the word of civil authorities, senators, mayors, and reputable citizens generally as to when or when not to call out the militia. I sent the troops into the disturbed districts with only one purpose in view, that of maintaining law and order. That has been my position all along, and that is where I stand to-day.

"Gov. PEABODY."

In the discussion this morning, Mr. Rockefeller, a hypothetical question was put to you, and I am not altogether sure that I clearly and distinctly understood your attitude. The question was put to you if a sheriff, disguised as a burglar, should attempt to enter your house, and to hold a pistol, as it were, to your head, would you yield or would you resist. Now, I understood, in substance, that your answer was as follows—and let me make sure that I did understand it correctly—if he came to you as a burglar you would treat him as a burglar, and if he came as a sheriff you would treat him as a sheriff; that if he came in the name of the law, you would respond in the name of the law and offer no resistance, but if he came as an everyday burglar you would treat him as an everyday burglar. Am I right?

Mr. ROCKEFELLER, Jr. That was, in substance, my thought, but I expressed it a little differently.

Commissioner WEINSTOCK. Did I catch the spirit of your answer?

Mr. ROCKEFELLER, Jr. Yes; that I would always treat the representative of the law with the respect that was due to a representative of the law, unless, as I stated, the extreme case arose where immediate death was liable to occur unless a person were to take immediate action. I stated that such action could only be justified under such circumstances such that one would feel that before a court of justice one's position would be defended.

Commissioner WEINSTOCK. I gather then that you are in harmony with the attitude of Dr. Goodnow, president of Johns Hopkins University, who testified on that point, when the question was put to him:

"Commissioner WEINSTOCK. Taking a concrete case, Doctor, taking the case, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense; that they were first attacked by the strikers. The strikers deny that, and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume, for the purpose of our illustration and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did harass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is, take the result? Yield for the time being; do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand? Let your remedy come by use of the ballot, see to it that the commander in chief that is responsible for this is either recalled, under your recall law, or is condemned by public sentiment and not reelected? Do I follow you?

"Dr. Goodnow. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea or else there is no peace for our Government.

"Commissioner Weinstock. In other words, the short cut to the remedy must be condemned?

"Dr. Goodnow. Yes, sir; as I look at it.

"Commissioner Weinstock. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. Goodnow. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

Are you in harmony with that position?

Mr. Rockefeller, Jr. I am.

Commissioner Weinstock. I took it upon myself, Mr. Rockefeller, to send you a letter this morning, which I desire to read into the record now, which read as follows:

WASHINGTON, D. C., *May 22, 1915.*

Mr. John D. Rockefeller, Jr.

DEAR SIR: It has been the uniform practice of this commission to give witnesses advance copies of the questions to be asked in order that the witness may come fully prepared to make answer. It has not been the practice of individual commissioners to do this, because the individual commissioners could not anticipate the questions which they as individuals are likely to ask.

In your case, however, you have been on the witness stand often enough and long enough to make clear in my mind just the questions among others which I shall consider it essential to ask. In order to save your time and the time of the commission, I am therefore taking it upon myself to inclose an advance copy of the preliminary statement I shall make when my turn comes to question you. This statement as you note, presents, as I see it, the three prime issues involved in the controversy. Having noted that you carry with you a great mass of material, I trust that the intervening time may be sufficient to enable you to have in readiness such part of it for submission to the commission as will bear directly on the points touched upon in the inclosure, and that you will also state which of your witnesses who have been asked to attend this hearing can give further light on these same points.

Yours, very truly,

HARRIS WEINSTOCK, *Commissioner.*

Now, this is my statement, and before proceeding with my questions I want briefly to review the situation as I see it. This commission sat between 25 and 30 days in actual hearings, including the time spent in Denver, New York, and Washington, D. C., investigating the Colorado coal strikes, and endeavoring to find the underlying causes and to locate the responsibility for the great loss of life and property in that Commonwealth. The cost to the Nation for such Colorado investigations through this commission, I should say, has been much over $10,000. There has accumulated a great mass of testimony, much of it more or less unavoidably nonessential to the vital points at issue.

What I have been able in brief to get out of it all is that the strikers and their sympathizers make these three specific charges:

(a) That at no time after the strike could they get a hearing at the hands of the operators.

(b) That the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers.

(c) That the operators through their agents were the first to resort to violence and that all the violence which followed was defensive on the part of the strikers and not offensive.

If these three charges have been established then it must be plain that the responsibility for the unfortunate happenings in Colorado must clearly be laid at the door of the operators and the strikers are entitled to all support and the sympathy of the American people.

Despite the volumes of testimony that have accumulated in the hands of the commission in this case, much of it is so befogged and so beclouded, the contra-

dictions are so pronounced, there is so much evidence of bitterness and ill will on both sides of the controversy that the impartial, fair-minded investigator, such as I hope I am, finds himself in a mental maze and more or less at sea.

Speaking for myself, I have entered this Colorado investigation without any preconceived judgment or prejudices. Not any of the participants on either side were known to me. I, for one, have absolutely no object other than to find the truth, wherever the truth may be; and, speaking for this commission as a whole, it is neither for nor against any witness; it is for the facts, whatever the facts may be.

It is in this spirit, and this spirit alone, then, that in order to crystallize the issues and reduce them to their prime essentials I ask you specifically to make whatever answer you are able to make to the three foregoing charges.

If you can show that an opportunity was afforded the strikers at some stage of the dispute to get a hearing in the presence of the representatives of the operators; if you can show that the strikers had not exhausted their constitutional rights to get justice before resorting to violence; if you can show that the strikers and not the operators or the authorities were the first to commit acts of violence in defiance of law, then these three charges made against the operators must, to my mind, fall to the ground, and the burden of responsibility for all the consequential casualties and loss of property must then, as I see it, be placed at the door of the strikers.

Now, before asking you to reply to these statements, Mr. Rockefeller, I want to ask, did you receive a copy of the questions that were to be put to you by this commission before you came here?

Mr. ROCKEFELLER, Jr. I have never received any questions in advance of coming before this commission.

Commissioner WEINSTOCK. It has been the uniform practice to furnish every witness with advance copies, so they could come here prepared intelligently to answer questions; and if none was furnished in your case, there must have been some mistake about that, which I am sure our chairman will at this time be glad to explain.

Chairman WALSH. I will be glad, if I can keep the witness here. I will explain by stating you were entirely mistaken about the facts.

Commissioner WEINSTOCK. Perhaps I am; I will be glad to be corrected.

Chairman WALSH. I have been compelled, and you know the duty has been placed upon me by the other commissioners, to arrange with the staff for these hearings. Your duties and responsibilities elsewhere have kept you away from the minutia of attending to these hearings. Mr. Rockefeller was notified by letter in New York of the New York hearing, and a communication was addressed to him asking him to come, and he gave the public notice through the newspapers showing that he knew he was to be examined on these letters. I will not at this time stop to tell you what I would like to say, but as soon as Mr. Rockefeller is excused I will place Mr. Manly upon the stand, and he will advise you as to what has been done with reference to other witnesses. I am simply saying that, with very few exceptions, every witness has appeared upon this stand just as Mr. Rockefeller has, and the labor witnesses whom you heard testify and whom you examined, and properly examined, in your own way, were not notified in advance, any more than Mr. Rockefeller, as to what they were to be asked.

Commissioner WEINSTOCK. I was under the impression that our witnesses, as a rule, had been furnished with the questions asked.

Chairman WALSH. You are mistaken, and that is because you have not given attention, and were not asked to give attention, to the details of these matters that I have given.

Commissioner WEINSTOCK. What led me to believe that was the fact that frequently a statement was made to witnesses, "You have been furnished with a copy of the questions?" and they would answer them in rotation as they appeared. That conveyed to me the idea that it was the uniform practice of the commission.

Chairman WALSH. It was not. That was only done in a very few instances, and those questions were put after a witness got here and in many instances wanted to go into matters outside of the scope of the hearing, and I ordered the questions to be prepared and submitted to those witnesses to be followed. Of course, we would have gladly given you that information—it is available here—had we had the opportunity.

Commissioner WEINSTOCK. That explanation is entirely satisfactory, Mr. Chairman.

Mr. ROCKEFELLER, Jr. May I adjust one word? Is it true that with the summons I have received in both instances there have been several general questions stated, but I supposed the question which you directed to me was as to whether the specific questions which the examining officer was to ask on the stand had been presented. Those questions, as Mr. Walsh says, have not in any instance.

Chairman WALSH. Do you claim all the questions have been presented to any witness, Mr. Weinstock?

Commissioner WEINSTOCK. No; not all. But the primal questions have been submitted, because we always digressed upon them and took very wide latitudes.

Chairman WALSH. That was not done in this case.

Commissioner WEINSTOCK. The explanation is entirely satisfactory, Mr. Chairman.

Chairman WALSH. Thank you, Mr. Weinstock.

Commissioner WEINSTOCK. Will you proceed to answer this statement in your own way, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. May I ask you, Mr. Weinstock, in regard to question A, where you say "the strikers and their sympathizers"—"What I have been able, in brief, to get out of all this is that the strikers and their sympathizers made these three specific charges."

Commissioner WEINSTOCK. Yes.

Mr. ROCKEFELLER, Jr. Do you mean men working in the mines, and who struck, or the representatives of the unions?

Commissioner WEINSTOCK. I take it the representatives of the union.

Mr. ROCKEFELLER, Jr. I ask because the representatives of the unions, so far as I know, have not met in conference with the operators; but the striking miners—as I understand it, the striking miners were present at the meeting called by Gov. Ammons on November 26, where they met three of the operators, with the governor, and discussed the situation. Briefly, it is referred to in a telegram from a number of the operators to Dr. Foster, under date of May 1, which telegram Mr. Welborn supplied in the correspondence, and which says:

"In connection with and as supplementing the operators' telegram to you last night, permit us to call your attention to the fact that on November 26 last, in the governor's office, a conference was held between three of the operators and representatives of their former employees then on strike."

That is the only conference I know of where the representatives were present.

Commissioner WEINSTOCK. Then it is not a fact, from the answer just made, Mr. Rockefeller, that the operators, from start to finish, had absolutely refused to meet with any representatives of the striking miners?

Mr. ROCKEFELLER, Jr. I can only speak definitely with reference to the Colorado Fuel & Iron Co., and they have always been ready, and always are ready, to meet with their men or with the representatives whom their men may elect—men working in their mines.

Commissioner WEINSTOCK. Can you tell us what was the result of this conference you spoke of? You say there was a conference at the office of Gov. Ammons, at which there was present three representatives of the striking miners, three operators, and the governor?

Mr. ROCKEFELLER, Jr. Yes.

Commissioner WEINSTOCK. Do you know what was the outcome of that gathering?

Mr. ROCKEFELLER, Jr. I have not the telegram which covers it, but my recollection was all of the points of difference, other than the recognition of the union, were covered by a suggestion made by Gov. Ammons, which he recommended to the representatives of the striking miners and to the representatives of the operators. The operators subsequently, in a letter, accepted the governor's recommendations. The representatives of the striking miners did not accept them.

Commissioner WEINSTOCK. And the result of the conference, then, was nil?

Mr. ROCKEFELLER, Jr. As I understand it.

Commissioner WEINSTOCK. And due to the fact that—have you the date, Mr. Rockefeller?

Mr. ROCKEFELLER, Jr. Yes, sir; the date of the telegram that I spoke of is May 1, in which it is referred to, but the conference was held on November 26.

Commissioner WEINSTOCK. November 26, and the strike was declared on September 23?

Mr. ROCKEFELLER, Jr. It took effect, as I understand, on September 23.

Commissioner WEINSTOCK. And this was about two months after the strike?

Mr. ROCKEFELLER, Jr. Yes, sir.

Commissioner WEINSTOCK. You say that conference failed because, while the operators were willing to abide by the decision, the workers were not?

Mr. ROCKEFELLER, Jr. The operators expressed in writing to the governor their willingness to adopt the suggestions, and the workers or the representatives of the miners were unwilling to adopt the suggestions.

Commissioner WEINSTOCK. Take up the second part.

Mr. ROCKEFELLER, Jr. As to whether "the civil and judicial machinery for obtaining such justice as the law affords was in the hands of the operators and not available to the strikers," I am not in position to state, Mr. Weinstock. I have understood testimony has been offered on both sides. I think the fact is that the election which took place in Colorado in the fall, turning out as it did, without regard to party lines, would indicate that the ballot is still powerful in that State to represent the will of the people.

Commissioner WEINSTOCK. What changes—so far as you are acquainted with the political conditions there, Mr. Rockefeller—what did that election mean in effect, the last State election?

Mr. ROCKEFELLER, Jr. It meant the election of a governor by a large majority who, as I am informed, whom the people of the State believed, would maintain the law of the State, and the reelection of an attorney general who had evidently proven satisfactory to the people of the State in his previous term of office.

Commissioner WEINSTOCK. Are both of those officers of the same political party?

Mr. ROCKEFELLER, Jr. I think they are of two political parties.

Commissioner WEINSTOCK. Then it was not, so to speak, a party victory?

Mr. ROCKEFELLER, Jr. The election was without regard to party lines.

Commissioner WEINSTOCK. It was known previously that the governor was of another political party than the previous governor? What is the answer to the third, Mr. Rockefeller, that the operators, through their agents, were the first to resort to violence, and all the violence that followed was defensive on the part of the strikers and not offensive?

Mr. ROCKEFELLER, Jr. I naturally regret, Mr. Weinstock, now that these are all matters of the past, to reopen a question of where the blame may be said to properly rest in regard to the beginning of the struggle, but to the information, since you asked the question, the information that I have is that the beginning of violence was on the part of the strikers, when one of the camp marshals was killed.

Commissioner WEINSTOCK. Are you familiar with the date and place, can you specify?

Mr. ROCKEFELLER, Jr. In a letter of September 29 to me from Mr. Bowers, which has been placed on file with the commission, Mr. Bowers says that one of our marshals, who was one of the best men in our employ, was deliberately shot by Greeks when he undertook to stop them from tearing down a bridge. That, as I understand, was the first act of violence in the strike.

Commissioner WEINSTOCK. Then summing up your answers to the three propositions, as I gather, it is as follows: That it is not true, at no time after the strike, could the strikers get a hearing at the hands of the operators, because you pointed out on November 28——

Mr. ROCKEFELLER, Jr. (interrupting). November 26.

Commissioner WEINSTOCK (continuing). There was a conference held in the office of the governor of Colorado at which were present three representatives of the striking miners, three representatives of the operators, and that the governor submitted what was, in his judgment, a fair proposition to both sides, and that the operators were willing to accept it, but that the strikers rejected it; and, second, you point to the last election in Colorado as showing that majority rules, and that the people have actually the kind of government and officers they want; and, third——

Chairman WALSH. What is your answer to that?

Mr. ROCKEFELLER, Jr. Mr. Weinstock has correctly given my answers.

Commissioner WEINSTOCK. And in answer to the third point, which reads that the operators, through their agents, were the first to resort to violence, and the violence that followed was defensive on the part of the strikers and not offensive, by the citing of that circumstance, which, to the best of your knowledge and belief, was the first act of violence that occurred after the strike was declared, and it was an instance where a representative of the mine owners had been assaulted?

Mr. ROCKEFELLER, Jr. Had killed a camp marshal.

Commissioner WEINSTOCK. A public official.

Mr. ROCKEFELLER, Jr. I would not say killed; I don't know whether he was killed or not; but this says deliberately shot.

Commissioner WEINSTOCK. If I remember rightly I was informed, as a member of the commission, and I am not sure that my information is correct, if I am in error I am sure you will correct me, that sometime after the New York January hearing, the commission came into possession of certain correspondence that you had withheld from the commission? Will you state the facts?

Mr. ROCKEFELLER, Jr. That we had withheld?

Commissioner WEINSTOCK. Yes, sir.

Mr. ROCKEFELLER, Jr. I do not know what you mean unless it is—I think I can explain that. I was asked on the stand at New York for certain correspondence, and I was asked for other information. I directed my office to secure and send to the commission the information as asked for. Within the last couple of weeks one of the members of the office force, to whom the matter had been referred, came to me and said that from a further examination of the files there had been discovered an envelope in which certain letters were filed, which I had taken to Washington at the time of the hearing before the congressional commission last April. Those letters I had myself placed in that envelope. They were letters in regard to conditions in Colorado. That envelope when I returned to New York had been filed separately, instead of the letters being put into the general files. Through this accident, therefore, those letters, which were properly included in the request by the commission, were not forwarded with the others, but immediately that they turned up, the man in the office who had had charge of the matter, had copies made and sent them at once to the commission, writing a letter explaining the cause of the error, and apologizing for his oversight in the matter.

Commissioner WEINSTOCK. The question of mine accidents was touched upon by the commission this morning, Mr. Rockefeller. Is there such a thing as a State report, or does your company keep reports of the number of accidents which have occurred in the mines in the State of Colorado?

Mr. ROCKEFELLER, Jr. I could not answer definitely, Mr. Weinstock, but I assume there must be a State report.

Commissioner WEINSTOCK. Do you know as a matter of fact, Mr. Rockefeller, whether the number of accidents in the mining company in which you are interested are greater or less than the other coal companies in the State of Colorado?

Mr. ROCKEFELLER, Jr. I do not know from definite knowledge.

Commissioner WEINSTOCK. Is that information available, do you know?

Mr. ROCKEFELLER, Jr. I would think it could be ascertained from the officers of the company. My impression has always been that the number of accidents, taken the year as a whole, was less than in other mining camps.

Commissioner WEINSTOCK. Was less in the Colorado Fuel & Iron Co.?

Mr. ROCKEFELLER, Jr. Yes, sir; that is my impression; but I would not like to state it as a fact.

Commissioner WEINSTOCK. I think that this also has been brought out in the testimony, that so long as the National Guards, who were called out in Colorado during the strike, did not permit so-called strike breakers to enter the mine there was no trouble; that the violence began when the National Guards of Colorado permitted the so-called strike breakers to enter the mines and to take the jobs vacated by the strikers. Now, can you tell us whether the Federal troops, when sent there by the Federal authorities, did or did not protect nonunion workers brought into the mines?

Mr. ROCKEFELLER, Jr. I understand that the Federal troops protected any worker in the mines.

Commissioner WEINSTOCK. Then the Federal troops did precisely what the State troops did—that is, they protected all workers whether or no they were unionized or nonunion?

Mr. ROCKEFELLER, Jr. That is what I have understood. I have no reason to think otherwise.

Commissioner WEINSTOCK. The chairman calls my attention to the fact that he was under the impression that the order was issued, I think, by the President, that the protection should be limited to the men living in Colorado, but if my memory serves me right, I am under the impression that that order was modified, and that there was no limitation put upon the protection of the workers. Have you any information on that point?

Mr. ROCKEFELLER, Jr. My recollection was that men who applied at the mining camps were to be put to work, but the men who applied at the Denver office would not be sent down to the various mining camps. That is the only restriction that I recall, Mr. Weinstock; but I couldn't speak from a definite knowledge on that subject.

Commissioner WEINSTOCK. That is all, Mr. Rockefeller.

Chairman WALSH. Just a question or two. I believe, though, that I said we would let you leave at 3 o'clock, and I believe I will. You may be excused now, Mr. Rockefeller.

Mr. ROCKEFELLER, Jr. Thank you, very much. May I before leaving hand you two telegrams which have been received to-day, unsolicited, one from J. F. Welborn and one from W. W. Wilson, which you may put in the record if you see fit. I have copies made of the originals, and if you will allow me to keep the originals I will leave the copies with you.

Chairman WALSH. I thank you. You will be excused.

I would like to make a little statement in the record, by agreement with Mr. Weinstock, so that there will be no misunderstanding on the question that arose on the opening question by Mr. Weinstock to Mr. Rockefeller. It is to this effect, that public hearings of the Commission on Industrial Relations are managed by a subcommittee, called a committee on public hearings, of which Mr. Weinstock is not a member. When that committee was created the members of the commission were all invited, all notified that they should give all of the time they possibly could to attendance upon that committee, and to get up the plans and details of the public hearings, and that the chairman repeatedly urged upon the members of the commission, including Mr. Weinstock, that they should attend the committee on public hearings and give all the time they possibly could from their other affairs to the management of the details of these public hearings, the suggestions to witnesses, the summoning of witnesses, and the topics on which the witnesses were to be examined.

That is a statement made, of course, by agreement.

TESTIMONY OF MR. IVY L. LEE.

Chairman WALSH. I might make the announcement that these hearings will have to be continued over into next week, and therefore there will be no further witness called this afternoon. Mr. Lee will be the last witness.

Your full name, I believe, is Ivy L. Lee?

Mr. LEE. Yes, sir.

Chairman WALSH. You reside in the city of New York now?

Mr. LEE. Yes, sir.

Chairman WALSH. And you have appeared before this commission before?

Mr. LEE. Yes, sir.

Chairman WALSH. And have given your employment and your history up to this time in a general way?

Mr. LEE. I have.

Chairman WALSH. I am going to address your attention to some particular questions, Mr. Lee. In a letter of June 10, 1914, from Mr. John D. Rockefeller, jr., to you, Mr. Rockefeller writes as follows:

"Several points in my memorandum, however, could well even more appropriately be used in the letter from Gov. Ammons to President Wilson, which you are proposing to prepare as soon as the major's memorandum reaches you, which I hope will be very shortly."

Again, on June 11, 1914, you wrote Mr. John D. Rockefeller, jr.:

"I am inclined to think that at the moment the best thing we can do would be to give the letter from Gov. Ammons to President Wilson our attention, and I hope that we can accomplish something very soon."

On July 2, 1914, the letter submitted here—the copy of the letter—shows that you wrote to Mr. John D. Rockefeller, Jr., as follows:

"With reference to the letter for Gov. Ammons, I am not entirely satisfied with the draft I prepared, and I am making certain amendments to it. I sent out a draft for discussion, but will get it into shape in a day or so, and then send you a copy of it. The idea—and it is a difficult idea to execute—is to prepare a very brief statement of the case which will command public attention rather than to make any very comprehensive statement of the situation."

Do you recall those quotations as having been contained in those letters?

Mr. LEE. I do.

Chairman WALSH. The major referred to in the first letter, I understand, is Maj. Boughton—Maj. Edward C. Boughton?

Mr. LEE. Edward J. Boughton, I think.

Chairman WALSH. Edward J. Boughton?

Mr. LEE. Yes, sir.

Chairman WALSH. And Maj. Edward J. Boughton was a major in the Colorado Militia?

Mr. LEE. Yes, sir.

Chairman WALSH. He was the advocate general who presided over the military court at Trinidad that dealt with the strikers that were brought before him?

Mr. LEE. I do not know as to that.

Chairman WALSH. You have learned that since you have been in this publicity business, have you not?

Mr. LEE. I do not recall having that fact in my mind, Mr. Walsh.

Chairman WALSH. Was there not much written in the so-called "facts" in regard to the struggle for industrial freedom about Maj. Boughton and his military court?

Mr. LEE. I do not doubt the fact, but I do not recall it in my mind at the moment.

Chairman WALSH. You do not recall now that Maj. Boughton was advocate general and presided over the military court?

Mr. LEE. All I know of Maj. Boughton is that he was advocate general of Colorado. What he did I do not know.

Chairman WALSH. Did you not read the report more than once made by the military commission presided over by Gen. Boughton, with reference to the Ludlow massacre?

Mr. LEE. Is that the general pamphlet report that was made by the militia?

Chairman WALSH. Yes, sir; it was a report made by the military commission.

Mr. LEE. I read a report.

Chairman WALSH. It was the military commission consisting of Maj. Edward J. Boughton, Capt. Danks, and Capt. van Cise.

Mr. LEE. I read a report. I do not know whether that is the one you have in mind or not.

Chairman WALSH. When did you first meet Maj. Boughton?

Mr. LEE. I met him in New York. I do not recall the exact date. It was some time around the middle of June.

Chairman WALSH. Well, now, Mr. Rockefeller's first letter to you is dated June 10. It says:

"Several points in my memorandum, however, could well even more properly be used in the letter from Gov. Ammons to President Wilson, which you are proposing to prepare as soon as the major's memorandum reaches you, which I hope will be very shortly."

Was there a letter designed to be sent by Gov. Ammons to President Wilson before you saw Maj. Boughton?

Mr. LEE. I can tell you what happened. Mr. Greene, of Mr. Rockefeller's office, saw Maj. Boughton——

Chairman WALSH. Who was Mr. Greene?

Mr. LEE. He was one of Mr. Rockefeller's staff.

Chairman WALSH. Was he also a director at that time of the Colorado Fuel & Iron Co.?

Mr. LEE. Yes, sir.

Chairman WALSH. You took his place, I believe?

Mr. LEE. Yes, sir. Mr. Greene told me that Maj. Boughton was in New York representing the governor, and that the governor had been very much concerned over the misunderstanding which prevailed in the East concerning various phases of the strike situation. He said that Maj. Boughton was extremely anxious to get suggestions as to how the facts might be brought more adequately to public attention, and it was through Mr. Greene that I made the first suggestion to Maj. Boughton that it might be a good idea if the governor of Colorado should write a letter to the President of the United States, and also to the governors of the other States, setting forth the situation as he saw it.

Chairman WALSH. You made that suggestion to whom?

Mr. LEE. I made that suggestion to Maj. Boughton through Mr. Greene before I met Maj. Boughton.

Chairman WALSH. Where was Maj. Boughton when you had this conversation with Mr. Greene, if you know?

Mr. LEE. I do not know. I think he was in New York.

Chairman WALSH. He was in the city of New York when you had this talk with Mr. Greene?

Mr. LEE. Yes, sir.

Chairman WALSH. Proceed.

Mr. LEE. Then Mr. Greene, I think, gave that suggestion to Maj. Boughton, and Maj. Boughton told Mr. Greene—so Mr. Greene told me—that he did not know how the governor would regard such a suggestion, but that he, Maj. Boughton, would be glad to consider it if I would prepare any concrete illustration of the idea I had in mind as to the kind of letter which might be written, and which would do good. In order to get the governor's ideas——

Chairman WALSH. Be good for whom?

Mr. LEE. For the general cause.

Chairman WALSH. Not for the Colorado Fuel & Iron Co.?

Mr. LEE. The Colorado Fuel & Iron Co., Mr. Chairman, no less than other coal companies in this situation, and also the State of Colorado, had been accused of practically equipping a private army, and that was, we all felt, a reflection on the State as well as the company.

Chairman WALSH. Were you a resident of the State of Colorado?

Mr. LEE. Was I?

Chairman WALSH. Yes, sir.

Mr. LEE. No, sir.

Chairman WALSH. Had you ever been in Colorado up to that time?

Mr. LEE. No, sir; so it was felt, in the common interest, that that point should be cleared up, and that was a point about which Maj. Boughton was very keen, and he said the governor was very keen—that that misunderstanding should not exist. Therefore, I made the suggestion to Maj. Boughton, through Mr. Greene, and I had word from Mr. Greene that Maj. Boughton would send the memorandum of the points we had in mind to Gov. Ammons, the governor of Colorado. Some days after that I met Maj. Boughton——

Chairman WALSH. How many days after?

Mr. LEE. I do not recall, but about a week, I should think. Maj. Boughton went over the situation with me and told me how utterly ineffective he had found any efforts he could devise to produce a better understanding in the East of things in Colorado. He told me then that perhaps it would be better to issue an open statement to the American people on the subject, such a statement to be issued by the governor.

Chairman WALSH. When was that, in reference to that first conversation with Mr. Greene?

Mr. LEE. I think within a week. I do not recall the exact dates. It made no special impression on my mind, because it was the kind of suggestion that is constantly being made to men in public and private life to take up.

Chairman WALSH. To governors?

Mr. LEE. To governors and to high officials in public life generally.

Chairman WALSH. That is, to have the publicity men of corporations draft letters?

Mr. LEE. To have private citizens suggest——

Chairman WALSH (interposing). You were doing this as a private citizen?

Mr. LEE. I was doing this—certainly, as a private citizen.

Chairman WALSH. Not as publicity agent for the Colorado Fuel & Iron Co.?

Mr. LEE. Certainly not.

Chairman WALSH. All right; go ahead.

Mr. LEE. But I would have done it just as promptly in that capacity. I make no apology for the suggestion. It so happens that the suggestion was not carried out. It was submitted to Maj. Boughton. A draft of the memorandum was prepared and sent to him for his consideration, and Maj. Boughton has since told me that he went no further with the suggestion. The suggestion was not acted upon. But I insist that the suggestion was a perfectly proper one, and under similar circumstances I would make it again.

Chairman WALSH. It is customary, I believe you say, to do that?

Mr. LEE. It is customary for private citizens in all ranks of life to make suggestions to public officials.

Chairman WALSH. Would you have made that suggestion to Maj. Boughton or to Mr. Greene to be conveyed to Maj. Boughton if you had not been working for the Colorado Fuel & Iron Co. or for Mr. Rockefeller, I believe?

Mr. LEE. Very likely I would not. I probably would not have come in contact with him. If I had come in contact with him as a private citizen and as

a friend, and if he had asked me, I would have made him any suggestions that occurred to me in the same way.

Chairman WALSH. When did you see Maj. Boughton to find out what became of the draft and memorandum which you had made for the governor?

Mr. LEE. I saw Maj. Boughton for a few moments when I was in Colorado last August. I do not know whether the subject was mentioned then or not, but I also saw him in New York a few weeks ago, since this statement of yours appeared in the press, and since Mr. Rockefeller made his answer to that statement.

Chairman WALSH. Did you write it for him?

Mr. LEE. Mr. Chairman, that is a confidential matter between Mr. Rockefeller and myself.

Chairman WALSH. You wrote it for him, didn't you, Mr. Lee?

Mr. LEE. I decline to answer.

Chairman WALSH. On what ground?

Mr. LEE. On the ground that it has nothing to do with industrial relations.

Chairman WALSH. There is nothing about it that would tend to incriminate you or anything of that sort?

Mr. LEE. Of course not. It is simply a confidential matter between Mr. Rockefeller and myself concerning which I feel Mr. Rockefeller is the only person empowered to speak.

Chairman WALSH. Maybe if I would give you briefly my view, probably you would have a different opinion. An attempt is being made by this commission to fix the actual responsibility for industrial conditions in Colorado and elsewhere, and Mr. Rockefeller, being a director and possessing the vastly greater influence which he enjoys or possesses on account of the extent of his investment, is being considered as one of the factors, if not the largest factor, in the employing situation so far as the employers are concerned; and in attempting to fix that responsibility it had occurred to me that it is very important to know whether the action taken by Mr. Rockefeller is really his action and the statements made by him are really his statements, or yours, for instance.

Mr. LEE. Mr. Chairman, as to that I can only tell you that I have never known a man to be more careful and more conscientious and more painstaking about scrutinising every line that went out over his name, whether he wrote it or whether somebody else assisted in writing it or not. I have had more or less experience with such matters, and I never knew of a man in his class doing that. Any statement Mr. Rockefeller makes to the public you may be sure he has gone over it with a fine-tooth comb.

Chairman WALSH. He likewise thinks very well of you, and has stated it, Mr. Lee. But my point was that in fixing the actual responsibility we would like to know whether the statement is Mr. Rockefeller's or some one else's.

Mr. LEE. Mr. Rockefeller has stated as clearly as words can state that every statement he puts out is his statement.

Chairman WALSH. Then you decline to answer the question. I will put it to you plainly. Is it not a fact that the statement read to this commission as a preliminary statement by Mr. Rockefeller was written by you and not by Mr. Rockefeller?

Mr. LEE. As Mr. Rockefeller has answered that question himself, I will say that it was written by him.

Chairman WALSH. That is, that he dictated it to a stenographer?

Mr. LEE. He did.

Chairman WALSH. I will ask you if this statement with reference to the proposed letter from Gov. Ammons to the President, which was published in the newspapers as the statement of John D. Rockefeller, jr., was not in reality written by you and not by Mr. Rockefeller?

Mr. LEE. Let me get clearly just what you mean? What statement do you refer to?

Chairman WALSH. The statement published in the newspapers with reference to the drafting of a letter for Gov. Ammons to be sent to the President, and perhaps the governors of other States.

Mr. LEE. Do you mean Mr. Rockefeller's published statement?

Chairman WALSH. Yes, sir.

Mr. LEE. That was his statement.

Chairman WALSH. Was it written by you?

Mr. LEE. I decline to answer.

Chairman WALSH. We will pass that question for the present. The matter of compelling or attempting to compel you to answer that question will be taken

up at a later date by the commission, and if we conclude to do it, we will issue a process hereafter.

Mr. LEE. I will state, Mr. Chairman, that if the commission as a commission decides that they would like to have that question answered, I have no doubt Mr. Rockefeller would be willing to let me answer it.

Chairman WALSH. Suppose we were to do that, how would you get into communication with Mr. Rockefeller?

Mr. LEE. I think he has left the city for the moment.

Chairman WALSH. Very well; we will take the matter up later.

Mr. LEE. Personally I have not the slightest objection to answering it, but I do not believe that in my confidential relation to Mr. Rockefeller I have a right to answer it without his permission.

Chairman WALSH. We will take it up later, but we may forego the question as not being of sufficient importance.

Would you be kind enough to show me the memorandum which Mr. Rockefeller referred to in his letter of June 10, which he said he thought could well even more appropriately be used in the letter to Gov. Ammons?

Mr. LEE. That was supplied to you by Mr. Rockefeller.

Chairman WALSH. I thought he took it back, because I tried to find it and could not find it.

Mr. LEE. It was a clipping from the New York Times. I would be glad to get you another copy.

Chairman WALSH. I think possibly I can get it. You got that memorandum from Mr. Rockefeller, and did you use it in the draft of the proposed letter which it was intended to have Gov. Ammons sign?

Mr. LEE. I should be glad to supply the commission with a copy of the draft which I sent to Maj. Boughton. I think you will see, then, there is very little relationship.

Chairman WALSH. I am asking you now, because I haven't it at hand. Have you the draft you sent to Maj. Boughton?

Mr. LEE. I do not have it here.

Chairman WALSH. Where is it and how can you supply it?

Mr. LEE. It is in my office in New York.

Chairman WALSH. It is in your office in New York?

Mr. LEE. Yes.

Chairman WALSH. Of course, not having it at hand, I can not examine you about it.

Mr. LEE. I will state very definitely that there is very little relationship between them.

Chairman WALSH. You did not include, then, in the draft of the letter for Gov. Ammons but very little of the memorandum that was sent to you by Mr. Rockefeller?

Mr. LEE. I do not recall that I included any of it.

Chairman WALSH. But the memorandum itself will show?

Mr. LEE. Certainly.

Chairman WALSH. And you say you will send that to us?

Mr. LEE. I will be very glad to.

Chairman WALSH. On June 11 Mr. Lee wrote Mr. Rockefeller: "I am inclined to think that at the moment the best thing we can do will be to give the letter from Gov. Ammons to President Wilson our attention, and I hope we can accomplish something very soon."

When did you see Maj. Boughton with reference to the time you had this talk with Mr. Greene?

Mr. LEE. I can't give you any more information than I gave you a few moments ago.

Chairman WALSH. You think it was about a week afterwards?

Mr. LEE. I think it was about the middle of June.

Chairman WALSH. That would take us to June 16 or 17—along there. Now, where did you first meet Maj. Boughton?

Mr. LEE. I met him at the Waldorf, in New York.

Chairman WALSH. And who was present?

Mr. LEE. Maj. Boughton and myself.

Chairman WALSH. Did you meet by appointment?

Mr. LEE. We did.

Chairman WALSH. Had you ever met Maj. Boughton before?

Mr. LEE. No.

Chairman WALSH. Did you meet him in your capacity as a private citizen, or did you do it as part of the compensation that was afterwards paid you by Mr. John D. Rockefeller, sr.?

Mr. LEE. I was introduced to Maj. Boughton by Mr. Greene, Mr. Chairman.

Chairman WALSH. Where?

Mr. LEE. Well, Mr. Greene made the appointment for me to see Mr. Boughton.

Chairman WALSH. Well, Mr. Greene introduced you.

Mr. LEE. He made the appointment for me to meet him at the Waldorf.

Chairman WALSH. Did he introduce him individually?

Mr. LEE. He told me Maj. Boughton would like to have me meet him.

Chairman WALSH. Then what did he tell you?

Mr. LEE. He asked me if he could make an appointment for me to call on Maj. Boughton.

Chairman WALSH. And you told him all right?

Mr. LEE. Yes, sir.

Chairman WALSH. And you never saw Maj. Boughton before in your life?

Mr. LEE. No.

Chairman WALSH. Didn't Mr. Rockefeller write you to Philadelphia and suggest that you should meet Maj. Boughton?

Mr. LEE. Why, I don't recall that, whether he wrote me such a letter or not, Mr. Chairman. He may have.

Chairman WALSH. Now, you were writing bulletins at that time, setting forth what you said was a history of the struggle for industrial freedom in Colorado, and you were actually engaged in that work in Philadelphia at the time this was going on?

Mr. LEE. I don't recall whether any bulletins had been issued up to that date or not.

Chairman WALSH. I will ask you if you did not write a letter to Mr. Rockefeller on June 13, setting forth certain information and concluding with this paragraph:

"I have written Mr. Greene, asking him to make an appointment for me to see Maj. Boughton next Tuesday afternoon, and I shall be glad to communicate with you upon my arrival in New York and arrange as to when and where I shall meet you."

Mr. LEE. Now, Mr. Chairman, those are two distinctly different events and occasions that you are confusing in that paragraph. If you will read the whole of that letter, you will see there is a reference in it to an invitation which Mr. Rockefeller had extended to me to spend the night at his house; and that reference to meeting him was with reference to that invitation, and——

Chairman WALSH (interrupting). I will read the whole letter.

Mr. LEE. I hope I am correct as to that point.

Chairman WALSH. You are absolutely correct. It refers to that and a number of other things, but I will read it all:

"DEAR MR. ROCKEFELLER: The various documents you have sent me have been received, and I am giving them careful consideration."

What were the documents?

Mr. LEE. I can't tell you at this moment, Mr. Chairman.

Chairman WALSH. Were they matters to be published in a campaign, to be designated as a union educational campaign?

Mr. LEE. They were not.

Chairman WALSH. How do you know, if you don't remember what they were?

Mr. LEE. Because there was no union educational campaign.

Chairman WALSH. Oh! Were they documents with reference to publicity about the strike of the workmen of the Colorado Fuel & Iron Co.?

Mr. LEE. They may have been documents with reference to the strike.

Chairman WALSH. What did you think Mr. Rockefeller meant in his letter when he said we can use this Stevenson article in connection with our Colorado—or our union educational campaign? What did you think he meant?

Mr. LEE. I think he meant that that was a document that might be considered with a view to distributing copies of it. I certainly never took it as meaning beyond that, because I never distributed any copies of it.

Chairman WALSH. What did he mean by your union educational campaign?

Mr. LEE. I can't tell anything on that point more than what Mr. Rockefeller said himself.

Chairman WALSH. What did you think he meant—that he meant there was a union educational campaign then going on?

Mr. LEE. There was none going on at the time, and I didn't think there was or was not going to be one. Mr. Rockefeller and I had discussed a great many questions with reference to publicity, and with reference to the wisdom or unwisdom of issuing publicity material concerning various questions relating to unions.

Chairman WALSH. Was the subject discussed?

Mr. LEE. It was; but nothing ever came of it.

Chairman WALSH. Is Mr. Rockefeller also a man that is very careful about what he writes?

Mr. LEE. Yes.

Chairman WALSH. Careful in his phrasing?

Mr. LEE. Yes.

Chairman WALSH. Then, when you saw him, and never having heard of the union educational campaign before, did you ask him what he meant in that letter by referring to an educational campaign?

Mr. LEE. I don't recall that circumstance, Mr. Chairman. That letter was written practically a year ago. All I know is that nothing of the kind was done. We talked of such a plan, but never did anything with it.

Chairman WALSH. Well, you sent out a great number of bulletins after that, did you not—those Colorado bulletins?

Mr. LEE. I sent out no bulletins.

Chairman WALSH. Well, your office boy or stenographer.

Mr. LEE. I prepared bulletins under the direction of the committee at Denver, which were sent out by the Colorado operators.

Chairman WALSH. Did you actually write the bulletins and send them out from an office in Philadelphia to Denver, to be mailed from Denver?

Mr. LEE. Most of the bulletins, Mr. Chairman, were quotations from documents written by other people. Some of the material in some of the bulletins was written by Mr. Welborn, some written by others. I, as a matter of fact, actually wrote very little of it. I edited it, and saw to its being printed, and sent to Denver. No question about that.

Chairman WALSH. That is what I meant. I asked you the question to direct your attention to these bulletins and how they were sent out.

Mr. LEE. I think I testified very fully on that point before the commission in January.

Chairman WALSH. I was just asking you that to make clear another question about a matter that I was going to ask you later on. You were engaged in June, 1914, in writing, to a very small extent, and putting together what had been written by Mr. Welborn and others, and editing it and printing it, and either you or your office sent it out to Denver, what is known now as the Colorado bulletins.

Mr. LEE. I think now we understand each other.

Chairman WALSH. Understand each other perfectly. So, hereafter, as I refer to that as your sending out these bulletins——

Mr. LEE (interrupting). Well, I won't accept the description.

Chairman WALSH. Well, then, we will go over that each time. I will continue with the letter:

"The various documents you have sent me have been received, and I am giving them careful consideration. I have not received the series of articles by your father published in the World's Work. I remember reading them at the time, but shall be glad to read them again, as I would, of course, now go over them much more carefully."

When were these published in the World's Work?

Mr. LEE. I don't recall. I should say about 1908.

Chairman WALSH. You were not connected with either of the Rockefellers at that time?

Mr. LEE. No.

Chairman WALSH (reading.):

"I remember reading them at the time, but shall be glad to read them again, as I would, of course, now go over them much more carefully.

"The information from Mr. Ramsay is most interesting. I feel that about the third bulletin we should put out would be one summarizing the present strike situation in Colorado. It was with that idea in mind that I wrote the letter to Mr. Welborn.

"The printing of the bulletins is going ahead, and we expect to get the first bulletin out next week. There has been some delay owing to the fact that I want to get a typographical arrangement which is exactly as I think it should be."

You say there, "We expect to get the first bulletin out next week." Who were "we"?

Mr. LEE. Well, that referred to my office.

Chairman WALSH. You and the stenographer and the office boy and the other employees of the office?

Mr. LEE. Yes.

Chairman WALSH. And at that time you were expecting to get a bulletin out yourself right there, weren't you?

Mr. LEE. Mr. Chairman, I think you understand just exactly how that was done. There was never any thought of issuing any——

Chairman WALSH (interrupting). I am trying to save time by agreeing upon a term. I am going to refer to this as your "getting out the bulletins," with that understanding that you had in that letter.

Mr. LEE. If you add the proviso that every bulletin was sent out by the Denver operators I will agree to it.

Chairman WALSH. That is, that you furnished the mailing list yourself to the Denver operators, and the bulletins were shipped from your office to Denver, and sent out to persons included in the mailing list that you furnished?

Mr. LEE. Yes, sir. I don't want to take up time——

Chairman WALSH. I do want to get it straight. Were they not sent out in folders addressed by you, or your staff, from Philadelphia to Denver?

Mr. LEE. No; they were sent out in boxes, separately from the envelopes. The envelopes and the bulletins were sent out separately, the idea being that in the event that the Denver operators saw anything in any of the bulletins after they were printed, that they were not prepared to stand for in full, that they would not then waste the time of inclosing them in the envelopes.

Chairman WALSH. Did you send them proofs?

Mr. LEE. Yes, sir; when any bulletin involved a statement which was not a quotation from some other document. In cases where it was a mere quotation, as some of the bulletins were, I sent no proof.

Chairman WALSH. Now, when these envelopes which you sent to Denver—those envelopes which you sent to Denver already had the address on them?

Mr. LEE. Yes, sir.

Chairman WALSH (reading). "The printing of the bulletin is going ahead and we expect to get the first bulletin out next week. There has been some delay owing to the fact that I want to get a typographical arrangement which is exactly as I think it should be. After the first one is gotten exactly as we want it, the following ones can go ahead on just the same lines. My plan is that after we get this started, to get one out about twice a week for some months. The accumulative effect of this should be valuable.

"I have written Mr. Greene asking him to make an appointment for me to see Maj. Boughton next Tuesday afternoon, and I shall be glad to communicate with you upon my arrival in New York and arrange as to when and where I shall meet you. I am looking forward with pleasure to spending Tuesday night at your home.

"Very truly, yours,

"IVY L. LEE."

Now, that is the whole letter.

Mr. LEE. Yes, sir.

Chairman WALSH. Now, did you meet Maj. Boughton at the time indicated in that letter?

Mr. LEE. As far as I recall, I did.

Chairman WALSH. And you had never met him before?

Mr. LEE. No.

Chairman WALSH. And did you have an expense account with the Rockefeller interests?

Mr. LEE. I did.

Chairman WALSH. You had had some cash advanced to you for expenses?

Mr. LEE. I had.

Chairman WALSH. And out of that expense account you paid your expenses to New York at that time?

Mr. LEE. I should be glad to send you an itemized statement of expenses incurred in the publicity campaign.

Chairman WALSH. I am asking you about your recollection about that one time, did you pay your expenses to New York at that time out of this expense money which had been advanced to you by the Rockefeller interests?

Mr. LEE. I do not recall, because I was in New York on other business at the various times, and if I was there on other business it would not have been charged to Mr. Rockefeller.

Chairman WALSH. You say you have furnished the itemized account?

Mr. LEE. No, sir; but I should be very glad to.

Chairman WALSH. Please furnish us with the itemized account of your expenses, or the expenses of this publicity campaign?

Mr. LEE. I should be very glad to do so.

Chairman WALSH. And that will show whether or not the expense of this trip to New York was paid out of that?

What I am trying to locate, if possible, is that everything you did, to be plain about it, in connection with Maj. Boughton, you did as a representative of Mr. Rockefeller or the Colorado Fuel & Iron Co.

Mr. LEE. I will not contest that point for a minute.

Chairman WALSH. I thought you said a while ago that you thought what you did was as a private citizen?

Mr. LEE. I didn't mean to maintain that in any exclusive sense. I am perfectly willing to concede that.

Chairman WALSH. All right, I will leave that point.

Then as representative of Mr. Rockefeller, or the Colorado Fuel & Iron Co., you met Maj. Boughton?

Mr. LEE. Yes, sir; and he knew of my relations with Mr. Rockefeller; I didn't meet him on behalf of Mr. Rockefeller.

Chairman WALSH. You met him as the representative of Mr. Rockefeller, but not on behalf of Mr. Rockefeller?

Mr. LEE. I met him with full knowledge on Maj. Boughton's part as to my relations with Mr. Rockefeller.

Chairman WALSH. What did you meet him for?

Mr. LEE. To talk over the Colorado situation.

Chairman WALSH. What for—to get up the letter for Gov. Ammons?

Mr. LEE. I don't recall.

Chairman WALSH. Now, remember, this was the 13th, and on the 10th Mr. Rockefeller wrote and sent you some points in a memoranda that he thought would be good for a letter of that kind, and you wrote him on the 11th and said you thought the best thing he could do was to give the letter from Gov. Ammons to President Wilson his attention, and that you hoped to accomplish those things soon; and then you came down on the 19th to meet Maj. Boughton. What did you meet him for?

Mr. LEE. To talk over the whole Colorado situation. You must remember at that time I had only been connected with the Colorado situation for about two weeks and knew very little about it, and the primary thought was that I could learn from him things that would be helpful; naturally I expected to discuss with him this very letter.

Chairman WALSH. Was not that the chief thing and the only thing that you came down for?

Mr. LEE. I would not say so.

Chairman WALSH. Now, just explain anything else that you wanted to see Maj. Boughton about, in greater detail, if you can. Any particular thing that you wanted to see him about at that time.

Mr. LEE. I can not add anything to what I said a few minutes ago on that subject.

Chairman WALSH. Was there any other person present in your interview with Maj. Boughton?

Mr. LEE. No.

Chairman WALSH. You had been advised, I believe you said, that he was a direct representative of the governor of Colorado?

Mr. LEE. Yes.

Chairman WALSH. Did you read this letter, or has your attention been called to the letter by Mr. Bowers that they had finally whipped the governor into line?

Mr. LEE. I did not.

Chairman WALSH. You didn't know that letter was in existence?

Mr. LEE. No, sir; I did not.

Chairman WALSH. Did you know from anybody connected with the Rockefeller interests that they had the governor in line?

Mr. LEE. No such suggestion was made to me.

Chairman WALSH. Was there anybody else present during your conversation with Maj. Boughton at the Waldorf Hotel?

Mr. LEE. No.

Chairman WALSH. Where was the conversation had?

Mr. LEE. In Maj. Boughton's room.

Chairman WALSH. What did you say to him about this letter? I wish you would just first give us the substance of the conversation that you had with Maj. Boughton, as well as you can remember, right from the beginning to the end.

Mr. LEE. Mr. Chairman, I can not do that. I made the suggestion to Maj. Boughton, through Mr. Greene, and I probably repeated it to him in our conversation, that I thought it would be a wise thing for the governor to do.

Chairman WALSH. To do what?

Mr. LEE. To write such a letter or make such a statement to the public.

Chairman WALSH. To the public or to the President?

Mr. LEE. Both. I thought it would be wise for the governor to take some specific action, and in his official capacity to get his advice before the American people on the subject, and I may have suggested various ways to Maj. Boughton of doing it. I don't recall, but I suggested anything that occurred to me at the moment.

Chairman WALSH. How long were you there with Maj. Boughton?

Mr. LEE. I don't recall.

Chairman WALSH. Can you remember the substance of a single thing which you said to Maj. Boughton or that he said to you?

Mr. LEE. Not beyond what I have stated.

Chairman WALSH. If my memory serves me right, you have not stated anything. Can you remember the substance of any statement you made to Maj. Boughton, or he to you, in that conversation at the Waldorf Hotel?

Mr. LEE. A good deal of that conversation with Maj. Boughton was his talking to me about the conditions in Colorado as he saw them. I have heard so many people talk on that subject that I can not tell specifically what he said to me.

Chairman WALSH. Did you write down what he said to you?

Mr. LEE. No; I did not.

Chairman WALSH. Did you make any notes of what he said to you?

Mr. LEE. I did not.

Chairman WALSH. Did you see him any more in the city of New York?

Mr. LEE. I may have; I don't recall.

Chairman WALSH. Do you remember whether you did or not?

Mr. LEE. I just answered that question.

Chairman WALSH. You may have seen him; but you don't recall having seen him in New York again?

Mr. LEE. I may have; I don't recall.

Chairman WALSH. Did you go back to Philadelphia?

Mr. LEE. Probably; I live there.

Chairman WALSH. Do you remember when you went back?

Mr. LEE. I do not.

Chairman WALSH. Now, you think that was in the middle of June; now, when you got back to Philadelphia did you go to work on the letter for Gov. Ammons?

Mr. LEE. Just when I went to work on such a letter, I don't recall.

Chairman WALSH. Did you go to work on the letter after you got back to Philadelphia, to Gov. Ammons?

Mr. LEE. Some time thereafter I went to work on a suggested draft of a letter which might have been used by Gov. Ammons if he had so desired.

Chairman WALSH. And for that work you were paid by Mr. John D. Rockefeller, sr., afterwards?

Mr. LEE. Yes, sir.

Chairman WALSH. Now, you prepared one draft before July 2, and that is the one you wrote about with reference to the letter from Gov. Ammons, "that I am not entirely satisfied with draft I prepared, and am making certain amendments to it." Did you make an amendment to the first draft?

Mr. LEE. No other draft was sent.

Chairman WALSH. You said you were not entirely satisfied with the draft you had prepared, and was making certain amendments to it. Did you make amendments to that draft?

Mr. LEE. I had the draft before me, and was thinking about it, and was trying to improve it, but it so happened that I never sent another draft or did anything further with the matter.

Chairman WALSH. You never did anything further with the matter?

Mr. LEE. No, sir.

Chairman WALSH. You sent it to Maj. Boughton afterwards?

Mr. LEE. I sent it to Maj. Boughton. I wrote the letter to Mr. Rockefeller concerning the draft which I referred to in one of those letters as sent out to Maj. Boughton for discussion.

Chairman WALSH. You sent out the draft you made on July 2 to Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. Where was he located then?

Mr. LEE. Denver.

Chairman WALSH. Did he acknowledge receipt of that?

Mr. LEE. I don't know.

Chairman WALSH. Did you send him a letter inclosing that?

Mr. LEE. I did.

Chairman WALSH. Have you a copy of that letter?

Mr. LEE. Probably.

Chairman WALSH. Have you seen it lately?

Mr. LEE. Yes, sir.

Chairman WALSH. Will you send Mr. Manly a copy of that letter?

Mr. LEE. Gladly.

Chairman WALSH. Can you state the substance of it?

Mr. LEE. Yes, sir.

Chairman WALSH. Please do so, and maybe we can get along without it.

Mr. LEE. That I inclosed a draft of letter or statement that might be made to the public, and suggested that if the governor approved of it and sent it out that it would be a good idea for him to send copies of it to the governors of the other States, and suggested that the matter be very carefully considered, and if any revision was made, that it be made in the direction of greater brevity, and that copies of it when they were sent out by the governor should also be given to the press. That was the substance of the letter.

Chairman WALSH. Then, you did not make any reference in that letter to sending it to the President by Gov. Ammons?

Mr. LEE. No, sir.

Chairman WALSH. I see that your letter of June 11 here, "I am inclined to think that at the moment the best thing we can do would be to give the letter from Gov. Ammons to President Wilson our attention."

Mr. LEE. Yes, sir; and you will remember I told him that I had my interview with him, and he suggested that probably a statement to the American public would be better.

Chairman WALSH. And so you changed your mind about how you would address that letter, and you did not send him any draft to be addressed to the President?

Mr. LEE. I did not.

Chairman WALSH. The suggestion, then, was that the draft of that letter should be sent to the public and to the governors of other States?

Mr. LEE. That is right.

Chairman WALSH. Is that correct?

Mr. LEE. That is right.

Chairman WALSH. Were you informed at the time you had this interview with Mr. Boughton that in addition to being a major in the State Militia of Colorado he was the attorney—he was a lawyer, was he not?

Mr. LEE. Yes.

Chairman WALSH. That he was the attorney by the year for the metalliferous miners?

Mr. LEE. I do not recall, Mr. Chairman, any such information having been given to me.

Chairman WALSH. Did you know that, or do you know it now?

Mr. LEE. I know it now. That is, I say I know it——

Chairman WALSH. You have heard his testimony, probably?

Mr. LEE. I know it in a general way. I could not testify to it.

Chairman WALSH. And that certain of the directors of the company that employed him annually were also directors in certain of these coal companies that were involved in the strike in southern Colorado?

Mr. LEE. I did not know that.

Chairman WALSH. You did not know that?

Mr. LEE. No, sir.

Chairman WALSH. You have not learned that yet, if it is a fact?

Mr. LEE. No.

Chairman WALSH. After this letter was prepared, or this draft of a letter was prepared, you sent it to Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. Who else did you send it to?

Mr. LEE. I might have sent a copy of it to Mr. Welborn.

Chairman WALSH. Did you?

Mr. LEE. I say I may have.

Chairman WALSH. What is your best recollection at this time?

Mr. LEE. My best recollection is that I did.

Chairman WALSH. Who else?

Mr. LEE. That is all, as I recall it.

Chairman WALSH. You sent one to Maj. Boughton and one to Mr. Welborn, who was at that time the president of the Colorado Fuel & Iron Co.?

Mr. LEE. Yes.

Chairman WALSH. Did you receive any letter from Mr. Welborn acknowledging receipt of that?

Mr. LEE. I do not recall, Mr. Chairman.

Chairman WALSH. Did you receive a letter from Maj. Boughton acknowledging receipt of that?

Mr. LEE. I just told you I did not recall. If I did I will be glad to give you a copy of it.

Chairman WALSH. Will you please look it up and see if you did receive such a letter from Maj. Boughton?

Mr. LEE. Yes.

Chairman WALSH. You say you did not know until probably a month ago what Maj. Boughton did with that draft of the proposed letter which you sent to him?

Mr. LEE. That is true.

Chairman WALSH. That is true?

Mr. LEE. Yes.

Chairman WALSH. And you inquired of Maj. Boughton what he did with it for the first time after this letter containing the reference to it was submitted into the record of this commission and given wide publication throughout the United States?

Mr. LEE. That is true.

Chairman WALSH. Was Gov. Ammons out of office at that time—I take it that he was, because he went out the 1st of January. That is correct, is it?

Mr. LEE. So far as I know.

Chairman WALSH. Have you had any communication by wire, telephone, or mail with Gov. Ammons with respect to this matter?

Mr. LEE. I have not.

Chairman WALSH. Within the last month?

Mr. LEE. I have never had any communication of any kind with Gov. Ammons.

Chairman WALSH. Was your communication with Maj. Boughton as to what he did with the draft of the proposed letter a matter of correspondence, or was it done over the telephone, or how?

Mr. LEE. It occurred in New York. Maj. Boughton was in New York about two weeks ago, I think, and called me on the telephone and told me he was there. I called on him and asked him if the statement which had been made in the press by Mr. Rockefeller on this subject—and the substance of the information on this point was necessarily supplied by myself—I asked him if there were any amendments to that necessary, according to his recollection, that should be made. He told me it was substantially correct.

Chairman WALSH. Was that all you said to him, in substance?

Mr. LEE. I had a general conversation with him.

Chairman WALSH. About this particular matter?

Mr. LEE. That is all I said to him.

Chairman WALSH. So really all you said to him was, "Did you see all that was published"——

Mr. LEE (interrupting). I beg your pardon; I did ask the specific question. I said: "What did you do with that memorandum?" He told me, "I did nothing with it."

Chairman WALSH. Did he say that he ever communicated it to Gov. Ammons?

Mr. LEE. He said he did not.

Chairman WALSH. Did he say he ever communicated the substance of it to Gov. Ammons?

Mr. LEE. He said he did not; and never communicated it to Gen. Chase, his superior officer.

Chairman WALSH. It was intended, when you gave it to him, that he was to take it to Colorado, and he was to give it to Gen. Chase, of the National Guard, and Gen. Chase, of the National Guard, was to give it to Gov. Ammons, and that Gov. Ammons was to put it in a letter, and that he was to send that letter to the governors of the other States and publish it throughout the United States?

Mr. LEE. Mr. Chairman, there was no intention. There was a suggestion to Maj. Boughton. Maj. Boughton, in his communications with the governor, had to report to and communicate with him through his superior officer, and so told me. I assumed that was correct. There was no intention of any kind. It was a suggestion such as one man makes to another, perfectly frankly and openly, and, as I say, I would do it again under similar circumstances.

Chairman WALSH. I will try to get that a little more definitely. You made a suggestion which was in a letter—that is, you made a suggestion to Maj. Boughton at the Waldorf Hotel—that you would prepare a draft of a letter which you desired him to have the governor of Colorado sign, if he was willing to do it.

Mr. LEE. No, sir.

Chairman WALSH. Please give the substance of your recollection of what you said to Maj. Boughton.

Mr. LEE. Maj. Boughton said the governor was very anxious to get his views before the public, and he wanted some effective way of doing it. I said one way would be to write such a letter as I suggested. His suggestion was, "If I will send you a memorandum"—or this is a combination of the conversations between Mr. Greene and myself and Maj. Boughton—"if I will send you a memorandum, will you prepare a kind of draft that you have in your mind?" There was no suggestion on my part that we desired Maj. Boughton to convey such a suggestion to the governor—nothing of that kind.

Chairman WALSH. Not even after you met at the Waldorf Hotel, there was no thought of that kind in your mind?

Mr. LEE. Not beyond what I have stated.

Chairman WALSH. It was your suggestion entirely about the letter, was it not?

Mr. LEE. It was.

Chairman WALSH. Given to Mr. Greene, and your suggestion was that a letter should be written by Gov. Ammons addressed to the President?

Mr. LEE. Yes.

Chairman WALSH. That was your first suggestion?

Mr. LEE. Quite right.

Chairman WALSH. You followed that by saying that you thought it would be a good thing to do, and that you would prepare a draft of it. Did you not tell him—did you not convey that suggestion to him—that a draft was to be made for the governor to sign to be sent to the President?

Mr. LEE. I never put it that way; no, sir.

Chairman WALSH. Very good. Did you retain a copy of the draft of the proposed letter which you sent to Maj. Boughton?

Mr. LEE. I did.

Chairman WALSH. Is that one of the things which you say you have at your office?

Mr. LEE. Yes.

Chairman WALSH. And you will supply that to us?

Mr. LEE. Gladly.

Chairman WALSH. You can do that when you go back Monday, if you go back Monday?

Mr. LEE. Yes.

Chairman WALSH. Is that correct?

Mr. LEE. Yes.

Chairman WALSH. As publicity agent, what was your occupation at that time or your relationship to Mr. Rockefeller and his business or his investments?

Mr. LEE. You know my main relationship at that time was with the Pennsylvania Railroad——

Chairman WALSH (interrupting). Yes; I understood that, and I do not care to go into that phase of it, but in doing this work what relationship did you bear to Mr. Rockefeller, either to Mr. Rockefeller or any of his companies?

Mr. LEE. Mr. Rockefeller put me into relationship with Mr. Welborn as chairman of the committee of Colorado operators, to advise with them and assist with them in getting their side of the Colorado situation before the public. Out of that relationship with Mr. Rockefeller, as we got better acquainted, other matters developed and I gave Mr. Rockefeller suggestions with reference to other of his interests.

Chairman WALSH. What kind of a publicity campaign were you intending to operate for Mr. Rockefeller in June of 1914?

Mr. LEE. I was not intending to operate any publicity campaign for Mr. Rockefeller.

Chairman WALSH. Who for?

Mr. LEE. The Colorado operators.

Chairman WALSH. I will read you from one of your letters dated June 11—one paragraph:

"I also acknowledge receipt of check for $2,000 applicable to expenses of organizing the publicity campaign. I understand that this is to be utilized as working capital and to be returned at your pleasure or when the scheme reaches a point where such working capital is not required."

Mr. LEE. Yes, sir; that is the Colorado campaign.

Chairman WALSH. How is that?

Mr. LEE. That is the Colorado campaign, Mr. Chairman.

Chairman WALSH. That was just an advancement, you claim, of $2,000, and the combined operators of Colorado at that time were supposed to reimburse Mr. Rockefeller for that and pay for all the work that you should do?

Mr. LEE. They were to reimburse me for such expenses as I incurred, and then when the operators supplied me with funds to pay the bills incurred that money was to be returned to Mr. Rockefeller.

Chairman WALSH. Now, one letter following that—the letter of June 11—when did you enter into the employ of Mr. Rockefeller properly?

Mr. LEE. You mean exclusively?

Chairman WALSH. Yes; exclusively.

Mr. LEE. January 1.

Chairman WALSH. Of what year?

Mr. LEE. This year.

Chairman WALSH. January 1 of 1915?

Mr. LEE. Yes, sir.

Chairman WALSH. And up to that time, all the work that you did was done for the operators?

Mr. LEE. All the work except, as I stated a few moments ago, such suggestions as I gave Mr. Rockefeller in reference to his general interests. There were a few matters that I handled for him with reference to some of his special interests.

Chairman WALSH. As a matter of fact, now, Mr. Lee, didn't you simply go to work for Mr. Rockefeller to do anything that he wanted you to do—that is, properly—in a publicity way, and you were starting a publicity campaign and that Mr. Rockefeller, sr., paid you out of his own private funds $2,000 for all the work done up to January, and that as far as you know he had never been reimbursed by any other interest in Colorado, and you have never received payment for what you did from any other source?

Mr. LEE. The whole of the expenses connected with the publicity campaign were repaid to me from Colorado, and my information is that the Colorado Fuel & Iron Co. has, on behalf of the other operators in Colorado—what arrangement they have I do not know—had paid the greater portion of my salary up to January 1.

Chairman WALSH. On July 1—I see a letter which you have addressed to Mr. Rockefeller, as follows:

"DEAR MR. ROCKEFELLER: I have your letter of June 27 and shall take pleasure in placing upon our mailing list the names you suggest. The sermon of Dr. Hillis I am delighted to have, and shall want to make use of it."

Were you going to make use of that Dr. Hillis sermon for Mr. Rockefeller or the combined operators of Colorado?

Mr. LEE. I do not recall; but I do recall that we made no use of it.

Chairman WALSH. It contained misstatements, didn't it?

Mr. LEE. I do not recall the sermon, Mr. Chairman. I know—for what reason I can not say—that we did nothing further with it.

Chairman WALSH. Mr. Rockefeller sent the sermon to you and suggested you circulate it?

Mr. LEE. That may be.

Chairman WALSH. And the sermon did contain a statement such that the Colorado Fuel & Iron Co. offered to deal with the unions collectively—were willing to recognize unions and deal with them collectively through the officials, didn't it?

Mr. LEE. That may be. I heard that brought out yesterday. I did not know it up to that time.

Chairman WALSH. Have you seen the sermon since?

Mr. LEE. No, sir.

Chairman WALSH. As a matter of fact, it is being sent out now from some place in Detroit?

Mr. LEE. So I understand, but we have nothing to do with it at our office.

Chairman WALSH. Have you advised those people that it contained misstatement with reference to your company—the Colorado Fuel & Iron Co.—in reference to the offer to recognize the unions; that that was the whole fright, and because of the blood shed and other trouble that came about?

Mr. LEE. I have done nothing in reference to Dr. Hillis's sermon.

Chairman WALSH. Did you see the published public statements from time to time denying the statements made in that sermon and published in——

Mr. LEE (interposing). I did not. The point is, Mr. Chairman, we did absolutely nothing with that sermon, so that we have no responsibility for it. This was private correspondence between Mr. Rockefeller and myself and nothing whatever was done with that suggestion, so we had no responsibility for Dr. Hillis's sermon.

Chairman WALSH. But it was sent to you with the suggestion to send it out?

Mr. LEE. I did not send it out.

Chairman WALSH. You stated in reply that you would be delighted to have the sermon, but that no use was made of it?

Mr. LEE. No, sir.

Chairman WALSH. It was not a private letter. It had reference to work that you were doing for these corporations?

Mr. LEE. Well, it was what I call a private letter.

Chairman WALSH. Have you been advised that this Hillis sermon is being sent out from Detroit to the same mailing addresses that your bulletins are being sent to?

Mr. LEE. I have not been so advised.

Chairman WALSH. Did you give that mailing address to any other person—those addresses?

Mr. LEE. I have no recollection of having done so. I am almost sure it was not done. I heard the point brought out yesterday and my recollection is clear, but I am not prepared to testify definitely. I would be happy to inform you of it if I could, but I will say this, that I have a definite impression that nothing was done with that sermon and that that mailing list was not given to any such parties.

Chairman WALSH. Did you have any correspondence with the Cadillac Motor Car Co., of Detroit, or any of its officers?

Mr. LEE. No, sir.

Chairman WALSH. Did you have any correspondence with a man named Leland, in Detroit?

Mr. LEE. No, sir.

Chairman WALSH. Do you know who he is?

Mr. LEE. No, sir.

Chairman WALSH. Do you know anyone in Mr. Leland's office in Detroit?

Mr. LEE. No, sir.

Chairman WALSH. I will read one of the letters a little further in this matter. Perhaps I had better read the whole letter, because you might want

to call for it. It is a letter which was written July 1, at the time you were getting up these bulletins, and at the time your pay was supposed to be from the operators in Colorado. When I say "supposed," I do not mean to reflect on what you said, but in view of the fact that Mr. Rockefeller first paid it and then was reimbursed by the combined operators. July 1 took in that period before you went to work definitely with Mr. Rockefeller?

Mr. LEE. Yes, sir.

(The chairman thereupon read the letter referred to.)

Chairman WALSH. Now, the Rockefeller Institute had no connection with the Colorado Fuel & Iron Co., so far as you are informed, did it?

Mr. LEE. No, sir; none.

Chairman WALSH. What were the interviews that you had with Mr. Harry Wheeler—were they in reference to the Rockefeller interests?

Mr. LEE. Mr. Wheeler and Mr. Rockefeller had had a talk in reference to enlarging the scope of the publications of the National Chamber of Commerce, called the Nation's Business. Mr. Rockefeller asked me to see Mr. Wheeler and to get his ideas in order that I might give Mr. Rockefeller my views as to whether it was desirable to go further with the plans which he and Mr. Wheeler had discussed. I saw Mr. Wheeler and others in connection with the matter, but never made a report to Mr. Rockefeller, because, as I told him verbally, I never had become convinced that the plan was quite practicable.

Chairman WALSH. What was the plan?

Mr. LEE. The plan was to enlarge the scope of the publication of the National Chamber of Commerce of the United States—a paper called the Nation's Business.

Chairman WALSH. How to enlarge it—to put money into it?

Mr. LEE. To enlarge the size, and, of course, the number of issues, and the question as to whether or not it would be desirable to lend the chamber sufficient working capital to enable them to put the matter on a sound and paying basis.

Chairman WALSH. Who was considering lending the money?

Mr. LEE. Mr. Rockefeller and Mr. Wheeler had discussed such a proposition, a proposition to finance such an enlargement. I do not know that I can add anything more to that.

Chairman WALSH. Where was the money to come from—from Mr. Rockefeller's funds?

Mr. LEE. If Mr. Rockefeller was to finance it, it was to come from Mr. Rockefeller's funds, naturally.

Chairman WALSH. We will stand adjourned at this point until Monday morning at 10 o'clock. I believe, Mr. Lee, you stated it would be very inconvenient for you to come back Monday?

Mr. LEE. Yes; Mr. Chairman, if you will let me have until Tuesday——

Chairman WALSH. Very well; you may come back Tuesday, and we will put Mr. Bowers on the stand Monday.

(Thereupon, at 4.30 o'clock, the commission took an adjournment until Monday morning at 10 o'clock a. m.)

WASHINGTON, D. C., *Monday, May 24, 1915.—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Harriman, and O'Connell.

Chairman WALSH. Mr. Bowers.

TESTIMONY OF MR. L. M. BOWERS.

Chairman WALSH. What is your name, please?

Mr. BOWERS. L. M. Bowers.

Chairman WALSH. Where do you reside, Mr. Bowers?

Mr. BOWERS. Binghamton, N. Y.

Chairman WALSH. And how long have you lived in Binghamton?

Mr. BOWERS. In the county all my life; 48 years in Binghamton.

Chairman WALSH. What is your occupation?

Mr. BOWERS. Business affairs.

Chairman WALSH. What is your present occupation?

Mr. BOWERS. I am on the advisory staff of Mr. John D. Rockefeller.

Chairman WALSH. That is, John D. Rockefeller, sr.?

Mr. BOWERS. Senior; yes.

Chairman WALSH. Now, what, generally speaking, are your duties on the advisory staff of Mr. John D. Rockefeller, sr.?

Mr. BOWERS. I represent him in several corporations.

Chairman WALSH. What are they?

Mr. BOWERS. I am president of the Cleveland Steel Co. I am on the executive board of the American Shipbuilding Co. I am connected with the Great Lakes Towing Co.——

Chairman WALSH. I did not quite catch that; will you kindly speak a little louder?

Mr. BOWERS. I am president of the Cleveland Steel Co. and have been for 15 years, I think, and on the board of the American Shipbuilding Co.——

Chairman WALSH. That is, the board of directors or the executive board?

Mr. BOWERS. Executive board and board of directors also, and the Great Lakes Towing Co.

Chairman WALSH. Great Lakes Towing Co.?

Mr. BOWERS. Yes; those three things I am in particularly.

Chairman WALSH. Are you connected now with the Colorado Fuel & Iron Co.?

Mr. BOWERS. In no respect.

Chairman WALSH. You have been in the employ of John D. Rockefeller, sr., for something like 26 years, I believe?

Mr. BOWERS. No; this is my twentieth year.

Chairman WALSH. Your twentieth year?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What were your relations with John D. Rockefeller, sr., before you went into his employ?

Mr. BOWERS. I had no acquaintance with him whatever.

Chairman WALSH. Where I got that information—you testified, I believe, Mr. Bowers, before the congressional committee that was investigating affairs in Colorado, I believe?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Where did you appear before that commission?

Mr. BOWERS. In the senate chamber in Denver.

Chairman WALSH. In the senate chamber in Denver?

Mr. BOWERS. Yes, sir.

Chairman WALSH. I will ask you if this question was not asked you [reading]:

"What are your relations with Mr. Rockefeller?" And you said, "A hired man. Have been for nearly 26 years.

"Question. In what capacity?

"Mr. BOWERS. In a variety. I have been in a great many different affairs."

You just estimated it six years too much?

Mr. BOWERS. No; it is a mistake. They left out one or two questions and my replies.

Chairman WALSH. Yes. Well, what were they, then?

Mr. BOWERS. Well, that should not be 26 years. That is a mistake.

Chairman WALSH. It should have been 20 years?

Mr. BOWERS. Well, it should not have been 20 years then. It is not 20 years yet.

Chairman WALSH. Well, was the balance of the answer right [reading]:

"In what capacity?

"Mr. BOWERS. In a variety. I have been in a great many different affairs."

Mr. BOWERS. Yes, sir.

Chairman WALSH. And you were hired by John D. Rockefeller, sr.?

Mr. BOWERS. Yes, sir.

Chairman WALSH. About 20 years ago, as I understand from one of your letters, you had an understanding with Mr. Rockefeller, sr., as to what your attitude was toward laboring people?

Mr. BOWERS. Yes.

Chairman WALSH. And you and Mr. Rockefeller, when he put you in there, he had a perfect understanding of what your attitude was?

Mr. BOWERS. Yes.

Chairman WALSH. During all these years?

Mr. BOWERS. I think so. He knew what my attitude was at that particular time.

Chairman WALSH. At that particular time?

Mr. BOWERS. Yes.

Chairman WALSH. Let's get at your attitude; you had some thought about the uplifting of labor at that time?

Mr. BOWERS. I did.

Chairman WALSH. And the handling of labor matters generally?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You believed in what is called an open shop?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Did you have any trouble on the Great Lakes with your employees?

Mr. BOWERS. No, sir.

Chairman WALSH. Any strikes?

Mr. BOWERS. Never.

Chairman WALSH. And you believed in the principles that were announced by John D. Rockefeller, jr., on the witness stand before this congressional committee, I believe, for which you wrote him a very commendatory letter?

Mr. BOWERS. This committee here?

Chairman WALSH. No; the congressional committee.

Mr. BOWERS. I don't know that I passed on that; possibly I did. Mr. Walsh, you asked me his attitude before the committee?

Chairman WALSH. Before the congressional committee. You recall his statement before the congressional committee being to the effect that he believed in a great principle—that is, the great principle being the right of the individual American workman to work for whomsoever he pleased without the dictation or control of labor unions, and that so far as he was concerned he was willing to spend the entire Rockefeller fortune to establish that right?

Mr. BOWERS. Whatever the letters say; I won't take your time unless you wish. I assent to all that I wrote.

Chairman WALSH. Now, you were out there as chairman of the executive board of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Not at first.

Chairman WALSH. What were you at first?

Mr. BOWERS. Vice president.

Chairman WALSH. During the strike you were putting into effect the principles or the attitude that you had toward the organization of workingmen or attempting to put it into effect?

Mr. BOWERS. I had nothing whatever to do with the operation of the strike directly or indirectly.

Chairman WALSH. You had nothing to do with the operation of the strike directly or indirectly?

Mr. BOWERS. Not at all.

Chairman WALSH. You paid out all of the money for arms, ammunition, and mine guards?

Mr. BOWERS. I paid out nothing, because that was made up by a committee of operators of about 90 mines, and I was not a member of the committee and had no conversation with them directly, and some I had never seen.

Chairman WALSH. But you did pay the money that was paid by the Colorado Fuel & Iron Co.?

Mr. BOWERS. Every operator paid their proportion of whatever it was.

Chairman WALSH. But you were the individual that signed the checks, to whoever was to get it, to get the money from the bank to pay for the mine guards and the ammunition or whatever was done?

Mr. BOWERS. No, sir; our checks totaled perhaps $500 to $1,000 a day.

Chairman WALSH. And among those were the checks that you signed to pay for the ammunition and mine guards?

Mr. BOWERS. Never one of them.

Chairman WALSH. You were the treasurer, were you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. How did they get the money out of the treasury?

Mr. BOWERS. I presume through the cashier's department, by the assistant treasurer.

Chairman WALSH. Did you have to sign the vouchers to draw the money from the treasury?

Mr. BOWERS. Never. That is, rarely, except in the absence of the assistant treasurer.

Chairman WALSH. State to the record, in detail, what your duties were in Denver as treasurer.

Mr. BOWERS. Largely, as the actual treasurer, was to sign documents that were official or legal, where it required the signature of the treasurer, that they regarded it as necessary for the signature of the treasurer rather than the signature of the assistant treasurer.

Chairman WALSH. How much money was paid out by the Colorado Fuel & Iron Co. for arms and ammunition prior to September 13, 1913?

Mr. BOWERS. I have not the slightest idea.

Chairman WALSH. Did you hear it stated in the office, you were there?

Mr. BOWERS. I never did.

Chairman WALSH. Were you a member of the board of directors also?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What action did the board of directors take toward buying arms and ammunition?

Mr. BOWERS. Nothing at all that I know of.

Chairman WALSH. What action was taken by the board of directors, or executive committee, with reference to paying men that acted as mine guards, or served in the militia?

Mr. BOWERS. As far as the mine guards were concerned, that was part of the machinery of the mine all of the time that I know of.

Chairman WALSH. Did you pay them?

Mr. BOWERS. I did not pay them; I presume they were authorized to be paid.

Chairman WALSH. Were they authorized to be paid by the executive committee of whom you were in charge?

Mr. BOWERS. Not at all.

Chairman WALSH. Who did actually authorize the payment of money for mine guards and ammunition?

Mr. BOWERS. They were undoubtedly presented to the auditor and indorsed by him.

Chairman WALSH. Who was that?

Mr. BOWERS. Mr. J. H. Writer was the auditor, and undoubtedly, I don't know, I can't say from personal knowledge that they went through there, but they undoubtedly did, but I never saw one of them or heard of them. If you will allow me to say a word here——

Chairman WALSH. Certainly.

Mr. BOWERS. On account of very severe illness in my family for a couple of years, I did as little as I could of the actual work, to save any nervous or actual strain. I divorced myself absolutely, as far as I could, from that strike, as far as operation and handling of the annoying things; I had nothing to do with it.

Chairman WALSH. You had nothing to do with it?

Mr. BOWERS. Nothing to do with it.

Chairman WALSH. You heard these letters read into the record from you?

Mr. BOWERS. Yes, sir; I stand back of them.

Chairman WALSH. I might comment and say some of them sound very virile.

Mr. BOWERS. I acknowledge all those letters.

Chairman WALSH. Before I take them up?

Mr. BOWERS. Yes, sir; before you take them up.

Chairman WALSH. Would not that first letter, wherein you state that yourself and the other officers would allow your bones to bleach in the mountains of Colorado—would at least leave the impression that you, with the officers, were taking very vigorous steps?

Mr. BOWERS. We were mighty interested, I tell you, Mr. Walsh.

Chairman WALSH. That would leave the impression that you were taking part in it?

Mr. BOWERS. Will you allow me to explain my attitude?

Chairman WALSH. Yes, sir; certainly.

Mr. BOWERS. They had in that section of the State about 14,000 men in the coal mining business; nonunion men, largely. I think we had in the Colorado Fuel & Iron Co. perhaps 600 union men, men that had been in the unions for 10, 20, or 25 years. Never a question raised in regard to those men in the world, whether they were union or nonunion, their nationality or religion, or anything as far as I know.

Chairman WALSH. You may proceed.

Mr. BOWERS. After a year or two of agitation by speeches and gatherings, especially in southern Colorado, there were added to the 600 men perhaps four

or five or six or seven hundred more; and perhaps when the strike was called ten or twelve or thirteen hundred union men were there, and there were ten or twelve or thirteen thousand nonunion men.

I want to explain my letter. I regarded that as an attempt on the part of the leaders outside of the State to come into the State and induce or persuade or possibly force the unionization of the coal mines in Colorado. My ideas of independence, of American independence, were such that I believe in individual independence in respect to labor.

Chairman WALSH. Oh, yes.

Mr. BOWERS. My letter speaks of what I would do to stand against that sort of thing, as I saw it and understood it. Let me tell you, Mr. Walsh, if there had been twelve or thirteen thousand union men employed there, and there had been ten or twelve or thirteen hundred nonunion men that went into that camp with leaders from outside of the State and attempted to drive out the union men, I would have said that I would have stood against them until my bones were bleached as white as chalk; I would have taken just the same position with union miners as with nonunion.

Chairman WALSH. So that what you did in Colorado was due to just your idea of American citizenship and your desire to see that the men that were in your mines did not have their rights as American citizens invaded by outsiders?

Mr. BOWERS. Or anybody else.

Chairman WALSH. So that it was not a partial feeling toward the Colorado Fuel & Iron Co., or anything of that sort?

Mr. BOWERS. Not a particle; no more than I would in any concern I was interested in.

Chairman WALSH. I want to read you this letter, Mr. Bowers. You have had very strong notions on this question of open shop and closed shop all of your life, have you not?

Mr. BOWERS. Yes.

Chairman WALSH. And you have tried to put them into effect in the various organizations that you have managed for Mr. Rockefeller?

Mr. BOWERS. No; excuse me there. I have never interfered with any of the organizations that existed when I went there or prevented the enrollment of any individual in any organization for collective bargaining, or any number of them, or in any trade-unions. I never interfered with men joining a trade-union in my life in the slightest.

Chairman WALSH. You had many talks with Mr. Welborn as to how the thing was running out there?

Mr. BOWERS. As I said before, as little as I possibly could.

Chairman WALSH. You had many?

Mr. BOWERS. Yes; sure.

Chairman WALSH. And he told you during all the years you were away from there it was his custom to hire spies—that is, he would hire men to go in and pretend they were regular workmen, but in reality they were detectives working for the company and paid by the company—and when he found out a man was trying to organize men into the union he would report it to Mr. Welborn, and this man would be discharged. You knew that, Mr. Bowers?

Mr. BOWERS. No, sir; it is not true.

Chairman WALSH. Mr. Welborn did not testify to that in Denver before this commission?

Mr. BOWERS. He may have testified to it.

Chairman WALSH. It is not true you knew it?

Mr. BOWERS. Let me explain.

Chairman WALSH. Yes.

Mr. BOWERS. When I went there I found there were men employed by the coal companies——

Chairman WALSH (interrupting). Just the Colorado Fuel & Iron Co., please.

Mr. BOWERS. That were employed by the Colorado Fuel & Iron Co. as spotters, or whatever you call them.

Chairman WALSH. Spies.

Mr. BOWERS. I don't care what you call it; there were some there, and I took up the matter and said, "Why is that thing done?" And they give this reason and that reason and another. I said, "That is not my attitude toward this matter." I am going to be somewhat in conflict, you will observe, with the officials of the Colorado Fuel & Iron Co.

Chairman WALSH. With the testimony of the officers of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Well, yes. I do not believe in that sort of thing unless there is some reason for it, to have men in there to do violence or to mislead or try to control the miners.

Chairman WALSH. How do you mean by "mislead"? The doing or saying of something that does not contain elements of truth?

Mr. BOWERS. I don't think you want me to go into those things.

Chairman WALSH. Go ahead. I probably interrupted you.

Mr. BOWERS. These men—suppose, for instance, I was interested in a proposition, and I was very much interested in it, and I had a lot of associates, as I do, and if I thought it was a good thing for them, and if I thought it was a good thing for me, and if I thought it was a good thing for the company, and in general for the common good, I would be mightily inclined to talk about it and would not want to be interfered with; and if one of my miners thought unionism was good and the best thing, I could not allow myself to say no, if there was no viciousness.

Chairman WALSH. What would you think of the leaders of the miners' union if they got some one to go to Mr. Rockefeller and pretend that he was as loyal as you to him and held sacred the same general principles of conduct among men, and got Mr. Rockefeller to send him out to take a position on your executive board, but in reality he was employed by the Western Federation of Miners; that is the one I see by your letter——

Mr. BOWERS (interrupting). The American Federation of Miners.

Chairman WALSH. You first wrote about the Western Federation of Miners; maybe that is a mistake.

Mr. BOWERS. The United Mine Workers of America, I meant.

Chairman WALSH. Now, suppose in reality this man that went and got this employment from Mr. John D. Rockefeller, sr., was in their employ and got paid every day for what he did, and he sat on your board and reported back and forth, what would you think about it—that it was an honorable or proper proceeding?

Mr. BOWERS. I don't know that I really get the seed of your statement.

Chairman WALSH. I will try to state it again; suppose a man had gone to Mr. John D. Rockefeller, sr., and induced him to believe——

Mr. BOWERS (interrupting). A secret employee from the United Mine Workers of America?

Chairman WALSH. Yes; and assured Mr. Rockefeller that he held the same principles that you held with reference to the conduct that should exist between men working in any industry, and that he secured employment from Mr. John D. Rockefeller, sr., and got his confidence to such a great extent that he put him on the executive board with you, but in reality that man was in the employ of the United Mine Workers of America, and was just trying to find out the inside methods of your organization and trying to hurt it and wreck it in any way he could; would you think that was an honorable proceeding?

Mr. BOWERS. That would be a matter for Mr. Rockefeller and the gentlemen who had the negotiations with him and for him to settle.

Chairman WALSH. You would not think it was wrong morally or ethically?

Mr. BOWERS. He would be a deceitful trickster.

Chairman WALSH. A trickster?

Mr. BOWERS. Yes; to do that thing—to impose on Mr. Rockefeller and to work himself into a position there for the purpose of spying and doing dirty work.

Chairman WALSH. You would not approve of anything like that?

Mr. BOWERS. Not for a moment.

Chairman WALSH. Are you still on the board of directors of the Colorado Fuel & Iron Co.?

Mr. BOWERS. I am not.

Chairman WALSH. Now, the man that would get the trickster to do that dirty work he would be dirtier than the man himself, if he paid him money for doing it; if there could be degrees of that sort of thing?

Mr. BOWERS. I won't pass judgment on moral conduct.

Chairman WALSH. All right. You said it would be deceitful and tricky.

Mr. BOWERS. It would be from my standpoint; I do not like a deceiver anywhere.

Chairman WALSH. Now, I call your attention—in these corporations that you are in now, are you still working hard and aggressively to keep the workers in the organization free and independent from outside dictation?

Mr. BOWERS. I would rather that you put that free and independent from inside dictation. I certainly am.

Chairman WALSH. I will read you a letter of April 7; perhaps I had better read that in full before I interrogate you.

Mr. BOWERS. I remember that pretty well.

Chairman WALSH. I will read all of this, because I want to ask you about so many paragraphs; that was after the congressional investigation and after the horror at Ludlow, and after the conflict between the military and the strikers and their organization; you wrote this letter April 7, 1914?

Mr. BOWERS. To whom?

Chairman WALSH. This was dated April 7; this was before Ludlow, the same month that Ludlow happened. First, what were you doing in Binghamton, N. Y., then?

Mr. BOWERS. I presume I was resting.

Chairman WALSH. Were you still in the employ of the company?

Mr. BOWERS. Yes.

Chairman WALSH. Were you still chairman of the executive committee?

Mr. BOWERS. Yes.

Chairman WALSH. Perhaps I had better get that straight; what was the date of your retirement?

Mr. BOWERS. December 28.

Chairman WALSH. 1914?

Mr. BOWERS. Yes.

Chairman WALSH. Now, on April 7, I see you wrote as follows [reading]:

BINGHAMTON, N. Y., *April 7, 1914.*

DEAR MR. ROCKEFELLER: You have rendered a service for the entire country in your testimony before the congressional committee that can not be overestimated for its value just at this period in our industrial history. As the writer anticipated, these biased political wirepullers utterly failed in their attempt to trip you, and every word you said simply brought out clearer and clearer your genuine American loyalty to stand against all comers, to protect every man who seeks employment in the enterprise in which you have a commanding interest in the enjoyment under the Stars and Stripes, of life, liberty and the pursuit of happiness.

I believe what you gave to the committee, and the position you so ruggedly maintained against the assaults of Dr. Foster, will do more for the cause of the millions of laboring men than all the efforts of social reformers, in as many years.

It will set thousands of faltering employers to thinking and inspire confidence and spur them to activity in opposing the schemes of political, social, and religious demagogues, who are in the clutches of the labor union leaders, whose aim is to shut the open shops.

I can not put into words my satisfaction, I will say boundless delight, with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

Sincerely, yours,

L. M. BOWERS.

Chairman WALSH. Now, were the "political wirepullers" who were trying to trap Mr. Rockefeller the Members of the Congress of the United States that were charged by the whole body with the duty of investigating the situation in Colorado?

Mr. BOWERS. I would not answer that question definitely like that. There are a great many contributing features in the political atmosphere, and so forth, not only the congressional committee, but otherwise, that undoubtedly prompted me to write a pretty strong letter.

Chairman WALSH. Well, did the "biased political"——

Mr. BOWERS (interrupting). Excuse me. His testimony before that committee is what I referred to. If I should write another letter to Mr. Rockefeller to-day, I should repeat that letter in some respects, leaving out the political aspects. I should commend his testimony on his examination here the same as I did then.

Chairman WALSH. Now, were these biased political wirepullers, as you call them, the members of the special committee on mines and mining, being a part of the Congress of the United States, and especially charged with the duty of investigating your affairs in Colorado?

Mr. Bowers. I don't think it would be proper for a private citizen to hold up or name or select that committee, even if I thought it was that committee, as the political wirepullers. I don't think I ought to answer that question that way. I don't think I want to charge any committee directly with that.

Chairman Walsh. Would you, then, circulate a private opinion that you would not express publicly?

Mr. Bowers. Yes. That is private correspondence after long years of intimate relations in business, and was never expected to be publicly presented here, but like any other private correspondence between gentlemen and business friends—a partnership, you might say.

Chairman Walsh. A partnership? Do you say that any correspondence is private that has to do with the conduct of a corporation operating with $85,000,000 of capital and in conflict with a great body of citizens of a sovereign State, and in respect to the investigations that are being made by the Federal Government through the representatives of the people? Do you call their correspondence that takes place between the officers of that corporation private correspondence in which the people have no interest?

Mr. Bowers. I would not want to admit, Mr. Walsh, that we were in conflict.

Chairman Walsh. You did not think this would ever be brought out, this correspondence, at the time you wrote it?

Mr. Bowers. I would have been—certainly I would have had sense enough if I made a public statement to leave out many things that I would not if I was writing to my own son or my own family or my own partner. I would not use the same language to Mr. Walsh as to Mrs. Bowers.

Chairman Walsh. And you would not use the same sentiments or expressions as to the public officers of the people, if you thought afterwards they were going to be shown to the people who created that office—the people generally?

Mr. Bowers. I certainly would not, unless I was stating it before him and about him.

Chairman Walsh. You say: "I believe the hours you gave to the committee and the position you so manfully maintained against the assaults of Dr. Foster"—Dr. Foster was the regular chairman of the Committee on Mines and Mining of the House of Representatives of the United States, and presided over the committee that was investigating the Colorado situation. Do you remember that?

Mr. Bowers. Yes, sir.

Chairman Walsh. Dr. Foster?

Mr. Bowers. Why, sure.

Chairman Walsh. Well, your were referring in that letter to the representatives of the people of the United States, were you not, but you did not think it would be exposed?

Mr. Bowers. Well, I would not care to admit that.

Chairman Walsh. Well, then, you were referring to the representatives of the people of the United States?

Mr. Bowers. I was referring to the testimony of Mr. John D. Rockefeller before that committee; and I believe the committee was biased, and I think it was made up politically in a manner that was not fair to all concerned. That is my notion and my opinion of it.

Chairman Walsh. So you believed, in cases where you think the representatives of the people do not act fairly, you believed in getting the bankers and business men and all the agencies you can and whipping them into line?

Mr. Bowers. Oh, no; I did not.

Chairman Walsh. You did not believe that?

Mr. Bowers. Oh, whipping in line—I do believe in a man using every possible effort in his political and social relations and as a citizen and everywhere that he can to get what is best done for the common good, and using such methods as are necessary to bring it about—by peaceful methods. I belief in using all the methods you can for the common uplift and common good.

Chairman Walsh. You believe in using all methods whatever the methods may be?

Mr. Bowers. As I say, if, as I recall, I wrote another letter that referred to the situation down there in southern Colorado and used some pretty vigorous language; and I stand for every jot and tittle of that letter that I wrote down there, and every one of them, the same as I will for this.

Chairman Walsh. So you believe that if you figure out yourself what is right and just industrially or financially, and the governor of a sovereign State or the Representatives of the people in Congress differ with what you think,

that it is perfectly proper to organize the bankers and the financial interests and all other interests to whip into line those public officials and representatives of the people?

Mr. BOWERS. If they are wrong; yes, sir.

Chairman WALSH. If they are wrong?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Now, you found them wrong, you have found them wrong many times, and you have never hesitated to go after them that way?

Mr. BOWERS. And speak good of them, too.

Chairman WALSH. After you got them into line, you call that giving them taffy, don't you?

Mr. BOWERS. Mr. Walsh, I am not much of a politician, and I imagine that you are.

Chairman WALSH. Your imagination is running away with you. I am the poorest politician in America, or I would not be doing what I am doing now. Is that the way you do it—after you get the bankers and public officials to whip those people into line you talk nice to them?

Mr. BOWERS. May I ask you a personal question?

Chairman WALSH. Look out, I warn you in advance.

Mr. BOWERS. Did your mother ever spank you?

Chairman WALSH. Indeed she did.

Mr. BOWERS. All right; did she ever give you a piece of candy or some cookies afterwards?

Chairman WALSH. Yes, sir. Is that your attitude before the people of the United States, in your conduct of public affairs representing the Rockefeller interests, that if a public official known as the representative of the people don't do what you think is right, you spank them and then when they come around and do what you think is right, then you give them a piece of candy, just like my mother would me?

Mr. BOWERS. Sure.

Chairman WALSH. That is the way you do it?

Mr. BOWERS. Sure.

Chairman WALSH. During the process, when you are whipping them into line, how do you treat them? Do you treat them with kindness or call them names and condemn them publicly?

Mr. BOWERS. I have not anything in my mind where I have come out publicly and mistreated men, as you name.

Chairman WALSH. Do you think that the combined bankers of a community might exercise too much influence to call upon them to whip a public official into line?

Mr. BOWERS. I wish, Mr. Walsh, that you would be kind enough to me and others to state, or allow me to state, the occasion for the whipping. It would be easier for me.

Chairman WALSH. For this particular whipping?

Mr. BOWERS. Yes, sir; of the governor.

Chairman WALSH. All right, we will get down to that, if you want to do it at this time, the particular whipping of Gov. Ammons.

Mr. BOWERS. Well, efforts were brought to bear for him to call out the militia, or take such steps as he saw fit to protect life and property, and he absolutely and flatly refused to do it for weeks and weeks, until he received the condemnation of the best citizens that we knew anything about, that had the best interests of Colorado at heart to protect the State. That was the whipping that was endeavored to be done, and Mr. Welborn and the committee in charge of the affairs in the disturbance of Colorado took such measures as they could to induce the best citizens and the best boards like the chamber of commerce and the board of trade, and I don't know but what the ministerial association took part, at least there were a great many letters written.

Chairman WALSH. Did you contribute to the churches?

Mr. BOWERS. In Colorado? I always contribute to the churches.

Chairman WALSH. Go ahead.

Mr. BOWERS. That is all I have to say. It was the best measures that we could take, by the best men.

Chairman WALSH. Did I understand you to say that you did not know that your company, after you came there, had detectives in their employ?

Mr. BOWERS. I stated that they did.

Chairman WALSH. Oh, they did?

Mr. BOWERS. I took it up very early after my connection with the company.

Chairman WALSH. What did they do about it, after you took it up?

Mr. BOWERS. If I remember right they paid mighty little attention to it, and thought they knew more about it than I did; that I was a tenderfoot from the East.

Chairman WALSH. They thought that you were a tenderfoot from the East and——

Mr. BOWERS. That is about where I landed at first.

Chairman WALSH. Now, you heard what Mr. Rockefeller said here on the stand, that you were the ranking officer, and you were in command out there?

Mr. BOWERS. In the departments that I had charge of.

Chairman WALSH. You were the ranking officer, he said, above Mr. Welborn and everybody else.

Mr. BOWERS. Theoretically; yes.

Chairman WALSH. Just theoretically?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Do I understand your last question, that although you took a strong stand against these spies, when you told them about it, that they thought you were a tenderfoot from the East and didn't desist in hiring them?

Mr. BOWERS. These matters were perhaps taken up and edged along, and I think within a year or two they were almost entirely disposed of, and there was comparatively few of those fellows that you call spies. If you will allow me, I would like to tell you what I suggested.

Chairman WALSH. All right.

Mr. BOWERS. I suggested, instead of going outside of the camps and getting in spies, men that I regarded as as big rascals as you could get any place, that I would not trust any of them——

Chairman WALSH. No.

Mr. BOWERS. I said, why don't you get men in your own camps, and not get these cutthroats.

Chairman WALSH. Now, did you know about who these mine guards were that were first sworn in by Jeff Farr before there was any trouble there at all?

Mr. BOWERS. They had mine guards before I went there, years and years before this strike.

Chairman WALSH. Before the strike they had kept some of these cutthroats, and then they swore them in and your company paid them?

Mr. BOWERS. No, sir; I think not. I have a letter and a telegram in my pocket that explains that, if you care for it, from Mr. Welborn.

Chairman WALSH. I don't know what it is, but I would like to talk to Mr. Welborn a little about it on the stand.

Mr. BOWERS. Very well.

Chairman WALSH. Did you know Jeff Farr?

Mr. BOWERS. Never saw him in my life, or had a letter from him, and didn't know him at all.

Chairman WALSH. Did you hear about him?

Mr. BOWERS. I guess I did.

Chairman WALSH. He was a very strong man in Huerfano County?

Mr. BOWERS. Pretty strong.

Chairman WALSH. And they called him "King" in Huerfano County?

Mr. BOWERS. They might have called him his satanic majesty.

Chairman WALSH. And he had a way of selecting the county officers; for instance, the county commissioners?

Mr. BOWERS. I won't say about that.

Chairman WALSH. You heard about that?

Mr. BOWERS. Oh, yes.

Chairman WALSH. And if your attorney, or the attorneys of your company, were about to be put into the conduct of the prosecution of somebody by the county commissioners, that would be about the same as Jeff putting them in himself?

Mr. BOWERS. Just about the same as Tammany Hall, as Attorney General Farrar said, and I indorse that.

Chairman WALSH. And there was a connection between Jeff Farr and the company, but it is hard to tell whether the company bossed Jeff or Jeff bossed the company?

Mr. BOWERS. I won't admit that there was any connection between them after I went there.

Chairman WALSH. But the attorney general said there was up to 1913?

Mr. BOWERS. He did not know about it, after I went into office.

Chairman WALSH. You indorsed the attorney general about Jeff Farr and the conditions in Huerfano, except when you get to conditions in your own company, and as connected with you, and then you say that he was mistaken about that?

Mr. BOWERS. No; I won't deny that, but I say up to the time I went there the Colorado Fuel & Iron Co. were a party to it, and were very instrumental in establishing that deplorable condition in southern Colorado. I don't exonerate the officers of the Colorado Fuel & Iron Co. for one minute prior to October, 1907.

Chairman WALSH. And you don't believe anything that you said in that letter about voting the mules?

Mr. BOWERS. Did I say it?

Chairman WALSH. Indeed, you did.

Mr. BOWERS. I don't say anything I don't believe.

Chairman WALSH. And you found that crimes were committed against the constitution of Colorado, and the statutes of Colorado, and free government, and it was done by your company, and I suppose you notified the company that you had discovered these crimes, and appeared before the grand jury and sought to have the men indicted?

Mr. BOWERS. No, sir.

Chairman WALSH. You didn't do that?

Mr. BOWERS. No.

Chairman WALSH. Just excuse me, I want to refer to one of your letters.

Mr. BOWERS. No, sir; there were other officials, and others in authority, and I had nothing to do with the operation, I simply sandwiched in my notions of right and wrong.

Chairman WALSH. As a mere agitator, is that it?

Mr. BOWERS. Very far from it; it was more than agitation.

Chairman WALSH. But you did not go so far as to take any active action of any kind?

Mr. BOWERS. I think I did.

Chairman WALSH. What officer did you talk to about the crimes that were committed there?

Mr. BOWERS. You mean the officials?

Chairman WALSH. No; I mean the State officers, charged with the apprehension of criminals and suppression of crime?

Mr. BOWERS. I don't know that I ever met them.

Chairman WALSH. The officers you talked to were the officers of the Colorado Fuel & Iron Co.?

Mr. BOWERS. Oh, yes; sure. No; I never had a word of conversation, and never saw the governor but once on the street in my life, or the attorney general.

Chairman WALSH. And what about the prosecuting attorney?

Mr. BOWERS. I never saw him in my life.

Chairman WALSH. Now, this letter of September 18. I want to ask you about this particular thing in that letter. You remember you said: "As our miners shift more or less and new men are coming all the while, about a year ago Mr. Welborn and the writer were discussing these questions, because one or two competitive companies (both of whom tried to interest Mr. Cooper in their bonds) were cheating their miners by false weights." Now, what companies were cheating them by false weights?

Mr. BOWERS. I would have to decline, to avoid prosecution, defining acts and attitudes as to that sort of thing. I don't know that there is a war in Europe to-day, but I have every reason to believe there is.

Chairman WALSH. You were satisfied they were cheating the miners?

Mr. BOWERS. Yes, sir.

Chairman WALSH. What was the name of the company?

Mr. BOWERS. I would not say, because I could not legally name specific acts, which, as a lawyer, you understand would be necessary.

Chairman WALSH. What companies were trying to sell these bonds to Mr. Cooper? Were they big companies?

Mr. BOWERS. No; not so very big.

Chairman WALSH. They were afterwards in the operators' association?

Mr. BOWERS. Never a one of them.

Chairman WALSH. Won't you give us the names?

Mr. BOWERS. No; you will have to excuse me. I don't think you ought to ask me that. I will answer all that I can, and will be glad to, but I don't care to answer that.

Chairman WALSH. As far as that company was concerned, the miners were justified in saying that they needed a checkweighman?

Mr. BOWERS. If you will let me supplement what I said before, I think that one of these men that I had in mind, that I believe was a rascal, and cheating his miners, signed with the union, and has been signed with them since, if he is not busted.

Chairman WALSH. What about the other one?

Mr. BOWERS. They sold out.

Chairman WALSH. Then there were just two bad fellows that went in there cheating the miners, and one afterwards joined them and the other afterwards sold out?

Mr. BOWERS. I think there were quite a good many more of them.

Chairman WALSH. How do you think these miners could get justice if a lot of mine owners were cheating them in the weights of the coal that they dug out of the ground unless they had an organization powerful in number and somewhat powerful financially?

Mr. BOWERS. I had power enough to stop it.

Chairman WALSH. You think it could be left to the individual companies?

Mr. BOWERS. I had power enough to stop it in their individual case.

Chairman WALSH. Did you talk to them about it?

Mr. BOWERS. No.

Chairman WALSH. How did you have power enough to stop the other mining companies from cheating in the weights of coal?

Mr. BOWERS. You are asking me a question there that I am mighty happy to answer.

Chairman WALSH. We will all be happy, then, for once, sure.

Mr. BOWERS. Exactly. I have no sort of doubt but my associates believe that I have somewhat of a notion of my own, and one is I believe that it is the greatest folly, it is the most absolutely idiotic thing for any concern to be unfair to anybody, man, woman, or child, in anything. If I was the coldest-blooded man on earth, and didn't care a snap of my finger for God, man, or the devil, I would be as straight as one could be, absolutely beyond any question of doubt.

Chairman WALSH. Go ahead and tell what you did to fix those companies that were cheating?

Mr. BOWERS. One concern——

Chairman WALSH. Let's call it "X" concern, or give it some title; say the "X" concern.

Mr. BOWERS. Name it whatever you wish.

Chairman WALSH. All right.

Mr. BOWERS. My attention was called to it particularly by the fact that some of our friends, as you name them, our friends in the railway companies——

Chairman WALSH. Some of your railroad friends?

Mr. BOWERS. Yes, sir; were getting cut prices on their coal, and it seemed impossible that any straight fellow could cut prices as long as there was not more than 5 cents a ton profit on railroad coal—it seemed to be particularly difficult for a company to cut prices 10 cents a ton.

Chairman WALSH. Something crooked?

Mr. BOWERS. I think so. I said to Mr. Welborn, How can we stop them stealing the coal from the miners?

Chairman WALSH. And also cutting under your prices?

Mr. BOWERS. Yes, sir; also cutting under our prices, and we only made 5 cents a ton.

Chairman WALSH. You became convinced there was something wrong?

Mr. BOWERS. Yes, sir; and how could we end it.

Chairman WALSH. That is, for the miners?

Mr. BOWERS. Ourselves and the miners and all concerned. The men that work for me are as much my friends as the man that I work for. You have no doubt about that, have you?

Chairman WALSH. I would not like to say. Go ahead.

Mr. BOWERS. Now, then, we talked it over, and I said, How about these checkweighmen?

Chairman WALSH. Who did you say that to?

Mr. BOWERS. Mr. Welborn, and I guess to the executive board.

Chairman WALSH. You took it up before the whole executive board—the question of these mines cheating the miners?

Mr. BOWERS. I may or may not; I don't know whether I did or not. I don't assume much responsibility on the board, because I am only the chairman.

Chairman WALSH. Sometimes the chairman assumes quite a good deal.

Mr. BOWERS. Occasionally they do not. I took it up with these gentlemen—Mr. Welborn and perhaps other gentlemen—how can we stop that; put an end to it.

Chairman WALSH. Stealing from the miners?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And of cuttng your prices?

Mr. BOWERS. Cutting our prices; yes, sir.

Chairman WALSH. And stealing the coal from the miners?

Mr. BOWERS. Self-defense. In other words, they were cheating the miners and us, too. Now, I knew very well, by my own talks and interviews with our men, that the checkweighman had been optional with our miners; I had talked with superintendents in regard to it. We discussed it, and I referred to this matter in my conversation with Mr. Stewart when he visited me in Denver, stating something like this, that our own miners know that the Colorado Fuel & Iron Co. are willing and desire that the miners have their own checkweighmen. The newer men were coming in, the old men knew, and the newer men might not be advised of that, so we stated in that notice that it is the desire of the Colorado Fuel & Iron Co. that our miners secure and have their own checkweighmen.

Chairman WALSH. Was that at the time you discovered this cheating?

Mr. BOWERS. Yes, sir; just at that time—in April, 1912.

Chairman WALSH. All right.

Mr. BOWERS. That was the push.

Chairman WALSH. It was not an objection—no objection from your miners?

Mr. BOWERS. No, sir; not at all.

Chairman WALSH. Go ahead; I will not interrupt you.

Mr. BOWERS. No; I know what you were going to say. It was a matter of principle with me, and I would have done it the same as if I had had a sore finger, without it being called to my attention.

Chairman WALSH. You are opposed to sore fingers generally, but when yours is sore you begin to take notice?

Mr. BOWERS. Exactly. We agreed on that circular, and it was written in six languages and posted at the mines and at their working places, and some of them were posted when the strike was on.

Chairman WALSH. Still hanging there?

Mr. BOWERS. Yes, sir; if not, it was known in a good many places, and I understood from several sources that the Colorado Fuel & Iron Co. and your humble servant had been damned with great severity after we put those signs up. Of course immediately they saw that the Colorado Fuel & Iron Co. had posted the notices it spread all over the camp. What could those fellows do with that kind of a circular in other camps when their miners asked for checkweighmen? It didn't cost us anything, but it did the other fellow.

Chairman WALSH. It would be all right if it cost you nothing?

Mr. BOWERS. The miners pay the checkweighman themselves. We have our weighman, but they contribute so much a month to their checkweighman. If they are honest, it is an advantage to us. If a dispute comes up with the railroad company or anyone, we have the checkweighman's testimony besides our own recorded weights. It is really an advantage; it is no disadvantage at all, and a great advantage if they are honest, and we were attempting to whip those fellows in until they would be forced to grant their miners a checkweighman.

Chairman WALSH. So they would quit cheating?

Mr. BOWERS. I can not say; a thief is a thief, wherever you put him.

Chairman WALSH. Who demanded a checkweighman?

Mr. BOWERS. That circular.

Chairman WALSH. It did not demand it of the other companies?

Mr. BOWERS. Well.

Chairman WALSH. When that circular went out in all these different languages, that was a good hint to other companies?

Mr. BOWERS. Rather a good hint.

Chairman WALSH. Did the workmen for the other companies demand checkweighmen?

Mr. Bowers. I think they did. Some did, I know.

Chairman Walsh. It was the laborers that demanded the checkweighman when they saw this circular in all of the different languages?

Mr. Bowers. I think so. A good many of those fellows that were cheated, in the weights on their coal, did not know it.

Chairman Walsh. How did they do it?

Mr. Bowers. Oh, they said there was no hurry. We will run our mines; and take a good big mine, it is as large as the city of Washington, as many streets and alleys, miles long and miles wide. Here is a branch running in here, a spud, as we call it, off from the railroad, and a man would take his car and his number; I don't know that the company is responsible, but I imagine they are; that the company is responsible for running that car, and they would put on 30 or 40 shovels more on that car, or perhaps 300 or 400 more pounds put on that car than there ought to be.

Chairman Walsh. I think Commissioner O'Connell has seen that at first-hand, and described it to a witness; that is, that an honest checkweighman that wanted to cheat would do it lightly, would take off a little and put on a little?

Mr. Bowers. Yes, sir; and you take Greeks and Servians and Italians—we have 20 nationalities or more in our mines, and they won't trust each other. You allow them to select, and they will select an Italian for a checkweighman, and it won't be any great length of time before they say that the man is taking weight off of their cars and putting it on the cars of his friends.

Chairman Walsh. They were cheating?

Mr. Bowers. Yes, sir; they were taking off 100 pounds off of one fellow's car and putting it on the other car of their nationality.

Chairman Walsh. There was no question of nationality involved when you sent out this circular, because the company was stealing from the men; you could tell that from the price?

Mr. Bowers. Undoubtedly.

Chairman Walsh. There was no roguery going on then?

Mr. Bowers. Yes, sir; because they could not produce it and sell it at the price they named, that we knew, because we could produce it as cheaply as anybody in that country.

Chairman Walsh. When you got the circular out what effect did it have on the price; did they still cut under you?

Mr. Bowers. I don't know that they did; we kept our same price.

Chairman Walsh. Did you see what effect this had?

Mr. Bowers. The effect was that your humble servant got damned.

Chairman Walsh. Among the coal operators?

Mr. Bowers. Yes, sir; I understand, but I did not hear them.

Chairman Walsh. But they damned you because you gave this hint to the other companies, and they told them in their various languages about this, and they began to watch this, and they came up and accused you?

Mr. Bowers. No, sir; they didn't come up to see me.

Chairman Walsh. Didn't even call on you?

Mr. Bowers. No, sir.

Chairman Walsh. Did you meet them socially, around at the clubs and so forth?

Mr. Bowers. I was not a member of a club. I was slated as the best-known and the least-known man in Colorado. I didn't mix. I was not well enough, and I had too many serious illnesses in my family.

Chairman Walsh. I didn't exactly catch the drift of what you said. After you exposed them you said they didn't come up to see you?

Mr. Bowers. I don't think they did.

Chairman Walsh. Did any of them come up before?

Mr. Bowers. No, sir; I didn't know a half a dozen operators in the State of Colorado.

Chairman Walsh. These particular concerns, were they cutting prices with railroads?

Mr. Bowers. I think they cheated everybody.

Chairman Walsh. You think they cheated everybody?

Mr. Bowers. Yes; sure. They fulfill the Scriptures; they are not respecters of persons.

Chairman Walsh. You had a way to take care of your company?

Mr. Bowers. I did.

Chairman Walsh. And you did it?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Now, suppose that these men that were working for these other mines, these cheaters, suppose they had found it out through some other source, and the question of price cutting was not in it. Suppose they had stolen and still maintained prices, what chances did the Greeks and Italians and those men that were digging the coal in order to support their families, what chances did they have to make them quit cheating?

Mr. BOWERS. About the same chance that Mrs. Walsh would have in Kansas City, if she was going to a grocery and she got better weights and measures there than at any other place.

Chairman WALSH. I am going to ask you, please, not to draw your illustrations with my family, and I will not with yours; but, however, I want to get you straight, that these Greeks and Italians would have the same chance to contest against these coal companies cheating them in weights as a housewife would have that went to a store and found out a man cheated her in the weight, and then she could go to another store? You say that is a parallel case, do you?

Mr. BOWERS. I don't say it is a parallel case; it is difficult to make a parallel case.

Chairman WALSH. The truth of the matter is that some of these men that are being cheated; at first it was a sort of petty larceny proposition; they cheated a little at a time?

Mr. BOWERS. It was not large enough for the average miner to make much of a rumpus about.

Chairman WALSH. But, on the whole, it stole that much out of his labor, and out of his sweat, and off of his table, and away from his family; if it did that, he would have an awful personal grievance, would he, Mr. Bowers?

Mr. BOWERS. Why, sure; I would.

Chairman WALSH. Now, what chances would that man have, if it is not a parallel case about the housewife and the grocer; what chances would he have to keep them from stealing his labor that way?

Mr. BOWERS. I am glad that you have asked me that question. We were able to keep our mines almost entirely filled with men that would move from one mine to another because of the conditions, and because they regarded—I think I am not overjustifying ourselves—because of better treatment and honest treatment that they believed they got from the Colorado Fuel & Iron Co.

Chairman WALSH. Now, some of these men, as I understand you, would leave these other mines and come to you because they discovered or suspictioned that they were being cheated in weights?

Mr. BOWERS. I think so.

Chairman WALSH. Now, you read the testimony of Mr. Edward Doyle, given at Denver?

Mr. BOWERS. No, sir.

Chairman WALSH. You know who he is?

Mr. BOWERS. No, sir.

Chairman WALSH. He was a checkweighman at——

Mr. BOWERS. I have not read his testimony.

Chairman WALSH. You know, I am not going into the truth of it, but you know that miners accused the Colorado Fuel & Iron Co. of cheating them in weights?

Mr. BOWERS. Possibly; I presume so.

Chairman WALSH. And you will give them credit for having a fixed conviction about the fact that they were being cheated, just like you have a fixed conviction that the war is going on in Europe, and they had a fixed conviction that the operators were cheating them?

Mr. BOWERS. Sure.

Chairman WALSH. If that is true, it was a mighty just grievance of the miners?

Mr. BOWERS. On being cheated?

Chairman WALSH. If they believed that it was a real grievance?

Mr. BOWERS. It would be with me.

Chairman WALSH. Now, that was one of the grievances that they claimed gave them the right to go into an organization of their own, to deal with your companies collectively, was it not?

Mr. BOWERS. I presume so; I can not say.

Chairman WALSH. You saw the bulletin sent out by Mr. Ivy Lee, or his stenographer or office boy, or by the association of operators in Colorado?

Mr. BOWERS. I think I never read but one of them all through.

Chairman WALSH. You never read but one of them?

Mr. BOWERS. I never read but one, and that I criticized.

Chairman WALSH. You didn't have much use for that one yourself?

Mr. BOWERS. As I say, I kept out as far as I could.

Chairman WALSH. Was that the one that gave the supposed pay of the mining officials?

Mr. BOWERS. I can not recall; he offered me the manuscript, or brought it in to me to look it over.

Chairman WALSH. What did you think about it?

Mr. BOWERS. I read it over, and he said, "Now, I think right there at that point it would be a good idea to say," so and so, and I said, "I think it is a good thing to say just exactly the opposite right at that point."

Chairman WALSH. Was the question of fact——

Mr. BOWERS (interrupting). I don't know whether it was a question of fact or imagination or what.

Chairman WALSH. But this thing that he thought was a good thing to put in, and you thought the opposite was; was that a question of fact as to some detail that was going on in the mine?

Mr. BOWERS. I don't recall what it was.

Chairman WALSH. Was it true what he wanted to put in?

Mr. BOWERS. It was his opinion; it may have been true or not. I have my opinions and he has his, and Mr. Murphy has his, and Mr. King has his. We all have our opinions. We don't agree on all things. Adam and Eve had differences with the Almighty, as I understand it.

Chairman WALSH. You take me a little off; I am going to get back to that when we come to Mr. McCorkle's testimony, but I don't want to get to these religious subjects yet. Now, I want to ask you to look at the bulletin entitled "Facts Concerning the Struggle in Colorado for Industrial Freedom" and see if you can pick out the bulletin that Mr. Lee showed you.

Mr. BOWERS. I don't know what topic it was on, even; I couldn't do it. I only read the one, and I don't remember what topic it was on.

Chairman WALSH. Now, after all this stealing went on and after the charge that the miners made that they were being cheated, and it was a real grievance, you knew that Mr. Ivy Lee published some strong bulletins for the purpose of showing that the miners did not have any grievances?

Mr. BOWERS. That may be; I have not read them.

Chairman WALSH. But the miners surely had their grievance against these other companies?

Mr. BOWERS. I so stated; some of the other companies. I would not make that too broad.

Chairman WALSH. There was enough of them so that it was interfering with you, with your profits; they were cutting in on your business?

Mr. BOWERS. No; I don't think it cut into our business a particle. One of these men—no; I will withdraw that. I am mighty sure that the men interested in one of the companies in quite a large capacity did cheat an important railroad.

Chairman WALSH. Oh, he cheated the railroad, too?

Mr. BOWERS. He was a thief. He cheated the railroad, and I understand he was compelled to refund a large amount of money to a railroad because of his shortages.

Chairman WALSH. The railroad took after him?

Mr. BOWERS. I so understand.

Chairman WALSH. It was a good big thing?

Mr. BOWERS. Yes, sir; and they got it back.

Chairman WALSH. Of course, no one individual miner, an Italian or Greek, could take after them that way and make them come back?

Mr. BOWERS. I would not like to have an Italian or Greek or any other fellow with a good grievance to take after me.

Chairman WALSH. But they were too ignorant to know generally that they were being cheated?

Mr. BOWERS. No, sir; I don't think so.

Chairman WALSH. But they stole it in such small amounts, it was a sort of petit larceny proposition; even if they caught them they couldn't tell what they had stolen?

Mr. BOWERS. No, sir; I suppose not. It is in fairness to these men—I won't accuse all these men of trying to cheat in overloading their cars. I don't know

that all of them were dishonest, but it is not a thing of much importance to say to a fellow, "Throw on 50 shovels more coal on there," and they would rather do that than to lose their job.

Chairman WALSH. And if they lost their job they could not support their families?

Mr. BOWERS. That is it, exactly.

Chairman WALSH. But the railroad, when it found they were being cheated, it said, "Here, sir, give us back this money or we will prosecute you and not buy any more coal of you"?

Mr. BOWERS. Yes, sir; they surely could, but I don't know that is what occurred.

Chairman WALSH. But you believe it as firmly as you believe the war is going on in Europe?

Mr. BOWERS. I have not the slightest doubt that there was a lot of that thing going on in the coal fields there, I will say, prior to 1903.

Chairman WALSH. I will request you, Mr. Bowers, to retire from the stand for an hour or two, so that we can use another witness.

Mr. BOWERS. It is very essential, if possible, for me—I have three very important meetings in the Middle West, and I would hate very much not to be present at those meetings; and I would like very much, if I can, to get away from here this afternoon some time.

Chairman WALSH. I think we can conclude with you this afternoon.

Mr. BOWERS. All right; if you can.

Chairman WALSH. It was suggested to me that it would be best, perhaps, not to keep you too consecutively on the stand.

Mr. BOWERS. I would just as leave stay here until 12 o'clock.

Chairman WALSH. It is all right, is it, Mr. Murphy?

Mr. MURPHY. Yes, sir.

Chairman WALSH. It was suggested to me—last week the temperature was very high, and I guess you know that Mr. Murphy spoke to me and said it might be well not to keep you too long on the stand?

Mr. BOWERS. Yes, sir. Before I came here I was laid up for a month, and my physician did not want me to come.

Chairman WALSH. If you feel the least fatigued at any time you may retire, and we will be glad to put on another witness. We will take an adjournment here for five minutes, anyway.

(After adjournment.)

Chairman WALSH. Now, Mr. Bowers, will you resume the stand, please? Did you consider the authorities—the constituted authorities—had adequate means for protecting your people in the early days of the strike?

Mr. BOWERS. Yes; I did.

Chairman WALSH. There was never any necessity for—as near as you could observe—for your company buying revolvers or guns or rifles, or anything of that sort?

Mr. BOWERS. Not if we could have secured the cooperation or help that we thought we were entitled to from the governor; but he declined to do it for several weeks.

Chairman WALSH. Oh; and was it during the time the governor declined to give you the necessary help that the arms were purchased?

Mr. BOWERS. I think it must have been; yes, sir.

Chairman WALSH. Now, you felt that if the authorities did not protect your property that you would have to take your own means to do it?

Mr. BOWERS. Well, it was in defense of our miners; we never had less than 50 per cent of our men working.

Chairman WALSH. I see; and the governor would not extend you the protection that you——

Mr. BOWERS. He did not.

Chairman WALSH. He did not?

Mr. BOWERS. No.

Chairman WALSH. What means did you take to guard your own property?

Mr. BOWERS. We always have guards, as we have perhaps 25 or 30 mines, some 12 or 15 miles removed from any county seat or any civic authority, and we had to have marshals. On pay days, sometimes, these men have brawls and fights and we have to have constables and guards. We have guards in every mine, the same as the Government and all State authorities, to prevent people coming in. We could not have people coming in and running back and forth through the mines.

Chairman WALSH. You couldn't have them running through your house, either?

Mr. BOWERS. No; I couldn't have them running through the house. It was simply an enlargement of that idea. We had those guards because, if you will allow me to state, we knew from past observation and from strikes elsewhere all over the country—I am pretty familiar in my business career with the strikes in Pennsylvania, and I have been called down once or twice in my life for wishing that the strikers would win.

Chairman WALSH. In Pennsylvania?

Mr. BOWERS. Yes.

Chairman WALSH. Against what company?

Mr. BOWERS. Oh, I remember what is known as the long strike—eight or nine months—away back in, I think, 1870——

Chairman WALSH (interrupting). Among the coal miners?

Mr. BOWERS. Coal miners in the anthracite regions. I was in the wholesale grocery business and was about 23 or 24 years old, and we went down through there selling goods; and my sympathies were entirely with the strikers. They were largely Welshmen that had come over here, and were a splendid lot of citizens and a splendid population.

Chairman WALSH. Well, they may have been splendid, wherever they come from?

Mr. BOWERS. Oh, yes.

Chairman WALSH. You think so, don't you?

Mr. BOWERS. Yes. I know they were splendid men, and I thought were unjustly treated, and I hoped they would win. My sympathies were with them, but I may have been absolutely wrong, but that was my personal feelings.

Chairman WALSH. Well, I am afraid that I have taken you away from the subject. The subject was you had had experience in other places, in Pennsylvania, or from observations, and therefore had reason to anticipate certain actions?

Mr. BOWERS. Exactly. Whenever a strike is called, if part of the men continue to work and part of them did not, we were liable to have very serious trouble.

Chairman WALSH. Now, how do you provide to protect your property to keep them from committing arson or destroying property or hurting the men?

Mr. BOWERS. Under normal conditions?

Chairman WALSH. No; under strike at any of these other places?

Mr. BOWERS. Oh, I don't know. I don't recall that. I couldn't answer that. It is too long ago.

Chairman WALSH. Well, regardless of having anything to do with it or not, you did arm them in Colorado?

Mr. BOWERS. I had nothing to do with it.

Chairman WALSH. I know, but you knew of it as a citizen of Colorado, regardless——

Mr. BOWERS (interrupting). I knew the guardsmen were increased there; yes.

Chairman WALSH. But you believe, do you not, and you did believe, that if there was danger——

Mr. BOWERS (interrupting). I certainly did.

Chairman WALSH (continuing). Of causing explosions at the mine and causing destruction of property and loss of life, and the governor would not furnish you with the necessary means of defense, that you would have to defend yourself?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You believed in your God-given right to do that, didn't you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. That is, if you called on the governor who was—he should have done the act that was proper for actually protecting life and protecting against explosions and the like of that, and if he failed to do it, then the only thing you could do would be to defend yourselves?

Mr. BOWERS. And the property out there.

Chairman WALSH. To defend your property and your lives?

Mr. BOWERS. Surely.

Chairman WALSH. And, of course, you had to be the judge as to that, didn't you?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And that is a rule of conduct under which all just and civilized men will act anyway?

Mr. BOWERS. Yes, sir.

Chairman WALSH. You would not take it for yourself and not give it to somebody else.

(No answer.)

Chairman WALSH. And if you had reason to believe—to put it more locally—that a group of miners were coming to your house to attempt an assault upon you and the governor refused to act and refused to give you the protection that was demanded, you would take, as a man, whatever means were necessary to defend yourself, would you not?

Mr. BOWERS. No, sir; I would not.

Chairman WALSH. What would you do?

Mr. BOWERS. I never had a gun or a revolver or any protection myself. I never had the slightest fear, personally, of any violence whatever of that kind; never.

Chairman WALSH. What would you do?

Mr. BOWERS. I don't know.

Chairman WALSH. Suppose there was a body of men——

Mr. BOWERS (interrupting). I certainly should not go——

Chairman WALSH (interrupting). You would go just as far as you would to protect a mine?

Mr. BOWERS. I have never been placed in any position where I had fear of any man opposed to me at all. Of course the man might be a stranger or a crank and do me violence, but I have no fear. I don't know what I would do under certain circumstances, but apart from the proposition of my getting up a defense and fighting anybody that comes along that don't agree with me—I should not do that.

Chairman WALSH. No; but you would go as far in defending your life and the lives of your family as you would of property?

Mr. BOWERS. Oh, yes. If I had from the governor no defense, I should appeal to the officers of the law.

Chairman WALSH. And if the officers of the law did not act——

Mr. BOWERS. I suppose I might take to the woods.

Chairman WALSH. Would you run?

Mr. BOWERS. I would run.

Chairman WALSH. Suppose you family couldn't run.

Mr. BOWERS. I am something of a runner.

Chairman WALSH. You would simply go as far as you would go to get guards and arm them and tell them not to do anything unless an assault was made, but to be ready in case they intended to blow up the mine or take lives; you would go that far?

Mr. BOWERS. The same as I would on pay day to protect the citizens there and the people from drunken men. We had marshals and deputies and asked them to keep order, the same as any well-regulated community, and I would increase them if necessary.

Chairman WALSH. You would increase them if necessary?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And if they were guards you would arm them?

Mr. BOWERS. They would not be very effective without arms.

Chairman WALSH. And despite the matter of fact that you were simply chairman of the executive board and not in the operating department, you do know you did arm the guards.

Mr. BOWERS. Why, certainly.

Chairman WALSH. Did it for the purpose of protecting your property?

Mr. BOWERS. I have not the slightest doubt.

Chairman WALSH. They were their own employees, and if anybody had attempted to blow up that property, why, of course, these guards would have resisted and shot them?

Mr. BOWERS. I don't know what they would do. They were there with their guns to protect that property and meet the cause whenever they would come up—I would not cross the bridge until I came to it.

Chairman WALSH. Well, they would also protect life in case there was danger of assault?

Mr. BOWERS. That is what they are there for.

Chairman WALSH. That is what they are there for?

Mr. BOWERS. Yes; sure.

Chairman WALSH. And to protect life and property?
Mr. BOWERS. Yes, sir.
Chairman WALSH. And they were representing the Colorado Fuel & Iron Co.?
Mr. BOWERS. Yes, sir; and a number of other operators.
Chairman WALSH. All have their guards?
Mr. BOWERS. I think so.
Chairman WALSH. And they armed their guards?
Mr. BOWERS. It was done collectively, after the strike began.
Chairman WALSH. And collectively you made up your minds that you thought there would be some violence committed and some mines blown up, and the like of that, and you had better get ready?
Mr. BOWERS. I did not make up my mind at all or approve the judgment or discuss it or take part, directly or indirectly, or have anything to do with it.
Chairman WALSH. No; but did Mr. Welborn, the president, see you every day?
Mr. BOWERS. Mr. Welborn will answer for himself. You will have him on the stand, I understand. I myself, personally, had nothing to do with it.
Chairman WALSH. You had an office in the Boston Building?
Mr. BOWERS. Yes, sir.
Chairman WALSH. And you would see him every day?
Mr. BOWERS. A good many times a day.
Chairman WALSH. A good many times a day?
Mr. BOWERS. Yes. If you will allow me to tell, it was the understanding there that I should not be annoyed with those things, because of my physical condition and the strain I was under for various reasons, and he was very considerate of my age, if nothing else, and did not annoy me with it.
Chairman WALSH. Where did you get this information you used to send to Mr. Rockefeller and to Mr. Murphy at New York?
Mr. BOWERS. Some of it, I could not say where I did get it or who advised me; I got information from all kinds of men, politicians, and ministers, sociological workers, and doctors, and lawyers; I had a pile on my desk that high, of all kinds of suggestions as to what I should do; I did not lack anything in the way of advice.
Chairman WALSH. Leaving out the ministers and the sociological workers, and those, and getting down to the information you got from Mr. Welborn and Mr. Weitzel and the other gentlemen, you kept pretty actively informed as to what was going on in the field, did you not?
Mr. BOWERS. Yes, I did.
Chairman WALSH. I notice here that on April 18 you wrote Mr. John D. Rockefeller, jr., and you stated to him that you had been so busy since you returned and so few matters of importance in connection with the strike had come up, that you had not written him. Since your return, where had you been?
Mr. BOWERS. On a rest, which I have been forced to take for the last couple of years, every few months, for a week or so.
Chairman WALSH. And you said so few matters of importance had come up in connection with the strike that you had not written him?
Mr. BOWERS. Yes.
Chairman WALSH. And you said, "Speaking broadly, there is a decided weakening all along the line on the part of the labor leaders."
Mr. BOWERS. Yes.
Chairman WALSH. Everything had quieted down at that time?
Mr. BOWERS. My letter will answer that; I will admit everything in that letter.
Chairman WALSH. The letter continues, "We have reliable information that the United Mine Workers of America are pinched as never before for funds."
Mr. BOWERS. Yes.
Chairman WALSH. That was real information and you were transmitting it to Mr. Rockefeller?
Mr. BOWERS. Yes.
Chairman WALSH. And then the letter proceeds, "The present week in northern Colorado may cut off the relief of 140 miners?
Mr. BOWERS. Yes.
Chairman WALSH. They cut that off?
Mr. BOWERS. Yes.
Chairman WALSH. "Which has created a very bad feeling on their part"—that is, on the part of the workers to have their provender cut off?
Mr. BOWERS. It undoubtedly did.

Chairman WALSH. "And as some of them are still kept on the pay roll, say, it is only a matter of time when they will all be cut off from any funds whatever." That was reliable information you had?

Mr. BOWERS. I regarded it so.

Chairman WALSH. You regarded it as reliable enough to send to your principal, Mr. Rockefeller?

Mr. BOWERS. Yes.

Chairman WALSH. Then the letter proceeds, "In southern Colorado the labor leaders are making a thorough canvass of the strikers' camps, and a very large number are to be eliminated from the pay roll when the canvass is completed." That was your information?

Mr. BOWERS. Yes.

Chairman WALSH. Then this follows:

"A matter of more significance, in my opinion, is the change of attitude of the local representatives of the union from that of the past few months toward the miners themselves. Heretofore they have constantly endeavored to encourage the miners to hold out, as victory was sure to be won. Now, instead of encouragement they dodged the issue, and in some cases deliberately undertake to offend the miners, expecting they would quit the camps and go back to work, and thereby relieve the organization from its financial burden, knowing that the strike has been a failure and that eventually the miners will have to shift for themselves.

"A large number of the militia have been withdrawn, but Mr. Welborn and other operators believe enough are retained to protect the camps, supplemented by our own guards.

"Another favorable feature is the organization of a military company of 100 volunteers at Trinidad the present week."

If things were quieted down, and the men were being pinched for funds, and the labor leaders were trying to discourage them so they would go back to work, and that a very large number of them were about to be eliminated from their pay roll, and Mr. Welborn and other operators believed that enough were retained to protect the camps, and that these could be supplemented by their own mine guards, now, what was the favorable feature in the organization of the military company of 100 volunteers at Trinidad that week?

Mr. BOWERS. I do not recall of that; I have not read it over; it is practically new matter. I suppose there were threats going and coming, "We are going to do this" and "We are going to do that," and they were running in at that time some guns——

Chairman WALSH (interrupting). Running in what?

Mr. BOWERS. We had good reason to believe they were running in at that time some guns. I have not the slightest doubt that I felt at that time, from the information that I had, that there was still danger, because there was inflammable material—lots of it—and that there might be outbreaks somewhere, and the local company had taken the place of others that had been withdrawn.

Chairman WALSH. That was what was afterwards known as "Troop A"?

Mr. BOWERS. I do not know about that.

Chairman WALSH. There was only one volunteer company organized; wasn't that all?

Mr. BOWERS. I don't know about that; I presume that is true.

Chairman WALSH. Now, you know the company that was organized a few days before the Ludlow massacre was involved in that fight, don't you?

Mr. BOWERS. I don't know; no, sir.

Chairman WALSH. You have not heard it yet?

Mr. BOWERS. I may have heard it, but I don't know what company.

Chairman WALSH. You followed by saying "They are to be armed by the State." I had better read that whole paragraph:

"They are to be armed by the State and drilled by military officials. Another squad is being organized at Walsenburg. These independent militiamen will be subject to orders of the sheriff of the county."

That was Jeff Farr, wasn't it?

Mr. BOWERS. I don't know. What county is it?

Chairman WALSH. Huerfano County.

Mr. BOWERS. I don't know whether Walsenburg is in Huerfano County or not. Trinidad is in Las Animas County, and they have different sheriffs.

Chairman WALSH. Then the letter continues: "These independent militiamen will be subject to orders of the sheriff of the county."

Mr. BOWERS. That was a sheriff, I think, by the name of Gresham?

Chairman WALSH. Was he a friend of yours? Was he a friend of the company?

Mr. BOWERS. I never saw him in my life.

Chairman WALSH. Was Jeff Farr a friend of yours?

Mr. BOWERS. Not of mine.

Chairman WALSH. Was he a friend of the company?

Mr. BOWERS. I don't know.

Chairman WALSH. Didn't the company keep in pretty close touch with this sheriff, Jeff Farr, generally? Wasn't there some connection between him and your company?

Mr. BOWERS. I am mighty sure there was.

Chairman WALSH. What kind of a connection?

Mr. BOWERS. I don't know—a political connection; I would rather say a saloon connection.

Chairman WALSH. The company and he were both in the saloon business?

Mr. BOWERS. Mighty close to it.

Chairman WALSH. They were?

Mr. BOWERS. I guess so.

Chairman WALSH. Now, you say, "As these volunteers will draw no pay from the State, this movement has the support of the governor and others in authority." Who were the volunteers to get their pay from?

Mr. BOWERS. I do not think they had any pay at all.

Chairman WALSH. The members of this Troop A did not have any pay?

Mr. BOWERS. No; I do not think so. My understanding was they were citizens that volunteered to protect the city of Trinidad against violence—bankers and clerks in stores, professional men and lawyers and doctors were joined in a militia company without any pay whatever.

Chairman WALSH. What lawyers were in it?

Mr. BOWERS. I don't know.

Chairman WALSH. Or what doctors?

Mr. BOWERS. I don't know whether there were any lawyers or doctors in it; but it was made up of citizens of the community for the purpose of protecting the city against violence.

Chairman WALSH. After the fight at Ludlow, Maj. Boughton's commission had a hearing.

Mr. BOWERS. Where?

Chairman WALSH. At Trinidad.

Mr. BOWERS. I did not read the report of that commission.

Chairman WALSH. Now, I notice you are sending a great deal of information here to the Messrs. Rockefeller?

Mr. BOWERS. Yes.

Chairman WALSH. And you would not send it and try to disseminate it unless you had the facts—as well as you could get them?

Mr. BOWERS. I did not intend to disseminate it; that is all private correspondence, every single line and word of it is private correspondence.

Chairman WALSH. Oh, is that so—just between you?

Mr. BOWERS. All those letters are.

Chairman WALSH. And the telegrams?

Mr. BOWERS. Yes.

Chairman WALSH. It is private correspondence just like between the members of a family?

Mr. BOWERS. I would not say as private as between the members of a family.

Chairman WALSH. But very private and close. The information in them was just intended for the eyes of Mr. Rockefeller?

Mr. BOWERS. I do not assume to be on relations as intimate as family relations with Mr. Rockefeller.

Chairman WALSH. Perhaps that is putting it too strong; but it was just for his information and not intended to be published?

Mr. BOWERS. It would be made public to any bondholder or stockholder.

Chairman WALSH. But that is all?

Mr. BOWERS. It was not intended for the public.

Chairman WALSH. Now, on April 21 you sent this telegram to Mr. John D. Rockefeller, jr.:

"Following withdrawal of troops by order of governor, an unprovoked attack upon small force of militia yesterday by 200 strikers. Forced fight, resulting in probable loss of 10 or 15 strikers. Only 1 militiaman killed. Ludlow

tent colony of strikers totally destroyed by burning 200 tents, generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia being reinforced. Suggest your giving this information to friendly papers.

"L. M. Bowers."

Mr. Bowers. Yes.

Chairman Walsh. Wasn't that intended to be disseminated?

Mr. Bowers. Yes; that part was. I will not let my broad statement apply to that.

Chairman Walsh. Now, Mr. Rockefeller says he did not know who you meant by the friendly papers. What papers did you think were friendly to the Rockefeller interests? You had been with them 30 years and had operated this big ship-building concern and the ore business, and you referred to "friendly papers," what ones were they?

Mr. Bowers. I could not name them. There are two sides to these questions that come up—Mr. Rockefeller's and mine. I have friends in the newspaper business who make friendly comments, and I call them friendly, and some others damn me pretty seriously, and I don't call them friendly.

Chairman Walsh. Which ones did you mean in this instance?

Mr. Bowers. The friendly ones.

Chairman Walsh. Which were they?

Mr. Bowers. I don't know; we have mighty few of them—some of us have.

Chairman Walsh. I will ask you if you saw this in the report of the military commission—you did not read Maj. Boughton's report?

Mr. Bowers. No, sir.

Chairman Walsh. Did Mr. Welborn tell you what was in it?

Mr. Bowers. I have not the slightest recollection.

Chairman Walsh. When or where did you get the information that Troop A, that we have just been talking about, contained physicians and lawyers and other residents there—these volunteers?

Mr. Bowers. Mr. Walsh, we were in war, as it was so called by a great many; they had their headquarters of war with their different officers there and the conduct of it was war; we did not call it anything else; I did not call it a strike; and all these matters were common newspaper talk; a great many people in and out of the office talked about this, and many of the reporters exaggerated it; I skimmed out what I thought was reliable, and revised the others.

Chairman Walsh. You say in this letter, speak in this letter, of the favorable feature of the organization of that military company—of this troop. You knew, did you not, that that was composed of your superintendents and foremen and clerks and storekeepers and mine guards, principally?

Mr. Bowers. We did not have a mine in Trinidad at all, not one; we had no superintendents or stores; we did have one retail grocery.

Chairman Walsh. Did you have any in the neighborhood of Ludlow?

Mr. Bowers. Well, in the neighborhood; we had nothing at Ludlow.

Chairman Walsh. What is Hastings?

Mr. Bowers. That is not ours; I am not very familiar with the geography of that county.

Chairman Walsh. Could you give the names of your mines in Huerfano County?

Mr. Bowers. I could not name them.

Chairman Walsh. Could you give the names of your mines in Las Animas County?

Mr. Bowers. I could not.

Chairman Walsh. Do you say you did not have any in the vicinity of Trinidad?

Mr. Bowers. I do not know just what you call "in the vicinity of Trinidad."

Chairman Walsh. What was the closest ones you had to Trinidad?

Mr. Bowers. None of the mines are in Trinidad.

Chairman Walsh. No; but I mean in the neighborhood of Trinidad.

Mr. Bowers. We have what is called the Trinidad district and the Walsen district.

Chairman Walsh. Have you mines in the Trinidad district?

Mr. Bowers. Lots of them.

Chairman Walsh. I will read you now what this report states, and ask you if you were not so advised yourself, and if you did not actually pay them the money for the time they spent at Ludlow?

Mr. BOWERS. Just a moment; I will precede that with the statement that I know nothing about that, or whether a penny was paid, or how it was organized.

Chairman WALSH. Nevertheless, I am going to read it to you and ask you a question or two, and ask you whether or not the deduction is there to justify that:

"A troop of National Guards were enlisted about the middle of April among the superintendents and foremen, the clerical force, physicians, storekeepers, mine guards, and other residents of the coal camps."

Mr. BOWERS. Yes.

Chairman WALSH. Now, that was the company that afterwards shot and killed people at Ludlow; that poured oil on the tents of those striking miners and burned them down and robbed the dead and living, and looted the camp, wasn't it?

Mr. BOWERS. I could not go into any such thing as that, for I know nothing about it.

Chairman WALSH. Didn't you inquire?

Mr. BOWERS. I inquired as I would about any war; as I would about the European war; as I have told you a number of times, with all due respect to you, I was compelled to keep out; I could not sleep; I was suffering from insomnia, and excitement of that kind would affect me, and in two or three or four nights I would be prostrated; and I kept out of it; I would not allow that sort of stuff to come into my mind.

Chairman WALSH. What sort of stuff wouldn't you allow to come into your mind?

Mr. BOWERS. Anything I could help.

Chairman WALSH. You say in this telegram, "Forced fight resulting in probable loss of 10 or 15 strikers. Only 1 militiamen killed. Ludlow tent colony of strikers totally destroyed by burning 200 tents, generally followed by explosions, showing ammunition and dynamite stored in them. Expect further fighting to-day. Militia being reinforced." It seems to me from that as though you had the detailed information that a general might have who was actually in a fight, and who was reporting it to the War Department, to draw a simile. That was a telegram from Mr. L. M. Bowers to Mr. John D. Rockefeller, jr.

Mr. BOWERS. That would come from the committee that was handling the coal properties there, like any other message, and saying that those were the facts. I have not the slightest doubt that that letter may have been referred to Mr. Welborn as I outlined it, or referred it to the executive committee to pass on it; I may have taken a great deal of pains about that; but I have no recollection whatever of the letter. I could not say positively about it, but my actual knowledge of participation in that matter is simply as I say; I gave no attention to it except as hearsay and what I got in my office, and what I would inquire about in writing a letter to Mr. Rockefeller or any other stockholder.

Chairman WALSH. It was very detailed information; you told about the violence and the number killed, the property destroyed, and the rest of that detail.

Mr. BOWERS. I may have cut out newspaper articles, and I may have got the information from others. It was a friendly letter just as though I was not connected with the company.

Chairman WALSH. Just as a citizen writing to Mr. Rockefeller?

Mr. BOWERS. Yes; if you like.

Chairman WALSH. It came from you as the ranking officer, as a man who had been in their employ for almost 20 years on a letter head of this kind, "The Colorado Fuel & Iron Co., Denver, Colo.; executive department; L. M. Bowers, chairman."

Mr. BOWERS. Yes; I do not dodge a single jot or tittle of that.

Chairman WALSH. Didn't you make all these reports, Mr. Bowers, as chairman of the executive committee, and, as you put it yourself before the congressional committee, as the "hired man of Mr. Rockefeller"?

Mr. BOWERS. No; I was employed by 2,200 stockholders and the board of directors, and Mr. Rockefeller represented just one; he had only 1 director in 15 in that company when I went there.

Chairman WALSH. Did you write to any other of the stockholders except Mr. Rockefeller?

Mr. BOWERS. Yes, sir; and bondholders, too.

Chairman WALSH. Letters of that kind?

Mr. BOWERS. Letters of inquiry; I gave them the information—all the information I could gather.

Chairman WALSH. Give us the names of any other of the stockholders you wrote letters to similar to this.

Mr. BOWERS. I would have to have my memoranda in regard to that.

Chairman WALSH. Can you think of any other person except Mr. Rockefeller to whom you wrote, giving such detailed information as you give here in these letters?

Mr. BOWERS. Yes; I can recall a gentleman in Brooklyn.

Chairman WALSH. That is good.

Mr. BOWERS. This gentleman, I think, had $100,000 invested in the company. I think his name is Streetor.

Chairman WALSH. What are his initials, his full name?

Mr. BOWERS. I can not recall.

Chairman WALSH. Do you know his address?

Mr. BOWERS. No; I think he was something of a capitalist.

Chairman WALSH. Any others?

Mr. BOWERS. Then I remember of a letter from a very old gentleman—I think he told me in one of his letters that he was between 80 and 90 years of age—that he had $100,000 or $150,000 invested in the company, and he wrote me, and I wrote to him in reply to his letters.

Chairman WALSH. Did Mr. Streetor write you also?

Mr. BOWERS. I never wrote to any of these unless they wrote me, making inquiry.

Chairman WALSH. In Mr. Rockefeller's case you wrote regular reports at stated intervals and when you were not inquired of, did you not?

Mr. BOWERS. Yes.

Chairman WALSH. In other words, you were writing to him as the largest stockholder in this company, as the man you thought you were working for, and as the man who had a vast influence on account of the amount of his holdings in that company and other corporations—much vaster than that of any other man you knew of in this country?

Mr. BOWERS. Yes.

Chairman WALSH. I am going to call your attention, as quick as I can, to some of these letters.

Mr. BOWERS. I would like to add right in that connection that I was still an official in other corporations and wrote once a month a detailed report of the other companies, like the Cleveland Steel Co.; I was writing constantly to him, or frequently, about the companies he was interested in.

Chairman WALSH. And that includes also the letters you wrote to Mr. Starr J. Murphy, who was a director at 26 Broadway?

Mr. BOWERS. I do not know how I happened to write him.

Chairman WALSH. Do you think it grew out of the fact that you were chairman of the executive board and he was a director of the company?

Mr. BOWERS. I am quite inclined to believe that my relation with Mr. Rockefeller's office and with Mr. Starr J. Murphy—I have been connected with them so many years that they would naturally come to me out of courtesy and perhaps because of my age in regard to matters. As you notice from the most of the correspondence, Mr. Welborn did not get into it until about the time I stopped.

Chairman WALSH. Was that information for them personally or for the office?

Mr. BOWERS. Whatever they saw fit to do with it.

Chairman WALSH. You intended it to be information for that office, did you not?

Mr. BOWERS. I left that matter for Mr. Murphy or Mr. Rockefeller to do with as they saw fit.

Chairman WALSH. Your intention was that you were forwarding it as information for that office, was it not?

Mr. BOWERS. If you will let me go back——

Chairman WALSH (interrupting). I will read you this letter, dated September 19.

Mr. BOWERS. 1914?

Chairman WALSH. 1913. That was when Mr. Murphy wrote you that Mr. Ethelbert Stewart was coming out there. That was from you as chairman of the executive board for the information of that office.

Mr. BOWERS. I will say that Mr. Murphy was a director.

Chairman WALSH. "Mr. Starr J. Murphy, 26 Broadway, New York."

Now, you kept track of the details and what the miners were doing in their own organization, did you not; how their convention was constituted, and such matters as that, at the time the strike was called?

Mr. BOWERS. Personally I did not keep track of it.

Chairman WALSH. But you gathered the information as chairman of the executive board and transmitted it?

Mr. BOWERS. Make it as broad as you wish; I wrote that letter and you can place the absolute responsibility on me for it, if you wish.

Chairman WALSH. What I am trying to inquire of you is, is it not a fact that you went so deeply into the minute of this subject so as to be able to tell 26 Broadway the constituent elements that were in the convention of the miners that called the strike?

Mr. BOWERS. Yes.

Chairman WALSH. Is that right? If it is there, it is all right?

Mr. BOWERS. Yes.

Chairman WALSH. Then I will just refer to it without going into the contents of the letter.

And, then, did you receive this letter of September 24, 1913, from Mr. Rockefeller:

"DEAR MR. BOWERS: Your letter of September 4, inclosing statement for the fiscal year, was forwarded to me at Seal Harbor and read with much interest. The showing which your company has made this year is very gratifying. We are glad to have the president and vice president of the company know of our appreciation of the work which they have done, and in which we know they have been so ably seconded by the loyal organization which they have built up.

"I have delayed acknowledging the report that I might have the opportunity of sending this personal word of appreciation.

"Very sincerely,

"JOHN D. ROCKEFELLER, Jr.

"Mr. L. M. BOWERS,
"*Colorado Fuel & Iron Co., Denver, Colo.*"

That was a date after the men went out on a strike; is that right?

Mr. BOWERS. The date of it?

Chairman WALSH. Yes.

Mr. BOWERS. I don't remember.

Chairman WALSH. They went out on September 23, 1913, and this letter is dated September 24, 1913.

Mr. BOWERS. I do not recall it at all.

Chairman WALSH. Now——

Mr. BOWERS (interrupting). Is that Mr. Rockefeller's letter?

Chairman WALSH. Yes.

Mr. BOWERS. Was that letter written the day after the beginning of the strike?

Chairman WALSH. Yes.

Mr. BOWERS. And written in reply to a letter I wrote him?

Chairman WALSH. Yes.

Mr. BOWERS. That was 20 days before the strike. He refers to my letter of September 4, 20 days before, inclosing statement for the fiscal year, which was forwarded to him at Seal Harbor, Me.

Chairman WALSH. And on September 24, 1913, he sent you that letter in reply. Now, your estimate of the number of men that went out on strike was 8,000, was it not?

Mr. BOWERS. I do not recall that I made an estimate. I may have.

Chairman WALSH. Sir?

Mr. BOWERS. I think, perhaps, I may. I think, probably, about 50 per cent of the men—not 8,000—out of our camp.

Chairman WALSH. No; from 40 to 60 per cent of all went out, and went to other places, or went to live in the canyons out there?

Mr. BOWERS. Yes.

Chairman WALSH. Did the large number of them that did that make an impression on you to the effect that they had some real grievance if they would leave their employment and go out to live in that manner?

Mr. BOWERS. I do not believe I can throw any light—you have so much testimony from men that know all about the matter. It would simply be an opinion of mine, and I do not think you would regard it as very valuable.

Chairman WALSH. Yes; I do regard it as exceedingly valuable, and we have asked the opinions of many people, and consider it in many cases of more importance than the testimony of those who had actual knowledge of the circumstances.

Were you advised as to what took place in that industry in 1903 and 1904? About that strike?

Mr. BOWERS. Yes. I never got into that.

Chairman WALSH. Don't you know that many of the men were deported?

Mr. BOWERS. No; I do not. If you will allow me to state——

Chairman WALSH. Certainly.

Mr. BOWERS. One of my first interviews with Mr. Welborn and the manager then, a man named Thompson, when I first went there was this, "Have you good reason to be objecting to the unions?" I asked about that and heard the reasons they gave me, good or bad. I said, "In many of the States coal miners are unionized," and, as I say, I inquired of them what reasons they had, and they gave me their reasons pro and con, and they went into the reasons and conditions up in northern Colorado. They told me about their terms and rules and that they were impossible.

Chairman WALSH. That was when you first went there?

Mr. BOWERS. That was when I first went there.

Chairman WALSH. What date was that?

Mr. BOWERS. That was when I became officially connected with them; that was in October, 1907.

Chairman WALSH. When did they organize the northern fields?

Mr. BOWERS. I think there has been union mines in operation for a good many years. I don't know about that.

Chairman WALSH. You were in favor of the governor, after you got him rounded up in your way, were you in favor of his sending people out of the State—ordering people to the State line and not to return?

Mr. BOWERS. That was a matter of administration that I could not pass on.

Chairman WALSH. Did you ask him to?

Mr. BOWERS. I never saw him in my life but once.

Chairman WALSH. Did you send word through any of your subofficers that you thought that was a good thing?

Mr. BOWERS. I had absolutely nothing to do with it or with any officer of the State or of the city of Denver or with the governor or anybody connected with him. I had no conversation with them in connection with it or expressed an opinion except in a private way.

Chairman WALSH. How did you get the bankers rounded up?

Mr. BOWERS. Not by myself.

Chairman WALSH. By whom?

Mr. BOWERS. I think the bankers themselves—I think I recall now that some bankers—I know they came into Mr. Welborn's office and I was invited across the hall, and I think one or two of them stated that they had been, or were going to see, the governor. I don't know the technical name they were called.

Chairman WALSH. Rounded up?

Mr. BOWERS. No; I don't mean that; but the technical name of this association, the bankers' association, or some such body, but they came to get information.

Chairman WALSH. They just rounded themselves up, as it were?

Mr. BOWERS. Yes, sir; they did. That was their own proposition, the same as the chamber of commerce. I don't think there was a man connected with the Colorado Fuel & Iron Co. that had anything to do with it directly.

Chairman WALSH. Who were your railroad friends that you referred to?

Mr. BOWERS. The men that we sell about 25,000 tons of rails to every month, and in that connection we sell rails from the Missouri River to the Pacific coast.

Chairman WALSH. The steel works of what company?

Mr. BOWERS. Of the Colorado Fuel & Iron Co. We intended to sell all of the rails from the Missouri River west, in all of those States, and we sold a great deal of coal to them.

Chairman WALSH. Who was the detective that you claim Mr. Hayes said, or heard say to some of the workers, "What are you hanging around Trinidad for; why don't you go out to the mines and give them hell?"

Mr. BOWERS. I expect I got it from the newspapers; I don't know.

Chairman WALSH. You said one of these men Hayes heard was one of the detectives? What detective was that?

Mr. BOWERS. I can not tell you; there were a large number employed by different operators.

Chairman WALSH. This was one of yours?

Mr. BOWERS. I should use that term detective.

Chairman WALSH. They had all joined together?

Mr. BOWERS. All in one group.

Chairman WALSH. You were a unit to fight the miners?

Mr. BOWERS. Not at all.

Chairman WALSH. To fight against what you call the dictation of the unions?

Mr. BOWERS. I would not assent to that for a second.

Chairman WALSH. They were united at least on the proposition that under no condition would they submit to what you called the dictation of the miners' union?

Mr. BOWERS. I don't know whether they were a unit or not, but I don't assent to that statement.

Chairman WALSH. Your letter of October 17 says that the coal operators were a unit and under no condition will they submit to dictation?

Mr. BOWERS. Well, they were practically a unit.

Chairman WALSH. And they would not accept the dictation of the miners' organization?

Mr. BOWERS. Not 12,000 by 1,200; no. Now, I want to repeat there, and I want it in the record, that if the matter had been reversed, and there were 12,000 union men, that I would have taken exactly the same position.

Chairman WALSH. In this individual case, there were some men, some interlopers, and some others that were trying to keep these independent workers from working?

Mr. BOWERS. I think so.

Chairman WALSH. But it did not apply to all unions, but simply this situation?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Did you write this to Mr. Rockefeller under date of November 22, 1913:

"From this unwise action on the part of labor leaders to force fully 90 per cent of these mines out of the open shop and into the union contrary to their wishes. They have so overreached the bounds of reason and common decency as to attract attention everywhere, and this is what is needed to awaken the men who have the good of the country at heart, to oppose and finally defeat unions of every sort from becoming dictators, to both employers and employees, with the hope that they will eventually control the affairs of the State and Nation."

That was the way you felt about it?

Mr. BOWERS. Yes, sir.

Chairman WALSH. Fight them off?

Mr. BOWERS. No, sir; not at all. Now, I want to put it right in here, that I never raised my hand or voice or made any move in opposition to union labor.

Chairman WALSH. Not openly?

Mr. BOWERS. Not openly. I objected, and it was a serious proposition to me; there were 12,000 men not permitted to work by 1,200 others, and I say it was wrong and wicked and pernicious, and any union that will do that will hang themselves by their own rope. I say it was unwise, and I believe that a majority of the union men will say that it was unwise to do it. I never raised my voice against unions at all.

Chairman WALSH. And you thought on November 22, 1913, that it had come time for the people to awaken, and to oppose and defeat unions of every sort?

Mr. BOWERS. Yes, sir; against the will of the men themselves.

Chairman WALSH. What other unions did you refer to?

Mr. BOWERS. I don't care what unions they are, or what they belong to or who they are, they have perfect liberty, and I have never raised my voice against any man or labor organization in my life.

Chairman WALSH. Was it reported to you, for instance, in such a place as Sunrise, Wyo., that it was ascertained that if a man belonged to a union they would tell the man to get out of the camp and go down the canyon?

Mr. BOWERS. What was that, please?

Chairman WALSH. Did you ascertain from some of these officers, like Mr. Welborn, that in a place like Sunrise that if a man belonged to a union he was told to go down the canyon, to get out of the camp?

Mr. BOWERS. I don't believe one single whisper of that statement. It was for some other reason. Any man that would do that I would discharge him in a minute.

Chairman WALSH. You would advise Mr. Rockefeller as a director to take that action?

Mr. BOWERS. No, sir; I would take it myself; he had nothing to do with it.

Chairman WALSH. Could you have discharged Mr. Welborn?

Mr. BOWERS. I think I could have made it pretty hot for him.

Chairman WALSH. And could you have discharged anybody that was up at Sunrise that was engaged in such practice?

Mr. BOWERS. I would not do it individually. We had an executive board to pass upon those matters; I was the chairman of the board. I had my voice in it and nothing more. The executive board passed upon those matters, and I had the same voice as any other man to do with it as a member of the board, but I will state now that I did a great deal less than any other member of that committee to influence their action, I think.

Chairman WALSH. So then you could not have made it hot for them or discharged them?

Mr. BOWERS. I certainly would.

Chairman WALSH. But you had so little chance.

Mr. BOWERS. I would get chance enough.

Chairman WALSH. Notwithstanding your last statement?

Mr. BOWERS. Exactly.

Chairman WALSH. How did you get the newspapers out there; how do you round up the newspapers?

Mr. BOWERS. I scarcely know a newspaper man in the State of Colorado.

Chairman WALSH. But you stated on November 18:

"Another mighty power has been rounded up in behalf of the operators by the gathering together of 14 of the editors of the most important newspapers in Denver, Pueblo, Trinidad, Walsenburg, Colorado Springs, and other of the larger places in the State."

Who rounded them up? How did you get them together?

Mr. BOWERS. As far as I know they rounded themselves up in the common cause to discuss the situation and see what should be done. I have got confidence enough and I believe in the honesty of newspaper men, and so forth, to have common sense and act for the common good, the same as any other human beings have, and they naturally would come together in the State of Colorado and see what ought to be done in such a deplorable condition, the same as I might or you might, or any other citizen in their position might.

Chairman WALSH. The Colorado Fuel & Iron Co., then, did not round them up and did not bring them together? They just acted as independent American citizens, feeling as you and I?

Mr. BOWERS. So far as I know, that is exactly what they did. I did not know they were rounded up until they had rounded themselves up and passed resolutions—I did not know they were there.

Chairman WALSH. Mr. Northcutt was the editor of a newspaper?

Mr. BOWERS. I don't know.

Chairman WALSH. The owner of a newspaper?

Mr. BOWERS. I don't know.

Chairman WALSH. On November 22 you stated that the "officials representing the United Mine Workers of America were all hunting for a hole, however insignificant, through which they can crawl without disgracing themselves before the membership in their failure to make the coal miners' strike general and cause a complete tie-up." That was your opinion, was it?

Mr. BOWERS. Would you like to have me state where I got that opinion?

Chairman WALSH. Was it your opinion, first?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And where did you gather it?

Mr. BOWERS. What is the date of that?

Chairman WALSH. November 22, 1913.

Mr. BOWERS. I will pass that, if you please.

Chairman WALSH. You will pass that?

Mr. BOWERS. Yes.

Chairman WALSH. You remember that letter? We have referred to that before. You say here that these men just rounded themselves up and that you had nothing to do with it. Perhaps you recall your letter of the 22d of December, after that, don't you, when you say, "We used every possible effort to

drive him, the governor, into action, but he was hand in glove with the labor leaders and is to-day; but the big men of affairs have helped the operators in whipping the agitators, including the governor"?

Mr. BOWERS. Yes.

Chairman WALSH. You used that language?

Mr. BOWERS. Yes, sir.

Chairman WALSH. And you did cooperate—big men of affairs did cooperate with your company in whipping the agitators, including the governor?

Mr. BOWERS. I am not speaking of myself individually; but I am speaking now broadly of all the coal operators.

Chairman WALSH. Well, that included your company, of course? It says "we."

Mr. BOWERS. Well, you understand that.

Chairman WALSH. Well, I understand it to have included your company?

Mr. BOWERS. Sure.

Chairman WALSH. Excuse me a moment, please; I may have finished. There may be a point or two come up later.

Mr. BOWERS. Yes.

Chairman WALSH. Commissioner Weinstock would like to ask you.

Commissioner WEINSTOCK. The question was put to you some time ago, Mr. Bowers, as to whether your company and the sheriff, Jeff Farr, were associated together. I did not quite understand your answer. Will you explain whether they were or were not associated together, and if they were associated together, how and when?

Mr. BOWERS. They were not associated with me, if I represent the company. I have no belief that after October 20, 1907, the Colorado Fuel & Iron Co. had any association, politically or otherwise, with Jeff Farr, excepting officially.

Commissioner WEINSTOCK. Had no association with Jeff Farr after 1907?

Mr. BOWERS. After October 20, 1907, the day of my election to that position.

Commissioner WEINSTOCK. That is eight years ago?

Mr. BOWERS. Eight years ago.

Commissioner WEINSTOCK. You say you had no association with him except officially. Will you be kind enough to explain in what way you were associated with him officially?

Mr. BOWERS. I don't know that we were. If we had any papers to serve, as sheriff of that county we were compelled, of course, to employ him.

Commissioner WEINSTOCK. Did you or any representatives of your company render any support or any aid in his political campaigns?

Mr. BOWERS. After that date?

Commissioner WEINSTOCK. Yes.

Mr. BOWERS. Not a penny.

Commissioner WEINSTOCK. Did you in any way—you made no contribution to his campaign?

Mr. BOWERS. Never a nickel been given by the Colorado Fuel & Iron Co. for political purposes since the 20th day of October, 1907; not one nickel.

Commissioner WEINSTOCK. Did you or your associates endeavor, directly or indirectly, to influence any of the employees to vote for him?

Mr. BOWERS. Not that I know of.

Commissioner WEINSTOCK. Did you regard him as a lick-spittle of your company?

Mr. BOWERS. Well, I would myself—if you will let me explain that—I wish you would let me do so right here—make a little explanation.

Commissioner WEINSTOCK. Surely.

Mr. BOWERS. Back years ago—now, I will clear this up, or throw a little bit of light on this Jeff Farr position for you. Back in the early days—I will say years ago, 10 or 12 or 15 or 16 or 18 years ago, they had an official of the company there whose idea of conducting coal camps and dealing with the foreign population there was that he must have saloons and a lot of them. He made the saloon question the very center of—an employment bureau, so to speak, and he built up saloons and mixed the company all up with them—built buildings and cooperated with Jeff Farr and others—or I won't say Jeff Farr, but with others—to open saloons, and he made the saloon business, as I say, the very center; and Jeff Farr, as I understand, became a partner, as stated in some of my letters which you may have read, in 16 saloons in the county. Well, they may not have been all in that county, but they are in that community; and he had a wholesale liquor store. Now, not only Jeff Farr, but the whole system was a saloon system in there for the one purpose to conduct the politics and

control those counties. Now, they were not all made up by the C. F. & I. Co., but they were all made up in harmony with this man now dead; I am sorry to have to refer to him, but it was a most pernicious and damnable precedent. Now, I say this on my own account. They built up a system, as Attorney General Farrar says, that is second only to Tammany Hall, and I say you can not budge it. They control every man that is put up for office there, and they do it to-day, and they did at the last election. I am not dodging a single thing on that point; what we did, or what I did. The only thing we saw that would down that kind of political management was to prohibit the saloons and clean the whole thing up, and I worked to that end with all my time and power, and every other man connected with the C. F. & I., to make Colorado a dry State and to clean up that combination of rotten men and the whole thing, saloons and all, by State prohibition.

Commissioner WEINSTOCK. Are we to understand then, Mr. Bowers, that you, as an individual, and as representing the company, of which you were the head, condemned that policy and that condition, and did all you could to uproot it?

Mr. BOWERS. Well, now, I have been accused of using pretty vigorous language in my letters. I should imagine the chairman over there was from across the water, and my ancestors were, too, which may account for it.

Chairman WALSH. I am from Missouri, locally. My ancestors——

Mr. BOWERS (interrupting). Well, I will try to show you.

Chairman WALSH. Do.

Mr. BOWERS. Those facts; and my notion of that sort of thing is so utterly contrary to that factor in political life that I thought it my duty, so I didn't hesitate at all. I turned out 150 men, out of my offices, and saw to it that they got out and worked for the going dry of the State, and turned out everybody I could; but the Colorado Fuel & Iron Co. didn't pay one nickel, though, for that business—not a nickel. Some of us chipped in from our own pockets and helped carry it along.

Commissioner WEINSTOCK. It has been brought out in the testimony that the operators, I think, collectively, issued bulletins at regular intervals that were widely distributed, seemingly for the purpose of influencing public opinion. Now, did the strikers, as far as you know, likewise issue bulletins——

Mr. BOWERS (interrupting). The leaders of the strike.

Commissioner WEINSTOCK. (continuing). Also for the purpose of influencing public opinion?

Mr. BOWERS. They did; and they came out in the same type, in the same paper, and in the same style, everything. The bulletins sent out by the strike leaders had the same outside features, so that when one got a bulletin he did not know whether it was from the Colorado Fuel & Iron Co., or Mr. Lee, or sent out collectively, or came from the other side. Exactly the same; counterfeits, you might say.

Commissioner WEINSTOCK. This method, then, of endeavoring to influence public opinion through the medium of bulletins having wide circulation was not confined to one side?

Mr. BOWERS. Not at all.

Commissioner WEINSTOCK. But were employed by both sides?

Mr. BOWERS. By both sides.

Commissioner WEINSTOCK. Both sides believing it legitimate and a fair way of getting their side of the story before the public?

Mr. BOWERS. Yes, sir.

Commissioner WEINSTOCK. It has also been brought out in the testimony that the operators exercised every privilege and every influence at their command to get the governor of Colorado, and through him, the President of the United States, to think and see things their way, in order to influence public opinion in their favor.

Mr. BOWERS. Yes.

Commissioner WEINSTOCK. Did the strikers likewise endeavor to influence the governor, and through him public opinion, to see things their way?

Mr. BOWERS. My opinion is that they did, and very thoroughly.

Commissioner WEINSTOCK. Then that method was not confined to one side, but indulged in by both sides?

Mr. BOWERS. I think so.

Commissioner WEINSTOCK. You had no monopoly of it on your side?

Mr. BOWERS. I think not.

Commissioner WEINSTOCK. Are you aware of the fact, Mr. Bowers, that the testimony shows that ex-United States Senator Patterson, of Colorado, a man

who stands very high and who has a great deal of influence and many followers, and whose sympathies were with the strikers, used his great influence with the governor of Colorado in favor of the strikers' position?

Mr. Bowman. His partner was representing or was attorney for the strikers, Mr. Hawkins, the partner—and had been for a great many years—of Senator Patterson.

Commissioner Weinstock. You are familiar then with the phase of the testimony that Senator Patterson used his influence with the governor to have him act in favor of the strikers' position?

Mr. Bowman. Yes.

Chairman Walsh. There are only a few minutes left, and Mr. Weinstock wants to go to a new line of questions, and will not be able to finish, and we will take a recess until 2 o'clock.

Mr. Bowman. Or, half past 1, if you like.

Commissioner Weinstock. Well, say, 2 o'clock.

Chairman Walsh. Yes; 2 o'clock; that is our regular time.

Mr. Bowman. I should appreciate it very much getting away by 3 o'clock.

Commissioner Weinstock. What time does your train leave?

Mr. Bowman. I would like to get away at 3 or 4 o'clock.

Commissioner Weinstock. Better make it 4 o'clock, and I will try to get through with you by that time.

(Thereupon, at 12.30 o'clock, Monday, May 24, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF REV. EUGENE S. GADDIS—Recalled.

Chairman Walsh. I want to read in the record here two telegrams that were submitted to me by Mr. Rockefeller, being the same two telegrams that were submitted to you by Mr. Manly. One is dated May 21, 1915, from Denver, Colo., at 9.55 a. m. [Reading:]

STARR J. MURPHY,

Care New Willard Hotel, Washington, D. C.:

Press reports show charge made yesterday that Wilson, one of jurors in Lawson case and traveling salesman for National Biscuit Co., has exclusive selling arrangement with our stores for products of his company. Neither National Biscuit Co. nor any other company has exclusive selling privileges in our mining camps. During past year but 21 per cent of our purchases of goods of class manufactured by National Biscuit Co. were made from that concern.

J. F. WELBORN.

The other telegram being from Trinidad, Colo., 4.55 p. m.:

JOHN D. ROCKEFELLER, Jr.,

Care New Willard Hotel, Washington, D. C.:

I read in newspapers statement made by Mr. Walsh using my name, all of which is absolutely false. Should Gaddis testify that I stated I had exclusive privileges in coal camps to sell National Biscuit Co.'s goods he will commit perjury. If he simply makes the statement to that effect, it is a villainous lie.

W. W. WILSON.

Those two telegrams were submitted to you by Mr. Manly at my request.

Dr. Gaddis. Yes, sir.

Chairman Walsh. Now, I want to give you an opportunity to make any comment upon the same that you may have to make.

Dr. Gaddis. As to the Mr. Welborn letter, first, we will take that up first. Mr. Welborn made the statement that the Colorado Fuel & Iron Co. have permitted no exclusive privileges in their camp stores——

Chairman Walsh. In the mining camps?

Dr. Gaddis. Yes, sir. I can not see what that has to do with the impression and knowledge of the conversation that was had with me that made that impression upon me, which I will give. I am personally of the opinion, from observation, I was of the impression, and I am still, that there were such exclusive privileges. There was a young man in Trinidad that was constantly going to the C. F. & I. camps taking orders for gentlemen's clothes. I never

saw any other firm represented in the camps. I knew this man very well. I was traveling in the camps all of the time, and I think if there had been such a representative I would have known it. Furthermore, on one occasion in Trinidad I overheard a conversation, which was not intended for me, which confirmed the impression I had that he had the exclusive privilege for selling clothes to the mines.

In regard to another part of Mr. Welborn's message, he says during the past year but 21 per cent of their goods were purchased—of goods of class manufactured by the National Biscuit Co.—from that concern. Now, I believe it is well known that they have a chain, I think, of 22 retail stores and two wholesale stores. The wholesale stores are located in Pueblo and Trinidad and do a very large business outside of the C. F. & I. camps. They can not hold their business without they carry other lines of goods manufactured by other companies making crackers and cakes. Mr. Welborn's low percentage here of 21 per cent, I infer, is computed on the basis of all the sales purchased from other companies through this wholesale department; because this wholesale department would very greatly pull down the percentage of goods put into the C. F. & I. camps by the National. In regard to further impressions that I had made upon me in going into the C. F. & I. camps, I have noticed that the National Biscuit Co. has their products on display in every store very conspicuously, and that helped to confirm me in what I said the other day. Taking Mr. Welborn's words on their face, 21 per cent of the business of 22 wholesale stores, in volume, for one year is simply enormous; would be simply enormous in its aggregate, and when I come to Mr. Wilson's telegram I will refer to that later in regard to how he had easy access there without having to urge the men to buy the goods. Now, Mr. Wilson, again, to just speak of him, this would naturally come under his message, but I have it under Mr. Welborn's. Mr. Wilson is known throughout that country as a company man. I meet him constantly on the trains. He is with the operators and is known as a man lining up with them in this struggle. He is a man that I met a number of times in different places, and from my impression of him I am very frank to say to you that I do not believe that he is a big enough man to have had this privilege that he held from the C. F. & I. and give an unbiased testimony in a case of life and death. There is another point, Mr. Chairman——

Chairman WALSH. He was a juryman, as I understand it, in the Lawson case.

Dr. GADDIS. Did I say testimony?

Chairman WALSH. Yes, sir.

Dr. GADDIS. I should say his attitude on the jury.

Another thing about Mr. Wilson, he is a man of very considerable natural parts. I don't know who the foreman of that jury was, but if I knew the inside of it, I am perfectly satisfied to tell you and this commission, that he was very much active in his attitude, whatever attitude it was. There is a point that I think should not be overlooked in regard to this message of Mr. Wilson. My testimony to you, as the chairman and a representative of a Government commission, I made my testimony to the commission and to you as chairman, but Mr. Wilson comments on it and sends his message to John D. Rockefeller, jr. Now, in regard to Mr. Wilson, while the conversation referred to the other day took place—as I remember it now, and I am quite sure I am correct—on a Colorado Southern train about the middle of January, Mr. Wilson and myself were traveling from Pueblo to Trinidad. To just fix the case, we were traveling for several hours together and talking about a number of things. He mentioned purchasing a Navajo blanket at a very cheap price in Pueblo. The general manager of a very large coal company, or the general manager of the stores of a very large coal company, boarded the train at Pueblo. Mr. Wilson said he had purchased some of the wooden dummy guns from the strikers and was going to keep them as souvenirs, and he left them there, and this gentleman brought those wooden guns onto the train and sat down with us. We knew each other quite well, and the third party that I have referred to was one of the best friends I had in Colorado. I knew him quite well and was on quite intimate terms with him. In the course of the conversation—this was my impression and my recollection—that he said, "I go into the C. F. & I. camps to sell my goods, but this man will not let me into his camp," and he said it in tones and looks in referring to this manager as if he had the power right there to say that he would let him go in or would not. He was reticent and made no reply, and I inferred from that, and I think it was a natural deduction, that Mr. Wilson had the privilege of the C. F. & I. Co. for the sale

of goods, which this man would not grant him, and in that regard it was a special privilege.

Now, you will notice here, Mr. Chairman, that Mr. Wilson does not deny in his testimony—in his wire—that he has the exclusive privilege of the sale of goods in the C. F. & I. camps. We may read that between the lines, but when he calls a man a villainous liar, it seems to me he ought to state specifically what he means. He simply says he has not the privilege of the sale of goods in the coal camps. He does not say the C. F. & I. camps. As soon as I read this statement of Mr. Wilson—I was in Phoenix, Ariz., and read it in the morning press dispatches—and I said to myself, "W. W. Wilson is 'Bill' Wilson." The statement that I read in the paper was that W. W. Wilson, traveling salesman—it gave all the names of the jurors and gave W. W. Wilson, traveling salesman, not of the National Biscuit Co., but traveling salesman of Trinidad. Now, Trinidad is a small place of ten or twelve thousand people and I have been there long enough to get acquainted, and I never hear of any other W. W. Wilson in Trinidad. I said to myself, "That is Bill Wilson." And never having had occasion to think of the conversation before, I said that man told me on the train he had exclusive rights; and having my own impressions of the way things had been going on in Colorado, and are going on, and will go on until something stops them that has not yet been effectual, I said to myself, "That man represented the company, evidently, on this jury." I sat right down and wrote the attorney, Mr. Clark, of Trinidad, my impressions.

That is my statement, Mr. Chairman.

Commissioner WEINSTOCK. Yes. I would like to ask him a few questions.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. You will observe, Mr. Gaddis, that Mr. Welborn is very specific in his message. He says, "Press reports show the charge made yesterday that Wilson, one of the jurors in the Lawson case and traveling salesman for the National Biscuit Co., has exclusive selling arrangements with our stores." That is quite specific. That don't mean coal mines generally; that means stores of the Colorado Fuel & Iron Co.?

Dr. GADDIS. Yes; I understand that.

Commissioner WEINSTOCK (reading.) "Neither the National Biscuit Co. nor any other company has exclusive selling privileges in our mining camps."

Dr. GADDIS. I think it is a mistake.

Commissioner WEINSTOCK (reading). "During the past year only 21 per cent of the purchases of goods of the class manufactured by the National Biscuit Co. were made from that concern."

Mr. Wilson says: "I read in the newspapers a statement made by Mr. Walsh, using my name, all of which is absolutely false. Should Gaddis testify that I stated that I had exclusive privilege in the coal camps to sell National Biscuit Co. goods he will commit perjury."

He makes it still broader; from his statement it is clear that he not only has no exclusive privilege in the stores of the Colorado Fuel & Iron Co., but he has no exclusive privilege in any of the coal camps.

Now, speaking for myself, Mr. Gaddis, I have never heard a whisper against the truthfulness or the integrity of either Mr. Wilson or Mr. Welborn. Now, would you have this commission then accept your impressions pure and simple with not an iota of evidence of what would be called real evidence behind them? Would you have us accept your impressions as facts against the positive denial and clear statement of these two gentlemen?

Dr. GADDIS. That is for the commission to decide; not me.

Commissioner WEINSTOCK. I simply ask you whether you expect us to accept your impressions as against their positive statements?

Dr. GADDIS. I do not think I am called upon to say. It would be ridiculously presumptuous for me to say what I expect this commission to do.

Commissioner WEINSTOCK. Then what is the need for you to come here and explain unless you expect us to accept your impression?

Dr. GADDIS. I am giving you my positive impressions of facts as they came—as I recollect them, in this record.

Commissioner WEINSTOCK. Then they are just impressions?

Dr. GADDIS. They are my knowledge and recollection of the transactions and incidents that I have recited here twice on this stand, to the best of my knowledge.

Commissioner WEINSTOCK. And that is all they are?

Mr. LEE. Yes, sir.

Commissioner O'CONNELL. I take it from that that had you been in control in Colorado prior to the time the strike occurred, and had those men asked and requested by communication that they be given a hearing, whether their grievances were real or imaginary, you would have met them.

Mr. LEE. Certainly.

Commissioner O'CONNELL. Then, I take it from your position the officials out there in Colorado, not particularly the Colorado Fuel & Iron Co., but all of them that were requested to meet the men before the strike occurred, in your opinion make a mistake in not entering into a meeting with them.

Mr. LEE. I think they did.

Chairman WALSH. Now, if it was a mistake, that had very grave consequences with reference to the loss of lives and the destruction of property, have you formulated any plan now in your own mind as to what action you will take with the board of directors the next time you meet?

Mr. LEE. I do not quite catch the meaning of your question.

Chairman WALSH. I say, if you have concluded now that the operators were wrong in refusing to grant this interview with the representatives of the mine workers, what have you formulated in your own mind with reference to the action you will take the next time the board of directors meet?

Mr. LEE. I have not formulated any thoughts, Mr. Chairman. I am quite sure that in so far as the officers of the Colorado Fuel & Iron Co. took that policy they felt they were doing the right and wise thing. It may be, if I had been in their position at the time, surrounded by all the influences as they were, I might have done the same thing; but looking at it all from this point and my own feelings with reference to such matters, I think it is eminently desirable always to meet your men, and meet them in any way they want to be met; and that does not commit you to anything.

Chairman WALSH. You mean the meeting does not commit you to anything?

Mr. LEE. No; it does not commit you to anything beyond hearing what their grievance is and talking it over with them. I think that is one of the most important things of all in avoiding serious disputes.

Chairman WALSH. I think so, too, probably. Now, then, that being the case, and after you have heard here from so many quarters about the sad results, perhaps, of the failure to have that hearing, haven't you been giving some thought as to what you should do, as a member of the board of directors in the Colorado Fuel & Iron Co., with reference to the situation?

Mr. LEE. No; I have not. I believe if that situation should ever arise again the officers would meet the men.

Chairman WALSH. Are you a stockholder in the company, or just have enough stock to represent——

Mr. LEE (interrupting). I have qualifying stock.

Chairman WALSH. Just qualifying stock?

Mr. LEE. Yes, sir.

Chairman WALSH. And do you feel, simply being a qualified stockholder, that you could vote on that board with reference to the matter of removing an executive officer any way other than that which Mr. Rockefeller desired?

Mr. LEE. I feel that I could.

Chairman WALSH. Well, what would happen to you, do you think, if you did?

Mr. LEE. I don't think anything would happen to me.

Chairman WALSH. Do you think that you could vote to remove Mr. Welborn and that if Mr. Rockefeller desired his retention, nevertheless, it would be all right?

Mr. LEE. Of course, Mr. Chairman, such a supposition is absurd.

Chairman WALSH. Why?

Mr. LEE. Well, things are not done that way. Matters of that sort are always discussed in advance and a general policy arrived at before they are ever submitted to formal board action. I want to be just as clear as words can make it that I believe absolutely in the sincerity, the honesty of purpose, and the wisdom of Mr. Welborn. As I say, if I had been in his place, under the same conditions I might have done the same thing.

Chairman WALSH. Would anything make you change your opinion of the wisdom of all Mr. Welborn's acts there so that in a conference held ahead of a meeting of the board of directors of the Colorado Fuel & Iron Co. with Mr. Rockefeller you would vote to discharge Mr. Welborn, or would influence your

decision to vote to discharge him, even though Mr. Rockefeller did not want him discharged?

Mr. LEE. I am very sure that Mr. Rockefeller and I would never have any difference of opinion with reference to Mr. Welborn's character.

Chairman WALSH. Or his conduct or acts in the Colorado matter?

Mr. LEE. Yes.

Chairman WALSH. Whatever they are, you are sure you and Mr. Rockefeller would agree that he had acted as wisely as he could under the circumstances?

Mr. LEE. That is my feeling about it.

Commissioner O'CONNELL. Just one further question. The chairman asked you, in reply to which you said if a similar situation arose in Colorado you were sure the officials of the company would meet their workers or their representatives before the trouble occurred.

Mr. LEE. I did not say I was sure. I said I believed they would.

Commissioner O'CONNELL. And to that extent, then, the strike of the Colorado miners was not a failure? But brought about some change in the hearts of some people, at least——

Mr. LEE (interrupting). No question, Mr. O'Connell, but what mistakes were made in that strike. I think Mr. Rockefeller has pointed out that if the history of events was to be lived over again that a good many people would do differently.

Commissioner WEINSTOCK. Are you aware of the fact, Mr. Lee, that it was brought out in the testimony here that the operators did meet with representatives of the strikers in the office of the governor some two months after the strike took place?

Mr. LEE. Yes; that has been brought out, Mr. Weinstock; but I can not say that I have been impressed with the fact that the representatives of the men who met the operators were truly representative.

Commissioner WEINSTOCK. Now, will you explain in what way they did and did not represent the men?

Mr. LEE. Well, I just give you my impression. I have not been impressed with the representative character of that committee.

Commissioner WEINSTOCK. Do you recall who the members were?

Mr. LEE. I do not. I simply give you a general impression. My feeling is that that was one serious mistake.

Commissioner WEINSTOCK. Meeting these men in the office of the governor?

Mr. LEE. It was the failure to meet the real representatives and talk it over with them.

Commissioner WEINSTOCK. You don't know how these men were chosen that met in the governor's office?

Mr. LEE. No; I simply give you my impression as to their general standing.

Commissioner O'CONNELL. Will you permit me to read into the record just exactly what did occur?

Commissioner WEINSTOCK. Yes; very glad to.

Commissioner O'CONNELL. This is a letter addressed by President Welborn to Mr. McClement, dated December 4, 1913. [Reading:]

"DECEMBER 4, 1913.

"MY DEAR MR. MCCLEMENT: We feel that we have made substantial progress in the conduct of the strike since I last wrote you, although the increase in output during the three weeks has not been large.

"At the urgent request of the governor and under some newspaper pressure, we met three of our striking miners in conference with the governor November 28. There has never been any substantial objection to meeting our own employees or our former employees for the purpose of discussing proper matters, yet we have felt that such a meeting might be construed as an indirect recognition of the officers of the union.

"We succeeded, however, in yielding to the requested meeting in such manner as to have the selection of the men, nominally at least, in the hands of the governor."

Do you get the idea? The governor selected the committee, not the men. [Continues reading:]

"And when the meeting was called to order by the governor, who acted as chairman"——

The governor acted as chairman of the committee. [Reads:]

"The miners in answer to questions stated that they represented only themselves directly, and would be obliged to take back to the miners for their ap-

proval or disapproval whatever understandings, if any, might be reached. We reached no direct understanding; in fact, we wanted none, as we were almost sure that had an understanding between the miners and ourselves been reached it would have received the stamp of approval of the officers of the organization and in that way been twisted into an arrangement between us and the organization."

Now, there are a lot of other things, but I think nothing relevant to this matter.

Commissioner WEINSTOCK. Any thing further on that?

Commissioner O'CONNELL. Oh, yes; there are several pages in the letter.

Commissioner WEINSTOCK. Just read it all. I think it is important to know it.

Commissioner O'CONNELL (reading). "Nevertheless the conference accomplished a great deal of good, as it convinced the governor that the grievances of the men were of a trivial character and that we had already granted, even before demanded and before the strike was called, everything that the men had a right to ask or strike for, and as a result the governor issued a statement, addressed jointly to the miners and ourselves, recommending termination of the strike. I am inclosing a copy of this for your information."

I don't think there is much else in it on the point, but I would be glad——

Commissioner WEINSTOCK. May I look at it?

Commissioner O'CONNELL. Yes. I read to the end of the second paragraph. The sense of that is that the three men were, on Mr. Welborn's own statement, practically selected by the governor.

Commissioner WEINSTOCK. I think that which follows is very significant, Mr. O'Connell.

Chairman WALSH. Do you want to ask the witness some questions on that?

Commissioner WEINSTOCK. I want to after reading it——

Chairman WALSH. Well, but do you want to ask the witness some questions?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Very well.

Commissioner O'CONNELL. I did not read it all through.

Commissioner WEINSTOCK. I want to call attention to his very significant statement here [reading]:

"Our letter was answered by the withdrawal of the arbitration request, and a pretense of submitting the matter to vote was made, with the result that the governor's proposition was unanimously voted down by the miners. We are, however, beginning to receive reports of the manner in which the voting at the meetings was conducted. These reports show that the proposition was railroaded through and not fully explained to the men. Had a secret ballot been taken, we believe the majority of the men would have voted to return to work, as we have the best of reason for believing that most of the men now on strike are staying away from the mines only through fear of attack from the organization's agents."

Now, doesn't this make it plain, Mr. Lee, that while these three men were there without authority to bind the union—the strikers—they were representing the strikers, and they took back to the strikers the proposition that had been made to the governor, and the strikers unanimously, as stated here, voted the proposition down?

Mr. LEE. That is the record, Mr. Weinstock, but I can only repeat my impression, that that committee was not truly representative.

Commissioner O'CONNELL. I think the letter of Mr. Welborn states that the governor had selected the three men. The men themselves had no chance or opportunity in selecting who should be in the number.

Mr. LEE. My impression may be wrong, but that is the feeling I have about it.

Commissioner WEINSTOCK. That is all I see in here that touches upon that point.

Chairman WALSH. That is all, then, Mr. Lee. You may be excused permanently, and we thank you for your attendance.

Dr. Gaddis.

TESTIMONY OF REV. EUGENE S. GADDIS—Recalled.

Chairman WALSH. Mr. Gaddis, I understand that you have a statement that you think you can present in a comparatively few moments?

Dr. GADDIS. Yes, sir.

Chairman WALSH. You see we are crowded for time. Well, as concisely as you can, make any statement you desire to make. I understand you have com-

munieated to Mr. Manly the fact that you would like to make a further statement in reply to certain matters.

Dr. GADDIS. I certainly apologize, Mr. Chairman, for appearing before you again, but there were such strong statements made here yesterday that I should be given a chance to reply. I attribute Mr. Bowers's statement yesterday to the infirmities of age, or the befogging of vision, or else he has taken as prima facia evidence what has come from his mercenaries in the Rockies, and from my close-range vision of them, most of them say or do anything that would make it look like they were right. That it may be thoroughly understood, the spirit of the man with whom we had to deal, ponder well. I appealed to him, Bowers, to cooperate with me for the erection of camp chapels in which to worship God. He replied, "They need more jails down there."

Before I went into his office the first time, I was warned not to oppose him, and to permit him to do all of the talking if he seemed so disposed.

He convinced me then and there that he considered his attitude and utterances as unassailable. As he did not know more than one-half of what he thought he knew of affairs afield, his poses and poises were enough to make a burro laugh.

I remember distinctly of how he told me how he issued an ex-cathedra order to the manager of the fuel department. He told Weitzel that that was the way it would go in the future, regardless of what argument he presented.

His Louis the Fourteenth airs were a topic of conversation throughout the camp, often provoking smiles. He "drives the peg," is the way one of the petty bosses put it.

The local Denver manager of one of the largest commercial enterprises in the United States told me this. New bids were to be submitted for his line of material. His company was awarded the previous contract. Mr. Bowers was just leaving the city, and left instructions with the C. F. & I. purchasing agent not even to wait to receive the bids of aforesaid company, and when it did arrive it was not to be considered.

Centuries ago heathen China had an established principle for Government officers: "Whenever a ruler behaves unjustly or unmercifully, remove him." Colorado has been considerably behind China on this line.

Commissioner O'CONNELL. Mr. Gaddis, is that all of the way through that general topic?

Dr. GADDIS. No, sir. I will get down to the matter.

The notice, in 26 languages, posted in the camps that the men could have the privilege of checkweighmen was completely nullified by the company refusing to check off for the payment of such an officer.

Chairman WALSH. One thing that I wish to say: Anything that referred to you will be all right, but characterizations or those general statements we do not care for.

Dr. GADDIS. All right; I have it right here.

Regarding my request that all Roman Catholic "supers" be dismissed, Mr. Bowers's assertion of it was the first time I had ever heard it.

Commissioner O'CONNELL. Is there any truth in it?

Dr. GADDIS. There is not. I heard it for the first time from Mr. Bowers's lips yesterday, that I proposed to discharge the men because they were Roman Catholics. There are only two Roman Catholic superintendents in the entire system that I know of, and I held very cordial relations with each of them. Mr. E. G. Morrand, principal of the school at Sopris, a Roman Catholic, was my choice for my assistant in the sociological department, in organizing Boy Scout patrols in the camps. We were also working on a plan together to make an exhibit of the sociological work at the Panama Exposition in San Francisco. I will not go over all of these charges that Mr. Bowers made here yesterday. The story that I requested the discharge of a teacher because she was a Catholic—I never heard of it before until yesterday.

Commissioner O'CONNELL. Was there any truth in it, even if you never heard it before? Did you make any such effort?

Dr. GADDIS. I did not.

Commissioner O'CONNELL. Was there such a girl school-teacher removed?

Dr. GADDIS. Not for a cause of that kind.

Commissioner O'CONNELL. Was there any removed there?

Dr. GADDIS. In connection with my work?

Commissioner O'CONNELL. Yes, sir.

Dr. GADDIS. A number of them.

Commissioner O'CONNELL. Might the implication be that she was removed because of religious preferences?

Dr. GADDIS. An implication and a fact are entirely different. That is the reason I wanted to make a statement that it was not so. At Primero the company owns a church—an ideal building of the kind—in which both Protestant and Catholic services are held. I advocated to the company that this kind of a building be duplicated in their other camps.

When I took charge of the circulating library I found several boxes of books in the Italian language, teaching the principles of the Catholic religion. I gave them to the priests working in the camps of the Trinidad district and for the San Rafael Hospital. In the purchase of an invoice of new books I found a volume called "The Ahonberg-Cotta Family," which gives an account of the Protestant reformation under Luther. I would not allow the book to be sent out through the camps. I canceled the order for the Christian Endeavor World, one of the largest organs of Protestant young people in America, also the Christian Herald, of which Talmage used to be the editor, and would not allow them to be placed in the public-school reading circle at Berwind because they taught the principles of Protestantism.

Mr. Bowers intimated that an increase of $300 in salary and I would consider all sociological matters in a fine condition. In my reports to the company, for very good reasons, I brought to their attention improvements which were being effected. I also presented subjects which were quite distasteful to them, and this was one of the principal reasons for my discharge.

I believe that is all, Mr. Chairman.

Commissioner WEINSTOCK. Mr. Bowers in his testimony yesterday, Mr. Gaddis, spoke about having sent you a letter, a copy of which he had, in the form of a telegram, a letter to you of January 9, 1914. Do you recall having received that letter?

Dr. GADDIS. I do, Mr. Weinstock, and it was very wide of the mark of the letter I sent Mr. Bowers, and I was astonished at the contents of the letter that he sent me in reply.

Commissioner WEINSTOCK. This is what that letter is said to have contained.

Dr. GADDIS. I am very familiar with it, and you can refer to any part of it.

Commissioner WEINSTOCK. I want to refresh my own memory on it as well. He said that he wrote this letter in reply to Dr. Gaddis [reading]:

"'Your letters of January 21 and 29 are at hand. You evidently are familiar with one very important fact, namely, that the schools in all our mining camps are State schools.'

"Commissioner WEINSTOCK. Who is that letter from, and to whom?

"Mr. BOWERS. A telegram from President Welborn to me, since I have been here.

"Chairman WALSH. Are you reading now from a telegram that was sent you by Mr. Welborn?

"Mr. BOWERS. From my letter, that he could not get to me.

"Chairman WALSH. So he wired you and you are quoting from that?

"Mr. BOWERS. It is a telegraphic copy taken from my reply to Mr. Gaddis.

"Commissioner WEINSTOCK. Very well, I understand it now.

"Mr. BOWERS (continuing reading): 'You evidently are not familiar with one very important fact, namely, that the schools in all of our mining camps are State schools, under the direct supervision and dictation of the State authorities. I am only trying to show the facts, and so forth, of Mr. Gaddis, and I am giving you the facts. And we have no more right to dictate who shall be employed as teachers in our coal camps than we have to dictate as to the teachers of Denver or any other town. While men in our employ at our various camps usually are selected as commissioners they have to be elected, and are responsible to the State for all of their acts.

"'Therefore, if we should undertake to be overdictatorial and exacting, the State would be justified in ordering us to keep our hands off. While we would be glad to employ teachers whose ideas are in harmony with ours, we have no legal right whatever to dictate or interfere with the commissioners in the selection of teachers. Will say that if you should stir up this matter in your territory in the interest of Protestantism'—and I want to say that some of our Catholic teachers were some of the best Sunday-school teachers we had in the camp.

"Commissioner WEINSTOCK. If it is allowable, may I ask you if you are a Catholic?

"Mr. BOWERS. No, sir; I am a Presbyterian. But I never threw a stone at a Catholic or any other denomination. It is not my right or privilege, and I protest against it with all the vigor I can. That is my stand on that. I never did it. The first 15 or 20 men I employed were Irishmen, all but one, and I have no better friends on earth than them.

"'In your territory in the interest of Protestantism an undertaking to force an observance of the social standard you have set up would do an incalculable amount of mischief. It is the opinion of our official board that ministers and religious workers either directly employed by us or permitted in our camps should confine themselves solely to the presentation of the gospel, as we believe that is the work which is needed and will include all moral and social reform. The only thing we had in mind in asking Dr. Morritt when he was at Pueblo to keep an eye on the schools and to advise with the several commissioners in the various camps was the intention of giving the commissioners the benefit of his experience and to suggest the class of teachers to employ, and that is the only thing we expect Dr. Corwin, Mr. Weitzel, and yourself to do. It is impossible to vest you with any authority whatever in connection with the schools in our camps.'

"The copies of letters from Mr. Gaddis to Mr. Bowers referred to, as well as correspondence with other officers of the company, are missing from Gaddis records."

Now, what was the occasion of Mr. Bowers sending you that letter?

Dr. GADDIS. I wrote him, Mr. Weinstock, that I wanted, if possible, to correct conditions in the camps, which to me were almost intolerable, in regard to these dances and licentious gatherings, which I considered were being carried on way into Sabbath morning; and the thing that Mr. Bowers stated, that I wanted to stop the dancing, I never proposed that, because I knew it would be impossible, but I did want to elevate them in tone and correct things that I knew were very bad going on and demoralising the young people of the camp. Now, the letter that Mr. Bowers wrote me in regard to my relations to schools was amusing to me, knowing the situation as I did—the employees of camps, not only in the closed camps, but many of the open camps. The men, or the directors of the school boards, in open and closed camps, many of them—and, by the way, there are some 65 teachers, I believe. He said yesterday that I wanted the resignation of a hundred Roman Catholic teachers, and there are only 65 that they have any authority over. To give you an idea of how that letter appeals to me: There was a man discharged from the principalship, as he believed, unjustly. The division superintendent simply told one or two of the directors if he was not discharged they would be canned. The man appealed to Mr. Bowers, and he was reinstated over their heads. Bowers said if the man was not put back that he would see their heads dropped off. That was the man who I referred to that they went after the second time. I received a long-distance telephone from Mr. Welborn to come to Denver to confer on it, and it was taken up with Mr. Bowers and Welborn both, and for Mr. Bowers to make out that they did not exercise their influence in that way to me was absurd, because I knew that they did, and it was part of my business to know. The camp superintendents were notified that that was part of my work, and when I went to Sunrise they were notified there that that was part of my work, to help select teachers.

Commissioner WEINSTOCK. Do we understand when Mr. Bowers made this statement on the witness stand yesterday he was not speaking the truth? He said the first interview that he had with Mr. Gaddis he was as ardent in his expression of sympathy for the strikers as——

Dr. GADDIS. That is absolutely untrue.

Chairman WALSH. We will now stand adjourned until 9.30 in the morning instead of 10.

(Thereupon, at 5 o'clock p. m., Tuesday, May 25, 1915, the commission took an adjournment until the following morning, Wednesday, May 26, 1915, at 9.30 o'clock a. m.)

EXHIBITS.

McCORKLE EXHIBIT.

To the Colorado Fuel & Iron Co. (in care of the Rev. E. S. Gaddis, superintendent of the department of sociology):

The people of Sunrise feel that a new hall could be made to add greatly to their convenience and pleasure. Following the suggestion of the Rev. E. S. Gaddis, the undersigned organizations express the desire of their members in the following petition or request, namely:

That the Colorado Fuel & Iron Co. erect a new hall at Sunrise, Wyo., giving place therein to as many of the following suggestions as are found advisable:

I. A motion-picture auditorium, to seat at least 500 persons; such auditorium to be equipped with a stage for dramatic recitals and dressing rooms on each side of the stage equipped with lavatories.

II. A large assembly room for lodges; in connection therewith (1) a room for paraphernalia, with separate accommodations for each fraternal order; (2) an anteroom large enough to accommodate about 30 persons; (3) a kitchen, supplied with range, etc. (Such lodge room to be on the top floor of the hall.)

III. A dancing floor.

IV. (1) A pool room, a bowling alley, shower baths, and a barber shop. (2) A small gymnasium, for boxing and other vigorous exercise. (3) A literature room, from which books and magazines may be distributed, together with a room for reading and for the use of clubs, as Boy Scouts, Camp Fire Girls, etc.

Signed at Sunrise, Wyo., this 5th day of February, 1915.
(Stamped with official seal.)

PLATTE RIVER ENCAMPMENT, No. 16, I. O. O. F.,
J. A. JOHNSON,
M. L. WILSON,
HARROP CORNELL,
Trustees.

Signed at Sunrise, Wyo., this 2d day of February, 1915.
(Stamped with official seal.)

SUNRISE LODGE, No. 41, I. O. O. F.,
WM. C. PASCOE,
HARROP CORNELL,
M. L. WILSON,
Trustees.

Signed at Sunrise, Wyo., this 20th day of February, 1915.
(Stamped with official seal.)

SUNRISE AERIE, No. 1030, FRATERNAL ORDER OF EAGLES,
C. W. SMITH, *Vice President.*
JOHN SOFFOKULES,
JAMES BOKOS,
LEO CLAUS,
Trustees.

Signed at Sunrise, Wyo., this 31st day of January, 1915.
(Stamped with official seal.)

THE SOCRATES HELLENIC SOCIETY,
GEO. SCULICHAS, *President.*
MIKE MEINBRES.

Signed at Sunrise, Wyo., this 27th day of January, 1915.
(Stamped with official seal.)

IRON MOUNTAIN CAMP, No. 403, WOODMEN OF THE WORLD,
WM. E. JOHNSON,
J. R. DUNCAN,
C. W. SMITH,
Managers.

Signed at Sunrise, Wyo., this 1st day of February, 1915.
(Stamped with official seal.)

MOUNTAIN VIEW REBEKAH LODGE, No. 87, I. O. O. F.,
EDITH MORGAN, *N. G.*
EVA HARRIS, *Secretary.*

Signed at Sunrise, Wyo., this 7th day of May, 1915.
(Stamped with official seal.)

MINNIE CAMP, No. 7020, ROYAL NEIGHBORS OF AMERICA,
(Mrs.) B. DOWER, *Oracle.*
LILIAN S. PASCOE, *Recorder.*

Signed at Sunrise, Wyo., this 2d day of February, 1915.
(This organization has no official seal.)

SUNRISE LITERARY CLUB,
GILBERTA WEBB, *President.*
EDNA BOOTH, *Secretary.*

Signed at Sunrise, Wyo., this [month and day omitted], 1915.
(This organization has no official seal.)

LADIES' AID SOCIETY,
(Mrs.) M. V. ROBERTSON, *President.*
MYRTLE M. WHITNEY, *Secretary.*

A NEW HALL FOR SUNRISE.

It has been suggested by Rev. E. S. Gaddis, superintendent of the department of sociology of the Colorado Fuel & Iron Co., that gratification of the desire of the people of Sunrise for a new hall is possible, and perhaps probable. If such a hall is to be built, it should be planned so as to satisfy the needs of all the people as far as possible, and especially their social and fraternal needs. The request for its erection, therefore, can come very properly, Mr. Gaddis believes, from the various fraternal orders of the community.

In order to know how the hall should be planned that it may reach the fullest measure of usefulness, the ideas of the people who are to use it are important. Each fraternal organization, therefore, is requested to send some one of its members to confer on the formulation of the request. Those so sent, and all others who are interested, will kindly meet at the home of D. S. McCorkle on Thursday evening, January 21, 1915, at 7.30 o'clock. Any who can not meet at that time please speak to McCorkle and arrange to meet and consider the question at some earlier time.

The request for a hall, in whatever form and with whatever specifications decided upon at this preliminary meeting, will be referred to each organization for its official approval before being sent to Rev. Gaddis.

The chief object, indeed, of this preliminary meeting is to decide what accommodations the hall ought to afford. For instance, the following suggestions as to what the hall ought to provide have been made already by various persons:

I. An auditorium for motion pictures, large enough to seat at least 500 persons. Same to be supplied with movable seats, permitting the room to be used in other ways, as for dances, socials, Boy Scout meetings, etc.

II. A kitchen, where food may be prepared for suppers given by the various organizations of Sunrise.

III. Assembly rooms, special rooms for storing paraphernalia, and other accommodations for such fraternal orders of Sunrise as wish to avail themselves of the opportunity.

IV. A gymnasium.

V. A library or reading room.

VI. Shower baths, available at the lowest possible cost to the families of Sunrise.

VII. Small clubrooms, for the use of organizations among the children et al.

COMMITTEE ON FORMULATION OF A REQUEST FOR A NEW HALL AT SUNRISE, WYO.

Called to order at 8 p. m. January 21, 1915; D. S. McCorkle, temporary chairman.

Those present and fraternal orders represented were as follows: Harrop Corkill and C. M. Morgan, of the Independent Order of Odd Fellows; John Pollard and C. W. Smith, of the Eagles; S. H. Whitney, of the Woodmen of the World; George Skeltsas, of the Socrates; D. S. McCorkle; Mrs. Chloe Hamilton and Mrs. Gilberta Weed, of the Ladies' Club; Mrs. M. V. Robertson, of the Ladies' Aid; Mrs. Thomas Carbis and Mrs. Laura Wilson, of the Royal Neighbors; and Mrs. John Harris, of the Rebeccas.

Officers elected were: D. S. McCorkle, chairman, and S. H. Whitney, secretary.

The purpose of the meeting was stated by the chairman, namely, to formulate a request for a new hall to be built at Sunrise, Wyo., and to submit same to each social and fraternal organization of the people of Sunrise for official approval, preparatory to its presentation to the Colorado Fuel & Iron Co. through the company's superintendent of its department of sociology, the Rev. E. S. Gaddis. More specifically, in its formulation of such a request the purpose of the committee is to come to a common agreement regarding such needs of the people of Sunrise as it would be desirable and practicable for a new hall to satisfy, and thereupon to embody in the request for the hall suitable provisions to meet these needs.

The committee decided to specify the following provisions for inclusion in the request for a new hall:

I. A motion-picture auditorium, to seat at least 500 persons; such auditorium to be equipped with a stage for dramatic recitals, and dressing rooms on each side of the stage, equipped with lavatories.

II. A large assembly room for lodges; in connection therewith (1) a room for paraphernalia, with separate accommodations ample for each fraternal order; (2) an anteroom large enough to accommodate about 20 persons; (3) a kitchen, supplied with range, etc. (Such lodge room to be on the top floor of the hall.)

III. A dancing floor.

IV. A pool room, a bowling alley, shower baths, and a barber shop; a small gymnasium for boxing and other vigorous exercise; and a literature room, from which books and magazines may be distributed, together with a small room for reading and for the use of clubs, as Boy Scouts, Camp Fire Girls, etc.

Resolved, That it is the desire of this committee that the different departments of the building be so run that they yield sufficient revenue to be self-sustaining.

A subcommittee of five was elected from among those present, to convene at 7.30 p. m. January 22, at the home of Mrs. Weed, to decide upon a proper wording of the request, such request, in duplicate copies, thereupon to be presented to the various orders and other organizations of Sunrise for their official approval.

Members of this subcommittee were the chairman, and S. H. Whitney, C. W. Smith, Mrs. Chloe Hamilton, and Mrs. Gilberta Weed.

LEE EXHIBIT.

26 BROADWAY,
New York, June 1, 1914.

DEAR MR. LEE: I am sending you herewith a number of newspaper clippings, which I think it would be worth your while to read before our next talk. Be good enough to see that they are all returned to me when you are through with them.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Assistant to the President,
Pennsylvania Railroad Co., Philadelphia, Pa.

PENNSYLVANIA RAILROAD CO.,
OFFICE OF EXECUTIVE ASSISTANT,
Philadelphia, June 3, 1914.

DEAR MR. ROCKEFELLER: Mr. Rea is quite agreeable, in view of the important questions involved, to my undertaking the plan along the lines we discussed.

I shall be happy to see you in a few days, to take up plans somewhat definitely, but in the meantime I will go ahead with such tentative arrangements as it will be possible to make.

I should be glad to have a talk with Mr. Bowers. Will you be kind enough to advise me as to when and where it will be best for me to see him? I should think that a few hours' talk would give me all the information I require at the moment.

I inclose a copy of a pamphlet I spoke to you about yesterday which we issued last year with reference to the floods in the Middle West. We distributed some ten or fifteen thousand copies of this to very good advantage, in my opinion.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

JUNE 5, 1914.

DEAR MR. ROCKEFELLER: You will find herewith most of the newspaper clippings you sent me. A few I have retained, as they contain suggestions which I hope later to utilize.

Attached hereto you will find a proof of a sample leaflet of a proposed series to be issued by the operators at Denver, together with the manuscript copy of a slip which should be sent out with the leaflets. It is the idea that all of these shall be called "The Struggle in Colorado for Industrial Freedom," though, of course, you may suggest a better title. I think the pages should be somewhat shorter than these galleys indicate.

It is the thought that by sending these leaflets to a large number of leaders of public opinion throughout the country you will be able to get certain ideas before the makers of that public opinion which will be of value.

In order that you may see clearly the thought I have in mind, I am sending herewith a bound volume containing a set of the leaflets we issued in connection with the recent campaign to increase freight rates 5 per cent.

These bulletins were sent out to the press and printed on one side of the sheet, and were also sent to Members of Congress, governors of States, etc., in pamphlet form printed on both sides of the sheet. They were usually accompanied by a loose note, such as that inclosed, in order to show the authority back of them. I inclose a sample of each of the forms in which the bulletins were sent to the press and that in which Members of Congress, etc., received them.

In his speech in Congress on Tuesday, May 5, in speaking of these leaflets, Senator La Follette said:

"The Baltimore & Ohio, New York Central, and Pennsylvania Railroads conducted a publicity campaign through the publicity agent of the Pennsylvania Railroad. Thirty-two anonymous, ex parte bulletins, reprinted below, have been issued and scattered broadcast over the country. They have formed the basis of thousands of news items, editorials, and addresses. They played no small part in influencing a large proportion of the upward of 22,000 newspapers in the United States."

I have in mind that perhaps through the issuance from Denver of a series of such bulletins we can do a great deal to clarify the public mind. As bulletin No. 2, I would suggest that we utilize those portions of the report of the military occupation of the strike zone dealing with the question of disarmament, preceding what is said on that subject with this introduction:

"In order that the people of Colorado and the public generally might understand conditions with which the militia and the mine operators were confronted in the strike zone of Colorado, Brig. Gen. John Chase, commanding the military district of Colorado, has submitted a comprehensive report to the governor, giving a full account of the military occupation of the strike zone. In that report Gen. Chase has this to say with reference to his efforts to disarm the strikers and the mine guards."

I would follow this leaflet with a considerable number of such leaflets, the idea being to make them all dignified, free from rancor, and based as far as possible upon documentary or other evidence susceptible of proof, if need be. The distribution of these through an extended period will, I am quite sure, create a great deal of discussion.

I am going to Binghamton to-night to see Mr. Bowers, and will take along this draft and explain these ideas to him. It may be that he can give me additional suggestions for further bulletins. I already have enough material right here, however, to get a number of them started. They can, at any rate at first, be printed and addressed in Philadelphia, and then be sent out to Denver to be mailed.

I have heard from Mr. Bigelow that he is prepared to go to Colorado early next week and start preparation of the booklet we have talked of. Will it be sufficient if I address a note of introduction to Mr. Welborn asking him to extend all facilities to Mr. Bigelow?

With reference to the other matters we discussed, they are all under way, and I shall doubtless have definite advices to give early next week.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

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26 BROADWAY,
New York, June 5, 1914.

DEAR MR. LEE: I am sending you herewith further literature on Colorado, all of which kindly return to me, with the other clippings and documents, when you have finished with them. The article from the Evening Post of June 2, which is excellent, is written by the manager of the coal mines of the Colorado Fuel & Iron Co., a man of the highest standing and very generally liked in the coal fields. The editorial from the New York Times of June 3 indicates the vacillation of the papers in their attitude toward this question. The article in the Pueblo Chieftain of May 31, written by the wife of one of the miners, is excellent, as also the article in the same paper by a small operator. I am sending, in addition, a copy of the Home Defender for June, which gives on the first and last pages the statement of Mrs. Helen Grenfell and the Colorado Miners' resolution, both of which you may have already seen. I also inclose letters and clippings sent to Mr. McClement, one of the directors of the Colorado Fuel & Iron Co., by Mr. Welborn, the president.

Since writing the above, I have received this file from Mr. Bowers, which is worth reading. Also an excellent article from the Coal Age, which outlines a plan for a broad, educative campaign of publicity, such as you and I have talked of.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

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26 BROADWAY,
New York, June 8, 1914.

DEAR MR. LEE: Your letter of June 5, with its inclosures, is received. I authorize the publication and distribution of the sample leaflet No. 1, of which you inclose a galley proof. We can not think of a better title for the series than that which you have selected. The foreword which you propose to mail with the leaflet covers the ground.

I note that you have arranged with Mr. Bigelow to go to Denver at once to prepare the booklet on the sociological and welfare work which the Colorado Fuel & Iron Co. does among its employees. This I authorize, and am writing Mr. Welborn that you will send Mr. Bigelow to him for such suggestion and cooperation as Mr. Welborn can give him.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

THE EYRIE,
Seal Harbor, Me., July 8, 1914.

DEAR MR. LEE: I think I have sent you a copy of Mr. Brisbane's article on Colorado from the American Press of May 9. To make sure I am inclosing an additional copy.

I am wondering whether any portion of this editorial could be used in a bulletin. Please return this copy to me if you have others.

Mr. Greene tells me of your letter in answer to President Eliot's suggestion of names for the bulletins. I certainly think that all college and university presidents should be on the list.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
The Pennsylvania Railroad Co.,
Broad Street Station, Philadelphia.

JULY 8, 1914.

DEAR MR. ROCKEFELLER: I have to advise that I am sending you to-day, under separate cover, 50 copies of Bulletin No. 5.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

THE EYRIE,
Seal Harbor, Me., July 9, 1914.

DEAR MR. LEE: Your letter of July 6 is received. I am much gratified at Mr. Welborn's expressions of appreciation of your work.

The various newspaper clippings referring to the Johns Hopkins gift are excellent.

I am sending you the March copy of the monthly bulletin of the American Iron and Steel Institute. I wonder whether anything of his kind would be valuable in connection with the fuel company.

The inclosure need not be returned.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia, Pa.

JUNE 10, 1914.

DEAR MR. ROCKEFELLER: For your information, I inclose herewith copy of a letter which I am to-day writing to Mr. Welborn.

Would it not be desirable that I meet Maj. Boughton before he returns to the West?

If you agree in this, I will be glad to arrange a meeting at his convenience.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

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26 BROADWAY,
New York, June 10, 1914.

DEAR MR. LEE: I am sending you herewith a copy of Business America for June, in which you will see articles by Upton Sinclair and Prof. John Bates Clark. This article of Sinclair's and his letter to me of May 26, a newspaper copy of which I gave you the other day, has made me wonder whether it would be wise for me to make some indirect reply in the papers which would correct some of the glaring and false statements contained in the magazine article and letter. With that in view, I have dictated the memorandum which I inclose. It is rough and incomplete and only suggestive. After further reflection and conference with my colleagues here, we have agreed that it is best for me not to make any publication at this time. Several points in my memorandum, however, could well, even more appropriately, be used in the letter from Gov. Ammons to President Wilson which you are proposing to prepare as soon as the major's memorandum reaches you, which I hope will be very shortly.

I am also sending you several pages from the Black Diamond of May 9 and May 16. The former gives an excellent history of the situation and conditions leading up to the strike, an extended statement by Mr. Welborn covering the

situation, also an editorial, which is good. The latter deals more particularly with the Ludlow battle. You will find both informing.

For you to glance through, I am am sending you the Rockefeller number of the Christian Socialist and a copy of the Longmont Ledger from Boulder, Colo., issued May 27. Also E. W. Howe's Monthly for June, which has a pretty strong article regarding the unbridled license of the press and the necessity for some offsetting force. Please return all of these publications when you have finished with them.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

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26 BROADWAY,
New York, June 10, 1914.

DEAR MR. LEE: Inclosed please find check to your order for two thousand dollars ($2,000) as a personal loan applicable to the initial expense of organizing the publicity campaign which you are undertaking on behalf of the coal operators in Denver. So soon as your statements of account begin to be sent in and checks in payment thereof from the operators' committee to reach you, this money may be returned to us.

As I said to you yesterday, I should be glad to have you spend any night next week, up to Friday night, with me in New York that we may discuss the philanthropic and educational work which this office has been doing. Please advise me at your convenience what night will suit you best.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

JUNE 13, 1914.

DEAR MR. ROCKEFELLER: The various documents you have sent me have been received and I am giving them careful consideration. I have not received the series of articles by your father, published in the World's Work. I remember reading them at the time, but shall be glad to read them again, as I would of course now go over them much more carefully.

The information from Mr. Easley is most interesting. I feel that about the third bulletin we should get out would be one summarizing the present strike situation in Colorado. It was with that idea in mind that I wrote the letter to Mr. Welborn.

The printing of the bulletins is going ahead and we expect to get the first bulletin out next week. There has been some delay owing to the fact that I want to get a typographical arrangement which is exactly as I think it should be. After the first one is gotten exactly as we want it, the following ones can go ahead on just the same lines. My plan is that after we get this started, to get one out about twice a week for some months. The cumulative effect of this should be valuable.

I have written Mr. Greene asking him to make an appointment for me to see Maj. Boughton next Tuesday afternoon, and I shall be glad to communicate with you upon my arrival in New York and arrange as to when and where I shall meet you. I am looking forward with pleasure to spending Tuesday night at your home.

Very truly, yours

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

JUNE 11, 1914.

DEAR MR. ROCKEFELLER: I acknowledge with interest yours of June 10, inclosing a copy of Business America and other publications, together with a draft of memorandum which you had dictated. I feel that the time will soon be ripe for you to say something on this subject, and, in regard to that, I hope to talk to you when I see you next Tuesday night. I am inclined to think that at the moment the best thing we can do would be to give the letter from

Gov. Ammons to President Wilson our attention, and I hope that we can accomplish something very soon.

The other document you inclose I shall examine with care. Meanwhile, I am working up various leaflets, with a view to their being sent out to Denver.

I also acknowledge receipt of check for $2,000, applicable to expense of organizing the publicity campaign. I understand that this is to be utilized as working capital and to be returned at your pleasure or when the scheme reaches a point where such working capital is not required.

As advised you this morning, I shall be glad to come over next Tuesday night, if that is agreeable to you, and wish to thank you for your proffered hospitality.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

JUNE 11, 1914.

DEAR MR. ROCKEFELLER: I do not know to what extent you are able to read newspaper clippings such as the inclosed. They take a good deal of time and I do not want to burden you with things of this sort, but these two clippings are rather significant along the lines of the general question we have talked of and concerning which I am giving a good deal of thought.

Desiring as I do that you should understand some of the ideals by which I work, I am venturing to inclose you a manuscript copy of an address I delivered before the American Railway Guild in New York some weeks ago. Perhaps Mr. Murphy and Mr. Greene might also be interested to read this. Also, I might add, this address was published in the Railway Age Gazette last week and I notice has been reprinted in the New York Journal of Commerce of yesterday. The American Railway Guild plans to print it and to send it to every railroad officer in the United States. I tell you these facts in order that I may justify my suggesting that you take the time to read it.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

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26 BROADWAY,
New York, June 11, 1914.

DEAR MR. LEE: I am sending you herewith, from the June number of Everybody's Magazine, an article on Colorado, by George Creel, which I think you should read, in order to know what infamous statements are being made.

I am also sending you a copy of a series of articles written by my father several years ago and published in the World's Work, which will give you a little insight into his life and character and work. This background will be helpful to you.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

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26 BROADWAY,
New York, June 18, 1914.

DEAR MR. LEE: In line with what Mr. Brown said about the method which he has pursued with the harvester company wherever any articles unfavorable to the company have been written, we are wondering whether it might not be well to make a reply to all the papers which have printed misstatements of fact regarding the fuel company. This would be quite an arduous task, and of course a good deal of time has passed since many of the articles were written. On the other hand, we are inclined to believe that it is well worth considering. If you should agree, it would be possible for some one whom you might appoint to go through our scrapbook of clippings, make a note of all the different statements contained in the various articles, which, after the first few articles have

been studied, would be very generally repeated, and send such a list to Denver to have the answers prepared. You would then have the misstatements and the facts in each instance before you and would probably be in a position to take the clippings one by one and write an individual letter to each which would cover fully the situation.

We can discuss this matter when you come here on Monday.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Philadelphia, Pa.

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26 BROADWAY,
New York, June 18, 1914.

DEAR MR. LEE: Referring to the publication on a weekly basis and with many additional features of The Nation's Business by the Chamber of Commerce of the United States, of which matter I spoke to you the other night, I am inclosing herewith copies of two letters from Mr. Harry A. Wheeler, setting forth the project rather more fully than I was able to.

I have written Mr. Wheeler of my talk with you about this matter and have told him that you are soon to be in Chicago and asked him if he would arrange to talk the matter over with you.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

JUNE 19, 1914.

DEAR MR. ROCKEFELLER: Your various letters of June 17 and 18 to hand. As per your request, I send you herewith a half dozen copies of Bulletin No. 21, with the inclosing sheet. I will hereafter send you a dozen copies of these bulletins as issued. Would it be desirable to send copies of these bulletins, also, to each member of the board of the Colorado Fuel & Iron Co.?

In accordance with your kind suggestion, I am planning to leave here at 10 o'clock Monday morning and will call at your office immediately upon arrival. That should put me at your office at about 12.15, and I shall be very happy to lunch with you, should that be entirely convenient to you. As you will no doubt have many demands upon your time that day, do not hesitate to withdraw from this plan if it is more convenient.

I think Mr. Brown's suggestion as to writing letters to people who have printed misstatements of fact is excellent and that we should follow it. We have always done something of this kind in the railroad, although not quite as comprehensively as Mr. Brown has done. Our feeling has been that constructive, positive publicity was of more importance, but I was much impressed with the possibilities of further development along the lines suggested by Mr. Brown. Assuming your approval, therefore, I am arranging at once to have some one go over your scrapbooks and follow out your suggestion. In the meantime, I am making arrangements to go over every clipping that appears on this subject, or with reference to your own interests, in order that we may follow them up.

The suggestion in the letter to you from Mr. Murphy that we should reach the farmers' organizations is first rate, and we shall make plans to do so.

I return herewith the letter to you from Mr. Galt. As you say, I am in entire agreement with you that the method suggested is not a wise one. I am inclosing some correspondence from the Chicago Examiner, which is indirectly aimed at the new management of the combined Chicago Inter-Ocean and Record-Herald. As I understand it, this paper has been financed by about $1,500,000 of money supplied by the leading financial interests of Chicago. You will see the kind of criticism which it has immediately called forth.

Thank you for the letter from Mr. Wheeler, which I have read with interest. I shall take advantage of the first opportunity to call on Mr. Wheeler when I am in Chicago, which I hope will be within the next two weeks. There is no doubt that something can be done along these lines. The subject is so vast, however, that I want to consider it very carefully before submitting to you a definite recommendation. I have many thoughts in mind, but feel that I should consider them from every angle before presenting them to you as worthy of the consideration of yourself and friends. I do not believe, however, that I will

over come to a point of thinking that you should establish and become responsible for a string of daily newspapers.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

THE EYRIE,
Seal Harbor, Me., June 26, 1914.

DEAR MR. LEE: I am sending the following inclosures:

No. 1. Tarrytown Daily News, June 22, recounting Upton Sinclair's speech at Tarrytown Sunday last.

No. 2. The Tarrytown Argus of June 19, containing Sinclair's last open letter to me, Mrs. Charles Gould's letter to the Times (and, by the way, might it be worth while to put her on your bulletin mailing list?), and several other items on the Tarrytown agitation. These may be helpful in preparing an article for the Tarrytown papers.

No. 3. A letter from Australia with a clipping comparing father to Mr. Ford; the letter may be destroyed.

No. 4. A clipping from the Daily Camera entitled "What is a tent colony?"

No. 5. An editorial from the Nashville Banner regarding an act of Congress refusing further financial cooperation of the General Education Board in farm demonstration work.

No. 6. A letter from Grand Rapids, Mich., with clippings attached chiefly from the publication An Appeal to Reason.

Please return all of these things to Mr. C. O. Heydt, my secretary, at 26 Broadway, New York, for the scrapbook when you have finished with them.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Philadelphia, Pa.

THE EYRIE,
Seal Harbor, Me., June 29, 1914.

DEAR MR. LEE: I am sending you herewith copies of letters written to various Senators and Congressmen in regard to Senator Kenyon's bill for the termination of the partnership between the Government and the General Education Board in the conduct of farm demonstration work in the South. As showing how this work is regarded by some who know, I believe these letters will be of interest to you.

The letter of Dr. Albert W. Shaw to Senator Kenyon will be valuable because it gives so full and clear a history of the organization and development of the work of the board.

These letters need not be returned.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
The Pennsylvania Railroad Co.,
Broad Street Station, Philadelphia, Pa.

THE EYRIE,
Seal Harbor, Me., June 29, 1914.

DEAR MR. LEE: Please send a half dozen copies of the bulletins, commencing with the first and going through the series, to Judge John A. Peters, Ellsworth, Me.; also the same number to him currently at Washington, D. C. He is a Congressman.

Please send a half dozen copies from the beginning and currently to Mr. George L. Stebbins, Seal Harbor, Me., and add the following names to your list for a copy each: Harry H. Lynam, Esq., Bar Harbor, Me.; Elliot N. Benson, Esq., Bar Harbor, Me.; James N. Emery, Esq., Bar Harbor, Me.

I shall be interested to see the letter from Gov. Ammons to the governors, and also the Tarrytown article which you are preparing.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
The Pennsylvania Railroad Co.,
Broad Street Station, Philadelphia.

JUNE 29, 1914.

DEAR MR. ROCKEFELLER: Your telegram of Saturday came duly to hand. I am sending you to-day by parcel post 50 copies each of Bulletins Nos. 1 and 2 and shall take pleasure in sending you a like number of copies of future issues as they appear.

I also have your letter of June 26 and have duly noted its contents. Will forward them to Mr. Heydt. You will understand that I had already prepared the article for the Tarrytown papers.

Yours, very truly,

———.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JUNE 29, 1914.

DEAR MR. ROCKEFELLER: Your telegram of Saturday came duly to hand. I am sending you to-day by parcel post 50 copies each of Bulletins Nos. 1 and 2 and shall take pleasure in sending you a like number of copies of future issues as they appear.

May I venture to express the hope that you are having a pleasant and healthful sojourn at Seal Harbor, and remain,

Yours, very truly,

———.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

THE EYRIE,
Seal Harbor, Me., June 30, 1914.

DEAR MR. LEE: I inclose a memorandum and a clipping just received from Mr. Brown. It is splendid material for use in a campaign of enlightenment regarding some phases of unionism. The inclosure need not be returned.

Please add to your bulletin mailing list the following: Hon. Everett Colby, Llewellyn Park, Orange, N. J.; Mr. E. L. Ballard, No. 2 Liberty Street, New York; Mr. David C. Link, Produce Exchange Building, New York; Dr. Cornelius Weelkin, 123 West Fifty-seventh Street, New York; the Bangor Daily Commercial, Bangor, Me.; Hon. J. P. Bass, Bangor, Me.

Yours, very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
The Pennsylvania Railroad Co.,
Broad Street Station, Philadelphia, Pa.

PENNSYLVANIA RAILROAD CO.,
OFFICE OF EXECUTIVE ASSISTANT,
Philadelphia, June 30, 1914.

DEAR MR. ROCKEFELLER: I beg to advise that I am sending you to-day, under separate parcel-post cover, 50 copies of Bulletin No. 3.

Very truly, yours,

———.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 2, 1914.

DEAR MR. ROCKEFELLER: The inclosures with your letter of June 30, with reference to the General Education Board, have come to hand, and I shall read them with keen interest. We are carefully noting your instructions as to additions to our mailing list.

The memorandum from Mr. Brown is very interesting, and we shall retain it for possible future use.

The Tarrytown article, I understand, is to be published as an editorial in one of the Tarrytown papers within the next day or so. I inclose an extra copy of the manuscript for your information.

With reference to the letter for Gov. Ammons, I am not entirely satisfied with the draft I prepared, and I am making certain amendments to it. I send out a draft for discussion, but will get it into shape in a day or so and then send you a copy. The idea is—and it is a difficult idea to execute—to prepare a very brief statement of the case which will command public attention rather than to make any very comprehensive statement of the situation.

No doubt you have seen the article in the North American Review for July. Col. Harvey is coming over to lunch with me to-morrow, and I am going to talk with him about Mr. Harry Wheeler's scheme.

You have doubtless seen Congressman Kindel's speech. At the suggestion of Mr. Bowers, we are going to arrange to have Mr. Kindel distribute some 20,000 or 30,000 copies of his speech to a mailing list which we will supply. I took this up with Mr. Murphy.

I inclose a draft of proposed statement to be made in Baltimore next Monday regarding the putting of Johns Hopkins University on full time.

Though we did not ask nor expect that our bulletins be reprinted, you will observe from the inclosed clipping from the Cattanooga (Tenn.) News that the leaven is beginning to work.

Very truly, yours,

———, ———.

Mr. JOHN D. ROCKEFELLER,
The Eyrie, Seal Harbor, Me.

JULY 3, 1914.

DEAR MR. ROCKEFELLER: I hesitate to bother you with letters, and I want you to understand that I won't write any letters to you while you are away which call for an answer. I will simply keep you supplied with information from time to time, feeling that this is simply by the way and does not eliminate the necessity for advising fully with your New York office concerning everything. I am keeping up my relations with them precisely as if you were there. Knowing your interest, however, I am venturing to send you certain matters for your information. If you don't want to read it, why, of course, I hope you will not trouble yourself with it, because there is no occasion for acknowledging or retaining any of these letters which I am writing you while you are away.

I inclose an article from the Northampton (Mass.) Herald, which you will see uses as an editorial the first page of our first bulletin. I am also sending you an editorial from the Boston (Mass.) Post, the Newark (N. J.) Star, and the New Meridan (Conn.) Record, concerning the Rockefeller Institute gift, and in order that you may have the other side of the picture I am sending you a copy of the New York Call editorial, which paper is, as you know, the organ of the militant labor lights of New York. May I also inclose a copy of a statement which we are putting out for the General Education Board in the form in which it has been approved by Dr. Buttrick?

Very truly, yours,

———, ———.

Mr. JOHN D. ROCKEFELLER, Jr.,
Seal Harbor, Me.

JULY 6, 1914.

DEAR MR. ROCKEFELLER: In order that you may see how the bulletin scheme is affecting your people in Denver, I send you herewith two letters from Mr. Welborn which are self-explanatory. Bulletin No. 6 is going to press to-day, and will, I think, be apt to attract more attention from the newspapers. It is a statement by the operators of the actual conditions in Colorado to-day.

For your information I inclose herewith a number of clippings showing the manner in which the newspapers used the announcement concerning Johns Hopkins full-time scheme. In view of the fact that this was not really news, and that the newspapers gave so much attention to it, it would seem that this was wholly due to the manner in which the material was "dressed up" for newspaper consumption. It seems to suggest very considerable possibilities along this line.

Very truly, yours,

———, ———.

Mr. JOHN D. ROCKEFELLER, Jr.,
Seal Harbor, Me.

THE EYRIE,
Seal Harbor, Me., July 6, 1914.

DEAR MR. LEE: I have your letter of July 1. I had seen the article on the two and a half million gift to the Rockefeller Institute, but did not know whence it originated. Thank you for sending me the comments which it elicited; they were generally excellent, particularly Mr. Brisbane's editorial, for which I have just written him a letter of appreciation.

Let the good work go on. Mr. Welborn's telegram is interesting. I return it herewith.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia.

THE EYRIE,
Seal Harbor, Me., July 7, 1914.

DEAR MR. LEE: I am sending you a copy of The Daily Camera from Boulder, Colo., which gives an excellent account of the labor war.

Please return this paper to my office for file when you have finished with it.

I am wondering whether it would be worth while to correct by letter to the editor, the statement marked in pencil which you sent me from the Chattanooga News.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street, Philadelphia.
The Penn. R. R. Co.

JULY 10, 1914.

DEAR MR. ROCKEFELLER: I have to advise that I am sending you to-day, under another cover, fifty (50) copies of Bulletin No. 6.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 11, 1914.

DEAR MR. ROCKEFELLER: Here is an editorial from the St. Louis Star based on the article we gave out concerning the Rockefeller Institute. You will, I think, be interested to read it. The editor of this paper, Mr. Edward S. Lewis, is a very intimate friend of mine, and, if you feel so disposed, I am sure that Mr. Lewis would appreciate a letter from you acknowledging the courtesy of their publishing this editorial.

I have this morning your letter inclosing the bulletin of the American Iron and Steel Institute, and I am taking up with Mr. Bigelow the question as to whether or not we could utilize something of this kind with reference to the Colorado Fuel & Iron Co.

Here is a clipping from the Wall Street Journal of to-day with reference to the Westinghouse strike, which is of interest in connection with the general labor situation.

You will be interested to know that I had a talk a day of two ago with Mr. F. A. Delano, who is a member of the Industrial Relations Commission, which is now investigating labor questions. There had been a report in the papers that that commission was to go to Denver and hold hearings there. Mr. Delano assured me that the commission had decided not to go to Denver until the pending difficulty was over. That will prevent a reopening of the floodgates on this subject.

We are glad to take care of the various requests you make to put names on our mailing list. We are expanding this mailing list slowly, and I trust effectively. You will understand that the whole purpose we have in mind in these bulletins is to get abroad certain elemental truths on which we can build an even more aggressive superstructure of activity.

Mr. Rea told me that he had said something to you about my intention to go to Europe with my family August 1. I have decided, however, that in view

of the acuteness of the situation concerning your interests that I will not accompany my family on this trip. I have about decided, in fact, that I will postpone any vacation at any rate until sometime in the autumn. I have been staying here expecting the rate decision to come out any date, and I did not want to go to Colorado until that was out. As the decision has been postponed so long, and as my family will be sailing for Europe on the 31st of July, I shall postpone going to Colorado until they go away. I will then be free to go out there and perhaps stay longer than I otherwise would.

Very truly, yours,

IVY L. LEE.

P. S.—This delay in my going to Colorado will enable me, I hope, to go over Mr. Bigelow's material and get it into shape promptly for publication. Mr. Bigelow has returned with a large amount of interesting material, much of it quite outside of the scope of the subject which I had him primarily to take up. He is now working on it at his home in Massachusetts, and I hope to have some of the results here early next week.

Your suggestion that we utilise, if possible, a portion of the editorial in the American Press in the form of a bulletin, is at hand, and I will be glad to work it up.

I. L. L.

THE EYRIE,
Seal Harbor, Me., July 13, 1914.

DEAR SIR: Will you please add to your mailing list, commencing with Bulletin No. 7, the following:

New York State.—Mr. Robert A. Patterson, No. 44 Croton Avenue, Tarrytown; Mr. Fred J. Hall, No. 4 Benedict Avenue, Tarrytown; Mr. Robert B. Hopkins, commissioner of police, South Broadway, Tarrytown; Mr. William J. Bowles, chief of police, Tarrytown; Mr. Milton Minnerly, chief of police, North Tarrytown.

State of Maine.—Mr. B. L. Hadley, Ledgelawn Avenue, Bar Harbor; Mr. John S. Lynam, Ledgelawn Avenue, Bar Harbor.

Yours, very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia, Pa.

THE EYRIE,
Seal Harbor, Me., July 13, 1914.

DEAR MR. LEE: Your letter of July 11 is received. I have read the news article and the editorial from the St. Louis Star with interest, and will gladly write Mr. Lewis.

Let us hope the Colorado situation may terminate as satisfactorily as the Westinghouse strike.

I do not recollect that Mr. Rea mentioned your vacation to me, although he may have done so. I am sorry that you can not go abroad with your family as planned, but greatly appreciate your following our matters so aggressively.

I inclose herein a copy of my letter to Mr. Lewis written at your suggestion.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia, Pa.

JULY 20, 1914.

DEAR MR. ROCKEFELLER: Yours of July 17, inclosing letter from Mr. Charles Frederick Carter, is at hand. I will look up Mr. Carter and see who he is. I have not yet quite made up my mind as to who is the man for this purpose, though I am giving it a great deal of thought.

I had seen the editorial in the Springfield Republican and am arranging to reprint some portions of it in one of our bulletins. I am returning herewith the clipping, in the thought that you may want to use it in other ways.

I have read with a great deal of interest the article on "Labor and capital," by Prof. Stevenson. It is, as you say, excellent, and we shall want to use it in our general campaign.

Perhaps you will be interested to read the inclosed letter from Congressman Kindel, which I shall ask you to be kind enough to return to me.

I send herewith a number of newspaper editorials, which may perhaps be of interest to you. Do not take the trouble to return them.

Very truly, yours,

_____ _____.

Mr. JOHN D. ROCKEFELLER, Jr.,
Seal Harbor, Me.

JULY 21, 1914.

DEAR MR. ROCKEFELLER: Copies of Bulletins Nos. 1, 2, 3, 4, and copies of the explanatory statement first issued, have been sent to Mr. Wallace Heckman, as you requested.

I am sending you to-day, by parcel post, 50 copies of Bulletin No. 7.

Very truly, yours,

_____ _____.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 24, 1914.

DEAR MR. ROCKEFELLER: Your letter of the 20th of July, in regard to the Pennsylvania Railroad bulletins, is received. I shall be very glad to take up with Mr. Welborn the question you suggest. I think it would be a most excellent plan to develop some scheme of this sort to cultivate a better understanding between the management and the men. I am asking Mr. Welborn to consider the matter, and then we can talk it over as regards details and concrete ideas when we get together in Denver.

It is my plan to leave for Denver about Tuesday, August 4. I would go before that (upon the assumption that the Interstate Commerce Commission issues its decision in the pending rate case before that time), but for the fact that I feel that it is desirable that I should have a talk with you. There is nothing especially that I feel it necessary to take up directly with you, but as otherwise I probably would not see you until after the 1st of September, it seems to me that good purposes would be served if we had a conference. With that in mind, I am wondering if you could make it convenient to have a talk with me in New York on either the 3rd or 4th of August?

You ask in your letter if the editors to whom I had suggested that Mr. Welborn write should not receive the bulletins currently. We had been sending the bulletins to these newspapers from the beginning, but the feeling was that a personal letter from Mr. Welborn, accompanied by two or three of the bulletins specifically, might reinforce our more general distribution.

I have read the Jim Jam Jems article with much interest and am sending it to your New York office, as you suggest, for filing.

Very truly, yours,

_____ _____.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 24, 1914.

DEAR MR. ROCKEFELLER: Yours of July 21, inclosing the correspondence with Mr. Brisbane:

I return herewith the two files of correspondence which you sent. I concur entire in the view you have taken that this is not quite the time for you to write the kind of article which Mr. Brisbane wants. I have watched the publications with reference to the New York meeting very carefully, and it does not seem to me that that meeting created a ripple on the surface.

Your suggestion that bulletins be sent to the representative men on the list is excellent. We shall see to it that that is done.

I have been very much interested in reading these papers, and thank you for giving me the opportunity of doing so.

I had quite a talk with Mr. Brisbane yesterday, and I am inclined to think that it would be a good opportunity for you to write a personal letter to Mr. Brisbane suggesting to him the wisdom of publishing a statement of facts regarding the Colorado situation. I would suggest that you devote your whole

letter on this subject to inclosing a copy of Congressman Kinder's speech and saying to Mr. Brisbane that in the event that he desires additional information, you would be glad to have it furnished him. The speech you inclosed from Mr. Pinchot is full of so many misstatements that it seems almost hopeless to assume to answer it other than by putting his name on our mailing list and giving him the facts.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 24, 1914.

DEAR MR. ROCKEFELLER: We are sending you to-day by parcel post 50 copies of Bulletin No. 8 and 50 copies of Bulletin No. 9.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

JULY 30, 1914.

DEAR MR. ROCKEFELLER: We are sending you to-day by parcel post 10 copies of Bulletin No. 10.

I shall be very glad to take lunch with you on Tuesday, as you suggest.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

AUGUST 5, 1914.

DEAR MR. ROCKEFELLER: I am just off for Denver, where I will be at the Brown Palace Hotel.

I will send you to-night or to-morrow the letter from Mr. Welborn, which you gave me and which has gotten mixed up with some of my papers, which I am taking along with me.

In the event you wish to communicate with me while I am away I would suggest that you write to my Philadelphia office, who will forward mail to me.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

THE EYRIE,
Seal Harbor, Me., July 17, 1914.

DEAR MR. LEE: I inclose herewith a letter just received from Mr. Charles Frederick Carter. I know nothing of Mr. Carter, but thought it might be worth while to look him up, unless you already have in mind just the man for this purpose.

In any event perhaps you will be good enough to reply to Mr. Carter's letter on my behalf on the ground that his letter has been referred to you, since you are cooperating with the mine operators in the matter of publicity.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia.

Have you seen this article from the Springfield Republican?

NEW YORK, *July 13, 1914.*

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

DEAR SIR: I should like to write and publish for you and for others interested in coal mining in Colorado a book telling the truth about the coal insurrection in that State, exposing the criminal acts of the United Mine Workers

there and elsewhere, with evidence that these outrages were planned and perpetrated to facilitate blackmail and graft, along the lines indicated in my article in the New York Sun of July 5, with a summary of mining conditions elsewhere as a basis of comparison for conditions in Colorado.

Such a book would be an illustrated volume of about 400 pages, well printed and bound, to be published and distributed through customary trade channels by a first-class firm. In addition to the trade distribution free copies would be sent to the following:

To all public libraries in the United States and Canada;

To editors of all daily papers, the important weeklies, and trade papers, instead of to the limited list to which books are ordinarily sent for review;

To the President, his Cabinet, and Members of Congress;

To governors, their heads of departments, and members of legislatures;

To college professors;

To persons named in "Who's Who," not included in the foregoing;

To mailing lists furnished by yourself and others interested in Colorado coal mining.

This plan would enable you and others interested to lay before a large number of persons, at least presumably, influential in forming public opinion, a full, truthful statement regarding the insurrection and the organization that instigated and conducted it. The statement would be in a permanent form which would command attention, as contrasted with incomplete newspaper statements, usually condensed by editors and garbled in the process, or with pamphlets which are rarely read.

This plan for publicity is suggested on its own merits; but a fact further commending it is that ordinary news channels failed so completely to give even an approximation of the truth that the operators had to appeal to various secret societies to send out a statement in their behalf—a striking commentary on the necessity for some effective publicity to counteract the effects of the malevolent mendacity of the United Mine Workers, their associates, and sympathizers.

In making this proposal to you I am assuming that you are especially interested because of the extraordinary campaign of vituperation and threats directed against you by the anarchists and others of addled brains. A truthful account of the insurrection would necessarily throw your own relation thereto into its proper perspective.

From my own point of view it would simplify matters to deal with you personally instead of with the operators collectively, since it would be necessary to submit the manuscript only to you or your attorney, instead of to a number of persons whose views might be divergent, if not irreconcilable. Also, if desired to distribute the cost among several firms or individuals I would be relieved of this detail and so be able to give undivided attention to the book itself.

I believe myself qualified to write such a book because of my special knowledge of the United Mine Workers, gained in six months' work as publicity representative of the coal operators of West Virginia, backed by 25 years' experience as journalist and author. In the last eight years I have written and sold to periodicals 800,000 words of popular articles, chiefly on industrial, technical, and economic subjects, have published a railroad history (my third book), and have contributed 300,000 words to an encyclopedia, including articles on coal and coal mining.

Trusting that I may have an opportunity of taking up this proposal with you, I am,

Very truly, yours,

C. F. CARTER.

JULY 16, 1914.

DEAR MR. ROCKEFELLER: Thank you very much for yours of July 13, which is just to hand. I am delighted with the letter which you have written to Mr. Lewis. It will do good.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

THE EYRIE, *Seal Harbor, Me., July 17, 1914.*

DEAR MR. LEE: I inclose herewith an article by Prof. John J. Stevenson, of the New York University, on "Capital and labor," from the Popular Science Monthly of May. This seems to me one of the soundest, clearest, most forcible pronouncements on this subject I have ever read. I am wondering whether there may not be a stage in our publicity campaign, either connected with the Colorado situation or the union educational campaign, in which portions of this article might be effectively used.

I also inclose an editorial from the American Federationist of July for your information. Please send this to my New York office for filing when you have finished with it.

If you have not seen in our scrapbook the inclosed editorial from the Boston Herald of May 28, I think it will interest you. This inclosure need not be returned.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia.

JULY 17, 1914.

DEAR MR. ROCKEFELLER: Yours of July 15, inclosing copy of Elbert Hubbard's article, just at hand. I will go over the article and see if we can not make something out of it for a bulletin. You will realise that up to the present time it has been the theory of the bulletins that they be confined to statements of fact from sources or people of standing in Colorado itself. We have been seeking to lay a foundation of fact on which perhaps later we can follow with such things as Dr. Hiller's sermon, this article of Hubbard's and perhaps other publications on the subject. It has been my hope, however, to get the basic facts stated in these earlier bulletins. I feel that we still have a little distance to go in that direction.

Bulletin No. 8 is to consist of quotations from Mrs. Helen Grenfell's statement to President Wilson regarding the battle of Ludlow. It seems to me that a statement from an organization of women was the most effective thing we could present on this subject.

The next following bulletin will deal with the question of the wages actually paid to the miners. Mr. Welborn has sent me some interesting and suggestive figures dealing with the wages paid a large number of men for an entire year.

Mr. Murphy sent me a copy of the article in the Popular Science Monthly, which concerns the subjects of labor and capital. I am going to arrange to have it widely distributed, as you suggest.

Very truly, yours,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

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26 BROADWAY,
New York, June 17, 1914.

DEAR MR. LEE: Will you be good enough to send me half a dozen copies of Bulletin No. 1, with the inclosing sheet?

I shall expect to hear from you on Monday morning by telephone and to see you at your convenience around noon. Perhaps we can lunch together, since that will be the last opportunity I shall have of seeing you before my departure.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

JUNE 1, 1915.

Mr. IVY L. LEE,
26 Broadway, New York, N. Y.

DEAR SIR: I have to acknowledge receipt of copies of documents inclosed in an undated letter from your secretary, as stated in the letter, same being: "Copy of letter to Maj. E. J. Boughton, dated June 24, 1914, inclosing draft of suggested statement; copy of the only statement sent for the consideration of

Maj. Boughton (as testified to by Mr. Lee on the 22d instant); statements of expenses, as rendered currently to the operators"; for which please accept my thanks. The duplicate copies were received by me in Washington, during the hearing, but under stress of the work did not receive acknowledgment.

Very truly, yours,

———— ————, *Secretary.*

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26 BROADWAY,
New York, May 25, 1915.

Mr. LEWIS K. BROWN,
Secretary Industrial Relations Commission,
Shoreham Hotel, Washington, D. C.

DEAR SIR: I am requested by Mr. Ivy L. Lee to send the commission the undermentioned documents, which I have pleasure in handing you herewith: Copy of letter to Maj. E. J. Boughton, dated June 24, 1914, inclosing draft of suggested statement; copy of the only statement sent for the consideration of Maj. Boughton (as testified to by Mr. Lee on the 22d instant); statements of expenses, as rendered currently to the operators.

Yours, very truly,

H. W. DENGLER, Jr.,
Secretary to Mr. Lee.

Copy of this letter and inclosures forwarded to Transportation Building, Chicago, Ill.

JUNE 24, 1914.

Mr. E. J. BOUGHTON,
Symmes Building, Denver, Colo.

MY DEAR MAJOR: I inclose herewith copy of a statement which I hope will form the basis for a statement by the governor. My suggestion is that the statement be addressed, "To the American People," and that the governor write a personal letter to the governor of each State, inclosing this statement and asking their cooperation in seeing to it that the people are duly informed as to the situation existing in Colorado. The statement might very properly be printed and copies also sent to Members of Congress.

I would suggest that when the statement is given out that the governor send for the correspondents of the press in Colorado and tell them that he had addressed this statement "To the American People" with a view to having the position of the State of Colorado set aright.

Kindly note that the statement does not go into great detail, but is merely to give an impression—which is all one can expect to result from a statement of this kind—that the situation in Colorado is not so simple as it looks, and that the strike leaders are not true representatives of the best class of union labor.

My feeling is that it would be well worth while to see to it that some such statement as this was distributed broadcast all over the United States. Of course, you will want to amend portions of it, but I would urge that amendment be rather in the direction of reducing its length than of increasing it. Every word you save in a matter of this kind is so much to the good.

I shall be interested to know the developments with reference to this suggestion.

It was a great pleasure to have had the privilege of meeting you and I hope to renew that pleasure in the near future.

With kind regards,

Sincerely, yours,

IVY L. LEE.

DRAFT OF SUGGESTED STATEMENT SENT TO MAJ. BOUGHTON FOR HIS CONSIDERATION, ACCOMPANYING MR. IVY L. LEE'S LETTER OF JUNE 24, 1914.

Some 2,000 Federal troops are maintaining peace in the coal mining area of Colorado. It is important that the American people should understand what is really going on.

The situation in Colorado is not so much one of strike as of insurrection. Ten thousand men—out of a full quota of 14,000—are at work in the coal mines. I am advised that the coal companies are mining all the coal for which there is now a market.

Yet if the troops were withdrawn, the coal mining sections would be immediately aflame with violence. Why? Because a few thousand men, some of

them formerly employed in the mines but now supported by funds sent in from outside the State, are prodded by a few desperate leaders who feel justified in accomplishing their ends by any means whatever which may be available.

Personally, I have always believed in labor unions, and I do still. But both labor unions and corporations should be made to understand that a crime is an offense against society, and that the authority of the State can not be defied with impunity.

Before this strike there had been no serious trouble in our southern coal mines for 10 years. The terms and conditions under which Colorado miners are employed are far more advantageous than those existing in the eastern coal fields. The average daily earnings at five typical mines for the month immediately preceding the strike were, respectively, $4.41, $4.27, $4.98, $4.67, and $4.90.

Only 2,048 men out of a total of 23,000 miners in Colorado, New Mexico, and Utah were at that time members of the United Mine Workers of America. This strike was due primarily to agitation by men sent into the State from outside to stir up strife.

The complexity of the case is enhanced by the fact that but few of the miners are American citizens. Of the 14,000 at work last summer, probably not 2,000 were qualified voters. Of the 2,000 men now technically on strike and defying the authority of the State, only a negligible percentage are American citizens and understand the spirit of our institutions.

After the violence at the Oak Creek mines one of the strike leaders, a man named Steinhard, in the presence of a number of witness, made this statement: "I am not an American citizen. I owe allegiance to no government. The United States is the worst country on earth, and I would not wipe my shoes on the American flag." I give his exact statement, in so far as it is printable.

It has been stated that mine guards were enlisted as militiamen to the needless irritation of the strikers. The facts are that out of some 2,000 State troops located in the strike zone, no more than 12 of those who bore arms as militiamen had been mine guards. Our militia are a brave force of men, and they patriotically served in the strike area three months longer than the financial resources of the State made it possible to pay them for their time and effort. Not a scintilla of evidence supports the horrible suggestion that women and children have been ruthlessly killed by our State militia and the mine guards.

What then is the present situation? The men's leaders assert they will not surrender until the union is recognized. The coal operators claim they are fighting for a principle. They declare they do not oppose labor unions as such, but that they will not negotiate with the United Mine Workers of America for an agreement with them means that they must enter into a written contract with this organization and thereby agree, in effect, to employ only members of that union, and to deduct from the pay rolls of every such person all union dues, fines, and assessments for which the member may be indebted, and then remit this sum to union headquarters.

The coal operators are not now permitted to import strike breakers. All that the companies ask is that order be kept. Certainly, therefore, the authority of the State and the Nation can do no less than to say to both sides:

"Regardless of the merits of the controversy, you must obey the law."

The authority of society itself is at bay. The State of Colorado appeals to the people of the Nation to assist it in maintaining a principle fundamental to the very existence of our Republic.

MEMORANDUM OF EXPENSES TO JULY 14, 1914.

STATEMENT A-1

Beck Engraving Co., Philadelphia:		
Printing 51,000 loose-leaf sheets	$58.50	
Printing 37,500 additional loose-leaf sheets	43.70	
		$102.20
Printing 11,000 Bulletin No. 1	139.50	
Expressage prepaid to Denver	22.85	
		162.35
Printing 11,000 Bulletin No. 2	126.75	
Expressage prepaid	22.85	
		149.60

Beck Engraving Co., Philadelphia—Continued.		
Printing 12,000 Bulletin No. 3	$106.50	
Express prepaid	19.10	
		$125.60
Printing 12,500 Bulletin No. 4	116.50	
Expressage prepaid	22.61	
		139.11
1,000 sheets paper for clippings		1.50
3,000 stamped envelopes		63.00
		$743.25
Howe Addressing Co., Philadelphia:		
62,482 stamped envelopes	$887.12	
Addressing same	97.45	
Printing 22,815 envelopes with card in corner reading "720 Boston Bldg., Denver, Colo."	22.81	
Furnishing index cards	20.46	
Cutting 11,423 stencils	159.92	
		1,187.76
O. K. Addressing Co., Philadelphia, addressing 3,000 envelopes		12.00
Press-clipping service		20.00
Adams Express Co., Philadelphia, expressage prepaid on 5 sets of envelopes in which to mail various bulletins sent to J. F. Welborn, Denver		26.06
Postage	33.80	
Stationery	4.85	
		8.65
Mr. Lewis S. Bigelow, special work in Colorado, traveling expenses		301.47
Mr. Ivy L. Lee, traveling expenses to July 14		29.00
Mr. Robert H. Kirk, classifying and making ready to answer clippings containing erroneous information regarding the Colorado situation		50.00
Total		2,468.29

MEMORANDUM OF EXPENSES, JULY 15 TO JULY 31, 1914, INCLUSIVE.

STATEMENT A-2.

Beck Engraving Co., Philadelphia:		
Printing 12,500 Bulletin No. 5	$108.50	
Express charges prepaid	20.06	
		$128.56
Printing 12,500 Bulletin No. 6	68.50	
Express charges prepaid	15.82	
		84.32
Printing 15,000 Bulletin No. 7 and 30 single sheets	139.50	
Express charges prepaid	21.09	
		160.59
Printing 25,000 Bulletin No. 8	138.50	
Express charges prepaid	25.64	
		163.14
Printing 15,000 Bulletin No. 9	115.50	
Printing 22,500 single sheets	28.50	
Express charges prepaid	34.97	
		178.97
Printing 1,250 each additional of Bulletins Nos. 1 to 6, inclusive, and 2,500 single sheets	76.50	
Express charges prepaid	6.12	
		82.62
Express charges on 400 each of Bulletins Nos. 1 and 2		2.53
3,000 sheets paper for pasting clippings and making carbon copies of letters		2.75
Printing 18,500 Bulletin No. 10	$138.50	
Express charges prepaid	34.77	
		173.27
Printing 37,000 single sheets		40.00
		$1,025.77

Howe Addressing Co., Philadelphia:			
For Bulletin No. 5—			
Furnishing 7,075 1¢ stamped envelopes	$77.83		
Furnishing 3,796 2¢ stamped envelopes	79.72		
		$157.55	
Addressing 10,871 envelopes		9.79	
			167.34
For Bulletin No. 8—			
Furnishing 7,601 1¢ stamped envelopes	$83.61		
Furnishing 3,830 2¢ stamped envelopes	80.43		
		164.04	
Addressing 11,431 envelopes	10.29		
Printing 11,431 envelopes	11.43		
		21.72	
For Bulletin No. 9—			
Furnishing 7,601 1¢ stamped envelopes	83.61		
Furnishing 3,830 2¢ stamped envelopes	80.43		
		164.04	
Printing 11,431 envelopes	11.43		
Addressing 11,431 envelopes	10.29		
		21.72	
Special list sent Bulletin No. 8—			
Furnishing 9,257 stampd envelopes		101.83	
Printing 9,257 envelopes	$9.26		
Addressing 9,257 envelopes	16.20		
		25.46	
Special list to receive O. U. M. pamphlet—			
Furnishing 9,703 1¢ stamped envelopes	112.17		
Furnishing 3,877 2¢ stamped envelopes	83.59		
		195.76	
Printing 6,830 envelopes	6.83		
Addressing 13,580 envelopes from Who's Who	12.23		
		19.06	
For Bulletin No. 10—			
Furnishing 3,876 2¢ stamped envelopes	81.40		
Furnishing 12,703 1¢ stamped envelopes	139.74		
		221.14	
Printing 16,579 envelopes	16.58		
Addressing 16,579 envelopes	14.92		
		31.50	
For card index—			
Furnishing 681 cards	.62		
Addressing 681 cards	.61		
		1.23	
Cutting 681 additional address stencils		9.54	
For Bulletin No. 11—			
Printing 19,078 envelopes	$19.08		
Addressing 19,078 envelopes	17.17		
		36.25	
Furnishing 3,875 2¢ stamped envelopes	81.38		
Furnishing 15,208 1¢ stamped envelopes	167.24		
		248.62	
			$1,429.25
O. K. Addressing Co., Philadelphia, typing 74 pages of material written by Mr. L. S. Bigelow			18.50
Miscellaneous expenses incurred by this office:			
Expressage, account various shipments to Denver	$44.64		
Stationery	16.34		
Postage	6.56		
Miscellaneous	6.62		
			74.16
Total			$1,547.91

MEMORANDUM OF EXPENSES AUG. 1 TO 31, 1914, INCLUSIVE.

STATEMENT A–3.

Beck Engraving Co., Philadelphia:			
Printing 3,000 letterheads, supplying that number blank envelopes, and 2,000 second sheets		$23.75	
Printing 57,000 single sheets	$59.00		
Express charges prepaid	25.69		
		84.69	
Printing 500 additional Bulletin 10	8.50		
Express charges prepaid	1.22		
		9.72	
Printing 36,500 Bulletin No. 14	198.00		
Express charges prepaid	53.60		
		251.60	
			$369.85
Corliss, Macy & Co. (Inc.), New York:			
Printing 21,500 Bulletin No. 11		278.00	
Printing 24,500 Bulletin No. 12		147.00	
Printing 34,500 Bulletin No. 13		210.00	
			635.00
Howe Addressing Co., Philadelphia:			
For Bulletin 12—			
Printing and addressing 22,078 envelopes	$41.95		
Furnishing 18,203 1¢ and 3,875 2¢ envelopes	281.62		
		323.57	
Special list of 200 names supplied by Mr. Welborn		2.80	
For Bulletin No. 13—			
Printing and addressing 32,031 envelopes	$60.86		
Furnishing 28,070 1¢ and 3,961 2¢ envelopes	391.96		
		452.82	
For Bulletin No. 14—			
Printing and addressing 35,379 envelopes	$67.22		
Furnishing 30,916 1¢ and 4,463 2¢ envelopes	433.81		
		501.03	
Cutting 19,616 additional stencils of addresses supplied		274.63	
			1,554.85
Press-clipping services			19.27
Mr. Ivy L. Lee, traveling expenses, trip to Colorado, Aug. 6 to 30			280.00
Mr. L. S. Bigelow:			
Expenses from July 15 to date		$10.00	
Payment for services, trip to Colorado		400.00	
			410.00
Clerk hire:			
Clarence S. Bulley—			
19 days in July at $125 per month	$76.61		
Month of August	125.00		
		201.61	
Walter T. Pollock—			
5 days in July at $75 per month	12.10		
Month of August	75.00		
		87.10	
			288.71
Miscellaneous expenses incurred by this office:			
Expressage, account various shipments to Denver		37.88	
Stationery		5.30	
Postage		10.47	
Rental of 2 typewriters 1 month, from 7/16 to 8/16, at $3		6.00	
Miscellaneous		4.90	
			64.55
Total			3,632.28

MEMORANDUM OF EXPENSES, SEPT. 1 TO 15, 1914.

STATEMENT A–4.

Howe Addressing Co., Philadelphia:			
For Bulletin No. 15, printing and addressing 35,533 1¢ and 2¢ stamped envelopes	$67.52		
Furnishing 4,609 2¢ and 30,924 1¢ stamped envelopes	436.96		
		$504.48	
Furnishing cards for card index of mailing lists and arranging and compiling 15,907 address stencils		76.86	
Furnishing additional cards, addressing, numbering compiling, etc		346.89	
Furnishing additional address stencils, cards, arranging ing same, and making 290 changes, discontinuances, etc		70.73	
			$998.96
Hon. George J. Kindel:			
30,000 speeches of, distributed by		122.00	
Addressing 25,000 envelopes from Who's Who in America		37.50	
Copy of Who's Who in America		5.25	
			164.75
Press-clipping services			6.84
American Express Co., 5 shipments from Philadelphia to Denver			22.93
Rental of 2 typewriters: Rental for month of Aug. 16 to Sept. 16 of L. C. Smith typewriter, $3, and for month Aug. 28 to Sept. 28 of Remington typewriter, $3			6.00
Miscellaneous expenses incurred by this office:			
Expressage		$0.27	
Stationery		.65	
Postage		1.51	
Miscellaneous		.75	
			3.18
Total			1,202.66

MEMORANDUM OF EXPENSES, SEPT. 16 TO 30, 1914.

STATEMENT A–5.

Beck Engraving Co., Philadelphia:			
Printing 500 copies of Bulletin No. 2		$10.50	
Printing 87,500 Bulletin No. 15 and 36,500 single sheets	$227.00		
Express charges	70.99		
		297.99	
Printing 200 corrected copies third page of Mr. Welborn's letter to President		12.75	
			$331.24
Howe Addressing Co., Philadelphia:			
Addressing 36,175 envelopes from stencils, for use in sending out bound volume of leaflets 1 to 15		32.56	
Cutting additional stencils, furnishing cards for index		28.64	
			61.20
Mr. Ivy L. Lee, traveling expenses, trip to Colorado, Sept. 12 to 20			110.00
Miscellaneous expenses incurred by this office:			
Expressage		$0.90	
Stationery		4.40	
Postage		6.58	
Miscellaneous		18.65	
Rental of 2 typewriters		6.00	
			36.48
			538.92

Deduct:		
Account duplication in traveling expenses of L. S. Bigelow (account A–1), an item of carfare from Philadelphia to Denver		57.60
Total		481.32

MEMORANDUM OF EXPENSES FOR MONTH OF OCTOBER, 1914.

STATEMENT A–6.

Beck Engraving Co., Philadelphia:			
Printing 38,000 copies of Facts Concerning the Struggle in Colorado—Series I	$1,775.00		
Express charges to Denver, 9/26/14	137.42		
Express charges to Denver, 9/29/14	134.31		
		$2,046.73	
Making and printing 38,000 envelopes in which to mail Facts	135.00		
Express charges to Denver	123.66		
		258.66	
Express shipments to Denver of additional lots of Facts, as follows:			
9/30/14	130.75		
10/1/14	147.91		
10/29/14	19.87		
10/31/14	18.54		
		316.57	
			$2,621.96
Postal Telegraph Cable Co., Philadelphia, messages during June, July, and August		3.66	
Western Union Telegraph Co., Philadelphia, messages during June, July, and August		23.17	
			26.83
American Express Co., Philadelphia, various shipments of individual bulletins to Denver during August and September			48.65
Subscriptions to press-clipping agencies for clippings regarding Colorado			61.30
Other miscellaneous expenses incurred by this office:			
Express account on various small shipments		$1.33	
Stationery		1.35	
Postage		4.17	
Miscellaneous		11.35	
			18.20
Total			2,776.94

MEMORANDUM OF EXPENSES FOR MONTHS OF NOVEMBER AND DECEMBER, 1914.

STATEMENT A–7.

Beck Engraving Co., Philadelphia:			
4,000 sheets of paper for pasting clippings and for carbon copies of letters		$4.50	
Printing 30,600 white envelopes for Bulletin 1 (II)		42.75	
Printing 30,475 white envelopes for Bulletins 2 and 3 (II)		92.50	
Printing 30,000 white envelopes for Bulletin 4 (II)		46.00	
Express charges on 500 additional copies of Facts sent to Colorado		10.16	
			$195.91
Howe Addressing Co., Philadelphia:			
Furnishing and cutting 1,828 new stencils for address list	$18.59		
Making 141 changes in list	1.98		
Furnishing 2,556 cards for record	2.39		
Addressing 2,556 cards for record	2.39		
Numbering cards	.66		
Compiling same	3.99		
		30.00	

Howe Addressing Co., Philadelphia—Continued.

Addressing 37,303 envelopes for Bulletin 1 (II)	$33.63	
Marking boxes, packing, and expressage to Denver	16.70	
		$50.33
Same service, account 37,497 envelopes for Bulletin 2 (II)		52.90
Same service, account 38,183 envelopes for Bulletin 3		53.84
Furnishing and cutting 583 new stencils	$8.16	
Making 42 changes in list	.59	
Furnishing 1,152 cards	1.04	
Addressing 1,152 cards	1.04	
Numbering cards	.29	
Compiling cards	1.73	
		12.85
Addressing 37,892 envelopes for Bulletin 3 (II) and expressage		53.84
		$253.26
Subscriptions to press-clipping agencies for October and November clippings regarding Colorado		78.84
Total		528.01

Other miscellaneous expenses incurred by this office:

Telephone calls	4.70	
Postage	8.28	
Stationery	3.30	
Expressage	5.19	
Miscellaneous	3.05	
		24.52
Telegraph service, September, October, and November		34.06
Typewriter rentals—		
To Nov. 18	6.00	
To Dec. 18	6.00	
		12.00
		70.58
Total		598.59

SUPPLEMENTAL STATEMENT, FEB. 1, 1915.

Expense for telegrams during December, 1914:

Western Union	$25.08	
Messenger service	.25	
		$25.33
Postal Telegraph		48.31
		$73.59

SUPPLEMENTAL STATEMENT MAR. 31, 1915.

American Ice Co., Philadelphia, Pa., ice furnished for month of December.. $1.80
L. C. Smith & Bros., rental of typewriter to Dec. 31 ..... 1.50

JUNE 10, 1914.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co.,
Denver, Colo.

MY DEAR SIR: Would it be possible to give me a summary of the strike situation in Colorado, covering the following points:

Number of mines in operation before September 23; number in operation to-day; amount of coal produced before that date; amount after (average per month); number of men employed before and number to-day; number of men who went out on strike; number who have returned.

Could you also give me an analysis of the inclosed newspaper article and let me know to what extent it is correct?

I am eager to get out to the press an article showing, in the first place, that the companies are now mining all the coal that the market can absorb, and, secondly, that there has been no ruthless destruction of life by either the mine guards or the militia.

As you are doubtless aware, one of the most serious ideas with which we have to contend in this whole matter is that the operators in Colorado have been killing women and children. We ought to meet that proposition quite specifically.

Of course, I shall be only too happy to have your advice as to how any of this data should be treated.

Very truly, yours,

IVY L. LEE.

JULY 1, 1914.

DEAR MR. ROCKEFELLER: I have your letter of June 27 and shall take pleasure in placing upon our mailing list the names you suggest.

The sermon of Dr. Hillis I am delighted to have and shall want to make use of it.

I have had two long interviews with Mr. Harry Wheeler and his friends with reference to the publication they have in mind. I am to see another gentleman on the subject in Philadelphia this afternoon and am to have another interview relating to it in New York possibly on Friday. I shall have occasion to report on this subject, I trust, within the next week or so.

Mr. Bigelow has returned from Colorado and is now putting his material into shape. The preparation and issuance of the bulletins is going right along. We have also had the scrapbooks gone over and will in a day or two have the preparation of the proposed letters under way.

You doubtless saw the announcement we made Saturday relating to the Rockefeller Institute. I inclose a copy of it for your information, together with a number of newspaper clippings showing the way in which it was handled. You need not take the trouble to return these.

I had a long talk with Dr. Buttrick and Mr. Flexner yesterday, and we are planning to make an appropriate announcement next Monday regarding the transfer of the money to Johns Hopkins University. I am making a study of the work of the General Education Board, as well as that of the Rockefeller Institute, and will no doubt be able to formulate, a little later, more detailed plans for continued publicity for the institute.

From the inclosed telegram received from Mr. Welborn it would appear that he is finding some special use for the bulletins in his own territory. I am sending you to-day by parcel post 50 copies of Bulletin No. 4.

Very truly, yours,

IVY L. LEE.

Mr. JOHN D. ROCKEFELLER, Jr.,
Seal Harbor, Me.

[Copy of telegram.]

DENVER, COLO., *June 30, 1915.*

IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

If you have them, please send me 500 extra copies Bulletin No. 1 without envelopes.

J. F. WELBORN.

JULY 2, 1914.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

DEAR SIR: I am sure it will be of interest to you to know that we have had requests from some chambers of commerce and other bodies for extra copies of the bulletins you are sending out.

We are taking care of these requests from the stock of bulletins that you have sent to me.

Yours, very truly,

J. F. WELBORN.

JULY 3, 1914.

Mr. IVY L. LEE,
Broad Street Station, Philadelphia, Pa.

DEAR SIR: I am in receipt of yours of the 30th ultimo, and have also received to-day copies of your Bulletin No. 4, which will go out on July 6. In accord-

ance with your suggestion, we will see that copies of these reach the Denver papers.

I am very much pleased with the manner in which you are handling our subject, and sincerely hope that we will have the pleasure of seeing you here in the near future.

Yours, very truly,

J. F. WELBORN.

JULY 14, 1914.

MY DEAR SIR: My attention has been called to the news item and the editorial in the St. Louis Star of July 6, regarding the Rockefeller Institute and my father's recent gifts to it. Since I had the privilege of participating in the organization of this institute and have been associated ever since with its management, such intelligent appreciation of the institute, what it has accomplished, and the possibilities which lie before it, as the article referred to evinces, leads me to write this personal word of thanks.

Some time when you are in New York if you should be interested to visit the institute, it would give me great pleasure to so arrange.

Very sincerely,

JOHN D. ROCKEFELLER, Jr.

Mr. EDWARD S. LEWIS,
Editor St. Louis Star, St. Louis Mo.

JULY 15, 1914.

DEAR MR. LEE: I am sending you herewith proof sheets of Elbert Hubbard's article on the Colorado situation, written for the Fra.

I learned through Mr. Welborn that some Colorado man had agreed in advance to buy a certain number of copies of the article for distribution. Do you think it of sufficient value to be used as one of your bulletins, should Mr. Hubbard so consent.

The article need not be returned.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
The Pennsylvania Railroad Co.,
Broad Street Station, Philadelphia.

JULY 20, 1914.

DEAR MR. LEE: I am in receipt of your two letters of July 17, with their inclosures. I have read the bulletin which the Pennsylvania Railroad issues to its employees and a certain section of the public with much interest. Will you be good enough to send a set of those issued for employees to Mr. Welborn, raising the question with him, on my behalf, as to whether the fuel company might not wisely send bulletins in the several languages to all of its employees, stating clearly certain facts with reference to the relation of the officers and their employees, the relation of the owners to the properties, and other matters which would tend to bring about better understanding between the officers and the men. We are told, for instance, that many of the foreign employees are informed by the agitators that the mines rightly belong to the laborers, and that the owners are setting up unjust claims to them. To present in a simple way the facts like this to all the employees would be valuable. These bulletins could be distributed monthly with the pay envelopes or in some other way. I should be glad to have Mr. Welborn give the idea consideration, and when you go west you could discuss it with him more fully.

I note your proposed letter from Mr. Welborn to certain editors. Should not all of these editors receive these bulletins currently?

I inclose a copy of Jim Jam Jems for July; there is much of value and interest in the article therein contained on Colorado. Please send it to the office for filing when you have finished with it.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. IVY LEE,
Broad Street Station, Philadelphia, Pa.

JULY 21, 1914.

DEAR MR. LEE: I inclose herewith a correspondence which I have had with Mr. Brisbane, including my letter to him which called it forth. I was surprised to learn that Mr. Brisbane favors Government ownership. Please return this correspondence when you have read it.

I also inclose a letter from Mr. Brisbane of July 16, with certain data attached. I do not desire to write anything for publication with reference to Government ownership myself. Do you think this a good opportunity for us, in reply to Mr. Brisbane's inquiry, to undertake to get him to publish some statements regarding the Colorado situation, utter ignorance of, or, rather, willful disregard of, facts in which situation underlies the address of Mr. Pinchot and the printed resolution herewith? Has the time come for us to try to get the papers to publish a statement pointing out the inopportuneness and folly of an effort like that made by this meeting to pass on the question of rights in the Colorado controversy? It may be inexpedient to do anything but other than for me to courteously decline Mr. Brisbane's invitation to reply. I will say nothing to him, however, until after hearing from you. Would it not be wise to send bulletins to the representative men on the list whose names are printed at the beginning of the resolutions, such as Dr. Moskowitz, Rabbi Wise, John Murphy, and Calvin Tompkins; perhaps others?

I am writing to Mr. Malone, whom I know, asking about his relations to the meeting, and will send him the bulletins. Please return Mr. Brisbane's letter, with the inclosures, at your early convenience. If you think it desirable to have copies made before returning them, I see no objections.

Very truly,

JOHN D. ROCKEFELLER, JR.

MR. IVY LEE,
Philadelphia, Pa.

MAY 27, 1914.

HON. THOMAS S. MARTIN,
The Benedick, Washington, D. C.

DEAR SIR: I notice from the Associated Press account that there has been introduced a measure in the United States Senate depriving the South of the services of the General Education Board in respect to farm demonstration work; also another measure has been introduced endeavoring to revoke the charter of the General Education Board.

I have been most intimately connected with the work of the General Education Board in the South for the past 10 years, and I wish to bear testimony that no organization, no individual, has done as much for the building up of our higher education, of our secondary school systems, for the improvement of rural education, for the wonderful advancement of improved methods of agriculture in the South as has this organization and its representatives.

Many of them are southern men, and I wish to assert, without fear of successful contradiction, that they have worked through our southern people exclusively, have not even imposed their own suggestions, except when requested to do so, and have left it to the wisdom and good sense of our good people to spend for social uplift any donations made.

Furthermore, there have been literally thousands of boys and girls in the Boys' Corn Clubs and the Girls' Canning Clubs whose lives have been made richer, whose earning capacity has been increased, whose outlook upon their own futures has become more thrilling because of the work carried on by the southern people, whose salaries have been paid and whose traveling expenses have been furnished by the General Education Board. The southern representatives of this board created our high-school systems.

No greater calamity could happen to the educational interests of the South and the 148,000 teachers engaged therein than the revoking of the charter of the General Education Board. It will be a great calamity if these men should be divorced from the farm demonstration work, which they inaugurated on their own free will and accord, without the assistance (and sometimes without the encouragement) of the Government. Their accumulated experience can not be duplicated by others. Their personal interest in our people is a matter of tender regard.

Every man and woman in the South and every representative of the best interests of our people owes a debt of deep gratitude and sincere appreciation to the General Education Board and its representatives. Whatever is done in this matter should be done in a spirit of gratitude. But I hope that nothing

will be done that will deprive the 8,000,000 children of the South, the citizens of to-morrow, of the services of these men who have given so much of their lives and of their time.

I beg, therefore, to urge upon you, in representing us, the grateful beneficiaries of the first and greatest and most liberal philanthropical organization in America, not to interfere with their endeavors, for in so doing you will throw the most appalling hindrance before us who are fighting on the firing line for the economic, intellectual, and moral freedom of the South.

Sincerely yours,

BRUCE R. PAYNE.

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26 BROADWAY,
New York, May 12, 1915.

Mr. LEWIS K. BROWN,
Secretary U. S. Commission on Industrial Relations,
Hotel Shoreham, Washington, D. C.

DEAR SIR: The delay in sending you the material asked for in your letter of April 24 has been due to the fact that some of the data requested is not available in our office and I have been trying to locate it. You will appreciate that, having moved from Philadelphia to New York the 1st of January last and not having anticipated that any such request as yours would be made, I had not made any effort to have the material filed with care. We have, however, made a diligent search to obtain all the information requested, and I am sending you herewith the following, as requested by you:

Letter of June 10 to Mr. Welborn, referred to in my letter to Mr. Rockefeller of the same date; letters to various Senators and Congressmen in regard to Senator Kenyon's bill, including copy of a letter from Dr. Albert Shaw; letter of July 1 to Mr. Rockefeller, as well as a copy of Mr. Welborn's telegram, therein referred to; two letters from Mr. Welborn, referred to in my letter of July 16; Mr. Rockefeller's letter to the St. Louis Star; Mr. Rockefeller's letter to me, dated July 15; also his letters of July 20 and 21 to me.

For the reason that I have not been able to find them, I am not sending you:

Letter from Mr. Murphy to Mr. Rockefeller, referred to in my letter of June 29 to him; "telegram of Saturday" from Mr. Rockefeller to me, referred to in my letter of June 29 to him; memorandum from Mr. Brown which Mr. Rockefeller sent me with his letter of June 30; my "letter to President Eliot, referred to in Mr. Rockefeller's letter of July 8."

I presume the letter of Mr. Murphy to Mr. Rockefeller referred to the letter from Mr. Galt, but I have no clear recollection on that subject. As to the memorandum from Mr. Brown to Mr. Rockefeller, that also has been lost. Personally, I do not recall the exact nature of the memorandum. There was no letter written to President Eliot, as you suggest. You have probably misinterpreted the correspondence.

The letters listed below are not inclosed. Though their subject matter is not such as would have any objections to giving the commission full information about, they are private letters from individuals not associated with us in business or in any of the companies with which we are related. Their letters dealt in the main with matters concerning which these people would feel entirely free to write to us in the confidence of private correspondence. It would not be fair to them, therefore, to make their letters public without their permission. I feel, therefore, that the commission will appreciate the delicacy of our position in this matter and, under the circumstances, I hope the commission will not press its request that we should submit these letters to become a part of the record in this case. The letters to which I refer are as follows:

"Information from Mr. Easley," referred to in my letter of June 13 to Mr. Rockefeller; two letters from Mr. Harry A. Wheeler, mentioned in Mr. Rockefeller's letter of June 18; letter from Mr. Galt, referred to in my letter of June 19; letter from Congressman Kindel to me, referred to in my letter of July 20; correspondence with Mr. Brisbane, referred to in my letter to Mr. Rockefeller under date of July 24.

Assuring you of our desire to do everything we can to assist the commission in carrying out the work for which it was created, I am,

Yours, very truly,

IVY L. LEE.

P. S.—The attached are copies of the original documents, which latter, if desired, may be examined here at your pleasure.

I. L. L.

MAY 28, 1914.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.

MY DEAR SENATOR LA FOLLETTE: Of course, you know that, although I have been in Washington much of the time for several years, I have kept entirely out of anything which looked like political activity strictly because my work has been scientific or technical, and I feel I could do much better by not interfering in any way with anything that even approached political considerations. Although I have watched the papers with interest and have also watched the Congressional Record, I have intended to refrain from writing on the subject now in mind, but after thinking the matter over, and particularly in view of the fact that I have now moved away from Washington, I decided it was proper for me to write this letter. I am writing to you principally because of your very close political relations with Senator Kenyon of Iowa, as well as others who have taken an interest in the subject which I am about to mention. I have in mind the activities in the past of the General Education Board, which, as you know, has received amounts of money from Mr. Rockefeller. I have in the past felt about the same as you have, so far as big business organizations are concerned. Indeed, I have on thousands of occasions spoken very vigorously and written in the same way with reference to the position you have taken. I believe, however, that, inasmuch as we have allowed such accumulations of wealth as we have, we can not now to any material advantage prohibit the expenditure of such accumulations of wealth, especially when this wealth is expended to such a good purpose as it is in the case of the moneys turned over to the General Education Board.

Of course you know much better than practically any other representative of the people in Congress that throughout the last century it has been left for private citizens or individuals in a more or less private way to start practically all of the new and beneficial movements which we are now interested in. Even the kindergarten in this country was launched by philanthropists in a large number of private nurseries before it was taken up by the public schools. You know of the magnificent work which has been done with funds of that organization in connection with the cooperative demonstration work in the Southern States carried on through the late Mr. Knapp.

I thoroughly agree with all who are in favor of having the National Government now take over that work. It has reached a point where it has thoroughly proved its efficiency and desirability. It is a line of activity for a National Government to finance. I hope that the National Government will appropriate the necessary amount of money to take care of it, but I must confess that in taking over this work and making the appropriation I think it shows very great lack of appreciation when the very body which has demonstrated this wounderful system should be condemned. The General Education Board should rather be given a written vote of thanks by Congress, and they should be wished Godspeed in the use of the money which they have now saved. In this source they should be publicly asked to use this money to try out new possible movements for the general benefit of humanity. The principal reason, indeed, that I would be in favor of having Congress take over this extensive demonstration work is that this will leave a large amount of money available for other purposes. I believe it would be a very unfortunate thing for Congress to go further than take over this work. It has come to me from various directions that there are some who think it would be wise to take away the charter from the General Education Board. I must confess that I can see only one reason for this step, and that is a desire to have some political effect, and I must say I do not believe it to be the act of the statesman, but rather of the politician seeking some way to stir up support from a class who are unable to understand the importance of economic and political movements.

I am speaking my mind thus freely to you because I feel sure you have personally looked into this matter very carefully. If you agree with the position I take I hope you will use your influence with such Senators as Senator Kenyon and others who may have taken a different position. I feel rather confident that they have taken the position before having looked into the entire subject and without appreciating the great value to this country of ours of an organization, such as the General Education Board, which can start such movements as, for instance, the cooperative demonstration work.

Assuring you of my very great admiration for the extraordinary work which you have been doing ever since I heard your name, and ever since my years at Wisconsin University, I am,

Very sincerely, yours,

JOHN LEE COULTER.

MAY 20, 1914.

Mr. B. W. HUNT, *Batonton, Ga.*

DEAR MR. HUNT: The newspapers have been filled recently with severe criticisms of the General Education Board and all those responsible for its activities. I have seen the interview with Senator Kenyon in a recent Washington paper accusing in very bitter terms Mr. Rockefeller, and others like him, of trying to set up a silent empire, an invisible government, through gifts to education. I have no doubt that there is a good deal of astute Republican shrewdness in the attacks now being made in Congress. I think you know that the General Education Board has undoubtedly done great work in the South, and has done it in a broadly philanthropic way that ought not to provoke even criticism, to say nothing of the vengeance that seems aimed at it now by some members of our National Congress.

Is it possible that these charges are being made for the purpose of frightening the Democrats into sitting quiet instead of coming to the defense of a genuinely useful and unselfish board, for fear that they will be accused of coming to the defense of the money devil? It seems rather clear to me, from what I gather at this distance, that the Democrats are feeling themselves pretty severely clubbed and are very much bewildered over how to prevent the unjust measures proposed. As a citizen and as an educator who has known the work of the General Education Board in the South, I wish to urge upon you to throw your weight on the side of equity and fairness.

Everybody knows the immense advantage which has come from the farm demonstration work in the South. This was inaugurated by Dr. Knapp and paid for by the General Education Board. The large sums which this board has put into the demonstration work have done more good than almost any sums that could be mentioned. Of course, if the Government wishes to put more money into this work or to take it over entirely, there is no reason why this should not be done. But there is every reason why the Government should thank the General Education Board for starting such a tremendously important undertaking, for putting so much of its far-reaching wisdom and money into it, and for demonstrating so triumphantly its great value to southern farmers.

You doubtless know that this value has been so completely demonstrated that now all parts of the country are clamoring to have similar methods extended over the United States. I hope, therefore, if you agree with my views as expressed above, that you will write to all the Congressmen and Senators with whom you have influence and urge upon them to take a firm stand against any injustice. And I hope you will express your views as to make it impossible for any ungenerous vengeance to be wreaked upon the General Education Board, when this board has been a true benefactor to our section.

With high esteem, I beg to remain,

Yours, sincerely,

CHARLES E. LITTLE,
Nashville, Tenn.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C.

Dr. WALLACE BUTTRICK,
17 Battery Place, New York.

DEAR DR. BUTTRICK: I have seen Representative Lee and some other Congressmen relative to the proviso in the Agricultural bill. They all agree to aid in striking it out. Mr. Lever was not in town, so I wrote him a letter, a copy of which I inclose. I leave to-night for Birmingham.

Sincerely, yours,

SYDNEY J. BOWIE.

MAY 20, 1914.

Hon. A. F. LEVER,
House of Representatives.

MY DEAR LEVER: I called to see you this morning and was much disappointed to know that you would probably not be in your office to-day. I go out this afternoon on the Birmingham special, and I am availing myself of this opportunity to write to you in regard to a matter which has doubtless already been

called to your attention. In the Senate the usual appropriation for farm demonstration work was increased by the sum of $250,000 and a proviso was added as follows: "That no part of this sum of $678,240 shall be used in connection with any money contributed or tendered by the General Education Board or any like organization." As you are no doubt well aware, the General Education Board has already expended in the Southern States for work of this kind almost a million dollars. This has been used as a supplement to the funds annually appropriated by Congress. Every dollar that has gone into the Boys' Corn Club and Girls' Tomato and Canning Club work has come from this fund. It has been expended by the Department of Agriculture, which has employed and dealt exclusively with the men in the field. The only connection the General Education Board has had with it has been to contribute a stated sum annually.

The idea must be of the amendment that in some occult and hidden manner the General Education Board, and through them Mr. Rockefeller, will acquire a dangerous hold upon the minds of the people. This idea seems so far-fetched and so absurd that I hesitate to attribute any such belief to any intelligent person, and yet I have been told that some Senators probably were influenced to vote for it in the fear that some such thing might happen. If the true basis of it is not in the fear that it will happen but the fear that the people might think it would happen, I must insist that this is an unnecessary and undeserved reflection on the intelligence of the people. We have educated constituencies in the South and they are far beyond small demagoguery of that kind, at least the far majority of them are. I have always found that any man of clean mind and honest purpose would fare better and last longer at the hands of the people than the average demagogue. In fact, I have never known a pure demagogue to last long under any circumstances anywhere. The truth is that this farm demonstration work under the leadership of the Department of Agriculture and aided by the General Education Board has been of very great value to the farming interests of the Southern States, and I do not think it just or fair to impute unjust and improper motives to the private donors of this fund. I do not believe Mr. Rockefeller could have put the money to a better use than to have given it to the General Education Board, and I do not know how the board could have put it to a better use than in this work in collaboration with the Department of Agriculture. About one-half of the entire income of the board is spent in the South, the remainder being spent in the North and West. Instead of giving unnecessary offense to these people by the insertion of a provision of this character, it seems to me that we should rather commend this use of the money than otherwise. It is not necessary, however, for Congress to say anything about it. If Congress wants to take over the entire work, let it do so, but let it not at the same time take an unnecessary slap at a most worthy and deserving act which has been of untold benefit to our southern people. In other words, it seems to me that the conference committee, even if it consented to increase the appropriation, should at least strike out the words which I have quoted in the opening paragraph of this letter.

The fact is that I do not think there can be any valid objection to governmental bodies cooperating with private individuals in charitable or semi-charitable work. While we usually do not denominate this as charity yet it is a matter of public service, and a like principle should, and I believe does, obtain. I do not believe, therefore, that any harm has or could have come through governmental authorities handling and using this money in the manner pursued by them. At the same time if the Government thinks it ought to take over the work, let it do so, but it surely is not necessary to insert a provision in a public act under circumstances of this kind. I believe that far from our people approving such a provision, those of them who are informed upon the subject would rather resent it as being an unjust slap at men who have done a worthy deed and who should be commended rather than censured therefor. If it is thought desirable to discontinue the acceptance of similar contributions in the future, the department can be tipped off as to the will of Congress without unnecessarily putting it into the act.

I am very sorry I could not see you, as I would have been very glad to have talked with you of other matters and of other times.

With best wishes and highest regards personally, I am,

Sincerely,

SYDNEY J. BOWIE.

BIRMINGHAM, ALA., *June 4, 1914.*

Hon. OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR OSCAR: I am inclosing you copy of letter which I have written to Congressman Lever, which explains itself.

Further explaining the matter, I will say that the General Education Board having expended with the Government's knowledge and consent and through its own agencies practically a million dollars in this work, and the work having been of untold benefit to the farmers of the South, it seems to me that if the Government intends to discontinue accepting future gifts for political reasons it might at least say nothing about it. There is no necessity for adding insult to injury by the implied reflection which is contained in the proviso quoted in my letter to Lever. You know I can not think that our party has anything to gain by cheap peanut politics of that kind. Mr. Rockefeller has given about $43,000,000 to the General Education Board. He really wanted to give a great deal more. About half of the income from this large sum has been annually appropriated in the South. They never give a dollar unless the community will give from $3 to $5. They have therefore immensely stimulated the work of giving to colleges throughout the country, and in no instance have they ever sought in any way to influence the political thought of these colleges. The whole idea that they could do so is preposterous under the circumstances. Mr. Rockefeller is simply trying to have his money given to the best advantage, and it is a spirit which needs commendation. It seems to me that this is a matter entirely beyond cheap politics, and if we can not express appreciation of gifts received under circumstances of this kind we should at least forego public criticism. At all events, the thousands and hundreds of thousand of southern farmers who have been benefited by the Boys' Corn Clubs and the Girls' Tomato and Canning Clubs and by the demonstration farms would, I believe, resent it if it was generally known that Congress had inserted such a provision in the bill. Congress undoubtedly has the right to take the whole work over, but they might at least stop at that. I wish you would speak to the conferees and see if they would not agree to drop out the proviso quoted in my letter to Lever. Sincerely,

Your friend,

SIDNEY J. BOWIE.

MAY 5, 1914.

DEAR SENATOR KENYON: Thank you very much for your letter. I wish that I might long ago have had a full talk with you about the General Education Board from every standpoint. I could have told you many things that it seems to me it is proper for you to understand in view of the fact that you are now put in the position throughout the United States of making attacks upon this board and of intimating that its gifts to educational objects have not been made wisely or with good motives.

I had long ago become interested in the great need of the South for educational advancement in all directions, and had therefore attended the earliest of the now famous yearly conferences on education in the South. Out of those early conferences grew the Southern Education Board, of which the late Robert C. Ogden, of New York, and the late Hon. J. L. M. Curry, for many years the chief agent of the Peabody Fund in the South, were the most conspicuous founders. Mr. Ogden remained president of this board until his death last year. I was made a member of the board at the beginning and am still one of its members. I have never been associated with a more able, a more unselfish, or a more statesmanlike group of educational leaders than the men who have belonged to the Southern Education Board.

The work of this board obtained the recognition and support of various men who were interested in the cause of education, and among them, in particular, was Mr. Rockefeller, who had for a long time been a large supporter of various schools and educational enterprises in the South. Among the most active members of the Southern Education Board were the late William H. Baldwin (president of the Long Island Railroad), who had lived for years in the South as a railroad official; Mr. George Foster Peabody, who had originally come to New York from Georgia; Mr. Walter Page, originally from North Carolina; and various others. The Southern Education Board had demonstrated the educational opportunities and needs in the South and had enlisted the hearty good will of the friends and leaders of the education of both races, as well as the support of State officials and the heads of institutions.

The idea of another board, which should have a large income at its disposal and be able at once to help supply some of the most urgent educational needs of the South, as well as those of other parts of the country, became impressed upon the minds of those who were influential with Mr. Rockefeller and were his advisers in matters of education and philanthropy. When it was decided to form such a board, Mr. Rockefeller offered an initial support, which assured it a considerable income for a brief term of years; and its members were appointed largely from the membership of the Southern Education Board, Mr. Baldwin becoming the first chairman. Since the board in its ultimate purposes was to be national in its scope, it was thought desirable to obtain for it a congressional charter. It could, indeed, have done its work just as well under a State charter, but there seemed reasons why it would be desirable to obtain a charter at Washington.

Among the men brought into the new board were the late Daniel C. Gilman (president of Johns Hopkins University); Mr. Morris K. Jesup, of New York; Mr. Frederick T. Gates; and Mr. E. Benjamin Andrews (chancellor of the University of Nebraska). Dr. Wallace Buttrick was at once made secretary and chief executive officer of the board.

After several years' observation of the board's methods and achievements, Mr. Rockefeller felt that he could trust it with increasing sums; and as a result of several successive gifts, the board came into the control of the large funds now intrusted to it, due report of which is made annually to the Secretary of the Interior.

The board has helped to advance educational progress in so many ways, particularly in the South, that I could hardly enumerate them to you in a letter. It has succeeded in strengthening a number of the best colleges and universities, and it has been active in helping to establish high schools throughout the South and to give better training to the teachers needed for the rural common schools. This work has been done always in cooperation and harmony with the educational forces of the States where money has been contributed. There has never, anywhere in the South, been the slightest thought of spending any of the money of the General Education Board with a view to political influence or to creating any kind of tendency as respects public opinion upon economic or social questions.

The board became interested in agricultural progress very largely through its deep perception of the fact that in the Southern States it was almost impossible to secure proper local support of common schools until neighborhoods had become sufficiently prosperous to pay school taxes. Agricultural prosperity seemed even more urgent than improved schools; or, rather, each of these reforms needed the help of the other, and both problems were to be considered as phases of a single larger one—that of the real progress and prosperity of the people.

The late Dr. Seaman Knapp, formerly president of the Iowa State Agricultural College, had been brought to Washington by Secretary Wilson of the Department of Agriculture, and placed at the head of a Government farm demonstration service in the Bureau of Plant Industry. Dr. Knapp's methods with the cotton growers, who had suffered such great losses through the ravages of the boll weevil, had been of great value as showing not only how to raise more and better cotton, but also how to diversify southern crops and improve local conditions.

This work of Dr. Knapp under the guidance of Secretary Wilson had greatly appealed to the General Education Board as of immense value and importance. Mr. Baldwin meanwhile had died, and Mr. Gates had become chairman of the board. Mr. Gates and Dr. Buttrick (as also Mr. Page, who served on the Country Life Commission with your distinguished veteran farm editor of Iowa, Henry Wallace) had become so greatly impressed with Dr. Knapp's work that they wished to see it largely applied in the South. The whole board was unanimous in adopting their views. But the appropriations made by the Government for the farm demonstration work were not large enough to extend that work very rapidly, or to carry it at all outside of the districts infected by the boll weevil.

The General Education Board proposed to have the farm demonstration methods extended, in advance of the boll weevil, to the South Atlantic States, and to be tried here and there farther north than the cotton belt. Secretary Wilson and Dr. Knapp were prepared to appoint additional local farm demonstration agents in the South, and to supervise the work, with the General Education Board appropriating such sums from year to year as were agreed upon. These appropriations grew larger, because the department felt great interest

in the spread of the work under Dr. Knapp's direction, and because the General Education Board was so well pleased on its part with the kind of supervision and direction that the Government was giving.

There was no interference upon the part of the General Education Board at any point. There was, on the contrary, entire harmony between the officers of the board on the one hand and the Secretary of Agriculture upon the other. We in New York had regarded it as perfectly well understood by the agricultural committees of both Houses of Congress, just as it was understood throughout the South, that the General Education Board was cooperating in this work of extending farm demonstration quite rapidly.

It would, indeed, have been quite possible for the board to have carried on this work under its own direct management; and at all times it would have been possible to have it directed by the State authorities and the local agricultural colleges, which looked upon it at first with indifference but afterwards with convinced admiration.

But the most efficient way to secure results, and to convince localities of the worth of this method of practical farm demonstration, seemed to be to have the work directed from Washington and carried on in a unified way under the direction of Dr. Seaman Knapp, and afterwards—Dr. Knapp having died at a great age, with his energy and his power unabated until the end—under the direction of his son, Mr. Bradford Knapp, who now directs the work efficiently under the present administration.

It had not been expected by the General Education Board that this cooperation with the department for the sake of farm demonstration in the South was to be other than a comparatively temporary arrangement. The boll weevil and other conditions created something like a great sectional emergency. The Government constantly cooperates with private donors to Red Cross funds in times of great public calamity involving loss of life and suffering—as floods, fires, and so on.

I am in a position to know the spirit of the General Education Board in its relation to this farm demonstration work, and I can assure you it has been patriotic in the truest sense.

There were certain reasons why this farm demonstration work was more immediately necessary in the South than in other parts of the country; but the General Education Board has already, in the course of a number of years, contributed toward that work a million dollars or more, and it is probably true that the time has come when the board's funds ought to be made free for other forms of effort.

If Congress is so convinced of the value of this work that it is ready to carry it on, as you now propose, it would seem to me that this is a substantial tribute to a kind of work that the board has done so much to encourage and develop.

I can hardly believe, however, that if you had really understood the intelligent enthusiasm and the perfectly unselfish zeal with which the board has cooperated in all this business, you would not have wished to stand before the country as disparaging the board. Nor, indeed, as a Senator from the State of Iowa, would you wish to attack a work which had been carried on under the full direction of two such distinguished Iowa statesmen and veteran farmers as Secretary Wilson and Dr. Knapp. It was largely because of the value of this work, and their appreciation of it, that the farmers of the South clamored for the retention of Secretary Wilson when Mr. Taft formed his cabinet. It was wholly on account of the value of this work that in its great new teachers' college at Nashville, which bears the name of George Peabody, there will be a department forever known as "The Seaman A. Knapp School of Country Life," thus perpetuating the memory of the man who was president of Iowa's State College of Agriculture.

You are quoted in the newspapers as having reflected by inference upon the colleges and educational institutions throughout the United States that have been helped in their endowments by the General Education Board. It is true that this board has given a great deal of money to colleges and universities. I should think the amount of such gifts must by this time be $12,000,000, or thereabouts, but in no case has the amount given to an institution been large enough to carry with it any suspicion of an endeavor to obtain any influence over the management or the teaching of the institution. For example, five colleges in your own State have had a share in these appropriations. The college in your State that has received most aid from the General Education Board is your own college (as it is also mine), namely, the institution at Grinnell; but whereas the General Education Board has helped Grinnell College in three successive campaigns for funds, its subscriptions have amounted only to a total of

$200,000, as against about four times as much contributed by the friends and supporters of the college.

It is always the aim of the General Education Board to help those who help themselves, and to do it in such a way as to stimulate and strengthen each college's proper and natural constituency. For instance, your college at Grinnell has just completed a new campaign to raise $500,000 for necessary objects (chiefly endowment), and the General Education Board has subscribed one dollar in five. There is no college in the country which is regarded as more independent in its spirit or more wholly free from undue influence in its teaching and in its control than the college at Grinnell, which has pride in you as one of its students and in your colleague, Senator Cummins, as one of its trustees. You, I am sure, know well that neither the trustees on the one hand nor the president and faculty on the other hand could be persuaded to give up any degree of the full measure of freedom that Grinnell has always enjoyed. And what you know in this regard is also well known by the General Education Board.

I can assure you, from my own constant observation, that the General Education Board, in its subscriptions to colleges and universities throughout the United States has shown no motive except that of promoting and strengthening the cause of education. If I could have discovered in the board any other motive or tendency, I could not with good conscience have remained a member.

It would seem to me impossible to attempt to discuss the General Education Board's work except as its membership has managed its affairs and appropriated its income.

The board believes that the investment, and from time to time reinvestment, of its funds have been managed with due regard to the safety of the principal and the yielding of a proper average percentage of income in order that it might have resources with which to promote the carefully selected objects of its support or aid. I have not served on its finance committee, but each member of the board has been duly informed from time to time of the status of the board's investments. It is natural that business men in New York should invest educational and trust funds in the securities of railroads and industrial enterprises with which they are acquainted.

The work of this board has become well known to the educational people of the country. The board has been brought into close relationship with the presidents of colleges and universities and the other leaders in the cause of education. There is hardly any university or college in the country, great or small, which has not come into relationship with this board, either through application for a subscription to some endowment effort or in some other way.

The board has made it its business to encourage good standards and careful management wherever its influence extended. I do not believe any college president or educational leader in the United States will come forward to say that the board has ever, to his knowledge, tried to exert any kind of influence except a wise and helpful one, as respects, for example, good business management, avoidance of improper diversion of permanent funds to current expenses, thorough educational standards, and truth instead of fiction in college statistics.

The good opinion the board has earned among the educational men of the country is the more remarkable because it has steadfastly refused to buy popularity by distributing doles to all seekers. While it has helped many colleges, it has refused to help vastly more because it had rules and standards to which they could not conform. Yet even those hundreds of institutions which have not secured aid from the board have seldom failed to appreciate the impartiality and sincerity of the motives governing the board's decisions.

As the board is now constituted, its chairman is Mr. Frederick T. Gates, and its secretary and chief executive officer is Mr. Wallace Buttrick, with Drs. E. C. Sage and Abraham Flexner as his assistants—these secretaries all three being educational experts of rare ability, and two of them are members of the board. Besides these officers, the board includes, in the order of seniority of membership, the following names: John D. Rockefeller, jr., Walter H. Page (now ambassador, etc.), Albert Shaw, Starr J. Murphy, Edwin A. Alderman (president of the University of Virginia), Hollis B. Frissell (president of Hampton Institute), Harry Pratt Judson (president of the University of Chicago), Charles W. Eliot (president emeritus of Harvard University), Andrew Carnegie, Edgar L. Marston (New York financier), Wickliffe Rose, Jerome D. Greene, and Anson Phelps Stokes.

Messrs. Rose, Greene, and Stokes are educational experts of great ability and experience—the first chiefly identified with southern educational work, the second formerly with Harvard, and the third with Yale.

The entire board is keenly interested in all the work that is carried on. Members like Dr. Eliot, for instance, are not merely nominal or perfunctory members, but give long days and their most thorough attention to the board's work. In this regard, indeed, there has perhaps never been an educational board having large funds to expend which has been made up of men so minutely intelligent about all of its efforts, and so keenly alive to the opportunities and responsibilities of the trust reposed in them. The board has done its work in harmony—not the harmony of mere acquiescence, but that of intelligence and of conviction after free and full discussion.

Since I am writing this long letter to you entirely of my own accord, and without consultation with anyone whatsoever, I believe that my statements must, to some extent, result in your obtaining a new and beter light upon the spirit and methods of this board. I could have had no reason, through all these years, for remaining a member of the General Educational Board if I had not been fully and at all times convinced of the value of its work. I have felt that as a member of the board I was connected with an enterprise that was performing a noble public service with freshness of ideas, with immense vitality, and under guidance and direction that has always surprised and delighted me by its sagacity as well as by its energy.

I can not feel that your attacks upon the board are just to us who have through these years constituted its membership, and have thus been responsible for its actions. It is true that the funds directed by the board are inconsiderable excepting for those very great gifts received from Mr. John D. Rockefeller, although the board has at all times been prepared to receive and to administer money put in its hands for educational purposes by other donors. Mr. John D. Rockefeller, jr., has from the beginning been a member of the board. I am sure that everyone who has served with him on this board would testify to Mr. Rockefeller's conscientiousness as a member, and to the qualities, both of mind and of character, exhibited by him in the board, which would have made him a most desirable member quite apart from the fact that the board was dispensing the income of funds contributed by his father.

I must not for a moment question your intention in a matter of this kind, as in all other things that affect your action as a Senator, to be guided by a sense of public duty. I must ask you to be equally careful not to reflect upon the motives or the labors of those of us who have given of our time and effort as members of this board, impelled by a great sense of the opportunity given us to serve the best ends of American progress.

I believe that this board has made a remarkable record for usefulness and efficiency. I believe that if you could have known the spirit of its members, the thoroughness with which they have studied the educational needs of the country, and the considerations that have actuated them in their different undertakings, you would wish to compliment the board, because you also are a man who, by nature and by training, is in full sympathy with all the different things that this board has tried to do or to help others in doing.

This letter, long as it is, merely summarizes what I should like to have said to you in conversation some time ago, in order that you might at least have had the advantage of my point of view and of my information.

I, for my part, am quite willing to have the board's support of farm demonstration entirely taken over by the Government. But if you had known, as fully as I have known, the history of this cooperation, I think that you would have been glad to pay the board a generous compliment for its timely helpfulness in this field, while proposing to relieve its funds and to take over the work as worthy of full governmental support.

As for the character of the board, I am inclined to hold strongly to the view that an organization of this kind, not having a local object in view, but dispensing its educational funds throughout all portions of the country, may better operate under a congressional charter than under that of an individual State. You might, indeed, find it desirable to prepare and introduce a bill providing a wise and well-restricted form of Federal charter for educational funds and endowments of this character, rather than to have such enterprises incorporated singly and under separate and special forms.

Believe me, with great regard,

Sincerely, yours,

ALBERT SHAW.

Hon. WILLIAM S. KENYON,
United States Senate, Washington, D. C.

FOURTH AND FIRST NATIONAL BANK,
Nashville, Tenn., June 1, 1914.

DR. WALLACE BUTTRICK,
General Education Board, New York City.

DEAR DR. BUTTRICK: I am handing you herewith a copy of a day-letter telegram which I have just sent to the list given below, and you may rest assured that I will follow this up in any and every way that I possibly can and with all the spirit which I can command.

Yours, very truly,

JAMES E. CALDWELL.

To the President of the United States; Hon. Luke Lea, United States Senator from Tennessee; Hon. John K. Shields, United States Senator from Tennessee; Hon. Sam Sells, Congressman first district, Tenn.; Hon. Dick Austin, Congressman second district, Tenn.; Hon. John A. Moon, Congressman third district, Tenn.; Hon. Cordell Hull, Congressman fourth district, Tenn.; Hon. W. C. Houston, Congressman fifth district, Tenn.; Hon. Joe Byrns, Congressman sixth district, Tenn.; Hon. Lem Padgett, Congressman seventh district, Tenn.; Hon. T. W. Sims, Congressman eighth district, Tenn.; Hon. Finis J. Garrett, Congressman ninth district, Tenn.; Hon. K. D. McKellar, Congressman tenth district, Tenn.

[Telegram—day letter. Western Union.]

JUNE 1, 1914.

Senator LUKE LEA,
Washington, D. C.:

It appears that the Agricultural appropriation bill contains language reflecting on the General Education Board in a most offensive manner. As I have a good deal of personal knowledge of the workings of that board, and an acquaintance with the men directing its affairs, I am in position to know that it is not deserving of any sort of censure, but, on the contrary, so far as Nashville and Tennessee in particular, and the whole South in general, are concerned, there is every reason to be under lasting obligations, and should be deeply grateful for the favors which that board has shown.

The George Peabody College for Teachers, at Nashville, owes its very existence to the General Education Board, which has rendered it most valuable assistance in every way, and responds to its needs promptly and unhesitatingly.

It would be nothing short of a crime for Congress to use any language reflecting on the General Education Board, or any of the people connected therewith, and I sincerely trust that you will exert yourself to the utmost to prevent any such outrage being done.

JAMES E. CALDWELL.

MAY 23, 1914.

Hon. A. F. LEVER,
House of Representatives, Washington, D. C.

MY DEAR MR. LEVER: I note from the press that a resolution has been passed by the United States Senate which will make it impossible for the General Education Board to make further contributions to the support of the farm demonstration work in the South, and that another resolution has been introduced into the Senate revoking the charter of the General Education Board.

For the last four years I have had excellent opportunities to observe the farm demonstration work and other activities to which the General Education Board has contributed. As I understand it, the farm demonstration work was begun by the General Education Board as an experiment, with the hope that it would so commend itself that the General Government would take over its activities when the work was well established. I am surprised to see a disposition to condemn the General Education Board for initiating and supporting an activity which the Government has now determined to assume. The work of the General Education Board has been performed in the Southern States. I do not believe that it is in accordance with our courtesy and our traditions that we should sit still and allow people from other sections to put us in a position which would seem discourteous and ungrateful.

If the demonstration work, assisted by private agencies, has done its work, and the Government is now willing to assume the whole burden, would it not be better to relieve the private agency with a vote of thanks and words of commendation and not merely to kick it out unceremoniously?

The position which I have until recently held in South Carolina has not been supported by the General Education Board, but it has been my privilege to work with the Farm Demonstration Agency, the Canning Club, and with Mr. Hand. No one will deny that these have been effective forces in the agricultural and educational development of South Carolina. I do not believe that the appointment of a single one of these workers has been dictated by Dr. Buttrick or the General Education Board.

I was once offered the position in Arkansas corresponding to that now held by Mr. Hand in South Carolina. The tender came from the president of the university. Dr. Buttrick would take no responsibility in the nomination of the officer.

I believe that the resolution to revoke the charter of the General Education Board is a shortsighted political move. I do not think any law should be passed which will make it impossible for citizens of the United States, with patriotic impulses, to cooperate with their Government toward right ends. If there is any danger in the contributions of the wealthy to benevolent purposes, this danger would certainly be minimized by the supervision of the National Government. The General Education Board has thus far shown great wisdom in its selection of lines of activity. I see no reason why we should anticipate a reversal of its beneficent policies.

I trust that Congress will soon adjourn and that you will get a much-needed rest. We all appreciate your magnificent work as chairman of the Agricultural Committee.

Yours, sincerely,

W. K. TATE.

GADDIS EXHIBIT.

STEAMBOAT SPRINGS, COLO.

Congressman EDW. KEATING,
Washington, D. C.

DEAR KEATING: I came into possession of the inclosed piece of correspondence while in Oak Creek the other day, and I thought it worthy of notice by the committee of investigation of industrial matters appointed by Congress which investigated, among other troubles, the Colorado strike of a year ago.

You will notice the date, January 2, 1915, which is later than the time when the fight was at fever heat, yet at such late date the wholesale dealers were yet sensitive.

Oak Creek, as you will know, is a mining town in Routt County, where the threatened deportation was to take place and where the detachment of State troops sent into this part of the State were quartered.

The K. Clemens to whom the letter is addressed is and was throughout the strike a friend of the strikers, and because of ability to speak several languages and his activity in holding the strikers together by his being of Polish or Slavonic nativity he was a subject of much abuse from the faction endeavoring to break the strike.

The Jas. A. Brobeck of the letter is a salesman of the J. S. Brown Wholesale Grocery Co., who works this part of the State for that firm.

Trusting that you will direct this inclosed letter into the proper hands, I remain,

Yours,

ALBERT A. MANN.

THE J. S. BROWN MERCANTILE CO.,
Steamboat Springs, Colo., January 2, 1915.

Mr. K. CLEMENS, *Oak Creek, Colo.*

DEAR SIR: Regarding the orders for 30 cases Tall Columbine, which you gave me order for some short time ago, to be included in my car of milk, will say that I think it best to use a little diplomacy in connection with this sale for our own protection.

While nothing has been said recently regarding our selling you, we have had protests from some of the merchants in Oak Creek, and you understand that we can not afford to jeopardize the nice business which we have there by selling anyone that is objectionable to any of our customers. However, Sam Locenis is a good friend of mine and not a bad one of yours, and I have explained this to him and asked him for permission to bill these 30 cases of milk to him, and he will

give the drayman an order to deliver it to you. As I will not be there at that time, I will have the house send Loomis a bill for the same, and then he is to make collection, as the transaction will be cash.

The car will be shipped Monday or Tuesday, and I might as well say right here that this will be a very profitable purchase for you, as milk will advance again just as soon as the present fight is off, which every merchant in your district has taken advantage of.

Yours, very truly,

JAS. A. BROSNICK.

DEAR SIR: Please accept my thanks for your kindness, but I will not need your milk in above transaction.

Yours, truly,

K. CLEMENS.

THE ROCKEFELLERS IN THE ROCKIES.

By E. S. Gaddis, late superintendent of the sociological department of the Colorado Fuel & Iron Co.

PRELIMINARY STATEMENT.

The United States is the largest coal-producing country in the world, exceeding England's annual output over 200,000,000 tons.

In 1864, the virgin year for the Colorado collieries, 500 tons was the yield; in 1910 over 12,000,000 tons were dug; last year a tonnage of some 8,000,000 was recorded, giving the State the ninth place among the 28 coal-mining States of the Union. The Centennial State is destined to take much higher rank than previous ratings, as the United States Geological Survey estimates her workable coal fields at 10,130 square miles.

The Colorado Fuel & Iron Co. mine 35 per cent of the State's total output of coal and are the largest company loading the black diamonds.

COMPONENT PARTS.

This corporation was formed in 1892 by a coalition of the Colorado Fuel Co. and the Colorado Coal & Iron Co. The following subsidiary branches were subsequently acquired or developed: The Colorado Coal & Iron Co., the Colorado Supply Co., the Colorado & Wyoming Railway, the Crystal River Railway, the Grand River Coal & Coke Co., the Rocky Mountain Timber Co., the Colorado Industrial Co., the Mountain Telegraph Co. (part owners), the Minnequa Town Co., the Pueblo Realty Co., the Hospital Association Co., the Red Stone Improvement Co. (part owners), and the Minnequa Cooperage Co.

The fourteenth auxiliary has lately been made an adjunct to the Rocky Mountain Timber Co. Cattle raising on a large scale will soon be tried. Expiring leases on the Maxwell land grant are not being renewed, the acreage to be reserved for coming herds of beef on the hoof.

The purchase of between 250,000 and 300,000 acres of the above-mentioned territory deprived many ranchers of what they had concluded was their inalienable property rights. A representative of the company, accompanied by a band of hair-trigger cowboy desperadoes, clothed with the dignity of a deputy sheriff's commission, proceeded to settle disputed claims. At Stonewall one man was shot down in cold blood; all enemies were put to flight; and the raid guaranteed clear titles to vast regions of coal and timber land. The leader of these bandits was lately eulogised by one of the board of directors in saying: "They don't make 'em much better than the old man."

STOCKHOLDERS.

In October, 1914, the twenty-second annual exhibit came from the press in pamphlet form: "Capitalization, $36,825,000; bonded debt, $45,158,000; summary of total assets over $101,000,000."

Rockefellers own 40 per cent of the preferred and 40 per cent of the common stock; also 6¼ per cent of the "general five" bonds. There are 2,000 other stockholders.

In the early days of the strike agitation, the newspapers boldly affirmed that the company had accumulated a $5,000,000 reserve fund, with which to defeat the efforts of the United Mine Workers. The allegation was denied, but the snug sum furnished the foundation for a serene complacency, and a course of tactics otherwise impossible. Often heavy drafts on this reserve fund for "strike expenses"; cash on hand in the financial report is tabulated at over four million.

Six years ago Welborn was not regarded as a man of large enough caliber to properly conserve the allied interests of which he had been made president. He "was not trained as an operator of a large corporation." Bowers clothed with authority from 26 Wall Street and sufficient proxies to constitute him sole arbitrator in all minor and major matters to which he might address his attention began to put into telling effect his former "experience in organization and management." "It is true I represent the Rockefeller interests," is his asseveration. The Damocles sword that Bowers suspended over the heads of the officers in the Boston Building in Denver reduced them to manikins and office boys.

Testimony was given before the Federal Commission on Industrial Relations, sitting in Denver last December, that Bowers was still a resident of Denver. Absentee landlordism was not a palatable phrase for the operators. Months before this statement was made Bowers had sold his Denver property and removed his family to the East. He had fully determined to "turn things over to the boys" and there was much rejoicing at the prospect that he would be content to give them chiefly "absent treatment" in the future.

At 68 years of age Bowers was wearied with carrying the rasping details of a large business; and while the case of industrial malpractice was being adjudicated in the court of public opinion, he retired to his eastern home.

About 25 years ago four-fifths of the men in the Colorado collieries spoke the English language. The Welsh, English, Scotch, and Irish were the predominating races. To-day the ratio has been exactly reversed, and the English-speaking employees average about one-fifth of the people in the camps.

Aliens in the fullest sense of the word have been encouraged to crowd out the higher grade immigrant. To lower the scale of those living in the cottages raises the total footing of the scales on the tipple. The less it costs to keep camp citizens satisfied the less danger there is of public sentiment forcing expenditures for improvements. The camp that can mine the largest amount of coal at the lowest possible figure carries the banner.

In 1913 some 200 coal miners were operating in the State. Twenty of these represented the Rockefeller holdings. Without being too technical the coal deposits are divided into the northern, southern, and western sections. The C. F. & I. Co. are working in the southern and western areas.

In July and August of 1914 the company had on their pay rolls 7,786 manual laborers, representing 32 different nationalities, principally from southern Europe. The heavy percentage of illiteracy fixed their rating as low almost as present conditions in old Mexico. Many of them could neither read nor write their own language. A few years ago in Las Animas County, which produces 50 per cent of the coal of the State, there was found 18 per cent of the population and one-third of the State's illiteracy. Some of the strikers thought Rockefeller was the President of the United States.

The following table indicates the quota contributed by the Rockefeller system to the modern Tower of Babel that has given the civil and commercial interests of the Commonwealth so much concern:

Number of men employed and nationalities, during July and August of 1914, by the fuel department, Pueblo Steel Works, Rocky Mountain Timber Co., and iron and rock mines.

Fuel department:		Fuel department—Continued.	
American	702	Slavish	180
English	12	Polish	48
Scotch	18	Italian	771
Irish	10	Croatian	6
Welsh	14	Russian	16
German	43	Servian	1
Negro	125	Japanese	26
Mexican	615	Roman	1
Spanish-American	22	Bohemian	9
Swedish	8	French	1

Number of men employed and nationalities, etc.—Continued.

Fuel department—Continued.	
Hungarian	50
Austrian	192
Dutch	3
Bulgarian	13
Roumanian	19
Greek	170
Total	3,017
Pueblo Steel Works:	
American	1,112
Austrian	780
Italian	444
Russian	187
Greek	182
Negro	115
German	82
Mexican	78
Swedish	58
Spanish	52
Japanese	48
Irish	45
Slavonian	34
Hungarian	25
English	24
Pollacks	23
Scotch	19
Welsh	15
Syrian	12
French	7
Bohemian	5
Servian	7
Croatian	3
Norwegian	2
Swiss	2
Cuban	1
Pueblo Steel Works—Continued.	
Portuguese	1
Not recorded	823
Total	3,689
Rocky Mountain Timber Co.:	
Mexican	500
American	40
Total	540
Iron and rock mines:	
American	160
Italian	207
Greek	97
Mexican	86
Austrian	30
Japanese	9
Chinese	1
Total	590
Grand total all departments	7,786

SUMMARY.

American and Negro-American	2,194
Northern European countries	662
Southern European countries	3,221
Japanese	82
Mexican	1,279
Cuban	1
Chinese	1
Not recorded	336
Total	7,786

LOCATING RESPONSIBILITY.

Rockefeller has not been in Colorado for 10 years and seldom attends a meeting of the C. F. & I. board of directors. His ignorance of real conditions in the camp villages enable him to testify under oath: "I should not have known how more conscientiously to carry out my full duty toward them than I have. The fact that they brought no complaints at all would indicate to me that they had no grievances."

For several years prior to the 15 months' war in Colorado, which aroused the whole Nation, neither Bowers nor Welborn were cognizant of policies and practices in dealing with the miners except as represented to them by inferior officers. Bowers took the position that to grant the right of appeal with the type of characters with whom they had to deal was to invite chaos—appeals to Welborn, if they were considered at all, would only emphasize the severity of the régime. A "down-the-canyon" verdict was not likely to be reversed at the office of the general boss, for he is the kingbolt of the machine that must be kept running smoothly. The super can easily erect a wall between himself and the division manager, which only calloused temerity would tackle. At the bottom of the pit with pick and shovel the miner frequently found a grafting pit boss on his back. The Federal grand jury which sat in Pueblo during the strike trouble thus pictures the situation: "Miners generally fear to complain of real grievances, because of the danger of being discharged or placed in inferior positions in the mines. Many miners apparently believe that employees have been discharged because they have made a request for a checkweighman."

The responsibility for about 50 per cent of all the miners of the State laying down their tools lies at the door of the local camp officials, supported by those immediately over them in office, the division and general manager.

When ex-mine mule drivers and rope riders are given the arbitrary authority of a provost marshal in communities varying in size from 200 to 1,000 souls, an individual has been evolved which can only be found in the closed camps of the coal barons—or other mines so controlled.

On the day of the great walkout a super ordered his gunmen to drive the red necks (strikers or their sympathizers) off the company property. The zealous deputies refused to permit men to assist their families to pack their household goods. They were not allowed to stop at the railroad station, not located on C. F. & I. territory. Only after telegraphic remonstrance from railway officials were the men allowed to wait for the trains.

After the famous battle of the "Hogback," where incessant firing for 50 consecutive hours occurred, a super from that neighborhood was drunk on the streets of Walsenburg.

For years a super has been retained in one of the largest camps, whose drunken exploits are a disgrace to the whole county.

About a year ago a super was let out whose notorious camp recourse became unendurable. He soon afterwards opened a saloon in Denver.

Men who don't know how to speak emphatically without blasphemy, or to enforce discipline without brutality, are quite likely to have their efforts seconded by camp marshals whose appointment and salaries are controlled by local companies, and who have exercised a system of espionage, and have resorted to arbitrary powers of police control. These, taken with brutal assaults upon the miners, have produced a general dissatisfaction.

VIOLENT DEATHS.

Geological formations in the Rocky Mountain region make mining peculiarly hazardous. There are two deaths here for every one in all other coal fields in the United States. The Rockefeller company have made a heavy contribution to this mortality.

The following explosions in recent years have occurred in the Rockefeller mines: April 2, 1906, Quartro, 19 killed; January 22, 1907, Primero, 22 killed; May 5, 1907, Engleville, 5 killed; January 31, 1910, Primero, 76 killed; October 8, 1910, Starkville, 56 killed. Total, 178 in five years.

When the second Primero explosion occurred, the leading pastor of Denver from his pulpit declared the lives had been sacrificed on the altar of corporation cupidity. By telephone the Rockefeller representative said he wished to make explanation; to which the good man replied, there is nothing to be explained. For these utterances he was blacklisted along with the muckraking magazines, socialistic preachers, trust-busting political shysters, and their bedfellows—the agitators and anarchists.

During a recent period of little over two years there were nearly 190 violent deaths in mines in Las Animas County. Within a period of eight years and a radius of some 150 miles of Trinidad, 504 lives were crushed out. In 1914 statistics presented by the United States Bureau of Mines, charges 108 deaths to Colorado. More than two human lives a week was the toll exacted. For three years past the number of violent deaths for every 1,000 employees has increased. Fifty per cent of these fatal accidents are preventable, and yet an adverse deliverance of a coroner's jury was but once levied against the company during this time.

That perjury before the coroner is common no one will deny that has serious regard for a breach of the ninth commandment.

A few weeks ago a pit boss and colored miner were killed by two runaway cars. It was a topic of conversation among the men of this camp that the cars had not a double coupling as required. The company was exculpated, the State mine inspector said "the men stepped from a place of safety into a place of danger."

Coal at any cost seems the avowed policy of not a few of the petty bosses. That a drunken spree is really a good thing, for the miner will work harder to make up for loss of time when he is able to reach the face of his room again, is the opinion of one of them.

King coal!
And who is the baster?
King coal!
The modern world's master—
Through triumph or blackened disaster,
King coal!

A CENTRIFUGAL FIASCO.

The much-advertised appointment of a welfare agent, "as a mediator between the company and its employees," will only tend to intensify the despicable oppressiveness of the past few years. One super at least has already been informed, sub rosa, that there need be no undue concern about this new officer limiting their suzerainty. He had been in the field but a few weeks when he effected the discharge of a man with a family to support, on the word of a woman of questionable character. The evicted employee was given no opportunity to present his side of the case.

It is a farce to presume that a pet appointee would fearlessly and impartially bring things to the surface that would disturb the imperturbable equanimity of the one who must O. K. his monthly salary account.

The assembling of camp delegates in Bowers's old office on January 19, in which complaints were solicited, and a generally bumptious good time, with free auto rides, banquet, and theater party as a part of the program, in addition, all expenses being paid to and from their respective camps, was a decided hit; "and many of them showed a freedom such as one might expect from them in a meeting exclusively of their immediate associates." If two of the members of this Denver convention represented the rank and file of the body, the norm of the past years will not be altered. One of their said members has for some time made more money in his camp than the super himself.

Another son of Ham, who sat in this first assembly of coal camp patricians and plebeians, owed the company store a bill of over $80, which the manager had almost despaired of collecting; and for more than a year this same accredited subject had been paying back the store on $100 advanced for his wife's funeral expenses. A good square kick would hardly be expected from such sources.

Again the remembrance of so many of their former comrades being "canned" for squealing would not be forgotten amidst the grandeur and informality of their temporary environment.

A few weeks after this meeting a representative from headquarters inquired of a super if "the men thought we were trying to put one over on them." There is room for suspicion that "one is being put over" on the public and that the various investigating committees are having dust thrown into their eyes; for, presto, the lion has been changed into the lamb.

POLITICAL MANEUVERS.

In the fall of 1912, the present brightest star in Rockefeller's Colorado legal galaxy publicly attacked the corporations in the following language: "You who have been attending conventions for the last 10 years in Colorado know very well, if you are honest with yourselves, your neighbors, that you can not put your finger on a single item of convention legislation in the way of platform or nomination in which you were instrumental. They have probably given the local superintendent of the mine the number of delegates to which the community is entitled. He knows he is to select a certain number of men who are to come in and follow the dictation of a single man whose name is given them before they leave. Candidates are selected not with a view of their fitness, not with a view of their ability to discharge their duty, not with a view of their integrity, but 'are they satisfactory to the company?'" This man was too formidable an antagonist to be at large. Last year no more doughty champion than he defended the Rockefeller interests. The Chronicle-News, the Trinidad evening paper which he owns and controls, went beyond all limits to out-Herod Herod in their fight against the miners. The city editor of this paper so exasperated the strikers that he apparently considered it the part of wisdom to seek employment in another city.

The frequent number of conferences the manager of the Trinidad Morning Advertiser had with the local and Denver office would justify the opinion that the nature of the many columns of the advertising he was carrying needed particular attention.

The deliverance of the ex-judge was by no means an anachronism. The company camp delegates to the Las Animas Republican convention in Trinidad last spring, 1914, were closeted with the general boss of the fuel department just before they went to the convention hall.

"If the Republican ticket is not elected some one will be out of a job," was a threat made to an employee.

In the battle at the polls November 3, 1914, the company store manager and mine weigh boss served as camp election judges, while the super and marshal lined things up on the outside. Returns from this camp were quite satisfactory.

On this same day the clerks in the Denver office were so moved by patriotic principles as to almost desert their desks to a man for efforts in and about the polls.

In the last legislature a company store manager sat as a member of the lower house who is said to have blandly asserted that he was a corporation man.

Several years ago the State legislature found the large corporations so sensitive to restrictive measures that they put up dummy bills as scarecrows; and the fear of obnoxious laws subsided, as the State lawmakers were reduced to a set of blackmailers.

From a high tribunal the charge is hurled, "The coal companies are sufficiently influential to nominate, elect, and control many county officers, and have done so with the result of complicating the industrial situation by arousing political prejudices."

In 1912 a notice was posted in the camps of the company that "every one of its employees shall be free to vote as he sees fit." A hard-working company railway man who dared to be a Democrat was decapitated a few months ago in spite of the declaration of political independence above quoted.

SOCIOLOGICAL FEATURES.

The propaganda for social welfare work was first introduced by making the surgeon general the superintendent of the department. The casa vivienda (living house) of the hospital medical staff at Pueblo is a commodious structure, which modern science and a liberal amount of money have made a place of beauty and luxury. It is situated in a 20-acre cultivated wooded campus, with the hospital buildings in the same inclosure.

The surroundings at Minnequa have had the same effect upon the sensibilities of the leaders there as the anesthetics they administer to patients in the operating room. The lack of comforts, the squalor and filth of the camps is so far removed from these gentlemen that they are little touched "with the feeling of infirmity" for those who must endure the hardships of camp life. An appeal to the surgeon general for relief of some despicable situation seldom meets a prompt and adequate response.

"We are not engaged in the philanthropic business," was the deliverance of the head of the medical department when solicited to assist those near the hospital who were voluntarily supporting a work that Rockefeller's millions should have long ago put on a firm footing.

After a few years' trial of the above plan, a minister was employed to act as superintendent of the department of sociology, and also business manager of Minnequa Hospital. To advance the religious, educational, and social work of 25 or 30 camps, necessitating the travel of over 1,000 miles to complete the circuit, is a full complement of labor for any one man. To give one-fifth time afield and four-fifths at home was to allow pressing matters to go by default along progressive welfare lines. After a somewhat lengthy tenure of office, the second superintendent retired with very meager results as the sum total of his efforts.

At this period, about two years ago, there was but one small clubhouse in the Trinidad district of nine (C. F. & I. Co.) camps; one also in the Walsenburg district of six camps, that was not cursed by saloon associations; one in a rock quarry, but so far removed from where the men lived as to be little used by them.

At Red Stone, on the western slope, a large amount of money was expended in improvements of all kinds. It is the show place of the two largest coal companies in the State. But for a number of years neither coal nor coke has been shipped from this point, and as a sociological asset for employees the whole plant is a negligible quantity.

At the Pueblo Steel Works, which employs from 4,000 to 6,000 men, there is not a semblance of social-welfare advantages.

Mr. Bigelow, a well-known eastern sociologist, came to Colorado last summer to take notes of the work of the department now being considered. After a visit to a few camps he concluded there was nothing to investigate, and returned home.

One of the board of directors living in Denver candidly admitted, "We might as well confess it, we have not given them anything but the saloon for the past 25 years."

In contrast to the magnificence at casa vivienda, many of the miners' families are living in hovels, box-car shacks, and adobe sheds that are not fit for the habitation of human beings. But this does not interrupt the deduction of rent from the pay check.

A camp physician thus describes a certain Italian quarter: "There are houses up the canyon, so called, of which 8 are habitable and 46 simply awful; they are disreputably disgraceful. I have had to remove a mother in labor from one part of the shack to another to keep dry."

Frequently the population is so congested that whole families are crowded into one room; eight persons in one small room was reported during the past year.

In one of the best-paying camps the hotel is such a dilapidated, ramshackle trap that the boarders are driven from the place offering such accommodations.

At an altitude of 10,000 feet, where the thermometer drops to an extremely low register, there is not a plastered house to be found. The man intrusted to answer the questionnaire sent out from Washington was instructed to fill out the blank forms so as not to arouse suspicion that conditions would fall below the standard suggested by the interrogations.

The average underground workman must make the following monthly payments before the credit side of his account is needed: Powder, caps, and fuses, $5; electric lamp, $1; oil lamp, $1.50; medical dues, $1; water, per month, in Frederick or Segundo, $1; blacksmith, 50 cents; house of four rooms, $8; men's clubs (voluntary), $1; water at Lester (35 cents per barrel), $1.40; electric lights, 35 cents per room, $1.40; company store, about 35 per cent of his pay check, $42. At $4 per day, 30 days, $120, less $62.30, or 50 per cent of the man's earnings, back into the company coffers.

The present status quo of sociological work makes the best showing in the history of the Rockefeller controlled mines. But it is so far below what a pure humanitarian basis demands, with but one or two exceptions there is not a camp where the charge, "On the ground where the corporations make their money there is the least evidence of it," would not be literally true.

Religious work is especially in need of attention and new methods. A preaching service once a month, a Sabbath school each week, led frequently by those quite unfit for such work, does not meet the needs of a society where the downward immoral pull is never slackened.

The various home-missionary societies should place men among these responsive settlements, untrammeled by the dictation of mercenary officials, who are now quite sufficiently obsessed with present range of rule.

THE PUBLIC SCHOOLS.

For 10 years a camp was operated without a public school, the nearest one being 4½ miles, or a 9-mile walk each day. Families with children moved away in order to find school privileges. A girl 13 years old lived in this camp who had not been to school.

"The school facilities in our camps are the very best," was the word given under oath to the investigating committee authorized by Congress. In a district under the company school directors, and where prior to the strike nearly every man in the village worked for the company, an old leaky roof adobe building has been used for a school for several years. The use of this property gave rent to a former camp marshal. It is situated between the coke-oven washer and a stable, is overcrowded with children, and at times is filled with smoke from the company plant.

Up to last fall a building in a closed camp had been utilized for school purposes, located on the second floor of a hotel building owned by the company; to reach it a dark stairway must be ascended; the small windows in the room were on a level with the floor; and in dark days the children had to take their books to the window in order to read.

In another community the windows and doors of the schoolhouse had become so loose that on windy days, of which there were many, one was reminded of a ride on a motor cycle. A teacher in this building said that sessions of her school were interfered with because the room could not be warmed on cold days. For making this statement she was informed by the superintendent that her appoint-

ment as teacher for the coming year would not have been approved had he known of her course a little earlier.

A State statute at least 20 years old requires fireproof fire escapes on all two-story school buildings. The company has at least six such buildings, and not one of them was protected according to law at the beginning of 1914. The threat of a penitentiary sentence which the law imposes caused activity in some quarters, but was ineffectual with others.

A young married man was suddenly deprived of his position as principal and a local official's daughter given the place. A store manager director wished to remove a lady teacher because she did not trade with him. A principal was not reappointed last fall on the ground that he was a "redneck." When the assistant general boss of the coal camps was asked for the proof of the charge, he answered: "So-and-so is a G. D. red neck. When I dismiss a man working for me that settles it. If the Denver office wishes to make the appointment of school teachers, I have nothing to say."

Later the man, who had appealed to both Bowers and Welborn, was taken care of in another camp.

For being instrumental in having an inefficient neice removed from a position that was paying her $80 per month, one was threatened with physical violence by the camp superintendent.

A young man that insisted his lady teachers conduct themselves properly, and that dances in the schoolhouse close at 12 o'clock Saturday night instead of 4 a. m. Sunday, was called "too religious" and informed that had he conducted himself as other men in the camp he would not have lost his position.

A store manager's daughter below legal age, and without any teacher's certificate, was made a teacher against the protest of the county superintendent and the people of the camp.

Whenever there is danger that the company clique may lose control of the school board directorship, the indefeasible right of the electors is denied them, and an obsequious county superintendent makes a favorable appointment.

In many camps a large portion or all of the school tax is levied on company property. This, together with the school directors being hirelings, has led to surprising liberties with this public fund. A $8,000 building was erected, the company carpenters doing all the work. With the building still unpaid for, no indebtedness was recorded in the county treasurer's office against the district. The mine clerk was receiving notices from company headquarters and to the amount of the debt still due the company.

The president of one of the boards stated his district had paid the company enough interest on their debt to pay for the school building. The company advances money for the proposed improvements and seems to collect the principal on the terms to suit themselves.

In order to put some additional equipment in one of the schools, inquiry was made as to the amount of money the district would have to use for the current year. The clerk of the board gave it as less than $3,000, while the county treasurer said warrants to the extent of $9,000 would be honored from that district.

The law of the State permits schools of the camp grade to fix the salary of the clerk of the board. It would be an interesting item to know the exact amount of money this scribe receives.

SANITARY SITUATION.

The insanitary plight of large portions of company property is due very largely to the fact that the hands of the camp physician are tied by the superintendent. For a man who has made hygienic science a special study to have his recommendations thwarted by a blockheaded superintendent make the general boss of the coal regions supreme in his realm; but it is little less than a crime against the camp population. For a superintendent to tell a doctor who has made a request for the protection of the health of a neighborhood, "Now, you are knocking me," all but makes one feel they would like to have a strike pugilist handy to place some real knocks.

Here is an example of the way the present plan works: A physician asked the superintendent to have the camp cleaned up, and no time should have been lost in ridding the place of its malady-breeding spots. The doctor was told: "I have no men for that work; let the people clean up their own yards. If you

want the camp cleaned, do it yourself." With his own hands the scavenger alley surface refuse was removed by the petitioner.

As a fruit of such folly, the medical report for all camps and plants for 1912-13 gave 161 cases of typhoid, or nearly 3 a week for the entire year.

For more than a year a cesspool within a few feet of the company store regularly relieved itself by overflowing and running down across the principal thoroughfare of the camp. Both the store manager and his wife had been down with typhoid. This Stygian situation and others almost as offensive were reported to the head of the medical work, and was passed over by a reply to the "kicker"—"Better be careful or you will step on some one's toes."

The mountainous situation of many camps fairly well takes care of the otherwise miserable drainage. The surface débris was allowed to collect so heavily in one camp as to appear as if the place had never been properly cleaned. The closets and public washhouses are permitted to be in degrees of unhealthiness that were it not for the pure mountain air and its unequaled aridity in great abundance sickness and death would run riot.

The water in most of the camps is very good, but there are some notable exceptions. The intake of a water supply from a so-called "mountain stream" was the favorite standing ground for cattle.

Hydrant water at the door was found to be so chemically unfit for general use in one of the smaller camps that pure water, at 30 cents a barrel, was peddled out.

Seepage water from a large mine, with a distinctively dead-rat-essence flavor, was supplied three camps, because it was cheaper than to tap the main pipe line of one of the best water sources in the State—even though this water main run directly through one of the camps.

By the payment of $1 per month, deducted from the employee's pay check, he is entitled to free medical service for himself and family at the camp, free hospital treatment for himself, and one-half rate for any member of his family.

The physicians are paid a salary, generally including house rent and coal free. They are to give gratuitous services for all cases, except those of confinement, venereal diseases, and fight bruises. A monthly allowance for drugs of 2 cents per capita is also furnished.

The apportionment for medicine, which they must freely dispense, is entirely inadequate to meet their needs. In one camp the doctor's monthly bill for drugs was $25 or more, and he was receiving about $12 for such expense from the company. That would put him nearly $150 in the hole at the end of the year. This arrearage must either be paid from the doctor's pocket or from the extra money he receives in cases above noted or from neighborhood practice.

By a special order from the head of the medical department at Pueblo, his charges, whether reasonable or extortionate, may be deduced from the employee's pay check.

Presumably for an object lesson for the whole camp a bill for service was collected through the mine office by the company physician when the family had been so bold as to call in a doctor of their own choice, and the father was discharged for being unwilling to pay it. This case was reported to the Denver headquarters and no redress was ever made.

THE COLORADO SUPPLY CO.

A chain of 28 retail and 2 wholesale stores, extending from southern Colorado to northern Wyoming, represents the mercantile side of Rockefeller's work in the Rockies.

The development of the bulk of this business from two or three small stores to its present huge dimensions was largely through the genius of one man. A few weeks ago, after having served the company for more than 25 years, he was asked to resign, having previously been compelled to surrender all his stock holdings. The word had gone out from one who stood second only to Rockefeller himself that retrenchment was necessary; and the head of one who had whitened with many winters of arduous service was not to be spared.

Prior to 1910 all but 20 per cent of the stock of the company stores was held by employees. Men who had reached their salary limit, but whom the company wished to show favor, were given the privilege of profit sharing in a business that paid 20 per cent per annum. Bowers called in every "scrap of paper" that represented stock certificates of the store company. No action

that this man performed during his Colorado career was more reprehensible or more impolitic. Only blinded selfishness could reason that store managers and clerks who were drawing good dividends on the work they were advancing draws a salary of $150 per month, the average amount paid for that position from the Boston Building.

A manager had paid $125 for $100 shares, and borrowed money at 18 per cent to make the purchase.

Here is one of the store manager's plans of not missing the dividends. He draws a salary of $150 per month, the average amount paid for that position. His work really pays him $7 a day, i. e., $60 extra in rake-offs. Chickens are worth 20 cents a pound in the camps; and when his chickens go into the butcher shop 20 cents per pound comes back to him. Cattle can be bought from ranchmen cheaper than dressed beef from Swift or Armour. The ranchman is paid one price and the store company is charged another, etc.

That the business methods of the Colorado Supply Co. in the past few years have been little less arduous than the famous West Virginia mining-camp stores let the following facts attest: One who had served the company for 17 or 18 years, declared if a strike is called the Colorado Supply Co. will be responsible. A man filling one of the highest positions in a local camp received a letter of inquiry, as to why he did not trade at the company store. His reply contained his resignation (not accepted), but that he would trade where he thought best. A local doctor estimated he could only afford to buy 50 per cent of his groceries in camp. Lessees of company hotel buildings did not feel free to buy staple groceries except at the store.

During the strike one store cashier collected over 45 per cent of the mine's pay roll.

The general coal camp boss instructed one superintendent (if not all) to use his influence to have employees trade at the store. A few months ago a young manager asked the wife of a laborer if her husband wished to continue working in that place. If so, their grocery business had better come his way.

A mail-order catalogue from one of the Chicago houses was deposited in an arroyo instead of the hands of the addressee.

Store managers are the postmasters in most places. For years it has been the custom of the Rockefeller stores to give a company draft when a postal order was solicited and charge the United States postal rates. The amount of money the Government has lost by this trickery would take expert accountants many days to foot up.

Since the close of the great strike many "gabfests" have been held, in which the managers have been told a square deal must be given in the future.

Prices in some stores have dropped 10 per cent, and 10 per cent more would still leave a handsome profit for Rockefeller in the mining camp groceries.

THE CAMP SALOON.

Only a few years ago the saloon was run in connection with the company store. Bowers divorced such an unholy alliance. Now some of the most prominent and best structures in the camps are used as saloons. In 1908 there were 82 saloons in 25 camps of the Rockefeller mines. Twelve of these saloons operated under lease from the company. In 1913, within a circle of 4 miles diameter, including four camp villages, there were 28 saloons. One of these was on company property and was bringing $1,500 rent to the credit side of coal production for that camp.

The policy of the company has been to farm out their privilege for these joints to human ghouls, who operate them by the camp marshal's consent, without any regard to the restrictive statutes of the State that would interfere with their business.

At Delagua an officer of the National Guard noticing a saloon open on Sabbath, said to the proprietor, "Do you know of a State law which prohibits keeping saloons open on Sunday?" "Oh, that's all right," replied the liquor vendor. "I am justice of the peace in this town, and we don't pay much attention to such things as State laws."

Sabbath opening is condoned by local officials; selling to minors and drunkards is an offense that is allowed to pass without protest.

A saloon and lodging house, known as the Metropolitan Hotel, in Trinidad, was used as an employment bureau. The manager was an employee of the company, and the stock of liquors on hand was regularly invoiced by their traveling auditor.

The former general office building in Pueblo, afterwards known as the Southern Hotel, was rented as a second-rate lodging house and a tenth-rate barroom annexed.

A lessee of a camp saloon on company property was being credited $300 a month for advancing cash to erect the building. Terms of the lease required the company to pay him any balance due on the building when the partnership ceased. Some years ago, when times were very hard, this saloon proprietor came forward with cash to assist the company to meet its pay roll.

The "chamber of horrors" which a camp saloon presents after pay day is so pathetic and shameful that it must be seen in order to be fully comprehended.

Men earning $25 or $40 a week go home penniless after a gambling and drinking bout in one of these places.

Twice a month the coal production is seriously weakened, while the men squander their hard-earned wages, rob their families of needed clothing and food, and fill the coffers of outlaws, who carry on their traffic with a tacit approval of Rockefeller's officials.

One of the largest saloons on company grounds is run by an Italian, and the sheriff of the county is his silent partner.

That camps can be run better without saloons than with them, experience in the strike zone and more than 10 years' trial in one of their large iron mines has fully proven.

In the face of a vote of over 12,000 majority placing the State ban on the liquor business, several camp saloons were allowed to reopen for one more year's devastation.

The old saw that "Every man is entitled to the fruit of his own labor" is severely dealt with by the camp saloon keeper.

The argument that the company must conduct a high-grade saloon in order to prevent dives from starting up just outside our property line has no weight with those familiar with the conduct of the so-called company protected saloons.

One superintendent justified gambling on the same basis; and all others may be so exculpated.

The one strongest inciting factor that precipitated the bloody struggle of last year was the camp saloon. Here men met and, irrationally inflamed, they planned deeds that no sober or well-balanced mind could entertain.

The saloon leagues of the Colorado collieries are well referred to by Kipling in the nineties:

> That bids him flout the law he makes;
> That bids him make the law he flouts;
> Till dazed by many doubts he wakes
> The drumming guns that have no doubts.

WHITSELL'S LETTER TO BOWERS CONCERNING CAMP SALOONS.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 2, 1903.

Mr. I. M. BOWERS,
Vice President, Denver, Colo.

DEAR SIR: Our recent investigation of the saloon business at the various camps disclosed the following: At 3 camps there are no saloons; at 25 camps there are a total of 32 saloons, of which 12 are located on company land. At camps where saloons are on company land there is in no case more than one, and in no case, except at Starkville, are there any other saloons where one exists on company land. There are seven camps where we own all the land within reasonable distance and no saloon could be started. These camps are as follows: Cornell, Tercio, Primero, Morley, Floresta, Coalbasin, and Marion. At these camps there is now one saloon each, except Cornell. At six of our camps where there is now one saloon each on company ground, there is ground owned by other parties sufficiently close to operate a saloon and derive the same benefit from our men as though the saloon were on our ground. These camps are Starkville, Berwind, Rouse, Cameron, Walsen, and Gulch. In the event of our closing all saloons on company land, there are nine camps where we should provide amusements of some sort to take the place of the saloon as an evening loafing place. These camps are as follows: Tercio, Primero, Morley, Rouse, Cameron, Floresta, Coalbasin, Gulch, and Marion. This is especially true of Floresta and Marion, where there are many of our men living

in shacks and dugouts almost without light or heat, and where there is no place for them to spend their spare time except at the saloon. At these nine camps I would recommend an amusement hall where soft drinks, sandwiches, cigars, and candy be sold, and pool tables or bowling alleys, or both, be put in. The present saloon building could be used for this purpose. The operation of the amusement halls could either be put in charge of the sociological department, or an amusement company could be organized, allowing employees to hold the stock, and be run by a manager under the general direction of the manager of the fuel department. I am satisfied if properly managed this department would be self-sustaining.

At the 12 camps where saloons are on company land, there are four cases where the buildings are owned by the company, and eight cases where they are owned by the saloon keeper. The camps where the company owns the buildings are Tercio, Primero, Walsen, and Coalbasin. The camps where the saloon keeper owns the buildings are Starkville, Morley, Berwin, Cameron, Florests, Gulch, Rouse, and Marion.

My files show that in only three cases we have a written contract with the saloon keeper. These are Primero, Morley, and Cameron; but I think there is a lease at Tercio. The lease at Primero provides that three days' notice in writing be given the lessee to quit, and if the lessee so elects the lessor agrees to purchase all the furniture, fixtures, improvements, and stock placed on the premises by the lessee, or such part thereof as the lessee may require.

The lease at Morley provides for three days' notice in writing to the lessee to quit, and binds the lessor to pay the lessee the balance due him on the building which has not been previously paid by accrued rent at $200 per month.

The lease at Cameron provides for 30 days' notice in writing to the lessee to quit, and if such notice is given within two years from date of the lease (Apr. 8, 1908), the lessor agrees to pay for the building, or if the lessee prefers to remove it, the lessor shall pay for the removal. This lease also provides that lessee shall not, without written consent of the lessor, carry on any mercantile business on his land which adjoins the company land. This lease was made for the express purpose of preventing the lessee, Virgil, from starting a store or saloon on his adjoining land, where the company could have no control as to closing hours, etc., and from a purely business standpoint the saloon will do us less harm in its present location than if removed across the line to Virgil's own land.

This also applies to the saloon at Rouse, where the concern operating the saloon have a saloon building idle just outside our land, into which they could move at a day's notice and conduct their business as they see fit. They would no doubt be pleased to receive a notice to quit if they knew no one was to occupy the building on company land, as they could then keep an open house at all times and conduct gambling, which our present restrictions prevent their doing.

It is worthy of note that where the company have been able to control the saloon, there is but one, while at other camps there are from 1 to 11.

Before it is decided to remove the saloons I think it would be well to consider further the cases of Rouse and Cameron, as the circumstances are such that their removal, in my judgment, might work a serious injury to the company.

I inclose herewith a list of camps showing number of saloons at each place and their location.

Yours, very truly,

E. H. WENTZEL.

Camp.	Not on company land.	On company land.	Camp.	Not on company land.	On company land.
Tercio		1	Coal Creek	3	
Primero		1	Rockvale	2	
Segundo	11		Frances		
Frederick	1		Brookside	5	
Engle	10		Water	3	
Starkville	9	1	Crested Butte	8	
Morley		1	Florests		1
Engle	5		Coalbasin		1
Berwind		1	Redstone	1	
Tabasco	1		Gulch		1
Rouse		1	Marion		1
Cameron		1	Carbon	1	
Walsen		1			
Primero	5		Total	70	12

COMMENTS ON THE FOREGOING LETTER.

By E. S. Gaddis.

1. There is no truth in the assertion that the absence of camp saloons does not reduce the drinking habit so long as outside saloons are allowed to operate near by. At Tercio men would have had to travel about 5 miles before reaching the confines of company property.

2. The company in furnishing camp saloons makes it easy to debauch and wreck their employees. They assume the personal responsibility for the ruin of some of their otherwise best workmen.

3. Saloons closed during the strike increased the daily tonnage from 10 to 15 per cent.

4. Bowers told me after the strike no company saloon would again be opened if Weitzel would agree that it should be so. Weitzel did not concur with this proposition. Avowedly a temperance man, he permitted one of the worst saloons in Colorado to reopen at Rouse; and this in the face of the fact that 1 mile away, off the company property, this same Italian proprietor was operating another saloon.

5. For several days after pay day where there are camp saloons the superintendents are not expected to produce the normal amount of coal. The men are "blowing in" their hard-earned wages.

6. The camp saloons, supposed to be "controlled" by the company, are allowed to violate every statute of the State that interferes with business. Children are made to "rush the can" in camps in violation of the statute which forbids children to enter a saloon, except with parents.

7. Weitzel has justified Sunday opening to me on the ground if not allowed men would go out of camp and get into trouble. Another superintendent excused gambling, which was robbing men of a large percentage of their wages, on the grounds—the same sort of reasoning may have influenced assistant general manager of fuel department, when we told him of the shameful, brazen actions of a harlot at Segundo; he said: "And I don't give a damn."

8. A pit boss at Primero was allowed to drink so hard that, making over $100 a month, he kept his family in dire want; finally ran away and deserted his wife. The camp raised a purse and sent the wife and children back to Virginia. Mr. Payne, the proprietor of the joint, was paying a rent of $1,500 a year on a building that cost the company $5,000; and, of course, his business must not be interrupted.

9. Welborn stated to the Federal Industrial Commission sitting in Denver in December, 1914: "We rent those places to saloon keepers at a monthly rent which, in the course of 8 or 10 years, would not reimburse us for the original cost of the building plus depreciation and repairs.

10. It is estimated that the drinking miner gives the saloon as high as 80 per cent of his wages at some camps.

11. Dr. W. V. Gage, camp physician at Primero during the strike, has thus committed himself in a written report which Mr. Welborn said ought not to be published at the time it was written, i. e., during the strike: "The very fact, however, that both civil and military authorities have considered it advisable to place whisky out of reach is argument enough regarding its policy as a 'hell raiser.' The ban was first placed upon whisky; the delivery of arms was looked upon as a secondary matter. As camp surgeon, I have become satisfied that a debatable portion of mine accidents are due because of recent or remote alcoholic indulgence." Dr. Gage informed me that accidents decreased about 50 per cent at Primero while the saloon was closed. In our report to the officials for May, 1914, we said: "In the name of a long-suffering God and for the good of innocent wives and children, which the saloon robs and ruins, we plead for saloonless camps."

12. Money for saloon purposes in C. F. & I. camps is an easy and large source of income.

E. S. GADDIS ON THE PRESENT STATUS OF THE SALOON SITUATION IN EIGHT CAMPS OF THE TRINIDAD DISTRICT.

SEPTEMBER 22, 1915.

Primero.—Population, 700. Building and grounds owned by C. F. & I. Co. The "only social center for the camp." On Sabbath, September 21, the back door of this place was open and men were passing in and out. The nude pic-

tures of women that decorate the walls of this are said to be making the proprietor a rich man. Some of the pitiful results of the work of this place have come under our personal notice.

Segundo.—Population, 1,000. Nine saloons not situated on C. F. & I. ground. Old town has 15 saloons, making 24 for this territory.

Tercio.—Has one saloon; building and ground owned by C. F. & I. Co. No other rendesvous for social purposes. A Sabbath baseball excursion party at this camp a few weeks ago secured sufficient liquor to add drunkenness to their desecration of the Lord's day.

Valdez.—Population, 400. Has three saloons not on C. F. & I. property. The State statutes on week-day closing hours; the Sabbath law, which requires closing from 12 o'clock Saturday night until 6 o'clock Monday morning, are undoubtedly violated with impunity. The marshals of the C. F. & I. should be compelled to cause a wholesome respect for law.

Segris.—Population, 1,000, with 85 per cent Italian. Has 12 saloons, or 1 for every 17 of the male population. On general principles we aver the statement that they are violators of the laws made to control them.

Starkville.—Population, 1,400. Has 12 saloons. Selling to minors should be strictly prohibited in all camps, both closed and open. The custom of small children rushing the can for the parents is an open and flagrant violation of the State statute; can only result in harm to the child.

Morley.—Population, 507. One saloon building, one of the best in camp, owned by the C. F. & I. Co. We are quite sure if those operating this place will be made to respect the State laws great good will result to the unfortunate habitues.

Berwind.—Population, 650. Two saloons not on company territory. The only comfortable place for men to lounge.

Tabasco.—Has one saloon, with a population of 550. The owner, Mr. Cox, is reputed to receive $250 per month for the building. The operator of this place has been frank enough to say that if the laws were enforced it would put him out of business. The C. F. & I. are responsible.

GARDS'S REPORT TO BOWERS CONCERNING FORCED SABBATH LABOR, ETC.

[The Colorado Fuel & Iron Co., Minnequa Hospital, Pueblo, Colo. R. W. Corwin, M. D., chief surgeon.]

Mr. I. M. Bowers,

Chairman Executive Board, Colorado Fuel & Iron Co.

DEAR SIR: The charge against large corporations that where their wealth is produced there is the least evidence of it in the way of improvements should be removed. It is an axiom in social work that whatever helps the environment of the man is calculated to raise him in the scale of labor. Permit me to present to you some needed progressive moves from the viewpoint of the chaplain.

Primero.—A social settlement house is very much needed in this camp. The plans and specifications we have presented to you. The hotel should be enlarged and steam heated throughout. The nude pictures in the saloon building should be removed and the proprietor made to observe the laws of the State in the management of his place. If saloons are a camp necessity, it would be infinitely better for the company to hire a man to run them under strict rules than to farm out the privilege to human ghouls, who grow rich on the weakness of their unfortunate brother.

Segundo.—A social settlement house at this camp will meet a long-felt want. The present one is entirely inadequate for the situation. Steam heat for the hotel bedrooms will make it possible for men to enjoy their rooms in severe weather and also help to keep them from the liquor vampires, who will have their places well warmed and lighted for their customers.

Tercio.—More than six months ago a chapel was promised this camp. There is a very general wish that it might soon be completed. The public school hall is hard to reach, impossible to heat properly in very cold weather, and is so much used for other purposes as almost to destroy the good influences which should be cultivated when public worship of God is sought. The people have a fund ready to use in furnishing the chapel. A new hotel building is much needed in this camp. The hotel in Tercio is a paying institution, and if a modern building heated with steam in all the rooms would be erected it would be well patronized. A social settlement house as a substitute for the saloon is

in demand. We earnestly recommend that Tercio be made an experiment camp with no saloon. We believe that one such camp at least in each district will prove beyond doubt that it will be one of the best producers, and be filled with families who wish to raise their children under conditions which can not prevail where the saloon is allowed a free hand. Juanita camp, on the western slope, has been without a saloon for about 10 years and is filled with the best workmen of that district.

Frederick.—A social settlement house with large hall is very much desired by those who live here. The Knights of Pythias have agreed to rent such a hall as soon as constructed. Other societies would also like the same accommodation. There is no place in this camp for men to gather except the saloon. All the barber shops are in connection with saloons. The young men are being injured under these bad conditions. A chapel for the exclusive worship of God is the wish of the people of this community.

Sopris.—There are four camps or villages in this neighborhood and no Protestant church building; only one Sunday school at Sopris. A chapel is one of the most urgent needs of this camp. A social settlement house and a new steam-heated hotel will prove paying investments from the very first. An Italian deaconess to work among the people of her own race, teaching them how to live in this world and to prepare for the world to come, would be a boon to these now very degraded families. The chaplain could use such a worker as an interpreter in preaching and otherwise. The most crying need of all foreigners in the mining camps is the grace of God and the salvation of Jesus Christ.

Starkville.—A social settlement house for this village will do more to stop the wreckage of the present undisputed sway of the saloon than almost anything else. A hotel building controlled by the company would meet a needy situation, and also be a paying enterprise.

Morley.—A chapel for this camp will relieve those who wish to attend church from meeting in the hall where dances are regularly given. Steam heat in the hotel bedrooms is very greatly needed, and a social settlement house.

Berwind.—In normal conditions this canyon has a population of about 2,500 people. The only Protestant church building is a shack used by the colored people. A chapel would do much to tone up the low normal type of life, which is in the ascendancy. A social settlement house with a large hall will meet the needs of this place. Steam heat in the hotel bedrooms will afford comfort for the lodgers. The Saturday night dances should not be permitted to continue until 4 o'clock Sabbath morning. This order should be enforced in all the camps.

Walsen.—A chapel and a social settlement house will meet a need which is made evident by the recent strike trouble. Men and their families can then be properly cared for inside the company line.

Cameron.—A chapel and social settlement house for this growing, prosperous camp will give an equipment that will prove to the miner the company has his highest good in mind.

Rouse-Lester.—Chapel and social settlement for this large camp will make those who live there much more contented, as well as more efficient as employees.

GENERAL NOTES.

Many of the miners have told me they did not wish to labor on the Sabbath day. They are forced to do so under threat of discharge or loss of good place in the mines. The foreigners in some of the camps report under such orders on Sunday and lay off on Monday. There is a disregard of the holy Sabbath which is very deplorable. It could be easily remedied. This would give the hard-worked miner a rest of his body and a chance to cultivate the religious nature.

The box-car shacks in many of the camps are unfit for the habitation of human beings and should be taken down.

Coke braize in the camps for both sidewalks and wagon roads would do much to prevent the very muddy passageways now so frequent to contend with. The water at Sopris, especially in the summer season, is so full of sediment as to be unfit for use without a filter or other processes.

LETTER FROM CAMP ROUSE ON SALE OF LIQUOR TO MINORS.

ROUSE, COLO., *January 30, 1915.*

Mr. E. S. GADDIS,
Trinidad, Colo.

DEAR SIR: I have your letter of January 26 regarding exhibit and will have same in your hands by March 1. Also, I will arrange to make some change in the financial end of the Sunday school, as you suggest.

I would like to call your attention to the fact that our State law regarding the sale of tobacco to minors is being violated by the Colorado Supply Co. here. I have seen the clerks sell tobacco to boys under 16 several times without a written order from the parent. The law is found in the Colorado Revised Statutes, 1908, section 601. If you could take this up with the official heads, great good would be done, I am sure.

Another very bad feature is the way Mauro permits young boys under age to frequent his saloon and even to drink, and I have seen several young fellows not more than 16 years drinking liquor in the saloon. This ought to be stopped at once, as it is corrupting the boys a great deal faster than all the other interests can benefit them.

A certain person suggested that I report these conditions to you, instead of protesting to Mr. Wilson or Mr. Mauro, as you could bring some influence to bear from higher up.

Please consider this letter as confidential, as I am so placed that I have to depend upon these people for many favors and conveniences, and they could make it very unpleasant for me if they chose to do so.

NOTE.—We notified Mr. Kellogg, an official of the Colorado Supply Co. at Denver, that Rouse store was illegally selling tobacco to minors. He sent me a copy of his letter to the store manager of that camp, in which he informed him that such transactions should be stopped.—E. S. Gaddis.

GADDIS'S LETTER TO WHITNEL AND WHITNEL'S REPLY CONCERNING SALE OF LIQUOR TO MINORS AT ROUSE.

FEBRUARY 3, 1915.

Mr. H. H. WHITNEL,
Gen. Mgr. Fuel Dept., C. F. & I. Co., Pueblo, Colo.

DEAR SIR: Mauro, the Rouse saloon keeper, not only permits boys at the age of 16 to frequent his damnation shop, but actually sells them intoxicating liquor. From what I observed on a recent visit to that camp, I can not doubt but that he is selling hell in solution on the Sabbath day. "And if it shall appear that a person or persons not employed in and about the business as aforesaid shall be permitted to remain in the said saloon or other place or places aforesaid, such fact shall be prima facia evidence in favor of the guilt of the accused party or parties." This quotation makes the presence of persons in a saloon a violation of the law.

A word from you will stop this outrage upon the boys of the camp; also protect the holy Sabbath.

Cordially, yours,

E. S. GADDIS.

THE COLORADO FUEL & IRON CO., FUEL DEPARTMENT,
Pueblo, Colo., February 4, 1915.

Mr. E. S. GADDIS,
Trinidad, Colo.

DEAR SIR: I have your letter of February 3 in regard to matters at the Rouse saloon.

If you can furnish evidence to support your statements, I will be glad to enter complaint in the district attorney's office against this man. Please advise what your evidence is.

Yours, truly,

H. H. WHITNEL.

E. S. Gaddis's Comments on Weitzel's Answer on Sale of Liquor to Miners at Rouse.

1. For me to have given names of my informants to Weitzel would have probably effected their discharge.

2. The use of telephone from the office of the general manager of the fuel department would have secured more "evidence to support (our) statements" than he would have known what to do with.

3. Mauro, the proprietor, was taken on an auto trip to Ideal and presented as a "leading man" of that whole community, Weitzel, Matteson, and Griffith (the mediator) being his sponsors. He is the treasurer of the local school board, which puts camp approval upon him and his murder mill.

Bowers's Letter to Gaddis on Exclusive Religious Rights at Sunrise, Wyo.

The Colorado Fuel & Iron Co.,
Denver, Colo., January 9, 1915.

Dear Mr. Gaddis: Your favor of the 8th is at hand. In regard to other than the Presbyterian denomination using the church at Sunrise, allow me to say that before the church was built the Methodists had an organization and occupied the hall on Sundays. They failed completely at Sunrise and gave it up, although I undertook to arrange with them to hold the location.

The Presbyterians applied for the privilege of reopening the services and starting a Sunday school in the hall, which was granted; and they made a success of the enterprise to the extent that we built the church for them, which is a Presbyterian church, and one-half of the pastor's salary has been paid by the board in New York City, with the understanding that we would not build or permit to be built another church at Sunrise unless the town became very much larger and two denominations were needed.

I believe the elders are right in their refusal to allow any other denomination to occupy the church as long as the home mission board in New York is backing the undertaking.

You see it is different than if the church was self-supporting, in which case it would be a matter for the church officials to pass upon.

The hall which used to be used for church services, and is now, I think, used by the Catholics, could be secured, I presume, by any other denomination wishing to hold services there, but I would not be inclined to encourage such a move.

In regard to a conference with you, I will say that it is impossible, as I am to return to New York at once. Hereafter please address all communications intended for this office to President Welborn.

Yours, very truly,

L. M. Bowers.

Rev. E. S. Gaddis,
Care of Colorado Fuel & Iron Co., Trinidad, Colo.

Schenck's Questionnaire and Replies by Gaddis.

The Colorado Fuel & Iron Co.,
Office of Chaplain,
Trinidad, Colo., May 19, 1914.

Mr. C. M. Schenck,
President Colorado Supply Co., Denver, Colo.

My Dear Sir: In answering your list of questions, I beg to submit the following, referring to the following extracts from an article by W. T. Davis in the Outlook of May 9, 1914, on "The conditions in the strike region," which, for convenience in answering, I have numbered and paragraphed:

1. "From Tabasco the nearest railway is 2½ miles from the station. At half-mile intervals up the gorge are Berwind and Tollerburg." Are these distances approximately correct?

Answer. Yes; they are.

2. "It is 35 miles to a flower, a tree (save the scrub pifion high up in the hills), a lawn, a park, a yard, or a running stream. The same distance must be traveled to purchase a newspaper, to attend a play, or to enjoy access to a reading room." What is the distance from Berwind to Trinidad; and how about his other statements?

Answer. From Berwind to Trinidad is about 16 miles. One of the prettiest camp flower yards I have ever seen was in Berwind last summer. There are at least 30 English daily papers taken at Berwind, the same number at Tabasco, besides numerous daily and weekly foreign papers. The Saturday Evening Post is sold by boy carriers in both camps each week. Except in dry season there is a running stream through Tollerburg, Berwind, and Tabasco.

3. "There is only one place of public resort, the saloon. Once a month a traveling evangelist or a Jesuit missionary visits the camp for a day and returns to his headquarters. Occasionally an itinerant moving-picture man gives a show in the schoolhouse." Are these the facts? If not, what are the facts?

Answer. Sabbath school is held every week unless prevented by storms, strikers, etc.; public worship and preaching service is held about once a month. A weekly motion-picture show is well attended at the Berwind schoolhouse. The saloon and the store are the two public lounging places.

4. "The houses provided by the companies are nearly all shabby, ugly, and small. There are some houses with four rooms, even a few with five, but houses of two or three rooms are far more numerous." How many company houses are there in Tabasco of each, five, four, three, and two rooms? And how many of each in Berwind?

Answer. There are 95 houses at Berwind; 35 of these are cement and 60 frame; well-built and neat-looking cottages. The number of rooms in each house is about as follows (these figures were received by phone, and I am not certain of them): Three six-room houses, 5 five-room houses, 2 three-room houses, 1 two-room house, about 30 four-room houses. I was unable to get figures on the house situation at Tabasco. There are some old shacks in Berwind that should be immediately taken down. They are unfit for human habitation and make a very bad impression on visitors.

5. "There is absolutely no sanitation worthy of the name. Refuse from kitchen, sick chamber, laundry room, and stable is dumped promiscuously in and near the camp." To what extent is this true of Tabasco and also Berwind?

Answer. The charge Mr. Davis makes here, I regret to say, is very near the truth, so far as Berwind and Tabasco are concerned. I know of no camp where such generally insanitary conditions prevail. I have reported these conditions somewhat in detail to the surgeon general. Drastic action is needed to relieve this very bad situation.

6. "Company wagons peddle it (water) to the people, selling it at 25 cents per barrel." Is this true of either Tabasco or Berwind?

Answer. It is not true of either of these camps, but water is sold by the barrel at Camp Lester.

7. "Contagious and infectious diseases are unusually prevalent." How about this?

Answer. Typhoid and scarlet fever are common; other contagious diseases are rare.

8. "The State laws for the protection of men's lives are disregarded by both employer and employee. The law provides that men may choose their checkweighman, and that they shall not be forced into purchasing supplies from company stores. These and other laws regulating mining are constantly ignored." Do you know of a single instance where an employee of the C. F. & I. Co. was forced in purchasing supplies from a Colorado Supply Co. store at Tabasco, Berwind, or elsewhere? If so, give full particulars.

Answer. Many miners claim it was equivalent to being "canned" to ask for a checkweighman; I have never tried to prove their charge. Several miners have informed me they were told under threat of discharge to patronize the company store only. I have never tried to verify their statement. I have been credibly informed that miners insist on breaking the State laws which make "safety-first" action imperative.

9. "The land in the villages is all owned by the company. In every village the company owns at least one building which is used as a saloon. The saloons are farmed out to men who prove, in most instances, to be the very worst of characters." Just where in Tabasco and just where in Berwind is

is there a saloon on ground owned or controlled by either the C. F. & I. Co. or the Colorado Supply Co.; and in each instance how long has the saloon been running?

Answer. The saloon for Berwind and Tabasco is not on company ground. It is owned by Joe Cox, who is said to receive $250 per month for the rent of the building. In the following camps the building and lands are owned by the C. F. & I. Co.: Primero, Tercio, Valdez, Morley, Walsen, Gulch, Lime. At Rouse the building is owned by the saloon operator, but the ground is the property of the C. F. & I. Co. I know of no greater curse than the average camp saloon; its continuance is unnecessary; its utter annihilation would bring great blessing and relief to the camps.

10. "In nearly all these towns the people are deprived of any participation in the affairs of their own little public." To what extent is this true at Tabasco and to what extent at Berwind?

Answer. Building improvements in closed camps are for good reasons not made a public concern. American citizens can exercise the right of franchise at Berwind and Tabasco and all other camps.

11. "The ordinary educational facilities of civilized communities are either defective or wanting in mining communities. However, of all the schools in the mining villages only one, so far as the writer could learn, does as high as eighth-grade work." Is this true at Tabasco and Berwind? If not, how many pupils completed the eighth-grade work in Tabasco and Berwind schools during the year ended June 30, 1913? Who are the present teachers in this school, and what qualifications has each for the position held?

Answer. All the C. F. & I. camps have furnished eighth-grade graduates; all of the schools do not have such graduates each year. For instance, in 1912 Berwind and Tabasco had three such graduates; in 1913, none; in 1914, six eighth-grade graduates. These figures were kindly furnished me by the county superintendent. For further refutation of Mr. Davis's very inaccurate statement see inclosed letters from the two county superintendents.[1] The teaching force at Berwind and Tabasco schools last year were the two Misses Wiles, Miss MacDougal, and Miss Ciarns. They all hold first-grade certificates, which is the highest qualification given to a teacher, except a normal diploma. The first-grade certificate is good for three years and may be renewed for the same length of time without examination.

12. "Facilities for instruction and inspiration in matters pertaining to private and social ethics are very meager indeed." What have you to say to this, in so far as it applies to Tabasco and Berwind?

Answer. See reply to question No. 8. Furthermore, I must agree with Mr. Davis that "matters pertaining to private and social ethics are very meager." I would suggest that a competent man, whose name I can furnish on application, go from camp to camp, forming classes of English for the foreigners, giving them public instruction on sanitary lines, and teaching them the requisite fundamentals of patriotism and good citizenship.

13. What is your full name, age, occupation, and present place of residence?

Answer. Eugene S. Gaddis, minister of the gospel in the Methodist Episcopal Church; present occupation, superintendent of religious and social welfare work for C. F. & I. Co.

14. How long have you lived in Colorado and how long in the Tabasco and Berwind community?

Answer. One year.

15. Have I your permission to use your answers in any such matter as I may see fit to use them?

Answer. You have full permission to use all answers to the questions herein submitted. I do not wish you to make public use of my name, or reference to my office in such a way as to make me appear an open antagonist of the strikers' cause. To take such a course at this time is simply to invite personal violence, and jeopardize possible usefulness among them in the future.

Cordially, yours,

EUGENE S. GADDIS.

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[1] Not furnished.

EXTRACTS FROM DR. MACLEOD'S ARTICLE IN CHURCH CHIMES, ISSUED AT PUEBLO OCTOBER, 1913.

(Church Chimes. Official organ and monthly interchurch news-letter of the synod of Colorado. M. H. MacLeod, editor 1024 East Eighth Street. Vol. X, No. 10. Pueblo, Colo. October, 1913.)

COLORADO COAL-CAMPS CAMPAIGN—CONDUCTED UNDER THE AUSPICES OF THE PRESBYTERY OF PUEBLO BY THE IMMIGRATION DEPARTMENT OF THE BOARD OF HOME MISSIONS—A MISSION TO THE IMMIGRANTS IN SOME OF THE MINING CAMPS OF THE SOUTHERN COLORADO COAL FIELD.

The movement under review in these paragraphs is referred to in the New York office of the board of home missions as the Colorado expedition. But locally it is more popularly known as the Colorado coal-camps campaign. It shall be so named in this review and survey. An official report, or general bulletin, covering the activities and findings of the campaign will be issued by the immigration department of the board of home missions. In response to insistent inquiries as to present conditions in the coal camps, I advance these preliminary presentations. They are purely personal impressions and unofficial observations.

The scenes of the summer activities here reviewed are at present included in the zone affected by the miners' strike called September 23. This facts lends weight to a desire for immediate light on the results of the inquiry, examination, and investigation recently made. And the further fact that "the immigrant" is a vital topic in a home-mission-week (Nov. 16-23) program justifies the preparation and presentation of any material bearing upon a study of that subject in its local setting.

The Colorado coal-camps campaign had its genesis in appeals made in the fall of 1912 by the presbytery of Pueblo to the immigration department of the board of home missions for a specific mission to the increasing population of alien immigrants within its bounds. These appeals were cordially and speedily granted. Early in the summer of 1913 the campaign was under way on the field. An intensive, not an extensive, policy was committed to it.

The field chosen for its service was the southern Colorado coal camps, the most extensive and most widely operated coal area in the State. This lies in contiguous parts of Las Animas and Huerfano Counties. Forty or fifty individual coal camps, ranging in population from 200 to 1,500 are located and maintained in a scope of country less than 50 miles square. The term "camp" is sometimes a misnomer. An apology for the common, but often erroneous, use of it will be made later. The individual mines in operation outnumber the individual camps. In many camps two or more mines may be found open and in operation. In these mines about 10,000 miners are employed. These camps have an aggregate immigrant population of 25,000. This constituency is distinctly dependent upon the mining and coking activities.

It may be relevant at the outset to note that mining and coking activities in Colorado made recent rapid advances both in the number of men employed and in the amount of coal produced. Accurate available figures prove the truth of this proposition. In the year 1900 there were 7,450 men employed, but by the year 1910 the number of miners had increased to 15,804. The amount of coal produced in the same decade increased from 5,244,904 tons in 1900 to 11,873,730 tons in 1910.

The bulk of this growth has been in the southern Colorado coal field. These figures are not only a history, but also a prophecy. We may confidently expect the ratio of growth to increase. The material supply is inexhaustible. The industrial demands upon it are multiplying. The problem that this situation thrusts upon us to-day is but an earnest of a problem to abide with us for ages. If it were ephemeral, we might be persuaded to ignore it.

Another point germane to our consideration is the fact that the increased army of employees will be recruits from the type of aliens nationally referred to as the new immigration. The demand for this body of labor will not be supplied by the American. Neither does this occupation, hazardous and menial, longer appeal to the older stock of foreigners. Our observation of the coal camps situated in Colorado has extended over a period long enough to witness the retreat of the remnant of an old type of immigrants before the steady advance of the increasing army of the new immigration. We know its effects upon our industries. We may view with alarm what is to be its effects upon our institutions, upon our morals, and upon our religion.

Pardon me if I now call to mind the days of my first acquaintance with the coal camps within the bounds of the presbytery of Pueblo. In those days we had a number of Presbyterian churches in the mining sections. Our coal-mines constituency was not neglected. But in those days that coal-mines constituency consisted of English, Scotch, Welsh, and Irish—immigrants in a sense, but an immigrant class akin to ourselves in blood and speech. I recall the time when less than one-fifth the coal-camps population was of foreign complexion and strange tongue. Since then the alien immigrant in increasing numbers took the places of our former acquaintances in these industrial centers.

The character of this immigrant constituency of our coal camps is widely diversified as to nationalities. On the pay roll of some individual mines as many as 20 nationalities are represented. It is obvious that in all the camps 40 or 45 different nationalities are to be dealt with. Italians are in the plurality and are strongly in the majority in the coking camps. Slavs (the cognate divisions are many) are next in numerical strength. Austrians and Hungarians follow. Russians and Greeks have their quota. Roumanians and Lithuanians are represented. The minor lists of non-English-speaking peoples are many and may be omitted.

Passing from a recital of what the campaign corps gave to, or left with, these communities, I come to an inquiry as to what it found as a prevailing religious situation. What types of permanent ministry to the evangelical churches giving these immigrant communities? That answer is: None; absolutely none. This may appear as a terrible indictment of our Christian churches. It brings us face to face with a condition which we should count impossible.

I am not including the Roman Catholic church in my enumeration. It has a number of organizations and several edifices. The organizations are weak and the buildings unpretentious. But apart from that a half a hundred coal camps in southern Colorado may be searched in vain for a church organization in which the immigrant is a unit, or for a church building to whose services he is invited. Indeed, with few exceptions, Americans and aliens are alike criminally neglected by the Christian churches.

COLORADO FUEL & IRON CO.'S CAMP PHYSICIANS' REPORT TO THE SURGEON GENERAL DURING THE SUMMER OF 1914.

Circular letter to the camp physicians from the Surgeon General, Dr. R. W. Corwin, at Pueblo, Colo.:

DEAR DOCTOR: I am desirous of learning more about the welfare of the camps.

1. ABOUT THE SALOON.

a. Have you a saloon or saloons in your camp?
b. Where located?
c. Who owns the ground and building?
d. Has the company control of, or equity in, the ground, building, or management?
e. Give any additional information regarding the saloon problem.

2. SCHOOL.

a. What grades are taught?
b. How many teachers?
c. What certificates do they hold?
d. How well are the teachers qualified for their work?
e. How many rooms, and number of pupils in each?
f. What do the teachers do indirectly for the pupils; i. e., assistance or amusements outside of required school work?
g. Any further information regarding school?

3. AMUSEMENTS.

a. What is done for the amusement or entertainment of the people?
b. Is there no place but the saloon for the men to congregate?
c. Any further information?

4. Religious Work.

a. Have you a church or churches? If so, kind and how many?
b. Sunday school, how often?
c. Where do they hold exercises?

5. Sanitation.

a. General condition.
b. What disposition of house refuse.
c. What are the water-closet arrangements?
d. How well are these cared for?
e. What is the source and condition of the drinking water?
f. What is the source of the food supply and how good are the sanitary precautions?

6. Houses.

a. How many two-room buildings? Condition?
b. How many three-room buildings? Condition?
c. How many four-room buildings? Condition?
d. How many five-room buildings? Condition?
e. How many buildings unfit for occupancy?
What improvements are being made?
What improvements do you recommend?

I wish a frank, unprejudiced, and conscientious statement that will stand the test or criticism by friend and foe.

I trust you appreciate why I am asking these questions at this time. I know it is a tax upon your time, but we need the information. I wish it by July 1.

Very sincerely,

R. W. Corwin.

Primero Camp Physician's Report.

June 27, 1914.

Dr. R. W. Corwin, Chief Surgeon,
Pueblo, Colo.

Dear Doctor: Replying to yours of the 15th, relative to camp conditions generally, would say as to—

1. Saloons.

a. Yes.
b. Three hundred feet from school.
c. C. F. & I. Co.
d. Do not know.
e. Whole camp better off morally, mentally, physically, and financially since saloon closed.

2. School.

a. Eight grades.
b. Three.
c. Miss Hughes; New York State and county. Miss Ring and Miss Murphy; county certificates.
d. Miss Hughes and Miss Ring are well qualified, but I think Miss Murphy's mental condition should be looked into before she is given work next year.
e. Three rooms and about 85 pupils.
f. All put in quite an amount of time, besides investing their own money on school entertainment.
g. Opportunity for work above the eighth grade should be given pupils.

3. Amusements.

a. Nothing except moving pictures.
b. No.

4. Religious.

a. One church, used by both Protestants and Catholics.
b. At irregular intervals, from 6 to 40.
c. Each Sunday.
d. In the church.

5. Sanitation.

a. Strictly speaking, there are no sanitary measures. Ashes are hauled away and lime sprinkled in the closets.
b. Taken with the ashes, if convenient.
c. Vaults are filled when full, and new ones dug.
d. As stated.
e. River. Good when filtered, but process too slow.
f. No store nest. No knowledge of sanitation.

The mine office has promised me an answer to your sixth question and same will be sent with this.

To further explain some of the answers upon the first sheet, will say as to sanitation: I believe that a clean camp would be more than welcome, but up to now work in a sanitary way has been about as successful as the preparation of a patient for an abdominal operation would be in the hands of the cheapest man the camp could find to do the work.

I wish to call your attention to the fact that, in spite of primitive sanitary measures and a doubtful water supply, there have been but two cases of typhoid in four years, and only one serious epidemic, i. e., scarlet fever.

The store gets a portion of its meat from the ranches north of the camp, and same is purchased without knowledge as to health of the animal killed. I believe that some of the ranchers would consider it a huge joke to sell diseased beef to the Colorado Supply Co., and besides this there is the diseased carcass sold innocently.

As to Miss Murphy, several times while here she showed very peculiar mental symptoms, including loss of memory for events over short periods of time. Her family history shows two or more cases of insanity.

Houses: We have 44 houses vacant at this time, of which 27 need plastering badly; 15 are in good condition, and 2 in fair condition; the houses that are occupied are in good shape. There are two-room houses, none; three-room houses, 43; four-room houses, 105; five-room houses, 1; six-room houses, 19; seven-room houses, 1.

Faithfully, yours,

W. V. Gage.

Segundo Camp Physician's Report.

June, 1914.

1. About the Saloon.

a. Have you a saloon or saloons in your camp? Yes.
b. Where located? Four in Frederick; three across the track from the store, 200 yards from same; one located in the shacks; four between Segundo and Frederick, on the other side of railroad track; four between Segundo and Frederick, on same side of railroad track as camp; seven in Old Town, on county road, within a radius of 300 yards of the company washers.
c. Who owns the ground and building? 1. Frank Oreka, owner of saloon and building. 2. Putaturo Bros., owner of saloon; Pells Brewing Co., owner of building. 3. B. Sarracino, owner of saloon and building. 4. Phillip Zanoni, owner of saloon; C. F. & I. Co., owner of building. 5. Sam Barranco, owner of saloon and building. 6. Angelo Glorioso, owner of saloon and building. 7. Nick Ringo, owner of saloon and building. 8. Frank Maino, owner of saloon and building. 9. Phillip Mauro, owner of saloon and building. 10. Jim Gatto, owner of saloon; Tony Dambrosia, owner of building. 11. Lorenzi, owner of saloon; Coccimiglio, owner of building. 12. Frank Allchio, owner of saloon and building. 13. Pisenzonti, owner of saloon and building. 14. Slavish man, owner of saloon; R. E. Lee estate, owner of building. 15. Joe Manino, owner of saloon and building. 16. Fred Forte, owner of saloon and building. 17. Joe Pedri, owner of saloon and building. 18. A. Gargaro & Son, owner of saloon and building. 19. Joe Pelligrini, owner of saloon and building.
d. Has the company control of or equity in the ground, building, or management? Yes; in one located in the shacks at Frederick. Since the soldiers have arrived and closed the saloons the license in this one has expired and fixtures removed from building.
e. Give additional information regarding the saloon problem. Too many saloons for the number of people working. Some saloon men resort to irregular methods to get trade and all will sell liquor to habitual drunkards and minors.

1. School.

a. What grades are taught? Segundo, eight; Frederick, five; Old Town, five.
b. How many teachers? Segundo, three; Frederick, one; Old Town, one.
c. What certificates do they hold? I don't know; will let you know later.
d. How well are the teachers qualified for their work? Very well.
e. How many rooms and number of pupils in each? Segundo, 3 rooms; primary 43, intermediate 39, to eighth grade, 10; Frederick, 1 room, 61 pupils; Old Town, 1 room, 39 pupils.
f. What do the teachers do indirectly for the pupils—that is, assistance or amusements outside of required school work? Encourage outdoor games, basket ball for girls and baseball for boys, take an active interest in all entertainments, and instruct the pupils in cleanliness of body, dress, and homes.
g. Any further information regarding schools? The teachers in Old Town and Frederick have too many pupils and too many grades to do justice to all the pupils.

2. Amusements.

a. What is done for the amusement or entertainment of the people? Moving pictures, one show per week; a dance about every two weeks, and a Mexican dance about every two weeks; a clubhouse with two pool tables, a shower bath, and a barber; Christmas entertainment given by pupils.
b. Is there no place but the saloon for the men to congregate? No other except the clubhouse.
c. Any further information? A number of Italians play a ball game in the camp, and the losers of the game buy a bucket of beer. Since saloons have been closed they get a case of pop and seem to be as well satisfied. Baseball in Segundo is not much of a game; no desirable grounds to play on, and the saloons interfere with the efficiency of the players.

4. Religious Work.

a. Have you a church or churches? If so, kind and how many? One Catholic church in Old Town.
b. Church services how often and number attending? In Catholic church once a month, don't know number attending; twice a month, 20 or 30.
c. Sunday school how often? Each Sunday; Segundo, 40; Frederick, 25.
d. Where do they hold exercises? In the schoolhouse.

5. Sanitation.

a. General conditions? Fairly good.
b. What disposition of house refuse? Put in garbage boxes and taken up weekly and dumped outside the town.
c. What is the water-closet arrangement? Wooden buildings over a pit. A new pit made and building moved when necessary. Chloride of lime used freely about once a month; oftener during the warm weather.
d. How well are those cared for? About one-half of them are kept clean and doors closed; the rest are somewhat neglected.
e. What is the source and condition of the drinking water? North Lake; excellent.
f. What is the source of the food supply and what are the sanitary precautions? Meats are bought at the store and some vegetables. Sanitary precautions excellent. A number of vegetables come from ranches on the river. Sanitary precautions O. K.

6. Houses in Permanence.

a. How many two-room buildings? Condition? None.
b. How many three-room buildings? Condition? None.
c. How many four-room buildings? Condition? Forty-four; five 4-room terraces. Condition, fairly good.
d. How many five-room buildings? None. Two 6-room and one 12-room buildings; seventy-three 1-room shacks and two 2-room shacks.
e. How many buildings unfit for occupancy? The shacks are car roof, 1 by 12 inch timber, stripped; tar paper on the outside; were put up for batchers, but on account of not having enough houses a number of the families occupy shacks. These are not fit for families or children.

HOUSES IN SEGUNDO.

a. How many buildings unfit for occupancy? None.

b. How many three-room buildings? Condition? Sixty-five 3-room; average.

c. How many four-room buildings? Condition? Forty-six 4-room buildings; average.

d. How many five-room buildings? Condition? None. Fifteen 6-room houses in Segundo; condition good.

What improvements are being made? They are contemplating putting in steam heat and a number of shower baths in the hotel.

What improvements do you recommend?

1. Saloons: Cut down number of saloons and no liquor sold to habitual drunkards or minors.

2. School: Another teacher in Frederick and another in Old Town. Monthly meetings for teachers to discuss the camp school and adoption of a system best suited for camp children.

3. Amusements: A larger and better equipped clubhouse. More pool tables, reading room with papers, magazines, and games; perhaps a bowling alley. Ice cream and soft drinks. This would be self-supporting.

4. Church: Services every Sunday regularly in the morning at Segundo. In the evening at Frederick. In one or two years' time a congregation large enough to almost support a minister would be realized.

5. Sanitation: Closed metal garbage cans for scraps from the tables and kitchen and gathered up daily. Somebody could be found who would gather this and keep cans clean for the scraps obtained. The wooden boxes could be used for ashes and anything that would not breed flies. Doors of water-closets positively kept closed, and closets scrubbed once a week.

6. Houses: More houses in Frederick to house employees so that men with families would not have to live in a shack. Better if there were no shacks. The company has been holding out for a dirty house and broken windowpanes enough to have houses scrubbed and windowpanes put in.

Would recommend that enough be held out to calcimine, scrub, and fumigate the houses and clean up the yard before another family moves in, or if income from houses would justify this, let the company do it.

O. F. ADAMS.

SOPRIS CAMP PHYSICIAN'S REPORT.

JUNE 29, 1914.

R. W. CORWIN, M. D., *Pueblo, Colo.*

DEAR DOCTOR: In accordance with the conditions at Sopris, Colo., and its wants, the following answers to yours of June 25, 1914, all of which I hope will prove satisfactory and enable you to see and fill our needs.

1. ABOUT THE SALOON.

a. Have you a saloon or saloons in your camp? Yes.

b. Where located? Close to Sopris, at St. Thomas and Jerryville.

c. Who owns the ground and buildings? The following is a list of the saloon keepers in above-mentioned places and those who own the buildings, and also a list of those who do not own buildings.[1]

d. Has the company control of or equity in the ground, building, or management? The C. F. & I. Co. has no control of, no equity in, the ground, buildings, or management. There is no saloon or saloons on company property nor has it sold any lot or lots on which a saloon can be conducted in a building constructed for that purpose.

e. Give any additional information regarding the saloon problem. The saloons are fairly well conducted, there being but occasionally a few minor brawls and very few fights resulting in serious injury. At a few of the saloons an occasional dance is held Saturday night or on some holiday occasion, and it is at these events that most trouble arises. The dances as at Mrs. Verdaglio's and at the Central Saloon, conducted by Tony Rocco, are openly public, and the men in bidding for the favors of the dance girls very often, by reason of jealousy and rivalry, are liable to have considerable trouble. Very few, if any, husbands take their wives to these places, but occasionally have a dance at some of the saloons where everybody is good natured and on their good behavior, so there is rarely any trouble, and being amongst close personal friends, is soon stopped.

[1] List not furnished.

2. SCHOOL.

a. How many grades are taught? There are eight grades.

b. How many teachers? Four.

c. What certificates do they hold? Mr. E. G. Morand, the principal, holds a life certificate, first grade, as a graduate of the State Teachers' College, Greeley, Colo. Miss Catherine Casey, who teaches the first grade; Miss Frances Barnes, who teaches the second and third grades; and Miss Mabel Ring, who teaches the fourth and fifth grades, are all high-school graduates and hold first-grade certificates.

d. How many rooms and pupils in each? There are four rooms, with 60 pupils in first primary, 55 in second primary, 50 in intermediate, and 38 in grammar room.

e. How well are the teachers qualified for their work? Mr. Morand, the principal, can not be excelled anywhere, both by his qualifications as a teacher and in the interest he takes in his work and his pupils. Mr. Morand is one of the instructors at the county institute every year, and all the teachers under him also attend. Miss Catherine Casey, the primary teacher, is now taking a special training in the Montessori system, which in a modified form it is her intention to introduce here next year. All the teachers are thoroughly qualified for their work, in which they are enthusiasts.

f. What do the teachers do indirectly for their pupils? The boys in higher grades have equipped one of the clothes rooms of the school as a bank, where, as in any commercial bank, they deposit their money; the deposits last year amounting to $150, which they draw out by check, and in all other ways do as is done in any ordinary bank. The boys are given some manual training and a thorough course in first-aid work, and for this latter, as well as for other valuable qualifications, the Sopris Boy Scouts have acquired an interstate reputation. The Sopris school has the best equipment in the county, consisting of a large library, charts, and wall maps, a piano, a Victrola, a lantern with slides, a $100 hand press, which, owing to lack of funds last year, was not used, but hopes are entertained that sufficient funds can be secured this year to publish a small weekly paper. The girls are taught domestic science in all the grades from second upward. They are also taught sewing and other requirements suitable to their sex. Societies have been formed of the schoolboys of St. Thomas and Jerryville, and the canyon, their object being to prevent by advice and example, any profane or vulgar language, the reciting of nasty, vulgar stories, and in all ways the advance of moral and social conditions of its members. During the last eight years 40 finished the eight grade. Of this number 20 have gone to high school, 11 going at the present time, for which the school district of Sopris pays for the tuition the sum of $280 per year. The girls have a Priscilla Club, and this, together with the boys' club or clubs, hold social functions during the year, the parents and friends being invited, and at which the domestic science class prepares all the food. Taken all in all, our school is indeed worthy of high praise, and for the most part it is due to the principal and teachers, together with a good school board, always a necessity in the upholding and advancement of a school.

3. AMUSEMENTS.

a. What is done for the amusement or entertainment of the people? Absolutely nothing, and so far as any effort or desire being apparent, the idea has not yet shown any appearance of germination. Indeed the germ may be sterilized.

b. Is there any place but the saloon for the men to congregate? No. There is one moving-picture show here, third or fourth rate class, which charges 10 cents for adults and 5 cents for children, and the proprietor of which, it is said, soon after the strike made the statement that no "scabs" were wanted at his place of amusement. While on the subject of amusement I desire to make a suggestion which I hope may be of some value and add to the welfare and contentment of the employees here. It may be true, and I presume it is, that its success may not be such as would be expected in a community of such a mixed nationality as we have here—Mexicans, Germans, Hungarians, Slavs, Polacks, and others. These nationalities are clannish, each nationality seeking its own countrymen even in their games and amusements, but there are so many who are partly Americanized that after a while it may not be a difficult matter to break down the barriers which separate the different nationalities. I think

a good club with a library, reading and writing room, bowling alley, and a billiard and pool room combined would do much to better the conditions here. Cards and other amusements can, of course, be made incidental. There are many young men here who board here and there and during the cold winter nights have no place to sit by a warm fire; indeed half the time they are chilled through and have no place to go except to bed or to the saloon, where they can play cards or talk, but in any event keep warm. The conditions, as they exist here now, force them to the saloon, and if asked to make an apology for so doing, they have none to make; indeed they could ask what one wanted them to do—freeze. And such an answer, because true, would be confounding.

4. RELIGIOUS WORK.

a. Have you a church or churches; if so, kind and how many? There is one Roman Catholic Church at Sopris, no other denomination having any.

b. Church services, how often; number attending? Services are held once a month in the Catholic Church under the direction of Father Valentine, who comes from Trinidad for that purpose. The attendance varies from 300 to 500 or more, the latter on some special holiday or saint's day. Rev. Mr. Gaddis or Rev. Mr. Taylor hold services once a month at the schoolhouse. The attendance is small, however, owing to the mixed population, Mexican, Italian, Hungarian, and Slav, being Catholic, the Poles belonging to the Greek Church attend the Catholic Church, so the attendance at Rev. Mr. Gaddis's or Rev. Mr. Taylor's services is sometimes as low as 10, 25 being considered a good attendance.

c. Sunday school, how often? Sunday school at the Catholic Church is held once a month, the attendance being 100 or more. Rev. Mr. Gaddis's and Rev. Mr. Taylor's services are held at the schoolhouse every Sunday at 2 p. m., Mr. Herring, of Trinidad, being superintendent, assisted by Mrs. Steele, the wife of the dry goods clerk at the Colorado Supply Co. store, she playing the piano; when the attendance, which rarely exceeds 25 Miss May Daw assists.

5. SANITATION.

a. The general sanitary conditions on company properties are good. On all private properties it is in some places vile and would, if it were not owing to climatic conditions, be unbearable and a great danger to the health of the entire community. There are some premises not only adjacent to but adjoining company property which I presume have not been cleaned up for years.

b. What is the source and condition of drinking water? The water supply is pumped from the Purgatorie River into a reservoir close to the mine; piped all over the camp. Anything I may say in condemnation of the water after a rain or a good thaw would be mild in comparison with what it really is. Its utility either for drinking or household purposes is, of course, prohibitive unless the user wanted to get full of mud. Not only is it full of mud and color of mud half the year around, but it is also black with coal and coke dust, as during the heavy rains the stuff is washed into the river by water running through the arroyos. The water is used after the following process: The families fill one or more barrels from the hydrants, the number of barrels depending on their needs. After being filled about half an ounce of pulverized alum is thrown into each barrel to settle the water before exposed to a broiling sun; the water remaining in the barrels a week or sometimes more is not in good condition for domestic use. When the barrels are empty the usual process is repeated, even without washing the barrel, the bottom and sides of which are covered with a thick, slimy, green deposit. In looking over my list of typhoid cases, in all of which I asked particularly about the water supply, I have not so far been able to trace a single case to the water we use in camp. Three years ago there was so much typhoid at Sopris plant, a small settlement north of the river, that I threatened to have the wells condemned and filled up if they were not cleaned, as I traced all the cases of typhoid fever in that neighborhood to the use of well water. The camps west of here have Trinidad water; Cokedale has excellent water; even Piedmont, adjoining our camp toward the east, has water with all the desirable qualities and from the same source that we get ours, but it is filtered or pumped from a well close to the river. I have been informed that if the saloons do not soon open so that the men working here can get something decent to drink, for they have long ago given up hope of the water supply being

bettered, that they would seek employment elsewhere; and this is no joke I am relating.

f. What is the source of the food supply and what are the sanitary precautions? The precautions taken by the Colorado Supply Co. in protecting its food supply are excellent. Their meats are thoroughly wrapped, their fruits under screened frames, all the doors screened, and in all other respects the best care is taken to protect the foodstuffs. "Swat the fly" is their watchword. In smaller stores, which I do not visit very often, I find about the same conditions prevailing; indeed, no merchant nowadays can expose his produce or what he sells to flies and dust or he will have but small trade; the people are learning the necessity of needful cleanliness. Even vegetables raised by truckers and sold here are all covered in their wagons, and of course much more attractive, not being wilted and burned by the sun.

6. Houses.

a. How many two-room buildings? Condition? One.
b. How many three-room buildings? Twenty-one.
c. How many four-room buildings? One.
d. How many five-room buildings? None.

All of the above buildings belong to the company and are kept in good repair and in fairly good condition. The houses are all frame structures and built when Sopris was first opened and in a very hurried way and are not as substantial as they might be; they are cold in winter, but otherwise fairly comfortable.

e. How many buildings unfit for occupancy? There are about 54 houses up the canyon, so called, of which 8 are habitable and 46 simply awful; they are disreputably disgraceful—and more. Mr. Chambers and myself made a close inspection of these houses last Sunday, and without entering into lengthy details give the foregoing as the fairest statement we can make. What is known as "the canyon" is one of the oldest settlements in Sopris, built when the camp was first opened by the southern Italian coke pullers, for which they paid a ground rent of a dollar per month. The report taken from the books in the office shows only 41 houses, but rooms have been added from time to time without objection of the company, and the houses have been sold and resold so often and divided and subdivided until the division amounts to 54 instead of 41. These shacks seem to have been built on a prehistoric plan by these descendants of the Cæsars and the style of architecture is now unknown. Old dry goods boxes, soap boxes, old pieces of corrugated iron, powder cans, barrel staves, and every available thing that would stop a hole were used in construction. The roofs are of corrugated iron, and with a total disregard or ignorance of the utility of a nail the iron was nailed on the concave instead of the convex part of the covering, allowing the water to trickle through in streams. I have had to remove a mother in labor from one part of the shack to the other to keep dry, and after remove her to another, upon the roof of which a cover of adobe had been thrown. If we had a few houses up the canyon before or at the time of the strike, we would have lost but few men, as there were no places to put them out of intimidation and harm's way. There is in brief the A. F. C. of this canyon colony. Under sanitation I state that when I came to houses I would say something further on water-closets. In the canyon there may be a half dozen which by courtesy would be called such. Many of them are a few boards thrown together with a hole in the ground not 2 feet deep in which some child may fall, for there is no protection from such an accident. Some are constructed of gunny sacks, with a loose flap in front with which the wind can play to expose the occupant. The children, most of them, adopt the primitive plan of squatting beside the house and turning loose; when they get up shake themselves and walk away. This is not an imaginative story, but an actual occurrence which I have seen scores of times. There are few things more repulsive to a child than personal uncleanliness, especially the befoulment of excreta, when once they are taught cleanliness of person in such matters, but the poor children have no convenient place to go and nature does not wait on ceremony. Something should be done to get rid of this pest as soon as possible. There is no excuse for its continuance. Any way you look at it it is a disgrace to the camp and an eyesore which to visitors would blot out all the good that exists in Sopris.

What improvements are being made? Improvements are being made every day to facilitate the coal output. "Safety first" is the watchword of the management. The men are taken to their work in the morning and brought

out at night. The working conditions are being improved, day by day earnings are increasing, everybody is looking pleasanter and looks happier, until at quitting time, befouled with dust, they go to their miserable shack of a house, there to find an unattractive wife and still more unattractive children because of the smoke and dirt which they can not avoid in a room not large enough in which to turn around.

What improvements do you recommend? With a keen knowledge of the conditions here and the requirements absolutely imperative I would not, if I had the power, recommend, but demand, the construction of some shower and tub baths here for the use of the employees. There are but few coal camps in southern Colorado which are not supplied with these necessities. As you know, the man in the mine is the cleanest workman in any craft. He has to be, as he is forced to take his bath every day or in a short time he would be sprouting vegetation. Why, then, should Sopris, the gem of them all, with its successful management, its faithful employees, its location, and its innumerable advantages be deprived of this great necessity to their comfort and well-being. I think there are two places in Sopris where the luxury of a bath can be enjoyed—one at Mr. Chambers and the other the Colorado Supply Co. manager's residence.

There is not a vacant house in Sopris and men are doubled up here and there anywhere to lay their poor weary bodies at night. The building of more houses, as you can see by the foregoing, has become imperative. Last fall Mr. Weitzel talked about building 20 houses up the canyon, but nothing has been done. It will have to be done some time and may as well be done at once. It will enable the company to get rid of the eyesore shacks in the canyon, for all their occupants will move into the new houses, since the population is not what it was 20 or 30 years ago.

First aid: During the past four years classes in first aid to the injured have been formed at Sopris and meetings held twice a week—Tuesdays and Thursdays—at which there were always present two full working corps, five men to each corps. Very frequently the attendance amounted to as much as 30, and in the work and the exercises much interest was taken by the employees. There are eight who received certificates of proficiency in the work from the Colorado Fuel & Iron Co. signed by Mr. E. H. Weitzel, manager, Charles Chambers, superintendent, and T. J. Forhan, medical instructor.

Since the strike, September 23, 1913, on classes have been held, either from fear of personal violence to themselves or because they desired to remain with their families because of personal violence to them. Since organization of first aid every individual injured in the mine received first-aid care, no matter whether the injury be major or minor in character. It is the intention to keep this work well in hand indefinitely as it is of inestimable value in the care of the injured.

And now, my dear doctor, I earnestly hope what I have said in the foregoing regarding recommendations will be heeded. I have made many reports, but no one as fully as this in giving some details, and all the conditions are exactly as I state. Mr. Chambers has read what I have written and agrees with me, so does Mr. Baker, the chief clerk; indeed, if I followed their advice and dictation my report would not be nearly as moderate as it is.

Wishing you success in what I hope will be a sweeping reformation in the conditions at Sopris, I remain,

Very sincerely,

T. J. FORHAN.

MORLEY CAMP PHYSICIAN'S REPORT.

JUNE 30.

a. At Morley there is one saloon.
b. In the camp.
c. The company.
d. Yes.

SCHOOLS.

a. From first to eighth, inclusive.
b. Two.
c. First class.
d. Well qualified.
e. Two, about 50 pupils in each room.
f. Give entertainments, gave a home-talent play.

AMUSEMENTS.

a. A moving-picture show is given every week. A dance is given about every two weeks. Picnics are given during the summer.
b. No.

RELIGIOUS WORK.

a. No.
b. Every week, 25.
c. Yes; every Sunday.
d. In schoolhouse.

SANITATION.

a. Good.
b. Hauled away.
c. Each house has a closet.
d. Good.
e. From reservoir which is fed from mountain stream; condition good.
f. Colorado Supply Co. sanitary precautions good. Some vegetable wagons make regular trips.

HOUSES.

There are 85 four-room and 16 six-room houses. There are 19 one-room shacks. The cement houses are in good condition, the shacks poor.
a. None.
No improvements are being made. A clubhouse would help social conditions. The camp is clean, the water is good, the houses have electric lights and are kept in good repair.
More could be done in church work, and would advise another teacher in the school.

Yours, truly,

D. E. FOSS.

BERWIND CAMP PHYSICIAN'S REPORT.

JUNE 24, 1914.

The following information covers Berwind-Tabasco as one camp:

1. SALOONS.

a. Four saloons.
b. Three in upper Berwind and one in central Tabasco.
c. John Aiello owns the ground and two saloons in Berwind, G. Toller owns the ground and one saloon in Berwind, and Joe Cox owns the saloon and ground in Tabasco.
d. No.
e. Four saloons are too many for this place. If we had two saloons, that were allowed to stay open certain hours, close as early as 8 o'clock every evening, and we had an antitreat law, we could get along fine.

2. SCHOOL.

a. All grades to the eighth.
b. Four teachers.
c. First grade.
d. We try to get the best.
e. Four rooms, principal's room, September, 1913, 23; May, 1914, 16. Intermediate room, September, 1913, 65; May, 1914, 48. Intermediate room, September, 1913, 69; May, 1914, 29. Primary room, September, 1913, 75; May, 1914, 41.
f. Not much.
g. We have nine months' school each year. Salaries the past year, principal, $90; the other three teachers, each $80. Our school building is equipped with electric lights, steam heat, and sanitary drinking fountains, the fountains are supplied with pure mountain water.

3. AMUSEMENTS.

a. Picture shows, dances, and lodges.
b. No.
c. We need a good big clubhouse.

4. Religious Work.

a. One Catholic Church.

b. The company minister conducts services once each month in the schoolhouse, the Catholics conduct services once each month; attendance rather small.

c. Yes; every Sunday morning.

d. Schoolhouse.

5. Sanitation.

a. Very good at present.

b. It is put in trash boxes and carted away.

c. Outside closets.

d. They are moved about every two years, at other times we disinfect with chloride of lime.

e. We have a few wells, but the greater portion of the water comes from a mountain spring being piped down to the camp; drinking water very good.

f. Provisions and food supplied by general stores and huckster wagons; sanitation of these sources has always been very good.

6. Houses.

a. Thirty-eight; condition good.

b. Three; condition good.

c. One hundred and twenty-one; condition good.

d. Eight; condition good.

Eight 6-room houses; condition good. Two 12-room houses; condition good. Eighteen 4-room houses are at present unfit for occupancy. Extra rooms are being added to two houses to accommodate the growing families of the occupants.

H. C. Lee.

Lester Camp Physician's Report.

1. About the Saloon.

The saloon in Lester was closed about two years ago, and permission to reopen was refused by the company. Since that time a new saloon has been built on land adjoining the company property. The company has no equity in this saloon or the land upon which it stands.

2. School.

The Lester children attend the Rouse School.

3. Amusements.

What was said under this heading concerning Rouse applies to Lester.

4. Religious Work.

Answered under Rouse.

5. Sanitation.

a. General conditions fair.

b. House refuse is carted away to dumps. Each house has a trash can or pit.

c. Each house has a latrine.

d. These are handled as in Rouse. New vaults are dug when needed. Closets are made light proof, and lime put into the vault every spring. They are inspected during the summer.

e. The water coming from the mine in Lester is not potable nor used for cooking. It contains a large amount of sulphur. Used for washing and bathing. The drinking water comes from a well situated in a little draw below the camp or is hauled from Rouse, the user paying the cost of haulage only. There is danger of the well water becoming contaminated, and the users have been advised to boil it.

f. The camps of Rouse and Lester being so close together, their food supply comes from the same sources. There is a company store at Lester and a store belonging to an independent merchant who is not connected with the company.

6. Houses.

a. Two-room buildings, 6; condition poor.
b. Three-room buildings, 15; condition fair.
c. Four-room buildings, 27; condition good (8 concrete).
d. Five-room building, 1; condition good.
e. Six-room building, 1; condition good.
f. Eight-room building, 1; condition good.
g. The two-room houses are very poor, but all other houses in Lester are in good shape and are occupied at this time. There are a number of houses, mostly adobe, not owned by the company, and some of them on company ground. The owners of these houses live in them or rent them to others.
No improvements are being made at the present time.
Recommendations, same as for House.

WILLIAM HALLEY.

IDEAL CAMP PHYSICIAN'S REPORT.

1. ABOUT THE SALOON.

The Ideal camp has not and never has had a saloon on the company property. There was a saloon established adjacent to the company property line. The company had no equity in land or voice in the management of this saloon.

2. SCHOOL.

a. Grades up to and including seventh.
b. One.
c. Third class.
d. One of the officers of the board says, "Fair."
e. One room; about 25 pupils.
f. Board member above quoted says, "Nothing."

3. AMUSEMENTS.

a. Picture show once a week.
b. There being no saloon, men meet at each other's house or at the school building.
c. The school building is used for dances and any other entertainment that is given.

4. RELIGIOUS WORK.

a. There is no church in Ideal.
b. Services are held at intervals—about once per month by Rev. E. S. Gaddis. The Catholic priest of the parish makes visits at stated intervals.
c. Sunday school each Sunday.
d. Exercises are held in the school building.

5. SANITATION.

a. General condition fair.
b. House refuse is carted away to dumps.
c. Latrine to each house.
d. New vaults dug as needed. Kept light proof.
e. The drinking water is surface water coming from a well about one-half mile above the camp. The water is of good quality, but the well has not proper protection to prevent contamination from stock.
f. From the company store, where the sanitary conditions are good, and from peddlers' wagons, which, coming for a number of miles, are exposed to heat and dust to a small extent from near-by ranchmen.

6. Houses.

a. Two-room buildings, 27; condition very poor, and none occupied at this time.
b. Three-room buildings, none.
c. Four-room buildings, 25; conditions good (10 concrete).

d. Five-room houses, none.
e. Six-room buildings, 6; conditions good.
f. All homes are in good condition, with the exception of the two-room buildings. These could be used in the summer time, but are unfit for winter occupancy.
Trash cans are being installed.
Recommendations: Ideal is a new camp and could be kept clean and tidy by a little continued effort. The water supply should be safeguarded. The use of screens in summer. An incinerator.

WILLIAM HALLEY.

WALSEN CAMP PHYSICIAN'S REPORT.

JUNE 18, 1914.

DR. R. W. CORWIN,
Pueblo, Colo.

DEAR DOCTOR: Replying to yours of June 15, 1914, regarding conditions at Walsen, comprising the Walsen and Robinson mines, I submit the following:

1. ABOUT THE SALOON.

a. There has been a saloon in the camp until just recently. About a year ago the saloon was closed and the building arranged for a clubroom. This was continued with no saloon in camp until the strike was called last September, when a saloon was again opened in this building and remained such until the arrival of Federal troops. Arrangements have again been made to use this building as a clubroom.
b. There are several saloons close to camp, but not on company property. Ground and buildings owned by individuals and in no way under control of company.
c. It is the general opinion among more intelligent class of people that conditions are much improved since saloons were closed by Federal troops.

2. SCHOOL.

a. First to eighth, inclusive.
b. Four.
c. Mr. A. S. Neely, first grade certificate; number enrolled, 42; average attendance, 29; Mrs. Cooper, State certificate; number enrolled, 59; average attendance, 18; Miss Bertha Riley, State certificate; number enrolled, 42; average attendance, 24.
d. All well qualified.
e. See "c."
f. Occasional entertainment at school evenings.

3. AMUSEMENTS.

a. Moving-picture show every Monday evening.
b. No.
c. Baseball games nearly every Sunday during summer. First-aid team now being organized.

4. RELIGIOUS WORK.

a. No church.
b. Church services one Sunday each month; very few attending. Fifteen present Sunday, June 21.
c. Sunday school every Sunday; average attendance, 25.
d. At school building.

5. SANITATION.

a. Only fair.
b. Collected in cans and hauled off.
c. Small buildings over open vaults, not screened or fly proof.
d. Very seldom cleaned or moved.
e. Source of water is from workings of old mine. Condition—much complaint as to smell, taste, and use for washing and cooking. In cooking potatoes and other vegetables it turns them dark and injures flavor. Boiling does no good so far as improvement for cooking and taste.
f. Source of food supply is from Colorado Supply Co. store mostly. Sanitary precautions good.

6. Houses.

a. Two-room houses, none.
b. Three-room house, 1; in good repair.
c. Four-room houses, 41; in poor repair.
d. Four-room houses, 63; in good repair.
Five-room houses, 2; in good repair. Six-room houses, 17; in good repair. Six-room house, 1; in poor repair. Twenty-one-room house, 1; in fair repair (boarding house). Twelve-room house, 1; in poor repair (Japanese boarding house).
e. Partly on account of condition of houses and partly on condition of camp surrounding the houses, the 47 houses in Red camp are not suitable for occupancy. A great many people live in conditions as bad or worse, but that hardly excuses us for the conditions here. These houses are very old, hard to put in repair and keep that way, and, of course, those that occupy them take no pride in keeping them in repair. The surroundings are unsightly and insanitary. Hydrants are leaky. The ground is uneven, so that water collects in ponds, becomes stagnant, and makes mud. In bad weather the entire camp is muddy. There are a few adobe houses here occupied by employees not counted among company houses.

I think conditions here could be remedied to a great extent by leveling up the camp, building walks with cinders, enforcing rules leaving hydrants open, allowing no leaky hydrants, and filling up holes so that water can not be collected in pools.

7. Improvements.

Fifty new houses just completed.

I would recommend that a different and more palatable water supply be furnished. Arrangements might be made with the city of Walsenburg to tap their main, which runs through the camp. If this could not be done, a similar system might be built, taking water from near source and piping it to the camps.

As to water-closets, I would recommend one or two things. First, a water-borne sewerage system. Second, if water-borne system was not found practicable, I would recommend the vault system, digging a fair-sized hole and placing over it a fly-proof building seat, allowing only fecal matter and urine. When the vault is filled close the vault and move building to a new location. These buildings should have a vent. Also be banked around to prevent flood waters running into the vault.

I would also recommend that walks be built with cinders between and around houses and elsewhere about the camp, as would seem needed, and add to the comfort of those living in the camp. I would also recommend that the number occupying a house or room be restricted according to air space.

Very truly, yours,

A. L. Trout.

Cameron and Globe Camps Physician's Report.

Walsenburg, Colo., *June 18, 1914*.

Dr. W. R. Coerwin,
Pueblo, Colo.

Dear Doctor: Replying to yours of the 15th regarding welfare of camps, I submit the following concerning Cameron and Globe:

1. About the Saloon.

a. Yes.
b. Between Cameron and Globe, near company office and store.
c. Mr. Martino Berattino, proprietor of saloon.
d. No.
e. It is generally conceded that the efficiency of workmen has much improved since closing of saloon by Federal troops.

2. School.

a. First to eighth, inclusive.
b. One.
c. First grade.
d. Quite well qualified.
e. One room; number enrolled, 35; average attendance, 28.
f. Some home visits and a few little picnics and entertainments.
g. This year one of the camp houses was used for a school building.

3. AMUSEMENTS.

a. Moving-picture show every Tuesday evening and an occasional dance. Baseball on Sunday during summer.
b. No.

4. RELIGIOUS.

a. No church.
b. Church services one Sunday each month. Only a few attending.
c. Sunday school every Sunday. Attended by most of the children in camp.
d. In building used for the public school.

5. SANITATION.

a. General condition fair.
b. House refuse collected in cans and hauled away to dumps.
c. New buildings and vaults being put in all over camp and will probably be made fly proof.
d. All buildings just now being changed.
e. Source is from old workings at Walsen, piped over to tank and from this tank distributed to houses through pipes and hydrants near houses. A few houses have connections inside house. There is much complaint about the taste, smell, and general condition of the water. Lots of sediment, and in cooking it is very unsatisfactory, coloring potatoes very dark, destroying the flavor to a great extent, and, in fact, all vegetables, and cooking is injured materially in comparison with pure water. Boiling does no good so far as improvement in taste or use in cooking.
f. Source mostly from the Colorado Supply Co. store. Sanitary precautions at the store are good.

6. HOUSES.

a. No two-room houses.
b. Thirteen 3-room houses; on good repair.
c. Thirty-two 4-room houses; in good repair.
d. Five 5-room houses; in good repair.
e. Five 6-room houses; in good repair.
f. One 11-room house; in good repair.
g. None.

Seventeen new houses are nearing completion, part of them already occupied and all included in above. The superintendent's and store manager's houses will be equipped with modern conveniences—light, water, bath, and toilets.

I would recommend that a different and more palatable water supply be furnished. I am not able to say just how this might be accomplished, but probably in conjunction with Walsen and McNally; arrangements could be made with the city of Walsenburg whereby water could be used from their mains and supplied to the camps. If not, a similar system might be built, not so large, but sufficient for all the camps, and taken from near source and piped to camp in the same manner as that for the city of Walsenburg.

I would also recommend in regard to water-closets one of two ways. First, that water-flushing toilets be furnished each house and drained through crevice in old workings of mine. There is sufficient water in Globe that could be pumped into a tank and passed through pipes used for this purpose only. Second, I would recommend for the water-closets the vault system, digging a fair-sized hole and placing over it a fly-proof building and seat, allowing only fecal matter and urine. When vault is full, close the vault and move building to a new location. These buildings should have a vent and be banked around to prevent flood waters from running into vaults.

I would also recommend that walks be built of cinders, which are abundant near at hand. These walks to run between houses and company store and office and other places most needed. This would eliminate to a great extent the unpleasantness of wading through mud in stormy weather.

Mr. C. A. Kaiser, superintendent, has posted in all houses a very commendable set of rules, a copy of which I inclose herewith.[1]

I believe that Cameron can be made one of the best, if not the best, camp from a sanitary and sociological standpoint under this company's management.

A crematory system for the disposal of refuse hauled away from houses would add to sanitary conditions.

[1] Not furnished.

As there is a tendency, especially among certain classes, to overcrowd—that is, too many occupy a house or room—I would recommend a strict supervision as to the number that might occupy a house or room according to space. This should apply to all camps.

Yours, truly,

A. L. TROUT.

CALCITE CAMP PHYSICIAN'S REPORT.

JUNE 23, 1914.

R. W. CORWIN, *Chief Surgeon,*
Pueblo, Colo.

DEAR SIR: In reply to your circular letter of the 15th instant, I beg to submit the following:

1. ABOUT THE SALOON.

There is no saloon in Calcite, not nearer than Salida, which is 16 miles away. The superintendent allows a reasonable amount of beer in bottles or kegs brought into the camp upon request made personally to him by employees. The camp is always orderly, and I know of no cases of drunkenness.

2. SCHOOL.

Calcite is a part of the Howard district, No. 37. The schoolhouse is located at Howard, 4 miles from Calcite. It is a two-room school, with instruction up to the eighth grade. An effort is now being made either to have a subdistrict established at Calcite or to arrange for transportation for the Calcite children to and from school at Howard. This matter has been taken up with Mr. Gaddis, and his recommendation has been sent to the Denver office.

3. AMUSEMENTS.

A clubhouse is furnished by the company. It contains a pool and billiard table, a piano, a phonograph. It is always open for the benefit of the men, and in the wintertime is used quite freely.

There is no saloon at which the men congregate. They have numerous games which they play during the early evening.

4. RELIGIOUS WORK.

There are no churches at Calcite, and no religious services are held in camp. There is a church at Howard, where our people are welcome and several of our English-speaking people attend. The foreign people are almost entirely Catholic, and those who care to do so go to Salida to attend services.

5. SANITATION.

General condition is good. We are situated in a narrow canyon, where space is at a premium, but a constant effort is made to keep the camp clean and in good sanitary condition. House refuse is put into garbage boxes and hauled away by team. Ordinary outhouses treated frequently with chloride of lime, and renewed when necessary, are the water-closet arrangements. A large tank is being arranged for sprinkling the camp with a solution of chloride of lime in an effort to do away as much as possible with sources of contagion.

Nearly all the drinking water is supplied from springs, and has been found to be pure. Some is taken from the creek at a point above any source of contagion.

The food supply is mainly from the store of the Colorado Supply Co., though ranchers furnish some vegetables, butter, milk, etc. The store is as clean and sanitary as possible, and the service is satisfactory.

6. HOUSES.

The houses are all frame construction, and are kept in good condition. There are 30 houses, sized as follows: One two-room house, 27 four-room houses, 2 five-room houses. In addition to above, there is the superintendent's house, and two or three one-room cookhouses.

No improvements are being made at present aside from the regular necessary repairs.

The superintendent and myself cooperate in a constant effort to keep the camp as clean and sanitary as conditions will permit. Our people are contented and well behaved.

Yours, very truly,

D. D. HAMILTON.

FLORESTA CAMP PHYSICIAN'S REPORT.

JUNE 30, 1914.

1. ABOUT THE SALOON.

a. One saloon in the camp.
b. Near C. S. Co. store, on company ground.
c. The C. F. & I. owns it.
d. The company controls it.
e. It was considered best just now, on account of the strike, to have the saloon running here so as to keep the men from going to Crested Butte. It is perhaps the lesser of two evils, as liquor was formerly shipped in from Crested Butte.

2. ABOUT THE SCHOOL.

a. There were last year only 8 or 10 pupils, all in the lower grades.
b. One teacher.
c. Third grade.
d. Perhaps an average as to qualification. Last teacher young and somewhat indifferent.
e. Answered (one room and one teacher).
f. I can not answer this.
g. I am told that school will soon be started this year, and Mr. Cribbs is manifesting an active interest in it. There will be an attendance of 20 to 25, and steps are being taken to secure the services of a good teacher.

3. AMUSEMENTS.

a. Nothing is being done. Mr. Songer, of this place, formerly, is making an effort to organize an orchestra.
b. No; except the store of the boarding house, where a large number of them live.
c. Hunting and fishing afford about the only amusement during summer months.

RELIGIOUS WORK.

a. No church.
b. No church service
c. Every Sunday school is held by some people who went from here.
d. In the house of Mr. Joseph Clark. They expect to hold Sunday school in the school room in the near future.

4. SANITATION.

a. The general condition is not good. Houses are poor and closets are necessarily near to dwelling rooms. The pressure of other works and the scarcity of hands has held back the management from attending to this matter; and it may be started soon; the season is late and the ground is yet too wet to admit cleaning up. In some cases the water-closets are built as part of the dwelling, and in others they are at a little distance away, but space is limited in Floresta, and conditions are far from ideal. Do not get much attention.
b. House refuse is thrown anywhere outside of the door. When a high bank is convenient, refuse is dumped over into the creek. This matter is being taken up by Mr. Cribbs and myself, and we hope to have things improved.
c. The drinking water is one good thing in the camp. The source is above the camp and the purest of mountain water is conducted in pipes to the camp and dwellings.

f. The company store supplies all the food, and I believe the meats and fruits, etc., are kept in good condition and all foodstuffs guarded against contamination.

6. HOUSES.

a. Five; in poor condition.
b. Eleven; in fairly good condition.
c. Two; in good condition.
d. Two; in good condition.
e. Two; not occupied.

7. GENERAL QUESTIONS.

No improvements being made.

I recommend the building of more houses, and a regulation, as much as may be, of the habits of the people in regard to the disposal of household refuse and personal filth; I recommend a clubhouse in place of the saloon, and, personally, would like to see liquor eliminated. I think Floresta is the worst camp the company owns, and I think the living conditions there should receive more attention than they do.

Respectfully submitted.

ARGUS TAYLOR.

GULCH CAMP PHYSICIAN'S REPORT.

(Summer of 1914.)

1. ABOUT THE SALOON.

a. Have you a saloon or saloons in your camp? We have one saloon.
b. Where located? Centrally.
c. Who owns the ground and building? The company owns the ground. Mr. John Renstrom owns the building.
d. Has the company control of or equity in the ground, building, or management? The company owns the ground, but has no other connection with the business, I believe.
e. Give any additional information regarding the saloon problem. Personally I am opposed to the liquor business. I feel that when a man engages in it he thereby admits that he is either unable or unwilling to enter the lists of competition in some legitimate pursuit. However, Mr. Renstrom is far above the average liquor dealer in manhood and good citizenship. He conducts a clean, orderly place; he is a man of integrity, and for several years has been one of the most active and effective workers for a good school that this camp ever had.

2. SCHOOL.

a. What grades are taught? First to eighth, inclusive.
b. How many teachers? Two. At present the number of school children is below the former average and only one teacher has been employed for the coming year. This arrangement is tentative, however, and provision has been made for the employment of a second teacher if it seems necessary in the near future. Indications now point to an increase in the number of school children and the second teacher will probably be employed.
c. What certificates do they hold? The teacher already employed for next year is a graduate of the State university and holds a first-grade certificate.
d. How well are the teachers qualified for their work? An experienced teacher has been engaged for next year. She was principal of this school two years ago. Her graduating class (eighth grade) passed their final examinations with the highest grades in the county for that year, according to a statement made by the county superintendent of schools, under whose direction the examinations were conducted. This teacher has taught successfully in one of the leading high schools in the State. She has the unqualified indorsement of the county superintendent, and her credentials from the State university are first class. She has unquestioned social standing. She has taught this school successfully, and the position was offered to her voluntarily by the local board.
e. How many rooms and number of pupils each? Two rooms, and there are about 30 pupils at the present time. A number of families left the camp when the strike was called last September.

f. What do the teachers do indirectly for the pupils, i. e., assistance of amusements outside of required school work? A public entertainment is given by the school at the beginning of the Christmas vacation, and a picnic held at the end of the school year. Outdoor walks for practical nature study when season is appropriate and weather permits. Frequent entertainment of girls' sewing club at the teacher's home. Periodic Friday afternoon entertainments of usual sort. Discussions led by the teachers and the company physician; some of these are conducted at the physician's home. Some of the topics to be considered next year are: Monumental works of great men, i. e., great discoveries, great buildings, including cathedrals, great accomplishments in engineering, great orations, pictures, books, poems, etc.; the story of man's evolution and development, racial types; immigration, emigration, the interracial mind, America and the American, the interracial mind and the international conscience in the making of the future American type; the marvel of modern transportation and the movement of farm, factory, and mine products; the marvel of modern news gathering and dissemination; application of scientific knowledge to modern agriculture, etc. Important current events will be considered as they occur. The more intelligent parents are actively interested in these discussions. The company physician's library contains many authoritative works treating of these kindred topics. It is freely accessible to all responsible persons.

g. Any further information regarding the school? This school will bear exacting comparison with other schools of similar grade in neighboring towns. The equipment is better and more complete than that found in most schools in communities of this size.

3. AMUSEMENTS.

a. What is done for the amusement of entertainment of the people? An up-to-date moving picture show is given once a week under company management. Only sufficient admission price is charged to cover the cost of film service.

b. Is there no place but the saloon for the men to congregate? No.

c. Any further information? The establishment of a reading and lounging room at the bunk house or some other suitable place would be appreciated by the better class of men.

4. RELIGIOUS WORK.

a. Have you a church or churches? No.

b. Church services how often? Number attending? A Catholic priest visits the camp once or twice a year. A recently instituted plan provides for church services about twice a month. Nearly all English-speaking persons attend.

c. Sunday school; how often? A Sunday school is generally conducted during the school year. Most of the children are members of Catholic families, and their parents do not readily lend support to non-Catholic Sunday school. The Catholics have not maintained a Sunday school.

d. Where do they hold exercises? In the schoolhouse.

5. SANITATION.

a. General condition? Fair; improving.

b. What disposal of house refuse? The more intelligent families burn it. Others do not readily heed instructions to burn house refuse of an organic kind. The Greeks are among the worst offenders. They render a house unfit for human occupance in a short time. I am astonished at the liberties that seem to have been allowed them, and at this immunity and favors that seem to have been conferred upon them in the past.

c. What are the water-closet arrangements? Ordinary outhouses built over pits.

d. How well are these cared for? They have not received sufficient attention in the past. In my own case, when the necessity arose, I built an outhouse myself. A pit was dug without expense to me.

e. What is the source and condition of the drinking water? Our water comes from springs situated in a narrow gulch a few hundred feet above the camp. It is conducted to the camp and distributed through underground pipes. Each case of typhoid fever that has come to my care here has been traced to a source remote from this camp, in some cases to a source outside the State. We have good water.

f. What is the source of the food supply, and how good are the sanitary precautions? Excellent food supplies, in good condition, are available to all persons. In cleanliness, quality of goods, moderate prices, and courteous service, I find the local store of the Colorado Supply Co. equal to any and superior to some similar business houses in neighboring towns. I have learned from personal experience that we obtain the best meats obtainable in any market at a lower average price than that which prevails in neighboring towns.

6. HOUSES.

a. How many two-room buildings? Conditions? Two; occupied by Greeks. Condition fair.

b. How many three-room buildings? Conditions? Six. Condition fair to good in four; two occupied by Greeks.

c. How many four-room buildings? Condition? Thirteen. In six the windows are broken out, some of the doors are down, some window and door casings have been torn away apparently for kindling wood, there are holes in some of the floors, and many of the rooms are littered with cow manure.

d. How many buildings are unfit for occupancy? Eleven.

e. What improvements are being made? Two four-room houses and two five-room houses are now being repaired. The camp is being cleaned.

RECOMMENDATIONS.

In suggesting the following recommendations I am making due allowance for the history of this camp for the past few years. I realize that the loss of our coke market must have necessitated the curtailment of expense. Most of us who are familiar with local conditions feel that, with strike conditions prevailing in our State, with our isolation from other company activities, and with the long list of unusual vicissitudes which have beset us, this camp is fortunate to be in operation at all.

That part of this report which sets forth the present condition of houses should be interpreted very liberally. A process of repair has been started, but its accomplishment must require time, patience, encouragement, and cooperation. Undesirable and filthy, shiftless families to move from house to house should not be allowed. This practice has been one cause of damage to houses in the past. I do not believe Supt. Robinson will tolerate it.

The coal-mining industry, even under the best obtainable conditions, imposes a high percentage of inevitable risk upon those who engage in it, and no coal mine can operate long without sooner or later being in urgent need of the services of a capable physician; in other departments men of different employment can be interchanged to meet an emergency, and operations proceed without interruption. Efficient first-aid service is indispensable, but at best it can be only of temporary use; but when the demand arises for a physician no person in any other trade or calling can take his place. Any person, from the superintendent down to the most humble day laborer, may, on notice, become indebted to the medical department for relief from pain, possibly for the saving of life, and in view of the fact, it would surely be to the advantage of the company and its employees to have the medical service established on a basis in keeping with the dignity and responsibility which generally distinguish the members of our calling. It should not be necessary for a company physician to exercise himself in the arts and devices of genuflexion in order to be recognized as a responsible member of a department that has distinguished itself for fairness and unselfishness.

I suggest, therefore, that the superintendent be plainly instructed to acquiesce in any reasonable and courteous request issuing from the physician's office, and pertaining to camp sanitation and welfare. I do not mean to imply dissatisfaction with the present superintendent, but I would provide against future contingency. On some former occasions, when I have made such requests, I have been impressed with the idea that the awful, omnipotent, exarlike authority of the local powers that be, rendered them capable to run this camp without any of my suggestions, I confess that this attitude changed after time, but only after I and my office had suffered many rebuffs and insults, which would not have been inflicted if my office had been clothed with appropriate authority. I feel that I am entitled to a courteous audience with any super-

intendent or other official when I come to present matters of interest to the company and its employees. I have not always received such audience.

This camp is infested with cows running at large; they find their way into vacant houses on wet days and when the weather is hot. They often sleep at night on the porches of occupied houses; this necessitates a job of cleaning not usually associated with housework. The daily visits of a bull from a neighboring herd of range cattle must be mentioned without further comment.

It is a tiresome, 24-hour journey from here to the Minnequa Hospital, and we have only one train a day out of this camp, so that it is sometimes necessary to provide for the care of a patient for a day before he can be started to the hospital. We are so isolated that I have always treated cases of wound infection (abscess of the scalp and deep abscess or phlegmon in the neck complicating erysipelas, deep abscess of hand, etc., are examples) and pneumonia here in the camp without subjecting the patients to the inconvenience and exhaustion of a tedious railway trip.

Many of these cases would be sent to the hospital if they occurred in camps less remotely situated. On this account the allowance of 2 cents per capita per month for supplies is not sufficient to meet the needs of this particular camp. My office needs the following articles: Linoleum for one room; paint (I will apply it myself), a cot or single bed with mattress, blankets, and pillows; a foot tub, lumber for dressing table (I will build it myself). I have provided beakers, test tubes, necessary solution bowls, and other enamel ware, besides hot-water bags, towels, etc.

NOTE.—The following matter is not included in your list of questions, and is, therefore, omitted from the report. I take the liberty of appending it with a recommendation for your consideration. This camp does not contain a decent washhouse where the men can bathe, change their clothing, and leave their clean garments while at work. A house could be repaired and a room equipped as washroom; another room could be furnished as a reading and lounging room; any remaining rooms could be occupied by men for sleeping quarters, the occupants paying the usual rental.

A. E. GILL.

ARMA, KANS., *May 6, 1915.*

Mr. C. B. GADDIS, *Phoenix, Ariz.*

DEAR SIR AND BROTHER: In answer to your letter received to-day, referring to the short weights which I had complained of, I always thought the blame rested more on the weighman who weighed the coal than the company. For many days he was off sick and some other man in his place weighed the coal, and generally I got better weight. Then he often had me a car short of the number of cars loaded, and would try to make it appear that I was claiming cars that I had not loaded; but when I saw the superintendent, Mr. O'Neil, and took the complaint of lost cars before him and stated to him that I could easily prove by the driver who pulled the cars from me, as well as the men which worked near by, that I was a car short, one day two short, he said that he would see that the lost cars were made up; after this I had little more trouble about lost cars.

Regarding the trading at the company store, I never was asked to trade there, but we could do about as well to trade and did trade there as well as elsewhere in Segundo.

As for other wrongs, we often had to go into old pillars or rooms to get rails and drag them to our own room, whereas the company should have brought them to each man's switch. Sometimes the company men brought them. What I considered a wrong was that the company paid nothing for handling the rock or dirt between the coal. It ran from 4 inches to 12 inches thick; and took considerable time to handle. If a man had a good place he could make fair wages, but in a poor place with bad top or faulty work his wages were poor. But personally I had a good place and earned fair wages.

I am glad to say we are all well. We have a son now, 1 year old. He is a strong, healthy boy. Both he and our little girl are doing well. I hope you and yours are all well.

Yours, respectfully,

S. HASLAM.

Personally I think the strike is no benefit to the workers, and I often thought that some of the smaller officials were more to blame than the stockholders. I will send your letter to a man named Thomas Dennison; he has worked much

longer in the Colorado mines than I have. He used to work at Frederick mine and is acquainted with conditions better than I am. I only know about Frederick, and I understand that was about the best mine they operated on account of a good roof, generally speaking.

BOWERS'S ARTICLE IN LESLIE'S WEEKLY AND NOTES BY GADDIS.

"Corporations, however scrupulously they may comply with the laws of the State and Nation, as well as the higher laws that govern the acts of multitudes of business men employing labor, do not escape the assaults of muckraking magazines, socialistic preachers, trust-busting political shysters with their bedfellows, the agitators and the anarchists. They all lend their voices and their pens to the work of slandering the corporations with a reckless disregard for the truth."

The above is Bowers's introductory sentences to his page-wide article and photographs. In view of the following facts, we aver Bowers's article has as "reckless disregard for truth" as those whom he despounces.

First, the notorious disregard for laws affecting saloon control, and this both with the tacit approval of officials and assistance of the camp marshals.

Second, the high-handed lawless methods used in connection with the camp school affairs.

Third, the constant breach of State law which protects men from working on the Sabbath day.

Fourth, the undue influence of camp officials in civil elections, often acting as officers of the election, which is forbidden by a specific statute.

Fifth, for more than 15 years a State law has granted the miners a checkweighman; only one has been employed of any length of time in a C. F. & I. mine; i. e., Starkville open camp and a union hotbed. To ask for a checkweighman has been equivalent to a request for time.

Sixth, bimonthly pay day was not granted C. F. & I. employees until the law was 12 years old.

Seventh, compulsory trade at "the store" is a violation of individual right granted by State decree. I have had many tell me they did not feel at liberty to buy elsewhere.

Eighth, the "check off" the pay roll for a man's dues to the company without consent of his wife is a violation of constitutional rights. When doctors' bills also are collected (as they are) it becomes a species of robbery from the laborer.

Ninth, the eight-hour law for underground workmen was belated in its effectiveness until 1913.

If this is scrupulous compliance with law, may we be forever preserved from falling into the hands of the unscrupulous.

For general insanitary conditions the camp doctors' reports submitted last summer fully attest.

We found one camp (Calcite) that never had the advantage of a public school; one was started last fall, after camp was 10 years old. There was a girl of 13 who had not the privilege of a public school living there.

"Two ordained ministers are employed by the Colorado Fuel & Iron Co. They give all their time to the Sunday schools and churches, supplemented by the Presbyterian Board of Home Missions and the American Sunday School Union in some localities. All the camps of the company have Sunday schools and most of them church services, both Protestant and Catholic in some of them."

We found seven different centers where the C. F. & I. have interests where no religious services of any kind were held.

We succeeded in establishing services at most of these points. Even today it can not be said that all the camps even have Sunday schools.

We have just learned in the past few days that the only preacher now employed by the C. F. & I. Co. is working among the colored people.

On religious conditions among coal camps of the State the Federal grand jury which convened at Pueblo, December 22, 1913, and whose findings were so distasteful to the operators, declares: "Meager facilities are offered for religious training in the coal camps. In a district covering 12 miles, with 10,000 inhabitants, there are only two small Sunday schools, 7 miles apart, and one other denominational bimonthly preaching service."

"At our steel works we employ from four to five thousand men; there they have the advantages of good houses, excellent common and high schools, churches of all denominations, and unexcelled hospital and medical attention."

The company have provided little or nothing for them; unless it be houses to be rented, for which they are well paid.

The dispensary which gives first aid to injured men at the steel works is supported by the $1 per month held out of the wages of each employee.

"The advantages of good houses, excellent common schools and churches of all denominations are open to all residents of Pueblo, whether they work at the steel works or not."

The inference from Bowers's way of putting it would seem to suggest the C. F. & I. Co. were furnishing these advantages.

The padded pay roll scandal at the steel works last year was one of the most gigantic defalcations in the history of American industries. For years men had been drawing money on fictitious names. The whole affair was hushed up and covered over as quickly as possible. One or two nominal sentences were imposed and perchance the most guilty allowed to go scot free. The new editor of the Pueblo Chieftain was threatened with expulsion from the Elite Literary Monday Club for intimating in his paper that dismissal of men should not have stopped until the "higher up" heads had been reached.

ON THE C. F. & I. CO.'S TWENTY-SECOND ANNUAL REPORT WHICH WAS SIGNED BY WELBORN AS PRESIDENT.

(Remarks by E. S. Gaddis.)

The twenty-second annual report, issued in October, 1914, Welborn affirms (p. 4): "All the conditions covered by the later demands of the labor organization, except those calling for recognition of the union and an increase in 10 per cent in wages, prevailed generally, if not entirely, over the State."

First, eight hours above ground did not prevail. Especially true of coke-oven workers. To-day all power-house men, both steam and electric, work 12 hours a day, 7 days a week. One of these engineers told me the long hours were killing him.

Second, payment for "dead work" was held up when they could so impose on the men.

Page 10: "The relation between ourselves and the State soldiers were the same in every essential particular as those that existed between us and the Federal soldiers."

The prevailing opinion not only among the strikers, but consensus of views of leading citizens was that Gen. Chase and his men were attempting to break the strike.

The constant conferences and phone messages; the free use of operators' autos; the credit allowed militiamen at "the store"; the cashing of warrants to pay State troops by the operators; the organization of local militia companies from employees, including many former guards and gunmen; furnished overwhelming proof that the militia were in cooperation with the coal barons.

Page 10, same report: "It is a significant fact, which bears evidence of the favor in which our mine stores are held by the workmen—retail sales—in the center of the strike trouble, were $47,067.52 greater than they were during the last preceding year."

The brazen shame of the above words are of a pitiably low order.

First, the company hotels and boarding house were packed with guards who were being fed and furnished much new material for lodgings.

Second, at one period during strike all huckster wagons were shut out of camps.

Third, the arrival of hundreds of families as strike breakers made "the store" business boom in furnishing their houses.

Fourth, for months during the strike old employees who would have come to Trinidad or Walsenburg to trade occasionally were afraid to leave the camps; this extra trade went "to the store."

Fifth, the feeding of the State militia was in itself a very large source of income to the operators.

Sixth, the people who were given work and being protected by the operators during the strike felt a new impulsion to buy only at "the store." One store manager in a small camp told his receipts for one month at "the store" equaled nearly 50 per cent of the pay roll at the mine office.

FACTS CONCERNING THE STRUGGLE IN COLORADO.

BULLETIN No. 7.

JULY 22, 1914.

This is a copy of a letter addressed to Secretary of Labor, Hon. W. B. Wilson, and signed by eight prominent citizens of the State, most of whom we doubt not have never seen a coal mine.

One of their closing paragraphs runs thus: "The mines are running and are sending out full product, while little union mines set in ridiculous idleness."

The first affirmation of the above deliverance is more than the operators ever claimed for themselves. Further it is fully contradicted in Bulletin No. 6: "The mines have been in operation since the strike was imposed, the output never dropping below 50 per cent of the normal."

As to the second clause, the union mines, it was generally conceded that the strike gave these small union mines an opportunity to make money, never before presented, and they improved it. One union operator told me he could not afford not to sign up with the union. It was too great a sacrifice to his business outlook.

BULLETIN No. 8.

JULY 25, 1914.

From the Denver Women's Law and Order League: "No machine gun was at any time directed against the colony."

We first read this falsehood in the office of Mr. Schench at Denver (president of the Colorado Supply Co.). We told him then there was nothing to be gained by such a misstatement. He questioned our authority for denying that the machine gun was not used on the tent colony at Ludlow April 20, 1914.

Our reasons for believing that it was used are as follows:

First, the C. F. & I. camp physician at Berwind told us it was in operation against the colony on that day.

Second, a man who lives in Berwind told us he was one of the supporters of the gun during the battle.

Third, we passed through Ludlow on C. & I. train the night of the famous battle. We saw the tent colony in flames. Several persons boarded the train. One man in particular we heard say that that machine-gun engine had been raking the camp.

Fourth, the operator of the gun was pointed out as a hero of Berwind Canyon.

This flagrant prevarication concerning the use of the machine gun has never been contradicted by the operators.

Those who signed the letter which was sent to President Wilson knew little or nothing first handed of conditions in southern Colorado.

BULLETIN No. 4, SERIES H.

JANUARY 2, 1915.

The caption of this pamphlet is "The strike ends." In this paper Welborn rejoices over the "loyalty with which its men have stood by the company."

First, a large proportion of the foreigners who remained at work gave not a whoop about the controversy at issue.

Second, not a few who stand at their jobs were in sympathy with the strikers.

Third, we were in Segundo on the night the railroad men and their families left the camp on a special train for Weston. It was thought the Old Town strikers were to attack Segundo. The train was taken out against orders of the superintendent of the road. The fire boxes of the engine in the roundhouse were filled with water before the train pulled out. They telephoned over to Old Town not to shoot as the train passed. They were union men.

Fourth, foreigners being told they would be protected if they remained at work were willing to take chances. It would enable them to make their "stake" and get back to Europe. When the strike was called hundreds of men returned to Europe. The Santa Fe Railroad did a big business for a while in Trinidad.

NOTES ON FORCED SABBATH LABOR.

By E. S. Gaddis.

Colorado is the only mining State in the Union that has habitually compelled colliers to labor on the Sabbath.

All sorts of needless and unnecessary labor is encouraged and enforced in the C. F. & I. camps.

For many months prior to the great strike hundreds and thousands of men did not know what a day of rest was.

Orders were posted on the mine bulletins, signed by the superintendent, threatening loss of good place in the mine or actual discharge for those who failed to report for work.

After reading such orders we reported the fact to Weitzel, who said it was news to him. It is our understanding that all orders for Sabbath labor in the mines originate from Weitzel's office. We also lodged complaint with Bowers, who did nothing to relieve the men.

One young man at Primero, who told he had worked so many consecutive Sabbaths he wanted a day of rest and refused to run the mine motor car, was discharged. We presented his case to Weitzel, and that was the last word we ever heard on the case.

Some of the foreigners who are driven into Sabbath labor through fear of discharge would fail to show up on Monday.

A master mechanic in one camp told me it was not at all necessary for him to work on Sunday to keep abreast of his job, but the superintendent forced him out because the day shift was at it and no exceptions were to be made.

The special trains for Sunday baseball during the summer on the company railroads help to break down respect for the holy Sabbath; neglect of religious opportunities; and sometimes the men returned home in a drunken revelry, liquor being obtained from the "law-respecting" company saloon keepers.

SOCIOLOGICAL ADDENDA.

During our 22 months' term of service the following improvements were introduced:

1. Church and Sabbath schools inaugurated in camps where the work had never been started, or where it had been allowed to die.
2. Employment of a camp missionary for Trinidad and Walsenburg districts, and a colored minister who could swing clear of licentiousness and drunkenness to work among those people.
3. New Boy Scout patrols for the camps.
4. Night schools for foreigners to learn English. A public school started for the children at Calcite and an adult school for foreigners, where for 10 years no such advantage had been offered. We secured the willingness of one of the professors of the State school of mines to introduce an elementary mining extension course for each camp. Furnished houses for school-teachers was an innovation approved in several camps.
5. Public-school reading circles, with literature provided by the school board.
6. A new circulating library for the camps.
7. Raised the standard of the public school-teachers.
8. Fire escapes and sanitary drinking fountains for public-school buildings.
9. Motion-pcture show placed in almost every camp of the system.
10. Swings and teeter boards built at the steel works and donated to the fuel-department camps.
11. Lotteries in the company stores stopped on the ground that it was teaching the young people to gamble.
12. Current and popular magazines placed on sale at camp stores.
13. An attempt to curtail sale of tobacco and liquors to minors was only partially successful.
14. A sociological exhibit at the Panama Exposition, to include a live boy from each camp, would have been a great success had it received the financial support needed.
15. We were negotiating for the purchase of a Child's Encyclopedia for the camp schools when our relations with the company ceased.

THE LAND QUESTION IN THE SOUTHWEST.

(For exhibits under this subject, see Volume X, pages 9242 to 9290.)

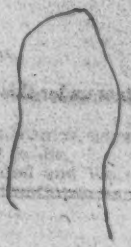

COMMISSION ON INDUSTRIAL RELATIONS.

DALLAS, TEX., *Tuesday, March 16, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon and Harriman.

Chairman WALSH. I would like to make a little announcement, please.

The hearings of the Commission on Industrial Relations, the commission consisting as a body of nine members, have been held throughout the United States for the past six months by special committees. The special committee detailed upon the question of agriculture, so far as the public hearings are concerned, consists of Commissioner Lennon, at my right, Mrs. J. Borden Harriman, of New York, and myself. It is understood, however, that wherever possible the entire membership is expected to attend. We hope during the week to have an attendance perhaps as high as five or six. The entire special committee is in the city at the present time, and Mrs. Harriman will join us later in the day, she having just arrived.

I want to say that the only public hearing which will be held on the question of agriculture in the United States is the one that is to be held here this week. In addition to the public hearings we hold here and special and intensive investigations into these various questions, the hearing here is the result of a study by Mr. Charles W. Holman, of our investigation department, of several months, supplementing a wider one of many years which he has made in other activities in which he has been engaged.

It goes without saying that this commission consists of three employers, three employees, and three representing the general public. The commission has not yet gotten together definite conclusions upon any subject. There is no particular line of thought advocated, so far as hearings or investigations are concerned, by this commission or any individual member thereof. It is the desire, if possible, to get at the fundamental truth in all these questions and regardless of the tendency of the testimony of any witness to indicate a trend of thought, I beg of you to understand and of the public to understand that it is our desire to get all viewpoints, after which the result of the hearings will be taken up with the reports of the investigators, and conclusions will be drawn to be presented to the Congress of the United States that will make for a stable industrial condition, particularly in respect to land and agriculture, so many witnesses having borne witness before this commission that land is the fundamental basis of all economics.

Now, we are going to call Mr. Holman as the first witness, because he has the outline, and this explanation has been made to the governor of the State and is made to you as the reason why the governor is not called first. After the outline is given by Mr. Holman, the Governor will be the next witness.

Our hearings will begin at 10 o'clock in the morning and continue until 12.30. We resume at 2 and continue until 4.30. Everyone may depend on those as the hours.

TESTIMONY OF MR. CHARLES W. HOLMAN.

Mr. HOLMAN. Mr. Chairman and Commissioner Lennon, under your direction the investigation staff of this body has been making a study of the land question. A survey has been made of the tendency toward concentration of ownership of the land in this Nation.

A statistical report, which has been completed, shows that this tendency is undeniable. Field studies have also been made of the landlord and tenancy relationships and of agricultural labor problems. General library work has been done and a study of the legal aspects has also been in progress. Some of these studies are not yet in shape for final reports.

I have presumed, therefore, that, as the opening witness in the first public hearing on the American land question ever held by representatives of the

Federal Government, it is your purpose to have me, as one of your investigators, briefly outline the points to be considered, and to define what, in the opinion of the investigation staff, are the fundamental issues involved.

At the beginning of this hearing it seems fit to point out that the United States is perhaps the last of the leading nations to recognize that there is need of fixing upon a national land policy, and that the time is at hand for the people, who constitute this Government, to realize that our land inheritance is slipping away and that its ownership tends to become concentrated just as capital to-day is concentrated.

At the same time a remarkable transformation is taking place in the relation of the so-called tenant of the soil and the half of the United States.

In this connection the tenants, who constitute the majority of the farming population, are arriving at the status of wage laborers rather than the popular conception of them being tenants of the land.

Restricting further our survey we find that in the southwestern territory, or within a radius of 400 miles from Dallas, the question of land ownership has become an imminent one, and the landlord and tenant struggle has reached its most acute state with the most open manifestations of discontent. In this territory certain economic forces have tended to bring about a distinct industrial relationship of the two parties.

It is not my purpose here to delve into the causes, for many of them will be stated by the witnesses who are to follow, while others will be incorporated in the final report of your investigator to this commission. But it may be stated that in this territory a very large per cent of the tenant farmers have slipped away from the old feudal conception of being tenants of the soil, and have dropped into the modern condition of being laborers in fact.

To illustrate this further, the vast body of the laws that have accumulated for the governing of landlord and tenant and the protection of their mutual interests and rights, are based upon conceptions growing out of the feudal institutions. But beside these, other laws have developed, and customs of contract have sprung up, wherein the right of the tenant is the right only of a farm hand, and his title is only a title to the crops that he farms. That is the customary landlord contract that is so prevalent in this country. Mr. Chairman, I was told the other day by a prominent landlord of Grayson County that in his opinion fully 90 per cent of the written contracts in Texas were the landlords' contracts rather than the tenant of the soil contract or the land lease, which is known to the lawyers of this State.

He is subject—the tenant—to the supervision of the landlord. He has no rights of unmolestment such as are implied for the tenant in the laws of feudal origin. We may say, therefore, that the tenant-laborer, or the "cropper," as he is known in the older sections of the South, is very closely akin to the casual laborer, whose case you have heard during other hearings. The main difference between the casual laborer and the tenant farmer is that the casual worker drifts by himself from place to place and may shift over the whole of the continent, while the tenant farmer drifts from farm to farm and carries his family with him by means of the covered wagon.

A recent survey of the shifting farm population of the South has been made by the Federal agricultural census, whose returns show that over 50 per cent of the Southern tenants had lived on their farms for less than a year from which they reported. In view of this situation I submit that the relation of the so-called tenant to the landowner is analogous to that of the wageworker to the employer.

Conversely, the landlord has become the farmer by virtue of this new contractual relation, which is less than 50 years in origin. This is in marked contrast to the condition in some parts of America where the tenant is still the farmer and the landlord has a relation somewhat similar to that of the bondholder or the owner of stock in a corporation inasmuch as he has no supervision over the land and only draws an interest from it. But it should be noted that the same forces appear to be at work in those more prosperous sections that if uncurbed will tend to bring about the same evolution we are now studying in the Southwest.

Before attempting to name the actors and to define the issues that constitute the southwestern land struggle it might be well to call attention to the land question as it may affect the value of wages. The primary interest of the hired worker is the purchasing power of his wages, and any factor that weakens or strengthens this power is a vital concern to him. In late years the American people have been profoundly moved by the decreased purchasing power of their

wages. In a search for the causes of this declining power the concentrating ownership of land can not be overlooked. The effect of such concentration, the effect of absentee landlordism and speculative holding which, when combined with the pressure of population, undoubtedly do make for increasingly high valuations of land. To this may be added competition by the landlords for the rented land. Such valuations when above normal put an overhead charge upon the cost of producing and distributing the product by adding unnecessarily to the capitalization involved. Thus every unnatural increase in land values brings about indirectly a decrease in the purchasing power of wages.

How to deal with the American problem of unemployment has occupied the attention of many minds and provoked much writing of a theoretical nature. Among the proposed solutions of unemployment and measures for the relief of congested masses of wage workers in great population centers and for the distribution of the newly arrived immigrant population has been the colonization of immigrants and the inauguration of home-ownership projects for those afflicted with the "back-to-the-land" fever. Those advocating the moving of surplus labor into the country districts still point to large areas of land in America untouched by the plow. It is therefore of vital interest to know whether such relief may be brought to the industrial centers by an increase of rural population, and it is pertinent to ask, Can the surplus labor of the cities be cared for by the rural population? If so, what proportion of it should go upon the land as home-owning farmers, what as tenants, and what as wage-workers?

If the farming population, through unpreparedness for the distribution and sales or for the financing of this increased agricultural production, is unready to receive the city's surplus and the arriving immigrant, would not the effect of such an increase to the rural population be the same as an irritation of an unhealed wound?

In early years large land grants of a doubtful nature were made to promoters of colonization schemes. This refers to Texas. Later the legislatures attempted to limit the tendency toward land grabbing and to aid home building; but such efforts were unavailing to stem the steady movement toward the concentration of the ownership of land.

Forty years ago practically all of Texas farmers owned their land. To-day over half rent the land, and the trend toward concentration appears to be steady. In 32 counties of the State the percentage will run from 53 to 70 per cent in concentrated ownership.

In Oklahoma large blocks of land originally owned by Indians have been wrested from them by white men following the removal of restrictions. Yet the State also was generous to home seekers and to-day aids persons wishing to become home owners. Notwithstanding that, a larger percentage of tenancy exists in Oklahoma than in Texas, and the tendency toward concentration of land ownership proceeds unchecked.

To-day we have in this area a big change taking place that is akin to a struggle for the land. The active participants in this struggle are tenants and the landlords, small landowners, and large landowners, who have their own struggles as against each other, money lenders, banks, and merchants. Those directly or indirectly affected by this struggle constitute practically all of the population of the small towns in the area.

Aside from landlords who live in the country, the concentration of ownership is aided by farmers who moved to town, by town creditors, land speculators, Indian-lease speculators, etc., and a whole host of others.

The native white tenants are found throughout all of the southwestern area. The negro tenant is found mainly in east Texas, in the bottoms of the Red River, the Brazos and the Trinity Rivers, or what is known as the old plantation of the South, which starts and runs in a southwesterly direction from Texarkana. The Mexicans begin with the Rio Grande and form a large part of the labor supply throughout southern Texas. Foreign whites in small numbers have come into the Southwest in the last few years.

In the 40-year period under investigation the rise of an absentee landlord class has been rapid because of the one-crop system prevailing in the South, which makes it difficult for tenants to rise out of their class into the ranks of home owners; the excessive valuation of lands, which makes it very difficult for tenants to become home owners; indirect use of force by large property holders to force small property holders to sell their holdings; seasonal depression of crop prices, which, in times of distress, force the small owners to sell; downward trend of home-owning farmers, which is accelerating the growth of tenancy and

itself results in inferior living conditions, in a greatly handicapped rural educational environment, and into development of caste feeling among those left in the depleted country districts.

More or less friction between landlord and tenant occurs in this area because of (1) oral contracts; (2) differences of opinion in the matter of regulating cropping systems; (3) the movement of the last few years on the part of landlords to raise the rent above the customary one-third and one-fourth; increased capital represented in the soil; competition for desirable farms among the tenants is a contributory cause. Friction also arises with regard (4) to improvements to be made by landlords on farms and other causes the details of which will undoubtedly be explained by the witnesses who appear.

Oppressive tactics of landlords also figure in the causes of friction. These tactics manifest themselves in unwarranted evictions; in the use of force to intimidate renters; in requiring renters to overcrop the land to cotton; in efforts to control elections where land taxes and other matters of policy are involved; and discriminations against tenants because of political or personal reasons.

This transformation of southwestern life has been accompanied by notable reactions, and these hearings should develop to some extent the effect upon the town and country. In this connection the rise of a class-conscious movement among the tenant farmers should be carefully examined.

Any attempts at a solution of the problem reckon with certain complicating factors, among which are the inferiority of the tenant class itself, which is isolated, ill-nourished, poorly instructed, badly housed, and is rapidly assuming the attitude of a dependent class; interracial competition, which is intensified by the competition within the tenant class itself; shifting of rural population; handicaps of the colonization of immigrants, such as land speculation and the laws preventing homeless persons from readily becoming home owners; corporation farming and corporation control of communities, and usury. This last is a very important handicap to any solution of the problem. Later on we may have occasion to have recourse to maps of Oklahoma and Texas, where the commissioners will have an opportunity to see the area wherein land concentration, or rather tenancy, have grown the most rapidly.

Chairman WALSH. How were they prepared?

Mr. HOLMAN. From the last Federal census, from the statistical and mapping division of the commission. I will show that to you in a minute.

By the maps which are here displayed you will see that the problem in this great southwestern area is dominantly a white man's problem. And where the percentage of tenancy is highest we find it is more conclusively a white man's problem. The negro still remains, in major part, where he was originally, before the Civil War. The Mexican has not yet attained sufficient importance as a tenant farmer for him to be a modifying factor.

I have further assumed that the purpose of these hearings is to aid in the establishment of a constructive land policy. The viewpoint therefore should be social rather than individualistic. Not private valuations but social valuations; not private profit but general happiness must determine the point of view. Among the subjects that will come up for consideration in a constructive way are the improvement of the rural school system, cooperative marketing and buying for farmers, cooperative finance, State aid to home builders, the labor and tenant exchange for the clearing of agricultural labor, constructive taxation programs, and citizenship organization.

The evidence so far examined by your investigator points to the necessity of creation of land commissions or courts that will have powers of gathering and determining facts in all matters relating to landlord and tenant contractual relations, and in the promulgating of rules with regard to the disbursement of moneys appropriated by land-purchasing acts of the future.

Such a commission could well be national in character, and part of its duties would be the distribution of that part of foreign immigration that should go to the country districts rather than remain in the city. In fact, such a commission, having in its hands evidence as to the condition of employment in industries, would be the best instrument to deal with the arriving immigrant. Working in cooperation with the State commission or State branches of the general commission it could do much toward settling this present acute problem.

Such a commission should have all the powers of an economic court. In its relation to land problems, if national, it would be similar to the Interstate Commerce Commission. In its relation to State problems it would be similar to, say, the Wisconsin Industrial Commission.

Now, with your permission, I will show this map.

This is a map that was made of the 82 counties in Texas where the percentage of tenancy is at the highest. The effort, therefore, was to find out where the negro was located in order to see whether tenancy is a white man's problem or not. We find the orange section here shows where the negro tenant runs 49 per cent and over. The blue shows where the negro runs from 25 up to 49 per cent, and shows where the white man is located through this area. And, for your information, gentlemen, this area through here is known as the "cut-over timber lands" of east Texas. This area through here [indicating] the cross timber; and this body right through here represents the great "black land" area of this State running possibly down to here, making an area of two-thirds of the size of the State of New York; and it is in this area here where rent concentration or rather tenancy has grown faster. We find by this map that there are 147,000 tenant families in this section in all; and of these 111,000 are white and 35,000 are negroes.

This map which I now show you was made simply to show where cotton is grown, because the tenancy problem in this southwestern country has become almost entirely identified with the problem of cotton, and in per cent the highest per cent goes toward the darkest shading. Perhaps that contrast is not as good as it should be, but we find there are 58 counties where there are under 10,000 bales produced, 85 counties where from 10,000 to 20,000 bales are produced, 34 counties where from 20,000 to 30,000 bales are produced. There are 20 counties where 30,000 to 60,000 bales were produced, and 15 counties producing over 60,000 bales and running up as high as over 120,000 bales. I believe that is Ellis County. Now, wherever you find the highest production of cotton, you find, as a rule, the highest proportion of tenancy in this area.

The same thing is true for Oklahoma. We have taken only the counties in Oklahoma, as we did in Texas, where tenancy runs over 50 per cent, and we have mapped them by color. You will find there that there are, I believe, 47 counties that are maroon, showing where the whites are very few. The blues show that the negroes are concentrated only around the vicinity of Muskogee, which means in the Creek Nation and in McCurtin County, and the negroes only constitute about 8,900 families in this area [indicating] while the white families run 7,925. And if this were compared with the cotton map which we have here you would find that it follows almost identically the progress of the cotton industry, the only difference being that cotton moves just a trifle faster than tenancy has moved in this area.

Here is a map which shows where the foreign-born population of Oklahoma is located. You will see it is practically inconsiderable, only 8,948, and so you see up there it goes from light to dark, showing where there is a high percentage of foreign-born population; therefore in this State they are located almost entirely out of the tenant area.

Chairman WALSH. Did your investigation show that there has been any effort on the part of organizations to locate immigrants, fresh immigrants, or does that only contain statistics as to people that were not born in the United States?

Mr. HOLMAN. This is only the statistics of people not born in the United States at the present time. Of course in south Texas and down in Fayette County there are thousands of people who are really members of or belong to the immigrant class; that is, they have all the feeling of foreign-born people, though they are native-born people, because they have not yet become assimilated and many of them even do not speak English as well as they might.

This map simply shows the proportion of farms owned in Oklahoma, 85,000 there in all. You see it is almost entirely reversed. But that is a map for the whole State, while this former map was only made showing the families represented in a general way of over 50 per cent, which is for the State as a whole, and you see the tenant area running over here; while on the other hand in this section the ranch-land and the school-land lessees and these new people coming in from the Central States going toward a different kind of crop, such as grain, they are located in this section. This is the great grain area where the wheat harvest, the wheat crop last year in the State of Oklahoma pioneered the question of a State employment agency for farm casual laborers.

If you would remember that first map I showed, there is the cotton map of Texas for the year 1913. At first we were a little bit interested to see the tenancy that had made its way out from the black land—this group up here—and it was necessary to map the cotton area to find out if there was not some

close relation between that progress, and that proved to be the case. Of course, that is newer country out there, too.

Chairman WALSH. Which is the newer country?

Mr. HOLMAN. This northwestern country from here [indicating].

Chairman WALSH. Is that confined to what you call the black land where tenancy was common?

Mr. HOLMAN. No, sir; that is the western cross timber. The black lands are through this area, and run probably four counties wide. Mr. Ferguson, is that not the area of the black land? That simply shows the location of the negroes and other nonwhites, the total population of Texas so far as they are concerned. That is the total farm population, you will see.

Chairman WALSH. Of what do they consist; of what does that consist in percentages, would you say?

Mr. HOLMAN. The blanks, that is, the white, show under 1 per cent; that is, 181 counties. The orange, that is probably Mexican, show from 1 to 10 per cent; that is 45 counties; the green running through here, through the black-land belt counties, are from 10 to 25 per cent. They constitute 16,000 acres in 26 counties. The blue here, that filling in places like that, Jackson, Red River, and those types of counties, they run 21 counties, or a total of 15,735. The balance of the counties in black are where the negroes are 40 per cent and over. That is a total of 32,609 of the foreign population there, or 70,000 on the farms. United States figures average 60,000. We put them on the automatic machine and they did not figure up according to the way they had been in the census figures.

Now, if you will notice this area right through here, you will find that that corresponds with what is known in the Federal census report as the plantation area. You will also find that these negroes have been in this section ever since before the war. They have not moved out very much. And you will also find in this section what is known as the East Texas sandy lands, the country where it is to-day pointed out as a country where any poor man can own a farm; yet we find in this same section a very high degree of tenancy. The causes of that may be determined. This is a map of the farms owned in Texas. That map fails in its apparent significance. The Federal census classifies ranches and everything else as farms. We can only take the census figures and map it out in accordance with their figures. All of this country through here is arid country; it is pasture land to a great extent, and it is held in large blocks. The result is that this fails as a classification as far as the population and proportion of tenant farmers in Texas is concerned.

The actual figures on landlord and tenant in this State should take the most of the farming area that has been developed and figure out from that point of view, not from the point of view of pasture purposes. But these in the blue or the purple show the area of tenancy again. And you see the maps work together. This long strip through here is what is known as the black land.

I believe that is about all of the maps that will be of interest at this time, Mr. Chairman.

TESTIMONY OF GOV. JAMES E. FERGUSON.

Chairman WALSH. May I ask you, please, to state, for the purpose of this record, what your history has been prior to the time of assuming the office of governor of the State of Texas; your business experience, I might say?

Gov. FERGUSON. Well, I am a native-born Texan. My early training was on the farm. About up to the time I was 18 years of age my experience was on the farm, you might say. After that time I was a railroad man for about seven or eight years. After that time, and for about seven years, I, as they say in Texas, threatened to practice law—for about seven or eight years. After that time for about eight or nine years I was engaged in the country banking business. That brings it up probably to the present date, or to at least the advent of my personality into public life.

Chairman WALSH. Have you held any other public office in the State of Texas prior to your election as governor?

Gov. FERGUSON. No, sir.

Chairman WALSH. Prior to your—and you assumed this office on what date?

Gov. FERGUSON. The 19th day of January, 1915.

Chairman WALSH. I have a few specific points suggested here by Mr. Holman that I will direct your attention to, and then, of course, you may make any statement that you think will throw any light upon the subject as outlined here.

First, I would like you to give us a short sketch of what might be termed the development of tenancy in Texas, land tenancy, the type of tenants as they come in during the past 44 years, and who they are, their origin, etc.

Gov. FERGUSON. Yes. Well, I may preface that statement by these general facts that are well known:

Texas in 1850 had a population of 52,000. By calculation it developed that we had then approximately 8,200 acres per capita to the population of the State of tillable land, or land that could be susceptible to cultivation.

Coming on down, jumping on down to your statement, we will say, the development of tenancy which took place soon after the reconstruction era of the South, I think the population in Texas (probably I have the memorandum) in 1870 was 819,000, reducing the per capita land area in Texas to 205 acres. The next 10-year period, up to 1880, we find the population a million and a half and the per capita area reduced to 105 acres.

Chairman WATSON. Generally speaking, what was the development of urban population? That was during the period when a very fast and vast growth was being made in the cities.

Gov. FERGUSON. Not through the period I am speaking of. Now, most of the population was in the country, and it is only within the last 20 years, you might say, that city population is beginning to be of moment in Texas.

In 1880 our population had increased to two and one-quarter millions, reducing the per capita acreage to 75 acres. In 1900 our population had increased to 3,000,000, reducing the per capita acreage to 55 acres.

Chairman WATSON. Do we still have in mind the tillable land, Governor?

Gov. FERGUSON. Yes, sir; that is the tillable land. Not the improved land, but the land that is susceptible of cultivation.

In 1910 our population was nearly 4,000,000 and down to 42 acres per capita, and, estimated under the same basis of increase, taking our population at an estimated amount of four and one-half millions now, we would have 37 acres per capita of tillable land in Texas.

I make that preliminary statement, and it has at least an indirect bearing upon the cause and development of tenantry in this country.

Getting back to your original proposition, the tenant system started in Texas in about 1870, which was at the end of the reconstruction period in the South, and the people then began to turn attention to the real development of the State. In that day and time—I am speaking now largely from my own early knowledge, because I am an old settler in Texas; I have been here 44 years—about that time. In that day and time the condition of the tenant was not bad. I can remember up in the early—possibly 1880—the tenants had a great many privileges. I can remember especially, back in the early days, that one of the customs in my country—in central Texas, where I was raised—was that when a tenant wanted to rent a farm from a landlord, one of the conditions was—one of the questions—"How many cows are you going to furnish me to milk free of charge?" And "How much pasture are you going to furnish me?" And that condition continued, I might say, up until approximately 1890, when we began to have, as shown by the census record, we began to have the great increase in population, and naturally the acreage per capita began to decrease, and those privileges were gradually eliminated; and as land began to become more valuable the landlords began to exact and eliminated a great many of the advantages that had been allowed the tenant.

I would say that back in the early period, from 1880 to 1890—1870 to 1880—the houses of the tenants as compared with the houses of the landlords were better then than they are now.

The real problems of tenantry began to develop when land became valuable in Texas. The real cause for the need of agitation or interference on the part of the Government to deal with the tenant question had its real inception in the increased value of the land. As long as land was worth from $25 to $30 an acre, based on the earning power of money, the land could easily produce 10 or 12 or 15 per cent on its value on the share system, which was the system inaugurated by the people of the South. But just as soon as land began to get valuable the land holdings began to decrease per capita. The natural desire of a man was to get as much revenue out of the property as possible, and he began to exercise his rights and to consider the question of an increased revenue from his land.

The question of the third and fourth system, as we understand it in the South—after the reconstruction it became so thoroughly ingrafted on the population of the South, and the people had so long recognized its equitable

proportion as the real equitable division between landlord and land tenant, or I should say between the landowner and land tenant, that long before any man thought of asking an increase in his land he recognized that question had to be approached with much trepidation. But as the land began to get higher, the people, from this desire, based on the earning power of money, began to advance the argument—and right here I might say as an incident to this increase in rent comes in the question of absentee landlordism.

It is my opinion, and I only give it as my opinion, but based on the observation of a lifetime in Texas, that if it were not for absentee landlordism in Texas we would not have any discussion or agitation of the question of rent. As a practical proposition the absentee landlordism works out this way: You take a man who has 350 acres of fine black land in Texas in the cotton district, as delineated on the map here; that the landlord can live on that 350 acres and absolutely live like a lord and have all the comforts and conveniences that the ordinary man wants who is willing to live economically and frugally. But by and by that man takes a notion that he must move to town, and he goes to town, and he gets acquainted with a railroad president, and he gets acquainted with a merchant who is worth ten times what he is worth, and, in other words, he gets into high society, and pretty soon that 350 acres of land won't support him; he can not keep pace with the people he tries to run with in town; the old division of the rent of one-third of the grain and one-fourth of the cotton does not meet his demands; and consequently in his dilemma he begins to do the best he can and goes back and raises the rent on the poor fellow in the country; and in that way, when he goes to raise the rent, the tenant will say, "I want you to build me a better house if I am going to pay more rent"; and he says, "I can't afford it. My family expenses are such in town that I can't stand it, and therefore you will have to do with the old house you have now." And it is such attempts on the part of people who would make good farmers to make city people that has had as much to do as any other one cause to produce the rise in rent in Texas.

An estate in the country which heretofore would support a man in affluence in the country will not, of course, support him in the city, and he tries to make ends meet when they will not meet, and that is one of the great reasons for the discussion of the land question in Texas.

I noticed in my campaign, if you will pardon the personal allusion, a thing that corroborates the statements I am making about absentee landlordism. The landowner who lives in the country and who is identified with the trials and tribulations a man has to make to live in the country—that man found no objection to the general proposition of the increase in rent—or I mean the proposition to restrict any increase in rent—and the man who really lives in the country and who has always made his estate by working under conditions which we have had in Texas for 30 years realizes that society and the Government must deal with the question of the equitable adjustment of rent. He realizes that no hairbreadth distinctions or finespun theories about the Constitution can be urged to meet the humane side of the question. He realizes, as a practical proposition, that if he claims the right to come in and take too much of the production of the soil by the tenant, by his own contract powers, that sooner or later, as the government rests on the consent of the governed, that that right may be taken away from him and that after all his contract rights are no stronger or more stable than the honor and integrity of the people who support his Government and really give sacredness to his contracts.

Now, one other matter: I do not know whether you called attention to this or not, but we have in Texas under the census of 1900——

Chairman WALSH (interrupting). Have you the same outline the commission has furnished through Mr. Holman—the memorandum of subjects?

Gov. FERGUSON. Yes; I am following that. I may refer to it in a disjointed way as I have not had time to prepare a statement.

Chairman WALSH. Just so you have the subjects before you.

Gov. FERGUSON. The census of 1900 showed we had 219,000 tenants in Texas and the census of 1890 showed we had 190,000, or an increase of 29,000 or about 3,000 a year. By the same proportion of advance or increase, and I think it has even increased in a greater proportion, we will have in Texas now about 245,000 tenants, and I believe it is disclosed even by the map—I have not looked at it but I am glad to see the map corroborates the statement—that four-fifths of that number live in the black lands of the State, approximately that much in the black-land or cotton-growing area of Texas, which is approximately 10,000,000 acres of land. I might say that of the 165,000,000 acres in Texas

suitable for cultivation, there is now only about 20,000,000 acres of land that are really improved and being cultivated.

Chairman WALSH. What were the first figures you gave—how much was susceptible of cultivation?

Gov. FERGUSON. The best information available shows approximately 165 or 170 million acres of land susceptible of cultivation, probably not over one-fifth of that being in cultivation or improved land. Now, in this 10,000,000 acres of land, in which reside four-fifths of the population——

Chairman WALSH. At that point, have you any information or any theory as to why there is not a higher development in the potential tillable land—usable land?

Gov. FERGUSON. It is because we are a new country. That is reflected in the population and its growth from, in 1870, 550,000 people to 4,500,000 people; and just as soon as we are as old as probably Kansas, your State, in development, we will have a greater proportion of tillable area in cultivation.

Now, four-fifths of the tenants of Texas, as reflected by the maps, approximately live in the black lands which I estimate at about 10,000,000 acres of land. I further estimate that 8,500,000 of this 10,000,000 is worked by people who own the land, and 6,500,000 acres is worked by 200,000 tenants—about 30 acres to the tenant. The Federal census further gives this information which is worthy of comment in this connection: On the basis of 1910——

Chairman WALSH (interrupting). You say that is 30 acres to a family?

Gov. FERGUSON. That is approximate.

Chairman WALSH. Now, do you think, Governor, from your experience, that that could be reduced any, or is it being done as intensively now as it could be?

Gov. FERGUSON. No; it is not, in my opinion. Whilst we are a great farming country and we have some of the smartest people in the world now tilling the soil, I believe we have just now begun to study the question and to learn something about intensive farming in Texas. And I believe that under scientific methods we will increase our production 50 per cent after a few more years of cultivation and study along the lines that the Government seems now in a humor to assist.

The Federal census showed in 1910 that out of 219,575 tenant farmers, 17,500, or less than 10 per cent, paid a cash rent. From my own personal observation, and from the absence of any better authority, I estimate that 60 per cent of the total number of tenant farmers of Texas do not pay a rent in excess of a third of the grain and a fourth of the cotton. The remaining 30 per cent, or, in round numbers, 65,000 tenants, pay more than a third and a fourth. I said a while ago that the increase in rent is of comparatively recent occurrence. I was born and raised in Texas, and I do not recall in my own personal experience, though I have lived a great deal on the farm, and always in the country, of ever having heard of a man charging rent to exceed one-fourth of the cotton and one-third of the grain prior to 1900, as an actual occurrence. I possibly may have heard it discussed, but I never knew personally——

Chairman WALSH (interrupting). Yes; please describe in detail, Governor—and I assume, of course, you are very familiar with it—but please describe in detail for the record that system of a third and a fourth shares in tenant farming.

Gov. FERGUSON. Yes; I am glad you mentioned that. The third and fourth system, known in Texas and understood by Texans, is this: That the tenant, usually in a verbal contract—only in rare cases is any other kind of contract entered into—agrees to rent a given number of acres of land on condition that the tenant will pay the landlord one-third portion of the grain raised on the premises, such as corn, oats, wheat, barley, rye, and other grain crops, of which probably not so much is cultivated in Texas, and upon the condition that he pay one-fourth of all the cotton raised. The settlements under those contracts are made in various ways, but that that is commonly practiced of late years is to divide the proceeds of crops. The tenant makes the crop, sells the crop, and has the purchaser of the crop make him a written statement signed by him, or by some of his agents, stating how much he has purchased of the tenant and the price paid; and with that statement the tenant goes to the landlord and makes a settlement, and he says, "Here is my evidence of what I have received from my crops, and under the proportion of one-third of the grain, one-third of this amount I owe you." That is usually paid by a check on a local bank, and the same rule is followed almost universally. Now, in rel-

erence to cotton—in the early days they had a system of dividing the crop itself. If a man had 4 bales of cotton the landlord got one; and when he went to gather the corn out of the field—and that is the system now, where the crop is not sold—he would divide by the wagonload of corn, and in many instances they even divided the rows in the field; but of late years the common practice is to divide the proceeds of the sale.

Chairman WALSH. Please describe, while you are right there, Governor, what the tenant furnishes under such contracts and what the landlord furnishes in the way of improvements, implements, or anything of that kind.

Gov. FERGUSON. Yes; under the third and fourth system the landlord furnishes the land, furnishes the premises on which the tenant resides, and that is about all he does furnish. The landlord furnishes the teams, tools, seed, and supplies——

Chairman WALSH. You mean, Governor, do you not, the tenant furnishes the team and tools——

Gov. FERGUSON (interrupting). Yes; the tenant furnishes the team, tools, and feed, and agrees to keep the fences in repair in certain areas where it is applicable; he agrees to work the land in a good farmer-like manner and not to let any Johnson grass or cocklebure, or any growth that is a menace to the fertility of the soil, get hold—keep it from going to seed. We have also in this country a system known as the "half system," referred to by Mr. Holman, which is more prevalent in the districts cultivated by the negroes—the negro population of the State. Under that system the landlord furnishes the land, the premises on which the tenant resides, furnishes the teams, the tools, and the seed. Under that system the tenant receives only half of what he produces, and the landlord, of course, receives the other half. The half system is not practiced to any great extent only in the river bottoms, and largely where the negro population predominates, although you very frequently find tenants farming on halves in the black lands of Texas; but that is not a general custom.

Chairman WALSH. Might we ask you, Governor, to please describe any bonus systems you are aware of, while on that subject?

Gov. FERGUSON. I was only describing the third and fourth system. The bonus system is the new issue in Texas. With the increase of the value of land about which I was just speaking a while ago came the bonus system. Under the old rule, where the land was worth only twenty-five or thirty dollars an acre, of course, getting a third of the grain or a fourth of the cotton, under the average productivity of the soil, it was easy for the landlord to get his rent or return on his investment; but as soon as land went up to a hundred dollars an acre, where the landlord began to reason with his tenant like this: "Now, money is worth 6 per cent. My land is worth a hundred dollars per acre. Therefore I ought to get $6 an acre return upon my land, and a fourth of the cotton will not produce $6 an acre, therefore I am going to ask you to pay an additional rent, which will make a total of $6 an acre, and therefore, in order to bring that about," he says, "they have estimated what would be the value of a fourth of the cotton," and we will say that that was found in a given year, at the prevailing price, to be $5 an acre. The landlord says, "I am entitled to get $6 an acre, therefore I am going to ask you, Mr. Tenant, to pay me $1 an acre additional." And that is what we call the bonus in Texas. The bonus is the additional cash rent or additional amount of rent, I had better say, paid to the landlord in addition to the third and fourth system demanded by the landlord.

At first blush it would seem that the landlord had a good case, that his argument was to an extent well founded, but as against that the tenant says, "Yes; that is true that your land has gone up and it is worth a hundred dollars an acre, but you did not produce the increased value of the land altogether by your own action. It is by virtue of the fact that my wife and family are willing to go into the field and work your land and produce these crops and demonstrate the fertility of the soil, and that this country will support an agricultural population; and by reason of all these influences, in which I have had a part, your land has become valuable, and therefore you have no right to take from me a rent which would be an oppression and a burden to me—that you would have no right to take such an amount of rent as would distinctly impair my ability to raise my children in comfort and have some conveniences and the same privileges, at least, of education which you, the landlord, give to your children." And furthermore the tenant says, "You ought not to charge an increased rent; that, notwithstanding your land has increased in value, its productive powers have not increased proportionately; that the land now does

not make any more cotton, does not make any more corn, than possibly it did 30 years ago, when your land was not worth one-third of what it is now."

And those are the two contending arguments around which springs up the discussion of what is known as the bonus system in Texas.

In a great many instances instead of charging any proportion of the crop—and this is a custom largely operated by the absentee landlord, who lives in the city and goes in high society—the landlord says, "I haven't any time to bother with the question of the settlement of rent. Therefore I want a cash rent, and I want that rent to be sufficient to pay me an earning power on my money. Therefore I want $6 or $7 or $8 an acre rent money."

The Federal census shows that in 1910 even that feature had grown to the proportion that 1,700,000 farmers, white tenants, in Texas were paying the cash rent. And that is a distinct hardship to require the tenant to pay cash rent, because we have not reduced in Texas to a science the certainty of making a crop. We have seasons that come and go in Texas, and consequently some years we make good crops and some years we make bad crops. Under the cash-rent system the tenant would have to pay his cash rent even if it took all his part of the crop; and that would even deprive him probably of enough to live on. To illustrate, I can tell you of a case of an actual occurrence in my county—Bell County—in which is situated the town of Temple, the best town in Texas—I want that to be read in the record—an absentee landlord who owned 1,480 acres of as fine waxy black land as could be found in Texas, and who was renting his land for $8 an acre cash rent, and I was speaking about an actual up-to-date occurrence—this year the land had been worked well by the tenant paying $8 an acre, and upon that place of 1,480 acres there were some 25 or 30 families. In August, as had been their custom for years, they went into the town of Rogers and said to the merchant, "We are now beginning to pick cotton, and we have come in to get cotton sacks, which we buy every year to pick this cotton, and we want also a little additional increase"—an additional food supply in the nature of bacon of probably not very high grade, or a quantity of flour which is probably not a very high grade—"and we want to begin to gather the crop with which we want to pay you our store account, which we have contracted during the year." The merchant said, "Oh, no. Conditions have changed. The war has come on, and cotton is worth only 6 cents a pound, and your land, while you have worked it well, will not exceed a third of a bale to the acre, and you are paying $8 an acre money rent, and therefore a bale of cotton worth $30 a bale, or 6 cents a pound, it would take almost all the cotton, the entire crop, to pay the landlord; and therefore you would have no ability, however good your intention might be, to pay us. And therefore we would rather take our loss now than to advance you bread and meat with which to continue work."

There was a peculiar condition which will arise every time we have the money Shylock in this country who wants a cash rent. There was a group of 30 families who have worked hard; their children had gone to the field and helped make a crop; and they had the land in fine shape, and had made the crop ready for harvest. Yet we witness the anomalous condition, the spectacular condition we might say, of families who had done that, who had lived frugally, we might say—frugally does not express the term—they had lived in a niggardly way, just as little as they could get through with to work the land, and yet at the time when it would come time to harvest the crop they were deprived of the right to eat meat and bread because of high rent.

To show you how everybody was interested in this question, as soon as it was known that this landlord was insisting upon the cash rent of $8 an acre the whole neighborhood began to discuss it. The doctor who had practiced for the tenant during hours of sickness began to see that he was interested, for the first time, in this land question; and that what had seemed to him heretofore none of his fight, after all, there was an economic condition in the production of the land, or he would have to go out of business. The merchant had already come to see how it would affect him, and the blacksmith who did work for the tenant began to see things the same way. So a mass meeting was held. No attempt or no expression of violence was made, as better counsel prevailed. The tenants of Texas are yet the most patriotic people that we have. They constitute, perhaps, and are as well informed as the average man in this country on public questions; through the medium of the rural system of mails they are informing themselves. So better counsel prevailed, and they said to the landlord——

Chairman Walsh. Might I ask you whether there had been what you might call sporadic talk of violence before the people got together?

Gov. FERGUSON. Well, no, sir; there had not. That is one of the points I want to emphasize—that notwithstanding the fact that here were 30 families who had been denied the right to eat bread and meat there was no expression or talk of violence. And after the meeting they said: "Well, we want to respect the right of property, and we owe a higher duty to our family—that is, to at least feed our families—and if we can't get the right, if we are denied the right to eat bread and meat, we believe we have a right to go elsewhere." So they said to the landlord: "Here is your land; we give it back to you, with the crop which we have made; you take it as you please." Made him a present of it. Then the doctor, the merchant, the blacksmith, and everybody that had done business began to see then that it was their question and was their fight; that it was for them to take an interest in this land question. And there is one of the great questions, one of the reasons why this land question is a question that must involve the attention of everybody.

Chairman WALSH. You say this landlord owned 14,000 acres?

Gov. FERGUSON. One thousand four hundred and thirty.

Chairman WALSH. One thousand four hundred and thirty acres of land?

Gov. FERGUSON. Yes.

Chairman WALSH. In Bell County?

Gov. FERGUSON. Yes, sir.

Chairman WALSH. Who is this landlord?

Gov. FERGUSON. The Sealy interests, I understand, of Galveston.

Chairman WALSH. Is it in corporate-form ownership or individual?

Gov. FERGUSON. No, sir; it is private ownership.

Chairman WALSH. Owned by individuals?

Gov. FERGUSON. Yes, sir. And when that condition was put up to them they began to see that the absentee landlords did not know the question as being developed on their own territory; they have never lived on the land; never saw it. So they met the situation and realized, and said: "Yes; after this method is explained to us we acknowledge that the tenant has some rights as well as we have." And the very day that that was done and the very hour that that was done every farmer went in and was able to continue to support the family, and everything went along satisfactorily. I only mention that——

Chairman WALSH. I just want to ask you, just following that out, were credits restored to normality?

Gov. FERGUSON. Immediately the merchants, who had heretofore refused to let the men have bread and meat, invited every one of them to come in and take the side of bacon or the sack of flour. But I only mention that as showing one of the evils of the cash system of rent, the inequitable side of a tenant in a country that has seasons which may be good this year and bad next.

You have outlined here the effects of the European war upon the Texas cotton situation and upon farming interests. The European war was responsible for one of the conditions, which is typical of Texas, I have just related. It is an ill wind that blows nobody good. The European war, with all its horrors, has at least had this good effect upon the cotton resources of the South; that is, that they must feed themselves and live at home. The tenant who cultivates largely the farms of this country can't do that by himself. He must have the cooperation of the landlords of the country. And I am glad to see that the landlords of the country are meeting this question, and I believe that they are patriotic enough, that they are yet fair enough to meet this situation, and extend to the tenant such facility and aid as will enable him to live at home and thereby be enabled to either hold his cotton until such time arises that he can sell it at fair prices, or that he can sell it at a low price and not be inconvenienced like he is at present—that is, with his whole income depending upon what he gets for cotton.

The landlords realize that the very value of their land depends upon the price which farm products bring.

And in addition to their patriotic interest in this, the matter of self-interest to maintain their standard of present land values that they are going to have to meet this question, and enable the tenant to raise more hogs, to give him more land, to run one or two dairy cows, and to give him a little more land to plant in corn and other grain crops, food crops, that will sustain animal life. And to that extent the European war has been a blessing to the people of the South. I do not believe that another war in Europe will ever have the depressing effect upon the finances of this country as this one has had. We have had a good example, and this will demonstrate to us the absolute necessity of living

at home. We can do it. The South is peculiarly adapted to the raising of such crops as will support life without the aid of the purchases of other countries.

This may not be exactly pertinent to this question now before you, but I am going to throw this right into the record. You can get on the train at Dallas, Tex.—it is pertinent upon the question of the diversity of farming we can practice in Texas—you can get on the train at Dallas, Tex., and you can ride to St. Louis, across over the B. & O. Railroad to Washington, and from there to New York. You can then take the New York Central back by way of Buffalo to Chicago, down through Kansas, and over the Santa Fe and back into Texas, to Dallas, Tex., and you can take with you a notebook and make a note of what the people raise, and every 50 miles of that journey, and you won't find any country but that in Texas the same thing can be raised in any particular line. That may seem like a startling statement, but investigation will demonstrate that that is true. In none of these countries after you leave St. Louis will they have the advantage of the cotton crop that we have in the South.

I only mention that to show that we can meet the question of diversification; that of all the countries under the sun Texas ought to be the greatest diversified farming country in the world; and if the landowners will assist the tenants, who are willing to work their lands, develop intensified farming to a great degree, we can make it the greatest country in the world.

As to the resources of the State, I make this further comparison: The World's Almanac, which is an authority in the East, and an authority the world over, will, I think, bear out this statement: That the farmers and stock raisers of Texas produce and sell approximately $85 per capita in the black-land region where the cotton is raised.

Chairman WALSH. Commissioner LENNON asks whether that is per annum?

Gov. FERGUSON. Per annum; yes. Produces and sells per annum. In the black-land—that is, including all Texas, the arid region of Texas. In the black-land area of Texas—really the farming area of Texas—I dare say the figures will show that it is considerably over a hundred dollars per capita. When you compare that with the New England States, the figures given by the World's Almanac do not disclose much other than that of dairying and some things along that line. But the fact that the World's Almanac does not disclose what it is shows that it is of no great amount or consequence. And I remember several years ago when I was in Albany, N. Y., discussing this very question with some bankers, that they ventured it as their opinion that to take New York City and put it off in one side by itself and not count that great population, that the farming and stock-raising interests of New England, the New England States, did not produce and sell $10 per capita as against $85 in Texas. That, of course, is stated for the purpose of showing the great natural resources of Texas.

Commissioner LENNON. Governor, this $85 would mean in a way the wage per capita; that is, it would be the annual earning per capita of $85?

Gov. FERGUSON. Yes; comparatively speaking, you might call it that.

Commissioner LENNON. Well, then, would not, so far as the agricultural interests are concerned, that—would not out of that have to come the teams, the maintenance of their teams, their feed, and seed for the planting of the crop?

Gov. FERGUSON. That would in either instance; sure.

Commissioner LENNON. Yes.

Gov. FERGUSON. But you can see if it came out of the $15 as against the $85 how much advantage we would have.

Now, the question then comes, in line with one of the heads outlined here, about what are the chances of the tenant to secure a home in Texas.

Chairman WALSH. Have there been many foreclosures of chattel mortgages growing out of the changed conditions on account of the war in Europe or lately on account of various reasons?

Gov. FERGUSON. No.

Chairman WALSH. This year?

Gov. FERGUSON. Comparatively few. The people of the South, when we get into trouble, it looks like they lay aside self-interest and get together, and the business interests of the State, including the wholesale people and the bankers of the State, have done more than their duty in this crisis that has confronted the South. They have extended their credit limit, it must be said to their credit, in order to protect the situation, and there has not been, so far as my knowledge and observation goes, a desire to oppress anybody under these conditions.

Getting back to the question I started to answer about the ability of the tenants, as outlined in your heading here: "What are the chances of a tenant to secure a home in Texas?" When you consider the fact that we have approximately only one-fifth of our land improved in Texas—that is, susceptible to cultivation—and that we have at least 75,000,000 of acres of land that are not susceptible to agricultural population, that it ought to be easy for the tenant to secure a home. Probably it is as easy in Texas as in any other country. But there are difficulties in the way that would have to be overcome and met by the business people of the South and financial interests looking to the encouragement and the acquiring of homes by the tenants of the country. The tenant, under present conditions, does not have much chance to lay aside a surplus. Consequently a new régime, a new policy, a new land policy has to be worked out in the South with a view to settling the people upon their own homes. One of the great needs at this particular time, especially at this time when the country is suffering from financial depression as a result of the war—one of the great needs at this time is having a facility and an outlet for farm mortgages in Texas. That question will be a question of much importance to be discussed in Texas soon. The question is up for discussion now.

Chairman WALSH. Might you suggest, Governor, we seem to have omitted it in our outline here, in a general way, the method of lending money in vogue in Texas at the present time as compared with the past?

Gov. FERGUSON. There is no perceptible difference in the mode of lending money now from what there was 30 years ago, only in the volume of money loaned. Thirty years ago, I venture this as an assertion; I have not looked up the record, but the records of any county discloses very few, if any, foreign money loans in Texas on farm land. I would say, though, that about the year 1900 a large quantity of money began to be poured into Texas by foreign loan companies, and loaned to people with which to buy homes and to carry indebtedness already contracted for homes. And that has been a source of great help to the State of Texas to not only increase the value of the land but to aid the settlement of land.

I venture this statement right here, and I believe the business men of the country would bear me out, that if Texas had to pay to-day the foreign money that we have loaned on the farms of Texas that land values would decrease 50 per cent, because it is only by virtue of the fact that the man who goes on the land and stays there, wants to make it his home, that real land values are maintained in this country. If he is called upon to pay his loan and could not pay it, he will sell his land for whatever price he can get, and that naturally would tend to confiscation; the stronger the debtor demands his money and the more general as the demand for payment of debts, of course, the less the land would bring under the hammer, as we call it, to pay the indebtedness against it.

Chairman WALSH. You gave us in passing, Governor, a description of the efforts in one acute case in your own county of tenants to secure credit.

Gov. FERGUSON. Yes.

Chairman WALSH. Is there a general system by which tenants, referring to loans, secure credit in Texas?

Gov. FERGUSON. Yes; there is a general system. And without in any way reflecting upon the people who are engaged in the credit business supplying tenants on a credit system, no man can be condemned for going out and using any opportunity that presents itself for profit—but I am only speaking of the system, the effect of the system, without in any way intending to reflect upon the people who are engaged in that class of business. But the credit system for the supply of tenants under the system of chattel mortgages, taking a chattel mortgage on the crops has a very distressful influence, I might say, at least, upon the ability of the tenant to purchase his supplies at an equitable price. The system in vogue is that when a tenant contemplates making a crop to go to what is known as the credit store and he says: "I am working 50 acres of land on Mr. John Jones's place out here, and I hope to plant about 40 acres in cotton. I want to get a hundred dollars' supplies during the year." The merchant, after making such investigation as a prudent man would, says: "All right, I will loan you this much money, advance you this much of supplies"—they do not loan any money—"I will advance you this much of supplies, but as a condition precedent to this relation I will ask you to execute a chattel mortgage on your entire cotton crop and corn crop to be grown on John

Jones's place during the year." The tenant then begins to purchase so much on his account.

Chairman WALSH. Is there a regular chattel mortgage given, a filing fee charged, and everything?

Gov. FERGUSON. The regular chattel mortgage is given and filed for record. The merchant then naturally sees his opportunity to at least see that he don't sell anything to the tenant upon which he does not make at least a reasonable profit. I am sorry to say that in certain instances their cupidity seems to have been greatly excited, and they have charged prices that probably are out of the line of equity, which has had and must have a very bad effect upon the earning power of the tenant.

Chairman WALSH. Is there a fixed sum stated in the mortgage and a note given for an estimated sum?

Gov. FERGUSON. Usually a fixed sum. And generally a further condition in the chattel mortgage which covers any further indebtedness which might be contracted. But in any event to cover whatever is contracted for, either by account, note, or otherwise.

Chairman WALSH. Do any banks loan on such chattel mortgages?

Gov. FERGUSON. Yes; they do. But that is generally to people who are probably financially situated——

Chairman WALSH. Is there any connection between the bank and the mercantile company, we will say, or the individual engaging in the mercantile enterprise with reference to this? Do they advance him money?

Gov. FERGUSON. Yes.

Chairman WALSH. Does the bank have an interest in it to that extent?

Gov. FERGUSON. Yes; very many times that is the plan in vogue, that the bank in a certain locality would refuse to make such a loan to that man. Where he is interested in the store he would say, "Well, that is not available at this time, you go down to So-and-so, a credit merchant," and he makes the trade with them under the system which I have just related, and then that paper is brought to the bank and rediscounted. The banks, though, where they use that character of paper are more liberal, and a man rarely ever pays more than the legal rate of interest.

Chairman WALSH. Is this in vogue in what might be termed isolated communities; that is, with reference naturally to where there is a large number, the trade of the tenants would naturally be at one store, so far as a town is concerned?

Gov. FERGUSON. No, sir. The credit system is in vogue all over Texas. It is very general, and I am sorry to say that the plan seems to be growing.

Chairman WALSH. Does the merchant seem to have a very great advantage in dealing contractually with the tenant under those circumstances?

Gov. FERGUSON. Absolutely.

Chairman WALSH. So far as the prices are concerned after the mortgage is made?

Gov. FERGUSON. Absolutely. He controls the situation. If the tenant demurs at the price of some article, the merchant will say, "All right, we will not do any business. That is my price." The tenant then either has to take that or starve. He can not go somewhere else and make another chattel mortgage, because the merchant already has one.

Chairman WALSH. Under the terms of such a mortgage, then, do they have the right of foreclosure in case of a dispute between the tenant and the merchant?

Gov. FERGUSON. Yes. Some of the mortgages are very cruelly drawn. They provide for declaring the whole thing due before maturity under certain conditions, largely in the discretion of the merchant. That is one of the problems, one of the great advantages of diversification. If the farmer, whether he be tenant or landowner, if he can begin to feed himself he will not have to buy from the credit merchant, he will not have to buy any more meat or flour. And by living at home that is one of the great advantages that can be gained from diversification. The man sells his products at whatever they ought to bring, without having the prices fixed by the merchant.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock. Kindly resume the stand at 2 o'clock, Governor.

(At 12.30, Tuesday, March 16, 1915, a recess was taken until 2 o'clock in the afternoon of the same day.)

AFTER RECESS—2 P. M.

Chairman WALSH. The house will please be in order, and we will now proceed. Please resume the stand, Governor.

I am going to ask you a few specific questions, if you will permit, but on your outline. Under the existing system, what is the chance of the average tenant becoming a farm owner in your own county?

Gov. FERGUSON. You mean proportionately, how many of them out of the total number?

Chairman WALSH. What is the chance of a tenant becoming the owner of land in your county, considering the price of land, his opportunity to earn as a tenant, and any other economic considerations?

Gov. FERGUSON. You say in my county?

Chairman WALSH. Or in your section?

Gov. FERGUSON. Not one in fifty.

Chairman WALSH. What is the average price of land to-day in your county?

Gov. FERGUSON. Eighty dollars an acre.

Chairman WALSH. What is the legal rate of interest in Texas?

Gov. FERGUSON. Ten per cent on contract; 6 per cent is the legal rate.

Chairman WALSH. What is the actual interest rate paid by tenants on chattels?

Gov. FERGUSON. About 12 per cent.

Chairman WALSH. How much land can a one-team tenant farmer farm?

Gov. FERGUSON. That depends upon how many children he has. Take the average farm tenant with five children, he can work 30 acres of cotton and 10 acres of corn.

Chairman WALSH. What will his income be?

Gov. FERGUSON. That will depend on prices. He will make off the 30 acres of cotton 10 bales, and it would amount, at the average of the present prices, to $500 in round numbers.

Chairman WALSH. For the whole family?

Gov. FERGUSON. Yes.

Chairman WALSH. Just briefly—you say five children?

Gov. FERGUSON. Yes.

Chairman WALSH. What would the five children have to do? How old would they have to be? What part would they take in the farming operations?

Gov. FERGUSON. They would help on the crop in the hoeing season and in the picking season.

Chairman WALSH. Please tell us, because we think it has a significant bearing on the question, the part the land question took in the late campaign, the extent to which it has been thrust into the political life of Texas.

Gov. FERGUSON. That is a comparative question. To use a vernacular, from the time I announced for governor on one of the main planks, the landlord and tenant plank, there has been something doing in Texas politics ever since. That is largely by reason of the fact that we have in Texas probably a voting population in the Democratic primaries of 400,000 in round numbers, and half that number are tenants, and this affected them directly; and consequently you can readily appreciate that legislation affecting the income of half the voting population of any district must of necessity cause great interest and, without meaning in any way to throw any bouquets at myself, of all the questions introduced into Texas politics in late years, there has been nothing that has caused as much widespread discussion.

Chairman WALSH. What is the land plank, or what was the land plank, in the campaign in which you were candidate for governor?

Gov. FERGUSON. It was to restrict the amount of rentals which the landlord might charge to one-third of the value of the grain crops and one-fourth of the value of the cotton crop, and to make it usually subject to a penalty of double the amount collected in excess to be paid by the landlord to be recovered in any court of competent jurisdiction, in case anyone attempted to charge more than that.

Chairman WALSH. Has there been any legislation upon the subject, yet?

Gov. FERGUSON. Yes; the bill was passed.

Chairman WALSH. Was passed?

Gov. FERGUSON. Overwhelmingly; five to one in both houses.

Chairman WALSH. Commissioner Lennon asks me to ask you in case of the 1-team tenant on a 40-acre tract such as you have described, what the expenses would be, to be paid for team, seed, etc.—what might be called the fixed charges, overhead charges—for carrying on the operations?

Gov. FERGUSON. Well, take a 1-team tenant, the 2 horses would eat approximately 50 bushels of corn each, which would be 100 bushels of corn for the team, and at the present average prices that would be worth $75. His own living expenses would be at least $25 a month, making $375. That is just for provisions and supplies. The rest of his income would scantily clothe his family.

Chairman WALSH. What supervision, if any, is exercised or attempted to be exercised over the tenant as to the crop he shall raise and the proportion of products?

Gov. FERGUSON. It has been the custom in Texas for 40 years, I should say, for the landlord to require the tenant to plant the greater portion of his crop in cotton.

Chairman WALSH. Does the mortgagee in any instance exercise any supervision or direction over the tenant?

Gov. FERGUSON. Yes; it has been the custom, in view of the fact that cotton has been deemed to be king and the money crop of the South, that the merchant has restricted and required the tenant to plant cotton as a condition precedent to furnishing him his supply.

Chairman WALSH. Now, of course, you have observed the question as it comes in here as to the alleged tendency of growth on the part of the tenant into a wage earner—to belong to the wage-earning class—to a greater extent than in the past. So, directing your attention to that, have you noticed any tendency on the part of landlords as to exercising supervision over tenants in any other way than you have mentioned?

Gov. FERGUSON. Well, in later years, especially since the diversification movement started in the South, I am glad to say that there has been a very liberal disposition on the part of the landlords as a class to recognize that there is an obligation resting upon them to help work out the problem and that they must really go a little further to help the tenant than in former times.

Chairman WALSH. But what I was getting at is the direct supervision, if any, upon the part of the landlord as to the crops; that is, whether it takes the direction of advocating diversity or restriction. What we are trying to get at is, is there an actual supervision, as it were, over the tenant farmers as a class with reference to their operations so that they become merely ordinary wage earners governed by other authority or by other minds than their own?

Gov. FERGUSON. I would not say it had reached that condition; no; any more than the tendency on the part of the landlord within the last two years to diversify, whereas, previous to that time, it was to plant lots of cotton. I am not advised that landlords have pursued any other policy toward the direction of the tenant.

Chairman WALSH. I will ask you a few questions as to the housing conditions of tenant farmers. Are tenant houses, as a rule, large enough for the average families of the farmers?

Gov. FERGUSON. No, sir; they are not.

Chairman WALSH. Are they kept in proper repair, as a rule?

Gov. FERGUSON. Well, as a rule, I would say yes.

Chairman WALSH. Who does the repair upon the houses?

Gov. FERGUSON. Usually it is done by the tenant on some compensation agreed upon by the landlord.

Chairman WALSH. What has been the tendency, so far as you have observed, socially of such large numbers of people living in houses not large enough for their families? You know, Governor, the tendency in the cities has been to create conditions that do not make for the best morals, hygiene, etc.

Gov. FERGUSON. Yes. Inadequate insanitary tenant houses in the country are bound to have the same effect as the crowded tenement districts have in the cities.

Chairman WALSH. Are they usually erected with regard to proper sanitary arrangements for drainage, water supply, etc.?

Gov. FERGUSON. Oh, yes; in this country we always have plenty of drainage.

Chairman WALSH. Have you observed the effect of living conditions on tenant farmers and on the health of communities?

Gov. FERGUSON. Yes; it is ordinarily good.

Chairman WALSH. Has there been much overcrowding with respect to sleeping arrangements in the houses of the tenant farmers?

Gov. FERGUSON. No; not to any great dangerous extent, I think.

Chairman WALSH. Do the landlords improve tenant houses readily and willingly?

Gov. FERGUSON. No, sir; they do not.

Chairman WALSH. Why not?

Gov. FERGUSON. Because it is an item of expense that decreases their revenue.

Chairman WALSH. Do the landlords appear to feel any social responsibility for the sanitary condition of their houses and the moral conditions that may grow out of incomplete sleeping arrangements—crowded sleeping arrangements?

Gov. FERGUSON. I would say, in answer to that question, that they have not given the matter consideration, not that they are against it or not that they are for it, but that the proposition had to some extent been neglected.

Chairman WALSH. What has been your observation in regard to the respect or responsibility that the tenant seems to have for the landlord's property in the way of the conservation and care of it?

Gov. FERGUSON. As a general proposition the tenant—the better class of farmers, which are in the majority, look out be far as possible for the preservation of the property. There have been, though, some violent abuses on the part of the tenants in that respect.

Chairman WALSH. Have there been any what you might call outbreaks in which property has been lost growing out of the contention between landlords and tenants in which property has been destroyed, mutilated, or anything of that sort?

Gov. FERGUSON. No, sir; only in very isolated cases; not enough to mention.

Chairman WALSH. They would have to be individual cases?

Gov. FERGUSON. How is that?

Chairman WALSH. They would have to be individual cases?

Gov. FERGUSON. Yes; individual cases.

Chairman WALSH. Do landlords among the river bottoms have closer supervision and control over crops that the tenants grow than in what you might term the prairie region?

Gov. FERGUSON. Yes, sir. In the river-bottom district, where the negro population predominates, the landlord, although having the share system, always directs the planting and gathering of the crop.

Chairman WALSH. Governor, there is a long-distance call for you over the telephone, and if you desire we will wait until you can answer it.

Gov. FERGUSON. I would be glad if you would; it is a very special call.

Chairman WALSH. We will take a recess for a few minutes—until you return. We will be at ease until the Governor returns.

At the conclusion of the recess the examination of Gov. Ferguson continued as follows:

Chairman WALSH. I was going to ask you, Governor, whether you observed that this increase in tenant farming, which you have mentioned, any tendency on the part of landlords to exercise a stricter supervision in the prairie country—that is, which would be somewhat similar to that in the lowlands?

Gov. FERGUSON. No, sir; they have not exercised the same supervision as in the river districts.

Chairman WALSH. This morning you spoke of the tendency of reasonably large owners of land to move to the towns and take no physical part in carrying on farming operations, but to farm through renters. As a rule do these men, when they go into the city, engage in other lines of business or do they retire and live on their income?

Gov. FERGUSON. A good many of them engage in other business; about 9 out of 10 of them retire because they can not make good in town and become retired farmers in cities.

Chairman WALSH. I want to direct your attention a little to what might be called the social environment. Describe the condition of the rural schools in the localities in Texas you have mentioned—first the school itself.

Gov. FERGUSON. Well, the condition could be very much improved on in the country schools; that is one of the problems of government now to improve and bring to the reach of the farming class in the country, which means a large majority of the tenant class, the facilities for at least elementary education. At the present time the buildings are inadequate, and as a general class they are insanitary; they have too much ventilation in winter and in summer, and in addition to that we have not the number of teachers in proportion to the number of students that the more fortunate people in the cities have. And the result is that rural education is in a very deplorable condition in Texas. In stating this I do not mean to excite any animosity or prejudice, but, comparatively speaking—comparing them to the people in the cities—they are in a

very deplorable state. It is one of the problems that must be met and solved before we can ever establish this policy of "back to the farm."

Chairman WALSH. Have you observed any relation between the rural schools in Texas and what might be called social and economic organizations of the people generally?

Gov. FERGUSON. No; not any relations back there. The country schools have been neglected; no one has paid much attention to them.

Chairman WALSH. Do they have political meetings in the schoolhouses in the State of Texas?

Gov. FERGUSON. Yes; they have all kinds of political meetings in the schoolhouses.

Chairman WALSH. They could, by a little direction or development, be made social centers for the people of the communities?

Gov. FERGUSON. Yes.

Chairman WALSH. Has any work been done along that line?

Gov. FERGUSON. One of the greatest works along that line is the movement for good roads in this country, making all of the tenants accessible and making it easy for people to get together and discuss social and economic conditions.

(Charles W. Holman at this point testified as follows:)

Mr. HOLMAN. Mr. Chairman, the rural-school social-settlement movement was pioneered in the West; the urban social-settlement movement was pioneered in the eastern cities. There is an organizer from the State university looking after that civic social center work.

Chairman WALSH. Is the organizer paid by the State out of the university funds?

Mr. HOLMAN. Yes, sir; it is a part of their work.

Chairman WALSH. Are there any organizations of tenant farmers that might be compared to the labor organizations to improve their conditions as a class?

Gov. FERGUSON. Yes, sir; notably the farmers' union of Texas; it is called the Farmers' Cooperative Union, having for its purposes the education of the farmers and a joining together and cooperating in the marketing of crops and other matters that might bring about a better condition socially and morally.

Chairman WALSH. Is there any connection between that organization and the State in any way?

Gov. FERGUSON. No, sir.

Chairman WALSH. Or between it and the State university?

Gov. FERGUSON. No, sir.

Chairman WALSH. Has there been any effort to connect the work of this organization with the rural schools?

Gov. FERGUSON. No, sir.

Chairman WALSH. Do they hold their meetings in the schools?

Gov. FERGUSON. Yes, sir; they hold their meetings largely in the country schools.

Chairman WALSH. Please be kind enough to give me any constructive suggestions that might bring about better conditions under the present system, or, if any is necessary, what change should be made in the present system of your people with respect to the land. This is very broad, I recognize, of course.

Gov. FERGUSON. That gives me a very broad latitude.

Chairman WALSH. Yes; go as far as you like.

Gov. FERGUSON. Well, many things might be said. Many kinds of theories and ideas have been advanced as to what could be done to advance and improve the condition of the farmers of the country, and all of those are important, but I would say that the greatest thing—one of the greatest things—we need in this country is the aid of capital to cooperate with that labor now in abundance in Texas to develop the unimproved lands of the State.

As disclosed by the figures this morning, we have not over one-fourth of our tillable area under the plow. We have an increasing tenant population. We have a great influx of immigration from other countries, and naturally food supply of all kinds would have to be increased if the demand of the growing population is met. Everybody can not be business men in town, or superintendents of railroads, or lawyers, or doctors, or preachers. Consequently that which involves the greatest good to the greatest number is involved in the question of providing homes for the homeless. We have here an area now unoccupied that would support a population—well, I am well within reason when I say eight times what we have now. That is borne out by comparison. A territory of Germany no larger than Texas, no greater in proportion in tillable area than Texas, supports a population now of about 60,000,000 people, and they have

no great winter hardship in this country like there is in that country, where it must cost twice as much to sustain life as it does in this country with our area, easily susceptible of supporting 40,000,000 of people. And if the wealth of the world is put in close connection with, and at the disposal of, and on a legitimate, sound business basis, and under sound business policy, we can develop our natural resources here until we can support that many people. The greatest problem we see now, I would say, is the development of our unoccupied area of Texas.

Chairman WALSH. Do you want to outline or comment on the paper of Mr. Holman which was read here, with reference to the Federal Government taking some action upon the land question—the question of tenant farming and agriculture?

Gov. FERGUSON. Yes. I was especially interested in that, and I want to say that I think the National Government now is really doing the greatest service that has ever been done by any Government, especially in any administration within the history of the country, in calling attention to these very questions. If such a commission as this tribunal had visited Texas 20 years ago and developed the same information which will be at your disposal, I think Texas would be 20 years advanced.

You will be able to learn and to tell officially to the world just what this State can do, and what it will do, and what people are invited to do here, as soon as the people learn about the resources of Texas through a disinterested tribunal like this one. Great good is going to be the result to the people of Texas. I think this is one of the most patriotic and one of the most far-reaching movements on the part of the Government that it has undertaken in a long time—to come down and find out about these conditions.

Chairman WALSH. Governor, is there anything that you would like to volunteer to this commission that you think would be of use to it? I think you are perfectly familiar with what the Government is trying to do in this respect; and if anything has not been asked that you would care to volunteer, we would be pleased to have you state it.

Gov. FERGUSON. I do not recall anything, Mr. Walsh.

Chairman WALSH. Commissioner Lennon would like to ask you some questions.

Commissioner LENNON. Governor, what effect, if any, has tenancy seemed to have on the fertility of the soil?

Gov. FERGUSON. Well, it has not had the best effect. Naturally the man who has been put out to work the soil for just what he might produce for the landlord has largely looked at it from his personal standpoint, and he has not paid attention to preserving the fertility of the soil as he ought to have done, or with a view to the mutual benefit of himself and the owner.

Commissioner LENNON. You think that he has not given that attention that the farmer who lives on his own land would give.

Gov. FERGUSON. Naturally, self-interest being there and thrusting itself into a question like that, the soil has suffered from that; and I am glad to say that attention is now being given to that question. The question is being discussed, and I look for the fertility of the soil generally to be increased by a proper management and treatment.

Commissioner LENNON. What is the school term during the year in the country schools?

Gov. FERGUSON. I do not know just exactly what the figures are, but I think it is about four months—four to five months' school in the country.

Commissioner LENNON. Could you tell us what wages are paid to the country school-teachers?

Gov. FERGUSON. Oh, I would say around $50.

Commissioner LENNON. Fifty dollars a month?

Gov. FERGUSON. Yes; $50 a month.

Commissioner LENNON. How about your taxes for the support of schools and other purposes? Are they on land and improvements, or is it a personal tax or poll tax that tenants have to pay as well as others?

Gov. FERGUSON. The schools are supported by what is known as the common-school fund, an endowment provided by the early founders of the Republic, and by an ad valorem tax. There has been a great deal of discussion of that question and is now, and it is getting to be quite the custom to issue bonds in districts for the purpose of building schoolhouses. And there are methods on foot to remove the constitutional inhibition of 50 cents a hundred

dollars and let it be $1 for the purpose of supporting schools where localities desire to put that much tax on themselves.

Commissioner LENNON. The children of the tenant farmers who assist their parents in the farm work; is it at a time of year when it keeps them out of school, or is it at a time when the schools are open or when they are not open?

Gov. FERGUSON. Well, it is at a time—the school terms are arranged—it has been a custom to have them arranged with a view of gathering the cotton crop and to have the schools close before the hoeing season comes on, in which the children are used largely.

Commissioner LENNON. So, then, they are really not kept out of schools because of their work in the fields?

Gov. FERGUSON. No, sir; that could be arranged all right. It would not interfere with the school interests. The injury we are suffering from right now is not enough proper school facilities.

Commissioner LENNON. Yes; I understood you answered that very fully. That is all.

Commissioner HARRIMAN. Governor, you spoke of the large area in Texas now unoccupied. Would you suggest any means to stimulate what you call people coming in there, or from what source would you try to get an increase of population?

Gov. FERGUSON. Well, as I said a while ago, if the financial facilities were offered to that class of people—for instance, if some system like they have in Germany, where a man could buy a farm on 20 years' time, were offered to these people, a great many people in Texas, thousands of them would be glad to avail themselves of that opportunity and move onto this unoccupied territory and begin to improve it and bring it under a system of cultivation. The financial resources of the country have not shown a spirit of liberality to make loans on the unoccupied territory, but rather confine it to the improved districts. And for that reason the settlement in many districts has been retarded, for want of financial advantages and facilities.

Commissioner HARRIMAN. Would your idea, then, be to bring people from the outside, from outside the State?

Gov. FERGUSON. It must be, because we are poor. We have to get it from somewhere else.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Chairman WALSH. Just a question or two, Governor.

Have you taken any notice of the proposed State colonization schemes, some of which have been introduced largely in the legislatures of other States—the California one, for instance, Governor?

Gov. FERGUSON. No; I have not. I know of them only in a general way.

Chairman WALSH. The general plan being that the State should set aside land for tenants, advance money, and provide an amortization fund to pay for them, etc., to pay for the land.

Gov. FERGUSON. That question is in its embryonic stage in Texas now. We have no fixed views or policies.

Chairman WALSH. With regard to the school facilities and the opportunities under your cropping system for children going to school, does the moving season, when tenants move from one place to another, naturally interfere with the school children?

Gov. FERGUSON. Yes, sir; and in that connection I want to call attention to the known fact that there are at least 90,000 children of scholastic age in Texas who never go to school at all, largely due to this moving population.

Chairman WALSH. That is all. Thank you.

Gov. FERGUSON. Thank you very much for the consideration shown me.

Chairman WALSH. Col. Kirkpatrick.

TESTIMONY OF COL. E. W. KIRKPATRICK.

Chairman WALSH. What is your full name, please?

Col. KIRKPATRICK. E. W. Kirkpatrick.

Chairman WALSH. Where do you reside, Colonel?

Col. KIRKPATRICK. McKinney, Tex.

Chairman WALSH. And do you hold any official position with the State at the present time?

Col. KIRKPATRICK. No.

Chairman WALSH. Have you any official connection with any industrial organization of the State?

Col. KIRKPATRICK. Well, I have a connection like the presidency of the Industrial Congress of Texas.

Chairman WALSH. That is what I had in mind, what I see on the outline. I would like you to state what the general activity of that congress is, Colonel.

Col. KIRKPATRICK. The general activity of the congress, the Industrial Congress of Texas, is for the purpose of securing better homes for the people; and then it has for the further purpose, in order to that point, to teach, especially the boys and girls, the young folks of Texas, how to improve their surroundings, how to become interested in agriculture, and how to make home life on the farm more attractive and more interesting and more remunerative. I might say that is a general statement of the purposes of the congress.

Chairman WALSH. Is it a permanent organization?

Col. KIRKPATRICK. Well, now, the permanency of that organization will depend upon the private donations. We have never received any money for the support, for the establishment, or for the maintenance of the congress from any source except private individual donations, and if they keep coming regularly, as they have for the last four years, I suppose the institution will be perpetuated.

Chairman WALSH. Then, I take it that it is four years old, Colonel, or is it older?

Col. KIRKPATRICK. It is now in its fourth year. Yes; it will be four years that we have paid premiums of $10,000 each year to the boys and girls who produced the most and best crops upon a given area of soil, with the expenses apportioned or reckoned. We limit them on the expenses that they use upon any given area.

Chairman WALSH. I note that you are a former president of the Texas Farming Congress. What sort of an organization was that, please, Colonel?

Col. KIRKPATRICK. The Texas Farming Congress was organized by individual enterprise, founded entirely upon individual donations, for the purpose of federating all of the industrial institutions of the State. That is to say, we imagined that by getting the different State organizations all in one combination, and getting them together and holding not only separate sessions of each organization, but combined sessions, so that one could learn from the other, and one could learn from all, that it would be a good thing for Texas agriculture. And we organized it with about 10 of the different State organizations, and I think now we have about 20—maybe more than 20—22, I believe, enlisted in that organization. We meet once a year, as you all know, at College Station, Tex., where we have the benefit of the lectures and of the facilities, the laboratories of the college to use in giving instruction to each one of those respective organizations.

Chairman WALSH. Would you be good enough, Colonel, to concisely sketch for us what your business activities have been—what your business has been—since you have been active in business?

Col. KIRKPATRICK. I was a farmer and am still a farmer. I spent three years in the Confederate Army. I have come back to the farm. I have established a nursery, and followed that in connection with farming about 20 years, then I formed it into a corporation and retired from the active work. Since that retirement I have been engaged in this general welfare work, principally. I have not done much else except to wait upon the public.

Chairman WALSH. How large a nursery company is that? I believe it is called the Texas Nursery Co.?

Col. KIRKPATRICK. Yes.

Chairman WALSH. What is its capital stock?

Col. KIRKPATRICK. It has a capital stock of $250,000.

Chairman WALSH. Is its stock diffused generally, or is it a rather close ownership?

Col. KIRKPATRICK. It is diffused as widely as convenient. We have probably 20 or 30 stockholders.

Chairman WALSH. Well, now, I am going to try to follow the outline that I believe has been submitted to you by Mr. Holman. Of course, you understand that any digression from that will be acceptable to the commission, because I would not want to limit you to that.

To begin with, a period right after the Civil War, we will say in 1870, I would like you to sketch for our record and for the commission the development of the farm tenancy idea of the State of Texas, the type of tenants that came in, their origin, and all about them, in your own way.

Col. KIRKPATRICK. Well, in 1870 we had comparatively few tenants, and we had comparatively few farmers. The stock interests were greater then, I believe, than the farming interests. Large stock companies occupied the principal portion of the land. And as you old Texans know, this was a Garden of Eden when we discovered it, when Mexico was driven back and we came here and drove out the Indians. They had feasted on the wild animals and beauties and riches of the land. Then we brought in cattle and they ate up the grass. Then we found it necessary to go to work and plow. So we cut down the timber and plowed up the grass, and the water and the plow, the rains and storms, they did rest. In other words, we have depleted our soil, we have reduced its fertility, we have upset nature to a large degree, reducing its fertility, and it is now our business to try to rehabilitate and rebuild this country back into another Garden of Eden, a better garden, if possible, than it ever was before.

Now, in 1870, we had, as I said, few renters, but the other States gave us immigration. They emigrated here and settled and some of them bought land and a great many rented. Then our children grew——

Chairman WALSH. Might I interrupt you to ask you to describe the character of those early people, where they came from, their kinship with the balance of America? Were they mountaineers or were they New Englanders, or who were they?

Col. KIRKPATRICK. There was a percentage of them came from the North and the Northeast; some few from the West, but the principal portion came from the eastern States like Louisiana, Mississippi, Alabama, North Carolina, South Carolina, Florida, and in through there. They were among the best people. They were our own relations.

Chairman WALSH. Were they people who were farmers, or planters, or of what sort were they?

Col. KIRKPATRICK. I think the greater portion of them were farmers. Yes; they came from off the farms there. I have heard them say they could make more here by renting the land than they could back there by owning the land.

Chairman WALSH. Had any portion of them been tenants or anything of that sort?

Col. KIRKPATRICK. I think some of them had been tenants. Most of them possibly had owned land in the older States, and had lived on the land and farmed and came here and did not find it convenient to buy. Now, I want it understood that a great many of them did buy, and there were a great many renters. After they stayed here a few years they bought.

Chairman WALSH. What was the price of land in those days?

Colonel KIRKPATRICK. Land then was worth about twenty to thirty dollars. I might say twenty to thirty dollars an acre in 1870. Earlier than that it was still cheaper. In 1865 land was cheaper than it was in 1870; twenty to thirty dollars an acre possibly in 1870 to 1880, along in there. About 1870 to 1880 it was $25 to $30 and some little $40. The renter class then began to increase, but the landholding class increased in proportion. A great many renters made enough in a few years to buy land for themselves, and they did buy. In the meantime, the landlord would say: "Every time I get a good renter he soon becomes a landholder, and I have to get another renter." I have heard them say that. I have heard landholders make that complaint heretofore.

Chairman WALSH. Up to about what period was that?

Col. KIRKPATRICK. Up to this period. Right to-day. [Applause.]

Chairman WALSH. You may proceed.

Col. KIRKPATRICK. Sir?

Chairman WALSH. You may proceed now with the development of the tenancy.

Col. KIRKPATRICK. The tenancy—Mr. Chairman, if you would indulge me I would give you some of the fundamental statements of the tenancy question.

Chairman WALSH. Indeed, we will. I wish you would.

Col. KIRKPATRICK. Now, as you all know, the human family is divided into a great many classes. There are some portions of the human family in the landholding class and some in the land-renting class that do not put a very high estimate upon the home or home life or ownership or nonownership. I have heard a renter, a man as good as I am, or you, or probably as good as anybody, say that they would not own the land, they would not own a farm in this black-land country, and be compelled to live on it all their lives if it was given to them; that all they wanted to do was to rent for a year or two years

at the most and learn all that there was to be learned in the neighborhood from friends, and then move to another neighborhood where they could get a new chance to learn new tricks. I have heard good men say that; men who had large families and plenty of money and plenty of sense and knew what life was, as well as I know what it is, and they are so situated and constituted in their mind that they don't want to own land and be tied down to the same spot and look at the same fence post every day, and the same door, and all of that; they want to move about, and they do move about, and it would be impossible to take that class of men and make permanent settlers out of them. I think it would be equal to putting them in jail. I actually do. I have talked to them seriously. Now, that being the case, being divided into those peculiar classes, it is hard to approach this question so as to make any law that you could originate to apply to everybody. You find renters to-day; I can show you renters who are paying rent and building up bank accounts, and building up character, who buy land every year at from $75 to $100 an acre adjoining them, and who are glad to get it at that price.

Now, I can show you other men, just as good men as they are, and we reckon them good citizens, that would lose money right by the side of them on similar land under similar circumstnces, that would lose money every year and go in debt more and more, and then have to move because they could not pay their merchant and their merchant wouldn't credit them; they could not pay the banks and the banks would not credit them; they could not borrow money from their neighbors, and all they could do was to move and get away to a fresh field and find a new picking. That happens all over this country. I do not know, but I think it would apply to some other countries. The renters ought to be educated. We ought to have more universities and more colleges and more schools [applause]; we ought to have more of these lectures and more of these societies like our industrial congress. We need more of these liberal-hearted bankers and merchants, railroad men, and rich farmers, to come around and to establish a sentiment among the people that they must learn to love their homes, that a home on earth is just as good as a home in heaven; that they ought to make it, and then finally stay there and live on it and remain with it. We need education. We need, Mr. Chairman, more now than we ever have as long as I can remember. It is growing stronger every day. People are teaching the people to love their homes, no matter if it is only 1 acre. One acre rightly cultivated will support a family, a small family. When I make that statement a great many people think I am crazy or that I am extravagant and all that, but I know it can be done; I have seen it done. And it can be done again. They want to learn to till the soil and keep the soil in good condition and put enough food into it and learn how to set the plants, and how to care for them, and how to ripen them, and how to market them, and how to pack them, and how to ship them, and where to ship them. They can get a living on an acre. They had better have an acre than to have nothing. Five acres would be a large farm for a great many men. Ten acres would be a lordly farm, a plantation for a great many men. You don't need many of these acres, but you want to attend to them properly, and put the right things in at the right time, in the right way, and treat them right, and then know how to handle the thing right; what to grow, where to grow it, and how to grow it, and when to grow it and where to grow it and how to ship it. In fact, that is the kind of education we need, and I believe it is coming. That will make this a Garden of Eden again.

I think the renter class could be largely reduced if we had that kind of education.

Now, our people study more about how to have a good time than they do about how to have a good home. They have all the home they want. Some one fills them; some one gets their meals; some one gives them a place to stop. They don't study about home. They are studying about picture shows and ball games and horse races or the visit, or something of that kind, and their minds are full of having a good time; and they don't appreciate the fact that they ought to have a good home—home first and home last and home all the time. I am glad to see our professors in the colleges and universities and our schools and our chief places; they are teaching that doctrine continually, and it ought to be taught all the time, and they ought to appreciate it, and the papers and periodicals ought to print it, and it ought to be on the front page. If they would keep all this baseball foolishness out of the papers and put in a little of this home sense, it would be a good deal better.

Chairman WALSH. What is your county, that McKinney is the county seat of?

Col. KIRKPATRICK. Cullen, the best county in Texas and the best county in the world.

Chairman WALSH. I wish you would give in full, if you will, a little sketch of the development of the agricultural conditions in your own county; that is, the observation as a tenant farmer as to the removal into the cities.

Col. KIRKPATRICK. Mr. Chairman, that is a very serious question; that is a vital question; and that has a great deal to do with the future of this country; the cause of the building up of a city population and a tearing down and breaking down of a country population, taking the best men out of the country and putting them into the city. I have noticed that tendency for a great many years, and it is a fearful thing to contemplate. There are fearful results to flow from that unless we can check it, unless we can make these people know that out in the country is the place to get pure air and have pure thoughts and have place and time to meditate and have leisure there to contemplate and to think and to exercise the mind and the brain and to grow spiritually as well as financially. We are going to the cities to build up material wealth and leaving the country, where we might build up another kind of wealth worth infinitely more than all the material wealth in the world. If we do not stop that tendency to go to the city and get back to the country, there is nothing good coming to us in the future.

Chairman WALSH. Do you think that there is an economic basis of any sort for that, or is it just a sort of human desire, as you say, not normal or healthful?

Col. KIRKPATRICK. It has an economic base as well as a human desire to have a good time and to go to the shows and to enjoy themselves. It has this kind of an economic basis, that the farmer—now, I don't know whether what I am going to say is going to be a reflection on the farmer and whether I will be killed off for making this statement or not.

A VOICE IN THE AUDIENCE. Let it loose! Let it come!

Col. KIRKPATRICK. But the farmer in Texas—and I don't know but the farmers in Kansas——

Chairman WALSH (interrupting). I would like to correct that before you go any further. I was born and bred in Missouri.

Col. KIRKPATRICK. Then you would like to be shown?

Chairman WALSH. Yes.

Col. KIRKPATRICK. I can speak for Texas. I know the farmer in Texas, commencing 60 years ago. I remember of commencing 60 years ago plowing this black land, and have been plowing it almost every day since. The farmer in Texas was not a farmer, but a miner. That is an expression often heard. He did not really farm the land and cultivate it, but he mined it—took out what fertility there was in it with his system. He had a kind of amalgamating system. He planted it, but he did not have his amalgam in the right place, and he did not catch it; but if he had put his plants where they would catch it, it would have been all right. But he simply leached out the fertility, plowed it in a shallow way and let the storms sweep it away, and reduced the fertility to that point where he found it was very difficult to make a living off of it only by renting it to somebody that did not know its poverty. He thought he might get a pretty good rent and go to town; and he had not been making enough to give him the rent, in a great many cases, and he would go to town and let the other fellow wrestle with it; and the other fellow came along and pursued identically the same plan himself, and he has reduced its fertility still further, and he has mined it again. It has been mined, but it has never been farmed. I don't see one farm in a hundred that has been farmed, but it has been mined and washed out. Now, that farmer went to town for social purposes, educational purposes, general entertaining purposes, and resting purposes, and the renter came and took charge of the farm, and he was not interested, I am sorry to say, in that farm. I know some renters are interested, because I know one renter. I remember one renter that started as a renter, and he put out a $30 orchard on the farm and built a new house and fixed the fences and broke up new land and plowed the ground deeply in the summer and hoed the weeds late in the summer, and made money for the landlord and made money for himself and made credit at the bank and made friends among the people. And I know a great many renters that did the same thing, and they are landholders to-day; but those other renters that went there purposely

to get what there was in it and to get a place to go to and stop a year or two and paid no attention to the improvements and no attention to the soil, and did not study the soil at all or did not care anything about it, most of them are renters to-day and their children are renters.

Now, there comes your division of the population into two classes. It is like starting right, getting the heart right, and getting the hand right and getting the two to act together and pursue the right course. There is where comes the great division in the classes. If they start with economy and start with integrity and then use industry, and they will take care of things and will study their business and stay with it and they will become landholders and home owners. But if they do not, they will just switch about and swap about and live here or there until they get in debt so they can not stay any longer and then they move and live yonder a while, and so on. Now, that is dressing it up in a very unpopular way, and I don't suppose this will help me in the primary any whatever.

Chairman WALSH. Please describe, if you will—I would like you to describe the development of what might be called very large farms in your county; how it is worked out and worked up.

Col. KIRKPATRICK. The very large farms in our county are not as large as they were some years ago. The good old citizens have died and their farms either have been cut up among their children until they are reduced in acreage, or many of those children have sold out and moved farther West and renters have come in. And they have sold to merchants, and they have sold to bankers, and the tendency is to put the farms in the hands of a few, and many own 10 or 20. In other cases where these old citizens have died, their estates have been wound up and the land secured by these large owners until it looks like, if the tendency is not stopped, that a few of them will own in some cases whole counties.

Chairman WALSH. Do you notice anything peculiar in the economic advantages that they have, as controllers of credit, or as money lenders? Would you say that their position makes it possible to do that if, as you say, a few are coming to own whole counties, and why is it?

Col. KIRKPATRICK. Well, that is a fundamental question and an important question, to know how that happens. I believe I will refer you back to the original proposition that our people are not in love with home life sufficiently; they lack a sense of respect for family life and for character and for good citizenship.

Chairman WALSH. Do the owners, Colonel, have any trouble in getting tenants for these farms as they buy them up?

Col. KIRKPATRICK. It is most all trouble; they have more trouble than they have tenants, most of them. The tenants are suffering and the landholders are suffering; it has become almost unendurable in many cases. I know landholders up there that do not get enough out of their land to more than pay the taxes, to say nothing of the interest on the capital. Few of the parties get enough rent to pay the interest on the capital; some do not get over 2 per cent and some get 3 or 4 per cent on the capital invested; and it is growing worse, and unless we can teach the people to handle the soil more economically and more advantageously the business will grow worse all the time. If we could teach them to properly cultivate the soil and properly diversify their crops and raise them in rotation and teach them how to increase fertility, then the renters would be benefited and the landholders would be benefited and we would have more renters becoming landlords. The renters would be able to purchase the land.

Chairman WALSH. Does the question of credits affect the situation in any way, either as to the landholders or tenants; and I will ask you at this point to describe the system of loaning money to the landowners and tenants.

Col. KIRKPATRICK. Well, the men who have the money and have the merchandise that the renter must have, have become much more liberal and more considerate the last few years than they were once. I can remember when a moneylender would foreclose on a mortgage as quick as that [witness snaps fingers], but that does not happen now. A man that would do that now would be in bad standing with his neighbors, and the bankers and moneylenders do not grind down on the tenants like they did, and on their debtors like they did; they are very considerate, indeed. I know a few creditors that practice usury and who lend money to men at 3 per cent a month and then take out a lot more from the face of the note when they handle the money, and such as that, but that is not as extensive as it was once. I remember when I went to a banker

for money and paid 5 per cent a month, and he would not make me any discount, and I paid what amounted to 120 per cent for the money; I have done that in McKinney, and I know others that have done that. They do not do that so much now, but some practice usury; they charge some 10 per cent and take out 10 per cent in discounting the note, making it amount to 20 per cent per annum, but that is being done less than ever before. But I want to emphasize this fact, that those tenants and those borrowers who have, from the beginning, upheld their integrity and studied the interests of their friends who have loaned them money, are treated fairly; it is that class who are ready to run away as soon as the crop is raised, and who go out in the night—that is the class that has to pay the exorbitant rates.

Chairman WALSH. Are loans made on chattel mortgages in your country?

Col. KIRKPATRICK. Yes.

Chairman WALSH. Are they made by bankers or merchants, or how?

Col. KIRKPATRICK. Not many are made by bankers. There are many merchants in the State who make a business of taking mortgages on personal property and loaning small amounts, and then the merchants open accounts on time with farmers and file a mortgage in the courts, or in the recorder's office, on his crop and very often on his wagon, and his team, if he owns one, and sell him goods on that kind of credit; and then in the fall he will watch that man and watch him pretty close and try to get his money. Now, that ought not to be the case; we ought to build up the character and integrity of our people, and that is what our university people have to do, for a man's sense of honor is worth more than credit, and credit is worth more than land, and morality is worth more than all of the rest together; and we ought to do that.

Chairman WALSH. Do your banks have agents that loan to tenants on chattel mortgages?

Col. KIRKPATRICK. If they do, I am not acquainted with that phase of the business.

Chairman WALSH. What is the average price of land in your county?

Col. KIRKPATRICK. Well, I would say from $75 to $150 an acre—I would say about $100 an acre.

Chairman WALSH. How much land can a one-team tenant farmer farm? How much can he farm in your country?

Col. KIRKPATRICK. Of course that varies from nothing to 50 acres; some of them would not cultivate 1 acre right.

Chairman WALSH. Could we strike an average, Colonel, based on the experience in your county? That is, take the average land and the average tenant farmer? So that we might make it as definite as we could.

Col. KIRKPATRICK. And with an average crop?

Chairman WALSH. Yes.

Col. KIRKPATRICK. I would say about 30 acres.

Chairman WALSH. Now, with all those same averages, what would his income be, the tenant farmer's income?

Col. KIRKPATRICK. Well, according to his skill as a farmer, and his knowledge of farming, it would probably average about $800 or $500 a year; I think the average would be close to $300, taking one year after another.

Chairman WALSH. Would that involve the labor of any member of the family other than the man himself?

Col. KIRKPATRICK. If he had a family, it would.

Chairman WALSH. They all work at it, do they?

Col. KIRKPATRICK. Yes; they about all work at it.

Chairman WALSH. Describe the customary rental contracts in your part of the State.

Col. KIRKPATRICK. The customary rental contract in my part of the State is a verbal contract. I have a man that I have never had a written contract with and he has rented 28 years from me, always on verbal contract. It is understood tht he must pay one-third of the corn and one-fourth of the cotton. In 1911 there was neither one, neither corn nor cotton, and some years he makes a moderately good crop and could make twice as much if he understood farming; he could make twice or three times as much if he understood farming, but he is old and we can not teach him, and we are not trying to; we are trying to teach the boys.

Chairman WALSH. Have you observed anything typical with reference to the legal status of that class of tenant farmers that do not have written contracts, when disagreements arise between the landlord and tenant? Is he in a

position where he can enforce whatever rights he has at law? I mean economically?

Col. KIRKPATRICK. I have not had much experience of late years. The last time I was in the court trying to get money from a man that had walked off with it, the other fellow sued me first and got a judgment, and I had to pay the costs; and I never have gone back to court any more.

Chairman WALSH. Is there much litigation of that kind in your county?

Col. KIRKPATRICK. I do not think there is much now. It has generally all gone one way; the lawyers generally get all the profit there is, and let the other fellows go without any.

Chairman WALSH. So, as I take it, then, there is no tendency on the part either of the landlord or the tenant to go to court?

Col. KIRKPATRICK. No, no; not with anyone that has any wisdom whatever.

Chairman WALSH. Is there any difference, would you say, in the status of the landlord as compared with the tenant in litigation growing out of these tenant contracts?

Col. KIRKPATRICK. I would rather be the tenant.

Chairman WALSH. Are such matters usually submitted to juries?

Col. KIRKPATRICK. Yes, sir.

Chairman WALSH. Are the juries in part—do they consist of tenant farmers?

Col. KIRKPATRICK. Frequently they do, but more often they do not. They often pick up men around town. These fellows who have retired and gone to town.

Chairman WALSH. I wish you would give me any observation you might have with regard to housing conditions in your county.

Col. KIRKPATRICK. The housing conditions are not as good as they ought to be and could be. I do not blame anybody particularly for it; it comes back to the general proposition that we must learn to handle and manipulate our soil more profitably. The landlords seem to do as much as seems their part and the tenants seem to do as much as seems to be their part. I do not charge this condition up to either side; I think we are all to blame; I put myself in there; we are all to blame for it. They are not housed as they ought to be. They are not treated as they ought to be. The renters do not treat the landlords as they ought to, and we, on the other hand, do not behave as we ought to, one toward the other; there is not enough of that fraternal regard each for the other; there is not enough of humanity among us; we have not enough of character. We could easily increase the housing facilities if we could only get together and work together and sympathize more with each other than we do. The tenant is not close enough to the landlord, and the landlord is not close enough to the tenant. And it is not only so with regard to the houses, but as to the schoolhouses and the church houses.

Chairman WALSH. I was going to come to that, Colonel. Please be kind enough to give the commission, for our record, the educational and social environment in your county.

Col. KIRKPATRICK. None of them are good enough, and that is chargeable to the same original proposition that we do not study each other's interest enough; we do not levy taxes enough, and yet it looks like a great many are taxed beyond their ability to pay. We do not get enough money to build good roads. We ought to have had roads in our county 50 years ago, and if we could have had them 50 years ago we would perhaps be the richest county in the State to-day. The roads are not good to travel on; they wear the wagons and teams and harness out and they lose their time coming and going, and the children can not go to school, and the people can not go to church and can not go for the doctor, and the doctor can not come when he is wanted, and they can not go to market when the market suits. Our roads are deficient, the schools are deficient, and the homes are deficient. We have not enough furniture, we have not enough paintings on the walls, nor enough instruments, and we have not enough books.

Chairman WALSH. What effect have you observed, Colonel, if any, that the class of men who have moved from the farms to the cities, such as you have described, and the tenants had upon purely public questions, such as the question of taxation? Is there any division among them? Do the men that go to the cities vote for taxes for facilities such as you described, or do they oppose them? Do the tenant farmers vote freely for taxation that might benefit them in the way you describe, or do they vote against them, or is there any influence brought to bear of one side against the other?

Col. KIRKPATRICK. That is a very important and comprehensive question, and I would answer it in this way: A few years ago the renter voted against taxes for good roads and for better schools and combining schools and getting graded schools; they voted against all taxation like that, and I account for it because of the fact that the large landholders told them that if they voted for this or that tax—they were free to vote either way—but to remember if it carried that they would want another renter. That was a common assertion a few years ago. In other words, they said: "If you don't vote like I want you to vote, you get out," and the renter voted very generally as he wanted them to; and we could not build roads or schoolhouses and could not improve at all. But of late years that sentiment has changed, and that is a good omen for the future. The same landlord now wants them to vote for roads; he wants them to vote for bonds; he wants them to vote for levies of taxation for schoolhouses; and they are building those roads and they are building those schoolhouses and they are improving the country where a few years ago they entirely objected to it.

Chairman WALSH. Do you think that comes from what might be called a changed attitude of mind and heart, or from the idea that it is economically better for them to have the country improved through this system?

Col. KIRKPATRICK. I think it comes from both, because they think it is inevitable and they had better yield now gracefully than later; and I think a great many are prompted by their hearts and minds and love of humanity, and all that.

Chairman WALSH. It might be interesting to know what position the country preacher occupies with relation to the tenant farmer. Do they preach economics like they do in some other places? Do they preach the necessity of education and of a man standing upon his own footing, as he ought in a democratic community, or do they take any part in this upward social and economic tendency?

Col. KIRKPATRICK. They are growing rapidly into that sentiment; they are changing. I remember when a preacher dare not touch on it for fear that he would not hold his position; but I believe that if they had spoken out years ago they could have held their positions, but they were afraid to and did not. But of late years I have noticed a tendency to preach from the pulpit industrial education and domestic improvement and betterment and the building of homes and better conditions about the homes. Preachers are laboring more along that line than I ever knew them to do before, and it is a good sign for the future. The teachers are doing the same thing in teaching the children to better their conditions of study and effort.

Chairman WALSH. Have you observed anything with regard to the extent of what might be called the social-center system? You noticed, I suppose, the suggestion made a while ago by Mr. Holman that there was a man from the university making a study of civic and social centers.

Col. KIRKPATRICK. Yes; I have noticed a tendency in later years in that direction, but I do not see numerous examples; not as many as I had hoped to see.

Chairman WALSH. Do you think that that is a way for people to get together and learn democratically to do for themselves?

Col. KIRKPATRICK. Yes, sir; I think so; decidedly, Mr. Chairman; they ought to meet on every possible occasion. I believe our church meetings ought to be converted largely into industrial meetings. I believe there ought to be more preached from the pulpit, more talk from the teacher's standpoint, and I think our editors, our public press, ought to elaborate and magnify and emphasize that idea of preaching to the people and teaching them how to improve themselves while here and to make themselves a heaven on earth and not wait for the other heaven above.

Chairman WALSH. Would you, Colonel, suggest any constructive action that might be taken, either by the State or the Nation, toward working up to these ideals you have mentioned, outside, of course, of the hearts and minds of the people and their representatives?

Col. KIRKPATRICK. I think that the general system applicable to all industry, not only to farming, but to manufacturing, and to a great many industries—I think a general system could be adopted wherein we would all cooperate, where the banker would unite with the merchant and the merchant would unite with the producer and the producer would unite with the railroad man and the manufacturer, and organize one general system so that every man would

be insured his regular and reasonable reward for his labor and so there would be no overplus, or, if there was an overplus, it would be cared for, and there would be a proper distribution. And if there was a failure in any part of the great economic system then the other divisions would come to the rescue of that part that failed. For instance, in 1911, when we failed here entirely to produce any crop, the merchants and the bankers and the rich men of the country generally came to the rescue of the poor and tided them over and kept them encouraged to go on and plan another crop. I think if some great calamity like this great war should come and destroy the value of our cotton, I think the moneyed people should come to their rescue, and I think the bankers and merchants were shortsighted about that. We never had an experience like that before, and if we had been well organized in sympathy and actually, we could have come to the aid of the people who had that cotton thrown on the market at a ruinous price, and they could have held the cotton until they could get reasonable prices without having to sacrifice it. And we could bring about a system of that kind, if our hearts and minds were right, wherein such extreme cases as that could be cared for, and it ought to be done.

Chairman WALSH. Generally speaking, Colonel, that would draw a line between an economic or industrial system organized simply for profit and one that was organized for the social welfare of mankind, as you might say.

Col. KIRKPATRICK. Yes, it would; and that ought to be done.

Chairman WALSH. And an application of the latter is desirable?

Col. KIRKPATRICK. Yes; it certainly is.

Chairman WALSH. It does not work out to the advantage of mankind that the entire point should be addressed toward profit for the individual?

Col. KIRKPATRICK. Yes, sir; I think you are right. We ought to take that thing home to our hearts and minds, and we ought to consider the welfare of everybody, the high and the low, the rich and the poor, the white and the black and the red, and every other class of mankind.

Chairman WALSH. Is there anything else, Colonel, that you think of that you think might aid us in what we are doing here, having had the outline about which you have been interrogated? If so, we would be glad to hear any statement or suggestions you have to make.

Col. KIRKPATRICK. Well, Mr. Chairman, I do not want to occupy the time of the commission unnecessarily; I have been here a long time and possibly may have occupied more time than I should.

Chairman WALSH. I think not.

Col. KIRKPATRICK. I want to emphasize this thought, that our hopes in the future depend more on the right training of the minds of the young folks, of the young people; it depends more upon the young than upon the older classes of mankind. I notice that, and I am one of the old ones, they think they know all there is to be known, and do not want to learn anything else, but the young people are wiser than that. They know there are things that have never been known or discovered yet, and we are trying to impress their minds and get them started right so they will go more nearly right than we have done.

If you will excuse me, I will say still more—that we have never been acquainted with ourselves, and this war has brought it home to us that we have never known who we were; we do not know who we are to-day. We are savages and barbarians, not civilized people, because they over there are our kind, they are our relatives and our class, and they are acting as savages and barbarians and uncivilized across the water. They are just as good people as we are, and we might come to the point where we would do the same as they are doing, and we want to avoid any such cataclysm as that; we want to avoid any possibility of getting into any such tangle as our friends have gotten into across the water. They have done it because they worshiped things that belonged to this life and not the other things; they have sought avenues of trade and to increase their profit and wealth and riches and such things as relate to this life, and they have not sought in proper volume or in proper degree those things that pertain to our higher welfare than that of gold and silver and material wealth. They have forgotten the principles of the broad law that was given down to us from the Wise One above; they have read the wrong thing out of the Bible; they have not read the Bible right; and we want to teach our children to read the Bible right; we want to teach our children to read history right, the history of the human race, and if we do they will not get into any such tangle as that; and we can do that through such meetings, in getting together and stating the knowledge they have to each other, and in

putting their experiences in such form that other people can read it and understand it, and in that way arrive at a knowledge of who they are; we do not know who we are yet.

Chairman WALSH. Mrs. Harriman says she would like to ask you a question.

Commissioner HARRIMAN. I want to ask you what is the difference, if any, in the cash prices and credit prices charged by merchants?

Col. KIRKPATRICK. Well, now, the credit price—30 days and cash are very close together. As for these long credits of six months, I am not posted because I have never indulged in them. But this is what I have been told, that it runs from 10 per cent up; I don't know how far up.

Commissioner HARRIMAN. And for 30 days?

Col. KIRKPATRICK. For 30 days about the same as cash. Sometimes they will discount 2 per cent for cash. I have never been able to discount my bills.

Chairman WALSH. Thank you, Col. Kirkpatrick; that is all.

May I make a little announcement? This is coming to the close of quite an excursion, as you ladies and gentleman know, throughout the country, and we are strangers here as in every place. We have been compelled to establish certain rules. I do not know whether they would be so necessary here as elsewhere, but a great deal of our work has been in the realm of very acute controversy, and what would please one portion of the public that is present might greatly displease the other, so we have had to make it a rule to ask the people who attend our meetings to please not to give audible expression to their feelings, no matter how much they may like it—not to laugh out loud or applaud—or however much they may dislike it to give no sign of disapproval. We have been in the most acute controversies, as, for instance, at Paterson, N. J., and in California and other places, and our audiences have always been with us in that position. So I am going to ask you to apply that rule here. Kindly do not give audible expression of your feelings no matter what they may be, and that will assist us very greatly in our work.

A VOICE IN THE AUDIENCE. I wish you would ask Col. Kirkpatrick there what is the customary rent given here and what the landlord has to furnish, so as to get it in the record.

Chairman WALSH. Will you please do that, Col. Kirkpatrick? You have heard the question: What is the customary rental and what does the landlord have to furnish and what does the tenant furnish, as a general thing, in this portion of the country?

Col. KIRKPATRICK. Well, as a general rule, it is hard to say. I know there are special cases, and they are extreme. Now, some landlords will charge a third of the grain and a fourth of the cotton; and it is then reputed that they will also charge what they call a bonus, so much an acre over and above the third and the fourth, especially where the land lies convenient to market or lies convenient to school or to a fine road, or where it is extra rich, or where there is some special value in the land, he will charge a bonus in addition to the land.

And then, again, on the other hand, I have known cases where landlords would furnish a pasture for the tenant. I know some cases where they furnished one-third of the land they rented to the renter for pasturage, and they will furnish a barn and house, a cistern, a well, and good fences, and give them the right to a piece of ground for an orchard and for a garden and permit them to grow animals, horses, cattle, hogs, and domestic fowls, and take no part of the animals nor of the fowls, nor of those things, nor of the garden, either; let them have them free. I know cases where landlords do that. However, I know of cases where landlords have rented to renters just as a renter wanted it, whether for cash or part of the crop, and when it was for cash and the crop did not amount to much the landlords have changed the cash and taken part of the crop; and cases where the crop was very large and the rent amounted to $10 or $15 or $20, I have known the landlords to change it and take the $5 and not charge him the third and the fourth, but make those concessions. I have known cases of that kind. These are special cases, and they do not apply to the average case. Now, the average landlord, in my estimation, does just about as much to help the tenant along as the average tenant does to help the landlord along. That is the way I size it up. It is come and cut and cut and come and go, and it is a hard race between the two. Is that satisfactory?

Chairman WALSH. What does that indicate to your mind? I don't want to delay you, but there is one other question as to whether or not any feeling is growing up more acute now than it has been in the past as to the relations between the two. I did not quite get the meaning. You said it was cut and come on the one side and cut and come on the other side, and to go, etc.

Col. KIRKPATRICK. I regret to say that among a part of the renting population the tendency is not the best with reference to the relationship between the landholder and the tenant, on the one hand, and, on the other hand, of the tenant toward the landholder. It is not the best, like it ought to be; but I think it is improving. I think it is improving every day, and that we are getting over the rough places more and more all the time. There has been a tendency setting in in a very dangerous direction. Where a man is disposed to create trouble he can very easily organize trouble between the two classes, while there ought to be the closest friendship in the world; because I think a man who rents of the other is a good friend to the other, and the man who rents to the other ought to be a good friend to that tenant. I believe that labor ought to be the best friend to the employer, and I believe that the employer ought to be the best friend to the laborer. I think they ought to be the best friends in the world.

Chairman WALSH. Thank you, Col. Kirkpatrick. You will be finally excused. Mr. Le Sueur.

TESTIMONY OF MR. ARTHUR LE SUEUR.

Chairman WALSH. What is your name?

Mr. LE SUEUR. Arthur Le Sueur.

Chairman WALSH. Where do you reside?

Mr. LE SUEUR. At present at Fort Scott, Kans.; recently from North Dakota.

Chairman WALSH. How long have you resided at Fort Scott, Kans.?

Mr. LE SUEUR. Since last July.

Chairman WALSH. What is your business, please, or profession?

Mr. LE SUEUR. I hardly know how to answer that, Mr. Chairman.

Chairman WALSH. As I asked the former witness, will you kindly sketch your business or public activity since you have been in business life, so that we may get the angle from which you speak and your point of observation?

Mr. LE SUEUR. To make it comprehensive and brief, at 15 years of age I was a farm hand; at 18 in the lumber woods, on the river, working at sawmills, on railroads, and other work of that kind. At 24 I owned a farm.

Chairman WALSH. Whereabouts?

Mr. LE SUEUR. In North Dakota.

Chairman WALSH. How large?

Mr. LE SUEUR. One hundred and sixty acres. I managed to pay the interest on the purchase price during a period of 4 years and reduced the principal some $2,000. I did that through having what might be aptly termed a side-line. I ran a threshing rig for the neighbors. At the end of the 4-year period I quit farming by realizing on the size of the equity I had created in the land and commenced to study law, was admitted to practice, and practiced for 10 years.

Chairman WALSH. Where did you practice?

Mr. LE SUEUR. In North Dakota.

Chairman WALSH. What place in North Dakota?

Mr. LE SUEUR. Minot, N. Dak.

Chairman WALSH. What sort of a country is that? What do they raise there?

Mr. LE SUEUR. Wheat is the staple; flax comes next and stock next.

Chairman WALSH. Proceed, please.

Mr. LE SUEUR. After practicing law a few years I was able to engage in the banking business, and am still engaged in it to-day.

Chairman WALSH. At what point?

Mr. LE SUEUR. Same town.

Chairman WALSH. Minot?

Mr. LE SUEUR. Yes, sir.

Chairman WALSH. What is your business at the present time at Fort Scott, Kans.?

Mr. LE SUEUR. At the present time I occupy the position of vice president and dean of the law department of a college established there during the past year.

Chairman WALSH. What is the name of the college?

Mr. LE SUEUR. The Peoples College.

Chairman WALSH. And what, briefly stated, is your proposition of education, if it differs from the other colleges and universities of the country.

Mr. LE SUEUR. The prime difference consists in this: We conceive the fault of education as our system promulgates it to-day in the United States to lie in the viewpoint; that is to say, the psychology of education in the practical

line of the schools is to educate the ambitious to acquire; the prime thing in life that is inculcated in the children is to follow the example of those who have been able to amass fortunes; that is to say, those are the ones who are held up as heroes and as worthy examples to follow.

This college that is established at Fort Scott has a different viewpoint. It aims to inculcate the idea that the one most dishonorable thing in life is parasitism—the will to live on the labor of another. That is the fundamental difference. We aim to establish there a vocational training along with cultural training in order to offset the efforts which we believe to be now well advanced in the United States to establish approximately the German training-school system in the United States. We aim to offset that influence. As we understand the problem it is this: With the corporation schools that are in operation in the United States the practice is, in substance, that Tom works in the factory this week while Bill is in school; and Bill goes out of the school next week and goes into the factory, while Tom comes out of the factory and goes into the school. The result of that, if it is permitted to be developed without having proper cultural training, will be that all organized labor in the United States will be placed upon exactly the same plane as unskilled labor is to-day, because organized skilled labor can not survive in places where it is in competition with unorganized skilled labor, and labor unemployed soon loses organization. We aim to prevent that by making a practical demonstration of cultural and vocational training and bringing the student in touch with the workers' viewpoint, showing the desirability of inculcating the viewpoint of the honorableness of service and the dishonorableness of living upon the labor of others without contributing to the welfare of society.

Chairman WALSH. Now, have you made any study of the land question?

Mr. LE SUEUR. Yes, sir.

Chairman WALSH. From what sources have you attempted to derive your information; that is, separating them, if you can, into the practical and the educational or scholarly? Did you derive any of it from the condition of agriculture in the Northern States and in the places where you have lived; and if so, how much of it and what you have derived from your studies?

Mr. LE SUEUR. Out of my actual experience on the land, first, as a farm hand, and second, as a farmer, I did learn one thing that has proved to be of tremendous value, and that is that I did not have the mental caliber necessary to the successful operation of a farm under the present system, and I knew enough to leave it. I did learn that. Now, the prime reason—I think I also know what that is, that so many fail on the farms. There are many reasons, psychological, mental, intellectual, and educational; but the prime reason of these frequent failures is economic.

Chairman WALSH. Could we ask you to present in as concise form as possible, Mr. Le Sueur, what you believe to be the fundamental and underlying question with reference to the land problem, if you might put it that way, that would prevent people deriving a proper living from it?

Mr. LE SUEUR. The fundamental problem that is presented there is not wholly the question of the ownership of land. While normally ownership and control abide together, and that is the rule, yet when a crop is severed from the land the ownership of it, under our system, leaves the producer so rapidly that any essential control over it is wanting. It is a part of the land until it is severed, and when it is severed he loses control immediately along with the ownership.

Chairman WALSH. That is, with the product, you mean—the crops?

Mr. LE SUEUR. The product. There has been more or less misconception about the desirability of the ownership of land. Now, I think it would clear the atmosphere somewhat to put it this way, that no farmer wants to own land simply for the privilege of paying taxes on it, but he wants it for the privilege of controlling the products of the soil. No one would desire more than nice home grounds around his home were it not for the fact that they need more ground than that for the primary purposes of producing usable wealth. That is the purpose.

Now, under our system of marketing and finance farmers are as a class, as a rule, and from what I have heard here it is true both North and South, are unable to control the product of the land. They do not control it. They do not control the price. Nor do they control the price of the things they must have in order to apply their labor to the natural resources—which is the only chemistry that will produce wealth for others.

Now, then, to put the matter very briefly, I conceive the best way to determine where this leak actually exists is to find out to-day who has the product of the land. There are practically untold millions of wealth that have been produced on the farms of the United States; and it seems to me the first thing we should do is to find out who has that and where it has gone. If we can determine that fact it will be much easier to determine how it went there, and we can then plan how to stop the leak. I therefore beg leave to present to this honorable commission a few figures in a very short and brief way, but they appeal to me as going to the point. I quote now from two sources of authority. One is from the 1912 report of the Comptroller of the Currency of the United States and the other is from the Commercial and Financial Chronicle of New York, a financial paper of wide standing; and the members of the commission can readily verify this, if they deem it important, by perhaps more authentic figures, although these are official and semiofficial.

A comparison of the average annual increase of the resources of the reporting banks with the total cotton crop of the United States for 1904, taking the figures from the Financial Chronicle for the cotton crop and taking the figures for the increased resources of the banks from the report of the Comptroller of the Currency shows this: The cotton crop for 1914 is there estimated at 14,009,968 bales of cotton. The annual average increase of the resources of the reporting banks in the United States covering the four-year period between 1908 and 1912, inclusive, is $1,350,808,829.50.

Taking the same figures from the report of the Comptroller of the Currency and comparing them with the reports of the Department of Agriculture at Washington, we find that the total wheat crop of the United States for the year 1914, which, by the way, is the largest wheat crop ever reported by that department, to be—and to show you how these figures run, the 1912 report of the Comptroller of the Currency says that the increased resources of the banks which reported for the four years from 1908 to 1912, inclusive, is $5,403,233,318, and dividing this by 4 gives us a total which I have just given you. Now, then, the Department of Agriculture reported the wheat crop of 1914 to be 911,000,000 bushels for the United States. Now, putting the value of that a $1 a bushel, which is much in advance of the average price for a series of years, we get $911,000,000 for the total value of the wheat crop of the United States. That leaves a difference between the increase in the resources of the reporting banks of the United States and the total value of the wheat crop for 1914 of $439,808,829.50 in favor of the banks as against the total amount of the wheat crop at a dollar a bushel.

Making that same comparison now with cotton we find that figuring cotton at much more than the average price during 1914, putting it at $60 per bale, it amounts in round figures to $876,598,000, which, compared with the average amount of the annual increase in the same period of the banks, remembering at the same time that there are approximately 8,000 banks that did not make returns or report to the department of the comptroller and who also increased their resources during that same period, we find, then, comparing the whole matter by and large, wheat and cotton with the average annual increase of bank resources during the four years, that in round figures the annual increase of the resources of the banks of the United States, although something like 8,000 banks did not report, is equal to the total of the 1914 cotton crop and one-half of the total of the 1914 wheat crop. This, as I say, is figuring the high price of $60 a bale for cotton and $1 a bushel for wheat.

Now, then, if the commission will just bear in mind the infinitely small number of people engaged in banking and the comfortable salaries that are drawn by bankers and bank officials and bank employees compared with the niggardly, slavish incomes to millions of farmers from whom the bulk of these resources have been drawn in final analysis, you will be able to come to some understanding of the class spirit that is to-day permeating the entire agricultural world of the United States. There is where it is. Its foundations are there. It comes from the inherent inequality that exists between the two classes. There is an infinitely small number of bankers as compared with the tremendously large number of farmers, and yet those are official figures. Those figures show where the produce goes from the farmers and ought to be the key to us to determine whither we should look to stop the leak. For, believe me, when that leak is stopped there will be the most stupendous immigration of bankers back to the farm that this world has ever witnessed.

The secret of the bankers' satisfaction with the bankers' situation, with things as they are, lies in the following—and I know it for a fact, for I am in

the banking business and am there to stay as long as the farmers see fit to uphold the private banking system. I am going to be at that end of it inasmuch as I have learned the force of the kick at the other end of the mortgage and I will not abide there. I do that simply for the reason that the highest duty of any human being in the existing state of human affairs is to his own family, to provide food and clothing and education and entertainment to his own. My oldest boy will graduate in electrical engineering from a good school this year at the age of 23; but I will say that though he is thoroughly equipped, if he did not have a banker dad to assist him that boy would be a tramp in 30 days after he leaves school.

Chairman WALSH. Why do you say that?

Mr. LE SUEUR. He has searched during the last six months for employment. He is skilled. He is at the very top of his class. Yet there is no place for that boy in the community to fit into and earn his living to-day. Therefore, there is nothing but migratory labor of the most unstable character to which he can look toward making a living if he was not able to fall back on ulterior assistance.

I wish, however, that no one, and most of all the commissioners, will believe for a minute that there is anything of class hatred in this position which I outline here. Nothing could be further from the truth. There is no psychological factor that is of more detriment to a clear solution of the problems the people of the United States to-day are facing than class hatred. Class consciousness is an entirely different matter. It develops and denotes knowledge. Class hatred denotes ignorance. There is no need for hatred if we are to peaceably solve these problems as they ought to be solved. It is not class hatred, but class understanding that will solve them.

Another thing that is not generally understood and which is of vital importance to farmers, though it does not make much difference to the bankers whether it be understood or not as long as society allows it to exist; but it is vital to the farmers, and that is the character of the transactions that are carried on in banking. Most people, when they go to a bank and leave their promissory note, go away with the impression that they have borrowed actual money, and that actual bona fide money has been loaned by the bank. In one sense this is correct. A service has been rendered by the bank, but trivial compared with the charge made for the service. I mean this: I go to a bank, as I did many times, for I have had experience on both sides of the bank doors, and I leave my promissory note for a thousand dollars, secured or unsecured, it makes no difference as to collateral, and I do not carry away currency, neither gold nor silver nor legal tender, nor any other kind of money. I carry away a check book and a deposit book showing I have to my credit in the bank $1,000. I use instead of cash the checks. It is much more convenient than cash, and it is almost universally used to-day. I would like to emphasize that point. The total bank clearings in the United States to-day, according to the best authorities that I have been able to discover, clear annually through the regular clearing houses $162,000,000,000, a sum so vast that it staggers even imagination. The total amount of cash in circulation during that same period, if you limit it to legal tender, has never equaled $1,000,000,000. Now, then, the business of the country has not been done with cash, but has been done with the commercialisation of credit of the communities in which the banks exist. What did the bank do when I left my note? It made an entry upon the books showing I had $1,000 to my credit. It increased its liabilities $1,000 on the books showing that, and it is entitled to draw interest on the note at 10 or 12 per cent, or whatever the rate was. There never was a dollar of money involved in that transaction. The checks which I issued to pay the bills that I wanted to pay as the reason for making that loan and which I paid by check went through the local clearing house, which is not usually one of the clearing houses I have mentioned at all, but is cleared between the banks themselves, offsetting similar transactions on different sides of the books, no money being involved; or else it went through the clearing house at the Twin Cities from North Dakota, and there was cleared without the payment of money. Now, that is what I mean by commercialised credit of the community by the banks. They do that. The banks do not extend their own credit to anybody else, but they have commercialised other people's credit. This applies to the notes of the merchants, the notes of the landlords, the notes of tenants. These notes are used by the banks as the basis on which the bank draws interest. The banks are the only institutions in the world that draw interest on their own debts instead of paying interest on them; and the way they do that is through this credit system. And

we are squarely and solidly upon a credit system in the United States. We can not do business in any other way. We have no other facilities, no other means for doing business; and we must do it on credit. It is all based on the check and deposit system.

I might add right there that some people have run away with the idea that this new Federal reserve act is going to be of wonderful assistance to the financial system of the country, and I want to call attention to just one thing in connection with that, and that is that the new Federal reserve act strengthens the banks, but it does not lift so much as one ounce of the burden which rests upon the interest-paying members of the community, which number practically the entire people of the United States. It relieves them not one solitary whit. It does protect the banks in their position and strengthens them; and that is all.

If we remember the explanation I have just given of the function which the banks perform of commercializing credit, it will be found to be the key to the entire situation. It is a bookkeeping proposition.

To talk constructively for a moment I might say that a public bank is a step in the right direction toward solving both the problems of the landlord and the problems of the tenant. Looking at these figures it seems to me that they throw some light on the question of why it is they have bad homes to live in and the landlords live in none too good at that. They do not build very good homes for the tenant. It is the same question that is involved in the question of land ownership. The reason why tenantry is growing as it is in North Dakota—for this tenant problem is not a problem local to Texas; it is one that is universal throughout the Northwestern States, to my own personal knowledge—is because of the fact that before the intending home and land owner is able to connect up with the natural resources from which to produce wealth he must first pay tribute to this financial system whose increased resources have, in one year, equaled one of the great staples of the United States and half of the other great staple for the trifling services for which the bankers receive good salaries in addition to all these figures, for these figures are net. So that land ownership does not rest entirely upon the question of title, but it depends also on the question of how the farmer is allowed to connect up with the resources and the produce which his labor brings forth through its application to the soil. The banking system is the most fundamental of all the things that enter into that relationship. Of course we have watered stock in railways and all these other things that many of us holler about in this country, but when we get right back to general principles the institution which walks off with the lion's share is the institution I am talking about—the banking system of the United States. I have told you why I am in the banking business and why I propose to stay there as long as the system is allowed to exist. I would like to see a change and am ready to vote for a change.

Now, then, there are two things which stand in the way of the farmers getting on in the economic field to cooperatively remedy this situation for themselves; and nothing is more certain to my mind than this one fact that when these things are remedied it will be the farmers and the wage workers themselves who apply the remedy. Nobody else will, not even the best intentioned bankers or legislators will ever in the world remedy that situation until the farmers and the workers themselves organize and cooperatively remedy it. They must do it or it will never be done. The economic urge, or interest, is too strong to permit that; it is too strong even on the part of philanthropists who are in the favorable position themselves to compel them to come down after their sleep to remedy these things for the under dog. They can not do it in spite of their best intentions. They can not do it. It must be remedied by the under dog himself developing a backbone.

The things which stand in the way then, primarily, of farmers cooperatively acting to remedy this situation are an unjust credit system, as I have explained, and restrictive laws which prevent the farmers from cooperatively acting together successfully. There are two prime elements which make for the failure of farmers' cooperative organizations; one is that we have seen that there is a want of that broad individual education that will enable the farmers to realize that the only course to pursue is to allow everybody all the rights which they claim for themselves. Another element that results in farmers' cooperative organizations many times blowing up is that there is somebody who is a disturbing factor in them, either a man or a woman, who does not agree with the majority and would rather ruin than to allow things to go forward unless they are allowed to rule.

The prime and fundamental cause of the failure of farm cooperation, whether in the marketing or purchasing, or the bettering of conditions in farm operations, lies not there, however, but in the restrictive laws which prevent successful farm cooperation. I mean by that this: All business, farming and all, must be done on credit; there is no other way to do it to-day because of habit, and we are all creatures of habit; there is no way to do it unless it is done on credit. The farmers of every State in the Union have the strongest credit of any class; it is more stable than that of any corporation or trust, no matter what, and they are to-day, by legal restriction, prohibited from using that credit.

If your honors will permit me, I will illustrate what I mean by two concrete examples from the northern country, but which apply with equal force in Texas, because the problems are the same here as at my home. In North Dakota the hail insurance companies have charged 65 cents per acre premium. The farmers need hail insurance there, and things ran along that way for many years. Several mutual hail insurance companies were organized by the farmers. There is only 1 of the 60 or 70 companies that started that has survived, and they went on a strictly capitalistic basis for making profit for those on the inside of the cooperative concern and charged farmers the same rates as the old-line companies did, and they have survived and are a large concern to-day; but they brought no relief to the farmers because their rates are the same as the old-line companies.

But six or seven years ago in North Dakota they passed a State hail insurance law which compelled farmers to pay cash in advance for that insurance, but cut the rate from 65 cents to 30 cents per acre, which was a substantial cut, but the cash payment of the premium made it almost impossible for the farmer to get his insurance because of the fact that it came at a time when the farmers, as a class, have no money. They are one-crop farmers there, as you are down here, as I understand, and they needed the insurance just when they could not pay for it. You will say that the farmer, if he had good credit, ought to be able to go to his bank and get money for that, but this is how it was done. The farmer would go to the bank, and I have seen it myself, and say, "I want to borrow $75; I want some hail insurance, and I have to have money to get the State hail insurance," and that is less than one-half of the other, and the banker would say, "I will tell you, Sam, how this is, we have our customers to take care of, and we have to keep money here for them, because they are likely to call for it at any time, and we have to pay it when they come for it," and that is true. "If it was some small loan to be paid back in a short time, we might let you have it; but we can not let you have it until fall." And the farmer goes out of the bank and when he is unhitching his team the banker comes to the window and crooks his finger at him and he goes back in. I never saw a farmer yet that didn't go back when the banker did that. And the banker says, "I have been thinking that over, Sam, and I think I have found a way to give you that hail insurance." The farmer says, "I must have it, if I can get it." The banker says, "We will fix you up; we can not give you the money, but we are agents for the St. Paul Fire & Marine Insurance Co., and we will insure you with them and take your note for for the premium, and we will make the company, which is a big, strong company, carry you until fall, and it won't take any money now, and it will protect you in that way." Sam realizes by this time that he must do that or go without the premium, and we will make the company, which is a big, strong company, ance and takes 12 per cent interest on the note and never invests a dollar. And all he does is to keep the books, and all that consists of is making one entry when he takes out the insurance and another entry in the fall, and that is the way the farmer is treated. So the 30-cent hail insurance in North Dakota has not been an unqualified success, by any means.

I should add that the State hail insurance provides for a maximum damage of $8 an acre, while the old-line company policies provide for $10 an acre. According to the commissioner of insurance of North Dakota, some of the old-line companies paid as little as 17 cents back on the insurance; the State insurance companies have paid back either 43 or 47 cents; nearly 50 per cent of the State insurance was paid back in damages. The State insurance, however, has not paid quite in full, while the old-line companies pay in full, or they are not allowed to operate.

Across the line, in Saskatchewan, where those duplicable foreigners live and make their homes, many of them being Yankees, they have the same conditions as in North Dakota. They have the same climatic conditions, the same

staple crops, and the same dangers from hail, and they need the same protection. There, three years ago, in January, the legislature of the Provinces passed a general law permitting the counties of their Province to hold a referendum to determine by popular vote whether they would adopt municipal hail insurance or not. The act was to become operative after 25 counties had adopted that. That act has been in operation for two years now, and the general provisions of it are that when 25 counties have adopted the act by referendum vote, those counties which have adopted it have municipal hail insurance. The general law restricted that tax to 4 cents per acre to cover the damages which they suffered from hail, and limited the payment of damages to $4 per acre. The first year, during the operation of this law, they paid the losses in full, at 4 cents per acre premium and $4 per acre. The second year's operation they paid the losses in full, without raising the tax, up to $5 an acre, at 4 cents per acre.

The secret of that lies in this fact that the farmers were by that general law permitted to utilize their collective credit and to turn that to the service of the people instead of the exploiting class that rules over them.

The 4 cents per acre was collected by the same people who collected the other taxes, and it did not cost any more to collect that additional 4 cents per acre. The machinery was there and used for that purpose, and the only added functionary was the insurance commissioner, and his salary did not make much difference distributed among the 25 counties. The result there was that out of every dollar paid in 92 cents was paid back in insurance the first year, and the second year 97½ cents out of each dollar was paid back to the farmers in payment of their losses. Their program for the next year raises the maximum damage without raising the tax and paying in full.

That is an example of the application of common sense and using the power of the State as the servant of the people instead of a bunch of politicians and lawyers who usually compose the legislature.

That distinction is one that can be carried into all of the departments of farm cooperative life. The farmers have the most tremendous credit of any class of people on earth if permitted to use it. I think you will find in every State a law restricting farmers to taxing themselves only for schools and roads, and it is well that they are allowed to tax themselves for schools, but they are limited in that to a certain proportion of the property.

What farmers need is to have those restrictive laws put out of the way so that they may use their collective credit with the power of the law behind them. The American people and all civilized people are law-abiding and believe in law and order and government as a system and anything that has behind it the sanction of the law; they will stand almost interminable abuses before they overthrow it if it comes in the name of the law and has any fairness or justice behind it. Now, if the farmers as a class were able to eliminate those legal restrictions which prevent them from using their taxing power, then they would get on an even footing with the concerns with which they must compete. It is like a man being held up and robbed by a highwayman. Of course, in the other case it is absolutely legal, but nevertheless they take the goods, and the result to the person is the same whether he is robbed in that way or by the highwayman—he is still broke. The farmers should be entitled to have the benefit and advantage of cooperative credit, with the sanction of the State behind it, instead of being restricted from doing things done every day by other classes or divisions of classes in the United States. It is not a question of politics, although politics enter into it; it is purely an economic question, and it is an economic question to those of us who have been on the firing line of the close struggle that exists between the farmers and those exploiting them that absolutely tears at the very heartstrings of humanity, when we see in the communities scattered all through the agricultural territory of the United States the very backbone of the people, those from whom we must recruit the very highest and best type of human citizenship in the United States, we find them living in conditions that would be a disgrace to a hog in many cases, living without opportunity for mental development, living without any chance for enjoyment. What wonder that, as Col. Kirkpatrick says, when they do break loose they get a little crazy. They do that because they do not have enough of entertainment and enjoyment. The only enjoyment they can have is in slavish toil.

I want to call your attention to one thing that I do not think will be presented by any other witness, that under our agricultural system in the United States we do one of the most heathenish things a nation could perpetrate.

Many of us oppose capital punishment for murderers and think that it is brutal, and I agree with them; yet at the same time do you know what we do to the mothers of the United States who live upon farms? We give them the same punishment that we do to the murderer; we condemn them to a life of servitude at hard labor without giving them any recompense, a life servitude at hard labor without a guaranty of enough to eat, which the convicted murderer has. Those are conditions that need a remedy.

We may talk about a revolutionary class struggle in the United States, and the terrible struggle that is going on between employer and employee. The farmers of the United States will stand a hundred times more persecution and injustice than wage earners before they start, but when they do it will take more than all of the lawyers and bankers in the United States to stand between them and their goal, and I hope I will not live to see it, when the farmers try to right the wrongs that exist to-day, and which they will do if they are not corrected by those in authority to-day. If they are denied that right the farmers of the United States when they move will not move with a covered wagon; they will not have their families with them when they move, but they will move so that institutions will go down like temples before them. They are suffering under the most damnable conditions from an economic standpoint to-day, and they are exploited by the bankers and trusts and wholesale houses. Perhaps I had better give you an experience that has come to my observation.

In North Dakota it is true that the wholesale houses own a heavy percentage of the retail houses, which are nothing but collecting agents for the wholesale houses, and the wholesale houses are thus able to control to a large degree the prices of their staples. This is the way that is handled.

The farmers do not patronize the banks when they need a loan and pay cash for their stuff. But they put a note up in the hands of the retail merchant, and they make many demands, the same as has been described by other witnesses here in the Texas proposition. Then the merchant goes to the bank and he deposits that note in the bank, and they indorse it to the bank, they extend the credit to the merchant. That carries part of the credit to the extending bank, as they call it, of the little bank. Then the wholesalers carry the rest of the credit until fall. Then that performance is duplicated from year to year and from time to time. The retail merchants do not get wealthy in North Dakota. The wholesalers use them merely as collecting agencies. They hold out a high hope to the little merchant who does business on credit; he is paying the price, but he never arrives. The wholesalers see to that. Then, again, by eliminating competition among the retail merchants, which, in a sense, is not a bad thing, they are able to control the price, and they compel the farming communities to meet their own terms on the staples which they must purchase.

Then there is absolute control of the selling price for the farm products controlled by this institution. That is the terminal elevator companies at Duluth and the Twin Cities and the buying companies scattered throughout North Dakota largely. There are a great many of those agencies of the terminal elevator companies. I would urge the commission, if it has the time, that some competent investigator be sent into the northwest territory to investigate the marketing conditions of grain. There is a gigantic field for investigation there. The bottom of it has never been really touched. The equity movement of North Dakota has failed to relieve this condition. That is, the American Society of Equity, the North Dakota Union, it has largely failed, because it has been unable to finance its propositions. I believe that if the farmers in the cotton countries this year had the money to hold the cotton that they would have been able to realise at least 50 per cent more out of the cotton crop if they had been able to have had the 2-cent money; that is, 2-cent annual interest charged for money to handle their crop. They would have realised at least 50 per cent more out of it. Then the thing that we need, we need the thing that great powerful Government of the United States can do, is to assist in clearing away these artificial restrictions that stand between the ultimate consumer, the farm products that he consumes and the farmer himself. What is needed is to see that the farmer who produces this stuff, who produces it by the actual application of human labor, secures the price which the consumer actually pays for that product less the legitimate charge going in between for actual services rendered. There are too many places where there are additions without actual service.

Just one particular proposition I would like to leave with this commission, and it is this: Our system of to-day is based upon this fact that everyone of us is striving to get much and to give little. That is the universal rule. We

are all striving to get hold of all and striving to give very little. Now, what does that bring about? Prices are fixed upon commodities, by demand, we are told, by economists. I think in a degree they are right, but what is "demand"? Is it want? Is it the dire want of human beings for clothes that creates the demand for clothes? Because if that were the case all the clothing houses of the State of Texas, from what I have seen on the train coming up here, would be empty in 24 hours, if that were the case. It takes something else besides human want to create demand in that sense. It does take something else. Prices of commodities are fixed by the demand, but demand as a price fixer is the value of the scarce use. The very moment that you have any great amount of the use of a commodity the scarce use price is shot all to pieces. There is no price left. There is no price on air. We all use it. We all want it. There is a great demand for air, but there is no price attached to it. And the same thing will happen with commodities, if it is not the value of the scarce use then the price will no longer exist. Therefore, what does that mean in its final conclusion? That so long as this system exists on that basis, running all these social functions like banks for the private profit that can be made out of it, just so long as that exists poverty can never be eliminated, because it is based upon the business of buying and selling, and the fixing of prices is based upon the value of the scarce use, and scarce use means poverty, and poverty will always be with us while commodities are handled in that way. And these social functions like banks and all those things that are run for private profit instead of for social service. More than that, we want to get relief from that situation. It is a fact that the same causes produce like effect, not sometimes, but all of the time, and so long as we leave these social forces in private hands to do the work among us, the same result of tenancy and foreclosure and mortgages and oppression and all those things, together with ignorance, which is the source of most of our evils, will be present in the land.

I think that is the substance of the statement that I wish to make to the commission, Mr. Chairman, unless you have some questions you wish to ask.

Chairman WALSH. That is all, thank you, Mr. Le Sueur, very much for your attendance.

The hearing will now stand adjourned until to-morrow morning at 10 o'clock. The hearing will meet in this room promptly at 10 o'clock.

(At 4.50 of this Tuesday, March 16, 1915, an adjournment was taken until to-morrow, Wednesday, March 17, 1915, at 10 o'clock a. m., at the same place.)

DALLAS, TEX.,
Wednesday, March 17, 1915—10 a. m.

Present: Chairman Walsh; Commissioners Harriman and Lennon.

Chairman WALSH. The house will please be in order.

Mr. Getzendaner.

TESTIMONY OF MR. R. W. GETZENDANER.

Chairman WALSH. Please state your name.

Mr. GETZENDANER. Getzendaner.

Chairman WALSH. Your full name?

Mr. GETZENDANER. R. W.

Chairman WALSH. What is your business?

Mr. GETZENDANER. Banker.

Chairman WALSH. What is the name of your bank?

Mr. GETZENDANER. Citizens National Bank.

Chairman WALSH. Where is it located?

Mr. GETZENDANER. Waxahachie.

Chairman WALSH. What county is Waxahachie in?

Mr. GETZENDANER. Ellis.

Chairman WALSH. How long have you been in the banking business there?

Mr. GETZENDANER. Well, I have been in it myself about 11 years.

Chairman WALSH. Will you please sketch briefly what your business career has been since you have been in business?

Mr. GETZENDANER. Well, after leaving college——

Chairman WALSH. Are you a graduate of a college?

Mr. GETZENDANER. Yes; and attended the University of Virginia. After leaving college I went into the bank.

Chairman WALSH. The bank where?
Mr. GETTENDANNER. At Waxahachie.
Chairman WALSH. Are you a native Texan?
Mr. GETTENDANNER. Yes, sir; raised in Ellis County.
Chairman WALSH. Raised in Ellis County?
Mr. GETTENDANNER. Yes.
Chairman WALSH. Now, you may proceed.
Mr. GETTENDANNER. I worked in my father's office after I left college.
Chairman WALSH. Was your father a banker?
Mr. GETTENDANNER. Yes. Then I went into the bank after that.
Chairman WALSH. You did what?
Mr. GETTENDANNER. I went into the banking business 11 years ago.
Chairman WALSH. So that your whole business life has really been that of a banker?
Mr. GETTENDANNER. Yes; and a farmer.
Chairman WALSH. Were you raised on a farm?
Mr. GETTENDANNER. No, sir.
Chairman WALSH. Well, you say on a farm. What connection did you have with the farm?
Mr. GETTENDANNER. Looking after the farm and attending to things.
Chairman WALSH. For the bank?
Mr. GETTENDANNER. No; for myself.
Chairman WALSH. For yourself?
Mr. GETTENDANNER. Yes; and my father.
Chairman WALSH. Were you a landowner yourself to begin with when you got out of school?
Mr. GETTENDANNER. No, sir; I was not.
Chairman WALSH. Your father was a landowner?
Mr. GETTENDANNER. Yes.
Chairman WALSH. And where did he own his land?
Mr. GETTENDANNER. Well, his principal holdings were about 2,000 acres in south Texas, and some in Ellis County.
Chairman WALSH. To what extent do you have landholdings in Ellis County?
Mr. GETTENDANNER. Have I?
Chairman WALSH. Yes.
Mr. GETTENDANNER. Now? At this time?
Chairman WALSH. Yes.
Mr. GETTENDANNER. In Ellis County I have about 3,500 acres.
Chairman WALSH. And your father?
Mr. GETTENDANNER. Well, he had, I guess, in the neighborhood of 6,000.
Chairman WALSH. Is your father still living?
Mr. GETTENDANNER. No, sir.
Chairman WALSH. And did he have 6,000 acres at the time of his death?
Mr. GETTENDANNER. No; he did not. At my mother's death he divided the estate, and of course that cut his acreage down to some extent.
Chairman WALSH. Did your land come through inheritance, that you have, or did you have a part of it acquired before the death of your father?
Mr. GETTENDANNER. Came through inheritance.
Chairman WALSH. Now, I wish you would proceed and as briefly as possible sketch the manifestations of the land question in your county as they came under your observation. That is, when you began life or began to have a touch with the land situation, state what the situation was as to tenantry, the sort of leases the tenants had with the owners, and any change that you may have observed, down to the present time. I believe you were here yesterday when the other witnesses were examined?
Mr. GETTENDANNER. Yes, sir; I was. Well, as far back as I can remember we rented on the third and fourth. At that time the lands in Ellis County we regarded as high; they were worth $40 to $50.
Chairman WALSH. And that goes back as far as you can remember the business details of the matter.
Mr. GETTENDANNER. I never heard anything but third and fourth, and money rent for corn land I have heard of that.
Chairman WALSH. That was away back when, in point of time, say?
Mr. GETTENDANNER. I could not say, probably 20 or 25 years, maybe 25 or 30 years.
Chairman WALSH. And how old a man are you?

Mr. GETTENDANER. 20.

Chairman WALSH. Now, you may go ahead and answer my question.

Mr. GETTENDANER. At that time I recollect it being a third and fourth of the crop.

Chairman WALSH. And that has been correctly described by the other witnesses?

Mr. GETTENDANER. Yes; so I understand. If I understand the other witnesses correctly, though they seemed to think there was a desire at this time not to allow the man to have any stock or cows or anything of that sort, or pasture.

Chairman WALSH. I wish you would correct any statement you deem needs correction, or give any further explanation.

Mr. GETTENDANER. I find in our section that nearly all farmers have cows and small pastures, while some do not. Some of the farmers are supplied with their fuel free. I have formed my answers with reference to your questions that you sent me.

Chairman WALSH. Well, I think that would be a very good thing for us and for the record, for you to just read them into the record. You were given specific points that we desired you to cover.

Mr. GETTENDANER. Yes, sir.

Chairman WALSH. Have you the points in there with the answers?

Mr. GETTENDANER. I have questions and answers.

Chairman WALSH. If you would be kind enough to read that into the record, the entire matter. Read loud enough so Mrs. Harriman can hear from where she is sitting.

Mr. GETTENDANER. Now, the first question—do you want to ask those questions?

Chairman WALSH. No; you may just proceed with the question and your answer.

Mr. GETTENDANER. The beginnings of the cotton industry; its development. Until after the close of the Civil War there was very little cotton raised in this section. It was thought to be too far north. About 200 bales was a maximum for Ellis County. Just after the war cotton was the only product which commanded cash. Negro slaves who had been run into Texas furnished sufficient labor to greatly increase cotton production, which by 1868 amounted to over 3,000 bales. At that time the expense of marketing cotton in Galveston was $20 per bale. Extension of railways was a great help to the cotton industry. In 1890 Ellis County produced 32,000 bales, valued at $2,200,000, and for years has led in cotton production. In 1912 the crop was 158,000 bales, the value of the cotton and of the by-products being $13,000,000.

Chairman WALSH. You shipped to Galveston?

Mr. GETTENDANER. Yes; we went part of the way by ox team to the railroad.

Chairman WALSH. It would be interesting to us and valuable if you would describe the mode of transportation at that time, and all about it.

Mr. GETTENDANER. Well, they used to carry that in ox teams, and mules, too, down to the railroad which was gradually building north from Houston.

Chairman WALSH. How far was the haul in the earliest years?

Mr. GETTENDANER. That was before my day.

Chairman WALSH. What does the history show? I see you have a little historical sketch there.

Mr. GETTENDANER. I do not recall, because the railroad gradually built this way as development justified.

Chairman WALSH. And finally came to Waxahachie?

Mr. GETTENDANER. No; it came up through the eastern portion of Ellis County, and a branch line was built to Waxahachie. The extension of the railways did much to help the cotton industry. Now, as to Ellis County, I want to say right here that Ellis County produces more cotton than any other county in the world; always has led the cotton production.

Chairman WALSH. And when in the course of history do you say it was believed to be too far north to raise cotton?

Mr. GETTENDANER. That was along about war time.

Chairman WALSH. You say, "about war time." Was it during the reconstruction period?

Mr. GETTENDANER. Yes; during that period. They had no labor here but the negroes, and there was nothing to do but to raise cotton with those negroes.

Chairman WALSH. What year do you say it was that Ellis County produced the largest amount of cotton of any county in the world?

Mr. GETZENDANER. Every year, with a few exceptions. In 1912 Ellis County produced 183,000 bales, with a value of cotton and cotton seed of $13,000,000.

I might say in connection with the cotton industry that cotton was formerly picked into baskets and carried to the little houses in the field and there stored, and then a day set for ginning. The gin was run, and the cotton was carried from these houses to the gin. Now it is picked in sacks and put into wagons and goes right directly to the gin. In those days the gin was run by horsepower, and they ginned only certain days in the week.

"Movement to town of home-owning farmers, retired farmers, and those seeking better school facilities and social conditions."

Chairman WALSH. I will ask you was your father ever a farmer?

Mr. GETZENDANER. He lived on the farm until about 1902. He had a bank in Waxahachie at that time.

Chairman WALSH. Oh, he had a bank at that time, had he? Was he an individual banker at that time?

Mr. GETZENDANER. It was a partnership—Ferris & Getzendaner.

Chairman WALSH. Just he and another man?

Mr. GETZENDANER. Yes.

Chairman WALSH. Started in the bank?

Mr GETZENDANER. Mr. Royal Ferris lives in Dallas, and his father and my father were partners.

Chairman WALSH. Which was his first business—farmer or banker?

Mr. GETZENDANER. A farmer. He was a lawyer, but he did not practice very much law. He went into the banking business with Judge Ferris, and Mr. Ferris looked after the law and he after the bank.

Chairman WALSH. Now, when he went into that business was he a farmer?

Mr. GETZENDANER. Yes.

Chairman WALSH. And lived on the farm?

Mr. GETZENDANER. Yes, sir; lived 10 miles from Waxahachie and went home every Wednesday and Saturday night.

Chairman WALSH. So, he was really a farmer, and he came to town and went into another business aside from farming and succeeded in it, as it were?

Mr. GETZENDANER. Yes, sir.

Chairman WALSH. And what he acquired as to land was the product of his accumulation; that is, he put a part of it into land as he went along?

Mr. GETZENDANER. Yes, sir. When he came to Waxahachie he was $40 in debt and he had $5.

Chairman WALSH. Proceed.

Mr. GETZENDANER. As I read these questions if you care to ask me any further questions I would be glad to answer them.

"Movement to town of home-owning farmers, retired farmers, and those seeking better school facilities and social conditions."

Chairman WALSH. That is the cause of the movement?

Mr. GETZENDANER. Yes.

Chairman WALSH. Now, after they come to town what would you say as to the average; do they engage in any other business or undertake to live by the earnings they get from the farmers—the rents they get from their tenants?

Mr. GETZENDANER. Of course, the retired farmer when he comes to town is usually too old to engage in any business.

Chairman WALSH. As a rule, you find them too old and they come to the towns and simply live there?

Mr. GETZENDANER. Yes; and you would not term them "city builders," because the conditions that they find when they get to the cities are so much better than they have had on the farms that they are contented to go along without any improvements, at first at least. Then there is a class that come for school facilities.

Chairman WALSH. Have you observed that the farmers that come to the towns become more and more exacting as to the terms they want from their tenants?

Mr. GETZENDANER. I can not say that they are any more so than other landlords.

Chairman WALSH. You have not observed that?

Mr. GETZENDANER. No. Now, of course, there are social conditions. Say a man has several young ladies in his family; he wants to get to town so that they can have better advantages. Now, the next is: "Growth of large estates." Large estates are gradually being divided, due to the passing away of

pioneers, who accumulated these estates when land was cheap. Under present conditions there is no inducement for investment in large tracts of land.

Chairman WALSH. If you would describe briefly—is yours the largest estate that is together in Ellis County?

Mr. GETZENDANER. I don't know; I could not say.

Chairman WALSH. Can you tell us of any other typical large estates, say, three or four of them, that would give us a little study of them?

Mr. GETZENDANER. One of the largest estates in Ellis County has recently been divided; something in the neighborhood of 6,000 acres.

Chairman WALSH. It went to the heirs?

Mr. GETZENDANER. Yes, sir.

Chairman WALSH. Was it in one ownership to begin with?

Mr. GETZENDANER. It was.

Chairman WALSH. How was it accumulated? Was the man originally a farmer, a business man, or a banker?

Mr. GETZENDANER. He was a farmer.

Chairman WALSH. Did he go into any other business?

Mr. GETZENDANER. He did not.

Chairman WALSH. If you know, did he have an inheritance or did he come from the tenant class?

Mr. GETZENDANER. I think he inherited it. I might say in regard to that estate that while he was a large landowner his equity was not so great.

Chairman WALSH. He was indebted then to quite a large extent?

Mr. GETZENDANER. Yes; he was indebted to considerable extent.

Chairman WALSH. Have you observed anything of this kind: That there was anything you might call unfair or oppressive in the way large estates generally are acquired? That is, have you observed any misapplication of the law, as it were? These contracts being verbal, when conditions became hopeless for the tenant, that the manner that the landlord carried on their operations, etc., you know the criticism that has been made and I wish you would state if you have observed anything like that.

Mr. GETZENDANER. I do not think so, not as much so as you will find in any other business relation where an opportunity presents itself like that. Of course, in all business, you will find some people ready and willing to oppress the weak, but I do not think that is true any more of the landlord than it is in any other business, not so much so in our county.

Chairman WALSH. You may go ahead; I think that brings you to rental contracts. Describe the customary rental contracts in your section.

Mr. GETZENDANER. There are three customary rental contracts, one-third of the corn and grain and one-fourth of the cotton; one-third of all crops in the last few years has been in vogue; one-half of all crops where the landlord furnishes tools, teams, feed, etc.

Chairman WALSH. What percentage of these contracts are oral?

Mr. GETZENDANER. About 90 per cent.

Chairman WALSH. What effect, in your opinion, has the superior bargaining power of the landlord had in such cases?

Mr. GETZENDANER. Very little effect.

Chairman WALSH. The landlord, however, in your opinion, would have a superior bargaining power, dealing with so many people who are economically weaker?

Mr. GETZENDANER. He might have a little, but it would be very little.

Chairman WALSH. In its practical working, how does he extend it? Does he do it, on the whole, fairly or unfairly?

Mr. GETZENDANER. The landlord?

Chairman WALSH. Yes; the landlord.

Mr. GETZENDANER. I think in a fair way.

Chairman WALSH. It is a matter, however, of the wish or heart of the landlord to be fair?

Mr. GETZENDANER. Yes; I think so.

Chairman WALSH. Does it enable the landlord to dictate the crop that is to be grown?

Mr. GETZENDANER. Yes, it does; most all of them.

Chairman WALSH. The typical crop grown in your section is what?

Mr. GETZENDANER. Cotton.

Chairman WALSH. Why does the landlord want cotton grown by these people?

Mr. GETZENDANER. Because it is a money crop. You have asked that question here and I think I cover that down a little further.

Chairman WALSH. I wish you would suggest, if you will, please, Mr. Getzendaner, any defects in existing contracts between landlord and tenant that you believe could be improved by law?

Mr. GETZENDANER. You have the question here, "What tendency have you noticed with regard to rental contracts?"

Chairman WALSH. I think you have covered that.

Mr. GETZENDANER. Answering your question as to any suggestions I might have to make with regard to defects in existing contracts between landlord and tenant that I believe could be improved by law I will say that I don't know of any. Of course, there is a law that has recently been passed called the "One-third law." I don't think that will solve the question.

Chairman WALSH. Please give your comment on that?

Mr. GETZENDANER. My idea is that if a man is determined to get more for his land he is going to get it; and if he can not get it in one way, he will in another. For instance, I have heard a landlord say: "It won't do any good; if I have two houses on my place, I will charge what rent I want for one and will turn one over to the tenant." The tenant is charged rent for the other house and the owner will charge for his pasture land and in numerous ways he can get around the one-third.

Chairman WALSH. By the use of stock and employment of help, etc.?

Mr. GETZENDANER. How is that?

Chairman WALSH. I say, that might cut a figure; that is, the use of stock, furnishing stock for tenants?

Mr. GETZENDANER. Make him farm on halves?

Chairman WALSH. I was trying to have you comment, if possible, on the new law; you stated the way the landlord could still bargain with his tenant and in a way avoid the strict terms of the law and I was making a suggestion. You can correct me if you think it necessary. My suggestion was that it might also be avoided by entering into contract about the help on the farm?

Mr. GETZENDANER. I think not. I don't know how that would operate.

Chairman WALSH. For instance, the use of live stock.

Mr. GETZENDANER. He has charge of that. About the only thing I can say is that; I haven't made a study of it, you understand, because it does not affect me one way or the other; I do not believe in raising rent; I have not raised my rent, and I do not expect to raise it; I do not think it will keep any other man from getting a third of the crop if he wants it.

Chairman WALSH. Will you please describe the rental contracts which you use yourself?

Mr. GETZENDANER. I have two, and my contracts are verbal. I use the one-fourth cotton and money rent for the corn (four to five dollars per acre). One-half of all crops produced where I furnish tools, teams, and feed, etc. I will say in that connection that I have with me some data on the production of 1913-14 with reference to what the tenants made and what my portion was.

Chairman WALSH. Have you that with you?

Mr. GETZENDANER. Yes; I have, and I will be glad to submit it to you now.

Chairman WALSH. Please submit it now, if you have it, and read it into the record.

Mr. GETZENDANER. One thing I want to call your attention to, and that is the cotton being such a varying crop that it is hard to compare on account of the change in the price of the product. I have a tenant here that I have taken as an example, because he has been with me over 20 years, and he estimates his crop at 100 acres in cotton and 20 in corn. The year 1913 the proceeds from his share of the cotton were $2,441.43. My part was $814. He is what we term a third and fourth renter. I figured out that my per cent on that farm, that 100 acres, to say nothing of the corn land, and of land in roads and ditches and ravines, was 5.2 per cent at a reasonable valuation of $150 an acre. That was what I made off of it. That was in 1913.

Chairman WALSH. What was that percentage?

Mr. GETZENDANER. Five and two-tenths per cent.

Chairman WALSH. Based upon what valuation?

Mr. GETZENDANER. One hundred and fifty dollars.

Chairman WALSH. One hundred and fifty dollars an acre?

Mr. GETZENDANER. Yes. I might say that in 1914 the production was much less per acre, and my per cent was 4.3.

Chairman WALSH. On the same land valuation?

Mr. GETZENDANER. The same valuation. The amount I received was $870, and the amount he received was $2,032. Now, in that connection I want to say

that in 1913 he raised 41 bales of cotton. In 1914 he raised 68 bales of cotton; the same land practically and just a difference in conditions.

In 1913 (I have this from memory and it may not be exactly correct) I think cotton sold at from 10 to 12½ cents per pound. In the present year, the year just past, it sold at about 6 to 8 cents per pound. I estimate his expense in making that crop right around $400. That is allowing him $10 a bale for picking half of it. His family picked half and he hired half picked.

Chairman WALSH. How many are in that family?

Mr. GETZENDANER. Five or six, anyway, I think. So his returns, not returns, would be right around $2,000 or $2,100 and mine would be $814. That is, for 1913. Nineteen hundred and fourteen his return would be about $1,600, and my return would be $678. Now, I have not taken into consideration there two items: The item of taxation for myself, nor the difference between the seed and ginning, which would probably offset each other.

Chairman WALSH. I wish you would describe the last item a little more particularly; that is, the difference between the seed and the ginning—just what you mean by that.

Mr. GETZENDANER. Well, the farmer takes the cotton to the gin and has it ginned. They charge so much a hundred for ginning.

Chairman WALSH. Who owns the gin?

Mr. GETZENDANER. The gin is generally owned by corporations; sometimes by individuals.

Chairman WALSH. Do you own a gin yourself?

Mr. GETZENDANER. I did; I do not now. I own stock in one.

Chairman WALSH. Is the ginning done on your land by corporations in which you own stock?

Mr. GETZENDANER. Yes.

Chairman WALSH. How large a corporation is it? What is its capital stock?

Mr. GETZENDANER. I think it is $15,000 or $16,000. It may be $12,000. I do not know exactly. I never gave it any thought.

Chairman WALSH. How is the stock held?

Mr. GETZENDANER. Held by farmers throughout the neighborhood, and a few town people are interested.

Chairman WALSH. What proportion of the stock do you own in it?

Mr. GETZENDANER. Five hundred dollars.

Chairman WALSH. And it is divided among about how many stockholders?

Mr. GETZENDANER. I could not say. At first, of course, like most of these corporations in the country, they are scattered pretty well. But, of course, as a man gets a little hard up for money—the stock does not pay a dividend—he wants a little money, and he sells his stock. I suppose in the neighborhood of 8 or 10 or maybe 15 stockholders, I would say.

Chairman WALSH. Does it declare dividends?

Mr. GETZENDANER. Yes.

Chairman WALSH. How much did it declare in 1914?

Mr. GETZENDANER. This year it declared 20 per cent.

Chairman WALSH. How much did it declare in 1913?

Mr. GETZENDANER. I would not be positive, but I think about 10 per cent.

Chairman WALSH. Is that considered a very large percentage of dividends on stock in this country—20 per cent?

Mr. GETZENDANER. It would be on some stock, but not on gin stock.

Chairman WALSH. Not on gin stock?

Mr. GETZENDANER. No.

Chairman WALSH. Is there something in gin stock that makes it undesirable and doubtful as to dividend-paying qualities?

Mr. GETZENDANER. Gins usually pay good dividends. But the gin has to be run very fast, and of course for that reason it wears out quickly and needs continuous repair.

Chairman WALSH. How quickly does it wear out?

Mr. GETZENDANER. Well, it depends on whether you keep it in repair. The country gin where they have a good patronage usually pays a good dividend. There are some that don't pay any.

Chairman WALSH. You may go ahead now.

Mr. GETZENDANER. I understood that the witnesses spoke of the half renter as being mostly negroes and the renters who seemed to be more oppressed because they did not have anything. I want to say in that connection that I have more half renters than I have third and fourth. And I figure out that

my half renter on his crop nets me 3.4 per cent on the value of the land, with the same valuation practically and the same man.

Chairman WALSH. Have you figured out in the instance with reference to the half any typical case, such as the third and fourth?

Mr. GETZENDANER. Yes; in a way I have. The half renter for 1913—this one I have reference to—had 70 acres in cotton.

Chairman WALSH. Seventy acres?

Mr. GETZENDANER. Yes. He got $1,226 for his share. That is what we term a 2-team crop, you might say, about 70 acres, besides his corn. In 1914 he received $902 as his part. Of course all the expenses of that crop I paid, with the exception of picking. But there is nothing else for him to pay, because I furnish all the tools, feed, mules, and the land, and he furnishes the labor to make the crop and deliver it to the gin.

Chairman WALSH. How many children did he have?

Mr. GETZENDANER. Well, I don't know. That is one of the troubles with the tenants. They have so many children it takes all they make to keep the family up. That is one of the drawbacks, I think. I think he has probably eight or nine children. And I will say right here that a man with a large family is a desirable tenant, because he, with his family, can make his crop, but it requires practically all he makes to keep the family, and he is not able to go to town and educate them.

Commissioner LENNON. In this connection, what do you do about the contract stores? Did you guarantee the account or do you furnish the stuff?

Mr. GETZENDANER. I furnish my men.

Commissioner LENNON. You furnish them?

Mr. GETZENDANER. Yes.

Commissioner LENNON. I would like to ask you one question. Possibly I got a wrong impression yesterday. What is the average size and what is the average number of acres that tenants usually take? I understood yesterday that it ran somewhere about 40 acres. But in a talk last night I was told I was wrong in that. What is your view?

Mr. GETZENDANER. These figures are estimates made by the farmers on my place, the man himself who cultivates the crop. This one man here is what we term a 1-team crop, 55 acres.

Commissioner LENNON. How much in cotton?

Mr. GETZENDANER. Forty-five in cotton and 10 in corn. This man on the third and fourth up here, he has got 100 acres cotton and 20 in corn. This half renter has 70 acres in cotton and 18 in corn. All of them are asking for more land.

Commissioner LENNON. Could you tell us what the average corn crop is on that land—how many bushels to the acre?

Mr. GETZENDANER. We used to raise pretty fair corn, but in the last few years we have not raised very much corn. I suppose 30 to 40 bushels would be a pretty good average in the last few years; 40 bushels would be considered a good crop and 30 bushels a fairly good crop.

Chairman WALSH. How many families have you as tenants?

Mr. GETZENDANER. I have about 13 on this one particular place.

Chairman WALSH. On all your places how many have you, Mr. Getzendaner?

Mr. GETZENDANER. I could not tell.

Chairman WALSH. Could you not approximate them, Mr. Getzendaner?

Mr. GETZENDANER. No; I am interested in 8,000 acres in Kaufman County, and I don't know how many families or don't know anything about that.

Chairman WALSH. Well, then, take these 13; do you think that what you are giving now would be a fair average as to earnings for all of your tenants?

Mr. GETZENDANER. No, sir; it would not.

Chairman WALSH. Then I wish you would give us—I do not want to hurry you—but I wish you would give us now the very worst.

Mr. GETZENDANER. The worst is on the cheaper land. That is, the land that is valued at about $30 an acre.

Chairman WALSH. Well, give us now—I take it that these are the best that you have given us, these two?

Mr. GETZENDANER. No; they are not the best.

Chairman WALSH. Please give us the best and the worst.

Mr. GETZENDANER. I take these of the black land—cotton farmer—and the other men I have are on what you might term lighter or cheaper land and raise more grain. I haven't the data on that because I did not think it was necessary.

Chairman WALSH. Give me the worst and the best on the black land—cotton farming.

Mr. GETZENDANER. These are just about the average of my men.

Chairman WALSH. Then that would be a fair average?

Mr. GETZENDANER. Yes; I would consider it so.

Chairman WALSH. How many have you on that black land?

Mr. GETZENDANER. I have on this particular farm about 12 renters.

Chairman WALSH. Well, now, you think——

Mr. GETZENDANER. The reason I selected these, if you will pardon me——

Chairman WALSH. Yes.

Mr. GETZENDANER (continuing). Is because I have some negroes there with from 20 to 30 acres, maybe 2 or 3 of them working 20 to 30 acres, and another man who has not been there but a year, and another fellow who has some broken land; these are the men who have been there longer and have the good land, and you can judge better by their returns than in any other way.

Chairman WALSH. Very good. Go ahead.

Mr. GETZENDANER. Now, the gentleman asked me something about the number of acres. I believe I answered him?

Chairman WALSH. Yes.

Mr. GETZENDANER. About the number of acres per team or per crop. I believe I have answered that satisfactorily?

Chairman WALSH. Yes; I think so.

Mr. GETZENDANER. That was all you cared to know about this?

Chairman WALSH. Have you raised rent from time to time on your land?

Mr. GETZENDANER. Never have raised rent at all. I did raise corn-land rent from $3 to $4 an acre, and some $5.

Chairman WALSH. When was that?

Mr. GETZENDANER. I don't know. Years ago. I don't remember.

Chairman WALSH. What is the bonus system? Is there a bonus system in Ellis County?

Mr. GETZENDANER. Yes; I think a kind of bonus system.

Chairman WALSH. Describe that.

Mr. GETZENDANER. I do not know much about that.

Chairman WALSH. Have you used it?

Mr. GETZENDANER. No, sir; I don't know anything about it only hearsay. The bonus system was originated principally by the demand for farms, one tenant giving a bonus to another for his rental contract.

Chairman WALSH. One tenant giving it to another?

Mr. GETZENDANER. Yes.

Chairman WALSH. Do you know of any other instance where the bonus was given to the landlord?

Mr. GETZENDANER. Yes.

Chairman WALSH. Describe that also.

Mr. GETZENDANER. A man would go to the landlord and say: "If you will give me that place I will give you $100 or $200."

Chairman WALSH. Is that general in Ellis County?

Mr. GETZENDANER. I think not.

Chairman WALSH. How prevalent is it?

Mr. GETZENDANER. Well, I have heard of a number of cases. A man came to me and said, "If you will rent me that place, I will furnish my team, tools, and give you half of the product of the land, if you will just feed my team. That is all I want you to do, and furnish the land. I have the team and tools, but haven't any place."

I think this bonus system was actually due to the fact of a lot of our farmers going west, some of the land the governor referred to as being subject to cultivation. They went there, starved out, and came back, and they overflowed our county with tenants. There was not land sufficient for them, and of course they would offer to pay most anything they could to get a home.

Chairman WALSH. Well, now, just proceed with the question, because I have diverted you from time to time, and I have to finish up. If you will just kindly read the questions and answers, I will be obliged.

Mr. GETZENDANER. "Origin of the raise to one-third cotton.' One-third of cotton rent due to small revenues derived from investment and probably in some cases due to increased taxation.

"Origin of custom of charging share rental for cotton and cash rental for corn, or grain."

Cotton being the money crop, landlords take part of crop. Same is true of wheat and oats. Corn not being a sure crop most tenants prefer to plant just enough for feed. The landlord realizing that corn land is often neglected, and, having no place to store corn, prefers cotton.

"Was rise in rent modified by competition among tenants for land?"

It was.

"Did tenants on places accept rise, or did they move to other farms?"

Generally speaking, they moved.

"What about claim in Ellis County that it is only the poorest type of farmers who accept rise in rent?"

Not in all cases. In some cases it is true, and some it is not.

"Where landlord's rights are unprotected."

I did not answer that question, because I did not exactly understand what you wanted.

Chairman WALSH. Is the law inadequate to protect the rights of landlords?

Mr. GETZENDANER. I think it is adequate.

Chairman WALSH. In what respect?

Mr. GETZENDANER. It gives him a mortgage on the crop for advances he has made, and if the tenant should move the crop off of the land he has 30 days in which to collect his advances, or rents.

Chairman WALSH. And you have not, or have you, lost money that way by the tenant not paying back the advances?

Mr. GETZENDANER. I have not lost money. I have had tenants not able to pay out, but I have lost very little money on my tenants, because I change very rarely; nearly all of them are out of debt on this place. I do not think there is a man on this place that owes me.

Chairman WALSH. What is the policy with regard to the cultivation of cotton?

Mr. GETZENDANER. My policy has been to grow principally cotton, as my experience has proven that this crop is more profitable, and therefore more beneficial, to myself and to the tenant.

Chairman WALSH. Is that policy in harmony with the general custom of landlords in Ellis County?

Mr. GETZENDANER. Yes.

Chairman WALSH. I wish you would go to the housing question, please. Are tenant houses large enough to house the average tenant families that live upon them?

Mr. GETZENDANER. Yes, sir; generally speaking.

Chairman WALSH. Are they kept in good repair?

Mr. GETZENDANER. No; they are not.

Chairman WALSH. Who looks after that?

Mr. GETZENDANER. The landlord is supposed to.

Chairman WALSH. Are they erected with regard to sanitary drainage, water supply, good water supply, etc.?

Mr. GETZENDANER. They are mostly erected with regard to water supply.

Chairman WALSH. Any sanitary drainage, or anything of that sort?

Mr. GETZENDANER. No; not to speak of.

Chairman WALSH. Have you observed much sickness in rural communities caused by bad housing?

Mr. GETZENDANER. No.

Chairman WALSH. Is there much overcrowding in sleeping rooms?

Mr. GETZENDANER. I think not.

Chairman WALSH. Do landlords improve tenant houses, and improve them readily and willingly?

Mr. GETZENDANER. No, sir; because they are not generally taken care of.

Chairman WALSH. That is the reason. I wish you would go back to that family of eight or nine that you mentioned there—that on the half—and just describe the house they live in.

Mr. GETZENDANER. They live in a new house that has been built about a year.

Chairman WALSH. How many rooms in it?

Mr. GETZENDANER. Oh, I judge there must be four rooms downstairs and two up.

Chairman WALSH. A six-room house?

Mr. GETZENDANER. I think it is a six-room house.

Chairman WALSH. Have you been in it?

Mr. GETZENDANER. Yes.

Chairman WALSH. Do you inspect your own houses on your own property?

Mr. GETZENDANER. Yes.

Chairman WALSH. Do the landlords in Ellis County, with whom you are familiar, appear to feel any social responsibility for the sanitary housing of tenants—of their tenants?

Mr. GETZENDANER. I don't know. Some do and some do not.

Chairman WALSH. Do you?

Mr. GETZENDANER. Yes; I think I do.

Chairman WALSH. Well, now, what do you do with respect to it?

Mr. GETZENDANER. I try to keep the houses in fairly good shape. I do not spend any great amount on them, because I build new houses, occasionally, on the site of the old ones, when they get old.

Chairman WALSH. You spoke of drainage being good. What do you mean by drainage being good? What is done for drainage?

Mr. GETZENDANER. I said they erected houses with reference to water supply more than for drainage.

Chairman WALSH. It was the water supply. What do you mean by that?

Mr. GETZENDANER. Where they can get water for drinking purposes.

Chairman WALSH. That is, if they can build it near a place where you can sink a well?

Mr. GETZENDANER. We erect our houses with reference to the water, among the principal things, and then pasturage; our land is usually rolling, and there is no trouble about drainage.

Chairman WALSH. What is the usual value of a tenant house, your tenant houses?

Mr. GETZENDANER. They run from $750.

Chairman WALSH. Up to what?

Mr. GETZENDANER. I suppose about $1,500; possibly not quite so much.

Chairman WALSH. Do the tenants appear to have proper consideration for the property of the landlords, the conservation of the proper care of it?

Mr. GETZENDANER. Some do and some do not.

Chairman WALSH. What do you find the average to be among the tenants?

Mr. GETZENDANER. My tenants take very good care of my property.

Chairman WALSH. Now, the educational and social environment. I wish you would describe the schools that they have.

Mr. GETZENDANER. Generally speaking, our schools are good, far above the average of country schools. In Ellis County there are 86 rural schools, 7,000 children, 150 teachers, with an average term of 6 months, and grades up to the seventh and ninth.

Chairman WALSH. You may proceed right through that.

Commissioner LENNON. May I ask one question, right there?

Chairman WALSH. Yes. Commissioner Lennon would like to ask a question.

Commissioner LENNON. I would like to ask how far any of the children have to go to reach the schools?

Mr. GETZENDANER. That varies.

Commissioner LENNON. Yes; but how far would those that are the most remote from the schools have to go?

Mr. GETZENDANER. I would say 2 or 3 miles.

Commissioner LENNON. Not more than 3 miles?

Mr. GETZENDANER. Not more than 3 miles, except maybe in some instances.

Commissioner LENNON. Have you any university extension work, so far as scientific farming is concerned, like, for instance, as we have in Illinois, Iowa, and some other Northern States, where a professor will go to a community and stay for about two or three, four, five, or six weeks and give instruction to all the farmers and tenants?

Mr. GETZENDANER. We have not.

Commissioner LENNON. You have none of that work?

Mr. GETZENDANER. No.

Commissioner LENNON. Have you experimental farms in your district under the University of Texas?

Mr. GETZENDANER. No, sir; we have not.

Commissioner LENNON. Under the agricultural college, if it is a separate institution, have you any of those?

Mr. GETZENDANER. No; we have not.

Commissioner LENNON. Experimental stations?

Mr. GETZENDANER. We have what we term a Government demonstrator.

Commissioner LENNON. In your neighborhood?

Mr. GETZENDANER. Yes.

Commissioner LENNON. Does he remain there permanently?

Mr. GETZENDANER. He is a local man.

Commissioner LENNON. He understands scientific farming?

Mr. GETZENDANER. He is supposed to, and he is being educated up to teach the other parties.

Commissioner LENNON. Has this kind of education for the farmer seemingly improved the crops any?

Mr. GETZENDANER. I would say it had.

Commissioner LENNON. Are the landlords usually in favor of that kind of work?

Mr. GETZENDANER. I think so. I have answered that right here, if you will allow me to read this.

Chairman WALSH. You may read right through there, because I will have to hurry along just a little.

Mr. GETZENDANER. All right.

Chairman WALSH. Read right through the school proposition, Mr. Getzendaner.

Mr. GETZENDANER. Its relation to social and economic organization.

Very little accomplished.

The school teacher and his possibility as a leader in rural life.

Possibilities are good, but he is not a leader.

The establishment of vocational training in agriculture; also in home economics.

Possibilities here are great. So far, however, there has been very little accomplished, owing to lack of interest. During the past year, under the provisions made by Federal Congress for farm-demonstration work, our commissioners' court provided a fund adequate to keep this work going during 1914. Owing to a change in sentiment they refused to provide the necessary fund to carry on the work during 1915, but the interest was so great among the people of the towns and counties that a fund of $800 has been subscribed by private subscriptions to carry on farm-demonstration work.

Chairman WALSH. Now, the question of farm-demonstration work and the source of labor for seasonal demand. What have you to say about that?

Mr. GETZENDANER. Our source of labor is south and east Texas.

Chairman WALSH. And what is the movement of labor, so far as the season is concerned?

Mr. GETZENDANER. The influx of labor during the early fall for cotton picking.

Chairman WALSH. Do you get enough, or an overplus?

Mr. GETZENDANER. We usually get about what we can use.

Chairman WALSH. Have you any methods of regularizing supply and demand—any arrangement with different portions of the State?

Mr. GETZENDANER. No; the farmers just go after the labor, and they pay railroad fare and expenses, and sometimes advance them some money.

Chairman WALSH. Would employment agencies be a proper course?

Mr. GETZENDANER. I don't think they would be practicable with the negro.

Chairman WALSH. And the labor is negro labor?

Mr. GETZENDANER. Yes.

Chairman WALSH. What is the relation of the vagrancy law to farm labor?

Mr. GETZENDANER. You asked me the question here, Why was the vagrancy law enforced last September to force the negroes of Waxahachie into the fields?

There were many idle negroes around town. Work was offered and was plentiful, but they would not work. The farmers needed labor badly.

Chairman WALSH. Is it not true that the negroes wanted 60 cents for cotton, the farmers could pay only 50 cents, and the business men in town called upon the police officers to break this strike of unorganized labor?

Mr. GETZENDANER. The negroes wanted 60 cents, and the farmers regarded 50 cents as a fair price, considering the low price of cotton. There was no concerted action among the business men, although there was a general feeling that the idle negroes should go to work. The cotton grower of Ellis County pays more for what he receives from labor than any other people. The negro willingly works, generally speaking, for a reasonable compensation nine months in the year, being his harvest time—"cotton-picking season." When such season arrives he or she quits the regular position for the cotton patch. By a sort of mutual understanding they always ask more than is offered, and usually get the price of picking increased in that way as the season advances.

Chairman WALSH. Now, after the officers arrested these negroes for vagrancy did they generally go to work for 50 cents instead of 60?

Mr. GETZENDANER. I don't think they arrested them.

Chairman WALSH. Well, did they threaten to arrest them, and then did the negroes go to work for 50 cents instead of 60 cents?

Mr. GETZENDANER. I think they just gradually went out to the patch. I don't know what they got.

Chairman WALSH. What was generally the price paid—50 or 60 cents?

Mr. GETZENDANER. I don't remember.

Chairman WALSH. What did you pay?

Mr. GETZENDANER. I don't remember—I never had anything to do with hiring labor.

Chairman WALSH. You did not hire any?

Mr. GETZENDANER. No, sir.

Chairman WALSH. Is it customary for the vagrancy law to be invoked in the State of Texas at the beginning of the cotton season?

Mr. GETZENDANER. I know only what I have seen in the papers and how it is usually discussed among people about getting the negroes out and getting them to go to work, instead of lying around the streets and refusing to do anything. As long as there is no work there, nothing is said about it, but when work is offered they won't accept it without they get a fabulous price for their labor.

Chairman WALSH. Would the effect of that now, if that occurred, be this, that those negroes believed that they ought to have 60 cents, and, in effect, they start a strike, though not organized, but just agree among themselves not to go to work for less than 60 cents, and then they are told by the officers or by the business men that they are looked upon as lazy negroes, and if they don't go to work the vagrancy law will be applied to them, and the negro does go to work then for 50 cents; and isn't the effect of that that the negro does go on the strike and the law is called in, and he is told he will be sent to jail unless he gives up the strike and does go to work——

Mr. GETZENDANER (interrupting). He doesn't have to go to work; he can get out, or he can get other work.

Chairman WALSH. Are they always provided with other means?

Mr. GETZENDANER. They can get work if they will work.

Chairman WALSH. That is, if they will work at a certain price?

Mr. GETZENDANER. He gets more for cotton picking than for any other labor, when he gets 50 cents. He is paid about a third more than he really can get in any other position when he is paid 50 cents.

Chairman WALSH. So far as you are concerned and have observed the working out of this matter the farmers or business men are justified in taking the action described by you?

Mr. GETZENDANER. No; I don't know that they are. Of course, if the negroes are there and the farmer tries to hire them and they won't work when work is offered and they are living off of somebody, if you have a vagrancy law it should be enforced, why, they ought to go to work.

Chairman WALSH. Just describe what this 50 cents means; Commissioner Lennon wants me to ask you what it means.

Mr. GETZENDANER. That is 50 cents per hundred.

Chairman WALSH. How many hundred a day can a picker pick?

Mr. GETZENDANER. It varies all the way up to 500 pounds.

Chairman WALSH. And down to what?

Mr. GETZENDANER. That depends upon the amount of cotton in the field they are picking in, and whether it opens well. Any negro woman would pick from 150 to 200 or 300 pounds.

Chairman WALSH. And how long does the season last?

Mr. GETZENDANER. The season lasts from September, or from some time in August probably, up until it gets cold in December; from then on they can pick only on warm days.

Chairman WALSH. Why did the tenants in Ellis County oppose the good-roads movement?

Mr. GETZENDANER. I don't think they did, generally speaking.

Chairman WALSH. Is it true that some landlords threatened to raise rents so much per acre if the tenants voted for the good-roads proposition?

Mr. GETZENDANER. I don't know of any landlord who did that.

Chairman WALSH. Is there much friction between landlords and tenants over school-district elections, land taxes, and the like?

Mr. GETZENDANER. No; there is not.

Chairman WALSH. Now, as to the credit system: How did your tenants finance themselves?

Mr. GETTELFINGER. By advancements.

Chairman WALSH. Who did the advancing?

Mr. GETTELFINGER. I—my man did.

Chairman WALSH. That is, with your money?

Mr. GETTELFINGER. Yes, sir.

Chairman WALSH. Did you take chattel mortgages?

Mr. GETTELFINGER. No, sir; I don't have any chattel mortgages on my place at all. If a man gives a chattel mortgage I get rid of him.

Chairman WALSH. When the tenants are advanced money do you take their notes?

Mr. GETTELFINGER. No.

Chairman WALSH. What charge was made for the advancement?

Mr. GETTELFINGER. Ten per cent.

Chairman WALSH. Ten per cent per annum?

Mr. GETTELFINGER. Yes, sir.

Chairman WALSH. Will the present cotton prices cause many foreclosures on chattel mortgages this year?

Mr. GETTELFINGER. I don't think they will. It will cause a few, not very many—because the people that have the mortgages do not want the stuff.

Chairman WALSH. Have you any opinion in regard to constructive action that could be taken to relieve anything that you might consider to be an abuse in relation between landlord and tenant in your neighborhood, either by law or by cooperation of the tenants with each other or between the tenants and the landlords?

Mr. GETTELFINGER. I had this in mind and have written it——

Chairman WALSH (interrupting). Very good.

Mr. GETTELFINGER. The basis of permanent betterment in rural economic conditions is through education. Our rural schools and churches should be equipped as social centers and the people encouraged to participate in all plans for the upbuilding of the country. School-teachers should be chosen with a view to this end, and every rural teacher, at least the head of every rural school, should have a practical knowledge of agriculture. As far as practical and by degrees there should be added to the curriculum of rural schools, courses in agriculture, broad enough to meet the present need, and revised from time to time to meet the requirements. Carefully selected text-books, periodicals, etc., dealing with questions of home economics, and handled as a circulating library, should prove beneficial. Educators in all walks of life should be encouraged to contribute through press and public speech to an educational propaganda, the aim being to bring the people of the country and the town on the common ground of mutual betterment. That is, through schools; you have to reach them through education.

Chairman WALSH. Mr. Holman has suggested that I should ask you whether or not you thought the Government, State or National, could assist in the movement of farm laborers by a system of exchanges, for instance, to relieve a situation such as you mentioned there about these laborers simply drifting to a neighborhood because it had been customary to do so, and then the contention arising as to price and so forth?

Mr. GETTELFINGER. It might be, but I don't know how it would work for the negro, and that is our only labor, you might say.

Chairman WALSH. Mr. Holman would like to ask you some questions.

Mr. HOLMAN. Mr. Gettelfinger, I arrived in Waxahachie on the 6th or 7th of last September, and at that time the commercial club was holding meetings to break what appeared to be a strike on the part of the negro cotton pickers, and they used to cluster around the square there, and the papers were full of the idea of using the vagrancy law to force the negroes to go into the field to pick for 80 cents per hundred pounds instead of 60.

Chairman WALSH. He has been over that fairly well while you were out, Mr. Holman, and he said that there were no such conditions at his place, and that it was published at the time that those were idle negroes and ought to go to work.

Mr. GETTELFINGER. That it was their fault that the negroes congregated around that way.

Chairman WALSH. Now, is there any suggestion that you would like to make, or any testimony you would be kind enough to volunteer which you think would throw light upon our study here?

Mr. GETTYSBURG. Home ownership, in my mind, is the ideal condition of mankind from an economic point of view, though doubtless a large per cent of mankind will continue tenants for obvious reasons. The landowner who lives in the cities no longer finds it profitable to hold large tracts of land to be farmed by tenants, therefore should welcome an opportunity to dispose of his holdings on a reasonable basis and fair terms to the best element of tenants. From my knowledge of conditions I see nothing from the landowners' position that would in any wise prove an obstacle to any deserving man buying a home in Ellis County on a fair and reasonable basis.

I want to say that Ellis County—you have heard a good many speak of their towns and their counties—we have, I think, what is regarded not only with us, but with the State of Texas as a whole, as the best county in Texas. We have a class of citizenship as renters far above the average, and our schools, and for that matter—I want to call your attention to a little data I have here. We are one of the prime counties in the good roads. We spent $1,000,000 for good roads in our county. We have 600,000 acres in our county, the assessed valuation of which is $37,000,000, and our rendition is $32 per acre. Our value is over $100,000,000. Per capita of cash in the county is $36 per capita; the per capita of wealth is about $2,000. The population is, white, 45,000; negro, 10,000. Our vote on the good roads—you asked me about that with reference to the tenants—our vote in District No. 1 was about 5 to 1 for good roads. Our road tax varies from 10 cents to 90 cents, and we have about 225 miles of good roads, which cost us from $2,000 to $3,500 per mile, the total cost in the county being about $1,000,000 for good roads. Our State and county taxes are 45½ cents; school and road tax from 5 to 50. Now, I want to say in that connection in regard to our land tax, I estimate my land tax at about 30 cents an acre—40 or 50 cents an acre. So you can tell something as to revenue bearing. That is what it costs me.

Chairman WALSH. We are very much obliged to you.

Mr. Noble will please take the witness stand.

TESTIMONY OF MR. W. S. NOBLE.

Chairman WALSH. Mr. Holman will conduct the examination.

Mr. HOLMAN. Please state your occupation, Mr. Noble?

Mr. NOBLE. I am a farmer. I am or have been actively engaged quite a bit of my life in the work of the Farmers' Alliance and Farmers' Union. At the present time I am national secretary of the Land League.

Mr. HOLMAN. What is that organization?

Mr. NOBLE. It is an organization composed of actual farmers.

Mr. HOLMAN. And renters?

Mr. NOBLE. Farmers and renters. No one allowed to become a member that does not cultivate his land.

Mr. HOLMAN. What is the membership of the organization now?

Mr. NOBLE. I could not answer that question definitely. The financial depression has caused so many locals to report so slowly. I would think in Texas we have something like 300 organizations; in Oklahoma we have something over 200 organizations, in Missouri about 7 or 8.

Mr. HOLMAN. Are those organizations on the county unit, or local?

Mr. NOBLE. They are on the local.

Mr. HOLMAN. How old is the organization, Mr. Noble?

Mr. NOBLE. The Land League really absorbed what was known as the Renters' Union, which changed its program somewhat, and dates from last November.

Mr. HOLMAN. Mr. Noble, we will ask you later about the causes and objects of the organization and its constitution.

Mr. NOBLE. Very well.

Mr. HOLMAN. Have you had any experience with this drifting type of tenant that has been discussed here by various witnesses?

Mr. NOBLE. Well, sir, I have had quite a bit of experience with them.

Mr. HOLMAN. How extensive has that experience been?

Mr. NOBLE. Well, I have had to do with them in the Farmers' Union and have been able to take considerable notice of the matter as an organizer of the Farmers' Alliance.

Mr. HOLMAN. Have you had occasion to observe the condition they have been in this year as a result of the so-called cotton crisis?

Mr. NOBLE. Yes, sir; I have been in the homes of these people for the last 10 years continuously.

Mr. HOLMAN. How has it been during that time?

Mr. NOBLE. Well, if I understand the question, I have it you are asking me about that second type?

Mr. HOLMAN. Yes, sir.

Mr. NOBLE. I will take it up in my own way. I find that the tenantry is divided into what we might say was three different classes. One I would describe as the well-to-do tenant, who is able to finance himself; another is the middle well-to-do tenant who generally by mortgaging his crops, etc., gets by; and the third and last is the fellow whose landlord has to furnish him his property, or it is furnished by anyone who wants to employ him.

Chairman WALSH. What are the proportions of the classes you have mentioned, Mr. Noble?

Mr. NOBLE. Well, it seems that each year there are more people crowded down into what we might call the migratory tenant or the submerged tenant; it seems that the number of them grows greater and greater each year, and their condition is very bad.

Chairman WALSH. I do not want you to hold it right down to the cotton crisis, that being an abnormal condition.

Mr. NOBLE. Yes.

Chairman WALSH. But tell us, before the war crisis came on, about what proportion of the tenantry composed the well-to-do class, class No. 1.

Mr. NOBLE. I could not answer that question, but I will say that they were very small.

Chairman WALSH. Now, class No. 2, the middle class, what proportion did they comprise?

Mr. NOBLE. It is larger, and with No. 3 would—I believe I could safely say two-thirds of the tenant class.

Chairman WALSH. Two-thirds of the entire tenant class would be composed in class No. 3?

Mr. NOBLE. Yes, sir.

Chairman WALSH. They are what you would call the economically submerged class?

Mr. NOBLE. Yes.

Chairman WALSH. Do I understand that they are a growing class?

Mr. NOBLE. Yes; decidedly so.

Chairman WALSH. During the past 10 years?

Mr. NOBLE. Yes.

Chairman WALSH. How do they go as to race—are they negroes or whites or what?

Mr. NOBLE. Well, I believe that as a class the white race is suffering more than the negro.

Chairman WALSH. This migratory class of tenants—the third class that you spoke of—is made up mostly of what?

Mr. NOBLE. That class is composed mostly of whites.

Mr. HOLMAN. Mr. Noble, we sent you out two or three days ago to find what you considered an average example of this drifting class of tenant farmers?

Mr. NOBLE. Yes, sir.

Mr. HOLMAN. I wish you would please tell the chairman and members of the commission something of this class, as a whole, and then describe this family as you found them.

Mr. NOBLE. Yes, sir. Now, when you made the request of me to locate this family——

Chairman WALSH (interrupting). What request did Mr. Holman make of you?

Mr. NOBLE. He asked me to find a typical family that would represent that class as nearly as possible; a man of intelligence and character. As secretary of the Land League I receive so many letters stating the bad condition of the people that I was very much undecided. I was a delegate from my camp of the Woodmen of the World, the head camp at Fort Worth, and I called a man who was also a delegate from Savoy, from the black-land belt, to assist me, and gave him instructions that I wanted only a man of good character. I examined a case that was especially a typical case at Grand View, and also one at Anna, in which they were offering to give their children away, and another case at Enloe, in which the conditions were very bad. But my investigations led me to believe that the family I have brought here was a family that would more nearly represent what you want to know. First, the man is an Odd Fellow and well respected by his order; he is a Woodman, and he had made

something, I found over 400 bales of cotton in 12 years—some thing like 400 bales. He is a man who has always had the name of being a hard-working, honest man, and so I went out yesterday and visited him and brought him in.

Chairman WALSH. Where does he live?

Mr. NOBLE. He is living in a house that he secured to live in for two weeks, across from a little station on the M., K. & T. road, 7 miles from Sarge. It is about a mile from a little switch or siding that runs up there.

Chairman WALSH. What is this man's name?

Mr. NOBLE. His name is Stewart.

Chairman WALSH. Did he express a willingness to come in voluntarily, or at your suggestion, and state his own private case as being typical?

Mr. NOBLE. Yes, sir; he said he would come, from the fact that he had walked 250 miles hunting a place and could not find one, and that he had this house he was in for only two weeks, and he thought that if this matter was put before you someone might help him to get a home so that he could make a living for his family.

Mr. WALSH. How many children has he?

Mr. NOBLE. Eight; I brought six.

Chairman WALSH. That is all for the present, Mr. Noble. Will you please ask Mr. Stewart to come in here.

At this point we will take a recess of 5 minutes.

(At the conclusion of the recess the examination of witnesses before the commission was continued, as follows:)

Chairman WALSH. Mr. Stewart, would you please take the stand?

Mr. STEWART. Yes, sir.

TESTIMONY OF MR. LEVI THOMAS STEWART.

Chairman WALSH. What is your name, please?

Mr. STEWART. L. T. Stewart.

Chairman WALSH. What does the "L." stand for?

Mr. STEWART. Levi.

Chairman WALSH. How old a man are you?

Mr. STEWART. Forty-five last August.

Chairman WALSH. Where were you born?

Mr. STEWART. In Arkansas.

Chairman WALSH. You are a married man?

Mr. STEWART. Yes, sir.

Chairman WALSH. Where were you married?

Mr. STEWART. In Arkansas.

Chairman WALSH. Did you go to school in Arkansas?

Mr. STEWART. Yes, sir; I went to school in Arkansas.

Chairman WALSH. You were born in Arkansas?

Mr. STEWART. Yes, sir.

Chairman WALSH. In what county?

Mr. STEWART. In White County, at Center Hill.

Chairman WALSH. What business were your folks in?

Mr. STEWART. Farming.

Chairman WALSH. Was your father a farm owner or a renter?

Mr. STEWART. A renter part of the time, and he owned a farm part of the time.

Chairman WALSH. How many children did your father have?

Mr. STEWART. My father had 11 children.

Chairman WALSH. Where were you married?

Mr. STEWART. In Arkansas; in Faulkner County, near Conway.

Chairman WALSH. What business did your brothers and sisters follow?

Mr. STEWART. All farmers.

Chairman WALSH. Were all of them renters—were your brothers renters or were they farm owners?

Mr. STEWART. All but one were renters; I have one that owns a farm.

Chairman WALSH. All but one were renters?

Mr. STEWART. Yes, sir.

Chairman WALSH. What school did you go to—a country school?

Mr. STEWART. Yes, sir.

Chairman WALSH. Until you were how old?

Mr. STEWART. I went to school until I was 18.

Chairman WALSH. Did you work on the farm a part of the time?

Mr. STEWART. Yes, sir.
Chairman WALSH. Have you followed that all your life?
Mr. STEWART. Yes, sir.
Chairman WALSH. Do you follow any form of religion—did you as you went along?
Mr. STEWART. No, sir; I don't belong to any church.
Chairman WALSH. When were you married?
Mr. STEWART. I was married in 1887. In the fall of 1887.
Chairman WALSH. Where were you married?
Mr. STEWART. In Faulkner County, Ark.
Chairman WALSH. Was your wife a resident of that neighborhood, that country?
Mr. STEWART. Yes, sir.
Chairman WALSH. Was she a daughter of a farmer?
Mr. STEWART. Yes.
Chairman WALSH. In your own neighborhood?
Mr. STEWART. Yes.
Chairman WALSH. You say you are about 45 years old now?
Mr. STEWART. I am 46 in August.
Chairman WALSH. How many children have you?
Mr. STEWART. Eleven.
Chairman WALSH. Are they all living?
Mr. STEWART. No, sir; I have eight living and three dead.
Chairman WALSH. How old is your oldest child?
Mr. STEWART. He is 26, I believe.
Chairman WALSH. What was your wife's name?
Mr. STEWART. Beulah Hooks.
Chairman WALSH. I wish you would give me the ages of the living children, if you can.
Mr. STEWART. I don't know as I can.
Chairman WALSH. With the assistance of Mrs. Stewart you may give us the ages of the living children, beginning with the oldest.
Mr. STEWART. He will be 26, I believe.
Mrs. STEWART. He will be 26 the 27th of April.
Chairman WALSH. What is his name?
Mrs. STEWART. John Walter.
Chairman WALSH. What is the next child?
Mrs. STEWART. He is dead, the next one. Henry Egbert is living.
Chairman WALSH. The one that died at that point, how old was that child?
Mrs. STEWART. She was a girl 5 months old.
Chairman WALSH. Now, the next one is Henry Egbert?
Mrs. STEWART. Yes, sir.
Chairman WALSH. Is he living?
Mrs. STEWART. Yes, sir.
Chairman WALSH. How old is he?
Mrs. STEWART. Twenty-one the 11th of October.
Chairman WALSH. Where is John?
Mrs. STEWART. He is at Mulberry.
Chairman WALSH. What is he doing?
Mrs. STEWART. Working on a farm.
Chairman WALSH. Was he a tenant or a laborer on a farm?
Mrs. STEWART. A laborer.
Chairman WALSH. Where is Henry Egbert—is he here?
Mrs. STEWART. Yes; he is here.
Chairman WALSH. Who is the next one?
Mrs. STEWART. Thomas Ray.
Chairman WALSH. How old is he?
Mrs. STEWART. Nineteen the 8th of November.
Chairman WALSH. Where is he?
Mrs. STEWART. He is at Anthony, working on a farm.
Chairman WALSH. Is he a laborer?
Mrs. STEWART. Yes, sir; he is a laborer.
Chairman WALSH. What is the next child?
Mrs. STEWART. He is 14.
Chairman WALSH. What is the name of that child?

Mrs. STEWART. Baxter Vernon. There is one dead in between—two dead in between this one and Thomas Ray.

Chairman WALSH. What are the names of the dead ones?

Mrs. STEWART. Ova Vivian, a girl.

Chairman WALSH. How old was she when she died?

Mrs. STEWART. Three years and ten days old; she died in Faulkner County, Ark.

Chairman WALSH. What did she die of?

Mrs. STEWART. Congestion.

Chairman WALSH. How long was she sick?

Mrs. STEWART. Four days.

Chairman WALSH. Did you have medical attendance?

Mrs. STEWART. Yes, sir.

Chairman WALSH. And the next one to Ova Vivian, who is dead, what was the name of that child?

Mrs. STEWART. Willie Joe.

Chairman WALSH. How old was he when he died?

Mrs. STEWART. Five months old.

Chairman WALSH. Where did he die?

Mrs. STEWART. He died there where Vivian died.

Chairman WALSH. Take Baxter Vernon, how old is he?

Mrs. STEWART. He will be 15 in April; he was born on the 4th of April, 1902.

Chairman WALSH. Where is he?

Mr. STEWART. He is here with us.

Chairman WALSH. Who is the next one?

Mrs. STEWART. Myra M.

Chairman WALSH. How old is Myra?

Mrs. STEWART. She is 10 years old the 11th, I believe, of February.

Chairman WALSH. Myra is here?

Mrs. STEWART. Yes, sir.

Chairman WALSH. And who is the next one?

Mrs. STEWART. Lian Lester.

Chairman WALSH. How old is Lian?

Mrs. STEWART. Six years old.

Chairman WALSH. And Lian is with you?

Mrs. STEWART. Yes.

Chairman WALSH. The next one is who?

Mrs. STEWART. Henry—he ain't got no name.

Chairman WALSH. How old is he?

Mrs. STEWART. Six years old—5 years old.

Chairman WALSH. You say that he has not been named?

Mrs. STEWART. Yes; William Henry; Luke is his nickname.

Chairman WALSH. How old is he?

Mrs. STEWART. Five years old.

Chairman WALSH. And the next one?

Mrs. STEWART. Levi Benlieal.

Chairman WALSH. How old is Levi?

Mrs. STEWART. Three years old, in October.

Chairman WALSH. Now, those are all?

Mrs. STEWART. Yes.

Chairman WALSH. I wish you would start out, Mr. Stewart, if you will, please, and tell us what your history has been; that is, how long did you stay with your parents before you went out for yourself.

Mr. STEWART. I stayed with them until I was 12 years old.

Chairman WALSH. Then what did you do?

Mr. STEWART. I got married.

Chairman WALSH. How old were you when you got married? Oh, you say you were 13?

Mr. STEWART. Yes.

Chairman WALSH. How old was your wife?

Mr. STEWART. She was 15.

Chairman WALSH. You married a girl in the neighborhood?

Mr. STWART. Yes.

Chairman WALSH. Where was the first place you went out for yourself?

Mr. STEWART. I was in Arkansas, at Conway.

Chairman WALSH. What did you do there?

Mr. STEWART. I farmed.

Chairman WALSH. Did you rent a place?

Mr. STEWART. Yes; I rented that year.

Chairman WALSH. How much of a place did you rent?

Mr. STEWART. I rented about 25 acres that year, the first year.

Chairman WALSH. How did you rent? What sort of a contract did you have?

Mr. STEWART. One-third and one-fourth, a verbal contract.

Chairman WALSH. That was the first year when you went out for yourself?

Mr. STEWART. Yes, sir.

Chairman WALSH. What did you furnish that year and what did your landlord furnish?

Mr. STEWART. I furnished one mule and my plows, and the landlord furnished nothing but the land.

Chairman WALSH. You had that mule on hand? Did you start in your married life with a team?

Mr. STEWART. No, sir; I bought one mule on credit.

Chairman WALSH. Had you any savings at all when you got married?

Mr. STEWART. No, sir; none at all.

Chairman WALSH. How much did you pay for the mule?

Mr. STEWART. I think it was $105.

Chairman WALSH. How long did you have to pay it in?

Mr. STEWART. Until the next fall.

Chairman WALSH. What interest were you charged on the purchase price of the mule?

Mr. STEWART. Well, I don't know about the interest; they just sold me the mule for $105. I don't think there was any interest; it was worth about $75, that mule was.

Chairman WALSH. Did you give him a mortgage?

Mr. STEWART. Yes.

Chairman WALSH. What else did you buy, if anything?

Mr. STEWART. I bought some groceries.

Chairman WALSH. Did you go in debt for them?

Mr. STEWART. Yes, sir; to the same man.

Chairman WALSH. You bought them of the same man that sold you the mule?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you buy anything else?

Mr. STEWART. No, sir; just groceries.

Chairman WALSH. Who was that man?

Mr. STEWART. W. D. Cole.

Chairman WALSH. Where does he live?

Mr. STEWART. At Conway.

Chairman WALSH. Did he own the land?

Mr. STEWART. No, sir.

Chairman WALSH. Did he run a store in Conway?

Mr. STEWART. Yes.

Mr. WALSH. You knew him before, did you?

Mr. STEWART. Yes.

Chairman WALSH. You just went to him and got this credit and started in?

Mr. STEWART. Yes.

Chairman WALSH. How long did you stay at that place?

Mr. STEWART. One year.

Chairman WALSH. How did you quit at that time, did you pay for the mule?

Mr. STEWART. Yes; I did by settling the crop and everything in the summer; the fellow took the crop and everything and paid for the mule.

Chairman WALSH. What sort of a crop did you get the first year?

Mr. STEWART. About 5 bales of cotton and about 100 bushels of corn.

Chairman WALSH. Was that considered a good crop in that country?

Mr. STEWART. Yes, sir; a good year.

Chairman WALSH. Why did you leave there at the end of the first year?

Mr. STEWART. That was a sickly place, and I didn't want to stay there.

Chairman WALSH. Had you been sick the first year, or your wife?

Mr. STEWART. Yes, sir; I had been sick.

Chairman WALSH. What sort of a place was it—what did you get? You say the place was sickly. Did you have chills and fever?

Mr. STEWART. Yes, sir; chills and fever.

Chairman WALSH. Where did you go after your first year?

Mr. STEWART. I went on my mother's place then.

Chairman WALSH. Did your mother own a place?

Mr. STEWART. Yes; my mother owned a place.

Chairman WALSH. How many acres did you have to farm then?

Mr. STEWART. Twenty-five acres on her place.

Chairman WALSH. You had this mule, did you?

Mr. STEWART. No, sir; I rented a mule the next year from my brother.

Chairman WALSH. What became of the mule you paid $105 for?

Mr. STEWART. I sold it and the crop; I gave it to the fellow to get him to take up the note for the mule and my groceries.

Chairman WALSH. It took the mule and what you had raised to make you square?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you discharge all of your obligations and quit squarely?

Mr. STEWART. Yes, sir; I quit square.

Chairman WALSH. And when you went onto your mother's place you rented a mule?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you have anything else when you went on there?

Mr. STEWART. No.

Chairman WALSH. How long did you stay there?

Mr. STEWART. I stayed there one year.

Chairman WALSH. What did you raise there?

Mr. STEWART. Corn and cotton.

Chairman WALSH. How much did you raise, if you remember?

Mr. STEWART. I raised about 5 bales that year, and about 100 bushels of corn.

Chairman WALSH. The same as the year before?

Mr. STEWART. Yes.

Chairman WALSH. A fair crop?

Mr. STEWART. Yes, sir.

Chairman WALSH. How did you come out that year?

Mr. STEWART. That year I came out, I think, about $15 to the good.

Chairman WALSH. Did you work hard?

Mr. STEWART. Yes, sir.

Chairman WALSH. When was your first baby born? I mean with reference to the date of your marriage?

Mr. STEWART. In 1888.

Mrs. STEWART. No, Papa, in 1889.

Chairman WALSH. Now, why did you leave your mother's place?

Mr. STEWART. Well, she rented it out to another man, and it was too rocky and poor, and I though I could do better.

Chairman WALSH. Where did you go?

Mr. STEWART. I went to another place owned by a fellow by the name of Naylor that year.

Chairman WALSH. You say you were $15 to the good?

Mr. STEWART. Yes, sir.

Chairman WALSH. How much land did you farm from Mr. Naylor?

Mr. STEWART. I taken about 30 acres from him.

Chairman WALSH. That is what they call a one-team tenant farm?

Mr. STEWART. Yes.

Chairman WALSH. How did you do about your live stock then?

Mr. STEWART. I bought me a pony.

Chairman WALSH. Did you buy that pony on credit?

Mr. STEWART. Yes, sir; I bought it on credit.

Chairman WALSH. Did you buy anything else on credit?

Mr. STEWART. No, sir; I didn't buy anything on credit but the groceries; I bought them on credit.

Chairman WALSH. I wish you would please at this time—you just had yourself and wife that first year, and the baby was born in 1889?

Mr. STEWART. Yes.

Chairman WALSH. Tell just what you did now in actual work during those first two years; just describe it fully, because we are perfectly innocent about it; what time you did your work, when you got up in the morning, how much of the year you did work, and how much of the year you did not work and the whole story.

Mr. STEWART. We got up early and stayed with it late.

Chairman WALSH. Did your wife do any work?

Mr. STEWART. Yes, sir; she helped me work.
Chairman WALSH. What did she do?
Mr. STEWART. She hoed cotton and picked cotton.
Chairman WALSH. What did you consider early?
Mr. STEWART. Getting out in the field by sunup.
Chairman WALSH. What time did you leave?
Mr. STEWART. At sundown.
Chairman WALSH. What did you do?
Mr. STEWART. I plowed and hoed.
Chairman WALSH. What did your wife do?
Mr. STEWART. She hoed.
Chairman WALSH. Did it take both of you to do the work?
Mr. STEWART. Yes, sir.
Chairman WALSH. And you were there alone, were you?
Mr. STEWART. Yes, sir.
Chairman WALSH. What did you do for amusement? Did you have any amusement of any kind?
Mr. STEWART. No.
Chairman WALSH. No church socials or gatherings in the neighborhood?
Mr. STEWART. No, sir. Sometimes we would have church of a Sunday.
Chairman WALSH. Was there any sort of entertainment or diversion of any kind; any show you could go to?
Mr. STEWART. No, sir.
Chairman WALSH. No gatherings of any kind?
Mr. STEWART. No, sir; not during the crop time.
Chairman WALSH. What is the "crop time"?
Mr. STEWART. That is about from the middle of February until the middle of July.
Chairman WALSH. What did you do after that—between the middle of July and the middle of February again?
Mr. STEWART. We would saw some stove wood, and cut wood, and anything we could get to do.
Chairman WALSH. What is the cotton-picking time?
Mr. STEWART. It commences from about the 15th of September.
Chairman WALSH. Who picked your cotton?
Mr. STEWART. I and her picked it along them times.
Chairman WALSH. You and she when you were alone?
Mr. STEWART. Yes.
Chairman WALSH. How long did it take you to pick your cotton?
Mr. STEWART. It taken us until about the 1st of December.
Chairman WALSH. Now, after that second year, where did you go; you say you got a pony and went on another place?
Mr. STEWART. Yes. I bought me a little railroad farm; I mean some railroad land and built me a little house; I just built the house on my land and rented some land from my brother for the crop; he bought him some railroad land.
Chairman WALSH. How much railroad land did you buy?
Mr. STEWART. Forty acres.
Chairman WALSH. On what terms did you buy?
Mr. STEWART. I bought it on six years' time.
Chairman WALSH. How long did you have the railroad land and work on it?
Mr. STEWART. I just had it one year.
Chairman WALSH. What sort of a year did you have that year?
Mr. STEWART. I had a pretty good year, a favorable year.
Chairman WALSH. How did you come to leave at the end of the first year? Why didn't you go on the six years?
Mr. STEWART. I could not go on. Cotton went down, and everything got balled up, and I could not pay for it.
Chairman WALSH. What did cotton sell for at that time, that year?
Mr. STEWART. I think it sold about 7 cents that year.
Chairman WALSH. How many bales of cotton did you raise on the 40 acres?
Mr. STEWART. That crop I made—you understand that was on my brother's place.
Chairman WALSH. You did not raise it on your own place?
Mr. STEWART. No.
Chairman WALSH. You just built a house and didn't do anything else on that?
Mr. STEWART. Yes, sir; I cleared 5 acres, but I didn't get anything on it.
Chairman WALSH. What was the 40 acres made up of?

Mr. STEWART. All in the woods.
Chairman WALSH. You built a house for yourself?
Mr. STEWART. Yes, sir.
Chairman WALSH. With your own hands?
Mr. STEWART. Yes, sir.
Chairman WALSH. And cleared 8 acres around your place, you say?
Mr. STEWART. Yes, sir.
Chairman WALSH. How many acres did you farm on your brother's place?
Mr. STEWART. I farmed 20 or 25 acres.
Chairman WALSH. What sort of a contract did you have with your brother?
Mr. STEWART. A third and a fourth.
Chairman WALSH. What did you raise that year on your brother's land?
Mr. STEWART. Corn and cotton.
Chairman WALSH. How much did you raise?
Mr. STEWART. Six bales.
Chairman WALSH. You did extra well that year compared with the other years?
Mr. STEWART. Yes, sir.
Chairman WALSH. And about the same amount of corn?
Mr. STEWART. Yes, sir; just about the same amount of corn.
Chairman WALSH. Do you know about how much you were in debt when you started in?
Mr. STEWART. When I started in with that crop?
Chairman WALSH. Yes.
Mr. STEWART. I expect I was in debt about $100.
Chairman WALSH. Now, you say you got balled up. How much were you short of paying out when you got through that year, if anything? You say you got six bales of cotton, and that cotton went down to 7 cents?
Mr. STEWART. I lacked about $40 of paying out that year.
Chairman WALSH. Of paying out everything?
Mr. STEWART. Yes.
Chairman WALSH. Where did you go then?
Mr. STEWART. I moved about 20 miles north of there.
Chairman WALSH. What became of your own 40 acres where you cleared the 8 acres and built a house?
Mr. STEWART. I traded that to the doctor.
Chairman WALSH. What did you get out of it?
Mr. STEWART. I got a doctor bill and $15.
Chairman WALSH. You had run a doctor bill, had you?
Mr. STEWART. Yes, sir.
Chairman WALSH. What was the house worth?
Mr. STEWART. It was a log house, and I expect it cost $75 or $100. It was just a one-room log house, and I had a barn built.
Chairman WALSH. How long did it take you to build it?
Mr. STEWART. It took me to build it, I expect, about 10 days—to cut the logs and everything.
Chairman WALSH. The doctor gave you his bill and $15 for your equity in this place?
Mr. STEWART. Yes, sir.
Chairman WALSH. That is, your equity in the whole 40 acres of land?
Mr. STEWART. Yes, sir.
Chairman WALSH. What did you agree to pay the railroad for it?
Mr. STEWART. $5 an acre.
Chairman WALSH. $200 for the whole thing?
Mr. STEWART. Yes.
Chairman WALSH. What was the amount of the doctor's bill?
Mr. STEWART. I disremember now what it was.
Chairman WALSH. What did it include in a general way? Had you been sick yourself?
Mr. STEWART. Yes, sir; and my wife had been sick.
Chairman WALSH. Was there a baby that year?
Mr. STEWART. Yes.
Chairman WALSH. I guess there was. When you went up 20 miles further what did you have?
Mr. STEWART. We did not have anything but one horse and a cow.
Chairman WALSH. Did you have a wagon?
Mr. STEWART. No, sir; I didn't have no wagon.

Chairman WALSH. Just the horse?
Mr. STEWART. That is all.
Chairman WALSH. How did you get up there 20 miles?
Mr. STEWART. I got a team from that fellow I went to work for on his place.
Chairman WALSH. How much land did you undertake to farm up there?
Mr. STEWART. About 80 acres.
Chairman WALSH. How long did you stay there?
Mr. STEWART. I stayed there two years.
Chairman WALSH. You started in with nothing, except this horse?
Mr. STEWART. Yes.
Chairman WALSH. Where did you get the cow?
Mr. STEWART. My father-in-law gave her to us.
Chairman WALSH. Just for a present?
Mr. STEWART. Yes.
Chairman WALSH. Before you went on this place?
Mr. STEWART. Yes.
Chairman WALSH. Did you go in debt?
Mr. STEWART. Yes.
Chairman WALSH. For your groceries?
Mr. STEWART. Yes. I bought my groceries on time.
Chairman WALSH. Did you buy anything else on time?
Mr. STEWART. No, sir.
Chairman WALSH. When you bought your groceries, did you give a chattel mortgage on your crop?
Mr. STEWART. No, sir; my brother stood good for them; I was living on his mother-in-law's place.
Chairman WALSH. Your brother-in-law stood good for your groceries?
Mr. STEWART. Yes.
Chairman WALSH. How did you have the land that year?
Mr. STEWART. On a third and a fourth.
Chairman WALSH. How much cotton did you raise?
Mr. STEWART. I think we made 4 bales that year.
Chairman WALSH. Why did you run short that year? Was it a bad year?
Mr. STEWART. Yes, sir; it was a bad year and poor land.
Chairman WALSH. How much did you raise of corn?
Mr. STEWART. Not over 15 bushels.
Chairman WALSH. Did you run back that year?
Mr. STEWART. No, sir; I came out even that year.
Chairman WALSH. Where are you now? Where is the place you stayed on for two years?
Mr. STEWART. In Faulkner County, Ark.
Chairman WALSH. The same county you started in?
Mr. STEWART. Yes, sir.
Chairman WALSH. That was the county of your birth place?
Mr. STEWART. No, sir; I was born in White County.
Chairman WALSH. Now, how did you do the next year? You say you came out about even the first year?
Mr. STEWART. Well, I came out about even the next year.
Chairman WALSH. And did you get any better crop of cotton?
Mr. STEWART. I got 4 bales the next year.
Chairman WALSH. You got 4 the first?
Mr. STEWART. No, sir; 3, I believe it was, 3 or 4.
Chairman WALSH. But you did a little better the first year as far as the amount of cotton was concerned?
Mr. STEWART. Yes; it was a little better price.
Chairman WALSH. How much did you get a bale for the cotton?
Mr. STEWART. The second year there we got 4 cents.
Chairman WALSH. Four cents?
Commissioner LENNON. Four cents for the cotton?
Mr. STEWART. Yes.
Chairman WALSH. How much would you say—I will go back, because I did not cover that, and Mrs. Harriman asks me to ask the question—was the cotton in the lint or in the seed?
Mr. STEWART. In the lint. It sold for 4 cents.
Chairman WALSH. What was seed worth then?
Mr. STEWART. I think it is worth about five to six dollars a ton, maybe.

Chairman WALSH. I wish you would go back and begin right with the first year when you got 5 bales and tell us, as best you can remember, how much you got for your cotton altogether, the total. What did it sell for?

Mr. STEWART. I think it sold, as well as I can remember, I think it sold for about 8 or 9 cents the first year.

Chairman WALSH. And how much a bale, by the bale, would it be?

Mr. STEWART. They averaged about 500, the bales did.

Chairman WALSH. About 500 pounds to the bale?

Mr. STEWART. Yes, sir; about 500 pounds, I reckon, to the bale.

Chairman WALSH. Now, then, at the end of these two years you say your cotton sold down about four?

Mr. STEWART. Yes, sir.

Chairman WALSH. And you only had 4 bales that year; and how much corn?

Mr. STEWART. We made out 75 bushel.

Chairman WALSH. Now, you say you came out about even?

Mr. STEWART. Yes; that year.

Chairman WALSH. How about when you came out about even; what do you mean; that you did not have anything before, when you got twice as much for your cotton, now; does that mean that you had to live any scantier, in a scantier way?

Mr. STEWART. Yes, sir.

Chairman WALSH. Then, I wish you would describe just about how you lived during the years when you got 5 bales and got 8 cents a pound or 8½. Describe it in your own way, if you lived in the same condition, just about what you would get, about what your ordinary meal would be, and what would you get from the store, and what your bills would consist of, and what you would buy at the store.

Mr. STEWART. Just buy a little meat and bread.

Chairman WALSH. What kind of meat?

Mr. STEWART. Bulk pork; and coffee.

Chairman WALSH. And coffee?

Mr. STEWART. And a little flour.

Chairman WALSH. How about fresh meat?

Mr. STEWART. I didn't buy any fresh meat.

Chairman WALSH. Did you ever have any fresh meat at all?

Mr. STEWART. No.

Chairman WALSH. You say bread. Did you buy bread already made?

Mr. STEWART. Yes, sir; we bought flour; and I worked up at the mill there to help a fellow on Saturday to get some little meal in them years.

Chairman WALSH. You never had—how about vegetables; did you raise any?

Mr. STEWART. We raised some; yes, sir.

Chairman WALSH. And what kind did you raise; some potatoes?

Mr. STEWART. Yes, sir; raised some potatoes.

Chairman WALSH. Did you usually raise enough potatoes to keep you in potatoes for the year?

Mr. STEWART. No.

Chairman WALSH. Why not?

Mr. STEWART. We just could not raise—the drought or something, you know.

Chairman WALSH. But you tried to raise enough?

Mr. STEWART. Yes; sure.

Chairman WALSH. What other sorts of vegetables did you have?

Mr. STEWART. Cabbage, onions, and tomatoes.

Chairman WALSH. And did you try to raise enough to go around the year?

Mr. STEWART. Yes, sir; we tried to raise all we could.

Chairman WALSH. And you usually would have enough a part of the time so you would have these vegetables?

Mr. STEWART. We would have until up about July, and the drought would come and then the garden would be burned up. It was a droughty country, you know.

Chairman WALSH. Now, what did you have to pay for coffee?

Mr. STEWART. I think along in them times, as well as I remember, we got 5 or 6 pounds at a dollar.

Chairman WALSH. Five or 6 pounds for a dollar?

Mr. STEWART. I think so; as well as I remember.

Chairman WALSH. And sugar, what did you pay for that?

Mr. STEWART. I declare I don't remember just what it was. Maybe we got about 16 pounds of it.

Chairman WALSH. Now, about your clothing at that time. Where did you buy your clothing?

Mr. STEWART. We bought what we did buy there at Conway.

Chairman WALSH. At Conway?

Mr. STEWART. Yes.

Chairman WALSH. How often did you go to Conway—how far were you from Conway then?

Mr. STEWART. That was 18 miles.

Chairman WALSH. Eighteen miles?

Mr. STEWART. Yes.

Chairman WALSH. And how often did your wife get in to Conway?

Mr. STEWART. She never went at all.

Chairman WALSH. Who bought her stuff, for instance, her own clothing, and so on?

Mr. STEWART. I would whenever I would go.

Chairman WALSH. During the two years you were at this place did you wife ever go to a store?

Mr. STEWART. I think she went once to a little country store.

Chairman WALSH. Only once?

Mr. STEWART. Yes.

Chairman WALSH. And her clothing was purchased how?

Mr. STEWART. We bought them on credit, you know.

Chairman WALSH. But who did the actual buying; did you do it?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did the children ever go to town?

Mr. STEWART. No, sir; not there. Not when we were there.

Chairman WALSH. Now, when you left—you are still in Faulkner County on a place for two years?

Mr. STEWART. Yes, sir. I came back then and lived with my wife's father one year.

Chairman WALSH. Did you farm that year?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you have a place?

Mr. STEWART. Yes, sir.

Chairman WALSH. How many acres did you farm?

Mr. STEWART. About 30 acres.

Chairman WALSH. How did you come out that year?

Mr. STEWART. I came out of debt, but I believe, maybe I lacked $15, I think, I believe it was.

Chairman WALSH. And where did you go to from there?

Mr. STEWART. I went to my mother's place again.

Chairman WALSH. And how long did you work there?

Mr. STEWART. I worked there one year.

Chairman WALSH. Have you been a man of good habits? Do you drink much?

Mr. STEWART. No, sir.

Chairman WALSH. Drink any at all?

Mr. STEWART. I have taken a drink in days gone by.

Chairman WALSH. Was there any time when you kept liquor at your house?

Mr. STEWART. No, sir.

Chairman WALSH. Never did?

Mr. STEWART. No, sir.

Chairman WALSH. Were you ever what might be called a man that was addicted to drink, since you have been where you could get a drink?

Mr. STEWART. No, sir.

Chairman WALSH. How long did you stay on your mother's place at this time?

Mr. STEWART. I stayed there one year.

Chairman WALSH. How much did you farm there?

Mr. STEWART. About 30 acres.

Chairman WALSH. Do you remember what year that was when you got back to your mother's place?

Mr. STEWART. It was in 1899.

Chairman WALSH. 1899?

Mr. STEWART. Yes.

Chairman WALSH. And that is in what county?

Mr. STEWART. Faulkner.

Chairman WALSH. Arkansas?

Mr. STEWART. Yes, sir.

Chairman WALSH. And you stayed there one year?

Mr. STEWART. Yes.

Chairman WALSH. Now, what did you raise that year?

Mr. STEWART. We raised some corn and cotton, raised 5 bales of cotton and about 150 bushels of corn.

Chairman WALSH. How did you come out?

Mr. STEWART. I came out $35 in debt.

Chairman WALSH. How old was this first boy when he went to work on the farm?

Mr. STEWART. Why, he was lacking about——

Mrs. STEWART. He was 7 years.

Chairman WALSH. How old are the children usually before you can utilize them on a farm for anything?

Mr. STEWART. I guess about 7 years old.

Chairman WALSH. And what is the first thing a child does at the age of 7?

Mr. STEWART. Generally picks cotton.

Mrs. STEWART. And drops corn. We were planting by hand then.

Chairman WALSH. Did your boy start to do that, your oldest boy, as soon as he was old enough?

Mr. STEWART. Yes, sir.

Chairman WALSH. Now, I am going to have you kind of skip through and tell what the school facilities are that the oldest boy had? Did he go to school any?

Mr. STEWART. He went to school some, but not very much.

Chairman WALSH. Do you know what reader he was in when he quit?

Mrs. STEWART. Second grade.

Chairman WALSH. How did he happen to quit?

Mrs. STEWART. We lived on the farm so far from the school that we couldn't get to it. We moved to Texas and lived on a rented place far from the school, and by the time we got to where we could send him to school he was so old he was ashamed to go, and we could never get him to go. He was 14 years old.

Chairman WALSH. How much schooling did that oldest boy have altogether, Mr. Stewart?

Mr. STEWART. I do not suppose he went over one year.

Mrs. STEWART. He never went over parts of three sessions.

Chairman WALSH. Parts of three sessions?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you ever have any ideas about that boy starting in, Mr. Stewart, as to what you would like to have the boy do, what business he should follow? Did you ever have any idea he should follow a profession, or anything of that kind?

Mr. STEWART. No; I would rather have him on a farm.

Chairman WALSH. It was your desire, then, that he should be a farmer?

Mr. STEWART. Yes; I think that is the happiest life if a man can get hooked up right.

Chairman WALSH. What was your ambition with respect to that boy—that he should own a farm of his own some day?

Mr. STEWART. Yes, sir.

Chairman WALSH. And you figured that if he could get in right—get to own land—it was an intelligent and free way for him to live?

Mr. STEWART. Yes, sir.

Chairman WALSH. And it was your desire that—that was all you knew; that had been your business and your father's business before you?

Mr. STEWART. Sure; yes.

Chairman WALSH. All your family as far back as you know anything about?

Mr. STEWART. Yes, sir; they were all farmers.

Chairman WALSH. Now, during all these years was there any public direction of any kind? Was there anybody from a university or from the school that came to the farmer to teach him improved methods of farming?

Mr. STEWART. No, sir; not in those times.

Chairman WALSH. Did you in all your life ever receive any suggestions or directions from any other place as to how you might improve your condition by raising better crops or more of what you did raise, or anything of that sort?

Mr. STEWART. Not until we got to Texas.

Chairman WALSH. Not until you got to Texas?

Mr. STEWART. No, sir.

Chairman WALSH. Now, then, after you left—how long were you on your mother's place at that time?

Mr. STEWART. I was there one year.

Chairman WALSH. You quit a little behind?

Mr. STEWART. Yes.

Chairman WALSH. Where did you go to from there?

Mr. STEWART. I went about 2 miles from there.

Chairman WALSH. In the same county?

Mr. STEWART. Yes.

Chairman WALSH. And you rented again?

Mr. STEWART. Yes.

Chairman WALSH. Did you always have a verbal contract with all of these folks?

Mr. STEWART. Yes.

Chairman WALSH. Never had a written contract?

Mr. STEWART. Never did; no.

Chairman WALSH. There was an established custom, was there, every place you went?

Mr. STEWART. Yes.

Chairman WALSH. That is, as to the terms of the contract—what you should do and what the landlord should do?

Mr. STEWART. Yes.

Chairman WALSH. And also there was a general custom about the crops?

Mr. STEWART. Yes.

Chairman WALSH. How long did you stay on this place that you went to after you left your mother's?

Mr. STEWART. I stayed there one year.

Chairman WALSH. And what did you raise there?

Mr. STEWART. Corn and cotton.

Chairman WALSH. How much—do you remember? What sort of a crop did you have that year?

Mr. STEWART. I had a good crop that year for a one-horse man. I made 8 bales of cotton and about between 200 and 300 bushels of corn.

Chairman WALSH. How was cotton selling that year—do you remember?

Mr. STEWART. It was selling at 10 cents in 1909.

Chairman WALSH. That, comparatively, must have been a good year?

Mr. STEWART. Yes.

Chairman WALSH. How did you come out that year?

Mr. STEWART. I came out about $200 to the good that year.

Chairman WALSH. About $200 to the good?

Mr. STEWART. Yes, sir.

Chairman WALSH. Now, that year, as you made more money, did your expenses increase any?

Mr. STEWART. No, sir; they did not.

Chairman WALSH. You kept it right down to buying some things at the store?

Mr. STEWART. Sure.

Chairman WALSH. And you were clothed the same and your children were clothed the same and all?

Mr. STEWART. Yes, sir.

Chairman WALSH. You came out with $200 in cash?

Mr. STEWART. Yes.

Chairman WALSH. What did you do next?

Mr. STEWART. Well, I bought here a little place from a fellow. I bought a railroad forty, and then I bought another 40 from an individual.

Chairman WALSH. You bought 80 acres of land that year that you had the $200?

Mr. STEWART. Yes.

Chairman WALSH. And then that 40 that you bought from the railroad, was it wooded land?

Mr. STEWART. Yes, sir; in the woods.

Chairman WALSH. What was your personal desire about this matter? Did you want to continue to be a renter or did you want to be a farm owner?

Mr. STEWART. I wanted to own my place.

Chairman WALSH. You wanted to own a place?

Mr. STEWART. Yes.

Chairman WALSH. And you desired to get a place large enough, if you could, so that your children could stay there on it?

Mr. STEWART. Yes; sure.

Chairman WALSH. Now, then, please just give us the result of that. You bought 40 acres from the railroad?

Mr. STEWART. Yes, sir.

Chairman WALSH. And what did you do about the other 40?

Mr. STEWART. I bought that from an individual.

Chairman WALSH. Was it adjoining?

Mr. STEWART. Yes.

Chairman WALSH. What did you have to pay down on it?

Mr. STEWART. I paid the individual $50 and I paid the railroad company $25.

Chairman WALSH. And was there any house on it?

Mr. STEWART. There was on that I bought of the individual. It was improved; yes, sir.

Chairman WALSH. What was on that?

Mr. STEWART. A house and barn and well, about 20 acres of land cleared.

Chairman WALSH. About 8 cleared?

Mr. STEWART. About 20.

Chairman WALSH. About 20 acres cleared?

Mr. STEWART. Yes.

Chairman WALSH. And was any of the railroad land cleared?

Mr. STEWART. No, sir.

Chairman WALSH. That was original land?

Mr. STEWART. Yes.

Chairman WALSH. And had the man you bought this from cropped on it?

Mr. STEWART. Yes.

Chairman WALSH. What sort of land was it?

Mr. STEWART. Why, it was hill land, what you call hill land, you know, in Arkansas, upland.

Chairman WALSH. Was it pretty fair land for cotton?

Mr. STEWART. Yes; it was pretty fair land for that country; yes, sir.

Chairman WALSH. How long did you stay on that place?

Mr. STEWART. I stayed there two years.

Chairman WALSH. I wish you would describe your experience on that place. Did you have to go in debt when you started there?

Mr. STEWART. Yes; I did. That is when I lost my children, you know, when that taken my money in that winter, too.

Chairman WALSH. Oh, yes; you paid out $50?

Mr. STEWART. Yes.

Chairman WALSH. And if you had not had this misfortune you would have had $115 or something like that to start on?

Mr. STEWART. Yes.

Chairman WALSH. And did you lose two children that same year?

Mr. STEWART. Yes; that same year.

Chairman WALSH. And in a general way what were the expenses of that misfortune—that is, what you had to pay the doctor for attending in their last illness and the funeral, and so on?

Mr. STEWART. Of, course, my wife had erysipelas during the time, and it cost about $100.

Chairman WALSH. It cleaned out what you had on hand?

Mr. STEWART. Yes, sir; cleaned me out.

Chairman WALSH. All this had occurred when you were on this 80?

Mr. STEWART. Yes, sir.

Chairman WALSH. Both in one year?

Mr. STEWART. Yes.

Chairman WALSH. Then your wife had erysipelas in that year?

Mr. STEWART. Yes.

Chairman WALSH. You mentioned several times about yourself being ill, Mr. Stewart. What was wrong with you, without going into details, if it is not any private matter, or if in any of these questions there is anything that you deem to be particularly private, you do not have to answer, you understand that?

Mr. STEWART. I never had anything except chills and fever.

Chairman WALSH. That is typical of the country, folks there have chills and fever?

Mr. STEWART. Yes.

Chairman WALSH. Did your wife ever have them?

Mr. STEWART. She had a few.

Chairman WALSH. Didn't it ever occur to you that you could go to a country where there wouldn't be any chills and fever?

Mr. STEWART. Yes, sir.

Chairman WALSH. Why didn't you go?

Mr. STEWART. Well, I thought when I got to Texas I would be.

Chairman WALSH. You had that in mind all the time then, did you?

Mr. STEWART. Yes; sure.

Chairman WALSH. I wish you would just briefly describe your two years on this place. First, how far were you from town?

Mr. STEWART. We were about 15 miles from that Conway town.

Chairman WALSH. From Conway?

Mr. STEWART. Yes.

Chairman WALSH. Was there any other smaller town close to you?

Mr. STEWART. Yes; there was one store about a mile, a little railroad, a little bit of a railroad town, about a couple of stores about 8 miles.

Chairman WALSH. Where did you do your trading?

Mr. STEWART. Conway.

Chairman WALSH. And did you trade with the same man in Conway all the time through all these years, or did you change?

Mr. STEWART. No; I did not trade all the time with that one. That first one went out of business.

Chairman WALSH. And then you went to another one?

Mr. STEWART. Yes.

Chairman WALSH. During all these times did you ever give any chattel mortgage to store keepers?

Mr. STEWART. Yes; I gave—yes; I gave two or three, I reckon, during that time.

Chairman WALSH. When you gave a chattel mortgage, did you pay interest on it?

Mr. STEWART. Sir?

Chairman WALSH. When you gave chattel mortgages, did you pay interest on them?

Mr. STEWART. Yes, sir.

Chairman WALSH. And did you give notes?

Mr. STEWART. Yes, sir; a note and mortgage.

Chairman WALSH. A note and mortgage?

Mr. STEWART. Yes.

Chairman WALSH. Did they charge anything for filing them?

Mr. STEWART. Yes.

Chairman WALSH. Do you remember how much it was?

Mr. STEWART. A dollar, I think, there.

Chairman WALSH. What interest did they charge when you gave the note and the chattel mortgage for supplies?

Mr. STEWART. They claimed they sold at credit price, charged 10 per cent interest.

Chairman WALSH. That is what they charged you?

Mr. STEWART. That is what they claimed.

Mr. NOBLE. He means by 10 cent, they added 10 per cent.

Chairman WALSH. Well, on the debt?

Mr. STEWART. Yes.

Chairman WALSH. Did you observe there any time when you paid cash during all these years at Conway there was any difference?

Mr. STEWART. Yes, sir; there was some time I paid cash.

Chairman WALSH. When you paid cash, did you notice any difference in the price?

Mr. STEWART. Yes.

Chairman WALSH. Could you say about what it was? For instance, give us an idea if you bought a side of meat for cash, what did you pay for it?

Mr. STEWART. I don't remember much about the meat, but I remember the corn. You could buy corn for 6 bits a bushel cash and pay a dollar and a dollar and a quarter on time.

Chairman WALSH. Do you remember about other supplies, such as flour?

Mr. STEWART. Well, as I remember there is about $2 higher on the barrel.

Chairman WALSH. About $2 higher on the barrel?

Mr. STEWART. Yes.

Chairman WALSH. What kind of meat did you buy? You say bulk pork?

Mr. STEWART. Yes, sir.

Chairman WALSH. Is that what you call dry salt clear sides?

Mr. STEWART. Yes, sir.

Chairman WALSH. During the two years that you were on that 80 that you owned yourself, that you yourself bought, how often did your wife go to town to shop, or to Conway?

Mr. STEWART. She never went nary a time. Yes; she went once to the doctor, and did a little trading.

Chairman WALSH. West where?

Mr. STEWART. Went to the doctor and did a little trading.

Chairman WALSH. When you went to the doctor?

Mr. STEWART. Carried her to the doctor.

Chairman WALSH. Carried your wife to the doctor?

Mr. STEWART. Yes.

Chairman WALSH. And at the other times you did the trading yourself, did you?

Mr. STEWART. Yes.

Chairman WALSH. You bought her clothing?

Mr. STEWART. Yes.

Chairman WALSH. What was the result of your two years' operations there yourself? Did you clear any of your land of the 40 in the two years?

Mr. STEWART. Yes, sir; I cleared about 10 acres.

Chairman WALSH. What sort of crop did you have the first year?

Mr. STEWART. I had a very good crop the first year. I made about 8 bales of cotton, I think, and about 100 bushels of corn. That was a dry year.

Chairman WALSH. And did you quit that year with anything ahead?

Mr. STEWART. No, sir.

Chairman WALSH. What was cotton selling for that year?

Mr. STEWART. I think 7 to 9 cents.

Chairman WALSH. How did it happen you did not get something ahead? I notice you have a bale more of cotton than you had in your best years.

Mr. STEWART. We just owed a little more.

Mrs. STEWART. That is the year we lost the two children.

Mr. STEWART. That was the bad luck——

Chairman WALSH. That you had the sickness?

Mr. STEWART. I had something cleared up and paid out for them.

Chairman WALSH. How did you come out that year; the first year that you say you come out even or behind?

Mr. STEWART. The first year we came out about even, that year.

Chairman WALSH. What was your experience then, the second year?

Mr. STEWART. We came out about—by selling our team we had $37, I think, left.

Chairman WALSH. You had to sell your team?

Mr. STEWART. Yes, sir.

Chairman WALSH. What became of the land—your equity in the land?

Mr. STEWART. I let the man have the farm back; the individual that I paid to him the $20; he got the land back and I sold the claim to another—the railroad claim to another man.

Chairman WALSH. What did you sell the railroad claim for, do you remember?

Mr. STEWART. I declare I don't remember. I don't believe I do just remember just what.

Mr. NOBLE. Let it go on the grocery bill.

Chairman WALSH. When you got through there how much did you have, did you say?

Mr. STEWART. I think we had $37 to come to Texas on.

Chairman WALSH. To come to Texas on?

Mr. STEWART. Yes.

Chairman WALSH. That is the time that you moved to Texas?

Mr. STEWART. Yes, sir.

Chairman WALSH. Why did you move to Texas, Mr. Stewart?

Mr. STEWART. I thought we could better our condition.

Chairman WALSH. And where did you go in Texas?

Mr. STEWART. Lamar County.

Chairman WALSH. How did you happen to come to that particular place; had anybody told you about it?

Mr. STEWART. Yes, sir; I had a brother-in-law there and he had been writing to me about that country.

Chairman WALSH. What is the county seat of Lamar?

Mr. STEWART. Paris.

Chairman WALSH. Did you move on the black or sandy land?

Mr. STEWART. Black land the first year.

Chairman WALSH. Who was your landlord?

Mr. STEWART. Mr. Gilbert.

Chairman WALSH. Mr. Gilbert?

Mr. STEWART. Yes.

Chairman WALSH. How much land did you undertake to farm there?

Mr. STEWART. About 50 acres.

Chairman WALSH. About 50 acres?

Mr. STEWART. Yes, sir.

Chairman WALSH. And what sort of land was it?

Mr. STEWART. Black land.

Chairman WALSH. Is that good land for that purpose?

Mr. STEWART. It was good land.

Chairman WALSH. Good land?

Mr. STEWART. Yes.

Chairman WALSH. Now, how did you start in there? Did you spend the $37 coming there?

Mr. STEWART. Yes, sir.

Chairman WALSH. How many children did you have then, Mr. Stewart? Do you remember, Mrs. Stewart?

Mrs. STEWART. Had four. Had four boys up there—John, Robert, Ray, and Vernon.

Chairman WALSH. Had four?

Mr. STEWART. Yes.

Chairman WALSH. Now, when you started out, how many children did you have who gave you any assistance on any of the places?

Mr. STEWART. When I came to Texas?

Chairman WALSH. When you came to Texas; yes.

Mrs. STEWART. Two.

Mr. STEWART. The others; he done some cotton picking and hoed some.

Chairman WALSH. You say you took 50 acres?

Mr. STEWART. Yes.

Chairman WALSH. And what did you do it on, three and four?

Mr. STEWART. Halves; worked that on halves?

Chairman WALSH. Worked that on halves?

Mr. STEWART. Yes.

Chairman WALSH. Now, you had never had that kind of contract before?

Mr. STEWART. No, sir.

Chairman WALSH. Had you?

Mr. STEWART. No, sir.

Chairman WALSH. I wish you would just describe here what sort of a contract you made, if you can do it verbally. I wish you would say what you said to the man you made the contract with and what he said to you. This is an entirely new arrangement so far as you are concerned, is it not?

Mr. STEWART. Yes.

Chairman WALSH. Just tell us.

Mr. STEWART. He was to furnish the stock and the feed.

Chairman WALSH. Did you go and see him?

Mr. STEWART. And the land; yes.

Chairman WALSH. How did you get to Lamar?

Mr. STEWART. Sir?

Chairman WALSH. How did you come?

Mr. STEWART. I came on the train.

Chairman WALSH. You came on the train?

Mr. STEWART. Yes.

Chairman WALSH. Paid your fare up and your family's?

Mr. STEWART. Yes.

Chairman WALSH. Then you went to see this man, did you?

Mr. STEWART. My brother-in-law had it rented, and spoke for it, and then I went to close the deal.

Chairman WALSH. All right. Just tell us what the deal was, what you said to him, and what he said to you.

Mr. STEWART. He was to furnish the stock and the ground and feed them, and I was to work the land and give him half.

Chairman WALSH. How much stock was he to furnish?

Mr. STEWART. One pair of mules.

Chairman WALSH. Anything else?

Mr. STEWART. And tools, you know; and mules and tools and feed and a cultivator.

Chairman WALSH. Anything else?

Mr. STEWART. No, sir; he was not to furnish anything else.

Chairman WALSH. I was going to ask you, during that time, now, after you left Conway for Texas, did you usually have a cow?

Mr. STEWART. Yes, sir.

Chairman WALSH. During all the time did you have one?

Mr. STEWART. Yes; we had a cow.

Chairman WALSH. And starting in in Texas, you started with a cow?

Mr. STEWART. Yes, sir; I had one to milk from that man, and in the summer we bought it. He let us have one to milk.

Chairman WALSH. Do you usually own a cow, and did you when you were in Arkansas?

Mr. STEWART. Yes.

Chairman WALSH. Did you have more than one at any time?

Mr. STEWART. Yes, sir; we have two; yes, sir.

Chairman WALSH. What would you say a cow is worth?

Mr. STEWART. In Arkansas?

Chairman WALSH. Yes; in Arkansas.

Mr. STEWART. Well, they were worth about $30—$25 to $30.

Chairman WALSH. And this gentleman furnished you the cow when you came to Lamar?

Mr. STEWART. Yes, sir; he loaned us a cow for a while, and then we bought the cow.

Chairman WALSH. The following summer?

Mr. STEWART. Yes.

Chairman WALSH. What time did you go on that place, what time of year?

Mr. STEWART. It was in January, about the 5th of January.

Chairman WALSH. And how long did you stay on that place?

Mr. STEWART. We stayed there until the next January.

Chairman WALSH. Now, how much cotton did you raise?

Mr. STEWART. Five bales.

Chairman WALSH. How much corn?

Mr. STEWART. We raised about 100 bushels.

Chairman WALSH. When you went on there did you have any agreement with the landlord as to what you were to raise?

Mr. STEWART. Yes.

Chairman WALSH. What did he say about that?

Mr. STEWART. He wanted 5 or 6 acres of corn and the balance in cotton.

Chairman WALSH. What did you think about it?

Mr. STEWART. I thought that was pretty tough, but that is the best I could do.

Chairman WALSH. How did you think it ought to be? How would you have done it if the landlord had left it to yourself?

Mr. STEWART. Half in corn.

Chairman WALSH. Why would you have done that?

Mr. STEWART. I would have thought it would have been better, you know. It is not so much work to it to cultivate corn, and a man can have hogs, you know, and have some meat.

Chairman WALSH. You would have divided it up half and half if it had been left to you?

Mr. STEWART. Yes.

Chairman WALSH. Did you do it exactly the way the landlord directed you to do it or did you have some discussion with him?

Mr. STEWART. I did it just exactly like he said it.

Chairman WALSH. Why didn't you tell him you would rather have half of it in corn, the advantages of it that you might raise meat, and so on?

Mr. STEWART. He was the man, and whenever he told you anything there was no argument to make on it about that place. I had to have the place. We was here—I was here with my family, and if I did not want it the other fellow did, you know.

Chairman WALSH. How long did you say you stayed on that place?
Mr. STEWART. One year.
Chairman WALSH. And you raised 5 bales of cotton?
Mr. STEWART. Yes.
Chairman WALSH. How far were you from Paris; was that your trading point?
Mr. STEWART. Yes; Paris was the trading place.
Chairman WALSH. Was that your trading point?
Mr. STEWART. Yes.
Chairman WALSH. How far were you from there?
Mr. STEWART. We were 7 miles.
Chairman WALSH. And did you have to make an agreement or did you make an agreement with the storekeeper to furnish your supply?
Mr. STEWART. Yes; I gave him a mortgage on my half of the crop that year.
Chairman WALSH. What interest did you pay?
Mr. STEWART. He sold the goods and claimed 10 per cent, like I told you.
Chairman WALSH. You paid 10 per cent on the note?
Mr. STEWART. Sure.
Chairman WALSH. Then how did you find the prices there as compared to how they were in Arkansas?
Mr. STEWART. They was pretty high, a little higher.
Chairman WALSH. Were they a little higher?
Mr. STEWART. Yes.
Chairman WALSH. And did they have a cash price and a credit price?
Mr. STEWART. Yes.
Chairman WALSH. At this point we will take a recess until 2 o'clock. I will ask you to come back again, Mr. Stewart, at 2 o'clock promptly. Please be here at that time.
(At 12.30, Wednesday, March 17, 1915, a recess was taken until 2 o'clock at the same day at the same place.)

AFTER RECESS.

Chairman WALSH. If the house will be in order, we will proceed. Please resume the stand, Mr. Stewart.
When we adjourned, Mr. Stewart, I believe I was just about to ask you to describe your first two years of experience in Texas. How did you come out the first year?
Mr. STEWART. Well, I came out just about even the first year.
Chairman WALSH. Now, then, the next year.
Mr. STEWART. Well, I came out just about even the next year; but I moved, you understand.
Chairman WALSH. Why did you move?
Mr. STEWART. Well, I thought I could better my condition. A fellow had a sandy land place about 3 miles from there. He said if I would go over there and cultivate that, and there was fruit there, and there was good sandy land, and I could raise anything I wanted, and he put some stock there, and I could raise it on halves.
Chairman WALSH. Not the same owner?
Mr. STEWART. No, sir.
Chairman WALSH. A different owner?
Mr. STEWART. Yes, sir.
Chairman WALSH. What year was it you came to Texas?
Mr. STEWART. 1903.
Chairman WALSH. That brings you to 1905; and in 1905 you went where?
Mr. STEWART. I was there with that man—I stayed with him two years. I went with him in 1904 and stayed with him two years.
Chairman WALSH. That took you to 1906?
Mr. STEWART. Yes.
Chairman WALSH. What is his name?
Mr. STEWART. Joe Simon.
Chairman WALSH. What county was that?
Mr. STEWART. Lamar County.
Chairman WALSH. How long did you stay on that place?
Mr. STEWART. Two years.

Chairman WALSH. How many acres were there?

Mr. STEWART. We cultivated about 45 acres.

Chairman WALSH. And when you started in, what did you have, if anything?

Mr. STEWART. I did not have anything but one cow.

Chairman WALSH. And when you started in you didn't have anything but one cow?

Mr. STEWART. No, sir.

Chairman WALSH. Did you go in debt?

Mr. STEWART. Yes; I went in debt.

Chairman WALSH. How did you secure your indebtedness?

Mr. STEWART. He furnished me what I had to have, and I cut cordwood and stove wood.

Chairman WALSH. You did not give mortgages or notes on anything?

Mr. STEWART. No, sir; not any mortgages.

Chairman WALSH. What were your experiences the five years you were with Sisson?

Mr. STEWART. In the two years I made 11 bales of cotton and about 200—no, about 100 bushels of corn—the last year, and raised about 400 bushels the first year.

Chairman WALSH. How did you come out the first year?

Mr. STEWART. I came out about even.

Chairman WALSH. And the second year?

Mr. STEWART. I came out in the hole.

Chairman WALSH. How far behind were you?

Mr. STEWART. I was somewhere near $200 in the hole.

Chairman WALSH. Now, what caused that?

Mr. STEWART. Well, the land was wet. And it did not dry out, you know—we had floods and sickness.

Chairman WALSH. What kind of a house did you have to live in there?

Mr. STEWART. Didn't have much of a house.

Chairman WALSH. Describe it.

Mr. STEWART. It was a two-room house; box house, two 16-foot rooms, and a hall between and to one side a room, and a porch in front.

Chairman WALSH. There were three rooms?

Mr. STEWART. Yes.

Chairman WALSH. How many children did you have then? That brings you down to 1906—do you remember?

Mrs. STEWART. We had five—we had four when we moved there the first year, and the second year when we left we had five children—one girl and four boys.

Chairman WALSH. When you left there, where did you go?

Mr. STEWART. I went 4 miles southwest of Paris.

Chairman WALSH. Same county?

Mr. STEWART. Yes.

Chairman WALSH. What did you rent then?

Mr. STEWART. Rented black land.

Chairman WALSH. How much?

Mr. STEWART. I rented about 35 acres.

Chairman WALSH. You say you came out about $200 in the hole?

Mr. STEWART. Yes.

Chairman WALSH. And you owed the money to Mr. Sisson?

Mr. STEWART. No, sir; I owed some doctor bills and some fellows that went my security for things while I was making the crop on his place.

Chairman WALSH. Did you break even with Mr. Sisson?

Mr. STEWART. I broke even with Mr. Sisson.

Chairman WALSH. And your indebtedness of $200 consisted of what?

Mr. STEWART. Doctor bills, and then for a note at the bank for supplies.

Chairman WALSH. Did you spend any of your money for patent medicines during this time?

Mr. STEWART. No, sir; I didn't spend any money for patent medicines.

Chairman WALSH. All the medical attention you got was through regular physicians?

Mr. STEWART. Yes; through regular physicians.

Chairman WALSH. And they supplied you with medicines or gave you prescriptions?

Mr. STEWART. Yes.

Chairman WALSH. How far was Sisson's place from town?

Mr. STEWART. About 12 miles from Paris.

Chairman WALSH. Who did you trade with at that time; did your wife come to town?

Mr. STEWART. No, sir. Hardly ever.

Chairman WALSH. How frequently was she in town during that time?

Mr. STEWART. Once, I think.

Mrs. STEWART. I went to town twice in that two years.

Chairman WALSH. You bought the clothing for the children?

Mr. STEWART. I did; what was bought, except the times she went.

Chairman WALSH. When you left Simon's place, where did you go?

Mr. STEWART. Four miles southwest of Paris, on Jim Donegan's place.

Chairman WALSH. When was that, in the spring of 1906?

Mr. STEWART. Yes.

Chairman WALSH. How long did you stay on Jim Donegan's place?

Mr. STEWART. One year.

Chairman WALSH. What did you make there?

Mr. STEWART. Five acres of corn and about 50 acres of cotton.

Chairman WALSH. How did you come out that year?

Mr. STEWART. About $200 to the good.

Chairman WALSH. You made about $200?

Mr. STEWART. Yes.

Chairman WALSH. Why didn't you stay there?

Mr. STEWART. Well, he wanted me to—the house was not very good. We got our house burned up and the house was not very good; and it was down among the niggers, and no school nor nothing, and no convenience, and he would not fix anything, and I didn't stay.

Chairman WALSH. Where did you go?

Mr. STEWART. I went to High town.

Chairman WALSH. Where is High town?

Mr. STEWART. Thirteen miles this side of Paris, on the T. P.

Chairman WALSH. In what county; in the same county?

Mr. STEWART. Yes.

Chairman WALSH. What did you do there?

Mr. STEWART. Farmed on M. T. Drummond's place.

Chairman WALSH. How long did you stay on Drummond's place?

Mr. STEWART. Two years.

Chairman WALSH. How much land did you have here on Drummond's place?

Mr. STEWART. One hundred acres.

Chairman WALSH. How many tenants were there on that place?

Mr. STEWART. Just myself.

Chairman WALSH. How much did you have? Did you have the whole hundred acres?

Mr. STEWART. Yes; I had the whole hundred acres.

Chairman WALSH. What did you raise?

Mr. STEWART. Twenty-five acres of corn and 75 acres of cotton.

Chairman WALSH. How many bushels of corn did you get out of it?

Mr. STEWART. I got out of it about 750 bushels.

Chairman WALSH. How much cotton did you raise?

Mr. STEWART. Thirty-four bales.

Chairman WALSH. How much did you get out of it? How did you come out the first year?

Mr. STEWART. We came out just about even.

Chairman WALSH. What was the cause of that?

Mr. STEWART. Well, there was just the high price of everything; and cotton went down low and trade was bad, and the wet fall.

Chairman WALSH. When you started in, did you go in debt again?

Mr. STEWART. Yes.

Chairman WALSH. What were the terms of your indebtedness? How did you get your provisions?

Mr. STEWART. I got the man at High town; I gave him a little mortgage on my cotton and corn.

Chairman WALSH. Who was this man?

Mr. STEWART. D. A. Coleman.

Chairman WALSH. The storekeeper at High?

Mr. STEWART. Yes.

Chairman WALSH. Did you pay interest on the mortgage?

Mr. STEWART. Yes.

Chairman WALSH. How about the price of your provisions?

Mr. STEWART. They came pretty high.

Chairman WALSH. Did they come higher than if you had paid cash for them?

Mr. STEWART. Oh, yes.

Chairman WALSH. What did you do the next year?

Mr. STEWART. Stayed on that same place.

Chairman WALSH. On Drummond's place?

Mr. STEWART. Yes.

Chairman WALSH. What did you raise the next year?

Mr. STEWART. The same thing.

Chairman WALSH. Twenty-five acres of corn and 75 acres of cotton?

Mr. STEWART. Yes.

Chairman WALSH. What price did you get for your cotton? Was it any better the next year?

Mr. STEWART. No, sir; it was not hardly as good.

Chairman WALSH. How did you come out?

Mr. STEWART. I came out about even that year.

Chairman WALSH. To whom did you sell the cotton?

Mr. STEWART. Sir?

Chairman WALSH. To whom did you sell the cotton when you were on Drummond's place?

Mr. STEWART. To MacBeth, at High, and I think a little to a fellow by the name of Bays.

Mr. HOLMAN. Were they merchant or cotton buyers?

Mr. STEWART. Cotton buyers.

Mr. HOLMAN. What kind of cotton was that—middling?

Mr. STEWART. Yes; I suppose it was middling.

Chairman WALSH. Did they grade it for you?

Mr. STEWART. Yes.

Mr. HOLMAN. They told you the grade?

Mr. STEWART. Yes.

Mr. HOLMAN. You do not know much about grading cotton?

Mr. STEWART. No, sir; I don't know much about it.

Chairman WALSH. Did you sell your own cotton all the time you were in Texas?

Mr. STEWART. I did, except the time I was on Donegan's place; he sold the cotton.

Chairman WALSH. After you left Drummond's—you went there in 1907, and that would take you up to 1909; you were there two years, were you?

Mr. STEWART. Yes.

Chairman WALSH. Where did you go from there?

Mr. STEWART. I went to Ed Kimball's place at Brockton, about 3 miles away.

Chairman WALSH. How long did you stay there?

Mr. STEWART. One year.

Chairman WALSH. How many acres did you farm there?

Mr. STEWART. About 25 acres.

Chairman WALSH. Why did you come to leave Drummond's?

Mr. STEWART. This man Kimball had some tools and teams he wanted to sell and move to town, and I bought them and his tools and worked on a third and a fourth.

Chairman WALSH. How much land did you have there?

Mr. STEWART. One hundred and twenty-five acres.

Chairman WALSH. You were on halves with Drummond's?

Mr. STEWART. Yes, sir; on halves with Drummond's.

Chairman WALSH. Then you went with the next man on a third and a fourth?

Mr. STEWART. Yes, sir; I bought his teams and tools.

Chairman WALSH. How long did you stay there?

Mr. STEWART. One year. Then he sold out the place.

Chairman WALSH. How did you do the year you stayed there?

Mr. STEWART. We made 48 bales of cotton and a thousand bushels of corn.

Chairman WALSH. Now, how did you come out in a money way the year you were there?

Mr. STEWART. Well, we broke about even, paying for my teams.

Chairman WALSH. You paid for the teams, did you?

Mr. STEWART. Yes.

Chairman WALSH. When you got through he sold out the place?

Mr. STEWART. Yes.

Chairman WALSH. What did you have in the way of property, then?

Mr. STEWART. I had them mules and plow tools and two wagons I bought from him.

Chairman WALSH. Anything else?

Mr. STEWART. And the corn, you know; I didn't have any money.

Chairman WALSH. About how much corn did you have?

Mr. STEWART. I have—I had about seven or eight hundred bushels when we left there. We figured we raised about a thousand bushels.

Chairman WALSH. What was corn worth then?

Mr. STEWART. Sixty-five cents.

Chairman WALSH. That was the best year you ever had in your farming operations?

Mr. STEWART. Yes.

Chairman WALSH. What was your team worth—what were your teams worth?

Mr. STEWART. I gave him $150 for the outfit.

Chairman WALSH. Was it worth that, do you think?

Mr. STEWART. No, sir; it was not worth that.

Chairman WALSH. What do you think it was worth?

Mr. STEWART. It was worth about $200.

Chairman WALSH. It was worth $600?

Mr. STEWART. Yes.

Chairman WALSH. Then you had $400 worth of corn, and more, didn't you?

Mr. STEWART. Yes.

Chairman WALSH. So that year, why, you made about $1,000?

Mr. STEWART. Yes.

Chairman WALSH. Now, would you have stayed there if he had not sold out?

Mr. STEWART. Yes; I guess I would; he said I could.

Chairman WALSH. Did you have any quarrels with any of these landlords, say, after you came to Texas? Were your personal relations with them friendly when you left them?

Mr. STEWART. Me and the preacher, Sisson, had a little round. That is all.

Chairman WALSH. He is the only one?

Mr. STEWART. Yes.

Chairman WALSH. How long were you on Sisson's place?

Mr. STEWART. Two years.

Chairman WALSH. What was your trouble about?

Mr. STEWART. That was about some land clearing. We cleared the land, and it overflowed and didn't get cultivated, and he didn't want to pay us for clearing it, because it didn't make him anything.

Chairman WALSH. How much was the clearing worth, did you claim?

Mr. STEWART. It was worth $8 an acre, but I did it for $4 an acre.

Chairman WALSH. How many acres?

Mr. STEWART. About 8 acres of it.

Chairman WALSH. How did you settle your controversy?

Mr. STEWART. We just let it go.

Chairman WALSH. He allowed you for it, did he?

Mr. STEWART. No, sir; he didn't allow us for it. And I just left.

Chairman WALSH. You claim that you were not paid for the acreage you cleared at all?

Mr. STEWART. Sure I was not.

Chairman WALSH. Why didn't you insist upon your right? Why didn't you sue him?

Mr. STEWART. I did insist on my rights, but I was a stranger here then, and I didn't have any money or anybody to go my bond, and no friends, and I couldn't do anything.

Chairman WALSH. Did you talk to a lawyer about it?

Mr. STEWART. No, sir; I didn't. I thought I would let it go.

Chairman WALSH. Why didn't you consult a lawyer about it.

Mr. STEWART. Because I didn't have the money.

Chairman WALSH. How long did it take you to do the clearing you claim you were not paid for?

Mr. STEWART. Off and on all winter. We didn't work steady at it all the time, but we put in all the time that we could not plow.

Chairman WALSH. Now, then, after you closed out on this place, where you had the corn, which left you with the corn and teams, where did you go?

Mr. STEWART. I went with Mr. Smiley.

Chairman WALSH. Where is he?

Mr. STEWART. At High.

Chairman WALSH. How long did you stay with Smiley?

Mr. STEWART. We made four crops.

Chairman WALSH. Four years?

Mr. STEWART. Three years on one place, and then we moved on another place, but it was his place, too.

Chairman WALSH. When you began with Smiley, how much land did you take?

Mr. STEWART. One hundred and twenty acres.

Chairman WALSH. You started in with your team?

Mr. STEWART. Yes.

Chairman WALSH. And the corn that you had, what did you do with it?

Mr. STEWART. Sold some of it.

Chairman WALSH. What did you do with the rest of it?

Mr. STEWART. Sir?

Chairman WALSH. Did you have some of it when you started with Smiley?

Mr. STEWART. Yes, sir.

Chairman WALSH. How did you come out the first year at Smiley's?

Mr. STEWART. I didn't come out; I made a good crop. But he had a son-in-law, and the son-in-law had a store, and they had about all of it hooked up.

Chairman WALSH. How many bales of cotton did you raise?

Mr. STEWART. We made 62 that year.

Chairman WALSH. And how many bushels of corn?

Mr. STEWART. We made about seven or eight hundred bushels of corn.

Chairman WALSH. How far were you from High?

Mr. STEWART. About a mile.

Chairman WALSH. You were right close to town?

Mr. STEWART. Yes.

Chairman WALSH. What kind of land did you have?

Mr. STEWART. Black land.

Chairman WALSH. Good farming land?

Mr. STEWART. Yes.

Chairman WALSH. Was good farming land?

Mr. STEWART. Yes, sir.

Chairman WALSH. That is the closest you have been to town, is it not, at any time?

Mr. STEWART. No. When I was on Mr. Drummond's there I was that close.

Chairman WALSH. Only just a mile from town?

Mr. STEWART. Yes.

Chairman WALSH. How were the school facilities there?

Mr. STEWART. There was not any that amounted to anything. It was a mile and a half through the black mud—what little school there was.

Chairman WALSH. Did any of your children go to school there, when you left there?

Mr. STEWART. No, sir.

Chairman WALSH. Why not?

Mr. STEWART. It was just too muddy to go—to send them.

Chairman WALSH. Well, now, how did you come out the first year at Smiley's—I mean financially?

Mr. STEWART. I came out about even.

Chairman WALSH. What was cotton selling at that year?

Mr. STEWART. It was selling from 12 to 15 cents.

Chairman WALSH. Did you have any sickness or anything of that kind that year?

Mr. STEWART. No, sir; not anything to amount to anything.

Chairman WALSH. I wish you would explain what you mean by the store charging it up in accounts.

Mr. STEWART. Well, you see, I traded there. There were two stores there—a fellow by the name of Mr. White ran a store, and Mr. Smiley's son-in-law ran a store, you know, and so I commenced to trade with them. He wanted me to, of course; you know it was his.

Chairman WALSH. Did you give a chattel mortgage there?

Mr. STEWART. No; I never give anything there.

Chairman WALSH. Yes.

Mr. STEWART. And traded on, and they claimed that the boys would come up—the reason it was so high—the boys would come and get it.

Chairman WALSH. Your boys did?

Mr. STEWART. Yes.

Chairman WALSH. Did they?

Mr. STEWART. If they did, we never did know it. We never did know it. They got a few things, but we never did know that they got any of that.

Chairman WALSH. How much was the account at the store, if you remember, that year.

Mr. STEWART. One thousand one hundred dollars.

Chairman WALSH. One thousand one hundred dollars?

Mr. STEWART. For them and at the other store was enough to make up the $1,700.

Chairman WALSH. And you made on the face of your profits a gross profit of $1,700 for this year?

Mr. STEWART. Yes.

Chairman WALSH. Was there any way you kept track of your account in the store yourself?

Mr. STEWART. No; I never kept no track of it. I just thought it was all right, you know.

Chairman WALSH. When did you ascertain the amount of it?

Mr. STEWART. I never ascertained that until I began to pay it off.

Chairman WALSH. Did it consume all you had earned? Did you have any cash or balance left

Mr. STEWART. No, sir; not but very little.

Chairman WALSH. You started in the year following at the same place?

Mr. STEWART. Yes.

Chairman WALSH. I wish you would give a description of the supplies you bought that year.

Mr. STEWART. Well, we bought some meal and flour and some meat and we bought a few canned goods, but we lived there very well; we didn't live nothing to amount to much.

Chairman WALSH. And what was your clothing that year as compared with other years?

Mr. STEWART. We did not dress any better that year than we did other years.

Chairman WALSH. What does it cost you a year for yourself and family for clothing? Have you ever been able to keep enough track of it to tell?

Mr. STEWART. No, sir; I never have.

Chairman WALSH. You could not approximate it?

Mr. STEWART. No, sir; I could not. I could this year. We didn't have any.

Chairman WALSH. Please do not give any audible expression of feeling.

In an ordinary year, how much does your own clothing cost you, do you know?

Mr. STEWART. Why, about—I think one year I kept a sort of track of it and it was about $74.

Chairman WALSH. For your own clothes?

Mr. STEWART. For my own clothes? No.

Chairman WALSH. You mean the whole family?

Mr. STEWART. Yes, sir; the whole family.

Chairman WALSH. I mean just for your own. Did you ever keep track of it in an ordinary year what it does cost for your clothing?

Mr. STEWART. Just myself?

Chairman WALSH. Yes; your own?

Mr. STEWART. Why, I never—I haven't bought but one suit in five years.

Chairman WALSH. Was that a whole suit—coat, pants, and vest?

Mr. STEWART. No, sir; just this coat and pants.

Chairman WALSH. And what does your other clothing consist of—overalls, shirt, and jumper?

Mr. STEWART. Yes.

Chairman WALSH. Do you buy those ready made?

Mr. STEWART. Yes.

Chairman WALSH. How many do you have to buy a year?

Mr. STEWART. Well, three or four pair, maybe.

Chairman WALSH. And what did your suit cost you, that you bought?

Mr. STEWART. Ten dollars.

Chairman WALSH. How much?

Mr. STEWART. Ten dollars.

Chairman WALSH. And how much do these overalls cost you?

Mr. STEWART. They cost a dollar, I think.

Chairman WALSH. A dollar?

Mr. STEWART. Yes.

Chairman WALSH. Now, the second year at Smiley's, how did you come out?

Mr. STEWART. We made, I think it was 87 bales of cotton, and I don't believe we got quite out that year. But I didn't owe so much.

Chairman WALSH. What happened that year that you got 75 bales of cotton, why didn't you have a surplus?

Mr. STEWART. We didn't get quite as much, we—it didn't bring quite as much, you know, as it did the year before.

Chairman WALSH. What was your store account that year?

Mr. STEWART. It was $500 there at Macbeth, and $750 over at the other place.

Chairman WALSH. What did that consist of? That surely did not consist of meal?

Mr. STEWART. No; it was stuff, the boys got some shoes and a few clothes, everyday clothes, you know, and then they would sell them soda pop, and cheese and crackers, all like that.

Chairman WALSH. Did the boys have an account? Did they buy just as they pleased at the store?

Mr. STEWART. They could get anything they pleased. I told him not to let them have it, but it didn't make any difference. They went ahead and just sold it just the same.

Chairman WALSH. After you started in the first year, what did you say to him about selling to the boys?

Mr. STEWART. I told them not to sell them, and they told me they wouldn't.

Chairman WALSH. Was liquor sold in the store?

Mr. STEWART. No, sir.

Chairman WALSH. Tobacco?

Mr. STEWART. Yes, sir.

Chairman WALSH. Did the boys use tobacco?

Mr. STEWART. Yes; they used tobacco.

Chairman WALSH. And you, too?

Mr. STEWART. Yes, sir.

Chairman WALSH. So your store account that year was $1,250?

Mr. STEWART. Yes, sir.

Chairman WALSH. And what security did the store have for the payment of that indebtedness?

Mr. STEWART. They never had any.

Chairman WALSH. Now, then, the third year.

Mr. STEWART. The third year?

Chairman WALSH. Yes. You were there three full years and some over, I believe?

Mr. STEWART. Yes.

Chairman WALSH. How did you come out the third year? How much cotton did you make?

Mr. STEWART. We made 87 bales the third year, but had some water the third year.

Chairman WALSH. You say you made 52 bales one year and 87 bales the next year?

Mr. STEWART. And then 87 bales.

Chairman WALSH. How did you come out that year?

Mr. STEWART. Didn't come out as well as I did these other years. Cotton went down in price. Sold some of it as low as 5 cents, and picking went up, and it was a bad, rainy fall, too, and consequently the more we had the worse we were off.

Chairman WALSH. Now, what was your gross profit that year? I mean, your gross sales of cotton that year; how much did you get for your cotton?

Mr. STEWART. Why, we got 10 cents for some and 11 cents for some, and then sold some of it as low as 6.

Chairman WALSH. What was your store account that year?

Mr. STEWART. It was only about $750, I think, that year.

Chairman WALSH. How did you come out on the whole? Did you have anything coming to you?

Mr. STEWART. No, sir.

Chairman WALSH. Nothing at all?

Mr. STEWART. Not much.
Chairman WALSH. That brings you down to what year now?
Mr. STEWART. Until the last year I live with him.
Chairman WALSH. What year was that; do you remember?
Mr. STEWART. Two years ago.
Chairman WALSH. That would be 1912, or 1911 to 1912. Now, after the third year did you start to make another crop?
Mr. STEWART. Yes, sir.
Chairman WALSH. Did you gather your crop?
Mr. STEWART. Yes, sir; the fourth year we cultivated 90 acres and made 6 bales of cotton.
Chairman WALSH. How did you come to make so little?
Mr. STEWART. It was flat land and the rain and worms ruined it.
Chairman WALSH. How did you come out?
Mr. STEWART. Came out bad that year—about $700 in the hole.
Chairman WALSH. Who was carrying your indebtedness?
Mr. STEWART. Mr. White, at High.
Chairman WALSH. He was your landlord?
Mr. STEWART. No, sir.
Chairman WALSH. He was your storekeeper?
Mr. STEWART. Yes, sir. I did not owe this other outfit anything.
Chairman WALSH. Did Mr. White lose this account?
Mr. STEWART. No, sir.
Chairman WALSH. What became of it?
Mr. STEWART. I secured him with my stock and everything for that amount, and then moved up here to Mulberry bottom.
Chairman WALSH. Then you paid your indebtedness to him?
Mr. STEWART. No; I have not paid him.
Chairman WALSH. What security has he for it now?
Mr. STEWART. He has got the mules and the wagons.
Chairman WALSH. Has he the property or just the lien?
Mr. STEWART. Just a lien.
Chairman WALSH. You still have your wagons, have you?
Mr. STEWART. Yes; and teams.
Chairman WALSH. Now, you say you came to Mulberry bottom then?
Mr. STEWART. Yes, sir.
Chairman WALSH. And you were $100 in debt in the place you left?
Mr. STEWART. Yes, sir.
Chairman WALSH. What did you have when you came to Mulberry bottom?
Mr. STEWART. I had them mules and wagons and three cows.
Chairman WALSH. Whom were you dealing with then?
Mr. STEWART. I bought corn from old man Roach that I rented from and then groceries from Mr. Edgar Price.
Chairman WALSH. How much land did you take there?
Mr. STEWART. We taken 100 acres.
Chairman WALSH. Did you put in a year on that?
Mr. STEWART. Yes, sir.
Chairman WALSH. Did you get a crop off of it?
Mr. STEWART. Yes, sir.
Chairman WALSH. How much cotton did you make?
Mr. STEWART. Made 27 bales.
Chairman WALSH. How did you come out that year?
Mr. STEWART. Came out bad.
Chairman WALSH. Still deeper in debt?
Mr. STEWART. Worse in debt; yes, sir.
Chairman WALSH. How much?
Mr. STEWART. I just made enough—I bought corn from him to feed me and I just paid for the corn and for what picking I had there; that is all I paid.
Chairman WALSH. How much were you out on that year?
Mr. STEWART. Expenses?
Chairman WALSH. Yes.
Mr. STEWART. I was out besides the corn about $600.
Chairman WALSH. Now, how was that indebtedness secured?
Mr. STEWART. The groceries was not secured at all.
Chairman WALSH. You still owe for them?
Mr. STEWART. Yes, sir.
Chairman WALSH. Has the grocery keeper any security?

Mr. STEWART. No, sir.

Chairman WALSH. Or storekeeper?

Mr. STEWART. No, sir; nothing at all.

Chairman WALSH. Has nothing out of which to get that $900 unless you have the ability to pay it and the honesty?

Mr. STEWART. That is all.

Chairman WALSH. Now, down to what date does that bring you?

Mr. STEWART. That brings it down——

Chairman WALSH. To the present time?

Mr. STEWART. Yes, sir.

Chairman WALSH. Where are you located now?

Mr. STEWART. I am at Spears Switch, in Fannin County.

Chairman WALSH. How far is that from here?

Mr. STEWART. It is 108 miles from here to Denison, and we live 18 miles from Denison.

Chairman WALSH. Now, when did you leave the last place you were tenant on?

Mr. STEWART. We left there Monday.

Chairman WALSH. Last Monday?

Mr. STEWART. Yes, sir.

Chairman WALSH. Why did you leave there?

Mr. STEWART. Well, I rented—when I left Mulberry bottom I came up and rented a place from old Mr. Spivey, and I found a sand pit on the farm, and I figured I didn't make any corn last year, and I had to pay $5 in money rent, and I didn't make but two loads of corn, and I figured I could come up there with the team and haul sand and make some crop, too, and get by, and I came up and I couldn't get any business—couldn't get any work to do—and a fellow gave me 43 cords of wood to cut, and I did that, and the sand business all blew up and the old man would not help, and so I went over into Oklahoma and struck a man over there, and he said he had the land and the money and the work.

Chairman WALSH. How did you get over to Oklahoma?

Mr. STEWART. I went over on the train and made the trade, and then I came back and carried one load over there and my family, and got there and he backed out and said he wasn't going to have the work done until in the summer, and he wouldn't furnish anything until the crop was growing.

Chairman WALSH. You took your family over there?

Mr. STEWART. Sure.

Chairman WALSH. How did you take them over?

Mr. STEWART. In the wagon.

Chairman WALSH. How far was it, about?

Mr. STEWART. From Plaiter about 21 miles.

Chairman WALSH. Where did you go then?

Mr. STEWART. I came back to that same place and stayed two weeks and rented a house and then I moved over there.

Chairman WALSH. You are in the house now?

Mr. STEWART. Yes, sir.

Chairman WALSH. About how much cotton have you grown altogether? Have you kept track of it—since you were married?

Mr. STEWART. Not since I was married. I figured it up last night that since I have been in Texas I had made a little over 400 bales.

Chairman WALSH. You have not figured up what you have made during the entire time you have been farming for yourself?

Mr. STEWART. No, sir.

Chairman WALSH. Mr. Noble suggests that I ask you to give your experience in looking for another place after your return from Oklahoma.

Mr. STEWART. I walked about 150 miles hunting one, and I never did find it.

Chairman WALSH. Now, do you think, Mr. Stewart, that you are unusually unfortunate, or that you had a roving tendency—a desire to move from place to place—and that that might have cut a figure in your lack of success?

Mr. STEWART. No, sir. I never did have any roving spirit. I was always wanting to do the best I can and could, you know; and if I would think I could do better I would go to better my condition. And then there were a few other things didn't suit—sometimes the houses would not suit and sometimes there was no pasture, and you would have to haul wood and water; that is the reason I left the black land after three years there. During this I hauled water 5 and 6 miles, and I paid 2 bits a tank; and I hauled wood 9 or 10

miles, and I paid 50 cents for it cut or a quarter if I cut it myself. And then I had the cows, and some fellows don't want you to keep any cows or hogs. One fellow did not want any hogs about where I worked on shares.

Chairman WALSH. In all your experiences have you been permitted to farm in the way you thought was best for yourself—in any of those places?

Mr. STEWART. Yes; I did.

Chairman WALSH. In what place was there where the landlord did not attempt to exercise any supervision over you?

Mr. STEWART. Well, they didn't any of them do that, only they told me what I could plant, you know—that I could only plant so much corn or cotton.

Chairman WALSH. So that there wasn't any place where you went on and rented that you could go and do just what you pleased about raising hogs and so on?

Mr. STEWART. No, sir; not about what you could plant and your stuff and the like of that. They always told you what you could plant and what you could not.

Mr. NOBLE. Ask him if that practice is universal.

Chairman WALSH. I was going to come down to some other questions first. What has your observation been, Mr. Stewart, as to other men engaged in the same calling as you? Now, you have, I suppose, met many other tenants in these places you have been and in the same neighborhood and how have you found them, generally speaking, as to staying in one place. Do they stay in one place for any length of time usually?

Mr. STEWART. Not long.

Chairman WALSH. There was a gentleman here this morning who rents a place to a number of tenants, and he had a case of one tenant that made something like—cleared something like $1,500 per year and had been a tenant for 20 years; and another one that had been a tenant for 10 years and he had cleared something like $1,000 or $1,500 approximately right along. Do you meet with many tenants of that kind as you go along?

Mr. STEWART. No, sir; I sure do not.

Chairman WALSH. Now, what has been your experience? Have you talked with tenants and met other tenants?

Mr. STEWART. Yes, sir; I have.

Chairman WALSH. And what has their experience been, so far as you have observed?

Mr. STEWART. Just about like my experience. If you get to making a little money, you have to move.

Chairman WALSH. Why do you have to move if you get to making a little money? I should think the landlord would want you to stay?

Mr. STEWART. I know; but some of them, if they don't get it all, they want you to go further.

Chairman WALSH. Mr. Noble, what was that question you asked me to ask him?

Mr. NOBLE. You have asked it.

Chairman WALSH. Oh; I have covered it.

Mr. NOBLE. Yes.

Mr. STEWART. Well, then, what I wanted to say——

Chairman WALSH. I was going to say, you know what we are doing here. We are trying to inquire into the conditions at this particular time of tenant farming in your neighborhood and in the neighborhoods in which you have lived; and the Government is trying to ascertain just what the conditions are so that perhaps some laws can be suggested and some line of conduct by which if things are not equitable they may be made as nearly so as possible, if it can be done; but at least it is desirable to have a first-hand knowledge of the conditions. Now, in view of that, if there is anything you would like to say, Mr. Stewart, that you have not stated, or anything that you wish to volunteer, or any statement you would like to make, you may do so.

Mr. STEWART. I would like to tell you about a piece; I was a tenant on one place, and a fellow had some Bermuda grass and Johnson grass on the place, and he came to me and he says: "If you will take that piece and kill that grass and fix them ditches, you can have it as long as you want to." And I went up there, and I killed that grass, and I took my team and filled up the ditches and got it in nice shape, and then he came around and says: "I want to work this myself, and you can go over to this other piece of mine, and I have got some Bermuda grass and Johnson grass on it, and you can clean that up, and you can have that." So I took that.

Chairman WALSH. Why did you do that? Why didn't you recall the contract you had made at first?

Mr. STEWART. That would not have done me any good. He would have put me off, anyhow.

Chairman WALSH. Did you undertake to do it?

Mr. STEWART. No; I did not. I told him I would rather stay there, but he told me he couldn't let me have that.

Chairman WALSH. Was that in Texas or in Arkansas?

Mr. STEWART. In Texas.

Chairman WALSH. What place was that?

Mr. STEWART. That was on Mr. Smiley's place.

Chairman WALSH. I would like, if I can, to ascertain now what social advantages you had. Did you meet your neighbors any place?

Mr. STEWART. No, sir.

Chairman WALSH. Any sort of gathering?

Mr. STEWART. No, sir.

Chairman WALSH. I notice you have a pin on you, an emblem of an organization or lodge. What lodges do you belong to?

Mr. STEWART. Odd Fellows and Woodmen.

Chairman WALSH. Where did you join the Odd Fellows?

Mr. STEWART. There at High.

Chairman WALSH. Keep your dues paid?

Mr. STEWART. I did until—I am behind a little now.

Chairman WALSH. But you are still a member of the organization?

Mr. STEWART. Sure; yes.

Chairman WALSH. How about the Woodmen?

Mr. STEWART. We are still in that; but the Woodmen lodge where I belonged is blowed up. All the renters—they got to working there with negro labor, and all the renters there were Odd Fellows, nearly, and they had to disband the lodge or take some negroes in, and they just moved it——

Chairman WALSH. You have held on to both organizations, however, have you?

Mr. STEWART. Yes.

Chairman WALSH. And paid your dues in them?

Mr. STEWART. Yes, sir.

Chairman WALSH. Now, have you been a voter as you have gone around to these places?

Mr. STEWART. Never voted but three times in my life.

Chairman WALSH. Have you understood anything about the Government—that it is a democracy, and that it depends upon your consent and the consent of men like you——

Mr. STEWART (interrupting). Sure; yes, sir.

Chairman WALSH. Well, why didn't you exercise your franchise?

Mr. STEWART. Well, it did not look like it done any good. It seemed like it went their way, anyhow.

Chairman WALSH. When were the three times you voted?

Mr. STEWART. Voted once in the primary in Texas and the other two times was in Arkansas.

Chairman WALSH. I believe there is a poll tax in this State.

Mr. STEWART. Yes, sir.

Chairman WALSH. Did you ever pay your poll tax?

Mr. STEWART. Yes, sir; I paid them.

Chairman WALSH. All the time?

Mr. STEWART. I paid them up until this year. I haven't paid them now; didn't have the money.

Chairman WALSH. But during these years you have been in Texas, except this year, you have paid your tax?

Mr. STEWART. Yes, sir; I paid the poll tax.

Chairman WALSH. What is your idea, Mr. Stewart, about the probability of your obtaining justice? Now, I understand—I may be mistaken, but I understand that the laws are open to poor people. You understood that, didn't you, that if you sold you could not give bonds—if a person has no money to give bond and is without means, can't he sue as a poor person?

Mr. STEWART. Yes; he can by taking the pauper's oath.

Chairman WALSH. The pauper's oath, and then sue for nothing. Now, take the one particular case you have mentioned, without going into the merits of it; well, take the two cases you have mentioned, the one where you did the

clearing for the gentleman you say did not pay you at all and the other, where you made a contract to burn out the Johnson grass, as you call it——

Mr. STEWART. Bermuda and Johnson; yes, sir.

Chairman WALSH. Now, why didn't you just go into the courts and take the pauper oath, which just simply means that you did not have the means to pay the costs and had no friend who could go on your bond? Why didn't you just go into court and take that pauper oath and establish your claim and make them pay you?

Mr. STEWART. I did not feel like I would gain it if I did; that I was a poor man and the other fellow had the money.

Chairman WALSH. Was it your idea that you simply could not carry it on because you could not live and stay in a place if you took that course, or that the court would not give you justice on account of your being a poor man?

Mr. STEWART. I did not think they would; and then you couldn't stay on a place, you know.

Chairman WALSH. Had you any reason for believing, for instance, that the judge would not declare the law right, and the jury, if you had a jury, would not give you justice?

Mr. STEWART. It seemed that was the way it was going.

Chairman WALSH. How did you get that idea?

Mr. STEWART. By being in them courts down in Paris.

Chairman WALSH. Was you ever in court as a litigant?

Mr. STEWART. No, sir.

Chairman WALSH. Well, did you get that point of view from what you observed yourself or from talking among others?

Mr. STEWART. What I observed and then talking, too.

Chairman WALSH. You had a notion in the first place, or a belief in the first place, that you could not get justice even if you would go into court?

Mr. STEWART. Sure.

Chairman WALSH. You say "sure." You mean that was your belief or that you are sure——

Mr. STEWART. I believed that; that I could not.

Chairman WALSH. You believed that you could not?

Mr. STEWART. Yes, sir.

Mr. NOBLE. I would like to make a statement and have you bring the fact out that when I asked this gentleman to come down here, he had fears that if he did come to testify he would not be allowed or could not rent no land in the country, and I would like to have that made plain, that he came at the request of the Government and not voluntarily.

Chairman WALSH. Yes. You were subpœnaed to come. You understand you were subpœnaed to come here by the Government?

Mr. STEWART. Yes.

Chairman WALSH. You understand that?

Mr. STEWART. Yes.

Chairman WALSH. That you are not voluntarily here; that a subpœna was served upon you and you were required to come here and tell your story and all. You understood that, did you?

Mr. STEWART. Yes, sir.

Chairman WALSH. Now, I interrupted you. Now, if you have any suggestions that you would like to make here to go into the record, I wish you would make them, Mr. Stewart, as to how you think you ought to be dealt with by the landlords; how you think, from your standpoint—we will say, first, what you think from your standpoint the contract ought to be between yourself and the landlord. You are going right on renting now, we will suppose, and how you think the contract ought to be made.

Mr. STEWART. About renting?

Chairman WALSH. Yes, sir.

Mr. STEWART. Why, I think the third and fourth ought to be——

Chairman WALSH (interrupting). And you think if you could ordinarily get land of a fair character, that that would be a just proportion?

Mr. STEWART. Yes, sir; I think it would.

Chairman WALSH. And that you could make a living out of it?

Mr. STEWART. Sure.

Chairman WALSH. Now, have you any other suggestions that the landlord ought to furnish you more or furnish you less or any improvement that you might make yourself?

Mr. STEWART. Yes; they ought to do more to improve and fix up better.

Chairman WALSH. You mean fix up the houses you live in?

Mr. STEWART. Yes; and the barns and things. People that rent don't have any conveniences at all, the majority of them don't have anything; just live out of doors.

Chairman WALSH. Do you think the manner in which you lived had anything to do with the condition of your health and that of your family?

Mr. STEWART. Yes; in them little houses and no screens——

Chairman WALSH. How is that?

Mr. STEWART. I say in them houses without any screens; and some of them we lived in there were no screens over the windows or shutters, and the flies and mosquitoes and everything, it is bound to be a detriment.

Chairman WALSH. Now, you say there was no precaution in the way of screens or anything, and insects would get into the house?

Mr. STEWART. Yes, sir.

Chairman WALSH. And the flies would accumulate in large numbers?

Mr. STEWART. Yes, sir.

Chairman WALSH. And get into the food you were eating, and so forth?

Mr. STEWART. Yes, sir.

Chairman WALSH. What were the toilet arrangements? Where were the water-closets located in connection with these houses that you have been in?

Mr. STEWART. Some of them had toilet arrangements and some of them did not. They were off right smart ways from the house.

Chairman WALSH. Some of them had been built off from the house?

Mr. STEWART. Yes.

Chairman WALSH. Covered, with an inclosure?

Mr. STEWART. Yes, sir.

Chairman WALSH. Now, is there anything else you would like to say yourself, Mr. Stewart? Did you know, for instance, that at the last election there was some law proposed that affected you one way or the other as tenant?

Mr. STEWART. At the last election?

Chairman WALSH. Yes; in Texas? Did you understand there was any proposition for a new law governing tenancy?

Mr. STEWART. Yes; I understood that Ferguson was going to have a law regulating this rent proposition.

Chairman WALSH. Well, did you vote at that election?

Mr. STEWART. No; I did not vote.

Chairman WALSH. Well, were you situated in a place where you had the right to vote?

Mr. STEWART. Yes; I had the right to vote.

Chairman WALSH. Why didn't you go and vote if there was an election?

Mr. STEWART. I was sick that day.

Chairman WALSH. That was on account of your illness, wasn't it?

Mr. STEWART. Yes, sir.

Chairman WALSH. If you had not been sick, would you have voted one way or the other?

Mr. STEWART. Yes; I guess I would.

Chairman WALSH. You guess you would? Would you or not?

Mr. STEWART. Yes.

Mr. NOBLE. Ask him if he knows of intimidation if their politics didn't suit the landlord.

Chairman WALSH. Have you at any time in any place which you have been found that there was any effort to influence you in any way by your landlord, either in general elections or school elections?

Mr. STEWART. No; I do not know. I have heard lots of them say they would not rent to a man if he would vote the Socialist ticket; that he had to do so and so or he couldn't rent the land if he voted the Socialist ticket; they wouldn't let him have it—or something like that.

Chairman WALSH. Without stating your preference, which is none of our business here, have you been a man that has had some fixed opinion as to party affiliations? Do you have a leaning toward some political party?

Mr. STEWART. Me?

Chairman WALSH. Yes.

Mr. STEWART. Not particularly.

Chairman WALSH. Have you ever studied what is said to be the principles of either one of the old parties?

Mr. STEWART. Yes; I have studied that some.

Chairman WALSH. And have you studied the principles of the new ones?

Mr. STEWART. Yes, sir; some.

Chairman WALSH. The Socialist Party, or any of the third parties that have come up from time to time?

Mr. STEWART. Yes, sir.

Chairman WALSH. Where did you secure your information?

Mr. STEWART. Well, I have read in these papers—the Appeal to Reason, I have read that, and the Buzz Saw, and I have read these others, the Fort Worth Record, you know, the Dallas News. I have read them all.

Chairman WALSH. The daily papers?

Mr. STEWART. Yes, sir. Daily and weekly, too.

Chairman WALSH. Did you ever try to develop yourself as a farmer to undertake to improve your methods, etc.

Mr. STEWART. Yes, sir.

Chairman WALSH. I believe you stated in one part of your testimony that since you came to Texas you were in one neighborhood where some direction was given by the State, or by the university, or what was that?

Mr. STEWART. That was Mr. Guy Bane. He was the agricultural agent down there.

Chairman WALSH. From where was he?

Mr. STEWART. He was from Lamar County. He lives at Paris.

Chairman WALSH. What were his activities?

Mr. STEWART. Sir?

Chairman WALSH. What did he do?

Mr. STEWART. He came around, you know, and sent literature how to plant, how to cultivate, you know, and to diversify, and all those things.

Chairman WALSH. Did you read that literature?

Mr. STEWART. Yes, sir.

Chairman WALSH. Were you ever in any place where a prize was given for improved methods of farming?

Mr. STEWART. Yes, sir; they give them down there.

Chairman WALSH. Do they? Did you ever enter into it?

Mr. STEWART. I entered into it, but I didn't hold out. They sent me—the Industrial Congress sent me a letter of recommendation, and also an emblem to wear.

Chairman WALSH. For what?

Mr. STEWART. For being a good farmer.

Chairman WALSH. Did you follow their methods?

Mr. STEWART. Yes. Followed them the best that I could, owing to the season, you know. Of course, I did not sometimes, when it would say to plow, and I could not; it had rained and I could not do it.

Chairman WALSH. Have you ever had any litigation with anyone in any court, yourself?

Mr. STEWART. No, sir.

Chairman WALSH. During all these years?

Mr. STEWART. No, sir; never had.

Chairman WALSH. Were you ever in court at all?

Mr. STEWART. No, sir.

Chairman WALSH. As a defendant or prosecutor in any case?

Mr. STEWART. No, sir.

Chairman WALSH. As far as the State was concerned, you have not been in the courts one way or the other?

Mr. STEWART. No, sir.

Chairman WALSH. You have never been accused of violating the law in any way?

Mr. STEWART. No, sir.

Chairman WALSH. Never sued, and you never sued anybody?

Mr. STEWART. No, sir. Well, I would say about this other that——

Mr. NOBLE. Tell him about that.

Mr. STEWART. I forgot that. They spoke too quick. I had some; my boy down at Paris, before we left there, he bought a buggy, an old buggy, my oldest son; and so I bought a sulky plow, and I moved off up here, and a fellow he came up then—the collector, you know.

Chairman WALSH. Yes.

Mr. STEWART. So he wanted—he said they did not have any lien or anything either way—and he wanted me to give him a lien on something; so he insisted,

said he didn't have it on anything except the old sulky plow. So I turned in and gave—he had always treated me nice, favored me in every way they could—so I turned in and I gave them a lien. I had five hogs and a cultivator and machine and that old sulky plow and a harrow, and I give them a lien on that for that money. And so it went on. This fall the Roach man, the man I lived with, he taken all my cotton for what I owed him, and the corn and everything, and I didn't have it, and my wife sat down and wrote this fellow a letter and told him; she says: "We can't pay any of that this fall at all." She says: "If you will take this stuff and sell it for us, or help us to sell it, I will bring it down in the wagon right to your door." They wrote me a letter back—that was when it was due—they wrote me back a letter that they didn't want the stuff, to get them up $75 and they would carry it over another year. It was $148. So I didn't write them; I couldn't—didn't have a cent; I never had a cent. Roach taken my cotton. I never even sold a bale last year out of that 27. So they waited until we got the hogs fat, fed what corn we had up to the hogs, killed them, cold weather came on, and we killed them about Christmas, and this was due the 1st of October. Well, we moved up there, and on New Year's Day, why, they came up and then attached the cultivator, you know, and the tools and taken them with them.

Chairman WALSH. How much meat was there?

Mr. STEWART. There was about 300 pounds.

Chairman WALSH. Was the meat sold?

Mr. STEWART. Sir?

Chairman WALSH. Was the meat sold?

Mr. STEWART. No, sir. It is advertised for sale now. That was the first; they never did advertise for anything until the other day they came up there and wanted me to turn the stuff over to them, and I told them I would not turn the stuff over to them, that I had offered to turn it once and they didn't want it, and I told them to just go right ahead and sell it for whatever the law directs.

Chairman WALSH. That is offered for sale now?

Mr. STEWART. Yes.

Chairman WALSH. What did you say the meat is worth at the present time?

Mr. STEWART. It was worth—they sell it down there for about 15 cents. About 300 pounds of it.

Chairman WALSH. Did they leave any meat for the use of your family?

Mr. STEWART. No, sir; never left anything.

Mrs. STEWART. They left us three messes.

Chairman WALSH. They left you enough for three meals?

Mr. STEWART. Yes, sir.

Mrs. STEWART. Three meals, yes, sir; that is what they left.

Mr. STEWART. The other day when they came back they gave us a small neb; when they came back and advertised the stuff, you know. They gave us a small neb.

Chairman WALSH. How much do you owe altogether at this time?

Mr. STEWART. I do not know just exactly how much I owe, but I owe seven or eight hundred dollars.

Chairman WALSH. You may be excused for the present.

Mr. STEWART. Two years we did work for nothing; that it would have been better if we did not do anything.

Chairman WALSH. This last two years?

Mr. STEWART. Yes.

Chairman WALSH. You will be excused, Mr. Stewart, for the present. We are very much obliged to you for coming.

Mrs. Stewart, please take the stand.

TESTIMONY OF MRS. BEULAH STEWART.

Commissioner HARRIMAN. Please give your name.

Mrs. STEWART. Mrs. Beulah Stewart.

Commissioner HARRIMAN. Where were you born?

Mrs. STEWART. I was born in Faulkner County, Ark.

Commissioner HARRIMAN. Was your father a farmer?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. Did you go to school?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What age did you leave school?

Mrs. STEWART. I was 15 years old when I was married, and then is when I left school.

Commissioner HARRIMAN. You left school when you were 15 years old?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did your father own or rent his farm?

Mrs. STEWART. He was a landowner.

Commissioner HARRIMAN. How much land did he own?

Mrs. STEWART. I don't know how much land he owned at the time I was married, but he was accounted the largest farmer there was in Faulkner County when I was married.

Commissioner HARRIMAN. Well, when you started to housekeeping, what did you have?

Mrs. STEWART. Why——

Commissioner HARRIMAN (interrupting). Did you start with any money at all?

Mrs. STEWART. No.

Commissioner HARRIMAN. Did your father give you anything?

Mrs. STEWART. He gave us our bedding and bedclothes, and we had plenty of clothing for myself, and a cow and a calf when we first went to housekeeping.

Commissioner HARRIMAN. And that is all you had to begin with?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did you have any furniture?

Mrs. STEWART. No.

Commissioner HARRIMAN. How did you get your furniture?

Mrs. STEWART. We got it on credit.

Commissioner HARRIMAN. And a stove, too?

Mrs. STEWART. Yes; ma'am.

Commissioner HARRIMAN. How many houses have you lived in altogether since you have been married? Have you kept count of it?

Mrs. STEWART. No.

Commissioner HARRIMAN. Haven't you any idea at all?

Mrs. STEWART. No.

Commissioner HARRIMAN. About 20, do you suppose?

Mrs. STEWART. Yes; I guess so.

Commissioner HARRIMAN. Have you ever lived in a one-room house since you have had the children?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What is the largest number of rooms you have had in a house, since you were married?

Mrs. STEWART. Seven rooms.

Commissioner HARRIMAN. Well, now, have you helped with the work on the farm?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. Can you describe the work you did?

Mrs. STEWART. I made a hand every year while we was in Arkansas, but one. And I was sick all that year, and did not work any.

Commissioner HARRIMAN. Did you work before the children were born, while you were carrying them?

Mrs. STEWART. Up until how long before they were born? Well, up until three or four months before they were born.

Commissioner HARRIMAN. What do you think is the effect on a women's health, dragging cotton sacks?

Mrs. Stewart. I never did that. I could not stand to stoop.

Commissioner HARRIMAN. Do you think it is bad for a woman to do that?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What did you do; please describe your work?

Mrs. STEWART. I chopped cotton.

Commissioner HARRIMAN. Chopped cotton?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What else?

Mrs. STEWART. And dropped corn and sowed cotton seed with my hand in Arkansas, and that is all the farm work.

Commissioner HARRIMAN. And then you did the housework also?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. How many hours were you at work in the field, and how long did you put in at your housework?

Mrs. STEWART. During the spring of the year, when we was making the cotton by ourselves, we would try to get out as soon as we could see how to go. We would leave everything until noon and straighten up when I came in.

Commissioner HARRIMAN. About your meals, how many meals did you have a day?

Mrs. STEWART. Generally three meals.

Commissioner HARRIMAN. What did you eat at your meals, and when did you have them? Did you have your breakfast before you went out?

Mrs. STEWART. Yes, ma'am; we ate at 4 o'clock.

Commissioner HARRIMAN. What did you generally have for breakfast?

Mrs. STEWART. Sometimes sirup and biscuits and meat.

Commissioner HARRIMAN. Sorghum?

Mrs. STEWART. Yes; and meat and bread—corn bread—and sometimes potatoes.

Commissioner HARRIMAN. You made the corn bread, of course?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What time did you have your dinner?

Mrs. STEWART. We had dinner at 12 o'clock; I would quit at 11 o'clock and go home and cook dinner.

Commissioner HARRIMAN. You would go home to cook dinner, would you?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What did you have for dinner?

Mrs. STEWART. If we had any vegetables I would have them vegetables, if I had time to cook them. I could not cook vegetables every day when I was working in the field, but I did once in a while when I was working in the field.

Commissioner HARRIMAN. Did you have any chickens?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. Did you raise chickens?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What other kind of meat did you have—hogs?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What meat did you have, mostly chicken?

Mrs. STEWART. Yes, ma'm; and what we bought; we generally bought our meat.

Commissioner HARRIMAN. What kind of meat did you buy?

Mrs. STEWART. Salt pork—"dry pork" they call it.

Commissioner HARRIMAN. Did you keep cows most of the time?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. You kept a cow?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. Who did the milking of the cow?

Mrs. STEWART. I did.

Commissioner HARRIMAN. Then you did what cooking there was done, and you milked the cow, and you worked in the field?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did you do the washing?

Mrs. STEWART. I would take a day out once a week and do the washing.

Commissioner HARRIMAN. You said you did not do any cotton picking?

Mrs. STEWART. No. Well, the last fall we was out there in Arkansas we wanted to get our cotton out with just as little expense as possible, and I picked them; I never averaged over 200 pounds a day, with my housework.

Commissioner HARRIMAN. From your observation, would you think that women ought to drag cotton sacks in the field?

Mrs. STEWART. Certainly not.

Commissioner HARRIMAN. Don't a great many people drag cotton sacks in the field?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. They do?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. You have seen them yourself?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. You think it hurts their health, do you?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. That it hurts them physically?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did you have a garden patch? Did you usually have a garden patch at the places you lived?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. And raised your own vegetables?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What vegetables did you raise?

Mrs. STEWART. We generally had onions and beets, and English peas, beans, and Irish potatoes, and cucumbers.

Commissioner HARRIMAN. Did you usually have a well near your house, or did you have to go far to get water?

Mrs. STEWART. As a general rule we had a well, but I have carried water myself half a mile.

Commissioner HARRIMAN. You have carried water yourself half a mile?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Could you describe a house to us, about the conditions of the house, when you would move into a place? Did you have to take your furniture with you—what furniture you had—or did you find something there, and was the house clean?

Mrs. STEWART. Some of them were tolerably decent and some were not.

Commissioner HARRIMAN. Could you describe a house to us? Take the one you moved into, the one before the last. How many rooms did that have?

Mrs. STEWART. Three rooms—the one we are in now.

Commissioner HARRIMAN. Were they painted?

Mrs. STEWART. They were painted overhead and the doors; they are comfortable.

Commissioner HARRIMAN. What furniture did you have for that house? How did you use those rooms? Did you have a kitchen?

Mrs. STEWART. Yes; and two bedrooms.

Commissioner HARRIMAN. Eat in the kitchen?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did you have a range or stove?

Mrs. STEWART. A cook stove.

Commissioner HARRIMAN. What furniture did you have in those rooms?

Mrs. STEWART. I have four bedsteads, and a dresser, and a washstand, and a wardrobe, and kitchen cabinet, and a trunk.

Commissioner HARRIMAN. How many of you live in those three rooms—you and your husband and eight children?

Mrs. STEWART. Seven children only; one has left, and lives away from home.

Commissioner HARRIMAN. How did you divide up in the house?

Mrs. STEWART. I had two beds in each room; they were big rooms, and I divided the other furniture just as I could get it in.

Commissioner HARRIMAN. Did you have any sewing machine?

Mrs. STEWART. Yes, ma'am; up until it was taken away from me.

Commissioner HARRIMAN. Did you make the children's clothes?

Mrs. STEWART. Yes, ma'am, and sew for myself.

Commissioner HARRIMAN. When did you do your sewing, if you were working in the field and doing all that other work?

Mrs. STEWART. When we lived at High I was not able to work in the field, and I could make more with the machine than I could in the field. If I sewed some at night—I have cleared as high as $2 a day sewing.

Commissioner HARRIMAN. Do I understand you to say that you did this work—sewing—for outsiders?

Mrs. STEWART. Yes, ma'am; I sewed for outsiders and made as high as $2 a day.

Commissioner HARRIMAN. How many hours a day did you have to work to make $2?

Mrs. STEWART. I would have to start in early and sew into the night.

Commissioner HARRIMAN. And while you were doing that you were cooking for the family also?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. And looking after the children?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. How about your clothes. Your husband says he bought your clothes for you when you got anything in town at the different places. How did he manage to get something to fit you?

Mrs. STEWART. He would buy the stuff, and I would make them. He never bought me anything ready-made. I never have got a dress ready-made for myself in my life since I have been a married woman.

Commissioner HARRIMAN. He bought you the stuff, and you made it up?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. How about the children—did you make their clothes, too?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. You did?

Mrs. STEWART. I used to make all the clothes he wore and my own, too, and for the children when we lived in Arkansas.

Commissioner HARRIMAN. How about the sunbonnets?

Mrs. STEWART. I make them myself.

Commissioner HARRIMAN. Did you ever go to a milliner's or buy any trimmed hats, ready-made?

Mrs. STEWART. I believe I bought three.

Commissioner HARRIMAN. That is since you have been married.

Mrs. STEWART. Yes; I ordered one from Montgomery Wards. I sent them a money order for it.

Commissioner HARRIMAN. Now, tell us something; you went to school until you were 15 years old, and, of course, you are pretty well educated?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Did you have time to do any reading?

Mrs. STEWART. Not down there.

Commissioner HARRIMAN. Did you have anything in the house to read if you wanted to?

Mrs. STEWART. No.

Commissioner HARRIMAN. You took some papers; your husband spoke about them.

Mrs. STEWART. Yes, ma'am. He takes newspapers, and I sometimes read novels when I have spare time.

Commissioner HARRIMAN. You do? How do you get your novels?

Mrs. STEWART. I subscribe for them or story papers.

Commissioner HARRIMAN. Where do you subscribe for them?

Mrs. STEWART. I don't believe I can give that name.

Commissioner HARRIMAN. Some place in town, near by?

Mrs. STEWART. I never go to town to buy papers; I order them by mail.

Commissioner HARRIMAN. The novels are in the papers.

Mrs. STEWART. Yes.

Commissioner HARRIMAN. In magazines.

Mrs. STEWART. Yes.

Commissioner HARRIMAN. Do you take any farm papers?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What farm papers do you take?

Mrs. STEWART. He taken the Farm and Ranch.

Mr. HOLMAN. Do you take any semiweekly papers?

Mrs. STEWART. He taken the Dallas News.

Mr. HOLMAN. Any others? Do you take your local county paper?

Mrs. STEWART. I think he did take the Fort Worth Record.

Commissioner HARRIMAN. How about shoes—did the children have shoes?

Mrs. STEWART. Up to this winter and last; yes.

Commissioner HARRIMAN. How often did you buy new shoes?

Mrs. STEWART. I hardly ever bought them over a pair through the winter.

Commissioner HARRIMAN. A pair apiece?

Mrs. STEWART. Yes, ma'am; through the winter; and I buy them slippers for summer.

Commissioner HARRIMAN. In summer they wear slippers.

Mrs. STEWART. Yes.

Commissioner HARRIMAN. You mean sandals, or regular slippers?

Mrs. STEWART. No; regular slippers.

Commissioner HARRIMAN. Have you any shoes at all for the children now?

Mrs. STEWART. No, ma'am.

Mr. HOLMAN. Mrs. Stewart, it has been asked if you remember about how long you took the Farm and Ranch; did you take it for a year, or on trial, or what?

Mrs. STEWART. I just don't remember, but it seems to me he taken it a part of three years.

Mr. HOLMAN. Was he one of the life-contract people? Do you remember whether he got a certificate or not, so that he could take it on a life contract at $1 a year?

Mrs. STEWART. I forget how it was now, but at that time he didn't have no money to pay for it, and I don't think he taken it.

Mr. STEWART. I didn't continue it on the life contract.

Mr. HOLMAN. Did you take it as much as three years?

Mr. STEWART. I think I did.

Commissioner HARRIMAN. Now, Mrs. Stewart, these clothes that the children have on, are those their best clothes?

Mrs. STEWART. Yes, ma'am; and I have on the best I have.

Commissioner HARRIMAN. And you made them yourself?

Mrs. STEWART. Yes, ma'am. This dress this little girl has on [indicating] and the other little girl here [indicating] was given to them a short time ago. They had some as good as these, but these were already done up when they were given to them. Their clothes were summer clothes.

Commissioner HARRIMAN. Now, Mrs. Stewart, is there anything you would like to tell us about the condition, about the life, of a woman on a farm, and how you think things might have been made better; what remedies you think there are that you could suggest to change things?

Mrs. STEWART. Well, a woman, if stout, ought to be able to keep her house and do her sewing; but if she is not stout, and she has a family like I have got, it is more than she can stand. It is more than I can stand. I know it is more than I could stand if I was able to hire it done.

Commissioner HARRIMAN. You have to work so hard and do your washing?

Mrs. STEWART. Yes; I can hardly hold out to do the housework, let alone the washing.

Commissioner HARRIMAN. Did you have a doctor to look after you when your babies were born?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. With all of them?

Mrs. STEWART. Not every one. I had my grandmother with two of them, and the rest I had a doctor. My husband would not have anyone but a physician. I always had a good physician.

Commissioner HARRIMAN. How long did you rest after the babies were born?

Mrs. STEWART. If I could possibly do it I never was in bed over nine days.

Commissioner HARRIMAN. But you usually did have—stayed in bed nine days?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. What about—did you spend much money on patent medicines?

Mrs. STEWART. No, ma'am; not a great deal.

Commissioner HARRIMAN. How about the children? Did you spend anything on soothing sirup or medicines of that kind?

Mrs. STEWART. Not much; I have some, but not a great deal. The most patent medicine I ever bought was this Dr. Miles's nervine; I used to keep that all the time.

Commissioner HARRIMAN. Did you have a nervous breakdown yourself?

Mrs. STEWART. Yes, ma'am.

Commissioner HARRIMAN. What from—from overwork?

Mrs. STEWART. Yes, ma'am; and the strain.

Commissioner HARRIMAN. And the worry. Did you worry much?

Mrs. STEWART. Yes, ma'am; and I had children real young, and that is the cause of it.

Commissioner HARRIMAN. Do you worry much about what is going to happen in the future?

Mrs. STEWART. No, ma'am; I don't think it does any good.

Commissioner HARRIMAN. It doesn't do any good. That is good philosophy.

Mrs. STEWART. I do the best I can whatever comes. I was told to not take any more in the head than I could kick out at the heels.

Commissioner HARRIMAN. Have you always had plenty to eat?

Mrs. STEWART. No, ma'am. We have had nice things since January, but we didn't have before that, often, bread in the house.

Commissioner HARRIMAN. That is all. Thank you very much.

Do you know of other women in the neighborhood where you live that are in the same condition that you are in? I mean that have had to do as much work?

Mrs. STEWART. Yes.

Commissioner HARRIMAN. That are in about the condition that you are in. Do you say you do know a number?

Mrs. STEWART. Yes, ma'am; I know of several.

Commissioner HARRIMAN. That is all.

Chairman WALSH. That is all; you will be excused for the present. Prof. Leonard.

TESTIMONY OF PROF. WILLIAM E. LEONARD.

Chairman WALSH. What is your name?

Prof. LEONARD. William E. Leonard.

Chairman WALSH. What is your business or profession?

Prof. LEONARD. I am an instructor in the University of Texas.

Chairman WALSH. How long have you occupied that position?

Prof. LEONARD. This is my third year.

Chairman WALSH. Are you a graduate of any school, any university, or college, Doctor?

Prof. LEONARD. I am a graduate of Iowa College.

Chairman WALSH. Of what college?

Prof. LEONARD. Iowa College and the University of Wisconsin.

Chairman WALSH. How long have you been a teacher or professor?

Prof. LEONARD. About 15 years, I think.

Chairman WALSH. And what were your engagements before you became connected with the University of Texas?

Prof. LEONARD. I was teaching in a small college in Omaha, Nebr.

Chairman WALSH. You have followed the teaching profession for, you say, 15 years?

Prof. LEONARD. About 15.

Chairman WALSH. I wish you would give us concisely as possible, without any further questions, what your activities have been as a teacher?

Prof. LEONARD. I taught in the country schools for about 5 years—from the time I was about 17 years of age until I was something over 20. After that I took my college course, and since then I have been teaching in either academies, colleges, or universities.

Chairman WALSH. What is your position at the State University?

Prof. LEONARD. I am an instructor in economics at the State University.

Chairman WALSH. Have you made a study of Ellis County, Tex., Doctor?

Prof. LEONARD. I spent a part of the last summer in Ellis County studying the tenant question.

Chairman WALSH. Studying the tenant question?

Prof. LEONARD. Studying the tenant question, not in its entirety, but in its economic aspects.

Chairman WALSH. Have you epitomized your views in a paper, Doctor, so that you can give them to us now?

Prof. LEONARD. I have.

Chairman WALSH. I wish you would do so, please.

Prof. LEONARD. It was my purpose, Mr. Chairman, in this study of Ellis County to get some measurement of the economic conditions of the tenant farmer particularly. I was interested in Ellis County because that is one of the large cotton-producing counties, and it is typical of all the black-land cotton counties of the State. The principal cash crop is cotton, and the producers of it are very largely tenant farmers. Perhaps you ought to be aware of the fact at once that during the last 10 years—that is, from 1900 to 1910—tenant farming in this county increased from 65.7 to 69 per cent.

Chairman WALSH. In what period of time?

Prof. LEONARD. The 10-year period.

Chairman WALSH. From what to what?

Prof. LEONARD. From 1900 to 1910.

Chairman WALSH. What was the increase?

Prof. LEONARD. Three and three-tenths per cent. That is the absolute increase. The second fact, which is even more significant to me, is this: That while tenantry as a whole increased by 3.3 per cent, the number of white tenant farmers in Ellis County decreased by 235, while the number of negro tenant farmers increased by 214. That is, all the increase in tenantry during the 10-year period was an increase due to negro tenant farmers, the white tenant farmers having declined absolutely.

Now, the points which I wish to make clear, if I can this afternoon, bear upon the following subjects:

First, the property of tenants, their indebtedness, their earnings, their progress, tenants as producers, some types of landlords, and lastly, some causes of unrest among tenants.

In studying the economic resources of tenant farmers, I found much difficulty because, as you know, we have no method of doing so. As a possible means of getting information, I went to the tax rolls, hoping that these might give some clue to the extent of property held by tenants.

Now, we know very well the limitations of the tax rolls, and because those limitations are pretty well known we may make certain deductions, and so arrive at some conception of property in that way.

It is the belief of tax assessors that there is comparatively little evasion on the part of the tenant farmers as a class; that is, these farmers actually turn in about all the property of taxable character which they have.

The question of valuation is a more serious error. But it is a rather constant error. It is believed by the tax assessors that property is rendered at about one-half of its value, never less, and scarcely ever more than 66⅔ per cent of its proper value. Hence, by doubling the renditions made, we get an approximation to the real value of property owned. This is important, not because it gives us any absolute statement of property owned, but it does give us the method by which we may grade all into groups from the higher to the lower property classes.

On this chart you may see the gradations of wealth of these tenant classes, all of them rural dwellers. In the first place, I want to call your attention to this fact, that 25 per cent, over 25 per cent in fact, of the rural dwellers living in that county rendered nothing at all in the way of taxable property.

Chairman WALSH. How many?

Prof. LEONARD. Twenty-five per cent; the other 75 per cent who rendered something for taxation is shown in this part of the chart. Notice if you will the gradations from the lower property groups to the higher property groups. From $100 to $400 is shown by this column, 39 per cent of all; from $400 to $800, 29.9 per cent; from $800 up, 30.4 per cent. So that you see there is a pretty sharp decline from the lower property groups down to the higher property groups.

Now, these two columns—those having nothing and those having under $400—constitute something over 50 per cent of all the rural dwellers in that county—I think 54 per cent, to be exact. This is important, it seems to me, for this reason:

These tenants—that is, the 39 per cent having less than $400—are not in a position to have the benefit of any capital, for $400 is not enough to equip even a 1-team farm. I think all agree upon that. So that we may designate this column as being made up of "share croppers"; that is, those who work on the halves, and in round numbers they constitute something like 40 per cent of all the tenants in the county.

Those who possess more than $400 are evidently the one-third and one-fourth farmers. They are able to furnish their own capital and hence have all the advantages which comes from the use of capital.

This part of the column is evidently the 1-team farmers; that is, 20 per cent of all. This group is in a position to equip a 1-team farm, and a 1-team farm ordinarily consists of about 80 acres, or perhaps a little more; the remainder—another 30 per cent—are 2 or more team farmers. Evidently these two groups are in a position to enjoy all the benefits which come from capital, and everything else being equal, if they are not too much in debt are in shape to secure for themselves the best results as tenant farmers.

A little later I will show you from some actual returns made by each group of tenant farmers.

Let me pass now for just a moment to the question of the indebtedness of tenant farmers. I think I will not call your attention to all the details which I have prepared upon this question, but simply show you a chart which shows the seasonal movement of the chattel-mortgage loans in this county, and then if there are any questions you would like to ask I shall be glad to answer them.

These are chattel-mortgage loans placed upon some form of property in Ellis County other than farm loans, from September 1, 1912, to August 31, 1913. If you will follow this red line you will get the seasonal variation as well as the monthly variation of loans made during that year.

The only point I would call your attention to is this: That in the month of September, when chattel-mortgage loans were supposed to be paid off, new

chattel-mortgage loans in a small number of cases were being placed upon the following year's crop. Notice that in October the number of chattel-mortgage loans increased to about 50, and in November and December to 400 for each month; that is, during the very period from October to December when mortgages were supposed to be canceled out a thousand new mortgages were contracted.

This calls for a word of explanation, Mr. Chairman. It means this, that the farmers were now remortgaging the property which had already been mortgaged. These were continuation loans coming over from the previous year which, being unpaid, had to be secured by a remortgage.

In January loans rose to about 800, and that meant borrowing to make the new year's crop. Old established farmers were mortgaging their mules and horses to get more mules and horses and equipment, and young farmers were necessarily going into debt for perhaps their full equipment. During all the spring months the number of chattel mortgages declined, reaching their lowest point in June, and the next year they spring up in a like way. This, then, is the monthly variation in loans, and I think it is characteristic from year to year of the chattel-mortgage form of indebtedness.

The number of chattel mortgages recorded were 3,700, or thereabouts, and the aggregate amount of loans made comes to $940,000, which presumably does not measure all the chattel-mortgage indebtedness during this year, since some mortgages were never recorded.

I shall pass over the question of store credit unless you have some special questions to ask.

Commissioner LENNON. Did you make any investigation as to the additional 10 per cent for credit? Do you know anything about that—what we have heard about here?

Prof. LEONARD. So far as store credits are concerned there are two practices of which I think you are informed. There is what is called the cash price for goods. Now, in case a farmer wishes the benefit of a cash price he goes to his local merchant and arranges "to be carried" from the 1st of January until October. If he wants $300 worth of goods he gives his note in January for $300, payable in October. This note bears interest at 10 per cent from the 1st of January until the 1st of October. But in January he secures from the store, say, $30 worth of goods, and he has the use of that $30 for the whole period; but for the purchases made in February he has used credit for eight months, and so on until July and August he has had the use of credit a month or two only. And since he pays 10 per cent for the whole period on the whole amount, when you figure out the average time during which he has the use of credit, the interest rate comes to something like 20 per cent.

The other form of indebtedness works exactly the same way, where 10 per cent is added to each monthly purchase from January until October.

Let us pass to the earning power of tenants.

I secured income returns from quite a large number of tenant farmers. These farmers were all living on the same kind of land. They were all living in the same community. They were all working under about the same conditions. I found that one-third of them were "share croppers," and that the income secured by those tenants was about $750 each. There was very little variation above or below this amount. Seven hundred and fifty dollars may be taken as a fair statement of the annual earnings of share croppers. Those who are working on a third and fourth basis received an average annual income of $1,253. Some of them were paying a third of the cotton for their land, and their income was about $1,000. Those were not entirely net incomes; that is, out of the $1,253 there would have to be taken the cost of the seed, expenses so far as picking was concerned, expenses of ginning, and such as that. So that the income of these third and fourth renters would be reduced in the direction of a thousand dollars, possibly a little below.

Chairman WALSH. By being reduced what do you mean? I did not catch that, Professor.

Prof. LEONARD. The net income would be reduced to something like a thousand dollars; that's after all expenses were taken out.

If I may generalize, then, from the earnings of these few from whom I received returns to all "share croppers"—about 40 per cent of all tenants—we find that their earnings approximate $750 a year. This is the income of a family. The third and fourth tenants—60 per cent of all—make $1,253, but to the extent that they pay a bonus or to the extent that they pay one-third of the cotton it is reduced to about $1,000.

Commissioner LENNON. May I ask you one question there? The $750 which you make out from the averages you have secured, do you claim that they all run about alike?

Prof. LEONARD. There is very little variation above or below the $750. What there is is due to the number of acres the farmer cultivates.

Chairman WALSH. I don't understand what you mean by the term "in the direction of a thousand dollars."

Prof. LEONARD. If he did not pay a bonus, or if they did not pay a bonus and all that in the form of house rent or anything of that kind, they would get $1,253 on an average. But if they pay house rent and a bonus and pay a third of the cotton, then that $1,253 is reduced by that amount to those who work on a third of what they could actually get. Is that clear?

This is not intended, Mr. Chairman, as any exact statement of earnings. It is an attempt, however, to analyze and throw into earning groups the whole of the tenant class in this particular county. That was all that was attempted. But if these returns are true, or even approximately true, they show the enormous importance of capital.

It may be interesting, and, I think, important, to compare the earnings of a group of tenant farmers working in the same land over a period of years. The next chart shows the income from cotton received by a group of about 20 or 25 tenant farmers, all of whom were working on the same plantation, and it is for a period of 10 years. These men were all working on the third and fourth basis. They were all living on the same land, and the height of the various rectangles represents the annual variation in gross earnings. You will notice, in the first place, the great yearly fluctuations. The year of lowest average income for these farmers gave $650. The highest average income was something over $2,000. This was in 1906, but you will notice that the very next year after this there was a drop of more than 50 per cent in the income. That is due, of course, to climate and market—conditions over which a tenant farmer has absolutely no control. I think, too, if you will look at this chart, you will see some little tendency for the incomes to rise, but to rise very slowly.

Commissioner LENNON. That would indicate that the length of time on the same land was advantageous, would it?

Prof. LEONARD. It indicates that, for many of these men remained on the land the whole 10-year period. Conditions are such that landlord and tenant both prosper. As between tenant farmers in this group now the average annual yearly earning varies considerably, even among good farmers living as neighbors on the same land. For instance, the earnings of one man was $572; those of another $1,572. The explanation is found in the fact that the first was a one-team farmer and the other a two-team man. This illustrates again the importance of capital to the tenant farmer. One man had an average annual income during the whole 10-year period on this ranch of $1,161; and another man, $1,086; another, $1,328. All these men raised their own feed crop. They kept a cow or two. They received their wood free and had a garden place.

Under these conditions, assuming that they were not too heavily in debt and that they had some considerable labor force of their own, there is no clear reason why they should not, in a moderate way, prosper. In fact, the man who had the lowest average annual income—an income of $650—is now paying for a piece of land in another county, and it is now practically paid for. These men are not discontented. They are hard workers, and, for the most part, they avoid debts. There is scarcely one who if pressed by an exacting landlord could not go out and acquire property of his own.

There are no "share croppers" on this plantation and no bonuses are paid. Moreover, these tenants have been assured by their landlord that the higher rent of one-third of the cotton will not be demanded until this rent shall become the universal rent.

Commissioner LENNON. Would that group indicate that conditions there were advantageous to the owner of the land as well as to the cropper?

Prof. LEONARD. Yes; the land is in an excellent state of cultivation and all improvements are well cared for.

I was interested in trying to determine from the tax roll what progress, if any, had been made by an identical group of men living in the same community over a period of years. Renditions for 80 identical men living in one precinct were as follows: In 1909 their total rendition was $67,240; in 1913 their total rendition was $87,920. This means an average in 1909 of $840; in 1913 of $1,099; or an average annual increase of $129. This shows again the property holdings of 19 per cent during the five years. These figures include

those who succeeded, as well as those who failed, and looking at it in a general way you would say that 19 per cent during the period of five years is not a bad showing. But we must remember that this gain was on relatively small holdings and that it would take a long, long time at this rate of increase to acquire any considerable property. In 1909 there were of this number 18 who rendered nothing at all. In 1913 there were 14 of these who rendered nothing at all, except a poll tax.

Let me call your attention now, if you will, please, to some considerations concerning tenants as producers.

The most serious criticism that can be passed upon the tenant farmer as a producer is this: He is an inefficient business man. He does not carefully organize his time so that his labor may be most economically applied. In planning, in organizing, and in anticipating the needs and demands even of the immediate future he is very weak. In making his capital outlay he too often shows an extravagance that is beyond the needs of his business. For instance, in the case of a one-team farmer, one man is known to have gone in debt $1,200 for mules, machines, tools, and so forth. One-half of this sum, and even less, would have been quite sufficient. Another man, with five children in the working period of life, was a "share cropper." If he could have had the use of capital, he would have more than doubled his income because of his large labor force.

There is, again, the most extravagant use of machinery—expensive machinery. Farmers excuse themselves in this extravagance by saying that the landlord will not provide shelter for it. It is uncertain whether the tenant or the landowner is most to blame for this.

Most tenants, I found, are exceedingly hard workers. They do not spare themselves when it comes to hard work and long hours or great physical strain; neither do they spare their children, nor their wives.

In a group of 25 tenant families there were 143 living children, an average of 6 for each family. The younger families were still incomplete. Three had families of 10 living children, and the smallest family consisted of 2, their father being at that time 27 years old. At 22 one father had 8 children living. This gives some notion of the high birth rate. The relation of the size of the family to the tenant problem is very intimate, for it is quite the universal opinion that landlords prefer large families on their farms. As one tenant said: "The first question the landlord asks of a prospective tenant is this, 'What is your force?'" The idea is that the larger the family the more promptly the crop will be cared for. One landlord modified this statement by saying that he preferred large families "if the family was a well disciplined family." The pecuniary importance of a large family is shown in the following illustration:

Tenant R has 3 children, the oldest 8 years of age. He rents a farm of 120 acres. In 1913 he produced 43 bales of cotton, for which he received 12 cents a pound. After paying his rent and labor bill of $730 he had left, as the result of his year's work, $604. Tenant S has 10 children between the years of 5 and 23. He had 120 acres in cotton and produced 66 bales, which he sold for 12 cents a pound. After paying his rent and a labor bill of $20, and also paying $150 for house rent, he had left at the end of the year $2,500. This illustrates clearly, it strikes me, the pecuniary importance of a large family as labor force for the tenant farmer.

Of these 25 tenant families the average age of the father was 44, the oldest being 68 years, while 3 were in the sixties and 4 were in the fifties, and all the rest below. They had been tenants on an average 18 years. The shortest period was 9 years and the longest 35 years. These men have occupied 113 different farms.

Chairman WALSH. How many of them had occupied the 113 different farms?

Prof. LEONARD. Twenty-five, which gives an average of 4.8 years for each farm. This bears upon the question which has been mentioned a number of times during the progress of this investigation. However, the greatest extremes appear as to frequency in moving. Three men have never moved at all and they have been on their farms 12, 17, and 25 years, respectively. Five had moved twice; one had moved 10 times in 25 years; and one 9 times in 13 years, and expects to move again next year. It is needless to say that the more successful farmers early become adjusted to their farm and remained there, while the poorer farmers move more frequently and make but slight economic progress.

Perhaps you may be interested in some of the reasons given by these men for moving. Among the principal causes were these: "To get a better house"; "To get more land"; "To get better water"; "To avoid an increase in the

rent"; "To get nearer the pike"; "To change from a 'share cropper' to a third and fourth renter"; "To get nearer schools"; "Farm sold," and so forth.

Of these 25 tenant farmers one-fourth of them had bought land at some time; much of it had been sold—some at a profit, some at a loss. One man said he owned land because of the labor of his children. Most of them, however, hoped sometime to become landowners. Two had small houses in town. One had interest-bearing notes to the amount of $1,840. Two held stock in cotton gins and two more had lost snug little fortunes by speculations. The oldest men who have not already acquired property have given up hope of ever being able to do so.

It is worth while to call your attention, Mr. Chairman, to just a few types of landlords. On the plantation just referred to tenancy is practically at its best. The present owner of this plantation bought the land when it was cheap. He is interested in building up a permanent, well-ordered estate. He is rightly seeking to retain the fertility of the soil through efficient and permanent tenants, and to secure these he offers a generous lease and provides house rent and standardized improvements. He does not try to restrain his tenants from voting for good roads or better schools. In fact, one of the neatest little country schoolhouses which I have seen in many a day is immediately adjacent to this plantation. Moreover, although he is a nonresident, and, at that, a far-distant nonresident, he makes it a point every year to visit all his tenants, spending a week or two among them, eating at their tables, and sleeping in their homes. Naturally, he has the pick of tenant farmers and his "waiting list" is always large. He is neither paternalistic nor philanthropic. He holds his tenants to a strict accounting. He gives them encouragement and a square deal and expects them to make good. Under these circumstances few fail to make a good showing for themselves. To all external appearances the plantation is comparable to a community of home-owning farmers. He is the type of farseeing, fair-minded landlord.

Within 4 miles of the outer boundaries of this plantation there is another, representing conditions at nearly their worst. The landlord, also a nonresident, but a near-by nonresident, consulting only his immediate interests, drives the hardest bargain within his power. His "waiting list" is made up of the most ignorant and wretched tenants. He rents only on shares. The teams and tools which he provides have long since seen their best days. The two and three room unpainted, unpapered box houses are scarcely habitable, and would not be except in a favorable climate such as Texas affords. The farms are inaccessible in bad weather, the roads and creeks being impassable. With worn-out machinery, poor tools, and poor mules, the land is in a bad state of cultivation. The turn rows are neglected and Johnson grass is threatening the life of the farm. No tenant lives here longer than he can help. He is always on the lookout for a better place. There is a continuous procession of tenants to and from the land, and this hastens the general ruin and decay. And why should they not move—for, as the tenants themselves say, "We are scarcely able to make buckles and chain meet." This landlord, shortsighted, narrow-minded, with no conception of just, human relationships, with no feeling of his responsibility in connection with the ownership of land, follows a policy destructive even of his own permanent interests.

Between these two groups of landlords—extreme examples—there is another group made up of all sorts and conditions of men. They are not without the milk of human kindness. They are interested both in their lands and in their tenants, and if they drive a hard bargain it is rather because they themselves feel the driving force of economic pressure. It is said that at least 50 per cent of the lands of this county are unpaid for. They have in the last few years been changing hands very rapidly, not on their productive valuation, but on a speculative basis. These landlords are heavily in debt. Each year they must meet heavy interest charges and payments, and to do so they must get the utmost out of their lands, and the bonus system, in all its innumerable forms, appeals to them as an easy means of increasing their revenues.

Again, 20 years ago a landlord owning 1,000 acres of land was estimated to be worth $25,000——

Chairman WALSH. Owning how many acres?

Prof. LANGHAM. A thousand acres. To-day, with the same thousand acres he is reckoned as a hundred-thousand-dollar man. But during these 20 years his land has perceptibly weakened in productivity, and this is scarcely compensated by the increased price of the products. Thus his income has not

grown with his wealth, and he is under the economic necessity to increase his income so that he and his family may live as becomes a man whose wealth is listed at $100,000. To him also the bonus system makes its appeal.

There is still another group who with all sincerity, but with unsound logic, I believe, claim for their investment in land the current rate of interest, and then proceeds to levy a rental which will approximate this rate. There is little justification for this, for it is evident they are not entitled to the current rate of interest on speculative advances in lands. Moreover, the absolute security of land as an investment, together with the social considerations attached to it, should induce a willingness on the part of these people to accept a lower rate of interest than given by more hazardous lines of investments. So in spite of a generous interest in their tenants and in their lands they press for an increase of rental.

Now, Mr. Chairman, for just a moment I wish to call your attention to what I conceive to be some of the causes of discontent among the tenant farmers. What I have stated up to this time rests pretty largely upon facts. It may not be out of place, however, to give some expressions to opinion which I found prevalent in this county. One prominent banker and real estate man said that 85 per cent of all the landowners in the county were once themselves tenants. This opinion was supported by many other men whom I consulted as to that point. Another man, an owner of 1,000 acres of black land, made this statement: "Nine-tenths of the tenants never get out of tenantry"; while another said, "Most renters have been renters years and years and make no effort to become anything else than tenants." Another expression from a prominent landowner runs thus: "Many tenants are coming to think that all they will ever get out of life is a living and a little more." While a tenant, in the prime of life, said: "All I expect out of life is just a living, and it is my opinion that 75 per cent of us just get by." These widely different expressions represent the two extremes, and both are pretty largely true. The real estate dealer was evidently referring to a condition which had prevailed in the past; the others voiced the current opinion as to the present situation. In these very facts is found the basis for the present unrest among tenant farmers. The present generation of tenants look upon their lot as less fortunate than the generation which preceded them, and they naturally raise the question: "Why should this be?" And they proceed to answer it in this way:

(1) They say that the old rent standard of one-third of the grain and one-fourth of the cotton have in part disappeared, and threaten entirely to disappear in the near future. Tenants a generation ago, they say, were able to acquire property because the rent paid was a reasonable rent, fair alike to both parties. They invariably speak of this rent as "customary rent," and sometimes they designate it the "natural rent." But what is taking its place, they ask. More and more one-third of the cotton is being demanded, and this, they assert, makes it impossible to acquire property as in the old days. Where the one-third is not required, the landlords often levy all sorts of bonuses in addition to the one-fourth. Sometimes the tenant is required to pay a certain proportion of the taxes on the land; again, certain cash sums are given or rent for the use of a house is paid, and occasionally the tenant is required to purchase of the landowner tools, horses, and machinery at a price beyond their real value if he wishes to obtain a farm. One tenant said: "Of course, we will go to a one-third basis and by and by to a bonus on top of that."

(2) In the second place it is asserted that even the best soils have deteriorated through continuous cropping in cotton. To get the same yield of cotton per acre as formerly more capital must be used. This means more labor, which is more highly paid than formerly; more machinery, and more work animals. But with all this added expense it is scarcely possible to produce as much cotton per acre as 20 or 30 years ago. The tenant farmer asks, "Who bears this burden of soil deterioration?" And they answer by saying that they do, and assign this as one of the important reasons why they are less prosperous than their predecessors. They feel that since the one-crop system has been forced upon them by the landowner, he and not they should suffer the penalty.

(3) An inevitable result of this harder economic pressure upon the present-day farmers is to force them to remain longer in the lowest grades of tenantry; that is to say, those who can not provide the necessary capital for a two-team farm must content themselves with a one-team farm, and those who can not afford even a one-team farm must remain among the "share croppers." The stages of progress upward through the various grades of tenantry are much

slower than formerly, with the consequence that fewer tenants ever reach the grade of highest opportunity. On the other hand, the landowners are more inclined now, especially if they live near their lands, to rent only on the halves, since by so doing they not only retain a more rigid control over their lands, but also secure for themselves all the great advantages arising from the use of capital. These two conditions result in swelling the numbers in that group of tenants, the "share croppers," who have the least chance of ever acquiring property. This serves also to explain why tenants to-day are less prosperous than formerly.

(4) Furthermore, the tenants of the present day not only suffer the severe economic pressure just noted, but also they are made to encounter new competitive groups such as the negro and the Mexican. Many landowners, it is claimed, will lease to these classes since with them they can drive a harder bargain than with the native white man, and this is the cause of no small discontent among tenant farmers.

(5) In the fifth place, as a culmination of all, is the asserted tendency, slight at the present time but nevertheless evident, to discriminate socially between landowner and tenant. Some landowners deny the existence of any such discrimination, saying: "Our sons and daughters will doubtless marry into tenant families, and for this reason we can hardly afford to draw lines of social distinction." Others frankly admit but lament the fact, while others accept it as a matter of course.

Such are the more prominent causes of discontent among these tenants. That there is discontent all agree, even the most ignorant and conservative landowners. It is always deplored, but sometimes justified, even by the landlords themselves. It is found most apparent among the more aggressive, ambitious, and progressive farmers, and it is especially prevalent among the farmers between the years of 30 and 40. This is perfectly natural, and is easily explained. It is the time in the young farmer's life when his brood of little children are so young as to be of little service to him, but their expense is a heavy burden. It is the period when the farmer's load is the heaviest, and to the weight of this burden is being added either the landlord's actual pressure for higher rents or the fear that such an increase will be shortly demanded. These considerations lead the most thoughtful and enterprising men to question their ability ever to rise out of tenancy to ownership, which is the goal of their ambition. The ignorant, thriftless, and unambitious are never troubled with such considerations. To get land they will readily make any kind of a contract with the landowner, and then trust to their luck in skinning both land and landlord, and this they very frequently succeed in doing.

"These conditions," said a careful observer, "have not made Socialists, but they constitute an excellent seed bed for socialism." And yet among the tenant farmers in certain parts of the county it is true that there are Socialists. Their number is not large, nor is their growth spontaneous. They do constitute a source from which a rapid growth in socialistic thought may be expected should the present economic pressure continue, and this will develop to a certainty should this pressure be increased. It is true that these men are not Socialists in any real sense of the word. They have no objection to private property in land; they desire only a reasonable opportunity to obtain some of it for themselves. But their chances of success, due to the increased value of lands, and to an increase in the costs of production, including an increase of rents, are narrowing, and they are looking in the direction of socialism, not that they want socialism, but because they want land brought under a system of tenure which shall be both equitable and standardized.

Chairman WALSH. Just one question. It has been suggested that I ask you, does the income of $750 or $1,250 per annum mean that the family expenses, the household expense, and all other kinds must be met by these earnings?

Prof. LEONARD. All the expense in the case of the $1,250 income must be met out of this amount; that is, the farmer, if he has to hire labor to pick his cotton, the labor expense comes out. Again, the cost of the seed comes out, the cost of the fertilizer comes out, the cost of machinery and the wear and tear on the machinery comes out of that gross income.

Chairman WALSH. Do you find it possible, Professor, or did you undertake to ascertain what the net income might be excluding, we will say, household expenses?

Prof. LEONARD. I was not able to get any very accurate data on that point, the data which I think trustworthy. But I should say in the case of a gross income of $1,250, that the necessary expenses connected with the production

of the crop would reduce that amount to between nine and ten hundred dollars so that nine or ten hundred dollars would be very nearly the net income from the farm as a business unit.

In the case of the "share cropper," there is simply one expense to come out, and that is the hired labor cost, if it should be necessary to hire labor at all.

Chairman WALSH. Would you please indicate what topics you have treated in your paper, Professor—you have not given them to us in their entirety—so that I may determine whether we should ask you any questions with reference to them, because I am assuming that it would all go in our record?

Prof. LEONARD. The topics I left out bore on the question of credit and indebtedness. I left these out almost entirely, feeling that these subjects had already been covered, and also feeling that at a later period you would have a special discussion relative to them.

(The portions of Prof. Leonard's paper above referred to and not read in full, were as follows:)

INDEBTEDNESS.

(a) Chattle mortgages: In this county the chattle-mortgage form of indebtedness assumes enormous proportions. From September, 1912, to September, 1913, 3,760 different mortgages were placed upon some form of farm property other than land. These mortgages aggregated $940,000. It is not essential that all of these were made by tenant farmers, but it is evident that the vast bulk of them were; first, because land owning farmers are in the great minority, and, secondly, because such farmers are seldom reduced to the chattel-mortgage plan of making loans. It is believed that such loans, in the vast majority of cases, are for working capital rather than for spendthrift or emergency purposes. Practically all chattel mortgages are for one year, and are made to mature during the four autumn months. In September few such loans were made; in October the number rose to 200; in November and December to 400 for each month; that is, during the very time when loans from the previous year were being canceled, more than 1,000 new loans were contracted. This calls for a word of explanation. It is evident these were not for new capital; for it was not the season when new capital was needed or could have been used, the crop having been made much earlier; nor can they be more commonly then loans; for then, if ever, the tenant farmer should have money in his pocket. These loans are continuation loans coming over from a previous indebtedness, which indebtedness was unpaid, and for which new mortgages were given.

The loans made in January were undoubtedly loans of new capital in view of the next year's crop. Old established farmers were adding more mules, horses, and other equipment, young men embarking in business for the first time were completing their outfit, and most of the latter must of necessity incur some mortgage indebtedness. For a similar reason loans continued high during all the spring months. These were largely for machinery, ordinarily the dealer selling the machine on time and taking a mortgage on the same machine together with a few bales of cotton as security. By June the crop was made; at least all the necessary capital for making it has been secured. Hence the number of loans during June, July, and August steadily decreased. In most cases they were for small sums—$10 to $20. Presumably they were needed to secure the many small necessities for which credit was not available. These are real consumption loans, as distinguished from loans of capital. It may be true, of course, that they were small in number because mortgagable property had already been pledged to the last dollar, but this seems hardly possible. It should be noted that there were a few very large loans, $2,000 to $5,000, made by large-scale farmers, and it is due to them that the average amount to each loan rises from $150 to $200 during these months.

(b) Store credit: Ordinarily the tenant farmer goes to the merchant in January and arranges "to be carried" for his necessaries until the following October. There are two forms of practice which differ only in method, not in results. (1) The farmer gives his note for the supposed amount of goods he will require. This note bears interest at 10 per cent from January to maturity. The farmer is then given advantage of a cash price. But it is to be observed that he pays interest for the total sum for nine months, although his purchases, and hence his actual use of credit are for a much shorter average time. In the end he pays on a $200 store bill an interest charge of $12.50. If he had secured the same amount of money at the same interest rate by periodic loans from the bank his interest bill would have been $12.37. Thus he has really paid 19 or 20 per cent instead of 10 per cent. (2) The same results

exactly follow the second method where a book account is run with 10 per cent added to the cash price, through each month from January to October.

It is little wonder that the tenant farmer does not prosper as he should. With much of his capital borrowed, and a good portion of that carried from year to year in continuation loans, this together with a store bill averaging not far from $200 a year, piles up an annual interest charge, which too often absorbs, what otherwise would have been his profits. Could one or both of these forms of perpetual encumbrance be abandoned, other conditions remaining as they are, he would immensely improve his condition. One man remarked that he had observed that the farmer whose wife was a butter and chicken woman was the man who ultimately bought a farm. In such case the burden of a big store bill was lifted. Why this abuse of the borrowing power? There are several reasons: (1) The tenant farmer usually has good credit; that is to say, he produces a commodity which confers upon him good credit. His bales of cotton can be placed only on one market and here they are capable of complete identification. The credit man have no difficulty in protecting themselves in this market place. However, were farmers producing corn there would not be the same opportunity for these men to identify a product more capable of reaching the market in different ways. Then, too, credit associations have very nearly eliminated the dishonest tenant. To get credit at all he must have a straight record, and since credit, under present conditions is indispensable, he is honest whether he wants to be or not. (2) The part which custom plays in the credit system of tenant farmers is most serious, for it is difficult to break a long standing custom. Many, perhaps most, have never known the time, either in their own lives or that of their fathers', when the burden of debt did not press. It is looked upon as a natural kind of encumbrance. It has been observed that even following very prosperous years, debts are not fully lifted, as they well might be, but profits are used to launch out more heavily in the production of cotton, and this, with frequent reverses in the market, brings disaster. Thus it is not so much a question of more credit as it is a better use of credit now employed.

Chairman WALSH. I have been asked to ask you this question, by a gentleman in the audience: Do you not believe that the increasing of taxes is a cause for many tenants not trying harder to buy homes?

Prof. LEONARD. I believe that has some influence, but I don't think that is a determining factor by any means. A few may be deterred in that way, but I think very few indeed.

Chairman WALSH. Commissioner Lennon would like to ask you a few questions.

Commissioner LENNON. Do you consider it good economics in making your calculations as to the income to allow nothing for the work of children exceeding 14 years of age? Supposing a man has three or four children above 14 years of age, and they are employed, would it be good economics to allow nothing for their work?

Prof. LEONARD. It is good economics to make that allowance, to reckon in all labor costs of whatever kind, and any system of accounting which does not take into account everything connected with the production of the crop is a faulty system of economics, as well as a faulty system of bookkeeping. But, of course, tenant farmers keep absolutely no accounts. They make the roughest kind of estimates as to their income and outgo.

Commissioner LENNON. This is really, then, in some cases, an income of $1,200, and in some cases an income for the labor for three or four or five or six people?

Prof. LEONARD. It is an income for the whole family, however large that may be.

To show how closely the house system has connected itself up with the increase in land values, I have this chart, which shows the transfers which have taken place in a typical piece of land in this county, starting with 1897 at $40 an acre. Observe how it breaks up into various smaller tracts, and is sold at various prices, always at an advance, the last sale being in 1912 for $100 an acre. This simply illustrates the increased value of lands and the subdivision of this land into small tracts and their sale at higher prices. You will remember the governor said yesterday that the house system came in just at this point. During a period of 15 years there were something like 30 different transfers of this tract of land.

Chairman WALSH. Take this $750. Taking that one, it represents, as I understand you, the income of the "share cropper," not the total income of the land owner and the share cropper?

Prof. LEONARD. Yes, sir; it is the income of the tenant farmer. If he had expense in the way of labor cost, that would have to be reduced to perhaps $600, which would be his family income for the year.

Chairman WALSH. How many hands, on the average, are represented in producing that $750?

Prof. LEONARD. I found that the average size of the family was six; that of these children three or four would have labor value in picking the crop.

Chairman WALSH. At what age ordinarily are the children of tenants—do the children of tenants begin to give some aid in the operations of their parents?

Prof. LEONARD. I think as early as 7 or 8.

Chairman WALSH. Is it customary in those families for the women to do work in the fields?

Prof. LEONARD. Very customary.

Chairman WALSH. What character of work do they do?

Prof. LEONARD. They assist in picking the cotton, and sometimes in chopping the cotton in the springtime.

Chairman WALSH. How is that work carried on—the chopping of the cotton?

Prof. LEONARD. With a hoe.

Chairman WALSH. As to the planting, do they take any part in that—the women?

Prof. LEONARD. Not that I know of.

Chairman WALSH. To the extent you have mentioned, they work in the field as hands?

Prof. LEONARD. Yes; they work in the fields to that extent, at those two periods. They work a short period in the springtime when they assist in chopping the cotton, if there is a great necessity for that, and in the fall in picking the cotton. The latter is most prevalent.

Chairman WALSH. As you went along, did you make observation as to the character of the abode of these people—the tenant houses?

Prof. LEONARD. There is absolutely nothing in the way of a standardized house for the tenant farmers.

Chairman WALSH. Could you not give anything that might be typical?

Prof. LEONARD. I know of one tenant farmer, perhaps the worst case I know of, a family which numbers 11, 9 children and the 2 parents, who live in a two-room house. This house is unpapered and unpainted. It is a box house, which, when it was first built, which was 30 or 40 years ago, could not have cost more than $75. It has absolutely no conveniences. There is no standardization, so far as the houses are concerned. The kind of house depends entirely on the landlord and the pressure of the tenant.

A case which I believe to represent a very good condition, so far as tenant houses are concerned, is that of a family of four or five which lives in a six-room house. The house is papered; it is painted also; there is a nice yard in front of the house; there are adequate shade trees; the floors are carpeted, and upon the walls are pictures; there is a piano for the use of the young women of the family. To all external appearances it is not a tenant house at all; it might very properly belong to a landowner. The family man has been in this one house for about 15 years. All the children have been reasonably well educated. Several of them have gone into business. One of them is the postmaster in one of the towns of the county.

Between those two extremes, there are all sorts of conditions so far as the character of the tenant houses are concerned. It would be hard to describe an absolutely typical house. So far as the water supply is concerned there is absolutely no standardization. There is no standardization whatever so far as the garden patch is concerned, nor as to orchards. The cotton patch is slowly encroaching upon the orchard, upon the garden lot, and upon the pasture, so that it is more and more difficult for the tenant farmer to have any assurance as to these important adjuncts of farming.

Chairman WALSH. Does the gross income you have mentioned include the cost of keeping teams?

Prof. LEONARD. No; the cost of keeping teams is not taken into account in this gross amount.

Chairman WALSH. Do tenant farmers ordinarily raise their own feed for their teams, or buy baled hay in town?

Prof. LEONARD. In the past there has been much money expended by farmers in this county for the purchase of feed stuff. On the particular ranch to which I called your attention, the farmers have been able, most of the time, to supply their own feed stuffs.

Chairman WALSH. Including hay?

Prof. LEONARD. Yes; including hay, but I found men who had spent as high as $600 a year for feed stuff for keeping work animals, a cow or two, and a few hogs.

Chairman WALSH. Do farmers with these average net incomes of about $900 buy farms, or what do they do with the money?

Prof. LEONARD. A good many, as I indicated in my discussion, have bought farms, and some of them keep bank accounts. A good many of them have little investments in one way or another; but you must remember that out of this income of $900, which is net income, the whole support of the family must be taken, and, as has already been indicated, many of these farmers simply live out of the store. They buy all of their foodstuffs from the store; there is no orchard so that they can preserve fruit and such as that. They do not lay in a supply of vegetables so that when winter comes they will have supplies. They live out of tin cans altogether too much.

Chairman WALSH. We are very much obliged to you, Professor.

Commissioner LENNON. Just another question or two, please.

In the university where you are a professor are there any children or a large proportion of the children that come from the families of tenant farmers?

Prof. LEONARD. A very few, indeed.

Commissioner LENNON. Have you any information as to where the criminal classes come from in this State—whether the tenantry contributes to it? Does the tenantry contribute to a large proportion of them, or do you know anything about that?

Prof. LEONARD. These people are not criminal. I think that they are, on the whole, exceedingly law-abiding, honest citizens for the most part. They are down at a very low level of development, however. They are not on an equal competitive basis at all in the economic struggle; but they are not criminal. They obey the laws. They are not criminally disposed at all, and I think that a very, very few of them have entered upon a criminal life. They stay pretty well attached to the soil. I do not think that there is this migratory tendency among the whole tenant class that has been spoken of. There is a group of tenants down at the bottom who do move about frequently from time to time, but the upper grades of tenants, those, for instance, who work on the third and fourth basis and who are out of debt, are pretty permanently established on the land.

Commissioner LENNON. What would you say was the average grade in the schools, as to when the children have to quit school entirely?

Prof. LEONARD. So far as I have been able to determine, a boy or girl doesn't go to school very regularly after the age of 10 or 12. They marry very early in life.

Commissioner LENNON. Would that be, say, the fifth or sixth grade up in Illinois?

Prof. LEONARD. It would mean a lower grade, perhaps the third grade. A very few of them go to the high schools.

Chairman WALSH. How many of the tenants that you say are at the bottom—that move so frequently—what proportion of them would there be as compared to the whole number of tenant farmers; what percentage?

Prof. LEONARD. I should say, to make a rough estimate, Mr. Chairman, that it would not be more than one-third of the tenants.

Chairman WALSH. You observed, did you not, Doctor, that the gentleman that was on the stand, a Mr. Noble, testified that in his opinion two-thirds of them moved in a migratory way? Was your attention called to the last bulletin of the Census Bureau in the spring of 1914, wherein the statement was made that 50 per cent of the tenants in the south moved every year?

Prof. LEONARD. I have known of that statement, but I was making my calculation simply on the basis of the conditions in Ellis County.

Chairman WALSH. It has been stated, Professor, that Ellis County is the largest cotton-producing county in the world?

Prof. LEONARD. Yes; it is.

Chairman WALSH. Might it be said that the conditions there, as to the tenant farmer, is high or low, or intermediary, as to that type?

Prof. LEONARD. I believe the type of tenant farmer in Ellis County is better than in any other county with which I am familiar. I believe the farmers are better off in that the character of the landlord is better. Tenants are given a squarer deal in Ellis County than in some of the other counties.

Chairman WALSH. Nevertheless, you would say that 33⅓ per cent of the tenant farmers in Ellis County are this migratory class?

Prof. LEONARD. They are not a migratory class, except in a narrow compass.

Chairman WALSH. I mean by "migratory" that they move from one farm to another.

Prof. LEONARD. The "share croppers," for instance. The tenant who has reached, say, 50 years of age and is still a "share cropper" is likely to be migratory, but the young fellow just starting in life who is a "share cropper" is a "share cropper" for just a few years. Then he acquires enough property to go on a third and fourth basis, and then he gets out of the country, if ambitious, entirely. He is migratory, but often in an upward direction.

Chairman WALSH. Thank you, Professor; you may be finally excused.

The commission will now stand adjourned until 10 o'clock to-morrow morning.

(Whereupon an adjournment of the commission was taken until Thursday morning, March 18, 1915, at 10 o'clock a. m., at the same place.)

64TH CONGRESS, 1st Session } SENATE { DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. X

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

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THE LAND QUESTION IN THE SOUTH-WEST—Continued.

(For exhibits under this subject, see pages 9242 to 9290.)

COMMISSION ON INDUSTRIAL RELATIONS.

DALLAS, TEX., *Thursday, March 18, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon and Harriman.

Chairman WALSH. The house will be in order. We will proceed now. Mr. Nagle, will you please take the stand?

TESTIMONY OF MR. PATRICK S. NAGLE.

Chairman WALSH. Please state your name?

Mr. NAGLE. My name is Patrick S. Nagle.

Chairman WALSH. Where do you reside, Mr. Nagle?

Mr. NAGLE. I reside at Kingfisher, Okla.

Chairman WALSH. What is your business?

Mr. NAGLE. I am a lawyer.

Chairman WALSH. How long have you resided at Kingfisher, Okla?

Mr. NAGLE. Well, I came in there at the opening, April 22, 1889.

Chairman WALSH. You came from where?

Mr. NAGLE. I came from Kansas.

Chairman WALSH. What part of Kansas?

Mr. NAGLE. I came from Pottawatomie County, Kans.

Chairman WALSH. Have you made some studies of the land question since you have been down there? Have you had some personal or professional connection with it, Mr. Nagle?

Mr. NAGLE. Yes, sir.

Chairman WALSH. I wish you would please sketch, as concisely as you have heard me ask the other witnesses, what your activities have been since you have been in business life.

Mr. NAGLE. Well, you mean what I have done myself?

Chairman WALSH. Yes; what you have done yourself.

Mr. NAGLE. Well, I was born in Indiana. I was raised on a farm and stayed there until I was about 12 years of age. Then I came to Kansas, and my people lived on a farm there, although I was away from home practically after I was 12 or 13 years of age attending school. And in my early days I held some county offices. I practiced law all my life.

Chairman WALSH. In Kansas, before you came to Oklahoma?

Mr. NAGLE. Yes, sir; and in Oklahoma I was United States marshal of that Territory under the Cleveland administration.

Chairman WALSH. Are you practicing law in Kingfisher now?

Mr. NAGLE. Yes.

Chairman WALSH. Do you have any land yourself?

Mr. NAGLE. Yes, sir.

Chairman WALSH. Was there an outline furnished you, Mr. Nagle?

Mr. NAGLE. Yes.

Chairman WALSH. I wish you would take that outline, please——

Mr. NAGLE (interrupting). Now, there will be a record made. Does this go into the record?

Chairman WALSH. Yes; that goes into the record and goes before the whole commission.

Mr. NAGLE. Now, if the commission please, there were submitted to me a series of interrogatories, and in its presentation this is a group answer to the questions that were submitted to me. I ask to have that marked as an exhibit.

(The document referred to is printed among exhibits at the end of this subject as "Nagle Exhibit No. 1.")

This presentation will be submitted under six sections:

The first subdivision will be the lease contract in Oklahoma; the second subdivision will treat of the machinery of eviction; the third, of the renters' union; the fourth, of the schools; the fifth, a history of the Oklahoma farming; and the sixth, why the movement from the country to the city. And under this subdivision will be taken up the acts of violence and night riding.

Now, the first subdivision is in reference to the lease contract. Now, the word "force" in Oklahoma has a technical meaning; it does not mean a six-shooter or a bowie knife or a 10-inch battery; it means a battery of children with the woman at their head.

And the first thing I wish to submit is a letter of a man by the name of J. W. Newcomb, of Ardmore, Okla., dated December 16, 1908. I will not read the entire letter but only a part of it, because the rest is not material to the issue. [Reads:]

"The man who was to take the Hopkins place from Choctaw Country has laid down because I exacted of him to procure another team and three or four hundred bushels of corn.

"I will put the place up to you"—this was to his agent—"to get a man who can take care of it. There is plenty of room there, and whoever takes it must have as much as two teams, and by rights should have five head, in order to make two continuous teams and plenty of force. Now, when you make an arrangement with anyone be sure that they fill the requirements."

Plenty of mule power and plenty of force means children. I would like to have this letter attached as an exhibit.

(The letter referred to is printed among the exhibits at the end of this subject as "Nagle Exhibit No. 2.")

Now, I submit another letter from J. W. Newcomb, dated January 2, 1909, to one of his tenants. I am cutting out the man's name, as directed, and I will read this entire letter. [Reads:]

ARDMORE, OKLA., *January 2, 1909.*

DEAR SIR: I have just returned from a Christmas trip to Mississippi and find your registered letter, as well as another letter inclosing contract for Sargent, which duplicate I sign and return to you.

Relative to Long, subtenant, Long had no right to "sub" it to another man without my consent, and I certainly will object to any man who is not fully equipped to make a good crop.

I will write to Long and Arlington to-day and will ask that you take the matter in hand to the end that they furnish the man with teams at once if they want him to have the place. Also it is necessary for him to have plenty of force to work the land.

I have quite a bit of accumulated business on hand to-day, and will either come up or write you again in a day or two.

Yours, very truly,

J. W. NEWCOMB.

Now, the man Long he speaks of in this letter, I have here a copy, the lease is made in duplicate, and this is one of the copies which I have here, and this is a classic example of the cotton leases of Oklahoma. [Reads:]

"RENTAL CONTRACT.

"STATE OF OKLAHOMA, *County of McClain:*

"*Know all men by these presents:* The following contract is this day made and entered into by and between J. W. Newcomb, of Ardmore, Oklahoma, party of the first part, and G. W. Long, of Lindsay, Oklahoma, party of the second part, witnesseth:"

At this point I want to direct your attention to a question asked about the superior bargaining power of the landlord: "What effect, in your opinion, has the superior bargaining power of the landlord?" [Continues reading:]

"The party of the first part hereby rents and lets to the party of the second part, for a period of one year, commencing on the first day of January, 1909, and ending on the 31st day of December, 1909, the following-described premises, to wit:"

Now this is the land he rents [continues reading]:

"The house occupied and the land cultivated by Alfred Johnson the past three years."

Now, you will see he keeps in his own hands the power to direct what land shall be worked, and after the lease is signed then he elects what piece of land

the tenant shall work. That is not true, of course, in all leases. [Continues reading:]

"*Provided, however*, The party of the first part reserves the right to make some changes as to the exact land which the party of the second part shall work, if it should become apparent that party of the second part could work some other land to better advantage by reason of its being closer to him. Such change, however, not to reduce the original acreage, consisting of 100 acres in cultivation, more or less, located about two and one-half miles east of the town of Bradley, Oklahoma, on the following terms and conditions, namely:

"First. The party of the second part hereby agrees to plant 30 to 50 acres in cotton and 50 to 70 acres in corn. On all lands otherwise cultivated, or which are not properly cultivated, the party of the second part hereby agrees to pay to the party of the first part the sum of three dollars per acre, payable October the first of the current year.

"Second. For the use and occupancy of said premises the party of the second part hereby agrees to give to the party of the first part one-third of all the corn and one-fourth of all cotton grown on said premises, and further agrees to gather and deliver to the gin, at either Bradley or Lindsay, the said one-fourth of cotton belonging to said party of the first part free of charge.

"Third. The said party of the first part shall, at his option, enter upon said premises and have gathered his said one-third of all corn grown by party of the second part, after giving said party of the second part notice of such intention, and for gathering his one-third of said corn the said party of the second part shall pay to the party of the first part the sum of two and one-half cents per bushel, payable out of that part of the corn remaining in the field belonging to the party of the second part, at the market price, less the usual price for gathering and hauling to market: *Provided, however*, If the party of the first part deems it to his interest to have the party of the second part gather his said one-third of said corn, then the said party of the second part shall gather the same and deliver it to any point designated by the party of the first part, provided the average haul is not over one mile, free of charge.

"Fourth. The party of the second part hereby binds himself to manage said premises in a thorough and farmerlike manner, and if at any time during the tenure of this contract it appears to the party of the first part, or his legal representative, that the said premises are not being so managed, then of his own accord he shall, at his option, hire any labor he deems necessary to work said crop, the expense of which shall be charged to said party of the second part and shall stand as a lien upon that part of the crop belonging to the party of the second part."

Now, I want to call your attention to the fifth subdivision, the fifth paragraph of this lease. [Continues reading:]

"Fifth. During the tenure of this contract the party of the second part shall keep in repair all fences adjacent to the lands which he is cultivating, for which services he shall have the privilege to pasture his own work horses and milch cows: *Provided, however*, He is not to pasture until all crops on his and adjoining premises are gathered."

He is getting the pasture privileges, but he can not pasture until all the crops on his place and also on the adjoining premises are gathered; that is on account of the fences, I suppose. [Continues reading:]

"Sixth. No account or claim shall be maintained against the party of the first part for repairs on said premises, or for well buckets, or for anything, except by written agreement with the party of the first part in advance of any work done by the party of the second part.

"Seventh. The party of the first part shall not be liable to the party of the second part for any damages that may accrue by reason of stock breaking in or for any cause whatever.

"Eighth. The party of the second part is not to sublet said premises or transfer this contract without the written consent of the party of the first part.

"Ninth. That the party of the second part, at the expiration of this contract, shall deliver possession of all said premises, together with all and singular the improvements that go therewith, in as good condition as the same now are, reasonable wear and use excepted."

Then it is written in [continues reading]:

"Tenth. The party of the second part hereby agrees to work, if it is, in the opinion of the party of the first part, or his representative, necessary, two days on the fences inclosing said premises, said work to be done at the instance of the party of the first part, or his Agt., and for and in lieu of such services the

party of the second part shall have pasture privileges provided for in section five of this agreement.

"Witness our hands to this contract in duplicate, on this the 8th day of December, 1908.

"Attest:

"J. W. NEWCOMB,
"Party of the first part.
"GEO. W. LONG,
"Party of the second part."

Now, he is to have pasture privileges under this contract, but he can not have pasture privileges while the crops are growing, and the only time he can have advantage of the pasture privileges is at the season of the year when there is no grass growing. He has his work horses and milch cows, and if he should have an extra mule or colt, when the settlement days come that is counted in under that contract and charged up against him.

"A farmerlike manner"—I will take that up when I get to the next subdivision—what that means.

Now, as to the machinery of eviction. The first thing I wish to submit here is another lease. It is the ordinary lease contract, probably not quite so stringent as the other, dated the 10th day of January, 1914, and it provides that this tenant shall have possession of this land until January 1, 1915. It is a lease contract between Fred W. Lankard, party of the first part, and John Patrick, party of the second part.

Chairman WALSH. Are your contracts usually in writing in that country, Mr. Nagle?

Mr. NAGLE. Those of large landlords; yes. This has his name, even, written into it. This has not [referring to another paper]. Now, this Lankard case is [reading]:

"Contract made and entered into this tenth day of January, 1914, by and between Fred Lankard, party of the first part, of Kingfisher, Okla., and John Patrick, of Dover, Okla., party of the second part, whereby the said party of the first part leases to the said party of the second part the NW. quarter of sec. 4, twp. 17, range 8, containing 160 acres, more or less, according to the Government survey thereof, for a term of one year from the date of this instrument to January first, 1915, at which time the party of the second part agrees to give peaceable possession of all buildings and to remove from said premises; the possession of the farm land to be given after the crops for the year 1914 have been removed from said land.

"The party of the second part agrees to give for rental of the above-described land one-fourth of all cotton, delivered at Dover, Oklahoma, and one-third of all grain crops, delivered at the option of the party of the first part, either at Dover, Okla., or the F. L. Patten farm, same being the SW. quarter of sec. 31, twp. 6, range 7. The party of the second part further agrees to pay in cash the sum of $1.00 per acre for all pasture land on said farm.

"The party of the second part further agrees and guarantees to prepare one certain piece of ground, to be afterward designated by the party of the first part, and sow the same to alfalfa, at a cost to the party of the first part of $3.00 per day for the use of a man, a four-horse team, and $1.50 per day for man without team, the party of the second part to board himself and horses while doing this work. The party of the first part to furnish the seed to seed said land and to furnish or pay for a seeder or drill to sow said land. The party of the second part agrees to furnish a disk and harrow to do the work on said alfalfa land without any additional cost to the party of the first part. Said party of the second part also agrees and guarantees to mow said alfalfa at any time designated by the party of the first part, for the purpose of killing any weeds or trash that may be on said ground, at a cost to the party of the first part of 10¢ per acre. In case said alfalfa should make a hay crop, the same is to be divided equally between both parties after said hay has been stacked.

"FRED LANKARD,
"Party of the first part.
"JOHN PATRICK,
"Party of the second part."

"Witnesses:
"F. L. PATTEN,
"JOE GRIMES."

Now, under that contract he was entitled to the possession of the place until the 1st day of January, 1915. On the 21st day of November, 1914, Lankard brought before a justice of the peace a proceeding in forcible entry and detainer against Patrick, and it is the ordinary complaint filed in such cases, and the material allegations in it are that he repudiated his landlord and that he refused to comply with the contract. (Reading:)

"Filed Nov. 21/14.

"In the justice of the peace court in and for Kingfisher County and State of Oklahoma, before H. E. Hopkins, a justice of the peace of the city of Kingfisher, Kingfisher County, and State of Oklahoma. Fred W. Lankard, plaintiff, *v.* John Patrick, Mary S. Patrick, Zeviah C. Edson, defendants.

"COMPLAINTS.

"Comes now the plaintiff in the above-entitled cause, Fred W. Lankard, complains of the defendants, John Patrick, Mary S. Patrick, and Zeviah C. Edson, and for cause of action alleges:

"That this plaintiff is entitled to the possession of the following-described premises, to wit:

"Lots three (3) and four (4) and the south half (½) of the northwest quarter (¼) of section four (4), township seventeen (17) north, range eight (8), W. I. M. in Kingfisher County, State of Oklahoma.

"That the defendants, John Patrick, Mary S. Patrick, and Zeviah C. Edson, forcibly, unlawfully, and without just cause detain the possession of said premises from this plaintiff.

"That on the 10th day of January, 1914, the defendant John Patrick went into possession of said premises lawfully under a certain written lease executed by this plaintiff.

"That the other defendants, Mary S. Patrick and Zeviah C. Edson, are the wife and mother-in-law, respectively, of the defendant John Patrick and were permitted by him to occupy said premises as members of his family.

"That the defendant John Patrick disputes and denies the title of this plaintiff to said premises and has repudiated the relationship of landlord and tenant, and has refused to further recognize this plaintiff as the owner or landlord of said premises, and has set up the claim and pretense that said premises are owned and controlled by persons other than this plaintiff, and has wholly failed and refused to pay the rent now due plaintiff for said premises, and has committed waste on said premises.

"Plaintiff further states that the defendants have been served with a notice and demand for possession of said premises, as required by law, and that said notice was served lawfully on each of said defendants more than three days before the bringing of this suit, a copy of which said notice is hereto attached and made a part thereof and marked 'Exhibit A.'

"Wherefore, plaintiff, Fred W. Lankard, prays that he be given judgment of restitution and for the possession of the said premises described above and for all costs and other and proper relief.

"_____ _____,

"*Attorneys for Plaintiff.*

"STATE OF OKLAHOMA,

"*Kingfisher County, ss:*

"Fred W. Lankard, being first duly sworn, says under oath that he has heard read the foregoing complaint and knows the contents thereof and that the matters and things therein alleged are true.

"_____ _____.

"Subscribed and sworn to before me this —— day of November, 1914.

"_____ _____,

"*Justice of the Peace.*"

(EXHIBIT A.)

"STATE OF OKLAHOMA,

"*County of Kingfisher, ss:*

"*Notice to vacate to John Patrick, Mary S. Patrick, and Zeviah C. Edson:*

"You, John Patrick, Mary S. Patrick, and Zeviah C. Edson, are hereby notified that I, Fred W. Lankard, am the owner and entitled to the immediate possession of the following-described premises, to wit:

"Lots three (3) and four (4) and the south half (½) of the northwest quarter (¼) of section four (4), township seventeen (17) north, range eight (8), W. I. M. in Kingfisher County, State of Oklahoma.

"You and each of you are further notified to quit, leave, vacate, and deliver up to me at once the above-described premises for the possession of which I shall bring suit after three days under the forcible entry and detainer act. You will govern yourselves accordingly.

"Witness my hand this 17th day of November, 1914.

"FRED W. LANKARD,
"*Owner of said premises.*"

Now, this man Patrick, the renter, was of about the same grade and same intelligence as this man that was on the stand here yesterday, but was under the impression that the justice of the peace's office was open—this case was set for 1 o'clock—and that it was open until 2. That has been the rule ever since I can remember until they recently changed the law in Oklahoma. And when he got to the justice's office—the case was set at 1 o'clock and 1 hour and 15 minutes had arrived and he made this affidavit to have it set aside and in this paper to have the judge set it aside and for him to be allowed to appear and defend. He sets forth [reads]:

"Before H. E. Hopkins, a justice of the peace in and for the Kingfisher City District, Kingfisher County, Okla. Fred W. Lankard, plaintiff, v. John Patrick, Mary S. Patrick, and Levinih C. Patrick, defendants.

"AFFIDAVIT.

"Comes now the said defendant, John Patrick, in his own behalf and in behalf of his codefendants, and makes oath and says: That he is defendant in the above cause and makes this affidavit in his own behalf and in behalf of his wife and Mrs. Edson, his wife's mother, who has resided on the tract of land named in complaint since 1893. That he appeared before said court at 1.15 o'clock p. m on the 25th day of November, 1914, the day said cause was set for trial, and was informed by the court that judgment was taken by defendant at 1 p. m. of this day. That defendant is, and was, unacquainted with the location of the office of said justice and was starting to the courthouse in consultation with a friend as just what to do, and had not reached the justice's office at 1 o'clock. That he has a just and legal defense to said cause, and Zeviah C. Edson has a just and legal defense to said cause, and that she is sick at this time and old and unable at this time to attend the trial of this cause.

"That this affiant holds said land under a contract attached hereto and made a part hereof. That this showing is not made for the purpose of vexation and delay. That this affiant denies the allegation in the complaint that he has repudiated his landlord or refused to pay the rent, or committed waste, and says that on January 1, 1915, he will give peaceable possession under said contract.

"He prays that the judgment in said cause be set aside and that said cause be set down for trial.

"JOHN PATRICK.

"Subscribed and sworn to before me this 25th day of November, 1914.

"H. E. HOPKINS, *J. P.*"

Now, the reason that was done—the history of the case is about this, and I am not attorney in the case and in none of the litigation whatever, and had and have no interest in it. The only thing I ever done in the case was the lawyer telephoned me about 1 o'clock, or just about the time when he came into the office to get that case continued, and I went and attended to that for him or tried to, and since that time or before that time I have nothing whatever to do with the case.

But it seems this land was taken as a homestead by this old woman over 20 years ago, and the husband died 5 years ago, leaving her about $10,000 in land and other property, and that through litigation and misfortune and one thing and another she lost everything, and then this son-in-law rented this land for one year. The land is worth $5,000 or $6,000, but this man Patrick—he is an old man and his wife was dying with cancer and they had no force of children, or if they had any they were grown up and had left there. And there was a young fellow who had plenty of force, and who had a father-in-law that had money, and he wanted this land and he was ready to move onto the land if he could get the house on the land, and there was a good house on that land, and he says to Lankard: "I want the land, and I want it now."

And Lankard, in order to get him on the land, had to put this man off, and they brought this proceeding.

Now, then, on the 17th day of December I told this man Patrick, I said, "If they come out to put you off you call me up over the telephone." That was after I was cited to appear before this commission. I said, "If they undertake to put you off call me up." The telephone rang, and he said, "They are out here to put me off." I got in an automobile and took a photographer with me, and when I got out there I had this picture taken [handing picture to the chairman]. I stayed around there waiting a couple of hours, and they were rather ashamed of themselves. The landlord was out there and he went off, and they got in the automobile and went home. That is to say, the landlord, and this young fellow there helping to take the place he also went home. So that evening Patrick just moved the stuff back into his house. I went home. I called up the constable and I told him, asked him if he was going out there in the morning, and he said that he had orders to go out there, and that he was going out there and put them off. "Well," I says, "will you call me when you start?" He said, "Yes." So he called me about 9 o'clock and started out there, and hired two men to go out there. And I took my photographer, and got into an automobile and followed them out. I had this second photograph taken [handing photograph to chairman].

One of the boys was a young fellow about 21 years of age. He saw me standing around taking those photographs, or ordering them to be taken, and he came and talked to me; and he was a high-school boy, was going to school with my boy. I was attorney for his father, and he came to me and asked what I thought he ought to do. "Well," I says, "does your father know you are out here?" He says, "No." I said, "I would sooner be hung for a horse thief than to be doing what you are out here doing." He said, "I will quit." So I got in the automobile to go back home again. The stuff was moved back again.

The last time I was there—there is an old woman there; she is sick and in bed. They moved everything out and left her in. She was 82 years of age; she was born on the shores of Lake Champlain, and her ancestors fought in the Revolutionary War, in the War of 1812, and in the War between the States. That is the end.

Well, we came back home. The stuff was moved back, and I asked the officer if he was going out there the next day. He said, "No; he was sick," and he refused to go out. But they finally got a justice of the peace and told him he would either go or they would move him from office. I was frank with him, of course. I told him when he went out to please call me, that I would like to make the trip with him.

But the thing drifted along for a day or two, and they went to work and took this photographer, ran him off, and went out there and didn't let me know when they were going, and when they moved the old woman off the last time I was not there. They got the photographer away from me, and the other photographer in the town would not go.

Now, this man Lankard, he is what you call a good man; he is not a bad man at all. He lives in the same ward with me. His family and my family visit. We are friends personally. He has all the conventional virtues. I do not think he smokes, or swears, or chews, or gambles, or hunts on Sunday without a license, or anything of that kind. I do not know of him ever doing anything except to protect his own economic interests. He is a religious man and a good man. And I cite this simply to show that the relationship existing between the landlord and the tenant has a naked economic relationship that is wholly void of any sentiment that might be born of any religious system or any ethical philosophy. That when the economic interests of a man collide with his religious or ethical feeling, or patriotism, he just kicks his patriotism and religion out the back door, and he says to his patriotism, "Good-by; I will meet you on the fourth day of next July." He says to his religion, "Good-by; I will meet you at 10.30 on Sunday morning, and I will stay with you until about 11.30 or 11.55; then I want to go home and get dinner. I want to rest the rest of the Sunday afternoon so I will be fresh to play the game early Monday morning."

Now, then, why did that justice of the peace act in that arbitrary manner? He is a good man; he had no feeling against that man. He never met him before; never knew nothing about him. He had no feeling against me. If I had been on the other side of the case he would have done just exactly the same.

Now, originally under the laws of the Territory and under the laws of the State until a year or two ago, and I think in the laws of almost every State, the subdivisions of a county are into townships, and a justice of the peace and a constable are always elected; we always elected in every State of which I have any knowledge a justice of the peace that has jurisdiction over such cases as that. If that case was tried in the country that man would not have been put off of that land, and the landlords know that. So they went to work and they changed the law, and they repealed the law giving those people in the country the justice of the peace and the constable, and they divided the county up into districts, where each district would be controlled by an electric-light town. And in those electric-light towns now they elect the justices of the peace and the constables, four or five or six of them in the county. And the man that holds the strong hand on this rental lease, he sees to the election of these justices of the peace, and they look after his interests in the courts.

And if you say, "Why don't he appeal?"—they must give a bond for twice the amount of the damages, and they can't give the bond.

Well, he will say, "Why don't you test it out, carry some case to the district court." Well, the way they are fixed in the district courts is this:

Originally we had a jury system that was democratic. The jury was selected so that no judge could either convict or acquit a man by manipulating the jury; neither could any county attorney or any sheriff. We drew that and had it passed by the Territory legislature in order to protect ourselves from those Federal judges, and as soon as the landlord question became acute they changed that law, and the first law they made and the first law passed by the legislature in December, 1906, was that the judge should appoint a jury commission of three, not more than two of whom shall be of the same political party; that the jury list of 300, or whatever number of names is required, should be selected from the poll book. Within 60 days that was changed, and the jury list must be selected now from the tax rolls. But you might say, "Well, the tenants have some property," but there is an exemption law of $200 or $300. And the tax roll is in two books; one of them is personal property and the other is real estate. Of course, the judges always select what they call a good man, but the tenant is never a good man—not for that purpose. They are selected, generally they are business men, real-estate men, or side-line farmers, and they took the tax roll and they selected the jury list, and from that it excludes 100,000 renters from serving on the jury. You don't ever get a tenant farmer on the jury unless they want him there. Now, then, every tenant farmer in Oklahoma is mortgaged; that is, chattel mortgaged. If there is a tenant farmer in Oklahoma that is not chattel mortgaged I have never met him, and have never met the man that did meet him.

Now, the way that a chattel mortgage is foreclosed, it is not always foreclosed strictly under the law. They have what they call auction sales, and the bankers and money lenders and the storekeepers go to this tenant farmer that is going under, and he will make a talk to him and say, "You might as well turn the property over, we will take it over to John Brown's and sell it off, and if it don't bring what you owe, we will have to swear it away anyhow," and it will be better for the banker and better for the tenant farmer. So that these auction sales, or at least a large percentage of those auction sales we see advertised, that is the result. That is the way they foreclose a chattel mortgage, and then they protect themselves by what they call loading. That is, they bring, say, $300 worth of property and chattel mortgaged up to the gunwales, and the man can't pay out, whether he is sick or had a death in the family or doctor bills or something of that kind, and you are the banker, and you say, "Call me in and talk the matter over with me, and try to get me to turn the property over to you." This man here, he is also chattel mortgaged to you, and he has got $500 worth of property, and there is only a $200 mortgage on it, and you call him in and say there is a sale over here at John Brown's, I want you to attend that sale. There are going to be some good bargains there. You buy this stuff in. That is this particular stuff, and he can make something and he loads my debt on Holman, and he gives a first mortgage on my stuff and a second mortgage on the equity that Holman holds in his.

In the matter of the renters' union, I will take that up second. The first renters' union that was ever organized was in September, 1909, in McClain County, Okla. And afterwards, on November 14, 1911, at Waco, Tex., the

Texas tenants organized, and afterwards they both got together and are practically the same organization now, I understand they are merged into the Land League.

Now, at that time, in September, 1900, these were the demands of the renters' union. I have got the documents here to prove it. I will give you this. [Handing pictures of renters' homes in Oklahoma to the chairman.]

(The pictures referred to were offered by the witness. They are not printed.)

That is a classical example. That is, however, not strictly true. It does not show the woodpecker holes in the roof, nor the rat holes in the parlor.

Now, these demands of the Oklahoma Renters' Union [reading]:

"DEMANDS OF OKLAHOMA RENTERS' UNION.

"(a) We demand that the landlords of this State shall provide their tenants with a house in which to live which shall consist of not less than two rooms and a lean-to. The said two rooms shall not be less than 14 feet square, with a ceiling not less than 8½ feet high. The said rooms shall be plastered and have a lumber floor.

"The lean-to shall not be less than 8 by 20 feet and built substantially to exclude the elements. It shall be partitioned, one-half into a kitchen and one-half into a porch, which said porch shall be screened in. There shall be at least four windows to said building and two to the lean-to, which said windows shall consist of two sashes to each window and so constructed that the sashes can be raised and lowered. The doors to said building and all of the windows to said building shall be screened with wire and in a manner to exclude the flies and mosquitoes. There shall also be built to said building a front porch at least 16 by 6 feet, which may be roofed with boards and batten.

"(b) We further demand that a stable be provided for three horses, and also a shed of reasonable size in which to store implements. We also demand a chicken coop not less than 10 by 12 feet and 6 feet high.

"(c) We also demand that the well on the premises shall be curbed and so fixed as to prevent the surface water from getting into it.

"(d) We demand that all stables, horse and cow lots, shall be built at least 100 feet from the house and in a direction other than southwesterly from the house.

"II. (a) We demand the establishment by law of an agricultural arbitration court in each county to consist of three men—one tenant, one farmer, and one landlord.

"(b) The said court shall have power to fix the rate when the tenant pays in kind, and in so doing the court shall take into consideration the kind and condition of the house furnished the tenant and its surroundings and the character of the land and fertility of the soil.

"(c) When the tenant agrees to pay in cash he shall be entitled to a rebate in the event of the partial or total failure of his crops from the elements or causes over which he has no control.

"(d) Said arbitration court shall have exclusive and final jurisdiction over all disputes and contracts between tenants and landlords, and no lawyer shall be allowed to appear and plead before said tribunal."

And then it goes on, and I will not read it all. [Handing paper to the reporter.]

Chairman WALSH. I notice there is a good deal more to it.

Mr. NAGLE. Yes, sir.

Chairman WALSH. Is there any other place where that will appear in the record?

Mr. NAGLE. No.

Chairman WALSH. Then I think the time would be well employed in reading that all in.

Mr. NAGLE. All right.

Chairman WALSH. I think they are in the nature of constructive suggestions from the viewpoint of the tenant.

Mr. NAGLE. Yes. [Continues reading:]

"III. (a) The recognition by law of an association or union of farmers who farm the land and of renters which shall provide in its constitution for democratic government and the establishment by law of a department of agriculture. The officers of the said department of agriculture shall be elected, and the said

department of agriculture controlled, by said organization of farmers and renters so recognized by law.

"(b) The said department of agriculture shall have the following powers and such others as may hereafter be given it by law as the evolution of the economic structure may demand for the protection of the farmer and renter from exploitation by the capitalistic class.

"(c) The said department of agriculture shall establish a bureau of insurance, to the end that the property and crops of the farmer and renter may be insured against loss from the elements without carrying the burden imposed by capitalistic insurance companies.

"(d) Said department of agriculture shall have power to purchase any or all lands offered at judicial and tax sales, the State furnishing the capital for such purchases, and the said lands shall be disposed of by the department in the same manner as is hereinafter provided for the disposition of school lands, except that the board before buying said lands shall take such steps as may be necessary to safeguard the State from fraud and deceit.

"(e) It shall be the duty of the proposed department of agriculture to encourage cooperation among farmers in the erection of warehouses, elevators for the storage of farm products, the erection of cotton gins, buying of seed and fertilizers, the sale of products, the working of land in groups, the purchase and use in common of expensive agricultural machinery, the scientific cultivation of soil, etc., and for the purpose of furthering such efforts of cooperation there shall be levied a tax of 2 mills on all the lands of the State, to be collected as other taxes and turned over to the department of agriculture and by it expended and disbursed as may be ordered by said farmers and renters' union, which association must be under democratic management and not bureaucratic management.

"IV. (a) The school, indemnity, and all other lands that now belong to the State and all lands that may hereafter be acquired by the State shall not be sold and the title shall forever remain in the State.

"(b) Those lands shall be appraised at their actual cash value and shall, under the supervision of the Department of Agriculture, be leased to the landless in tracts not to exceed 160 acres.

"(c) And the said lessees shall pay the State for said land one-fourth of the value of the products raised on said lands each year until the appraised value of said land is paid in full to the State with two and one-half per cent interest. The said lands shall bear the same burden of taxation as lands held in fee, which tax shall be paid by the lessee."

And that, according to their theory, is the most important there, that "the said lessees shall pay the State for said land one-fourth of the value of the products raised on said lands each year." In other words, their theory was to get the State to finance them and then repay the State the same amount they had previously paid the landlord until they got the State paid out and pay the State 2½ per cent interest, and that then they had all that they raised. [Reading:]

"(d) The right of occupancy to said lands in the lessee shall, upon the death of said lessee, inure to the wife or husband of such lessee during her or his lifetime, and at the death of said husband or wife shall descend to such of the lineal descendants of the lessee as are landless and to no other, and in the event that there are no lineal descendants the land shall revert to the State, to be again disposed of as provided for herein.

"(e) Should any lessee desire to surrender his lease or abandon his holding the lands and the improvements thereon shall revert to the State, and the State shall account to the said lessee for the value of the improvements as the same may be determined by said arbitration court.

"(f) The right of occupancy to such land by said lessee and his lineal descendants shall exist and continue until such time as cooperative farming evolves from the existing system.

"(g) The interest of the lessee in such lands and the improvements thereon shall never be subject to execution or sale for the payment of any debts except taxes, nor shall the said lessees have power to mortgage or encumber said lands or improvements thereon."

Chairman WALSH. Briefly, from your own experience, Mr. Nagle, in Oklahoma since it was opened, what do you think of the constructive suggestions contained therein?

Mr. NAGLE. Why, it is the only way out that I see.

Chairman WALSH. Do you mean by that that you indorse them as a whole?

Mr. NAGLE. Yes; I will say that I indorse them as a whole.

Chairman WALSH. You may proceed, then.

Mr. NAGLE. Oh, there might be some—yes; broadly speaking.

Chairman WALSH. Fundamentally?

Mr. NAGLE. Yes, sir.

Chairman WALSH. Have you made any study of the proposed colonization scheme of the State of California?

Mr. NAGLE. No, sir; I have not.

Chairman WALSH. Or any colonization proposals that have been introduced in any of the legislatures of this country—have you paid any attention to them?

Mr. NAGLE. Yes; I have been over the colonization business, and I have abandoned it.

Chairman WALSH. You have what?

Mr. NAGLE. I say I have abandoned that theory. Not to answer you so shortly, just for this reason: That you can take a small patch of ground in the midst of a Sahara desert, as large as this room, and with all the water in the world you can not make anything grow on that. There is too much desert around it.

Now, the qestion is, What is there in store for this tenant farmer? That is the proposition; what is he up against?

Now, in 1889, when I rode into Oklahoma, a man rode with me that was a farmer, among several other men, and I will call him John Jones, although that is not his correct name; but we made the run of 20 miles, and he rode up Uncle Johns Creek and jumped off of his horse and drove his stake and fired his pistol in the air and said, "This 160 acres is mine," and he went to the land office and filed on it and got the land without an advance and had lived on the land from that day to this, and he has a wife and five children; and to-day that land is worth $50 an acre; it is worth more than that; it is worth a little more than that at the present prices, say $55 an acre. That is $8,000. He has got $2,500 worth of stock and some machinery around there, and he has got $1,500 in the bank. He is worth $12,000. He was what you would call a thrifty farmer; he is well fixed; he is one of the strongest farmers in the town. He is worth $12,000; but you must remember that $8,000 of that Mr. Jones never earned; $8,000 of that $12,000 came from the increase in the value of the real estate; that is, the unearned increment; he did not earn that. So that in 25 years Mr. Jones has saved $4,000. In 25 years, or 300 months, Mr. Jones has saved $13⅓ a month. Now, you will say, "Is it possible that on an Oklahoma farm Mr. Jones has saved $13⅓ a month?" "No; he did not do that; it took the combined efforts of Mr. Jones and Mrs. Jones and all the little Joneses working together." There is an eight hour—they are eight-hour people, too, as our labor-union friends say; they work eight hours in the morning and eight hours in the afternoon. Now, if that man and his family could only save $13⅓ a month, and they never went to any picture shows, how is this tenant farmer going to be financed by these intellectual gentlemen?

The tenant farmer—every third year for the tenant farmer is an absolute and complete failure, and it does not make any difference how great the rainfall is or how abundant the crop is, every third year is an absolute and complete failure for the tenant farmer so far as he is concerned. He works three years on a rented farm; one of those three years goes to the landlord; the second year goes to the bankers and implement and storage companies; and the third year he has for himself, and that is generally a failure. Now, how is he going to buy any $50 land? How is he going to buy any of that black, waxy land we have been hearing about at $150 an acre? The idea is simply ridiculous; it does not appeal to the intelligence of any man that has any ordinary human intelligence; he can not do it. But the question is asked, "Why don't he raise chickens and butter and milk?" We will take up the butter and milk question, for instance.

I was discussing that with a man about two years ago, as I recollect, and he was satisfied that a farmer could get rich by running a dairy, feeding cows, and milking them, separating the cream, and making butter. I went to the telephone and I called up the mill, the largest mill in the town. It was not the town where I lived, but the same rule applies everywhere, and I asked them, "What are you paying for wheat to-day?" And they said, "77 cents." And I hung up the telephone—and this can be verified by going back to the market records. And in about five minutes—wheat at 77 cents a bushel, 100 pounds of wheat would be worth $1.28½; a bushel and two-thirds is 100 pounds of wheat, and that would be worth $1.28½. Now, in about 10 minutes I went to the phone again, and I rang up the same mill and asked, "How much are you charging for bran to-day?" And he said "$1.35." Now, this farmer can raise 100 bushels of wheat, and he can take it to the market in electric-light towns and

can there pay for 100 bushels of bran if he gives 6¾ cents to boot. Now, how is he going to get rich?

Chairman WALSH. I want to ask you one question, going back. At what town was this justice of the peace located from whom the process came for this eviction, the pictures of which you showed us?

Mr. NAGLE. I will tell you about this. I have the original records, but I am in this situation, that if I go ahead and direct this commission's attention to any particular town or county, when I go back home they will say, "What you said is true, but why did you speak of our particular town or county, why did you give our particular town or county the worst of it? Why didn't you pick out some other?" If you want to know privately I will give it to you. You see the force of what I say?

Chairman WALSH. Yes, I do; go ahead.

Mr. NAGLE. As I have made some criticism on the courts I will finish that up now and say no more about it. It is not the Federal court or the Supreme Court of the United States that oppresses these families; it is the justice courts, those little courts that he comes in contact with. I will say this, however, for the supreme court of the State, and I want to be fair all around, that every case that ever went up to that supreme court during the time of the old supreme court—the new ones have not been tested out yet—that there has never been a question—financial, political, or economical—raised in connection with these tenant farmers but that they were treated with fairness; I will say that for the supreme court of the State.

Now, here is another instance on this wheat proposition. This man's name is R. T. Johnson. He is a tenant farmer. His post-office address is Cashion, Okla., R. F. D. No. 1. In the month of September, 1912, he hauled a load of wheat to the town of Cashion raised on his rented farm. They told him that the wheat tested 48 pounds, and offered him 51 cents per bushel. He acted like any other free-born American citizen would act under similar circumstances; he refused to sell the wheat and took it home. But he owed a note and the note came due. He then loaded up the wheat and again took it to Cashion and offered it for sale to the grain combine. It still tested 48 pounds, but they said it was a little "bin burnt," and he was offered 50 cents. He sold the wheat at this price.

He had 10 bushels left at home that he had saved for flour. He carried this 10 bushels by wagon across the sand hills of the Cimarron to a grist mill located at the town of Crescent. He paid 12 cents per bushel to have this wheat ground. The grist mill turned back to him 34 pounds of flour, 7 pounds of shorts, and 15 pounds of bran to the bushel, or 56 pounds in all.

At the price he would have been compelled to pay the milling trust for flour, shorts and bran, the wheat would have brought him over $1 per bushel. Cipher it out for yourself.

This is what the tenant farmer of the State of Oklahoma is going up against.

Now, this man that said that his wheat was bin burnt and that only offered him 48 or 50 cents a bushel is not a bad man, and in that town the banker that held the note is not a bad fellow; but do they treat everybody like that? Not at all.

I raised some wheat once myself, and occasionally wheat is hauled in to me to pay an attorney's fee, and the wheat they bring in to me is no better than the wheat of anybody else. But I would call up the grain men, and I would say, "There will be a hundred pounds of wheat go down there that belongs to me, what is the price?" "Well," they will say, "wheat to-day is worth 75 cents, but I will tell you what we will give when we look at it." And the wheat would go down there, and they would call me up in 10 or 15 minutes and say, "We have examined that wheat and it is extra good wheat, it is the best wheat that has come to this market this season, and it is worth more than 75 cents; we will pay you 80 cents for that wheat." Now, why do they do that? It is not any better than any other wheat; but they know that I am one of those fellows that understand their game, and they do not want to antagonize me for 100 pounds of wheat. They would rather pay me $5 than have me go out and make a holler about it. So, the fellow that gets the worst of it is the one that is least able to stand it. They are the ones that are being skinned, as the saying is.

Every 15 years that a tenant works on a farm he takes 5 years' vacation, one every 3 years.

Now, as to schools. Now, in Oklahoma we have a number of schools—the Northwestern Normal, at Talequah; the Central State Normal, at Edmonds; the East Central Normal at Ada; the Southwestern Normal, at Weatherford;

the Cameron Agricultural Training School, at Falls Valley; the University Preparatory School—I think there are in all 28 of them, of those different kinds of schools in Oklahoma, and the appropriations run all the way from hundreds of thousands of dollars to the university and agricultural colleges, down, but there is one appropriation I wish to call attention to; that is the university extension, $3,115. For university extension they appropriated about $3,000, and for those other schools hundreds of thousands of dollars. I don't know what it amounts to; I never figured on it at all.

Chairman WALSH. Does that include the agricultural college extension work, that $3,000? What is that?

Mr. NAGLE. Which?

Chairman WALSH. The extension appropriation.

Mr. NAGLE. That is for agricultural education in the universities; that is what that is.

Now, why are there so many educational institutions in Oklahoma? I understand that there are more than in Texas, Arkansas, and Missouri together. The appropriations are not so great as in those other States, but the number is greater, and the appropriations are enormous, too. It is for the purpose of giving high-school facilities and getting local schools to the electric-light towns at the expense of those fellows out there on the section lines. His children do not go there, but he pays the bills, and all the money he gets out of it for agricultural education is this $3,000. They are not built for the purpose of education, but they are built for the purpose of boosting the price of the corner lots in aid of the speculators in those electric-light towns. The children of the tenant farmers do not go to those schools. There is not 1 per cent of the children of the hundred thousand tenant farmers in Oklahoma going to the State university. What kind of a figure would that young fellow make in those universities with the Greek-letter chaps? What kind of a life would he lead down there? And they rule and ought to be crushed out.

Who goes to those schools? Why, if the school is located in a town of 10,000 inhabitants, the children from the town go. Now, I do not object to any appropriation, however high, for the State university, or for the State agricultural college, or for a proper number of normal schools; I believe in the nomal school. Some of the children of the tenant and mortgaged farmers go down to the normal schools to fit themselves for teaching school; a few go to the agricultural college, but few, if any, go to the other schools.

Now, then, we will take up the question of the future of those farmers; what we can expect from them; and I will give you a sketch of the history of Oklahoma, and these dates may be tiresome to listen to, but they become important further down in the presentation.

The first opening of lands for settlement in Oklahoma was on April 22, 1889. A tract of about 2,000,000 acres was thrown open for settlement on that date by virtue of an Executive order. More than 100,000 people entered Oklahoma on that date.

By virtue of an act of Congress in 1890, "No Man's Land" was added, which is a strip of land 167 miles long and 34½ miles wide.

On September 19, 1891, the lands of the Iowa, Sac, Fox, and Pottawatomie Indians were opened for settlement.

On April 19, 1892, the lands of the Cheyenne and Arapahoe Indians, being 4,297,771 acres, were opened for settlement.

On September 16, 1893, the Cherokee Strip, comprising 6,014,293 acres, was opened for settlement.

On May 23, 1895, the lands of the Kickapoos, comprising 206,662 acres, was opened for settlement.

On August 6, 1901, the Kiowa, Commanche, Apache, and Wichita Reservations, comprising about 4,000,000 acres, were opened for settlement.

The Otoe, Ponca, Missouri, and Kaw Reservations were opened in 1904.

In 1906, which I believe was the last opening, 500,000 acres comprising lands in the Commanche and Apache Reservations were sold in 160-acre pieces to the highest bidder.

Now, the point I wish to make is that all of these lands, except the last mentioned and the Kiowa, Commanche, and Wichita lands, passed to the citizen settler of the United States under the homestead law and by virtue of what was known as the "Free Homes Bill," the lands passed to them free, except the ordinary filing fee, amounting to some $15 or $20, which was paid at the United States Land Office.

Of all these lands, millions and millions of acres in the last 25 years—ranging from 10 to 25 years—have passed to those people under the homestead

laws of the United States, except the payment of the ordinary filing fees of the United States Land Office.

I will not direct your attention to the tenant farmer now. I have left him and am directing your attention to this other man, and the central idea is, Can this farmer survive or is he doomed? Has the fiat gone forth for his extermination?

There are 78 counties in Oklahoma. Of these 78 counties approximately 70 are purely agricultural. In the State there are approximately 200,000 farmers. In the eastern part of the State, or what was formerly the Indian Territory, approximately two-thirds of the farmers are renters. In the western part of the State, formerly known as the Territory of Oklahoma, one-third of the farmers are renters and two-thirds own their own land.

FARMS OWNED AND RENTED IN OKLAHOMA.

This table in reference to farms owned and farms rented in Oklahoma is taken from the Quarterly Report of the Oklahoma State Board of Agriculture for the quarter ending September 30, 1911, page 48.

That was in Indian Territory, and we turn to the counties cut out of the Indian reservations and take the county of Kingfisher and the number owning farms was 2,172 and the number of renters 1,052. We take Commanche County, and the number of owners was 2,022 and the renters 2,204. And that was opened in 1901; so you take all the counties in the eastern part, or what was known as the old Indian Territory, and two-thirds of the farmers are renters and one-third own their own land; and in the western part of the State, formerly known as the Territory of Oklahoma, and this table shows more than one-third of them are renters to-day, and they received their lands free from 10 to 25 years ago.

Now, this table is as follows:

Counties.	Number of farms—		Counties.	Number of farms—	
	Owned.	Rented.		Owned.	Rented.
Adair	498	372	Lincoln	2,340	1,469
Alfalfa	1,907	989	Logan	1,963	794
Atoka	399	770	Love	183	1,020
Beaver	2,758	669	McClain	396	1,068
Beckham	1,184	6,698	McCurtain	183	397
Blaine	1,432	995	McIntosh	691	1,533
Bryan	518	1,065	Major	1,812	633
Caddo	2,014	1,831	Marshall	206	817
Canadian	1,288	698	Mayes	713	707
Carter	474	1,763	Murray	171	277
Cherokee	843	912	Muskogee	570	1,497
Choctaw	399	629	Noble	1,292	537
Cimarron	427	153	Nowata	453	785
Cleveland	1,195	917	Okfuskee	514	991
Coal	114	459	Oklahoma	1,572	907
Comanche	2,022	2,204	Okmulgee	330	1,013
Craig	803	886	Osage	74	610
Creek	436	1,576	Ottawa	457	817
Custer	1,771	961	Pawnee	840	941
Delaware	580	417	Payne	1,625	1,117
Dewey	1,853	912	Pittsburg	16,790	17,883
Ellis	2,209	670	Pontotoc	439	1,439
Garfield	2,606	1,376	Pottawatomie	2,012	1,670
Garvin	574	1,940	Pushmataha	175	644
Grady	650	1,263	Roger Mills	1,972	457
Grant	2,391	1,253	Rogers	915	933
Greer	980	716	Seminole	333	1,579
Harmon	835	773	Sequoyah	814	1,227
Harper	1,378	980	Stephens	894	1,033
Haskell	388	820	Texas	2,391	627
Hughes	515	1,903	Tillman	1,253	819
Jackson	1,123	964	Tulsa	326	1,030
Jefferson	336	1,169	Wagoner	390	1,038
Johnston	316	1,234	Washington	948	4,448
Kay	1,703	1,215	Washita	2,022	1,254
Kingfisher	2,172	1,052	Woods	2,913	973
Kiowa	680	873	Woodward	2,197	877
Latimer	189	464			
Le Flore	574	1,868	The State	88,178	93,466

Now, this is the table of 1911.

Chairman WALSH. Do you get later briefly to some of your opinions?

Mr. NAGLE. Yes, sir. I have to lead up to it, to be intelligent.

Chairman WALSH. Yes.

Mr. NAGLE (reading). "The number of renters in the State at this time is 104,000. Of the farmers that own their own farms, numbering approximately at this time 95,000, 80 per cent are mortgaged, the first mortgages ranging from 40 to 60 per cent of the cash value of the land. How the 20 per cent escaped being mortgaged I will explain hereafter.

"CONDITIONS IN WESTERN OKLAHOMA.

"The condition of the farmer in the western part of the State, or rather in that part of the State formerly known as Oklahoma Territory, is better than that of the farmer and renter in the eastern part of the State, formerly known as the Indian Territory.

"Yet, it is apparent from the foregoing statement that the farmers in that part of the State formerly known as Oklahoma Territory, notwithstanding the fact that they obtained their land from the Government free, are to-day one-third renters and 80 per cent of the other two-thirds are mortgaged. What brought about these conditions? The first Territorial legislature enacted a law that the 80 acres of the homestead upon which the residence was situated could not be mortgaged. The cry was raised by the bankers that this would prevent capital from coming into the State and prevent the farmer from obtaining money to properly operate the farm. The law was repealed and the loan agent made his appearance. In 1894, 1895, and 1896 the rate of interest was 7 per cent and 30 per cent commission on loans made for a period of six years."

And if anybody questions that, there are hundreds of them on record in every county, bearing 7 per cent, and right following that on the same date a second mortgage for 30 per cent commission. [Continues reading:]

"This means that the farmer gave a first mortgage for $1,000, drawing 7 per cent interest, payable semiannually, and he gave a second mortgage for $300 payable in one and two years without interest. The rate has gradually fallen until at the present time it ranges from 6 per cent and 5 per cent commission to 6 per cent interest and 20 per cent commission.

"The farmer mortgages for one of two reasons: First, dire necessity; second, because he knows that in some way he must have working capital or pass to the renter class, and to avoid this he takes chances.

"Cornell University, from its college of agriculture, issued 'An Agriculture Survey of Tompkins County, New York.' This is a 200-page pamphlet by G. F. Warren and K. C. Livermore. The survey of conditions in Tompkins County was worked out after four seasons of exhaustive investigation covering every detail of farming.

"This survey discloses that the wages of a farm hand in that region were from $300 to $350 a year, with house rent, garden, wood, and milk added. The survey shows that one-third of the owners of land made less than the hired men, one-third about the same, and one-third made more.

"The problem of the survey was to disclose why the few succeeded and the many did so poorly. The survey solved the problem. It found, for example, that more than one-third of the owners had invested capital of less than $4,000. These were the ones who averaged profits of less than the hired man's wages. Those with a capital of $10,000 averaged a good labor income.

"The survey discloses that in spite of the most energetic and economic management, only 1 farmer out of 236 with a capital of less than $4,000 was able to reach a labor income of $900 a year. 'Shortage of capital,' declared the pamphlet, is the cause of poor results in farming.

"The average size of the farm in Tompkins County is 107 acres. The owner with more than 100 acres averaged much more than wages. The owner with less than 61 acres made less than wages. The chief reason given for this is the economy of operation made possible by machinery. There must be land enough to keep the machinery in use; otherwise the capital invested in the labor-saving devices does not yield the proper returns.

"The conclusion therefore is reached in this illuminating survey, that to farm successfully a farmer needs at least 150 acres of land in his own right and ought to have 200 acres.

"As in New York so it is in Oklahoma. Shortage of capital is gradually submerging the farmer. But why this shortage of capital? The why is because the farmer is unable to accumulate. And why is he unable to accumulate? He is unable to accumulate because the burden he carries is too heavy. And what is his burden? To illustrate what this burden is I will take a county in central Oklahoma, one of the best counties in the State, well watered, fairly well timbered, and a county in which can be grown both corn, wheat, and cotton and traversed by railway lines.

"The conditions in the county I now describe are the conditions in every agricultural county in the State. In this county there are 3,000 farmers. One thousand are renters and 2,000 own their own farms. Of the 2,000 that own their own farms 80 per cent are mortgaged. The tenant farmers are all chattel mortgaged.

"There is no mining or manufacturing in this county. The wealth produced in this county comes solely from the labor of these 3,000 farmers and their families. In this county is a county seat town and two other electric-light towns.

"In those electric-light towns are grouped approximately 100 parasites of the first degree. This means that every 30 farmers must keep 1 parasite of the first degree in affluence. They must furnish him with a first-class house to live in, with servants and all the trappings of middle-class fashionable life. These parasites are interlocked. Their conscious identity of interest, as a whole, against the interest of the producing farmers in the county, as a whole, welds them together. If the bank that exploited the farmer through usury should decry the graft of the grain man, what would happen? The grain man would counter with the charge of usury graft and withdraw his deposits from the bank and report the matter to the secretary and executive committee of the State Grain Dealers' Association and this committee would take the matter up wth the banks' correspondents in Kansas City, Chicago, and New York and the bank would oe refused accommodations and would eventually be forced out of business. The banker may be a good man, but caution impels him to silence and to mind his own business. If the big dry-goods merchant should complain of the grafting of the farmer by the mills, gins, elevators, grain and lumber men, or by the banks, how much goods do you think they would sell to the wives and families of these other parasites? If he whispered about usury, what would the banks do to him when he wanted money to discount his bills? Nor is this all. The same 30 farmers that must support 1 parasite of the first degree must support many parasites of the second, third, and fourth degrees. The bank that directly exploits the farmer by usurious interest is the parasite of the first degree. The newspaper man who advertises the bank and makes its business appear respectable to the public is a parasite of the second degree; he feeds on the banker. The landlord who rents the building to the newspaper man is the parasite of the third degree; he feeds on the newspaper man. The insurance agent who insures the landlord's buildings is a parasite of the fourth degree; he feeds on the landlord. All parasites of the first degree have a string of parasites attached to them and feeding on them. But in the last analysis, however, they all feed on the farmer. That is the burden he carries.

"After these local interlocked parasites take their 'cut' from the products raised by the farmer's toil it is passed on to the 'higher ups,' who operate through interlocking directorates.

"This is the burden the farmer carries, and it is this burden that is gradually reducing him to the status of the peon and the serf. These parasites of the first degree are virtual autocrats in their little kingdoms.

"They control the press. The newspapers in the electric-light towns are very careful not to publish anything that might enlighten the farmer as to the inner workings of these interlocked groups. The papers depend upon advertising. The farmer does not advertise; the parasite does.

"They control the church. These interlocked parasites distribute themselves around the various churches of the town, and if the minister should denounce their methods they would withdraw their support and influence and he would soon be relieved of his charge.

"They control the schools. The high-school or grade teacher dares not speak of the ruthless exploitation of the farmer. If she expects to be advanced in her profession or become county superintendent of schools, she must hold up the parasite to the rising generation as a living exemplar of the 'good man.'

"The lawyers and politicians are used as buffers between the farmer and the parasite. They stand in with the parasite, but they hand out to the farmer in

the country schoolhouses bunk and soporific dope. And in this they are aided by the newspaper men.

"Now, then, the question is this: We have seen that one-third of them are renters and that two-thirds of them are farmers that own their own land, and that 80 per cent are mortgaged. Now, how did the other 20 per cent escape that mortgage? That is the question. The fact is that 20 per cent of the farmers who own their own land have escaped the mortgage, and it is important to know how they escaped it.

"Five per cent of the farmers who own their own land, escaped mortgaging by reason of the fact that they or their wives inherited money from estates and were thus enabled to tide over.

"This accounts for 85 per cent. That leaves 15 per cent of this two-thirds that escaped the mortgage. How did this 15 per cent escape the mortgage?

"It is not everyone who cries 'Lord, Lord, who shall enter the Kingdom of Heaven,' and it is not everyone who bawls 'We farmers, we farmers,' and wears the uniform.

"If you don't know what the uniform is, I will tell you. It is a pair of overalls and jumpers. That is the uniform.

"There are what might be called 'side-line farmers,' and they may be scheduled about as follows—I may not name them all:

"(a) Side Liner No. 1 rides over the country picking up a calf here, a colt there, and a mule somewhere else, cheap. His special prey is the poor devil who has no credit, no telephone, and takes no newspapers.

"(b) Side Liner No. 2 has his weather eye out for chattel-mortgage sales, sheriff's sales of land, and picks up 'equities' from real farmers who are 'squeezed out.'

"(c) Side Liner No. 3 raises jacks and stable horses at a cost of $100 each and sells them to a company of farmers in a neighboring county for $2,000 each, after fixing two or three of the company by giving them their share for nothing and a $50 'William' to boot. This thrifty gentleman assumes the cognomen of 'farmer and stock man.'

"(d) Side Liner No. 4 is another thrifty gentleman who wears the uniform and whose business is 'skinning niggers and Indians,' or who receives a commission as a capper.

"(e) Side Liner No. 5 is the 'retired farmer' who lives in the country, owns two or three quarter sections, and makes his tenants 'divide up' with him from one-fourth to one-half.

"(f) Side Liner No. 6 is the landlord farmer and the banker farmer; many of whom live in the country 'among their tenants.' These are the humane Christian gentlemen who, before they sign the double-riveted lease, make strict inquiry, not only as to the 'mule power,' but as to the 'force' of the prospective tenant—their age, number, and health. 'The force' means the wife and children of the tenant farmer.

"These side liners constitute the other 15 per cent that have escaped the mortgage. They stand in with the electric-light-town parasites and make common cause with them against the real farmer.

"Now, who is the real farmer? The tenant farmer is the real farmer, and the man who owns land and lives on it, works it, and produces those things which the race must have in order to survive is the real farmer. The tragedy of the situation is that although he is the man that must produce the things if the race survives, it is apparent that his status is rapidly changing and that under the existing order he can only survive as a peon and a serf. That which he raises on the soil he takes to the electric-light town and lays it at the feet of the parasites and they fix the price. He takes their check and cashes it and goes back into their places of business and buys from them, and again they fix the price. The only thing that is necessary for the producing farmer to know is the road to town. The market so far as he is concerned is a shell game and operated in a way that he is ever bamboozled and buncoed.

"Heretofore it has been impossible to enslave the American producing farmer for the same reason that it was impossible to enslave the Indian. He escaped to the woods. But the public domain is exhausted. He is face to face with a crises. He must accept one of two alternatives. He must in the future be contented and docile as a peon and a serf or he must crush the power of the parasite class.

"This farmer, single-handed and alone forced his way across a wilderness from the Atlantic to the Pacific, contending not only with the forces of nature, but with wild beasts and wilder men. He overcame every obstacle and con-

quered every foe until he met the trust. Although in this conflict he has been whipped in every round, yet all the rounds have not yet been fought and his fighting spirit is unbroken.

"Anything a man can whip he will whip, and anything he can't whip he will worship. The farmer will not worship the trust; he will fight again. And before he can reach for the throat of the trust, he must crush the middle men, these interlocked parasites of the electric-light towns."

That is my presentation. I am willing to answer any questions.

Chairman WALSH. I believe you had something you wished to say about disturbances, out of which grew violence. If it will just cover that, I believe we will take your written matter, Mr. Nagle, and close.

I was asked to ask whether you are a farmer yourself, Mr. Nagle.

Mr. NAGLE. No, sir; I am not.

Chairman WALSH. Are you a landowner yourself?

Mr. NAGLE. Yes; I own a little land.

Chairman WALSH. A little land. How much?

Mr. NAGLE. I own about 100 acres.

Chairman WALSH. Are you in any business except the law business?

Mr. NAGLE. No, sir. I never was in my life; never did anything except to practice law.

On this question of violence and night riderism, the question that first presents itself to my mind is why the exodus from the country to the city? Why are they leaving the country and going to the city? We see from this presentation that 80 per cent of them are mortgaged, and after the mortgage assumes such proportions that it is apparent that they can not pay it and they become also chattel mortgaged, and they have a scale and they sell off the surplus stuff, and pay off their chattel mortgage, and then sell their equity. That gives them—they will come out of the deal then, probably two, three, or four span of horses, and probably two, three, or four hundred dollars in money, maybe a thousand dollars in money; but generally it is two, three, or four teams of horses, and four or five cows, some chickens and hogs, and four or five hundred dollars of money, and they are equipped for what? They are equipped to be first-class renters. Then they go and hunt for a farm to rent, and they find a farm that suits them. But there is a renter there, and economically this holder that is on there is not as strong as this man and he shoves him off, takes his place. This fellow that he shoves off, he has not the four or five hundred dollars, he has not so many teams, his force may not be so strong, so he is shoved out, and he moves off, and he is better equipped than the fellow further down the line; he just goes down and he pushes the next fellow off, and that fellow pushes another, and the weakest fellow that has got nothing, he drifts to town. There is no other place for him to go. He has got to go to the town. He can't get any place to rent, for he hasn't the mule power and the force to operate a farm. So there is no place on earth for him to go but to town. That is one of the reasons of the movement toward the city.

Another thing: When I was a child, why, I remember the time when they would knock the ends, both ends, of the barrel out and fill it up with wood ashes and make lye, and from the lye make soap. They would start a fire in the woods and make the sugar. They would make molasses out of sorghum. They would raise sheep and take the wool to the mill to be carded, and the wool would be carded, and mother would spin it and make that kind of clothing, stockings, and things of that kind, and also the wool would be woven and make clothing out of it. But the house factory has been eliminated. There is none of that work any more. It is not to do. That kind of work is now done in the city and in the factories, and the men and the women that were engaged in that household industry, they have left the farm. It is not there for them to do, and they have followed their job. A man must always follow his job. The job will not follow him, because there are more men than jobs.

Now, then, coming to the question of night riders, and the causes of that. The cause is simply this, that the man down the line, he does not want to be pushed off of that land by the man that is stronger. That is all there is to it.

Chairman WALSH. Please indicate, Mr. Nagle, how extensive that was—whether there was any violence in the county.

Mr. NAGLE. There is a good deal of misconception about what constitutes violence.

Chairman WALSH. What I mean is direct violence between the individuals. I do not mean the abuse of law or any of those other forms of violence. I do not mean economic violence; that is, I do not mean the pressure downward.

Mr. NAGLE. The fact is——

Chairman WALSH. What I mean is, did anybody whip anybody else? Did they shoot at anyone else, or anything of that kind? Did an organized mob threaten any person or do any damage, or anything of that sort—destruction of property of the landlord or of the tenant?

Mr. NAGLE. I don't know.

Chairman WALSH. Just proceed and give the details of any so-called night riderism in Oklahoma.

Mr. NAGLE. As I said, there is a misconception of what constitutes night riderism and violence. If a place is posted, they do not comply with the order, they do not go there and burn his house or take him out in the night and whip him——

Chairman WALSH. By the way, what do you mean by "posting" a place?

Mr. NAGLE. That means that the land must lie idle, not be cultivated until the fellow that owns the land, or the renter, does the right thing. But if the land is posted, why, a man—if you will let me say this—they can do more damage than with a double-barreled, muzzle-loading shotgun with a couple of basketfuls of Johnson grass—that they can do more damage than in any other way, because within an hour's time you can simply destroy a $10,000 farm. That is what night riderism constitutes in some degree. Of course, there has been some night riding done; I will answer that question in that way. And acts of violence or anything like that, I could not testify to that, because the knowledge I have of it is such that I could not disclose.

Chairman WALSH. Are you in position to state the details of the trouble in McClain County?

Mr. NAGLE. No, sir.

Chairman WALSH. You were attorney in the case, were you?

Mr. NAGLE. Yes, sir.

Chairman WALSH. Is there anything else on that subject, Mr. Nagle? Is it true that property was destroyed in McClain County?

Mr. NAGLE. I don't know.

Chairman WALSH. That is all. Thank you, very much.

(NOTE.—The stenographer was directed to insert this in the record, in connection with Mr. Nagle's testimony: The case referred to in McClain County, Okla., by the last witness (Mr. Nagle) was the case of Oklahoma *v.* Sam and Luke Spencer, pending in the district court of McClain County, Okla.)

TESTIMONY OF PROF. CHARLES R. AUSTIN.

Chairman WALSH. What is your name?

Prof. AUSTIN. Charles R. Austin.

Chairman WALSH. And what is your profession?

Prof. AUSTIN. At the present time I am head of the division of public welfare, department of extension, University of Texas.

Chairman WALSH. How long have you occupied that position?

Prof. AUSTIN. If you will permit me, Mr. Chairman, I will sketch, the same as the other witnesses——

Chairman WALSH. I wish you would.

Prof. AUSTIN (continuing). Right up to that point. I am a native of Indiana; I spent most of my boyhood days on an Indiana farm; taught public school seven years in the State of Indiana; hold the degree of A. B. and A. M. from the University of the State of Indiana; did my other graduate work—two years—at the University of Wisconsin as a fellow and assistant, and took charge of the work in economics in Grinnell College, in the State of Iowa; came to the University of Texas and have been in the university four years; one year in the school of economics, when I was transferred to the department of extension and assumed the position I named first in the beginning.

Besides my scholastic training and my days on the farm, I have had some experience in the different kinds of city marketing work, grocery business, and other things of that kind.

Mr. Chairman, may I have the privilege of stating——

Chairman WALSH. If you will pardon me, there is something I wish to put in the record. The case referred to in McClain County, Okla., by the last witness was the case of the State of Oklahoma *v.* Sam and Luke Spencer, pending in the district court of McClain County, Okla.

You may proceed, I hope, now without interruption.

Prof. AUSTIN. The remark which I was about to make, Mr. Chairman, was concerning the nature of my work, and would indicate why I seek to appear before the commission.

My division has for its business the investigation, the study, and attempted solution of a great many of the problems that confront the farmers of the State of Texas. We call our division the division of public welfare. At the present time we are devoting most of our time and attention to rural problems, because it appeared to be the best field for carrying the University of Texas to the people—the people who support the institution.

Mr. Chairman, I have handed each member of the commission a sheet of paper which contains eight points. I am quite willing to begin and give my evidence on either one of the points you may select. I have much more material than it will be possible to read in a short time. I have about 125 typewritten pages of evidence in front of me, and I can furnish you my field studies on either one of the points that I have put on this sheet of paper. If you will——

Chairman WALSH. Might I ask you to sketch them all briefly and give us the data that you have, for our record, beginning with point No. 1, and run right through, as I see they are the topics to which the other witnesses have addressed themselves, at least one of the other witnesses, at any rate.

Prof. AUSTIN. Mr. Chairman, may I ask a personal privilege, as there has been considerable personal opinion expressed by various witnesses, if I may crave the indulgence of the commission for five minutes before I begin to present any statistical evidence, to give a personal opinion of my own. I think that that indulgence on the part of the commission will permit me to furnish a great service to the people of the State of Texas.

Chairman WALSH. Very good. Just proceed.

Prof. AUSTIN. I want to say I do not believe that we have reached the bottom. I think one of the greatest pieces of work that has been done for the State of Texas along the lines of this work was the moment when we brought Mr. Levi T. Stewart before this commission. I think he was the "star" witness up to the present time. That is my personal opinion. He was the star witness, because he showed that a great many of the problems that confront a large fraction of the tenant farmers have nothing to do with the landlords at all. The minor part of Mr. Stewart's life is in relation to his landlord. The tenant problem has many sides. The man who got Mr. Stewart's money and the man who is responsible for his life is not the landlord. The local minister, the physician that attended his wife, the undertaker, and the merchant carry more responsibility in that tenant case than the landlord carries.

If you will permit me, Mr. Chairman, I will indicate what I mean.

In the first place the responsibility for the condition that exists in that one case, must be carried by the physician who attended that family, or the dozen physicians—it could not have been more than 11—there may have been 10 different physicians who came to that family, and the responsibility must be carried by the men who came year after year when the children came into that family; they did not get the father to one side and explain to him a fundamental principle in life. The physician failed in his duty.

In the second place the minister who stood in the pulpit in that man's different communities failed in his duty, because he sometimes preached on the beauties of heaven instead of instructing that man about the way he should live with his family six days of the week. As was shown by his own testimony, it would have been just as well for him had you given him a piece of land and allowed him absolutely free use of it, because the people who got the cotton that he made, three-fourths of it, if you please, were those whom I have named and the one-fourth went to the landowner.

I can not solve the tenant problem from any one viewpoint. It is a many-sided question.

I want to say further what I meant by saying the we have not gone to the bottom. Two or three of our witnesses that we have examined were holders of something like 3,500 acres of land. But where are the people of the State, Mr. Chairman, who a generation ago voted three millions of acres for the erection of a capitol building? Or where are the people who gave away a public domain, belonging to the State of Texas, that was as wonderful as the public domain of the United States? Have not these men whom we have examined concerning their holdings simply followed an individualistic policy that the minority of people did follow, because a generation ago only the minority of people saw

the meaning of land in this generation? They have fortified their beliefs by the holdings which they now possess.

Now, instead of dealing as a State with the fundamental land policy we are trying to regulate the rent, which is a price paid for the use of the land. In that respect we are dealing with a superficial instead of a fundamental question of the whole business. Whenever you try, in as many cases as you can bring similar to Mr. Stewart's, to deal with the question of solving the problem of the tenant farmer, if you please, Mr. Chairman, by regulating rents in his case you will follow exactly the same policy that the scientist would follow if, in trying to breed a herd of cattle that had no horns, he would saw off the horns of the successive generations, instead of selecting the cattle which had the shortest horns in each succeeding generation. In other words, we are working with the top of the case and not with the bottom.

I base those remarks upon a statement like this, coming from Prof. Giddings, of Columbia University:

"Whenever a Commonwealth whose people are impoverished and burdened with mortgages and other debts is observed to appeal continually to its Government to enact laws of a socialistic nature, or to undertake industrial and commercial enterprises for the benefit of a suffering population, the first inquiry made should ascertain whether that Commonwealth is not really suffering from sociological poverty—from a certain incapacity or lack of enterprise to organize those very forms of voluntary associations by which, in other communities, great economic activities are successfully maintained."

Mr. Stewart, to my notion, by his testimony, uncovered the whole situation in showing that we are abundant, in the State of Texas, in sociological poverty. Sociological wealth can result only when you have a population that has been settled in a community long enough to have learned the business of acting as a unit in transacting the business of the community, and in transacting the business of a community as a unit a man gets the instruction of the physician, the preacher, and the merchant, and he gets instruction that he may keep accounts on the farm; finally, he gets the chance that he desires.

Now, Mr. Chairman, I have abundant material on the development of tenancy in Texas, and if you so desire I have two or three maps which I would like to present that will show you that not all over the State of Texas is the farm tenant growing. He is not growing with the rapidity that some of the witnesses might have supposed. I have just as much evidence on one side of the question as I have on the other. Perhaps some of the showings concerning the bad conditions of the tenant farmer from the standpoints I have put on my paper are just as bad as anything that has been presented. But there is another side to the question, and——

Chairman WALSH. I wish you would put that other side out and let us depend for the present at least on what has gone before. For instance, you put out the side, if you will, Professor, showing that tenancy is not on the increase, and then your conclusions in that respect.

Prof. AUSTIN. Beg pardon, but you have not quoted me quite right. It is on the increase, but not the same as we might be led to believe.

Chairman WALSH. That phase of it, then. What was the other point? Oh, yes; you said that you could cite cases quite as bad as those that had been given here, and that there was another side to that?

Prof. AUSTIN. Yes, sir.

Chairman WALSH. Now, then, will you kindly present that?

Prof. AUSTIN. If you will refer, while one of the maps goes up, which I shall ask my assistant to put up, if you will kindly refer to the point I have raised on "Rents and the bonus system." In my investigation, Mr. Chairman, I have gathered considerable information from different counties in the State as to where the bonus is paid and where it is not paid. What I shall give you is quoted from letters of farmers who have written to me; for obvious reasons in this connection I do not put in the name of the farmer, but I have the original material in my files in my office in Austin. Now, I have from Bell, Comanche, Denton, Fannin, Hill, Johnson, Mason, Tarrant, Lamar, Delta, Falls, Milam, and Navarro Counties examples of how the bonus is paid or whether it is paid or not.

I have also from Burleson, Eastland, Grimes, La Vaca, Milam, Navarro, Nueces, Red River, Rockwall, Titus, and Coryell Counties examples where the bonus is not paid, and it is an open question, Mr. Chairman, as to who started the bonus. I have not been able to determine in my investigations up to the present point who started the bonus. I will have to pursue my investigations

further, gathering together a number of cases before I will justify myself in concluding that either the landlord or the tenant originally started the bonus. I have information from the counties I have named on both sides of the question. [Witness refers to map which was put on wall.]

The increase and decrease in tenants—the black figures on each county show the increase in tenants in the period from 1900 to 1910; the red figures show the decrease in tenants from 1900 to 1910. Now, let us omit the first point for just a moment.

In the counties where the red figures are located there was an actual decrease in the number of tenants per county. In the counties where the black figures are located there was an actual increase in the number of tenants. Now, the counties that are tinted in addition to the figures show a decrease of all the farmers. The point has not been brought out that in the State of Texas, in a certain few of the counties—I can not name them offhand—the same as in the State of Iowa as a whole, between 1900 and 1910, there was a decrease in rural population.

I call your attention to the fact that this next map which I show you indicates the increase and decrease in farm owners. I can not draw you a definite conclusion, yes or no, because there is no "yes or no" answer to be given. The discussion of the situation is all that I can give in this case.

I do call your attention to the tenancy map again for just a moment. You will see that the figures on this map show, in each county, the percentage of farm tenants in 1910, and the shading on the map shows the same thing to bring it to the eye. The darker the county the heavier the percentage of tenancy; and the percentage of tenancy runs higher in the black-land belt of the State of Texas. In other words, where you see the white figures that is the black land. Mr. Holman did not bring that out in his talk. Now, there is a different character of soil here beyond [indicating] the "cross timber," and cotton is produced there the same as in this section of the country over here. The percentage of tenancy is higher where the most cotton is produced. I do not say that tenancy and cotton go together as the result and cause. They are partially cause and result. Another cause is that in the migration of our population from the older section of the State to the newer sections people have tried to crowd into the strip of black land where the farming is easiest. That is one of the causes.

Now, remembering that streak of high per centage of tenancy, I call your attention to the fact that down here [indicating] you have a few counties in which there is an actual decrease in the number of tenants for the decade from 1900 to 1910. At the same time, I call your attention also to the fact that in certain of these counties there was an actual decrease in the number of home owners. Certainly we have not arrived at the bottom of that yet. There is a relationship there which would bear weeks of investigation, that will show where the home owner is going and where the tenant is going at the same time. That is the reason why, Mr. Chairman, I said I could not give a "yes or no" answer, because it is too complicated with the variation of the figures.

Now, where are the farmers of Texas located? Well, they are there [indicating]. The cotton map and this, showing where the farmers are located, look so much alike—and this happens to be the cotton map. In other words, there is where our cotton is produced. One dot equals 200 bales of cotton. There is another map which shows you exactly the same thing, and, Mr. Chairman, while we are getting that I will explain that these are the original counties of Texas—87 counties down there—that came in when Texas was organized as a republic, and they began to organise their counties. The counties where tenancy is most intense to-day are in a contour of counties that were organised for the purpose of county government 10 to 15 years after Texas became a Republic, even after it entered the Union, in 1845, as a State. In other words, tenancy is not a question, again, of the long-time location of the land, but tenancy goes with a system of crowding into a place where farm labor is the easiest. I have ridden, Mr. Chairman, with State officials over certain sections of an east Texas county, where the pine trees are now growing as thick as they can stand and large enough for telegraph poles, and that official who was with me has told me that 30 years ago he chopped cotton on that same ground. We have, in the process of the movement of our population, "gone across," and we have not yet learned to work with this problem. I have poll-tax lists which show that in one or two of the counties there are men who have been in the county only a short time and in the State a little bit longer, and a great many of them came from the four corners of the earth.

Now, putting those maps side by side, there are the farmers of Texas. One dot equals 25 farmers. And this is the cotton of Texas, and it is a problem, one with the other. In other words, Mr. Chairman, I want to interpolate at this point that if we get down in my testimony to the question of rural credits, I shall tie rural credits and many of the problems of the tenant farmer directly up to that black land, one crop, store credit, and the chattel mortgage, because the chattel mortgage, the one crop, the movement of population, the whole business, Mr. Chairman, is directly unified into the tenant problem in the black lands of Texas. If you will go over the list of counties which have just been put into the record, and which I named, you will find that bonuses are being paid on some of the best land we have, because the people are bidding to get that land, or the landlord is asking a price to use that land. I don't know which. I have evidence on both sides of the question.

Over here [indicating], Mr. Chairman, the tenants increase in a 10-year period, in one county 409, if you please, and in another 1,114, and in another 1,006. What does that bear out? Exactly the testimony that the gentleman from Oklahoma just presented, that whenever they move into a new section—to use an old frontier phrase, "when they pick up and put into the new diggings"—they will go there as renters. You will find the great percentage of increase lies in the counties of Texas where the population is moving in and where there is some of the best land we have, which compares with the land of Iowa and Illinois, and that is not the land where the percentage of tenancy is decreasing.

Mr. Chairman, I have other evidence along this same line, if you care to take the time of the commission to hear it.

Chairman WALSH. It is very interesting. What is the condition which you might make further discussion upon?

Prof. AUSTIN. The question was already brought out, Mr. Chairman, or has been presented, as to the racial strife, as to the negro, as to whether he was in this question or not. I have some very interesting maps to show you where our Mexican population is and where the negro population is located and where the foreign-born whites are located.

Chairman WALSH. I wish you would give them to us.

Prof. AUSTIN. I can bring you some very interesting data on the fact that the foreign-born whites that are coming in here succeed in getting a home in one generation, and I have not been able to run into any considerable number of cases where help has come from the fatherland to justify my vanity for the native farmer. The foreign-born farmer seems to come in with nothing more than the native farmer and to beat him to a home. On the basis of my own field of investigation, I have not been able to find that they have received much help from the fatherland.

This is a map where one dot equals 10 negro farmers. Without stopping to discuss the details of the question, the Brazos bottom, the Colorado bottom, some of the Trinity bottom, and the Red River bottom have been negro countries.

There is not yet, on the basis of our investigation, a question of the negro in the black land, but within the past few years he is moving in; but he is not moving in with any startling rapidity.

I will show you counties in just a moment, Mr. Chairman, where the negro has increased in number, but not in any startling number. [Uses map showing the per cent of negro tenants of the total tenant farmers in 1910.] In other words, of all of the tenant farmers that we had in the county, 57.5 per cent in this county of Freestone, for example, were negroes; that is, over half of the tenant farmers were negroes. Out here you see in the western counties, where the negro is not moving in so rapidly, he does not cut much figure. When you get down in some of the older counties, along the Brazos, there is 74.6 per cent in 1910.

Now, where is the negro moving? [Uses another map.] From 1900 to 1910 this map shows, where there is a line around the county, that the ratio between the colored and the white remains about the same so far as the home owners and the tenants are concerned. Where the county is black there was a relative increase in the negro tenant farmers over the white farmers. Where the county is white, without any black line around it, as you see here [indicating], it shows there was a relative increase of white tenant farmers over the negro farmers. In other words, in the black lands of Texas and on the west side of the black lands—this should be borne in mind, Mr. Chairman, this is Dallas [indicating] and this Fort Worth and this Waxahachie right here, and then we come on down to Waco, and this is Austin down here [indicating].

Now, you see on the west of that line the negro and the white have increased on about the same ratio as to home-owning and tenant farming. On the east of that same line the negro has a slight tendency toward going into the black lands. It shows that he is moving and edging up to the problem. Now, the situation is that on the east side of the State the white tenant farmer is increasing faster than the colored tenant farmer.

Chairman WALSH. Have you any deduction that you could give us as to why the negro is coming into the black land?

Prof. AUSTIN. I would not be justified in generalizing on that point. The white tenant is moving out. I don't think that, in justice to the institution that I represent, I should say that the white farmer is moving out from under bad conditions, going into a new country and leaving the bad conditions for the negro farmer to move in, as the evidence—I have evidence that this is the case—that the white tenant farmer is actually moving out; but I have not a sufficient amount of evidence to justify me in declaring that this is the cause.

This map shows the foreign-born white farmers. All the men represented on that map were born outside of the United States.

Chairman WALSH. Does that include the Mexicans?

Prof. AUSTIN. Yes; it includes the foreign-born whites. The farmers and managers make up 58.4 per cent, and the tenants make up 41.6 per cent of all. You can see that the red here predominates over the black. [Using map.]

Chairman WALSH. Are not the Mexicans classified white; that is, come in with the foreign-born white?

Prof. AUSTIN. Yes.

Chairman WALSH. They are just included with the foreign-born whites?

Prof. AUSTIN. Yes.

Chairman WALSH. I had in mind, Doctor, what you said awhile ago. You know that you spoke of showing where the Mexicans were going.

Prof. AUSTIN. Yes; but I have not done that on this map.

Chairman WALSH. Very well. I don't want to interrupt you, Mr. Austin.

Prof. AUSTIN. I want to ask you, if you will, please remember the decrease of tenancy was marked on some of these counties right in here, and this shows you the location of our foreign-born farmers here [indicating].

Commissioner LENNON. You made the statement awhile ago in regard to the foreign-born farmers that in one generation they acquired farms. Do you care to assign any reason for that or have you——

Prof. AUSTIN. That is a question which I could answer only by saying that I have a number of cases of foreign-born farmers who have come into a certain section of Texas, and instead of biting off, so to speak, a great, big farm and trying to do something with more than they could handle they have devoted their attention to a smaller place and follow the policy of diversified farming. Except with the Mexican in our work, we found very few foreign names on the chattel-mortgage records. Occasionally he gets tied up, but he is very careful about pledging himself, and according our own investigation he is very careful also about the character of his expenditures. When he expends for something he must get a result, and it is not a credit system that he founds. He is not trained to a credit system such as that which is intrenched with us by imitation and custom—two social laws which are always operating, but which operate exceedingly strongly in this section of the world, to keep us in a vicious circle of farm credits.

Commissioner LENNON. I wonder if it was caused by intensive agricultural education of some character in the countries from which they came?

Prof. AUSTIN. It is quite likely. I have found, if I am permitted to remark, I have found by traveling through European countries from which these men came and then going into certain sections of the State where they are at work, I found there was a great many evidences of trying to transplant the intensive farming of Europe to the broad plains of Texas.

Chairman WALSH. With more or less success in cases?

Prof. AUSTIN. Yes; with more or less success.

The question was brought up here of the number of foreign whites who were or are owners and how many are tenants. The map I am going to show now shows the percentage of tenancy among foreign-born whites. In other words, the percentage of tenancy among foreign-born whites is greatest out here [indicating on map]. Of course in all of the counties where there are no figures those counties have less than 10 foreign-born white farmers.

Here is the percentage of tenancy [indicating on map]. For example, the percentage runs 9 and 9, 17 and 9, 21 and 7, 25 and 3. When you get here you have 43 and 4, 42 and 6, and no county, with the exception of Caldwell, which contains a large Mexican population—well, there is Hayes adjoining—in none of them do you find the percentage of tenancy is as high among foreign-born white farmers as in the State as a whole, which was 52.6 per cent in 1910.

As to the location of the Mexicans, the two counties having most are Caldwell County and Bexar County, in which San Antonio is located. One dot means 10 people. We have included the cities, and this shows you where the Mexican population is located. Here is where El Paso is located [indicating]. The Mexicans come across the river, and the greatest percentage of our Mexicans are along the Rio Grande River. There are two centers—one in Bexar County and one in the Rio Grande country. This is Austin [indicating]. From here [indicating on map] above the Mexicans cut no figure as farmers, because there are not enough of them. In those counties where the great irrigation projects are going on the Mexican is a laborer and not a tenant farmer.

Two weeks ago a man told me down here [indicating] that he told a certain Mexican on a Saturday afternoon that he wanted 150 men to go to work on an onion patch on Monday morning; and on Sunday the men began to move in, and when Monday morning came he had 150 Mexicans ready for the onion patch. They get 75 cents and $1 a day and board themselves.

Chairman WALSH. How large an industry is that, the onion industry?

Prof. AUSTIN. I can not give you the acres, but it covers quite an extensive area.

Chairman WALSH. How many laborers, approximately, does it require during the season?

Prof. AUSTIN. That is so fluctuating that I can not give you that. They have one group of men that get the ground ready and they move out, and another group then comes in to set the onions in the beds, and then they move and another population will come in to gather the crop. It is a fluctuating population.

Chairman WALSH. Largely made up of Mexicans?

Prof. AUSTIN. Yes. They do not affect the tenant situation. Where the Austrians are located is exactly where you would expect to find them.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock this afternoon.

Please resume the stand, Professor.

(At this time an adjournment was taken for the noon recess until 2 o'clock p. m., at which time the commission resumed its hearing and the following further proceedings were had:)

AFTER RECESS—2 P. M.

Chairman WALSH. We will proceed now; the house will be in order.

Prof. Austin, you will please resume the stand.

Prof. AUSTIN. If you desire, I have two more maps which I would like to show. I will mention the subject, and if you care for a little explanation, all right; if not, I shall pass on. What I have presented so far is from United States census material—based on Federal statistics. I have also my own individual investigation.

Chairman WALSH. Have you a chart on that?

Prof. AUSTIN. I have it in statistical form; not on maps, but in tabular form. One of the maps on the wall shows the percentage of farm mortgages in Texas and the other is the number of acres per farm operator, by counties, in Texas.

Chairman WALSH. I believe that would be interesting. Please make that explanation orally.

Prof. AUSTIN. Both maps?

Chairman WALSH. Yes; both maps.

Prof. AUSTIN. I should like to say before I begin that one of the fundamentals to be dealt with in the State of Texas is the homestead law. Among other things, a homestead under the Texas homestead law is 200 acres of agricultural land. I don't want to assume any antagonistic attitude toward the homestead law. It is not quite safe yet to do so, because the Texas homestead law, made many years ago, when land was much cheaper than it is now, justified fixing

a homestead at 200 acres. The result has been that you could not mortgage an amount of agricultural land of less extent than that, and consequently the Texas homestead law has received a great deal of laudation, and there is a general belief—I do not believe that it is as general now as it has been—that the Texas homestead law is a great protection to the Texas farmer. Briefly, and in a nutshell, the character of the laudation that is paid to the Texas homestead law is entirely uncalled for.

Now, the map before you shows the percentage of farm mortgages in Texas in 1910. The map is misleading unless you remember that the western side of the State is the thinly peopled section of the State, and therefore when you say that 100 per cent of the farms are mortgaged in some of those counties you must remember that in those counties perhaps the average number of acres of farm land per farm operator is over 21,000 acres. In other words, there may be only 4 or 6 or 12 farms in those counties, but every one of them has a mortgage on it.

When you come back to the great section of the tenant situation, then you have more farms, and the percentage runs from 31 to 40, 35, 34, and 40, somewhat less than one for every two farms—one in every two farms mortgaged. In the State at large at the time these figures were compiled, we had but one in three farms mortgaged, but the peculiar thing is that in this State the vendor's lien note has entirely removed in hundreds and perhaps thousands of cases the protection that is given by the homestead law, because you can sell to a man any sized piece of land; he pays you part cash, and gives you a vendor's lien for the rest of it, regardless of whether it is above 200 acres or below it; he holds it and it goes beyond the homestead law. That thing has not broken into the social conscience of the people of the State of Texas, and when it does we will demand something in the way of a scientific study of what the Texas homestead really means, because where you do not have mortgages you have the vendor's lien notes acting as an incumbrance against the property.

Chairman WALSH. When we are dealing now, in your statement, with the question of mortgages, does that deal with and include the vendor's lien notes?

Prof. AUSTIN. I do not understand your question, Mr. Chairman.

Chairman WALSH. When you speak of lands being incumbered, do you include the vendor's liens as well as the ordinary deeds of trust or mortgages?

Prof. AUSTIN. Yes, sir. Without going into the detail of the matter, I should like to have a note made in the record, calling the attention of the commission to Bulletin No. 355, published by my own division, beginning on page 76, entitled, "Farm loans in Texas," because on page 81 you will see that apparently we had every farm mortgaged it was possible to mortgage, except 19,000; in other words, vendors' liens so overlap with the mortgages that the homestead law does not protect. At the same time, mind you, it does shut out a great deal of loaning to people on farms of less than 200 acres, because the people still owe part of the purchase price.

(The bulletin referred to above, entitled "Cooperation in agriculture, marketing, and rural credit," by Charles B. Austin and George S. Wehrwein, published by the University of Texas, August 23, 1914, was submitted in printed form.)

Since the morning session, I have had a word with G. W. Simon, agent of the Jewish Agricultural and Industrial Aid Society, who can explain to you when he comes on the stand that when the Jewish people attempted to buy a tract of land of 5,000 acres, near Houston, for cooperative work by his people, the homestead law did not apply to that, but that as soon as through cooperative effort they tried to make farms of from 40 to 60 acres out of it, and the people who went on those 40 or 60 acres of land, those farms became homesteads, and some of their people were tied because they could not go ahead and develop their 40 or 60 acres because of the homestead provision.

The number of acres per farm operator [using map], the average number of acres of land to each one operating a farm, shows you that the great sections of the State, the great farms, so to speak, are out here [indicating on map]. I do not mean to say that every farmer in Borden County has 1,000 acres of land. Maybe some of them have only 100 acres, but there are some of 5,000 and 10,000 acres, and there is a sufficient amount of what the Federal census calls farm land to make that the number of acres per farm operator.

Chairman WALSH. What is the lowest?

Prof. AUSTIN. The lowest county average, do you mean, Mr. Chairman?

Chairman WALSH. Yes.

Prof. AUSTIN. I can not answer your question. Apparently the lowest I see is in Galveston County, which is 82 acres; that is the average per farm operator.

In East Texas you have slightly smaller farms than you have in the black-land belt. But to go back to the testimony that has been presented, like that that was presented by the gentleman from Waxahachie, who owns one of the big places, perhaps 3,500 acres, you can see, however, that even in his case and for Ellis County the average number of acres per farmer, operating farmer, is 303 acres. If you get over where the tenant situation is not acute at all the number of acres is much greater.

Now, for example, down in Aransas County and in Tarrant County you have 190 acres and 264 acres, respectively. This county was the only one there [indicating] where the tenant situation is not near what it is in these sections up here [indicating] and you get larger farms. I think, perhaps, Mr. Chairman, unless there is a question on either one of those two, I shall pass on to another section of the work.

Chairman WALSH. You may pass on.

Prof. AUSTIN. Taking up the second point, I shall present it in a very, very brief way—the personal property of the tenant. In my studies of the tenant question, Mr. Chairman, I have dealt with the personal property of the tenant because we have, in the State of Texas, now arrived at the place where a man can not undertake the obligation of becoming a home owner unless he has laid up a sufficient amount of personal property to justify him in paying in a certain fraction of the purchase price. If he does not have personal property out of which to make the original payment on his farm then he is not justified in buying that kind of land. As was presented yesterday, or day before, by Mr. Stewart, railroad land has been sold at the price that he mentioned, $6. Col. Kirkpatrick, who sat at this table, has ridden in this country, where we are now situated to-day, when the land could have been bought at the same price, in certain cases even lower. A generation or two generations ago the farmer in Texas with only $100 or $150 could buy a home and pay a large part of the purchase price. I mean a large fraction, as an original payment. At the present time with the increase in the price of real estate he can not purchase unless he has a great amount of personal property from which to make the original payment. He must have gathered around him horses, mules, cattle, crops, hogs, chickens, or something that can be turned into cash to make the original payment. Therefore, I have examined the question of what personal property the tenant has, according to the renditions in a great many counties. I say a great many, I should say perhaps 10 counties. This evidence will build upon the evidence that was presented by Prof. Leonard yesterday, for Ellis County.

Take for example, to be very brief, Robertson County, which is a county with a large negro population, if you please, and the average number of acres per farm owner is 278; following through my story, 15 per cent farm mortgages up there in 1910.

In Robertson County, taking 117 cases of tenant farmers, estimating the amount of property, I mean ascertaining the amount of property that they rendered for taxation in 1913, you have this kind of a case: One hundred and seventeen men, different men who do not render for taxation any real estate or any city property; horses and mules, 324; cattle, 314; hogs, 320; dogs, 5; vehicles, 149; no implements; no cash; no miscellaneous property.

To analyze the cattle situation, 18 farmers render nothing at all, 20 farmers rendered 1 each, 36 farmers rendered 2 each, 12 rendered 3 each, and 14 rendered 4 each. As the number of cattle rendered increased the number of farmers rapidly decreased.

With regard to the number of horses and mules, 111 farmers out of 117 rendered 1 each, 52 farmers rendered 2 each, 21 farmers rendered 3 each, 25 farmers rendered 4 each, and so on. As the number who rendered increased the number of farmers rapidly decreased.

With regard to the hogs, 20 farmers out of 117 rendered none at all, 13 rendered 1 each, 27 rendered 2 each, 23 rendered 3 each, and 13 rendered 4 each.

And I have a similar story in 103 cases from Brown County. I have a similar story for Matagorda County, which is down on the Gulf coast.

The evidence accumulates for Fort Bend County, for instance. In Fort Bend County, out of 108 cases, 498 horses and mules, 322 cattle, 10 hogs, 6 dogs, 144

vehicles, no implements, no cash, no miscellaneous property, 60 head of sheep. Out of 100 cases given above for that county I have checked up a special school tax that was being paid in 72 cases. The rate of tax varied from nothing up to the limit of 50 cents. The total amount of special school tax being paid by the 72 men was $52.34, or an average of a little less than 73 cents per man.

We stand thirty-eighth in education in the State of Texas, according to some 1910 figures.

In stating facts, like those stated in the last paragraph as well as the facts stated in the preceding tables, I do not mean, in any sense of the word, to reflect upon the tenant farmer. The weaknesses of the personal property tax are so well known that we need not stop to discuss them here. It is quite likely that there are hundreds of city men who pay no more special tax than that noted above. But that is not the question I desire to raise, on this personal-property question. My point is, that I want to show that the amount of personal property which is possessed by the average tenant farmer is not sufficient to warrant a healthy social and economic condition. By statements, like those of my last paragraph, I hope to show that were the majority of the people of a rural community are tenants and possess no more than we have put down in these pages, it will be necessary for everything in the way of good roads, good schools, and other institutions supported by the State to come from a tax upon land alone. This fact is worthy of consideration from two points of view. First, the big farm of the future will be the farm with the greatest amount of capital upon it rather than the farm with the greatest area. Second, as a general rule, the greatest interest in upbuilding community institutions can be had only by having something invested in them by a majority of the people of the community.

If there are any questions on the matter of personal property I shall be very glad to answer them.

The question has been frequently raised, where does the tenant get credit, where does he get capital? I have some memoranda here, Mr. Chairman, of sources of credit and capital for the tenant farmer.

The first is the case of a mercantile company which had placed on the chattel-mortgage record in one year 254 loans, or perhaps a better word is advances, for these chattel mortgages represent, in a majority of cases, the amounts for which farmers have contracted with the store in the business of making their crops and paying running expenses. It must be understood that such a company deals in general merchandise and is able to furnish a farmer with practically everything that he needs in his business. The sum total of the 254 mortgages is $18,292, which is an average of $72.02 per mortgage. The following table will show the way in which these mortgages may be grouped:

Amount.	Number of mortgages.	Amount.	Number of mortgages.
$0 to $49	102	$200 to $249	9
$50 to $99	100	$250 to $299	2
$100 to $149	26	$300 to $349	4
$150 to $199	10	$400 to $449	1

Attention is called to the fact that nearly 80 per cent of these loans are for less than $100.

The second case represents mortgages recorded by a national bank. There are 47 mortgages of an average value of $221.47. The total amount being $10,409.13. The following table shows how these loans may be grouped:

Amount.	Number of mortgages.	Amount.	Number of mortgages.
$0 to $49	2	$250 to $299	1
$50 to $99	9	$400 to $449	1
$100 to $149	11	$450 to $499	1
$150 to $199	8	$500 to $549	1
$200 to $249	3	$600 to $649	1
$250 to $299	2	$650 to $699	1
$300 to $349	4	Over $1,000	1

The next case is that of a merchant, there being a record of 39 mortgages with a total of $5,000.80, the average being $129.02. The following table will show the grouping of these loans:

Amount.	Number of mortgages.	Amount.	Number of mortgages.
$0 to $49	10	$200 to $249	4
$50 to $99	7	$250 to $299	1
$100 to $149	10	$300 to $349	2
$150 to $199	4	$400 to $449	1

These three cases are all taken from the same record, and, as might be expected, they show that the majority of loans made by the bank are somewhat higher than the majority made by the merchant. This is also true for the average mortgages as may be seen by comparing the three averages. It is also true for the average chattel mortgage from the bank.

I have considerable information along that same line. The merchant takes a great many of the chattel mortgages. I shall represent that case and perhaps I might as well do it right now as at any time. I have a chattel mortgage case here for Fort Bend County. Fort Bend County is down on the Gulf coast; 323 acres is the average number of acres per farm operated in the county. This is the chattel-mortgage record [exhibits chart], Mr. Chairman; it represents about 1,700 cases taken from the record. Chattel mortgages are given each month, January, February, March, and so on. In other words, the farmer goes to the merchant in January each year and begins life all over again on the one-crop system, and then he makes loans each successive month until we get down here to July and August, and then in order to "crop out," as Prof. Leonard said yesterday, the chattel mortgages begin to go up a little bit higher and you see in November and December the mortgages are given in many cases, so that if the 1913 record, those chattel mortgages are due in 1914, or if this is the 1914 record they represent mortgages on the 1915 crop. I may say concerning when these mortgages come due, January and February, that they do not come due in January and February, because the cotton farmers haven't cotton to sell; they haven't a single thing to dispose of in those months. I have shown the personal-property record. When the cotton-picking season comes in September and October and November then everybody is clamoring at this cotton farmer and everybody is interested in him right then. They want to know how much he has on and what he is going to do with it.

Commission LENNON. Did you ascertain in any one county the proportion of tenant farmers who cleared their mortgages once a year?

Prof. AUSTIN. I am glad you asked that question. There is no reliable way to find that out, because it cost 25 cents to put the mortgage on the record, and the mortgagee having paid the fee to get it on, he leaves it to the mortgagor to get it off, and on account of lax methods of doing business the mortgagor does not take it off.

I want to show you cumulative evidence, Mr. Chairman, from three counties. There they are [exhibits charts] showing the curve runs down like that in every case. Those are all chattel-mortgage records for three different counties. There is Medina County, Brown County, and Fort Bend County.

Chairman WALSH. Just a moment. That is a chart of which you have a copy we may have?

Prof. AUSTIN. Yes, sir. Here is Brown County [using map], here is Fort Bend County, and here is Medina County, three different sections, but where the farmer depends on a one-crop system, Mr. Chairman, he is tied in economic bondage, so far as the chattel-mortgage record is concerned.

With the personal-property record I have indicated that there is but one solution for the man's case. It is not a question of the landlord; it is the question of the accumulation of personal property by the farmer, sufficient to justify him in buying a farm from land that is for sale in the State of Texas. The banks do this kind of business. Some of these are mercantile loans—some are bank loans. One bank record is for 413 loans, and it is seen that 85.1 per cent of them are for less than $200 each.

I should like to take just one case only, out of several counties, and I should like to indicate what the property is which is put on the books in the way of taking care of this total amount of value. I shall select one of the counties

that I have already named, perhaps. Well, I have a case here, a county that we took; 90 cases down in Medina County, and there we found in connection with these 90 mortgages the following property: Fifteen head of cattle, 93 head of horses, 118 head of mules, 34 wagons, 6 buggies and hacks, 24 plows and stocks, 5 harrows and 1 disk, 8 planters, 20 cultivators, 9 sets of harness, 1 rake, and 1 mower. In 36 cases all or a part of the cotton was mortgaged, in 35 cases all or a part of the corn was mortgaged, and in 24 cases all or a part of the oats was mortgaged.

Mr. Chairman, it is my opinion that the chattel-mortgage business as a system of rural credits is ingrained into our nature through the action of custom and imitation. It is something that is handed down to us, and we have been in the habit of doing this thing and depending on one crop, and the result is we do just what has been done heretofore, and instead of loosing ourselves from this sort of bondage with diversification and planning to live at home we depend upon the same old system.

You might be interested in knowing how some of these mortgages are worded. Take for example, I have a case here of a mortgage in January of $140 for eight months, secured by 1 horse, 40 acres of corn, 4 acres of cane, 90 acres of cotton, 2 planters, 1 cultivator, and 1 plow, to cover the mortgage of $140. I have, of course, in the pages I am turning over, a great number of cases of exactly that kind. How many chattel mortgages there were I do not know.

We have exactly the same situation when it comes to our cattle production, Mr. Chairman. A few months ago I started to trace the development of our cattle industry, because the success of farm life is so closely tied up with it. Cattle and the success of agriculture are so closely connected with the making of a living at home that it is very well worth while to know where we are going in this matter. I took a unit of 5,000 cattle to see whether we were increasing in number over the 5,000 in certain counties or decreasing, and I was surprised to find our cattle production decreasing over and over. The fact is, in many counties the decrease over the 5,000 head per county was so great that I soon had to raise my unit.

Now, as to this one thing, which goes to make successful farm life and the accumulation of property, because the accumulation of capital by the tenant farmer can best come about through the production of live stock, I have made a record of one county here which shows 27 mortgages on cattle, and they cover 10,431 head, with more than $380,000 tied up. Out of 87 cases, 2 were payable in installments; in 1 case no time was given; 1 case was payable in 1 and 3 months; average time of the other 83 cases was 4.8 months. The average loan per head in the 87 cases was $29.56. That is, this indicates a trading of herds. It indicates feeding of cattle, but it does not indicate breeding of cattle. It does not indicate that the general farmer is engaged in the business of supplementing his crop by raising live stock, which means the accumulation of personal property sufficient to justify him in making his first payment if he wants to purchase a home.

I gave some evidence I had that was material upon the bonus system, as to where it is paid, and where it was not paid. If you care, Mr. Chairman, I will give you some specific cases.

Chairman WALSH. I wish you would.

Prof. AUSTIN. I have here Bell County, which, according to Gov. Ferguson, is the best county in the State of Texas, and I have here a case of 160 acres, where 100 acres is in cultivation, and it is rented for one-third and one-fourth, with a bonus of $50. Case 2 is adjoining case 1 on the north, 160-acre farm, 90 acres in cultivation, rented for one-third and one-fourth, a bonus of $500; house rent in advance.

Adjoining that case on the west is a 160-acre farm, the 100 acres in cultivation, rented for one-third and one-fourth, and a bonus in the form of buying a team of horses at $100 more than the market price, or more than they were worth. [Reading from farmer's letter.] Down in Comanche County the landlords take a bonus in various ways. Just at the present people have left here until there are not enough left to till the soil in the right way. The money bonus at the present time, I do not know of. Last year there were lots of them paying from 50 cents to $1 an acre and living in the worst kind of houses."

Another example, referring to the case—is a case in another of these counties which I named [reading]: "One rents on a third and fourth and this year requires a bonus of $1 per bale, but requires tenants to plant a greater acreage of feed crop. The first instance affects five families. The other, six

or eight families. These are the only instances that I know of that require more than the regular third and fourth rents." That is Tarrant County, and it is the testimony of the farmer himself.

There are some cases where they refuse to rent without the paying of a bonus. This presents another side of the question, and that is, a man says the landlord requires him to make a certain kind of improvement before he will rent the place, which immediately points to the weakness of the agricultural rent contracts that exist in Texas at the present time. Ninety per cent, as stated by witnesses here, of all contracts are verbal and not written. In addition to that, there is a great per cent estimated for all the State at 50 per cent, where the contract stands for one year only, there must be introduced into our agricultural life a different kind of rent contract before you can expect the tenant to reasonable put any improvements on land that he has under cultivation. Few tenants are going to even attempt to nail a board on a house, to say nothing of putting fertility into the soil that he will get the good of for the next two or three years. No tenant is going to do anything of that kind until the landlord, on his part, has told him that he can have that place for a certain number of years.

On the other hand, no landlord is going to build certain kinds of improvements for a tenant until that tenant has put up something to show the landlord that he will stay on the job more than one or two years. You have there, as I said in the beginning of my testimony, two sides to a great question, and there is as much to be said on the one side as to be said on the other. The whole thing is fundamentally a mistake, to have the kind of rental contract that we have in existence in Texas to-day.

A great deal has been said about the tenant not being able to buy a home.

Chairman WALSH. Professor, if you can do it logically, I wish you would address yourself to that; that is, to the typical landowners you have met who were formerly tenants and are now landowners, and who could be said to be the best type of that sort, that did become landowners through their own efforts of themselves and their families on rented property.

Prof. AUSTIN. I shall read from my manuscript, if you will give me permission. [Reading]:

"On the opposite page will be found a table setting forth certain pertinent facts gathered from 16 landowners who were once tenants. The amount of information which could be found along this line would be limited only by the number of cases found in the State. We have gathered considerable data of this kind, but it serves our purpose at this time to discuss in a brief way these 16 cases, all from the same county."

Chairman WALSH. What county is that?

Prof. AUSTIN. That is from Hood County.

Chairman WALSH. What sort of a county is that, generally; tell us, please?

Prof. AUSTIN. Well, sir, I have not gone over that——

Chairman WALSH (interrupting). What is the number of farms there?

Prof. AUSTIN. Two hundred and seventy-four acres is the average; and it is not the typical black land, a great deal of it is sandy loam.

Chairman WALSH. What showing do you have in the mortgage way?

Prof. AUSTIN. Thirty-five per cent.

Chairman WALSH. That is a typical one, then—a third, I believe you said?

Prof. AUSTIN. Yes; so far as mortgages are concerned, that will run about typical. The man in the first case raised both cattle and hogs while a renter and nearly always had a few to sell. Sometimes he used his live stock as chattle to secure credit. His personal opinion is that too many tenants depend almost entirely upon the merchant for everything, and as they raise so little at home their living is quite expensive. His observation is, that renters and landlords do not get together often to discuss questions of mutual interest. One result is that the tenants take little interest in the farms upon which they lived. In his community a lack of both honesty and industry has caused considerable moving from farm to farm. At moving time many tenants dispose of their stock, and in this way they are prevented from accumulating any considerable amount of property in this form. On the other hand, there are some landlords who they do not like for renters to have live stock, as it creates additional expense and trouble.

In the second case the accumulation of property is attributed to trading of mules and other live stock. During the second year as a renter, which was the first on the third and fourth basis, this man cleared $750. The next year this

was raised to $1,000. Books were kept and all expenses itemized. The year that the thousand dollars was made, 39 bales of cotton were produced with an expenditure of only $20 for hired labor. The cotton was sold for 10 cents a pound. There has been little money borrowed from the bank, and the man says he has never given a mortgage in his life. A few yearlings have been sold each year and all meat supplies have been raised. At the time the place was purchased, $2,000 could have been paid down, but $000 were kept in reserve for the purpose of making improvements. During the past four or five years there has been nothing paid on the purchase because of the low price of cotton this year and short crops, due to the dry weather the other years. However, a good living has been made each year, and the interest payments have been kept up on the amount yet due on the farm. No serious misfortune has ever occurred. The policy has been to raise as much of the living as possible at home. His personal opinion is that if he had taken the $2,000 which he originally had and continued to trade in live stock that he would have made more money than he has from the farm. He thinks that he could have leased pasture at a greater profit. His comment is, that now he has his money tied up where he can do nothing else than go to the bank for credit and keep up his large rate of interest.

Chairman WALSH. Just a moment. How many were in the family there?

Prof. AUSTIN. There were two children. That man is 43 years of age, and has two children, and he has been in the county all his life, seven years as tenant, and occupied only two farms, one for four years and one for three years. He purchased the farm in 1906, paying $30 an acre for 112 acres, the first payment being $1,400, subsequent payments $850, and the amount now due $1,110 and the present value per acre $35. He pays 10 per cent interest on his land notes, and he has always raised live stock.

Chairman WALSH. Give the ages and sex of the children.

Prof. AUSTIN. I can not give that.

In case No. 3, where the man has been in the county eight years, the personal testimony is that when he first came to the county he cleared land for 75 cents a day. As he says, he always works six days in the week, and from sun to sun, too. There are no boys in the family. Many different kinds of crops have been grown, and a policy of diversification is followed.

Chairman WALSH. How many girls in the family?

Prof. AUSTIN. I don't know the sex of the children. Oh, in this third case, two girls. I don't know the sex of the children in the second case. In case No. 6, the first year the man was in the county he chopped cordwood for a living. That year he lived in a tent. The next year he rented as a share-cropper. The next year he went to a better place and began renting on the third and fourth rents. He rented in this way until he bought his place. He has done little credit business until this year, and has been very careful in handling his money matters. He diversifies by supplementing cotton with peanuts, corn, and other crops. He has the reputation in the community as a very hard worker. No family misfortunes have interfered.

The man in case 7 has raised his own feed all of the time, except one year, and that year was the only year in which he did not clear some profit. He never borrowed any money until he bought his place. He never gave a mortgage to a merchant. He believes that he has been able to make money because he diversified and received relatively high prices for his products. When a tenant he had two good teams and plenty of tools, but he lived in a very poor box house. He lived on one place in Dallas County—that is, this county—six years. The average size of the farm he rented was 80 acres. Books were kept while he was a renter on one farm for six years, and he knows that he paid $2,100 rent. He left this place because another man offered the woman who owned it a cash rent. The woman had not asked for this kind of rent, and the man who made the offer and took the place was not able to meet his promise, and she had to change the rent back to the third and fourth basis.

Mr. Chairman, shall I read more of those same cases?

Chairman WALSH. Well, unless you have some one that stands out in some way or is more significant than these. Now, you may state again, how did you gather them, please, Doctor?

Prof. AUSTIN. Those were gathered by a man just going into the field.

Chairman WALSH. You could have gotten a very great number more, I suppose?

Prof. AUSTIN. I have only 125 typewritten pages of evidence, Mr. Chairman, because we have not had time to gather any more.

Chairman WALSH. I see; but you were not picking out specially selected ones?

Prof. AUSTIN. No, no; I have many of them. I have tenants who are still tenants just going before that. You asked me for landlords who had formerly been tenants. I have some tenants who are still tenants.

Chairman WALSH. Yes, I see; but who have been successful tenants and have accumulated property in their farming.

Prof. AUSTIN. And bought farms.

Chairman WALSH. Now, have you some who have been successful as tenants, but are not landowners—who have accumulated property perhaps in other forms, cattle, for instance.

Prof. AUSTIN. Yes; quite a number of them. I can answer that question by saying that we have the evidence of men who have enough property to purchase a farm and pay a good, big, original payment, but who prefer not to do so. In some of these eastern counties, where tenancy is greatest, and some of the men own farms in other sections of the State, who are renting on this land. If you will pardon a personal reference, I own a farm in Robertson County, and I have a tenant on my farm who owns more land than he is farming for me down in another section of the county.

Chairman WALSH. And he has rented that himself?

Prof. AUSTIN. No; he is using it as a pasture and making enough on our place to go ahead with the permanent improvements on his own land.

In the case of the tenants I have just mentioned, the cases of the men who bought, the longest period of tenancy was 12 years, and the average for the 16 cases slightly less than 6 years. The commission may be interested in some of these items. One man was a tenant 1 year before he bought; two men, 2 years; four men, 3 years; one man, 4 years; and three men rented 5 years before they purchased; and one man rented 6 years, one man 7 years, one man 11 years, and two rented 12 years. Those are all the 16 cases.

Now, as to the year in which these farms were purchased, two bought in 1899, one in 1900, two in 1905, one in 1906, one in 1907, two in 1909, two in 1910, four in 1912, one in 1914. They have been purchasing right along. I should like to have the privilege of comparing 13 or 14 renters who are still renters with the 16 men who were formerly renters and who are now landowners, landlords themselves. These men have not all paid out. Several of them still owe part on the purchase price, but they are paying. The average age of the owners is 42 years, and of the renters 43 years. Average number of children, 3 per family, among owners; and 5, renters. Years a tenant, owners 5.6, renters 14. Farms occupied, owners 2, renters 5. Years on each farm 2.8 for the owners and for the renters 2.8. Live stock raised, owners 93 per cent yes, renters 100 per cent no. Diversification, owners 80 per cent yes, renters, 75 per cent no. Kind of credit, owners 20 per cent, with merchants and banks; renters 82 per cent, with merchants and banks. Those are all for one county. I am sorry I haven't every one of the 417,000 cases in the State, because then we could, from them, deduce for the whole State.

The question has been asked, Mr. Chairman, the question of the effect of tenancy on the public schools. We have, through our division of public-school improvement and our department of extension, gathered considerable data on the rural schools, and the men in that division have accumulated something concerning the effect of tenancy upon public schools, and I wish to say that we have a field for education in that respect. I have been in some of the counties over there [indicating]—I do not mention names—but some of the cut-over sections, where 60 per cent of the land is owned by men who live outside of the county—lumber companies. The people in that county wanted a brick schoolhouse; some of them did, but the majority of them did not, because it would increase their taxes; regardless of the fact that the people by whom most of the tax would have to be paid lived outside of the county, and the men who would have been affected less by the tax were exactly the men who had never investigated the question of education or how much it would cost them to build that brick schoolhouse. They thus shut themselves out of that opportunity and the chance of having teachers to enlighten their children and thus diminished the chances for their children to become home owners.

One case comes to my mind now where the moving of tenants from place to place has so diminished the attendance at the schoolhouse that it has been almost necessary to inaugurate a new system of education after the moving time was over. I can not locate the exact place now. In one school, after the moving season was over, there were just two children in that rural school

who had been there before the moving season came; most of them had moved away. Some others had moved in, and perhaps the enrollment had not decreased, but that teacher had to become acquainted with all of those new pupils, and it was then in the middle of the year, and the teacher had to begin practically all over again. The new ones came from a half a dozen different neighborhoods, and the teacher had to amalgamate them into a new system and had just a few weeks before the close of the school term in which to do that. Where you have a large proportion of migratory tenants, who move from community to community, that is one of the hardest questions we have to meet. It is absolutely appalling the amount of work some of the country teachers have to do to hold the school system together when they have that sort of thing to contend with.

I was asked if I could suggest some constructive program, and I would be glad to have you to ask me any questions on any point that I have passed over. I do not want to take up too much of your time.

Chairman WALSH. You may go to the constructive suggestions. I was going to ask you this: In your opening statements, as I gathered it, you stated that these things that you have been talking of so far might be called symptomatic?

Prof. AUSTIN. Not all of them; but some of them.

Chairman WALSH. But in the main, I think you so stated. Now, from your experience, your practical experience and your experience as an educator and investigator, I wish you would state, in as few words as you can, what the fundamental questions are underlying this whole situation, not as applied to the State of Texas alone, but as to any other State or farming community.

Prof. AUSTIN. Since we believe that the growth in farm tenancy is not the result of any one cause, it follows that we believe also that there are several ways or agencies which may be used to retard the increase in the number of tenant farmers and to solve many of the perplexing problems which now confront us.

In the first place, we have made a beginning in compulsory education, and from this time on there should be a constructive program along educational lines. After a brief time it will be seen where our law is weak or where it could be modified to advantage, and this can easily be done. There are several things to be gained by taking the children out of farm work when they should be in the schoolhouses and placing them where they belong. There will, no doubt, be a slight readjustment of the labor supply in doing a great deal of the farm work, and especially along the line of the farm work in which children have been large factors. If there are those who would depend upon the labor of their children, compulsory education will protect such children, and it will be necessary to substitute adult labor for the work which they have done.

At least, Mr. Chairman, the family that is growing up will not come here on the stand and give us the kind of testimony we have heard here before this commission and then not realize the seriousness of the social situation, as that mother and father stated so pathetically yesterday, that they were satisfied with their condition. At least we will open the eyes of the family to the question of compulsory education and show that the fathers and mothers have both disregarded a certain responsibility which they should assume.

Chairman WALSH. Did they disregard it, or were they unaware of it?

Prof. AUSTIN. You have stated it better than I have, Mr. Chairman. It is the same as the questions of unmorality and immorality.

Chairman WALSH. Is not their ideal good, and do they not teach it, and is it not fundamentally correct that their life is a happy and honorable one?

Prof. AUSTIN. Yes.

Chairman WALSH. So they are going on what you might call their instincts?

Prof. AUSTIN. Yes.

Chairman WALSH. He is disregarding what we all hope to be a temporary condition and acting on his fundamental instincts that it is the right life to live, and one of usefulness and happiness?

Prof. AUSTIN. I agree with you, Mr. Chairman, thoroughly, and he is absolutely powerless to put himself in harmony with that life; he is absolutely powerless to put his children in harmony with that life, to the extent that they will be efficient factors in that life when they become adults. [Continues reading:]

Thus we see that a great amount of our agricultural production will be lifted like a burden from the shoulders of the children. In the second place, compulsory education will make it possible for all rural children to gain the elements of an education, and from education must come the business management which will be necessary on the farms of the future. It is quite true that a

lack of education has thrown many men into the renter class, and because of a lack of business ability they are unable to so manage affairs as to become home owners, and we have abundant evidence of it.

A piece of constructive work can be done by the establishment of rural agricultural high schools, in which the right kind of farming will be taught and courses may be given showing the reasons for farm tenancy in other States and countries. In this way the farmers of the future may be warned against the forces which have placed some of their fathers in the renter class. When men and women are trained for farm life there will be less likelihood of competition from untrained people who enter farm life simply because they are not prepared to do anything else. A little reflection on the relation between compulsory education and farm life will show how training is sure to raise the standard of living of rural people, and when the standard of living is raised the time will have arrived when not even the smallest fraction of the people will put a premium on a renter who has a large family.

The State of Texas needs a system of registration of land titles, and we have not touched on that yet, and a revision of many things connected with our surveys and the transferance of deeds, and we have not touched on that. This will put into real estate affairs an element of surety which is much needed.

The time is ripe for a careful consideration of some kind of graduated land tax, not by a legislature, but by scientific study and laws which will prevent certain types of speculation in real estate. We do not make a dogmatic assertion on this point, but conditions are such that we may well question how much land one man should own, and particularly so if that man is not making use of the major portion of his holdings or resides in some section of the country removed from the location of the land.

Closely connected with the study of this kind of a tax should go an official investigation into the uses and abuses of our homestead law. We have pursued our studies far enough to convince us that much of the laudation of this law is unjustified. The homestead law does not protect in the way that a great many people seem to think. The general use of the vendor's lien notes has taken away much of the beauty which the homestead law is supposed to possess. If the general public will study the facts as we have stated them in some of our former work, we are quite sure that they will see as much to be gained by a modification of the law as they have heretofore believed the law affords them.

In the past we may have greatly limited the amount of investment of capital in Texas by outsiders through the attitude which we have adopted in our corporation laws. However, even if this is true, we can create our own capital and our own funds, which can be invested if the right kind of constructive farming and industry will be followed. There must be a certain amount of capital for investment purposes before the interest rates in our State tend to become lowered.

Diversified farming will do more than anything else to lower the interest rates which the Texas farmer must pay on both personal and real estate loans. Diversified farming is closely connected with the accumulation of personal property and working capital and will result largely from the kind of schools and education suggested above.

We believe, and I use the "we" editorially here. Mr. Wehrwein is responsible for the work that went on the maps, which work he did with characteristic German thoroughness. But I take the responsibility for the manuscript work.

We believe that there should be established under State supervision a bureau of exchange for the use of all landowners and farm laborers, the work of this bureau to be similar to the labor exchanges established in some of our larger cities, where every effort is made to keep the job and the man together and prevent as much unemployment as possible. A bureau of this kind for the farmer would fill a large field of usefulness. It would have saved that man Stewart 150 miles of walking if he was capable of intelligently farming land. Among other things, it would give the landlord a larger choice of tenants and the tenant a larger choice of landlords. It would also keep all farmers who expected to become home owners in touch with the possibilities in the different sections of the State and would tend to equalize the demand for and the supply of tenants and farms to be rented.

Pardon a digression for a moment. I went from the black-land section a year ago over to east Texas to find a prosperous man over there, when the tenants were talking about the price of land being $30 or $40 or $70 an acre in the black land. I found a prosperous man who had bought 100 acres of

cut-over land at $3 an acre. I sat down at his table with him and had a diversified dinner consisting of home-grown peaches, yellow sweet potatoes, cabbage, and pork. He gave every evidence of being a prosperous man. Now, I doubt whether even a small fraction of the tenants in this black-land section knew that at that time one of those land companies was offering two sections or more of land in one body, and were willing to sell it on 25 and 30 years time, I think, at $6 an acre. A clearing house such as I suggested, Mr. Chairman, would get the people of Texas acquainted with each other; it would get the landlords and the tenants acquainted; and it would save a great deal of shoe leather for the men who are trying to find farms.

The cooperative movement is growing, and assisted by some of the things that have been suggested above, the time would not be far in the future when we could expect business organizations, rural credit associations, and similar agencies to be successfully operated by farmers in the average community, and to be run for the benefit of both the landlords and the tenants.

Commissioner LENNON. Is that cooperation both for the buying and selling part of the business?

Prof. AUSTIN. I think, Mr. Commissioner, that one of the best things that could be done in cooperation right now would be an exchange of ideas; cooperative buying of seed, and the kind of livestock which is necessary for the newer type of farm which has just broken into the State of Texas with diversified farming; that would be the best thing to begin with.

We have had a great many failures in cooperative selling because of the sociological poverty; we have not learned to work together. We all pull together, but some pull in opposite directions from the others. We have not all learned to pull in the same direction. Every tide of immigration brings in a new class of people that have to be amalgamated to fit the social body.

Now, I do not think that I should take any more of the time of the commission unless you have some further questions to ask me.

Chairman WALSH. If you will please turn in your documentary evidence, we will excuse you.

Commissioner LENNON. Do the laws of the State of Texas prevent cooperation? Do they stand materially in the way of cooperation—in the way of cooperative efforts among the farmers?

Prof. AUSTIN. I think not, Mr. Chairman. Two years ago, at the session of the legislature just previous to this one now called, we had passed in this State a rural credit law. I do not care to discuss the provisions of that law; I do not think it is necessary, because there has never been a thing done with it. I do not think that any appropriation went with the passage of the law, and it only aroused a little interest among the people.

I would like to answer your question this way: Cooperation is not a matter of law but a matter of spirit; you can not legislative cooperation; you have to educate the people up to it; you must have the spirit. The strongest kind of law can not make cooperation work without the spirit.

Chairman WALSH. I have been asked to ask you a question, and if you can answer it, perhaps it would be well to do so, because it contains some philosophy: What relation does the private ownership of the machinery of the production and distribution of the means of life bear to industry?

Prof. AUSTIN. I should like to ask the questioner whether he is an orthodox Socialist or not and then see if we can not get together in private and discuss the whole question.

Chairman WALSH. I think it is too broad.

Prof. AUSTIN. Please read it again?

Chairman WALSH. What relation does the private ownership of the machinery of the production and distribution of the means of life bear to industry? I think you could write a book on it.

Prof. AUSTIN. May I answer that?

Chairman WALSH. Yes, sir; if you can this week.

Prof. AUSTIN. When you have given me a compulsory education law of such a character that it will prevent man from being the only animal that lives off of its young; when you have given me a law which takes child labor out of the factories and prevents the same thing; when you have done your best to provide for buying together and selling together and living together; when you have done all you can with your doctors to teach to the families like the one we had here yesterday that there is something else in the responsibilities of parenthood and that they must not undertake the obligation of feeding one additional member of the family every time the cycle of nature comes around,

when you have done that with your doctor; when you have shown the ministers how to teach the people to live six days in the week as well as how to rest one day on the seventh; then the minimum of poverty will exist in your society, and I will answer your question. [Applause.]

Chairman WALSH. Please do not give audible expression of your feelings; I will thank you to help us in that respect.

That is all, professor.

Prof. AUSTIN. I wish to thank you for the time you have given me. I wish to make this announcement, that this material I have here—all of this we have gathered together in cooperation with Prof. Leonard and we are publishing from it a bulletin. A copy is in the reader's hands now and it will go to the printer the last of this week. It is the result of our study in the division of public welfare and I would be glad to see that the members of the commission are furnished with a copy. I thank you.

(The bulletin referred to above, entitled "Cooperation in Agriculture, Marketing, and Rural Credit," by Charles B. Austin and George S. Wehrwein, published by the University of Texas August 25, 1914, was submitted in printed form.)

Chairman WALSH. Thank you. That is all, professor.

Mr. Giddings.

TESTIMONY OF MR. E. J. GIDDINGS.

Chairman WALSH. State your name, Mr. Giddings.

Mr. GIDDINGS. E. J. Giddings.

Chairman WALSH. Where do you live?

Mr. GIDDINGS. Oklahoma City.

Chairman WALSH. What is your business?

Mr. GIDDINGS. General practitioner of law.

Chairman WALSH. Are you connected with the Farmers' Protective Association of Oklahoma?

Mr. GIDDINGS. I am general counsel for the Farmers' Protective Association of Oklahoma and have been for some time.

Chairman WALSH. How long have you lived in Oklahoma?

Mr. GIDDINGS. Fifteen years.

Chairman WALSH. Will you kindly briefly state the nature of the organization and purposes of the Farmers' Protective Association of Oklahoma?

Mr. GIDDINGS. The purpose of the association was to resist the usury charges of the banks there.

Chairman WALSH. Is it limited in its aims to that purpose?

Mr. GIDDINGS. Well, the betterment of farm conditions also in general.

Chairman WALSH. Generally speaking, what is the constituency of it? What class of farmers, if any particular class, compose it?

Mr. GIDDINGS. Ninety-five per cent are tenants.

Chairman WALSH. What is the membership?

Mr. GIDDINGS. Last summer its membership was about 9,000; it is now depleted almost to nothing.

Chairman WALSH. Is it confined to the State of Oklahoma?

Mr. GIDDINGS. Yes, sir.

Chairman WALSH. Were you given some points by Mr. Holman?

Mr. GIDDINGS. Yes, sir; I think so.

Chairman WALSH. Please take up point No. 2, if you will.

Mr. GIDDINGS. I left those letters at home, but I can state it to you.

Chairman WALSH. As briefly as you can, please discuss the conditions relating to the charge of usury which has been made and which you say your organization was organized to combat, who gets the money, the extent of the usury, and the conditions generally.

Mr. GIDDINGS. I think, by the suggestion of remedies largely, I can expedite my testimony.

Chairman WALSH. Very good. You stated that you were in a hurry, and I wish you would do it in your own way as briefly as you can.

Mr. GIDDINGS. As I understand the correspondence I had with Mr. Holman, he desired me to discuss the details before this commission of the landlord and tenant system in Oklahoma and the condition as to usury there. I will take the latter first.

The cause of usury is mostly poverty. Usury laws were made primarily for the protection of the poor; the rich do not need them, because the rich

can ordinarily borrow money at the legal rate of interest. But I do not desire to unduly criticize conditions in my State. The tenant situation there, due to the inane, and insipid, and senseless policy of the Federal Government, is worse than any State in the Union.

The average tenant is divided between the west-side tenant and the east-side tenant. I do not know whether or not the commission has been advised as to the difference in tenants, on the two sides of the State, or whether or not they know of it and know of the difference in their conditions; it might be well for me to state that.

Chairman WALSH. I will say that it has been touched on, but not gone into very deeply.

Mr. GIDDINGS. I do not intend to go into it deeply, but only far enough to intelligently discuss the subject.

Chairman WALSH. I say that it has been touched on before, but not to any extent.

Mr. GIDDINGS. I will discuss it briefly for the benefit of the commission and the public.

When Oklahoma entered the sisterhood of States she came in under the most conflicting conditions of any State that ever entered the Union. Oklahoma Territory, the west side of the State, had an organized government, Territorial officers, and the same county government as the average of the States in the Union. The Indian Territory side of the State was absolutely disorganized; there was no county government. There was no government of any sort outside of the tribal government, except in the cities and towns in that part of the State which is now understood to be, in common parlance, the east side of the State, and it devolved upon the lawmakers to bring order out of chaos.

On the west side of the State to-day 34 per cent of the farmers are tenants and on the east side of the State 66 per cent of the farmers are tenants. In some counties the tenant percentage reaches 83 per cent of all of the farmers.

The tenant class may be divided into those who are thrifty and those who are shiftless and migratory. The fault is not all that of the landlord or all that of the tenant. The average tenant who goes on a farm has very little when he goes there; he makes a mortgage to start with to some money-loan shark or bank covering all his crops and everything he has got, and generally it is very little. He has a rental contract that his landlord shall have one-fourth of the cotton and one-third of the grain. Of necessity he is poverty-stricken under those conditions. When he pays the usurious charges and gives away from a fourth to a third of his gross income he necessarily comes out each year in debt. There is not a business institution in the world that can pay out one-half of its gross income and live. So that the farmer goes to the banker.

He does not meet the banker on equal terms; ordinarily he is distressed in mind and body. He meets the banker, who is the very opposite of that, and he must have that money. Necessarily there is a cooperation among the banks as to their charges.

The interest rate on chattel mortgages in Oklahoma to-day ranges from 20 per cent up to 200 per cent. In the cities I have had usurious contracts for laborers there that went as high as 230 per cent per annum.

On farm loans the interest charges are not so great, so far as the realty is concerned. Conservatively speaking, the farmers of Oklahoma owe to the banks and other money lenders at least $60,000,000, and $40,000,000 of that is out at a usurious rate of interest.

The farmer goes to the bank and he makes his note covered by a mortgage payable ordinarily the 1st of October. If he borrows $100 he pays $20 in the spring for it. You can always detect the usurious note by virtue of the fact that it bears interest after maturity. The trouble with fighting the usurious banks is that it is a poor man's fight, and he can not fight against the machinations and combinations of that character.

I have here among my papers the antiquated Federal statute on usury passed in 1864, and amended to give the State courts jurisdiction, in 1875, I believe. Since then nothing has been done with it. I desire to submit it to you and make it a part of my testimony before going into the details, except the statement that it provides for the collection of double the amount of interest where the same has been paid.

(The extract from statute so referred to and offered by the witness appears at the end of this subject as "Giddings's Exhibit No. 1.")

Chairman WALSH. That is the penalty to the injured person.

Mr. GIDDINGS. Yes, sir.

Chairman WALSH. Does this affect the aliens in any way?

Mr. GIDDINGS. No, sir. Now, the Oklahoma statute, with only two slight variations, is almost an exact reproduction of that Federal law, and I desire to submit it and make it a part of my testimony.

(The statute so referred to and offered by the witness appears at the end of this subject as "Giddings's Exhibit No. 2.")

These laws are ineffective, and the best proof of it is that nothing has been done to alleviate that condition. The only penalty prescribed is forfeiture, when paid, of twice the amount of the interest charged, and that is, under our statute, 10 per cent under contract, and in the absence of contract 6 per cent.

The farmer who borrows money from a bank can not fight a usury charge ordinarily, because immediately he does so he is boycotted by the banks, and the coming year he can not borrow any money. The banks have a sort, I suppose, of telepathic communication one with the other on that score. If you borrow money from the First National Bank in a certain town and they charge 40 or 50 or 60 per cent, as some of the banks have done, if you contest that usury charge, when you come the next year to apply for money you are boycotted by every bank in that community and in all of the surrounding communities. I suggested a remedy with regard to that, making it an offense for banks to boycott those who make a defense to usury charges.

These laws with regard to usury, as I have outlined them, are ineffective, I repeat, because the poor man can not fight the rich man in the courts on those sort of things, and I suggest this remedy to this commission: The passage by the Federal Congress of a law vesting power in the United States district attorneys to prosecute actions for penalties where usury is charged by the national banks, giving the usury-burdened farmer against whom it is charged the penalty when recovered and taxing the costs against the bank when it loses in the litigation. This is middle ground, in my judgment, between criminal prosecution for usury and the present civil statutes on the subject. You put the power of the United States Government behind those prosecutions, and when the fines are collected you turn them over to those who ought to have them: you instill an interest in the man who is charged such rates of interest, as well as the confidence in his Government that it will aid him to the limit of its ability in that respect, paternalistic though it may be. I have studied this question very considerably. I think that is the best solution for usury that I know of, in addition to other remedies, and I am suggesting those remedies because the commission, as well as myself, is in a hurry.

I suggest, as well, that there are other methods of stopping usury aside from your rural-credit system, which is yet to pass the Federal Congress. The courts uniformly have held that State laws do not cover national banks in usury affairs where there is a conflict between the National and State laws on the subject. So that relief must come from the Federal Congress, from which this commission originates. The law should provide such a penalty as it might see fit. It ought to be sufficient to act as a deterrent against those conditions.

Now, let us come to the banks and see if they are altogether to blame for those conditions, particularly in rural communities. Here is a small community, we will say, of 1,000 souls, and it has four or five national banks, or three or four national banks. Of necessity the more banks there are in a given community the less deposits each bank has, and largely it is upon deposits that money is loaned. The banking institution is one institution where competition is not the life of trade. Ordinarily, in my judgment, it is the life of trade.

Now, then, the Treasury Department, the Comptroller of the Treasury, with such agents as may have the regulation of banks, ought to investigate the conditions, particularly in these small towns where there are so many banks, and limit the number of banks that may receive therefrom charters to do business.

My investigation, however, of this subject has taught me that the national banks, as a whole, are not as guilty as State banks of making a charge of usury. With the decline in the efficiency of the bank-guaranty law of the State of Oklahoma, in so far as it affects the banks, some of those which were State banks have gone back into the national banks. The decline of the efficiency of that bank-guaranty system, so far as the banker is concerned, although it always has and will benefit the public and the depositors and was due to wild-cat banking and incompetency and things of that nature, making, as the conservative bankers thought, them pay for the incompetency and dishonesty of the

wild-cat banks and other State banking institutions. Of necessity, then, such banks charged, being on the verge of bankruptcy, such interest as they could get.

We tried our level best to get a usury law passed by this legislature that would have some efficacy, and while the members of it are of my own political faith, I am sorry to say that they did not pass it, but defeated it by a very decided majority. That law has this object: Of making the charge of usury a crime. The laws of the United States and of the different States of the Nation are very dissimilar upon this subject. Some States, like Nevada and Wyoming, have no usury law; some States, like Maine, have very inefficient ones. In order to make for the betterment of usury conditions there ought to be uniformity in the usury laws of the country, and that ought to originate in the Federal Congress, over which, so far as the national banks are concerned, it has entire jurisdiction, even as it has over domestic relations under the Constitution.

I have here a digest of a number of decisions of the Federal courts on the subject of this usury statute, and in construing its provisions, which, without reading, I am going to submit to the commission.

(The digest of the usury laws, so offered by the witness, appears among the exhibits at the end of this subject as "Giddings's Exhibit No. 3.")

Mr. GIDDINGS. The decisions are to some extent inharmonious, but they show the entire inefficiency and stupidity of the Federal usury statutes, especially in respect to holding that usury is a personal defense which may be waived and which would not pass to one who is in a better financial condition and might purchase the usury-tainted note. They likewise hold, it seems to me, in violation of the spirit of the statute, that the double-forfeiture penalty shall not be recovered unless the interest has actually been paid. Without going into a detailed discussion of that, I will state the trend of the decisions on the subject.

I would also like, without taking up the further time of the commission, to offer into the record a copy of the speech made by the Hon. Henry Carey in the Pennsylvania Constitutional Convention of 1873 on the subject of usury. It is one of the most forceful things I have ever read or heard upon the subject, and it eminates from one of the great men of the Keystone State.

(The speech, so offered by the witness, appears among the exhibits at the end of this subject as "Giddings's Exhibit No. 4.")

Mr. GIDDINGS. When the agitation on the subject of usury reached its heighth in Oklahoma last summer, as attorney for this organization, its membership being largely from the east side of the State where conditions are infinitely worse than they are on the west side of the State in that respect. I requested the attorney general, as the general counsel for this organization, to institute an action to test the question as to whether or not the charter of a State bank might be forfeited for a chronic and habitual charge of usury. I found, upon a legal investigation of the subject, that the courts of the country were at loggerheads upon whether, in the absence of a statute, that could be done. The text of the decisions in Cyc. and the American and English Encyclopedia of Law, and others, hold to the opinion that it could be done, as it was violative of the charter of the bank. But by reading of the decisions I found that a majority of the courts had held otherwise. I think the United States Government ought to pass a law, through the medium of the Federal Congress, writing into the Federal statutes a provision to forfeit the charter of any bank that chronically, habitually, and knowingly charged usury. If a banker can not do business at a legal rate of interest, he has the alternative of getting out of business; and it would be a godsend to the community where he lives, in many instances, if he would get out.

Another remedy suggested by many and which is found in some State statutes is the making of usury contracts void. I think these eight suggestions of remedies cover that subject, and I make it, without further comment, a part of my statement.

The memorandum referred to by the witness was as follows:

1. Forfeiture of given amount of principal and interest.
2. Power vested in district attorneys of United States to maintain actions for usury-burdened classes, giving them the penalties recovered, and taxing costs to banks where those institutions are the losers, and giving such cases preference over ordinary litigation.
3. Forfeiture of charters for chronic and habitual usury.
4. Criminal offense to charge usury.
5. Making of usury contract void.
6. Making boycott by bankers of those who contest usury charges a crime.

7. Reduction of number of banks in small communities particularly.
8. Uniformity of usury laws.

Chairman WALSH. Generally speaking, Mr. Giddings, what has been your observation as to the effect, if any, of the usury charges on the economic condition of these tenant farmers? How great a play does it have in their condition, whatever that may be.

Mr. GIDDINGS. Well, it is absolutely vital.

Chairman WALSH. You think it cuts a figure in the whole tenant farmer question to a great extent?

Mr. GIDDINGS. Without question.

Chairman WALSH. And on the question of landlordism, what effect has it?

Mr. GIDDINGS. Not in that respect, it has not.

Chairman WALSH. And you seem to have found those conditions among the money lenders, bankers, etc.?

Mr. GIDDINGS. Yes, sir.

Chairman WALSH. Do you have a condition in your State where a large chattel-mortgage business is done by the mercantile houses?

Mr. GIDDINGS. Yes; in some portions of the State. I was going to get to that. On the east side of the State a good many of the mercantile houses take chattel mortgages. Tenants in the neighborhood come in and purchase supplies and clothing for the coming season, and are charged a heavy rate of interest on those chattel mortgages.

Chairman WALSH. Is there any difference in the charge for the provisions where it is on time, that way?

Mr. GIDDINGS. I think so; they add to the charges. They generally add to the price, which does not appear as interest. That is to say, there is a difference of anywhere from 15 to 40 per cent in the price to the purchaser where it is bought on time and where it is bought with cash.

Now, Mr. Chairman, there is one condition in Oklahoma that does not confront any other State in the Union. I think I have said all I want to say on the usury subject. Now, I want to get down to another question—and I am confining myself largely to what Congress can do. Education and religion can do more than anything else. I want to discuss a question with this commission which has agitated every intelligent man in Oklahoma, and which is the most serious condition which confronts the citizenship of Oklahoma, and that is with regard to Indian land conditions in the east side of the State where the tenant system is more aggravated by 100 per cent than on the west side of the State.

There are different reasons for the unfortunate conditions of the tenant farmer outside of the Indian land question, and outside of any of the exactions of the landlord. There is the just and legitimate profit that the tenant farmer as well as the landowner has been losing, for instance, in the machinations of the cotton buyer, of the cotton trust, and of the cotton mill, and that sort of thing, which I shall not take time to discuss except in a general way. In the grading of cotton, for instance, there are dishonest graders. A farmer brings his cotton to town, and that condition exists in Texas, my native State, as well as in every other State in the Union where cotton is grown. He brings in a good middling, fair grade, or something of that sort, and they grade it below that and they decrease the value of a bale to the farmer in that respect—and it ought to be reached by law—anywhere from $10 to $25 a bale. And you can readily see what that means, and what a cutting-off from the average farmer that means. Another system is the system of noncompetition among the buyers in the purchase of cotton, where the cotton buyers on the streets get together and agree among themselves that they will not pay over a certain price for the cotton that comes there on the street, thus forming a combination, as has been done in many of the communities in Oklahoma.

Now, then, to get down to this proposition, about two-thirds of the lands of Oklahoma, I should judge, outside of the towns and cities, are nonalienable, and may not be sold except under these conditions—and this commission could not, in my judgment, do a more humane thing for the people of Oklahoma than to recommend some remedy to Congress with regard to it.

Those of half-breed Indians, and under, may alienate their lands under the act of 1908. Those of the three-quarter breed, and under, may alienate theirs, except their homestead. The full bloods may not alienate at all.

Now, what is the result? Here is the tenant farmer who rents from an Indian a piece of land, gets a rental contract for the year. He has no interest in your public-school system. He has no interest in your religious institutions;

he is not interested in the scientific, systematic conservation of the soil. And the result is you have poor farming, and not one of them has a house on that farm where he lives hardly fit for your horse to stay in. That is an awful statement, but that is true. The reason is that he is not, in the first place, going to put some improvements upon that farm, because he does not know whether he can stay there the next year or not. He has no opportunity to purchase it. He does not know what the Indian agent will do next year. He does not know what the Indians will do. So he just jogs along the best he can. And why is that done? That is done to protect the Indian, in a nonsensical policy of protection where you are deteriorating the value of his land year by year and you are doing him no good.

Now, if you will divide the Indians between the competent and the incompetent, and do like has been done with the Kiowa, Comanche, and Caddo Indians up there—let them sell these lands, and let the Government invest the proceeds for them in good securities—they will get more out of that investment than they do out of their rental contract each year. Those lands then are turned over to the white farmers, who can till the soil, who can make the sort of country that is habitable, and in which it is a good place to live. But instead of that, the Federal Government throws what it thinks is its strong arm around the Indian and says we want to protect him and not alienate those lands, because he will squander the money; but the Indian rents out the land under contract at from $25 to $150 for 80 acres for the year, and he profits are less than he would have made had there been legitimate investment of those funds in a proper industry and through proper channels. The Kiowa, Comanche, and Caddo Indians of the western side of the State—full bloods—can not alienate lands; yet when they die those lands are called "dead-Indian lands," and the Government comes along and permits them to be sold for the benefit of the heirs and invests the proceeds for them, or deposits the proceeds in banks, and the heirs get more out of it that way than the others did through the rental of their lands when living. You have got two kinds of Indians there. That is what keeps the tenant condition in Oklahoma—the Indians. You have got two sorts of Indians—the competent and the incompetent. The competent Indian should be permitted to sell his land and made to shift for himself like the average American citizen must do. He ought to be permitted to do that. The incompetent—and the Federal Government has the power and jurisdiction to determine whether he is incompetent or not—should have his land sold on long-time payments or for cash, and the proceeds, when sold for cash, invested for him, and he given the income therefrom each year; and he will benefit more, and it will undoubtedly benefit the State more, and the burden of taxation that falls upon the farmer will be less. That is the great burden in Oklahoma—the local tax. The State tax, outside of Arkansas, is lower than in any State in the Union, but the local tax is higher in some counties than in any State in the Union, and it is due to that identical fact.

I have compiled a statement on that, and I do not intend to take up the time of the committee in reading it; but that is my suggestion. I think the Federal Government ought to do that. I think it would do more to alleviate the tenant conditions in Oklahoma, if it did do that, than through any other method. If the Government may control monopoly, regulate it in any industry, it ought to be permitted to control and regulate monopoly of the land. One firm of land speculators in Oklahoma on the east side of the State—the Indian Territory side of the State—has under its control, Mr. Chairman, over 20,000 acres of land and over 1,500 tenants. Where do they get that land? The farmer can not buy that land. The speculator keeps his eye upon that particular, or where the other particular tract of land is which may be rented or bought. Then Chief So-and-so, who lives on the west side of the State and has a legitimate piece of property over on the east side, an 80-acre tract—the land speculator knows where that 80 acres is located, and he knows it, and knows how to reach him, and he can take a chance of getting a rental contract from that Indian. But the farmer, he can not locate that land; but the speculator gets that. That condition, I say, is a condition that is intolerable. It permits the speculator in one-half of the State to know and to own and control those 1,500 tenants or 20,000 acres of land. The Federal Government ought to understand that situation and provide by law some remedy for such a condition. How are you going to do it by leaving conditions as they are? It is not protection to the Indians. You can not do it, if you do the same thing year in and year out. That is one of many instances of that sort of thing in the State.

I think something ought to be done by the Federal Government. I think we ought to do something like we do in Oklahoma with our school lands. That shows how when you put hope in the average farmer, he takes—he becomes more enlightened and prosperous. We have about 7,000 school-land lessees in the State. I mean by school-land lessees, farmers who rent from the State. When the lands that they have farmed are sold or put up for sale, the State gives them the preference right of the purchase of the land, it gives them the value of their improvements. A board of appraisers from each county is called together and appraises the value of those improvements. If that appraisement does not suit the tenant, the said tenant may appeal to the school board, and if an adverse decision, in his judgment, is rendered, he may appeal to the district court of the county having jurisdiction. He is protected and encouraged to put improvements on the land. But how about this tenant farmer under this Indian condition? If he puts a well on the land, the landlord comes along next year and raises the rent, because the farm has been increased in value by the placing of a well thereon. So the more work he does the more rent he pays. The more industry he exhibits, the less he gets for it. That condition would not exist if we could get away from it by some appropriate legislation.

I have here a statement which I will give to the committee for its perusal at its convenience, a pamphlet containing the rules and regulations of our school-land department.

(The pamphlet entitled "Public Sale of School Lands of Oklahoma," containing the matter above referred to by the witness, was submitted in printed form.)

So, Mr. Chairman, and lady and gentleman of the commission, the conditions in Oklahoma with regard to the tenantry, particularly on the east side of the State, are not due particularly to any tyranny upon the part of the landlord or lack of thrift upon the part of the tenant primarily, nor to any lack of industry upon the part of either to help. But I repeat it is due largely to the insipid and inane and unwise and senseless policy of the Federal Government in its dealings with the Indians.

Now, I received a letter from the secretary of this commission asking me to bring with me anything in regard to rural-credit legislation or land legislation passed by the legislature which is now in session in Oklahoma. The legislature defeated, in addition to the usury law, the graduated land-tax law. It has passed no other legislation than this act entitled "An act to encourage and promote home ownership in Oklahoma; providing for the investment of certain designated funds; authorizing the sale of bonds against the securities taken, and the reinvestment of the proceeds." I do not think that law will be of much efficacy, because under it the State is required to get a first mortgage on these lands. So that is to set aside for those desiring to purchase lands about $7,000,000 in the State, money on hand in the school department and money from prospective sales of present school lands. The commissioners may loan not to exceed $2,000 to any one individual or family. Loans shall be secured by first mortgages on farm lands upon which the borrower resides, and notes shall be drawn to run for 23½ years, payment of 4 per cent of the full face value of each note to be paid semiannually, and at each payment, interest at the rate of 6 per cent per annum upon the unpaid balance of such notes to be deducted from the amount paid, and the remainder to be credited upon the principal of the loan. Loans from said fund shall be made only for the following purposes: To assist the borrower to pay for a home. To pay off any existing mortgage upon the house. To make permanent improvement upon the home farm. The act speaks for itself.

(The act referred to by witness entitled "Enrolled Senate bill No. 109," passed by the Senate January 28, 1915, and by the House of Representatives February 6, 1915, was submitted in printed form.)

I would like also to submit in detail my statement in regard to the Indian land situation. I have hurriedly gone over the salient features of it.

(The statement referred to and offered by witness appears among the exhibits at the end of this subject as "Giddings's Exhibit No. 5.")

I would like to say that if this committee has any other questions that it wants to ask of me, I would be glad to answer them, if this commission desires to aid the industrial and farming conditions in this country, and I am satisfied that it does, it can aid them materially by recommending to Congress some legislation to do away with the tyrannous, cumbersome, expensive machinery of the Federal courts of this country, to which many poor men are forced at

times to go, and which in my judgment are the rich man's paradise and the poor man's inferno. That is to say, that where in litigation there is involved a Federal question and nonresidence, and where the amount exceeds $3,000, the poor man has absolutely no show in the Federal court. Those conditions might arise at times with regard to land monopolists and tenants in Oklahoma and elsewhere.

I might here discuss the homestead law. Do you want me to discuss that? There is not anything to it, except 160 acres are exempt from excution and forced sale, but the homestead may be mortgaged with the consent of the wife.

Chairman WALSH. Just a word on the attitude of the court. I believe you have covered most of those points pretty well.

Mr. GIDDINGS. Which court?

Chairman WALSH. The State courts and Federal courts.

Mr. GIDDINGS. There has been so very little litigation, Mr. Chairman, that has reached higher than the justice court.

Chairman WALSH. You consider it really very weak, the usury law, I see that.

Mr. GIDDINGS. It is nothing at all. I think if Congress would give us a usury law the way other States do, and put it in the hands of United States attorneys to give such cases preference over ordinary litigation on the docket, that it would be effective.

Chairman WALSH. That is all. I am very much obliged to you for your testimony. You will be excused.

J. Tom Padgitt.

TESTIMONY OF MR. J. TOM PADGITT.

Chairman WALSH. What is your name?

Mr. PADGITT. J. Tom Padgitt.

Chairman WALSH. Where do you live?

Mr. PADGITT. Coleman, Tex.

Chairman WALSH. How long have you resided there?

Mr. PADGITT. About 10 years from time to time.

Chairman WALSH. Are you a native of this State, Mr. Padgitt?

Mr. PADGITT. I am.

Chairman WALSH. Of what county?

Mr. PADGITT. Brazos County.

Chairman WALSH. Are you a farmer?

Mr. PADGITT. Yes; a landowner and land ranchman.

Chairman WALSH. Where is your land located?

Mr. PADGITT. In Coleman County.

Chairman WALSH. Are your lands all in Coleman County?

Mr. PADGITT. Well, there is part in Runnels County.

Chairman WALSH. How much land do you own altogether?

Mr. PADGITT. About 12,000 acres.

Chairman WALSH. And how much of it do you operate?

Mr. PADGITT. I lease the grassland to some cattlemen; have about 2,000 acres in farms, and the grassland I lease to cattlemen.

Chairman WALSH. Is all the balance of it grassland?

Mr. PADGITT. Yes, sir; all the balance grassland.

Chairman WALSH. I am going to direct your attention, if I may, Mr. Padgitt, at first to the specific questions that I would like to have you answer, then if you want to make any additional statement, we will be glad to have you do so.

I wish you would describe in a general way the farming conditions in your neighborhood; that is, is it done largely by tenants, and how the landlords are getting along with their tenants, and general farming conditions.

Mr. PADGITT. Well, I would think that the farming is about 50 per cent by tenants, and the balance of them own their places, just about 50 per cent.

Chairman WALSH. Under existing conditions, what do you think the chances are for the average tenant becoming a home owner in your section?

Mr. PADGITT. I think he has a very favorable chance if he would like to become a home owner.

Chairman WALSH. Is there a tendency among the tenant farmers to become home owners, or otherwise, in your section?

Mr. PADGITT. Well, some want to become home owners, and others would not care for a home place.

Chairman WALSH. Could you strike an average? Do the majority of them desire, apparently, to own their own places, or otherwise?

Mr. PADGITT. If they have prosperous years and make a good deal of money, then they want to go and buy a home.

Chairman WALSH. Is there a tendency on the part of landowners to keep them as tenants, or is the tendency the other way? Do they encourage them to buy land?

Mr. PADGITT. Well, they encourage them to buy land.

Chairman WALSH. What is the price of land in your county?

Mr. PADGITT. Unimproved land is worth anywhere from $10 to $25 an acre.

Chairman WALSH. And tillable land?

Mr. PADGITT. Tillable land—that is, in cultivation—worth from $20 to $50 an acre. I have known some to sell as high as $80 an acre, close to the town of Coleman.

Chairman WALSH. Where is your land located in the county, with reference to the town?

Mr. PADGITT. Well, it is 30 miles from Coleman, in the southwest corner of Coleman County.

Chairman WALSH. I wish you would state for our record here, Mr. Padgitt, the way the tenants operate in your section, so far as the credits are concerned. You have been here and heard is discussed.

Mr. PADGITT. Yes.

Chairman WALSH. That is, how they finance themselves for their provisions, the rate of interest, and the character of security given.

Mr. PADGITT. Well, they go to the bank and make their arrangements with the bank, and the bank takes a mortgage, of course, on their stock or crop to be grown, takes their note in the regular way, charges them 10 per cent interest. Some go to the merchant direct and make arrangements with him to carry him until fall in the same way, in the same manner.

Chairman WALSH. Is it customary to charge anything other than 10 per cent interest where the loan is made from the bank, in any way, any more than with other charges?

Mr. PADGITT. Not that I have ever heard of.

Chairman WALSH. When it comes to the mercantile house furnishing them or extending credit, how is that there? Is there anything in addition to the charge of 10 per cent?

Mr. PADGITT. I understand they charge them a little more; that is, for the goods purchased.

Chairman WALSH. Have you observed whether or not that is true, say, with regard to your own tenants on your own place?

Mr. PADGITT. I haven't noticed it myself. They tell me they have to pay a little more for goods when they buy on time.

Chairman WALSH. Have you made any inquiry to ascertain what the difference is in the charge where it is cash transaction or where it is credit?

Mr. PADGITT. No; I have asked that question, but it seems to me they have never been able to answer it, to give me any satisfaction on it.

Chairman WALSH. What is the customary rental contract in your section, please?

Mr. PADGITT. It is a third and fourth; that is, a fourth cotton and a third grain.

Chairman WALSH. Is that the customary contract which you have with your tenant?

Mr. PADGITT. Well, the contract I have with my tenant is I accept one-fourth of the cotton and allow the farmer to take the cotton to town, sell it to the best advantage. I pay a dollar a bale for hauling it, and one-fourth of the ginning, and he takes one-fourth of the net proceeds and puts it in the bank to my credit, and brings back the deposit slip and the invoice from the cotton buyer. I was going to say that on the grain we charge them $3 an acre for it. However, that is not payable in advance. We wait until he makes his cotton crop and he pays it out of that cotton crop. If we have a drought and he fails and does not make much we trade with him, and we ask him what he thinks his crop is worth, and he may pay a dollar and a half an acre for it. If he says he will pay a dollar and a half, we say we think that is all right, and if they have a dry year we trade on that basis. We have never held them to the $3 where they made a failure of the crop.

Chairman WALSH. Do you deal directly with the tenant or through the instrumentality of agents?

Mr. PADGITT. I always keep an agent on the ground.

Chairman WALSH. Are you engaged in any other business except that of landowner?

Mr. PADGITT. Not at present.

Chairman WALSH. Have you been in any other business, either mercantile or banking?

Mr. PADGITT. Yes.

Chairman WALSH. Which business?

Mr. PADGITT. Well, I was in business here in Dallas. I have been in the banking business; that is, worked in a bank when I was a boy, and finally went into the Padgitt Bros. Co., in Dallas, here.

Chairman WALSH. What is their business?

Mr. PADGITT. Manufacturing saddlery and harness.

Chairman WALSH. What defects have you noticed in the existing land-rental contracts that you think might be improved, either by general custom or by law?

Mr. PADGITT. Well, I do not know exactly how to answer that question. I do not know of any improvement. I do not know of any improvement that could be made. We have our own contract. I draw my own contracts and have them printed. I have a form in my pocket.

Chairman WALSH. Would you be kind enough to submit it?

(The form of contract referred to was submitted in printed form.)

Mr. PADGITT. I have a blank contract, and I also have one signed up by one of the men—the farmers this year.

Chairman WALSH. All of your contracts in writing?

Mr. PADGITT. Printed.

Chairman WALSH. What is the custom generally in your country—is it to have them in writing or verbal?

Mr. PADGITT. Verbal.

Chairman WALSH. I wish you would just sketch in your own way, if you please, Mr. Padgitt, the tendency of the tenant—the experience you have had with your tenants with reference to the contracts they make, and the way they live, and the interest they take in the property, and anything of that kind that you think would throw light upon our inquiry. You have been here for the last couple of days, have you?

Mr. PADGITT. Yes.

Chairman WALSH. And you have heard described by some of the witnesses certain general conditions in various parts of the State?

Mr. PADGITT. Yes.

Chairman WALSH. And in other States?

Mr. PADGITT. Yes.

Chairman WALSH. Now I wish you to give your first-hand experience—how your tenants get along, how many of them graduate from tenants, and those that do not desire to do so, and still make a profit; how your property is represented, etc.

Mr. PADGITT. Well, our tenants seem to want to get along with the landlord.

Chairman WALSH. How many have you, first?

Mr. PADGITT. We have 22.

Chairman WALSH. I wish you would describe the amount of land that they have to operate.

Mr. PADGITT. Usually about 75 acres; that is, with one team.

Chairman WALSH. What would be the income, the average income, in an ordinary year of one of your tenants?

Mr. PADGITT. Well, an average, say for 10 years, I expect it would run about a quarter of a bale of cotton, averaging it all the way through.

Chairman WALSH. I do not exactly understand you myself. I would like you to make it a little more full.

Mr. PADGITT. I mean the average of 10 years would be a quarter of a bale of cotton to the acre for each year for the 10 years.

Chairman WALSH. I would like you to put that in a lump sum in dollars. What would a man get out of it—that is, a one-team farmer on the amount of land which you have on your place, say 75 acres? What would be his profit?

Mr. PADGITT. Oh, he would make about $750.

Chairman WALSH. About $750 each year?

Mr. PADGITT. That is, if he made a crop as I have just stated.

Chairman WALSH. Could you give an average of the force that you have on each place—the number of persons working in the family?

Mr. PADGITT. The families vary. Sometimes we will have a man and his wife that will farm, and then we will have a man with a family of five or six children, and maybe eight.

Chairman WALSH. Do the women generally work in the field?

Mr. PADGITT. Not all the time; no, sir.

Chairman WALSH. What do they do?

Mr. PADGITT. They pick cotton.

Chairman WALSH. Do they do anything else? Do they chop?

Mr. PADGITT. Yes; they chop and hoe.

Chairman WALSH. And plant?

Mr. PADGITT. Well, they hoe the cotton.

Chairman WALSH. Is that generally the case?

Mr. PADGITT. Yes; they usually do.

Chairman WALSH. At what age do the children usually take part?

Mr. PADGITT. When they are probably 8 years old.

Chairman WALSH. Is there any effort made to get renters who have large families of children?

Mr. PADGITT. Well, it is more desirable to have a large family. There is an effort made to get them.

Chairman WALSH. What does the desirability consist in? Does it make the people stay there, do they raise more crop, or what?

Mr. PADGITT. The country is thinly settled as compared to the black-land belt, and it is right hard to get labor in the fall when it comes to a cotton crop. And if they have a large family, he has his force there at home to pick out the crop, in addition to any other labor he may secure in any other place. In other words, the family can gather the crop.

Chairman WALSH. What sort of tenant houses do you have on your places for the families?

Mr. PADGITT. We have box houses; that is, some of them have three rooms in them and some four. Most of them have two bedrooms and a shed behind in which they cook and eat.

Chairman WALSH. What is done toward keeping these houses in repair?

Mr. PADGITT. Well, when it is necessary to make any repairs on them, we order the lumber or shingles or anything that is necessary and repair them right away.

Chairman WALSH. What is the smallest house, the cheapest house on your place? How many rooms and what is the cost of it to build?

Mr. PADGITT. The cheapest house on the place is the two-room house.

Chairman WALSH. What would it cost to build?

Mr. PADGITT. Cost about $225.

Chairman WALSH. And the best house on the place occupied by the 22 families is how large?

Mr. PADGITT. The best house is a four-room house.

Chairman WALSH. Are these all tenant houses that these 22 families occupy, and have they always been used by tenants, or were they ever used by owners?

Mr. PADGITT. They have never been used by an owner.

Chairman WALSH. All tenant houses?

Mr. PADGITT. All tenant houses.

Chairman WALSH. Built by you or the family?

Mr. PADGITT. We build the houses.

Chairman WALSH. Built all of them?

Mr. PADGITT. Yes.

Chairman WALSH. How much is the highest price?

Mr. PADGITT. The highest price is about $400.

Chairman WALSH. And the largest one of them?

Mr. PADGITT. That would be a four-room house.

Chairman WALSH. The largest would be a four-room house?

Mr. PADGITT. Yes.

Chairman WALSH. And those rooms would be how large? Just describe them.

Mr. PADGITT. You mean the dimensions of the rooms?

Chairman WALSH. Yes; the dimensions of the rooms and the number of them.

Mr. PADGITT. There would be two rooms front, and there would be about 16 by 18 feet, and on the rear there is a shed that runs all the way across this house.

Chairman WALSH. Is that counted as a room?

Mr. PADGITT. Yes; that is one.

Chairman WALSH. That is one of the four?

Mr. PADGITT. That is one of the rooms which they use as a dining room and to cook, use it as a dining room as well.

Chairman WALSH. Have they a porch?

Mr. PADGITT. Yes; it is roofed over and all inclosed.

Chairman WALSH. Is the other room that you speak of as a kitchen, is that used as a bedroom also?

Mr. PADGITT. Well, they do not use them as bedrooms. But there is a partition in between, separating the dining room and the kitchen from the front room. It is not all together.

Chairman WALSH. Are these houses screened to keep out mosquitoes and flies?

Mr. PADGITT. They are not.

Chairman WALSH. Are they erected with regard to sanitary drainage of any sort?

Mr. PADGITT. In building the house, usually we locate a site where we can build on a hill where the water will run away from the house, and as far as sewerage or anything of that kind is concerned we do not have it.

Chairman WALSH. Any artificial drainage of any kind?

Mr. PADGITT. No, sir.

Chairman WALSH. I have been asked to ask you if in your opinion a tenant can cultivate 75 acres of land as provided in your contract without at least the aid of other members of his family, his wife and children?

Mr. PADGITT. Well, he would have to use his wife and children to cultivate that.

Chairman WALSH. And at the present prices could he hire daily labor in any amount?

Mr. PADGITT. No; it is difficult to get the day labor.

Chairman WALSH. But, if he could, what would his income be in that respect? Would you say his income would be sufficient that he could hire daily labor without diminishing it to such an extent that he could not make a living?

Mr. PADGITT. Yes; he would have to have the family to help him on that crop.

Chairman WALSH. He could not hire day labor?

Mr. PADGITT. No; he could not hire daily labor. It is a difficult matter to get it.

Chairman WALSH. Could he, as a matter of fact, pay for it if he could get the labor?

Mr. PADGITT. Well, no; he could not very well pay for it unless he could make some arrangement with the man to work for him and wait until fall for his money. Then he could get it out of the cotton crop. Sometimes they exchange labor around through the country.

Chairman WALSH. Have you noticed much sickness in these rural communities due to bad housing?

Mr. PADGITT. No, sir.

Chairman WALSH. Is there much illness in those communities?

Mr. PADGITT. Very little.

Chairman WALSH. Do the landlords in your section here feel any social responsibility for the housing of tenants? Have you ever suggested to them, for instance, that the medical authorities have discovered that the mosquitoes are disease-carrying insects, and flies—have they ever suggested that they ought to screen their houses, or that the landlords would do it themselves, or suggest it to the tenant, or do they feel any responsibility of that sort toward the tenant?

Mr. PADGITT. Well, no; it has never been suggested, and the tenants never wants screens, and the landlords don't furnish them, and if he did they wouldn't stay in 24 hours. They would break them out. They wouldn't know how to take care of them.

Chairman WALSH. Have you tried it? Have any ever been broken out in that way?

Mr. PADGITT. We have not tried it; no.

Chairman WALSH. Do tenants appear to have proper consideration for the property of the landlords in your section?

Mr. PADGITT. Some do.

Chairman WALSH. Well, on the whole, how is that?

Mr. PADGITT. I think they have regard for taking care of things—that is, in a way—but still they take no great interest in it.

Chairman WALSH. Does your agent keep up an inspection of your property to see that the tenants do take good care of it?

Mr. PADGITT. He does.

Chairman WALSH. I wish to ask you a question or two about the schools. What sort of schools have you there—country schools?

Mr. PADGITT. We have very good country schools; that is, good average country schools.

Chairman WALSH. Just describe how they are in your section of the country; describe the school. Is it brick or frame?

Mr. PADGITT. They are frame.

Chairman WALSH. And the number of rooms in them?

Mr. PADGITT. Two rooms in the schoolhouse at this little town; and we have other schools around on the ranch.

Chairman WALSH. What kind of schools are they?

Mr. PADGITT. They are schools of one room.

Chairman WALSH. And by whom are the teachers employed?

Mr. PADGITT. By the county.

Chairman WALSH. That applies to those that you have on the ranches, also?

Mr. PADGITT. Yes, sir.

Chairman WALSH. What has been done toward the establishment of vocational training in agriculture and home economics, and the like, in your section?

Mr. PADGITT. Well, there is a lady up there that is teaching a school, and she teaches the children how to can certain vegetables so they can put up their vegetables and have a winter supply for the following winter. I might say this lady is going down on the ranch to teach them down there in the summer how to can vegetables and keep them so that they will have something in the winter and will not have to go to the store to buy stuff.

Chairman WALSH. From what source does this lady come who is teaching in the school?

Mr. PADGITT. From one of the towns in the county. Half of salary paid by Government and half by Coleman County.

Chairman WALSH. Mr. Padgitt, I believe that in 1912 there was some discontent among your tenants out of which some trouble grew, Mr. Holman tells me; and Mr. Holman tells me you would like to make some explanation on that. I wish you would do so.

Mr. PADGITT. All right, sir.

Chairman WALSH. I would like, if you will, for you to tell it in your own way, as you are more familiar with it.

Mr. PADGITT. Several years ago there was a party from Cincinnati and Chicago, both ladies and gentlemen, who came down there on the ranch. They were Socialists, and they would talk to the people down under the pecan trees and on the river banks.

Chairman WALSH. Where did you live at that time, Mr. Padgitt?

Mr. PADGITT. I was here in Dallas at that time.

Chairman WALSH. How far is this place from Dallas?

Mr. PADGITT. It is 288 miles.

Chairman WALSH. Proceed.

Mr. PADGITT. So, later along, when they came down and talked to them, there were a great many Socialists in the country.

Chairman WALSH. How long was that prior to 1912?

Mr. PADGITT. That was along about 1909 or 1910, I believe, those summers. And the Socialists got so strong there before the last presidential election that the community organized an Anti-Socialistic League. Now, I was not in the country at the time, and I did not know anything about it. But they organized this Anti-Socialist League, and the Socialists and the Anti-Socialists would fight each other, have meetings at the schoolhouses, but no violence.

Chairman WALSH. Did they meet at the schoolhouses on your ranch?

Mr. PADGITT. Yes, sir. The Socialists would have their meeting and then the Anti-Socialists would have theirs, and they had a general political fight there. That was a free-for-all fight.

Chairman WALSH. How many tenants were on your place at that time?

Mr. PADGITT. There were about the same number.

Chairman WALSH. Twenty-two families?

Mr. PADGITT. Yes. There are tenants all around the country that farm for other people and landowners. So this fight got so warm, they got worked up so about it, and they wanted me to discharge a man I had down there—Mr. Rives—and they petitioned—that is, the Socialists did—me to come there and let him go.

Chairman WALSH. For you to come in person?

Mr. PADGITT. Yes; for me to come in person and discharge him, that they did not want him in the country any longer. Mr. Rives was elected secretary of the Anti-Socialist League. So I had laid my plans to go down there, and a few hours before I took my train I received this petition. So I proceeded on the journey, anyway, and went down, and when I got there there were a few men—the Socialist Party had written me and said that they would like to see me at the schoolhouse at 2.30.

Chairman WALSH. Were they your own tenants?

Mr. PADGITT. Some were and some were not. Some were landowners.

Chairman WALSH. These landowners were Socialists also?

Mr. PADGITT. Yes.

Chairman WALSH. Proceed.

Mr. PADGITT. So they said they would like to see me at the schoolhouse at 2.30. They noticed that Mrs. Padgitt was with me, and to bring her, too, and let her come to the schoolhouse. I replied that I would be glad to meet them at 2.30 at the schoolhouse. I went over to see what they had to say, and the sum and substance of the thing was they wanted me to discharge Mr. Rives, my man there. He was looking after the business for me, had been with me almost five years of that time. So I told them I felt like Mr. Rives was doing me good work there; he was looking after everything; in fact, I had a written contract with him—a signed contract—and I could not let him go for that reason. If I had not had the contract signed I would not have let him go, anyway.

Chairman WALSH. What was their complaint, if any, against Mr. Rives?

Mr. PADGITT. He was secretary of the Anti-Socialist League, and any articles that were written, he would sign these articles. The people got it into their heads that I was backing him up. This is all a mistake.

Chairman WALSH. Had Mr. Rives dismissed any of the families from your place prior to this time?

Mr. PADGITT. Yes; he dismissed some.

Chairman WALSH. How many?

Mr. PADGITT. I believe there were about six or seven. So they wanted me to discharge Mr. Rives. I told them I could not do it on account of having this contract. I said that even though I did not have this contract I would not let him go; and that if the Republicans or Democrats or any other political party wanted me to let my man go I felt like they were interfering with my personal rights, and they should not dictate to me as to that question. I felt that I had the right to have the man there, and I felt like he was all right, because they were working out on this political proposition, and they wanted me to get rid of him, and I told them I wouldn't do that; that I would keep him there.

Chairman WALSH. Was there any charge of inefficiency or negligence or destruction of your property on the part of these six or seven families that were dismissed? Did that all grow out of the political agitation, also?

Mr. PADGITT. Well, I think it grew out of the political agitation.

Chairman WALSH. Were the people that were dismissed active in this agitation, this Socialist agitation?

Mr. PADGITT. You mean the parties that my man dismissed?

Chairman WALSH. Yes; the ones that Mr. Rives dismissed, the six or seven families; were they active in this agitation?

Mr. PADGITT. Yes; they were active in it.

Chairman WALSH. I wish you would just give the surroundings of the dismissal of these people, please, as you got it from Mr. Rives?

Mr. PADGITT. Well, the way I got it from Rives, he wanted to make an arrangement for the tenants next year, and he felt like these men would stay on the land up to the 1st of January and then move away, leaving the land lay out for the following year. I think he got a tip on that pretty straight, that they were going to do that. And he let them go so that he could have an opportunity of getting other men to put in their place and not let them leave the place January 1 when it was too late to get others to take their places.

Chairman WALSH. Was there any difficulty about the settlement of the accounts with these men?

Mr. PADGITT. No, sir.

Chairman WALSH. What time were they dismissed; what time of the year?

Mr. PADGITT. Along in the summer; but they did not have to give possession of their places, however, until the following January 1. We rent from January 1 to January 1. But they were told we did not want them any longer after January 1.

Chairman WALSH. Were they good or poor farmers?

Mr. PADGITT. Some were good farmers and some were poor.

Chairman WALSH. How long had the oldest of them been on the place?

Mr. PADGITT. About three years.

Chairman WALSH. And the shortest, or newest of them, how long?

Mr. PADGITT. One year.

Chairman WALSH. Proceed, please. You were saying that they asked you to come out at 2.30 and bring Mrs. Padgitt with you; said you would meet them.

Mr. PADGITT. We did meet them; and as I explained they wanted me to let Rives go, and I would not let him go, even if everyone had petitioned me, Republicans, Socialists, or Democrats, or anyone else, because I thought that interfered with my right to decide who should be on the property.

Chairman WALSH. Did they present any grievances except their desire to have Rives removed?

Mr. PADGITT. No, sir. They said that was the only grievance they had and that the only grievance they had against him was letting these men out. I will get through with the Rives part of it. After we would not let Rives go it seemed to terrify these Socialists or make them awful mad and they wrote us up in the Socialist paper down here.

Chairman WALSH. At Dallas?

Mr. PADGITT. No; at Hafletsville; but the article was exaggerated very much. And there was a young fellow there who used to answer the articles in the Socialist paper. This young fellow was using a Coleman paper and the others were using the Socialist paper. The thing went along from bad to worse until after the election was over and Mr. Wilson was elected President, and then the whole thing quieted down and you did not hear anything more of it at all. I can go down there and stay a month and will not hear any political talk in the country.

Chairman WALSH. Of your tenants that were dismissed, were any present at the meeting at the schoolhouse?

Mr. PADGITT. Yes; they were there.

Chairman WALSH. Did they present their case to you and talk to you about this?

Mr. PADGITT. Yes.

Chairman WALSH. Did they claim they were being turned away on account of their political convictions?

Mr. PADGITT. Yes; that is what they claimed.

Chairman WALSH. What did you say to them about it?

Mr. PADGITT. I told them I had authorized Rives to represent me and to manage the property to the best advantage, and when anything came up to use his own judgment and not write me at all times or telephone me, but to act for himself, and that if he let a man go or did anything down there, I approved of it, because I did not want to take the position of taking back what he did.

Chairman WALSH. How long did you remain there at this visit?

Mr. PADGITT. I stayed about three days.

Chairman WALSH. Have you ever lived down there since?

Mr. PADGITT. Not since.

Chairman WALSH. Is Rives still on the place?

Mr. PADGITT. No; he is not there now.

Chairman WALSH. Who is your agent there now?

Mr. PADGITT. A man by the name of R. L. Sarver.

Chairman WALSH. Have you had any further trouble with your tenants?

Mr. PADGITT. Not a bit.

Chairman WALSH. How long has the longest one of the 22 been on your place?

Mr. PADGITT. About five years.

Chairman WALSH. And the shortest one, of course, this year?

Mr. PADGITT. Yes.

Chairman WALSH. How long do the tenants down there stay on a place, as a rule?

Mr. PADGITT. Well, they stay probably four or five years; some do not stay longer than a year. It is owing to how thrifty a man is and if he wants to make something for himself; you find a man who does stay with you a long time to be thrifty.

Chairman WALSH. Do the tenants and people in the neighborhood use the schoolhouse in order to discuss political affairs?

Mr. PADGITT. They do not discuss politics any more; that has all been cut out.

Chairman WALSH. Done away with altogether?

Mr. PADGITT. Yes, sir.

Chairman WALSH. Was any suggestion made to them to cut it out?

Mr. PADGITT. I wrote a letter to Rives one time and I have a copy of the letter in my files and I told him I thought it would be a good idea to say to young Shakespeare Smith, which is his nom de plume, and tell him to discontinue writing articles, that it did the country no good; that it did himself no good and kept up an agitation all the time; and I asked him to talk to him and see if he could not get him to discontinue writing articles for the Coleman paper.

Chairman WALSH. He was a good writer, was he?

Mr. PADGITT. Yes.

Chairman WALSH. Did Rives suggest that to him?

Mr. PADGITT. I don't know whether he did or not.

Chairman WALSH. Was Shakespeare Smith a tenant of yours?

Mr. PADGITT. No; he was a son of a lady out there that we sold a piece of land to, and this young man farmed her land for her; she is a widow.

Chairman WALSH. Was it paid for in full?

Mr. PADGITT. No, sir.

Chairman WALSH. How much of a piece of land was it?

Mr. PADGITT. About 160 acres.

Chairman WALSH. How much of an encumbrance was on it? How much had been paid up?

Mr. PADGITT. I am not sure about that without referring to my books.

Chairman WALSH. What was it worth?

Mr. PADGITT. About $25 an acre.

Chairman WALSH. When Rives spoke to him did he discontinued writing the articles?

Mr. PADGITT. I did not see any more; I think he quit shortly after that. The political fight was over anyway and when it was over they stopped writing the articles.

Chairman WALSH. Is there anything you would like to state to the commission, Mr. Padgitt, that I have not asked you? I have not gone into this as liberally with you as with some of the others and unless there is some point you might be a—point of dispute or that you might wish to correct——

Mr. PADGITT. I just want to state that I haven't got it in for any man, no matter what his politics may be, whether Democrat or Socialist or a Republican, and I would not refuse to rent to a man if he was a Socialist, providing I knew the man and knew he was a good farmer and was well equipped, and that he would not give any trouble in the country.

Chairman WALSH. What do you mean by being a good farmer? Do you mean being skilled in the science of agriculture?

Mr. PADGITT. Having good teams and implements and being prepared to farm in a skillful manner.

Chairman WALSH. What do you mean by his not giving trouble in the country?

Mr. PADGITT. That is, to agitate and stir up trouble and talk at the store and keep everybody stirred up all the time.

Chairman WALSH. Suppose that he had certain principles that he held were beneficial to mankind and that he believed in, do you think it would be good or bad for him to say it?

Mr. PADGITT. If he had anything good to say, it might be good for him to say it.

Chairman WALSH. Who would be the judge of whether what another man might say was good?

Mr. PADGITT. The community would have to be the judge as to what kind of a man he was.

Chairman WALSH. I mean as to what he said? I mean now particularly as to his utterances, who would judge whether they were for the benefit of mankind or otherwise?

Mr. PADGITT. That we would be the judges of, or the man on the ranch now.

Chairman WALSH. The man that succeeded Rives?

Mr. PADGITT. Yes; he would be the judge of whether a man was attending to his business or not and staying on the farm and working it, and we could mighty soon tell whether he was a good farmer or not. But if he was a man who would stay away from his farm and talk at the store and stir up trouble, we would not want that man in the country, whether he was a Democrat, a Socialist, or anything else. We want men to attend to business and make the farm pay.

Chairman WALSH. That is, you would be the judge of him. With respect to your last answer, with regard to whether he made the utterances during working hours—what time of the day do they work—what time do they go to work usually?

Mr. PADGITT. It depends on the time of the year; sometimes at 4 and sometimes at 6.

Chairman WALSH. And how late do they work in the evening?

Mr. PADGITT. Until dark; until sundown, anyway.

Chairman WALSH. You would not have any objection then, as I understand your last answer, to a man, after those hours were over, to agitate any principles he thought were right at the store or schoolhouse, or any place else?

Mr. PADGITT. I would object to it if he was doing me an injury and trying to make the balance of our men dissatisfied that were working all right, and if he was doing or saying anything that was in any way injuring them or causing them to become dissatisfied, I would object to it.

Chairman WALSH. For instance, if he said at the schoolhouse that the conditions under which the tenants were compelled to live were rotten and no one ought to abide by them, you would deem him a trouble raiser, would you?

Mr. PADGITT. I would not deem him a trouble raiser just for that.

Chairman WALSH. What sort of agitation would you feel was sufficient to say that a man was a man that made trouble and that you did not want on your place?

Mr. PADGITT. A man that would go around and would talk to the other men and cause them to become dissatisfied, and poison their minds as to their landlords and cause the men to dislike their landlords. In other words, if a man would talk to them and get them stirred up to such a point—say something about the landlord and get them worked up to such a pitch that they would want to go and break all the window lights at the gin, which has been done, and to break the pump to pieces.

Chairman WALSH. Describe in the record, Mr. Padgitt, any destruction of property.

Mr. PADGITT. Of course, I do not know who did it and no one else knows; but it was done.

Chairman WALSH. Was it at the time you were having the trouble with your tenants?

Mr. PADGITT. Yes.

Chairman WALSH. Was it done in the night time?

Mr. PADGITT. I do not know when it was done.

Chairman WALSH. How many windows were broken at the gin house?

Mr. PADGITT. All of the windows.

Chairman WALSH. How many windows were there in the gin house?

Mr. PADGITT. About 28.

Chairman WALSH. What other destruction of property was there at any time that might be attributed to the people that you were having trouble with?

Mr. PADGITT. The destruction of the pump at the gin. They threw rocks on top of the steam pump.

Chairman WALSH. Was it a valuable pump?

Mr. PADGITT. It cost $80 and we had to put a new one in.

Chairman WALSH. Was there any other destruction of property?

Mr. PADGITT. That is all I can recall now.

Chairman WALSH. When was that with reference to the time you came and had this meeting in this schoolhouse?

Mr. PADGITT. In the summer of 1913, I think in July.
Chairman WALSH. When was it you had the meeting?
Mr. PADGITT. At the schoolhouse?
Chairman WALSH. Yes.
Mr. PADGITT. That was when we had the meeting in July, 1913.
Chairman WALSH. In 1913?
Mr. PADGITT. I think that was the year, just before the presidential election.
Chairman WALSH. 1912, wasn't it?
Mr. PADGITT. Yes; that was the year; that is right, 1912.
Chairman WALSH. And this property was destroyed and injured that same summer?
Mr. PADGITT. Yes, sir.
Chairman WALSH. Did this destruction of property take place before or after the meeting you had in the schoolhouse when yourself and wife attended?
Mr. PADGITT. It took place afterwards.
Chairman WALSH. Is it true that upon one occasion the foreman of your ranch, or representative, barricaded himself in one of the schoolhouses to protect himself against violence on the part of some of the tenants?
Mr. PADGITT. I never heard of it.
Chairman WALSH. That is all, Mr. Padgitt, unless you have something you desire to volunteer further. We will adjourn until to-morrow morning at 10 o'clock, and if there is something further you have to say we will hear you at that time.
Mr. PADGITT. This trouble would not have come up unless they wanted me to let that man go and that is the whole thing in a nutshell.
Chairman WALSH. Will you be kind enough to be back at 10 o'clock?
Mr. PADGITT. Yes; and I want to say that Mr. Rives resigned and left me voluntarily; I did not discharge him.
Chairman WALSH. At this point we will stand adjourned until to-morrow, Friday, March 19, 1915, at 10 o'clock a. m.
(Whereupon the hearing adjourned until Friday, March 19, 1915, at 10 o'clock a. m., then to reconvene at the same place.)

DALLAS, TEX., *Friday, March 19, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon and Harriman.
Chairman WALSH. The commission will please come to order.

TESTIMONY OF MR. J. TOM PADGITT—Continued.

Mr. PADGITT. What time will suit the commission for me to appear? I would like to make myself clear on one particular point.
Chairman WALSH. Probably I will let you do it right now.
Mr. PADGITT. It was a point that was probably misconstrued, and I want to make myself plain on that point.
Chairman WALSH. Very good.
Mr. PADGITT. When may I proceed? May I proceed now, Mr. Chairman?
Chairman WALSH. Yes; you may proceed now.
Mr. PADGITT. The point was in regard to talking around the country; that different ones in talking would lose time around their farms; that is the point I want to make clear, that—I do not mean to say that I do not allow a man freedom of speech, but I think every man has the right to talk or say anything he wishes; but the idea I intended to convey was that if his talking made him lose time from his farm and made him neglect his farm, that I then had a right to say something; but as long as he talked and then could attend to the farm, of course I would not consider that I should interfere with him in the least.
Chairman WALSH. Was that all, Mr. Padgitt?
Mr. PADGITT. I understand you are going to have Mr. Rives next.
Chairman WALSH. Yes.
Mr. PADGITT. He will tell you all about the recent trouble.
Chairman WALSH. Yes; I have a little outline that I am going to ask him about these specific things.
Mr. PADGITT. Yes; that is all right. I have a lot of memoranda here that probably might be apropos just at the present time, but it is a little history of the ranch; early history.

Chairman WALSH. What does it cover?

Mr. PADGITT. It goes back to 50 years ago.

Chairman WALSH. Have you got it in such shape that you could offer it into the record?

Mr. PADGITT. Well, I just have a little memorandum.

Chairman WALSH. May I ask you, then, that in regard to the historical part of it you kindly write it and submit it, and I will make it a part of your testimony and it will go into the permanent record of the commission.

Mr. PADGITT. That will be all right.

Chairman WALSH. I would much prefer to do it in that way. Write the historical part, and any suggestions you desire to make about the development of the whole situation, and I will be very glad to take it and make it a part of the permanent records, and it will go to the whole commission.

Mr. PADGITT. The only reason I thought it necessary to go back and bring it up to the present day was to show that on the ranch in regard to the colonization of it that generally we are considered substantial people, and that we are not inclined to do a tenant wrong.

Chairman WALSH. I would be very glad to have it.

Mr. PADGITT. On the other hand, we would rather do him good than do him any harm.

Chairman WALSH. Thank you, Mr. Padgitt.

Mr. Rives.

TESTIMONY OF MR. C. A. RIVES.

Chairman WALSH. What is your name?

Mr. RIVES. C. A. Rives.

Chairman WALSH. What is your business?

Mr. RIVES. Real estate business.

Chairman WALSH. You live at Ryan?

Mr. RIVES. No; Hastings.

Chairman WALSH. In business for yourself?

Mr. RIVES. Yes, sir.

Chairman WALSH. I believe you were formerly the superintendent of the Padgitt estate?

Mr. RIVES. For five years, less one month.

Chairman WALSH. And you are the Mr. Rives that was spoken of here?

Mr. RIVES. I am the man; yes, sir.

Chairman WALSH. Please briefly sketch what your business life has been, Mr. Rives, since you grew up—what your development has been.

Mr. RIVES. Well, I was raised on a farm in Missouri and in Ellis County, Tex.

Chairman WALSH. What part of Missouri?

Mr. RIVES. Central part; and I taught school seven or eight years and have been in the grocery business and been in the collection business and hotel business and real estate business.

Chairman WALSH. Where had you been immediately prior to coming to the Padgitt ranch?

Mr. RIVES. Hastings, Okla.

Chairman WALSH. What was your business there?

Mr. RIVES. Real estate business.

Chairman WALSH. Had you known Mr. Padgitt before?

Mr. RIVES. Well, only a month or two prior to my going there.

Chairman WALSH. Briefly, how did you happen to get the position?

Mr. RIVES. I was taking home seekers to the Padgitt ranch in Texas—or rather, to another part of the ranch that did not belong to Mr. Padgitt; but they had sold that off, and they were colonizing that and I was taking home seekers down there and I got acquainted through Mr. Miller's agent.

Chairman WALSH. As a real estate man?

Mr. RIVES. As a real estate man.

Chairman WALSH. Did you go to the Padgitt estate from there?

Mr. RIVES. Yes; and became manager of that ranch. Mr. Padgitt was wanting a man, and he got my name——

Chairman WALSH (interrupting). I wish you would direct yourself to this trouble you have heard spoken of, and I want you to understand that we do not go into it simply because it is a little local piece of trouble, but because we are trying to gather the spirit that exists publicly and privately between landlord

and tenant. You get the point, I suppose, Mr. Rives? I wish you would go ahead and in your own way tell us how that trouble came up and how you undertook to handle it and all about it.

Mr. RIVES. Well, when I went on the ranch I didn't know anything particularly about socialism, and they had me to subscribe for the paper, and I took their Appeal to Reason, and they tried to make a Socialist out of me.

Chairman WALSH. Did you live with your family on this place?

Mr. RIVES. Yes, sir; on the ranch.

Chairman WALSH. What were your general duties?

Mr. RIVES. My general duties were just general supervision of the farm and the renting of those farms out and collecting the rent and seeing about the repairs.

Chairman WALSH. Did you farm any part of it yourself?

Mr. RIVES. I did not.

Chairman WALSH. And you lived in the house furnished by the estate?

Mr. RIVES. Well, it was partly furnished, and part of it we had some of our own furniture.

Chairman WALSH. Yes; but I mean the house was given you by the estate—the house was on the land?

Mr. RIVES. Yes; it was on the land.

Chairman WALSH. And how large a house was it?

Mr. RIVES. About a seven-room modern house.

Chairman WALSH. It was a modern house?

Mr. RIVES. Yes.

Chairman WALSH. That had been used by the owner of the place at a prior time?

Mr. RIVES. Yes, sir.

Chairman WALSH. And you lived in that with how many of your family?

Mr. RIVES. I had a wife and three children at the time and one was born while we were there.

Chairman WALSH. Very well. You may go ahead from that point, at which you were when I interrupted you. You took the Appeal to Reason?

Mr. RIVES. The Appeal to Reason; yes, sir; and when they found out I opposed socialism, just in a friendly way, I understand some of them—a great many of them—didn't like me. I was outspoken and told them very plainly what I thought about it; that I did not believe in it; but we got along all right for a few years. The first notice of trouble was in 1911. I can give the names of the individuals, if you want them.

Chairman WALSH. Please give the names of the individuals, and give the whole story.

Mr. RIVES. A man by the name of F. M. Johnson took part of the roof off of a shed barn and made beehives out of it. I tried to get him to put it back from time to time, but he would not do it. Mr. and Mrs. Padgitt were out there on a trip and noticed that the roof was off of the barn and asked me if a storm had blown off the roof, and I told him how it happened. He said, "It is not a good idea to keep people on the farm that destroy property that way." I don't think he named Johnson. And when the time came around to make a new arrangement he asked me if he could stay on the place, and I told him no, and I told him why he could not.

In the same year a man by the name of Alford had a lease for 100 acres, and he wanted to lease an additional 50 acres that year. He came to me and attempted to dictate to me who should live here and who should live there, and talked to me in a very insulting manner, and when he came to me to rent the additional 50 acres I told him he could not have it, and I told him why.

We had another man by the name of Jim Futro that did not work as he should, and I let him go in 1911.

They were all three Socialists, but I let them all go for cause.

Chairman WALSH. What notice did you give them?

Mr. RIVES. I called on the farmers every few weeks, and when I saw that they would not make good I would say, "Mr. Brown, you can get another place next year."

Chairman WALSH. They were not put off right at the time?

Mr. RIVES. No, sir.

Chairman WALSH. Go ahead.

Mr. RIVES. Well, I have told about those three.

Chairman WALSH. Those were discharged for cause?

Mr. RIVES. Yes. That summer, shortly after that, there was a committee of three Socialists called at my residence and ask me to come away from the house, that they wanted to talk to me, and I went out to where they were, and they said they had had a meeting at the schoolhouse and they had found out I was renting out Socialists, and I told them I was not renting out Socialists, but treating them all alike, treating one man like another, and if they didn't made good I let them go. They gave me to understand that if I were going to rent out Socialists they were going to boycott our gin. I talked to them in a nice way.

Chairman WALSH. How many of them were there?

Mr. RIVES. Three.

Chairman WALSH. Who were they?

Mr. RIVES. T. D. Blackwell, a man by the name of Tomlinson, and W. H. Faircloth. I said, "If you boycott this gin I will make every Socialist on the ranch leave."

Well, it went on that way and I thought everybody was satisfied, and they did not boycott the gin.

Chairman WALSH. How could they have boycotted the gin?

Mr. RIVES. Just meet and have an understanding that they would take their cotton to some other gin.

Chairman WALSH. Go ahead, Mr. Rives.

Mr. RIVES. About the 3d of January I went over on a certain part of the ranch on a business matter, and a Socialist by the name of Frank Wilhelm said to me, "Mr. Rives, do you know some of the boys are going to leave you?" I said, "No, Frank; what is the matter?" He said, "They have a line-up here to leave, and they tried to get me to leave, but I said no; that I was going to work the farm I have rented." This man Alford was abandoning this 100 acres, and another man, by the name of Dalton, went away, and another man, Hayes, aimed to go, but failed to get a place. And they moved off without any notice to me, and left the farms on my hands. I didn't think they treated me right.

The next summer, 1912—up to that time the people in the community had taken sides—there was a great deal of confusion in the neighborhood, in the churches, and in the Sunday schools. The Socialist people kicked out of the union Sunday school and organized a Socialist Sunday school and called it the "Socialist Sunday school." It did not last very long—just a short time, as I understand it—and there was a good deal of confusion in the churches. I got most of my information on the church business from the church members and the preachers.

Chairman WALSH. Did the preachers take any side, one way or the other?

Mr. RIVES. Yes; well, in a way they did. They talked to the members and tried to get peace. I have a copy of a letter here from the pastor of the M. E. Church South. He lived at Talpa, Tex., a town about 18 miles from there.

Chairman WALSH. What is the general text of it, Mr. Rives? I am going to let you offer that in the record, because we are hurried.

Mr. RIVES. It is just a short letter.

Chairman WALSH. Well, read the whole letter.

Mr. RIVES. It is a little bit of it, from here down to here, that is all. [Reading:]

"Talpa, Tex., June 1, 1912. Mr. B. P. Allen, Leaday, Tex."

Mr. Allen was living at Leaday.

Chairman WALSH. What was Mr. Allen? Was he a landowner?

Mr. RIVES. No, sir; he was a mail carrier. [Continues reading:]

"Dear Sir and Brother:"

You understand there was an Anti-Socialist League there to combat socialism.

Chairman WALSH. Who got that up?

Mr. RIVES. The people of the community.

Chairman WALSH. Did you have anything to do with it yourself?

Mr. RIVES. I did as a citizen of the community.

Chairman WALSH. Did you have anything to do as an organizer or promoter; did you pay any of the expenses, or anything of that kind?

Mr. RIVES. I was secretary. They had me—the first night we met there were 33 members, and they appointed me secretary to go around and visit other members and get members for the organization; yes, sir.

Chairman WALSH. Did you contribute any money?

Mr. RIVES. Yes; I contributed some money. We sent off for some Anti-Socialist literature.

Chairman WALSH. Was it your money that you contributed?

Mr. RIVES. Yes; we all put in our pro rata, about 10 cents apiece, I think.

Chairman WALSH. All the contributions were by the neighbors, or was there any from Mr. Padgitt or anyone else?

Mr. RIVES. No; from Mr. Padgitt none; no; nor no one else.

Chairman WALSH. Just yourselves?

Mr. RIVES. Yes.

Chairman WALSH. Go ahead.

Mr. RIVES (continues reading):

DEAR SIR AND BROTHER:

Replying to your invitation to speak on socialism at the Anti-Socialistic meeting on the third Thursday night in June, will say that it will give me pleasure to accept the invitation; but I can not say positively that it will be possible for me to be there, owing to the fact that I will attend lectures at Georgetown from the 10th to 19th. I might possibly get home by noon that day, and in that event could drive down. Could be with you the next night or some night the next week.

I want to congratulate you on the stand you people have taken against this menace to the happiness and prosperity of liberty-loving, God-fearing people.

With the light turned on and the fruits as well as tendencies of socialism exposed, it will be on the toboggan everywhere.

I have been driven and compelled to take a firm and definite stand, and will be found ready at all times to aid in the publicity of facts that show really what practiced socialism is.

Go ahead with your meeting; get another speaker, if you can, and if I get home in time I will run down to your meeting that night. With regards,

Yours, very truly,

GEORGE S. KORNEGAY,
Pastor Methodist Church South, Tulpa, Tex.

Chairman WALSH. What position did the other ministers take? Was there any division among them as to the issues?

Mr. RIVES. Well, I don't know about that.

Chairman WALSH. Well, do you recall any that favored the socialists?

Mr. RIVES. Well, there was a Christian preacher by the name of Carroll, or McCarroll, that favored socialism, and I was reliably——

Chairman WALSH. Will you let that go into the record?

Mr. RIVES. Yes. There was some influence brought to bear on him that he had either to quit socialism or quit the church, and he quit socialism. He told me with his own mouth, he said, "I have found out that socialism is all wrong, and I am going to put my time on the work of the Lord from now on."

Chairman WALSH. Where did the pressure come from to have him make his choice?

Mr. RIVES. I think it was from his church, or some of the members.

Chairman WALSH. From the people of his church?

Mr. RIVES. I imagine so. I can't say for sure.

Chairman WALSH. Were there any threats made against you as superintendent of that place?

Mr. RIVES. Well, I heard there were such. I heard there were threats that I would get fired.

Chairman WALSH. Any threats of personal violence?

Mr. RIVES. There was a man, a former manager whose horse had been shot while he was on the horse one dark night down in a ravine, and I had had my attention called to the fact, the way it was done, and I would be treated the same way.

Chairman WALSH. In what way; just state it.

Mr. RIVES. Well, I had been told that I would get done like Johnson.

Chairman WALSH. Was it by some person that you deemed to be of the opposition?

Mr. RIVES. No; it was persons, you see, that would not talk to me. They would talk to other parties, and the other parties would tell me.

Chairman WALSH. I see. Well, now, you could take that up and lead up to the closing of the schoolhouse, and the ending of the trouble, please?

Mr. RIVES. Well, the closing of the schoolhouse? I don't know what you mean by that.

Chairman WALSH. I think Mr. Padgitt said that finally they were asked not to hold any meetings in the schoolhouse on the ranch?

Mr. RIVES. No; I think that is a mistake.

Chairman WALSH. That is a mistake? Maybe I made the mistake.

Mr. PADGITT. I did not make that statement.

Chairman WALSH. Maybe I made a mistake about it, then.

Mr. PADGITT. If you will allow me to reply, I wrote Mr. Rives to ask him to request the young fellow who was answering the socialist articles in the paper to discontinue if he could prevail upon him to do so.

Chairman WALSH. You might go ahead and sketch it, in your own way, the trouble from that point.

Mr. RIVES. Well, now, the people were beginning to line up against each other. And they talked from time to time, and had been talking for several months that they were going to have to do something to redeem the country from socialism and to check the growth of socialism. And so it was talked around, and they decided to meet, have meetings; the socialist people were meeting every week, and they said, "We ought to"—the people said, "We ought to meet and have an organization, just as the Socialists have, to fight against socialism, as they fight for it."

Chairman WALSH. How many did you finally get in your organization?

Mr. RIVES. We got 78, and a few that did not have their names enrolled. They were silent members, so to speak.

Chairman WALSH. Did you have a debate over the matter? Did you have a meeting?

Mr. RIVES. Yes; we had a meeting.

Chairman WALSH. How many meetings did you have?

Mr. RIVES. I don't remember, sir. We met occasionally for a while; we met regularly for three or four meetings, and then there was something happened and we skipped a few meetings, and then we met again along until about the first of the year.

Chairman WALSH. How many people would you say left; how many renters left on account of the difficulty, altogether?

Mr. RIVES. At the Padgitt ranch?

Chairman WALSH. Yes.

Mr. RIVES. I think there were six of them—six or seven.

Chairman WALSH. Did you ask some of them to bring their tenancy to a close?

Mr. RIVES. Did I ask them to go?

Chairman WALSH. Did you dismiss some of them, other than these three you have mentioned?

Mr. RIVES. Yes.

Chairman WALSH. How many?

Mr. RIVES. There were five or six or seven.

Chairman WALSH. What reason did you give them, Mr. Rives?

Mr. RIVES. I just told them I was afraid they were going to go back on me like this other bunch did on the 1st of January; and then the pressure got so great and the confusion was so great that the anti-Socialist people said they wouldn't stay on our land if we kept the Socialist people, and I preferred to keep the anti-Socialist people.

Chairman WALSH. Were all that you retained anti-Socialist people, or were some of the Socialists permitted to remain?

Mr. RIVES. There was not any Socialists permitted to remain.

Chairman WALSH. After you got through there were no Socialists on your place?

Mr. RIVES. Not that I know of.

Chairman WALSH. Was there action taken by any other landowners or agents in the neighborhood of about the same nature?

Mr. RIVES. No, sir.

Chairman WALSH. Yours was the only one, so far as you know, that met the matter openly?

Mr. RIVES. Yes.

Chairman WALSH. Were the tenants allowed to finish out their terms, or were they notified——

Mr. RIVES. Certainly.

Chairman WALSH. There were none left except, you say, those who left voluntarily?

Mr. RIVES. Yes.

Chairman WALSH. Did you have any talk with those who left voluntarily before they left, as to why they did leave?

Mr. RIVES. You mean those——

Chairman WALSH. The three you say that you had given notice to; had you any talk with those three at all about giving up their place?

Mr. RIVES. That was a year before.

Chairman WALSH. 1911?

Mr. RIVES. Yes.

Chairman WALSH. Did you have any talk with them about their leaving, the reason they were leaving, or anything of that sort?

Mr. RIVES. The only talk I had with the men—Mr. Alford talked to me about the addition of 50 acres.

Chairman WALSH. And you did not have any talk with the others?

Mr. RIVES. No, sir; not that I remember of.

Chairman WALSH. Do you remember Mr. Padgitt's testimony as to the length of time in which they had been on his place? I think that the longest of them had been there three years. Just what was that?

Mr. RIVES. I think Mr. Padgitt is mistaken about that.

Chairman WALSH. Make any correction that you think may be necessary.

Mr. RIVES. One family had been on that place——

Chairman WALSH. Commissioner Lennon says the longest one had been there five years. Is that correct, Mr. Padgitt?

Mr. PADGITT. That was the oldest tenant we have on my ranch?

Chairman WALSH. Yes; the tenant living there the longest.

Mr. PADGITT. The oldest tenant, I said, was on that ranch over five years.

Chairman WALSH. Well, go ahead. Make your own statement, Mr. Rives.

Mr. RIVES. The McBride people were on the land when I went there, and I went there in 1908.

Chairman WALSH. And these people, as a rule—these people that went off—were they all American people?

Mr. RIVES. I think so.

Chairman WALSH. Mr. Wilhelm evidently was not.

Mr. RIVES. Seems that was a foreign name, but he was an American man.

Chairman WALSH. An American—native American?

Mr. RIVES. Yes.

Chairman WALSH. His—what is the ancestry, generally, of those tenant farmers?

Mr. RIVES. Southern people, mostly.

Chairman WALSH. And these were southern people?

Mr. RIVES. Yes, sir; so far as I know.

Chairman WALSH. And how long had they been Socialists?

Mr. RIVES. I don't know, sir.

Chairman WALSH. As a rule, were they good farmers?

Mr. RIVES. Well, they were just an average; some good, some bad, and some medium.

Chairman WALSH. Now, I am hurrying through a little this morning, Mr. Rives. Is there anything else connected with that particular outbreak there, that particular trouble, that you would like to mention that I have not called your attention to?

Mr. RIVES. Well, you wanted to know about the schoolhouse business.

Chairman WALSH. Yes; I overlooked that.

Mr. RIVES. Well, we informed them around that we were going to have a meeting at the schoolhouse; and the Socialists got word that we were going to meet at the schoolhouse, and they sent out runners and phoned all over the country and gathered together, and began to gather in the schoolhouse; and some of the boys says if we meet with the Socialists we will have trouble, and we don't want any trouble, and let's go to the Woodman Hall; and we saw the manager of the hall and got permission to meet in the Woodman Hall to avoid trouble; and we met there. And when they found we were in the Woodman Hall they left their meeting and came down there and some of them talked rather bad about it.

Chairman WALSH. What was the distinct purpose of your meeting at the Woodman Hall?

Mr. RIVES. Just to have an anti-Socialist meeting to perfect an organization.

Chairman WALSH. Just to perfect the organization?

Mr. RIVES. Yes, sir.

Chairman WALSH. Not supposed to be a public hearing or discussion, or speeches made to the public?

Mr. RIVES. Nothing to the public; no, sir. We were just going to discuss ways and means to handle the thing.

Chairman WALSH. Proceed.

Mr. RIVES. And we told the Socialists the object of our meeting, and we says, "Boys, we might say something that would offend you, and we would rather you would not be present this time. You can meet with us any time after this." So they got mad about it and went away and made threats that they were going to meet with us any time, and had a great wrangle about it, and were going to send some of the boys to the penitentiary for meeting behind closed doors; and they got up a long petition—Socialist petition to the sheriff—to have a deputy sheriff appointed, and they wanted a deputy sheriff down there immediately; but that all blew over, and we had our meetings there and they had theirs, and the thing just went on in a general way.

Chairman WALSH. Was there any compulsion on either side to keep the others from speaking at the schoolhouses?

Mr. RIVES. No, sir.

Chairman WALSH. Did you deny the use of the schoolhouse to the other side?

Mr. RIVES. No, sir.

Chairman WALSH. Did you ever request that meetings should not be held in the schoolhouse?

Mr. RIVES. No, sir.

Chairman WALSH. After you got under way, were meetings held in the ordinary way in the schoolhouses by both sides?

Mr. RIVES. No, sir; we continued to meet in the Woodman Hall.

Chairman WALSH. Did you have debates between both sides?

Mr. RIVES. No, sir; not in our meetings.

Chairman WALSH. In the Socialist meetings, were the conditions as to farm tenants discussed, and the conditions of the farms and houses and the crops raised, and such as that?

Mr. RIVES. The Socialist meetings, I didn't attend them, and I don't know what they did—what they discussed, only as I heard of it.

Chairman WALSH. What did you hear they discussed? Were they discussing their conditions?

Mr. RIVES. I don't know, sir.

Chairman WALSH. Did you hear they were discussing their conditions?

Mr. RIVES. Well, it was understood they were discussing socialism.

Chairman WALSH. Well, as you understood it, did that include the personal condition of the man on the ranch, as it was, and how they lived, what they earned, and the way the product of the soil was divided, and such things as that?

Mr. RIVES. I don't know about that.

Chairman WALSH. You don't know?

Mr. RIVES. No.

Chairman WALSH. You never did ascertain what they were saying or what they were talking about?

Mr. RIVES. No, sir; we didn't bother anything about that affair—their meetings.

Chairman WALSH. The schoolhouses that were located on the Padgitt Ranch, were they owned by the Padgitt estate or by the county?

Mr. RIVES. They were owned by the county at that time. I think, formerly, the Padgitt people built the house and donated it to the county.

Chairman WALSH. And the teachers were furnished by the county?

Mr. RIVES. Yes; under the public system of the State.

Chairman WALSH. Did the teachers take any part in the controversy?

Mr. RIVES. No, sir.

Chairman WALSH. And did the—well, you have detailed what the ministers did. That is all; thank you, Mr. Rives.

Mr. Davis—W. T. Davis.

TESTIMONY OF MR. WILLIAM T. DAVIS.

Chairman WALSH. What is your name?

Mr. DAVIS. W. T. Davis.

Chairman WALSH. What does the "W" stand for?

Mr. DAVIS. William Travis.

Chairman WALSH. Where do you live?

Mr. DAVIS. I live in Coleman County.

Chairman WALSH. What is your business, please?
Mr. DAVIS. I am a farmer.
Chairman WALSH. You are a native of what State?
Mr. DAVIS. Texas.
Chairman WALSH. And what is your ancestry? Where did you come from to Texas with your family?
Mr. DAVIS. I was born and raised in the State and never out of it.
Chairman WALSH. Your father came from where?
Mr. DAVIS. Kentucky.
Chairman WALSH. And your mother came from where?
Mr. DAVIS. Mississippi.
Chairman WALSH. Your ancestry is southern all the way back?
Mr. DAVIS. Yes.
Chairman WALSH. How many children have you?
Mr. DAVIS. Ten living.
Chairman WALSH. Are you a farmer now?
Mr. DAVIS. Yes.
Chairman WALSH. Are you a tenant or an owner?
Mr. DAVIS. I bought land, but I am under lease contract.
Chairman WALSH. How much land have you that you bought?
Mr. DAVIS. One hundred and eighty-five acres. I bought 195 acres, but I lost 10 acres of it.
Chairman WALSH. How much have you paid down on it?
Mr. DAVIS. I paid $500 when I bought it.
Chairman WALSH. Is it tillable land?
Mr. DAVIS. Yes.
Chairman WALSH. How long have you owned it?
Mr. DAVIS. Ten years.
Chairman WALSH. Is it being worked?
Mr. DAVIS. Yes.
Chairman WALSH. By whom?
Mr. DAVIS. By me and my family.
Chairman WALSH. Did you buy that from the savings—from your earnings as a tenant farmer?
Mr. DAVIS. Yes.
Chairman WALSH. That was the source of the money with which you bought it? You earned it when you were working as a tenant?
Mr. DAVIS. Yes; I earned it working as a tenant.
Chairman WALSH. I wish you would briefly state, if you can, Mr. Davis, what your history has been since you grew up and went into business for yourself. Did you begin as a tenant? Just describe your history down to the present time.
Mr. DAVIS. Yes, sir; I began as a tenant. I went on a farm as manager when I was 14 years old.
Chairman WALSH. Manager for whom?
Mr. DAVIS. For my mother and one sister and myself.
Chairman WALSH. Was that in Texas?
Mr. DAVIS. Yes; in Brazos County. That is where I was reared. I was born west on the Guadaloupe River, in Gillespie County. My father moved from there back west on account of the Indians being bad, after I was born. I went on the farm as farm manager when I was 14, after my father died, with my mother and one sister, and I have been on a farm ever since.
Chairman WALSH. How long did you remain as manager?
Mr. DAVIS. Sixteen years that my mother lived a widow.
Chairman WALSH. Were you paid a salary, or did you have a part of the proceeds?
Mr. DAVIS. I had a part of the proceeds.
Chairman WALSH. At the end of the 16 years, when you left there, did you buy a place, or did you rent a place?
Mr. DAVIS. I rented.
Chairman WALSH. Who did you rent from next?
Mr. DAVIS. From different parties, a number of them; I could not go back and give them all.
Chairman WALSH. What was the largest and what was the smallest amount of land you farmed since you left your mother's place?
Mr. DAVIS. When we lived in Brazos County, we could not attend to much more land than 15 acres, that was as much as you could manage, because it rains a lot, and the condition of the land.

Chairman WALSH. Did your family work on the land as they grew up?
Mr. DAVIS. Yes.
Chairman WALSH. How were they divided as to boys and girls?
Mr. DAVIS. They all worked in the field.
Chairman WALSH. How many boys have you, and how many girls?
Mr. DAVIS. Five boys and five girls.
Chairman WALSH. Did your wife work on the place all the time?
Mr. DAVIS. No; my wife has not worked much in the field.
Chairman WALSH. But she did work some on the place?
Mr. DAVIS. Yes.
Chairman WALSH. She keeps house for the family?
Mr. DAVIS. Yes.
Chairman WALSH. And raised the children?
Mr. DAVIS. Yes.
Chairman WALSH. And made their clothes?
Mr. DAVIS. Yes.
Chairman WALSH. And did the cooking for the family?
Mr. DAVIS. Yes.
Chairman WALSH. Did she do any work in the field at all?
Mr. DAVIS. Once in a while.
Chairman WALSH. What kind of work did she do in the field?
Mr. DAVIS. Well, she worked in the garden, and sometimes hoed a little, and picked a little cotton.
Chairman WALSH. Did you keep chickens, and a cow, and so forth?
Mr. DAVIS. Yes.
Chairman WALSH. What is your land worth now?
Dr. DAVIS. I reckon it is worth about $40 an acre.
Chairman WALSH. Is it clear?
Mr. DAVIS. No.
Chairman WALSH. There is an incumbrance on it?
Mr. DAVIS. Yes.
Chairman WALSH. Now, the land you have under lease, what sort of a contract have you?
Mr. DAVIS. I have a written contract. I have the contract with me.
Chairman WALSH. Would you have any objection to letting us see it?
Mr. DAVIS. No; here it is.
(The contract so offered by the witness appears at the end of this subject as "Davis Exhibit.")
Chairman WALSH. How long have you been on this place?
Mr. DAVIS. For the past 10 years.
Chairman WALSH. On this same place?
Mr. DAVIS. Yes.
Chairman WALSH. How much land have you here now under lease?
Mr. DAVIS. I have 185 acres.
Chairman WALSH. One hundred and eighty-five acres?
Mr. DAVIS. Yes.
Chairman WALSH. Have you been renting from Mr. Miller all of that 10 years?
Mr. DAVIS. No; I bought this land from Mr. Padgitt and gave him $20 an acre for it as raw land.
Chairman WALSH. Is that the land you own?
Mr. DAVIS. Yes.
Chairman WALSH. How about the amount of land you had leased; I thought you said you were renting some land also.
Mr. DAVIS. Yes; I am renting the place adjoining it.
Chairman WALSH. Do you work that yourself?
Mr. DAVIS. Yes.
Chairman WALSH. How much land do you rent?
Mr. DAVIS. Forty-five acres in cultivation on the tract I got leased.
Chairman WALSH. What do you raise on that land you have leased?
Mr. DAVIS. I raise cotton. There was nothing on it this last year but cotton.
Chairman WALSH. How much cotton did you raise on it?
Mr. DAVIS. I made 20 bales. My object in securing this land was only to get the grass; I paid 25 cents an acre for the grass.
Chairman WALSH. Please tell us what stock you raise.
Mr. DAVIS. I keep cattle and sheep.

Chairman WALSH. How many cattle and how many sheep have you?

Mr. DAVIS. Sixteen head of cattle and 25 head of sheep, and some hogs and chickens and a few ducks.

Chairman WALSH. Were you on the Padgitt estate at the time this trouble came up you heard testified to here?

Mr. DAVIS. Yes.

Chairman WALSH. Just go ahead, Mr. Davis, if you will, please, and tell us in your own way, as you recollect, how it developed, and the circumstances of it generally.

Mr. DAVIS. Well there was a Socialist local organized at the schoolhouse at Leday. I was one of the parties that went into the organization.

Chairman WALSH. You had studied the subject, had you?

Mr. DAVIS. Yes.

Chairman WALSH. Proceed, Mr. Davis.

Mr. DAVIS. There was opposition against it from Mr. Rives and Mr. Padgitt.

Chairman WALSH. Did you ever talk to Mr. Rives about it personally?

Mr. DAVIS. No.

Chairman WALSH. Go ahead.

Mr. DAVIS. And some parties that was in the organization became a little unruly in regard to things that had been said, and, of course, it made things worse; and Mr. Rives organized an Anti-Socialist local, and they proceeded to do business behind closed doors and refused a man entrance to the hall, the hall belonging to the Woodmen.

Chairman WALSH. Did they refuse that on more than one occasion, at more than the first meeting, or just at the first meeting?

Mr. DAVIS. Just at the first meeting.

Chairman WALSH. Go ahead.

Mr. DAVIS. There was quite a number in that local. There was one pastor in the local, W. W. Lancaster.

Chairman WALSH. What church did he belong to?

Mr. DAVIS. A Congregational Methodist. There were a few church members in the local; I was one myself; I belong to the Baptist Church. I went into the organization when it was organized. Now, they had a union Sunday school.

Chairman WALSH. That means a union of the churches, a religious union?

Mr. DAVIS. Yes; and I was superintendent of the Sunday school 18 months, and if there has been a Socialist Sunday school organized there I have never heard anything about it.

Chairman WALSH. Did you know anything about the dismissal of these tenants that has been spoken of?

Mr. DAVIS. Yes.

Chairman WALSH. Please tell us all you know about that.

Mr. DAVIS. Why, they was told when they gathered the crops they could walk; they would not rent to Socialists any more.

Chairman WALSH. Were all those that were turned away Socialists?

Mr. DAVIS. Yes; well, I don't know that they are all Socialists; some went away that did not belong to that local. I don't know whether they were Socialists or not.

Chairman WALSH. Was there satisfaction or dissatisfaction among the tenants prior to 1911, when this organization was had there? Was there unrest among the tenants or were they satisfied?

Mr. DAVIS. They were confused.

Chairman WALSH. What was the cause of the confusion?

Mr. DAVIS. The conditions.

Chairman WALSH. Describe the conditions briefly, if you can. I see, Mr. Davis, that you have a paper in your hand; was there something you wished to offer?

Mr. DAVIS. Yes.

Chairman WALSH. What is it?

Mr. DAVIS. I have here the names of the men that were excused.

Chairman WALSH. Give their names.

Mr. DAVIS. E. D. Alford, G. D. McBride, W. W. Lancaster, Pat Dunning, E. C. McBride, a Mr. Creel, and Marion Johnson.

Chairman WALSH. Did you know all those people?

Mr. DAVIS. Yes.

Chairman WALSH. And did you know their families?

Mr. DAVIS. Yes.

Chairman WALSH. Can give the members of their families?
Mr. DAVIS. No, sir.
Chairman WALSH. Did you talk to these people about the circumstances under which they were compelled to leave?
Mr. DAVIS. No; I didn't question them.
Chairman WALSH. Was there any general movement on the part of the tenants with reference to the dismissal of the tenants? Was there any action taken collectively by the tenants in the neighborhood?
Mr. DAVIS. Not that I know of.
Chairman WALSH. Where did these people go?
Mr. DAVIS. Some rented from Mr. Miller; some went to Oklahoma.
Chairman WALSH. How much land has Mr. Miller?
Mr. DAVIS. I don't know how much land he has.
Chairman WALSH. I am going to ask you to describe some of the conditions; first, would you say that you were a typical farmer of that neighborhood?
Mr. DAVIS. Yes, sir.
Chairman WALSH. That is, you have a large family and you do your work about like the other farmers do their work, Mr. Davis?
Mr. DAVIS. Yes.
Chairman WALSH. But you started out 10 years ago with this land?
Mr. DAVIS. Yes.
Chairman WALSH. And when you bought that land, were all of your earnings those that you made as a tenant on your mother's land, or had you farmed other land that you had leased?
Mr. DAVIS. Yes; I had farmed other land I had leased.
Chairman WALSH. So that all the money you had to buy land with you had earned on your mother's land or on the land of other landlords?
Mr. DAVIS. Yes.
Chairman WALSH. Are the houses on these farms large enough houses for the average family on the tenant farms?
Mr. DAVIS. No.
Chairman WALSH. Why not?
Mr. DAVIS. Well, they are reasonably comfortable and large enough for a man and his wife and two children.
Chairman WALSH. Do they have more than two children, as a rule?
Mr. DAVIS. Yes, sir; I think so.
Chairman WALSH. So that your criticism would be that the houses are not large enough for the families that occupy them?
Mr. DAVIS. Not for some of the families.
Chairman WALSH. Are they kept in good repair?
Mr. DAVIS. Tolerably good.
Chairman WALSH. Have you observed any sickness in the community caused by improper housing?
Mr. DAVIS. No, sir.
Chairman WALSH. Is there much overcrowding of the sleeping rooms in these houses?
Mr. DAVIS. Yes, sir; largely there is.
Chairman WALSH. Is that usual or unusual, that overcrowding that way?
Mr. DAVIS. It is a little unusual.
Chairman WALSH. Do the landlords improve the tenant houses readily and willingly?
Mr. DAVIS. No, sir; I don't think they do, according to that contract; according to that contract you are required to keep them up yourself and improve them yourself.
Chairman WALSH. Do the landlords appear to feel any responsibility for the social conditions of their tenants, and their housing?
Mr. DAVIS. No, sir; the main object is to get a man that will work the land with a big force and plenty of teams and push the mules down the road.
Chairman WALSH. What do you mean by "plenty of force"?
Mr. DAVIS. A large number of children.
Chairman WALSH. At what age do those children go to work on the farms?
Mr. DAVIS. Just as soon as they can pull a cotton sack or hoe.
Chairman WALSH. What age would that be?
Mr. DAVIS. It runs from about seven, on up.
Chairman WALSH. Do the tenants appear to have proper consideration for the property of their landlords?
Mr. DAVIS. Some are a little negligent, a little careless in that particular.

Chairman WALSH. That is, you mean the tenants are?

Mr. DAVIS. Yes, sir; in taking care of the place.

Chairman WALSH. I notice your contract is in writing.

Mr. DAVIS. Yes.

Chairman WALSH. What percentage of the contracts in your neighborhood are oral? You have verbal contracts, as well as these written contracts, do you?

Mr. DAVIS. No, sir.

Chairman WALSH. In your neighborhood, are all of them written contracts, so far as you know?

Mr. DAVIS. Yes, sir.

Chairman WALSH. They are all in writing, are they?

Mr. DAVIS. Yes; so far as I know. Hold on; I am a little too fast. Mr. Tucker, who leases out a lot of land, had some of those men who were excused; he has them on his place; he has two of those men who were excused on his place. He don't require no contract at all.

Chairman WALSH. Is there any indication given by the landlord to the tenant usually as to what he wants the tenant to raise on the land?

Mr. DAVIS. No; there has not been up until just recently.

Chairman WALSH. If a man rented that land, could he raise all the corn he wanted, and all the cotton he wanted?

Mr. DAVIS. Yes; provided he pay cash rent, he could.

Chairman WALSH. When he takes it on shares, how about that?

Mr. DAVIS. On halves?

Chairman WALSH. Yes.

Mr. DAVIS. I don't know a thing about that.

Chairman WALSH. How about the third and fourth, when it is on three and four?

Mr. DAVIS. He takes a third of the grain and a fourth of the cotton.

Chairman WALSH. Who determines what shall be raised, the tenant or the landlord, or do they do it by agreement?

Mr. DAVIS. It is sort of by agreement; it is up to the tenant, if he wants to plant a lot of grain he can do it.

Chairman WALSH. But if he gets it on three and four, what is the requirement, if any, from the landlord?

Mr. DAVIS. He plants all the way from 8 to 10 acres of corn, and about that amount of maize, some cane, and some corn.

Chairman WALSH. What defects do you observe, if any, in the existing rental contracts that might be improved by law; if you have any view on that?

Mr. DAVIS. Well, I don't know. About the best thing is to exclude these contracts.

Chairman WALSH. Exclude them all?

Mr. DAVIS. Yes.

Chairman WALSH. How would you get to work the land?

Mr. DAVIS. I look at the contract as not being anything really bad, but it has a tendency to make a man believe that he is actually dishonest; that he would not be allowed on the land if he was not under contract; that is the way I look at a contract. I don't object to a contract at all, under any other circumstances, whatever. Then it goes further than that; it goes this further; it teaches your boy on the farm under this contract that a fellow certainly must be dishonest.

Chairman WALSH. Under the existing system, Mr. Davis, what do you think the chance is of the average tenant becoming a home owner in your section?

Mr. DAVIS. If he ever becomes a home owner in my section, he would evidently have to follow diversified farming.

Chairman WALSH. Under the present system of raising corn and cotton could he become a home owner?

Mr. DAVIS. No.

Chairman WALSH. What is the average price of land to-day in your section?

Mr. DAVIS. It runs from $15 to $45 an acre.

Chairman WALSH. What are the interest rates?

Mr. DAVIS. It runs from—well, it is on an average of about 8 per cent.

Chairman WALSH. Is there much chattel mortgage business in your section?

Mr. DAVIS. Yes.

Chairman WALSH. Are the loans extended by banks or mercantile business houses, mercantile companies, or others?

Mr. DAVIS. By the banks.

Chairman WALSH. What is the actual interest paid by the tenants on chattel mortgages in your section?

Mr. DAVIS. About 10 per cent.

Chairman WALSH. Is there any difference made in the charge for the stuff bought if it is bought on long time?

Mr. DAVIS. Yes, sir; there is a credit price and a cash price.

Chairman WALSH. What is the difference between the credit price and the cash price?

Mr. DAVIS. It runs from about 50 to 60 per cent.

Chairman WALSH. Do you mean it is—do you mean the credit price is 50 or 60 per cent higher than the cash price?

Mr. DAVIS. Yes.

Chairman WALSH. How much land can a one-team tenant farmer farm?

Mr. DAVIS. Seventy-five acres.

Chairman WALSH. What would his least income be ordinarily if he has a good, fair crop, fair crop conditions, and fair price?

Mr. DAVIS. I never have been able to figure that out, simply because I never have been able to find anything on a farm whereon you could base the figures.

Chairman WALSH. You have been unable to find it out?

Mr. DAVIS. Yes, sir.

Chairman WALSH. You have tried to do it?

Mr. DAVIS. Yes, sir; there is nothing on a farm you can base any figures on at all—nothing whatever.

Chairman WALSH. Is there any unrest among the tenants at the present time?

Mr. DAVIS. Why, yes; right smart.

Chairman WALSH. First, is the unrest growing or diminishing?

Mr. DAVIS. Why, they can not see nothing in the future. They look back over their past life and it is spent and nothing accumulated for old age, and they can not see nothing in the future.

Chairman WALSH. Would you say, from your experience, that that is inherent in the character of the man or comes from the system?

Mr. DAVIS. Comes from the system evidently.

Chairman WALSH. Are these tenants you have met, these tenant farmers, average men so far as their morals are concerned, and industry and integrity?

Mr. DAVIS. Yes, sir. Now, of those men I mentioned there are all of them hard-working men, honest, truthful men, and wealth producers, except one of them. There is one of them that I could not vouch for.

Chairman WALSH. Well, is there any feeling on the part of the tenants? What is the feeling on the part of the tenants that they are treated fairly or discriminated against?

Mr. DAVIS. Well, discriminated against.

Chairman WALSH. I wish you would, so far as you can, voice into the record here what they claim about the discriminations and causes of unrest, and what their complaints are?

Mr. DAVIS. Well, different things. One thing is the nature of this rent contract, you know, and another thing, it is the lack of capital to carry on their expenses on the farm. That is a big trouble, you see, on the farm.

Chairman WALSH. What do they blame it on—their lack of capital?

Mr. DAVIS. Why, they blame it on hoarded wealth.

Chairman WALSH. Hoarded wealth?

Mr. DAVIS. Hoarded wealth, yes.

Chairman WALSH. How about school facilities for the children, Mr. Davis?

Mr. DAVIS. Why, in sections they are poor.

Chairman WALSH. How old is your oldest child?

Mr. DAVIS. My oldest child is dead.

Chairman WALSH. How old is the oldest living?

Mr. DAVIS. He is thirty-odd years old.

Chairman WALSH. What business is he in?

Mr. DAVIS. Farmer.

Chairman WALSH. Does he own or rent?

Mr. DAVIS. He rents. He lives in Brazos County.

Chairman WALSH. Has he a family?

Mr. DAVIS. Yes, sir.

Chairman WALSH. How long did he stay on your place? What age was he when he left here?

Mr. DAVIS. He was 21 when he left me.

Chairman WALSH. Twenty-one?
Mr. DAVIS. Yes.
Chairman WALSH. Now, up to the time he came of age he worked with you on the place?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Took a hand's part?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Up until that time?
Mr. DAVIS. Yes, sir.
Chairman WALSH. How much schooling did he get?
Mr. DAVIS. He didn't get much schooling.
Chairman WALSH. What was the reason?
Mr. DAVIS. Well, one reason, he would not go to school.
Chairman WALSH. Now, did you have any other boy that stayed with you until he was 21?
Mr. DAVIS. No; my oldest son left me before he was 21.
Chairman WALSH. Where did he go?
Mr. DAVIS. When he died he was turning his twenty-first year.
Chairman WALSH. Did he work as a hand on the place?
Mr. DAVIS. Yes.
Chairman WALSH. Go to school?
Mr. DAVIS. Yes.
Chairman WALSH. How much schooling did the girls get?
Mr. DAVIS. Well, they got a right smart schooling. They got to read and write.
Chairman WALSH. So they could read and write? How many years did they go to school?
Mr. DAVIS. Well, some of them went to school as much as two years.
Chairman WALSH. As much as two years?
Mr. DAVIS. Yes; and some three.
Chairman WALSH. Any longer than that?
Mr. DAVIS. No, sir.
Chairman WALSH. They went to the country school in the neighborhood?
Mr. DAVIS. Yes.
Chairman WALSH. Did the operations of your farm have anything to do with cutting down the time that the children went to school?
Mr. DAVIS. A whole lot.
Chairman WALSH. A lot of time?
Mr. DAVIS. Yes.
Chairman WALSH. Did you have any desire, Mr. Davis, in connection with your children going to school and going to high school, and perhaps getting into some other line of business or some of the professions?
Mr. DAVIS. No; it was not my desire that they should go into any other business. But my desire was for them to stay on the farm.
Chairman WALSH. As renters?
Mr. DAVIS. No.
Chairman WALSH. What was your desire with respect to them?
Mr. DAVIS. I would rather that they become tillers of the soil.
Chairman WALSH. Your idea was that that was a useful life?
Mr. DAVIS. Yes.
Chairman WALSH. A contented life to lead?
Mr. DAVIS. Yes; a legitimate life, a happy life, a useful life, useful to humanity, useful to all developments of every nature.
Chairman WALSH. And it was your desire that your children should follow in your footsteps and that of your ancestors?
Mr. DAVIS. Yes.
Chairman WALSH. And remain on the soil?
Mr. DAVIS. Yes.
Chairman WALSH. And are they doing it?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Your girls are married, are they?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Married farmers?
Mr. DAVIS. All but one.
Chairman WALSH. And are the farmers renters or owners?
Mr. DAVIS. Some of them are landowners.
Chairman WALSH. Are some landowners and some renters and became landowners after they married into your family?

Mr. DAVIS. Yes.
Chairman WALSH. Some of them were formerly renters?
Mr. DAVIS. Yes.
Chairman WALSH. And they were thrifty enough to acquire homes of their own?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Do they all live in the State of Texas?
Mr. DAVIS. Yes, sir.
Chairman WALSH. Now, is there any statement that you would like to make, Mr. Davis? I notice you have been sitting here during a large part of the time.
Mr. DAVIS. Yes.
Chairman WALSH. If there is any suggestion that you would care to make that you think would help us in our work, we will be very glad to have you do it.
Commissioner LENNON. I would like to ask you whether, when you say that some of your children went to school two years, whether you mean to spread that over a number of years or is just during two years' terms?
Mr. DAVIS. Just two years' terms.
Chairman WALSH. Was there anything else you wished to say?
Mr. DAVIS. I do not know there is anything that I could say to advantage, unless along the line of farming business.
Chairman WALSH. Then we are very much obliged to you. You will be finally excused.
Prof. Granbery.

TESTIMONY OF PROF. JOHN C. GRANBERY.

Chairman WALSH. What is your name?
Prof. GRANBERY. John C. Granbery.
Chairman WALSH. What is your profession, please—your avocation?
Prof. GRANBERY. I am a minister of the gospel and at present I am a professor of sociology and economics in Southwestern University, Georgetown, Tex. I say I am a minister because, in my own mind and in most of my life, that has been my business and it is still my conception of my work.
Chairman WALSH. How long have you been in the ministry—since your ordination how long has it been?
Prof. GRANBERY. Nearly 20 years.
Chairman WALSH. What was your ancestry, so far as avocations were concerned.
Prof. GRANBERY. My father was a Methodist preacher.
Chairman WALSH. We have just called you for one purpose. Mr. Holman suggests that you briefly, if you would, please give us your idea of the responsibility of the rural preacher and the way he discharges it.
Prof. GRANBERY. Well, I have served for 12 full years as a country pastor, or in small towns in Virginia, Maryland, West Virginia, and Kentucky. But I have not been in Texas quite two years; I have been over a good part of the State, however. And I have some convictions on this subject, and you may discount them if you choose; they are from my training and environment. I place great emphasis upon the personal and ethical element, almost altogether so, as compared with other phases that have been brought out.
Now, the country church may be—it is right now—a social force in two respects. One is that it is the center of sociability. It is a democratic place. The people meet there and they do things together there. In a second respect, in which it is a social force, is that it inculcates the personal virtues and conventional morality. Aside from those two aspects, the country church is a stronghold of individualism, as the country itself is. The religion is individualistic; the minister is individualistic. The people are so. He is evangelistic and revivalistic; that is, preaching personal salvation of the soul for another world and inculcating the primary moral virtues and conventional morality. But, as I say, the whole standard is intensely individual. Evangelistic—well, I am not going into that further.
Now, in my judgment the church, the country church, and the country preacher are the key to this whole situation. The whole tenantry problem, the country problem, the rural problem, the social unrest, and it is to-day that the country, confining myself for the minute to that phase, could be reached in a most effective way, and ultimately will only be reached through the country

church and what the country church stands for and must stand for. That is the way I look at it.

Now, not to argue the case, I look at it in this way: Suppose that the country preacher took a social point of view, and suppose the church did. I have no harsh criticism to make of the country church or the country preacher. The country preacher is a hero. He is in my church under the system that I am familiar with. If I were on the outside, I would say he was either a hero or a fool. I am on the inside, and I know he is a hero. I know what he has to put up with and all that sort of thing, and the books he has to read for his preparation are books of bygone days that have no relation to the things that he does now—no very direct relation. And the conferences he attends and the powers that be from whom he gets his inspiration do not take this social standpoint of which I speak.

Now, suppose he did take that social standpoint, what would he do? I think I can indicate in just a moment what he would do, and you may for yourself judge what the effect would be. I do not emphasize in my mind the kindly deeds, the manifestations of altruism, that go under the general name of social service. That would be part of it, to be sure. But my idea is that he himself will be thoroughly socialized in his thinking, with reference to sin, salvation, and the whole category of what he talks about, so that he will think of sin not from an individual but from a social standpoint. I am going to be specific and state exactly what I mean.

Take the land question. What does the Gospel teach on that subject? I have respect for my friends who think country preachers ought to be trained in scientific agriculture. The preacher would be better off if he were. But I do not emphasize that at all. I think it would be helpful to him, and he ought to know something about it. But this is one thing he ought to know; he ought to know that the book which he calls the Bible, from which he preaches, says: "The earth is the Lord's and the fullness thereof."

Now, the land was placed there by the one of whom he preaches, the Heavenly Father, and he placed it there for His children, so that no one from the religious standpoint, discussing it absolutely from the religious standpoint, and that is my standpoint, could say, "This is mine" in any sense of absolute ownership. That is absurd to my mind. But how to put this in effect, how this is going to work out, I am not saying. I am just saying that from the religious standpoint he must be true to this, that the land is His (Jehovah's). Well, now, I will give another illustration:

The other day down in my county, Williamson County, oil was found near my town. A young man asked me this question: "Now, if I owned land and oil is found on that land, isn't that oil mine?" "Why, no," I said, "not morally, not from a moral standpoint it isn't." "Why?" he asked. "Why," I said, "because the Heavenly Father put it there for all of His children, and you are only one of them."

I will give you another illustration. I was pastor in Virginia in a little country town which is dominated by a wealthy family. I am not at this time going to tell everything that is in that word "dominated," but there is a good deal. Now, here are some very valuable mineral springs. They employ two or three people there to bottle the water and to ship it. Then they simply sit there, and the water is sent to the people for rheumatism, and so on. They do not have to work.

Then I was pastor in another small town where I had as a member of my church a multimillionaire, a man just about approaching middle life, hardly in middle life. He had started as a poor country boy. But the State geologist had found there was coal under some of that land, and he had taken some options on the land, and in the four years preceding the time I was there he had, I think, doubled his holdings and amassed his wealth. And he died just recently, hardly in middle life, a multimillionaire.

I just give you these illustrations to show the economic significance, as I understand it, of the Gospel which this man is to preach. He can not be a specialist in economics. It would be a very good thing if he were. I am not saying he is to go into remedies or know much about farming and all that. It would be a good thing if he did. But I am saying that if he is a minister and sees sin and salvation and all the rest from a social standpoint and preaches safely that message—if it were simply one man that did it that would not help much, but if there were many that did it I believe you would be getting more effectually into the heart of the questions which you are considering than otherwise.

Now, just one other thing on that point. Let us imagine a case. I do not mean to bring in any personal case at all. Suppose that there is a landlord or landowner who says to his tenant, "As long as you are a good, honest, faithful man you may be a Republican, Socialist, Democrat, anything you wish, Prohibitionist if you choose. But I will not have any agitation from you. We don't want any political agitation, anything stirred up here." Well, now, the trouble in the church is where the church takes that stand. The landlord may say, "Our business is to make money here." The church also says its business is to preach the "gospel" to save souls in heaven. "We want no Socialism or any teaching that will stir up the people. Whatever may be your views individually we want nothing of that sort."

It is that attitude on the part of the church, as I see it, that is at the bottom, in a measure, and in a very great measure, of the social unrest.

When the landlord says, "This land is mine, I have a right to run my business as I choose, and I will not have this or that" he is creating more discontent and is feeding the very extreme elements of society—I started to say radical, but you can not be too radical; I mean you can not go to the root of the thing too thoroughly. So I think it is the case that when the preacher of religion tries to suppress this particular discussion and the aspirations of the people he is stirring up more discontent than anything else. That is just my idea of it.

Chairman WALSH. How does the rural preacher meet the duty and responsibility on the average which you have mentioned and is his teaching such that he will naturally go into social abuses or touch upon those things which, as interpret what you say, are good for the salvation of mankind and his morals, and that might be said in this day and age to be social and industrial?

Prof. GRANBERY. The country preacher, as I have indicated, does not see things from that standpoint at all. He does not read those books. He does not come in contact with those papers. His whole training is in reference to a different program. There are certain things expected of him. One is to get up the collections. It is hard enough and the collections are meager enough. It is hard work. Another thing is that he shall report a certain number of accessions, and the emphasis is on what he calls the revival, etc. It is a different realm, you see—an entirely different world.

Chairman WALSH. Now, is there anything else you would care to say, Mr. Granbery, upon this particular topic?

Prof. GRANBERY. Well, a great many things have occurred to me from time to time, but they are such things as any person of common sense could think of, such as this, for instance. I will give you an illustration. There are a thousand things of this sort. Take the housing question. These questions are largely questions of personality and morality. The poor man who owns his home is no more apt possibly to have screens in his home and to have sanitary conditions around his home and all that sort of thing than the renter. He is a little more apt to, having home ownership. In other words, what he needs is religion and education whether he is a home owner or not. In my little town there are negroes who live in the most wretched conditions and own their own homes.

I will just give you one other illustration before I leave the stand of the way in which the church might do something and of the way it has blundered sometimes. It is rather ridiculous; it comes to my mind as a country preacher in Virginia. We used to have in those days all-day meetings, all-day revival meetings. The people would come out and have preaching morning and afternoon. Of course a great deal of good was done and a great many people would get converted over again every year. Why? Because there were no arrangements there—we know about the hookworm now since the magazines have explained it, and, just to put it frankly, the people had the hookworm. But that is not the point entirely, but the point is that that church meeting made the people have the hookworm. That is, they all came there to that church meeting, and there were no outhouses or anything of that sort, and the conditions, the sanitary conditions, were such that the hookworm was transmitted. It was transmitted through the barefooted children out there in the country at that country church. Now, there was a church saving those souls year after year and itself creating the conditions right around the church which made the people anemic, weak willed—weak in their bodies and minds. That is all.

Chairman WALSH. Thank you very much.

Mr. W. S. Noble.

STATEMENT OF MR. W. S. NOBLE—Recalled.

Chairman WALSH. Mr. Noble, I told you the other day that I would recall you. Please take the chair. There are a few questions I would like to ask you, and I simply want to suggest that we are forced to economize our time in order to adjourn to-morrow afternoon. Now, I asked a few of the general questions prior to putting this witness, Mr. Stewart, on the stand, and so you have given the activities of the renters' union and the general organization of the land league already.

Mr. NOBLE. If you will permit me, I would like to submit, without taking up the time of explaining, both the old constitution of the renters' union as well as the declaration of purposes of the land league and the new amendments.

Chairman WALSH. Very good. Just let them be put into the record, then.

Mr. NOBLE. I will let this be filed without any comment.

(The witness here submitted a pamphlet entitled "Renters' Union Catechism and Constitution," issued by the Renters' Union of America, and a copy of a newspaper, "The Actual Farmer," dated Rocksdale, Tex., Jan. 15, 1915, official organ of the Land League of America.)

Chairman WALSH. Now, you will give an outline, and perhaps you can order your testimony better than I can.

Mr. NOBLE. I think I can.

Chairman WALSH. If you will kindly have in mind what I said about economizing the time and make your statement.

Mr. NOBLE. I would like to ask the commission to pay strict attention first to their declaration of purposes and then of principles. You will find that by our principles we undertake to correct some evils that exist to-day, chief among which I want to point out is the uncertainty of tenure.

There could, I think, be constructive legislation making a lengthier term of tenure than one year under present conditions and one that would go a long ways toward relieving the unsatisfactory condition of business affairs.

Now, as to the bad housing conditions, I am going to submit a letter I have in my hand and, with your permission, I will read it, as it is very short. This letter is addressed to me from Luella, Tex., dated December 7, 1914, as follows:

"DEAR SIR: We, the undersigned citizens of this community, will try to make a report of financial and sanitary conditions. About 90 per cent of the people can not meet their obligations, and about 25 per cent without land and employment for another year. There is some talk of an organization in this community to relieve the people. Do you know of any remedy to offer for these conditions? If so, report to us at once, for we need relief as to sanitary conditions. There are about 50 per cent that hasn't no smokehouses; there are as high as eight in one family living in one room 14 by 16, with ceiling 6 feet from the floor. We think this is very bad.

"Yours, very respectfully,

"J. S. MORGAN.
"J. N. WILLIAMSON.
"G. W. TRAMMELL.
"E. C. COFFMAN.
"J. W. FLOKE."

That there are distressing conditions, even worse than described here, I submit this pack of letters, to be marked and noted.

(The letters here referred to and offered by the witness, numbering five, appear at the end of this subject as "Noble Exhibit No. 1.")

Chairman WALSH. Just generally describe what is contained in that package? Are they letters from individuals?

Mr. NOBLE. Letters from individuals; yes, sir.

Chairman WALSH. Giving the names and addresses?

Mr. NOBLE. Giving the names and addresses and practically as received by me.

Chairman WALSH. Yes; well, they may be submitted into the record.

Mr. NOBLE. After taking up the next subject as to farmers, quoting retail credit prices, I have two letters, one is from Pear Valley, Tex., which shows the difference between the credit price and the cash price and also gives the actual experience of a well-to-do renter, what I call the better type of renter, showing his actual earnings from year to year. The other letter is from Montague, Tex., Montague County, which is another actual experience of a

renter. That I will say is the middle class. I will submit the Cook letter as a letter from the middle class, and the letter marked "D" as a letter from a well-to-do renter. I will read them, if you wish.

Chairman WALSH. Are they long?

Mr. NOBLE. One is quite lengthy.

Chairman WALSH. I will ask you this: Do you deem those letters to be typical letters? Would they typify those classes of people? You see, we do not want to attempt to run down individual cases.

Mr. NOBLE. I understand.

Chairman WALSH. Now, on the one side you have heard statements made and have made statements as to the migratory workers and conditions, and on the other hand there has been a great deal of testimony that the tenant farmers can work out and in many instances do work out and have worked out their own salvation and become landowners. Now, we do not want to get individual cases, but we would like to get typical cases.

Mr. NOBLE. I would submit these two letters, and I suggest them as what I would say is the average experience which I have learned, not from second-hand point of view, but from actual talk with the people, as the average experience of men of that type.

Chairman WALSH. Could you describe that better without reading it—describe the alleged condition of the individual that wrote it, without reading the letter?

Mr. NOBLE. Well, it would be very hard to do that, because it is a very interesting letter and it takes up the case from different standpoints. I can turn in just a moment to the difference in the cash and credit prices as we found them.

Chairman WALSH. Confine yourself to that. Then state what does the letter deal with outside of that.

Mr. NOBLE. It deals with what he did beginning with 1906, and his moving out there——

Chairman WALSH. Perhaps you had better read those two letters and maybe we can cut off the time on something else.

Mr. NOBLE (reading): "W. S. Noble, editor Actual Farmer, Rockdale, Tex. Dear sir and comrade: While reading over your paper, Actual Farmer, volume1, No. 1, I noticed a list of 10 questions relative to conditions surrounding land tenure." I will have to put on my glasses, and while I am putting on my glasses I will state that I had asked 10 questions in the Actual Farmer of which I submitted a copy.

Chairman WALSH. Have you those in the record—the 10 questions you asked?

Mr. NOBLE. Yes, sir; and I stated that I wanted not exceptional stories of individual or isolated cases, but an actual statement, if possible, and he is undertaking to answer those 10 questions. The letter reads:

"While reading over your paper, Actual Farmer, Vol. 1. No. 1, I noticed a list of 10 questions relative to conditions surrounding land tenure. Now, as I see it, for you to get a general knowledge of the actual conditions it would be necessary for tenants from different parts of the State to write you giving their individual experience as renters of farm land. So here is my experience since January 1, 1907, a period of eight years—eight long weary years. Coming to McCulloch County December 24, 1906, began work for wages January 1, 1907, receiving $45 per month, house furnished. My work consisted of being all-around foreman and machinist on a ranch and farm combined. At the end of the first year, 1907, I threw up my job because I had to live out of a paper bag; having six in family, I could no more than barely make expenses. January 1, 1908, I rented a farm of 55 acres on halves. I also rented a blacksmith shop so as to keep myself employed during idle time. The shop caused me some loss; but I made, and mostly hired gathered, 35 bales of cotton; sold some at an average of 7 cents; after paying expenses I came out about $100 in debt; but, of course, I had bought a team and wagon, which I owed some on besides. In the winter of 1908 I bought 160 acres of raw land on credit, 10 years' time, 8 per cent interest. After improving and two years' use I could not pay the interest, not to say anything about the principal, so had to give it up to the man I bought from, him paying for the lumber that went into the house that I erected on the place. He also paid me a small indemnity and allowed me to stay on the place 1911. Paying him the third and fourth. He only allowed me to plant 5 acres of feed out of 50 acres, which was not enough. He allowed

me to keep one cow and one team, refusing to rent to me another year. I had to move. In the spring of 1912 I rented and moved to another place, consisting of 320 acres, 45 acres in cultivation, one house 14 by 14, one side room 7 by 14, one porch 7 by 14, one small shed barn 8 by 12. No lots or other improvements. While there has been some effort to put water on the place without success, I have to sponge on my neighbors for water at least 10 months out of the year, hauling same one-half mile. One especially dry spell I had to haul 8½ miles. There is one small iron cistern which supplies water for drinking purposes in winter or rainy seasons. Now, my present landlord is a good man, or at least he seems to be, but when it comes to renting out his land he sticks to the system which is all and altogether in his favor; he of course demands and gets his rent, which for the three years that I have resided on his place has been one-fourth of all money that cotton has brought; all land to be planted in cotton was his only terms, me to keep one cow and one team; he would not, under no circumstances, allow me to plant feed unless I cleared (grubbed) land to plant feed on. For this year 1915 he allows me to plant 10 acres of feed, paying him therefor $3 per acre. Now, I have a copy of rent contracts for years 1908, 1911, 1912, 1913, 1914, which I will mail to you upon request.

Now, I so far have always paid my rent, also my grocery bills and other debts, but my landlord, as do most other landlords around here, rides in automobiles, while we, a family of 9, live in a house as described, without any conveniences that should go to make a home, and on account of the low price of cotton will be unable to buy books and clothes to send our children to school, which is 3 miles away. Now as to extortionate prices charged by the supply merchant, I have no reason to complain at the treatment I have received the last two years, but I have been fortunate in comparison to the general rule. In 1912 I traded on a credit with a certain concern which is still doing business at the same old stand, same old way, so I am told. I gave my note with security for $100 for eight months, March 1 to October 1, 1912. I received two coupon books containing $45 each or $90 total. Now, I used those books from March 1 to September 1. Here are a few articles which I have bills to show for which is about an average. Eagle brand sugar I paid $2.10 per 25-pound bag; same day, same sugar, cash, $1.50. Arrow brand flour I paid $3.75 per hundredweight; same day, same flour, $2.75 per hundredweight cash. Bacon, my price 16 cents per pound; other stores cash 11 to 12½ cents per pound. I could go on and give you a long list just as bad, but what's the use."

And then he goes on to show that the interest that the banks charged him——

Chairman WALSH (interrupting). What county is that?

Mr. NOBLE. McCulloch County.

The other letter is citing conditions from Vernon and is practically the same.

Chairman WALSH. Does it give the rural credit charges?

Mr. NOBLE. This does not, but it shows the conditions generally and also it speaks of the bonus in that county, the kind of bonus. No; I believe I have that letter I am going to submit with some notes.

(The letter partly read by the witness and the letter also referred to by him in that connection from Montague, Tex., appear at the end of this subject as "Noble Exhibit No. 2.")

Now, in regard to another point, the renter, and the usury charged by the bankers, there seems to be an understanding between the banks and certain business concerns. I submit a series of notes that have been paid to the First National Bank of Weatherford, Tex., but I ask permission to withhold the giver's name, as he says there is an understanding between the banks; and if it was known that he had taken any part in showing up the usurious interest, they would refuse to loan him money. I think the average interest shown as collected is 16.7 per cent on these notes. I submit them.

(The package of papers here submitted, consisting of sundry notes, chattel mortgage and filing receipts referred to by the witness, appears at the end of this subject as "Noble Exhibit No. 3.")

Another note from the First State Bank of Bonham, Tex., shows that he received $112 for eight months, which is $12 interest for the eight months on $100. This man says he don't care what you do with it; you can give it to the papers. The $12 was charged for eight months. The other note furnished by the same man is payable to the Ravenna State Bank and was given May 5, and due October 5, and the amount received was $9.75, and the note is a note for $11.25. The general custom is that the interest is drawn on the face of the note, and in order to learn the interest, if you will notice, in the lower left-hand corner is the amount of interest [witness is evidently referring at the moment

to the notes in "Noble Exhibit No. 3"] taken out of the face of the note is generally put down by the banker in ink in the lower left-hand corner.

(The last two notes referred to by the witness appear at the end of this subject as "Noble Exhibit No. 4.")

Also as to conditions between the bankers, I would like to submit this letter:

VERNON, TEX., *December 15, 1914.*

Mr. W. S. NOBLE, *Rockdale, Tex.*

DEAR SIR: Your letter to hand and contents noted. I went to see the farmers' union officers the day before. The president, Mr. W. H. Stephen, says the banks of Vernon would not loan them money to buy seed unless they would let the Vernon Oil Mill have the seed. Mr. D. D. McCroskey, manager of the union, says that they should let the oil mill have the seed, but bound them (the union) not to raise any disturbance about the seed. Mr. Schmidt, one of the directors, says "The bankers would not let us have seed unless we turned the seed to the Vernon Oil Mill," but he was afraid to make any statement because they owed the banker about $5,000, and if they made any official statement the bankers might close them out of business. So you readily see that the thing is "grabbed"; everything!

The president and manager both promised they would write you last night, but I doubt that it will be carried out. I would like you to send me a view of their statement if you can conveniently do so.

The truth is, the oil mill controls the banks, or the banks own the oil mills.

The farmers' union have an oil mill at Wichita, and the people have stock in it, but for this cause the farmers are deprived from using or getting any benefit out of it.

Remember, we were getting $11 for our seed until a new seed buyer came in, and now seed is $18 per ton.

It was estimated, I heard yesterday, that the farmers of this country have lost about $48,000 at this time by the graft.

Yours, truly,

J. U. WELLS.

(The letter here referred to appears at the end of this subject as "Noble Exhibit No. 5.")

J. U. Wells is a Baptist preacher at Vernon, Tex. I submit that letter.

Also, another letter from the same man concerning rental conditions and also pertaining to the same thing, I think that is.

(The letter here referred to appears at the end of this subject as "Noble Exhibit No. 6.")

Now, Mr. Walsh, if you will just permit me to take my own way just about two minutes, I will be through.

Chairman WALSH. Very well.

Mr. NOBLE. Here is the letter I was speaking of (referring to Noble Exhibit No. 6).

The renters' union, in studying the question of land and its effect upon the social condition—I find the crowded condition of the cities is directly responsible for our system of holding land out of use and forcing people to cultivate more land than they can, as Mr. Padgitt testified yesterday, without the use of the children, and there being only a limited number of farms, and out of 127,000,000 of acres of tillable land in the State of Texas there is about 27,000,000 acres cultivated (?) and the tenants are largely overcropped, and when a man can not find a place to rent he very naturally drifts into the cities, and this is responsible for the overcrowding of the city and the great unemployment question. The land league, of which I am national secretary, hopes to secure legislation which will place a very heavy tax upon land held out of use, for the purpose of bringing about ultimately a condition in which only those who use the land will be permitted to hold land. In other words, occupancy and use will be made the basis of title to land. We ask for such needed legislation as will extend the term of tenure and force the building of better houses.

If the term of the lease was extended to, say, a period of 10 years, something like they have, I understand, in Scotland and other countries, then the renter would take an interest in building up the community; he would be interested in building roads, he would be interested in building schoolhouses, he would be interested in conserving the soil. But under the present condition, where he has no assurance that he will be able to stay on the farm only one year, he has no interest to do anything only to "skin" the earth. In other

words, our present condition of holding land is causing us to use up and waste the birthright of our children. We have no right to handle it in such a manner that our posterity will suffer, because of our lack of thrift. We should secure legislation along the line that will enable us also to rotate crops, to secure better houses, to get the right to diversify, and so that we may cease to be forced to plant such an enormous acreage of cotton. I believe I am safe in saying from my investigation that the cotton acreage this year will be increased for two reasons—one, the lack of credit; second, the lack of securing supplies and seed necessary to plant other crops.

Now, there is quite a lot of land that is lying out that there has been no plowing done on, and the result will be they will have to pay it off and plant it in cotton in the spring; and then we have quite a few large landholders still who are charging $5 to $8 an acre for land planted to grain, and this necessarily forces the renter to plant it in cotton. There are others who are compelling the planting of just as much of a cotton crop as ever. So I believe we will have a larger cotton crop this year, and I do not believe we can ever regulate the crops according to supply and demand until we get to the plan where the renter can plant the crops and diversify as he deems best; and if this supervision or control is continued it will produce just such stripes of men as Mr. Stewart and others, who are accustomed to doing what the boss says, and just drifting along with the tide and thanking the Lord that he is as well off as he is. Our declaration of purpose thoroughly outlines what we are working for. Now, the steps we have taken to bring this about are: I have notified Mr. Ferguson and the farmers' union and the State university and the commissioner of agriculture that we would be pleased to receive any bulletins for distribution among our members, and asking them to cooperate with us in submitting for our approval what they consider a just rental contract. I believe the State university says that they don't know; and the man in charge of the extension department of the department of agriculture says that he doesn't know just the right rental contract just yet, but when he has found out he will tell us; and Mr. Ferguson has expressed his desire to cooperate with us in preventing the collection of over one-third and one-fourth; but the collection of one-third and one-fourth is a general rule to-day, and has brought about the condition that has made possible the collection of bonuses, and so I do not think the one-third and one-fourth plan, as framed by the Ferguson law, will help the renter but very little. That is about my position, and I will now answer any question.

Chairman WALSH. Yes; one question suggests itself to me. Mr. Getzendaner, when he was on the stand, and he is a landowner of Ellis County, has since addressed a communication to the commission in which he expressed his willingness to make an experiment toward helping—take Mr. Stewart, who testified, upon his land—and I understand from Mr. Holman that matter has been turned over to you. Are we to understand that Mr. Stewart is going on Mr. Getzendaner's place in accordance with that invitation?

Mr. NOBLE. I will say this, that the matter of it having been turned over to me is news to me. I knew that the letter was out, but I never received a direct copy or any direct proposal, and all that I have known of it, Mr. Holman told me yesterday that this proposition had been submitted to you and the commission. I would be very glad to take the matter up with Mr. Stewart.

Chairman WALSH. You stated you found Mr. Stewart a place to live in?

Mr. NOBLE. He has a house for one week more.

Chairman WALSH. Yes; he stated he had it for two weeks. Now, it has suggested itself to me that you might be willing to take hold of Mr. Stewart's case, and if the arrangements are satisfactory and fair, as apparently they are to be, you should make an experiment with him.

Mr. NOBLE. I would be very glad to do that if Mr. Getzendaner would propose the thing to me.

Chairman WALSH. Well, he has proposed it to this commission, and we——

Mr. NOBLE (interrupting). Well, I would suggest that the commission instruct your correspondent or secretary to write to Mr. Stewart and ask him to go there and try to make good, and then ask Mr. Getzendaner to file with the commission from year to year, or with the extension department, a report of this man's production and what he has been charged for supplies, and so forth, and, if we can, get at least a chance to see what the man would do under fair conditions, as I believe Mr. Getzendaner will try to help Mr. Stewart out.

Chairman WALSH. Very well. We may adopt that suggestion. We will take it up with the commission.

Mr. NOBLE. I want to submit one more case that was called to my attention, the A. J. Henry place, as it is known, near Denison. The foreman for three years—he does not know how many acres there is in it, but it is 3 miles one way and 3 miles the other way. It is worked altogether by day labor. The laborers are paid, according to the foreman, $1 a day and board themselves. They are not allowed to keep hogs, or anything of that kind, and this man, W. H. Gollie—seems to me that is what it is like, I wrote it down on the train—said to me that he was discharged because he insisted on keeping and fattening three hogs.

Chairman WALSH. That is all, is it, Mr. Noble?

Mr. NOBLE. Yes.

Chairman WALSH. Thank you, Mr. Noble, that is all.

Mr. Simon.

TESTIMONY OF MR. GEORGE W. SIMON.

Chairman WALSH. What is your name?

Mr. SIMON. George W. Simon.

Chairman WALSH. What is your business?

Mr. SIMON. I am an agriculturist by profession and a social worker by association.

Chairman WALSH. Are you a native of this country?

Mr. SIMON. No; I am a native of Russia.

Chairman WALSH. I wish you would please give your activities in a professional or business way, since you started, briefly; your education, etc., beginning with what you did as a child.

Mr. SIMON. I was born and brought up in the southern part of Russia, and graduated there at the high school. I was brought up among the German farmers, among the best in the southern part of Russia, and was in the business of grain export—exporting grain. Upon coming to this country——

Chairman WALSH (interrupting). How long ago, please?

Mr. SIMON. Eleven years ago—I was for a short time attending the Baron de Hirsch Agricultural School. I then worked on a farm in Connecticut and entered the Connecticut Agricultural College, from which I graduated, and for a while I had charge of the dairy department, or creamery department.

Chairman WALSH. The creamery department of the Connecticut Agricultural College?

Mr. SIMON. Yes. Afterwards, I was transferred to their experimental station, and shortly afterwards accepted a position as agricultural expert with the Jewish Agricultural Aid Society, and I have been with this society almost eight years.

Chairman WALSH. Describe the organization and purposes of the Jewish Agricultural Aid Society, please.

Mr. SIMON. Well——

Chairman WALSH. Its foundation, how its expenses are paid, and its aims and purposes.

Mr. SIMON. I want to state before I testify that just at the present time, I am here to tesify, not as a representative of this society, but as a private individual.

Chairman WALSH. You have been subpœnaed here as a witness by this commission?

Mr. SIMON. Yes; and I shall testify based upon my personal experience and dealing with this work, and give my personal impressions which I have gathered in connection with my work.

Chairman WALSH. Nevertheless, I would ask you to describe the organization and the purposes of the society.

Mr. SIMON. This society is the—is a branch of the Baron de Hirsch Fund, organized in 1900, for the purpose of assisting and encouraging agriculture—assisting Jewish people in the United States who wish to settle on farms, and encourage agriculture among them; to assist them with loans and to organize cooperative societies among them, such as for the development of cooperative creameries, canning factories, and other cooperative enterprises.

Chairman WALSH. How about credits?

Mr. SIMON. Our last step is developing the cooperative personal credit on the basis of the Raiffeisen system, a German rural credit system.

Chairman WALSH. Describe generally the relations of this society to the land problem in the South.

Mr. SIMON. Well, I do not know what direct relation this society has with the land problem in the South.

Chairman WALSH. As I understand, the Baron de Hirsch Fund is the fund set aside by Baron de Hirsch after his death some years ago—a large amount is to be expended in teaching immigrants the good principles of industrial development. They have a trade school in New York City, I believe, a large one, and that this is one of its activities. What I mean by the relations of this society to the land problem in the South is just what you discovered when you came to fit in the wishes of the trustees of the Baron de Hirsch Fund with the situation as you found it, so far as the law was concerned, and the laws of land ownership in the South were concerned. Begin by saying whether or not it is your desire to locate these people in the South and the reasons therefor.

Mr. SIMON. Well, first, I will state that we do not make any discrimination as to any State in this Union where our people want to settle. We maintain an information bureau, where your experts advise our people who apply to us, and give them the information such as they have, and explain to them the conditions in each State, and tell them just what drawbacks they will confront there, and if they are capable of adjusting themselves to these conditions we advise to go there. As a rule, we usually consider the person individually, his previous experience, his life history, and then we try to judge for ourselves as to what part of the country would be most advisable for this individual. As far as the South is concerned in 1912 I made a trip of seven months through the South and Southwest for the purpose of looking over the available land, to determine whether it would be suited for colonization purposes.

Chairman WALSH. Were you given an outline of the general topic that we desired you to address yourself to?

Mr. SIMON. I have the outline.

Chairman WALSH. Are you prepared along that line?

Mr. SIMON. Yes; I am prepared along that.

Chairman WALSH. If you prefer to just go and run through without our asking questions, you may proceed, following that outline in your own way to answer.

Mr. SIMON. I would give you briefly my impressions, which I have ascertained by examining conditions in the South in general, and then I would be pleased to answer any questions which might appeal to you as interesting.

Chairman WALSH. Very good. You may proceed in your own way, Mr. Simon.

Mr. SIMON. I might say that discussing the South as a whole, I have discovered, or rather found, that there are unlimited opportunities and possibilities of natural resources in the South, but which at present are under lock and key to the private individual.

I can say, to my mind, that the South presents a giant lying sick, afflicted with some disease, to use a figurative expression, the hookworm disease, and is being treated by some quack doctor by absent treatment. I would say that the doctors who are treating this part of the country are the promotors and real estate agents and the absent landowners. It seems to me that the people here in the South have resigned themselves to these conditions, and think these promoters, who are as a rule mostly people either from New York, or Chicago, or other large cities, will solve their problems for them.

In getting the information through my travels I found that there are two classes of people. One class who are reluctant to give information about certain conditions. I would call it on account of the false patriotism they have. Their opinion is that if they would give the exact condition people would not like to come here. On the other hand, in my opinion, if the people should be advised in the beginning of the existing conditions the man who is capable of adapting himself to these conditions would come here, while the man who is not capable of so adapting himself would stay away.

Then there is another class of people who have a personal interest, who own large tracts of land, or who are trying to promote different enterprises. As a rule, I find in many instances where the land was purchased at a nominal price and then peddled out to some people in large cities and at an exorbitant price, discounting the future, and the man, should he ever attempt to settle on this land, will never be able to make any headway. The majority of the people to whom this land has been sold never intend to come here and are holding it

just as an investment with the view that in time the land will be developed and be worth more than it is now.

Furthermore, in my opinion, the conditions in this part of the country are very easily remedied if they are treated in the proper way.

One question which attracted me in examining conditions in the South is the health question. It was a rather difficult matter to find out the exact situation, because I could not obtain any vital statistics in any of the Southern States. When I applied to the United States Census Bureau, the chief of the vital statistics, and he showed me a large map; north of the Mason and Dixon line was all pink and all below that was blank—white. The pink showed in that part of the country they had definite data as to the existing health conditions and death rate, while below the Mason and Dixon line there is nothing to be obtained. The only information to be obtained is through private sources.

Through studying the conditions, I found that the health situation is not as bad as people think it is. The only diseases which the people are confronted with here are malaria and typhoid fever. These two diseases could be easily controlled, as we have the example in the Panama Canal country. The only difficulties are that they are not within the control of the individual. I therefore would say that it is difficult for an individual to come here and settle anywhere and adapt themselves to the conditions without the cooperation of the local people. Typhoid fever calls for sanitation and proper drainage. Malaria is about the same thing, drainage and extermination of mosquitoes. It is true that if we have the windows and doors screened the conditions in the houses would be habitable, but the farmer can not remain in the house all of the time. We must drain the country surrounding in order to make the conditions habitable. As I stated, this is a question for each community to arbitrate, to make the conditions healthy and habitable.

The next question which confronts us is the tenant system in the South. I would divide it into South and Southwest. In the South the negroes and the poor white tenants dominate, while here in the Southwest the white tenants prevail. No individual from the North or the East would be satisfied to settle and stand the conditions under which they would have to live here among the tenants.

The next question is the question of title. We must have proper titles established to the lands in this country. On some lands there are squatters; on others we have confusion between the Government and the Spanish grants, and in Oklahoma we have difficulties with the Indian grants, and in some of the States here we have no record whatsoever, and we have the land thieves. It is all right for a rich company to come out here to fight the Government and establish their title, but the poor man, a man with limited capital, has no means whatsoever to protect himself, and he loses.

The question which I am asked to discuss is so big and so great that it is almost impossible, it is very difficult, to cover it in a few words. But I shall be as brief as possible and to touch upon each subject, giving the most important facts.

In looking over the colonization schemes and the developments undertaken by different companies I found that most of them existed on paper. I came across an enterprise in North Carolina where a company tried to bring in people from the different parts of Europe. At that time that was allowed. They have chartered steamers and have sent special agents to Sweden and Norway and Germany and Italy to bring over people whom they endeavored to settle in colonies in North Carolina. The Italians are the only ones who remained in that part of the country. The reasons were that, first, because too small an acreage was allotted to each settler. The general idea of the promoter is that if the farmer will get 10 acres it is sufficient for him under the conditions in the South, where he can raise two or three crops in a year and make a living on it. But as a rule, everywhere where it is tried it has failed, unless they are located near large towns or they have the local market where they can devote themselves to trucking.

Furthermore, as a rule, the lands selected for these purposes are usually undeveloped, cut-over land, swamp land. It is difficult for the people to develop it—takes a long time to develop this kind of land, and it is difficult for the people to adapt themselves. I believe the Italians are the only ones who remained there, because they themselves came from a similar country in Italy.

Furthermore, because they had a supervisor, one of their own nationality, to handle them, and knew how to handle them, they succeeded.

Through the South I found lots of undeveloped land, mostly cut over, and I found that clearing land is rather an expensive proposition and takes up too much time of the settler, or otherwise the settler has not enough patience or could not afford to wait for two or three years until the land would be available, and is forced to give up. It seems to me that there should be developed a method of clearing land on a wholesale scale, which would be more cheap, and the people could settle at once.

Now, the question of drainage. In some States special laws are provided for drainage of the land, yet the absentee landowners are a great drawback and are obstructing progress. They don't care to drain their land.

Now, the social life—the lack of markets, transportation, everything—has a great effect upon the development of the country.

Next comes educational facilities. I wish to call to your notice the fact that here in Texas they have just passed a law for compulsory education. As a rule, the average immigrant is very anxious to give his children a good education. They will not be satisfied where they will be confronted with the conditions as they are here among the tenant farmers and in general in rural districts.

In looking over the question of education I have found that the education in rural schools is entirely inadequate. They are not training the children to become farmers, but they are telling them more about the advantages in the cities, more about that than to teach them about the conditions on the farm.

I will say further that the teachers themselves are not adapted to teaching in the rural schools. As an incident I would mention an experience which I had in Tennessee. I visited a community about 50 miles south of Nashville, which I reached by an auto. It is 50 miles away from a railroad, in a purely rural community. They had there something like the grammar school or the high school in the center of the small town there. I happened to speak to the children, and I found out that the subjects they knew the most about were German and geometry. When I asked them if they knew anything about botany, they said, "We don't know what it is." When I asked them about the flowers in the neighborhood, they said they never paid any attention to them or to the kinds of birds or insects, and about country life they knew almost nothing.

I talked to one of the teachers, himself a graduate of this school, and with fathers and mothers, and in talking to them I found that the women were much dissatisfied with the conditions in the country and most interested in the life in the cities.

After having a talk with the school-teacher, I found out that she knew very little about country life. I pointed out to her that if she would look into the question of better conditions in the country surrounding her it would present to her a great opportunity for studying life as it is, and I suggested to her several books, and she was very much interested, and she told me that she would try to read up and might be more satisfied to remain in the country.

To consider the situation as a whole, I would say that to remedy this condition we do not need any more organizations. We have sufficient institutions here; there are enough agencies striving to accomplish the same thing, but each one is pulling in a different direction. We must have coordination in the work. For instance, in the United States Department of Agriculture and the State departments of agriculture the experiment stations and the different chambers of commerce should cooperate. Now, here is a point which appeals to me most. You will note that most commercial bodies in the different towns will strive to attract manufacturers to their localities. If you will notice some of these charts, you will notice that so much has been spent in entertaining visitors and manufacturers—I notice in one place something like 12 manufacturers, who employed 190 people, and at the same time this town depends very largely on the development of the country, but little attention is paid to that at this time.

I believe that the chamber of commerce or commercial body of the city, by investing $100,000—not giving it away, but investing it—could develop a tract of five or six thousand acres of land right in the vicinity of this community to show how the adverse conditions could be overcome, what the possibilities are here, and in this way they will present an example for other communities as to how to develop their country.

The towns and the cities depend almost entirely on the country, but at the present time none of them have done much; they have done very little to develop their communities.

Considering the situation as a whole, my opinion is that the individual settler can not succeed anywhere here unless he is located near a large town. The only possible settlement is group settlement in communities of 75 or 100 families, at least, where they could have their agricultural experts with them, where they can have their cooperative store, where they can purchase their seed, fertilizer, and implements, and so forth, cooperatively, where they will have the social and communal life, and will not have to depend upon the existing social conditions and environments.

I my opinion there should be established a central bureau of information in each of the large cities, such as New York and Chicago, where the average immigrant could get information about the conditions in each of the States, not as they are presented by promoters or real estate agents, but the actual conditions as they are, giving them both the good and the bad sides at the same time, and I believe there should be people who should take into consideration each individual and give him this information, and advise him as to the best part of the country for him to settle. Furthermore, I believe that we should pay attention, not so much to the incoming immigrant, but to the immigrants who are already here and have been here several years, who will understand the information given to them, and who will if established in this way make a nucleus for different settlers later on to come. For instance, the people brought by the company of North Carolina were only a short time where they were brought; they found they had some friends in some other large cities, like Chicago or St. Louis, and they left the community.

I think that under the plan I have suggested the immigrants would not be attracted so much by the cities, but they would be interested in the localities where their friends were living and farming, and they would also attract to their localities settlers from the other side.

Now, I believe that we must pass laws providing that vital statistics shall be available in each State. Having vital statistics does not mean that we condemn that State; it only means that we must have information at hand available. The fact that we have not the information, brings suspicion to the average person that there is something we have to hide. That we do not want to tell anyone.

Chairman WALSH. At this point we will adjourn until 2 o'clock; kindly resume the stand at 2 o'clock sharp.

(At this point an adjournment was taken for the noon recess, until 2 o'clock p. m., at which time, at the same place, the following further proceedings were had:)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. GEORGE W. SIMON—Continued.

Chairman WALSH. You may proceed now.

Mr. SIMON. Mr. Commissioner, after I got through this morning someone from the audience approached me, and stated that the theory that I have been presenting here, or describing, sounds very probable, and had some justifiable points in it. I would like to emphasize the fact that the statement made by me is not based on theory, but based on actual facts which I have gathered from experience during the past 10 years. I had examined thousands of farms during that time, and helped buy farms, and interviewed hundreds of farmers, and thousands of people, and directed them to different sections of a country.

It is impossible, in such a brief space of time as I have, to discuss the work which is accomplished by the society, which is so manifold and so complete in its nature, and at the same time give you the experience which I went through in the 10 years. I will not spend any time in describing the work of our society.

I would like to present our last annual report which contains figures regarding the work of our society and will give you all the statistical data and all the information which I have, and I think will be of some value to your commission.

I will now proceed, briefly, to cover the other questions before me.

Chairman WALSH. Very good.

Mr. SIMON. I want further to emphasize one fact which I have touched upon briefly, and that is about the question of chambers of commerce. I want to give a concrete example which I believe is very important in itself. I want to describe the following experience: I visited in Montgomery, Ala., and some of the local citizens invited me to visit one of their new soap factories which had

just opened. When I came there in company with representatives of the city I found a two-story building where there was one negro employed shoving some stuff into an open receptacle. From there this material was carried by machinery to different parts of the building. There was a chemist upstairs who knew the secret, and—as to how this material was made into soap. This soap was afterwards distributed over all the United States as the product of Alabama. It is well and good to develop our natural resources, but in order to develop this factory the citizens of Montgomery have invested their money and offered concessions to this manufacturer.

They have given him a site and other inducements besides that, and even have bought some stock in the enterprise. What is the result? One man employed and the profit gained by the president and stockholders of this concern and this profit afterwards spent somewhere in Europe or elsewhere; not in Montgomery.

On the other hand, if you will take the concrete fact where, for instance, the chamber of commerce would, in cooperation with the landowners, pick out a tract of land, say 5,000 acres, or something like that, and subdivide it into 40 or 80 acre tracts, erect suitable dwellings on it, and sell it to immigrants, or to anyone who was willing to settle there, at the cost price, and adding to it the expense and a reasonable percentage of profit; and they might also secure from the agricultural station an agricultural expert who would conduct and supervise the settlement. These 5,000 acres, if settled by 100 or 75 people, would develop the natural resources near that city and bring out the products from the soil, which will not be all consumed at home, some possibly at home and others would be sold outside of the State. The money would come back to this city and could be spent by these settlers right in the city of Montgomery. The question is, Which of the two is the more constructive and productive?

I will now proceed to the question which concerns the State of Texas. There are very few settlers of our people in the State of Texas, partly for the reason that we could not, under the present conditions, assist them to stop here.

There was one attempt made about 10 years ago to establish a group of people near Tyler, Tex. The local people who have supervised this undertaking meant very well, but were very little familiar with the conditions which the rural people have to undergo. The first 10 families which settled on the land were soon—I will put it this way: Some of the members of the 10 families which settled on the land became sick with malaria, and after two or three of them found out the symptoms of the disease the rest of them became discouraged and very shortly afterwards left the community.

Now, here comes my point, that the people who live in Tyler, having the modern sanitary conditions enjoyed by people in the cities, have not foreseen what the people in the country have to go through. The local people seem to have become acclimated to the conditions and can stand them, but the new men, unless they come in large numbers and can correct the conditions, can not exist under those conditions.

Another difficulty experienced by us in assisting our people to settle in the State of Texas was the Texas homestead law. I will have to briefly explain the method as to how we assist our people, in order to show how the homestead law is detrimental. Our usual mode of procedure is as follows: A person who desires to settle on a farm calls at our office and consults with us about where to settle. After the locality is selected a proper farm is found for him. Let us say the farm cost $4,000. The down payment required is $1,500. The vendor will usually take a first mortgage for the balance on conditions depending on what it costs them in that part of the country, payment to be made in either 5 or 10 years, or payable in annual installments. We will take it for granted that this person has $1,500 to pay down on the purchase price. He then applies to our society, and we are making him a loan of $800 or $1,000 to equip him and to secure our loan we take a second real estate mortgage, usually payable in 10 years, and as a rule we charge 4 per cent interest. In Texas, on account of the existing homestead law, we can not assist a man to settle on a farm here in this State, because his mortgage is illegal, or it is against the law to issue a mortgage, except the purchase price mortgage, which he gives to the first mortgagee.

There is another difficulty; for instance, I will say that X purchases a farm for $5,000, paying down $2,000, subject to a first mortgage on the purchase price for $3,000, payable $500 annually, with interest at the rate of 7 per cent. On account of unfavorable circumstances, such as failure of crops or the loss of a part of his stock, he needs a loan of $700 to make payment on principal and

interest on the first mortgage, and possibly a few hundred dollars to replace his stock. Our society can not help him, because he can not give us a mortgage to secure our loan. We might buy off the first mortgage in full and grant him an extension, but this would mean an investment of $3,000, and besides we can not be secured for the money necessary to make the payment of interest and purchase of additional stock.

Here again the Texas homestead law imposes a great hardship on the farmer.

Finally, an old farmer succeeds in paying off the mortgages on his farm in full and has no mortgage left on it. Now, on account of the foot-and-mouth disease he loses his cattle, or there is an early frost which destroys his fruit crop, and on account of the slump in the market he can not dispose of his late crop to any advantage. Now, in any other State this man could get a loan at the bank to carry him on under the circumstances, or enable him to pay his obligations and assist him when his fruit and crop was destroyed. Now, if there happens to be a scarcity of money and the banks can not make him the loan he will come to our society, and our society in those places can make him the loan; but in Texas it can not be done on account of the homestead law, and he can only rely upon the banker who will charge him 10 per cent interest and the bonus to his heart's content.

I would like to emphasize the fact that while the homestead law was meant to protect the farmer from incurring too many debts against his property, at the same time we know that no farmer can afford to have the full value of his capital invested in so much dead capital. Here in this country the farmers suffer a great deal because there is too much money invested in unproductive capital; that is, the land proper. Our mortgages are not liquid, as the stock of any merchant, and there is therefore too much capital tied up, and when it is liquefied it is liquefied by private bankers who are charging a great deal more than the farmers can pay, and therefore the farmers are struggling under a great difficulty.

I want to make just one more illustration in regard to the Texas laws, and then I will let you present to me more questions that you want me to answer.

About three years ago a group of people purchased a tract of land of 4,500 acres near Houston, Tex. The purchase price originally was $7 per acre. They made a down payment of $2 per acre, and they had on this property two mortgages. The land was cut-over timberland, and naturally the people had the right to put two mortgages on it, or as many as they wanted to, because it was not homestead. Later on this land was subdivided and put on the record in tracts of 40 and 60 acres, and so forth, and then these automatically became homesteads. After people settled there, some began to clear the land and erect buildings, and they spent most of their original capital on that and they needed some more money for stock. I want to add that these people did not come there to practice the one-crop system, but they came there to engage in diversified farming. Dairying was one of the principal branches they wanted to follow, but they had no money to buy cows, and when they applied to us we had no right to help them, and could not help them because we could not secure our loan if we made them a loan, and therefore some of them continued to struggle until now, and others went back to St. Louis, where they came from originally. And I doubt whether any progress will be made until the conditions are changed so that these people could afford to liquefy their investments, so to speak.

Chairman WALSH. Can you make any constructive suggestions in respect to rural credit laws or a rural credit system?

Mr. SIMON. Well, the rural credit system must be divided into distinct branches; and this is, the personal credit and the land credit. While they are closely connected with each other, yet they must be worked out distinctly and separately. I would say that first we must organize our farmers in the different localities into proper groups or centers where we could introduce the proper system of land credit, and personal credit at first, which is necessay. You can not work it without any organization or with people who have no conception of what they have to do.

Chairman WALSH. What would be your plan for grouping them? Should it come from the State, or the university, or where?

Mr. SIMON. Well, I believe that we need organisers. I believe that the extension department of the experiment station of the State university, as I said, should be utilized; there should be cooperation between the State department and the agricultural experiment station and university extension department, so that they could cooperate and have a special office of organiser,

where special organizers could go out and would educate these farmers as to the principles of cooperation. That is first. We must, as I say, establish a model settlement, something on the same style as I outlined before for the chambers of commerce to follow. The question of rural credits will never be solved until the evil of the one-crop system is abolished. It must start diversified farming, because the risk involved in a one-crop system is too big and will be likely to break up every enterprise. I believe that our land value must be standardized. We must get exactly what the land is worth. I personally believe that in appraising the land we must consider the productive capacity of the land as well as of the man, because the man on the farm is worth as much as the land. The difficulty is that until and up to the present it was customary for companies to buy up large tracts of land. They would buy it at $3 and $5 an acre and subdivide it into 40-acre tracts and sell this land at from $40 to $50 an acre.

Now, on the basis of that, no farmer can exist. And I would call it that that is discounting the future to a great extent. Under this basis the farmer can not expect to get credit on his land. But if we will standardize the values of the land in different parts of the country so that we know that the farmer could pay the actual value on the basis of his production, we can then expect that that farmer can afford to go out and make a loan on his land and give a mortgage which would be worth something, as it would have a standard valuation.

As far as the establishment of rural credits in concerned, proper legislation is necessary, our farmers in New York city have organized recently the so-called First Farmers' Savings & Loan Association. They organized in one county where the farmers had purchased stock at shares of $100 each, and after they have had the capital paid in to about $10,000 they commenced to make loans; they now have their subscription list of $166,000, although they started out last year. Now, from the money which they collect from the shares they make loans to other farmers up to 50 per cent of the value of the land. These mortgages are afterwards discounted, and the New York Land Bank, which has just been organized under the New York State law, and after they have discounted their mortgages in the New York Land Bank they have again money available, to lend to other persons. This is one system that could be worked out of land credit.

Chairman WALSH. That is all. Thank you very much.
Judge Meitzen.

TESTIMONY OF JUDGE E. O. MEITZEN.

Chairman WALSH. What is your name?
Judge MEITZEN. E. O. Meitzen.
Chairman WALSH. What is your business, Judge?
Judge MEITZEN. Well, it is various. I am connected with a newspaper; I practice private surveying, and run a truck farm of 8 acres.
Chairman WALSH. Where do you live?
Judge MEITZEN. At Hallettsville, Tex.
Chairman WALSH. I wish, as the other witnesses have done, you would briefly state your business activities.
Judge MEITZEN. I was born on a farm, and during the war time I was brought up, jerked up. I had but very little schooling. At 15 I left home as an apprentice blacksmith, and learned the blacksmith trade, and after practicing my trade for 10 years I received a spinal injury, shoeing an unruly horse, and was forced to quit, contrary to my wishes and desires. I was forced to rest up. Not being a man of means to rest up, I had to find some lighter work. I studied and qualified as a school-teacher. In those days it a very easy matter. It took me 15 minutes to be examined. I was examined by a lawyer who did not care whether I taught school or not, or whether I knew anything or not. Then is when my schooling began. I had a race keeping ahead of the boys who were right behind me. Now, had I not been able to take care of myself in this manner, I think I would have been a pauper, because I never would have gotten well otherwise. I am glad of that; I am not proud of it. I am only sorry for others that have not the mental capacity to struggle along in spite of adversity.

Later on, through the school-teaching profession, I became interested in various lines of thought that I had never thought about before. Later on I bought a farm and commenced to improve it. By the way, I had sold out my

blacksmith shop and had some little money ahead. I had made some money blacksmithing. I never have made any since. I opened my farm and I had a wonderful experience in farming on my own hook for three years.

Chairman WALSH. Where was that?

Mr. MEITZEN. At Cistern, Fayette County, Tex. I was born in Fayette County, from German parents, and who fled from the reaction of the 1848 revolution. I think that I inherited some of my revolutionary qualifications. I am not responsible for them. I can not help it.

I farmed and decided that farming was not profitable, because I had to invest a good deal of money in the farm, and I found that I could teach school and get a living out of it without any investment except the mental investment that I had. So I went back to teaching school and taught school and finally obtained a grade of the first degree under a most rigid examination.

But having been connected with the farm, I became connected with the Farmers' Alliance, that was at that time pretty prevelent.

I had before that time joined the Grange, which was then struggling to get better conditions for the farmers in 1886, when I joined the Grange. In 1887 I helped organize the Fayette County Farmers' Alliance and became its secretary in 1888. In the fall of 1887 I moved to Lavaca County, at Witting, 10 miles from where I now live, and there taught school and later became secretary of the Lavaca County Farmers' Alliance. When the Farmers' Alliance failed in its operations to bring relief, we organized the Populist Party, and I became active in the Populist Party, having been twice nominated for State office.

It was about that time I became interested in educating the people. I had been an educator of the children before that, and now I became an educator of the grown-up people, and that is the worst kind of a job I ever struck. I became interested in a newspaper and finally furnished the means to acquire it and then struggled along trying to pay the debt off. I have paid interest on that debt to pay it off twice over, and maybe three times—I haven't figured on it, exactly—and am still in debt. But my boys are now grown up and they help me, and they are running it. After the Populist movement failed I was elected county judge by accident—slipped up on the blind side of the politicians in a local fight regarding better conditions locally. And only last summer I intended to better local conditions in my town and got after a grafter who had stolen $12,000, and he liked to have killed me. He shot me. The people always said I was half shot, but at this time I was shot clear through. That is my history briefly.

Chairman WALSH. Well, now, you were furnished an outline, I believe, Judge, and I am going to ask you, if you can, to make your statement covering the matter submitted in that outline and eliminate, if you can, those matters that you deem were no longer in dispute and that had already been testified to, on account of the shortness of the time.

Judge MEITZEN. I feel that a good deal of your valuable time has been taken up by irrelevant discussion and irreverent discussion almost, but at least I have here a batch of 50 letters that I brought along, and I have a hundred or more that I didn't bring. I wish to turn them over to this commission and let you go through them. I have had a few copied, and I shall, I promise you, just explain, in short, the main points of some of them.

(See Meitzen Exhibit No. 1 at end of this subject.)

Commissioner WALSH. Very good.

Judge MEITZEN. I have one, for instance, from what is known as the Day ranch.

Chairman WALSH. May I ask the question, there has been a little discussion about the matter here—what is the jurisdiction of the county court in this State?

Judge MEITZEN. The jurisdiction of the county court is—in what particular do you mean?

Chairman WALSH. Are they like in some States what might be termed a board of county commissioners?

Judge MEITZEN. Yes.

Chairman WALSH. County commissioners.

Judge MEITZEN. The county judge is the head of the commissioners, and there are four commissioners in a county. They manage the affairs of the county.

Chairman WALSH. The fiscal affairs of the county.

Judge MEITZEN. The fiscal affairs of the county; the roads, purchases, etc. The county court presides over the probate matters occurring inside the county, and it has jurisdiction up to a certain amount of the money valuation of $500.

Chairman WALSH. In civil cases?

Judge MEITZEN. In civil cases. In criminal cases it does not cover felonies; covers misdemeanors, those that are not punishable by penitentiary offense.

Chairman WALSH. You have jury trials in your court, do you?

Judge MEITZEN. Jury trials, yes; but we only have 6 jurymen instead of 12.

Now, the Day ranch—I have quite a number of these letters here and I am sorry I can not go through them all, but the other people took the wind out of my sail, and so I will have to confine myself to this thing here.

This is a letter by a man of the name of Klein, showing a typical instance of the insecurity of tenure and the arrogance of landlordism, and it is on the ranch now owned by C. R. Johns and Postmaster General A. S. Burleson. They both married Ralph Steiner's daughters, and he refers here to quite a number of people who will testify to this. He recites that there were some 30 families living on the ranch some years ago. I forget just the date, but in short it is this, that without notice to them they found there was a move on foot by Mr. Johns who took charge individually. The renters had lived there for a number of years under another man, and were well satisfied and had a nice schoolhouse and church and looked upon the place as their home.

Then, without notice there came a change. They found there was an intention, it seems, that Mr. Johns was going to rent the farm on the halves, and not on a third and fourth like it had been formerly done. The renters went to him, so this man says, to find out about it, but never could get anything definite.

They made a good crop that year, almost 1 bale of cotton to the acre, but just before Christmas there came a bunch of convicts under guard and put up tents on the place and on the 1st day of January these convicts, under the supervision of the guards, went out into the field and knocked out the cotton yet unpicked. Klein says that his mother—his father had died that year—with the children that were at home had yet 5 bales unpicked in the field, and that was destroyed.

One renter, he says, had 16 acres untouched, white as it could be, and the convicts just tore everything out and threw the cotton on the ground and trampled it under foot and forced these people, without notice, to go into their wagons and move. They did not know where to go to, had no time to get places and no time to get contracts, because it was too late, since the contracts are made in the spring and summer. They had to move helter-skelter in every direction, leaving their loved ones buried in the churchyard they had established on the place, and went where they had no schools, no friends, nothing; it was a tragedy.

This is only a copy of the letter, but I have the original here that I want to turn over to this commission.

(See Meitzen Exhibit No. 1 at end of this subject.)

Now, then, there is another point. The question of usury has been frequently discussed and it has been contended—well, it has been shown that a good deal of usury is being practiced. But there is one form of usury that I want to call attention to, that has not been called to your attention.

It will show the futility of the law under present conditions. It is to show also that the homestead law is largely a failure—one man thinks there ought to be no homestead law at all, because of his particular plans. But the others admit it is a failure and can be evaded by sale—so-called sale and then a resale. I have seen that done often.

But here is a question of usury that enters into this thing. I have two notes here—they are paid out, however—the man was in good luck. Both of these notes are given at Belton to the Belton Loan & Trust Co., one for $10 and the other for $150, and the conditions of the notes are here, as follows: For every $10 that he received from the bank he agreed to pay, that is, he agreed to turn over to J. E. Ferguson, who was a partner of the banking concern—all printed here on the same sheet—1 bale of cotton. For this bale of cotton he had to pay said J. E. Ferguson $1 for selling it for him, and the further condition is that if he does not furnish that bale of cotton for any cause whatever he is to pay that dollar anyhow for every $10.

Now, this $10 note is made for four months—made on May 20, 1905, and was to be paid, as the date here shows, October 1, 1905. But it was paid before that time and it is marked on the margin that he, Ferguson, got $11.25. That is at least 40 per cent interest, on the money alone, and that is somewhat over the usury law.

Now, then, we might argue there was some valuable service furnished for selling that bale of cotton for this man, but I know this from personal experiences. A cotton buyer in Hallettsville, one Mr. S. G. Tarkington, was buying for years for the Inman Co., and he received $1 a bale for every bale that he bought. So instead of paying anything to anyone for the sale, why, he got paid for it for buying it.

Well, then, if that be true in this case, Ferguson got $1 for selling it and $1 for buying it and 10 per cent interest besides, which is some usury, I think, over and above the usury statute.

Yet witnesses here have said that only a "few instances" of usury had occurred by banks. I turn over to your commission one of these notes as a guide and a copy of the other is made.

(The note here furnished and offered in evidence by the witness and about which he has particularly testified is printed among exhibits at the end of this subject as "Meitzen Exhibit No. 2." The other note referred to was not furnished.)

Now, I have here these letters, which I will, of course, not attempt to read, but I hope the commission will do some good with them. These are in response to questions I have submitted. I have listed 50 different divisions of complaints and I have 50 letters, including those notes and rental contracts and other documents that I want to file with you so as to give you a little idea of rental conditions. These documents are ample reply to the question of me asked in your outline as to whether there is any cause for complaint among the renters. I have many more of these at home.

(The letters and papers here furnished by the witness are printed among the exhibits at the end of this subject as "Meitzer Exhibit No. 1.")

I have forgotten in my statement, gentlemen, to say that I was selected as national secretary and treasurer of the renters' union when it was first organized in Texas, and held that position for two years, until it changed its name to the land league. Mr. W. S. Noble is now in the position that I held for two years. The purposes of that organization he explained and it is explained in that constitution that was turned over to you.

Now, here are some rental contracts. One of them is private and is to be returned, but here is one feature I want to point out in this rental contract. It also hails from the county, Bell, these notes hail from. I don't know who got it up, but it is certainly a complaint. The provision in this rental contract that I want to point out is one that has not been set forth during this hearing, and that is where it says "In case the party of the second part," who is a renter, "shall from any cause fail or refuse at any time to cultivate or gather the crops or any part thereof planted on the land hereby leased to him in a good and farmerlike manner, the party of the first part," who is the owner, "or his agent shall have the right to have the same cultivated or gathered at the expense of said second party, it being hereby agreed that said first party or his agent shall be the sole judge of the manner of preparation and cultivation should disagreement arise."

Where does the renter come in? God knows. He can't even appeal to the courts under this contract. The landlord has got all the power to make him do as he wishes, and if he does not like him he can put expense on him. He can worry him to death if he does not keep quiet. If he seems to agitate in some way detrimental to the interests of the landlord, the latter can say, "You are not cultivating your crop right," and he has no right to appeal to anybody else as to whether he has cultivated it right or not. It says the "landowner or his agent shall be the sole judge in the matter." That is just in confirmation of what has been said.

Now, then, I want to devote myself to this matter of relief. It is always asked, and I think it will be asked of me, and if not, I want to answer it anyway. The point of relief. Now, while I am not Alexander, I am a little like him in wanting to cut the Gordian knot.

To settle a matter like this, you must get to the bottom of it. As one man said this morning, "a man could not be too radical in going to the root of a thing." Now, the root of the thing is that there is a possibility of able-bodied men and women living without work. If the present social system is so arranged that any person can live without working or being useful to society, then some one else who does work and is useful to society has to support that other person who does not accomplish any useful work. That is the solution of the question, and that is the thing they are all afraid to touch.

If you try to harmonize the interest of exploiter and exploited, but still permit anyone to receive interest and rent and profit—all graft—or permit able-bodied men to live without work, it means that you are trying to harmonize the interests of a hawk and a dove.

Not that I claim that those who live off others are hawks in the sense that they will tear us to pieces, but sometimes I think that we would be better off if we were torn to pieces at once, and not by degrees for 40 or 50 years have our lives worn out and not be able to enjoy our lives.

Consequently the only solution is to stop any man from living from the toil of another, and you can do that only by taking the power from landlordism and placing it in the people, where it justly belongs. For instance, a man said this morning, "The land is mine, saith the Lord." The Lord in this country should be the people, according to the Constitution.

Of course, there are some that have "stolen the lands" and are accustomed to living off them, and it would be pretty hard to make them go to work, because they do not know how. However, I am perfectly willing to appropriate out of the taxes enough to keep them alive, not as paupers, but because they ought to be treated right.

I believe that nine-tenths of those who live from the toil of others are good and kind and try to do what is right, but they are trying to harmonize two things that can not be harmonized, and therefore I would advocate the following:

First, tax lands not used or occupied, and hence held for speculative purposes; that is, such a tax as will make it unprofitable to hold it.

We have been told that we have a great domain in Texas untouched by the plow; and, in fact, Texas is so immense a country, there is so much land here, that it simply staggers the imagination. We can take all of Germany, with 70,000,000 inhabitants, and dump that into Texas, and when we have dumped all of that territory into Texas we have 36,000,000 acres left, and if we take 27,000,000 off that, which is in cultivation, we have about 10,000,000 over. I think it is that in round numbers. It may be a little out of the way. So if all of Germany were put into the State of Texas, it would not nearly cover the uncultivated area. In other words, we have over 100,000,000 acres of arable land in Texas which has never felt the touch of a plow. If the speculator could not hold that great area off of the market it would not have an artificial value, inasmuch as the population is not nearly in proportion to the land area.

Some try to make the impression that because of our increase in population the value of land rose, which is not the truth. It did not rise because of that, but simply because it was held off the market and artificially boosted.

There is another reason for this climbing of land prices, and that is what the gentleman who testified before me spoke of, namely, the colonization schemes of companies that sell lands almost valueless to people in the cities, who want investments but who do not want to go there, and if they did they could not live there when they went. We have something of that kind in my county, in the lower end, where the land is so poor that I can not see much more use for it than just to hold the earth together. They absolutely sell that land in 5 and 10 acre tracts at $35 and $40 an acre.

There is a concern, with headquarters in Kansas City, Mo., the home of the chairman of your commission, called the Provident Land Co., which went there and founded "Provident City," selling the city lots for $30 and $40 apiece, and sold the land from $35 to $45 an acre. The land itself had never sold for more than $5 an acre for grazing purposes. This same company some years ago had bought a tract from a certain man by the name of F. W. Neuhaus, and paid for it $11 an acre for about 700 acres, and the company made a $3,000 payment on it. I don't remember the exact amount, but I know the man who sold it had brought suit to recover title and bought it back in the courts at $4 an acre, not more than three months ago, showing the actual selling value of the land. It was advertised for sale and no one wanted it for more than $4 an acre, and they were selling the same land at $35 and $40 an acre in these 5 and 10 acre tracts to innocent parties from northern States. If a man had 500 acres of it he might make a kind of a living raising cattle, but he would have to have cattle enough to start with.

That is another artificial way of boosting.

In connection with this land matter, we have been talking about getting capital to the country. The real capital of a country is based upon the ability of the working people, farmers and laborers, to produce good things. This

should be the basis of all capital. Capital itself is but the product of labor. No one can get around that, and the heaping up of capital in the hands of a few is the piling up of unearned labor.

Now, since all the money of the country must have the stamp of the United States Government on its face before it is money, and since all the bank notes are issued through the Government and largely for nothing, without interest, as one banker told you, "the banking business was a method—was a business in which you could get interest on what you owed," which is largely the truth.

I contend for immediate relief that the United States Government, with its supreme power, should coin money, paper money, if you please, and lend it to the debt-ridden and landless people direct on lands or on other good securities at a 3 per cent rate of interest direct, without the intervention of banks.

The Government can do this through the post-office system at a cost which is less for the service performed than that of any other concern we deal with. We get more out of every 2 cents that we pay for sending a letter than any other 2 cents we spend in any other way. The Government has the power to issue all money, and it ought to deal with its people direct, and if we are the children of the Government, it looks mighty rough that the father does not deal with us more decently; I know it is not the mother or it would show more sense.

I propose that the Government go into the money-loaning business, as it went into the post-office business. The post office was once a private affair, but I do not think that any decent, respectable, well-meaning citizen could object to this plan. If the Government loaned money to the people at 3 per cent it would relieve us of all our taxes. The 3 per cent would be sufficient to pay all the taxes and pay the running expenses besides of the Government for issuing the currency, and we would not have to criticise anyone for loaning money at 40 per cent. I would feel a whole lot better if I did not have to criticise the people, but if the conditions are such as they are I can not help it. If the Government had done its duty this hearing never would have come. As one man said, we turned more snakes loose this time than we ever could kill, and if we have a house full of snakes it is time that we were finding it out and proceeding to kill them.

I do not want to take any more of your time. I wish that I could have testified earlier, before some of the earlier witnesses had covered some of these points. It would have taken me 12 hours to have covered the whole situation, but I would be glad to answer any questions anyone wishes to ask.

Chairman WALSH. Commissioner Lennon has a few questions to ask; I have none, nor has Mrs. Harriman.

Commissioner LENNON. Have you noticed any exercise of political influence by the owners of the land over the renters on their land?

Judge MEITZEN. I have these letters that will show. I have that in one group.

(See Meitzen Exhibit No. 1.)

Personally, I have not. I find though, not as to the land class, however, but I find something of that kind as to personal matters in the newspaper business, but that is out of the domain of this investigation.

Commissioner LENNON. Newspapers are not sociological yet.

Judge MEITZEN. No. That is all I know, and I don't want to interject that.

Commissioner LENNON. What is the nature of the teaching that is effective in your schools? What do you teach in the school? Tell us what your curriculum is, what books you use?

Judge MEITZEN. We use the books as prescribed by the State school board; we have a State school law which changes books every four years; that is, they select new ones, not always new ones—sometimes the same ones; but it is the book that is generally furnished, but I don't know—I see no great difference in the books now furnished and those furnished when I was teaching; I have not been teaching for 20 years.

Commissioner LENNON. Do you use readers and spelling books and arithmetics?

Judge MEITZEN. Yes, sir; and geography books and grammars.

Commissioner LENNON. Do you have land adjoining the schools for experimenting—for experiment by the children, and teaching them to farm?

Judge MEITZEN. No—well, in rare cases we have. That idea is gradually growing. In later years the school department has authorized or required the teaching of agricultural ideas to the children. Agriculture has been taught in

the schools for the last few years, and it is stimulating this thought of gardens and patches, and the cultivation of plants and trees.

Commissioner LENNON. And in conjuction with that, do they teach them something of chemistry?

Judge MEITZEN. Yes, sir; the higher classes; the graded schools that one man told about in electric-light towns.

Commissioner LENNON. Don't they teach the elements of chemistry in what we call the grade schools, in the fifth, sixth, and seventh grades?

Judge MEITZEN. We have a system of limiting grades in most of the rural schools.

Commissioner LENNON. I don't understand your grades here.

Judge MEITZEN. We have a book that the higher pupils are taught from, which teaches hygiene and anatomy, and various other branches of that science, in that direction.

Commissioner LENNON. What is the percentage of children in the tenant districts that do not attend school at all?

Judge MEITZEN. Well, there are quite a number. There are two reasons why they do not attend, according to my own information. I live largely in a German and Bohemian speaking section. That is, the greater proportion of the people around me, in my adjoining counties, are German or Bohemian immigrants or their children, they come from the old countries; and there we find a class of people who don't seem to like the idea of having their children become smarter than they are themselves, and when they advance a little they keep them at home and put them to work, and besides they are very useful in helping hoe and pick the cotton, and in fact, in the country schools they usually have a vacation about cotton chopping time until that time is over, and in the cotton picking time the same thing; and a good many don't attend. Among the Germans we find the desire to attend school far greater than among the Bohemians.

There is a point that comes up in my mind at this time. A question was asked here yesterday, and I think it was improperly answered, why the foreign farmer more likely acquires a farm than the home-born farmer.

Commissioner LENNON. I asked whether it was due to the intensive agricultural education they received in Europe prior to coming here?

Judge MEITZEN. Largely that is true; they hang together. However, I have here a little article published in a newspaper at Hallettsville, Tex., that will probably throw some light on the methods that prevail. This was a case in a county court. [Reading:]

"AN INTERESTING CASE.

"The suit of Ed Schmidt, acting as next friend for his daughter, against William Reuel for ex-wages in the amount of $41.23 was the most interesting case in this term of county court. It had been appealed from the Shiner justice court, and the court here confirmed the verdict of the Shiner court for the full amount claimed.

"The interest centered in the fact that the testimony showed that Miss Schmidt, aged 19, was one of the hardest working girls that Lavaca County has ever seen. For instance, she picked 300 pounds of cotton in a day, plowed in the field, drove a four-horse team to a scraper on a private road, sawed wood, and on Sundays did the cooking. All of which she did for $6 a week, and later on, it was agreed between Reuel and her father to make her wages $7.50 a month."

I read there before, $6 a week. She ought to have had $6 a week.

"Later it was agreed between Reuel and her father to make the wages $7.50 a month, but Reuel failed to pay the $7.50 a month, hence the suit.

"The question that interested the neighbors of both parties, as well as those who listened to the testimony was how it happened that Mr. Ed Schmidt, who owns 140 acres of black land adjacent to Shiner, free of mortgage"—I found out later that he had not paid for it, and it was not free of mortgage. That is a mistake—"could or would hire out his daughter, over 18 years of age, draw the wages she earned, and permit her to work as she did without her being consulted in any way, good, bad, or indifferent, about the contract.

"The New Era hopes that the day is not far distant when the women of Texas will have the power to look after legislation, protecting their sisters in cases like these that are occurring daily throughout the State, and especially in this part of the State where the ignorant opposition to women's suffrage, compul-

ary education, and other beneficent laws registers the highest. Maybe this girl's case is a composite picture of the reason for the male opposition."

Now, this is an extreme case; it does not happen often that way, but there are usually girls and boys on the field, little and big, and women, too.

Chairman WALSH. Are the girls and women usually in your neighborhood used as field hands to work?

Judge MEITZEN. Yes, sir; most of them. There are, though, many young people among the Germans and Bohemians that do not do this so much. The Americans are not as bad in this as some of the Germans and the Bohemians in the country.

Chairman WALSH. I have been asked to ask you these questions, and I wish you would answer them concisely, please. It is a question that has been asked to-day, and I want to ask you, although they will furnish you an opportunity to say a great deal. The gentleman signs this "One"; Is not every child born into the world entitled as a natural right to have enough land on which to stand and perhaps enough from which to dig his bread? What is your answer to that?

Judge MEITZEN. My answer would be Herbert Spencer's answer, I think it is. He says that if the earth were parceled out to-day to all the people in it, and each given a portion, then the child that is born to-morrow would have no land. You understand now the proposition is simply this: The land belongs to the children unborn just as well as those who live now, and should never be monopolised or taken away from them. We can not afford to divide it out and then leave our coming generations without any.

Chairman WALSH. What effect would a universal guarantee of its natural right have on the tenant problem in both the town and country?

Judge MEITZEN. There would be no more tenants. We would have no more tenant problems. We had no tenant problem when I was a boy. We had no mortgage problem when I was a boy. The common slave that was just turned loose could get credit without a mortgage, and all these mortgages are the result of the conditions that tend toward the point of suppressing the poor, unable man. I feel this about it, that it is our duty, we who are intelligent and who see these things, to relieve the conditions of the poor, ignorant person who does not know and is not capable without our assistance of helping himself. We who are intelligent should realise our duty. We can't excuse ourselves by accusing him of being the fool. We know he is a fool. Certainly, but he is not responsible for being a fool. He was born that. Neither am I responsible for being a little better educated and enlightened.

Chairman WALSH. That is all. We thank you very much.

Judge MEITZEN. I am very much obliged to you.

Chairman WALSH. You will be excused.

Prof. L. H. Haney.

TESTIMONY OF PROF. LEWIS H. HANEY.

Chairman WALSH. What is your name, please?

Prof. HANEY. Lewis H. Haney.

Chairman WALSH. What is your profession, Professor?

Prof. HANEY. I am a university professor.

Chairman WALSH. Where are you employed at the present time?

Prof. HANEY. University of Texas, at Austin.

Chairman WALSH. And what position do you occupy with the University of Texas?

Prof. HANEY. I am professor of economics and chairman of the school of economics.

Chairman WALSH. How long have you been connected with the University of Texas?

Prof. HANEY. Five years.

Chairman WALSH. And just briefly state the place of your nativity, your history up to the time you came to the University of Texas.

Prof. HANEY. I was born in central Illinois, and after receiving the usual education went to college at Dartmouth, N. H., where I took my bachelor and master degrees, and from there I went on a travel fellowship to Wisconsin, where I took my doctor's degree; and from there I went to the University of Iowa, where I was instructor in economics; from there to the University of Michigan, where I was assistant professor; from there to the University of Texas as associate professor and later as professor.

In the interim during the summers I have been employed by the State in connection with the tax-commission work, with the Federal Government—the Bureau of the Census—and was for some time, a period of time, special examiner for the Interstate Commerce Commission.

Chairman WALSH. Have you prepared a paper, or discussion, Doctor, upon any subject covered by our hearing?

Prof. HANEY. I have.

Chairman WALSH. Please give the general outlines of it.

Prof. HANEY. The paper I have divided into four portions; one is a statement of the facts as to the usury and the like; the second is a statement of the evils which I conceive to arise out of that; the third is a statement of the causes for the said evils; the fourth is some constructive remedies for such evils, based, of course, upon my analysis of the causes.

Chairman WALSH. You may proceed, Doctor, in your own way, to cover the subject.

Prof. HANEY. I may state that at some risk of being considered academic I have put the outlines of this on a chart, and will put it up here, and if it worries anybody, if they think it is academic, I wish they would forget it and not look at the board.

Chairman WALSH. I think it will be of assistance.

Prof. HANEY. I do not intend to use it in my discussion, but I have outlined the statement of causes and the remedies which apply to the evils.

Within the last two years there have been made three separate investigations of the average interest rates on farm loans in Texas. One found an average of 10.08 per cent; another, 10.36 per cent; another, 10.7 per cent. Only short-time loans based on chattel mortgages or personal security were included. There can, therefore, be no doubt that a large part of the Texas farmers pay much more than 10 per cent for this kind of loans. This is but made the more certain by calling attention to the fact that many farmers pay but 8 per cent; that is not to be denied. It makes it more certain because it takes a rate of 12 plus per cent to make 10 plus per cent when averaged with these lower rates.

These interest rates were paid by the average white Texas farmer and is not confined to the tenants.

Two of the investigations were based on reports from banks. I have excerpts of two letters from bankers which are of such interest, Mr. Chairman, that they should be read. I am not at liberty to give the names of these bankers. They are personal letters to me. The first, a national bank of McLennan County [reading]:

"The majority of the small banks have no regular rate of interest, and they usually add 10 per cent to the face of all notes running from eight months to a year, so that they collect a year's interest on notes running eight and nine months. Twelve per cent is usually charged on notes running a year. A great many notes, where they are purchased outright, are discounted at even a greater rate than that. However, it has always been my policy to charge the farmer 10 per cent on money for actual time the note had to run, as I have some scruples about charging a greater rate than the law provides."

The second letter is as follows [reading]:

"Almost invariably the face value of loans is discounted at the banks, the amount depending upon the banker, whether he considers the loan safe or risky. Take $100; the banker takes $10 or $15, as the case may be, and the borrower gets $90 or $85."

About one-third of the bankers with whom I have had communication indicated the existence of an interest rate of over 10 per cent. That comes from the bankers.

Thus it is easy to believe that the information from farmers shows a high average interest rate. I find that the farmers themselves report a rate of about 12 per cent on the average. Taking a group of loans of $50 and under—a very common size of loan—the interest rate actually paid averaged about 15 per cent. Out of 20 average tenant farmers who reported to me during the last two months, 6 paid over 10 per cent and 1 was doubtful. That doubtfulness is typical in some cases.

In my judgment, based on statements of both bankers and farmers, about one-third of those Texas farmers who do borrow pay more than the legal interest rate—about 33⅓ per cent.

Various means are used to defeat the 10 per cent interest law. They are, for the most part, well known, but I believe it will be interesting to the com-

mission to have those means stated. The very fact that occasional suits are brought under the law is evidence that it is continually evaded. Some of the more common devices are as follows:

1. Drawing a note for a sum so much larger than the actual principal of the loan that the excess is equivalent to over 10 per cent on the principal; e. g., giving the note for $30 in return for a loan of $25.

2. Overstating the value of some article purchased on time; e. g., charging 10 per cent on a debt of $200, the consideration in which is a $150 mule.

3. Charging a lump sum for a loan which, when figured as a per cent on the principal, gives a rate over 10 per cent; e. g., A charges B $5 for a loan of $50 for six months, making the interest 20 per cent.

4. Charging 1 per cent a month, or 12 per cent a year. Twelve per cent is generally charged on farmers' notes running for a year in some Texas counties.

5. Charging a full 10 per cent on a loan which runs for less than a year, say 9 months; e. g., on a loan of $300 for 9 months $30 is charged, whereas only nine-twelfths of $30, or $22.50, could be charged legally. In some counties 10 per cent is usually added to the face of the note whether it runs 8 months or 12. Out of 22 tenants who recently reported to me, 14 paid a year's interest on loans that ran for less than a year.

6. Charging a full 10 per cent on a loan, the whole amount of which is not made available to the borrower; e. g., a tenant gives his note to a merchant for $300, at 10 per cent, due in 9 months, but he only draws on this amount to the extent of one-ninth each month, the balance remaining in the merchant's hands. Again, a farmer borrows $300 from a bank, paying 10 per cent in advance, and is virtually required to leave part of the principal in the bank.

7. Combining the addition of interest to the face of the note, with a limitation of the amount made available; e. g., a farmer goes to borrow $100. He makes his note for $110 or more and gets not $110, but $12 a month for 8 months, $96 on a note for $100. This is an actual case reported to me recently.

8. Charging so much for making and filing the mortgage that an appreciable percentage is added to the cost of a loan; e. g., charging $1.50 for making and recording a mortgage to secure a $30 loan. Such charges run from zero up to $1.50, varying in different counties and with different people. That is another actual case.

By making loans for short periods, from one to three months, with the idea that they will be renewed, any excess interest secured by the preceding methods is sometimes intensified.

Of course, the interest is almost universally deducted from the principal at the time the loan is made, and this virtually increases the rate of interest. That is so common that it no longer attracts attention. It is called discount now instead of charging interest. The farmer goes to borrow $300 for a year at 10 per cent; he gets $270 in cash and really pays 11.1 per cent interest.

But you ask about how many farmers borrow. It is difficult to get information of this sort, but it is about as follows, Mr. Chairman: While I have not, of course, so many cases as would be requisite to establish any exact average, yet the most notable fact about this whole question is that nobody has any cases except one or two which he has seen or heard of. That being the case, the fact that my conclusions are based upon about 150 cases lends some importance to them.

About 95 per cent of farmers borrow from banks. Of these, about 75 per cent borrow regularly year after year. Over 95 per cent of tenants borrow from some source or other. From 75 to 80 per cent of tenants borrow from some source other than the store; that is, they borrow cash or its equivalent from the banker, the landlord, or neighbors. About 60 per cent of the tenants borrow from banks; of that I am quite positive; and the average bank makes over 50 per cent of the total number of its farm loans to tenant farmers. Tenants generally borrow regularly each year.

But are the farmers' loans of any considerable amount? The facts are approximately these: The average bank loan of farm owners I find to be about $500. I think nearly one-half of the loans are $100 or less. A few large loans bring the average up. The average yearly borrowing from banks by tenant farmers is $250; the average yearly borrowing from landlords by tenant farmers is $125; the average yearly borrowing from other sources by tenants is $200.

Now, these figures are approximate averages of the size of the loans made to those who borrow.

If you take all the tenants, including those who do not borrow as well as those who do, I believe the average annual borrowing for the black-land tenant

would be found to be about $200, including the loans from banks, landlords, and neighbors and other sources, excepting only store credit.

But are these amounts not small in proportion to the business done, you ask? Of the 20 tenant cases I have been able to study intensively the total amount of credit was, in 1913, over one-third of the gross income; in 1914 over three-fourths of the gross income. Five out of 20 in 1913 borrowed 100 per cent or more of the total for the year.

In 1914 I believe nearly one-half of all tenants borrowed as much as their total gross income amounted to.

Chairman WALSH. How much?

Prof. HANEY. Nearly one-half would be accurate. But are these loans not for capital account, asks some business man, and are they not an indication of increased earning in the future? They are largely for capital; but for circulating capital, and when the considerable proportion of loans made for carrying over past debts, and for consumption is remembered, we see that the situation is unsound.

Another important condition of farm loans is the time they run. But I will not take that up. That is well known, and investigation shows an average length of about seven months.

Store credit: About 80 per cent of farm tenants are in debt at the store. Of these the average amount of credit was about $185 in 1913, and $100 in 1914. Individual credits ran from $10 to $1,000. Mr. Stewart's case, while exceptional, is not unique. I had several cases reported to me in which the loans were considerably higher. Two hundred dollars is a common amount.

Chairman WALSH. Could you say of what those bills consisted when they would run that high?

Prof. HANEY. I have not been able to ascertain that; no, sir.

Chairman WALSH. In your investigation did it represent, perhaps, cash advances in any case?

Prof. HANEY. I believe not.

Chairman WALSH. All right; you may proceed.

Prof. HANEY. Not in these cases. The amount of store credit secured varies considerably with good and bad years, and this is also true of the proportion of total borrowing that takes the form of store credit. Thus I have reason to believe that in 1913 about 30 per cent of the black-land tenants borrowing was in this shape, and that in 1914, a very bad year, it was 45 per cent.

The average interest paid on store credit may be conservatively put at 20 per cent. To secure an advance of credit the tenant gives the storekeeper his note secured by crops or chattels, or both. Out of 27 tenant cases which I studied recently, 18 mortgaged their crops and 9 said they did not; but notice that all but 1 of these 9 did not trade on credit at the store. It was a high average bunch of tenants. The notes bear 10 per cent interest; but the farmer only gets the use of so much of the loan as he needs from time to time, and he has to pay extra high prices for supplies. Out of 21 tenants questioned by me 11 stated that they had to pay from 10 to 40 per cent above cash prices and 5 did not know whether they did or not. That is a very interesting fact in itself, Mr. Chairman, that they did not know whether they were paying more than the cash or not.

This may be denied, I have had it denied to me by landlords and those who run commissaries on the plantations; but the most that can be said is that the owners or those who pay cash get a 10 per cent or more reduction in the prices they pay, which is the same as saying that the tenant pays 10 per cent extra.

There remains to be mentioned a source of credit, which, while not resorted to as frequently as the others, is so undesirable that any of it is too much. I refer to the loan shark. They exist. They will lend money to anyone on almost any security, if the interest is high enough. They are visited by the most thriftless sort of tenants—in my county mostly negroes and Mexicans—and the interest exacted is enormous and unbelievable. Perhaps as common as any other would be a case like this: $50 in advance for a loan of $150, as I was told just a few days before coming up here by a man who has had personal experience in these matters.

Commissioner LENNON. Is that somewhat typical? Do you think there are quite a number of such loans as that?

Prof. HANEY. The percentage of them no one knows, and no one can find out, in my judgment. I think there are enough of them to constitute an evil, to constitute the evil that is to be noted.

Now, in my discussion under the first head, Mr. Chairman, would you care to ask any questions at that point or shall I proceed?

Chairman WALSH. You may proceed.

Commissioner LENNON. I wanted to ask one question. You mentioned the commissary store on the plantation. You are the first one that has mentioned that in this hearing. Are they numerous?

Prof. HANEY. That is almost the universal system where we have plantations; yes, sir.

Commissioner LENNON. Operated by the owners?

Prof. HANEY. Operated by the owner where we have these larger plantations; that is the general custom.

Commissioner LENNON. Do they require chattel mortgage for security on purchases the same as the stores in the towns?

Prof. HANEY. That is not, to my knowledge, the practice. It is all in the family, the landlord has his lien. But a chattel mortgage is not required to my knowledge.

As to the evils: It might hardly seem necessary to say that credit is, in itself, no evil. But like good things, credit has been so abused in this State that many have come to regard it as a bad thing per se. Credit, however, has its great use in equipping efficient and honest industrial leaders with funds in the farming business as elsewhere. When in exchange for a promise to pay in the future, money or goods are given to a man of little or no honesty and efficiency, then credit becomes the occasion of evil. In order to insure himself against loss the lender must supervise the inefficient and keep watch upon the dishonest. Moreover, he must be compensated for the extra risk and trouble involved, and consequently he demands so high a rate of interest that the already inefficient and dishonest borrower is fatally handicapped in competition with other producers. The result is that he falls behind and settles into a condition of chronic credit that is degrading. He does not borrow for the purpose of investing and making a profit, or of saving. That will surely impress you gentlemen. He borrows chiefly to get a sort of circulating capital; that is, for the most part, subsistence—consumption. It is virtually wages. He borrows his wages and pays interest on them. Certainly this is the status of borrowing with the great mass of "share croppers" or "halvers" in Texas. It is these cases that those have in mind who say that credit is "too cheap." a will show that there are others, though.

I have shown that the tenant often borrows as much or more than his entire annual gross income. Here I will add that in the majority of cases he owns next to nothing and is not encumbered with chattel mortgages. Perhaps one-half own some of the farm equipment that is not mortgaged, but nine out of ten of these have most of their working animals encumbered, and the other half have absolutely none of their instruments of production free. When you remember that they are not saving anything, you can realize how hopeless and inefficient they tend to become.

Credit, which is, when properly used, a most beneficial agent of progress, should normally be granted in such amounts as can be used with profit by business men. Many Texas farmers get credit, not for profit, but for subsistence. This is an abuse.

In short, one great evil is not credit, but the abuse of credit, if the loans are made to men who, first, have not the fundamental bases of credit, and who, second, are really not business men but laborers.

All this is coupled with the important fact that poor farming is fostered by keeping poor farmers in charge of farming operations, men who ought to be laborers. This is largely responsible for the present inefficient use of Texas soil, in my judgment. It is one reason why landowners can get but 2 or 3 per cent on their investment, which is the general situation here.

The preceding concerns farmers, mostly tenants, who are defective in the very bases of credit, lack integrity or efficiency, or both. Whether these be one-tenth or one-third of all, no one knows; but their number is large enough.

The second great class of evils comes with those farmers who do not have the potentiality for sound credit operations; who are or might be good risks. I believe they are at least one-third of all; that is, those who might be good risks. Of course some will say that the good tenant gets good credit. But too frequently the good suffer with the bad. The lender can't always distinguish them, especially where they are moving so continuously as they are in this State. Again, the total risk of lending is increased by the numerous

poor risks. And, finally, many borrowers who could be good risks follow the bad example of the poor risks.

These potentially good ones are often in the vicious circle; they are inefficient largely because they can't get the means to improve. To get a start they need funds at reasonable rates. But so high are the rates they pay, and so small is the proportion of the value of their security that they receive, that often they can gather no headway. The inevitable bad year—in Texas, one in every five years, to put it very conservatively—puts them under. The man who has to pay 12 per cent for cash, and from 20 to 30 per cent for book credit, must be a mighty good man to get ahead. Potentially good men are prevented from acquiring and using machinery and live stock, to say nothing of becoming farm owners; and thus, again, Texas agriculture suffers.

Besides the stagnation and poor farming that result in part from the credit system of our State, a distinct evil comes in the effect on marketing. The crops are mortgaged; and the lender naturally makes the mortgage mature when the crop is harvested. Thus the crop must be sold at once, regardless of price. How many borrowers would hold their cotton if they could is doubtful; no one knows that. But it can not be denied that it would be better if they could have the means to hold if they would.

I might mention the fact that the evasion of a statute in itself is an evil, while I am talking about evils, but that sort of evil is so common that it requires no discussion.

The causes: Now, I believe, in passing to the causes and remedies, that the credit problem is an index of the whole land problem. Superficial observers are too apt to attribute our bad credit conditions entirely to one cause, now blaming the farmer, now the landlord, and now some law or other. But the matter is not simple. The rate of interest and terms of credit are immediately dependent upon risk and upon the productivity of loans. If borrowers are honest and thrifty, or possessed of property, and if the productivity of investment is high, risks will be low, and so will interest rates. Thus the problem may be roughly summed up as being one of risk. Also, credit may be hampered by restrictions upon the flow of capital into unsupplied areas.

What, then, are the causes that affect risk in Texas? And what are the barriers that hinder the flow of capital hither? They can be reduced to two classes; first, natural condition; second, to social arrangements. The distinction is worth while, for obviously natural conditions are largely beyond our making, and social arrangements we have made and can make again.

First, as to natural conditions: (1) The character of those who borrow. That some proportion of the Texas tenantry is deficient in the very bases of credit, no one denies. No one knows how large it is. It seems to be large enough to be an important cause of a high interest rate. Perhaps one-third of our tenants are so shiftless and inefficient as to be very poor risks. And these are the ones who move so often that the lender can not count on them. No one knows the cause and one guess is as good as another.

A second natural cause is the extreme uncertainty of our climate. For example, at Fort Worth the annual rainfall between 1890 and 1900 varied between 18 and 45 inches, with wide fluctuations each year. Frosts and floods and hot winds play their part. Of course our one-crop system intensifies this risk.

Social arrangement: (1) First among social arrangements may be mentioned various statutes which operate to increase risks and reduce the supply of capital.

(a) The homestead law is the most serious restriction. In a general way it locks up a large part of the assets of Texas farmers so that they can not be made the basis of credit. And this diminishes the amount of capital that can be attracted to this State. It is an unsurmountable obstacle to the organization of the cooperative land-mortgage associations which have done so much good in Europe. As long-time loans require such security as land, the homestead-exemption law makes the evil system of short-time loans and renewals too common. Loans on chattel-mortgage securities are often too short, bear too high a rate of interest, and afford too small a proportion of the value of the security to be desirable. The larger landowners, under the exemption of homesteads, are often compelled to borrow on farms that are not well improved, because their best farms are homesteads; and this makes their interest higher. The small farmer, on the other hand, is discriminated against, in that he owns no land above the amount exempted, and consequently must mortgage his crops and other chattels and buy supplies at tenant prices. Mr. Chairman,

remember the average farm in the black land is only 117 acres in size, and the homestead exemption is 200 acres, and 57 per cent of all Texas farms are under 200 acres. The average size of farms in east Texas is only 90 acres in size.

I have here to say that the homestead law is evaded. All unreasonable laws are. Through loan companies, bona fide sales are made where loans are really desired. The ostensible seller, but real borrower, retains a vendor's lien, as has been pointed out. Also a mechanic's lien that the law authorizes is used to evade the law. You understand that you can place a mortgage on a homestead for the purpose of erecting a dwelling thereon, and it amounts to giving a mechanic's lien for that purpose. The evasion arises in that the amount of the lien, and the use made of the proceeds, are not always in accordance with the lawful purpose. Of course the law adds an element of risk, and this puts an additional burden of interest upon the borrower.

But what it comes to is this: We encourage the purchase of homesteads by allowing the land to remain subject to forced sale for the amount of the purchase price. Then we turn and prevent the home owner from prospering on his land by making it difficult for him to use the homestead as a basis of credit. This may force him back to the ranks of the tenantry.

The law also may keep the landowner, if a landlord, from making those improvements that the tenant needs for more intensive cultivation.

(*b*) The attitude of Texas toward corporations of all sorts, right or wrong, has been an agency in retarding investment and settlement by enterprising business men.

(*c*) In particular, legislation which restricts the operations of life insurance companies keeps much investment out of the State by subjecting foreign companies to a tax of 3 per cent. I refer to the Robertson law, which puts a tax of 3 per cent on Texas policies unless the companies invest 75 per cent of the reserves against such policies or 25 to 50 per cent of the total assets in Texas lands or securities. We keep them out altogether. We kill the goose that might be laying golden eggs in this State. I am going into that more in detail, if it be desired, at the end; but probably it would be well just to let that statement go for the present.

(*d*) Again, the taxation of mortgages, inasmuch as the tax is generally shifted to the mortgagor, tends to increase interest paid by borrowers on farm property.

(*e*) One other law which, by increasing risks, tends to some slight extent to keep interest up is that concerning the administration of estates. This law makes notice of administration by publication in a county newspaper valid, and provides that claims against estates which are not presented within 12 months after the original grant of letters testamentary or of administration must wait until all claims so presented are satisfied. This, by increasing risks, keeps the mortgage rate up.

(2) Another group of "social arrangements"—here I come to the customs—which cause bad credit lies in customs and methods of industry—methods not required by any law. These, in part, take us back to the character of the people, no doubt; but, in part, they may be removed, and they may be discussed separately. Faulty methods in farming and marketing increase risk and are fundamental in causing high interest and unfavorable terms. I will say next to nothing on the score of farming methods, but merely observe that German, Swedish, and Bohemian farmers have relatively little difficulty on the score of credit and rapidly rise out of tenantry.

The lack of marketing organization, however, it should be pointed out, affects credit in two ways: First, the ability to pay of the borrower is reduced to the extent that unwise grading, packing, and shipping cut down the proceeds of the sale; second, the risk of lenders is increased by every carload that goes to the wrong market or goes at the wrong time. The present lack of knowledge of market conditions and of warehouses for holding produce pending the clearing of glutted markets are serious menaces to the ability-to-pay basis of credit.

On the other hand, the saving of present wastes in marketing would reduce somewhat the need of borrowing.

The dependence of borrowers upon ordinary commercial credit—not suited to agricultural loans—and the failure of landowners to provide adequate facilities for storage of crops are causes of much loss in marketing. In my opinion, the chief criticism of landlords in Texas lies in the inadequate improvements they provide the tenant, for it results in damaged cotton, sorghum, etc., and forces marketing. If the landlords, however, could count on better tenants, they would be more forward in this matter. It is a two-sided matter, as has been pointed out.

I can hardly bring myself to leave the question of farming methods without a word on the bad effects of speculative landholding. To give you some idea of what I mean, all Williamson County lands increased 183 per cent in value from 1900 to 1910; yet only 55 per cent are improved in 1910, and in Bexar County lands increased 200 per cent, on the average, with only 24 per cent improved. And you can find similar situations in Bell County and others. Now, it is obvious what that means. To some extent it keeps land from cultivation, but this is not sufficient, in my judgment, to be important. The chief evil is that a general speculative fever possesses most Texas farmers. They hold more land than they can farm well. They farm with an eye on the land market. They are more like goldseekers than sober producers. This is, in part, responsible for the shifting and wandering of tenants. Until our farmers buckle down to making all they can on their farms by farming and make a life study of their lands we will have poor farming, shifting farmers, and needlessly high rents.

As to credits, in general it may be said that our whole credit system is based on the assumption, first, that the farmer is to raise nothing but cotton; and, second, is to sell all the cotton in October and November.

Those are the two salient aspects of our credit system. It is specialized to helping the farmer "make a crop," which crop is given as security. The whole system is in a rut. It forces the farmer to stay in the rut. It does not provide for live stock nor improvements. It does not enable the farmer to hold his crop. The idea of charging 10 per cent for loans on a prospective crop is reasonable, especially when there is no diversification; but to charge 10 per cent on loans secured by durable crops when made and when their value is pretty well known is absurd.

So much for the statement of the causes. The discussion of the remedies, of course, is only possible after we know the causes.

Remedies: In considering the possibility of improving the farm-credit situation, I am impressed with the fact that there is no cure-all, no panacea. We must build from the ground up. We must take care that the bases of credit are established. We must attack the demon risk along the whole line. I do not believe that there is a group of farmers in any part of the country that are more in the jaws of risk, which is a menace and an evil to all mankind, than the Texas farmers.

The fundamental causes of risk have been outlined. Now, let me mention all the possible precautions that, in my judgment, may be taken to reduce risks. First, those from natural conditions: Diversification and the raising of live stock must be regarded as a kind of insurance. It pays in the long run. Our water must be conserved and irrigation used where possible. Orchard-heating devices must be adopted. More drought-resistant crops are still a possibility. Then, second, we must redouble the battle against the forces of ignorance and thriftlessness. Education is the strongest ally of good credit. And to these ends there must come a better understanding between landlord and tenant. You see I am just outlining, Mr. Chairman. Finally, we must modify certain laws already referred to as hampering credit, and then enact others to encourage those forms of organization that build up credit. To be concrete, I will mention two specific steps that should be taken at once.

First, the homestead-exemption law should be altered, though not abolished. With the changed conditions and higher land values the 200-acre exemption has become an evil. Of 20 bankers and money lenders questioned 16 were in favor of some change; and, more notable still, over half of the borrowers questioned were of a like opinion. I think this will soon be an issue with us. Something like the following provision would be good: Have a fixed minimum exemption of a certain value, say $1,000. To this add a certain per cent of any additional land values owned up to, say, $5,000. Establish $5,000 as a maximum amount that may be exempt. When it is remembered that the average-size farm is only 117 acres in the black-land belt and 90 acres in east Texas, the folly of a 200-acre exemption is apparent. Indeed, any exemption based on the number of acres works an injustice, for land varies so in value. But the value of the land in an average black-land farm is under $4,000, so that a $5,000 maximum is liberal.

The second specific step should be the enactment of such laws as are necessary to establish cooperative organizations, both in marketing and credit. The former is now provided for in Texas—though not on a cooperative basis—by a statute that is good as far as it goes. But our provisions for cooperative credit is as good as nonexistent. We might just as well have no such law on the books. In the first place, we have no cooperative land mortgage associations, a form of organization that makes land a fairly liquid asset, and a basis

of cheap credit in more civilized countries. Nor will we have them until our homestead-exemption law is modified.

In the second place, we have no personal-credit associations. To be sure we have a law, but it is futile. As I pointed out in an article published in March, 1914, this law provides a maximum interest rate of 6 per cent, while the average commercial rate is at least 7½ per cent. So great a difference is not practical. Moreover, the provision that loans shall not exceed $200 nor run for longer than eight months are bad in a State in which the average amount borrowed from banks alone runs from $250 to $500, and in which credit is needed for at least nine months.

But even if the machinery of organization provided were perfect, it is more than doubtful if it would be used, for there would be lacking the motive force to overcome the friction of ignorance and custom. The time has come for action. It is easy to talk and to pass laws. What we need is deeds. We need wise men in the field showing farmers how and staying on the job until the organization is in working order. We need a wise man at the head of such a field force to direct its operations and to focus suggestions for reforms. If only we could count upon getting such a man, I would say that one of the greatest steps of progress that could be taken would be to establish the office of commissioner of cooperative organizations, and to put at his disposal an adequate force of field workers.

Now, that may seem a little bit rhetorical and obvious to you gentlemen and ladies of the commission, but if you had lived in Texas even as long as I have you would be conversant with the fact that we are more given to talk and the passage of laws and less given to deeds, perhaps, than other population of similar size and natural resources in the world.

Then, too, if we are to have any considerable use of cooperative credits, some central organization must be provided. This would be a central cooperative bank with shares held by local associations. Please do not confuse it with the Colquitt Central Bank. I believe that the State would act wisely if it were to place on deposit with this bank some of the public funds, or to purchase stock in the bank, or both. Indeed, it is doubtful if we can hope to get started, so great is the inertia of that part of our farming population which most needs improved credits, unless the State steps in and assumes a wise degree of positive leadership.

The upshot of the matter is:

1. Credit will be dear as long as these risk-breeding fundamentals remain, and they can only be eradicated by years of training.

2. Meanwhile, however, we can do much to make the best of a bad situation by removing barriers, and by relieving the farmer of his dependence upon credit that is not designed for agricultural loans. It can be proved that farmers, who are no better than a large part of our tenants, get credit at the same rate that other business men do.

Chairman WALSH. Commissioner Lennon wishes to ask you a question.

Commissioner LENNON. Professor, do these extensive credits and high rates of interest have any injurious or beneficial reflex influence on the other business of this community that would warrant the whole people in becoming interested in this subject, no matter what business they are in?

Prof. HANEY. It profoundly affects the whole situation. The whole State of Texas, including the parts not interested in cotton raising, are affected by this vicious system. It affects everyone of us. You see it is the fundamental basis for bad farming, and we depend upon the farms.

Commissioner LENNON. Then it has its effect upon either business prosperity or depression?

Prof. HANEY. Yes, sir.

Chairman WALSH. Dr. Haney, I have been handed one question to ask you, and I will read it to you. Would not the taxation of land values which would stop land speculation reduce the selling price of land and make more opportunities for tenants to own their own homes?

Prof. HANEY. What kind of a tax is meant?

Chairman WALSH. I am reading it to you just as it was handed to me.

Prof. HANEY. I can not answer.

Chairman WALSH. You can not answer it in that form?

Prof. HANEY. No, sir.

Chairman WALSH. Well, that is all. You will be excused, then, Doctor. We are much obliged to you.

Mr. Thurman, please.

TESTIMONY OF DR. W. L. THURMAN.

Chairman WALSH. Your name, please?
Dr. THURMAN. W. L. Thurman.
Chairman WALSH. What is your business?
Dr. THURMAN. Lecturer in the field.
Chairman WALSH. Where do you reside?
Dr. THURMAN. Oklahoma.
Chairman WALSH. You reside in what part of Oklahoma?
Dr. THURMAN. Northwest part.
Chairman WALSH. Will you kindly sketch, Dr. Thurman, as the other witnesses have done, what your opportunities of observation have been?
Dr. THURMAN. I was born and reared on a ranch here in Texas in the early days. When the ranching passed away I went into farming. When I was about 22 years old I combined teaching and farming. Later on I dropped the teaching and combined farming with preaching for a number of years. Then I went into the study and practice of medicine and followed that until four years ago.
Chairman WALSH. You say you are in the field as a lecturer now?
Dr. THURMAN. Yes, sir.
Chairman WALSH. What field?
Dr. THURMAN. Socialist lecture field.
Chairman WALSH. Have you made any study of the land question in the State of Oklahoma?
Dr. THURMAN. Yes.
Chairman WALSH. I wish you would please give us the result of your observations or anything you have prepared, Mr. Thurman, having a view to avoiding any possible repetition.
Dr. THURMAN. With your permission, in order to avoid losing time, because you have had so much consumed, and so much has been said that I do not think it is necessary to keep me but a few minutes.
Chairman WALSH. Very good.
Dr. THURMAN. I will read a general statement, and then I would prefer to economize time by your asking whatever questions you prefer. [Reading:]

"The question regarding the development of Texas during the last 20 years has been so fully discussed by Gov. Ferguson that I regard it as unnecessary to spend any time on that point. Likewise Mr. P. S. Nagle has so fully discussed the development of Oklahoma since its opening up by act of Congress that nothing need be said on that line. Tenantry has developed rapidly from the time that Oklahoma became a State. Prior to statehood in Oklahoma all of the white people were tenants except those who intermarried with the Indian people. The reason for such a large percentage of white tenants during the tribal time was that all the land in what is now Oklahoma was held in the name of the Indian governments, and therefore white people, except those who acquired a right by intermarriage, were excluded from control of the soil, and of necessity, if they farmed in the Indian country, they were renters, paying rent to Indian landlords. With the opening of Oklahoma for settlement under the allotment of lands came the end of the tribal control of land. The Indians received their allotments. And I might add here that for certain negroes, either Indian slaves or their descendants, received 40-acre allotments.

"By act of Congress the remainder of the land, except that portion reserved and known as segregated land, was settled by white people, who took it as homesteads. Oklahoma began with free homes. Less than a quarter of a century has passed by and now 55 per cent of its population are renters and over 80 per cent of its farms are mortgaged. Even in some of the best counties of the State in the wheat belt—now, to use this board as an illustration, Mr. Chairman, if you draw a line east and west, from Texas on the west to Arkansas on the east, right through Oklahoma City, north of that is the grain belt, and then the Santa Fe Road, running out of Fort Worth and north, runs through Gainesville, Ardmore, and north to the Kansas line, and that divides the State almost in half east and west, and west of that railway is largely a grain belt. Even in the wheat belt—I refer now to the part in which I live up here, the northwest part—dividing the State east and west and north and south, and including the tier of three counties from the Kansas side—even in the wheat belt 87 per cent of the farms are under mortgage. When we remember that the history of mortgaged farms is that 62 per cent of them are lost under foreclosure of mortgages, it is certain that the doom of many farmers of Oklahoma

who are counted as home owners will be that in a few years they will be pushed over into the renters' column.

"We now have in Oklahoma 104,000 tenant farmers—those figures are obtained from our agricultural department. Add to this number the 62 per cent of the 80 per cent who are living on mortgaged farms and we will have 52,000 more tenant farmers in that State. Add to the present number of tenants, 104,000, this 52,000, and it will make 156,000 tenants, leaving us about 46,000 who will own farms, homes, in that State. The development of tenancy in Oklahoma has been rapid. I would estimate fully 500 per cent since the original opening of Oklahoma. I have not the official figures, however, and I have estimated 500 per cent in 20 years.

"Landlordism is developing in Oklahoma for the following reasons:

"1. Some have become retired farmers and moved to town. Those places are now rented.

"2. Some own farms in Oklahoma who have left the State.

"3. Some have bought additional farms. Generally the farms thus bought were under mortgage; the original owner sold his equity in the land.

"4. Many Indian allotments are very large, as land was allotted not only by the Indian parents, but also by each Indian child. Most of this land is worked by tenant farmers. And I would explain by saying, take the eastern half of the State, the greater portion of the Indian allotments are in that half. Take the Five Civilized Tribes, being the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles, and take them altogether they were very numerous, and the parents, with the children, all had allotments, and that is one cause of the very high tenancy there. They do not often farm their own land. And those allotments, as I say, were made not only to the Indian parents, but also to each Indian child, and most of this land is now farmed by tenants.

"5. Land grafters have gotten control of a great deal of Indian land by paying to the Indians a small price for a lease. Then the grafters rent these lands to landless families at greatly increased rent. One firm of lawyers in Ardmore, Okla., are thus controlling about 1,500 farms, and they have about 1,500 families renting under them.

"The cotton region of the State has the greatest number of tenant farmers. The cotton region of Oklahoma proper is pretty well in the southeastern quarter of the State, and along the southern counties in the western half of the State. There is a considerable amount of cotton raised there.

"Now, take the Santa Fe Railroad, from where it crosses Red River north of Gainesville, Tex., on north to Guthrie, Okla., then draw a line across the State east to Arkansas; that part of Oklahoma included in these lines, the southeastern part of the State—and over two-thirds of the farmers are tenants, living in poverty, sheltered by wretched shacks, most of them not fit for human habitation. West of the Santa Fe Railroad, taking in the western half of the State, and across the northern half of the State—from Arkansas to Texas—there is a better class of buildings generally, though 5 per cent of them are poorly constructed shacks.

"There is an economic reason for the difference in the housing conditions in the southeast quarter of the State, as compared with the other three-quarters. The three-quarters referred to—that is, the northern half and the southwestern quarter—those regions of the State are almost without timber; there is practically no sawmill timber at all out of which to build houses; and having to buy lumber on the market, good lumber was bought. Also, having little timber for fuel, it became necessary to economize on fuel by constructing good houses. But the southeast quarter of the State had plenty of timber, and log houses were built. Homes were built out of "rawhide"—that is, lumber made from the native timber, oak, elm, cottonwood, all of which warps badly. This insured plenty of ventilation during a blizzard. Besides those mentioned are the old log shacks that were built from 30 to 40 years ago by the Indians. These Indian shacks were generally very poorly constructed, and many of them were built with ridgepoles instead of rafters, and the ridgepoles are bagging down in the middle, and the most of them are in a wretched condition, and many positively dangerous in time of high winds, and yet families are living in them. These Indian shacks are leaky and rotting down. It is in these log pens and rawhide houses that thousands of our Oklahoma tenant families live. They are helpless, hopeless, industrious slaves, living in degrading poverty. The women and the children are overworked, as well as the men. Most of them are now very poorly clad and poorly fed. I will say, Mr. Chairman, that we can

duplicate that Stewart family in Oklahoma by the hundreds in the southern part of the State.

"Fifty per cent of the tenant farmers' children have limited advantages for obtaining education. The chief hindrance is in the fact that the tenant farmer, in order to farm at all, must use all of his children who are old enough to render help as laborers on the farm, first, in helping to make the crop, a period covering May 1 to August 1. Secondly, their assistance must be had from September 15 in the work of picking cotton, and that ends about the middle of December.

"The percentage of ignorance in the cotton South is greater than in the northern portions of the United States, and there is a much greater percentage of illiteracy in this section of Oklahoma, growing out of the economic conditions under which people work, than in other parts. Growing up in ignorance, what shall we expect of them?

"In the practice of medicine I have had opportunity to study closely into the conditions which surround the tenant cotton farmers of Oklahoma and to note the effect of these conditions upon home life, health, and mental development of the people.

"Protection of the mothers and children and against conditions that impose overwork and insufficient food is demanded. Society must meet the question involved. Society rests upon an economic basis; it is determined from that basis. Our social evils are economic in origin. The remedy must consist in changes in the economic base of society. Economic relations must be adjusted to meet the changed economic basis or there can be no solution of our social problems. Our house must be builded upon the solid rock of economic justice, or our civilization will go down."

I am glad, Mr. Chairman, that your commission has taken up the work of making investigations to determine the cause and cure for our social evils.

Chairman WALSH. You say that Mr. Nagle pretty well stated the historical conditions of the land question?

Dr. THURMAN. Yes, sir.

Chairman WALSH. And the other topics covered by the questions submitted to you, likewise?

Dr. THURMAN. I do not remember so well about that. I remember very distinctly about the land question, because I heard his analysis of the land situation.

Chairman WALSH. Mrs. Harriman has asked me to ask you whether or not you have observed whether there was any overcrowding in the sleeping apartments?

Dr. THURMAN. In many instances, yes; in quite a number of instances, not. But there is in many others.

Chairman WALSH. Do the landlords recognize their social responsibility to their tenants in regard to housing conditions, and so forth?

Dr. THURMAN. A few do; but not generally.

Chairman WALSH. Do the tenants as a rule usually show proper consideration for the property of the landowners?

Dr. THURMAN. Yes; except in taking care of the land, and that grows out of the fact that as a rule they have only a one-year contract, and they can not feel the interest they should in the matter of protecting the land against washing by constructing the necessary ditches. In the tenant quarters of the State hundreds of thousands of acres have been ruined by washing away.

Chairman WALSH. Generally speaking, is there a feeling of unrest, or otherwise, among the tenants?

Dr. THURMAN. A very deep-seated feeling of unrest.

Chairman WALSH. How is that feeling met, if in any way, by the State?

Dr. THURMAN. I do not know that I understand your question.

Chairman WALSH. Is there any effort, through public agencies, to cure those conditions; that is, by an appeal to the law or to the legislature?

Dr. THURMAN. No; there is nothing being done at the present.

Chairman WALSH. Mrs. Harriman would like to ask some questions.

Commissioner HARRIMAN. Do the women up in your part of the State drag the cotton sacks?

Dr. THURMAN. Very generally, in the cotton region where I used to practice medicine.

Commissioner HARRIMAN. As a doctor, what do you think the effect of that is upon them?

Dr. THURMAN. I positively know, after being in the practice of medicine for years, that many of them are ruined.

Commissioner HARRIMAN. Their health?

Dr. THURMAN. Yes. I have seen, many times, women as far advanced as six or seven or eight months make regular hands, and, then, I have known of some exceptional cases where they have worked up to the very week or even the very day of confinement.

Commissioner HARRIMAN. What effect does that have on the child?

Dr. THURMAN. It is very detrimental, necessarily, in most cases. And just there, if I may add, in answer to your inquiry about the women, what I know about another extreme case. I do not mean to be understood that this is general; but, in extreme cases where they have been driven by poverty, I have seen the women in the cotton fields with babies 2 weeks old, and I have seen them with their little babies not a month old bedded on the back end of the cotton sacks—away back there 10 feet on the sacks, which had been converted into a bed—and they drag the little fellows across the field, not a month old. No one was left at home to take care of the child, because everybody was out at work in the field.

Commissioner HARRIMAN. Are those white people, as well as colored?

Dr. THURMAN. Yes; white, as well as colored.

Commissioner HARRIMAN. Are you a Socialist preacher because you think socialism is the remedy for this condition?

Dr. THURMAN. I do think so. I believe that society must be reorganized to adjust itself to the changed environment. The environment changes from time to time, and the old organization will not fit into the new environment.

Commissioner HARRIMAN. Could you in one or two words tell us what your definition of socialism is?

Dr. THURMAN. I would give it, in the fewest possible words, as the collective ownership and collective management of those things upon which all the people must depend for life.

Chairman WALSH. That is all. Thank you, Doctor. You may be excused finally.

Mr. Davis.

TESTIMONY OF MR. JOHN DAVIS.

Chairman WALSH. State your name, please.

Mr. DAVIS. John Davis.

Chairman WALSH. Where do you reside?

Mr. DAVIS. In the city of Dallas.

Chairman WALSH. I believe you are a practitioner of law in Dallas?

Mr. DAVIS. Yes.

Chairman WALSH. Have you made any study of the land question in east Texas, particularly with reference to the cut-over land?

Mr. DAVIS. Yes, sir; I was born and reared there.

Chairman WALSH. I wish you would be kind enough, Mr. Davis, to describe the conditions there, if you please, and give the reasons why those lands are not on the market, if they are not on the market, and what figure the situation there cuts in the whole land question, if you have heard it discussed.

Mr. DAVIS. Do you want to discuss it historically?

Chairman WALSH. Yes.

Mr. DAVIS. The cut-over lands of east Texas are largely within the boundary between the Sabine and Neches Rivers. That territory was settled first along in the thirties, forties, and fifties by people from Mississippi, Alabama, and Georgia, and very largely they consisted of frontiersmen of the South who settled in the early days there, and some of them brought slaves. They settled along the creeks. There are a good many creeks and branches through that country and it is well watered and timbered, and they settled on the creeks and usually they obtained the land for a nominal cost. They would build on the hills and cultivate the land down to the creek. The land consists of the bottom field, the hammock, and the upland fields.

Chairman WALSH. Did they have it in large tracts?

Mr. DAVIS. Usually from 200 to 300 acres and sometimes 600 acres of land. The pine land was not taken up by the settlers, but was usually used as school land or for donation to the railroads and bought in by lumber companies after the war.

After the Civil War was over, of course, the slaves were freed and the old original settlers were there and they had nothing but the land; their slaves were freed.

That condition continued until about 1880. About 1890 the railroads began to build through there and some foreign people came in and then mills were erected—sawmills—along the railroad. These sawmills brought in a great influx of mill hands. Because of those mills being there the farmers quit their farms and went to the sawmills and worked in the mills, abandoning their farms. The result was, in the eighties and the nineties and up to 1900, was, and the same situation exists up to now, the whole community life was disturbed, and some people who were formerly good citizens in the community went to the bad and became shiftless and they would drift more or less.

Now, at this time there is a large proportion of this country that is what is known as cut-over land. There are a good many tenants there, but the percentage is small. Most of the people own their own homes, but they are still backward in the question of advancement along economic lines. However, the school facilities are being improved all the time. Where they used to have a one-room schoolhouse they have now many good schools, and they have obtained those school buildings and funds for the schools not only from State taxes, but they have independent school districts.

Chairman WALSH. Under what circumstances are those lands sold to settlers nowadays?

Mr. DAVIS. A large percentage of the land is not on the market.

Chairman WALSH. Why not?

Mr. DAVIS. They are holding it for future timber purposes. In other words, they can cut over land every 25 or 30 years where they leave medium-sized timber; but in the last few years they are cutting it more closely, and it takes now from 30 to 35 years to get a saw log off of the land.

Chairman WALSH. Usually, is the land fertile?

Mr. DAVIS. No, sir; except along the creeks and in the hammocks; not much outside of that.

Chairman WALSH. Where it is productive, what is the cost of preparing it to till?

Mr. DAVIS. It costs from $5 to $10 an acre to clear it, and they just cut the timber down and burn the logs and leave the stump there, and it costs about $10 to $20 an acre to remove all the stumps and prepare it for cultivation. Some of that land is being put on the market by the small mill owners, who have had their day and cut the timber off.

Chairman WALSH. What figure would you say that large section of the State cuts in the land situation?

Mr. DAVIS. I have always contended, Mr. Chairman, that east Texas was the best poor man's country in the world. It is cheap land with plenty of water and wood, with good climate, and you can always produce a crop; there is never a year that you can not produce a reasonable crop; not so much, of course, as in the black lands, but the seasons are better.

Chairman WALSH. Where do the owners of the land principally live?

Mr. DAVIS. Those who till the soil mostly live on the property, but the mill owners live, of course, in the cities, and some even out of the State.

Chairman WALSH. Does any very large proportion of them live out of the State?

Mr. DAVIS. The Houston Oil Co., for instance, owns a vast amount of cut-over timberland, and the stockholders of that company live in Houston, and some of them in New York.

Chairman WALSH. Is there any development along the line of opening it for settlement?

Mr. DAVIS. Yes, sir; I was down there last August and September, and they are now attempting to open some of that land for colonization purposes, reserving the mineral rights to the Houston Land Co., or whoever may own the land.

Chairman WALSH. What proportion of the land is tilled by tenants?

Mr. DAVIS. Of the country as a whole, from 10 to 20 per cent; it varies. The tenant problem has never become serious there, because the sawmills have taken up the floating population.

Chairman WALSH. Do you think the tenant problem is largely a question of surplus labor, you might say, Mr. Davis?

Mr. DAVIS. I will say yes. Up until recent years the lands of the State of Texas, as a public domain, were given for a nominal or no consideration to the people who came from the older States, and that land has all been taken up and there is no surplus lands, there is no cheap or free land found now, and the people who come now are compelled to buy under present conditions.

Commissioner LENNON. I am going to ask a question for personal information. Does the cut-over pine country in that region produce again pine, or scrub oak, as it does up in our country, or a growth that was never on there originally?

Mr. DAVIS. The cut-over land produces scrub oak; but the fields that have not been cultivated and thrown out produce pine. There is a field that I played on as a boy that now produces pine saw logs.

Chairman WALSH. Do you own any land?

Mr. DAVIS. We have purchased 50 acres on a beautiful creek down there, where we go every summer; we have no landholdings but this beautiful piece of land that we go to for a vacation.

Chairman WALSH. That is all, Mr. Davis, you may be excused; thank you.

Mr. DAVIS. I will leave a little statement with the stenographer.

(The statement so referred to, entitled "Rural problems in Texas," by John Davis, was submitted in printed form.)

Chairman WALSH. Mr. Yeary, will you please take the stand?

TESTIMONY OF MR. W. B. YEARY.

Chairman WALSH. State your name, please.

Mr. YEARY. W. B. Yeary.

Chairman WALSH. Where do you live, Mr. Yeary?

Mr. YEARY. At Farmersville, in Collins County, Tex.

Chairman WALSH. How far from here is that?

Mr. YEARY. Forty miles.

Chairman WALSH. In what direction?

Mr. YEARY. North.

Chairman WALSH. What is your business, Mr. Yeary?

Mr. YEARY. I am a farmer, and I have got some other interests.

Chairman WALSH. What are your other interests?

Mr. YEARY. I have stock in a bank.

Chairman WALSH. Are you in the manufacturing business, also?

Mr. YEARY. No.

Chairman WALSH. The suggestion has been made that you are in the silo-manufacturing business.

Mr. YEARY. I am just agent for that.

Chairman WALSH. Now, I wish, as the other witnesses have done, that you would give us a sketch of what your activities have been; your place of residence, your nativity, and the business activities of your life since you have grown up.

Mr. YEARY. I was born within a mile of Farmersville, Tex. My father was there 20 years before I was born.

Chairman WALSH. Where did your father's and your mother's folks come from?

Mr. YEARY. Tennessee.

Chairman WALSH. Were they Americans for some distance back?

Mr. YEARY. Yes, sir.

Chairman WALSH. Proceed, please.

Mr. YEARY. I lived on a farm a mile from Farmersville, Tex., until I was 16 years old. My father, after he began to get a little old, was employed as a clerk in a dry goods store, and I being a cripple, he bought 12 acres of land close to town so that I and the other children, girls, could go to school. I was 15 years old. I and the girls cultivated that 12 acres, principally in cotton, until I was 20 years old, clerking in the store in wet weather and busy times, and at the age of 20 I was employed in a drug store clerking. Four years later I bought an interest in the drug store. I continued in the drug business until—20 years—and then moved out on my farm a mile and half from town.

Chairman WALSH. Where did you acquire that farm you moved out on?

Mr. YEARY. My mother and father willed me 100 acres, and then I bought some other farm land. I continued to buy all the 20 years I was in the drug business, putting in all the money I made.

Chairman WALSH. And when you moved out, how much land did you have?

Mr. YEARY. Seven or eight hundred acres. I moved out on the farm in 1897, and in 1901 I sold my interest in the drug store and bought stock in the bank, and I have lived on the farm ever since.

Chairman WALSH. Have you farmed the place yourself?

Mr. YEARY. I have farmed all I could.

Chairman WALSH. Do you employ farm hands, or do you have any of it let out to tenants?

Mr. YEARY. I farm a little differently from most people. I live on 140 acres, and I have 700 or 800 acres close around me, and as my land begins to wear or wash on the different farms, I sow it in oats or wheat and rotate it at the different places. I keep something like 200 or 300 acres of the 800 acres of land so farmed myself, and cultivated in corn, wheat, oats, and alfalfa, and I build it up in that way.

Chairman WALSH. You have a family, have you?

Mr. YEARY. Yes. The rest of the land I rent out. I have two other farms of 150 and 200 acres farther away than that, and I rent it all out.

Chairman WALSH. How many tenants do you have?

Mr. YEARY. From 8 to 12.

Chairman WALSH. Have you had them for some length of time?

Mr. YEARY. I have one renter that has been with me for 20 years; I have another renter that has been with me about 15 years, and one has been with me about 6 years.

Chairman WALSH. Please describe your experience with your own tenants, the sort of contracts you have with them, how you select them, how you bargain with them, what sort of agreement you have, whether it is in writing or not, and generally how you deal with them with reference to the crops and the payment of the rent?

Mr. YEARY. When I first moved out on the farm I got up some written contracts, but I soon found that the written contract, under the statutory law of the State—it did not appear to me there was very much use in it, and consequently if I rented a man a place, a house and 50 or 75 or 100 acres, he understood that I was to receive a third of the corn and a fourth of the cotton, and I had very little to say about it. I think 90 per cent of the land in the blackland belt is rented the same way.

Chairman WALSH. They have all contracts on the third and fourth plan?

Mr. YEARY. Yes.

Chairman WALSH. You can go ahead and describe, Mr. Yeary, just how you got along with your tenants, and how they have thrived, or otherwise, what they have earned, what they have attempted to till, and please give a study of the whole situation.

Mr. YEARY. My tenants have been like the tenants of any other landlord around. Once in a while I get hold of a sort of contrary one, and we change off and turn him loose.

Chairman WALSH. You started in to tell how long your tenants have been with you, and I believe I interrupted you; you said one had been with you 20 years and another 15 years?

Mr. YEARY. The 20-year fellow had a big house full of girls, and where he has made—they all work in the field, and I will impress on your mind this; it seems like the lady there [referring to Commissioner Harriman] is rather surprised that it is white women and girls that work in the field. In northern Texas there are very few negroes.

Chairman WALSH. This 20-year tenant, do his girls work in the field?

Mr. YEARY. Yes; his girls work in the field, and also his wife. He is my brother.

Chairman WALSH. What do they do in the field?

Mr. YEARY. Chop cotton or hoe it, and they pick cotton, and they do their housework, and they do anything else that can be done.

Chairman WALSH. How much of a family do those men have—how much of a family did this man have?

Mr. YEARY. Seven or eight children; and he has been able to dress his children very well and give them a modern education and send them to school three or four months in the year, of two or three months.

Chairman WALSH. For how many years?

Mr. YEARY. From the time they were little folks, practically, up to the time they were grown, he gave them two or three months in the year after cotton was picked, until school was out, or until cotton-chopping time began next year.

Chairman WALSH. What became of the family, did the girls marry off?

Mr. YEARY. Yes.

Chairman WALSH. Into farming communities?

Mr. YEARY. Yes.

Chairman WALSH. Usually in the neighborhood?

Mr. YEARY. Yes.

Chairman WALSH. All of them?

Mr. YEARY. Some did, and some moved west, to the western part of the State.

Chairman WALSH. How much land did that man farm, the one that was with you 20 years?

Mr. YEARY. That man farmed about 75 acres, all he could possibly plow with a little help.

Chairman WALSH. What would you say in ordinary, or average, years with an average crop, that man would make clear?

Mr. YEARY. Sometimes he would make 8 bales of cotton, and sometimes 12 or 14.

Chairman WALSH. How much money would that amount to a year, his earnings?

Mr. YEARY. That is hard to say; since he has been there we have sold cotton for 4 cents, and have sold it for 14. As to the grade of renters who go there, or as to my renters, they are sometimes my nephews, and sometimes they are my cousins, and sometimes the boys of my neighboring landowners, and they are just the people the rest of us are; I do not see any difference between the renters and the landowners.

Chairman WALSH. There is no class difference in your neighborhood, then?

Mr. YEARY. There is very little in north Texas. I notice in your questions that you men are likely to get a wrong impression. In the river bottoms of Texas, and I might go a little further—several years ago I was elected president of the Texas Cotton Growers' Association, and was president of it for a number of years. I have been very active in trying to find some way of bettering marketing cotton, and have been over a good deal of the State and a good deal of the South, and noticed conditions that exist.

Chairman WALSH. Are you in the black-land section?

Mr. YEARY. Yes.

Chairman WALSH. Go ahead, Mr. Yeary.

Mr. YEARY. Now, some of your witnesses have been in what I call the Brazos bottom district. Very often there I find the landowner is a big merchant in town and a banker in town, and he has his renters tied up, and no other merchant can sell them anything, and they are bound to trade with that man, and if they borrow money they borrow it in his bank, because he has got them tied up in another way; but just step out of that section and into our section, and you have a different condition. We have a grocer there that supplies the renters of all the other landowners in the country; and the implement man will supply them with their implements, and the druggist will supply them with their drugs; you have a different proposition in that section of the country.

Chairman WALSH. I wish, at this point, if you would, give the price of raising cotton in your section, I mean the cost price of raising cotton.

Mr. YEARY. You gave me some questions, and possibly I had better read that, and you can question me as I go along.

Chairman WALSH. I wish you would, please.

Mr. YEARY. First, you asked me to mention the cost of producing cotton. The cost of growing cotton differs on nearly every farm and with nearly every farmer, as well as in every State, and in different sections of the State. No two States are alike, which has a great deal to do with production, and the seasons have a great deal to do with production, more than anything else.

I find that but few farmers take the pains to keep an account of their land. The large majority does not know how to keep their books, nor how to estimate the cost. The main cause for not doing so is because they have no voice in pricing their cotton, and must raise and sell it regardless of cost.

What is the necessity or use of a man figuring up a thing and knowing the cost of producing his cotton when he has not got anything to say about selling it? If he has just got to take the price the gamblers of the world set on it, there is no use of him worrying about figuring up the cost of it. That is a condition that we have.

On my farm, under my own management, I find the cost to be about 12 cents per pound, though wages are higher in my section—the black-land belt of north Texas—than in many parts of the cotton belt, though the yield is better and one man can cultivate more land. A mistake is frequently made by an experiment station or specialist, who has all the advantages that could be asked for in the way of soil, seed, implements, and knowledge, and his results are given to the public as the cost of cotton, while, in fact, it is the minimum cost, or shows how cheap it can be produced under the most favorable cir-

cumstances, rather than what it does cost on an average, or what is possible over any section. The same experts could possibly not do any better or as well, under the average conditions of the average farmer or tenant.

There is no doubt about the average renter—I have seen negroes, and I have seen as sorry men as you probably ever saw, that were experts at raising cotton. It is a mistake to think, although we may have a tremendous lot of ignorance in the South in some respects, that we have no experts; and when it comes to preparing the land for cotton and raising cotton we have experts. When you find a little girl 10 or 12 years old that can beat any man you can bring in here from Ohio or Illinois or anywhere else, I would call her an expert; and when a little girl 10 or 12 years old can go into the field with a hoe and hoe more than a man you can bring here from the North, I call her an expert. In that respect we have experts.

We have all kinds of land and all kinds of farmers and equipment. Some must cultivate very poor land and use very sorry equipment. It requires the efforts of all to supply the cotton required by the world in normal times. It takes all of them to make the 15,000,000 bales we are supposed to make this year. The land, conditions, men, and equipment can not be changed at once, or ever for the better, until there is a profit in the business. We are living in a commercial age and everybody is trying to make money. This has not always been the case. Notice what I said there—this has not always been the case. That is, that everybody is trying to make money. Up to the Civil War in most of the cotton belts, and until in recent years in the western portion, the frontier settlers or those in the newer sections were content to stay on the farm with plenty to eat and wear of their own production. The attractions of the new country and outside profits of stock raising, and so forth, added to their content. Not so now; by the time the boy is grown he knows what is in store for him on the farm, and if something turns up or his education is sufficient for him to turn something up, he leaves the farm. Some learn a trade, some one thing, and some another. Four of my former tenants' boys, and many others of my neighbors, are following trades in Dallas to-day, living easy and comfortable, they tell their former country friends, and try to get them positions, but say they would return to the farm if there was any money in farming. These men were among my best tenants; a poorer grade took their place. This skimming process of driving those among the best from the farm has been going on for a third of a century. Those best capacitated to successfully grapple with our rural problems are fast leaving the farm. It is the surprise of the world why we continue to use the wasteful methods of handling and marketing our cotton that we do, knowing we have a natural monopoly of cotton, the value of which can be realized almost without an effort, when at the same time we are disposing of it for from half to two-thirds the price it should bring, makes it more surprising.

It requires intelligence and money to successfully farm and build up and improve rural conditions. Intelligence is intelligent enough to not enter or stay with a losing proposition, the same in farming as in other business pursuits. The "back to the farm" slogan will never take root and be practiced until profit draws it back.

The question is frequently asked, if cotton sells for less than cost, how does the producer continue to live? The cost as is given the public is based upon $1 per day for the producer's time in the crop. His cotton is his wages. If it sells for less than cost he simply works for less than $1 per day. One dollar per day, of course, will not support his family, but his work is supplemented by free labor of his women and children, especially in the West—I call this the West—the western part of the cotton belt—when they should be in the home or in school. We have built a monument out of the loss in our cotton, it consists of illiteracy, worn soils, and depleted rural conditions, and an army of unemployed men and women in every town and city in the country. In the river bottoms and in the East, the free labor consists largely of negroes, who, expressed in plain English, are enslaved and beat out of their labor. This is supplemented with an enslaved white population. These two classes, one in the West, and the other in the East, are the ones who are pointed out as making money raising cotton, when in reality, their profit is what they have wrongfully taken from their children or others. The increased valuation of land, especially in the western part of the belt, has greatly supplemented losses on cotton. Landowners have been content with 2 or 3 per cent profit from rents, knowing their land was rapidly increasing in value. It now looks like, in most parts, this must cease or be a more moderate increase.

Possibly the most valuable evidence of proof of the cost of producing cotton is the actual tests on the Taft ranch in south Texas. This farm is supervised by Prof. C. H. Alvord, for many years head of the agricultural department of the A. & M. College of Texas, and holding a similar position for many years in some of the Northern States previous to coming to Texas. Here is a letter from him, giving figures and results of their work. Mr. Alvord says [reading]:

"I regret that I can not give you at this time the definite information as to the cost of producing cotton on our ranch this year, but this would hardly be satisfactory if I could, as this has been an exceptionally good year for us, probably much above the average. I am very confident that where a very accurate account is kept of expenses, depreciation, etc., that over a series of 10 years, with varying climatic conditions and loss, incident to insect devastation, that cotton can not be produced for less than 10 cents per pound, and in many instances it costs considerable more than this. I believe that the difference in the cost of production will depend more upon the yield of cotton than upon the cost of labor, seed, etc. On four of our farms, varying from 1,000 to 1,800 acres each, I find that the total expense per acre (1912), not including any interest or rent charges, was $22.19 $21.48, $25.19, and $23, respectively.

"The first one mentioned, the expenses were listed as follows: Labor, $12.87; feed, $4.14; supplies and repairs, 68 cents; poison, 74 cents; fertilizer, 15 cents; depreciation on stock and equipment, $1.90; and overhead expenses, supervising, etc., $1.70; a total of $22.19.

"This farm was operated as economically as any farm could be, if kept up in proper condition, and, of course, you understand that every minute's time or labor and every expense was charged against it. If we add to this a rent charge of $5 per acre, which is very small for land worth as much as this, it would make the cost per acre about $27.19. If the farmer was fortunate enough to produce one-half a bale of cotton per acre, the cost would be approximately 10 cents per pound. The agricultural reports show the acreage production of cotton is much less than one-half a bale per acre, and, of course, the cost would increase as the production decreases.

"I am firmly convinced that cotton can not be produced year after year for a fixed cost for less than 10 cents per pound, and in many instances the cost will exceed this.

"Respectfully,

"CHAS. H. ALVORD,
"*Superintendent of Farms.*"

And in addition to what he says, I have given the figures of what it will amount to if he makes a third of a bale or a fourth of a bale, and they cultivate down there 50 acres of land to the man. The rest of the cotton belt will possibly cultivate 20 or 30 acres. I believe the general crop of most of the Eastern States is 30 acres to the hand. And if you cut the amount of work down that they can do per hand from 50 acres down to what they do, you have got the cost of producing cotton as figured, which is 20 to 25 cents per pound for many, many crops. Of course, if their figures are correct, and they are, there is no doubt in my mind—I have made, since 1907, three crops of cotton, and have lost money on every one.

Chairman WALSH. Made them individually?

Mr. YEARY. Yes. I hired help. I have sent my children to school, and I have three boys and one girl, and have graduated the girl in the industrial school at Denton, and will graduate three boys—two of these will graduate this spring from the A. & M. College, and I am sticking to the farm as close as I can, and I have been trying to give my children an education, and have hired help to do my work, except during the vacation, when the boys get in and bale hay and tend the corn and harvest wheat and do anything else to be done during the summer. But I have lost money on the three crops I have raised. And I will, every once in a while, take a notion that the price is going to be a little better, or something or other, or that I want to try some new cotton, or some new seed or some new piece of land that I have been running for years in something else, and I dive into another crop.

Chairman WALSH. Were there any special conditions in those three years that caused you to lose?

Mr. YEARY. No; I made an average crop—as good as anybody.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 9 o'clock. We have been meeting at 10 a. m. before this, but will it be convenient for you to be here at 9 to-morrow morning, instead of 10?

Mr. YEARY. Yes, sir.

Chairman WALSH. Thank you.

We will adjourn until 9 o'clock to-morrow morning.

(Thereupon, at 5.10 p. m., Friday, March 19, 1915, an adjournment was taken until Saturday morning, March 20, 1915, at 9 o'clock.)

DALLAS, TEX., *Saturday, March 20, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon and Mrs. Harriman.

Chairman WALSH. We will now proceed, Mr. Yeary.

TESTIMONY OF MR. W. B. YEARY—Continued.

Mr. YEARY. Yesterday afternoon I was talking on the cost of producing cotton. I had submitted a letter from the Taft ranch on their cost of producing cotton. I did not get through reading the letter. The part I did get read will be sufficient, I think. Then I take up the Taft ranch in the balance of this paper.

Presuming the Taft ranch has the figures about correct, which was $22.19 as the cost of labor and expense on an acre of cotton. If we then add to that the interest on investment of land, and you can place it at $5 an acre—a good deal of the land in Texas is worth $100 to $150 an acre; practically all of it that is in cotton in the South is worth $50—$5 would not be a very expensive interest figure. This would make $27.19 as the acre production cost.

Chairman WALSH. How much is that?

Mr. YEARY. Twenty-seven dollars and nineteen cents.

Chairman WALSH. Twenty-two dollars and nineteen cents and five dollars?

Mr. YEARY. As the acre cost. Now, this farm, I am told, yields forty-seven one-hundredths of a bale per acre, which is better than the average, better than was ever produced in the United States. In fact forty-five one-hundredths of a bale is the best average over the United States that we have ever made.

Now, in that case, their expense for gathering cotton would be more than the average, because the picking charges would be a little more than where it averages less. The cultivation would be practically the same, but the picking would be a little bit more.

Now, to be as fair as possible about it, this makes the cost of picking a little more, and let us reduce that item $1.19 per acre, it would not be that much, but that would make these figures average cost $26 per acre, in place of $27.19. The Government says that we have, I have got it 37,000,000; it is 36,700,000 acres in 1914, wasn't it?

Mr. ALVORD. Approximately that.

Mr. YEARY. Thirty-six million, seven hundred thousand acres, I think, in cotton last year, but the people generally figure 37,000,000 and talk 37,000,000 acres of cotton this past year. This would make the cost of this crop $962,000,000. Multiplying it by $26 an acre, or if we make 15,000,0000 bales the cost per bale will be $64.13, or 12.83 cents per pound. That is, provided every farmer in the South can cultivate as many acres as the Taft ranch can, and can do their work with as little expense as the Taft ranch can. We know that a great deal of the cotton belt uses $3 to $5 an acre for fertilizer, besides the expense of applying the fertilizer; and there is, we know, in the bulk of the cotton belt, that they do not figure on a hand cultivating but 30 acres of land, while the Taft ranch figures 50 acres to the hand. And we know that the expense anywhere else in the South is a great deal more than on the Taft ranch. Any of us that are acquainted with the southern conditions and will visit the Taft ranch will see that they have ideal conditions for producing cotton at the very minimum cost.

Commissioner LENNON. If you find it later will you tell us how much that forty-five one-hundredths of a bale per acre sold for?

Mr. YEARY. Yes. I will get to that. The 1911 crop made forty-five one-hundredths of a bale per acre, sold for 9.7 cents per pound and cost 11.6 cents per pound. There were 16,065,000 bales made which produced a loss, below actual cost of $157,918,000, if the farmer had received the New Orleans price. This he did not receive by at least $150,000,000, making the loss about $300,000,000.

If we make it 15,000,000 bales, it will be forty one-hundredths of a bale per acre, which is above the average. Using these acre costs as given by the Taft ranch, we can arrive at the cost per pound of any or all of the crops in the past.

Government statistics give us just how many acres of cotton have been grown every year, and by using the acre cost we can make our calculations in a minute and tell just how much has been lost or made on any cotton crop for a hundred years back. The statistics as furnished by the Government will give you the number of acres for every year. This goes back to 1790. It also gives the cost or rather the price of cotton sold for each one of those years. That is, you do not want to be misled by the price that cotton sold for in this regard, that they arrive at the price that is the average price of the average grade of cotton received in New Orleans. New Orleans is the only place that we get the cost of what cotton has sold for. There is no one who knows what Dick, Tom, and Harry all over this State or wherever cotton is grown has sold his cotton for. It is impossible to arrive at that. And, again, the price, of course, at New Orleans is something like a cent or a cent and a half higher than the producer could possibly receive. The freight charges and other expenses would necessarily make at least a cent, and possibly as high as 2 cents, difference between the average price in New Orleans and the average price in the country. Besides, another point is this: A great deal of cotton during the heavy picking season when the price is low will go into New Orleans to be held until later on in the spring, when it will be sold at a higher price, and that averages a higher price in New Orleans than the average price would be on the farm. But that is a pretty good line on the statistics on what cotton has brought. It is the best way we have got; and with the difference between that and the price the producer receives, we can make a pretty fair calculation on the price the producer received.

From 1890 to 1914 we have produced 250,000,000 bales. The only statistics we have of what it sold for is the average price paid for the average grade received at New Orleans. The average price there was 9.3 cents, which is, from the best data I can get, at least 1½ cents more than the producer received. If we assume that he received 8 cents, then the actual loss would be $24 per bale, or a total of $6,240,000,000. He should have, at least, $10 per bale profit; this would make the loss $8,840,000,000. Two-thirds of this cotton has been exported to foreign countries to enrich them at our expense, which amounts to $5,894,000,000.

Now, this cost and that enormous amount of money is not all that has been lost to the United States or to the National Government. The land has been worn and washed and the plant food extracted from it and it is gone. And the Taft ranch and the rest of us in figuring the cost of producing cotton, do not take into account the plant food that has been taken from the soil, that is gone, at all. We are just figuring the labor and the interest on the investment.

This Nation is thus growing poorer by this amount, besides buying at a profit millions worth of fertilizer material from these foreign nations to produce more cotton to sell them at a loss. Every dollar of this waste is felt somewhere; it is keenly felt by the producer and his family first, then comes the country merchant and banker, and day laborer in the South; then the jobber, railroad city people, and the factories and their labor in the North and East and the industries of the West, who depend upon the South.

The cotton buyers, the operators on the exchange, the banks, and others who are interested in preserving the present system know that if the impression can be made on the public mind that the cost is low, say, 6 to 8 cents, and that the yield can be doubled by using a little judgment and thrift, the Government will not take steps for changing the system of marketing. The public press has been full of such information from the above source for many years. Theodore Price, of New York, and 7-cent cotton go together, he having written so many articles stating the cost of producing cotton was 7 cents. Finally Mr. Price became interested in a cotton picker, and in 1912 was testing it near the Taft ranch. While there he made the statement in his bulletin that cotton cost 10½ cents to produce it there. I wrote him while there and asked him how he came to change his mind as to the cost of producing cotton. His answer was, "Wise men sometimes change their minds," etc. He had been shown the actual expense of making cotton and found the cost to be 10½ cents where it could be produced the cheapest in the United States. All of this communication will be found in his bulletins "Cotton and Finance" for the fall of 1912.

My figures on the cost of cotton may not meet the approval of the critics of the press, that of the cotton buyers, or the expert farmer who farms exclusively upon the board, but as evidence that can not be disputed I point to the pro-

ducers of cotton, their farms, their houses and barns, their children, and finally their schools and schoolhouses, their roads, and the business in the country districts which depend upon them.

That gets me through with the first, the cost of producing cotton.

The next subject is the landlord and tenant. The question of landlord and tenant is causing a great deal of discussion in the cotton sections. In the black-land belt, where I live, there is not much antagonism between them. Practically all of the landlords allow their tenants to divide their crops as they please. Now and then there is a landlord who has extra good houses, barns, and other improvements or extra good land who asks a bonus of $1 or $2 per acre or the third of both cotton and corn. Frequently the advantages are worth the bonus. There is some complaint that the landowners will not permit the tenant to sow a large portion of the land to wheat or oats. Even this section is not a dependable grain-growing one, though it is probably more so than any other portion of the cotton belt. The owner of the land has found this out; also many of the best tenants; consequently the refusal is not an injury to the tenant, but a knowledge on the part of the landowner that such crops are not to be depended upon. The owners of land, where rented for the third and fourth, seldom pays more than 3 or 4 per cent interest on the investment. Cotton at normal prices pays the landlord better than the grains, because of the frequent failure of the grain crop.

Right there I might say to you that I have a thousand acres in a farm, and I don't think it has paid me 2 per cent—more than 2½ per cent gross in 5 or 10 years. If I should charge anything for supervision and wear and tear of my houses, I am satisfied I would not make 1 per cent.

There is a neighbor of mine that has 1,800 acres of as fine black land as there is in the State of Texas that told me that at the end of 1913—his land would easily sell for $100,000, his 1,800 acres; I am satisfied it would be no trouble for him to sell for that—he told me that his gross income was less than $4,000. Last year it was a good deal less than that. And I had a farmer yesterday that lives here in Dallas tell me he had 1,400 acres, and that his expenses, rented out, and his expenses of repair and looking after it, taxes, and so forth, was $4,800, and he received $5,200. So I mention this to show you that the hard condition is not on the part of the renter alone.

Out of the thousand acres I have and $10,000 of stock in the bank it looks like I should make some money; but I have two boys in college, and it rubs me to the very hide to get those boys through college as economically as possible and live myself as economically as people can live.

A tenant who has a large family of children can not afford not to plant all the cotton he can cultivate and gather. He has found this to be true and is as anxious to plant a large part in cotton as the landlord is for him to do so. As the land ceases to advance in price the owners will in some way try to get better returns. This is likely to work a hardship on the tenant unless the price of cotton can be raised.

You can see that if a man's land is not paying him over 1 or 2 per cent that that landowner is like a railroad man or a business man of any other kind, and in order to sustain himself he must reduce his expenses somewhere. He must get a margin of profit somewhere, and the parties under him must bear their part of it in some way. If he can not advance the price of his stuff, like the railroads the price of their freight rates, as they are trying to do, he has got to reduce his expenses, and it is the same way with the landowner or the farmer. He has raised a crop that he can not do anything with but sell; and if he can not get a good price for it, he is going to burst, and some one else must be damaged under those circumstances. You can not get around it. It is a simple business proposition.

There is another class of tenants—those without children—who often can not make a living raising cotton, but he can afford to take the risk of a large wheat and oat crop if the landlord will furnish the land. This the landlord will not and can not afford to do, which causes contentions. The landowners acquire land as a business investment, the same as other men make other investments, but are content with a more reasonable return than most business men in other industries, but they want some return. The returns are so small they do not provide their farms with the comforts and conveniences the tenants ought to have, but the tenants are usually business men enough to know this, and from necessity put up with it.

The tenant problem would soon solve itself if he could get the value of his cotton or labor. He would soon become a home owner, and everyone that

became a home owner would lessen the number of tenants and reduce the number of tenant farms every time an improved farm was bought by a tenant, but many would buy raw land. Pretty soon there would be fewer tenants than homes to rent. Then the tenant would be in the saddle. We must remember the tenant receives three-fourths of the cotton. If the price is advanced $20 per bale, the benefit to the tenant is $15, while it is only $5 to the landlord. If a tenant who makes 30 bales just makes ends meet at 10 cents, he would be able to save $450 at 14 cents, which would make a substantial payment on a piece of raw land.

I can remember in this country, and not more than 10 or 15 years ago, when there was not as many tenants as there was farms to rent. Then the landowner was giving a bonus to get tenants. The old settlers in this country can remember when there was farm after farm and big portions of every farm laid out. It was because they could not find renters. About that time, in the eighties, the price of cotton got thoroughly under the control of speculators, and it dropped down to less than 10 cents a pound, and that gradually increased the tenantry—a gradual increase in the tenantry—and to-day we have more tenants than we have land, and you have the opposite conditions to what you had in the early nineties through that part of the country. All of the old landowners all through Texas can remember when there was any amount of land that laid out and grew up with weeds because you could not get tenants.

I consider the price of cotton alone will settle the tenant and labor question in the South; also many other problems, and nothing else will. There is the solution for this situation that will relieve this country—not only the renter, but every industry in the South and in the United States, so far as the industry of cotton is concerned.

I might say to you, Mr. Walsh, that with reference to tenant houses and things of that kind the people do not understand, it seems like, the conditions in the South very much, but I suppose it is much like other sections. I go and buy 100 acres of land and put it in cultivation and put in a house here [indicating] with three rooms and another house over there with five rooms. I have in mind a man and wife, and a house with three rooms is all that he needs and more than he has got furniture enough to fill. Another man has five or six children, and I build a house to fit his needs. The next year these men take a notion that they want to move, and a man with eight children wants that place—the place the other fellow had. Am I expected to put on three or four more rooms because that man is willing to go in the house and wants it or say to him, "No; you can't have it, because you have too many children?" He would probably rather have that house, because he has a neighbor close by whom he is acquainted with, or there is a school close by that he wants to send his children to, or something else of that nature, and he would rather have this three-room house over here close to his relatives. Then, again, at the end of that year this man with the eight children may leave the place, and another man with just his wife may come on, and then it is all ready for that man. We can not adjust our houses every year for the men that move back and forth.

I have got two houses on one farm of six rooms each. This year I have a man in one; just a man and his wife and baby, and he has got enough room; he has got barn room and everything else in that six-room house. He has no use for some of it at all; the upper rooms he does not use, and I don't suppose his wife goes up there once in three months. When I built the house I expected the man to cultivate 100 acres of land, and built it large enough, and that is the condition in a whole lot of cases.

And the landowners are not in any better condition in that respect in a great many cases than the tenants. You will find any amount of landowners—small farmers, owning 50, 75, or 100 acres of land—living in just as bad houses as the renters. We people down here know that there are some landowners live in worse houses than the renters themselves; you all know that. It is nothing but an everyday occurrence, traveling over this country, to find the small landowner, and in some cases the larger ones, who have not got any other way of making an income, who are just as hard pressed as the tenants; they are all hard pressed. Do not understand me to mean that the people of the South, the renters, the landlords, or anyone else, are on flowery beds of ease and sailing along smoothly; none of them are making any money, and the hardship of each one is very much the same as that of the other.

The next question is that of the interlocking between the merchants, banks, and farmers. Those not acquainted with conditions in the South no doubt wonder why the banking and business interests do not join with the farmers

more readily and place cotton on a commercial system of sale. There are several reasons why there is not more cooperation among these and other agencies. First to be mentioned might be the country merchant and country bank. The merchant begins to buy from the jobber on long time early in the year or begins to borrow from the banks to pay for goods to sell to the farmer on time, beginning the first of the year. There is scarcely a year when more than half of the farmers can pay up in the fall and frequently not this number. Merchants and banks have learned that they must push collections to get enough to square up their obligations and be in shape to handle their business the next year. Those who can not pay are expected to give security or additional security if already secured. Thus the merchants' and banks' profits are in notes. They have seen farmers hold their cotton in an unorganized way and finally have to sell it for less than they could have gotten at gathering time, besides the expense of storage, interest, and insurance, which was a loss, until they do not feel like they are serving the farmers' best interest in advising them to hold, knowing that it must be turned loose by January 1, or early in the spring. Besides if the merchant and banker, or their friendly cotton buyers, buy the farmers' cotton before some other creditor gets it, they know they have made their collection, and the risk of loss is ended. This class includes the majority of banks and merchants.

The farmer begins, as I say, 50 per cent of them, owe for last year's debts. They begin on the first of the year to give mortgages securing their accounts for the year with the country merchant and the country bank. By the time fall comes the merchants and banks have all learned that there is not going to be cotton enough to go around. They know they are not going to be able to pay all the debts. And if John Smith in the dry-goods business up there can jump in before John Jones in the grocery business can jump in and get the cotton and buy it from him, he has made his collection, and if anybody is going to get left it is the fellow that did not buy the cotton. This applies to the farmer that is not mortgaged. If the merchant or bank persuaded the farmer to hold his cotton the other fellow is liable to get in and persuade him to sell it and get it, then the other fellow is going to get left in his collection. And so it goes. You can not blame the merchant and the bank for not cooperating, especially when there is so much uncertainty about it. If we are going to work and ask them to cooperate together and hold their cotton, and we know that it is not generally done over the South, the first thing we know some section of the country will turn their cotton in with a whoop and the market is broke and the fellow that we persuaded to hold his cotton is going to take $5 or $10 a bale less than when he was gathering, besides the expense. So the movement of marketing, selling, and holding the cotton, cooperation, has got to be spread over the South and be taken up in a way by business people so that they know that it is going to have effect before they can afford to get behind it. You can not hope for them to do otherwise.

There is another class of banks and merchants who, besides being as the above described, are financially interested in buying cotton, seldom publicly, but often having stock with or partners of some local cotton buying or exporting firm, or it may be that the buyer pays for cotton through the bank or merchant and they thus make their collections and secure deposits. To advocate holding or organization would cause the buyer to boycott the bank or merchant, thus depriving them of the opportunity of collections and deposits.

To this last class might be added the city banker, who finances the exporters, who are often stockholders in the bank and sometimes the bankers are stockholders with the exporters. All know that when cotton is placed on a commercial or business system of sale that the present system will readily be ended and the once most profitable business in the South will be no more. The same may be said of the great exchanges. With these explanations it can be plainly seen why the South does not act like business men should; the farmers can not, a part of the others are afraid of losing collections and need all they can get, while others are financially benefited by not having any change made. Bankers, and business men, including many of our best farmers, feel that if any effective move is made, not under Federal control, that there will be either manipulations of the exchanges to reduce the price or destroy the movement, and for these reasons a great many have no faith and are disheartened in anything being effective.

This interlocking work in handling cotton is another source of trouble to marketing. Our cotton presents a disgraceful aspect when it comes from the compress. The stock of them seem to be divided between bankers, cotton buy-

ers, and railroads or the managers of them. Naturally changing the system of marketing cotton will call for better handling, which produces another source of opposition. Thus it seems that the handling and maketing of cotton is one continuous tie-up and interlocking of interests for private gain.

I find in many places, especially in river-bottom districts, the owners of large plantations are merchants, commission houses, bankers, and cotton buyers, combined in one business. They supply their tenants and mortgage them until it is impossible for the tenant to buy elsewhere and is forced to accept whatever is offered him, no matter what the price is. The price of cotton never allows him to extricate himself from these masters except to pick up and walk out of the country, leaving a supposed debt behind. While this condition is almost universal in the river bottom districts it is largely so all over the cotton belt. This condition spreads as poverty grows, the merchant or supply man furnishes the tenants of smaller landlords. This interlocking of interest is not confined alone to those I have mentioned; the public press is frequently subsidised, influenced, or boycotted into either keeping quiet, discouraging any movement for bettering the conditions or making suggestions along this line. I have heard of influential papers which had had their patronage withdrawn from them because they had advocated or printed articles outlining plans of relief for handling and marketing cotton. It is not unfrequent for articles of this character to be refused by papers of the South.

Marketing: The marketing problem is simple, more so than that of any other product of the soil. More simple than the selling system of many factories of the country. The cause of the simplicity is because of the fact that the producers are unable to produce a surplus in normal times. A small per cent of the crop taken off the market and held for a higher price, influences speculation to the "bull" side which puts the price up.

The question may be asked if simple why allow it to be sold for less than its value? The answer, to be appreciated, should deal with the development of the cotton industry and the settlement of the cotton belt.

Now, when I speak of cotton, I feel like practically the same thing should be said of wheat, corn, and oats. I do not see any difference so far as the National Government is concerned, or I do not see any difference in the way of handling the crop, the way of pricing the crop between the corn and wheat and oats and cotton. The prices are all made the same way and all made regardless of or without regard to cost of production or value or anything else, simply speculating in the product. They are all on the same basis, and they started their present system of handling, I think, in identically the same way as I speak of here.

Like wheat and corn, in the beginning cotton was not a product of commerce at the beginning of its growth in the United States. They were for home consumption. The producers used the natural products of the country, grass, timber, wild game, and raising domestic animals on the free natural grass, as their articles of commerce and to live upon. Gradually the natural products of the country gave way and as gradually these staple products, once entirely for home use, became commercial products. Their importance was not much felt and the little surplus left over from that of home consumption was sold for whatever the consumer was willing to pay. These conditions existed with the settlement on the Atlantic coast and have continued westward through the entire cotton belt and through the entire Nation as regards wheat and corn. Those on the western border having the advantage of the natural products of the country, have been content and fairly prosperous with selling cotton for less than its value, by having the natural products to depend upon, but the time has come when cotton is wholly for sale, a commercial product, and the natural products of the country are gone; no longer do they supplement the loss in its sale.

All that is necessary to know how to market it for its value is to investigate the system employed by the manufacturer of any or every commercial product in the world.

It has got to be done just the same as the manufacturers of this table or of our implements or anything else. It is a commercial product, and there is only one way commercial products are marketed and sold—that is, to store them and price them and sell what the consumer wants, at that price, and retain the balance.

Everyone uses the same system, which is for the producers to hold and control their surplus, set their price on their products, and sell them as the consumer needs them. This is the only sensible and business way to handle the

proposition. It is universally adopted and used with every nonperishable product of the mines, factories, business industries, and labor. The latter to a great extent have, by their organizations, commercialized labor.

The producers of cotton in the United States must be brought to one unit, or at least enough of them organized into an association to control the temporary surplus which, when known, would bring the balance up to practically the same price the association was asking for its cotton. When such an association or arrangements have been made and in operation there would be no more fluctuations in cotton. The present exchanges would cease to exist and the associations would be a producers' exchange. There would be no further use for the thousands of cotton buyers. This brings us to the objectors and difficulties of organizing and putting such a system in operation. Here has been the difficulty for the last quarter of a century. Everyone, also the exchanges and their entangling alliances, are opposed to any change being made. Their influence are plainly visible in our legislatures, congressional halls, and courts to prevent a change. Just how long the South can stand up under the loss I can not say. Just when she will unite in some way and throw off the yoke of injustice or when labor will assert its rights depends upon circumstances. When our National Government will wake up to her loss in her soil and labor and decide to prevent it can not be foreseen. She is paying a great deal of attention to our national waste in some things, but it seems Congress is a long way from doing anything for the producers of our staple products.

All realize farmers must cooperate in some form to sell their products to an advantage, still our last Congress passed a law permitting farmers to organize provided they did not do so for profit or with a capital.

In the consideration of the Clayton bill a great fight was made to allow farmers to organize cooperative associations or organize for the purpose of selling their products, but the best that could be had was a provision saying, "You can organize, provided you don't do it for a profit or with a capital." Remember the exchanges as we have them are made to serve and protect the buyers and consumers. The producers have no exchange.

Some special influence must have been present. Why should they organize except for a profit, and how could they handle these great crops without a capital? The South is far behind in rural improvements. It will take at least 10 years selling cotton at 15 cents per pound to get the rural conditions in a healthy shape; but this would employ labor of every class, for our farms need everything from ditches to comfortable homes for the family, and stock. This would give employment to all classes of men from the day laborer to the skilled artisan. The cities would take on new growth, demanding more labor of every kind, and using more of the products of the factories of the North and East, thereby employing more hands, and soon the problem would be finding workmen.

Allow me to just mention right here, in explanation, in east Texas we have a fruit section, but we are wearing it out trying to force it to raise cotton. All the western and central part is practically unfitted to raise fruit, in the black-land belt. The result of that is that the east Texas man raises his fruits, and they rot on his hands because he can not do anything with them. They encourage him to plant commercial orchards, and the very first year he gets a good crop he is down and out and can't do anything.

If the producer of cotton in the black-land belt—the western part—had anything like a fair price for his cotton he would absorb every bit of fruit raised by the east Texas man just as fast as he could get it to him. The eastern Texas man would be raising more fruit and cutting down on the cotton acreage. A great many people think if you put cotton up high it will double the acreage. My experience has been, and my knowledge drawn from that experience would be this, that whenever you have increased the price of cotton so that people can get a living out of it, you will start the children to school; you will reduce the acreage; you will put people to diversifying and building up their soil; you will start that section that can raise fruit to raising more fruit and less cotton, and you will reduce the cotton acreage, and the question will be whether you are going to raise enough to supply the demand or not. It is more a question of supplying the demand than producing it. Still, those who are opposed to doing anything seem to want to put that bulwark in front all the time.

The United States is an agricultural country. The farm is the foundation of the great business and industrial structure of the United States.

All business, industries, and labor depend upon agriculture for their support. The nonperishable staple products are the great balance wheels upon which

the minor farm products depend for their sale. The farm is the foundation of this great business and industrial structure of the United States. The factories, business, industries, schools, and labor are only doors, windows, porches, flues, etc., to the structure. When any part of the foundation gets weak or gives away it affects some parts of the structure. The foundation must be kept solid. It is the interest of all that it be so.

The selling system for cotton should consist of a holding company, which should act as a selling agency for the producers or owners of cotton. The company should have a capital stock composed of cotton; the amount of such capital should equal the surplus or hold-over cotton, which should be from one-fourth to one million bales during normal times. This to prevent the opposition from crushing it. The producers should be urged to place their cotton with this company for sale by first placing it in a warehouse, whose weigher, classer, and manager is under bond to do his work correctly, and to take care of and keep it insured; he to furnish the owner of the cotton a certificate showing the weight, grade, and condition of each bale; this certificate to be delivered to the holding and selling company, and receive from it a certificate or certificates of deposit showing the number of pounds and grades of cotton delivered; the cotton not to be withdrawn or the producer to have anything to say as to when his individual cotton shall be sold. The holders of the certificates of deposit could use them for any purpose or any way they could the actual cotton. They would have practically a stable value, whereas the cotton as it is handled does not. I would suggest large standard warehouses at the ports to hold stocks for delivery to consumers, and these warehouses to be replenished from the interior ones. These houses at the ports might be owned and operated by the company, private people, or the State in which they are located, or the National Government.

The average cost of production and the amount necessary to keep the farms up should have special attention, and this amount plus a reasonable profit should be normal as the selling price each year. Such a price would soon cause the land to be built up; more intelligence would direct its culture; better equipment would be installed; intelligent diversification and rotation of crops would be studied and practiced; good roads and good schools would be built, and while the acreage would thus be reduced, the remaining land would be made to produce more and keep up with consumption. The pricing committee could be appointed by the Government or the several States instead of by the company or association, if desired. The producers, unlike many manufacturers and other institutions, would not object to the public knowing what they were making. Really, I think our Government should take actively hold of the sale of her staple nonperishable farm products and establish a system of financing and sale, or at least forbid their sale for less than cost, including the plant food extracted from the soil and the upkeep of the farm, for the soil and its products are the Nation's assets, and they are being rapidly wasted. Especially should this apply to exported products.

If warehouses and elevators were under Government supervision similar to that of national banks, and the managers required to act as agents for the producers and the regional banks required to make loans to the producers at low rates, through the warehouse or elevator, with note and proper certificate attached, there would be no trouble in forming an association that could effectively market the staple nonperishable products for whatever price such association or the Government might set on them.

Now, Mr. Walsh, just one little explanation here that is from the Government statistics, and I am through.

The following are the average prices of the average grades of cotton received at New Orleans since 1890 with causes of material changes for years of abnormal high prices.

Prices are taken from Bulletin 128, Supply and Distribution of Cotton.

Now, your question would come in here.

Year.	Cents per pound.	Year.	Cents per pound.
1890	5.6	1891	7.1

Before this it had been 10 cents and up.

Year.	Cents per pound.	Year.	Cents per pound.
1893	8.4	1903	12.2
1894	7.5	1904	8.7
1895	5.9	1905	10.9
1896	8.2	1906	10.0
1897	7.3	1907	11.5
1898	5.6	1908	9.2
1899	4.9	1909	14.3
1900	7.6	1910	14.7
1901	9.3	1911	9.7
1902	8.1	1912	13.0
1903	8.2	1913	12.1

Now, in the last 10 or 12 years you see there has been quite a material change in prices, jumping up and then falling back. Before that, you do not see it.

This includes 24 years of crops. The first 13 being abnormally low, history gives no effort being made to affect the price-making power of the exchanges during this period.

During 1908 it was $20 a bale higher than it was the year before and the year after.

During 1903 Dan Sully entered the market and bought and held 135,000 bales, advancing the price as high as 20 cents and making the crop average 12.2. There was no effort the next year and prices receded to 8.7. This aroused the farmers to activity of holding and marketing slowly. They kept up an active campaign through 1905, 1906, and 1907, resulting in advanced prices and great encouragement, but the panic of 1907 demoralized and practically destroyed the further effort. The price again receded to 8.7 cents.

This slump, by manipulation, aroused to action Haynes, Brown, Scales, and others, who decided to make some money besides advance the price of cotton. They bought, during 1909 and 1910, 750,000 bales, but were not able to hold more than 300,000 at any one time. Their action made the price for the two years average above 14 cents. They were indicted for violation of the Sherman antitrust law in 1910, and again the price, in 1911, broke to 9.7 cents.

A great many farmers over the South saw what could be done to stabilize and advance the price and organized the Southern States Cotton Corporation, a cotton growers' marketing association, and was active during 1912 and 1913, again advancing the price to 12 and 13 cents for those years, although the association did not receive but 84,000 bales during the two years. It was destroyed by court procedure.

Thus it is seen that the price of cotton can be made easily and effectively by organizations and the consumers of it of the world not hurt, but the producers greatly benefited, thereby giving employment to millions of idle all over the Nation, for as soon as the farmer is made able he will buy double or triple the amount he now buys. He will buy material to build or improve his home and tenant houses and barns. He and the tenant will buy more and better farm implements and house furniture. Other labor must get out the raw material for these things, and still other labor must manufacture it into the finished article. The railroads must transport both the raw and finished products. The farms will be ditched, terraced, and numerous other improvements made, for there is not one that does not need it. With progress and prosperity on the farm it is at once carried to the towns and cities and improvement begins there, and labor is again called for. Take the pricing of the staple farm products out of the hands of the gamblers and speculators and place it at its value in the hands of the people or the National Government and every legitimate business, industry, and calling will be benefited and blessed.

Commissioner LENNON. Now, just one question. Are you posted as to the crops of cotton, in quantity, raised in other countries as compared with the United States?

Mr. YEARY. Well, yes. The United States——

Commissioner LENNON (interrupting). I mean per acre. I do not mean the great body of the cotton, but I mean per acre.

Mr. YEARY. Well, the United States raises a great deal more per acre than any of the other countries, unless it is some very small acreage, perhaps. I think I am correct about that, am I not, Prof. Alvord?

Prof. ALVORD. I am so informed.

Mr. YEARY. I rather think that will be found in this United States bulletin, Supply and Distribution of Cotton, Bulletin No. 128. I think that covers that. But I know that the yield in other countries is a good deal less than ours. And there is another thing I might mention there as to this matter. The cotton of the United States is practically in a class to itself. The machinery made for spinning the United States cotton will hardly spin and work other cottons. The fiber is different, and some of the machinery is made for a mixture, part of the United States cotton and part foreign, Indian or Egyptian cotton, or something of that kind. But the other crops do not materially come into competition with the United States, like a man would think. In other words, cotton is not cotton in every respect.

I want to call your attention now to a little article—a little clipping—I have here, one which you can see practically every day. There is nothing new in it, but it just shows you how the price of cotton is made and what we are up against. Here is a clipping from the daily paper of yesterday [reading]:

"Cotton prices decline. Domestic markets are steady; slightly lower. Heavy realising by Liverpool feature of day's trading. Dallas spots 5 points lower, New Orleans 13 points, and other markets rule unchanged.

"News Office, Dallas, Tex., March 18.—Spot markets, middling, closing: Dallas, steady, 5 points lower, at 8.25c.; Galveston, steady and unchanged, at 8.90c.; Houston, steady and unchanged, at 8.90c.; New Orleans, steady, 13 points lower, at 8.87c.; New York, quiet and unchanged, at 8.95c.; Savannah, quiet and unchanged, at 8¼c.; Charleston, steady and unchanged, at 8¼c.; Norfolk, steady and unchanged, at 8.25c.; Memphis, steady and unchanged, at 8.25c.; Liverpool, easier, 5 points lower, at 5.30d.

"Future markets, closing prices: Liverpool, quiet, 5½ to 8 points lower; New York, steady, 4 to 5 points lower on the near and 6 to 7 points on the distant positions; New Orleans, steady, 5 to 8 points lower.

"Liverpool market was again the day's feature with the cotton trade, while the domestic market ruled quiet but steady with light trading. With the sharp advance of the last two previous days in the Liverpool market the old long interests failed to resist the opportunity of taking their profits, which resulted in a sharp decline in that market. The opening of the American cotton markets was steady, with prices 4 to 7 points lower, and after the early realising during the first hour of trading the market reacted, leaving prices unchanged to four points lower at the midday calls. Renewed profit taking during the afternoon session caused the market to turn downward, and after a range of five to eight points between the high and low of the day closed steady, with prices ranging from four to eight points lower than that of yesterday."

Now, you can see right there in the day before yesterday's market that simply the manipulators on the Liverpool exchange wanted to take their profits; they had been betting on the market, and by that means they had bet the price up, and now they wanted to take their profits, and all the way to do it was to bet the price down. Now, that is the machinery that is making the price of cotton all over the country. You will see just such stuff as that in everyday's paper. It is manipulation without regard to cost of production or anything of the kind or value or anything of that kind; it is just whether a bunch can get together and advance the price or reduce it. Any minute they want to a bunch can get hold on it, and there is practically just an equal amount on each side unless there is something comes that will give to one side or the other a little advantage, and then perhaps it goes up and down, and then you will see the speculators go from one side to the other side, and it is just a manipulated affair. Of course as prices are made that way there is always going to be a lot of people like you or like me who are going to take less than the cost of production.

If I was going out to buy any article in the city of Dallas to speculate on, I would realise that the cheaper I could buy it the less risk of loss there would be in it and the cheaper I could get it, if it were a manufactured article that had a cost value to it, the further I could buy it below cost the more certain I would feel that I would not sustain any loss.

Chairman WALSH. That is all, Mr. Yeary. We are very much obliged to you. Your talk has been very interesting, indeed. It has given us some new angles on this thing.

Mr. Yeary subsequently submitted the following statement as a part of his testimony:

THE COST OF PRODUCING COTTON AND WHAT IT HAS SOLD FOR THE PAST 20 YEARS, WITH EXPLANATIONS.

The following is from C. H. Alvord, superintendent of farms of the Taft ranch in south Texas. Mr. Alvord was professor of agriculture in the A. & M. College of Texas for many years and known as a very practical man. The Taft ranch has every advantage that can be wished for in the way of producing cotton at the minimum cost. The land is perfectly level, extremely rich, rows as long as they want them, and the best of cheap labor in abundance at their command. Here is what Mr. Alvord has to say about cost of cotton:

"This farm (one of several belonging to the ranch, but all joined) contains 1,080 acres, operated by one man as boss, and employing Mexican labor at $1 per day. The itemized expenses, including the picking, were:

Labor	per acre	$12.87
Feed for mules, in addition to what was raised on the farm	per acre	4.15
Supplies and repairs	per acre	.68
Poison	do	.74
Fertilizer	do	.15
Depreciation on stock and equipment	do	1.90
Overhead expenses, taxes, supervision, etc	do	1.50
Seed	do	.20
Total		22.19

"If we add to this a rental charge of $5 per acre, it would make an acre of cotton cost about $27.19. This particular farm produced that season 650 bales on the 1,080 acres. From these figures I submit the following estimate, based upon varying yields: 300 pounds of seed cotton, or 100 pounds of lint, 21.3 cents per pound; 600 pounds of seed cotton, or 200 pounds of lint, 11.7 cents per pound; 900 pounds of seed cotton, or 300 pounds of lint, 8.2 cents per pound; 1,200 pounds of seed cotton, or 400 pounds of lint, 6.5 cents per pound; 1,500 pounds of seed cotton, or 500 pounds of lint, 5.4 cents per pound.

"The average production in the United States is less than 200 pounds of lint; the average cost of lint must be over 11.7 cents per pound."

Mr. Alvord says one hand is expected to cultivate 50 acres of cotton. The crop for one hand in Georgia and most of the cotton belt is 30 acres, or three-fifths as much, or if 200 pounds of lint are made, where only 30 acres are cultivated, the cost would be 19 cents per pound. The average price of the average grade of cotton received at New Orleans has been the following, according to Government statistics:

Year.	Cents per pound.	Year.	Cents per pound.
1895	8.2	1905	10.9
1896	7.3	1906	10.0
1897	5.6	1907	11.5
1898	4.9	1908	9.2
1899	7.6	1909	14.3
1900	9.3	1910	14.7
1901	8.1	1911	9.7
1902	8.2	1912	12.0
1903	12.2	1913	13.1
1904	8.7	1914 (estimated)	7.5

During these 20 years there was only 1 of the first 10 that averaged over 9.3 at New Orleans, or about 7½ cents on the farm at best. That year was 1903, when Dan Sully decided to corner the market by buying up the surplus. He secured 135,000 bales; at one time the price went to about 20 cents, the average for the season being 12.2. No organization or other influence interfered with the operation of the exchanges in making the prices the other nine years. The average price the other years was 7.6 cents. Certainly the advance it attributable to Mr. Sully. If that crop should have only brought the average of the other nine, then Mr. Sully made for the South $240,000,000. This demonstrated to many the effect of taking the temporary surplus cotton off the market, and when the price dropped back in 1904 to an average at New Orleans of 8.7 cents it aroused to action the farmers' union and many others, besides mer-

chants and bankers who organized the Southern Cotton Association. All went to work to persuade warehouses to be built and the cotton held for better prices. This was continued through 1905, 1906, and 1907, and destroyed by the panic of 1907. These years were from 10 to 11.5 cents, or an average of 10.8 cents; the price dropping back in 1908 to 9.2 cents. No doubt the price would have gone much lower if a great many of the farmers' union had not kept up the fight. Basing the average price at 7.6 cents without aid these movements benefited the South in three years $568,000,000.

So plain was it seen that getting in charge of a small portion of a crop controlled the price led Haynes, Brown, Scales, and others to make an effort to get hold of enough to do so. They operated during 1909 and 1910, buying and holding, but had to sell some because of the need of funds. They never had in their possession at one time more than 300,000 bales, but this forced the price to 14.8 cents in 1909 and 14.7 in 1910. No doubt but that they would have succeeded in establishing an exchange for the producers and maintained a price of 15 cents per pound for all time if they had not been hindered by an indictment for violating the antitrust law. This court action cleared the exchanges of interruptions and the price again dropped to 9.7 cents. Upon the above figures these men made for the South during these two years, $776,250,000.

All of these efforts were educational and a great many men in the South, seeing the absolute necessity of something being done, were determined to do all in their power. Led by George Dole Wadley, of Bollingbroke, Ga., the organization of the Southern States Cotton Corporatiton, a cotton growers' marketing association, was begun the latter part of 1911 and was pushed actively during 1912 and 1913. No arrangements could be made for financing and holding cotton in the United States at that time; they had to be made in Europe. The regional reserve banks were not then in operation. It got started late, about November 1, 1912, although it being discussed and advertised, the price held up better than usual, but was 10 cents per pound all over the cotton belt when it announced ready for business and going down daily. The decline stopped at once and the price began to advance at once and was firm at 12½ cents in three weeks' time and continued to advance, making the average for the season 12 cents. The next year averaged 13.1 cents, the second largest crop in history. Basing the calculations on that of other years this organization made the South $695,000,000. This organization arranged to borrow three-fourths of the value of the farmer's cotton and pay him this and give the farmer its note for the difference between the money received and 15 cents per pound, the price being held for, this note to be paid when the cotton could be sold for 15 cents. It was thrown into court, the court holding that the notes were matured claims, which bankrupted it. It received only 84,000 bales during the two years. The results of no organization is so fresh in the people's mind for the 1914 crop that the results need not be mentioned.

From the above, how dare anyone to say that the price can not be advanced or stabilized to a living price to the producer?

How much help or rather how little would have been necessary from the general public, the States, or the Government to have placed the South where she deserves to be?

If Congress had permitted organization by the farmers, with strict supervision by the Government, so that fair prices could have been maintained, who would have been hurt, especially the past year?

It certainly would not have been the farmers. Then would it have been the merchants who can not pay their bills, and are bankrupt? Would it be the jobbers who are unable to collect from the retailer and are likewise bankrupt? Would it be the railroads whose traffic has been so reduced that it must beg the commission for a raise to prevent being bankrupt? Would it be the manufacturers in the North and East who make everything used in the South and whose machinery has been idle? Would it be the laboring class who the public has had to feed? Certainly none of the legitimate business or callings would have been hurt, but greatly benefited.

We see from the above that a compact organization is needed. We see who has helped in the past. We see the results. We see the errors in the past. We see the farmer is not the only one benefited and that he is so tied by debt that he can not organize alone. Will those who will be benefited join him? The most important thing now to any farmer, merchant, country bank, wholesale house, or factory is to prepare for properly marketing the 1915 crop of cotton. Who will take the lead? He who does is the greatest man in the South. Who and where is the man that has the nerve to oppose the opposition

and call the army together? The opportune time has come for doing what must be done, all interests realize it, all are ready to follow a wise leader. Let him speak out.

Respectfully,

W. B. YEARY.

FARMERSVILLE, TEX., *May, 1915.*

Hon. FRANK P. WALSH, *Chairman,*
Chicago, Ill.

DEAR SIR: At your request of April 22 for an outline of a plan for a producers' exchange for cotton, I give you the following in as brief a form as I can to make it plain, and then I fear I have not made it plain enough in detail for you to grasp the full meaning, but I hope you will not consider it a bother to make further explanation of any feature not thoroughly understood, for I have given these things almost undivided study for the past 10 or 15 years and can see that something is finally going to be done, and I would certainly hate to see a mistake made or the right thing sidetracked by the opposition if I can help it. I am awfully sorry you did not have time to spend a day going over this feature while in Dallas personally. A personal explanation would have been much more satisfactory.

As stated in my testimony in Dallas, cotton, wheat, corn, and oats are produced by the producers almost wholly for sale, and the producers are following a commercial pursuit; then the sale of them must be after the same system that is adopted and practiced by all other producers of commercial products, such as the manufacturing plants of the world. They make and place in warehouses their products, only selling the amount that their trade requires at their price. If they have any surplus it is kept in storage in their possession. They must often borrow money on their products to prevent a sacrifice sale at reduced prices. This is what must be done, before the present miserable condition of the masses are checked and relieved, but each individual farmer can not provide individual storage, nor can he make individual financial arrangements for holding it; and if he could, individual holding would not establish and maintain prices. There must be a compact organization and a price set, at least a minimum price. This organization should gather together enough producers to represent at least the temporary surplus. The organization should be financially strong, because the dealers and speculators realize such an organization is antagonistic to their interest and will, by manipulation of the market, destroy a weak organization.

To illustrate: Suppose such an organization was formed to act as a producers' exchange or financing and selling agent, and it should make arrangements with banks or individuals for a loan of three-fourths of the market value of cotton—the market value being that price made by the present exchanges through their method of speculation and manipulation. Suppose the market value should be 10 cents for the first three months of the gathering and selling season. Then, suppose that by manipulation on the exchanges, as has been done frequently, the price is lowered to 9 cents, the banks or individuals who had loaned money on it would call for additional security. The farmer could not give it for the cotton is all he has got and it has been reduced in value $5 per bale by this manipulation and he nor the bank does not know when the bottom will be reached, so the cotton would have to sell and the organization would be destroyed. The opposition's purposes would be accomplished. This is the reason, at least the main one, why cotton is not marketed slowly as urged by economists. But if such an organization was created by the Government, and it should set a price on it and authorize loans to the extent of 75 or 80 per cent of that price, or make such loans through the reserve banks itself, so that there would be no danger of the cotton being forced to sell, the organization would stand and grow and in a few years the entire crop would be handled by the organization, similar to that of the fruits of the Pacific slope. There is hardly any use in trying to establish a producers' exchange or a marketing system for the farm products which are dealt in on the exchanges without Government aid or supervision in some substantial way. This is a shameful condition for a proud Nation like ours to be in, but it is true, and what makes it worse is that these crops are this Nation's foundation, its very life blood.

We have a "bureau" of information; it is of no use. We need a bureau to assist us in extricating ourselves from the grip of the gamblers and parasites in our products. The following plan of work and organization would be my suggestion:

Create an organization or exchange to do as I have outlined above. Use the demonstration agents as field workers, they to carry the plan to the producers and put it into operation. Use the warehouses now available until standard fireproof houses could be built at the ports and main centers. Appoint a committee who is actually familiar with the operation of producing cotton in all sections of the cotton belt to arrive at the cost of producing cotton, including the upkeep of the farm and its fertility, and arrive at its value and selling price. Authorize the agents to buy all cotton of certain grades at the current prices so long as the price remained below the price set by the committee. That is, all cotton that will not go into the organization. Persuade everyone possible to place their cotton with the exchange for sale, no cotton to be accepted in either case that is not in a bonded warehouse or that can not be placed in one. Make loans of 80 per cent to those who place their cotton in the hands of the exchange. To those not desiring a loan, give them a negotiable receipt. The interest charged those who borrow money should be very low; first, to enable the farmer to see his way clear to cooperate; second, the higher the rate of interest the higher the selling price. One of the opposition's fine points of argument to keep the farmers from holding cotton is "the high interest and warehouse charges will eat up the profits of holding, even if anyone knew the price would advance some, but no one knows what it may do. The best time to sell is as fast as it is ginned."

Loans should be made through the reserve banks, the managers of warehouses or the local banks simply acting as agents of the reserve banks. The notes should be made to the reserve banks with warehouse certificates attached. Banks loan farmers money on cotton now and charge the farmer 10 per cent. The local bank takes these notes to the reserve bank and discounts them for 4 and 5 per cent. This may not be too much profit for the local bank, where it guarantees the loan to the reserve bank, but it is an unnecessary charge, and prohibits the farmer from borrowing; besides, the national-banking law would not permit a bank to loan enough to do what might be needed in some localities.

If the warehouses were under State or National supervision it would give such stability to the receipt that the local merchant or bank would take them as collateral and pass them on to the jobber or city or reserve bank that they owed, and there would be but little actual money used. The price would advance uninterrupted to the price set by the organization, and the mills would go to taking cotton more readily than before, because they would realize the stability of the price and at once secure their supply.

If Rockefeller, Morgan, or Carnegie should decide cotton was too cheap—now about 9 cents—that it was worth 15 cents, and place agents in every county to buying, there would not be a "bear" in the world in 30 minutes, and cotton would be 15 cents in the same length of time. Fluctuations would cease, and the exchanges would close like they did when the war broke out last summer. The mills would continue to run. If it was permanent, the farmers in the South and every business and industrial interest in the South, or depending upon southern business, would at once begin to plan for improvements of every nature, and the idle labor in the United States would be absorbed permanently in a short time and peace and prosperity would be the result.

Inclosed find letter of J. L. Dobbs, county clerk of Fannin County, Tex.

Very truly, yours,

W. B. YEARY.

[J. L. Dobbs, county clerk, Fannin County.]

BONHAM, TEX., *April 30, 1915.*

Mr. W. B. YEARY, *Farmersville, Tex.*

DEAR SIR: At the request of Mr. R. B. Semple, I am herewith sending you a statement of all mortgages on file in my office since January 1, 1912, as follows, to wit:

January 1, 1912, to January 1, 1913	$5,009
January 1, 1913, to January 1, 1914	5,581
January 1, 1914, to January 1, 1915	6,618
January 1, 1915, to April 29, 1915	4,110
Making a total of	16,368

Very respectfully,

J. L. DOBBS, *County Clerk.*

This county has about 5,000 voters, and is a northern border county, where diversification is the most practical in the State. There is usually about two-thirds to three-fourths of the mortgages given that is recorded.

W. B. YEARY.

To the United States Commission on Industrial Relations:

You have given me as specific points for discussion, first, the development of Texas in the past 44 years.

Texas has made considerable progress since 1870. Statistics which are at your command will give more in many respects than I could be expected to think of doing. My knowledge of conditions is necessarily confined to north Texas, though there should be no material difference between it and other sections that have been settled.

Forty-four years ago there was a very small per cent of north Texas in cultivation, possibly 5 or 10 per cent; now about that per cent is not in cultivation. Then practically all that was in cultivation was cultivated by land owners; but about that time, or a few years before, a heavy immigration began to come to Texas from other States, mainly from the older cotton States. Many of these had been well-to-do and brought some money with them and bought land upon arrival or a few years after. Of course, they were tenants for a while. The first coming about that time had the use and benefits of free grass and timber, and the free use of milch cows, and horses for their breaking; very little feed needed, they naturally became able to buy a tract of the then cheap land. As the country settled up the natural advantages gave way, the land increased in value, and homes became harder to buy and tenancy increased. Some of the tenants of 44 years ago have long been the largest land owners. At that time a great deal of the larger tracts belonged to nonresidents; now it belongs to local men mainly.

Forty-four years ago there was but little cotton produced; the farming operations were mainly wheat, corn, and oats. Hay was cut from the prairies for wintering stock if needed; that is, if the winter was bad. Now it is principally cotton, with enough corn and other feed stuff to feed the work stock, of a fair crop year, but if the season is not a fair one for feed crops, then they are short. There have been more failures in forage crops of late years than in former times. This I attribute to the impoverished condition of the land. The land has been run in cotton and washed until it will not produce crops as it once did.

There has been but little change in rental contracts since we began raising cotton. Somehow the third of the corn and the fourth of the cotton became customary pretty soon after cotton became the main crop; before this the rule was a bale of cotton for each 10 acres rented; crop failures or partial failures made this hard on the tenants and it was abandoned. There are but few landlords that have a written contract. Usually when a man rents another's farm it is understood he pays the third and fourth and plants enough in corn to feed his team and the balance in cotton, and that ends it. The statutes of Texas are so plain that there is but little use for anything more. Of late years there is some talk of the landlords charging a bonus of $1 or $2 an acre above the third and fourth; this, however, has been done in but few instances in my section, and where it is it is usually for land with extra improvements or extra good land. Just how this can be changed I am at a loss to know, for there are places that are worn, or the improvements so bad, that I had rather give half, if I were renting, than have all I could make on them.

The tenant houses as a rule are bad—too bad for a civilized people to live in—and practically none that have ordinary comforts and conveniences. Many landlords have no better where they live on the farm. The income of the farms will not justify much improvement. I had 600 acres rented out last year and received $2,200 in rents. My improvement bill was $700, leaving $1,500 income on $50,000 to $60,000 worth of property, to say nothing of my time seeing after it. This was 2¼ to 3 per cent on the investment while the price of cotton was low; these figures are on the present market, as I still have most of it, but my section made a fine crop; very few farms do any better. One of my neighbors who owns 1,800 acres, all rented, as fine land as can be, tells me his paid him $4,000 last year and about the same the year before. With such returns the landowners can not afford to make the improvements they would like to; the renters knowing this—and many of them do, for they are well-posted, close-observing men—they do not expect any improvements that can be avoided.

There are three or four large landowners in my section, owning from 1,000 to 2,000 acres each; the balance are small ones and mostly live on their farms, go to church with tenants, and intermarry, and feel no distinction between each other.

WM. B. YEARY.

FARMERSVILLE, TEX.

TESTIMONY OF MR. JOSEPH M. McCARVER.

Chairman WALSH. State your name, please.
Mr. McCARVER. Joseph M. McCarver.
Chairman WALSH. Where do you live, Mr. McCarver?
Mr. McCARVER. In Red River County.
Chairman WALSH. Do you live in a town? What town is it?
Mr. McCARVER. We have no town; it is just a store.
Chairman WALSH. How long have you lived there?
Mr. McCARVER. I have lived there 17 years.
Chairman WALSH. Do you run a country store?
Mr. McCARVER. Yes.
Chairman WALSH. What business were you in before you went into that?
Mr. McCARVER. Farming.
Chairman WALSH. You have been on a farm?
Mr. McCARVER. Yes.
Chairman WALSH. We called you to outline, if you will, please, the point of view of the country merchant, the credit system, the cash price versus the credit price, and the reason for it and the effect on the various elements of society that you deal with. I will ask you to make it concise, and I believe Mr. Holman has, because we are compelled to get through now.
Mr. McCARVER. Well, I can only state our personal experience in the matter.
Chairman WALSH. That is all we care for, Mr. McCarver; give us that.
Mr. McCARVER. Our experience is that the people who trade on credit want to begin about the 1st of January usually; that is, we must advance our money some 10 months, as they rarely pay before October or November.

We have for several years been charging a difference of 10 per cent—that is, when we charge a person with an item we try to meet the cash price. In good times when the roads are bad we get our hauling done to the railroad station for 5 cents per hundred. Now, we have to meet the competition of the merchant on the railroad. When the winters are bad and the roads are bad we have to pay more for that hauling. We have paid this year as high as 35 cents—7 cents a mile per hundred—and that runs the price up, as we have to compete with the merchant on the railroad in such times as that, as I stated before.

When we sell on credit we charge 10 per cent on the items bought; that is, if a man trades $10 worth we add $1 and the debt is $11.
Chairman WALSH. Do you put it on the article or on the bill?
Mr. McCARVER. We put it on the bill.
Chairman WALSH. And you make no difference whatever in your store in the price of the articles to the consumer?
Mr. McCARVER. We have not for some time, and never did, except in the case of meat, flour, and lard, and such things as that, which we sell at a very close margin because of the fact that it takes cash to buy them from the jobbers. No merchants can buy them except with cash, and for that reason it was the custom a long time to charge a credit price for that and add no interest on it, and the credit price usually brought about 20 per cent more than the cash price. However, we discontinued that five years ago. There was another reason for doing that.

The credit system in our country is not just what it ought to be, I think, and for that reason we discontinued that.
Chairman WALSH. How do you secure yourself, Mr. McCarver?
Mr. McCARVER. By mortgages and notes and landlords standing for the account.
Chairman WALSH. Do you take the notes direct? Do country merchants usually take them direct from the tenant?
Mr. McCARVER. Yes.
Chairman WALSH. Do you discount them at the bank usually?
Mr. McCARVER. We do not.
Chairman WALSH. You handle them yourself?

Mr. McCARVER. Yes.

Chairman WALSH. What interest do you charge on them?

Mr. McCARVER. We do not charge interest on the note. If a man comes to us and asks for, say, $100, we will take his note for $100 in a mortgage on whatever he has for security to secure that note; he then can trade $100 worth with us, and if things are favorable and he needs more we will let him have more.

Chairman WALSH. That is, if it gets to the point where the crops seem secured?

Mr. McCARVER. Yes; or if it looks like he needs it and can pay for it we will let him have it, and sometimes we do when it does not look as if he could pay it.

Commissioner LENNON. When he comes to pay his bill he pays $110?

Mr. McCARVER. No, sir; sometimes he trades $90 worth and sometimes not more than $50 or $60 worth, and we charge him 10 per cent on what he gets only.

Chairman WALSH. Do you know what the stores do generally in country towns, what the custom is in country towns? It has been suggested here that they charge—there has been testimony that they charge interest on the notes they give, secured by chattel mortgage, and then put an additional price, a credit price, on the product as it goes out to the consumer; do you know anything about that?

Mr. McCARVER. No, sir; there may be instances of that kind, but if so, I do not know it. There is one custom that prevails in our country to some extent among some of the merchants that I will take up. A merchant will go to the landlord for the sake of gaining his influence and make a proposition to him that if he will stand for the people on his place and see that he gets their trade, inasmuch as the landlord has the cash to pay, the merchant will give him two-tenths off, and that is what led to the system of charging a credit price for some things. You understand that if you pay 10 cents a pound for meat and sell it for 11 cents, and then give two-tenths off of that, you are selling it for less than it cost; and if you give $1.25 for a sack of flour and sell it for $1.30, which is about the usual price in our times on flour, and then give the landlord two-tenths off of the price charged the man he stood for, then you have got to get $1.60 in order to come out even. The landlord pays at the end of the month. We discontinued that four or five years ago, but some merchants still do it.

Chairman WALSH. Do the country merchants, similarly situated as you are, in your particular section, carry on business in the same way, or do you know as to that?

Mr. McCARVER. Pretty much the same. Competition has been rather keen in the good times that prevailed since 1909.

Chairman WALSH. You have a country store out there; you are not in a town?

Mr. McCARVER. No, sir.

Chairman WALSH. How much of a class do you deal with? How much of a population?

Mr. McCARVER. Well, we sometimes have as many as 400 on our books.

Chairman WALSH. How many of them are tenant farmers, of the 400 or 500?

Mr. McCARVER. I supposed you would ask me something about that, and I worked out a little statement about that.

Chairman WALSH. Please give us that, and any other suggestions you would like to make about this.

Mr. McCARVER. I would rather that you would ask me the questions, as I do not know what you want to bring out and do not want to take up too much of your time.

I find that the landowners in a belt of country around us, where there are 90 people, and I have taken a square there on the prairie land—we are on the edge of the timber. In that square there are 20 landowners and 70 renters. In the sandy land, that we are just at the edge of, there are 55 landowners and 45 renters; that is, to the river bottom; we are about 8 miles from the river. In the river bottom there are 8 landowners and 76 renters; and that is about the kind of trade we have.

Chairman WALSH. Do the renters seem to be increasing or decreasing in the last years?

Mr. McCARVER. They are increasing, because for the last six years we have had more renters than we have land for; the land has filled up. That was not the condition 10 years ago, but has arisen in the last six years. In 1904 and 1905 it was very rainy in our section, and the people moved to west Texas, where there was not so much rain.

Chairman WALSH. Do the landowners and tenants seem to get along together or is there a feeling of discontent on each side?

Mr. McCARVER. Not much in our section; there are only one or two landlords that have any trouble to amount to anything.

Chairman WALSH. How are the housing conditions of the people generally?

Mr. McCARVER. Bad generally; there are some men that have good houses for their tenants, but not many.

Chairman WALSH. Is there any closer supervision over the tenant in the river bottom than there is in the sandy country?

Mr. McCARVER. Closer?

Chairman WALSH. Closer supervision—that is, as to what they shall grow and how they shall operate their farms?

Mr. McCARVER. No; I don't think so.

Chairman WALSH. What are the sizes of one-team farms down there?

Mr. McCARVER. Oh, I would say 30 acres.

Chairman WALSH. About 30 acres. And what do they raise? What would you say the average crop to the average man was and how is it proportioned?

Mr. McCARVER. About 20 acres in cotton and 10 acres in corn.

Chairman WALSH. Do they raise any diversified crops?

Mr. McCARVER. Not very much.

Chairman WALSH. Not very much?

Mr. McCARVER. No.

Chairman WALSH. The tendency is to corn and cotton?

Mr. McCARVER. Yes.

Chairman WALSH. That is all. Thank you, Mr. McCarver.

Mr. Youngblood.

TESTIMONY OF MR. B. YOUNGBLOOD.

Chairman WALSH. What is your name?

Mr. YOUNGBLOOD. B. Youngblood.

Chairman WALSH. What is your business?

Mr. YOUNGBLOOD. The Texas Agricultural Experiment Station.

Chairman WALSH. How long have you been director of the experiment station?

Mr. YOUNGBLOOD. Since the middle of 1911.

Chairman WALSH. Briefly describe what your activities in life have been up to this time.

Mr. YOUNGBLOOD. I was born on a farm; taught school three or four years; worked for the Federal Government in farm-management investigation and in charge of the work in the experiment station.

Chairman WALSH. In the Agricultural Department?

Mr. YOUNGBLOOD. Yes; United States Department of Agriculture.

Chairman WALSH. And what is your connection at the present time?

Mr. YOUNGBLOOD. Director of the experiment station—the agricultural experiment station.

Chairman WALSH. For whom?

Mr. YOUNGBLOOD. The State of Texas.

Chairman WALSH. How long have you been engaged in that?

Mr. YOUNGBLOOD. Since the middle of August, 1911, nearly four years.

Chairman WALSH. To come right to the point, I wish you would give in your own way the relation of landlordism or of the tenant system to soil deterioration.

Mr. YOUNGBLOOD. I don't know how to attack that proposition exactly.

Chairman WALSH. You know better than any of us, so I will ask you to try it.

Mr. YOUNGBLOOD. We know that we have had plenty of soil deterioration. We can not say, however, that we have more where we have more tenants than where we have more landlords operating their own farms.

Chairman WALSH. That is very significant. We would like to hear that.

Mr. YOUNGBLOOD. The tenant is interested in a large labor income but is not particular as to the number of acres required to make it, whereas the landlord is interested in large acre return, and, of course, the larger the acre return the more quickly the soil is depleted. Soil deterioration is more closely related to soil type and topography. The first white settlers came to south and west Texas. South Texas is still considered a region of virgin soil. It is level and a considerable part of it subject to occasional inundations from the rivers. East Texas is a rolling, sandy region. Here the soils have been greatly de-

plexed, yet the percentage of tenancy is relatively low in that section of the State. The red lands, belonging to the Orangeburg series, are still considered very productive and easily rebuilt under processes of good farming. On this soil were found most of the antebellum east Texas slave farms. Very few of the well-to-do farmers lived on the Norfolk series of soil.

From east Texas people gradually moved westward into the black lands, especially after barbed wire was introduced. In this, the black-land section, we have a very high percentage of tenancy, yet the productiveness of the soil is greater than in east Texas, because the black lands are more permanently endowed by nature with plant-food constituents than east Texas soils. The deterioration, however, even of the black-land soils is marked.

Conditions in the black lands were favorable to the development of landlordism. Soils were productive, and in a few years the landowners were in a prosperous condition. Then they moved to neighboring towns to educate their children. In town they learned many things about the country that they did not know before. They found that the lands were increasing in value faster than they formerly thought. They then decided to buy adjoining farms, in many instances, and thus enhanced their acreage. The decline of home ownership and the development of tenancy is shown in many localities by formerly very fine and comfortable residences now in various stages of dilapidation. After the black lands were settled came the settlement of the semiarid sections of the State, known generally as western Texas. At first there were no crops adapted there except the native grasses. Then extensive ranching was the only feature of agriculture. During the past few years we have introduced a great many drought-resistant crops into the section, such as kafir, milo, feterita, sorghums, Sudan grass, cowpeas, cotton, and so forth, and have made it a very attractive agricultural region. Soil depletion is less noticeable in the western part of the State because the processes which make plant food available work more rapidly in semiarid sections. Soil depletion in Texas is one of our greatest wastes.

Chairman WALSH. Have you had your headquarters in Oklahoma also?

Mr. YOUNGBLOOD. Yes, sir.

Chairman WALSH. What did you do in Oklahoma?

Mr. YOUNGBLOOD. Well, I had my headquarters at Oklahoma City in the summertime. I was in Washington in the winter. I observed conditions pretty closely. I do not know that I did the farmers in Oklahoma any good. I was rather working under an agreement with the Government to prepare myself for this work. And I began the study of the geology of the State and saw conditions and incidentally observing the people of the State. That is about as far as I got to when I returned to Texas.

Chairman WALSH. In regard to the fertility of the soil, just give what you think would be your suggestions with regard to that—that is, in the black-land country, as applied to the black land——

Mr. YOUNGBLOOD. Pardon me?

Chairman WALSH. What is your suggestion in regard to the crops being diversified? Is there something you would recommend that the State might do to forward that work?

Mr. YOUNGBLOOD. Yes.

Chairman WALSH. And you have already stated that where the home owners are concerned that they did not conserve the fertility?

Mr. YOUNGBLOOD. I never caught a landlord doing any more conserving of the fertility than the tenant. As a rule, they are just a little worse than the average tenant, if anything. I say that in a rather critical way, I guess, but I have never caught a landlord doing anything for his soil.

Chairman WALSH. Never caught one at it?

Mr. YOUNGBLOOD. No, sir.

Chairman WALSH. You may go ahead, Mr. Youngblood, with what constructive suggestions you may have.

Mr. YOUNGBLOOD. There are a lot of things that the landlord might do, when you consider what the landlord gets out of it. He thinks he is going to get it out of his investment in the land, and out of his investment in time, his own time and equipment, fixed and movable. But I do not know of any farm I have observed, any black-land farm, I do not know of any of them that get a fair rate of interest on the assumed valuation of the land. The increase in the value of the land takes care of the landlord pretty well, but it does not take care of the landlord or the tenant except as to what they get out, because it has been gradually decreasing.

Chairman WALSH. You mean the intrinsic value of the land is continually decreasing?

Mr. YOUNGBLOOD. Yes; less and less productive. I should think that 20 to 30 per cent would cover the depreciation, possibly, in the farm lands. I am not sure. I have not the figures. I will tell you one thing we must do. We have been guessing at a whole lot of these small things and our people have not arrived at that state wherein they are willing to study these things deep down. We draw a lot of conclusions. We have got to study and settle a whole lot of things before we know, before we have got the actual facts. We assume too much. We have shot very wild on a lot of these statistics and economic statements. What we need in Texas right now is further investigation. I came down here four years ago very much enthused with the possibilities of helping Texas agriculture. I thought I knew how to study these problems and it was rather amusing to know that though I established a division of farm management investigations for the purpose of studying the problems of rural economics and of farm operation, or the best practices of operating each and every farm, I haven't found many people yet interested in the proposition. I haven't found a man from the governor down until recently, possibly Gov. Ferguson. He seemed to be interested this winter. He wanted to know if we could tell him how many people could live on 40 acres and how they should live on it. I take it that the governor was interested in the proposition of the proper management of farms. That is all I know about it. That is the only interest I have ever seen in the proposition, to ascertain the facts before we went ahead and tried to solve all these questions with reference to the landlord and tenant.

Chairman WALSH. Everybody agrees it is largely a matter of education. What would be your suggestion, from your experience as an investigator and educator, how this ought to be projected into the life of the people?

Mr. YOUNGBLOOD. Well, I think it is investigation. I do not know how to go about it. Your people seem to have started it, and if the State will take it up and get out of the idea of prejudice and make a fair investigation of it, some recognised people of known standing and integrity take hold of it, the thing could be reported on and then we could have something constructive done. We act a good deal like sheep, you know. We get full of an idea and one bunch comes and they follow it along and then just drop it. We have never gotten anywhere with any of these things so far just for that reason.

With reference to this fertility proposition, that is an easy matter, if we could have this investigation. We have to have some knowledge as to what the facts are, and what our past practices have resulted in, and what certain things should be done. We have got to begin with all the people in a small way. We can't propose any changes in the cropping systems and the relation between landlord and tenant that are very radical. We have got to have something simple. I have done what I could to prevent the people of Texas, either landlord or tenant, from making any new contracts that would be very complicated.

I will give you an example of what I have been working against. You can find some contracts that only the Lord can understand, and those have frequently been proposed to some of our farmers. They will tell you that a landlord on some land ought to do a dairy business and fertilize and improve his land and great will be his prosperity. So the landlord furnishes the land and the tenant furnishes the labor and equipment. Then some expert comes along and tells them, "Now, you give the landlord all the increased live stock, and the tenant take half of the milk and butter and so on." And the first thing you know they kick out of the harness and it is all over, and the landlord and the tenant do not get along. The thing is too complicated for both sides. They should work together. We all understand the half-and-half and the third and fourth proposition pretty well, and in the absence of any information to the contrary we will assume it is all right. If that is all right, and if that is satisfactory to the tenant and to the landlord at the present time, which we will assume is the case, then the simpler the contract you go into the better. The simplest contract would be the half-and-half or the third and fourth proposition with reference to anything one might do in the way of live stock.

You asked me in your paper to discuss contracts. I presume you refer to the contracts in the black-land belt?

Chairman WALSH. Yes.

Mr. YOUNGBLOOD. And you know that we are growing cotton in the blackland belt. It is foolish if I or anybody else advise these people to stop growing cotton. We are assuming, are going to assume therefor, that cotton will continue to be grown on the farm, that we will keep on growing the cotton and giving the landlord a fourth. Any contract which the landlord might make with the tenant for the purpose of live-stock production would not interfere in the least with the present practice of growing cotton on a basis of half and half or a third and fourth.

We have had great agitation for the putting of hogs and dairy cattle and chickens on the farms of Texas this winter. If the landlord is interested in one-half or a third of the crops grown, the grain and the corn and the forage crops, and the tenant is interested in one-half or two-thirds, the simplest thing in the world to do, and that will interest the tenant more than anything else, and work more to the landlord's interest at the same time, will be for them to go into the live-stock business on the same basis they are interested in the crops, and it would not be complicated at all. They know that they each have a certain interest in the crops and if they go into the live-stock business that the tenant is paying one-half or two-thirds of the feeding and the landlord one-half or one-third. That is the easiest thing understood by everybody. Any tenant in the country likes a proposition like that. And that figures out, so far as I can estimate it, almost the same as the landlord furnishing all the livestock for the dairy and giving the tenant half of the income.

Another proposition is that with such a scheme as this the landlord and tenant come to be partners, and they are mutually interested in the business. If you let the tenant get half of the commodities that are sold from day to day, and he gets nothing of the increase in the live stock, the landlord is going to lose out, because the tenant is not interested in that live stock he is producing. He is not going to pay much attention to it, and it will go to the bowwows. If he gets one-half or two-thirds out of it he will take the greatest possible care, and he will write the experiment station and other authorities, and he will get the best information extant upon the production of the stock that he is growing. I believe that to be the logical way to solve the proposition and improve the land.

We have spent a lot of time in the past several years telling people to save their barnyard manure. They haven't saved enough for a garden in this State since I have been living in it, and I know they did not before. We talk about producing the manure and putting it on the land. If they have it they will put it there, too. At the present time we just tell them nothing about barnyard manure, except to put all they have on their garden and they will get along a good deal better. We are telling them how to grow their stuff, and that is a good idea. But the fellow has never even saved barnyard manure enough for a garden. Many people in Texas have not got a garden. So we are just kind of simplifying these things and getting them down to something they know is best for themselves.

The first thing we know we will have the gardens, and they will begin to grow lots of things that they have been buying. When your cotton crops and your live stock come in they will be substantial money, and the people will not have to be buying lard and bacon and hay and corn, which is the case in Texas up to date. A lot of the landlords are learning that it is to their interest to see that the tenants have gardens and keep a cow and live a little more comfortably, and so forth. I do not know of anything else.

Chairman WALSH. How, as to the tenure of these rental contracts? Is not the making of a contract from year to year a sort of invitation to the man to move?

Mr. YOUNGBLOOD. Yes, sir. That is a serious proposition, but we will get out of that in time. It is better for the landlord and better for the tenant if we could induce the landlords and tenants to enter long contracts, then they can get together and study together. This matter of individual efficiency jumps in there and causes most of our trouble. We sometimes have a competent landlord and a very incompetent tenant; very often we have a very competent tenant and a very incompetent landlord, so far as the efficiency of the farming business is concerned.

I want to tell you another trouble we have in Texas that has got to be done away with, and you all know it is true, that nearly all of us are horse traders, and we do not give attention to the facts. We want to beat the other fellow "trading horses," and we turn that into the landlord and tenant relations and try to make that same kind of a bargain in renting the land out. We have got

to do away with "horse-trading" business before we can get an economic policy which amounts to anything on a permanent basis.

Chairman WALSH. I have been asked to ask you a question which has been handed by a gentleman: How would you suggest the raising of live stock when you have no pasture and the grain crops fail so frequently?

Mr. YOUNGBLOOD. That is a mistake. We have got all the pasture we need if we plant and grow it. The small grain crop has no relation particularly to live-stock farming. I would plant the ground in the fall, if I were a stock farmer, if I were in certain sections, I might plant grain for the winter, but I would be careful to plow it under before it got too far along in the spring. But what was the first part of the question?

Chairman WALSH. How would you suggest the raising of live stock when we have no pasture and the grain crops fail so often?

Mr. YOUNGBLOOD. We have been working on that pasture proposition. I realize what is referred to in the question. We have not yet in Texas reached that stage where we improve our pasture, at least our pasture land, like they do in the old countries, or possibly in some parts of this country. I have been in many States of the Union and observed these things, and I find that the Illinois farmers are pretty near as careless as we are down here; they are a little more business men and are out for the dollar a little more. We are adjacent to Mexico and have what they call the "manana" in our system, and that is about the only difference, I might say, between the Illinois farmer and the Texas farmer.

The way we are going to settle that pasture proposition is this: If you are familiar with the land at college station where we have an experiment farm, possibly you have passed it as being worthless as a pasture. It would grow such things in the spring as we could get no grazing out of. We have taken that land—nature took it, I guess, about 15 years ago, and put burr clover on it, and also nature began to put rescue grass and lespedeza on it, but the last named has not been of great service. We didn't do that by investigation. We found that out by nature; it came to us whether we wanted it or not, and we began to try nature out a little down there, and we found we could have a very nice pasture. The Bermuda grass has been there, and between all of these things we have got the finest kind of pasture out of the land. You wouldn't have given 50 cents an acre for such grazing before the pasture was improved. So the pasture proposition is very easily solved.

Another thing, we have got a grass known as Sudan, you may have heard of it, that gives abundant grazing and an abundance of hay in western Texas and in eastern Texas as well. But the main thing I was after was to get something for the dry country. I found it gives most excellent grazing, and we get a fine hay out of Sudan grass. If we go into live-stock farming we depend less and less on native grasses which were well known in Texas. We used to think it took anywhere from 10 to 40 acres for a cow, and two can be kept very easily to the acre with the crops we have already got. And in eastern Texas we have many forages. We have an overflow of forages. The only thing we haven't got is an overflow of people that use them. We find the people over there are beginning to find out how to use them and to get some of them. The western Texas people seem to be up against nature a little. It rains a little less out there. They realize they have got to get something to eat and they have got to get crops which will stand the long drought. They can grow crops of Sudan grass, sorghum, kaffir meal, and feterita. Now, it is a nice place to farm. They have learned how to conserve the moisture. They have learned many things. They have advanced more in agriculture in that part of Texas than there is any hope of advance in east Texas in a good while. Now, that second proposition was what, that after the forage?

Chairman WALSH. Grain crop, when the grain crop fails so often.

Mr. YOUNGBLOOD. You were not talking about small grains? I thought you were talking about small grains a while ago.

A VOICE. The corn when the hot winds strike it.

Mr. YOUNGBLOOD. I think the farmer is more at fault in that than the grain. In east Texas we can grow corn. A little boy in Henderson grew 104 bushels. I do not know what it cost him, but it shows you can grow it. This far west, Dallas, we are getting into the edge of the semiarid country; as you approach it you get the feterita and the milo maize and kaffir corn and those crops mentioned. So I consider it our fault and not the fault of the crops, if we don't produce our own grain in Texas hereafter. I believe that about covers the question.

Chairman WALSH. Is there any other suggestion you would like to make?

Mr. YOUNGBLOOD. I believe not. I would say that during the past winter we have had a great many letters concerning equitable relations between landlord and tenant in regard to proposed contracts, but we haven't got far enough to report any progress in them—in their adoption.

Chairman WALSH. You mean the rental contracts?

Mr. YOUNGBLOOD. Yes. We propose the simplest possible basis, a basis which we consider in the light of our present knowledge equitable between landlord and tenant.

Chairman WALSH. Should they be in writing or oral?

Mr. YOUNGBLOOD. Yes, sir; they should be in writing, and they should be drawn in simple language. I mean without so many "wherea's."

Chairman WALSH. You mean it ought to be left without technicalities and in the vernacular of the neighborhood?

Mr. YOUNGBLOOD. Yes, sir; that is the main thing.

Chairman WALSH. Thank you very much.

Mr. Cullen Thomas.

TESTIMONY OF MR. CULLEN F. THOMAS.

Chairman WALSH. State your name, please.

Mr. THOMAS. Cullen F. Thomas.

Chairman WALSH. Where do you live, Mr. Thomas?

Mr. THOMAS. Dallas.

Chairman WALSH. How long have you resided in Dallas?

Mr. THOMAS. Seven years.

Chairman WALSH. How long have you resided in the State of Texas?

Mr. THOMAS. Twenty-five years.

Chairman WALSH. I wish you would state concisely what your activities have been since you came to manhood. You are a native of what State?

Mr. THOMAS. A native of Tennessee. I spent my boyhood on a farm. Coming to Texas before attaining my majority, I taught school in a country town, ran a newspaper a year, and became a lawyer, and have practiced 20 years.

Chairman WALSH. I would like to direct your attention particularly to your observations of the large landholdings, the relation of them to the growth of tenancy since, say, for the past 20 or 25 years.

Mr. THOMAS. I presume, gentlemen, that this is a matter of common knowledge. I want to say, at the outset, that I have not come with any prepared essay, or any political speech. I believe that we need more light, and I am in the attitude of a student in search of light rather than as a witness giving information. I have devoted my attention principally to the land problem.

Texas is a landed empire. It is the greatest opportunity on the American continent for a happy, home-owning civilization. The tendency since the war has been to build up the tenancy system. There was a time in this country when the tenant was unknown, and that is not peculiar to Texas.

In 1850 Dr. Toequeville came to this country. He reported that there were no tenants in America, that every man owned the soil he tilled.

That is not the present condition. In 1900 the United States Census reports show that only 31 per cent of the American people owned their own homes, and 50 per cent of them were tenants. Of the 31 per cent, the remainder were indebted for their homes. That much for the general conditions.

In Texas the farming population is three-fourths of the population. Less than one-half of the farmers own their homes. Two-thirds of those who own their homes are indebted for their homes. That is the condition in this great farming country.

The tenants are multiplying in numbers, and the landlords are increasing their landholdings; that is a wrong tendency.

Somethig was said about east Texas this morning. The population of east Texas in 30 counties, for 10 years, from 1900 to 1910, did not increase 1 per cent. That is in part because of the land being held in large bodies, and partly for speculative purposes. There are east Texas counties in which a large portion of the county is owned by a single individual, and sometimes by a corporation. I know one county where it is said that one owner owns one-fourth of the land. There are corporations that own in east Texas 100,000 acres of land. There is one corporation in this State that owns 800,000 acres of land in east Texas. This is not peculiar to the eastern part of the State; it obtains in the western part of the State. Down on the coast is an estate of 200,000 acres

owned by one man; his name is Jones; it is good land. That land would support 2,000 families on 100 acres each. There is a man in this town whom we all love, a public-spirited citizen, who formerly owned 600,000 acres in west Texas; he owns 400,000 acres now. There is a citizen of Fort Worth by the name of Waggoner who owns nearly 800,000 acres. C. W. Post, of breakfast food fame, who died a while ago, owned 200,000 acres. The Adair ranch has 900,000 acres. The King ranch down in southwest Texas was 1,500,000 acres; it is now about 1,000,000 acres. It has been said that it is 50 miles from the front door to the back door. Those are extreme types, but they illustrate the tendency in this State to the holding of land in large bodies, not for cultivation and development, but for speculative purposes.

Now, gentlemen, I am not a practical farmer; I understand the importance of the conservation of the soil; I understand the importance of the low rates of interest; I understand the importance of rural credits, cooperative societies, and so forth, but my view of the matter is that back of those questions which obtain in every country, which have been always, and always will be, is a bigger question. The root of the matter is, not how much land there is in a State, or how good the land is in the State, but who shall own the land of the State. We need not only diversification of the crops and conservation of the soil, but we need distribution of the land. My idea is that the ideal condition is that the man who works the land should own the land he works.

Gentlemen talk about tenantry and the regulation of tenantry, and the forms of contracts between landlord and tenant, and better housing conditions. It ought not to be that tenantry shall continue; I think the question is bigger and deeper than that; the basic idea ought to be that the land shall belong to the men who work the land. The big landlord who owns 100,000 acres while his tenants own none—that kind of a landlord is as much of an enemy to society when he lives in Dallas as when he lives in New York. That is true whether the owner is a man or a corporation, it is all the same to the poor tenant.

Chairman WALSH. Have you given any thought that might lead to a suggestion as to the practical working machinery that might lead, as has been mentioned here in various ways, and in other parts of the country, to the beneficial use of the land—to the use of the land by the people who need it and who are willing to work it?

Mr. THOMAS. Yes; I have given some thought to that.

Chairman WALSH. I wish, please, you would outline your idea.

Mr. THOMAS. I am not posing as a political economist, or as knowing more than the average man, but as a citizen I am interested in the question and have read some, and I have some ideas that I offer for what they are worth. I just say in passing that these conditions that have been described by others and referred to have been growing more and more acute for some years, and what we have needed in Texas is to arouse public opinion to a knowledge of the conditions, and we have needed such an investigation as you are now making by our home people and State government for this purpose.

Nearly four years ago, in a Democratic convention in this State, I offered a resolution. The Democratic Party is the dominant party in this State; they are all Democrats down here, regardless of what they believe. I offered a resolution reciting these conditions briefly: The existence of 200,000 tenant farmers in this State who did not know where they would live next year; the existence of millions of acres of land held in large tracts for speculative purposes, and calling on the Democratic Party, which dominates this State, to investigate and work out a system by which we might bring together, as I said, the landless man and the manless land. That resolution was pigeonholed in the hurly-burly of partisan politics in this State; they have been fighting over other issues while this biggest economic question in the State has suffered therefrom.

Now, to answer specifically, I will say, first, Mr. Chairman, that one remedy suggested is not much of a remedy, and that is the regulation of what is called the bonus evil in this State. The bonus does not produce tenantry. The bonus is the outgrowth of tenantry. The law passed by the last legislature prohibiting the bonus does not remove the evils of tenantry; it does not, if I understand the conditions right, mitigate to any degree the troubles of the tenantry. That law does not affect one county in twenty in this State. That law does not affect one acre in ten thousand acres in this State; it does not affect two thousand tenants out of the two hundred thousand tenants in this State. So I say that this is not one of the remedies. In other words, you might have no bonus paying, and still, under the present economic conditions, it is impossible for the average tenant to work out and own his own home as he could in years gone by.

While I think of it, one of the reasons for the growth in tenantry, in addition to the multiplication of the population, is that the free lands are gone. About 15 years ago the public lands, both of the National Federal Government and of the State of Texas, were practically taken up, and therefore the tenants, who in the past could buy cheap lands on long time, have not now that opportunity.

Now, coming specifically to some suggestions: I think the question of taxation lies at the root of the evil; I think that is the weapon in part only, with which to correct conditions.

It might be suggested that it would make home getting more easy, to exempt some things from taxation, to exempt at least to a limited degree improvements on the homestead from taxation. That is desirable for two or three reasons: one is as an encouragement to a man to improve his property and own his home; secondly, it is that much created wealth for the State as a whole.

You might go further than the exemption of the improvements on the homestead from taxation. There might be a difference made in the rate of taxation on all improvements and on the land itself.

I think it is wrong economically in this State to penalize by taxation the making of these improvements and offer a premium through our system of taxation, on the holding of land in large bodies for speculative purposes. So I say that to some extent taxation should be the power reserved by the State to discourage the holding of lands for purely speculative purposes and to encourage improvements for homes.

The use of the power of taxation, which has been suggested to you, and which I believe is a proper remedy, the graduated land tax. It follows in principle the Federal income tax. In the first place it puts the burden of taxation on him who is most able to bear it, and by applying that principle to large landholdings it does away with the big holdings, not by breaking up the owners, not by treating them unfairly, not by confiscation or land division, but simply by the increased taxation on the holdings as they became too large and in that way discouraging large holdings, and multiplying the small holdings.

But, in my judgment, Mr. Chairman, that is not sufficient under the present conditions in this State. I do not think that the average tenant can work out his own salvation and become a home owner under the present conditions. I do not think the taxation system, as I have described it, would be sufficient, nor do I think that ordinary private capital and cooperation is sufficient. I think the conditions call for State aid to the tenants to enable them to own their own homes.

I have not been able to keep up with your hearings, and do not know how far that has been suggested and developed.

Chairman WALSH. Very little in these ways. You mentioned having introduced a resolution in some political convention and there has also been testimony here to the law passed looking toward aiding tenants. How large has the land question loomed and is it looming in the politics of the State? Is it a subject that is under discussion now among the public?

Mr. THOMAS. It is, but it has not appeared in the politics of this State until the campaign of last year for the governorship.

Chairman WALSH. Was it discussed in the primary election before the nominations?

Mr. THOMAS. It was.

Chairman WALSH. Was it discussed along different lines as to the character of legislation that should be passed?

Mr. THOMAS. It was discussed along different lines, but on a very limited subject.

Chairman WALSH. Did the question seem to be studied by the people in the last campaign?

Mr. THOMAS. Yes, sir.

Chairman WALSH. Did it cut much of a figure, or any figure, in the result of the election?

Mr. THOMAS. I think it cut some figure.

Chairman WALSH. Was it what might be called the dominant issue?

Mr. THOMAS. Oh, no.

Chairman WALSH. Did the tenant portion of the issue seem to be aroused with respect to it and take sides one way or the other? And did the landlords of the State and the merchants of the State take a deep interest in it?

Mr. THOMAS. No, sir. I don't want to be in the attitude of a political witness, Mr. Chairman——

Chairman WALSH (interrupting). Certainly not, nor do we want you to be; but at the same time it is very significant that in a State of this kind it should be made a matter of public discussion in a campaign, and we want to get the whole situation.

Mr. THOMAS. Well, sir, Texas, like Missouri, has had its share of difficulties and the chief line of demarcation the last few years in this State has been the prohibition question. We have had two Democratic Parties inside of one—or two parties in this State practically working inside of one. One is the prohibition and one is the antiprohibition; and on that issue elections have been fought out, the political fortunes of men have gone up and gone down, some elected and some defeated for office high and low. And this has been the dominating issue, as I say, for at least six years—maybe eight, but for six years at least. And that was the chief line of division of the forces in the canvas for governor last year. I will go a little further—I do not think I misstate the conditions when I say that the forces who believe in the present local-option system in this State on the one hand, and those who favor State-wide prohibition on the other hand, are fairly balanced in power—in numbers, I mean. And that was the great issue, I would say, on which 75 or 80 per cent of the entire voting population selected their candidate for governor last year.

Chairman WALSH. Was there any discernible connection between the elements that were for and against what might be called the new land law and those that were on either side of what would seem to be the dominant issue, according to your observation, of the liquor question?

Mr. THOMAS. I will answer that this way: Gov. Ferguson announced his candidacy for governor, and by process of elimination and extermination he gained the field as the anticandidate. On the other side Col. Ball, by a process of elimination and extermination, gained the field as the prohibition standard bearer. Gov. Ferguson discussed in general terms the importance of the land question, and proposed as a remedy for these conditions the abolition by law of the bonus system of paying rents. That was his remedy for these conditions. Col. Ball also discussed conditions in the State, attacked the efficacy of Gov. Ferguson's remedy, and proposed two or three remedies. One was State aid in a modified way by using the present school fund—that is, the interest on it—to aid tenants in becoming home owners. He also advocated the organization of corporations to buy the lands in large bodies, to improve, subdivide, and sell to tenants on long-time period. I will say also that that corporation method of his by which private capital might be employed as a part of it, was under close supervision by the State. In other words, the corporations of course being chartered by the State, would be under its direction both as to the length of time it held the land and the profits it might receive in exploiting the land. In that way, while everybody knows that a man's views on the liquor question determined the voters of the State, yet the discussion of the land question did affect some of them. And I will go further and say—I do not want in the slightest to detract from the success of Gov. Ferguson, and his starting out unknown and winning the governorship and being an inspiration to all of the tenant farmer boys in Texas for generations to come—I don't want to rob him of his glory. He is entitled to credit for agitating the land question. I gave him credit then and I do so now. I say that he did not plow deep enough. I say he did not even scratch the surface of the question. But in some way, by his organized campaign of propaganda, why, the tenant farmers looked to him as a kind of Moses to lead them out of bondage. And in that way many of them cared more for their financial condition than they did for the prohibition question, and many of them, I think, flopped to him and away from what was considered the main issue.

Chairman WALSH. Do you consider it a growing question in the public life of Texas?

Mr. THOMAS. The land question?

Chairman WALSH. Yes; land tenancy.

Mr. THOMAS. Oh, unquestionably; and were it not for the saloons in this State, which we are going to drive out of this State, following the tide around the world—were it not for the saloon question it would unquestionably be the paramount political question in Texas, as it is, in my judgment, the most important economic issue in Texas.

Chairman WALSH. That is all. We are very much obliged to you, Mr. Thomas. Mr. Pastorius.

TESTIMONY OF MR. J. J. PASTORIZA.

Chairman WALSH. Please state your name?

Mr. PASTORIZA. J. J. Pastoriza.

Chairman WALSH. Where do you reside, Mr. Pastoriza?

Mr. PASTORIZA. At Houston, Tex.

Chairman WALSH. What is your business, please?

Mr. PASTORIZA. I am a public officeholder.

Chairman WALSH. What office do you hold?

Mr. PASTORIZA. Tax and land commissioner of Houston.

Chairman WALSH. How long have you held that position?

Mr. PASTORIZA. Four years.

Chairman WALSH. You have been given an outline of some propositions that we would like to have you submit to the commission, have you not, Mr. Pastoriza?

Mr. PASTORIZA. Yes, sir.

Chairman WALSH. Will you kindly refer to it and answer the questions in your own way?

Mr. PASTORIZA. With reference to the holding of land in large tracts in Texas, these lands were acquired at a low price many years ago by those who were far-sighted enough to know that under the taxing laws of Texas the taxes upon land would be a mere bagatelle as compared to the increasing value of the land. Others who had influence with State officials bought choice pieces of State lands at a nominal price. The laws of Texas providing for the disposition of State land were such that they were sold at a fraction of their real value, and influential men and those close to the administration had the choice of these lands. Speculators and cattlemen were attracted to the costal plain of Texas, because of the fact that these lands were undrained, and at that time were not suitable for cultivation, but were adapted to cattle raising. These lands were acquired in large bodies at various times, from 1800 to 1900, at about the following prices: In 1800 at 10 cents per acre; in 1870 at 25 cents per acre; in 1890 at $1 per acre; in 1890 at $2 per acre, and in 1900 at from $3 to $5 per acre.

This gradual increase in the price of land was due to the increasing population of the State.

The holdings of the Houston Oil Co., the Capitol Land Syndicate, and some of its successors, and such owners as Mrs. King, in southwest Texas, constitute some of the largest holdings of land in the country. While there has been some disposition to sell parcels of land by some of the large holders, such instances have been insignificant, both as to the amount and number. On the other hand, there are concerns which are now engaged in increasing their already large holdings, such as the Santa Fe Railroad and the Houston Oil Co., in east Texas.

Right at this point I must suggest what I think is the remedy. I believe that there is one cause which has created large holdings of land; and inasmuch as I believe that, it follows that I believe that there is only one remedy, namely, remove the cause. The cause being practically a no tax upon the rental value of the land. The remedy is a tax upon the rental value of land. The rental value of grazing land would not be very high. The rental value of farming land would be greater, and the rental value of mineral land would be the greatest. Therefore I state that if it is the desire of this commission to break up large holdings of land and to make it easy and practical for the individual to secure a small farm at its real value for use, there is only one way to do it, and that is for the State to exempt from taxation all of the products of the soil which are produced by labor and to collect all of the revenue needed for State purposes by taxing the rental value of the land, whether it is used or not. When it comes to mineral lands, which hold a product of nature, the State should tax the output of the mine in proportion to the product of the mine. When it comes to timberlands, the State should levy a stumpage tax upon all of the timber when cut and converted into lumber. If for the sake of uniformity it is deemed best to tax the value of land in addition to the stumpage tax, the assessed value of the land should be no more than it would be if no trees were growing upon it.

Another plan to aid the tenant in securing his home at a cheaper price would be a repeal of the tax law which requires the taxing of money and mortgages. In some counties the tax assessor seems to think it is his duty to hound every man who has a dollar or a vendor's-lien note and place it upon the tax rolls. The result of this is, Mr. Chairman, that the interest rate upon money in Texas

remains high, because a man will not lend the money upon land if he fears his mortgage is going to be taxed and he will thus lose some of the interest. He demands a certain per cent, and if he fears that his mortgage is going to be taxed he will add the tax to the interest. This fear of money being taxed keeps money out of Texas. If it were not for that fear I believe that much more capital would come here and it would be easier to borrow money.

You ask how these large landholdings have been fostered by law. The continued holding land in large bodies has been brought about by our unjust tax laws. The cost of holding these lands has been small compared with the increase in values. The cost of holding is little more than the taxes, and the taxes have been less per acre on the lands held out of use than on lands which have been put into cultivation and developed. Timberlands on which the timber is worth from $30 to $100 per acre is often assessed at from $1 to $10 per acre. The ranchman conceived the idea that the only way to raise cattle was to have from 5 to 7 acres of land on which to graze one steer. He was enabled to own these large tracts of land because of the small taxes upon it, whereas had the taxes been large enough he would have soon learned that by adopting modern methods he could have produced enough feed from 1 or 2 acres to feed one steer.

As to the tendency toward concentration, the natural tendency has been toward concentration in the holding of lands. Prominent examples are the Santa Fe Railroad and the Houston Oil Co. They have been buying whenever they had an opportunity and have made few sales, even of cut-over lands. It would be strange if they did not increase their holdings, however, because the State's policy with respect to taxation gives every encouragement to such concentration. Another tendency toward concentration of land was brought about by the fact that many old settlers, realizing that it costs very little in the shape of taxes to hold land, decided to provide for their children a patrimony which would increase in value faster than the average rate of interest on money.

Your question 4: "What is the attitude of present owners toward sales—this to include ranch lands, timberlands, and large farming tracts?"

There is very little disposition shown by owners of large tracts of land, whether it be farming, grazing, timber, or mineral lands, to subdivide them and offer them for sale. The late Sam Allen, in my county—Harris—is an example of this. His lands are as fertile as any in the county and adjoin the most highly improved and developed portions of the county at Pasadena. He has refused $200 per acre for some of his land, and is using it for grazing longhorns. His land is situated on the Interurban Railroad, between Houston and Galveston, and if the State were to levy a proper tax upon the rental value of the land you would soon see that it would be put to its best use—that is, put into cultivation—and from it would be produced the food so much needed by the citizens of Houston and Galveston. As it is, the taxes on this land are merely nominal, and the family of Sam Allen continues to sit back and finally will reap the unearned increment in the increased value which has been produced by other people and not by themselves. The building of the electric railroad between Houston and Galveston added value to it; the creation of the paved automobile road from Houston to Galveston also added value to the land. The only way, as stated above, that I can see to remedy this is to levy a tax upon the rental value of the land.

Concentration of holdings like those of Sam Allen has the effect to limit the number of bona fide home owners. If the rental value of this land was properly taxed, the owners would be forced to put it to a more profitable use than grazing longhorns upon it. The fact is you would see them cutting it up into small tracts and offering it for sale at what it was worth for use. The purchaser would not be frightened at a tax upon the rental value, because he who works the soil can well afford to pay the tax upon the rental value of the land, and this would not increase the cost of rent to the tenant because of the fact that there is such an enormous amount of vacant land in Texas, and the owners of vacant land would have to pay the same tax upon its rental value that the owners of improved land of the same class would have to pay. So you would see these owners of vacant lands bidding for tenants upon improved land, and the rent of farm lands in Texas would fall, with the result that the tenant would be able to make a fair living and to save some money, out of which he would soon be able to purchase land from these big landowners, who have failed to rent it because of the lack of applicants, and they would be very willing to sell it on annual payments which would amount to no more than what the present tenant farmer has to pay for the rent of the land. If in this great State

we can not find men with sufficient intelligence and who understand what justice is to correct our tax laws, then the concentration and withholding of land will continue, and the ultimate effect will be to make conditions similar to the ancient feudal tenures.

I know very little personally about rental contracts, because my county is not what is known as a farming county. The land is almost virgin; very little of it has been cultivated. So I can not speak authoritatively on rental contracts. All I can say is what I have learned from reading and from what other people have told me. I will tell you a true story, which will show how impossible it is for a tenant to ever accumulate much money, so long as the taxes upon land values is nominal. When a farmer reads this, I know he will say that Pastoriza wants to tax the farmer out of his house and home. I want to say right here that I want to tax the farmer into a house and home. I do not advise to tax land; I advise to tax the rental value of land, whether the land is used or not. By taxing the rental value of unused land, as well as used land, the effect will be to reduce the rental value upon land which is used. Simply to show you that the tenant can not get ahead in any country where the rental of land is not taxed, or is taxed very little, I will recite an incident which occurred in my travels during 1907.

Am I getting too long, Mr. Chairman?

Chairman WALSH. Proceed.

Mr. PASTORIZA. I spent most of that year traveling upon the Continent of Europe. There were from four to six in my party part of the time. The remainder of the party was interested in the examination of ruins of castles and churches and in the study of the past history of the country. The object of my visit was to study the economic condition of the people and so much of their past history as to teach me why there was so much poverty in these countries.

One day we arrived on the shores of a beautiful lake in Ireland. Our party decided to cross the lake to visit the ruins of an old castle. We engaged the services of a young Irishman about 25 years old, with a boat, that we in Texas call a skiff. He rowed us across the lake, and when the party got out to climb the hill and view the ruins, I begged to be excused, because I had seen about four thousand nine hundred and ninety-nine ruins already, and I was getting tired looking at them. Another reason why I did not want to go was that I found my friend, Pat, a very talkative young man, and I thought I might learn something from him. When the party was gone, I got out of Pat the following story; I will try to condense it:

I asked him why there was so much poverty in Ireland; said Pat: "Did you notice that little house upon the other side where you took the boat?" I said "Yes; it is a beautiful place." He replied, "My grandfather rented those rocks from the owner many years ago. There was scarcely enough soil upon the rocks to grow potatoes; he came down to this lake, dug earth out from it and carried it upon his shoulders in sacks to the rocky foundation. By this means he succeeded in growing enough food to support himself and family. Owing to the fact that the land was rocky, the landlord rented it to him for 10 years at a nominal sum. At the end of that period my grandfather had succeeded in covering the rocks with soil. He built him a modest thatched house, and he sustained him family as best he could. The agent of the landlord came and said that the lease was up and that he wanted to renew it for another period. My grandfather was very much surprised when the agent told him that inasmuch as the land was producing more, that he would have to pay more rent. My grandfather protested; the agent promptly told him that he would have to pay more or move. Of course my grandfather paid it. At the end of another period of 10 years, the rent was raised again, and my grandfather died with a broken heart."

This is true, gentlemen. The young man told me every word of it.

"My father, being a young man, assumed the burden, thinking that he, by extra industry and long hours of work, could make the rent and support his family. So he entered into a new lease. He managed to create enough wealth from that rocky soil to build a good fence around the place at his own expense; to build a nice walk from the gate to the house, and to line it with flowers, and at the end of the lease he had enough money to buy his wife and children a complete outfit of clothes and to send the oldest one to school. Just at this time the landlord himself appeared, and was thunderstruck to see that his barren rocks had been converted into a Garden of Eden. He could not see why this common farmer should be so prosperous, so he quadrupled the rent, and when my father asked him why he did so, he replied that the land was worth

more because of the labor which he had bestowed upon it. He had carried soil from the bottom of the lake, and had added fertilizer, had labored from early morning until late at night, and had not only produced the wealth to support his family, but had increased the value of the soil. My father said to the owner of the land, who had not seen it in 30 years: 'You have done nothing to create this value; I created it, so why should you make me pay the rent upon the value that I myself have created?' The landlord replied: 'Come, come, my man; I will not discuss the matter with you. The land belongs to me; pay the increased rent or leave. If you will not pay it, some one else will.'" Then said the young fellow who was rowing the boat: "When I heard that conversation, being a mere lad, I resolved that I would work no more for a landlord, because, no matter how hard we tenants worked in Ireland, the landlord had the power and would raise the rent and take from us all that we created, except a bare existence. So I got enough money with which to purchase this boat, and I swore that in the future that I would only work the suckers who came from America and wanted a ride upon the placid bosom of this lake."

This story, gentleman, is only what is going on in Texas every day. If a tenant makes a few hundred dollars, the landlord demands more rent, and there is only one way upon earth to abolish the poverty of the tenant, and that is to tax the rental value of land to an amount which will cause the owners of vacant land to offer their lands for sale at what they are really worth for use.

Statistics show the following increase in tenant farmers, due almost wholly to the fact that the vacant lands are taxed so lightly by the State that large landowners are continuing to increase their holdings, because of the fact that it costs almost nothing to hold these lands. The following table has been furnished me, and shows the percentage of tenant farmers in the counties named: Brazoria, 47.4; Harris, 25.7; Bell, 60.5; Ellis, 69; Dallas, 60; Collin, 68.8; Williamson, 50; Travis, 60.

You will notice that in my county, Harris, there is only 25 per cent tenant farmers. I want to call your special attention to this, because there are very few farmers at all in Harris County. Most of the land is idle, or is used for cattle grazing. For about 10 miles around Houston the land is almost wholly idle, and it is held at enormous prices. Some of it is held at $1,000 and more per acre. The owners of it undoubtedly think that the city of Houston is going to have a population of 100,000,000 people during the next 25 years, and that they will sell their farm lands off as city lots.

There are many thousands of acres of timberlands uncut which are held for a raise in price. Much of this land was originally purchased at from $2 to $5 per acre, and is now held at from $15 to $50 per acre. There are thousands of acres of cut-over land which is being held at a price far in excess of the price for which the owners paid for the land with the timber on it. This land could be very profitably used for cultivating certain crops, and if the State were to tax it on the rental value of the land it would be forced upon the market and many thousands of tenants could get the land at from $3 to $10 per acre, which is less than they are now paying as rent for land which will produce no more wealth than these lands would produce. If the State should levy a stumpage tax upon timberlands, to be paid when the timber is cut, the State would then get a revenue of this product of nature, which, as a matter of fact, belongs to all the people, and it would not have the effect to cause forests to be cut down, and timber wasted, in order to get money out of the timber immediately. A stumpage tax would prevent waste and would cause the timber to be conserved and protected for the use of the next generation.

Having given about 20 years to the study of economic conditions, I have been forced to the conclusion that the increase of poverty will continue and keep pace with the increase of wealth just so long as the State continues to tax that which is created by the efforts of man. The only remedy is to tax that value which nature and the people as a whole have created, and exempt totally from taxation all of the wealth created by human endeavor.

The southern part of Texas, where I live, is very backward in the development of its country lands. A gentleman wrote me that in Orange County there was a tract of about 6,000 acres of land owned by one family, wholly uncultivated, and that because the taxing officials placed only a nominal tax upon it they were enabled to hold it, and refused to sell it time and time again to small farmers who repeatedly tried to buy it. The same condition exists in Liberty and Jefferson Counties. This condition could be changed very materially were we to change our tax laws so that the State would look directly after its own

assessment and collection of taxes, instead of delegating it to the counties, and levy a tax upon the rental value of the land. The county officials are controlled by the influences which surround them, and therefore the taxes levied upon these vacant lands are very light.

The State should make this land pay its share of the taxes. It should directly tax the rental value of the land. It should have its own taxing officials in each county and reverse the present order of things, which is that the county, through its board of commissioners, assesses and collects the taxes. Now, instead of the county assessing and collecting the taxes and remitting to the State, the State should assess and collect the taxes and remit to each county its pro rata for the expenses of its government. If they were to do this it would remedy this condition that is being complained of universally in this State. For instance, some counties receive more money from the State for its school fund than is paid into the State as a whole in taxes. I think this is a point in regard to the land question that is being discussed more than any other point. The State gives too much to the county, and the State should give a certain amount of money, according to its scholastic population, for the use of its schools in that county. There are many counties that have no debts; therefore they do not have to collect much taxes. Their main tax is to simply conduct the business of the county and does not amount to anything; therefore they assess the land at a very, very nominal sum. The State tax upon this land is fixed at the capital. Now, the county, in order to get what money it needs, can regulate its own rate, so it puts its rate up for the use of the county, and the rate for the State being low, these lands do not pay much taxes to the State. Now, this very county does not pay into the State of Texas as much money as the State pays to the county for its school fund. In other words, a great number of people—all the taxpayers of this great State of Texas—when they pay taxes to the State are contributing to a fund to support certain people in certain counties. They are giving them a bonus—actually paying them money—to live in that county, because they give the county more money for its school fund than the county remits to the State for taxes on its entire land area.

If our politicians—I do not like to say lawmakers, because it seems to me that most of them are more politicians than lawmakers—I had occasion to be in Austin during the session of the legislature, and I came in contact with quite a number of our lawmakers; I prefer to call them politicians. If these politicians will not change the Texas law so as to reverse this order of things, well, then, I have another suggestion—that the State levy a tax upon each county in proportion to its population. If that were done, then the counties would have to collect sufficient money to pay this tax, in addition to enough to finance its local needs, and the inequalities which now exist would be done away with.

That is all, Mr. Chairman.

Chairman WALSH. I have been asked to ask you a couple of questions here, which have been handed up by some one in the audience. How does the present taxing plan of Houston seem to impress the people of that city?

Mr. PASTORIZA. Well, probably it would take two questions to enable me to answer that. Right now we have no taxing plan. It has been upset; but I suppose you refer to what we have had in the last three or four years.

Chairman WALSH. I will ask you two questions we have now, one being, How does the present taxing plan of Houston seem to impress the people of that city? and the other is, Do you think that that system will soon change—the present plan of taxation?

Mr. PASTORIZA. Well, in the beginning of 1912 or 1911 the city of Houston decided to exempt, as far as possible, from taxation all industries and to tax the rental value of land sufficient to obtain the revenue to run the city in addition to the little tax that we had to levy upon the industries. It was partly applied in 1911, but in 1912 the city council formulated a definite plan of percentages, which is as follows:

This plan contemplates the assessing of land at its full and true value in money; the assessing of buildings and other improvements upon land at 25 per cent of their reproductive cost; and the total exemption from taxation of cash, credits, notes, and mortgages. For the first time in the history of the city we assessed the franchises of public-service corporations. The streets belonged to all the people, and the city government decided the corporations should pay something to all the people for the use of these streets, so we collected a franchise tax.

The capital stock of the banks we continued to assess, and such forms of personal property as automobiles and merchandise. We raised about 100 items from the back of our assessment sheets which had been taxed before. Everything was enumerated, from a collar button to a steam engine or steamboat. We erased all of them, and simply placed land and buildings and automobiles and merchandise and a few other minor items there. We exempted entirely from taxation cash, credits, notes, and mortgages. We would not permit a man to render any cash or notes for taxation. We exempted totally all household furniture. We taxed the buildings at 25 per cent of their value, the land at full value, and the franchises at full value.

That went along for three years. The people were delighted. Ninety-eight per cent of them were satisfied. The last election proved it. Mayor Campbell, who inherited this plan from the former administration, maintained it, and he announced for it in his announcement for reelection. His opponent announced himself as being opposed to what is known as the Houston plan of taxation. His opponent went over the city and made speeches, and the burden of his talk was his opposition to the Houston plan of taxation. Mayor Campbell remained in his office and attended to the business of the city and never made a speech. The result was that his opponent got nine hundred votes and Mayor Campbell seventy-nine hundred votes. That showed what the people thought of the Houston plan of taxation.

I took a postal-card vote of nearly all the taxpayers, and of those who answered less than 100 opposed it. But something happened. In 1914 the city extended its limits by adding some 16 square miles to the former territory. A great part of this new territory was neither improved or developed, there being many tracts of acreage which the owners had been holding for years because the State taxes on it was nominal. When the assessment for 1914 was taken the owners of this land protested very vigorously against the city taxes, and finally filed suit, contesting the legality of the extension of the city limits, and also the legality of the Houston plan of taxation. The district court sustained their contention as to the Houston plan of taxation and ordered the city to change its method of assessment for 1915 so as to tax all forms of property according to the constitution. The city will appeal the case, but in the meantime it is obeying the order of the district court and is assessing cash, credits, notes, mortgages, household furniture, which it did not tax before. It is assessing both lands and buildings at their true and full value in money, according to the State laws. This order of the court was issued less than a month ago. The city immediately notified all of the taxpayers that they would have to return to the city hall and submit to an increase in the assessed value of their real estate and to a tax on all their personal property, which had heretofore been exempt from taxation by the city of Houston for the simple reason that the officials of the city of Houston knew that these exemptions would build up the city, and it has built it up, gentlemen.

There has been greater development in the city of Houston in the past four years than at any other time in its history. The building activity increased 50 per cent. The United States Government report shows that the bank deposits increased $7,000,000 in two years. The population, according to our directories, increased between 20,000 and 25,000. Our natural increase from births would amount to only twelve hundred a year. So you can see that if we ever hope to sell our vacant lands down there we must increase our population by getting people from other counties or cities. The city of Houston said we can increase this population and bring money here by not taxing money and not taxing personal property.

The disastrous effect of the court's order is already apparent in Houston. It is a matter well known that certain men who have deposited large notes in the banks for collection, which were falling due this year, in two instances amounting to $300,000, have instructed the banks to collect the same and send the money east. Men whose business was to negotiate loans have told me that their business was destroyed in a night, and that it is impossible now for them to secure money to lend because of this order of the court instructing the city to tax notes. People are complaining because of this double taxation, but it is according to the constitution of the State, and as long as the court's order hangs over the heads of the city officials we will have to comply with it.

This is a very, very serious matter; but these five men—five property owners in Houston—had the court behind them, and as taxing commissioner of Houston I am not going to give them an opportunity to put me in jail, where they would be very glad to have me, by disobeying the law. I am going to obey it.

Men whose business it is to negotiate loans have told me that their business has been destroyed in a night. So the prosperity of our county and our farmers does depend upon our taxation system. As long as we have our present taxation system the real farmer who cultivates the soil can make very little headway.

Chairman WALSH. I have here another question that has been handed to me. If a farmer pays $5 per acre rent, what should the land be taxed for?

Mr. PASTORIZA. My suggestion would be that when you are going to make such a radical change it should be made gradually. Let the State gather as much of that rent as it needs to conduct the affairs of the State. It would not need it all. That is a matter of figures. If it needed it all, take all that was absolutely necessary; but it would not be necessary.

Chairman WALSH. That is all. We thank you very much.

Mr. Flores.

Mr. HOLMAN. Mr. A. M. Samuel, of Dallas, asks that this estimate of raising cotton be introduced in the testimony.

(A card, estimating cost per acre of raising cotton, issued by Benedorf, Lyon & Co., New York, N. Y., was submitted in printed form.)

TESTIMONY OF MR. EMILIO FLORES.

Chairman WALSH. State your name, please.

Mr. FLORES. Emelio Flores.

Chairman WALSH. Where do you reside?

Mr. FLORES. San Antonio, Tex.

Chairman WALSH. How long have you resided in San Antonio?

Mr. FLORES. Six years, last February.

Chairman WALSH. Where did you live prior to that time?

Mr. FLORES. In Webb County.

Chairman WALSH. You are a native of what State or country, Mr. Flores?

Mr. FLORES. This country.

Chairman WALSH. Are you connected with the Mexican Protective Association?

Mr. FLORES. Yes, sir; as secretary.

Chairman WALSH. Please state the organization and purpose of that society.

Mr. FLORES. The society was organized on the 11th of June, 1911, and had a charter under the name of Grand Lodge of Texas, Mexican Protective Association; it is composed of Mexicans and Texas Mexicans, regardless of citizenship, so long as they are of Mexican origin. Its main object and purpose is to come out for its members in the courts, where outrages are committed with them, such as cold-blooded murders, lynchings, and so forth, or the taking of their homes or crops in direct violation of the law. For the expenses of all such proceedings, as counsel, and so forth, a contribution is asked—voluntary—of its members if the funds in the treasury should not be enough. See the articles in the by-laws.

Chairman WALSH. Will you submit, please, a copy of your by-laws?

Mr. FLORES. I had a copy of the by-laws, but I can not find them.

Chairman WALSH. If you do not find them, will you please send us a copy?

Mr. FLORES. Yes.

Chairman WALSH. You may proceed, Mr. Flores.

Mr. FLORES. It also carries sick and death benefits for all of its members, whether they are inscribed in the home office at San Antonio, Tex., or any of the subordinate lodges in other towns. It is also charitable in cases of distress for Mexicans, even though they are not members. Its activities—the activities of the association in 1911 and 1912 were greater than in 1913 and 1914, due, probably, to the failure of the association in several cases in 1913 and the influx of refugees from Mexico who, it seems, are almost generally revolutionarily inclined at all times and have great influence with their countrymen already here prior to them. In 1914 the failure in the markets for cotton and the scarcity of money amongst our members compelled them to fall out.

The association has held three conventions of its members in the city, 1913, 1913, and 1914, and great deliberations have taken place publicly, but very little accomplished in the way of any betterment in the condition of the workingman, the tenant, or the renter for money or on shares of crops. This lack of accomplishment of anything has been because of the fatal division amongst them by way of politics in their country. They read the various publications, dailies and weeklies, edited in San Antonio, and the said publications are responsible to a great extent for all of this. More disastrous still is a certain publication

of Los Angeles, Cal., called "Regeneration," and how the United States has ever consented to such a publication as that to go through our mails is something we can not understand. It is edited by a man called Flores Magon and several others who, judging from their plans and editorials, must be the worst kind of anarchists. Several copies of this filthy paper have reached our offices and we think it very disgraceful to let such a thing be transmitted through our mails. The language is obscene and their contentions are of the worst kind. They advocate no government of any kind should exist; no religion, no obedience to anything whatever. They have, through their columns, advised the Mexicans, residents in Guadalupe County, to take up arms—powder and bullets—and in that way have their rights respected, and so forth. They have and have had for years certain organizations throughout the country called "grupos" and they derive contributions from the said grupos occasionally for the support, so they say, of the expenses of the publication. Why, I know of towns where the Mexican people are very, very poor; for instance, Coleman, Tex., where, when a call has reached them to contribute, they have immediately sent $270; Seguin, Tex., has also done as much. How this man Magon stands at the present time since so many changes have taken place in Mexico we do not know. Understand, the said Magon has served terms already in some Federal penitentiary in this country.

A very fair illustration of the results amongst the Mexican people in this country of this disastrous publication is the very latest, where 15 convictions have taken place in Bexar County, Tex., in as many men tried in said county on a change of venue from Dimmit County, where the band was arrested after a pitched battle with the county officers and citizens, not before several of the gang were killed, as was also killed a deputy sheriff, Candelario Ortiz, for whose murder and conspiracy in same all of the ruffians of the gang have been tried and convicted. They are known as smugglers, but such is not the case. They organized somewhere in Guadalupe County and started toward the border well armed and ready to cross to Mexico to liberate it, they say—yes—of anything of value they can lay their hands on. There was an American in the gang and his name is Cline. Money has been produced abundantly for counsel to defend them. Where this money has come from we don't know. They claim to belong to the Industrial Workers of the World. The man Cline might belong to said workers, but, as to the Mexicans, we take it that they are only robbers influenced by the publication above referred to.

Chairman WALSH. Now, may I ask you to describe the movement of the Mexican laborers over across the Rio Grande River into Texas for these seasonal occupation—how much there is of it?

Mr. FLORES. The movement of Mexican laborers begins as early as April each year during chopping time and is carried on in several ways as affecting labor gotten in cities like San Antonio, where the Mexicans demand a better price for their work than the "imported" Mexican who arrives in this country wholly ignorant of conditions in general. This, of course, brings about a general dissatisfaction amongst those already here as well as amongst the Texas Mexicans. There are the so-called employment agencies in Laredo and other border cities who get "orders" from farmers throughout Texas, specially north and east as well as central Texas, and it is these agents of the said employment concerns that get these Mexicans just as they cross the Rio Grande and ship them off to destination, many times misrepresenting things to them and causing great hardships to these Mexicans and their families. The employment agencies at the border generally work under an agreed combine with others of the same class in San Antonio, Tex., and the concerns at San Antonio see to it that the "consignment" goes through to destination without leaving the cars if possible. When they have to be transferred from the I. & G. N. to other railroad stations they are marched straight across the city of San Antonio up Commerce or Houston Street, and it is no uncommon sight to see as many as a hundred or more marching together. These employment agencies are generally paid by the farmer $1 a head when delivered at destination and provide transportation for the men and their families. When put to work at destination or upon their first pay day they are informed that so much has been charged to each and every one of them for transportation and employment fees, which said amounts are deducted from their earnings. When they sometimes refuse to comply, because of the promises of the employment agency at the border or at San Antonio, they are guarded until they work out what they owe. I have known of a number of Mexicans to be chained in Gonzales County and guarded by

armed men with shotguns and made to work these moneys out. This was officially reported and is of record. Many cases of outrages committed with these unfortunates have come to our notice and traced back to the manner in which said labor is secured. In securing Mexican labor for railroad work the same system is followed by the employment agencies, which said agencies, as a general rule, are managed by Mexicans also or Texas Mexicans and Americans.

Chairman WALSH. I wish you would describe the conditions under which the Mexican laborers work on farms, including the wages paid them, and the housing conditions and their general treatment.

Mr. FLORES. About that question I would say that in chopping cotton they are paid so much an acre; I am not exactly familiar with how much they get.

Chairman WALSH. Do you know what their total earnings are per week or per month?

Mr. FLORES. In chopping time they earn pretty good money, because they are paid by the acre.

Chairman WALSH. What would it be, about, could you approximate the amount per month?

Mr. FLORES. They count the rows of cotton, and it is so much an acre, and they sometimes make $2 or $3 a day, and sometimes more in chopping cotton, and in picking it they get 58 to 85 cents per 100 pounds.

Chairman WALSH. How long does the chopping season last?

Mr. FLORES. About two months, or something like that.

Chairman WALSH. And how about the picking season?

Mr. FLORES. In picking it they get from 50 to 85 cents per 100 pounds. In regard to this whole question I would say that in chopping cotton they are paid so much per acre. In picking it they get from 50 to 85 cents per 100 pounds picked. During the season they camp out under trees, hardly ever in a tent, because they do not possess one. In cutting wood, grubbing, and so forth, they are paid according to the work done, and misunderstandings occur very, very often, especially in the measuring of the land grubbed. The fortunate Mexican who works for the railroads get good pay of $1.50 per day, sometimes as much as $1.75, but we have found many cases where upon final settlement in the case of a man discharged, or when he has asked for his time, where the section foreman has so represented that man's time as to make him loser of much of his time and his money earned. To this he has no recourse, because a man might be working between San Antonio and Galveston and given his time in Galveston, coming to San Antonio to collect it. When he appears here he is told that his pay roll is not in this office, and his name has to be sent in to that division. He waits, until finally at the end of a week, two, or three, sometimes never, he is handed a paper to sign for a certain amount, which is found to be short several dollars, and he is told that is all of his time, and that he can take it or leave it alone. The treatment received by the Mexican from the landlord or his head man is bad except in very few cases where a Mexican has been fortunate in going to work for thoroughbred Americans who are kind and good to them; contrary as to the Germans, Bohemians, Poles, and so forth. They are very mean to them with very few exceptions, and often use brutal force toward them. Cases can be cited in Kenedy, in Gonzales, in Seguin, in Goforth, Comal County, in Nordheim, in Creedmoor, Travis County, in Ballinger, in Caldwell, in Cameron, in Watts Farm, Rosebud, Sinton, Bastrop, San Marcos, Lockhart, Luling, Runge, Falls City, and Hearne. In this last place the Mexicans are whipped, tied to a post. I was shown the post upon a certain visit I made there at a time that a Mr. Wilson had some misunderstanding with his Mexican tenants. They are treated very badly in that part of the State, and in Taylor and Coupland where three brothers Garcias were killed by an officer—Bird—right in the very presence of the mother of the boys, who begged the officer on her knees not to kill them that they were unarmed and offenseless.

Chairman WALSH. You spoke about the railroad laborer being given his time in Galveston, and his treatment on coming to San Antonio to collect. Do they resort to the courts in such instances as those?

Mr. FLORES. Sometimes in the large cities they do, but not in the little country towns.

Chairman WALSH. Have you observed any relation between the Mexican labor problem and the vagrancy laws?

Mr. FLORES. I don't hardly understand that question.

Chairman WALSH. Does the Mexican under those circumstances become a vagrant?

Mr. FLORES. The Mexican can not become a vagrant when he enters this country with a family to support, while he can become a public charge or a pauper because of sickness or adversities. Our immigration rules cover that part of this query in so far as to ascertaining the possibilities of the man upon entering. If a man has not the means of support with him he is not allowed to enter. The vagrant law has its peculiar ways of application—and one may understand that it is not necessarily applied to the man without employment or desire to work at anything, but more frequently applies to the man roaming constantly in resorts and places of ill fame. Arrests have been made here in San Antonio in cases where the prisoner produced large sums of money upon his person, nevertheless under the law he was considered a vagrant by the judge of a corporation court and fined accordingly. If this query tends to presume that the Mexican entering this country for seasonal occupations should become a vagrant after such work is over, will say that when a Mexican comes here to work on such seasonal occasions, after that work is over he immediately looks out for a place to take as a renter, or on shares of the crop, gets so much monthly from the owner of the land as an advance credit upon his crop and starts to break ground, grub, or any other work incident. If he fails to find any such place he starts back home to Mexico, many times walking as many as 200 miles with his family to get to the border. He can not become a vagrant if he has a family dependent upon him, while he might if he is a single man. No cases have been brought to our attention.

Chairman WALSH. Do the whole families of these Mexicans engage in that work of chopping and picking cotton; the women as well as the children?

Mr. FLORES. Not in the chopping of the cotton, but they do in the picking of it.

Chairman WALSH. What proportion of the laborers become tenant farmers?

Mr. FLORES. About 25 per cent become tenants, 50 per cent return to Mexico, and 25 per cent drift along in other occupations.

Chairman WALSH. What is the attitude of the white tenants toward the Mexican tenants? Is there any feeling between them; any rivalry for the farms?

Mr. FLORES. The Mexican as a tenant is a good one when he is fortunate enough to enter into the employment of a good man—that is, a native-born American—and this can be proven by many who have been in the employ of the same man for years and years, but there are very few such.

As a general rule, the contract entered into by a Mexican and his landlord is not such as would hold at law. It is not read or translated to them properly, and in same everything is found favoring the landlord. He is given from $10 to $30 per month in merchandise every month at the store, according to the "hands" which he commands and the acres which he agrees to cultivate in cotton and corn—hardly anything else, except sorghum. This merchandise is charged to his account—it is sold to him at a very high profit above market prices anywhere else, and when the time for settlement comes he is charged interest for the full amount for eight months, which is the length of time the credit is extended—from December to August. He is never shown papers of sales of his cotton. He has to deliver the cotton at the gin and there he gets a receipt of the pounds ginned in each bale, which he keeps to compute at the settlement at the store. In other words, he can not market his own cotton and has to take the figures given him by his landlord. He hardly ever comes out ahead and very frequently comes out in debt after delivering all of his cotton. Then his share in the corn is attacked, as also in the sorghum, and, in fact, everything, and if he takes a notion to quit he has to liquidate accounts with any earthly thing he possesses, even his poultry. Complaints have reached us where the pet little pony of a child has been put down in a mortgage of a tenant to a landlord without his knowledge, and the justice always would take it away from him without any considerations at all—the family cow and, in fact, everything.

In the city of San Antonio none are given work unless they produce a poll-tax receipt paid for the present year, and for this reason there are hundreds of them declaring their intentions without the least conception of what they are doing. They simply are told that they have to register with certain Mr. So-and-so at certain places, and they do it in order to secure employment. The notary generally is a Mexican himself and stands with certain cliques in politics, and, knowing how to work his countrymen to perfection, does not go to the trouble of explaining them anything, and simply tells them that they are registering when they are declaring their intentions to become American citizens.

Chairman WALSH. I would like to ask you about the attitude of our courts; that is, their attitude toward Mexican laborers. Do they have much to do with the smaller courts?

Mr. FLORES. Yes; but, as I said before, the courts they have to do with are in the little country towns, the justices of the peace, and the Mexicans can not expect anything there at all.

Chairman WALSH. Why not?

Mr. FLORES. For the simple reason that the Mexican is not considered—well, he is persona non grata; he is not liked; he is considered a man inferior to those of other nationalities, in education as in everything else, and for that reason he can not expect anything else. That is the condition in the inferior courts.

Chairman WALSH. Do these laborers seem to be conscious of that? Do they understand it?

Mr. FLORES. Yes, they understand it; but we can not make them understand now that it is different when they get to higher courts, that they would get justice there; but we can not convince them of it, and they would rather lose it than go to law at all.

Chairman WALSH. Have you any suggestion you would like to make, or could make, with reference to any change in the labor laws, or any suggestions as to what law the State should pass to protect labor?

Mr. FLORES. Mr. Chairman, I do not know of anything that I can suggest to this commission to enlighten it any upon the subject, but I would like to express just my humble opinion about things in general as to the situation of the Mexican and the Texas Mexican.

Chairman WALSH. I wish you would; we would be glad to have you do so.

Mr. FLORES. I would think that the Mexican can not expect anything in the way of adopting new laws in the legislature, since the majority of the legislature are landowners themselves, and large landowners, and I do not think that much could be accomplished in the way of adopting new laws in the legislature favoring Mexicans as against the landowner.

I think, however, that the Federal Government ought to go ahead and discourage immigration of Mexicans into Texas, and to acquaint the Mexicans with the real facts, and see that they do not come here any more. That, I think, would be better than trying to enact any laws that would protect them. Now, we have tried to tell them that, and that they have no business here as tenants, and while they could probably do as well as any other nationality on a little piece of their own land, it is very hard for them to get it at the present time, although several hundreds have bought their own lands, mostly in the southwestern part of the State, but as tenants there is nothing that they can expect here. We have tried it in every way and can not see that there is anything for them here. Well, there might be a change some day in the way of legislation if this commission goes ahead and does such good work as I think they have started out to do for the benefit of the workingman; it might be that some good to the Mexicans will be brought about, and he will be as desirable a man here as any other nationality in the State, but at the present time he is not.

For the present I think it would be best to have the immigration of them stopped. They have their own ways of living in their own country, and it is absolutely different from ours. We people who were born in this country feel for them because they are our own race, although we were born and educated here in this country; we feel for these poor unfortunates, and we would not like to see them come here any more unless conditions are changed a great deal. None of those who are here have made anything since they came here, and never will unless they can get hold of large tracts of land and are colonized—unless they colonize large numbers of families, families with six, seven, and eight children—and they could be sold land on long time; if not, I do not see what there is here for them.

In the old country, notwithstanding its actual distressing circumstances, poor and wretched as they might be, they are happy and better off than in Texas.

The immigration of Mexicans into the State of Texas has been on the increase for years as we have noticed it, and strange to say, we have subordinate lodges in other States of the Union, and in those States—such as Louisiana and Arizona and California—the Mexicans are doing well in all of those States, except the State of Texas.

Chairman WALSH. Do you know of any instance of peonage?

Mr. FLORES. I do not quite understand the definition of the word peonage in your language, but I take it that a peon is a slave, or something like that; a slave for debt.

Chairman WALSH. Yes; in a way he is. You gave a pretty good illustration of it when you described how the men were guarded until they could work out what they owed, the men guarded by armed men with shotguns. Do you know of anything of that kind?

Mr. FLORES. Yes.

Chairman WALSH. How general is that; how many instances do you know of? How many cases have come under your observation; more than one?

Mr. FLORES. Yes; I know of several such cases where men have been held in that way, that owed money.

Chairman WALSH. Was the attention of the Federal authorities called to it?

Mr. FLORES. Yes; but when the marshal got there the men who were guarding those Mexicans had disappeared all over the country and the United States marshal could not get them. I think they did arrest one in Galveston.

Chairman WALSH. How many instances do you know of?

Mr. FLORES. I know of three.

Chairman WALSH. Were complaints made in all of those cases?

Mr. FLORES. Yes; complaints were made.

Chairman WALSH. Were any arrests made in any of those, except this one you spoke of at Galveston?

Mr. FLORES. In one of them the Department of Justice had sent out detectives in order to ascertain the facts.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock. You will be excused, Mr. Flores.

(Whereupon, at 12.30 o'clock, an adjournment was taken for the noon recess until 2 o'clock p. m., at which time the commission reconvened, and the following further proceedings were had.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please be in order.

Judge Brooks.

TESTIMONY OF JUDGE M. M. BROOKS.

Chairman WALSH. What is you name, please?

Judge BROOKS. M. M. Brooks.

Chairman WALSH. What is your profession?

Judge BROOKS. I am a lawyer and farmer.

Chairman WALSH. And where do you reside?

Judge BROOKS. I live here, and practice law.

Chairman WALSH. Will you please briefly sketch your activities since you attained your majority?

Judge BROOKS. Yes, sir.

Chairman WALSH. Please do so.

Judge BROOKS. Just prior to attaining my majority my father had been running a cotton factory in Mississippi. He had previously sold out his plantation after the war, and he and a lot of friends built this factory. He was president of the factory. That factory failed, and with the remnant of his fortune he decided to move to Texas.

Chairman WALSH. What place in Mississippi, Judge?

Judge BROOKS. Macon, Miss. Enterprise is a station 10 miles south of Meridian, and this factory was 8 miles south of Enterprise; in other words, about 18 miles south of Meridian, Miss.

I went to the University of Virginia, and he came to Texas and located out here in Kaufman County and bought some land there. He and my mother lie buried there now.

I had two brothers that remained on the farm. I stayed there and worked two years, when I came back from the University of Virginia, after staying there a year, broken in health and pocketbook, and farmed two years there.

Chairman WALSH. Where was that?

Judge BROOKS. In Kaufman County, about 20 miles east of here, sir. And with $500 that I had accumulated there during the two years, I went to Greenville and entered the practice of law, and I stood at the bar for nearly 20 years.

In 1892 the people of Texas nominated me judge of the court of criminal appeal. I took my place on that court in January, 1893, and resigned in

January, 1910. I have been practicing here ever since. During my active practice in Greenville I accumulated a lot of land, inspired by the fact that my health was not particularly good, and loving the farm and the open air anyway, and also by the admonitions and advice of my brothers who had accumulated large farming interests. I, with my endeavor, and they with theirs, accumulated several thousand acres of black land, which we have managed with reasonable success.

Chairman WALSH. Where is your land located?

Judge BROOKS. In Kaufman County.

Chairman WALSH. How many acres have you altogether?

Judge BROOKS. Something over 5,000 acres, myself and my brothers.

Chairman WALSH. Is it a partnership or corporation?

Judge BROOKS. Well, it is better than a partnership, because all they have belongs to me, and all I have belongs to them. We own it in severalty.

Chairman WALSH. Do you rent out a portion of it to tenants?

Judge BROOKS. All of it on the half.

Chairman WALSH. How many tenants have you?

Judge BROOKS. I never counted them; but there is something over 5,000 acres. If there was one on every hundred acres, that would be 50, I believe, but we rent frequently to a man—we rent frequently just 50 acres to a man; I suppose there are 75, anyway.

Chairman WALSH. We would be glad, Judge, if in your own way—you have the scope of our inquiry, I understand?

Judge BROOKS. Yes.

Chairman WALSH. If you would sketch for us the development of the rise of the tenant farming in your portion of Texas, going back to the time, as some of the witnesses have done, when the land was held in large tracts in the hands of a few large, individual owners, and the changes that have come about in the rental contracts, or the character of the tenants, or nature of the crops, or anything, Judge.

Judge BROOKS. As far as I know, the character of the renters has been practically uniform ever since I have been in Texas; that is to say, a man would either rent land on a third or a fourth or on a half.

Chairman WALSH. I believe you said you rented yours on a half?

Judge BROOKS. Yes.

Chairman WALSH. Explain that contract.

Judge BROOKS. That contract is this: If you have to go out now and hire a first-class man to work land with first-class teams and tools, you have two jobs on your hands. I frequently would find a man who was a first-class tenant, that was my judgment of him, but he did not have first-class teams and tools. On the heavy, black land you have to have first-class teams and tools in order to make a success in farming it; therefore I have so much trouble trying it on the third and fourth and letting the tenants furnish their teams and tools that I had to abandon that. I would rather rent on the third and fourth, if I could get first-class men with first-class teams and tools, but it is almost impossible with the large amount of land we rent to do that.

I first started to do it in part on third and fourth and part on half, and that brought about discontent on the part of the tenants. They thought the men that were renting on third and fourth were being better treated than those renting on halves, and it brought about bitter feeling on the part of the tenants, and bickering and recrimination and discontent, and they wanted to do the same thing, but they did not have the teams and tools, and did not have the money to get them. They asked us for the money, but if I had to furnish them the money for that, I might as well buy the teams and tools myself.

I want to say to you, gentlemen, that I love Texas; it is the inspiration of my life. There is no tragedy in the tenant situation here, and there was none until the political Jack Cades stirred this thing up; we did not have any such trouble until these political Jack Cades started this crusade along that line. Texas is the best land that heaven ever blessed with her smile. Pardon that digression, gentlemen.

Chairman WALSH. Please give the details of the contracts you have with your tenants; what you furnish on the half, and I would like you, in that connection, to state whether or not—give the terms of your contracts, the length of time the tenants stay on your place, and whether or not you have any that were on the third and fourth and came on to the halves, and how it panned out.

Judge BROOKS. I do not recall now, sir, that either of us—I said we were working it now entirely on the halves, but after thinking it over, I think my

brothers have two or three men who are working on the third and fourth now, who formerly worked on halves. These men have been with them a long time, and have inspired them with their integrity and faithfulness and their ability as farmers. They were such men that you could let them get a lot of hands and dig a ditch or fix a fence, and that you could rely on to see that it was properly done; and as a result of their fidelity they let them work on the third and fourth, and they have first-class teams and tools.

Now, then, I rent by the year, but we have many men on our place that have been there from 10 to 25 years.

Chairman WALSH. Take some of those older tenants and state how they are with relation to their families; do they have families, and do their families work on the place, and about what profit they got out of it, the average good tenant in the average year?

Judge BROOKS. It is an old saying that the poor man has more children than anybody, and that applies to the average tenant, as well as to those in town. And there is no more tragedy in the tenant question than there is in town; in fact, there is not a tithe as much. I never heard of a man—and he would be regarded as crazy if he attempted to do so—starting a universal movement for aiding and helping tenants.

We rent this land on the halves for the year, with the absolute assurance to the tenant that if he be manly, honest, honorable, and faithful in the cultivation of the land he can stay there as long as he lives, and he knows that; but unfortunately most of the tenantry of Texas are nomadic; they are restless; they don't want to stay, and I have begged and importuned them. One I was very much attached to; he had been on my place three or four years; his name was Harrison, from Tennessee. He was a manly, hard-working fellow, and had accumulated some money, and decided he would go into northern Louisiana and buy him a farm. He went up there without my knowledge and looked at it. He came back and told me about it, and I begged him not to do it, that it was poor land, and by the time it was paid for it would be largely worn out, and I said I would give him $50 bonus to stay, but he would not stay.

Now, all my lands are high-grade, hog-wallow, thicket land, with a clay foundation, which, as I understand it, is the very highest grade of black land. There are more grades of black land than of sandy land in this country, although that is not generally known. A man driving over this country—a man riding over this country in the cars—looks out and wonders at the myriads of acres of first-class agricultural black land, but in an agricultural sense that is not true; it is not high-grade black land at all. Some of it is black sandy land; some of it is land with a rock foundation, which is the second grade of land; some of that is very high grade if the rock is not very close to the surface. Now, that land is susceptible of cultivation in wheat and oats, rather successfully, especially if the rock is not very deep. But you might just as well plant left-handed gimlets in that first-class black land as to plant wheat and oats. I reckon you would not raise a very lucrative crop of left-hand gimlets. That land is so alluvial that when it gets wet it stays wet for a long time, and the result is that the wheat will grow up and when time for harvest comes on it will fall down. You know, when it starts to rain in Texas it keeps on keeping on, and when it stops it keeps on keeping on, too. In other words, we have excessive wet spells and excessive dry spells. And this country I am speaking of now, because of the very high grade of land, it is not for sale, and I don't want to buy any more, either. And the reason I do not want to buy any more is simply because to-day I would be perfectly willing to rent every inch of land I have for 6 per cent over what I could have gotten for it before this war began, and pay the upkeep of the farm out of the 6 per cent. If there is any tragedy about this land situation at all it is the tragedy of the landlords. But there is no tragedy either way.

Chairman WALSH. What is the average acreage that you have rented out to tenants for tenants?

Judge BROOKS. Well, that depends. Now, for instance, here is a man, a good, stout man, say between 35 and 50 years old, or 60, maybe; if he is active and has no children, no sons or daughters, I rent him 50 acres of land, and sometimes I will rent him 100 acres of land. If he is an alert man, if he has business capacity and sagacity, alert energy and business capacity—you know some men can run Rockefeller's business, and some men can't run a chicken coop, although both are equally stout. There are no more farmers, my dear friends, in this country, in the country, in proportion to the population, than

there are merchants in town. Every fool that follows the plow is not a farmer. He is just an agricultural clerk. And I have got a good many of them, just purely ministerial agents, agricultural clerks, good, clever fellows, but he could not manage 100 acres of land by himself, if he got it, no more than he could manage the destiny of the universe.

But unfortunately the impression gets abroad that the people in the country that are working the land are all farmers. Any fool can not manage a farm. It takes more gray matter to make one good, first-class farmer than it does to be President of the United States—and that is going some—because I believe we have the most matchless President we have ever had in this Government.

Now, for instance, if I was to take you—which I would like to do—and show you one of the large industries of this city, say, Sanger Bros., an ornament to the city, a magnificent store, it would be idiotic for me to say, "What a great number of merchants here." You say, "Well, I just thought there was just one merchant, and that was Mr. Sanger." See the point?

Now, Brooks Bros., they call us, we have some four or five thousand acres of land—just three farmers. Here is one of them. I have not got a single man on my farm—and some of them have been there for 20 years—that I would dare—although I do not question the integrity, not that I question their honor, not that I question their fidelity—that I would not dare give any man on my farms 200 acres of land and give him the right to draw on my account and work that land and let me go to Europe and look at the terrible strife that is going on there for a year. I would not dare do it. I would just as soon turn a Winchester rifle over to the puny fingers of a baby. He has not the capacity to manage the farm, the business end of the farm. He don't know where to plow and when to plow and how to plow and what to plow and how deep to plow and how shallow to plow. He don't know anything about it. But he can do it very well if you tell him what to do. He can do it better than you and I can. But I have to do that.

Now, if you will pardon me, I will go on and tell you what I have—the reason I have secured these farms in addition to the ones I had there. I have always had a desire to help the poor. They always appeal to me. It occurred to me that my last days would be soothed and solaced with knowing that I had been able to help some noble fellow to get a start in life. The result is I have for 25 years had this standing universal proposition to every man on my farm. I would be glad for them to have come down here and testify. I have had the offer that if they will work on my land, be as clever to me as I am to them, no more and no less, until they accumulate a thousand dollars, whether they do it in one year or five years, that I will then go with them anywhere within a radius of 100 miles of where any of my farms lie and I will assist them with my judgment, without money and without price, to select him a farm; and if his judgment overrides mine I will defer to his judgment and let him buy that farm and pay him a thousand dollars down on it. I will indorse the deferred notes and give him a written contract or such security, if he demands any. He will say, "I don't need any from you." "That will be all right. I will give you the security if you want me to. I will take up these deferred notes and carry them and pay them so that you can fight the battles of life and make your home." I have had that standing proposition for 25 years, and I have never got a single patriotic heart to accept it.

The great trouble in this country, my friends, is the lack of economic sense. I understand there are two bases for success in life. One is business capacity and the other is boundless sense of frugality. The people of Texas have some of the first, but 90 per cent have none of the latter. If they had $100, they will spend it like a prince. It does not make any difference; they all spend it alike. The fellow who has $100,000 does not spend his $100,000 in a more princely manner than the fellow that has got $100. The result is they have no economic sense. Many of them will go into the field and plow with a Stetson on, finer than the one you wear, and I have seen them plow absolutely with these shiny shoes—what do you call them?

Chairman WALSH. Patent leathers?

Judge BROOKS. Patent leathers; yes. I have seen them plow with patent-leather shoes on and red socks. I want to tell you, because it largely illustrates the lack of economic sense. I grant you in advance that it is rather an extravagant or rather exaggerated form of this lack of economic sense.

I have 100 acres of land which I wish I could show you, and I wish you could see it. There was not an inch of it you could not cultivate, and it don't

wash away, as my friends would say, and it is just as rich as the Valley of the Nile. A man came to me. He is a big, stout fellow, bigger than I am, and he is an inch or two taller, coal-black hair, and a black mustache, a perfect athlete, a handsome man, an Adonis, about 40 years old. He says, "Judge, will you rent me that farm?" I said, "Yes." I said, "How do you want to rent it?" I am telling you all these matters, I understand, of course, I would be willing to swear to it. I said, "Yes; I will rent it." I had a couple of his brothers on my farms, and that sort of gave me some earnest of what he would be able to do. I had heard him spoken of as a fine farmer. I said, "Yes. How do you want to rent?" He said, "I want to rent on third and fourth." "Why," I said, "I don't rent my land that way. You got a good team?" "I got a good team; two splendid spans of mules." I said, "That don't make any difference. You sell those and loan your money out until you get a little more and then you can buy your farm. You do that and I will buy your teams." He says, "No; I raised these mules, and I am very much attached to them. And if you will agree to feed my mules for me, I will work them for nothing rather than to sell them, and let you furnish them." I said, "You can't afford to do that; and you ought not to attempt to do that." "I would rather do that; I am attached to them, and it will be a great favor to me if you will rent me the land." I didn't say anything. I wanted to see what sort of nerve he had. So he moved on there. A month after that I went up there, and he was walking down one of the rows; he had two of the finest span of mules I ever saw in my life. You may have seen larger ones, but you never saw better. They were as sleek as they could be. He came up and spoke to me. I turned to him. I said, "Henry, I am going to do a mean thing for you." He says, "All right, what is it?" He says, "What is it, Judge?" He looked rather solicitous. I said, "I am going to do a mean thing; I am going to give you $50 for the use of your mules and feed them, too." I said, "That is 8 per cent on what the mules would cost me. Now, I will renew my suggestion and you better sell your mules and get the 8 per cent yourself and let me furnish the mules." But strange to say, he wouldn't do it. "Now, I will give you $50, and I will let you go and sell your mules, and I will borrow the money and pay you 8 per cent and give you security if you want it, and I will furnish you first-class mules." You know, that intelligent fellow—and he was intelligent—said, "No; I don't want to do that." "Well, now, then," I told him—he said, "I am so grateful; that is mighty nice in you."

He went on and made a fine crop and made some money, and the land was productive, and, as I suggested, he made a good crop, and got a good corn crop, and that fall—that summer rather—I went by there in my buggy. I hollered at him, and I said, "Henry, you want this farm again?" That is about all I ever say to them. "Yes." "On the same terms?" "Yes." I said, "Better sell your mules." "Oh, no; I want to keep my mules." I rented to him again on the same terms and told him I would pay him $50 for them. That fellow waited until the 1st day of January, and called me up from Greenville, where that farm lay, here in my office in the Busch Building, and says, "Judge, I have sold my mules, and I want you to come up and furnish me some more mules." Well, as the nigger said, that sort of aggravated me. I didn't say anything, but I got on the train and went up there. My son works for me himself, and there is no poetry about it. He works that one farm and looks after the balance.

Chairman WALSH. How many acres?

Judge BROOKS. One hundred and fifty acres; and he is a good one.

Chairman WALSH. Has he a family?

Judge BROOKS. Yes, sir; he married a capable, sweet girl who graduated down here at Georgetown. And, then, I have another son who works a farm up here near Farmersville.

Chairman WALSH. Well, I interrupted you, Judge. Will you proceed?

Judge BROOKS. Yes. Well, I am glad you did. I have been pulled around in court so much, nothing but a cyclone disturbs me. Now, then, I went up there and bought a couple of spans of mules and I had this son, you know, with me, and we put some ropes around the necks of these mules and we carried them on up there, and that was 9 miles in the country, and I tell you that was not a very poetical version of it, either, and to carry four mules behind a buggy is some work. And we took them up there and led them into the yard, and when I took them into the gate the man came hogging along down, and I says, "Look here." I says, "Here is your mules." I says, "You didn't treat me right. You mistreated me. You know I begged and plead with you to sell the mules

sometime ago. And then you wait until I was my busiest and then you notify me that you had sold the mules and that I had to furnish you some. And I am living up to my contract, and you did not." "Well," he says, "Judge, these mules got so high that I being a poor man I was afraid they might lie down and die. And a fellow came along and offered me $400 a span for them and I just felt I had to sell." I says, "That's all right, go on." Now, he had a beautiful horse, a beautiful 16-hand 6 year old dapple gray buggy horse that I was very much struck with and I started one time to buy and something interfered, for one of my brothers. I have one brother older and the other younger, by the way—but something interfered and I did not buy it. And he went to town and sold that horse for $225. And then that summer he went to town with that money and a lot more money and bought a fifteen hundred dollar automobile. Wasn't that going some? Now, those are the facts, sir, that can be established out of the mouths of a hundred witnesses; yes, sir. And the way I happened to know that, I went bogging on up there with that boy of mine in the buggy and I heard an unearthly noise behind me and looked back and saw a nice auto, and I says, "Son, drive out to the outside and let the gentleman have the smooth road." And when he got on the opposite side of me I happened to glance in there, and I says, "Look here, Barry, ain't that Henry?" And he says, "Yes." And then I says to the boy, "Is that his?" And he says, "Yes," he says, "for he bought that thing the other day and gave fifteen hundred dollars for it." Well, the owner after that he wanted to know when I was coming up and he wanted to rent my land and build him a garage, and I says, "I don't rent land to people who own garages, because a fellow that owns a garage ain't got industry enough to burn." Now, that epitomizes, to a large extent, the lack of frugality of those people. They wear Stetson hats and fine shoes and just as good clothes as you and I.

Chairman WALSH. Is that customary among the tenants for them to wear Stetson hats and other dress that way at work?

Judge BOOKER. Yes, sir.

Chairman WALSH. Do they buy those things on credit?

Judge BOOKER. Well, on credit a good many of them, and a good many of them are making money. They've got money in the bank. Take it down here in Ellis County, some of those tenants absolutely lend their landlords money.

Chairman WALSH. Is this tenant still on the farm?

Judge BOOKER. No, sir. Like the Arab, he folded his tent and silently stole away.

Chairman WALSH. Do you know where he went to?

Judge BOOKER. Yes; he went onto a poorer place, and I understand he is dragging his slow lengths around Greenville.

Chairman WALSH. Has he lost his automobile?

Judge BOOKER. I don't know; I presume so, because it was very largely mortgaged.

Now, on that line I want to tell you what I do as to my farm tenants. I won't permit them—unless they insist on it; I beg them not to do it—to buy a single, solitary dollar on credit. I go to the banks in advance, as I have been doing for the past 25 years, I and my brothers, because what I do they do, and what they do I do, and I make the arrangements with the bank and let those tenants have the money as cheap as they would loan that amount of money to us—never exceeding 10 per cent, which is the maximum statutory rate of interest, or conventional rate in Texas. They have been doing that, and to-day those tenants owe me over $5,000. They take that money and buy their provisions and buy their clothes, and when that is out I go on another note again and let them have some more money. Some of them on my farm to-day owes me between $400 and $500 in that way. I don't get a cent out of it.

Chairman WALSH. As a rule, what investments do they make with the money when they first get it? As a rule, what do they get the money for?

Judge BOOKER. They get the money to buy clothing and food and raiment and pay for their extra labor, you know. Instead of trading at these big long-credit prices, they go in there and buy the food and the clothing just as cheap as you and I could, because they had the money—borrowed the money from the bank—and they would go into the store and say, I want some goods, and they get them at the cash prices, which are about 50 or 75 per cent cheaper than they would buy them if they bought them on credit. And in that way I save them all the way from $50 to $200 a year.

Chairman WALSH. Could you strike an average, Judge, as to the amount of land tracts that your tenants farm? You say one alert man would farm 50 or maybe as high as 100 acres?

Judge BROOKS. Yes, sir.

Chairman WALSH. Now, what are the usual holdings of your tenants?

Judge BROOKS. I reckon they would average about this way: If he has got a boy, a good, big boy that's too little for a man and too big for a boy, 18 years old, but he can do very good work on the farm, and if he is industrious I would let that man and his son have 100 acres. But ordinarily, if he has no such assistance as that and don't show that he is alert and has business capacity such as I suggested, I would rent him only 50 acres.

Chairman WALSH. What amount of cotton will a one-team farmer make with 50 acres an average year and an average quality of land?

Judge BROOKS. Of course, it depends on the land. The higher the grade of the land the more cotton. I have been talking about the land—say he plants 20 acres of it in corn and 30 acres of it in cotton, or, to make a more convenient calculation, say he plants 32 acres in cotton and 18 acres in corn. The corn replaces the corn that he used during the year making that crop. The 32 acres of cotton—on my land it averages something like half a bale of cotton to the acre. Of course, that is not an average for the United States, but my lands for the last 20 years have averaged me a half a bale of cotton to the acre. Some years I didn't make that much; some years the bollworm ate it all up. Now, if that is true, one-fourth of 32—that is the reason I suggested that acreage—I mean one-half of 32 would be 16 bales of cotton. Well, if he gets half of it, that would be 8 bales of cotton for himself. Then if he gets that which he has been doing pretty well lately until this war came on—something like $50 for the seed and then the cotton—probably that is a little too high, $50—but say on that basis, why, that would be 50 times 8, or it would be $400. In addition to that he gets his house; he usually gets his wood, water, and garden. Now, here is an economic problem I have been trying to solve with my tenancy that you gentlemen are more largely interested in. I have offered to buy them four pigs when they would go on the farm in January, or along in the beginning of the year, and told them that they could let them run there in my lot and with my stock and pick up the waste there and that along in November or December or along there they would have four hogs weighing, say, according to the character of the hog, if they have taken proper care of it, weighing from 250 to 300 pounds. Well, that would give him his meat and lard enough to live on. And frequently I lend them the money, and I proffer all the while to do that, to buy him a cow for all his needs as to milk and butter. Then I have insisted and persisted and begged and plead with them to have chickens and eggs besides. Now, if you could possibly give to each family in Texas his meat and his lard, his milk and his butter, his chickens and his eggs, why, we would have the most prosperous country that a benignant Heaven ever blessed with a smile.

Chairman WALSH. And do they accept your proposition as to the pigs and the chickens and the cow usually?

Judge BROOKS. "No," he says. "I had a hog last year and that old sow ate up all my wife's chickens."

Chairman WALSH. Well, then, they don't usually take them?

Judge BROOKS. No.

Chairman WALSH. Why do you think that none of your tenants in the past 25 years have accepted your proposition to pay a thousand dollars down and getting him a place?

Judge BROOKS. Well, my dear sir, I don't wish to be cynical. I am not. I have tried mighty hard to solve that problem, but it is with no results. I think it points the truth of what the Savior says when he says, "You have the poor with you always." About 99 per cent of the people don't want anything above to-day. They seem to proceed upon the peculiar economic conception that "sufficient to the day is the evil thereof."

Chairman WALSH. In many instances did they have the $1,000 at different periods which they might have invested?

Judge BROOKS. Many of them did and they would blow it in.

Chairman WALSH. Did they have bank accounts, many of them?

Judge BROOKS. Some of them did.

Chairman WALSH. On your land has it been customary for the women and children to work in the fields?

Judge BROOKS. Not a great deal. On our grade of land the reason they can work so much more than in Mississippi, where I was raised, and in east Texas is on account of the fact that the high-grade black land does not raise crab grass; have you seen crab grass?

Chairman WALSH. I know a little about it.

Judge BROOKS. You know what the pestiferous stuff is; it clings to the cotton closer than any brother. You have to pick it off with your fingers and keep on picking it off.

Chairman WALSH. There has been a great deal of suggestion about the proposed laws covering the relation between landlord and tenant; now, I understand there has been a law passed lately?

Judge BROOKS. Yes.

Chairman WALSH. By which it is undertaken to restrict the contract made?

Judge BROOKS. Yes.

Chairman WALSH. Please give your observation on the reasons, if there are any, for such a law and its workings, practical or legal standpoint?

Judge BROOKS. Will you pardon me if I tell a joke?

Chairman WALSH. Yes; we would be glad to hear one, especially if it illustrates a point.

Judge BROOKS. I tell this because it so aptly illustrates the point you inquired about and I am constrained to tell it at the expense of wearisome. I was telling a friend of mine about it this morning. There was an old negro once that started fishing, old Uncle Aleck, and he had one of these longnecked gourds that he put the worms in, and then put a rag in the end of the gourd to keep the worms from crawling out. And he was carrying this gourd to keep the worms from crawling out. And he was carrying this gourd in his hand as he went on down to the river to fish, and as he was going along he passed a cabin with a little woolen-headed pickaninny in front, and he came running up to him and said, "Uncle Aleck, let me go a fishing with you?" And he said, "All right; come on," and the little nigger went trotting along behind, and the little nigger took the gourd with the worms. And this little pickaninny had on a pair of breeches that some white man had given his mammy, and the legs had been sawed off but the pockets had been left their original size; and the little nigger took this bait gourd and stuck it in one of the pockets, and when they got down to the creek he laid down by the side of it and went to sleep and rolled into the river. Well, old Uncle Aleck threw off his coat and dived into the water, and dived and ducked around, and finally succeeded in getting out the little nigger and rolled him around until the surplus water was out of him, and he got him back to life. Then a white man happened to come along and saw him pull the little pickaninny out of the water, and he said to old Uncle Aleck, "What a marvelous act you did in risking your life for that little nigger; he must have been your son." And old Uncle Aleck said, "No, boss; he ain't no son of mine." The white man said, "Then he must be a son of a brother of yours." And the old nigger said, "No, boss; I ain't got no brother. He ain't no son of no brother of mine." "Then he must have been a son of a very dear friend of yours," and the old uncle said, "No, boss; I ain't never seen that nigger before in my life until I started fishing." And the man said, "Well, why in the world did you act so heroically to save that little nigger's life?" Old Uncle Aleck said, "I don't know nothing about your 'heroic,' but he fell in the river with the bait in his pocket, and that is the reason I went in and got him."

Now, the Jack Cades traveling around this country and in this State are like the locusts of Egypt; I reckon the Lord sent them here to try our patience; they have got mine pretty near the breaking point. They go running around the country talking about the tragedy of the tenant farmers when we were in absolute harmony before these Jack Cades began to sing their siren song. So we had one here running for governor and he told the tenantry of this country he was going to make it a misdemeanor for a man to rent his land for more than a third and a fourth and half. This siren song got them a coming and a going. There are 200,000 tenants in the State and they were told that it would be made a misdemeanor, and when this drove of statesmen got together down here, known as the Texas Legislature, they were sorely put as to how to keep faith with those people that they had sung this siren song to, and what did they do? They went and fastened an amendment to the landlord lien law saying if you rented for more than that you simply forfeited your landlord lien. Now, the result is, and the hypocrisy of it, that the smallest creditor who owns the land can take a mortgage on the crop and rent the land for $15 an acre, and put the tenant in the penitentiary if he takes a thing off of the farm. If they had passed the law that they really agitated there is not a justice of the peace in the State of Texas that would not have declared the law unconstitutional.

The trouble with our country is the gentlemen Jack Cades running around through the country singing their siren songs of discontent; there is the trouble about it. You can block my farm and put me out here 5 miles or 15 miles in any direction from this beautiful little city; make me swear that I will never stir off of the place, or go 5 miles beyond where I am forced to stop; you can go further and block my face so that it will never come off, and I will always be a cheap nigger, and I will have a home paid for in less than 10 years. God Almighty makes a man, but a few rotten ones make an official, and a few rotten can make a rich man.

Chairman WALSH. You do not think that there is any use for such a law?

Judge BROOKS. No more than there is for a left-handed glove; and such a law would destroy the very purpose sought to be obtained.

Chairman WALSH. With the number of tenants increasing in Texas—has it increased in the last 10 years?

Judge BROOKS. Yes.

Chairman WALSH. Is it desirable or undesirable that they should increase?

Judge BROOKS. My dear friend, it would be cruel for me to say that tenantry was desirable. It would show a gross and infamous disregard for my country. The great institutions of our Commonwealth, and of our Nation, depends upon the purity and sanctity of the homes of this country and the more homes we have the more perpetuity we will have.

The increase of tenantry is not because of the impoverishment of the tenants, but it is their improvidence. Pardon me; I know all about this question and I can prove it by living, breathing witnesses, every statement and suggestion I have made, for my veracity has never been questioned in the State of Texas, except by the Jack Cades, whom I have scored every time I have been on the stump. The reason of the increase is this: In the early days when I was younger you could come down here and for $5 an acre you could buy a section of land near Dallas. Perhaps if you got pretty close to town you might have to pay $10 an acre, but you could get it for $5 an acre a little farther out. Many noble spirits, with their fortunes destroyed in the old States, and having lost all they had in the strife in those old States, came to Texas and bought those lands. Say one of them bought a section, and I will use that to typify the condition and growth of this country. Now, at first there was no use of raising cotton much; he could use a few bales to buy some groceries or goods at the store; he would put three or four bales of cotton on his old rumbuckle wagon, if he raised that much, and go to town and trade it for goods. On the part of the land he would raise some corn and have a garden where he could, but the rest of the land, maybe 500 acres of it, he used as a pasture; probably it was not even fenced, and he would raise cattle and they grew on there and he would save up by living frugally and buy more cattle and they would multiply until he had quite a drove of them. This was down in the black belt within a radius of 100 miles of Dallas, and that was characteristic of the general conditions. After a while they ate out the native grass and other people came in and the land became more valuable there as compared with the western country where it was cheaper, and many of the pioneers here sold out for $15 or $20 an acre and went out West for the purpose of raising their cattle. Some sold their cattle and improved the land and put it in cultivation. The man and his wife would struggle to save and buy more land; they would live frugally and by practicing rigid economy would save enough to buy another 50 acres. And after a while they would put up a little house and rent a part of the land to a tenant and then later they would rent more of the land to other tenants, and in that way the tenantry has increased. The tenant was not able to buy a farm, and it is one of the most beneficial things that can be done him to rent to him, and how idiotic it is to talk about charity.

When I first bought land in Texas I bought it at from $20 to $25 an acre; I have no land that did not cost me at least $20 an acre. When I was a young struggling lawyer, when land was cheap, I did not have the money to buy and when I was ready to buy it had gone up.

The tenantry is increasing because they are putting in more land.

There is another reason for the larger holdings in this country. The very moment the land got high, or comparatively high as to what it had been, the owner would sell it and go to town or go out West. I can point out 100 men that left Grayson County—sold their land and left the county because the price had gone up, which was the very reason they ought to have held it; and they usually sold it to the adjoining farmer, who had a big farm already. He paid what was asked for it, and now the result is that he becomes an

absentee landlord. He started in on a beautiful Texas farm, farms upon which more eulogy has been bestowed than any other, and because he came out here and endured the privations and hardships of the early days, when he could buy the land cheap, now when the price of the land has gone up he becomes a soulless absentee landlord.

Now, that is the situation. I know something about the book called Dr. Jekyll and Mr. Hyde, but it seems like they are changing not only all the law I ever learned, but all the moral precepts as well. I used to think that when I accumulated a competency through toil it was my own, but the Constitution has become a sort of Mikado reminiscence and something for Jack Cades in the country to kick around, in order to get the votes from these poor, down-trodden people. I have had enough of this, and unless there is a return to decency in this country and to more patriotic desire to assert the sanctity of property rights and the permanency of the Constitution I fear they will be thrown away.

I think I have told all I have to say.

Chairman WALSH. We thank you very much.

Prof. Alvord.

TESTIMONY OF PROF. CHARLES H. ALVORD.

Chairman WALSH. What is your name?

Prof. ALVORD. Charles H. Alvord.

Chairman WALSH. What is your business, Mr. Alvord?

Prof. ALVORD. Farmer.

Chairman WALSH. Where do you reside?

Prof. ALVORD. Portland, Tex.

Chairman WALSH. What county?

Prof. ALVORD. San Patricio County.

Chairman WALSH. Sketch your activities in life up to this time.

Prof. ALVORD. I was born in Michigan and attended school in Michigan and received my education there. After graduating from the Michigan Agricultural College, I was connected with farming enterprises there and came to Texas, and was with the Texas Agricultural College at College Station.

Chairman WALSH. When was that?

Prof. ALVORD. In 1900, if I remember rightly. I was with the college four years and resigned my position and was on a farm for four years, which I operated myself, and I was recalled to Texas and offered the position at the head of the agricultural department, and held that position until I offered my resignation three and one-half years ago.

Chairman WALSH. Where was your farm?

Prof. ALVORD. In Michigan.

Chairman WALSH. The one you farmed for four years?

Prof. ALVORD. Yes.

Chairman WALSH. Oh, you returned to Michigan?

Prof. ALVORD. Yes.

Chairman WALSH. How long have you been at your present location?

Prof. ALVORD. Three and one-half years.

Chairman WALSH. You are now with what concern?

Prof. ALVORD. The Coleman-Fulton Pasture Co.

Chairman WALSH. Describe their farming operations.

Prof. ALVORD. We have a very large diversified farm.

Chairman WALSH. You are the superintendent of their farms, are you?

Prof. ALVORD. Yes; I am the superintendent, not of the company as a whole, but of the farms.

Chairman WALSH. Are you a stockholder of that company?

Prof. ALVORD. No, sir.

Chairman WALSH. You are a salaried officer?

Prof. ALVORD. Yes.

Chairman WALSH. Just describe their operations.

Prof. ALVORD. It is a very large diversified farm, in which the main interests are growing and feeding cattle and cultivating the land to produce feed for the cattle and also such crops as can be sold for money.

Chairman WALSH. Describe what they are.

Prof. ALVORD. I think there are approximately 12,000 acres under cultivation.

Chairman WALSH. And where located?

Prof. ALVORD. In San Patricio County.

Chairman WALSH. All in one county?

Prof. ALVORD. Yes.

Chairman WALSH. How is the labor organized on the farm?

Prof. ALVORD. We rent about one-third of this land on a third and fourth basis to men who operate it as their own farms, each renting from 30 to 150 acres; and the balance of it we operate ourselves.

Chairman WALSH. What are the crops raised by the tenants?

Prof. ALVORD. They are under contract to put at least 20 per cent of their land in feed and the balance of it they can put in cotton, but we require them to grow at least 20 per cent of the land in feed. This year I think they are growing more; but that is optional with them. Some raise more feed than others, but we require them to raise some.

Chairman WALSH. Is it optional with them as to what they do with the rest of the land?

Prof. ALVORD. They do as they please about that; generally they raise cotton. Some are inclined to raise more feed than cotton, but the most raise cotton. It is good cotton land; it is good for any kind of crops, but they would rather handle a cotton crop than any other.

Chairman WALSH. What do you say is the size of your tenant holdings?

Prof. ALVORD. From 30 to 150 acres.

Chairman WALSH. Is that what is called the one-team farm down there?

Prof. ALVORD. No, sir.

Chairman WALSH. What does it take to operate it?

Prof. ALVORD. Why, a man should have three teams, where they operate 150 acres.

Chairman WALSH. And what does the acreage run for a one-team farm?

Prof. ALVORD. We expect a man to cultivate 50 acres with one team.

Chairman WALSH. On your farms, do the women and children work in the fields?

Prof. ALVORD. You mean the year round?

Chairman WALSH. No; any time during the year? It has been testified here that they would work at certain times, chopping cotton, that they picked cotton and planted some.

Prof. ALVORD. I think I have only seen one tenant, a man came down from Nebraska last year; he is a man that owns a farm in Nebraska, by the way, and he is a very thrifty young man; had some brothers living in the country, and I rented 50 acres to him. I think I saw his wife working in the fields a few days last year.

Chairman WALSH. Is that the only one that you know of, of your tenants?

Prof. ALVORD. Among the white people.

Chairman WALSH. Are there any negro women working in the fields?

Prof. ALVORD. We do not have any negroes.

Chairman WALSH. What do you mean by saying white people?

Prof. ALVORD. I refer to Mexicans. We have some Mexican laborers.

Chairman WALSH. Take the Mexicans—do they work in the fields, the women?

Prof. ALVORD. Yes, sir; at times they do.

Chairman WALSH. Do the children work in the fields, from 7 years up, on your farms?

Prof. ALVORD. I do not know their ages. We do not encourage them to do that, you understand. We do not employ them by the day, but sometimes a man will take a contract to chop 50 acres of cotton, and he will take his family down to the field, the little fellows with him, and I don't know how old they are; sometimes they work and sometimes they play around there.

Chairman WALSH. Have you noticed any of them working in the field as young as 7 and 8 years?

Prof. ALVORD. I do not think so, not doing the regular work.

Chairman WALSH. How about girls of the family?

Prof. ALVORD. Why, they work the same as the boys do.

Chairman WALSH. How many laborers do you have on your farms that are employed by the month or by the day?

Prof. ALVORD. I could not tell you. It varies at different times of the year, of course, but I would say we have about 20 regular men on one farm, the average of them, our farms average about a thousand acres, and we have about 20 regular laborers, from 20 to 25 on the pay roll.

Chairman WALSH. What are their nationalities, as a rule, Professor?

Prof. ALVORD. Mexican.

Chairman WALSH. What rate of wages do you pay them?

Prof. ALVORD. We are paying at the present time, 80 cents per day.

Chairman WALSH. And how do they——

Prof. ALVORD (interrupting). We always paid a dollar a day until this last year.

Chairman WALSH. How many have you working on the place? How many working at 80 cents per day, now?

Prof. ALVORD. About 20 to 25 on each farm.

Chairman WALSH. How many altogether?

Prof. ALVORD. We have six of those farms that we operate in that way.

Chairman WALSH. Does that include their board?

Prof. ALVORD. No.

Chairman WALSH. Do you have boarding arrangements, boarding houses, or something of that kind?

Prof. ALVORD. No; they board themselves. You see if the man—suppose a Mexican working has a son or two boys in the family, we pay the same wages to the three of them, and they work in the same family.

Chairman WALSH. How old would a boy have to be to get 80 cents a day?

Prof. ALVORD. Why, about 14 or 15 years. We do not make a distinction, if these people drive the team, you see, the work is mostly teamwork, and if they are able to drive a team we pay the same as we do to the men.

Chairman WALSH. Is this staff of 20 men on the farm employed all the year round?

Prof. ALVORD. Yes, sir.

Chairman WALSH. How many days a year would you say they work?

Prof. ALVORD. We give them work every day they want work.

Chairman WALSH. Does that include Sundays?

Prof. ALVORD. No, sir.

Chairman WALSH. Every day of the week?

Prof. ALVORD. Yes, sir.

Chairman WALSH. Are they paid by the day, week, or month?

Prof. ALVORD. By the day.

Chairman WALSH. How often are they paid?

Prof. ALVORD. Paid once a month; that is, their accounts are settled once a month.

Chairman WALSH. Are they paid in cash?

Prof. ALVORD. Whatever balance is coming to them is paid in cash.

Chairman WALSH. And what deductions are there from the pay?

Prof. ALVORD. We have a hospital organization on the ranch that is mutual, optional with the laborers.

Chairman WALSH. Are all your laborers Mexicans?

Prof. ALVORD. No, sir; not all of them, the farm laborers are all Mexicans.

Chairman WALSH. How many laborers, I mean?

Prof. ALVORD. All the Mexicans and everybody else on the ranch pays 2 per cent of their salary into a hospital fund, the Coleman-Fulton Pasture Co. has nothing to do with it. Under the association rules, what is called the association—the hospital association, each man pays in 2 per cent of his salary no matter how much it amounts to, and that is deducted, whatever it might amount to. If a man has worked 10 days, it is deducted, and if he has not worked 10 days there is not any deduction. This is an association for the purpose of mutual protection.

Chairman WALSH. Who holds the money?

Prof. ALVORD. A committee of the employees.

Chairman WALSH. Do they have it deposited some place?

Prof. ALVORD. They deposit it in the bank, to the credit of the hospital association. We hire a doctor.

Chairman WALSH. How much do they have on hand, usually?

Prof. ALVORD. It kept accumulating until we had about fifteen or sixteen hundred dollars. It has gradually decreased during the last year, and now it is down to about eleven hundred dollars. The Coleman-Fulton Pasture Co. furnishes the building and all the equipment, without any rent charges, and the employees have free medical service; when a man is sick he is taken care of, taken to the hospital. It is a very nice hospital, well equipped, as good as there is in the city of Dallas, I suppose. And he is taken there and taken care of without any cost or board; he has medical attendance and everything, until he is fully recovered and able to go to work again.

Chairman WALSH. Do the doctors treat the families?

Prof. ALVORD. If an employee's family is sick, he gets a reduction in rates at the regular rate, whatever that might be. I think it is two-thirds of what is usually charged. And of course that is taken out of his account, and also such amounts as might have been advanced on his account.

Chairman WALSH. Do you run the stores? Do you have commissary stores?

Prof. ALVORD. Yes.

Chairman WALSH. Do those laborers run credit accounts with the stores?

Prof. ALVORD. No, sir; not with the stores. But we have a system of coupon books; the foreman, the boss on each farm, has coupon books that he issues, and these are good for credit.

Chairman WALSH. Just describe those coupon books.

Prof. ALVORD. They are simply coupon books, either $1, $2, $5, as the case may be.

Chairman WALSH. Have you one with you?

Prof. ALVORD. I don't know whether I have or not. I usually carry one. Everybody uses them. I get mine the same as everybody else does. [Handing book to chairman.] Well, I don't want you to take this. It is worth about $7.

Chairman WALSH. If we take it, we will pay you the $7.

Prof. ALVORD. I do not know what there is in it. I expect there is that balance.

Chairman WALSH. It is only good for merchandise?

Prof. ALVORD. For merchandise anywhere.

Chairman WALSH. Does—among the Mexican laborers, does it pass as currency?

Prof. ALVORD. Yes, sir. That is, in our stores we take it.

Chairman WALSH. How are these issued? I see that is a $10 book?

Prof. ALVORD. Those are issued by the farm foreman. He has those books on hand, and if a man wants anything——

Chairman WALSH (interrupting). He gives him a book?

Prof. ALVORD. He gives him a book.

Chairman WALSH. Then it is charged against his account?

Prof. ALVORD. He keeps the account; yes. We do that for the purpose of reducing the accounting expense. We operate our stores on a very small margin, and if it is necessary to keep bookkeepers to keep an accurate account of each man's items—a Mexican will come in any day 5 cents' worth of potatoes and 5 cents' worth of sugar, and 10 cents' worth of flour, and if we would have to make a 3-cent charge for each one of those items, it would take a force of bookkeepers to keep their accounts. So we issue these books and he can buy whatever he chooses and get it at the same price as if he paid cash.

Chairman WALSH. What method have you for dealing with the seasonal labor—do you require seasonal labor?

Prof. ALVORD. Yes.

Chairman WALSH. At certain times of the year when you need more help than others?

Prof. ALVORD. Yes, sir; we have more men sometimes than at others.

Chairman WALSH. How do you get the Mexicans to recruit your labor supply?

Prof. ALVORD. They drift in, perhaps 20 per cent of them; the extra ones drift in during the year. We sometimes employ them and sometimes we do not. We have some extra houses, you know, and when a family comes along and wants to live in the house we let them live in there. I do not know where they come from. They may move from Corpus Christi, or from the neighborhood there.

Chairman WALSH. How about the other 80 per cent?

Prof. ALVORD. Well, since I have been there I have employed a man who has recruited them in Laredo, Tex., and brought them to us. He is a young man, graduate of an agricultural college, educated at College Station. I employed him because he was a very competent young man, and lived in Laredo. His father is in the brokerage business there, and I think has some large holdings. He is a boy who was raised in Laredo and knows all those people. You see, at certain seasons of the year they are growing onions near Laredo, and those people work in the onion fields, and after the onions are harvested there is nothing for them to do there until fall, and they come into Laredo; you see, they work in the onion fields along this river, Rio Grande [indicating on map], and out in this part here, Cotulla, Tex., and through here, Pearsall, Tex. [Indi-

cating], and when the cotton crop gets ready to harvest they drift over into this country here, Nueces, San Patricio, and Bee Counties [indicating], and pick cotton. And when the season is over they go back to Ladero again. But our labor supply, most of it, stays right through the season. We have arrangements that we take care of them during the season, and at the end of the season we take them back to Laredo and put them back where they came from.

Chairman WALSH. Do your day laborers pay rent for their rooms and houses?

Prof. ALVORD. No, sir.

Chairman WALSH. What arrangements do you have?

Prof. ALVORD. We have very comfortable houses for them.

Chairman WALSH. Just describe them, please.

Prof. ALVORD. They are two-room houses, 14 feet wide and 28 and 32 feet long, divided into two rooms. The most of them are screened, and to each of them there is a hydrant of fresh water at the gallery, and they can step out to the gallery in front of the house and draw the water. And their wood is provided for them at the door.

Chairman WALSH. Have you had any strikes on the place?

Prof. ALVORD. No, sir; not general strikes. There was a bunch of Mexicans "struck" last fall. We were paying, I think, 60 cents a hundred for picking cotton, and they wanted 75, and they said if we didn't pay them they would go where they could get it, and my man told them to go, and they went.

Chairman WALSH. How many?

Prof. ALVORD. I think there were 15 or 20.

Chairman WALSH. Left anybody?

Prof. ALVORD. Yes. They went among the farmers scattered around here and there. I don't think many of them left the country; simply went out and went to work for other men.

Chairman WALSH. What are the educational conditions?

Prof. ALVORD. We employ an educated man or woman, Mexican teacher, I think now that they are all Mexicans. I have—we have four Mexican schools on the ranch. We employ these teachers and pay them the same as we pay our farm laborer, not the same wages, but we pay them, and charge it up to the account against labor, and we maintain school for six months in the year, to which they send their children free.

Chairman WALSH. In your opinion, will moderate machinery or new methods have any effect upon the evolution of farm industry in the South? What is the development along that line?

Prof. ALVORD. Well, I have given a great deal of study to the subject of machinery, with reference to farming, and I think as the speaker before me said, that the amount of money that a man will make in a farming enterprise will depend to a large extent upon the motive equipment, the motive power. In other words, the efficiency of the man don't count for so much when it comes to do a day's work on the farm now as the efficiency of the motive force that he has, his teams and tools. If a man has got a very small sorry mule, and one plow, he can not do much in a day. But if he drives four big mules and a big plow he can do a great deal. It is the same as it is in any other enterprise, the more power you have got per man, the greater will be your profits.

Chairman WALSH. Why don't you employ white labor on your place?

Prof. ALVORD. There is not enough white labor in the country to supply our place.

Chairman WALSH. Then it is simply a matter of supply, is it?

Prof. ALVORD. Yes, sir.

Chairman WALSH. Have you any white laborers?

Prof. ALVORD. We have a good many white laborers on the place.

Chairman WALSH. What do you pay the white labor?

Prof. ALVORD. Twenty-five dollars a month, and some of the boys get $30. The skilled, it is owing to what they can do.

Chairman WALSH. How many men get $25 a month and board?

Prof. ALVORD. You mean among the farm hands?

Chairman WALSH. Whatever you are talking about there.

Prof. ALVORD. We have a great many employees outside of the farm hands.

Chairman WALSH. I asked you why you didn't employ white farm laborers, and you said the supply was sufficient.

Prof. ALVORD. Wasn't sufficient.

Chairman WALSH. You said you did not have many white men, and I asked you what you paid the white men, and you said from $25 to $30 a month.

Prof. ALVORD. I am referring to the farm hands. We have mechanics and artisans that run up to $2.50 and $3 and $3.50 a day.

Chairman WALSH. My question was, how many farmers—how many farm hands you have getting from $25 to $30 a month and board.

Prof. ALVORD. I should think probably 15.

Chairman WALSH. Out of a total number of how many?

Prof. ALVORD. Well, these are on other farms, not connected with the six farms I spoke about, you understand.

Chairman WALSH. How many men have you getting $25 a month and board?

Prof. ALVORD. You mean farm hands?

Chairman WALSH. Whatever you have been talking about.

Prof. ALVORD. You see, we have a great many employees outside of farm hands.

Chairman WALSH. I asked you why you did not employ white farm labor and I believe you said the supply was not great enough.

Prof. ALVORD. The supply is not sufficient.

Chairman WALSH. And you said you did have many white men, and I asked you what wages you were paying, and you said you were paying $25 a month and board.

Prof. ALVORD. We have mechanics and artisans getting larger wages, getting $2 and $2.25, and $2.50 and $3.

Chairman WALSH. My question was, how many farm laborers have you who are getting $25 a month and board.

Prof. ALVORD. I suppose probably 15.

Chairman WALSH. Out of a total number of how many?

Prof. ALVORD. Well, we own other farms not connected with the Gregory place, I suppose you understand.

Chairman WALSH. Well, now, let us keep on the farm situation. Have you a lot of Mexican labor?

Prof. ALVORD. Yes, sir.

Chairman WALSH. And the only reason you have them is because the supply of white labor is not there? Is that correct?

Prof. ALVORD. Yes, sir.

Chairman WALSH. Would you employ the white labor that was there?

Prof. ALVORD. I would if I could get the efficiency out of it.

Chairman WALSH. Do you employ the Mexican laborers for the reason that you get them cheaper?

Prof. ALVORD. Not necessarily; no, sir.

Chairman WALSH. What do you think about that rate of pay for a man of 80 cents a day and buy his own provisions in that country? Is it considered a fair rate of wage?

Prof. ALVORD. Yes, sir; at the present time.

Chairman WALSH. What is your opinion as to the general housing conditions of tenants in Texas?

Prof. ALVORD. Well, some of them are not so good as they ought to be, but I think ours are very satisfactory. I have some photographs here I would like to show you if you wish to see them.

Chairman WALSH. I would like to see them.

Prof. ALVORD. There is the first tenant house we built on the ranch. I think that house has been up some 9 or 10 years.

Chairman WALSH. How many rooms?

Prof. ALVORD. I think four rooms and two galleries.

Chairman WALSH. Would you please let us have these for our record—those pictures?

Prof. ALVORD. Yes, sir. Now, there is one of a later type that we have just built.

Chairman WALSH. How many rooms does that have?

Prof. ALVORD. Four rooms and a big closet for a bathroom. Now, here is one of the tenant farms.

Chairman WALSH. Do these Mexican laborers live in these houses?

Prof. ALVORD. No; those are tenant houses; that is, I have just one that will show a Mexican house back of it.

Chairman WALSH. Have you one that shows a Mexican house?

Prof. ALVORD. Just right back of that building there.

Prof. HOLMAN. Have you some of those pictures we took down there with you?

Prof. ALVORD. I don't believe I have.

Prof. HOLMAN. Showing the Mexican houses and the cooking outside?

Prof. ALVORD. I think those are in another bunch which I left at home. But you will find a picture of the Mexican house on the back of that one there [indicating]. These refer to different features. I think they are self-explanatory. (The witness thereupon submitted a series of 14 photographs. They are not printed.)

Chairman WALSH. How is your place policed and how is order kept on the Taft ranch?

Prof. ALVORD. Why, it is just the same as any county. We do not pay any attention to it ourselves.

Chairman WALSH. Do you have any officials—that is, deputy sheriffs or constables or anything of that sort—in your employ?

Prof. ALVORD. Not in our employ; no, sir.

Chairman WALSH. And how much hay do you raise on these six farms? I wish you would just give the production of those six farms.

Prof. ALVORD. I could not give it to you offhand, sir; but we produce a large amount.

Chairman WALSH. Could you approximate it?

Prof. ALVORD. Oh, I should say that each farm would raise 150 tons a year.

Chairman WALSH. Of hay?

Prof. ALVORD. Yes, sir.

Chairman WALSH. And what was your total production of cotton last year?

Prof. ALVORD. Two thousand three hundred bales on the six farms.

Chairman WALSH. Can you approximate your production with reference to the different sort of holdings?

Prof. ALVORD. Well, one of these farms is about 1,000 acres, and it had about 250 acres in feed and about 750 in cotton, and we got approximately a half a bale of cotton to the acre. The balance of the land was planted in kafir corn and milo maize and Indian corn and redtop cane for hay.

Chairman WALSH. How many hogs do you raise?

Prof. ALVORD. On each of these farms we raise from 75 to 100 and 150 hogs.

Chairman WALSH. Do your tenants raise hogs?

Prof. ALVORD. We encourage them to, if they will.

Chairman WALSH. And do any of them?

Prof. ALVORD. Yes.

Chairman WALSH. What percentage of them?

Prof. ALVORD. I would say about half of our tenants produce meat for themselves during the wintertime.

Chairman WALSH. And how about dairy products?

Prof. ALVORD. We produce a large amount of dairy products. I think all our tenants have their own cows.

Chairman WALSH. Your tenants seem to be satisfied with their condition?

Prof. ALVORD. Yes; I think so. We could rent our farms a great many times over if we had more houses for them. It is just a question of getting the land in cultivation and providing places for them.

Chairman WALSH. Is your company acquiring more land?

Prof. ALVORD. No, sir; they have been selling.

Chairman WALSH. You have been selling?

Prof. ALVORD. Yes, sir.

Chairman WALSH. What was your highest holding in acreage?

Prof. ALVORD. I don't know.

Chairman WALSH. How much have you sold from time to time?

Prof. ALVORD. Two hundred acres were sold to a party not very long ago. I think it was the year before last, and I think a tract of something like 4,000 or 5,000 acres was sold.

Chairman WALSH. How long have you been there?

Prof. ALVORD. Three and a half years.

Chairman WALSH. Do you encourage your tenants to buy land?

Prof. ALVORD. Yes, sir.

Chairman WALSH. From your own company?

Prof. ALVORD. We have sold some of our tenants land; but you see there is lots of land in the country there for sale and they have bought where they could get the best bargain.

Chairman WALSH. How much land have you sold to tenants?

Prof. ALVORD. I could not say how much.

Chairman WALSH. Do you have any plan for encouraging them to buy land?

Prof. ALVORD. We encourage all kinds of trades.

Chairman WALSH. Do you have any proposition such as has been suggested by some of the other witnesses that they might invest in land belonging to you?

Prof. ALVORD. No, sir; nobody has suggested that. They have their own money and they do as they please, and most of them have got their eyes on a farm, and when they get money enough to make the first payment on one they buy it.

Chairman WALSH. Do any of these Mexicans become home owners?

Prof. ALVORD. Some buy land.

Chairman WALSH. Any since you have been there?

Prof. ALVORD. Yes, sir.

Chairman WALSH. Any that have been on your place?

Prof. ALVORD. Yes, sir; a man that farmed last year for me has bought a place.

Chairman WALSH. How large?

Prof. ALVORD. I think about 6 acres, and he paid $100 an acre.

Chairman WALSH. Take the tenant farmers around there; what would you say the average earnings of a one-team farmer would be?

Prof. ALVORD. Well, I had one man that farmed 50 acres. The great trouble is that most tenants, as the speaker preceding me stated, have not got that thrift and business ability to make money out of it. Most of those men spread their work over too much land and do not cultivate it sufficiently to make the maximum amount out of it.

Chairman WALSH. Well, regardless of that, what do they make?

Prof. ALVORD. Well, one man—now, this is not an exceptional case, although it is a good case. But we have had other men that have done just as well. One man a year ago farmed 50 acres of land and got 53 bales of cotton. Now, that was in good land, and he had that 50 acres and got 53 bales of cotton from it.

Chairman WALSH. Now, how many of those have you had?

Prof. ALVORD. That was on 50 acres. By the way, he owned 400 acres of his own land that he had rented out, but he lived in town and had nothing else to do and he wanted to farm and we rented it to him. And we rented it to him again this year, but he did not get so much cotton because of a different kind of season.

Chairman WALSH. How many bales did he get this year?

Prof. ALVORD. He only got 27 bales.

Chairman WALSH. Twenty-seven bales off of the 50 acres this year?

Prof. ALVORD. Yes, sir; and it was the same land this year on which he raised the 27 bales as that on which he raised the 53 bales. The difference was in the insects and other diseases of the cotton. The cost of producing cotton is determined more by climatic conditions and insects pests than any other one factor. The average cotton grower is a good farmer and keeps his crop clean and takes good care of it and oftentimes puts enough labor on it to make a maximum crop; but the insect ravages damage it, and the insect pests get it.

Chairman WALSH. Now, please answer the original question, if you can; about what is the average net earnings per year of the tenant farmer with one team on your place?

Prof. ALVORD. Well, I could not say, offhand, what the average would be; but, generally speaking, he ought to get a gross return for his work on 50 acres of land, if he provides the feed for his team on the outside, you understand—that is, if he works all his land in cotton—he ought to get a gross return of a thousand to fifteen hundred dollars.

Chairman WALSH. And does he get that on you place?

Prof. ALVORD. I could not give you the figures offhand.

Chairman WALSH. Do you keep books so that that could be given?

Prof. ALVORD. Why, the books would show what rents he had paid; but we do not know what he might make, you know.

Chairman WALSH. It would show what his gross profit on the proposition would be?

Prof. ALVORD. Yes, sir.

Chairman WALSH. Now, will you please furnish us, sending to our field headquarters in Chicago, the gross returns of all your tenants for the past three years?

Prof. ALVORD. If it can be done. I think the books will show.

Chairman WALSH. That will be all, thank you, Professor. Please remain in attendance, as there might be a question I would want to ask you later.

Mr. Green.

TESTIMONY OF MR. JOSEPH F. GREEN.

Chairman WALSH. State your name, please?

Mr. GREEN. Joseph F. Green.

Chairman WALSH. Where do you reside, Mr. Green?

Mr. GREEN. Gregory, Tex.

Chairman WALSH. Are you connected with what are known as the Taft properties?

Mr. GREEN. Yes, sir.

Chairman WALSH. Where are they located, please?

Mr. GREEN. This farm which you speak of is located in San Patricio County, Tex. It has three or four towns either on the ranch or adjoining the ranch.

Chairman WALSH. Name the towns, please?

Mr. GREEN. Sinton originally was on the ranch. It adjoins it now. Taft is on the ranch. Gregory is on the ranch; Portland is on the ranch.

Chairman WALSH. And how many acres have you there?

Mr. GREEN. We have about 80,000 acres now.

Chairman WALSH. Now, do you have any other ranch property—that is, that this company owns—under lease?

Mr. GREEN. No, sir.

Chairman WALSH. What is the Catarina ranch?

Mr. GREEN. That belongs to Mrs. Taft.

Chairman WALSH. How many acres in that?

Mr. GREEN. I think 294,000 acres.

Chairman WALSH. Where is that located?

Mr. GREEN. That is located in Dimmit and Webb Counties.

Chairman WALSH. Do you have anything to do with that?

Mr. GREEN. Yes.

Chairman WALSH. Are you general manager for that, also?

Mr. GREEN. No; I have it leased; that is, a partner and myself.

Chairman WALSH. Well, to whom?

Mr. GREEN. We lease it.

Chairman WALSH. Oh, you lease it personally?

Mr. GREEN. Yes, sir.

Chairman WALSH. Do you have tenants on that land?

Mr. GREEN. No, sir.

Chairman WALSH. What do you do with that land?

Mr. GREEN. Run cattle on it.

Chairman WALSH. How long does your lease run, please, Mr. Green?

Mr. GREEN. Five years.

Chairman WALSH. I wish now—first, is the company that manages these six farms, I believe you call them——

Mr. GREEN (interrupting). Yes.

Chairman WALSH (continuing). A corporation of the State of Texas?

Mr. GREEN. Yes, sir.

Chairman WALSH. What is the name of the corporation?

Mr. GREEN. Coleman-Fulton Pasture Co.

Chairman WALSH. Now, does the Coleman-Fulton Pasture Co. also run stores?

Mr. GREEN. Yes, sir.

Chairman WALSH. Have you any other corporations that had any part—conduct any part of the operations?

Mr. GREEN. Yes, sir.

Chairman WALSH. Any subsidiary corporations of any kind?

Mr. GREEN. No.

Chairman WALSH. You keep the ranch account separately, do you, from the store account?

Mr. GREEN. Well, it is all kept through the same head office.

Chairman WALSH. Where is the head office?

Mr. GREEN. At Gregory.

Chairman WALSH. What is the capital stock of the company?

Mr. GREEN. Eight hundred and forty-nine thousand seven hundred dollars.

Chairman WALSH. Do you know how many stockholders there are?

Mr. GREEN. About 20.

Chairman WALSH. Is the stock for sale any place?

Mr. GREEN. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. GREEN. Well, it is all for sale—well, Mr. Taft's stock is for sale, and what I have is for sale.

Chairman WALSH. What is the par value of the stock?

Mr. GREEN. Well, I couldn't tell you.

Chairman WALSH. What is the actual value of it?

Mr. GREEN. I couldn't tell you that. I don't know. I would tell you if I knew.

Chairman WALSH. That that is for sale—for instance, Mr. Taft's stock—what does he want for it?

Mr. GREEN. I don't know as he has set a price recently on it.

Chairman WALSH. Well, yours, then?

Mr. GREEN. The last stock that I sold I sold for $250 a share. I sold about one-third of my stock at that price.

Chairman WALSH. Do you remember what the par value of it is?

Mr. GREEN. Oh, $100 a share. Excuse me.

Chairman WALSH. How long has the company owned that place?

Mr. GREEN. I think it was in 1881 that it was incorporated.

Chairman WALSH. How long have you been there, Mr. Green?

Mr. GREEN. Fifteen years this coming June.

Chairman WALSH. Do you own cotton gins?

Mr. GREEN. No.

Chairman WALSH. Is there a separate company owns cotton gins?

Mr. GREEN. Yes, sir.

Chairman WALSH. What is the name of that company?

Mr. GREEN. I believe the Taft Oil & Gin Co.

Chairman WALSH. What is the capital?

Mr. GREEN. One hundred and fifty thousand dollars. It is not a corporation; it is just a partnership.

Chairman WALSH. How many stockholders in that, or partners?

Mr. GREEN. Three.

Chairman WALSH. What was your net profit in that last year?

Mr. GREEN. This last past year?

Chairman WALSH. Yes.

Mr. GREEN. Well, I don't know. I could possible answer your question by saying that the $150,000 put in five years ago has never paid any dividends, and there has been none drawn out; and, of course, you will find out if this is correct—the usual time for closing books in the oil-mill business is the 1st of April of each year, after the product is all sold. But, as near as I can get at it now, I would say that the property was worth about $150,000 and possibly 4 interest; but there has been nothing ever drawn out.

Chairman WALSH. Failed to make it, or accumulating a reserve, or what?

Mr. GREEN. Yes; failed to make it. We have had some put into improvements each year, but the depreciation in that kind of property is very rapid indeed. A gin that is good property to-day in five years is worthless, and in three years it is not worth 50 cents on the dollar.

Chairman WALSH. How much money has the partnership or company now?

Mr. GREEN. Over and above their indebtedness?

Chairman WALSH. No; how much——

Mr. GREEN (interrupting). I think about $5,000 or $6,000 over and above their indebtedness.

Chairman WALSH. And what is the indebtedness?

Mr. GREEN. I think the indebtedness is about $5,000 or $6,000.

Chairman WALSH. And that would represent, then, any profits you had made in that time?

Mr. GREEN. Well, it would take all that to put the property in condition by the time we repair each year. Gin property must be repaired and gone over, and the boilers must be fixed, and all the machinery must be improved; and it would take, I would say, about what we have on hand to put the property in condition to operate next year.

Chairman WALSH. Prof. Alvord has introduced one of these coupon books in evidence here. Do your renters use those books?

Mr. GREEN. I think so.

Chairman WALSH. And do the laborers use them?

Mr. GREEN. I think so.

Chairman WALSH. Do they do any trading with competitive stores, or does your company own all the stores?

Mr. GREEN. Oh, no. We don't own all the stores. There are competitive stores there.

Chairman WALSH. What do you estimate the value of your farming equipment at, please?

Mr. GREEN. Mr. Alvord could probably tell you that, but I could not. I don't have much out of the book records. I can furnish it to you.

Chairman WALSH. Do you not recall what it is on the books?

Mr. GREEN. No; I do not. I will be glad to furnish it to you, though.

Chairman WALSH. What do you render for taxation?

Mr. GREEN. I couldn't tell you that.

Chairman WALSH. What is the valuation of your land? What is the net value of your land?

Mr. GREEN. For taxation?

Chairman WALSH. No; for all purposes. What is its actual value?

Mr. GREEN. Well, that is a question I would have to answer you about this way: Some of our land that we have had in cultivation has paid us as high as $8 an acre rent, and a large amount of our land that has been in pasturage has not paid us but very little rent. Some of it as low as 25 or 50 cents an acre. Perhaps that is as much as it has ever paid.

Chairman WALSH. What would you say the valuation is of the six farms?

Mr. GREEN. Well, I should judge the value of those six farms is not far from $75 an acre.

Chairman WALSH. How are the tenants on your places staying there? Do they move every year, or how is that?

Mr. GREEN. We have been operating tenants, or had tenants for about 10 years; and 75 per cent of those who have come with us from time to time are still there with us.

Chairman WALSH. Seventy-five per cent?

Mr. GREEN. Yes. We usually lose one tenant a year; but out of the 26 I don't think we have ever lost—we have never had a tenant leave the ranch of his own accord, and we have not had occasion to change more than perhaps two in any one year. And the majority of our tenants have been with us on an average of four years.

Chairman WALSH. How many tenants have you now?

Mr. GREEN. About 25. I think that is exact.

Chairman WALSH. And how many laborers?

Mr. GREEN. I don't know about that; I should think—the total number of laborers I do not recall. I should judge 150—some place between that and 200. It varies, you know.

Chairman WALSH. Who fixes the price of the merchandise in the company's store?

Mr. GREEN. The superintendent of stores.

Chairman WALSH. What is his name?

Mr. GREEN. Mr. Brooks.

Chairman WALSH. And who determines the amount of wage that is paid to the laborers?

Mr. GREEN. Well, each department usually; that is, the man that is in charge of each department fixes the amount.

Chairman WALSH. How many stores have you on the farm?

Mr. GREEN. Two; and then we have some small commissaries at each farm.

Chairman WALSH. How much stock is carried in each store?

Mr. GREEN. I should judge about $20,000 would be the maximum, and down to about $12,000 or $15,000.

Chairman WALSH. And where do you purchase your merchandise? What is your trading point?

Mr. GREEN. Wholesale houses in Houston and all over the United States.

Chairman WALSH. You just go out into the general field to trade, do you? Have no special place?

Mr. GREEN. Well, those traveling men come in.

Chairman WALSH. You have no special place where you purchase, that are either manufacturers or jobbers for you?

Mr. GREEN. No.

Chairman WALSH. What is the reason of the coupon-book system, Mr. Green?

Mr. GREEN. Well, I don't really, to tell you the facts, know anything about it. Mr. Brooks introduced it; that is, the head storekeeper. He came there from Kansas and he was in charge of a large store there, and he introduced this system down there of the coupon system, and there were many things in which he said it was an advantage. Now, would you repeat the question, to see if I can answer it?

Chairman WALSH. What is the reason of the coupon-book system?

Mr. GREEN. I can not tell you further than it was introduced by the head storekeeper, and that is about all the reason that I could give you. And I have heard the bookkeeper say that it made the bookkeeping much simpler and plainer. That is about all the reason I have ever heard them say. I buy them the same as anybody.

Chairman WALSH. I have been asked to ask you a question. What has been your experience at that farm with steam and gasoline power as to whether or not you have found the same economical?

Mr. GREEN. We have for heavy work. We have found in certain cases that we could use them to advantage on the ranch even with our mules. We have found that in disking and in plowing up this virgin soil that we can do it much cheaper than we can with the teams and much better.

Chairman WALSH. I will excuse you, Mr. Green, for the present. We are much obliged to you.

Mr. Dale Walker.

TESTIMONY OF MR. DALE WALKER.

Chairman WALSH. Your name is Dale Walker?

Mr. WALKER. Yes, sir.

Chairman WALSH. Where do you live, Mr. Walker?

Mr. WALKER. In Gregory, Tex.

Chairman WALSH. What business are you in?

Mr. WALKER. In the gin business.

Chairman WALSH. How long have you been in the gin business?

Mr. WALKER. Since 1897.

Chairman WALSH. I wish you would just state what your equipment is.

Mr. WALKER. At the present?

Chairman WALSH. Yes.

Mr. WALKER. I have an 11-gin plant, 125-horsepower boiler, 220-horsepower engine; capacity, 120 bales every 24 hours.

Chairman WALSH. Where are you located with this Taft ranch?

Mr. WALKER. Right on the ranch there—part of the ranch. But it don't belong to them.

Chairman WALSH. It don't belong to them?

Mr. WALKER. No, sir.

Chairman WALSH. Are you in competition with the Taft people in the gin business?

Mr. WALKER. Yes, sir.

Chairman WALSH. Have you observed the operations at the Taft ranch with reference to their tenants?

Mr. WALKER. Nothing; only hearsay.

Chairman WALSH. You have no personal knowledge of it?

Mr. WALKER. No, sir.

Chairman WALSH. Do you come in competition with them in the ginning business?

Mr. WALKER. Yes, sir.

Chairman WALSH. Now, just how do you operate and how do they operate?

Mr. WALKER. I don't know whether I exactly understand you, Mr. Chairman.

Chairman WALSH. I went to find out whether or not the way in which a large operation is carried on—what effects it has on a small operation like yours, for instance.

Mr. WALKER. Well, if we have a large crop like we had in 1913 it don't affect me but very little, but when it comes down to a short crop it does.

Chairman WALSH. Well, now, in what way?

Mr. WALKER. Well, just like this: If we have got a short crop, you see, my price of ginning is the old standard price, which was originally, when I went to Gregory in 1903, the price.

Chairman WALSH. What is the price of ginning?

Mr. WALKER. Well, I charge six bits a hundred and wrap it. That includes the bagging and ties. I furnish the bagging and ties at six bits a hundred.

Chairman WALSH. And how long do you say that has been the charge?

Mr. WALKER. It was that way when I went there in 1903, but later, two years ago, why, the pasture company or the Taft Oil & Gin Co. cut the price 25 cents a hundred and made it 50 cents a hundred for the ginning and a dollar for wrapping.

Chairman WALSH. Did they ever try to buy you out?

Mr. WALKER. No, sir.

Chairman WALSH. What effect did that have upon your operations?

Mr. WALKER. Well, it has had a little bit. I have had some people come and say they could get their cotton ginned up there for 25 cents a hundred cheaper than they could at my gin.

Chairman WALSH. Do you think that your presence there had anything to do with it? To put it plainly—if you have any complaint whatever to make as to the competitive conditions there, I wish you would make them.

Mr. WALKER. Well, Mr. Chairman, it is a sort of a hard proposition to make them. I have them, but it is in such a roundabout way that is it a hard matter for a man, unless he can see it through, to go into it. It is this way: I have never ginned a bale of cotton for the pasture company's farms.

Chairman WALSH. You have never ginned a bale of cotton for the pasture company's farm?

Mr. WALKER. No, sir; wouldn't be allowed to.

Chairman WALSH. It is not allowed?

Mr. WALKER. No, sir. That is what the tenants tell me. I know nothing else. But I don't gin it.

Chairman WALSH. When did you say you came there?

Mr. WALKER. 1908.

Chairman WALSH. Isn't it natural that their ginning should be done on their own place?

Mr. WALKER. Certainly. I do not object to that.

Chairman WALSH. Well, are there any other competitive features that you have found might be detrimental to your business?

Mr. WALKER. Not in particular.

Chairman WALSH. Do they have control of the water there?

Mr. WALKER. Fresh water? Yes.

Chairman WALSH. Well, do you get it in your operations?

Mr. WALKER. Well, I did in one year, 1913.

Chairman WALSH. Can you purchase it from the Taft ranch?

Mr. WALKER. Yes; I used it in 1913, but it cost me so much I had to cut it out and got to using salt water again.

Chairman WALSH. So the price that is charged, you claim, makes it prohibitive?

Mr. WALKER. Well, for boiler use; yes, sir.

Chairman WALSH. I will ask Mr. Green a question.

TESTIMONY OF MR. JOSEPH F. GREEN—Recalled.

Chairman WALSH. Mr. Green, I want to ask you one more question: Do you have written contracts on your ranch?

Mr. GREEN. Yes, sir.

Chairman WALSH. Have you a copy of the contract with you?

Mr. GREEN. No, sir.

Chairman WALSH. Will you please produce it and put it in the record here?

Mr. GREEN. Yes.

(The contract referred to is printed among the exhibits at the end of this subject as "Green Exhibit.")

Mr. GREEN. May I be permitted to say one thing? There have been so many things said here about tenants that I would say that what has been said in reference to nearly all the tenants which they have spoken about does not apply to ours. We have the best lot of tenants that I have ever known. Over half of them own their own farms and have bought them and paid for them since they came on our ranch, and they have nice families and buggies to which to ride, and some of them even have automobiles, and many of these tenants have been there a long time, some of them as much as 10 years, and some of them have continued there as tenants and renters after they have bought as much as 300 or 400 acres of land and paid for it, and are still there.

Chairman WALSH. Americans or Mexicans?

Mr. GREEN. Americans. We have two Mexican tenants that have bought and paid for tracts of land. That is all.

Chairman WALSH. Thank you, Mr. Green.

Dale Walker.

TESTIMONY OF MR. DALE WALKER—Recalled.

Chairman WALSH. Now, Mr. Walker, do you know anything about the use of the coupon system on the ranch?

Mr. WALKER. No, sir; I don't know nothing about that. I don't get nothing from that, and don't deal with it.

Chairman WALSH. Have the tenants ever told you of any reason why they thought the books were used by the employees?

Mr. WALKER. Not in particular. I have heard them say they had to use the coupon book in order to get credit; that is all. That is the first time I ever heard it.

Chairman WALSH. That is the system, it seems, that this company has of extending credit, is through the sale of that coupon book?

Mr. WALKER. Yes, sir.

Chairman WALSH. They have no other system there?

Mr. WALKER. Not that I know of.

Chairman WALSH. That is all. Thank you, Mr. Walker.

Mr. Green, just one moment, please.

TESTIMONY OF MR. JOSEPH P. GREEN—Recalled.

Chairman WALSH. Mr. Holman has a question or two.

Prof. HOLMAN. Mr. Green, didn't you make a change this year in your customary charges for the ginning of cotton?

Mr. GREEN. April a year ago—no; two years ago.

Prof. HOLMAN. It is not true, then, that following the war, or rather the opening of this year's crop, that you changed from the credit system to the cash system of charging for the ginning of cotton?

Mr. GREEN. Well, I don't think that we ever made a change of that kind. The way we came to make a change in the price of ginning—I happened to be away from home attending a funeral a couple of years ago, and I found after the funeral was over—I took a walk and I found that the neighboring gins were charging less than we were, and I then inquired as to the price of ginning over the country—I didn't know anything about the business—and I found that the entire country was charging 25 cents a bale less than we were charging, and when I got home I told Mr. Walker about it, and I told Mr. Walker we would have to cut the price to 50 cents, and we cut it, and the price was changed to conform to the price elsewhere.

Prof. HOLMAN. Did you change from the credit system to the cash system of ginning last fall?

Mr. GREEN. I don't know that we did; I don't remember it.

Prof. HOLMAN. You were ginning for cash in September, were you?

Mr. GREEN. I don't think we were; I think—there is quite a bit on the books, I know.

Prof. HOLMAN. Mr. Green, one tenant on your ranch told me that he could not take his cotton away from the gin unless he paid cash for it, at that time when I was there with Mr. Alvord down there. I just want to ask you about that.

Mr. GREEN. Well, now, I have a superintendent that operates the gin and operates the oil mills, and I don't know much about the details of it.

Prof. HOLMAN. Is the oil mill a separate corporation?

Mr. GREEN. Yes; that belongs to a company.

Prof. HOLMAN. That is an allied company?

Mr. GREEN. Well, it belongs to some of the stockholders of the Coleman-Fulton Pasture Co.; but it is a private company, not incorporated.

Prof. HOLMAN. Is the bank at Taft owned by the company?

Mr. GREEN. No.

Prof. HOLMAN. That is not owned by the company, but by individuals?

Mr. GREEN. Yes, sir.

Prof. HOLMAN. Are they the same individuals who are connected with the Coleman-Fulton Pasture Co.?

Mr. GREEN. No, sir.

Prof. HOLMAN. Are you interested in it?

Mr. GREEN. Yes, sir.

Prof. HOLMAN. Is Mr. Charles P. Taft interested in that bank?

Mr. GREEN. No, sir.

Prof. HOLMAN. Is the First National Bank at Gregory connected with the company at all?

Mr. GREEN. No, sir.

Prof. HOLMAN. You are interested in it?

Mr. GREEN. Small interest.

Prof. HOLMAN. Is Mr. Charles P. Taft interested in it?

Mr. GREEN. No, sir.

Prof. HOLMAN. Is the packing house a part of the oil mill corporation?

Mr. GREEN. No, sir.

Prof. HOLMAN. Is that a separate corporation?

Mr. GREEN. It belongs to the Coleman-Fulton Pasture Co.

Prof. HOLMAN. Mr. Green, we heard some statement made on the Taft ranch that the use of the coupon-book system was for the purpose of concentrating the trade of the people on your place to your stores and to prevent trade with competitive stores. Would you make a statement in answer to that suggestion?

Mr. GREEN. Well, as I said to the chairman, I covered all that thing when I stated to him.

Chairman WALSH. You gave all the reasons that you knew?

Mr. GREEN. Yes, sir; I don't know much about it.

Prof. HOLMAN. Can you tell us something about this: That during the last presidential election one of our investigators pointed out that the town of Taft went for President Taft. Is that the only town in that county that did that?

Mr. GREEN. No; there was one county went solid for him. I don't know of anything else of that kind in the State.

Prof. HOLMAN. Are any of your relatives on the ranch or near the ranch peace officers?

Mr. GREEN. Yes.

Chairman WALSH. To what extent?

Mr. GREEN. Why, he is a deputy sheriff. He was a constable, and I told him I believed he had better not rent. And when I took charge of the ranch about half of our officers—half of the county officers—were employed by the company, and my predecessor was a commissioner; and I refused to accept the appointment when they offered it to me. And I notified all my men that whenever a man became a candidate for office of any kind his time would stop; that I expected to allow the county to run its business as it pleased. And since then we have had no company officers.

Chairman WALSH. What is the population of your county?

Mr. GREEN. About 4,000.

Chairman WALSH. About 4,000?

Mr. GREEN. Yes.

Prof. HOLMAN. Of the county?

Mr. GREEN. Possibly more.

Prof. HOLMAN. On the place, 4,000?

Mr. GREEN. No.

Prof. HOLMAN. The whole county?

Mr. GREEN. Yes.

Chairman WALSH. What is the largest town in the county?

Mr. GREEN. Sinton.

Chairman WALSH. How many people are in Sinton?

Mr. GREEN. I think about—it is claimed about 1,200 or 1,000; something like that.

Chairman WALSH. That is all. Thank you. You will be finally excused. Mr. Lewis.

TESTIMONY OF MR. W. D. LEWIS.

Chairman WALSH. What is your name, please?

Mr. LEWIS. W. D. Lewis.

Chairman WALSH. And your business, please?

Mr. LEWIS. At the time being I am president of the Farmers' Educational and Cooperative Union of Texas.

Chairman WALSH. A farmers' union?

Mr. LEWIS. Yes.

Chairman WALSH. Where do you reside

Mr. LEWIS. My residence is in Topsey, Coryell County.

Chairman WALSH. Would you be kind enough to just sketch your activities, what your activities have been?

Mr. LEWIS. Yes.

Chairman WALSH. As you have heard the other witnesses asked?

Mr. LEWIS. Yes. I am a native Texan; born on the farm; and am still a farmer, and I am proud of the profession. I have been engaged constantly since my years of maturity, as a farmer, with the exception possibly of about two years, when I was connected with a newspaper as its editor. That particular service required three days of each week as editor of the newspaper, and the other three I devoted to riding a cultivator upon a farm.

Chairman WALSH. Where is your farm located?

Mr. LEWIS. In Coryell County.

Chairman WALSH. How many acres have you?

Mr. LEWIS. I have 200 acres.

Chairman WALSH. And you farm there yourself, farm that yourself, do you?

Mr. LEWIS. My son is manager for the time being, operating the farm.

Chairman WALSH. You are running it?

Mr. LEWIS. Indeed, yes, sir; and stock raising in connection with it.

Chairman WALSH. What is the organization or purpose of the farmers' union, please, Mr. Lewis?

Mr. LEWIS. The purpose? [Reading:]

"Declaration of purposes:

"1. This institution is based upon the principles of equity, justice, and the Golden Rule."

The following are among its declared purposes:

"2. To discourage the mortgage and credit systems.

"3. To assist members in buying and selling.

"4. To educate agricultural classes in the science of agriculture.

"5. To strive constantly for harmony and good will among all mankind, and to especially cultivate fraternity—brotherly love—among members of the union.

"6. To demand a rigid enforcement of law for suppression of vice and immorality.

"7. To advance our membership in a correct knowledge of political economy without in any sense permitting the discussion of partisan politics or partyism."

These, sir, are the purposes of the organization.

Chairman WALSH. What is the numerical strength of the organization?

Mr. LEWIS. Mr. Chairman, that question and one or two others connected with it are of that character, being a secret organization, that I am not at liberty to make public.

Chairman WALSH. It is a secret organization?

Mr. LEWIS. Yes; it is a secret organization.

Chairman WALSH. Where are the headquarters?

Mr. LEWIS. The headquarters of the Texas division is at Fort Worth.

Chairman WALSH. How many officers are there?

Mr. LEWIS. There are 12 officers connected with the State department.

Chairman WALSH. Run through the list, please, as to who the officers are.

Mr. LEWIS. Five of the executive committee, the president, vice president, the secretary-treasurer, general lecturer and organizer, chaplain, conductor, and doorkeeper.

Chairman WALSH. What is the method of financing the organization?

Mr. LEWIS. It is financed by the sale of its charters to local organizations, and in addition to that there is an initiation fee of $1 which, in addition to that, there is 25 cents for each three months of the calendar year, paid by the male membership as dues.

Chairman WALSH. Are ladies and gentlemen both entitled to belong to it?

Mr. LEWIS. Yes; but there is no dues required of the lady membership.

Chairman WALSH. Have you a copy of the constitution and by-laws there?

Mr. LEWIS. I have; yes.

Chairman WALSH. Would you please let us have it?

Mr. LEWIS. Indeed I will; it is a pleasure to me, sir.

(The pamphlet referred to, entitled "Constitution and By-Laws of the Farmers' Educational and Cooperative Union of Texas, 1914," was submitted in printed form.)

Chairman WALSH. Has it any relation to the Texas Commercial Secretaries' organization?

Mr. LEWIS. No.

Chairman WALSH. Has it any relation to the Texas Commercial Secretaries' Organization?

Mr. LEWIS. No, sir.

Chairman WALSH. Does the membership consist of farm owners and farmers, and renters, as well?

Mr. LEWIS. Anybody; yes, sir.

Chairman WALSH. What would be the proportion of membership?

Mr. LEWIS. Well, there is no provision in relation to our membership to distinguish specifically between renters and the actual home owner, for the reason that we consider the renter a farmer. But taking the census report, it would be reasonable to suppose that since there are 417,000 farmers in the State, 219,000 of whom are tenants, therefore it would figure about 50 per cent tenants that belong to that organization.

Chairman WALSH. What are the qualifications for membership? It may be in that constitution, but if you can sketch it briefly, just do so.

Mr. LEWIS. All right. I can do that, Mr. Chairman. A man must be an actual farmer, live on his farm. He shall believe in the existence of a Supreme Being—those are the main qualifications.

Chairman WALSH. What is the policy of the organization toward land prices and rental values, and so forth, if it has any?

Mr. LEWIS. The policy of the organization on the tenant question, viewed from a business standpoint, would appeal to the average intelligent farmer just as it would to the renter in one of these city houses in which to conduct a commercial business. That in proportion to the advance of his rental as a privilege of doing business he would necessarily have to acquire and demand a larger margin of profit in order, you understand, to be able to pay an advance in his rents; to not take into consideration that question would therefore result in his bankruptcy. I believe we all made a mistake; men often do; we are all the sons of Adam. I think one of the most fatal mistakes made in the discussion of this tenant question is to make the distinction between tenant and farmer. They are farmers. And I do not want to be put in that attitude, nor does my organization make any distinction. Whatever inures to the advantage of a tenant will correspondingly be to the benefit of a home owner, and vice versa, except as it applies to the tenant affecting the possibility of him ever owning a home, then it becomes a different question. The agricultural interest of the country and its relation to the well-being of every legitimate business interest in it is, as I see, a far more serious problem than some whom I have heard give evidence on this question believe it to be. For that reason, that the farmers are the only basis upon which the burden rests of the payment of the vast bonded indebtedness of this country and its credit system, these school bonds and the road bonds and the county bonds and the municipal bonds and the State and National bonds, besides the railroad bonded indebtedness of this country, are all entirely dependent upon the question as to the ability of the farmer to pay. I only cite this, Mr. Chairman, to rise, to try to impress the importance of the question of the farmer and his relation to the well-being to this grand, glorious country of ours.

Now, the tenant question; I heard one distinguished gentleman here, and he is a jurist, and I wish to God there were more philanthropists discussing the tenant question as one isolated landowner. I wish there were more like him. But I am sorry to say that that was an isolated case. And again I want to say as the representative, as the member, not only of the farmers of this country and every other interest, sincere legitimate business interests, and it is a little remarkable that that gentleman as an isolated philanthropist should have acquired 75 more fools and irresponsible, disreputable citizens as his tenants. The tenant of this State is as patriotic, Mr. Chairman, and he is as intelligent, as any landlord in it, take the average. There are, however, among the tenants and the farmers the same per cent of no-goods, if you will pardon the expression, of disreputables as there is among the legal fraternity and among the doctors and bankers and merchants or any other vocation.

Gentlemen and Mr. Chairman, I want to say, and I say it sincerely, and I say it as a representative of the patriotic farmers of Texas, and upon whose backs rests the payments of all the debts of this country, upon the products of whose labor is dependent as to the canceling of the load of this country, their repudiation. They are not extravagant, but there is, if they were to follow the course that the business world of this country has followed in the dark hours of toil and discouragement, they would have done as the business world done long since, taken the bankruptcy law. But they are standing by their guns. We

hope through this organization to convince, certainly to appeal, to the patriotic business interests of this country, that the farmer, the mudsill of civilization, will have to be made prosperous, will have to be allowed to operate or declare a dividend like other business interests upon industries as investors.

This organization, gentlemen, is fighting no legitimate business interests. We consider them as essential to our civilization as we are, as the predecessors, and we have got a common interest.

Now, it is perfectly natural, Mr. Chairman, it is perfectly natural for men to lose sight of anyone else's interest but their own. We are prone to selfishness. I want to say that in more than the 4,000 schoolhouses in which these precepts are taught of this organization men with their wives and their sons and daughters attend at least once a month, studying these economic questions. They come to the conclusion, Mr. Chairman, that farming and the agricultural interests upon which the destiny of our public institutions rest—it is upon which our Government itself rests—is not charitable or a moral question, but is an economical one.

We have gone into the discussion why the Federal Government in times of depression in the financial world will come to the rescue of one class of its citizenship and give them its great credit and even furnish the manufacturers of whisky and carry their certificates for whisky until it gets old enough and mellow enough to create a thirst in the throats of thousands—not alone farmers, less farmers than any other profession in this country—and carry it for them. And when the time comes that when the necessity of the farmer as a result of the pressure of his creditor shall protest upon his little penury cash account, or the debt available to raise it, the necessity of his creditor and his sympathy for his indulgence, when that pressure is brought to bear on the farmer, regardless of the price, I want to say, Mr. Chairman, that it is that sort of patriotism on the part of the farmer that is taken advantage of by the creditor and that system has got to be changed.

So don't none of you gentlemen, and especially you jurists of this country, get the idea I am a Socialist. No, sir. It has got to be changed, to relieve the farmer of the necessity when the creditor comes and says, "Jim" or "Tom, I have been good to you. I have got to have it." The manipulator of the cotton market of this country takes advantage of that knowledge. The farmers dump their cotton all at once. And, gentlemen, it has the same effect on the agricultural interests of this State and a nation that a run has on a bank, and you gentlemen know the result, don't you? The only remarkable thing to me is that the farmers have not been sent to the wall and been declared bankrupt. The reason is they have got more integrity than some of the business men who taken it have.

We have been studying all of these questions. We have hoped to be able, Mr. Chairman, to mold the public sentiment in this country that will appeal to the patriotic citizenship of Texas and of the South to a realization that the farmer is the mudsill of our civilization, and upon his prosperity depends the perpetuity of our institutions.

Now, I hope you will pardon me. I have spoken with more feeling than I ought, perhaps.

Chairman WALSH. That is all right.

Mr. LEWIS. I want to tell you gentlemen I am glad this Government of ours has seen fit to go into a discussion of this question. God bless the tenants of this country, their wives, and the children. I say for the paid membership of this organization in the little schoolhouses, I want to remind the smart Alecks and those who are criticising the efforts of any humble citizen to help improve the condition of this country, that it is as the Declaration of Independence that was declared in township meetings back in the colonial days, and there was never a reform brought about, or never has been a religious or political reform brought about, that it did emanate from the mudsill policy.

Now, the only solution of this question is that you make the investigation that you have set out, and I am truly glad that we have interested the Federal Government, and that we have interested our own State government, and that we have interested every thoughtful newspaper and every thoughtful business man in the State as to the importance of what was first considered a foolish, idiotic idea of the farmer, systematically and gradually marketing his cotton crop here in the South.

In order to do so we necessarily have to have money advanced to us at a time when our creditors, our doctors, our preachers, our merchants, or other legitimate creditors would go to the wall if we did not pay. We wanted to

inaugurate a system, a warehouse system, and we wanted the validity of the warehouse receipt like a whisky receipt is validated. And we have got to have the fraternalism and all that. The Bankers' Association of Texas, God bless them, some of them are big-hearted, noble men in those banks. Possibly if I had been raised with a silver spoon in my mouth, and possibly had I had the environments that they have, I would be riding upon the backs of the industries of this country to-day. If this Federal Government can come to their assistance, and extend to them that Government prerogative of issuing money and allowing them to take a merchantable farm product and loan it at a rate of interest it has developed in its investigation it will do a great work. It would not be boasting too much to say we will never stop until we get some means that will give a just, logical, and reasonable way of getting that sort of assistance.

Now, this farmers' union is the biggest thing in Texas. The politicians may persecute it in saying that it is under domination of certain interests. I have had lies enough told on me to absolutely have me crucified.

You know what resulted in the crucifixion of the lowly Nazarene. It was not what He was guilty of, but what the mob said about Him.

I find a solace in the attack made on the organization by the press. Mr. Chairman, you are not of Texas. I was born here, and am indigenous, but I want to say that this scurrilous press, this disreputable press, is completely under the dominion of politicians, who are trying to prejudice the people with a view of preventing them from accomplishing anything to emancipate the farmers. Now, the daily press is a responsible press, and they have never indulged in that sort of a campaign and have not said we were connected with the Commercial Secretaries. This other contemptible press is guilty of libel, but if we were to sue them for libel, it would be like suing a pauper and catching a louse. Now, that is the sort of a campaign that has been going on.

You have to provide homes for the people, and the perpetuity of this Government rests on the homes of its members.

Now, unless the farmer can make a fair margin of profit on the sale of the products of his farm, so that he can lay by some competency, the renters of this State will all move to town, and you will just have to throw up the sponge, Mr. Speculator, because your business has gone to the devil, and you will have to get out and make your living.

That is just as serious as this question is. The question is not a moral question; the tenant is not dependent upon the capitalist—he does not want to be—but he wants an opportunity to sell the product of his labor for a price more than he is now making out of it, and he will never stop until he gains that point.

Mr. Reporter, I wish you could get a part of that, anyhow.

Mr. Chairman, I was asked with reference to another question, that I have the documentary evidence on, and that is the relation of the farmers' union with the Commercial Secretaries with reference to its publicity department. I want to say that it has no connection; here is a prospectus of the Farmers' Educational & Cooperative Union of America, issued by its publicity service. It has been handed to the press. Now, it has been asked where we get all this money to flood this country with a lot of "dangerous, anarchistic literature." Now, I want to say that I will give any man $500, and I can borrow it, that will show one place that we have ever advised a man to vote—one thing we ever advised a man to vote for, or one thing that we ever advised him to do, except to work to put himself on a plane of intelligent discussion of the agricultural question. [Reading:]

"To the Press: On behalf of the organized farmers of the Nation, we desire to extend to the press our sincere thanks for the cooperation given in our news and plate service and to announce that we will begin January 15 offering to the press each week a special feature service on industrial subjects from the pen of the most able writers of the Nation. We solicit your advice and counsel in keeping the service to the highest possible degree of efficiency. The following pages will give you a general outline of the service.

"We are asking those who are able and willing to assist in the work to make contributions, supplementing the funds of the farmers' union, which are insufficient to give you the efficient service we desire.

"The following letter, which is self-explanatory, is being sent to prospective contributors:

"'The Farmers' Educational & Cooperative Union of America invites your cooperation in advancing the interests of agriculture throughout the Nation.

The union is organized in 27 States and has a membership of approximately 2,000,000 plowmen. Its slogan is education and cooperation. We solicit financial contributions from those interested in the betterment of agriculture, to be used in supplementing the educational and organization work of the union under the direction of the publicity department of the Farmers' Educational & Cooperative Union of America.

"'The educational work contemplates, to the extent of our financial ability, a free weekly news service, a monthly plate service, a weekly feature service to the national press, and the dissemination of information through pamphlets and by lecturers. In addition to the officers of the farmers' union, we have on our staff some of the most distinguished writers of the Nation, who are contributing their talent through our service to the cause of agriculture, free of charge.

"'The discussions will deal with the problems of agriculture and related industries from the scientific, economic, and business standpoint, and will encourage cooperation between all classes of people and all lines of industry. We shall especially deal with the problems of production, marketing, rural credits, transportation, and kindred subjects, and we will squarely face every economic issue that bears directly or indirectly upon the business of agricultural and rural life, and we shall in every instance promote and protect the interests of the men who feed and clothe the world.

"'The organization work comprehends the organization of farmers into local units.'"

I want to say, Mr. Chairman, what is meant by "local units." The constitution provides that no local unit can be organized with less than 15 members; it provides that they may be in every community 5 miles square throughout America. The limit of 15 is only charter members. Every other man has to undergo a rigid examination, and must show that he is moral, upright, conscientious, God-fearing, and debt paying, wife supporting, and a farmer of Texas. [Continues reading:]

"'The organization work comprehends the organization of farmers into local units in unorganized sections for the purpose of educating the members in scientific agriculture, cooperative methods in marketing, and to make the business of farming more remunerative and farm life more attractive. A staff of able speakers, right from the plow handles, who know agriculture as only the men who plow can know it, will do the organization work.

"'The farmers of the South have suffered a loss of $400,000,000 on the present cotton crop, which could have been avoided with proper organization of the farmer and cooperation with the banking and business interests. Money loaned on agriculture pays a rate of interest greatly in excess of that of other lines of industry. Organization and a system of rural credits will give the farmer cheap money. The farmer can neither help himself nor be helped by others until he organizes.'"

(At this point the witness submitted in printed form a prospectus entitled "Farmers' Union Publicity Service," issued by the Farmers' Educational & Cooperative Union of America.)

Now, the bureau of Federal statistics, known as Commerce and Labor—I was surprised that the jurist who was on the stand did not seem to be as well posted on the conditions as a man of his reputation should be as to the question of what the average farmer earns; the Government statistics show that it is the pitiful sum of $400.

Now, that is the problem that is being discussed in these unions. We sell annually more than one-half a billion dollars' worth of a commodity that civilization would perish without, and when we consider the people who raise this commodity make on an average only $400 income, and that they, the yeomanry of this country, have to fight for that and pay for the raising of their children out of it, and pay the preacher and support the church and build the roads and pay the taxes, it seems to me that the country at least ought to be able to consider its importance and do something to relieve them from the condition they are in.

Chairman WALSH. Has your union adopted a definite policy as to how to make the cotton productive?

Mr. LEWIS. Yes, sir.

Chairman WALSH. Please tell us what it is.

Mr. LEWIS. Its policy is the establishment of warehouses recognized under the law in which cotton may be stored. So that the farmer at the time when

the market—like any other business man—when the market fluctuates below the cost of the production, rather than for him to sell it under those conditions, for the relief of his creditor, he gets a certificate issued, recognized by the law and just as safe as that of the whisky distiller, and which he can take and go to his bank and get his money at a reasonable rate of interest.

No business can pay 10 per cent and live, unless it is engaged in piracy, and it has to be pretty lucky at that; that he can get his money at a reasonable rate of interest with these certificates as collateral, as other business men, in the other lines with which he has to compete, and so that he will not be forced to sell his cotton too low.

The farmers and the bankers of the South and the merchants of the South have been playing a game for 20 years; it is known here as the thimble-rig game; that is the kind of conditions under which the farmer has been working.

Now, we want to raise the general average. Under the present conditions it is impossible for the farmer to make any progress, or get any more for his cotton, and the proposed system would relieve that condition. When those certificates are issued to the farmer he can use them as collateral, so that he can pay off his doctor and his merchant and his butchers. The farmer is as much in need of money in these times as the city gentleman. Now, that is the purpose of the warehouse system.

The farmers, under that system, either Federal or State—we made an effort to get that principle recognized by Congress recently and we were told the Government could not afford to endanger or hazard the inflation of the currency. These questions have been discussed, and I hope it is not sinning against the Holy Ghost, and, if it is, we are going to continue to sin against the Holy Ghost.

Chairman WALSH. Has your union, Mr. Lewis, adopted any policy toward cooperation, so far as credits are concerned, and trading?

Mr. LEWIS. Yes, sir; our organization has adopted in many instances, cooperation, as it has through which it buys by wholesale.

Chairman WALSH. It favors that policy as a whole?

Mr. LEWIS. Yes, sir.

Chairman WALSH. And as to credits?

Mr. LEWIS. It has in many instances where there was a tenant or renter who had to mortgage his cotton—rather than to market it the union got together and took his note and let him have the cash so that he could compete the same as other folks.

Chairman WALSH. So they believe that is a sound principle?

Mr. LEWIS. Yes, sir; as a cash business. And I want to say, Mr. Chairman, and I hope I won't be considered as trying to advertise the farmers' union, but the localities in which the farmers have stood together collectively—in those localities there are less chattel mortgages than in others; in those localities they are diversified, raising their own supplies, and have been.

A farmer that has kept up with this organization for the period of 12 years of its existence and its teaching of its scientific methods of farming has no advantage over those mentioned by that jurist who are on his 5,000 acres; the conditions are quite different.

Now, if the margin of profit to be derived out of a legitimate business is the key to its success, I want to say that there is no line of reasoning that would restrict that from applying to farming. A business can not be done at a loss, and the farmer is the only man on the face of the earth that can conduct his business under that system and stay in it. That is the result of the condition spoken of here on the tenant question. The reason for the present condition of the farmers is that for a series of years they have been conducting their business at a loss. That will apply also to the banking business, only it would bring about results much quicker in that case; it will apply to the attorneys at law; it will apply to our colleges, or to any line of business, anywhere. It is fatal.

I think it is wrong, Mr. Chairman, for us to attempt to cure a disease with sympathy or with trying to hide the real facts, not that I am accusing anyone of trying to hide the facts, or of evading the real facts, and trying to make the issue a moral one instead of an economic one. If they do they will be that much longer in meeting the question.

Now, Mr. Chairman, I would be glad to answer any other questions that you may want to ask.

Chairman WALSH. As to the method of organization, I judge you have given attention to these matters of which you have spoken, covering a period of many years?

Mr. LEWIS. Yes; 12 years.

Chairman WALSH. And prior to that time had you given the economic subjects some thought?

Mr. LEWIS. Considering my limited ability as a farmer, I have been giving these questions some special observation.

Chairman WALSH. Now, this paper you mentioned was a farm paper?

Mr. LEWIS. It was a paper of general news, but it was a farm paper. I had considerable competition; there were 13 papers in the county, and I had the distinction of having the most widely circulated one.

Chairman WALSH. I noticed you stated in answer to one of my questions that this was a secret organization?

Mr. LEWIS. Yes.

Chairman WALSH. Explain why it is secret.

Mr. LEWIS. The matter of statistics is one reason. Now, for instance, we keep within our own confines the condition of crops, the real condition of crops. We keep the outside world from knowing the real advantages we are obtaining cooperatively among ourselves, and the paramount reason for that is that some wolf in sheep's clothing in the interest of some demagogue of a politician shall not get in there, because he is not eligible; they have to pass through a rigid examination as to qualifications. It is strictly an agricultural organization.

Chairman WALSH. Would you have any objection to stating whether, as a whole, the organization is growing?

Mr. LEWIS. It is growing.

Chairman WALSH. Has it been growing from its inception?

Mr. LEWIS. Yes, sir; a gradual growth; except we have gone through a period in this State of inactivity or apathy on account of the war conditions, and there has been considerable gloom, and the farmers have not been as enthusiastic.

And then there was another period, in 1907, when we put on a movement. The farmers had for three previous years advanced the price of cotton under the holdings movement, and then the crisis came and became so acute and there was a panic in this country.

This organization is like our churches and fraternal organizations and it has periods of enthusiasm; but the barometer of this organization, its real membership, is determined by its fees and dues, and we are in a normal condition and, in fact, growing.

Commissioner LENNON. Is your organization the one of which Charles S. Barrett, of Georgia, is president?

Mr. LEWIS. Yes.

Chairman WALSH. Is there something else that occurs to you, Mr. Lewis, that you have not been asked about?

Mr. LEWIS. I would be glad if we could take a broadgauge view of the situation and see if we can not arrive at the reasons therefor of the deplorable condition among farmers, and the great hazards incidental thereto to the investments of the country, and see if we can not get at the cause of it, and see if the Farmers' Educational & Cooperative Union of America is correct in attributing it to the small margin of farm profits as applied to the South. I think we ought to, and that this Nation is big enough and that it will become aroused to the great interests of the farmers of this Nation, and instead of the condition of the farmer being a joke and he being considered a happy-go-lucky sort of a fellow who gets through anyhow, whether he makes any profits or not—I think this Government is big enough and broadgauge enough to consider it as an economical question and place it upon the plane of any other business and thus insure its success.

Chairman WALSH. That is all, thank you, Mr. Lewis.

I might make the announcement that was made at the beginning of our hearing, and I would like to make it, as far as possible, through the press, that we said we would receive suggestions from those unable to attend as witnesses. I will say that we have received a vast number of suggestions from all over the State of Texas, many of them being very valuable, and from all viewpoints. The commission will place those in the hands of its experts and have them digested, and all will be gathered together and placed in our records; and if there are any further suggestions to be made they can be addressed to the headquarters of the commission at 903 Transportation Building, Chicago, Ill.

We wish to thank you for the cooperation we have received from you at this hearing, and I now wish to state that this hearing is adjourned.

Thereupon, at 5 o'clock, Saturday, March 20, 1915, the commission, at Dallas, Tex., adjourned sine die.

ADDITIONAL STATEMENT OF MR. JOSEPH M. McCARVER.

[Stiles, Denison & Co., general merchandise.]

ANNONA, TEX., *March 22, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
615 Transportation Building, Chicago, Ill.

GENTLEMEN: Having appeared before you as a witness concerning rural credits as related to the tenant question, and while there becoming interested in the question in a general way, I am now taking advantage of the invitation given at the close of the hearing by Mr. Walsh, of your committee, to make suggestions, which suggestion I refrained from making there, because of the fact that your time was limited, and it seemed to me that too many witnesses were taking advantage of the opportunity afforded to advertise their hobbies and political aspirations.

First, I submit that the most substantial improvement that can be made in a people of any class is made by education, and taking education as a basis of argument I would suggest that you take a bright, energetic boy from each community, or say two from a county (more if possible). Take them from renters or even share croppers—the lower the family in the scale the stronger will be the impression on the tenantry—and teach him in some good farm school the importance of industry, home owning, economy, frugality, soil culture, etc.; after which (provided he is bright and capable) I suggest that you return him to his own people, there to take charge of and develop a demonstration farm on a small scale. He in turn can teach the people among whom he was raised the lessons he himself has learned. This, in my judgment, will imbue them with confidence in the sincerity of the Government in its efforts to help them, and from observation I find that once you have gained their confidence and inspired them with hope, coupled with a working knowledge of the problem, they themselves will work out their own economic tangles. I grant you that this means a long time, but any lasting improvement you make in their condition will require the expenditure of much time and effort.

Now, gentlemen, I as a credit merchant come in direct contact with these people every day, and since they carry our goods away without the cash I naturally watch them and try hard to detect every sign in their lives that points to advancement or retrogression, and I know from personal experience that if you give them just a fairly good term or two in our meager country schools that their ability to meet their obligations quickly becomes more apparent. And I see them, these share-crop families, where a son or a daughter has persevered and gained sufficient education to teach a country school or obtained a position in a store, or I have seen them reach a position in a small bank; then they would begin to look out for them a small home, buy it, pay for it, and make a fairly good living as good, substantial farmers. Not only the lucky or more proficient member of the family but the whole family would take hope and develop courage, and with careful management and the added insight to the business world and its ways, some of them have attained to high honors. For example, a young man of our county who obtained his education in the public schools, and whose father still lives in this county and was a renter—this young man now makes his home in New York and is counsel for the Standard Oil people. The man of whom I speak is Judge A. L. Beaty. Of course, the progress made by him has not been made as a farmer, but I only mention this case to prove a point, which point is that they are not an inferior people, mentally speaking, and it is well known that they are superior physically. Therefore, lack of training is all that is holding them back, and if this Government wants to help them, why not help them by a course of training. Then they will be equal to your large landowners in point of mentality, his superior in point of physical ability and endurance, and you know that greed alone, or even greed coupled with cunning, can not for long withhold from intelligence and training that which rightfully belongs to it.

Some such plan as I have outlined, it seems to me, would in a few years, and a few years only, give them the knowledge, strength, and courage that will alone make them a stable, intelligent, industrious, home-owning, and home-loving people.

Very respectfully,

JOE M. McCARVER.

STATEMENT OF MR. W. D. HALEY.

BLOOMINGTON, TEX., *March 28, 1915.*

MR. WALSH,
Chairman United States Commission Industrial Relations.

DEAR SIR: I read all your testimony in your investigation at Dallas, and am inclosing a contract that our landlord wanted eight renters to sign, but we were organized and did not sign. He has two renters furnishing good teams and tools and working on the halves; I am working on thirds and fourths. I have two good teams and tools, all paid for, but can't get one dollar. Our landlord will let me have feed if I will mortgage him a team, but I have worked hard to put up my land, and now I have no feed, and he will not let me have one ear of corn. Landers is our landlord's name, and he is connected with the First National Bank at Victoria, Tex., and the United States deposits money there, but we can't get a dollar.

I suggest a graduated land tax and direct loans from the Government; Government boats to take cotton to Europe for the farmer. I am a renter, but I know what would be good for a renter, for I have heard many hundreds say what they would like to see. So I send you the contract Landers wanted us to sign; but you see we did not, and if you want any affidavits for conditions of the renters, I will gladly send them.

I believe in your work. Thousands on top of thousands are watching, and all believe in Mr. Walsh's good work.

Yours, very truly,

W. D. HALEY.

P. S.—Would like to know if this contract was read, and your opinion, for I am a renter and always a voter. This is the original contract; furthermore, Mr. Landers wanted me to work on the halves and furnish my teams and tools.

Now, if you want to retain this contract for future reference, you can keep it, but if you do not need it, please send it back, for I want to use it again for publication. I do hope your commission will do a world of good for the poor.

THE STATE OF TEXAS, *County of Victoria:*

This lease contract made this ——— day of ———, A. D. 19—, between F. B. and O. M. Lander, of Victoria County, Texas, parties of the first part, and ——— ———, of said county and State, party of the second part, witnesseth:

(1) Parties of the first part, hereinafter called lessors, have this day leased and let unto the said ——— ———, party of the second part, hereinafter called lessee, ——— acres of land in Victoria County, Texas, comprising farm lot No. — of the F. B. and O. M. Lander farm near Placedo, according to the plat of same made by L. A. Gueringer, civil engineer, from the — day of ———, 191—, to the 15th day of November, 191—, for farming purposes.

(2) Lessee agrees and binds himself to plant ——— acres of cotton, the balance of said land to be planted in feed stuff, and he agrees to break said land and cultivate it in a first-class farm-like manner.

(3) At any time during the season should lessee fail to have said farm and crop in such a state of cultivation as is required by lessors, then the latter shall have the right, at their option, to employ such additional labor as is necessary for the proper cultivation and harvesting of said crop, the extra cost to be charged to the lessee as an advance, and paid by lessee to lessors out of lessee's share of said crop.

(4) The consideration to be paid by lessee to lessors for this lease is one-fourth (1/4) of all cotton and by-products and all other crops, or five (5) dollars an acre where lessors does not receive their share of the crop raised on said land, all of which is payable when the crop is harvested.

(5) Lessee agrees to harvest the crop at his own expense at the time and in the manner fixed by lessors, and to deliver to the lessors their 1/4 of the cotton at the gin to be designated by lessors, their 1/4 of the corn and other feed crops to be delivered to any barn to be designated on the farm; all without cost or expense to the latter. When the cotton is baled it shall be sold under the directions of the lessors, the total expense of ginning to be deducted and then the net proceeds divided between the parties hereto in the proportion of 1/4 to the lessors and 3/4 to the lessee. Provided, however, that before the

lessee shall be entitled to receive any such proceeds you shall first make settlement with lessors for any and all supplies and advances made to him.

(6) The lessee shall not sublet said premises nor any portion thereof, nor make any sale or assignment, pledge or mortgage of any interest in said crop whatever, without the written consent of the lessors, and any attempt to do so may, at the option of the lessors, cancel and annul this lease and work a forfeiture of lessee's interest in said crop to lessors.

(7) The lessors shall be in no manner obligated to furnish lessee with supplies, teams, or implements, but the same shall be provided by the lessee; but should the lessors see fit to make any advances for supplies, or to become surety for said lessee in obtaining any of them, the amount so advanced or secured shall and is hereby declared to be secured by a lien on the crop of the said lessee.

(8) In the consideration of the sum of one dollar cash to lessee in hand paid by lessors, the receipt of which is hereby acknowledged and confessed, lessee has and by these presents does grant, sell, and convey and mortgage to lessors, their successors and assigns, lessee's entire crop to be planted and grown by lessee during the period of this contract on the above-described land, to have and to hold the same unto lessors, their successors and assigns forever; which conveyance shall be void, nevertheless, upon lessee complying with all the terms of this contract and paying to lessors all sums of money due them or secured by them.

Witness our hand in duplicate, original, this —— day of ———, A. D., 191—.

———— ————,
[Lessors.]
Parties of the first part.

————,
[Lessee.]
Party of the second part.

Witnesses: ———— ————.
———— ————.

KANSAS CITY, MO., *April 2, 1915.*

Mr. W. D. HALEY, *Bloomington, Tex.*

MY DEAR SIR: Your favor of the 28th ultimo, containing copy of proposed contract with F. B. and O. M. Lander, of Victoria County, Tex., was duly received. Your letter, as well as the form of contract, is very interesting, indeed.

You state in your letter that your landlord submitted this contract to eight renters to sign, but that you were organized, and refused to do so. I wish that you would let me know what the form of your organization was and the result of your refusal to sign the contract; also whether yourself or any of the other seven renters were already on the land.

I am impressed with the concise and intelligent manner in which you have presented your views, and if it is not asking too much I wish that you would write me a statement of your experience as a farmer since you became of age, whether as landowner or tenant; also a brief report as to the history of the other seven tenants referred to. I will make your letter and the proposed leases a part of the record of the Texas hearings of the commission.

I thank you for your contribution to our work. All communications should be addressed to 643 Transportation Building, Chicago, Ill.

Respectfully, yours,

———— ————, *Chairman.*

BLOOMINGTON, TEX., *April 9, 1915.*

Mr. FRANK P. WALSH.

MY DEAR SIR: Your letter to hand, contents carefully noted. Will say in regard to same that we were all on Mr. Lander's land when he presented the contract, but we all knew he had contracts. He said, though, when we rented, that there was nothing to the contract—meant it did not amount to much—so your see whether it amounts to anything or not.

Every renter was at my house on Sunday evening, the 24 of January, after the first contract was presented to Mr. Hutton, renter, and we had his contract, and all of us read it and tried to understand it, and we all said to a man that we would move before we would sign it.

I was raised on the farm, but have been farming for myself about 12 years. I have a little place in Bloomington, Tex., cost me $600; two teams worth $500; one Jersey cow, $50; have enough in house to make out; all paid for; and one team mortgaged at Victoria National Bank for $87—a team, one black horse mule, 4 years old, I gave $150, and a horse, bay, 4 years old, worth $100; and had to beg them to run it over from last year; here the high water ruined our crop.

Now in regard to my neighbor renter; Mr. Suits has two good teams, two milch cows; in debt; team mortgaged; hard worker; good citizen.

Mr. Rogers, a good man; good worker; behind on last year's grocery account; team mortgaged; has no cow; and a good citizen. Now, these two men have their tools and teams, are working on the halves and furnishing teams and tools; and Mr. Lander gets the place back from Mr. Rogers this fall if he (Rogers) can't sell it. Last year Mr. Rogers bought the 100 acres; paid down $1,500; was to pay $75 per acre.

Mr. Fitzpatrick brothers; two hard-working men, working on halves; in debt to landlord; good men.

Mr. Hutton is next, working on the thirds and fourths; has two teams and tools; last year made 8 B. C.; he got $190 for his part of it; a good neighbor and citizen; good worker.

Mr. Smith is working on halves; in debt from last year; he is also a good man and worker.

I like my neighbors and we will tell a part of our troubles to one another.

Now for myself; my place in town, $600; team, $500; cow, $50; makes $1,150; but the way times are now, won't bring that.

I have been eight years saving up to buy what little I have, and now I have had one what I call a Sunday suit of clothes in eight years. I have done without, and to-day we can not go to church or Sunday school on the account of not having shoes suitable to wear. I don't drink or gamble; living on bread and butter, a few eggs, a little meat once in awhile; work every day, and working my teams one one-half day, and change to the other on very short grass; been three weeks since I gave them a bite of grain. But still Mr. Lander sits in the First National Bank Building, dressed fine; can use money he gets from the Government at 3 per cent; even they deposit Government funds there. It is not right, Mr. Walsh. Now Mr. Rogers brothers, Mr. Suits, Mr. Fitzpatrick brothers, Mr. Hutton, Mr. Smith, they can tell you who I am; I am their neighbor.

Yours, truly,

W. D. HALEY.

P. S.—Now, we had an immense amount of rain here last year. I got 1 B. C., 420 pounds, brought me $26, from the cotton buyer. Now, I owed $53 to Victoria National Bank; they had to have $20. If the Government had furnished a foreign market for cotton, I probably would have gotten enough to pay the $53, and had a few dollars left. Where has the workingman's credit gone to? Merchants will not credit no one. Why should people be that way, knowing we will all have to die and leave everything. Let the man that works live.

MAY 4, 1915.

Mr. W. D. HALEY, *Bloomington, Tex.*

MY DEAR SIR: The chairman of this commission, Mr. Frank P. Walsh, wrote you under date of April 2 asking you to furnish a statement of your experience as a farmer and a brief history of seven tenant farmers to whom you had referred, which statements he desired to file as a part of our record in connection with the Texas hearings of the commission.

I can not find that these statements have ever been received or that Mr. Walsh has had a reply to his letter, and I am writing to ask whether or not it will be possible for you to comply with Mr. Walsh's request and how soon you will be able to submit the statements. Mr. Walsh is very much interested in your presentation of the situation, and I sincerely trust that you will be able to furnish the information desired.

I inclose a franked envelope for your reply.

Very truly, yours,

——— ———, *Secretary.*

BLOOMINGTON, TEX., *May 9, 1915.*

Hon. FRANK P. WALSH, *Sec. U. S. C. I. R.*

Your letter of May 4 received. Will say I wrote the letter, but I guess it was misplaced; but will endeavor to write again, for I believe very strongly in your commission, and also as you the secretary.

Now, I have been farming for eight years, and in that time I have two teams, tools, one cow, and a little place in the town of Bloomington, Tex., four lots and a two-room house, a small barn, cost me $600, all cash; but to-day I have just 50 cents in money. May 9 I owe the First National Bank at Victoria, Tex., $37, and they have a mortgage on one team—one black horse mule, 4 years old, 15 hands high, cost me $150 cash; and one bay horse, 4 years old. I call that good security for $37; that is all I owe. I can't get one cent credit; can't borrow any more money. In the last eight years I have had one suit of clothes, cost me $12.50—I mean a Sunday suit. To-day we can not go to church or Sunday school because we haven't sufficient clothes. Three of us in family. I do not drink or gamble and work as hard as any average farmer.

Now, in regard to my neighbor renters:

Mr. Son Soots is furnishing his teams, two in number, and tools, and working on the halves; in debt from last year; a hard-working man, honest, sober; never gambles. His teams are mortgaged to the bank.

Mr. Rogers's brother is working on the halves, furnishing his teams and tools; team mortgaged to bank for $243, and they told him to pay the interest monthly and they would not close him out; owes his grocery bill from last year; he has no cow. He is a sober, honest, industrious man.

Mr. Fitzpatrick brothers; they are working on the halves, landlord furnishing them teams and tools; both in debt from last year; both hard-working men.

Mr. Hutton is working on the thirds and fourths; owns his own teams, but cheap cotton last year has about got him. A very hard-working man; nothing ahead but his teams and two cows, but not in debt much.

Mr. Smith is working on the halves, landlord furnishing team and tools, but in debt from last year. He is also a hard-working man; sober; never gambles; and you will find 9 out of 10 men here in debt. And I could call a lot of men's names that the bank took their teams from them last fall; in fact, the banks in Victoria County are all branches of the Victoria National Bank, and if it had not been for Mr. Lowery, our cashier, they would have taken my team, that cost me $300, for the $50 I owed them. I had to pay them $20 on the note, and I still owe them $37.

I am 40 years old; raised in Texas. I believe in your mission and you as leader. Wish that Mr. Wilson would let you say what shall be done. Success to you.

Yours, truly,

W. D. HALEY.

P. S.—I see the editor of the Dallas News does not believe in you, but the Dallas News did not publish all the testimony—you are stepping on their toes; and the Texas Legislature, in my estimation, is not much. I know several of them and they ought to be put back on the farm. I have always voted a Democrat ticket, but will never vote another one. I believe in Socialism to some extent.

W. D. HALEY.

I send clipping from paper. Now, the Dallas News did not publish near all the testimony at Dallas. I would like to see the commission come back to Texas.

[Copy of clipping.]

A HUMAN DOCUMENT.

I would like to write the Appeal that I am a mother tenant. Have never known anything else. My father was a tenant. He died and left mamma with eight small children, only three large enough to work. Oldest was 15 years old, so we children had to work to make a living for mamma and the little ones. We didn't get any schooling. I only went three months in my life.

At the age of 17 I married an honest, hard-working boy. We have been married 23 years and have six children. Have worked hard all of our lives and haven't got decent clothes. I can say, like the Stewart woman who testified at the Dallas hearing, that my husband does not drink liquor. I never owned

a ready-made dress. Three hats and two cloaks are all I have had since I have been married. I get about one pair of shoes a year.

At the present time we are in debt about $400. There are a few Socialists here and I wish that the whole State was Socialist. Long may the Appeal live to spread Socialism.

Mrs. M. Alexander,
Texas.

May 14, 1915.

Mr. W. D. Haley, *Bloomington, Tex.*

My Dear Sir: I beg to acknowledge receipt of your letter of May 9, inclosing statement requested by Mr. Walsh, regarding your experience as a farmer. Mr. Walsh is now in Washington attending public hearings being held by the commission, but your letter will be brought to his attention immediately upon his return, and will be given careful attention.

Thanking you for your prompt compliance with my request, I am,

Very truly, yours,

_____,
Secretary.

EXHIBITS.

NAGLE EXHIBIT NO. 1.

MEMORANDUM OF SUBJECTS FOR CONSIDERATION AT THE DALLAS HEARINGS OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

Pat Nagle, Kingfisher, Okla., attorney representing tenant interests.

SPECIFIC POINTS.

1. The development of Oklahoma within the last 30 years.
   (a) Development of tenancy. Type of tenant coming in, who they are, origin, etc.
   (b) Development of landlordism. Who owned the lands 30 years ago.
   Average amount of acres under cultivation.
   Average size of holding.
   Movement in home ownership during the first two decades.
   Movement to town during next two decades.
   (c) Changes in prices of land.
   (d) Changes in methods of farming during this period.
   (e) Describe complications in connection with Indian-land graft.
2. Use of force by landholders to compel small landholders to sell.
   (a) Political influence at elections.
   (b) Fencing off from roads or water, etc.
3. Describe money lending to farmers.
   Trace changes that have taken place in methods of obtaining loans.
   (a) Changes in personnel of money lenders.
   (b) Changes in methods.
3½. What has been the effect of the present cotton crisis upon the tenant farmer?
   (1) (a) How it has affected his credit.
   (1) Foreclosing upon chattel mortgages.
   (2) Arrangements for financing the 1915 crop.
4. Divergence of class lines.
   Are class lines diverging? If so, what are the tendencies?
   Are the tenants satisfied with their lot? If not, why not?
5. Home ownership.
   Under the existing system what is the chance of the average tenant to become a home owner in your section of the country?
   What is the average price of land to-day in your county?
   What is the legal interest rate?
   What is the actual interest paid by the tenant on chattel?
   How much land can a one-team tenant farmer farm?
   What will be his income?
6. Rental contracts.
   Describe the customary rental contracts in your section.
   What percentage of these are oral?
   What effect, in your opinion, has the superior bargaining power of the landlord?
   What tendency have you noticed with regard to rental contracts?
   What defects are there in existing rental contracts that could be improved by laws?
   The tenant and the mechanic's lien loan.
   (a) What is the tenant's economic relation to landlord under this law?
   (b) What is present economic status of tenant in the light of recent legislation in Oklahoma?

7. Housing conditions.
Describe conditions with which you are familiar.
Include these points:
Are tenant houses large enough to house the average families?
Are they in repair?
Are they erected with regard to sanitary drainage, water supply, etc.?
Is much of the sickness in rural communities caused by bad housing?
Is there much overcrowding in the sleeping rooms?
Do landlords improve tenant houses readily and willingly? If not, why not?
Do landlords appear to feel any social responsibility for the sanitary housing of tenants?
Do tenants appear to have any consideration for property of landlord?
8. Educational and social environments.
Describe conditions of rural schools.
(a) The school itself.
(b) Its relation to social and economic organization.
(c) The school teacher and his possibility as a leader in rural life.
(d) The establishment of vocational training in agriculture, also home economics.
(e) Compulsory education.
9. Farm labor.
(a) Source of labor for seasonal demands.
(b) Movement of labor.
(c) Methods of regularizing supply and demand.
(d) Employment agency as a progress course.
10. Violence.
Extent of violence springing from tenant and landlord relationships, such as destruction of property.
Give causes.
Have witness describe in detail the story of the McClain County night riders in 1911.
11. Attitude of courts and administrative officers toward the tenant farmer.
12. Constructive program.

NAGLE EXHIBIT NO. 2.

[J. W. Newcomb, real estate broker, Ardmore, Okla.]

DECEMBER 16, 1908.

———— ————,
Lindsay, Okla.

DEAR SIR: I am in receipt of your letter on the 12th, but mailed on the 14th, inclosing deposit certificate for one load of corn as indicated by the scale weights, also inclosed.

I thank you very much for your efforts in my behalf and trust that you will continue rendering such service until what little cotton is being picked is finished.

I haven't had notice from the bank since I left there of any money deposited for me by any of the renters, and I judge they have not made any deposits. Jenkins has never paid a cent on his cotton; neither has old man Hopkins nor his boys. I wish you would take the letter of authority I am inclosing to you and go and round them up and report what they have done, and also what the outlook is for their doing anything. I have mailed all of them checks for their corn hauling, except Rayburns, and that is awaiting a settlement on the little pasture. I think there will still be some coming to me after he has pay for the hauling. I have referred the matter to Curtis, who made the arrangement for him.

I will either write you or come up and go around with you in a few days relative to your offer. I have just received your letter and haven't really had time to think the matter over. However, I am not very much in favor of a trade which would divide your time between yourself and me; but you go ahead and round up such business as you see needs immediate attention, and keep an account of it, and I will settle with you for all of it when I come up again.

Pollock told me the last time I saw him that he thought he would make a couple of bales of cotton, and if he hasn't gathered it by this time it is evident

that he does not intend to, and in such cases if there is anything left in the field it should be gathered and applied to the rent, as would be justified by the written contract, one of which I mailed you some days since.

The man who was to take the Hopkins place, from Choctaw country, has laid down because I exacted of him to procure another team and 300 or 400 bushels of corn.

I will put the place up to you to get a man who can take care of it. There is plenty of room there, and whoever takes it must have as much as two teams, and by rights should have five head, in order to make two continuous teams, and plenty of force. Now, when you make an arrangement with anyone be sure that they fill the requirements.

I am inclosing you a contract which you can use with anyone by filling in the name of the party of the second part.

I am also inclosing you a contract with Mr. Vaden; also a letter addressed to him. Impress on him the fact that under the statutes of Oklahoma, when there is in existence a written contract between landlord and tenant and said contract names the date terminating the same, that further notice to vacate is not necessary, and if he wants the place at $130 he can sign the note; that is, if he has procured a team with which to work it. I will, as stated, fix the fence in reasonably good repair on the east and south. If he don't want the place under those conditions he can vacate.

In meeting the different ones on the place in a business way as my representative you might incidentally tell them that I have spoken very highly of most all of them from a point of honesty and agreeableness, and that I had procured your services simply because I felt sure it would be best for all concerned, and especially myself, as there are so many little things coming up which needed attention.

I will try to get up there in a few days, as I have to come to Maysville, and will go around with you.

Can't think of anything more just now, but will perhaps write you again to-morrow.

Yours, very truly,

J. W. NEWCOMB.

DAVIS EXHIBIT.

STATE OF TEXAS, *County of Coleman:*

Know all men by these presents: I, W. T. Davis, of Coleman County, Texas, have this day leased from J. Z. Miller, jr., hereinafter called lessor, for the purpose of making a crop for the year 1913, one hundred eighty-five acres of land, hereinafter called premises; said premises being a part of all of what is known as W. T. Davis place in Coleman County, Texas; ninety acres of which are in cultivation and the balance in pasture. The terms and conditions of this lease are as follows:

I agree to flat break all land in preparing same for cultivation; to cultivate same in a good and farmerlike manner; to prevent the growing and or spreading of Johnson grass, ragweed, and cockleburs thereon; to break all stubble land immediately after small grain has been removed; to occupy said premises as tenant of said lessor; to protect said premises against all kinds of trespass; to keep in good repair at my own expense all building, fencing, and other improvements on said premises; and to deliver peaceable possession of said premises to lessor, in same good condition as when received, ordinary wear and tear only excepted, not later than the 15th day of December, 1913.

In consideration for this lease I agree to pay the following rental to the lessor:

One-fourth of all the cotton and cotton seed raised on said premises, as same is gathered. Cotton to be ginned at Leaday or Voss and lessor's one-fourth of the cotton seed to be left at gin for account of lessor.

Two and 50/100 dollars per acre, money rent, for all other land in cultivation used for purposes other than cotton or permitted by me to lie out.

And it is a further condition hereof that:

1. I will not permit live stock to run at large or pasture on the lands in cultivation.

2. The lessor reserves for the common use of other tenants all wells and natural water supplies.

3. I will not transfer, assign, or dispose of this lease, or sublet the premises without consent of the lessor.

4. I will deliver to the lessor at Voss free of cost all products taken as rentals.
5. I will furnish to the lessor not later than June 1st a memorandum of the cultivated land, showing acreage in cotton and other crops.
6. Pecan trees on said premises are not included in this lease, and the lessor retains the right to enter said premises at all times to inspect and cultivate the same, and to gather the products thereof.

It is understood and agreed that failure on my part to comply with the agreements and conditions above mentioned, or any of them, will, at the option of the lessor, constitute cause for immediate forfeiture of this lease, and the lessor shall have the right to reenter said premises, take charge of same, and, at the option of the lessor, lease again or otherwise dispose of same.

This contract is given for the purpose of securing W. T. Davis's past due interest, also amount to become due on January 1st, 1914, to the said J. Z. Miller, jr.

I hereby acknowledge that the lessor has a landlord's lien on all the crops grown on the premises to secure the rentals above named, and all advances made or caused to be made to me by the lessor in the way of animals, tools, supplies, etc., or otherwise to enable me to make, gather, and market a crop.

To further secure the lessor in the payment of all rentals and advances as above mentioned, I hereby mortgage and pledge to said lessor all the products grown on said premises during my occupancy thereof; also all animals, tools, and supplies furnished or caused to be furnished to me by said lessor. And the lien on said products, animals, tools, and supplies created by this mortgage shall not be in any way affected or impaired by the removal of said products, animals, tools, and supplies from said premises.

Should I fail or refuse to pay the indebtedness created by this lease at the maturity hereinafter named, the lessor, or the lessor's agent or representative, is hereby authorized and empowered to take possession of said products and personal property whether on said premises or elsewhere, and to control and sell the same at such time and place and in such manner as the lessor, or the lessor's agent or representative may deem best, and to exercise all other legal rights and powers in such cases, and to apply the proceeds, less the expenses and costs, to the payment of my indebtedness to the lessor, and the balance, if any, to me or my order.

In case I should fail, or be unable, properly to plant, cultivate, etc., or gather any crops on said premises, then the lessor, or the lessor's agent or representative, is hereby authorized to enter upon said premises and work the same and the charges for so doing shall be and are hereby secured by the landlord's lien and the mortgage lien above provided for. The lessor, or the lessor's agent or representative, is also authorized to enter at any time upon said premises to inspect the same, to make improvements thereon, and to cultivate the same in such manner as not to interfere with my rights therein as lessee.

I hereby promise to pay the indebtedness due the lessor under this lease as the crops are gathered, but in any event not later than November 15th, 1913, at Voss, Coleman County, Texas. If said indebtedness is not paid on that date, it shall then become payable at the Belton National Bank, Belton, Texas, with interest at the rate of ten per cent per annum from said date, together with ten per cent additional on the amount due, for collection fees if suit is brought thereon, or if placed in the hands of an attorney for collection, or if collected through the probate court. Interest payable annually and defaulting interest to bear the same rate of interest as the principal.

Witness my hand this 8th day of March, 1913.

W. T. DAVIS.

Witness:
TOM CRENSHAW.

NOBLE EXHIBIT NO. 1.

CROCKETT, TEX., *September 5, 1914.*

Mr. T. A. HICKEY, *Hallettsville, Tex.*

DEAR HICKEY: The question now with us is, "Can we stand the pressure?" The speculators are hovering over us like a gang of vultures. The trusts have raised the prices on almost all household commodities. The banks' high rate of interest and no price on cotton at all.

Our legislators know just how to frame the law to stop usury. Oh, yes. We pay only from 10 to 40 per cent with an occasional compound, but what are

we going to do about it? All you stoop-shouldered, leather-headed, duck-breeches fellows, one of which I am, are you going to vote as Mr. Merchant, or Mr. Banker, or some other bloodsucker, who has been watching you squirm and wriggle, while your vitality vanishes, are you going to still keep your little children dragging cotton sacks in fields and working in mills, preventing their education and dwarfing their bodies, while you go meekly to the cashier's window to tie up every cow, horse, hog, and your prospect on the coming crop at perhaps one-fourth actual value of stock to get to buy only a few of the things you have to have?

Are you going to support a party by your vote which has been in power 50 years, that has scarcely passed a law for the substantial benefit or advancement of your interests or your children?

Are you going to stand up for the party which has given away 100,000,000 acres of your children's land to farm trusts and monopolies, that have you tied hand and foot and almost starving? Can't you see that the Democrats have driven Texas to the verge of destruction already, and are now trying to disfranchise the men who can't read to keep them and their children ignorant and poor and to make them slaves?

Look, my toiling brother, wherever you are and you will easily see that plutocracy and democracy are one and the same in a political sense. If you vote a Democratic ticket in Texas remember you will vote plutocratic rule, slavery. Our situation now as farmers is a critical one. We owe from hundreds to thousands of dollars on short-time notes to merchants and bankers, stock and crops mortgaged, paying high interest. Cotton not selling, no money even to gather crops on, and no credit for many that are hungry. What will be the end of it all? What is the cause of these conditions? Surely not the European war altogether.

There are provisions here to supply the people of the United States five years, money enough for every one's use, so what's the matter anyhow? Somebody has been robbing and is still at it. It is your duty to look around the political arena and find out; one thing sure, it is not the Socialists, for they are not in power. Suppose we look over their platform. I've read it; have you? If you have not, then you don't know exactly what you are. You may think you do all right, but you don't. What are you voting for when you vote the Democratic ticket? Do you know? Yes; that is, I do. It is to continue this rotten system of landlordism and to keep you paying from 10 to 40 per cent on loans; you vote to keep your wives and children delving in field and factory, to make you a renter, if you are not one now, a wage slaver, a tramp, a beggar, or a lunatic.

Now listen. In a few instances farmers have taken provisions when refused credit. What will it be later on? Do you think the toiler will stand and see his wife and children starve? Not much. Well, what are we coming to then? We are coming to plutocratic democracy boiled down to the point where something has to be done right quick to avert bloodshed. Now you see where you are. The Ball Democrats raved and tore and swore at 80 per cent Fergerson, but many of you slaves will go to the polls shouting for Fergerson and swallow a dose of putrefaction that is poisoned at both ends. But don't do that; vote for a just cause—for wife and babes—Top Hunaty.

O. W. BARBER.

NOVEMBER 30, 1914.

Mr. T. A. HICKEY.

DEAR SIR: Inclosed will find 50 cents in stamps for charter. Mr. Hickey, we are the worst set of suckers in the world. There are about 50 men here that have no jobs and can't get any. They request me to get you to give our petition to the Government for help.

I don't know what we are to do, as nothing we can do will bring a dollar. What shall we do to get up a petition, as we can get about 200 joiners right quick. If you think we should apply to the Government, tell us what to do.

B. H. HUBBARD.

CUTHOND, TEX., *December 8, 1914.*

Mr. W. S. NOBLE.

DEAR SIR: At your request I will write you. I am in a hard shape, and I don't know how I am to make it through another year. If you can help us poor people out anyway, it will be highly appreciated.

I will remain, as ever, your friend,

G. L. THOMAS, *Cuthond, Tex.*

BOGATA, TEX., *December 8, 1914.*

Mr. W. S. NOBLE, *Dallas, Tex.*

DEAR SIR: At your request I will say that I am in a hard shape, and not only me but every other farmer in this neighborhood. We don't see how we are going to make it through; we are in debt, made a short crop, and got nothing for our cotton. The merchants and bankers are crowding us, and I don't see for the life of me how we are going to live this winter and next year.

If you can do anything for us, it will be appreciated. I am, yours for betterment.

Respectfully,

H. C. FLANAGAN.

GLEN ROSE, TEX., *November 30, 1914.*

Comrade T. A. HICKEY, *Hallettsville, Tex.*

DEAR COMRADE: Your letter of the 23d at hand. Three of our members have moved away. I do not think we could reorganize; the people are in the hardest shape. It is even worse than at the close of the war in 1865. We owed nothing then; in debt now and nothing to pay with.

Yours, truly,

J. L. KEETER.

NOBLE EXHIBIT NO. 2.

PEAR VALLEY, TEX., *January 25, 1915.*

W. S. NOBLE,
Editor Actual Farmer, Rockdale, Tex.

DEAR SIR AND COMRADE: While reading over your paper (Actual Farmer, vol. 1, No. 1) I noticed a list of 10 questions in relation to conditions surrounding land tenants.

Now, as I see it, for you to get a general knowledge of the actual conditions it would be necessary for tenants from different parts of the State to write you, giving their individual experience as renters of farm land.

So here is my experience since January 1, 1907, a period of eight years; eight long, weary years.

Coming to McCulloch County December 24, 1906, I began work for wages January 1, 1907, receiving $45 per month, house furnished. My work consisted of being all-around foreman and machinist on a ranch and farm combined. At the end of the first year (1907) I threw up my job because I had to live out of a paper bag; having six in family I could no more than barely make expenses. January 1, 1908, I rented a farm of 55 acres on halves; I also rented a blacksmith shop so as to keep myself employed during idle time. The shop caused me some loss. But I made, and mostly hired; gathered 35 bales of cotton; sold same at an average of 7 cents. After paying expenses I came out about $100 in debt, but, of course, I had bought a team and wagon which I owed some on besides. In the winter of 1908 I bought 100 of raw land on credit (10 years' time, 8 per cent interest). After improving and using same two years I could not pay the interest, not to say anything about the principal, so had to give it up to the man I bought from, he paying for the lumber that went into the house that I erected on the place. He also paid me a small indemnity and allowed me to stay on the place until 1911, I paying him the third and fourth. He only allowed me to plant 5 acres of feed out of 50 acres, which was not enough. He allowed me to keep one cow and one team, refusing to rent to me another year. I had to move. In the spring of 1912 I rented and moved to another place, consisting of 320 acres, 45 in cultivation, 1 house 14 by 14, 1 side room 7 by 14, 1 porch 7 by 14, 1 small shed barn 8 by 12; no lots or other improvements, while there has been some effort to put water on the place without success. I have to sponge on my neighbors for water at least 10 months out of the year, hauling same half a mile. One especially dry spell I had to haul 34 miles. There is one small iron cistern which supplied water for drinking purposes in winter or rainy seasons.

Now, my present landlord is a good man, or at least he seems to be, but when it comes to renting out his land he sticks to the system which is altogether in his favor. He, of course, demands and gets his rent, which for the three years that I have resided on his place has been one-fourth of all money that cotton has brought, all land to be planted in cotton; these were his terms; I could keep

one cow and one team. He would not under any circumstances allow me to plant feed unless I cleared (grubbed) land to plant feed on. For this year (1915) he allows me to plant 10 acres of feed, paying him therefor $3 per acre. Now, I have a copy of rent contracts for years 1908, 1911, 1912, 1913, and 1914, which I will mail to you upon request.

Now, I so far have always paid my rent; also my grocery bills and other debts. But my landlord (as do most other landlords around here) rides in an automobile, while myself and family of nine live in a house as described, without any conveniences that should go to make a home, and on account of the low price of cotton will be unable to buy books and clothes to send our children to school, which is 3 miles away.

Now, as to the extortionate prices charged by the supply merchant. I have no reason to complain at the treatment I have received the last two years, but I have been fortunate in comparison to the general rule. In 1912 I traded on credit with a certain concern which is still doing business at the same old stand, same old way, so I am told. I gave my note with security for $100 for eight months (Mar. 1 to Oct. 1, 1912). I received two coupon books containing $45 each, or $90 total. Now, I used these books from March 1 to September 1. Here are a few articles which I have bills to show for, which are about the average: Eagle brand sugar, $2.10 for 25 pounds; again, same day, same sugar, cash, $1.50; Arrow brand flour, $3.75 per hundredweight; again, same day, same flour, $2.75 per hundredweight, cash; bacon, 16 cents per pound; other stores 11 to 12½ cents per pound, cash. I could go on and give you a long list just as bad, but what's the use.

You say, why did I stand it? Why did I not raise hell? Because I had seen what had happened to others when they kicked. Why did I not borrow at the banks and buy for cash? Because the banks didn't like my security or claimed that they had already loaned out to the merchants all the money they had to spare. When any of us do get money it comes high. We can only get $25 or $50 at a time, as a rule, by either paying $1 per month or making a note for six months for $27.50 or $55, which we can sometimes get carried over for $1 per month. There is absolutely no 10 per cent money for the renter or the small farmer in this county.

No; my landlord does not try to influence my vote. While he is very much opposed to my political views, he knows me too well to try that. Yes; I know of a few men in this county that had to move because they were Socialists, but I am not personally acquainted with them or their prior landlords. They live in the northern part of this county, near Stacy. Could easily learn their names and relative circumstances if it would be of any benefit to you.

No; this is no fish story; it's a story of cels. I have canceled notes, grocery bills, mortgages, and rent contracts, and can produce plenty of affidavits to back up what I have written, and will do it if called upon.

Yes; I am circulating a land petition and getting some signers, too; but there are three or four men circulating petitions in this community now. I was by myself on the other petitions that I circulated.

Yes; I bought a team from a merchant (Mr. Brady); the note came due; I could not meet it; he took the team and $96.85 that I had paid on it besides.

C. C. COSAN.

MONTAGUE, TEX., *March 3, 1915.*

Mr. W. S. NOBLE, *Rockdale, Tex.*

DEAR COMRADE: Seeing your instructions in the Rebel, will write and give you my experience as a renter.

I have rented the most of my life; was called a good renter. I always kept up the place as I would my own, without any cost to the landlord, except for material; sometimes I furnished that. I have lived in shacks that were not as good as the landlord's horse stable. I have dug wells, built houses, cow lots, hogpens, corncribs, horse sheds, grubbed (cleared) out patches, repaired fences, cut ditches, all without any cost to the landlord. Have worked and helped men pay for their land, school their children, build their fine houses and barns, while me and mine lived in a shack and worked like Turks; our children grew up without education; and we are yet poor (most are homeless).

I at last went to Chickasaw Nation, where there was some outlet. Raised enough stock to buy me a little home and pay for it (140 acres). But I was 60 years old and broken down when this was accomplished, and now I will have to spend the rest of my days with broken-down health and pain and aches.

Some may ask why I did not buy me a home sooner and stop paying rent. Will ask landlords how much clear money they make on their crops; count up expenses and see if you can come out with as much as the one-third and one-fourth ahead; if you can, without half starving, you are a better farmer than I am, and I have always been considered first-class wherever I have lived.

Isn't it a shame to make a man slave for 60 years in order to spend the other few years of life as an invalid?

Shame, shame on a system that will allow it!

Yours, for true liberty,

H. L. COOK.

NOBLE EXHIBIT NO. 3.

$38.50. WEATHERFORD, TEXAS, *Jan. 14, 1911.*

Without grace, Nov. 1st, waiving protest, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford, thirty-eight & 50/100 dollars, at the First National Bank in Weatherford, Texas, for value received with interest at the rate of ten per cent per annum from maturity, and ten per cent on entire amount as attorney's fees, if collected by suit or by attorney.

ENOCH HARDAWAY,
W. H. HARDAWAY,
J. HARDAWAY.

No. 743.
Due Nov. 1, 1911.
Paid Oct. 13, 1911, First National Bank, Weatherford, Tex.

$55.00. WEATHERFORD, TEXAS, *Feb. 9, 1911.*

Without grace, Oct. 15th, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford fifty-five dollars, at the First National Bank in Weatherford, Texas, for value received, with interest at the rate of ten per cent per annum from maturity, and ten per cent on entire amount as attorney's fees, if collected by suit or by attorney.

No. 1048.

ENOCH HARDAWAY.
J. HARDAWAY.

Due Oct. 15, 1911.
Paid Oct. 13, 1911. First National Bank, Weatherford, Tex.

$25.75. WEATHERFORD, TEXAS, *Aug. 29, 1911.*

Without grace, Nov. 1st, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford twenty-five & 75/100 dollars at the First National Bank in Weatherford, Texas, for value received, with interest at the rate of ten per cent per annum from maturity, and ten per cent on entire amount as attorney's fees if collected by suit or by attorney. We, the makers, sureties, endorsers, and guarantors of this note, hereby severally waive presentment for payment, notice of nonpayment, protest and notice of protest, and diligence in bringing suit as required by law against any party hereto.

ENOCH HARDAWAY.
J. HARDAWAY.

No. 2448.
Due Nov. 1, 1911.
Paid Oct. 13, 1911. First National Bank, Weatherford, Tex.

Received of the First National Bank of Weatherford, Texas, chattel mortgage given by Enoch Hardaway to R. W. Davis, trustee, on 2 colts, 7 & 8 mos. old, 1st B/C, lint & seed, on C. G. Smith farm, to secure note in favor of said bank for $55, due Oct. 15/11.

Filed for record 2/13/11.

G. L. YOUNG,
Clerk County Court, Parker County, Texas.
By W. R. HUTCHESON,
Deputy.

Paid Oct. 13, 1911. First National Bank, Weatherford, Tex.

$55.00. WEATHERFORD, TEXAS, *Jan. 18, 1912.*

Without grace, Nov. 1st, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford fifty-five dollars at the First National Bank in Weatherford, Texas, for value received, with interest at the rate of ten per cent per annum from maturity, and ten per cent on entire amount as attorney's fees if collected by suit or by attorney. We, the makers, sureties, endorsers, and guarantors of this note, hereby severally waive presentment for payment, notice of nonpayment, protest and notice of protest, and diligence in bringing suit as required by law against any party hereto.

ENOCH HARDAWAY.
J. HARDAWAY.

No. 3849.
Due Nov. 1, 1912.
Paid Oct. 4, 1912. First National Bank, Weatherford, Texas.

Received of the First National Bank of Weatherford, Texas, chattel mortgage given by Enoch Hardaway to R. W. Davis, trustee, on one bay horse, to secure note in favor of said bank for $55.00, due Nov. 1-12.
Filed for record Jan. 18-12.

G. L. YOUNG,
Clerk County Court, Parker County, Texas.
By HUTCH,

Paid Oct. 4, 1912, First National Bank, Weatherford, Texas.

$27.50. WEATHERFORD, TEXAS, *April 11, 1912.*

Without grace, Nov. 1st, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford twenty-seven & 50/100 dollars, at the First National Bank, in Weatherford, Texas, for value received with interest at the rate of ten per cent per annum from maturity and ten per cent on entire amount as attorney's fees, if collected by suit or by attorney. We, the makers, sureties, endorsers, and guarantors of this note, hereby severally waive presentment for payment, notice of nonpayment, protest, and notice of protest and diligence in bringing suit as required by law against any party hereto.

ENOCH HARDAWAY.

No. 4303.
Due Nov. 1, 1912.
Paid Sept. 18, 1912, First National Bank, Weatherford, Texas.

Received of the First National Bank of Weatherford, Texas, chattel mortgage given by Enoch Hardaway to the First National Bank, on one filly, 2 yrs. old, 14 hds. high, the third bale of my 1912 cotton crop out of about 30 acres I will raise on Jake Wolfenberger's farm, 6 mi. north, to secure note in favor of said bank for $27.50, due Nov. 1st, '12.
Filed for record 4-11-12.

G. L. YOUNG,
Clerk County Court, Parker County, Texas.

Paid Sept. 19, 1912, First National Bank, Weatherford, Texas.

$110.00. WEATHERFORD, TEXAS, *April 4, 1913.*

Without grace, Nov. 1st, 1913, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford one hundred ten dollars, at the First National Bank, in Weatherford, Texas, for value received with interest at the rate of 10 per cent per annum from maturity, and ten per cent on entire amount as attorney's fees, if collected by suit or by attorney. We, the makers, sureties, endorsers, and guarantors of this note, hereby severally waive presentment for payment, notice of nonpayment, protest, and notice of protest and diligence in bringing suit as required by law against any party. hereto.

ENOCH HARDAWAY.

No. 7852.
Due Nov. 1, 1913.
Paid Oct. 17, 1913, First National Bank, Weatherford, Texas.

Received of the First National Bank of Weatherford, Texas, chattel mortgage given by Enoch Hardaway to the First National Bank on 1 bay horse, 7 yrs., 15 h. h.; 1 brown mare, 8 yrs., 14½ h. h.; 1st 2 B/c 1913 out of 50 acres cotton, to secure note in favor of said bank for $110, due Apr. 4, 1913.

Filed for record 4-4-13.

WARD BANKHEAD,
Clerk County Court, Parker County, Texas.

H.

Paid Oct. 17, 1913, First National Bank, Weatherford, Texas.

Received of the First National Bank of Weatherford, Texas, chattel mortgage given by Enoch Hardaway to the First National Bank on 1 bay horse, 15 h. h., 8 yrs.; 1 blk. mare, 14½ h. h., 9 years (released 5/6/14); 1 iron gray mare, 14½ h. h., 4 years; 1 gray mare, 14½ h. h., 4 years (released 9/12/1914)—all increase—to secure note in favor of said bank for $220.00, due Oct. 15, 1914.

Filed for record Jan. 17, 1914.

WARD BANKHEAD,
Clerk County Court, Parker County, Texas.

H.

Paid Jan. 23, 1915, First National Bank, Weatherford, Texas.

CHATTEL MORTGAGE.

THE STATE OF TEXAS, *County of Parker:*

I, Enoch Hardaway, of said county and State, in consideration of my indebtedness to the First National Bank of Weatherford, Texas, evidenced by my note of date, Jan. 17th, 1914, for the sum of $220, payable Oct. 15, 1914, also my other notes as follows: _____

_____

together with interest and attorney's fees, as provided therein, and for all other and further amounts I may owe or hereafter become indebted to the said First National Bank of Weatherofrd, Texas, do hereby bargain, sell, and convey to said First National Bank of Weatherford, Texas, the following-described property situated in Parker County, Texas, to wit: One bay mare, three years old, 15¼ hands high, which I bought from Henry Barton, located on Col. Wolfenberger's farm 5 miles north of Weatherford.

To have and to hold said property unto said bank, its successors and assigns forever. And to obtain said credit I especially represent all of said property to belong to me in my own right, and is free from debt, mortgage, or lien of any kind.

In case of mortgage on cotton, said cotton shall be free from lien, landlord's claims for rent and advances, claims for cultivating, picking, or ginning the same.

This conveyance, however, is intended as a mortgage to secure the above-mentioned note and any other amount I may owe said bank. Provided, nevertheless, if said mortgagor shall duly pay said note according to the tenor and effect thereof, said conveyance shall become null and void, otherwise to remain in full force and effect.

The mortgagor hereby agrees and covenants that on default of payment of principal or interest, or any sale or any attempt to sell said goods or chattels, or any part of them, or to remove them or any part of them, from the county, or from their present location, or upon any seizure of them, or any part of them, by any process of law, or if any holder of said note shall at any time feel unsafe or insecure from any cause, then, and in that event, said mortgagee or its assigns, agent, or representative is hereby authorized at his option to declare all said note due and to take actual possession of said property, and to sell the same for cash, at Weatherford, in Parker County, Texas, with or without having possession of said property present at said sale, after having given notice of the time, place, and terms of said sale, as the law now requires for sales of personal property under execution. And the proceeds arising from such sale shall be applied—first to the necessary and proper expenses of such sale, then to the payment of said note then remaining unpaid, the balance

if any, to be paid to said mortgagor or his order. The said mortgagee or assigns having power to receive said money and make bills of sale of said property.

Witness my hand this 12 day of Sept., A. D. 1914.

ENOCH HARDAWAY.

Witnesses:

_____

_____

Received of the First National Bank of Weatherford, Texas, chattel mortgage, given by Enoch Hardaway to the First National Bank, on 1 fawn Jersey cow, 5 yrs. old, and inc. on Col. Wolfenberger's place, 5 mi. north. This mtg. in lieu of one on blk. mare 14½ h. h. released to secure note in favor of said bank for $220, due Oct. 15/14.

Filed for record, 3/6/14.

WARD BANKHEAD,
Clerk County Court, Parker County, Texas.
B.

Paid Jan. 23, 1915, First National Bank, Weatherford, Texas.

$220.00.

WEATHERFORD, TEXAS, *Jan. 17th, 1914.*

Without grace, Oct. 15th, 1914, I, we, or either of us, promise to pay to the order of the First National Bank of Weatherford, two hundred twenty dollars, at the First National Bank, in Weatherford, Texas, for value received with interest at the rate of ten per cent per annum from maturity, and ten per cent on entire amount as attorney's fees, if collected by suit or by attorney. We, the makers, sureties, endorsers, and guarantors of this note, hereby severally waive presentment for payment, notice of nonpayment, protest and notice of protest and diligence in bringing suit as required by law against any party hereto.

ENOCH HARDAWAY.

11/30, agreed to accept $20.00 and carry balance over. Will not ask for more. Will have 16 B/C. ?

No. 9007.

Due Oct. 15, 1914.

Paid Jan. 23, 1915, First National Bank, Weatherford, Texas.

NOBLE EXHIBIT NO. 4.

No. 2970.

$112.00. BONHAM, TEXAS, *Jan. 9, 1914.*

Oct. 1st, 1914, I, we, or either of us promise to pay to First State Bank of Bonham, Texas, or order, one hundred twelve dollars, at their office in Bonham, Texas, for value received, with interest at the rate of ten per cent per annum from maturity until paid, and ten per cent additional on amount due for attorney's fees, if sued upon or placed in the hands of an attorney for collection. The several makers, sureties, endorsers, and guarantors of this note, each, jointly and severally waive presentment for payment, protest, and notice of protest, and consent to any extension or extensions of time of payment by renewal notes or otherwise without being discharged from liability until the final payment of this indebtedness. Full authority is hereby given to the legal holder hereof to sell any collateral security assigned or attached at public or private sale without notice upon nonpayment.

M. S. FOUTS.

$100.00.

Paid Jan. 8, 1916, First State Bank, Bonham, Texas.

$11.25. RAVENNA, TEXAS, *May 5, 1914.*

On Nov. 1st, '14, for value received, I, we, or either of us, promise to pay to the order of the Ravenna State Bank of Ravenna, Texas, eleven 25/100 dollars, at the Ravenna State Bank, Ravenna, Texas. With interest from maturity until

paid at the rate of ten per cent per annum, with ten per cent additional as attorney's fees should this note be placed in the hands of an attorney for collection, after maturity, or judicial proceeding be instituted to collect the same. The maker and endorsers hereof severally waive presentation for payment, notice of nonpayment, protest, and notice of protest, and agree to all extensions and partial payments before or after maturity, without prejudice to the holder hereof.

Full authority is hereby given to the payee hereof, or its assignees, to sell any collateral security now or hereafter assigned and hereto attached, at public or private sale, upon nonpayment of this note.

M. S. FOGLE.

P. O. address, Ravenna, Tex., Route 1.
Witnesses:
JNO. W. PALMORE.
D. D. DUNN.
No. 862.
Paid Nov. 23, 1914, the Ravenna State Bank, Ravenna, Texas.

NOBLE EXHIBIT NO. 5.

VERNON, TEX., *Dec. 15, 1914.*

Mr. W. S. NOBLE, *Rockdale, Texas.*

DEAR SIR: Your letter to hand and contents noted. I went to see the farmers' union officers the day before. The president, Mr. W. H. Stephens, says the banks of Vernon would not loan them money to buy seed unless they would let the Vernon oil mill have the seed. Mr. D. D. McCroskey, manager of the union, says that they should let the oil mill have the seed, but bound them (the union) not to raise any disturbance about the seed. Mr. Schmidt, one of the directors, says, "The bankers would not let us have seed, unless we turned the seed to the Vernon oil mill." But he was afraid to make any statement, because they owed the banker about five thousand dollars ($5,000) and if they made any official statement the banker might close them out of business. So you readily see that the thing is "grabbed," everything.

The president and manager both promised they would write you last night, but I doubt that it will be carried out. I would like you to send me a view of their statement, if you can conveniently do so.

The truth is—the oil mills controls the banks, or the banks own the oil mills.

The farmers union have an oil mill at Wichita, and the people have stock in it, but for this cause the farmers are deprived from using or getting any benefit out of it.

Remember we were getting $11 for our seed, until a new seed buyer came in, and now seed is $18 per ton.

It was estimated, I heard yesterday, that the farmers of this country have lost about $48,000 at this time, by the graft.

Yours, truly,

J. U. WELLS.

NOBLE EXHIBIT NO. 6.

VERNON, TEXAS, *Nov. 9, 1914.*

W. S. NOBLE, Esq.

DEAR SIR: I hand you herewith a little information in regard to the industrial conditions in this country. The one dollar bonus system is getting common in this country for any good farm or a farm with good conveniences. Some are asking half of what is made on their farm; the tenant to furnish everything. The majority of the third and fourth rents have very bad conveniences. Very poor shacks to live in; some are hardly fit for stock to winter in.

I want to give you some facts concerning the oil mill scheme. We were only getting $11 per ton for seed until the last few days; a man dropped off at Vernon and seed has gone up to $16 per ton now. And as there has been about 8,000 tons of seed ginned you see the farmers have at those figures lost about $40,000. (No scheme at all.)

The bank would not loan the farmers' union first money to buy with unless they would sell their seed to the home oil mill.

Now, these are facts and you can get the names of the witnesses to verify my statements.

Respectfully, yours,

J. U. WELLS.

P. S.—I am a Baptist minister and would like to see something done for the poor man that can't help himself.

GIDDINGS EXHIBIT NO. 1.

UNITED STATES USURY LAWS.

The act of June 3, 1864, provides as follows:

"SEC. 5197. *Limitation upon rate of interest which may be taken.*—Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a bonafide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest shall not be considered as taking or receiving a greater rate of interest.

"853. 5198. *Consequences of taking usurious interest.*—The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same; provided such action is commenced within two years from the time the usurious transaction occurred. That suits, actions, and proceedings against any association under this title may be had in any circuit, district, or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases."

The last section was amended by act of February 18, 1875, adding the last sentence beginning with the words, "That suits, actions, and proceedings," etc.

GIDDINGS EXHIBIT NO. 2.

The Oklahoma statute provides:

1004. *Legal and contract rates of interest.*—The legal rate of interest shall not exceed six per cent, in the absence of any contract as to the rate of interest, and by contract parties may agree upon any rate not to exceed ten per cent per annum. Said rates of six and ten per cent shall be, respectively, the legal rate and the maximum contract rates of interest.

1005. *Actions to recover forfeiture.*—The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section shall be deemed a forfeiture of twice the amount of interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover from the person, firm or corporation taking or receiving same, in an action on the nature of an action of debt, twice the amount of the interest so paid: *Provided*

such action shall be brought within two years after the maturity of such usurious contract: *Provided further*, That before any suit can be brought to recover such usurious interest, the party bringing such suit must make written demand for return of such usury.

GIDDINGS EXHIBIT NO. 3.

FEDERAL USURY DECISIONS.

It may interest the commission to have a brief digest of the decisions of the Federal courts in construing the national usury statutes. Some of the main points decided since the adoption of the law in 1864 are as follows:

1. The validity of the contract is not affected by taking or reserving an unlawful rate of interest.

2. The charging of interest in a running account has been held not to be within the purview of the statute.

3. Where a note is given to extend time of payment of a usurious indebtedness, or in renewal of a prior note, it does not constitute payment of the usurious interest in the prior transaction.

4. Usury is a personal defense, only available to parties to the usurious transaction, although this does not apply to an accommodation endorser or maker or sureties.

5. The statute does not apply where the overcharge was not knowingly received by the bank.

6. The bank is not liable for penalties unless the unlawful interest has been actually paid.

7. There is no right of action in an accommodation endorser to recover a penalty.

8. The national banking laws alone apply to national banks, so far as the penalties are prescribed, although the State courts have jurisdiction.

9. The statutory remedy prescribed is exclusive of all others, since it creates the right to recovery and also prescribes the remedy.

10. Where the interest is greater than the law allows, and even where it has been actually paid, only legal interest paid can be set off against the principal sum in an action to recover the debt.

CONCLUSION.

It, therefore, will readily be seen that the law is largely ineffective.

GIDDINGS EXHIBIT NO. 4.

HENRY CAREY'S SPEECH ON THE RATES OF INTEREST IN THE PENNSYLVANIA CONSTITUTIONAL CONVENTION, 1873.

In the constitutional convention, in committee of the whole on the article reported from the committee on agriculture, mining, manufactures, and commerce, the first section being as follows: "In the absence of special contracts the legal rate of interest and discount shall be seven per centum per annum, but special contracts for higher or lower rates shall be lawful. All national and other banks of issue shall be restricted to the rate of seven per centum per annum." Mr. H. C. Carey made an address in favor of striking out the section. The following is an abstract of his remarks:

"Precisely a century and a half since, in 1723, the General Assembly of Pennsylvania reduced the legal charge for the use of money from eight to six per cent per annum. This was a great step in the direction of civilization, proving, as it did, that the labor of the present was obtaining increasing power over accumulations of the past, the laborer approaching toward equality with the capitalist. At that point it has since remained, with, however, some change in the penalties which had been then prescribed for violations of the law.

Throughout the recent war the financial policy of the National Government so greatly favored the money-borrower and the laborer as to have afforded ren-

son for believing that the actual rate of interest was about to fall permanently below the legal one, with the effect of speedily causing usury laws to fall into entire disuse. Since its close, however, under a mistaken idea that such was the real road to resumption, all the Treasury operations favored the money-lender; the result exhibiting itself in the facts that combinations are being everywhere formed for raising the price of money; that the long loans of the past are being daily more and more superseded by the call loans of the present; that manufacturer and merchant are more and more fleeced by Shylocks who would gladly take 'the pound of flesh nearest the heart' from all over whom they are enabled to obtain control.

"Anxious for the perpetuation of this unhappy state of things, these latter now invite their victims to give their aid towards leveling the barriers by which they themselves are even yet to a considerable extent protected, assuring them that further grant of power will be followed by greater moderation in its exercise. Misled thereby, money borrowers, traders, and manufacturers are seen uniting year after year with their common enemy in the effort at obtaining a repeal of the laws in regard to money, under which the State has so greatly prospered. Happily our workingmen, farmers, mechanics, and laborers fail to see that advantage is likely to accrue to them from a change whose obvious tendency is that of increasing the power of the few who have money to lend over the many who need to borrow; and hence it is that their representatives at Harrisburg have so steadily closed their ears against the siren song by which it is sought to lead their constituents to give their aid to the work of their own destruction.

"Under these circumstances it is that we are now asking to give place in the organic law to a provision by means of which this deplorable system is to be made permanent, the legislature being thereby prohibited, be the necessity what it may, from placing any restraint upon the few who now control the supply of the most important of all the machinery of commerce, as against the many whose existence, and that of their wives and children, is dependent upon the obtaining the use thereof on such terms as shall not from year to year cause them to become more and more mere tools in the hands of the already rich. This being the first time in the world's history that any such idea has been suggested, it may be well, before determining on its adoption, to study what has been elsewhere done in this direction, and what has been the result."

Mr. Carey then proceeded to quote at great length from recent and able writers the results that had followed in England from the adoption of the proposition now before the convention. These may be summed up as the charging of enormous rates of interest, the London joint-stock banks making dividends among their stockholders to the extent of twenty, thirty, and almost forty per cent, the whole of which has ultimately to be taken from the wages of labor employed in manufactures, or in agriculture. At no time, said Mr. Carey, in Britain's history have pauperism and usury traveled so closely hand in hand together—the rich growing rich to an extent that, till now, would have been regarded as fabulous, and the wretchedness of the poor having grown in like proportion.

After discussing the effects of the repeal of the usury laws in some of the American States, Mr. Carey continued:

"We may be told, however, that at times money is abundant, and that even so late as last summer it was difficult to obtain legal interest. Such certainly was the case with those who desired to put it out on call; but at that very moment those who needed to obtain the use of money for long periods were being taxed, even on securities of unexceptionable character, at double, or more than double, the legal rates. The whole tendency of the existing system is in the direction of annihilating the disposition for making those permanent loans of money by means of which the people of other countries are enabled to carry into effect operations tending to secure to themselves control of the world's commerce. Under that system there is, and there can be, none of that stability in the price of money required for carrying out such operations.

"Leaving out of view the recent great combination for the maintenance and perpetuation of slavery, there has been none so powerful, none so dangerous as that which now exists among those who, having obtained a complete control of the money power, are laboring to obtain legal recognition of the right of capital to perfect freedom as regards all the measures to which it may be pleased to resort for the purpose of obtaining more perfect control over labor. Already several of the States have to some extent yielded to the pressure that has been brought to bear upon them. Chief among these is Massachusetts, the

usury laws having there been totally repealed, and with the effect, says a distinguished citizen of that State, that 'all the savings institutions of the city at once raised the rate from six to seven per cent; those out of the city to seven and a half and eight per cent, and there was no rate too high for the greedy. The consequence,' as he continues, 'has been disastrous to industrial pursuits. Of farming towns in my country, more than one quarter have diminished in population.'

"Rates per day have now to a great extent, as I am assured, superseded the old rates per month or year, 2 cents per day, or $7.20 per annum, having become the charge for securities of the highest order. What, under such circumstances, must be the rate for paper of those who, sound and solvent as they may be, can not furnish such security may readily be imagined. Let the monopoly system be maintained and the rate, even at its headquarters, New England, will attain a far higher point than any that has yet been reached; this, too, in despite of the fact that her people had so promptly secured to themselves a third of the whole circulation allowed to the 40,000,000 of the population of the Union scattered throughout almost a continent. How greatly they value the power that has been thus obtained is proved by the fact that to every effort at inducing them to surrender, for advantage of the West or South, and portion thereof has met with resistance so determined that nothing has been yet accomplished.

"Abandonment of our present policy is strongly urged upon us for the reason that mortgages bear in New York a higher rate of interest. A Pennsylvanian in any of the northern counties has, as we are told, but to cross the line to obtain the best security at seven per cent. Why, however, is it that his neighbors find themselves compelled to go abroad when desirous of obtaining money on such security? The answer to this question is found in the fact that the taxation of mortgages is there so great as to absorb from half to two-thirds of the interest promised to be paid.

"Again, we are told that Ohio legalizes 'special contracts' up to eight per cent, and that if we would prevent the efflux of capital we must follow in the same direction. Is there, however, in the exhibit now made by that State anything to warrant us in so doing? Like Pennsylvania, she has abundance of coal and ore. She has two large cities, the one fronting on the Ohio and the other on the Lakes, giving her more natural facilities for maintaining commerce than are possessed by Pennsylvania; and yet while the addition to her population in the last decade was but 306,000, that of Pennsylvania was 615,000. In that time she added 900 to her railroad mileage, Pennsylvania meantime adding 2,500. While her capital engaged in manufactures rose from 57 to 141 millions, that of Pennsylvania grew from 109 to 406, the mere increase of the one being more than fifty per cent in excess of the total of the other. May we find in these figures any evidence that capital has been attracted to Ohio by a higher rate of interest, or repelled from our State by a lower one? Assuredly not.

"What in this direction is proposed to be done among ourselves is shown in the section now presented for our consideration. By it the legal rate in the absence of 'special contracts' is to be raised to seven per cent, such 'contracts,' however ruinous in their character, and whatsoever the nature of the security, are to be legalized; the only exception to these sweeping charges being that national banks issuing circulating notes are to be limited to seven per cent. Shylock asked only 'the due and forfeit of his bond.' Let this section be adopted, let him then present himself in any of our courts, can its judge do other than decide that 'the law allows it and the court awards it,' monstrous as may have been the usury, and discreditable as may have been the arts by means of which the unfortunate debtor may have been entrapped? Assuredly not. Shylock, happily, was outwitted, the bond having made no provision for taking even 'one jot of blood.' Here the unfortunate debtor forced by his flinty-hearted creditor into a 'special contract' utterly ruinous, may, in view of the destruction of all hope for the future of his wife and children, shed almost tears of blood, but they will be of no avail; yet do we claim to live under a system whose foundation stone exhibits itself in the great precept from which we learn that duty requires of us to do to others as we would that others should do unto ourselves.

"By the English law the little landowner, the mechanic who owns the house in which he lives, is protected against his wealthy mortgagee. Here, on the contrary, the farmer, suffering under the effects of blight or drought, and thus deprived of power to meet with punctuality the demands of his mortgagee, is to have no protection whatsoever. So, too, with the poor mechanic suffering

temporarily by reason of accidental incapacity for work, and, with the sheriff full in view before him, compelled to enter into a 'special contract' doubling, if not trebling, the previous rate of interest. Infamous as may be its extortion, the court may not deny the aid required for its enforcement.

"The amount now loaned on mortgage security in this State at six per cent is certainly not less than $400,000,000, and probably extends to $500,000,000, a large portion of which is liable to be called for at any moment. Let this section be adopted and we shall almost at once witness a combined movement among mortgagees for raising the rate of interest. Notices demanding payment will fly thick as hail throughout the State, every holder of such security knowing well that the greater the alarm that can be produced, and the more utter the impossibility of obtaining other moneys, the larger may be made the future rate of interest. The unfortunate mortgagor must then accept the terms, hard as they may be, dictated to him by the 8, 10, 12, or 20 per cent. Such, as I am assured, has been the course of things in Connecticut, where distress the most severe has been produced by a recent abandonment by the State of the policy under which it has in the past so greatly prospered. At this moment her savings banks are engaged in compelling mortgagors to accept eight per cent as the present rate. How long it will be before they will carry it up to ten or twelve, or what will be the effect, remains to be seen. Already among ourselves the effects of the sad blunders of our great financiers exhibit themselves in the very unpleasant fact that sheriff's sales are six times more numerous than they were in the period from 1861 to 1867, when the country was so severely suffering under the waste of property, labor, and life which had but then occurred. Let this section be adopted, giving perfect freedom to the Shylocks of the day, and the next half dozen years will witness the transfer, under the sheriff's hammer, of the larger portion of the real property of both the city and the State. Of all the devices yet invented for the subjugation of labor by capital, there is none that can claim to be entitled to take precedence of that which has been now proposed for our consideration.

"Rightly styled the Keystone of the Union, one duty yet remains to her to be performed, to wit, that of bringing about equality in the distribution of power over that machinery for whose use men pay interest which is known as money. New England, being rich and having her people concentrated within very narrow limits, has been allowed to absorb a portion of that power fully equal to her needs, while this State, richer still, has been so 'cabined cribbed, confined,' that her mine and furnace operators find it difficult to obtain that circulating medium by whose aid alone can they distribute among their workmen their shares of the things produced. New York, already rich, has been allowed to absorb a fourth of the permitted circulation, to the almost entire exclusion of the States south of Pennsylvania and west of the Mississippi; and hence it is that her people are enabled to levy upon those of all these latter such enormous taxes. To the work of correcting this enormous evil Pennsylvania should now address herself. Instead of following in the wake of New Jersey and Connecticut, thereby giving to the monopoly an increase of strength, let her place herself side by side with the suffering States of the West, the South, and the Southwest, demanding that what has been made free to New York and New England shall be made equally free to her and them. Let her do this, and the remedy will be secured, with such increase in the general power for developing the wonderful resources of the Union as will speedily make of it an iron and cloth exporting State, with such power for retaining and controlling the precious metals as will place it on a surer footing in that respect than any of the powers of the eastern world.

"The more rapid the societary circulation, and the greater the facility of making exchanges from hand to hand, and from place to place, the greater is the tendency toward reduction in the rate of interest, toward equality in the condition of laborer and employer, and toward growth and power to command the services of all the metals, gold and silver included.

"It will be said, however, that adoption of such measures as have been indicated would tend to produce a general rise of prices; or, in the words of our self-styled economists, would cause 'inflation.' The vulgar error here involved was examined some thirty years since by an eminent British economist, and with a thoroughness never before exhibited in reference to any other economic question whatsoever, the result exhibiting itself in the following brief words of a highly distinguished American, one published some twelve or fifteen year since, to wit: 'Among the innumerable influences which go to determine the general rate of prices, the quantity of money, or currency, is one of the least effective.'

"Since then we have had a great war, in the course of which there have been numerous and extensive changes in the price of commodities, every one of which is clearly traceable to causes widely different from those to which they so generally are attributed. Be that, however, as it may, the question now before us is one of right and justice, and not of mere expediency. North and east of Pennsylvania eight millions of people have been allowed a greater share of the most important of all powers—the money one—than has been allotted to the thirty-two millions south and west of New York, and have thus been granted a power of taxation that should be no longer tolerated. The basis of our whole system is to be found in equality before the law, each and every man, each and every State, being entitled to exercise the same powers that are permitted to our people or other States. If the Union is to be maintained, it can not be so on no terms other than those of recognition of the existence of the equality that has here been indicated. To the work of compelling that recognition Pennsylvania should give herself, inscribing on her shield the brief words, 'Fiat justitia, ruat cœlum'—let justice be done though the heavens fall!"

GIDDINGS EXHIBIT NO. 5.

Indian Land Questions.

It is not my intention unduly to criticize conditions in Oklahoma, but it is an indisputable fact that tenant conditions there, due to Indian questions in particular, are infinitely worse than in any State in the Union. To protect the Indian by not permitting the alienation of his lands is doing not only the Indian an in justice but the white man as well. Sixty-six per cent of the farmers on the east side of the State are tenants. By that I mean on the Indian Territory side of the State. The Government, having driven the Indian to this as a last resort and having in the past mistreated him, now seeks to protect him through a system which in itself is mistreatment. The Indian gets in rental of from $25 to $150 for 80 acres of his allotment. If he were permitted to sell this land on long-time payments he would receive an annual income far greater than his rentals. The tenant has but little interest in the improvement of these lands. He can not take those improvements away with him. He does not know what the coming year will bring forth, so far as a renewal of his lease is concerned. He is not interested in the good-roads question or schools or churches or public improvements to that extent he would be if he were a real American citizen. The net result is that the land is poorly farmed, there is no real conservation of the soil, the fertility of the land thus decreases and will decrease more than the normal increase in the value of the land as time goes on. He is poorly housed, generally a shack such as you would hardly want your horse to live in. Almost one-half of the State is in this condition, not on account of the lack of intelligence and industry of the people, but on account of the lack of intelligence in the creation and execution of Federal laws governing the Indians. The result is that there is no premium put upon thrift. The thrifty tenant, if he puts something by, seeing conditions, wants to move to more profitable fields, and thus there is left that class that is either thriftless or unable to move if their crops fail or misfortune overtake them in any way.

Under the act of 1908 all Indians under half blood may alienate their lands. Their restrictions are removed. Of three-quarters blood there may be an alienation of their land except homesteads, under similar conditions. Over that, there may be no alienation. These two classes of Indians constitute the major portion of the Indian population. The full bloods may not alienate. There are but two classes of Indians, there being no middle ground—the competent and the incompetent. Why not let their lands be sold as follows: (1) If on long-time payments giving them the payments when due, or (2) if for cash the United States Government to invest the proceeds for the incompetents and from which they would derive a much greater income than through the rentals. For instance, the Kiowa, Comanche, and Caddo full bloods may not alienate their lands, but when they die the lands, being called dead-Indian lands, are sold and the money invested or deposited in banks drawing a rate of interest for the benefit of the heirs. It is an incontrovertible fact that through this system these Indians receive much more than from the mere rental of their land. The system now in vogue in the Indian Territory side of the State is

a paradise for land speculators. One firm controls 30,000 acres of land and has over 1,500 tenants. That firm is Mullin & Mullin, of Ardmore—splendid gentlemen and men of integrity. It is the system and not these men at which I am driving. This firm, and similar firms, keep their eyes peeled for profitable investments by the purchase of Indian land or its rental, then renting in turn for a profit or selling the rental thereof.

Let me illustrate: Big Chief No Care lives away over on the east side of the State, and has an allotment on the west side of the State consisting of, we will say, 80 acres. Farmer A has 80 acres adjoining it, but he can not go away over on the east side of the State seeking to make a contract with the Indian which, in turn, through red tape, must be approved by the superintendent, nor will Big Chief No Care come over to the west side of the State to look after his allotment. The result is that Mr. Speculator spots this 80-acre allotment, gets a lease on it for an inconsequential sum, and sells the lease at a profit or rents the land at a neat profit. The average farmer can not compete with such conditions, because he hasn't the means at his command to ascertain where these valuable tracts may exist, while the speculator has a "head" on every one of them. The commission can readily see that under such conditions the tenant farmer, of necessity, would not take such an interest in a farm as if he had some assurance that he might stay there and ultimately obtain a home. Home ownership is the safest conservator of American greatness. It is safe to assert, then, that these lands are poorly farmed by tenants, the houses are not fit for human habitation, ordinarily—there is nothing to protect the tenant or to encourage him. Under such conditions there can not be a scientific soil conservation and, naturally, there is a depletion of soil fertility. All this system is supposed to protect the Indian, but it does not protect him, it hurts him. The Government readily can conserve the interests of incompetent Indians and can readily ascertain who are incompetent Indians and, through the proper authorities, make such orders as will be beneficial to the Indian who is incompetent. The competent Indian should be permitted to sell his land and strike out for himself like every other American citizen must do. Competency does not need protection, and the Government can as readily find out who are competent, and so decide, as it can find out who are incompetent. We have a system in Oklahoma with regard to our school lands that it may be well for the Federal Government to investigate and largely to follow. We sell our school land in Oklahoma on 40 years' time, 5 per cent down, and one-fortieth paid each succeeding year. The school-land tenant is encouraged to improve his leasehold estate before obtaining title. He is given the preference right of purchase of the land against competitive bidders; that is to say, if a competitive bidder bids $3,000, the school-land tenant can pay the same amount and obtain title in fee simple to his land. He gets, in addition, the value of his improvements, which, if he buys the land in fee simple, is deducted from the purchase price and which goes to him in cash in the event he is outbid or the land is sold to another through his failure to bid. If the value placed upon his improvements—by the appraisers from another county, selected for that purpose—is not satisfactory to him he may appeal to the school-land board for an increase, and if the school-land board's decision is adverse, he may appeal to the district court of the county having jurisdiction. Thus he is protected and encouraged and, consequently, he is as enlightened a farmer, generally speaking, as there is in the Union. Thus, if fair play is shown the average farmer he will take an interest in the land, in public improvements, in the schools, and in religious institutions, because he has something to which to look forward. Do not think it is all bad in Oklahoma. The good things need no mention because the good things need no remedying. Bad conditions are those which need remedying.

For the benefit of the commission I append a pamphlet[1] containing full information with regard to the school-land situation in Oklahoma, and an abstract of the laws, rules, and regulations with regard thereto.

WRITTEN EXHIBIT NO. 1.

To the Rebel in the Live-Oak Settlement: Ruth, Tex.

There are 60 families, 36 are renters, and out of the so-called home owners (24) there are about 6 or 8 that are likely to lose the little spot of ground that

[1] Submitted in printed form.

they have been faithful slaves on for many years. That is the way the Donks play bones on us poor devils.

So, nice boys, come on with your rat killing. The thieves are at our backs, and we have got to shake them off or shoot them off just as you like, boys.

W. E. COCKSON.

LAMESA, TEX., *December 8, 1914.*

T. A. HICKEY.

DEAR COMRADE: In respond to your call through the Rebel for election returns I am sending the returns for Dawson County: Democrats 39, Socialists 9. There are about 20 Socialists to my certain knowledge in this county that did not vote. I do not know the reason why. This country is rotten ripe for the new gospel. If we were able to get a speaker here for a while, but we have just passed through 5 years of drought and one year of Wilson's prosperity and we haven't means to do anything with. I made 15 bales of cotton and turned it all in on my debts but the picking, and I owe about $50 yet. I am pretty good shape compared to some others. One merchant told me that he had $30,000 on his books yet. Please tell me how a man can support a family with everything up to the sky and cotton about 40 feet below. Anyway, cotton is bringing about $30 per bale here.

You can count on me to do everything I can for the cause. The Rebel is the big It with me.

Yours, truly,

J. H. MARSHALL.

SMILEY, TEX., *December 8, 1914.*

Messrs. H. O. and E. R. METTEEN.

DEAR COMRADES: I don't know that I can give you any items of interest in regard to the tenant system that is to stand investigation at Dallas, Tex.

Here is one case that occurred under my own observation. One Henry Dub is the happy owner of 115 acres of God's domain and has several boys renting land. One of the boys got ousted. He had a pair of little mules that he drove like smoke in order to hold a rented home. He went to his father and borrowed a horse and rode the country nearly a month, but failed to get a place.

Now, the boy's father sees that something has to be done, so he builds the boy a house on his land. He (the old man) told me that he didn't want to see the boy turned out in the lane with the cattle, so he built the house. That boy stayed out of the Donk primary and voted the Socialist ticket. The old man went into the primary and voted the Donk ticket, but he got so sick of Donk prosperity that he failed to materialize on the third of November. These are facts I know, for I was on the election board. If you can glean any points from this article that will help you out in the investigation at Dallas, you are welcome to use them. But here is the query of it all as I see it: Why does God's people, good young working men and women, have to be put out in the lanes that were built by men for stray cattle? I wonder if Henry Dub can answer?

Yours, truly,

S. D. LEE.

CHATFIELD, TEX., *December 8, 1914.*

Mr. A. E. METTEEN.

SIR: I am a renter; have been renting during all of my farming in the last two years. I have been making short crops on the account of wet weather, and it threw me behind $600, and my landlord took 3 of my corn and 4 of the seed and took all of my cotton for standing rent, and, then, after he got all of the cotton in his hands, and 6 heads of mules he came and told me he wanted his money. I had a new wagon and a good milk cow. He took the wagon and wanted the cow. The mules are worth $250, one team. Three teams are worth $185. My wagon is worth $110. Just before gathering time he run my account from $600 to $757.80, took 6 heads of mules and a wagon and then came back for the cow, corn, and cotton seed, and that was all I had left. This is what my landlord did for me and then asked me to stay with him another year. What do you think about that, Mr. Metteen?

Yours for the right,

H. SMITH.

LA PRYOR, TEX., *November 27, 1914.*

To the GOVERNOR OF THE STATE OF TEXAS:

The Socialist local met in regular session November 27, 1914, and passed the following resolutions and demands:

Whereas through the consent of the people you are permitted to be the chief of the State;

Whereas these people who have elected you are now in hard financial circumstances;

Whereas the price of cotton is below the cost of production and other produce in proportion;

Whereas the tenantry of Texas is largely on the increase;

Whereas the value received by the producers is largely on the decrease and the cost of living going higher each day; and

Whereas the legislature has recently met and adjourned, spending $110,000 of the State funds to help this appalling condition and did nothing:

Be it resolved, (1) That these conditions should not exist.

(2) That the farmers of Texas are the bone and sinew of the State.

(3) That they are the greatest abused of all people of any industry, receiving the least compensation for the greatest amount of labor.

(4) That whenever the farmers are forced into bankruptcy the life of the State will cease to exist.

(5) That it is in your power to a great extent to change these conditions.

Therefore we demand that you call a special session of the legislature and that you use your utmost powers and influence to cause this legislature to enact laws at once to relieve the distressing condition.

We offer the following suggestions and demand you act on them:

In case the producing class can not get the full social value for their products through the legislature, you urge the establishment and building of mills, factories, etc., by the State and buy the products of the State, manufacturing the raw material into finished product; selling the same to the producer at the cost of production.

Resolved, That the secretary mail a copy of these resolutions and demands to the governor and to our county and State papers.

T. A. HIMDON, *Secretary*.

HAMLIN, TEX., *November 28, 1914.*

MR. METTZEN:

Learning that you will go before the U. S. Commission on Industrial Relations, will give you some information from this community (Jones County). The land on which I and 4 other men farm has changed hands, the land going from $4 per acre to $50 per acre. Our new lord tells us that we must do good farming and that our seeds must go to seed on the farm. We have been doing the best we can, and the reason that we can do no better is because we have to sell our products below the cost of production. That leaves us short of money, hence we are handicapped.

I want to put this up to you. A young married man single handed can hardly rent land to farm on, as the landowner wants a man with a large family, children large enough to work, so he can realise on their labor. This is a sin and a shame. What must the young people among the renters do? They are practically denied the land to farm on until they rear enough children to gather a good sized cotton crop; that is what the landowners want. This is November 28, 1914, our schoolhouse doors are closed and may remain so until the first of January on account of cotton. The farmers' union committee that was sent before Congress to ask that that body lend money direct to the farmers might as well been sent before the Parliment of the British Government for the good it would do. I have talked to a great many renters and they all agree that the Washington Government is not for us. We are out looking for relief from this investigation that is going to take place at Dallas, but perhaps the fight may be turned down. Yes; there is a class struggle; one class owns and controls the Government and rules the other class. One more thing I will say and close: The renter is not his own free agent to plant and raise what he pleases, and he don't dare to speak up and talk his politics or his religion to his landlord for fear of having to move next year.

Yours, respectfully,

J. R. GOODGAME.

San Antonio & Aransas Pass Ry. Trip pass. (Subject to conditions on back.) No. 1985. April 29, 1914. Pass E. O. Meitzen, account delegate to S. W. Tex. dist. farmers' union meeting. From Houston to Hallettsville. Good for one trip only, until May 15, 1914. Address Hallettsville, Tex. Valid when countersigned by myself or H. E. Aiken. J. S. Peter, 1st Vice Pres. & Genl. Mgr. Countersigned: H. E. Aiken.

Conditions: The person accepting this free pass, in consideration thereof, assumes all risk of accident and expressly agrees that the company shall not be liable under any circumstances, whether by negligence of its agents or otherwise, for any injury to the person, or for any loss or injury to the property of the passenger using it.

The right to cancel this pass at any time is reserved by the company.

The holder of this pass will at once surrender it should he change employment or accept public office, and will not use it going to or returning from any political convention or on any political errand.

Not good unless signed in ink by person whose name appears on its face; if presented by any other than the person named hereon, conductor will take it up and collect fare.

I am not prohibited by law from receiving free transportation and accept this pass with above conditions and agree not to use it in violation of any law, State or National. Signature: ——— ———.

San Antonio & Aransas Pass Ry. Trip pass coupon. Going trip. (Void if detached.) April 29, 1914. Pass E. O. Meitzen. Account delegate to S. W. Tex. dist. farmers' union meeting. To Houston from Hallettsville. Good for one trip only, until May 15, 1914. Address Hallettsville, Tex. This coupon will not be honored for transportation between the points mentioned unless attached to pass of same number in opposite direction.

1914. No. 1985. Trip pass coupon. Going trip. This coupon, when attached to and presented with the accompanying trip pass, will be authority for San Antonio & Aransas Pass Ry. conductors to pass the person or persons named on reverse side hereof, between the stations designated, which is in the opposite direction from the attached accompanying pass; subject to the conditions printed on back of pass to which this coupon is attached. Void if detached. Issued by J. S. Peter or H. E. Aiken.

KERENS, TEX., *December 1, 1914*.

Mr. T. A. HICKEY,
Editor The Rebel.

DEAR COMRADE: Three years ago next summer I conducted a holiness tent meeting in Corsicana, Texas, and in this meeting two people were converted—Brother J. M. Smith and wife. There were others, but these made a statement to me that I thought might be good for publication in the Rebel. It was shortly after this meeting that I practically gave up preaching because I was constantly going in debt, while I knew that the Bible said owe no man anything, and in the face of all this I often had to face an audience in which there were people I owed and could not pay; so it was here that I made up my mind to go on the farm with Meigh Owens. I remained on his place one year; then I rented from John Hobson, and here I remained one year; then it was here that I heard H. L. A. Holman, and from that day to this I have been a class-conscious Socialist. This place I was on was sold, so I had to move; so Brother and Sister Smith told me to rent a place from Mr. E. Tramel (Sister Smith's brother), who is a good man, to be sure. I went and rented from Mr. Tramel and for two years I have been on this farm. Now I am informed that I can not stay; and, of course, as I have worked the land good, paid him his rent and dealt honestly in every way, I demanded a reason why, and about two weeks ago I went to Corsicana again, and they had another meeting going on. I was then out trying to find a master that would let me live on the earth, and I was telling Brother and Sister Smith this. Then they told me that if I would come back to the Lord and quit talking socialism that he would guarantee to me that I would not have to move. He said, "Elige Tramel is tired of hearing socialism talked on his place." He said that if I would come back to the Lord, Mr. Tramel told him that he would give me the best team and place he had and help me in every way. You see they regard me now as an infidel and a backslider. I am still preaching, but I do not preach the Gospel as I once did, and the way I preach it now don't suit the master class. I quote such passages to them as James V, 1 to 5, "Go to now, you rich men, weep and howl for your miseries that shall come upon you. Your riches are corrupted and your garments are

moth-eaten. Your gold and silver is cankered, and the rest of them shall be a witness against you and shall eat your flesh as it were fire. Ye have heaped treasures together for the last days. Behold the hire of the laborers who have reaped down your fields, which is of you kept back by fraud crieth, and the cries of them which have reaped are entered into the ears of the Lord of Sabaoth." Tell me what is it that is kept by the owners of land—nothing but rent, and God says it is kept back by fraud. Then the Bible says the common people heard Him gladly; the logical inference in this text is that the rich ruling class did not hear Him gladly. Why? Because Jesus preached an economic gospel as well as a spiritual. He denounced the money changers in the temple, who were buying and selling doves, as thieves. Now, then, Jesus could not have called the money changers thieves if they had sold the doves for what they paid for them. We must change the system from private to public property of those industries that must be publicly used. Then everyone can sit under their own vine and fig tree, where none can molest nor make them afraid. In a word, Jesus denounced the system under which rent, interest, and profit is taken as robbery, and this is why the common people heard Him gladly.

H. O. Sybow.

OAKWOOD, TEX., *December 13, 1914.*

Mr. T. A. HICKEY.

DEAR COMRADE: I want to let you know how renters are treated in Leon County. Most of us have to furnish well bucket and rope, heating stoves, keep up fences, and then pay rent out of cottonseed that we save to plant back on Mr. Landlord's land. So, in the last seven years, we have gotten so deeply into debt that we will never get out of debt. We will just have to die out of debt. I want to tell you what I have witnessed this fall. I work on a big clearing on Trinity River, and have seen people at work on that clearing that had nothing to eat but bread. I watched them cook it; they just made it up with cold water and salt and cooked it and ate it while it was hot. I asked them if it was good. They said, "No; but we have to live on it." I was not much better off, only one thing and that was cottonseed lard. We were nothing but a set of hogs eating a lot of mess; yet we renters have made our landlords many a dollar. We have to live like dogs, and if something is not done in the next 30 days something is going to happen. I am looking for some men—went around braying and bawling for Ferguson, and right now such men are our starvation.

Comrade Hickey, it is the worst I have ever seen. There are some people who will starve to death in Leon County this next year. The merchants say they can not help the farmers next year. Most of them will go bankrupt. If the Government can not help us we are gone up for a living; so I hope you will get busy and tell us what to do, for it is trouble to know of such a condition.

G. W. WALSTON.

WINTERS, TEX., *November 29, 1914.*

Mr. T. A. HICKEY, *Hallettsville, Tex.*

DEAR SIR AND COMRADE: I will try, in my ignorant way, to give you some points on some lease land up here in Runnels County. It is owned by John W. Harris, of Galveston, Tex. There are about 14,000 acres of this land, and it is leased out to the people in blocks of 177 acres, at so much per acre. I have been living on this land 13 years. When I moved onto this land it was worth from $2 to $3 per acre, now it is worth from $35 to $40 per acre. The point that I want to make is: What made this $2 and $3 land worth $35 and $40? Did Mr. Harris, or was it men like myself? Mr. Harris has not been out 1 cent for improvements on this land and he has taxed the people something over $100,000 in the last 13 years, and they don't own an acre of land. Now, you see the people have paid him over $100,000 in rent and they have advanced his land about $30 per acre. I want to ask you, What have we heaped upon our children's shoulders and whose children will reap the benefit of the advanced price on this land? Will it be my neighbors and mine, or will it be Mr. Harris's and his? Now, some one will say, "Why didn't you fellows buy land when it was cheap?" There were lots of people that did buy, and lots of them have lost their land, and lots of the men have lost their leases to my own knowledge.

I was told last year by a responsible man that himself and 10 of his neighbors whould have to pay rent on their places if they stayed on them another

year; now, this is not leased land—it is private land. These men had failed to make payments, had to pay interest on their back notes, and also rent one of their places if they stayed on them. The man that was telling me this would not do that, and he lost his place. Now, what do you think of a system that will allow one man to make slaves of hundreds? We people have worked like slaves and paid Mr. Harris this enormous sum of money to live on God's footstool—where God said the land shall not be sold forever. There are some men up here that own about 160 acres, or partly own it, that think they belong with the capitalist class. They all have from five to eight children. They never think that if they were to die how many children would have homes. Let me say this, that if they were to die they would have just about enough to set them up to renting, for it is impossible for a person to buy this high-priced land and pay for it.

Now, Comrade Hickey, you can publish this if you think it worth space in the Rebel, if not, throw it in the wastebasket.

With best wishes to you and yours, I remain, as ever, ready to do all in my power to change our present system and give everybody what is justly theirs.

E. G. Doolan.

Marank, Tex., *December 12, 1914.*

Messrs. E. O. Meitzen and W. S. Nobles,
Dallas, Tex.

Dear Comrades: I saw when and where to address you two to tell of any oppression.

Will tell you that there are 1,900 acres here on this ranch which belong to G. W. and W. A. Taylor, of Kaufman, Tex. There are seven white tenants and several negroes on the back of it, and they want to take everything away from us. Not even one bale of cotton to buy just a few clothes for winter, and you know at the present price of cotton it would buy mighty little. But they want us to sell it and pay them every cent of it. The seven houses on the place where the whites live are not fit for the rich man's wife's b—— dog to live in; and, of course, the negro houses are just as sorry. But the landlords are not by themselves. It is so all over the country. Now, dear comrades, if there is anything that can be done, please do it.

Yours for the right,

J. M. McKee.

P. S.—These gentlemen have a $1,500 cottage right here under my nose, where they stop when they are down here. This ranch is 18 miles from Kaufman. They have bathroom and waterworks, while us poor fellows have to do the best we can for water during the summer. Of course if my name is printed I would have to get away from here.

J. M. McKee.

Shep, Tex., *December 7, 1914.*

R. O. Meitzen,

Dear Sir: I live in Taylor County. Seventy-five per cent of the land is cultivated by tenants. The rent is one-third grain and one-fourth cotton. We have a schoolhouse that cost $1,200. We owe $709 on same; school opened December 1. Five children present, 115 other children in the cotton field; no chance for them to go to school until cotton is picked. My children didn't go to school until January 1 last year, and on account of bad weather and lack of clothes they were out part of the time, but the teachers' report showed them in full attendance.

Yours, truly,

J. W. Hounshell.

[Original in German. Translation.]

Mount Calm, *January 23, 1915.*

Messrs. Hickey and Meitzen,
Hallettsville, Tex.

Dear Friends: If I can be of any assistance to you before the investigating committee at Dallas, I am ready to serve, my expenses being provided for. Should our legislators come under consideration I could, perhaps, with the papers I left with you, be of some help.

I herewith remain, yours respectfully,

John Janek.

THOUY, TEX., *January 25, 1915.*

Mr. T. A. HICKEY,
Hallettsville, Tex.

DEAR SIR: You are asking the farmers in regard to the conditions as to living. Well, we are just alive, and that is all. A poor renter—one-third of corn and the fourth part of cotton and all other grain that we raise. We make a very good crop every year, but do not get anything like a living out of it. We plant a big cotton crop, a little corn, and a very little of other grain. We are bound to raise a big cotton crop—that is what our merchant and landlord want. If you don't, then you must go. We give them the control of stock and crop of all for what we can get. Sometimes we get, and sometimes we don't. We are tied hand and foot. Some will let us keep a cow; some won't let us keep anything at all; and nearly everyone wants you to vote his way, or you will suffer. Some have to move. Some of them would stop you from eating if they had it all; but one man, nor two, haven't got it all yet. The houses are not as good as the barns. Water is very plentiful here. Money runs from 10 to 25 per cent; flour from $1.75 to $2.25; the best meat 22 cents and better per pound; clothing, 10 to 25 cents and on per yard. We have to make and plant these large cotton crops to keep in sight, so we can get a little more next year. We never get out of debt, no matter how we toil. My son ran from $85 to $90 behind. Everything is out of sight. We are just here on earth, and that is all. There is not to-day a colored man able to get a doctor out of our 40 or 50 colored neighbors. A next-door neighbor could not get a doctor and pay for it. I have a mother who has been in bed 10 months. She had the doctor only twice last spring, although she surely suffered with pain. I do not know what to do. I work harder than any one man in this country, but myself and family are still on the rocks and can not get off. Yes, I am willing with all my strength to try to work to help better the times if it can be done. I want righteousness and love and peace among all mankind; then the good Lord will plenty the earth with love, and every seed that we sow will fall in good soil and grow and plenty the whole world. I hope to see the day when every man and women can live under their own vine and fig tree with the love of God in their soul. I do hope that will come to pass, and if there is anything on earth that this poor man can do to help on for better, with peace, I am willing to turn a hand to it with the very best of my brain and with heart-felt love toward all right that will be pleasing to the people and also to God. So I hope you will put this in the paper that I may know whether or not you got my letter. There are lots of people who want to write but seem to be back-ward; but I never was a man afraid to say to the best of my knowledge the thing that I believed to be right, because I do love the right, and right doesn't put anyone wrong. So I would love to say more in regard to this matter; maybe some day I will get another chance.

Yours,

LEWIS JONES.

CUNNINGHAM, TEX., *December 11, 1914.*

In regards to renterism, I am a renter and have had all kinds of oppression. As far as the bank, it has treated me nice only through the landlord.

As for the merchant and the landlord, they have made it hard for me. I paid them all I made, put in my milk cow, calf heifer, wagon and harness, and plow tools. They left me one horse and nothing to feed him on. I picked cotton for something to live on and something to gather my crop on. Now I haven't anything to get my children shoes or anything to live on. All the work I can get is clearing. I and my two children make but 75 cents a day; that is only 25 cents apiece. The merchant and the landlord told me I could live on that or starve. It has been so wet for two weeks that I can't work. The landlord told me if I became sick he would not let me have anything to live on until I could go to work again. I can't even send my children to school. I have got to move, and no place to go to. I could rent land, but I haven't anything to live on, and can't get it. I have always paid my just debts. I will swear this is true, God being my helper. I lacked $45 to pay my landlord in full, and he wanted me to give him a note for more than I owed him and interest on it.

R. S. WHITE.

BAIRD, TEX., *February 7, 1915.*

Mr. T. A. HICKEY, *Hallettsville.*

DEAR COMRADE: I am sending in my list. I haven't near as many as I could get if I had the time to work at it more. I am a very poor man, and I make

scarcely enough to live on. I have to work every day so I can get grub. I have 238 on the list, and I want to tell you that I did not know how ignorant the majority of men were until Socialist cause is cut off considerable. My heart goes out in sympathy to the poor farmers and wage laborers that don't know enough to remedy their condition. I know their struggles, for I am one of them, who are in the clutches of the capitalist's class. I could tell you of cases of renters and their conditions, sufferings, that you would not believe. I will mention one case as the renter told me himself. He has a wife and five children and a very hard-working family. They made 30 bales of cotton. He sold me about the time he sold the last of it. His family was without clothing; they had not bought anything for the winter. He had no money and his team was mortgaged, and they were threating to take it from him. I don't think I ever saw a man so disheartened as he was. I could write in detail and give you enough of such cases to fill a good-sized book, and conditions are worse some places than they are here. What shall we that know the remedy do? Let every Rebel reader do his best to get it and the Appeal into the hands of the sleeping donkey. If I had money to invest in stocks or bonds, railroads or banks, my first investment would be in good Socialist literature for the workers. That is to my mind the only hope for deliverance from peonage. May the great God of Heaven help us to secure our liberty and freedom, and He has promised to help those who help themselves. So we must work and help our brethren to get into the light. Give us Socialism and the religion of our Lord and Savior Jesus Christ will move up on higher plane of Christian living than ever before. The high-salaried preacher that is hired to please and tickle the ears of the people will disappear and men will preach Christ and Him crucified, and they will not be afraid to preach on death, hell, and the judgment, and the people will hear them as they heard the old-time message of the Gospel in the long ago.

Yours until we gain the victory,

A. C. WALKER.

AVOCA, TEX., *December 9, 1914.*

Mr. E. O. MEITZEN and W. S. NOBLE,

DEAR COMRADES: I will write you of some of the conditions that exist in this county between landlord and tenants. And this is not only hearsay, but facts.

In order for my husband to remain on the same place he had been on for four years before this year the landlord required him to let him reserve the right to the house if he should want it himself, but further stated he thought he would not want the house. Sometime in February he raised a howl about his wife and children wanting the house, so he asked us to get out. We had no place to move except out of doors to cultivate his land, so we refused to some extent. Then he required my husband to pay his house rent at town. The owner of the land was getting a pretty good salary at a Government job, but he saw the advantage he had and took it.

Now, another circumstance: One of our neighbor men had the impudence to ask my husband to pick him 4 bales of cotton for the occupancy of the house and work 20 acres of land and pay the usual rent on the land.

Now, this is the state of affairs as they now exist here to a great extent and gradually growing worse.

Yours for justice and right, equal rights to all and special privileges to none.

N. A. WILLIAMSON.

WINKLER, TEX., *February 25, 1915.*

STATE OFFICE BULLETIN.

DEAR AND BELOVED FRIENDS: I seat myself to drop you a few lines to let you know the situation I am in; and thousand of other, too, are in the same fix. The man I have rented from is Mr. Ben Platt; he is a real good rascal. He furnished me a house not as good as a decent barn, and buys flour at $1.65 and makes me pay $2.10 per sack and 10 per cent on the dollar. It is old black stuff that a dog couldn't eat; and he sells me old hogshead at 15 cents per pound, and everything else that I get is two prices. I bid the Socialists God-speed. I am talking so much in your behalf that my landlord accuses me and my whole family of having the Socialist disease in the worst way, and he has it down just right. I am doing all that lies in my power for the noble, grand socialism. I wish your speakers could come to Winkler, Freestone County, as we need them.

I want to help you, God knows. If there is anything I can do to help you in any way, I will be glad to do so. If this letter will be of any use you can publish it as you see fit. Wishing you Godspeed, I will close.

Yours, truly,

A. F. CRUM.

FERN, TEX., *December 11, 1914.*

Messrs. R. O. MEITZEN and W. S. NOBLE,
Waldorf Hotel, Dallas, Tex.

DEAR FRIENDS: I am sending you a list of renters' names that are living on rented lands, and I could give you thousands more of people who are at work in the sawmills who would be on farms if they could get land to farm on.

Yours, truly,

W. H. WHITTAKER.

(24 names.)

TYLER, TEX., *December 10, 1914.*

Messrs. R. O. MEITZEN and W. S. NOBLE,

DEAR COMRADES: Am inclosing statement of how I have been treated. It don't sound nearly as bad on paper as right here on the spot. I will make it all right, but do not see what some are to do—they are in distress now. The country is full of such cases. You can't picture the conditions before the commission any worse than they really are.

With best wishes, I am, respectfully,

P. H. RAMSEY.

P. S.—You may use any part, or all, of what I have sent in the Rebel if you choose.

John Horton is a deacon in church. You would be surprised to know how many low-down, dirty tricks he is guilty of in this case, and other also. If I had not been able to raise a little money we would be beggars now. God bless the Christians; I can't.

P. H. R.

Here is my grievance, as requested:

First, I will give the names of the interested parties: J. C. Horton, Overton, Tex., landlord; Albert Horton (his son), Whitehouse, Tex., merchant; Dr. Willingham, Whitehouse, Tex., landlord for next year.

I live within 1½ miles of Whitehouse. John nHorton, my landlord, lives at Overton, 18 miles.

I have made six crops in Texas. Have gotten all the credit I wanted without a mortgage. When I moved on Horton's place, he was selling corn at 80 cents per bushel; he sold to me on time, adding 10 cents per bushel for interest, making $1. He sold me two hogs for $36 and two cows at $30 each, with 10 per cent added, making $66 for the two cows. To make this plainer, will say he had bought out a restaurant in Overton and wanted me to take possession at once, so he could move out near the first of November.

I objected to taking the stock, which was considerably more than they were worth, and he said there would be nearly enough work on the place to pay for them; had corn to gather, cotton to pick, and an acre of cane to make up. He sold the cane in field. He put his son and other hands in the field to break the corn which he had already sold, and the corn was delivered to purchasers, mine included, right there in the field; so I didn't get a cent out of the corn or cane. We got the cotton picking ($14). He hired another party to haul to gin. I did some other little jobs amounting to $4. I expected to make 18 to 25 bales of cotton, 300 to 350 bushels of corn. We had overflow after overflow; my cotton crop was washed completely away; land washed off as deep as I broke. Result: Seven bales of cotton and a little over 100 bushels of corn.

He also agreed to let me have $100 cash along as I needed it. When I called for the money, he said he would leave it with Albert (his son, the merchant). I sent several times to see if Albert had it, and he said his father hadn't left any. He wrote me a note to come down and he would make it satisfactory. He proposed to let me have goods at cash prices and draw on his father for the money. As that was the best I could do, I accepted it with the understanding I was to have a little of it in cash. Now for the settlement: There had been some ill feeling between John Horton and Dr. Willingham. The doctor asked me to see John Horton and find out if he was willing for

me to leave, as he didn't want to rouse up that old feeling. I saw John H., and it was apparently perfectly agreeable.

Now, this change of places was the spark that soon developed into a roaring flame. My politics (Socialist) added considerable fuel to the flame. I was informed by a friend who was very intimate with Albert H. that his father was going to clean me up, as my cotton would not pay me out. And also told me of a plan to injure the doctor financially.

I could hardly believe it possible.

I offered Mr. H. the 7 bales of cotton and 1 cow and to secure him for balance. He would not hear to it; wanted the cotton, all of the corn, and seed from 4 bales of cotton, and both cows; would not hear to anything else. This conversation was in the morning. The merchants were giving no more credit; I was out of money; my family consists of wife, seven girls, and a little boy of 12; my health is poor—not able to hire out by day. I saw nothing between me and starvation. I sold 1 cow that evening, which I thought I had a legal right to do, as I sold 1 hog and consumed the other and the corn and $100. He threatened to put me before the grand jury for stealing his cow; denied charging interest so he could claim the increase; denied selling me the cows; said he only loaned them to me to milk. He had sent in a statement including the cows, so he could not make that work. We had no witnesses; we both had books; and our books tallied on day of settlement. (This settlement refers to settlement on work and price of stuff bought in winter.) I demanded his book; he denied having any book, but said his wife heard the trade; and I agreed to give the cows back if I failed to pay for them.

Mrs. H. was present only at the dinner table, and I am positive there was no reference made to the trade. I saw I was up against a set of liars and proposed to settle for the cow if they would give me credit for the $18 work which was to go that way. He refused to do it. I then told him to write a receipt and I would pay for the cow. He wrote a receipt for 1 cow, leaving out the yearling which was included in the sale. I made him change it. I kept the seed from 4 bales, delivered 1 to Albert H., and sold 2. I owed him for one-fourth seed from 1 bale; he took all of my seed, including the one-fourth I owed him. He gave me credit for the whole amount and charged me up with the one-fourth rent from one bale. We had some hot words before he would change it.

All this was to injure my character—a plain case of persecution. I have a little hay left; expect he will take that also.

There are many more cases as bad; some worse.

Respectfully,

P. H. RAMSEY.

MERIDIAN, TEX., *December 23, 1914.*

Mr. T. A. HICKEY,
Hallettsville, Tex.

DEAR COMRADE: As to my condition and how it came about, I want to say that about two or three years ago I bought 2 spans of mules. The first year I paid about ⅓ of what I owed for them; the second year I brought my note down to about ⅓ by letting him have one of the mules. This year I had to pay my rent and could not meet my note. I was only given four days' grace to accumulate $300. As that was the first of October and no market for anything that I had to sell, I lost my team and all I had paid on them. I had brought my note down from $625 to $341, counting interest, and he only gave me back $45. So you can see how the renters are robbed.

I paid $350 for 100 acres of land, and what I planted I had to plant in the mud. I could do nothing with about 30 acres on account of the rain.

As to my merchant, I want to say that we have the best one there is. He went to my landlord and tried to get them to give me one-half of my crop, so I could stay and gather it, but they would not grant it. I turned everything over to him for him to get whatever he could out of it. I am now working for wages when I can get anything to do, and as work is scarce I don't see how I am going to make a living.

Yours, truly,

T. A. SQUIERS.

P. S.—I will swear to the above as being the truth, so you can use what I have written anyway you see fit.

VICTORIA, TEX., *December 7, 1914.*

Mr. E. O. MEITZEN AND W. S. NOBLE.

DEAR COMRADES: I surely am glad to know you both are going to meet the state commission at Dallas, and I do hope there will be some good come from that meeting, for the bankers and landlords are pressing the tenants so I do not see how we renters can live or exist much longer. The landlord says if the banks do not open up they aim to let their lands lay out or hire Mexicans and negroes to cultivate it, and I do not know just what us poor renters will do. We can not work by the job nor day nor month, for there are no jobs for us. I have been trying for days and months and I am not by myself.

I would to God that I had the brain and could be with you all for those three days.

Yours for success for all the good that can be done.

Respectfully,

D. W. BIRKEL.

EASTLAND, TEX., *December 6, 1914.*

Mr. T. A. HICKEY.

DEAR SIR: I noticed in your paper that you invited the poor people that have been oppressed by landlords this year to write their grievances.

I had a diversified crop on J. L. Fox's place, 5 miles east of Eastland city. I had thoroughly laid this crop and it was in good condition when my landlord began to be angry with me without a cause. I asked him if my crop wasn't as good as could be expected; he said it was. A few days later I saw him in Eastland city and told him I would soon start gathering and marketing my crop. He then said he wouldn't let me have a team to do it with. I told him to do as he pleased about that, and I went to see my lawyer and to get a team elsewhere. I was going to take pay for use of the team out of the rent. This I did and was making good headway. He knew full well according to law he could not keep me from taking pay for use of the team out of the rent. He was so mad he didn't know which one of the fellows he was. He came within 75 yards of where I was at work on the morning of November 27, 1914, carrying a gun with him and raised a racket with me. He then went to town and reported that I cursed and abused him, but did not sue me for taking his rent. Mr. J. W. Hamilton and Mr. H. K. Rowe were present when we had the spat, and they both swore on the stand that I did not curse him at all, and I did not.

The jury returned a verdict of guilty for using abusive language against the said Mr. Fox, the fine, cost and all, was $25.60. The court was a capitalistic court. What do you know about that? I was not guilty and I knew it, so I refused to pay the fine. I went to jail, and while I was there he secured all my crop.

Both witnesses and myself are Socialists and Fox is a Democrat.

Your loving friend,

C. C. IRVIN.

BRADY, TEX., *December 17, 1914.*

Mr. T. A. HICKEY,
Hallettsville, Tex.

DEAR COMRADE: I am herewith inclosing to you typewritten proof of my experience with my landlord this year. The same will explain itself.

You will remember my sending you a letter early in October, requesting you to publish same. I stated I would report the outcome of my suit. It was left to an arbitration and was settled this week. The parties gave me $73 for the balance of my crop that my landlord had taken away from me. He paid the court costs. I paid $15 lawyer's fee out of the above.

So my landlord got very angry at me (I guess because I go that much); slipped up behind me and knocked me down and kicked me around until some one took him off. To show you how cowardly he is, he is a regular pugilist, standing 6 feet 6 inches high and weighing over 200 lbs., while I am 5 feet 4 inches, and weight 128 lbs.

Now, comrade, if you think best to withhold this name please do so—you may exercise your judgment about that. I will ask that you publish whatever amount of this document you like. I would like for you to bring out a short letter giving my experience for the benefit of those who read my letter in the Rebel in October, signed "A Share Cropper."

Up with Socialism and down with landlords and capitalism.

J. E. DAVIS, *The Share Cropper.*

[Inclosure.]

Under the contract between J. F. Tindel and myself he was to furnish the land, teams, feed, and tools; I was to make and gather the crop; and each to receive one-half of the crop. As soon as cotton opened enough I went to picking and gathered the cotton just as fast as I could, and was making good headway, when early in October Tindel sent some hands out there to pick cotton. I told the hands I was not hiring any cotton picked; that my boys and I could pick all I had; and that as I only get one-half of the cotton I would have almost nothing left out of the crop by the time I paid for having it picked. Then when I would not hire the cotton picked Mr. Tindel proceeded to sue out an injunction before Judge Hervey Walker, and enjoined me from in any way interfering with any hands he sent out there to gather the cotton, and thereby compelled me to let others come into the crop I had made and was gathering as fast as I could and pick it without my consent. When the injunction was served on me I had out 15 bales of cotton and was picking on the sixteenth bale. I had at that time delivered him 8 bales of cotton and cotton seed and had only received 7 bales myself. At the time he got out this injunction I did not owe him anything. I owed $198 at the beginning of the fall, but I sold the first 7 bales of cotton which I took as my part and paid those notes off in full, and at the time he sued out the injunction the notes were fully paid. I had only received 7 bales of cotton and the seed thereof, and he had received 8 bales and the seed. He alleged in his petition for the injunction that I owed him a store account of $40, for which he had a landlord's lien. I did not owe any such store account at all. All that I owed him was for breaking some of the land, which was done before I got possession of the farm and a few dollars for some baling wire and bindery twine. To make his account $40 he was charging me, I understand, $2 an acre for breaking 17 acres of land, which would be $34 for that, and $6 for other items. We had no understanding as to what I was to pay for breaking the land. His contract was to furnish the teams, tools, and feed, and he had a hand hired who broke the land; and I contend that all he is entitled to for breaking the land is what he had to pay the hand for the length of time it took to break it, which would be about seven days' time, and at $1.50 a day—which is more than he was paying—it would only be $10.50 instead of $34, as he is charging me. All that he is entitled to charge me on all of that account is $16.00. He owes me an amount on account of $12.05 in excess of the amount I owe him, so that I did not owe him anything when he sued out the injunction, but he owed me. He alleged in his petition for the injunction that there was then 40 bales of cotton open and ungathered and 50 bales ungathered in all. I then told them that 30 or 35 bales would be as much as I would make in all; then had out nearly 16, leaving in the neighborhood of 20 more to pick. The cotton is now all out, has been out for several days, and I only got 36 bales in all. He harassed and vexed me with this suit so much that I lost enough time to have gathered at least 6 more bales of the cotton than I did gather, and could have gathered all of it during the cotton-gathering season. The hands he put in there picked 0 bales, and my family and I picked 27 bales and the remnant of 425 pounds, and would have picked all the rest if he had not molested us, and would have easily finished gathering the entire crop before the cotton-picking season was over. After putting the hands in there to pick cotton, he sued out a writ of sequestration and seized all he could get of what I picked out. He kept possession of all he had picked, 9 bales, the 8 bales I had delivered to him before he got out the injunction, and seized the rest under the writ of sequestration and took that away from me. The cotton is all out now, and all I have received of the 36 bales I made is 11 bales and he has the rest, which is 25 bales. By his taking this cotton from me in this way my family and myself have been deprived of clothes, shoes, and the necessaries of life, which we badly need, and have suffered on account of these privations, and on account of his hiring the 9 bales picked we have been deprived of employment. Under my rental contract with him I was entitled to what I could make out of it and the employment it would give to myself and members of my family living with me and dependent upon me, and he has deprived me of those benefits. His suing out the injunction was utterly unauthorized and unwarranted, as I was gathering the cotton as fast as I could, using all diligence possible and making good headway, and there was no law to authorize him to take possession and take it away from me through the arbitrary writ of injunction. Under the law and under the

contract I made with him I think I was entitled to the possession of the crop, but under no theory would he be entitled to possession of more than one-half of the crop, yet through the writ of sequestration and injunction he has seized and taken into his possession two-thirds of the crop, and has ruthlessly trampled my rights under foot, and has acted wilfully, maliciously, and oppressively.

Under his contract to furnish me tools and implements it was his duty to furnish me a mower to cut the feed crop. When the crop was ready to cut in the summer I hired a hand and was ready to go to work saving the crop of feed, but the mowing blade would not cut, and had to be fixed. I sent the hand to him to get it fixed, and he refused to fix it, and failed to furnish me implements with which I could cut it, and by his failure to do so caused me to lose the value of my feed crop.

He had no right as landlord to put pickers in there to pick out the 9 bales of cotton, as I was picking it, had force enough to gather it, and would have gathered it all during the cotton season; and he is not entitled to charge me and make me pay the cost of picking and hauling the cotton to town; and I contend that I am entitled to the rest of my one-half of the cotton and cottonseed, and that he be required to pay the cost of picking and hauling the 9 bales of cotton which he had picked.

He sued out the writ of injunction illegally and without authority of law, and it would be unjust to charge me with the court costs of that suit, all of which was incurred by him.

He has entered on the premises which I had rented from him and taken my cotton without my consent and in an oppressive manner and now withholds that cotton from me; and I ask that my portion of it be restored to me, so that I can get what is coming to me from it and get the things necessary for my family; and I feel that he ought to have to pay me interest on my amount of it from the time he seized it.

His conduct has caused me to lose the value of my second crop of cane, and I contend that I am entitled to recover the value of that from him.

His illegal conduct in the premises and his malicious and oppressive action entitled me to recover damages from him on account of the way he has treated me, and I feel that in justice I ought to have damages to compensate me for what I have been compelled to endure.

J. E. DAVIS.

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709 N. BRAZOS STREET,
San Antonio, Tex., March 8, 1915.

DEAR COMRADE HICKEY: I am inclosing herewith a letter from Comrade de Lara, which I trust will receive your attention, and I earnestly hope you will give him the assistance he requests.

Comrade de Lara is a Mexican from Los Angeles. He has only been in San Antonio a few weeks, but has already done splendid work here, and the comrades are favorably impressed with him. He is possessed of remarkable ability, and you may rest assured that whatever he does will be well done and in the interest of the cause. You can depend on his discretion.

Sincerely and fraternally, yours,

VERA MAYFIELD.

Comrade de Lara is the author of an interesting work, "The Mexican People and Their Struggles for Liberty."

SAN ANTONIO, TEX., *March 8, 1915.*

COMRADE HICKEY,
State Sec. Socialist Party:

During the few days of my being in San Antonio I have heard of cases of the most brutal peonage to which the Mexicans are subjected by the feudal exploiters of Caldwell, of this State, and how the Mexicans are shot and sent to prison or to the penitentiary under trumped-up charges for refusing to be peonized. I have also been told that sometime ago the Federal authorities tried to investigate peonage without success, due to the well-organized solidarity of the exploiters.

While I am here in San Antonio I would like very much to do some investigating as a Socialist about this and to see the possibilities of doing something practical against such conditions, and I believe that only through the help of the Socialists can it be possible to accomplish something.

Thus I am asking for your help in this matter and for you to put me in touch with the comrades in Caldwell for that purpose. I think it will be good for you either to send this letter to the comrades at Caldwell or to explain to them the matter, telling them who I am and that they can place their confidence in me.

I am doing some lecturing here among the comrades and to the different organizations in the city, even to the Y. M. C. A., all for the good of the cause.

Expecting to hear from you soon, I am,

Fraternally, yours,

L. GUTIERREZ DE LARA.

509 Fifth St.

THORNDALE, TEX., *December 14, 1914.*

Mr. E. O. MEITZEN, *Dallas, Tex.*

DEAR COMRADE: I will write you on the condition of the land in Williamson County. As closely as I can figure it there is 85 per cent of the land here which is cultivated by tenants' labor, and it is almost impossible to get land without paying bonus of $1 to $2 an acre. Some rent for 30 per cent; a great many rent their land on the halves and make the tenant furnish his own teams and tools; on top of all this he must plant so much cotton and so much corn, etc. The renters are pleading with the landlords to cut on the rent; the landlord puts up all kinds of excuses, but winds up by saying he can not cut one cent; and at the same time the merchant tells the tenants he can not finance them another year if they pay such high rents. So you see the landlord is to blame for the renter not being able to pay his grocery bill. I know of one man here who rented 800 acres of land and paid $8 per acre, and when he started to make this crop he had six good mules and plenty of tools, but when the cotton market opened at 6 and 7 cents he turned over his crop and teams and tools to the landlord and went to Granger and began working for wages. There are lots of other men who are in just as hard shape as this man. The landlords are to blame for so many going broke, because they charge the high rent. I know a man here who has 2,000 acres of land leased and he is subrenting it on the halves, and the tenant furnishes his own teams and tools. So you see the landlord is to blame for giving this man a right to rent this land on such terms. This man's name is Jake Lockwood, Route 3, Taylor, Tex.

We have lots of this kind of renting—anything that is made on the place stands good for the landlord's rent; so if Mr. Lockwood makes a failure the landlord can come in on the subrenter and take his cotton and corn until he gets his rent.

These are all true facts, and I hope this will give you some idea of the condition of the tenant and landlord in good old Williamson County.

J. H. BLACKWELL.

THORNDALE, TEX., *December 21, 1914.*

Mr. T. A. HICKEY, *Hallettsville, Tex.*

DEAR COMRADE: I will tell you what I know about the landlords riding on the tenants' backs here in good old Williamson County.

Here are some of the ways: The first and worst of all is the money rent, $6 to $10 an acre. I know one man here who rented 300 acres at $8 an acre, and when the cotton market opened at 6 and 7 cents he saw his doom, so he turned everything over to his landlord and went to Granger, Tex., and went to work for wages, so he could get bread and meat for his family. I know lots of such men here, and every one of them fell in the hole that was bored with the money rent. I find it almost impossible to rent a place here for $3 and $4. Some rent for 30 per cent; others rent on the halves; and the tenant furnishes his own teams and tools; while there are others who pay from $1 to $2 bonus; on top of all this you have to agree to plant so much cotton and so much corn, etc. So you can see from this sketch that the landlord will switch any old way to get all the profit out of the tenants' crops.

I can truthfully say that I don't know a renter in Williamson County who is not in debt for supplies of the last crop, and they are asking the landlords to come down on the rent, but they put up all kinds of excuses and wind up by saying they can not cut one cent on the rent, and if you don't want the place there are plenty of others who do. At the same time the merchant tells us he

can not finance us if we continue to pay high rent. He says the only way he can run us another year is for the landlord to back us up. So you see it is up to the landlords to do what they please with the tenants. I guess we will have to do like the old negro said: "We will have to get on our own land in the public road and keep going, for if we stop they will pinch us for obstructing the public highway." Well, the time is here now, and we will see what the landlord and merchant are going to do with the tenants. Some of the Democrats tell me they will adjust the things as soon as possible, but we have been fed on promises until we are all bursted. Now I want to say right here if every farmer that is running around over the country without a cent of money in his pockets and a Wilson patch on the seat of his pants was arrested for vagrancy the warehouses in the State of Texas would not hold the prisoners.

Now, a word to you: We are partly to blame for the condition that we are in, so the only thing left for us to do is to organize and all come to the front and demand our rights. If we don't do these things, Mr. Landlord or Mr. Merchant or Mr. Banker will not do anything for us.

Best wishes to the Rebel and its readers.

J. H. BLACKWELL.

HILLENDAHL, TEX., *December 9, 1914.*

Messrs. E. O. MEITZEN AND W. S. NOBLE,
Waldorf Hotel, Dallas, Tex.

DEAR COMRADES: The conditions are alarming in this part of Harris County. All the land is held for speculation, and nearly all the land is for sale. The average farm contains about 10 acres, for which the landlords ask all the way from $100 to $300 rent. The land is very poor; the renter must furnish his own fertilizer.

The land is so poor that you must fertilize every row before you can expect to grow anything at all. The land is so wet, and having no drainage you can not make but one crop out of three. The average price they ask for this land is from $50 to $100 per acre. In fact a man can not rent a decent place where he can make his living on at all.

I am without a home and can not rent one unless I promise more rent than the land will produce.

Yours for liberty,

WM. HOERNER.

ANSON, TEX., *January 24, 1915.*

Messrs. W. S. NOBLE AND E. O. MEITZEN,
Halletsville, Tex.

COMRADES: I will try and tell you part of my experience as a farmer and a renter. I can't begin to tell you all of my experiences that I have had for the last 15 years. I lived in Fannin County until it got so a good renter couldn't get a place. You know that it has always been said that a good renter could always get a place, but that is a mistake. I will tell you a reason why. A good renter will move on a place all run down and improve it; when it gets so a white man can live on it, his landlord will raise the rent. Naturally, he will have to move. The worst shape a renter can keep the place is better for him in the end.

I will try and tell you about my present conditions. I made a crop last year, 1914, in Coleman County. I had as good a landlord as I ever rented from. He had about 2,000 acres of farm land to rent. He forced me to plant all in cotton or pay $3.50 per acre for feed land, and I was to put the poorest land in corn or foodstuff. Well, I planted the land as he said, but the bad weather ruined my cotton crop, and I did not make enough out of it to pay my grocery bill, so I had to sell my hogs and my wife's chickens for what I could get for them, or start out and try to make a living working by the day.

I guess you want to know why I rented that way. Well, I hunted Coleman County over and over for land to rent, but I couldn't find any. I know a man in Coleman that owns 35 miles of land in one body, and I haven't got any place to go to, or make a crop if I had the land without help at once. I have five children, three of school age. I can't send them, as I haven't any place to stay on. I know thousands all around me that are in the same fix.

We are just hoping that something will take place soon, so we can make a living, as we can't set down and let our women and children starve to death. The extortionate prices which we have to pay are fierce. I have to pay from 3 to 6 per cent on the dollar for 3 to 6 months at the bank.

As to the grocer, I had to pay him $1.75 for flour that I could buy for $1.25 if I had the cash. For sugar I had to pay $1.20 for 25 pounds that I could have bought for 85 cents if I had the cash.

Well I won't tell you any more at present, for a man that isn't a farmer or a renter won't believe the real truth of our conditions. We are still waiting and hoping for some relief.

Yours, truly,

C. L. Dunn.

GRAND VIEW, TEX., *December 13, 1914.*

Mr. E. O. MEITZEN.

DEAR SIR: I will write a few lines in regard to what I know about farming. I am 40 years old; have farmed all my life; am a renter; have force enough to cultivate 100 acres of land and gather it. I have made 18 bales of cotton this year; have picked out 4 or 5 bales for other farmers; have lived hard; have sold all to the men I owed. Last year I made 13 bales and lacked about $35 in paying the merchant, and I owed the bank $300. This year I lack $300 of paying the merchant and $850 of paying the bank, which makes $650. So if they help me through next year, after I have gathered my cotton and turned it over to the merchant and bank, I will, according to the way things have been running, owe them at the end of next year between $900 and $1,000.

Last year I had to keep my two oldest children out of school because I was not able to send them, and this year I am in a worse shape than last year. I have never paid more than $3 and $4. I can not get a good black-land place, because I will not pay a bonus, so I have to take any kind of place I can get. I have not rented for next year as yet. I can stay where I am if the place does not sell; nearly all the land in this county is on the market.

I have never yet given a mortgage on my crop, but I can see very plainly that if I get any help to make a crop next year I will have to give a mortgage on my crop. So, if I and my family are not peons, will some one please tell me what we are. The renters and day laborers are in worse shape than I ever saw them before. I could write a lot more, but as this may be thrown in the wastebasket I will close by saying

Yours, for socialism,

T. U. ARNOLD.

DAINGERFIELD, TEX., *January 16, 1915.*

EDITOR THE RENEL, *Hallettsville, Tex.*

DEAR COMRADE: Will drop you a few lines. Comrade J. L. Taff, of Daingerfield, wishes his paper changed to Lafayette, Tex., R. F. D. No. 1, expiration No. 216.

Will here tell you just a little in regard to my former landlord. If you remember, I wrote you some time back that I was rented out and had to move.

Now, my landlord came back with a proposition like this: That I manage somehow to make a living through the winter (although he would not give me any work); he would rent me another place, provided I would give him the entire management of the crop and agree that myself and family would put in solid time. By so doing, he said, my merchant would take me up late in the spring and run me to make another crop.

You might hand this to our representative to our national land meeting at Dallas next month. Just give you this as a pointer.

Will write more next time.

S. A. BEARD.

NATIONAL CHILD-LABOR COMMITTEE,
March 5, 1915.

EDUCATION AND DELINQUENCY.

"In countries where compulsory-education laws are completely enforced, as in Germany, almost never is a child committed for delinquency." This statement from the Tenth Annual Report of the New York Education Department is considered by the National Child-Labor Committee, which has been watching with interest the Texas campaign for a compulsory-education law, to suggest the whole argument for compulsory education.

"The child who has attended school regularly," says Owen R. Lovejoy, general secretary of the committee, "is rarely found in the reformatory and the State is doubly benefited, for compulsory education not only produces law-abiding, intelligent citizens, but saves the State millions of dollars in the number of institutions necessary for the care of juvenile delinquents and adult criminals.

"If the compulsory-education bill which has already passed the house in Texas becomes a law, the 563,476 children of scholastic age who did not enter any public school last year will be returned, and the percentage of those enrolled who did not attend regularly (44 per cent) will be considerably reduced. This will mean an added expense to the State for the establishment of adequate school facilities, but in the end prevention is always cheaper than repair.

"The principle of compulsory education is half a century old, for the first law was enacted by Massachusetts in 1852. Since then 41 other States have followed her lead, and no State that has enacted such a law has ever been known to repeal it except to substitute a better one. The South has invariably used the negro problem as an excuse for being the black spot on the map of compulsory education, or as the State superintendent of education, W. F. Doughty puts it, 'The negro for more than a generation has been our scapegoat for backwardness in educational statistics.' Superintendent Doughty shows, however, that this very desire to keep the negro illiterate is defeating its own ends, because negro illiteracy is decreasing in Texas far more rapidly than white illiteracy. In the decade 1900–1910 illiteracy decreased 13.6 per cent among the negroes, and only 1.8 per cent among the whites.

"It is evident, then, that the South is working on a wrong principle, and Texas will doubtless refuse to let another year go by without recognizing the fact and passing the compulsory-education bill."

E. O. MEITZEN, *Hallettsville, Tex.*

EL CAMPO, TEX., *March 7, 1915.*

DEAR COMRADE: I see you have been subpœnaed to appear before the Commission on Industrial Relations hearing to be held in Dallas March 16.

I would be glad to give you some of the facts regarding the actual conditions of the workers and renters in this county, which you are at liberty to use if you see fit. Of course I can not go into details in regard to each case, but will mention them as briefly as possible.

One man, a renter, on showing his cattle (a nice dairy herd) to a big landlord, was told "you have entirely too many cattle for a renter."

Another renter bought a span of mules for $300, paying $200 cash; the other $100 became due last fall. When the cotton could not be sold his mules were taken, and now he is buying them back for $350—losing $200 in the deal.

Another man had a life insurance policy sold to him by a banker, and last fall, when he could not get the money to pay up, he begged the banker to help him carry his insurance. The banker refused. The man died, and now the widow and babies face the world with nothing to look to.

In regard to the condition of the renters in this county, I do not see how it could be worse. Those who have ambition and who are trying to do anything are building their own cow sheds, hogpens, furnishing their own garden, building their own chicken houses, and in some cases furnishing their own windmills. When one of these renters move, the first load they haul will be lumber to build sheds and pens, as the renter who moves out will already have his lumber hauled away.

In fact, all that is furnished in about 8 cases out of 10 is a two or three room shack with broken windows and a small barn.

Land values or prices are so high that we renters have about given up hope of ever owning any of it, and as a result it is easy to notice the don't care, irresponsible disposition becoming more and more evident every year. Of course this makes the merchants close down on the people and tie them up for everything they get.

This county is in bad, not because we have a Democratic administration, but because capitalism is getting ready to be harvested.

Fraternally,

J. C. SMITH.

BANGS, TEX., *February 8, 1915.*

EDITOR REBEL: I see that you are giving the renters and others a chance through the Rebel to state their financial conditions, and as I have a condition to state, here I come.

I am living on and renting a farm of 20 acres near Bangs, Tex., for which I pay $5 an acre, rent $50 in advance, balance secured by good note. I have a family of five, and we live in a small house of three rooms. This is the only building on this 20 acres. No shed for stock, no outhouse of any kind, no water, no wood, no pasture.

I have been in this part of Texas for eight years. I have borrowed money from the banks every year, and the rate of interest that I have paid will average about 20 per cent on the dollar.

I have an old friend, 72 years of age, living near me. He rents a 10-acre farm, for which he pays a cash rent of $240.

Plenty of other similar conditions could be located in this county, if necessary. I could make oath to the above statements, but I prefer that you withhold my name from publication.

Yours, truly,

J. M. ALLDREDGE.

TEMPLE, TEX., *January 10, 1915.*

To THE REBEL.

GENTLEMEN: I have just finished reading the second land petition in this week's Rebel. I think it is the dope to hand the new governor, so just send me one by return mail (5 cents herewith to pay for same).

We must all get busy. Now is the time to hit the hardest blow. Men are losing their homes all over the State.

One Bohemian in Bell County some time ago bought some land from Joe Childers, a landlord of Bell County, and paid $9,000, but failed to meet payments this last fall. So Joe closed out, taking the Bohemian's $9,000, all teams, hogs, and feedstuff; cleaned him up to a finish. He will have to work for wages or on share, if he can get either.

There are hundreds of people in Bell County that can not get either.

The city of Temple is feeding and furnishing fuel to a large number of people now, and matters are getting worse all the time.

Talk about socialism breaking up the home. I guess not.

Yours for socialism,

M. C. RICHARDSON.

P. S.—I am writing this for you to print if it is worth while.

HAMLETON, TEX., *February 3, 1915.*

Mr. T. A. HICKEY, *Hallettsville, Tex.*

DEAR SIR: Having heard nor seen anything from Harrison County, I come to you with a thought of how young mothers with little babies have to get cross-ties for the railroad company for bread. We have a few clothes, but no shoes on our feet. Some renters have bread once a week, and they beg that.

This is a beautiful country, full of poverty and starvation. Some of the merchants take the corn and cows from the renters.

Send land petition No. 2, as we want to get it back at once. I think we can get nearly 500 names.

Yours, for the revolution,

MRS. DOTE MCCARTHY.

DANEVANG, TEX., *February 13, 1915.*

DEAR COMRADE: Inclosed find $1 for 3 subscriptions on separate sheet (1 for a year, 2 for 40 weeks; 2 of them are renewals; one of them is a Republican, but he is now on the mourner's bench).

I don't believe that you and Brother Nobles know how the tenant farmers are fixed for money. By the way, the issue of the 6th scores them.

Now, I will give you facts. Last fall, when I lived at Palacios, I wrote you for instructions to organize a renter's union. You sent the papers, and I saw the renters around Palacios. They were all willing to join but one. I found three who had the money to pay initiation fee duex. The first quarter

I went to Ganado. Last week I got two to renew their paper. I bought seed potatoes from one and seed corn from the other. This last party is a neighbor of mine. I hired him to do a little work and persuaded him to take the paper. Now, you see the whole dollar comes out of my pocket, and I would not have had the money if I had not been one tenant out of a hundred who had 20 head of cattle to mortgage for $100. The banks and business men all turned me down, but I struck an orphan girl that had the money. Others had tried to get the money ahead of me—wanted to mortgage their work teams—but she turned them down.

I could tell you a whole lot the tenant farmers can't do.

Brother, they are in a bad fix, and I am going to work on them while their brains are in their belly. I am going to talk renters' league to them as soon as I catch up with work. Time is pushing me now in the field; it has been so rainy.

I guess I can not vote for the nominations. I have not paid my dues this year; my local went to the bad at Palacios; I kept it going while I was there. I wrote to the secretary, and he told me to keep my money, because there was no one who would take any interest since I left. I am going to do all I can to stir the people up, but it is hard on the tenant farmer to make a living and pay the landlord up.

B. EZELL.

BLOSSOM, TEX., *March 8, 1915.*

Mr. T. A. HICKEY, *Halletteville, Tex.*

DEAR EDITOR: I will write you a few lines to let you and the comrades of Texas and Oklahoma know that we, the underdogs, are still willing to show our teeth when the robbers come along by to see if we are too weak to hold onto the old bone, which is as thin as bat feathers. Mr. Banker and Mr. Landlord think maybe they could squeeze a few drops of 50 per cent interest out of us if we buy a plow on 30 days' time. We have to pay half down and 30 per cent on the balance, also give a mortgage on the plow. You pay October 1, and if you have nothing left you and your wife will have to go barefooted all winter. One man got a man to shear the crop for him, and after the cropper had cleaned up the farm the landlord came and told him he did not like the man and turned him out without his wages. His wife had to be carried to the wagon, as she could not walk. He is now making ties to earn his bread. The landlord never knew when election day came; he had to get out his cotton and give it away.

Most all of the people in here are worse than barefooted, and very near naked. The bankers and merchants get what they make and then would not sell them a pair of shoes. I know some good women who have sewed old rags together for footwear.

I have 50 acres of land myself, title clear, but I am unable to get shoes for my wife unless I have the cash. We are still here, and we are both getting old. I am nearly 70 years old, and am a crippled old relief soldier. Our children are all married and gone; most of them are capital slaves. If we could get a good organiser in this country I believe that it would almost go socialistic by the 1916 election.

Now, brother Tom, you can count on me and my wife in for better times for the working man. You may have the wastebasket ready for this, but if I see this in print I will tell more next time. It is more of the truth, so help me Moses.

Yours for the grand old Rebel,

P. W. REASONER.

LLANO, TEX., *November 28, 1914.*

Mr. E. R. MEITZEN, *Halletteville, Tex.*

DEAR COMRADE: Seeing in the Rebel that you will be in Dallas December 15 in the interest of Texas tenants thought I would tell you the condition of Llano County.

There are 700 farms in Llano County. The county clerk's office shows that there are only 8 out of every 100 that are clear of mortgage. Oxford, a thriving village six years ago and lying 12 miles to the south of Llano, is to-day depopulated on account of landlordism. A few years ago there was a good school of 90 students; this year there is no school at all. They have moved the school 8 miles away; the gin has moved 12 miles away; the blacksmith shop is closed.

There is a still and a small store, which is propped up by two logs to keep it from falling over. The mail from Llano to Fredericksburg has been cut in two. If you write a letter at Llano for Fredericksburg the letter has to go to Austin, then out on the Southern Pacific Railroad.

What has caused all this change? Landlordism.

They claim 40,000 acres of land. There is another man named Stribling who lays claim to 75,000 acres of land. They tore down the houses and turned out the farmers to escape the tax upon the tillable land. The renters are in a bad fix; some of them try to trap in winter; some have to pay the skunk-hide owner the third hide for catching the varmints. Some renters go 12 miles to work and furnish their own tents.

Llano County lost in population (from 1900 to 1910) 1,000 people. So you see that landlordism is depopulating this western country.

There are other persons here who claim 13,000 acres.

There is a fine roller mill here that has been idle for several years, because the landlords forced the renters to raise cotton instead of wheat. There are vacant houses all over the town of Llano.

The credit merchants and banks assist the landlords in forcing a large cotton crop upon the renters. There is no earthly chance for diverse crops as long as a few own all the land.

On and up with the Land League of America!

Your comrade,

N. W. TERRY.

GORMAN, TEX., *November 26, 1914.*

EDITOR THE REBEL, *Hallettsville, Tex.*

DEAR COMRADES: I will send you the report from our ballot at Kokomo, Tex.: Socialist, 21; Donk, 9; Republican, 3. There were several Donks that didn't vote on account of the head of the ticket. Now don't you know I would hate to belong to a party I wouldn't vote in. Of course, they haven't any party and don't vote; we as Socialists know what we are voting for.

Well, we renters in this part are up against it; the merchants and bankers are taking lots of teams, cows, hogs, and anything they can get that will bring money. I do not know what the poor people are going to do in this part of the country.

Some who own their land will be compelled to lose what they have paid on it. Oh, why can they not see that socialism is the only remedy and vote for their family one time.

Yours, for victory,

J. A. MCNEELY.

LAMASCO, TEX., *November 27, 1914.*

DEAR HICKEY: I am going to give you a sketch of how things are in Fannin County.

In the first place, let me say that 8 out of every 10 are renters, and they are mixed up; part of us are working on the halves, and the main crop is cotton. Our cotton crop in this country is short and corn is almost a failure. There are but few men in this part of Texas who have enough corn to last longer than the 1st of next March, and only a few have meat enough to last that long, and all of us poor serfs or tenants are in debt for supplies for this crop. With cotton at 12 cents there will be lots of men who can not pay out and have a 5 cent piece left.

Now, Comrade Hickey, this is not all that is before us; our merchants tell us that they are in just as bad shape as we are. Unless we pay them they can not help us next year, and our cotton will not pay half we owe. The banks are not putting out anything, and the land hog is trying to soothe our minds by telling us that Woodrow is going to see that we don't suffer, and 90-per-cent Ferguson is soon to take charge at Austin, and things are going to get better.

I have talked with lots of men in this country—that is, lots of the renting class, and some who own or partly own their homes—and they tell me that never in their life have they been in such distressing condition; and I want to say further that we renters are living in the most miserable huts, absolutely unfit for cow barns; yet we are in them, and if we say anything to Mr. Landlord about fixing a better house he will say it is no trouble to rent. So there you are, and must just put up with what you have or move and let some other poor devil take your place.

Now, a word to the boys: It is part our fault. If we would come together like men and demand our rights we would get much better treatment. Comrades, stop and think; there is not a paper in this Government that has taken the stand that the Rebel has and I think we owe it our support.

I sent in eight subscriptions just after the election and now I am hustling for eight more. I am going to get them; others can do the same.

Comrades, you don't know what is in the future. The past three years I have had four orphan children to feed and clothe. Now I am having to do my own housekeeping, and I think that just about as bad as voting the Donk ticket.

With much love for our Rebel, I am with you to the end.

J. A. CHAPMAN.

YOAKUM, TEX., *March 9, 1915.*

EDITOR THE REBEL.

DEAR COMRADE: I am in on any plan of organization you may adopt.

The plan to nominate our State ticket a year ahead of the primaries is in accord with dreams I have had for some time. So may it be.

Now, I am not a renter. I own a little 80-acre Freestone County sandy-land farm, but I can give you some experiences which would shame a fifteenth century serf or a Mexican peon.

Three or four years ago, after denying my family of everything except the bare necessities of life, I succeeded in paying my place out and had $50 left. We were living practically out of doors. After consulting with my wife, we decided to borrow $200 from the bank. We did so, mortgaging all our live stock and cotton crop, of course. Before this note was due our baby sickened and died, adding a doctor's and funeral bill to our expenses. Then a horse died. We then borrowed $150 to replace him; so, when pay day came I fell short $200 and lost two more horses. We borrowed $200 more. So this fall I owed the bank $430, besides a store account. I made seven bales of cotton, which sold for 6.87½, and paid the bank $179, the store nothing. The banker very graciously agreed to let me have two bales of cotton and run me over for the balance by tying up everything again, and had the audacity to tell me that I had to pay 12 per cent interest whether it suited me or not, as they had to borrow money and pay from 3 to 5 per cent, and interest had gone up on them; beside, they must have food and clothing themselves. Of course, I know who must pay this bill, though myself and family must suffer.

I could go on and fill page after page on this subject, but what's the use.

EMIL H. KOSSES.

[W. H. Nichols, dealer in general merchandise.]

MCRAE, TEX., ROUTE 1,
Ivanhoe, Tex., December 26, 1914.

E. O. MEITZEN.

SIR: I am sending you the result of an investigation of the renters and small landowners of the northern part of Fannin County. In the first 100 names that we got, taking the names as they came, 10 of which owned their homes, these questions were asked, all alike: First. Do you own your home; second, if not, how do you rent; third, are you out of debt; fourth, can you finance another crop without help; fifth, are your children in school; if not, why not.

The renters' answers, with few exceptions, were "No." The small landowners, by getting all that they made, could answer "Yes." These renters met and asked the question, What are we going to do? And it is the most serious question that they ever asked in their lives. If you can answer it for them it will be a favor long remembered. We have had two crop failures here, and the present price of cotton has left the most of the renters in a pitiable condition; not able to pay their debts. A large portion have nothing but a large family and their appetites. Home owners are on the decrease. Some renters that made a crop last year can not make one this year. If the people owned the land here they could stand the present skin game a little longer. To divide with the landowner, the banker, and the merchant is going to bring a collapse. Already small business men are facing bankruptcy. The landowners here sometimes sell land to a farmer to get one-half of what he makes till the land is paid for, and I heard one peddler of land say that he never had but one man to get away from him with the land, and this man sold to another man and paid off his

note, or he never would have got out of debt with his land. Lord, it is just out of the question to think of a man buying a home now at the present prices of land and ever paying for it from the proceeds of the land. Land is priced here at $25 to $50 and $75 per acre, and the idea of a renter owning land has about banished. He no longer has any hope of a home of his own, no prospect of a home for his child; the one thought that seems to be general in the minds of the people is that a revolution of some kind is on. Some expected the Democratic Party to help the average man, but nothing but ruin and disaster, ignorance and poverty is stalking hand in hand with not even a promise of help. They say summer is coming, and if we will be good that we will get our reward up yonder where the sun never sets and the dew never falls.

Yours for better conditions,

W. H. NICHOLS.

SIMMONS CITY, TEX., *December 20, 1914.*

E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I see in the Rebel where you advertised for our comrades to write to you about how our landlords have treated us. Well, I shall say that I for one have been treated badly in the past; and I don't know how I shall be treated in the future. One landman, I shall call him, pastured my crop in 1912 and there was three of us—they were my brothers and myself. The landlord and a merchant got all we made. In 1913 I and my brothers rented what was called the Seth Garner ranch. It was said the ranch was 300 acres. His son, Mr. Sidney Garner, rented the said Garner ranch to M., L., and I. After Mr. Garner let us have his father's ranch to cultivate, he said that we could do as we pleased with what was there. After telling us about the pastures and about the fields and so on, Mr. G. sold out to Mr. Stout. Then things changed and he completely run over us; me in particular. He was always trying to boss me, and he seemed to want to pick at my work. They come and took the fruit and tramped on what we planted in the orchard; they even cut our cane and shoots of our corn. Mr. G. gave us the orchard free and we were to have all we could make on the orchard if we would clean it up and cultivate it. It took us about one month to put it in shape for planting. The country there at Cadiz is full of grass burrs and it is hard work to pick cotton in it. Well, when time came for us to gather our crops we gathered our corn and some of our cotton. There were 9 acres of cane feed and 2 acres and over of corn. Mr. S. wanted possession, so we had to move and he got what we had not gathered, so he got all our feed. Well, this is only a sketch; I could tell you something more, but it is useless, so I will cut my facts short right here.

I will tell you something about coming to Simmons City. I started out to find a place to rent, and I hardly knew which way to turn. I traveled all day, but I never saw nothing hardly but very large pastures and not much stock, but no houses by the way. By and by I camped in the Lion Lane and the next morning I turned down the road to Simmons City, Tex. I got there about 12 o'clock and met Mr. Darnell, the land agent.

We got on a deal of some land and I went back and went to moving to Simmons. I never saw so much land all under fence as there is here. And to think how many poor people are without homes and so much land tied up with barbed wire, and it out of use. There has been one man killed since I came here, and I and my two brothers and the sheriff was there.

We carried 7 bushels of corn to the Oakville mill and some man stole our corn. I don't know whether the miller at Oakville will make good our corn or not. We are not able to lose our corn, it is our only show for bread.

I and my brother, Mark is his name, have a lease for a year. He and his family are living on corn bread and water most of the time. It took all his cotton and part of his corn to pay his store account and he owes a lot yet. He gets a little milk, but not enough to do much good and he has a house to live in.

I and my mother have to take the weather as it comes, living out here in a tent. I went to Three Rivers, it is a station or a town. Well, I saw two young men sitting down eating a green pie melon. They said they had had nothing to eat since the morning before, and they said they were afraid to beg for fear of being arrested. They could not get any work so far; that they came all the way from San Antonio and had not struck up with any job. I told them to go to a place where some men were digging a well, as they might get in there.

The people are in a bad shape in this place, but they are killing some game along here and some are killing rabbits for a living, but I don't think they bring them very much.

I do not know whether you can read this that I have written or not; it is misting rain and the smoke almost blinds me. But I will send it along and you can do as you think best with it. Capitalist speculators come in here and do more hunting than those that live here. They owe the poor class of people for all they are worth. The Bible says owe no man anything but love, and so they pay in stones for our bread and a serpent for our meat.

Well, I will bring my remarks to a close; remember I am with you all in a good Armageddon battle until won.

J. L. WEBSTER.

THOMASTON, TEX., *February 10, 1915.*

Mr. E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I rent at third and fourth. The house here is 14 by 11; kitchen, 14 by 7, is joined on to the side of the house; has no ceiling. There is one wooden window. The roof is not much good; is in bad order.

I have three sons and have to sleep in the crib, which has no battings.

The water has to be gotten from the river, which is about 300 yards away. I have to water the horses in a tub; there is no stable. I have a little pasture for four horses, but it is on the side of the river where there is never any grass—only cockleburs.

CAMPOS.

THOMASTON, TEX., *February 10, 1915.*

Mr. E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I have a good house, stable, and well. I have to buy the wood. I get $6 a month and we are starving on that. The horses are not good. I rent on halves. I get a piece of land for garden, but have to give half.

T. MEDRANO.

THOMASTON, TEX., *February 11, 1915.*

Mr. E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I rent on third and fourth. The landlord would not let me have land for garden. He never has built a crib or stable; only a one-room 7 by 9 cottonseed shed; nor would he give me corral or pens.

The water was inclosed, but I had to buy the pump. When I get out of a fix I have to pay for it. The landlord will not let me plant feed for my teams; I have to give part of top fodder.

He does not want to fix the house for me. If a child walks across the floor the whole house shakes; the wind comes through the cracks. When it rains everything gets wet. This house was built 50 years ago. I have been here 15 years. Does not say anything about my milch cows, but will not let them and the horses get water from the place.

HERNANDEZ.

THOMASTON, TEX., *February 11, 1915.*

Mr. E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I rent on halves. I have a house, 14 by 14; two rooms, one of which is so small that one person can hardly stand in it. I have six in the family—all boys.

The tools furnished by the landlord are not fit to work. All work has to be done by force of human labor. He does not fix the tools. I have a limit on groceries, but can hardly live.

I asked for credit to buy some clothing for my wife and children and he denied it, unless I would give a mortgage on my horse.

MANUEL LONGORIA.

THOMASTON, TEX., *February 10, 1915.*

Mr. E. O. MEITZEN, *Hallettsville, Tex.*

DEAR COMRADE: I rent on third and fourth. I have a good house and a good well about 300 yards from the house. The landlord did not give me a stable,

so I had to build it at my expense. I also had to put a windmill up; he would not.

I was allowed to raise hogs and a few cows, and the landlord gave me a patch to plant cane for feed and a garden; but I have to manage his farm or ranch. I get free wood.

LUIS BONES.

OAK WOOD, TEX., *December 5, 1914.*

Mr. T. A. HICKEY, *Hallettsville, Tex.*

DEAR COMRADE: I will let you know how we are getting along. My story will shock you, I know.

We people are starving. We can not get an work to do at any price. Never made any corn and only half a cotton crop, and got but 6 cents a pound for it. We just paid half out of debt. We can't buy any winter clothes. We gathered our cotton on nothing but cotton-seed lard made into gravy; no hope here for meat. It is trouble.

I want you to help us to call on the Government for help, for we need help so bad. Some landlords are helping their renters in this bad time. We can't make any crop, if something isn't done. We can't bury one of our family. I knew a good man that died last week and the county had to buy his coffin. He was a young man and a good worker and a good Christian. If I were to die to-day the county would have to bury me; not only me but nearly every renter in this country.

I want to tell you that I have lived honestly all my life; never committed a crime in my life; but I am ready to do something that will help my starving family; if it takes my life, let it be.

Comrade, tell us what has caused this trouble; panic? Some say the war with Germany; some, the Democrat administration. I am going to tell you what has caused it here. For the past seven years all of the land has been fenced up by big land hoarders and they force the renters to plant nothing but cotton, until cotton put us on starvation. They would not let us renters plant corn and raise stock. That is the way I look at it.

Well, I have told you enough. If you don't believe me, just come and see for yourself.

Yours, truly,

G. W. WALSTON.

BAGATA, TEX., *December 8, 1914.*

Mr. W. S. NOURE.

DEAR SIR: As it is your request for a letter from the people, I will write you a few lines this morning. Times are hard with us at present. We haven't made much of a crop and got but little for it. I don't know what the people are going to do, unless they can get some help from somewhere. If the people don't get help they will suffer before they can get another crop. If you can do anything for us it will be highly appreciated.

So I will close, hoping you will have good times again.

J. M. SMITH.

NOONHEIM, TEX., *December 11, 1914.*

Henry Sharwts, landlord, v. Ysidro Madrigal, tenant.—Henry Sharwts had two tenants, both were brothers; Ysidro Madrigal paid all his accounts, but the brother left owing the landlord $53. Both had separate accounts and separate land, so the landlord put an attachment on the household of both. One stayed for next year and Ysidro Madrigal left the place and was not allowed to get not even a shirt or blanket or a dress for children or wife.

Fritz Remmer v. Encarnacion Aguine.—Aguine is renter of Remmer, of Shiner. The tenant pays rent money. When Remmer told him to hold the cotton until he could get 12 cents. When cotton got to 5 and 6 cents he demanded the rent, while tenant protested to sell at that price; so landlord drew an attachment on 17 bales and still the renter was left owing $40.

H. Stemmer v. E. Aguine.—Aguine let Stemmer have $200 at 6 per cent. Said money was to pay interest on a note that Aguine owed on 160 acres of land. Aguine has let H. Stemmer have as much as $700 for several times, and has traded with said merchant for 10 years. When he went to get the money H. Stemmer paid himself, on the store account; that let Aguine lose $1,000

that he had on the land; so among friends was raised $300 and the interest was paid. Otherwise would have lost.

Oscar Schulz v. Ben Hernandez and Francisco Chapa.—Said Schulz is manager of Carl Arnold's place. Said Schulz wanted to hold the cotton for better prices. Tenant demands him to furnish money to eat and pay cotton pickers, and not to sell until cotton be worth 10 cents, but he said he didn't have any money, so tenant sold cotton and gave him half. He tried to hold tenant with six-shooter; then A. A. Lyn, constable of Runge, was called and all was explained to him. He gave order for tenants to take their cotton to town, but made remarks if tenants didn't obey said Schulz for Schulz to shoot tenant.

Two orphan boys, nephews of Mrs. Ben Hernandez, came to see Mrs. Hernandez, and they turned horses loose in the little pasture. This was Saturday evening. Sunday morning G. Schulz took horses and demanded $200. Mr. Ben Hernandez went and saw Deputy Sheriff O. B. Haynes, and Mr. Haynes phoned to Schulz to come to Runge, where he went and was told to deliver said horses.

Oscar Schulz v. T. A. Hernandez.—Schulz wanted to put pickers on Hernandez's cotton, to which said tenant objected, because cotton pickers and landlord would take all the money, as picking was 80 to 85 cents; cotton was bringing 4 to 5 cents a pound, and there was nothing left for tenant and family to live on much less to pay the store bills and doctor and drugs. He also said he would hold about 100 bushels of corn, so tenant went to F. S. Schleicher, county attorney of De Witt, for advice. He said, "Pick your cotton. Pay as much as you can to every man you owe, and pick your cotton yourself. Tell Schulz to bring a civil suit against you if he does not agree to what you are going to do. If he brings a suit, I will represent you and wouldn't charge you even my expenses; it is a shame what they are doing with workmen." So by the time Hernandez came from Cuero, Schulz had hired an attorney. So said attorney came to Hernandez's home and told the wife to tell Mr. Hernandez to come to his office at Runge, which Hernandez did. After going over the case the attorney for Schulz said, "Go ahead just like Mr. Schleicher, county attorney of De Witt County, told you to do." Schulz's attorney said Schulz is crazy.

Echardt & Sons v. Renters.—Echardt & Sons, landlords, required renters to haul the cotton 20 to 25 miles to Yorktown, where they have a gin and are shareholders of the cotton-oil mill. The renters go from near, or about 6 miles from Runge, and pass Nordheim to take cotton to Yorktown, about 20 miles. Also they bring cotton from near, or about 5 miles from Nixon.

They used to have German, American, and Bohemian renters, but they refused to do as the landlord said, so now they have Mexicans, and all of them trade at their stores or pay $50 bonus. Some, it is said, have agreed, while others are leaving the places. Charles Echardt, when we first organized the Renters' Union of America, said to the president if we had any meeting he would put all in jail. John Butler, justice of the peace of Nordheim, Tex., said to one of the members that if he would find out when the renters had a meeting he would order them all put in jail. Threats only, never doing anything.

August Burow v. Cristoval Meza.—Burow rented Meza 100 acres of land for five years. Meza done all the work with his teams; cleared the land and broke it, put up fences, and took out all the wood. Burow didn't pay for all this work and took the place from Meza.

August Burow v. Alberto Chapa.—Landlord told tenant he (landlord) would let him have all the money to pay cotton picking and give credit to get something to eat, and that he wanted to sell cotton when it reached 12 cents. When cotton got to 5 and 6 cents he sold it for 7 cents, and tenant was left in debt; no payment to store; all went to the landlord and the cotton pickers.

Robert Riedel v. Francisco Chapa.—Francisco Chapa owed Riedel from one year before. Chapa had a bale of cotton which was mortgaged to Charles Arnold. Riedel took it from F. Chapa and sold it to pay himself. Didn't give tenant one cent to buy something to eat. Had to raise a subscription among the tenants to get something to eat for said family.

Julius H. Men v. Ramon Alaniz.—J. H. Men refused to give tenant something to eat and wouldn't let him have money to have cotton pickers, because the wife of said tenant was confined and sick. Landlord took all cotton—about 6 bales in the field—and 100 bushels of corn.

Asterlok Nentzler v. F. A. Hernandez.—F. A. Hernandez had spent from $300 to $400 every year; also recommended many customers to said firm.

said Hernandez had dealt with said firm since 1889, and always paid except this year, as said Hernandez was hurt and had been in bed since the 16th of November. Sent a boy to go and sell one bale of cotton and was paid 2 cents. Bale weighed 571 pounds and brought $11.40. Five dollars was paid to landlord, and the balance was paid to said firm. Then was asked to advance $6 for groceries until he picked one bale, and was refused. Man in bed and children and wife crying for something to eat; that is enough to cause one to be a Zapata or Villa.

Mrs. J. Taylor v. Renters.—Mrs. J. Taylor last year let the renter have a few old tools to work the land, tools valued at $40. This year the renter didn't have the money, but had 5 hogs, and they were taken away from him at $3.50 apiece, while E. De los Santos offered $6 a head if sold to him, but the manager of Mrs. Taylor said that he wouldn't sell them at $10 a head.

Amos Lewis v. Francisco Rodriguez.—Francisco Rodriguez rented 100 acres from Amos Lewis at $5 an acre. He couldn't pay the rent; he only paid $250 cash, and landlord drew an attachment against mules, wagons, cultivators, planters, corn, feed, and everything, and he was left on public road. When the landlords stand good for tenants they give so much per month; if not enough, they have to work and go hungry until the 1st of the month.

Near Runge a landlord was unable to get a hand to pull corn, and he went to the tenant and asked him to go and help him pull corn, but the tenant told him he had too much cotton to pick. Tenant asked what he would pay by the day, and the landlord said 50 cents a day, so tenant said he should look for some one else. The landlord took a stick and hit the tenant a blow on the arm and broke it in two. The law wouldn't pay any attention to such cases, so renter or tenant left and lost his crop.

Landlord made an attempt to rape a Mexican tenant's wife, between Charco and Runge, and complaint was entered in justice court. Landlord sent word that he didn't have time to come to answer to said case unless he was paid for time lost.

A Mexican came out of a saloon and stepped on a banana peeling and slipped to the sidewalk. A deputy was close by, and he took his six-shooter and beat him over the head and put him in jail. He had to pay a fine, as the officer said he was drunk, but the barkeeper said that was not so, as he had had only one glass of beer, and that he had never seen him drunk in 10 years.

Landlord (do not remember name) v. F. Guerra.—Because Mr. Guerra had his crop clean, and with plenty crop, and landlord couldn't clean his crop, he took the crop from Mr. Guerra.

NORDHEIM, TEX., *December 18, 1914.*

Mr. E. O. MEITZEN.

DEAR COMRADE: I have to say that with this I inclose some testimony; of course, I could send hundreds, but as soon as I am able I will do so. Of course, if I am called before the investigation committee of the Federal land investigation, I will tell more, better and exactly

I am to serve,

F. A. HERNANDEZ.

Echardt & Sons v. F. A. Hernandez.—F. A. Hernandez owed a note of $100 to said Echardt & Sons, and on or about the 10th of April said F. A. Hernandez called a meeting, and on or about the 17th of April organized a local of the Renters' Union of America. Said Echardt & Sons then brought a suit to recover said money, when they knew it was impossible to be paid by F. A. Hernandez, but with the object of weakening the character of said F. A. Hernandez. They brought a suit by their attorney, I. Boal, of which charges, cost, and interest amounted to $119. Of the same $19 was paid by the constable of Nordheim; he helped the said F. A. Hernandez with that much; balance was paid by F. A. Hernandez.

MOUNT SILVA, TEX., *March (?), 1915.*

DEAR COMRADE: I first rented land and moved on to the Steiner Valley farm December 12, 1884. There were 25 families (more or less) renting and cultivating land on this farm. Several families lived in tents, while frequently two families would be found living in the same house.

All renters are hired by the day, as laborers, on said farm.

Judge Dyer, who was one of the first (if not the first) county judges (a Democrat), was the superintendent of the farm and a real good-hearted man, and treated us all so well that we learned to love him for his kindness to us.

There was a schoolhouse there, and all religious denominations preached in it. Prof. (Capt.) Wasson, a renter on the farm, taught our school, and he was also a son-in-law of Judge Dyer, but the captain was a Populist and a candidate for Representative once on the Union Labor ticket, and then came out for Populism, and, I think, was nominated and ran for Representative on this ticket. Judge Dyer was also at this time a Populist.

The renters were practically all Farmers' Alliance men and had a strong organization there. Every renter was doing the best he could under the renting conditions, and had a good school and plenty preaching and Sunday school, and we were as happy as renters could be for six years.

Then, after six years of hard work under good Judge Dyer, there came C. D. Johns (who married Miss Bessie Steiner), a lawyer, from Austin, Tex., and put up a store at Fowler, and came around to each of the renters and told us that Cleburne, Hillsboro, Whitney, and Morgan were charging us too much profit on goods and that he (C. D. Johns) was going to sell goods at 10 per cent above cost to all the renters, and he insisted that we give him our trade. We began to do this and traded with him one year, and we were charged more for goods than we had ever paid in years past at any of the other towns, viz, Cleburne, Hillsboro, Whitney, and Morgan.

So at the end of the first year we practically quit buying supplies at C. D. Johns's and began to do as we had done for seven years prior to his coming, and traded at other towns. Then we lived on the farm pretty much as before for two years, although the most of us bought a few supplies along from C. D. Johns's store, because we were working under him as our superintendent (he having discharged Judge Dyer and elected himself superintendent), and we felt that he would chase us off if we did not divide our trade at least with him. But he finally made us such high prices on goods that we just quit him altogether.

Then came the change, and it was in 1894 that the renters made their last crop on the Steiner farm.

In September, 1894, we renters got wind of a movement on the part of C. D. Johns to rent the farm out to be cultivated on the halves. We went to C. D. Johns and asked him about it, and he would not tell us what he intended to do about the renting of the farm. This was in September, and we had a splendid crop, and the best crops on the farm easily made one 500-pound bale cotton per acre. I, myself, gathered 40 bales off of 50 acres and fully 5 bales remained in the field that I could not gather by Christmas in 1894. We gathered all our cotton that we could and could hire gathered by Christmas, and in December, 1894, there was a gang of Texas State convicts came in and pitched their camps, and promptly on January 1, 1895, the guards marched the convicts into our cotton patches, and with sticks and by hand they began to and did knock down our cotton which we had been unable to get picked up to that date.

I myself had fully five bales of cotton in the field, and my father had died in August, 1894, and left my mother (then over 61 years old) and she could not get all of her crop out. She hired one man, who had helped my father cultivate 30 acres in cotton, and when January 1, 1895, reached us my mother had 16 acres of cotton that had never had a lock of cotton picked, because she could not get pickers, and there were several other renters that had many bales of cotton in the fields. Yet not one of us were permitted to gather our cotton after January 1, 1895, and the Texas State convicts knocked it down, got in a line, and were forced by the guards to kick these stalks, laden with our ungathered cotton, into wind rows with their feet—thus making stalk rakes of their limbs.

Now, be it remembered that all farming lands in those parts of Texas were and are always rented by or before July. So, this being the case, which is the truth, we, not less than 60 families of renters, were not able to get any land anywhere in 50 or 100 miles of the Steiner Valley farm, near Fowler, in Hill and Bosque Counties.

Now, pause a moment and let me tell you the most heart-rending portion of my dreadful experience, as a result of landlordism in Texas. For all these years 60 families had worked together in peace; our children had gone to the same humble schoolhouse, which, by the way, we had built with our contributed money and labor, and in which we had met every Sunday in worship

of the meek and lowly Nazarene, and in whose name we had taught our children to trust as in no other, and we had met in this little schoolhouse around the cold and lifeless forms of our beloved fathers, mothers, brothers, sisters, and children, whose lives had been spent on the old farm which we had learned to love, even as if it had been our own. Of course, we had to pay tribute to the landlord, but custom had taught us to be contented with our lot, and on July 4, May Day, San Jacinto, and Christmas we had made merry and praised God for the "land of the free and the home of the brave."

But, alas, we—not less than 350 men, women, and children—in the very dead of winter had to load up in wagons and bid goodbye forever to what we, in other years, had learned to call home; and that is not all, either, for we had to look for the very last time on the little schoolhouse from which had been held the many funerals of our loved ones; and last, but not least, we looked for the very last time upon the graves of those most dear to us and bade each other an everlasting farewell amid a sea of tears which freely flowed from our broken hearts and which no language can ever portray.

Now, these convicts were not hired by the State to C. D. Johns, but Johns simply rented the great Steiner Valley farm of 4,000 acres to the State of Texas on the halves, for how many years I do not know.

We had to pile up our farming implements and corn and sell them and it to any one and for any price.

Most of the people went West, and I came to Smith County and bought 100 acres, and for the same I paid $2.50, $5, and $8; have lived here since 1895 and still owe $400.

C. D. Johns told me one year that the rent on the land I cultivated corn and cotton paid him $6, even though cotton was low.

The story is that this land only cost old Dr. Steiner a pony and a quart of whisky. Dr. Ralph Steiner, now health officer of Texas, by Colquit's appointment, and A. S. Burleson, Postmaster General, by the appointment of Wilson, are the heirs of old Dr. Steiner who opened up this farm.

Johns and Burleson married the sisters of Dr. Ralph Steiner, of Austin.

Inclosed is a list[1] of the old renters who once lived there and who were forced to leave there at the same time I did. Also a list[2] of men (not renters there) who know of the facts in this case.

I left the farm in March, 1895, and the convicts entered the field right at my gate, and the guards used to curse the convicts right at my door and in front of my wife and children. Some had to leave just debts because of not being allowed to gather the cotton; I did not, but some did.

D. A. CLINE.

NORDHEIM, TEX., *December 5, 1914*.

Mr. E. O. MEITZEN.

DEAR BROTHER: I take the pelasure of dropping you these few lines. I am just up from bed. On the 16th of November, on Monday, about 10 o'clock, I was going to Runge. As I started from home, the horse run away when I was about 150 yards from the house. He broke the jumper and struck me on the left side, breaking three ribs. For 12 days I was between life and death and unable to get a doctor or medicine. On account of that all wanted cash. But now I am able to be up since yesterday, although it seems that I am injured internally.

About those two letters I told you I would send to you so you could publish them in the Rebel, I am not able to find them. I suppose they were put in the fire by some one of the children, but I will assure you that if I get other ones I will send them right straight to you.

Now, I want to tell you about what is happening in Karnes County. Of two tenants (I can get their names) the landlord demanded that their wives should go to work in the fields, which the men wouldn't allow, because said women were ready to be confined, which happened in a few days. So, for that reason the tenants were put out of the place and got nothing for their work.

Another tenant in Charco, Goliad County, was forced by the landlord and merchant to pay all he owed them, which he did, with all his corn and one horse. After all was settled the landlord said to him to stay on the place for the coming year, but the tenant told him he wouldn't stay any longer; the deputy

[1] Not printed; 32 names. [2] Not printed; 10 names.

sheriff, brother-in-law of the landlord, told the tenant if he didn't stay he would arrest him and take him to jail, and put his land on the bum. The tenant drew a gun and shot the hat off the officer. In a few hours a big mob was after the tenant, while some one telephoned to the county sheriff. After said sheriff made investigation, he said that the man had a right to protect himself, and that the officer had no right to put a man in jail for not wanting to stay in said place.

Now here in Round, Karnes County, the landlord is the owner of everything that is among share croppers. The cotton is ginned in the name of the landlord; he holds it and he sells it at his pleasure. When sold, they pay themselves and store account; if anything is left it is turned over to the tenant, but they are not given any statement. In the same county the tenants do not get a cent from the cotton seed; it all goes to the landlord. The tenant should get at least $150 for his part. In several cases the wife of the tenant has to do all the washing of the landlord's wife for nothing. I think the only way to get any information is to get the legislature and Congress to make a thorough investigation, and to go from place to place and let the tenants speak; the said commission to be the judges of the misery and shameful huts in which the tenants live with their families.

I see that every paper says cut acreage of cotton; this may be all right, but I don't think it is needed as bad as cotton. That thing that says about 50 per cent be sold. This can be done by letting every farmer have one or two cows, some hogs, and plant all he eats and plenty of corn; then the tenant would not have to sell his cotton, but the trouble is that landlords wouldn't allow the tenants to plant corn, some just about 5 acres, of which tenant gets 2½ acres; that is not enough for home use, less to raise a few hogs on. Also, they are not allowed even one cow; some only one horse. If rent on third or fourth, 2 to 3 horses, and have to pay for land used for cane for working horses.

I hope you will have the best of success before the industrial investigation committee. The money men, it seems, are trying to take advantage of the horrible condition that we are in. Here is a big landlord that is trying to get about 100 acres grubbed and is offering $5 per acre; last year no one would grub it for $12 per acre; up to date no one has taken it.

As soon as I can be up to go in the country or to town, I am going to see how much I can raise to help you all in the expenses at Dallas. Shame to traffickers in human blood. We are all free men and don't bend our knees to the master. I will close with my best of regards.

Yours to serve, fraternally,

F. A. HERNANDEZ.

MEITZEN EXHIBIT NO. 2.

NOTE.

BELTON, TEX., *May 20, 1905.*

On Oct. 1st, 1905, without grace, for value received, I, we, or either of us, promise to pay to the order of the Belton Trust and Loan Company, at their office in Belton, Texas, ten dollars, with interest at the rate of ten per cent per annum from date until paid, and ten per cent additional on amount of principal and interest unpaid for attorney's fees if placed in the hands of an attorney for collection.

T. E. ALLAMON.

Paid Sept. 1, 1905. B. T. & L. Co., by C. W. Sherman.

COTTON CONTRACT.

In consideration of services to be rendered to ——— ———, the undersigned by Jas. E. Ferguson, in aiding me to sell my cotton for the best market price in the fall of 1905, and whereas the undersigned has, or have, agreed, and now agree, to consign and deliver to the said Jas. E. Ferguson, at Belton, Texas, one bale of cotton by the first day of Oct., 1905, to be sold by him for account of the undersigned, for which service the said Jas. E. Ferguson agrees to charge, and the undersigned to pay, $1.00 per bale on all cotton received from the undersigned, under said agreement, which said charge of $1.00 per bale shall include his commission and all charges on said cotton, excepting freights, bill of lading charges, all extra charges accruing on said cotton after being held for

one month, and all expenses for putting unmerchantable cotton in merchantable condition; and whereas the said Jas. E. Ferguson has prepared himself and agrees to hold himself in readiness to receive and sell said cotton on said terms, the undersigned on his or their part to agree that if he or they refuse or fail from any cause whatever to consign to the said Jas. E. Ferguson the said number of bales of cotton by the dates stipulated in this contract, in order to compensate him, the undersigned will pay the said Jas. E. Ferguson, at his office in Belton, Texas, $1.00 for each and every bale of cotton short of the number of bales agreed to be consigned and delivered to him as aforesaid; the said $1.00 per bale agreed by the undersigned to be the amount of actual damages for the refusal or failure on the part of the undersigned to comply with this contract, and which said sum of $1.00 per bale the undersigned promise and agree to pay to the said Jas. E. Ferguson, in Belton, as aforesaid, on demand.

All amounts which may be owing at any time by the undersigned to the said Jas. E. Ferguson, and all dealings and transactions between us shall be adjusted and payable at Belton, Texas, and the nonpayment of any amount of said indebtedness to the said Jas. E. Ferguson, when due, shall, at his option, at once mature and render due immediately the whole of said indebtedness to him due, or to become due, in any manner on every account, and said indebtedness shall bear interest at the rate of ten per cent per annum after maturity until paid, and ten per cent additional on amount of principal and interest unpaid, for attorney's fees if placed in the hands of an attorney for collection.

Witness my hand at Belton, Texas, this 20th day of May, 1905.

T. E. ALLAMON.

GREEN EXHIBIT.

GREGORY, TEX., ——— —, *191—*.

The Coleman-Fulton Pasture Company leases to ——— ———, for the term commencing November 1, 191—, and ending November 1, 191—, farm known as Taft ranch farm No. ———, consisting of ——— acres, more or less, and located in San Patricio County, Texas.

Said tenant agrees to not sublease any of said land nor to allow any kind of stock to pasture or run at large over same, nor to dispose of any growing crops until said crops are ready to be harvested.

Said tenant agrees to cultivate twenty (20 per cent) per cent, in such forage crops as requested by said company, and to deliver one-third of same in said company's barn at ——— ———, Texas, and to cultivate balance of said land in a crop of cotton, and to deliver said crop of cotton in the seed to said company at the Taft Oil & Gin Company's gin at ———, Texas, the Coleman-Fulton Pasture Company paying for the ginning of same. Said tenant is to receive three-fourths (¾) of the lint and 250 pounds of seed at said gin for each bale of an average of 500 pounds, and subject, however, to the landlord's lien hereinafter set forth.

Said tenant agrees to cut, rake, and burn, or plow under all cotton stalks and trash on said land prior to December 1, 1914, and to cultivate said farm in a farmlike manner, keeping same free from weeds and grasses during the term of this lease, and to provide sufficient teams and tools to cultivate and harvest all crops; also to cut and burn all brush and weeds along the fences, ditch banks, turn rows, and lanes, and to the middle of the highway adjacent to the farm before the same go to seed; and in the event he fails to do any part of this work, as outlined above, in proper season, he hereby agrees that the said company shall have the right to take possession of said premises and cultivate and receive the entire crops as compensation and rent.

Said tenant also agrees to keep all buildings, fences, and gates in as good repair as when he takes possession and to whitewash all board fences and gates prior to January 1, 1915, and to remove any scattering grubs that may now be in said land, and to allow no burrs to grow upon same.

Said tenant has the privilege of pasturing ——— acres of grassland fenced adjacent to said land to the extent of one animal to every 5 acres at any one time.

It is further agreed that the said company has the right to enter upon and cultivate any and all lands embraced in this lease as soon as any crop has been harvested, and to enter upon said land at any time for the purpose of inspection or improving.

Said company reserves the landlord's lien upon such premises for any rent that may become due and for all money and the value of all animals, tools, provisions, and supplies furnished by the landlord to the tenant to enable the tenant to make a crop on such premises, and to gather, secure, house, and put the same in condition for market; the money, animals, tools, provisions, and supplies so furnished being necessary for that purpose, whether the same is to be paid in money, agricultural products, or other property; and this lien shall apply only to animals, tools, and other property furnished by the landlord to the tenant, and to the crop raised on such rented premises.

Witness our hand this —— day of ——, 191—.

COLEMAN-FULTON PASTURE COMPANY,

Per ——, ——.

COMMERCIAL TELEGRAPH COMPANIES

(For exhibits under this subject, see pages 9486 to 9541)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *Monday, April 12, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Lennon, and Aishton.

Chairman WALSH. Mr. Carlton.

TESTIMONY OF MR. NEWCOMB CARLTON.

Chairman WALSH. Please state your name, Mr. Carlton.

Mr. CARLTON. Newcomb Carlton.

Chairman WALSH. And your residence, please.

Mr. CARLTON. New York.

Chairman WALSH. What is your occupation?

Mr. CARLTON. President of the Western Union Telegraph Co.

Chairman WALSH. I wish you would state first the general character of the Western Union corporation. Where is it chartered?

Mr. CARLTON. It is a New York company.

Chairman WALSH. Under the laws of the State of New York?

Mr. CARLTON. Yes, sir; for doing a telegraph and cable business.

Chairman WALSH. What is the amount of the capital stock?

Mr. CARLTON. One hundred million dollars.

Chairman WALSH. What are the earnings of the company annually—gross earnings of the company——

Mr. CARLTON (interrupting). You speak of the gross earnings?

Chairman WALSH. Yes. Well, give both, please.

Mr. CARLTON. I have forgotten what it was last year, but I will hand you a copy of our annual report where you will have the precise figures.

Chairman WALSH. And what were the dividends?

Mr. CARLTON. Four per cent.

Chairman WALSH. That has obtained for how long?

Mr. CARLTON. This year. This is the first year we have paid 4 per cent. Previously, and I thing for a number of years, it was 3 per cent.

Chairman WALSH. I wish you would state the relations of your company with other companies—the American Telegraph & Telephone Co., the Postal Telegraph Co.

Mr. CARLTON. We have no relations whatever with either company.

Chairman WALSH. Well, I will defer that until later on as to any subsidiary companies, I will not ask that now. What is the total number of employees of the Western Union Telegraph Co. in ordinary times?

Mr. CARLTON. About 40,000.

Chairman WALSH. And its business extends to what point—that is, so far as having employees is concerned?

Mr. CARLTON. We have employees as far east as Russia—very few in number; merely representatives. Our employees practically start in England. We have a large number in England.

Chairman WALSH. And in all the States and Territories in the United States?

Mr. CARLTON. Yes, sir.

Chairman WALSH. Please give the names of your board of directors.

Mr. CARLTON. I will give you that with the annual report.

Chairman WALSH. How many directors are there?

Mr. CARLTON. There are 17. I could give you a lot of the names, but I should not trust my memory to tell them all.

Chairman WALSH. Probably it would not be advisable to do that at this time. Your suggestion about submitting them in the report will probably be best.

State in your way briefly what has been and is the labor policy of your company with your employees.

Mr. CARLTON. Well, I can speak only for my own time. I became the executive officer of the company about December 1, 1910.

Chairman WALSH. It might be well, if you would, please, Mr. Carlton, just state what your position has been, running back from this time. What positions you have occupied and how you started in the corporation.

Mr. CARLTON. Well, my position with the Western Union Telegraph Co. has been comparatively brief. I came with them in 1910 in December as the executive officer of the company. Mr. Vail was then president; and I succeeded him as president in April a year ago.

Chairman WALSH. And prior to that time your official position was what?

Mr. CARLTON. I was not with the company.

Chairman WALSH. I did not catch that date.

Mr. CARLTON. December, 1910, I joined the Western Union as the executive officer.

Chairman WALSH. Prior to that time what had been your business?

Mr. CARLTON. For five years prior I had been managing director of the British Westinghouse Co. in London. For a year or more prior to that I had been a vice president of the Westinghouse Co. in the United States. Prior to that for three years the executive officer of one of the Bell Telephone companies, and just prior to that I was director of works of the Pan American Exposition, and prior to that I was an engineer.

Chairman WALSH. Now, where I interrupted you, you may proceed. What has been your labor policy and the labor policy of the company since you have been connected with it?

Mr. CARLTON. I presume you mean with respect to unions?

Chairman WALSH. With respect to dealing with your employees. That is the whole thing. That would include it all—with respect to unions and your policy with respect to hearing grievances of employees, with respect to the question of whether or not you deal with them directly or deal with them collectively, and your entire policy. The more comprehensive and concise you can make it, of course, the briefer we can make your examination.

Mr. CARLTON. The general plan which I have always adopted is to have an open door to all employees who have grievances or who care to see me on any matters which interest them. I have seen a great many employees and have heard from hundreds by letter, expressing grievances or dissatisfaction; and those cases I, so far as I could, personally investigated and adjudicated them as best I could. I may say that—and I say this roughly, for I have never kept a record—I should say that fully 60 per cent of the cases that have been appealed to me I have found in favor of the employee.

I should like to say parenthetically that I do not consider that, however—and I presume you do not mind my interjecting a theory here—I do not consider that a satisfactory way, altogether satisfactory way, to deal with employees, because I do not think that any one man possesses sufficient of the judicial and is sufficiently unbiased to see altogether fair play to labor by that method. I have another theory which I believe should be, so far as dealing with labor is concerned in public-service companies, should be followed. I believe, for instance, with the telegraph company, which is essentially one that operates the nervous system of the country, I believe that everything should be done to prevent a cessation of work in so important a branch of our communication system.

And I believe that as to the telegraph company, and I now include only the telegraph company in my remarks—as we are subject to the control of the Interstate Commerce Commission, who absolutely fix not only our practices, but also what we should charge—I believe there should be a commission, Federal in character, that would safeguard the interests of our employees. I believe that commission should be given sufficient power and authority to see that fair wages are paid and that fair working conditions are in practice. I think that the corporation is entitled to that, and I think the public are entitled, as well as the employees, to that protection. Obviously, that is not in operation, but that, I believe, should be in operation so far as telegraph employees are concerned.

Chairman WALSH. Have you an executive committee consisting of members of your board of directors?

Mr. CARLTON. Yes.

Chairman WALSH. How many?

Mr. CARLTON. Seven.

Chairman WALSH. Could you give the names of those offhand?

Mr. CARLTON. Oh, yes.

Chairman WALSH. Give them to me, please?

Mr. CARLTON. Albert Wiggin is chairman of the executive committee; Mortimer Schiff, Judge Lovett, Henry Bishop, William H. Truesdell, Gen. Hubbard, and myself.

Chairman WALSH. Does your company recognize collective bargaining in dealing with its employees?

Mr. CARLTON. I should say, in general, no; we do not have collective bargaining.

Chairman WALSH. Well, now, who determines the policy of your company—the executive officers, the executive committee, or the board of directors, or do they consider the question?

Mr. CARLTON. The executive committee.

Chairman WALSH. Now, as I explained to you before you assumed the stand, I will be compelled, on account of your necessity in getting away from here, to ask you some questions that would have been submitted by the testimony of Mr. Konenkamp, had we been able to put him on first. Therefore, many of these questions, though asked by the commission, are questions that have been submitted by the other side. I want you to understand that in answering them. I will have to mix them, though.

Mr. Jacob Schiff, a director of your company and a member of your executive committee, testified before this commission in New York that he believed in the organization of labor and in collective bargaining. Do you hold the same views upon that subject?

Mr. CARLTON. I believe in the organization of labor.

Chairman WALSH. And collective bargaining?

Mr. CARLTON. If collective bargaining is with an organization that is a responsible and representative one; yes.

Chairman WALSH. In speaking of the officers of corporations refusing to deal with the representatives of organized labor, Mr. Schiff testified that he did not believe that any self-respecting executive could follow such a policy. Is that also your opinion?

Mr. CARLTON. How is that?

Chairman WALSH. In speaking of officers refusing to deal with representatives or organized labor, Mr. Schiff testified that he did not believe that any self-respecting executive could follow such a policy—that is, refusing to deal with the representatives of organized labor. Is that your opinion also?

Mr. CARLTON. No; it is not my opinion—not as applied to all instances.

Chairman WALSH. Well, if you have any comment to make upon that, Mr. Carlton, I wish you would do so.

Mr. CARLTON. Oh, it would be hypocritical for me to say that that is my view when I have refused to see certain representatives of certain alleged unions.

Chairman WALSH. I suppose I will reach that further down in these questions. Do you know of any other telegraph companies—was the Commercial Telegraphers' Union one of those that you refused to deal with?

Mr. CARLTON. I don't know that I specifically refused to deal with them, but I would specifically refuse to deal with them if they applied to me.

Chairman WALSH. Do you know of any other telegraph companies that are working under contractual relations with the Commercial Telegraphers' Union?

Mr. CARLTON. I believe not.

Chairman WALSH. Do you know that the Canadian Pacific Railway operates its commercial telegraph department under an agreement with the union?

Mr. CARLTON. I thought they dealt with the O. R. T.—that is, the Order of Railway Telegraphers.

Chairman WALSH. Is it not a fact that the Canadian Pacific has the lowest operating expenses of any commercial telegraph company in North America?

Mr. CARLTON. No.

Chairman WALSH. That is not so?

Mr. CARLTON. No.

Chairman WALSH. That answer of yours may call for a little amplification, but in that connection I will ask you this question: Do you know, or rather, why does your company oppose the principle of collective bargaining as a policy?

Mr. CARLTON. Well, as applied to telegraph operators, I could only answer and say I don't think there has been any—so long as I have been there—that there has been any organization that has represented our operators, our employees, who have signified their desire for collective bargaining.

Chairman WALSH. Do you think that the interests of the public are better safeguarded when there is no organization among your telegraph operators or other employees?

Mr. CARLTON. I think my former remarks ought to cover that question.

Chairman WALSH. I wish, then, that you would amplify a little upon your last answer. Is it your idea that the question of believing in the principle of collective bargaining does not arise until there is some organization which has assumed some form or some numbers with which to deal?

Mr. CARLTON. I said to you before that I believed that labor had a right to the collective bargaining that could be had through a responsible commission who had authority.

Chairman WALSH. Please state, then, if you have met none such yet, what sort of an organization you believe could express that principle and at the same time have a form that you would feel, as an officer of this company—chief executive officer—you could deal with, or that would be proper to deal with?

Mr. CARLTON. A representative body of competent employees of the Western Union Telegraph Co. would certainly represent such an organization.

Chairman WALSH. Is it your idea that there should be a certain number, that they should have an organization gotten together in some particular manner?

Mr. CARLTON. No; I do not care whether one man, or two men, or two thousand men, if they have something to say which they think needs correcting, I think they have a right to bargain for that improvement.

Chairman WALSH. Do you consider that in your position as president of your company you occupy what might be called trusteeship for the general public welfare?

Mr. CARLTON. Well, I have never thought myself in quite so comprehensive a position as trusteeship of the public welfare. What I am trying to do is to discharge my obligation to the property and to the employees in it. I think if I do that I will have discharged my obligation to the public.

Chairman WALSH. Railroads are public utilities, and they bargain collectively with their employees. In your opinion, do they suffer by that policy?

Mr. CARLTON. Undoubtedly, as now carried on.

Chairman WALSH. Does the traveling public suffer by it, in your opinion?

Mr. CARLTON. Ultimately; yes.

Chairman WALSH. As a public-service corporation, you claim protection of the law, to maintain your organized existence, do you not?

Mr. CARLTON. Yes, sir.

Chairman WALSH. Do you think it good public policy to deny your employees the right you claim for your company?

Mr. CARLTON. I have said what I thought, I think; perhaps I have answered that question, haven't I?

Chairman WALSH. Perhaps you have. I will ask you—I am asking you just as I take them here.

Mr. CARLTON. Yes.

Chairman WALSH. Have you ever caused men to be discharged because of their membership in a union in which they are tempted to enforce the principles of collective bargaining?

Mr. CARLTON. I think men have been discharged from the Western Union since I have been there for membership in the telegraphers' union.

Chairman WALSH. Have you told men who wrote you or called upon you, asking to be reinstated in your employment, that they could not be members of the union and work for the Western Union Co.?

Mr. CARLTON. I have never said just that; but I think from what I have said that it could be inferred that we did not approve of their membership in the union.

Chairman WALSH. What officials of the company are required to report to you directly or indirectly upon labor matters?

Mr. CARLTON. The head of our plant department, the head of our traffic department. The traffic department employs all the operators.

Chairman WALSH. Where is the head?

Mr. CARLTON. In New York.

Chairman WALSH. What is his name?

Mr. CARLTON. Mr. Fitzhugh. We have, I might explain, six grand divisions, which divide the United States, and at each headquarters there is a man in charge of all the traffic conditions in that division, and a man in charge of plant conditions, and they in turn report to men in New York, who, as I say, report directly to me.

Chairman WALSH. How do they get their information?

Mr. CARLTON. I think by various methods. By the same method that the Government, the Department of Justice, and the Interstate Commerce Commission employ—that is, by special service.

Chairman WALSH. By special agents?

Mr. CARLTON. Yes.

Chairman WALSH. Do you recall that your company discharged 22 men in St. Louis, in September, 1911?

Mr. CARLTON. I do not remember that. I know that there were some men discharged, quite a number of them. I do not remember the precise facts.

Chairman WALSH. Did the facts that these men attended an opening meeting of the telegraphers' union, a few days previous, have anything to do with their discharge?

Mr. CARLTON. I can not answer that. But I should say to you, if you ask me the hypothetical question, I should say to you that it probably had.

Chairman WALSH. Do you know if any of those men were reinstated, and under what conditions?

Mr. CARLTON. I can tell you that there was a large number of men discharged from our service along about that time, and I ordered an investigation of each case, and, although many of the men belonged to the telegraphers' union, there seemed to be mitigating circumstances and reasons for their reinstatement, and I presume several hundred men were restored to the service for other reasons.

Chairman WALSH. Do you recall the discharge of a number of operators in Buffalo, in December, 1911, who were told the orders came from New York for their discharge?

Mr. CARLTON. I did not.

Chairman WALSH. Do you know who issued the orders, and why?

Mr. CARLTON. No; I have the general answer that I made to a preceding question that would answer for Buffalo or any of the other places.

Chairman WALSH. Would it be fair for the commission to draw the inference that these men were discharged for joining the Commercial Telegraphers' Union, and were reinstated individually on account of certain circumstances which you concede to be mitigating?

Mr. CARLTON. In general; yes.

Chairman WALSH. In general?

Mr. CARLTON. In general; yes.

Chairman WALSH. Now, could you——

Mr. CARLTON (interrupting). I want to say that the membership in the telegraphers' union was not always the cause; but that there were sometimes compound reasons. But, I think, the general statement that you have made would be substantially correct as representing the policy of the company.

Chairman WALSH. Now, could you typify what the mitigating circumstances were that caused you to put them back?

Mr. CARLTON. Yes; I can only say in general because I should have to refer to the voluminous reports. But the men who had a good record for attendance, who were decent in their conduct, who might have wives and children to support, or who had reached an age where other employment was not readily attainable—those are mitigating circumstances.

Chairman WALSH. I think that covers it. Do you recall the discharge of a number of men in Sioux City, Iowa, in December, 1912?

Mr. CARLTON. I remember that there were some men discharged at Sioux City. I don't remember the precise date.

Chairman WALSH. Did these men appeal to you to be reinstated?

Mr. CARLTON. Well, I think they did.

Chairman WALSH. What reply did you make? What reasons did you give for their discharge, if any?

Mr. CARLTON. I do not remember what my reply was.

Chairman WALSH. Could you give the substance of it?

Mr. CARLTON. No; I should think that I probably intimated to them that we were not pleased with the associations or something of that kind.

Chairman WALSH. Was it one of these organization matters that was involved in that case?

Mr. CARLTON. I think so; yes.

Chairman WALSH. What organization?

Mr. CARLTON. The same organization.

Chairman WALSH. The Commercial Telegraphers'?

Mr. CARLTON. The Commercial Telegraphers' Union.

Chairman WALSH. Do you recall that several telegraphers in New York were discharged in 1911 and their appeals reached your office?

Mr. CARLTON. Yes.

Chairman WALSH. Did you, on that occasion, question some of the individuals about the affairs of the Commercial Telegraphers' Union?

Mr. CARLTON. I had a general talk with them on union matters. I don't remember whether I questioned them particularly.

Chairman WALSH. Did you tell them that union membership meant the loss of their positions?

Mr. CARLTON. I don't think I ever said it in just that way. But from what I said it might have been perhaps inferred, although I never used just that expression.

Chairman WALSH. Did you tell them upon that occasion that Mr. Konenkamp had told you that he didn't like the way you were running the company's affairs, and that he meant to run them himself?

Mr. CARLTON. Mr. Konenkamp never said that, so far as I know. I never said it either. What I did say, if you care to know——

Chairman WALSH. Yes; I would like to know.

Mr. CARLTON. What I think I said was this: Mr. Konenkamp, it appears, called on Mr. Vail, my predecessor, and had some talk with him, and he was encouraged by what Mr. Vail said, and it was reported to me. I never attached great significance to what Mr. Konenkamp had said—that within six months he would have our force in such shape that we would come to him to make a bargain. Whether he said it or not I don't know. I should think it unlikely that he should use language of that character, from what I have heard otherwise of the man.

Chairman WALSH. Did you state it that way?

Mr. CARLTON. I should think that was about what I said that I had heard.

Chairman WALSH. Have officials of your company, in any instances with which you are familiar, induced operators to resign their positions with other companies on the strength of getting employment with your company and then refused to make good their promises?

Mr. CARLTON. Not that I ever heard of.

Chairman WALSH. You never heard of an instance of that kind?

Mr. CARLTON. I never heard of any instance of that kind.

Chairman WALSH. Does your company keep any black list and refuse employment to men suspected of being members of the union, or is any record kept of men that are discharged for that reason?

Mr. CARLTON. A record is kept of a man's general character in the service, his ability as an operator, his accuracy, and what his affiliations are.

Chairman WALSH. It indicates his affiliation with any other labor organization?

Mr. CARLTON. Yes. We have no black list per se.

Chairman WALSH. Do you know of any men who have been forced to leave the United States and procure employment in Canada as a result of blacklisting, or having noted on your records the fact that they were affiliated with labor organizations?

Mr. CARLTON. No; I do not know that.

Chairman WALSH. Has your company endeavored to procure the discharge of men in Canada from the service of the Great Northern Co. on the ground that they had affiliated with labor organizations in this country while in your employment?

Mr. CARLTON. No; I do not know. I can not answer that categorically. We controlled the Great Northwestern Telegraph Co. up to within a few months ago, when we sold it to the Canadian Northern, and there had been a certain amount of direct association between our traffic men and their traffic men, but I never heard that we attempted to secure the discharge of any men in the Canadian service.

Chairman WALSH. Well, during that time, Mr. Carlton, did you have communications back and forth with relation to the cases of individuals who had been discharged in this country for joining labor unions?

Mr. CARLTON. I should say not, although I remember that the general manager of that company asked whether such a man was a good operator, something about his general qualifications, and we answered. But I do not think the question of his affiliations ever entered into it, because I believe the unions are very largely represented in the affairs of the Great Northwestern in Canada.

Chairman WALSH. Has your company, at any time, sought to prevent other companies entering into agreements with their employees, through the union or otherwise?

Mr. CARLTON. Not to my knowledge.

Chairman WALSH. Has your company ever asked an employer or press association to break a contract that it had with the union?

Mr. CARLTON. Not in my time, that I know of.

Chairman WALSH. I notice the time is located in 1908.

Mr. CARLTON. That was before my time.

Chairman WALSH. Well, as a matter of history, do you know whether or not your company in 1908 demanded that the United Press Association terminate its agreement—its contract—with the union?

Mr. CARLTON. I do not know.

Chairman WALSH. Under threat of having its leased wires taken from it?

Mr. CARLTON. I do not know, because when I came to the company we were not furnishing any wires to the United Press.

Chairman WALSH. In a general way, how did that come about—how did the relation come to be severed?

Mr. CARLTON. I do not know. It was done before my time; but I had understood that they preferred to take wires from the telephone company.

Chairman WALSH. As a result of the attitude of your company—as a matter of history—was the United Press forced to refuse to renew its agreement with the union?

Mr. CARLTON. I am sorry I can not answer that.

Chairman WALSH. Who would know that, Mr. Carlton; who could give us that piece of history?

Mr. CARLTON. I should think Mr. Brooks could tell you. He is here.

Chairman WALSH. How does the company get information about men who become members of unions?

Mr. CARLTON. I have answered that.

Chairman WALSH. Do you maintain a system of special agents—an inside system of special agents—whose duty it is to ascertain these facts?

Mr. CARLTON. There is a special service for the purpose of reporting on union matters.

Chairman WALSH. And are men employed inside of your organization as telegraph operators, or other employees, who are in reality detectives and paid by some outside organization, or by your company, for their services?

Mr. CARLTON. I do not know that we have a so-called detective in our employ.

Chairman WALSH. But as a special agent?

Mr. CARLTON. We have special agents.

Chairman WALSH. About how many do you have?

Mr. CARLTON. I do not know—I do not know how many.

Chairman WALSH. Would Mr. Brooks know?

Mr. CARLTON. I should think a dozen.

Chairman WALSH. Are they instructed to join labor unions and report information to their employers?

Mr. CARLTON. No.

Chairman WALSH. Do they join labor unions?

Mr. CARLTON. I do not know whether they do or not.

Chairman WALSH. Have you received reports from special agents in your employ who became members of these organizations?

Mr. CARLTON. I have seen a report from men purporting to be members of the union.

Chairman WALSH. Were they men that were in your employ as special agents?

Mr. CARLTON. They were men in our employ, yes; and as special agents.

Chairman WALSH. Do you employ the special agents yourself? Do you get them from some outside organization, or some outside company?

Mr. CARLTON. They are our employees.

Chairman WALSH. Who deals with them—employs them? Who gives them their instructions?

Mr. CARLTON. The chief operators.

Chairman WALSH. What?

Mr. CARLTON. The chief operators.

Chairman WALSH. Of these grand divisions?

Mr. CARLTON. No; more particularly of the larger offices.

Chairman WALSH. Have you an organization in your employ that deals with that subject particularly? Here is a question propounded: Do you know a man named Shoemaker, with offices in New York, who is supposed to be at the head of your detective system?

Mr. CARLTON. No; I do not know Shoemaker; nor is there such a man in our employ in New York. There was a Shoemaker there for a time. He is not there now; nor is he, so far as I know, doing any work of the character that you are questioning me about.

Chairman WALSH. Do you know whether detectives working under Shoemaker's direction, in October, 1911, broke into hotel rooms and stole lists of names and other documents from officers of the telegraphers' union?

Mr. CARLTON. No; I do not know anything about that deal. I have heard something about it, or read a letter which Mr. Konenkamp wrote, charging that that had been done.

Chairman WALSH. Do you know it to be a fact, if it is a fact, of course, that your company made use of lists of names and other papers abstracted from the private quarters of the president of the telegraphers' union?

Mr. CARLTON. Not that came to my knowledge; no, sir.

Chairman WALSH. Is it a fact that several hundreds of operators whose names appeared upon the lists, alleged to have been abstracted from Mr. Konenkamp's quarters, were afterwards discharged in a large number of cities throughout the United States?

Mr. CARLTON. No; I do not know. I do not know whether that is true or not. I would like to say here, if you will permit me——

Chairman WALSH. Certainly. You may make any explanation that you have.

Mr. CARLTON (continuing). We do not disguise the fact that we do have special agents, because we consider it just as important to keep track of those whom we think are planning our destruction, or any other forces that are inimical to us, but I would not countenance for a moment any man in our employ doing what you have indicated by that question, under any circumstances; I don't care what it meant to us.

Chairman WALSH. You understand, of course, that is in the questions——

Mr. CARLTON (interrupting). Yes; I understand.

Chairman WALSH (continuing). That were submitted by Mr. Konenkamp to be propounded to you.

Mr. CARLTON. I want to have it indicated that we will fight. I have no hesitation in letting it be known the methods and means by which we will fight, but there are some things that we won't do, we won't have done, not if I know it.

Chairman WALSH. Is it a fact that it was charged, that the charge was brought to your knowledge, that lists of employees were stolen from Mr. Konenkamp and that some numbers of them were discharged, and the further alleged fact that some of these men claimed the lists had been doctored, and that they had not been, as a matter of fact, members of this organization, and that they were refused reinstatement?

Mr. CARLTON. I have a number of letters from men stating that they had been discharged through information that they claimed to be erroneous. I think a good many of those men, a number of them, were reinstated on examination. But I do not associate that with the list which you say was stolen.

Chairman WALSH. Was the charge ever made, and has your attention been called to that, that the claim was made that there was a list stolen from the president, Mr. Carlton?

Mr. CARLTON. Mr. Konenkamp claimed that in a letter.

Chairman WALSH. Of what approximate date?

Mr. CARLTON. I think it was shortly after the alleged occurrence.

Chairman WALSH. Did you make an investigation through your special agents to ascertain whether that is true?

Mr. CARLTON. I made some inquiry; yes.

Chairman WALSH. What was the result of it?

Mr. CARLTON. It was denied by the men who were questioned about it. They denied any list had been stolen. They admitted that a list had been secured, but they denied any list had been stolen.

Chairman WALSH. Did they say—where did they say the list had been procured?

Mr. CARLTON. Procured through the friendship of some one or other.

Chairman WALSH. That is, through some member of the union?

Mr. CARLTON. Well, I don't know whether it was some member of the union or not.

Chairman WALSH. Did they say that it had been paid for?

Mr. CARLTON. No.

Chairman WALSH. As a matter of fact, has any money been expended by your company that might have been used for that purpose, and the direct knowledge of it not brought to you?

Mr. CARLTON. I don't think so.

Chairman WALSH. How are funds set aside by your company to pay the expenses of special agents?

Mr. CARLTON. They are paid regular salaries.

Chairman WALSH. And what items do you keep as to their expense accounts, what account?

Mr. CARLTON. Well, we have no account. I do not know that they have any expenses.

Chairman WALSH. Would that be kept particularly under the direction of Mr. Brooks?

Mr. CARLTON. No; Mr. Brooks hasn't anything to do with that. That would be more particularly in connection with traffic matters.

Chairman WALSH. Have you a pay roll which designates the special agent as such?

Mr. CARLTON. No.

Chairman WALSH. How were they carried on your pay roll?

Mr. CARLTON. They are carried in the regular way; as employees. But I think they are only known to their immediate superiors.

Chairman WALSH. And their immediate superior would be the chief operator at what places?

Mr. CARLTON. At the principal places.

Chairman WALSH. What are they?

Mr. CARLTON. Any of the larger cities in the United States.

Chairman WALSH. About how many in number would you say that would be?

Mr. CARLTON. The special agents, I think, are recruited only at the division headquarters, of which there would be six, Chicago is one.

Chairman WALSH. Give me all of the other places, please.

Mr. CARLTON. Chicago, New York, Atlanta, Dallas, Denver, and San Francisco.

Chairman WALSH. And you have, as I understand your testimony, but 12 special agents?

Mr. CARLTON. I give you that as the approximate number. I do not know, but I should say that would be about the number.

Chairman WALSH. Who selects these men, what individual?

Mr. CARLTON. I do not know who selects them.

Chairman WALSH. Do you select them?

Mr. CARLTON. No.

Chairman WALSH. To whom do you give the authority of hiring a special agent?

Mr. CARLTON. I don't give specific authority to anybody, but I presume they are selected by the men where they are to be used.

Chairman WALSH. Who determines the number?

Mr. CARLTON. That is determined locally.

Chairman WALSH. Are you personally acquainted with any of your special agents?

Mr. CARLTON. Never saw one in my life that I know of.

Chairman WALSH. Do I understand that the heads of your company at these divisions designated have the general authority to hire these men?

Mr. CARLTON. Yes; I should think they had when they thought it was necessary.

Chairman WALSH. Do you know what the system is of keeping their expense accounts?

Mr. CARLTON. I do not know.

Chairman WALSH. Are they allowed expenses?

Mr. CARLTON. I should not think they had any expenses.

Chairman WALSH. Do you know the salaries that they are paid?

Mr. CARLTON. No; I do not know them.

Chairman WALSH. Could you ascertain that? To ascertain that would inquiry have to be made of the local head officials in these places to ascertain the salary of these special agents and the names of them?

Mr. CARLTON. Yes; I should think you would probably have to inquire locally.

Chairman WALSH. Well, then, I am going to ask you, as president of the company, to submit to us the number of special agents that you have on your pay roll, together with the salaries, and the authorization for expense accounts. We do not desire to call these heads individually, if possible. I should like that also to include the names of the special agents, with the understanding that those will not be given publicity.

Mr. CARLTON. Let me see. You want the number, their salary——

Chairman WALSH. The salary and length of time which they have been employed, and the authorization as to expense accounts.

Mr. CARLTON. Well, will the stenographer give me a note of that?

Chairman WALSH. Yes.

Mr. CARLTON. That will be all right. I have a note of it.

Chairman WALSH. What is the policy of the company with regard to the employment of messenger boys?

Mr. CARLTON. The policy?

Chairman WALSH. Yes.

Mr. CARLTON. We are governed, of course, by the State laws, and we attempt to get a class of boys who can either develop into the service or will make good office boys for somebody else.

Chairman WALSH. Are you aware of the fact that young boys are alleged to be frequently required, in this city, to carry messages to houses of ill fame?

Mr. CARLTON. No; and I want to say that that is an absolute rule of our service, that under no circumstances shall minors be sent into any questionable place, if we know it is questionable. We do have to deliver telegrams to places of questionable reputation, but even in that case we try to send men of mature years. That is at least those who have attained their majority. The messenger service is conjoined with us unfortunately, at times. I have no doubt boys under years—that is, boys under 21—and perhaps quite innocently are sent to places that we would much rather not have them sent. But so far as we can do it we would be very glad to have anybody suggest any method that is an improvement on our present method for protecting the youths of our company.

Chairman WALSH. Have the subsidiary companies, the American District and other companies, furnished messenger service of that sort?

Mr. CARLTON. Not now. We have taken that all over.

Chairman WALSH. When did you take that all over?

Mr. CARLTON. About two years ago. We do all the messenger work, the American District Telegraph Co., and we operate it entirely. They have nothing to do with it.

Chairman WALSH. Are not there other companies, such as the Illinois Central District Telegraph Co.?

Mr. CARLTON. Yes, sir; but so far as the messenger portion of it is concerned that is under the jurisdiction of the Western Union, with few exceptions—New York City and, yes, New York City alone.

Chairman WALSH. Did not those companies, and do not those companies have signal boxes placed in questionable resorts from which messengers can be called at all times of the day and night?

Mr. CARLTON. Not so far as we are aware. If there is any box in any questionable resort, our employees are ordered to take it out without any further authority from anybody. In other words, we will not, if we can help it, if we know it exists, permit messenger service from places of ill repute.

Chairman WALSH. Does that apply to places of ill fame and assignation houses? Do you have those boxes in saloons in the red-light district?

Mr. CARLTON. As a general thing, I think not. I think as a matter of fact, our people conscientiously try to avoid any messenger service in the so-called red-light districts.

Chairman WALSH. Has your attention been called to complaints made by social workers that such has been the practice of your company?

Mr. CARLTON. I think I had such a letter about three years ago. And I have written to every social worker or organization that I know of, asking their cooperation and assistance.

Chairman WALSH. Do you know of messenger boys being sent to procure opium and other drugs for victims of the drug habit?

Mr. CARLTON. I am very sure I do not know it, and I am very sorry if it is so.

Chairman WALSH. Do you know that such evidence was adduced at a trial at the Federal court in Chicago last October? Do you know that upon that occasion it was referred to by a messenger boy named Edwards, employed by your company, who testified that he procured opium and took it to a disreputable flat on Cottage Grove Avenue, near Twenty-third Street; that in his testimony the boy said he told officials of your company that he had been sent to procure opium, but that in spite of this he had been sent to the same place about 20 times afterwards? Do you know anything about that?

Mr. CARLTON. I am sorry to say I never heard of it, if it is true.

Chairman WALSH. What action should be taken by your company in the event of such a thing?

Mr. CARLTON. If the man who knew this was being done for such a purpose and permitted it, he would be discharged at once.

Chairman WALSH. How would that information get to you? Have you any system, or would that call for a report from a special agent, for instance, possibly in Chicago, if such a thing had occurred, would it be the duty of the special agent to report to the headquarters?

Mr. CARLTON. Yes. We would have it investigated at once.

Chairman WALSH. Did you hear of any investigation being made? I understand you do not know that this occurred?

Mr. CARLTON. I do not—I never heard of that case. But we have investigated similar cases.

Chairman WALSH. And found that the boys were so used?

Mr. CARLTON. Yes.

Chairman WALSH. And was the head of the company at that place discharged?

Mr. CARLTON. When he was found to have knowledge of it; yes.

Chairman WALSH. In what instances were discharges made?

Mr. CARLTON. I do not know. We had two or three instances in the Middle West. I shall have to look those up.

Chairman WALSH. Would you please look those up and submit them to us?

Mr. CARLTON. Yes.

Chairman WALSH. Has there been any constant effort made to look after the conduct of these boys as to where they should be sent by your company?

Mr. CARLTON. I believe there is a conscientious effort on the part of the managers of our messenger forces. It is constantly being drilled into them, and our traveling supervisors constantly supervising the service, we have brought that particularly to their attention.

Chairman WALSH. Have you a blank form of special agent reports?

Mr. CARLTON. No.

Chairman WALSH. And of—does your company, during strikes of messenger boys, employ young girls to deliver messages?

Mr. CARLTON. Not in my time. I never heard of it.

Chairman WALSH. Have you, as a matter of history, heard of that being done by your company?

Mr. CARLTON. I do not know whether it is, and I will tell you that it would not be done.

Chairman WALSH. You have heard of it being done?

Mr. CARLTON. No.

Chairman WALSH. Have you heard of the employment of girls by your company at any point?

Mr. CARLTON. No; I never heard of that. I should think if it had been done, it must have been in such small number that it did not reach me.

Chairman WALSH. Have you heard of any such instance? I understand that at present, as president of the company, you personally would be in opposition to it?

Mr. CARLTON. I would not permit it.

Chairman WALSH. What have been the rates of wages for telegraphers?

Mr. CARLTON. The average wage of a Morse operator—I speak of those working in our so-called functional offices, the larger operating rooms in the eastern,

western, southern, and Gulf divisions—is $75 a month; in the mountain division it is $80; in the Pacific division, $85 a month; that is, men and women both.

Chairman WALSH. Does the company maintain, either directly or indirectly, schools?

Mr. CARLTON. Yes.

Chairman WALSH. For the education of telegraphers?

Mr. CARLTON. Yes.

Chairman WALSH. Please briefly describe them, Mr. Carlton.

Mr. CARLTON. They are schools maintained to teach apprentices telegraphy, and we recruit our forces very largely from those schools. They are instructed by some one delegated by the company, and are maintained in a number of larger offices.

Chairman WALSH. What are the hours of telegraphers, if you know, in this country, as compared with hours in England?

Mr. CARLTON. I do not know what the English hours are. With us a week of 54 hours for men and now 48 hours for women.

Chairman WALSH. That was changed recently?

Mr. CARLTON. Within two or three days.

Chairman WALSH. Does your company attempt to control and influence the policy of press associations using these wires employing union operators?

Mr. CARLTON. No.

Chairman WALSH. Does it attempt to control any Marconi workers?

Mr. CARLTON. No.

Chairman WALSH. I had some other questions to ask you, but I assume that they can be asked of Mr. Brooks.

Now, if there is anything growing out of the questions that I have already asked or any explanation you would like to make, I wish you would make it. I am going to try to let you off at 12.30, as I promised, and I am sure that some of the commissioners will have some questions to ask.

Mr. CARLTON. I should like to say, in general, that in the last four years, which is the period that I am somewhat familiar with the affairs of the company, we have introduced a number of plans that are of great importance to the employees. We have introduced a system of fighting the loan sharks, which, I think, has been highly beneficial. Our employees, anyone with any reputation at all, can, without any security, get a month's wages, or even more, in cases, and can pay it back at the rate of 10 per cent a month without interest.

We have also introduced a sick benefit, pension, and life insurance plan, which, with the exception the telephone company, is, I think, the most liberal in the United States. In general it provides for payment of pension for varying periods and in varying amounts; and also provides for sickness disability at full pay over various periods, depending upon the length of service.

We have in that time relieved our operators of the expense of supplying typewriters, which I think was heretofore rather an evil.

We have purchased upward of 10,000 typewriters and supplied to our operators. Now, they are without expense in regard to that item.

As I stated to you before, I think so far as it has been physically possible for me to do so and I attempt to come in contact with our employees and learn from them at first-hand their grievances, and I have, so far as I can, and I am sure I have had the cooperation of many of my colleagues in trying to do away with the petty tyrannies which are all too frequent in large organizations. I think we have made some progress in that direction.

I do not cite any of these things as a substitute for wages, because there is no substitute for proper pay. I believe that the telegraphers are underpaid.

Chairman WALSH. Overpaid?

Mr. CARLTON. No; underpaid. I think they ought to make more money than they do. It is, so far as I can find, the fact that wages have increased about 30 per cent in the last 10 years. Ten years ago the maximum wage for a Morse telegrapher was $18 a week and it is now $23; it was $13.50 for women and it is now $18.

My own view is that a first-class telegrapher ought to be put in a position to earn at least $5 a day for a tour of nine hours' work. Some of our telegraphers under what is called the premium plan are making close to that. That plan is simply this: A man is assigned between New York and Chicago, and at other large points, and is paid so much a message. For instance, if he has a $100 rating, he is paid $100 a month whether he sends any messages or not. He may send 500 messages a day and if his premium was a cent a message, he would get $5 a day.

Some contrasts have been made, or attempted to be made, between the conditions that existed in 1870 and the conditions that exist to-day. So far as I can make out, and I have spent some time getting to the bottom of it, telegraphers were paid in 1870, $115 to $118.

Chairman WALSH. A month?

Mr. CARLTON. A month; many of them were paid as low as $55 a month. But at that time there was no such thing as hours of labor. They worked 12 to 14 hours a day and all day Sunday without any extra pay. There was no such thing as extra pay in 1870. So that the comparison can not be made with present conditions. The same amount of labor that was expended in 1870 by a first-class telegrapher would produce now over $200 a month for the same number of hours. A number of my friends were telegraphers in the service in 1870 and some of them are still telegraphers. They tell me, perhaps they are speaking out of the warmth of recollection, that they were proud of a record of 500 or 600 messages a day over iron wires which were nothing like so good as the copper wires that we now furnish. And so far as the working conditions to-day are compared with the working conditions in 1870, they are not to be compared at all. They are infinitely better, the sanitary arrangements, the care of employees, our offices, if anyone cares to go about and see—we have spent about a million and a half dollars in the last four or five years to reconstruct our offices and in the reconstructed offices we have rebuilt practically all the principal ones, and included in them the sanitary features for the health and comfort of the employees.

And I do not mean to say they are all satisfied by any means. But I should think all this would help many of them to be better satisfied. I do believe that we are proceeding along the right direction in attempting to increase the efficiency of our property so that our people can make more money, and we have certainly got that fairly well started; not so well, for instance, as I would like to see on pensions, but liberal as to sick benefits. In case of accidental death or some other difficulty which requires ready money, we arrange for that and we are trying to be humanitarians and we are trying to improve not only the efficiency but the pride in our service by all these things. We have made some progress, and notwithstanding that, as I said to you before, the employee is entitled to the protection of some such commission as I have indicated, because no one is judicially omnipresent and omnipotent enough to be able to take care of all the things that I think need to be cared for in settling the questions of industrial relations.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. All these measures you have described, Mr. Carlton, have in view the conservation of that which the man gets, not his adding to his earnings, as I gather from your statement?

Mr. CARLTON. Well, no; you must not include the opportunity that we are giving to get more money. I say all these other things are not a substitute for wages.

Commissioner GARRETSON. I was speaking of the measures—sick benefits and pensions and all those things; correcting the loan-shark evil; those are all conservation measures—to make what he has already go as far as possible, instead of adding. Do you regard those measures as good business or philanthropy?

Mr. CARLTON. Well, our employees are not objects of philanthropy.

Commissioner GARRETSON. Then, it is good business?

Mr. CARLTON. Of course it is good business.

Commissioner GARRETSON. And brings its own returns. What percentage in sick benefits, what percentage are the men themselves assessed for, if any?

Mr. CARLTON. You answered your own question, did you not? "Bringing its own returns." I didn't say it brought its own return.

Commissioner GARRETSON. Oh!

Mr. CARLTON. What is your next question?

Commissioner GARRETSON. Let us see that. Then, it brings returns in efficiency and value of the employee?

Mr. CARLTON. Well, I think it is a combined contribution; I think it is a contribution toward the progress of society. I do not think you can add it up in dollars and cents, but it is a contribution we should make toward the general advancement of society.

Commissioner GARRETSON. And it adds to the capability and desirability of the man, and in that way the return comes to the company?

Mr. CARLTON. It adds to the desirability of the service, and we therefore attract a higher class of people.

Commissioner GARRETSON. In sickness benefits what percentage of the funds created do the men contribute?

Mr. CARLTON. None.

Commissioner GARRETSON. The company does it all?

Mr. CARLTON. Yes. The men do not contribute anything to any of these things—pensions or otherwise. I would like to say to you that we spent last year about $500,000 on sickness benefits and pensions.

Commissioner GARRETSON. Does that department render reports, Mr. Carlton?

Mr. CARLTON. Yes; I would be pleased to furnish them.

Commissioner GARRETSON. Will you please file them with the commission?

Mr. CARLTON. Yes.

Commissioner GARRETSON. You spoke of the fact that the special agents, as you said, are under the control of the local department heads, the chief operator.

Mr. CARLTON. I suppose that is the fact; I am a little hazy as to just who does control them. I do not like those fellows and do not like to know much about them. [Laughter in audience.]

Chairman WALSH (addressing audience). Please do not give audible expression of your feeling.

Commissioner GARRETSON. Going back to the case cited of the Edwards boy, who was sent on a mission that was improper. If the special agent was the personal employee who acted under the instructions of and was provided by the man in charge of this office, is it likely that he would render any report that would damage his immediate superior?

Mr. CARLTON. He would not be employed by him; the man who supervises the messenger service would not have anything to do—he would not even know the special agent that went out to investigate the case.

Commissioner GARRETSON. If the manager of the office here was in sympathy with this style of action that is described here, would the special officer's report be to the manager?

Mr. CARLTON. No; the special agent's report would be to a man who could not have the slightest concern as to that, or any interest in any type of messenger service; the showing would not reflect on his efficiency.

Commissioner GARRETSON. It would be your idea in regard to the creation of what, for want of a better name, might be called a "Federal wage commission," that it should be empowered to determine rates of pay and conditions of service?

Mr. CARLTON. Yes; under proper conditions.

Commissioner GARRETSON. That would be compulsory arbitration under a different name, wouldn't it?

Mr. CARLTON. No more so than the Interstate Commerce Commission fixing the rate; it would not be a question of arbitration but a question of fixing the rate of wages with respect to the efficiency of the employee and what the service could pay.

Commissioner GARRETSON. Could they intelligently fix them without an exhaustive inquiry at which both sides would be heard?

Mr. CARLTON. Of course, they would have to know all the facts.

Commissioner GARRETSON. Therefore, it would be arbitration compulsory in character and with power to carry its mandates into effect?

Mr. CARLTON. In case of a dispute between the parties yes; I should think so.

Commissioner GARRETSON. How could such a tribunal deal with the individual workers or make its mandates effective except through organization?

Mr. CARLTON. They could not through organization any more than they could through the individual. Such a commission would indicate, it seems to me, that the wages should be thus and so, and if the employee did not want to accept them, no power on earth could make him do so, but you could make the company.

Commissioner GARRETSON. You could make the company?

Mr. CARLTON. Yes; but you could not make the worker.

Commissioner GARRETSON. Is it not absolutely true that it is an almost general—not universal, but general—practice that men in organizations are bound for periods of time by their own acts through the organization and do accept the verdicts of courts of arbitration voluntary in character?

Mr. CARLTON. I think there are responsible organizations that do.

Commissioner GARRETSON. Has there been any noted departure from the acceptance of the terms of arbitration by any organization?

Mr. CARLTON. It occurs to me I have heard of a diminishing number.

Commissioner GARRETSON. Of opposition to arbitration verdicts?

Mr. CARLTON. Yes; of declining wages that have been fixed by arbitration.

Commissioner GARRETSON. Could you cite any instances of that character? If so, I would be glad to know of them.

Mr. CARLTON. No; I can not cite any instances offhand. I have that distinctive impression, which may be wrong, and I should have to look it up.

Commissioner GARRETSON. If you find any, I would be glad if you would furnish a record of them, because if any federation agreements have been broken, I am not aware of any, or of any betting of the decision of any arbitration board.

Mr. CARLTON. Excuse me; I misunderstood your question.

Commissioner GARRETSON. I thought so. If men were compelled by anything other than their own will to accept any condition it would be involuntary servitude, would it not?

Mr. CARLTON. Yes; if they were compelled to work under those conditions; I do not think they can be.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Aishton has a question he wants to ask you.

Commissioner AISHTON. I think the question I was going to ask you, Mr. Carlton, was answered by your testimony about the Federal wage commission. In your knowledge of such affairs have you any suggestions to offer the commission with regard to remedial legislation or legislation of any kind that would tend to remove industrial unrest?

Mr. CARLTON. No; I do not think there is any panacea in the way of legislation. I think education is the only thing that is going to do that, but I speak only of my own trade when I speak of the Federal commission fixing wages and terms of wages so as to prevent the shutting down this sensory nervous system of the country. I do not suggest it for all trades.

Commissioner AISHTON. You suggest it for your particular trade because of the fact that the minute there is an interruption of the transaction of that business there is a disastrous effect on the commercial and other interests of the country?

Mr. CARLTON. Yes.

Commissioner AISHTON. And that as to public utilities, such as the telegraph, the telephone, and the transportation companies, there should be some differentiation between the legislation with regard to those trades and what would be called the ordinary commercial and industrial trades?

Mr. CARLTON. Yes.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner O'Connell has a quuestion or two.

Commissioner O'CONNELL. Can you give us some idea as to the number of males and females in the employ of the company?

Mr. CARLTON. I am sorry that I have not in my mind how the numbers run by sexes.

Commissioner O'CONNELL. I noticed you in speaking of the comparison of wages said for females $18 and males $23; why is there that difference in wages?

Mr. CARLTON. I am a tremendous believer in certain forms of woman labor. Some of the most efficient, up to a certain point, of our labor, is by women; but women have not the telegraphic capacity of men—that is, very few have—the average woman is considerably below man in her capacity for telegraphic work, and to that extent we have reduced her hours of labor; she can earn less money.

Commissioner O'CONNELL. Where she has equal capacity, does she receive the same pay?

Mr. CARLTON. No; no woman receives more than $18 except in the case of a wire chief, but the woman operator does not get more than $15. But under the premium system women will be given the same opportunity as men, and 20 per cent of our traffic now is being handled by that method.

Commissioner O'CONNELL. Are there any arrangements being made whereby the males and females are being separated in the office, or are they associated right together as I have seen them, sitting next to each other?

Mr. CARLTON. There is no segregation of the females from the males.

Commissioner O'CONNELL. The females sit next to the males doing the same work, and yet there is a difference of $6 a week in their wages?

Mr. CARLTON. She probably is not doing the same work; she is not doing the same volume of work, or she is operating on a way wire and not operating on trunk service.

Commissioner O'CONNELL. But if she was doing the same work, there is no provision for her to get the same wage?

Mr. CARLTON. Except this, you will probably find that a woman who is doing the same work as a man gets about the same wage. In other words, the women are not on our higher rating. I think in some cases they deserve the higher rating, but they are not as a matter of fact getting it.

Commissioner O'CONNELL. Does your company furnish the other telegraph companies with records of employees that are kept in your office, if asked for?

Mr. CARLTON. No, sir; if another company called up and said, "Is So-and-so a good operator?" we might say, "Yes," or if they asked is he honest, we would say, "Yes"; but we no longer exchange information with other companies.

Commissioner O'CONNELL. If they asked you if he was a trouble maker or union man, would you answer that?

Mr. CARLTON. The instructions are to give no information as to whether he has union affiliations or not; that is for our own purposes.

Commissioner O'CONNELL. Are the special agents spoken of ever employed as operators in the company?

Mr. CARLTON. I don't know what they do; I suppose they are, some of them.

Commissioner O'CONNELL. And probably sitting next to another operator performing a regular operator's service?

Mr. CARLTON. I can not draw the picture of one, because I do not think I have ever seen one.

Commissioner O'CONNELL. As I understood, the general policy and rules of your company is that they prefer their employees not to join unions?

Mr. CARLTON. Yes, sir; I speak now of the telegraphers' union; I do not speak of any other union.

Commissioner O'CONNELL. Is that asked in the application that is made by telegraphers for employment, "Are you a member of a union?"?

Mr. CARLTON. I do not think so; I do not recall—I do not think so.

Commissioner O'CONNELL. Is he told that he can not have employment if he is a member of the union?

Mr. CARLTON. They all know it; they all know that we do not favor their membership in the Commercial Telegraphers' Union.

Commissioner O'CONNELL. And the means of ascertaining whether they are members of the union after they get into your employ is the special agents working them out?

Mr. CARLTON. They, as a rule, join the union secretly after they become members of our organization.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, thank you, Mr. Carlton. You will be permanently excused.

We will now stand adjourned until 2 o'clock this afternoon.

(Whereupon the commission adjourned at 12.30 o'clock for the noon recess until 2 o'clock, April 12, 1915, then to convene at the same place.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Konenkamp.

TESTIMONY OF MR. SYLVESTER J. KONENKAMP.

Chairman WALSH. State your name, please.

Mr. KONENKAMP. Sylvester J. Konenkamp.

Chairman WALSH. Where do you reside?

Mr. KONENKAMP. Chicago.

Chairman WALSH. How long have you resided here?

Mr. KONENKAMP. Since my election as president, in 1906.

Chairman WALSH. President of what?

Mr. KONENKAMP. The Commercial Telegraphers' Union of America.

Chairman WALSH. And will you please sketch what your employments or activities have been prior to this time?

Mr. KONENKAMP. I worked as a railroad telegrapher for about nine years and then went into the commercial service—that is, from 1892 to 1901; then I

went into the commercial service in 1901 and worked for them until 1909, when I was elected president of the Commercial Telegraphers' Union.

Chairman WALSH. Did you ever belong to any other telegraphers' organization then, or at that time?

Mr. KOHNKAMP. Yes; I have been a member of the Order of Railroad Telegraphers for 29 years.

Chairman WALSH. Will you state briefly the aims and objects of your present organization?

Mr. KOHNKAMP. The aims and objects of our organization, briefly stated, are to provide means whereby the commercial telegraphers of the United States and Canada might indulge in the principles of collective bargaining, to have the right to representation through committees, and to secure the adjustment of either individual or collective grievances.

Chairman WALSH. Can you give an approximate estimate of the number of telegraph operators that there are in the United States?

Mr. KOHNKAMP. Our estimate is about 30,000.

Chairman WALSH. What proportion of the telegraph business is controlled by the Western Union and Postal Telegraph Cos., respectively? First, are the 30,000 commercial, or commercial and railroad, telegraphers?

Mr. KOHNKAMP. Twenty thousand commercial telegraphers. The railroad telegraphers are separate. We estimate that the Western Union and the Postal combined control, or employ, about 80 per cent or 85 per cent of the commercial telegraphers.

Chairman WALSH. Are there any telegraph companies which bargain collectively with the telegraphers at the present time?

Mr. KOHNKAMP. Yes, sir; the Canadian Pacific has what is known as an employes' agreement with members of our organization. This is similar to agreements in effect on railroads; while the United Press and the International News Service have what are known as union-shop agreements, or contracts with the union.

Chairman WALSH. I wish you would describe those agreements briefly and concisely.

Mr. KOHNKAMP. The 1909 agreement with the United Press Association and the International News Service provided, first, that they will enter into contractual relations with our organization, and they agree to employ only members of our union, provided we are able to furnish them with competent telegraphers. In the second place, they provide for a system of adjusting grievances and with the right of appeal to the higher officials; and in the event of any dispute arising under the agreement, there is a provision for submitting the matter to arbitration. The agreement also provides for the number of hours that shall be worked, rate of overtime, and minimum pay for various classes of work performed; that is, the press associations.

Now, with the Canadian Pacific our agreement is different. It provides, first of all, for a system of promotion, based upon ability—based upon seniority where ability is equal—and in addition to that it provides for a——

Chairman WALSH (interrupting). Is the discretion as to the ability left where?

Mr. KOHNKAMP. Left with the officials. That matter is decided entirely——

Chairman WALSH (interrupting). The officials of the company who employ the men?

Mr. KOHNKAMP. The officials of the company who employ the men. The schedule also provides for a system of adjusting grievances, so that if an employee feeling himself aggrieved or unjustly dismissed, for any reason, may appeal his case and shall have the right of a cotelegrapher to present his case for him, or be heard with him; it outlines what the hours shall be for the various turns and shifts that among telegraphers are known as tricks. It also includes a scale of wages. We have no minimum scale of wages in this agreement, but we do provide for a classification according to employment on what is known as a percentage basis. We take a large telegraph office, and through conferences between a committee of the employees with the management, decide what wires in that particular office are in a particular class, and so forth. For instance, in Winnipeg, 25 per cent of the entire staff receive first rating; then 25 per cent receive second rating; and finally there are 20 per cent of the operating staff who have no rating at all, but are left entirely with the discretion of the company to provide for any emergency and also to take care of what are known as the junior operators, or those who work the wires during the early period of their career.

Chairman WALSH. Could you give a brief historical sketch of the state of your craft from, say, 1870 down to the present time with reference to wages and conditions of their work?

Mr. KONENKAMP. I have a general statement covering this.

Chairman WALSH. Before we get down to the general statement I will ask this one question: To state how long the telegraphers have had agreements with these corporations you have mentioned, and generally how the agreements have worked; whether there have been charges upon either side that the contract was violated; whether there have been strikes with those companies; and generally speaking, how agreements have worked out?

Mr. KONENKAMP. Our first agreement was with the International News Service and has been in effect since 1905, and during that time there have been no serious disputes of any kind; everything has been settled amicably whenever a grievance arose.

With the United Press we have had agreements, first, with its predecessor, and later, when two associations were amalgamated, with the joint association since 1906; and our relations there have always been harmonious.

With the Canadian Pacific we had a schedule over part of the system as early as 1907, but the general schedule has been in effect since 1910, and during that time we have maintained harmonious relations. In fact, at a hearing in 1911 the general manager of that company stated that after one year's experience with a wage scale such as we had he was heartily in favor of it, and preferred it to the old system of transacting business, and that all of his superintendents were in favor of it. That statement was made to a board of conciliation held in the case of the Great Northwestern in about July, 1911. I have a statement of one of the members of the board of conciliation that I will submit to the commission as an exhibit on that subject.

(The statement referred to appears among the exhibits at the end of this subject as "Konenkamp Exhibit No. 1.")

Chairman WALSH. I know you have given a great deal of time to the preparation of this matter for the commission as well as having heard the testimony of the president of the company, Mr. Carlton, this morning, and if you have a general statement prepared summing up these facts and epitomizing the matter, and would care to give that before questions are asked, I believe it would be better.

Mr. KONENKAMP. With reference to the history of wages, the wages are lower to-day than 40 or 45 years ago, in actual money paid. The president of the Western Union made the statement this morning that the wages paid in New York in about 1870, that the maximum was $118 a month and the minimum about $55 a month. Our information would show that the maximum wage paid at that particular time was $100 a month, but at the present time the wages in the State of New York for telegraph employees ranges downward from $100 a month to, as one of our men remarked, "minus zero"; that is, there are persons who are working at telegraphy in New York who do the work for nothing and pay their car fare for the purpose of coming in and learning the business. The wages have been on the bare line of subsistence, and although the cost of living has increased, wages declined from 1873 to 1906. Between 1870 and 1883 wages were cut from 20 to 40 per cent and there has been a gradual decline to 1907, when rates were increased from 20 to 50 per cent. Then wages increased 10 per cent, and in the following year wages were lower than they had been at any time in the 25 years previous to that time. In 1908 a reduction of wages of from 10 to 30 per cent took place, and in 1910 the increase ran as high as about 25 per cent, accompanied by a "speeding-up" system which will be explained later. For instance, we have a table of wages here showing what was paid in various States for different periods. The most of these periods referred to are strike periods.

In New York in 1870 wages ran from $90 to $120 a month; in 1883 they ran from $80 to $95 a month; in 1907 from $75 to $95 a month; in 1908 from $75 to $90 a month; in 1914 from $75 to $100 a month; that is the maximum wage.

In Chicago in 1870 from $90 to $115 a month; in 1883 from $75 to $90 a month; in 1907 from $75 to $90 a month; in 1908 from $75 to $90 a month; in 1914 from $75 to $100 a month. The minimum rate of pay in 1870 was upward of $90 a month, while in 1914 it was less than $90 a month. The present scale ranges from $90 a month upward with $5 difference to $100, which increase is limited to $5 and is only obtainable after a battle with the system of red tape which is designed to shift responsibility and stall off the victims; thus the

average wages and the district expenses are kept down. There is a difference between the average wage and average earnings, which I shall go into later.

With reference to the question of hours, the present hours in a city like Chicago would be nine hours for a day; seven and a half hours at night; seven and a half hours on the split trick. The split trick is a shift where an operator might report at 11.30 in the morning and work until 1 o'clock; then he would report again at 5.30 in the evening to work until his day was completed.

The tendency for the past several years has been toward establishing nine hours for all work, first by changing the order of the tricks. Up to 1907 a shift that extended over 5.30 in the evening was considered a night trick, at seven and one-half hours; but since that time they have been gradually extending day tricks until within recent years operators have worked from noon until 9 o'clock at night, nine hours, on what were formerly known as night tricks of seven and one-half hours.

The same thing applies to split tricks. The companies extended them in New York, in Boston, and Chicago to nine hours, arbitrarily. These tricks applied to both men and women until within the last few days, when an announcement was made that the eight-hour day would be given to all women employees in functional offices. I do not know to what extent that will be applied, because I haven't learned as yet what a functional office is.

Commissioner O'Connell. What do you think it is?

Chairman Walsh. We must have perfect order, ladies and gentlemen.

Mr. Rowenkamp. I should think perhaps it means the main offices, such as Chicago, New York, or St. Louis main offices, where the women are working at the maximum rate of speed and that it does not apply to branch offices. I may be mistaken, because it is a new term to me. In the small offices, however, operators do work as long as 13 hours at night. Some of them work seven days a week without any allowance for overtime or for Sunday work. At one time seven hours constituted a day on the waiting list, or extra list, but in recent years the day has been lengthened to nine hours. The companies attempted to abolish split tricks as far as possible, and to compel all operators to work nine hours. Since the day for operators on the waiting list has been lengthened to nine hours the tendency has been to take the operators off the regular tricks and to put them on the waiting list. This waiting list can best be described by an illustration that was given to me in St. Louis within the past few weeks. Some of the operators there reported as early as 5 o'clock in the morning, and as the business would increase they would be called in to work in the main room. They would be employed for 5 or 15 minutes, or perhaps a couple of hours; but as soon as they could be relieved they were ordered back to the waiting room to wait another call. These men might be called two, three, or four times in the course of a day, and they might not be called at all. After waiting as much as 14 hours in the day for work, and having been called when needed, they could get in an hour and a half or two hours' time.

This system is something that is new, but it is being pushed forward just as rapidly as possible in all of the offices of both the Western Union and the Postal.

Now, with reference to another phase; that is, reliefs. It is a rigid rule of the telegraph companies that no person can leave their work without permission for any reason whatsoever. They are not allowed to go to the toilet; not allowed to leave for their meals; they are not allowed to leave the room for any purpose, except on business, without permission. They are often compelled to wait for hours without the privilege of going to the toilet or to their meals. They are supposed to have 10 or 15 minutes in the morning and the same in the afternoon for personal attention, calls of nature, etc., and 30 minutes at lunch time for meals. In certain instances where there is an urgent request for such reliefs, and they are not granted for 30 minutes and an hour, health has been ruined, although any number of employees may be in the waiting room as extra operators. Those who are on the waiting list have become afraid to ask for their short reliefs while working, since if a relief is insisted upon the applicant will be among the first to be marked off, and in that way will lose time.

The efficiency system prompts the petty chiefs to disregard all rules governing and regulating short reliefs. The operators may protest in vain, but they are told, "If you don't like it you know what you can do." If one should ask for short reliefs within an hour after coming back from lunch, or after he reported for duty, he is likely to be taken to task for not regulating himself better. There are always plenty of extra men anxious to be called, who should be used for this work, but they are not.

In St. Louis recently, one woman was kept at her work on three different occasions until an accident occurred, and she was made the laughing stock of the office. Two officials ridiculed the whole proposition, and the superintendent at the Western Union office said his company should not be criticised because the woman failed to calculate the effect of the pills she had taken.

In Chicago, and all other large offices reliefs are always subject to traffic.

In St. Louis and Kansas City conditions are especially bad, while in Boston and Philadelphia and New York conditions in both companies are almost intolerable.

In Boston we have a record of a woman who waited for six hours before she was allowed a lunch relief, and she became faint and sick, and ate in such a hurry that she came back and she vomited her meal.

The Western Union chief in Boston says there shall be no short reliefs while there is business on hand.

Due to speeding up, the work demanded of an operator is twice or three times what it was 40 years ago.

The president of the Western Union made the statement this morning that if an operator of to-day did the work that he performed in 1870 they would be able to earn $200 a month, but we have records to show what was considered a fair day's work in 1870. I know of personal knowledge that 300 messages a day was considered a standard performance in 1907, while to-day they describe in their own paper an incident of two operators averaging 931 messages apiece. They make the remark that this should not be considered as a record, but just as an incident.

In about 1900 the Postal Telegraph Co. started a bonus system. They advanced the number of messages required to be handled to 300 a day. One cent a message was paid for all over that number. On the longer wires, such as Chicago to San Francisco, a long circuit, men were required to handle 25 an hour, and a bonus was paid for all over that number.

The Western Union adopted the bonus system in 1904 or 1905, but later on abandoned paying bonuses, but kept up the speed mania. Both companies publish monthly in their employees' books speed records of individuals, and the officers in the district divisions urge the younger element to commit suicide in their efforts to make records for these purposes. Insanity, nervous prostration, and other things are the inevitable end.

Of later years the old system of encouraging the operators into further exertion has changed to slave-trafic tactics. They now demand more work, more speed.

The Western Union bonus system was originally a cent per message on all over 300. Now they pay eight-tenths of a cent for all over 400 messages in a day. Within the last seven years the minimum stunt has increased from 300 to 400, while the premium or bonus over the limit has been reduced from 1 cent to eight-tenths of 1 cent, a reduction of 20 per cent. All operators are required to maintain an hourly average sheet, and they also must maintain the average that the chiefs say should be performed on these particular wires. If an operator fails for any reason to maintain that average performance, he is usually reduced in pay or discharged, and in some instances blacklisted.

Recently operators sustained an average in a southern city of 72 messages an hour for six months. That would be at the rate of a message every 50 seconds—for every 50 seconds' work during that period.

The telegraph business has been changing from the Morse system to what is known as the automatic, where less-skilled labor is employed, and these employees are even making a greater record on the automatic than in the Morse. We have records taken from the Western Union News showing that women have maintained an average speed of a message every 21 seconds for 8 hours and 15 minutes in a day. In other words, 1,220 messages in 8 hours, or a maximum of 167 messages handled in one hour.

Commissioner LENNON. What length of time would it take you to do that, working when you were an operator, if you were an average operator?

Mr. KOSTERKAMP. Well, I thought I was a fair telegraph operator when I worked at the key, and if I were able to maintain 40 messages an hour I thought I was doing pretty good.

Commissioner O'CONNELL. Has the system improved, that it has been able to send messages more now than it was then?

Mr. KOSTERKAMP. Since the advent of the typewriter operators can work faster. They copy at a higher rate of speed than with the pen, and in later years a sending machine, known as the Vibroplex, or what operators call the

"hug," relieves the sending tension, and permits the sender to get up a higher rate of speed. But the facilities are just the same as they have always been, inasmuch as the telegraph operator must be able to distinguish the sounds just as fast as they are sent. At the rate shown here of 118 messages an hour over a Morse wire a telegraph operator would have to be able to distinguish 1,000 different sounds a minute.

Commissioner GARRETSON. Under the old system the limit of speed was in sending and now it is in taking, isn't it?

Mr. KOHNKAMP. The limit of speed was in sending and now it is the ability to take it.

Commissioner GARRETSON. The key has been perfected until its resonance is so great they can send far faster than they could with the old clumsy instrument?

Mr. KOHNKAMP. Yes.

Commissioner GARRETSON. In 1870 the tape was universal, wasn't it?

Mr. KOHNKAMP. In 1870 the tape was universal, but there was no tape used to speak of within the last 25 years. All telegraphing has been by sound.

Commissioner GARRETSON. The sending instruments were individual operators on the tape machines.

Mr. KOHNKAMP. Yes, at that time; yes.

Commissioner O'CONNELL. You spoke of the Morse system. What do you mean by the Morse system as different from other systems?

Mr. KOHNKAMP. The difference between the Morse and the automatic is this: That under the Morse system the telegraph operator must use sounds or characters for each letter. For instance, a dot, which is the quickest impulse upon the key, a dash, which is a pressure three times as long as a dot, and a space, which is an interval equal to three dots.

Then, the Morse system is built up on a combination of dots, dashes, and spaces. The letter "a" is a dot and a dash; the letter "b" is a dash and three dots; the letter "h" is four dots; the letter "c" is two dots, a space, and a dot. So that in an ordinary word of 5 letters there may be as many as 25 different sounds that an operator must be able to transmit and put down on his typewriter. Putting it down at the rate of 118 messages an hour would approximate about 1,800 letters, and 5 characters to the letter would be about 9,000 different impulses in the course of an hour.

Commissioner O'CONNELL. The Morse system you speak of.

Mr. KOHNKAMP. Yes; the Morse system of transmitting. Now, in the automatic system they use girls for punching out the letters on a tape, and then they feed it into a machine which has a number of different currents, or resistances, and this is worked upon a sort of selecter system, so that when the tape with these perforations in it is fed into the machine this causes the message to come out at its destination in typewritten form.

In recent years the company has been trying its best, apparently, to eliminate the Morse operator and to use in its stead the automatic machine. Three to four girls and boys are usually required to do the work that one Morse operator formerly did, thus eliminating the skilled worker.

Now, the president of the Western Union this morning outlined his opposition to the union. It was not a surprise to us, since that has been the policy of the Western Union Telegraph Co. for 30 years. The president of the Western Union, as any other employee of the company, must follow out the policy. As stated, he has been with the company four years, and therefore only knows the policy as it has been handed down to him. But our history has shown that the policy has always been the same. In so far as the present administration is concerned, we must pay them this tribute: That while those who preceded them opposed labor organizations, the present administration seems to know how to fight harder and has less hesitancy in taking advantage of criminal methods in carrying on the fight. While these officials may say that they did not sanction the use of criminal measures in trying to destroy an organization, the least that can be said is they turned their heads aside while the criminal acts were being performed. The crimes were of just as great an advantage to them as if they had been sanctioned. Furthermore, when we attempted to extradite those who had committed the crimes in the city of Chicago for the purpose of answering to the courts, the attorneys of the Western Union Telegraph Co. defended these criminals. And these criminals are still on the pay roll of the Western Union Telegraph Co.

The opposition has been complete and its has been continuous. It has been a fact over 30 years that whenever a person held membership in a labor union

was found in the employ of the Western Union Telegraph Co., this employee had one of two alternatives to follow—he either surrendered his God-given right of freedom to hold membership in a union or severed his connection with the Western Union Telegraph Co. As stated this morning, they don't worry much about how the information is obtained, the company will use it.

An operator working for a newspaper in the city of St. Louis had his pockets rifled of union correspondence within the last few weeks. He wrote me on February 26. "My God, what will I do?" he says. "I am satisfied some spotter has stolen this information, and if it reaches the hands of the Western Union officials the devil will be to pay." I suggested to him that it might be well to notify President Carlton of the theft and to notify the local officials of the theft and of our determination to fight those methods; that if these men were discharged we were going to fight. But he says to me, "Be careful. We don't know that the Western Union got the information. We might as well bide our time." Four weeks later we got developments. Every one of the men mentioned in the stolen correspondence was discharged by the Western Union. We figured that the theft was the cause, and the discharge the effect.

The officials of the Western Union in St. Louis told a representative of the Government acting conciliator that the question of unionism was not a factor at all; that the company did not care what union a man belonged to any more than they cared what church he was a member of. But I was sorry to learn this morning that the old policy still exists and that the Western Union does care, and furthermore that they will continue to steal information; they will continue to commit any violence necessary to keep their employees in a state of subjection that is not witnessed in any line of industry in the United States.

We have here for the commission affidavits from men or statements from them where they are even willing to furnish affidavits to the officials of the Western Union Telegraph Co. that they were not members of the union, but a spotter had turned them in as a member of the union. So they were told, "Your affidavit is no good. The word of our spotter must prevail."

I have a great deal with reference to conditions that I shall go into later as questions shall be asked. Prior to 1867 the commercial telegraphers were allowed annual vacations with pay, but shortly after the Western Union consolidated these were taken away, and there has never been such a thing as a vacation with pay for a telegraph operator in the history of the Western Union Telegraph Co., unless within recent years to a favored few.

Chairman WALSH. Would it interrupt you too much to have you give the details of those two transactions you have given about the loss of the documents in New York and the loss of the documents in St. Louis? That is, what the documents were, the circumstances under which you claim they were abstracted, the names of the persons they were abstracted from, the evidence, if any, you have as to who committed the thefts, the number of names, for instance, that were taken, and where the employees were afterwards discharged. I think this would be the logical place to put that in, if you have it.

Mr. KONENKAMP. Yes. Now, in the first place, after I had talked to President Vail urging him to cease his warfare upon telegraphers who wanted to be members of our union, and after he told me that he was afraid to let them join an organization, I started on a western trip to view the situation and to do some organizing. But from the time I left St. Louis until a year and a half later, I always had the company of either Western Union officials or their spotters. In some cases there would be five, six, or seven of them with me. While at Denver, according to the confession of one of those who committed the theft, Superintendent Brooks, who, I understand, is a nephew of Vice President Brooks, told the men that I had a little black book that I seemed to refer to pretty often, and that they must by all means get that book out of my possession.

My wife was with me on the trip, and on repeated occasions we discovered that somebody had been in our rooms during our absence. We discovered that at Kansas City, at Omaha, at Denver, and at Salt Lake. I checked my baggage from Salt Lake to Ogden, and I found my lock was in bad order when I got my grip from the railroad station at Ogden. I discovered later these Western Union officials had prevailed upon the superintendent of the railroad at the Ogden Union Station to order my baggage brought up out of the railroad office into his office so that the Western Union officials could search it, looking for that book, and the lock was picked.

Finally, in October, 1911, after persistent effort on their part, and, as Converse, the spotter, told me, "We caught you napping when you went out of the

room suddenly. We went in there right after you left, and in searching your grip we discovered the book we had been after." That book contained 1,700 names, chiefly of nonmembers, persons who had been members at one time but had dropped out of the union for various causes and a great many of whom I had hoped to see and try to prevail on them to renew their membership. The names in that book were copied by a special agent of the Western Union Telegraph Co. named R. M. Shoemaker. He took the 1,700 names and he was not satisfied with the number of M's he found inside of it, so he proceeded to pad the list he had typewritten by making more M's. According to the statements we have, and we will furnish affidavits and other documentary evidence for the commission to prove it, this list was turned over to the general manager on the Pacific coast, or general superintendent, as he was known at that time, C. H. Gaunt, and, according to the confession, was delivered up to Mr. Belvidere Brooks, then general manager, and now vice president, of the company.

I suspected that something was going to happen when I saw that book had been stolen. My mind ran from—oh, everywhere from murdering some one to committing suicide. I earnestly believe that if my wife had not been with me at the very time. I should have done something rash to somebody or to myself. But we watched the developments and they came quick and fast. Within a short time the slaughter began. There were 20 men discharged in Atlanta; 50 men were discharged in Chicago. They created a reign of terror in the Chicago office by handing out vouchers every afternoon at 2.30. On Friday afternoon, to show their brutality, some operators working in the Western Union office said, "We would sit with our fingers crossed to keep away the jinx from 2.29 to 2.30, to see that we did not get ours; we did not know who was going to get it." It all came as a result of the stolen information.

The men would appeal to Mr. Carlton and Mr. Brooks, and in this appeal they would state their belief that they were discharged on account of their membership in the union. They said they were not members and wanted to be reinstated or restored. They appealed to the local officials to find out why they had been discharged. These officials didn't know, but orders came from higher up to let the men go. The men would appeal from the chief operator to the superintendent, and from the superintendent to the general superintendent, and a number of union officials were cowardly enough to try to create the impression in the minds of those men that the information had come direct from the union headquarters; that there was a leak over there; that the information came direct from the union to the Western Union Telegraph Co. This created the opinion in the minds of the men that the officials of the C. T. U. must be on the pay roll of the Western Union Telegraph Co. and were trying to lead them to slaughter.

After the men would apply to Mr. Carlton or to General Manager Brooks they would go through a sham investigation. Either Mr. Brooks or Mr. Carlton would write them, "I have your complaint and will investigate the matter." They knew why they were discharged. The orders came from their office to discharge them, but "they were going to investigate it." So after three or four weeks the men were told that "After a complete investigation we have concluded that it would be unwise for us to interfere with the judgment of our local officials." These officials did not have the nerve to stand by their guns, but they "passed the buck" to the local officers in practically every case.

We have affidavits covering the whole situation as to the names and including the affidavit of George Converse, who said that he stole this information from my room in Portland and that he was assisted in the work by two Pinkertons.

In the St. Louis case we have it sifted down to about three men, but the only evidence we have is the letter from the men stating that these names were stolen, or this correspondence was stolen, and the later effect in the discharge of the men.

Chairman WALSH. What is your estimate of the number of special agents which the company has employed, and upon what do you base it?

Mr. KONENKAMP. The number varies. In 1911 they had a regular bureau at New York under R. M. Shoemaker. He had an office located at 192 Broadway, and we had in the neighborhood of a dozen names there of persons who were on the pay roll. Since that time we have discovered that there were five or six others whose names were not included. At the present time they have a new system of work. After we exposed the Western Union system the officials concluded that Shoemaker had made a botch of the whole thing; that he had spotted their game; that he was too prolific in letter writing; so they changed their system. I think Mr. Carlton was right this morning when he said the

various general superintendents arranged for their own spotters and that these general superintendents hired their own men.

In Chicago office we have a fair knowledge of four or five men who are on the pay roll, but I would judge that spotters average as many to a division as Mr. Carlton said they had all told; that is, 12. I would say there are close to 75 spotters in the service. Mr. Carlton's statement was that they have a few in every large, important telegraph office; but, then, in addition to that they have a system. These are the regular paid operatives—but in addition to that they have a system whereby for $10 or $15 a month slush money paid out of the slush fund of each superintendent, namely, things that they are ashamed to put on the books—for $10 or $15 a month paid in that form the superintendents get people who are working in the office to report to them regularly anything that they hear with reference to what transpires in the office. They have a large waiting list, as a rule, and it is customary to have some one on the waiting list to sit out in the room and to bait the operators. And if an employee talks too much, as in case of a telegraph operator in the city of St. Louis, who said he wished to God the Government had the telegraph because the conditions would then be better, that man is discharged. Under the circumstances it would be hard to tell just how many spotters the company has.

Chairman WALSH. What is the basis of your statement just made—that the company maintains a fund to pay out money in matters they are ashamed of?

Mr. KONENKAMP. The statements of men who have received money for such work.

Chairman WALSH. What basis have you for the statement there is such a fund kept without record?

Mr. KONENKAMP. From the statements of the men who have done this work and have told me that they were told by the superintendents that the pay came out of the slush fund.

Chairman WALSH. Are those covered in any way by the affidavits which you say you have?

Mr. KONENKAMP. No; that particular point is not covered by the affidavits.

Chairman WALSH. It is based on something someone told you verbally?

Mr. KONENKAMP. Yes.

Chairman WALSH. Just one other thing; you made mention of an alleged confession secured from some person who had something to do with the stealing of your papers. What were the circumstances under which the papers were secured? Was it an official matter, was someone arrested for it, or what? You also mentioned about some extradition proceedings that were defended by some of the company attorneys. Please give that more in detail?

Mr. KONENKAMP. In 1912 a man by the name of Converse, with whom I first became acquainted at Tucson, Ariz., although I had known him at other places along the line, and I felt sure he was a Western Union spotter, came into our Western Union headquarters at Chicago and said to our international secretary, Mr. Russell, that he was a former Western Union spotter; that he was a nephew of R. M. Shoemaker, who was the chief special agent; that he had become disgusted with the methods used and if we were willing to go after Shoemaker and some other individuals and prosecute them that he would expose the whole Western Union spotter system; that he would tell us who stole our suit case from the baggage room of the La Salle Street station in June, 1912, just prior to our convention held in Buffalo of that year. After some dickering, Mr. Russell agreed to take his confession and see what could be done in the matter. We also became interested in a man who had been discharged from the service of the Western Union by the name of Roderick, who had been working as a spotter, and had a "run-in," as he expressed it, or had quarreled with General Superintendent Carroll, and quit. Roderick said he had decided to turn over these papers he had in his possession to us. We have the confession of Mr. Converse. The evidence was in printed form, which I can read or read extracts from, if you would like for me to do so now?

Chairman WALSH. Let it go into the record.

Chairman WALSH (continuing). Converse is the one that confessed?

Mr. KONENKAMP. Yes.

Chairman WALSH. You may submit that in the record. Are there any others?

Mr. KONENKAMP. It deals with the stealing of the suit case from the La Salle Street station on June 8, 1912. To recite the incidents briefly, they are this: We were going to our convention to be held in Buffalo on June 10. After

we had prepared all of our papers and got together all of the documents that we wanted to use at this convention we put them in a suit case and turned it over to our international secretary, Mr. Russell. Mr. Russell lives out on the Rock Island Railroad. On Sundays our elevator at the office does not start to run until 10 o'clock. We were to start at 8.25 a. m. The grip was very heavy, and Mr. Russell figured the safest place to leave the property for the night might be in the parcel room of the La Salle Street station. We knew there were men in the city watching us. We knew they were up to some devilitry. I had seen several of them on the street myself and I figured they had followed me from New York. One of them had the temerity to come up into the office, and I learned later that he had been sent to watch the others to see that they did not get drunk and to see that the plans made before they left New York were followed out.

The plan, as outlined to us in the confession, was this: That they were to arrange a surprise party at the house of Mr. Russell. They were to go and get a number of telegraph operators to go to the party. The spotters went so far as to arrange this surprise party with Mrs. Russell—sent out edibles and caused her to spend some money for edibles for the evening's entertainment. The arrangements were kept from me and I knew nothing about it, except a little gossip, but I thought it was a personal affair and kept out of it. The general plan was that while the Russells were entertaining this party, the plotters were going to slip into the house either through an open window or in some other way get the documents that had been intrusted to Mr. Russell's possession, and take them away. The checking of the grip at the parcel room at the La Salle Street station changed the plans entirely, so on the spur of the moment they decided that the thing to do was to go up and declare that they had lost the check for their grip and see if they could not get the suit case in that way. They were successful in getting the suit case out of the parcel room. When we called the next morning it was gone, and all of our convention reports as well as all of the papers we wished to submit there had gone with it. This put us in a very bad fix; we had to work all day Sunday in preparing new printed reports, and in preparing a lot of matter we had already prepared; but the papers, as described by Mr. Converse in his affidavit, were taken out of the grip that we had them in, put in their grips, and taken to Detroit, where they wired to the chief special agent of the Western Union Telegraph Co. that they were successful in their mission and awaited further instruction. The men were instructed to meet Shoemaker at the Hollander Hotel, in Cleveland, and they met him there and then they proceeded to New York, where, according to the affidavit, the papers stolen in that suit case were delivered to the chief clerk of the then general manager, Belvidere Brooks.

We told of this theft in our journal, and according to the affidavit this furnished the general manager of the Western Union a great deal of amusement. In fact, the language used was, "Brooks laughed like hell when he read the article."

After getting the confession from these men, we swore out warrants for three of them; Shoemaker, for having been here in May—about May 26—and conspiring with others to perpetrate the robbery; Frank A. Butterfield and Clarence Mercer, for stealing the grip. We succeeded in apprehending Butterfield through his making application for membership in our union under the name of Mike J. Burton at Memphis. In looking over the application in Mr. Russell's hands, I said: "There is our friend Butterfield." He had been a member under a number of aliases prior to that time, but we tripped him up. We had him arrested there and extradited to Chicago. He was defended by the best attorneys in Memphis, and his case has been pending since February of last year in this city. He was indicted by the grand jury along with Shoemaker and Mercer, and in June—no, in May—of 1914 we located Shoemaker still working for the Western Union Telegraph Co. in San Francisco; both of them are still in the employ of the company according to our last information. After locating Shoemaker in San Francisco we had him arrested. We arranged for extradition papers, but we were fought at every angle. After taking the case up to the circuit court of appeals in California, Shoemaker was released on a writ of habeas corpus on the ground that he was not a fugitive from justice, and, in my judgment, the court had to stretch several points in order to render the decision. We were told by persons interested that the Western Union Telegraph Co. was paying for the defense of Butterfield and also for the defense of Shoemaker.

Chairman WALSH. What attorneys of the Western Union defended any of these men? You said an attorney of the Western Union; do you know any of them by name?

Mr. KONENKAMP. Of course, I know who the attorneys are for Butterfield here; it is a firm by the name of Marshall, Smith & Feind.

Chairman WALSH. Give any cases that you have in mind, if there be such, in which the attorney for the accused was the attorney for the Western Union Telegraph Co.?

Mr. KONENKAMP. Oh, no; they were not the regular attorneys of the Western Union; they did not do that.

Chairman WALSH. Was that all of the general statement you cared to make, Mr. Konenkamp?

Mr. KONENKAMP. That is practically all.

Chairman WALSH. To what extent is seasonal employment a factor in the telegraph business?

Mr. KONENKAMP. During the summer months the opening of the summer resorts in the East and the tourist travel attracts quite a large number of telegraph operators to that part of the country. Along in the fall when the cotton begins to move the greatest amount of business is likely to be in the South, and that is also augmented by the tourist travel to the South; and in the West the tourist travel is quite a factor, and as the various crops are moved it is quite an important factor.

In Jacksonville, Fla., I was there in September, 1909, when the staff consisted of about 50 operators. I was there again in February of 1910 and the staff had increased to about 75 or 80. The men told me that the season was just about over and that they would start to leave there within the course of the next few days. As business drops off, the men usually leave there and they proceed on their own hook to move to some other city with a view of getting employment where business is good.

Chairman WALSH. What percentage of women and girls are employed in the telegraph industry, please?

Mr. KONENKAMP. I should suspect, at the present time, between 35 and 40 per cent.

Chairman WALSH. Has the number increased or decreased in late years?

Mr. KONENKAMP. It is constantly on the increase.

Chairman WALSH. If there is a difference in the wages paid to men and women, what has been your observation as to the amount of work done by the sexes, respectively?

Mr. KONENKAMP. As a rule, the men work the heavier wires; that is, the duplex and quadruplex wires, where the heaviest volume is transacted. But on lesser wires the women will do the same work as the men, and very often we find a man and a woman will be working together on a duplex; the woman might be working the New York end and receiving $70 a month, while the operator who is handling the messages with her at the Chicago end would be receiving $90 per month. That is, that would be their rating—not necessarily their earnings.

Chairman WALSH. What has been your observation with reference to the employment of messenger boys by the Western Union and subsidiary companies, and what services have been required of them?

Mr. KONENKAMP. It has been a general rule that almost any service might be required of messenger boys by the telegraph companies. I was reading just recently of an incident where a messenger boy was used as a custodian for a package that was being sent from New York to Washington as a Christmas gift to the wife of a millionaire, the price given in the newspapers being $50,000, I believe; but the jewelry firm said it was not anything like that sum. But this particular phase of the work varies, as stated in the hearings held in the United States district court here within the last year, of acting as errand boy for an opium den. No distinctions or limitations are placed upon the work that I know of. Telegraph operators have told me that while they were working as messenger boys that they had been used to deliver packages containing liquor to persons in jail; that they were given those packages by women in the houses of prostitution and told to deliver them to a prisoner in the jail and to be careful not to let the guards know what was in that particular package. In the city of Scranton, a former manager of the Postal Telegraph Co. told me that they had call boxes in every house of ill fame in the city of Scranton, and that the Western Union had the same.

Chairman WALSH. Has there been any change in that practice of late years? Would you say the practice existed to-day, or have you any personal information as to where those call boxes are located at the present time? For instance, whether they are located in houses of ill fame or questionable saloons, and the like?

Mr. KONENKAMP. Well, no; I don't know much about that particular thing at the present time, except from what I have heard.

Chairman WALSH. Well, I was going to say that we probably would not care to refer to anything in the remote past, because the claim is very insistently made that the conditions do not exist to-day. But as long as you could refer to something at the present time—you have no information as the head of this organization as to the existence of these call boxes in questionable resorts at present?

Mr. KONENKAMP. I have a letter in my possession here from a man who asked to be protected, in which he said that in his particular town, which is in the South, that the practice still existed. We asked this question in letters sent out in preparing for this investigation, and the replies were generally that there had been no material change in the system in recent years.

Chairman WALSH. How about the cities—the city of Chicago, for instance? Have you any information upon that?

Mr. KONENKAMP. No; I have no direct information as to where these call boxes are located at the present time.

Chairman WALSH. How do the companies recruit their working forces?

Mr. KONENKAMP. They recruit a fair proportion of them from telegraph schools. Some of these telegraph schools are maintained by officials, by employees of the company, and others are maintained by the companies themselves. In practically all of the large cities of the country at the present time the telegraph companies have their own schools. For instance, in Chicago, in St. Louis, in New York, in San Francisco.

Chairman WALSH. Is there a constant increase in the demand for telegraphers?

Mr. KONENKAMP. There is a constantly decreasing demand for telegraphers.

Chairman WALSH. Well, what do you observe with reference to the number of telegraphers as compared with the demand; that is, if you can give us any definite basis of figures?

Mr. KONENKAMP. Now, we have a memorandum here on that subject that may cover the proposition. It says in the past telegraph schools were maintained privately, but in the past few years each telegraph company conducts its own schools. Every official is diligent in procuring new victims, and alluring promises and lying advertisements are used in the propaganda. So a continual stream of young and rosy victims are kept coming in, forcing out the older men in disgust to seek other fields. We can not do better than to quote Prof. Frank Parsons in his book on Government ownership of the telegraphs. He said as far back as 1900 [reading]:

"One young generation of telegraph operators gives way to another. I underline that sentence because it is the truth of tremendous import. One young generation of telegraph operators gives way to another. Do you know why? Do you understand the meaning of that fact? It means that the telegraph system in America is a great press in which the use and energy and life of thousands of men and women are coined into gold for industrial aristocrats. It means that as each new generation comes along the telegraph management takes as large a portion of it as may be wished, puts it into the great press, rapidly squeezes the youth and freshness and beauty out of it, the best years, too often all the years, out of it, throws it away as the cider maker rejects the juiceless pulp, and turns to replace it with new victims, rosy, plump, and hearty from another unsuspecting generation. It means that a colossal business is conducted in the interests of a few capitalists, regardless of the welfare of the multitudes who do the actual work. It means the oppression of labor, the overworking of employees, the appropriation by the master of all they produce beyond a bare subsistence—the methods that slaveholders always follow—with the added viciousness of caring nothing for the life or health of the slaves, because it costs the master nothing to replace them. Such is the meaning of our telegraph system on its working side—a perennial theft of youth and years, a systematical robbery of toil—a meaning that ought to enlist every lover of manhood and justice in the cause of a national telegraph."

The truth of this quotation will be appreciated by the thousands of old employees of this company who have been half starving all winter, making less

than time, $5 and $10 a week, while these tools were busy all the time turning out fresh, young faces who passed by them and were being constantly added to the regular force working full time and even overtime at half what the older men get, while they waited hours at a time for a few minutes' work.

Other sources of supply are the 30,000 railroad offices in the United States. The increasing wages in the railroad telegraph offices, due to the strong organization of the Order of Railroad Telegraphers, tended to cut down the source materially; so the companies were forced to adopt some means to secure cheap labor. Quite a number still veer back and forth between the railroad and commercial services.

The telegraph companies have a school here—that is, in the city of Chicago—and they maintained this school and this advertisement throughout the winter when business was in a terrible state, when old operators were sitting 15 and 16 hours, hoping to get an hour's work a day. But still they advertised, "Telegraphy. The only trade that is not crowded. It insures steady employment and good wages. We are official instructors for the Western Union Telegraph Co., practical instructors; main line wires; employment furnish expenses if desired. State your age. Jones School of Telegraphy, 305 South La Salle Street, Chicago, Ill."

They issued a circular to parents of Western Union employees as follows [reading]:

"The Western Union Telegraph Co. has taken interest enough in the welfare of the boys and girls employed by them to arrange with the Jones School of Telegraphy to instruct them in telegraphy one hour every day free, and I am very much disappointed that more are not taking advantage of this opportunity to learn a good trade.

"There are several branches of the telegraph work taught by them, and I do not believe your boy or girl could enter a field of work offering them the advantages that this work does.

"If working days, have them go to school right after work; and if working nights, go to school just before going to work.

"One hour a day is not long for them to spend in school, and it may mean a great deal for their future.

"This hour's practice each day is absolutely free, and I sincerely hope that you can see the advisability of urging your children to attend school and attend regularly.

"The school would be pleased to give you any further details regarding this work, and, if you wish, will mail you a regular monthly report showing attendance and progress. Just write them to send this report.

"Very truly, yours,

"E. T. Jones, *Chief Operator.*"

We have another statement with reference to the telegraph schools and the wonderful opportunity to be derived therefrom, given by one of our members, and it says [reading]:

"Mr. Stiles W. Smith was appointed manager of the Postal at Saratoga, 1905"—that is, Saratoga Springs, N. Y. "At first he was given the salary of $45 a month, although the office does a very heavy business in the summer, the receipts averaging from $3,000 to $4,500 for the month of August—our racing season—also that this office employs from 6 to 10 operators during that month, yet he was given the salary of $45 a month. Think you of that, gentlemen; yet this very same business requires intelligence of the finest caliber.

"A street laborer receives that money, without the worry and responsibility of an office representing hundreds of dollars.

"In time he, Mr. Smith, was 'raised,' and after being manager of the local office approximately nine years he was promoted to the managership of the Troy, N. Y., office, at $80 a month, for the same company.

"Needless to say that while in Saratoga Mr. Smith found it quite impossible to support a wife and family on his salary, and in the course of time started a so-called telegraph school. He charged each student $1 a week, giving three lessons each week, the duration of which was about an hour. It is certain Mr. Smith never informed these students that their chances of securing a position at a living wage were very much against them, but I have heard instead offered all kinds of promises, which not even one did he ever fulfill.

"In this venture he received the sanction of Edison Kinney, a superintendent of that company."

This man was driven by the force of circumstances to accept of others as pupils without acting in good faith.

In the various cities we find the same conditions prevailing. In New York we are told that they recruit part of their force through using the students for relieving the check girls. The check girls receive anywhere from $3 to $4 a week and upward if they become telegraph operators, and then they will receive from $5 to $6 a week at the start. But in getting relief for these check girls they will use students from their telegraph schools. So it is arranged that the students may practice for one hour and a half a day to learn telegraphy, then they will work as check girls, picking up the messages and distributing them around the room for half an hour. Then they are allowed 30 minutes in which to go out and buy their lunch, and then upon returning they are allowed another hour and a half of tuition, for which they receive nothing.

After they learn telegraphy the women are usually given very steady employment. In fact, we have a letter from New York saying that the Postal officials wanted the women to work overtime at night. The men find that after reaching the age of 30 or thereabouts, if they have been able to stand the treatment they received during that period, that instead of getting work, regular employment, they are assigned to the waiting list, and while the married men and those who have been in the business for a dozen or fifteen years sit out in the waiting rooms, or when the waiting rooms are overcrowded, as they have been in Chicago and Philadelphia during the last winter, they will loaf in the toilet until they are called in to take care of any excess work that may have originated. And then the higher the salary the less the likelihood of being called. If you are rated at $80 a month the chances are that you are going to be among the last that are called, because if they have any person receiving a rate of $30 a month that could do the same work that you are being paid $80 for doing they would call the $30 a month operator first, since that means so much less for operating expenses. Ordinarily in most lines of industry length of service and ability are considered important factors in developing the rate of pay; but those who have spent 15 or 20 years in the service find that they are at the bottom of the list. The reward for remaining in the service until you are too old to learn anything else is the worst kind of treatment that can be handed you.

Chairman WALSH. Just briefly, what features are required of the applicant to sign not to join organizations?

Mr. KOHNKAMP. Yes; the Postal Telegraph Co.——

Chairman WALSH. What is the nature of the pledge?

Mr. KOHNKAMP. We have a regular form, we have a copy of their forms which we will file with the commission. They have two forms: One is for membership in what is known as the Postal Telegraph Employees' Association, which is supposed to be a voluntary association that all are compelled to join. And in that you state: "I am not a member of any union, and I hereby agree not to join any union while in the employ of the Postal Telegraph Co." Then they have another application form which they use in some cities in which they ask: "Are you a member of any labor organization?" And then below there is another question: "Are you willing to surrender your membership in the union if given employment?" And it depends upon your answers to those questions as to whether you get employment or not. The Western Union, I don't know that they ask that question, because they have so much confidence in their spotter system that they feel it is not necessary to commit themselves on paper.

(The witness later submitted, in printed form, blanks entitled "Application for Employment" in the Western Union and Postal Telegraph Cos.)

Chairman WALSH. Could you state concisely the financial history of the Western Union Co.?

Mr. KOHNKAMP. The most complete record that I have seen, the most concise record, is given in Parsons Telegraph Monopoly. I shall quote from page 43 there of the condensed record:

"The following statement of Western Union transactions will give a good idea of their methods: Table 4. Original investment, $150,000; original capital in 1852, $240,000; capital stock in 1858, $385,700."

Brownsville line was $75,000, and was bought by issuing stock, $2,000,000, so that in 1862 the Western Union plant, worth $500,000, had a total stock issue of $2,000,000. They declared a stock dividend in that year of 100 per cent, thus increasing their capitalization to $4,000,000.

Then they issued stock to buy other lines totaling $3,322,000 and declared a stock dividend of $1,678,000, bringing the total in 1864 to $11,000,000.

Then they declared a stock dividend of $11,000,000, increasing their capitalization so that in January, 1866, it was $22,000,000.

They issued stock to buy the United States Telegraph Co., which was worth $1,443,000. They issued stock, $7,216,300.

They purchased the American Telegraph Co., worth $1,500,000, by issuing $11,833,100 of stock. That brought their total capitalization in 1866 to $41,049,400. Then they declared a stock dividend of $5,060,000.

Then they purchased the American Union and Atlantic & Pacific Cos., worth $3,252,000 aside from the franchises by paying $23,000,000, but as the Western Union already owned over $4,000,000 of the Atlantic & Pacific the new issue was only for $19,060,000. And then they declared a stock dividend of $15,000,000, bringing the total in 1884 to $80,000,000.

Then they purchased the Mutual Union, worth about $5,000,000, by issuing $15,000,000 in stock. The total stock in 1895 was $95,000,000.

Since that time they have issued a few short dividends, so that the present capitalization is about $99,000,000.

I can't give you the exact figures on that. I thought I had it with me, but it is in the neighborhood of $99,000,000 out of a $100,000,000 of capitalization. They have underlying bonds of, I believe, $32,000,000. That is the history of the Western Union Telegraph Co.'s capitalization.

With the Postal, the Commercial Cable Co. purchased the full control of the Postal Telegraph Co. in 1897 by issuing $20,000,000 in bonds to cover the purchase of the land lines. The capitalization of the Commercial Cable Co. was $25,000,000.

In 1904 the controlling interest of the Commercial Cable Co. and the Postal, namely, the McKay family, the McKay interests, organized an unincorporated association under the laws of Massachusetts with a capital of $50,000,000 with 4 per cent cumulative preferred stock and $50,000,000 of common, which was offered in exchange for the $25,000,000 of Commercial Cable stock upon the basis of $200 worth of preferred and $200 worth of common McKay for each $100 worth of Commercial Cable stock. In other words, four for one.

The Western Union has paid a 5 per cent dividend upon its watered capitalization, or did pay it for a number of years prior to 1907. At that time, as a result of one of the numerous strikes brought on by the inhuman, barbarous treatment accorded its employees, their stock, their dividend rate was reduced to nothing. They had to pay in scrip; they had no money. Then the rate was established of 3 per cent, until within the last year it was increased to 4 per cent.

But I believe there is likely to be an increase in the rates inasmuch as they have filed a report with the Public Service Commission of Massachusetts showing that during the year ending June 30, 1914, they were able to reduce operating expenses $5,000,000, but I am afraid that the telegraph operators contributed the most of it.

Chairman WALSH. I wish that you would make any statement that you have to make with reference to the list that is kept by the company in which the standing of the men is indicated, as well as their affiliation with any organization; I believe you call that a black list. I wish you would state what the actual operation of it has been under your observation, that is, whether or not it has been complied with in instances and its effect and anything you have to say about it.

Mr. KOHNKAMP. I heard the president of the Western Union make the statement this morning that they did not maintain a black list. However, we will furnish the commission copies of the Western Union Co.'s discharge list, which was mailed to us from a railroad telegraph office, and in some of those lists which will be furnished there will be reference to where the superintendent of telegraph on the Missouri Pacific was very anxious to locate the whereabouts of some particular telegraph operator.

I have seen the Western Union Telegraph Co.'s discharge list at the office of a railroad telegraph superintendent, or the chief dispatcher. I saw it while working as a railroad telegrapher.

In addition to that, we know from actual experience that the officials of the Western Union and the Postal exchange information. We expect to be able to produce one piece of documentary evidence showing that to be a fact, while in numerous instances that will be referred to——

Chairman WALSH. Will you indicate the documentary evidence or the substance of it, so that if anyone subsequently refers to it——

Mr. KOHNKAMP. Mr. Russell will cover that. He will cover that part. He is the international secretary.

Chairman WALSH. Mr. Russell is your secretary?

Mr. KONENKAMP. Yes.

Chairman WALSH. He will cover the proposition of the alleged black list?

Mr. KONENKAMP. Yes.

Chairman WALSH. What, in your opinion, Mr. Konenkamp, is the proper remedy for the conditions of which you complain in your industry?

Mr. KONENKAMP. The most important remedy for any body of workers is to protect them in their rights to organize. I have been connected with the labor movement for nearly 20 years, and during that time it has been my observation that where the right to organize was established the workers were thoroughly well able to take care of themselves. It may be a new thought to some of the commission that the American Federation of Labor is composed chiefly of organizations in competitive industries.

That if you would compare the list of union organizations affiliated with the American Federation of Labor with the list of the large corporations listed on the New York Stock Exchange that you would see that as the power of the employer increases the power of organized labor has decreased in a thoroughly reasonable proportion, so that the chief factor is to establish the right to organize.

With reference to the telegraphers in particular, as a public-service corporation, we have felt that some method of protection must be afforded to the workers by the Government. Laws against blacklisting, against coercion upon the part of employers or against prohibiting from discharging on account of his membership in any union, in church, or anything else, as they have done in the Western Union, and discharge them for talking to me, would be of no benefit whatsoever. There must be something more substantial established.

We have had experience under industrial disputes investigation act of Canada. I heard Mr. Comerford's testimony this morning and I felt that, in a measure, his suggestions with reference to publicity would be of value. I feel that the main benefit is likely to come through investigation, through compulsory investigation. I do not like the Canadian act, because it has been my experience that it holds the labor unions at bay while the employer shoots the union full of holes. For instance, when trying to secure a board of conciliation in a case where a subsidiary of the Western Union—the Great Northwestern—in Canada had discharged a number of our men, they refused to deal with the committee or in any other way enter into collective bargaining. We were held in a position where we did not strike without running the risk of going to jail; but at the same time the officials went around with a statement and compelled the employees to sign that document, repudiating the organization and repudiating the committee that had been authorized to represent them.

Chairman WALSH. How long did they hold you off?

Mr. KONENKAMP. From the 1st of February until the 14th of July—5 months and 14 days.

Commissioner GARRETSON. That was while they were trying to make up the board, was it not?

Mr. KONENKAMP. No. First of all, by the company, they objected to our having a board, and that took three weeks to get a board, and two more to get the board organized. We had a hearing one day, and then a representative of the company had a golf engagement or something that he had to attend to which delayed us again. Then the chairman of the board objected to another date because he had to attend a race meet, and even our representative had trouble in making satisfactory dates for continuing the hearing. We met the first time on about April 5, and after we had a session for one day we were continued until May 24 and 25, and then we were continued until July 12, and on July 12 they concluded their hearing and, I believe, handed their award down on the 13th or the 14th.

Chairman WALSH. Outside of that particular thing, is the Lemieux Act, generally speaking, effective? Could it be made effective, outside of the coercive features, or the features that might make for delay?

Mr. KONENKAMP. Why, yes; I believe that something of that sort could be made effective. Inasmuch as the Lemieux Act compels the employees to maintain the statu quo and remain at work, it should prohibit the employer from discharging men during that period; it should facilitate the granting of the board; that would help. If the law would require that the board continue their hearings until the matter was adjusted, it would all help, and probably tend to make the board a fairly workable proposition.

Commissioner O'CONNELL. The employer might get rid of his entire force during the time the hearing was taking place?

Mr. KONENKAMP. At the present time, yes.

Commissioner O'CONNELL. And would not, under the law, be considered liable?

Mr. KONENKAMP. No.

Commissioner O'CONNELL. He could get rid of all of his employees by the time the board rendered their decision, and there might be no employees left?

Mr. KONENKAMP. Invariably they get rid of the agitators, so called—that is, the leaders in the movement—they invariably are sacrificed under the Lemieux Act, where you get a hostile company such as the Western Union and Postal to deal with.

Commissioner O'CONNELL. At any rate, it applies to public utilities?

Mr. KONENKAMP. Yes; it applies to railroad transportation, street cars, and coal-mining companies.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Commissioner LENNON. Take the two lists that were stolen, one in St. Louis and one I believe in Ogden, the discharges that followed them; were they confined entirely to the names that were on the list?

Mr. KONENKAMP. No; I presume not. But in the St. Louis instance I believe the name of every man who was on the list was discharged.

It was in Portland that the other names were stolen; no; not all of them were discharged. Quite a number were brought up and told they were members of the union and if they would surrender their cards they would be permitted to go back.

Commissioner LENNON. I do not mean were they all discharged, but were there people discharged that were not at all on the list? There might only be a hundred of them discharged that were on the list, but there were others that were not on your list at all discharged?

Mr. KONENKAMP. I think that there were some, but not many.

Commissioner LENNON. What efforts have you made, or the executive officers of your organization, for a conference with the officials of the telegraph companies looking toward recognition of your union and the transaction of collective bargaining with them?

Mr. KONENKAMP. When I was elected to the office in 1906 I figured that in view of Mr. Clowry's attitude, who was then president and general manager, that it would be worthless as long as Clowry was at the head of things.

When Theodore N. Vail was elected president of the Western Union I had hoped that perhaps a new era had come. So I arranged for a conference with Mr. Vail and met him in January of 1911. I talked to him at some length with reference to the organization and the warfare that the Western Union had carried on for 50 years against any organization on the part of the employees. He was very friendly, expressed sympathy for the operators, that the conditions under which they worked were disgraceful, and wanted to know my views.

I outlined our negotiations with the Canadian Pacific and suggested to him that some arrangement whereby he would deal with a committee of employees collectively and establish a system of rules, not necessarily recognising the union, but simply dealing collectively and not discriminating against union men, might tend to relieve the situation that he found in the telegraphers.

He said he hoped to make conditions so good that it would not be necessary to have an organization of employees. He said he was going to take the matter up with his executive committee, and for me to remind him at a little later date, say, in a month, of the matter, and he would let me know.

I wrote to him on the 18th of February and reminded him of his promise of a conference, but received no reply. And about that time what we call the wrecking crew was very busy in the West. They had located a number of members in Helena, Mont.; they had discharged them and told them plainly that unionism was the reason for their discharge. This practice extended to other cities, until I had a list of about 8 or 10 different points where they were engaged in this particular warfare. I wrote to Mr. Vail and told him that if that was going to be their attitude he might as well tell me about it, so we could consider the matter ended and withdraw. I received a reply from Vice President Carlton, now president, saying that Mr. Vail was out of the city, and that he would be back, and then the matter would be brought to his attention.

I saw Mr. Vail again in May and outlined the conditions to him, what the various superintendents had said, how they were going to exterminate the

union inside of a year, and that General Superintendent Gaunt on the Pacific coast had outlined a system to put the union out of business, and that they were going to follow it; told him all these things, with strong emphasis. He condemned such a state of affairs, saying, "My God, the conditions of the telegraphers is nearly absolute slavery." Then he added, "I was in Chicago recently and the thing that impressed me in my visit to that office was the complete absence of any look of hope upon the faces of the men that were employed there. And when I returned to New York I told my directors that I had suggested to one of the local officials in Chicago that they ought to put a sign up over the door reading, 'Abandon all hope ye who enter here.'"

I thought that it was very strong language. I felt quite enthused over it, but, as Mr. Carlton said, I was misled. I believed that a man making these statements, as president of the concern, might be willing to do something. However, since we are told the executive committee dictates the policy, and that may be the reason. But Mr. Vail continued, "Mr. Konenkamp, if you can give me the facts, if you can show that my superintendents are acting in the way that you say they are acting and furnish me with the proof, somebody is going to walk the plank, and they are going to walk mighty quick." Well, I felt that several superintendents needed to be discharged, and I felt happy over that. So I prepared the statement. Mr. Vail gave them the full details, and it resulted in correspondence which I will file with the commission, a copy, showing the whole thing, outlining the cases in detail.

He replied that I carried the question too far. Finally, at another conference in August of that year, at which he says he was between the devil and the deep sea and didn't know what to do; that he would like to see the men have an organization; that he believed that the telegraphers were unjustly treated; and that there was absolutely no reason why the higher officials should not stop this persecution of the employees. But he said until we can get a perfect organization of employees and one of employers whereby the equities of both sides will be absolutely protected, and where there will not be any encroachment upon the part of the employees and no encroachment upon the part of the employer, I am afraid we can't have it, Mr. Konenkamp. I suggested to him that he was talking of heaven and not of a labor union.

I said that I thought that in any event that the human element would have to be considered every possible way whereby we might use the principle of arbitration; but he raised an objection to everything, that in arbitration it was a case where some one had to compromise, and he was opposed to compromise of every kind. Finally I told him it was my impression that he was in favor of an organization such as Mr. Dooley spoke of. He wanted to know what that was, and I said it was one in which there were no dues, no benefits, and damn few members. He laughed and said he didn't think he went quite so far as that, but in view of later developments, I think he did.

After this conversation I started on my western trip, and then the warfare broke out in earnest, and as I said before, while the officials may decry criminal methods, while they may decry the criminal methods of their employees, nevertheless at any time any of their employees use violent means of getting information they were always ready to take and use it to the best of their advantage.

Commissioner LEWIS. What would be the attitude, or is the attitude, of your union now, as to opening negotiations to bring about the necessary good feeling between the telegraphers and the administration of the company?

Mr. KONENKAMP. There is only one thing that we have asked for, and that is the right to organize. If the Western Union and Postal were willing to establish a system such as is in effect on the Canadian Pacific, namely, a set of rules briefly outlining the rights of the employees, and establishing the rates of wages, I should be perfectly satisfied to let everything else work out accordingly. We find that in each instance the employer says, "We are willing to deal with a 'responsible organization,'" but I don't know how they expect the telegraphers of the United States to create a responsible organization when every time a man joins openly, the spotters of the Western Union and the officials proceed to crucify him.

Speaking of the responsibility of the company, I believe that the officials of the company should consider their own responsibility, not only as officials of the company, but as citizens of the United States, and stop their present methods. If they were willing to do anything within reason, we certainly would be delighted to cooperate with them; and if it were a question of personality, or the personal of either Mr. Russell, the international secretary, or myself, I am here to state that if it were to be the price of the Western Union Telegraph Co.

establishing such relation with its employees, that within 90 days after they had established contractual relations with their employees and established a system such as the Canadian Pacific has, that both Mr. Russell and myself would be only too glad to resign and let the men elect others to take our places. There is only one thing we are interested in, and that is the welfare of the telegraphers of the United States.

I have tried, while president, to conduct myself as a man should at all times; any person who has had contractual negotiations with me, or with our union, at any time, will say that we have always acted in an honorable and upright manner. If the Western Union investigated our records I think they will have to admit that we are in this position, that we are willing to go the limit before this commission; we are willing to outline anything the commission wants to know, and we are not afraid of any comeback from any sources; we are absolutely clear and aboveboard in our dealings and stand so at all times. If there was any question of personality, or responsibility involved, I would be glad to have the company officials say with whom they would agree to the principle of collective bargaining, and I feel satisfied that the workers, the telegraphers of the United States, would go a long way to cooperate with them, since we then would see some hope for the freedom we are striving for.

Chairman WALSH. Commissioner Aishton wishes to ask you another question.

Commissioner AISHTON. You quoted from Parsons's Telegraph Monopoly, I think it was?

Mr. KONENKAMP. Yes, sir.

Commissioner AISHTON. What is it?

Mr. KONENKAMP. A book written by Frank Parsons about 1890, outlining the abuses of the telegraph up to that time.

Commissioner AISHTON. And it was an argument in favor of the governmental ownership of the telegraph, and so used?

Mr. KONENKAMP. The argument was in favor of Government ownership of the telegraph, and so used.

Commissioner AISHTON. And is he the same party you quoted from, I have forgotten just the text, when you spoke of the rosy cheeks of the fresh young victims, etc.?

Mr. KONENKAMP. Yes, sir.

Commissioner AISHTON. Is that in that book?

Mr. KONENKAMP. Yes, sir.

Commissioner AISHTON. Have you any personal knowledge of the age and service of what you might call the operators holding long jobs in the Western Union office, take in Chicago? Is there a fair proportion of the men that have been in the service quite awhile, or are they all waiting outside?

Mr. KONENKAMP. There is a fair proportion outside, but there is a large number on the waiting list, and we find this condition prevailing and gradually increasing, of eliminating the men who have been in the service for some time.

Commissioner AISHTON. But there are quite a number of old men?

Mr. KONENKAMP. Yes.

Commissioner AISHTON. About this Canadian Lemieux Act; as I understand it you have stated that your chief objection to that act is that it does not maintain the statu quo; in other words, it gives one side opportunity to prepare for a strike, and on the other hand get rid of the leaders of the strike.

Mr. KONENKAMP. That is one thing.

Commissioner AISHTON. Is there any other objection?

Mr. KONENKAMP. Yes, sir; the long-drawn out process, and also the difficulty in getting a board.

Commissioner AISHTON. You, I believe, agree with the principle that public-service corporations, and the employees of public-service corporations, are in just a little different position with the public than what you might call plain industrial organizations, do you not?

Mr. KONENKAMP. Yes, sir.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner O'Connell wishes to ask you a question.

Commissioner O'CONNELL. Do you believe the public ownership of telegraph companies or lines would make a fair employer—to do that?

Mr. KONENKAMP. I should think that it would be a wonderful improvement over present conditions, although our organization in committing itself to the doctrine of Government ownership does so with this restriction, that the right to organize shall be maintained and established.

Commissioner O'CONNELL. The right is not given in any way where the Government acts as the control, as, for instance, in the Postal Service?

Mr. KONENKAMP. No; not entirely. Yet it is given to a greater extent than it is in the Western Union.

Commissioner O'CONNELL. Well, isn't there a very great opposition to it?

Mr. KONENKAMP. Yes; on the part of supernumeraries and minor officials particularly.

Commissioner O'CONNELL. It depends largely on the man who is to administer it?

Mr. KONENKAMP. Chiefly.

Commissioner O'CONNELL. Would the extension of the law now known as the Newlands law, which applies to railway service and transportation, if that were extended, would it be beneficial.

Mr. KONENKAMP. Why, in dealing with the Western Union and Postal, I am afraid not, for this reason, that with any organized effort for us, they would have no hesitancy in refusing to deal with any concern of that kind where they were permitted to act voluntarily; that they would refuse to arbitrate.

Commissioner O'CONNELL. Do you think the creation of a department by the Government to which industrial disputes, regardless of whether for transportation or industrial concerns, that the influence of the Government behind such a board would not be beneficial and that corporations would not come in and meet with representatives of their employees or organizations of their employees?

Mr. KONENKAMP. I have had a little experience within the last two weeks at St. Louis in connection with these men that were discharged. I went down there to call a strike—rather, to permit them to go on a strike, because I can not call a strike; the men themselves had voted to strike to reinstate the men. The local union had applied to the Department of Labor for a conciliator to come in and try to adjust the matter. The local superintendent there declared emphatically that unionism was not the cause of their being discharged. He gave a number of reasons that were proven to be not well founded, to say the least, and finally the company agreed to reinstate all the men. But they have not kept faith so far, and I think the only way they will reinstate them is when those men are ready to surrender their union cards. So the department, as it is worked at the present time, I don't think is sufficiently effective to cope with concerns such as the Western Union and the Postal Telegraph Co., and of other corporations controlling large monopolies of employment.

Commissioner O'CONNELL. That was representatives of the United States Labor Department?

Mr. KONENKAMP. Yes.

Commissioner O'CONNELL. That is a department of labor within itself?

Mr. KONENKAMP. Yes, sir.

Commissioner O'CONNELL. Or rather it is a department of mediation within itself?

Mr. KONENKAMP. Yes, sir.

Commissioner O'CONNELL. I am speaking of a larger function than that, however—a function that you may know of in England, in which there is a board created, that board composed of workmen and employers and the public. And when that board suggests or asks representatives to come before them, it starts with the influence of the Government and of the people, both labor and capital, and of the so-called public.

Mr. KONENKAMP. Yes; the wages board you speak of.

Commissioner O'CONNELL. Yes, sir; that that influence, with the Government behind it, purely voluntarily in every sense, that public opinion would be bound to find an expression that even the most arbitrary would find it pleasant to abide by. Do you think that such a board might be established in this country that even the most arbitrary employer that you might have in mind would find it convenient to take part?

Mr. KONENKAMP. I have not looked into the operations of the wages board quite as closely as I might have. Is this the system in effect in New Zealand, where a judge recently suspended all of the workings of the wages board?

Commissioner O'CONNELL. No; oh, no. The New Zealand transaction is entirely different.

Mr. KONENKAMP. Well, I don't know so much about the English board.

Commissioner O'CONNELL. The New Zealand board would come nearer the Canadian board.

Commissioner AISHTON. I would like to ask one question, Mr. Chairman.

Chairman WALSH. Certainly, Mr. Aishton.

Commissioner AISHTON. Are you familiar with the operation of Government ownership of telegraph lines in Great Britain?

Mr. KONENKAMP. I have read a great deal of it.

Commissioner AISHTON. Have you any knowledge as to whether there has been a large improvement to the conditions of the people working in that service under Government ownership?

Mr. KONENKAMP. I have a brief summary here called "The Deadly Parallel" we published at one time. [Reads:]

"English telegraphs: Immediate improvement in wages and hours after Government took telegraphs. In 1870 only 39 per cent of total revenue went into wages under private ownership; by 1875 this had risen to 52 per cent.

"United States telegraphs: In 1870 operators received a maximum of $115 to $125 per month. Denied better wages, they struck.

"English telegraphs: From 1881 to 1895 wages increased $150 to $200 per annum and hours shortened one-seventh. Conditions vastly better than those that prevailed in 1870.

"United States Telegraphs: Up to 1883 wages had been reduced 30 to 40 per cent, and the maximum paid $80 and $85 per month. This forced a strike. Conditions much worse than in 1870.

"English telegraphs: From 1895 three additional increases in wages made up to present time, 1897, 1905, 1908.

"United States telegraphs: Reductions continued until 1907, the maximum had reached $75 per month, the cost of living meanwhile having increased 40 per cent. Another strike in protest against existing conditions.

"English telegraphs: On 1895, 72 per cent of total revenue went into wages, probably larger to-day.

"United States telegraphs: Less than 50 per cent of total revenue in wages to-day.

"English telegraphs: An eight-hour day and seven-hour night is the rule, which has prevailed for many years.

"United States telegraphs: Nine-hour day and seven and one-half hour night have been the prevailing hours since 1883.

"English telegraphs: Overtime infrequent and optional. Sundays and holidays paid at rate of time and one-half.

"United States telegraphs: Overtime almost daily and compulsory; paid for at rate of seven hours for overtime, either day or night.

"English telegraphs: Tenure of employment secure. Rights protected by civil service and by an organization recognised by the post office department. Postmaster general meets and confers with committees concerning grievances in the service. Men rise automatically to highest pay.

"United States telegraphs: Absolutely no security of employment. Men at mercy of self-seeking minor officials. Length of service and ability no determining factors in wages paid individuals. Right of organization denied; right of petition denied; discharge and black list the penalty, and no appeal"——

Commissioner AISHTON (interrupting). Pardon me. What is that quoted from, Mr. Konenkamp?

Mr. KONENKAMP. This is from our own journal.

Commissioner AISHTON. Gathered by yourselves?

Mr. KONENKAMP. Yes, sir; but gathered from various statistics.

Commissioner AISHTON. We will be glad to have you submit that to the commission, but what I particularly wanted to inquire was this: The difference as to the living conditions, wages, and that kind of thing as to the people employed in that craft under Government ownership there and in the United States. Have you any information as to that?

Mr. KONENKAMP. Yes; we have information with reference to it that goes to show——

Commissioner AISHTON (interrupting). Would you mind submitting it to the commission?

Mr. KONENKAMP. Yes, sir; we will submit that and show what our wages are as compared with theirs.

Chairman WALSH. And give us all that data?

Commissioner O'CONNELL. And with that, Mr. Konenkamp, the result enjoyed by the public—that is, the cost of telegraphing in Great Britain as compared with that in the United States?

(The witness submitted copy of the Commercial Telegraphers' Journal, Vol. X, No. 6, June, 1912, containing the data referred to.)

Chairman WALSH. Mr. Garretson has a question or two.

Commissioner GARRETSON. Following up this question of Government ownership a little further, Mr. Konenkamp, are you familiar with the facts as to conditions that obtain on the Inter-Colonial road owned by the Dominion of Canada?

Mr. KONENKAMP. I have a fair knowledge through knowing a number of telegraphers who are operators.

Commissioner GARRETSON. And are the organizations met and dealt with on that road precisely as on the other Canadian railways?

Mr. KONENKAMP. Yes, sir.

Commissioner GARRETSON. Are you familiar with the conditions on the Panama Railway, owned by this Government?

Mr. KONENKAMP. Why, in a general way, through personal acquaintance with people who are operators and have worked for it.

Commissioner GARRETSON. Are committees representing the employees on the Panama Railway met and dealt with?

Mr. KONENKAMP. I am not sure about that, but I know the railroad telegraphers have an organization. I am not sure that they have a schedule or not; I know they are allowed to organize at least, and I presume that means contractual relations.

Chairman WALSH. At this point we will adjourn until 10 o'clock to-morrow morning.

(Thereupon, at 4.35 p. m., Monday, April 12, an adjournment was taken until 10 a. m. Tuesday, April 13, 1915.)

CHICAGO, ILL.,
Tuesday, April 13, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, and Garretson.

Acting Chairman LENNON. Mr. Konenkamp, will you please resume the stand? Commissioner O'Connell will ask you some questions.

Commissioner O'CONNELL. I want to ask you a question, Mr. Konenkamp, and you need not answer it if you do not think it proper. What method do you pursue to enroll your members who are employed by the Western Union or the Postal Telegraph Cos.? If the companies have a system of spotting your members, and your members know that it is against the policy of the companies to employ union telegraphers, what is the method you have of enrolling and keeping them? You need not answer that question unless you desire.

Mr. KONENKAMP. We have several methods of enrolling those members. Of course, where they desire it we issue membership cards in their own name, but on account of the system of espionage maintained and on account of the complaints made that the companies will even rifle the lockers of the men and will get spotters in their rooms, and complaints of a number of other kinds whereby they get information, we arrange with some of our members who are not in the employ of the company to carry those memberships; for instance, I have friends who are on the records as S. J. Konenkamp No. 2, S. J. Konenkamp No. 3, 4, 5, etc., and from time to time we are likely to get communications from our local secretary saying, "Find herewith initiation fees and dues; send us 10 cards in any names and we will be responsible for them." So we immediately proceed to issue cards under an alias, and there are a great many members of our orgnization of whom we have no record except under assumed names, since they find their rights as American citizens are so abridged that they dare not exercise the least of them without punishment.

Commissioner O'CONNELL. Do you have a record of enrolling them numerically?

Mr. KONENKAMP. Yes; we use numbers, certificate No. 3576, certificate No. 3578, or N. No. 290, almost any combination. I presume we have the names of all of the greatest patriots of America on our list, from George Washington and Thomas Jefferson down, but we do not know who they are.

Commissioner O'CONNELL. You have members, then, employed by both the Western Union and the Postal Telegraph Cos.?

Mr. KONENKAMP. Oh, yes; they have not succeeded in wiping out our membership entirely. We have found that their spotter system is so fine that we can figure that the chances are about 10 to 1 in our favor, namely, that the Western Union discharges 9 nonunion men for every union man. That was the record when they stole the information from me.

Commissioner O'CONNELL. You accept men in the wireless service—in the Marconi service?

Mr. KONENKAMP. Yes.

Commissioner O'CONNELL. What conditions and salaries are these men employed under?

Mr. KONENKAMP. The Marconi Co. issued a schedule of wages about a year ago providing for $25 a month as a minimum, with increases approximating $5 a year for six years, until they maintain a maximum of $65 a month, for which they are required to work 12-hour shifts while at sea. The Marconi Co. has maintained a monopoly of the wireless telegraphy, and they adopted Western Union methods, whereby in leasing a set to a steamship line they would say that the telegraph operator must be satisfactory to the Marconi Co.; that was copied from the Western Union contract, apparently, as that has been their system for years; and I might say that we endeavored to improve the conditions of the wireless telegraphers, and it resulted in a strike on the Pacific coast in 1913. The committee at that time was informed that the Marconi Co. would be glad to do business with them, but the Western Union officials objected to it.

Commissioner O'CONNELL. Are they furnished their uniforms?

Mr. KONENKAMP. No; they must furnish their uniforms.

Commissioner O'CONNELL. Do they get their living while at sea?

Mr. KONENKAMP. Yes.

Commissioner O'CONNELL. When on land do they receive their salaries—when they are not at sea?

Mr. KONENKAMP. They receive monthly salaries from the Marconi Co., but on some steamship lines they get what is called port money, from 60 to 70 cents up to $1 a day for meals while in port, but that privilege has been curtailed to a great extent, and, I am informed, in New York there are very few wireless operators receiving port money; there are more on the Pacific coast than on the Atlantic coast getting it.

Commissioner O'CONNELL. Does the same rate of wages prevail on land stations?

Mr. KONENKAMP. No. On land stations I believe their minimum is about $60 a month up to $90.

Acting Chairman LENNON. What is the comparative scale as between wireless operators and the regular telegraph operators? Is there much difference?

Mr. KONENKAMP. It is my impression that there is, for this reason: That I found in getting in contact with the wireless operators that the most of them seem to be able to learn within about three months, and that would be unusual in the commercial field. It is seldom that they will allow a person to work a wire until after six months' training, and it requires from two and a half to three years to make a proficient telegraph operator.

Commissioner GARRETSON. During your testimony, Mr. Konenkamp, you spoke of the fact you received from a railway office certain instructions to the company that have been issued that made clear certain practices of the company. How is the make-up on a railway, on every division of railroad where the Western Union operates; the chief dispatcher on that division is the chief operator for that division also, is he not?

Mr. KONENKAMP. Yes.

Commissioner GARRETSON. That is, he is chief operator for the Western Union Co. and chief dispatcher for the railway company?

Mr. KONENKAMP. Well, my recollection of the system that was in vogue when I left the railroad service was that the reports were made directly to the auditor of the Pennsylvania Railroad at Philadelphia. I was employed on the Pennsylvania Railroad.

Commissioner GARRETSON. That was when the Western Union was on the Pennsylvania?

Mr. KONENKAMP. Yes. But as a general rule the Western Union furnished the chief operators with these lists, and the chief operator had the hiring of the telegraph operators, so that if he was not acceptable to the Western Union he was likely to be discharged on account of his——

Commissioner GARRETSON (interrupting). The chief operator, in other words, had a dual capacity; he was dispatcher for the railway company and he was chief operator for the Western Union people?

Mr. KONENKAMP. I think that all complaints with reference to the disciplining of the telegraph operators as manager or operator for the Western Union

in working the leased line wires was referred to the chief operator, and he took it up with the telegraph operator, so my answer would probably be yes.

Commissioner GARRETSON. Speaking of your agreements with the C. P. R., in which seniority governed by fitness and ability, you stated that the superintendent was the judge as to the fitness and ability under the agreement?

Mr. KONENKAMP. The telegraph officials are; yes.

Commissioner GARRETSON. But under that system it lays the burden of proof on that official to show that he is unfit?

Mr. KONENKAMP. Oh, yes. We would object to any favoritism; just a complaint that a man was incompetent, unless they were able to prove it.

Commissioner GARRETSON. Back in '70, 1870, that being the date quoted, were not the old rates of employees, when the wage ran from $55 to $115—I think those were the figures quoted—was it not a fact that the best jobs were, as a rule, or largely, held by favorites?

Mr. KONENKAMP. Well——

Commissioner GARRETSON (interrupting). Favoritism ruled in the service?

Mr. KONENKAMP. I have read those complaints in the telegraph papers of that time. That complaint was made.

Commissioner GARRETSON. That same practice maintained there as it did in other pursuits?

Mr. KONENKAMP. Yes; I would suspect so. It has been my experience that without any organizations on the railroads that favoritism rules there.

Commissioner GARRETSON. That is all.

Commissioner AISHTON. I assume, Mr. Konenkamp, that you gave testimony as to your service with the telegraph companies. I was unfortunately absent when that was given. When was your last connection with the service—with the telegraph company?

Mr. KONENKAMP. With the telegraph company?

Mr. AISHTON. Yes.

Mr. KONENKAMP. I left the railroad service in 1901. I worked a short time for the Postal, and I am very thankful I never worked for the Western Union. I worked for brokers from 1901 until 1908, chiefly in the New York Stock Exchange houses, until I was elected president.

Commissioner AISHTON. In 1908 you were elected president?

Mr. KONENKAMP. Elected president; yes, sir.

Commissioner AISHTON. That is all. Thank you.

Acting Chairman LENNON. Is there anything more you have to submit?

Mr. KONENKAMP. Yes; I have a few matters that I want to submit.

The first of all is a reference to our general statement, and we submitted a rather lengthy brief, of which the commission has a copy. It was filed on July 9. I would like that to be made a part of our report.

(See Konenkamp Exhibit No. 2.)

I also have a copy of the financial statement which was quoted yesterday which I shall file for correction, if there should be anything—any slight disparity in figures. I have looked over and found my calculations were correct.

(The paper here referred to by the witness was received in evidence and will be found among the exhibits at the end of this subject—Konenkamp Exhibit No. 3.)

Acting Chairman LENNON. The financial report of the Western Union Co.?

Mr. KONENKAMP. Of the Western Union and the Postal.

I also promised to file a copy of the Western Union Telegraph Co. application for employment, and I shall file a copy of the Postal later.

(The forms referred to, each entitled "Application for employment," in both the Western Union and Postal Telegraph Cos., were submitted in printed form.)

I spoke of a letter which I had with reference to the position of the Canadian Pacific in dealing with their organization, where the general manager expressed his satisfaction with our contractual relations.

(See Konenkamp Exhibit No. 1, heretofore referred to.)

I would also like to file a rather lengthy letter, describing conditions in detail in the Kansas City office, for example, of the Western Union.

(The paper here referred to by the witness appears among the exhibits at the end of this subject as "Konenkamp Exhibit No. 4.")

I would not like to burden the commission and read that unless you desire it.

Acting Chairman LENNON. If it is a matter of record it can be put into the record.

Mr. KONENKAMP. And I would also like to file the same thing as applying to the Postal Telegraph Co. in Philadelphia.

(The paper here referred to by the witness appears as "Konenkamp Exhibit No. 5.")

And also as to Birmingham, Ala.

(The paper here referred to by the witness appears as "Konenkamp Exhibit No. 6.")

Acting Chairman LENNON. And those are written by whom?

Mr. KONENKAMP. Written by our local secretaries at the particular points. We would not permit the names of our members to be known as far as possible, because that would mean discharge.

Commissioner AMMON. These people, who wrote these letters, were employed in these offices either at the time of writing or previously?

Mr. KONENKAMP. Oh, yes; they are all persons who have been employed in these particular offices and within the last two years, in one instance. And I will say that they stated that they had gathered the information from men who are still in the service.

Oh, yes; this is that general statement I referred to [presenting a file of papers].

(The papers presented by the witness appear among the exhibits at the end of this subject as "Konenkamp Exhibit No. 2.")

Now, on the question of speeding up—no, I shall leave that for some of the others to take up. That is all.

Chairman WALSH. That is all, then. Thank you, Mr. Konenkamp. You will be permanently excused; but remain in attendance, we might want you.

Mr. Belvidere Brooks.

TESTIMONY OF MR. BELVIDERE BROOKS.

Chairman WALSH. Please state your name.

Mr. BROOKS. Belvidere Brooks.

Chairman WALSH. Where do you reside, Mr. Brooks?

Mr. BROOKS. New York City.

Chairman WALSH. What is your business, please?

Mr. BROOKS. A vice president of the Western Union Telegraph Co.

Chairman WALSH. Would you please state generally your duties as vice president of the company.

Mr. BROOKS. My duties at the present time are quite general. I have no special assignment, and have not had for two years—over two years.

Chairman WALSH. Were you formerly general manager of the Western Union Telegraph Co.?

Mr. BROOKS. I was.

Chairman WALSH. Are you a member of the board of directors?

Mr. BROOKS. I am not.

Chairman WALSH. Are you a member of the executive committee?

Mr. BROOKS. I am not.

Chairman WALSH. You say your duties are general. I wish you would be a little more definite on that so far as the company is concerned?

Mr. BROOKS. Well, my duties are special assignments; certain matters will be assigned to me.

Chairman WALSH. Of what general nature, financial or——

Mr. BROOKS. Financial, and dealing with railroads, railroad contracts, etc.—work of that kind.

Chairman WALSH. In your capacity as the general manager of the Western Union Telegraph Co., to what extent did you direct the labor policy of the company?

Mr. BROOKS. Only so far as the policy of the company was laid down to me. I had nothing to do with making that policy—never.

Chairman WALSH. Who laid down the policy of the company to you?

Mr. BROOKS. The president. Pardon me, Mr. Walsh, I say the president, but that is not quite correct, because, while I was general manager and prior to the time I was general manager, the president did not, but the chairman of the executive committee did.

Chairman WALSH. Who was that?

Mr. BROOKS. Mr. Edward J. Hall.

Chairman WALSH. Now, I wish you would tell what that policy was that was laid down to you, Mr. Brooks.

Mr. BROOKS. Well, we were opposed to any Commercial Telegraphers of America; I believe that is the name of the order.

Chairman WALSH. When was that policy laid down to you, please?

Mr. BROOKS. As far back as I can remember, Mr. Walsh.

Chairman WALSH. That would take it back how far?

Mr. BROOKS. Well, I entered the service in 1871. I should say prior to 1883.

Chairman WALSH. Now, did you maintain that policy throughout the years and down to the time that you retired as general manager?

Mr. BROOKS. With a short interval in 1907; yes.

Chairman WALSH. I wish you would give your reasons for that attitude, whether or not, after the policy was laid down to you, you investigated the justice of it and your reasons, if you have any, for opposing this particular organization.

Mr. BROOKS. I opposed it individually because it was the policy of the telegraph company. We had a strike in 1883 which lasted about 30 days. All I know about that is hearsay, you might say; that I was not in New York. I have not any absolute information on the subject. But my information is that some time prior to the 1st of July, I think it was in 1883, the Western Union Telegraph Co. were approached—or its officers in New York—by a committee not composed of its own employees, but of outside people; I think a man by the name of John Campbell was the chairman of it—which committee asked for the recognition of a union, and a schedule of pay. Prior to this, a short time previous, increases had been made in the wages and the working conditions of the operators, which, I think, practically amounted to an increase of 20 per cent in their earning capacity. Because of the company declining to deal with this committee, a strike was called. That strike lasted for about 30 days, and the men went back to work.

Chairman WALSH. That was what year, Mr. Brooks?

Mr. BROOKS. 1883. After that until 1907 there was more or less agitation among our people and the policy of the company was not to employ men who belonged to this union. Early in the year of 1907 or the latter part of 1906 some of the employees—I think at Louisville, and perhaps at Chicago—sent a letter to the president of the Western Union in New York, Col. Clowry, asking for an adjustment of wages and improvement in working conditions. The 1st of March, 1907, a horizontal increase of 10 per cent was given to the operators. A little later on, about 800 of the operators employed in the Chicago office joined the union. The company did not make any objection to it. The policy seemed to change, or did change, and no objection was made to our employees joining the union from that time up to, I think, in August—the following August.

In June—I have some papers here. I had better refresh my memory if you want the actual dates. In June, 1907, Dr. Neill, who was then the United States Commissioner of Labor, came to New York, and in a conference with Col. Clowry, who was then president, myself, and others—I was at that time general superintendent of the eastern division of the Western Union Telegraph Co.—he stated there was great unrest among our employees and unless something was done to satisfy the demand that there was going to be a strike. They claimed that the 10 per cent increase had not been universally applied. They claimed that we were discriminating against union labor. Dr. Neill endeavored to have an agreement made between the Western Union Telegraph Co. and the Commercial Telegraphers' Union of America. Col. Clowry declined to make such an agreement; but did agree with Dr. Neill on certain facts that were to be applied: Dr. Neill, to make an agreement with the Commercial Telegraphers' Union of America—that is, he was the go-between between the two interests. I have here the original—or rather the press copy of Col. Clowry's letter to Mr. Neill, which deals with this matter before the strike of 1907. Shall I read that?

Chairman WALSH. Yes; you may, please.

Mr. BROOKS. It is dated June 20, 1907. [Reading:]

"Hon. C. P. NEILL,

"*Commissioner of Labor, Washington.*

"DEAR SIR: Referring to the conference held between yourself and me and other officers of the Western Union Telegraph Co., and having in view the possible grave inconvenience to the public following any general interruption to our business, I am glad to make clear to you the position occupied by the Western Union Telegraph Co. in regard to this whole matter. As to the statements made by persons in no way connected with this company that the 10

per cent increase granted by the telegraph company on March 1 last has not been applied to all salaried telegraphers, I desire to say that the telegraph company announced this increase in good faith and is carrying it out in good faith, and that if any case can be found in which the increase was not granted it will be corrected at once. The statement also being made that the telegraph company is endeavoring to neutralize the 10 per cent advance by the application of a so-called sliding scale is without foundation. There is not such practice in effect; nor is there any intention of putting it into effect by the management of this company. The standard of salaries for regular positions as established by the increase of March 1 will be maintained, and the company will pay any man appointed or promoted to any position the salary attached to that position after that increase, and will pay to extra men the salaries in effect for their work as of March 1, inclusive, of the 10 per cent increase. This company has not discriminated against nor will it discriminate against any employee of the company because of affiliation or nonaffiliation with any organization; and if it can be shown to me that any subordinate has dismissed or discriminated against any telegrapher because of affiliation with any organization, such telegrapher shall be restored to his position without prejudice."

Chairman WALSH. What was the date of that increase, please?

Mr. BROOKS. First of March, 1907. [Continues reading:]

"As evidence of the absolute good faith of the Western Union Telegraph Co. and its relation to its employees, I beg to say that if any telegrapher feels that he has any grievance under any of the foregoing conditions, and if he can not secure a satisfactory adjustment of his complaint with the officers of the company, we will submit the matter to the arbitration of three parties, one to be selected by the telegraphers and one by the telegraph company, and the third to be selected by the two so chosen; and in the event that the two can not agree upon a third arbitrator within one week, we will be very glad to have such third arbitrator chosen by the chairman of the Interstate Commerce Commission and the Commissioner of Labor acting jointly. As a further evidence of our entire willingness to deal fairly and preserve amicable relations directly with our own employees, any telegrapher who at any time has a grievance can take it up with his superior either in person or, if he wishes, through any committee he may select from the other employees of this company in the same district.

"I have outlined above in brief the position the Western Union Telegraph Co. holds in regard to the matters we have discussed, and you are at liberty to make any use of this letter that you see fit."

That is signed by Col. Clowry, who was then president of the Western Union.

A man by the name of Small—S. J. Small—was president of the Commercial Telegraphers' Union at the time; and we had had some unrest at San Francisco. This man Small was in San Francisco. The executive committee of the Commercial Union was sitting in New York. I think Mr. Konenkamp was then vice president of the organization and perhaps chairman of the executive committee. My understanding is that Dr. Neill had a similar understanding with this executive committee as outlined by this letter of Col. Clowry's. A copy of the agreement—it practically amounted to an agreement—was sent to Mr. Small in San Francisco over both the Western Union and Postal wires. It is my information—bear in mind this is on the 20th day of June. On the 21st day of June, the day following, a strike was called in San Francisco in the face of this agreement. Of course, we resisted it; and finally, after its going on for about 30 days, the men came around and said they wanted to go back to work. We took back a number of them, leaving out those who were the ringleaders in the strike.

That must have been the latter part of July. A little later on an operator working a wire in Los Angeles—that is, between Los Angeles and San Francisco—was accused of abusing a female operator working in San Francisco on a wire for the company during the local strike, using foul language, and so forth. He denied it, and we finally put a tape on him and he told this woman that the place for her to live was in a notorious bawdy house in San Francisco. There was no getting away from it. We had it in black and white on him, and we discharged him. The operators in Los Angeles made a demand for his reinstatement, and stated that if he was not reinstated they would strike. We did not reinstate him, and they did strike. We did the best we could to recruit our force, and we got a number of operators to handle our business perhaps fairly well.

The operators in Chicago declined to work with the operators in Los Angeles, I think about 70 of them one night we discharged in Chicago. The next day the same thing took place and there was a general strike here. That was in the middle of the week, I think, along about Wednesday or Thursday, in early August, perhaps the 9th or 10th of August.

The local union in New York held a meeting and decided they would take no action until they had had their general meeting on the following Sunday. Either that day or the next day at about 1 o'clock some one went into the lobby of our operating room on the seventh floor of the Western Union Building in New York and blew a whistle. I do not think anyone ever knew who blew the whistle, I don't know to-day who did, but the whole gang walked out; that is, about 50 per cent of the operators, and that was the beginning of the strike of 1907. So far as I know, no member of the executive committee, and that included Mr. Konenkamp, ever made an effort to stop that strike, or to compel the union members to live up to the agreement which was made in good faith between the Western Union, Dr. Neill, and the organization.

There was one gentleman that came to see me in New York that I believe might have had a very good influence had it not been that the thing was so palpably an outrage on our company, the way the company had been brought into this strike, the commerce of the whole country tied up, you might say, and the millions it cost us. That was Mr. Perham, of the O. R. T. And, by the way, I want to say that I have known Mr. Perham for a great many years; he is the president of the Order of Railway Telegraphers, and I have a very high regard for him, not only as to his integrity, but as to his ability, and I believe to-day that if Mr. Perham had been at the head of the Commercial Telegraphers' Union of America in 1907 they would have a union to-day and everything between the company and these men would be perfectly satisfactory. I would not say that the reason the Western Union does not deal with this union is on account of the personnel of its officers, but it looks to me as though that might be quite easily inferred.

I do not believe that the Western Union, as a general proposition, would be opposed to organized labor, provided it could be properly controlled. So far as I am concerned, individually, while, as I say, I have never been in a position of making the policy of the company, if it was thought desirable I think an inquiry into my position in regard to labor would develop the fact that the rank and file of the Western Union Co. have confidence in my good faith in wanting to see good salaries and proper treatment of all of the employees.

I was made general manager of the company on the 16th day of February, 1910. From that time until the following December, the 1st of December, under certain lines which were laid down to me by the executive committee, I had authority to make expenditures, including increases in wages, and at that time I believe the wages of the employees were increased about $1,000,000 a year. I delegated to the then general superintendents—they are called general managers now—authority to fix salaries up, I think, to $200 a month. It may have been $150 a month; at any rate, it was done with the view of allowing the man in the field, the man on the job, to increase the wage of any man that was able. He did not have to ask our authority, all he had to do was simply to report the increase in wages.

I do not know what the policy of the company is now as to increasing wages, or anything else, because, as I said before, I am not in active touch with it.

Chairman WALSH. You heard the comment of Mr. Carlton on yesterday, to the effect that, as president of the company, he believed that the telegraph operators were underpaid; do you agree with that?

Mr. BROOKS. I do.

Chairman WALSH. What do you think the wage of a telegrapher ought to be—a competent telegrapher?

Mr. BROOKS. I should say not less than $100 a month.

Chairman WALSH. Not less than $100 a month?

Mr. BROOKS. Yes.

Chairman WALSH. Would you kindly indicate to us, Mr. Brooks, the form of organization that you believe would be a proper one, and with which the company would and could deal, and through which a just wage might be established in your industry?

Mr. BROOKS. That is a pretty broad proposition, Mr. Walsh, and it is a thing I have given a great deal of thought to. I do not know whether Mr. Carlton's suggestion of a Government commission regulating the thing would work out. I am inclined to think it is largely a matter of personality. I do not want to

throw bouquets at Mr. Perham, he is my acquaintance; but I believe if an organization was headed by a man like Mr. Perham, that you could depend upon to see that you were not thrown into labor disputes and wrangles, and all of that kind of thing, that it might solve the problem.

Chairman WALSH. Do you believe that it is necessary and desirable on the part of both the company and the men, in looking after their own interests, to have some system of collective bargaining by which the men can deal through representatives of their entire organization, as you deal as an official representing the stockholders of the company?

Mr. BROOKS. Yes, sir; within our own organization.

Chairman WALSH. Did you, about May 1, 1911, Mr. Brooks, issue a general order giving employees the right of appeal to you against—this is a quotation, apparently, from some document—"what they consider arbitrariness, discrimination, prejudice, and the like."

Mr. BROOKS. I did.

Chairman WALSH. Accompanying the order, it is stated, was an admonition to managers and subordinate official "that the notice means exactly what it says"——

Mr. BROOKS (interrupting). That is quite true.

Chairman WALSH (continuing). "And that employees everywhere are to receive fair treatment and will be protected against favoritism and discrimination."

Mr. BROOKS. Quite true.

Chairman WALSH. What was the reason for that order being issued?

Mr. BROOKS. Because we believed that subordinates—that is, inferior officials, you might say—were imposing upon our men and that the men did not dare to bring to headquarters their grievances. That order, Mr. Walsh, meant exactly what it says. And I never issued an order in my life that did not mean what it said. I have never misrepresented anything to the employees of the Western Union Co., but said that it meant what it said.

Chairman WALSH. Was the order issued after yourself and Mr. Vail, at that time president of the company, had personally looked into the matter—made personal investigation of the general conditions in your industry?

Mr. BROOKS. I never made an investigation with Mr. Vail.

Chairman WALSH. Did you make any—did you know of Mr. Vail making such an investigation?

Mr. BROOKS. No, sir.

Chairman WALSH. Did you know of Mr. Vail saying to the executive committee that the conditions were very bad and that some change would have to be made?

Mr. BROOKS. No, sir.

Chairman WALSH. Did any actual changes take place in the policy of the company following the promulgation of your order?

Mr. BROOKS. I received a great many letters since the issuing of that order, and every case has been investigated where complaints are made.

Chairman WALSH. Could you tell us in a brief but general way the volume of complaints received by the general officers of the company from individual operators throughout the country?

Mr. BROOKS. No; I could not, Mr. Walsh. They are not very large.

Chairman WALSH. I thought perhaps you might approximate. Do you know so many per month or so many per year?

Mr. BROOKS. Well, I should say, oh, maybe 20 a month or maybe 30; not more than that, I think.

Chairman WALSH. What investigations did you make after the issuance of this order, to ascertain whether or not discriminative measures theretofore in vogue were eliminated in accordance with your direction?

Mr. BROOKS. I made a personal investigation as far as I could. Of course, by correspondence and to judge of the result by replies that I received, not only from the men complaining but from our own people, that—you can usually tell whether a man is telling the truth or not, in correspondence or otherwise.

Chairman WALSH. What was the result of your investigation; did the discrimination and favoritism cease, or not?

Mr. BROOKS. I think it did to a large extent. I think it had a very good influence, because employers of our labor, I think, believed what that order said and I think they were a good deal more careful in removing employees and mistreating them than they would have been otherwise.

Chairman WALSH. Do you know Mr. Shoemaker, who has been mentioned in the evidence here?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Was he a chief special agent of your company?

Mr. BROOKS. Yes.

Chairman WALSH. Did he work under your particular direction?

Mr. BROOKS. He was attached to the general manager's staff; yes.

Chairman WALSH. What were his duties?

Mr. BROOKS. He was supposed to locate the members of the C. P. U. A., in our service, besides general work in addition to that.

Chairman WALSH. His particular duties, his chief duty was to locate the members of the C. P. U. A. in your employ, Mr. Brooks?

Mr. BROOKS. Yes.

Chairman WALSH. And did he send assistants around the country to watch the movements of the officials of the union?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. Do you recall your company having discharged 22 operators in St. Louis in September, 1911, about four months after the issuance of the order testified to here?

Mr. BROOKS. No, sir.

Chairman WALSH. Do you know why the men were discharged?

Mr. BROOKS. I do not.

Chairman WALSH. Sir?

Mr. BROOKS. I do not.

Chairman WALSH. You say you are aware that they were discharged?

Mr. BROOKS. No; I said I was not. I don't remember.

Chairman WALSH. You don't remember?

Mr. BROOKS. No, sir.

Chairman WALSH. Did you hear that 22 men were discharged at St. Louis because they had attended a meeting of the union?

Mr. BROOKS. I don't remember.

Chairman WALSH. Did you afterwards have anything to do with reinstating any or all of these men?

Mr. BROOKS. I couldn't say. I don't remember.

Chairman WALSH. Did Mr. Shoemaker furnish you from time to time with lists of the names of telegraph operators who were employed in the various offices of your company that belonged to the union or were suspected of affiliating with the union?

Mr. BROOKS. Shoemaker made reports of men that belonged to the union; not to me individually.

Chairman WALSH. Please state what instructions were given to Mr. Shoemaker as to how he should perform his duties, or were specific instructions given him?

Mr. BROOKS. No specific instructions were given him. Mr. Carlton outlined yesterday morning pretty fully how those matters are handled by the telegraph company. Mr. Shoemaker had no special instructions.

Chairman WALSH. How many special agents were employed by your company at the time you ceased to be general manager?

Mr. BROOKS. I couldn't say, Mr. Walsh, because I don't know.

Chairman WALSH. Approximately, how many?

Mr. BROOKS. Perhaps 15 and maybe 20; perhaps not so many as that.

Chairman WALSH. Now, were some of these men employed by you as special agents connected with unions; did they go into the unions as apparent members in good faith?

Mr. BROOKS. I understand so.

Chairman WALSH. And then reported the operations of the unions to the company?

Mr. BROOKS. Yes.

Chairman WALSH. What was the salary of the special agents?

Mr. BROOKS. I don't think there was any fixed salary; I don't know what they were paid; I don't remember.

Chairman WALSH. What was Mr. Shoemaker's salary?

Mr. BROOKS. I couldn't tell you that; I think it was $100.

Chairman WALSH. Was he allowed an expense account?

Mr. BROOKS. Yes.

Chairman WALSH. Who placed the limitation upon the expense account?

Mr. BROOKS. I don't think there was any limit; that is, within reason; his traveling expenses—legitimate expenses—were allowed.

Chairman WALSH. Was he required to make written vouchers setting forth the expense—the character of the expense made?

Mr. BROOKS. Yes.

Chairman WALSH. Where are those vouchers now?

Mr. BROOKS. I presume in the files in New York; I don't know.

Chairman WALSH. In New York; and in whose particular charge are they?

Mr. BROOKS. I couldn't say; I don't know.

Chairman WALSH. In whose particular charge were they while you were general manager of the company?

Mr. BROOKS. They went into the files of the company; I presume the auditing department or the treasurer's department. I don't know.

Chairman WALSH. Who is the auditor of the Western Union Telegraph Co. now?

Mr. BROOKS. The comptroller is a man by the name of Mr. Gallaher.

Chairman WALSH. Is the comptroller also the auditor?

Mr. BROOKS. It is the duty of the accounting department; yes; the auditor, three or four different auditors.

Chairman WALSH. Name all of them, please.

Mr. BROOKS. I could not do that.

Chairman WALSH. And the different duties?

Mr. BROOKS. I couldn't name them, because I don't know them. There is a man, E. Y. Gallaher, is the comptroller. Mr. Ladd—I couldn't tell you his initials—is the auditor; and then there is an auditor of disbursements and an auditor of receipts, and so forth, and so on. I don't know.

Chairman WALSH. Who is the treasurer of the company?

Mr. BROOKS. Louis Dresner.

Chairman WALSH. How long has he been treasurer of the company?

Mr. BROOKS. Oh, he has only been treasurer within the last few months.

Chairman WALSH. When the lists of members of the union were secured by Mr. Shoemaker, to what individual did he send them, connected with the company?

Mr. BROOKS. I couldn't tell you that; I don't remember. I think the lists were made in the general manager's office, and I think Mr. Shoemaker furnished the names, and they were disseminated from the general manager to the general superintendents in the field.

Chairman WALSH. And who issued the order direct to discharge the men?

Mr. BROOKS. That was done in the field.

Chairman WALSH. Was it a part of the general policy of the company that all should be discharged when a list was furnished showing their connection with the union?

Mr. BROOKS. No, sir.

Chairman WALSH. How were the discharges made, please?

Mr. BROOKS. They were made by the field official after investigation.

Chairman WALSH. Did you know a gentleman named Demarest; was there a gentleman named Demarest connected with your organization as a special agent?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. Did you know the names of the individuals employed by Mr. Shoemaker?

Mr. BROOKS. I did not.

Chairman WALSH. Where is Mr. Shoemaker now?

Mr. BROOKS. I couldn't tell you; I don't know. I understand in San Francisco, or in California. I don't know—on the Pacific coast, somewhere.

Chairman WALSH. What is his business now?

Mr. BROOKS. I couldn't tell you.

Chairman WALSH. Who is the head of your special agents at the present time?

Mr. BROOKS. I couldn't tell you that; I dont' know.

Chairman WALSH. Who would know that, please, connected with your company?

Mr. BROOKS. I could not tell you that, Mr. Walsh, unless it is the general superintendent of traffic in New York.

Chairman WALSH. What is his name?

Mr. BROOKS. His name is Fashbaugh. Mr. Carroll will give testimony here, and he may know something about it.

Chairman WALSH. I was going to ask, unless some one is present here, will you be kind enough to wire to that gentleman? We would not like to bring him here for that sole purpose.

Mr. BROOKS. I think possibly Mr. Carroll will be able to give you that testimony.

Chairman WALSH. Was any inquiry made by yourself, or any of your staff, as to how the lists of names were obtained?

Mr. BROOKS. I presume so. I don't know, Mr. Walsh. I don't recall. That has been two or three or three or four years ago, and I presume in the course of business naturally there would be inquiry.

Chairman WALSH. Do you recall the fact that the charge was made that a list of names of persons was stolen from the grip—you heard it testified to here?

Mr. BROOKS. Yes.

Chairman WALSH. From the grip of the president of the union in Portland, Oreg.?

Mr. BROOKS. I never heard it.

Chairman WALSH. You never heard it?

Mr. BROOKS. Not at the time; no, sir.

Chairman WALSH. When did you first hear of it?

Mr. BROOKS. I couldn't tell you; it was some time after.

Chairman WALSH. Did you hear of the alleged fact there was a grip stolen, and that following the stealing of the grip hundreds of men were discharged from your service?

Mr. BROOKS. No, sir.

Chairman WALSH. For belonging to the union?

Mr. BROOKS. No, sir.

Chairman WALSH. Did you receive letters from discharged employees about that time, asking for reinstatement?

Mr. BROOKS. Perhaps so. I don't know.

Chairman WALSH. What was your action in the matter?

Mr. BROOKS. As I stated before, I would make an investigation of every case where employees complained.

Chairman WALSH. In your notice issued in May, I believe you invited employees to appeal to you if they felt they were unjustly treated?

Mr. BROOKS. Quite true.

Chairman WALSH. When a discharged employee did appeal to you, following that, did you have a form of answer in which you stated that you had no desire or wish to interfere with action taken by local officials?

Mr. BROOKS. No special form; no, sir.

Chairman WALSH. Well, did you uniformly notify them to that effect?

Mr. BROOKS. I did not.

Chairman WALSH. Did you give them the information that the local officers were responsible for the discharge and that they should appeal to them for reinstatement?

Mr. BROOKS. In some cases I presume so.

Chairman WALSH. Did you say that the men were discharged in large numbers, that the order of the discharge was issued from the office of the general superintendent?

Mr. BROOKS. I did not.

Chairman WALSH. You said, I believe, that it was submitted to the superintendent in the field?

Mr. BROOKS. That is quite true.

Chairman WALSH. And without any suggestion or direction from your office?

Mr. BROOKS. Except in special cases. No suggestion except in special cases.

Chairman WALSH. Do you recall the discharge of a large number of men in Buffalo in December, 1911?

Mr. BROOKS. I do not.

Chairman WALSH. What was your position with the company at that time?

Mr. BROOKS. I was general manager of the company from the 16th day of February, 1910, until the 1st of January, 1913.

Chairman WALSH. Is it a fact that a large number—do you know as a historical fact in your company—that there was a large number of men discharged in Buffalo in December, 1911?

Mr. BROOKS. I do not.

Chairman WALSH. You keep a list of what might be called a service list of your employees?

Mr. BROOKS. Such a list is kept, I think, or was kept when I was general manager. I presume it is yet.

Chairman WALSH. Were you familiar with the form of it?

Mr. BROOKS. Well, it is simply a list of the names and why these men were relieved from our service.

Chairman WALSH. It has been stated that a very large number of them contained the notation "for cause" in the line, showing the reason for the severance with the service?

Mr. BROOKS. That is right.

Chairman WALSH. Did that mean that membership or suspected membership in the union was the cause?

Mr. BROOKS. That is right, as a rule.

Chairman WALSH. How many men would you estimate, say, during the last five years of your service with the company, were discharged for the sole reason that they were said to be members of the union?

Mr. BROOKS. I have no idea; I couldn't give you an idea.

Chairman WALSH. Would it run into the hundreds or thousands?

Mr. BROOKS. I don't know.

Chairman WALSH. Couldn't you approximate it?

Mr. BROOKS. I don't think so.

Chairman WALSH. Not between 10 and 10,000?

Mr. BROOKS. Well, I might come nearer than that.

Chairman WALSH. Well, as near as you can without it being a very wild guess.

Mr. BROOKS. I couldn't say. I haven't an idea. I think more than 10 and considerably less than 10,000; but as to how many, I could not approximate.

Chairman WALSH. You would not care to?

Mr. BROOKS. No; I would not care to.

Chairman WALSH. Attempt to approximate it?

Mr. BROOKS. No.

Chairman WALSH. Who would know that?

Mr. BROOKS. I couldn't tell you that.

Chairman WALSH. Were there any statistics kept, either as to the action of your company, which show the effect of it upon the men, or upon the citizenship generally?

Mr. BROOKS. No statistics were kept, to my knowledge.

Chairman WALSH. Have you at any time—has your company at any time, to your knowledge, procured the discharge of men from other companies because they had belonged to unions when with your company?

Mr. BROOKS. No, sir.

Chairman WALSH. Did your company in 1908 force the United Press Association to terminate its contractual relations with the union?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. Well, for instance, tell us what knowledge you have of any negotiations that took place between yourself and the United Press Co.

Mr. BROOKS. No negotiations.

Chairman WALSH. Any correspondence with them, or any conference with their officials?

Mr. BROOKS. Not to my recollection; I don't think I ever heard it before.

Chairman WALSH. To your knowledge, did your company threaten to take out its leased wires unless the United Press ceased to recognize the union?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. Will you please state the nature of the contract your company makes for leasing your wires.

Mr. BROOKS. You mean in regard to labor?

Chairman WALSH. Yes, sir.

Mr. BROOKS. There is a clause in the contract which requires the lessee to employ operators satisfactory to the Western Union Telegraph Co.

Chairman WALSH. And I take it that would be a cause of dissatisfaction if he joined this organization?

Mr. BROOKS. I don't think so. I don't think we would go into things to that extent. The idea of that clause in the contract is to control the men who are working our wires. We don't want, if a man working on our wires does not give proper service, we want to have the right to discharge him, or have him discharged.

Chairman WALSH. Do you have a system, your company, by which you pay certain men in your various offices, in the offices of the company, to give infor-

mation to the company with respect to the activity of the men in organizing who are outside of this staff of 15 or 20?

Mr. BROOKS. I do not know, Mr. Walsh. That is a matter that is out of my jurisdiction.

Chairman WALSH. Who, in your company, would authorize such expenditures—what individual?

Mr. BROOKS. I suppose the general superintendent of traffic; I couldn't say; I don't know.

Chairman WALSH. Did you ever know of any such thing being done?

Mr. BROOKS. Yes.

Chairman WALSH. Was there a regular scale of pay, or what reason was given to the men that did this?

Mr. BROOKS. There was no regular scale of pay. They were paid according to what they were supposed to be worth.

Chairman WALSH. And it was simply a matter between the individuals and the company that did the work?

Mr. BROOKS. Well, it was simply a matter between the individual and the employer, the chief operator, or whoever it might be.

Chairman WALSH. What means was taken to check up the authenticity of reports made by such a person?

Mr. BROOKS. I could not say.

Chairman WALSH. Was the word of that individual taken in an office as against an employee?

Mr. BROOKS. I do not know. I suppose in some cases yes, and other cases perhaps no.

Chairman WALSH. Did you have cases in which the man reported upon the man that he belonged to the union?

Mr. BROOKS. I think so.

Chairman WALSH. What means did you have for testing the accuracy of the information in such cases?

Mr. BROOKS. It was a question of the individual, I suppose, or judgment as to who was telling the truth.

Chairman WALSH. Was the man ever permitted to confront his accuser by meeting him face to face?

Mr. BROOKS. I could not tell you.

Chairman WALSH. What are the maximum and minimum wage rates made for your various employees in New York and Chicago.

Mr. BROOKS. I could not tell you; I haven't that information.

Chairman WALSH. How many hours a day do telegraphers work?

Mr. BROOKS I think day men work nine hours and night men seven and a half.

Chairman WALSH. And how is the work, continuous?

Mr. BROOKS. I couldn't tell you; I don't know.

Chairman WALSH. What is meant by "split tricks"?

Mr. BROOKS. That is where a man works, say, two or three hours in the day time and so many hours at night; for instance from 10 to 12, and maybe from 6 to 8, or whatever the hours are.

Chairman WALSH. Is there any objection made by your employees to split tricks?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. Could the business be so arranged as to give the employees continuous work?

Mr. BROOKS. I couldn't say; I don't know.

Chairman WALSH. What is Mr. Carroll's position with the company?

Mr. BROOKS. He is division traffic superintendent. He has charge of the movement of the traffic through the western division.

Chairman WALSH. That would include what territory, please?

Mr. BROOKS. The States of Illinois, Iowa, Missouri, Kansas—I don't know just what it is; it is what is known as the western division, with headquarters in Chicago.

Chairman WALSH. When did the Western Union last increase the wages of its employees?

Mr. BROOKS. There has been no general; that is, no horisontal increase since 1907.

Chairman WALSH. And since the increase, the horisontal increase of 10 per cent in 1907, did the company increase its rate?

Mr. BROOKS. I think prior to the increase; yes.

Chairman WALSH. How long prior to the increase?

Mr. BROOKS. I couldn't tell you that; I don't know; but I think it took place within a few months of the other.

Chairman WALSH. Have wages been reduced since that time?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. In any part of the service throughout? Any general class of operators?

Mr. BROOKS. Not to my knowledge.

Chairman WALSH. You heard the comparison that was made, I believe, Mr. Brooks, that of the wages of telegraphers to-day compared with 40 years ago. We would like to have your comment upon that.

Mr. BROOKS. There was a very different conditions of labor, condition of work, 40 years ago from the conditions of to-day. An operator, as a rule, worked 12 hours, 14 or or 15 hours, or as long as it was necessary to get through his work, and was paid a fixed salary; there was no such thing as extra time or Sunday time or anything of that kind, and the flat salary was larger then than it is to-day.

Chairman WALSH. Did you hear the statements made by Mr. Konenkamp with reference to the increased number of messages that are sent now as compared with times in the past?

Mr. BROOKS. Yes.

Chairman WALSH. Is it true that the productivity of the operator has been increased to such an extent as stated by Mr. Konenkamp?

Mr. BROOKS. Well, I could not tell you; I should say a telegraph operator could easily do considerable more work now with the modern appliances than 40 years ago.

Chairman WALSH. Well, to what extent has the productivity of the average operator increased, would you say?

Mr. BROOKS. My recollection is that back in the seventies, a first-class telegraph operator usually handled from 400 to 450 messages a day; I don't know what they do now.

Chairman WALSH. You were an operator at one time?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Please describe briefly your bonus system?

Mr. BROOKS. I don't know it.

Chairman WALSH. Do you know what it was when you were general manager?

Mr. BROOKS. They didn't have any.

Chairman WALSH. That has been introduced since you left that position?

Mr. BROOKS. Yes, sir.

Chairman WALSH. What wages are paid messenger boys?

Mr. BROOKS. All kinds of wages; a great many of them work on the piece plan. They are paid 1½ or 2 cents, or perhaps 3 cents, for each message delivered or picked up. I suppose the wages run from $15 to $25 a month.

Chairman WALSH. From $15 to $25 a month?

Mr. BROOKS. That is where they are paid flat wages.

Chairman WALSH. What is the difference—you say it runs from $15 to $25 a month?

Mr. BROOKS. I should say in the small places a messenger boy perhaps would not get more than $15 a month.

Chairman WALSH. What do they get in the city of Chicago?

Mr. BROOKS. I don't know what the salaries are in Chicago?

Chairman WALSH. What are they in New York?

Mr. BROOKS. I could not tell you that.

Chairman WALSH. What do the messenger boys get in St. Louis?

Mr. BROOKS. I could not tell you.

Chairman WALSH. What do they get in San Francisco?

Mr. BROOKS. I could not tell you.

Chairman WALSH. In New Orleans?

Mr. BROOKS. I could not say.

Chairman WALSH. In St. Louis?

Mr. BROOKS. I don't know any specific cases at all. My information generally is that the messenger boys in small places get $15 a month and in the larger places from $25 to $40, $50, and $60 a month.

Chairman WALSH. What is the average age of the messengers employed by your company?

Mr. BROOKS. I could not tell you that.

Chairman WALSH. Are there old men employed in some instances?

Mr. BROOKS. Yes; in some cases.

Chairman WALSH. What is the policy of the company toward the employment of messengers, do they favor either one or the other, the old or the young?

Mr. BROOKS. I think the medium-sized boy is the best messenger, and I think we would rather have those.

Chairman WALSH. What is the minimum and what is the maximum age of the messengers in your service?

Mr. BROOKS. That is regulated largely by laws; we do not, so far as we are concerned, we would not employ a child—that is, a boy of the age of 8, 9, or 10 years. I would say 14, and perhaps 13 years would be as young as we would employ them.

Chairman WALSH. Has that always been the policy of the company not to employ them under 14 years?

Mr. BROOKS. No; I would not say universally that way, but it is my belief that we should not employ a boy under 14 years of age unless there was some particular reason f r it, some surrounding circumstances that made it desirable.

Chairman WALSH. Does the company furnish uniforms to the messenger boys?

Mr. BROOKS. Yes; the company furnishes uniforms to the messenger boys, but I do not know whether the boys pay for them or not; I could not say.

Chairman WALSH. Who would know that? Mr. Carlton would have that information, would he?

Mr. BROOKS. He might, or Mr. Ryder might, who will give testimony here.

Chairman WALSH. Are girls ever employed to deliver messages?

Mr. BROOKS. I think not.

Chairman WALSH. Were they ever while you were general manager?

Mr. BROOKS. No, sir; not while I was general manager.

Chairman WALSH. Did you ever know of an instance in which they employed girls for that purpose?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Where was that?

Mr. BROOKS. In the messenger boys' strike in Boston.

Chairman WALSH. How old were the girls they employed?

Mr. BROOKS. All the way from 18 to 60.

Chairman WALSH. They went to office buildings and hotels and the like and all places where the boys went?

Mr. BROOKS. No; not to all the places the boys went; they did not go to disreputable places; we would not permit boys to go, but we accept telegrams addressed to certain street numbers, and we deliver them there, and we do not know who lives there.

Chairman WALSH. Do the boys go to disreputable places?

Mr. BROOKS. Not to our knowledge; we do not permit it if we know it.

Chairman WALSH. What do you do if you receive a message addressed to a disreputable resort?

Mr. BROOKS. We have to deliver it; we are required to do that by law.

Chairman WALSH. Is there any system by which any particular choice is made of the messenger that performs that service?

Mr. BROOKS. I don't think so.

Chairman WALSH. Well, when you have calls for messages from such places, how do you gather them up?

Mr. BROOKS. Send boys for them.

Chairman WALSH. Is there any particular choice made of the boys that go for those messages?

Mr. BROOKS. There is not.

Chairman WALSH. Do you maintain boxes for messenger calls in disreputable resorts?

Mr. BROOKS. Not to my knowledge; no, sir; we would not do it.

Chairman WALSH. Do you maintain boxes for messenger calls in disreputable saloons?

Mr. BROOKS. No, sir.

Chairman WALSH. Do you have a system of sending messenger boys on telephone calls?

Mr. BROOKS. Yes.

Chairman WALSH. Do you discriminate in any way from whence the call comes in sending the boy?

Mr. BROOKS. No, sir; they ask for a boy, and we send one.

Chairman WALSH. They ask you to send a boy to a certain number and you send one?

Mr. BROOKS. Yes.

Chairman WALSH. And that would include a house of prostitution or a disreputable saloon?

Mr. BROOKS. It might; we would not have any way of knowing it; we might know a saloon, but not a house of prostitution.

Chairman WALSH. Do you send them, or refrain from sending them, to saloons?

Mr. BROOKS. I would say, for a telegram, we would not send a boy to a saloon for a telegram.

Chairman WALSH. You say you have no means of knowing whether the place is a house of prostitution or not.

Mr. BROOKS. No.

Chairman WALSH. Is any check kept upon the question?

Mr. BROOKS. We can not keep a check on it; the authorities should do that, the police authorities.

Chairman WALSH. Do you have subsidiary companies that have messengers? Did you, while you were with the company, know of subsidiary companies that had messenger boys in their employ that performed services other than the collection and delivery of messages for the Western Union?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Was it the common practice for those boys to be used by disreputable resorts?

Mr. BROOKS. I should say, in some localities; yes.

Chairman WALSH. What was charged for that service?

Mr. BROOKS. Oh, various sums. I could not say.

Chairman WALSH. What did the company, or you as manager of the company, think of the moral effect of such a practice?

Mr. BROOKS. That, Mr. Walsh, had disappeared before I was made general manager of the company; that is, so far as we were able to control it. You understand that these subsidiary companies control their own operation and the Western Union has nothing to do with that.

Chairman WALSH. Did you own any of the stock of those companies? Did your company own any of the stock of these subsidiary companies?

Mr. BROOKS. They do now; they own the stock of the American District Telegraph Co. of New Jersey, which is the holding company of a great many auxiliary companies and the Western Union now performs the entire messenger service; that is, U. D. T. of New Jersey only operates its fire and burglar alarm service and the Western Union does the messenger service. And the instructions are the boys shall not do that class of work.

Chairman WALSH. Are those instructions carried out in all the cities of the United States?

Mr. BROOKS. As far as we can carry them out.

Chairman WALSH. What efforts do you make to see that they are carried out?

Mr. BROOKS. I could not say.

Chairman WALSH. Why do you say "as far as you can"?

Mr. BROOKS. When I was general manager of the company I had matters of that kind investigated as far as I could do it.

Chairman WALSH. By whom?

Mr. BROOKS. By these special agents in some cases.

Chairman WALSH. Is it a fact that in the southern cities these boys are used to-day for that character of service?

Mr. BROOKS. I do not think so.

Chairman WALSH. Do you consider working conditions in the Western Union Co. satisfactory or have you any suggestions to make as to their improvement?

Mr. BROOKS. I should say they are more satisfactory now than for a long time past, since 1907. I am not able to suggest a remedy. I do not know what; I wish I did; I wish I knew what to suggest.

Chairman WALSH. Did you ever hear of an alleged instance of a man by the name of Demarest, who was claimed to be a member of your special agents' department, who joined the Commercial Telegraphers' Union in New York, and solicited other members to act with him and cut a cable in the Hudson River at One hundred and twenty-fifth Street? Was there an occurrence ever reported to the company that such a crime was in contemplation?

Mr. BROOKS. I never heard of it.

Chairman WALSH. Regardless of its source?

Mr. BROOKS. I never heard of it. I never heard of Demarest.

Chairman WALSH. Is there any man of that name in the employ of your company at the present time?

Mr. BROOKS. Not to my knowledge. Mr. Walsh, I would like to have a copy of this correspondence between Col. Clowry and Dr. Neill to go into the record.

Chairman WALSH. We would like very much to have it.

Mr. BROOKS. I will furnish that a little later on.

Chairman WALSH. Furnish a complete file of the correspondence later on?

Mr. BROOKS. Yes, sir.

(The correspondence referred to, as submitted by the witness, is printed among the exhibits at the end of this subject as "Brooks Exhibit.")

Chairman WALSH. Commissioner Garretson would like to ask you a few questions, please.

Mr. BROOKS. Yes.

Commissioner GARRETSON. You stated, Mr. Brooks, that you made investigations of every complaint that ever came to you. What agencies did you use in making those investigations, your secret service department or special agent department?

Mr. BROOKS. In some cases, I think, it would depend on the conditions, as to the method of making the investigation.

Commissioner GARRETSON. When a report came to you from the chief of this department, for instance, Mr. Shoemaker——

Mr. BROOKS (interrupting). Yes.

Commissioner GARRETSON (continuing). Upon which a man was disciplined, and that man appealed to you for justice, did you then use the members of Shoemaker's staff in investigating the merit of the case?

Mr. BROOKS. I don't think, as a rule, we did, Mr. Garretson.

Commissioner GARRETSON. But you did sometimes?

Mr. BROOKS. Perhaps.

Commissioner GARRETSON. I think you disclaimed knowledge of a very considerable number of things during the period when you were general manager. If the general manager did not know of the wages that were paid to every class of employes; if he did not know the numbers that were in the various classes; if he did not know the conditions under which those men labored and served, who would know?

Mr. BROOKS. I don't think I made that statement, Mr. Garretson, that I did not know.

Commissioner GARRETSON. In response to the question as to the wages of the various individuals or messenger boys' pay you disclaimed, unless I misunderstood you, definite knowledge in regard to the pay of a large number of individuals and of the conditions under which they served.

Mr. BROOKS. That is to-day——

Commissioner GARRETSON (interrupting). How is that?

Mr. BROOKS. That is within the last two years.

Commissioner GARRETSON. You had that definite knowledge when you were general manager?

Mr. BROOKS. I could have had it, and I presume we did have it in our files. But, as there is no fixed standard of wages among the 30,000 or 40,000 employees, of course I would not know the individual salary of each operator.

Commissioner GARRETSON. Do you believe that in an organization like yours it is desirable to have any standard of wages for the men performing exactly the same character of services?

Mr. BROOKS. I am unable to say. That is one of the questions involved in the general economic conditions, as well as the labor problem. I don't know whether we could make a standard of wages or not to be applied to an operator that does so much work or works a certain wire, because the thing is too varied; it is too broad. I don't know whether it could be done or not.

Commissioner GARRETSON. Isn't that standardization reasonably general in the other organization which you have alluded to, the O. R. T., for men engaged in exactly the same service in different directions?

Mr. BROOKS. I don't think it is. I don't think it is, Mr. Garretson, because I think on different railroads different wages are paid. Perhaps on the same railroad the salaries for the same class of work might be the same. I with our salaries might be the same. I am speaking now personally, because I have nothing to do with the fixing of wages.

Commissioner GARRETSON. Since you left the general managership?

Mr. BROOKS. That is correct.

Commissioner GARRETSON. You stated you had no opposition—I think I am quoting the exact language—no opposition to union labor, if properly controlled?

Mr. BROOKS. That is it.

Commissioner GARRETSON. What is you idea of proper control?

Mr. BROOKS. I might sit down and talk to you for a week and arrive at some conclusion. I have not in my mind now what might be done. I will say this: That in 1907, when Col. Clowry made his agreement with Dr. Neill, there was not a man in America so glad of a thing as I was, believing that we could work out a solution of our labor problems; but it went up in the air. Since then I don't know, really.

Commissioner GARRETSON. Since then you don't know as to the conditions of the union?

Mr. BROOKS. I don't object—I would try to be fair, and if I ever came to a point where I believed we could have a fair administration, either by union labor or otherwise, I would say go ahead.

Commissioner GARRETSON. What made me ask that question, there have appeared before this commission a good many men who favored almost every labor union that in their craft they did not have to deal with.

Mr. BROOKS. I am not in that boat.

Commissioner GARRETSON. You would favor one in your own craft?

Mr. BROOKS. Yes, sir.

Commissioner GARRETSON. If it was——

Mr. BROOKS (interrupting). Properly administered. Would you permit me to just ask a question?

Commissioner GARRETSON. Sure.

Mr. BROOKS. You are the chairman or the president of the Order of Railway Conductors?

Commissioner GARRETSON. Yes.

Mr. BROOKS. I don't know when you made your first schedule with the railroad, but——

Commissioner GARRETSON (interrupting). 1895.

Mr. BROOKS (continuing). I know a good deal about your organization because I have been identified more or less with the railroads for a great many years. Suppose you had been the president of this organization on the 1st day of June, 1895, and you had entered into an agreement and secured a schedule of working conditions and wages from the Chicago, Burlington & Quincy Railroad on the 1st day of June; and on the 2d day of June called a strike, what would your organization amount to?

Commissioner GARRETSON. If you are reasonably familiar with the record, you know.

Mr. BROOKS. Now, that is what I am talking about.

Commissioner GARRETSON. Now, properly controlled, that would not, then, in your mind, carry with it an agreement with you?

Mr. BROOKS. I don't know but what it would. Why not? "A burned child dreads the fire." We have no confidence in the people who have tried to deal with us in this thing.

Commissioner GARRETSON. If you knew the record of the organization you referred to a moment ago, you know it has disagreed strongly with employers at various times.

Mr. BROOKS. That is true, and perhaps for very good reasons.

Commissioner GARRETSON. Lots of other people would say the organization was properly controlled, but the man I was disagreeing with might call me a pirate.

Mr. BROOKS. Well, that is just a question of opinion, you know; just a question of opinion.

Commissioner GARRETSON. It does not carry with it, then, necessarily, always the agreeing with you as to whether it is right or wrong?

Mr. BROOKS. Not by any means. I found out in 1907; I really believed in that agreement and thought I had been wrong all my life upon the matter, and came to the opinion that we ought to make the agreement and thought that when we did it our trade labor troubles would end. And in a very short time it all went up in smoke and air, and cost us four or five million dollars.

Commissioner GARRETSON. What would be your attitude, Mr. Brooks, toward entering into an arrangement along those lines? Of course, now, you are talking personally, as you have ceased to be general manager?

Mr. BROOKS. Yes.

Commissioner GARRETSON. But if the telegraphers of the country were combined in the one organization which you have drawn the conclusions from, would you company, in your opinion, consider it desirable to enter into contractual relations?

Mr. BROOKS. I could not say what the company would do; but if I were the owner of the telegraph property or the maker of its policy I would be very glad to take a representative of the United States Government, such a man as Dr. Neill, or Mr. Perham, or yourself, or Mr. Clark, and sit down and talk this thing out and see if we could not arrive at some solution, because I don't believe it is a satisfactory proposition as it is being administered now.

Commissioner GARRETSON. You spoke of the delegation of authority when you were general manager—that the authority was delegated to you or placed in your hands to increase the wages without getting further authority, and that you delegated that same authority——

Mr. BROOKS (interrupting). I did.

Commissioner GARRETSON (continuing). To the general superintendents, or whatever term applies to them——

Mr. BROOKS (interrupting). I did.

Commissioner GARRETSON (continuing). Did that delegation include the power to decrease wages, as well as to increase them?

Mr. BROOKS. I never decreased a wage in my life, Mr. Garretson.

Commissioner GARRETSON. In any instance, did the general superintendents use their authority to do that?

Mr. BROOKS. Not to my knowledge; and I would not have permitted it if I had known of it, if it was done.

Chairman WALSH. Commissioner Aishton has some questions he wishes to ask you.

Commissioner AISHTON. I think Commissioner Garretson brought out the point that I wanted to bring out. This agreement, made in 1907, Mr. Brooks, that was made with the Commercial Telegraphers' Union, was it not, on the one side, and the Western Union Telegraph Co. on the other?

Mr. BROOKS. It was made with Dr. Neill. Our then president declined to make an agreement with the Commercial Telegraphers' Union of America, but made an agreement with Dr. Neill, and Dr. Neill made an agreement with the organization.

Commissioner AISHTON. With the organization?

Mr. BROOKS. Yes; practically the same thing.

Commissioner AISHTON. And within a very short period of time after that agreement was made with Dr. Neill this strike occurred in San Francisco?

Mr. BROOKS. Yes; well, the next day.

Commissioner AISHTON. The next day?

Mr. BROOKS. The next day; yes, sir.

Commissioner AISHTON. The only value in an agreement lies in the good faith in which it is carried out by every party?

Mr. BROOKS. Yes, sir.

Commissioner AISHTON. And your position to this particular labor union has been due to the occurrences in 1907?

Mr. BROOKS. Entirely; entirely.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell would like to ask you some questions.

Commissioner O'CONNELL. I noticed early in your statement you spoke of the case, I think it was in Los Angeles, where a man was discharged, and you put the tape on to him. What is that? I don't understand that term?

Mr. BROOKS. Why, it is a piece of tape, run through the register. The Morse characters are printed on the tape; that is, that register has a little tongue that makes the dots and dashes that can be put onto the wire, you know, and a fellow does not know it, and in that case we got the tape on him.

Commissioner O'CONNELL. That is a method of spotting in some way?

Mr. BROOKS. No; it is not spotting. We used to use tape altogether in the handling of our business. We used to call them the old paper machines.

Commissioner AISHTON. They made a permanent record?

Mr. BROOKS. Yes; a permanent record.

Commissioner O'CONNELL. Would you add to that piece of tape, the matter of these special agents that might be included in what is called tape?

Mr. BROOKS. No; I think not. Unless we wanted to find out what they were doing. It is simply an instrument connected on a wire, Mr. O'Connell, and it records just exactly what takes place on the wire that is being worked.

Commissioner O'CONNELL. This trouble that occurred in San Francisco, this strike you speak of after an agreement had been made, did these international officers go to San Francisco and attempt to adjust——

Mr. BROOKS (interrupting). The president of the union was a man by the name of Small, in San Francisco. Dr. Neill sent a representative down there, and we finally patched the thing up. I have a letter here in my files where he wrote and said he hoped the thing was all adjusted, and congratulated us; and a few days after that this Los Angeles affair took place.

Commissioner O'CONNELL. Was the strike at San Francisco of the men employed there ordered by themselves, or was it ordered by the national organization?

Mr. BROOKS. Ordered by Mr. Small, the president of the Commercial Telegraphers' Union of America.

Commissioner O'CONNELL. Wasn't it a walkout of the men at the San Francisco office in opposition to some arrangement?

Mr. BROOKS. No, sir.

Commissioner O'CONNELL. You spoke of the personnel of the officers of the organization—that if there was a different personnel and compared Mr. Perham, the head of the Railway Order of Telegraphers, as the type of man——

Mr. BROOKS. Yes.

Commissioner O'CONNELL. My recollection is that the present national officers of the telegraphers—the Commercial Telegraphers' Association—have not been in office very long—only a few years, I think 1906——

Mr. BROOKS. Well, since 1907—this last strike.

Commissioner O'CONNELL. They were not in office, however, when this strike in San Francisco occurred?

Mr. BROOKS. Oh, yes; Mr. Konenkamp was the vice president of the committee, I think; and Mr. Wesley Russell was the secretary-treasurer, I think. Now, those gentlemen I don't know personally; never saw Mr. Konenkamp until yesterday.

Commissioner O'CONNELL. Mr. Konenkamp may have been vice president, but he was not the executive officer.

Mr. BROOKS. But Mr. Small was, and he was in San Francisco; and the dealing with Dr. Neill was with the Commercial Telegraphers' Union of America, and must have been with Mr. Konenkamp as its head.

Commissioner O'CONNELL. You spoke about the policy of the company. I understand the policy of the company has been in vogue for many, many years?

Mr. BROOKS. Yes.

Commissioner O'CONNELL. Of this antagonism to the men being organized?

Mr. BROOKS. Yes; that is it.

Commissioner O'CONNELL. Then the fact is with reference to the present officers of the organization; they may have been members of the organization, or in the office of vice president, member of the executive committee, but a good many of them were not in office at the time the policy of the organization resulted in the San Francisco strike?

Mr. BROOKS. That is true.

Commissioner O'CONNELL. So personally these officers are not the cause of the opposition of the company against the union?

Mr. BROOKS. I would not say that. It may be, or it may not be. It may be, to a certain extent, but not entirely. But I should say after the experience of the telegraph company in 1907 that it would hesitate to deal with people it had had that experience with.

Commissioner O'CONNELL. What have you in mind that originally caused the company's position, say, away back 50 years ago?

Mr. BROOKS. Oh, I think there was a general opposition to union labor at that time. I don't think you have to go back 50 years. I think, perhaps, 25 years or 30 years.

Commissioner O'CONNELL. Back between 1870 and 1880, wasn't the position of the telegraph company created at that time by the organization known as the Knights of Labor?

Mr. BROOKS. No, sir; I think not. I entered the service of the Western Union in 1871. I never heard of any opposition to a labor union, and I don't think there was any organization among the employees of the telegraph company until early in 1883. I never heard of it.

Commissioner O'CONNELL. That is your first knowledge of any organization in commercial telegraphy?

Mr. BROOKS. Yes; I was a telegraph operator in 1871, and from that up, perhaps, 10 years; and if there had been an organization, the chances are I would have known it.

Commissioner O'CONNELL. Wasn't the strike of the commercial telegraphers early in the eighties brought about by the membership in the Knights of Labor?

Mr. BROOKS. I don't think the Knights of Labor took very much interest in the strike of 1883. There was a movement in St. Louis, I think, perhaps a parade headed by the Knights of Labor, or something. But I don't think it extended——

Commissioner O'CONNELL. Wasn't the opposition brought about or created or engendered by the strike on what was known as the Gould lines of railroad?

Mr. BROOKS. No; that was after. That was, I think, in 1886—the Martin Irons strike.

Commissioner O'CONNELL. Yes. Wasn't that same opposition carried against the Western Union because——

Mr. BROOKS. I don't think so—I don't think the Goulds ever dictated the labor policy of the Western Union. I don't think they ever got into the thing that far; but I understand this strike in 1883, the telegraph strike was—and the Martin Irons strike was in 1886.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Now, aside from the question of unions, I have a question that has occurred to me as I have listened here. How many telegraphers are there in the United States?

Mr. BROOKS. I think 20,000——

Chairman WALSH (interrupting). I mean in the employ of your company?

Mr. BROOKS. About 20,000.

Chairman WALSH. Now, Mr. Carlton, your president, says that the telegraphers are underpaid.

Mr. BROOKS. Yes, sir.

Chairman WALSH. And in his opinion they are entitled justly to a wage of $5 per day for competent men.

Mr. BROOKS. Yes.

Chairman WALSH. Well, now, in connection with this company as general manager, as a former telegrapher yourself, and now as vice president, you say that they are underpaid, in your opinion, and you think they ought to have $100 a month?

Mr. BROOKS. Yes, sir.

Chairman WALSH. Now, with such a great body, the underpayment of such a great body of men constitutes a grave economic injustice, doesn't it?

Mr. BROOKS. I think so.

Chairman WALSH. Would you please indicate to this commission how these people should go about having their injustice remedied?

Mr. BROOKS. I could not tell you, Mr. Walsh how they should go about it. I know what I would do if I were the administrative officer of the Western Union Telegraph Co.

Chairman WALSH. If you were what?

Mr. BROOKS. If I were the administrative officer of the Western Union Telegraph Co. I know what I would do.

Chairman WALSH. Well, state it, please.

Mr. BROOKS. I would give them the increased wages. Pardon me, I want to make this proviso, provided the earnings of the company would permit it.

Chairman WALSH. Kindly indicate the names of the persons whom you deem to be individually responsible for this injustice to this great body of men.

Mr. BROOKS. I could not do that; I don't know.

Chairman WALSH. Sir?

Mr. BROOKS. I don't know.

Commissioner AISHTON. I have just one question.

Chairman WALSH. Yes; very well.

Commissioner AISHTON. Who regulates the earnings of public-service corporations like the Western Union? Who fixes your rates?

Mr. BROOKS. They are fixed by the Interstate Commerce Commission.

Commissioner AISHTON. That is all, Mr. Walsh, thank you.

Mr. BROOKS. Of course, you understand, Mr. Aishton, I don't think the Interstate Commerce Commission ever changed our rates. I think we have the same rates that we had in 1907; but they are subject to their regulation.

Commissioner ASHTON. You could not change them without the approval of the Interstate Commerce Commission?

Mr. BROOKS. No.

Commissioner O'CONNELL. Do the executive officers of the company have authority to regulate wages or is action necessary by the board of directors?

Mr. BROOKS. When I was general manager I had authority to regulate wages within $5,000. I could make any salary I wished up to $5,000 a year.

Commissioner O'CONNELL. Then it was within your power to raise the telegraphers' wages individually?

Mr. BROOKS. Yes, sir; I delegated that authority to the general superintendents and authorized them to carry it to the district superintendents.

Commissioner O'CONNELL. Now, if you personally believed that the telegraphers' wages were too low, and you say now you thought they ought to receive $100 a month, you had that power to make that raise.

Mr. BROOKS. I stated, in the early part of my statement, that in the 10 months—practically 10 months from February to December, 1910—the wages of the employees were increased about $1,000,000 a year. That was a step in that direction.

Commissioner O'CONNELL. What is the total number of employees?

Mr. BROOKS. Oh, I could not say. I don't know. Messenger boys and everybody else, I should say, perhaps, 30,000.

Commissioner O'CONNELL. About 30,000?

Mr. BROOKS. Or perhaps 35,000.

Commissioner O'CONNELL. And this raise of $1,000,000 a year applied to all?

Mr. BROOKS. Well, no; I would not say that. It applied to the telegraph operators and, in many cases, the employees of our commercial departments, managers, clerks, and people of that kind; but principally to the telegraph operators.

Commissioner O'CONNELL. What individual amount would that mean, if you know, individually?

Mr. BROOKS. Well, I couldn't say. It is too widely scattered. I don't know.

Chairman WALSH. Was there any other statement you desired to make to cover any other topic on which you have not been interrogated, or any amplification or any explanation of anything asked you that you wish to make? If so, you may do so now.

Mr. BROOKS. I do not think so, Mr. Walsh. There is only one thing I want to say that rather exemplifies our position to a certain extent in regard to union labor. That is the fact that we employ, I presume hundreds of members of the Order of Railway Telegraphers. We have never made any objection to that. So we are not so virulently opposed to union labor as it stands. It is more personal according to the individual.

Chairman WALSH. In view of the fact that you want to return to New York, you will be excused permanently, Mr. Brooks.

Mr. Lynch.

TESTIMONY OF MR. HENRY LYNCH.

Chairman WALSH. What is your name?

Mr. LYNCH. Henry Lynch.

Chairman WALSH. And where is your residence?

Mr. LYNCH. Winnipeg, Canada.

Chairman WALSH. And your occupation?

Mr. LYNCH. I am a commercial telegrapher.

Chairman WALSH. How long have you been employed in Winnipeg, Canada?

Mr. LYNCH. Four years May 18.

Chairman WALSH. Were you ever a resident of the United States?

Mr. LYNCH. Born and raised in the United States.

Chairman WALSH. Born in what State?

Mr. LYNCH. Illinois.

Chairman WALSH. And raised in that State?

Mr. LYNCH. Yes; up to the time I was 21 years of age.

Chairman WALSH. At what time did you become a telegraph operator?

Mr. LYNCH. At the age of 18, I think I completed—qualified in the business.

Chairman WALSH. Did you learn in some school, or how?

Mr. LYNCH. No; I learned the business with the Wabash Railway and with the Western Union Telegraph Co., at home in Champaign, Ill.

Chairman WALSH. With what telegraph companies were you employed while you were in the United States?

Mr. LYNCH. With the Postal Telegraph Co. and with the Western Union.

Chairman WALSH. Why did you leave the service of the Postal Telegraph Co.?

Mr. LYNCH. I was discharged September 10, 1910, for attending a union meeting held on West Washington Street in this city.

Chairman WALSH. Where were you employed at the time?

Mr. LYNCH. In the main office of the Postal Building. I was discharged with about 10 or 15 others.

Chairman WALSH. Are you a married man?

Mr. LYNCH. Yes, sir.

Chairman WALSH. Any children?

Mr. LYNCH. I have not.

Chairman WALSH. Please state briefly your experience after you were discharged from the Postal Telegraph Co.

Mr. LYNCH. After I was discharged from the Postal I made application to the various officials for reinstatement, and I could not be reinstated. I went to work in the general offices of the Illinois Central on October 1, 1910, the following month, and worked there until December—no, until March 5, 1911, when I was let out on account of the reduction of the forces. My record with the Western Union was clear. I had worked for them—started with the Western Union in September—September 15, I believe—1905, and worked with them continuously until June 17, 1907; got a leave of absence for two weeks and went to Hot Springs, Ark., to take care of my brother, who was tubercular. I resigned from there and went west to Colorado Springs and was there about three months and returned. This, of course, was previous to my employment with the Postal. After getting out of the Illinois Central I made application to the Western Union's chief operator, Shell. He told me that my record was O. K. with the Western Union, but demanded I should give him a clearance before he could put me to work—from the Postal. I then saw Chief Operator Powers, of the Postal, and he stated my record was O. K., as far as working capacity was concerned, but was rather evasive in the matter of giving me a clearance. I then called upon Superintendent Magill, of the Postal—now dead—and he did not seem inclined to reinstate me in the Postal, telling me that they were not in need of men; and he was rather evasive in giving me the desired letter to the Western Union, in order that I should go to work there. At that time they were hiring men and wanting men in the Western Union. I then invoked the influence of the Hon. M. B. Madden, a Congressman of the United States, then a friend of Mr. Magill's, and he wrote a personal letter that I should be restored to the service. As a consequence, there was a letter issued to me by Magill to Shell, observing that my record was good as he saw it. Of course, you know, I presented the letter to Mr. Shell, but he would not put me to work. And he kept stalling me off for two months, and between the two companies, while my record was clear as a bell in the Western Union—I was not even in their strike—I could not get back to work.

(Correspondence referred to by the witness in the foregoing statement was submitted, and appears among the exhibits at the end of this subject as "Lynch Exhibit No. 1.")

Chairman WALSH. And you had been discharged at that time, had you, from the Postal?

Mr. LYNCH. I was discharged, as I stated, about September 10, 1910, for attending a union meeting, held at 180 West Washington Street, of the telegraphers.

Chairman WALSH. What was the cause of your leaving the United States?

Mr. LYNCH. I left the United States for the reason that I felt that I was blacklisted by both companies and my services were at an end with both the Western Union and the Postal; and I went to Canada to make a living at the business. I had always figured that the letter that was written by Magill to Shell was for a twofold purpose; first, to placate Congressman Madden, and, second, to cover up any evidence of cooperative blacklisting existing between the Western Union and the Postal.

Chairman WALSH. Was it your desire to remain in the country of your nativity—in this country?

Mr. LYNCH. Yes, sir.

Chairman WALSH. Well, could you not obtain employment with some other company or railroad or something of that sort?

Mr. LYNCH. I could not. I presume that I could, but you know the wages are much better in the commercial business than they are in the railroad service.

Chairman WALSH. Do you know the names of any other operators who claim to have been forced to leave this country for the same reason you did?

Mr. LYNCH. I do, many of them. Mr. Walsh, I have here a statement of 18 operators in various parts of Canada from Vancouver to New Brunswick giving a detailed account of their experience with the Postal and with the Western Union companies here, where they were virtually placed upon a blacklist, and had to pursue the same policy I did in order to work at their trade, that I would like to file with the commission.

(Said above statement so offered in evidence appears among the exhibits at the end of this subject as "Lynch Exhibit No. 2.")

Chairman WALSH. Yes; please epitomize the statements in it, and file the entire file with the commission. I do not mean to epitomize them individually, but just state what they generally show. Are they men that were employed by the Western Union or Postal Telegraph Cos. in different points in the United States, and do they claim to have left for the reason given by you here?

Mr. LYNCH. Yes, sir; they are men who have been suspected of union activity or union affiliations or have been in sympathy with it, and have been driven all over the United States. Some of them are men who have been persecuted after they had worked for the Western Union and left in good standing.

Chairman WALSH. Were you an officer of the organization at any time?

Mr. LYNCH. Not of the Commercial Telegraphers' Union in the United States; I was, however, in Canada.

Chairman WALSH. After you left here?

Mr. LYNCH. Yes, sir.

Chairman WALSH. Prior to your leaving here had you been an organizer at any time for the union?

Mr. LYNCH. No, sir.

Chairman WALSH. Are you a member of the union now in Canada?

Mr. LYNCH. Yes, sir.

Chairman WALSH. Do the same conditions exist in Canada that exist here, or do you have contractual relations with the Commercial Telegraph Co. in Canada?

Mr. LYNCH. We have contractual relations with the company in Canada.

Chairman WALSH. How many men are employed by the Canadian Pacific Telegraph Co. in Canada?

Mr. LYNCH. About 800.

Chairman WALSH. Do they deal with this Commercial Telegraphers' Union?

Mr. LYNCH. Yes, sir.

Chairman WALSH. How long have you been in Canada now?

Mr. LYNCH. I shall have been there four years May 14 of this year.

Chairman WALSH. During the time you were there, as a matter of historical knowledge, has or has not the Canadian Pacific Telegraph Co. in Canada maintained harmonious relations with the Commercial Telegraphers' Union?

Mr. LYNCH. Yes, sir; we have never had any difficulty with the Canadian Pacific. We have raised wages there, by collective bargaining, I think, from 1907, 1908, or 1909, from a minimum of $75 a month to $100 a month, and we have reduced the hours of service required. We have secured for ourselves a two weeks' holiday with pay. I might say, incidentally, that I have just finished my time on that now, and we have established the right of having at least a chance to live as men and deal with the company in a manly way. The conditions in the United States in the telegraph business and in Canada are incomparable. All of the operators in Canada—that is, the American operators—who are about one-third, are divided into two classes, the first being men blacklisted, like myself, who can not work in the United States, and second, men who would rather live in exile than submit to the persecution and the inhuman treatment of the Western Union and Postal Cos. in the United States.

Chairman WALSH. What is the general feeling among the men in Canada toward their employers?

Mr. LYNCH. As trades-unions go, we have no room for complaint. It is fair to say, in justice to the employer in Canada, that he is a pretty fair, considerate man. I think it is fair to say of the Canadian people, employers, that they are human enough and have enough knowledge of the underlying principles which move society to-day to know that individually working a man is a slave, and that, collectively, he has some chance of bargaining, and they do things along that line. They do not make any discharges up there

except for pretty good reasons, and, of course, we use to it that they do not; but, aside from that, I think they are not inclined to do so. They are not so grasping, not so sordid, and do not propose to exact the last pound of flesh from the men.

Chairman WALSH. These letters that you have, I wish you would state how you came to have them; were they gathered purposely by your organization or by some one here so that they might be presented to the commission, or how were they gathered?

Mr. LYNCH. They were gathered through the instrumentality of the union.

Chairman WALSH. For the use of this commission?

Mr. LYNCH. Yes. I might say of this list of papers and statements I have here, that they involve about as many more operators, and are pretty hard to get—all of the blacklisted men in Canada—for the simple reason that they are out on the railroads and in other lines of business and up in the Yukon, and some of them fear the fangs of the blacklist of the Western Union and Postal, particularly the Western Union, in the United States, and while they are up there enjoying the comforts and advantages that accrue from the trades-unions, they are morally too cowardly to make the statements—they fear that some time they will come back to the United States and be made victims of the policies carried on by the Western Union.

Commissioner AUSHTON. You attribute the better condition of the workmen in Canada and the different attitude of the Canadian employer to any particular legislation that protects either or both sides beyond what we have in our country?

Mr. LYNCH. Well, I do not say that I can. I think that you have enough labor legislation in the United States, and I would think that the difference between the legislation in the United States and Canada is this: That the labor legislation in Canada which favors the workers is generally enforced. In the United States the great economic powers throttle it. And I think that the matter of having a fair-minded set of people has a great deal to do with it. I do not think it would be possible at all for any corporation to carry on the policies of the Western Union or Postal in Canada aside from the opposition they would get from the labor unions. I think the general sentiment of the people and the power of the press would lambast them so they would not attempt it. There exists a pretty good degree of honor among those men to the north of us.

Commissioner AUSHTON. Your employment was with the Canadian Pacific, I understand?

Mr. LYNCH. Yes.

Commissioner AUSHTON. In the railroad. Have they commercial lines?

Mr. LYNCH. Yes; commercial lines on the C. P. R. R., like some other commercial companies are not separate from the railroad. The capital stock liability is made up of bonds that are wrapped up in the railroad company. While the officials are separate, it is handled as one. So it has been previous to the amalgamation of the Canadian Northern Telegraph and the G. N. W. I think the development of the private telegraph business in Canada was pretty much similar to that of the United States, starting possibly about the same time, 1846. But we have in Canada to-day competition in the telegraph business. It is a Dominion of something like 8,000,000 of people, as you understand, with an area as large as the United States, so you can readily see that capitalism is not very largely developed there as yet.

Commissioner AUSHTON. About this Canadian Pacific telegraph system, I am not entirely clear in my mind. You are engaged in purely the commercial business?

Mr. LYNCH. Yes.

Commissioner AUSHTON. In a commercial office?

Mr. LYNCH. Yes.

Commissioner AUSHTON. The Canadian Pacific, though, have several hundred thousand places where the work is performed jointly, commercial telegraph?

Mr. LYNCH. Yes; the same as the Western Union in the United States on the railroads.

Commissioner AUSHTON. What part of the operators, employees of the telegraph service or commercial service, have contracts with the Canadian company; what part which are operators engaged in purely a commercial business?

Mr. LYNCH. About 800 men in the Commercial Telegraphers' Union, and 3,500 in the Order of Railway Telegraphers.

Commissioner AUSHTON. Did I understand you to say one-third of the telegraph operators in Canada were American citizens?

Mr. LYNCH. I think about that percentage.

Commissioner AUSTIN. You are speaking of commercial telegraphers now?

Mr. LYNCH. Yes.

Commissioner AUSTIN. Not of the railroad telegraphers?

Mr. LYNCH. No, I do not know much about the make-up of the railroad.

Commissioner AUSTIN. Have you any idea or knowledge as to the number of Canadian operators that are working in commercial offices in the United States?

Mr. LYNCH. I have not.

Commissioner AUSTIN. There are some that you know of?

Mr. LYNCH. Yes; I believe there are some.

Commissioner AUSTIN. That is all.

Chairman WALSH. That is all. Thank you. You will be excused, Mr. Lynch. At this point we will stand adjourned until 2 o'clock this afternoon.

(At 12.25 of this Tuesday, April 13, 1915, a recess was taken until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

Chairman WALSH. We will now resume. Mr. Perham, please take the stand.

TESTIMONY OF MR. H. B. PERHAM.

Chairman WALSH. Please state your name.

Mr. PERHAM. H. B. Perham.

Chairman WALSH. Where do you live?

Mr. PERHAM. St. Louis, Mo.

Chairman WALSH. What is your occupation?

Mr. PERHAM. At the present time I am president of the Order of Railroad Telegraphers.

Chairman WALSH. How long have you filled that position?

Mr. PERHAM. Since 1901.

Chairman WALSH. What was your business prior to that time, please.

Mr. PERHAM. I was grand secretary-treasurer of the same organization.

Chairman WALSH. How long have you been connected with the organization in an official capacity?

Mr. PERHAM. Since May, 1907.

Chairman WALSH. Were you a telegraph operator to begin with?

Mr. PERHAM. I started as a telegraph operator in 1871.

Chairman WALSH. And followed that for how long?

Mr. PERHAM. Up until about 1895, with an interim in there of three years, when I was out of the business on account of not being able to get employment.

Chairman WALSH. What companies were you connected with as telegraph operator?

Mr. PERHAM. With the—mostly with railroads—about 15 of them, and then I have worked for the Western Union Telegraph Co. at various times and places, but mostly with railroads.

Chairman WALSH. Were you ever connected with the Commercial Telegraphers' Union of America? I mean the one that has been spoken of here so much.

Mr. PERHAM. I am now a member of that union, and helped to organize it in the first place.

Chairman WALSH. Were you in the conference of 1907 that was referred to here this morning by Mr. Brooks?

Mr. PERHAM. I was. If you will permit me, I will explain my relation to that.

Chairman WALSH. Very good.

Mr. PERHAM. When that broke out in June, I was here in Chicago, and at the request of the officers of the union I went to Washington to see Dr. Charles P. Neill to interest him in the case.

Chairman WALSH. Were you the one that broached the matter to Dr. Neill?

Mr. PERHAM. I believe that to be the case; that I was the first one to mention it to him to get him interested in the Commercial Telegraphers' grievances.

Chairman WALSH. Please give us a history of that transaction.

Mr. PERHAM. I explained the situation, as I understood it, to Dr. Neill.

Chairman WALSH. What was the situation, briefly, at that time that caused you to go to Dr. Neill?

Mr. PERHAM. A strike situation that was coming up on account of the grievances suffered by the men all over the United States in the Commercial Relay Telegraph offices; and it seemed to be a strike of a "flash in the pan" variety that was going to come on, and it seemed necessary that some one should try and intercede for the men and get an agreement; and we induced Dr. Neill to go to New York to see the general manager of the Western Union Telegraph Co. to see if some sort of an agreement could not be reached. He went there, and I believe saw Mr. Clowry, who was then general manager of that company, and he returned to Washington, where I met him again, and it was on June 20, 1907, that the final agreement was reached by long-distance telephone from Samuel Gompers' office, with Dr. Neill, President Gompers, and myself present at that time. We had considerable trouble in arranging the terms of the agreement, and that was the reason for the journeys between New York and Washington in reference to it.

Now we took considerable time—something like 7 or 10 days—to bring about that agreement. Later on, when we got it in satisfactory condition, we communicated with the grand executive board of the Commercial Telegraphers' Union, which was in session in New York at the time, and President Konenkamp, the witness who was here, was at that time merely a member of that general executive board, and I believe he was the one who accepted it for the board.

We had difficulty in finding Mr. S. J. Small, who was then president of the union; he was on the Pacific coast somewhere, and I believe between Ogden and San Francisco, and we tried to—we were trying to locate him by telegraph, to see whether he was coming east or going west; and eventually we were informed by Mr. Konenkamp by telephone that Mr. Small had accepted the proposition that was suggested by the mediator, Dr. Neill, and agreed to by the company.

If you will notice in the record, it states that the strike came on on June 21. This agreement was reached about 10.30 in the morning of June 20. The arguments that led up to that agreement were totally unknown to the then president of the union; they were also unknown to the employees of the Western Union Telegraph Co. in San Francisco—no chance to understand fully the agreement that had been reached. The boys in San Francisco went out on strike without the sanction of the executive officers of the union. At least, that is my understanding of the matter, and on our presenting the matter by telephone again to the grand executive union——

Chairman WALSH (interrupting). Where were they located?

Mr. PERHAM. In New York City, and we were in Washington. That board proceeded to the Pacific coast to get those men back to work again, and actually went back there and got the men to resume their duties with the telegraph company, and the strike came on afterwards on account of the annoying and provoking conduct of the local officers of the Western Union Telegraph Co., in San Francisco and Los Angeles, Cal. That is my understanding of the case.

I wish to make it plain that the men that were out on strike had no opportunity of knowing the facts in relation to the agreement that had been reached, because it was within 24 hours of the strike coming on that the agreement was made. The agreement was made in Washington, and the strike came on two or three thousand miles away, in San Francisco. Consequently, the union can hardly be blamed for the actions that the men took at that time.

Furthermore, the personnel of the union at that time was different from what it is now. Mr. Small was then president.

It was stated here that Mr. Konenkamp was vice president of the union at the time. The union had no vice president at that time.

Chairman WALSH. What were the duties of the executive board of which, say, Mr. Konenkamp was a member?

Mr. PERHAM. It would be to administer the affairs of the union and to decide just such questions as arose at that time.

I would like to state further, as a matter of information, that many attempts have been made by the telegraphers in the Western Union employ to organize and get on their feet as other unions have done in other employment.

For instance, in 1863, there was a National Telegraphers Union, that went out of business in 1869.

In 1868 there was a Telegraphers' Protective League, that went out of business in 1870.

There was a strike in 1869.

In 1875 there was the Telegraphers' Protective Union, which went out of business in 1877.

In 1882 there was the Brotherhood of Telegraphers, and that went out of business in 1883.

In 1901 this present union was formed and it still is in existence and doing business.

The opposition of the company to the men has been persistent throughout all that time.

In 1883, in this city, there was a strike on August 1. It was under the auspices of the Knights of Labor. District Assembly 225 was in this city, and I was a member of it.

I had some connection with that strike. And the black list which was then in fashion extended from the commercial telegraph companies to every railroad in this country. I was driven out of the telegraph business on account of my actions during that strike. I learned the mining business, prospecting, and came back to civilization some three or four years afterwards, and my name was off the list, and I resumed the railroad business. But the persistent opposition of the Commercial Telegraph Co. to unionism has continued all these years.

Chairman WALSH. What is the difference in the plan of organization, if any, between the Commercial Telegraphers and the O. R. T.?

Mr. PERHAM. There is scarcely any. Their objects and aims are identical and their methods of doing business are about the same.

Chairman WALSH. You heard what Mr. Brooks said this morning—that he had many of your members in his industry and had no objection to your organization. Have you had dealings of any sort with Mr. Brooks in any official capacity?

Mr. PERHAM. In my official capacity I waited on him in the year 1907 during the strike, during the pendency of the strike, in New York City. I think it was either in August or September of that year, and I pleaded with him and with Mr. Clowry, who was then the general manager, to come to some sort of an agreement with his employees. I spent an afternoon there, but failed completely in my efforts to bring about a settlement.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions, Mr. Perham, unless there was some other statement that you desired to make about which you were not asked. I wished to ask you about the 1907 conference, it having been stated that you had had this connection with it. Now, if there was any other statement that you think would enlighten us on the present subject, you may make it.

Mr. PERHAM. I was very much complimented by the testimony of the witness, Mr. Brooks, this morning, but I assume that he has had no business with the railway telegraphers or possibly he might not have been so favorably impressed. It is a fact that at this present moment I am not permitted to go into some of the general managers' offices, even in the railroads in the United States. We are on a formative plane, you may say, and gradually making our organization perfect; but it is not yet perfected. I have about 90 per cent of the railroads in the United States scheduled, as we call it—contracts between the company and the employees—but that 5 per cent still have to be brought to time, and it is by the usual process of conferences and probably strikes before we can bring them to recognise the union.

There is one thing to be said about this, that the formation of a union is one thing and the getting of recognition is another. The getting of recognition from employers is the most difficult proposition. It is a question hardly capable of arbitration—that question of recognition; but where a union once does get on its feet and is recognised by the employer and has a contract, why, of course, business can go along in a more peaceable way thereafter. And the Commercial Telegraphers have never reached that first stage of getting the recognition of the employers. That is the trouble at the present moment; these men do not want much beyond recognition.

Chairman WALSH. Are there many members of your organization also members of the Commercial Telegraphers in the same way as you are?

Mr. PERHAM. I assume that there are possibly 500 to 1,000. We are very closely in sympathy with that union. We desire them to live and to flourish, and we put our membership in there solely for the purpose of keeping that union together and will subscribe our money and do other things to get that union recognised as the larger organization of railroad telegraphers already is.

Chairman WALSH. What is the relative size of the two organizations?

Mr. PERHAM. There are in the United States 53,000, approximately, telegraphers employed by the railroads; and, as was stated here this morning, of the Commercial Telegraphers there are about 20,000.

Commissioner O'CONNELL. And how many members have you of that 53,000?

Mr. PERHAM. About 43,000 are organized.

Commissioner O'CONNELL. What is the membership of the other?

Mr. PERHAM. I don't know.

Chairman WALSH. Commissioner Garretson wishes to interrogate you.

Commissioner GARRETSON. Mr. Perham, is it true that the then executive of the Commercial Union, following the strike of 1907 or during it, made the statement that the men in California—San Francisco and Los Angeles—took the position that they would disown the affiliation with or authority of the organization unless that authority was used to sanction that strike?

Mr. PERHAM. I am not able to answer that question because I was not there and did not take part in that, but I heard that that was the case.

Commissioner GARRETSON. That was the common report among telegraphers?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. Is it not true that the present executive of that organization used his entire influence in opposition to that strike and that he was elected to office later on on the basis of that opposition?

Mr. PERHAM. I have always understood that that was the case.

Commissioner GARRETSON. I wanted statements from you, as fairly cognizant of the business of the telegraphers and of the information that prevailed among them, and still in no way connected with that strike—I wanted to know what you knew. I have always understood that that was the case.

Mr. PERHAM. Yes; I believe that Mr. Konenkamp was very anxious to overcome that strike and to have that agreement with Mr. Clowry that was quoted this morning carried out in its entirety. That has always been his idea.

Commissioner GARRETSON. What has been your experience in dealing with the question of organization and securing of recognition where tyrannical or star-chamber methods were used against allowing the men to organize? Doesn't that always bring the physical-force element to the front among employees—not necessarily in the union but among the employees?

Mr. PERHAM. Among the employees. They will do that without a union. They will fight for that principle of recognition.

Commissioner GARRETSON. That is really the human side of it and not the organization side?

Mr. PERHAM. Not the organization side. The organization, when once established, has the best function; is very useful to the men; but to gain that organization recognition must come.

Commissioner GARRETSON. And it is after the orderly method has been established that the men that favor the orderly method come into control?

Mr. PERHAM. Always the best men come to the front then to transact the business of the union that has gained recognition.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Aishton will ask you some questions?

Commissioner AISHTON. Mr. Perham, are the rules of the Commercial Telegraphers' Union the same now as they were in 1907 or prior to that time?

Mr. PERHAM. They have held conventions yearly since that time, I believe, in which some slight changes might have been made. I am not aware, though, of what those changes were; but I can state, though, that the constitution and statutes of the union are practically the same as they were in 1907.

Commissioner AISHTON. Speaking of your organization, Mr. Perham, it would hardly be possible, under your organization, would it, for the president in San Francisco to be unaware of an arrangement made by his executive committee or the executive committee of your organization in New York covering an arbitration agreement?

Mr. PERHAM. I might say that our law is different from that of almost any other organization I know of, in that it gives the chief executive officer full power in that regard; that there is no one over him. He may approve a strike and the strike may come on—that is, if the employees have voted for it—and he may withhold his approval for the strike and the strike will not come. That is rather extraordinary, and it applies just simply to the railroad telegraphers.

Commissioner AISHTON. In your experience, after agreement for arbitration or for the submission of a subject to somebody or other for the adjudication of

differences, either by the president or by the executive committee, you have never had any strike in your organization, have you?

Mr. PERHAM. I have never seen any agreement of that kind abrogated by the men. It has been carried out.

Commissioner AISHTON. And that is the strength of yours or of any other organization, that an agreement made by the proper authority as organized under their constitution is absolutely carried out in good faith by the organization?

Mr. PERHAM. It always has been.

Commissioner AISHTON. In this particular case in San Francisco, as I understand, that strike was started within 24 hours after the signing of an arbitration agreement in New York?

Mr. PERHAM. And before the men knew of the situation——

Commissioner AISHTON (interrupting). Yes.

Mr. PERHAM (continuing). May I explain——

Commissioner AISHTON. Yes.

Mr. PERHAM. The strike was quite imminent for several days or weeks prior to this time; and that is why I interested myself in the case, because I believed there was very much in mediation, and that is why I went to Washington to see if I could head off the strike that seemed bound to come. And we nearly succeeded in doing it. And I believe if we had had four days in which to inform the men in San Francisco as to what took place in Washington, that strike would not have come on.

Commissioner AISHTON. Of course, I assume that the executive committee had access to the telegraph wires in San Francisco?

Mr. PERHAM. They did.

Commissioner AISHTON. It was not a very lengthy document—that read by Mr. Brooks this morning?

Mr. PERHAM. It was, as a matter of fact, wired out there.

Commissioner AISHTON. And was, as a matter of fact, received by the president of the organization or some of his associates prior to the calling of the strike, or do you know that?

Mr. PERHAM. I don't know that, but I suspect that was the case. I would like to explain further. I was out in San Francisco and saw these men that went out on the strike prior to the time they went out on the strike. I was at a meeting there one Sunday afternoon when 400 men were present who had just been organized, and I gave them a lecture for about two hours as to their duties as a union. Mind you, these men had just won their cards in the union. They were not yet union men; they were raw recruits, and had got to learn all about the way the union transacted business, and they are not safe until they have learned that, as to how the business is done. Now, those telegraphers in San Francisco were not aware of the machinery of the union for keeping order and keeping business and gaining advances by it, but they would have to learn that, and they will have that to learn yet.

Commissioner AISHTON. Mr. Perham, after that San Francisco strike took place, how long a time elapsed, do you remember, before the men at Los Angeles walked out?

Mr. PERHAM. I am not able to give you that date?

Commissioner AISHTON. Do you know how long a time elapsed before the men in Chicago retired from work? I think it was testified that they did retire?

Mr. PERHAM. It seems to me that that came on about July the 15th, but my memory is treacherous about that.

Commissioner AISHTON. Then, as I understand it, and as your memory goes, the New York strike followed?

Mr. PERHAM. Yes; it just spread from one town to another until it involved the entire country.

Commissioner AISHTON. There was or must have been knowledge, or it is fair to assume that the men in Chicago and in New York did have knowledge of this agreement that had been reached?

Mr. PERHAM. I suspect that they did, but their grievances were of such a character that no man in the world could have prevented them from striking.

Commissioner AISHTON. As you say, it started with a flash in the pan, and those things are dangerous when they get started?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. The place to stop them is before they get started?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. That has always been your experience?

Mr. PERHAM. My experience is that to get the men organized and put under control is one of the methods of bringing industrial peace; and there can be no peace for the commercial telegraph companies until they recognize the union of employees and do business as other people do it.

Chairman WALSH. That is all, thank you, Mr. Perham.

Mr. Edward G. Barrett.

TESTIMONY OF MR. EDWARD G. BARRETT.

Chairman WALSH. State your name.

Mr. BARRETT. Edward G. Barrett.

Chairman WALSH. Where do you reside, Mr. Barrett?

Mr. BARRETT. At Downers Grove, Ill.

Chairman WALSH. What is your business?

Mr. BARRETT. Repeater attendant.

Chairman WALSH. That is a branch of the telegraph business?

Mr. BARRETT. Yes, sir.

Chairman WALSH. Just describe what that is, please, Mr. Barrett.

Mr. BARRETT. To adjust repeaters, single, duplex, or quadruple.

Chairman WALSH. Please describe the operation.

Mr. BARRETT. We adjust them so they repeat into the sounders that the operators receive from and keep them in working order.

Chairman WALSH. By what company are you employed?

Mr. BARRETT. The Western Union Telegraph Co.

Chairman WALSH. Have you been employed by the company in any other capacity?

Mr. BARRETT. I have.

Chairman WALSH. In what capacity?

Mr. BARRETT. Special agent.

Chairman WALSH. Were you ever a regular telegraph operator?

Mr. BARRETT. Yes, sir.

Chairman WALSH. Covering what period of years were you an operator?

Mr. BARRETT. Ten years.

Chairman WALSH. Were you ever—what is the nature of your work—the work of a special agent?

Mr. BARRETT. Well, it is secret work.

Chairman WALSH. Just describe what it is.

Mr. BARRETT. Well, you follow out the orders of your superior, whatever they may be, whatever you are assigned to, whatever case it is.

Chairman WALSH. Are the orders given to you in writing usually?

Mr. BARRETT. No.

Chairman WALSH. How long did you act as special agent for the company?

Mr. BARRETT. From January to April, 1911, and from January to October in 1912.

Chairman WALSH. From whom did you receive your assignment?

Mr. BARRETT. Shoemaker.

Chairman WALSH. From the Shoemaker that has been testified about here?

Mr. BARRETT. Yes.

Chairman WALSH. Did you apply for the place or were you selected?

Mr. BARRETT. I was selected.

Chairman WALSH. You were selected?

Mr. BARRETT. Yes, by Mr. Shoemaker.

Chairman WALSH. Where were you stationed at the time you were selected?

Mr. BARRETT. At the Chicago office.

Chairman WALSH. In 1911?

Mr. BARRETT. Yes, sir.

Chairman WALSH. And where did you work at the time you were selected in 1912?

Mr. BARRETT. At the Chicago office.

Chairman WALSH. What was your first assignment after you were selected?

Mr. BARRETT. I don't understand what you mean.

Chairman WALSH. You said that you acted under the orders of your superior. What were the orders you first received after your selection as special agent?

Mr. BARRETT. To check up unionism.

Chairman WALSH. What does that mean?

Mr. BARRETT. To ascertain who were members of the union.

Chairman WALSH. Please describe the modus operandi to us.

Mr. BARRETT. Well, by legitimate detective methods is all I can explain.
Chairman WALSH. Where did you do your first work in that line?
Mr. BARRETT. At El Paso.
Chairman WALSH. Were you a member of the union?
Mr. BARRETT. Not then.
Chairman WALSH. Did you become a member of the union?
Mr. BARRETT. Yes; later on.
Chairman WALSH. While you were a special agent?
Mr. BARRETT. Yes, sir.
Chairman WALSH. What is the compensation of a special agent?
Mr. BARRETT. It varies.
Chairman WALSH. What was your compensation as a special agent?
Mr. BARRETT. One hundred dollars.
Chairman WALSH. What was the highest compensation paid that you know of?
Mr. BARRETT. One hundred and thirty-five dollars.
Chairman WALSH. And the lowest?
Mr. BARRETT. Ninety dollars, I believe.
Chairman WALSH. Now, did you have an expense account?
Mr. BARRETT. Yes.
Chairman WALSH. Please state what items you were permitted to charge upon that expense account.
Mr. BARRETT. Board.
Chairman WALSH. Anything else?
Mr. BARRETT. Lodging and drinks, if any.
Chairman WALSH. Anything else?
Mr. BARRETT. No; well, it included car fare.
Chairman WALSH. Was there an expense attached to joining the union, an initiation fee, or anything of that sort?
Mr. BARRETT. Yes; it also included that.
Chairman WALSH. They also paid your initiation fee?
Mr. BARRETT. Yes.
Chairman WALSH. Did you pay the dues out of your expenses?
Mr. BARRETT. I had no dues.
Chairman WALSH. Aren't there any dues in the union?
Mr. BARRETT. I was in there only a short while.
Chairman WALSH. What organization did you join, the Commercial Telegraphers'?
Mr. BARRETT. Yes.
Chairman WALSH. Where did you join it?
Mr. BARRETT. Oklahoma and New York.
Chairman WALSH. What did you first do in El Paso?
Mr. BARRETT. Sir?
Chairman WALSH. What did you first do in El Paso?
Mr. BARRETT. Got a job and went to work as a telegraph operator.
Chairman WALSH. Did you make any report of union men at that place?
Mr. BARRETT. I did not.
Chairman WALSH. Were you there for that purpose?
Mr. BARRETT. I was.
Chairman WALSH. How did it happen you did not make a report from that place?
Mr. BARRETT. I did not find any.
Chairman WALSH. You went from there, where?
Mr. BARRETT. To Oklahoma city.
Chairman WALSH. You joined the union there?
Mr. BARRETT. Yes.
Chairman WALSH. Did you make a report from that place?
Mr. BARRETT. I did.
Chairman WALSH. To whom did you make a report from that place?
Mr. BARRETT. Superintendent Lingafelt.
Chairman WALSH. He was superintendent where?
Mr. BARRETT. At Oklahoma city.
Chairman WALSH. Under what name did you work there?
Mr. BARRETT. My own.
Chairman WALSH. Your true name?
Mr. BARRETT. Yes.
Chairman WALSH. Did you join the union under that name?
Mr. BARRETT. I did.

Chairman WALSH. Did you attend the meetings?
Mr. BARRETT. No.
Chairman WALSH. Just describe how you joined the union.
Mr. BARRETT. By letter.
Chairman WALSH. Did you get a union card?
Mr. BARRETT. I did.
Chairman WALSH. You say you paid the initiation fee?
Mr. BARRETT. Yes.
Chairman WALSH. And charged that on your expense account?
Mr. BARRETT. I did.
Chairman WALSH. Did you turn in any names of persons who belonged to the union at that place?
Mr. BARRETT. I did.
Chairman WALSH. How did you ascertain them?
Mr. BARRETT. By talking to them and seeing their cards.
Chairman WALSH. Just describe it. Did you tell them you were a union man?
Mr. BARRETT. I did.
Chairman WALSH. Just describe in your own way how you did it.
Mr. BARRETT. There is nothing more to describe than what I have answered you.
Chairman WALSH. Sir?
Mr. BARRETT. There is nothing more to describe than what I have answered. I have answered your question as fully as I can.
Chairman WALSH. How many telegraph operators did you report from Oklahoma city?
Mr. BARRETT. Six.
Chairman WALSH. Now, where did you take them, at your office?
Mr. BARRETT. At various places.
Chairman WALSH. Did you buy them drinks and things like that?
Mr. BARRETT. No.
Chairman WALSH. Did they tell you freely that they belonged?
Mr. BARRETT. They did.
Chairman WALSH. Did you have any other way to check the matter up than by these questions?
Mr. BARRETT. Only by seeing their cards.
Chairman WALSH. I believe you mentioned that; you sent the list to the company, to Mr. Lingafelt?
Mr. BARRETT. I told him of it.
Chairman WALSH. Were these men discharged?
Mr. BARRETT. I don't know; they were not there while I was there.
Chairman WALSH. How long did you remain there?
Mr. BARRETT. I don't know; a couple of months, I should say.
Chairman WALSH. And you acted as a telegraph operator during the time?
Mr. BARRETT. Yes, sir.
Chairman WALSH. Did the $100 a month include your service to the telegraph company both as special agent and as operator?
Mr. BARRETT. I believe you could put it that way; yes, sir.
Chairman WALSH. Is that the way it is? I do not want to put it that way, of course.
Mr. BARRETT. That is the only way I can explain it to you.
Chairman WALSH. Your total compensation was $100 a month.
Mr. BARRETT. Yes, sir; $100 a month.
Chairman WALSH. Where did you go from Oklahoma city?
Mr. BARRETT. Chicago.
Chairman WALSH. What did you do in Chicago?
Mr. BARRETT. I went to work in the main office as a regular operator.
Chairman WALSH. Sir?
Mr. BARRETT. I went to work in the main office as a regular operator.
Chairman WALSH. A regular operator?
Mr. BARRETT. Yes.
Chairman WALSH. Were you still a member of the union?
Mr. BARRETT. No.
Chairman WALSH. Did you resign?
Mr. BARRETT. I sent them my card.
Chairman WALSH. You returned your card?

Mr. BARRETT. Yes.

Chairman WALSH. After you came to Chicago did you belong to the union here?

Mr. BARRETT. No.

Chairman WALSH. Did you act as special agent in Chicago?

Mr. BARRETT. No.

Chairman WALSH. Did you act as special agent in Chicago at any time?

Mr. BARRETT. No.

Chairman WALSH. How did you come then—where was your next service as special agent?

Mr. BARRETT. I was hired by Mr. Shoemaker, in Chicago.

Chairman WALSH. And sent where?

Mr. BARRETT. I was sent to Memphis.

Chairman WALSH. You were not a member of the union when you were hired this time?

Mr. BARRETT. No.

Chairman WALSH. Did you join the union?

Mr. BARRETT. Later on.

Chairman WALSH. Where?

Mr. BARRETT. At New York.

Chairman WALSH. Did you get a list of names at Memphis?

Mr. BARRETT. No.

Chairman WALSH. For what reason?

Mr. BARRETT. There were none there.

Chairman WALSH. Did you go direct from Memphis to New York?

Mr. BARRETT. No, sir.

Chairman WALSH. Where did you go before you went to New York?

Mr. BARRETT. To Atlanta.

Chairman WALSH. And engaged in the same work there?

Mr. BARRETT. No, sir.

Chairman WALSH. What did you do in Atlanta?

Mr. BARRETT. I stayed there a while, and was sent from there to Savannah.

Chairman WALSH. Did you act as operator in Atlanta?

Mr. BARRETT. No.

Chairman WALSH. How long were you in Atlanta?

Mr. BARRETT. Four or five days.

Chairman WALSH. Were you checking up there?

Mr. BARRETT. No.

Chairman WALSH. What business were you doing for the company there?

Mr. BARRETT. Resting.

Chairman WALSH. Just resting?

Mr. BARRETT. Yes. [Laughter.]

Chairman WALSH. Please make no audible expression of your feelings while the commission is in session.

Where did you go from Atlanta?

Mr. BARRETT. To Savannah.

Chairman WALSH. How long were you at Savannah?

Mr. BARRETT. About a month.

Chairman WALSH. Did you work for the telegraph company there?

Mr. BARRETT. Yes, sir.

Chairman WALSH. As an operator?

Mr. BARRETT. Yes, sir.

Chairman WALSH. Did you send any list from Savannah?

Mr. BARRETT. No, sir.

Chairman WALSH. Was it because you were unable to discover any there?

Mr. BARRETT. I did not discover any there.

Chairman WALSH. Where did you go from Savannah?

Mr. BARRETT. To New York.

Chairman WALSH. What did you do in New York?

Mr. BARRETT. Worked for Mr. Shoemaker.

Chairman WALSH. Did you act as operator?

Mr. BARRETT. No, sir.

Chairman WALSH. Just describe what your duties were while working for Mr. Shoemaker.

Mr. BARRETT. Well, standing on the block, as the boys call it, on the corner, and seeing if I could pick up anything.

Chairman WALSH. That is, seeing whether you could ascertain whether or not any persons belonged to the union?
Mr. BARRETT. Yes, sir.
Chairman WALSH. Were you a member of the union then?
Mr. BARRETT. No, sir.
Chairman WALSH. When did you join?
Mr. BARRETT. I don't know just what date it was, but it was later on.
Chairman WALSH. In New York?
Mr. BARRETT. Yes.
Chairman WALSH. Did you join under the same name that you joined in Oklahoma?
Mr. BARRETT. No, sir.
Chairman WALSH. Under what name did you come in?
Mr. BARRETT. Under the name of McEwen.
Chairman WALSH. And your first name?
Mr. BARRETT. No, sir.
Chairman WALSH. Under what first name did you join?
Mr. BARRETT. Arthur.
Chairman WALSH. What is your first name, Edward G. Barrett?
Mr. BARRETT. Yes, sir.
Chairman WALSH. Did you turn in a list from New York?
Mr. BARRETT. No, sir.
Chairman WALSH. Why not?
Mr. BARRETT. I was not required to.
Chairman WALSH. Did you make any report in New York?
Mr. BARRETT. Verbal reports only.
Chairman WALSH. How many did you report in New York?
Mr. BARRETT. None.
Chairman WALSH. Were you able to ascertain any in New York?
Mr. BARRETT. No, sir.
Chairman WALSH. Were there any there, as far as you found out, that belonged to the union?
Mr. BARRETT. There were probably some there; I don't know.
Chairman WALSH. You were not able to ascertain, you mean?
Mr. BARRETT. That is correct.
Chairman WALSH. How long did you stay there?
Mr. BARRETT. I don't know just how long; two or three months, I presume.
Chairman WALSH. Did you attend union meetings there?
Mr. BARRETT. No, sir.
Chairman WALSH. You simply talked to individuals to ascertain whether or not they belonged to the union?
Mr. BARRETT. Yes, sir.
Chairman WALSH. Was it your practice while you were doing this work to attempt to organize the men?
Mr. BARRETT. No, sir.
Chairman WALSH. Apparently organize them into a union?
Mr. BARRETT. No, sir.
Chairman WALSH. When you went out to Oklahoma did you call a meeting of a number of the operators in your room and ask them to join the union?
Mr. BARRETT. I did not call that meeting.
Chairman WALSH. What were the circumstances of the meeting being held there?
Mr. BARRETT. Well, they simply suggested it and I agreed to it.
Chairman WALSH. Who suggested it; what individual?
Mr. BARRETT. I don't remember.
Chairman WALSH. How many of you were in that meeting?
Mr. BARRETT. Six or seven.
Chairman WALSH. Was it in your room?
Mr. BARRETT. It was.
Chairman WALSH. And was it six or seven men that you reported were in your room?
Mr. BARRETT. They were.
Chairman WALSH. And you reported none others?
Mr. BARRETT. None others.
Chairman WALSH. And had they joined the union as yet?
Mr. BARRETT. They were all members.

Chairman WALSH. They were all members?
Mr. BARRETT. Yes.
Chairman WALSH. How did they happen to meet in your room?
Mr. BARRETT. Well, some one wanted to know where they should meet, and I told them they could have my room if they wanted it.
Chairman WALSH. Was it in a hotel?
Mr. BARRETT. It was.
Chairman WALSH. Did the telegraphers with whom you worked in Oklahoma ascertain what your business was?
Mr. BARRETT. I think not.
Chairman WALSH. Did you do work in any other part of the country?
Mr. BARRETT. No, sir.
Chairman WALSH. Did you visit telegraph operators in Albany, New York State, and represent yourself as representing an artificial leg concern in Minneapolis?
Mr. BARRETT. I believe I did, but not in this connection at all.
Chairman WALSH. How long did you act as special agent altogether?
Mr. BARRETT. From January to April, 1911, and from January to October, 1912.
Chairman WALSH. Have you stated all of the men you reported?
Mr. BARRETT. I believe I have.
Chairman WALSH. And that is the number?
Mr. BARRETT. Yes.
Chairman WALSH. How many months were you in the service altogether as special agent?
Mr. BARRETT. About a year; something like that.
Chairman WALSH. About a year, and during that time you say you reported but six men that belonged to the union?
Mr. BARRETT. That is all.
Chairman WALSH. They were the ones that met in your room in Oklahoma city?
Mr. BARRETT. That is all.
Chairman WALSH. Are you in the special service at present?
Mr. BARRETT. I am not.
Chairman WALSH. Were you ever employed by any detective agency?
Mr. BARRETT. I was.
Chairman WALSH. What detective agency?
Mr. BARRETT. Thiel Detective Agency.
Chairman WALSH. For how long a time?
Mr. BARRETT. A couple of years.
Chairman WALSH. Covering what period?
Mr. BARRETT. I don't remember.
Chairman WALSH. How long ago was it?
Mr. BARRETT. It must have been 10 or 12 years ago.
Chairman WALSH. Were you engaged in this same line of work?
Mr. BARRETT. Yes.
Chairman WALSH. Among the telegraphers?
Mr. BARRETT. Not wholly. I was engaged in general detective business.
Chairman WALSH. Did it have to do with industrial matters alone?
Mr. BARRETT. Sometimes.
Chairman WALSH. Your services?
Mr. BARRETT. Sometimes.
Commissioner GARRETSON. You were paid $100 a month for services both as operator and as detective. When you came back to Chicago after your first venture and dropped the rôle of detective, what were you paid?
Mr. BARRETT. Eighty dollars.
Commissioner GARRETSON. When you joined the organization—that is, the telegraphers' union—did you take an obligation?
Mr. BARRETT. I don't believe I did.
Mr. GARRETSON. Not sure?
Mr. BARRETT. I know I did not.
Mr. GARRETSON. You know you did not? That is all.
Chairman WALSH. That is all; you may be excused.
Commissioner AIGHTON. Just one question I would like to ask: Did you have any other line of investigation during this period?
Mr. BARRETT. Yes.

Commissioner AISHTON. When you were employed in this capacity other than getting the names of men belonging to the union?

Mr. BARRETT. Yes.

Commissioner AISHTON. I wish you would describe to the chairman some of those duties, please.

Mr. BARRETT. There was a case of stealing I checked up. That is all I know.

Commissioner AISHTON. Stealing from the company?

Mr. BARRETT. Yes.

Commissioner AISHTON. Anything else?

Mr. BARRETT. No; I don't believe so, other than looking after the general benefit of them so far as I could.

Commissioner AISHTON. Did your instructions from your company cover the general inspection of the service—of the property?

Mr. BARRETT. I didn't get instructions from the company. Shoemaker was my instructor. That was his instructions.

Commissioner AISHTON. That was his instructions?

Mr. BARRETT. Yes, sir.

Commissioner AISHTON. That is all. Thank you.

Commissioner O'CONNELL. In the efforts you made to gather the names of union men and send in or to verbally give in to the officials, did you make the mistake of any one man who was not a union man?

Mr. BARRETT. I did not.

Commissioner O'CONNELL. In what way were you sure that you did not?

Mr. BARRETT. Because I saw their cards.

Commissioner O'CONNELL. You say you did not take an obligation in the organization?

Mr. BARRETT. Not that I know of. I signed some kind of a paper, but I didn't read it.

Commissioner O'CONNELL. Signed a paper but didn't read it?

Mr. BARRETT. Yes; signed it just because it was an application shoved at me.

Commissioner O'CONNELL. How did you get your card?

Mr. BARRETT. By mail.

Commissioner O'CONNELL. Sent you by mail?

Mr. BARRETT. The first one; Konenkamp gave me the second.

Commissioner O'CONNELL. Konenkamp personally?

Mr. BARRETT. Personally.

Commissioner O'CONNELL. In his office?

Mr. BARRETT. At his office.

Commissioner O'CONNELL. Didn't go through any form of initiation?

Mr. BARRETT. No.

Commissioner O'CONNELL. Just handed it to you and said you were a member?

Mr. BARRETT. That is all.

Commissioner O'CONNELL. Did you feel in accepting membership in that organization you had assumed any responsibility toward the organization or its members?

Mr. BARRETT. No.

Commissioner O'CONNELL. Suppose that there was an obligation that you would not knowingly do personal injury to a member?

Mr. BARRETT. I dont' think there was.

Commissioner O'CONNELL. Wouldn't any obligation of that kind go with it?

Mr. BARRETT. No, sir.

Commissioner O'CONNELL. Had you any idea as to there being any such obligation from the members of the organization?

Mr. BARRETT. No, sir.

Commissioner O'CONNELL. Have you any idea as to just what that organization is formed for?

Mr. BARRETT. Yes.

Mr. O'CONNELL. What is your conception of the organization?

Mr. BARRETT. It looks to me like the men are trying to better themselves and the company won't have it.

Commissioner O'CONNELL. You feel that you were working right in line with the company in preventing men from getting it?

Mr. BARRETT. That is where I get my bread and butter.

Commissioner O'CONNELL. You feel if the men bettered their condition by organization and increasing of wages and rates and hours of labor, better their working conditions, that you would not enjoy also that result?

Mr. BARRETT. I do not know. I presume I would.

Commissioner O'CONNELL. You think that would not probably overcome, be of greater amount of service to you than that which the company was giving you?

Mr. BARRETT. I don't know.

Commissioner O'CONNELL. In the service of the Thiel Detective Agency were you engaged in gathering information as to what organizations were doing?

Mr. BARRETT. Yes, sir.

Commissioner O'CONNELL. And as to whether they were preparing for strikes or not?

Mr. BARRETT. Yes, sir.

Commissioner O'CONNELL. And did you ever attend their meetings, union meetings of organizations; did you ever attend a meeting of their union?

Mr. BARRETT. No.

Commissioner O'CONNELL. In what way did you gather the information?

Mr. BARRETT. Just merely hearsay.

Commissioner O'CONNELL. You turned that in to the Thiel Agency?

Mr. BARRETT. Just as I found it.

Commissioner O'CONNELL. Just as you heard it?

Mr. BARRETT. Hearsay.

Commissioner O'CONNELL. Upon that information your employer would furnish to parties seeking that information as being reliable information?

Mr. BARRETT. I don't know what he would furnish.

Commissioner O'CONNELL. The only basis of your information was simply hearing men talk?

Mr. BARRETT. That is all. I have reported my stuff. I never padded my reports.

Commissioner O'CONNELL. Never padded them?

Mr. BARRETT. No, sir; they were straight.

Commissioner O'CONNELL. You think you were always absolutely accurate in your conception of what men were talking about?

Mr. BARRETT. I do.

Commissioner O'CONNELL. For instance, in barrooms—you would hear them talk in barrooms?

Mr. BARRETT. Lots of them talk there, but that talk don't go.

Commissioner O'CONNELL. You wouldn't pay any attention to a man talking in a barroom?

Mr. BARRETT. No.

Commissioner O'CONNELL. But you have been in such places?

Mr. BARRETT. Yes.

Commissioner O'CONNELL. And I understand some of your expense account was for the purpose of buying drinks, you say?

Mr. BARRETT. Occasionally.

Commissioner O'CONNELL. State what your purpose would be in buying a man a drink?

Mr. BARRETT. Because he was a good fellow, something like that.

Commissioner O'CONNELL. Just good fellowship?

Mr. BARRETT. Yes.

Commissioner O'CONNELL. Would you endeavor to furnish him several drinks so that he might become a free talker?

Mr. BARRETT. No.

Commissioner O'CONNELL. Were there any other peculiar means that you used in your way of securing information?

Mr. BARRETT. No.

Commissioner O'CONNELL. All open and aboveboard?

Mr. BARRETT. Yes.

Commissioner O'CONNELL. You never made it known among men that you came among that you were watching them?

Mr. BARRETT. No.

Commissioner O'CONNELL. You didn't think that that was necessary?

Mr. BARRETT. That was not my business.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Where were you born?

Mr. BARRETT. Mendota, Ill.

Commissioner LENNON. Where do your people live now?

Mr. BARRETT. My folks are all dead except by immediate family.

Commissioner LENNON. You have a family?

Mr. BARRETT. Yes.

Commissioner LENNON. Where do they live?

Mr. BARRETT. The same place I gave as my address.

Commissioner LENNON. Where did you learn the trade?

Mr. BARRETT. Mendota.

Commissioner LENNON. How long did you work there?

Mr. BARRETT. Oh, I don't know. I worked there for years.

Commissioner LENNON. How long; don't you know approximately how many years?

Mr. BARRETT. Ever since I was a kid about 17.

Commissioner LENNON. You worked there about 17 years?

Mr. BARRETT. Ever since I was a boy about 17 I have worked as an operator off and on.

Commissioner LENNON. How long did you work in Mendota?

Mr. BARRETT. I can't tell you.

Commissioner LENNON. What other places have you worked besides at Mendota?

Mr. BARRETT. Various places on the Burlington Railroad.

Commissioner LENNON. What various places on the Burlington? Did you ever belong to the Order of Railroad Telegraphers?

Mr. BARRETT. I have.

Commissioner LENNON. You have?

Mr. BARRETT. Yes.

Commissioner LENNON. Did you perform this same character in that when you were in the railroad company's employ regarding the members of the organization of telegraphers that you did with the others?

Mr. BARRETT. I did not.

Commissioner LENNON. I have here a copy of the obligation of the Commercial Telegraphers and I am going to read it. I would like to ask you if you signed it? It is an application and obligation together. It reads:

"I," and then a place for your name, "of my own free will and accord, do most solemnly and sincerely promise and affirm upon my sacred honor, that I will never reveal any of the secrets of the union, which have been heretofore, shall be at this time, or may at any future period be communicated to me as such, to any person whomsoever, unless lawfully authorised to do so; that I will obey and abide by the laws and regulations of the union, so far as they shall come to my knowledge; that I will not knowingly wrong, cheat, or defraud a member of this union; that I will assist all destitute, worthy members of the union who may apply to me for relief when in my power to do so; that I will give employment to a member of this union in preference to a stranger, other things being equal; that I will give members due and timely notice of any danger that I may know to threaten their families; that I will recognise all signs which may be given me by members of this union and will endeavor at all times to uphold and maintain the dignity of the union; that I will not teach the art of telegraphy to any person or persons; that I will not recommend any candidate for membership in this union whom I may have reason to believe would prove unworthy of the sacred name of brother. All this I most solemnly and sincerely promise and affirm with a steadfast resolution to keep and perform the same without the least equivocation or mental reservation whatsoever."

When you made application for membership in the Commercial Telegraphers, did you sign a document of that kind?

Mr. BARRETT. I don't know what it was. I never read it. I simply signed it.

Commissioner LENNON. Then, if you read the regular application blank of the organization, did you sign the application blank where you stated where you were born and the date of your birth and how long you had been a telegrapher and by whom you were then employed and where your present place of employment is and your address?

Mr. BARRETT. I believe there was some such thing as that previous to the strike, when I joined, in good faith.

Commissioner LENNON. When I asked the question where you had been besides Mendota, can you remember where you have been employed in the telegraph business in other cities besides Mendota, New York, and Oklahoma, and the other cities you have mentioned?

Mr. BARRETT. No; not at present; I can not remember.

Commissioner LENNON. Where were you located when you were a member of the Order of Railway Telegraphers?

Mr. BARRETT. Clinton, Iowa.

Commissioner LENNON. Clinton, Iowa?
Mr. BARRETT. Yes.
Commissioner LENNON. What year were you a member of that organization?
Mr. BARRETT. 1889.
Commissioner LENNON. How long did that membership continue?
Mr. BARRETT. I don't remember.
Commissioner LENNON. Was it before or after your employment by the Thiel Detective Agency?
Mr. BARRETT. Long years before.
Commissioner LENNON. Before?
Mr. BARRETT. Yes.
Commissioner LENNON. How came you to get out, cease to be a member of the Order of Railway Telegraphers?
Mr. BARRETT. Went in the train service and I dropped it.
Commissioner LENNON. What place, what train service?
Mr. BARRETT. Switchman.
Commissioner LENNON. Did you belong to the Switchmen's Union of North America and to the Brotherhood of Trainmen?
Mr. BARRETT. No, sir; neither one.
Commissioner LENNON. Belonged to neither one of them. Did you ever join the Order of Railway Telegraphers?
Mr. BARRETT. Yes.
Commissioner LENNON. Where?
Mr. BARRETT. St. Louis.
Commissioner LENNON. Did you join the lodge of which Mr. Perham was a member?
Mr. BARRETT. I believe so.
Commissioner LENNON. You were acquainted with him there?
Mr. BARRETT. Not at that time.
Commissioner LENNON. How long were you a member at that time?
Mr. BARRETT. I don't remember.
Commissioner LENNON. How long did you continue to be a member?
Mr. BARRETT. I am still a member, I believe.
Commissioner LENNON. You are still a member—you are now a member of the Order of Railway Telegraphers?
Mr. BARRETT. Yes.
Commissioner LENNON. That is all.
Commissioner O'CONNELL. Do you pay dues in the Order of Railway Telegraphers now?
Mr. BARRETT. I do.
Commissioner O'CONNELL. Where is your card now, what local union?
Mr. BARRETT. Chicago, 91. Never attended a meeting there.
Chairman WALSH. I wish you would please look at this paper which I hand you, which begins in this way [reading]:

"Question. Are you willing to take upon yourself a solemn and binding obligation of secrecy and obedience—one, however, that will not interfere with your religion, the duty you owe your country, your family, or yourself?"

In filling in that blank—I will ask you if this is your signature—that you filled that in in the place that is mentioned, where your name appears?
Mr. BARRETT. Yes; that is my writing.
Chairman WALSH. Sir?
Mr. BARRETT. That is my writing.
Chairman WALSH. Look at that. I am going to ask you a question. You wrote that, did you not? Your writing appears at the top, where you answered the question, "Yes," you were willing to take the obligation, and at the bottom where you signed it?
Mr. BARRETT. No; I didn't read that at that time. Don't know anything about it. Just merely signed it when it was shoved at me.
Chairman WALSH. Now, in carrying out your work as special agent you do not hesitate to tell a falsehood where it will help you in your work?
Mr. BARRETT. I do not. I am square about it.
Chairman WALSH. You are square about it. Don't you talk to the men?
Mr. BARRETT. In that way I never give the men the worst of it.
Chairman WALSH. Don't you profess great friendship for the men, for the union, and for their welfare?
Mr. BARRETT. Did you ever see a detective that did not? What kind of business is he in?

Chairman WALSH. I am just asking. I have not had a great deal of experience with them. Did you take an obligation, I am asking, when you joined the Order of Railway Telegraphers?

Mr. BARRETT. I think, to the best of my recollection, that that was not read at all at that time.

Chairman WALSH. No; but the Order of Railway Telegraphers?

Mr. BARRETT. That's what I mean.

Chairman WALSH. You did not read that one?

Mr. BARRETT. I think I just simply signed the application.

Chairman WALSH. Did you know a gentleman by the name of Mr. Wesley Russell?

Mr. BARRETT. I know of him.

Chairman WALSH. The secretary of this organization?

Mr. BARRETT. Yes.

Chairman WALSH. Did you write him a letter from Downers Grove?

Mr. BARRETT. Yes.

Chairman WALSH. After you came back from Oklahoma?

Mr. BARRETT. I did.

Chairman WALSH. In which you stated [reading]: "Yours dated July 5 reached me last night at 7 p. m., too late to take any action toward seeing the president"——

Mr. BARRETT. Yes.

Chairman WALSH (continuing reading). "However, it does not matter much, as some one has done me all the harm possible. Nothing that the president could do would take off the sting of what has already been done. I am glad that my true friends, who have known me for years, do not believe the story. You seem to have condemned me in advance and started the story without giving me a chance. However, it is just as well. Cross my name off your books and let it go at that."

Did you write that?

Mr. BARRETT. I did.

Chairman WALSH. Did you also write this letter, dated June 14 [reading]:

"WESLEY RUSSELL, *Chicago, Ill.:*

"I understand there is a story going round Chicago office that I am a spotter for the company and that the boys are to look out for me. This makes me good and sore, and if you have any evidence to that effect or believe so ridiculous a story I want you to cross my name off your books. I herewith send you my card to do as you please with. If you think I am O. K., you may return it; if you think I am what is being told about me (a spotter), destroy it, and forget that I ever was a member of the order. Because I refuse to tell everybody all about my family and private affairs, I presume this story has been circulated. I am willing to tell you personally, but I refuse to acquaint everybody. I just learned of this this morning, and I am so hot about it I could fight. This is a rank injustice to me.

"I have never shown anyone here my card or said a word to anyone that would even lead them to think I was a member, and this story going round without a chance for me to disclaim it is putting me in bad.

"Of course I expect to get fired if the company ever get to hear of it or find out that I have ever held a card.

"Yours, truly,

"E. G. BARRETT."

That is all, Mr. Barrett.

Mr. Reynolds.

TESTIMONY OF MR. EDWARD REYNOLDS.

Chairman WALSH. Please state your name.

Mr. REYNOLDS. Edward Reynolds.

Chairman WALSH. And your address, please?

Mr. REYNOLDS. My home or business?

Chairman WALSH. Home and business.

Mr. REYNOLDS. I live at New Rochelle, State of New York; business address, 253 Broadway, New York City.

Chairman WALSH. What is your position, please?

Mr. REYNOLDS. I am vice president and general manager of the Postal Telegraph & Cable Co.

Chairman WALSH. How long have you occupied that position?

Mr. REYNOLDS. It will be two years this May.

Chairman WALSH. And prior to that time did you have any official connection with this company?

Mr. REYNOLDS. Yes.

Chairman WALSH. In what capacity, please?

Mr. REYNOLDS. I was—do you want me to begin and go backwards?

Chairman WALSH. I think may be if you would go backwards it would be more enlightening.

Mr. REYNOLDS. Before that I held the title of assistant to vice president and assistant to the president; prior to that I was the vice president and general auditor; for 10 years prior to that I was general auditor; prior to that I was chief clerk to the second vice president; prior to that I was for 2 years chief clerk to the general superintendent of what is known as the eastern division; prior to that I was chief clerk for the district superintendent, having charge of the operation in that district; prior to that I was a telegrapher in the New York City offices.

Chairman WALSH. Will you please give us a brief sketch and history of your company and its relation with the Western Union Telegraph Co.?

Mr. REYNOLDS. The Postal Telegraph Co. has no relations whatever with the Western Union Telegraph Co.

Chairman WALSH. Well, give a brief history of your company since its formation, and whether or not it has consolidated with or absorbed any other telegraph company.

Mr. REYNOLDS. Well, I was not with the company in the early days of its formation. I believe at that time there were a number of separate, independent local companies, having contracts or relations with each other, that were gradually joined together and formed into one system; and since that time the company has been extended gradually until we now have a system extending all over the United States and through Canada by means of a working arrangement with the Canadian Pacific Telegraph Co., and to Europe our connection is through the Commercial Cable Co., and to the Philippine Islands, China, and Japan by means of the Commercial Pacific Cable Co. We reach Cuba by means of our contracts with the Commercial Cable Co. of Cuba, and we reach the island of Haiti by the United States & Haiti Cable Co. We reach Bermuda by means of the Bermuda Cable Co. So our system of companies extends from Europe on the one side to the Philippine Islands, China, and Japan on the other, covering the United States very completely.

Chairman WALSH. Are there any subsidiary companies of any kind?

Mr. REYNOLDS. No, sir.

Chairman WALSH. No companies that furnish messenger service or anything of that sort?

Mr. REYNOLDS. No, sir.

Chairman WALSH. And what is your capitalization—total?

Mr. REYNOLDS. That I could not say. You know the Postal Telegraph Co. is made up of a number of independent companies, you might almost call them system companies. Each one of those companies has separate incorporation.

Chairman WALSH. Operating in the different States?

Mr. REYNOLDS. Operating in the different States and incorporated in different States.

Chairman WALSH. How many of them are there, please?

Mr. REYNOLDS. I think in the neighborhood of 40.

Chairman WALSH. How is the organization formed? Does your company own the stock, or majority of the stock, in those companies? How is the control effected?

Mr. REYNOLDS. Most of these 40 companies—all have community interests—and I should not say just where the stock ownership rests.

Chairman WALSH. How many employees have you?

Mr. REYNOLDS. I could not say positively; but I should estimate that from general experience probably in the neighborhood of 15,000, including messenger boys.

Chairman WALSH. How many of those operators—telegraph operators?

Mr. REYNOLDS. Why, I should say between five and six thousand.

Chairman WALSH. In a general way, what has been the policy of your company toward dealing with its employees? I wish you would just sketch as briefly and comprehensibly as possible what scheme you have for adjusting grievances, for fixing wage scales, and the like.

Mr. REYNOLDS. Well, our company—we have a union of employees. That union pays sick benefits, death benefits, and provision is made by which the members of that association or union of employees can present any grievance they may have through regularly established official channels. I think, perhaps, I should read you that section which makes that point clear.

Chairman WALSH. I wish you would; and then, if you will, please, submit—is that a book of the by-laws and constitution?

Mr. REYNOLDS. Of that employees' association?

Chairman WALSH. Yes. Well, we will be glad if you will submit that to the commission.

Mr. REYNOLDS. I would be glad to submit it. The latter part of it reads:

"The company contemplates that this association may be made the means of remedying local complaints by affording a ready means by which complaints may be properly considered; and also that it may be turned to the purposes of self-help and the advancement of its members socially, educationally, and materially, all of which objects will have the hearty support of the company."

Chairman WALSH. Now, is there any machinery provided for the employees under that constitution by which grievances are presented collectively?

Mr. REYNOLDS. Yes. The members of this association elect their own officers, the officers consisting of a president, vice president, secretary, and an executive committee, everyone of which officers and committee come from the employees.

Chairman WALSH. Do they take up the question of fixing wages with you, also?

Mr. REYNOLDS. No; they never have, because since this association was formed there has never been any dissatisfaction over the question of wages in my company.

Chairman WALSH. What is the situation in your company with reference to satisfaction or dissatisfaction on the part of the men toward the officials?

Mr. REYNOLDS. I can say that there is absolutely no dissatisfaction that I am aware of. The relations of our employees to the company are the most cordial, and it may interest the members of the commission here to know that I have not been at my office in New York for upwards of three months. During that time I have been visiting offices throughout all sections of the country, and I see no signs of unrest or discontent of any form among our people.

Chairman WALSH. Is it part of your general policy to ascertain the labor conditions in various parts of the service?

Mr. REYNOLDS. It is my business to know the conditions in every part of the service if the business is to be successfully conducted; that is necessary.

Chairman WALSH. Has your company any understanding with the Western Union Telegraph Co. as to wages, hours of employment, and so forth.

Mr. REYNOLDS. None whatever.

Chairman WALSH. Does your company have any understanding with the Western Union Co. of any character whatsoever in regard to the employment of operators?

Mr. REYNOLDS. No, sir; none whatever.

Chairman WALSH. Do you exchange references with the Western Union Telegraph Co. as to the qualifications or——

Mr. REYNOLDS. Not that I know of. It may be that local chief operators, on their own initiative, may ask each other questions; but it is not with my approval.

Chairman WALSH. Could any employee discharged from the service of the Western Union Telegraph Co. find work with your company?

Mr. REYNOLDS. Yes.

Chairman WALSH. Is there any question raised about that proposition?

Mr. REYNOLDS. No; if he presents himself and fills out the application blank and satisfies the one to whom he makes application he will be employed no matter where he comes from.

Chairman WALSH. It has been stated that a reason given in a great many instances for the discharge of operators by the Western Union Co. consists of the words written into the service letter, "for cause." And it has been stated here that among other things—that the chief thing that means is that the man has affiliated himself with a labor organization. If the name of the operator appeared on the reference list as discharged with cause would he be given employment by your company?

Mr. REYNOLDS. Yes; if he satisfied the man to whom he applied that he was deserving of employment and we had any work to give him.

Chairman WALSH. And you would not refuse him employment for the sole reason that he belonged to a telegraphers' union?

Mr. REYNOLDS. No; but if he came to us and said he was a member of the Commercial Telegraphers' Union of America, I think that would be considered carefully before we employed him.

Chairman WALSH. Well, would that be a cause, generally speaking, for refusing to employ a man?

Mr. REYNOLDS. Right there I would like to explain that prior to 1907, when this Commercial Telegraphers' Union was being formed, the Postal Telegraph Co. made no objection. It did not favor it or show any disfavor for it. The members were permitted to wear their buttons openly, and about a year prior to 1907 a situation developed where the union operators undertook to coerce and intimidate their associates.

Chairman WALSH. That was in 1907?

Mr. REYNOLDS. Prior to 1907. They began their tactics of intimidation against the other operators to force them to join the union. They even went so far as to purposely make errors in the transmission of messages when working with nonunion operators, in order to bring reproach on those operators; and those errors resulted in damage claims being made against the company and also injured the business of the public.

Around August, 1907, because of the fact that we did not oppose our men joining the union, 90 to 100 per cent of our operators were enrolled as members of the union.

On August 12, 1907, our men walked out, without presenting any grievance and without making any demands upon us. They did it because they said they had been ordered by a union to strike, and they struck. They afterwards did everything in their power not only to injure the business of the public but to injure the company, and I do not mind saying flatly that that sort of a union I am opposed to. It injures the business of the country; it is detrimental to the interests of the men themselves. The business of telegraphing in these days of keen competition can not be maintained under that sort of procedure, and for that reason we are opposed to the Commercial Telegraphers' Union, because that union to-day is practically the same union it was in 1907; as far as I can see it has not changed its policy or its tactics. That is our position, so far as that is concerned.

Chairman WALSH. Has your company any agreement with the employees governing wages, hours, and working conditions?

Mr. REYNOLDS. No, sir.

Chairman WALSH. I wish you would state the methods in use by the company in hiring operators; to whom do they apply and what references are necessary?

Mr. REYNOLDS. If they seek employment in one of the large relay offices, where the chief operator is designated as the one to employ, they apply to him, and there is an application for them to fill out, which is mostly for the purpose of record. If they seek employment in an outside town, the application is usually made to the manager of the office if it is more than a one-man office, and if it is a one-man office they apply to the superintendent having jurisdiction over that territory in which the office is situated.

Chairman WALSH. Are their references sent to the different headquarters for approval?

Mr. REYNOLDS. No, sir.

Chairman WALSH. Does your company use a cipher code for transmitting references?

Mr. REYNOLDS. No; they are not transmitted.

Chairman WALSH. Please state what means you use to safeguard the company from the employment of those whom you object to as being members of the Commercial Telegraphers' Union.

Mr. REYNOLDS. Why, I don't think we have any means of ascertaining that; when an operator leaves our service in good standing he is given a card; I do not know whether I have got one or not. He is given a card which shows he left the service on good standing with the company, with the chief operator where he left, so he may use it. Did I answer your question fully?

Chairman WALSH. Yes; I think you did. Was there something you wished to add in connection with that?

Mr. REYNOLDS. I was going to say that perhaps right here would be a good place to read a letter taken from our files and sent to me for position one here. It gives you an idea of the manner in which we deal with our opera-

Here is a letter written June 4, 1914, to an operator in the New York office who had resigned. [Reading:]

NEW YORK, June 4, 1914.

Mr. C. PRETTYMAN,
Operator.

Your resignation accepted, effective June 19 or at any time better suited to you. I am sorry to see you leave this office, and hope that in Philadelphia with your mother you will both be happy. Your services have been strictly A1 in every respect; which means you are always welcome to a sign.

Following is your work record:

For year 1913:

Errors direct or by implication	21
Total number of messages handled	111,388
Number messages to each error	5,301
Number of hours worked	2,898
Average number messages per hour	39

For first quarter, 1914:

Errors direct or by implication	6
Total number of messages handled	26,618
Number messages to each error	4,435
Number of hours worked	591
Average number messages per hour	45

J. J. WHALEN, *Manager.*

I might say in explanation of the use of the word "sign" in that letter that it means that when an operator is employed he is given a sign, his sign; that is, he is welcome to a sign or welcome to be given employment. Following that is his record showing errors either direct or by implication, the number of messages handled, the number of messages handled each hour, and for each hour the year before, and for the quarter just ended. This is given to the man as a certificate not only of character but also of efficiency. It establishes his worth, and wherever he presents that letter the chief operator will give that man his class rate. That is our manner of dealing with a man who leaves us in good standing to go from one office to another.

Chairman WALSH. Does your company require applicants for work to sign any sort of pledge that they will not join any organization during the term of their service?

Mr. REYNOLDS. I believe that is one of the questions asked.

Chairman WALSH. Have you a copy of the application with you, Mr. Reynolds?

Mr. REYNOLDS. Yes; I have. I would like to say for your information that I never saw it myself until to-day.

(Witness submitted in printed form, "Form 155. Postal Telegraph. Application for Employment as Operator.)

Chairman WALSH. Is that the application in use at the present time?

Mr. REYNOLDS. That is in use in only the large operating rooms, known as relay offices.

Chairman WALSH. I see it is asked here: "Are you a member of any telegraphers' union, and if so, do you agree, in case you are given employment by the Postal Telegraph Co., to resign your union membership, also to refrain from joining any union during the continuance of such employmet, and also to render full and faithful service, and at all times refrain from all agitation and interference with the company's business, and to work carefully and well with every operator?" That is required to be signed before employment is given, is it?

Mr. REYNOLDS. Yes; that is consistent with our position, as I have explained it.

Chairman WALSH. Have you caused, from time to time, the discharge of men suspected of being members of the union?

Mr. REYNOLDS. I never have.

Chairman WALSH. Are applicants for employment with your company—do they have a charge made for medical examination?

Mr. REYNOLDS. We do not require medical examination.

Chairman WALSH. Is there a medical examination made in any way by your company?

Mr. REYNOLDS. No, sir.

Chairman WALSH. Have you an efficiency system in operation in your office, a bonus system, or anything of that sort?

Mr. REYNOLDS. We employ a bonus system.

Chairman WALSH. Please describe that bonus system.

Mr. REYNOLDS. On circuits that have been designated as bonus circuits, after careful consideration, and by experienced men who can determine what is a reasonable quantity or number of messages for that circuit, for a fair day's work, that is laid down as a standard. It varies according to the character of the circuit. An operator working at $95 a month has the privilege, when he has handled that fixed number of messages in any day, to quit work if he wishes at that time and draw the full day's pay for that day; if he chooses to continue to work the day out, he is paid 1 cent additional for every message he handles over and above the fixed standard. There is no limit as to what he may earn under that arrangement.

Chairman WALSH. What is the standard?

Mr. REYNOLDS. It varies according to the circuit, the length and the working efficiency of the circuit; they are not all the same. We have some men under that plan that make as high as $150 or $160 a month, and they do it within the regular hours.

Chairman WALSH. Has the work of your employees increased or decreased under the bonus system?

Mr. REYNOLDS. That would require a little explanation. When the bonus system was first introduced it was assumed that the operators would take the messages in the order in which they came; but human nature entered into it, and the operators on the bonus wires began to look for the short messages, and so in practice it has got to the point where nearly all the short messages go over the bonus wires, and naturally the number of messages increased, so it is very difficult to state whether the entire increase in the number of messages handled is due to greater efficiency of the bonus men or not.

Chairman WALSH. What is the record of a Morse operator in the way of a daily average performance?

Mr. REYNOLDS. That is according to the room in which he is employed and the wire on which he works and the conditions that govern the control over those wires; they are not the same at all.

Chairman WALSH. Could you describe the different conditions and give a general sketch of it that would throw any light on that?

Mr. REYNOLDS. Yes; an operator, we will say, working in our Philadelphia office, that has to work with railroad stations—the operators in railroad stations are not subject to the control of the telegraph management, and they do not answer the calls of the operator promptly. Therefore the operators working railroad wires in Philadelphia can not handle more than one-third the number of messages handled by men on commercial wires that receive prompt attention from the other end; and thus in a fair day's work for a man working in a railroad division, as in this case, it can only be fixed by the chief operator of the office. He is the only one that can fix that, because he is the only one that knows just what the conditions are; so it is impossible for anyone to legislate or set down a standard of how many messages a man could handle that gets $80 a month, for on those circuits a man may handle only a few messages, but owing to the class of the circuit he has to be a man of tact and judgment. Therefore he may be capable of better work, but he can not control conditions at the opposite end. On a circuit of that kind—perhaps you do not understand—there may be 30 offices. Those men on the outside are contending for service. Each one wants to get his business off first, and the men working railroad wires have to use tact and judgment in handling those men at the other end, and we have to pay for that. That is a condition the man on the ground has to understand to fix the rate of pay or determine the standard of work.

Chairman WALSH. Is the earning power of telegraphers greater or less to-day than it was 1907.

Mr. REYNOLDS. It is greater.

Chairman WALSH. I wish you would give your wage scale by illustrating typical operators, if you can, or class.

Mr. REYNOLDS. That is hard to explain, Mr. Walsh; the scale of wages in the large operating rooms would vary from $45 to $95.

Chairman WALSH. How many men do you have in your employ as operators?

Mr. REYNOLDS. A large number, but I could not say just how many.

Chairman WALSH. Could you give the proportion between the sexes?

Mr. REYNOLDS. It would be a rough guess and would not be worth anything.

Chairman WALSH. Commissioner O'Connell will ask some questions.

Commissioner O'CONNELL. I want to make some inquiry in regard to this Postal Telegraph Employees' Association of which you presented the constitution. I take it from a reading of it, and I have but hurriedly glanced over it, that this constitution was prepared by the general manager of the Postal Telegraph Co.?

Mr. REYNOLDS. Yes; and adopted by the members at the time that was formed, by the employees.

Commissioner O'CONNELL. I notice there are no dues of any kind or any cost to the members of this association.

Mr. REYNOLDS. No dues are charged, but each member is paid sick and death benefits according to a fixed scale.

Commissioner O'CONNELL. I notice also in the by-laws here on page 10, referring to a member in joining this organization [reading]:

"And I agree that the acceptance of benefits from the said Postal Telegraph Employees' Association for injury or death shall operate as a release of all claims for damages against said Postal Telegraph Co. arising from such injury or death, which could be made by or through me, and that I or my legal representatives will execute such further instrument as may be necessary formally to evidence such acquittance."

In other words, an individual joining this association signs a release of the Postal Telegraph Co. from any claims he may have for accident.

Mr. REYNOLDS. If he accepts benefits from it.

Commissioner O'CONNELL. And that provision also appears in the by-laws—in the application—in the form of application which he signs that very provision is included, in the very same words?

Mr. REYNOLDS. Yes, sir; that is, he could not draw benefits both ways. We have men who have been drawing $70 a month for the last five years.

Commissioner O'CONNELL. Suppose one of your employees meets with an accident which is the cause—which is caused by negligence on the part of the Postal Telegraph Co.; under this doesn't that prohibit him from suing your company for, say, $5,000.

Mr. REYNOLDS. That is not our intention. They do sue us and do collect damages, and the workmen's compensation laws are in effect in most every State.

Commissioner O'CONNELL. That is in conflict, for instance, with the compensation laws of the State of New York?

Mr. REYNOLDS. Those by-laws were made before the compensation law of New York became effective, and to-day a man who takes benefits under that law does not take them from us.

Commissioner O'CONNELL. In the matter of paying death benefits this provision is made [reading]:

"In the event of the death of a member the company will pay toward his funeral expenses amounts shown in the following table, provided such member shall at the time of his death be carrying life insurance of not less than $500.

According to this the member must have life insurance with a regular insurance company to the extent of at least $500, or he would not enjoy any of the benefits in this association?

Mr. REYNOLDS. That is right, and the object of that is a man should have enough interest in his own family to protect them at the time of his death, and that is put in there as an incentive to induce him to take insurance. Our theory is that we should teach our men to be self-helpful and not rely on bonuses or philanthropic schemes to take care of them.

Commissioner O'CONNELL. Suppose the operator is a single man or woman without a family.

Mr. REYNOLDS. If that is the case and he leaves no survivor and no one is interested in his funeral, the company would see that he was buried, but it would not pay the full amount of the funeral expenses if he carried no insurance.

Commissioner O'CONNELL. In the application for insurance in this Postal Telegraph Employees' Association the applicant says [reading]:

"I am not a member of any union, and I hereby agree not to join any union nor any other organization hostile to the interests of said company while in its employ."

Mr. REYNOLDS. Yes; hostile to its interests.

Commissioner O'CONNELL. It says, "I am not a member of any union, and I hereby agree not to join any union nor any other organization hostile to the interests of said company," intimating that the union is hostile.

Mr. REYNOLDS. That is our experience.

Commissioner O'CONNELL. Doesn't that language, "nor any other organization hostile to the interests of said company," intimate that the union per se is hostile?

Mr. REYNOLDS. I do not know anything about any union except the two we have had dealings with, which are the Commercial Telegraphers' Union and the Brotherhood of Electrical Workers in Chicago and Cleveland.

Commissioner O'CONNELL. I notice also that these sick and death benefits may be changed each year by the general manager.

Mr. REYNOLDS. They may be, but not have been.

Commissioner O'CONNELL. I notice also that the by-laws and rules and regulations in this association can be changed by the membership, but with the approval of the general manager; if he says no, they can not be.

Mr. REYNOLDS. Yes.

Commissioner O'CONNELL. So that the members of the association can not do anything unless the general manager gives his permission; in other words, it is an association operated by the general manager of the Postal Telegraph Co., is it not?

Mr. REYNOLDS. No; the members have to confer with the general manager and come to an understanding; if they did not, of course this industrial unrest you are so concerned about would crop out.

Commissioner O'CONNELL. The by-laws provide [reading]:

"These by-laws or the constitution may be amended by a majority vote of the directors and the approval of the general manager, provided that proposed amendments shall have been presented to the secretary in writing, approved by 10 members, and shall have been submitted by circular to the directors at least 10 days prior to vote thereon."

Now, can the general manager of the Postal Telegraph Co. veto any desire to change on the part of a majority of the members of this association these by-laws or to add to them or take from them in any way?

Mr. REYNOLDS. He might; but the conditions under which this organization is formed preclude that possibility.

Commissioner O'CONNELL. The conditions under which it is formed?

Mr. REYNOLDS. Yes.

Commissioner O'Connell. What are they?

Mr. REYNOLDS. The conditions to avoid the possibility of finding ourselves in a position again where our business and the business of the public and the welfare of the telegraphers would be jeopardized by the members striking without making any demands or having any grievances. This union of telegraphers was formed without dues and for the payment of sick and death benefits under that organization, and I think it is fair to everybody if the employees live up to the by-laws of that association; and if they present amendments that are reasonable they will have no trouble in getting the approval of the general manager.

Commissioner O'CONNELL. It is supposed to be an association of the employees and not of the company, and supposing they want to change them, they would not have a right, for instance, to increase the sick benefits?

Mr. REYNOLDS. No.

Commissioner O'CONNELL. Or increase or decrease the death benefits?

Mr. REYNOLDS. No.

Commissioner O'CONNELL. And they would not have a right, under these by-laws, to make any change in these by-laws covering their own association unless they got the permission of the general manager of the Postal Telegraph Co.?

Mr. REYNOLDS. Certainly we could not give them a right to increase the benefits without restriction.

Commissioner O'CONNELL. Did the employees who were members of this association in 1907 in the Chicago office make application for consideration of their grievances?

Mr. REYNOLDS. This association was formed after our experience in 1907 with this telegraphers' union; it was not in existence until after that.

Commissioner O'CONNELL. Do you employ in your company special agents?

Mr. REYNOLDS. No, sir; not one.

Commissioner O'CONNELL. Did you hear the testimony of the gentleman, Mr. Barrett, who testified here this afternoon—the special agent of the Western Union Telegraph Co.?

Mr. REYNOLDS. I did.

Commissioner O'CONNELL. You do not have anything like that in your employ?

Mr. REYNOLDS. Not one.

Commissioner O'CONNELL. No method of checking up whether men are union or nonunion?

Mr. REYNOLDS. None whatever. I do not know off hand of one employee who is a member of the union; if there are any, I have no suspicion of where they are. I doubt whether there are many.

Commissioner O'CONNELL. If the employees, the telegraphers, desire to bring about a change in their wages, what procedure would they have to go through to do it?

Mr. REYNOLDS. They do no have to go through any procedure. The methods under which we undertake to control that are laid down as in this man's case—the merit of the individual. We tabulate his work carefully, and every promotion is made right from the record.

Commissioner O'CONNELL. Purely an individual application for a change?

Mr. REYNOLDS. Yes, sir; and it is not always done by application; it is done voluntarily. We put men up on their merit, on the merits of their work. That is the way we expect to keep our staff satisfied, and that is the method that is keeping them satisfied, and they are satisfied at the present time.

Commissioner O'CONNELL. What are the hours of labor of telegraphers?

Mr. REYNOLDS. The day trick is 9 hours, the night trick is 8½ hours, and the all-night trick, I think, is 7½ hours.

Commissioner O'CONNELL. How would the men proceed, or the employees proceed, men and women, to bring about a change in the hours of labor?

Mr. REYNOLDS. They would apply to their chief operator.

Commissioner O'CONNELL. Do you suppose it possible, if an individual employee applied, to bring about a reduction in the hours of labor upon his individual application?

Mr. REYNOLDS. If there is any justice in his application, yes.

Commissioner O'CONNELL. You think it would be possible for one employee, by application, to bring about a reduction in the hours of labor for, say, 6,000 employees?

Mr. REYNOLDS. Speaking for my company, I would say yes.

Commissioner O'CONNELL. Then there would be no necessity for cooperation among the men?

Mr. REYNOLDS. No, sir; none.

Commissioner O'CONNELL. You think that one individual could make an application, and if he could show that he was overworked that would justify the company in reducing the hours of labor of the other 5,999 employees?

Mr. REYNOLDS. Anything that is just and right for the company toward its employees would be done, if applied for by any individual and he could show that it was right for the company to do it and the company could afford to do it.

To explain our attitude toward these two labor unions with which we have had to deal—and I can not speak of any other—right here in the city of Chicago we were asked to discharge men who had been in the service of our company from 20 to 25 years, and who had served us faithfully and well, and who were men with families and absolutely nothing against them, except that they preferred to work out their own destinies commercially as individuals. The union demanded that we discharge them. We refused to do it, and we still maintain that attitude; we will not discharge those men, no matter what the consequences may be to us. As a result, we have had a strike right here in this city the last three years or more. The union agents destroyed our property, assaulted our men, and carried their criminal acts to such an extent that the Federal court had to recognize it, and handed down a temporary injunction, and after looking into it carefully handed down a permanent injunction.

Only recently the same union of men struck in Cleveland. These are details our general superintendent will be better able to give you than I. Although we were paying the highest rate of pay for that work, our men struck, and they pursued the same tactics of destroying our property, assaulting our people.

One man was caught on one of our poles driving a spike through our cable, and in resisting arrest he was shot and is recovering now from that gunshot wound in Cleveland. That man was carrying a union card when arrested and is known among the Chicago police as a desperate criminal.

Now, on that account, we are opposed to those two unions; one that struck without any demand or statement of grievances, and the other insisting on the closed shop and the discharge of men who are not with them, no matter how worthy those men were. We refused to accede to it.

I do not know whether I am taking up your time.

Chairman WALSH. No; that is all very interesting.

Mr. REYNOLDS. The statements were made here yesterday and to-day that wages of the telegraphers were not high—that operators were underpaid, and that great economic injustice had been done. I do not agree with those statements at all. It is not true. The men are not suffering under any economic injustice at all, and any man making those statements does so without proper consideration of the conditions. Our theory is that the best is the cheapest. I believe in the best standard of wages, but it must be based upon the work performed and upon merit, and be supported by the records.

I might add that I believe that I can call nearly every prominent employee in our service from the Atlantic to the Pacific by name. I have seen them, know what they look like, and mix with them freely, and I travel mostly alone. I have been through every State now since the 1st of January from the Atlantic coast as far as Oklahoma City on the west and Minneapolis on the north and Galveston on the south. And I know their conditions, and wherever I have heard a complaint I have listened to it and undertaken to adjust it if possible.

(At this point witness submitted in printed form the pamphlet heretofore referred to by him, entitled "The Postal Telegraph Employees' Association Constitution and By-Laws." New York. January, 1912.)

Commissioner AISHTON. This strike that took place in August, 1907, did you discover who ordered that or what authority the strike was ordered upon?

Mr. REYNOLDS. We have never been able to find anyone who was willing to accept responsibility for it; but almost 100 per cent of our men went out, and I had to go back myself and work a wire during that time.

Commissioner AISHTON. There was a great interruption of public business?

Mr. REYNOLDS. Prostrated and almost ruined us.

Commissioner AISHTON. That is all. Thank you, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Reynolds, unless you have some statement you desire to make.

Mr. REYNOLDS. Well, this commission is interested, as I understand it, in promoting industrial peace. I am ready to answer any questions. I don't want to speak for myself, but I think in these days, when corporations such as ours are being criticised for unfair methods, I ought to tell you the story of the work I have done myself personally in connection with the telegraphers. I have worked with telegraphers, I have been one myself, and I am thoroughly informed of the conditions under which he has had to labor in the past, as well as at the present time.

The telegrapher in the minds of many people was looked upon as a roving, irresponsible man—irresponsible in financial matters. Nobody has ever taken the trouble to undertake to find out why he roamed about the country. The primary reason was this: A young man learning telegraphy in any city or town could never get the recognition, the financial recognition, that his ability should have commanded in his own home place, because the management never realized that he had grown up any more than a father ever realizes that his boy has grown up. If he wanted to get his salary rating raised, he had to go elsewhere to get it. That started him leaving home. That has made him acquire bad habits possibly, and once he gets a taste of roaming and finds out how easy it is to get employment in another town he keeps on going to see the country, as a youth is likely to do, and that led him to living beyond his means, and the first thing he knew he was so involved in debts to salary-loan concerns that he was no longer able to take up permanent residence in any near city, because of the persecution of the loan sharks.

Now, six years ago, long before I had any idea I would be connected with the practical operations of my company, I worked out the problem in New York of local associations and have dealt with the loan-shark problem successfully. It has been before the public for many years, and nobody has been able to disprove it. We never have a garnishment against the employee's wages in these days. I have an article here that I would be glad to leave, published in the

Saturday Evening Post of April 25, 1914, giving a full history of what I did in cases of this kind and what I did in connection with the suppression of the loan shark in conjunction with the remedial loan department of the Russell Sage Foundation.

(The article referred to, entitled "The wage earner as an investor—how employees' organizations are teaching thrift by teamwork," by Isaac F. Marcosson, was at this point submitted by Mr. Reynolds.)

I did very much toward putting Tolman, the greatest money lender of them all, in jail. And in doing that I maintain I have made it possible for the telegrapher to take up residence with his family in any city of the United States that he chooses. I have heightened his own self-respect, and I think I have established his reputation for financial honesty among his associates and among everybody who is interested in the telegrapher.

I have established those associations in all the large cities; and on February 1 of this year we distributed in the city of New York amongst the telegraphers and a few clerks $60,000 that our association had enabled those people to save in small amounts. Very few of them had ever saved a dollar before. Now, the point I make is that a general manager of a corporation who is interested in that sort of work for his people is not the man who is going to remain quiet under any condition that is oppressing his people. The competition in the telegraph business to-day is keener than it has ever been in the history of telegraphy. Since the combination of the Bell and the Western Union five years ago our only hope of survival is in maintaining the fastest and most accurate telegraph service possible, because it is only on the basis of service that we can hold our business. And if we overwork our employees errors follow. We can not render a high, efficient service with a dissatisfied set of employees working under insanitary conditions or amid unpleasant or uncongenial surroundings. So it follows that it is good business to pay them well and treat them well, and do everything we can for their best welfare. That is what we are doing, and we are stepping up the service; and as fast as business conditions will permit and the telegraphic revenue will allow it, we will step up the service and pay of those who are deserving of the pay.

We have increased the efficiency of the operating rooms, not by making all the operators work harder, but by making those operators who have been sidestepping honest toil do their work. Our study is such as to permit us to do that. It has been shown that a man entitled to a first-class operator's certificate handled on an average 30 telegrams per hour, and had a capacity as stated of 60 per hour. So it is a mathematical conclusion that inasmuch as he can handle a message a minute, if he had 30 messages to handle he had 21 minutes out of the hour in which he was not working, on an average. That disproves any kind of claim that they are being overworked. Besides, to overwork them would be to defeat the very object we are seeking, which is first-classs service without errors. Now, that is the policy that we are conducting our business on.

And your commission can rest assured that we are not indulging in any spy methods. We do not have to. The standard of work is laid down, and any man that doesn't turn out the required quality of work doesn't have to be spied upon. He is found out anyway. A union man nearly always doesn't do it. That is the reason we don't have many of them. I don't care whether you pay $60 or $150, if we get the highest standard of service. If a man is secretly a member of this Commercial Telegraphers' Union, and he is turning out a high grade of work, we have no occasion to find him out. I only need add that all my experience with union men has shown me that a member of the Commercial Telegraphers' Union will not turn out high-grade work, and when he begins to turn out an inferior grade of work then he comes in conflict with the authorities, and he will be fired, not because he is a union man but because he doesn't do the work.

Commissioner LENNON. How are the rates for telegraph service fixed?

Mr. REYNOLDS. Usually by zones; that is, the country is laid out in imaginary squares. The length of the haul from one square to another is the basis from which they start.

Commissioner LENNON. I understood you to say that there was no agreement between your company and the Western Union. How is it that the ordinary citizen in sending dispatches finds that there is no difference in the rates between the points?

Mr. REYNOLDS. But you find differences in the rates between what the rates are to-day and the rates of the past, and when a competing company cuts the

rate the opposing company immediately meets that cut. Now, the competing company has to stop somewhere. It will not cut the rate below a margin where it can make a profit, and it has to stop; and if the other company comes down to meet it, it brings them together on the tariff basis.

Commissioner LENNON. Now, as to tariff basis—now, I am not speaking for a large business house—I know nothing about their business; but have not the rates for the ordinary citizen who gets a dozen or two dozen messages a month, have not the rates been the same of both companies for at least 10 or 12 years?

Mr. REYNOLDS. Yes; except the other company now has a lower rate than ours in the form of a day lettergram.

Commissioner LENNON. I understand that; yes. You made one statement that perhaps I did not understand. You said under the establishment of the bonus system that men receiving comparatively high wages sneaked out all the short messages——

Mr. REYNOLDS (interrupting). No; they do not sneak them out; the practice generally is passing the short messages to them.

Commissioner LENNON. Well, would not a thing of that kind be a cause of unrest among the operators in the office, if a certain class of men were given the short messages and had to do less work?

Mr. REYNOLDS. Not where they are all bonus men. The men on the bonus system, they don't care.

Commissioner LENNON. Well, suppose only a few of them, wouldn't it be a cause of unrest if they, through the bonus and getting short messages, were able to make the large wages the others could not?

Mr. REYNOLDS. No; because if they were capable of doing more bonus work they could have the opportunity given to them. They would both be in the same conditions, to work together.

Commissioner LENNON. They would all get the shortest messages?

Mr. REYNOLDS. Yes; well——

Commissioner LENNON. It would be the contrary case though——

Mr. REYNOLDS (interrupting). Where a man works on the flat basis, the man is not capable of doing that speed work.

Commissioner LENNON. Well, that is giving them not only a bonus, but the advantage as to the work they have to handle?

Mr. REYNOLDS. Yes; they have that advantage, but we are willing they should have it. It is an advantage in pay to them without injury to us.

Commissioner LENNON. Of course, I have not been familiar with the operation of a telegraph office, but it strikes me from the offices with which I am familiar that is not fair to the workmen?

Mr. REYNOLDS. Well, they all desire it. I guess that is——

Commissioner LENNON (interrupting). What percentage of the employees of the Postal Telegraph Co. are members of this employees' association?

Mr. REYNOLDS. Well, I could not answer that definitely.

Commissioner O'CONNELL. The book itself says that—1912, I think, the report was—3,000 and something?

Mr. REYNOLDS. Yes; well?

Commissioner LENNON. Now, in the introduction of new employees, is there any compulsion on the employees that they should join that association—not the old people?

Mr. REYNOLDS. No; that is optional; entirely optional.

Commissioner LENNON. Could this association, if it desired, select a committee through its organization to come to the operating offices of the Postal Telegraph Co. and present a scale of wages and have it dealt with?

Mr. REYNOLDS. They could; yes.

Commissioner LENNON. They could?

Mr. REYNOLDS. Yes, sir; anyone can.

Commissioner LENNON. They would come, then, as the representatives of this association and not as individuals, I mean?

Mr. REYNOLDS. Yes.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. You state that the employees' association is purely optional. Does that apply to only the old employees or to those seeking employment?

Mr. REYNOLDS. It applies to all employees.

Commissioner GARRETSON. If a new man comes to the company seeking for employment and refuses to affiliate with the employees' association—that has no bearing whatever on his future standing or status with the company?

Mr. REYNOLDS. None whatever; it don't prejudice his case.

Commissioner GARRETSON. Hasn't that feature that this would stand as a bar of recovery been found so pernicious that both a very considerable number of the States and the Federal Government have passed enactments making such provisions unlawful?

Mr. REYNOLDS. I have not heard of a single complaint against that provision in our——

Commissioner GARRETSON. Do you operate in the State of Iowa?

Mr. REYNOLDS. Yes, sir.

Commissioner GARRETSON. You operate on the Chicago Great Western road?

Mr. REYNOLDS. Yes; our line goes along that road, but we——

Commissioner GARRETSON (interrupting). Well, are you familiar with the Temple amendment in the State of Iowa?

Mr. REYNOLDS. I must confess I am not.

Commissioner GARRETSON. Are you familiar with that provision in the Federal law that provides that a contract of that character shall not, after the passage of the act of which it is incorporated, stand as a bar of recovery?

Mr. REYNOLDS. I have not looked it up.

Commissioner GARRETSON. You have not looked it up, the Federal liability act or the proposed compensation law?

Mr. REYNOLDS. These by-laws of ours do not supersede the laws of a State.

Commissioner GARRETSON. You stated that you were in utter disagreement with the idea that the employees were in any degree suffering from economic injustice?

Mr. REYNOLDS. I was speaking——

Commissioner GARRETSON (interrupting). Did you hear the testimony of the president and of the vice president of the Western Union Telegraph Co. here yesterday and to-day?

Mr. REYNOLDS. I heard the statement this morning and was surprised at it, and all I have to say is those things do not apply to my company.

Commissioner GARRETSON. You do not believe the telegraphers as a class are underpaid, as those gentlemen testified?

Mr. REYNOLDS. I do not, because I think they are getting as high a rate of pay as those men could obtain in following any other vocation, all things considered.

Commissioner GARRETSON. If I didn't misunderstand you, the statement was that there was no dissatisfaction among the employees of the Postal Co. Now, Congress confided one power or duty to this commission, to determine what were the causes for industrial unrest—the underlying causes. Your position is that there is no industrial unrest among the employees of the Postal Telegraph Co.?

Mr. REYNOLDS. That is my point. And I will tell you why I think so—why I think—if there ever was—I heard this morning a statement made that there was discrimination and favoritism shown. My explanation of that is that it is not intentional at any time. The great trouble with the telegraph business is that it has never been subjected to a careful, systematic study. There was no standard or no proper method of determining the value of the individual worker's services, and consequently chief operators, and others of not very good judgment, in their efforts to classify the men have classified them upon their general impression and not upon any basis that was reliable. The result was that all the discrepancies and inequalities crept into the operating department; that looked to the men getting the lower rating as though discrimination and favoritism was shown. The fact was the men making the classifications did not know where they were starting from and had no basis to work upon, and they were naturally influenced by the very things that they ought not to have been and graded a man on his appearance rather than on merit. The quiet, diffident fellow, who perhaps was a very much better workman, was often underrated. Now, that is what I am traveling about the country to correct; and what I have been doing the past 20 years, directly and indirectly, and the last 2 years directly, is to set up some methods by which we will be able to ascertain the value of the individual's work; and then we will be able to iron out all those difficulties.

Commissioner GARRETSON. Then you believe you have discovered the remedy for industrial unrest?

Mr. REYNOLDS. In our business.

Commissioner GARRETSON. Well, do you believe that remedy applied elsewhere would produce the same results?

Mr. REYNOLDS. That remedy, in the hands of a man of the right temperament, who has enough human sympathy and has been through the mill and understands the conditions under which a particular class of men work and how their minds operate, I believe it will work; but right here, at this hearing, every man who has advocated a union for commercial telegraphers has been a railroad man or a stock-broking man and does not know the commercial telegraph business or any of the conditions under which it must be conducted. That man can not put himself in the position, I maintain, of these commercial telegraphers and understand them or lay down any plan that is going to work out with economic fairness to them. But I believe that a man who understands the commercial telegrapher's work and a man who is disposed to do what is right and fair can cure any unrest; and I expect on that theory I am going to beat them to it.

Commissioner GARRETSON. I think if my memory serves me, you are the second witness who, in the life of this commission, has testified that his employees were without industrial unrest—that none existed in the ranks. Now, the methods that were used I don't think have been the same. If your methods are right, the other man's, I think, must be wrong—Mr. J. F. Welborn, the president of the Colorado Fuel & Iron Co. He said there was no industrial unrest in that part of Colorado where the Colorado Fuel & Iron Co. operated. He has the peace of the cemetery there. You certainly have not that.

Mr. REYNOLDS. No; but I have the peace that comes with a clear conscience and the knowledge that I have a good feeling among my people, and I defy you or anybody else to go among them and find any other state of affairs.

Commissioner GARRETSON. I am not looking; I am not going; I am waiting here for people to come to me with it.

Mr. REYNOLDS. Well, they won't come.

Commissioner GARRETSON. A number of them have.

Mr. REYNOLDS. They have not shown themselves yet.

Commissioner GARRETSON. The only question is this: Is it possible that with a body of men such as you employ that industrial peace absolutely exists?

Mr. REYNOLDS. Peace, yes; it does exist. I don't suppose anybody is wholly satisfied with his compensation. I am not satisfied myself.

Commissioner GARRETSON. Then, the industrial unrest does not arise from dissatisfaction with wage?

Mr. REYNOLDS. Not all, I do not think.

Commissioner GARRETSON. I have wasted 30 years.

Mr. REYNOLDS. Well, what I mean by that, I think it is possible with fair wages and decent treatment to make people happy and contented with their work. A man who is happy in his work and yet feels that he should have higher wages is not going to be unrestful. He is simply ambitious to do better, and he does better if we give him the opportunity to do better by promoting him.

Commissioner GARRETSON. The element of unrest in bread is the yeast, is it not?

Mr. REYNOLDS. You are getting too deep for me.

Commissioner GARRETSON. You were never a baker?

Mr. REYNOLDS. Never was a baker.

Commissioner GARRETSON. Did your company ever meet with the commercial operators before 1907?

Mr. REYNOLDS. No; it had no agreement, but they paid no attention to them; it ignored them and did not discriminate against them in any way.

Commissioner GARRETSON. Did your company hold any conference with Dr. Neill at the time the Western Union did?

Mr. REYNOLDS. I believe they did. I was not an operating officer at the time.

Commissioner GARRETSON. You have no positive knowledge as to whether they did or did not?

Mr. REYNOLDS. No; except by hearsay and by reports I have read.

Commissioner GARRETSON. Do you know what officers held conferences—of your company—if held?

Mr. REYNOLDS. My predecessor.

Commissioner GARRETSON. The general manager?

Mr. REYNOLDS. Yes.

Commissioner GARRETSON. There was no understanding arrived at between your company and Dr. Neill as there was between Dr. Neill and the Western Union?

Mr. REYNOLDS. That I could not say. All we know is the men made no demand upon us; they expressed no grievance. They walked out because the union ordered them out; 100 per cent, not 50.

Commissioner GARRETSON. Is it or is it not a fact the Commercial Telegraphers presented grievances to your company here in Chicago in 1907?

Mr. REYNOLDS. They presented no grievance, or demand whatever; merely walked out.

Commissioner GARRETSON. Neither here nor elsewhere?

Mr. REYNOLDS. No, sir. They simply walked out and left us stranded without any men, ruined our business, or tried to, and it was only men like myself who could go back to the key that prevented them from ruining it.

Commissioner GARRETSON. Under the existence of your employees' association has a committee of that association ever waited on officers of the company in matters of grievance of either conditions of service or rates of pay?

Mr. REYNOLDS. I recall one instance where the application came through it for an increase in the holidays.

Commissioner GARRETSON. You give a free holiday?

Mr. REYNOLDS. A change in the hours of a holiday; one of the minor days that is not generally observed, that is about all.

Commissioner GARRETSON. Do you give holidays under pay to your employees?

Mr. REYNOLDS. Yes.

Commissioner GARRETSON. Do you know how these committees were selected, that committee that waited on you?

Mr. REYNOLDS. Well, they came to me—they have a district director in each district; there is a director of this association, and the correspondence to him and by him forwarded to me.

Commissioner GARRETSON. He acted as the mouthpiece for the individual men.

Mr. REYNOLDS. Yes; the people in his district.

Commissioner GARRETSON. It was not, then, an ordinary committee action in that sense that a personal committee waited on you and conferred?

Mr. REYNOLDS. Oh, no.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner AISHTON. In your opinion, Mr. Reynolds, is there a greater obligation on the part of a labor union composed of employees, what is known as a public-service corporation, like the Postal Telegraph Co., or railroad company, and the corporation itself to avoid difficulty on account of strikes and that kind of thing on account of the great harm that is done the public?

Mr. REYNOLDS. I think they have a great obligation in that respect.

Commissioner AISHTON. Greater than the ordinary industrial concern?

Mr. REYNOLDS. Yes.

Commissioner AISHTON. That is not concerned with public-service operations?

Mr. REYNOLDS. Yes.

Commissioner AISHTON. Have you had your mind—have you given the matter any thought as to any remedy that could be suggested to avoid those conflicts between public-service corporations?

Mr. REYNOLDS. I have not given that subject any thought. I have been too busy with my own affairs trying to build up my own company—meet competition that I have to meet—to be dwelling on those general problems.

Commissioner AISHTON. That is all; thank you.

Commissioner O'CONNELL. Have you given thought to the public ownership of telegraph lines? If so, what is your opinion on that?

Mr. REYNOLDS. I think it would be a very bad thing for the telegrapher and a bad thing for the taxpayer and a bad thing for the service.

Commissioner O'CONNELL. In what way bad for the telegrapher?

Mr. REYNOLDS. Well, it would reduce the number of positions to start with. Competition between services creates a demand for men. It would take away that competition, and the service would be slowed down and make it possible to handle the same quantity of work with a fewer number of hands.

Commissioner O'CONNELL. Would that not be a reduction to the public if the cost would be reduced by the number of employees?

Mr. REYNOLDS. You mean reduction in the tolls?

Commissioner O'CONNELL. Yes; the public would enjoy a reduction?

Mr. REYNOLDS. That would depend. If it ran into a reduction indirectly, they pay for it through taxes indirectly. No company can be run—the business can not be conducted, I do not believe, under Government control under reduced rates without a deficit.

Commissioner O'CONNELL. Take the United States Postal Service. You think that could be conducted cheaper to the people of the country by a private concern than the Government is conducting it?

Mr. REYNOLDS. I think it could; yes.

Commissioner O'CONNELL. That is now a paying proposition on the part of the Government.

Mr. REYNOLDS. I don't think so, if you include all your charges, as we have to in ours.

Commissioner O'CONNELL. You think we would be enjoying a 2-cent and a 1-cent postage if the postal service of the United States would be conducted by a private corporation?

Mr. REYNOLDS. That is hard to answer. But that would depend upon the wisdom of those who conduct the private corporation.

Commissioner O'CONNELL. In the countries where the Government does operate the telegraph lines—for instance, England, Great Britain—the service toll for sending a telegram is much less than it is in this country.

Mr. REYNOLDS. And the departments of telegraph report a heavy deficit, and the wage earners are paying an income tax to make up that deficit. It increases your taxes to the heavy deficit that has to be made up.

Commissioner O'CONNELL. These services to the people—say it is reduced 50 per cent in cost of the sending service—could not they afford to pay some increased taxation of some kind to maintain it?

Mr. REYNOLDS. Yes; but the people who do not use the telegraph, then, would have to help make up the deficit in place of those who do use it. Under the present method only those who use the telegraph have to pay for it.

Commissioner O'CONNELL. Would not the cheapening of the use of it enable a greater number of people to use it?

Mr. REYNOLDS. Possibly; but if they do it under a tariff that doesn't pay the cost of operation, the greater the volume the greater they lose.

Commissioner AISHTON. Under that kind of an arrangement the burden would fall on the larger number of people who made no use whatever of the telegraph, would it not?

Mr. REYNOLDS. Certainly.

Chairman WALSH. That is all. You will be excused.

At this point we will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.24 p. m. Tuesday, April 13, 1915, an adjournment was taken until Wednesday, April 14, 1915, at 10 o'clock a. m.)

CHICAGO, ILL., *Wednesday, April 14, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Lennon, Aishton, O'Connell, and Garretson.

Chairman WALSH. The commission will please be in order.

Mr. Konenkamp, I believe you had something that you desired to submit briefly covering the 1907 occurrence. I believe you stated you could put it in in 5 or 10 minutes. You may do that now.

TESTIMONY OF MR. SYLVESTER J. KONENKAMP—Recalled.

Mr. KONENKAMP. I heard the testimony of Messrs. Reynolds and Brooks with reference to the strike of 1907, and both are absolutely mistaken upon vital questions. If Mr. Reynolds had consulted the files of his office, he would have found that demands were made upon the Postal in 1907; that the company had been charged with bad faith in carrying out an agreement entered into with its employees at Chicago in 1906; that grievances had been accumulating for months, and that the company, standing shoulder to shoulder with the Western Union, had refused to consider the same after the change of general managers in March, 1907.

I have a number of official communications, extracted from our files, dealing with the Postal to show that Mr. Reynolds was in error, which I will file into the record.

The first is a copy of the negotiations between the Postal employees of Chicago and their officials in September, 1906.

(The paper referred to was submitted in printed form.)

The next is a letter from the then international president of our union, Mr. S. J. Small, dated May 2, 1907, to the officers of our Chicago local, showing that the Postal telegraphers in Chicago, on the 2d of May, wanted to strike. He urged them to be patient, and await his efforts to secure a conference with the new general manager, Mr. Nally. He wrote:

"I have endeavored twice to see Mr. Nally. On each occasion I was told that Mr. Nally could not see me to-day. Mr. Mackay is out of the city."

His conclusion is as follows:

"In the meantime, I shall, as soon as Mr. Mackay returns to the city, make a further effort to bring about a satisfactory adjustment of the Chicago grievances, at the same time expressing the hope that the members of the Postal committee in Chicago will be encouraged to take a broader view of the question under discussion and discourage any move or agitation that might lead to hasty action and the forcing of the issue at a time when we are unprepared."

(Witness here submitted letter, which will be found in the exhibits at the end of this subject, marked "Konenkamp Exhibit No. 7.")

When the general officers of the union met in New York, June 9 to 14, 1907, a letter citing grievances, was addressed to the officers of the Postal Telegraph Co., which was ignored by them, although they must have known of the unrest that existed among the employees.

The following telegram, received from Chicago at that time, signed by telegraphers in the employ of the Western Union and the Postal, was made public, and was made known to the officials of that company.

CHICAGO, ILL., *June 14, 1907.*

S. J. SMALL,
Care S. J. Konenkamp, Astor House, New York.

The president, secretary-treasurer, executive board, and grievance committees of the Postal and the Western Union employees of the Chicago local, in special meeting, assembled to consider the grave situation now confronting our organization, reaffirm absolute confidence in national president and executive board, pledging the undivided support of this local to the policies and methods this day laid before us for combating the unfair attitude of our employers in the emergency now existing.

S. S. ULERICH.	E. M. MOORE.
FRANK LIKES.	M. J. PAULSON.
GEO. D. THOMSON.	P. J. HOGAN.
E. G. WELLS.	C. L. CRAIG.
P. M. STILLMAN.	C. A. MARTIN.
C. E. SHEA.	GEO. E. CATES.
G. DAL. JONES.	W. E. GOODRICH.
W. F. MCDONALD.	F. E. BURROUGHS.
R. A. DITCH.	

I also desire to present the minutes of a meeting of the Chicago local, No. 1, held Sunday, June 16.

(The document referred to will be found among the exhibits at the end of this subject, marked "Konenkamp Exhibit No. 8.")

Commissioner Neill informed me he had not conferred with the Postal officials at the time he negotiated the agreement with the Western Union, but when the Clowry-Neill communication was made public the Postal sent out the following telegram:

(The telegram here referred to by the witness was received in evidence and marked, "Chicago, Ill., April 14, 1915, Witness Konenkamp, Document Serial No. 938.")

NEW YORK, *June 20, 1907.*

C. E. BAGLEY, *Supriatendent, Pittsburgh, Pa.:*

The Postal Telegraph Cable Co. has taken the position right along that it was not involved in the controversy which the Western Union Telegraph Co. is having with its employees. Edward J. Nally, vice president and general manager, has given out the following statement as to his company's attitude. He says:

"Now that all of the troubles of the Western Union Telegraph Co. have been adjusted, I wish to say for the Postal Telegraph-Cable Co. that the statement to

the effect that this company refused to consider requests or complaints from its employees, either individually or as a committee, is entirely untrue. We have always been very glad to meet any of our employees and to consider any matter which they might care to present.

"For instance, our Chicago employees recently made an application for a still further increase of wages. Inasmuch as we increased the wages of operators, chief operators, and managers 10 per cent on March 1, and on April 1 gave the chief operators an additional increase, and on the same day we increased the salaries of our clerical force, we did not feel justified in making still further increases, and we explained to them the reasons why.

"On June 12 I wrote a letter on that subject to our general superintendent in Chicago, Mr. Capen, as follows:

"'Please say to the employees whose names are signed to the communication of recent date addressed to you, and which you forwarded to me with your letter of June 6, that we are unable at this time to give favorable consideration to their request for shorter hours and increased wages.

"'We have already done all we can afford to do—we can not, in justice to the company's interest and with business prudence do more.

"'If, in the list of minor grievances submitted, there are any that call for attention and consideration, I shall be glad to have yours and Mr. Carroll's recommendation as to what you think should be done in each case. If there are any rules in force which may at times work a hardship upon our employees, we should do our utmost to remedy them. Great care should be exercised to prevent under chiefs and others from unfair enforcement of rules and regulations, and from unjust discrimination and unkind treatment of the force.

"'It is the earnest desire of the management that all our employees shall be treated with consideration, and that every reasonable and proper effort be made to insure their health and comfort.'

"E. G. COCHRANE,
"*General Superintendent.*"

The wording of the letter of President Clowry to Mr. Neill was unfortunate, but Mr. Neill informed me that Mr. Clowry was determined to save his face. The declarations contained in that letter to the effect that the Western Union had never discriminated against union men, in spite of the company's well-known policy for nearly 40 years prior to that time, and was admitted by Mr. Brooks yesterday, angered the employees, who had just recently gained the right to organize through force of organization. They were in rebellion against the tyranny of the company, and many indignant telegrams were received by me, of which the following are samples:

AUGUSTA, GA., *June 22, 1907.*

S. J. KONENKAMP,
Deputy President Commercial Telegraphers' Union of America,
Astor House, New York:

Members of local 35 desire some positive information regarding New York settlement. Nothing in President Clowry's letter for the C. T. U. A. Do the newspapers correctly represent your stand? If so, this local protests against such a consummation, and its allegiance is absolutely with President Small. Answer.

A. T. CARTER, *President.*

HOUSTON, TEX., *June 22, 1907.*

S. J. KONENKAMP, *New York:*

Texas desires to know if statement attributed to you by Associated Press to effect satisfactory settlement reached on basis Clowry's letter to Neill is true? Please answer. Is grievance national or is it local with New York?

S. J. GRAY, *Secretary-Treasurer.*

MEMPHIS, TENN., *June 22, 1907.*

Capt. R. J. FOWLER,
Care Astor House, New York:

The conflicting reports have created much unrest. Please give me something defining our position, so I can satisfy our membership at open meeting Sunday.

C. H. MCELRATH, *President.*

CHICAGO, ILL., *June 22, 1907.*

S. J. KONENKAMP,
Astor House, New York:

Interview credited to you creates impression of division in our ranks. The least said the better for our cause.

WESLEY RUSSELL.

A. T. CARTER, *Augusta, Ga.*, and S. J. GRAY, *Houston, Tex.:*

Have made my report to President Small as to settlement. Read letter carefully. Waived demand for eight-hour day and typewriter; that's all. Disregard stories of dissension.

S. J. KONENKAMP.

K. CHICAGO, *June 2, 1907.*

S. J. S. apparently not in touch with situation and seems not to favor proposition. I have talked with him in San Francisco. Likely original plan will be followed. I will await your reply.

W. R.

WASHINGTON, D. C.

S. J. KONENKAMP, *New York:*

For the honor of Pittsburgh 0, use your efforts to prevent squandering our rights in compromise.

P. H. DELAPLAINE.

I also have submitted a telegram I received at that particular time.

Chairman WALSH. From whom?

Mr. KONENKAMP. From telegraphers throughout the country denouncing me. The strike at San Francisco was deplored by no one more than myself, and Mr. Neill will confirm my statement that the members of the general executive board did everything honorable men could do to straighten out the situation. One member of the general executive board was sent to Canada to hold our members there in check. The chairman of the board, R. J. Fowler, was taken ill while in New York and died several months later. This left but three of us to handle the situation—Messrs. M. J. Reidy, of Boston, and Joseph M. Sullivan, two employees of the Postal, were my colleagues on the board. They joined in preparing the following communication to General Manager Nally, of the Postal Co. I submit several extracts.

DEAR SIR: We note by the daily papers that you are quoted in an interview as saying: "To my mind the strike in San Francisco is a violation of the peace agreement," and that you further intimate that we are an unstable organization, unable to live up to our agreements.

We beg to state that the telegraphers made one agreement with the company you represent which covered Chicago. That agreement has been violated in a manner which indicates that the disregard of agreements entered into is on the other side. This statement we are prepared to substantiate by correspondence, printed rules covering Chicago, and a fair statement concerning conditions now prevailing there.

We petitioned your company to be heard on certain grievances, including this breach of contract and the conditions in San Francisco, and our officers went as far as possible to meet you or any responsible representative of the Postal Telegraph Co., but were ignored.

To say the telegraphers are surprised is putting it mildly. We are aware that the Postal Co., whose motto is: "Do you ever stop to compare the present efficient telegraph service with what it was before the Postal entered the field?" stands as a monument to the late lamented, great-hearted John W. Mackay, himself a workman, who knew the greatest asset any firm or corporation can possibly have is the hearty cooperation of the employee. He secured for your company this cooperation to the greatest extent ever brought about in this or any other country. We believe that you will not deny that your company is enjoying from the telegraphers to-day the highest class of work ever given any telegraph company. Your wires are worked to the highest capacity of any company in the history of the telegraph.

We now respectfully represent that we can point out numerous grievances to your company which can be adjusted with advantage to both company and employees. To adjust these grievances will cost the Postal Co. nothing in dol-

lars, because an increase of good feeling between the company and the telegraphers must redound to the advantages of both.

If you wish to hear our grievances we shall be glad to meet you or any responsible agent of the company at any time or place convenient to yourself. If you do not wish to meet the president's representative or the board in its entirety we will delegate employees of the Postal Co., members of the board, to meet you. We trust you will do nothing to separate your company from its best asset—the cooperation of the telegraphers—and we hope you will do your part to bring about a renewal of friendly feeling.

We realize our responsibility as telegraph men to the country, to our employers, and to our union, and will go any reasonable distance to adjust our present grievances.

Trusting to hear from you at an early date, I am,

Respectfully, yours,

S. J. KONENKAMP, *Deputy President.*

Furthermore, I submit the declaration of members of the general executive board that they would live up to the agreement at all cost.

In its efforts to have the agreement entered into with the United States Commissioner of Labor, the members of the general executive board adopted the following resolution on June 25, 1907:

Whereas a tentative agreement (copy of which is attached[1]) was entered into between Deputy President S. J. Konenkamp, duly authorized to act, and United States Commissioner of Labor C. P. Neill, whereby satisfactory assurances of a settlement of grievances pending with the Western Union Telegraph Co. were secured, and the same was confirmed in a letter written by President R. C. Clowry, of the Western Union Telegraph Co., to Commissioner Neill stating that the concessions would be granted: Therefore be it

Resolved, That the agreement entered into should and will be accepted by the Commercial Telegraphers' Union of America in good faith, and all officers and members of the union are hereby instructed that until such time as all provisions of this agreement have been carried out or until there is evidence of a repudiation or violation by the Western Union Telegraph Co., the general executive board will not consider any proposition to order a strike against this company at any point. Nor will they sustain any action taken in violation of the same.

S. J. KONENKAMP,
M. J. REIDY,
JOS. M. SULLIVAN.

I told Commissioner Neill that we would fight to the last ditch to prevent a general strike against the Western Union. The three members of the general executive board did go to San Francisco to inquire into the causes of the local strike there. We found the men had acted hastily and forced a settlement of the strike within a week after reaching that city. Just how vigorously we worked in that case may be best described by the following circular sent to all local unions of our organization:

COMMERCIAL TELEGRAPHERS UNION OF AMERICA,
SAN FRANCISCO LOCAL NO. 34,
West Oakland, Cal., August 14, 1907.

To all presidents and secretaries,
members of all locals and of the general assembly, greeting:

The following resolution was unanimously passed by this local at its regular meeting held July 28 last, and is herewith forwarded to you for the information of all members:

Whereas during our recent strike and at a time most inopportune and detrimental to the plans as laid out by our national president for a more successful termination of our troubles, three of the members of the national executive board came to San Francisco without our solicitation or invitation; and

Whereas the actions of said members of the national executive board while here tended to a large extent to cause internal dissension in this local; and

Whereas said members of this board used threats and acted in such a manner as to appear as dictators of all the affairs pertaining to this strike, taking

[1] Not furnished.

the stand of friendly concern toward the telegraph companies and Charles P. Neill, and did not keep in touch with any of the officers of this local, nor in any way show a spirit of friendliness, fraternalism, or concern for our side of the struggle, and stated they did not think the strike was a just one, and that, so far as they could learn (by being here three days), living expenses were no higher here than in the East, and making other deprecating remarks tending to cause further dissatisfaction and a spirit of unrest among our members; and

Whereas they were singly and, as a major part of said national executive board, it was directly due to their presence that the agreement made was forced upon us in order to preserve our local: Now, therefore, be it

Resolved, That this local condemns the actions of the national executive board for interference in the strike; for uselessly spending so much money in a junket across the country without a request from us to come here; for remarks unbecoming national officers: And be it further

Resolved, That this local ask that these three members, Messrs. Reidy, Konenkamp, and Sullivan, tender their resignations as members of the said executive board: And be it further

Resolved, That a copy of these resolutions be forwarded to the president and secretary of each local, and that we ask a similar action on their part, such men being dangerous to our cause.

Fraternally, yours,

W. W. McCANDLISH, *President*.
A. W. CORFE, *Sec.-Treas*.

This resolution in brief denounced us as dictators, as showing too much friendliness toward the telegraph companies, and also to Charles P. Neill. It ends by condemning the actions of the national executive board in forcing a settlement of the San Francisco strike, and asks for our resignation because of our attitude against a strike.

The general executive board visited many cities where the strike fever was greatest. We warned our members against precipitating a strike. On July 31 we disbanded and returned to our regular places of employment, Mr. Reidy with the Postal at Boston, Mr. Sullivan with the Postal at New York, while I stopped over to visit relatives before returning to my position with C. I. Hudson & Co. at Pittsburgh. I was still visiting when the walkout occurred at Los Angeles. As soon as I heard of this I hastened to Chicago to head off a general strike if possible. Messrs. Reidy and Sullivan held New York and Boston in check, but before we could convene the strike was beyond our control. The officers were cast aside by the men, but I opposed the strike until completely overwhelmed by the sentiment of those directly involved.

If the Postal and the Western Union had been willing to deal with committees of their own employees in 1907, the strike would not have occurred. So the responsibility for what followed is theirs. If these companies were willing to deal with committees of their own employees to-day and to remove the restrictions upon the liberties of their employees, they would need have no fear that the officers of this union would interfere. The president of this union can not declare a strike; he can only veto or sanction a strike when the members vote in favor thereof.

Chairman WALSH. That is all, thank you.

Commissioner ASHTON. I would like to ask you, to get into the record, in regard to this strike in San Francisco in 1907, would that—was that strike approved by the president of your organization, Mr. Small?

Mr. KONENKAMP. I am inclined to think it was, due to the fact, as stated yesterday, that he did not understand the situation in New York, and furthermore that the officials of the telegraph companies did not understand the situation, and they refused to live up to the agreement entered into by Treasurer Clowry. There was wrong on both sides. When we reached San Francisco we helped to adjust matters and compelled our men to go back to work.

Commissioner ASHTON. Did your membership generally at Chicago, Los Angeles, and New York have information as to this so-called Neill agreement?

Mr. KONENKAMP. No; not completely, for this reason: That Col. Clowry was very anxious that I should keep quiet about the real agreement. I was told that he wanted to save his face, and Commissioner Neill asked me to refrain from any great amount of publicity until things were quieted down.

Commissioner ASHTON. Did your executive committee communicate with Mr. Small on this day the agreement was reached?

Mr. KONENKAMP. Yes; I tried to get in touch with him the night before the agreement was signed, but I could not locate him.

I will file with the commission later a report of our convention of that year. This covers the negotiations in detail and shows the most of the telegrams pertaining to the agreement.

(The report referred to was submitted by witness in printed form. It is entitled "The Milwaukee convention," and appeared in the Commercial Telegraphers Journal of November, 1907.)

Commissioner AIGHTON. That is all.

Chairman WALSH. That is all. You may be excused.

TESTIMONY OF MR. C. H. McELREATH.

Chairman WALSH. State your name, please.

Mr. McELREATH. Con H. McElreath.

Chairman WALSH. Con?

Mr. McELREATH. Yes, sir.

Chairman WALSH. Where do you live?

Mr. McELREATH. Detroit, Mich.

Chairman WALSH. What is your business?

Mr. McELREATH. Telegrapher.

Chairman WALSH. Are you employed some place at the present time?

Mr. McELREATH. Yes, sir; with the International News Service, at Detroit.

Chairman WALSH. How long have you been in your present employment?

Mr. McELREATH. Five years.

Chairman WALSH. What, if anything, do you know of the existence of a black list by the Western Union and Postal Cos.?

Mr. McELREATH. I may say that there is a black list.

Chairman WALSH. Kindly, as briefly as possible, give your own experience and the grounds for your belief that there is a black list.

Mr. McELREATH. I am on that black list, placed on that list by the manager, the chief operator, of the Western Union Telegraph Co. in Kansas City in the year 1910 or 1911.

I know this to be a fact, because the clerk, the confidential man, through the chief operator, who handled this record, informed me personally that my name appeared on it.

In other cases, from communications that come to officers of our union and from statements made to me by different telegraphers who have been blacklisted, I am convinced that this black list is interchanged between the Western Union and Postal Telegraph Cos.

For instance, the chief operator at the Western Union discharges one of our members for his affiliation with the union, assigning "Benefit of the service," "Reduction of force," almost anything plausible, any plausible excuse for his discharge. That is as far as the man receives any enlightenment as to his discharge.

The opposition company, or the Postal, is convenient, and the operator so discharged will go to the Postal operator and apply to the chief of that company for a position.

The first question he is asked is where he was last employed. He stated that it was with the Western Union Telegraph Co., and that he was discharged. They ask him the reasons, and the operator assigns the reasons that have been given to him. The Postal chief operator will probably then tell the men, if he needs help at that time, to come back in the afternoon and he will see. In the meantime, through a gentleman's agreement or some other kind of agreement, the chief operator of the Postal Telegraph Co. will get in communication with this man's former employer, and he will get his record, and he will get why he was discharged, which is confidential between the two chiefs, the operators of the opposition companies. Then the man comes back in the afternoon and is told there is absolutely nothing for him to do; that he must have a clear record from the Western Union Telegraph Co. before he can be employed by the Postal. And so, of necessity to secure employment, he occasionally turns to the railroads, and there he finds that he must refer to the last place of employment, and, if it be the Western Union, a list of sufficient information is provided on request by the railroads for the man who is hired, the operator, to show that this man is undesirable simply through his union affiliations.

Frequently a few hundred men are driven out of the country for that reason. The testimony of Mr. Lynch yesterday exemplifies that. He is one of the vic-

tims. I know of a number of others. Another resort that the operators are forced to is to assume false names in order to secure employment. Suppose I am discharged in Chicago. Can I get work from other offices here, from other companies here? My home is here; I am a citizen and I am a taxpayer; my family is here and my ties. No; I can not secure work, and I must support my family; society demands that. I then decide on this plan of assuming a false name and applying for work in some other city. I am hired, say, in St. Louis under the name of Jones and put to work and get along for a little while. Being fairly well acquainted with telegraphers from all parts of the country, some one will discover that I am McElreath instead of Jones, and, with the spotter and spy system, it does not take information of that kind long to reach the chief operator, and the result is that I am discharged and sent on the road again. I am sent on the road again looking for employment. I think that covers it.

Chairman WALSH. What steps are necessary for a black-listed man to obtain employment from the company? Is there any way to get on again?

Mr. MCELREATH. Yes; there are instances where men have been reinstated and their names removed from the black list.

Chairman WALSH. What is the requirement before it can be done?

Mr. MCELREATH. It is practically surrendering your manhood; in other words, surrendering your union card, and, in cases of which I know personally, making an affidavit that you will not join the union again.

Chairman WALSH. Have discharged employees in the Western Union or the Postal Telegraph Cos. the right of appeal?

Mr. MCELREATH. In a way.

Chairman WALSH. To whom do they appeal?

Mr. MCELREATH. Ordinarily, to the chief operator, who is their immediate superior, and very, very seldom does a discharged operator get any satisfaction from that official. He is advised, ordinarily, by this chief operator to go to the district superintendent. The district superintendent, if the man is weak and not persistent, will stall him off and tell him that he had better go somewhere else and look for a position. If the man is persistent, then he has the right and is advised by the district superintendent to appeal to the general superintendent or to the division superintendent, and so on.

The Western Union Telegraph Co., as testified to by Mr. Brooks, a couple of years ago, or a few years ago, issued an order that there should be no discrimination against employees, and that any employee had the right to appeal if they felt that they were aggrieved. This, while it looks all right on paper and sounds very well from Mr. Brooks, has not, in any number of cases, been lived up to. Mr. Brooks himself, when appealed to, and we can show in our files copies of letters he has written to men who have appealed to him personally, has adopted an almost stereotyped form of reply to these men, "I do not see fit to interfere with the conclusions reached by the local officials."

If there was an investigation made, it had no effect on Mr. Brooks. The men discharged for different causes have made these appeals and have received identically, or almost so, the same reply from Mr. Brooks.

Chairman WALSH. What do you know of the actual working conditions in the company, with reference to reliefs, the conduct of the subordinate officials, and the like?

Mr. MCELREATH. The system of reliefs for lunch, rest, and calls of nature is almost brutal in its lack of enforcement. I mean by that that petty chiefs, men who have direct control of the working force for these telegraph companies, have become imbued with such a degree of ambition or fear that, in order to make a good expense showing for their divisions, they have actually made men and women suffer for the want of proper relief to attend to these calls of nature until they have bred disease and undermined constitutions; in fact, they have driven people to become nervous wrecks. And I might add a little further, since we have charged other crimes to the Western Union, to add murder to those.

I have in mind a case in Kansas City, Mo., a city where I was located for a number of years, and know these to be facts from my own observation. A telegrapher by the name of Wolfrum—J. J. Wolfrum—was employed by the Western Union Telegraph Co. for a number of years, extending back possibly 20 years; in fact, he spent his whole life, practically, in the employ of the Western Union Telegraph Co. He started in at a small salary and worked up to the top salary and became a very proficient operator. When the Western Union Telegraph Co. instituted their bonus system Mr. Wolfrum was selected as one of the best

bonus men, one of the most capable operators, and they assigned him to that class of work. He continued at that until the strike of 1907. In that time, and toward the latter months before the strike, Wolfrum acquired what is called "telegrapher's paralysis." It is an affection of the muscles whereby from constant gripping of the telegraph key a man loses control, practically, of his hand, and while he was all right on the receiving set he probably slowed up a little bit in sending.

About that time sending machines were becoming common and in general use with the Western Union Telegraph Co. and the Postal Telegraph Co., and Wolfrum began immediately to apply himself in learning how to manipulate that. He succeeded fairly well, and then the strike came on. He, like myself and all other good union men, went on that strike and remained out until it was over.

In the reemployment of telegraphers after the strike, Wolfrum was among the number, and whereas he had received a salary of $85 a month, which was considered and called "top" salary before the strike, when he was reemployed he was placed at $45 a month, doing practically the same work that he did before. From that day on Joe Wolfrum was a marked and persecuted man by the officials of the Western Union Telegraph Co. in Kansas City, Mo. Sam. W. Atkinson was chief operator most of the time after the strike until finally Wolfrum was buried. The petty chiefs in that office, particularly one Jubet, traffic chief in the Kansas City office, had either formed a dislike for him or had determined to make him the goat for going on strike, and they got in behind Wolfrum; they put him on wires that should be manned by men getting the highest salary, and he was required to do the same work they were doing; he was required to do the same work on the same wire I was, and I was getting $75 a month and he was getting only $55 a month.

Finally his family affairs got bad and it was necessary for him to have more money. He applied to this man Atkinson, who, in turn, took it up with Bronson, and it was claimed that the matter ended there. Anyway, Wolfrum got no increase at that time. A year later, possibly, they raised him to $60, and put him on what is known in Kansas City as the biggest "roast" in the office, the hardest work, the Salina, Kans., wire, and he was forced to work it alone, whereas, before that, at frequent intervals, they would double the wire and put two men on it. Wolfrum, however, did it all, hoping to get his salary rating restored so that he could take care of his family. It went on another year at that salary, and Wolfrum was granted a $5 increase, and then his health began to fail. He had worked so hard in his effort to establish his right to proper pay that his nervous system entirely broke down and he was confined to his bed for several weeks, and when he came back there was no let up on the part of these petty officials, and Wolfrum was driven still. Finally, within the last year, within the last nine months, Wolfrum realized that his efforts to better his condition were useless; he saw that his health was failing, and he felt that he was being persecuted and would be as long as he was in the telegraph business; so he went to a hotel on Main Street in Kansas City, near Sixth Street, and rented a room—he had previously sent to his wife what little money he had—cut open the veins in his hands, and was found dead.

Wolfrum, during the time he worked at this small salary, after the strike—to my own personal knowledge, I have seen that man go to work at 8 o'clock and seen him on duty when I would go off the next morning. I was working on what is called a split trick and I would be off a period of six or seven hours during that time. Wolfrum would sacrifice his lunch time and stay there and work. That, in effect, is what I term murder by the Western Union Telegraph Co.

Another instance occurred in Detroit, Mich.; the case of a man who had given his whole life to the service of the Western Union Telegraph Co. Forty-eight years and a half he had served, and he must have served faithfully or he would not have been carried that long. A few months ago, probably 8 or 10 months ago—this man, whose name was Baubien belonged to a very fine family in Detroit. He was notified by the chief operator in the Western Union Telegraph Co. that he was getting too old and they would have to let him go. The Western Union has some sort of pension plan by which probably this man Baubien would secure $25 a month for the rest of his life. That would, in a way, mitigate his retirement, but he did not consider it was a proper appreciation of his long time of service; in fact, it had been his ambition to serve 50 round years for the company. He drew this pension and lived around but he was not satisfied. Things went on with him from bad to worse and he began to break in spirit as well as in health.

Within the last two or three months Baubien died. The doctor said he died of a nervous breakdown, but Baubien's friends say he died of a broken heart at the ingratitude of the Western Union Telegraph Co. in not permitting him to work out his 50 years.

The newspapers took it up, and there was considerable publicity given to this man's case.

There are hundreds of cases equally as tragic as these two.

The Western Union Telegraph Co. in the matter of giving short and lunch reliefs do not consider anything; they are absolutely subordinated to the traffic. When there is business on hand, chief operators, way chiefs, and division chiefs—whether they are instructed from the men higher up or not I don't know—but they will not permit these telegraph operators and other employees to have such relief at the proper time. For instance, in the Chicago office—in any office of the Western Union Telegraph Co.—at the present time, when operators put in a request for short relief, which they are supposed to have at two different periods during the day, they are put off by these chiefs just as long as it possibly can be done. Sometimes on urgent request operators have been known to have to wait 40 or 50 minutes or an hour, or even longer, no matter what the urgency of the case might be.

The same condition has prevailed in St. Louis, and it has been testified to by Mr. Konenkamp here of the disastrous result on one occasion in the case of a lady.

In Boston reliefs are badly, badly delayed. Lunch reliefs are granted whenever it suits the petty chiefs to grant them. Short reliefs are delayed from time to time there just as they are at Chicago, Kansas City, St. Louis, and everywhere else.

In New York City, while Mr. Reynolds was making his statement here that there was no dissatisfaction among his employees, no unrest, and that everything was all right with his people, I had in my hand a communication received within the last five days from employees of the Postal Telegraph Co. in New York City, stating that it was almost impossible to secure a short relief for any purpose from the Postal Telegraph Co.'s night chief—one Le Suer—and that conditions were becoming intolerable. Men on the extra list would, under no conditions, ask for short relief, because they would be fired immediately, or as soon as they could possibly be spared, and the regular men were afraid to ask the chief for fear they would be insulted, and on numbers of occasions they have been insulted when they would ask. When an operator gets in bad with one of the petty chiefs over such matters as asking for reliefs he had just as well leave the company, for he will be persecuted and hounded by the chiefs as long as he is there.

In the last two months I have a case in Boston where one man in particular was forced to quit the company for staying a little too long on short relief.

Chairman WALSH. Have you any suggestion to offer that might remedy these conditions which you claim to exist?

Mr. MCELREATH. I think there should be some legislation enacted to compel the telegraph companies to grant these reliefs for their employees at regular periods and that they should be compelled to keep a sufficient force on hand so that those arrangements could be carried out. I think that possibly the Western Union and the Postal Telegraph Cos., if the officials of those companies higher up knew the exact conditions, could be induced by some one to arrange these affairs and lessen the suffering of the laborers. I would suggest that this matter will be gone into a little further by one of the following witnesses.

Chairman WALSH. Commissioner Aishton wishes to ask you some questions.

Commissioner AISHTON. I understand you, Mr. McElreath, that you were employed by the International News Co., of Detroit?

Mr. MCELREATH. The International News Service of New York in Detroit.

Commissioner AISHTON. And I understand you left the service of the Western Union Telegraph Co.; when was that?

Mr. MCELREATH. On March 10, 1910.

Commissioner AISHTON. That was your last connection with any telegraph company; any commercial telegraph company?

Mr. MCELREATH. That was my last connection with the Western Union Telegraph Co.

Commissioner AISHTON. Did you leave the service of your own accord?

Mr. MCELREATH. Yes, sir; I quit.

Commissioner AISHTON. Did you get what is called a letter of clearance or anything?

Mr. McELREATH. No, sir; I quit because I was being abused, and I did not get it.

Commissioner AISHTON. You just resigned of your own accord?

Mr. McELREATH. Yes, sir. Would you care to know the circumstances?

Commissioner AISHTON. I have no objection if you want to state them.

Mr. McELREATH. I had been assigned by Chief Operator Atkinson to work for the International News Service, to work on what is known as a short trick, from 10 o'clock until 2 o'clock every day. I had been on that assignment since December. On this particular day or, say, two or three weeks before this, there had been an arrangement made whereby telegraphers were requird by the International News Service on Saturdays all the afternoon up until, say, 5 o'clock. My time to report at the Western Union Telegraph office was 5.30. I had worked all day there and came to the main office and the chief operator asked me where I had been. They used the clock system with a card, and when I went to register in my card was missing, and we knew that when the card was not in the rack that the chief operator had it. I went to his desk and asked him for my card and he said, "Where have you been all day?" And I told him. He said, "You did not ask my permission." And I said, "You assigned me yourself," and he said, "I did not, and the next time it happens you will have to come to see me before you go to work." I said, Mr. Atkinson, I am informed that you have made up your mind to get rid of me and that you told one of your traffic chiefs that if he could get anything on me to let me go, and I believe it is the best thing I can do to quit and you can give me my time." That is the way I quit.

Commissioner AISHTON. Then you entered the service of the International News Association?

Mr. McELREATH. Yes; that was my sole employment after that.

Commissioner AISHTON. You were employed by the Western Union Telegraph Co. for quite a long period at this time you left?

Mr. McELREATH. I was in that office for one year and have been a telegrapher for 25 years, most of the time with commercial companies in the commercial work.

Commissioner AISHTON. With your time divided between the Postal and the Western Union Cos.?

Mr. McELREATH. I have worked for both companies; yes.

Commissioner AISHTON. You testified, I think, about men giving false names in order to get employment; you testified to that, but you did not have to give a false name in order to get work, did you?

Mr. McELREATH. No, sir; I never did.

Commissioner AISHTON. You never felt that necessary?

Mr. McELREATH. No; I never had occasion to, being an expert telegrapher.

Commissioner AISHTON. I understood you to say that you had personal experience with the black list in your own case?

Mr. McELREATH. Yes.

Commissioner AISHTON. In your own case?

Mr. McELREATH. Yes, sir; I was informed by a confidential man to the chief operator that my name was on the black list; but I have never appealed to the Western Union for a position since.

Commissioner AISHTON. This was since you resigned from the service of the Western Union?

Mr. McELREATH. Yes.

Commissioner AISHTON. And prior to the time and during your entire service with the commercial telegraph companies you had no experience or knowledge about the black list in your own personal case?

Mr. McELREATH. No, sir; not in my own personal case.

Commissioner AISHTON. Did I understand you to say that the granting by the Western Union Telegraph Co. of a pension of $25 a month to one of their men who had grown old in the service was the direct cause of his suicide or murder, as you call it?

Mr. McELREATH. No, sir; you misunderstood me.

Commissioner AISHTON. I thought your testimony was to that effect?

Mr. McELREATH. No; not the granting of the pension caused it; but it was the fact that he was retired that broke his heart.

Commissioner AISHTON. Now, Mr. McElreath, you testified that you had knowledge of hundreds of tragic cases of the same tenor to those two that you cited.

Mr. McELREATH. Yes.

Commissioner AISHTON. Have you the names and circumstances of any such cases that you can submit?

Mr. McELREATH. I can procure a number of names and submit them.

Commissioner AISHTON. I would ask that a list be prepared, if you can do so, and submit them to the commission.

Mr. McELREATH. You understand that not all of these men are dead, that some have been reinstated and are working for the telegraph company.

Chairman WALSH. I wish, Mr. McElreath, that you would make a list of those within your knowledge that would form a basis for your statement that you know of hundreds of those cases and submit it to the commission.

Mr. McELREATH. How many names would you suggest? Will 100 be sufficient?

Commissioner AISHTON. If you will modify your statement in the record to show that there were only 100 cases the commission will be satisfied with 100; but when you say that there are hundreds of such cases we ought to have more.

Mr. McELREATH. I will modify my statement in the record to that effect, and I think I can provide a list of 100.

Commissioner AISHTON. That will be satisfactory, Mr. Chairman.

Chairman WALSH. Let the testimony of the witness be modified in that particular point where he said he knew of hundreds of similar cases to read that he knew of a hundred cases. Now, Mr. McElreath, if you will, furnish a list of the names and addresses of such persons which might serve as a basis for your statement.

Commissioner AISHTON. I would further request, Mr. Chairman, that when that list is furnished for the record that the Western Union Telegraph Co., or any other companies by whom these men were employed, be given an opportunity to furnish their record in those cases.

Mr. McELREATH. That would be very satisfactory to me.

(List of names furnished by witness appears among the exhibits at the end of this subject as "McElreath Exhibit.")

Commissioner AISHTON. Now, Mr. McElreath, I do not want to go too much into detail, but I believe you stated, in cases of appeal, to Mr. Brooks particularly, that decisions were always in favor of the company's officers; in other words, that the employee was turned down by some set form of reply?

Mr. McELREATH. I did not say always; but I said in most all cases that had been taken up.

Commissioner AISHTON. I inferred from your testimony that it was in all cases, and I would like to have the record so cleared to show that it was not all cases.

Mr. McELREATH. It was not in all cases.

Commissioner AISHTON. You have knowledge of cases where employees have appealed their cases or taken them up with Mr. Brooks or other officers of the Western Union Telegraph Co. where the decision was in favor of the employee?

Mr. McELREATH. Yes; where they have been reinstated.

Commissioner AISHTON. Now, you were in the employ of the Western Union Telegraph Co. for a number of years in different places, Mr. McElreath. How many years was it?

Mr. McELREATH. I have been telegraphing 25 years, and during that time I suppose I spent, I will say, as many as three years with the Western Union.

Commissioner AISHTON. You spent three years with the Western Union Telegraph Co.?

Mr. McELREATH. Yes.

Commissioner AISHTON. And during that period, did you personally experience what you might call brutal treatment as testified to by you as being general toward the employees of the Western Union Telegraph Co.?

Mr. McELREATH. No; I would not stand for it.

Commissioner AISHTON. No; I should not judge from your appearance that you had been very brutally treated.

Thank you, Mr. Chairman, that is all.

Chairman WALSH. Commissioner Lennon wishes to ask a question.

Commissioner LENNON. I want to see if you can give me some information about a matter in regard to which I asked yesterday; it was testified yesterday that men put on the bonus received most of the short messages. Now, I would like to know how that comes about and whether it is a cause of dissatisfaction among the operators in the office, or do you know anything about that?

Mr. McELREATH. I would rather you would let one of our following witnesses take that matter up, because I never worked bonus. That is another thing I did not believe in.

Commissioner LENNON. All right.

Commissioner AISHTON. Just one more question, please, Mr. McElreath; you are an officer of the Commercial Telegraphers' Union at the present time?

Mr. McELREATH. I am.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all, thank you, Mr. McElreath; you will be permanently excused.

TESTIMONY OF MR. T. W. CARROLL.

Chairman WALSH. State your name, please.

Mr. CARROLL. T. W. Carroll.

Chairman WALSH. What is your business, please?

Mr. CARROLL. Division traffic superintendent of the Western Union Telegraph Co.

Chairman WALSH. Where do you reside?

Mr. CARROLL. At Chicago.

Chairman WALSH. Will you please state, Mr. Carroll, in a general way, your duties and the territorial limits of your jurisdiction.

Mr. CARROLL. I have about 525 independent, 370 branches, about 7,000 railroad offices to provide facilities for. In 31 of the larger offices I have to provide forces; the force of the other offices is taken care of by the commercial superintendents. I also have to look after the class of service, the general operating conditions, the comfort and welfare of the employees, and matters of that kind in connection with the general operation of the system.

Chairman WALSH. What are the geographical limits?

Mr. CARROLL. Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Wisconsin, Minnesota, North and South Dakota.

Chairman WALSH. You have heard the testimony here, Mr. Carroll, with reference to the working conditions in the offices of your company?

Mr. CARROLL. Yes, sir; and I have been very much interested in them; I did not know we had any such conditions.

Chairman WALSH. Beginning with the Chicago office, will you please make your comment on the hours of labor, the times of relief, the mode of granting the relief, the necessity, if there be a necessity, for the so-called "split tricks," the amount of work performed a day, including the bonus system. I will try to avoid asking specific questions, as you have been here and have listened to the testimony, and I would like your statement to cover the whole proposition.

Mr. CARROLL. In general, days in the Chicago operating room, the hours for a day's stint are nine; eight hours for split tricks, are our standard hours. We have a great many seven and one-half hour tricks that we established some time since, some time ago.

We have seven and one-half hour early night tricks, seven-hour late night tricks, and I believe that we have some women employees on the early night tricks who are working six and one-half or six and three-quarter hours for a day.

As regards short relief, the established rule in the office is 15 minutes in the morning and 15 minutes in the afternoon, given at once, or within a very few minutes.

I think Mr. McElreath, in this testimony just now, made a remarkable statement; it is remarkable the amount of information that he has for a man that has not been in the service for a very long time. I think his statements are a little bit off. He has taken an exceptional case.

I think that the commission ought to have our cards, on which the reliefs are stamped twice a day, in and out of the office, which will show evidence entirely contrary to that which you have received. I should be glad to furnish you any number; 10,000 if you want to go over them.

Now, if there are any conditions I have not stated, I do not know. I am getting a copy of all the testimony, and I am going into it and see.

Chairman WALSH. I will say this, that we will furnish you with an investigator from our staff and he will take the number that you believe would demonstrate the real condition and go over it with you personally.

Mr. CARROLL. Mr. Chairman, you can have from 1 to 100,000 of the cards that are on file down there. I would like to have you go over them, because it is a point I think that ought to be straightened out.

Of course, I noticed a great deal of the examination of the testimony here is more or less of a post-mortem nature, going long back before my time. Some of those conditions may have existed, possibly, and I am sorry to hear it. I can't help you out, except in the past two years and a half, since I have been an operating official in this territory. But I can help you out in testimony when I was with the other company, if you want to refer to that.

Chairman WALSH. What other company?

Mr. CARROLL. I was with the Postal Co. four years, as an operating official. As a matter of fact, I believe I gave the telegraphers of Chicago the first working rules they had.

There was some testimony here yesterday about the Postal employees, I believe the president made a mistake, I think Mr. Konenkamp made a mistake in his testimony. I worked with the committee about three weeks, and I know that they were working under a book of rules. I received the committee. I just wanted to state now that that part of the testimony was probably overlooked by the men who testified.

Chairman WALSH. Decribe that a little more completely into the record. You may offer this.

Mr. CARROLL. Back in 1906 the employees of the Postal Telegraph Co. indicated they would like to have some kind of working rules from the telegraph company, and negotiated with the officials higher up. And General Superintendent Nally came in one day and asked if I would be good enough and sit in and help out in formulating rules to protect the employees. I did so. I think it took us a week or 10 days. I do not just recall the members of that committee. I can recall three of the members of the committee that were to see me, called on me afterwards to submit their various grievances; I think Paulson was one, and another was Craig, and the third Moore.

Chairman WALSH. I wish you would give us the wages paid in your office, take the maximum rate and tell us how many received that rate, and the minimum and how many received that, and what might be an average rate of wage in between.

Mr. CARROLL. I think I have that, Mr. Chairman. You are talking about the Morse operators, I assume?

Chairman WALSH. Give us all of them. You can better explain it than I can.

Mr. CARROLL. We have a long story, if you want it.

Chairman WALSH. Well, give us the story, and make it as brief as you can. Answer the question I asked you, which is, how many you had that got the minimum rate and how many the maximum rate, and how many in between. You might approximate it if you can do it that way.

Mr. CARROLL. There are 23 operators receive $100 a month in Chicago. I am talking about Chicago.

Chairman WALSH. Let us take Chicago, then.

Mr. CARROLL. I can submit the entire division if you want it. It is on my desk.

Chairman WALSH. Well, give us the division then.

Mr. CARROLL. At $95, two; at $90, thirty; at $85, seventy-three; at $80, two hundred and fifty-two; at $75, one hundred and thirty-seven; at $70, forty-five; at $65, twenty-two; at $60, fourteen; at $55, three; at $50, five; at $45, two; at $40, three. The last eight employees are graduates from our checking and clerical force within the past year and a half.

Chairman WALSH. What is the total?

Mr. CARROLL. The total, I think, is 600, approximately 600, Morse operators on the Chicago roll at the present time.

Commissioner AISHTON. Just a moment. That includes the main offices as well as these drug stores and hotels?

Mr. CARROLL. No.

Commissioner AISHTON. Just the main office?

Mr. CARROLL. Those offices are, as a rule, under the jurisdiction of the commercial department.

I read the statement regarding the conditions. I do not believe that I care to go back to the time that the Indians were building bonfires on the hills and trading skins for the amount of work done, because it is really of no value for comparative purposes to go into conditions as they report in 1870. There has been no information submitted as to what a barrel of flour cost at that time, or a pair of shoes, or what clothes cost. I do not think much of the record that has been submitted.

I would want to take 1908, take the Government investigation for my basis of figures. You recall in 1908 the Government made a report of wages. At that time in the Chicago office, at the rate of $40, there were 6.3 employees on at that rate; in 1915, 0.41 per cent. At $45, in 1908, 2.9 per cent; 1915, 0.28 of 1 per cent. At $50, 2.9 per cent——

Chairman WALSH. If we could just have that for a moment, Mr. Carroll, I would make the suggestion that you give us something from the record in 1908 that would parallel the wages as you have stated them here, that we might grant it in a larger way. How many were getting $100 a month, and so on, as you have given?

Mr. CARROLL. Of course, I could do that, but I just would have to multiply these percentages. These are put on a percentage basis, because the Government did at that time, and, of course, it is just a matter of multiplying.

Chairman WALSH. Go ahead with it, then, and we will carry that along as best we can.

Mr. CARROLL. I have just wanted to show also the low salaries that are being cut out. I will explain to you why they are being cut out.

Chairman WALSH. Do it in your own way.

Mr. CARROLL. $55, 2.5 at that time; 1915, 0.41; $60, 5.7 in 1908; in 1915, 1.93. At $70, 10.3 at that time; at the present time 6.20. At $75, 20.1 at that time; now it is 19.15. At $80, 20 per cent at that time; now, 35.58. You can see the salaries have been jumped over to the $80 class. Eighty-five dollars at that time, 5.4 per cent; at the present time, 10.75 per cent. At $90 at that time, 1.7 per cent; at the present time, 6.20 per cent. At $95, 0.2 of 1 per cent at that time; now, 2.48 per cent. One hundred dollars to $125, 5.5 per cent at that time; now, 11.3 per cent.

The report goes on to show that the lower salaries have been very much trimmed out; they have been transferred over into the higher-priced men. That is in a measure chargeable to this condition: The automatic apparatus has in the past years developed in the telegraph field, and a great many circuits on which first-class men were working at that time are now in the automatic service, and the first-class men are now working on what a few years ago were classed as second and third class circuits. They are receiving the same rate of wages and salaries employees received a few years ago prior to 1907 for handling 400 messages a day, I would say, from 275 to 450 messages a day. They are now working on circuits running between, I would say, 150 and possibly 230. Those are the actual operations which I shall be glad to have your investigator look into when he comes down. If you will permit me——

Chairman WALSH. Just one minute. I don't understand this exactly. Did you give the automatic department in your tabulation you just gave us?

Mr. CARROLL. I have it here. I haven't it in the tabulation, and only know I can give it in a general way, and a rule which I succeeded in having our people approve, in 1914 or the latter part of 1913, possibly August.

Chairman WALSH. What change did the introduction of the past year of the automatic make in the character of the employment? That is, did it take off expert telegraphers and put on those that were less expert?

Mr. CARROLL. During the past year I do not believe that we have added any—oh, yes; we have added a few automatics. There is not any comparison between the automatic operator and a Morse operator.

Chairman WALSH. Now, by getting the automatics, how many Morse operators could you dispose of, or did you dispose of?

Mr. CARROLL. The number of circuits in operation in the Chicago office, I think, perhaps affected 20 or 25 operators.

Chairman WALSH. Twenty or 25 operators out of the whole?.

Mr. CARROLL. Yes.

Chairman WALSH. What is the salary of an automatic operator?

Mr. CARROLL. The automatic operators' salaries, I will read them to you: One at $75, 3 at $70, 5 at $65, 8 at $60, 15 at $55, 1 at $52.50, 22 at $50, 19 at $47, 20 at $45, 17 at $42.50, 31 at $40, 23 at $37.50, 37 at $35.

Chairman WALSH. In what offices are those?

Mr. CARROLL. In Chicago.

Chairman WALSH. How many are there in the Chicago office altogether—how many automatic operators?

Mr. CARROLL. The number of automatic operators in Chicago, 139 female and 62 male. The total females, the last time I checked up in connection with the change of hours to an eight-hour basis, I thing it was 188 total.

Chairman WALSH. In the whole district what are the relative proportions as to the sexes in your employ?

Mr. CARROLL. I think it is about between 35 and 40 per cent.

Chairman WALSH. Women?

Mr. CARROLL. Yes; that is, including all departments. In the Chicago office it runs, male operators 400 and female 72—Morse operators.

Chairman WALSH. It might be interesting to know whether or not this introduction of automatics has advanced and developed; that is, whether or not it would be extended. Is it likely to continue to take the place of some more of the regular operators?

Mr. CARROLL. There is no question about it. The automatic telegraph operation is exactly in parallel to the electric light superseding the lamp; to the electric car superseding the horse car; and going on down through the line of progress. There are brains all over the country working on automatic operations to improve conditions and congestion, and so on, and so forth, and it is bound to bring it out. I don't know that there is any use of introducing the argument in any way in connection with the conditions of the Morse operators. Progress is responsible for a great many operators—Morse operators—not being employed to-day. But the public must be first considered and served. Of course, the conditions brought about by the war last year is the main thing that is responsible for so many men being out of employment in the telegraph field to-day. And on July 1 or August 1 of last year, I venture to say, practically every Morse operator on our roll was making full time or better, possibly, with the exception of a few late comers. And after the falling off in business developed, the problem was to take care of the Morse operators. We suspended practically any further action in the direction of automatics, with the exception of one or two that we had contracts for and were uncompleted and we had to carry them out.

The next problem, then, was this: Shall we take the older employees and give them full time, or shall we try to take care of as many telegraphers as possible by dividing the time that we have.

We will perhaps give you a little interesting information that is not generally known, I believe, nor to one or two of my friends here to the left, and it might be interesting to them to know it. This is something for you (addressing Mr. Konenkamp).

The present total Morse operators on the unassigned list throughout the division would run something like this. Possibly I had better explain the unassigned list as it is to-day and the extra list as has been referred to here.

There was once upon a time in the telegraph service when the extra list was a desirable position for the hog, as he is generally known, a man that wants to work all the time. And during the past two or three years that has been entirely eliminated, and the telegraph proposition has been put more or less on an engineering basis.

The circuit loads are taken quarterly at some places and sometimes monthly, and the force assigned in accordance with that load. A load on a telegraph circuit is very much similar to the slopes on the side of a mountain. There are peaks and valleys in it all day long. And there is a considerable amount of dead time in every telegraph office. And that time, as I will show you, cuts down the operator's average.

To give you some idea of the conditions we had to contend with during the past several months, in which I am afraid we have been severely criticised for, and I may say I was very largely responsible for the criticism, it was my decision that we should endeavor to take care of every employee we had, every man that telegraphs, because other labor conditions were in bad condition, you know. Thre are a great many men out of work. There was possibly no chance for them to get into other fields. So it was a case of feeding them. That is all you can say—feeding the men. It was not a job. We did not attempt to say we would give them a job. Detroit had 15 per cent, Cleveland 23 per cent, Milwaukee 15 per cent, Kansas City 20. You have heard about Kansas City. Cincinnati 18, Toledo 16, Minneapolis 31, Chicago 26, more than the load called for, and we could have out of the 162 men that we have carried on the unassigned roll dropped 100 more without in any way hurting the service. It would not have been a fair thing to the operators. That is all. St. Paul 13, St. Louis 30. Another bad point. I will probably hear from that before I get through. Columbus, 10 per cent; Duluth, 6 per cent; Fargo, 47 per cent. Fargo is a small office, and we had two or three or four boys there that lived there; they had their homes there, and the only thing to do was to

try to take care of these people that had established homes in these various places. Indianapolis, 4.9 per cent. That has been the cause for this unrest you have heard talked about around this table. You can't blame the men. A man that is anxious to work, and the work is not there, he is going to be dissatisfied. You would be dissatisfied; so would I. It is a perfectly natural condition. You also heard of the——

Commissioner LENNON. Make that a little more clear how you take care of those men?

Mr. CARROLL. In some of the offices we inquired among some of the older employees, asked if they would take a day or two off a month. We had very few—I recall out of the entire western division we had two complaints. Both of those came from women. One of them was a married woman and she ought to have been home, in my judgment.

Now, that is a fair way of handling it; and in the balance of the country it was taken care of in this way.

All the extra work by men who formerly would possibly be requested to work an hour or two overtime on the shorter tricks, split-trick men, that were always anxious to work an hour or two because their hours were short anyway, that was all cut off. It was divided among the unassigned men or the men that really did not have a job. Their names were on the roster of the Western Union for the purpose of getting a regular position when the time came.

Chairman WALSH. Have you any others of that sort you would like to submit, Mr. Carroll?

Mr. CARROLL. Why, perhaps you would be interested in the variation of the load in a telegraph office within a year. The load in the Chicago office varies between the valley of February and the peak along in the summer months of 38 per cent.

Chairman WALSH. That is the amount of work done?

Mr. CARROLL. The number of telegrams.

Commissioner LENNON. One month 38 per cent more than in the low?

Mr. CARROLL. We have this within a year. But we have some variation that goes through it pretty much every day and month. We have a variation between Monday and Saturday of 22 per cent right along.

Now, the question of advances in salaries. Is there anything you would like to know about that?

Chairman WALSH. I have some other questions to ask you, and the other commissioners will probably want to ask some questions. I thought I would give you an opportunity to put in what you have yourself, either of original matter, or what might be deemed in reply to what already has been said, you understand.

Mr. CARROLL. It is pretty hard. I did not keep a tab on except some things that were said here regarding office conditions. I would rather sum that up at one time. I have touched on it.

Chairman WALSH. A good deal here has been said about the employment of special agents by your company. I wish, if possible, you would go into the whole plan or practice of how it is done, how it is operated, how they make reports, and what you would do—the whole business—without my asking any questions, if that is possible.

Mr. CARROLL. Well, I will tell you my story. Perhaps I can explain it that way better. When I arrived in Chicago I had a fellow out here that was known as a special agent. I believe his name was C. G. Rhoderick, as near as I can recall it. He had been hired at some time in the past, hired by some fellow by the name of Shoemaker, as I get it. And I think from the duties I have assigned you might probably realize that it is really a job—it is not a position. And it will be more or less interesting. I was more or less interested in the subject of labor and of the operators. I was one myself. I have suffered in my life by strikes and lost a job myself by a strike, once, when I was a member of the O. R. T., and I am more or less in sympathy with the fellow down the line, because I am on the firing line with them every day. I could not believe that it was necessary to have a man following another around to see whether he was a union man or not. I thought possibly the best way to go about it was to try and feel the pulse of the employees, see just how far they were in sympathy with the movement, and then I could determine what was best to be done. And I started out on that plan. I had received instructions that I was to furnish this gum-shoe fellow with certain names——

Chairman WALSH. From whom did you receive your instructions?

Mr. CARROLL. I couldn't tell you. The instructions were there on my desk, without a signature, "Mr. So-and-so is special agent"——

Chairman WALSH. No signature there from whom it was? We would like to get to the real responsibility. Now, you remember the president, he did not like these fellows, and he did not want—he did not really know anything about them; and you say that you started out with an unsigned note, naming one. Now, just to stimulate you to giving the facts, and no reflection, of course, it appears incredible to me a good, intelligent man would pick up a notice unsigned by anybody and start out on a line of operation, a business operation, without having some knowledge about it. Now, at least—one minute, please—at least an able-bodied suspicion. I ask you to be perfectly frank about it, and let us get at it.

Mr. CARROLL. I will. There may have been a note; there may have been instructions, Mr. Walsh; I don't know whether there were or not. I wouldn't say definitely; it may be possible. Mr. Lloyd, the man I succeeded, said to me, "Carroll, your gum-shoe man is Rhoderick." Now, I know absolutely nothing about that. If I did, Mr. Chairman, I would tell you. At the time that work was going on, I was assigned to building up the overland circuits in the western division, down through the South and as far as Habana, Cuba. I devoted all my time during that period when I was connected with Mr. Brooks's office to special assignment, building up the service, obtaining the plant conditions, and reporting to him. So I can't enlighten you. You will have to find the fellow that preceded me on the job, whether he had any instructions or not. I can not say.

Chairman WALSH. Have you any knowledge of these special agents?

Mr. CARROLL. No, sir; not——

Chairman WALSH (interrupting). You have heard it testified here by the president of the company that at the present time he thought there were about 12; and you heard Mr. Brooks say that there were between 15 and 20, and that they were distributed throughout the various departments. From the gentlemen I understand you occupy your position and have a direct control of them. Is it a fact there are any under you?

Mr. CARROLL. Mr. Chairman, I will confess I have held a bob flush, I think, for about two years.

Chairman WALSH. What is that?

Mr. CARROLL. I had a short hand, in poker—I guess that is what they call it—and I was bluffing all the time for two years in regard to the Rhoderick matter; I have never sent out but four men; one of them was to locate some race—leaks in race business—that had been reported to me. That was through a drug store in the Grand Pacific Hotel. I hunted around for somebody to send, and they sent me an old sleuth to go on and find it out.

Chairman WALSH. Who sent the sleuth to you?

Mr. CARROLL. One of our fellows down there—asked if they knew somebody, a man I could get to go out and clear that up.

Chairman WALSH. One of your fellows, where?

Mr. CARROLL. The Western Union, one of the officials; I don't recall just who it was, asked for a man whom I might trust to go out and try and locate these operators, or others that may be giving out information in race messages. The others—I had men covering the cities in the eastern division and on the western division, to locate the spot from which the bucket shop in Cincinnati was receiving stock quotations, and after tracing him around through various sections of the country we landed him at Louisville, Ky. That is the beginning and the end of my gum-shoe work. But I will confess that I let it be understood that I had a force, but as I was going to recite to you I did not see the real necessity for it.

I sounded, as I thought, the level-headed fellows in the operating room through various channels. They did not seem to be in high sympathy with the present plan of organization. They did not see the object in any way of the organization any more than I had. They were not in high sympathy with it because of the fact they had been stampeded and started; they had suffered in 1907, and they wanted to see some controlling factors before they again entered the proposition.

As I said, what is the use of wasting money on gumshoe men when there is actually no necessity for it?

Now, your investigator, if you will send him down——

Chairman WALSH (interrupting). Permit me just a minute. When was the discharge of the telegraph operators in St. Louis? What was the date? That was testified to by Mr. Konenkamp.

Mr. CARROLL. That was in 1912, wasn't it, Mr. Konenkamp?

Mr. KONENKAMP. The last discharge was four weeks ago.

Mr. CARROLL. Well, we will get to that in due time.

Chairman WALSH. While we are on that subject of special agents, I take it you had one that came here that you got the use of for the purpose of locating union men. That is a fair statement of your testimony, I take it?

Mr. CARROLL. Practically so.

Chairman WALSH. What is the qualification?

Mr. CARROLL. The only qualification is this, that I get reports from chief operators in the field as to general labor conditions.

Chairman WALSH. Do you have any men in the service that you pay an extra compensation to, to give you that sort of information that are not regularly called special agents?

Mr. CARROLL. What information?

Chairman WALSH. As to whether or not men belong to unions?

Mr. CARROLL. Any specific person? Would you put it this way?

Chairman WALSH. I am not asking for the names of them.

Mr. CARROLL. Not the names, no; but, Mr. Chairman, this is what I want to know: Every man in business keeps a line on what is going on in his affairs.

Chairman WALSH. I am not criticising you; really, I am not, but I want to get at the fact.

Mr. CARROLL. I want to distinguish between the two things. One is sending men out and asking them to get and bring back to me the names of individuals connected with an organization. That is one thing.

The other proposition is this: What is the feeling of our people. I must know that.

Chairman WALSH. The distinction is very clear. You get information from your own force wherever you can get it, as to general labor conditions, including the joining of unions and things of that sort?

Mr. CARROLL. Absolutely.

Chairman WALSH. Dissatisfaction. Now, my question is: Do you pay employees for information of that kind, either by increased wages or by specific payment?

Mr. CARROLL. I would say that possibly there are some men on our pay roll who are receiving possibly $5 or $10 a month more for reporting from time to time the general feeling of the men. And we get some pretty good stuff, too.

Chairman WALSH. Now, give me in your district how many men there are of that kind.

Mr. CARROLL. I would say at the outside two, that I know of.

Chairman WALSH. In the whole territory?

Mr. CARROLL. In the whole territory.

Chairman WALSH. What has been the greatest number, Mr. Carroll, since you have been in the employ?

Mr. CARROLL. Possibly four.

Chairman WALSH. Have you discharged, or do you discharge, men on the information furnished by those individuals without further investigation of your own?

Mr. CARROLL. I have never received any.

Chairman WALSH. You have never received any what?

Mr. CARROLL. Any names; therefore, I did not have to discharge them. I would not have discharged them until I had made a complete and thorough investigation of each question, and the question that always struck me is, How can I investigate?

Chairman WALSH. Do these men report direct to you or does it come through some other official?

Mr. CARROLL. Generally comes through some other official.

Chairman WALSH. What other official; what rank?

Mr. CARROLL. Chief operator. I think in one case I got a very interesting story, and on the general trend of gossip things that ought to be done and such as that.

Chairman WALSH. Who authorizes the payment of these men? You do not know whether these men get paid for that or not, do you?

Mr. CARROLL. There may be some provision or arrangement made—may have been made prior to my time—to put them on a salary; that the salary had been adjusted, or something that I would not know.

Chairman WALSH. Directing your attention to the discharge—the reason for the discharge of the telegraph operators in St. Louis—give your own statement of it, please.

Mr. CARROLL. I would be glad to answer any question you have with regard to that, because I think that there have been so many statements made, Mr. Walsh, on both sides, that it is not quite clear to me just which of them is correct.

Chairman WALSH. I am asking you, as the responsible head of this concern and in special charge of the matter, to get your own statement as to why the men were discharged. I don't want to differentiate in the matter to get the statement.

Mr. CARROLL. I have received up to the present time reports on 18 of them.

Chairman WALSH. What were they discharged for?

Mr. CARROLL. Various causes.

Chairman WALSH. Give the various causes.

Mr. CARROLL. Some of them because of their habits; others for going to Venice, Madison, and East St. Louis; and one of them being a Shylock, who holds the notes at the present time of about four or five.

Chairman WALSH. Mr. Carroll, can you say conscientiously that none of your men were discharged on account of the organization, complaining of conditions or having grievances as to wages, hours of relief, and matters of that sort, that might be called purely industrial reasons?

Mr. CARROLL. Frankly, I think that there are about four or five of them. I know of one case specially, who went up to the chief operator, held his card up under his nose, I think, and when you draw fire that way you are liable to get it. I think there are four.

Chairman WALSH. You say conscientiously four, five, or six that were discharged had union cards?

Mr. CARROLL. That is my understanding of it; that that was one of the factors involved.

Chairman WALSH. Did these men that were discharged for being Shylocks and going to Venice and these other matters also have union cards?

Mr. CARROLL. I could not tell you. Various statements have been made. I understand Mr. Konenkamp made the statement that five of them only—I understood he made that statement—that had cards.

Chairman WALSH. You can't remember?

Mr. CARROLL. No.

Chairman WALSH. What do you say about it? Did you make any inquiry as to whether or not they also had union cards?

Mr. CARROLL. The investigation is now going on.

Chairman WALSH. Will you be kind enough at the conclusion of the investigation to submit that information to us?

Mr. CARROLL. I would be glad to.

Chairman WALSH. In answer to that question?

Mr. CARROLL. Yes.

Chairman WALSH. You can't say at the present time whether those held union cards or not?

Mr. CARROLL. When that investigation is completed, I will make a complete report and send it along to our people in New York and tell them you want it and to please forward it to you.

Chairman WALSH. Thank you. Now, at the present time your information is that but four of them had union cards?

Mr. CARROLL. I haven't any positive information on it at all. I am just taking the statement as I get it. I understood Mr. Konenkamp made the statement that only five of the discharged employees are members of the union.

Chairman WALSH. Have you any information outside of that which you have received from Mr. Konenkamp as to the number?

Mr. CARROLL. I did not receive that information from him until, in a general way, yesterday, I was talking to him.

Chairman WALSH. Did you have any information prior to that time, of your own?

Mr. CARROLL. We have not. We have advice that quite a number of them, it is alleged, are members of the union.

Chairman WALSH. Your own information, I mean the information of the company.

Mr. CARROLL. The information of the company, positive information?

Chairman WALSH. Positive or not positive, the information of the company.

Mr. CARROLL. Has not reached me; reliable information regarding the dismissal down there. The completed investigation has not reached me.

Chairman WALSH. Is your present information on the subject as to the number of them that had union cards—what is that?

Mr. CARROLL. I received this morning the investigation of 17 of them at the present time, and I tried to recite to you the causes.

Chairman WALSH. How many of them have union cards of the 17?

Mr. CARROLL. They did not state.

Chairman WALSH. You have no knowledge of it?

Mr. CARROLL. No; I haven't any knowledge of it at this time.

Chairman WALSH. Very good. I will leave that. Do you know the existence of what is called a black list? You heard it described?

Mr. CARROLL. Yes; I have heard it described. We have a record in our office of all employees, a record going back of employees that have been in the service for several years, especially going back for two years, two years and a half, since I have been in Chicago; we have a record showing all the employees that are in the service, that have been in the service, and those that are eligble for service again.

Chairman WALSH. Do you exchange service lists with other employers or other companies?

Mr. CARROLL. No, sir; and I heard the statement made here this morning. I would dismiss any chief operator that I caught, and if they will furnish evidence to me that the chief operator has given to another company or to any corporation employing an operator that he was a member of any craft, I would dismiss him. As a matter of fact, we try to help them to get jobs. I think in the past year I think your investigator will find that I have had reinstated in the Western Union service anywhere between 200 and 400 employees that have appealed to me directly or other officials throughout the field.

Chairman WALSH. Regardless of organization affiliation?

Mr. CARROLL. I would rather have him look through the correspondence and see just how much of that is involved in that.

Chairman WALSH. Would a telegrapher known to you to be a member of the Commercial Telegraphers' Union be given employment in your service?

Mr. CARROLL. I think, Mr. Chairman, that Mr. Carlton establishes the policy of the company, and I am an operating official.

Chairman WALSH. Just answer the question right out.

Mr. CARROLL. Of course, I could not.

Chairman WALSH. Would a member of a union be discharged if his membership became known?

Mr. CARROLL. Well, I know that is to be answered the same way.

Chairman WALSH. The member would be discharged, would he, then, if his membership was known?

Mr. CARROLL. I presume so. As a matter of fact, I have information now of quite a number of fellows that are carrying cards. I think I have that information in my head.

Chairman WALSH. How did you get it?

Mr. CARROLL. From various sources—talking, chatter, and gossip—no official reports. They are going along attending to their business, and I have no direct information they are members of the union.

Chairman WALSH. Did you have a special agent in St. Louis, a regular special agent, or one that was just paid perhaps an increase from time to time, upon which you based any of your information?

Mr. CARROLL. I have not approved any expenses for Superintendent Armstrong for several months that I know of. My records will show.

Chairman WALSH. You have not approved any expense. Is it within your knowledge there was such a person there?

Mr. CARROLL. No; I have not any definite knowledge of that, that there is such a man.

Chairman WALSH. Did you have knowledge by hearsay?

Mr. CARROLL. The last time I talked the matter over I made inquiry, and I was asked—I asked the question, "Have you anybody down there that is checking up the conditions?" and the reply was that he had not; that he was generally in touch with the situation himself; that if there was any specific information I wanted he would be glad to get it for me. I told him I wanted to keep in touch as to the general trend in the office with regard to the general office affairs and conditions, and that is the only way we get it.

Chairman WALSH. That is your subordinate official?

Mr. CARROLL. Yes.

Chairman WALSH. Then, as I understand you, you say you had no information by hearsay from him or from any other source that there was a special agent, a paid representative of the company, who was getting the information?

Mr. CARROLL. Not for that purpose; no; not for that particular purpose. He might have a man down there, as I say; he might have a man that is off the roll that is giving that information.

Chairman WALSH. Being paid for it? I do not mean what he could get from an employee by asking him.

Mr. CARROLL. Mr. Chairman, if there is we can get the facts; we can have them.

Chairman WALSH. I am asking if you know.

Mr. CARROLL. I do not.

Chairman WALSH. By hearsay or of any person or in any other way?

Mr. CARROLL. Not prior to the time they were dropped out at St. Louis. Subsequent to that time I have furnished some expense to Armstrong. I do not know what it is for or who sent it in.

Chairman WALSH. What do you think it is for?

Mr. CARROLL. I think it was possibly for keeping in touch with what was going on on the outside.

Chairman WALSH. How?

Mr. CARROLL. By having some man mingle with them. What other way can you do it?

Chairman WALSH. That is all I care to know at this time.

Mr. CARROLL. I want to state this, that I don't believe that that man was to go out and get names, or anything like that. He might have kept in touch with the situation.

Chairman WALSH. When was the nine-hour day put into effect?

Mr. CARROLL. Oh, it has been in effect—that was in effect when I was a telegrapher, 20 years ago.

Chairman WALSH. When was the seven and a half hour per night work established?

Mr. CARROLL. When it was standardized, I believe, was back in 1906 or 1907. There was a variation in tours throughout the country up to that time.

Chairman WALSH. There has been a statement made here about the women in the employment of the company being put upon eight hours in functional offices. I have asked the witnesses, and I also asked Mr. Konenkamp, what was meant by a functional office. He said it was not clear in his mind.

Mr. CARROLL. The Western Union Telegraph organization is divided into three columns—commercial, traffic, and plant. A functional office is an office in which there is enough work for each of the three elements in it to devote and have a separate and distinct set of employees on each separate pay roll.

Chairman WALSH. What are those offices?

Mr. CARROLL. Oh, the larger offices, of possibly 100,000 or more; newspaper offices, where the force fluctuates; the traffic department handles that; that would be a very small functional office.

Chairman WALSH. Do you pay for overtime and Sunday work?

Mr. CARROLL. Yes.

Chairman WALSH. What is that?

Mr. CARROLL. Seven hours.

Chairman WALSH. I believe you stated you were in the employ of the Postal Co. at one time.

Mr. CARROLL. Yes.

Chairman WALSH. Did you deal with the employees when employed by the Postal Co.?

Mr. CARROLL. Yes, sir.

Chairman WALSH. What form of organization did they have?

Mr. CARROLL. This one here [referring to book of rules]; they were representing the C. T. U. A., while they were not officially recognized. That is the way I have always looked at it.

Chairman WALSH. What is your personal information of that—of that method of dealing with employees?

Mr. CARROLL. I think it is necessary to have some method of dealing with employees. I quite agree to that, and always have thought so.

Chairman WALSH. Have you substituted a day trick of nine hours for split tricks of seven and a half hours?

Mr. CARROLL. We have cut a great many split tricks. It is very remarkable how the minds of the men change. We can go back, I believe, to the time that our friends used to shout their heads off, because we had split tricks. Now, I believe they have turned around and they want split tricks. I do not just know where we are at on that. I do not think the men ought to be asked to work split tricks if we can avoid it. Do you know what a split trick is?

Chairman WALSH. I have heard it testified to here.

Mr. CARROLL. I do not approve of it.

Commissioner O'CONNELL. Just explain it.

Mr. CARROLL. A split trick is a trick by which an employee reports at 9 or 9.30 in the morning and reports back at 5 o'clock in the evening and he does not know when he is going to get off. He can't run a home. How can a woman keep a home for a man of that kind?

Chairman WALSH. You say that the union leaders want split tricks now?

Mr. CARROLL. They apparently do now. I can't make out how they are wanting to do the thing. I am in a quandary. I don't know just where we are. They have a perfect right to change their mind the same as all do.

Commissioner O'CONNELL. What is the minimum time that a man works on a split trick?

Mr. CARROLL. Well, in some offices he would work seven hours and a half and in some offices it would be eight hours.

Commissioner O'CONNELL. I understood that some one said that he might come in and work only five minutes and then be laid off.

Mr. CARROLL. No; that is the unassigned list. Possibly I had better explain the unassigned list. The unassigned list, the man hasn't a job at all; that is all there is to it. His name is on the roster; he is waiting for a regular assignment. Now, the plan that has been followed is this: A man that is on the unassigned list and wants to go to work, he will get down early and put his name on the list or sign up. He would be called in order except in cases of where we wanted a first-class man to work on a heavy wire and the next man on the list was a second or third grade operator, then we would have to jump him. It is just the reverse to the testimony that has been given here that we jump the high-grade fellows for the low-grade fellows, because the low-grade operators have made several protests because they have been jumped several times. We have had to do it because when we open up a heavy wire we have got to put a first-class man on it.

Now, I received a great many complaints during the winter months, for instance, a great deal of my time has been spent investigating various charges of favoritism, and I have gone right down to the ground and investigated thoroughly, and I have been unable to find but few cases. If there are any more cases, I would like to have them.

Chairman WALSH. I believe you stated awhile ago that you would at another point in your testimony like to give the working conditions in the office. Have you given us that information since?

Mr. CARROLL. Pretty much so.

Chairman WALSH. Is there anything else you would like to submit, because I am at the end of the direct questions I ask? Is there anything else you would like to submit or any explanation you would like to make further?

Mr. CARROLL. There was some talk during the—I believe I have seen some statement to the effect that we were reducing salaries, and so on and so forth.

Chairman WALSH. Well, there was some complaint made that I did not ask you about, to the effect that when there was a vacancy in a $90 job, for instance, that it was frequently abolished?

Mr. CARROLL. We abolished one $100 job for about a week, because a man insulted a woman, and we fired him presumably. He went out on the block and reported that we were reducing the higher positions. It is that sort of information from that kind of people that reaches Mr. Russell and Mr. Konenkamp, and as I told him yesterday, it is too bad. There should be some way they could get the straight of the thing and not receive only the one side of it entirely.

Chairman WALSH. Well, now, we have received—I have not had opportunity yet to turn it over to the commission—a great many anonymous letters, you may imagine, from operators. Just going to see if we could get a typical situation. I will have Mr. West give you the case submitted by an operator who is working now. He gives no names—of an old gentleman that worked for a great many years at the Palmer House. This man says that the questions of pensions are put up to the New York office, and his complaint is that it is

not fairly administered. We have a great many letters, many of them signed. This is an unsigned letter.

Mr. CARROLL. I believe that is the case of Mr. Stone. If there was a commercial department man here he could tell you about that. But as I understand it, Mr. Stone is receiving practically the same salary he had as active manager. I am not sure on that point. I can tell you the names of some of the writers of some of the anonymous letters. I trapped them a short time ago. His wife used the same typewriter he did.

Chairman WALSH. How is that.

Mr. CARROLL. I say I caught a fellow that has been writing you anonymous letters. He has written them to everybody in the world. He would go into the next world if he could, I believe.

Chairman WALSH. You say he has been writing anonymous letters?

Mr. CARROLL. I say he wrote you some and he wrote me some. He wrote me one.

Chairman WALSH. I will see if I can get this case.

Mr. CARROLL. If I can see the type I can tell you. I think it is a fellow—I have a letter right on my desk now he has written. He has written several letters from almost every place. He is a paranoiac. I have had him examined by a doctor and he is a paranoiac. But any man that will write an anonymous letter, he is just about in the same class as the gum-shoe man is, the same class.

Chairman WALSH. He says: "If you don't believe this"—this is a general complaint against the pension system—"look into the case of the present manager of the Palmer House, Stone, who is over 30 years in the service with this concern, and January 1 last was told to retire; that he would be given a year's pension. He waited until February 2 and hearing nothing called on the officials of the company for an explanation, and the only satisfaction he got was that it had gone to New York and they had turned him down; that there was nothing else for him to do but retire on his own responsibility or else he be reinstated at a salary of $75 a month. He got $100 a month before."

Mr. CARROLL. I am familiar with that, Mr. Chairman.

Chairman WALSH. Take this example and let us see about it.

Mr. CARROLL. All right.

Chairman WALSH. Another pension case is that of Mr. Henderson, aged about 75, who spent his life with the company, and he was told not to work, he could get a pension, and so forth. He waited two months and was turned down on the ground that according to their records they found he had quit work once for two years and accepted a position with the Postal Co. some years ago. He was then told there was a fund laid aside to fit usch cases.

Mr. CARROLL. I know Mr. Henderson; he is not in my department; I understand that he was not eligible for a pension. The company carried him along for a great many years, has now. The details of it I do not know. I know a case in my department of a man that has reached the age of 70 and according to the rules should be retired, but I am carrying that man along, and I am trying to find a job for him, and I got President Carlton to agree to grant him a small pension and to add that to any employment he might get on the outside. But I don't know whether he will get the job or not. Now, six months from now and until that time arrives we will carry him. I think I am paying him $90 or $95 a month, and he handles 12 or 14 messages an hour, something like that. I am illustrating that to show the policy of the company in general.

Chairman WALSH. That is all we care to get at. Of course, there are other cases of that kind.

Mr. CARROLL. May I file this? Mr. Carlton told me when I asked him about this case, and I told him I had quite a number of those cases, and he said, let them come along to him and he would try and take care of them.

I wanted to tell you something else about the inside operation of a telegraph office. We do have some women around in various offices that make voluntary reports to us of the conditions. Those women are very deeply interested in the environment under which they are obliged to earn a daily wage. There was somebody talking here the other day about the rosy-cheeked girls going in and coming out ready for the grave. I want to tell you that we have about, I would say, 900 of the highest class women in this country, each and every one of them would do honor to any man in this room either as a wife or as a daughter. Their cheeks are rosy. I invite you down to our office as a committee or individually to see the environment under which those girls are working.

Now, it is a dangerous thing, you know, to make a misstatement, and I don't think the misstatement was made willfully. It was made in ignorance. I am sure he would not have made the misstatement if he had gotten the facts correctly. But come down and see what we have. See what we are doing for our women employees. I have one or two women that I make an allowance to for doing nothing else but looking after the moral atmosphere around the offices. I never see the women. They merely make a report if they see something wrong. If they see that some of the women who by chance have gotten into the service who are not just the kind of people we want, the information is dropped to us and we investigate them and I am sure that there is no fair-minded body of men that will condemn a policy of that kind.

We have employees representing every civilized nation on the globe, I guess. The other day I was standing in the Chicago operating room back of the Detroit automatic circuits and my attention was called to the fact that there were nine different nationalities handling the traffic with Detroit, or representatives of nine different nationalities. That is the extent of that work as I have recited it.

Chairman WALSH. Commissioner Garretson has some questions to ask you.

Mr. CARROLL. I will be glad to answer his questions, but may I state before Mr. Garretson begins something about the subject of salaries?

Commissioner GARRETSON. Yes, sir.

Mr. CARROLL. In 1914, notwithstanding the fact that business was going to the eternal bow-wows, I personally approved of 1,503 salaries being raised, which represented about 50 per cent of the force. This increase ran between $2.50 and $20; I think a fair average would be between $5 and $7; but, on that basis alone, it is equivalent to over $100,000 per annum. I guess that in the first three months of this year that I have probably granted five or six hundred. The records will show it, and I want to say, Mr. Chairman, that our records are available to you at any time, and you can verify any of the statements I am making, and I will be glad to have them verified; as I have heard some things that I know the men would not state if they knew the facts.

On the nine-hour day—there are 60 per cent in the entire western division working nine hours; on the eight and one-half hours—this was made up prior to the eight-hour proposition we put in the other day, and it will change that perhaps materially; this was made up 10 days ago—eight and one-half hours, 8 per cent; eight hours, 4 per cent; seven and one-half hours, 25 per cent; seven hours, 3 per cent of the employees working those hours. Most of the Morse operators in Chicago—71 per cent of them—work on nine-hour basis; 28 per cent of them, seven and one-half hours; 1 per cent of them work on the seven-hour proposition, as near as we can get at these figures.

The subject of "speeding up"; I understand it has been stated that we have turned our office into a slave-driving proposition, or something like that. The averages for the Morse operators handling over, I would say, over 125,000,000 messages, and including all the operators in the western division, as far as I know, they average 23.9 messages per hour, and the way we count the messages it means 0.5 words a minute. Someone was talking about 40 messages an hour. Someone stated we were driving our force. The printer portion, or printer operations during 1914, the average per hour was 25.7 per message, or 11.5 words per minute. Let me illustrate: You take any $35 or $40 stenographer in the city of Chicago, or any other city, and if she does not write 50 words a minute she is no good at all. These people work on the automatics—our new punching machines, you just touch them—they work automatically and it is only necessary to touch the key. The average quoted here was arrived at by a girl down South getting out and stating that she was the best punch operator in the United States, and two or three girls down in St. Louis said that they were not going to let the record go below the Mason and Dixie Line, and in order to do that they extended themselves, and those were the averages quoted to you. The figures I have given you are the average figures which you can verify by our records; 25.7 messages per hour or 11.5 words per minute.

Chairman WALSH. From where do you get that information?

Mr. CARROLL. From the total records of 1914 of all of the traffic handled in the western division, consisting of 10 States.

Chairman WALSH. Commissioner Aishton wishes to ask a question.

Commissioner AISHTON. The punch system is like operating a typewriter?

Mr. CARROLL. Yes, sir; I will explain how that works out, and instead of the "rosy cheeks" fading away, this system brings them back. A punch

operator can average without any trouble from 65 to 75 messages an hour. We haven't any printing apparatus that will carry that except short circuits. We place two punch operators, one transmitting clerk and one receiving clerk on each automatic; that is, one wire.

The two girls punch for an hour or so, and then they start to rotate and go over to the transmitting side, and all that girl does is to feed the punched tape into the transmitting device and mark off the tape as the message is completed.

Commissioner AISHTON. And as I understand it, there is no knowledge required of the Morse alphabet on the part of the operators who do the punching or feed the tape?

Mr. CARROLL. It is desirable, but not absolutely necessary.

Commissioner AISHTON. In other words, a person that can operate a typewriter can be brought into the office and learn to operate those?

Mr. CARROLL. Yes, sir. The fourth girl sits on the receiving side while this is going on; she is the proof reader, and reads the matter as it comes in, and if she sees a mistake she makes an "R Q." Those are the conditions under which those girls work.

Now, you take a first-class automatic circuit, and when you figure down that the maximum load is divided up under those conditions you can see that the girls can not work hard if they handle 50 messages an hour; if they actually double their output, which is almost impracticable, they could not work faster than 15 or 17 words per minute with the maximum output; and in the outfit we are working between New York and Boston, I will leave it to you if the girls are overworked.

Let me recite some of these averages these people talk about; 30 messages per hour equals 13.5 words a minute; 40 messages an hour equals 18 words a minute; 50 messages an hour equals 22 words per minute, and 60 messages per hour equals 27 words per minute; and you can ask any operator in this room and you will hurt his pride if you tell him he can not sit down and work all day at 30 words a minute. And there is a maximum of 60 messages an hour; he could work all day long and not touch what he brags about.

Commissioner O'CONNELL. You do not mean to say that the average total number of employees and messages sent, that there are not operators that far exceed that maximum?

Mr. CARROLL. Yes; I will give that to you. Out of all the operators employed in the Western Union Telegraph service in the western division there are two operators that exceed it. They are working on the New York premium circuit, and they are fed the short, fast business, and their average of words will not go as high as this one here, who has an average of 41 messages per hour. Maybe you would be interested in knowing some of the averages?

Commissioner O'CONNELL. I would be interested in knowing this; for instance, the operator in a small hotel, from my observation, there are not many messages sent from such a place, and the average of that operator, usually a girl, as I have noticed, she does not do so much work, and there are other operators much busier than she, and her average would not be so great?

Mr. CARROLL. Yes; and that is where the trouble comes in, as to whether an eight-hour law should be established for women. There are a lot of these positions where the women do their little sewing, etc., and they draw a fair wage for doing that, and have all kinds of time on their hands. The offices are put there to accommodate the public, and many of them do not pay; we find lots of them that do not even pay expenses.

Commissioner O'CONNELL. But their average is figured in on this whole average?

Mr. CARROLL. No, sir; the averages I have quoted you are the averages within the Chicago office; they do not apply generally throughout.

Commissioner O'CONNELL. In the general office in Chicago?

Mr. CARROLL. In the traffic department in Chicago.

Commissioner O'CONNELL. It does not include all of your operators in Chicago?

Mr. CARROLL. No, sir.

Chairman WALSH. Commissioner Aishton would like to ask some further questions.

Commissioner AISHTON. You had no jurisdiction in that, I believe? That is in another department?

Mr. CARROLL. No, sir; my jurisdiction begins and ends—if the operators are incompetent and their work is not satisfactory, of course, that passes through my office and, of course, something must be done to correct the service, and I am also obliged to furnish facilities for that class of business, and I am in close touch with the situation. Now, I don't want to make myself obnoxious by talking too much.

Chairman WALSH. Go ahead and tell all you wish to; you will not be obnoxious.

Mr. CARROLL. One question here that was brought up—the extent of control. You have already received testimony on it. Probably it would be a good thing as an operating official to give you just what I am doing. I did not know it was in the Western Union contract that the operators were obliged to—or that the operators on leased wires should be satisfactory to the Western Union Co., because I had not looked at the contract for a long time. When I got the general survey of the situation I immediately checked it up, and there is absolutely no control exercised at any time. We frequently get requests from brokers to furnish first-class men, and there are men around Chicago working to-day that I suggested to the people for whom they are working, that called upon me. That also applies to some newspapers that ask us to designate men who will make good, reliable employees and we have done that, but at no time has the question of unionism entered into it, and we know that union operators are working over the Western Union wires every day, some on leased circuits.

I believe, Mr. Konenkamp, there is on United Press service between New York and San Francisco?

Mr. KONENKAMP. That is a pony wire?

Mr. CARROLL. But your men work on it?

Mr. KONENKAMP. No; I do not think they do.

Mr. CARROLL. I think they do. Regarding who should control, I think that is pretty broad and that is what you gentlemen here are here to find out. A good many minds are working on that problem, and it is a big problem, and the only way it can be solved is by having every person concerned, no matter on which side, give the facts and lay the cards down on the table exactly as they are, and not to accept the word of a discharged employee without first having him give the reasons for the discharge. I believe that every man in this room is in accord with that idea. We want to get the facts and do the very best thing we can to build up the race. I am interested in it just as much as any man around here and we can not arrive at that by misstatements. It occurred to me that when that class left here the other day, that class on sociology, to ask whether they really got a square deal. There were a lot of things said, possibly honestly, and where the men who made the statements were undoubtedly sincere, but they did not have the facts. There are two sides to every question, and there are a great many of those children who went away from here with the idea that there are really some bad men in this world, but after the matter is boiled down, they will be found to be human whether they are Western Union officials or members of the union waiting for a job. The human element is there and you can not get away from it.

I will see if there is anything else in here not gone over.

In regard to the revolt of the employees in 1907, I never considered that a revolt; I thought it was a stampede, and a beautiful stampede at that. I never saw anything like it anywhere in the world.

Chairman WALSH. What were you doing then?

Mr. CARROLL. Operating official for the Postal Telegraph Co. I was working on this book of rules.

By the way, I notice Mr. Konenkamp yesterday, in relating about his 1907 experience, recited about the number of firms that had practically signed up, and so forth; to what extent he was involved I do not know. Anyway, a big mistake was made. The Postal Telegraph Cable Co. had granted the employees a committee, and they had been granted free entry into my office, and we had conferences, and when the trouble occurred on the Western Union, about August 7 or 9, 1907, the committee called on me and said there was going to be a meeting that afternoon and they would probably be obliged to go out on a strike, and we talked it over, and I told them that they were making a mistake, and that they ought to try to live up to their agreement, and if it was not satisfactory to let us see what was wrong. They said that they were in accord with my ideas but were unable to control the situation. That was between 3 and 4 o'clock in the afternoon. At 5 o'clock some one announced that there was a

strike, and they walked out, and, with the result as I had prophesied, they were not organized; the men were absolutely unorganized. They had locals, but, as stated by Mr. Perham yesterday, they must have experienced men to direct them, and unfortunately they did not have enough experienced men. They were in the same position as the English and the other armies last fall and during the winter; they did not have enough trained men to direct the untrained men under them, and the consequence was that there was a great deal of suffering, much more than was absolutely necessary. I do not know who was to blame for it, and I am not going to try to blame anybody, but it is dead and gone; it was a mistake.

I have covered that blacklisting, and if there is any man out of a job, and his record is in bad, he knows where to come. There has never a man been turned down in the Western Union since I have been out here. I do not know what has happened in other divisions, but no case has been appealed to me that I have not tried to go to the bottom of it.

Commissioner O'CONNELL. I have not quite got that average business yet that I desired. In those averages did you figure a 24-hour day?

Mr. CARROLL. No, sir.

Commissioner O'CONNELL. Or Sundays?

Mr. CARROLL. No, sir.

Commissioner O'CONNELL. Or the short time or the peak load, between midnight and morning?

Mr. CARROLL. No, sir; on the contrary, I took dead time on short reliefs and added that.

Commissioner O'CONNELL. I would like to talk it over with you after we adjourn.

Mr. CARROLL. All right.

Commissioner O'CONNELL. Averages are strange, mysterious things.

Mr. CARROLL. I will tell you; there are so many hours of work put in, there are so many hours paid for, and that includes short reliefs, as we call them; then figure the total number of hours paid for and the total number of messages handled. If a man will work two hours and handle 40 messages in the two hours his average is 20 per hour. I might add, in connection with some statements that have been made around here in regard to telegraph schools, that I believe it is a fact, as stated, that the Western Union Telegraph Co. has supported a telegraph school, and that arrangement was started back several years ago when conditions were a little bit different.

The question is this: It is a question, shall we deny—and in saying this I want to say that we have a great many schools around in our various offices—shall we deny the right to any individual to learn something? That is, in connection with our service. If an employee expresses a desire to learn the Morse alphabet, shall we deny her the right to do that? We might just as well say to the colleges, "Shut up your colleges for a while; we have too many doctors and too many lawyers and too many engineers." When you do that you drop out all the competitive features of life. The only thing that builds up your brain is a good scrap occasionally, and if you don't have that there is no joy in life at all.

In Chicago last year our doctor examined free 652 of our employees; treated at the company's office 870 free of charge; our nurses visited the homes of employees without charge to them and helped them and directed them how to get along in life, a total of 629. That seemed to be a step in the right direction. We laid out nice rest rooms for them down here. I got authority yesterday before I left the office—and I was glad to see it—to take on about $5,000 or $6,000 more rent in order to provide better quarters for any employees that might become ill in the building.

Commissioner O'CONNELL. That is purely a business proposition, is it not, and brings its result in a business way?

Mr. CARROLL. I think it would be unfair to say it is wholly a business proposition, because it is a voluntary offering; it is a good business proposition, of course.

Now, let us just take this point: I heard Mr. McElbreath, of Detroit, say something about the man Baubain. I, for one, would not have let Mr. Baubain work if it was put up to me, because his health was in such a condition that it would have been inhuman to ask him to work. The pension took care of him in a way, it is true. Possibly the man would have been better off if he had a larger pension, but that man was totally unfit for work. Of course, it is hard to convince the men of that. The local physician examined him and said he should not try to work.

We tried to get a man to quit here a while ago, and we told him what his condition was, and that he would have to give up and quit, and he did not want to quit, but he wanted to keep on and die in the harness. If he had accepted our advice he would have been taken care of with a liberal salary, but he said, "No," that he would not leave, and the poor fellow worked up to the last minute. Everyone connected with the Western Union Co. advised him to quit, including the doctor.

To get back to the proposition of remuneration to the employees, etc., during past, I will say during the past 30 days I have secured approval for some 40 or 50 circuits of a plan that makes it possible for men who were earning from $75 and $85 a month to earn between $95 and $160 per month. I could say $180, but I am not going to, because there is only one circuit where they could earn that sum, and there is no use cheating and taking the only circuit at that rate. I am giving you average figures.

Now, Mr. Chairman, I want to say to you that our records are open to your investigators, to come down on anything from the "gum-shoe" work up, and I will give you all the information that you want. If there is anything in the files of the Western Union Telegraph Co. that you want, they are free to you.

Chairman WALSH. At this point we will adjourn——

Mr. CARROLL (interrupting). May I add a word before you stop?

Chaiman WALSH. Yes; go ahead.

Mr. CARROLL. Getting back to this question of unrest, I think that the unrest among the telegraphers is due to the conditions over which neither of the telegraph companies has any control. It has been freely admitted, and we grant it; I am in accord with it and have been, and this record here of 1,503 increases in salaries—and that out of a force of 3,550—it has only been necessary to demote six men because they were unable to do the work assigned to them, and put other men in their positions and advanced them; and that it was only necessary to change 48 employees out of some 3,600 or 3,700 from the work assigned to them because they were incompetent. That shows there is a pretty good grade of employees that are working, and it shows a pretty healthy condition.

The main problem we have now is how to take care of the unemployed telegraphers, and I would like to know, because I have spent a strenuous winter trying to straighten out some of the tangles in the 10 States over which I happen to have jurisdiction. There are a great many more telegraphers on the labor market to-day than there is work for them to do. I can right now dispense with the services of 600 men in 17 offices of the Western Union Telegraph Co. within 48 hours, and in no way affect the service. I could dispense with all of the unassigned men, but we are not going to do it. That is the problem we are confronted with, the problem of taking care of the telegraphers dependent on us for a living. I can not see any other angle to the question; as far as committees and unions, and that sort of thing is concerned, that can be settled later.

Chairman WALSH. Commissioner Garretson wishes to ask you some questions.

Commissioner GARRETSON. Now, taking your old figures prior to the eight-hour day, you have 60 per cent of your men on nine-hour day; 8 per cent on eight and a half hour day; 25 per cent on seven and a half hours; 4 per cent on eight hours, and 3 per cent on seven hours?

Mr. CARROLL. Yes.

Commissioner GARRETSON. How is the wage for those various periods determined? Is the seven-hour pay based on seven-ninths of the nine-hour pay?

Mr. CARROLL. No.

Commissioner GARRETSON. You pay the same for seven hours as for nine hours?

Mr. CARROLL. Yes; they work at the same kind of work, an overland wire; an overland wire operates 24 hours a day.

Commissioner GARRETSON. And the telegrapher gets the same amount of pay for the seven-hour trick that another does for the nine hours?

Mr. CARROLL. Yes, sir; and in connection with our premium circuits we are trying to work it out so they will all get the same treatment.

Commissioner GARRETSON. In regard to the figures you presented covering wage, comparative wage, you took from 1908 to the present time. It has been testified here that the lowest wage, that the wage gradually decreased from the time the signal fires were burning on the mountains in 1870 down to 1908, and that was the lowest period of telegraphers' wage, between 1870 and the present time.

Mr. CARROLL. 1907?

Commissioner GARRETSON. 1908, following the strike of 1907.

Mr. CARROLL. I believe you can go back, Mr. Garretson, to the time the telegrapher was looked up to the same as the governor of the State; he was a scarce article in the days when Morse first developed telegraphy; he was the biggest man in the community and as far up as 1870, he was the biggest man in many communities throughout this country. As to what the wages were at that time, as to whether they went up or down, I am not in a position say; but I can say this, that from the time I entered the service, and I entered the service of the Western Union Telegraph Co. back in 1888, I had learned telegraphy and was employed in a broker's office and getting $90 a month and was 17 years old, and I lost my job and went to work for the Western Union Telegraph Co. at $55 a month; the bucket shop failed and I went to work in the Western Union and handled a trick at $55 a month that the same men who are handling in our office get $95 a month for. After entering the service of the Postal Telegraph & Cable Co. I worked for them at various salaries, $55, $60, and $65 a month and at those salaries I handled between 350 and 500 messages and I copied newspaper reports in Cleveland and I had to strip down to my undershirt at night and I worked from 6 o'clock to 1.30 at $70 a month; and I did it by putting five on a line; if I put six on a line the paper would send it back.

Commissioner GARRETSON. Can it be the case that in preparing a table of comparison of wages you use the 1908 as a starting point because in that way you can make a better showing than by starting with 1870?

Mr. CARROLL. I will say that it is pretty hard to arrive at it. I searched all over for some records until I ran onto a statement made by Secretary Wilson, the Commissioner of Labor, which is mighty interesting, and is a study made by the Government of the conditions in 1908 and recites conditions going back further. I had to resort to that, because the records in the telegraph office usually pass out of existence in a number of years, and all you have is the opinions of a lot of men who are working at different places. I have three letters on my desk now from them regarding work back in 1870 that I asked them to tell me and they do not agree, and what is the us of trying to establish those figures? One says the average salary was $50, and another says $105, and another says $88; now, take your pick.

Commissioner GARRETSON. You used this phrase, and I think I am quoting you correctly in regard to the installment of automatics, in describing what it had done in the way of displacing operators; you used the phrase, "but the public must first be considered and served"?

Mr. CARROLL. Yes.

Commissioner GARRETSON. Who gets the benefit of the profit arising from automatic machines, the company, the public, or the operators?

Mr. CARROLL. Mr. Garretson, the operator working on that work—two operators work on the Morse wire, and the total salary, we will say, would be $200 a month, but the four employees, with an average salary of $45 a month, plus the salary of the automatic attendant, plus the salary of the automatic supervisor, plus the expense of the operation of the machine, and so forth, makes the expense greater than under the old Morse system, but there is a certain advantage connected with the automatic system to the service, and it seems desirable that we should use the best facilities.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION—2 O'CLOCK P. M.

Chairman WALSH. We will now resume. Mr. Carroll, please resume the stand. Commissioner Aishton wishes to ask some further questions.

Commissioner AISHTON. Mr. Carroll, when you receive promotion, or are placed in a position, you, as a general thing, do not receive any set of instructions as to what to do or as to what policy to carry out, do you?

Mr. CARROLL. The general policy of the company is established, and the man placed in an operating position is placed there because of his experience and his understanding of the methods of operation; he is supposed to exercise his best judgment, not only in the operation of the plant, so far as the business is concerned, but also as to the handling of the employees, and he is in duty bound to report to his superiors at all times just what is going on down the line.

Commissioner AISHTON. In other words, when any man is selected for an official position, he is supposed to be able to go in there and run the job, and he

is just told to go in there and run the job, and that is practically all of the instructions?

Mr. CARROLL. Practically all; we have some bulletins governing operation that he is supposed to be in touch with.

Commissioner AISHTON. And any traditions there might be, or men employed, or anything of that kind, would be something similar to a transmission sheet between telegraph operators and train dispatchers; when one man goes off duty he leaves a memorandum of certain things in his office that have to be attended to?

Mr. CARROLL. Yes; it is a 24-hour day operation in our business.

Commissioner AISHTON. Mr. Carroll, there has been quite a good deal said about this automatic system; what is the system of training an employee, an automatic employee?

Mr. CARROLL. Up to a year ago, we did not have a comprehensive system, and it was not good. People were selected without regard to their school training sometimes, that is, there was not enough attention paid to it. We found that it was poor policy for us to expect employees to train themselves; so we established schools, and when an automatic operator—and a Morse operator, for that matter, but it applies more to an automatic operator—when they are selected we put them in a school, and instead of them spending their time and a little money, car fare, and so forth, we now pay them $20 a month while we are training them. It takes approximately six weeks to train them so that they can go into the operating room and start the actual work. She is then placed with a more competent employee, and she works along for possibly a month more before she is turned loose on her own responsibility. When she has graduated from the school, she is placed on the roll at $35 a month; that is the last rating that I established for students. It was formerly $30, but we found we could not get a good enough grade of employees on that basis, and I instructed the chief operators to raise it to $35. They work then for that wage, and their salary is increased, as they progress, $2.50 quarterly, until we give them $45 a month, and after that their progress is in accordance with the class and character of their work, as regards accuracy, their attendance, and the class of work they are turning out.

Of course, we are always up against this problem, that girls are bound to get married, and about the time we get some of these high-grade people trained, why, they come around and say, "Good-by, I am going to get married now"; and that is one of the problems we have to contend with.

I believe that that program is pretty fair, and if there is a better way I would like to know what it is, because I am very much interested in the questions involving the employment of people in general and what we can do for them, because the more money we can pay employees the better living conditions there are in any city, the better people can live.

Commissioner AISHTON. Do those conditions prevail generally over the Western Union lines?

Mr. CARROLL. Yes. We have not special teachers at all points, because at some there are not enough employees involved, but we are gradually extending that work and I presume that all large points will be covered along the same line; but the same general practice prevails of training students.

Commissioner AISHTON. Did you hear Mr. Henry Lynch's testimony given to this commission yesterday, which gave the direct inference that he was unable to secure employment in the United States?

Mr. CARROLL. Yes; I did. I was interested in the statement, and I have looked the matter up.

Commissioner AISHTON. What is his record with the Western Union Telegraph Co.?

Mr. CARROLL. His name does not appear on any record which would prevent him from securing employment in the United States with the Western Union Telegraph Co. at any point.

We have a Henry W. Lynch that was dismissed in 1913 from Helena Mont., for intoxication; he is the only Lynch I have a record of at all.

Commissioner AISHTON. There were a number of letters filed with the commission by him that purported to be from men now working in Canada, and who testified that they were unable to secure employment in the service of either of the telegraph companies in the United States. Can you furnish those names?

Mr. CARROLL. I will be glad to if your representative comes down; I would be glad to go right through the record with him and see what is the trouble in each case.

Commissioner AISHTON. You can give the commission a complete record of these men as they appear in your files?

Mr. CARROLL. If they appear there. The question is whether they appear on our files at all at any place. If they do, I would be glad to give it to you.

Commissioner AISHTON. Are there any Canadian telegraphers now employed in the United States in the commercial companies?

Mr. CARROLL. I would be almost tempted to say thousands; but I would say a thousand.

Commissioner AISHTON. You would say a thousand Canadians?

Mr. CARROLL. I could get the record from our superintendent of the pension disability fund in New York. He has that record. I can get that and give it to you. I know we have a great many Canadians employed in the service in the United States.

Commissioner AISHTON. Have you any knowledge as to the reasons why those men came to the States to seek service?

Mr. CARROLL. My understanding was that the conditions in the United States—working conditions—were much more satisfactory than they were in Canada; the living conditions more satisfactory in many cases.

Commissioner AISHTON. You heard some of the testimony given to the commission here by somebody, I believe it was on yesterday, to the effect that the policy of the Western Union was to feed rosy-cheeked boys and girls in at the lower end and turn them out like pulp out of a cider mill at the upper end, the inference being that that was done in order to get rid of the high-priced men. What are the facts with regard to the employees of long service?

Mr. CARROLL. I will tell you the facts——

Commissioner AISHTON (interrupting). In the service of your company?

Mr. CARROLL. The best way for you to answer that is to select a committee, and take our pay roll, which I shall hand to you, and you select the employees in our departments in supervisory capacities as well as working down to the check force and hear their own statements. I can give you any number of names, but I would prefer to have it that way, to let the representative of this commission go into our offices and meet the employees and ascertain from them direct the conditions under which they are working.

I would also like to have you take a flash light, to show you that there are a lot of rosk-cheeked girls in there; that they are not all dead.

Commissioner LENNON. Mr. Carroll, what hours do telegraphers remain on duty at isolated stations; say, in the country?

Mr. CARROLL. I would say that the maximum number of hours might run as high as 10, but I think that, as a rule, there are very few cases of that kind.

Commissioner LENNON. Are there any that work exceeding 10?

Mr. CARROLL. I could not say. I believe you can get that information from from Mr. Ryder. That is his department, and he handles the smaller offices direct.

Commissioner LENNON. I understood your testimony to be very emphatic as to their being a large number of unemployed telegraphers at the present time?

Mr. CARROLL. There would be a great many; there are, and there would be a great many more should we adopt a policy of cutting our force to our actual requirement.

Commissioner LENNON. Are the telegraph schools now in operation and turning out telegraphers?

Mr. CARROLL. I got a statement the other day from that particular school that Mr. Konenkamp read about yesterday, and I find that we have secured two employees from that particular school, and they did not enter the telegraph field. I rather imagine that the graduates from the school of that kind enter the service possibly of the railroads. The school is under investigation—pardon me—the school is under investigation by me right now. I have some correspondence on my desk. I started three weeks ago.

Commissioner LENNON. How about your own school?

Mr. CARROLL. Our school takes care of our own employees. We graduate a few female employees. We teach them telegraphy, and if they desire to continue on the Morse side of it, that is their privilege; but, as a rule, we graduate them into the automatic service, because an automatic employee with a little Morse knowledge is better than one without that information.

Commissioner LENNON. Are your students in your schools recruited from people who are employees, like messengers and other people, about the plant, or are they recruited from outside entirely?

Mr. CARROLL. Practically all inside of the plant. There may be some cases, I think; down in Cincinnati they have a class coming there at night to practice, and I believe there are quite a number of them outsiders. We have not the facilities at all points for inviting the outsiders in. So long as we have a teacher there we have not any objection to them, because if they come properly recommended——

Commissioner LENNON (interrupting). Is it your belief that in view of the introduction of the automatic and the number of unemployed telegraphers now in the country that it is advisable to train more for that business?

Mr. CARROLL. Train more what?

Commissioner LENNON. More telegraphers?

Mr. CARROLL. I do not think that the telegraph company should be placed in a position where they would say to any person in the world, "Thou shalt or thou shalt not."

Commissioner LENNON. I understood from your testimony that in 1907 the maximum salary was $88, together with a bonus. Do I recollect correctly that statement?

Mr. CARROLL. I think that statement was made by another witness.

Commissioner LENNON. Well, is it approximately correct?

Mr. CARROLL. Eighty-eight dollars? In what year?

Commissioner LENNON. 1907.

Mr. CARROLL. 1907, that is incorrect. So far as one company is concerned that I was with at that time that is incorrect. I have not the facts in regard to the Western Union Co., but I can get them up. I believe that the top salary was $90. Whether or not bonus men were employed on that basis, I do not know, but they run between $88 and $99.

Commissioner LENNON. What was the bonus limit at that time. Where did the bonus start?

Mr. CARROLL. The bonus started depending on the length of the circuit. On the overland circuit between the Chicago and San Francisco and the other Pacific coast points, on which we have two, three, or four repeaters, I believe the bonus was in the neighborhood of 275 or 300 messages, if my memory serves me correctly.

Commissioner LENNON. What is the bonus limit now?

Mr. CARROLL. I could not tell you. We do not operate a bonus system in our service.

Commissioner LENNON. Not at all.

Mr. CARROLL. We work the premium system.

Commissioner LENNON. What is the premium limit, then?

Mr. CARROLL. The premium limit is what a man does; we guarantee a man's salary. If the man is getting $100—perhaps I can give you some facts on that without depending on my memory at all. On the Kansas City-Los Angeles circuit—a man working that circuit now is getting, I think, $85 a month. By the system of accounting that we use it is possible for him to make $6.80 per day.

Commissioner LENNON. What limit does he have to reach?

Mr. CARROLL. He has no limit to reach at all.

Commissioner LENNON. No limit?

Mr. CARROLL. No, sir. He gets paid for exactly what he does. We guarantee his salary. The bonus system is not fair in many respects.

Commissioner LENNON. Well, that is practically a piecework system that he is working under?

Mr. CARROLL. You could call it a piecework system. The proposition is this: I wish Mr. Garretson was over there. I could illustrate it for his benefit, too. You take the railroad conductor that starts out of Chicago to-day, and he may have on a run between Chicago and Milwaukee 20 passengers. He gets paid so much for that run. To-morrow he may have 200 passengers, and he does not get paid any more for that. He works probably ten times harder in collecting his fares and running the train.

We find in the telegraph system that because of the peaks and the valleys in the load as it is filed by the public that sometimes an operator had to extend himself for two or three hours. He did extend himself; the load was there. The early hours of his trick and the late hours of his trick; sometimes he had a very light load, and it was thought that that equalized, but it did not. It

was not just exactly a fair proposition for the operator, but he handled twice as many messages in one hour as he did in another.

Commissioner LENNON. Well, suppose there were two operators on the same line doing exactly the same class of work, and one of them sent 300 messages a day and the other sent 500. What would be the difference in earnings with reference to the premium or piecework, or whatever you might call it, where this exists?

Mr. CARROLL. Well, let us take a specific case. That condition does obtain on the circuit as we have worked out—very few of them. But suppose they were both getting $100 a month.

Commissioner LENNON. The basis?

Mr. CARROLL. One hundred dolars a month basis. In one case the man that handled 500 messages would get possibly anywhere between $4.50 and $5.60, and the other fellow would get his regular rating, but he did less work. He would get $100. He did not reach—he did not handle enough telegrams to reach the rate as we established it, but he still gets his $100.

Commissioner LENNON. Well, with this premium system or piecework, or whatever you call it, is the cost per message the same now or less or more than it was in 1907?

Mr. CARROLL. Oh, I think the cost for labor is higher now than in 1907. I think the figures will show that.

Commissioner LENNON. You think the cost per message is higher?

Mr. CARROLL. The cost per message. There are so many things enter into that. For instance, I do not believe that it would have been possible in 1907 to handle over some of the Western Union wires the volume of traffic that we are handling to-day. There was considerable dead time. There was a great deal of dead time because of possibly inferior plant conditions on the outside.

Commissioner LENNON. That would not enter into the labor cost, Mr. Carroll, would it?

Mr. CARROLL. No; but the cost for operators laying around 20 to 25 per cent of their time waiting for the wire chief or repeater attendants, it would certainly enter into the cost.

Commissioner LENNON. That would enter into the cost?

Mr. CARROLL. For that plant conditions. Plant conditions have improved, and it is possible to eliminate some dead time, but it makes it possible for the Western Union to do the things that they are now doing—of giving the girls eight hours, of establishing new rates, and raising the wages generally, as has been testified by Mr. Carlton and Mr. Brooks here.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Mr. Carroll, who ordered the discharge of those men in St. Louis?

Mr. CARROLL. I presume possibly the local supervisor.

Commissioner GARRETSON. What Government representative did you talk with in regard to the discharge?

Mr. CARROLL. I had a talk with Mr. Blackburn.

Commissioner GARRETSON. What was the arrangement entered into, or was there any arrangement entered into?

Mr. CARROLL. Mr. Blackburn, yes; I told Mr. Blackburn I would do everything in my power to get those men to work.

Commissioner GARRETSON. The investigation is not concluded yet?

Mr. CARROLL. No; I have not been out of Chicago. I have not been able even to go to St. Louis.

Commissioner GARRETSON. So none of the men have as yet been reinstated?

Mr. CARROLL. Yes; I think that possibly a total of five or six have been reinstated. That is the information I have.

Commissioner GARRETSON. The investigation in their cases has been carried on?

Mr. CARROLL. Yes, sir. The recommendation came to me direct that these men should be reinstated, and I told them to reinstate them, and reinstate another man if they found that he would be a desirable employee, if the charges were unfounded, as in many cases.

Commissioner GARRETSON. What has the main contention been over—in regard to the split trick, as it has been regarded, over the abolition of it, or with regard to the payment for the dead time that there is in a split trick?

Mr. CARROLL. I think, Mr. Garretson, that you have two questions involved there. I think there is not any dead time on a split trick. It is with the unassigned men where the dead time is.

Commissioner GARRETSON. The unassigned men?

Mr. CARROLL. The unassigned man, as I stated in my testimony, he has no job. He is hanging around for a regular job, and gets what he can.

Commissioner GARRETSON. I am only asking with regard to the split-trick men. The split-trick man that goes on duty at 10 a. m. and works until 3, does he report again at 5.30?

Mr. CARROLL. He reports at 5 or 5.30.

Commissioner GARRETSON. And has the contention been with regard to pay for that dead time?

Mr. CARROLL. Never been brought up.

Commissioner GARRETSON. Never been brought up?

Mr. CARROLL. No.

Commissioner GARRETSON. In some other crafts the split tricks are on that basis and that is the real bone of contention, is it not?

Mr. CARROLL. Yes. Another thing that was brought up with regard to these long tricks, the longer day tricks; we cut out a lot of split tricks for the reasons stated.

The traffic across this country starts in at New York or Boston and it travels across the country, and it does not begin at San Francisco because of the two hours difference in time, until between 9 and 10 o'clock in Chicago. Therefore, in order to make some good positions for the men and have some kind of home life so their wives will know what time they will get home, we established, I think, 9 or 10 tricks that ran between 9 o'clock in the morning and 7.30 at night, and not 9 o'clock, as has been stated. If there are any 9 o'clock tricks in the service I do not know it; they are not in the western division, because I passed on that question several months ago. I think that would be an unfair trick to ask any man to work.

Commissioner GARRETSON. That is all.

Chairman WALSH. Just one thing I omitted to ask. I wish you would make a statement about the employment of messenger boys, giving the amount of their salaries and anything you have to say with reference to sending them into improper places.

Mr. CARROLL. Mr. Chairman, I could only give you that by hearsay. I have not been in touch with the messenger service since I entered the Western Union Telegraph Co.'s service in 1910.

Chairman WALSH. That is all, thank you.

Mr. Daly.

TESTIMONY OF MR. GEORGE DALY.

Chairman WALSH. Where do you live?

Mr. DALY. No. 3131 Rhodes Avenue.

Chairman WALSH. How old are you?

Mr. DALY. Fifteen.

Chairman WALSH. Where were you born?

Mr. DALY. Chicago, Ill.

Chairman WALSH. What schooling have you had?

Mr. DALY. Sir?

Chairman WALSH. What schooling have you had?

Mr. DALY. As far as the seventh grade.

Chairman WALSH. The seventh grade in the ward school?

Mr. DALY. Yes.

Chairman WALSH. What is your occupation at the present time?

Mr. DALY. I am not working.

Chairman WALSH. What was your last occupation?

Mr. DALY. Messenger.

Chairman WALSH. For whom?

Mr. DALY. The Western Union Telegraph Co.

Chairman WALSH. When was that?

Mr. DALY. July.

Chairman WALSH. July, 1914?

Mr. DALY. Yes.

Chairman WALSH. How long have you been in the employ of the Western Union Telegraph Co.?

Mr. DALY. Three weeks.

Chairman WALSH. Why did you leave?

Mr. DALY. Mother had me quit

Chairman WALSH. Your mother had you quit. What were your hours on duty?
Mr. DALY. From 2 to 6.
Chairman WALSH. From 2 in the afternoon to 6?
Mr. DALY. To 8.
Chairman WALSH. From 2 in the afternoon to 8 in the evening?
Mr. DALY. Yes.
Chairman WALSH. What was your salary?
Mr. DALY. Seven dollars and fifty cents a week.
Chairman WALSH. And what were the general lines of your duties? What did you have to do?
Mr. DALY. Messages.
Chairman WALSH. Did you call for messages for the Western Union Telegraph Co.?
Mr. DALY. Yes, sir.
Chairman WALSH. Take them to the office, and deliver messages?
Mr. DALY. Yes, sir.
Chairman WALSH. Did you do anything outside of that, any outside work like district messenger service—run messages for private parties, where telegrams were not the things that were sent?
Mr. DALY. Packages; yes, sir.
Chairman WALSH. How much of that work did you do?
Mr. DALY. One or two a day sometimes, and sometimes none.
Chairman WALSH. I believe you are the boy that is said to have been sent to purchase opium.
Mr. DALY. Yes, sir.
Chairman WALSH. Just give an explanation of that, what was there about that?
Mr. DALY. They would call up for a messenger to go there and give a note to go to Archer Avenue.
Chairman WALSH. Call up whom, where?
Mr. DALY. From the house, where they lived.
Chairman WALSH. From what house?
Mr. DALY. No. 1823 Michigan Avenue.
Chairman WALSH. What kind of a house is that?
Mr. DALY. Rooming house.
Chairman WALSH. Was that a place of bad repute or good repute?
Mr. DALY. I couldn't tell; I wasn't inside.
Chairman WALSH. You were not inside. What did you do when you went there?
Mr. DALY. A lady came out on the porch and gave us a letter.
Chairman WALSH. To whom?
Mr. DALY. To Lee, No. 2121 Archer Avenue.
Chairman WALSH. Who is Lee?
Mr. DALY. A Chinaman.
Chairman WALSH. What did you do with the note?
Mr. DALY. Gave it to the Chinaman.
Chairman WALSH. And what did you get from him?
Mr. DALY. A box—a tin box.
Chairman WALSH. Do you know what the box contained?
Mr. DALY. No; I know what I was told.
Chairman WALSH. What were you told?
Mr. DALY. Hop.
Chairman WALSH. Did you bring it to this place?
Mr. DALY. Yes, sir.
Chairman WALSH. How frequently did that occur during the three weeks that you worked for the company?
Mr. DALY. About seven times.
Chairman WALSH. Did you call the attention of anybody of the company as to the character of the messages you were running?
Mr. DALY. Well, the night manager, I asked him what the price was, and he told me.
Chairman WALSH. Did they give you money to buy opium?
Mr. DALY. No, sir.
Chairman WALSH. How did you get it?
Mr. DALY. They would give us a letter, the people would.

Chairman WALSH. You say you told the night manager what? Just state the conversation.

Mr. DALY. I asked him what the charges were to Archer Avenue, and he said, "For hop?" and I told him "a tin box," and he said, "25 cents."

Chairman WALSH. You say you ran that message how many times?

Mr. DALY. About seven times.

Chairman WALSH. Now, describe; did you ever have any calls from saloons?

Mr. DALY. No, sir.

Chairman WALSH. Did you ever have calls from houses in questionable localities?

Mr. DALY. No, sir.

Chairman WALSH. Your only experience with anything improper that you would say was to go after this "hop"?

Mr. DALY. Yes, sir.

Chairman WALSH. Why did your mother take you away from that employment?

Mr. DALY. She did not think that was any job for me.

Chairman WALSH. I think that is all.

Mr. Rosenberg.

TESTIMONY OF MR. ELI ROSENBERG.

Chairman WALSH. What is your name?

Mr. ROSENBERG. Eli Rosenberg.

Chairman WALSH. Where do you live?

Mr. ROSENBERG. 1125 South Racine Avenue.

Chairman WALSH. And your occupation?

Mr. ROSENBERG. Chauffeur.

Chairman WALSH. Were you ever in the employ of the Western Union?

Mr. ROSENBERG. Yes.

Chairman WALSH. When?

Mr. ROSENBERG. Up until October, in 1914. I quit work in October.

Chairman WALSH. October, 1914?

Mr. ROSENBERG. Yes.

Chairman WALSH. How long did you work for the company altogether?

Mr. ROSENBERG. A year and a half.

Chairman WALSH. What was your age when you were first employed?

Mr. ROSENBERG. Seventeen.

Chairman WALSH. Were you employed on day or night duty?

Mr. ROSENBERG. Night duty.

Chairman WALSH. What were yours hours on night duty?

Mr. ROSENBERG. From 2 to 12.

Chairman WALSH. From 2 o'clock in the afternoon?

Mr. ROSENBERG. Yes.

Chairman WALSH. Until 12 o'clock at night?

Mr. ROSENBERG. Yes.

Chairman WALSH. What was your salary?

Mr. ROSENBERG. Thirty dollars a month.

Chairman WALSH. Thirty dollars a month?

Mr. ROSENBERG. Yes.

Chairman WALSH. Have you ever been sent into the so-called red-light district?

Mr. ROSENBERG. Yes.

Chairman WALSH. To purchase drugs for victims of the drug habit?

Mr. ROSENBERG. Yes, sir.

Chairman WALSH. Just give your general experience in that line.

Mr. ROSENBERG. A call from the office from a party on Cottage Grove to go to Archer Avenue—2121 Archer Avenue.

Chairman WALSH. Was that the same place this other boy testified about?

Mr. ROSENBERG. Yes.

Chairman WALSH. How often did you go there?

Mr. ROSENBERG. Once or twice a night.

Chairman WALSH. Every night?

Mr. ROSENBERG. Sometimes.

Chairman WALSH. Did you ever call the attention of your manager to what you were doing?

Mr. ROSENBERG. Yes, sir.

Chairman WALSH. Just state any conversation you had with him.
Mr. ROSENBERG. This party called up and told the manager to give me money to go and get the stuff.
Chairman WALSH. The party that called up told the manager to give you money to go and get the stuff?
Mr. ROSENBERG. Yes; to bring it over there and get the money there.
Chairman WALSH. Where did you get the money in those instances?
Mr. ROSENBERG. From the manager.
Chairman WALSH. Was this Chinaman—was this a Chinaman at whose place you purchased this opium?
Mr. ROSENBERG. Yes.
Chairman WALSH. Did you run any other messages in the red-light district other than that?
Mr. ROSENBERG. Yes.
Chairman WALSH. Just describe in a general way what you had to do.
Mr. ROSENBERG. There would be a call from there to go and get a note, get something from some one, a restaurant, something like that.
Chairman WALSH. Those were the houses of prostitution?
Mr. ROSENBERG. Yes.
Chairman WALSH. How general was that; while you were a messenger boy?
Mr. ROSENBERG. Oh, about once a night or so, according to how it ran.
Chairman WALSH. About once a night. What charge was made for that?
Mr. ROSENBERG. According to the distance we went.
Chairman WALSH. According to the distance?
Mr. ROSENBERG. Yes.
Chairman WALSH. Was that character of service general among the boys that you recall at that place—that worked at that place?
Mr. ROSENBERG. Yes.
Chairman WALSH. Where was your main office; where did you work at?
Mr. ROSENBERG. 106 East Twenty-second Street.
Chairman WALSH. 106 East Twenty-second Street?
Mr. ROSENBERG. Yes.
Chairman WALSH. Were you one of the boys that testified in the Federal court in a case involving the selling of this hop?
Mr. ROSENBERG. Yes.
Chairman WALSH. Were the defendants in that case convicted in court?
Mr. ROSENBERG. Yes.
Chairman WALSH. Were they convicted, or do you know whether or not they were convicted of sales of opium that were made to you through those parties?
Mr. ROSENBERG. I don't know about that.
Chairman WALSH. You don't know about that?
Mr. ROSENBERG. No.
Chairman WALSH. But you testified in the Federal court, so far as the opium was concerned, the same as you testified to here?
Mr. ROSENBERG. Yes.
Commissioner LENNON. Did the manager give you money to pay for the opium; did I understand that to be what you said?
Mr. ROSENBERG. Yes.
Commissioner GARRETSON. Were these call boxes that the calls came from?
Mr. ROSENBERG. Over the telephone.
Commissioner GARRETSON. Were there any call boxes that you were ever called on located in houses of that character?
Mr. ROSENBERG. No, sir.
Commissioner AISHTON. What office were you working out of.
Mr. ROSENBERG. 106 East Twenty-second Street.
Commissioner AISHTON. What was that, a branch office?
Mr. ROSENBERG. Yes.
Chairman WALSH. Who was the manager?
Mr. ROSENBERG. Charley Halubik, night manager.
Commissioner AISHTON. What was that, a telegraph office, or an A. D. T.?
Mr. ROSENBERG. A telegraph and A. D. T.
Commissioner AISHTON. Both?
Mr. ROSENBERG. Both.
Chairman WALSH. About what time did they continue that class of service?
Mr. ROSENBERG. Oh, all parts of the night.
Chairman WALSH. Did it run down to the time you left the service, in October, 1914?

Mr. ROSENBERG. The time I was there, it was always going on.
Chairman WALSH. Did it continue down to the time that you quit in October, 1914?
Mr. ROSENBERG. Yes.
Commissioner AISHTON. In all cases, did the manager give you money for the hop?
Mr. ROSENBERG. If the party called up told him to give it to me, send to a certain house where she called from, they give it to me.
Commissioner AISHTON. You don't know where the manager got the money from?
Mr. ROSENBERG. No.
Commissioner O'CONNELL. How much money would he give you?
Mr. ROSENBERG. According to how much they wanted.
Commissioner O'CONNELL. How much did he give you?
Mr. ROSENBERG. The call came to the manager, they would call up for to send me down.
Commissioner O'CONNELL. Why did you leave the service of the company?
Mr. ROSENBERG. I got another position.
Commissioner O'CONNELL. You got another position?
Mr. ROSENBERG. Yes.
Chairman WALSH. What were the largest purchases of opium that you made?
Mr. ROSENBERG. From $1 to $5.
Chairman WALSH. How is that?
Mr. ROSENBERG. From $1 to $5.
Chirman WALSH. Did you always go to buy the hop for the same people, or did you get it for different people?
Mr. ROSENBERG. Mostly for the same people.
Chairman WALSH. Mostly for the same people, at this same residence?
Mr. ROSENBERG. Yes.
Chairman WALSH. Do you know how the manager recovered the money that he advanced for the hop, or how he worked it?
Mr. ROSENBERG. The party used to give me the money.
Chairman WALSH. The manager would advance the money, and then you would collect it?
Mr. ROSENBERG. And give it back to him.
Commissioner AISHTON. Did anybody, the night manager, tell you anything about how to get the hop?
Mr. ROSENBERG. No, sir.
Commissioner AISHTON. Just the night manager?
Mr. ROSENBERG. Just the night manager.
Chairman WALSH. How many boys were located at that place at night?
Mr. ROSENBERG. At night?
Chairman WALSH. Yes.
Mr. ROSENBERG. Three boys.
Chairman WALSH. At that station on Twenty-second Street?
Mr. ROSENBERG. Three boys at night.
Chairman WALSH. That is all, you may be excused.
Mr. Shrimpton.

TESTIMONY OF MR. B. F. SHRIMPTON.

Chairman WALSH. What is your name, please?
Mr. SHRIMPTON. B. Frank Shrimpton.
Chairman WALSH. B. F. Shrimpton?
Mr. SHRIMPTON. Yes, sir.
Chairman WALSH. Where do you reside?
Mr. SHRIMPTON. Why, I reside in New Jersey; but I am secretary-treasurer of our New York local.
Chairman WALSH. What New York local?
Mr. SHRIMPTON. The Commercial Telegraphers' Union.
Chairman WALSH. Of what?
Mr. SHRIMPTON. The C. T. U., of New York.
Chairman WALSH. Have you worked for the Western Union?
Mr. SHRIMPTON. Yes, sir.
Chairman WALSH. When and where did you work for them?
Mr. SHRIMPTON. I started on the messenger force of the Western Union Telegraph Co. in Kansas City in 1898.

Chairman WALSH. The messenger service?

Mr. SHRIMPTON. Yes, sir.

Chairman WALSH. Just give your various employments.

Mr. SHRIMPTON. Well, I worked for the Western Union in Kansas City; in Austin, Tex.; in Chicago; in Reno, Nev.

Chairman WALSH. What did you say you are doing at the present time? Giving all your duties to this position?

Mr. SHRIMPTON. No; I am employed as a broker telegrapher in New York.

Chairman WALSH. Whereabouts in New York?

Mr. SHRIMPTON. 50 Broad Street.

Chairman WALSH. Are you familiar with the conditions in the New York district offices of the telegraphers?

Mr. SHRIMPTON. Yes, sir.

Chairman WALSH. State in a general way the wages paid and the conditions of employment.

Mr. SHRIMPTON. The top salary in the Western Union Telegraph Co. office is $100 per month, or, as they figure down there by the week, $23 a week. I use the monthly figure, because most of the figures here have been by the month. I will use the equivalent. The lowest salary is $6 per week for operators, and the top salaried operators I think number about six only. From that they average down. I don't know of course the exact proportions, the exact number of each.

Chairman WALSH. That is in New York City?

Mr. SHRIMPTON. That is in New York City.

Chairman WALSH. What characters of operators get $25 per month?

Mr. SHRIMPTON. The beginners; young ones that come off the checking force or out of the company's school.

Chairman WALSH. Those are automatic operators, are they?

Mr. SHRIMPTON. Some of them; some of them Morse.

Chairman WALSH. You say you can not give the proportion that work at the various salaries?

Mr. SHRIMPTON. No; I can not. I have not the figures.

Chairman WALSH. How do the telegraph companies in New York recruit their operating force?

Mr. SHRIMPTON. They have this school now down there in which they teach the young. At the present time in that school they have about 60 young ladies, girls; some of these girls work as check girls; that is, gathering messages up around the office, carrying them from one wire to the other. They receive pay as check girls and practice a certain portion of the time. There are about a dozen, however, who receive no pay. They show up at 10 o'clock in the morning, practice until 11.30, and go on the floor as check girls and work an hour and a half. They are allowed a half hour for lunch, and return and work till 3 practicing. For this they receive no pay.

Chairman WALSH. What is the enrollment in the telegraph school in New York, if you know?

Mr. SHRIMPTON. About 60, I understand.

Chairman WALSH. About 60 altogether?

Mr. SHRIMPTON. Yes.

Chairman WALSH. There are no boys or men in it?

Mr. SHRIMPTON. As far as I know they have no boys now.

Chairman WALSH. How long have you observed that school? Can you give us an idea how the enrollment runs; how it is for the past couple of years?

Mr. SHRIMPTON. About 60, I understand.

Chairman WALSH. Oh, about 60 altogether?

Mr. SHRIMPTON. Of course you understand I do not have access to the office, but must gather my information from those inside the office. I don't know just what the average has been. Sometimes it runs a little above, sometimes below. However, I will say that some of these girls that are there now have been there for a year and a half or so practicing and working as check girls for an hour and a half.

Chairman WALSH. What are conditions in general in New York with reference to the organization among the telegraphic employees?

Mr. SHRIMPTON. They are not good. Telegraphers in New York are badly frightened; so much so that some of them are afraid to speak to me in the vicinity of the telegraph office. They are absolutely afraid to come anywhere near our local headquarters, and as for writing letters, even without signatures, they are afraid of that.

This system of putting a spy in the office to pry out from an employee his opinion as to the conditions or to get his idea of grievances, and then report them along with the complainant's name, and, perhaps, resulting in discharge, has gone so far, as one man told me recently, that "I have practically become a dummy around the office. I talk to no one; come in, maybe say 'good morning' or 'good afternoon' to some that are present—to this or that person—sit down and do my work and go out. I am afraid to make any remark that might even be construed as a complaint against conditions."

Another man, whom I called on at his residence, invited me to take a walk down the street. He did not even want to talk to me before his wife for fear that she would, perhaps, innocently repeat to some spotter's wife what he had said and thereby cause his discharge.

But this idea of sending these men around, by the company, to gather these grievances from the men, has been in vogue for sometime—for years. But, of course, everyone in the office, every employee, realizes that the company has such employees gathering from the men their ideas of what the grievances are. And they realize that the company is not so much engaged in this work for the purpose of finding out what the real grievances of the men are as they are for cutting down the agitation and for the purpose of learning the identity of those who are dissatisfied and getting them out of the service.

And in the New York office the working conditions now—as one man, who has been in the service for years told me—are unspeakably worse than he ever saw them before in his life, and that the employees dare not display any dissatisfaction, or dare not make any grievances known. They are not invited to come up and express their grievances freely. They have no source of doing so. If they go to their next immediate superior and complain, perhaps he repeats it to his superior and perhaps he does not. The man gets set down perhaps as an agitator or as a faultfinder and at the first opportunity he is subjected to dismissal. If it goes up to higher officials it is often referred back to the same petty official, and he then considers that this man has an individual grievance against him as a chief, and the man is liable to be subjected to unpleasant things in the service. So that, taken all in all, all this testimony on the part of the officials of the company that the men have any source of making their grievances known to the higher officials is absolutely refuted by the conditions that do actually exist down there, as I know from actual conversation with these men.

These men on the inside will talk to me more freely than they will to anybody in that office, because they know that I will not repeat what they have said to me to anybody and give their names.

Chairman WALSH. How far would you say your inquiry had extended; how many people have you talked to?

Mr. SHRIMPTON. I might say, by way of preface, that I have been engaged for the last year and a half in writing a history of our movement from its beginning. During the course of this service I have talked to a great many men; and, since I knew I was coming before this commission, I made it a point to talk to as many as I could. I endeavored to get the information of both young and old employees; not alone members of the union, you understand, but nonmembers of the union. I have not discriminated against those who were not members of the union.

The new Western Union office, located at No. 24 Walker Street, covers a good deal of space. The office is a large one.

Chairman WALSH. About how many employees?

Mr. SHRIMPTON. They have there about 1,200, I should say. The office covers a great deal of space. Of course, in going in and getting out of the office some time is consumed.

The Western Union permits short reliefs in the morning and in the afternoon, when they can be obtained, of 10 minutes. It requires 5 minutes to get out of and back into the room, so that if a person is off the wire from the time he is relieved on the wire until he returns for 10 minutes he has 5 minutes, or sometimes less perhaps, to attend to the calls of nature and take a little rest.

Lunch reliefs are limited to 30 minutes despite the fact that we have a law on the statute books in New York providing that they shall be an hour. The attorney general kindly excused the telegraph companies from the operation of this law. They are allowed 30 minutes for lunch relief, and it takes 15 minutes of that time to get from their chairs in the office down to the street and back again, and that allows them but 15 minutes to get to a restaurant, eat, and get back to the entrance to the office.

Chairman WALSH. You say it takes 15 minutes?

Mr. SHRIMPTON. That is what they tell me. As a general rule, it will take 15 minutes from the time they leave the wire, go to the locker and get their hats, go down on the elevator and out onto the street, and return. Of course, there is a certain little amount of detail that they have to attend to—getting up off the wire, being relieved, marking off their numbers, and punching the clock.

Chairman WALSH. Do you know anything of the existence of the so-called black list by the telegraph companies that is maintained by the telegraph companies?

Mr. SHRIMPTON. I have seen copies of what would be actually and legally, I think, termed a black list—that is, a list of employees discharged by the Western Union Telegraph Co.—which had been sent to railroad companies. Now, whether this list is sent to other telegraph companies or to any other employers of telegraphers I can't say. But I know it is sent to railroad companies, and I see no other reason except to keep the men so discharged from gaining employment on those roads; and I take it that a legal definition of a black list is such a document as that. There are different degrees to it, but that probably constitutes a legal black list.

Then there is an effectual black list. When a man is discharged by the Western Union, for instance, in Chicago, "for cause," if he goes anywhere in the United States to a Western Union office that record follows him. Let me illustrate. Let us say he goes to the Postal Co. They ask him where he last worked. Probably they will ask whether he ever worked for the Postal. Maybe he never worked for the Postal. All right. "Where did you work for the Western Union?" "So-and-so." They refer there. The Western Union tells them he was discharged "for cause," or any other reason, or no reason. Now, if the Postal refuses to give him employment because of what the Western Union has told them he, as a commercial telegrapher, has no other source of employment, except as some of us have been fortunate enough to find employment with people who do not come under the influence of the Western Union Telegraph Co. Of course that number is small compared with the number of telegraphers employed by the telegraph companies.

Chairman WALSH. Have you any reason to believe that your name is on the black list?

Mr. SHRIMPTON. Well, whether it ever has been sent out or not I don't know. I do know the last place I worked for the Western Union was Reno, Nev. I left there in 1905, and was told by the manager that my services were entirely satisfactory. In fact, he was sorry I was leaving, and if I ever came back there was an open door.

The next time I applied to the Western Union for a position was at Dallas, Tex., in 1906. I reached there about the 1st of February and went up to see the chief operator of the Western Union, with whom I had an acquaintance. He told me that he was not going to put on anybody during February, a short month; that he was not going to hire anybody at all before March 1; but if I wanted to call after February there might be something doing. So I went up to see him every once in a while, and one day he asked be casually where I had been recently. I told him I had been up near Chicago; and further than that I didn't give him any reference, and he did not ask where I had worked for the Western Union. He did not ask for any references then.

Along about the 1st of March he called me up to his desk one day—I had been going up there to see him right along—and said, "They tell me you have been secretary to Wesley Russell." I said, "Who did?" "Oh," he said, "you said you had been in Chicago, and I referred to Chicago, and they tell me you have been secretary to Wesley Russell." I had during the strike and previously thereto been employed at our union headquarters under Mr. Russell, the general secretary-treasurer.

He then proceeded to lay me out for having remained in the organization since the strike, and told me that he would sooner give our then ex-President Small a position than me. I asked him why. He said, "Small has not been in the union since this strike, and you have." And after that a few more remarks followed, in the course of which he told me that there was absolutely no chance for me to go to work. He had intended to put me on, but he could not now. I facetiously remarked that I would go downstairs (meaning to the superintendent's office) and get it fixed up. He said, "You will have to go higher than that." So I don't know whether my name is on the list or not,

but I do know I was debarred from employment in any other part of the United States.

Chairman WALSH. What steps, in your opinion, might be taken to remedy the conditions complained of in the telegraph industry?

Mr. SHRIMPTON. In my opinion there is only one thing to do, unless the Government secures control of the telegraph, and that is to provide a means whereby we may have a free right to organize and be permitted to exercise that right. Now, if we have the right to organize we can handle our own grievances, but without an organization we can't. If the telegraph companies can prevent us from organizing they can prevent us from remedying any grievances that we have, and my only idea of how that could be remedied would be the passage of a law by Congress prohibiting any interstate commerce business or corporation from interfering in any manner in that regard—in regard to organizing by their employees—and in making that law exempt from review by the United States Supreme Court. I do not believe we can get a law of that kind through the courts, but Congress has the right to withhold from the Supreme Court the right of reviewing a law, and that is the only way, I figure, that we can ever get it.

Chairman WALSH. You refer to the Supreme Court of the United States.

Mr. SHRIMPTON. Well, I do not particularly refer to the Supreme Court; what I mean——

Chairman WALSH (interrupting). Courts of the last resort.

Mr. SHRIMPTON. If it went as high as that it might not get to the Supreme Court of the United States. It would be declared unconstitutional somewhere between Congress and the Supreme Court of the United States, just as the law out in Kansas has been declared unconstitutional on that point.

Chairman WALSH. Do you have any information with regard to the financial history of the Western Union?

Mr. SHRIMPTON. I have written it down and I will read it. "The Western Union Telegraph Co. of to-day"——

Chairman WALSH. Is there any different data in that from what was submitted by Mr. Konenkamp?

Mr. SHRIMPTON. Yes; and I might say that Mr. Konenkamp referred to one publication. I have been engaged, as I say, for 18 months in delving into all the records that I could get hold of, and this is my best judgment of the various accounts that I have been able to find. It is entirely different material.

Chairman WALSH. All right; you may proceed.

Mr. SHRIMPTON (reading). The Western Union Telegraph Co. of to-day represents the consolidation of about 50 different telegraph companies, some of which were of as great a magnitude as the Western Union itself, while many of them of course, were small local and in some cases noncompeting lines. The present Western Union Co. was organized and incorporated as the New York & Mississippi Valley Telegraph Co. under the laws of the State of New York, April 1, 1853. The original capitalization was $500,000, of which only about $370,000 was ever paid in. A two-wire line was constructed between Buffalo, N. Y., and Detroit, Mich., costing not over $300,000, including office equipment. In 1856 this company absorbed the Erie & Michigan and the Southern Michigan Cos. and changed its name to the Western Union Telegraph Co. These acquired lines cost about $200,000. They were built by Col. J. J. Speed, a contractor, and subsequently purchased by Ezra Cornell, of Ithaca, N. Y., who had in 1844 assisted Prof. Morse in the construction of his experimental line between Washington and Baltimore. Cornell was averse to the consolidation scheme, and for a long time rejected all the propositions made to him by the New York & Mississippi Valley people. The latter, however, were determined to have this property, even resorting to threats of personal violence in order to attain their ends. An example of their unscrupulous methods in this connection was enacted at Chicago, where they surreptitiously secured the services of Cornell's manager there in substituting the name of the New York & Mississippi Valley Co. for that of Cornell's company. This office was located in the most desirable part of the city, and its loss, accompanied by the throwing into the street of his equipment, ruined his business at that point. He was eventually forced, through inability to raise funds with which to rehabilitate his rapidly deteriorating line, to sell. Of course, he secured Western Union stock in exchange for his company's shares and later became immensely wealthy thereby, becoming a director of the Western Union Co. afterwards. Thus did the Western Union start on its absorption campaign, and thus has it continued through these 50 years. It has brought under its control either by purchase or lease every other company estab-

lished with the exception of the Bankers & Merchants and the American Rapid, which went into the Postal Telegraph Co.'s system. The Postal is the only company that has held aloof from the monopoly.

Practically all the companies absorbed were acquired through the issuance and the exchange of Western Union shares for those of the original companies and, without exception, at highly inflated figures. For example, the American Telegraph Co., taken over in 1866, was organized in 1854, with a capitalization of $200,000; increased later to $1,700,000; and just prior to its consolidation with the Western Union again increased to $4,000,000. The property was probably not worth over $1,500,000. Yet the Western Union issued nearly $12,000,000 worth of stock in its purchase. The United States Co., which also went into the combine in 1866, cost the Western Union in additional stock $7,179,100, while a physical valuation of the property was placed at $1,443,000. The Pacific & Atlantic, acquired in 1874, was built for about $500,000, but the Western Union increased its capitalization by $2,000,000 when taking it over. The American Union Telegraph Co., with which Jay Gould jimmied into the Western Union, cost, probably, about $3,000,000 to build, yet it required an increase of $15,000,000 in the latter company's capital stock when absorbed in 1881.

Here are a few of Western Union's stock dividends: August 19, 1858, 33 per cent; September 20, of the same year, 414.40 per cent; July 16, 1862, 27.26 per cent; December 23, 1863, 33⅓ per cent; May, 1864, 100 per cent. The last named was accompanied by a statement that the doubling of the capitalization was arbitrary and for the purpose of cheapening the market price of the stock, which was selling around $200 per share. (From the statement of President J. H. Wade, October 1, 1865.) On December 3, 1892, a 10 per cent stock dividend was paid.

From the best information I have been able to procure, the actual building cost of the original Western Union lines and all lines absorbed by that company did not represent an expenditure of over $15,000,000. Of course, all of these original lines, poles, and wires have become worthless through age. Their replacement and the erection of new lines have been charged to operating expenses, and therefore have come out of the earnings. Reasoning thus, it will be seen that the Western Union Co. has earned, in addition to the dividends it has paid, the wherewithal to entirely reconstruct its plant.

It is our contention that the company has earned abnormal returns on its capital actually invested since its very inception, and that it is still earning a much higher percentage, considering its highly liquefied assets, than its present dividend rate would indicate. Now, rates have varied. In early days the rates were, of course, pretty high. After the construction of lines became more easy and competition came in they were lower; later on increased again.

The first telegraph in this country was opened for business in 1846. During the first 20 years of the life of our telegraphic development, or until the Western Union obtained a monopoly in 1866, the operators had very little cause for complaint. This is evidenced by the fact that they created in 1863, unopposed by the employers, an organization of an entirely beneficent nature, known as the National Telegraphic Union. That organization's constitution contained no strike clause and made no provision for the handling of grievances or establishing salaries. As a matter of fact, there were no grievances, and salaries were satisfactory. At the time of the consolidation of the American and United States Telegraph Cos. with the Western Union salaries in New York ranged from $110 to $118 per month; annual vacations with pay were granted the telegraphers; time lost on account of sickness was not deducted; hours were reasonable and working conditions very good. There have been statements made here that about this time there were no regular hours and that the men worked as much as 12 or 13 hours without extra pay. My information is that pay for overtime was not general at that time, but the impression created by the testimony would naturally be that these 12 or 13 hour days were regular things, whereas they were not. In those days wire trouble, due to various causes, was prevalent, just as it is now, and occasionally business became congested in the same manner as at the present time. Now the telegraph companies keep large numbers of men sitting idle, at their own expense, in a waiting room pending these congested periods. In the sixties these conditions did not obtain. There were no waiting lists. The employers maintained a force sufficient to handle ordinary overpressures of business, but, of course, there were times when the interruptions to the wires were so prolonged that the congestion became abnormal. In these emergencies the men did work long hours without extra compensation, but all the while that the interruption continued they had sat around

the office or strolled out upon the near-by streets, and their pay went on. Nothing like that nowadays; no service, no pay.

Statements have been made here by officials of the telegraph companies to the effect that salaries in 1870 ranged from $85 to $115 per month. I didn't know it was as bad as that; that the Western Union had reduced the minimum $85 per month so quickly. I do know that as soon as the Western Union became master of the situation its policy toward its employees underwent an entire change. Salaries were lowered, vacations were abolished, lost time because of illness or otherwise was deducted, and hours of service were lengthened; privileges were withdrawn and an odious discipline inaugurated. In saying that the hours of service were lengthened I refer to the compulsory hours. While, as I stated previously, the men sometimes did work 12 or 13 hours, there were days and nights when business was unusually quiet, and the entire force was unnecessary to handle the volume of business. On such occasions some of the men would be excused without suffering any deduction from their regular salary. This practice the Western Union discontinued.

The Telegrapher, the official organ of the National Telegraphic Union, said editorially in its issue of November 2, 1867, only a little more than a year after the Western Union had acquired a monopoly of the telegraph business of the country:

"They (the officials of the Western Union) seem to consider that the employees of the company have no rights which they are under obligations to respect; and only under the pressure of active competition have they conceded to them anything more than a bare right to existence, and such compensation as was actually necessary to sustain them in fair working condition. One by one, all the privileges enjoyed have been withdrawn, and the remonstrances have been met with indifference or studied insult. They have been told that if they were not satisfied with the oppressive rules of that company, or with the compensation doled out to them, their services were no longer required, and they were at liberty to provide themselves with more congenial situations; and in this way many of the best telegraphers in the country—men who had spent their lives in acquiring excellence and proficiency in their profession—have been compelled to seek other employment and abandon the business.

"The vacations, rendered necessary by the close application to an onerous and exhausting employment, always heretofore allowed to their employees by even the poorest telegraph companies, have been denied them, and they have been required to labor on until exhausted nature succumbed, and when sick, even when such illness has been incurred in the service of the company, the pittance allowed for their services has been systematically withheld; and this, too, when the stockholders were receiving large dividends on the capital actually invested."

The Telegrapher further said editorially in its issue of November 16, 1867:

"It is well known that as soon as the Western Union had obtained a virtual monopoly of the business through consolidation with itself of the United States and American companies it instituted a system of reduction of compensation, not in a ratio with the changed circumstances of the times or from pecuniosity, but founded upon the fact that there was no other considerable employer of telegraphic skill, and that submission to its exactions or an abandonment of the business were the only alternatives of its employees. To such an extent has this been carried that the company has alienated from itself the sympathies and good will of a great portion of its employees."

As conditions grew steadily worse, the telegraphers commenced to realize that they needed a protective organization, and conversion of the National Telegraphic Union into such an organization was advocated. In this the Western Union saw a menace and set about destroying the organization, because, although it was officially harmless, it provided a means of collective reasoning, and collective reasoning might lead to collective action—the one particular thing that the Western Union has always feared, abhorred, and fought. The company was in its infancy then and adopted "kid-glove" policies instead of the "strong-arm" tactics of our day. It used printers' ink rather than spotters and a "discharged" list. In February, 1867, the company established, with two of the well-known telegraphers of that day as ostensible owners and publishers, a periodical similar to the union's official organ. This publication was named The Telegraphic Journal and attacked the telegraphers' association from one angle or another in each issue. Its method appeared to be to create internecine strife in the ranks of the union. One of the men whose services the company had secured in the launching of its sheet severed his connection with

it as soon as he learned of its character. In November of the same year the Western Union acknowledged its paternity of the paper, took it over, and changed its name to The Journal of the Telegraph; and it has ever since remained the official organ of the Western Union.

The National Telegraphic Union at its annual convention in September, 1867, created a committee to inaugurate an insurance department. The establishment of this department was consummated and announced ready for business on October 19, 1867. Two days later emissaries of the Western Union held a meeting in New York and organized a rival insurance bureau, with officials of the Western Union as officers, styled the Telegraphers' Mutual Life Insurance Association. The employees of the company were beseeched to become members of the company's bureau in preference to that of the union's. Due bills for the initiation fee and dues were accepted from the employees by the company. The name of the company's bureau was later changed to the Telegraphers' Mutual Benefit Association, and it has always been officered by the officials of the company. The company's motives in establishing both the paper and the insurance bureau are obvious.

Although the rank and file of the National Telegraphic Union favored making the organization one that could at least attempt to curb the encroachments of the company upon the liberties and earning powers of the employees, the dominant factors in the organization either through fear of complete embargo against the union on the company's part, or because of the influence exerted in other directions by the company, failed to adopt a secrecy clause introduced at the 1867 convention. Because of this and the continued attacks of the company the National Telegraphic Union rapidly deteriorated and in its stead came a secret organization, known as the Telegraphers' Protective League, which was of a character which its name implies. Its formation began in August, 1868, and it had a quiet but rapid growth.

Although a gradual lowering of the minimum wage had been going on ever since the consolidation in 1866, no perpendicular cuts were attempted until the 1st of January, 1870, when a decrease of the maximum was attempted at San Francisco, where some of the reductions amounted to 20 per cent, or from $120 per month to $100. Protests from those affected brought about the dismissal of two men, one an official of the league, and the threatened discharge of others. This resulted in a walk-out of the remaining force at San Francisco, and also at Sacramento. The matter was at once taken up by the national officers of the league at New York, and a committee of three was appointed to confer with the Western Union officials. This committee addressed a communication to the company in regard to the affair at San Francisco, which I will not quote as the company's reply practically does so. This reply was made by the treasurer of the company, the president being in Europe. It will be observed that this official statement denies that any reductions of salaries had been made or contemplated. This position not only was not receded from, but was reiterated in the company's official organ, The Journal of the Telegraph, in its issue of January 15, 1870, from which the reply is copied. Here it is:

"EXECUTIVE OFFICE, WESTERN UNION TELEGRAPH CO.,
"*145 Broadway, New York, January 4, 1870.*

"MESSRS. W. W. BURHANS, C. J. RYAN, and J. M. PETERS, *Committee.*

"GENTLEMEN: Your communication of this morning has been received, in which you state, in the form of a resolution, that the members of your association have been informed that this company has reduced the salaries of certain operators at San Francisco, and that the members of your association at San Francisco ask the members everywhere to aid them in preventing the reduction, and in which you ask that the salaries of members at that point be not reduced, and that the operators there who have been discharged for refusing to submit to this reduction be reinstated, and in which you also state that in case the executive committee of this company return an unfavorable answer to you that the grand chief operator of the Telegraphers' Protective League be requested to order all members of your association to aid your brethren in San Francisco by immediately suspending work.

"In reply I have to state that no salaries of operators in San Francisco or elsewhere have been reduced, and that your information is without foundation in fact. When Mr. Burhans called upon me yesterday I stated to him, verbally, that he must be laboring under a mistake, as there had been no intimation given to this office of any contemplated reduction of salaries, and at his re-

quest I asked Mr. Mumford, our agent, at San Francisco, to state the facts. I give this message in reply to such inquiry, in which he states as follows:

"'I have reduced no salaries here, nor anywhere, and have had no intention of doing so. Two men were discharged in San Francisco, because I was satisfied that they were trying to create dissatisfaction and make mischief, and because the force in the office was larger than was necessary to do our business. The plea of a general reduction without the slightest foundation as a matter of fact.'"

Chairman WALSH. I do not want to interrupt you, but as that seems to be a review, somewhat of a historical review of the subject, if you will submit it, we will put it in the record and take it up when we take up the whole matter, unless there are some salient features that you would like to give orally. We would be obliged if you will do that.

Mr. SHRIMPTON. I did not finish it. I intended to file it, but I did not get the written statement completed, and if you wish I can finish it.

Chairman WALSH. It will save considerable time.

Mr. SHRIMPTON. I can finish it later on.

Chairman WALSH. Please do so, and submit it for the record.

(The continuation of the written statement above referred to and submitted by witness appears among the exhibits at the end of this subject as "Shrimpton Exhibit.")

Chairman WALSH. I was going to ask you whether or not you have observed the practice in New York with reference to the handling of messenger boys; that is, whether they are used to carry messages to and from disreputable resorts in New York?

Mr. SHRIMPTON. In New York, of course, conditions are somewhat like they are in Chicago. We have no segregated district. A house of that—houses of that character are under cover. I do not know myself where they might be located. I have not given that angle of it very much consideration.

Chairman WALSH. I understood you had made some investigation of that sort.

Mr. SHRIMPTON. No; I have not. I did not know of the matter of messenger boys coming up, or I might have obtained some information. I do know that when I was a messenger boy such conditions did obtain in Kansas City.

Chairman WALSH. Did you have some questions, Commissioner Aishton?

Mr. SHRIMPTON. I have some more here.

Chairman WALSH. Very good.

Mr. SHRIMPTON. I have got considerable more of this matter that I will put into this statement. I will just bring out a few points here in reference to matters that have been testified to. For instance, the strike periods, previous to the strike; would you care to have me do that?

Chairman WALSH. First the 1907 strike, for instance.

Mr. SHRIMPTON. Before that, would you care to have me recite anything?

Chairman WALSH. Could you put that into the record? That is a matter that is apparently historical. But anything you wish to reply to that has taken place here, we will be glad to have you do it. Anything you want to volunteer as to present conditions, matters that are apparently historical, it would be some benefit—more beneficial to the commission to have them written out.

Mr. SHRIMPTON. I will write those out, then, and submit them later. I will have to get back to New York. However, the cumulative argument of this statement would be that there was a psychological reason for certain things that happened in 1907 which have been criticized rather severely on the stand from the other side.

The company has used various methods all through its career, as will be shown by this statement, to prevent the telegraphers from organizing, and they have been able to do it to a great extent. Once or twice the telegraphers worked too fast for them and got organized.

In 1883 they organized quietly, and the Western Union was surprised to learn that they were as formidable as they were.

In 1906 and 1907 business was good—both were good years. The telegraphers were, along with other people, pretty well employed—steadily employed. The business was so good that the Western Union took advantage of it and increased the rates, and the telegraphers were compelled to work a great deal of overtime that year that they did not want to work. They were compelled to work, when they were doing their best to refrain from working overtime. They were working too long; their nervous tension was great on that account; they had been working so much they had not been in a position to spend the money

they had been earning. For the first time in the history, or the first time in the lives, of some of those men they had a little money in their pockets in excess of their necessary expenses. And the organization of the men was so rapid that the telegraph company did not have time to resist it. It was like the prairie fire when started, and the companies could not stop it, or rather could not check it in time to stop it. The men organized, but not through any relaxation of policy on the part of the Western Union Telegraph Co. The policy changed after the men had organized, and the company could not help itself, and I know that Mr. Russell and Mr. Konenkamp, contrary to the charges made by the officers of the Western Union, endeavored to prevent that strike. In fact President Small explained to me, I think less than three months before that strike, that there would never be a general strike of the commercial telegraphers while he was president. He was assuming that he could prevent it. I do not think it could be justly charged that the officers of the union were responsible for that strike. It was an upheaval from below, the accumulated fire of years of oppression that burst out and could not have been prevented. The men themselves, the employees of the company, had their first taste of liberty.

Now, if the companies had not fought organization for all these years and wrought these men up to such a pitch that when they got the power they used it as they did, things would have been different.

The telegraphers are responsible people, as a rule.

I have heard it here charged that this is not a responsible organization; that they do not recognize the Commercial Telegraphers' Union because it is irresponsible; controlled, officered, or membered by irresponsible people. This is not only a reflection upon the members of this union, but also upon the telegraph officials that made it, as they rose from the ranks of which the union is composed.

The organization is willing and anxious to do anything in its power to reach amicable relations with the Western Union Telegraph Co. or any other employer. I do not think that at any time when the telegraphers have been in a position to ask anything of the companies that they have asked anything very unjust.

There are two different Western Union officials who testified here. They say the conditions are not what they should be; that the telegraphers are overpaid. How can they in justice charge that our demands for increased salaries are unreasonable?

Chairman WALSH. You said overpaid; you mean underpaid, do you not?

Mr. SHRIMPTON. Underpaid; yes. But Mr. Reynolds, on the other hand, comes here and suavely states that all is well in his company. Now, I can not help but think that Mr. Reynolds is deceiving himself, because the conditions are not good in the Postal. There is dissatisfaction, and I know that men I have known for several years would not some lying to me and telling me they are not satisfied up there when they are satisfied. I have not gone to them soliciting these remarks. They have come to me voluntarily and told me that they were dissatisfied.

For instance, in the short relief matter, the short relief in the Postal is almost unknown to-day. It is very difficult in the Western Union office to get a short relief. They do not come around and give you short reliefs as they should, in order to properly regulate a person. Such reliefs should be rendered systematically. There should be some stipulated time, I think. The irregular reliefs are a bad thing, and, of course, no reliefs are worse.

The split-trick system is not satisfactory. The long and short messages which have been mentioned here——

Chairman WALSH. You mean the Postal?

Mr. SHRIMPTON. In the Postal. The same thing would apply to the Western Union. Now, it is true that the short messages have gotten on to the bonus wires, but not with the company's knowledge and consent at all times. Of course, now they do have some wires on which they permit them. But, for instance, there is only one wire being worked between two cities, say New York and Chicago. Business is coming in continually and the operator, perhaps, has on an average for 30 minutes or and hour 10 or 15 messages before him all the time. Perhaps they commence to increase. He gets a little more of a pile—25 messages. That may mean that they will pretty soon start a second wire. Therefore, he naturally, of course, picks out the short messages in order to make time, and he slips the long messages on the bottom of the pack, thereby delaying them. Pretty soon they start a second wire, and the operator appointed to that wire is given a bunch of messages consisting of

many of the long ones that have been slipped onto the bottom. Now, that man is expected, all men are expected to maintain a certain average, which is impossible if all the messages are long.

Chairman WALSH. Mr. Shrimpton, we have some witnesses subpœnaed here, and Mr. West says they want to get away, and if it would not interrupt you too much, we would like to put these witnesses on. They are from the Postal and are working.

Mr. SHRIMPTON. That would not be any interruption, but I want to get through myself.

Chairman WALSH. You want to get away, do you?

Mr. SHRIMPTON. Yes; as soon as I get through. I want to know if I may be permanently excused now?

Chairman WALSH. Yes; you may be permanently excused.

Mr. SHRIMPTON. I will get these papers together as soon as I can and submit them to the commission.

(See "Shrimpton Exhibit," which appears among the exhibits at end of this subject.)

TESTIMONY OF MR. W. T. RUSSELL.

Chairman WALSH. What is your name?

Mr. RUSSELL. W. T. Russell.

Chairman WALSH. Where do you reside?

Mr. RUSSELL. 2325 North Albany.

Chairman WALSH. Chicago, Ill.?

Mr. RUSSELL. Chicago.

Chairman WALSH. What is your business?

Mr. RUSSELL. Telegrapher.

Chairman WALSH. You were subpœnaed to appear here as a witness this afternoon?

Mr. RUSSELL. Yes, sir.

Chairman WALSH. What company are you working for?

Mr. RUSSELL. Postal.

Chairman WALSH. Are you a member of the Commercial Telegraphers' Union?

Mr. RUSSELL. No, sir.

Chairman WALSH. Have you ever been?

Mr. RUSSELL. Yes, sir.

Chairman WALSH. How long since?

Mr. RUSSELL. June 30, 1914.

Chairman WALSH. Are you employed as a telegrapher by the Postal Telegraph Co. at the present time?

Mr. RUSSELL. I am.

Chairman WALSH. How long have you been employed by the Postal Telegraph Co.?

Mr. RUSSELL. Well, I was discharged—I have been there the last time since last October. Previous from February, 1912, to May, 1914, in Chicago. Was at Birmingham, Ala., six months previous to this.

Chairman WALSH. Are you actually in their employ now?

Mr. RUSSELL. I am.

Chairman WALSH. What are your wages?

Mr. RUSSELL. Eighty-five dollars.

Chairman WALSH. Mr. Reynolds, of the Postal Co., testified here yesterday that there was no dissatisfaction among the Postal telegraphers, no complaint as to wages, hours, or conditions of labor. What have you to say as to this?

Mr. RUSSELL. Quite to the contrary. There is much dissatisfaction.

Chairman WALSH. Growing out of what?

Mr. RUSSELL. Out of conditions; the way men are hounded on the great average, the speeding-up system.

Chairman WALSH. Tell what you mean by the great average.

Mr. RUSSELL. The Postal requires you to do 25 numbers per hour. That is, they expect you to do 25 numbers per hour, regardless of the length, and every hour you do not do that you have to make a statement as to why you don't. If you fail, if it begins to get down below 25, you are cautioned, and subject to dismissal.

Chairman WALSH. What other things, what other complaints, if any, have you?

Mr. RUSSELL. The short relief business.

Chairman WALSH. Just describe what that is.

Mr. RUSSELL. The short relief is to answer the calls of nature. Probably some morning you will go to work at 8 o'clock and work clear through until 4, and would not be out for lunch, and you have no 15 minutes short relief.

Chairman WALSH. Anything else?

Mr. RUSSELL. The hours, especially the extra men.

Chairman WALSH. Just describe that.

Mr. RUSSELL. Requiring you to report for duty early in the morning and sign up to get on record, and stay until 7.30 at night; sometimes get in 10 minutes at a time and be marked off 15 or 20 minutes, and possibly an hour; work 10 minutes again and possibly be marked off for 5, and get on again and get marked off for 5 minutes.

Chairman WALSH. You say you get $85 per month?

Mr. RUSSELL. Yes.

Chairman WALSH. Do you make full time?

Mr. RUSSELL. No.

Chairman WALSH. What are your actual earnings per month?

Mr. RUSSELL. For the last six months they have averaged around $35 to $40.

Chairman WALSH. Mr. Reynolds presented the constitution and by-laws of an organization in your company by which grievances might be presented to the management. Why do you not present your grievances to the management through that form of organization?

Mr. RUSSELL. I do not belong to that. I do not know anything about it. I tried to take up a grievance with Mr. Reynolds when I was discharged over there last May. I wrote him a letter, and I got no acknowledgment at all.

Chairman WALSH. Now, have you any other comment to make upon the conditions of your employment?

Mr. RUSSELL. The working conditions, the way they are put in there, they have what is called the cabinet.

Chairman WALSH. What is that?

Mr. RUSSELL. The cabinet; it is a condensed board—rather it is more like a switch board with the instruments cut in on tables. The men are placed too close together; you have no room to work, and it is discomfort to try to work, crowded up in long rows. It is dangerous also; if there was a fire you would not be able to get out of the room, and it is too hot in the summer time.

Chairman WALSH. To what extent would you say now that the dissatisfaction which you express here exists among the men of the Postal Telegraph service in this city?

Mr. RUSSELL. To a general extent.

Chairman WALSH. To a general extent?

Mr. RUSSELL. I do not believe myself personally that there are two men in the office satisfied with the conditions.

Chairman WALSH. How many men are in the office?

Mr. RUSSELL. Well, that I don't know; there are possibly 300 men.

Chairman WALSH. You think there are 300 men?

Mr. RUSSELL. Yes.

Chairman WALSH. Any questions, gentlemen?

Commissioner AISHTON. You are on the extra list, Mr. Russell?

Mr. RUSSELL. I am; yes, sir.

Chairman WALSH. That is all; you will be excused.

SUPPLEMENTARY STATEMENT.

In regard to the short relief periods, it sometimes happens that a great many employees do get short relief, but it is the time it takes to get one. I can not recall one instance where I have requested a relief and received same within an hour of the time the request was presented, nor do I know of such a case.

W. T. RUSSELL.

TESTIMONY OF MR. S. P. AUBRAY.

Chairman WALSH. What is your name?

Mr. AUBRAY. S. P. Aubray.

Chairman WALSH. And what is your business?

Mr. AUBRAY. Telegrapher.

Chairman WALSH. How long have you followed that business?

Mr. AUBRAY. Fourteen years.

Chairman WALSH. Are you employed as a telegraph operator by the Postal Telegraph Co.?

Mr. AUBRAY. Yes, sir.

Chairman WALSH. How long have you been in the employ of that company?

Mr. AUBRAY. This last time, I have been with the Postal for about eight months.

Chairman WALSH. Are you a married man or single?

Mr. AUBRAY. Single.

Chairman WALSH. Mr. Reynolds, the general manager of the Postal Telegraph Co., testified upon yesterday that there was no dissatisfaction among the Postal telegraphers and no complaints as to wages, hours, or conditions. What do you have to say as to that?

Mr. AUBRAY. Well, I have been dissatisfied practically all my life with the telegraphers' conditions in the telegraph company, and that is the reason I struck in 1907.

There was an operator came around this morning, he was a half minute late, and they laid him off and made him wait until his turn came. He signed the list with the rest of those who were laid off. He lost about three or four hours before he got on again.

The short relief is another thing that I do not think is right. You can not get out at all, up there, hardly any more.

Chairman WALSH. How about lunch relief and meal relief?

Mr. AUBRAY. Well, I have worked up there from 8.30 to 3 and 4 o'clock in the afternoon without getting out at lunch.

Chairman WALSH. Are you a member of the Commercial Telegraphers' Union?

Mr. AUBRAY. No, sir.

Chairman WALSH. Do you belong to any organization within the Postal Telegraph Co.?

Mr. AUBRAY. Yes; there is an association that you are supposed to join when you go to work for the company.

Chairman WALSH. Did you sign up in that; do you belong to that?

Mr. AUBRAY. Yes, sir.

Chairman WALSH. Why has that not been used as a means of presenting any grievances that you may have?

Mr. AUBRAY. I have never seen it used. I don't think it has been.

Chairman WALSH. Do you know of any reason why it is not used?

Mr. AUBRAY. No; I do not. I do not think that there is anybody that has enough nerve to register a kick after they are once discharged or air any matters out.

Chairman WALSH. What is your wage?

Mr. AUBRAY. Eighty dollars.

Chairman WALSH. Eighty dollars a month?

Mr. AUBRAY. Yes, sir.

Chairman WALSH. Do you work full time?

Mr. AUBRAY. No, sir.

Chairman WALSH. How many men are at work in that office where you work?

Mr. AUBRAY. I think about 300 or 400 men.

Chairman WALSH. How many of them get in full time per month?

Mr. AUBRAY. There are 35 or so on the extra list right now. The regular men generally make full time, but some of them don't make full time.

Chairman WALSH. Are you on the extra list?

Mr. AUBRAY. Yes, sir.

Chairman WALSH. What do you earn on the extra list; what are your actual earnings?

Mr. AUBRAY. Sometimes I have been making about $60 a month or lower.

Chairman WALSH. Sixty?

Mr. AUBRAY. You have to wait around there about 12 or 14 hours a day to make that. I waited there.

Chairman WALSH. Have you any other comment to make?

Mr. AUBRAY. None that I can think of at present.

Chairman WALSH. As to the amount of work you do?

Mr. AUBRAY. Yes; regarding the average you are suposed to do; 25 our limit; not less than that in the daytime, and night letters are three times as long as the regular ten-word day messages, and you are required to do as many an hour, I think, as you are of the regular day messages. If you don't

do it you have got to tell them the reason why, etc., and they practically act so a man is up a tree half the time. There is chance to "lay down" and they have the nerve to ask you "why."

Chairman WALSH. Take the rank and file of the men there, of all the employees there, and state whether or not, from your contact with them and your talks with them, the fact is that they are satisfied with the conditions or dissatisfied.

Mr. AUBRAY. I never heard a man say in my life that he was satisfied in the telegraph business.

Chairman WALSH. Does that obtain in your office?

Mr. AUBRAY. What is that?

Chairman WALSH. Does that obtain in the Postal office where you work now?

Mr. AUBRAY. Yes, sir.

Commissioner AISHTON. Who is the officer that you are immediately under in the office here?

Mr. AUBRAY. Mr. Tom Powers, chief operator. There are several under him. There is a chief to each division and there are about five or six divisions.

Commissioner AISHTON. A telegrapher would not ordinarily go to the president of the company with a grievance?

Mr. AUBRAY. No; he would not get that far.

Commissioner AISHTON. He would deal with the chief operator?

Mr. AUBRAY. Lucky to get a chance to talk to him once in a while.

Commissioner AISHTON. As a matter of fact, do the operators talk to him?

Mr. AUBRAY. Yes.

Commissioner AISHTON. You have in your own case, have you?

Mr. AUBRAY. Yes; personally Mr. Powers is a nice fellow, I think.

Commissioner AISHTON. If you have any kick coming about something or other, you don't hesitate to go to him, do you?

Mr. AUBRAY. No; oh, no.

Commissioner AISHTON. He does not hesitate to correct it?

Mr. AUBRAY. I made a wrong statement about going to him. He would be all right to go to, but I have never gone to any of the higher officials.

Commissioner AISHTON. It is not customary to do that, generally?

Mr. AUBRAY. You are not supposed to take anything over their head.

Commissioner AISHTON. Invariably they settle matters on some kind of a fair basis, do they?

Mr. AUBRAY. Well, I have never had any troubles—that is, in regard to being discharged or anything like that—with the Postal.

Commissioner AISHTON. You heard a good deal of the testimony here, at one time or another, about brutal treatment by the chief operators. Is that customary in the office up there?

Mr. AUBRAY. Well, it is by their petty chiefs under him.

Commissioner AISHTON. What?

Mr. AUBRAY. Sarcastic remarks, and so forth.

Commissioner AISHTON. The operators never make the sarcastic remarks—the chief operators?

Mr. AUBRAY. No; well, if they do they are liable to be dismissed.

Commissioner AISHTON. I think that hardly needs comment. How about punctuality? You spoke of a fellow being set back on account of not being on time.

Mr. AUBRAY. He was not on time. He was late a half minute and he got laid off a couple of hours.

Commissioner AISHTON. Three hundred employees, the number you testified to there, if they were late a half a minute that would be 150 minutes, about two hours and a half?

Mr. AUBRAY. If each one was.

Commissioner AISHTON. Two and a half hours?

Mr. AUBRAY. Yes; two and a half hours.

Commissioner AISHTON. If there were not some strict rules about punctuality there would be a great deal of confusion, and interruption of business, and all that kind of thing, wouldn't there?

Mr. AUBRAY. I acknowledge that; but you take a city like Chicago; if you are walking down to work or if you are riding, you can't help it if the street car gets stopped or the bridge opens, can you?

Commissioner AISHTON. But should not provisions be made to get down in time, the same as anybody else?

Mr. AUBRAY. A majority of working people don't make it a rule to get there only just about on time. That is the way I have always done.

Commissioner AISHTON. If they are late they are bound to get it in the neck?

Mr. AUBRAY. Yes.

Commissioner AISHTON. I think that is all.

Chairman WALSH. Well, you were subpœnaed to come here—your superior officer was; the subpœna was left with your chief operator.

Mr. AUBRAY. Well, they didn't give it to me.

Chairman WALSH. You were subpœnaed directly?

Mr. AUBRAY. Mr. Powers called me over and a gentleman up there told me to come up here. He showed me a supbœna and kept it himself.

Chairman WALSH. You are on the extra list, are you, Mr. Aubray?

Mr. AUBRAY. Yes, sir.

Commissioner O'CONNELL. Why don't you belong to the union?

Mr. AUBRAY. Well, it is not very good policy; you couldn't work for the Postal if you did; if you belonged to the union before you went, and if they knew, I don't think you would stay there very long. They wouldn't allow you to work there, I don't think.

Commissioner O'CONNELL. If that condition did not prevail and there was no opposition from the company, would you hold membership in the union?

Mr. AUBRAY. I would if I could; in fact, I know it would protect a person.

Chairman WALSH. That is all. You may be excused.

Mr. Yarrington.

TESTIMONY OF MR. THOMAS L. YARRINGTON.

Chairman WALSH. What is your name?

Mr. YARRINGTON. Thomas L. Yarrington.

Chairman WALSH. Where do you reside?

Mr. YARRINGTON. Chicago at present.

Chairman WALSH. What business are you in?

Mr. YARRINGTON. Telegrapher.

Chairman WALSH. How long have you been a telegrapher?

Mr. YARRINGTON. For four years.

Chairman WALSH. You are employed by what company now?

Mr. YARRINGTON. The Postal.

Chairman WALSH. How long have you been in the employ of that company?

Mr. YARRINGTON. One year in Chicago.

Chairman WALSH. What wages do you receive?

Mr. YARRINGTON. Eighty-five dollars.

Chairman WALSH. Are you on the extra list or regular?

Mr. YARRINGTON. Regular.

Chairman WALSH. Do you get in full time?

Mr. YARRINGTON. Yes; I have been since I have been on the regular.

Chairman WALSH. Mr. Reynolds, the general manager of the Postal, testified here yesterday that there was no dissatisfaction among the Postal telegraphers, and that there was no complaints as to wages and hours or conditions. What do you say as to this?

Mr. YARRINGTON. Why, there is a complaint, I think, among all the employees.

Chairman WALSH. I will ask you, first, whether or not there is satisfaction or dissatisfaction in the rank and file of the employees of Chicago—in the Chicago office of the Postal Telegraph Co.?

Mr. YARRINGTON. Dissatisfaction.

Chairman WALSH. Is that widespread and general or sporadic?

Mr. YARRINGTON. General.

Chairman WALSH. I wish you would proceed and state into the record here what you find to be the causes of that dissatisfaction.

Mr. YARRINGTON. Well, one of the chief things is that at the Western Union they furnish typewriters to the employees, and at the Postal we have to rent our own.

Chairman WALSH. What does it cost you?

Mr. YARRINGTON. Well, it is all according to the make of the typewriter and whether it is new or old. About on an average of $2.50 a month, I should say.

Commissioner O'CONNELL. You rent them from the Postal Co.

Mr. YARRINGTON. No, not directly; no, sir. We can rent them from anybody.

Commissioner O'CONNELL. Does the Postal Co. have machines to rent to the men?

Mr. YARRINGTON. No, sir.

Chairman WALSH. Now, proceed and give what you might say were the causes of dissatisfaction?

Mr. YARRINGTON. Well, I think the main cause of dissatisfaction is that the operators consider themselves underpaid, and that the speeding-up system is, I think, run into the ground.

Chairman WALSH. Just describe what that is; what plan, if any, there is about it?

Mr. YARRINGTON. That is, the Postal, for instance, they require you to handle 25 messages an hour regardless of your ability or your rating or—that is, the money you receive, the salary, or wires worked on. Some of the wires are faster than others, and you can do more on them, and that is one of the injustices, I think.

Chairman WALSH. What do you have to say as to the meal and short-relief time?

Mr. YARRINGTON. Well, they have no regular time for giving you a short relief or lunch relief.

Chairman WALSH. Is there any complaint on the part of the men; does that make it difficult for them or otherwise?

Mr. YARRINGTON. That does in the summer time only. In the wintertime business falls off, and they get their lunch relief, but the short relief is almost unknown in the Postal.

Chairman WALSH. Do your men complain about that?

Mr. YARRINGTON. Yes.

Chairman WALSH. Is it a subject of complaint?

Mr. YARRINGTON. It is always.

Chairman WALSH. You were subpœnaed to appear here and testify this afternoon?

Mr. YARRINGTON. Yes, sir.

Chairman WALSH. Do you know whether or not a subpœna was left with the chief?

Mr. YARRINGTON. They gave it to me.

Chairman WALSH. He gave it to you?

Mr. YARRINGTON. Yes.

Chairman WALSH. Are you a member of any labor organization?

Mr. YARRINGTON. I am not.

Chairman WALSH. Of the Commercial Telegraphers?

Mr. YARRINGTON. No, sir.

Chairman WALSH. Now, attention has been called to the fact that there is some sort of organization within the employees of the Postal Telegraph Co. Are you a member of that?

Mr. YARRINGTON. I am not. I have never been invited to be a member.

Chairman WALSH. Has your attention been called to it in any way?

Mr. YARRINGTON. No, sir.

Chairman WALSH. Would you know how to join?

Mr. YARRINGTON. No, sir.

Chairman WALSH. Do you know who the officers are?

Mr. YARRINGTON. I would not know who to go to.

Chairman WALSH. Did you ever hear of that as a means of presenting a grievance to your employer?

Mr. YARRINGTON. No; I did not.

Chairman WALSH. How are grievances presented to your employers in your company?

Mr. YARRINGTON. If the operators have any grievances they go to the chief operator. That is the official we are under.

Chairman WALSH. These matters that you complain of, the matter of underpay, the matter of improper relief periods and speeding-up process, working conditions, have they been presented to your employer by anyone?

Mr. YARRINGTON. I do not know.

Chairman WALSH. Why do you not complain about it?

Mr. YARRINGTON. Well, I don't know. It is a case of where it seems to me they will make it hard for you all the time if you do make a complaint like that, you know.

Chairman WALSH. Do you know of anybody that has complained? You say it is generally all the men who complain about it. Do you know of any that have complained to the chief operator?

Mr. YARRINGTON. No, sir; I do not. They are more or less afraid to, I think.

Commissioner O'CONNELL. Do the men fear if they would complain about some grievances that it would be charged up against them?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. And they are liable to be discharged or not shown the proper opportunities of advancement?

Mr. YARRINGTON. Yes, sir; I think that if anything ever came up that was serious enough to warrant them that they would hold that against you.

Commissioner O'CONNELL. You say you are not a member of the union?

Mr. YARRINGTON. No, sir.

Commissioner O'CONNELL. Were you ever a member?

Mr. YARRINGTON. No, sir.

Commissioner O'CONNELL. Why not?

Mr. YARRINGTON. Well, neither one of the telegraph companies recognize it, and you can't work for them if you are a member.

Commissioner O'CONNELL. Then you are not a member simply because you would lose your position, that is your idea of it?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. You say you are required to send 25 messages—I think you call it numbers; you mean a message—regardless of the number of words contained therein?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. You don't handle the night lettergrams in the Postal the same as the Western Union?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. You do handle night letters?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. Those usually all run beyond the 10 words?

Mr. YARRINGTON. They are equal to about three day messages.

Commissioner O'CONNELL. Equal to three day messages?

Mr. YARRINGTON. Regular business; yes.

Commissioner O'CONNELL. You would be expected to send 25 of those in an hour?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. Just the same as you are the regular day messages?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. Is that possible?

Mr. YARRINGTON. It is possible if you are on a fast wire and work at topmost speed. If you are not, it is practically impossible to do the same thing.

Commissioner O'CONNELL. Suppose operating the same wire in the evening that you operate in the daytime, and attempt to send 25 of the 10-word on this wire during the day, and in the evening when the lettergrams come on, operating the same wire, how would it be?

Mr. YARRINGTON. It can be done, all right; but it rushes you to do that?

Commissioner O'CONNELL. What general effect have you noticed that this speeding up has had on the physical make-up of the operators there—their mental and nervous condition?

Mr. YARRINGTON. Well, I think it unnerves them to work very long at the business. The faster the work the sooner they get what they call "telegraphers' cramp" in their hand.

Commissioner O'CONNELL. When they get that, that has a sort of rheumatic effect in their fingers?

Mr. YARRINGTON. Yes, sir.

Commissioner O'CONNELL. And prevents their working and moving their fingers?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. And are operators usually troubled with that?

Mr. YARRINGTON. Well, not a great deal. You are liable to get it any time if you are in the business long enough, I think.

Commissioner O'CONNELL. Have you noticed the effect on the female operators, particularly?

Mr. YARRINGTON. No, sir.

Commissioner O'CONNELL. Whether there is a similar effect as it has on the men, more or less?

Mr. YARRINGTON. No; I have not.

Commissioner O'CONNELL. Are there many ladies employed where you are?

Mr. YARRINGTON. Well, there are quite a few.

Commissioner O'CONNELL. As operators?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. Do wages run the same as the men?

Mr. YARRINGTON. Yes; if they can do the work.

Commissioner O'CONNELL. I mean do they get the same amount of pay?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. Do they run eighty, the same as yours, or eighty-five, or whatever it was?

Mr. YARRINGTON. If they can do the work, yes.

Commissioner O'CONNELL. You graduated from this waiting list into the permanent employement there?

Mr. YARRINGTON. Well, I have been here a year in Chicago. I have been here longer than almost anybody on the waiting list.

Commissioner O'CONNELL. This waiting list, the men come around every morning, the same number, or do so many come this morning, and so many the next morning, and so on?

Mr. YARRINGTON. They all show up every morning.

Commissioner O'CONNELL. There are so many, say 25, that come and look for work in the mornings?

Mr. YARRINGTON. Well, about 35 now.

Commissioner O'CONNELL. About 35 now?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. They come every morning about 8 o'clock?

Mr. YARRINGTON. From 8 to 10.

Commissioner O'CONNELL. And stay around from 8 to 10, and then do they go away and come back some time later in the day?

Mr. YARRINGTON. They go away about 12.30, because business falls off in the afternoon, and they show up again at night, maybe 5 to 7.30; they are supposed to wait until 7.30 at night before they are dismissed.

Commissioner O'CONNELL. How many hours do they wait altogether during the day, coming in at 8 and 10 and 12, and so on, around there, five or six hours waiting?

Mr. YARRINGTON. During the wintertime we generally wait from 12 to 15 hours.

Commissioner O'CONNELL. Wait from 12 to 15 hours a day?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. You are liable to get just a half hour's work during that time?

Mr. YARRINGTON. Anywhere from an hour to three or four hours during the day.

Commissioner O'CONNELL. Are there many of the men who are taken on permanently from this waiting list?

Mr. YARRINGTON. No; not since winter is over.

Commissioner O'CONNELL. There are more men who have been on this waiting list every day, day after day, this number of hours, continually, for months?

Mr. YARRINGTON. Yes.

Commissioner O'CONNELL. And earn probably an hour or an hour and a half, or probably two or three hours' wages during that time?

Mr. YARRINGTON. They are doing a little better now. Business is better than it has been all winter.

Commissioner O'CONNELL. Why is it—why do you suppose the men hang around that way for that work? Couldn't they take up some other thing and probably it would be more profitable to them? What is there about the business that they simply come around day in and day out, month in and month out for such small wages?

Mr. YARRINGTON. I don't know. Some of them feel that they could not make as much money in another business as they can in this. When the business is good they can make more money in this business than they can otherwise.

Commissioner O'CONNELL. They apparently think they would not have to work at any other business to make as much as if they only worked two or three hours, is that the idea?

Mr. YARRINGTON. Those are the extra men, and they believe that when business is good they can make pretty good money.

Commissioner O'CONNELL. Are they men usually of families or single men?

Mr. YARRINGTON. They are about divided; some of them are married.

Commissioner O'CONNELL. Are you a married man?

Mr. YARRINGTON. No.

Commissioner O'CONNELL. Do you know how these married men live on that wage there, on this waiting list?

Mr. YARRINGTON. I do not.

Commissioner O'CONNELL. Haven't given that matter any investigation?

Mr. YARRINGTON. No. I know a majority of them had an awful hard time all through the winter; hardly any of them made full time.

Commissioner O'CONNELL. Does the company furnish a place for these men to sit during the day at the office?

Mr. YARRINGTON. A waiting room; it is very small, and I think insanitary.

Commissioner O'CONNELL. Any comforts there at all, any lounging places?

Mr. YARRINGTON. No.

Commissioner O'CONNELL. Do they furnish chairs, easy chairs, or rocking chairs, or benches?

Mr. YARRINGTON. No; furnish just plain wooden chairs.

Commissioner O'CONNELL. Do they furnish ice water in the summer time?

Mr. YARRINGTON. Yes; in the operating room, not the waiting room.

Commissioner AISHTON. This waiting list is really men seeking employment, is it not?

Mr. YARRINGTON. No; they have employment, but it is an emergency list, you know. They are used when the regular men can't handle the business. That is the only time they are called to work, is when there is an overflow of business and extra men are used and day lunch relief, and so forth. Sometimes they are called in for 5 and 10 minutes and then sent back to the waiting room.

Commissioner AISHTON. When the regular job is open, they are selected from this waiting list?

Mr. YARRINGTON. Yes.

Commissioner AISHTON. You worked on the Postal a year here?

Mr. YARRINGTON. In Chicago; yes.

Commissioner AISHTON. In that year did you ever present a grievance, a kick to the chief operator, the officer that represented him?

Mr. YARRINGTON. Why, no; I never have.

Commissioner AISHTON. Did you have any reason to?

Mr. YARRINGTON. Yes; I have had lots of reasons.

Commissioner AISHTON. On account of this speeding up?

Mr. YARRINGTON. And not being able to make but very little time during the winter.

Commissioner AISHTON. That was when you were on the waiting list?

Mr. YARRINGTON. That is when I was on the waiting list.

Commissioner AISHTON. Have you known of any other employees making complaints to your officers during this year?

Mr. YARRINGTON. No, sir; I have not.

Commissioner AISHTON. You have not?

Mr. YARRINGTON. No, sir. The waiting list has a rate of pay and competition; during the winter the only kick that I remember we did make at all was that he should give us more time, I think, and if he would lay off some of the married women employees whose husbands are working as telegraphers in the same office on regular and making full time.

Commissioner AISHTON. Preference was given to the married people in the office?

Mr. YARRINGTON. They have regular positions; yes.

Commissioner AISHTON. Many of these regular positions were men that had been in the office for a good many years, employees that had been in the service of the Postal a good many years?

Mr. YARRINGTON. Yes.

Commissioner AISHTON. Quite a number?

Mr. YARRINGTON. Yes.

Chairman WALSH. That is all. You may be excused.

Mr. Emerson.

TESTIMONY OF CLARENCE E. EMERSON.

Chairman WALSH. What is your name, please?

Mr. EMERSON. Clarence E. Emerson.

Chairman WALSH. What is your business?

Mr. EMERSON. Telegrapher.

Chairman WALSH. With what company are you employed?
Mr. EMERSON. The Postal.
Chairman WALSH. How long have you been with the Postal Telegraph Co.?
Mr. EMERSON. Seven months here.
Chairman WALSH. Are you a member of the Commercial Telegraphers' Union?
Mr. EMERSON. No, sir.
Chairman WALSH. Were you subpœnaed to appear here as a witness to-day?
Mr. EMERSON. Yes.
Chairman WALSH. Was your subpœna left with the chief operator.
Mr. EMERSON. Yes; he gave it to me.
Chairman WALSH. He gave it to you?
Mr. EMERSON. Yes.
Chairman WALSH. Mr. Reynolds, the general manager of the Postal Telegraph Co., testified upon yesterday that there was no dissatisfaction among the Postal Co.'s employees, no complaint as to wages, hours of service, conditions of their work. What have you to say as to that?
Mr. EMERSON. Well, I think the men that were up here before have covered it just about right.
Chairman WALSH. I would like to get personally from you, if you will, first, is there dissatisfaction generally or otherwise in your office?
Mr. EMERSON. Well, there is; yes.
Chairman WALSH. Upon what is the dissatisfaction based, if you know?
Mr. EMERSON. Well, that is small pay and the time that the men were getting in, the way that they have to wait around to get work.
Chairman WALSH. Now, as to relief hours, are they satisfactory or otherwise—relief periods?
Mr. EMERSON. Why, they get them when they get time to give them, when they get around to it; when they get men they give it to them.
Chairman WALSH. Is there complaint that those hours are not sufficient, that those periods are not sufficient?
Mr. EMERSON. Well, you put in a bid for a short relief, and you probably get it in an hour and a half or two hours. For lunch relief——
Chairman WALSH. Is there complaint among the men about that?
Mr. EMERSON. Yes.
Chairman WALSH. You heard the testimony of Mr. Russell here, the first witness, about the way the operators worked—that is, their proximity to each other. What do you have to say as to that?
Mr. EMERSON. Well, they just—it is the same way he stated; it is the night work you do, about two or three hours such work.
Chairman WALSH. I guess you don't understand me. He made some complaint about the operators being crowded and not place enough for them to work in.
Mr. EMERSON. Well, that is in what they call the cabinet. It is a very crowded place to work.
Chairman WALSH. How many operators work in the cabinet?
Mr. EMERSON. Why, I think 50 of them.
Chairman WALSH. Are you on the extra list?
Mr. EMERSON. Yes.
Chairman WALSH. And what is your wage rate per month?
Mr. EMERSON. Eighty dollars.
Chairman WALSH. And how much do you make? What are your actual earnings?
Mr. EMERSON. Well, all this winter I have been making from $30 to $45 a month.
Chairman WALSH. What do you make now?
Mr. EMERSON. Well, I make nearly full time.
Chairman WALSH. Business, apparently, is picking up a good deal lately?
Mr. EMERSON. Yes; it is.
Chairman WALSH. What were you going to say when I interrupted you about the amount of work that was required to be done?
Mr. EMERSON. Well, on the wires in the daytime you are supposed to do 25 an hour, the same as at night, no matter who you work with or what wires you are on.
Chairman WALSH. Is there a complaint on the part of the men in regard to the amount of work they are required to do?

Mr. EMERSON. Well, it is nearly impossible to work some wires with a certain class of operators. These operators out in the small towns you can not rush them, and it is impossible to do 25 an hour and work with them unless you get a very goood run of business.

Chairman WALSH. Is there any complaint on the part of the operators in your office about that?

Mr. EMERSON. Well, they feel dissatisfied, of course. If you do not do 25 an hour, you are called upon to see why you don't do it.

Chairman WALSH. Something has been said about an organization of employees of the Postal Telegraph-Cable Co. Are you a member of that organization?

Mr. EMERSON. No, sir.

Chairman WALSH. Do you know anything about it?

Mr. EMERSON. No, sir; I don't. I have heard about it, though.

Chairman WALSH. Do you know who the officers are of that organization?

Mr. EMERSON. No, sir; I don't.

Chairman WALSH. Have you ever heard of any grievances having been presented through that organization to the employers?

Mr. EMERSON. No, sir; the only thing I ever heard of—I have heard about them paying sick benefits; I have never heard of anybody getting them; I never heard of anybody that has been sick and got benefits.

Chairman WALSH. Have you ever heard it suggested by any man that there was no means of presenting grievances, such as you have mentioned here, to your employers?

Mr. EMERSON. No, sir; I have not.

Chairman WALSH. Have you ever complained about these conditions which you have mentioned? The underpay, the amount of work required, the relief conditions, and those other things?

Mr. EMERSON. I have never complained—only on getting out to lunch or a short relief or something like that; I complained about that.

Chairman WALSH. To whom did you complain?

Mr. EMERSON. The chief in charge of whatever division I was in.

Chairman WALSH. Was proper note taken of your complaint and relief given, or what action was taken?

Mr. EMERSON. Well, if you put up a complaint to them strong enough, they will give it to you if you tell them that you want it.

Chairman WALSH. You mean for that particular time or generally?

Mr. EMERSON. I have always gotten it when I went up to him and told him—explained to him how long I had been waiting and I wanted it. I have sometimes had to wait 10 or 15 minutes.

Chairman WALSH. That is not exactly what I was trying to direct your attention to. Did you ever make complaints of these general conditions which you have spoken of here to any of the chiefs?

Mr. EMERSON. No, sir.

Chairman WALSH. Why not?

Mr. EMERSON. I did not think it would do any good for anybody to do that.

Chairman WALSH. Commissioner Garretson wishes to ask some questions.

Commissioner GARRETSON. Is there a prevailing belief among the men employed there that if they make complaint along those lines of either the conditions under which they work or the rate of pay that they are marked men?

Mr. EMERSON. Well, I think if you went up and told them and made a complaint on the work that they would just take you out of the service; that is all.

Commissioner GARRETSON. Is there any feeling that a man marks himself for the future as to reentering their employment?

Mr. EMERSON. Well, you have to refer back to this company, of course, when you go to work some place else.

Commissioner GARRETSON. Then you do not altogether agree with the idea that there is no dissatisfaction among the employees of the Postal Telegraph Co.?

Mr. EMERSON. Why, there is dissatisfaction.

Commissioner GARRETSON. There is dissatisfaction?

Mr. EMERSON. Yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ashton wishes to ask a few questions.

Commissioner ASHTON. Did you ever work anywhere where there was no dissatisfaction?

Mr. EMERSON. No, sir.

Commissioner AISHTON. Did you ever get a truly satisfactory condition anywhere or in any occupation?

Mr. EMERSON. No; I have not, in the telegraph business.

Commissioner AISHTON. Mr. Emerson, you heard some testimony here to the effect there was 35 men on the waiting list ordinarily?

Mr. EMERSON. Yes, sir.

Commissioner AISHTON. That is about right?

Mr. EMERSON. Yes, sir.

Commissioner AISHTON. And there are about 300 men in the office?

Mr. EMERSON. About that, I should judge.

Commissioner AISHTON. So there is about 10 per cent or a little more—15 per cent—on the waiting list?

Mr. EMERSON. Yes.

Commissioner AISHTON. Most of your service on the waiting list has been in the seven months?

Mr. EMERSON. Yes, sir; since I have been here.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all, thank you, Mr. Emerson; you will be permanently excused.

TESTIMONY OF MR. DUANE F. ROGERS.

Chairman WALSH. State your name, please.

Mr. ROGERS. Duane F. Rogers.

Chairman WALSH. Where do you reside?

Mr. ROGERS. At Chicago.

Chairman WALSH. What is your business?

Mr. ROGERS. Telegraph operator.

Chairman WALSH. By what company are you employed?

Mr. ROGERS. By the Postal Telegraph Co.

Chairman WALSH. Are you a member of the Commercial Telegraphers' Union?

Mr. ROGERS. No, sir.

Chairman WALSH. Are you a member of any labor organization?

Mr. ROGERS. No, sir.

Chairman WALSH. How long have you been working for the Postal Telegraph & Cable Co.?

Mr. ROGERS. Seven months the last time.

Chairman WALSH. Are you on what is called the extra or emergency list?

Mr. ROGERS. I work a split trick, regular extra.

Chairman WALSH. What is your wage?

Mr. ROGERS. I am rated at $80 per month.

Chairman WALSH. Do your actual earnings reach that sum, $80 a month?

Mr. ROGERS. No, sir.

Chairman WALSH. What do you make on a split trick as a regular extra?

Mr. ROGERS. That depends on the time of year.

Chairman WALSH. Well, beginning six months ago and going backward; I believe conditions were not normal during the winter.

Mr. ROGERS. I should say I averaged $50 a month, beginning one month ago and going backward.

Chairman WALSH. How long has that emergency list existed in the Postal Telegraph Co.? You have been there seven months. Have you heard how long it has been in existence?

Mr. ROGERS. It has always been in existence.

Chairman WALSH. For a number of years back?

Mr. ROGERS. Yes; there always has been an extra list; I don't know exactly how many years back.

Chairman WALSH. Mr. Reynolds, the general manager of the company for which you work, testified here yesterday that there was no dissatisfaction among the telegraphers of the Postal Telegraph Co., and no complaint as to wages, hours, or conditions of work. I will ask you first, Mr. Rogers, is it a fact that there is no dissatisfaction in your office?

Mr. ROGERS. No; it is not.

Chairman WALSH. Is there dissatisfaction?

Mr. ROGERS. There is.

Chairman WALSH. Is it general or otherwise?

Mr. ROGERS. It is under cover. [Laughter.]

Chairman WALSH. Whether under cover or not, how is it as to the total number of the men; are there some of them satisfied, and is there a general dissatisfaction or only an occasional kicker; how is that?

Mr. ROGERS. They are practically all dissatisfied, but are afraid to say so. [Laughter.]

Chairman WALSH. Please let us have no audible expression. I wish you would state what the grounds of dissatisfaction seem to be, so far as you have observed it.

Mr. ROGERS. About the only thing I am dissatisfied with personally, is that I am working right up to the limit of my capacity and I do not get the money for it.

Chairman WALSH. Now, then, you are dissatisfied with your pay; how about the other men in the office, are they satisfied or dissatisfied with their pay?

Mr. ROGERS. There may be perhaps one or two that are satisfied, but I doubt if the others are; in fact, I know that they are not satisfied; they are dissatisfied.

Chairman WALSH. You say that there are one or two that are satisfied?

Mr. ROGERS. Yes.

Chairman WALSH. How about the amount of work you are required to do?

Mr. ROGERS. Well, I hardly know how to answer that question. A man is supposed to send what is put in front of him, and if another man is sending to him, he is supposed to take what he sends, if it is 100 an hour; if he don't take them he will be "lifted," as it is called—taken off of the wire—and if he makes a complaint about it he will probably be discharged.

Chairman WALSH. How about your reliefs? Are they satisfactory to you and the balance of the men, your luncheon and short reliefs?

Mr. ROGERS. I have had in the last two weeks about three short reliefs that were authorized; that is, I was told I could leave the office for 15 minutes.

Chairman WALSH. How about your lunch or meal relief?

Mr. ROGERS. A trick that I work, I go on duty at 9 o'clock in the morning and work until 1.30; then I am off until 5.30 and work until 8.45, and of course I don't have any lunch relief, but in the summer time when business becomes very good I will be required to work from 9 until 3.30, or 4, or 4.30 in the afternoon without lunch relief.

Chairman WALSH. Is that a cause of dissatisfaction among the men?

Mr. ROGERS. It is a cause of dissatisfaction, but it does not do any good to complain.

Chairman WALSH. There was mentioned here by Mr. Reynolds about a beneficial organization through which grievances could be presented by the employees. What do you know about that organization?

Mr. ROGERS. I know there is an organization, but I have never heard of grievances being made through it, and I don't think it would be policy to do so. The benefits that are paid, unless one has been in their service for a good many years, are practically nothing; so it don't amount to anything.

Chairman WALSH. Commissioner Aishton wishes to ask some questions.

Commissioner AISHTON. You did not hear the testimony yesterday of Vice President Reynolds, did you?

Mr. ROGERS. No, sir; I did not.

Commissioner AISHTON. He testified that he also was dissatisfied with his pay, so that seems to be a kind of general dissatisfaction that everybody has in all occupations. You need not answer that, Mr. Rogers.

Mr. ROGERS. Before you dismiss me I would like to say that it is 10 to 1 I will be fired to-morrow for testifying here.

Chairman WALSH. You were subpœnaed here, were you not?

Mr. ROGERS. Yes, sir.

Chairman WALSH. A subpœna was served upon you personally?

Mr. ROGERS. No, sir; it was served on the chief operator.

Chairman WALSH. I wish to make this statement to you in view of what you said, that I intended to write a note, although we should not anticipate that. If any of you gentlemen are interfered with in any way in your employment by reason of the service upon you of a subpœna by this commission, or if any of you are retired from the service for any reason within the next few months or during the life of this commission, if you will communicate the same to the secretary of the commission at 643 Transportation Building in this city, Chicago, we will be very much obliged to you.

Mr. ROGERS. What is the gentleman's name?

Chairman WALSH. Lewis K. Brown, secretary of the United States Commission on Industrial Relations, 643 Transportation Building, Chicago, Ill. And I wish you would communicate that to the other four gentlemen who have testified here.

Mr. ROGERS. You will hear from them. I want to state that I will be fired and I will never get another job with the Postal or Western Union Telegraph Cos.

Chairman WALSH. I hope you will not be caused any such thing, and I hope your fears will be unfounded.

Mr. ROGERS. You don't know them like I do.

Chairman WALSH. You will be excused permanently, Mr. Rogers.

The commission will now stand adjourned until to-morrow morning, Thursday, April 15, 1915, at 10 o'clock a. m.

(Whereupon the commission adjourned to Thursday, April 15, 1915, at 10 o'clock a. m., then to meet at the same place.)

CHICAGO, ILL., *Thursday, April 15, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, and Garretson.

Chairman WALSH. Is Mr. Powers present?

Mr. POWERS. Yes, sir.

Chairman WALSH. Mr. Collins has informed you that he was on our program as a witness, but preferred you should take his place as having more definite knowledge on some of the subjects?

Mr. POWERS. Yes, sir.

TESTIMONY OF MR. THOMAS N. POWERS.

Chairman WALSH. Your name?

Mr. POWERS. T. N. Powers; Thomas N. Powers.

Chairman WALSH. What is your business, please?

Mr. POWERS. Manager of the operating department of the Chicago Postal Telegraph & Cable Co.

Chairman WALSH. Postal Telegraph & Cable Co.?

Mr. POWERS. Yes.

Chairman WALSH. How long have you occupied that position?

Mr. POWERS. Five years this April.

Chairman WALSH. What was your business prior to that time?

Mr. POWERS. Wire chief.

Chairman WALSH. How long have you been with the company altogether?

Mr. POWERS. About 18 years.

Chairman WALSH. I take it you were a telegraph operator to begin with?

Mr. POWERS. Prior; yes, sir.

Chairman WALSH. How long since you worked at the business of telegraph operator?

Mr. POWERS. About 12 years.

Chairman WALSH. Will you state in a general way, please, Mr. Powers, what your duties are and the work that is under your jurisdiction?

Mr. POWERS. The operating department handles all the business that is to be relayed in the city of Chicago; that is to say, business that is sent through the operating room from outside offices and from our branch offices in the city. I have charge of the employees in that room, which consists of assistant traffic chiefs, wire chiefs, repeater men, operators, and clerks.

Chairman WALSH. Do you employ and discharge all employees in that office?

Mr. POWERS. Yes, sir.

Chairman WALSH. And are you the person that fixes the conditions of the work and the amount of work to be done, the relief, and such matters?

Mr. POWERS. Yes, sir.

Chairman WALSH. It has been testified to in this hearing—criticisms have been made of working conditions in your office. I wish you would please state what you have to say, first, in regard to the hours of labor and how they are fixed; that is, the question of split tricks.

Mr. POWERS. Yes, sir.

Chairman WALSH. The hours the men come to work and how the extra list is managed, and such matters as that, first.

Mr. POWERS. Well, we have what we call regular day men; they work nine hours. They report from 8 o'clock on; some at 8 o'clock, some at 9 o'clock, some at 10 o'clock, and they work nine hours. They are given a half an hour for lunch and a relief period of 15 minutes, when requested, in the morning and the afternoon. We have again some men who come on prior to 8 o'clock, say 6 to 7 and half past 7, and work eight and one-half hours. They are given a half an hour for lunch and the same privileges as the other men. We also have some men who work eight hours. We have what we call our extra and split-trick men, who work seven and one-half hours.

The split-trick men have regular hours to report during the day and also regular hours to report at night. The split-trick men come on at 9.15 in the morning and go to work on the exchange floor, and as a rule are relieved immediately after the exchange closes, as business permits. There is another force of split-trick men who come on at noon to help make the lunch relief, and they are relieved as soon after the lunches are made as possible. Then, again, they report at 5.30 and 6.30 in the evening, and they are relieved as soon as business will permit in the evening.

Chairman WALSH. Has your attention been called to complaints that it is difficult, and in some cases impossible, for the persons starting during the ordinary lunch hour to get their lunch relief?

Mr. POWERS. At times there has been, during very heavy business, periods when we did not have enough men to furnish lunch reliefs.

Chairman WALSH. When was that that you did not have enough?

Mr. POWERS. Well, I would say that was along in the early part of last August, during the war.

Chairman WALSH. Please state how the extra list, or what might be termed the "emergency" list, is managed—the extra men.

Mr. POWERS. Well, they report, a good deal depending on the time they get through with the evening business. It depends a good deal on when they are called to report.

Chairman WALSH. Is it true that they are required to remain there from 12 to 15 hours a day?

Mr. POWERS. It is not.

Chairman WALSH. Frequently without getting on?

Mr. POWERS. It is not.

Chairman WALSH. What is the length of time?

Mr. POWERS. When they report—right shortly after—say, along in the fall, when business got so bad, prior to the beginning of the European war, we had no extra-list men. All men had regular hours to report; and after the war started, when business got so bad, we had to reduce our force, and rather than lay them off and say that we have no further use for 25 or 30 men, I said, "Well, now, here, if you want to work on the extra list, we will be glad to give you what we can, if you take what we have got; if not, I will have to let you go."

Chairman WALSH. There were some employees subpœnaed here yesterday afternoon, all of whom stated, I believe, that they had been on for periods ranging from one year to six months. I think the oldest one that testified had been on a year, the others six and seven months.

Mr. POWERS. That is about all; some of them not that long.

Chairman WALSH. Some of them not that long?

Mr. POWERS. No, sir.

Chairman WALSH. How many men have you on that extra list that were not working for the company at the time of the war, and are not older men that you simply desired not to detach from the service?

Mr. POWERS. About 25.

Chairman WALSH. Well, how many are there altogether?

Mr. POWERS. About 25; say 25 in all. That is the number of men that are on the list now.

Chairman WALSH. What I was trying to call your attention to, in your statement you said you did not want to turn them out of the service, lay them off from the service, so you put them on this extra list. Now, it appeared here yesterday that these were all new men.

Mr. POWERS. Well, one of them was one who had been discharged. He had been a regular man, but he had been discharged and reinstated. Another one was Mr. Rogers, who was put on at the request of Mr. Reno, of Logan & Bryan; they had to reduce their force in Omaha, and Mr. Rogers—they had no work for him, and I have a letter here from their manager, the manager of

Logan-Bryan, at Omaha, introducing this gentleman to me. Prior to that Mr. Reno negotiated with me and asked if I could not place him.

Chairman WALSH. I think that was the young gentleman that at the close of yesterday's testimony, expressed the idea that perhaps those that were called would be discharged by the company for appearing here. There will be nothing of that kind occur, I take it.

Mr. POWERS. No, sir.

Chairman WALSH. You recognize the fact that this is an ordinary governmental agency for ascertaining these facts?

Mr. POWERS. Yes, sir.

Chairman WALSH. And every man who comes and testifies should be allowed to do so?

Mr. POWERS. Absolutely.

Chairman WALSH. Freely?

Mr. POWERS. Of course that does not prohibit us from compelling him to live up to the rules and regulations of the office.

Chairman WALSH. Certainly not.

Mr. POWERS. But it would——

Chairman WALSH (interrupting). Give him the right to testify to what you claim to be the facts?

Mr. POWERS. Absolutely.

Chairman WALSH. Or the conclusions that he wished to draw from the facts?

Mr. POWERS. Yes.

Chairman WALSH. Without any compulsion upon the part of anyone?

Mr. POWERS. No; we would not. No; as long as he lives up to the rules, lives up to the rules and regulations of the office he will have no trouble with me or with anybody in the office. If he does, I want him to come to me.

Chairman WALSH. Now, what are the maximum and minimum wages paid in your office?

Mr. POWERS. The maximum rate of pay is $95 per month.

Chairman WALSH. And the minimum rate?

Mr. POWERS. $40 a month.

Chairman WALSH. Now, I wish you would state how many received each particular rate; how many received the maximum rate, first. Have you a list there with you?

Mr. POWERS. I have some figures here, but they are rather complicated. I can give you the percentages that received the different rates.

Chairman WALSH. Very well, please do that.

Mr. POWERS. Twelve per cent receive $95; 12 per cent receive $90; 10¼ per cent receive $85; 32 per cent receive $80; or about 66 per cent from $95 to $80 of the total force. There is a total on the roll of 242 operators, about. Ten per cent receive $75; 5½ per cent receive $70; 3½ per cent receive $65; and less than that ranging between $40 and $65, about 15 per cent. That makes a total of 85 between $65 and $95, and about 15 per cent ranging down from $00 to $40.

Commissioner LENNON. Is that the rate, or what the men earn?

Mr. POWERS. That is the rating.

Chairman WALSH. Could you give the earnings of the men at the present time?

Mr. POWERS. I could not give you all of them. I could give you some. I have the records of some of the men who are rated along about $95, what they earn for the different months.

Chairman WALSH. Take all of the ratings, if you can, from your memorandum and see if you can give us an idea of what the actual earnings are.

Mr. POWERS. Do you mean of all of the men?

Chairman WALSH. No; but all of the ratings that you have; for instance, the man that gets $95, give him his actual earnings at the present time; and the man who gets $90, what his actual earnings are, and so on down.

Mr. POWERS. That would take some little figuring to do that.

Chairman WALSH. What have you there?

Mr. POWERS. The individual records of the men. For instance, here is C. W. Foster, now getting $95, and during the year 1914—this is from July, during 1914—and this shows the semimonthly earnings, and it shows that he made for the first half of January, 1914, $56.74, for the second half $69.42, making a total of $185 for the month, and during that month he was absent two days. And he made for the month of February, 1914, for the first half $62.61, and for the second half $53.80, a total of $115 and absent two days. February was a

short month, with 24 working days. For March, the first period, he made $61.96, and for the last period $81.14, or about $143, and was absent three days. In April, 1914, for the first period he made $61.28, and for the second period $62.39, or a total of about $123, and was absent at no time. In May, 1914, for the first period he made $66.10, for the second period $3.17, but he was absent 12 days in the second period, probably on vacation or leave of absence. For June, first period, he made $76.43, and second period $76.11, or about $153, and was not absent any days; and so on down for the balance of the year for that man.

We have others. There is an operator at $90. For the first period of January, first half, he made $48.39; and by the way, this is a woman, a female operator; for the second period $55.02, and she was absent one day; she earned a total of about $103 for that month. The first period of February $50.26, second period $51.96, or about $101, and was absent one day. For the first period of March she made $48.55, for the second period $60.16, or about $108, and was absent two days. For March, during the first period, $56.42, second period $51.45, or about $107, and absent at no time. In May during the first period she made $49.88, second period $2.25, and was absent 12 days, probably on vacation or leave of absence. For June, first half, $49.56, second half $56.99, or about $106, and was absent one day. Do you care to hear any more?

Chairman WALSH. Anything you have to submit, we would like to hear.

Mr. POWERS. I have here a young man who entered our service as an operator in April, 1914, at $40 a month and the rate gradually was increased so that February 1, 1915, he was getting $50. This young man earned for the first period of January $18.50, and for the second period $13.50, or about $31, and was absent four days. For the first period of February he made $12.80, and for the second period $16.90, and was absent two days. For the first period of March he made $15.00, and for the second period $22.68, and was absent one day. For the first period of April he made $20.92, and the second period $19.20, and was absent at no time. For the first period of May $18.44; and for the second period, $16.74, and was absent two days. For the first period of June, and the second period $31.50; absent one day. For the first period of this year, 1915, he was rated at $40, he earned $26.06 for the first period and $24.82 cents for the second period, a total of $50—about $51. That $10 over his rate was due to bonus and probably overtime.

Chairman WALSH. Have you given us the highest, the very highest and the very lowest?

Mr. POWERS. Yes; $40 and $95.

Chairman WALSH. The $40, would you say that was the lowest earnings?

Mr. POWERS. Yes, sir; they are considered that, about, if he worked all the time; if he was absent he could not earn the $40.

Chairman WALSH. How about the persons upon the extra list; what are their earnings?

Mr. POWERS. Some of the men who were here yesterday, I can give it as to them.

Chairman WALSH. Yes; please do so.

Mr. POWERS. Yarrington, for instance, he went to work along about in May, 1914, entered our service. First period he made $47.18; no, that was the last period; he went to work in the middle of the month; $47.18. The first period of June he made $35.73, and second period $32.70, a total of about $37. At that time he was rated at $70 a month. In the first period of July he earned $45.47, in the second period $12.38, but he was absent 10 days. In the first period of August he made $51.60, and the second period does not appear; he was evidently absent; he received no voucher, meaning pay check. The first period of September he made $28.26, and for the second period $26.44, and he was absent five days.

Commissioner ASHTON. He was on the waiting list all this time?

Mr. POWERS. Yes, sir.

Commissioner GARRETSON. Were those periods of absence of his own accord?

Mr. POWERS. Yes, sir; a man is not marked "absent" unless he fails to report. If a man reports at 6 o'clock and signs up for duty, any time after that he wishes to be excused he can be and is not marked absent, but is excused and it does not stand against his record. So if he was excused he would not be marked absent. The first period of October $10.98, second period $5.98, and was absent 10 days in the month. In November, first period, $22.19, second period $15.52, and he was absent two days. Just about that time my attention was called to him as being irregular and not caring whether he worked or not,

He would go up in the restaurant room and remain there and not show up, and finally I said to him, "If you don't care to work, why don't you get out and let some one else get the place?" And after that he took a brace. For the first period of December he made $31.22, second period $36.17, and he was absent seven days. The first period of January he does not appear, and the clerk has noted, "Received no voucher." I recall in regard to this man that he was overdrawn; that is, he had eaten in the restaurant more than he earned.

Chairman WALSH. Who is that?

Mr. POWERS. Yarrington; and the company or association which the boys of the company belong to carried his deficit. For the second period of January he made $28.35. February, first period, $36.26, and the second period of February $32.68; he was not absent at any time since. He was only absent one day from the last period of January to the present time; prior to that, he was very irregular.

Chairman WALSH. Have you anything else to submit on the wage matter, Mr. Powers?

Mr. POWERS. I don't know as I have, unless you could recall something.

Chairman WALSH. Some of the other commissioners may ask you some questions later. About the question of luncheon reliefs, how general would you say it was that persons did not get their luncheon reliefs at the ordinary time, say, in busy times?

Mr. POWERS. Oh, it would be hard to say; it would be hard to state. A good deal depends upon the regularity of the men who make the relief showing up. For instance, if we have a congestion the day before and we had to hold our night men and split-trick men late in the evening to clean up the day's file, perhaps they would not show up as early the next day, and consequently we would not have as many men to make the reliefs; or if the board of trade had a flurry and called for men we would have to send them over there.

Chairman WALSH. This seemed to be the basis of complaint on the part of the employees.

Mr. POWERS. I want to explain that. If at any time a man wants his lunch, his relief for that, and he can not wait, we send some one up and get him a lunch, and let him eat it at the table. We do not like to do that, but we do it.

Chairman WALSH. Who does not like to do it?

Mr. POWERS. The company.

Chairman WALSH. Do the men like to do it?

Mr. POWERS. They are not particularly fond of it, and as to the luncheon——

Chairman WALSH. As to the luncheon relief, would that happen every month or week or day?

Mr. POWERS. No.

Chairman WALSH. How often would it happen?

Mr. POWERS. As I say, it would be hard to say; it might happen once or twice or three times a week.

Chairman WALSH. And how many men would be involved?

Mr. POWERS. From 8 to 10; possibly more than that.

Chairman WALSH. Did they complain about that to you?

Mr. POWERS. Some of them did.

Chairman WALSH. What action was taken or explanation made?

Mr. POWERS. We made the explanation that we could not very well relieve them without jeopardizing the business, but if they had to go, we would close up the wire and let them go, and, in some cases, we did.

Chairman WALSH. In how many cases did you close up the wire?

Mr. POWERS. Perhaps half a dozen times at different periods.

Chairman WALSH. Lately?

Mr. POWERS. No; we have not had to do that lately. There has been no time since, I might say, last August that we have been unable to provide lunch, or what we call short reliefs, for anybody.

Chairman WALSH. Now, with reference to what are called short reliefs, there have been statements made here that there is a great deal of inconvenience caused by a failure to extend the time.

Mr. POWERS. It has not been brought to my attention. I have in days gone by, during the busy season when we could not make the reliefs promptly, had complaints made to me, and I have told them, "You have my permission, if at any time you have requested that relief be given, that you wait a reasonable time—not what we consider a reasonable time, but what you consider a reasonable time—and then you have my permission to get up and take the relief; and all I ask of you is that when you pass out you tell the man in the division where

you are going, and if he says anything about it tell me, and it won't happen again."

Chairman WALSH. When was that?

Mr. POWERS. Any time a complaint was made to me—last summer during the war period, when we were so busy.

Chairman WALSH. Do you know of the existence of the black list in your company?

Mr. POWERS. No.

Chairman WALSH. Do you exchange reference lists with other companies?

Mr. POWERS. I do, sometimes.

Chairman WALSH. Would a telegrapher known to you to be a member of a labor organization be given employment in your office?

Mr. POWERS. A labor organization?

Chairman WALSH. Commercial Telegraphers' Union?

Mr. POWERS. He would not.

Chairman WALSH. Would a member of the union be discharged if his membership became known?

Mr. POWERS. Not if his membership became known, he would not.

Chairman WALSH. Suppose you should ascertain that a man was a member, had a card in the Commercial Telegraphers' Union, would he be retained, or would he be discharged?

Mr. POWERS. He would not be discharged as long as he behaved himself. In fact, I know of one or two up there now who have got cards. They are behaving themselves and doing their work, and it don't concern me, as long as they don't bring that into the office.

Chairman WALSH. Has there been any practice with your company of discharging men and substituting women operators in their places?

Mr. POWERS. No, sir.

Chairman WALSH. That has not occurred in the Chicago office?

Mr. POWERS. No, sir.

Chairman WALSH. Do the women receive the same wages as the men?

Mr. POWERS. If they work the same circuit they do.

Chairman WALSH. Have you women who work the same circuits and receive the same pay as the men?

Mr. POWERS. Yes, sir.

Chairman WALSH. How many?

Mr. POWERS. Oh, probably 8 or 10.

Chairman WALSH. What is the pay of the women and the men?

Mr. POWERS. $90; that is the regular rate for the circuit. Now, it may so happen that a man who is getting $95 might be put on there for a day or two, and we could not adjust our pay roll to make an arrangement with him for just a day or so; it would mean a whole lot of clerical work.

Chairman WALSH. Is there any method in your department by which grievances of the men as a whole can be presented to you or more than one man at a time can present it?

Mr. POWERS. The association—the employees' association—if they want to, or they can come individually to me.

Chairman WALSH. The employees' association. How many men in your office belong to that?

Mr. POWERS. Why, I could not say offhand just how many.

Chairman WALSH. Have they ever presented collectively any grievance to you?

Mr. POWERS. Not in the way of a grievance, no. They have made requests.

Chairman WALSH. As a body belonging to that organization?

Mr. POWERS. Yes, sir.

Chairman WALSH. When did they make their last request?

Mr. POWERS. About a year or so ago. They came and asked for an additional holiday.

Chairman WALSH. Was it taken up by the company?

Mr. POWERS. It was.

Chairman WALSH. Was it granted?

Mr. POWERS. No.

Chairman WALSH. That was about a year ago?

Mr. POWERS. That was about a year ago.

Chairman WALSH. Have they taken any other collective action or any other request or grievances?

Mr. POWERS. Not that I know of.

Chairman WALSH. Have they ever presented a grievance?

Mr. POWERS. No; not that I know of.

Chairman WALSH. Who are the officers of the organization?

Mr. POWERS. Why, I couldn't just say that. I believe they have had an election recently, and I couldn't say who they are right now, but the past officers——

Chairman WALSH. Does it provide for the payment of sick benefits?

Mr. POWERS. Yes, sir.

Chairman WALSH. Have any sick benefits been paid?

Mr. POWERS. Yes, sir.

Chairman WALSH. There was a statement made to the contrary. I wish you would just please state briefly how it is operated and to what extent the payments have been paid and the amounts of them.

Mr. POWERS. Well, it is a graduated scale by the number of years in service. After a man has been in service a certain number of years, I do not recall just what the percentage is, he is given a certain percentage of his salary when he is absent and he reports sick. At the expiration of a week he furnishes a doctor's certificate and one or two of the members have visited him, and he is written up for benefits and is given them.

Chairman WALSH. How many have you that you are paying now?

Mr. POWERS. I believe I have only got about two or three now.

Chairman WALSH. How many would you say have been paid sick benefits during the past year?

Mr. POWERS. Well, I couldn't say that offhand.

Chairman WALSH. Could you approximate it?

Mr. POWERS. No; I could not.

Chairman WALSH. Will you please submit to us a list showing how many are paid sick benefits during the past year in the organization?

Mr. POWERS. Yes.

(List referred to and submitted by witness appears among exhibits at the end of this subject as "Powers Exhibit.")

Commissioner GARRETSON. Is not the waiting list as old an institution as the organization of the pension service?

Mr. POWERS. No; I don't believe it is. I think it was started in 1893, right shortly after the World's Fair.

Commissioner GARRETSON. Well, if it existed in your organization from 1903 down, what is the basis of the statement that it did not exist until since the war?

Mr. POWERS. I am not saying it existed in our company; I was not with our company at that time and am not in a position to know, but I believe there was not any extra list in Chicago at any time prior to the World's Fair. I think right after the World's Fair business was so bad that they were both then adopted.

Commissioner GARRETSON. You testified a few moments ago that it didn't exist until since the war?

Mr. POWERS. I want to correct that in just this way. I think that along about 1911 or 1912 I abolished it in the Chicago office. I wouldn't be positive just when.

Commissioner GARRETSON. Then there was an interim when it did not exist?

Mr. POWERS. Yes.

Commissioner GARRETSON. How did you meet your peak load without a waiting list?

Mr. POWERS. By regulating the hours to meet the load.

Commissioner GARRETSON. Then you used your regular force switching back and forward instead of utilizing the waiting list?

Mr. POWERS. Yes, sir.

Commissioner GARRETSON. And it bears exactly the same relation—have you ever worked a railroad wire?

Mr. POWERS. Oh, no; not much.

Commissioner GARRETSON. Then you wouldn't catch the simile. Has not the evils of the waiting list been the subject of investigation and debate in Congress?

Mr. POWERS. Not that I know of.

Commissioner GARRETSON. As far back as 1908?

Mr. POWERS. Not that I know of. We can abolish the waiting list at any time right now. I can abolish it if I wanted to throw these 25 men out on the street. I can abolish it, as it is no benefit to us.

Commissioner GARRETSON. Whether you can abolish it or not was not the question. It was only a question as to its existence.

Mr. POWERS. I am merely telling you what we can do.

Commissioner GARRETSON. You spoke of the man who had exhausted his credit at a restaurant and created a deficit. Does the company run the restaurant?

Mr. POWERS. No, sir; the association, it is a mutual-benefit association.

Commissioner GARRETSON. They assume an obligation for a man?

Mr. POWERS. Yes, sir; they have to. There isn't any chance to get out of it. They have given him the meals and they can't get the money. What else are they going to do?

Commissioner GARRETSON. These men were all members of that association, were they?

Mr. POWERS. No. That is the trouble; they are not. They are getting the benefits, but they are not members. Then they come up here and tell you how they have been abused.

Commissioner GARRETSON. On what basis does the association assume the obligation for those who are not its members?

Mr. POWERS. Just merely——

Commissioner GARRETSON. Extending credit?

Mr. POWERS. Extending credit.

Commissioner GARRETSON. Just as any other tradesman does?

Mr. POWERS. Yes; that is it.

Commissioner GARRETSON. Only if the company has money due to the man the company protects the account, does it?

Mr. POWERS. Yes, sir.

Commissioner GARRETSON. There is no payment deducted from the men for this restaurant?

Mr. POWERS. Only what they eat; what they sign up for. You see—let me explain that just a moment.

Commissioner GARRETSON. Yes.

Mr. POWERS. A man wants to get credit in the restaurant, and he goes up and signs what they call a due bill or ticket on his salary for $1, and he is given a coupon book which entitles him to $1 worth of food in the restaurant. The restaurant turns that in to the cashier of the company, who deducts that from their salary, from the wages earned. Now, if the man has eaten $15 worth and he has only earned $10, the restaurant is out $5; don't assume anything.

Commissioner GARRETSON. The company doesn't guarantee only to the extent of his earnings.

Mr. POWERS. That is it.

Commissioner GARRETSON. That is all.

Chairman WALSH. Did you have some questions, Commissioner Aishton?

Commissioner AISHTON. Do men come to you with their requests and grievances, Mr. Powers?

Mr. POWERS. Yes, sir.

Commissioner AISHTON. Do you have a good many operators in your department that have been in the service a great many years?

Mr. POWERS. Yes, sir.

Commissioner AISHTON. The waiting list contains the newcomers, does it not; they are the newcomers?

Mr. POWERS. Yes, sir.

Commissioner AISHTON. And the men who are looking for a steady job?

Mr. POWERS. Yes, sir.

Commissioner AISHTON. Suppose a man gets into some trouble with some subchief in your office; gets suspended or possibly dismissed.

Mr. POWERS. He could not be——

Commissioner AISHTON. Without your knowledge?

Mr. POWERS. Without my knowledge. I have issued instructions that when a man, a subchief, can not use a man to send him to me with the complaint, and if I think it is warranted, if it warrants dismissal, I will dismiss him.

Commissioner AISHTON. As to the subchiefs, if these apply discipline, or do something distasteful to the men, they have a right to come to you?

Mr. POWERS. All the time.

Commissioner AISHTON. Do they come to you?

Mr. POWERS. At times they do; yes, sir.

Commissioner AISHTON. Frequently?

Mr. Powers. Well, I wouldn't say frequently; no. I don't believe I have had half a dozen men in the last month complain.

Commissioner Ashton. Those men have a chance to come to you, and you have heard their story?

Mr. Powers. Absolutely. They know it. Every man in the office knows it. When he is mistreated by anybody he has the prerogative to come to me, and I have reversed lots of times the decisions of subchiefs for the benefit of the men.

Commissioner Ashton. That is all, Mr. Chairman.

Commissioner Garretson. What is it that is known as the bank?

Mr. Powers. That is the association, the mutual-investment association.

Commissioner Garretson. That is the phrase that the men use in the parlance?

Mr. Powers. Yes; they call it that. We did at one time have what we call the Postal Telegraph Employees' Bank, but we dissolved that and later reorganized the mutual-benefit association.

Commissioner Garretson. Who are the officers of that organization?

Mr. Powers. They are what we call the finance committee of five.

Commissioner Garretson. Who are they?

Mr. Powers. They are——

Commissioner Garretson. Operators in the office or minor officials?

Mr. Powers. They are—I will give you the names if you wish.

Commissioner Garretson. The names won't tell us anything unless you give us the rank.

Mr. Powers. I will tell you, and their title also. E. W. Collins, general superintendent; Mr. C. A. Comstock, superintendent of the Wisconsin Division; Mr. Nering, manager of the Chicago office; myself; W. J. O'Brien, who was formerly an operator; he is treasurer; makes the disbursements, and his work with the association was so great he had to give up telegraphing to take care of the work of the association.

Commissioner Garretson. Is this institution—this restaurant—do the profits of that restaurant go to the people; is it conducted by individuals, or by the association, or how?

Mr. Powers. By the association as a whole.

Commissioner Garretson. It has absolutely no personal connection?

Mr. Powers. No, sir. I will tell you what profit they made last year—$214. It was not very much.

Commissioner Garretson. You wouldn't get rich off of that?

Mr. Powers. No. The operators will tell you what the association has done for them. You do not need to ask them; you can ask Dr. Herdliski, of the "Parting of the ways," Clark and Twenty-second Street; ask Judge Uhlir, of the court of domestic relations.

Commissioner Garretson. Another officer of the company?

Mr. Powers. You can ask Senator Burton (?), of the Neall Institute, what I have done for some of the men.

Commissioner Garretson. Another officer of the organization, of the company, the other day stated that there was absolutely no dissatisfaction in his offices, no industrial unrest existing, and challenged us to bring men in to see what they would tell. We brought the men in, and their testimony did not altogether concur with that of the vice president of the company.

Mr. Powers. The men didn't tell the truth.

Commissioner Garretson. Oh?

Mr. Powers. There ain't one of those men that ever came to me with a grievance.

Commissioner Garretson. Is the man less truthful as an operator than he is as an official?

Mr. Powers. Not always.

Commissioner Garretson. That is all.

Commissioner Ashton. You think a man looking for a job, as these men were, being on the waiting list, would be in a position to really have the knowledge of what the feeling was in that office?

Mr. Powers. No.

Commissioner Ashton. That is all.

Chairman Walsh. I will just say this, because I want to get your comment on it: These men stated that there was dissatisfaction in the office, due to wages; that they are not satisfied with the compensation; not satisfied with

the way the relief hours were managed. One of them said, due to the fact they were too crowded in what was called the cabinet and due to the fact that the underchiefs were arbitrary in their language, perhaps sarcastic, and so on. Another one said that they were charged rents in your office for the machines and were not in other telegraph offices. They testified that this dissatisfaction was widespread among the employees. One of them said that they were all dissatisfied, except perhaps one or two, and that they did not present grievances because they were afraid if they did they would be discharged. Now, just give us your comment on that.

Mr. POWERS. Well, now, with regard to the cabinet, that is an arrangement we made for two or three reasons; principally that we were getting kind of crowded for space, bringing in a number of wires. We took a lease on the building for 25 years, and after we were there 8 or 9 years we found we did not have room enough. There was really not room enough for us. And this concentration idea was to bring in the small offices that took up the space of a man, about 2½ by 2½ feet wide, and have probably 15 or 20 messages a day. We made arrangement by putting them in the cabinet, putting a signal arrangement on it, so that the outside office would not have to call any length of time to get in touch with the main office by a light signal. That arrangement was not installed one-half an hour until I had a visit from one of the building inspectors from the city of Chicago. He told me that he had been told that the men were being put in a place which was a regular fire trap. I said: "Here is the place; inspect it." He says: "I want to see the aisle you have got for the fire escape; where your fire escapes are." I showed him. The aisles are 4 foot. I said: "What does the law require?" He said: "Three feet." Now, you see, we are pretty near a foot and a half over and above the law.

Chairman WALSH. The complaint was that they were so close that it made it uncomfortable.

Mr. POWERS. In fact, we gave them more room; in the old arrangement the space was so close where you hung up the messages passing down the aisle they had to reach over the operator. We put the aisle in the middle, where the clerk does not touch the operator as he goes down the middle aisle. We had 56 sitting in a space that we now have only 47. That shows they are not crowded.

In regard to any of the chiefs talking to them, all they have got to do if anybody says or does anything to them they can come to me; not only one, but every man in the office.

Chairman WALSH. Your statement would be that they are simply mistaken in their conclusions?

Mr. POWERS. They must be. I would like——

Chairman WALSH (interrupting). But the fact that they have existed, you probably give the men credit for speaking truthfully, would you not; that is, don't simply say it is not so, whether right or wrong. If a man says he is dissatisfied for that reason, you would naturally assume that he was dissatisfied, would you not?

Mr. POWERS. Oh, yes, if he said so; but not knowing, how could I say there was or how could anybody else?

Chairman WALSH. Is the idea that if he complained to you that he would be discharged merely an unfounded theory?

Mr. POWERS. Absolutely. They have complained to me, and they were not discharged.

Commissioner O'CONNELL. How about renting typewriters?

Mr. POWERS. Every man furnishes his own typewriter in every office on our system.

Commissioner O'CONNELL. Why is that different from the Western Union policy?

Mr. POWERS. That is just a matter of a ruling of our company; something I can't answer altogether.

Commissioner O'CONNELL. What does it cost the men?

Mr. POWERS. Well, it ranges all the way from—I guess they have, where a man rents a typewriter out and out for himself—probably $2.50 a month.

Commissioner O'CONNELL. Does the company rent them to operators?

Mr. POWERS. No.

Commissioner O'CONNELL. Isn't the typewriter now considered a part of the machinery in the operating business?

Mr. POWERS. No; we don't consider it so.

Commissioner O'CONNELL. You employ operators—would you employ an operator who would not rent a typewriter?

Mr. POWERS. No.

Commissioner O'CONNELL. And it must be considered a part of the business, must it not; part of the machinery?

Mr. POWERS. Not a part of our machinery; no. We furnish the machines, the telegraph instruments for the work.

Commissioner O'CONNELL. The operator is not required to furnish any other tools of any other kind?

Mr. POWERS. No.

Commissioner O'CONNELL. Simply the company, in the evolution of the business, are finding the typewriter more convenient and successful in conducting the telegraph business, insists that they should have typewriters?

Mr. POWERS. I think so; yes, sir.

Commissioner O'CONNELL. And the printer who operates the linotype on somewhat similar plan the typewriter is operated; suppose the newspaper people required the compositors to furnish their own machines when they came into existence?

Mr. POWERS. I suppose they would still be furnishing them.

Commissioner O'CONNELL. The printers would?

Mr. POWERS. Yes.

Commissioner O'CONNELL. Pretty wealthy printers.

Mr. POWERS. I imagine they would be.

Commissioner O'CONNELL. That is all.

Commissioner AISHTON. Under this restaurant plan, I would like to ask how the prices charged in the restaurant compare with the ordinary restaurant of like nature in town?

Mr. POWERS. They are very much reduced; that is, when we took charge of it I suggested to Mr. O'Brien that if it was operated by a private individual running it—at that time he was serving butterine for butter—I suggested that we put butter on and get the better grade of meat, and everything of that sort. You can get a meal there for 25 cents which includes meat, a potato, vegetables, a salad on the side, a cup of coffee or a glass of milk. I do not know where you can do any better in a first-class place in town.

Chairman WALSH. That is all, unless you have some statement about which you have not been interrogated that you desire to volunteer.

Mr. POWERS. I do not know, but I understand something was said here yesterday that the men were compelled to handle 25 messages an hour.

Chairman WALSH. Yes; I overlooked that. Just state what they are required to do.

Mr. POWERS. If they did not do that; if they were called on the carpet; if I was to call on the carpet, as the saying is, every man that did not handle 25 messages an hour, I would not have anything else to do.

Chairman WALSH. That statement is not a fact?

Mr. POWERS. That statement is not a fact. I say to this man, if a man says what is the limit, I say there is no limit. "What do we pay you?" It may be 35 or 40 cents an hour. I say the limit is an honest hour's work, and if you handle 50 and handle them right, all right; if a man only handles 5 and handles them right, I want him to tell me why he can not handle any more. If his excuse is reasonable there wouldn't be anything more said or done.

Chairman WALSH. That is all; you may be excused.

TESTIMONY OF MR. PERCY THOMAS.

Chairman WALSH. What is your name, please?

Mr. THOMAS. Percy Thomas.

Chairman WALSH. What is your business?

Mr. THOMAS. I am a news man at the present time.

Chairman WALSH. What is your present occupation?

Mr. THOMAS. News man.

Chairman WALSH. With what company?

Mr. THOMAS. International News Service.

Chairman WALSH. In what capacity?

Mr. THOMAS. As manager of its Washington bureau.

Chairman WALSH. Have you ever been a telegrapher?

Mr. THOMAS. Yes, sir.

Chairman WALSH. Covering what period of time, please?

Mr. THOMAS. From about 1880 to 1899.

Chairman WALSH. How long have you been engaged in your present business?

Mr. THOMAS. About 16 years.

Chairman WALSH. Are you familiar with the telegraph situation as it affects telegraphers; are you in touch with it?

Mr. THOMAS. I think I am pretty well in touch with it.

Chairman WALSH. Had you any connection with the strike in 1907?

Mr. THOMAS. I was deputy national president.

Chairman WALSH. Of what?

Mr. THOMAS. Of the Commercial Telegraphers' Union of America.

Chairman WALSH. I wish you would please give us what information you have upon that subject as concisely as you can, Mr. Thomas.

Mr. THOMAS. The particular point I would make in regard to the strike is that I consider that the Western Union Co. was entirely responsible for it. From the information I had before the strike took place, there were many agents, sometimes called spotters, in our midst throughout the East. Some of them were good speakers and were ardent in their demands for a strike. Immediately the strike took place, almost within 24 hours, some of them counseled moderation and went amongst our men in New York, where we probably had 2,300 or 2,400 men and women on strike, and exhibited rolls of money and told them that they could earn a great deal by returning to work. That was one of the things we had to contend against. I had it on reliable authority—whether a statement of this kind will be accepted by the commission, I don't know—but prior to the strike Col. Robert C. Clowry, then president of the Western Union Telegraph Co., is reported to have declared that he would be glad if the men would go on strike throughout the country, for it would be beaten, he said, and beaten sooner than the strike was in 1883. I understand that he said the strike could not possibly last longer than two weeks. At the end of two months; when after a great deal of effort had been made by the companies and particularly the Western Union Co. to break down the union, we succeeded in making it last a month longer.

Chairman WALSH. Did you know anything about the details of the agreement that was made in New York, as you have heard testified to here by Mr. Konenkamp and the officials of the Western Union and the violations of the agreement that they claim in San Francisco on the following day, and the extension of the trouble to other places at a later date?

Mr. THOMAS. I know of it in a general way, that part of it was handled in the West.

Chairman WALSH. Is there some remedy you would suggest for what you consider to be the evils from which the telegraphers suffer in their work?

Mr. THOMAS. There is only one remedy, and that is nationalization of the telegraph. No one will admit that the telegraph companies are benevolent. Their objection to the nationalization of the telegraph is wholly a selfish one. The articles they issue are for the purpose of assuring the continuance of their profits. I hold, and I would like to emphasize this, that the nationalization of the telegraph means the employment of more telegraphers, probably inside of five years, five or six or seven thousand more than are at the present time employed. It undoubtedly means a great increase in the number of compositors, the establishment of more newspapers and other publications throughout the country. It means everything that makes for the progress of our country. It means for the telegraph employees as well as other employees that there would be grievance committees in each office, and the abuses which now prevail would be impossible under the nationalization of the telegraph.

Chairman WALSH. You heard the objections that were urged here by Mr. Reynolds, I believe, that it would mean a very much increased taxation in the first place, and it could not be operated or would not be operated as well under private management, and that there would be an increased cost to the ultimate consumer. There may have been some other things charged by Mr. Reynolds in his testimony. Did you hear Mr. Reynolds testify?

Mr. THOMAS. No; I was not here; but Mr. Reynolds's interest in the matter is entirely selfish; I want to emphasize the fact that my interest in the matter is entirely unselfish. I have no desire to work for the Government in case that nationalization of the telegraphers comes about. My desire to see the public own the telegraph comes as the result of 35 years' experience in the telegraph business. I would like to add that I am sure that the messenger boys are employed in avenues where they should not be employed. When I was a boy 10 years of age I was compelled, if I wanted employment, to carry

telegrams to disreputable houses, gambling houses, to opium joints, or to any other place that the company elected to send me; also to run errands to any place as client or customer wished to send me. That was the case not only with me but with other boys, and information comes to me to the effect that these practices still exist.

Chairman WALSH. Did you want to ask any questions, Mr. Aishton?

Commissioner AISHTON. Just one. Mr. Thomas, the principal tangible result outlined, which you emphasized with considerable force, would be nationalization of the telegraph, and that would result in the immediate employment, as you say, of thousands of telegraphers?

Mr. THOMAS. I have said it would result in the course of five years in the employment of about 5,000 more telegraphers.

Commissioner AISHTON. That is all.

Mr. THOMAS. May I look over a note handed me?

CHAIRMAN WALSH. Yes; and if there is any statement you wish to make that you have not been inquired about, and desire to make, you may do so.

Mr. THOMAS. I want to say that I am very much opposed to the teaching of telegraphy to convicts. I do not think it is fair to hold up any particular business to be exploited by those who, unfortunately for themselves and society, are sent to prison. I think they ought to be kept in the background.

I desire, Mr. Chairman, in that connection, to read a news item, of which I have two copies. Both practically are the same:

"CONVICTS TO LEARN TELEGRAPHER'S ART.

"A class of 60 convicts will learn telegraphy at Sing Sing. One set of instruments was received by Warden Osborne (Thomas Mott) from the Western Union Co. to-day. That company will help convicts secure positions if they are deserving."

I sent the following message to Mr. Osborne:

CHICAGO, *April 14, 1915.*

HON. THOMAS MOTT OSBORNE,
Warden, Ossining, N. Y.:

Your reported acceptance of the Western Union plan to teach telegraphy to convicts merits their peculiar consideration. For a while they would feel at home in Western Union offices, as conditions in them bear a strong resemblance to those which formerly prevailed at Ossining, but having had time to size up the situation undoubtedly they soon would show their preference for Sing Sing and ask to be sent there again.

As you are a humanitarian, I would suggest that you investigate the "speeding-up" and the denial of lunch and other necessary reliefs and of human rights in general by this worst of all employing concerns—the Western Union Telegraph Co.

PERCY THOMAS,
Past President Commercial Telegraphers' Union of America.

Commissioner AISHTON. Will you please return to the commission the reply to that telegram when you get it?

Mr. THOMAS. I will.

I have here another document I want to offer. This was to have been signed by the president of the union, the general secretary-treasurer, and myself as past president. The young lady at the office has not sent the full statement over to the commission:

"The chief executives of the Western Union and the Postal Telegraph Cos. having informed your honorable body of their intention to discharge and persecute any telegrapher employee who shall attempt to exercise the right of an American citizen to join any lawful association or insist on the right of assemblage and free speech, the Commercial Telegraphers' Union of America begs to call your attention to the action of its biennial convention in Detroit, Mich., in June, 1914, which declared it to be the purpose of this union to fight for the right to organize its craftsmen, even though a strike in defense of such right be necessary.

"In this connection we desire to say that on March 27 of this year the Western Union Telegraph Co. locked out 40 telegraphers in St. Louis, but when 200 or more telegraphers other than those involved in the lock-out threatened to strike

the representatives of the company in that city agreed to reinstate without discrimination the operatives who had been unjustly discharged. This agreement, we are advised, has been repudiated in the last 24 hours by the company's officials in St. Louis, they refusing reinstatement to the locked-out telegraphers, unless the latter shall surrender their union cards. The agreement was made under the auspices of the Department of Labor of the United States, and if it be not carried out in good faith by the company a strike is practically sure to result."

I want to make one addition to the point that I believe the commercial telegraphers of the United States believe in arbitration, and I am quite sure that arbitration can only be had when we are strong enough to force it. I want to say that out of the deep love I bear these two telegraph companies, which extends over my life, that I feel positive in saying there is but one way to treat with the telegraph companies, and that is to fight them to a finish. [Banging on the table.] Excuse me.

CHAIRMAN WALSH. You may be excused.

Wesley Russell.

TESTIMONY OF MR. WESLEY RUSSELL.

Chairman WALSH. Please state your name?

Mr. RUSSELL. Wesley Russell.

Chairman WALSH. What is your official position?

Mr. RUSSELL. International secretary-treasurer of the Commercial Telegraphers' Union of America.

Chairman WALSH. How long have you been in your present position?

Mr. RUSSELL. About 11 years.

Chairman WALSH. Your previous occupation?

Mr. RUSSELL. Telegrapher.

Chairman WALSH. Is there any statement, Mr. Russell, that you desire to make in any way, first, in reference to the matters that are under consideration by the commission?

Mr. RUSSELL. I think I have, Mr. Chairman. I wish to preface it by stating that I had employment in all branches of the telegraph service. I notice that a witness here stated he regretted that the officers of the union were all either railroad or broker men. The fact that an obscure individual like myself had worked for his company for years at different points no doubt escaped his attention or else the information was not available to him.

I started in as a messenger boy in Chicago with the B. & O. Telegraph Co. at the age of 14 or 15 years; I was a messenger for the Postal Telegraph Co. for a year or a year and a half, and went with the Western Union Telegraph Co. as check boy, one of the boys on the inside that carry the messages around; became an operator; went with the Postal; again back to the Western Union, and worked for the Western Union at various places—Galveston, Chicago, two or three times, and I last worked for the Postal Co. in Washington for a period of three years, about 1898 to 1901. I then went with the Associated Press for a number of years, and was with that association when I accepted this position about 1904.

The first matter I would like to take up is concerning one of our witnesses here, Mr. Henry Lynch. It seems that Mr. Carroll, in testifying here yesterday, left an unfortunate impression. The only Lynch he knew of was Mr. Henry W. Lynch. This man, he said, had been discharged for intoxication or some such thing. I think the record leaves it to be inferred that this is the same Henry Lynch who testified for us. Mr. Lynch has written a letter to the chairman of the commission, in which he states he is not that man. His initials are not "H. W.," and he states that Mr. Carroll, who was then with the Postal Telegraph Co. in an official position, was the man who discharged him, or at least issued the instructions for his discharge for attending a union meeting at that time, and in all likelihood is one of the chief causes for Mr. Lynch going to Canada. The man mentioned by Mr. Carroll is not Mr. Henry Lynch, our witness.

I have heard a reference to the insurance and sick-benefit association of the Western Union Telegraph Co. Some interesting testimony was given in 1883 by a former president of that company, Mr. Norvin Green, as to the reasons why they would establish an association of that kind. It will only take a couple of minutes to read it.

Commissioner LENNON. Read the part of it that you consider essential.

Mr. RUSSELL. It is directly contradictory to the reasons given by the president of the Western Union when this association was established.

Effective January 1, 1914, the company announced a plan for employees' pensions, sickness, and accident, disability and life insurance. The plan is set forth in a pamphlet. Employees are not required to pay anything to it, etc.

In announcing this association the president said, "It is but natural that every employee should desire to assume the normal responsibilities of life and to surround himself and those dependent upon him with things that make life complete and enjoyable.

"Employers buy and sell service; perfect service is only to be found when fidelity and loyalty reciprocate in employer and employee. It is this relationship which brings satisfaction and success to both. Reciprocity, which means mutual regard for one another's interest and welfare. This is justice, and without justice we can not hope to do a thoroughly good piece of work."

Another president of the same company 30 years before was being examined by a body similar to this—the Blair committee. President Norvin Green was testifying under oath. On the question of pensions, etc., the following colloquy ensued:

"Question. Has it occurred to you that in the management of the business of large corporations it might be wise to introduce some system of assurance or insurance by which provision could be made for the disabilities incident to old age and other disabilities?

"Answer. I think it very likely that some such system might be adopted which would be useful. I think it is not unlikely that the system adopted in England of paying pensions after 30 years' service would be worth something to us—probably worth all that it would cost us—I think it quite likely that it would. It is not in accordance with the genius or government of our country to pay pensions. In England the employees are given pensions when they retire from Government service, and quite a number of corporations have adopted the same system of allowing their employees a stipend in their old age. Such a system might be an inducement to quiet, continuous, faithful service, but it must be borne in mind that those pensions given in England are all predicated upon a good record during the whole period of service and upon fidelity to the employer. I think that if a man were actively engaged in a strike or in any disturbance of that sort he would forfeit his right to the pension.

"Question. Perhaps if he had such a right at risk he would be much less likely to take part in the strike?

"Answer. Yes; and that is exactly the reason why I say it is quite possible that the system might be worth considering by our company."

It is something like 32 years later, but the motive advanced then was entirely different.

Mr. Green thought such a plan was against the genius of our institutions, whatever that may mean, but neither he nor his successor have been able to see that it is "against the genius" of our institutions for a corporation to conduct an industrial absolutism in a nation guaranteeing the political rights of free speech, a free press, and the right of assemblage. All of these political rights are ruthlessly suppressed in this industry.

We know perfectly well why this scheme was put into effect. We understand the spirit in which it was offered. The motive was not industrial justice, but increased profit and increased servitude—to strengthen the master and weaken the man.

THE BLACK LIST.

Some considerable reference has been made to the black list.

Commissioner O'CONNELL. Outside of the quotation, is that just an expression of opinion?

Mr. RUSSELL. Perhaps I had better indicate the end of the quotation. The end of the quotation is after he says "be worth considering by our company."

There has been some remarks made about the black lists. I am only going to read the first paragraph of a review of this subject entitled "The black list." A black list in the commercial telegraph service is very easily maintained. There being but two company employers for the great majority of the men, all that is required is the use of a telephone or a messenger boy between the two company offices in any city in the United States. The record of any man, whether he worked for one company or the other, can be ascertained by telegraph. Whether he last worked in New York or San Francisco, his record can be had the same day in any city in the country.

I wish to show here the means of intercommunication between offices of the records of telegraph operators. It is what might be called a "service code." And there are some words here, "Aggressive," a code word which means "union agitator"; "scarlet," "struck in 1907," etc. And there is another here. I notice "artist," "quit on short notice." When the company discharges a man he is given about two minutes to get out of the building, but they demand 10 days and 2 weeks' notice.

Commissioner LENNON. On what evidence do you base the claim that this is the code in existence? Is it your own experience or on information that comes to you?

Mr. RUSSELL. Oh, yes; the telegraphers themselves handle these messages in code, and it is a matter of record, I am sorry to say, that some of the operators become so familiar with this code that sometimes when they thought the answer was not so favorable to the man as it might be that there was an error made and a more favorable word was substituted in its place.

Commissioner O'CONNELL. Do you mean to say that the operator who received a word in a telegram would substitute another word?

Mr. RUSSELL. He unfortunately would make a mistake.

Commissioner O'CONNELL. For the protection of himself or someone else?

Mr. RUSSELL. Perhaps he had an idea that he was protecting the man who was making application for employment; maybe he thought perhaps that the word from San Francisco, for instance, was not favorable.

Commissioner AISHTON. Did he deduce from the replies that came the meaning of the code words? For instance, "scarlet" means "struck"; did he deduce from the reply about some man that came, that that was the meaning of the word?

Mr. RUSSELL. Yes; cause and effect. They had to handle them so often that they had a pretty good idea as to what the different code words meant, and if a certain code word occurred in the message they could always predict what was going to happen to that man. This system that I have indicated—this code—was abandoned some time ago and a more elaborate one adopted by the Western Union Telegraph Co.

Commissioner AISHTON. When was that change made?

Mr. RUSSELL. Well, it was after the publication of this first code in our journal; I don't know just when they adopted the new one, but this one has never been published.

Commissioner AISHTON. Five or six years ago, or how long ago?

Mr. RUSSELL. That has been in effect for a long time, for I myself remember some of the words when I was working. This new one has a different code word for every division in the Western Union system, eastern, western, southern, Gulf, mountain, and Pacific. For the words "union agitator" they have a different code word in each one of those divisions. They also have a code word, each being different in the six divisions of the company. "Salaries from thirty-five to one hundred dollars" are provided for by code words. I would imagine that that thirty-five dollar code word would not help the young man from the country office coming to a big city with hope of getting more money.

Here is an original copy of a black list issued by the Western Union Telegraph Co. and sent out by T. P. Cook, general superintendent. They refer to it as a "discharge list." It seems to me to be a cumulative list, starting many years ago, and each circular adds names to the previous list. It starts out, "The following names have been placed on the discharged list." On this list appears the name of various people, some for embezzlement, absconding with the company's funds, attempted embezzlement, and then there is a man discharged for cause sandwiched in between. The company makes no discrimination between discharging a man for belonging to a union and discharging some person who has embezzled the company's funds.

Commissioner LENNON. Do you object to a list being published of embezzlers, as to whom it has been proven that the embezzlement was committed, that has been made good in the courts?

Mr. RUSSELL. Well, in our own journal I can only say we refuse to accept the statements of the Western Union Telegraph Co. that any of these charges are true.

Commissioner LENNON. That may be true.

Mr. RUSSELL. We eliminated the charges of embezzlement and various other things in the publication of it in our journal. It is a fair presumption, in my judgment, that if a man's name appears on there "for cause," a vague refer-

ence like that, there is a fair presumption that perhaps the charges against the other men may not have any better foundation.

Commissioner O'CONNELL. Have you checked up that list as to membership in your organization?

Mr. RUSSELL. In comparing?

Commissioner O'CONNELL. Are they union men?

Mr. RUSSELL. This is a list, I neglected to state, that is sent from the division headquarters of the company and is mailed to every railroad superintendent in that division. This list was sent into our office from a small railroad in Texas. Here are the copies.

I have here a letter of considerable human interest giving the detailed wanderings of a man who says he was black listed, and whom I have every reason to believe is. It tells of the hardships he has endured and is comparatively recent. Would you like to hear it?

Chairman WALSH. Could you epitomize it without reading it? Give the name of the man.

Mr. RUSSELL. I should not attempt to do it; it is a continuous narrative.

Chairman WALSH. Then submit it into the record.

Mr. RUSSELL. The man's name is W. R. Keller.

In connection with the black list, I want to refer to the clause in regard to the leased wires of the company. The telegraph companies' leased wires form about 15 per cent of our only available field of employment outside of the two telegraph companies. Of that 15 per cent the Western Union has leased wires to a large extent. The lease they have contains this clause; it does not all appear to be here; it has been cut off. The purport of it is that the operator employed and paid by the lessee of this wire must be satisfactory to the telegraph company. Under that I want to mention the case of J. W. O'Brien, of Bellingham, Wash., in which the Western Union Telegraph Co., under this clause, demanded that the United Press, who paid the operator, discharge him. And the United Press discharged the man under protest. They said he was thoroughly satisfactory and that he was a competent man and reliable, and they discharged him under protest. O'Brien sued the Western Union Telegraph Co. and obtained a judgment for $1,200. The company appealed the case to the Supreme Court of the State and the Supreme Court reversed the verdict with the statement that the company was within its right in procuring this man's discharge.

Chairman WALSH. Have you any information of that character in the district covered by Mr. Carroll's jurisdiction?

Mr. RUSSELL. Of the character of this?

Chairman WALSH. Yes, of that kind; where any use was made of that clause in the contract?

Mr. RUSSELL. No, I have not.

Chairman WALSH. Have you any other case than that, Mr. Russell?

Mr. RUSSELL. No; I cite this case because it is a matter of court record. It might be well to add that shortly afterwards the Western Union Telegraph Co. lost every United Press wire it formerly had; perhaps that had some moral effect.

I have a couple of cases here of the exchange of information regarding the records of men in New York City. I selected two in New York, or three, and some elsewhere, but I will not read them, but simply make this statement, that in order to support what we have claimed here, that I have the written statements of men in New York and Chicago with reference to that exchange of information, and that they were not able to secure employment after that.

Chairman WALSH. Any documentary evidence you may have in your possession, Mr. Russell, or any written instrument you may have bearing on any of the issues that have been raised here, if you will kindly submit them into the record and then make oral comment on anything you consider would be new matter or matter that has not been elucidated heretofore, because I might say now that the issues of fact seem to be very well made up.

Mr. RUSSELL. I understand that, I shall be as brief as possible. I would like to cite and read the original document in one or two individual cases in which the names of these men, which were procured by criminal methods in Portland, Oreg., as to how they were discharged in Chicago. We have all the correspondence bearing on it and I think it would be interesting.

Mr. H. A. Macaulay was one of the names on that list. He was discharged and wrote a letter to T. P. Cook, the highest official in Chicago, for reinstate-

ment. He was not told what he was discharged for. He had no chance to confront anyone; he was merely told he was not wanted. He writes a very nice letter, which I will not read.

Chairman WALSH. You may give the substance of it.

Mr. RUSSELL. He states that he has performed his work faithfully and well, and that he was sober, industrious, and reliable, and that he had put in the better part of 20 years in the company's service, and that he thought he was receiving outrageous treatment for such faithful service; that the only mark against him there could possibly be was that he went on strike with the others in 1907 and remained out to the finish; that is the substance of it. It is a very nice letter. Mr. Cook received this letter and he wrote to his immediate underofficial, W. J. L. (Mr. W. J. Lloyd):

"As this man was in the general operating room for some years, what can be said for him? Can our representatives give us any information as to his affiliations?

"T. P. C."

Apparently it was referred to the chief operator, and he replied; and I consider this the fairest judgment of Mr. Macaulay in the whole bunch:

"Mr. LLOYD:

"Henry A. Macaulay was employed here several years prior to August 9, 1907, when he struck with others. He was reemployed August 23, 1909, and dropped for nonattendance December 20 of the same year. He resumed June 21, 1910, and was transferred to the plant department August 16, 1911, and dropped by them January 10, 1912. I do not remember him as particularly active before or during the strike. He is an enthusiast in his horoscope calculations; is a good operator, and above the average in intelligence. Mr. Webber, of the plant department, informs me his services were satisfactory, so far as his mechanical knowledge extended, he having had no technical experience or schooling, therefore was not considered a first-class quad man.

"C. H. FINLEY.

"CHICAGO, *May 30, 1912.*"

Then Supt. Lloyd refers it to Mr. Cook thus:

"There is not much known about Macaulay; he goes about his own road and don't mix. You will note his letter carefully avoids any refernce to C. T. U. matters. Do you care to have No. 12 make a report on him?

"W. J. LLOYD."

Number 12 was the local spotter. Then Cook replies:

"Yes; please have operative No. 12 look into this case promptly and advise.

"T. P. C."

"G. C. R. look him up; he is a big fellow and wears a full beard.

"W. J. LLOYD."

And this is the memorandum of the operative to Mr. Shoemaker:

"R. M. S. I found about this fellow. Just to show you the work I have.

"ROB."

The man was never reemployed. He had not been a member of the union for several years prior to his discharge, and so far as I know the injustice done that man has never been rectified.

There is another here, but that is typical of the documents we have, and I will not take up your time reading it.

The other case is Mr. R. J. Daly.

Here is another man whose name I will not mention who was discharged; his name was on that list. He had not been a member of the union since 1907. He could not get any reason why he was discharged, so, after exhausting local efforts and going to the highest officials here, he wrote a letter to Mr. Brooks, and says—I won't read it, but he stated substantially that he had been discharged without knowing why, and asked to be reinstated under the order

issued by Mr. Brooks, which we referred to as the "no-discrimination order." This is the typical reply of Mr. Brooks to most of the complaints I have ever seen:

"DEAR SIR: Replying to your letter of the 10th instant, I have to advise that I have no disposition to question the good judgment of our local officials in dispensing with your services, which I have no doubt had its base in adequate cause, and I have nothing to say on the subject, except that some of your statements are not borne out by the information which we have.

"B. BROOKS, *General Manager.*"

Mr. Brooks said more in that letter than any other letter on the subject I have ever seen. Then this man replied:

"Mr. B. BROOKS, *New York.*

"DEAR SIR: Replying to your favor of the 13th instant, I am pleased to say that I do not quite understand the last paragraph contained therein. If it refers to the union, I herewith append my affidavit relative to that organization. If it refers to any other statement contained in my letter of the 10th instant, I trust you will do me the justice to take the matter up with Mr. W. J. Lloyd, general superintendent, whom I believe will verify all I have said.

"Thanking you in advance for a thorough investigation of my case, I beg to remain.

"Yours, respectfully."

He was kept on for something like six months and wrought up to a pitch where he, I understand, was in a mood to commit murder, when he was finally put back to work.

Another case here—the same letter signed by Mr. Brooks referring to the case of another man in San Francisco. His name was on the list, and I will point out his name to you on a list I got in the mails this morning.

M. J. Bryerton on this list. [Pointing.]

Chairman WALSH. What sort of a list is it?

Mr. RUSSELL. This is a list of names made up by M. R. Shoemaker from the book that was stolen by the agent of the Western Union Telegraph Co. at Portland, Oreg., on October 31, 1911. This man, Mr. Bryerton, appealed to Mr. Brooks and received the same perfunctory replies; we have them here. As far as I know he was never reinstated. I received this list in the mail this morning. It appears to be the last sheet—sheet 32.

(The list so referred to by witness appears among the exhibits at the end of this subject as "Russell Exhibit No. 1.")

Chairman WALSH. I would like to use it when you get through.

Mr. RUSSELL. Yes, sir. On this list, on the bottom, it reads as follows:

"Corrections: Leonard, W. V., should read 'Leonard, A. V.'; Martin, W. H., should read 'Martin, W. R.'; O'Brien, W. H., should read 'O'Brien, W. H.'; Taylor, A. E., should read 'Tayler, A. E.'; etc. New York, March 1, 1912. Total of 1,709 names."

We recognize the names; we know those names were on the book.

I have here an affidavit signed by G. C. Roderick, which refers to the authenticity of these documents I shall refer to which are original in all respects and to the names and initials, W. J. L., which refers to W. J. Lloyd, and T. P. C., which refers to T. P. Cook, and so forth; it is an affidavit.

(The document so referred to by the witness appears among the exhibits at the end of this subject as "Russell Exhibit No. 2.")

These letters have been gone over.

Here is a letter, the last line of which is "And the general manager backs my word." Here is another: "New York. I am inclosing application blank for membership in the C. T. U. I believe you had better join as soon as possible as I am sure you are being better equipped to secure information and get on the inside of what they are doing. Do not understand by that you are not delivering the goods, because you are. When you join show amount on your expense account."

I think there was testimony here which indicated that some cards had been charged to the Western Union, and this confirms it.

"I am getting along nicely. Write me and let me know how you are getting along. R. M. S."

This is from the Chatham National Bank Building on Broadway, New York, which is just across the street from the Western Union Building, at 195 Broadway: "Have you run across anyone you think would make a good man?"

Mr. Shoemaker sat down and wrote out a memorandum of instructions to this operative, how to make out his expense account, to whom to address it, and so forth. He was to address his letter to B. Brooks, general manager, Western Union Telegraph Co., New York. Then it went on to indicate the manner of making out the expense account, and at the bottom he said:

"Mail one copy of report to T. P. Cook." Cook was the highest official of the Western Union Telegraph Co. in Chicago at that time. And one to B. B., New York; I think those initials are recognized without my referring to who it was. One copy to R. M. S.

Commissioner LENNON. Was Mr. Shoemaker ever a telegrapher; I have heard his name many times?

Mr. RUSSELL. I believe that Mr. Shoemaker, as far as we were able to learn, was a railroad telegrapher. He formerly worked for the Santa Fe in the same capacity under C. H. Gaunt.

Chairman WALSH. I see this is marked sample of expense account made out by Shoemaker; that was made out to whom?

Mr. RUSSELL. G. C. Roderick.

Chairman WALSH. And the alleged fact that it was made out by Shoemaker is testified to in the affidavit?

Mr. RUSSELL. That is supported by affidavit.

Chairman WALSH. And that is alleged to be in Mr. Shoemaker's handwriting, is it?

Mr. RUSSELL. That is what the man who made the affidavit says.

Chairman WALSH. Mr. Roderick?

Mr. RUSSELL. Yes. Here is a letter where Mr. Lloyd in Chicago became suspicious of the reliability of the information which had been sent him from New York of the men he had discharged, so he wrote a note to local man No. 12, as follows:

"Replying to yours of February 5, whenever you have a good line on a man and you think a mistake has been made or you believe he is absolutely all right and not probably in good standing, please write Mr. S. a letter to New York recommending his reinstatement. All reinstatements must come to me from Mr. S. through the general manager.—W. J. L." (W. J. Lloyd.)

Mr. Lloyd was at the head of a very large district and probably had several thousand employees under him, yet he could not reinstate one of those men, as this letter indicates, without authority from New York.

In the next letter to this man R. M. S. says:

"I would also suggest that you do not recommend any others."

They were trying to sneak a few of the men back and Shoemaker evidently found it out and said:

"I would suggest that you do not recommend any others that have been discharged for cause in your reports, as Mr. Brooks has decided not to take any action in the case of men who may confess after once being taken out of the service.—R. M. Shoemaker."

Chairman WALSH. What is your construction of that? I do not quite understand; that Mr. Brooks changed his policy about discharging the men and notified these people not to send their names? Perhaps I do not gather your construction of it.

Mr. RUSSELL. "Mr. Brooks has decided not to take any action in cases where the men may confess after once being taken out of the service." Well, the appeals had been many; they came in from 30 or 40 different cities. I dare say Mr. Brooks may have gotten tired of reading them. Some few might have indicated that they were members, but the great majority said they were not. I don't know just what it does mean.

Commissioner GARRETSON. But there was no withdrawal of the circular?

Mr. RUSSELL. Oh, no; that still stands, to the best of my knowledge. Here is the method by which the names of new men coming into the service were handled. New men coming in would be reported every few days on a list of that sort [exhibiting]. That list would go to Mr. Lloyd. Mr. Lloyd would refer it to the local investigator and the instructions would be, "Please look up." They would be investigated, and, of course, if they were reported as being members they would be fired.

Here is an interesting case, where a man—another local agent came here whose name was McCormick. He was instructed to apply at the local office

under the name of Allen C. McClurg. We have the letter here giving those directions somewhere. He did apply and was hired under that false name. In the service code that I filed there is a code word for any man, any telegrapher, who uses a false name, "flagging," we call it, and I dare say he would be denied a position; but in this instance the company adopted the same method. There is the record of his name given among the new employees on this date, "Allen C. McClurg." I have the letter here somewhere in which definite instructions are given to have him apply.

I think we have shown enough of that—oh, yes; here it is: "Please tell McC." McCormick his name was, "to report at C. O." Chicago office, "as A. C. McClurg and they will put him on days. W. J. L." Lloyd.

There are others which I will not read, which are all original documents—copies of expense accounts, which indicate the salary paid, salary and expenses of about $100 a month.

Here is a letter W. J. Lloyd wrote: "Suppose you are keeping a full list of those sent in daily as new employees and following them up as best you can." He took care of the lists, all right; I can vouch for that.

Here is another; I have one here that refers to the checking report of a telephone girls' union and the subsequent statement, "Never mind checking up the telephone girls' union." So evidently they were interested in telephone company affairs as well.

I have here a little stanza, a quotation from Kipling, which I will quote. It seems applicable to the injustices that have been done through this spotter system, the fact that hundreds of men throughout the country were discharged without having any chance to appeal and without knowing what they were discharged for. This in the face of the pledged word of the company to the contrary, signed by the general manager. They would go back and apply for employment and they would be given evasive answers. I know that in many cases those men were deliberately tortured; they would be kept coming along for weeks; first they would be inspired with hope and then with fear. When the local officials got through toying with them, they would finally be referred to New York, and in due course a letter would come from New York to the effect that the officials at that end, who originally ordered this man's discharge, did not care to interfere with the action of the local officials in his case.

Truly these headsmen, with the memories of the men they have hunted, the families they have broken up, the misery, suffering, and tears they have brought to the innocent wives and children can say with Kipling:

Go stalk the red deer o'er the heather,
Ride, follow the fox, if you can,
But for pleasure and profit together,
Allow me the hunting of man;
The chase of the human,
The search for the soul to its ruin,
The hunting of men.

Mr. Reynolds appeared to be very well satisfied with conditions in the Postal. I regret to say that very much of the information that we have collected for the use of this commission came from the Postal offices.

I have here a very lively letter from a man employed in the New York office, and the only reason I can assign for Mr. Reynolds being ignorant of the conditions, the writer states exists there, is the excuse he has given of his protracted absence of three months traveling about the country getting acquainted with the men and their working conditions. This is rather long, but it is a statement of the efficiency system. He says: "Sad plight of telegraphers under scientific manager." The scientific manager referred to is Mr. J. J. Whalen, I believe; and one of the items he mentions as an example of Whalen's scientific ability is:

"As another measure of economy, Whalen did away with the toilet paper in the lavatory and hung a single roll over the wash basins, with the following notice above it: 'Tear off as much as you need from this roll; no more paper will be placed in closets.'"

The writer says thatt this foolish scheme was abandoned in about a week. The rest of the letter is quite interesting, and would indicate——

Chairman WALSH. Could you epitomize it? You have given the typical complaints; are there any besides that?

Mr. RUSSELL. First, he gave Whalen's pedigree in three paragraphs, which I wish to assure you is not at all favorable, and he proceeds; he says, "Then he inaugurated the recorder slip and cost-per-message systems. He formed a corps of delivery clerks to carry the systems into operation and, by threatening and

browbeating, made the operators work at high tension for nine hours a day without any rest, except for dinner. The short relief, which was designed to give the operators a few minutes in the morning and afternoon to answer nature's calls, was abolished; lunch reliefs were irregular; business was delayed; everything within the law, and without for that matter, was done to cut down expenses."

Now, I do not like to dispute Mr. Reynolds's statement that everything is pleasant and harmonious in the telegraph service. We have, on occasion, when particularly flagrant reports were made to us, written letters to the president of the company, or the general manager, setting forth the complaint, if we could do so without mentioning any particular individual. I have never yet heard of any remedy being made in those cases.

I have here the testimony of Mr. A. B. Chandler, who was, at the time of giving that testimony, chairman of the board of directors, in 1901, and it is his testimony before the Industrial Commission. The gist of his testimony is this: That for 15 years, from 1883—or for 17 years—from 1883 to 1901, the wages paid by the Postal Telegraph Co. did not exceed those paid by the Western Union Telegraph Co., that they paid the same wages; and Mr. Chandler admits that fact, and I cite it here to show that there has been no advance in wages covered by the period of Mr. Chandler's testimony.

I have listened to the testimony of Mr. Carlton and Mr. Brooks as to the irresponsibility of the union and union officers. Might we not, with much justice, charge incompetency to men who would maintain a policy that could have no other result but a strike and who would defer until the very last minute before taking any step toward preventing a strike that they knew to be almost inevitable? Might we not with equal force question the wisdom with which the great power of the company has been used for many years past? Has it always been used wisely, beneficently? Were there no abuses of it, no injustices? We think that even a casual investigation of that record should cause them to hesitate to criticize others. As to agreements, what about the action of Col Clowry in demanding that the United Press break its contract with our union in 1908? If that was justifiable, why criticise the unions?

I have here an example of the speed-up system, or the increase in the amount of work to be done by an operator between Chicago and New York. It is short, and with your permission, I will read it:

"CHICAGO-NEW YORK WIRE.

"In 1907 the operator received $88 per month, and 300 messages was regarded as a day's work. To-day, on the same wire, the operator receives $100 per month, and he is required to do 480 messages. Increase in wages 15 per cent; increase in the amount of work demanded, 60 per cent.

"For instance, the New York-Chicago operator in 1907 was paid 1 cent per message over 300. If he did 480 his day's work would net him $5.18. To-day he receives $3.84 for 480 messages, which wage, it will be seen, is based on a rate of 80 cents per 100, or a reduction of 35 per cent.

"The terms 'bonus' and 'premium' are synonomous. The bonus or premium is paid for excess work. The telegrapher working a premium wire in 1913 receives 20 per cent less for the same work than was received in 1907."

As a little example of the pressure applied to operators in following out this speeding-up system, I cite the original note from the chief operator, or some official, at Milwaukee who signed "C. W." and which was addressed to the two operators working the Chicago-Milwaukee line. He says, "The wire you are working should carry 1,000 messages a day. Our sending side carried only 415 messages, 85 short of the average. What excuse have you to offer?—C. W."

The wage in 1907 for 3,000 messages on that same wire was $82.50. The wage paid in 1913 or 1914 was $100. The wire was later abandoned and the circuit put into what they call the printer. As has been explained here, cheaper labor is hired.

Those figures show that the work demanded increased 66⅔ per cent, or from 300 to 500 messages, while the increase from $82.50 to $100 made 21 per cent. In other words, they were demanding three times the work for the amount of increase.

In connection with the wages, no increase can be maintained in these telegraph companies without some sort of an agreement. There is in existence what telegraphers refer to as the sliding scale, a system of undercutting. If a $100 man is

discharged, very frequently they would put a $95 man in his place, or move over a $95 man to do the work. That was formerly $100, etc. So that the maximum rates are constantly cut from under.

Chairman WALSH. Have you any instance of that kind in Chicago? You heard the statement Mr. Carroll made upon that subject, that it is absolutely not the practice here?

Mr. RUSSELL. To do what?

Chairman WALSH. To discharge the higher-priced men.

Mr. RUSSELL. To do justice to Mr. Carroll, I made some inquiries, such as I was able to do, and I found that the top rate, which is $100, is about the same as it was a year or so ago. But this $100 a month I do not believe exists in over 2 per cent of the operators in the Chicago office, and less than 2 per cent as applied to the entire system.

Chairman WALSH. But you have no individual instance that you could cite in the city of Chicago within the past two years, for instance, where a man was discharged from a $95 or a $100 job and some one from a lower rating put in that place?

Mr. RUSSELL. Well, that requires inside information.

Chairman WALSH. Yes.

Mr. RUSSELL. Which I at all times am not able to get.

Chairman WALSH. I see.

Commissioner AUSHTON. You heard some testimony here this morning from the chief operator of the Postal that 66 per cent of the office force had rates of pay of, I believe, $85 and over?

Mr. RUSSELL. Sixty-six?

Commissioner AUSHTON. That proportion exists to-day. Is that any smaller to-day than it was two years ago or one year ago? Have you any information on that?

Mr. RUSSELL. I am lacking in that information, because the chief operator is not very prolific with the data on those questions.

Commissioner AUSHTON. But those facts could be determined by an investigator of this commission?

Mr. RUSSELL. Yes. For the first time in the memory of any telegrapher in Boston, the Western Union, about February 1, 1915, assigned six men to "split tricks," on which they had to work nine hours. It was a rule there for the split trick to cover eight hours actual work. The hours of the trick were 9 a. m. to 2 p. m. and 5.30 p. m. to 9.30 p. m., covering 12½ hours from start of work to finish. That is an increase of one hour to a day's work of the men.

To show you the absolute power of the company over all conditions, within a few weeks, I understand, this order was rescinded; that eight hours was again established. Whether it was because of anything that had come to their knowledge of a possible inquiry, I do not know. The change was made.

Then with reference to the sanitary conditions in the same office: Rats were very plentiful around the building at 109 State Street, Boston. The company bought a quantity of liquid, which was supposed to poison and embalm or petrify the rats. Some rats were poisoned, but not preserved. They decayed and lay between floors in different portions of buildings. Odor was so bad that parts of flooring were removed and the rats taken out. One operator who will be known by initial "E," working on bank "C," found scent so bad that he had to request to be removed. Rats ate holes inside of men's clothes; initial "F"—that stands for the operator's name; we can furnish the name if requested. Rats mutilated check boy's overcoat, ate lunches. Girl lost her muff; was apparently stolen, but later it was found where it had apparently been thrown out of sight, and was mutilated by rats. Two operators killed rats on the stairs.

Mr. Carroll has made some comparison with message work and press work. I happen to be a press operator as well as a commercial operator. The comparison is not good. There is a great deal more work in handling messages in a given amount of work, say 2,000 words, due to the continual use of the typewriter line shift on account of shorter line; also closer concentration and a greater degree of accuracy is required than in 2,000 words of press. And everybody knows that; every telegrapher of any experience knows that. I am told that a man working at a very fast rate, such as these 1,000 per day records they are putting in their publications, that his motion resembles a man with St. Vitus dance. He is simply jumping around all the time, snatching the blanks out, putting them in, and straining every nerve at top speed all the time. A strain like that for nine hours is something killing.

In regard to the promotions, there is no promotion system either at the top or the bottom. I think that applies to both companies. This refers to the Western Union. President Carlton entered the service of the company in 1910 and receives $35,000 or upwards per year. Belvidere Brooks, vice president, entered the service in the seventies, and receives $12,500 as vice president.

Mr. Brooks has been in the service something like 45 years and Mr. Carlton 5 years. I believe that Mr. Carlton was placed over the head of Mr. Brooks without any great length of service.

Another illustration: W. J. Lloyd, who entered the service in the seventies, Mr. Lloyd was the gentleman referred to here in Chicago; he received $6,500 as general manager of the Mountain Division, while C. H. Gaunt, the man who conceived and put into effect the spotter system, which, by the way, he imported from the Santa Fe and where he had some degree of success with it and brought it over to the Western Union and brought Mr. Shoemaker with him. He gets $10,500, something like $4,000 more than Mr. Lloyd, and he came into the service five years ago. He also gets $2,000 more than the general manager of the eastern division in New York, Mr. A. G. Saylor, who, I believe, is a man of long service. Now, whether the compensation paid to Mr. Gaunt is for his ability as a telegraph man or for the peculiar talent he may possess in other lines, perhaps that mentioned in the quotation from Kipling, I don't know.

I will be through in a minute.

Mr. Carroll said yesterday that he thought the longest hours for telegraphers in his division was 10 per day, but we have a letter from a Western Union employee which reads as follows:

"I am the night operator here working 13 hours a night, seven nights in the week, with no time off whatever, with a salary of $50 a month. I think you will find it the same in every night office of the Western Union with reference to that particular territory.

"I know of a man who took up his case with the manager and superintendent for a night off each week, but the superintendent says they can not afford to put extra expenses on the night work, which would be $1.65 per week."

We also have a letter from a member stating that at Marion, Ohio, which is in Superintendent Carroll's division, the salaries of the manager and the two operators was reduced $5 each in November, 1914.

At Grand Rapids, Mich., the two split tricks have been lengthened recently one-half hour each.

In St. Louis the common extra operators have averaged $10 and $12 a month during the winter, while the preferred extra averaged $40 per month, and the double A preferred—I must confess that I don't know what that is; that is a new one on me, this double A preferred; I must confess that is a finer distinction in the extra list than I ever heard of before; this double A I do not know.

One operator received $4.03 compensation for two weeks' work, $4 of which was deducted for meal tickets.

The "on-and-off" system is in general vogue, whereby the men wait 14 hours in order to get in one hour's work, and other cases we can cite here; but the "on-and-off" system is the system where the men, as it has been told here, have to report in the morning, and they are sent in on call for 10 minutes or 15 minutes or 20 minutes or half an hour, and then they are shot out again to wait at their own expense until they are recalled. Such a thing was unknown when I was a telegrapher.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock.

(At 12.35 of this Thursday, April 15, 1915, a recess was taken until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please come to order.

Mr. Russell.

TESTIMONY OF MR. WESLEY RUSSELL—Continued.

Mr. RUSSELL. I have here just a few more words, Mr. Chairman, and then I will be through.

The policy as announced here by the telegraph companies, having closed every avenue of appeal either on behalf of the employees or their representatives, this is the only bar to which we can appeal—the bar of public opinion.

We have concluded our case. We believe the testimony has borne out our contentions, and we sum up as follows:

Wages: We agree with the statement of President Carlton and Vice President Brooks, of the Western Union, that the operators are underpaid and that our wages should be increased.

We think the testimony of Postal telegraphers who appeared before your honorable body amply refutes the statements of Vice President Reynolds.

Hours: Hours of labor are too long. We have shown the tendency is to make them still longer.

The English system of 7½ hours for day work and 7 hours for night work is amply sufficient.

We present herewith the testimony of three presidents of telegraph companies on this subject, as follows:

On February 23, 1866, the United States Senate having under discussion a bill for the establishment of a telegraph system in connection with the Post Office Department, requested of the Postmaster General certain information relative thereto, which he secured, or attempted to secure, through interrogatories submitted to the telegraph companies. The three principal telegraph companies doing business in the country at that time replied with a joint letter, in which appeared the following statement: "There is also in the tension in the brain of an operator a limit to all use of the wires when crowded to their capacity. The necessary absorption of the mind is exhausting. To crowd the work beyond a certain rate would require relays of men to relieve each other. Six hours continual service of this character is all that a young person is capable of performing and maintain health."

This letter was signed by Edward S. Sandford, president American Telegraph Co.; J. H. Wade, president, Western Union Telegraph Co.; and William Orton, president of the United States Telegraph Co.

After the consolidation of these three companies William Orton became president of the Western Union, and remained in that position for years; but neither he nor any succeeding president of the Western Union ever inaugurated the six-hour day.

The instance related is an example of argument the company has put forth as a deterrent to Government ownership.

Amount of work: We believe that we have proven that the amount of work demanded has steadily increased until now three and four times the amount of labor is exacted, for a lower wage and under much worse conditions of employment, than existed 40 to 50 years ago. If telegraph officials believed then that six hours' work was an adequate workday, when 150 or 200 messages was the standard, what is to be said of it to-day, when 480 messages are demanded by the Western Union for a day, as against 300 only a few years ago?

Working conditions: We have also shown the shameful abuses of necessary reliefs, morning and afternoon, and lack of promptness in lunch relief. These reliefs are absolutely necessary to the health and welfare of the workmen. A short relief should not only be regarded as a necessity for natural reasons, but also as a restful relaxation in the day's work.

Speeding up: We have shown the speeding-up process—the driving and hounding of telegraphers by both companies to get the last possible ounce of strength from the telegrapher.

Extra lists: We have shown the extra lists as having been increased from 7 hours for a day's work to 8 and 9 hours. When the shorter workday prevailed, on the waiting list the tendency was to put men on regular promptly; the reverse is true now. It is a device to throw the entire burden of lulls in traffic upon the worker.

Automatics: That the company has largely developed automatic machines, operated by cheap labor at $25 to $45 per month, while large numbers of Morse men, with years of experience, were half starving on the extra list.

Telegraph schools operated by the company have been shown to be turning out a continual stream of new recruits into the service and advertising it as the only business not overcrowded.

Finance: That the Western Union has made some remarkable stock dividends; that the present capitalization is excessively watered.

We do not feel that this summing up would be complete without suggesting remedies for the evils we have shown to exist.

The right to organize should be recognized. This would promote a better feeling. We have been accused of lack of responsibility. Could we not with

equal justice charge officials, who by denying the right to organize precipitate a strike, with incompetency? We are intelligent men. We have learned from our experience. We want to enjoy in our industry the rights we enjoy as citizens.

Chairman WALSH. That is all. You may be excused.

TESTIMONY OF MR. JACOB ROBBINS.

Acting Chairman LENNON. State your name.

Mr. ROBBINS. Jacob Robbins.

Acting Chairman LENNON. What is your business?

Mr. ROBBINS. I am connected with a tobacco factory in the East.

Acting Chairman LENNON. Do you live in Chicago?

Mr. ROBBINS. Yes, sir.

Acting Chairman LENNON. Where do you live?

Mr. ROBBINS. At 1138 South Ashland Boulevard.

Acting Chairman LENNON. We understand that you have made some study, or, rather, are familiar in some way with the condition of messenger boys, a subject we have had up here during the past week. Is that correct? Have you made any such investigation? Do you know anything about it?

Mr. ROBBINS. I have a good idea of the life of a messenger boy, because I made a personal study of it.

Acting Chairman LENNON. Tell us just what you know about it; what they do, and their hours of work and where they work, and any matter that you believe would be of interest to this inquiry?

Mr. ROBBINS. I have been watching the messenger boys since 1903, and I do not know of a boy—I have not as yet met a boy that claimed he was satisfied with conditions, with his treatment. I never yet met a boy who told me that he earned more than $9 a week without losing any sleep over it or without going without his meals. I have known of messenger boys hanging around the messenger room there, the waiting room, for several days, and I have known of mothers going after them. I do not believe that there is an institution in this country that abuses boys more than the Western Union Telegraph Co. Whenever you see a natural boy—a rosy-cheeked boy—delivering messages, you can be sure this boy has only been on the job a week or two. They are generally overworked; they have no chance for advancement; they have nothing to look forward to; and the only time a boy becomes a messenger boy is after he searched all over for another position, perhaps for weeks, and can not find one.

I did not expect to be called here, and I have not brought anything with me. The only things I can tell you is what I can think of right now.

Acting Chairman LENNON. Where have you lived in the last few years? In Chicago all the time?

Mr. ROBBINS. I have lived in Chicago for the last 20 years.

Acting Chairman LENNON. Where have you observed the boys in Chicago?

Mr. ROBBINS. I conduct several boy's clubs here in the city.

Acting Chairman LENNON. You say you conduct boy's clubs?

Mr. ROBBINS. Yes, sir.

Acting Chairman LENNON. What is the object of those clubs? What do you do for the boys?

Mr. ROBBINS. One of my clubs is for the sole purpose of taking the boys who have been turned out of institutions with instructions to go out and make a living. We have a boy committee whose business it is to secure such boys positions and find homes for them if possible.

Acting Chairman LENNON. Are you associated with other men and women in this work, or is it a work of your own volitation?

Mr. ROBBINS. In all but one organization I am doing this work alone. We have what is known as the Boy Brotherhood Republic. There are seven men and women who have charge of this particular organization, and I happen to be one of them. All this other work I do myself.

Acting Chairman LENNON. Have you ever been with messenger boys on errands that they were sent on about the city?

Mr. ROBBINS. I went so far as to apply for a position as a messenger boy, in order to get at the truth, and I secured a position with the Western Union, and I ran messages for one night. My purpose in doing that was to get facts and know the life of the messenger boy.

Acting Chairman LENNON. Where did you run messages that one night?

Mr. ROBBINS. I delivered 63 messages throughout the city, and the worst thing I can remember in the way of treatment from the Western Union is that the

boys are supposed to work 8 hours. When my 8 hours was up, I had just 5 more minutes to work, and when I came in from delivering a message they looked at the clock and called my number and gave me a message to deliver which took me an hour and eight minutes to deliver. I did not get paid for that. I made the remark to some of the boys, and they said, "That is nothing new; we get that stuff every night."

Commissioner O'CONNELL. How are these clubs you are conducting maintained?

Mr. ROBBINS. Every boy pays dues.

Commissioner O'CONNELL. What dues do they pay?

Mr. ROBBINS. Fifteen cents a month; one club 5 cents a week.

Commissioner O'CONNELL. How many boys are there?

Mr. ROBBINS. The largest one I have is 150 members.

Commissioner O'CONNELL. Does the income go to you from conducting the club?

Mr. ROBBINS. No; they have their own treasurer and secretary.

Commissioner O'CONNELL. How are you compensated for the services you render?

Mr. ROBBINS. I only do this when I have time—evenings and Sundays.

Commissioner O'CONNELL. You are engaged in other business?

Mr. ROBBINS. Yes, sir.

Commissioner AISHTON. You say you delivered that one night 63 telegrams?

Mr. ROBBINS. Sixty-three messages; they were not all telegrams. I was sent out on errands, too.

Commissioner AISHTON. So there were 63 separate calls that you attended to?

Mr. ROBBINS. Yes.

Commissioner AISHTON. And one took an hour and eight minutes to deliver?

Mr. ROBBINS. The last one took an hour and eight minutes. If I could have gotten my car in time, I could have made better time, but that was after midnight, and I had to go to the North Side, and they knew cars only ran once an hour.

Commissioner AISHTON. Did they furnish you car fare?

Mr. ROBBINS. Yes, sir; they did.

Commissioner AISHTON. That is all.

Acting Chairman LENNON. You will be excused, Mr. Robbins.

ADDITIONAL STATEMENT OF MR. NEWCOMB CARLTON.

THE WESTERN UNION TELEGRAPH CO.,
195 Broadway, New York, May 18, 1915.

LEWIS K. BROWN, Esq.,
Sec. U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Replying to your letter of the 11th inst., I find on inquiry that the number of special agents changes as conditions in our service alter and that there is no regular number so employed. Their disbursements are paid locally by the chief operators or district traffic superintendents under authority by the division chiefs, and in total amount to but little. We can not give you the names of the special agents.

We have not yet completed our inquiry regarding the messenger boys, although I have a report on the Chicago matter. In October, 1914, Jem Jim, a Chinese was charged with manufacturing opium for smoking purposes, the trial being the outcome of an investigation made by the United States grand jury in July, 1914, in connection with the drug traffic. Five of our messengers from the Lexington Hotel branch office were called, and with the exception of Messenger No. 172, colored, all testified that they had no knowledge of the contents of packages handled by them. Messenger No. 172 testified that he had on several different occasions secured opium from the defendant and taken it to a flat on Cottage Grove Avenue. This witness, however, became nervous and confused under examination. The case was given to the jury and the defendant acquitted, and although we had been subpœnaed to appear in court with all messenger records from January to July, 1914, this testimony was not needed. Based on an investigation at Chicago just concluded, it is my opinion that our employees were not aware of the class of business being handled. We had no

call boxes in houses of ill-repute or in saloons in the district served by this branch, and all requests for service were received by telephone, messengers being merely instructed to go to a certain address and get a package of laundry, groceries, luncheon, etc. Instructions were issued in July, 1914, that no messenger boy be allowed to perform any errand service of any kind in the Chinese district, and such instructions have been carefully followed.

As requested in your letter of April 13, I inclose herewith Annual Reports of the Employees' Benefit Fund Committee for the Years 1913 and 1914.

The transcript of my evidence before your commission also calls for a copy of our annual report for the fiscal year ended December 31, 1914, and this I have pleasure in inclosing.

Very truly, yours

NEWCOMB CARLTON *President.*

REPLY OF SECRETARY OF COMMISSION.

JUNE 24, 1915.

NEWCOMB CARLTON,
President the Western Union Telegraph Co.,
195 Broadway, New York City.

DEAR SIR: We have your letter of May 18 in which you say:

"Replying to your letter of the 11th instant, I find, on inquiry, that the number of special agents changes as conditions in our service alter, and that there is no regular number so employed. Their disbursements are paid locally by the chief operators or district traffic superintendents under authority by the division chiefs, and, in total, amount to but little. We can not give you the names of the special agents."

In view of the changing number of these agents, the commission requests that they be furnished with the number in the employ of the Western Union Telegraph Co. on May 1, 1915, on August 1, 1914, and on December 31, 1913.

The commission also requests that it be advised as to the outcome of your inquiry regarding messenger boys in Chicago.

We are particularly interested in this matter of special agents, and very earnestly request that this information be furnished us at the earliest possible date.

Very truly, yours,

LEWIS K. BROWN, *Secretary.*

REPLY OF MR. LEWIS MCKISICK.

THE WESTERN UNION TELEGRAPH CO.,
195 Broadway, New York, June 29, 1915.

LEWIS K. BROWN, Esq.,
Secretary U. S. Commission on Industrial Relations, Chicago, Ill.

DEAR SIR: In the absence of Mr. Carlton, I have to acknowledge receipt of your letter of June 24. Our records appear to show that the following special agents were employed by us on the dates you mention: December 31, 1913, 13; August 1, 1914, 13; May 1, 1915, 18.

With reference to the third paragraph of your letter, we think Mr. Carlton's letter of May 18 fully covers the result of our inquiry regarding the Chicago messenger matter.

Very truly, yours,

LEWIS MCKISICK, *Asst. to President.*

ADDITIONAL STATEMENT OF SYLVESTER J. KONENKAMP.

THE COMMERCIAL TELEGRAPHERS' UNION OF AMERICA,
Chicago, Ill., June 12, 1915.

Mr. FRANK P. WALSH,
Chairman U. S. Commission on Industrial Relations, City.

DEAR SIR: During the hearings of your commission into the telegraph conditions you requested that Division Traffic Superintendent Carroll furnish a full report dealing with the discharge of the men in St. Louis.

Inasmuch as Superintendent Armstrong has attributed these discharges to Mr. Carroll, despite that gentleman's professed ignorance of the causes for their dismissal and the disposition of Carroll and others to conceal the facts, I feel

that you should have a detailed report of the St. Louis lockout from our point of view. I am inclosing the same herewith, as follows:

A copy of my letter of even date to President Carlton.

A statement covering the efforts to settle the dispute, May 2 to 14, inc.

A table showing the number of men locked out, reasons, etc.

An individual history of each case. These are supplementary to the copy of my letter to President Carlton dated April 30 and filed with your commission.

While the Western Union officials made certain statements as well as promises to U. S. Commissioner of Conciliation Wm. Blackman, these gentlemen have not only made false statements about every material fact at issue, but have broken every promise made in their agreements with the Department of Labor through Mr. Blackman.

Superintendent Armstrong, in charge of the St. Louis negotiations, is our authority for the statement that within 48 hours after Mr. Carroll entered into his last agreement with the U. S. Commissioner, he (Carroll) issued instructions to Armstrong not to live up to the promises made. The defense of these men is that their actions are controlled from New York.

Yours, very truly,

S. J. KONENKAMP,
International President.

THE COMMERCIAL TELEGRAPHERS' UNION OF AMERICA,
Chicago, Ill., June 12, 1915.

NEWCOMB CARLTON,
President Western Union Telegraph Co.,
New York, N. Y.

DEAR SIR: With reference to my letter of April 20, pertaining to the St. Louis lockout, I am filing supplementary information with the U. S. Department of Labor and the U. S. Commission on Industrial Relations covering the events May 2 to 15, inclusive, in order that the agreement breaking record of your company in this affair may be complete and a matter of record.

The data consists of my statement of even date embodying the report of Mr. George A. Smith, chairman of the St. Louis grievance committee of the Western Union System Division. Mr. Smith was present at the conference between Commissioner Blackman and Messrs. Armstrong and Carroll representing your company. I am inclosing a copy of the statement herewith.

In addition to this I am forwarding to the department and the commission a table showing the details of the lockout, also a supplementary history covering each individual case.

While the officials referred to have endeavored to shift the responsibility for this flagrant breach of faith, with all of the accompanying lying and trickery, to New York, it is difficult to believe that this represents the policy of the company, since it places those concerned in a very bad light, to say the least.

However, the Western Union's policy of repression is about to fail again as it has in the past. Your telegrahers and other employees are continuing to organize in spite of all opposition. Must the history of 1907 be repeated in full, or will you meet the situation by allowing your employees to air their collective grievances before the volcanic upheaval comes?

The time has passed when we will meekly surrender our rights. The commercial telegraphers of the United States are making no demand of the Western Union except for freedom. We deny the right of that company to interfere in our personal affairs and in the rights of citizens, which includes the right to belong to a labor union, if the men so desire, without fear of the discharge and the black list. It is wrong for your company to continue to demand that men and women surrender their constitutional liberties as a condition of employment. Public opinion sustains this position, and you have admitted this in your testimony before the U. S. Commission on Industrial Relations when you said the men had a right to organize. In this testimony you also expressed your belief in collective bargaining, as well as admitting that your system of repression was unjust.

In this testimony you convicted your minor officials of gross wrongs against the rank and file of your employees when you admitted that 60 per cent of the grievances submitted to you were just cause for complaint, to say nothing of the thousands that you did not hear of or hear fully.

In this testimony you admitted that your employees were grossly underpaid, and your general manager of 1912 conceded our case when he admitted that the conditions we cited, covering a long period of years, constituted a grave economic injustice to Western Union employees.

The Western Union policy of oppression is a confession of weakness. The officials responsible for this policy lay themselves open to the following charges:

(1) The company distrusts its employees and has no faith in their honesty and integrity. They have so little faith in the merits of the company's position or in the competency of its officials to defend it and to dole out justice that they dare not deal with a committee of employees, but must rule with an iron hand.

(2) The company is opposed to applying to its affairs the principles upon which our Government is founded and denies its employees the ordinary rights of citizens; for example, your own testimony that men were discharged because the company officials did not like their associations, i. e., the company officials were the arbiters of the telegraphers' social life and friendship ties. If these were disapproved by the employer the employee must surrender either his friends and their society or else his position and his only means of a livelihood.

(3) The company feels that its officials dare not follow out the course laid down by other corporations in dealing with a committee of its own employees legitimately selected, or with the representatives of organized labor.

Does this mean that the present management of the company feels that it is not competent to discuss labor conditions in the telegraph with the humble workers in the offices, and for this reason must rule by force rather than by persuasion? I do not think so, although this charge is believed by many of your employees, and so long as the Western Union opposes its employees exercising their fundamental rights of free men and free women these charges will stand.

You have expressed your belief in organization, and on behalf of a large percentage of your employees who dare not put the question, may I ask:

What sort of a legitimate organization or labor union could they form that would meet with your approval or would be in accord with your ideas?

What sort of collective bargaining do you favor?

The commercial telegraphers of the country are aroused, and they feel that some answer should be given. They stand ready to cooperate with you along any reasonable lines that you may see fit to outline, but the first step in the direction of such cooperation must be their freedom. This they demand.

Yours, very truly,

S. J. KONENKAMP,
International President.

A STATEMENT OF THE ST. LOUIS LOCKOUT COVERING EVENTS MAY 2 TO 14, AS A SUPPLEMENT TO THE LETTER ADDRESSED TO PRESIDENT NEWCOMB CARLTON, DATED APRIL 30, 1915.

By S. J. Konenkamp.

The lockout of union men by the Western Union Telegraph Co. at St. Louis from its inception on February 26 until April 30, was covered in my letter to President Carlton on the date last mentioned.

At the request of the members in St. Louis I returned to that city on May 2 to attend their meeting, when the committee reported that the officials of the company had ignored every phase of the agreement entered into one month previous. The members were of the opinion that the company felt confident of having deceived the commissioner of conciliation and the general public as to its real position, hence they favored an immediate declaration of a strike. However, upon receiving word that Commissioner Blackman was returning to the city to investigate the situation, they decided to await his efforts to bring about an amicable understanding.

Mr. Blackman arrived on Tuesday, May 4, and conferred with the men. He was apprised of the situation and furnished with documentary proof to sustain the contentions of the men. Mr. Blackman then conferred with Messrs. Armstrong and Alger and later quoted these officials as denying positively and emphatically that they had broken their agreement or that any persons had been asked to surrender their union cards. When confronted with the fact that at least 21 operators had been hired in violation of the agreement of April 2, while exactly this number of locked-out men were awaiting reinstatement, the officials contended with Mr. Blackman that these applications were

on file April 2, hence had preference over the men locked out. This was not the understanding of the commissioner nor of the union men, but even this weak excuse for broken promises was proven to be false by the statements of the men who had been so employed.

The denial that anyone had been asked to surrender their union cards was also proven to be false by statements of the men who had been asked by Supt. Armstrong and Chief Operator Alger to turn in their cards, as well as by documentary proof to show that every person was required to do this as the first condition of reemployment. It was shown that the officials had even gone so far as to dictate the letters which accompany the cards returned to union headquarters.

Commissioner Blackman asked if the company would consent to transfer some of the locked-out men to other offices. Supt. Armstrong promised to try to bring this about, and to report the next morning. That night the men learned what to expect through the receipt of messages telling of the number of strike breakers that were being rushed to St. Louis. Nevertheless, they decided to await the results of the next day's conference.

The important events of that meeting are outlined in the following report from George A. Smith, chairman of the local grievance committee:

"ST. LOUIS, *May 22, 1915.*

"S. J. KONENKAMP,
Intl. President Commercial Telegraphers' Union of America, Chicago.

"DEAR SIR AND BROTHER: In accordance with your request for a statement covering negotiations with the Western Union, I submit the following report:

"On Wednesday, May 5, I called upon the local officials with Mr. William Blackman, United States commissioner of conciliation, to discuss the violations of the agreement of April 2. Supts. Carroll and Armstrong represented the company. The conference lasted over two hours and both of the officials denied discriminating against union men and said they would not do so. Our discussion lasted over two hours and ended in Messrs. Carroll and Armstrong agreeing to reinstate 5 or 6 men within the next few days without their surrendering their cards; that no outsiders would be employed until all of the men named in the list of 21 were reinstated, and promised that the agreement of April 2 would be adhered to. They assured Mr. Blackman that there would be no occasion for his returning to St. Louis in this matter.

"It was agreed that I should be the spokesman for the men involved, and that the names of the men would be submitted to me and checked up as being in the list of 21 before they would be reinstated. Mr. Carroll asked us to agree to consider the names of 5 men on this list already submitted by Mr. Armstrong. Mr. Carroll stated that my name headed the list. I agreed to let them select the men with the exception of myself. I asked that my name should be considered after 10 of the others had been reinstated. Mr. Blackman thought this suggestion a good one, and the officials agreed to it. We then retired to report the result of the meeting to the men, who agreed to postpone any further action for the present.

"On the following day Mr. Blackman told me that he had called upon Messrs. Carroll and Armstrong, and they had reassured him that there would be no further trouble.

"As per my understanding with the officials, I called upon Mr. Armstrong on May 7, when he stated that he had not been able to take the matter up on account of pressing business and to call again, asking if this was agreeable, to which I replied, 'Yes.' That was in the presence of Supt. Carroll.

"On May 8 Mr. Armstrong promised to go over the list with Chief Operator G. R. Alger, in order to reinstate some of the men on the following Monday, the 10th. I insisted that they do this in order to show their good faith.

"When I met Mr. Armstrong on Monday I learned that they were going to reinstate Messrs. Friedman, Fox, and Leonard. I objected to this since these men had complied with the company's request to turn in their cards and for this reason had not been included in the list of 21 discussed on the 5th inst. At this meeting, Mr. Armstrong said that Carroll had "pulled a bone" and left him "the goat" to square matters with me; that despite Carroll's statement to the contrary he (Armstrong) was under instructions from Carroll not to reinstate anyone unless they surrendered their cards. I protested against this, since it was a violation of every agreement made with Mr. Blackman and myself.

"I called again on May 11 and learned that Mr. Armstrong was out of the city. I called on May 12 and 13 to discuss the agreement, and Mr. Armstrong said

again that no person could go to work until they surrendered their union cards to the company. He said that he had submitted the name of J. B. Overman, who, according to Armstrong, had secretly surrendered his card and had been endeavoring for the past three weeks to get back, while ostensibly standing loyal to his union obligations; also the name of Steve Donahue, one of the men who had clamored strongly for a strike at the beginning but had weakened; also the name of Willie Bohan, a nonunion employee who had been discharged for gambling. I objected to these men being given preference, since compelling the surrender of cards was another violation of the agreement. At this meeting I pleaded with Armstrong to allow me the privilege of suggesting three men to be reinstated the following morning, but he said he could not reinstate anyone unless they surrendered their card.

"Then I stated that there was no use for me taking up any more of his valuable time, since we could not accomplish anything unless the men surrendered their cards, to which I refused to be a party in any way whatsoever. When I got up to go Mr. Armstrong asked if I would go to Kansas City that night, but I said 'St. Louis is my home. My family is here, and this is the proper place for me.' I asked him to send three of our members to Kansas City and put three more to work here the following morning. He replied that this was impossible. I said: 'There is nothing more to be done, then, except for me to make my report to President Konenkamp and Commissioner Blackman.'

"I made my report to the meeting of that date (May 13), and it was decided to declare a strike without further delay. The company broke every promise made. Their officials have not told the truth, and in my judgment there was no possible chance of avoiding one of two courses—either surrender our rights as American citizens and as men of principle and character or striking. We acted as men and struck.

Yours, fraternally,

GEORGE A. SMITH."

These developments have proven beyond a doubt that the charges made in the first place, namely, that the men were locked out because of their unionism, is true. The Western Union officials involved have convicted themselves of lying, deception, and showing a total disregard for their word given as a pledge. They must be judged accordingly.

S. J. KONENKAMP, *International President.*

Table of discharges in St. Louis, Mar. 23–31, 1915.

Number of names in correspondence stolen in St. Louis Feb. 26	67
Number of men discharged	46
Number of operators hired Mar. 23 to Apr. 2 (estimated)	30
Number of operators discharged account reduction of force, Mar. 23–31	13
Number of men given same reason for dismissal as that given Commissioner Blackman	5
Number given different reason than told commissioner	41
Number of operators who stated they surrendered their cards to St. Louis officials despite official statements to contrary	12
Number refused reinstatement until they surrendered their cards as shown by records of May 4	31
Number of operators hired between Apr. 2 and May 4, as per statement of Chief Operator Algar, in violation of agreement	21

Cause of discharge.	As stated to men.	As stated to Mr. Blackman.	Reinstated.	Left city.	Locked out; still in city.
Services unsatisfactory	12	1	1		
Visiting kid clubs		3	3		
Bad conduct		3	3		
Drunkenness		3	3		
Watching race information	5	5	3		2
Bad work	3	1			1
Financial trouble	1	4	4		
Trouble maker	1	2			2
Did not know		1	1		
No reason given		6	2	3	1
No work	19	2		2	2
Talked too much		17	3	4	10
Reduction of force		2	1		1
Making spectacle of himself	2	1			1
Implicated in gambling debt of $2	1				
Failing to report for work	1				
	43	49	31	9	18

INDIVIDUAL HISTORY OF EACH DISCHARGE IN ST. LOUIS IN MARCH, 1915.

J. H. Kennedy, age 23. With Western Union at St. Louis since 1910. Discharged March 27. Reason given, services unsatisfactory. Reason given Commissioner Blackman, "frequenting lid clubs." Kennedy surrendered his union card on April 8, and was reinstated April 26.

NOTE.—Each person reinstated was required to surrender his union card to Mr. Alger or Mr. Armstrong, and to sign a letter addressed to President Konenkamp of the C. T. U. A., renouncing all allegiance to the union; then he was required to keep away from the other men locked out for a week or two and show by his general conduct that he would not associate with union men. If his conduct during this period was approved by the officials, he would be recommended for reinstatement. For the sake of brevity, the word "reinstated" will mean that this course was followed by the individual named.

E. H. Kennedy, age 25. With Western Union at St. Louis since 1909. Discharged March 26 for bad conduct. Reason given Commissioner Blackman, "frequenting lid clubs." Surrendered card April 8, reinstated April 26. When E. H. was discharged his brother chided him and said it served him right, although E. H. denied the truth of the charge. However, the indignation of J. H. was transferred to the company when he was let out the following day for the same reason. He, too, said there was no truth in the charge.

W. E. Martin, age 25. With Western Union since 1910. Discharged March 26 for being drunk. Martin was able to furnish any amount of proof that he had not been in a saloon for months, nor was he a drinking man. He refused to surrender his card and is still out.

F. M. Murray, age 22. In service since August, 1913. Discharged March 25 for drinking. Reason given Commissioner Blackman, "bad conduct." Murray never took a drink in his life, and so told Chief Operator Alger. Alger accused him of having been in East St. Louis drinking on the night of March 23. When Murray reminded Alger that they were both in "The Candy Kitchen" at the very hour he was accused of being in East St. Louis, Alger replied, "You may make the charge something else." Murray refused to surrender his card and is still out.

Phil Schwartz, age 26. In St. Louis since August, 1914. Discharged March 25. Accused of watching race information. Schwartz denied this, and in refuting the charge of betting on the races said that he had not done so in months, but inasmuch as he used to play the ponies with Supt. Armstrong, this charge was used by the latter to cover the real reason, namely, unionism. Schwartz refused to surrender his card, and is still out.

C. L. Reinhardt, age 21. In service since July, 1912. Discharged March 27 for bad work. Reinhardt surrendered his union card on April 10, his wife was given employment on April 18, and he was reinstated April 26.

C. M. Rapp, age 33. In St. Louis since April, 1914. Discharged March 26, no reason. Reason given Commissioner Blackman, "financial trouble," which Rapp denies. He refused to surrender his card, and is still out.

Roy Weaver, age 25. In service since September, 1911. Discharged March 27, services unsatisfactory. He told Night Manager Mitchell that this was a lie, and said, "This is the reason, and you know it" (displaying his union card). Commissioner Blackman was told that Weaver was a trouble maker; that he had been heard to say that he wished to God the Government would take over the telegraph. Weaver surrendered his card April 12, reinstated May 3.

George A. Smith, age 45. In service since February, 1911. Discharged March 26. He knew of the stolen information and expected his dismissal. Commissioner Blackman was told Smith was discharged for drunkenness, a charge that was absolutely false. Smith was told later by Messrs. Armstrong and Alger not to play the part of the fool, since he knew why he was discharged, that if he would cut out his affiliations he could be reinstated without delay. Smith refused to admit that he was a member of the union until he finally did so on May 5. In the meantime, however, he learned that his membership card, which had been stolen with the other documents from the local organizer, was in the possession of a Western Union official. He was told that the card had been found on the street about six weeks after the theft. The card was in very good condition and unsoiled. (See Smith's letter.)

Von Laurimore, age 28. In service since 1910. Discharged March 26 for pilfering race information. Commissioner Blackman told officials did not know why Laurimore had been discharged, since there was no charge against him. Refused to surrender his card and is still out.

J. B. Forde, age 22. In service since March, 1914. Discharged March 23 for drunkenness. At the very hour Forde was accused of being seen in the street in a drunken condition he was in the office working. Supt. Armstrong told Forde that if he would surrender his card, go away for a week or so, the company would reinstate him upon his return. Forde refused to do this and left for Canada April 1.

T. P. Morris, age 22. In service since March, 1914. Discharged March 23. Reason given Commissioner Blackman, "no work." Morris left St. Louis March 24. His name was on the stolen list.

A. Grossrau, age 25. In service since July, 1914. Discharged March 27. No work. Grossrau was not a member but usually has been discharged when union men were being cleaned out of the office. He was reinstated April 26. Although the reason given was "no work," the Western Union was employing everyone who applied, and even sending for former employees to return to the service.

William Score, age 40. In service since 1908. Discharged March 27 for unsatisfactory service. Reason given Mr. Blackman, "drunkenness." Score was not a member of the union, kept away from the others who were discharged, and reinstated April 7.

William Freeman, age 36. Discharged March 27. Company officials did not know why. He did not mingle with the other men and was reinstated April 7. Current opinion is that Freeman was mistaken for Friedman, who was a member and was discharged on March 31.

William Gibbard, age 28. In service since 1908. Discharged March 27. Officials did not know why. Probably Carroll could tell, since Gibbard was down as an agitator in 1911 and compelled to surrender his card at that time. He was not a member and was reinstated April 7.

Steve Donahue, age 24. In service since August, 1914. Discharged March 20. Services unsatisfactory; but reason given Commissioner Blackman, "no work." Surrendered card April 23, reinstated later.

Gus Hirsch, age 21. In service since August, 1914. Discharged March 27.

R. M. Harris, age 22. In service since August, 1914.

James Hickey, age 20. In service since August, 1914. All three same case as Donahue, except that they refused to surrender their cards and are still out.

Jack Phillips, age 55. In service since August, 1914. Discharged March 23. No data.

Leo Duckett, age 38. Reason given Commissioner Blackman, "drunkenness." Did not mingle with union men; was not a member. Reinstated April 26.

George Grant, age 23. In service since May, 1914. Same as Hickey. Still out.

C. L. Siler, age 26. In service since June, 1914. Discharged March 26 for playing races. Reason given Commissioner Blackman, "Siler talked too much." Is a member and still out.

F. Mitter, age 19. Discharged March 26, no work. Reinstated April 26.

W. B. Fox, age 19, and J. Friedman, age 19. In service since August, 1912. Discharged March 31 after having attended a union meeting. Reason given, depression in business, although they hired eight men the same day. Reason given Commissioner Blackman, "bad work." These boys were told by Chief Operator Alger that inasmuch as they had only been in the union a short time, to surrender their cards, etc. They did so; were sent out of town to work and brought back to St. Louis office about May 10.

—— Ryan, age 23. Discharged March 20. Company did not know why. Left city. No data.

L. L. Lawrence, age 24. In service since July, 1914. Discharged March 24 for making a spectacle of himself. Reason given Commissioner Blackman, "no work." Had displayed an O. R. T. card, hence his discharge. Left city.

J. B. Overman, age 33. In St. Louis since April, 1913. Discharged February 17 for drinking. Surrendered his union card May 11.

J. A. Messick, age 24. Discharged March 26. Associated with union men; reason given Commissioner Blackman, "no work." Followed instructions; reinstated May 3.

H. Brunert, age 20. In St. Louis since August, 1914. Attended meeting March 29; discharged same day for being implicated in a gambling debt of $2. Reason given Commissioner Blackman, "no work." Brunert then called upon Supt. Carroll in Chicago, after Mr. Carroll had promised before the commission to adjust any grievances the men might have. Carroll said Brunert had not been given a square deal; wired to St. Louis for record and received a reply

that Brunert was a first-class automatic operator, reliable, and competent in every way, salary $42.50; but a secret code word at the end of the message resulted in Carroll telling Brunert that he could not work for the Western Union at any point until he returned to St. Louis and cleared his record. Brunert is a member and is still out.

George Neurnberger, age 21. In service since September, 1912. Discharged from automatic department with Brunert for unsatisfactory service. He had attended the meeting, but reason given Commissioner Blackman, "bad conduct." Neurnberger was with Brunert when he called on Carroll. Is a member and is still out.

H. C. Hill, age 19. In service since August, 1913. Attended meeting March 31; discharged for unsatisfactory service; left city.

B. F. Stone, age 27. In service since February, 1914; same case.

A. Lemme, age 18. Talked to discharged men, so dismissed March 27. Still out.

—— Holland, age 33. Discharged March 29 for talking too much. Strong advocate of socialism, and Supt. Armstrong told Commissioner Blackman that he would not have such a man around the office. Holland was not a member of the union; made his peace and was reinstated May 3.

C. G. Wiedeman, age 26. In service since 1908. Discharged March 29. Financial trouble; false charge; a member; still out.

J. B. McNutt, age 20. In service since August, 1914. Discharged March 20 after attending open meeting. Was told he had been discharged for leaving waiting room without permission. Reason given Commissioner Blackman, "no work." McNutt is still out.

Harry Leonard, age 22. In service since March, 1911. Discharged March 29 for bulling the business. Reason given Commissioner Blackman, "no work." Reinstated May 3.

J. O. Forney, age 28. In service since May, 1912. Discharged March 29. No reason. Name was on stolen list. Left city.

William Bohan, age 18. In service since August, 1913. Discharged March 31 for bad conduct. Current report that it was for gambling. Commissioner Blackman told company did not know why. Reinstated May 3.

S. W. James. Discharged March 23. Company did not know why. Left city. Name on list.

J. Benedict. Discharged March 31; no reason given. Commissioner Blackman was told it was for unsatisfactory service. Benedict was asked by Supt. Armstrong to turn in his card; he did this on April 14, and was reinstated May 3.

E. P. Segar. Discharged April 1 for failing to show up. Segar was sick but company was short of men owing to large number discharged on account of no work. Segar's name was on list. He is still out.

F. Bernhardt. Discharged March 28; name on list; left city; no details.

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705 PINE STREET, *St. Louis, Mo., June 9, 1915.*

Hon. FRANK P. WALSH,
Chairman U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: We, the undersigned locked-out Western Union telegraphers in St. Louis have read Supt. Carroll's testimony before your commission, and we were thoroughly impressed by his misstatements. For this reason we desire to acquaint you with some facts, since you have asked the company to make a full report on the St. Louis discharge.

Mr. Carroll testified that he knew nothing of the discharge of the 48 men here during the week ending March 31. Mr. W. J. Armstrong, the superintendent at St. Louis, working under the direction of Mr. Carroll, has stated before responsible witnesses that these men were discharged upon instructions received from Supt. Carroll. Which of these gentlemen are we to believe? Our experience compels us to believe Mr. Armstrong.

"Where did Mr. Carroll get this information?"

Mr. Armstrong stated that he could not reinstate anyone without authority from Mr. Carroll. The company agreed on April 2 to reinstate all the men without discrimination, yet the rules laid down to govern our reinstatement were as follows: The men were to turn in their union cards and promise never again to join any labor organization. Armstrong would then recommend

to Carroll that on account of the men's good conduct in keeping away from all members of the union, that they be reinstated. Those who complied with the conditions were put to work, while those who believed that the company should live up to this agreement of April 2 are still locked out.

The company's failure to live up to this agreement was responsible for Commissioner William Blackman, of the United States Department of Labor, returning to St. Louis on May 4. On the following day Mr. Carroll promised Mr. Blackman and George A. Smith, representing the locked-out men, to reinstate every one, regardless of their union affiliation. On May 6, Mr. Carroll reassured Mr. Blackman that the agreement would be carried out to the letter without any further misunderstanding whatsoever.

Before Mr. Blackman departed, it was agreed that Mr. George A. Smith would represent the telegraphers.

When Mr. Smith called upon Mr. Armstrong he was told that Mr. Carroll had no intention of keeping his agreement, and the only conditions under which he (Armstrong) had authority to submit our names was when we complied with the conditions already mentioned. The telegraphers are convinced that Carroll has not acted squarely.

EXTRA MEN.

Mr. Carroll's statement about the extra or unassigned list was another deliberate attempt at deception. Extra men are subject to the following rules:

They must report before 9 a. m. and 5.30 p. m. of each working day. Failure to report, unless excused by the chief operator, means suspension or dismissal. Men on the extra list can not accept any other employment. They must give 10 days' notice before resigning, although they are discharged on a minute's notice, and in every other way they are subjected to all the rules of regular employees.

There is no charity in the Western Union, and Mr. Carroll could truthfully explain why it is necessary to carry such a large emergency list of Morse operators.

Early in the winter of 1914–15 practically the entire night force at St. Louis was put on extra, with "show-ups in squads," some reporting at 5.30, others at 6.30, and some at 7 p. m. The men worked two or three hours until business fell off, when they were excused until 1 a. m. When the men reported back at 1 a. m. they might work 5 to 15 minutes, or not at all, but they were required to report again at 2 a. m., with the same result, except they were to report again at 3 a. m. Thus after being in the waiting room from 5.30 p. m. until 7 a. m., the men would make but three or four hours' time. For the "dead time" the men received nothing. They were frequently laid off while there was considerable business awaiting movement, but upon protesting against the system were told the officials were running the office. Communications have been seen on the night manager's desk from the day manager, saying that the business at night should be handled with 45 men, although the "load report" said the business warranted using 53 men on the rolls and demanding a higher individual average, which refutes Benefactor Carroll's charity talk.

Operators receiving $80 per month were told that unless they could average more than 40 messages per hour their salaries would be reduced. The speeding up is the limit of human endurance, yet any protest upon the part of the men would warrant suspension or dismissal.

For example, Miss Marie Powers, now Mrs. C. L. Rinehardt, handled 1,000 messages in the automatic department in one day, Chief Operator Alger sitting behind her through the performance. She collapsed twice within the next month as a result.

The salary of the night manager of St. Louis was increased because of the good showing he made in curtailing "short reliefs" on his shift. Short reliefs when given in St. Louis are of 10 minutes' duration, although it takes 5 minutes to get to the toilet and return. Should an operator take 13 minutes on such reliefs he is docked 15 minutes. If an operator is to be relieved within an hour or so, he can not obtain a short relief, and to insist upon one would mean being relieved for the balance of the night. Owing to the depression, the men could not afford to lose the little time they were able to make, hence were forced to endure this inhumane treatment.

Men who have been in the service for years will make an affidavit that working conditions never were as bad as they have been during the past two years; and they are growing worse, thanks to Carroll and his ilk.

The minimum wage of automatic operators in St. Louis is $25 per month, the maximum $35, making an average of about $30 in this department. These operators are subject to the unassigned list like those of the Morse during periods of depression throughout the day.

We note that Mr. Carroll stated that he arranged to lay off married women whose husbands were working in the office and to have the regular men lay off one or two days each month. Fred Meinholtz, a St. Louis operator, was suspended for suggesting such a plan and had to promise not to mention this again before being reinstated.

Mr. Carroll's statement that wages are higher than in 1908 is equally misleading. Telegraphers receive less pay for the same amount of work than in 1908, message for message. He also tried to create the impression that the company reduced the hours of "split tricks" from 8 to 7½, whereas the reverse is true. The 8-hour split trick is an innovation of recent years.

Mr. Carroll's statement that the automatic machine benefits the public is untrue. Thirty-five per cent of the business handled on the automatics is returned for correction on account of serious errors, delaying some messages as many as 7 or 8 hours, while the errors made by Morse operators is less than one-half of 1 per cent. If the public understood how their business was mutilated by the automatics, they would cease telegraphing all together. These machines are merely used to intimidate the Morse operators. Any truthful official would admit there is no pecuniary or business advantage in the automatics and that they hurt the public instead of helping facilitate the movement of business. An investigation of the claim department will prove this. The machines are useless in stormy weather or during heavy snow and when affected by heavy frost.

Here you have the real reason for the extra or emergency list. The St. Louis office was caught short of an emergency list at the time of the Dayton flood, which put the automatic machines out of commission. The charity list fit in handsomely, and the men were required to work as long as 45 hours without relief or a decent meal. Chief Operator G. R. Alger was severely censured for being caught short of a large extra list, and he has kept his office well filled ever since. Since it costs the company nothing to have the men wait 12 or 14 hours a day for emergency work, the company does its best to be prepared for such events as the Dayton flood and other disturbing factors.

One day spent in a telegraph office would confirm these statements, but an inspection widely heralded like that of the President's visit to this office produces nothing in its real light.

We desire to state that Mr. Carroll's testimony was neither frank nor truthful, and he did all that he could to deceive you: (1) With reference to the discharge of the men in St. Louis. (2) With reference to his "gum-shoe men" and his so-called "short hand." (3) In his general outline of conditions in his own district and touching upon the telegraph business in general.

Yours, very truly,

GEO. A. SMITH, *Chairman.*	V. LAUSTSEN.
PHIL SCHWARTZ, *Secretary.*	G. J. NUERNBERGER.
S. A. MCCLURE.	J. B. MCNUTT.
C. L. SILES.	H. H. BRUNNERT.
C. G. WIESEMANN.	FRANK M. MURRAY.

ADDITIONAL STATEMENT OF MR. WESLEY RUSSELL.

THE COMMERCIAL TELEGRAPHERS' UNION OF AMERICA,
Chicago, July 16, 1915.

L. K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago.

DEAR SIR: In accordance with the instructions of Chairman Walsh to the five Postal operators who testified before the commission in the telegraphers' hearing, I hand you herewith the personal statement of Mr. Thomas L. Yarrington, recently discharged for a technical violation of the rules. Mr. Yarrington would also like to file a statement in his defense, answering certain charges made by Mr. Powers at the hearing, to which Mr. Yarrington, of course, had no opportunity to reply.

For your information: Of the five men who testified only one is left in the employ of the Postal—Mr. W. T. Russell—and he at present is on a sick leave. Whether he will have a job when he returns is not known, but, judging from recent events, the chances are that he will not.

If was quite manifest to the five men who testified for the hearing that they were out of favor with the management, and they gained the impression that they would be "gotten" at the first opportunity. Observing the trend of affairs, D. L. Rogers secured a broker job and quit. S. P. Ambrey, who I understand has filed a statement with the commission, was discharged. C. R. Emerson became discouraged in the face of the treatment accorded him and resigned. Thomas L. Yarrington was discharged.

Yours, very truly,

WESLEY RUSSELL,
International Secretary-Treasurer.

GARY, IND., *July 11, 1913.*

MR. LEWIS K. BROWN,
Secretary the United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Please submit to the commission the following as evidence in your investigation of the telegraph companies:

I was one of five telegraphers who were subpenaed to testify before the commission on April 14. I was working for the Postal Telegraph Co. at that time and was discharged by them on June 29 last. The reason given me for my discharge was "falsifying my daily work record," as they expressed it, but which was in reality an effort on my part to equalize the hourly average number of messages handled, so that it would be possible for me to have 25 messages each hour as required by that company in Chicago. This is the poorest excuse, I think, ever given for discharging a man from the Chicago office, and I have no doubt the real cause for my dismissal was for testifying against the company, as 90 per cent of the operators in the Chicago office practice this very thing day in and day out, and never before has there been a dismissal for this reason. A few days before my dismissal I was warned by a friend in the office, a clerk, to watch my average, etc., as they were checking me up every day and looking for something for which they could discharge me. This goes to show they wished to be rid of those men who testified. However, having practiced this carrying over messages from one hour to another ever since I had been in Chicago—I learned it in that office from others I had seen do it—I took no precautions on this score, believing it was perfectly all right and not against the rules. I had never been warned to the effect that it was against the rules, and had never seen any bulletin to that effect posted in any telegraph office. The day before my dismissal I was asked to make a statement by the general traffic chief, stating my reasons for this, which I did. The following is my statement:

"G. T. C.: Re attached, in an effort to handle the required 25 per hour, and to have as good a showing one hour as the others, I carried these messages over. I did not know this was against the rules, and have never seen any rules prohibiting this; nevertheless will discontinue such practice in future."

I was not allowed to go to work, I was told that night, until I had seen the general traffic chief. He had gone home for the day (I reported at 5.30 p. m. for night duty and worked until 8.30 p. m., or a little later, as business required, which was part of my split trick). The following morning I went to see the general traffic chief and was asked by him if I had any excuse to offer as to that average slip, and I replied, "None, except what I said in my statement." He turned around and said to Mr. T. N. Powers, the manager of the operating department, and said, "Yarrington has no excuse to offer for turning in that average slip." Mr. Powers said, "Let him go"; and I was immediately discharged. There is no question in my mind as to the real cause of my dismissal, and I am sure had I not been one of those who testified before the commission I would still be working for the Postal.

As an instance of the way Mr. Powers regarded the men who testified, I wish to submit the following, which was related to me by Mr. C. R. Emerson, one of the men who were subpoened:

"A young man had resigned from the Chicago office of the Postal, and, failing to find other work, was seeking reinstatement through Mr. Powers, the chief operator. He had previously written a letter to Mr. Powers requesting his position back. He happened to be talking to Mr. Emerson and Mr. Ambrey, another witness, in the hallway on the first floor of the Postal Building, when Mr. Powers came walking up to take an elevator to the tenth floor, his office. Mr. Emerson and the young man mentioned also stepped into the elevator with Mr. Powers, whereupon Mr. Powers proceeded to tell the young man,

whose name was Rosenthal, that he had no business talking to those fellows, as they were not liked by the Postal Telegraph Co., and were no friends of his." The exact statement, he said, following his outburst of temper, was, "You can't play both ends and the middle with me."

Another instance, which was told to me by the girl in question:

A young lady, Miss Mary Conroy by name, who had been employed as an operator on one of the automatic machines, was discharged with several others when these machines were discontinued by the Postal. This happened about two weeks after we testified. Mr. Emerson, Mr. Aubray, and myself were friends of this girl and often talked to her in the office. When she applied for a similar position with the Western Union, Mr. Powers refused to give her a reference, therefore, she was turned down by the Western Union. Later her mother, who evidently knew Mr. Powers, called on him and wanted to know why her daughter should not be given a recommendation, since she had spent the best years of her life working for the Postal Co.—the girl started working there when she was 14, and she is now 20, I think. Mr. Powers said it was "because she had too much to do with people in the office who were not his friends."

The above instances are given just to show the commission that these five men who testified were "marked men," so far as Mr. Powers and the Postal Telegraph Co. were concerned, and the fact that not one of these men are now working for the Postal is further proof of my assertion.

From the time I testified until the day I was discharged, I never missed a day from work and never noticed a bit of improvement in the working conditions of the office. If the commission could visit these offices and see for themselves conditions as they were recited to them during the hearing in Chicago, I am sure they would not wish further proof.

The day I was discharged, I applied to the Western Union for a position, and was told they did not need any operators; nevertheless, several of the men whom I knew at the Western Union told me they were putting on men every day. Therefore I consider myself on the black list of the Postal and Western Union, and should I ever apply to either of these companies in another city and am refused employment—that is, when I know they are employing men—I will be glad to notify the commission, should this happen before their report is made to Congress.

I am still out of work and have no immediate prospects, and I consider the Postal Telegraph Co. and Mr. Powers, the chief operator in Chicago, have done me a big injustice, and also the others who were witnesses before the commission.

Respectfully, yours,

THOMAS L. YARRINGTON.

Address No. 529 Harrison Street, Gary, Ind.

ADDITIONAL TESTIMONY IN REPLY TO MR. T. N. POWERS'S STATEMENTS REGARDING MY IRREGULARITY, ETC.

Mr. Powers stated I went to work in May, 1914, and quoted my earnings for the last part or half of that month. This is untrue, as I went to work in April, about the 10th, and was on the extra list. My earnings evidently were so small for April and first half of May he probably did not think it good policy to quote them. He also quotes me earning $12.38 for the second period of July, 1914, and being absent 10 days. Mr. Powers knew and has records in his files that should show my absence during the second period of July was due to my making a two-week's relief in a branch office for the Postal. In fact, I was detailed out of the main office. Also says I was evidently absent during second period of August, 1914. I made another relief for a private-wire firm for that two weeks and was personally detailed to do this by Mr. Powers. And later, in September, I was detailed to work for this firm, sometimes a day at a time, and one time during that month was working for this firm—American Car & Foundry Co., Railway Exchange Building, Chicago—three consecutive days, and I am sure Mr. Powers's records should show that. It is strange to me that I should be marked absent when I was working a position that Mr. Powers had detailed me on. During month of October business was falling off and it was impossible for those on the waiting list to make any time.

The 10 days I was absent during October, as stated by Mr. Powers, was due to the fact that I was laid off by him for that length of time for reason of an assignment which I settled some way and later returned to work. There are

many times when a man is marked absent when he has requested off, and I am sure such is the case here. During the whole year and three months I was with the Postal in Chicago I did not remain away from work over five days, and those were days I was ill or feeling very indisposed, and would always explain the next day why I failed to report. All the time I was marked absent I was on the waiting list.

Mr. Powers also states I was overdrawn or received no voucher for the first period of January. I was not overdrawn on the company at all, as they would not allow that, but I simply didn't make enough money to pay the bank or association, of which Mr. Powers is a big stockholder. I had purchased a suit of clothes from this association, and having failed to get the time I could not pay them. The same association runs the restaurant, of which he speaks. Those who patronize the association by buying clothes, etc., from them and borrowing money from them, for which they are forced to pay 6 per cent interest, and eating in the restaurant, are considered very good friends of Mr. Powers, and most of those who do not patronize this association are not friends of his and are not shown many favors or kindnesses around the telegraph room. This is the reason, I believe; it was only a matter of dollars and cents to Mr. Powers and not the company's interest which made him come to me with the statement that I was very irregular and not working. It made very little difference to the company whether I reported for duty or not, as it costs them nothing to have an extra list. The men are only paid for the time they actually work and are not paid a cent for the time they wait around for it, as was the case last winter. Most anyone who was forced to hang around 10 to 12 and 15 hours a day for only 1, 2, or 5 hours' work would naturally become more or less indifferent. This association I speak of is run by officials of the company. Not one of the men who are on the executive staff is an operator; that is, they are all officials of the Chicago office of the Postal-Telegraph Co., with the exception of W. J. O'Brien, who is secretary and treasurer and does the bookkeeping and runs the restaurant, etc. He was formerly an operator, but was appointed by Mr. Powers for this position. He is also interested financially in the association, and I do not believe for an instant his interests are in the operators, but with the officials. In other words, from the things I have seen happen, I am sure it is simply a money-making scheme and is not beneficial to the operators at all, as there are a great many who are kept in debt to this association all the time. In fact, the impression I received is they do everything in their power to keep these men in debt to the association; and if a man fails to make enough money to pay the association he is usually limited by Mr. O'Brien to a certain amount each day with which to eat on. He does not receive this in money, but in tickets, for which he signs a due bill. When his voucher is cashed he draws everything but what he owes the bank and what he has signed up for in the restaurant. That is held out by the company invariably. Should a man not be able to make enough time to pay these due bills he is stopped altogether in the restaurant and is not allowed to sign up for anything until he has made up enough time to pay for his overdrawn amount. In this way during the winter when business is bad a majority of the men on the waiting list who are forced to patronize the restaurant are kept in debt to the association all winter.

This is in answer to the statements made by Mr. T. N. Powers in his testimony of April 15 regarding my irregularity, etc., and shows there are two sides to every story, and his was as unjust as it was untruthful.

If possible I would like for this to be filed as an answer to the statements made by Mr. Powers, and oblige,

Yours, respectfully,

THOMAS L. YARRINGTON.

JULY 20, 1915.

Mr. THOMAS POWERS,
Postal Telegraph Co., Chicago, Ill.

DEAR SIR: We are informed that of the five telegraph operators who testified before the commission, only one now remains in your employ.

As the commission is very much interested in this matter and will deal with it in its report to Congress, we will appreciate a statement from you covering the discharge or resignation of these men.

Very truly, yours,

C. T. CHENERY,
For the Commission.

POSTAL TELEGRAPH CO.,
Chicago, July 22, 1915.

(Attention of Mr. C. T. Chenery.)

DEAR SIR: Replying to your favor of the 20th, in which you state that you have been informed of the five telegraph operators who testified before your commission only one remains in our employ.

Beg to advise that Mr. D. F. Rogers resigned of his own volition May 21. In tendering his resignation he said he had secured a better position and wished to be relieved at once, which we did.

S. P. Aubray was dismissed for being absent without permission from May 21 to 26, inclusive. When he returned for duty and was asked to explain his absence, he stated he was sick, although I personally saw him within a half a block from the office and in the building the day before he returned. During his absence no word was received from him, and when reminded of this stated he had asked one of the operators to report his illness, which he failed to do. This is contrary to our instructions, and in view of the fact that he was able to be out on the street within a half a block from the office and in the building, we felt that he did not feel disposed to live up to our rules and regulations, hence his dismissal.

T. L. Yarrington was dismissed for falsifying his daily work report, which is contrary to our rules and regulations.

C. E. Emerson, after being absent from July 3 to 10, inclusive, resigned, to take effect immediately on date resignation was presented, which was July 10, and was accepted.

I wish to assure you that the fact that the two men who were dismissed gave testimony before your commission was in no way responsible for their dismissal. We have acted in like manner to other operators who were guilty of the same charges.

The publicity given by these men testifying brought to light certain acts on their part while in our service in other cities that made them undesirable employees, but when confronted with the charges was denied by Messrs. Aubray and Emerson, and because of the fact we did not have positive proof in the case of Aubray we gave him the benefit of the doubt and allowed him to continue in our service, although I am free to confess were the evidence placed before a jury or expert in handwriting there is no doubt but what the case would show against him.

In the case of Emerson, he at first denied the charges placed against him, but when confronted with the signature admitted the fact. Inasmuch as some time had elapsed, and not desiring to take advantage of him, we allowed him to remain in our service and pay the account in installments.

On May 20, 1915, the Franklin Loan Co. placed a notice of assignment of wages against T. L. Yarrington. This is contrary to the rules and regulations. When Yarrington claimed it was not entirely his fault, inasmuch as he was merely a guarantor on the note, and that he was of the opinion that it had been paid long ago, we allowed him to remain in our service.

Thus you can readily see no undue advantage was taken, and, as I stated before your commission, these men would not be dismissed for testifying unless they did not live up to the rules and regulations, and had they done so they would still be in our employ.

If I can be of any further assistance I will be glad to have you call on me.

Very respectfully,

T. N. POWERS,
Manager Operating Department.

EXHIBITS.

KONENKAMP EXHIBIT NO. 1.

709 ELECTRIC RAILWAY CHAMBERS,
Winnipeg, Manitoba, March 30, 1915.

Mr. S. J. KONENKAMP,
International President Commercial
Telegraphers' Union of America, Chicago, Ill.

DEAR SIR AND BROTHER: Your letter of March 18 is received, in which you ask me if I remember the testimony given by officers of the Canadian Pacific Railway Co.'s telegraphs during the investigation by a board of conciliation and investigation appointed by the minister of labor under the industrial disputes investigation act, of which I was a member.

In reply I beg to state that I have a very clear recollection that Mr. Kent, the general manager of the telegraph company, and other officers of the company, testified that a schedule embodying a working agreement and specific rates of wages with their telegraphers was a very satisfactory and desirable arrangement. That during the year or more which such arrangement had been in effect that the company had found it useful in many respects, and the company preferred such an arrangement with its employees.

Mr. W. J. Camp stated that he was opposed to the arrangement, but upon cross-examination admitted that he had nothing to do with the matter of superintending or directing the employees; that his business with the company was confined to the mechanical part of the company's equipment; and also admitted that he knew that the officers of the company who had charge and superintendence of the employees were in favor of the arrangement.

I expect to be passing through Chicago some time during the first week in May and will be glad to see you if you are in town.

Yours, fraternally,

D. CAMPBELL.

KONENKAMP EXHIBIT NO. 2.

GENERAL STATEMENT.

The position of the commercial telegraphers in the industrial field is entirely different from that of any other body of wageworkers. In order to compare their position with any other union it would be necessary to combine all the employers in a given industry throughout the United States into two, and both of those opposed to organization of employees and controlling directly or indirectly 80 or 90 per cent. Capital has reached its apex in the telegraph. It has but one more step to take to attain a complete monopoly—that is, for the Western Union and Postal to combine. Capital can go no further in that industry. So far as the union is concerned, that combination already exists. The two companies are combined against it. They fight it relentlessly with the tremendous power inherent in the unrestricted monopoly and control of the jobs. They coerce, discharge, and blacklist, and until recently not a finger was lifted in all the vast machinery of the Government to stop these grave abuses of corporate power.

Workers in the telegraph feel that they are entitled to protection in their rights as citizens from the Government. Whether right or wrong, we feel among the chief functions of a Government are to protect the weak from the strong and to dispense justice impartially. The Government has authorized

and permitted these large aggregations of capital called corporations—a veritable corporate Prometheus turned loose upon the community to ravage and despoil at will. Whatever interest the Government has displayed heretofore has been in business and property ills, while it has permitted these corporations to grow into giants and to cruelly exploit and run roughshod over every right a citizen is supposed to possess. We, as a craft, have fought this battle for 50 years. We have won and we have lost. In that time we have fought three different groups of capitalists in control—the Vanderbilts, then the Goulds, and now the Morgan-Rockefeller combination, represented through the financial house of Kuhn, Loeb & Co., of which Jacob Schiff is a member. The policy has always been the same—bitter hostility to exercising in the telegraph industry political rights we have as citizens of the Republic—and, as an eminent lawyer who testified before this commission said, we have industrial absolutisms that absolutely set aside and nullify the political principles on which this country is based.

We telegraphers feel bitterly this injustice. We do not think many crafts can show such merciless exploitation and unjust treatment covering so long a period of time.

With this preliminary explanation and protest we proceed to our statement.

SUPPLEMENTAL STATEMENT FILED WITH THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS BY S. J. KONENKAMP, INTERNATIONAL PRESIDENT, AND WESLEY RUSSELL, INTERNATIONAL SECRETARY-TREASURER, OF THE COMMERCIAL TELEGRAPHERS' UNION OF AMERICA, JULY 9, 1914.

Under date of December 20, 1913, the undersigned officers of the Commercial Telegraphers' Union of America filed a declaration of charges with the United States Commission on Industrial Relations, and the following is submitted in amplification of the same.

The various charges are set forth herein in the form of subheads for the additional data submitted in support of these contentions. This data covers only a few of many specific instances, and it can be supplemented by additional facts if necessary.

WHAT ARE THE GENERAL CONDITIONS OF EMPLOYMENT?

"The Western Union and Postal Telegraph Cos. employ over 70 per cent of the commercial telegraphers in the United States. The great majority of commercial telegraphers are compelled to apply to and are dependent upon these two companies for continuous employment."

According to our estimates there are 20,000 commercial telegraphers in the United States. Of this number the Western Union employs over 12,000, or 59 per cent; the Postal 4,500, or 22.5 per cent; there are employed on leased wires about 3,000, or 14.5 per cent, divided as follows: Press, 1,000, or 5 per cent; broker, 1,500, or 7 per cent; other leases, 500, or 2.5 per cent. There are about 600 wireless telegraphers, or 3 per cent of the whole, while the cable companies employ about 200, representing 1 per cent.

"Concerns leasing private wires from these companies hire their own telegraphers. Where wires are leased, the contract stipulates that the telegrapher employed by the lessee must be satisfactory to the telegraph company."

These leased wires are rented from the Western Union, Postal, and American Telephone & Telegraph Cos. (long-distance Bell telephone). Of the 3,000 telegraphers employed in this service it is estimated that over one-half are working on wires leased from the Western Union and Postal.

The following is an excerpt from the Western Union contract:

"Second. The second part— hereby promise—and agree— to pay to the first party for the use of said wire, as herein specified, the sum of ——— dollars ($——) per annum in equal monthly installment of ——— dollars ($——) at the beginning of each and every month during the continuance of the agreement; and the second part— also agree— to furnish and pay the salaries of operators to work said wire in ——— office—; said operators shall be subject to approval of and satisfactory to the first party, and shall not while in the service of the second part— be employed by or have any business connection with any other party or parties without the consent of the first party * * *."

"This clause has been used to enforce the discharge by another employer of men obnoxious to the lessor."

In 1908 several concerns operating leased wires canceled their agreements with our union. We were told by some of our local officers that these cancellations were due to the pressure exerted by the Western Union Telegraph Co.

In 1905 the Commercial Telegraphers' Union of America entered into agreements with the Publishers' Press and Scripps-McRae League. These consolidated later under the name of the United Press Associations, which assumed the existing contract. The agreement was still in effect in March, 1908, when R. C. Clowry, president and general manager of the Western Union Telegraph Co., notified H. B. Clarke, president of the United Press Associations, that unless his association broke its agreement with our union that the wires of the Western Union Co. would be pulled out of every newspaper receiving the United Press service. After a warm discussion Mr. Clarke declared that inasmuch as the union had lived up to its agreement in every way that his association would observe the conditions of the contract until its expiration in September of that year. At that time Mr. Clarke notified the union that the agreement would not be renewed, and gave as his reason therefor the attitude of the Western Union.

Mr. Clarke stated that his association was willing and anxious to sign a new agreement if the union could protect them against the reprisals of the Western Union, but the union could not guarantee such protection, and the agreement was not renewed at that time.

James W. O'Brien, of Seattle, Wash., went on strike against the Associated Press in 1907. During the strike he was an active worker for the union, and thus incurred the enmity of the Associated Press, the Western Union, and the Potal Telegraph Cos.

After the strike terminated, O'Brien was hired and his wages paid by the United Press Associations to work for them at Bellingham, Wash. The Bellingham circuit was a Western Union lease, and this company forced the United Press to discharge O'Brien under the provisions of clause 2 of their contract quoted above.

The above instances are specific and can be substantiated easily. There are many similar cases involving various leases. While some of these can be proven, there are others where it might be difficult to prove beyond a doubt that the Western Union influence was behind the discharge and blacklisting of the men employed upon leases, but such men have felt the effect nevertheless.

OPPOSITION TO UNION.

"Both companies, while ostensibly keen competitors for business, have been a unit in fighting the union. Both discharge union men if known. As a result, men must hold their membership secretly."

The Western Union telegraph officials have made no secret of their hostility to any of its employees holding membership in a labor union. This has been the attitude of the company for nearly 50 years, and as early as 1870 and 1883 telegraphers entering the service of this company were compelled to sign ironclad oaths, swearing that they would "forthwith abandon any and all membership, connection, and affiliation with any organization or society, whether secret or open, which in anywise attempts to regulate the conditions of my service or payment therefor, while in the employment now undertaken." Within the last few years men have been required to make similar affidavits in order to secure reemployment, and the officials of the company have within this time stated in emphatic terms that no telegrapher who was a member of either the Commercial Telegraphers' Union of America or the Order of Railroad Telegraphers could work for the Western Union if such membership was known to the company officials.

President Carlton has told discharged employees that the only reason for their dismissal was their suspected membership in the C. T. U. A. or the O. R. T. The same information has been vouchsafed by subordinate officials on numerous occasions.

The following persons are selected from a large number who can be named to verify these statements: In New York, J. J. Rafter, J. W. Rutter, F. B. Johnson, C. A. Simpson, E. P. Fagan, E. Gaffney, F. H. Betts, A. Bartholomew, J. H. Doremus, H. M. Kelly, and Miss Hilda E. Svenson; in Buffalo, F. P. Jones, Ray Collins, and J. C. Hoover; in Pittsburgh, J. W. Bleakney and A. F. Harrison; in Portland, Oreg., A. H. Hageman; in Los Angeles, W. N. Hickman; in Chicago, F. E. Abbott, L. S. Livingston, P. P. Jones, Thor J. Benson, Charles

E. Shea, Doc Everningham, and H. A. Macaulay; in Baltimore, G. A. Hammond; and in Nashville, Tenn., John R. Heer and A. B. Durrett.

In this connection you will also find in the copies of the Commercial Telegraphers' Journal, filed with the commission, the following:

Volume 10, No. 6 (June, 1912), correspondence between T. N. Vail, then president of the Western Union, and S. J. Konenkamp, international president of the Commercial Telegraphers' Union of America, dealing with discharge of men in various parts of the country on account of their membership in the union (pp. 225–237).

Volume 11, No. 12 (Dec., 1913), and volume 12, Nos. 1, 2, and 3 (Jan., Feb., and Mar., 1914), an exposé of what followed the efforts of President Konenkamp to reach an amicable understanding with the Western Union. Documentary evidence is presented in these issues of the Journal showing that men and women were employed as spotters by this corporation under a chief special agent in an effort to destroy the telegraphers' union; that in the furtherance of this work bribery, burglary, and larceny, as well as other wrongful acts, were resorted to; that as a result of padded reports turned in by these spotters and other employees engaged in this work hundreds of nonunion men were discharged, the spotters having reported them as belonging to the union. Both union and nonunion men were blacklisted on account of false reports turned in by these spotters. In this exposé letters and notes signed by T. P. Cook, then general superintendent at Chicago; W. J. Lloyd, now general manager at Denver; T. W. Carroll, now superintendent at Chicago; and R. M. Shoemaker, chief special agent, are reproduced, showing that the entire campaign of destruction was being carried on under the direction of Vice President Belvidere Brooks, while other correspondence published connects President Newcomb Carlton with the other officials in this work.

The original letters are in the possession of the undersigned and they stand ready to produce the same at any time.

THE POSTAL TELEGRAPH CO.

The Postal Telegraph Co. maintained a neutral attitude upon the question of their telegraphers belonging to a labor union until 1907. During the fall of that year the Postal Telegraph Employees' Association was formed, and is still maintained by that company. No dues are paid by the employees, but all are expected to hold membership therein. President Mackay made the statement a few years ago that practically all the Postal employees were members. Since that time (1907) this company compels telegraphers, as a condition of entering or remaining in the service, to assent to the following pledge:

"I am not a member of any union, and hereby agree not to join any union or organization hostile to the interests of the company while in its employ."

The Postal Co., relying upon this pledge to hold its telegraphers aloof from any union movement, has not been so aggressive in its opposition to the C. T. U. A. as the Western Union. Nevertheless when any test of its attitude has been made, the company's position was shown in a decided manner. The most recent illustration of this fact is to be found in Chicago, where T. D. Costello, W. T. Russell, W. R. Peck, A. R. Bates, J. S. Lewis, and A. W. Rohr, among others, attended a meeting of the Chicago local of the Commercial Telegraphers' Union of America on April 26 last. Within three weeks thereafter every one of these men were discharged, and the reasons given for their dismissal were so absurd as to permit of no other conclusion except that their membership in the union was the real reason for discharge. In the course of their efforts to secure reinstatement, these men had an interview with Supt. Williams, and at that interview one J. A. Block, who was discharged about the same time, was present. Unionism was discussed, and Mr. Block remarked that if he had been discharged for belonging to the C. T. U. A. the officials were mistaken. At this time Williams had a pad in front of him containing the names of the men discharged, and he was seen to mark "T. N. P.," meaning "Chief Operator Powers," and "C. T. U. A.," meaning Commercial Telegraphers' Union of America, thereon. He also placed an "X" after Block's name, and Block was the only one of the number reinstated.

All of the men discharged applied to the Western Union for employment, and after an investigation by the officials of that company work was denied them.

On Sunday, September 1, 1912, Labor Sunday was observed in a number of churches in New York. The New York Globe of Saturday, August 31, carried

on its front page in large type a screamer head reading, "Postal Warns Its Employees Away from Cathedral," and in the story underneath there was an interview with Supt. C. F. Leonard, stating that any of the Postal employees who attended the services at the Cathedral on the following night, when "labor" would be discussed by Cardinal Farley, would risk dismissal from the company's service. On the following (Sunday) morning this warning was repeated in the newspapers as not only applying to the Cathedral, but to churches of all denominations where Labor-Day services were being held. The company's position was made clear as being thoroughly opposed to all labor unions or the discussion of unionism.

In September of 1910 Henry Lynch, Fred Fix, T. A. Dalton, Edward Kelly, W. E. Hamilton, and others attended a meeting of telegraphers held in Chicago where unionism was discussed. Within two or three days thereafter practically all of these men were discharged, and when they asked for a reason the Chicago officials of the company told the men that they were dismissed for "disloyalty in attending a union meeting." The Western Union refused to employ any of these men.

S. S. Ulerich, former secretary of the Chicago local of the union, was reemployed by the Postal early in 1910 upon the assurance of his friends that he was no longer a member of the union, and if given employment would not agitate or in any way espouse the cause of unionism. The ban which had been placed upon the Chicago telegraphers after the strike of 1907 was lifted about this time and those who had been exiled in Canada and various parts of the United States were permitted to return to their homes. These men, after their arrival, would look up Ulerich, thus giving the officials of the company great concern, since it is an unwritten law of the telegraph that men employed by them shall not meet too often without being watched. If the reports of the stool pigeons show that the conversations of these men are along lines disapproved by the companies, some of the men are discharged and forced to leave the city. Thus in Ulerich's case the officials informed him that on account of his popularity they were forced to discharge him. Ulerich denied having anything to do with the union and insisted that the men would not let him alone, but he was discharged nevertheless, and was barred by the Western Union, although both companies were very short of men.

During the summer of 1913 the United Press Associations borrowed William Schwinger from the New York Postal office for vacation reliefs. When Schwinger was released by the United Press in October he returned to the Postal, but was denied reinstatement. Then he secured a position with the Western Union, but within a few days was informed that the Postal officials had sent word that Schwinger was not reliable, and for this reason he was discharged.

In 1912 B. F. Ruppel and W. P. McKnight quit the Postal at Chicago in good standing and applied to the Western Union for work. The W. U. officials wrote out a request to the Postal for the record of these men, who were told to come back in an hour. When they returned they were informed that the W. U. could not use them, although the company was short handed at that time.

H. M. Kelly, of New York, under date of March 26, 1912, writes:

"On or about September 17, 1911, I applied to the Postal Telegraph Co. for a position. I had a letter of introduction to Manager J. J. Whalen, who ordered that I should be tested. I told Mr. Whalen that I had not been telegraphing for some time. The test was satisfactory, and the application blank was marked 'first class.'

"Mr. Whalen then asked me if I was not among those who had been dismissed by the Western Union in August, and I told him that I was. Then I recounted my experience with the W. U. officials and said that I did not know even now why I had been dismissed. Mr. Whalen stated that although he needed men at that time he could not employ me, inasmuch as I could not furnish reference from my last employer. He stated that there were several others whom he was forced to let go for the same reason, and mentioned that among those were G. K. Browning, C. E. Knight, and one or two others."

Early in 1911 a Mrs. Hanson, of Rock Island, Ill., made application to the Western Union in Chicago for a position and stated in her application that she was a member of the Commercial Telegraphers' Union of America. Superintendent J. F. Looney, of the Postal, wrote a letter to his manager at Rock Island, under date of February 18, 1911, reading as follows: "For your information. Former operator Miss Hanson has placed application with the Western Union Telegraph Co. with a postscript that she is a member of the C. T. U. A., Chicago local."

Paul Fausel, of Trenton, N. J., under date of April 26, 1910, writes:

"A couple of weeks ago one of the Postal boys put an application blank in a sealed envelope and addressed it to one of the Western Union operators. * * * In some manner the W. U. manager got the envelope, and it is not sure whether he opened it or not. Anyway he got the application and promptly turned the matter over to his superintendent in Philadelphia with the request that it be taken up with the Postal superintendent there. The Postal superintendent came to Trenton and proceeded to haul over the coals every operator in the office."

W. N. Hickman, of Los Angeles, under date of October 18, 1910, writes:

"I found that I was queered with all the railroads and could not obtain employment with them." (This was after he had been discharged by the Western Union.)

These excerpts are taken from letters written to us. They could be followed back year after year throughout the history of the telegraph, but they are indicative of the methods used. Men are peremptorily discharged for any or no reason and then the deadly system of references and blacklisting does the rest. The companies demand two weeks' notice from the telegraphers who seek to resign their positions and will blacklist them for "quitting on short notice," but they discharge their men without a moment's warning whenever they see fit to do so.

In December, 1911, and early in 1912 about 40 men were discharged by the Western Union in Chicago for supposed union affiliations. These men were unable to secure employment with the Postal. The same condition existed at that time in New York and nearly every large telegraphic center.

STRIKES.

Constant and unremitting oppression leads to strikes, etc.

There have been three strikes nation wide in character as a result of the Western Union's tactics, which have been emulated by the Postal. The first strike in 1870 lasted two weeks, the second in 1883 lasted one month, while that of 1907 was of three months' duration.

HOURS AND WAGES.

"That as a result of this continued throttling of telegraphers' union, wages are now lower than they were 40 years ago, while the cost of living has greatly increased. During this time the capitalization of the telegraph companies has doubled and trebled."

Sworn testimony taken from the investigations of Senate Committee on Education and Labor in 1883.

Testimony of John Campbell, president of the Brotherhood of Telegraphers of the United States and Canada, August 18, 1883 (pp. 103, 104):

"Q. You have told us that there has been a systematic reduction in the rates of compensation paid to operators ever since 1870?—A. Yes, sir.

"Q. What were the rates of wages at that time and prior to that time?—A. They were much greater than they are at present, probably 35 or 40 per cent higher.

"Q. Extending back for how many years?—A. Back to about the beginning of the war, there was quite an increase in the compensation of telegraphers. The Government, of course, was compelled to have a large number of operators for military purposes.

"Q. So that there was a greater demand for telegraph operators at that time?—A. Yes, sir. The average pay for first-class operators in 1870 was from $90 to $115 or $120 per month. It had been gradually increasing to that point from about 1860 to 1861."

Testimony of John S. McClelland, secretary of the executive committee, Knights of Labor, a telegrapher and a member of the Brotherhood of Telegraphers (p. 134):

"Q. But the wages you say were 25 to 30 or 40 per cent higher?—A. The wages, for instance in 1873 in Omaha ranged at $100 a month, and they are now $80; in New Orleans they were $125 a month, and they are now $80; in Richmond, Va., they were $115 a month, and they are now $80 and less.

"Q. And while the profits of the company have largely increased, it has diminished the pay of its operators?—A. Yes, sir; in this city the wages, which ranged at $118 to $120 a month some years ago, are now $80."

Testimony of H. W. Orr (p. 178):

"In 1873 I was getting $95 per month and in 1883 I am getting $75.

"Q. Did you make the same number of hours in 1873 that you made in 1883?—A. Just about.

"Q. Nine hours a day?—A. Seven hours for night work and nine hours for day work.

"Q. Is that the rule all over the country?—A. Yes, sir. In New York the operators are paid for anything over seven hours, in Philadelphia they are not."

Testimony of Eugene J. O'Connor, Boston, member executive board Brotherhood of Telegraphers (pp. 187, 188):

"It is well known that the compensation now as compared with the compensation in 1870 is about one-half less. I think the average would be perhaps one-third less. Salaries in those days ranged from $100 to $125 a month; now the average first-class salary is certainly not over $80 a month and hardly that. Eight years ago I entered the Boston office. At that time there were not less than 10 men there receiving from $95 to $100 a month; now there is just one who receives more than $90 a month—he receives $95. There are three who receive $90 each, and the rest of the salaries range from $70 down to $40 a month."

Testimony of P. J. Tierney (p. 224):

"I worked in Omaha (1872) in the office of the Western Union Telegraph Co., and received $100 a month. In 1876, I think it was, I came back to New York and received $80 a month. Since that time my salary has been raised to $95 a month. I am now 28 years of age. * * * Ten years ago I received $100 a month, and now I receive only $95, and without an organization to protect me in my salary I see nothing in the future but that 10 years hence I shall be receiving $10 less than I receive now, or perhaps not even so much as that." [He was a true prophet.]

"Q. I want to call your attention to what you have stated as a fact, and what others have also stated, namely, that as rule, at all seasons of the years in the service of the Western Union Telegraph Co., when a high-priced man is discharged another man is employed to take his place at a lower rate than he was receiving. How long has that been the policy of the company or the fact?—A. It has been the fact ever since I can remember.

"Q. You can remember the business as far back as 1870?—A. Yes, sir.

"Q. No earlier?—A. That was the time I became connected with the business. When I was employed in the office as an office boy there were many operators in the operating department (New York City) who were receiving $118 a month, which was then first-class pay. A first-class man who should go to that office to-day and apply for a position and get employment would have to do more work than the first-class man did in 1870, by reason of the increase in business, and would receive only $85 a month, or perhaps less."

From the above it will be seen that between 1870, the date of the first telegraphers' strike, and 1883 the average wages of first-class telegraphers were reduced by the Western Union Telegraph Co. from 30 to 40 per cent, or from a range between $100 and $125 per month in 1870 wages were dropped to $80 and $85 in 1883. This caused another strike in 1883. In the 24 years between 1883 and 1907 the average wage for first-class men was further reduced until it stood at $70 and $75 in 1907. This caused the Western Union men to organize, and a general 10 per cent increase was forced from the company, the first in the history of the telegraph. Despite this concession feeling was so bitter against the company a strike followed, which lasted three months and was lost. Following the strike the company "took back" its increase, leaving the men (this don't include the scabs) about the same or worse off than before the increase.

We cite herewith a table giving the range of wages paid per month to first-class operators from 1870 to 1914, divided into four periods, 1870, 1883, 1906, 1914. It should be understood that the salaries quoted here are the maximum for first-class telegraphers with years of experience. The low figure quoted is that paid men coming from other cities or other companies. Their previous rating is not a factor; thus if a telegrapher receiving $100 in New York Western Union wished to transfer to Chicago Western Union for any reason he would have to resign in New York. Then upon arriving at Chicago, if hired by the Western Union, it would be at $75 or $80. The highest figure quoted

in 1914 is paid to only a very small percentage of operators who work so-called "fast wires." On these wires three and four times the amount of work done in 1870 is exacted for a smaller wage than was paid at that time. The maximum for nonbonus is from $5 to $15 less.

City.	1870	1883	1907	1908	1914
New York	$90-$120	$80-$85	$75-$85	$75-$80	$75-$100
Chicago	90- 115	75- 90	75- 90	75- 80	75- 100
Philadelphia	90- 105	75- 80	75- 85	70- 80	70- 90
Boston	90- 105	70- 75	70- 85	70- 75	70- 90
Buffalo	85- 105	70- 80	65- 80	65- 75	65- 85
New Orleans	100- 125	75- 85	70- 77	70- 75	65- 85
Richmond, Va	90- 115	70- 80	65- 77	60- 70	65- 85
Omaha, Nebr	90- 110	75- 80	70- 85	65- 75	65- 85
San Francisco	90- 115	80- 85	80- 90	75- 80	90- 100

The minimum rate of pay in 1870 was upward of $50 per month, while in 1914 it is $30 per month. The present scale ranges from $80, with $5 difference, up to $100. Each increase is limited to $5 and is only obtainable after a battle with a system of red tape especially designed to delay action, shift responsibility, and stall off the victim. Thus the average wage and the office, as well as the district expenses, are kept down.

In 1910, as one result of the strike, control of the Western Union passed to the Telephone Trust. These men had more modern ideas of how to get more work from the man for less money proportionately than their predecessors. They announced an increase in wages, followed by a systematic speeding-up system. Men on so-called "fast wires" days received $100 per month for doing the same amount of work the company under the "bonus" system would have to pay $150 for, and on nights $90. The percentage receiving the maximum of $100 is very small indeed. In the Chicago office, employing probably 1,100 or 1,200 in the operating department, not over 2 or 3 per cent of men working wires get the maximum. First-class men are being hired daily at Chicago, New York, and other large cities at $75 and $80. That is the prevailing wage for first-class men.

In the period noted above, and particularly between 1883 and 1908, nearly all classes of wage earners have secured marked advances in wages, and a considerable reduction in hours. Telegraphers stand out in rather striking contrast in this general wage movement, as they are, on the whole, much worse off as to wages than they were 25 to 45 years ago, whilst their hours of labor are practically the same.

For a good description of the inhuman treatment by the Western Union of its employees read chapter 4 of The Telegraph Monopoly, by Prof. Frank Parsons, entitled "Abuse of the employing power":

"There has been no reduction in working hours in 30 years, although the amount of work has been greatly increased through systematic speeding-up systems. The fixed hours of labor are only nominal. Over 50 per cent of the employees are compelled to work overtime in order to make a decent living.

"AMOUNT OF WORK.

"The amount of work has largely increased. In 1870, 150 messages and less were regarded as a good day's work. By 1883, 270 to 300 were demanded, and to-day the limit of human endurance is exacted from those receiving the maximum, which is $90 and $100. On so-called fast wires 500 and 600 messages per day, and even more, are common, and the men are constantly being spurred on to try and exceed this.

"HOURS OF WORK.

"In 1883 the hours of work were: Day work, eight hours; nights, seven and one-half hours. These hours are the same to-day, with the addition of various impositions designed to make the operator bear the entire burden of periods of dull business, such as the waiting list, extension of day tricks into night work at nine hours per day, etc.

"Overtime is paid for at the rate of seven hours per day after one has worked a full day."

EXTRA LIST.

This should be called the sweating list. The men on extra have no regular assignment. They are required to show up every day and will lay around the office awaiting the convenience of the company. They may wait from one to five hours before getting on. He may not get on at all, but he receives nothing for this waiting time. They may be marked off at, say, 3 in the afternoon and told to report again in a half hour or an hour. Then they may be put on again for 30 minutes and at the end of that time marked off. Extra men are required to report again at 5.30 p. m. for the night shift and often wait until 7 or 8 p. m. before being assigned. If they do not get on, they have nothing to do until early the next morning. During all this sweating the extra men may not have made a full day.

The Western Union has stock-market names for this sweated labor. Extra-list victims are designated "common" and "preferred."

SPLIT TRICKS.

These tricks are usually part day and part night. For instance, those assigned to these tricks will show up at 9 a. m. and work until 2 p. m. or until off. They are on again at 5.30 p. m. for the night shift, to work until marked off. Split-trick time is computed at the rate of seven and one-half hours at some points and eight hours at others for the day.

POSTAL TELEGRAPH CO.

The Postal Telegraph Co. entered the telegraph field in 1883 shortly after the end of the commercial telegraphers' strike of that year. John W. Mackay was the chief owner of the company and furnished most of the capital for its organization, and the telegraphers built it up and made it what it is.

The telegraphers of the country were led to believe that their hopes for industrial emancipation would come through this new competitor of the Western Union, and imbued with a bitterness against the older company on account of its oppressive tactics even those telegraphers employed by the Western Union stood ready to lend their aid and support to the new company. In fact, while John W. Mackay furnished the money, the real growth of the Postal was due to its being able to capitalize the telegraphers' hatred for the Western Union and turn it into money.

The Postal telegraphers usually received about the same compensation as those employed by the Western Union, but it was a haven of refuge for the blacklisted workers, and this in the long run gave the Postal a supply of labor that proved to be the cheapest by reason of its higher efficiency alone.

Up to and including the formation of the Commercial Telegraphers' Union in 1902, the Postal Telegraph Co. maintained a neutral attitude on the question of unionism, and the telegraphers themselves were prone to reciprocate. However, with the increased cost of living and the declining wage of telegraphers, the Postal telegraphers sought to have their wages increased in 1906. A movement for the same purpose developed among the telegraphers employed by the Western Union and resulted in the Western Union advancing wages 10 per cent. General Manager W. H. Baker, of the Postal Telegraph Co., announced a similar increase upon the part of the Postal.

In the meantime a set of rules and a wage scale was adopted by the Postal covering a number of different cities, and General Manager Baker resigned. Rumor had it that his retirement was due to his failure to keep the telegraphers in check and that his successor, E. J. Nally, was chosen for the purpose of joining hands with the Western Union Telegraph Co. to combat the union. The telegraphers felt a change of attitude on the part of the under officials.

The grievance against the Western Union grew more acute. The officials of that company were determined to disrupt and dislodge and, if possible, to disrupt the union. The Postal officials seemed to be in sympathy. A strike was declared against the Western Union and Postal in San Francisco, but settled amicably. Then the Western Union forced a runaway strike at Los Angeles and the Postal telegraphers followed suit, believing that the two companies were united in their antagonism of the union.

The strike was lost and since that time the Postal has been but an echo to every policy that the Western Union saw fit to promulgate. Whatever is said of one applies to the other, except that the Postal has not resorted to criminal

measures. The telegraphers, however, have little choice between them. They do feel that the Postal has been an ingrate, that while everlastingly harping upon the advantages of competition and denouncing the Western Union for its shortcomings, the Postal is just as bad as the Western Union, plus a hypocritical attitude of cleanliness and fair dealing that its conduct has never warranted its assuming.

MARCONI WIRELESS TELEGRAPH CO.

We filed with the Department of Labor, under date of August 22, 1913, a statement pertaining to the conditions under which wireless telegraphers are employed. The most important feature at that time was stated to be the monopoly of employment established by the Marconi Wireless Telegraph Co. through its system of leasing their instruments and furnishing the operators. While this condition has been ameliorated slightly during the past year, it continues to be an important factor. This condition has been brought about through a violation of the shipping laws and could not exist without the cooperation of some Government employees.

Under the law, these operators are a part of the ship's crew, to be hired by the shipowner, but the Marconi Co. does the hiring and its employees are required to sign shipping articles for the nominal salary of 25 cents per month. The navigation laws of the United States state that the rate of pay agreed upon shall be stipulated in the shipping agreements. There are certain laws for the protection of seamen where the rate of compensation is a factor, but by this palpable evasion of the law the wireless operator is denied his legal rights. One of these is his share in the salvage money. In one case that I have in mind, the wireless operator was thus deprived of his share in a heavy salvage running into thousands of dollars, although he was not only the first to learn of the vessel in distress, but the entire work of rescue was directed by wireless, entailing hours of hard work on the part of the operator.

The wireless operators are poorly paid. The best evidence of this is the scale recently promulgated by the Marconi Co. and published in volume 12, No. 1, page 28, of the Commercial Telegraphers' Journal, referred to above. This scale provides for a minimum wage of $25 per month at the beginning, which rises automatically to $40 per month at the end of four years and $60 as the maximum to be obtained after seven years' service. While it is true that this includes board while on ship, it does not include room and meals while in port. The operators must also provide their own uniforms and various insignia and gold braid, such as may be worn by the ship's officers.

THE ASSOCIATED PRESS.

The Associated Press pays the lowest wages of any press association. The officials of this concern have been antagonistic to any organization of telegraphers. This can be attributed to the influence of the Western Union Telegraph Co., which has always been of great importance in the affairs of the Associated Press.

EMPLOYEES' ASSOCIATIONS FOSTERED BY COMPANY.

In these days when welfare work has become the subject of so much study, it may be interesting to refer back to the hearings of the Senate Committee on Education and Labor, referred to above. On page 940 of volume 1, under date of September 3, 1883, Norvin Green, president of the Western Union, under examination:

"Q. Has it occurred to you that in the management of the business of large corporations it might be wise to introduce some system of assurance or insurance by which provision could be made for the disabilities incident to old age and other disability?—A. I think it very likely that some such system might be adopted which would be useful. * * * Such a system might be an inducement to quiet, continuous, faithful service. * * * I think that if a man were actively engaged in a strike or any disturbance of that sort he would forfeit his rights. * * *

"Q. Perhaps if he had such a right at risk he would be much less likely to take part in the strike.—A. Yes; and that is exactly the reason why I say that the system might be worth considering by our company. * * * That subject has been discussed in our company, and one of the reasons why it did not receive more consideration was that it was regarded as being against the genius of our institutions."

The Western Union and Postal Telegraph Cos. have been active in creating and maintaining employees' associations of various kinds ever since the organization of these corporations.

Telegraphers' Mutual Benefit Association.—The oldest of these, known as the Telegraphers' Mutual Benefit Association, is an insurance society for telegraphers, instituted in 1868. The Western Union has been a liberal supporter of this association in times of stress and has practically controlled its administration ever since its inception.

When the Bell Telephone interests took over the Western Union the name of the T. M. B. A. was changed to read the "Telegraph and Telephone Life Insurance Association." The revenues of the association are derived through assessments levied upon its members.

Telegraphers' societies.—Aid societies are established in a great many of the important telegraph centers and are supported by dues paid by the members, but the control of the societies is usually lodged with the minor officials of the companies or some person selected by them.

Western Union Benefit Fund Committee.—On January 2, 1913, the Western Union announced that it had adopted a "plan for employees' pensions, disability benefits, and insurance." This plan embraced within its scope the employees of the Western Union, Bell Telephone, and Western Electric. It provides for a system of sick, disability, and death payments; also a pension scheme without cost to the employees.

The Postal Telegraph Employees' Association.—This association was instituted by the company and is aimed to provide a limited amount of assistance to the employees of the company. The employees do not contribute to its support, but pledge themselves not to belong to a labor union while in the service of the company.

Cooperative societies.—The telegraphers employed by the Postal Telegraph Co. in New York, Chicago, St. Louis, and other cities organized cooperative societies in recent years for various purposes such as lending money to telegraphers, purchasing various articles in bulk and selling them to the employees of the company at less than retail rates, etc. The usual method was to issue shares at a fixed value, and dividends were declared from time to time.

Within the past year or two the telegraph officials in these cities, together with some of the general officers of the company, notified the members of these societies that they had decided to take charge of the "bank," as it is commonly known, and the men feeling that to oppose the will of those officials meant reprisal, have submitted, so that the officials of the company now control the affairs of the society.

The New York "bank" is reported to have been behind several schemes recently to compel telegraphers employed by the Postal to purchase their typewriters and their sending machines from concerns having special privileges with the Postal and suspected of obtaining this privilege because of certain officials of the company holding a pecuniary interest in these concerns.

Yours, very truly,

S. J. KONENKAMP,
International President.
WESLEY RUSSELL,
International Secretary-Treasurer.

KONENKAMP EXHIBIT NO. 3.

FINANCIAL STATEMENT.

The following statement from Parsons's Telegraph Monopoly and gathered from official figures shows the capitalization of the Western Union Telegraph Co. from the date of its organization down to the year given. The present capitalization is $100,000,000, so that the figures given are virtually complete.

I also submit a statement covering the Mackay companies, with my authority for the same quoted therein.

WESTERN UNION FINANCIAL RECORD.

The capitalization of the Western Union Telegraph Co. is $100,000,000 and a bonded indebtedness of over $32,000,000. The bonded indebtedness was created in purchasing other lines, the actual value of which is not known to us.

With reference to the stock of the company, Prof. Frank Parsons, in his book The Telegraph Monopoly, gives the following statement:

Original investment	$150,000
Original capital (1852)	240,000
Capital stock (1858)	385,000
Brownsville line worth $75,000, bought by issuing	2,000,000
1863, W. U. plant worth $500,000, stock	3,000,000
Stock dividends (1863)	3,000,000
Total stock, 1863	6,000,000
Stock to buy other lines	3,332,000
Stock dividends	1,678,000
Total, 1864	11,000,000
Stock dividends	11,000,000
Total, January, 1866	22,000,000
Stock to buy U. S. Telegraph Co., worth $1,443,000	7,216,300
Stock for Amer. Tel. Co., worth, perhaps, $1,500,000	11,833,100
Total, 1866	41,049,400
Stock dividends	5,000,000
Stock for American Union and Atlantic & Pacific (worth together about $3,232,000, aside from franchises) over $23,000,000 but as the W. U. already owned over $4,000,000 of A. & P., the issue was	19,080,000
Stock dividends	15,000,000
Total, 1884	80,000,000
Stock for Mutual Union worth about $3,000,000	15,000,000
	95,000,000
Stock dividends of recent years	4,796,759
Total	99,796,759

The Western Union reported to the Public Service Commission of Massachusetts on October 19 gross earnings of $45,582,395 in the year ending June 30, 1915, a gain of $476,507 over the preceding year. Operating expenses required $5,002,284 less than in 1913, with a total expenditure of $36,665,576 and because of large savings in costs net revenue from wire lines of $8,842,818 was $5,412,881 more than in the previous year.

POSTAL TELEGRAPH COMPANY.

The Postal Telegraph Co. is a part of the Mackay companies which is not incorporated, but is described as a voluntary association under the management of nine trustees.

The Mackay companies was formed in December, 1908, and in the following year offered the stockholders of the Commercial Cable Co., capital $23,000,000, the privilege of exchanging their stock for shares in the Mackay Co. on the basis of $200 preferred and $200 common in the Mackay Co. for each $100 share of Commercial Cable stock. The capitalization of the Mackay Co. is $50,000,000 of 4 per cent cumulative preferred and $50,000,000 common stock. All of the preferred and $41,480,40 common stock is outstanding. The common has been paying 5 per cent per annum, but the company does not draw from its underlying companies any more than is needed to pay dividends; hence no information as to exact earnings is available.

The Commercial Cable Co. purchased the entire stock of the Postal Telegraph Co. in 1897, issuing $2,000,000 of bonds therefor, which are still outstanding and pay 4 per cent.

Volume IX, page 200, of the Industrial Commission Report of 1901, quotes A. B. Chandler, chairman of the board of directors, Postal Telegraph Co., as saying that his company employs nearly 9,000 persons; that the salaries of telegraph operators ranged from $25 to $85, with an average of about $60, while the salaries of clerks were somewhat less; that there had been no change in the rate of pay in 15 years; that the rates of wages paid by the Western Union and Postal were nearly uniform for the same service; and that 9 hours constituted a day and 7 hours at night.

KONENKAMP EXHIBIT NO. 4.

KANSAS CITY, MO., *March 30, 1915.*

S. J. KONENKAMP,
International President Commercial Telegraphers' Union of America,
Chicago, Ill.

DEAR SIR: In reply to yours of the 16th instance in reference to gathering information concerning conditions existing at the Western Union's local office and the Postal Co.'s local office, will say that I have been unable to get any definite line on the Postal Co.'s habits of discrimination against its employees, except to say that their men receive far too low a salary in almost every instance except the few old-timers who scabbed during the 1907 strike. These old favorites get about the same salary as a policeman or a head barber, and they think its excellent pay, I reckon—the way they suck hole the company. These said favorites get about $80 to $90. The common operator, who is probably a bonus man, or what is known as a gilt-edged operator, get about $70 per month or about $16 per week, equivalently speaking. This, of course, is not enough for them to keep their families on in the right way nowadays when everything is as high as a cat's back. I know, because I make nearly $30 per week and can just keep out of debt and believe we don't live out of the ordinary poor man's way of living.

Of course, I could mention the fact that the local Postal office is a sort of a "family affair." The superintendent, Mr. Richards, married a Miss Ingram. Tom Ingram was made chief operator. Tom is Richards's brother-in-law. Joe Ingram is traffic chief. He is another brother. He receives, I think, $95. These men were loyal during the strike of 1907. Bryant Fields, the wire chief, gets $110, I think. He was loyal. A Mr. Faulk is night chief until 12.30 a. m. He receives about $100, and is a good fellow. Mr. Moling is "all-night chief," salary about $95, and another good scout.

Now, there is little fault to find with the Postal people's local office here. It is clean and sanitary. Nice place to work and good people to work for, except they do not pay the operators a living wage. They put nearly every man that comes up there for work on at $50, $55, $60, $65, and $70. These "blockites" must wait to get on in the morning until they are wanted.

Senority reigns supreme regardless of what time a man comes around and signs up. If I have been working for them only a week and show up at 7 a. m., and am waiting to be put on, and another man older in the service, local service, comes around 1, 2, or 3 hours later and I am still not on and they want a man about then, he gets on ahead of me.

But I will have to hand it to the Postal over the Western Union, because the Postal pays a man a bonus for handling over a certain amount of messages an hour (over 32, I think) whereas the Western Union makes the men work "free bonus" for a straight measley salary. In other words, the Western Union has no bonus wires. But I will come to the Western Union situation later.

But, on the other hand, the Postal, not unlike their competitor, do not like organized labor in their office and will not tolerate their men joining a labor union if they can prevent it, and, to my best knowledge, they will discharge an operator for joining a telegraphers' union; but the reason for said discharge will not be on account of unionism, but "for the benefit of the service," or "your services are no longer required," etc. I can mention no instance where a man was discharged for carrying a telegraphers' union card, but I do know that they do get the shivers when the Commercial Telegraphers' Union local secretary drops around and says "howdy." They won't talk unionism; they won't even think it to themselves, because they fear there might be a telepathist among the chiefs in the Postal office. These men are slaves, and I fear they don't realize it. They carried the hod for $16 per week. They are afraid there is a company "spotter" among the company employees, who would find it out if they should get a card. They are afraid to join a union and try to better their condition in salary and stick up for a right that is coming to every man who must work for a living.

The Western Union Telegraph Co.'s local office conditions and rottenness is the situation I want to call your attention to more so than the Postal Co. In the first place this office, as far as I can learn, is being handled by a man under the title of chief operator—one Henry G. Gosting at the present. (They fire their chief operators on frequent occasions for not making a low enough ex-

ponse showing compared to that of predecessors.) It seems that the chief operator is a fixture, ostensibly has charge of every employee in the jurisdiction of the city limits of Kansas City, Mo., working for the Western Union. However, to the best of my knowledge and others, he is told by those higher-ups in authority in the East, Chicago, New York, or other place, to slice salaries, and only to put a man on at a salary over $75 per month after he, Gosting, has obtained permission to do said thing by his superiors in Chicago or elsewhere. This is approximately $18 per week. Large income! Should say his authority goes this far in the salary line and no further. He probably would treat the men better if he had his way, but he has not. He is guided by a "big stick" higher up. If he should refuse to reduce salary and scheme as to keeping low-salaried men at work and firing out (marking off) men receiving $65, $75, and $80 per month when business slacks up during the afternoons or any time for that matter, he would get the can himself, so I think it isn't so much his fault that the men are slaves. This slave-driving system has been in vogue by the Western Union people for 20 years, and for the last 7 years has gradually grown worse until now the system of cutting every cent off that can be cut and scheming every possible way to make a showing in some sort of report that goes back East, is so bad that they even dock a man 2 minutes if he stays out in the toilet over 10 minutes.

SALARIES AMONG WIRE-WORKING OPERATORS.

The salaries in the local W. U. office range all the way from $35 per month to $80 per month. A few favorites, or "loyal during the 1907 strike," get $80, $85, $90, and in one or two instances $95, as far as I can learn. These operators, however, who get as much as $80 per month—not quite $20 per week to be exact—are not more than a total of 10 men in the whole office. There are a few wire chiefs and traffic chiefs getting within this range, but as I am talking about wire-working men, these wire chiefs will be referred to later.

HOURS.

Nine hours constitutes a day in the daytime. There is what is known as regular extra, which means preferred extra, or in other words, maybe you will get in a day's work if business requires keeping you on. If not, you are marked off. There is what is known as common extra. This is "starve list," which is very conspicuous, as most of the employees are on this list eking out an existence—a "coffee and" existence.

These extra lists and common extra lists work something like—I will say, for instance, imagine a large department store paying the clerks for the time they are actually waiting on customers and when they are not busy they have a waiting room where they can spend the time—not being paid for it—but their own time waiting for another customer to come in. This is exactly like the dear old Western Union here do business with their telegraph employees—that is, the men. No, sir; no woman ever has to work extra list. They are given regular jobs immediately they are enrolled. There is no ladies' waiting room. Is this equality?

HIRING AND DISCHARGING.

Changes take place frequently. Operators are coming and going almost every day; maybe three or four are hired and maybe three or four are fired for "the benefit of the service," etc. But more than often the real reason is because they are suspected of belonging to the telegraphers' union.

SANITATION.

The sanitary conditions in this office are very bad. The men's waiting room where the men must sit for hours to be put on duty after they have signed up their names, is rotten with vermin and tobacco juice—no cuspidors being furnished. Cigarette butts, cigar butts, and a room full of smoke. No ventilation. In cold weather one little radiator to warm by. The toilet room is a dirty place also, and an awful odor exudes constantly. I understand some one turned in a complaint to the health board about these conditions just the other day and that the board sent up an inspector to look it over, and ordered a clean up. Whether this clean-up took place I do not know.

These conditions exist in other cities as well as Kansas City, according to my own experience and from what I have heard through others.

Operators can not have good health and spend most of their time in these tubercular germ-ridden waiting rooms. The ladies' toilet rooms are kept clean and nice, I understand. There are no cuspidors in the hallways and toilet rooms and among the men's lockers.

IN CASE OF FIRE.

In case of fire these employees would have a chance if they could fly out the windows. At 6 p. m. a door is locked shutting the exit to the street from the locker department. In order to get their hats and coats the men must go up a flight to the lockers, get their things, climb a flight of stairs back to the operating room, and come down another stairway to the street. If a fire should break out there would be little chance to get out of this old rickety building, but small worry for the dear old company; a few men with cards might burn to death and that would be O. K. This closing and locking of doors is against the local fire regulations.

CHIEFS.

Henry G. Gosting is chief operator and has charge of approximately 250 employees. His duty is to employ and discharge and look after things in general, but never in detail except to discharge men. He looks wise and tries to figure out how he can reduce expenses for the dear old company. His salary is about $125 per month. Mr. Gosting has charge also of night chiefs and the whole office in general. He is on duty from 8 a. m. to 5 p. m., six days a week.

W. H. Heyser is night chief operator, with hours from 5 p. m. to 12.30 a. m. He is in personal charge of operators during these hours, and has a desk where he sits most of the time and keeps busy firing out (or marking off) the high-salaried men the first sign of slack business and retains the low-salaried men for the wee small hours. These low-salaried men can stay and make all the overtime they want after they get in their regular 9 hours, which is computed as a day, if business is good.

A Mr. Anderson, who is known as all-night chief, is in personal charge from 12.30 a. m. to 8 a. m. His duty is to look intelligent and watch to see that the low-salaried men have preference to remain on duty and that the high-salaried are shot out.

P. A. Juvet is day traffic chief in the quad department. He is supposed to traffic the business—that is, to see that the "old" business goes on the wires first—but from what I can learn he stands around with an ecclesiastical stare on his map and hollers "whoop 'em up" all day in accordance with instructions from the higher up, Mr. Gosting, to have the men work fast and move all the business they can in as short a space of time as possible so that he can mark them off and save that much for the dear old 50 per cent dividend company.

Mr. Burns is traffic chief of the automatic department and has immediately under him about 40 young girls. These girls must whoop 'em up all the time on these automatic machines. They average around 80 messages per hour. The automatic machine is a cross between a typewriter and a gyroscope. It writes its own messages, but a little girl with a big think must feed it and incidentally she must know how to say "break" and "go ahead" and "wait" on a regular Morse wire with her hand and the girl at the other end of the wire must be a good enough operator to "receive" what she says. A person could learn that much about telegraphy in six weeks—hence company telegraph school department in every office.

A Mr. Virgil is an assistant, also in this automatic department.

DISCRIMINATION.

Employees are discriminated against in so far as the low-salaried men are retained on duty while the higher-salaried men are marked off first. In this way an operator looking for work would nearly be willing to work for a low salary in order to get in enough time to support his family. There are regular men working from 8 a. m. to 5 p. m. who have wives working right along with them. These men who have their wives working are invariably men who were loyal to the company in the 1907 strike. These men get around $80 and $85 per month and their wives who are fair operators also receive around $65.

This makes a big salary to combine it, going to one household's upkeep. On the other hand, if a man inquires for work who has a large family and his wife can't work he is put on the extra list and spends most of his time in the waiting room waiting to get on to make a few hours' time to live on. But a man is not put on when he inquires for work until he has stated his last place of employment and the chief operator has wired that city and confirmed his leaving in good standing. If he was discharged there for getting a word wrong in some message or some other act of deficiency, but not incompetency, he is told they can not use him. In other words, he is blacklisted. He goes to another city with the same result. He must go into some other business, because the company can get along without men; they can use women who will work for a song, and the company feels secure with girls, as they as a rule work during labor troubles.

A further discrimination is shown in this way: The extra men come down to the office in the mornings and sign up on a list one name under the other as they come in, etc. It would appear reasonable that these men be called according to this list, would it not? They are not, though. They are called according to salaries. Every chief knows what every man's salary is. They order the underpaid dog on first, and then another underpaid and another, etc., until the low-salaried men are all on—that is, all those who are in the waiting room; then, if no more cheap men are down there and they must have a man to "man a wire"—they hate to do it, but they will eventually order up a $75 or $80 man to come up. Perhaps its noon by this time. These high-salaried (?) men work during lunch reliefs (which are taken on your own time) and the first man to be marked off is the high-salaried man, not the low-salaried man, as it would seem reasonable to mark off, because he came on first in the morning, but they keep the underpaid fellow on because he is only getting 25 cents an hour, but handling perhaps $50 worth of business during that time.

DISCHARGING MEN FOR BELONGING TO UNION.

"For the good of service," or "for reduction of force," and "for unsatisfactory service," are the reasons for letting men go when suspected of belonging to the telegraphers' union. A good example of this question has taken place in St. Louis this week where 44 men were let out for unsatisfactory service. But when a St. Louis Star (newspaper) reporter went over to the Western Union's St. Louis main office to interview the chief operator, Mr. Algers, and superintendent, Mr. Armstrong, this morning (March 30) about these discharges the reporters were told it was for reduction in force on account of dull business conditions. Now, would it seem reasonable that Mr. Algers in St. Louis would wire Mr. Gosting in Kansas City if he could furnish him some men last Saturday (March 27) if business was dull? This was done. Mr. Algers requested Mr. Gosting to send some men. Mr. Gosting could get only six men to go. He called the Missouri Pacific and asked for passes for these men. These men were told to come around Sunday at noon and get these passes. They did come around Sunday noon and got the passes and left Kansas City at 9 o'clock Sunday evening over the Missouri Pacific for St. Louis. Does this look like dull business? If business was dull to discharge men because of dull business, why send to another city for men? The dear old Western Union pulled off a raw stunt when they told this reporter or reporters present that it was on account of dull business. What will Mr. Algers and Mr. Armstrong say when the Industrial Relations Commission commissioners ask them these questions? What will they say? They won't be able to say. They will mumble and stutter. Watch them. Discrimination runs riot among this outfit.

Men are blacklisted forever, because of refusing to do their bidding to speed up and handle 50 to 75 messages per hour over a rotten wire. Mr. Charles A. Warner was one man blacklisted. He refused while working here one day on the receiving side of a wire to stand for the sender omitting dates or I should say leaving dates off when sending. These messages come in at the rate of nearly two a minute if you allow the sender to cut corners and use all the code and cutting he wants to. This man thought he was a white man, not a slave, and hollered to the chief. The chief canned him. He went to Dallas, Tex., referred back to Kansas City for reference, and got an unfavorable reply. Result, no employment in Dallas.

There are numerous instances of this sort of discrimination against the operators, but I can not recall them nor the dates. The Warner incident took place some six weeks ago.

COMPANY TELEGRAPH SCHOOLS.

In each large city the Western Union has a room where telegraphy is taught to young girls until they can "send" and "receive" well enough to do what is known as work the "XTR" (talk side) of an automatic-printer machine. I understand they teach only girls. They want only girls. They intimidate them; they can persuade them to speed up and handle 100 an hour on an average; they can persuade girls to work during a strike; there are some girls who would not scab, but as a rule they work any time, anywhere, and under most any old conditions just as long as they can receive from $7 to $15 per week. This is a big salary for a girl, she thinks, when all she has to do with it is to buy her own clothes and fluffy ruffles and turn little in as support. In most cases these girls' parents don't need any aid. A man can not work for this small sum per week and keep his family, hence employment of girls and women is gradually taking the place of men and the automatic machine is being watched like an infant to see that no harm comes to it, as its object obviously to supplant the man operator who demands a living wage.

Yours, fraternally, and with best wishes,

W. B. ROBERTS,
Secretary Local 23, Kansas City, Mo.

P. S.—I could not get this information sooner. Sorry could not get it to you by the 27th instant, as requested. Hope it will help a little.

W. B. R.

KONENKAMP EXHIBIT NO. 5.

FACTS COVERING PHILADELPHIA POSTAL.

Force—Operators.—Eight girls, daytime, 9 hours per day. When State of Pennsylvania passed law compelling all women to take an hour for lunch, the Postal Telegraph Co. sidestepped the act of the legislature by forcing the girls to work an additional hour at the close of the day to make up for the lunch hour given. Girl previously coming to work at 8 a. m. would have to work till 6.30 p. m. instead of being relieved at 5.30 p. m., making the law a detriment instead of being a benefit to the women.

Night force.—One man, Frank Burns, sort of operator and traffic chief combined on the Maryland and Delaware State and Pennsylvania Railroad wires, comes on at 4 p. m., until 12 midnight, 7½ hours, taking out the half-hour lunch. Three men, R. E. Hartenstine, M. A. Condon, and F. G. Currier, come on at 4.30 p. m. until 12.30 a. m.; also 7½ hours, taking out the lunch relief. Four men come on at 5.30 p. m., until 1.30 a. m., also 7½ hours with a lunch relief; actually on duty 8 hours, counting the lunch relief. One man on at 7 p. m., until 3 a. m., and an all-night man, 12.30 a. m. to 8 a. m.

Printer operators.—Six day printer operators, with two mechanicians; all girls at day. Four night printer operators come on at 5.45 p. m., until 2 a. m.; half hour lunch.

Extra men Morse operators.—Eighteen men show up some days, get hour in day and about 5 hours at night. Present time conditions. At night extra men must stand at the entrance to the operating room and watch for the night manager, Mr. J. A. McNichols, to give them the high sign before being allowed to enter the operating room.

Total combined force being: Forty-one regular day men; eight regular day operators (women); regular day men include six bonus operators. Eight regular night men, including the all-night man and man working from 7 p. m. until 3 a. m. Eighteen extra men.

Traffic.—One traffic chief over the ways, days; one over the cities in days; one general traffic chief over quads in combination with his general traffic job; one traffic covering the entire room at night from 5.30 p. m. to 11.30 p. m. Night manager who does nothing but oversee the office in general at night, 5 p. m. until 12.30 a. m.

Checks.—Five day checks; two early night checks; one late night check; total, 8.

Clerks.—One route clerk at desk nights; two in days. One is man at day; other is small boy of about 13 or 14 years of age at the very most.

Both day and night forces are compelled to carry typewriters out of the main office at 1826 Chestnut Street, in case of man being wanted at any newspaper office. Same company long since furnished mills in New York.

Girl Morse operators paid $45 per month, with day off every week. One of our girls gets $60, the only exception. Printer operators nearly all get $35 per month and then pay them a bonus of a half a cent for every message over a given amount. At days it is 325.

At the present time there are no split tricks in the Postal main office at 1326 Chestnut Street. Instead of giving the men split tricks they keep them on the extra list.

They also have a system of paying their men as per following:

Man, supposedly regular operator, but taking off one day every week compulsory, rated at $75 per month. The Postal figures it up by the year, making the operators's pay $2.88 per day at their figures. If the man fails to work the full year, he is losing something which he in reality earned but can not get.

In connection with at first taking a position with the Postal Telegraph Co., a new operator is given an application blank to fill out, and printed or rather stamped with large type across the face of the application is the question, "Do you belong to any union?" If you say you do belong to a union, you are not hired. If you say you do not and do and fact is found out by said company, you are subject to discharge.

They, the Postal Co., have a voluntary relief association, which also carries an application of the same character as the employment application blank. They ask you precisely the same question. R. E. Hartenstine, of Philadelphia main, refused to fill it out when working a year for the Postal in Philadelphia, and the chief operator, Mr. E. W. Miller, told him point blank that he would have to give a very specific reason for not wanting to fill out the application so that he could forward same to New York office. Not voluntary relief association but compulsory, in order to keep the men from joining the union and getting something for themselves.

All regular men at Postal Telegraph Co.'s office, 1326 Chestnut Street, Philadelphia, are forced to remain until told they can go, even though their regular day is completed. An operator working 10 a. m. to 7.30 p. m. got up and went home one evening without permission. He was very forcibly impressed by Night Manager J. A. McNichols that if he would attempt any such thing again he would be summarily discharged.

The general traffic chief of Postal, under instructions from E. W. Miller, chief operator, sent for an extra operator (Chas. Campbell) to report for duty one afternoon. After reporting to Mr. M. N. Redding was given 15 minutes' work and told he was no longer required.

At different times during the past winter the chief operator, E. W. Miller, got off his platform and got down to key before he would allow his traffic chiefs to call in waiting extra men.

All traffic chiefs have instructions to sit down and work at key whenever "necessary," which is a very common occurrence.

Men promised increases by Chief Operator Miller never receive anything but promises.

Operator working Chicago local at night worked with man at Chicago and receiving $80 and asking additional increase, while Philadelphia man could get no more than $75, being "top," according to Mr. Miller, and would refuse absolutely to consider an increase above $75.

At end of every 24 hours the all-night clerk at route desk is instructed to count up all messages marked off on number sheets.

The timekeeper also counts up total messages shown on all operators' average slips. Do the two—average slips and number sheets—balance? The number sheets always show about 300 to 500 numbers more than the average slips. The chief operator always looks over sheets and has timekeeper people report to him on average slips. Although they know there is heavy padding of average slips, they do not investigate the matter. It is very evident why. According to the percentage system of the Postal, originating in New York, by J. J. Whalen, every man and woman operator is expected to get enough average to keep above given cost per message, in order to keep dividends uniform or growing. Should the regular operators hand in low averages they are standing in danger of losing their positions by being placed on extra list. hTus every man pads his average in order to avoid losing out. This refers to men floating around on way wires with pen, where it is almost impossible to average 20 an hour, which is what an operator receiving $75 a month would be required to do.

These men who drift around on the way wires are mostly men who have worked during the strike of 1907. Philadelphia, as you know, is chuck full of such kind of men.

Reference to Morkrum printers.—If there is any wire trouble at all, such as swing-in-wire, the operator at one end striking letter at one end of circuit would write something altogether different at other end. Code messages and cables are continually being bulled up and causing business people using the telegraph a lot of expense in losses, etc., through errors. Thus the Western Union and Postal are having large files taken from them—vice versa; the Western Union having Wheatstone system, which is on a par with Morkrum printers.

KONENKAMP EXHIBIT NO. 6.

STATEMENT COVERING CONDITIONS AT THE POSTAL TELEGRAPH CO.'S MAIN OFFICE AND PRINCIPLE RELAY OFFICE OF THE SOUTHERN STATES, BIRMINGHAM, ALA.

General description of office and force.—The operating room is situated on the top floor of the Brown-Marx Building, occupying the entire floor of the east wing. Building 16 stories above the ground.

Public office situated on ground floor opening on south front of building and through general corridor.

Whole of operating force is worked in one inclosure. No partitions or divisions, except those designating the trunk lines or "Quad division," and the "Woods, or way-wire division," which means circuits on which there is from 5 to 20 offices.

Officers of the operating force consist of one chief operator; one traffic chief or supervisior, who has direct control of the operators and checks; three floor chiefs distributed, one in the ways division and two in the quad division; one night chief operator, who has direct supervision over all the operating force after coming on duty at 5.30 p. m.; one traffic chief till 10.30 p. m.; and one "all night chief," whose hours are from 11.30 p. m. to 7 a. m., and who has direct supervision over operators after he comes on duty.

Division of day tricks and number of hours, etc.—"7 a. m." tricks consist of a number of operators who report for duty at that time each workday, and who, as a general rule, receive a salary of not over $75 per month and whose hours are till 4.30 p. m. These men are granted only 30 minutes, in which time they must take at least 10 minutes up in walking from the sixteenth floor to the fifteenth floor on a semispiral stairway (no passenger-elevator service to the sixteenth floor) and returning the same route. Unless the men fetch cold lunches with them they must rush down stairs and stop at the first lunch counter, there wait probably five more minutes to be served, and after getting their dinner they have only about five to seven minutes in which to swallow their food in a half-masticated condition, thus bringing about diseases and disorders of the stomach common to such practices. If they are late, they must make a lengthy explanation to the traffic chief and listen to a lecture from him that no man would contend with in any other office or place. The operator must contend with it or be suspended from one to five days, at the discretion of the traffic chief, and discrimination has been noted several times in this direction. The man is docked for this 30-minutes' lunch relief. He is allowed short reliefs in which to attend to the demands of nature in relieving himself of his undigested food and weakened kidneys or bladder, of 10 minutes' duration each. These reliefs are not taken off his day's time, but they are actually curtailed as much as possible, and it is a well-known fact that no man can have more than two short reliefs a day, one before and one after noon, unless he pleads sickness caused from taking medicine. Operators are compelled to sit and wait from 10 minutes to an hour for a short relief after sending in his "bid" for a short relief before he is relieved on his wire. It is an unpardonable excuse to leave a regularly-manned wire without a substitute for any cause. Therefore, many men have become constipated and have had their life endangered because the officials refused to grant him a short relief.

If there is any extra rush of business at the time the 7 o'clock men are due off at 4.30 p. m., they are held until it is convenient for them to go and paid overtime by the hour. If they are late in reporting for duty they are docked actual time.

Bonus men are required to show up at 8 a. m. and work till at least 4.30 p. m. These men in 1907, and even up to and including 1910, were paid (in

1910 at least) $90 per month for handling 300 (average) messages, this constituting a day's work. They were then given the option of getting off duty or continuing to work and get paid bonus or piecework prices of 1 cent per message of 30 words or less. Early in 1911 this option was cut down, making it necessary for the bonus men to work until 2.30 p. m. regardless of whether they had earned their stint or not. They were still, however, paid the bonus of 1 cent per message for all over the average of 300. For the past two years these men have had their hours prolonged, thus making it necessary for them to work every day until 4.30 p. m. regardless of their stint, and if they get off before that time they are docked all the bonus or piecework they have made over their day's stint of 300. This is considered a hardship because the men, while on their respective wires, work at a terrific rate of speed, sometimes averaging 110 per hour. Most of these bonus men receive $90 per month, but there are instances where one man gets $80 or $85 per month and does identically the same class of work; in fact, working the same duplex or quad wire as the $90 men. The excuse offered for this condition is that the company appropriates a certain number of $90 tricks and the lower salaried men must wait till a vacancy occurs, but in the meantime they must do the same class of work as the man beside him getting the larger salary.

Extra list and how manipulated.—The extra list consists of unassigned operators attached to the office. These extra operators must devote their whole and undivided time to the company day and night. They are not allowed to substitute for another operator on the outside for even a day without asking for a day's leave of absence. They can not work during their unoccupied hours at the office at any other class of employment. If they do, they are dismissed or severely reprimanded and given to understand their time belongs to the company. Their salary ratings range from $50 per month to $85 per month. They are required to report at the office every workday morning promptly at 9 a. m. and remain in the "waiting room," which is the locker room and lunch room also, approximately 18 by 20 feet, until called for duty or excused. Usually if they are not assigned by 11.30 a. m. they are excused until 4.30 p. m., but they are not paid one cent for the time they are waiting. They must give to the company every morning the time they are in the waiting room and receive no pay at all. If they are late in reporting and the traffic chief learns of it, they are called up and given a lecture and reprimanded in a manner that one never would suspect. He must accept the overlordly reprimand or he is likely to be dismissed for insubordination.

There has been noticed in this office that the 7 o'clock men and bonus men were making from 30 minutes to 1½ hours' overtime per day and the extra men not making full time. This was due to the bad division of tricks or assignments. These extra men are expected, and bulletins so state, that they must report for duty not later than nine hours after being relieved, provided such relief does not occur before 12 midnight. When these extra men are temporarily assigned to duty their lunch relief is extremely irregular, in some cases they not being relieved for lunch till after 3 o'clock.

Opposition to union organizations.—The Postal Telegraph Co. in this city has what is known as an application blank, and which must be made out by every man seeking employment as operator. There appears on this blank questions of the usual nature relating to your name, address, place and name of former employer and city or town, and also two questions very antagonistic to unionism. One reads: "Do you belong to any telegraphic organization? If so, do you agree to resign your membership therein and devote your whole time to the interests of the company?"

If you admit that you belong to any telegraphers' union, either railroad or commercial, the chief operator immediately informs you that he can not use you and declines to give any intelligent reason for his decision. If you perjure yourself and say you do not belong, he will in most cases employ you if he is working on short force and place you on the unassigned or extra list. This, although he gives no reason, has been tried out by members of the Order of Railroad Telegraphers, and the chief operator has never hired a man in this office that admitted that he was a union man. If a man joins the union after becoming employed, he breaks the contract on the application blank and is liable to dismissal if he dares to speak out and declare himself a member. The men are even afraid to read union journals or literature in any part of the building or even on the street where any of the chiefs or spotters are liable

to see them doing so. Some are absolutely afraid to go near a place where unions hold meetings, fearful less they be accused of being a union man and get summarily dismissed. The chief always on cases of this kind says that the operator is undesirable and his services are no longer needed. That's the end of it for such operator in this district. If he applies for a position with the Postal elsewhere in this district, and probably on the whole system, and refers to this office as his last place of employment, provided he was dismissed because of being suspected of being a union man, if the chief operator here gives full information on the case the operator is not hired. He then has to resort to either an assumed name or again perjure himself by stating that he has not been in the telegraph business for the past two years or something to that effect.

Sliding scale.—Instances are known in this office where high-salaried men have resigned or been discharged and men assigned to their tricks or wires at from $5 to $10 per month less in salary. The high salary is not again restored. There are in this office to the writer's personal knowledge at least three positions that paid on an average of $85 per month "open," the men having resigned or been discharged, and there are now two former check boys, hardly 20 years old, doing the same class of work for the salary of $45 per month. Other methods could be mentioned in which this sliding scale has been manipulated, but for want of definite details are not mentioned.

Manipulation of extra list respecting "preferred extra."—The "extra-list" men are compelled to get in eight full hours for a day's pay, either consecutive time or divided, after which their time is computed at the rate of seven and one-half hours for a day's "overtime" at the same rate of pay.

During the past two years there has been established by the traffic chief what is known as preferred extra. One or two men are instructed to show up for duty at 11.30 a. m. and work till 1.30 p. m., and then report for duty again at 5.30 p. m., and work till they can be dispensed with. Their hours of service are computed at the regular extra man's rating, which is eight hours for a day's pay. Yet these men are working the same identical hours that the "split-trick men" are working, and the split-trick man only has to work seven and one-half hours for a day's pay, and when his day's hours is completed he has the preference of getting relieved over the preferred extra man or the regular extra man. This system compels the preferred extra man to work eight hours for a day's pay, while the split-trick man working the same hours and having the same show up for duty only makes seven and one-half hours per day. If the extra man presents a grievance he is told pointedly that he is under the traffic chief's supervision and must adhere to any rules made by him or he has the alternative of resigning.

Another method of the so-called preferred extra list is a system whereby a very good friend of the traffic chief is employed on the extra list with the understanding that he can, at will, report at 6 p. m. for duty and is to be relieved at will. At the present writing, there is only one man working this class of extra. He is known as "Doc" Copeland. He studied medicine while working in the office as operator, graduated, and resigned to become a practicing physician. After an absence of two or three years he returned to Birmingham and established an office here, carrying on his medical practices during the day and reporting for duty at 6 p. m. evenings, bringing his medicine case, etc., with him. This man is allowed to use the company's phone for his professional calls; and at any time he is called on the phone, he is immediately relieved regardless of conditions at the office, and allowed to make his professional calls.

This method is very unjust to the regular extra man, who at times does not get over five days in a week period. Invariably, though, Copeland is given the preference on work at night over the regular day men who might desire to put in a little extra time. This method is considered very unfair by all the men in the office.

KONENKAMP EXHIBIT NO. 7.

NEW YORK, *May 2, 1907.*

Mr. E. M. MOORE,

Chairman, and Members Executive Board, Local No. 1, Chicago, Ill.

BROTHERS: Your registered letter dated April 28, expressing fears that our members working for the Postal Telegraph Co. in Chicago may at any moment

take matters in their own hands, which I take to mean walkout, unless their grievances are settled immediately, has been received.

At the outset I desire to express my confidence in the judgment of a majority of the members of the executive board of local No. 1, and also the hope that the members thereof will use their best efforts to prevent any such action.

I also note that copies of your letter have been sent to the general secretary-treasurer and each member of the general executive board for their information.

I am also mailing them copies of this letter.

Unfortunately the impatience of the members of the Chicago Postal committee, and the registered letter from the members of your honorable body, forces me to give out information that, if made public, might work to our disadvantage.

In order that you may understand the situation more fully, I submit herewith some of the correspondence in the case under consideration.

The following is a copy of a telegram I received. It is self-explanatory, in so far as its contents are concerned; it was sent to me over the Western Union lines in plain English.

CHICAGO, ILL., *April 25th, 1907.*

S. J. SMALL,
President Commercial Telegraphers' Union of America,
Astor House, New York.

(Deliver personally.)

Communication nineteenth through Russell finally reached us to-day. We believe, and think entire force agrees, course indicated entirely wrong. If followed certain birds in hand will escape while you chase birds in the bush. Nally has time to cut our strings on birds in hand. He has time to meet you. Certain consequences your present policy be passage Postal schedule next meeting local. Unless something accomplished (at very least an appointment with Nally) quickly, we must disown any responsibility for further consequences. Special meeting local also possible. Chicago not be satisfied unfair list or strike; wants strike and unfair list, unless grievances six months' standing be righted and righted quickly. Chicago Postal tired standoff while other troubles being settled. If wait till all other troubles settled, never will be reached. Can see no reason against simultaneous strike New York Western Union, Chicago Postal. You seem not appreciate heated feeling Chicago Postal. Heat of this telegram comes from the lid occupied by this committee; nonaction last two weeks rendering heat of lid intolerable and snap-judgment strike more likely each passing day. Still your move.

M. J. PAULSON.
C. L. CRAIG.
W. E. GOODRICH.
F. E. BURROUGHS.
E. M. MOORE.

Time, 8.30 a. m.

I replied as follows, the message to General Secretary-Treasurer Russell being sent in cipher:

NEW YORK, *April 26, 1907.*

M. J. PAULSON,
505 Omaha Bldg., Chicago:

See telegram to Russell to-day.

S. J. SMALL.

NEW YORK, *April 26, 1907.*

WESLEY RUSSELL,
930 Monon Building, Chicago:

Say to committee consider case in my hands. Will have to give me time to move. If act hasty will repudiate them before whole country. Their telegram damaging case.

S. J. SMALL.

Further information is contained in the following telegrams:

To S. J. SMALL:

Postal employees' committee been very conservative and counseling patience but men are wearying of delay and apparent inaction on the matter of grievances. Suggest you by all means bring out company's hand quickly. Local

executive board forced to hold special meeting Wednesday with a view to calling special meeting of local to consider new schedules. Executive board decided this should be avoided pending your negotiations in New York, but men dissatisfied and radical action avoided with difficulty. Seventeen split-trick men to-day discharged for not reporting for duty, which punishment seems very excessive, as most of them sober and faithful. Unrest growing, and situation may get beyond our control at any moment; chiefs restless and men ugly; please inform me of prospects or results.

M. J. PAULSON,
For the Committee.

I received a telegram from Chicago saying that 17 men had been discharged. The following was received one day later:

CHICAGO, ILL., *April 19.*

S. J. SMALL:

Better information cuts pay day discharges to 13, nine splits, four straight days; two these men one on each trick been cautioned repeatedly.

MOORE.

On April 23 I received the following:

CHICAGO, ILL., *April 23, 1907.*

S. J. SMALL, *New York:*

Men discharged 19th back to work to-day. Best information all went back at old pay. Few still out who didn't ask get back. Trick changed by way of discipline one case where men been previously cautioned. Discharges without bearing on insufficient cause and restoration don't look good discipline brings the extreme penalty into contempt. Another chief who didn't get his raise told recently "you'll never get a raise till you get out of the union." Person who said this apparently instructed do so; but will of course deny such instructions say merely friendly opinion.

MOORE.

In order to act intelligently it is necessary that one be familiar with all the facts.

Referring to the 200-word telegram, I desire to say that I do appreciate the "heated feeling in Chicago Postal." I also believe I am a good judge of how much personal and exuberant anarchistic feeling has been injected into the Postal grievance case.

Far be it from me to throw cold water on a movement that has merit and no selfish motive behind it. The Chicago Postal operators have a grievance, and a just grievance, but that unfortunate trait of human nature—selfishness—seems to have blinded them, with the result that their grievance, in their eyes, overshadows everything else vital to the success and life of our organization.

The Chicago Postal grievance, as I understand it, is not so much a question of salaries as it is the ignoring of the rules agreed to between the Postal Co. and a committee some months ago. As compared with the Chicago case we have others in other cities that are of equal, if not greater importance, namely, in Kansas City, Augusta, Ga., San Francisco, Nashville, Tenn., Louisville, Ky., and other cities. I have asked the members in these cities to exercise good judgment and give us time to pave the way for an adjustment of all these grievances, here in New York. I also asked the Chicago Postal committee through General Secretary-Treasurer Russell to give me time to first adjust a grievance we have with the Western Union in New York, but instead they accuse me of chasing birds in bushes in preference to a bird in the hand.

It would seem that in order to satisfy the brothers in Chicago I must acquaint them with the details of any plans that may be under consideration having in view a satisfactory adjustment of their grievance which naturally means also the divulging to a large number of persons our plan of campaign against the enemy.

In the hope of convincing the Chicago brothers that it is to our advantage to move slowly in such matters, and particularly at this time, I submit the following:

There are indications that the recent change of general managership of the Postal has brought the two companies closer together, at least so far as their opposition to the union is concerned. They are expecting, and evidently prepared, to fight us the next time a walk-out occurs.

I have endeavored twice to see Mr. Nally. On each occasion I was told that Mr. Nally "could not see me to-day." Mr. Mackay is out of the city.

When it is considered that I have grievances from five or six different cities to take up with the Postal, would it not seem to be the proper thing to do to make an effort to adjust them through the president of the company, Mr. Mackay, before threatening to strike, and, does it not also seem reasonable to expect Chicago members to exercise the same patience that members in other cities are doing and give the general officers of our organization an opportunity to prepare for the inevitable if it should come?

We should not lose sight of the fact that we have all been working very hard during the past few months taking in new members, and what is more important, in my opinion, we should not underestimate the effect, good or bad, that action such as described in the 200-word message quoted, would have on our new members and those who contemplate joining in the immediate future.

I am in entire accord with the brothers who believe the Postal Co. should be made to understand that the union will insist on just treatment of its members and a strict observance of the rules agreed to, but I feel it my duty to the membership that extreme caution be exercised lest we compromise ourselves in a way that will result in our losing much of the ground gained.

It is my intention to bring to the attention of Mr. Mackay the Chicago grievances, as well as those of other cities. In this connection I desire to assure the Chicago Postal committee that when the matter does come up with the Postal officials it will be settled in a manner satisfactory to all concerned and there will be no question thereafter as to whether or not the committee has the right to act for the telegraphers employed by that company in Chicago. The above is an important statement, and I hope its importance will be appreciated. In fact I consider it so important that before carrying negotiations to a point that might, to use a diplomatic phrase, mean the breaking off of friendly relations, etc., I would recommend that the general executive board meet and consider the whole question.

In confidence, I will say to the members of the executive board of Local No. 1, that certain things have transpired within the past few months that have so important a bearing on our future, among them being the action of the Postal Co. in repudiating its agreement with our members in Chicago, that I feel that our general executive board should meet and canvas the situation and advise with the president as to our future policy in dealing with the Postal and Western Union, and I shall so recommend at the proper time, and I feel sure the members of the board will act favorably on the recommendation.

In the meantime I shall, so soon as Mr. Mackay returns to the city, make further effort to bring about a satisfactory adjustment of the Chicago grievances, at the same time expressing the hope that the members of the Postal committee in Chicago will be encouraged to take a broader view of the question under discussion and discourage any move or agitation that might lead to hasty action and the forcing of the issue at a time when we are unprepared.

Fraternally, yours,

S. J. SHALL, *President.*

Dict.-SJS.
EYE

KOHLSAAT EXHIBIT NO. 9.

SPECIAL MEETING C. T. U. OF A., CHICAGO LOCAL NO. 1,
Washington Hall, Sunday, June 16, 1907.

2.15 p. m. President Paulson called meeting to order. The hall was filled to overflowing, and many unable to obtain admission. President Paulson appointed Brothers G. E. Cates and J. M. Powers as doorkeepers; he also appointed as sergeants at arms Brothers V. W. Johnson, Broadwulf, Bowen, and Jos. Ginsburg to examine those present and to report those not holding cards up to date entitling them to remain.

After report was made to President Paulson that all present were entitled to remain, Brother Abrams made motion, which was duly seconded and carried, permitting members of the Order of Railway Telegraphers who were in the anteroom, upon presentation of their O. R. T. cards, to remain during the meeting without voice or vote.

Brother Goodrich then offered the following resolution, and moved its adoption, which was unanimously carried:

"*Resolved*, That the president appoint a press committee to consist of at least three members. Any news for publication will be available at the discretion of this committee immediately upon adjournment of the meeting; committee to be found at 305 Omaha Building."

President Paulson then appointed the following to act as press committee: M. M. Moore, Frank Likes, G. Dal Jones.

Brother Moore, chairman of the local executive board, made motion which was duly seconded and carried, calling for a reconsideration of the action taken by this local at its last meeting, changing the dues from $1 to $1.75—that is, that the 75 cents be not remitted.

Brother Moore then offered the following resolution, which was duly seconded and carried: "That the women present go into a committee to consider the question of increasing women's quarterly dues; that the president remain in the chair, and that the ladies report to the local through its chairman, the result of its findings after discussing the question of remission of a portion of dues from lady members, and that the local reconvene immediately upon the ladies' readiness to report."

At 2.40 p. m. the local went into temporary recess.

At 3 p. m. the local reconvened. Sister Mrs. Stickel reported that as chairman of the committee of ladies present, she wished to state that they recommended that the dues remain as they had been previous to last meeting; that is, that they receive the 75 cents remission per quarter, or a net of $4 per annum. She made motion, which was seconded and carried, that the report of the ladies' committee be concurred in.

Brother Chas. F. Shea then offered the following resolution, and moved its adoption, which was unanimously carried:

"Whereas flagrant discrimination against the Commercial Telegraphers' Union now being practiced by the Western Union Telegraph Co. is inimical to the well being of the entire telegraph fraternity; and

"Whereas the subtle methods adopted by the Western Union Telegraph Co. to evade and eventually to entirely discontinue the payment of the recent publicly announced 10 per cent increase in the wages of telegraphers is a further menace to the well-being of the entire telegraph fraternity: Therefore be it

"*Resolved*, That the Commercial Telegraphers' Union of America, Chicago Local No. 1, in meeting assembled declare it to be the sense of this body that the far-reaching possibilities of a continuation of this policy on the part of the Western Union Telegraph Co. will result in great detriment to the public good. And be it further

"*Resolved*, That the stubborn opposition of the Western Union Telegraph Co., as represented by its president, Robert C. Clowry, to a reasonable recognition of the grievances of its employees, as represented by the Commercial Telegraphers' Union of America, through its president, Mr. S. J. Small, threatens the public welfare and invites an otherwise unnecessary and calamitous interference with the business interests of our country. And be it further

"*Resolved*, That the said Robert C. Clowry in seeking, by various means, to deceive the public into a belief that no differences exist between the Western Union Telegraph Co. and its employees is so palpable a misrepresentation of facts as to call for an emphatic denial by this body. And be it further

"*Resolved*, That the public press of America is hereby requested to give publicity to these resolutions in the hope that public sentiment may be aroused to the danger that now menaces the business interests of the country."

President Paulson then read the following telegram:

C. T. U. A. HEADQUARTERS,

New York, N. Y., June 18, 1907.

7 a. m. TO ALL LOCALS, C. T. U. A.:

Situation unchanged. No truth in inspired story that settlement of grievances has been postponed. Board in session. Important information will reach you in few days. Take no action until authorized.

S. J. SMALL, *President.*

6.05 a. m.

Applause followed the reading of the message.

Brother Long, editor of the Journal, then read a telegram from President Small, after which there was tremendous and prolonged applause.

At this juncture the secretary read a number of telegrams from various locals pledging their support in every way. One from Salt Lake read:

"Salt Lake sends greeting; there wont' be anything left in this office but switchboard and one chief."

Brother Shea then read a telegram he had received from President Small, saying to "Be of good cheer; a few more weeks will put us on Easy Street. Dated June 5."

Brother Shea then made a short speech of a few well-chosen words and received a good hand.

Brother Moore then offered the following resolution, which was seconded and chairman of the press committee wanted an expression of opinion from the members present:

"Whereas Mr. Fred H. Tubbs, division superintendent of the Western Union Telegraph Co., in Chicago, has expressed publicly the belief that 'strike talk' is all a 'bluff'; and

"Whereas Mr. Welcome I. Capen, general superintendent of the Postal Telegraph Co., has publicly expressed a belief that any trouble at the Postal 'comes from outside agitation'; and

"Whereas these statements are absolutely false: Therefore be it

"*Resolved*, That this local go on record as ready to make good the bluff at the Western Union at any time and stands ready to produce 95 per cent of the employees of the Postal Telegraph Co., or of both companies, who will state that they are not making the trouble, nor is it through any 'outside agitation,' but because of the acts of bad faith on the part of both telegraph companies, the grievances of the employees of both companies were being presented in the regular and in a businesslike manner."

Brother Moore then offered the following resolution, which was seconded and carried:

"Whereas the Postal Telegraph Cable Co. made a working agreement with its employees in Chicago, and despite patient protests has persistently and flagrantly violated the same: Therefore be it

"*Resolved*, That this bad faith upon the part of President Mackay and General Manager Nally calls for the most drastic demonstration of force in the power of this union."

"Drastic" resolutions being in order, Brother Shea offered the following and moved its adoption, which was seconded and carried unanimously:

"*Resolved*, That it is the sense of this local that the arbitrary refusal of Western Union Telegraph Co., as represented by its president, Robert C. Clowry, to meet an employees' committee for the discussion and adjustment of grievances calls for drastic action: Therefore be it further

"*Resolved*, That we, Chicago Local, No. 1, through our national president, Mr. Samuel J. Small, serve a 10 days' notice upon the Western Union Co. that it must meet said employees' committee as represented by the Commercial Telegraphers' Union, or assume the responsibility for the public calamity that may follow action thereby made incumbent upon this union."

Then followed a number of speeches. Brother Crittenden said he hoped the members of the C. T. U. of A. would not act hastily; that if they acted wisely he felt sure success would reward their efforts.

Brother G. Dal Jones made a few remarks and recited some of the special incidents of note during the life of the C. T. U. of A. He told of how the O. R. T. brothers could materially assist in many ways, and while they may not do so officially, they could be relied upon as individuals.

Brother Long addressed the meeting at some length regarding the condition of our treasury; the finances of the O. R. T., which had been alluded to previously by Brother Jones.

Brother Shea was called for and responded, but stated that to do so again would be his "third offense," for which he begged pardon, and gave some good advice.

Brother Moore then quoted some facts and figures from a Government report showing the beggarly average salary of both male and female telegraphers.

Brother Frank Likes made perhaps the most touching appeal to the members regarding their future and referred pathetically to the poorly paid employees, of their struggles and of their vicissitudes. Tremendous applause followed the close of his remarks.

At this moment calls were heard for "McDermott." Congressman McDermott was on the platform and walked to the front to address the meeting. Brother Moore raised the question of personal privilege and stated that as Mr. McDermott held no card for this quarter in the C. T. U. of A., he wished to protest against McDermott's speaking until he had taken out a card for this quarter.

Some confusion followed, and a motion was made to adjourn the meeting, which carried. Calls from the platform for the meeting to reconvene immediately resulted in no one leaving the hall, and the meeting was at once called to order by President Paulson. Mr. McDermott made an apology to the local, Brother Moore, and especially to the ladies present, for his remarks, and addressed the members for about five minutes.

At 5.10 the meeting adjourned.

BROOKS EXHIBIT.

JUNE 20, 1907.

Hon. C. P. NEILL,
Commissioner of Labor, Washington, D. C.

DEAR SIR: Referring to the conferences held between yourself and me and other officers of the Western Union Telegraph Co., and having in view the possible grave inconvenience to the public following any general interruption to our business, I am glad to make clear to you the position occupied by the Western Union Telegraph Co. in regard to this whole matter.

As to the statement made by persons in no way connected with this company that the 10 per cent increase granted by the telegraph company on March 1 last has not been applied to all salaried telegraphers, I desire to say that the telegraph company announced this increase in good faith and is carrying it out in good faith, and that if any case can be found in which the increase was not granted it will be corrected at once.

The statement also being made that the telegraph company is endeavoring to neutralize the 10 per cent advance by the application of a so-called sliding scale is without foundation. There is no such practice in effect, nor is there any intention of putting it into effect by the management of this company.

The standard salaries for regular positions, as established by the increase of March 1, will be maintained, and the company will pay to any man appointed or promoted to any positon the salary attached to that position after that increase, and will pay to extra men the salaries in effect for their work as of March 1, inclusive of the 10 per cent increase.

This company has not discriminated against, nor will it discriminate against, any employee of the company because of affiliation or nonaffiliation with any organization, and if it can be shown to me that any subordinate has dismissed or discriminated against any telegrapher because of affiliation with any organization, such telegrapher shall be restored to his positon without prejudice.

As evidence of the absolute good faith of the Western Union Telegraph Co. in its relations with its employees, I beg to say that if any telegrapher feels that he has any grievance under any of the foregoing conditions, and if he can not secure a satisfactory adjustment of his complaint with the officers of the company, we will submit the matter to the arbitration of three parties—one to be selected by the telegrapher, one by the telegraph company, and the third to be selected by the two so chosen, and in the event that the two can not agree upon a third arbitrator within one week, we will be very glad to have such third arbitrator chosen by the chairman of the Interstate Commerce Commission and the Commissioner of Labor acting jointly.

As a further evidence of our entire willingness to deal fairly and preserve amicable relations directly with our own employees, any telegrapher who at any time has a grievance can take it up with his superior, either in person, or, if he wishes, through any committee he may select from the other employees of this company in the same district.

I have outlined above in brief the position the Western Union Telegraph Co. holds in regard to the matters we have discussed, and you are at liberty to make any use of this letter that you see fit.

Yours, very truly,

R. C. CLOWRY, *President.*

JUNE 26, 1907.

Hon. CHAS. P. NEILL,
Commissioner of Labor, Washington, D. C.

DEAR SIR: I assume it has not escaped your observation that the Commercial Telegraphers' Union has grossly violated the understanding which you had with them on the 20th instant in respect of matters alleged against the telegraph companies. That understanding, so far as the Western Union Telegraph Co. is concerned, was that if the company would agree to the arbitration of grievances growing out of failure to receive the recently granted 10 per cent increase or supposed discrimination on account of affiliation with the union, and would permit aggrieved employees to be represented by a committee of fellow workers from the same district, the strikes then in contemplation would be abandoned and the matters referred to would be adjudged as settled; and with the understanding that you held a written proposition, signed by the acting president of the organization to this effect, I freely gave the desired assurance. It is a matter of public record that these assurances were accepted by the acting president and the executive committee of the union as a wholly satisfactory solution of all matters in dispute, but nevertheless within 24 hours a strike was called at San Francisco and Oakland according to the original program.

I recite these facts because I deem it of importance that what transpired at our conference should be correctly and fully understood and also because I understand an effort is being made to hide this gross breach of faith on the part of the Commercial Telegraphers' Union behind the statement that the San Francisco strike is a local affair, independent of the union, and not to be considered in connection with the agreement with you.

The strike at San Francisco and Oakland was called by the president of the union after he had been notified of the settlement effected by you and of the acceptance of the same by the acting president and the executive committee of the organization, in absolute disregard of the same, and pursuant to a settled program, as set forth in the following authentic bulletin issued by him:

"SAN FRANCISCO, *June 21, 1907.*

"Disregard all newspaper reports sent out yesterday; they are without foundation. Strike will start at San Francisco to-day, followed by Chicago, New York, Pittsburgh, Cleveland, and Cincinnati.

"S. J. SMALL, *President C. T. U.*"

Yours, truly,

R. C. CLOWRY,
President and General Manager.

JULY 25, 1907.

Hon. CHAS. P. NEILL,
Washington, D. C.

MY DEAR MR. NEILL: I desire to express to you my sincere thanks for the valuable services you have rendered this company in the late labor situation, and I hope that the whole trouble is settled for some time to come.

Your action in New York, Chicago, and San Francisco in reference to these matters has been spoken of in the highest praise by the officers of this company.

When you visit New York I hope that you will give me a call, and I can assure you that I shall be very glad to see you.

Hoping that you are quite well and with best wishes, I am,

Yours, truly,

R. C. CLOWRY.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, July 29, 1907.

MY DEAR MR. CLOWRY: I appreciate very much your kind letter of July 25, and join with you in hoping that the recent troubles will remain settled for some time to come.

With best wishes, I am,

Very truly, yours,

CHAS. P. NEILL, *Commissioner.*

LYNCH EXHIBIT NO. 1.

POSTAL TELEGRAPH-CABLE CO.,
OFFICE OF THE SUPERINTENDENT,
FIRST DISTRICT, WESTERN DIVISION,
Chicago, Ill., April 21, 1911.

Mr. CHAS. SCHELL,
Chief Operator, Western Union Telegraph Co., Chicago, Ill.

DEAR SIR: The bearer, Mr. Lynch, seems to be of the opinion that you would employ him if he secured proper clearance from this company. This seems to us rather unusual, but with reference to his dismissal from our service, I will say that at the time of such dismissal he was discharged for certain acts which were deemed detrimental to the best interests of this company, and to retain him in our employ would be unwise.

I have since investigated his case and am satisfied that the information which led to his dismissal was, in part at least, erroneous, and that there may be no injustice done him have advised him that there would be no further objection to his employment here when men are needed.

Very respectfully,

H. G. MCGILL, *Superintendent.*

POSTAL TELEGRAPH-CABLE CO.,
OFFICE OF THE SUPERINTENDENT,
FIRST DISTRICT, WESTERN DIVISION,
Chicago, Ill., May 1, 1911.

Hon. MARTIN B. MADDEN,
Congressman, House of Representatives, Washington, D. C.

DEAR SIR: Acknowledging receipt of your favor of the 27th ult. with reference to Mr. Henry Lynch, will say that Mr. Lynch has been advised that as soon as we are in need of any operators he will be given employment. I have also taken the trouble to write to the Western Union Co. to this effect. This for the reason that Mr. Lynch seemed to think he could secure employment there, provided he obtained a clearance from this company, although his last employer was the Illinois Central Railroad Co.

Very respectfully,

H. G. MCGILL, *Superintendent.*

[The Commercial Telegraphers' Union of America, affiliated with the American Federation of Labor; Wesley Russell, general secretary-treasurer. Rooms 932–936 Monon Building, Chicago, Ill.]

CHICAGO, *September 27, 1910.*

To whom it may concern:

The bearer, Brother Henry Lynch, member of the Commercial Telegraphers' Union of America in good standing, was recently discharged for attending a meeting called in Chicago in the interest of men employed by the Postal Telegraph Co. He is seeking employment. Any assistance rendered him in the way of securing a position, or any courtesies extended, will be appreciated by us.

Yours, fraternally,

CHICAGO LOCAL NO 1,
COMMERCIAL TELEGRAPHERS' UNION OF AMERICA,
[SEAL.] WESLEY RUSSELL,
Secretary.

[Illinois Central Railroad Company; The Yazoo & Mississippi Valley Railroad Co.; Indianapolis Southern Railroad Company. Chicago, Ill. General Office Division. Certificate No. 416.]

OFFICE OF SUPERINTENDENT TELEGRAPH,
Chicago, March 16, 1913.

This is certify that Harry C. Lynch has been employed in the capacity of telegrapher at Chicago, Ill., general office, on the ——— division of the Illinois Central R. R. from October 1, 1910, to March 10, 1911. Services dispensed with on account of reduction in force.

Age, 39; color, light; height, 5 feet 11 inches; weight, 170; eyes, blue; hair light.

J. J. HOWARD, *Chief Operator, Telegraph.*

Approved:
F. T. WILBUR, *Superintendent.*

(This form of certificate may be issued by train masters, road masters, and master mechanics, but must not be delivered until approved by the superintendent of division.)

[The Wabash Railroad Co.; L. J. Ferriter, superintendent middle division.]

DECATUR, ILL., *September 5, 1908.*

To whom concerned:

H. Lynch was employed by this company as operator January 10, 1908, to June 22, 1908. Resigned. Services satisfactory.

L. J. FERRITER, *Superintendent.*

LYNCH EXHIBIT NO. 2.

WINNIPEG, MAN., *Mar. 25, 1915.*

Mr. S. J. KONENKAMP,
Internat'l President Commercial Telegraphers' Union,
Chicago, Ill.

DEAR SIR AND BROTHER: The following is a brief summary of my experience with the Western Union and Postal Telegraph-Cable Cos. in the United States and explains how I was made a victim of their cooperative system of blacklisting.

On or about September 12, 1905, I went to work for the Western Union Telegraph Co. in the city of Chicago and worked continuously without blemish on my record as a telegrapher until on or about June 16, 1907, when I left Chicago on a hurry-up call, securing two weeks' leave of absence and went to Hot Springs, Ark., to look after my brother, who became a victim of tuberculosis. His case was so serious that I sent my resignation to the Western Union on or about July 1, 1907.

I went to Colorado Springs, Colo., with my brother and remained there until the following month of November.

I returned to Chicago on November 9, 1907, and made application by letter for reinstatement with the Western Union.

Mr. A. B. Cowan, the chief operator at this time, replied to the effect that they were not hiring any operators, nor would they for some time.

I afterwards went to work for the Wabash Railway, as per clearance attached, and later went to Canada with the Great North Western Telegraph Co. at Toronto. My wife being dissatisfied in Canada, as all of her relatives live in Chicago, I returned to the city some time in August, 1908, and I applied to the Postal Telegraph Co. with a letter from a gentleman in the telegraph business to whom the Postal Telegraph Co. is under obligations to secure business, and after some parley I was put to work in the Postal office on or about September 10, 1908.

I continued in the service, with nothing against my record until on or about September 10, 1910, when, with 8 or 10 other telegraphers in the Postal office, I was discharged without a moment's notice for attending a union meeting of telegraphers held at 178 Washington Street the Sunday previous.

I went to work in the general office of the Illinois Central Railway Co. on October 1, 1910; remained there until March 10, 1911, when I was let out on account of a reduction in the force, as per clearance attached.

I immediately applied to the Western Union in Chicago for a position, and it was the ensuing experiences I had with this company and the Postal in seeking employment that developed the fact that I was made a victim of their cooperative system of blacklisting.

Chief Operator Schell, of the Western Union, informed me that my record with that company was O. K.; that he needed operators, but before putting me to work would require a written clearance from the Postal Telegraph Co.

I then applied to Chief Operator Powers, of the Postal, asking to be reinstated with his company. He admitted that my record with the Postal was

O. K., but that he did not need any operators. I asked him for the clearance required by Mr. Schell, of the Western Union, but he was evasive and declined to issue it, saying "It was not their custom."

I then applied to Supt. McGill, of the Postal, now dead, asking him for reinstatement with his company or a clearance that I might go to work for the Western Union, but he was also evasive and would not issue the letter, telling me that in former years they had too much trouble with the telegraphers' union, and that "they (the telegraphers) didn't seem to know how to run a union 'right.'"

I then sought the intercession of Congressman M. B. Madden, who gave me a letter addressed to Mr. McGill, with whom he had personal acquaintance, asking as a personal favor that I be reinstated. As a consequence Mr. McGill issued me the letter to Mr. Schell, of the Western Union. (Copy herewith attached.) I presented the letter to Mr. Schell, but he kept stalling me off, and finally told me that I could not work for the Western Union in Chicago, but to go down to Philadelphia or Pittsburgh, as they needed men in both places. I thought this a program for further persecution and did not consider it.

After this I corresponded with Congressman Madden, who was in Washington, telling him of my failure to secure reinstatement with either company, and he again wrote Mr. McGill, of the Postal. Mr. Madden's second letter brought forth the attached reply, which he mailed to me.

I was always firmly of the opinion that Mr. McGill wrote the letter to Schell for a twofold purpose—first, to placate Mr. Madden, and, second, to serve as a shield and cover the cooperative system of blacklisting which existed between the Postal and Western Union. The fact that Schell did not put me to work bore out the contention.

From March 10, 1911, until May 10, 1911, I was juggled between the officials of these two companies. Both companies were hiring men during this period, and both of them put on men from the Illinois Central general office who never did commercial work.

I then gave up in despair the chance of ever securing or holding permanent employment with either of these two companies, borrowed sufficient money, and left the States for Winnipeg, Canada, and entered the service of the Canadian Pacific Telegraphs in Winnipeg on March 13, 1911, and have been continuously in their employ since that date.

Fraternally, yours,

HENRY LYNCH.

BRANDON, MANITOBA, *March 17, 1915.*

Mr. S. J. KONENKAMP,
International President C. T. U. A., Chicago.

DEAR SIR AND BROTHER: I am indeed glad to hear the Industrial Relations Commission will soon sit in Chicago, and am very glad to state my case, which I hope will, in a small way, at least, be instrumental in opening the eyes of the Government as to the real state of affairs.

I was employed by the Postal Telegraph Cable Co. in Chicago in the capacity of operator on or about February 26, 1912, and left their service on May 13, 1914. During this time I worked to some extent practically every wire in their office, and was considered a strictly first-class man. I always did my work in the proper manner and never in my entire two years of service did anything on the wire which created friction between myself and operators at the other end. In fact, I had one of the best records in that office for being able to work successfully with operators who were inclined to be flighty or scrappy. These qualities, and the fact that my salary was increased twice while in their service, would make it seem that my services were satisfactory.

At the time I was discharged I was, and had been for the past several months, working the Chicago-Boston bonus wire. On the morning of May 13, 1914, I reported for duty at my regular hour (9 a. m.) and worked till about 11 a. m., when I was suddenly relieved and told to report to the chief operator. I did as requested and was told by him to turn in my keys. I then inquired as to the cause of my discharge and was told by the chief operator that I was not needed any longer.

A few days later I applied at the Western Union in that city for work and was refused. Later I made application by wire or mail to several other Western Union and Postal offices, including two of which I had previously been employed in. One of these applications was ignored entirely and the others answered that they had nothing to offer me.

After being out of employment for several months I decided to come to Canada, where, as I understood it, a man could carry a union card and voice his sentiments without being discriminated against in consequence. I have been in Canada several months, and up to the present time have exercised the rights of a white man without any reactionary effects.

I firmly believe that I was discharged for no reasons other than that of my membership and activity in the union, and the peremptory discharge of some eight or ten brother members of the union during the same week, on pretexts as flimsy as in my case, should bear out my belief.

Yours, truly,

JESSE S. LEWIS.

WINNIPEG, MAN., *March 20, 1915.*

Mr. S. J. KONENKAMP,
International President C. T. U. of A., Chicago, Ill.

DEAR SIR AND BROTHER: Upon hearing of the appearance of our international officers before the Industrial Relations Commission I beg to state a few incidents in how the Western Union black list affected myself.

Early in the summer of 1903 I was discharged at Pittsburgh for union affiliations, which was confirmed by trustworthy people. Moved to New York City and secured employment at the cable office there, but only worked 45 minutes, owing to the Pittsburgh discharge. Later secured work with the Postal Telegraph Co., who at that time did not concern themselves about their employees joining the organization of their craft.

In the spring of 1904 secured employment at Indianapolis with the Western Union, but was deprived of a livelihood; no reasons given, but it was the black list at work once more. Mother and self had rented an apartment and the dismissal without cause placed us in a somewhat trying embarrassment.

In 1906 wife and self went to Atlanta from New Orleans and I applied for work. The traffic chief at this point excused himself and went down to the division superintendent's office; returning, frankly informed me I was on the black list. Later met that gentleman in Oakland, Cal., in 1907 and he again confirmed the Atlanta black list, adding the Western Union kept these lists on file at all district divisional points. You are at liberty to use these facts. Took out my citizenship papers in Redwood City, Cal., in 1908, but returned to Canada until such a time that I can join any organization I so wish and not be deprived of my personal liberty in the United States.

Fraternally, yours,

E. M. WOOD.

WINNIPEG, MAN., *March 25, 1915.*

Mr. S. J. KONENKAMP,
President C. T. U. A., Chicago, Ill.

DEAR SIR AND BROTHER: I went to work as messenger boy for the Western Union Telegraph Co. in the year 1901, at Menominie, Wis., where I worked until 1903; then I was sent to Bemidji, as manager and operator, where I worked until 1904, and was transferred to Fargo, N. Dak., and worked there as operator until the call of the telegraphers' strike in 1907, and struck with the operators.

I left commercial work and went with the Canadian Pacific Railway in the railroad service until 1910, when I resigned and again entered the service of the Western Union Telegraph Co. at Seattle, Wash., in August, 1910. Was transferred to Victoria in November, 1910. Resigned there in May, 1911, and properly released with first-class recommendation from manager stating that my services were satisfactory in every respect. I afterwards arranged with Chief Operator Davis, Fargo, N. Dak., to go to work in Fargo June 15, 1911.

When I reached Minneapolis, June 14, to get transportation to Fargo was informed by Traffic Superintendent Keene, Minneapolis, that there was something wrong with my record on the coast, and that they would not be able to put me to work. I immediately wrote Mr. Hood, traffic superintendent, Seattle, asking him what was the trouble, as I could not understand why there should be anything wrong with my record as I was properly released and had a clear recommendation and release from Mr. McKenzie, manager at Victoria. I waited in Minneapolis one week for a reply, but never received one to this date. I had an O. R. T. card and so decided to come to Canada to get a square deal.

Fraternally, yours,

H. PETERSON.

WINNIPEG, MAN., *March 23, 1915.*

S. J. KONENKAMP, *Chicago, Ill.*

DEAR SIR: Regarding my experiences with Western Union Telegraph Co.:

I entered their employ at St. Paul, Minn., in the year 1899, as a messenger boy, and continued in the service for three years; then went into operating room as a check boy, and after working in this capacity for one year I was placed on the rolls as a telegraph operator, at which I worked for about two years.

I quit the service of the Western Union and went to work for the Great Northern Railway, where I was employed until about July 1907, at which time I reentered the service of the Western Union at St. Paul, Minn., as a telegrapher, and relinquished connection with this company on the call of the 1907 telegraphers' strike. I applied again in December, 1907, for reemployment with the Western Union at St. Paul, but my application was refused. I applied very frequently for the period of the following six months, and, although the Western Union were hiring men, they refused to reinstate me. Finally Superintendent Bradley at Minneapolis, upon assurance that I would not again become affiliated with the union, reinstated me, sending me to Moorhead and Miles City, Mont., as manager of the office.

I returned to St. Paul in the fall of 1909, and worked as operator in the St. Paul office continuously until on or about January 15, 1912, when, with 3 other fellow telegraphers, I was discharged without a moment's notice; reason given, "unsatisfactory service." I then approached Traffic Superintendent Keane, at Minneapolis, asking him to explain the "unsatisfactory service" charge, as I was never disciplined for this charge while in the employ of the Western Union. When I asked Mr. Keane why I was discharged, he said: "You ought to know, just rack your memory," alluding to my union affiliations.

From January 15, 1912, until March 10, I endeavored to secure reinstatement with the Western Union at St. Paul and Minneapolis, but was unable to do so. From the experiences of others knew it was useless to try and secure employment elsewhere in the States, and immediately left St. Paul for Winnipeg, Canada, and entered the service of the Canadian Pacific Telegraph Co. on March 12, 1912, and have been continuously, and am now, in the employ of this company.

Fraternally, yours,

N. A. GILBERSTADT.

WINNIPEG, MAN., CANADA, *March 24, 1915.*

INDUSTRIAL RELATIONS COMMISSION:

The writer wishes to place before your body the following facts:

1. That he was discharged from the Western Union and Postal Telegraph-Cable Cos. for making use of one of his political and constitutional rights (?), i. e., the right of assembly—"attending a meeting."

2. That owing to his union affiliations and activity he was blacklisted in the United States, and in order to obtain his food, clothing, and shelter was compelled to leave the land of his birth.

In the spring of 1902 an organization meeting of commercial telegraphers was held in Philadelphia by L. W. Quick, which the writer attended and applied for membership in the union. He was then in the employ of the Western Union Telegraph Co., who dismissed him, with several others who had attended the same meeting, the next day.

In August, 1907, the writer was employed by the same company, in Pittsburgh, and when the strike was declared struck. When the strike was declared off in November following he was reemployed by the Western Union, but four months later was laid off, "Account business depression." Was given a clearance card covering this period.

A month or so later was employed by the Postal Telegraph-Cable Co., in Philadelphia, quitting them about April, 1909, in good standing; went to New York, applied to Western Union, who were taking on new men; met two operators, Stoddart from Philadelphia and Scott from Pittsburgh, who, when the writer informed them he had a clearance card from Pittsburgh, said: "Oh, you are sure to be given a job." But there was no job for him.

A few months later he returned to Pittsburgh and was reemployed by the Western Union at $70 per month, an $18 reduction in salary from what he re-

ceived previous to the strike, and was placed on and compelled to work a very undesirable trick—a split trick. Was planning to resign and go to Chicago, when he was dismissed for "bawling out" a chief in New York.

Around March or April, 1910, arrived in Chicago; was employed by the Postal Telegraph-Cable Co. About the middle of the following September an organization meeting of the Commercial Telegraphers' Union was called, which the writer attended. Early the next week he with several others who had attended the meeting were dismissed. He approached T. N. Powers, the chief operator, to find out why he was thrown out of a job. The following conversation ensued:

FIX: "Why am I discharged?"

POWERS: "For attending the meeting."

FIX: "Has not my work been satisfactory?"

POWERS: "Yes."

FIX: "Don't you think things are getting worse here than they are in Russia? A person should be allowed to go where he pleases on his own time."

POWERS: "We think different."

The writer, on instructions from the general officers of the union, interviewed the superintendent in an effort to be reinstated, without success.

He applied to Mr. Schell, of the Western Union, for a job; was told to call around again; did so for about a week; was treated civilly. About the sixth time he reported Mr. Schell asked where he had been employed before; replied, "Postal, city." Mr. Schell said, "All right, come in to-morrow; will let you know if there is anything for you." Next day, upon reporting, his attitude had completely changed. He snapped out, "Nothing for you."

Went to St. Louis in search of a master, but could not find one. Returned to Chicago, and through the union heard that the Canadian Pacific were employing operators; applied for a job, and on April 19, 1911, went to work for this company in Winnipeg. Have been working for them since.

What remedy is there for these conditions?

The writer knows that the owners of the means of production—the industrial masters, the ruling class—are not interested in the opinion of a slave as to the remedy; still, he would not be doing his duty to his class if he did not utilize this opportunity of stating what he considers the only remedy, i. e., the workers taking over the means of production, operating them in the interest of society; the establishment of the industrial republic; the industrial enfranchisement of the workers, when they would have full say as to the conditions under which they toiled and receive the full social value of their labor.

To accomplish this they must organize as a class on both the political and industrial fields.

Yours, in revolt,

FRED FIX.

384 Hargrave Street, Winnipeg, Manitoba.

CALGARY, ALTA., *April 8, 1913.*

S. J. KONENKAMP, Esq.,

International President C. T. U. A., Chicago, Ill.

DEAR SIR: We the undersigned American telegraphers, employed in Canada, swear that if working conditions prevalent in this country were the same in the United States, and further if the black list in vogue with the Western Union Telegraph Co. in the United States, and their extraordinary antipathy toward union men was not in existence, we would be working in our native country—the land of our fathers—to-day. But until such time as conditions are remedied, we must necessarily remain exiled from our native land and home ties.

Respectfully submitted to the Industrial Relations Commission.

F. T. VALLERIUX.	CHAS. G. DEARING.
M. S. REILEY.	J. H. WARDELL.
S. T. SMITH.	J. H. AUSTIN.
J. H. BURCH.	A. W. BALTHER.
H. C. SHANE.	F. J. BURNS.
C. G. FREY.	R. R. HOUSTON.

WINNIPEG, MAN., *March 15, 1915.*

INDUSTRIAL RELATIONS COMMISSION,
Chicago, Ill.

We, the undersigned commercial telegraphers and American citizens, formerly employees of the Western Union Telegraph and the Postal Telegraph and Cable Cos., of the United States, understanding that your body was created by an act of the United States Congress to "inquire into the general conditions of labor in the principal industries of the United States, * * * and especially those which are carried on in corporate forms, into existing relations between employers and employees," desire to place before your body the following facts:

First: The social means of communication, the telegraph of the United States, alone and distinct from any other form of industry or enterprise, is practically owned and controlled by only two corporations, namely, the Western Union Telegraph Co. and the Postal Telegraph and Cable Co.

Second. That because of the character of this monopolistic ownership and control, these two corporations have established and are perpetuating a closely knitted and very efficient system of espionage and black list in dealing with their employees, denying to them the constitutional and political rights of assembly and free speech.

Third. The signers of this memorial to the Industrial Relations Commission, whose individual statements addressed to the international president of the Commercial Telegraphers Union of America are herewith attached, will show that, because of the aforementioned system of black list established and perpetuated by these two corporations, in order to seek the privilege of working at our trade, to which we have contributed years of energy in qualifying therefor, that we secure the creature comforts of life, we have been driven from place to place within the confines of the United States, and finally forced into exile out of the land of our birth, greatly to the discomfort of our families and ourselves.

FRED FIX, Can. Pac. Telegraphs, Winnipeg, Canada.
HERBERT LYNCH, Can. Pac. Telegraphs, Winnipeg, Can.
N. A. GILBERSTADT, Can. Pac. Telegraphs, Winnipeg, Can.
JESSE S. LEWIS, G. N. W. Telegraphs, Brandon, Man.
E. M. WOOD, G. N. W. Telegraphs, Winnipeg, Man.
HELMER PETERSON, Canadian Pacific Telegraphs, Winnipeg, Canada.

VANCOUVER, B. C., *August 8, 1913.*

Mr. S. J. KONENKAMP,
President Commercial Telegraphers Union of America, Chicago, Ill.

DEAR SIR AND BROTHER: Should you appear before the Industrial Affairs Commission, recently appointed by President Wilson, for the purpose of indicating to this commission how members of your organization have been discriminated against by the Western Union Telegraph Co., kindly present my case for their consideration.

About April or May of 1911 I was employed by the United Press at Omaha, Nebr., and wired Superintendent Hood of the Western Union at Seattle for a job. He replied that he could use me if I would show up in Seattle, but that the company would not furnish transportation and could not give me a rating until my work had demonstrated what I was worth.

On this information I left for Seattle, but when I got out there Mr. Hood had evidently learned of my union activities, probably through hearing that I was from the United Press service, which was a union shop, and refused to employ me, urging that he had a full staff. I waited around Seattle for about a month, and although he was putting on other men right along he always had the same excuse for me: "A full staff just now; can't use you at present." Finally I had to come to Canada to get a job.

Fraternally, yours,

ALLAN E. MCNAUGHTON.

VANCOUVER, B. C., *March 25, 1915.*

Mr. S. J. KONENKAMP,
International President, Chicago, Ill.

DEAR KONEY: Have been trying to dig up evidence around here for the commission, but there are very few exiles here. Am inclosing one letter from an

exile, and am trying to get Moriarity, of Victoria, to send you something; I think he has some evidence he could give. Forteath, Nelson, B. C., promises to send you his experience direct; Withers wrote you direct, and I am giving you a statement from J. W. McKinnon, formerly of Helena. The Western Union black list has struck such terror into his heart that he is afraid to take a chance on writing it up himself. This is all I can locate out here.

McKinnon left Helena June 18, 1912, leaving with a clear record; resigned, giving two weeks' notice. He tried to get work in Seattle with the Western Union, and they kept him hanging around there for 10 days, stalling him with half promises, leading him to believe that he might be taken on; they were short of men at the time. He told them he did not belong to the union, but it seems they thought he did or at least was in sympathy with unions. Previous to going to Seattle he was questioned by Superintendent Labadie, of Salt Lake, on the union question. Labadie told him the Western Union would not allow any man belonging to any union to work for them. Although McKinnon did not carry a card at that time, it seems he was suspected, and Labadie and General Superintendent Brooks, of Salt Lake, even went so far as to question McKinnon's wife as to whether he was a member or not and how he felt toward unions. He was unable to secure employment in United States and for that reason alone is in Canada, although he would prefer living in his own country. He has been here nearly three years employed by the C. P. R. He has been found steady and strictly reliable in every way.

The G. N. W. situation is causing a little anxiety over here, but it is being well handled by the men in the East and I have every confidence that we will win; if we do, it will be a boost for us. Wood seems to be a little nervous about it and wrote me saying he would like to see me in the fight. Told him that I was ready and willing to do anything I could, but as the matter was already in good hands and nothing that could be done was left undone, I could not see where I could be of any service at this stage of the game.

Yours, fraternally,

J. F. CAMPBELL.

J. M. CAMPBELL,
International Vice President, C. T. U. A., Vancouver, B. C.

SIR: Discharged at Portland, Oreg., February 23, 1911, by Chief Operator Brooks, of the Western Union Telegraph Co., without cause assigned. Services acknowledged satisfactory; clearance refused, although had clearance from Chief Operator Jeffs, San Francisco, year preceding. Was told confidentially by S. B. Vincent, correspondent for Associated Press, for whom I had worked for years, that Robb, manager of Portland W. U., informed him that my discharge was occasioned because of my union principles. Never in history for 35 years have I been refused employment by Western Union until C. H. Gaunt and his espionage system struck the Pacific coast.

O. N. GILL.

VANCOUVER, *April 8, 1913.*

Mr. S. J. KONENKAMP,
President C. T. U. A., Chicago, Ill.

DEAR SIR: I have been advised by International Vice President Campbell that you would like to know the circumstances which cause some of us "American exiles" to live in Canada. The principal reason for my being here is that I was discharged and blacklisted by the Western Union Telegraph Co., and I think my case is similar to that of many others.

I was discharged at a moment's notice in San Francisco, December 2, 1911. I had the night previous to my dismissal been ordered to show up at the Chronicle branch the following evening at 4.45 p. m., which I did. I had barely arrived when I was ordered to come down to the main office at once. This I did, and upon arriving was shown two "error" packages by Mr. Donnelly, N. C. O., and dismissed. While Mr. Donnelly did not say that I was discharged on account of these errors, he inferred as much, and I asked him if this was the reason. He declined to say, merely explaining that it "was orders from the superintendent's office." One of these errors caused a claim of $1.50 to be put in against the company by the complainant, and the other was referred for benefit of service. Two operators must handle every message, and either one being equally responsible for correct transmission, I considered that I was

entitled to some slight consideration at least, in view of the fact that I had been working for the Western Union almost continuously for the preceding four years, and had only been concerned in two errors during that time.

While I was not, at the time of my dismissal, a paid-up member of the C. T. U. A., I was only about one month in arrears, and I couldn't figure any other reason than this for my discharge. When I made attempts to see Superintendent Jeffs, I was told that he was busy and could not see me. He did not offer to see me at another time. The chief operator offered the same cryptic explanation as Mr. Donnelly, "orders from the superintendent's office." There were two other boys discharged at the same time as myself; they, too, I understand got about as much satisfaction as myself.

I want it understood that I had worked almost four years for the Western Union up to this time and had never quit on short notice, had never before been discharged, and had never violated any of the numerous rules and regulations laid down by the company. At least, if I had violated any of these rules, it was never brought to my notice, with the exception of once, and then I did not know I was violating a rule, but thought I was exercising the right of a free-born American citizen. This was in the fall of 1911. I applied for a position in Portland, Oreg., having resigned in good standing at San Francisco three months previously on account of my health. Mr. G. D. Hood, Northwest traffic superintendent, happened to be in Portland at this time, and Mr. Brooks, C. O., referred me to him. Mr. Hood said that, while there was "nothing doing" in the larger offices in the Northwest, he might place me at Medford, Oreg., at $70 a month. This was a smaller salary than I had been getting in San Francisco, but as I was badly in need of a job, I told Mr. Hood I would like to have this job. But Mr. Hood wasn't sure that I was the right kind of an operator for the W. U. He asked me if I belonged, or had ever belonged, to the C. T. U. A. I told him yes, but that at present I was not a member. He then said: "Mr. Christian, I want you to understand that if you want to work for the W. U., you must leave the C. T. U. A. entirely alone. You can not be loyal to the W. U. and loyal to the C. T. U. A. at the same time." Naturally, I resented this and argued the point with him, but he couldn't see my side of it. He finally told me he would let me know if he could use me. That was the last I heard of it. I came to Victoria, B. C., and worked for eight months, returning to San Francisco, where I was discharged as described to you above.

After being discharged in San Francisco, I came to Portland, Oreg., where I asked for a job (I might inform you that Portland is my home town, my parents living there). I left Portland originally because the chief operator insisted that I work the Seattle wire alongside of another operator receiving $85 per month, while I received $60. The chief operator in Portland told me he would send my name to the superintendent's office, and if my record was O. K., he would be glad to put me to work. I came back the next day, and he told me to come back the next. That kept up for several days, until I "got wise" that I was being "stringed." Several operators had been put to work during the time I was waiting, who had applied after I had.

I came to Vancouver, B. C., from Portland and have been here since—about three years. I first worked for the C. P. R. here for about four months, leaving to go to the Vancouver Sun, where I worked for five months. I left the Sun, where I worked nights, for my present position, working days at the Vancouver end of the Victoria Times' leased wire. I have been with the Victoria Times now for two and one-half years, and have yet to receive a complaint from my employers.

One more little incident of the San Francisco office will about close my "evidence." At the time I was there Mr. C. F. Mariatte, day traffic chief, was doing an excellent shylock business. He loaned a friend of mine—one of the boys discharged with me—$10 on condition that he pay Mariatte $15 on pay day. Now, the W. U. pays twice monthly and it seemed to me this was rather a high rate of interest. I told my friend he was foolish to borrow when he could get along without it, but it seemed that he wanted a suit of clothes and Mariatte had found it out in some way and offered to loan him the money for the first payment. My memory isn't exactly clear about this affair, but I do know that my friend owed almost all his salary to Mariatte the pay day before our dismissal, and that I had to loan him $10 to get out of town on. No doubt you have heard of this Shylock before, and will not need to be told by me.

In closing, I will say that you are at liberty to use my name as publicly as you wish. Any of the statements I have made without qualifications I am willing to take affidavit on should you desire.

Hoping that the time is not far distant when I may return to the land of my birth and work in close proximity to the ones most dear to me, instead of having to live some distance away from them,

I remain, fraternally yours,

CECIL R. CHRISTIAN,
Vancouver Daily Province, Vancouver, B. C.

SCHENECTADY, N. Y., *April 4, 1915.*

Mr. S. J. KONENKAMP, *Chicago.*

DEAR SIR AND BROTHER: I was employed by the Western Union Telegraph Co. at Dallas, Tex., from October, 1910, until February, 1911, when I was dismissed without apparent reason along with some 10 or 15 others.

I had been given an increase in salary only a few weeks previously, which would further indicate the dismissal was without cause.

Chief Operator W. S. Strawbridge called me up to his desk and told me my services were no longer required. I asked to know the reason and was told he (Strawbridge) couldn't give me the reason. I suggested the notice of my dismissal be given in writing and was informed he (Strawbridge) had been instructed not to do this. I then asked Strawbridge if I referred to him from another office would he give me a good "reference." He replied, "If your services are not satisfactory to us we certainly can't recommend you to anyone else."

When I became insistent on knowing the reason for my abrupt dismissal Strawbridge suggested I see Superintendent Davis. I called on Superintendent Davis and explained the situation, and after being questioned concerning previous employment was asked if I wasn't a member of the C. T. U. A. I told him that I was not, and hadn't held an up-to-date membership in the C. T. U. A. since December, 1907. Davis then suggested that I had been expressing some prounion sentiment around the office, and when assured that I had not asked me if I would make a sworn affidavit that I was not a member of the C. T. U. A. I told him for the sake of clearing my record I would, but not for the sake of reemployment at Dallas. He said, "All right, make the affidavit and I will see if I can't fix things up for you." I made the affidavit and gave it to Superintendent Davis and asked for a letter of recommendation, showing that I had left the company's employ at Dallas in good standing and was told to come back and see him (Davis) in a few days and he would try and put me back to work. I was so disgusted at the run of things that I didn't go around again, but returned to the St. Louis Postal, where I was reemployed on my previous standing with the latter company, not having to give Dallas Western Union as a reference.

I worked in St. Louis for the Postal until February, 1912, when it became impossible to make board money; lower rated regular men who had worked a full day were being held on overtime, and the higer rated extra men let off with from one to three hours' time a day. I had a chance to go to Montreal, Canada, for the C. P. R., and did so, where I lived as an exile until recently, when I returned to my own country for the United Press. I can give you the names of many Americans in Canada who are forced to live out of their own country through the working of the black list and the intolerable conditions imposed upon telegraphers by the Western Union and Postal throughout the United States.

I will, if required, give you or any one desiring it a record of the places of my former employment to investigate my record and prove that I have never been dismissed or suspended from any employment excepting Dallas Western Union.

Fraternally, yours,

W. B. NEELY.

CALGARY, ALBERTA, *April 8, 1915.*

Mr. S. J. KONENKAMP,
President C. T. U. A.

DEAR SIR: Please bring the following to the notice of the commission appointed by the United States Government, for the purpose of investigating the Western Union Telegraph Co.:

In November, 1910, I found myself out of employment on the Pacific coast, having recently arrived in Seattle from Victoria, B. C., where I was last employed. I made application to Mr. Hood, (then) traffic superintendent for W. U. Tel. at Seattle, for a position. After the usual inquiries had been gone through, and apparently been satisfactorily answered, Mr. Hood then said he would probably send me to open up a new telegraph office in the neighborhood of Grants Pass, Oreg. Told me to call next day.

Next day when I applied Mr. Hood said to me, "You told me that you had recently left the employ of the C. P. R.," meaning Canadian Pacific Railway. I replied that was correct. Mr. Hood said, "Well, I am told that all the telegraphers who come from the C. P. R., or who are employed in Canada any length of time, have union cards. Have you one?" I replied, "Yes." He asked to what date. I told him the date, to which he replied, "I don't think we can do anything for you just now."

This is why I am working in Canada, although I was born at Beaver Dam, Wis., U. S. A.

Yours, fraternally,

ALVIN W. BALTZER.

CALGARY, ALBERTA, *April 8, 1915.*

Mr. HENRY LYNCH, *Chicago, Ill.*

DEAR SIR: Had I known that you was going to Chicago on this business I would had my statement in before. I think I have a pure case of the so-called Western Union black list.

I will explain my standing with the Western Union before the matter came up that I am going to talk about. I was transferred from Helena (with transportation) to Seattle in the summer of 1908, August. I worked in Seattle, and not being satisfied there, Chief Operator McDonald released me to Portland, where I remained from September, 1908, to July 18, 1909. I resigned in Portland with a clearance from Chief Operator Brooks in good standing. I might say that I was never discharged from the company and always left in good standing.

However, after leaving Portland I was with the O. R. & N. Ry. for two years; returning to the commercial business I went to Spokane and caught on with the Postal, but was transferred to Seattle after working two days, as the extra was better in Seattle. This was in September, 1911. After working for a week in Seattle for the Postal I tried the Western Union, as they were paying a little more extra, so I went up to see Superintendent Hood about September 15. I could not get to see Superintendent Hood, but his chief clerk, a Mr. Hughes, said if I was looking for a position as operator he would take care of me. After asking my name and stepping into the next room, he returned, and the following conversation followed:

"Q. Did you ever work for us before; when and where?—A. Portland and Seattle and many other places.

"Q. Where have you been working?—A. For the O. R. N. Ry.

"Q. Did you leave in good standing?—A. Yes.

"Q. Did you ever work for the C. P. R.?—A. Yes.

"Q. Where?—A. In Winnipeg.

"Q. Did you belong to the union when there?—A. Yes.

"Q. Did you join there?—A. Yes.

"Q. When did you work in Winnipeg?—A. Winter of 1906 and 1907.

"Q. Did you go out on strike?—A. Yes.

"Q. Whereabouts?—A. Spokane.

"Q. Was you with the Western Union?—A. No; I struck on the Postal.

"Q. Did you stay out till the end?—A. Yes.

"Q. Do you still belong to the union?—A. No.

"Q. How do I know your name is F. J. Burns; have you any cards or something besides letters to identify yourself?—A. No; not here.

"Very well, Mr. Burns, I can use you, either in Spokane or Portland; and if such a thing happens that they don't need any more men, I can use you in here." [Meaning the Seattle office.]

After the above conversation Hughes asked me if I could report at his office 10.30 a. m. I told him I was supposed to be to work at 10 a. m. for the Postal, but as there was a job in sight I would resign at the Postal if he would advise, which he did. This I did, and was in Mr. Hood's office promptly at 10.30 a. m. the following day. Mr. Hughes appeared on the scene, and before I could say

a word he informed me in a very polite way, "I am very sorry, Mr. Burns, but I find that I haven't a thing to offer in either office."

After telling him what a position he had put me in I departed, going to Vancouver, where I went right to work for the C. P. R. again. Now, you understand after the strike I worked for the Western Union in Helena, Seattle, and Portland, leaving all in good standing.

Now, then, after the Seattle matter I remained in Canada from October, 1911, till August, 1913. I returned to the States and went to Omaha and applied for a position with the Western Union. The superintendent and others that I had dealings with regarding a position were anxious to do what they could for me, and I was being fixed up for a pass to Salt Lake City when the superintendent called me into his private office where he had the big book open, and asked me if I ever worked in Seattle. Now, knowing that I left there and Portland in good standing, and holding a strictly first-class C. P. R. clearance, I told him I had. He wanted to know when, and I said 1908. Then he said that I must have been there in September, 1911. I told him I had, but only applied for a position, and told him the conversation that took place with Hughes. He said he was sorry, and that he could do nothing farther in the matter until the matter was straightened out. However, I nearly starved to death getting back home. After a month later I applied in Minneapolis and was sent to Fargo. After working one day in Fargo, the chief came to me with an armful of papers, saying, "Didn't you used to work in Seattle, Mr. Burns?" I said, "No, sir; I have never been farther west than Fargo." By this lie I worked till the middle of January, when I was laid off on account of slack business. In the spring I went to Chicago, applied for a position, was given an application blank to fill out, and was turned down cold while they were putting on every man that came along. I drifted up to St. Paul; went to work after hanging around two weeks. About the third day Chief Operator Strang came to me or rather called me to his desk and laid another load of papers before me with the old remark "You have worked in Seattle some time previous, have you not?" "No, sir; I have never been West yet." This lie also let me work for them. I did not stay long, as no self-respecting citizen would degrade himself so low as to work under the slaving conditions that prevail in the Western Union. Of course, you know that I am only one of the hundreds that are up here in Canada for the simple reason that conditions in the two telegraph companies are so rotten that a white man can not submit to their treatment.

What I have said in this letter I can take oath on. I hope you have good success, Lynch, and go after them strong.

Yours, fraternally,

F. J. BURNS.

NELSON, B. C., *March 22, 1915.*

S. J. KONENKAMP, Esq.,
International President C. T. U. A.,
922–930 Monon Building, Chicago, Ill.

DEAR SIR AND BROTHER: Referring to your notice in the March issue of the Journal I am giving my experience with the W. U. at Seattle, Wash.:

I entered the employment of the W. U. some time in April, 1910, and worked until October, 1910, and resigned on account of the following:

After about 4 months' service at the salary of $75 I was recommended by Night Chief O'Brien and Wheatstone Chief Heftner to be given top salary. Ed. Chambers, who, I think, is working in Winnipeg for the C. P. R., and Moriarity, who is working in Victoria for some newspaper, and some other operators were also recommended to be given top salary. Shortly after Gaunt was made general superintendent the chief operators were given orders to ask all operators if they belonged to the C. T. U. A. Moriarity and I heard the day men talking about this just before we went on shift at 5.30 p. m., and we made up our minds if they asked us we would tell them yes. Sure enough, Night Chief Operator O'Brien asked us if we belonged to the C. T. U. A., and I answered yes, and he said, "You will not receive any increase in salary." He told Moriarity the same. Chambers had a card, but told O'Brien he did not, and it was not long before Chambers was made a traffic chief, but after about a year's service or so they got wise to him and finally dismissed him over some trifling thing.

I was so disgusted with this kind of treatment that I resigned shortly afterwards and came back to Canada.

I certainly hope the investigation they are holding will show up the Western Union. They discriminate against the operators in every possible manner.

I told the boys in Vancouver to get Moriarity at Victoria to write his experience up. I do not know the address of Ed. Chambers, but I heard he was in Winnipeg. His dismissal ought to be good stuff, as he was a first-class operator and very steady.

Fraternally, yours,

Bro. D. W. FORTEATH,
P. O. Box 302, C. P. R. Tel. Co., Nelson, B. C.

VANCOUVER, B. C., *March 22, 1915.*

S. J. KONENKAMP, I. P., *Chicago, Ill.*

DEAR SIR AND BROTHER: I understand the industrial commission will meet in Chicago soon to probe the conditions of labor in the commercial telegraph circles.

I wish to make the following statement: I went to work for the W. U. Tel. Co. at Chicago in the spring of 1910. Shortly after going to work for them I was put on the Springfield wire and stayed there until the latter part of May, 1911. When I resigned there, Mgr. Inman, of Springfield, sent me a message, saying, "You have given us the best service we ever had on our Chicago wire; we are sorry to see you leave."

In June, 1911, I came to Seattle for the same company, working there about three weeks, and was transferred to Spokane. On March 15, 1912, I resigned, giving two weeks' notice. Spent two weeks on my small fruit tract in the Yakima Valley, clearing and fencing some land, then went to Seattle and applied for work with the same company.

The chief operator (Frank Morris) asked me if I had resigned at Spokane in good standing. I said yes. He said, "All right; we need men here bad; go to work right now." Two days afterwards Supt. Geo. Hood saw me working and ordered me discharged at once. I went in to see Mr. Hood and asked him what was the matter that I could not work. He says, "We can't use you." I asked him if my services at Spokane were satisfactory. He said, "Yes; but we can't use you under any circumstances. I have my instructions from 'higher up.'" As I left the building that night a friend of mine said, "Withers, you had better go to Canada; you are on the black list." I can not divulge this friend's name, as he is still an employee of the W. U. and might get him in trouble.

I figured it out if I was on the black list of the W. U., I certainly must be with the Postal Telegraph Co., and it nearly broke my heart to think I must go to a foreign country to make a living for my family and finish paying for my home in Washington State.

I came to Vancouver the early part of April, 1912, and have been here ever since. I am receiving the highest salary I ever received from any commercial telegraph company, but I would only be too glad to come back to my country, which I love, if given an opportunity to do so.

The only thing I ever done the W. U. could hold against me is I walked out in a peaceable strike in 1907, which I considered an honorable thing to do.

When working in Spokane, Chas. Sims, Mr. Brooks, and M. W. McCandlish were dismissed in the fall of 1911. No reason given whatever; they presumed it was supposed membership in the commercial telegraphers' organization.

From what I can learn no such conditions ever existed on the Pacific coast until C. H. Gaunt was appointed general superintendent at San Francisco.

I am willing to take oath that these statements are true.

Yours, fraternally,

H. W. WITHERS.

During the summer of 1913 the United Press Associations borrowed William Schwinger from the New York Postal office for vacation reliefs. When Schwinger was released by the United Press in October he returned to the Postal, but was denied reinstatement. Then he secured a position with the Western Union, but within a few days was informed that the Postal officials had sent word that Schwinger was not reliable, and for this reason he was discharged.

In 1912, B. F. Ruppel and W. P. McKnight quit the Postal at Chicago in good standing and applied to the Western Union for work. The W. U. officials wrote

out a request to the Postal for the record of these men, who were told to come back in an hour. When they returned they were informed that the W. U. could not use them, although the company was short handed at that time.

H. M. Kelly, of New York, under date of March 26, 1912, writes:

"On or about September 17, 1911, I applied to the Postal Telegraph Co. for a position. I had a letter of introduction to Manager J. J. Whalen, who ordered that I should be tested. I told Mr. Whalen that I had not been telegraphing for some time. The test was satisfactory, and the application blank was marked 'first class.'

"Mr. Whalen then asked me if I was not among those who had been dismissed by the Western Union in August, and I told him that I was. Then I recounted my experience with the W. U. officials and said that I did not know even now why I had been dismissed. Mr. Whalen stated that although he needed men at that time he could not employ me, inasmuch as I could not furnish reference from my last employer. He stated that there were several others whom he was forced to let go for the same reason, and mentioned that among those were G. H. Browning, C. E. Knight, and one or two others."

Early in 1911, a Mrs. Hanson, of Rock Island, Ill., made application to the Western Union in Chicago for a position and stated in her application that she was a member of the Commercial Telegraphers' Union of America. Superintendent J. F. Looney, of the Postal, wrote a letter to his manager at Rock Island under date of February 18, 1911, reading as follows:

"For your information. Former operator Miss Hanson has placed application with the Western Union Telegraph Co., with a postscript that she is a member of the C. T. U. A., Chicago local.'

Paul Fausel, of Trenton, N. J., under date of April 20, 1910, writes:

"A couple of weeks ago one of the Postal boys put an application blank in a sealed envelope and addressed it to one of the Western Union operators. * * * In some manner the W. U. manager got the envelope, and it is not sure whether he opened it or not. Anyway he got the application and promptly turned the matter over to his superintendent in Philadelphia, with the request that it be taken up with the Postal superintendent there. The Postal superintendent came to Trenton and proceeded to haul over the coals every operator in the office."

W. N. Hickman, of Los Angeles, under date of October 18, 1910, writes:

"I found that I was queered with all the railroads and could not obtain employment with them." (This was after he had been discharged by the Western Union.)

These excerpts are taken from letters written to us. They could be followed back year after year throughout the history of the telegraph, but they are indicative of the methods used. Men are peremptorily discharged for any or no reason, and then the deadly system of references and blacklisting does the rest. The companies demand two weeks' notice from the telegraphers who seek to resign their positions and will blacklist them for "quitting on short notice," but they discharge their men without a moment's warning whenever they see fit to do so.

In December, 1911, and early in 1912 about 40 men were discharged by the Western Union in Chicago for supposed union affiliations. These men were unable to secure employment with the Postal. The same condition existed at that time in New York and nearly every large telegraphic center.

Strikes.—Constant and unremitting oppression * * * leads to strikes, etc.—There have been three strikes nation wide in character as a result of the Western Union's tactics, which have been emulated by the Postal. The first strike, in 1870, lasted two weeks; the second, in 1883, lasted one month; while that of 1907 was of three months' duration.

McELRATH EXHIBIT.

C. H. Johnson, Memphis	Contracted acute kidney trouble; overwork; dead.
——— Griffey, Memphis	Nervous wreck; overwork; wire chief.
Con G. Bowen, Memphis	Fistula; constant sitting at key; dead.
Wm. McKeever, Memphis	Chronic indigestion; irregular lunch.
Bug Miles, Chicago	Piles; constant sitting; dead.
Dan Martine, Memphis	Nervous wreck; possibly mentally unbalanced.

Joe Wolfrum, Kansas City	Nervous wreck; suicide.
A. W. Braun, Kansas City	Chronic kidney trouble; constant sitting.
A. B. Thorgrimson, K. C.	Kidney trouble; blacklisted; driven out of telegraph business.
Two brothers named Green, Pittsburgh	Both suicided; mental trouble from overwork.
W. Roper, San Antonio	Consumption; confinement; dead.
Charles Hudson, Seattle	Consumption; confinement; dead.
Louis Taylor, Denver from K. C.	Consumption; confinement; dead.
W. Miller, Kansas City	Physical wreck; overwork; forced to quit the business.
Buck Keeler, K. C.	Consumption; nervous wreck; dead.
W. P. Wood, Texas	Bladder trouble; dead.
Harry Murray, Tiffin, Ohio	Nervous wreck; overwork; dead.
——— Perry, K. C.	Eyesight almost gone; overwork.
Claud Giles, K. C.	Nervous wreck; called "nutty."
Joe Giles, K. C.	Nerves shattered; overwork.
Mrs. Joe Giles	Nerves shattered; overwork.
James Burke, Detroit	Chronic bladder trouble; sitting constantly.
John Burke, Detroit	Chronic bladder trouble; sitting constantly.
S. A. Bernstein, Detroit	Nervous system ruined; overwork.
George Eitemiller, Detroit	Chronic bladder trouble; nerves gone.
George Bacon, St. Louis	Kidney trouble.
Jack Magill, Chicago	Kidney trouble; nerves gone.
W. Dinwiddie, St. Louis	Mental trouble; overwork.
B. Howe, Detroit	Nerves shattered; bonus victim.
Sam Mercer	Nerves shattered; bonus victim.
E. C. Lyon, Kansas City	Nerves shattered; bonus victim.
Clyde Tignor, Fort Worth	Chronic bladder trouble.
E. A. Randall, Detroit	Chronic indigestion; nerves gone.
A. F. Harolson, Canada	Chronic stomach trouble.
C. H. Brownson, K. C.	Telegraphers paralysis; bonus work.
W. B. Roberts, K. C.	Chronic indigestion; constant sitting; irregular meals.
Thomas Everett, Detroit	Nervous wreck; overwork.
Pat Kelly, Detroit	Chronic bladder trouble.
F. Howe, Detroit	Indigestion; stomach trouble; irregular reliefs.
O. F. Hocker, Chicago	Stomach trouble; blacklisted; driven out of business.
T. A. Lyon, Kansas City	General breakdown; overwork; forced out of business.
Bert Hall and Harry Hall, K. C.	Same as Lyon.
Milan W. Russell, Chicago	Forced into exile in Canada by black list; died of broken heart.
Lindsey Campbell, Little Rock	Forced into Canada after losing health from overwork.
Jimmy Johnson, New York	Nervous wreck; disappeared.
Roger Mullen, Chicago	Nervous wreck; died in harness.
Frank Donnelson, Chicago	Nervous wreck; died in harness.
Tony Saunders, K. C.	Bladder trouble; constant work; dead.
Al Hughes, Chicago	Indigestion; general breakdown; overwork; irregular meal hours; dead.
Mrs. Clay, Chicago	Forced to undergo useless operation by Chicago officials; complained to union; discharged; blacklisted.
J. Blake, Detroit	Nervous wreck; became drug user after being driven on bonus system several years; found dead in New York; supposed suicide.
James Nelson, St. Louis	Nervous wreck; died in Chicago from overwork.
S. D. Henderson, Detroit	Found dead in hotel at Detroit; thought suicide.
William Kytes, Chicago	Consumption; overwork; irregular meals; in hospital; will die.
Dudley Hamlin, Kansas City	Nervous prostration; overwork, hounded by petty chiefs; dead.

Al Githens, Missouri	Deranged; killed by train; overwork.
Ed Corbett (Wanderer)	"Nutty"; worked 12 to 20 hours day; incurable.
Jack McNavin, Cincinnati	Nervous wreck; died in New York.
Frank McNavin, Memphis	Stomach trouble; nervous wreck; dead.
Johnny Walker, Chicago	Complete wreck; hard worker for W. U.; dead.
Jack Striebling, Cleveland	Nervous wreck; died from worry.
W. I. Hull, Memphis	Hounded by W. U. account union affiliations; suicide.
McLaren Campbell	Run down by train; thought to have committed suicide account of conditions.
Ed. H. Thompson	Bladder trouble; unable to answer nature.
William Holland	Kidneys and nerves deranged; chronic.
H. V. D. St. Clair	Spine trouble; abscess of bladder account of long hours; unable answer nature.
H. L. Crawford	Eyes permanently impaired; long hours, poor light.
Frank Kelly	Partial paralysis of bowels and urinal organs.
S. Henderson	Bright's disease and heart trouble.
Wm. H. Mitchell	Hip and knee became useless, being in one posture long hours.
W. M. Hannon	Kidney trouble and heart weakness.
Mitt Pope	General debility; heart failure; dropped dead.
J. A. McDonald	Atrophy of rectum; sitting in one position long hours.
C. C. Hanes	Kidney congestion (chronic); long hours; could not answer nature.
Ed. McMinn	Despondency, account conditions; committed suicide.
Jos. Crawford	Insanity from overtaxation; committed suicide.
Thos. Hanley	Nervous debility; nervous strain; long hours.
——— Dumm	Consumption; went to Arizona and died.
George C. Williams	Chronic indigestion; liver trouble.
T. J. St. John	Chronic intestinal disturbance.
E. T. Locey	Nervous debility; liver trouble.
H. M. Graham	General weakness; piles.
Wm. Lowry	Generally run down; resort to drugs.
G. W. Teeter	Nervous debility; weak kidneys.
Ed. Fitzpatrick	General breakdown.
Al Hughes	Died of heart failure.
Clyde Tignor	Nervous debility.
Herman Hokelrath	Despondent; committed suicide.
W. Z. Moon	Went into consumption; died.
W. S. Shearer	Hardening of heart; dropped dead in office.
Thomas Hamilton	Despondent; committed suicide.
——— Pickering	Heart and nerves; dropped dead in office.
William Wilkerson, Kansas City	Consumption superinduced by long hours; irregular reliefs, etc.
——— Redman, Kansas City	Almost totally blind from overwork made necessary by small salary and large family; suicide expected.
——— Westcott, Memphis	Nervous trouble; mind affected from fast work, constant strain; dead.
Stanley Cross, Memphis	Nervous breakdown; indigestion; dead.
Lou Sharp, Memphis	General breakdown; overwork; dead.
Baubien, Detroit	Died of a broken heart at his retirement by the W. U. after 48½ years of faithful service.
Harry Lambert, Kansas City	Consumption, brought on by long hours; overwork; insanitary office conditions.
George Lambert, Kansas City	General nervous breakdown from overwork and persecution by W. U. for union affiliations.

Ben Dougherty, Kansas City.....A young boy of exceptional ability driven by petty chiefs who refused him proper remuneration for his service until acquired telegraphers paralysis; practically a nervous wreck.

——— St. Amour, Cleveland .....Nervous breakdown; overwork.

The foregoing list is respectfully submitted to the Federal Commission on Industrial Relations as part of testimony given by me at the hearings in Chicago, Ill., in April, 1915.

I have avoided as far as possible giving names of men who are still compelled to eke out an existence in the employ of these slave drivers, knowing that upon publication of their names they would be discharged by the corporations.

Respectfully,

CON H. MCELREATH.

SHRIMPTON EXHIBIT.

CONTINUATION OF STATEMENT READ BY MR. B. F. SHRIMPTON.

"'The only changes made were increases, not decreases; and the salaries are as high as ever have been paid before.'

"I rely with implicit confidence upon the truth of this statement, and the action of this company will be governed accordingly. We can permit no combination nor organization of men to dictate to us who or how many persons we shall employ for the transaction of our business. We approve of the action of Mr. Mumford.

"Very respectfully, etc.,

"O. H. PALMER."

In direct contradiction of the statement of Agent Mumford at San Francisco, accepted and indorsed by the executive of the company, let us hear what an uninterested authority has to say with reference thereto. The San Francisco correspondent of the New York Herald, after personal investigation, mailed to his paper the report, which I will read, dated January 8, 1870, and published in the New York Herald on January 13, 1870. I may say that this report was mailed—not only because of the interruption to the wires, but because the Western Union agent at San Francisco had attempted to prevent the Herald's correspondent from wiring a brief statement when the strike first occurred:

"Somewhere about the 20th of last month several of the employees of the Western Union Telegraph Co. received notice from the superintendent of the intention of the company to reduce their salaries 10 per cent, the reduction to commence from the 1st of December. One of the operators so notified called on Mr. Gamble and pointed out to him the injustice of reducing their salaries for that month, of which they had already worked the best part. Shortly after notice was given that the reductions would not be put in force until the 1st of January. On the 28th of December a petition, signed by nearly all the operators employed in the San Francisco office, was presented to Mr. Mumford, the managing agent, asking him to permit the salaries to remain at the old figures. This Mr. Mumford seemed to consent to, but it was only in seeming, for on the 1st of January notice was given to all the operators but two that their salaries would be reduced to $115 per month, the previous average of all the salaries being $120. On this another petition was drawn up, signed by all the operators, including the two whose salaries had not been reduced, and presented to Mr. Mumford. Immediately on its presentation Mr. Mumford gave orders to have the salaries of the two who had been excepted cut down to the level with the rest. This made them indignant and they refused to work on such terms, whereupon they were at once discharged. The other operators took sides with them and refused to work.

"The news of the San Francisco strike was flashed to Sacramento, Gold Hill, Virginia City, and all the principal offices throughout the State. The Sacramento operators were addressed by Mr. Gamble, the general superintendent, and all of them were asked to pledge their words of honor not to indorse the San Francisco operators. They asked a couple of days to see the striking operators and hear their side of the story. This was peremptorily refused by Mr. Gamble, but he agreed to allow them to consult by telegraph

with those in San Francisco, on condition that he was allowed to stand by and listen to what was said. This proposition was declined by the Sacramento operators, upon which Mr. Gamble gave them 15 minutes to make up their minds whether they would do as desired or be at once dismissed. They did not take half that time to come to a conclusion, but unanimously decided it their fixed determination to stand by their brethren in San Francisco, whereupon they were immediately notified that their services were no longer needed. This left only the chief operator and manager to do all the work of the office—a work that requires the services of 9 or 10 first-class operators to perform. News was soon after received from Virginia City, Reno, and other points giving accounts of a somewhat similar state of affairs and notifying the superintendent that those offices would be closed until the matter was satisfactorily settled.

"The state of affairs here is more easily imagined than described. Nearly all of the offices are left with none but boys to work the wires. No mining reports from Nevada; no Associated Press dispatches from the East; no gold quotations from New York to guide the bankers and brokers; in fact, all telegraph business brought to a standstill, and all for a paltry few hundred a month, and at a time, too, when the company is without opposition and is daily increasing its business.

"I have given you the true statement of the whole trouble, having received it from the operators themselves—not merely from one, but from all; for I called on them at their assembly room, and was there shown the notices in writing received by them severally of the reductions in their wages; also the petitions signed by them and presented to Mr. Mumford."

Following the refusal of the executive officers of the Western Union to in any way interfere with the action of the San Francisco agent in reducing salaries and dismissing operators for protesting against such reduction, the Telegraphers' Protective League officially called a general strike, which was very effective at the beginning. However, the lack of means of quick and easy communication between the widely scattered strikers prevented the success of the strike in one section being known in others. The company, with all the wires of the country at their disposal, on the other hand, quickly spread broadcast the least sign of weakness at any point; and through its quasi control of the press many misrepresentations were printed in all parts of the country. These tactics on the part of the company gradually weakened the ranks of the striking telegraphers, and on January 18, 1870, the strike was officially declared off.

In returning to work the operators were not only compelled to accept lower salaries, but were forced to sign an oath that they would not reaffiliate with any union.

During the strike some of the newspapers supported the telegraphers. Permit me to read what the Jamestown (N. Y.) Democrat of January 12, 1870, says in speaking of the Western Union and its policies:

"It has been a monopoly of the most rigorous kind. It has exacted exorbitant prices from the people for sending their messages. It has been niggardly as an employer. It has watered its stock repeatedly and then maintained the high tariff so as to make dividends on the watered stock."

I would also call your attention to this editorial remark in the New York Herald of January 13, 1870, regarding the strike:

"Now, what is the cause of all this commotion and all this disruption in one of the most important elements of our business and social relations? It may be explained in a few words. It is the result of the grasping rapacity and unbridled tyranny of one of the most gigantic monopolies that ever overshadowed enterprise in the civilized world—the Western Union Telegraph Co."

The next effort of the telegraphers to organize was put forth in 1875, when the nucleus of an organization known as the Telegraphers' Protective Union was formed at Chicago, the headquarters being later transferred to New York. The telegraphers generally, however, unmindful of the fact that—

> He that imposes an oath makes it,
> Not he that for convenience takes it,

considered that they were morally bound to adhere to their pledges not to join any organization of their fellowcraftsmen, and the new union made slow progress. The company recognized this, and either to test its judgment, or to throw down the gauntlet and force another strike, put into effect in 1876 a general reduction in salaries. This reduction represented a 5 per cent decrease

to those receiving less than $100 per month, 10 per cent to those receiving $100 and under $125, and 15 per cent to those receiving $125 or more. Of course, this hit the managers, assistants, etc., pretty hard, but that was soon remedied by creating a higher grade and moving the officials all up one grade, where they received their old salaries with a slightly different title. The reason assigned by the company for this reduction was that the telegraphers' salaries were too high. They were receiving $85 to $115 per month before the decrease. Whatever the motive of the company may have been in this general reduction, the officers of the new organization of the telegraphers believed it to be a movement to force a strike and destroy the union. They, therefore, urged the membership to refrain from radical action at that time, continue the work of organization, and bide their time with the prospect of later recovering the loss. The rank and file, while heeding the counsel of their officers, were dissatisfied with their action and felt that this show of evident weakness would encourage the Western Union to combat the organization more vigorously than before. As a result the Telegraphers' Protective Union failed to reach that stage in its career where it might have acquired the strength to approach the company for increases or better conditions. The union gradually withered away. In 1878 further reductions in salaries were made—in most cases 10 per cent.

The telegraphers' next effort at organization occurred in 1881, and by the middle of 1883 had culminated in a very formidable union called the Brotherhood of Telegraphers, under the auspices of the Knights of Labor. This organization held a convention in Chicago in March, 1883, at which a bill of grievances was drawn up and submitted to all the subordinate units of the brotherhood for action. The district assemblies almost unanimously confirmed the grievances and authorized the executive committee of the brotherhood to present to the company a petition for the remedying of the same, together with a request for a 15 per cent increase in salaries. The maximum salary in New York had by this time been reduced to $100 per month, while the minimum had been forced down to around $40.

In accordance with the expressed desire of the district assemblies, the executive committee on July 16, 1883, presented the following petition to the Western Union:

CENTRAL OFFICE,
BROTHERHOOD OF TELEGRAPHERS OF THE UNITED STATES AND CANADA.

THOMAS T. ECKERT, ESQ.,
General Manager and Acting President
Western Union Telegraph Co., New York.

SIR: The undersigned, the executive board of the Brotherhood of Telegraphers of the United States and Canada, in accordance with instructions from that body, respectfully petition your favorable consideration of the following memorial embodying the desires of all classes of employees in the service of the Western Union Telegraph Co.:

SECTION 1. Believing that man's physical and mental welfare requires that at least one day in seven be accorded him for rest and recreation, we request the total abolition of Sunday work as a compulsory duty unless compensated as extra service.

SEC. 2. That eight hours shall constitute a day's work and seven hours a night's work.

SEC. 3. Both sexes shall receive equal pay for equal work.

SEC. 4. That a universal increase of 15 per cent on all salaries now paid be granted.

LINEMEN'S INTERESTS.

SECTION 1. That eight hours shall constitute a regular day's work and that compensation at the rate of two days' pay be allowed for all Sunday work; that the lowest salary shall be $85 per month, and for helpers $50; that the duties of linemen be confined solely to their legitimate work.

WHEATSTONE INTERESTS.

SECTION 1. That the salaries of first-class Wheatstone operators be increased to $75 per month and second-class operators to $60 per month and that they receive the 15 per cent increase asked for Morse operators.

SIR. 2. That the working hours of Wheatstone operators be the same as Morse operators.

A reply at the earliest possible moment solicited.

Very respectfully

EUGENE O'CONNOR,
Chairman.
MORTIMER D. SHAW,
Secretary.
JOHN CAMPBELL,
ROBERT EWING,
HARRY W. ORR,
ROGER J. MULLEN,
JOSEPH H. FORD,
Executive Board.

The company refused to recognize the committee. It made no written reply, but demanded verbally of the committee that it furnish the company with the names of all its employees represented by the committee. The committee, realizing that this would mean the locking out of its membership in the employ of the Western Union, wisely refused to comply. The committee, having been endowed with the power to call a strike if the company refused to concede the demands of their employees, decided to exercise the power it held when convinced that the company, by preparing for such a contingency, meant to ignore the petition. The strike being scheduled for noon July 19, 1883, it was determined to present the company another opportunity to open negotiations, and the following note was delivered to Mr. Eckert at 9 a. m. on the 19th:

NEW YORK, *July 19, 1883.*

Gen. T. T. ECKERT, *New York.*

SIR: On Monday, the 16th instant, a committee of telegraphers submitted to your consideration a petition intrusted to them for presentation to you by the Brotherhood of Telegraphers. You expressed your doubts as to the authority of that committee to speak for the employees of your company and have failed to respond to that petition. Your letter to H. C. Clowry, general superintendent, discloses to the public the fact that you were informed of the nature of your employees' grievances before they were presented. Under ordinary circumstances it would require but a short time to arrive at a conclusion as to what steps you would take, but, knowing as we did that this matter had been thoroughly discussed long before we waited upon you, it was not unreasonable to ask an early reply. It is due to the interests you represent, to our organization, and particularly to the general public, that this matter be speedily adjusted and that the responsibility of any future action may rest where it properly belongs. It is with an earnest desire for the harmonious settlement of difficulties and regard for the social and business interests of the people that we send this last appeal for the recognition of the rights and redress of the grievances of your employees.

Very respectfully,

JOHN CAMPBELL,
District Master Workman.

No response to this appeal was made by the company's officials, and at 12 o'clock, July 19, 1883, a general strike of the telegraphers went into effect.

Mr. Brooks testified before this commission, I believe, that the men in 1883 demanded recognition of their union, which the company refused, and intimated that it was upon this point that the strike hinged. If any demand for the official recognition of the Brotherhood of Telegraphers as an organization can be found in the communications submitted, or in the utterances of the officers of the brotherhood, I have failed to discover it.

The reductions in salaries in 1870, 1876, and 1878, together with the operation of the "sliding scale," that is, replacing, say, a $100 man, when he vacated a position, with a $90 man, had brought the maximum salary at New York down from $118 in 1866 to $100 at the time of this general strike in 1883. The minimum had dwindled from $100 to less than $30. According to a statement made by Superintendent Humstone of the Western Union at New York just prior to the strike, "The pay of operators ranges from $25 per month for boys and beginners to $100 a month for the best men. There are few who get the highest figure. The average, as near as I can say just now, is about $75 per month for male operators. The pay of girls and women ranges from $25 to $60 or $65 a month. I should say the average is about $45. About 25 per cent

of the operators are women." A census taken by the Brotherhood of Telegraphers disclosed an average wage of $54.43 per month for commercial telegraphers in the United States.

Considering these figures in connection with the petition of the brotherhood, I would like to ask where any unreasonableness on the part of the telegraphers is apparent? It certainly seems to me that the men were asking but a slight restoration of what had been filched from them by a greedy corporation that was paying a very high rate of dividends on an actual investment.

The strike was terminated at the end of 30 days, when the strikers gave up hope of winning. It ended in the same orderly fashion that marked its genesis. While the company, through its press agents, maligned the strikers all through the fracas, they were vindicated at the close of the strike by one of the greatest newspapers in the country. I will read from an editorial appearing in that paper, the New York Herald, August 18, 1883:

"The strike of the telegraphers has come to a formal and, so to speak, official end.

"The strikers have conducted themselves well. If wires were cut or disabled no such bad and criminal work has been traced to them, and it is proper to hold them guiltless of lawlessness. The strike became the occasion of a good deal of foolish and undemocratic writing in newspapers, which rushed to the side of the employers and against the employed, some journals even going so far as to suggest that laws be adopted to prohibit strikes by telegraph and railroad operators. The discussion which these extraordinary propositions caused has done no harm, except to those who showed themselves the superserviceable supporters of powerful corporations.

"The strikers evidently overestimated their own strength and endurance. They thought that the telegraph companies could not get on without them. They forgot that the American people adapt themselves with singular readiness to the most inconvenient changes, and did not foresee that the public, finding the telegraph no longer able to serve it, at once took to transacting a large part of its business by mail, thus helping the companies to resist their striking workmen by lessening their business."

I also desire to quote an editorial from the same paper on August 22, 1883:

"Dr. Norvin Green is the president of the Western Union Telegraph Co., a corporation that has recently experienced much trouble with its employees. The striking operators were compelled to yield, and there has been some curiosity regarding the policy which the Western Union would adopt toward those whom it reemployed. Dr. Green was recently interviewed on this point, and his answer may be regarded as in a manner official. 'I sympathize,' he said, 'with the strikers for the sad mistake they have made, and there will be no punishment meted out to them.'

"He is also reported to have said: 'As I told Gen. Eckert this afternoon, the several hundreds of thousands of dollars which have been lost in the strike I regard to be the best financial investment made by the company. Hereafter Gen. Eckert tells me, that he will get one-third more work out of a man for a day's services, and the economy of such a step will retrieve the loss in less than six months.'

"No punishment! One-third more work daily out of the strikers! All losses caused by the strike to be taken out of the operators!

"Nor is this the only expression of his sympathy. Every operator taken back by this merciful and forgiving corporation, of which he is the president, must sign, it seems, the following:

"'I, ——— ———, of ———, in consideration of my present reemployment by the Western Union Telegraph Co., hereby promise and agree to and with the said company that I will forthwith abandon any and all membership, connection, or affiliation with any organization or society, whether secret or open, which in anywise attempts to regulate the condition of my service or the payment therefor, while in the employment now undertaken.

"'And I do hereby further agree that I will, while in the employ of said company, render good and faithful service to the best of my ability and will not in anywise renew or reenter upon any relations or membership whatsoever in or with any such organization or society.

"'Dated ——— ———, 1883.

[SEAL.]

"'(Signed) ——— ———.

"'(Address) ——— ———.

"'Accepted for the Western Union Telegraph Co.

"'———, *Superintendent.*'"

The United States Senate Committee on Education and Labor was at that time investigating industrial relations as your honorable body is doing to-day, and it held hearings on the telegraphers' strike. Senator Blair, the chairman of the committee, said in summing up, addressing Dr. Norwin Green, president of the Western Union:

"The operators who came here and testified almost invariably stated that for a long period of years there has been a constant reduction of salaries going on, and this while their efficiency was increasing, and their hours of labor, in many cases, were also increasing and more money was being made by the company. They also said that a great many individual applications and applications of bodies of operators by petition had been made directly to the company for an increase of compensation, and I think the testimony was that universally, without a single exception, their applications had been ignored, and, therefore, they claimed that they had to strike in order to secure even attention from the company. And, now that you have your own way about it, I wish you would just come up and give those boys more money." Dr. Green and his company ignored the plea of the Senator just as they had ignored the pleas of their telegraphers.

It will be seen that the Western Union has always treated its employees in the same manner; and, while Mr. Brooks may personally hold certain opinions that he has expressed before this commission, his statement that the Western Union refused to deal with the Commercial Telegraphers' Union of the present day because it has been irresponsibly officered or constituted is, in my judgment, mere poppy-cock. The Western Union has always declined to deal with its employees collectively and has never dealt justly or considerately with them individually.

Testimony before the Blair committee showed that salaries in Omaha in 1873 ranged at $100 per month and in 1883 at $90 per month; in New Orleans they were $125 in 1873 and $80 in 1883; in Richmond, Va., $115 in 1873 and $80 and less in 1883.

Following the strike in 1883 the Western Union, true to the threat of Gen. Eckert, did require more work of its telegraphers. Their efficiency since that time has increased marvelously. The introduction of the typewriter in the early nineties greatly increased their capacity. For presswork the typewriter, in connection with the adoption of what is known as the Phillips code, has increased their capacity very largely. The Phillips code is a system of abbreviations, of which I submit a few samples: "f" represents "of the"; "xn," "constitution"; "ckx," "committed suicide"; "Scotus," "Supreme Court of the United States." The use of this code means that, while the sender transmits the contraction, the receiver translates it in his mind and transcribes the full text. A speed of 50 or 60 words per minute can be averaged with the use of the code, where only 30 or 40 is attainable without it.

When the typewriters were introduced the telegraphers were forced to provide them at their own expense, and still are compelled to do so by the Postal Telegraph Co. The Western Union recently installed typewriters at the company's expense. About 10,000 machines were purchased, I understand, at a cost of about $35 each.

The defeat of the strikers in 1883 annihilated their organization. Between that time and the formation of the present organization, in 1902, various efforts at reorganization were attempted by the telegraphers, but the "ironclad," as it is called, which those who returned to the service of the company after the 1883 strike, as in the case of 1870, were compelled to sign, operated as a check against the re-formation of the union for the reason that most of those who signed it considered themselves morally obliged to abide by its terms. At the same time the eternal vigilance of the company made it possible for them to detect the various movements in their incipiency, which always resulted in the immediate discharge of anyone found to be connected or suspected of being connected with such an undertaking.

Even in 1902, when our organization was inaugurated, the Western Union discharged considerable numbers of men all over the country. At that time, however, the influence of John W. Mackay, the founder and up to the time of his death, in 1901, the president of the Postal Telegraph Co., had not been entirely eliminated from the affairs of that company, and it did not oppose our efforts to organize. John Mackay was a very fair-minded man, and, I believe, had he lived the Commercial Telegraphers' Union would have had a working agreement with the Postal that would have prevented the strike of 1907 against the Western Union, extending to the Postal.

I might say in this connection, that it is my belief that the Postal and Western Union were on very good terms about the time of the general strike

of the telegraphers in 1907. There is quite a breach between the two concerns at the present time, but it occurred after the strike, when the American Telegraph & Telephone Co. formed its alliance with the Western Union. That the Postal had this same idea of amalgamation with the A. T. & T. in mind for itself is evidenced by its accumulation of the telephone stock, which it promptly disposed of when that company aligned itself with Western Union.

Going back to the inception of the present organization—the Commercial Telegraphers' Union of America—and the policy of the Western Union toward it: As I stated, the Western Union discharged hundreds of men throughout the country for affiliation with this union when its formation began in 1902, and it continued to oppose the organization with such tenacity that at no time until the spring of 1907 did we have a large percentage of that company's employees on our membership rolls. Mr. Brooks has stated that the company did not antagonize their employees in their efforts to organize in 1907; that the policy of the company seemed to change, or did change. Now, the fact of the matter is that the company did oppose this move on the part of their telegraphers and discharged some of them in New York and Chicago, and, I believe, other places. Those discharged at Chicago constituted an organizing committee that had been at work quietly for several weeks. The dismissal of these men stirred up such a clamor all over the country that the company, in the face of the 20 to 60 per cent increase in rates it was inaugurating, feared the wrath of public opinion that a strike would engender. The discharged men at Chicago were reinstated; and the work or organization continued among the telegraphers. Soon thereafter the 10 per cent increase in salaries, mentioned by Mr. Brooks, was granted. Of course the company could easily afford to give their employees a little of their increased income resulting from the raise in rates; and it has always been my opinion that the 10 per cent granted them was simply a sop calculated to stem the tide of organization.

The Western Union began almost immediately after the granting of this increase a campaign of recovery through the old reliable sliding scale. Union men were discriminated against, as in the case of the chiefs at Chicago, who were offered an additional 15 per cent increase if they would withdraw from the union. Those who did were given the additional 15 per cent, while those who refused were denied the 15 per cent. There were innumerable minor grievances that needed adjustment, which the company showed no intention of remedying. It showed no desire to deal with the chosen representatives of its employees. There were evidences that the executive officials of the company were being deceived by their subordinates as to the real strength of the organization, and it was finally decided that a show of numbers must be made. To this end, the strike at San Francisco was agreed upon; and the executive committee, sitting at New York, dispatched President Small to the coast for that purpose. Through the traitorous work of a man named Demarest, who had been acting as sort of private secretary and valet to President Small, the Western Union officials were apprised of Small's mission. You will observe that President Clowry's agreement with Dr. Neill was dated June 20, 1907, and that the strike in San Francisco was called on the 21st. This strike would have occurred on the 20th had not President Small, contrary to the instructions of the executive committee, stopped off at Chicago en route to see his wife who was sick at the time. It is my opinion that the company, knowing the night that President Small left New York just when the strike was scheduled to take place, timed its negotiations with Dr. Neill in such a way that they would culminate but an hour or two before the strike. While the Clowry-Neill agreement was the greatest concession the Western Union ever made to its employees, the document was replete with equivocations and evasions. "If" was its predominating characteristic. The operators know—and knew that Col. Clowry knew—that there were no "ifs" about the matters referred to in that matter in the agreement, and most of them felt that the company in proposing the agreement were simply marking time in a crisis. Between the ultraconservative East and the ultraradical West was the great intermediate mass of thinkers who, through years of experience with the Western Union's deceit and hypocrisy, considered Col. Clowry's words an insult to their intelligence. They were expecting deeds, not words, and rebelled. While, on its face, it would appear that the telegraphers bolted an agreement, it must be considered that Deputy President Konenkamp was given but a few hours in which to act, and that those few hours were almost wholly consumed in an endeavor on his part to secure the sanction of President Small to the signing of the agreement. Had Mr. Konenkamp been granted three or four days in which to learn the sentiment of the Western Union employees as a whole, I am

fully convinced in my own mind that he would never have put his signature to that document.

The details of the strike and what has followed has been or will be fully covered by others and I shall not impose upon your time further in regard thereto.

I wish to refer briefly to some of the testimony given here. First, as an instance of the Western Union's system of rewarding its faithful servants, or rather its nonrewarding, I would call your attention to the testimony of President Carlton, wherein he states that he entered the service of the Western Union—his first experience in the telegraph business—in December, 1910. His salary in the position he now holds is $35,000 per annum, while Vice President Brooks, who, as he testified, has been in the service of the company since 1871, in almost every capacity, receives but one-third that amount. Verily, it appears that not only the operators but the vice president is underpaid. Mr. Brooks has forgotten more about the telegraph business than Mr. Carlton will ever know, yet the board of directors, representing the financial interests, supersedes Mr. Brooks with a man who has spent his life in other pursuits. Still the company would stir the ambitions of the mere operator with that time-worn phrase, "There's always room at the top for the right man."

Mr. Carlton prates of "a representative body of competent employees of the Western Union Telegraph Co." as an organization with which his company might deal. I ask, how can such an organization be created when the company opposes with its discharging and black-listing power every effort of its telegraphers to form such an organization? Such arguments, in view of the historical facts in the case, are hypocritical to say the least. Let the Western Union remove the embargo against organization among its employees and the latter will form a responsible union within a surprisingly short time. The forming of such an association at this time would include many of the veterans of 1907, men of experience in union matters, who could be relied upon for good counsel; but defer reorganization for another decade and the union that will be formed then, as one will eventually obtain, no matter what the course of the company may be, will be composed principally of a new generation, inexperienced and headstrong, that will no doubt repeat the performances of preceding generations; and I venture the prediction that unless the Western Union does permit its employees to organize and does deal with them courteously and righteously the stories of 1870, 1883, and 1907 will be reenacted within the next 10 or 15 years, perhaps earlier.

Mr. Carlton, in endeavoring to offset the higher salaries paid telegraphers prior to the Western Union's monopoly, stated that the men did more work in those days, handling as high as 900 messages per day. Now, I do not believe that the gentleman wanted to deceive this commission, and attribute his assertion to lack of authentic information and unfamiliarity with the telegraphic business. Like himself, I have found the memories of some of the telegraphers of those days who still live somewhat shady, and have not relied upon them entirely for my information. I have dug into the printed archives of half a century ago and brought forth the facts as they were written down at the time. I have found not a few mentions of what was considered in those times very fast telegraphy. Here is one "record" set down in the Telegrapher, of July 15, 1865: "Five hundred and fourteen messages were received in Boston, on July 10, from the gold room, New York, and 63 sent, a total of 577, between 9 a. m. and 6 p. m. This is probably the largest business ever transmitted over one Morse wire in nine hours." I choose this one because it is the greatest "record" I discovered. When it is considered that at that time no telegraphic ciphers were in use, that all the words in the messages were understandable, and that for the most part these 577 messages consisted of short gold quotations, the accomplishment pales into insignificance beside the work performed on Mr. Carlton's "premium" wires of to-day. The records made at telegraphic contests in those days did not approach the daily average on the fast wires of either company to-day. The press telegrapher of the present generation who did not do better than the "miraculous" performances recorded in the ancient days would last about as long as the proverbial snowball in the infernal regions. I dare say Mr. Brooks would not indorse President Carlton's statements that the telegraphers performed more service 40 or 50 years ago than they do to-day. And, aside from that question, there were no multiplex systems in those days; all wires were worked "single" then. Now, the capacity of a wire duplexed is increased 75 per cent, and more than doubled by quadruplexing, which increases in like proportion the company's income from that wire.

Mr. Carroll was, I believe, questioned as to why the company maintained a school for the increasing of the supply of telegraphers when, according to his testimony, the company could dispense with many of the men on the extra lists in his district, and I could almost detect crocodile tears of sympathy in his eyes as he graciously asked, "Shall we say to those desirous of learning a trade 'Thou shalt not'?" He neglected to inform us that his company and the schools that flourish with the tolerance of the company solicit these students, and that the outside schools in particular misrepresent the actual conditions in pointing out to the prospective student the advantages of learning telegraphy. Nor did he explain that the Western Union has never had any hesitancy in saying to those who had spent several years in learning in becoming proficient in the art 'Thou shalt not' work at your trade.

In this connection permit me to submit a clipping[1] from the Brooklyn Standard Union of January 31, 1915, which constitutes a reading notice for the Brooklyn School of Telegraphy, which is located in the same building with and is ostensibly an adjunct to the Western Union Telegraph Co.'s office in that city, together with a letter I directed to the editor of the newspaper mentioned concerning the same. No reply was received regarding my offer to insert a paid advertisement in its columns.

Mr. Carroll also intimated that whereas the union had condemned split tricks in the past, it now condemned him for abolishing the split tricks. True, the union is opposed to split tricks for the very reasons that Mr. Carroll recites against them; but two wrongs do not make one right, and when the company is abolishing a seven-and-a-half-hour split trick, inaugurates in its stead a straight nine-hour trick, covering approximately the same working hours, there is serious objection. While, as Mr. Carroll states, there are perhaps no straight tricks ending at a later hour than 7.30 p. m. in Chicago, I beg to inform him that in New York there are such tricks ending as late as 10 p. m., which spoil both afternoon and evening as far as any pastime or recreation is concerned. I sincerely hope that the split trick will be eternally abolished; but a telegrapher should be permitted to have either the afternoon or the evening off duty in which to follow some pursuit of happiness.

As Mr. Brooks truthfully says, the matter of handling grievances, arranging hours of service, adjusting salaries and conserving the best interests of both the company and its employees is a big problem, and it will never be satisfactorily solved while a cold-blooded, dollar-mad board of directors dictates every policy of the company and forbids the employees one word in the direction of affairs telegraphic.

In conclusion, I desire to say that I believe this commission is doing a great work and that, as at present constituted, it should be perpetuated with a view to continually investigating the industrial relations of this country and in recommending to Congress the passage of such laws as become necessary for the protection of the workers.

POWERS EXHIBIT.

Sick benefits paid to members of P. T. E. A. in Chicago main operating department from March 1, 1914, to March 31, 1915 (149 active members).

Name.	Period.	Amount.
E. J. Allman	March 1 to 8, 1915	$4.57
M. D. Asmussen	October 30 to November 16, 1914	7.25
A. B. Carroll	June 4 to August 23, 1914	172.50
Ruth Clay	January 30 to March 6, 1915	[2] 60.40
A. G. Comer	December 3 to 14, 1914	5.93
M. E. Conway	January 5 to 25, 1915	21.92
A. G. Drake	February 9 to March 9, 1915	48.44
F. W. Gaulden	January 7 to February 11, 1915	21.60
Miss T. Hawley	February 26 to March 29, 1915	20.75
C. E. James	November 30 to December 14, 1914, and January 2 to 10, 1915	19.28
Maud Holden	May 18 to June 1, 1914	13.20
Benj. Holine	August 21 to 25, 1914, and March 30 to April 17, 1914	14.80
F. G. Schuenkel	June 1 to 15, 1914	5.04
Geo. Smallbone	September 14 to October 15, 1914	69.60
Roy M. Wood	March 18 to 28, 1915	[2] 14.63
L. B. Morey	September 1 to 14, 1914	[1] 16.80
F. C. Wilson	March 26 to April 2, 1914	4.35
R. V. Fray	April 2 to 30, 1914	8.68
Total		530.75

[1] Not printed. [2] Still continued.

Benefits paid members outside of the operating department at Chicago.

Rose Muller	June 8 to 22, 1914	$3.76
Anna Bruton	March 9 to April 11, 1914	12.76
J. L. Carroll	July 17 to August 31, 1914	22.76
Total		39.28

Death benefits paid in Chicago in 1913.

Thomas H. Lukins [1]	$200
Charles F. Parker, jr	50
Jacob Wurzburg	200
Total	450

T. N. POWERS.

RUSSELL EXHIBIT NO. 1.

Supplementary list, May 1, 1913.

Name.	Address.	Occupation.	Reason.
Adams, A. H	Buffalo, N. Y	Operator	Cause.
Andrews, John	Chicago, Ill	do	Do.
Beck, Geo	do	do	Do.
Bennett, Chas	Pittsburgh, Pa	do	Cause (flagging—right name unknown).
Bisse, W. C	do	do	Cause.
Black, Geo. W	Nashville, Tenn	do	Do.
Bremen, Carl	St. Louis, Mo	do	Do.
Brierton, Matthew J	San Francisco, Cal	do	Do.
Caldwell, Dude	Kansas City, Mo	do	Do.
Cooley, James	Buffalo, N. Y	do	Do.
Davis, H. A	do	do	Do.
Dawe, Robert	New York City	do	Do.
Dillon, G. W	do	do	Do.
Dudley, Robert	do	do	Do.
Englesby, John	Chicago, Ill	do	Do.
Gallagher, J. T	New York City	do	Do.
George, Harry	Buffalo, N. Y	do	Do.
Gill, Wm. S	New York City	do	Do.
Grabel, Joe	Chicago, Ill	do	Do.
Greenar, J. B	New York City	do	Do.
Hayes, Charles, alias Bob Haynes.	Chicago, Ill	do	Do.
Heady, D. B	New York City	do	Do.
Johnson, L. C	do	do	Do.
Joyce, E. M	do	do	Do.
Kellog, Frank	Buffalo, N. Y	do	Do.
Kline, Frank	do	do	Do.
Lape, F. W	New York City	do	Do.
Leddy, C. E	do	do	Do.
Leigh, Chas, alias L. L. Probst	do	Organizer	Do.
Marks, Frank	Rochester, N. Y	Operator	Do.
Martin, Fred	Buffalo, N. Y	do	Do.
McClain, Harry	do	do	Do.
McCune, H. E	Rochester, N. Y	do	Do.
McFadden, F. J	New York City	do	Do.
McFerson, James	Buffalo, N. Y	do	Do.
McKenzie, B. G	New York City	do	Do.
Murphy, Miss M	Buffalo, N. Y	do	Do.
Pastrel, M. C	New York City	do	Do.
Payne, Eddie	do	do	Do.
Pierce, Howard	Buffalo, N. Y	do	Do.
Powers, Ralph B	Pittsburgh, Pa	Organizer	Do.
Probst, L. L., alias Chas. Leigh	New York City	do	Do.
Riley, Jim	do	Operator	Do.
Roach, C	Chicago, Ill	do	Do.
Rogers, E. B	New York City	do	Do.
Roller, Dick	Chicago, Ill	do	Do.
Ryder, Cora, Mrs	Buffalo, N. Y	do	Do.

[1] Also paid $202.40 sick benefits.

RUSSELL EXHIBIT NO. 1—Continued.

Supplementary list, May 1, 1913—Continued.

Name.	Address.	Occupation.	Reason.
Shadd, Guy	Pittsburgh, Pa	Operator	Cause (flagging—right name unknown).
Silverstein, Mr. H	New York City	do	Cause.
Simpson, Chas	Chicago, Ill	do	Do.
Snyder, J. H	Niagara Falls	do	Do.
Thomas, George	Buffalo, N. Y	do	Do.
Truitt, W. J	New York City	do	Do.
Warren, Orville E., alias O. E. Warner.	Salt Lake City, Utah	do	Do.
Wilson, T. E	New York City	do	Do.
Willoughby, A. J	Memphis, Tenn	do	Do.
Wilson, B. P	New York City	do	Do.
Wilson, D. G	Nashville, Tenn	do	Do.
Wilson, E. F	Detroit, Mich	do	Do.
Wilson, E. F	Chicago, Ill	do	Do.
Wilson, J. Allen	Pittsburgh, Pa	do	Do.
Wilson, J. F	Salt Lake City, Utah	do	Do.
Wilson, M. L	Oklahoma City, Okla	do	Do.
Wilson, P. J	Helena, Mont	do	Do.
Wilson, R. A	Little Rock, Ark	do	Do.
Wilson, W. F	Salt Lake City, Utah	do	Do.
Winn, J. M	Kansas City, Mo	do	Do.
Winne, C. F. (Wynne)	do	do	Do.
Wirick, R. G	Spokane, Wash	do	Do.
Withler, S. A	San Francisco, Cal	do	Do.
Wogreen, W. F	New York City	do	Do.
Wolever, H. C	Bellingham, Wash	do	Do.
Wolford, Alva	Columbus, Ohio	do	Do.
Wolover, H. C	Bellingham, Wash	do	Do.
Wonell, W. C	Altoona, Pa	do	Do.
Wood, A. L	Minneapolis, Minn	do	Do.
Wood, H. P	Everett, Mass	do	Do.
Wood, J. W	Albany, N. Y	do	Do.
Wood, T. E	Kansas City, Mo	do	Do.
Wood, W. W	Hartford, Conn	do	Do.
Woolard, C. M	New York City	do	Do.
Wooten, A. L	Augusta, Ga	do	Do.
Wooten, Wm	Los Angeles, Cal	do	Do.
Worrell, W. C	New York City	do	Do.
Wratter, Geo. E	Portland, Oreg	do	Do.
Wray, W. S	Seattle, Wash	do	Do.
Wright, E. E. (E.)	do	do	Do.
Wright, J. W	Duluth, Minn	do	Do.
Wright, L. H	Nashville, Tenn	do	Do.
Wyhart, J. B	New York City	do	Do.
Wynn, F. T. (Winn)	St. Louis, Mo	do	Do.
Wynne, O. B. (or O. E. Winn)	Kansas City, Mo	do	Do.
Yelte, R. M	Pittsburgh, Pa	do	Do.
Yoell, W. A	New York City	do	Do.
York, W. C	Pittsburgh, Pa	do	Do.
Yorker, Sadie V	New York City	do	Do.
Youman, A	Nashville, Tenn	do	Do.
Young, Chas	New York City	do	Do.
Young, W. B	Detroit, Mich	do	Do.
Young, W. S	Govans, Md	do	Do.
Young, W. T	Los Angeles, Cal	do	Do.
Youngs, B. L	Spokane, Wash	do	Do.
Zimmerman, F. E	Salem, Oreg	do	Do.
Zimmerman, O. H	Oklahoma City, Okla	do	Do.

Total of 1,709 names.
Corrections:
Leonard, W. V., should read Leonard, A. V.
Martin, W. H., should read Martin, W. R.
O'Brien, W. H., should read O'Brion, W. H.
Taylor, A. E., should read Tayler, A. E.
NEW YORK, *March 1, 1913.*

RUSSELL EXHIBIT NO. 2.

STATE OF ILLINOIS,
County of Cook, ss:

George C. Roderick, being first duly sworn, deposes and says that the documents described in the list attached hereto and hereby expressly made a part hereof are the original letters, memoranda, expense accounts, etc., of or from

Theodore P. Cook, general superintendent of the western division, Western Union Telegraph Co.; R. M. Shoemaker, chief special agent of the Western Union Telegraph Co.; William J. Lloyd, division traffic superintendent of the Western Union Telegraph Co.; Thomas W. Carroll, division traffic superintendent of the Western Union Telegraph Co.; and others received by this affiant in the course of his employment as special agent of the Western Union Telegraph Co., extending over a period from, to wit, January 2, 1912, to March 15, 1913. This affiant further says that the Belvidere Brooks referred to in a separate statement made by this affiant and in the documents heretofore mentioned herein is the general manager of the Western Union Telegraph Co., with headquarters at New York City, N. Y.; that the initials T. P. C. are those of the said Theodore P. Cook, and that the initials or signature where it occurs in handwriting is that of the said Theodore P. Cook; that the initials W. J. L. are those of William J. Lloyd, and the signature or initial where it occurs in handwriting is that of the said William J. Lloyd; that the initials R. M. S. are those of R. M. Shoemaker, and the signature or initial where it occurs in handwriting is that of the said R. M. Shoemaker; that the initials T. W. C. are those of Thomas W. Carroll, and the signature or initial where it occurs in handwriting is that of the said Thomas W. Carroll; that this affiant is well acquainted with the handwriting of each of the aforesaid persons, and is willing to testify under oath that the said letters and memoranda came from the aforesaid persons, and that the signatures thereto are the genuine signatures of the aforesaid persons.

This affiant further says at the nature of his employment with the Western Union Telegraph Co. as special agent was to secure information concerning the Commercial Telegraphers' Union of America, the movements of its officers, the names of its members, and to prevent employment of members of said union by the said Western Union Telegraph Co.; that these letters, memoranda, etc., mentioned in the said list have been voluntarily and without force or duress turned over to the international secretary-treasurer, Wesley Russell, of the Commercial Telegraphers' Union of America, for the purpose of giving a true and accurate account of his work as said special agent of said company; that the aforesaid letters, memoranda, etc., are those referred to in an affidavit of this affiant wherein he makes a detailed statement of his acts as the special agent of the said Western Union Telegraph Co.

GEORGE C. RODERICK.

Subscribed and sworn to before me this 15th day of August, A. D. 1913.

JOHN C. DE WOLFE,
Notary Public, Cook County, Ill.

PULLMAN EMPLOYEES

(For exhibits under this subject, see pages 9693 to 9695)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL.,
Monday, April 5, 1915—10 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Ballard, and Aishton.

Chairman WALSH. I would like to announce to the witnesses that we will begin promptly at 10 o'clock in the morning and we will adjourn at 12.30, reconvene at 2 o'clock and adjourn at 4.30. Those hours may be depended upon by the witnesses. I would also like to say that all the witnesses subpœnaed to appear here to-day will remain in attendance without further notice until they are called.

The first witness, I believe, is Mr. Hungerford. Mr. Hungerford will please take the chair.

TESTIMONY OF MR. L. S. HUNGERFORD.

Chairman WALSH. Please state your name.

Mr. HUNGERFORD. L. S. Hungerford.

Chairman WALSH. What is your business, please, Mr. Hungerford?

Mr. HUNGERFORD. General manager of the Pullman Co.

Chairman WALSH. Where is your office?

Mr. HUNGERFORD. In the Pullman Building.

Chairman WALSH. I wish you would briefly state the general organization of the Pullman Co.—that is, as to its officers.

Mr. HUNGERFORD. They have executive officers, the president, two vice presidents——

Chairman WALSH (interrupting). Please give the names.

Mr. HUNGERFORD. Our president is Mr. J. S. Runnells. We have, of course, as chairman of the board, Mr. Robert T. Lincoln. Mr. J. S. Runnells is the chief executive officer, Mr. Le Roy Kramer vice president, and Mr. Richmond Dean vice president.

Chairman WALSH. Proceed, please, Mr. Hungerford.

Mr. HUNGERFORD. We have an assistant general superintendent and we have representatives throughout the country that have immediate jurisdiction over the service in their territory.

Chairman WALSH. Just describe them, please; that is, you have a district superintendent—you have a division superintendent first, do you?

Mr. HUNGERFORD. No. We have no division superintendents. We have what we term "superintendents."

Chairman WALSH. How many have you in the United States?

Mr. HUNGERFORD. We have four of those.

Chairman WALSH. And where are they located, and their names?

Mr. HUNGERFORD. St. Louis, San Francisco, Philadelphia, and New York.

Chairman WALSH. And their names, please.

Mr. HUNGERFORD. F. L. Wood, at San Francisco; Mr. F. E. Cook, St. Louis; Mr. J. T. Ransom, Philadelphia; Mr. A. J. Grant, in New York. Then the territory is subdivided into district superintendents, so termed.

Chairman WALSH. The number of your directors, please.

Mr. HUNGERFORD. I don't know just how many we have got at the present time. We had some vacancies. Whether they have been filled at the last meeting or not I don't know.

Chairman WALSH. How many do you have when the board of directors is full?

Mr. HUNGERFORD. I don't know what they number; I think about 11. I will not state positively.

Chairman WALSH. Do you know the names of them?

Mr. HUNGERFORD. I know the names of some of them.

Chairman WALSH. Give the names of all you know.

Mr. HUNGERFORD. Mr. Keep, Mr. Morgan, Mr. Runnells, Mr. Baker, Mr. Lowden, Mr. Webb. Those are all that occur to me just now.

Chairman WALSH. And the chairman of the board is Mr. Robert T. Lincoln?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How frequently does that board meet?

Mr. HUNGERFORD. I can not tell you that; I have nothing to do with the executive matters, and do not give them any particular attention.

Chairman WALSH. Please state as concisely as possible your connection with the Pullman Co., when you started, and the positions you have filled.

Mr. HUNGERFORD. I entered the service of the company in 1886; I went in a new position that was created—I was chief clerk to a newly created position, the position of general agent, so termed. It did not last a great while, and I was then—I then became connected with the general superintendent's office. I was assistant to the assistant general superintendent, and afterwards assistant general superintendent, then general superintendent, and at the present time I am general manager, that taking effect on the 1st of April.

Chairman WALSH. On the 1st of April of this year?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Prior to that time your position was what?

Mr. HUNGERFORD. General superintendent.

Chairman WALSH. Are you in charge of the car service department of your company?

Mr. HUNGERFORD. I have general supervision of the service throughout the country, the operation of the cars and matters with the roads using the cars in connection therewith.

Chairman WALSH. How many conductors are there in the employ of the Pullman Co.?

Mr. HUNGERFORD. We have approximately 2,500. We have not that many just at the present time, because the business has decreased.

Chairman WALSH. How many porters do you have in the employ of the Pullman Co.?

Mr. HUNGERFORD. About 6,500.

Chairman WALSH. What is the wage scale for conductors?

Mr. HUNGERFORD. They enter the service—when they enter the service they are paid at the rate of $70 per month for the first six months, then $75 to $80 the first year; two years $85, five years $90, 10 years $95. Those employed on special limited trains are paid at the rate of $100.

Chairman WALSH. How many special limited trains have you? How many are thus employed?

Mr. HUNGERFORD. I could not give you that exactly. I can recite some of them in a general way, and give the territory, if you like.

Chairman WALSH. Have you compiled a statement, Mr. Hungerford, that will give the number of conductors that you have on those various scales?

Mr. HUNGERFORD. No, sir; I have not.

Chairman WALSH. How many $70 a month conductors have you now?

Mr. HUNGERFORD. I could not tell you that.

Chairman WALSH. Who could give that information?

Mr. HUNGERFORD. It would have to be prepared; I presume Mr. Davis could give that.

Chairman WALSH. Will you have that prepared and give it to the commission?

Mr. HUNGERFORD. I will speak to him about it.

(The information sought was later submitted and appears among the exhibits at the end of this subject as "Hungerford Exhibit No. 1.")

Chairman WALSH. Can you tell approximately how many you have on at the different month's pay; that is, $70, $75, $80, $85, $90, and $100?

Mr. HUNGERFORD. I can say to you that we have 50 per cent—that 50 per cent of the men, both conductors and porters, are 10 years in the service. Let me correct that—5 years in the service. We have some 600—some conductors that are 10 years in the service, and I think some 1,600 porters that are 10 years in the service.

Chairman WALSH. What is the wage scale for porters?

Mr. HUNGERFORD. The minimum wage scale is $47.50 a month; that is, unless they have been 15 years in the service, then they get a 5 per cent addition that brings it up to $28.87, and I think——

Chairman WALSH (interrupting). What is the wage scale for porters?

Mr. HUNGERFORD. I have been corrected; I inadvertently said that the porters received $47.50 a month—if I said that it was an inadvertence, I should have said $27.50.

Commissioner O'CONNELL. What was it, $27.50?

Mr. HUNGERFORD. Yes. After 15 years in the service they receive a 5 per cent increase, making it $28.87.

Chairman WALSH. After how many years?

Mr. HUNGERFORD. Fifteen years. Porters employed in parlor-car service receive $32.25 a month, and after 15 years $33.86. Porters employed in tourist-car service receive $36.75 a month, and after 15 years $38.59. Porters operating in charge or on combined cars, $42 a month, and after 15 years, $44.10. Those employed in private cars receive $47.25 a month, and after 15 years $49.61.

Chairman WALSH. When were the salaries of car-service employees last changed?

Mr. HUNGERFORD. I think in 1911 that an advance was made of conductors and porters generally; it was June, 1913, that the 15-year men received the increase of 5 per cent.

Chairman WALSH. Was that the change made in 1911?

Mr. HUNGERFORD. No.

Chairman WALSH. Please state when that was.

Mr. HUNGERFORD. The general increase was made in 1911.

Chairman WALSH. What was that general increase?

Mr. HUNGERFORD. The porters received an increase—the porters that previously received $25 a month were increased 10 per cent; it was rated up to the $42 men and they got a 5 per cent increase and the $40 men received an increase of 5 per cent. The conductors who had been in the service two years or over received an increase of $5 a month.

Chairman WALSH. Was that the total increase? Have you stated all the details of the increase of 1911?

Mr. HUNGERFORD. I think so.

Chairman WALSH. Is there a bonus system in operation with the Pullman Co.?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. What is it?

Mr. HUNGERFORD. I might read to you these various bonuses in different arrangements.

Chairman WALSH. Very good.

Mr. HUNGERFORD. A month extra pay is granted all car-service employees who after one year's service have a clear record during the calendar year. By "clear record" that does not mean entirely free from demerits, but if assessed demerits they can be worked off by good service for various periods during the remaining portion of the year. During the year 1913 this extra month pay was granted to 70 per cent of the conductors, and 65 per cent of the porters, and during the year 1914 to 83 per cent of the conductors and to 74 per cent of the porters.

Employees in the service over 15 years are granted a 5 per cent increase in pay as a reward for long service. In 1913, 253 conductors and 593 porters received this increase, and in 1914, 277 conductors and 644 porters received the increase.

All employees in the service over 10 years are furnished with two new uniforms a year at the expense of the company.

At the important terminals sleeping quarters are furnished free, either through the use of old-style cars or in rented rooms.

Voluntary associations of employees for death benefits have been organized among the employees, operated entirely by themselves, but the company adds a bonus of 5 per cent to each death claim. For instance, in our conductors' voluntary association there are, approximately, fourteen hundred and fifty members who assess themselves $1 for each death; the company then adds $72.50 to the amount raised.

The company maintains a relief bureau at its own expense, without any contribution from the employees, which is more liberal than any other system maintained by the large employers of labor. Under it, employees are granted either full or half pay, according to the length of time of service, when they are sick or disabled, or when injury or death results from their employment or not.

It also maintains a pension system, at its own expense, modeled along liberal lines and has in many instances made allowances beyond those provided for in the pension rules.

Chairman WALSH. Describe the system of book suspensions, stating the offenses for which the various degrees of suspensions are given.

Mr. HUNGERFORD. We have what is called book suspension. Under the old method of actual suspension they lost pay. These suspensions are made for derelictions of duty, principally in attention to passengers and disregard of regulations that have been made for the protection of the traveling public. No suspension is made for less than 5 days or for a greater length of time than 15 days. For the ordinary dereliction they receive a reprimand. A reprimand can be erased—is erased after 3 months of subsequent clear service. It is erased in the same manner after 6 months—that is, a 5-day book suspension is erased—and the record is then clear. After 9 months a 10-day book suspension is erased and a 15-day suspension is wiped out in a year.

Chairman WALSH. Have you given us the different derelictions for which these suspensions are made?

Mr. HUNGERFORD. Well, I don't know that I have given them to you in detail.

Chairman WALSH. I wish you would, as briefly as you can, and state all the offenses.

Mr. HUNGERFORD. I could not give them to you without—that is, complete—our chief service inspector can give that, and I believe that he has been subpœnaed.

Chairman WALSH. Is it written?

Mr. HUNGERFORD. Yes.

Chairman WALSH. That is, they are all written out?

Mr. HUNGERFORD. Yes. They are written out; that is, we have a list of the suspensions, so as to have general uniformity.

Chairman WALSH. Have you a list of the offenses?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are they contained in the book of rules given to employees?

Mr. HUNGERFORD. They are not.

Chairman WALSH. How is notice of those offenses served on the employees?

Mr. HUNGERFORD. At the time the matters are taken up with each one.

Chairman WALSH. Don't they have any notice beforehand as to what is considered an offense that can be punished by a suspension?

Mr. HUNGERFORD. I think they all know pretty well. I can not say that any special circular has ever been issued to employees showing that.

Chairman WALSH. How many suspensions and what duration as to time are required to deprive a man of his bonus?

Mr. HUNGERFORD. I think I have explained that. They have to have a clear record for the calendar year. If an employee has committed an offense that calls for penalty of 10 days' suspension it takes 9 months to work it off.

Chairman WALSH. That answers that fully, does it?

Mr. HUNGERFORD. I think so. I think it does. As I said before a 5-day suspension is erased in 6 months, and a reprimand in——

Chairman WALSH (interrupting). The 5-day suspension in 6 months?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, proceed with that. I am trying to get it in my mind.

Mr. HUNGERFORD. A reprimand—I will go over that. A reprimand is erased after 3 months' subsequent perfect service. A 5-day book suspension is erased after 6 months' perfect service. A 10-day book suspension after 9 months, and 15 days after a year. After they have been erased their record then becomes clear after those periods.

Chairman WALSH. Is the rule in regard to this a fixed rule which is applied to the entire country?

Mr. HUNGERFORD. It is.

Chairman WALSH. Or is the district superintendent allowed to make any rules in respect to those matters?

Mr. HUNGERFORD. Not at all.

Chairman WALSH. Has your attention ever been called to the alleged fact that the district superintendent did make rules or vary the rule that you have given?

Mr. HUNGERFORD. I don't think it has. There have been some cases, yes, where they have in their—in the exercise of their judgment made departures from our established practice and had to be corrected. We desire, of course, to keep the service uniform throughout the country.

Chairman WALSH. Is it the intention of the company to have it uniform?

Mr. HUNGERFORD. To have it uniform throughout the country.

Chairman WALSH. And if the superintendent departs from it, it is not a matter of discharge——

Mr. HUNGERFORD (interrupting). It is not. Of course, everybody carrying on a big business is liable to make errors in judgment.

Chairman WALSH. Now, I want to ask you this question: State what petitions have been received during the past 10 years from conductors or porters asking about increased pay or complaining about the conditions under which they worked.

Mr. HUNGERFORD. I don't know of any petitions from the men for increased pay. I do know that there was some alleged petition gotten up by some persons that we had reasons to believe—we were not positive, but we thought somebody outside was interested in the matter and got up a printed form and distributed it around in the district offices in the conductors' rooms and for signatures, with the request that when they were filled in they be forwarded—I think the last one—to the president of the company.

Chairman WALSH. Well, were those forms filled in and were they forwarded to the company?

Mr. HUNGERFORD. Yes, sir; some of them.

Chairman WALSH. Do you know how many men signed them?

Mr. HUNGERFORD. I do not.

Chairman WALSH. Who would know how many men signed them?

Mr. HUNGERFORD. Well, I don't know. Some of them did not bear many signatures; some of them had more. I don't know.

Chairman WALSH. What was done with the petitions?

Mr. HUNGERFORD. Well, I think they were turned over to our vice president, the present vice president, then general manager.

Chairman WALSH. Who is that?

Mr. HUNGERFORD. Mr. Dean—Mr. Richmond Dean.

Chairman WALSH. Mr. Dean?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And did they ever come before the board of directors?

Mr. HUNGERFORD. I can't say as to that.

Chairman WALSH. Did they ever come before the president of the company?

Mr. HUNGERFORD. I can not say as to that. That would be a matter he would have to answer.

Chairman WALSH. That who would have to answer?

Mr. HUNGERFORD. Mr. Dean, who was then general manager, and, of course, what he did with it would not be for me to question.

Chairman WALSH. Have you ever met a grievance committee from time to time of the car-service employees?

Mr. HUNGERFORD. I have not. They have never presented themselves; not to me, and I don't know that they have to anybody else.

Chairman WALSH. What provision is made by which the men can submit complaints or grievances to the higher officers of your company?

Mr. HUNGERFORD. I think it is generally understood by all of them that the offices are open to them any time. I know mine is. I have never turned down a conductor or a porter.

Chairman WALSH. Do you receive complaints and grievances from them?

Mr. HUNGERFORD. We have not received a great many; no, we have not. We would receive them.

Chairman WALSH. You would receive them?

Mr. HUNGERFORD. Yes; we receive them very gladly.

Chairman WALSH. Well, do you recall ever having had them?

Mr. HUNGERFORD. I don't recall.

Chairman WALSH. You are the general manager, are you, Mr. Hungerford?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. And who is next under you?

Mr. HUNGERFORD. Well, our assistant general superintendent comes next.

Chairman WALSH. Then——

Mr. HUNGERFORD (interrupting). Mr. Bostwick—F. M. Bostwick.

Chairman WALSH. Has Mr. Bostwick ever reported to you that he has received complaints or grievances from employees?

Mr. HUNGERFORD. He has not.

Chairman WALSH. Have you ever inquired from him whether there was any general or widespread grievances among employees?

Mr. HUNGERFORD. Oh, I would not inquire from him. If any matter of that kind occurred, it would not necessarily be brought to his attention.

Chairman WALSH. A form has been furnished to the commission, which I will submit to you, Mr. Hungerford, and I will ask you if that is the form in general use when a conductor is discharged?

Mr. HUNGERFORD. Yes; I think it is.

Chairman WALSH. It reads:

"As your performance of the duties of the position has not been satisfactory to officials of this company, your services as conductor will not hereafter be required."

That is the form, is it?

Mr. HUNGERFORD. Yes, sir; that is the form.

Chairman WALSH. Do you or not have any appeals from conductors who are discharged alleging that they are not treated fairly?

Mr. HUNGERFORD. Oh, we have a great many inquiries. We have them call and ask for reinstatement or are desirous of getting back. And they are all heard and listened to if they come to me, and I think by all our people, so far as I know.

Chairman WALSH. In the investigation made by the commission statements are made by our investigators that it is stated that frequent complaints are made by the men who have been in the employ of your company that they are never told why they are discharged and can get no satisfaction when they try to investigate their cases. Is that correct?

Mr. HUNGERFORD. Well, I can not say as to that. I do know that we keep a very careful supervision over the service, which is necessary. Our service is made up of small details and requires a constant surveillance. When it is found that a man is not fitted for the service, or for other reasons, he is simply retired.

Chairman WALSH. And no reason given him other than that on the slip?

Mr. HUNGERFORD. That is the principal—that is the slip.

Chairman WALSH. Well, when they object for any reason or desire to know why they are discharged—say, a man has been in the service for a great length of time—is there any information given?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. Any definite, particular information?

Mr. HUNGERFORD. Very frequently; yes, sir. Of course, it all depends on the circumstances. If they write me, I always communicate with them. I do not think anybody will say they have not received any word from me.

Chairman WALSH. How many of those complaints do you get in your office, would you say, in a year, that come directly to you?

Mr. HUNGERFORD. I couldn't say that; that would be a matter of probably—oh, I suppose——

Chairman WALSH (interrupting). Do you recall having met any conductors who have been discharged, say, during the past 12 months, that have come to you personally?

Mr. HUNGERFORD. Oh, I think it is safe in saying that I have; yes; but I can not recall any particular person.

Chairman WALSH. Do you recall any particular instance?

Mr. HUNGERFORD. No; I do not.

Chairman WALSH. Do you have a yellow slip which you use in discharging men, or any different color from the white slip such as I have handed to you there?

Mr. HUNGERFORD. That is the only one that I know of.

Chairman WALSH. Have you heard of the use of any other in your company?

Mr. HUNGERFORD. I have not.

Chairman WALSH. Now, what has been and is now the attitude of your company toward the organization of its car-service employees?

Mr. HUNGERFORD. Well, I can not answer that because I have never been met with the question.

Chairman WALSH. Do you have any position on the matter yourself?

Mr. HUNGERFORD. Well, that would be a pretty hard thing to say—a good deal like a man figuring what he would do in case his house caught fire. It generally breaks out at another section and he does not do what he intended. I can not say exactly. Circumstances would govern.

Chairman WALSH. Is your company opposed to the organization of its employees into what might be called unions or associations to present their grievances collectively to the company?

Mr. HUNGERFORD. That question has not been raised to my knowledge.

Chairman WALSH. Are you yourself opposed to it as the general manager of the company?

Mr. HUNGERFORD. I do know that we have no—made no distinction, whether a man is connected with an order when he enters our service. That question has never been raised. I can say that.

Chairman WALSH. Has any effort been made, to your knowledge, to organize the conductors or porters in your company's service?

Mr. HUNGERFORD. Oh, there was a so-called federation started two or three years ago. I did not place much reliance on it because I did not think it was founded on good lines. I did not think it represented the men.

Chairman WALSH. What lines was it founded upon?

Mr. HUNGERFORD. Well, it looked to me as if it was more for the personal gain of a few men comparatively new in the service. I inquired into it—I heard it was started—I heard some of the men were making considerable agitation in regard to the matter, and I naturally inquired what brought it about. I could not find that there was any unrest, say, any discontent among the—what you might call our men—representative men of the company. I therefore felt that it was only a question of time when it would fall of its own weight. The matter was not taken up by the company with any of these people, to my knowledge. I think what few—those that did join were mostly of the newer men.

Chairman WALSH. You thought all of the conductors that had been with you some time and all the porters were satisfied with these salaries you have been giving them?

Mr. HUNGERFORD. I won't say that everybody is satisfied, but I think they were contented, and that there was no discontent or unrest.

Chairman WALSH. Why does the company in paying an extra month's salary in the form of a bonus require a clear record of 12 months of the calendar year?

Mr. HUNGERFORD. To stimulate them to render efficient and careful service to the demands of the traveling public.

Chairman WALSH. What percentage of conductors receive the bonus?

Mr. HUNGERFORD. I think I gave you that—79 per cent of the conductors and 69 per cent of the porters in 1913; 83 per cent of the conductors and 74 per cent of the porters in 1914.

Chairman WALSH. Please state the method by which your conductors are employed.

Mr. HUNGERFORD. The conductors—we are in receipt of a great many applications. In fact, I think we have got thousands of them on file now. Those men, generally, where they can, present themselves to representatives at the various points, who interview them, look up the letters that are submitted by them—such letters as they care to submit from people indorsing them, and they are taken up when the vacancies——

Chairman WALSH (interrupting). For the past several years, say the past five or six years, have you always had more applications than you have had vacancies?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. And that has been the rule practically all the time?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Well, what training is given conductors—Pullman conductors?

Mr. HUNGERFORD. What training?

Chairman WALSH. Yes.

Mr. HUNGERFORD. That is one thing about our service—it does not require trained men. He does not have to go through any special school. If he is careful, intelligent, and courteous, he will have no difficulty in carrying on the work without any special training. He is allowed 10 days' time in which he receives full pay to go through what we call a course of instruction. We have instructors at various large centers that post him in regard to the detailed duty, and he is sent out on a line with old conductors, and then put on a light line. It is not a difficult position.

Chairman WALSH. About how long would he continue on what you call "a light line"?

Mr. HUNGERFORD. That all depends on the service conditions.

Chairman WALSH. Going back to the question I asked you a while ago, has your company ever discharged a conductor or a porter because he was active in his efforts in trying to form an organization of your employees?

Mr. HUNGERFORD. I know there is one or two of these so-called federated men that were so active in condemning the company's methods, seemed to be so busy forming this union and criticizing the company's methods and stating—threatening—and stating that they would have a position with the organization that would pay them more than the company, I thought it was well to let them devote their entire time to it. As a general—we have not discharged any men—as a general proposition, we knew they were connected with an organization.

Chairman WALSH. Do I gather from that answer that you do discharge men in the employ of your company who are active in trying to form an organization?

Mr. HUNGERFORD. There were one or two of those men—I can't say how many—I know there was one man who was very pronounced in his attitude toward the company, and we told him he had better be retired.

Chairman WALSH. Just one that you recall?

Mr. HUNGERFORD. That is the only one that I recall.

Chairman WALSH. Do you say there were no others or that there might have been others and you not aware of them?

Mr. HUNGERFORD. I think all the others—it would have been on their records generally, as any other conductors—I know there are quite a number of men in the service to-day who are so-called federated men, and we have not disturbed them as long as their service record is all right.

Chairman WALSH. Well, are there other men connected with the company that you discharged——

Mr. HUNGERFORD (interrupting). Not to my knowledge.

Chairman WALSH. One of the offenses, I believe, that you enumerate is disloyalty to the company?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Would an employee who sought to have his fellow employees join an organization to redress alleged grievances or complaints—would you consider that disloyalty to the company?

Mr. HUNGERFORD. I would not.

Chairman WALSH. And how are porters employed?

Mr. HUNGERFORD. Porters are employed about the same way as the conductors. They make application to our representatives. We have an employment bureau here, though, in Chicago that looks up their records. We have also employed some men in the South.

Chairman WALSH. Is the supply of porters as large proportionately for the places as the supply of conductors?

Mr. HUNGERFORD. Fully as large.

Chairman WALSH. Is the company in touch with any sources of supply, such as training schools for negroes in the South and other institutions?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. You say you get some from the South?

Mr. HUNGERFORD. Oh, you mean do we get any men from those places in the South?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. Just describe what you have——

Mr. HUNGERFORD (interrupting). We have in the summer time in New York a great many extra lines that call for the temporary employment of men. We have got quite a number of men from these southern schools, who are very glad to get something to do during the summer months, and they have proved very efficient.

Chairman WALSH. I understand you, then, that you do not get any porters from the South except some, you say, on eastern lines during the summer months?

Mr. HUNGERFORD. Oh, you asked me about these schools.

Chairman WALSH. Yes.

Mr. HUNGERFORD. I say I do not know that we get any from the schools except in the summer months, because they go back to school in the fall. But we do employ colored men in the South for regular service; yes, sir.

Chairman WALSH. And send them to the North?

Mr. HUNGERFORD. Oh, we transfer them around as may be necessary to meet the service requirements; yes, sir.

Chairman WALSH. Now, what organization have you in the South, or how do you get porters in the South?

Mr. HUNGERFORD. Why, our representatives there keep in touch with them—get hold of them, and the service inspectors look them up, and get men of a desirable class.

Chairman WALSH. You have them report where?

Mr. HUNGERFORD. Well, they report to the superintendent at the point where they are hired usually.

Chairman WALSH. Well, you say the supply is quite as large of porters as it is of conductors?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Does that exist throughout the United States?

Mr. HUNGERFORD. I don't think there is any point where we can not get porters except on the Pacific coast.

Chairman WALSH. Now, you say you have men looking out for them in the South?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Is there any shortage of supply, say, in the vicinity of Chicago and St. Louis and these other places?

Mr. HUNGERFORD. Is there any shortage?

Chairman WALSH. Yes; such as——

Mr. HUNGERFORD (interrupting). No; there is no shortage in supply. There are plenty of men but they are not always altogether of the right caliber.

Chairman WALSH. Oh, the reason, then, that you get colored men from the South is because you get better men, you think, from that place?

Mr. HUNGERFORD. That is it exactly.

Chairman WALSH. From that part of the country?

Mr. HUNGERFORD. That is it exactly.

Chairman WALSH. Is that the idea, that you get men that will serve better; that is, that makes better servants than the colored men in the North?

Mr. HUNGERFORD. Well, we find that their training there better fits them for service on the car.

Chairman WALSH. To put it plainly, is the negro in the South as independent an individual as the one in the North? Do you find it so?

Mr. HUNGERFORD. I think he is.

Chairman WALSH. And in what way, then, so far as car service is concerned, does the northern negro compare with the southern negro to his disadvantage, so far as your employment is concerned?

Mr. HUNGERFORD. You must consider one thing, and that is that the South is the source of the negro. You have a bigger field to make selections from than you have here. I think that the old—what you might call the old southern negro is much more acceptable a man on the cars than the younger colored man that is found around in the slums of Chicago.

Chairman WALSH. Well, is there any place that you find negroes that will do for your service other than the slums?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. There are large numbers of them that are not——

Mr. HUNGERFORD (interrupting). There are.

Chairman WALSH (continuing). That are not found in the slums?

Mr. HUNGERFORD. There are.

Chairman WALSH. How do they compare—those colored men that are not found in the slums—how do they compare with the negro you get in the South?

Mr. HUNGERFORD. I think the old southern colored man makes the best porter on the car.

Chairman WALSH. Well, in what way?

Mr. HUNGERFORD. Well, because he is more adapted to waiting on the passengers and gives them better attention and has a better manner, that is more acceptable to them and more pleasant.

Chairman WALSH. Now, are there any other points that you find him desirable in?

Mr. HUNGERFORD. That is about all.

Chairman WALSH. The reason, then, that you make a special effort to get porters in the South is that they are more polite to the passengers and so on?

Mr. HUNGERFORD. Yes; more pleasing to them.

Chairman WALSH. And there is no other reason

Mr. HUNGERFORD. None that I know of.

Chairman WALSH. Do you find those men that come from the South come from the farms and the like of that, do they?

Mr. HUNGERFORD. They do not.

Chairman WALSH. Where do they come from? What have they been doing?

Mr. HUNGERFORD. We get mostly house servants.

Chairman WALSH. House servants—those that have been employed in families?

Mr. HUNGERFORD. Yes.

Chairman WALSH. What training do you give the porters before you give them runs?

Mr. HUNGERFORD. They are trained and taken down and put on the cars and given instructions in preparing berths and the minor duties, and then they are put on the road.

Chairman WALSH. Well, who gives them their instructions in the beginning?

Mr. HUNGERFORD. Representatives in the district offices have to do that.

Chairman WALSH. Do you have someone whose particular duty it is to train porters, or do you just send them on a car where other porters are?

Mr. HUNGERFORD. We have, of course, the representatives at these various points, and they instruct the porters as well as the conductors. They are sent down into the yard and instructed and given an opportunity to go through with what you might call the mechanical work of preparing berths, and so on. Here in Chicago we do have an instruction department because of the larger field, and we have so many extra cars that are sent out of here, this being our supply station.

Chairman WALSH. And how long does it take to train the porter to do his work so that if he is ever going to be able to do it he can do it?

Mr. HUNGERFORD. Oh, it don't take more than two or three days for any intelligent fellow to learn to do it.

Chairman WALSH. Two or three days for an intelligent porter?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And during the period during which he is being broken in is he paid?

Mr. HUNGERFORD. They are not.

Chairman WALSH. And does it ever extend over a longer period than two or three days?

Mr. HUNGERFORD. Oh, I can not say as to that. I could not say as to that, how long it takes some. Of course, you know there is a difference in men. Some pick up more quickly—adapt themselves.

Chairman WALSH. As soon as they get through this two or three days' instruction, what do you say is done with them?

Mr. HUNGERFORD. They are assigned to service when service opens up. We have a great many extra men who are just waiting to get some runs.

Chairman WALSH. In ordinary times how many extra porters would you have, would you say were waiting to get runs?

Mr. HUNGERFORD. Well, I can best answer that by saying that during the last inauguration at Washington they had a large troop of them. We were called on, I think, for some 300 or 400 extra cars to go to Washington, and they took every extra available car we had in storage, down there—some 500 or 600 extra cars went in the course of one week; and we manned each car from the extra men waiting here, and they were very glad to get the employment.

Chairman WALSH. How long after a man is broken in, on an average in ordinary times, would he have to wait to get on the pay roll?

Mr. HUNGERFORD. Oh, I could not answer that.

Chairman WALSH. Do I gather from your answer in regard to that inauguration matter that that is the ordinary status of your company that you have a waiting list of some 500 or 600 men waiting to be porters?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Easily?

Mr. HUNGERFORD. Easily.

Chairman WALSH. And that occurs—that is the case during all ordinary times?

Mr. HUNGERFORD. Yes. We could send out 300 cars to-morrow.

Chairman WALSH. Now, is this work still going on of undertaking to get men in the South—colored men?

Mr. HUNGERFORD. Not undertaking it now, because we have got all that we would want and more too.

Chairman WALSH. Is it the policy of your company to keep a great number of men available for this purpose?

Mr. HUNGERFORD. It is not. It is our policy to get the best men we can to make the service the highest possible standard. We are seeking them all the time.

Chairman WALSH. Do you have in mind that by having 500 or 600 men, of what you might call a small economic power, do you consider that that has an effect on wages; that a man would be more likely to work for $27.50 a month if he knew there were 600 men ready to take his place than if you did not have such a number?

Mr. HUNGERFORD. Not at all.

Chairman WALSH. You did not have that in mind? Are porters first assigned to tourist cars in many instances?

Mr. HUNGERFORD. Yes; in many instances, they are.

Chairman WALSH. Is the policy of the company to first assign them to tourist cars?

Mr. HUNGERFORD. Oh, not altogether. We do where we are operating regular tourist-car lines, yes; because the tourist-car service is not supposed to be the same high standard as the first class or so-called standard cars.

Chairman WALSH. What is the pay of a tourist-car porter compared with a standard-car porter?

Mr. HUNGERFORD. Thirty-five dollars a month, it was; now, $36.75.

Chairman WALSH. The car, as I understand it, has no conductor—the tourist car?

Mr. HUNGERFORD. Oh, yes; the tourist cars are genarally run on the same train and the conductor has jurisdiction over all the cars on the train.

Chairman WALSH. How does it happen that the porter will get $35 a month on the tourist cars and then——

Mr. HUNGERFORD (interrupting). They started in on that rate in the beginning some years ago and it has been carried on ever since.

Chairman WALSH. Why does the porter get more on the tourist car than he does on the standard?

Mr. HUNGERFORD. Well, the service is not—I imagine the service is not as attractive to the porter as the standard car. When they established the service I imagine that is the reason. I had nothing to do with fixing the rates, so I am not altogether clear on it, but I would venture the opinion that that is the reason.

Chairman WALSH. What is the reason?

Mr. HUNGERFORD. That the service is not as attractive.

Chairman WALSH. Well, why not?

Mr. HUNGERFORD. Well, it is not the same class of travel.

Chairman WALSH. Well, is it because the people that ride on tourist cars will probably not be so likely to pay them enough to subsist on a round trip that way? Do you have that in mind?

Mr. HUNGERFORD. Why, I imagine the tips—I imagine they are not tipped as liberally on the tourist cars as on the standard cars; yes.

Chairman WALSH. Is that considered by the company in giving a man $35 if he is going on a tourist car and an inexperienced porter at that?

Mr. HUNGERFORD. Well, as I say, I don't know what they had in mind when they established that rate. It has been in effect so long, and I had nothing to do with it, that I can not say what they had in mind.

Chairman WALSH. You do not know, then, as general manager, why they pay an inexperienced porter $35 for running on a tourist car and an experienced man $27.50, is it?

Mr. HUNGERFORD. Twenty-seven dollars and fifty cents.

Chairman WALSH. For running on a standard car?

Mr. HUNGERFORD. Nothing more than I have stated; no.

Chairman WALSH. Nothing more than you have stated?

Mr. HUNGERFORD. No.

Chairman WALSH. What increase of salary is given to porters who have been with the company, say, for 5 or 10 years? Are there increases given to the porters who have run 5 or 10 years.

Mr. HUNGERFORD. No; there is not. They were given an increase in 1913 if they had been with the company for 15 years, in service.

Chairman WALSH. Fifteen years in the company's service?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And there is no rule with respect to that then?

Mr. HUNGERFORD. No. You mean no graduated scale?

Chairman WALSH. No graduated scale.

Mr. HUNGERFORD. No.

Chairman WALSH. How are old and faithful porters rewarded for their services?

Mr. HUNGERFORD. Rewarded by their—they receive the benefit of these—we carry the time of these old men that are sick, and then we have the pension when they reach the period when they become incapacitated.

Chairman WALSH. How many porters would you say you hire in a year to keep the equipment up to 6,500?

Mr. HUNGERFORD. I don't think at the present time we are hiring. We haven't got 6,500, so far as that goes, just now.

Chairman WALSH. Well, I have that number in mind——

Mr. HUNGERFORD (interrupting). Yes; that is generally when things are normal.

Chairman WALSH. When things are normal?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, when things are normal and you have 6,500 porters—when 6,500 porters are necessary for your service, how many would you say you hire?

Mr. HUNGERFORD. Well, that varies. It varies with the conditions. Some years we have extraordinary—what we call convention years, when there is an unusual number of extra cars outside of the regular business. That necessitates taking up a large number of men. And seasons of business depression come on, and as matters have been running, pretty regularly, we don't have to take on so many. Of course, we take the men up, and if we are unable to give them regular employment they will drop out, and generally are ready to come back, though, whenever the business is such that we can provide work for them.

Chairman WALSH. I would like for you, please, Mr. Hungerford, to take a normal year—select what you think yourself is a normal year—when you need 6,500, and give us, if possible, an estimate of how many porters are hired per year to keep your equipment up to the 6,500.

Mr. HUNGERFORD. I said I could not give you that.

Chairman WALSH. Could you approximate it?

Mr. HUNGERFORD. I could not.

Chairman WALSH. How many porters in a normal year would you discharge?

Mr. HUNGERFORD. Well, that I could not tell you.

Chairman WALSH. Do you hire in a normal year as many as 13,000 men to keep up the equipment to 6,500?

Mr. HUNGERFORD. Thirteen thousand?.

Chairman WALSH. Yes; in the United States?

Mr. HUNGERFORD. I would say that I never heard of that. I would say that we did not.

Chairman WALSH. Then please make your own estimate. Do you have as many as 10,000 to keep up your equipment of 6,500?

Mr. HUNGERFORD. I can tell you what we did in 1913 and 1914. They were abnormal years—but not in normal years.

Chairman WALSH. Give us 1913, what you call a normal year.

Mr. HUNGERFORD. You said normal year, and I explained to you that some years business fluctuates so heavily that it is abnormal and calls for the taking up of a large number of additional men; 1913 and 1914 were those years.

Chairman WALSH. 1913—was 1912 a normal year?

Mr. HUNGERFORD. More so than 1913 and 1914.

Chairman WALSH. And 1911?

Mr. HUNGERFORD. Yes; more so; 1913 and 1914—the latter part of 1913 and the fore part of 1914 were the largest in the history of the company, due largely to this extraordinary movement that we had. I will say that your commission has asked for the number of people employed and discharged in 1913 and in 1914, and I have those figures here.

Chairman WALSH. Please give us those figures.

Mr. HUNGERFORD. But I say, when you asked me, you asked me as to the normal condition; and I could not say that.

Chairman WALSH. Well, we will leave that for the moment and just take 1913 and 1914.

Mr. HUNGERFORD. Yes. In 1913 there were 735 conductors employed, and in 1913 we employed 2,835 porters.

Chairman WALSH. Now, what was your equipment—was that the average number that you ran that year, 6,500?

Mr. HUNGERFORD. Yes; I think that is where we got up to, about—yes; I think that is the period it was about 6,500. Yes; I think we went over 6,500; yes.

Chairman WALSH. Now, give me the other year, please.

Mr. HUNGERFORD. In 1914 there were 485 conductors employed and 1,130 porters employed.

Chairman WALSH. That figure again, please—that last one.

Mr. HUNGERFORD. The porters?

Chairman WALSH. Yes; just the porters.

Mr. HUNGERFORD. Yes; in 1914 there were 1,130 porters employed. You have 1913, I think?

Chairman WALSH. Yes. I wish you would state the duties of a Pullman porter. First, how long before the train leaves does the porter report for duty?

Mr. HUNGERFORD. Oh, that varies at different points; depends on the conditions. He has to report down in the yards and get his car in condition and shape; count his linen. We aim to have them report as late as possible and get his car in shape. On cars departing late at night they have to report earlier than when they leave in the afternoon, because it is necessary to have the berths made down before the train is backed to the station.

Chairman WALSH. So in some instances they are required to be there at 6 or 7 o'clock in the evening, although the train does not leave until 11 or 12 o'clock?

Mr. HUNGERFORD. Oh, that is—no; I don't think to that extent; no.

Chairman WALSH. Well, what do you mean?

Mr. HUNGERFORD. Probably have to come down there about 11 o'clock; and I will say there have been some instances brought to my notice where they were required to report earlier than seemed to be necessary. I think it has been corrected. I hope so.

Chairman WALSH. Was that some rather widespread usage? You said you hoped so. Who knows whether it has been corrected or not?

Mr. HUNGERFORD. Well, I know it was taken up, and it should be corrected. There was no widespread grievance; it simply came to my attention that it was being done.

Chairman WALSH. You would say accidentally?

Mr. HUNGERFORD. Yes—incidentally, I should call it.

Chairman WALSH. Incidentally?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Did some one report it to you?

Mr. HUNGERFORD. Yes; it came to my attention, I think, about—I think a porter reported it to me.

Chairman WALSH. Came to your office?

Mr. HUNGERFORD. No; he dropped me a communication.

Chairman WALSH. Do you recall any others of like nature that you received, or only recall that one?

Mr. HUNGERFORD. I recall that one, and I inquired into the general proposition.

Chairman WALSH. What are the duties of the porters as to receiving passengers and taking up Pullman tickets for their cars before the trains start out?

Mr. HUNGERFORD. That is a duty which is generally attended to by the conductor. There are some cases where the porters are in charge, and of course then they perform the conductor's duties.

Chairman WALSH. I wish you would state, please, as concisely as you can, the duties of Pullman porters.

Mr. HUNGERFORD. The duties generally are to wait on the passengers, make down the beds, put them up, and keep the car in condition.

Chairman WALSH. What time does the conductor retire at night?

Mr. HUNGERFORD. That varies on different lines. As a general proposition he retires at 3 o'clock in the morning.

Chairman WALSH. And what time does the porter retire?

Mr. HUNGERFORD. He retires before.

Chairman WALSH. Any fixed time?

Mr. HUNGERFORD. No; that depends on the service conditions. It is generally arranged by the district superintendent to meet the local conditions as they present themselves.

Chairman WALSH. Take, for instance, this district here we are in now. What time does the porter—what time is he supposed to retire?

Mr. HUNGERFORD. You are talking about—as I say, as a general proposition on all lines they retire along 11.30 to 12 o'clock.

Chairman WALSH. Eleven thirty?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. And required to get up at 3 o'clock?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And are they permitted to retire aftter 3 o'clock?

Mr. HUNGERFORD. No.

Chairman WALSH. Or sleep during the day?

Mr. HUNGERFORD. No, sir; the porters are not to sleep during the daytime—not supposed to.

Chairman WALSH. Is it considered an offense if he does sleep in the daytime?

Mr. HUNGERFORD. Oh, no—we know they sleep in the daytime.

Chairman WALSH. How many of them sleep in the daytime?

Mr. HUNGERFORD. Yes; it is an offense if they deliberately go off watch at night when they are supposed to be guarding the car and take a blanket and a pillow and go to sleep; but ordinary napping isn't considered an offense.

Chairman WALSH. What are their instructions? Are their instructions to remain awake or are they told they can go to sleep in the daytime?

Mr. HUNGERFORD. It is arranged in some runs where they can go to sleep, but I don't know of any instructions that say they can sit down in the car and go to sleep when they feel like it. There are no instructions that they can go to sleep, but we do know they go to sleep.

Chairman WALSH. Well, take a long run, first, Mr. Hungerford, a run leaving here on the Santa Fe——

Mr. HUNGERFORD. Yes.

Chairman WALSH. Going to Los Angeles, or San Francisco is it?

Mr. HUNGERFORD. Well, they go through.

Chairman WALSH. Now, what time does the porter retire, going out of here?

Mr. HUNGERFORD. I would have to have our district superintendent tell you that. As I say, the runs vary—the hours of relief vary according to the runs and conditions presented; and they are arranged by the district superintendents. I could not pretend to keep in my mind the details of the runs of each line of this company. We can have our superintendents——

Chairman WALSH (interrupting). Have you ever ridden—I should just like to get for our information—have you ever ridden on that road?

Mr. HUNGERFORD. On the Santa Fe?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, what time did the porter go to bed and what time did he get up, if you know, going between here—say, between here and Los Angeles?

Mr. HUNGERFORD. I should judge he went on about that schedule retired about 11 o'clock, and arose about 4 o'clock—that is, on the standard cars.

Chairman WALSH. That is at 4 instead of 3?

Mr. HUNGERFORD. I will correct that and call it 3.

Chairman WALSH. Call it 3?

Mr. HUNGERFORD. Three o'clock is what I should have said.

Chairman WALSH. Now, during the night I believe you said he is required to guard the car?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. That is, to protect the lives and property of the passengers?

Mr. HUNGERFORD. Oh, to guard the car; yes.

Chairman WALSH. And is he required to polish the shoes of the passengers while they are sleeping?

Mr. HUNGERFORD. Permitted to do so.

Chairman WALSH. Isn't he required to do so?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. Oh, he is not required to do it?

Mr. HUNGERFORD. No; that is not an obligation, but he is permitted to do that.

Chairman WALSH. Well, suppose a passenger's shoes were not polished, and he complained to the conductor about it, what action would be taken?

Mr. HUNGERFORD. He would probably ask the porter why he didn't do it or why he discriminated against that passenger.

Chairman WALSH. And suppose the porter just took the notion it was beneath his dignity to polish shoes, and he did not polish them at all; what would you do?

Mr. HUNGERFORD. Well, we have not had that case. They are generally very careful about that.

Chairman WALSH. They are careful about that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. But, as a matter of fact, they are supposed to polish the shoes of the passengers while they are asleep?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. And if he did not do it he would be discharged?

Mr. HUNGERFORD. Oh, I can not say as to that, because it has not been up. I don't know that I ever heard of that proposition.

Chairman WALSH. The idea is that if they polish them they expect to get something for it, and you know they will be polished?

Mr. HUNGERFORD. Yes; exactly.

Chairman WALSH. And the passengers know they will be polished?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Who furnishes the polish to the porters?

Mr. HUNGERFORD. They do.

Chairman WALSH. They furnish their own polish?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, what is their duty with respect to awakening passengers who are required to leave the car during the night?

Mr. HUNGERFORD. I don't get the purport of that.

Chairman WALSH. Is it part of their duty to awaken passengers during the time the conductor is asleep?

Mr. HUNGERFORD. If he wants to leave the train during the time the conductor is asleep?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Surely.

Chairman WALSH. That is his sole duty, and it is his duty, also imposed upon the porter of calling the passengers in the morning in time for breakfast, and so on?

Mr. HUNGERFORD. Yes; he is provided with a small card for that purpose.

Chairman WALSH. He has a call card and keeps that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Does he have any instructions to keep the car sanitary and to disinfect any articles used by persons presumed to be suffering with contagious diseases?

Mr. HUNGERFORD. Yes. There is a rule governing that, and regulations issued by our doctor of sanitation for the purpose of protecting the public in every way.

Chairman WALSH. And the porter is supposed to familiarize himself with that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And to carry out the instructions with reference to keeping the car sanitary and disinfecting articles belonging to the passengers who are affected——

Mr. HUNGERFORD (interrupting). Well, I don't know about disinfecting articles belonging to the passengers. He is supposed to keep the car sanitary, but I don't know about disinfecting articles belonging to the passengers.

Chairman WALSH. Well, the articles belonging to the company that are used by the passengers who are ill?

Mr. HUNGERFORD. He is supposed to keep any linen separate and away from any soiled linen.

Chairman WALSH. Do you have any disinfecting methods?

Mr. HUNGERFORD. Each car is provided with a disinfectant, formaldehyde or some disinfectant that is approved by the Government sanitary officials; as much is on the car as may be necessary to keep the car in sanitary condition, and it is his duty to see that it is done. The conductor has charge to see that the porter does that.

Chairman WALSH. Is he required to report damage to the car or equipment?

Mr. HUNGERFORD. That is turned in by the conductor, usually, if he is running in charge he would do that. If anything is wrong on a car he is sup-

possi to report it to the conductor, and it is noted on what we call inspection report.

Chairman WALSH. Is he required to report to the conductor anything he notices in regard to damage to the car or equipment in the first instance?

Mr. HUNGERFORD. He is expected to do so; he is required to do so by the regulations.

Chairman WALSH. What reports are required to be made by the porters, if any, to the company? What regular reports are required to be made by the porters to the company?

Mr. HUNGERFORD. Well, they do not make any regular report that I recall, unless they are operating in charge.

Chairman WALSH. What are the requirements of the porters with reference to their personal apparel, as to having their uniform brushed and in good condition, and as to wearing clean linen?

Mr. HUNGERFORD. They are required to present a cleanly and neat appearance.

Chairman WALSH. Do you consider $27.50 a month sufficient for a man who is required to discharge all of the duties you have detailed here and to follow the rules referred to?

Mr. HUNGERFORD. All I can say is that you can get all the men you require to do that work for that pay.

Chairman WALSH. Does your company consider the general effect on the country—the social effect—of employing men for $27.50 a month; do they consider the entire basis for employing them at that sum, the fact that they can be gotten for that?

Mr. HUNGERFORD. That would be a matter that I would not be called upon to give advice upon. I probably would not be consulted about it, so I do not think that I am qualified to answer it.

Chairman WALSH. Do you think these men can live on $27.50 a month?

Mr. HUNGERFORD. Well, I don't know about the $27.50 by itself. Of course I presume you are leading up to the point that they must live partly on the perquisites that go with the position.

Chairman WALSH. I will ask you first whether or not—do you investigate for the company, in any way, the living conditions and the surroundings of your men?

Mr. HUNGERFORD. Not to any great extent.

Chairman WALSH. Sir?

Mr. HUNGERFORD. Not to any great extent; no.

Chairman WALSH. And what was your answer to my question; do you consider that a man can live on $27.50 a month. Was it "no"?

Mr. HUNGERFORD. I did not say that; I do not know what they can live on.

Chairman WALSH. You do not know but what a man, at the present cost of living, could live on $27.50 a month, and perform the duties your porters are required to perform?

Mr. HUNGERFORD. Yes.

Chairman WALSH. He may do that?

Mr. HUNGERFORD. Yes; he might do that.

Chairman WALSH. What is the history of the tipping system that is practiced on the cars of the Pullman Co.? Give it in your own way; how did it grow up?

Mr. HUNGERFORD. I don't know how it did grow up. I do not think it can be claimed that the company instigated tipping; it is not local to the Pullman Co. It is general; it prevails everywhere. I do think, if there is anybody that is entitled to a tip for expert service rendered, the porter is entitled to it as much as anybody. I think some of them are artists.

Chairman WALSH. Does that form the standard, the artistic development of the men, for the wages paid?

Mr. HUNGERFORD. Because he takes advantage of the opportunity and does a great deal more than some white people to advance himself.

Chairman WALSH. State whether or not it is a fact that the tipping of Pullman porters became general before the practice of tipping other persons engaged in personal service became widespread.

Mr. HUNGERFORD. Do you mean to ask, did it originate with the Pullman Co.?

Chairman WALSH. I did not say that; but was it not general among the Pullman porters before the practice of tipping other persons engaged in personal service became widespread?

Mr. HUNGERFORD. Tipping was going on long before I entered the service of the company, and I can not answer that.

Chairman WALSH. Does the Pullman Co. expect the public to pay the difference between the salaries of porters and the amount required by the porters to enable them and their families to live decently and in comfort?

Mr. HUNGERFORD. No, sir; it does not; it simply accepts the conditions as it finds them. If the conditions change, I suppose they would have to change conditions to meet them.

Chairman WALSH. You have 6,000 porters at work, and you stated in one year you hired 2,300 and in another year you hired 1,100?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And there men are all colored, I believe, all the porters?

Mr. HUNGERFORD. Yes.

Chairman WALSH. What do you think of the social aspect of taking 6,500 men that are obviously a practically new race, struggling up from slavery, and putting them in a position, from practice or otherwise, where they are compelled not to stand independently as men, but to depend on receiving gratuities from another race for their livelihood; what do you think of that in a social matter in a country such as we have here?

Mr. HUNGERFORD. Well, as I say, I don't believe——

Chairman WALSH (interrupting). A little louder, please.

Mr. HUNGERFORD. I do not feel that I am competent to answer that question.

Chairman WALSH. Is it good for the men; that is, for them becoming independent citizens and a unit in the Republic?

Mr. HUNGERFORD. I think they are advancing very rapidly, and I think the Pullman Co. offers the colored man as good an opportunity for advancement as any other concern to-day.

Chairman WALSH. Do you think that the present wage system of the Pullman Co. places that company directly in the position of receiving gratuities itself from the public, Mr. Hungerford?

Mr. HUNGERFORD. I do not.

Chairman WALSH. You say you do not?

Mr. HUNGERFORD. I do not; no.

Chairman WALSH. What is the average mileage covered by the Pullman conductors during a month?

Mr. HUNGERFORD. I can not give you that, because we do not handle our men by mileage; they are operated by days.

Chairman WALSH. Could you approximate it?

Mr. HUNGERFORD. No, sir; I could not. Your commission asked for those figures and I asked our auditor to prepare them, and he said it would take him some time to do so; when he will have them I do not know. We do not handle our men on the mileage basis.

Chairman WALSH. Would that answer also apply to the Pullman porters?

Mr. HUNGERFORD. Yes, sir; it would.

Chairman WALSH. In what instances does the Pullman Co. deduct amounts from the salaries of the conductors, if any?

Mr. HUNGERFORD. I do not know of any deductions in the conductors' salaries; the payments are all by the month.

Chairman WALSH. Of both porters and conductors?

Mr. HUNGERFORD. Not altogether; they are paid according to the regulation. As a general proposition we pay by the month. Some States require payment semimonthly, and one requires weekly payments.

Chairman WALSH. Take the cases where they are paid by the month, are sums deducted during periods of illness? Are they paid when they are ill? Is there any rule about that?

Mr. HUNGERFORD. They are paid for the period they work.

Chairman WALSH. During the month?

Mr. HUNGERFORD. Yes.

Chairman WALSH. If they are sick, are deductions made for the time they are sick?

Mr. HUNGERFORD. They are paid for the time they work; yes.

Chairman WALSH. And the porters, also?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are they paid for the time they lose on account of accidents or changes in the schedule?

Mr. HUNGERFORD. No; they are paid in case of accident; and about illness, as I said before, we have a relief system under which men are paid for the time they are absent on account of illness.

Chairman WALSH. Please briefly state what that relief system is; do the conductors or porters pay anything into that?

Mr. HUNGERFORD. They do not.

Chairman WALSH. What are they allowed during the time they are ill; what are the conductors allowed during periods that they are ill, and what are the porters allowed during similar periods?

Mr. HUNGERFORD. Take a man 5 years in the service, he is allowed half rate for the first 14 days; if he is gone for more than that time up to a month, he is paid for a month full rate, and for another month at half rate. If he has been 10 years in the service, that is doubled, and it is 2 months on full rate, and 2 months on half rate; a 20-year man he gets 8, and then it would be time to consider if he is not permanently incapacitated, and ought not to be put on the pension list.

Chairman WALSH. How about the porters?

Mr. HUNGERFORD. It is the same way with the porters.

Chairman WALSH. Let me get at that again; if a porter is sick for one-half a month, he gets what?

Mr. HUNGERFORD. For the first 14 days he would get half pay.

Chairman WALSH. That is half pay for the 14 days, you mean?

Mr. HUNGERFORD. Yes.

Chairman WALSH. If he was getting $27.50 a month, he would get one-fourth of that for the 14 days? Let's see if I understand. Suppose he was getting $30 a month, if he was sick 14 days he would get $7.50?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And when he passed the 14 days?

Mr. HUNGERFORD. If he went on to a month, then he is paid for the month. The first 14 days we pay one-half rate, and if he goes on longer than that we pay the full month. If we paid full rate for a shorter time, we would find a considerable amount of sickness.

Chairman WALSH. That is, they would falsify?

Mr. HUNGERFORD. That is, they would lay off when they otherwise might not.

Chairman WALSH. Is that the reason that method was adopted?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How long would he be carried on the sick list?

Mr. HUNGERFORD. I said, if he was a five-year man he would be carried one month at full pay and one month at half pay.

Chairman WALSH. If he was a five-year man, what then?

Mr. HUNGERFORD. It would be a matter of special consideration. We do not generally undertake to insure against sickness. The men as they enter the service of the company; they have to be there a while to be entitled to that.

Chairman WALSH. During the five years, he would not have the benefit of it at all, as I understand?

Mr. HUNGERFORD. When he gets up to four years, it is taken up and he would probably be considered a five-year man. Those matters are presented to the pension board, and it becomes a matter of special consideration under five years.

Chairman WALSH. After two months, what provision is made, if any?

Mr. HUNGERFORD. None.

Chairman WALSH. So it just applies to temporary illnesses?

Mr. HUNGERFORD. Yes, sir; illnesses that long.

Chairman WALSH. And during the first five years, if a porter or conductor is sick, a deduction is made for the time he is ill and they do not draw any pension?

Mr. HUNGERFORD. No.

Chairman WALSH. What is the average length of time that porters remain in your service; that is, if you know?

Mr. HUNGERFORD. Well, I think we have those figures somewhere; I have not them with me, but, as I said before, over half of them have been over five years in the service. We have a great many that are over 15 years, and some 25, but the number I have not here; I do not seem to have that here.

Chairman WALSH. What, if any, compensation system does the company have for compensating conductors and porters injured in the discharge of their duties?

Mr. HUNGERFORD. We carry their time. The compensation and relief is about the same. We carry the time of the men injured in the service.

Chairman WALSH. I did not catch that.

Mr. HUNGERFORD. We carry the time of the men injured in the service. The compensation and relief are about the same; they are synonymous terms. But the compensation of men injured in the service applies to any, whether one or two years, while the relief applies to men who have been five years in the service—have performed some service for the company for that length of time. It is the policy of the company to carry the time of the men if they are injured, and, if away from home, to pay their hospital expenses, and in the case of death to bring them back and pay whatever expenses are necessary. We have very little of that, fortunately.

Chairman WALSH. If I understand you, then, if a man is injured in your service you carry him on the pay roll without any deductions?

Mr. HUNGERFORD. Yes.

Chairman WALSH. For how long?

Mr. HUNGERFORD. That would depend; I could not say how long that would be done. I know we have carried a man injured on the Pennsylvania Limited—I think we carried him some six months and paid his expenses.

Chairman WALSH. Have you any rule about it? I do not care for any specific instances.

Mr. HUNGERFORD. Our regulation is to carry their time. If it came to a matter outside of the usual custom or regulations, it would be taken up with the pension board and handled on its merits.

Chairman WALSH. And if a man is killed in the service what is done?

Mr. HUNGERFORD. We have his body prepared and brought back home, or whatever disposition is made with his relatives or kin, whatever they may suggest.

Chairman WALSH. Does the company pay anything to employees as compensation for injuries in States where no compensation laws are in force other than what you have mentioned?

Mr. HUNGERFORD. Yes; we carry the time of our men injured on duty.

Chairman WALSH. Does the company pay compensation under the workmen's compensation act of New York, Illinois, or any other States that have them?

Mr. HUNGERFORD. I believe we do in New York.

Chairman WALSH. Do you in Illinois?

Mr. HUNGERFORD. I don't recall what was done about that.

Chairman WALSH. Do you in California?

Mr. HUNGERFORD. I can not say about those States.

Chairman WALSH. Do you know about any of the other States?

Mr. HUNGERFORD. No; we handle our men independently of compensation laws. I know our men injured in New York State are better taken care of than under the compensation law, because that does not carry any time for the first two weeks, as I recall it.

Chairman WALSH. Do you pay compensation under the workmen's compensation law in New York?

Mr. HUNGERFORD. I believe we do.

Chairman WALSH. Why do you not, if you do not, pay it in other States?

Mr. HUNGERFORD. I can not answer that question. Those matters are handled in our legal department, with our assistant general superintendent, when I was away last summer, and I can not tell.

Chairman WALSH. Who is assistant general superintendent?

Mr. HUNGERFORD. Mr. Bostwick.

Chairman WALSH. What system of pensions have you in your company?

Mr. HUNGERFORD. We all retire at 70 years of age—all employees. Any employee that is 20 years in the service, who becomes incapacitated, regardless of his age, is eligible for retirement with pension.

Chairman WALSH. So that he must have been in the service of the company 20 years, and have reached the age of 70?

Mr. HUNGERFORD. Oh, no; I say, any man in the service who becomes incapacitated, they are retired. There is a fixed retirement when they become 70 years of age, excepting when a special relief or change is made by the president.

Chairman WALSH. Does the 20-year term of service have to intervene in the case of incapacity?

Mr. HUNGERFORD. Yes, sir. Anybody who has been 20 years in the service of the company, who may become incapacitated, is eligible for retirement.

Chairman WALSH. Please describe as briefly as you can the machinery for granting these pensions; have you a pension board?

Mr. HUNGERFORD. Yes, sir; we have a regular pension board, appointed by the president, to whom these cases are presented.

Chairman WALSH. Just describe how that works.

Mr. HUNGERFORD. Any employee who is eligible for the pension who, I say, has been 20 years in the service of the company, fills out a regular blank; a regular blank is filled out and submitted to the board for it to act upon.

Chairman WALSH. Describe the formation of the board.

Mr. HUNGERFORD. The board consists of Mr. Kramer——

Chairman WALSH. First, is it appointed by the president?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How many members has it?

Mr. HUNGERFORD. I think five.

Chairman WALSH. Is there a requirement that the members of that board shall be connected with the company, or have any particular connection with the company?

Mr. HUNGERFORD. You mean requirement of the board?

Chairman WALSH. No; rules of your company; what limitation is placed upon the appointment of the members of this board, if any?

Mr. HUNGERFORD. None whatever.

Chairman WALSH. What is that?

Mr. HUNGERFORD. I don't know of any; the president makes the appointments.

Chairman WALSH. And so far as the rules of the company are concerned, he could appoint an outsider on the pension board?

Mr. HUNGERFORD. I don't know whether he could or not, but I don't imagine he would consider doing that.

Chairman WALSH. He has full authority to appoint the men?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Who compose the present board? Give the personnel of the present members of the board.

Mr. HUNGERFORD. Mr. Richmond Dean, vice president; Le Roy Kramer, vice president; Mr. L. S. Taylor, treasurer; William Hough, auditor; and myself. We have a regular pamphlet in regard to that which I would be glad to submit to you.

Chairman WALSH. I wish you would please do so.

Mr. HUNGERFORD. I have not it with me, but will submit it to the commission.

Chairman WALSH. I wish you would, please.

(The witness subsequently submitted, in printed form, a pamphlet entitled "The Pullman Company Pension Plan," adopted by the board of directors Nov. 13, 1912. Effective Jan. 1, 1914.)

Chairman WALSH. In the rules governing the payment of pensions the company provides that the board of pensions may withhold or entirely discontinue pensions in cases of misconduct or acts contrary to the interests of the company?

Mr. HUNGERFORD. I think there is some such provision, but this record will show that.

Chairman WALSH. Have the car-service employees any voice in the management of the pension fund—the porters and conductors?

Mr. HUNGERFORD. They have not; they do not contribute to it in any way; it is all voluntary.

Chairman WALSH. I will ask you if it is a fact—do you consider that conductors and porters running from Chicago to the Pacific coast points get enough rest en route to enable them to remain in good physical condition and be alert and be efficient?

Mr. HUNGERFORD. I do not. The company is not a believer in these long runs and would like to break them, and have broken some of them; but there is a strong opposition on the part of the roads and the men themselves to our action in that respect, I think in the interests of the service. The shorter runs are advisable. We have broken a great many and are continuing to do so as we can work the matter around with the roads; it is my idea that they should all be broken.

Chairman WALSH. You do not think that they get sufficient rest?

Mr. HUNGERFORD. I do not think, in the interest of the service, those long runs are desirable from any standpoint.

Chairman WALSH. You say the men want them. Have they petitioned the company for them?

Mr. HUNGERFORD. Whenever the long runs have been broken they have taken it up. Take the Santa Fe runs. The Los Angeles Limited was broken five or six years ago to Albuquerque, and they said they did not like it and would prefer to run through, and the railroad companies were insistent that they should run through. I should imagine if we attempt to break the run of the Overland Limited and the Los Angeles Limited we would be met with vigorous opposition on the part of the roads; but my feeling is, and also that of the company, that it would be advisable in the interests of the service to break them up.

Chairman WALSH. What is the policy of the company as to employing married men in its car-service department? Do you prefer single or married men?

Mr. HUNGERFORD. We have no specific regulation in that respect. The men that are in charge of that part of the work—that is, getting new men—are supposed to get men qualified for the service, but there is no requirement as to a man being married or single.

Chairman WALSH. Are your car-service employees trainmen in the meaning of the Federal statute limiting hours of work to 16?

Mr. HUNGERFORD. Do I consider them as trainmen?

Chairman WALSH. Yes.

Mr. HUNGERFORD. No.

Chairman WALSH. Is it true that the company discontinued the practice of equipping its car-service men with lanterns in order to evade this law, or made any other change in the rules and regulations for this purpose?

Mr. HUNGERFORD. No, sir; that is not so. We have discontinued the use of lanterns very largely, because they are not necessary; their use is not necessary, because the cars are now generally electric lighted, the steps and all. There seems to be no need for lanterns.

Chairman WALSH. Your company took no steps or made no change in its equipment or rules so as not to come within the provisions of that statute?

Mr. HUNGERFORD. No, sir; I never heard of that before.

Chairman WALSH. Are porters during the hours of duty responsible for thefts committed in the cars?

Mr. HUNGERFORD. I do not know that they are responsible; they are supposed to guard the cars sufficiently. It is understood that they can not always prevent sneak thieves in the guise of passengers from working.

Chairman WALSH. What action is taken as to disciplining them, or anything else, in the case of loss?

Mr. HUNGERFORD. It is all settled on its merits entirely, whether the employees on the car were alert and attentive and performing their duty, the duties incumbent on them.

Chairman WALSH. What is the rule of the company as to the duty of conductors in regard to calling at the office of the district superintendent for mail? You might describe the system by which the company's mail is transported, if you will.

Mr. HUNGERFORD. Well, the mail is carried in bags between the various centers. As a general proposition that mail is delivered to the cars and to the conductors, and we have men to receive it. There may be instances where the conductor takes the mail bag to the superintendent's office or may call for it. That may be so; I think likely it is.

Chairman WALSH. You have no personal information about that?

Mr. HUNGERFORD. We have no fixed rules about it. Our receiving cashier's office and the district superintendent's office are generally all one, and if the man has to go to the receiving cashier's office to report he usually carries the mail.

Chairman WALSH. How does the average mileage for Pullman conductors and porters compare with the average mileage for passenger railroad conductors, brakemen, and flagmen? Have you ever compared that?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. Is it not a fact that passenger trainmen average not more than 5,000 or 5,500 miles as against 10,000 to 20,000 miles a month for Pullman conductors and porters?

Mr. HUNGERFORD. I should say that those latter figures were rather excessive, but, as I said to you, we have not made calculations of the number of miles made by the car-service employees, so I would not assume to say about that.

Chairman WALSH. Could you approximate it, or give the commission an idea as to that?

Mr. HUNGERFORD. No, sir; I could not.

Chairman WALSH. Is there any connection between the Continental Casualty Co. or the Fidelity Casualty Co. and the Pullman Co.?

Mr. HUNGERFORD. No; I can safely say there is not.

Chairman WALSH. Does the Pullman Co. have any arrangement with either of these casualty companies by which car-service employees are urged to take out insurance in them?

Mr. HUNGERFORD. I do not know that they are urged to take out insurance. There are three companies, the Travelers' Insurance Co. and two casualty companies who have submitted a form of insurance that we think should be acceptable to the men, and the Pullman Co. makes the collections, at the request of the men, for them. We had previously considerable trouble with insurance companies taking advantage of technicalities in case of injury, and the matter was gone into, and these companies who submitted the best form were accepted to take out insurance with the men, where the company makes the collections. The men can insure in any company they like, but the Pullman Co. will only make collections at the request of the men and attend to the detail work on the part of such insurance companies that submit a form that the Pullman Co. thinks fully protects its men.

Chairman WALSH. And those three companies for which these deductions are made are the Travelers' Insurance Co., the Continental Casualty Co., and the Fidelity Casualty Co.?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And these deductions are made on orders from the individual men?

Mr. HUNGERFORD. Yes; on orders from the men themselves.

Chairman WALSH. By what means do the porters, what means are provided for the porters getting their meals while on the road?

Mr. HUNGERFORD. We have no special provisions for that. Of course, they have to get their meals the same way the passengers do. The passengers are always afforded an opportunity to get their meals, and the porters have the same opportunity.

Chairman WALSH. Is there any special arrangement made by the company, or endeavored to be made by the company, to have their meals provided at reduced rates?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Please state what that is.

Mr. HUNGERFORD. There are a good many roads maintaining a rate of 25 cents to our employees, and there are others that charge a higher percentage. We have taken it up with a number of the roads and suggested to them that in view of the fact they are so insistent on the men running through with their cars that they ought to be liberal with the men in regard to furnishing them meals in the dining car. A number of them have taken the position that they could not afford our men any better arrangement than they do their own, but it has been pointed out to them that their own men usually run between division points only and get their meals at home. We do not feel that the railroad companies ought to go to any expense to feed our men, yet they should give them as low a rate as they can, and come out whole on the dining cars on the through trains, since they are so insistent on the men running through, and a number of them have done so in the last year.

Chairman WALSH. Have you a copy of your book of rules here, Mr. Hungerford?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Will you kindly submit it to us?

Mr. HUNGERFORD. Yes; here it is. [Witness hands book to Chairman Walsh.]

Chairman WALSH. I notice on page 8 of this book of rules, under the heading "General instructions," "Employees are subordinate to all officers of the company and to railroad companies as train employees." To what extent are conductors and porters under the orders of the railway company?

Mr. HUNGERFORD. That is covered generally in our agreement with the roads, that our men are subordinate to their employees and governed by their train regulations. The train conductor is in charge of the train; he is the only man who has any police jurisdiction.

Chairman WALSH. How far may railroad officers or employees go in reprimanding, reporting, suspending, or discharging Pullman employees?

Mr. HUNGERFORD. They have nothing whatever to do with that. Some of the agreements with the roads provide that if the men do not perform their duties

in a manner satisfactory to the railroads the roads can request their withdrawal from their service; that is about as far as it goes.

Chairman WALSH. That would include—that would be the entire interpretation of that rule, so far as the railroad companies are concerned? As a matter of fact, no employee of a railroad company in charge of a train otherwise has any disciplinary control over your employees?

Mr. HUNGERFORD. Nothing more than would affect the operation of the train during that time; they can not discipline them.

Chairman WALSH. Take page 8 of the book of rules, and I find this [reads]:

"The company requires of employees the very best service possible under all conditions. A system of discipline by record has been adopted, whereby suspension from duty with loss of pay is avoided. Employees guilty of any dereliction of duty or breach of rules will be disciplined by reprimand or book suspension. An individual record is kept of each employee, and every case of carelessness, negligence, or improper conduct will be noted on this record and the usual penalty assessed and entered on the books, the employee continuing at work without loss of pay. A perfect record is one against which no unfavorable entry has been made. A clear record is one where the unfavorable entries have been extinguished by subsequent good service. In each case where reprimand or suspension is noted against an employee he will be notified. No suspension will be made for less than 5 days or more than 15 days.

"1. A reprimand will be extinguished by three months' clear record.

"2. Five days' suspension will be extinguished by six months' clear record.

"3. Ten days' suspension will be extinguished by nine months' clear record.

"4. Fifteen days' suspension will be extinguished by one year's clear record.

"When an employee's record shows frequent delinquencies and a number of penalties assessed against him, his case will be given special consideration, and dismissal may follow on account of unsatisfactory service in general, although no single offense might warrant such extreme action.

"Disloyalty, dishonesty, intemperance, immorality, insubordination, incompetency, discourtesy to passengers, gross carelessness, false reports, or concealing facts concerning investigations, etc., will subject the offender to dismissal."

I wish you would please describe what is meant by "disloyalty."

Mr. HUNGERFORD. I should say a man that was working against the company's interests was disloyal.

Chairman WALSH. In what way?

Mr. HUNGERFORD. In any way.

Chairman WALSH. Would the joining of a labor union constitute disloyalty?

Mr. HUNGERFORD. It would not in my opinion.

Chairman WALSH. On page 10 of the book of rules we find this [reading]:

"Conductors have jurisdiction over all employees and cars; and unless they require those under them to properly perform their duty they will be subject to the same entry as the offenders, except where they are unable to exact obedience, and report to that effect is promptly made to the district superintendent."

State how frequently that is enforced by your company?

Mr. HUNGERFORD. The conductor is the captain of the ship and in charge of the porter. If the porter is grossly negligent and the conductor allows it to go on and makes no attempt to correct it, he is equally responsible with the porter.

Chairman WALSH. You have another rule on page 10 as follows [reading]:

"Employees must be neat and cleanly in personal appearance; wear clean linen and have clothing brushed and shoes polished. The uniforms designated by the company must be worn on duty, but not when off duty. The uniforms must be made by tailors selected by the company, and no deviation in style or specifications will be permitted. White collars must always be worn."

What inspection of uniforms is made?

Mr. HUNGERFORD. Uniforms are inspected, I think, monthly; it may be quarterly; at the time they are paid.

Chairman WALSH. By whom?

Mr. HUNGERFORD. By the district superintendent.

Chairman WALSH. Who pays for the uniforms worn by conductors and porters?

Mr. HUNGERFORD. The company furnishes free uniforms when they are 10 years in the service; before that time they pay for them themselves.

Chairman WALSH. Who pays for the white jackets worn by the porters?

Mr. HUNGERFORD. The company.

Chairman WALSH. Who are the tailors selected by the company to make these uniforms?

Mr. HUNGERFORD. They are made now by Marshall Field & Co., in Chicago.

Chairman WALSH. How long have the employees of the Pullman Co. been required to purchase uniforms of that firm?

Mr. HUNGERFORD. I do not know just how long that has been; I could not tell you; it is 8 or 10 years.

Chairman WALSH. Who makes the contract for the price?

Mr. HUNGERFORD. Our director of purchases.

Chairman WALSH. What is the price of a porter's uniform?

Mr. HUNGERFORD. I think about $24; $22, I think, for the porter's uniform and the conductor's uniform about $24, I should judge.

Chairman WALSH. How much for the conductor's uniform?

Mr. HUNGERFORD. About $24; I won't give you that as an exact figure; but that is my recollection; $24.50, I think.

Chairman WALSH. Of the conductor's?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Will you please submit that to us definitely?

Mr. HUNGERFORD. Yes.

(Immediately after recess of this day's hearings, Mr. Hungerford read into his testimony the information requested.)

Chairman WALSH. Has the firm of Marshall Field & Co. any connection directly or indirectly with the Pullman Co.?

Mr. HUNGERFORD. Not that I know of.

Chairman WALSH. The employees of the Pullman Co. get these direct from Marshall Field & Co., do they?

Mr. HUNGERFORD. They have tailors all over the country—that is, they appoint men to take the measurements and then they put in application at the district office for the uniforms and they come to them direct in that way.

Chairman WALSH. Has there been any change made in the price of the uniforms in the last few years?

Mr. HUNGERFORD. Yes, sir; they are getting cheaper; they are cheaper this year than last year to a considerable extent.

Chairman WALSH. How much cheaper?

Mr. HUNGERFORD. I can't tell that.

Chairman WALSH. Who makes the arrangements?

Mr. HUNGERFORD. The director of purchases.

Chairman WALSH. Do you know how much profit Marshall Field & Co. make out of the uniforms?

Mr. HUNGERFORD. I don't know.

Chairman WALSH. Do the men have anything to say about the price of them whatever?

Mr. HUNGERFORD. They do not.

Commissioner O'CONNELL. Are they furnished to the men at cost price?

Mr. HUNGERFORD. They are furnished at a low price considering the quality of the goods; I think they are very reasonable.

Commissioner O'CONNELL. Are they furnished to the men at the same price that they are furnished to the Pullman Co.?

Mr. HUNGERFORD. We do not have anything to do with that at all; the agreement is made with Marshall Field & Co. as to the price they will make the uniforms for, but the Pullman Co. does not have anything to do with receiving any of the revenue.

Commissioner O'CONNELL. All of the profit that is made goes to Marshall Field & Co.?

Mr. HUNGERFORD. Yes.

Commissioner O'CONNELL. None goes to your company?

Mr. HUNGERFORD. No.

Chairman WALSH. On page 16, of the book of rules, the company says [reading]:

"Employees must not in any manner endeavor to influence passengers in favor of any hotel or route of travel, and must not under any circumstances criticise the railway service."

Is that rule enforced?

Mr. HUNGERFORD. It is, or we have our attention called to it strongly by the roads; yes.

Chairman WALSH. Is it not—is it or is it not a fact that Pullman conductors are expected by the company officials to receive favors from hotels, such as reduced rates or free lodging?

Mr. HUNGERFORD. No, sir; it used to be pretty general that railroad and Pullman conductors were sought after by hotels, but those conditions are changed.

Chairman WALSH. Are Pullman-car porters exposed to the danger of infection or contagion through waiting on and making up the berths of travelers suffering from tuberculosis and other contagious and infectious diseases?

Mr. HUNGERFORD. The fact that we do not have any trouble of that kind shows they are not. Our director of sanitation has gone into that, and the record shows they are not. Our cars are kept in a strictly sanitary condition; and, the fact is, that the conditions to the traveler on our cars are better usually than in his own home. Some people who ride in our cars are sick, but if the regulations are observed there is no danger of contamination.

Chairman WALSH. You have made an investigation of that through your sanitary department and that is what you have found?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, on page 20 of the book of rules is this [reads]:

"Conductors when off duty should occupy an upper berth whenever available."

Mr. HUNGERFORD. Yes.

Chairman WALSH. What is the purpose of that?

Mr. HUNGERFORD. The purpose of that is that we had a great many complaints on the part of passengers of their inability to secure lower berths, claiming that the conductors withheld them for their own personal benefit. It came up in the railroad commission and an open statement was made that our conductors were holding back lower berths for their own use. There are also many cases where space is reserved by passengers to be taken up en route. Other passengers would get on the cars and make application for a berth and would be told that none were available; some berths were reserved to be taken up down the line, and in some of those cases the passengers who reserved the berths en route would not get on. This happened often after the passengers had retired, and in the morning they would see our conductor coming out of the berth, and, of course, under those circumstances no argument would satisfy the passenger that that berth was not held out by the conductor for his own special benefit. And the complaints were numerous—many through commissions—and finally this plan was devised of requiring the conductors to occupy upper berths. An upper berth is just as comfortable as a lower berth; in fact, more so; it is farther away fro mthe trucks and the air is purer. It may be a little less convenient to retire into and out of, but in that respect we felt that the traveling public should be given the advantage of the lower berths in order that no complaints of the kind mentioned might be made.

(Thereupon, at 12.30 o'clock p. m., a recess was taken by the commission until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Is Mr. Hungerford present? Please take the chair, Mr. Hungerford.

Mr. HUNGERFORD. I wish to submit to the commission the pension plan.

Chairman WALSH. Yes.

Mr. HUNGERFORD. And in regard to the conductors' uniforms.

Chairman WALSH. Yes.

Mr. HUNGERFORD. I was to give you correct data on that. I find that the conductors' winter uniform is $19.75, porters' $18.75; summers $18.25 for conductors and $17.75 for porters. I would add in that connection that the company pays the same price for the uniforms that it furnishes those over 10 years in the service as is paid by the men in service a shorter period. That, I think, answers your question.

Chairman WALSH. Yes. I think you are mistaken about the porters' winter rate. I was going to call your attention to the error, because the prices submitted to us by Marshall Field shows that to have been $18.50 instead of $18.75. Might you not also be mistaken about that?

Mr. HUNGERFORD. No—which—$18.50 was the conductors' for the last summer—1914—but not for the coming summer; $18.25 for the coming summer.

Chairman WALSH. Oh, I see; it has been changed.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Since last summer.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Has the winter uniform of the porters been changed from $18.50 to $18.75? Marshall Field gave us $18.50 for porters' winter uniforms, and you give $18.75.

Mr. HUNGERFORD. I give that as the purchasing agent has furnished it at the present time, for the winter of 1914 and 1915—conductors' uniform $19.75 and porters' $18.75.

Chairman WALSH. Now, we have had submitted to us the general instructions given by you. It is short, and I will read it to you—under date of September 1, 1914. [Reads:]

"For employees on cars of the Pullman Co.: The instructions contained herein are for the general guidance of car employees, but should not be enforced in such manner as to defeat the object intended, namely, to popularize the service. The most important feature to be observed at all times is to satisfy and please passengers. In case they request privileges that can not be legally or properly granted they should be politely informed that the request falls outside of your jurisdiction. Never say that the rules of the company prevent compliance. L. S. Hungerford, general superintendent."

Mr. HUNGERFORD. Yes.

Chairman WALSH. Yes; now, you gave that general order?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, one offense for which I notice you suspend for 15 days is "discourtesy, indifference, or inattention to passengers." Is that correct?

Mr. HUNGERFORD. I think so. Our chief service inspector will bring over a list of suspensions himself. I think that is correct.

Chairman WALSH. Now, your men are not allowed to explain to the passenger that a request is in violation of the company's rules?

Mr. HUNGERFORD. I wish to explain that. New men entering the service, and others who lack—who show a lack of disposition to comply with the requests of passengers frequently cloak themselves under the statement that it is against the rules. I saw a case here the other day; a passenger came down from St. Paul and wanted an extra blanket, and the porter told him he couldn't furnish it, because it was against the rules. Well, of course, that irritated the passenger very much. There was nothing against any rules about it to prohibit him from furnishing a blanket, if he did so; but you will find that, especially in the case of new conductors and new porters, they will use that expression that it is against the rules; and the expression "against the rules" is very offensive to passengers. That is the whole situation in regard to that.

Chairman WALSH. Well, as between the man and the company, does not that shift the responsibility to a certain extent upon the man, if he is not allowed to say that it is in violation of the rules of the company——

Mr. HUNGERFORD (interrupting). Well, he can say he is not permitted to do so.

Chairman WALSH. Well, the request you give him is to tell them that it falls entirely outside of his jurisdiction?

Mr. HUNGERFORD. Yes; that ought to cover it.

Chairman WALSH. And he must never say that it is in violation of a rule of the company?

Mr. HUNGERFORD. Well, he is to avoid that expression, which is offensive to passengers.

Chairman WALSH. Well, but you give this specifically, do you not; or you did when you began September 1: "Never say that the rules of the company prevent compliance."

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, you suspend a man 15 days for discourtesy, indifference, or inattention to passengers.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, when a difficulty arises, or a contention arises, and the passenger claims that a porter, for instance, is discourteous, how do you arrive at it?

Mr. HUNGERFORD. We arrive at it by hearing what the employee has to say.

Chairman WALSH (interrupting). Do you take the passenger's word or the porter's word?

Mr. HUNGERFORD. Every case is determined on its merits, just as far as we are able to do so. It is the district superintendent who investigates these matters directly with the employee—and the inspector, too—and he reports to the chief service inspector. We do know that some passengers are irritable and exaggerate, and an employee is given every possible opportunity——

Chairman WALSH (interrupting). Yes.

Mr. HUNGERFORD (continuing). That, of course, inattention or discourtesy to passengers is where they are striking cases. Just a mere form of reply offhand is not considered as treatment with discourtesy.

Chairman WALSH. Well, how was it determined? Suppose the porter, now, says he was not discourteous and the passenger says he was, and that his manner was offensive, and so forth. How do you determine that?

Mr. HUNGERFORD. It is determined very largely, of course, by what the porter has to say, and the passenger. Then, if they do not agree—the statements, as far as possible—in a great many or a majority of the cases, where the complaints are made of inattention or discourtesy to the passenger, we have somebody to call on the passenger and explain to the passenger what the employee has to say and to endeavor to reconcile the statements. The passenger is generally pretty fair and not inclined to exaggerate, I think. We give the man every opportunity. We call on the passenger for reasons to straighten out these things and satisfy both sides.

Chairman WALSH. You send an inspector to the passenger?

Mr. HUNGERFORD. Oh, we send an inspector or a representative. If it happens to be a representative who is more convenient we have him go out.

Chairman WALSH. Now, is this book suspension carried by the calendar year?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. A man does not have his credits or demerits go over into the following year?

Mr. HUNGERFORD. No, sir; it is the calendar year.

Chairman WALSH. The calendar year. So, if a 15 days' suspension is inflicted, now, any time after July it is impossible——

Mr. HUNGERFORD (interrupting). It debars him.

Chairman WALSH. It debars him?

Mr. HUNGERFORD. Well——

Chairman WALSH. And, likewise, 5 days' suspension inflicted upon him after the 1st of September.

Mr. HUNGERFORD. No; yes—well, that would be after six months; yes.

Chairman WALSH. Now, the five days' suspensions are inflicted for the following reasons, are they not [reading]:

"Failure to promptly answer bells. Failure to turn lights after passengers have retired, and at proper time in the morning. Failure to wipe handrailings and sweep platforms"——

Mr. HUNGERFORD. I don't think that is the list; I can get that list, if you will excuse me.

Chairman WALSH. Yes, sir; I wish you would check it off, if you please, because we don't want to take time of the other witnesses on it.

Mr. HUNGERFORD. Well, that is right.

Chairman WALSH. And we want to have as many matters undisputed as possible. That is issued, I believe by Mr. J. A. Davis, chief service inspector.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Take No. 3 [reading]:

"Failure to wipe handrailings and sweep platforms.

"Failure to solicit buffet orders.

"Failure to properly ventilate and keep"——

Right there; are they supposed to solicit orders from the buffet from all passengers?

Mr. HUNGERFORD. They are where we have buffets; but they are so few now that is hardly of much moment. Our buffet service is getting less and less all the time, but where we have it they are supposed to go around and pass the menu card to the passengers.

Chairman WALSH. Is that the solicitation that is meant, to pass menu cards?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Does that include buffets in which alcoholic drinks are served?

Mr. HUNGERFORD. No; it does not. It means the buffet cars where the passengers get light lunch.

Chairman WALSH. Don't solicit or serve alcoholic liquors?

Mr. HUNGERFORD. No; not at all on our sleepers or parlor cars.

Chairman WALSH [reading]:

"Failure to properly ventilate and keep cars in cleanly and tidy condition.

"Failure to properly answer name when posted.

"Failure to wire or incorrectly wire vacant space messages.

"Failure to supervise porter's work and correct same where necessary.
"Failure to supervise buffet service.
"Failure to comply with rules relative to method of awakening passengers.
"Failure to comply with rules relative to reporting accidents, losses, or unusual incidents.
"Failure to fasten safety cords."
"Failure to report duplicate sales whether passenger is taken care of or not.
"Failure to search cars at destination.
"Failure to check and sign for linen in accordance with regulations.
"Failure to be out for reception of passengers and assisting passengers with baggage.
"Failure to issue call cards or slips and call passengers as directed.
"Failure to request passengers to step to end of aisle to be brushed.
"Failure to maintain quiet at night or allowing passengers to be disturbed by loud talking, slamming doors, making unnecessary noises in handling berths at night, or putting them away at too early an hour in the morning.
"Failure in using accommodations and equipment other than those designated.
"Visiting between employees while en route."

Now, are there any others not mentioned there, and for which five days' suspension is inflicted?

Mr. HUNGERFORD. That is all I know of; but of course there may be some others come up. Discipline would be governed on a line with this; but that is supposed to cover it.

Chairman WALSH. Are the district superintendents supposed or authorized to issue rules from time to time—specific rules?

Mr. HUNGERFORD. They are not supposed to; no.

Chairman WALSH. Well, are they permitted to?

Mr. HUNGERFORD. No; they are not permitted.

Chairman WALSH. When they do issue them, are reports required to be made to the general manager?

Mr. HUNGERFORD. They are not supposed to issue them—not expected to issue them—not permitted to issue them.

Chairman WALSH. Has your attention been called to the publications of the district superintendent at Omaha, entitled "Things to Do" and "Things Not to Do."

Mr. HUNGERFORD. No; it was not.

Chairman WALSH. Mr. R. C. Johnson is your district superintendent there at Omaha?

Mr. HUNGERFORD. District superintendent; yes.

Chairman WALSH. Under date of August 17, 1914, have you noticed two publications of Mr. Johnson to conductors and porters entitled "Things to Do" and "Things Not to Do"?

Mr. HUNGERFORD. No; I have not.

Chairman WALSH. And whose attention—what individual's attention should such a matter as that be called to?

Mr. HUNGERFORD. Well, I don't know what the contents of this so-called document are, but I assume it is a résumé of the features that are covered by the general regulations.

Chairman WALSH. Well, I will call your attention to them a little later. I wondered if you knew.

Mr. HUNGERFORD. No; I don't know.

Chairman WALSH. Now, you inflict 10 days' suspension for failure to turn in lost property. [Reads:]

"Smoking on duty.
"Sleeping on duty.
"Leaving cars unguarded."

That is correct, is it?

Mr. HUNGERFORD. That is according to this——

Chairman WALSH (interrupting). Well, now, that third paragraph says, "Sleeping on duty."

Would that apply to a porter sleeping through the night or day?

Mr. HUNGERFORD. Well, that would apply to his sleeping on duty; when he is supposed to be on duty; yes.

Chairman WALSH. Now, is it a fact that you find it frequently an impossibility with these men to keep them awake on these long runs where they have only three or four hours per night sleep?

Mr. HUNGERFORD. Well, I would not say—on these long runs it is difficult for them. I do know that they sleep, and we do know that it is countenanced.

Chairman WALSH. Now, when it comes to discretion under that rule 3 as to whether or not they shall inflict that 30 days' book suspension on them, who exercises that discretion?

Mr. HUNGERFORD. Those cases are all passed on by the chief service inspector, who does, I think, give full consideration to all the conditions of the service.

Chairman WALSH. Is it a fact that that rule is waived in connection with a long trip like to Los Angeles and to San Francisco?

Mr. HUNGERFORD. Oh, it is where the circumstances seem to make it clear that the man is doing his best—to the best of his ability.

Chairman WALSH. Would it be waived in any case where a man has three or four hours per night of sleep; would it be inflicted in such cases?

Mr. HUNGERFORD. Well, I say it would be passed upon in accordance with the circumstances in each case.

Chairman WALSH. Well, suppose the circumstance was that the second day out the man had retired at 11.30 and resumed duty at 3 o'clock that night, and the next night he retired at 12 o'clock and resumed duty at 3 o'clock, that second night, and was then found asleep in the body of the car, or in the smoking room or some place the next day, would it be inflicted?

Mr. HUNGERFORD. It would not be inflicted unless it was a willful violation of the instructions. If he had just fallen asleep—now, if he was supposed to be on duty at that time and went to a drawing room and went to sleep he would probably be suspended; if he took his pillow and a blanket and left the car unguarded and went off duty when he was supposed to be on duty willfully, he should probably and would probably have the penalty inflicted.

Chairman WALSH. Then it is not inflicted when the porter is found asleep in the car, but not with a blanket or pillow?

Mr. HUNGERFORD. Oh, it is not inflicted if he drops off to sleep at all; if he just drops off asleep, no.

Chairman WALSH. Now, the 15 days' book suspension is inflicted for the following derelictions [reading]:

"Discourtesy, indifference, or inattention to passengers.

"Soliciting fees from passengers.

"Drinking on duty.

"Carrying passengers beyond destination or getting short of destination."

That is correct, is it?

Mr. HUNGERFORD. That is correct.

Chairman WALSH. Now, I will call your attention in this circular from Mr. Johnson of "Things to Do." [Reading:]

"Always wear clean linen.

"Have your uniform cleaned and pressed up.

"Keep your shoes polished.

"Black passengers' shoes."

Have you seen that?

Mr. HUNGERFORD. I don't remember that.

Chairman WALSH. The last is "black passengers' shoes."

Mr. HUNGERFORD. Well, this is to the porters, I assume?

Chairman WALSH. Yes; this is to the porters.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH (reading):

"Dust passengers' clothing, asking them to step aside.

"Call out stations when trains enter terminal stations or en route.

"Tender pillows to passengers.

"Tender hat bags to lady passengers.

"Keep washstands cleaned up.

"Keep cuspidors cleaned up.

"Keep your lockers cleaned up, clean papers on the shelves.

"Keep clean jackets with full set of buttons.

"Have lanterns lighted at night and in position for immediate use.

"Keep soiled linen picked up.

"Keep plenty of clean towels in the racks.

"Keep whisk brooms in the toilet room.

"Fasten all berth safety cords.

"Light your night lamps when other lights are lighted.

"Answer bells promptly.

"Answer questions of all passengers courteously and intelligently.

"Courtesy is the best thing you can give passengers and have in stock. It costs you the least and gives best results.

"Wipe window sills often.

"Guard cars closely.

"Assist passengers with ladder when getting in and out of upper berths.

"Make up berths promptly at night.

"Be out at all stations where trains stop to receive passengers and assist with the baggage.

"Properly regulate ventilation.

"Look closely after the regulation of the Garland ventilators, those marked 'V' to be opened, or part of them closed, as the weather will indicate.

"Temperature of your cars should be regulated by steam in the winter months, to be introduced through the inlet valve in the heater room.

"Keep combs and brushes clean.

"Turn out lights promptly after passengers have retired.

"Have equipment box supplied at all times at home station.

"Keep uniform coats buttoned while on duty.

"Read station order books, sign them, and be sure you understand the orders and comply with them. If not understood, call at the office for an explanation.

"Render all assistance possible to lady passengers and children, especially old ladies and men and sick passengers.

"Wire vacancies according to local instructions.

"Use camp stool at the end of aisle at night to guard cars.

"Pull down all window shades at night when starting to make down berths.

"Wipe deflectors and screens before placing them in windows and lockers.

"Conductors to sleep in upper berths; porters in smoking room or upper No. 1."

Do you recognize all those as being taken from——

Mr. HUNGERFORD (interrupting). Those are our general practice; I don't know as to whether they are all rules, but they are in general practice.

Chairman WALSH. Now, are district superintendents authorized to issue such matters as that Omaha general circular?

Mr. HUNGERFORD. I think he would be as long as they did not conflict with any existing instruction.

Chairman WALSH (reading):

"Read rules and instructions contained in front pages of rate book.

"Comply with instructions relative to signing back of linen cards when placed in charge of car after counting linen.

"Always carry screw driver in equipment box.

"Comply with the instructions relative to turning over cash with reports when en route, deposit en route slip form.

"Comply with the instructions relative to checking equipment on car to know, if asked, whether car has full stock or not.

"Place all portiere curtains in upper berth No. 2; not in lockers.

"When on cars having electric lights, see that the connecter up at front end of car is taken down and put in locker.

"Comply with instructions as to handling breakfast call cards.

"Keep working office diagrams worked up at all times to indicate just what space is occupied; see order posted June 2, 1914."

Now, there are a number of others. Has your attention ever been called to such publication by district superintendents other than the Omaha man?

Mr. HUNGERFORD. Oh, I don't know; but, as I say, there is nothing there that differs from our general instructions. He had that printed out instead of giving it to the employees verbally. That is about the only difference.

Chairman WALSH. Yes.

Mr. HUNGERFORD. That saves him, I suppose, some labor.

Chairman WALSH. That is within the general scope of his authority?

Mr. HUNGERFORD. Yes; within the general scope.

Chairman WALSH. And of your instructions to him?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, would a failure to do any of the things mentioned in there call for discipline on the suspension book?

Mr. HUNGERFORD. Well, they would come in—many of those—some of them, I should think—I can not carry them all in my mind—would come in under reprimand. I don't see any there that would come in under suspension.

Chairman WALSH. To whom do the charges of dereliction go directly? Suppose a man was accused, now, of having committed any of these things, who would get the information?

Mr. HUNGERFORD. Come to the chief service inspector.

Chairman WALSH. The district superintendent would not have anything to do with it?

Mr. HUNGERFORD. It would be taken up with him then to take up with the employee. Or it might come to the district superintendent first and then to the chief service inspector. But perhaps it would come to the chief service inspector himself—that is, if it was on a complaint made by some outside person.

Chairman WALSH. Now, I will read the "Things Not to Do," and I would like you to follow them closely, because I am going to follow that with the same question, as to whether or not the doing of any of these things would subject a man to discipline or not. [Reading:]

"To conductors and porters:

"Don't chew tobacco.

"Don't chew gum on duty.

"Don't carry a toothpick in your mouth on duty.

"Don't smoke or drink on duty.

"Don't wear soiled linen.

"Don't sleep on duty.

"Don't wear jackets with one button.

"Don't visit with porters in other cars.

"Don't leave cars unguarded at any time day or night.

"Don't handle woodwork with bare hands, always use a cloth.

"Don' wear a towel or handkerchief around your neck instead of a collar.

"Don't lean against car when receiving passengers or standing at a terminal station; stand up straight—look pleasant.

"Don't make unnecessary noise in moving about the cars at night.

"Don't step on seats or arm rests when making up or putting away berths.

"Don't wear a frown on your face.

"Don't use low and vulgar language.

"Don't enter drawingroom, stateroom, or ladies' toilet room before knocking.

"Don't put away berths at an early hour in the morning, awakening other passengers.

"Don't put away berths in the morning before asking passengers to do so.

"Don't accept effects from passengers and put them in lockers for safekeeping.

"Don't leave stepladder in passageway or aisle of car at night after it has been used. Place it in the locker.

"Don't leave grips and suit cases in the aisles or passageway if they can possibly be located under the berths.

"Don't ask to be relieved at foreign stations, unless in case of sickness.

"Don't go to sleep after conductors have called you, and it is the end of your time for sleeping. Be wide-awake and on watch.

"Don't leave porter's drinking glass in the public washrooms.

"Don't loop smoking car portiere curtains up over the hat hooks.

"Don't carry yourselves in such a manner as to impress the passengers that you own the cars, and that it is a privilege to allow them to ride. Remember we are all servants of the public and as such must comply with the public's wishes at all times; that is, be courteous and gentlemanly, answering questions intelligently and promptly, doing everything in your power to please the public.

"Don't use towels for display purposes in wash rooms, pillow slips for hat bags, or sheets to cover passengers' clothing or sofas in rooms.

"Don't slam vestibule or trap doors.

"Don't wear uniform coat or overcoat over white jackets.

"Don't put ice in coolers with bare hands.

"Don't use any but the company's buckets inside of cars.

"Don't put scrib buckets inside of ice buckets in lockers.

"Don't use the linen as dust cloths.

"Don't fail to frequently wipe woodwork on passageway partitions and white toilets.

"Don't call to each other when passing on trains.

"If it is necessary to blacken shoes in the smoking room, on account of objections of passengers to the noise, never take more than one pair at a time.

"Don't tell passengers we will stay here any certain length of time, but when asked how long train stops, say train is due to leave at a certain time, whatever the schedule calls for."

Now, is the failure or is the doing of any of those things I have read—does the doing of any of those things call for reprimand or book suspension?

Mr. HUNGERFORD. The majority of them would be just simply ordinary cautions and asking them to correct them and not make mistakes. There are a few in there that would come under the head of penalties. I notice you had one, drinking while on duty.

Chairman WALSH. So that is quite a great deal different from the first one? The "Don'ts" are quite a great deal different from the "Do's"?

Mr. HUNGERFORD. From the "Do's"; yes, sir. Those mentioned there, visiting in the cars and drinking on duty, they would come in under the list of penalties; but the great majority of them are just simply for the information of the porters, as I said before, instead of telling them verbally what to do, which is better; he has got a labor-saving device and got it printed out.

Chairman WALSH. Has there been much complaint to your office as to the handling of your men both as to compensation and as to the rules as to whether or not that is the general situation?

Mr. HUNGERFORD. No; there is not.

Chairman WALSH. Would you be the person generally in charge to observe those things and look into them if they were wrong?

Mr. HUNGERFORD. I would; I would know about them.

Chairman WALSH. Did you read the record of the Public Utility Commission of California in which the chairman of that commission notified Mr. Dean that they had failed to find one person in the State or one employee in the State of California that did not have objection to their treament or their wages in some manner?

Mr. HUNGERFORD. I read that statement; yes.

Chairman WALSH. You read that statement? That was Mr. Eshleman, the present lieutenant governor of California.

Mr. HUNGERFORD. Yes, Mr. Eshleman.

Chairman WALSH. Now, I want to call your attention to certain letters that we have received. This inquiry was placed upon our list of inquiries in response to a very wide-spread demand from the employees. We have taken a number of letters which seems to epitomize what might be grievances and an ascertainment was made first of that person as to whether he was a bona fide employee of the Pullman Co., and it was afterwards checked by our investigators with other conductors to see whether the complaints extended generally throughout the service, or depended upon one person who might have some particular grievance. So I am going to read you a few of those letters that were picked out for your comment, so you may have a fair opportunity to comment upon them.

I will say this, that the fact—I believe I have stated—was established that these were bona fide employees, and in all instances they have asked to have their names withheld, which we have uniformly granted in all industries that we have investigated. [Reading:]

"October 15, 1914. I understand the railroads in the State of Illinois pay their employees in full, and I can see no reason why the Pullman Co. could not do the same, as it means a great deal to the employees. On a recent pay day in Los Angeles a bulletin was posted over the cashier's window, stating the company had failed to mail the pay checks in Chicago and they would arrive a day late. Therefore, pay day would be on the 16th instead of the 15th of the month. A great many who were on long runs were inconvenienced by such an error, as they were obliged to make an extra trip before receiving their check. If each district in the different States made out their own pay checks, as they did in Colorado before they ceased to comply with the law, there would be no errors of this kind to discommode employees."

The thing I principally desire to ask you is, Is it a fact that your company at first complied with the semimonthly pay law of Colorado and afterwards ceased to do so?

Mr. HUNGERFORD. It is my understanding and recollection that the law included and had reference to shop employees. We paid our shopmen, I think, semimonthly. I don't know whether we ever paid the car employees semimonthly or not. I don't know of any change being made, because, as I stated this morning, we are governed in that matter by the regulations of the State. I don't know of any change having been made in the date of pay of the car employees.

Chairman WALSH. Now, then, this same man says [reading]:

"I will give you a brief outline of some of the sleeping quarters furnished by the company in different districts."

Now, do I understand that these sleeping quarters are furnished to employees who have worked a certain length of time for your company?

Mr. HUNGERFORD. No; they are furnished free to all men who run into those places.

Chairman WALSH. Irrespective of length of service?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH (reading): "Omaha. Three double-deck beds in the basement of the Pullman office. Very damp during the rainy period. No bath."

Mr. HUNGERFORD. Well, I take exceptions to that. It is a building that is on the side of a hill, so that is the ground floor on that side of the building. It is not a basement. The doors open right outside and the windows open right outside. I don't know whether they have any bath, but there is running water in the rooms.

Chairman WALSH (reading): "Denver. A small room in the depot with six single beds. Impossible to sleep on account of noise. No bath."

Mr. HUNGERFORD. I don't know the date of that. Of course, at the time the building was being remodeled——

Chairman WALSH (interrupting). This is October 13, 1914.

Mr. HUNGERFORD. Well, I think probably that is so. They remodeled the station in Denver. We have office quarters in the building at Denver as well as sleeping quarters for the men, and they remodeled the building and forced us out of the second floor and down onto the first floor at the time. They are back there now, I think.

Chairman WALSH. What are the sleeping arrangements?

Mr. HUNGERFORD. They have a room there on the second floor that is reported to me as being ample.

Chairman WALSH. How many beds?

Mr. HUNGERFORD. I could not say.

Chairman WALSH. How large is it?

Mr. HUNGERFORD. I could not say.

Chairman WALSH (reading): "Salt Lake City. Two small rooms in the Wellington Hotel. Four single beds in one room. Chairs in the other. Employees have access to public bath. This building was condemned several years ago. Employees are assigned to a certain bed, and their hours of rest are limited so as to accommodate the overflow which comes in at different hours during the day and night."

Mr. HUNGERFORD. I know nothing about that. We have our inspectors going around to these various places, and they are supposed to inspect on these different things in addition to service inspection. We have no reports come from there that their quarters are not satisfactory.

Chairman WALSH (reading): "Ogden. An old dismantled Pullman car which occupies a very prominent place in the midst of the coach and freight yard and where the switch engines are very busy day and night, rendering it almost impossible to sleep. For several years this car was without a toilet. No bath."

Mr. HUNGERFORD. Well, it has a toilet and bath now. It is a car that is out of date, to be sure; but the same beds we furnish our passengers with. It has electric light, toilet, and bath now. It is off to one side and away from the station, but it is very convenient; more so than it would be in town.

Chairman WALSH (reading): "Portland. Two rooms in the Hoyt Hotel, which are very comfortable. Employees have access to public bath.

"San Francisco. A room is furnished across the bay at Oakland Mole near the depot. It has three double-deck beds. No bath."

Mr. HUNGERFORD. Yes; they have had that car there. It has been fixed up and remodeled especially for them, I understand, and makes very satisfactory arrangements. It is on the pier. It is cool in the summer time, and it has steam heat, hot and cold water all the time, and is equipped with bath and is partitioned off for a reception room and for a place for their baggage, and I believe it has proven pretty satisfactory. They did have a room at one time in the building, but we have taken that for the receiving cashier's office since.

Chairman WALSH (reading): "There are no sleeping quarters furnished in San Francisco proper, as the company knows a great many of the hotels furnish the employees with sleeping quarters without charge."

Are you aware that is the practice in San Francisco?

Mr. HUNGERFORD. I am aware of the fact that our lines do not terminate in San Francisco, but at Oakland, and there is where our sleeping quarters are provided. That is where they take their trains and where they leave them.

Chairman WALSH. Is it a fact that many of the hotels of San Francisco do furnish your employees with sleeping quarters without charge?

Mr. HUNGERFORD. I don't know whether they do or not. We have provided them with quarters at Oakland Mole, where the line terminates.

Chairman WALSH (reading): "Los Angeles. No sleeping quarters are furnished. The company depends upon the different hotels to take care of employees."

Mr. HUNGERFORD. We have no sleeping room there, for that matter was taken up some years ago, and we found that the hotels there were taking care of the men, and they would not accept the quarters we provided for them, and so we have not provided for them. We have been extending the use of these rooms as the circumstances seem to require.

Chairman WASH (reading): "El Paso. Two rooms in the basement of an apartment house. Each room has four single beds. Employees have access to public bath. These rooms are very insanitary, as the wind blows almost constantly, and I have seen the beds and bathtubs covered with dust and dirt from the streets. Employees are obliged to sleep in these quarters, as they can not afford to pay the prices asked at the hotels."

Is that the situation at El Paso?

Mr. HUNGERFORD. It is not the situation to-day. I guess it is, so far as the wind blowing. I think it blows there all the time. That has been my experience when I was on the Rio Grande.

Chairman WALSH. Well, leave out the elements.

Mr. HUNGERFORD. The quarters have been changed. They are in the Hotel Raymond, I think, that is the name of it. They are satisfactory, so far as I know, now.

Chairman WALSH. So that has been eliminated?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And this gentleman says [reading]:

"I have slept in all of the above-mentioned quarters, and I am frank to say that I have not drawn on my imagination in the least. If anything, I have not pictured them quite as bad as they really are.

"The company does not furnish a call boy for conductors as the railroads do; but we are expected to be on the job, and protect our run regardless of how little sleep we have had. If we should oversleep and miss our run we are penalized in some way. In Ogden and El Paso in the sleeping quarters an alarm clock is used to awaken us in time for our train, but this is very annoying for the men who are still sleeping."

Do you have any comment to make on that?

Mr. HUNGERFORD. I have not any comment to make on it.

Chairman WALSH. Well, is it correct?

Mr. HUNGERFORD. I don't know anything about it. I don't know whether they have a call boy. They are supposed to report to their runs in time to take them out.

Chairman WALSH. You have no call boy such as the railroads have?

Mr. HUNGERFORD. No, sir; not that I know of.

Chairman WALSH. Sir?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. And those smaller details, about the alarm clock, you have no personal knowledge about?

Mr. HUNGERFORD. No——

Chairman WALSH (interrupting). Now, this is another letter, November 12, submitting an inclosed list of porters, and he says [reading]:

"I have questioned each man in the inclosed list of porters and find the company deducts a certain amount from their checks each month. I find it varies from 40 cents to $1.50, and in a few cases even more than $1.50. Most of the porters claim they do not offer a complaint, as their time and car fare would equal the amount deducted, as they would be compelled to go to the storeroom in the yards, then to their superintendent, and from the superintendent to the general office in the Pullman Building before their claim would be adjusted."

Does that honestly portray the situation?

Mr. HUNGERFORD. No; I think not. I don't know. He talks about the Pullman Building. That has reference to some Chicago porter.

Chairman WALSH. Yes; this is from Chicago.

Mr. HUWENSTROM. The linen situation is one that is a pretty embarrassing situation all around. The linen is turned over to the porter, and it is part of his duties to handle that linen. I feel, though, that if he has exercised the proper care to count his linen that he will have no trouble. The fact of the matter is that they do not count their linen. Our shortage last year, what we call porters' shortage of linen, amounted to $178,000. That is in addition to our condemnation and shortage by theft, which would run it up to $300,000. Of that $178,000 there was about 17 per cent collected from the porters, more in the line of discipline for failure on their part to comply with the instructions to count the linen and to exercise due care. We have had that matter under consideration for some time, and the company is now doing away with these porters' collections——

Chairman WALSH (interrupting). With what?

Mr. HUWENSTROM (continuing). Doing away with them and make them apply the disciplinary penalty for failure to carry out instructions when they do not do it. I do not think the porters would like it any better. I don't think that the porters generally feel that they are unjustly treated in regard to the collection of linen. There must be some restraint and some restriction put on the handling of the linen to prevent its promiscuous loss. As I say, now it runs up to $178,000 a year. It is part of the duties of the employee to take that linen and to take care of it and to exercise due care over it. They are given the benefit of every doubt in any mistake—the carrying off of linen by passengers—if there is any mistake made by the linen counter, they note it on their card that they sign, and they are excused. The trouble is they sign these receipt cards for the linen without counting it.

Chairman WALSH. Well, now, as to that part of this complaint, that is, that they do not offer their complaint, as their time and carfare would equal the amount deducted, as they would be compelled to go to the storeroom in the yards, then to their superintendent, and from the superintendent to the general office in the Pullman Building before their claim could be adjusted. Is that correct?

Mr. HUWENSTROM. I don't know of any necessity for their coming to the Pullman Building. The fact of the matter is that they can't come to the Pullman Building in all these other districts, and I don't think they do here. I don't know why they should.

Chairman WALSH. Suppose the superintendent refused to adjust it?

Mr. HUWENSTROM. They can come to the Pullman Building; anybody can, to appeal.

Chairman WALSH. That is probably what is meant here.

Mr. HUWENSTROM. It may; coming there to appeal; but I don't think the conscientious man who has tried to handle his linen in a proper manner has any occasion to appeal. I do not think that circumstance has arisen. I do feel that the superintendents are giving the men every possible consideration in regard to those linen shortages. It is a sort of moral effect. If we did not have anything; if we had it wide open, I don't know where our linen would go to.

Chairman WALSH. Here is a letter dated September 28, 1914 [reading]:

"I feel justified in saying the employees would not object to rules under favorable working conditions, but a conductor or porter who is on the road three or four consecutive days and night, as many of them are, with but four hours' rest each night, will find it a hard task to live up to some of them, especially the one 'Don't sleep on duty.' When the berths are all made down at night the conductors and porters are required to spend the hours of watch sitting on a camp stool at the end of the aisle night after night.

"I will outline briefly some things that a conductor and porter are required to do:

"They have to purchase their own pencils; indelible only permissible.

"Porters are required to furnish the shoe polish used upon the passengers' shoes.

"Both conductors and porters are required to appear in full uniform before the superintendent or one of his subordinates and be inspected each month before they get their check. If they pass O. K., they receive a slip signed by the inspector which they present to the cashier and receive their check. If they do not pass O. K., they are ordered to purchase a new uniform or some part of one, as the case may be. In this event they are given a slip with the amount to be deducted from their check by the cashier, who pays them the difference, if any."

They do purchase their own pencils, do they, and are required to purchase a certain kind?

Mr. HUNSAKER. Well, I guess they furnish the pencils. We do not furnish them as a general practice. We do not furnish the pencils; no.

Chairman WALSH. And are they required to use indelible pencils?

Mr. HUNSAKER. I don't know anything that calls for an indelible pencil; but it may be so.

Chairman WALSH. You have already mentioned that the policy is free as to the requirement about the uniform?

Mr. HUNSAKER. Yes, sir; they are required to have their uniforms inspected each month. It is necessary that that should be done. We formerly had a great many complaints as to the appearance of the employees on the cars. A good many porters, especially new porters, would borrow the uniforms from one to another, so we had to have some fixed time to have them inspected. I don't know about making the deductions. I don't think that is so. They were probably told it would be necessary to get whatever uniform was necessary if the one they had on was not presentable.

Chairman WALSH. You think it is not the custom of the inspector, then, to give a slip to the inspected employee with the amount to be deducted from the check by the cashier?

Mr. HUNSAKER. I don't think so; he can't give him the amount to be deducted by the cashier; no. I will say that that is not right. He gives them a check to the cashier that everything is O. K., but I don't think he gives him a check to deduct the amount from the pay roll unless he authorizes it.

Chairman WALSH. Now, I will call your attention to another matter that was beyond my understanding there. I don't see how they could determine what was necessary to be deducted, but I will read you another paragraph to which I wish you would pay particular attention. It is about that semimonthly pay law. He says [reading]:

"Some States have a law compelling them to pay their employees semimonthly, which is very satisfactory to employees. Colorado was the first to pass this law, in 1897, and the company complied with it until the shops were moved from Denver to Richmond, Cal. This diminished the pay roll considerably. The company, since that time, have been paying but once per month. The shops were moved in 1910. This law is still in effect in Colorado, but no employees there question the company's right in not complying with State law. The checks are made out in Chicago and forwarded to the different districts to distribute them. By paying monthly it means that the company retains one-half a month's salary from each employee, which is quite an item, as they have several thousand."

What comment have you to make upon that?

Mr. HUNSAKER. Well, I think I covered that this morning about as fully as I am able to do.

Chairman WALSH. Who could tell—from your headquarters—what the practice is in the State of Colorado in reference to the semimonthly pay law?

Mr. HUNSAKER. Well, the legal department would have to pass on that.

Chairman WALSH. Well, what are the facts?

Mr. HUNSAKER. I don't know that there is any such thing; but, as I said this morning, my impression is that we paid at the shops semimonthly. I don't think at that time the car employees were paid semimonthly. I don't think there has been any change. I don't know of any law there now requiring them to be paid semimonthly. If so, I do not know why we are not complying with it.

Chairman WALSH. He follows [reading]:

"The company is opposed to any organization among their employees, as it leaves them free to dictate to the man and to add any additional work they see fit for them to do.

"Conductors who operate between Los Angeles and Salt Lake City for the San Pedro, Los Angeles & Salt Lake road lay over in Salt Lake City from 6.30 a. m. until 11.30 p. m. They report for duty at 8. p. m. and at 9 p. m. the passengers are allowed to go aboard the sleepers. The tickets, both railroad and Pullman, are lifted at the depot gate as the passengers pass through. Ever since the road has been in operation, which is about nine years, or at least ever since this rule of taking up tickets at the gate was passed, the Pullman conductor lifted the Pullman tickets and an agent furnished by the railroad lifted the railroad tickets. August 31 of this year the ticket agent's position was abolished. This saves the railroad company $115 per month. Instead of entering

the train conductor who was due out on this train to report at 9 p. m. and collect the railroad tickets they requested the Pullman Co. to have their conductor lift the railroad tickets along with the Pullman tickets. This means extra work for the Pullman conductor without additional pay."

Is that correct?

Mr. HUNGERFORD. It may be so. It is done in some places. We have been requested by the railroads to have our conductors, where the cars are placed in the station early for the reception of passengers for a train that departs late at night, to take up the railroad transportation at the time the Pullman transportation is lifted. It does not make any great amount of work. The passengers come dragging along one at a time and we asked them to put the railroad transportation in the envelope with the Pullman transportation; and it does not incur any great hardship on the men to speak of. As I say, it may be the case in some places and it may be so at Salt Lake.

Chairman WALSH (reading). "If the men were organized as the trainmen are, they would object to the above-mentioned as well as numerous other things they are compelled to do.

"On many roads they are compelled to handle the railroad tickets while on train. I will mention two roads, the Santa Fe and Pennsylvania."

Leaving out the conclusion as to the men being organized, you have already spoken about that, unless you care to say something——

Mr. HUNGERFORD. Yes.

Chairman WALSH. Do they handle the railroad tickets on those roads?

Mr. HUNGERFORD. They do on the Pennsylvania, and I think on most of the trains of the Santa Fe.

Chairman WALSH. We have a communication dated November 25, 1914, regarding insurance, as follows [reading]:

"Regarding insurance I will say the company urges their employees to carry insurance either in the Continental Casualty Co. or the Fidelity & Casualty Co., and the payments are deducted each month from the employees' checks. The company has printed circular letters pertaining to the indorsement of the above insurance companies, which they send out to the different districts. They formerly posted bulletins in the bulletin books referring to the indorsement of said insurance companies.

"When a conductor enters the service of the company he is introduced to an insurance solicitor by some one in the office, usually the instructor, and between the two the conductor is influenced to accept the policy. The report is current that either the Pullman Co. is interested in the above insurance companies or else the officials are carrying a free policy at the expense of the men."

I wish—what do you say as to that? Have you anything further than that your attention was directed to those two companies?

Mr. HUNGERFORD. I think not; no. I think that covers it.

Chairman WALSH. Do you know of any instance in which any of the officials are furnished favors from those companies for soliciting insurance from the men?

Mr. HUNGERFORD. I do not.

Chairman WALSH. And do you know whether or not any of the officials of the Pullman Co. are interested as stockholders, directors, or managers in the insurance companies?

Mr. HUNGERFORD. I think I can safely say they are not.

Chairman WALSH. Now, another paragraph [reading]:

"I wish to call your attention to the manner in which conductors are being treated at the present time. In a number of the districts there is a surplus of extra men, due principally to the different railroads taking off some of their trains. In Los Angeles there are 10 extra conductors. The company, without consulting the men who are entitled to hold their regular run, assigned an extra man to the different runs, causing all men to lay over an extra day at their own station each trip, which they do not get pay for. Each man loses from three to five days each month. The company wishes to hold these men, as a great many trains will be put back later. I am sure if the old men were consulted in the matter they would be willing to meet the company halfway. The above method is not practiced by railroads proper among their employees."

What do you say as to that?

Mr. HUNGERFORD. Well, about all I know is that there have been a number of trains taken off to the Pacific coast, as there have been all over the country;

and there are unfortunately, I am sorry to say, quite a number of men on the extra list. I presume it is the desire of the district superintendents to keep the men employed and to divide the work as much as possible among all of those men, as stated there, to let them share alike. Certainly that would avoid the statement that there would be any discrimination exercised. I don't know that to be a fact, but I should say that possibly that is correct. I know there are quite a number of men that are on the extra list—more than we should like to see.

Chairman WALSH. This gentleman says [reading]:

"For your further information I am writing you concerning conductors who operate on second sections of Santa Fe trains No. 8, Chicago to Los Angeles. I am told there is a second section on an average of every other day to take care of the extra travel to California at this time of year. As this train is a limited train, conductors are paid $100 a month regardless of time and service. The equipment of these trains is returned to Chicago deadhead shortly after their arrival at Los Angeles. The conductors and porters are due to return with the deadhead equipment, but the conductor is held in Los Angeles a couple of days and returned in service on a train of inferior class, either No. 2 or No. 10, and the conductor who is due to return on No. 2 or No. 10 is returned on the deadhead equipment on his arrival in Los Angeles. This is a saving of $10 per month in salary to the Pullman Co., as the limited conductor would be entitled to pay at the rate of $100 per month if he was allowed to return in charge of the deadhead equipment. But owing to the change his pay is reduced from that of a limited conductor to whatever his time and service entitle him to. This applies to his eastbound trip."

Is that correct?

Mr. HOWENSTEIN. I don't understand how that can come in. In the first place I don't understand that for deadheading they are entitled to that rate of pay at all. If they have been receiving that, it seems to me they have got more than they are entitled to. This limited rate of pay is paid for a special high-class service. If he goes out on an extra train—take a man that has a grade, say, of $90 or $95 a month and he goes out on that limited train, I should say he was only entitled to that limited rate of pay for the time he was employed on that. Now, if they have been allowing him the extra deadheading, I think probably he has got more than he is entitled to, and he can not complain if he don't get it every time. I don't know anything about it.

Chairman WALSH. He says further [reading]:

"Conductors on various occasions have asked the company when lost articles are turned in, and the company has kept same a reasonable length of time and are satisfied the owners will not claim them, that they be turned over to the porter who found same; but the company refused to do this. It would at least be an incentive to porters who are very much underpaid to turn in all lost articles promptly."

Mr. HOWENSTEIN. I don't see his point.

Chairman WALSH. Why, the point seems to be made by this gentleman that after a certain length of time lost articles should be given to the porter who found them. Is there any time at which the company disposes of articles for cash?

Mr. HOWENSTEIN. Oh, we have the greatest quantity of stuff turned in from the cars you can imagine. If we could get rid of the lost and found properties, we could save quite a number of clerks—one at least in each district. Night-shirts and articles like that and clothing are turned over to the hospital at the end of a month. Rubbers and old stuff not sanitary are thrown away. Anything of any value is kept for a matter of two months before it is taken out of the district, waiting for a claimant.

Chairman WALSH. I did not catch it.

Mr. HOWENSTEIN. I say, waiting for a claimant. We endeavor to locate the owner just as far as it is possible to do it, and we are very careful about that. At the end of two months any articles of value are forwarded to the chief service inspector, who turns them over to the treasurer to be held. A receipt is always given to the employee for any articles of value. I will say that we have had very few articles of any value that we have not been able to locate. In regard to turning them over to the porter or to the employee who found them, it is pretty hard to tell when they will be claimed. I know I was in communication here only last week with some man out in Arizona, who was asking for a very valuable pair of field glasses turned in last October, and those were held out in Los Angeles, or the district office, wherever it was, for two months.

and turned in here, and have since been forwarded to him. I do not see much in that——

Chairman WALSH (interrupting). You have no time at which the company sells property found upon their cars for cash?

Mr. HUNGERFORD. I don't know of any things that have been found that have been sold.

Chairman WALSH (reading). "On a run between Los Angeles and Cheyenne the conductor is allowed ordinarily to sleep from 8 a. m. to 7 a. m. But on one run there are two conductors between Cheyenne and Ogden, a distance of 494 miles, or 12 hours' run. The Los Angeles conductors sleep from 10 p. m. to 3 a. m. between Cheyenne and Ogden, and the Omaha conductors who operate between Omaha and Oakland, Cal., on the same train as far as Ogden, sleep from 3 a. m. to 6.30 a. m. between Cheyenne and Ogden. In other words, they go off duty as the Los Angeles conductors go on duty at 3 a. m. The Los Angeles conductor is on duty from 3 a. m. until 3 a. m. the following morning, or 24 consecutive hours. Then he gets his four-hour rest from 3 a. m. until 7 a. m., time allotted by the company."

Is that correct?

Mr. HUNGERFORD. I don't know that that is correct. If it is, I think it is not arranged right. I have no doubt in some of these runs all over the country you could pick out some that might stand out as not being in line and should be corrected when we can get hold of them. That might be one of them. I don't know. If it is, it is wrong.

Chairman WALSH (reading). "I wish to call your attention to what the company has been doing recently regarding what they term "school" or "lecturing" the conductors and porters. In Chicago some of the officials lectured to the conductors at what they term "The Home." It is a house furnished by the company as a sleeping quarters for conductors who run into Chicago from their districts. They also lecture to porters at the Colored Y. M. C. A. in Chicago and occasionally go to the various districts outside of Chicago, such as Omaha, Denver, Kansas City, in fact, to all of the large districts. They have been handing out the bunk to the porters recently that the company was arranging to do a good part by them about the first of the year, leading them to believe they will get a raise in salary. Still, they were very careful not to commit themselves regarding same."

What comment have you to make on that?

Mr. HUNGERFORD. I don't think the latter part calls for any answer.

Chairman WALSH. But the first part of it, as to the object of it?

Mr. HUNGERFORD. The object of it—I take exceptions to his expression "lecturers," because we do not call them lecturers. Every meeting—the object is to get the men and the district superintendents together. It gives the men an opportunity to express their views and to make any complaints and to bring out any unsatisfactory conditions which you have been enlarging upon. And I want to say that the feeling shown by the men indicate very clearly that they appreciate it. I have not heard of any complaint of those characters. They have held this meeting once in three months. Nobody is compelled to go. They are told about the meetings being held and it is a good deal what he says about a man running between Chicago and Denver, he may attend meetings at both points, but there is nothing—it is simply because he apparently desires to do so. There has been a great deal of interest shown in these meetings.

Chairman WALSH. How are the men notified as to the time and place of the meeting?

Mr. HUNGERFORD. Bulletins naturally will be put up in their order book, I suppose.

Chairman WALSH. Do you know of your own knowledge how they are notified?

Mr. HUNGERFORD. No; I do not. That would be the only way that they could do it, though, I should say.

Chairman WALSH. Here is one other letter, December 23, 1913, this is dated. [Reading:]

"Leaving Denver at 8 a. m. on the Denver & Rio Grande, a conductor arrives at Ogden at 1.45 p. m. the next day. Time, 29 hours and 45 minutes.

"The Pullman conductor makes this run with four hours rest. No matter how long the run the Pullman Co. gives the conductor only from 3 a. m. to 7 a. m. out of each 24 hours on the road, so you see on this road a conductor arising at Denver at 6 a. m. to take his train at 8 remains on duty until 3 a. m.

the next morning. From the 21 hours then he is given only 4 hours sleep. This run is covered by three train conductors, an average of 10 hours for each man. And the conductor from Denver to Salida, 215 miles, with a night over coming back to Denver, gets about the same lay-over at home that the Pullman conductor gets having gone to Ogden and return, 1,500 miles."

Mr. HUNGERFORD. I guess that is ancient history. You say that is in 1913?

Chairman WALSH. Yes, sir.

Mr. HUNGERFORD. Your Mr. West advised us there was some complaint about that, so I looked it up. There is no Denver-Ogden run now. It is Denver and Salt Lake.

Chairman WALSH. Mr. West called your attention to this particular matter?

Mr. HUNGERFORD. Yes. So I say I looked that up; but I do not pretend to keep all these runs in my head. But I can tell—they leave Denver about 8 o'clock in the morning and get to Salt Lake City the next noon, and remain there until the next afternoon, and leave there about 4 o'clock and get back to Denver the next evening, and lay over 32 hours—lay over at Denver, and 24 hours the other way, and they have their relief at night. Besides I don't consider it a long, hard run. Our service duties are different—entirely different from those of the train conductor. The train conductor has got the responsibility of the train on his hands, and our conductors have got about the same as the passengers.

Chairman WALSH. About the same as the passengers?

Mr. HUNGERFORD. Yes; it is no harder to make the trip than for the passengers. You know that a great deal of our travel is made for pleasure travel. The service is entirely different from that of the train conductor. He has got to be on his feet all the time and got the responsibility on his hands.

Chairman WALSH. Well, is that taken into consideration in the compensation given to the conductors as well as the hours they are required to remain on service; that is, that pleasure in traveling?

Mr. HUNGERFORD. Oh, not at all. We take the condition as we find it. As I said before, I don't believe, notwithstanding all that is said about the rate of pay, take a young man with a future before him, with the present condition, present arrangements of pay, has any better opportunity with any other concern than with the Pullman Co. The opportunity is worth something to the man. And his measure of success depends very largely on the energy and the conscientious effort that he himself makes. Ninety per cent of our officers in the various districts and assistants are—were Pullman conductors. They have risen from the ranks, and there are always vacancies for those who show aptitude to fill them. And even if we did not take advantage of these men that are making conscientious effort; they are running and coming into contact with men of affairs all the time. We have cases of men who will be advanced to other businesses and other lines—a great many men—men of prominence, I will say, have stated that they have ridden with a certain conductor and asked about him and have taken him away from us. A great many men to-day, who formerly have been Pullman conductors—I don't think the experience with them has ever been any detriment to them.

Chairman WALSH. He continues (reading):

"We have a short run on the Union Pacific, Denver to Cheyenne, 107 miles. The Pullman conductor gets up at 5.30 o'clock a. m., leaving Denver at 7.30 a. m., and gets back to Denver at 6.05 p. m., it being 7 p. m. when he gets away from his train and home. He works every day; no holidays; no Sundays; and no vacations; 12½ hours every day. He has no opportunity to interest himself in the duties of citizenship and is almost a stranger to his family. The train conductor on this same run is given every fifth day off."

Is that correct?

Mr. HUNGERFORD. What is the date of that letter?

Chairman WALSH. That is the same letter. I will tell you when I leave that letter. That is a letter dated December 28, 1912.

Mr. HUNGERFORD. The reason I say that, I don't think there is any such run. I don't think there is any run like it now.

Chairman WALSH (reading). "Conductors and porters make runs from Chicago to the coast, four nights with four hours' sleep at nights, and the porter often puts in two out of the four without any rest at all; and in case of trains being late, which they often are, many hours, the employee gets no allowance for extra time."

He adds to that:

"I have given only two or three runs, and what I give pertaining to them will no doubt apply to the entire working operation of the company throughout the United States."

Mr. HUNGERFORD. I did not get the point of that.

Chairman WALSH. Well, I will give you the last. He says [reading]:

"Conductors and porters make runs from Chicago to the coast, four nights with four hours' sleep at nights, and the porter often puts in two out of the four without any rest at all; and in case of trains being late, which they often are, many hours, the employee gets no allowance for extra time."

Mr. HUNGERFORD. There is no run that I know of, and I am safe in saying there isn't any run where he does not get some relief between here and the coast. If the train is late an hour or so, though, he would not get any extra pay; if the train was late so as to interfere with the run, another car would be put on, and they would be held over and paid until they got back.

Chairman WALSH. He follows [reading]:

"I have given only two or three runs, and what I give pertaining to them will no doubt apply to the entire working operation throughout the United States.

"An investigation will show that employees are putting in 20 out of 24 hours from two to four days at a time; that porters are paid a mere pittance and expected to hold up the public in order to get the wherewith to live; and that conductors are entitled to a much higher salary, and their runs should be the same as the train conductors.

"As to porters, while the tipping system prevails, a porter fares best is remaining with his car from its start to its destination, however long the trip is, in order to see all his passengers when the trip is ended."

Mr. HUNGERFORD. That is his opinion.

Chairman WALSH. That is his opinion.

Mr. HUNGERFORD. Yes; well——

Chairman WALSH (interrupting). I notice you said this morning that the men objected to having their long trips cut up—what is there about that circumstance—that the porter wants to follow the man who is going to give him the money?

Mr. HUNGERFORD. I had reference this morning to train conductors.

Chairman WALSH. What about porters?

Mr. HUNGERFORD. I think they like to run through as well. There may be something in what he says; I don't know.

Chairman WALSH. He follows [reading]:

"Make tipping unlawful, as it should be; create a condition whereby porters are compensated by the company with a living wage; and then it would be all to their advantage to have their runs shortened similar to what I have suggested for the conductors.

"Employees are fearful of making a move, as they know, should it become known, it would mean a discharge. For this reason, in the interests of other employees, whose assistance I shall secure, as well as in my own behalf, I hope the investigation is handled in such a manner that employees are protected in their positions."

What do you say as to his suggestion that tipping ought to be made unlawful, and that every person requiring the services of another should pay him a living wage?

Mr. HUNGERFORD. We certainly would have to meet any changed condition. We will simply have to pay whatever wages are necessary to secure the help to carry on the business. That is all there is about it.

Chairman WALSH. Well, we are attempting to get constructive suggestions. Now, here is a man from the other side who says make tipping unlawful and pay the men who work for you a living wage. What do you believe about that as being proper? Should tipping be made unlawful, and should it be made unlawful, or at least not respectable, for an individual or company to have anyone work for them or for him that was not paid a living wage so that he would be an independent man, not dependent on the largesse or kindness of another man?

Mr. HUNGERFORD. Well, that is a pretty comprehensive subject, and I would not care to answer it with the limited thought I have given to it.

Chairman WALSH. Here is another letter, December 11, 1918 [reading]:

"Several thousand employees, of which I am one, have been anxiously waiting for our company to do something of a substantial character; but it seems,

when our petitions to them, which I honestly believe have been reasonable, are ignored—not even the courtesy of a reply—our only hope is through pressure being brought to bear from some other source."

Are there several thousand of your employees that from time to time have petitioned you for improved conditions, to which petitions you did not give reply?

Mr. HUNGERFORD. I have not seen any petitions about improving any condition, or heard of one. There have been, as I stated this morning, some petitions come in about increasing the rate of pay, and I think I have pretty well covered that.

Chairman WALSH. How many persons signed those? Did thousands of employees sign them?

Mr. HUNGERFORD. No; I would not say thousands, but I will say there were some; quite a number signed.

Chairman WALSH (reading). "November 20, 1913"—this is a letter received—"I am told of the existence of a body known as the Industrial Relations Commission. I would respectfully and confidentially ask you to investigate the conditions surrounding the employment of Pullman conductors and porters. As a conductor I can assure you that in many ways our position with the Pullman Co. is almost unbearable. Where employees, thousands of them, are putting in 20 hours out of 24, days at a time, and lay-overs not worthy of the name, at a quite insufficient salary, and this from an enterprise declaring huge dividends each year besides annually adding an immense amount to their reserve, I feel that it is high time that some move be made to bring about a change."

That voices what seems to be a complaint on the part of some of them as to length of hours. Have you received many or few suggestions that the hours that the men work are too long, or that the hours that they were required to stay awake, leaving out of the question the work, are too long?

Mr. HUNGERFORD. Oh, they have been in some cases taken up. I can't recall any just now, but they have always received consideration, and would, any complaint by any employee. I do not—I can not conceive that that voices the feeling of the men generally, because I think the men generally know that they can take up any matter that relates to them, is of interest to them, and get proper consideration.

Chairman WALSH. Mr. Hungerford, how would you get the wishes and voice of the men generally in your service, and how do you get it?

Mr. HUNGERFORD. The men generally?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Why, the men very frequently take up matters themselves, individually.

Chairman WALSH. How many individuals have called at your office for a raise in their pay during the last 12 months?

Mr. HUNGERFORD. Have not been any.

Chairman WALSH. Well, the year before how many called there?

Mr. HUNGERFORD. I don't know that any conductors have come to me asking for an increase in their pay.

Chairman WALSH. Here is a letter from a conductor, dated October 10, 1914. He says [reading]:

"I have given the company about 10 years of my time and am still employed as a Pullman conductor. I do not wish to be known as a kicker, but there are a few points upon which we all would be pleased to see some changes.

"First. Some of the runs are very long, extending over three days and nights, and we work 20 hours out of the 24. On the run on which I am working we make the trip from Portland to Omaha and return every nine days. The mileage is 1,704 each way, making 3,408 miles for each trip, or, allowing for 40 trips per year, totaling over 141,000 miles per year. Another feature is the high cost of living on dining cars and in restaurants, which has increased about 40 per cent during the past year, without any increase in salary. In fact, there has not been any increase in salary for several years, except to the office force. Several times we have sent in a petition asking for an increase, but have never heard from them."

Are you acquainted with what the men you have heard here say? Is it a fact that the cost of living on the dining cars and in restaurants during the period of the year ending December, 1914, has increased 40 per cent?

Mr. HUNGERFORD. I don't know that the increase has been 40 per cent, but we all know that the prices of meals in dining cars have increased in the last few years; that is, I imagine, one of those long runs, which, as I said before,

I do not believe in. I think we can get them straightened out some day. I think they are too long myself.

Chairman WALSH. At this point I will ask you how many high officers, district superintendents, and so forth, are there whose positions conductors may hope to rise to?

Mr. HUNGERFORD. We have got some 80 or 90 of these district officers around the country, and they have their assistants and agents all throughout the country. I could not tell you the exact number.

Chairman WALSH. Here is a letter from a porter [reading]:

"I am sorry it is impossible for me to testify. I think it best not to testify for fear of losing my position. I run from Chicago to Los Angeles, 2,256 miles. I am on the road 3 days and 3 nights each way, with 4 hours' sleep each night and about 32½ hours' lay-over in Los Angeles. About 2½ of this 32½ is spent in the yards, which leaves about 20 hours' rest. When I arrive in Chicago I have 48 hours, but 4½ hours of this is consumed in riding the train from the depot to the yard on every arrival. The company always takes from 50 cents to $1 out of our check each month for linen they claim is short. The $37.50 per month we receive barely pays for our meals while on the road."

Is that a truthful statement of the condition on that run?

Mr. HUNGERFORD. I don't know that run. As I said before, I don't think that anybody pays for the linen if they will exercise due care in the handling of it.

Chairman WALSH. I called your attention a while ago to the statement of Commissioner Eshleman, of California. I find my memorandum of it. He says [reading]:

"As I told you in our office, we have yet to find a single employee of the Pullman Co. in the State of California that has talked to us—and we don't ask them; they talk to us from time to time—that thought your company was doing right by them; not a one. I have the first one yet to see who will say a good word about your company among the employees."

Now, you say you know about this. Have you made any investigation in the State of California as to the conditions existing there, so far as your company is concerned?

Mr. HUNGERFORD. Yes; we have. As I say, we sent inspectors out to cover that subject and talk with the men, and that effort has not developed any such thing as that. I notice he says that he has talked with some of the men. I hope and believe he did not talk with a great many.

Chairman WALSH. Now, you say that petitions were sent in that you deemed were gotten up by outside persons, and that therefore you did not notice them; but what was there about those petitions—because I want to call your attention to a letter there from a conductor—that caused no attention to be paid to those petitions?

Mr. HUNGERFORD. No; I did not say that no attention was paid to them.

Chairman WALSH. But I mean no answer given to them.

Mr. HUNGERFORD. Well, I don't know who you would answer.

Chairman WALSH. Well, just state were the names of the conductors signed to them.

Mr. HUNGERFORD. Yes.

Chairman WALSH. How many were there? Hundreds?

Mr. HUNGERFORD. I think I tried—I endeavored to make it clear that I would not say.

Chairman WALSH. Well, I did not get it clear.

Mr. HUNGERFORD. No; I tried to make it clear. I couldn't say. These petitions, as you know, came in here a year or two ago and were turned over to our vice president—he is the vice president now—and I have said I do not know what action has been taken. The only way you could make a reply to them would be to frame a general reply to them. I do know that the matter has been up for consideration with our people and is up now; but so far as making any reply, I don't know how you could reply to them. I don't see that there is any point in that in particular. Only one reply that you could make that would be satisfactory would be to grant an increase.

Chairman WALSH. How many conductors do you say you take on in normal times?

Mr. HUNGERFORD. About 2,500.

Chairman WALSH. Were 2,000 names signed to these petitions?

Mr. HUNGERFORD. No; I would not—you know——

Chairman WALSH (interrupting). Was there a thousand names signed to them?

Mr. HUNGERFORD. Well, as I said before, I can not say. I know they were all not signed up. I can not say how many were signed up, but I am only expressing a general recollection.

Chairman WALSH. Did they come from the different districts of your company?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Are they signed by some conductors in all of the districts?

Mr. HUNGERFORD. I would not want to make a positive statement as to that.

Chairman WALSH. Would you say there were 1,000 names signed to them altogether?

Mr. HUNGERFORD. I have stated that I could not make any definite statement.

Chairman WALSH. Were there 100 names signed to them altogether? I want to try to search your recollection now—I must for a moment—as to the number, as to how general that request was.

Mr. HUNGERFORD. Well, I have made about as clear a reply as I am capable of doing, and that is that I do not recall. I do not know that I examined them all. I know that I did not examine them carefully. I did not examine to see how many signed and how many did not. The fact that the request had been made was sufficient, and it would be recognized just as quickly as if it had been signed by the rest, or signed by all, as far as that is concerned.

Chairman WALSH. We received this letter of December 29, 1913 [reading]:

"DEAR SIR: This, the inclosed, you will note, is dated June, 1912, and as yet we have received no reply. It was sent from every important district in the United States, signed by at least 75 per cent of the Pullman conductors.

"While there is nothing in it concerning working conditions, this matter has been taken up in a verbal way through the various district organizations frequently and without results. And inclosed with that was this:

"'CHICAGO, ILL., *June 4, 1912.*

"'THE PULLMAN CO., *Chicago, Ill.*

"'GENTLEMEN: We, the undersigned Pullman conductors, beg to submit to you for your kind consideration a request for an increase in our salaries.

"'Owing to the tremendous increased cost of living we find ourselves barely able to support our families, and we are unable to save anything for that rainy day which sooner or later comes to all of us.

"'We take this opportunity to thank you for the due consideration which we have received from you in the past, and we want to assure you of our loyalty by putting forth our best efforts in a manner that at all times will retain the high standing of service which you require.

"'Thanking you in advance for any favor you may see fit to grant us, we are,

"'Very respectfully, yours.'"

Is that the truth, that 75 per cent of your conductors signed a communication of that sort under date of June 4, 1912?

Mr. HUNGERFORD. I make the statement, as I said before——

Chairman WALSH (interrupting). That you don't know?

Mr. HUNGERFORD. I do not know.

Chairman WALSH. Well, is this the petition you refer to which you say you thought was supposed to be signed by outsiders?

Mr. HUNGERFORD. What is the date of it?

Chairman WALSH. June 4, 1912.

Mr. HUNGERFORD. I don't think that is the date. I think we got a later one.

Chairman WALSH. I was going to ask you now, then, if there was not posted in the different offices and terminals of your company the following [reading]:

"Copy of petition"—this is our memorandum, which, according to Conductor "B," was posted in every district in the United States in January, 1914, and generally signed by the Pullman conductors.

"JANUARY 23, 1914.

"THE PULLMAN CO., *Chicago, Ill.*

"GENTLEMEN: We the undersigned Pullman conductors beg to submit to you for your kind consideration a request for an increase in our salaries.

"Owing to the tremendous increased cost of living we find ourselves barely able to support our families, and we are unable to save anything for that rainy day which sooner or later comes to all of us.

"We take this opportunity to thank you for the due consideration which we have received from you in the past, and we want to assure you of our

loyalty by putting forth our best efforts to serve in a manner that at all times will retain the high standing of service which you require.

"Thanking you in advance for any favor you may see fit to grant, we are,

"Very respectfully, yours.

"Pullman conductors, please sign and forward promptly to President J. S. Runnells, the Pullman Co., Chicago, Ill."

Did you receive that sort of request signed by the conductors in every district in the United States?

Mr. HUTCHINSON. Oh, they received that request, but I can not say that they got them from every district in the United States. As I said before, I did not check off the list of them. It is a matter that would have to be passed on generally, and I can not give you the number that was signed up.

Chairman WALSH. A conductor has sent in a comparative list, to which I call your attention and invite your comment. First, railroad employees: Conductors, Los Angeles to Las Vegas, $175 per month, brakemen $105; from Las Vegas to Caliente, conductors $165, brakemen $99.55; Caliente to Salt Lake City, conductors $175 a month, brakemen $170; Salt Lake to Ogden, conductors $140, brakemen $96; Ogden to Green River, conductors $165, brakemen $99.55; Green River to Cheyenne, conductors $165, brakemen $99.55; and that the compensation of the Pullman conductors between the same points is, respectively, $95, $90, $85, $85, $95, and $95. Perhaps I had better pass you that so you can look at it.

Mr. HUTCHINSON. Of course, as I said before, our own men do not have to acquire any training, as they have to in the railroad business.

Chairman WALSH. That is all the comment you care to make, is it?

Mr. HUTCHINSON. Yes.

Chairman WALSH (reading). The time schedule and mileage for conductors on the Pullman run from Los Angeles to Cheyenne and return over San Pedro, Los Angeles & Salt Lake Railroad; Oregon Short Line Railroad; and Union Pacific Railroad, east bound, leaving Los Angeles Tuesday, report at 7.30 a. m.; leave Los Angeles at 9 a. m.; arrive at Cheyenne Thursday, 5.20 a. m. Time on duty, 46 hours, except 4 hours' rest each night; mileage, 1,305 miles; rest in Cheyenne 10 hours. Westbound, leaving Cheyenne Thursday; report 2.30 p. m.; leave 3.40 p. m.; arrive at Los Angeles, Saturday 10.50 a. m.; turning in reports at office, 10.30 to 11.30 a. m.; time on duty, 44 hours and 10 minutes, except 4 hours' rest each night; mileage, 1,301 miles; rest in Los Angeles, about 66 hours, or until Tuesday at 7.30 a. m. Total mileage, round trip, 2,606 miles.

"The above runs are operated by the Pullman Co. with seven conductors, one leaving Los Angeles each day, making one trip a week. These conductors operate along with 6 train crews each way, or 12 crews on a round trip.

"Pullman conductors on this run make 11,322 miles per month, while train crews make from 4,880 to 5,600 miles, according to their division and schedule.

"Mail clerks on the Union Pacific Railroad, Cheyenne to Ogden, make 4,207 miles per month."

Are those figures approximately correct?

Mr. HUTCHINSON. I don't know; that looks to me like a hard run. Do you want to retain this paper?

Chairman WALSH. I can give you a copy of it if you would like to take it.

Mr. HUTCHINSON. I would like to look into it.

Chairman WALSH. This has been submitted also [reading]:

"Below are a few runs that show the mileage Pullman conductors have to make per month:

"Denver & Rio Grande Railroad, Denver to Ogden, 9,515 miles.

"Southern Pacific Railroad, Los Angeles to San Francisco, 9,720 miles.

"San Pedro, Los Angeles & Salt Lake Railroad, Los Angeles to Salt Lake, 9,036 miles.

"Union Pacific and Southern Pacific Railroads, Omaha to San Francisco, 12,500 miles.

"Union Pacific, Oregon Short Line, and Oregon Railroad & Navigation Co., Omaha to Portland, 13,029 miles.

"Chicago, Burlington & Quincy Railroad, Chicago to Denver, 12,011 miles.

"Santa Fe Railroad, Chicago to Los Angeles, 15,191 miles."

Mr. HUTCHINSON. Am I to retain these copies?

Chairman WALSH. You may; but I would like you to answer that offhand, if you could, and then you may take this with you and verify them, so that the record may be straight on that. Have you any comment you can make offhand?

Mr. HUNGERFORD. I have not.

Chairman WALSH. You have not the information?

Mr. HUNGERFORD. I have not.

(The witness later submitted data in regard to the mileage made by Pullman conductors, and the same appears as "Hungerford Exhibit No. 2," at the end of this subject.)

Chairman WALSH. I will furnish you, then, with a comparative statement here of mileage; round-trip mileage, Cheyenne to Ogden, Cheyenne to Green River, Los Angeles to Cheyenne, and Denver to Cheyenne, which purports to give these facts, that a mail clerk runs 8,709 miles per month and receives $150 per month, and that the regular train conductor runs 5,207 miles per month and receives compensation at the rate of $165 per month; and that the Pullman conductor on the same run runs 6,909 miles per month and receives compensation of $100 per month.

(Chairman Walsh here furnishes witness with copy of paper referred to.)

Is there a rule—I believe I read a rule against conductors soliciting business or recommending railroads or hotels—a rule against soliciting business or recommending hotels or railroads by your employees?

Mr. HUNGERFORD. You read that, did you not?

Chairman WALSH. I believe there is a rule of that kind?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are you aware of the fact that hotels do furnish free accommodation to your conductors at different points?

Mr. HUNGERFORD. I am.

Chairman WALSH. Why do they do it?

Mr. HUNGERFORD. I never investigated to ascertain why they did. I say it used to be a custom pretty generally to take care of railroad conductors and sleeping-car conductors. They seemed to be desirous of their patronage, but that has gradually drifted away, and they are not doing it so much now.

Chairman WALSH. Do they still furnish free accommodation at certain hotels to your knowledge?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And is it not a fact that they furnish such free accommodation in the hope that they will recommend travelers to stop at those hotels?

Mr. HUNGERFORD. That is merely a supposition. You ask me, however, about the matter, and I think it is possibly so, but that is merely supposition.

Chairman WALSH. Is it not a fact that conductors and porters frequently carry cold lunches with them because they can not afford to eat in the dining cars and have enough left out of their salaries to support their families?

Mr. HUNGERFORD. It would be optional with them to carry their lunches, if they so desired.

Chairman WALSH. Has that been going on?

Mr. HUNGERFORD. I do not know whether it has, or to what extent, but I assume that it would.

Chairman WALSH. Would the company be willing to meet a committee of conductors and porters to talk over their grievances, with a view of remedying them, if such a committee were fairly selected from among the employees?

Mr. HUNGERFORD. Entirely so; at any time.

Chairman WALSH. What has been the tendency in the past year to cut down or increase lay-overs—about cutting down or increasing lay-overs?

Mr. HUNGERFORD. We have increased lay-overs and cut the runs, considerable of them during the last year.

Chairman WALSH. Is it or is it not a fact that some of the railroads from which Pullman conductors handle the railroad transportation for the railroad company offer to pay the Pullman conductors a stipulated sum for their work, and that the Pullman Co. refused to allow their conductors to accept it?

Mr. HUNGERFORD. No, sir; not to my knowledge.

Chairman WALSH. Did this ever happen on the Santa Fe Railroad?

Mr. HUNGERFORD. Not to my knowledge.

Chairman WALSH. Did it ever happen on the Pennsylvania Railroad?

Mr. HUNGERFORD. It never happened on any road that I have any knowledge of.

Chairman WALSH. Is it a fact that Pullman conductors have taken the place of gatemen employed by the San Pedro, Los Angeles & Salt Lake Railroad at the Salt Lake station?

Mr. HUNGERFORD. I think you covered that this morning. I think you said they had taken the train conductor away and asked that our conductor take

up the railroad transportation at the same time the Pullman transportation was lifted, and I said that probably that was so; it has been done in some cases.

Chairman WALSH. Are Pullman conductors ever charged for railroad transportation when called away by sickness or death, when there is no time to obtain transportation through the Chicago office?

Mr. HUNNEMAN. Are they charged with that?

Chairman WALSH. Yes.

Mr. HUNNEMAN. I do not understand the question.

Chairman WALSH. Are Pullman conductors charged for railroad transportation when they are called away by sickness or death, when there is not sufficient time to get transportation from the Chicago office?

Mr. HUNNEMAN. If they do not get transportation or do not have a pass, I suppose they have to pay fare.

Chairman WALSH. What is your rule or method for providing them with transportation when they are called away in an emergency?

Mr. HUNNEMAN. Any of our superintendents can make up application on the road for that.

Chairman WALSH. Is it done by wire?

Mr. HUNNEMAN. They can do it, yes, sir, without any wiring or writing.

Chairman WALSH. Are the porters required to occupy a camp stool while on watch during the night at the end of the car?

Mr. HUNNEMAN. They are provided with a camp stool—it ought to be a camp chair—so that they can keep watch of the car.

Chairman WALSH. At page 43 of the book of rules I find the following [reading]:

"It must be understood that the passengers and employees, and the baggage belonging to them, can not be searched without their consent, except by officers of the law, but prompt report must be made in any case where an employee declines to be searched. Employees are cautioned, however, not to suggest any personal search unless it be suggested by the passenger, in which event it is assumed that any employee of the company will readily consent to such search, and in that case the passenger should be requested to make the search personally, and it should be done, if possible, in the drawing room or smoking room."

Does that mean that a penalty would follow the refusal of a conductor or a porter who refused to allow a passenger to search his person?

Mr. HUNNEMAN. It does not.

Chairman WALSH. What does it mean?

Mr. HUNNEMAN. It means, in case of loss, if claim is made by a passenger searching loss on the car, if they questioned the employee, as they often do, and endeavored to throw suspicion on him, that it would be better for him to submit to the search to satisfy the passenger, and clear himself. But there is no penalty attached to it if he does not do so.

Chairman WALSH. On page 65 of the book of rules is this provision [reading]:

"The time at meal stations will be divided between employees, and under no circumstances will the conductor and the porter leave the car at the same time to go to the dining room."

Does that arrangement always give your employees sufficient time for their meals?

Mr. HUNNEMAN. I think so. The point of that is that sneak thieves frequently get into the cars when no one is there and make away with the passengers' effects.

Chairman WALSH. On page 70 of the book of rules, under the heading, "Accidents and damage to cars," is the following provision [reading]:

"Whenever wheels are removed en route, the employee left in charge of the car will ascertain the maker's name of the wheels removed and applied, their numbers, their position in the trucks, and the cause of the removal, and report the occurrence to his district superintendent, giving the location of the car at the time the change was made."

Are porters, when in charge of cars, required to make this sort of a report?

Mr. HUNNEMAN. When the porter is in charge of the car he performs the conductor's duties.

Chairman WALSH. And your answer would be that they would be required, under those conditions, to make such report?

Mr. HUNNEMAN. Yes, they would be.

Chairman WALSH. Referring again to this book of rules, on page 73, beginning at page 73, and on down to page 82, under the heading, "Communicable diseases," and including "Means of prevention, the temperature of the car, the use of disinfectants, fumigation," and so forth, that chapter being signed by Thomas B. Crowder, M. D., superintendent of sanitation, are porters supposed to familiarize themselves with the instructions contained in this book from page 73 to page 82, inclusive, and carry out those instructions?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Those instructions, under the head "Means of prevention," give detailed instructions as to the handling of ice and water, the use of disinfectants and fumigation; and they are held responsible for the carrying out of these instructions, and the health of the traveling public to that extent—the porters are?

Mr. HUNGERFORD. Yes.

Chairman WALSH. On pages 83 to 90, inclusive, of this book of rules, is a digest of the laws of different States regarding the playing of cards, public drinking on trains, and the sale of tobacco and liquor in various States. Are the porters expected to familiarize themselves with those interpretations of the laws of the various States and see that they are complied with?

Mr. HUNGERFORD. They are expected to familiarize themselves with any information contained in the book; that is issued for their guidance.

Chairman WALSH. Then, I take it that they are supposed to familiarize themselves with the interpretations of the laws of the various States?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Who is responsible for the enforcement of these laws in the cars of the company?

Mr. HUNGERFORD. That information is conveyed to them. The train conductor is the only man on the train who has police jurisdiction; they report occurrences to the train conductor.

Chairman WALSH. Are the porters and conductors ever arrested for violating these laws?

Mr. HUNGERFORD. We hope not.

Chairman WALSH. Do you know of any instances in which they have been?

Mr. HUNGERFORD. No; I can not recall any now.

Chairman WALSH. Has the company ever been fined for violating those laws?

Mr. HUNGERFORD. I can not recall a case.

Chairman WALSH. Commissioner O'Connell would like to know what is the usual and general arrangement that obtains between the Pullman Co. and the railroads for the use of Pullman cars.

Mr. HUNGERFORD. Well, that is a pretty comprehensive question, but the general practice is that we furnish the cars on the request of the railroad companies; we are under agreement to do so for the accommodation of their passenger travel as in their opinion may be necessary.

Chairman WALSH. Well, I wish, if you could, you would make it a little more specific. What contractural rights usually exist between the railroad companies and the Pullman Co.; the character of them—your right to run cars on the roads?

Mr. HUNGERFORD. We have no right to run cars at all; we furnish cars to the roads, as I have said, for the accommodation of their passenger travel.

Chairman WALSH. You might take a typical case and just state what your arrangement is with the company.

Mr. HUNGERFORD. It would be to furnish cars to the roads to accommodate their passenger business, and they call upon us for the cars as they find it necessary on certain lines, and we are under obligation to furnish them. That is about the general idea. I don't altogether get the point.

Commissioner O'CONNELL. What I want to get at is the matter of compensation from either party for the use of the cars. Do the railroad companies pay you for the privilege of using your cars?

Mr. HUNGERFORD. No; we furnish the cars to them. The cars are used for the transportation of their passengers, and we get our revenue for the special accommodation furnished them—the seats, berths, or beds, and special accommodation.

Commissioner O'CONNELL. What is that particular contract? Can you briefly outline it for me? Have you a copy of a contract that you can furnish us? Are they usually the same?

Mr. HUNGERFORD. They are very similar. They are on file with the Interstate Commerce Commission.

Commissioner O'Connell. We can get them?

Mr. Hungerford. Yes.

Chairman Walsh. Commissioner Ballard would like to ask a few questions.

Commissioner Ballard. I would like to ask you, for instance, in going from Chicago to Louisville the porter leaves Chicago Monday night and arrives at Louisville on Tuesday morning, and then, returning, gets back to Chicago on Wednesday night; does he run continuously or have one day off a week, for instance?

Mr. Hungerford. He has one day off a week. He makes two round trips a month and has four days off.

Commissioner Ballard. You spoke of the matter of ventilation and temperature. Do you have a thermometer in each car and try to keep the car at a certain temperature?

Mr. Hungerford. Yes, sir. It is more easily regulated with the improved methods we have at the present time, such as steam heat, than formerly. Those temperatures are being maintained, as far as possible, to comply with what the medical people think is the best for the public health.

Commissioner Ballard. You spoke of blankets. Do you have two blankets for each bed in the car?

Mr. Hungerford. Yes, sir.

Commissioner Ballard. What if there is a change of temperature; then there are two blankets?

Mr. Hungerford. Yes; we know some people want a room hotter than others; we keep it cool and furnish them with additional blankets on request.

Commissioner Ballard. You have additional blankets in the cars that the porters can get?

Mr. Hungerford. Yes, sir.

Chairman Walsh. Commissioner Aishton would like to ask some questions.

Commissioner Aishton. Under the rules you have spoken of in the number of lay-off days proportionately larger on the long runs; you have spoken of than on the one-night runs?

Mr. Hungerford. Yes, sir; on the Overland Limited a man has three days and two nights away.

Commissioner Aishton. He has three days and two nights at his home town?

Mr. Hungerford. Yes.

Commissioner Aishton. And that applies to runs other than the Overland Limited?

Mr. Hungerford. Yes, sir.

Commissioner Aishton. And it applies to conductors as well as porters?

Mr. Hungerford. Yes, sir.

Commissioner Aishton. I think that is all, Mr. Chairman.

Chairman Walsh. Commissioner O'Connell has another question or so.

Commissioner O'Connell. Do the conductors and porters—are they required to give bond of any kind?

Mr. Hungerford. The company bonds its men at its own expense.

Commissioner O'Connell. It has a bonding department?

Mr. Hungerford. No; it has an arrangement with some bonding concern and bonds the men with what you might call a blanket bond.

Commissioner O'Connell. Are the employees taxed for that in any way?

Mr. Hungerford. They are not.

Commissioner O'Connell. Are the porters charged up with all losses of toilet articles in the cars on their return trips?

Mr. Hungerford. They are not; very little charge is made for that. The only charge made for linen or anything else is for what might be considered necessary for the moral effect, where they are found to be careless or negligent; but the toilet articles, they are not charged up with them at all, to speak of.

Commissioner O'Connell. Not for brushes or combs?

Mr. Hungerford. No, sir; they are carried away sometimes; you can not prevent that.

Commissioner O'Connell. In the matter of the men waiting—the extra men waiting for an opportunity to take a run—are these men permitted to seek other employment, or must they be at all times ready to be called by the Pullman Co.?

Mr. Hungerford. Oh, no; no at all; not at all; we could not keep them out of employment.

Commissioner O'Connell. If they are called and not found, or if they have a position and they can not come up right away and some one else takes that

particular place that is ready then, does that mean that they are not back in any way?

Mr. HUNEMORGAN. Not at all.

Commissioner O'CONNELL. They could then go to the foot of the list, as it were?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. What is the average earnings of a Pullman porter year year? I mean not the $27.50 a month; but what are the total earnings; what would the average be?

Mr. HUNEMORGAN. Deducting lost time?

Commissioner O'CONNELL. Yes. I take it for granted that every porter does not get to work a full month the year round.

Mr. HUNEMORGAN. That is true.

Commissioner O'CONNELL. There must be an average.

Mr. HUNEMORGAN. Yes; but I could not tell you what that is.

Commissioner O'CONNELL. If he had an average lost of time that is allotted to the usual workmen—that is, he works 300 days a year?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. That would naturally reduce his income materially?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. In other words, if his wage was $27.50 a month, it would average $24 or $25, as the case might be, so that his year's earnings would be much less?

Mr. HUNEMORGAN. You want what his average earnings would be, based on his actual days' service?

Commissioner O'CONNELL. Yes.

Mr. HUNEMORGAN. I could not tell you that.

Commissioner O'CONNELL. Does your company publish, in connection with your beneficial features, such as sick benefits, reports showing the amounts paid to the men, and the number of men sick during the year?

Mr. HUNEMORGAN. I do not know that we publish it; but we have it.

Commissioner O'CONNELL. Have you any such matter you can give us?

Mr. HUNEMORGAN. I can tell you what it was for last year; the sick benefit in the operating department was $60,000, and the pension fund was $60,000.

Commissioner O'CONNELL. How many employees would that probably affect?

Mr. HUNEMORGAN. Well, that would have an effect on all those connected with the operating department; and we have in that department between 14 and 15——

Commissioner O'CONNELL (interrupting). That would apply only to employees in the service 10 years?

Mr. HUNEMORGAN. Five years in case of sickness and 20 years in case of pension, except where pension might be granted under exceptional conditions—in exceptional cases where a man has been long in the service of the company and has given out under unusual conditions. In the event a man has been in the service from 15 to 20 years his case is presented to the board for the action of the board in those exceptional cases.

Commissioner O'CONNELL. Then, as I understand it, a man must be five years in the service to come under the sick-benefit rules?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. And 20 years to come under the pension system?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. How many of the 6,000 porters have been in the employ of the company 20 years, approximately?

Mr. HUNEMORGAN. I think I can give it to you on the 15-year rule.

Commissioner O'CONNELL. Whatever it is.

Mr. HUNEMORGAN. The reason I was going to give it to you on the 15-year rule, I had the number of men that received the 5 per cent on account of 15-year service; I did have it, but I do not seem to have it now. I can furnish you that information.

Commissioner O'CONNELL. And in addition, if you have not got it now, I would like to know the number of employees who have been five years in the service who are eligible to sick benefits.

Mr. HUNEMORGAN. Yes.

(Under date of April 15, 1915, Mr. Hungerford submitted the following statement in regard to the term of service of employees:)

Car employees in service 5 years and over: Conductors, 1,268; porters, 3,473.
Car employees in service 20 years and over: Conductors, 214; porters, 618.

Commissioner O'Connell. And you have given us, as I recall it now, in answer to a question by the chairman, the number of additional employees during 1913 and 1914, I think, showing something like 2,500 porters in one case.

Mr. Hungerford. I think the number was taken up this morning; yes.

Commissioner O'Connell. You think that would be a fair average of the number of employees—additional employees each year to keep up that number?

Mr. Hungerford. No; as I said to you—as I tried to make clear this morning—that was an abnormal period in 1913 and 1914, but that seems to be the period covered by the investigation, so I have those figures. As I said, the last part of 1913 and the first part of 1914 was the heaviest in the history of the company. The travel was the heaviest.

Commissioner O'Connell. Does that mean this number of additional employees have been permanently in the service?

Mr. Hungerford. They were taken up, but all did not remain permanently; no.

Commissioner O'Connell. It does not mean this large number was on an extra list?

Mr. Hungerford. It means they were taken up on account of unusual conditions, but it does not mean that they have continued to serve, because a great many necessarily, with the falling off of business, are let out—rather, they are carried on our extra list as satisfactory employees, but some have gone into other business; but that is the number we took up during that period.

Commissioner O'Connell. You have a system whereby the oldest employee is given the opportunity for a more favorable or better position?

Mr. Hungerford. Seniority counts where everything else is equal.

Commissioner O'Connell. You do apply seniority?

Mr. Hungerford. Yes.

Commissioner O'Connell. You spoke about the opportunity for conductors to rise up in the service of the company and get other positions, such as clerkships, and so forth; that about 90 per cent of your present force has risen from conductors?

Mr. Hungerford. Yes.

Commissioner O'Connell. What opportunity is there for a porter to rise in the service of the company?

Mr. Hungerford. Well, we have not any great number of positions they could enter from their positions as porters. There are, however, a great many porters on our cars who, by coming in contact with men of affairs that ride with them as passengers, have entered their service, but we have not many positions open to them.

Commissioner O'Connell. There is no other opportunity for them, with the possible exception of length of time of service, which would bring them a certain percentage of increase in wages?

Mr. Hungerford. Yes; that is correct.

Commissioner O'Connell. That is the only opportunity they have?

Mr. Hungerford. Yes. I can tell you the number of porters 10 years and over in the service, if you would like that.

Commissioner O'Connell. All right.

Mr. Hungerford. That is 1,721.

Commissioner O'Connell. That would be about what percentage?

Mr. Hungerford. That is about one-fourth. Over 5 and under 10 years it is 1,794. That makes a total of 3,515 that are over five years in the service out of the 5,000.

Commissioner O'Connell. Would there be a possibility of the porters and conductors, with their experience as operating men, having charge of the affairs of the Pullman Co. on wheels, as it were, in conference with the officials of that company, that their judgment might not be very effective in the way of suggesting remedial rules and regulations governing operations for their improvement and that of the company; that is, might not the company, by a conference with them, be able to bring that about?

Mr. HUNGERFORD. We have conferences with the men to which some questions have been raised apparently every three months. We have them with porters and conductors all over the country, and they are invited to make suggestions or comment or criticism.

Commissioner O'CONNELL. Is there any premium or prize of any kind offered to employees for suggestions?

Mr. HUNGERFORD. Yes, sir.

Commissioner O'CONNELL. In what way is that done?

Mr. HUNGERFORD. They are fully informed in regard to that. I would like to submit a pamphlet about that.

(The witness submitted, in printed form, a pamphlet entitled "The Pullman Co.—Policy and Procedure in Patent Matters.")

Any suggestion made by an employee is received and considered, and although the suggestion he may make may not not be altogether practical, if anything can be worked out of it he is rewarded for it. I will cite one case of a conductor that called attention to the fact, out at Denver, of rain falling off of the vestibule doors. I think everybody has got on those trains—I know I have and our passengers have—on rainy days and had the rain drop off of the door onto their hats. This conductor suggested putting a little V-shaped strip over that door, which was a very simple matter, and it is a wonder that no one else had thought of it, and the company rewarded and gave him $25 for the suggestion. That is all there was to it; there was nothing patentable about it.

Commissioner O'CONNELL. The company did not patent it?

Mr. HUNGERFORD. No; there was nothing patentable about it; it was simply a suggestion, and he was rewarded for that.

Commissioner O'CONNELL. Supposing a conductor left Chicago to go to San Francisco and return, and supposing on his trip out to San Francisco some charge was made against him for violation of some of the rules and the charge was sufficient to warrant him being discharged and taken off the train at San Francisco and not let return as conductor, would the company furnish him with transportation back to Chicago?

Mr. HUNGERFORD. You say, if it was sufficient as that he should be taken off?

Commissioner O'CONNELL. Yes.

Mr. HUNGERFORD. We would furnish it back to Chicago, unless he was arrested for some criminal offense.

Commissioner O'CONNELL. Of course, in that event.

Mr. HUNGERFORD. But they do not usually take men off away from their home stations unless they are compelled to do so for very good cause.

Commissioner O'CONNELL. If they were taken off, you would return them to the home station?

Mr. HUNGERFORD. Oh, yes.

Commissioner O'CONNELL. Suppose the grievance charged was made against a conductor or porter for having violated some rule or for having done something that was offensive to the traveling public and he was brought up before the officials and charged with whatever it might be, and it was substantiated; do you place fines upon them? Do you fine them in any way financially? I don't mean a suspension for a certain time, but an actual money fine of say $50 or $100 for the offense?

Mr. HUNGERFORD. No.

Commissioner O'CONNELL. Supposing that he is suspended for 30 days and he feels that he has been unjustly suspended; how does he go about having his case properly presented to the officials of the company and have a hearing?

Mr. HUNGERFORD. Most of the men would appeal to the chief service inspector, and if he was not satisfied with that he could appeal to me, or to the president. Any official will receive a petition of the employee and give it the proper attention.

Commissioner O'CONNELL. Suppose he is out in San Francisco and the officers of the company out there should take his case and decide it, and he must return to Chicago; will the company furnish him transportation and provide for him to come back to Chicago?

Mr. HUNGERFORD. In order that he may present his case?

Commissioner O'CONNELL. Yes.

Mr. HUNGERFORD. That matter would be determined on the merits presented by the petition; if it was justified, yes; to put him in service would be the way it would be done.

Commissioner O'CONNELL. How would the man have an opportunity to come back?

Mr. HUNGERFORD. Put him in service and send him here.

Commissioner O'CONNELL. That would be done in all cases?

Mr. HUNGERFORD. Yes. Anybody will be heard and given every opportunity to be heard about anything they do not think is right.

Commissioner O'CONNELL. Have the conductors or porters ever been invited in to discuss with the company the question of wages and hours or conditions of employment, at all?

Mr. HUNGERFORD. As I said, we hold these meetings and request them to make any suggestions they have to make. I do not know that they have been especially asked to come in on any specific subject, but they are given an opportunity to air their views on any subject.

Commissioner O'CONNELL. What I mean is, have the men ever, by committee, or on invitation of the company, selected some of their number to come to Chicago to take up with the Pullman officials the question whether there will be an increase or reduction in wages, or any change in their wage?

Mr. HUNGERFORD. Not to my knowledge.

Commissioner O'CONNELL. Or as to their hours or conditions of employment?

Mr. HUNGERFORD. Not to my knowledge.

Commissioner O'CONNELL. Then the position of the Pullman Co., as I see it, is that it states the rate of wage, the hours of service, and the trips and other conditions, and simply says to the workman who may make application for employment, "Those are the conditions under which your job is presented, and you can accept it or not, as you choose"; they have no say whatsoever as to the conditions under which they are to be employed?

Mr. HUNGERFORD. Well, they understand the conditions before they accept the employment.

Commissioner O'CONNELL. I understand that they accept the position simply as it is made for them, with the understanding that those are the conditions under which it is to be accepted.

Mr. HUNGERFORD. That is it.

Commissioner O'CONNELL. And the moment they felt that was not fair, they were expected to give up and allow some one else to accept it who was satisfied with it. I understood you to say to the chairman there were such a number of applicants that they seemed to be satisfied with the conditions?

Mr. HUNGERFORD. Yes; and, furthermore, there is about 90 per cent of the men—I will say 80 per cent to be safe—that are dismissed for one cause or another, that make strong efforts to get back. If conditions were so bad, I do not understand why, when once out, they would be so insistent to get back; but that is a fact.

Commissioner O'CONNELL. I can not explain that, and I would like to know myself. I was going to ask a question, and I think the chairman asked it in another way: If the porters' wages are $27.50 a month, and he is a man of family, and traveling must necessarily cost him extra expense, traveling from San Francisco, for instance, to Chicago and back, and gone several days, and if he has not a liberal lot of passengers with him I imagine the major portion of his salary would be eaten up by expenses while away from home; has your company given some thought as to the question of whether that wage is a sufficient wage for a man to keep himself and rear a family? Is there not an anticipated value of some kind in that position that is not in print or is not before us?

Mr. HUNGERFORD. Of course, as I said——

Commissioner O'CONNELL. Does not the possible liberality of the traveling public cut some figure? Does not the porter, when he accepts that position—is he not imbued with the idea that the salary question is not so great with him as getting a run upon which there is a large number of people traveling, and that the larger the number of people traveling upon it the greater his income will be? Does he not speculate, as it were, with the number of people traveling on the run?

Mr. HUNGERFORD. That may be so.

Commissioner O'CONNELL. And would that not be largely why he is anxious to stay in the service of the company or come back into the service of the company?

Mr. HUNGERFORD. That may be. As I say, we take the conditions as we find them. There are a great many men anxious for the positions and anxious for the work.

Commissioner O'CONNELL. Well, it does not seem possible that any man, white or black, would be seeking a position at an average of $7 a week, unless he saw in it some other condition or circumstance that would bring him a

larger income. We are enacting, or trying to enact, minimum-wage laws for women in Illinois, and it was figured somewhere around $8 a week as a minimum upon which a woman could live in respectability. Now, if a woman can not be expected to live on less than eight dollars and some cents per week, then a man traveling, as your porters do, and with the expenses they are put to, could not live on less than that amount and rear a family, could he? Has there any thought been given to that?

Mr. HUNNEMEYER. That does not come up in the line of operation, and that has not been put up to me; that would be considered by a higher official than I.

Commissioner BALLARD. In other words, do they get so many tips that they are willing to work for a small wage?

Mr. HUNNEMEYER. I think that enters into it. It is what goes with the position that makes it desirable; there is no question about that.

Chairman WALSH. Where do porters sleep on crowded trains that carry the modern steel cars, in which there are small wash rooms?

Mr. HUNNEMEYER. That is the berth designated as No. 1, usually upper No. 1.

Chairman WALSH. Supposing that all of the upper berths are taken by passengers; does that not occur at times?

Mr. HUNNEMEYER. That is a very desirable supposition, but it is so rare that it is not worthy of consideration. We would be very glad if it were so. There may be times when the porter finds difficulty in finding a berth, but I do not think it is so frequent that it may be considered.

Chairman WALSH. Would your company sell upper No. 1 to a passenger?

Mr. HUNNEMEYER. They would, under forced conditions, I suppose, but they are supposed to hold for the porter that berth on the character of cars you speak of, upper No. 1.

Chairman WALSH. What is the rule of your company?

Mr. HUNNEMEYER. It says in the book there—I think you read it—that they hold that berth.

Chairman WALSH. Sir?

Mr. HUNNEMEYER. I think the regulation provides for that in the book there.

Chairman WALSH. Is upper berth No. 1 reserved for the porter to sleep in on the modern steel cars?

Mr. HUNNEMEYER. No.

Chairman WALSH. It is not?

Mr. HUNNEMEYER. No.

Chairman WALSH. That is, he can not sleep in upper berth No. 1 if the car is full?

Mr. HUNNEMEYER. He sleeps in the smoking room. The majority of our cars have smoking rooms. You asked the question awhile ago about the cars that do not have smoking rooms, and I said in those cars they probably designated upper 1. The book provides that the district superintendent will provide the space for them—arranges the space for the men.

Chairman WALSH. How many cars have you that have the small wash rooms without berths?

Mr. HUNNEMEYER. I could not tell you offhand.

Chairman WALSH. Could you approximate it?

Mr. HUNNEMEYER. No, sir; I could not. The majority of what we call our standard cars have smoking rooms—what we call our standard cars. The other cars mostly run on trains of a special character, where there are other means for smoking, combined cars.

Chairman WALSH. On the Chicago-New York trains; do the cars in those trains have sleeping accommodations in the smoking rooms usually?

Mr. HUNNEMEYER. Yes, sir.

Chairman WALSH. On the Pennsylvania Railroad?

Mr. HUNNEMEYER. They have—we have combined cars on the Pennsylvania Railroad, and have two sections arranged for sleeping.

Chairman WALSH. The Chicago-San Francisco trains, how are they? Do they have the small smoking room without berth?

Mr. HUNNEMEYER. Yes, sir; but I do not think we ever saw a Chicago-San Francisco train loaded that way.

Chairman WALSH. Do you know of any instance where all of the upper berths were taken, and the porters had no place to sleep?

Mr. HUNNEMEYER. No, sir; I never heard of it; it may have occurred; it possibly has, but I do not know of it.

Chairman WALSH. That is all, thank you, Mr. Hungerford. You may be permanently excused, but please remain in call in the event that we may wish to recall you.

Mr. HUNGERFORD. Very well.

Chairman WALSH. I will ask you another question. I call your attention to a situation of this kind: Take a case like this, where only three Pullman passengers come through from Seattle to Chicago, arriving in Chicago on Saturday at 10.15 a. m.; how would a porter be supposed to live on a trip of that kind, if that is a fact? This was handed to our investigator by some one, and we might assume that that occurred.

Mr. HUNGERFORD. Probably that is not the average; I do not know whether that is a fact; I do not know anything about it. The men get along all right, so far as I know.

Chairman WALSH. Do you make any attempt to ascertain how many passengers ride on the cars, with reference to the way the porters maintain themselves? Have you runs that are very meagerly patronized?

Mr. HUNGERFORD. There is a difference in the amount of patronage; certainly.

Chairman WALSH. Many that affect the porters' way of making a living?

Mr. HUNGERFORD. They would be what would be considered less desirable runs, I suppose.

Chairman WALSH. Do you have that in mind and change them off, so that probably might be put on runs where they could not possibly get enough?

Mr. HUNGERFORD. The better grade of men are put on them, and they look for promotion to some other line.

Chairman WALSH. Would he make a request of you to that effect?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. How is that taken care of?

Mr. HUNGERFORD. That is handled by the local district superintendent.

Chairman WALSH. Would the local district superintendent take that into consideration if a man was put on a poorly patronized line for any length of time and put him on a better one?

Mr. HUNGERFORD. I can not say about that; he probably would not disturb the men on the better lines.

Chairman WALSH. Do you make any investigation to find out whether there are instances of runs where porters can not possibly maintain themselves just from the tips and their compensation?

Mr. HUNGERFORD. I do not know of any such runs.

Chairman WALSH. Do you make any investigation to ascertain whether there are any such?

Mr. HUNGERFORD. No.

Chairman WALSH. Do you make any investigation to find out what porters make on any particular runs?

Mr. HUNGERFORD. No.

Chairman WALSH. Is there any established knowledge, from custom or otherwise, in your company, that would indicate how much a porter would make, supposing he had a 14-section train filled up with passengers?

Mr. HUNGERFORD. No, sir; there is not.

Chairman WALSH. You do not figure on that in any way?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. That is all. Thank you, Mr. Hungerford.

Mr. R. W. Bell.

TESTIMONY OF MR. R. W. BELL.

Chairman WALSH. What is your name?

Mr. BELL. R. W. Bell.

Chairman WALSH. Where do you reside, Mr. Bell?

Mr. BELL. 12051 Parnell Avenue, Chicago.

Chairman WALSH. How long have you resided in Chicago, Ill.?

Mr. BELL. Well, consecutively I have been here 16 years; I have been away at different times, though.

Chairman WALSH. What is your present occupation?

Mr. BELL. In the mercantile business.

Chairman WALSH. In what line, please?

Mr. BELL. Groceries and meats.

Chairman WALSH. Are you in business for yourself?

Mr. BELL. No; I am employed.

Chairman WALSH. Have you ever been in the service of the Pullman Co.?

Mr. BELL. Yes, sir; three times.

Chairman WALSH. Just describe the length of each one of your services and in a general way what runs you had.

Mr. BELL. The first time I was with them I was in the storeroom at the Dearborn Station.

Chairman WALSH. How long were you in the storeroom at the Dearborn Station?

Mr. BELL. Six or seven months. I don't remember exactly; it was during the World's Fair in Chicago. Some years later I went on the road and worked about 25 months—I am not sure of the exact number—and I quit and went into business for myself, and after being out for about 6 years I went back in the Pullman service again until they decided they did not want me any longer. I was there about 25 months at that time.

Chairman WALSH. So you were with them about six months the first time and two years the other two times of service with the company?

Mr. BELL. A little over two years each time.

Chairman WALSH. Just describe the runs you had in each period of your service.

Mr. BELL. I ran pretty near all over creation; I don't know hardly how I could describe it.

Chairman WALSH. Are you a married man?

Mr. BELL. I am a married man now, but I was not when I went in the service of the company the first time; I was married when I was in the service.

Chairman WALSH. The first or second time?

Mr. BELL. The first time. They would not give me permission to get off to get married.

Chairman WALSH. But nevertheless you seem to have accomplished your purpose?

Mr. BELL. Yes; I pretty nearly always get what I go after.

Chairman WALSH. Was that during your first service that you were married?

Mr. BELL. Yes, sir; my first service on the road.

Chairman WALSH. Now, were you connected with any effort to organize the employees of the Pullman Co. at any time?

Mr. BELL. Yes; I was probably as active or more active than anyone else.

Chairman WALSH. Was it during your first or your second term of service?

Mr. BELL. The second term.

Chairman WALSH. How long were you with the company before you undertook to assist in the organization of the employees?

Mr. BELL. Well, in June, 1913. I was with them two years. We commenced this movement in the latter part of May, 1913.

Chairman WALSH. The last two years' service you were conductor and you were only in the storeroom the first six months?

Mr. BELL. Yes, sir.

Chairman WALSH. All the rest of the time you were conductor?

Mr. BELL. Yes, sir.

Chairman WALSH. Go ahead.

Mr. BELL. We commenced this movement in May, and in June I would have been in the service two years.

Chairman WALSH. Now, I wish you would give us as consisely as possible the history of the effort to organize the Pullman employees. What was its inception? First, what reason did you have and what moves did you make to do it?

Mr. BELL. Well, it was a common subject of conversation in the conductors' room when we were waiting to go out on our runs that organization would be the only remedy for our grievances.

Chairman WALSH. Briefly and generally stated, what were your grievances?

Mr. BELL. It is easier to say what they were not. It was in regard to working conditions, wages, and all those things; working conditions and wages, of course, would cover everything.

Chairman WALSH. Did you have a specific demand for an increase in wages, or could you state briefly what was your objection to the wages? That is, were the wages inadequate for the service rendered, or what?

Mr. BELL. Well, we were in luck to break even. That was my experience, and I was running a good part of the time. The last period of service I put in I was on a run where you could live as economically as almost any one of the runs out of the district—as the Chicago & Alton to St. Louis.

Chairman WALSH. What was your salary then?

Mr. BELL. Eighty-five dollars.

Chairman WALSH. What was your salary when you first went with the company?

Mr. BELL. Seventy dollars; that is the regular schedule pay to start with. Of course, I only worked for $70 about two months.

Chairman WALSH. And then you got $75 or $80?

Mr. BELL. Seventy-five dollars.

Chairman WALSH. How long did you run for $75?

Mr. BELL. Six months at $75, and then there was the balance of the time that I got credit on the $70 term. There was a time when you got credit for past service, and that was added to your salary, but that was discontinued.

Chairman WALSH. What was the addition that you got for past services?

Mr. BELL. Well, I worked for six months in the dispatchers office, and when I went on the road after I worked a couple of months they gave me credit for that six months service, which put me in the $75 class.

Chairman WALSH. When was that discontinued?

Mr. BELL. When I had served a year I was paid $80, the regular schedule pay; I was given $60 when I resigned, and I went back at $60 and finished out; I started in at $60, and after that I got $65 until I was discharged.

Chairman WALSH. Was your service with the company during your first period satisfactory? Did you quit of your own accord in harmony with the company?

Mr. BELL. Yes; I resigned the first time.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock to-morrow morning; please be here at 10 o'clock to-morrow.

(Thereupon at 4.40 p. m., Monday, April 5, 1915, an adjournment was taken until Tuesday, April 6, 1915, at 10 a. m.)

CHICAGO, ILL., *Tuesday, April 6, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, Ballard, and Garretson.

Chairman WALSH. We will please be in order; the commission will resume.

TESTIMONY OF MR. R. W. BELL—Continued.

Mr. Bell, will you please resume the stand, and I will have to ask you to speak a little louder, as the commissioners at this end [indicating] could not hear you very well yesterday.

When we adjourned last night I think you had finished giving your experience with the Pullman Co. Now, I wish you would give a history of this effort to present the matters of the employees collectively—your effort to organize.

Mr. BELL. Well, we got the idea of organizing from the expressions of the men. They seemed to think that was our only remedy to combat the grievances we were up against.

Chairman WALSH. Were there persons that came in from the outside to promote the organization?

Mr. BELL. I never heard of any.

Chairman WALSH. From any other organization, craft, railroad, or others?

Mr. BELL. All we got from outside crafts was which we made the advances ourselves. The movement was purely from within, and for the reasons I stated we started the movement. We worked under cover, as we knew it would be the wisest thing to do.

Chairman WALSH. Just describe what you did; just tell what you did toward organizing the men.

Mr. BELL. We had the application cards printed and visited the men and talked to them and got their signatures to the application cards, and got their expressions; and conducted it along that way, and we were, in turn, let out of the service, and a great many of the men were very much in favor of the organization.

Many of the old men expressed themselves as being very much in favor of the organization, but they said they could not afford to sign up because they were getting along in years and could not work at anything else, and they said if they did that meant the termination of their relations with the company; and they expressed themselves as being with us as soon as we could get to a point where they could come out openly.

Chairman WALSH. You say you lost your position?

Mr. BELL. Yes.

Chairman WALSH. How many men were discharged?

Mr. BELL. Of the organizers, you mean?

Chairman WALSH. Yes, sir.

Mr. BELL. There were three of us; we were all discharged.

Chairman WALSH. Who were the three men discharged? Have you got the list?

Mr. BELL. Mr. Stewart, Mr. Bernadicht, and myself.

Chairman WALSH. What reason was given for your discharge?

Mr. BELL. I asked the reason for my discharge, and they said they didn't know. Mr. Waite discharged me, and I had gone down to the train to go out on my run, and I was sent for to go back to the office; I was called in, and Mr. Waite was busy and said he would see me in a few minutes; and he called me in the office and said that he was sorry, but the company did not want my service any more. I asked him the reason, and he said he didn't know. And I was given my discharge papers, and was told to see the chief clerk and get my time, and we were afterwards told to stay out of the station.

Chairman WALSH. Who was told to stay out of the station?

Mr. BELL. Mr. Stewart was, Mr. Bernadicht was, and I was, myself. And some of the men working for the organization in the East were taken out by the police. That happened in Jersey City. In New York, at the Pennsylvania Terminal, they were forbidden to go into the T. M. C. A. rooms.

Chairman WALSH. I wish now—that is all of the evidence, is it, that you have, that men were discharged for attempting to organize, what you have stated? If you have anything else, please state it.

Mr. BELL. I have some letters here.

Chairman WALSH. Very well.

Mr. BELL. Here is one from Houston, Tex.

Chairman WALSH. Please give the substance of them, instead of reading them at length.

Mr. BELL. I will just read the matter stating the discharge. This was addressed to me [reading]:

"I have just been handed a card." I don't want to take up any extra time. [Continues reading:]

"I was called into our office yesterday. Our district superintendent said he had a letter from Mr. Davis stating my services were no longer required with the company; not stating any reason why I should be let off.

"On reporting for my run to go out on February 20, was called into the superintendent's office and discharged from the service without any investigation."

That is Jacksonville, Fla.

Chairman WALSH. Were all those men men who had taken part in the organization? I noticed by the testimony of Mr. Hungerford yesterday that that was the usual way of discharging men, no matter what the cause. Were those men active in the organization to your knowledge or not?

Mr. BELL. I might read a little further and give their statement.

Chairman WALSH. Just give your knowledge, please.

Mr. BELL. The letters I have here, nearly all, state that they thought it was on account of their connection with the Federation, as they had been active in talking organization; some give that in their letters.

Chairman WALSH. Well, then, give the dates of those letters and the names, and that we will have that in the record without reading.

Mr. BELL. The names of the writers?

Chairman WALSH. The names of the writers, unless you wish to withhold them for any reason.

Mr. BELL. I would rather not give the names of anyone in the service.

Chairman WALSH. All right.

Mr. BELL. These discharges are not, of course, in the service.

Chairman WALSH. I thought you were just giving those, Mr. Bell, of the persons that had been discharged for activity in the organization?

Mr. BELL. Well, those are, Mr. Walsh.

This is Houston, Tex., J. M. O'Williams; New York is E. H. Shortledge; here is another one from the New York district, C. R. Wyngaardt; Jacksonville, Fla., E. J. Roberts; St. Louis, A. P. Ferguson; here is a letter, an appendix into a letter, that I would like to read, Mr. Walsh.

Chairman WALSH. Very good.

Mr. BELL. It is from a discharged employee. It is a postscript [reading]:

"Mr. Wood, our superintendent, called me into his office some time ago and said, 'Hunsicker, I want you to tell me the truth, and if you do not, I will find

it out anyhow.' I said, then, 'Yes, sir, Mr. Ward.' He said, 'I hear that you are mixed up in this Pullman cabin business.' I said, 'Yes, sir.' So he read the riot act to me."

The rest of it is not important. It is [reading] "W. O. Hunsicker, San Francisco."

That is all the letters I have with me on that, Mr. Walsh.

Chairman WALSH. For the benefit of two of the commissioners who were not here yesterday, I wish you would please give the wages of conductors and porters in the Pullman service, if you have it there?

Mr. BULL. I can give that from memory. I haven't it.

Chairman WALSH. Do it from memory, please.

Mr. BULL. A standard-car porter gets $27.50 per month; tourist-car porter gets, I don't remember the exact amount——

Chairman WALSH (interrupting). Thirty dollars per month?

Mr. BULL (continuing). Thirty-six dollars and seventy-five cents, I believe. That is approximate.

Chairman WALSH. Thirty-six dollars and seventy-five cents?

Mr. BULL. The first six months the conductor gets $70; the second six months, $75; the second year, $80; the third year, $85; after he has been in the service 5 years he gets $90. After 10 years he gets $95 and free uniforms.

Chairman WALSH. I think there is a hundred-dollar scale, is there not?

Mr. BULL. That is for special runs, the limited runs.

Chairman WALSH. Now, please describe the bonus system.

Mr. BULL. There is a bonus of an extra month's pay for a good record made during the calendar year. If you are in the service from the 1st of January to the 31st of December and have not sufficient penalties against your record, why, you will get the bonus.

Chairman WALSH. Please describe the system of book suspensions.

Mr. BULL. Well, I could not tell you what the suspensions were given for. They have plenty of them—plenty of reasons.

Chairman WALSH. I believe they run—the punishments run—from a mere reprimand to a 15 days' suspension?

Mr. BULL. Yes, sir.

Chairman WALSH. Yes. Well, now, can you describe how the bonus is lost by book suspension?

Mr. BULL. Well, if they get sufficient penalties against you.

Chairman WALSH. Well, can you describe offhand, for instance, how long it takes them to work out a suspension of 15 days?

Mr. BULL. Nine months; I believe it is—nine calendar months.

Chairman WALSH. Well, we can get that out of the record, anyway.

Mr. BULL. You will find that in the book of instructions there—book of rules.

Chairman WALSH. Yes. Well, we had that yesterday. Now, I interrupted you. Proceed. Have you something else you desire to submit there that you had in writing?

Mr. BULL. No; I had nothing.

Commissioner LENNON. May I ask one or two questions?

Chairman WALSH. Yes.

Commissioner LENNON. What do you pay for meals when you are on your trips in the dining cars?

Mr. BULL. On almost all roads—the Santa Fe and Chicago & Alton are the only exceptions I can recall—we pay a half rate—50 per cent of what the passenger pays. We do not always get the half portion. That depends a good deal on the dining-car steward, I suppose.

Commissioner LENNON. Do you have opportunities for sleep on long runs?

Mr. BULL. Yes; the regular rules of the company are for the conductor to retire at 8 o'clock in the morning and be up by 7. That is varied some by the conditions on the run.

Commissioner LENNON. Suppose you are a day or two days in San Francisco after a long run. Does the company pay half your expenses for meals?

Mr. BULL. They do not pay anything.

Commissioner LENNON. Just while you are on the train?

Mr. BULL. They do not pay anything in regard to your meals at any time.

Commissioner LENNON. I know, but you get a half rate. Do you get any such arrangement while at the end of the route?

Mr. BULL. No, sir.

Commissioner LENNON. Otherwise than at your home place?

Mr. BELL. In railroad eating houses where transients are allowed a cash rate, we get it on identification. We can often get it, and usually get it.

Commissioner LENNON. That is, if you are at the end of a route; otherwise does your house plan?

Mr. BELL. Yes. We do not always get that, even.

Commissioner LENNON. That is all.

Chairman WALSH. Have you any information other than what was listed here yesterday as to what sort of accommodations are furnished conductors by the Pullman Co. at terminals?

Mr. BELL. Well, there are many of them I have seen personally—not a good many; several I have seen.

Chairman WALSH. Please describe them briefly.

Mr. BELL. In St. Louis there is a room over the storeroom with 10 single beds. It is above—it is just across the street from the sheds. The street viaduct runs right in front of it with the street cars running over it, and you are only about 100 feet from the railroad tracks; and the storeroom is underneath, and the men are working down there all day. The room is not kept in very good condition, but the linen is always clean. The room has not been properly swept—is not usually; was not while I was there.

In Denver there is a room in the depot there with six beds, right off the cashier's—the waiting room to the cashier's office. It is quite noisy. There are single beds, and the linen is usually clean, so far as I was ever able to tell, although I never slept there, as I stayed at the hotel. The Oxford Hotel would give us rooms.

Chairman WALSH. Of whom did you buy your uniforms while on the road?

Mr. BELL. Marshall Field & Co.

Chairman WALSH. And give the price of them, please?

Mr. BELL. My uniform and cap together cost $21.50, I believe it was. I understand the price has been changed since. I think they pay more now.

Chairman WALSH. State whether or not you know anything about any petitions for increased wages or improved conditions having been submitted to the company by the conductors and porters?

Mr. BELL. Well, I have signed several petitions for increased pay myself for the conductors. I have never seen any for the porters. I understood there was some sent in.

Chairman WALSH. How were they circulated? How did you happen to sign them?

Mr. BELL. The form of the heading was usually gotten up in type and left in the conductors' room to sign—for the conductors to sign; and usually some conductors were active in seeing that you did sign. It did not take much persuasion to get them to sign it.

Chairman WALSH. How, generally, were they signed?

Mr. BELL. Well, I have seen some of them with over 500 names on.

Chairman WALSH. In a district containing how many conductors?

Mr. BELL. I don't know just how many conductors the St. Louis district has. I understood it was about 250, but I can not tell you about that.

Chairman WALSH. It has been stated that the men were generally satisfied with wages and conditions. Now, I wish you would sketch, if you will, what your observation was with reference to that—whether or not the men are satisfied; how they view the company; what they think about their wages and conditions?

Mr. BELL. I do not believe that I ever heard a man state that he was satisfied, and I have talked to a good many. As an organizer I come in contact with a great many, and I have never heard anyone say, though, that he was satisfied with wages and conditions.

Chairman WALSH. Well, do they generally express dissatisfaction?

Mr. BELL. That has been my experience, that they were pretty free in expressing dissatisfaction when they were where they would not be heard by the officials.

Chairman WALSH. Did you ever receive the bonus of one month's salary for a clear record during the calendar year?

Mr. BELL. I got it once, and once was the only opportunity I had to get it.

Chairman WALSH. That was in 20 years' service?

Mr. BELL. Yes, sir. The first time I was there they did not have that bonus system. The next time I commenced in June and I was not eligible, and the next year I got it, and the next year I was discharged, so I was not likely to get it.

Chairman WALSH. What is the rule as to receiving your entire month's salary when you miss one or more of your regular runs by being "out of line"?

Mr. BELL. They pay you for the time you put in, and if you miss anything that is deducted from your salary.

Chairman WALSH. Is there a possibility of missing it? What is the usual custom in regard to that?

Mr. BELL. That is the custom, that if you are out of line or you take—where they assign you next, if you lose any more time than you are entitled to in that lay-over, that is deducted from your pay.

Chairman WALSH. Does that occur frequently enough to make an appreciable difference in the amount of your actual earnings?

Mr. BELL. To some men it probably does. I never missed much myself.

Chairman WALSH. When was the wage scale last changed by the company?

Mr. BELL. I was not in the service at the time. I believe it was in 1911.

Chairman WALSH. When was the bonus system established?

Mr. BELL. I was out of the service at that time. I believe it was about 1910, I think; I am not sure.

Chairman WALSH. At what time in the month and in what manner are the Pullman Co.'s employees paid—the car-service employees?

Mr. BELL. In Illinois they are paid semimonthly, and it is about the 10th and 25th; something like that. I don't remember the exact dates. In New York they are paid weekly, and in Missouri they are paid semimonthly; and I think in the rest of the districts they are paid monthly.

Chairman WALSH. In those States in which they are paid more frequently than once per month, are there laws requiring such payments to be made?

Mr. BELL. Yes, sir.

Chairman WALSH. Do you know of any State in which there is no legal requirement in which they pay oftener than once a month?

Mr. BELL. I don't know of any. I know somewhere they do not.

Chairman WALSH. Is there anything added to the revenue of the conductor by tips?

Mr. BELL. Well, occasionally. It is his good fortune if he gets a tip.

Chairman WALSH. It is not usual?

Mr. BELL. It was not in my experience.

Chairman WALSH. Could you tell what is the average monthly revenue there would be from it, or was it so infrequent as not to cut a figure?

Mr. BELL. It don't cut any figure. My experience was that I got very little. Once in a while a passenger asked me to go to dinner and eat with him, and he would pay the bill. That was about all the tips I ever received.

Chairman WALSH. Could you give us any light on what might be the average revenue of a porter from tips, taking the most heavily traveled runs and the lighter ones, say, and then the average in between?

Mr. BELL. No; I can not; because that is something you couldn't count on. The only way it could be told is where the porter would keep an account of what he got from the tips.

Chairman WALSH. What superior officers do conductors deal with?

Mr. BELL. He deals directly with his district superintendent and his assistant and the chief inspector's office. Sometimes when there is something serious he is called into Mr. Hungerford's office.

Chairman WALSH. Usually speaking, what are the relations between the officers and the men? Are they best? Do they get along well or otherwise? What is the attitude of one toward the other?

Mr. BELL. Well, of course, it is concealed a great deal; but in my experience it is not very friendly from the men toward the officials.

Chairman WALSH. Well, do the officials treat them with courtesy and consideration?

Mr. BELL. Well, the dealings with the company are usually very arbitrary. My own experiences with them has not been so unpleasant. I had a little unpleasant experience in Mr. Davis's office; but, of course, that don't leave any feeling on my part. It is all over with.

Chairman WALSH. Are you able to state from your observation, running through these years, what effect the employment seems to have upon men? Is it an employment that is conducive to ambition and forward-moving economically or otherwise?

Mr. BELL. I don't think it is conducive to ambition. I think it has just the opposite effect. In the first place, lack of sleep puts a man in a state of exhaustion—partially, anyway. He does not get regular and sufficient rest. And the addi-

fade of the men toward the company does not give them much reason to hope for much better, although there are men promoted. Some of them are promoted to good offices; but there is very little hope for them as I have been able to learn from the men themselves.

Chairman WALSH. Do you recall from your experience—could you—how many men have been promoted from positions of conductors into higher positions in the service of the company?

Mr. BELL. Oh, well, I could name a few who have become superintendents.

Chairman WALSH. Just state now how they advanced from the position of conductor and to what other position they were advanced and how many of them there were that you recall?

Mr. BELL. I could not name very many without giving it some thought.

Chairman WALSH. Well, have you given it any thought?

Mr. BELL. Not much. I know several men who are holding district offices now who have been promoted from conductors; but I do not know what——

Chairman WALSH. Well, does the tendency seem to be to favor the men who are running upon the road when those promotions come to be made?

Mr. BELL. Well, I could not tell you in regard to that, because that is something I did not have occasion to look into.

Chairman WALSH. Do you know of any appointments to assistant superintendencies that have been other than from the ranks of the men?

Mr. BELL. I do not know where many of the higher officials came from.

Chairman WALSH. You do not know, then, but what they were all appointed from the ranks, so far as your information goes?

Mr. BELL. Well, I know some of them that were not. Mr. Davis was not a conductor.

Chairman WALSH. Was he in some other branch of the company's service?

Mr. BELL. I do not know. He used to be a railroad man. Mr. Kramer came from outside, and others——

Chairman WALSH. Pardon me.

Mr. BELL. There are others I could not tell you about. I never gave that matter any thought.

Chairman WALSH. State the manner in which conductors and porters are inspected as to their uniforms before drawing their salaries.

Mr. BELL. Well, before you can get your pay you are called in the district superintendent's office and inspected by some of the—usually by some of the assistant officials; sometimes by the district superintendent himself—the uniform, to see if it is in good condition, and if it is not you are told to get a new one, and if you are passed you are given an order to the cashier to get your check. And they give it a pretty thorough inspection, too.

Chairman WALSH. Now, I do not understand exactly about giving you an order for your check. You mean that if the uniform does not pass the inspection that there is some delay about receiving your money, or does that have any effect?

Mr. BELL. I never knew it to, but I do not know what the orders are given for the checks unless it would.

Commissioner O'CONNELL. When you get an order for your check, what does the order say?

Mr. BELL. I can not repeat that from memory. The order can be gotten. It is a printed blank, signed by the district superintendent's office.

Chairman WALSH. I wish you would please state how a conductor is dismissed from the service.

Mr. BELL. He is usually called in and told that he is not wanted any more, his services are not satisfactory. They have a printed blank to that effect, and whether it is a conductor or porter, that is filled out and signed by the district superintendent's office, or whoever is discharging him.

Chairman WALSH. Is it common for conductors and operators to protest against their discharge or demand reasons therefor, and if so, are the reasons given?

Mr. BELL. So far as I have investigated, the reason is given—no reason is given—pretty hard to get a reason.

Chairman WALSH. What system has the company for checking the conduct of their employees, both as to how they act when on the trains and as to the handling of the company's money and turning it in?

Mr. BELL. Well, you are bonded to turn in the money that you receive, and for your conduct they have the inspectors and the spotter system—special agents they call them.

Chairman WALSH. Could you give us a description as to how that is operated?

Mr. BELL. The special-agent system?

Chairman WALSH. Yes.

Mr. BELL. Well, a special agent, so far as the conductor or porter was supposed to know, was a passenger, and he spies on the service and reports. You are not supposed to know who he is, and if you do get to know him, I suppose he is not wanted any longer. It is secret service.

Chairman WALSH. When a report is made against a conductor, has he information given to him as to his claimed dereliction?

Mr. BELL. He is called in and the report is read to him.

Chairman WALSH. Is he given an opportunity to justify himself or produce countervailing evidence?

Mr. BELL. He makes a statement nearly always—usually—in writing.

Chairman WALSH. Are there cases in which the statement of the conductor has been accepted, where there is a conflict between the conductor and the special agent?

Mr. BELL. Yes; I have had my word taken in preference to the special agent's, but not usually. In fact, I don't believe a special agent's report is any stronger than a passenger's report, whether it is right or wrong.

Chairman WALSH. What is your experience with reference to passengers' reports?

Mr. BELL. My experience—I was reported on the Burlington for a passenger's displeasure; I was taken over to the chief inspector's office and inspected there, and I was given much more opportunity to listen than to talk. I told them, and truthfully, that the report was not true, but I got five days for it, just the same; and Mr. Williams, the assistant inspector, asked me to come back when I was in a better humor and talk it over, and I told him I was asking no mercy from anybody, if it stood that way and that was the way they did business; and I guess it is there yet.

Chairman WALSH. What is the system of insurance carried by the car-service men?

Mr. BELL. Well, there is—I believe there are three companies that are approved by the company. Their solicitors are allowed to work among the men and get insurance. You sign an application that gives the company authority to deduct it from your pay, and it is taken out in payments—I believe it is four payments during a certain period of time, but I don't remember what that period of time is.

Chairman WALSH. In any instances do the porters act as conductors?

Mr. BELL. Yes.

Chairman WALSH. Do you know of any case where porters are put in charge and the service of conductors dispensed with?

Mr. BELL. I have a letter here, Mr. Walsh [reading]:

"The conductors of this district are no doubt very dissatisfied with general working conditions, as doubling out the men under the new schedule, which was protested"—I don't know whether I have the right letter there or not.

On the Boston & Maine, or a road from Boston to Albany—there is a case there where there was a protest [reading]:

"There are at present about 40 men here in this district (Boston) out of work. The porters in charge on a number of runs, since the change of time and election of President Buntin of the Boston & Maine; not only are these conductors loafing, with no prospects here, but we understand there is no place to transfer to, as no Boston men are to be transferred this fall; bright prospects, is it not?"

Commissioner ALEXANDER. May I ask the date of that letter?

Mr. BELL. November 6, 1914.

Chairman WALSH. Is that all the information of that kind you have?

Mr. BELL. Those are all the letters I have.

Chairman WALSH. Have you ever had your porters figure on the total amount of tips they had, so as to compare them with salaries, to any amount?

Mr. BELL. No; I never did.

Chairman WALSH. Is there anything else now that you care to volunteer that has not been asked, that you would think would throw light on the general situation in the car service of the Pullman Co.? If so, you may state it.

Mr. BELL. I have some letters here with extracts I might read, in regard to conditions of employment.

Chairman WALSH. Could you epitomize them? Could you state what they are without reading the letters in full?

Mr. BELL. Yes, sir; I would not attempt to read the letters in full, because there are other things in them that came to me personally, without having any bearing on the company's affairs [reading]:

"The conductors of this district are in doubt very dissatisfied"—this is Boston also—"with general working conditions, and doubting up the men under the new schedule, which was protested, and a number of copies of a petition sent to the different officials of the company, declaring that the first-class service could not be given without the proper amount of rest and time allowed for meals," and so forth.

"To be sure, it seems strange that every man should not want to go to it at once and try and better our miserable conditions, but they seem to lack confidence. On this district we never had such hard working conditions; nine work from 16 and 18 hours out of every 24, as the company has doubled the men out on the runs, cutting down our lay-overs for rest, and I understand this not only applies here, but in other districts as well. If this is kept up we will be physical wrecks in a short time. The conductors are very bitter against the company and the service in consequence is demoralized.

"Are you not in a position to at least bring the matter to the attention of the I. C. C."—Interstate Commerce Commission—"relative to the long hours the company compels us to make?

"Can it be that we are wholly at the mercy of the company and that they are free to work us 16 hours out of 24? Are there not State laws with regard to hours of labor? Surely there is some way to cause an investigation into our conditions and arouse public sentiment.

"I am going to expound the principles of federation in an open manner so as to help bring the organization to a stage of efficiency in as short a time as possible. Of course, I know that by doing this I am putting myself in position to be dismissed by this company. But this is not time to stand on the principles of individualism.

"The conductors are all very much dissatisfied with present working conditions, as we do not get them for rest. Never in my 15 years' service have I ever seen such hard working conditions in this district. There seems to be no limit as to the number of hours the company sees fit to work us."

Commissioner ALSHUTON. Is that the Boston district, Mr. Bell, that you are referring to now?

Mr. BELL. No; there is Boston and New York——

Chairman WALSH. Give the last district, please.

Commissioner ALSHUTON. What was the last letter that you read?

Mr. BELL. That was Boston. [Continues reading:]

"For several years conductors and porters have requested from the Pullman Co. increase in pay and better conditions." This is Jacksonville. "Petition for increase in salary have been made and signed by every conductor in several districts and forwarded to the general manager of the Pullman Co., and the Pullman Co. have never made any reply to them. After talking to a large number of employees, I send you the following facts and figures."

This is a record of personal expenses, the balance of this, on the road.

Chairman WALSH. Personal expenses on the road?

Mr. BELL. Yes.

Chairman WALSH. Well, that might be enlightening. Could you briefly state what they are?

Mr. BELL. Would you like that in detail, Mr. Walsh? It is two pages, and it has a summary here, a recapitulation.

Chairman WALSH. We have been trying to get, as we have gone along, what the expenditures were, and if it is well stated there, if it meets with what you believe are the facts, why, you may read it. Do you have a summary?

Mr. BELL. I have a summary.

Chairman WALSH. Well, then, give us the summary.

Mr. BELL. Let us see. I don't remember the—here is a summary relative to just what is stated there [reads]:

"On many of the day runs the men are required to run every day without relief and lay-over. On relief runs the men, when relief is due as allowed by the company, are required to report, to protect their runs, until sure that a man has been assigned to relieve them. But, in many instances throughout the system, men run two to three months, being compelled to make several reliefs without pay for that relief time. On the Pullman buffet cars employees must pay

full price for all meals—the same prices as are charged to the passengers. I am sending you several reports of runs and expenses of same."

Here are 6 breakfasts away from home $6; dinner at home, supper at home—that is relief—0 meals, at 50 cents for trips, $4.50. Six trips a month, $27.

Another place, 7 meals at 50 cents, including street car, tips, etc., $3.50; one room, 50 cents—$4. That is the shorter trips.

And I will say, further, that it is compulsory to tip waiters on dining-room cars to get service, just as much for the crew as it is for passengers.

Eight trips per month, $36; four days at home each month. I will not read you the rest of that, because I will submit this to you, and you can have it.

Here is a summary of 6 meals at 50 cents per trip, $3; 10 trips per month, $30. And in his summary, his conclusion, "Uniform, pro rata, $3; insurance (health and accident), $3; groceries, meats, and so forth, at home, $25; house rent (house not heated), $18; water, light, and fuel, $4; lodge dues, $1; laundry, shirts, collars, and cuffs, $4—$87"; and to that add meals and room away from home. That is his cost of living at home.

Chairman WALSH. I can't hear you. What did you say there, just at the last?

Mr. BELL. I say that was his living expenses at home. He says, add to that expenses away from home—add what it costs him to live.

Chairman WALSH. Have you added that to it?

Mr. BELL. No; I have not.

Chairman WALSH. All right; go ahead.

Mr. BELL. Do you wish to take this?

Chairman WALSH. Yes; you may hand that up.

(Statement handed to Chairman Walsh.)

Chairman WALSH. Have you ever figured out the actual living expenses of a Pullman conductor?

Mr. BELL. I never kept account of my own. It always took all I made, so I knew how much it was.

Chairman WALSH. Well, this man seems to have figured it up at $87.

Mr. BELL. At home.

Chairman WALSH. At home. Then he must add meals and room away from home.

Mr. BELL. Well, there is the report of the rest of it on the sheets.

Chairman WALSH. The record of the rest of it is where?

Mr. BELL. That is his expenses away from home on those sheets. Here is another conductor [reads]:

"I can not get by—I can, by being economical, get by on $2 a trip, or $1.50 per day, which totals $30 per month. They even charge extra for bread and butter on the diner now. The men who are the same—the men who are on the same train from Omaha to Oakland claim their expenses equal that or a little more. Of course, the conductors who operate on the Santa Fe get their meals for 25 cents, where we have to pay half rate."

That is all I have on that, Mr. Walsh.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. You spoke in a letter that you read, November, 1914, from the Boston & Maine, of the conditions. Were those conditions caused because the Boston & Maine changed the schedule and laid off a great many men, and a great many conductors were thrown out of work, or what was the reason?

Mr. BELL. His reason given there was that the conductors were taken off and the porters put in charge.

Commissioner BALLARD. Porters put in charge of the cars?

Mr. BELL. Yes.

Commissioner BALLARD. You say, on the buffet cars they charge the porter in charge the same price for meals as they do the passenger?

Mr. BELL. Charge the porter and conductor——

Commissioner BALLARD (interrupting). The porter and conductor. Is that the porter——

Mr. BELL (interrupting). That is for meals.

Commissioner BALLARD (continuing). For meals. Is that the porter that cooks the meals himself?

Mr. BELL. He or any other Pullman employee that eats from that buffet.

Commissioner BALLARD. Then the porter that cooks the meals pays the whole price of the meals that he cooks for himself?

Mr. BELL. That is my understanding, according to the letter. I do not know whether there are any exceptions.

Commissioner BALLARD. The cook who could not take care of himself is a pretty poor cook.

Mr. BELL. That is their good fortune, and not anything that the company allows him.

Commissioner BALLARD. Do they generally put on old or young men on these runs—these Pullman runs—the conductors?

Mr. BELL. Well, they will take any man that looks good to them, if he is 25 years of age.

Commissioner BALLARD. Are they generally young or old men?

Mr. BELL. Well, they are pretty well mixed as to age.

Commissioner BALLARD. You say that you used to go to the hotels and to the Pullman rooms to stay, you yourself. Do the hotels give the conductors reduced rates?

Mr. BELL. Many hotels will give you a room without charge.

Commissioner BALLARD. Well, do they expect the conductor then to recommend the hotel, or is there any reason for it? Why do they give the conductors the room?

Mr. BELL. I suppose they do. They never said anything to me about it.

Commissioner BALLARD. You used to get your hotel rooms free of charge?

Mr. BELL. In some places.

Commissioner BALLARD. The porter and the conductor on the car, would not they ever—the porter ever tell the conductor that he had a good run or a bad run with regard to tips? Did they ever mention tips to the conductor?

Mr. BELL. They made that expression; yes.

Commissioner BALLARD. That they had a good run this trip, or a poor run?

Mr. BELL. Yes.

Commissioner BALLARD. Did it ever occur to you to ask how much he had made on any one of those trips?

Mr. BELL. No. I did not.

Commissioner BALLARD. Never did ask how much he made?

Mr. BELL. I never did ask. I was not—I never attempted to make—take any statistics from it, and I never put it down.

Commissioner BALLARD. You do not know what they would make on a good run, or about what they would make on a bad run at all?

Mr. BELL. No. I know what salary they got; the rest, I did not.

Commissioner BALLARD. When the porter talked about having a good run, it did not occur to you to ask how much he had made?

Mr. BELL. Whether it occurred to me or not, I never did. I seldom—that was his own private business.

Commissioner BALLARD. I notice in these expenses you have here, 10 trips per month at $4 per trip, making $40 for the 10 trips; that would be $40 if a man made 10 trips. Then at home it seems to be $25.

Mr. BELL. That was his living expenses at home.

Commissioner BALLARD. That, then, would make his expenses about $65; that would include probably most of his salary?

Mr. BELL. According to what he gives there. Take it in Chicago and many cities a man can not get rent for what he gives there. I haven't had that good fortune.

Commissioner BALLARD. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Do the porters divide tips with the conductors?

Mr. BELL. I never knew of a case like that; I do not think anybody else does.

Commissioner O'CONNELL. At these places at the terminals where they have sleeping facilities, do they also have facilities there for porters, or do they occupy the same rooms?

Mr. BELL. No; they do not occupy the same rooms. In St. Louis there is a room for the porters—a separate room. I never was in it. In some places they use cars, and there are other places where they have some rooms.

Commissioner O'CONNELL. Have you ever been any place where the porters and the conductors occupy the same rooms?

Mr. BELL. No; unless they sleep in the car while laying over.

Commissioner O'CONNELL. What is the wage of a buffet porter where he is supposed to act as cook and waiter and porter?

Mr. BELL. I do not know that, Mr. O'Connell.

Commissioner O'CONNELL. Where they run a buffet car on a train with other cars attached, is it part of the duty of the porter of other cars to go into the buffet car and help serve there, in addition to working their own car?

Mr. BELL. Only in cases of emergency. They can go in there and get provisions for the passengers in their own cars and take them to the car. But they seldom go in the car and help the buffet porter in his own car.

Commissioner O'CONNELL. There is no extra compensation of any kind whatever if he does go into the other car?

Mr. BELL. Not unless he gets it from the passengers.

Commissioner O'CONNELL. Have you ever taken up with, or thought of taking up with, the United States Board of Mediation and Conciliation the question of having that board take up with the Pullman Co. the questions of grievances in behalf of conductors and porters?

Mr. BELL. No; I have not. I—I do not quite——

Commissioner O'CONNELL. Do you understand the laws under which the board is operating, now known as the Newlands Act, formerly the Erdman Act, under which the organizations engaged in interstate commerce—this board acts as mediator between the workman and the employer in the adjustment of disputes?

Mr. BELL. I have read extracts from this. They were sent me by the Interstate Commerce Commission and by the Bureau of Labor.

Commissioner O'CONNELL. This is not under the Interstate Commerce Commission. It is separate entirely.

Mr. BELL. Well, but they sent me extracts of the law.

Commissioner O'CONNELL. You have never looked into the matter as to whether the employment under which conductors and porters are working would properly come under the jurisdiction of that department?

Mr. BELL. I never went into that, to tell how much there was to it.

Commissioner O'CONNELL. Have you got one of those orders you say is given to the conductor, ordering the paymaster to pay him if he has passed the inspector and had his uniform inspected?

Mr. BELL. No; I have not.

Commissioner O'CONNELL. You have not got one of those?

Mr. BELL. No, sir; I have not.

Commissioner O'CONNELL. Have you ever received one of those yourself?

Mr. BELL. Yes; I received one almost every time I was paid.

Commissioner O'CONNELL. Almost. Does it occur every time men are paid?

Mr. BELL. It is supposed to occur every time they are paid. But cashiers have given me my checks without giving me that slip.

Commissioner O'CONNELL. Then it is not a fixed rule or custom that you should pass examination before you are paid?

Mr. BELL. It is a fixed rule, but——

Commissioner O'CONNELL. (interrupting). Not enforced?

Mr. BELL. It is, sometimes, business transacted differently with some men. In my case where I got it without the order was where I had very little time to get to the cashier and had almost no time in the office while the cashiers were on duty.

Commissioner O'CONNELL. Under what circumstances would the paymaster refuse to pay you your month's salary?

Mr. BELL. I do not know.

Commissioner O'CONNELL. Would he have any right to do it under any circumstances?

Mr. BELL. I do not know whether he would or not. I don't think he would.

Commissioner O'CONNELL. Suppose an inspector found your uniform with no buttons on and a lot of things the trouble with it; what would he do with you before you went to the paymaster? Would he give you an order so you could get your pay, or would he hold up the pay until you got the buttons put on your clothes, or what?

Mr. BELL. No; he would give you an order to get your uniform put in condition. And I suppose he would give you an order for your pay at the same time. I do not think they would attempt to hold out your pay. They know better than that.

Commissioner O'CONNELL. They would give you warning not to appear in that condition again?

Mr. BELL. Yes. That is as far as I could tell about that.

Chairman WALSH. Commissioner Ashton, did you have some questions?

Commissioner ASHTON. Yes. I would like to ask one or two questions, Mr. Bell.

I have forgotten whether you testified or read from the correspondence regarding the number of hours work in every 24-hour period; 16 to 18, was it, that conductors were required to work in 24 hours?

Mr. BELL. Yes. I read that.

Commissioner AISHTON. That was read from correspondence? Is that a fact, from your personal knowledge, on any large number of runs, or any runs?

Mr. BELL. Well, there are many runs where you have to work from 26—well, say from 20 to 60 hours.

Commissioner AISHTON. That is, those are the long runs?

Mr. BELL. Those are the long runs.

Commissioner AISHTON. To the Pacific coast?

Mr. BELL. But the runs he has reference to are not long runs, because the runs where he was running were not long runs.

Commissioner AISHTON. Those runs were short runs, what you call one-night runs?

Mr. BELL. Yes.

Commissioner AISHTON. What would be the general average of work on runs of that kind as to lay-over? Would he ordinarily get several hours lay-over at the end of his run?

Mr. BELL. I should judge on those runs he would go in about 7 or 8 o'clock in the morning and leave in the evening, probably from 8 to 10 o'clock.

Commissioner AISHTON. From 8 to 10 o'clock. And arrive at destination, the home terminal, the following morning?

Mr. BELL. The following morning.

Commissioner O'CONNELL. Then what is the practice with regard to the lay-over? When will he go out again, ordinarily?

Mr. BELL. The following evening.

Commissioner AISHTON. He would go out the following evening?

Mr. BELL. Supposed to go out every evening except when he has a relief.

Commissioner AISHTON. He has stated reliefs, has he not, that are provided, and that are granted?

Mr. BELL. He has not stated reliefs. They are only reliefs, but you know reliefs are customary with the company that you are supposed to have a certain number of reliefs on short runs, and on long runs you have lay-overs.

Commissioner AISHTON. How many reliefs would a man ordinarily get on what you would call a one-night run, in a month, say?

Mr. BELL. It is usually one round trip a month. That is what it amounts to; sometimes that is divided.

Commissioner AISHTON. One round trip a month?

Mr. BELL. Yes.

Commissioner AISHTON. Now, on the long runs, if you take the Pacific coast runs, say, that occupy three days, a man reaches San Francisco, how long does he ordinarily lay over there before he comes out?

Mr. BELL. They are there sometimes over night; some of the runs I believe leave there the same day. There was a change in that, but I do not know just what that is. They used to be there over night, and they used to be there sometimes—in Los Angeles—two nights.

Commissioner AISHTON. On arrival at the home terminal, what is the practice on that class of runs, say a run from Chicago to San Francisco, when a man arrives at Chicago, what opportunity does he generally have to rest? Possibly you may not be able—I think testimony was given yesterday—if you are not familiar with it.

Mr. BELL. I could not tell you; but there is plenty of testimony on that by men——

Commissioner AISHTON. 48 to 64 hours, I believe, is the testimony.

Chairman WALSH. Sixty-eight hours.

Commissioner AISHTON. Sixty-eight hours; the testimony was given yesterday.

Referring to this matter of substitution of porters for conductors, as referred to in a very large number of letters that you read, Mr. Bell, is it not a fact that on the Boston & Maine Railroad, the New York, New Haven & Hartford, and a number of those that are commonly called "summer-resort railroads," it is customary to put conductors on those same cars in the month of May and generally continue them until the month of September or October, and through the summer-resort business, and through the balance of the year the travel is very thin, the number of cars that run in that territory very limited, and is that not possibly the cause of dissatisfaction that was referred to in those letters rather than to any act of the company trying to bring about the present conditions?

Mr. BELL. I know that Boston is a district where they use a great many more conductors during the summer than they do in the winter. The custom has been to transfer many conductors to other parts of the country during the winter season. I do not know how the travel is in that section during the winter.

Commissioner AISHTON. Is it not fair to assume that that same condition prevailed, in rather accentuated form, last October on account of the depression of business everywhere, and that it is possible that the failure to transfer the conductors was due to the condition rather than any desire to put more men out of employment?

Mr. BELL. I don't know as to that; that is a question. As I never was in that section very much, I do not know what the conditions of travel are during the year.

Commissioner AISHTON. I have forgotten, Mr. Bell, just what your testimony was as to your last service with the Pullman Co. at the time you were discharged for various reasons. What was the last date you worked for the Pullman Co.?

Mr. BELL. August 25, 1913.

Commissioner AISHTON. 1913?

Mr. BELL. Yes, sir.

Commissioner AISHTON. So that your knowledge of the conditions since that date has been from the correspondence you have had with the various parties?

Mr. BELL. From correspondence and interviews.

Commissioner AISHTON. You worked for the Pullman Co. three different periods, I believe; once in the Dearborn Station, where you left for certain reasons of your own; then you resought employment with them and was employed as a Pullman conductor for 2 years or 18 months?

Mr. BELL. About 25 months.

Commissioner AISHTON. About 25 months?

Mr. BELL. Yes.

Commissioner AISHTON. Then you were in some other line of business for a period of how long?

Mr. BELL. After being a conductor, do you mean?

Commissioner AISHTON. Yes.

Mr. BELL. About six years.

Commissioner AISHTON. You left the service of your own accord, I believe?

Mr. BELL. Yes.

Commissioner AISHTON. And was in some other line of business six years?

Mr. BELL. Yes.

Commissioner AISHTON. And then you sought employment again with the Pullman Co. as conductor?

Mr. BELL. Yes.

Commissioner AISHTON. What was the—may I ask—I do not want to be personal at all and you need not answer if you do not want to.

Mr. BELL. You can ask me any question you wish, and when you ask me something that I do not wish to answer, the chairman will have to overrule me.

Commissioner AISHTON. What I want to get at is why did you go to work for the Pullman Co. again? Did you consider the employment desirable at that time?

Mr. BELL. I resigned as conductor to go into business for myself. I was in business for myself six years and sold out, and I went back with the company after—this was in June, and I thought I would go back and stay until spring. What I had in mind in the spring did not materialize, and I stayed until they did not want me any longer, then I quit.

Commissioner AISHTON. That is all, thank you, Mr. Bell.

Chairman WALSH. Commissioner Ballard has another question.

Commissioner BALLARD. I was just going to ask you: When you were dismissed the last time were you organizing a union among the conductors and porters?

Mr. BELL. Yes, sir.

Commissioner BALLARD. And you are still doing that, are you?

Mr. BELL. Yes.

Commissioner BALLARD. That is your profession now?

Mr. BELL. I am secretary of the organization.

Commissioner BALLARD. Do you think that the secretary of a union—that you being secretary of the union it would be difficult to find men complaining of the

company? Do you think it would be difficult to get men to sign petitions for almost anything?

Mr. BELL. I know it is not, but when men write voluntarily I do not see that the secretary has anything to do with it but to read it.

Commissioner BALLARD. You think then those letters you have read were not solicited or inspired letters, but just the honest statement of the feelings of the men?

Mr. BELL. They were not asked for by me.

Commissioner BALLARD. They were in no way inspired or sought for?

Mr. BELL. Not that I know of; they did not come that way to me, I know.

Commissioner BALLARD. Are they all of them addressed to you?

Mr. BELL. I believe all that were read are addressed to me.

Commissioner BALLARD. That is all, Mr. Bell.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. Mr. Bell, is a Pullman conductor under the charge or direction of the train conductor?

Mr. BELL. That is your instructions. If you go to do anything in regard to the passengers or anything, you are supposed to consult the train conductor.

Commissioner LENNON. Do the Pullman conductors take up the tickets of passengers, or does the train conductor always take them up? I mean the transportation tickets; I don't mean the Pullman tickets; but the transportation tickets?

Mr. BELL. On the Pennsylvania and on the Santa Fe, on most all of the trains, the Pullman conductor takes the transportation in the Pullman cars. On other roads, the train conductor is supposed to take up the transportation, and usually does leaving the terminals, but passengers getting on after that, their transportation is in most cases lifted by the Pullman conductor.

Commissioner LENNON. Can you tell us as to the number of hours per month served on trains as to the conductor compared with the Pullman conductor? Have you made out that schedule?

Mr. BELL. No.

Commissioner LENNON. Have you such figures to submit to us?

Mr. BELL. No; I have not.

Commissioner LENNON. Well, will you do so? Will you ascertain and submit a statement to this commission as to the number of hours, as a general proposition, worked by the Pullman—train conductor—that is, that he is on the train, not somewhere else—and the number of hours served by the Pullman conductor? Can you do that?

Mr. BELL. I could not do that accurately.

Commissioner LENNON. Well, we do not want it unless it is accurate; at least I do not.

Mr. BELL. Well, for this reason, in going from here to Denver—we will take the Burlington. You leave here on No. 3 and go to Denver. You are on the road about 30 hours. You have five train conductors.

Commissioner LENNON. I know; but the others serve a certain number of hours, and you say you serve 30 hours?

Mr. BELL. Yes.

Commissioner LENNON. It seems as though there should be some way to ascertain the number of hours served by each in the month or in the week or——

Mr. BELL (interrupting). But that train conductor goes from Chicago to Burlington and lays over there, and after getting a certain amount of rest he comes back to Chicago. He may go back there again and meet the Pullman conductor again by the time you get back from Denver. That is what makes it difficult to tell.

Commissioner LENNON. Well, can you submit a statement as to the number of hours per month that the Pullman conductor is usually on the trains?

Mr. BELL. I can tell you how many hours a month he is on the train on certain runs, and you can——

Commissioner O'CONNELL. Well, give us that statement, when you can.

(Witness subsequently furnished information desired. It appears among the exhibits at the end of this subject as "Bell exhibit.")

Commissioner ASHTON. May I ask a question, Mr. Chairman?

Chairman WALSH. Yes, sir.

Commissioner ASHTON. Mr. Bell, you are familiar with the work and responsibility of both the train and Pullman conductors?

Mr. BELL. Yes, sir.

Commissioner ASHTON. Does the Pullman conductor have any responsibility whatever for passing on the validity of transportation; that is, if he——

Mr. BELL (interrupting). Please ask that again.

Commissioner ASHTON. Does the Pullman conductor have any responsibility or any jurisdiction as to the acceptance or rejection of the transportation that may be offered by a passenger—railroad transportation?

Mr. BELL. He is not supposed to have anything to say about the transportation at all.

Commissioner ASHTON. He simply collects the transportation for the action of the train conductor in passing on it and seeing whether it is valid or invalid or right?

Mr. BELL. Yes.

Commissioner ASHTON. Does the Pullman conductor have anything to do with the handling of the orders connected with the movement of that train or the operation of the train?

Mr. BELL. No, sir.

Commissioner ASHTON. Nothing whatever?

Mr. BELL. No.

Commissioner ASHTON. In other words, the Pullman conductor's responsibility is limited to seeing that the revenue due the Pullman Co. for seats, berths, or rooms is collected and properly reported to the company—to seeing that the porters under his charge carry out their duties properly, that the cars are ventilated, and anything else?

Mr. BELL. He is supposed to have complete supervision of the Pullman service, really, without any authority. He has no authority even to put a passenger out of the car for refusing to pay their Pullman fare, even if they have paid their railroad fare.

Commissioner ASHTON. And the train conductor, in other words, is the man they would have to——

Mr. BELL (interrupting). You are instructed to see the train conductor before you take any action—any action of any importance. I was told by Mr. Ryan, the assistant superintendent at St. Louis, that I had no right to give a passenger any information without first seeing the train conductor.

Commissioner ASHTON. I think that is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. Mr. Bell, is it not a fact that on those lines where Pullman conductors are required to lift transportation and pass it on to the train conductors, that if they accept transportation that is wrong, they are regularly disciplined for so accepting it?

Mr. BELL. I do not understand, Mr. Garretson.

Commissioner GARRETSON. On those lines where the regulations of the railway company, as on the Pennsylvania, requires the Pullman conductor to lift the train transportation, if he makes an error in accepting outlawed transportation, he is liable for discipline therefor?

Mr. BELL. They certainly are.

Commissioner GARRETSON. In other words, they have all the responsibility for doing those things and get no pay for it?

Mr. BELL. Yes. They get disciplined for anything that leads to trouble in that respect.

Commissioner GARRETSON. Is there not a very large number of local-service short lines in the Pullman service, as, for instance, Chicago to Des Moines, Chicago to Ottumwa or Burlington, and similar runs, that a Pullman conductor never has his foot on the car in at least one direction, and sometimes more? That the porter handles everything——

Mr. BELL. I did not get the question.

Commissioner GARRETSON. That the porter handles the transportation without any conductor on those runs in at least one of those directions, and sometimes both?

Mr. BELL. There are some places, some runs, where the porter handles both in one direction; sometimes there is a conductor part of the way, and sometimes no conductor.

Commissioner GARRETSON. Well, a very considerable number where there is no conductor in one direction?

Mr. BELL. There are some; yes, sir.

Commissioner GARRETSON. What line were you on, Mr. Bell? What Pullman line?

Mr. BELL. Well, I have been on several, Mr. Garretson.
Commissioner GARRETSON. Well, name them.
Mr. BELL. Well, I ran on the Burlington.
Commissioner GARRETSON. Between here and Denver?
Mr. BELL. Yes. I have been on the Northwestern.
Commissioner GARRETSON. Omaha or Denver?
Mr. BELL. I have been to Boone on the Northwestern.
Commissioner GARRETSON. What is that?
Mr. BELL. Boone, Iowa.
Commissioner GARRETSON. Boone?
Mr. BELL. Yes, sir.
Commissioner GARRETSON. One of the short lines?
Mr. BELL. Yes, sir. On the Chicago & Alton——
Commissioner GARRETSON (interrupting). St. Louis or Kansas City?
Mr. BELL. Both.
Commissioner GARRETSON. Both.
Mr. BELL. On the Burlington to Kansas City. On the Burlington to Lincoln. On the Rock Island to Sioux Falls. On the old Wisconsin Central to St. Paul and Minneapolis; and all over the Illinois Central.
Commissioner GARRETSON. South or west?
Mr. BELL. Both ways.
Commissioner GARRETSON. New Orleans on the south?
Mr. BELL. Yes, sir.
Commissioner GARRETSON. Omaha and Sioux City west?
Mr. BELL. I have been to Sioux Falls and Omaha west, and south to Cairo, to New Orleans, to St. Louis. I have been on the Big Four to Cincinnati; on the Monon to Cincinnati; on the Wabash to Detroit; on the Michigan Central to Buffalo; on the—I guess it is—G. R. I. & P. to Mackinaw, Mich.; on the Y. & M. V.; on the Southern Pacific; on the Santa Fe——
Commissioner GARRETSON (interrupting). Now, the Santa Fe were? San Diego or Los Angeles or Frisco?
Mr. BELL. I was out in Arizona—out there and back. Some of those roads I have made only one trip on.
Commissioner GARRETSON. On the short lines that you were on, were most of them——
Mr. BELL (interrupting). Sir?
Commissioner GARRETSON (continuing). Seven-day runs usually?
Mr. BELL. Well, those short lines, you are supposed to have one trip a month relief; some run two.
Commissioner GARRETSON. Where the car runs seven days to the week?
Mr. BELL. Yes, sir.
Commissioner GARRETSON. Whatever the calendar days of the month are?
Mr. BELL. Yes.
Commissioner GARRETSON. With one relief trip a month?
Mr. BELL. Yes; I was on Illinois Central to Omaha runs, and have been on 31 nights a month when there were that many nights in the month.
Commissioner GARRETSON. Did you get any extra pay if you did not have a relief trip?
Mr. BELL. No.
Commissioner GARRETSON. If you took more than the one relief trip that is arranged for, your pay is docked for it?
Mr. BELL. If you get your relief that is on the schedule, why, that is not docked.
Commissioner GARRETSON. But if you take another relief trip, if you have a relief run for you, another trip besides the one arranged for, do they dock you for that?
Mr. BELL. They do not have these.
Commissioner GARRETSON. You can not get relief, then, on your own initiative?
Mr. BELL. You can get off; yes. You lose that time.
Commissioner GARRETSON. But they dock you the time?
Mr. BELL. Certainly.
Commissioner GARRETSON. What is the average number of trips that a conductor makes, for instance, over the Santa Fe to Los Angeles from here? How many hours are used from here there?
Mr. BELL. It is approximately 60 hours.

Commissioner GARRETSON. How much lay-over does he have either at Los Angeles or Frisco?

Mr. BELL. I think he is there overnight now. It depends on what time he gets in.

Commissioner GARRETSON. So he puts in 120 hours on the trip on the train?

Mr. BELL. Approximately; yes, sir.

Commissioner GARRETSON. How long a lay-over does he have here when he comes back?

Mr. BELL. I could not tell you accurately, Mr. Garretson. That was given in evidence here yesterday, I believe. I believe it was something like 60 hours.

Commissioner GARRETSON. Sixty hours?

Mr. BELL. Something like that; yes.

Commissioner GARRETSON. Then he puts in two sixties on a trip and has one sixty off?

Mr. BELL. Yes, sir. Well, he has a lay-over at the other end.

Commissioner GARRETSON. Could you furnish us a definite statement of those runs, we will say where a man is allowed one trip off during a 30-day month? Take the actual run as the man is required to make it and the time he has off.

Mr. BELL. I could make it accurately if I had the itinerary of the run that the company uses.

Commissioner GARRETSON. Well, I supposed possibly that might be available to you?

Mr. BELL. Not to me, I don't think; the commission could get it.

Commissioner GARRETSON. Do you know anything about the Chicago-Jersey City or New York run—time on and off?

Mr. BELL. The men are here; some of them are here overnight and some of them are here all day.

Commissioner GARRETSON. That is made by men whose home lay-over is Jersey?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. Do you know how many hours off they have there?

Mr. BELL. Not exactly; no.

Commissioner GARRETSON. Can you tell on the Chicago-Los Angeles run, or the Chicago-Frisco run, or the Chicago-Portland, or the Chicago-Seattle, how many meals during the month a man has to buy away from home? Can you furnish definite information on that and the prices he has to pay?

Mr. BELL. I could not give you that accurately, Mr. Garretson, because it varies some.

Commissioner GARRETSON. You could not get it from the men who are on those runs and furnish it?

Mr. BELL. Yes; I can give it.

Commissioner GARRETSON. Will you do so?

Mr. BELL. When do you want that produced?

Commissioner GARRETSON. Well, as soon as you conveniently can.

Mr. BELL. Yes; I will give it.

(See "Bell exhibit," at end of this subject.)

Commissioner GARRETSON. The question was asked you a little while ago in regard to conductors finding out what the income was from tips. If the conductor on the car asked his porter about four or five times as to what his collections were, what conclusion would the porter probably arrive at?

Mr. BELL. I have an idea that he would think that the conductor wanted to furnish information to the company. I don't see what other reason he would have.

Commissioner GARRETSON. Or squeeze his bit from him?

Mr. BELL. Yes.

Commissioner GARRETSON. Isn't it a fact that conductors of cars avoid asking such questions on just those grounds?

Mr. BELL. I always avoided it.

Commissioner GARRETSON. Is there a strong belief on the part of the conductors and porters in the Pullman service that each is induced to furnish information about the other, or is there?

Mr. BELL. It is encouraged.

Commissioner GARRETSON. How is that?

Mr. BELL. That is encouraged.

Commissioner GARRETSON. And the men are aware of the fact, are they?

Mr. BELL. That is their expression. I have heard it frequently.

Commissioner GARRETSON. Among the Pullman conductors what is the general impression as to the line of conduct that brings promotions in the company's service?

Mr. BELL. A pull—influence.

Commissioner GARRETSON. And is it the general belief that anything else will bring it?

Mr. BELL. I don't know as to that. It may be that special service would. I don't know. I never pried into those things. I am above that.

Commissioner GARRETSON. Does the company give service letters when they discharge men?

Mr. BELL. I think it would be a souvenir if they did. I never knew one.

Commissioner GARRETSON. What is that?

Mr. BELL. I think it would be a souvenir if they did. I never saw one or heard of one.

Commissioner GARRETSON. Then there is no cause of leaving stated in a service letter?

Mr. BELL. Not that I know of.

Commissioner GARRETSON. Is it a fact that there have been a continuous effort on the part of the Pullman conductors, as well as the porters, for very many years past to perfect an organization among themselves?

Mr. BELL. Very often; several times.

Commissioner GARRETSON. Or in connection with others?

Mr. BELL. Very often.

Commissioner GARRETSON. Is it not a general subject of comment from the Pullman men to the train-service men that they desire to either organize independently or by being attached with one of the other train-service organizations?

Mr. BELL. Well, they have expressed desires for both—either way.

Commissioner GARRETSON. Is it not a fact that Pullman conductors have made appeal after appeal to the train-service organizations to take them into membership and organize them?

Mr. BELL. Yes, sir; it has.

Commissioner GARRETSON. Has the discharge of the people who were in charge of such movement invariably——

Mr. BELL. I did not get that.

Commissioner GARRETSON. Has the discharge of the men who were connected with the efforts to affiliate with the other train-service organizations always been followed by discharge?

Mr. BELL. Those men have been gotton rid of.

Commissioner GARRETSON. They are not in the service if they are known?

Mr. BELL. No; they are undesirable citizens.

Commissioner GARRETSON. Is it not a fact that the conditions existing in regard to discharge in the Pullman service at the present time are exactly as they were on the railroads before the employees were organized?

Mr. BELL. I think so; as far as I can learn, they are much the same.

Commissioner GARRETSON. Have you ever known of an instance where a district superintendent discharged a conductor or porter where that decision was reversed by a superior officer on account of efforts made on his behalf by himself?

Mr. BELL. I have known of cases where they have been reinstated on account of the efforts of somebody, but whether on the efforts of themselves, or some outside influence, I do not know.

Commissioner GARRETSON. Has the man any chance of appeal above the officer discharging him?

Mr. BELL. Yes; he has a chance.

Commissioner GARRETSON. How is that?

Mr. BELL. Yes; he has a chance.

Commissioner GARRETSON. Has he got an appeal?

Mr. BELL. He has the privilege if he can get in and get a hearing.

Commissioner GARRETSON. Can he get a hearing in practical experiance? Is that right recognised?

Mr. BELL. It is the opinion among the men that they might as well not try, and many give up because they think it is useless to try. I have known of those cases.

Commissioner GARRETSON. Have you ever seen any results from it in the way of reversal of decisions?

Mr. BELL. Yes; there has been.

Commissioner GARRETSON. Where the man used no political or business influence, but simply depended upon his own efforts?

Mr. BELL. I do not know of a case of that kind; I would not say that there was not; I don't know.

Commissioner GARRETSON. That is all.

Commissioner AISHTON. I think you said, Mr. Bell, in your testimony, that you yourself appealed a case to an officer at one time, did you not?

Mr. BELL. No, sir.

Commissioner AISHTON. Possibly I was mistaken.

Mr. BELL. You are mistaken in that; I never appealed.

Commissioner AISHTON. But as a matter of fact, if a man is discharged by an assistant superintendent, or whoever has that power in the Pullman Co., he has the right of appeal to certain officers of the company—to Mr. Davis?

Mr. BELL. Mr. Davis's office, as I understand it, is always final on that; he passes on all discharges, I understand, and, of course, you always have the privilege of seeing Mr. Davis, even when you would rather not see him.

Commissioner AISHTON. You do not know whether there have been cases appealed to officers above Mr. Davis in rank, do you?

Mr. BELL. I have heard of cases; I have no individual knowledge; but I have heard of cases where they were.

Commissioner AISHTON. You read a number of letters from different conductors who had been discharged or lost their jobs in various parts of the country; you have no personal knowledge other than as contained in those letters, as to the cause of their discharge, or what steps they took to be reinstated, or as to taking an appeal?

Mr. BELL. I have had some interviews with them personally.

Commissioner AISHTON. You have had interviews with them personally?

Mr. BELL. Yes.

Commissioner AISHTON. But you have no personal knowledge of their cases, other than as you have told us?

Mr. BELL. No; I have no means of getting that information.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. Commissioner Garretson would like to ask some more questions.

Commissioner GARRETSON. Since you were discharged from the service of the Pullman Co., Mr. Bell, have you made application for service elsewhere in any capacity?

Mr. BELL. Yes; I have to eat; I am employed now, but not in connection with any transportation company.

Commissioner GARRETSON. Have you applied for any service with transportation companies?

Mr. BELL. No, sir.

Commissioner GARRETSON. Not since?

Mr. BELL. I applied to nobody for service. I was told whenever I wanted to go to work to come and go to work.

Commissioner GARRETSON. You were told what?

Mr. BELL. I was told whenever I wanted to go to work to come and go to work. I have made no application any place. I could have gone to work the following week if I so desired, or that week, the same place I am now, if I saw fit.

Commissioner GARRETSON. Not in the transportation service?

Mr. BELL. No.

Commissioner GARRETSON. That is all.

Mr. BELL. Mr. Chairman, there are a couple of letters here from porters that I would like to read, if I can have permission.

Chairman WALSH. Very well.

Mr. BELL (reading). "At the present I am not with the company"—this is a Denver porter—"having resigned last month"—this was November 28, 1913. "Having resigned last month, the 28th, on account of the drastic red tape and charges. They paid me a dollar and a quarter short for August and a dollar for September, 1913, besides starting time I claim, where their agent says they don't pay for; that is, I leave Denver for Portland, line 341, on car, 5 p. m.; leave Denver 7.05 p. m. They claim my time commences at 12 midnight. That

is seven or eight hours caring for their property, making beds, and so forth, and no pay. I am for a full-month pay check."

"I trust the movement for better pay and conditions for the porter will be successful. I would suggest that if the Pullman Co. does not increase their wages to fifty or sixty dollars per month we should strive to prevent new men from coming into the service, especially those coming from the southern schools, until our demands have been acceded to by the Pullman Co. If need be, send circulars to the principals of the schools explaining the situation just as it is."

That is from New York.

I have here a financial statement given the Interstate Commerce Commission showing that the company is in position to pay ample salaries to their men.

Chairman WALSH. How long is that statement?

Mr. BELL. It is not very long.

Chairman WALSH. Read it into the record.

Mr. BELL (reading). "The capital stock of the Pullman Co."——

Chairman WALSH (interrupting). What is the date of the report?

Mr. BELL. It is not dated; it is the last report, I think.

Chairman WALSH. To the Interstate Commerce Commission?

Mr. BELL. Yes. The dates are on here, and the amounts; they appear here. [Continues reading:]

"The capital stock of the Pullman Co. has been increased from $36,000,000 in 1898 to $120,000,000 in 1915, without the investment of a single dollar by the stockholders of the company. That has been done by the issuance of stock dividends of $18,000,000 in 1898, $26,000,000 in 1906, and $20,000,000 in 1910, and by the issue of $20,000,000 in 1899, which is shown in the reports of the Pullman Co. to have been an issue for the purchase of property and equipment, but which is generally understood to be issued in stock in exchange for the stocks of other companies.

"The total cash investment in the Pullman Co. is shown in its report to the Interstate Commerce Commission to have been $32,601,238.

"On its inflated capitalization of $130,000,000 the company pays regular cash dividends of 8 per cent, which is equivalent to a dividend of approximately 29 per cent on the actual cash investment.

"The Pullman Co. on June 30, 1913, had a surplus of $3,933,798 and a so-called reserve and adjustment account amounting to $27,844.50.

"The Pullman Co. has paid to its stockholders in cash—in regular cash dividends—since 1877 at least $160,000,000. It has paid an extra cash dividend of $7,200,000. This is 1898. And in addition has paid stock dividends amounting to $64,000,000, making a total of $231,000,000 in dividends which has been paid on an actual cash investment of $32,601,238.

"Even with its inflated capitalization, the stock of the Pullman Co. is now selling at 155, and the assets of the company were listed in 1913 in their report to the Interstate Commerce Commission at $156,704,000.

"The company has no bonded debt, and the only claimants on the property of the company are the stockholders."

Commissioner AISHTON. I would like to ask you if that statement covers both the manufacturing and the operating companies, or do you know that?

Mr. BELL. Judging from the statement, I would think it covered both.

Commissioner AISHTON. That it covered both?

Mr. BELL. Yes; its entire Chicago business.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all; thank you, Mr. Bell. You may be excused.

Mr. BELL. May I make one statement?

Chairman WALSH. Yes.

Mr. BELL. It was stated yesterday that an employee who did anything to improve the service was recognized. I will say that in my own experience I got up a ticket and submitted it to my superintendent, H. J. Clark, now in New Orleans, and he told me he did not think much of it. I sent it through the mail to Mr. Middler, who was chief ticket agent, and they sent for me, and in the presence of Mr. Clements and Mr. Davenport I explained that ticket, and they only made one objection to it and that was they said it was not large enough. I said, "That is one of the things I want to overcome; you can make the ticket a half a mile long if you wish." The ticket was adopted and they not even said "Thank you." For my part I never expected anything, but I would have been pleased if they had acknowledged the use of it, but they never said "Thank you," or acknowledged the use of it in any way.

Further, I will say that many of the men who have been discharged that have been connected with our organization have found it very difficult to get employment since they were discharged.

Commissioner LENNON. You mean in other lines or from the company?

Mr. BELL. Any line, especially connected with transportation companies.

Chairman WALSH. That is all; thank you, Mr. Bell.

W. H. Burton; is W. H. Burton here?

TESTIMONY OF MR. WALTER W. BURTON.

Chairman WALSH. State your name.

Mr. BURTON. Walter W. Burton.

Chairman WALSH. How old are you?

Mr. BURTON. Twenty-seven.

Chairman WALSH. Where do you reside?

Mr. BURTON. 5009 Wabash Avenue, Chicago, Ill.

Chairman WALSH. How long have you lived in the city of Chicago?

Mr. BURTON. I was born and reared here.

Chairman WALSH. Did you go to school here?

Mr. BURTON. Yes, sir.

Chairman WALSH. What schooling did you receive?

Mr. BURTON. A grammar-school education.

Chairman WALSH. Did you graduate from the ward schools or go through the ward schools?

Mr. BURTON. I graduated from night school; I took the last grade in the night school.

Chairman WALSH. What is your present occupation?

Mr. BURTON. I am a waiter at the Panama Cafe and Restaurant, at Thirty-fifth and State.

Chairman WALSH. What time did you leave school? At what age did you leave school?

Mr. BURTON. About the age of 13 or 14.

Chairman WALSH. What businesses have you been in since?

Mr. BURTON. Well, have had numerous positions since then; the most important was porter. That is about the longest position I held since.

Chairman WALSH. You were a Pullman porter, were you?

Mr. BURTON. Yes.

Chairman WALSH. When did you enter the service of the Pullman Co.?

Mr. BURTON. I don't remember the exact date; it was in March, I guess. About six years ago this March.

Chairman WALSH. About six years ago?

Mr. BURTON. Yes.

Chairman WALSH. How long did you remain in the service?

Mr. BURTON. A little over four years.

Chairman WALSH. What was your first run?

Mr. BURTON. My first regular run, I believe, was to Denver, on the Rock Island.

Chairman WALSH. What is the practice of the company with reference to the assignment of porters when they first begin? Do they assign them to any particular service or any particular type of car?

Mr. BURTON. Usually you are given a tourist car, in the district I entered in.

Chairman WALSH. What salary is paid tourist-car porters?

Mr. BURTON. I believe it is $32.50.

Chairman WALSH. How much?

Mr. BURTON. About $32.50; I would not say for sure.

Chairman WALSH. What is paid to the standard-car porters?

Mr. BURTON. Twenty-seven dollars and fifty cents.

Chairman WALSH. Twenty-seven dollars and fifty cents?

Mr. BURTON. Yes.

Chairman WALSH. Do you know why more is paid to the tourist-car porters—a greater salary—than to the standard-car porters?

Mr. BURTON. There is a good deal more work and you carry a poorer class of people and you don't get as much tips.

Chairman WALSH. Did you run from Chicago to Denver on the Chicago, Rock Island & Pacific trains numbered 7 and 8?

Mr. BURTON. Yes.

Chairman WALSH. Please state what that run was; that is, give the time you were required to report for duty, the time of leaving Chicago, your hours for sleeping, and the time of arrival, your lay-over in Denver, and the time you reported in Denver; give a description of the trip you made.

Mr. BURTON. I was supposed to be at the yards before 7 o'clock in the morning.

Chairman WALSH. Before 7 o'clock in the morning?

Mr. BURTON. Yes, sir; at the Fifty-first Street yards; to set up my car and have it in condition to receive passengers about half an hour before leaving time.

Chairman WALSH. What was the time of leaving?

Mr. BURTON. As near as I remember, it was 9 or 9.30. We were on the road one night. We left here at 9.30 and arrived at Denver the next afternoon about 2.30, I think it was.

Chairman WALSH. What were your hours for sleep on that run?

Mr. BURTON. As near as I can remember, we slept one way; that is, either going from Chicago to Denver or coming back from Denver to Chicago. We were due to go to bed at 10.30 or 11 and were awake at 3; but quite often passengers occupying berths in the car would wish to stay awake until after that hour, and, of course, I would have to wait until they went to bed.

Chairman WALSH. What was your arriving time in Denver?

Mr. BURTON. About 2.30 in the afternoon.

Chairman WALSH. What time did you leave here?

Mr. BURTON. I left here at 9.30 in the morning.

Chairman WALSH. 9.30 one morning and got to Denver at 2.30 the next afternoon?

Mr. BURTON. About that; I am not very sure of that.

Chairman WALSH. What lay-over did you have in Denver?

Mr. BURTON. Until the following morning.

Chairman WALSH. What time did you report for duty on that morning?

Mr. BURTON. About 7 o'clock.

Chairman WALSH. What time did you leave Denver?

Mr. BURTON. About 9.30.

Chairman WALSH. Were the hours for sleeping the same?

Mr. BURTON. Yes; we just slept one way. If we slept en route to Denver, we did not sleep coming back.

Chairman WALSH. I do not understand that; why did you not?

Mr. BURTON. There was one conductor to two cars, and he relieved one man on one trip and relieved the other man coming back. There is someone supposed to be on watch in the car all the time.

Chairman WALSH. Do I understand that coming back you did not get any sleep at all?

Mr. BURTON. That is right.

Chairman WALSH. Over what period of time did that extend?

Mr. BURTON. From 7 o'clock in the morning——

Chairman WALSH (interrupting). I understand. How long did you run on that run?

Mr. BURTON. I guess about three or four months, or something like that.

Chairman WALSH. Did that condition exist during the entire time you ran on it?

Mr. BURTON. Yes; that is about the regular time of sleeping.

Chairman BURTON. What was the regular time you ran on that run?

Mr. BURTON. I don't understand.

Chairman WALSH. During what period did you have that run?

Mr. BURTON. I entered the service in March and it was about three months before I got the run—before I went on to the run.

Chairman WALSH. That was during the early part of your service with the Pullman Co., was it?

Mr. BURTON. Yes.

Chairman WALSH. Did you later run on Rock Island 5 and 6, between Denver and Chicago?

Mr. BURTON. Yes, sir.

Chairman WALSH. What time did you report at the yards?

Mr. BURTON. I reported at the yards at 5.30.

Chairman WALSH. In the evening?

Mr. BURTON. Yes; p. m.

Chairman WALSH. What time would the train leave?

Mr. BURTON. About 10.30 at night.

Chairman WALSH. Why were you required to report at such an early hour prior to the time of the departure of the train?

Mr. BURTON. The car equipment was kept in the storeroom at the yards, and the storeroom closed between 5.30 and 6 o'clock, and all porters leaving at night were supposed to be there before the storeroom closed; if not, they could not go out.

Chairman WALSH. Just give us all of the duties you were required to perform before your train left.

Mr. BURTON. The car was to be set up; that is, put combs and brushes and water glasses—drinking glasses—and making down most of the beds, probably leaving open one or two sections, and keeping watch over the car until she backed up into the station that night, and seeing that everything was clean and checking up the linen and counting all of the equipment on the car and seeing that everything was in order.

Chairman WALSH. How may nights were you on the road, on 5 and 6 between Denver and Chicago?

Mr. BURTON. That is a two-night train.

Chairman WALSH. What time was given for sleep on that trip?

Mr. BURTON. One out of the two nights.

Chairman WALSH. Why did you get only one night? Did the same conditions obtain as obtained on the other run?

Mr. BURTON. Yes; the conductor relieved one man each night.

Chairman WALSH. How long did you remain on that run?

Mr. BURTON. I don't remember now exactly how long it was; I guess about four or five months, or something like that.

Chairman WALSH. Did the same porter—would they run the same porter on that train continuously for weeks or months?

Mr. BURTON. Yes, sir.

Chairman WALSH. How long a lay-over did you have in Chicago?

Mr. BURTON. We arrived in Chicago at 7.45 and left in the evening of the following day.

Chairman WALSH. At 7.45 in the morning?

Mr. BURTON. Yes; a. m.

Chairman WALSH. And left at the hour you have already indicated of the following day?

Mr. BURTON. Yes.

Chairman WALSH. How long was your lay-over in Denver on that trip?

Mr. BURTON. We doubled right out the same day we arrived at 7.45 in the morning, and doubled out in the evening at 10.30 p. m.

Chairman WALSH. And it was on the night return trip that you were not allowed any hours for sleep at all?

Mr. BURTON. There was two nights each way, and we slept one night out of the two.

Chairman WALSH. Either coming or going?

Mr. BURTON. Both coming and going.

Chairman WALSH. Where did you sleep?

Mr. BURTON. We had a 12-section standard car, and were due to sleep in the smoking room. If there is no berth in the smoking room for the porter we occupy upper 1.

Chairman WALSH. On those runs did you always have a berth?

Mr. BURTON. Generally we had berths. Of course, when traffic is very heavy, and all the uppers and lowers are taken, there is no place for the porters to sleep, but that does not often happen.

Chairman WALSH. You say it does not often happen; could you give us some idea of how frequently it does happen?

Mr. BURTON. I never had it happen to me very many times in my experience.

Chairman WALSH. During the whole four years it did happen three or four times, would you say?

Mr. BURTON. It happened about a dozen times to me in the four years I was running.

Chairman WALSH. You were then required to sit up all night, were you?

Mr. BURTON. Yes.

Chairman WALSH. What was the rule in regard to polishing the shoes of the passengers? Is that something you can do or not do, or something you are required to do?

Mr. BURTON. It is something you are required to do; you are supposed to do that. It goes along with the other rules.

Chairman WALSH. Is there any particular place in the car where you are required to take your station to do that?

Mr. BURTON. Yes, sir; on the camp stool at the smoking-room end of the aisle.

Chairman WALSH. Did you run between Chicago and Lincoln on the Rock Island trains 13 and 14?

Mr. BURTON. Yes.

Chairman WALSH. Please describe that run, giving the same details you have given as to the other run; what time, for instance, did you leave Chicago?

Mr. BURTON. I left Chicago at 6.15, I think it was; 6 or 6.15, something like that.

Chairman WALSH. P. m.?

Mr. BURTON. Yes; p. m. We were supposed to be at the yards about 4 or 4.30 in order to step up before receiving time; we started to receive about half an hour before leaving time.

Chairman WALSH. How long did it take you to make the trip to Lincoln?

Mr. BURTON. We arrived at Lincoln the next morning at 8 or 9 or 7.30, or somewhere around there; I was not on that run very long, and I don't remember the exact leaving or arriving time.

Chairman WALSH. What hours did you have for sleeping on the way over there?

Mr. BURTON. I don't remember that very distinctly; it is one out of two, I believe.

Chairman WALSH. What is that?

Mr. BURTON. One night out of two; it takes two to make the round trip, and I believe we slept one night out of the two. That run I was not on very long, and I don't remember.

Chairman WALSH. Is it clear enough in your mind that you can give us the details of it, or would you prefer not to?

Mr. BURTON. I would not care to make a statement on that, because I am not sure.

Chairman WALSH. Did you later run on the Chicago & Eastern Illinois between Chicago and St. Louis?

Mr. BURTON. Yes, sir.

Chairman WALSH. How long did you run on that road?

Mr. BURTON. About two years.

Chairman WALSH. What time did you report on that run?

Mr. BURTON. I reported on that run at the yards at 5.30.

Chairman WALSH. What time did your train go out?

Mr. BURTON. At 11.59.

Chairman WALSH. What time did it arrive in St. Louis?

Mr. BURTON. It arrived in St. Louis at 7.45 or 7.47, or something like that, the following morning.

Chairman WALSH. What sleep did you get that night?

Mr. BURTON. No sleep.

Chairman WALSH. Why did you not get any sleep?

Mr. BURTON. We were not due to have any sleep on that run.

Chairman WALSH. None at all?

Mr. BURTON. No.

Chairman WALSH. How long did you run on that run?

Mr. BURTON. About two years.

Chairman WALSH. Did you run steadily on it?

Mr. BURTON. Yes, sir.

Chairman WALSH. How long did you lay over in St. Louis?

Mr. BURTON. I laid over in St. Louis all that day until 5.30.

Chairman WALSH. What time did you leave St. Louis?

Mr. BURTON. At 11.59 that night.

Chairman WALSH. What time did you report?

Mr. BURTON. We were due to report before the storeroom closed, at about 5.30.

Chairman WALSH. What time did that train arrive in Chicago?

Mr. BURTON. About 7.45.

Chairman WALSH. What time did you have to sleep on the way back?

Mr. BURTON. No sleep at all.

Chairman WALSH. What relief, or time off, did you get while on that run?

Mr. BURTON. One night a week.

Chairman WALSH. One night per week?

Mr. BURTON. Yes, sir.

Chairman WALSH. Did you ever run between Chicago and Cleveland on the Lake Shore road?

Mr. BURTON. Yes, sir.

Chairman WALSH. I wish you would describe the details of your service on that road.

Mr. BURTON. That is not very clear to me; I was not on that run very long. That was sort of relief work over there. I swung between Toledo—between the Toledo run and the Cleveland run.

Chairman WALSH. What did you pay for your meals while you were running on these various runs?

Mr. BURTON. When we were required to eat in the diner, we paid half price.

Chairman WALSH. Could you approximate what it would cost you for your meals for a day on the diner where you paid half price?

Mr. BURTON. Well, they averaged about 30 cents a meal.

Chairman WALSH. They averaged about 30 cents a meal?

Mr. BURTON. Yes, sir; if you were not very hungry; if you wanted to economise you could get along on 30 cents a meal.

Chairman WALSH. Could you approximate about how much it cost you a day, just as you ran, where you ate on the dining car?

Mr. BURTON. Well, between 90 cents and $1.

Chairman WALSH. Between 90 cents and $1 a day?

Mr. BURTON. Yes.

Chairman WALSH. Now, your pay, when you were running on a standard car, was $27.50 a month?

Mr. BURTON. Yes.

Chairman WALSH. Now, we will take that C. & E. I. work, where you ran for two years; what would you say your tips would amount to?

Mr. BURTON. Well, that varied quite a bit. One week it would be pretty fair.

Chairman WALSH. When you would call it "pretty fair," what would it be?

Mr. BURTON. Well, if I made on a round trip, which took two days to make—if I made about $4 or $4.50, I had a good trip.

Chairman WALSH. About $4 or $4.50, you would call a pretty good trip?

Mr. BURTON. Yes.

Chairman WALSH. When it went down to what might be called a poor trip, what would it be?

Mr. BURTON. I have made as low as 50 cents, that is one way, when traffic was light.

Chairman WALSH. On that road, what would you call your very best?

Mr. BURTON. The very best we averaged about $5 on the round trip, or $6, possibly.

Chairman WALSH. During the time you ran upon that road—are you a married man?

Mr. BURTON. Yes, sir.

Chairman WALSH. Were you married when you were running on the Chicago & Eastern Illinois?

Mr. BURTON. Yes, sir.

Chairman WALSH. Have you any children?

Mr. BURTON. No, sir.

Chairman WALSH. Was there any time that you were running when your salary and tips were insufficient to live upon.

Mr. BURTON. Well, by economizing in the greatest way we could manage to get along.

Chairman WALSH. Did you ever receive a bonus of one month's extra salary for having a clear record?

Mr. BURTON. No, sir.

Chairman WALSH. Why not; what was your experience?

Mr. BURTON. There was always some little trouble that arose, mostly on account of sleeping. I was caught sleeping several times that I should not have been sleeping.

Chairman WALSH. Was that day or night?

Mr. BURTON. At night.

Chairman WALSH. Now, there is a book suspension. I believe, that deprives you of the bonus, that forfeits the bonus?

Mr. BURTON. Yes.

Chairman WALSH. Was that the offense for which you received book suspension, that caused you to lose the bonus? You say you did not get it once in six years.

Mr. BURTON. Sleeping was one of the offenses; if they caught you sleeping you got anywhere from 5 to 30 days, or something like that; besides, we were generally pulled off of the run and given a bad run, or probably run around extra for two or three months, or sent to the shops at Pullman, which only pays $1 a day. We were sent to the shops for punishment for other offenses also; that is, the cars that needed repairs were sent there and we were supposed to stay on the car until it arrived at Pullman; it is sometimes a day and one-half or two days.

Chairman WALSH. What are you compensated for? What are you paid for doing that?

Mr. BURTON. About $1 a day.

Chairman WALSH. About $1 a day?

Mr. BURTON. Yes.

Chairman WALSH. In addition to your $27.50?

Mr. BURTON. No, sir.

Chairman WALSH. Well, how frequently did that occur?

Mr. BURTON. Well, I made about five trips to the shop.

Chairman WALSH. What other offenses were you given book suspensions for?

Mr. BURTON. I do not recall any but sleeping, I was given punishment for.

Chairman WALSH. The record that you have to have, a clear record, is for the calendar year, from the first of one year to the first of the next year?

Mr. BURTON. Yes, sir.

Chairman WALSH. How far did you ever run through a year with a clear record before you had a book suspension?

Mr. BURTON. I don't remember that, either.

Chairman WALSH. You don't remember that?

Mr. BURTON. No; often we were given days and didn't know anything about it. That is the reason I don't know.

Commissioner AISHTON. Just one or two questions, please. You say that you got a book suspension and were deprived of a bonus on account of sleeping?

Mr. BURTON. Yes.

Commissioner AISHTON. That was sleeping at night, was it?

Mr. BURTON. Yes.

Commissioner AISHTON. Every case was at night?

Mr. BURTON. Yes.

Commissioner AISHTON. Sleeping in the smoking room?

Mr. BURTON. I was sleeping in section 1.

Commissioner AISHTON. You were sleeping in the section?

Mr. BURTON. That was made down—made up, rather—just sitting in a seat; I was sitting in the seat with a blanket wrapped around me. At one time the steam was cut off; I had no steam at all, severe cold weather, and I took a blanket and wrapped it around me.

Commissioner AISHTON. Were there passengers in the car at that time?

Mr. BURTON. Yes.

Commissioner AISHTON. A conductor, did he have knowledge of that at that time, that you were asleep?

Mr. BURTON. I don't believe I had a conductor on that time. We missed connections and they put us on behind a mail train.

Commissioner AISHTON. That is one of the cardinal offenses, is it not, of the Pullman Co., to sleep at night and leave the car unguarded?

Mr. BURTON. Yes.

Commissioner AISHTON. I believe that is all.

Acting Chairman BALLARD. Any questions, Mr. Lennon?

Commissioner LENNON. No; I think not.

Commissioner GARRETSON. To get to the book suspensions, how many grounds are there for discharge?

Mr. BURTON. I didn't understand.

Commissioner GARRETSON. Does he destroy himself when he gets so many brownies under the bonus system?

Mr. BURTON. I couldn't say, exactly.

Commissioner GARRETSON. You don't know?

Mr. BURTON. No.

Commissioner GARRETSON. Is there any system of reduction by which you can wipe out brownies?

Mr. BURTON. Yes; there is, for the year.

Commissioner GARRETSON. If you go a year without any, it takes so many off your record?

Mr. BURTON. If you receive five days during the year I think it takes six months clear record to work that off, something of that sort, six months to work five days off. I am not sure whether it is six months or over, but something like that.

Commissioner GARRETSON. Out of the porters you know, how many of them got the bonus of a month's salary by having clear records, out of every hundred?

Mr. BURTON. I would say about one out of five.

Commissioner GARRETSON. About five?

Mr. BURTON. One out of five.

Commissioner GARRETSON. Oh, one out of five?

Mr. BURTON. Yes.

Commissioner GARRETSON. That is all.

Commissioner AISHTON. Just one other question in regard to that Denver run that you were on on the Rock Island road. I understand you to say that you had a lay-over in Denver of 12 hours, about; that you got in in the morning and left that night?

Mr. BURTON. That was on the two-night run?

Commissioner AISHTON. Yes.

Mr. BURTON. On the two-night run we arrived at 7.45 in the morning, I guess.

Commissioner AISHTON. You had to be in the car at 5 o'clock in the afternoon?

Mr. BURTON. About 5.30 or 6 o'clock, before the storeroom closes. We are not supposed to leave the car until it backs in the station in the morning.

Commissioner AISHTON. So there was about a 10-hour lay-over in Denver?

Mr. BURTON. Yes.

Commissioner AISHTON. When you reached Chicago, as I understand it, you got a lay-over of 36 hours; that is, you arrived here at 7.45 a. m. and left the next day following whatever time the train left?

Mr. BURTON. Yes, sir.

Commissioner AISHTON. As a matter of fact, if that lay-over had been divided a little more evenly, if you had had 24 hours in Denver and 24 hours here, it would not have been considered as desirable a run to porters? In other words, the sleeping-car employees, as well as the train employees, like to get all the lay-over possible at their homes?

Mr. BURTON. Yes.

Commissioner AISHTON. And are willing to take quite a short lay-over away from the home terminal?

Mr. BURTON. Yes, in a way; yes, sir; for one reason that is.

Commissioner AISHTON. And it reduces your expenses, of course?

Mr. BURTON. Reduces your expense, and your sleep at the other end is usually not so very comfortable.

Commissioner AISHTON. No; because it is daylight sleep?

Mr. BURTON. Daylight sleep and quite a bit of noise around, cleaning cars while we are sleeping in the car.

Commissioner AISHTON. And if you stayed there 24 hours you would get one full night's sleep?

Mr. BURTON. Yes.

Commissioner AISHTON. And that would not be so desirable as to get the entire lay-over at the home terminal?

Mr. BURTON. No, sir.

Commissioner AISHTON. That is all.

Acting Chairman BALLARD. I want to ask you a question. Referring once more to the collection of tips, this run from Chicago to Denver, was that considered a good run?

Mr. BURTON. The one-night train was considered a good run.

Acting Chairman BALLARD. And that is considered the best because you get more tips?

Mr. BURTON. Yes.

Acting Chairman BALLARD. Otherwise, the long run from here to Denver is considered a poor run, and the porters would rather not have runs of that character?

Mr. BURTON. I would rather have the one-night run.

Acting Chairman BALLARD. If a porter got pretty good tips, would he sometimes say to the conductor, "I made a good run this time," or "I am pretty well pleased on this run"?

Mr. BURTON. Well, as a usual thing he would not say anything about it at all.

Acting Chairman BALLARD. Does not say much about it at all?

Mr. BURTON. No.

Acting Chairman BALLARD. You started in as a porter when you were 20 years old, as I understood you to say?

Mr. BURTON. About 21.

Acting Chairman BALLARD. About 21. And you were with the company about four years? After you had been with the company two years you got married?

Mr. BURTON. No, sir; I have been married seven years.

Acting Chairman BALLARD. You were married, then, when you went with the company?

Mr. BURTON. Yes.

Acting Chairman BALLARD. You were married before you went with the company?

Mr. BURTON. Yes.

Acting Chairman BALLARD. And since you left the company about three years ago, how many different positions have you been in?

Mr. BURTON. Two.

Acting Chairman BALLARD. Just been in two places?

Mr. BURTON. Yes.

Acting Chairman BALLARD. And you were working for a restaurant?

Mr. BURTON. Yes, sir.

Acting Chairman BALLARD. Do the restaurants pay larger wages than the Pullman Co. does?

Mr. BURTON. No.

Acting Chairman BALLARD. Don't pay as much?

Mr. BURTON. Oh, there is a better chance to get tips.

Acting Chairman BALLARD. There is a better chance to get tips?

Mr. BURTON. More tips.

Acting Chairman BALLARD. Then, it is customary for waiters of restaurants as well as the Pullman porters to rely largely on the tips?

Mr. BURTON. Yes.

Acting Chairman BALLARD. Did you, when you worked for the Pullman Co., did you belong to the union—the porters' union, or anything like that?

Mr. BURTON. I was partially connected with Mr. Bell.

Acting Chairman BALLARD. You were with him in helping him organize a union among the porters.

Mr. BURTON. Yes.

Acting Chairman BALLARD. And finally you think you were discharged on that account?

Mr. BURTON. No.

Acting Chairman BALLARD. That was not the reason.

Mr. BURTON. I wasn't discharged, in fact. I know that was not the reason. I quit voluntarily.

Commissioner AIBHTON. He resigned.

Acting Chairman BALLARD. Are you still in the porters' union?

Mr. BURTON. No, sir.

Acting Chairman BALLARD. You are not in that at all.

Mr. BURTON. No, sir.

Acting Chairman BALLARD. There was something said yesterday about the question of extra blankets in the cars. Each berth in the car is provided with two blankets, and neither more nor less.

Mr. BURTON. Each berth, each single berth, is provided with a blanket.

Acting Chairman BALLARD. Do the porters have any extra blankets?

Mr. BURTON. Yes, sir; they have what they call the porter's blanket.

Acting Chairman BALLARD. How many blankets would each porter be supplied with?

Mr. BURTON. It is a double blanket.

Acting Chairman BALLARD. Just one.

Mr. BURTON. Yes.

Acting Chairman BALLARD. That is his own, to be used by himself?

Mr. BURTON. Yes.

Acting Chairman BALLARD. No extra blankets for passengers besides the two that go with each berth?

Mr. BURTON. When a passenger wishes an extra blanket, if there is a vacant berth anywhere a porter may allow him to use the blanket from that berth.

Acting Chairman BALLARD. That is all.

Commissioner AISHTON. Mr. Burton, what proportion of the meals, take in your own case, what proportion of your meals would you eat in the dining car between here and Denver—all of them, or would you get some out at the various lunch counters along the line of the railroad?

Mr. BURTON. You are not allowed to leave the car that long to get anything from the lunch room.

Commissioner AISHTON. As a matter of fact, there is some arrangement, is there not—I have seen it in traveling over the country—where porters do get meals from the lunch rooms and dining rooms along the line?

Mr. BURTON. On some of the longer runs where the trains have a schedule to stop, say, 20 minutes for the passengers to get out and eat at lunch rooms, then the porter may eat, but usually not. They do not stop at places long enough for you to eat.

Commissioner AISHTON. On this Chicago to Denver run, for example, on the Rock Island Railroad, if you happened along at Peoria, Ill.—I think they have a lunch room there, have they not?

Mr. BURTON. Yes.

Commissioner AISHTON. Isn't it customary for the lunch-room people and dining-room people to bring meals out to the porters?

Mr. BURTON. No, sir; never heard of it.

Commissioner AISHTON. So that most of your meals are taken in the dining room.

Mr. BURTON. Yes; except some times in the—way late at night, along about 11 or 12 o'clock, I have known porters to jump off at stations like that and get a pail of coffee.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. That is all. You may be excused.

At this point we will stand adjourned until 2 o'clock this afternoon.

(At 12.24 of this, Tuesday, April 6, 1915, a recess was taken until 2 p. m. at the same place.)

AFTER RECESS—2 P. M.

Chairman WALSH. Is Mr. Seawell in the room?

TESTIMONY OF MR. H. H. SEAWELL.

Chairman WALSH. What is your name, please?

Mr. SEAWELL. H. H. Seawell, S-e-a-w-e-l-l.

Chairman WALSH. What is your present business, Mr. Seawell?

Mr. SEAWELL. I am representing an eastern manufacturing concern.

Chairman WALSH. In Chicago?

Mr. SEAWELL. Yes, sir.

Chairman WALSH. Have you ever been a Pullman conductor?

Mr. SEAWELL. Yes, sir.

Chairman WALSH. When did you enter the service?

Mr. SEAWELL. In July, 1909.

Chairman WALSH. And when did you retire from the service?

Mr. SEAWELL. March, 1912.

Chairman WALSH. What salary did you receive when you entered the service?

Mr. SEAWELL. Seventy dollars.

Chairman WALSH. And when you left?

Mr. SEAWELL. Eighty-five dollars.

Chairman WALSH. Will you please state briefly what roads you ran over, between what points, during your service with the company?

Mr. SEAWELL. I ran over the C. & E. I. from Chicago to Jacksonville over the same road from Chicago to St. Louis; over the same road to Nashville, Tenn., and over the Pere Marquette to Traverse City, Mich.; the Rock Island to Denver; and over the Chicago Great Western to Des Moines.

Chairman WALSH. Now, will you please take up the first road, beginning with the first, and give us your experience as to the time you reported for duty, the hours you were on duty, the time you had for rest, and those other details that you have heard us ask of the other witnesses?

Mr. SEAWELL. Well, on the run between Chicago and Des Moines, the train left at 10.30; I reported for duty at 8 o'clock, and the train arrived in Des Moines the next day at 12.30. We left the same evening at 8.45 and arrived in Chicago at 9 o'clock the next morning. We were out that same night on the Pere Marquette from Chicago to Traverse City arrived in Traverse City the

next afternoon at 1 o'clock, leaving Traverse City the same day at 5, and arriving in Chicago the next morning at 6.50. We had—the lay-over was from 6.50 until 10.20 the next night, or rather 8 o'clock, when we reported for duty.

Chairman WALSH. What was the next run?

Mr. SEAWELL. Well, the next run was—in fact, I had several different runs. There was no particular run at that time; but the next run of any length of service was between Chicago and Jacksonville, Fla. That was a run that we reported for duty at 8 o'clock or 7.30——

Chairman WALSH. (interrupting). P. m.?

Mr. SEAWELL. 7.30 p. m., the train leaving at 9.15, or 9.20, rather, and arriving at Jacksonville at 7.50 the second morning. We laid over in Jacksonville until that evening, reported for duty at 7.30, leaving at 8.20, and arrived at Chicago at 6.50 the second morning.

Chairman WALSH. What was your total mileage per month on that run, Mr. Seawell?

Mr. SEAWELL. I do not know. I can figure it very rapidly. [Witness figures.] About 10,580 miles.

Chairman WALSH. And during how long a period did you run over that line?

Mr. SEAWELL. I was on that line about a year and a half.

Chairman WALSH. What was your next line that you ran over for any extended period of time?

Mr. SEAWELL. I had a run for probably four months between Chicago and St. Louis on the C. & E. I., leaving Chicago at 11.50 and arriving in St. Louis at 7.50 the next morning; leaving St. Louis the same evening and arriving in Chicago at, I think it was 6.30 or 6.50; I am not just exactly familiar with the exact time at this moment. The mileage on that, the average mileage per month, was 13,728 miles. We ran six days a week and had a lay-over one night at home.

Chairman WALSH. Did you ever figure out what your living expenses were while you were on the road for the company?

Mr. SEAWELL. Yes, sir; I have tried to keep them down to the minimum, and the lowest I could live on on the road would be $30 per month.

Chairman WALSH. Are you a married or single man?

Mr. SEAWELL. Married?

Chairman WALSH. Were you married during all the time you were a conductor for the company?

Mr. SEAWELL. Yes.

Chairman WALSH. And where was your residence?

Mr. SEAWELL. I was living in Woodlawn on Sixty-third Place, most of the time.

Chairman WALSH. Have you any children?

Mr. SEAWELL. Yes.

Chairman WALSH. How many?

Mr. SEAWELL. Two.

Chairman WALSH. You say it cost you $30 a month to live while upon the road. What was your total earnings?

Mr. SEAWELL. Total earnings, the beginning of the service were $70; leaving the service, $85.

Chairman WALSH. Did you find your salary sufficient to support your family?

Mr. SEAWELL. Well, not to support them in luxury, or anything of the sort; but, of course, if a man had to live on his income he had to be economical as possible in his living.

Chairman WALSH. What was the cause of your discharge from the company—I understand you were discharged?

Mr. SEAWELL. Yes, sir. Well, that I don't know. The company never gives any reasons for discharging a man.

Chairman WALSH. Just send out a slip?

Mr. SEAWELL. Yes.

Chairman WALSH. Is it customary for the men to know what they are discharged for?

Mr. SEAWELL. No, sir.

Chairman WALSH. Do they ever inquire?

Mr. SEAWELL. Well, I did not, because I did not feel it worth while.

Chairman WALSH. What are the discharges usually made for, if you know?

Mr. SEAWELL. Well, they have offenses for which they discharge men.

Chairman WALSH. Well, what are the offenses that are deemed grave enough to cause a man's outright discharge in place of disciplining him?

Mr. SEAWELL. Well, dishonesty, insubordination, and immorality, practically the three principal reasons.

Chairman WALSH. Do the conductors receive any tips from passengers?

Mr. SEAWELL. No, sir.

Chairman WALSH. Is there any practice among the conductors, or have you observed any practice, by which they add to their earnings, as to their keep?

Mr. SEAWELL. Well, I have talked with several conductors and a great many of them do not feel that it is any dishonest act to hold out sent sales sufficient to pay their expenses.

Chairman WALSH. Well, you say you have talked to many conductors that admitted that they——

Mr. SEAWELL (interrupting). Admitted to me; yes, sir.

Chairman WALSH (continuing). Took seat fares from the company?

Mr. SEAWELL. Admitted to me; yes, sir.

Chairman WALSH. What is the supposition, if any, with respect to discharges for that practice?

Mr. SEAWELL. I do not just exactly get the drift of the question?

Chairman WALSH. Is there anything by which it is indicated to the man that he is charged with dishonesty when he is discharged?

Mr. SEAWELL. Well, the company, I do not think, would discharge a man for the first offense. They usually send for him and take the matter up with him, and if he continues the practice, why, they usually discharge him for that offense.

Chairman WALSH. So that when a man is charged with what in ordinary parlance is called "knocking down" fares, it has been the case that they have sent for him and discussed the matter with him?

Mr. SEAWELL. I have known it to be a fact; yes, sir.

Chairman WALSH. In your opinion, does that practice exist to any very great extent in the Pullman-car service?

Mr. SEAWELL. In my talk with a number of conductors that I have had, I think it does; yes.

Chairman WALSH. Does that require the use of the porters as accomplices?

Mr. SEAWELL. Not always; no.

Chairman WALSH. Well, I do not understand; why should not the porter know that such a thing was done, if it was done?

Mr. SEAWELL. Well, there are a good many ways, probably, that a conductor could do that without the porter being in connection with it.

Chairman WALSH. In what ways, for instance?

Mr. SEAWELL. Well, a passenger can board a train at a given point, and he can leave his grips and effects in one car and be seated in the observation car; the conductor does not necessarily have to check him up in the car in which he leaves his grips; that is supposed to be the car he is checked up in.

Chairman WALSH. How long since you terminated your employment with this company?

Mr. SEAWELL. In March, 1912.

Chairman WALSH. During the time you were with the company what would you say as to the feeling of the employees toward the company? Were they satisfied, as a rule, or dissatisfied?

Mr. SEAWELL. As a rule they were dissatisfied.

Chairman WALSH. Of what did they complain?

Mr. SEAWELL. Of their meager salaries and hours and working conditions.

Chairman WALSH. Did you have anything to do with any of the organizations that were gotten up on the road?

Mr. SEAWELL. No, sir.

Chairman WALSH. Did you join in a petition at any time for an increase in pay or change in working conditions?

Mr. SEAWELL. Yes, sir.

Chairman WALSH. How was that petition gotten up?

Mr. SEAWELL. Well, I can not give you the exact wording of it; the petition was read yesterday.

Chairman WALSH. Yes, but what action was taken by the employees to get the petitions out and get them to the company?

Mr. SEAWELL. The petition was left in the conductors' rooms at different terminals or division points and the conductors signed it, and I know, in the district I was working out of, we tried to get a delegation of two or three conductors to take it and present it to the district superintendent, but I don't believe anyone had nerve enough, and so they mailed it in.

Chairman WALSH. Was there any concerted action among the employees to get up these petitions?

Mr. SEAWELL. Yes, sir; they would talk about it.

Chairman WALSH. How would they get together on it. Did they do it by correspondence or holding meetings or how?

Mr. SEAWELL. These petitions were circulated in each district.

Chairman WALSH. Did each district have a representative, or how did they get into concert of action?

Mr. SEAWELL. They simply left it lay on the table where the order books were.

Chairman WALSH. Was there an agreement between a certain number of them that they should be laid on the table, a certain number of those petitions?

Mr. SEAWELL. I don't know.

Chairman WALSH. If there was any such concert of action, were you among those that took such action?

Mr. SEAWELL. No.

Chairman WALSH. You never belonged to any such organization?

Mr. SEAWELL. No; the organization was started, I believe, just prior to my leaving the service.

Chairman WALSH. Did you make any appeal to the company as to the cause of your discharge?

Mr. SEAWELL. No.

Chairman WALSH. Do you know of other conductors having done so?

Mr. SEAWELL. Yes, sir.

Chairman WALSH. Did they get any result?

Mr. SEAWELL. Yes, sir; I know of some that have been reinstated.

Chairman WALSH. Who took an appeal to higher officers and received a hearing and were reinstated?

Mr. SEAWELL. Yes, sir.

Chairman WALSH. But you did not see fit to do that?

Mr. SEAWELL. No, sir.

Chairman WALSH. Commissioner Ballard would like to ask you a question.

Commissioner BALLARD. When you spoke of this knocking down of fares and that the porter would not know of it, would the passenger know if the money he paid to the conductor was not turned into the company? Would the passenger know when a conductor held out the money?

Mr. SEAWELL. He probably would if he cared to consider the matter; if the conductor did not give him a check for it and he thought anything of it, he would probably know.

Commissioner BALLARD. The conductor does give you a little check that he punches?

Mr. SEAWELL. Yes, sir.

Commissioner BALLARD. And if the conductor intended to hold out the money the passenger paid him, he would not give him a check?

Mr. SEAWELL. No, sir.

Commissioner BALLARD. And the passenger would know that the conductor was keeping the money?

Mr. SEAWELL. Evidently; yes, sir.

Commissioner BALLARD. And he might care or might not care?

Mr. SEAWELL. He might or might not.

Commissioner BALLARD. As I gathered from what you said, your expenses on the road were about $30 a month; that included your meals and sometimes a suit or two extra?

Mr. SEAWELL. No; that was just bare living expenses; you see, on long runs, say, for instance, between Chicago and Jacksonville, the conductor had to take nine meals away from home, because he was on the road two days, or three days practically—three days and two nights; one day on the road going, one day in Jacksonville ,and one on the road returning to Chicago.

Commissioner BALLARD. And you charge a dollar a day for that in the expense?

Mr. SEAWELL. Well, it will cost you $1 a day.

Commissioner BALLARD. On a $75 salary that would leave $45 for the man's family to live and pay house rent and——

Mr. SEAWELL (interrupting). Yes, sir.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. So could a Pullman conductor pinch anything bigger than a seat fare without collusion with the porter?

Mr. SEAWELL. No, sir; he could not.

Commissioner GARRETSON. His remittances would have to equal the diagram sheet and the porter's berth checks?

Mr. SEAWELL. Yes, sir.

Commissioner GARRETSON. The only possible way, then, that he could put it over the porter would be to report, of course, on a pass that he knew the number for and thought it was not in use that day?

Mr. SEAWELL. He could do it that way; yes; but I don't think he would take the chance; but on the other hand, the porter can put it over the conductor, and often does.

Commissioner GARRETSON. How so?

Mr. SEAWELL. Well, the passenger boarding a train late at night, and the conductor not checking up his train the next morning, and the porter collects the money and fails to turn it over to the conductor.

Commissioner GARRETSON. But the porter could not do that if the conductor checked the people close, unless the passenger got off within the period of a couple or three hours?

Mr. SEAWELL. No; not if the conductor checked his train closely; but that is not always convenient to be done, especially a train arriving in the terminal early in the morning.

Commissioner GARRETSON. Well, the conductor is supposed to be asleep only from 2 or 3 o'clock——

Mr. SEAWELL (interrupting). Yes; 3 o'clock; and he rises at 7.

Commissioner GARRETSON. The only way to make that trick successfully, the passenger would have to get on after he went to sleep and get off before he woke up?

Mr. SEAWELL. Yes, sir.

Commissioner AISHTON. Mr. Chairman, may I ask a question?

Chairman WALSH. You may proceed.

Commissioner AISHTON. Mr. Seawell, you have been in a commercial business since March, 1912?

Mr. SEAWELL. Yes, sir.

Commissioner AISHTON. So your knowledge of runs and lay-overs and conditions of runs and conditions of employment in the Pullman service are more by hearsay than by actual knowledge at the present time?

Mr. SEAWELL. I am speaking of the time when I was in the service.

Commissioner AISHTON. There have been changes of conditions from 1900 to 1912?

Mr. SEAWELL. Yes, sir.

Commissioner AISHTON. Thank you, that is all, sir.

Chairman WALSH. Mr. Bourke.

TESTIMONY OF MR. JOHN T. BOURKE.

Chairman WALSH. Your name, please?

Mr. BOURKE. John T. Bourke.

Chairman WALSH. What is your present occupation?

Mr. BOURKE. I am employed at the Northwestern Terminal in Chicago as gateman.

Chairman WALSH. As what?

Mr. BOURKE. Northwestern Terminal in Chicago as gateman.

Chairman WALSH. Have you ever been in the employ of the Pullman Co.?

Mr. BOURKE. Yes, sir.

Chairman WALSH. In what capacity?

Mr. BOURKE. I operated as a Pullman conductor.

Chairman WALSH. When did you enter the service?

Mr. BOURKE. In October, 1908.

Chairman WALSH. And when did you retire from the service?

Mr. BOURKE. August, 1913.

Chairman WALSH. Now, while you were conductor, what runs did you have, please, Mr. Bourke? Pick out, if you can, runs upon which you were engaged for some little time.

Mr. BOURKE. Well, I have really only operated on three runs during the time I was in the service. One of those runs, and the first one after I had served

my time as extra, which took, I imagine, to the best of my recollection, about two or two and a half months—I was placed then on a run on the Northwestern from Chicago to Rapids City. We left Chicago at 7.45 in the evening, arrived at Rapids City the second morning at 8 o'clock, or thereabouts; left the same evening at 8.15 and arrived in Chicago the second morning following around 7.50 or 8 o'clock; went out again the second night, laid over that day and that evening, and out again the next night, and reported at 5.30 or 6 o'clock.

Chairman WALSH. Now, follow out the runs that you had in the same way, if you please.

Mr. BOURKE. After I left that run—I was taken from that run and placed on the Burlington 5 and 12 as what is termed a relief run. It operates between Chicago and Lincoln, and between Chicago and Minneapolis. Burlington 5 and 12 and Burlington 47 and 48. Burlington 5 and 12, or Burlington 5, leaves Chicago at 6 o'clock in the evening and arrives at Lincoln 10.10 the following morning; leaving Lincoln 4.15 of the afternoon of the same day, arrive in Chicago at 8.07 the following morning. Go out that same afternoon to Minneapolis, reporting about 5 o'clock and leaving at 6.45, arrive at Minneapolis the following morning at 8 o'clock; leave Minneapolis that same evening at 7.45, arrive in Chicago at 9 o'clock the following morning—four nights on the road—and then I laid off that day and that night until 5 o'clock the next day, when I reported for Burlington 5.

After I served on the relief run for some time—I don't recall for just how long—I was given the Chicago-Lincoln run and it was called my regular line. I reported on that line—that was without making the trip to Minneapolis then. There was another relief man placed as I was doing and two conductors, myself and another. We operated the line between Chicago and Lincoln, I imagine, about a year or a year and a half. Finally they took me from that run and placed me in line 100—that is, Chicago to Denver, Burlington train No. 1, leaving Chicago at 5 o'clock in the evening—reporting to the yards about 4 o'clock, leaving Chicago at 5 o'clock in the evening, arriving at Denver at 7.30 the following evening. Laid over in Denver until 4.15 the following afternoon, arriving in Chicago at 9 o'clock the next night; lay over in Chicago that night, the next day, the next night, until 5 o'clock in the evening of the second day of my arrival; and that is the run I was operating on at the time I resigned my position.

Chairman WALSH. I wish you would go back over those runs, if you can, and give the hours of sleep while actually upon the road that the conductor and porter had?

Mr. BOURKE. On the Chicago to Rapids City run the porter retired—one car on the run, one sleeping car, that is, that went through to Rapids City; one that cut off at Winona, if my memory serves me right—it was Rochester, pardon me—and the porter on the Rochester car went to bed the first night out of Chicago. The porter on the Rapids City car remained up; he went to bed the second night at 10 o'clock; was called at 3, when I retired; I slept until 7 o'clock in the morning. Coming back from Rapids City the porter retired at 10 o'clock. There was a change of time at Pierre, S. Dak., which very often threw either one of us out of an hour's sleep. The change of time—I have forgotten now whether it is an hour closer or an hour the other side of it; but anyhow, I went to bed at Pierre, leaving Pierre at 2.50 in the morning—3 o'clock, rather. We arrived there at 2.50 and left there at 3, and I slept until 7 in the morning.

On the Lincoln run, Chicago to Lincoln, the porter on the car—there were three cars operating on the line; one car was cut off at Omaha, the other two cars went on to Lincoln. The porter on the Omaha car remained up all night, and the porter on car 2, which went to Lincoln, remained on watch all night, and the porter on car 1, which went to Lincoln, retired at 10 o'clock—10.30, rather—and was up at 3, when I retired. I had to get up at 7 then. Slept from 3 to 7. Coming back from Lincoln the porter on the Omaha car had to remain awake all night again, and the porter on car 2, who remained on watch the night previous going out, retired that night, while the porter on car 1 remained on watch. While the porter is in bed the conductor is expected to stand watch in the car in which the porter is asleep.

On the Chicago to Denver run two cars went through from Chicago to Denver, and the porter on car 1 went to sleep, and the porter on car 2 remained on watch all night. Returning we had a car 3 which was taken from Denver to Omaha and cut off at Omaha. That porter went to sleep. The porters on

the other two cars remained on watch. The conductor retired at 3 o'clock in the morning, and up at 7 in the morning.

Chairman WALSH. Are you single or married?

Mr. BOURKE. I am married, sir.

Chairman WALSH. Were you married while you were in the service?

Mr. BOURKE. I got married shortly before leaving the service—six months.

Chairman WALSH. How long were you in the service altogether?

Mr. BOURKE. Four years and ten months; from October, 1908, until August, 1913.

Chairman WALSH. Did you ever receive an extra month's salary, paid as a bonus for a clear record?

Mr. BOURKE. Yes, sir; I did.

Chairman WALSH. How many times?

Mr. BOURKE. I received it each time I was eligible to it.

Chairman WALSH. How many years was that?

Mr. BOURKE. That would be four times.

Chairman WALSH. What opportunities were there during the time you were on there; were there charges made at various times by inspectors and special agents against you?

Mr. BOURKE. There were a few of them; I was called in and interviewed.

Chairman WALSH. What opportunity was given employees to explain the charges made against them by special agents and inspectors?

Mr. BOURKE. Well, the opportunity was given at the time. They were notified. We would report into the conductors' room, and our names would be on a regular paper for that purpose. We were to report into the office, or whoever it was that we were to report to, and we had a spotter's report, for instance, against us, dating back possibly a month or possibly six weeks, a little too long to recall just what particular trip; have no way of knowing who the spotter would be; whether it would be a passenger's report—it might sometimes be a passengers' report. It was not always a spotter's report; it might be an inspector's report. The inspectors' reports were always made quicker than the spotters' reports, as was my case for the times I was called in on the spotter's report. There were not many. I do not recall just how many times, but there were at least three or four. And as a general rule I had a pretty fair report, but there was always an "if" or "but" there that had to finish up the spotter's report—in my estimation, in order to satisfy the company that he has really done his work. Everything would be satisfactory, the porter's work was satisfactory, or the linen and the clothes of both conductors and porters were in satisfactory condition, but the porter putting his foot on a berth while shoving up an upper berth, a matter of that kind would always kill a report. I might not be in the car at the time. Perhaps the porter did it, and perhaps the porter did not do it.

Chairman WALSH. Were those incidents which you say did not come to your notice until such a date that it was difficult for you to figure out the trip, so that you could not make response to it?

Mr. BOURKE. The date of the trip was always given in this report; he would give the report about the trip the time he made the report.

Chairman WALSH. But you were not notified of that?

Mr. BOURKE. No, sir; not until later.

Chairman WALSH. Until it was so late it was sometimes difficult to figure out in your own mind just what the occurrences were?

Mr. BOURKE. Yes, sir.

Chairman WALSH. What salaries did you receive during the time you were running?

Mr. BOURKE. I started in—I have been trying to recall it since they got to talking over the money and salary part yesterday, since yesterday, and I think when I entered the service the conductor starting out was paid $65 a month; increased after six months to $70 and after a year to $75. Then there was a raise in 1911, I think it was, where there was a $5 raise given. I am not sure about that. I am not positive whether I started out at $65 or at $70, but I imagine from my figures, from the way I figure in my mind, I started in at $65 when I went in; I figured so it would bring me my salary when I was quitting at $85, eligible in two months longer to $90.

Chairman WALSH. During the time you were running, Mr. Bourke, what did you observe, if anything, as to the general feeling of the employees toward the company and its higher officials and as to their satisfaction and dissatisfaction with wages and the conditions of their labor?

Mr. BOURKE. Well, you could hardly go into the conductor's room on any trip, off of a trip, or going out on a trip, that there was not some discussion with reference to the working conditions, the salary paid, and it was always thought to be an opportunity to better those conditions by taking it up in the way of petition in an organization. That was talked about just prior to—the organization was talked about just prior to my leaving the service. Previous to that time there was some—not all of the men, but some of them were dissatisfied about the working conditions, the hours, and the rest; a good many were satisfied——

Chairman WALSH. You say that was general or sporadic?

Mr. BOURKE. Why, I would say it was hard to say one way or the other, when you judge of all the men according to what were in the district office. I never came in contact with many of those talks of that kind, or listening to it, only those who were in our own district.

Chairman WALSH. Were you engaged in any efforts to organize among the employees?

Mr. BOURKE. No, sir.

Chairman WALSH. Did you sign any petition at any time to the company asking for an increase in wages or change in working conditions?

Mr. BOURKE. Yes, sir.

Chairman WALSH. What was the occasion of that, and how did you do it?

Mr. BOURKE. The petition would be hanging, as it was in our district, it would be hanging up against the wall under the relief notice—the notice of the relief runs—hung on a nail there, asking—the petition simply set forth, as you read yesterday. That was pretty nearly the wording of three petitions that I remember to have signed. I have seen the same petition that I saw in our district office, the petition I saw afterwards in Minneapolis, after it had served its usefulness—no; I have this reversed. I saw the petition in Minneapolis, and signed it in Minneapolis, and later on I found the same petition hanging in the district office in Chicago, or the conductor's office in Chicago; it was the same petition.

Chairman WALSH. Could you give us an idea as to the number of signatures that were on the petition, comparatively—that is, as to the total number of conductors?

Mr. BOURKE. I should judge the petition, as near as I can remember, it would hold about 40 lines, and there must have been at least three or four pages at the time that we were operating out of the Chicago western-district office.

Chairman WALSH. How did the number of signatures stand in proportion to the number of employees, would you say?

Mr. BOURKE. Why, I should say it ought to stand at least 65 to 70 per cent.

Chairman WALSH. Did the petition entirely express your views and desires?

Mr. BOURKE. It did; yes, sir.

Chairman WALSH. Did you sign it at the request of any person else, or to your knowledge did any influence come from the outside or from the company, or was it the conductors themselves?

Mr. BOURKE. No, sir; I signed it of my own free will.

Chairman WALSH. Anyone promoting it, that you knew?

Mr. BOURKE. No, sir.

Chairman WALSH. What would you say were your expenses while on the road?

Mr. BOURKE. I endeavored to curtail my expenses as much as I possibly could. I carried a lunch a long time, provided myself with a thermos bottle, and in that way kept down considerable of my expense. I ate as sparingly as I could in the diner; that is, as far as meals were concerned, going into them. I very seldom ate a meal in the diner while on the Chicago-Lincoln run. And on the Minneapolis run I didn't eat a meal going up on that run oftener than on the Lincoln run, because I had an opportunity at Mendota to supply myself with whatever I had not taken from home, while on the Denver run I found it a little harder to do that on account of the run being longer. I could supply myself with enough—I used to leave Chicago, have a good dinner at home—leave Chicago and eat my lunch that I had brought with me to take the place of my supper, and in the morning at Omaha get a cup of coffee and rolls and let it hold me until dinner time. Then I would eat my meals in the diner—eat my dinner in the diner.

Chairman WALSH. Were you a resident of the city of Chicago during all the time you were with the company?

Mr. BOURKE. Until the last three months that I was with the company. Then I lived in Lake Bluff, Ill.

Chairman WALSH. Could you give the commission some idea as to the living expenses of a man situated as you are, doing the work that you were doing, who was married? Give us an idea of the rent, the grocery bill, clothing for a couple, and the expenses on the road, living in an ordinary way that a conductor lives.

Mr. BOURKE. Well, for the last six months I was in the Pullman service I was married, and I endeavored then to curtail my expense the same as I had done previous to my becoming married. I can safely say that on the run that I was on, from Chicago to Denver and return—I had no expense at Denver outside of my meals. I stopped at the Metropole Hotel there, which gave me a room.

Chairman WALSH. Free?

Mr. BOURKE. Yes.

Chairman WALSH. Right at that point, why did the Metropole give you a room free?

Mr. BOURKE. Because I went to them and inquired.

Chairman WALSH. Well, I understand they give it to all Pullman conductors free; is that the idea?

Mr. BOURKE. This hotel didn't.

Chairman WALSH. You have no special arrangement with them—some special reason?

Mr. BOURKE. I was referred to them by a conductor who was on the run previous to me.

Chairman WALSH. Do they expect any return for that courtesy?

Mr. BOURKE. They never inquired for it; never asked me for it at all.

Chairman WALSH. Well, did they expect any return for that courtesy?

Mr. BOURKE. They never inquired for it; they never asked me for it at all.

Chairman WALSH. And the rules of the company forbade you to suggest to travelers their going to any particular hotel?

Mr. BOURKE. According to the rules; yes, sir.

Chairman WALSH. Is that rule generally observed by the employees?

Mr. BOURKE. Well, I don't know. I did not observe the rule altogether, for the simple reason that I knew where I was referring anybody to; I knew what the Metropole Hotel was, because I stopped there, and knew it was as good a hotel as any in Denver, outside of the Brown Palace, and I could simply send anybody there and not feel in the least afraid they would not receive the proper sort of treatment.

Chairman WALSH. So the hotel really extends the courtesy in the belief that the conductors will reciprocate, and, as a matter of fact, they do reciprocate?

Mr. BOURKE. Yes, sir; and if I was running a hotel I would be very pleased to take that man.

Chairman WALSH. Now, if you will just resume where I interrupted you and see if you can give me just what it cost to live?

Mr. BOURKE. I figured that my expenses between Chicago and Denver, taking in Denver all day while I was there—my meals in Denver and my meals I ate in the dining cars—I feel it would be around $2 or $2.50 a round trip.

Chairman WALSH. And how many trips per month?

Mr. BOURKE. Six trips per month. That would be around $30—or rather, I would say, $20; I think $20 would probably cover it. I was paying $33 a month rent while in Chicago and that left me a balance between $33—well, my grocery bill always came close to around $20 and we tried to eat as economically as we could.

Chairman WALSH. Did that $33 include light and heat?

Mr. BOURKE. It did not include light, but did heat.

Chairman WALSH. What did your light cost you?

Mr. BOURKE. The light cost me around $2 a month.

Chairman WALSH. How much?

Mr. BOURKE. About $2 a month—that is, light and cooking by gas.

Chairman WALSH. Do you carry insurance?

Mr. BOURKE. I do.

Chairman WALSH. What sort of insurance do you carry?

Mr. BOURKE. Fraternal insurance.

Chairman WALSH. To what extent are you insured?

Mr. BOURKE. Well, I am insured in——

Chairman WALSH (interrupting). I mean in what amount?

Mr. BOURKE. Well, I am insured for about $2,500.

Chairman WALSH. Life or accident insurance?
Mr. BOURKE. I carry no accident insurance.
Chairman WALSH. You carry no accident insurance?
Mr. BOURKE. No, sir.
Chairman WALSH. What would your insurance cost you per month?
Mr. BOURKE. It would cost me about $50 a year.
Chairman WALSH. About $4 per month?
Mr. BOURKE. Yes, sir.
Chairman WALSH. Did you pay dues to any religious organization or anything of that sort?
Mr. BOURKE. Well, I paid no dues of any kind.
Chairman WALSH. Well, did you contribute for religious purposes?
Mr. BOURKE. Yes, sir.
Chairman WALSH. About how much per month?
Mr. BOURKE. At certain times of the year a little more than at others—that is, such as the season just passed.
Chairman WALSH. How would it run by the year, would you say $10 a year?
Mr. BOURKE. Yes; say about $10 would be the average.
Chairman WALSH. About a dollar a month; and laundry, did you have any bills for that?
Mr. BOURKE. I can not estimate that; I usually let that go to my wife; I don't know about what it would be.
Chairman WALSH. Did you have any work done by the laundry outside?
Mr. BOURKE. No, sir.
Chairman WALSH. Did you ever keep house?
Mr. BOURKE. Yes, sir.
Chairman WALSH. But you did not keep help?
Mr. BOURKE. No, sir.
Chairman WALSH. You were fortunate, both you and your wife, in having good health?
Mr. BOURKE. Yes, sir; thank God.
Chairman WALSH. Did you ever go to the theaters or picture shows?
Mr. BOURKE. Very little; we did not have any time to do that.
Chairman WALSH. Any amusements of any kind, such as dances or anything of that sort?
Mr. BOURKE. Yes, sir; we would usually take in any socials or card parties or things of that kind around the neighborhood—with my mother and father—in the place I was raised, around in that neighborhood.
Chairman WALSH. Did you have any other property or source of income than your salary as a Pullman conductor?
Mr. BOURKE. No, sir.
Chairman WALSH. If my figures are correct—if I have computed it correctly and you have given the correct figures—these expenses amount to $80 a month, and there is no clothing included.
Mr. BOURKE. I was fortunate enough to save up considerable before I got married, and I was very lucky to be able to hold considerable up to a short time ago, but it is gradually commencing to dwindle down now.
Chairman WALSH. So, after your marriage, your expenses for yourself and wife, your ordinary expenses without amusements, amount to $80 a month?
Mr. BOURKE. Pretty close to that.
Chairman WALSH. And that only leaves $5 a month for clothing for both of you?
Mr. BOURKE. We were never able to save anything in Chicago and that is why I moved out to Lake Bluff.
Chairman WALSH. What rent did you have to pay at Lake Bluff?
Mr. BOURKE. None, because I owned the place. I am living back now in Chicago. We have left there, but are going back this spring for that same reason, because we have not been able to put a cent aside.
Chairman WALSH. How is it with the conductors generally who are on the Pullmans; do they own property outside, or how do they make ends meet, if they have the same general expenses that you have? Do you know; do you hear it discussed?
Mr. BOURKE. No, sir; I do not.
Chairman WALSH. Did you leave the service or were you discharged from the service?
Mr. BOURKE. I resigned from the service, owing to a little trouble which was the direct result of my resigning. It came up shortly before I did resign.

Chairman WALSH. Did it have to do with the discipline of the company or the conduct of the company toward its men?

Mr. BOURKE. No, sir; it did not—that is, the real, direct result of my leaving did—yes.

Chairman WALSH. That is, it was on account of the way that you felt that the men generally were treated?

Mr. BOURKE. Well, my particular case, Mr. Chairman, would not call for——

Chairman WALSH (interrupting). Is it true that you resigned from the company because action was taken in a matter that affected you, that you thought reflected upon your own manhood and that they would not stand up for?

Mr. BOURKE. Yes, sir.

Chairman WALSH. As briefly as you can, please, detail the circumstances.

Mr. BOURKE. Yes, sir. Leaving Denver on May 24, 1913, the train conductor and myself repaired through the train to take up the regular tickets, as we had always done, or as we did all the time out of Denver. When we arrived at section 9 in car 2 a lady that I should imagine would be around 35 or 40 years old, accompanied by a young lady around about 18 or 19 years of age, were sitting in section 9 in car number 2. The train tickets—transportation, rather—called for Denver to Omaha and the sleeping-car ticket called for Denver to Lincoln, which rate is $3, and the transportation called for Denver to Omaha, which rate in the sleeping car would be $3.50, showing a shortage of 50 cents on the difference in the two points, Lincoln to Omaha. The train arrived at Lincoln at 5.15 in the morning and passengers that did not go beyond Lincoln were expected to be called to get out of the car at Lincoln, according to the ruling. If they were going to Omaha they should have bought a ticket for $3.50. I inquired if she wished to be called at Lincoln, and she said, "No, sir; I don't." I said, "You only bought your ticket to Lincoln." And she said, "That is all the ticket agent could sell me," notwithstanding the fact that he had sold seven or eight other passengers in the car tickets from Denver to Omaha. I told her that unless she paid the 50 cents difference between Lincoln and Omaha she would be called at 4.30 or a quarter to 5, in order to leave the car at 5.15, the time we were due at Lincoln and at which time her berth was supposed to expire. This she refused to do and said she would straighten out matters with the porter,-and I told the lady I was the one to straighten the matter out with, and I would have to have it done before she retired. The woman absolutely refused to pay me 50 cents, and I refused to continue the conversation with her any longer and gave the porter his call card to call her at 4.30.

When we got to Fort Morgan, about an hour's run out of Denver, leaving Denver at 4.15 and arriving at Fort Morgan at about 5.15, at that point the Chicago train passed the train coming from Denver. As a general rule, we would exchange papers. The conductor leaving Chicago the night previous would bring the papers of the night previous, and I would have the Denver papers to throw to him, and he would give me the Chicago papers. I was on No. 6, and while waiting for No. 1 to pass me and get those papers I had the vestibule open. It was one of the new steel cars with a high platform, and I was waiting outside for the other car to pass with my arm outside to get the papers, usually tied with a rope, and catch them.

The same young lady that was with the elderly lady, or the woman 35 or 40 years old, came out and stood in the vestibule and asked me if I was acquainted with so and so, running out of Omaha—five or six conductors whose names I can not now recall, but their names are on the statement I made the day after I returned to Chicago. She asked me if I knew those conductors, two or three of whom I did know on account of running from Lincoln to Omaha a few years before that. The others I did not know. The conversation continued with reference to those conductors for a few minutes, and soon the train passed, and I got my papers and went into the room in the car and sat down and read some of my papers and did part of my work. I had a full car, and all berths were taken. All but one room was the only space open. After I got through looking over the papers, sketching through, the young lady and the other lady I imagine had gone to the diner or observation car—I don't know where, but that is where I imagine they had gone to. But I always had, since I first went into the Pullman service, a feeling of not wanting to sit in a section which had been sold or occupied, and that is one thing that I carried out from the time I first got into a little trouble on account of it. Where a space is sold or occupied I never sit down to do my work in that section, simply because of a comb or a hat pin that was lost on one of the Rapids City trips, and a lady made the remark the

following morning: "The conductor sat here doing his work." For that reason I never after that sat in a section and did my work where the space was sold. If I had no vacant space in the berth section through the car, I would repair to a room, and the company extended the privilege of leaving the door open when we were unable to find other space to do our work, as I did in this case.

After a short time—I can not recall how long; it was still daylight—I went into the compartment to do my work in there—to write up my diagram of three loaded cars. When I went into the compartment I sat, as near as I can explain, this way. The window is in that direction [indicating], and my equipment case comes here [indicating], and I sat on this side of the compartment [indicating]. There is a similar seat directly opposite, and the door of the compartment entering in is on the aisle outside and to my back. The next time I saw the young lady my attention was called to her as she was standing at the door with a remark about Pullman conductors she knew and putting her hand against the jamb of the door in that manner [indicating]. I occasionally turned and talked to her and continued to do my work, at the same time remaining as I was, with my back to the door. Finally she came in and sat on the arm rest of the seat opposite me—not in the seat proper, but on the arm rest of the seat. Something drew my attention to the door being closed. Whether I noticed it out of the corner of my eye or some sound attracted my attention to it, I can not recall, but the minute I realized that the door was closed I spoke to the young lady and said: "Did you close that door, lady?" And she said: "No; I did not." I said: "This is not a very nice thing to be in here with you." She said: "I told my friend I was coming to talk to you." That is the first time I knew that the woman with her was not the girl's mother. I immediately got up and opened the door, and as I opened the door the other woman was standing outside the door, and she remarked to me: "What are you doing with this girl in this room?" The young lady said: "He is not doing anything to me; you mind your own business," or words to that effect. I do not recall the exact words, but it was something similar to that. It is in my statement, and anything that is not word for word now is as near as I can possibly remember it after two years' time.

The young lady had not been in the room from the time that I turned and saw her when she resumed the conversation with reference to the Pullman conductors with whom she and the other lady were acquainted—from the time I turned and saw her hand against the jamb of the door until I opened the door fully five minutes had not elapsed; at least I am going—that is a large estimate, I think, as near as my memory recalls—five minutes. I don't think—it was not more than five minutes anyhow. The moment I realized how things were, it was a rather embarrassing position; but I never did think for a second what it might culminate in at all. If I had I would have stood right there and demanded a further explanation at the time; but as it was it was a rather embarrassing position for both me and the young lady to be placed in. There were no other witnesses outside of the door; that is, the woman was alone out there. I went back into the observation car sort of bewildered; did not know just what to do. My work was still uncompleted, because I had left right in the middle of my work and I came back into the car, and when I came back into the car the young lady and the other lady were sitting in the section, and when I stepped up to them to speak to them she, the older woman, said she did not care to talk to us. And so after that I thought it all over during the night; the young lady went to bed, and she, the older woman, went through the train back and forth a good many times, and the young lady went to bed early and she, the other woman, retired, I should judge, around half past 10 or 11 o'clock. Well, in order to get a chance to talk to the woman and make further and better explanation of conditions in the morning I told the porter to allow them to continue on to Omaha, so I would have an opportunity after she slept it over that night—I thought probably she would not be so excited and probably would be able to give me a hearing and allow me to make an explanation. So I saw her in the morning. We carried them on to Omaha, and I asked her if she would not kindly listen to a little explanation. I can not recall, as I say, some of the things that appeared in my statement at the time, but the woman retaliated with a remark that was anything but what should come from a lady, and I saw there was no use to talk the matter over, and let it go; and she got off at Omaha.

A good many of the passengers got off at Lincoln and some of the rest at Omaha, and there were a few of the passengers continued on to Chicago and we picked up more. When I got to Chicago that night I had my expectations—

the woman said she was going to report me, and so I had my expectations of what were to happen. And when I got to Chicago that night I was told to report to the district superintendent in the morning. When I got down town in the morning I made out a statement of what had occurred, in the district superintendent's office, and he referred me to the general office. I went over there and saw Mr. Williams, Mr. J. A. Davis's assistant. I then made a statement of the facts as they were clear in my mind at that time, and, if I remember right, swore to it, or at least it was sworn to and was taken down in shorthand. From that time until three or four days later, when the papers preferring the charges came from Omaha, I heard nothing more. Mr. Waite kindly arranged to keep me working all the time. I was sent up in the fishing country, on a North Western Railroad train, and was kept out of town, and when I got to Chicago the first night, having in my mind, I repaired home that evening and told my wife and told my father and mother just what had happened—went through the whole thing with them and had nothing to hold back. I did not feel I was guilty—knew I was not guilty, and felt I had nothing to hold back from them.

They sent me up through the fishing country, up on the North Western, for a few days, and when I returned I went over to the office and the charges were read to me. Well, from the time the charges were read to me until I left the Pullman service, possibly three or four months after, I was practically a physical wreck, because the charges were preposterous. They were charges that if I was guilty of the charges, instead of being here I ought to be in jail. Under the conditions that I was placed at that time I want to show you where a man would be foolish, where I would be foolish, to take the deliberate chance of those charges being proclaimed, and if they are here I hope they will be read. It was just two weeks previous to that time that an order was posted in our bulletin book in Chicago—the Chicago western district office—asking for applicants for the position of instructor. That would be a position off the road. That was something that I wanted. I applied and turned in my application to Mr. Waite, and he sent it over to the general office. I was called in a few days afterwards to the general office and was told that they were sorry that they could not give me the position; that my record merited it, but another man from the Illinois Central office had a little better record on account of being longer in the service, and he was awarded the position; but that they would hold my application on file and at the first opportunity give me a position more desirable than what I had at that time. Along with that fact I am only six months married and had them coming what I have at home right now—a little fellow 17 months old. That fact—those two facts together—with the fact that the woman tried to ride short of paying for her full fare, and again a girl with a woman at least 35 or 40 years old whom I did not know, but was the girl's own mother, that I would go to work after almost five years of service and good record and take this girl into a room not 15 feet from where her mother (as I supposed she was) was sitting and detain her as the charges claim for 45 minutes against her will and mistreat her, but at the same time the woman said she was positively sure that I did not abuse the girl's honor because I was not with her long enough. Now, those charges were made and were read to me. I was not given the charges to read. I never inquired for the passengers' names and addresses until the matter was given plenty of time and due consideration by the Pullman Co.

The last time that I went to the Pullman Co. for a further answer and for the names and addresses of the parties making the charges I went to Mr. Williams's office, where I had gone previous to that, and he seemed to be taking care of the matter. They were all very nice to me—very pleasant and cordial at all times. He then told me to see Mr. C. A. Davis—Mr. Charley Davis, head of the legal department, was handling the correspondence, and, in fact, handling the whole matter. I repaired to Mr. Charley Davis's office, was received very cordially, and was told to sit down and asked what my pleasure was. I am getting a little ahead of my story. I was held off my regular run for two months and ran all around different places and was kept working all the time, and, as I say, they treated me very nicely in that respect. I was out on runs very near every night, got very little relief, but I was on short runs and satisfied to be working, giving them all the opportunity and plenty of time possible, and finally, when I was placed back on my run after making a special trip to Yellowstone Park with the Chicago Athletic Association, being gone 11 days, I returned and was placed back on my run, and I made five trips on my run.

Then I felt I was due to find out something about who the parties were, what the result of the investigations was—not for my own self—but for those dependent on me, my father, mother, and my wife, all respectable, and I had been raised respectably. I went to Mr. Charley Davis, and I asked Charley Davis for the names and addresses of the parties making the charges; told him that I had not inquired, was not interested enough to ask it until I knew what the outcome of the charges would be. He says, "Why, what is the matter with you. You have got your job back, ain't you?" "Yes; I have," I said. "Well, what business have you got to look after the Pullman business? Those matters are purely all Pullmans. You can't have anything at all to do with them, and you can not get the names and addresses. Anyhow, the files were all put away and the matter cleared up, and what good will it do you anyway." And I said, "Why, I am so nervous I can hardly work." I was in a nervous condition, so much so that I could not feel that I could do my work properly, and, of course, I told him all that and explained everything to him. I said, "I am nervous"; and he said, "For a man who has been in the Pullman service the length of time, five years, that you have your skin ought to be so thick now that a matter of that kind ought not to get under it." Well, that gave me a decision on what to do. I felt that if the Pullman official was to tell me that my skin, after five years' service, was so thick that a matter of that kind pertaining to my immorality could not get under it, I thought it was high time for me to get away from it. So I repaired over to the district office, and it was there I wrote out my resignation, and if it is your pleasure, gentlemen, I will read it to you—a copy of it which I hold.

Chairman WALSH. What is it, Mr. Bourke, you have to read?

Commissioner LENNON. His resignation.

Chairman WALSH. Go ahead and read it.

Mr. BOURKE (reading): "Mr. W. H. Waite, district superintendent, Dear Sir: I hereby wish to tender my resignation as conductor in your district and for the Pullman Co. My reasons for doing so have arisen out of my recent trouble. The position taken by the company in taking me off my C., B. & Q. trains, Nos. 1 and 6, has caused considerable unfavorable remarks and comments regarding my character. And while as an employee it may be wrong for me to criticise the methods of the company in the matter, I can not but feel that in over two months' time, as I am unable to find out or get any information regarding the investigations, that there is a doubt as to my guilt or innocence. I feel that I am entitled to know the names and addresses of the parties who made these charges and I can not secure them. I confess that I can not do my work on the cars with my former spirit, and have the continual fear of something else going wrong. I am deeply grateful for the many kindnesses and good will shown me at all times by you and the office force in general. Your earnest endeavors in this particular matter, in my interest, can never be forgotten, and I trust I leave you with a good will for me."

That resignation was turned in after I had held my conference with Mr. Davis. They were short of men at the time at the Chicago western district, and I had secured a position with Mr. Morgan. If I was not able to get the situation that I wanted I had inquired of Mr. Hill, the station master of the North Western—assistant station master, rather, who had been acquainted with me for some time—if he would speak to Mr. Morgan and see what chance I had. As I came down that morning I fully felt the Pullman Co. would not give me the names and addresses, for the simple reason that I had not been given an opportunity to read the charges. They had read the charges to me instead of giving me an opportunity to read those reports and the charges myself. Anyhow, the position was arranged for me at the S. & N. W. Terminal. When I told Mr. Waite I was going to work for Mr. Morgan at the North Western Terminal, Mr. Waite asked if I would speak to Mr. Morgan and ask him if he would not hold the position another week for me so as to make another trip, on account of the Knights Templar conclave meetings in Denver, the Pullman Co., the Chicago western district, was short of men at that time. Mr. Morgan kindly consented to do so and held that position open for me. He received a good recommend from Mr. Waite for me. I returned off of that trip and I went to Mr. Waite and my resignation was turned in then after being written seven days.

Chairman WALSH. What was the date of your resignation?

Mr. BOURKE. The date of my resignation was August 7, 1913.

Chairman WALSH. I want to go back just a moment, Mr. Bourke. What did you pay for your uniform?

Mr. BOURKE. I do not recall. I think it was $22.

Chairman WALSH. Did you have a summer uniform and a winter uniform?

Mr. BOURKE. No, sir; I just had the one uniform.

Chairman WALSH. One uniform; and you wore it both winter and summer?

Mr. BOURKE. Yes, sir.

Chairman WALSH. How long did your uniforms last you?

Mr. BOURKE. Well, usually a year, if good care was taken of them.

Chairman WALSH. Did the company furnish sleeping accommodations for you at the terminals on any of the runs you ran on?

Mr. BOURKE. Well, at Rapids City—no, sir; I slept in the car at Rapids City. The car was cleaned and left in the yard, and I slept in the car there at Rapids City. In Minneapolis I slept in the car. I understand now, though, that there are sleeping quarters there; in fact, the last time I was in Minneapolis on a Pullman run I slept at the Nicollette Hotel—a room furnished for the conductors—furnished by the company.

Chairman WALSH. Did you observe the sleeping accommodations which were furnished at other points?

Mr. BOURKE. Well, at Denver—they had six or seven beds in Denver. That room is in a room adjacent to the cashier's room, or to the district office. Then, it is on a corridor and it is a very noisy place. I never slept there; only once one evening, and that was on account of the convention in Denver and I was not able to get my regular room at the hotel.

Chairman WALSH. Have you observed any of the other places?

Mr. BOURKE. I have not been in any of the other places to speak of. I could not make an observation, Mr. Walsh.

Chairman WALSH. Commissioner Aishton would like to ask some questions.

Commissioner AISHTON. Just one question.

Mr. BOURKE. Yes.

Commissioner AISHTON. When the officers of the Pullman Co. declined to furnish you with the names of the parties to this occurrence that you have recited——

Mr. BOURKE. Yes, sir.

Commissioner AISHTON (continuing). Did you have any knowledge as to whether any suit had been brought against the Pullman people?

Mr. BOURKE. No, sir; not at that time.

Commissioner AISHTON. You did not?

Mr. BOURKE. No, sir; not at that time. I did not finish my story with reference to that at that time.

Commissioner AISHTON. You found out later that a suit had been brought, did you?

Mr. BOURKE. That a suit had been brought; yes, sir.

Commissioner AISHTON. Was not that the reason——

Mr. BOURKE. Well, just a minute, please.

Commissioner AISHTON (continuing). For not giving those names?

Mr. BOURKE. Just a minute; beg pardon. The charges did call for a suit of $10,000; yes, sir.

Commissioner AISHTON. And, in your opinion, knowing as you do now why they refused to give you those names, would you not feel they were justified in doing that?

Mr. BOURKE. I do not, Mr. Aishton, for this reason: They told me afterwards that when—I found that I could not get the names and addresses of the parties, and I felt that it was just as necessary for me to have their names and addresses, when I was innocent, as I feel I am, and know I am, and God knows I am, as it was for them to have my name. I applied for reinstatement afterwards to the Pullman service just before I was out a year, thinking I would get back and be able to get my nights back, if I could. My object in that, for that particular reason, was that when I found that I was unable to get the names and addresses from the Pullman Co., that if I was able to secure a run through Omaha, I would be able to secure the names and addresses from other parties that were probably acquainted, had seen the papers and charges; and when I reported to the company and asked to be reinstated, I inquired to see Mr. Davis, and I was shown in and saw Mr. Williams, and he cordially asked me to sit down. Then he asked me if I was prepared to pay the $500 that they paid this woman. When those charges were read to me the young lady's name was not read, but the charge was read as coming from the woman; and it was so explained to me, it was the woman who made this charge.

Commissioner AISHTON. Mr. Bourke, I understood you in the fore part of your testimony to say that you had worked four years, was it, for the Pullman Co.?

Mr. BOURKE. Four years and 10 months.

Commissioner AISHTON. Four years you had drawn a bonus on account of having a clear record?

Mr. BOURKE. Yes, sir; four years.

Commissioner AISHTON. And that during that period there had been six or seven so-called spotters' reports made that either yourself or the porter were concerned in?

Mr. BOURKE. Yes, sir.

Commissioner AISHTON. On your run?

Mr. BOURKE. Yes.

Commissioner AISHTON. In either one of those cases was the charge—was the report read to you?

Mr. BOURKE. Yes.

Commissioner AISHTON. And you were told what was in it?

Mr. BOURKE. Yes.

Commissioner AISHTON. And you had an opportunity at that time and did make such explanation as was necessary?

Mr. BOURKE. Yes; I wrote a statement each time.

Commissioner AISHTON. Those explanations were satisfactory to the officers of the Pullman Co. and no discipline resulted?

Mr. BOURKE. No, sir.

Commissioner AISHTON. Am I to understand no discipline resulted?

Mr. BOURKE. Pardon me; yes.

Commissioner AISHTON. No discipline resulted?

Mr. BOURKE. I received no reprimand.

Commissioner AISHTON. Any reprimand or discipline?

Mr. BOURKE. The only reprimand that I had ever received in my four and a half years' service was when Mr. Davis, the last time I had occasion to talk to him, told me that I had gotten five days after about three weeks in the service. That was the result of a car that became frozen up at Rochester, Minn.

Commissioner AISHTON. That was not due, however, to any so-called spotter's report?

Mr. BOURKE. No, sir.

Commissioner AISHTON. And your experience in that direction is not different from that of other Pullman conductors, so far as you know, is it?

Mr. BOURKE. No, sir.

Commissioner AISHTON. In other words, they have an opportunity to explain complaints that are made against them?

Mr. BOURKE. Yes, sir.

Commissioner AISHTON. That is all; thank you.

Chairman WALSH. That is all, thank you, Mr. Bourke.

Mr. Crenshaw.

TESTIMONY OF MR. THOMAS A. CRENSHAW.

Chairman WALSH. What is your name, please?

Mr. CRENSHAW. Thomas A. Crenshaw.

Chairman WALSH. Where do you live?

Mr. CRENSHAW. St. Louis, Mo.

Chairman WALSH. How long have you lived in St. Louis?

Mr. CRENSHAW. Twenty-three years.

Chairman WALSH. Are you working for the Pullman Co.?

Mr. CRENSHAW. I am.

Chairman WALSH. In what capacity?

Mr. CRENSHAW. As a porter.

Chairman WALSH. How long have you been working for the Pullman Co.?

Mr. CRENSHAW. Twenty-three years the 27th day of this month.

Chairman WALSH. Where did you come from before you came to St. Louis?

Mr. CRENSHAW. Athens, Ala.

Chairman WALSH. Were you employed in St. Louis or in the South?

Mr. CRENSHAW. I was employed in St. Louis.

Chairman WALSH. In St. Louis?

Mr. CRENSHAW. Yes.

Chairman WALSH. Had you been engaged in any other occupation before you came to St. Louis?

Mr. CRENSHAW. I was in the private employment of Maj. E. C. Gordon.

Chairman WALSH. Maj. Gordon?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. In what capacity?

Mr. CRENSHAW. As a porter.

Chairman WALSH. For his house or dwelling?

Mr. CRENSHAW. At his dwelling.

Chairman WALSH. At his dwelling?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. I suppose you have had many runs for the Pullman Co. during those years, have you?

Mr. CRENSHAW. No; I have not had a great many.

Chairman WALSH. Give me all the runs you have had. I thought maybe on account of the extent of your service, it being so long, that it might be difficult for you to tell; but if you can, begin at the beginning and tell the runs that you have had.

Mr. CRENSHAW. Well, I ran about possibly 18 months or maybe a little bit longer on the Frisco out of St. Louis.

Chairman WALSH. Was that when you started?

Mr. CRENSHAW. That is when I first started. And from that time until now I am on the run now that they put me on when I got off the Frisco. I have been on that run very near 20 years.

Chairman WALSH. What run is that?

Mr. CRENSHAW. From St. Louis to Savanna, Ill.

Chairman WALSH. What is the distance?

Mr. CRENSHAW. Three hundred and twenty-three miles.

Chairman WALSH. What road is it on?

Mr. CRENSHAW. The C., B. & Q.

Chairman WALSH. I wish you would describe the way you run, what time your train leaves—you have heard it described here by these other witnesses—what time your train leaves, what time you would go to the station to get your train ready, how much sleep you have, how much leisure, and all about it?

Mr. CRENSHAW. The train leaves at 8.10 at night. I am required to be down there an hour before the train leaves, but I usually go earlier than that, but that is of my own accord. Of course sometimes a car will be too hot, and I want to get it cooled off—that kind of thing comes in. And I go down there just possibly an hour and a half before I am due out. A man can go down there and arrange his car in 30 minutes if he knows how to do it and just what they want to do. I am there in time and get the car ready for reception of passengers, which is 7.30, and I leave there at 8.10; make the car down ordinarily by 9.30, and when I have gotten the car made down I can go to bed just as soon as I want to after my car is made down. Sometimes it differs on account of the passengers, sometimes they do not go to bed as early as at others; but usually I get to bed around 10 o'clock.

Chairman WALSH. Around 10 o'clock?

Mr. CRENSHAW. Yes, sir. And sometimes earlier, but usually around 10 o'clock. The car gets to Rock Island at 7.30 in the morning—Rock Island, Ill. There you will discharge about all the passengers you got, and it lays there from 7.30 until 11.30, so that you usually, there I get two and a half or three hours sleep. It then goes on to Savanna, Ill. We get there at 1.20 and leave there at 4.45 and come on back to St. Louis with the same amount of sleep. I get 36 hours in St. Louis every trip.

Chairman WALSH. And you have run on that road how long now?

Mr. CRENSHAW. I have been on there since the World's Fair closed in Chicago.

Chairman WALSH. What salary do you receive now?

Mr. CRENSHAW. The salary I receive now is $42 a month.

Chairman WALSH. Just state what salaries you have received from time to time, what you received first, and when it was raised.

Mr. CRENSHAW. Those dates I could not give you; I do not know them.

Chairman WALSH. Just approximate it; say the first couple of years you made so much and the first five?

Mr. CRENSHAW. When I first began to run I think the salary was $25. Later——

Chairman WALSH. How is that?

Mr. CRENSHAW. When I first began to run I think the salary was $25. Later they raised it. When they raised it, I don't know, because I have kept no accurate account of that and it has been several years ago.

And the car that I am on gets up to Savanna at 1.20, doubles out, so that I get all my leisure in St. Louis. I do not get much time on the road and

prefer to have it all in St. Louis where I live. I get 36 hours there every trip, and I am gone 36 hours.

Chairman WALSH. I would like to get about your salary first, if I could. Now, it has been testified here that the pay for a porter on a standard car, if I recall it, was $27.50 per month, and that there is an increase of 10 per cent in case a man runs for 15 years, and that would make it $28.25 a month. Now, have you had more than one increase.

Mr. CRENSHAW. No——

Chairman WALSH. You started at $25?

Mr. CRENSHAW. You possibly got the gist of the matter wrong. That 15-year proposition is this: Every man that is 15 years in the service gets 5 per cent of his salary, whatever that salary is, he gets 5 per cent of it every year.

Chairman WALSH. Oh, every year?

Mr. CRENSHAW. If he is in the service 15 years, whatever his salary is, he gets 5 per cent of it.

Chairman WALSH. Oh, each year?

Mr. CRENSHAW. Each year 5 per cent of his annual salary.

Chairman WALSH. I see. Now, then, you have had such additions made to yours that you now get how much a month?

Mr. CRENSHAW. I get $42 a month.

Chairman WALSH. Forty-two dollars?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. I wish you would tell us, on the ordinary runs, what do you receive in the way of tips?

Mr. CRENSHAW. That depends very largely on the man that is on the car.

Chairman WALSH. Yes.

Mr. CRENSHAW. And in the manner and in the way he gives service and in the manner he renders it. One man who would go on my run possible would starve to death. That depends very largely on the man that is on the car.

Chairman WALSH. Upon what does that depend, the service?

Mr. CRENSHAW. It depends upon service absolutely.

Chairman WALSH. Now, then, we will take your individual case since you are here; tell us what you make?

Mr. CRENSHAW. I make $75 a month.

Chairman WALSH. Do you? And the tips?

Mr. CRENSHAW. In tips.

Chairman WALSH. Oh, in tips?

Mr. CRENSHAW. In tips.

Chairman WALSH. And you get $42 salary?

Mr. CRENSHAW. Yes.

Chairman WALSH. And you make $100 a month?

Mr. CRENSHAW. I make that on an average.

Chairman WALSH. Are you a married man?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. Any family?

Mr. CRENSHAW. I have got a wife and four children at home; two married.

Chairman WALSH. You have raised your children?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. How old is the youngest child?

Mr. CRENSHAW. The youngest child is 6 years old.

Chairman WALSH. Have you some property?

Mr. CRENSHAW. I have no property; no—not in St. Louis.

Chairman WALSH. It has taken what you have earned to maintain yourself and family?

Mr. CRENSHAW. To maintain myself and family and educate my children.

Chairman WALSH. And educate your children?

Mr. CRENSHAW. Yes.

Chairman WALSH. You have fared that way in tips along pretty well during the time?

Mr. CRENSHAW. I have had tips enough to take care of me and my family ever since I began to work.

Chairman WALSH. Have you made something over $100 a month ever since you started?

Mr. CRENSHAW. Oh, not ever since I started I didn't do that, but since they found out who I was I have been making that.

Chairman WALSH. So, for how many years have you made $100 a month?

Mr. CRENSHAW. I have made $100 a month for 18 years.

Chairman WALSH. Have you lived frugally?

Mr. CRENSHAW. No; I have not. I have taken good care of my family and my mother.

Chairman WALSH. Have you had your mother with you?

Mr. CRENSHAW. No; she does not live with me, but I take care of her.

Chairman WALSH. You say you have two children married?

Mr. CRENSHAW. I have two children married.

Chairman WALSH. How old are the other two?

Mr. CRENSHAW. I have got a boy 17 in high school, one 15 in high school, a girl 11 years old in grammar school, and the baby boy at home.

Chairman WALSH. Have you had one conductor to run with you usually?

Mr. CRENSHAW. I have had one conductor for more than 11 years.

Chairman WALSH. Does he make each trip with you?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. What hours does he have for his rest?

Mr. CRENSHAW. On the run that he is on now he is on duty all night.

Chairman WALSH. Is he a married man?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. With a family?

Mr. CRENSHAW. He has got a wife; he has not got children.

Chairman WALSH. Where does he live?

Mr. CRENSHAW. In St. Louis.

Chairman WALSH. What salary does he get?

Mr. CRENSHAW. He gets $95 a month.

Chairman WALSH. Go ahead. I interrupted you. You were talking about the time he took for his rest.

Mr. CRENSHAW. Yes; he is on duty all night, and he relieves us both ways. He is on that run from choice; he prefers that run.

Chairman WALSH. Did they want him to have some other run?

Mr. CRENSHAW. They have offered to give him a run to Denver. I do not know what the choice is. I could not tell you that.

Chairman WALSH. Is there any other porter that runs opposite to you on that run?

Mr. CRENSHAW. Yes, sir.

Chairman WALSH. And how long has he been with the company?

Mr. CRENSHAW. He has been with the company longer than I have. I don't know how long.

Chairman WALSH. Now, you stated that the amount of your compensation, the amount of the compensation depended a great deal on the man that performed the service; on the porter himself.

Mr. CRENSHAW. Yes, sir; that is the fact.

Chairman WALSH. Now, is the porter that runs opposite to you an old man also——

Mr. CRENSHAW. Yes, sir.

Chairman WALSH (continuing). On the run.

Mr. CRENSHAW. Yes.

Chairman WALSH. Do you know anything as to what he earns?

Mr. CRENSHAW. He is here himself.

Chairman WALSH. He is here himself.

Mr. CRENSHAW. Yes.

Chairman WALSH. Commissioner Ballard would like to ask you a question.

Commissioner BALLARD. You say you have no property in St. Louis.

Mr. CRENSHAW. No, sir.

Commissioner BALLARD. Have you property anywhere else?

Mr. CRENSHAW. I have some in Birmingham, Ala.

Commissioner BALLARD. That you have saved up your money and bought since you have been with the Pullman Co.?

Mr. CRENSHAW. No, I did not. I have not bought any property since I have been with the Pullman Co.

Commissioner BALLARD. But you have some property in Birmingham, Ala.?

Mr. CRENSHAW. Yes, sir

Commissioner ASHTON. Mr. Crenshaw, this run that you are on is not counted as a particularly good run with you only so far as the lay-over is concerned.

Mr. CRENSHAW. The run is not unusually good, except the lay-over. It is a fairly good run on the whole, and the class of wealthy people, they are sons and daughters of lumbermen who have made their money along the river there, and if you get acquainted with those people, treat them right, handle them right, wait on them right, why, they don't forget you.

Commissioner BALLARD. The principal advantage in that long run is, as runs go, the 36-hour lay-over at St. Louis and the short lay-over at the other end.

Mr. CRENSHAW. The short lay-over at the other end; that is it.

Chairman WALSH. Commissioner Garretson asks me to ask whether that is a straight sleeper or buffet?

Mr. CRENSHAW. That is a straight sleeper.

Chairman WALSH. That is all; thank you. You may be excused.

Mr. Sylvester.

TESTIMONY OF MR. G. H. SYLVESTER.

Chairman WALSH. What is your name?

Mr. SYLVESTER. G. H. Sylvester.

Chairman WALSH. Where do you reside?

Mr. SYLVESTER. New York City.

Chairman WALSH. And you are employed by the Pullman Co.?

Mr. SYLVESTER. Yes.

Chairman WALSH. In what capacity?

Mr. SYLVESTER. Pullman porter.

Chairman WALSH. How long have you been a porter?

Mr. SYLVESTER. Twenty years.

Chairman WALSH. For the Pullman Co.

Mr. SYLVESTER. Twenty years.

Chairman WALSH. What road are you running on at the present time?

Mr. SYLVESTER. Lake Shore & Michigan Southern.

Chairman WALSH. How long have you been running on that road?

Mr. SYLVESTER. Eighteen years.

Chairman WALSH. And prior to that time where did you run?

Mr. SYLVESTER. I was running all over, as all extra porters do.

Chairman WALSH. Well, you have been running on this same road, on this same run, for the past 18 years?

Mr. SYLVESTER. I ran on the road for 18 years on the Twentieth Century. It will be 18 years the 15th of this June coming, ever since the train has been on.

Chairman WALSH. What is your salary?

Mr. SYLVESTER. Twenty-seven dollars and fifty cents a month.

Chairman WALSH. I would just like to get an understanding, if I can; you have been running for 20 years?

Mr. SYLVESTER. Yes.

Chairman WALSH. How does it happen your pay has not been increased?

Mr. SYLVESTER. It depends upon the run some. If you run in charge you get more money; if you run in charge. For instance, we have a conductor with us all the way. If I was running in charge at any distance I would get $42.

Chairman WALSH. You heard the explanation that the last witness made about it, didn't you?

Mr. SYLVESTER. Yes.

Chairman WALSH. Or could you hear from where you were?

Mr. SYLVESTER. I could hear him distinctly; yes, sir.

Chairman WALSH. That is a fact, that they start a porter at $25 a month, and after he has been in service 15 years they increase 5 per cent per year?

Mr. SYLVESTER. Yes, sir; I beg pardon.

Chairman WALSH. You may proceed. That was all I was going to say.

Mr. SYLVESTER. I started at $20. I started with the Wagner Co., and then after about five years the Pullman taken us over, and then we remained at $20 a month for a long time, and then was raised $5, and then we got 10 per cent raise, which made $27.50, and when you are in the company 15 years you get 5 per cent of your actual earnings.

Chairman WALSH. Added to the——

Mr. SYLVESTER. Added to your——

Chairman WALSH (continuing). Salary each year?

Mr. SYLVESTER. Yes, sir.

Chairman WALSH. And when do you get that; monthly?

Mr. SYLVESTER. Oh, no; you do not get it monthly. It is given to you in a check at the end of the year.

Chairman WALSH. Your salary at the present time is $27.50?

Mr. SYLVESTER. Twenty-seven dollars and fifty cents from the Pullman.

Chairman WALSH. And what is the check at the end of the year?

Mr. SYLVESTER. That is a bonus, the 5 per cent check.

Chairman WALSH. Yes.
Mr. SYLVESTER. And my 5 per cent this year was $15.75.
Chairman WALSH. Fifteen dollars and seventy-five cents?
Mr. SYLVESTER. Fifteen dollars and seventy-five cents.
Chairman WALSH. What do you receive through the source of tips, would you say, per month?
Mr. SYLVESTER. Seventy-five or eighty dollars.
Chairman WALSH. Seventy-five or eighty dollars?
Mr. SYLVESTER. Yes.
Chairman WALSH. Added to $27.50?
Mr. SYLVESTER. And $15.75.
Chairman WALSH. And the bonus of about?
Mr. SYLVESTER. Twenty-seven dollars and fifty cents.
Chairman WALSH. About $125 a month?
Mr. SYLVESTER. Yes, sir.
Chairman WALSH. Any other compensation?
Mr. SYLVESTER. Sick benefits. If I am sick I get $6.33 a week from the Pullman Co.
Chairman WALSH. How much?
Mr. SYLVESTER. From the Pullman Co., $6.33; get my full wages; if I am sick I get paid.
Chairman WALSH. Do you pay anything for the sick benefit?
Mr. SYLVESTER. No, sir; it is given to me by the Pullman Co.
Chairman WALSH. Approximately what would you earn per month?
Mr. SYLVESTER. One hundred and twenty dollars.
Chairman WALSH. Oh, $120 a month?
Mr. SYLVESTER. Yes.
Chairman WALSH. Are you a married man?
Mr. SYLVESTER. Yes, sir.
Chairman WALSH. A family?
Mr. SYLVESTER. No, sir; no family.
Chairman WALSH. Where do you live?
Mr. SYLVESTER. That is, my location in New York?
Chairman WALSH. You live in New York?
Mr. SYLVESTER. Yes; I live in New York.
Chairman WALSH. In the city?
Mr. SYLVESTER. In the city; yes, sir.
Chairman WALSH. Do you own property?
Mr. SYLVESTER. No; I do not; not in the city. I own some down in Jersey, where I was born.
Chairman WALSH. Did you purchase that property?
Mr. SYLVESTER. Since I came with the Pullman Co.? No, sir.
Chairman WALSH. Have you any accumulation from your salary and tips as a Pullman porter?
Mr. SYLVESTER. Just a little; yes, sir.
Chairman WALSH. That is, by way of saving?
Mr. SYLVESTER. By way of saving.
Chairman WALSH. Cash?
Mr. SYLVESTER. If I haven't more, it is my fault, sir, because I have made more.
Chairman WALSH. What rent do you pay in New York?
Mr. SYLVESTER. I pay $20, steam-heated flat.
Chairman WALSH. What does it cost to live while on the road?
Mr. SYLVESTER. It costs me about $25 a month.
Chairman WALSH. How are your meals charged for on the road, that you eat in the dining cars?
Mr. SYLVESTER. I do not eat in the dining car coming out from New York, because we leave on the 2.45, and I get breakfast and have lunch with me, and we have the advantage; the dining-car people are very nice, and if I have a lunch with me I can take it in to them, and they will warm it up for me, and in that way I do not take the meal with me; but if we eat a meal from the dining car we get it for half price.
Chairman WALSH. About what does the meal cost you at half price in the dining car?
Mr. SYLVESTER. At half price in the dining car, from 40 to 45 cents, depending upon how hungry you are.

Chairman WALSH. How many meals do you take in the dining car?

Mr. SYLVESTER. Take one if we eat coming to Chicago.

Chairman WALSH. One what?

Mr. SYLVESTER. One meal coming this way; coffee in the morning before you get here, because you see it would be so long before we got breakfast; and then going back we get lunch on the dining car.

Chairman WALSH. Now, I wish you would describe your trip on this road; that is, what time you go to the station to get ready to leave, and what time you leave, and the amount of sleep you get, the lay-over at each end?

Mr. SYLVESTER. We report for this run in particular at 12 o'clock. We leave at 2.45—half past 12, and we arrive in Chicago the next morning at 9.45, with no sleep.

Chairman WALSH. With what?

Mr. SYLVESTER. No sleep. You ain't supposed to get any sleep.

Chairman WALSH. What time does the conductor have to sleep?

Mr. SYLVESTER. He changes off with the Boston man. I think he goes about at 8 o'clock and gets up at 7, and then, you see, we get in here at 9.45, and we do not report the next day until 10.30 on the trip back.

Chairman WALSH. Ten-thirty in the morning?

Mr. SYLVESTER. Yes, sir.

Chairman WALSH. And then going back?

Mr. SYLVESTER. No sleep.

Chairman WALSH. What time do you report?

Mr. SYLVESTER. Here? Ten-thirty.

Chairman WALSH. Ten-thirty?

Mr. SYLVESTER. We leave at 12.40.

Chairman WALSH. What time do you arrive in New York?

Mr. SYLVESTER. Nine-forty.

Chairman WALSH. And how long do you lay over?

Mr. SYLVESTER. We lay over from 9.40 until the following day at 12.30.

Chairman WALSH. Approximately the same for each change?

Mr. SYLVESTER. Yes. We have the same time on.

Chairman WALSH. One night on the road you have, and then a day off?

Mr. SYLVESTER. Yes, sir.

Chairman WALSH. That would be practically the same as a night watchman working the entire night and sleeping in the daytime?

Mr. SYLVESTER. They sleep in daytime. Don't let them tell you they don't sleep a little at night, too, either.

Chairman WALSH. They do sleep?

Mr. SYLVESTER. Oh, yes; they do. Indeed, if any porter or conductor tells you that they run a thousand miles and don't get any sleep, he is mixed, because he is telling you an untruth.

Chairman WALSH. Have you ever been reported for being asleep?

Mr. SYLVESTER. No, sir. There is another mistake that they make—getting caught. They know the truth.

Chairman WALSH. They know?

Mr. SYLVESTER. They know you sleep. Every superintendent here knows you sleep, but he don't want you to get caught.

Chairman WALSH. Does that apply to conductors, too?

Mr. SYLVESTER. Just the same; yes.

Chairman WALSH. So that, as a matter of fact, the rules provide a suspension for that——

Mr. SYLVESTER. Yes, sir; they do.

Chairman WALSH. But the general information is, among the employees, is that everybody does it, and if they don't get caught—it is only an offense when they are caught?

Mr. SYLVESTER. That is the only offense, getting caught.

Chairman WALSH. What is the custom with respect to inspecting the cars and the conduct of the men on the road?

Mr. SYLVESTER. Well, I have always, since I have been on the road, after I went in the service, found out what—expected every time I came out of a terminal, I believed that I had a spotter on and consequently I have never had any trouble. I am always figuring for him.

Chairman WALSH. Always what?

Mr. SYLVESTER. I am always figuring; I think he is on every time I take a car.

Chairman WALSH. When do you take these little naps you speak of?

Mr. SYLVESTER. He can't get to me then.

Chairman WALSH. How do you work that out?

Mr. SYLVESTER. He is in bed.

Chairman WALSH. When do you get that sleep?

Mr. SYLVESTER. Oh, nap off between stations.

Chairman WALSH. How is that?

Mr. SYLVESTER. Oh, nap off between stations, get naps or watching your car. You don't deliberately take a pillow and blanket and go to bed, or anything like that, but you are bound to be nodding a little, sir.

Chairman WALSH. Have you been up before the inspectors for any violations of the rules in the past years?

Mr. SYLVESTER. I have not, sir. I have not been——

Chairman WALSH. Have you for the past two or three years?

Mr. SYLVESTER. I have not been before the inspectors in 15 years for a violation of anything that amounted to anything.

Chairman WALSH. When you were charged with a violation of the rules, have you an opportunity to present your side of the case to the company and have they heard it?

Mr. SYLVESTER. I have; yes, sir.

Chairman WALSH. And how did it result in your cases?

Mr. SYLVESTER. I generally was vindicated.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Mr. Sylvester.

Mr. SYLVESTER. Yes, sir.

Commissioner O'CONNELL. Supposing there was to be a law passed in various States through which the Twentieth Century Limited passed, between New York and Chicago, prohibiting the giving of tips so that your income would be cut down to $27.50 per month with the 5 per cent bonus that you get, would you still continue to be a Pullman porter?

Mr. SYLVESTER. I would not, sir.

Commissioner O'CONNELL. Then you would continue to be a porter simply because of the contributions made to you by the public?

Mr. SYLVESTER. Yes.

Commissioner O'CONNELL. And your earnings are three times greater than that paid you by the company as a salary?

Mr. SYLVESTER. Yes.

Commissioner O'CONNELL. So that the public are really contributing to your living as a porter?

Mr. SYLVESTER. Well, they are in a way, and they fairly understand it that way, too, sir.

Commissioner O'CONNELL. If you were prohibited from taking tips, if your salary was $27.50 a month, you would not continue to be a porter?

Mr. SYLVESTER. I would not, for you couldn't live on it.

Commissioner O'CONNELL. What do you think would be necessary for the men if their salary was limited to $27.50 a month, and there was no other source of income than by voluntary contribution, or otherwise, what do you think would be necessary for them to do to improve their conditions?

Mr. SYLVESTER. Ask the Pullman Co. to give us living wages.

Commissioner O'CONNELL. Suppose they would not do it?

Mr. SYLVESTER. Then there would be no porters on the cars.

Commissioner O'CONNELL. Suppose there was a possibility of the men getting together and organizing and agreeing that they would stop work if the company did not give them a living wage?

Mr. SYLVESTER. No; I don't think it would be necessary for them to get together to make that agreement, because they would generally go on for themselves—what I mean, you wouldn't have to have an agreement, because a man could not live and keep a respectable home and be honest. It wouldn't be safe to get on a car with over $2 in your pocket if you had to work that way, sir.

Commissioner O'CONNELL. Have you ever been approached in the matter of joining an organization?

Mr. SYLVESTER. I have not. I was approached over in Chicago at the time it started.

Commissioner O'CONNELL. Did you sign any?

Mr. SYLVESTER. I did not.

Commissioner O'CONNELL. You did not indicate your desire to join any organization?

Mr. SYLVESTER. No, sir.

Commissioner O'CONNELL. You were satisfied because of the income were securing from the public?

Mr. SYLVESTER. Yes. And the thing did not look just right to me. not seem to know the people that were in behind this, inaugurated it. not know anything about them. There was nobody that had taken it our district; that is, in the New York district there. It seemed to western men, and we were not acquainted with them, and did not thoro understand it.

Commissioner O'CONNELL. Is there some fraternal organization among porters of the country?

Mr. SYLVESTER. Oh, yes; not pertaining to the Pullman Co. in particular

Commissioner O'CONNELL. I am not speaking of the Pullman Co., but any organization between the porters generally?

Mr. SYLVESTER. Yes, sir.

Commissioner O'CONNELL. Where they contribute and pay benefits to other?

Mr. SYLVESTER. Yes.

Commissioner O'CONNELL. What kind of an organization is that?

Mr. SYLVESTER. The organization of which I am a member is called the York Association of Pullman Porters, the Pullman Athletic Association.

Commissioner O'CONNELL. The New York Athletic Association of Port

Mr. SYLVESTER. Pullman Porters. They contribute $5 a week sick benefi

Commissioner O'CONNELL. And what do you pay into it?

Mr. SYLVESTER. Fifty cents a month.

Commissioner O'CONNELL. Does that reach outside of New York?

Mr. SYLVESTER. No; this is particularly in New York. Then there is organization here of the Pullman porters, and I think you will find it in large districts, organizations composed of porters.

Commissioner O'CONNELL. Is there any national form of organization?

Mr. SYLVESTER. There is no national form.

Commissioner O'CONNELL. They simply organize locally?

Mr. SYLVESTER. They simply organize locally.

Commissioner O'CONNELL. And are they all organized on the same basis, the same benefits and the same dues?

Mr. SYLVESTER. Just about the same.

Commissioner O'CONNELL. Is there any person among the porters who ma it his business to go around and organize these men into these organizatio

Mr. SYLVESTER. No; there is not. We get together mutually—agreeably.

Commissioner O'CONNELL. Isn't there somebody that brings you togethes suggests that you could do it?

Mr. SYLVESTER. Yes, sir; we get together and talk the matter over and it is necessary for us to have sick and death benefits.

Commissioner O'CONNELL. Is anyone in charge of the Pullman Co. that suggested the getting together in that sort of an organization?

Mr. SYLVESTER. They have not suggested it exactly. They have been instrumental in helping us form, and they have helped us in a great many w

Commissioner O'CONNELL. Do they contribute in any way, financially otherwise?

Mr. SYLVESTER. Yes.

Commissioner O'CONNELL. In what way do they contribute?

Mr. SYLVESTER. Well, in case of giving an entertainment, I think I safe in saying that the Pullman officials here in Chicago got the hall for Pullman porters' entertainment here and paid for it themselves and took or three hundred dollars worth of tickets in the general office and disposed them the best they could and turned the receipts over to the porters. And New York we have one or two superintendents belonging to our organizat to help us, give us courage.

Commissioner O'CONNELL. Superintendent is a white man?

Mr. SYLVESTER. Oh, yes; they are all white superintendents.

Commissioner O'CONNELL. They belong to your organization?

Mr. SYLVESTER. Yes, sir.

Commissioner O'CONNELL. Are they sort of managing it for you?

Mr. SYLVESTER. No; they just use their names; they pay their dues to courage us.

Commissioner O'CONNELL. Do they attend your meetings?

Mr. SYLVESTER. No; they very rarely. They don't attend meetings, but th leave that to us; but they do it for encouragement.

Commissioner O'Connell. Encouragement?

Mr. Sylvester. Yes, sir.

Commissioner O'Connell. Have they attended any meetings that you have had—any of those superintendents that were members?

Mr. Sylvester. No; I don't remember.

Commissioner O'Connell. Do you know whether officials of the company—I don't mean anyone particularly now—but anyone that was looked upon as being an official of the company?

Mr. Sylvester. Yes.

Commissioner O'Connell. Advising or suggesting the advisability of you joining an organization of porters?

Mr. Sylvester. No.

Commissioner O'Connell. Organizing what might be called a labor organization?

Mr. Sylvester. I have never heard of them disapproving of it, because I have never been in touch with an organization, but we have never had any in the East, anything of that kind among the porters, so I don't hardly hear it.

Commissioner O'Connell. There are associations and institutions and colleges for the purpose of the higher teaching and learning of the colored people, as, for instance, Mr. Booker Washington's institution, Mr. Sylvester?

Mr. Sylvester. Yes, sir.

Commissioner O'Connell. Does he interest himself in any way in connection with the affairs of your organization of porters?

Mr. Sylvester. He does not.

Commissioner O'Connell. Have there been, do you know, porters coming from that institution?

Mr. Sylvester. Yes, sir.

Commissioner O'Connell. Has he ever addressed any of your meetings in any way?

Mr. Sylvester. Not directly.

Commissioner O'Connell. Do you ever receive circulars or letters from him?

Mr. Sylvester. Yes.

Commissioner O'Connell. What subjects would he address you on?

Mr. Sylvester. Well, what is called the Business Men's League, that he is president of.

Commissioner O'Connell. The Business Men's League?

Mr. Sylvester. Yes; of colored men. Whenever he holds meetings we get that at our organization, and it is read over by the men coming in, and I would say, if I am permitted to do so, in regard to the men coming from the schools, that there was an order from the Pullman Co. that all colored boys coming from school are given preference over the new men to get employment during the summer in order to get their money to go back to school again; and they have educated hundreds of them.

Commissioner O'Connell. Are there any colored men in New York who sought to give their time to going around among the men of these organizations—are there any particular colored men in New York who have been educated in college, and who get the colored men together for the purpose of keeping them from entangling alliances?

Mr. Sylvester. No, sir. We have several fraternal organizations there, the Odd Fellows, the Elks, and the Masons, but there is no effort on the part of any particular one. The officers as they are made, they solicit and get men if possible.

Commissioner O'Connell. Have you ever heard of letters or circulars coming to your organization, or the officers of the organization composed of Pullman porters, advising them for or against the matter of entering into the organization?

Mr. Sylvester. No, sir.

Commissioner O'Connell. In your opinion, if tips were to be stopped, would it be necessary for the porters themselves to organize to improve their condition of employment?

Mr. Sylvester. They would have to organize or quit. What I mean is, we would not organize into a body to try to force the Pullman Co., I don't think, but would organize into a body to go to them and state the conditions, which they could readily see, and ask them to give us more money and living wages.

Commissioner O'Connell. Do you feel, as an individual man, that if you were discharged, and you felt unjustly so—felt that you had been done an injustice—that, as an individual man, going to a great organization or company

like the Pullman Co., that you individually would be able to compel a just consideration of your grievance?

Mr. SYLVESTER. I don't think I would have to compel; I think I would get a hearing.

Commissioner O'CONNELL. You think you would get a hearing?

Mr. SYLVESTER. Yes; and a proper hearing.

Commissioner O'CONNELL. You think that you would get a proper and just hearing?

Mr. SYLVESTER. Yes.

Chairman WALSH. Commissioner Ballard has a question to ask.

Commissioner BALLARD. You, of course, have a large acquaintanceship in New York, and you know porters in hotels, and you know waiters in hotels, and you know men who work around; do almost all of those people get tips? Is it customary?

Mr. SYLVESTER. Yes, sir.

Commissioner BALLARD. It is universal in hotels and boarding houses and restaurants?

Mr. SYLVESTER. Yes, sir; and among the Red Caps, and everyone.

Commissioner BALLARD. And you do not feel in receiving these tips that you have been disgraced or humiliated in any way?

Mr. SYLVESTER. No; the degredation would be if we did not get them.

Commissioner BALLARD. Just in order to clear up the situation with regard to the sleeping at night: It was testified, as I understood it yesterday, that the porter was supposed to take a stool that was there and sit at the end of the aisle toward the washroom and sit there and be on watch. As he sits there, is there any objection to his nodding and dozing along?

Mr. SYLVESTER. There may be an objection, but he nods just the same.

Commissioner BALLARD. Of course, he would not take a pillow and blanket and go into a berth and lie down, but he could sit in that chair?

Mr. SYLVESTER. Yes, sir.

Commissioner BALLARD. If he sits there and is nodding or dozing, is he in a position so that he can protect the car?

Mr. SYLVESTER. He can sit there and doze off, and the air from a person passing by him will wake him up.

Commissioner BALLARD. He can sit there and doze, then, and yet protect the car?

Mr. SYLVESTER. Yes, sir. Suppose there was a thief in the car, and if he should get up in the night with the intention of robbing some passenger, and he sees you sitting there, he is not going to rob the car.

Commissioner BALLARD. You think the average porter on the long runs, sitting there on the stool, is able to get a little rest without endangering the passengers or the company?

Mr. SYLVESTER. Yes; he is. Now, as to sitting on camp stools—we have a meeting, and have every three months, a sort of get-together meeting between the officers and the porters; and they ask us to suggest anything for the betterment of our conditions and for the betterment of the service, and they get a chance to be heard there. And I remember at the last meeting here in Chicago, it was taken up to get—there was a great deal of complaint of the men sitting on camp stools in the steel cars, the new cars, some of the men claiming they caught cold, and the inspectors asked them to devise some means, or suggest some chair that you could sit in with a back that you would not come in contact with the steel of the car, and I think they are trying to provide such a chair now.

Commissioner AISHTON. One question, Mr. Sylvester: As a volunteer organization, you elect your officers in those sick-benefit organizations; you elect your officers of colored men?

Mr. SYLVESTER. Yes, sir.

Commissioner AISHTON. How often are they elected?

Mr. SYLVESTER. Every year.

Commissioner AISHTON. Yearly?

Mr. SYLVESTER. Yes, sir.

Commissioner AISHTON. And they are selected from your own ranks of porters?

Mr. SYLVESTER. Yes, sir; we try to pick the best men.

Commissioner AISHTON. And he does nothing else but look after the organization?

Mr. SYLVESTER. Oh, no; he carries it on.

Commissioner ASHTON. That is their work?
Mr. SYLVESTER. Yes, sir.
Commissioner ASHTON. That is all.
Chairman WALSH. That is all; thank you. One moment, please, Mr. Garretson wants to ask you some questions.
Commissioner GARRETSON. How often do you hold these "get-together meetings"?
Mr. SYLVESTER. Every three months.
Commissioner GARRETSON. Between the officers of the company and just the porters, or other employees?
Mr. SYLVESTER. Just porters.
Commissioner GARRETSON. You are encouraged at those meetings to suggest things that will be for your own benefit?
Mr. SYLVESTER. Yes, sir.
Commissioner GARRETSON. For the betterment of the porters?
Mr. SYLVESTER. Yes.
Commissioner GARRETSON. Are you ever encouraged to talk about more wages?
Mr. SYLVESTER. No; but it has been brought up.
Commissioner GARRETSON. What is the attitude of the company in answer to it?
Mr. SYLVESTER. That they will take the matter up and do the best they can.
Commissioner GARRETSON. Has any increase been given to you?
Mr. SYLVESTER. Yes, sir.
Commissioner GARRETSON. How much?
Mr. SYLVESTER. Five per cent has come from it; your bonus has come from it.
Commissioner GARRETSON. The bonus?
Mr. SYLVESTER. Yes, sir; 18 months' pay and 5 per cent has come from it.
Commissioner GARRETSON. That has all come out of these get-together meetings?
Mr. SYLVESTER. Yes; talks of the desires of the porters.
Commissioner GARRETSON. Then the porters have really gotten that benefit for the conductors on the cars?
Mr. SYLVESTER. The conductors have meetings the same way, but they are not joint meetings with the porters.
Commissioner GARRETSON. What run are you on now?
Mr. SYLVESTER. On the Century.
Commissioner GARRETSON. Where?
Mr. SYLVESTER. On the Twentieth Century.
Commissioner GARRETSON. Are you on duty to-day?
Mr. SYLVESTER. No, sir; not directly.
Commissioner GARRETSON. Indirectly?
Mr. SYLVESTER. Yes; indirectly.
Commissioner GARRETSON. That is all.
Chairman WALSH. You will be excused. Thank you.
Mr. Brewster.

TESTIMONY OF MR. W. H. BREWSTER.

Chairman WALSH. What is your name, please?
Mr. BREWSTER. Mr. W. H. Brewster.
Chairman WALSH. Where do you reside, Mr. Brewster?
Mr. BREWSTER. St. Louis, Mo.
Chairman WALSH. How long have you resided in St. Louis?
Mr. BREWSTER. Forty years.
Chairman WALSH. Born there, Mr. Brewster?
Mr. BREWSTER. Yes.
Chairman WALSH. You are a conductor for the Pullman Co., are you?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. What line do you run on at the present time?
Mr. BREWSTER. The Illinois Central, Chicago to St. Louis and return. The line is operated out of the St. Louis district.
Chairman WALSH. How long have you been a Pullman conductor?
Mr. BREWSTER. About seven years; after a year and a half in the service I resigned. I was out a year and then applied for reinstatement, and it required about 10 days, and I was back and had a regular run.

Chairman WALSH. Then, do I understand you have been in the service the last time for five and one-half years?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Now, I wish you would first tell us the salaries that you have received, Mr. Brewster.

Mr. BREWSTER. Well, when I started to work they paid me at the rate, I believe, of $70.

Chairman WALSH. And that continued for how long?

Mr. BREWSTER. For six months.

Chairman WALSH. And then?

Mr. BREWSTER. And after six months it was $75, and beginning the second year it was $80, and through the second year, and after the second year it was $85, and after five years it was $90.

Chairman WALSH. And you receive $90 per month now, do you?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. And please state the runs you have had and upon which you have continued for some length of time.

Mr. BREWSTER. Yes, sir. Well, I would like to go back just a bit, please, Mr. Chairman.

Chairman WALSH. Yes.

Mr. BREWSTER. To say that after I had been out—when I left the service I was earning $80, and when they reinstated me they allowed me that; that is, they started me in at $80.

Chairman WALSH. They allowed you the year and a half you were out—$80.

Mr. BREWSTER. Yes, sir. Work was a little short at St. Louis when I went to work, and in order to give me work I was transferred to Memphis, and I worked there a couple of months, and Mr. Leach—I was down there on a parlor car in order to give me work, and then I operated from St. Louis to Burrton, Kans., over the Frisco.

Chairman WALSH. To what?

Mr. BREWSTER. Over the Frisco.

Chairman WALSH. To Burrton?

Mr. BREWSTER. Burrton, Kans.; yes, sir; and we left St. Louis at 8.32, and I reported at the train at 7.30 and received passengers from 8 to 8.32; and I had three cars on that run. One car was Oklahoma City, and another Joplin, and a through car; the Burrton car, and went through. Now, the rollie on that run, when I left St. Louis I divided watch with the through car—with the Burrton car. The porter went to bed about 10.30 and he got up at 2.30, and that allowed him until 3 o'clock, 10 minutes, to get his bed put away, so he would be on the job; and I retired, and on that run I got up at 6 o'clock in the morning, because I set out that Oklahoma City car at Monett, Mo. That was 6 o'clock, to get up and see that the car was set out properly, and the porters on the other two——

Chairman WALSH. How long did it take you to make the trip to Burrton?

Mr. BREWSTER. Until 4.32 that afternoon of the second day. The porters on the Oklahoma City car and the Joplin car were on watch all night, and arrived at Joplin at 8.30 in the morning, and the Joplin car was set out and we went on to Burrton, and arrived at Burrton at 4.32 that afternoon. Now, on that run we had breakfast and dinner on the diner—the porter and I. The service on there—they gave us meals for a quarter. That is, Fred Harvey service, the meals that the passengers got. It was no short meal, but go in and order whatever you wanted. Well, we had breakfast and dinner on that car—on the diner; and at Barrton we had—at 4.32 in the afternoon; that is, where we were off, and we would have supper at the restaurant.

Chairman WALSH. A Harvey restaurant?

Mr. BREWSTER. No, sir; it was just a Santa Fe eating house. We laid over there from 4.32 until 12 noon the next day; slept in the car, the porter and I. Then we arrived—that is a half-day run from Burrton to Joplin, and we arrived there about 9 that night and picked up the Joplin car, and we divided watch on the eastbound trip in the same way. I relieved the porter and he relieved me, and we also had two meals on the diner northbound for a quarter apiece. I arrived in St. Louis at 7.50 that morning, and took out the same night at 8.32; and on that run the mileage was, I think, 536 miles; that is, 1,072 for the round trip. And we doubled out of St. Louis on that trip, but they gave us 96 hours off at home three times a month.

Chairman WALSH. How long did you have that run?

Mr. BREWSTER. I had that run nine months, and it was not considered a preferred run on account of the doubling-out feature at home on a 1,072-mile run. The lay-over is really better on the other end, away from home, than at home. That is the reason it is not a very desirable run. Of course, I was new in the service and of course I could not expect too much.

Chairman WALSH. What was your next run?

Mr. BREWSTER. Well, the next run, I made a few trips to Denver over the Burlington; left St. Louis at 2.30 in the afternoon and got to Denver—well, the season I ran was a busy season. We handled three cars on that run. There was extra heavy travel. It was the summer season in June.

Chairman WALSH. You ran from St. Louis to Denver?

Mr. BREWSTER. From St. Louis to Denver.

Chairman WALSH. What time did you leave? Just describe as briefly as you can what time you left and about the lay-over hours, and about the rest and these other details.

Mr. BREWSTER. At 2.30 in the afternoon, and got to Denver in the afternoon of the next day about 4.30; and I divided watch with the porter of one of the cars, and out of St. Joe we got a relief porter. We arrived at St. Joe, Mo., about midnight. The relief porter—swing porter, we called him—would relieve one of the other porters on the other car three hours, and relieve the other man; so that gave us relief, and we laid over from 4.30 in the afternoon of the second day until, as I recollect, about noon the next day. Well, our sleeping quarters at that time was in the conductor's room—that is, the room next to the conductor's room—and I slept there at night. I had a night off there.

Chairman WALSH. Well, just describe the sleeping quarters, Mr. Brewster.

Mr. BREWSTER. Yes; there was six cots in there, and there was running water; no bath. And I slept all right. It was nighttime.

Chairman WALSH. Any noise?

Mr. BREWSTER. No; no annoyance at night; my porter slept in the car. But on that run we had three meals on the diner, supper the day leaving and breakfast the next morning and lunch the next noon, and the same way returning, and the mileage on that—well, I don't know exactly.

Chairman WALSH. What would you say it cost you to live on that run—your personal expenses?

Mr. BREWSTER. Well, on that run they would give us a half rate, and the steward—I would eat with him and he would kind of ease over a little piece to me once in a while, and I had a good meal. It was good. It was a good run to run on for food.

Chairman WALSH. Well, I would like to get approximately how much it cost you if you really paid one-half, you know, of the regular charge.

Mr. BREWSTER. Well, 25 cents a meal—three meals.

Chairman WALSH. Well, on the dining car, where you paid half, why, you could get a meal for 25 cents?

Mr. BREWSTER. I did on that line; other lines I have run on that I couldn't get that.

Chairman WALSH. I ask you now to leave out any favor that might be shown you by the steward, and say what is the cost to you?

Mr. BREWSTER. The meal would cost me a quarter on that run; that is, each meal.

Chairman WALSH. Without any——

Mr. BREWSTER (interrupting). Without anything gratuitous, as I would order as much, for instance, order meat and potatoes, that is what they charged you for, and they would give you the coffee and bread and butter.

Chairman WALSH. That is, they gave that to anyone?

Mr. BREWSTER. That is, he would not put that on the check.

Chairman WALSH. Well, why would he not put that on the check?

Mr. BREWSTER. Well, because it was not—they asked you not to put it on there.

Chairman WALSH. And that is extended to all the conductors?

Mr. BREWSTER. Well, that applied to me—I don't know anything—I expect it was; I was only an extra man on there for a month, as I remember.

Chairman WALSH. Well, what would you say it cost you per day to live?

Mr. BREWSTER. Well, for the round trip on the road?

Chairman WALSH. Yes.

Mr. BREWSTER. Well, I had supper and breakfast.

Chairman WALSH. Did you ever figure out how much a month it cost you while you were away from home on that run?

Mr. BREWSTER. I never figured it out; no, sir.

Chairman WALSH. Well, can you approximate it now?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Well, about how much?

Mr. BREWSTER. It costs me about $3.

Chairman WALSH. Three dollars for what?

Mr. BREWSTER. Three dollars for the round trip.

Chairman WALSH. And how many round trips would you make per month.

Mr. BREWSTER. Well, I did not run long enough on that for it to be a regular thing for me to memorize it. It was just a month I ran there.

Chairman WALSH. You just worked there a month?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Do you know how many round trips you made in the month?

Mr. BREWSTER. No; I could not say. The months did not end up even.

Chairman WALSH. Well, now, give us some other run you were on.

Mr. BREWSTER. Well, then I left the service.

Chairman WALSH. Well, you came back?

Mr. BREWSTER. Yes. Bear in mind I went down one night, and I told them I had a job, and if I wanted to take the job I would have to take it the next day; and I did not see the Pullman Co. for six weeks, and I had my pay coming. That was in July—the last of June or July. And the next July I had a vacation from the wholesale house I worked for, and I had been wanting to get back on the road, and I thought I would step in and see Mr. Cook, the superintendent. And I told him I would like to come back, and I told him I had a good job and did not want to work myself out of it. So he concluded to give me the job back that I had resigned from. So he told me to come in in a couple of days, and I came in and he said he could reinstate me, and I resigned my position.

Chairman WALSH. What road were you put on then?

Mr. BREWSTER. Then I ran on the Big Four to Cleveland. That lay-over on that run was all at St. Louis.

Chairman WALSH. What time did you leave St. Louis?

Mr. BREWSTER. I left St. Louis at 11.45——

Chairman WALSH (interrupting). P. m.?

Mr. BREWSTER (continuing). P. m. Received passengers at 9.30——

Chairman WALSH. And arrived——

Mr. BREWSTER (interrupting). And arrived at Cleveland the next night at 10.15; and I went to bed on that run and relieved the porter—only one car.

Chairman WALSH. How long did you run on that road?

Mr. BREWSTER. A year and a half.

Chairman WALSH. A year and a half. Now, what did it cost you to live while you were on that road? What road was that, please—St. Louis to Cleveland?

Mr. BREWSTER. That was the Big Four.

Chairman WALSH. The Big Four?

Mr. BREWSTER. Yes. It cost me $1.50 a trip.

Chairman WALSH. Round trip?

Mr. BREWSTER. Round trip, yes, sir; for my meals.

Chairman WALSH. How many meals did you take on that?

Mr. BREWSTER. Well, I had two meals each day. I would get to Cleveland at 10.15 the second night, and laid over there until 3 o'clock the next morning.

Chairman WALSH. Now, what did it cost you to live, per month, while you were on the road, running on the Big Four?

Mr. BREWSTER. Well, I might say it cost me about eleven or twelve dollars a month.

Chairman WALSH. Eleven or twelve dollars a month?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Now, where did you sleep in Cleveland?

Mr. BREWSTER. Slept in the hotel.

Chairman WALSH. Well, did you have to pay anything——

Mr. BREWSTER (interrupting). Yes.

Chairman WALSH. Or was it free? What did you have to pay?

Mr. BREWSTER. It cost me 25 cents a night. The dining-car conductor slept in there—two beds. There was always a crew there every night. He made us a rate. It was a second-class hotel, but it was clean, and it answered our purpose—clean and close to the depot.

Chairman WALSH. How many nights per month were you there?
Mr. BREWSTER. Well, I expect about eight.
Chairman WALSH. And you were there for a year and a half?
Mr. BREWSTER. Yes.
Chairman WALSH. Now what was your salary while you were running there?
Mr. BREWSTER. Eighty-five dollars.
Chairman WALSH. Do I understand you to say you are a married man?
Mr. BREWSTER. Well, not at that time?
Chairman WALSH. Are you a married man now?
Mr. BREWSTER. Yes.
Chairman WALSH. Any family?
Mr. BREWSTER. Yes; I have a boy 4 years old.
Chairman WALSH. But you live in St. Louis, I believe you stated?
Mr. BREWSTER. Live in St. Louis.
Chairman WALSH. Now, you heard what was said here as to the cost of living, and I would like you to make the same estimate, if you will, as the gentleman that I examined here this afternoon, Mr. Bourke, I believe.
Mr. BREWSTER. Yes, sir.
Chairman WALSH. Now, what house rent do you pay?
Mr. BREWSTER. I pay $13 a month.
Chairman WALSH. And what has your living away from home cost you?
Mr. BREWSTER. Well, I have been on a one-night run for four years, and now my expenses up here when I leave home—I leave St. Louis in the evening, and I have got a thermos bottle and I like a midnight lunch. I am up all night. And I don't say I take my lunch for economy, but I can't get anything as good on the road; no place to eat but these lunch counters. I take a lunch and the thermos bottle and I get here to Chicago and I have a breakfast; at the Illinois Central Station, they give us a rate card, and they give you an item that costs 20 cents, give it to you for 15 cents, and something that costs a dime they will give it to you for a nickel. Well, my breakfast costs me sometimes—well, 15 cents—oatmeal and a glass of milk.
Chairman WALSH. Well, if you could put it all together and let me sketch it a little more rapidly, Mr. Brewster.
Mr. BREWSTER. Yes.
Chairman WALSH. What would you say it costs you per month for you to live away from home?
Mr. BREWSTER. Ten dollars would cover it easily.
Chairman WALSH. And your rental is $13 per month?
Mr. BREWSTER. Thirteen dollars; yes, sir.
Chairman WALSH. What is your grocery bill?
Mr. BREWSTER. Well, my grocery bill per month would be about——
Chairman WALSH (interrupting). That is, provisions for your family—groceries and meats.
Mr. BREWSTER. Would be about $18.
Chairman WALSH. Does the $13 rental include fuel and light.
Mr. BREWSTER. No, sir.
Chairman WALSH. What do you pay for fuel?
Mr. BREWSTER. Well, my gas is about $1.50 a month—illuminating and fuel.
Chairman WALSH. You use gas for fuel altogether, do you, Mr. Brewster?
Mr. BREWSTER. Yes.
Chairman WALSH. A dollar and a half a month?
Mr. BREWSTER. Well, not altogether; no, sir; I will correct that. In the winter I use a stove.
Chairman WALSH. Coal stove?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. And what does the coal cost you?
Mr. BREWSTER. Twelve dollars in the winter season. That would be about six months.
Chairman WALSH. You pay $1 a month for coal, then, spread over the whole year?
Mr. BREWSTER. Well, yes; that would be $2 a month for the six months.
Chairman WALSH. Do you have any help at home?
Mr. BREWSTER. No help; no, sir.
Chairman WALSH. Any laundry expense?
Mr. BREWSTER. Well, the only laundry I have is my collars. My wife launders my shirts and does the other laundry work.
Chairman WALSH. What would it amount to per month?

Mr. BREWSTER. Well, it would amount to about 30 cents a month.

Chairman WALSH. Do you have any other items of expense outside of clothes? Are you insured?

Mr. BREWSTER. Yes; I am insured.

Chairman WALSH. For how much?

Mr. BREWSTER. Well, I am insured—I carry a cumulative policy; it amounts to about $6,000 and costs me $18 per year.

Chairman WALSH. Is that the total cost to you of insurance, $18 per year?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Do you pay dues into any religious organization, or anything of that kind?

Mr. BREWSTER. Well, no more than the contributions.

Chairman WALSH. I mean church contributions?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. How much would that amount to per month?

Mr. BREWSTER. Well, I might say a quarter a month.

Chairman WALSH. A quarter a month?

Mr. BREWSTER. Twenty-five cents.

Chairman WALSH. Do you belong to any fraternal organization?

Mr. BREWSTER. No, sir.

Chairman WALSH. Do you think of any other—oh, your uniform. What do you pay for your uniform and cap?

Mr. BREWSTER. Well, I think the last I paid was $19.75.

Chairman WALSH. And do you have two uniforms—winter and summer?

Mr. BREWSTER. No; I wear a uniform a year—I wear a medium weight.

Chairman WALSH. And that costs you $19.50 a year?

Mr. BREWSTER. Nineteen dollars and seventy-five cents.

Chairman WALSH. Nineteen dollars and seventy-five cents?

Mr. BREWSTER. And $1.50 for a cap.

Chairman WALSH. A dollar and a half a month stretched over a year. Now, do you recall any other items of expense you have other than clothing?

Mr. BREWSTER. Yes; what you might call miscellaneous—might call that clothing——

Mr. WALSH (interrupting). Well, leaving out the clothing for the present.

Mr. BREWSTER. Well, miscellaneous we will say.

Chairman WALSH. Do you smoke?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Cigars?

Mr. BREWSTER. Pipe; that is all I buy.

Chairman WALSH. What does that cost you a month?

Mr. BREWSTER. It costs me about 30 cents a month.

Chairman WALSH. Now, what other incidentals do you have in mind—medical attention——

Mr. BREWSTER (interrupting). Yes; I have had quite a good bit.

Chairman WALSH. About how much would that cost extend over the year?

Mr. BREWSTER. About $20 a year.

Chairman WALSH. A year; that would be approximately something under $2 a month—say $1.75.

Commissioner O'CONNELL. Does that include dental services, too?

Mr. BREWSTER. Well, I am having a little of that expense right now. I might make an addition there right now, but that does not occur every year.

Chairman WALSH. Well, would $2 a month cover the dental services, too?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. Now, you have to purchase toilet articles and things of that kind?

Mr. BREWSTER. Yes.

Chairman WALSH. Do you include those in the incidentals? About how much a month would that be?

Mr. BREWSTER. Be about 50 cents.

Chairman WALSH. You furnish your own house, of course?

Mr. BREWSTER. Yes, sir.

Chairman WALSH. How many rooms do you have?

Mr. BREWSTER. I have four.

Chairman WALSH. And where do you live in St. Louis?

Mr. BREWSTER. I live on North Market Street, out in the suburbs. I live in a cottage 5709 North Market Street.

Chairman WALSH. You have car fare to pay?

Mr. BREWSTER. Yes, sir.
Chairman WALSH. Street car fare?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. That would amount to about how much, would you say; that is, for yourself and family?
Mr. BREWSTER. Well, I might say $1.50 a month.
Chairman WALSH. Are you a drinking man?
Mr. BREWSTER. No, sir.
Chairman WALSH. Teetotaler?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. Now, is there any other fixed item of expense you can recall?
Mr. BREWSTER. Well, you have got the clothing down there, have you?
Chairman WALSH. No; I have not got the clothing down.
Mr. BREWSTER. You have not come to that yet.
Chairman WALSH. No.
Mr. BREWSTER. Well, I might say amusement.
Chairman WALSH. Yes; amusements.
Mr. BREWSTER. About $2 a month.
Chairman WALSH. Now, if you can not think of any other fixed charge, what would you say that your expense for clothing would be for yourself and family?
Mr. BREWSTER. Well, I would say $50 a year.
Chairman WALSH. Fifty dollars a year?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. That would be $4 a month—a little over $4 a month?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. That $50 a year—that would be including clothing for yourself, your wife, and two children?
Mr. BREWSTER. Yes.
Chairman WALSH. Do you own any property?
Mr. BREWSTER. No, sir.
Chairman WALSH. No property?
Commissioner LENNON. One child, I think he said.
Chairman WALSH. Oh, one child?
Mr. BREWSTER. Yes; a boy.
Chairman WALSH. Have you accumulated anything since you have been in the service?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. You saved some money?
Mr. BREWSTER. Yes, sir.
Chairman WALSH. How much per month would you say that you saved?
Mr. BREWSTER. Well, sometimes more than others, because the expense is distributed out—sometimes have more——
Chairman WALSH. For instance, illness, doctor bills, and so forth; I can see.
Mr. BREWSTER. Yes.
Chairman WALSH. Well, how much would you say, take it year in and year out, say for three years you have been running steadily?
Mr. BREWSTER. Well, I could give you the savings in a year—would average about $300 a year.
Chairman WALSH. About $300 a year?
Mr. BREWSTER. Yes.
Chairman WALSH. At this point we will now stand adjourned.
Commissioner BALLARD. May I ask just a question?
Chairman WALSH. Commissioner Ballard has one question.
Commissioner BALLARD. Just one question. That was, just after you left the Pullman service, you went to work for a private firm, and then you went back to the Pullman service?
Mr. BREWSTER. Yes, sir.
Commissioner BALLARD. Now, do you find the conditions and wages and salary you got from the Pullman Co. about the same as in ordinary business—your friends, for instance, in business—do they make more than you do or about the same?
Mr. BREWSTER. About the same.
Commissioner BALLARD. The conditions, then, and the pay are about the same or as good as that of your friends and of yourself when you worked in other business?

Mr. BREWSTER. Well, pardon me; this job I left—I had been working on the job 18 years, and they were paying me more than when I came back; and that was put up to me by the superintendent. He wanted to know why I wanted to come back and work for the Pullman Co. when I had a job I was giving up that was paying me more money.

Commissioner BALLARD. Why did you?

Mr. BREWSTER. Because it was more desirable; I thought it more pleasant, and I came in contact with nice people, and there was something I liked.

Chairman WALSH. We will stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4.40 p. m., Tuesday, April 6, 1915, an adjournment was had until 10 o'clock the following morning, Wednesday, April 7, 1915.)

TESTIMONY OF F. B. DANIELS.

CHICAGO, ILL., *Wednesday, April 7, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Lennon, Aishton, O'Connell, Ballard, and Garretson.

Chairman WALSH. Mr. Robert T. Lincoln. Is Mr. Lincoln present?

Mr. F. B. DANIELS. I should like to present a communication from him.

Chairman WALSH. Very well. Are you Mr. Daniels?

Mr. DANIELS. There is an inclosure in that. I am Mr. Daniels; yes, sir.

Chairman WALSH. I will say, Mr. Daniels, that we have a telegram from President Runnells, saying he is also ill. So the commission will take this up as a whole and notify you later what action will be taken. I will simply say this, that some arrangement will have to be made for taking the testimony of either Mr. Runnells or Mr. Lincoln.

Mr. DANIELS. I wish to say to your honor that I understood from Mr. West that you had—that the chairman had—accepted Mr. Runnell's request in this matter, and he would not be required here now.

Chairman WALSH. That was done, but that was at the time a subpœna was served upon Mr. Lincoln; and we were notified by the vice president here that Mr. Lincoln would be here on Saturday. Now, I will say this, that the commission has concluded to put over the further hearing of the Pullman matter on account of the intervention of the Illinois Central matter until next Saturday morning at 10 o'clock; and I will call the commission together, and they will take some action on this matter before that time. So that the further hearing upon the Pullman matter will be postponed until next Saturday morning at 10 o'clock. All the witnesses now in attendance will please report here at 10 o'clock Saturday morning without further notice on subpœna.

(The hearing of this matter was thereupon continued until Saturday, April 10, 1915, at 10 a. m.)

Chairman WALSH. Mr. Daniels, I have another suggestion to make, and probably I had better make it to you.

We have received a communication from a committee of conductors, who claim that they are all running, and they undertake to present their own objections to their conditions, and it is done apparently in a very orderly way, and I thought it might be proper and fair to submit a copy of this to you, so that you might check it up, and upon next Saturday morning you might have whomsoever you may select reply to that; and you may obtain a copy of that from Mr. Brown, the secretary, after it is copied. It seems to epitomize that very briefly.

(See p. 9681 for Statement of Pullman Conductors.)

CHICAGO, ILL., *Friday, April 10, 1915—2 p. m.*

Acting Chairman LENNON. We will now resume. Is Mr. Daniels, of the Pullman Co., here?

Mr. DANIELS. Yes.

Acting Chairman LENNON. I understand you want to file a document in reply to something that was submitted here before?

Mr. DANIELS. Yes, Mr. Chairman.

Acting Chairman LENNON. Just hand it to the stenographer.

Mr. DANIELS. It is in response to a request of the chairman. I have a witness here to answer certain statements in a paper of which the chairman furnished us a copy, but I have been informed by Mr. West, of the commission, this morning that the hearing was over, and that we would have no chance to submit further testimony except that of Mr. Lincoln, and Mr. Hungerford has gotten this up and signed it, and I wish it to be made a part of the record.

Acting Chairman LENNON. Very well; it will be done.

(Said communication so referred to and submitted in evidence by witness appears at the end of this subject under the title "Reply of Mr. Hungerford to complaints of Pullman conductors." See p. 9689.)

WASHINGTON, D. C.,
Tuesday, May 4, 1915—2 p. m.

Chairman WALSH. Now, Mr. Lincoln, will you kindly take the chair?

TESTIMONY OF MR. ROBERT T. LINCOLN.

Chairman WALSH. Will you please state your name?

Mr. LINCOLN. Robert T. Lincoln.

Chairman WALSH. And where do you reside, Mr. Lincoln?

Mr. LINCOLN. Washington City.

Chairman WALSH. How long have you resided in Washington City?

Mr. LINCOLN. Well, I should say—I should call it four years.

Chairman WALSH. And what is your present official position with the Pullman Co.?

Mr. LINCOLN. I am a member of the board of directors of the Pullman Co. and chairman of the board of directors.

Chairman WALSH. Have you occupied any other official positions in that company; and if so, please detail them?

Mr. LINCOLN. I was president of the Pullman Co. from the time—shortly after the death of Mr. Pullman, in October, 1897, until, I think, May 11, 1911, when I retired on account of ill health.

Chairman WALSH. Had you occupied any position prior to being president of the company?

Mr. LINCOLN. Not officially; but I was a member of a firm of lawyers in Chicago who were special counsel to the Pullman Co., and I was perhaps a very special counsel, say, in 1894, being so much so as to have an office in the Pullman Building.

Chairman WALSH. But you had no official connection; you were not on the board of directors at that time?

Mr. LINCOLN. No, sir.

Chairman WALSH. What is the present capital stock of the Pullman Co.?

Mr. LINCOLN. One hundred and twenty millions of dollars.

Chairman WALSH. And how much of that capital stock is still in the possession of the company?

Mr. LINCOLN. I am sorry to say that I can not answer that. We have quite a large block of stock which has been bought in in the course of our 50 years—nearly 50 years—existence. It amounts——

Chairman WALSH (interrupting). I have a memorandum which might refresh your memory.

Mr. LINCOLN. Yes; perhaps I could tell——

Chairman WALSH (interrupting). The memorandum shows $3,400,000——

Mr. LINCOLN. That would be 30,000 shares.

Chairman WALSH. Yes.

Mr. LINCOLN. I think probably that would be about right.

Chairman WALSH. What is the bonded indebtedness of the Pullman Co.?

Mr. LINCOLN. There is none.

Chairman WALSH. What dividends have been paid upon the stock during recent years, we will say from 1900 to date?

Mr. LINCOLN. The rate, sir?

Chairman WALSH. Yes, sir.

Mr. LINCOLN. Eight per cent per annum.

Chairman WALSH. And that has been paid on all outstanding stock, including the stock that is in your possession?

Mr. LINCOLN. Yes, sir. It is perhaps a trivial thing—there are a few scrip pieces outstanding for which stock has not yet been issued that result from persons having what is called fractional scrip that has not been united together to form stock. I think that the dividends on those amount to—would amount to, if they were coagulated—to $100 a year, or something like that; very trivial.

Chairman WALSH. Do you recall when the last issue of stock for cash was made, Mr. Lincoln?

Mr. LINCOLN. No, sir. But let me think a moment. Oh, yes, sir; yes, sir. Well, would you call cash when we purchased the Wagner Co. property—the Wagner Co. property——

Chairman WALSH (interrupting). I would rather have you explain it, because I probably could not draw a proper conclusion myself.

Mr. LINCOLN. Well, would you allow me——

Chairman WALSH (interrupting). Yes. I believe, first, Mr. Lincoln, I would not call that cash, but——

Mr. LINCOLN (interrupting). All right, sir.

Chairman WALSH. But you may make that statement, if you will, sir, in your explanation.

Mr. LINCOLN. Well, I am sorry to say that I have not the basis to give you the dates of the last issue of stock for cash; but at the time of the purchase of the property and assets of the Wagner Co., which was in December, 1899, and fixed as of January 1, 1900, the capital stock of the Pullman Co. was $36,000,000, or, before that, I beg pardon, it had been $36,000,000, which had been made up of $32,308,000, in round numbers, of cash and $2,000,000 issued in exchange for outstanding bonds—the company at one time had bonds—and the purchase of about $1,135,000 of cars in 1868 to 1870 from various railroad companies—the Chicago, Burlington & Quincy, the Chicago & North Western, the Hannibal & St. Joe, J. J. Smith, and then some property from the Central Transportation Co., and then from the Pullman's Southern Car Co. That was in 1870. It stood in that way up to 1899. Now, that $36,000,000 was made up of those items which are given you, and the addition——

Chairman WALSH (interrupting). That is $32,700,000 cash?

Mr. LINCOLN. Six hundred thousand dollars.

Chairman WALSH. Six hundred thousand dollars?

Mr. LINCOLN. Yes.

Chairman WALSH. And, pardon me, what was the other five thousand——

Mr. LINCOLN. Then, there was a little more than $2,000,000 issued in exchange for bonds of the company which had been issued, and then a little over $1,100,000 for cars—excuse me, sir, I will get a piece of paper which will enable me to coagulate that——

Chairman WALSH (interrupting). May I give you a scratch pad——

Mr. LINCOLN (continuing). No; I have those data down here, if I can get at them. The cost of those, the cost of that stock which I have now given you, amounted to something very near $36,000,000, which, in the course of the transaction—there were some book entries of stock which had been sold for more than par, and one or two or three or four other items, the exact details of which I don't know; and those were all balanced into the stock account and surplus account, leaving the stock account $36,000,000, so that that was then regarded as the stock issue of the company.

Chairman WALSH. That was in eighteen——

Mr. LINCOLN (interrupting). Well, it was before 1898. That is the way it stood in 1898.

Chairman WALSH. Yes.

Mr. LINCOLN. Then, in 1898, we increased the capital stock. Then, in 1899, we issued $20,000,000 for the property and assets or stock for the property and assets of the Wagner Palace Car Co.—the Wagner Co. Then there was—before that, in 1898, the capital stock, there being $36,000,000, there was a stock dividend made out of the accumulated surplus of the company of $18,000,000.

Chairman WALSH. That was in 1898?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. That was a 50 per cent dividend, approximately?

Mr. LINCOLN. That was a 50 per cent dividend in 1898.

Chairman WALSH. And that was a cash dividend?

Mr. LINCOLN. No, sir; a stock dividend.

Chairman WALSH. I see; yes, sir.

Mr. LINCOLN. There was a cash dividend also.

Chairman WALSH. What was it?

Mr. LINCOLN. Twenty per cent—$7,200,000.

Chairman WALSH. So, in August, 1898, an extra dividend of cash was declared, amounting to——

Mr. LINCOLN. Seven million two hundred thousand dollars.

Chairman WALSH. And in the same year a dividend in stock distributed amounting to $18,000,000?

Mr. LINCOLN. Yes, sir; it increased the capital stock to $54,000,000. Then came—in 1899 came the purchase of the Wagner property, $20,000,000; that increased the stock to $74,000,000, and in November, 1900, there was a stock dividend out of surplus of $26,000,000, which increased the capital stock to

$100,000,000. Then, in March, 1910, there was a stock dividend out of surplus of $20,000,000 that increased the stock to $120,000,000, as it now stands.

Chairman WALSH. What was the purpose of these stock dividends, Mr. Lincoln?

Mr. LINCOLN. It was to capitalize the surplus, the surplus of the company which had been earned but which was invested in cars and property of the company.

Chairman WALSH. And then, after the dividends, you have been paying dividends on that increased stock ever since?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. And have been paying 8 per cent since 1900, I believe you stated?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Now, during the whole life of the Pullman Co., will you please give us the minimum and maximum dividends that were paid?

Mr. LINCOLN. I could not go back to the very beginning and tell you, Mr. Chairman, when the dividends began to be paid, but I think the dividends were always 8 per cent, except for a short period before the purchase of the Wagner property, when the dividend was reduced for one or two quarters—I am not sure which—to 6 per cent.

Chairman WALSH. And that would only apply for that length of time, probably?

Mr. LINCOLN. I think I am right about it.

Chairman WALSH. What is the present surplus of the Pullman Co.?

Mr. LINCOLN. Of course I have to give it to you, sir, as it was at the end of the last fiscal year. The present surplus is $5,671,335.92.

Chairman WALSH. What is your reserve and adjustment accounts?

Mr. LINCOLN. The amounts of them?

Chairman WALSH. Yes, sir; first, what are they; what do they consist of?

Mr. LINCOLN. Oh, consist of property of the company.

Chairman WALSH. Consist of property of the company?

Mr. LINCOLN. And, of course, securities and cash in the bank and mainly in property of the company, such as cars.

Chairman WALSH. Why do you call it a reserve and adjustment account?

Mr. LINCOLN. I don't know the use of the special word "adjustment," but the use of "reserve" is, our cars are depreciating in value, and at some time they will be wiped out.

Chairman WALSH. At the close of your last fiscal year what amount was in the reserve and adjustment accounts?

Mr. LINCOLN. I have not the figures here to give you that, sir. Oh, in amount; I beg your pardon, sir. The prices in this printed financial statement of the company, the reserve for depreciation at that time, was $32,520,540.50.

Chairman WALSH. Now, what action is taken with reference to setting those accounts aside and making the difference between the surplus account and reserve and adjustment accounts? What account is taken by your company and by whom?

Mr. LINCOLN. It is taken by the board of directors; the accounts are made up, approved by the board of directors at the end of the year. The amount to be set off out of profits of the year to depreciation account. It is to take care, Mr. Commissioner, of the cars that are in use—our sleeping cars going out of service.

Chairman WALSH. What would you say as to the amount—$32,000,000—being enough or more than enough to provide for future necessities?

Mr. LINCOLN. I don't think it is enough. I can not tell you. It is not enough; that I am sure. I could not say how much it is short, but it is certainly not enough, in my opinion; that is necessarily an estimate, owing to the conditions of things like this: We have now about 7,000 cars, of which 3,300 are wooden standard cars—I am talking in round numbers now—2,500 of the new steel cars, all of which were built in the last few years, and about 1,000 of the steel reinforced cars; that is steel underframes, steel vestibules, and steel outsides, but the inside is not steel, and the question as to what is the value of these wooden cars, of which there are still 3,500, which are going out of service and becoming useless to us as assets to the company, which we can hardly tell.

Chairman WALSH. Has computation ever been made as to the total amount of dividends that have been paid to stockholders of the Pullman Co. since the institution of the company?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Please give me the amount?

Mr. LINCOLN. One hundred and fifty-nine million one hundred and sixteen thousand seven hundred and seventy-five dollars and eighty-two cents.

Chairman WALSH. Does that include that extra cash dividend of $7,200,000?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Does it include the stock dividends?

Mr. LINCOLN. No, sir.

Chairman WALSH. What is the first amount of cash dividends?

Mr. LINCOLN. Of the total cash dividends?

Chairman WALSH. Yes, sir.

Mr. LINCOLN. I hope I have added this correctly—$159,116,775.82.

Chairman WALSH. And you say that that includes the dividend of $7,200,000?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Well, we will have that checked back, Mr. Lincoln, with the investigators of our commission, who have this in charge and have that included, there may be some error.

Mr. LINCOLN. I have included it in my addition. I might say that that is not entirely from sleeping-car operations.

Chairman WALSH. From your manufacturing operations also?

Mr. LINCOLN. I beg your pardon, sir. Well, I will put it this way, rather. Don't take down what I first said. That we have a sleeping-car business and a manufacturing business.

Chairman WALSH. And this includes all of it, does it?

Mr. LINCOLN. That includes all the dividends that have been paid, leaving out the question of where the dividends came from, and it includes the amount of dividends paid by the company from all sources.

Chairman WALSH. Now, the stock dividend amounted to how much in the same time?

Mr. LINCOLN. That amounts to $64,000,000.

Chairman WALSH. That would make approximately $223,000,000 in dividends?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Now, what were the total assets of the Pullman Co. behind this stock issue at the end of your last fiscal year?

Mr. LINCOLN. The estimated assets, Mr. Chairman, it requires, of course, a segregation of things. Here is a complete printed statement of it.

(The statement referred to by witness, issued by the Pullman Co. for the fiscal year ending July 31, 1914, was submitted in printed form.)

Chairman WALSH. What is the total of the assets?

Mr. LINCOLN. The total of the assets is $133,917,261.86.

Chairman WALSH. That covers how many years, Mr. Lincoln?

Mr. LINCOLN. Since 1867; 48 years.

Chairman WALSH. Now, let me see; for instance, there was $36,000,000 in cash paid for stock?

Mr. LINCOLN. With that little explanation I made; one or two or three hundred thousand dollars balances of accounts and part of which is surplus and part stock, as I stated.

Chairman WALSH. Now, there was $20,000,000 added to that, I believe you stated, when the Wagner Co. was added?

Mr. LINCOLN. There was $78,000,000 added before that, and then the Wagner purchase added after that.

Chairman WALSH. What did the Wagner purchase amount to?

Mr. LINCOLN. Twenty million dollars.

Chairman WALSH. And that amount was paid out in stock for the Wagner property?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. During your incumbency as the president of this company, Mr. Lincoln, were you in close touch with the detail of operations in the car-service department?

Mr. LINCOLN. Oh, no, sir.

Chairman WALSH. What did you have to do with that?

Mr. LINCOLN. Well, we think we have a pretty good staff, you know; and I naturally depend upon the staff for it. Mr. Garcelon, I think, was general superintendent at that time. He has now retired from the service. I saw Mr. Garcelon every day in my office.

Chairman WALSH. You both had offices in the Pullman Building?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. State your duties as chairman of the board of directors at the present time?

Mr. LINCOLN. Well, they are largely advisory, sir; I retired on account of ill health, when it became impossible for me to perform the duties of president; I could not do it.

Chairman WALSH. Do you meet with the board of directors from time to time?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. And preside over them?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Who is the president of the company at the present time?

Mr. LINCOLN. John S. Runnells.

Chairman WALSH. Please state to the commission the salaries paid to conductors and porters when you first became an officer of the company.

Mr. LINCOLN. I think I can do that. [Witness examines papers.] I can only tell you, sir, indirectly, because I have not here a memorandum showing what they were when I became president, which was in 1897. In 1902 there was a raise made to them which, I think, was about $5 a month in each schedule; for instance, $65 to $70; $70 to $75. In 1902 for the first six months' service the rate was made $70 per month, and I think that was increased from $65; as to the others, I am not quite sure. I have no data here to give the exact figures at the time I became president.

Chairman WALSH. As the chairman of the board of directors, and as a director, do these conditions of employment and the salaries of porters and conductors engage your attention?

Mr. LINCOLN. You mean, do I think of them?

Chairman WALSH. Yes; and do you take them up for determination?

Mr. LINCOLN. I do not know as I have discussed them in the board for a long time. I have had some thought of conductors and porters as well, and I may as well say frankly that I think there ought to be some raise in the salaries of conductors, but I do not think it ought to be a great deal. It is a very easy duty, and we have a great many applicants for the places, far more than we have vacancies. Does that answer your question?

Chairman WALSH. Yes; it does very fully. What is the history of your company, as it came under your observation, with reference to the attempts of the men working for you to organize to improve their conditions, or to endeavor to?

Mr. LINCOLN. I never heard anything of it until this investigation.

Chairman WALSH. You never heard there was any attempt to organize?

Mr. LINCOLN. No, sir; not in all my time; not the slightest.

Chairman WALSH. What changes have there been in salaries paid to your car-service employees, say, in the last 10 years?

Mr. LINCOLN. The exact details of that were, I think, given; there was, I know, an increase made by which our conductors on our special trains get $100 a month. There was one change made, of which I have not the details here, of a month's salary at the end of the year for good service, that Mr. Hungerford testified to as to the details of that. I do not find any memorandum of other changes, except I know, as a fact, that the conductor's salary, for instance, on such a train as the Broadway Limited and the Twentieth Century Limited was made $100 a month in 1895.

Chairman WALSH. What is the value of your capital stock at the present time? I believe I omitted to ask you that question when we were on that topic.

Mr. LINCOLN. In the stock market?

Chairman WALSH. Yes; what is it listed at now?

Mr. LINCOLN. Well, I think 160, or something like that, I suppose; it fluctuates.

Chairman WALSH. It is around $150 and $160?

Mr. LINCOLN. Yes. You can drop it 10 points by selling 500 shares.

Chairman WALSH. We may assume, I suppose, that there has never been a time in the history of this company when there was any financial reason why a comfortable living wage should not be paid to its employees?

Mr. LINCOLN. I hope not, sir.

Chairman WALSH. Do you consider $27.50 a month sufficient to enable a negro porter to maintain himself and family in comfort and decency?

Mr. LINCOLN. Absolutely not. I want to say that situation annoys me very much indeed. I might say here that I took over the administration of the company in 1897, after it had been running for 30 years, and I took it as I found it, without any troubles or complaints as to the service, and I have no doubt, as to the arrangement as to those particular salaries—I have no doubt Mr. Pull-

man settled that when he took it over and commenced the service, not in succession, but while a part of the sleeping cars were in service. There was the Central Transportation Co.; there was a sleeping-car service on the Erie; there was probably, but I am not sure, a sleeping-car service on the New York, New Haven & Hartford; I know there was a sleeping-car service back in 1860; I know that was a fact. I have no doubt the wages fixed by Mr. Pullman at that time were based on the wages paid at that time; but they were considerably less than the wages paid recently, and probably were then $15 a month.

Chairman WALSH. When you assumed the presidency of this company, was this tipping habit as widespread in the United States as it is at the present time?

Mr. LINCOLN. I think it has always been widespread, not only in the United States, but everywhere.

Chairman WALSH. You think it was as widespread when you went into the office of the presidency as it is at the present time?

Mr. LINCOLN. Yes, sir; there is no doubt about it; I do not know the facts, but I have no doubt about it.

Chairman WALSH. Is your company opposed to the organization among its employees of unions?

Mr. LINCOLN. Well, Mr. Chairman, I do not think any administration likes to deal with unions; they would prefer to deal with their employees as we deal with ours in the Pullman Co. We have never opposed, so far as I know, the formation of a union among our employees, but our company insists on its right to hire and discharge its employees.

Chairman WALSH. Do you know of the fact, if it be a fact, that your company has employed persons to go among its employees as spotters or spies to ascertain whether or not they desire to form themselves into unions; and upon ascertaining that fact, your company discharges the men?

Mr. LINCOLN. I never heard of such a thing.

Chairman WALSH. Would you consider the policy of the corporation in discharging men who attempted to organize lawfully to better their conditions, and requiring of them absolute loyalty to the company, of course, as being a proper policy?

Mr. LINCOLN. If that was all there was in it; no, sir; I would not think it was; I should think that would depend upon the character and acts of the man who was doing it, and the way in which he did it.

Chairman WALSH. If his desire was to organize all of the men in the car service of the Pullman Co., to address you collectively—the officers—to act collectively with reference to the fixing of their wages and conditions, would you have any objection to that?

Mr. LINCOLN. Not if he did it in what I would call a decent way.

Chairman WALSH. So that if an offer of that kind was made to your company, and you deemed it proper and the executive officer of the company denied that right, it would be without your knowledge and without the knowledge of the board of directors?

Mr. LINCOLN. That has not occurred to my knowledge.

Chairman WALSH. What would be, if you were to discover that such a thing was occurring—what would be the action of the board of directors?

Mr. LINCOLN. I do not know what the action of the board of directors would be. I want to say this, that I fully recognize, Mr. Chairman, the right of the employees to organize.

Chairman WALSH. I want to ask you some general questions, Mr. Lincoln, with respect to the way this matter is managed so far as your porters are concerned: They get $27.50 a month, I think, so far as I understand it?

Mr. LINCOLN. That is the minimum.

Chairman WALSH. And they are supposed to supplement that in order to obtain enough to support their families on from tips given by the general public?

Mr. LINCOLN. Well, Mr. Chairman, might I put it this way? We know they do get it, of course.

Chairman WALSH. What would you say as to the effect upon the morals and self-respect of employees of a system by which they are forced to accept gratuities from strangers in order to earn a living wage?

Mr. LINCOLN. I do not think it affects the morals of the porters at all; they would get the tips whatever their wages were, in my opinion, because, in my opinion, tips are given by passengers on Pullman cars to these porters for services which are not in the course of the Pullman porter's employment at all,

The colored race, as we know, were subject to great limitations in the past to obtain employment in this country, and I believe as a matter of fact that outside of what you might call the learned professions that they got into, such as the clerical profession and teaching, and to some extent in the legal profession, not to mention others, that the one large element which has done more to uplift them is the service in the Pullman Co.; that is my belief about it.

Chairman WALSH. You think their service in the Pullman Co. on the wage they have received and being required to supplement it by gratuities has done much to elevate them?

Mr. LINCOLN. If there had been no tips, of course, their wages would have to be paid undoubtedly; but the tips are paid without regard to the amount of their wages. My feeling about it is, if you increase their wages without in some way stopping their tips, you simply make a larger income for them, and the question is whether that is desirable to do.

Chairman WALSH. They might earn too much?

Mr. LINCOLN. I do not say that; but I conceive you might easily soon have them earning more than skilled labor.

Chairman WALSH. Does that enter into your consideration as a member of the board of directors in keeping their pay at $27.50 a month?

Mr. LINCOLN. No; I do not think the thing has ever been discussed or much thought given it.

Chairman WALSH. Have you ever considered this particular question of pauperising human beings by giving them gratuities?

Mr. LINCOLN. No, sir.

Chairman WALSH. Do you not think it pauperizes a man to give him something, for instance, that he does not earn, or that you are not required to give him?

Mr. LINCOLN. On that, Mr. Chairman, my idea is that most of the tips given to the porters on Pullman cars are considered by the passengers as having been earned by them for extra and special services to the passenger; that is my belief about it.

Chairman WALSH. Does the company make it a part of the duties of the porters to shine the passengers' shoes?

Mr. LINCOLN. I think not.

Chairman WALSH. What would be done with a porter who consistently refused to shine my shoes coming here, if I called your attention to it?

Mr. LINCOLN. I believe that question was asked of Mr. Hungerford, and he said it never had arisen; I do not know what would happen.

Chairman WALSH. They are expected to shine the shoes of every passenger in the car at a certain hour at night?

Mr. LINCOLN. I do not know that the company has any thought about it; I expect mine to be shined and everybody else does, and we tip them for it.

Chairman WALSH. Do you consider $70 a month as a sufficient salary to enable a conductor on the road, for the length of time they are on the road, to maintain himself and family in comfort?

Mr. LINCOLN. That salary lasts for so short a time that it is really a trial salary.

Chairman WALSH. How about $75 a month?

Mr. LINCOLN. That, of course, is not a large salary, but that does not last long.

Chairman WALSH. Did you read the budgets that were put into the record in Chicago, or was your attention called to it, of conductors that claimed to have made certain expenditures, necessary expenditures, out of their salary, and where they lived there? One of these, as I recall it, figuring out a surplus, and the other failing to do so. Did you read that record?

Mr. LINCOLN. That was that long document?

Chairman WALSH. There were two budgets placed in the record by former conductors of your company undertaking to give what it cost them to live.

Mr. LINCOLN. I don't believe I saw them.

Chairman WALSH. Taking the territory radiating from Chicago and the lines of your company from which you are familiar, I will ask you what you think would be a comfortable living salary for conductors to wear the uniform and be on the railroad as your conductors do?

Mr. LINCOLN. Mr. Chairman, I would like to be excused from answering that question as you put it, because I have no hesitancy in saying to you that I thing the salaries of conductors should be increased. I think it is a matter that probably will be taken up by our board of directors at once, and I would like to hold my views until after a discussion in our meeting.

Chairman WALSH. When was your attention called to the fact that the salaries of these men were too low?

Mr. LINCOLN. Oh, I have been thinking of it for several years, as a matter of fact, that the salaries were hardly big enough.

Chairman WALSH. How would these men act to get that redress? How would you expect them to act with you so that you could take definite action and give them more, if you have been thinking that yourself?

Mr. LINCOLN. If they would come to see an officer of the company, I would say that was the easiest way to do.

Chairman WALSH. Have the petitions that were said to have been signed from time to time from these conductors, asking for an increase in pay and calling your attention to other grievances, reached your hands or the board of directors?

Mr. LINCOLN. No, sir; not my hands, and I don't believe the board of directors; no; not the board of directors.

Chairman WALSH. Does it require action of the board of directors to fix the new salary schedule?

Mr. LINCOLN. I would think it would.

Chairman WALSH. And in view of the fact that you don't care to answer the question at this time as to what is a living wage, may I ask you when it is contemplated to take up this matter of the adopting of a new wage schedule?

Mr. LINCOLN. I have no idea on that.

Chairman WALSH. Would it be the next week or month or the next year?

Mr. LINCOLN. I expect to attend a meeting of the executive committee on the 12th instant.

Chairman WALSH. Is that a matter they would take up necessarily?

Mr. LINCOLN. Oh, yes; primarily at least.

Chairman WALSH. How many members of the executive committee?

Mr. LINCOLN. There would be six; there has been; there was a death two months ago—that leaves five.

Chairman WALSH. Would you have any objection as a director of this company to have a committee selected by your employees, say one from each division, or representation which they might think best, meeting with this commission and presenting their views as to what their wage should be, and the facts upon which you might base the wage—in case there was an increase—that they ought to be paid?

Mr. LINCOLN. Why, of course not, sir.

Chairman WALSH. That is, waiting upon this committee that actually fixes the wages?

Mr. LINCOLN. I thought you said this commission?

Chairman WALSH. No, sir; on your executive committee.

Mr. LINCOLN. Was I wrong?

Chairman WALSH. I may have called it a commission—I meant your executive committee.

Mr. LINCOLN. To have a delegation meet the committee?

Chairman WALSH. Yes, sir; representing the men, so that they might state to you what it costs them to live in their various localities, the rent they have to pay, and so forth?

Mr. LINCOLN. I don't see; why, I have no objection to it; it is rather an awkward way of doing it, still I suppose it can be done.

Chairman WALSH. What would you suggest as being the least awkward way of getting men before you?

Mr. LINCOLN. To have any committee they wish to meet some one or more officials of the company and let them make a memoranda and present it to the committee. I will say first to you, Mr. Chairman, that the company is more closely in touch with conductors and porters than perhaps has been known to you. We have, of course, Mr. Hungerford, who is general manager; he has an assistant under him who is called assistant general superintendent, because he was general superintendent; and we have, then, four—I am not sure but what there are five, but four certainly—superintendents, so-called; and I think we have 45 district superintendents who are located at different parts of the country to perform the business of the company. And all of the porters and conductors report directly and are personally known to these district superintendents. The district superintendents themselves have, 90 per cent of them, been in the service of the company as conductors, I believe. Then the general manager assembles all of our district superintendents at Chicago four times a year and confers with them about the relations of the company as exhibited in their

office. We assume that from that they gather first unto the district superintendent a great deal of information as to the feelings of the men, and from the district superintendents, who I hope and believe are in great sympathy with the men, because they all come from the same class—I am talking about conductors, of course—and these men come and talk freely with the general manager. I mention that merely to show the touch we try to keep in with the service.

Chairman WALSH. Now, this general statement has been reiterated time and time again before our commission during the past year: That is, that the executive officers of large companies, such as the Pullman Co., are primarily interested in securing dividends; that their interests are in seeing not that men have a living wage, for instance; seeing that your conductors, as applied to your company, have a sufficient wage, is contrary and antagonistic in a manner to the other duty that they have, of returning large dividends on the investment, where so much goes into labor cost. So now, then, we get a case such as yours, where the evidence tends to show that men have attempted to form unions and formulate their demands, and have been discharged therefor. We are not passing on whether that is true or not, but it is conceded that they passed petitions around the country calling attention to what they claim was their price, that they should get more wages, and objecting to their conditions, and that they were turned into the company, and now it seems that these petitions have never reached the board of directors, who had the final word of fixing their salaries; if those are facts, taking that question as a hypothetical question, do you not believe that it would be better for the persons that had the actual say and responsibility over these men to meet them and not depend entirely upon the executive officers?

Mr. LINCOLN. Well, I would like to think about it. It is pretty hard to get a board of directors together for such a meeting.

Chairman WALSH. Why, don't they like to meet for that purpose?

Mr. LINCOLN. I don't mean to say that, but I know I would find it very hard to get a meeting of the board of directors to listen to—I think I would, as a question merely of convenience of the board.

Chairman WALSH. How many conductors have you?

Mr. LINCOLN. Between 2,000 and 2,500.

Chairman WALSH. And how many porters; 6,500, I believe?

Mr. LINCOLN. Between 6,000 and 6,500.

Chairman WALSH. Is it a fact that you have probably 1,500 or 2,000 men going into the service each year? That is, that it takes 8,000 men or a great many over 8,000 men per year to keep up your complement of 6,500 men? Did you know that?

Mr. LINCOLN. Well, not quite, sir, I think.

Chairman WALSH. I am just summoning it out of my recollection.

Mr. LINCOLN. Yes; I had; Mr. Hungerford was asked how many porters and how many conductors there were, or conductors and porters were appointed in the year 1913 and the year 1914, and he replied as to the year 1913 that 713 conductors were appointed. That would, without explanation, seem to me that was done because it was necessary to keep up the 6,500, if we call it so, of conductors——

Chairman WALSH (interrupting). Pardon me, Mr. Lincoln, my mind got on something I had here, and I did not catch your first figure.

Mr. LINCOLN. Well, the first figure was that in the year 1913 there were 713 conductors appointed, and the implication would be at first that that number was required to keep the number of conductors up to 6,500, or whatever is the figure; of course, 6,500 is not an exact figure at all, but it is the approximate number.

Commissioner LENNON. That is porters; we were speaking of conductors.

Mr. LINCOLN. Yes; 2,500. Now, as a matter of fact, in 1913, in which 713 conductors were appointed, at the end of the year 1913 there were 2,100 of our conductors who had been in the service of the company for one year or more. So those 713 were not appointed, of course, to keep up the stock of conductors to the average rate. And as to the porters in the year 1913, there were 2,325 appointed. At the end of that year there were 5,883 porters who had been in the service of the company a year or more. So those men were not appointed to keep up the stock of porters—that is, not wholly.

Chairman WALSH. Why were they appointed, Mr. Lincoln?

Mr. LINCOLN. They were appointed for extra service of all sorts. They were—there are conventions, and all over the United States there are many

things going on for which extra cars are put on, as, for instance, for the inauguration ceremonies. I should say there would be a great many cars—300 or 400 extra cars—put on and a great many extra porters hired. It is that sort of thing that makes the great mass of appointments among those men. There are a great many being put on right now for the California travel. That does not indicate that there was that number dropped in the service, of porters and conductors.

Chairman WALSH. Going back for a moment to this compensation for the porters, do you say that the self-respect of the man is not degraded in any way by the receiving of tips, because he performs a service to somebody else for that?

Mr. LINCOLN. I think so; yes.

Chairman WALSH. Yes; now, then, the wage you pay is $27.50, and take the case of a porter who testified in connection with the Pennsylvania, that you may have noticed; he says he supplements his salary so that it brings it up to about $115 per month.

Mr. LINCOLN. Yes, sir.

Chairman WALSH. He is on the Pennsylvania Limited?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. So he performs all the work as exacted by your company in his employment for $27.50 a month and he gets $87.50 for other services that he performs for the outside public, growing out of his service?

Mr. LINCOLN. Yes.

Chairman WALSH. For the Pullman Co.?

Mr. LINCOLN. If those are the figures, he is given that much, yes.

Chairman WALSH. Now, Mr. Lincoln, would you or any executive officer of the company make any such arrangement as that with the Pullman Co.—that is, that you would take a diminished amount and then depend on an indefinite amount to be given you by outsiders?

Mr. LINCOLN. I confess to you, Mr. Chairman, I do not think this arrangement is ideal at all.

Chairman WALSH. Of course, its executive officers would not think of it. It is done because the man is on what might be called a low social scale, and also due to the fact that he is of the negro race?

Mr. LINCOLN. And, well, it is an old custom.

Chairman WALSH. And an old custom?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Have the directors or the officials of this company ever attempted to abolish the tipping system?

Mr. LINCOLN. No, sir.

Chairman WALSH. Do you believe that if you paid these men $60 per month out of the earnings of this company, and posted notices in the cars that you had done that, and that it was the wish of this company that these men should not be given those tips, that this custom would still continue?

Mr. LINCOLN. Well, I can hardly say. I think you would have great trouble with the porters.

Chairman WALSH. You think what?

Mr. LINCOLN. I think the porters would be very much troubled.

Chairman WALSH. Do you think the porters would still insist on their getting the money?

Mr. LINCOLN. I think so. Oh, I can't say, sir. It would be a mere guess.

Chairman WALSH. Has your attention ever been called to the fact, if it be a fact, that there is a widespread criticism of the Pullman Co. on account of this tipping system—that the public thinks these men would starve if they did not give the men the money?

Mr. LINCOLN. Oh, I never heard any such suggestion as that.

Chairman WALSH. You never heard any?

Mr. LINCOLN. No, sir.

Chairman WALSH. In considering the salaries of your car-service employees, has the company ever taken into consideration its profits as having any bearing on what should be paid to the men?

Mr. LINCOLN. Oh, I think not, sir.

Chairman WALSH. You never had to take that into consideration——

Mr. LINCOLN. Oh, I think not, sir.

Chairman WALSH. Do you know what the hours are that are permitted for sleep of the men running in the Pullman Co.'s service?

Mr. LINCOLN. That is one of the details of operation which I learned, more than in any other way, from Mr. Hungerford's testimony. You refer to the car-service employees?

Chairman WALSH. Yes; the car-service employees.

Mr. LINCOLN. Well, I have no doubt the rules of the company are not exactly, if I understand correctly Mr. Hungerford's testimony, and strictly adhered to with the employees, you know.

Chairman WALSH. Do you mean that as efficient services can be expected from men who are given from one to four hours' sleep for one or more nights in succession——

Mr. LINCOLN. If that was literally complied with, I do not.

Chairman WALSH. Well, has it to be literally complied with or place the men in a position where they may lose their position if they go to sleep on duty?

Mr. LINCOLN. No; I don't think so, as to sleeping on duty. I don't think the rules laid down in the book are raked over the employees nearly so much as it would appear from the book. I don't think it is a fact. That would be shown to a great extent by the number of men that go through the year's service and get their bonus at the end of the year. It amounted last year to three-fourths of all the porters, for instance.

Chairman WALSH. Has an appeal ever been made to you, either as president or chairman of the board of directors, on the part of the car-service men who who have been discharged for attempting to organize?

Mr. LINCOLN. No, sir.

Chairman WALSH. For the alleged purpose of bettering their condition?

Mr. LINCOLN. No, sir.

Chairman WALSH. Has an appeal ever come to you as president of the company or to the board of directors, in your knowledge, from any discharged employee claiming unfairness on the part of the executive officials?

Mr. LINCOLN. Well, I have had letters—not, I don't think, from porters—but I have had letters from discharged conductors wishing to be returned to service on the ground that they happened to have been dismissed.

Chairman WALSH. Do you believe that it is fair to deduct from the salaries of the porters amounts for lost linen on the cars?

Mr. LINCOLN. To a certain extent I do so, because I think otherwise the loss of linen would be very severe.

Chairman WALSH. Approximately, how much is collected from the porters per year for lost linen?

Mr. LINCOLN. I don't remember; I think it was given by Mr. Hungerford in his testimony.

Chairman WALSH. Well, if it was I have overlooked it.

Mr. LINCOLN. My impression was that it was $60,000 or $70,000, but that it did not begin to come up to the amount of the loss of linen. I would like to be very careful about it——

Chairman WALSH (interrupting). Somewhere about $60,000 or $70,000?

Mr. LINCOLN (continuing). But it is in Mr. Hungerford's testimony, Mr. Chairman—the amount.

Chairman WALSH. Well, I would not have asked you, but I did not recall it.

Commissioner AUSHTON. If it is not in there it can be supplied.

Mr. LINCOLN. If it is not in Mr. Hungerford's testimony I wish you would make note of that, Mr. Daniels.

Mr. DANIELS. Yes.

Mr. LINCOLN. And have furnished the total amount for lost linen charged to the porters.

Mr. DANIELS. Certainly. I am quite sure, however, that it is in Mr. Hungerford's evidence.

Commissioner AUSHTON. My recollection is that it is $35,000, Mr. Chairman.

Chairman WALSH. Now, who makes the contract for the uniforms for the men?

Mr. LINCOLN. The purchasing agent.

Chairman WALSH. And who is the purchasing agent?

Mr. LINCOLN. Mr. Bowen, isn't it, Mr. Daniels?

Mr. DANIELS. Yes.

Mr. LINCOLN. Director of purchases, we call it—Mr. Bowen.

Chairman WALSH. Are the porters and conductors required to pay the amount fixed in your contract price with Marshall Field & Co. in Chicago?

Mr. LINCOLN. Yes, sir.

Chairman WALSH. How long have they been buying their uniforms, or have you been requiring the men to buy their uniforms, from Marshall Field & Co.?

Mr. LINCOLN. Oh, I don't know; it has been for a number of years.

Chairman WALSH. Do you know how many years?

Mr. LINCOLN. No; I don't know. It is a good many years, sir.

Chairman WALSH. Is the Marshall Field estate a large owner of stock in the Pullman Co.?

Mr. LINCOLN. I don't suppose it owns any; I don't know anything—the Marshall Field estate?

Chairman WALSH. Yes.

Mr. LINCOLN. Oh! Well, I don't know as to that. You know that the Marshall Field estate and Marshall Field & Co. are quite different affairs, sir.

Chairman WALSH. Yes; I understand that.

Mr. LINCOLN. I think likely, to answer that question, I think very likely the Marshall Field estate owns stock in the Pullman Co., because Mr. Marshall Field did own stock in the Pullman Co.

Chairman WALSH. And Mr. Chauncey Keep is connected with the Marshall Field estate as a trustee?

Mr. LINCOLN. He is a trustee of the estate; yes, sir.

Chairman WALSH. Is he connected with Marshall Field & Co.?

Mr. LINCOLN. With that corporation, I think not.

Chairman WALSH. And he is a director in the Pullman Co. also, I believe.

Mr. LINCOLN. Yes, sir.

Chairman WALSH. Has he been a director in the Pullman Co. during all the time the men have purchased their uniforms from Marshall Field & Co.?

Mr. LINCOLN. Oh, no, sir; Mr. Keep, he is one of our newest directors. Do you remember, Mr. Daniels?

Mr. DANIELS. I can not give you the date; no, sir.

Mr. LINCOLN. Mr. Keep is one of the newest directors, sir.

Chairman WALSH. Who did he succeed, if you can recall the board of directors?

Mr. LINCOLN. I would have to think back. Well, he came along after the death of Mr. Field, for instance.

Chairman WALSH. Was Mr. Field in the Pullman Co. at the time this contract was made with Marshall Field & Co.?

Mr. LINCOLN. I could not answer that question, sir.

Chairman WALSH. Was he a director in the Pullman Co. up to the time of his death?

Mr. LINCOLN. Yes.

Chairman WALSH. Commissioner Weinstock has a few questions he would like to ask you, Mr. Lincoln.

Mr. LINCOLN. Yes.

Commissioner WEINSTOCK. Let me ask you what opportunity, if any, is there for advancement? What opportunity, for example, of a negro porter who shows very high efficiency? Is there any provision——

Mr. LINCOLN (interrupting). There is no provision in our service, sir. We have no place to put him. A few of them, perhaps half a dozen, are made porters in the offices of district superintendents. I asked that question, and they said they had about a half dozen around somewhere here. That is all I know of.

Commissioner WEINSTOCK. So it is sort of what is known as a "blind alley" job?

Mr. LINCOLN. Yes, sir.

Commissioner WEINSTOCK. Now, taking the officials of the company, the district superintendents and the superintendents, where are they recruited from?

Mr. LINCOLN. They are from the conductors, as a rule; also their assistants.

Commissioner WEINSTOCK. About how many are there of such officials in the company?

Mr. LINCOLN. Well, I have no data about that. We have 45 district superintendencies and, according to the size of the office, they have more or less assistants. Their offices are open day and night, and a large office will have more of them. I could not tell, sir; I have not a list of that.

Commissioner WEINSTOCK. Well, could you tell offhand, Mr. Lincoln, if any of those have come up from the ranks, and how many have been appointed from the outside——

Mr. LINCOLN. Mr. Hungerford testified that there were 90 per cent of them came up from the rank of conductors—had been appointed from the ranks of conductors.

Commissioner WEINSTOCK. So there is some possibility of promotion?

Mr. LINCOLN. Among the conductors?

Commissioner WEINSTOCK. Yes.

Mr. LINCOLN. Certainly, sir.

Commissioner WEINSTOCK. The chairman was discussing the question of tips and asking whether, in your opinion, if the wage of the porter was raised to a living basis, you thought the tips would still be paid; and, if I remember rightly, you said you thought tips would be paid, no matter what wages were given?

Mr. LINCOLN. Some tips would be paid—some at least. That is a mere matter of guess on my part, but I do not believe you can stop a great many of the traveling public from rewarding a porter who does them some little service, such as brushing his coat and some little service like going on errands into other cars and getting a dinner seat in the diner and getting him anything, or buying a newspaper from the outside——

Commissioner WEINSTOCK. You are acquainted with the custom in most of the clubs, if not all private clubs of the country, where tips are forbidden?

Mr. LINCOLN. Yes. And we also have cards sent upon the approach of the holidays asking us for a contribution to a fund for tips at the end of the year.

Commissioner WEINSTOCK. Yes; that is true. I suppose that would offset your extra month's pay that the company would allow at the end of the year for good service?

Mr. LINCOLN. The point is this, that all the clubs—I won't say all clubs, but I believe I belong to half a dozen large clubs, and I think I get a formal notice from the club every holiday season with a blank card requesting my subscription for what is called the Christmas fund for the employees.

Commissioner WEINSTOCK. Yes; that is correct. I happen to know that is the custom; but to offset that your company allows, as I gather from the statement, it allows at the end of the year one month's extra pay to those who have made a good record?

Mr. LINCOLN. I don't think it was done on that basis, Mr. Commissioner. I think it was done as an incentive, as you please, to good service.

Commissioner WEINSTOCK. Just as I suppose the Christmas gift at the end of the year to the club employee is likewise offered as a recognition of good service.

Mr. LINCOLN. Well, I was told the other day that, for instance, at the Chicago Club, which is very near, as everybody here knows, to the Auditorium Hotel, that we have considerable difficulty in the Chicago Club in getting the waiters because of the tips at the hotel, which come in, and none come in in the club; and that we have considerable difficulty in doing so. There is that very thing shown right there on that street, within the confines of one block. Whether that is done by the clubs as a tip, or whether it is to keep the service of the waiters, I don't know, sir. When I say "the waiters" I mean the attendants in the club, because it goes to everybody.

Commissioner WEINSTOCK. May I ask, Mr. Lincoln, what happens to a Pullman employee in the Pullman service if he is accidentally injured?

Mr. LINCOLN. Oh, that was gone into quite elaborately by Mr. Hungerford; but he is taken care of; oh, he is taken care of.

Commissioner WEINSTOCK. He gets compensation?

Mr. LINCOLN. Oh, the exact form which it takes I would not like to attempt to describe, because I have not gone into detail with it. I think Mr. Hungerford went into it quite carefully, but it is a very elaborate system. It is hospital service and it is payment of his wages during his disability, and so on.

Commissioner AISHTON. And includes sick benefits?

Mr. LINCOLN. And sick benefits. I think there has never been any complaint by anybody on that subject, Mr. Commissioner.

Commissioner WEINSTOCK. And in the event of his being killed while in the service, what compensation, if any, goes to his family?

Mr. LINCOLN. There is none. There is no compensation goes to his family by any direction of the company, except this, it is the conductors, I think, who have formed an association among themselves—I believe it amounts to about 1,500 men—in which upon the death in any way of one of their members each of

the members of the association, if you please to call it such, pays in $1 and the Pullman Co. adds 5 per cent to it.

Commissioner WEINSTOCK. And that goes to the family?

Mr. LINCOLN. Oh, yes. As to compensation under the State laws, I am not familiar with that, and I don't know.

Commissioner WEINSTOCK. As you know, of course, Mr. Lincoln, there are some 24 or 25 States in the Union now that have come under what is known as the workmen's compensation act. I don't believe there is a Federal law except for Federal employees. Am I right, Mr. Lennon?

Commissioner LENNON. That is my understanding of it.

Commissioner WEINSTOCK. Just for Federal employees?

Mr. LINCOLN. Interstate-commerce employees.

Commissioner WEINSTOCK. One for Federal employees and one for interstate-commerce employees?

Commissioner LENNON. Oh, that is workmen's compensation?

Commissioner GARRETSON. Not workmen's compensation, but liability.

Commissioner LENNON. Oh, he can get no compensation without bringing suit at common law?

Commissioner GARRETSON. None unless he makes settlement by compounding. There is no Federal workmen's compensation law.

Commissioner WEINSTOCK. I see. So that your employees are thrown upon the generosity of their fellow workers and of the company?

Mr. LINCOLN. Well, sir, I can not answer that question. I am entirely ignorant on it.

Commissioner WEINSTOCK. Now, what would be your opinion, Mr. Lincoln? This commission, of course, as you know, is endeavoring to get the best judgment of workers and employers all over the country on proposed legislation that will tend to bring about a more harmonious feeling between the worker on the one hand and the employer on the other. We have discovered in our investigations that one of the underlying causes for industrial unrest is industrial accidents; and that it has further been forced upon our attention in our hearings all over the country that the workmen's compensation law that has been enacted in 24 or 25 States tends to minimize this industrial unrest and remove one of the causes of irritation, one of the causes of friction, and at the same time prevent or minimize the number that fall below the poverty line because of accidents; and to that degree the workmen's compensation act, wherever it has been adopted and carried out intelligently, has been an advantage to the injured worker and an advantage to the employer and an advantage to the State generally. What would be your judgment about a Federal workmen's compensation that would apply to interstate-commerce employees and that would insure them and their dependents compensation in the event of temporary or permanent injury or death on the part of the worker?

Mr. LINCOLN. Well, that, Mr. Commissioner, is a subject I had not considered. I should start out feeling in a very friendly way toward it, but I do not know what are the arguments for or against it. I have never studied it or considered it. We have in our own company so seldom any accidents in our cars—that is a fact, very curious fact, but true—that that has never been very much of a practical question with us as a corporation.

Commissioner WEINSTOCK. Yes.

Mr. LINCOLN. I should rather dislike to answer that question without hearing the arguments pro and con. My attitude toward it would be friendly, to start with.

Commissioner WEINSTOCK. The only arguments that have been offered against it, Mr. Lincoln, from the employers' side is that it puts an added burden upon the industry. That has been offset by the fact that it relieves the employer of serious burdens, and relieves him of annoyances, and relieves him of loss in the event of suits at law.

Mr. LINCOLN. Yes.

Commissioner WEINSTOCK. So, that, take it in California, for example. A year ago there were 98 per cent of the employers who were opposed to the workmen's compensation act, but to-day there are 98 per cent in favor of it after seeing how it operates.

Mr. LINCOLN. Well, sir, that is very strong argument. I should say that the judgment of 98 per cent would overturn my view if I did not start out with them.

Commissioner WEINSTOCK. Then, in your present frame of mind, Mr. Lincoln, you see no objections to a Federal workmen's compensation act?

Mr. LINCOLN. No, sir; not in my present frame of mind, Mr. Commissioner.

Commissioner WEINSTOCK. You would rather look upon it in a friendly way?

Mr. LINCOLN. I would start out to do so.

Chairman WALSH. Commissioner Garretson wants to ask you a few questions.

Commissioner GARRETSON. I will have to go back to the Clover Club. In fixing the wages of the servants in your clubs do you know of any instances where the wages of these men is lowered on account of this Christmas fund or kept down?

Mr. LINCOLN. Oh, no.

Commissioner GARRETSON. It is not a wage factor in your club?

Mr. LINCOLN. Oh, not at all.

Commissioner GARRETSON. The fact is that the house committee in arranging that, in providing for a rule that there will be no tipping in the club, takes into consideration the fact what it will have to pay as wages if it desires to keep desirable employees, they will take that into consideration—the fact that they get no tips?

Mr. LINCOLN. The entertainment of the club, as far as I know—and I think I know a little about it, because I have been on committees in clubs as to comparative wages of waiters——

Commissioner GARRETSON. And they have to take into consideration the fact that they at other places get tips and they bar them there, and they will have to equalize wages that they get other places to a certain extent?

Mr. LINCOLN. They invite men to come as waiters upon a certain——

Commissioner GARRETSON (interrupting). And they don't come unless that wage will equalize what they will get at other places by a similar wages and tips accompanying, is that true as a general proposition?

Mr. LINCOLN. I don't know how it is, sir; I suppose they want to make a certain amount of money, no doubt.

Commissioner GARRETSON. In testifying to the wages of these porters, you used the phrase, that whatever the wage might be, tips to a greater or less extent might be given anyway?

Mr. LINCOLN. I feel so; I have no personal doubt about it.

Commissioner GARRETSON. You also testified that if tips were abolished the company would have to raise its wages to keep its men?

Mr. LINCOLN. Undoubtedly.

Commissioner GARRETSON. If that is the case and you are now paying $27.50 per month, sliding, say to a man 23 years in your service—one testified before us in Chicago, produced by your own company, by the way, that he was getting $28.40 after that many years' service—if that man was getting $30 a month, and you were compelled to pay him $60 a month if the tips were abolished, are not the stockholders of the Pullman Co. the real tip takers?

Mr. LINCOLN. As a mathematical proposition, that would be so.

Commissioner GARRETSON. You really are capitalizing the tipping system on your road by keeping the wages low?

Mr. LINCOLN. That is not necessarily so; the tips would be paid, anyhow.

Commissioner GARRETSON. And if they are accepted you believe in the corporation getting them in place of the coon?

Mr. LINCOLN. I don't say that.

Commissioner GARRETSON. I am only taking that as it works out. Have you ever figured up what would be the difference in the amount of money that it takes to pay that 6,500 porters $30 a month, which is about your present rate, $60 a month?

Mr. LINCOLN. That is a matter of paper and pencil.

Commissioner GARRETSON. A couple of million dollars a year?

Mr. LINCOLN. It would be $30 a month.

Commissioner GARRETSON. For 6,500 men?

Mr. LINCOLN. Would be $360 a year for 6,500 men.

Commissioner GARRETSON. Two million three hundred and forty thousand dollars?

Mr. LINCOLN. Something like that.

Commissioner GARRETSON. It would make a very material difference in the surplus or dividend rate?

Mr. LINCOLN. Undoubtedly.

Commissioner GARRETSON. Then the question really resolves itself into economics pure and simple?

Mr. LINCOLN. It would be approximately that, of course.

Commissioner GARRETSON. That is the reason underlying?

Mr. LINCOLN. Yes, sir; but it was not started on that basis, Mr. Commissioner, of course. It is a situation which we found, you know, and I might say it is a situation on which the rates to the public on Pullman car service was based.

Commissioner GARRETSON. Is it not probable that it had its foundation in a condition that existed before the 60's when certain railroad companies owned their brakemen, I mean in fee; they had bills of sale for their brakemen, I know two railroads that did that?

Mr. LINCOLN. I see. [Laughs.]

Commissioner GARRETSON. This is something of a parallel, only the employer is less responsible than the owner is. [Witness laughs.] In the total that you gave of dividends that were paid by this company, you did not include the stock dividends?

Mr. LINCOLN. I mentioned them as stock dividends.

Commissioner GARRETSON. But in the total of dividends paid, you did not include the amount of the stock dividends which were issued as new capital? I understand your reply that you did not?

Mr. LINCOLN. I mentioned the figures of $150,000,000, which was cash dividends.

Chairman WALSH. He gave them both.

Commissioner GARRETSON. I overlooked the fact that you included that, because they are really another form of dividend?

Mr. LINCOLN. Oh, certainly. But that was not made entirely out of the sleeping-car company service.

Commissioner GARRETSON. I suppose there was a stage when it was made out of land profits?

Mr. LINCOLN. Not much.

Commissioner GARRETSON. When you owned the town?

Mr. LINCOLN. I would like to have you pay us what we lost in that town.

Commissioner GARRETSON. I am perfectly competent to pay it; I am getting a good wage on this commission.

Mr. LINCOLN. I would say, Mr. Commissioner, on that, that as a matter of fact during the period which ended on July 31, 1915, the amount of profits of the company which have gone into stock, into this stock surplus and dividends, was $161,000,000, which differs from my reply of $159,000,000, which results from some difference in figures.

Chairman WALSH. I have $161,000,000.

Mr. LINCOLN. Very well, sir; and at the same time the manufacturing and miscellaneous earnings were $68,000,000, so that manufacturing produced about 30 per cent of the total.

Commissioner GARRETSON. My question was based on the fact that surplus and dividends come from practically the same source, but called by a different name, and distributed in different forms when represented by a stock dividend.

Mr. LINCOLN. Yes, sir; certainly.

Commissioner GARRETSON. Did your company increase its stock when it purchased the Mann Boudoir Car Co.?

Mr. LINCOLN. What?

Commissioner GARRETSON. The Mann Co.

Mr. LINCOLN. No, sir. What we did in that case, years ago, we did not increase our stock; we paid that in cash.

Commissioner GARRETSON. Now, that company had no plant except its rolling stock and patents?

Mr. LINCOLN. No; some trivial things, not of any consequence. I don't know. Was that Ludlow? Did it belong to it? I think I may answer that they had no plant.

Commissioner GARRETSON. Their cars were built on contract?

Mr. LINCOLN. I suppose Barney & Smith did that.

Commissioner GARRETSON. Did you utilize them in your own business or dispose of them elsewhere?

Mr. LINCOLN. That is before my time, but I think we used them a little and destroyed them.

Commissioner GARRETSON. They were not sold abroad?

Mr. LINCOLN. No, sir; but that was before my time.

Commissioner GARRETSON. You spoke of the fact that it makes for the good relations in the property that 90 per cent of your district superintendents and their assistants come from the ranks?

Mr. LINCOLN. I think so, sir.

Commissioner GARRETSON. Is it a historical as well as an operating truth that the most merciless overseer is the one that comes out of the ranks of those he oversees?

Mr. LINCOLN. Well, sir, I have no basis on which to discuss that subject; I don't think that is correct; I don't think it is correct in our company, sir.

Commissioner GARRETSON. I am not applying it on the historical or industrial basis of your company, but applying it in general.

Mr. LINCOLN. Well, I don't think that is so. It does not strike me as being a fact in my observation, if I may say it that way.

Commissioner GARRETSON. The average I am going somewhat on.

Mr. LINCOLN. You were thinking, for instance—I beg your pardon; I am not asking questions.

Commissioner GARRETSON. Sure; ask it.

Mr. LINCOLN. On the question, for instance, of appointing officers of the Army out of the noncommissioned rank; is that your idea?

Commissioner GARRETSON. Praise be, I have had no experience in that line. I am taken from the ranks of my own craft, where railroad officers are taken from the ranks of conductors. As a rule, until they get settled—that is, until they light—we have more difficulty with that class of officials than with almost any of the others. They know too much or require too much; I don't know which.

Mr. LINCOLN. Yes, sir.

Commissioner GARRETSON. Can you readily grasp that that might be the case?

Mr. LINCOLN. I can see an individual case where that might be so.

Commissioner GARRETSON. Individual cases are what make up the whole.

Mr. LINCOLN. If there are enough of them.

Commissioner LENNON. What standard of education does the porter have to meet in order to be employed?

Mr. LINCOLN. I have never heard of it; but of course he must read and write.

Commissioner LENNON. And that you think is all? Do you require a physical examination?

Mr. LINCOLN. I don't know about that. As a fact, they are employed, Mr. Commissioner, by the district superintendents, and just how far they examine them I don't know; I can't answer that. I no doubt think he would want to see the negro that was healthy, and would not want him if he was not, and was cleanly, and could read and write, to the extent enough anyway to keep checks.

Commissioner O'CONNELL. Mr. Lincoln, this commission has been authorized by Congress to ascertain, if possible, the cause of industrial unrest. You have to do with large financial affairs and the employment of a large number of people. What, in your opinion, are the underlying causes?

Mr. LINCOLN. That, of course, is a very large question.

Commissioner O'CONNELL. Have you any special opinion?

Mr. LINCOLN. I would rather be excused from answering that.

Commissioner O'CONNELL. You recognise that there is such a thing?

Mr. LINCOLN. There is undoubtedly unrest. So far as it comes to me, it is that employees want more pay, and I don't blame them for wanting more compensation.

Commissioner O'CONNELL. Suppose that an underlying cause would be that the employers did not meet with their working people and take them into their confidence and treat with them and argue with them as to their conditions of employment and wages and hours, and so forth?

Mr. LINCOLN. I would not think that would be so.

Commissioner O'CONNELL. Do you suppose that a cause of industrial unrest, when a large employer simply sits down with a board of directors, and he sits and fixes the wages or the hours of employment, and sets the standard for working people without them having anything to say in it, that that is not what causes that unrest?

Mr. LINCOLN. I have never heard it given as one, is all I can say. I have never studied it.

Commissioner ASHTON. I believe the question was asked as to whether there was any future for the negro porter. As a matter of fact, in the Pullman service is there not a constant advancement from an extra porter to a man on a regular run, and as his age and his service increases he keeps progressing to the better runs all of the time?

Mr. LINCOLN. I suppose that is so. I was thinking that the commission had in mind outside of the rank of porters. There is no service for him, except as

a porter in the service. He gets the schedule that Mr. Hungerford gives. Of course, that brings up the question, no doubt, if the best porter gets on what they call the best run.

Commissioner AISHTON. That is where their layover is at home nights, and they are away from home a minimum time, and their compensation is greater than on some other run?

Mr. LINCOLN. There is no doubt about it.

Commissioner O'CONNELL. When we had our hearing in Chicago, I asked one of your porters that appeared before our commission, who had been in the employ of your company for many, many years, on one of the good runs from New York to Chicago, one of their best runs. I asked him if laws were enacted to make it prohibitive and illegal to accept tips, what would have been the result, and I am quite sure the reply was, "There would be no porters to take the cars out." If that law was enacted, in your opinion what would be the result?

Mr. LINCOLN. You mean, Mr. Commissioner, if an effective law was enacted?

Commissioner O'CONNELL. Yes, sir; effective interstate and otherwise?

Mr. LINCOLN. Of course, the porters would have to be paid a living wage, no doubt; there would be no two-minute ease in that.

Commissioner GARRETSON. You answered a question from the chairman, and you stated, in your opinion, there should be a certain increase in the wages of conductors?

Mr. LINCOLN. Some increase.

Commissioner GARRETSON. I used the word certain in an uncertain sense.

Mr. LINCOLN. Yes, sir.

Commissioner GARRETSON. And you failed to answer the other question that went in that, do you believe that there should be an increase in the wages of the porters, also?

Mr. LINCOLN. I think there ought to be a change in our system.

Commissioner GARRETSON. In that direction?

Mr. LINCOLN. Yes, sir.

Commissioner GARRETSON. Now, questions were asked you on the compensations to employees injured. Is it not a fact that your company takes the invariable position that your employees injured in train accidents must look to the railway company for recovery?

Mr. LINCOLN. I can not answer that question. If you will let me consult our general solicitor, I might answer it; but I can not answer it without consultation with our legal department.

Chairman WALSH. Mr. Daniels might answer it, if he wishes.

Mr. DANIELS. As a matter of fact, the liability in every case is the liability of the railroad company. They always have an action against the railroad company, and one recovered against the Reading the other day for $14,000.

Commissioner GARRETSON. And you are not assuming their liability?

Mr. DANIELS. Unfortunately, we do in some cases. We paid the Reading judgment. That voucher went out on the day I started for here.

Commissioner GARRETSON. Unfortunately for the company. I would not be uncharitable enough to say, Start again.

Commissioner WEINSTOCK. If the railway company assumes the liability, why would your company be called upon to reimburse the railroad company?

Mr. DANIELS. That is a matter that has to do with the making of our contract. When I first consulted Mr. Pullman, in 1895, about being employed with his company he said: "We are a large company, but with the railroads of the country we are the tail that the dog wags. The strong railroads require indemnities from us and others do not. The impracticability all over the country in these compensation laws is what they make us pay when of necessity the railroad has the accident that we do not produce.

Commissioner WEINSTOCK. In your judgment and opinion, would it be a good thing from the standpoint of both the company and the workers if there was a Federal compensation law along the line of the existing State laws?

Mr. DANIELS. I think both the State and Federal laws are an injustice to the Pullman Co., because they compel us to pay for what another man does; that is, the railroad company. We in some instances had to indemnify the railroad companies, and in others it does not require us to do so.

Commissioner WEINSTOCK. What would be your opinion as to the wisdom and equity of a Federal compensation law on interstate commerce?

Mr. DANIELS. That would be giving an opinion for or against the railroad companies. I say it is not just to the Pullman Co., and I don't want to speak for the railroad companies.

Commissioner WEINSTOCK. Speaking as a member of society and having the general public at heart?

Mr. DANIELS. The railroad companies would not think I was speaking that way. I don't want to offend the railroad companies with the tail that the dog wags.

Chairman WALSH. That is all, Mr. Lincoln; you may be excused permanently now.

ADDITIONAL STATEMENT OF MR. JOHN T. BOURKE.

I will state that I omitted to tell that Mr. Williams told me that the settlement of $500 had been made because that owing to their experience of a somewhat like nature the company had found that it was almost impossible to find a judge or jury who would favor the corporations. I had asked them at the time the charges were made to take it into open court, and I felt that I would then get the vindication I seek.

STATEMENT OF PULLMAN CONDUCTORS.

(Page 1.)

CHICAGO, ILL.

TO THE CHAIRMAN OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS:

DEAR SIR: In laying the following facts before you we are only making another of our many efforts to get a living wage, improve our working conditions, and get placed on a footing with our brother railroad men, where we can get fair treatment, better pay for work actually done, and relief from persecutions from petty officials.

Our scale of wages follows:

	Per month.
First 6 months	$70
Second 6 months	75
First year	80
Second to fifth year	85
Fifth to tenth year	90
Then indefinitely	95

A few runs pay $100 per month. One uniform, including cap, per year costs us $19.50. After 10 years of service one free uniform per year is furnished us. At the end of each year, if our record is perfect, we get the extra check. That means if our salary is $70, our extra check is $70; if our salary is $80, the check is $80, etc. If our record is assessed 5 days it can be erased by a 6 months' clear record; 10 days can be erased by a 9 (page 2) months' clear record; 15 days can not be worked out. So, if an employee has been penalized 15 days on the first day of the year, the most exemplary conduct and perfect service for the ensuing 12 months will fail to procure that coveted check.

A conductor is now required to take 10 days' schooling, for which he is allowed pay at the rate of $70 per month. During this period of 10 days he is taught the different forms of tickets; reports; passes; rates; heating, lighting, and ventilation of cars, of which there are from five to seven different kinds; how to "make down" beds and put them away. He is required to know the duties of the porter as well as his own. He is not taught nor shown one single thing about railroad tickets, although in 95 per cent of the runs he is required to take up railroad tickets and is held strictly responsible for them, as they are in his possession until taken up by last train conductor handling his car or returned to passenger upon reaching destination. He must see and know that every railroad ticket is properly routed over the roads his cars go, the same amount of care being exercised in taking up railroad passes. Many Pullman conductors have had the experience of picking up train conductors who were unable to properly get their portion (page 3) of the long coupon tickets, and the Pullman conductor has to go to their assistance, which he does willingly, feeling that his own company would require him to do this work which he is not supposed to do.

This company was recently called to task by the State of California for small wages paid its men in the train service, and the assertion made by one of our highest officials that we (the conductors) were classed as common laborers, is enough to make every man with a bit of pride left rise up and yell, "liar." We claim no man can intelligently perform the services required of conductors on Pullman sleeping cars without being educated in reading, writing, arithmetic, politeness, patience, diplomacy, and humility. The general patron of Pullman cars knows that the slightest complaint made to the general offices will bring a storm down on the head of the employee, not to speak of statement after statement he is compelled to write. We claim to have more complicated and a greater variety of reports than the train conductor. We have more complaints to adjust, which require politeness, patience, and diplomacy than the train conductor, and which no common laborer who is versatile enough to succeed as truck driver or street cleaner could accomplish. And woe to the conductor who is unable to pacify the passenger who has been peeved by a mistake made in selling him his ticket, defective car heating, faulty ventilation, etc. Every conductor has had the experience of (page 4) dealing with one passenger who complains of the heat and one who complains of the cold on the same car. Could the truck driver, the street cleaner, or even the man of good average intelligence, but inexperienced in handling all classes of travelers, pacify these peevish dispositions, have them in a sweet humor before alighting from car, and ready and willing to swear that the Pullman Co. is so absolutely perfect to the smallest of details that they must tell all their friends?

We have "better service," "better service" poured into us by the broadside in meetings, circular letters, order books. We all make a tremendous effort to keep down complaints by giving this better service. We are told it is our duty to make this method of travel popular, pleasant, and, last but not least, profitable to our employers. We are paid $70 and $80 for this service. We pay $19.50 for a uniform that must come from the Marshall Field Co., and which must be kept clean, pressed, and repaired, adding considerable to the above figure. We must pay, while away from our home district for meals on high-priced diners and equally high-priced railroad eating houses, the prices they ask. We generally find, if we satisfy a healthy appetite, we are indebted to the railroad company 50 cents, 75 cents, and $1. We must pay 75 cents and $1 for hotel accommodations, where a bed in a car is not available and (page 5) where company has no sleeping quarters. We are away from home a week, two weeks, or a month, and no small item is the laundry bill. Add to this the dependent family, or mother, father, or sister back home. We are receiving $70 and $80 per month from one of the richest corporations in the world and giving value received in intelligent, painstaking service. At the above salary we are able to live. Nothing more can be said. The strictest economy fails to leave us anything for the inevitable rainy day. Half of our salary to enable us to work and half to pay expenses back home. This conductor is the employee looked to to smooth the rough edges, to make it so pleasant and agreeable they will make their next trip on a Pullman car. It is a common laborer's wage but not his work.

Another illustration: The conductor on a run of from three to five days and nights of continuous service will average three to five hours' sleep each night. While awake, whether tired or sleepy, he must maintain that cheerful, smiling countenance at all times. While asleep he is held just as responsible for anything that may happen as if he were awake. This is certainly a great strain and wearing on the physical make-up of a man. Seventy, seventy-five, and eighty dollars per month is the compensation for being able to handle three to eight cars of this company on a three to five day and night trip. Naturally a man (page 6) being awake so many hours out of each 24 and having to travel the entire length of from three to eight long Pullman cars a great many times, has no trouble in carrying a healthy appetite. On a $70 to $80 salary how much do you suppose he can humor this appetite in high-priced diners and station lunch rooms? The prices mentioned, viz, 50 cents, 75 cents, and $1, representing amounts we pay for our meals en route, are characterised "rates"; that is, we are paying a little less than the passenger. We are, many times, forced to pay the full rate and then the conductor, this "perfectly satisfied" employee of a most generous corporation, feels that a small period of fasting and extremely light lunch will restore his overworked stomach to normal.

Our company requires each conductor to furnish a bond of $400 which they, the company, pay for themselves. Sleeping-car porters are not bonded, yet they are put in entire charge of cars from starting point to end of run, and

to-day some of the most desirable runs north of the Mason and Dixon line are operated by porters. The porter running in charge of a sleeping car receives $42.50 per month, and when he is on a car handled regularly by a Pullman conductor he receives $27.50 per month. At the periodical meetings held wherein porters and conductors are lectured on "better service" and generally (page 7) presided over by district superintendents and higher officials, the porters are continually reminded that their nickels, dimes, and quarters received as tips from passengers depend on themselves. They are urged to greater activity to procure more and larger tips. Why? To keep down dissatisfaction on their part, and the public is asked to pay this additional toll. The company won't pay it. The public must. Without the public's assistance the porter could not exist. No passenger may expect, after buying a ticket for a Pullman car, to get much service from a porter on his second trip if he fails to bestow the tip on the first trip.

Your railroad tickets are in possession of these irresponsible, unbonded porters, whose only obligation to the company is to be careful enough to hold their jobs, whose only incentive to honesty is the fear of being discharged, as he knows that is the extreme punishment he can receive. This porter "running in charge" is in complete charge and authority on this car—is up and awake all night back and forth through this car where your mother, wife, or sister is alone occupying a berth. Let me repeat that the worst punishment meted out to him—and he knows it only too well—for an offense against the passengers or dishonest act is dismissal, and to judge from the expressions of many of them, it is to be expected and has been expected—they feel they have not lost much, as most any kind of work will pay a (page 8) better salary than this, where they are forced to pay for any and all losses that occur from equipment of cars. I would ask the Pullman traveler how many cases of return of articles lost on Pullman sleeping cars he has heard of? If one could afford the experiment, let him leave an article of value about the car—an article without marks of identification. He might recover possession of it and he might not. Suppose you were the loser, and knowing the working conditions of the employees on this car, would you not feel that the policy of this company in making this porter exert himself to the utmost to earn him enough to give him enough to live on places him in a position where he is not to blame? I doubt if the matter has ever been placed before the public in this light before, but wish to assure you these are the bare facts. One of the authors of this note was for a number of years in a position in one of our largest districts where he had occasion to handle considerable correspondence relative to losses on cars, and we speak from knowledge when we say the recovery of valuable articles is far outnumbered by their nonrecovery. It is hard to make a comparison between the two following thoughts, but they come to mind: We read so much about the small salaries paid bank employees who handle large sums of money—the argument in favor of better pay being that with a satisfactory salary he will not yield to temptation. Human nature is the same the world over. Here is (page 9) the irresponsible, unbonded porter—salary $27.50 and $42.50 per month—amounts often being deducted for losses—in entire charge of a car where passengers are soundly sleeping—baggage, jewelry, money running into the thousands, in their charge. Nothing between him and sleeping passengers but two curtains buttoned together. During the long hours of the night no one enters this car except an occasional brakeman. Train conductor, having secured his portion of the railroad tickets from porter, returns them to him and never sees the inside of car on this trip unless called in. Lights are extinguished in body for better sleeping comfort of passengers, making it nearly dark. Here you have the situation. Does it suggest anything? Because of the company's attitude on this question, the porter feels at liberty to go to extremes to procure this levy the Pullman Co. requires of their passengers in order to take a trip on their cars in comfort. It is a common practice among porters to acquaint each other regarding a passenger's disposition to "come across," so the regular patrons of our cars may rest assured the service rendered him before he tips is commensurate with his record as a tipper. To get just the ordinary service rightfully due him when he purchased a Pullman ticket, he must pay extra. Any porter can tell you of experiences in handling different classes of travel. For instance, theatrical troupes, (page 10) baseball clubs, etc., are bad tippers, and a porter having a number of days continuous service with this class of travel is generally down to one meal a day and a cheap one at that. Their salary is too small to last from one pay day to the next, so where there are no tips there are no "pork chops." one pay day to the next, so where there are no tips there are no "pork chops."

On the other hand, porters on lines well patronized by traveling salesmen have been known to make $100 per month or more. We do not wish to convey the impressions that all Pullman porters are dishonest, although we heard one of the company's officials say: "The Pullman Co. has a system which is making more dishonest men than anything I know of." We believe many are able to withstand the miserable salary, bad treatment, etc., and still remain honest. But suppose he is still smarting under a recent 5, 10, 15 day penalization for some insignificant matter, or has been made to pay for losses on his car, and he finds himself with barely enough to purchase another day's meals. The opportunity presents itself. He accepts it. His strong denials are of no avail. He does not worry. It is merely a matter of another job. The bundle of correspondence between this employee, his superintendent, the suspicious loser, and the general offices grows and grows. Everybody who in any way could possibly be connected with this loss is given a chance to explain, but all to no purpose. Our company (page 11) intimates some place in this big bundle of correspondence to the passenger, that some fellow passenger is the culpable party. But that porter is looking for another job. You may have your suspicions, but you nor anyone else can prove them. It is a closed incident with this company, and it may as well be with you.

While on this subject of tipping, let me mention another incident of how the salary paid us is responsible for the conductor making a play for a tip. In mentioning this instance I believe I am safe in saying 98 per cent of the conductors could plead guilty if accused of it. We will suppose the conductor is in charge of three cars running between two important points. Travel is always heavy. The first comer gets choice lower birth in center of car. Within 10 minutes of leaving time, four men, arriving late, are informed by ticket agent, "No lowers left, plenty of uppers." Each buys ticket for upper. They enter car at different periods, and as each one hands Pullman conductor his ticket tells him he wants a lower if some one fails to show up. Conductor promises to remember each request. Now, to be absolutely fair, passenger first requesting a lower should be given preference if there is one to be had. We will now suppose that the fourth and last man to make the request for a lower berth quietly slips a coin into the conductor's palm, after this passenger No. 4 discovers there (page 12) is one lower berth and three candidates for it besides himself. It is so easy that it is laughable to say to and convince the other three that the fourth man gets the lower because he was first to make the request. Our company can not truthfully deny this happens continually. Many traveling men can vouch for its truth. It happens in cars in charge of conductors or porters. As an example of how this company acts when such things are made public, let us relate how the passenger buys a Pullman ticket for upper at ticket office after being informed by the ticket agent, "All lowers gone." Upon departure of train he finds that passenger for one lower fails to put in an appearance, so he purchases same from Pullman conductor. In addition to paying the difference of 20 per cent he tips Pullman conductor 50 cents. He later took the matter up with some railroad commission who got into communication with the Pullman Co. Here is the result. This Pullman conductor was forced to take a 30-day leave of absence and later discharged. Can't we get relief from these conditions? It is necessary to resort to every scheme outside of deliberate stealing to make ends meet. If we were paid sufficient wages, don't you believe we would think too much of the position, have more respect for ourselves and employers, make greater, more free-hearted, impartial efforts to please the traveling public than to do anything of this (page 13) nature?

Another feature of this service and one that any fair-minded man will admit is a monstrous piece of injustice is the work we do for which we receive no pay. For instance, a conductor is notified during the day he is to take charge of cars leaving at 2, 3, or 4 o'clock the next morning. He knows he must be on hand to commence receiving passengers generally at 9 p. m. and stay at his post until departure of train at 2, 3, or 4 next a. m., making five, six, or seven hours duty on the platform before his trip commences. In making out his time slip it will read, 2, 3, or 4 o'clock, as the case may be, which signifies to the company that he commenced work at this time. No mention is made on any records that he put in these five, six, or seven hours. We understand that our day commences at midnight, so we are supposedly paid from midnight on, but not a cent do we get for the time spent on the platform previous to 12 o'clock, and we have all had the experience of receiving passengers several hours in cold, raw, rainy, and snowy weather. We will suppose the railroad schedule gives his cars as due to arrive at their destination at 2 p. m.,

that same day, but are five hours late, arriving at 7 p. m. His time slip will read arriving 2 p. m., although he is required to make all his reports read exact time of arrival, together with reasons for late arrival. As he will not be allowed any time for these (page 14) extra five hours, it is of no consequence to him or the company whether his time slip reads arriving at 2 or 7 p. m. Can you imagine any railroad man in this country contributing five hours of his labor and time to his company without receiving pay for them? I could tell you of an instance where, a short time ago, one of our men was ordered to take charge of a car that made the round trip—getting him back to his home district in five hours—for which he received nothing. He was informed it would be useless to issue a time slip covering this period as the company would refuse to honor it.

Here is still another illustration of the greediness of our company: We have been assured time and time again that we are paid for time away from our home district, whether we worked or not. Now suppose the conductor is assigned to a car or cars due to leave his station at 1 p. m.—one hour after noon, January 1. He reaches his destination at 9 p. m. the same night. He is reassigned to cars that will bring him back to his district at 9 a. m., January 2. As our time is computed from midnight on, he receives pay from midnight. He would get no more if it took him until 12 o'clock to get back home. For the time he has put in from 1 p. m. until midnight, January 1, he receives nothing, notwithstanding the fact that he has purchased something to eat two or three times. Might not one appropriately say we have to pay to work for the Pullman Co.?

Again, suppose (page 15) conductor is in St. Paul, Minn., and his home district is St. Louis. He starts from St. Paul at 8 p. m. on car destined Chicago, at which place he arrives at 11 a. m. next day. Fifteen hours on the road. Surely a day's work. If he would go no farther than Chicago he would be entitled to one day's pay for 15 hours' work, but as he must get to his own district, which is St. Louis, he is put in charge of car going to this point and we will say arriving there 9 p. m. By getting in before midnight he gets nothing for this extra six or eight hours' work. Is this kind of treatment calculated to bring out that honest, sincere effort; that fair, impartial treatment of passengers?

Make the acquaintance of any Pullman conductor, and after he is convinced you are not a spotter or special agent of the company he will shortly convince you that conditions are at times almost unbearable; of the many unfair tactics of petty officials; of the man with the pull getting the cream; of the rough, abusive, and, many times, profane language he is forced to endure; and if he hasn't had the experience himself, he knows of or has heard of the many conductors who have been abused and ordered from the office when only in quest of information on something they do not understand. If you remind him of what a huge piece of beneficence that extra check is he will agree with all of his brother conductors in saying the men that get that check certainly earn it, and also (page 18) tell you of how during the last two or three months of the year the company saves thousands of dollars by greatly increasing the number of spotters, who well repay the company by turning in reports and complaints on the men sufficient to get them a five days' penalization, which kills all chances of getting the check, as five days can not be erased from his record short of six months' perfect record. He will tell you of service inspectors hiding behind posts or corners watching him while he receives passengers, or boarding rear of last car and come sneaking up through train, and if he finds a cigar or cigarette stub in a cuspidor or a ventilator not opened or not closed or a used towel not put away, or dust on the platform or window sill or passageway, or berth curtain not properly hooked, or his uniform soiled, not brushed, or not pressed, or his cap shiny around edges, or if temperature in car is cool enough for comfort of passengers asleep and conductor is on watch until 8 a. m., and if caught using a blanket while sitting up in seat to keep warm, etc., he is promptly hewed out, whether passengers are present or not; and, not content with this, a full written report goes to the chief service inspector, who promptly hands you the inevitable 5, 10, or 15 days. You ask if he likes his work, and he will invariably tell you he does; but if he has thought the matter over he will tell you the job has no future. After 10 years' (page 17) service he is drawing $95 per month. He will continue to draw that amount after 20, 30, and 35 years' service. The only promotion he can look forward to is to some time "bump" some conductor off a run that is easier than his. He will tell you that the position he holds is not the attractive job it is generally supposed to be. In addition to

having to endure the bulldosing and abuse of his own company officials, he dare not defend himself against the same treatment of railroad employees, as he knows and has seen it demonstrated times without number his own company will not accord him their support. He will tell you he is the buffer knocked back and forth between the traveling public, the train crews, the railroad officials, and his own company.

Our high official spoke only too true when he said we were classified as common laborers. He spoke literally. We are both classed and treated as such. There is a long record of minor abuses, insults, broken promises, etc., that no body of organised men would endure, because they don't have to. These more fortunate men can remember when they had the same things to contend with; but now, standing shoulder to shoulder, they represent the highest class of men on the face of the earth belonging to the laboring class as regards intelligence, sincere efforts, and honesty of purpose. Our many efforts to get together for the purpose of asking an improvement and relief from present conditions, and having (page 18) met defeat each and every time in some mysterious way—no one seems to know how it is accomplished—gives ample ground for believing report that our company has an immense reserve fund set aside for the purpose of fighting any and all attempts on our part to improve our conditions or even to get a hearing. We read almost daily of legislation against corporations, or combinations run in restraint of trade, for the sole purpose of improving the condition of the laboring man, etc.; but who has heard of any attempt to investigate the working conditions and wages paid by this mammoth corporation, which pays an average salary of about equal to that of the lowest branch of the railroad service. We occasionally read in daily papers a short 15 or 20 line account regarding this company which can be classed as a criticism. The interested reader need not look on another page nor invest in any future editions of this same paper expecting to get more information, because this one little gasp is the last. This publication evidently can not find the smallest reason for offering further criticism, which gives rise to another suspicion, viz., that there is much truth in the reports often whispered among the employees that our wide awake company has an extremely capable man overlooking everything of an interesting nature at our Nation's Capital City—has an extremely capable man in Chicago whose (page 19) sole duty is to see that no newspaper gets any other idea than that the service rendered by this company, the example it sets to other organizations, is above par. That famous and patriotic exclamation, "Millions for defense, but not one cent for tribute!" comes to mind with but a slight variation. We can suggest to our worthy company, as their motto, its adoption with the following reconstruction: "Millions for suppression, but not one cent to improve our employees' welfare!"

Now, for an absolutely true incident that will convince the most skeptical, narrow-minded, "company's man" of the truth of these statements. During the winter of 1913 and 1914 one of the conductors, bound for Chicago from a western district, became so ill that he was unable to attend to his duties into Chicago, having to give up and lie down before finishing his run. Upon arrival at Chicago he was immediately taken to the conductors' quarters, a place capable of housing from 20 to 25 men, and maintained by the company, free of charge, for the conductors. Between one and two weeks this sick man was sheltered in this same house and same room with his brother conductors before it was discovered he had smallpox. He arose the morning of the last day he was there so deathly sick that a physician was at once summoned. He had been spotted for over a week but on this morning in question, large red, sore-looking bumps broke out over his face (page 20), back of his ears, and hands. He was hurriedly taken to the posthouse, our company and city physicians and company officials notified, from 8 to 12 conductors who were in the house over night vaccinated, everybody instructed to report for work as usual, and that same afternoon and night every one of those conductors who were exposed to this terrible malady went out on their runs as if nothing had happened. The conductors who had been coming and going all the time this contagious disease was in the house were rounded up when they would happen to reach Chicago and vaccinated. A 3-inch item in a secluded portion of one of the daily papers told of the patient being removed to the posthouse. This closed the incident. Our wide-awake specialty man, he of the chair of suppression, had the chance of a lifetime to display his power and influence, and no one can dispute the fact that he made an artistic success of it. Were it not so much a question with us of right and wrong treatment, abuses, their suppressing, grinding down tactics, we, their humble employees, who so many times have to pay for the

privilege of working for this despotic organization, would feel like rising up and proclaiming our deep and lasting admiration for this wonderful brainy system that bends publications, railroad commissioners, lawmakers, and State officials to their will, an influence reaching from coast to coast, from Canada to the Gulf. (Page 21.) What wonderful brains must be behind this company, which is richer than the most prosperous railroad system or group of railroads. No competition. No opposition. Their perfect system of suppressing the newspapers, their immense fighting reserve fund, a powerful influence which can be made felt from the lowest to the highest in authority. No curbing tactics attempted from laws, lawyers, or commissions. On the other hand there is continual legislation against any company organization after their first suspicious move. Only recently a Chicago paper in an interview with their mayor published his suggestions for an increase in pay for the street railway employees. With their every night and an average of two meals at home each day they are drawing a better salary than the Pullman conductors. Nevertheless Mayor Harrison says, "Street car men are notoriously underpaid. The suggestion has been made that the city could well afford to set aside a certain percentage of its receipts from the surface lines, blood money which is first of all extracted from the public by means of inferior service and secondly from the traction employees who work an excessive number of hours for an insufficient hourly wage." This is only another of the many thousand efforts being made to help the victim of a big corporation.

These written pages are not the expressions of one (page 22) dissatisfied employee. Could you listen to a discussion of any length by two or more conductors, you will find this subject invariably turns to wages, conditions, treatment, etc., and if you get an expression from every conductor in this group or any other group in any district of this company you will not fail to detect the discouraged, dissatisfied tone and general air of dejection, and if you catch his words you will no longer be in doubt as to the extreme bitterness of feeling toward his company.

Another great cause for dissatisfaction is the way this extra or bonus check is handled. We are promised this extra money at end of year in return for perfect records. To illustrate a point in mind we will take two conductors of 12 years' service—$95 per month. Both have regular runs. One conductor has an easy one-car run which takes him one night to make trip and one night to return. He never makes a mistake in his reports because there is nothing complicated to handle. He is an easy-going fellow; never exerts himself, because he doesn't have to. His highest ambition is to "get by" without trouble, without extra work, and, everything being so perfectly easy, he never fails to get the bonus. Conductor No. 2 handles four and five cars, is two days and two nights on road, has complicated rates to look up, heavy travel, compelled to work fast, supervises service on four or five cars, and (page 23) at end of year has 12 mistakes recorded against him—1 per month. Conductor No. 2 is hard working, ambitious, anxious to please, etc., and has been mentioned in a highly complimentary way by passengers a number of times. These letters of commendation always find their way into the hands of the chief service inspector, and we are told our record is decorated with "credits" as a result. Now, conductors Nos. 1 and 2 are absolutely honest. We will suppose that their reputation for honesty is so well established that their worst enemy would not accuse them of taking anything that did not belong to them. The end of the year finds conductor No. 2 without his bonus. His honesty, his extra efforts to please patrons of his cars, his "credits," go for naught. Conductor No. 1 has received his bonus. He did not make any mistake on his reports, did not receive a single credit, but is $95 richer than his honest, harder working, unfortunate brother conductor. Truly a great system! What wonderful inducements to remain honest, to exert yourself to do more than is required by the book of rules. We can mention two different cases where conductors situated as conductor No. 2—on runs requiring hard work, the highest class of service—fail to receive this bonus because of mistakes in their reports. One of these conductors had been on this run for several years. It was considered a very difficult run to handle. (Page 24) His honesty was unquestioned. He failed to receive the bonus check on account of a number of incidentals. According to his own words, he lost faith in the company, in his employers, lost interest in his work, and brooded over the injustice of the act until he decided to get that money, regardless of the consequences. Of course, he was detected, and when brought before the officials had the courage to admit it, and gave them as his reason that he felt he was unjustly dealt with and determined to get what he

felt was rightfully his. He was told to go back to work and redeem himself. By sending him back to work the company virtually admitted the conductor was right. Isn't there some way to prevent a corporation employing thousands and thousands from continually holding before their employees' eyes an extra whole month's salary, reminding them week after week and month after month that it is within reach, causing them to look forward and plan and strain every nerve and then at the last moment, without previous notice, inform you, "You will not participate on account of such and such an incident happening on such and such a date." When a man builds hopes for one whole year on a certain pleasant event taking place, feeling confident and sure of himself, and then, without warning, have his hopes shattered, he feels like leaving behind all the good there is in him. We (page 25) claim this company's method of handling this bonus check is making more dishonest employees, causing more dissatisfaction, on top of the many other complaints we have, and adding to the intense feeling burning in the breasts of so many employees, and would ask its discontinuance. We don't want it. Give us a straight salary. We want to know what we are earning. We don't want anything pertaining to money we rightfully earn and deserve left to the warped judgment of a few officials who never leave their office and depend on reports from those hired character assassins—the service inspector and spotter, whose popular pastime during the last two or three months of the year is to manufacture something against an employee's record and save for his company the amount equal to one month's salary.

To explain the meaning of the phrase, "suppressing, grinding-down tactics" of this company, will invite you to make a close study of our four, five, and six stripe men—20, 25, and 30 years of service. Converse with them, question them, watch them closely—you will get no information because they are suspicious of every stranger. That suspicious glance to the right or left—that look of half fear, of abject humility; that lack of spirit, a senile, empty expression of countenance, and before you are through he has excused himself and gone. His many years' service with the company have taught him to be very (page 26) careful and not impart to the public any information of a private nature, any complaint as to conditions he is working under, because the listener might be a paid spy of the Pullman Co. He knows it means instant dismissal for an employee to express his honest sentiments, to complain of unbearable conditions. In this type of human being you have the company's ideal employee. They have made more molly-coddles by robbing them of their spirit and independence and manhood, by their systematic spy system, by the green-carpet interviews where he is backed up against the wall and bulldozed, threatened, reduced to extra list, or put on station duty at half pay until he reaches the stage where he is so broken in spirit that no "third degree" would have any terrors for him. Is this "ideal employee," this relic, this remnant of a man, going to complain, say a word other than that which he knows the company would want him to say, or make the slightest effort to rise above this state of slavery where he is only able to exist? Hardly. At the age of 50, 60, or 70 he knows nothing but blind obedience to every unreasonable demand, to jump in fear at the command of some subordinate—nothing but blind obedience to his czar. He is now thoroughly tamed. He hangs on long after his vigor, mental activity, and usefulness are gone. He is kept in the service in preference to a young, bright man (page 27) with pleasant countenance and smile because it is not always easy to break and mold some dispositions as the Pullman Co. has learned, so the taming and breaking-in process is postponed as long as possible. We do not wish to convey the impression that this class of employees is satisfied with the present conditions, but do claim that their 20, 25, and 30 years' training has reduced them to fear and trembling in the presence of an official, and realizing they are unfit for other labor, they, like the dumb animal which has been beaten into submission, have simply lain down and given up. Too many instances are on record in the past of these same fear-breeding, spirit-robbing tactics by unscrupulous organizations, those methods and acts of his employers that keeps a continual fear in his breast, of something, he knows not what, going to happen. Strong, indeed, is the human who is able to emerge from a lifetime of such service and retain his self-respect or manhood.

We firmly believe we do not exaggerate in the slightest when we say that 98 per cent of employers, from the smallest to the greatest corporation, have greatly improved the conditions of their employees within the last 20 years. The Pullman Co. has made no progress in this respect.

(Page 28) The authors of this note have seen many years' service with this company and will give them credit for making a number of changes, apparently to benefit the employees, but without any additional cost to themselves.

In closing this epistle we ask that you overlook the harsh, sarcastic statements. Our constant effort is to be amiable, cheerful, and with a welcome for every one, because we realize fully people do not have to ride in sleeping cars, but sometimes it gives us the feeling that something is going to crack when we smile and at the same time feel ready to burst. I am almost compelled to say the most hypocritical smile in evidence to-day is worn by the Pullman conductor.

We ask for relief from our present conditions. We make this appeal with feelings of respect for law and order, at the same time as intense and earnest as ever tore the breast of the most radical. A chance to explain, which is ever denied us—arbitration, adjustment, anything that will put us on an equal footing with men who are not our superiors in any respect.

We ask of you—investigate!

One thought has been uppermost in writing this note—to avoid exaggeration. Investigation will verify every statement herein made and will undoubtedly bring to light many more that (page 29) will cause reformers to sit up and take notice. It will reveal the strangle hold this company has on every one from its lowest employee to the highest Government official.

The writers of this note do not care to jeopardize their present positions by adding any signatures, and we believe you will agree with us after reading the foregoing.

PULLMAN CONDUCTORS.

REPLY OF MR. HUNGERFORD TO COMPLAINTS OF PULLMAN CONDUCTORS.

To the Honorable United States Commission on Industrial Relations:

On April 7, 1915, your chairman announced that a communication had been made to the commission by certain conductors, of which a copy would be furnished the Pullman Co., so that it might check up the items and furnish a witness competent to testify regarding such, if any, of them as might be disputed. On April 8 the copy was furnished by your secretary.

It is largely composed of statements in the nature of argument, or of contentions, rather than of statements of fact for a witness. Most of its statements of fact have been covered by my testimony heretofore given. Of those which I may not have covered fully in my testimony already in, I desire to speak.

Referring to the pages of the copy furnished:

Page 1. Attention is called to my testimony that two free uniforms per year are furnished, instead of one as stated in the communication. Two free caps are also furnished.

Page 2. Statement that conductor is required to take up railroad tickets in 95 per cent of the runs and is held responsible, etc., is not true. Facts are as follows: On approximately 10 per cent of the railroads operating Pullman cars, Pullman employees handle railroad tickets, although in a majority of those cases they are handled only at night and train conductor or train auditor handles them during the day. On approximately 90 per cent of the railroads the train conductors or train auditors handle the tickets, with the exception that on cars leaving late at night Pullman employees lift transportation from passengers, but it is turned over to train conductor when he takes charge of the train. It is usual on most railroads where passengers board the train en route at a late hour, for Pullman employees to lift their railroad tickets when checking them to berths, which, however, are turned over to train conductor shortly after, this being done in order not to delay passengers who may desire to retire immediately. Pullman employees are not responsible for railroad tickets handled by them for the railroad company, nor is the Pullman Co. In answer to a question of Commissioner Garretson, Witness Bell said, in substance, that Pullman conductors were penalized or given suspensions for mistakes in handling railroad tickets. This is not true.

As to seeing that railroad tickets are properly routed, the fact is that people selling Pullman tickets are required to see that these Pullman tickets correspond with the railroad tickets, and conductor selling Pullman space en route is expected to see that it corresponds with railroad ticket. See page 30, printed book of instructions, heretofore handed commission.

At end of page 2 and top of page 3, about Pullman conductors assisting train conductors: Not true so far as any requirement of the Pullman Co. is concerned.

Page 3. Statement as to testimony in California that conductors were classed as "common laborers" is untrue. It is understood that the commission has a copy of this testimony, to which reference is respectfully made.

Page 4. Uniform, expenses on road, etc., I think fully covered by my previous testimony.

Page 7. About porters being urged to greater activity to procure more and larger tips. Not true. There is not so much as an intimation about tips.

Page 8. About porters being compelled to pay for losses. They are not required to pay for lost equipment. Linen losses have been fully explained in my testimony. Treatment of passenger losses or articles left in cars, I have already testified about.

Page 10. Further statement with respect to an employee smarting under a recent 5, 10, or 15 day penalization for some insignificant matter or made to pay for losses on his car. The employees are not penalized for insignificant matters, and when the record of an employee is assessed with a penalty it is for some infraction of the rules for which a penalty is properly imposed as a matter of necessary discipline for the good of the service and the ultimate good of the employee himself, who, by this method, does not get what might in some cases be the extreme penalty of a discharge, but instead retains his employment whenever it is thought that justice to the traveling public warrants giving him a further chance. Employees are not called upon to pay or to make good the losses sustained or claimed to have been sustained by passengers. It is stated that strong denials of employees are of no avail. Any employee of this company can get a hearing upon any complaint made against him, or anything for which he is penalized, and often their denials do avail to relieve them.

Page 11. A statement which I believe does the conductors a great injustice. It states that 98 per cent of the conductors could plead guilty if accused of favoring a passenger who gives them a gratuity over another passenger who has spoken for a lower berth ahead of the one giving the gratuity. Our investigations lead to the belief that such things are not at all common in our service, but we have had some complaints of this nature made to the Interstate Commerce Commission, which have received thorough investigation, and in most instances it has been found that the lower berths given to passengers, after a statement has been made that there were no lower berths, grow out of uncalled-for reservations either at the terminal or at intermediate stations. In the whole service of the company within my recollection there has never been but one man discharged for this cause, and that after repeated offenses and strong complaints by passengers. Other complaints have been investigated and found untrue, and the conductors exonerated.

Page 13. The statement that conductors put in time and service for which they are not paid is not true. A man going on duty at 9 p. m. to receive passengers for a run starting after midnight is not paid on the basis of his time slip showing departure at 2 or 3 or 4 o'clock the following morning. The time slip conforms to the car movement, but the man receives a full day's pay for his night's work.

Page 14. In the instance spoken of, where a man made a round trip, getting him back to his home district in 5 hours, for which he received nothing; under the rules the man would be entitled to pay for that service, and if not paid in the instance recited it was a mistake which should have been corrected.

Pages 14 and 15. The supposed case of a conductor leaving St. Paul for Chicago, and then soon after arrival at Chicago, being sent out to St. Louis is probably an imaginary case which could hardly happen. The St. Louis district men performing service between St. Paul and Chicago would probably be sent to St. Louis on the night of the day on which he arrived in Chicago, reaching St. Louis the following morning, receiving two days' pay for the trip from St. Paul to St. Louis instead of one, as stated on page 15. I don't believe such a thing ever happened, and if it did, I should be glad to know it, and the date, so that if it was wrong it could be corrected.

Page 16. With respect to conductors using blankets for warmth at night when sitting up on watch; they should not be penalized or reprimanded for this, and I don't think they are.

Pages 18, 19, and 21. The Pullman Co. purchasing newspaper service. There is no truth whatever in this statement. The newspapers have frequently and

freely had articles with respect to the Pullman Co. that they certainly would not have had if influenced by that company, and during my entire connection with the company I have never known of a man being employed to procure favorable notices from newspapers or suppression of unfavorable things, nor anything in the nature of a press agent or press bureau. An examination of the newspapers during the nearly 30 years of my connection with the company will demonstrate that they have been free from influence of the Pullman Co.

Pages 19 and 20. Smallpox incident. There was such a case. It was handled by the health officers of the city of Chicago with Dr. Crowder, our superintendent of sanitation, cooperating under their direction and in accordance with the most modern methods. The patient quickly recovered. No other person contracted the disease, and until this communication no complaint from anyone was ever known. Statement of Dr. Crowder submitted.

That there was no article with display headlines about this in the newspapers is not unusual, and I think it is not at all usual for such things to be prominent in the newspapers locally in any town or city.

Page 22. With respect to the difference between the reports of the conductors—one handling one car, and another a number of cars, and the bearing that the errors made has upon the bonus check: Each case with respect to such errors is taken up upon its merits, and if by reason of heavy work the error is a natural one, it is not usual to penalise the conductor. He might, at most, be cautioned to exercise greater care.

It was understood from the chairman that the communication was signed by a number of persons who, upon checking their names, were ascertained to be in the service of the Pullman Co. The language of the last sentence of the communication, according to the copy furnished, recites that it is not signed at all. I would like to suggest to the commission that if any names were furnished the commission of persons purporting to present this communication, from which any check could be made with respect to whether they were or were not in the service, the commission may have been misled in that matter, and that the communication was not in fact presented by persons in the service of the company. It is not believed by me that many, if any, of the conductors in service would in fact agree with the statements of the communication. This is plainly indicated to my satisfaction by the fact that since the reports of statements made here before the commission by former employees have been published in the newspapers our conductors are coming voluntarily to our district superintendents and saying that they do not agree with the statements of the former employees and repudiating and protesting against such statements.

Respectfully submitted.

L. S. HUNGERFORD.

APRIL 15, 1915.

MEMORANDUM TO MR. HUNGERFORD.

Subject: Illness of Conductor H. J. Fallon.

Conductor H. J. Fallon arrived in Chicago on the Burlington train No. 6, February 6, 1914. He was feeling unwell, and went immediately to the conductors' house at No. 3138 Lake Park Avenue. He was still feeling unwell the next day, and sent his reports to the district office without going in person. That day he called on Dr. Arthur W. K. Downes, at Thirty-first Street and Cottage Grove Avenue who continued to take care of him up to February 11 without recognizing the nature of his disease. Dr. Downes was communicated with over the telephone by Mr. Giltzow on February 10 and said that Conductor Fallon was afflicted with a bad case of la grippe. On the morning of February 11 Conductor Fallon's skin showed a rash, and this was recognized by Dr. Downes as smallpox. He immediately notified our district office and the city board of health, and arranged to have the board of health take charge of the case. I was notified of the situation by Mr. Patterson, and immediately went to the house, where I met a representative of the health department. While I was there Conductor Fallon was removed in an ambulance, sent by the health department, to the isolation hospital.

After the nature of the case was recognized no one was allowed to leave the house until the health department representative and myself had seen them. Everyone who was there on the morning of February 11 was vaccinated, regardless of how recently this had been previously done, and was then allowed to go

on about his duties with the instruction that he should immediately report any illness, however trifling, that might occur within the next two weeks. I believe it was entirely proper, in view of the precaution of immediate revaccination, that these men should take up their runs and continue in service, rather than that they should be held in quarantine until after the period of incubation of smallpox had passed. This procedure is in line with the general practice of most public-health authorities, only those persons being held in quarantine who refuse vaccination.

From the house register was taken a list of the names of those conductors who had been there while Conductor Fallon was ill, namely, between the evening of February 6 and the morning of February 11. Such of these men as were not still in the house were located at the earliest possible moment and were called to my office for vaccination, or in case they had gone out of reach of my office, they were asked to report to our local physicians for revaccination, and these precautions were fully complied with.

The porters and conductors who had taken charge of the cars in the train on which Conductor Fallon arrived in Chicago on February 6 were also located and were immediately called in for revaccination. Similar action was taken with the porters who arrived in Chicago with Conductor Fallon on February 6.

The house at 3138 Lake Park Avenue was vacated and given into the charge of the Chicago Health Department, under whose direction fumigation was carried out, and, after a proper interval, the house reoccupied.

The health department was also notified of the cars on which Conductor Fallon had last operated, and sent a representative to the Burlington yards, where these cars were then located; under his direction these cars were fumigated and released.

I believe that every possible precaution was taken in the handling of this case. Inasmuch as the health department of the city of Chicago was fully informed and was in immediate control so soon as the diagnosis was made, it appears that there could have been no attempt at concealment of the facts or deception as to the conditions. No subsequent cases of smallpox developed as the result of exposure of other persons to Conductor Fallon, or to the house and cars which he occupied, and no cases of smallpox have since been in the house at 3138 Lake Park Avenue.

T. R. Crowder,
Superintendent of Sanitation.

EXHIBITS.

HUNGERFORD EXHIBIT NO. 1.

RATE OF PAY OF CONDUCTORS IN SERVICE APRIL 1, 1915.

29 at	$70
121 at	75
181 at	80
780 at	85
565 at	90
610 at	95
118 at	100
2,404 (total)	

CHICAGO, *April 15, 1915.*

HUNGERFORD EXHIBIT NO. 2.

CONDUCTOR "A."

Below are a few runs that show the mileage Pullman conductors have to make:

PER MONTH.

Denver & Rio Grande Railroad:
Denver to Ogden, 9,514½ miles—

Leave Denver	9.00 a. m.
Arrive Ogden	4.00 p. m.
Leave Ogden	1.15 p. m.
Arrive Denver	6.20 p. m.

Lay-over at Ogden, 20 hours 35 minutes.
Lay-over at Denver, 38 hours 40 minutes.

Southern Pacific Railroad:
Los Angeles to San Francisco, 9,730½ miles—

Leave Los Angeles	8.00 p. m.
Arrive San Francisco	9.45 a. m.
Leave San Francisco	8.00 p. m.
Arrive Los Angeles	9.45 a. m.

Lay-over at San Francisco, 10 hours 15 minutes.
Lay-over at Los Angeles, 34 hours 15 minutes.

San Pedro, Los Angeles & Salt Lake Railroad:
Los Angeles to Salt Lake, 9,636 miles—

Leave Los Angeles	8.00 a. m.
Arrive Salt Lake	6.30 a. m.
Leave Salt Lake	11.50 p. m.
Arrive Los Angeles	7.45 a. m.
Car open for occupancy at Salt Lake	9.00 a. m.
Passengers permitted to occupy car at Salt Lake until	8.00 a. m.

Lay-over at Salt Lake, 13 hours.
Lay-over at Los Angeles, 36 hours 15 minutes.

Union Pacific and Southern Pacific Railroads:
Omaha to San Francisco, 18,453 miles—

Leave Omaha	12.40 a. m.
Arrive Oakland	9.08 a. m.
Leave Oakland	10.45 a. m.
Arrive Omaha	7.35 p. m.

Lay-over at Oakland, 25 hours 42 minutes.
Lay-over at Omaha, 53 hours 5 minutes.

Union Pacific—Oregon Short Line—Oregon-Washington Railroad & Navigation Co.:
Omaha to Portland, 12,058 miles—
Leave Omaha ..... 12.40 a. m.
Arrive Portland ..... 12.15 p. m.
Leave Portland ..... 6.30 p. m.
Arrive Omaha ..... 6.50 a. m.
Lay-over at Portland, 54 hours 15 minutes.
Lay-over at Omaha, 41 hours 50 minutes.
Chicago, Burlington & Quincy Railroad:
Chicago to Denver, 12,610¼ miles—
Leave Chicago ..... 10.05 a. m.
Arrive Denver ..... 2.30 p. m.
Leave Denver ..... 2.30 p. m.
Arrive Chicago ..... 9.00 p. m.
Lay-over at Denver, 24 hours.
Lay-over at Chicago, 37 hours 5 minutes.
Atchinson, Topeka & Santa Fe Railroad:
Chicago to Los Angeles, 13,549 miles—
Leave Chicago ..... 8.05 p. m.
Arrive Los Angeles ..... 2.40 p. m.
Leave Los Angeles ..... 1.10 p. m.
Arrive Chicago ..... 11.15 a. m.
Lay-over at Los Angeles, 46 hours 30 minutes.
Lay-over at Chicago, 56 hours 50 minutes.

BELL EXHIBIT.

FEDERATION OF PULLMAN CONDUCTORS OF AMERICA,
CHICAGO, *April 17, 1915.*

UNITED STATES INDUSTRIAL COMMISSION,
Transportation Building, Chicago.

GENTLEMEN: Complying with your command to furnish comparative information in regard to time put in on duty by train and Pullman conductors, I take from the Illinois Central conductors the following:

Day train to St. Louis, 8 hours per day, 20 trips per month, 160 hours.
Night train to St. Louis, 10 hours per night, 20 trips per month, 200 hours.
Through trains on the main line to Centralia, 6 hours per day, 24 times per month, 144 hours.
On the local trains the conductor works on I. C., 173.10 hours.

The above statement compares favorably with time put in on most roads by train conductors for the hours worked per month. The St. Louis runs given above are the same as the Alton, Wabash, and the C. & E. I. R. Rs.

FOR THE PULLMAN CONDUCTOR.

On the Illinois Central to St. Louis must report at 9 p. m. for the night trains; usually goes to work at 10 or 10.30 p. m. and gets in St. Louis about 8 in the morning, making approximately 10 hours actual train work at 26 nights per month, 260 hours, with 1 hour added for each night in St. Louis.

This applies to Wabash, Alton, C. & E. I. as well.

On the same road to New Orleans, round trip, 51 hours 20 minutes, 7½ trips per month; 351½ hours, less 8 hours sleep, 319½ hours.

On No. 3 and No. 2 on the Burlington to Denver, 66 hours for the trip, less 16 hours sleep; 50 hours, 7½ times per month, 375 hours.

On the long or coast runs the conductor and porter are on a 60-hour trip, 120 hours for the round trip, with from 8 to 12 hours off for sleep, according to run, making approximately 110 actual duty, 3 times per month; 330 hours.

These extensions are very nearly exactly correct; as near as they could be without figuring out every little exception, and will apply to the short, medium long, and the long runs all over the country.

MEALS PURCHASED AWAY FROM HOME.

On a short run meals away from home would average about 3 per trip, making 3 times 13, or 39, at an average of 40 cents, $15.60.

A medium long run, 8 meals, 7½ times, 60 meals, at 40 cents, $24.

A long run, 20 meals, 3 times per month, 60 meals, at 40 cents, $24.

I have put the price at 40 cents per, which is as low as a person can get by with and less than almost all of them do get by for. My personal expenses on a medium long run were usually about $30, and on a short one about $22. This was including meals, car fare, and all things covering necessary expenses.

Thanking you for consideration shown me, and trusting I have made myself clear in the above statement, I am,

Yours, very respectfully,

R. W. BELL,
12051 Parnell Avenue.

LINCOLN EXHIBIT.

EXTRACT FROM TESTIMONY OF L. S. HUNGERFORD BEFORE THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS ON APRIL 5, 1915.

This extract is not from the official report, which is not available to me, but is taken from the report of Samuel M. Morgan, court reporter, in Chicago, who was employed by the Pullman Co. at the hearing. The extract is at page 90 of the Morgan report.

"A. The linen situation is one that has been pretty embarrassing all around. The linen is turned over to the porter, and it is part of his duty to handle that linen. I feel that if he will exercise the proper care and count his linen he will have no trouble. The fact of the matter is that they don't count their linen. Our shortage last year—what we call car shortage; porters' shortage line account—amounted to $178,000. That is in addition to our condemnation and shortage by theft, which would run it up to $300,000. Out of that $178,000 there was about 17 per cent collected from the porters; more in the line of discipline for failure on their part to comply with instructions to count the linen and exercise due care. We have had that matter under consideration for some time and the company is now doing away with these porters' collections."

ROBERT T. LINCOLN.

HARRIMAN RAILROAD SYSTEM STRIKE

(For exhibits under this subject see pages 9958 to 10066)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *April 7, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, Ballard, and Garretson.

Chairman WALSH. Mr. Markham.

TESTIMONY OF MR. CHARLES H. MARKHAM.

Chairman WALSH. What is your name, please?

Mr. MARKHAM. Charles H. Markham.

Chairman WALSH. Where do you reside?

Mr. MARKHAM. Chicago.

Chairman WALSH. What is your business?

Mr. MARKHAM. I am president of the Illinois Central Railroad and the Yazoo & Mississippi Valley Railroad.

Chairman WALSH. How long have you occupied that position?

Mr. MARKHAM. A little over four years.

Chairman WALSH. What was your position with the company at the time the trouble arose with the shop employees in 1911?

Mr. MARKHAM. I was president, sir.

Chairman WALSH. What other railroad positions have you occupied, please, Mr. Markham, going back from this time?

Mr. MARKHAM. Going back from the present?

Chairman WALSH. Going back; yes.

Mr. MARKHAM. For the immediate 6 years preceding my employment by the Illinois Central I was in the oil business; for some 23 years preceding that time I was in the employ of the Southern Pacific Co. in various capacities, as station service, as general officer; and when I left the service I was vice president and general manager of the Southern Pacific.

Chairman WALSH. Mr. West has notified us that you desire to make a statement before any questions are propounded to you, which you have prepared. If you do, you may proceed now.

Mr. MARKHAM. Thank you. The subject is a very important one to us, Mr. Chairman. And I should like to go into it in some detail. Shall I proceed, Mr. Chairman?

Chairman WALSH. You may proceed, Mr. Markham.

Mr. MARKHAM. Before beginning the account of the causes of these difficulties, I wish to make the following statement [reads]:

"My name is Charles H. Markham. I am president of the Illinois Central Railroad Co. and of the Yazoo & Mississippi Valley Railroad Co., and have served continuously as president of these companies since January, 1911. Practically all of my adult life I have been engaged in railroad work, except about six years spent in the oil business, and have been connected with railroads in the West in various capacities as an officer of the traffic and operating departments. I think, therefore, that I am fairly familiar with the history of the relations between railroads in western territory and their employees, extending over a quarter of a century.

"Before beginning an account of the causes that brought about the strike of 1911 on the Illinois Central, and my account of its incidents, I wish to say, with all possible emphasis, that I am sure there has never been a strike in the United States which had as little foundation and for which there was so little an excuse. It was as ill advised and as inopportune as it was unexpected. It grew out of no real or substantial grievance. On the part of the men it was advertised as a strike for a principle, but in fact no principle which was vital to the existence and growth of organized labor was involved. It disturbed the relations between a great railroad company and nearly 9,000 of its employees. It, for a time, disorganized the commerce of that part of the country dependent

upon the Illinois Central system for service. It involved this company in an extraordinary and unnecessary expense. It disturbed the peace of communities in certain parts of the country. It gave anxiety to the officers of the railroad, the officers of the unions, and the officers of the law. It was a striking example of hasty, ill-advised action not on the part of the rank and file of the men, but on the part of certain ambitious would-be leaders, moved partly, no doubt, by selfish ambition and partly by a mistaken idea of the welfare of their fellow employees.

"That many of the men and their families suffered privations and hardships as a result of this strike, I have no doubt. If, as has been intimated, the burden of the unfortunate affair fell upon innocent women and helpless children, no one can deplore this fact more than myself. And yet, I feel, as a trustee of an important property upon whose continued prosperity depend the incomes of widows and orphans, that we were without power to prevent the suicidal course which the men in this case chose to adopt, except by surrendering our functions as managers and directors of the property to the ultimate destruction of its power both to earn money for the stockholders and to serve the public as a common carrier.

"The Illinois Central Railroad Co. since its beginning has never assumed an attitude of antagonism to union labor. It has, for practically all of its history, maintained the most friendly relations with its employees. I am sure no corporation has a more consistent record in this respect than the Illinois Central. Its recognition of the right of its employees to organize has always been full and complete. For many years it has pursued the policy of making contracts with such unions of which its employees are members as customarily have contracts with railroads. These contracts have related to wages, the conditions of labor, and other matters which are usually included in contracts of this nature. Throughout this narrative I use the word 'contract' because such is the popular designation of the written statement of the wages and conditions of labor which are usually settled between a railroad company and its employees. I do not mean to be understood as implying that these statements have all the legal incidents of a contract. It is therefore to be understood that, when I use the word 'contract' in this statement, it is to be taken as subject to the limitations just indicated. I make that reservation because of conditions arising with respect to continuous employment.

"The Illinois Central has always met its employees more than half way in entering into this class of contracts and, as a result, the feeling between the management of the railroad and the employees has been of the most cordial nature. As an evidence of this fact, it is sufficient to mention that, while its rates are upon a comparatively low basis, due to the fact that it has considerable mileage in the Central Freight Association territory and to the further fact that it must meet the competition of the Mississippi River, yet wages and working conditions on this line are based upon those in effect in the western group of railroads. In other words, its rate basis is that of the East and its wage basis is that of the West. It therefore, while carrying a low scale of rates, pays wages upon a higher basis.

"Among other contracts in effect upon the Illinois Central prior to the autumn of 1911 were contracts with the various unions of shopmen employed by this company. With these crafts, seven in number, this company had contracts governing wages, hours of employment, and working conditions. These contracts were made between the company and the employees as a result of conferences freely entered into and amicably conducted. They were revised from time to time as a result of such conferences, and so successfully had this method operated that, prior to the strike now under investigation, there had never been any strike on the Illinois Central based upon the refusal of the company to meet the committees of the employees and to confirm to their wishes wherever the interests of the company would permit. This was the condition of affairs on the line of the Illinois Central up to June, 1911.

"About the middle of June, 1911, a communication was received by the Illinois Central, dated June 10, 1911, reading as follows:

"'FEDERATION OF RAILWAY EMPLOYEES,
"'I. C. SYSTEM AND ALLIED LINES,
"'*Paducah, Ky., June 10, 1911.*

"'MR. T. J. FOLEY,
"'*Asst. Gen. Mgr. Illinois Central Railroad, Chicago, Ill.*

"'DEAR SIR: The following organizations, International Ass'n of Machinists, I. A. of Steam Fitters, B. R. C. of A., I. A. of S. M. Works, B. R. Clerks, B. of

B. S. & H., Painters & Decorators, B. of R. M. & I. S. B. of A., and Federal Labor Union, representing employees of the Illinois Central Railroad and allied lines, have formed a federation of railway employees of the I. C. Railroad and allied lines and have, through the executive board representing all of the above organizations, formulated rules and special agreements covering working conditions and wage scale, and we desire to inform you that these rules and agreements are now in the hands of the printers and will be ready within a week and will be submitted to you. It is the desire of the executive board representing the federation that an audience be granted them at the earliest possible opportunity for the purpose of discussing and adopting these agreements and to notify the undersigned of date set for conference, allowing time to arrange for transportation to reach Chicago on date assigned by you.

"'Yours, truly,

"'J. F. McCREERY, *President.*
"'W. R. BOWEN, *Secretary.*'

"Mr. McCreery, whose name was signed to this communication, was a car repairer, and the Mr. Bowen, who signed his name, as secretary, was a railway clerk. As will be seen, it was stated that these persons represented the following unions: Brotherhood of Railway Clerks, Brotherhood of Railway Car Men, International Brotherhood of Blacksmiths, Boilermakers and Iron Shipbuilders' International Union, International Association of Machinists, Amalgamated Sheet Metal Workers' Alliance, International Association of Steamfitters, Painters, Decorators, and Paper Hangers' International Union, and several Federal labor unions, composed of helpers and laborers.

"When this communication was received, purporting to come from the officials of the so-called System Federation, an organization which had never been dealt with by the Illinois Central and which had only lately come into existence, it was found that with seven of the nine organizations named the Illinois Central had valid and existing contracts covering wages, hours of service, and conditions of labor, all of which contained a requirement that when any change was necessary or desired by either party, 30 days' written notice should be given of the desire of either party to make a change before any consideration should be given to the desired changes. In the absence of this 30 days' notice, the contract should continue indefinitely. Two of the unions mentioned in this communication, to wit, the Brotherhood of Railway Clerks and the Federal Labor Unions, had no such contracts. Since the communication purported to speak for the seven organizations with which the company had existing contracts, the management, naturally, declined to meet this committee, since there had been no objections to any of the contracts made by the crafts themselves and no notice had been given of any desire to negotiate for a change in the contracts, all of which were then in existence. The officers of the System Federation were therefore advised that since these contracts with the several labor unions were unchanged and since no notice had been given of a desire to have them changed, the company did not feel that it could recognize the right of the System Federation to speak for these unions or to negotiate in their behalf. Upon receipt of this reply the officers of the System Federation took a strike vote. Ordinarily a preliminary strike vote means no more than that the officers of the union are thereby provided with a force whereby the officials of the company can be compelled to accede to the desires of the men. The vote was not taken, however, in conformity with the laws of the unions, particularly in that the rules of the various unions provided that the vote should be by secret ballot, and this requirement was not complied with. The employees, however, were officially recorded as having voted for a strike, although, as stated, the result was reached by irregular methods. On August 9, 1911, certain representatives of the individual unions addressed to the general manager of the Illinois Central a communication asking that they be granted an audience for the purpose of talking over the matter of granting a conference to the System Federation committee.

"It will be noted that this was not a request for a conference between the management and the officers of the several unions for the purpose of considering new contracts or changes in existing contracts or for the purpose of discussing any of the conditions of labor prevailing among the several crafts, but the conference was requested for the purpose of seeking to induce the management to meet the committee of the System Federation. On the same day formal demand was made upon the company by the same officers of the unions to the effect that the management should meet the committee of the System Federation

for the purpose of discussing matters conceived to be of interest to the officers of the Federation. In neither of these communications was there any notice given to the company that existing contracts were unsatisfactory or that there was any desire on the part of the unions to have these contracts devised. The subject matter of both communications was a recognition of the right of the officers of the System Federation to be received and their right to discuss questions of interest to the employees. In other words, it was apparently the view of these officers that existing contracts should remain in effect in all respects unimpaired, but that without abrogating these contracts another and inconsistent arrangement of some sort should be entered into with the officers of the so-called System Federation. Some other and further negotiations were had, and as a result thereof the assistant general manager of this company, on August 29, notified Mr. Kramer, representing the blacksmiths, that the management would meet the accredited representatives of all organizations with which there were existing contracts to discuss matters connected therewith on August 30. Such a conference was had on August 30, at which there were present seven of the representatives of organized labor, representing the employees, and the vice president and general manager, the assistant general manager, and the general superintendent of motive power, representing the company. On August 31 I received in conference a committee of three officers of the union.

"At both these conferences it was stated by the management that the existing contracts had not been canceled, and that we did not feel free to discuss new agreements while such contracts were in existence; that we had received no notice from the various unions that they desired these contracts abrogated; that we had always lived up to our contracts; that nothing had come to our attention indicating that the contracts were unsatisfactory to the men or that they desired any change in the scale of wages, the hours of service, or other conditions of employment. We steadfastly declined to confer with the officers of the new System Federation while the contracts with the various crafts were still in effect. On September 1, after these conferences had been concluded, we received another communication from the officers of the crafts requesting us to meet the System Federation. In reply to this communication I wrote the following letter, which speaks for itself:

"'SEPTEMBER 4, 1911.

"'Mr. W. F. KRAMER,

"'*585 Monon Building, Chicago, Ill.*

"'DEAR SIR: This is to acknowledge receipt of communication signed by yourself and others and reading as follows:

"'"Owing to our inability to secure a satisfactory adjustment of the grievances existing between the various organizations we represent and the Illinois Central Railway Co., through you as president of said company, at the conference held yesterday afternoon between yourself and a subcommittee selected from this body, as per your request or suggestion, we again request that you or your accredited representatives grant an audience to the committee of your employees as represented by the System Federation, with a view to negotiating an agreement.

"'"Should you still persist in not granting this request by 10.30 Tuesday morning, September 5, 1911, we will take such action as we deem necessary for the protection of our organizations. Please address all communications to Mr. W. F. Kramer, 585 Monon Building, Chicago.

"'"Hoping to be favored with a prompt reply, we remain,

"'"Yours, very truly,

"'"A. Hinzeman, Boilermakers and Helpers; P. J. Conlon, Machinists; Wm. F. Kramer, Blacksmiths and Helpers; Thos. Redding, Sheet Metal Workers; John Fitzpatrick, Federal Labor Union; John J. Carrigan, Brotherhood of Railway Clerks; Wm. E. Rodrigues, Painters; J. H. Kinsella, Steamfitters; Frank Paquin, Brotherhood of Railway Carmen."

"'As has been repeatedly stated to yourself and associates, present at meetings with Mr. Park and myself, there are in existence certain contracts between the Illinois Central Railroad and seven of the organizations represented in the foregoing communication. Never before in the history of our dealings with labor organizations have we been asked to change contracts, except in the usual manner provided therein, viz, that the 30 days' formal notice, which has always been regarded as an essential feature of same, be given. The required 30 days' notice not having been given in the manner provided in each of the different contracts, we regard them as still in effect and must again decline to enter into negotiations with other agencies for the purpose of making any changes therein.

"'That there may be no possibility of a misunderstanding on the part of our employees, I also wish to say that, as a result of past experience with similar organizations, and after careful consideration of all questions involved, the management of the Illinois Central Railroad has reached the conclusion that its duty to the shipping and traveling public, dependent upon it for transportation facilities, its regard for the welfare of its employees and those dependent upon them, and also for the interests of its 10,000 stockholders, will not permit it to enter into negotiations with an organization in compliance with the initial demands of which would deprive the officers of the company of the power to manage its affairs.

"'The paramount interest in this controversy is that of the shipping and traveling public, and, being convinced that it is the ultimate purpose of the federation to consolidate railroad service employees into one organization, the management does not feel that public opinion would sustain it in entering into an agreement which would place in the hands of one body the power to throttle the commerce of the country. Neither does it believe that the same public opinion will sustain any action which will result in a disruption of the harmonious relations that have heretofore existed between the Illinois Central Railroad and its employees.

"'You will, of course, take whatever action you may consider necessary for the protection of your respective organizations, but, if you will permit me to say it, it is my opinion that you can take no action that will afford any better protection than to advise them to live up to their contracts with this company, just as it has always lived up to its contracts with them. If any other course is pursued and trouble results the responsibility is yours, not ours.'

"It should be stated that, after the strike vote had been taken, certain of the international officers of the unions, notably President O'Connell, of the machinists; Vice President Conlon, of the same organization; and Vice President Hinseman, of the boilermakers, refused to sanction a walkout until further efforts had been made to have all differences amicably adjusted. The international officials also investigated the methods pursued by the officials of the System Federation in taking the strike vote. The International Executive Board of the Machinists emphatically refused to sanction a strike, giving as its principal reason for this action that the contracts provided for 30 days' notice, and no such notice had been given. After considerable investigation, and the holding of numerous conferences, the international officials, to whom the matter had been referred by the System Federation, announced that the strike vote would not be recognized, but that, owing to various irregularities, another strike vote must be taken, which should be conducted in accordance with the laws of the respective unions. It was particularly insisted by the international officers that a secret ballot should be taken, as the laws of the order required. A letter was sent out to the various unions, signed by the officials of the nine unions involved in the federation, instructing that a vote be taken, to be returned not later than October 10. Since the machinists had definitely declined to sanction a strike, the letter just referred to contained this statement and the following questions on which the employees were required to vote:

"'It has recently developed that several of our large organizations are not in position to pay strike benefits, and, while their international unions have sanctioned a strike, it is with their moral support only.'

"Also, 'That the question has been raised by the company and by President O'Connell, international president of the machinists, as to the legality of the notice that was served on the company June 10 by the officers of the System Federation, and, not knowing at this time whether we would get the support of the machinists, we request each organization to immediately call a special meeting and proceed to take another vote according to your respective constitutions.'

"'In taking the strike vote the members must have in mind the following points and vote upon each one separately:

"'1. Will you vote to enforce recognition of the System Federation?

"'2. Will you strike if the Machinists' International refuses to sanction a strike?

"'3. Will you strike regardless of financial assistance?

"'4. Should the demand of the company that the 30 days' notice be served be complied with?'

"This letter calling for a vote was sent out on September 12. It would appear, however, that the machinists met in convention on September 18, and while it would appear that such action was vigorously opposed by the president and many other leaders of the machinists, the convention, by close vote, sanc-

tioned a strike on the Harriman lines, so called, the Illinois Central and the Grand Trunk Pacific. The leaders protested against this action on the ground that they believed that the time was not ripe for a general strike; that there was no money in the treasury with which to pay strike benefits; and that defeat was almost certainly inevitable. Some of the leaders charged that the socialistic element was behind this movement, with the ulterior purpose of disrupting trade-unionism and of bringing its principles into disrepute. Apparently this action of the machinists' convention precipitated the strike, although there had been no legal vote taken on the proposition nor had the various unions replied in the proper way to the four questions submitted in the letter of September 12.

"It will thus be seen that considerable mystery surrounds the exact cause of the walkout. The officials of the railroad are at a loss to understand why the strike occurred when it did. The employees were preparing to vote as they had been instructed to do by the international officers. These employees had under consideration the situation in all of its phases and were giving due consideration to all the facts when the strike was ordered. There was no complaint in regard to wages or other conditions of employment. The only question at issue was as to whether the company would recognize the so-called System Federation, and that, too, at a time when the contracts with the several unions were still in force. No warning was given to the officials of the company of the purpose of the men to abandon their work. They had every reason to believe that the employees would abide the result of the vote which was not to be returned until October 10. They had no reason to anticipate that the machinists' convention had the authority to order a strike or would do so even if such authority was lodged in that body. Many, if not most, of the employees evidently were astounded when orders were issued requiring them to abandon work. It is not believed by the management that the rank and file of its shopmen were in favor of breaking existing contracts, and that, too, without warning or notice of any kind.

"It should be always remembered that the management of the Illinois Central stood on the 30 days' clause of the contracts with seven of these unions. This was not a mere technicality. The 30 days' clause had a substantial basis and represented a most valuable feature of the contract. It had been agreed to both by the unions and by the railroad, and unquestionably for the same reason, in order that each might be protected against hasty action taken in emergency by either party. If the notice had been given, as the contract required, opportunity would have been given to the management to explain to the representatives of the several unions its objection to this form of organization. It would have been explained to these officers that similar movements in the past had proved disastrous and reasons would have been adduced therefor. It would have been shown that the effect upon labor was demoralizing as well as upon the railroad and the general public. The management had reason to believe, and still believes, that the great body of the men did not understand what this System Federation really meant and had had no opportunity fully to realize just what such a federation would lead to. It would have been the privilege and the pleasure of the officers of the company, if the proper period of negotiations had been permitted, to explain to the employees just what this System Federation meant to them, so that the action of the union officials could have been taken calmly, deliberately, and intentionally and in the full light of a presentation of the railroad's side of the matter. It may be said, however, that this explanation could have been made to the officers of the System Federation and that no good reason existed for not meeting these officers and conferring with them; but the answer is that the railroad company would have been forced into a most inconsistent position if it had met these System Federation officers in conference. Such an action on the part of the railroad company would have been itself a recognition of the right of the men to form this federation and to demand that the railroad company should treat with it.

"It was the desire of the management to explain to the men its objections to any system federation. Would it be thought possible that arguments of this kind would have prevailed with the officers of the federation itself, the tenure of whose office depended upon the continued existence of the federation? If the company had consented to meet these officers, it could not be consistently argued that the federation should not be formed. It would be a recognition of the fact that it had already been formed, that it had been wisely and properly formed, and that the company had acquiesced in this method of handling the matter. Furthermore, these signed contracts had been made between the railroad and

its employees, and in the absence of any notice of their abrogation both sides had a right to insist that they be respected. Our experience had taught us that the men had always insisted that both the letter and spirit of the contract should be observed. Would it not have been a gross breach of faith on the part of the company to have entered into new contracts with the System Federation in direct violation of existing contracts with the various unions? And if the new contracts had contained provisions which were at variance with those in effect with the various organizations, how could the company have justified its action in the premises?

"Before proceeding further with this statement, it may be as well to call attention to the fact that one of the unions involved in this matter included the clerks. It has never been the policy of the railroad company to recognize a labor union composed of clerks. These men sustain a more or less confidential relation to their employers. They manifestly stand in a class by themselves. By reason of the nature of their duties they are much closer to the railroad officials than are the workmen in the shops or the employees on the trains. It must be admitted by every fair-minded man that if these clerks join the unions and become associated with organized labor generally, their obligation to the union would be superior to the obligation to their employers, and that the interests of the company would thereby be seriously impaired. The opportunity which these clerks would necessarily have of knowing what goes on in the general offices of the company would lead to endless trouble and strife between the officers and the employees. Every trivial matter would be reported to the unions, and there would be no such thing as the company having any secrets whatever relating to competitive business, negotiations with labor unions, or the like, from its employees. It was therefore not considered advisable to recognize the right of the clerks to organize in this manner.

"Our judgment in declining to recognize a union of the clerks was amply vindicated by the course of events after the strike. I will a little later show that at Memphis, New Orleans, and elsewhere, the business of the company was greatly hindered by the action of the striking clerks in removing and concealing records, in removing cards from cars, and in exchanging cards on cars so that the utmost confusion resulted from their action. The mix up caused by changing the cards on the cars led to shipments going astray, to great delay in the delivery of freight, to unnecessary out-of-line hauls, and to the payment of heavy claims based on the failure to deliver goods promptly or, in some cases, to deliver perishable goods at all.

"Aside from the point, as to failure to give notice, candor forces me to say that the management of the Illinois Central is, upon principle, opposed to the System Federation idea. In this it is in accord with the best thought of leaders both of employers and employed. The leading labor officials of the United States are believed to be by no means enthusiastic in regard to the System Federation plan of making contracts. This same proposition was the basis upon which the Knights of Labor was built and the principal reason for its failure. Each trade has its own environment, its own problems, and its own method of solving them. The American Federation of Labor has for many years refused to adopt a universal trade-mark or union label for all trades to use. It is easy to see how a system federation, such as was proposed on the Illinois Central, would cause a trivial dispute in one department to result in involving all workmen in all other departments and lead to a general strike of all workmen on account of a grievance in which nine-tenths of them had no interest whatever.

"One of the best informed men in the United States upon the labor question is the Hon. Edgar E. Clark, formerly president of the Order of Railway Conductors, now a most distinguished member of the Interstate Commerce Commission. In his testimony before the United States commission investigating the American Railway Union strike of 1894, Mr. Clark said:

"'I believe the majority of the men engaged in any one trade or calling should have a right to fix the conditions under which the men in that trade should work. I think they should have that right uninfluenced by or without any dictation from any other organization or any other class of employees.'

"Before that same commission, Mr. P. H. Morrissey, then president of the Brotherhood of Railroad Trainmen, said:

"'The American Railway Union came into existence with the declaration that the Brotherhood of Railway Trainmen and kindred organizations were weak, ineffective, and, in a word, were playing nothing short of a confidence game on the men they assumed to represent. The Brotherhood of Railroad Trainmen for a long time has been representing certain classes of men in the

train service, and presume to say they have done it as effectively as could be done under trades-union principles or as a labor organization.

"'The American Railway Union came into the field saying we were weak and ridiculed every earnest, honest method used by our organization to achieve good for the men they represent. When we failed it was a subject for ridicule by the lecturers of the American Railway Union. That naturally produced bitterness.'

"The history of labor disputes in the country tends to the same conclusion. The American Railway Union was formed upon pretty much the same principles as underlay the System Federation of shopmen. Their declaration of principles contains the statement:

"'That the trades-union idea has ceased to be useful or adequate; that pride of organization, petty jealousies, and the conflict of views into which the men are trained in separate organizations under different leaders tend to defeat the common object of all and enable the railroad to use such organizations against each other in contentions over wages and working conditions; that the interests of each of the railroad employees of the United States as to wages, treatment, hours of labor, legislation, insurance, mutual aid, etc., are common to all, and hence all ought to belong to one organization that shall assert its united strength in the protection of the rights of every member.'

"It is within the memory of everybody that the strike of 1894 was caused by the refusal of the members of the American Railway Union to work for any railroad using Pullman cars on its trains. This was not because there was any quarrel between the men and the railroads, but only on account of a difference of opinion between employees of the Pullman Co. and their employers. Yet, as a result of the principles of a system federation, the railroads were made the innocent sufferers, the commerce of the country was demoralized, and the peace of many communities greatly disturbed. I might refer to a comparatively recent labor disturbance in Ireland, which grew out of the same fact. In that case the railroads were made the victims of a strike because lumber was hauled for a company against which certain members of a union had a grievance.

"The Illinois Central Railroad Co. saw foreshadowed in the proposed System Federation a repetition of the American Railway Union trouble of 1894. When the first System Federation was formed four trades were involved; on the Harriman lines of the West there were five; on the Illinois Central there were nine. This System Federation, as proposed on the Illinois Central, had announced that 'all railroad organizations affiliated with the American Federation of Labor are eligible for membership.' The situation, therefore, upon the Illinois Central presented a very serious aspect. The System Federation idea was apparently gaining ground. New converts were every day being gained for the idea. The time was rapidly approaching when it could not be controlled. The difficulty in harmonizing the complex characters, nationalities, habits, employments, and requirements of the members had become a serious problem even to its organizers. The United States commission which investigated the American Railway Union situation, in referring to the strength of such forms of trade-unionism as had declined to become part of a large federation, said:

"'The trade-unionists argue that their strength lies largely in their comparative freedom from these objections, and they insist that the basis of a successful labor organization must be substantial similarity in interests among the members.'

"But if the System Federation once became established it would, as indicated in the testimony of Mr. Morrissey heretofore referred to, overshadow the international unions and deprive them of their power. If a system federation, composed of shopmen on the Illinois Central, succeeded, is it not clear that it would have extended so as to include all the employees on the Illinois Central? The next step would have been the organization of a national system federation, composed of all railroad employees in the United States, and this would have meant the realization of the dream of the old American Railway Union leaders. Although it would have had a membership of only one-sixth of the American Federation of Labor, it would have had many thousand times its power. The American Federation of Labor is a moral influence that seeks to aid all other organizations in its membership, but it has no power to call a strike. But the National System Federation could order strikes on one road or on every road in North America. The railroads would be at the mercy of such an organization. The policy of a railroad would be absolutely under the dictation of such a powerful body. There is no reason why this federation should not be extended further so as to include employees of manufacturing enterprises. If this should be

accomplished both the railroad and its patrons would be in the hands of the same organization and the business of any industry could be absolutely destroyed by refusing to permit the railroads to haul the products of that industry. This is not an extreme or impossible view. It is the logical outcome of the plan of organization proposed. Not only would the railroads be at the mercy of this organization, but all forms of industry could be boycotted and their business destroyed if the wishes of the leaders were not met in all respects. In other words, wherever there should arise a difference of opinion between a single industry or a single line of railroad and one class of its employees, the whole machinery of the national federation could be directed toward redressing the real or supposed grievance, to the detriment of the trade and commerce of the country. No such supreme and unlimited power should be vested in any man or set of men under a democratic form of government. The executive committee of such a national federation would be more supreme than the most autocratic ruler in the world. The disastrous consequence of such an arrangement must be evident to every thoughtful and patriotic mind. The Illinois Central Railroad Co. felt that it owed a duty to its stockholders, to its patrons, and to the country to resist in every legitimate and proper way the beginning of such a monstrous system. It believed at the time that if it could have 30 days of calm and dispassionate counsel with the men its officers could demonstrate the folly of the proposed action of the unions in organizing this System Federation. It did not seek a strike; it deplored such a result. Moreover, its action in declining to recognise this federation has been indorsed by the press of the country, by many of the chief executives of the States through which it operates, by boards of trade and other commercial organizations in the principal cities which it serves, and by the vast majority of enlightened and public-spirited citizens everywhere.

"One important aspect of this controversy should be emphasized. There is a marked distinction between the mechanical employees of a railroad company and the men who operate the trains. A labor union composed of engineers, conductors, and trainmen is limited in its membership to railroad employees. The work of these men does not extend into the so-called industrial trades or occupations. The Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Order of Railway Trainmen have no ramifications whatever outside of the railroad service. But it should be remembered that the unions composed of machinists, boiler makers, steam fitters, and so forth, include men who work for all kinds of manufacturing enterprises as well as for the railroads. The same union will include shopmen laboring for the Illinois Central and for the Baldwin Locomotive Works, for instance, manufacturing the engines for use on the railroads. The union composed of carmen on the railroad will also include the carmen of the Pullman Co. or any other enterprise manufacturing cars. It will thus be seen that these workmen have a most peculiar relation to the railroad, the industries from which it makes the purchases, and the industries which furnish the tonnage by which the railroad is maintained.

"Assuming, therefore, that these shopmen are permitted to federate and to act as a unit in every controversy, there are necessarily affected not only the railroad but a vast number of industrial concerns which, necessarily, have more or less business with the railroads. This System Federation, therefore, becomes a weapon aimed not only at the heart of the railroad but at the heart of practically every manufacturing enterprise in the country, so that a grievance against the railroad becomes a grievance against every manufacturing concern that sells to the railroad or patronises the railroad.

The precise effect of an organization of this character, which includes not only railroad employees but employees of industrial enterprises, is shown by the history of the strike in Ireland, to which I have already briefly referred. It is a matter of common knowledge that in that case a lumber firm in Dublin had trouble with its employees over some of the conditions of labor. These employees were members of an organization known as the Amalgamated Servants. This federation included the employees of the lumber firm and also another organization known as the Amalgamated Railway Servants. Now, there was no controversy between the railroad and its employees, but the members of the Amalgamated Railway Servants struck because the railroad company was hauling freight shipped by the lumber firm with which another branch of the order had its controversy. It was in that case shown that the Amalgamated Servants had frankly admitted that they had organized in the particular way in which they had for the reason that they could thereby control transporta-

tion facilities and absolutely ruin an industry and make it powerless in the event that any members of the union had a controversy with that industry. Now, it is evident that if this System Federation had grown in numbers, influence, and organization, if there should be a controversy between a sawmill, for instance, and its employees, those employees, who were members of the same federation with the railroad employees, would prevail upon the railroad employees to strike if any product of that mill was transported by the railroad. The disastrous consequence of an arrangement of this kind can readily be seen. A result of this kind would not so clearly follow in the case of an organization of men all of whom were limited to railway service. We think, therefore, that in resisting the organization of this federation we were not only conserving our own property, not only doing a valuable service to other railroads, but were acting as a buffer to protect every form of manufacturing industry from a menace which would, in a short time, have threatened the very existence of all forms of industry.

"The New York Tribune, in discussing the federation plan in its issue of September 7, 1911, uses this language:

"'And the public has fully as much reason to regard with anxiety the proposal to concentrate into a single organization authority over the labor engaged in the indispensable public service performed by the railroads as it might have to fear plans for extensive railroad combinations, like that of the Northern Securities Co., which was condemned by the law. One of the railroad presidents speaks of the power which would be in the hands of a combination of all classes of railway employees, those in the shops as well as those engaged in actual operation of the roads, as a power to "throttle commerce." That is no exaggeration, so greatly would the relation of the railroads to their workmen be changed through the proposed labor combination. And it is to be remembered that the combination would be totally irresponsible. It would not be incorporated. It would not be governed by any of the public-service legislation of the country, which has gone far in making capital engaged in performing a public service recognise that it is "affected with a public interest," but which has totally failed to hold the labor combinations among public-service employees to a similar responsibility.

"'Moreover, this proposed combination of labor unions lacks the justification which all fair-minded people concede to exist in the case of the unions themselves. Collective bargaining is necessary for the protection of labor. But the organization of each craft by itself and its separate recognition by the railroads has proved adequate to secure for the railroad employee fair treatment. Railroad workmen are well paid. Advances in wages have been made frequently, the latest advance occurring last year at a time when the railroads had not completely recovered from the effects of the panic and when their earnings were falling. Thus the public can see no reason why increased power in bargaining with the railroads is requisite to the welfare of the employees, and it can see abundant reasons for regarding with anxiety the placing of such power as is now proposed over an indispensable public service in the hands of an irresponsible and legally unregulated labor combination.'

"The Chicago Record-Herald of October 1, 1911, stated that the business community generally regarded the strike as radical and unwise and that it occurred at a most inopportune time. It was stated in this article that several important commercial bodies had indorsed the attitude of the railroads.

"The Chicago Inter-Ocean, in its issue of October 2, 1911, stated that the strike was ill advised and that no more inopportune time could have been selected for that purpose. It was said that some of the demands of the strikers read as if they were formulated by socialistic theorists, totally ignorant of actual conditions of railroad work.

"The New Orleans Item, in its issue of September 10, 1911, uses this language:

"'After a careful and impartial study of this controversy we can find nothing that would justify a strike at the present time. Judging from the expressions of all sorts of papers, representing all sorts of opinions, and from the talk of the people, we believe that the public would set this strike down, if it should occur now, as unjustifiable. If the public is not with the strikers, their strike is utterly doomed to failure in advance.'

"The New Orleans Picayune, in its issue of October 11, uses this language:

"'The statement that many thousands of railroad employees have struck, or are striking, in order to force their employers to acknowledge and accept the authority of an organization which is a federation of all the other labor unions

announces the attempt to establish an additional and more powerful consolidation of the forces of the labor element in our population.

"'The railroads employ among the members of their working forces persons skilled in almost every branch of mechanical labor. They embrace all the trades that are combined in the building and repairing of railroad locomotives, cars, and the various appliances that are used in the operation of railway transportation. The men engaged in these various occupations are organized in their specific trade-unions, the blacksmiths in one, the machinists in another, the carpenters in another, the painters in another, and the upholsterers in another, and so on.

"'The employers have to deal with each of these trade-unions separately; but now it is proposed to federate the numerous unions into a single body, controlled by a management which speaks for all and whose command all must obey. Heretofore it has been possible when some controversy arose with the blacksmiths, only they had to be settled with, while all the other trades were not complaining and were apparently satisfied; but under the general federation proposition, if a blacksmith should complain of his relations with his employer, all the members of all the federated unions would be bound to take his part and, if ordered to do so, to strike in his behalf.

"'Such a propositoin not only vastly increases the domination of labor element over the employers, but it establishes an absolute despotism over every member in the great consolidated federation, since thousands of workers whose labor is necessary for the support of their families must leave their employment, abandon their livelihood, and subject themselves to conditions of complete dependence because a single individual in the entire federation is engaged in a controversy with an employer somewhere.'

"Again, the same paper says:

"'If this were a strike for better wages, for shorter hours of labor, and other burdens on the employees, the strikers would be sure of a large amount of popular sympathy. It is nothing of the sort, however, but only a movement to place a vast body of workpeople, their daily living and that of their families in the grip of a small group or oligarchy of managers or monarchs, which is a matter with which the general public can have no special concern.'

"Many other similar quotations could be read into the record from newspapers of not such wide circulation published in many points along the line of the Illinois Central system. There will be further references to the actions of officers and commercial organizations in the further presentation of the facts of this strike.

"This was not a struggle between capital and labor. The Illinois Central was at all times willing to fulfill its contracts or, if these contracts were in any way unsatisfactory, to discuss with the men the making of new contracts. It never refused to meet the accredited officers of the labor unions with which it had these contracts. No question of or conditions of labor was involved. It was a life and death matter with the railroad, but not a life and death matter with the crafts. That the railroad is not opposed to union labor is shown by the fact that it has never refused to employ a shopman either before or since the strike on account of his connection with a labor union. It has refused employment to no man on account of his connection with a labor union, and it will not do so. It has never refused to reemploy any workman because he left the service in the strike, unless it appeared that he had violated the laws of the land or had been perniciously active in hindering or embarrassing the operation of the railroad.

"It is my purpose to go somewhat into detail in regard to the history of this strike, since, as I understand it, it is the desire of the commission to be informed of what measures were taken by the strikers to carry their point, and what defensive measures were taken by the railroad company to protect its property and continue the operation of the railroad and thereby discharge its duty to the public. I can not, of course, deal with every incident of a strike which was more or less acute for a period of about five months and which involved the operation of the railroad in 14 States. However, I will mention the more prominent events and particularly those which were called to the attention of the public, and which were typical and significant of the attitude of both parties to the controversy. I may say that I am perhaps as familiar with the transactions which I shall mention as any other person connected with the railroad, since I made it my business to keep in close touch with the matter throughout the continuance of the acute period.

entitled to some slight consideration at least, in view of the fact that I had been working for the Western Union almost continuously for the preceding four years, and had only been concerned in two errors during that time.

While I was not, at the time of my dismissal, a paid-up member of the C. T. U. A., I was only about one month in arrears, and I couldn't figure any other reason than this for my discharge. When I made attempts to see Superintendent Jeffs, I was told that he was busy and could not see me. He did not offer to see me at another time. The chief operator offered the same cryptic explanation as Mr. Donnelly, "orders from the superintendent's office." There were two other boys discharged at the same time as myself; they, too, I understand got about as much satisfaction as myself.

I want it understood that I had worked almost four years for the Western Union up to this time and had never quit on short notice, had never before been discharged, and had never violated any of the numerous rules and regulations laid down by the company. At least, if I had violated any of these rules, it was never brought to my notice, with the exception of once, and then I did not know I was violating a rule, but thought I was exercising the right of a free-born American citizen. This was in the fall of 1911. I applied for a position in Portland, Oreg., having resigned in good standing at San Francisco three months previously on account of my health. Mr. G. D. Hood, Northwest traffic superintendent, happened to be in Portland at this time, and Mr. Brooks, C. O., referred me to him. Mr. Hood said that, while there was "nothing doing" in the larger offices in the Northwest, he might place me at Medford, Oreg., at $70 a month. This was a smaller salary than I had been getting in San Francisco, but as I was badly in need of a job, I told Mr. Hood I would like to have this job. But Mr. Hood wasn't sure that I was the right kind of an operator for the W. U. He asked me if I belonged, or had ever belonged, to the C. T. U. A. I told him yes, but that at present I was not a member. He then said: "Mr. Christian, I want you to understand that if you want to work for the W. U., you must leave the C. T. U. A. entirely alone. You can not be loyal to the W. U. and loyal to the C. T. U. A. at the same time." Naturally, I resented this and argued the point with him, but he couldn't see my side of it. He finally told me he would let me know if he could use me. That was the last I heard of it. I came to Victoria, B. C., and worked for eight months, returning to San Francisco, where I was discharged as described to you above.

After being discharged in San Francisco, I came to Portland, Oreg., where I asked for a job (I might inform you that Portland is my home town, my parents living there). I left Portland originally because the chief operator insisted that I work the Seattle wire alongside of another operator receiving $83 per month, while I received $60. The chief operator in Portland told me he would send my name to the superintendent's office, and if my record was O. K., he would be glad to put me to work. I came back the next day, and he told me to come back the next. That kept up for several days, until I "got wise" that I was being "stringed." Several operators had been put to work during the time I was waiting, who had applied after I had.

I came to Vancouver, B. C., from Portland and have been here since—about three years. I first worked for the C. P. R. here for about four months, leaving to go to the Vancouver Sun, where I worked for five months. I left the Sun, where I worked nights, for my present position, working days at the Vancouver end of the Victoria Times' leased wire. I have been with the Victoria Times now for two and one-half years, and have yet to receive a complaint from my employers.

One more little incident of the San Francisco office will about close my "evidence." At the time I was there Mr. C. F. Mariatte, day traffic chief, was doing an excellent shylock business. He loaned a friend of mine—one of the boys discharged with me—$10 on condition that he pay Mariatte $15 on pay day. Now, the W. U. pays twice monthly and it seemed to me this was rather a high rate of interest. I told my friend he was foolish to borrow when he could get along without it, but it seemed that he wanted a suit of clothes and Mariatte had found it out in some way and offered to loan him the money for the first payment. My memory isn't exactly clear about this affair, but I do know that my friend owed almost all his salary to Mariatte the pay day before our dismissal, and that I had to loan him $10 to get out of town on. No doubt you have heard of this Shylock before, and will not need to be told by me.

In closing, I will say that you are at liberty to use my name as publicly as you wish. Any of the statements I have made without qualifications I am willing to take affidavit on should you desire.

Hoping that the time is not far distant when I may return to the land of my birth and work in close proximity to the ones most dear to me, instead of having to live some distance away from them,

I remain, fraternally yours,

CECIL R. CHRISTIAN,
Vancouver Daily Province, Vancouver, B. C.

SCHENECTADY, N. Y., *April 4, 1915.*

Mr. S. J. KONENKAMP, *Chicago.*

DEAR SIR AND BROTHER: I was employed by the Western Union Telegraph Co. at Dallas, Tex., from October, 1910, until February, 1911, when I was dismissed without apparent reason along with some 10 or 15 others.

I had been given an increase in salary only a few weeks previously, which would further indicate the dismissal was without cause.

Chief Operator W. S. Strawbridge called me up to his desk and told me my services were no longer required. I asked to know the reason and was told he (Strawbridge) couldn't give me the reason. I suggested the notice of my dismissal be given in writing and was informed he (Strawbridge) had been instructed not to do this. I then asked Strawbridge if I referred to him from another office would he give me a good "reference." He replied, "If your services are not satisfactory to us we certainly can't recommend you to anyone else."

When I became insistent on knowing the reason for my abrupt dismissal Strawbridge suggested I see Superintendent Davis. I called on Superintendent Davis and explained the situation, and after being questioned concerning previous employment was asked if I wasn't a member of the C. T. U. A. I told him that I was not, and hadn't held an up-to-date membership in the C. T. U. A. since December, 1907. Davis then suggested that I had been expressing some prounion sentiment around the office, and when assured that I had not asked me if I would make a sworn affidavit that I was not a member of the C. T. U. A. I told him for the sake of clearing my record I would, but not for the sake of reemployment at Dallas. He said, "All right, make the affidavit and I will see if I can't fix things up for you." I made the affidavit and gave it to Superintendent Davis and asked for a letter of recommendation, showing that I had left the company's employ at Dallas in good standing and was told to come back and see him (Davis) in a few days and he would try and put me back to work. I was so disgusted at the run of things that I didn't go around again, but returned to the St. Louis Postal, where I was reemployed on my previous standing with the latter company, not having to give Dallas Western Union as a reference.

I worked in St. Louis for the Postal until February, 1912, when it became impossible to make board money; lower rated regular men who had worked a full day were being held on overtime, and the higer rated extra men let off with from one to three hours' time a day. I had a chance to go to Montreal, Canada, for the C. P. R., and did so, where I lived as an exile until recently, when I returned to my own country for the United Press. I can give you the names of many Americans in Canada who are forced to live out of their own country through the working of the black list and the intolerable conditions imposed upon telegraphers by the Western Union and Postal throughout the United States.

I will, if required, give you or any one desiring it a record of the places of my former employment to investigate my record and prove that I have never been dismissed or suspended from any employment excepting Dallas Western Union.

Fraternally, yours,

W. H. NEELY.

CALGARY, ALBERTA, *April 3, 1915.*

Mr. S. J. KONENKAMP,
President C. T. U. A.

DEAR SIR: Please bring the following to the notice of the commission appointed by the United States Government, for the purpose of investigating the Western Union Telegraph Co.:

In November, 1910, I found myself out of employment on the Pacific coast, having recently arrived in Seattle from Victoria, B. C., where I was last employed. I made application to Mr. Hood, (then) traffic superintendent for W. U. Tel. at Seattle, for a position. After the usual inquiries had been gone through, and apparently been satisfactorily answered, Mr. Hood then said he would probably send me to open up a new telegraph office in the neighborhood of Grants Pass, Oreg. Told me to call next day.

Next day when I applied Mr. Hood said to me, "You told me that you had recently left the employ of the C. P. R.," meaning Canadian Pacific Railway. I replied that was correct. Mr. Hood said, "Well, I am told that all the telegraphers who come from the C. P. R., or who are employed in Canada any length of time, have union cards. Have you one?" I replied, "Yes." He asked to what date. I told him the date, to which he replied, "I don't think we can do anything for you just now."

This is why I am working in Canada, although I was born at Beaver Dam, Wis., U. S. A.

Yours, fraternally,

ALVIN W. BALTZER.

CALGARY, ALBERTA, *April 8, 1915.*

Mr. HENRY LYNCH, *Chicago, Ill.*

DEAR SIR: Had I known that you was going to Chicago on this business I would had my statement in before. I think I have a pure case of the so-called Western Union black list.

I will explain my standing with the Western Union before the matter came up that I am going to talk about. I was transferred from Helena (with transportation) to Seattle in the summer of 1908, August. I worked in Seattle, and not being satisfied there, Chief Operator McDonald released me to Portland, where I remained from September, 1908, to July 18, 1909. I resigned in Portland with a clearance from Chief Operator Brooks in good standing. I might say that I was never discharged from the company and always left in good standing.

However, after leaving Portland I was with the O. R. & N. Ry. for two years; returning to the commercial business I went to Spokane and caught on with the Postal, but was transferred to Seattle after working two days, as the extra was better in Seattle. This was in September, 1911. After working for a week in Seattle for the Postal I tried the Western Union, as they were paying a little more extra, so I went up to see Superintendent Hood about September 15. I could not get to see Superintendent Hood, but his chief clerk, a Mr. Hughes, said if I was looking for a position as operator he would take care of me. After asking my name and stepping into the next room, he returned, and the following conversation followed:

"Q. Did you ever work for us before; when and where?—A. Portland and Seattle and many other places.

"Q. Where have you been working?—A. For the O. R. N. Ry.

"Q. Did you leave in good standing?—A. Yes.

"Q. Did you ever work for the C. P. R.?—A. Yes.

"Q. Where?—A. In Winnipeg.

"Q. Did you belong to the union when there?—A. Yes.

"Q. Did you join there?—A. Yes.

"Q. When did you work in Winnipeg?—A. Winter of 1906 and 1907.

"Q. Did you go out on strike?—A. Yes.

"Q. Whereabouts?—A. Spokane.

"Q. Was you with the Western Union?—A. No; I struck on the Postal.

"Q. Did you stay out till the end?—A. Yes.

"Q. Do you still belong to the union?—A. No.

"Q. How do I know your name is F. J. Burns; have you any cards or something besides letters to identify yourself?—A. No; not here.

"Very well, Mr. Burns, I can use you, either in Spokane or Portland; and if such a thing happens that they don't need any more men, I can use you in here." [Meaning the Seattle office.]

After the above conversation Hughes asked me if I could report at his office 10.30 a. m. I told him I was supposed to be to work at 10 a. m. for the Postal, but as there was a job in sight I would resign at the Postal if he would advise, which he did. This I did, and was in Mr. Hood's office promptly at 10.30 a. m. the following day. Mr. Hughes appeared on the scene, and before I could say

a word he informed me in a very polite way, "I am very sorry, Mr. Burns, but I find that I haven't a thing to offer in either office."

After telling him what a position he had put me in I departed, going to Vancouver, where I went right to work for the C. P. R. again. Now, you understand after the strike I worked for the Western Union in Helena, Seattle, and Portland, leaving all in good standing.

Now, then, after the Seattle matter I remained in Canada from October, 1911, till August, 1913. I returned to the States and went to Omaha and applied for a position with the Western Union. The superintendent and others that I had dealings with regarding a position were anxious to do what they could for me, and I was being fixed up for a pass to Salt Lake City when the superintendent called me into his private office where he had the big book open, and asked me if I ever worked in Seattle. Now, knowing that I left there and Portland in good standing, and holding a strictly first-class C. P. R. clearance, I told him I had. He wanted to know when, and I said 1908. Then he said that I must have been there in September, 1911. I told him I had, but only applied for a position, and told him the conversation that took place with Hughes. He said he was sorry, and that he could do nothing farther in the matter until the matter was straightened out. However, I nearly starved to death getting back home. After a month later I applied in Minneapolis and was sent to Fargo. After working one day in Fargo, the chief came to me with an armful of papers, saying, "Didn't you used to work in Seattle, Mr. Burns?" I said, "No, sir; I have never been farther west than Fargo." By this lie I worked till the middle of January, when I was laid off on account of slack business. In the spring I went to Chicago, applied for a position, was given an application blank to fill out, and was turned down cold while they were putting on every man that came along. I drifted up to St. Paul; went to work after hanging around two weeks. About the third day Chief Operator Strang came to me or rather called me to his desk and laid another load of papers before me with the old remark "You have worked in Seattle some time previous, have you not?" "No, sir; I have never been West yet." This lie also let me work for them. I did not stay long, as no self-respecting citizen would degrade himself so low as to work under the slaving conditions that prevail in the Western Union. Of course, you know that I am only one of the hundreds that are up here in Canada for the simple reason that conditions in the two telegraph companies are so rotten that a white man can not submit to their treatment.

What I have said in this letter I can take oath on. I hope you have good success, Lynch, and go after them strong.

Yours, fraternally,

F. J. BURNS.

NELSON, B. C., *March 22, 1915.*

S. J. KONENKAMP, Esq.,
International President C. T. U. A.,
922–930 Monon Building, Chicago, Ill.

DEAR SIR AND BROTHER: Referring to your notice in the March issue of the Journal I am giving my experience with the W. U. at Seattle, Wash.:

I entered the employment of the W. U. some time in April, 1910, and worked until October, 1910, and resigned on account of the following:

After about 4 months' service at the salary of $75 I was recommended by Night Chief O'Brien and Wheatstone Chief Heftner to be given top salary. Ed. Chambers, who, I think, is working in Winnipeg for the C. P. R., and Moriarity, who is working in Victoria for some newspaper, and some other operators were also recommended to be given top salary. Shortly after Gaunt was made general superintendent the chief operators were given orders to ask all operators if they belonged to the C. T. U. A. Moriarity and I heard the day men talking about this just before we went on shift at 5.30 p. m., and we made up our minds if they asked us we would tell them yes. Sure enough, Night Chief Operator O'Brien asked us if we belonged to the C. T. U. A., and I answered yes, and he said, "You will not receive any increase in salary." He told Moriarity the same. Chambers had a card, but told O'Brien he did not, and it was not long before Chambers was made a traffic chief, but after about a year's service or so they got wise to him and finally dismissed him over some trifling thing.

I was so disgusted with this kind of treatment that I resigned shortly afterwards and came back to Canada.

I certainly hope the investigation they are holding will show up the Western Union. They discriminate against the operators in every possible manner.

I told the boys in Vancouver to get Moriarity at Victoria to write his experience up. I do not know the address of Ed. Chambers, but I heard he was in Winnipeg. His dismissal ought to be good stuff, as he was a first-class operator and very steady.

Fraternally, yours,

Bro. D. W. FORTEATH,
P. O. Box 302, C. P. R. Tel. Co., Nelson, B. C.

VANCOUVER, B. C., *March 22, 1915.*

S. J. KONENKAMP, I. P., *Chicago, Ill.*

DEAR SIR AND BROTHER: I understand the industrial commission will meet in Chicago soon to probe the conditions of labor in the commercial telegraph circles.

I wish to make the following statement: I went to work for the W. U. Tel. Co. at Chicago in the spring of 1910. Shortly after going to work for them I was put on the Springfield wire and stayed there until the latter part of May, 1911. When I resigned there, Mgr. Inman, of Springfield, sent me a message, saying, "You have given us the best service we ever had on our Chicago wire; we are sorry to see you leave."

In June, 1911, I came to Seattle for the same company, working there about three weeks, and was transferred to Spokane. On March 15, 1912, I resigned, giving two weeks' notice. Spent two weeks on my small fruit tract in the Yakima Valley, clearing and fencing some land, then went to Seattle and applied for work with the same company.

The chief operator (Frank Morris) asked me if I had resigned at Spokane in good standing. I said yes. He said, "All right; we need men here bad; go to work right now." Two days afterwards Supt. Geo. Hood saw me working and ordered me discharged at once. I went in to see Mr. Hood and asked him what was the matter that I could not work. He says, "We can't use you." I asked him if my services at Spokane were satisfactory. He said, "Yes; but we can't use you under any circumstances. I have my instructions from 'higher up.'" As I left the building that night a friend of mine said, "Withers, you had better go to Canada; you are on the black list." I can not divulge this friend's name, as he is still an employee of the W. U. and might get him in trouble.

I figured it out if I was on the black list of the W. U., I certainly must be with the Postal Telegraph Co., and it nearly broke my heart to think I must go to a foreign country to make a living for my family and finish paying for my home in Washington State.

I came to Vancouver the early part of April, 1912, and have been here ever since. I am receiving the highest salary I ever received from any commercial telegraph company, but I would only be too glad to come back to my country, which I love, if given an opportunity to do so.

The only thing I ever done the W. U. could hold against me is I walked out in a peaceable strike in 1907, which I considered an honorable thing to do.

When working in Spokane, Chas. Sims, Mr. Brooks, and M. W. McCandlish were dismissed in the fall of 1911. No reason given whatever; they presumed it was supposed membership in the commercial telegraphers' organization.

From what I can learn no such conditions ever existed on the Pacific coast until C. H. Gaunt was appointed general superintendent at San Francisco.

I am willing to take oath that these statements are true.

Yours, fraternally,

H. W. WITHERS.

During the summer of 1913 the United Press Associations borrowed William Schwinger from the New York Postal office for vacation reliefs. When Schwinger was released by the United Press in October he returned to the Postal, but was denied reinstatement. Then he secured a position with the Western Union, but within a few days was informed that the Postal officials had sent word that Schwinger was not reliable, and for this reason he was discharged.

In 1912, B. F. Ruppel and W. P. McKnight quit the Postal at Chicago in good standing and applied to the Western Union for work. The W. U. officials wrote

out a request to the Postal for the record of these men, who were told to come back in an hour. When they returned they were informed that the W. U. could not use them, although the company was short handed at that time.

H. M. Kelly, of New York, under date of March 26, 1912, writes:

"On or about September 17, 1911, I applied to the Postal Telegraph Co. for a position. I had a letter of introduction to Manager J. J. Whalen, who ordered that I should be tested. I told Mr. Whalen that I had not been telegraphing for some time. The test was satisfactory, and the application blank was marked 'first class.'

"Mr. Whalen then asked me if I was not among those who had been dismissed by the Western Union in August, and I told him that I was. Then I recounted my experience with the W. U. officials and said that I did not know even now why I had been dismissed. Mr. Whalen stated that although he needed men at that time he could not employ me, inasmuch as I could not furnish reference from my last employer. He stated that there were several others whom he was forced to let go for the same reason, and mentioned that among those were G. H. Browning, C. E. Knight, and one or two others."

Early in 1911, a Mrs. Hanson, of Rock Island, Ill., made application to the Western Union in Chicago for a position and stated in her application that she was a member of the Commercial Telegraphers' Union of America. Superintendent J. F. Looney, of the Postal, wrote a letter to his manager at Rock Island under date of February 18, 1911, reading as follows:

"For your information. Former operator Miss Hanson has placed application with the Western Union Telegraph Co., with a postscript that she is a member of the C. T. U. A., Chicago local.'

Paul Fausel, of Trenton, N. J., under date of April 26, 1910, writes:

"A couple of weeks ago one of the Postal boys put an application blank in a sealed envelope and addressed it to one of the Western Union operators. * * * In some manner the W. U. manager got the envelope, and it is not sure whether he opened it or not. Anyway he got the application and promptly turned the matter over to his superintendent in Philadelphia, with the request that it be taken up with the Postal superintendent there. The Postal superintendent came to Trenton and proceeded to haul over the coals every operator in the office."

W. N. Hickman, of Los Angeles, under date of October 18, 1910, writes:

"I found that I was queered with all the railroads and could not obtain employment with them." (This was after he had been discharged by the Western Union.)

These excerpts are taken from letters written to us. They could be followed back year after year throughout the history of the telegraph, but they are indicative of the methods used. Men are peremptorily discharged for any or no reason, and then the deadly system of references and blacklisting does the rest. The companies demand two weeks' notice from the telegraphers who seek to resign their positions and will blacklist them for "quitting on short notice," but they discharge their men without a moment's warning whenever they see fit to do so.

In December, 1911, and early in 1912 about 40 men were discharged by the Western Union in Chicago for supposed union affiliations. These men were unable to secure employment with the Postal. The same condition existed at that time in New York and nearly every large telegraphic center.

Strikes.—Constant and unremitting oppression * * * leads to strikes, etc.—There have been three strikes nation wide in character as a result of the Western Union's tactics, which have been emulated by the Postal. The first strike, in 1870, lasted two weeks; the second, in 1883, lasted one month; while that of 1907 was of three months' duration.

McELREATH EXHIBIT.

C. H. Johnson, Memphis	Contracted acute kidney trouble; overwork; dead.
—— Griffey, Memphis	Nervous wreck; overwork; wire chief.
Con G. Bowen, Memphis	Fistula; constant sitting at key; dead.
Wm. McKeever, Memphis	Chronic indigestion; irregular lunch.
Bug Miles, Chicago	Piles; constant sitting; dead.
Dan Martine, Memphis	Nervous wreck; possibly mentally unbalanced.

Joe Wolfrum, Kansas City	Nervous wreck; suicide.
A. W. Braun, Kansas City	Chronic kidney trouble; constant sitting.
A. B. Thorgrimson, K. C.	Kidney trouble; blacklisted; driven out of telegraph business.
Two brothers named Green, Pittsburgh	Both suicided; mental trouble from overwork.
W. Roper, San Antonio	Consumption; confinement; dead.
Charles Hudson, Seattle	Consumption; confinement; dead.
Louis Taylor, Denver from K. C.	Consumption; confinement; dead.
W. Miller, Kansas City	Physical wreck; overwork; forced to quit the business.
Buck Keeler, K. C.	Consumption; nervous wreck; dead.
W. P. Wood, Texas	Bladder trouble; dead.
Harry Murray, Tiffin, Ohio	Nervous wreck; overwork; dead.
——— Perry, K. C.	Eyesight almost gone; overwork.
Claud Giles, K. C.	Nervous wreck; called "nutty."
Joe Giles, K. C.	Nerves shattered; overwork.
Mrs. Joe Giles	Nerves shattered; overwork.
James Burke, Detroit	Chronic bladder trouble; sitting constantly.
John Burke, Detroit	Chronic bladder trouble; sitting constantly.
S. A. Bernstein, Detroit	Nervous system ruined; overwork.
George Eitemiller, Detroit	Chronic bladder trouble; nerves gone.
George Bacon, St. Louis	Kidney trouble.
Jack Magill, Chicago	Kidney trouble; nerves gone.
W. Dinwiddie, St. Louis	Mental trouble; overwork.
B. Howe, Detroit	Nerves shattered; bonus victim.
Sam Mercer	Nerves shattered; bonus victim.
E. C. Lyon, Kansas City	Nerves shattered; bonus victim.
Clyde Tignor, Fort Worth	Chronic bladder trouble.
E. A. Randall, Detroit	Chronic indigestion; nerves gone.
A. F. Haroison, Canada	Chronic stomach trouble.
C. H. Brownson, K. C.	Telegraphers paralysis; bonus work.
W. B. Roberts, K. C.	Chronic indigestion; constant sitting; irregular meals.
Thomas Everett, Detroit	Nervous wreck; overwork.
Pat Kelly, Detroit	Chronic bladder trouble.
F. Howe, Detroit	Indigestion; stomach trouble; irregular reliefs.
O. F. Hocker, Chicago	Stomach trouble; blacklisted; driven out of business.
T. A. Lyon, Kansas City	General breakdown; overwork; forced out of business.
Bert Hall and Harry Hall, K. C.	Same as Lyon.
Milan W. Russell, Chicago	Forced into exile in Canada by black list; died of broken heart.
Lindsey Campbell, Little Rock	Forced into Canada after losing health from overwork.
Jimmy Johnson, New York	Nervous wreck; disappeared.
Roger Mullen, Chicago	Nervous wreck; died in harness.
Frank Donnelson, Chicago	Nervous wreck; died in harness.
Tony Saunders, K. C.	Bladder trouble; constant work; dead.
Al Hughes, Chicago	Indigestion; general breakdown; overwork; irregular meal hours; dead.
Mrs. Clay, Chicago	Forced to undergo useless operation by Chicago officials; complained to union; discharged; blacklisted.
J. Blake, Detroit	Nervous wreck; became drug user after being driven on bonus system several years; found dead in New York; supposed suicide.
James Nelson, St. Louis	Nervous wreck; died in Chicago from overwork.
S. D. Henderson, Detroit	Found dead in hotel at Detroit; thought suicide.
William Kytes, Chicago	Consumption; overwork; irregular meals; in hospital; will die.
Dudley Hamlin, Kansas City	Nervous prostration; overwork, hounded by petty chiefs; dead.

Al Githens, Missouri	Deranged; killed by train; overwork.
Ed Corbett (Wanderer)	"Nutty"; worked 12 to 20 hours day; incurable.
Jack McNavin, Cincinnati	Nervous wreck; died in New York.
Frank McNavin, Memphis	Stomach trouble; nervous wreck; dead.
Johnny Walker, Chicago	Complete wreck; hard worker for W. U.; dead.
Jack Striebling, Cleveland	Nervous wreck; died from worry.
W. I. Hull, Memphis	Hounded by W. U. account union affiliations; suicide.
McLaren Campbell	Run down by train; thought to have committed suicide account of conditions.
Ed. H. Thompson	Bladder trouble; unable to answer nature.
William Holland	Kidneys and nerves deranged; chronic.
H. V. D. St. Clair	Spine trouble; abscess of bladder account of long hours; unable answer nature.
H. L. Crawford	Eyes permanently impaired; long hours, poor light.
Frank Kelly	Partial paralysis of bowels and urinal organs.
S. Henderson	Bright's disease and heart trouble.
Wm. H. Mitchell	Hip and knee became useless, being in one posture long hours.
W. M. Hannon	Kidney trouble and heart weakness.
Mitt Pope	General debility; heart failure; dropped dead.
J. A. McDonald	Atrophy of rectum; sitting in one position long hours.
C. C. Hanes	Kidney congestion (chronic); long hours; could not answer nature.
Ed. McMinn	Despondency, account conditions; committed suicide.
Jos. Crawford	Insanity from overtaxation; committed suicide.
Thos. Hanley	Nervous debility; nervous strain; long hours.
——— Dumm	Consumption; went to Arizona and died.
George C. Williams	Chronic indigestion; liver trouble.
T. J. St. John	Chronic intestinal disturbance.
E. T. Locey	Nervous debility; liver trouble.
H. M. Graham	General weakness; piles.
Wm. Lowry	Generally run down; resort to drugs.
G. W. Teeter	Nervous debility; weak kidneys.
Ed. Fitzpatrick	General breakdown.
Al Hughes	Died of heart failure.
Clyde Tignor	Nervous debility.
Herman Hokelrath	Despondent; committed suicide.
W. Z. Moon	Went into consumption; died.
W. S. Shearer	Hardening of heart; dropped dead in office.
Thomas Hamilton	Despondent; committed suicide.
——— Pickering	Heart and nerves; dropped dead in office.
William Wilkerson, Kansas City	Consumption superinduced by long hours; irregular reliefs, etc.
——— Redman, Kansas City	Almost totally blind from overwork made necessary by small salary and large family; suicide expected.
——— Westcott, Memphis	Nervous trouble; mind affected from fast work, constant strain; dead.
Stanley Cross, Memphis	Nervous breakdown; indigestion; dead.
Lou Sharp, Memphis	General breakdown; overwork; dead.
Baubien, Detroit	Died of a broken heart at his retirement by the W. U. after 48½ years of faithful service.
Harry Lambert, Kansas City	Consumption, brought on by long hours; overwork; insanitary office conditions.
George Lambert, Kansas City	General nervous breakdown from overwork and persecution by W. U. for union affiliations.

Ben Dougherty, Kansas City.....A young boy of exceptional ability driven by petty chiefs who refused him proper remuneration for his service until acquired telegraphers paralysis; practically a nervous wreck.

——— St. Amour, Cleveland.....Nervous breakdown; overwork.

The foregoing list is respectfully submitted to the Federal Commission on Industrial Relations as part of testimony given by me at the hearings in Chicago, Ill., in April, 1915.

I have avoided as far as possible giving names of men who are still compelled to eke out an existence in the employ of these slave drivers, knowing that upon publication of their names they would be discharged by the corporations.

Respectfully,

CON H. MCELREATH.

SHRIMPTON EXHIBIT.

CONTINUATION OF STATEMENT READ BY MR. B. F. SHRIMPTON.

"'The only changes made were increases, not decreases; and the salaries are as high as ever have been paid before.'

"I rely with implicit confidence upon the truth of this statement, and the action of this company will be governed accordingly. We can permit no combination nor organization of men to dictate to us who or how many persons we shall employ for the transaction of our business. We approve of the action of Mr. Mumford.

"Very respectfully, etc.,

"O. H. PALMER."

In direct contradiction of the statement of Agent Mumford at San Francisco, accepted and indorsed by the executive of the company, let us hear what an uninterested authority has to say with reference thereto. The San Francisco correspondent of the New York Herald, after personal investigation, mailed to his paper the report, which I will read, dated January 8, 1870, and published in the New York Herald on January 13, 1870. I may say that this report was mailed—not only because of the interruption to the wires, but because the Western Union agent at San Francisco had attempted to prevent the Herald's correspondent from wiring a brief statement when the strike first occurred:

"Somewhere about the 20th of last month several of the employees of the Western Union Telegraph Co. received notice from the superintendent of the intention of the company to reduce their salaries 10 per cent, the reduction to commence from the 1st of December. One of the operators so notified called on Mr. Gamble and pointed out to him the injustice of reducing their salaries for that month, of which they had already worked the best part. Shortly after notice was given that the reductions would not be put in force until the 1st of January. On the 28th of December a petition, signed by nearly all the operators employed in the San Francisco office, was presented to Mr. Mumford, the managing agent, asking him to permit the salaries to remain at the old figures. This Mr. Mumford seemed to consent to, but it was only in seeming, for on the 1st of January notice was given to all the operators but two that their salaries would be reduced to $115 per month, the previous average of all the salaries being $120. On this another petition was drawn up, signed by all the operators, including the two whose salaries had not been reduced, and presented to Mr. Mumford. Immediately on its presentation Mr. Mumford gave orders to have the salaries of the two who had been excepted cut down to the level with the rest. This made them indignant and they refused to work on such terms, whereupon they were at once discharged. The other operators took sides with them and refused to work.

"The news of the San Francisco strike was flashed to Sacramento, Gold Hill, Virginia City, and all the principal offices throughout the State. The Sacramento operators were addressed by Mr. Gamble, the general superintendent, and all of them were asked to pledge their words of honor not to indorse the San Francisco operators. They asked a couple of days to see the striking operators and hear their side of the story. This was peremptorily refused by Mr. Gamble, but he agreed to allow them to consult by telegraph

with those in San Francisco, on condition that he was allowed to stand by and listen to what was said. This proposition was declined by the Sacramento operators, upon which Mr. Gamble gave them 15 minutes to make up their minds whether they would do as desired or be at once dismissed. They did not take half that time to come to a conclusion, but unanimously decided it their fixed determination to stand by their brethren in San Francisco, whereupon they were immediately notified that their services were no longer needed. This left only the chief operator and manager to do all the work of the office—a work that requires the services of 9 or 10 first-class operators to perform. News was soon after received from Virginia City, Reno, and other points giving accounts of a somewhat similar state of affairs and notifying the superintendent that those offices would be closed until the matter was satisfactorily settled.

"The state of affairs here is more easily imagined than described. Nearly all of the offices are left with none but boys to work the wires. No mining reports from Nevada; no Associated Press dispatches from the East; no gold quotations from New York to guide the bankers and brokers; in fact, all telegraph business brought to a standstill, and all for a paltry few hundred a month, and at a time, too, when the company is without opposition and is daily increasing its business.

"I have given you the true statement of the whole trouble, having received it from the operators themselves—not merely from one, but from all; for I called on them at their assembly room, and was there shown the notices in writing received by them severally of the reductions in their wages; also the petitions signed by them and presented to Mr. Mumford."

Following the refusal of the executive officers of the Western Union to in any way interfere with the action of the San Francisco agent in reducing salaries and dismissing operators for protesting against such reduction, the Telegraphers' Protective League officially called a general strike, which was very effective at the beginning. However, the lack of means of quick and easy communication between the widely scattered strikers prevented the success of the strike in one section being known in others. The company, with all the wires of the country at their disposal, on the other hand, quickly spread broadcast the least sign of weakness at any point; and through its quasi control of the press many misrepresentations were printed in all parts of the country. These tactics on the part of the company gradually weakened the ranks of the striking telegraphers, and on January 18, 1870, the strike was officially declared off.

In returning to work the operators were not only compelled to accept lower salaries, but were forced to sign an oath that they would not reaffiliate with any union.

During the strike some of the newspapers supported the telegraphers. Permit me to read what the Jamestown (N. Y.) Democrat of January 12, 1870, says in speaking of the Western Union and its policies:

"It has been a monopoly of the most rigorous kind. It has exacted exorbitant prices from the people for sending their messages. It has been niggardly as an employer. It has watered its stock repeatedly and then maintained the high tariff so as to make dividends on the watered stock."

I would also call your attention to this editorial remark in the New York Herald of January 13, 1870, regarding the strike:

"Now, what is the cause of all this commotion and all this disruption in one of the most important elements of our business and social relations? It may be explained in a few words. It is the result of the grasping rapacity and unbridled tyranny of one of the most gigantic monopolies that ever overshadowed enterprise in the civilised world—the Western Union Telegraph Co."

The next effort of the telegraphers to organize was put forth in 1875, when the nucleus of an organization known as the Telegraphers' Protective Union was formed at Chicago, the headquarters being later transferred to New York. The telegraphers generally, however, unmindful of the fact that—

> He that imposes an oath makes it,
> Not he that for convenience takes it,

considered that they were morally bound to adhere to their pledges not to join any organization of their fellowcraftsmen, and the new union made slow progress. The company recognized this, and either to test its judgment, or to throw down the gauntlet and force another strike, put into effect in 1876 a general reduction in salaries. This reduction represented a 5 per cent decrease

to those receiving less than $100 per month, 10 per cent to those receiving $100 and under $125, and 15 per cent to those receiving $125 or more. Of course, this hit the managers, assistants, etc., pretty hard, but that was soon remedied by creating a higher grade and moving the officials all up one grade, where they received their old salaries with a slightly different title. The reason assigned by the company for this reduction was that the telegraphers' salaries were too high. They were receiving $85 to $115 per month before the decrease. Whatever the motive of the company may have been in this general reduction, the officers of the new organization of the telegraphers believed it to be a movement to force a strike and destroy the union. They, therefore, urged the membership to refrain from radical action at that time, continue the work of organization, and bide their time with the prospect of later recovering the loss. The rank and file, while heeding the counsel of their officers, were dissatisfied with their action and felt that this show of evident weakness would encourage the Western Union to combat the organization more vigorously than before. As a result the Telegraphers' Protective Union failed to reach that stage in its career where it might have acquired the strength to approach the company for increases or better conditions. The union gradually withered away. In 1878 further reductions in salaries were made—in most cases 10 per cent.

The telegraphers' next effort at organization occurred in 1881, and by the middle of 1883 had culminated in a very formidable union called the Brotherhood of Telegraphers, under the auspices of the Knights of Labor. This organization held a convention in Chicago in March, 1883, at which a bill of grievances was drawn up and submitted to all the subordinate units of the brotherhood for action. The district assemblies almost unanimously confirmed the grievances and authorized the executive committee of the brotherhood to present to the company a petition for the remedying of the same, together with a request for a 15 per cent increase in salaries. The maximum salary in New York had by this time been reduced to $100 per month, while the minimum had been forced down to around $40.

In accordance with the expressed desire of the district assemblies, the executive committee on July 16, 1883, presented the following petition to the Western Union:

CENTRAL OFFICE,
BROTHERHOOD OF TELEGRAPHERS OF THE UNITED STATES AND CANADA.

THOMAS T. ECKERT, Esq.,
General Manager and Acting President
Western Union Telegraph Co., New York.

SIR: The undersigned, the executive board of the Brotherhood of Telegraphers of the United States and Canada, in accordance with instructions from that body, respectfully petition your favorable consideration of the following memorial embodying the desires of all classes of employees in the service of the Western Union Telegraph Co.:

SECTION 1. Believing that man's physical and mental welfare requires that at least one day in seven be accorded him for rest and recreation, we request the total abolition of Sunday work as a compulsory duty unless compensated as extra service.

SEC. 2. That eight hours shall constitute a day's work and seven hours a night's work.

SEC. 3. Both sexes shall receive equal pay for equal work.

SEC. 4. That a universal increase of 15 per cent on all salaries now paid be granted.

LINEMEN'S INTERESTS.

SECTION 1. That eight hours shall constitute a regular day's work and that compensation at the rate of two days' pay be allowed for all Sunday work; that the lowest salary shall be $65 per month, and for helpers $50; that the duties of linemen be confined solely to their legitimate work.

WHEATSTONE INTERESTS.

SECTION 1. That the salaries of first-class Wheatstone operators be increased to $75 per month and second-class operators to $60 per month and that they receive the 15 per cent increase asked for Morse operators.

SIR. 2. That the working hours of Wheatstone operators be the same as Morse operators.

A reply at the earliest possible moment solicited.

Very respectfully

EUGENE O'CONNOR,
Chairman.
MORTIMER D. SHAW,
Secretary.
JOHN CAMPBELL,
ROBERT EWING,
HARRY W. ORR,
ROGER J. MULLEN,
JOSEPH H. FORD,
Executive Board.

The company refused to recognize the committee. It made no written reply, but demanded verbally of the committee that it furnish the company with the names of all its employees represented by the committee. The committee, realizing that this would mean the locking out of its membership in the employ of the Western Union, wisely refused to comply. The committee, having been endowed with the power to call a strike if the company refused to concede the demands of their employees, decided to exercise the power it held when convinced that the company, by preparing for such a contingency, meant to ignore the petition. The strike being scheduled for noon July 19, 1883, it was determined to present the company another opportunity to open negotiations, and the following note was delivered to Mr. Eckert at 9 a. m. on the 19th:

NEW YORK, *July 19, 1883.*

Gen. T. T. ECKERT, *New York.*

SIR: On Monday, the 16th instant, a committee of telegraphers submitted to your consideration a petition intrusted to them for presentation to you by the Brotherhood of Telegraphers. You expressed your doubts as to the authority of that committee to speak for the employees of your company and have failed to respond to that petition. Your letter to R. C. Clowry, general superintendent, discloses to the public the fact that you were informed of the nature of your employees' grievances before they were presented. Under ordinary circumstances it would require but a short time to arrive at a conclusion as to what steps you would take, but, knowing as we did that this matter had been thoroughly discussed long before we waited upon you, it was not unreasonable to ask an early reply. It is due to the interests you represent, to our organization, and particularly to the general public, that this matter be speedily adjusted and that the responsibility of any future action may rest where it properly belongs. It is with an earnest desire for the harmonious settlement of difficulties and regard for the social and business interests of the people that we send this last appeal for the recognition of the rights and redress of the grievances of your employees.

Very respectfully,

JOHN CAMPBELL,
District Master Workman.

No response to this appeal was made by the company's officials, and at 12 o'clock, July 19, 1883, a general strike of the telegraphers went into effect.

Mr. Brooks testified before this commission, I believe, that the men in 1883 demanded recognition of their union, which the company refused, and intimated that it was upon this point that the strike hinged. If any demand for the official recognition of the Brotherhood of Telegraphers as an organization can be found in the communications submitted, or in the utterances of the officers of the brotherhood, I have failed to discover it.

The reductions in salaries in 1870, 1876, and 1878, together with the operation of the "sliding scale," that is, replacing, say, a $100 man, when he vacated a position, with a $90 man, had brought the maximum salary at New York down from $118 in 1866 to $100 at the time of this general strike in 1883. The minimum had dwindled from $100 to less than $30. According to a statement made by Superintendent Humstone of the Western Union at New York just prior to the strike, "The pay of operators ranges from $25 per month for boys and beginners to $100 a month for the best men. There are few who get the highest figure. The average, as near as I can say just now, is about $75 per month for male operators. The pay of girls and women ranges from $25 to $60 or $65 a month. I should say the average is about $45. About 25 per cent

of the operators are women." A census taken by the Brotherhood of Telegraphers disclosed an average wage of $54.43 per month for commercial telegraphers in the United States.

Considering these figures in connection with the petition of the brotherhood, I would like to ask where any unreasonableness on the part of the telegraphers is apparent? It certainly seems to me that the men were asking but a slight restoration of what had been filched from them by a greedy corporation that was paying a very high rate of dividends on an actual investment.

The strike was terminated at the end of 30 days, when the strikers gave up hope of winning. It ended in the same orderly fashion that marked its genesis. While the company, through its press agents, maligned the strikers all through the fracas, they were vindicated at the close of the strike by one of the greatest newspapers in the country. I will read from an editorial appearing in that paper, the New York Herald, August 18, 1883:

"The strike of the telegraphers has come to a formal and, so to speak, official end.

"The strikers have conducted themselves well. If wires were cut or disabled no such bad and criminal work has been traced to them, and it is proper to hold them guiltless of lawlessness. The strike became the occasion of a good deal of foolish and undemocratic writing in newspapers, which rushed to the side of the employers and against the employed, some journals even going so far as to suggest that laws be adopted to prohibit strikes by telegraph and railroad operators. The discussion which these extraordinary propositions caused has done no harm, except to those who showed themselves the superserviceable supporters of powerful corporations.

"The strikers evidently overestimated their own strength and endurance. They thought that the telegraph companies could not get on without them. They forgot that the American people adapt themselves with singular readiness to the most inconvenient changes, and did not foresee that the public, finding the telegraph no longer able to serve it, at once took to transacting a large part of its business by mail, thus helping the companies to resist their striking workmen by lessening their business."

I also desire to quote an editorial from the same paper on August 22, 1883:

"Dr. Norvin Green is the president of the Western Union Telegraph Co., a corporation that has recently experienced much trouble with its employees. The striking operators were compelled to yield, and there has been some curiosity regarding the policy which the Western Union would adopt toward those whom it reemployed. Dr. Green was recently interviewed on this point, and his answer may be regarded as in a manner official. 'I sympathize,' he said, 'with the strikers for the sad mistake they have made, and there will be no punishment meted out to them.'

"He is also reported to have said: 'As I told Gen. Eckert this afternoon, the several hundreds of thousands of dollars which have been lost in the strike I regard to be the best financial investment made by the company. Hereafter Gen. Eckert tells me, that he will get one-third more work out of a man for a day's services, and the economy of such a step will retrieve the loss in less than six months.'

"No punishment! One-third more work daily out of the strikers! All losses caused by the strike to be taken out of the operators!

"Nor is this the only expression of his sympathy. Every operator taken back by this merciful and forgiving corporation, of which he is the president, must sign, it seems, the following:

"'I, ——— ———, of ———, in consideration of my present reemployment by the Western Union Telegraph Co., hereby promise and agree to and with the said company that I will forthwith abandon any and all membership, connection, or affiliation with any organization or society, whether secret or open, which in anywise attempts to regulate the condition of my service or the payment therefor, while in the employment now undertaken.

"'And I do hereby further agree that I will, while in the employ of said company, render good and faithful service to the best of my ability and will not in anywise renew or reenter upon any relations or membership whatsoever in or with any such organization or society.

"'Dated ——— ———, 1883.

[SEAL.]

"'(Signed) ——— ———,

"'(Address) ——— ———.

"'Accepted for the Western Union Telegraph Co.

"'———— ————, *Superintendent.*'"

The United States Senate Committee on Education and Labor was at that time investigating industrial relations as your honorable body is doing to-day, and it held hearings on the telegraphers' strike. Senator Blair, the chairman of the committee, said in summing up, addressing Dr. Norwin Green, president of the Western Union:

"The operators who came here and testified almost invariably stated that for a long period of years there has been a constant reduction of salaries going on, and this while their efficiency was increasing, and their hours of labor, in many cases, were also increasing and more money was being made by the company. They also said that a great many individual applications and applications of bodies of operators by petition had been made directly to the company for an increase of compensation, and I think the testimony was that universally, without a single exception, their applications had been ignored, and, therefore, they claimed that they had to strike in order to secure even attention from the company. And, now that you have your own way about it, I wish you would just come up and give those boys more money." Dr. Green and his company ignored the plea of the Senator just as they had ignored the pleas of their telegraphers.

It will be seen that the Western Union has always treated its employees in the same manner; and, while Mr. Brooks may personally hold certain opinions that he has expressed before this commission, his statement that the Western Union refused to deal with the Commercial Telegraphers' Union of the present day because it has been irresponsibly officered or constituted is, in my judgment, mere poppy-cock. The Western Union has always declined to deal with its employees collectively and has never dealt justly or considerately with them individually.

Testimony before the Blair committee showed that salaries in Omaha in 1873 ranged at $100 per month and in 1883 at $90 per month; in New Orleans they were $125 in 1873 and $80 in 1883; in Richmond, Va., $115 in 1873 and $80 and less in 1883.

Following the strike in 1883 the Western Union, true to the threat of Gen. Eckert, did require more work of its telegraphers. Their efficiency since that time has increased marvelously. The introduction of the typewriter in the early nineties greatly increased their capacity. For presswork the typewriter, in connection with the adoption of what is known as the Phillips code, has increased their capacity very largely. The Phillips code is a system of abbreviations, of which I submit a few samples: "f" represents "of the"; "xn," "constitution"; "ckx," "committed suicide"; "Scotus," "Supreme Court of the United States." The use of this code means that, while the sender transmits the contraction, the receiver translates it in his mind and transcribes the full text. A speed of 50 or 60 words per minute can be averaged with the use of the code, where only 30 or 40 is attainable without it.

When the typewriters were introduced the telegraphers were forced to provide them at their own expense, and still are compelled to do so by the Postal Telegraph Co. The Western Union recently installed typewriters at the company's expense. About 10,000 machines were purchased, I understand, at a cost of about $35 each.

The defeat of the strikers in 1883 annihilated their organization. Between that time and the formation of the present organization, in 1902, various efforts at reorganization were attempted by the telegraphers, but the "ironclad," as it is called, which those who returned to the service of the company after the 1883 strike, as in the case of 1870, were compelled to sign, operated as a check against the re-formation of the union for the reason that most of those who signed it considered themselves morally obliged to abide by its terms. At the same time the eternal vigilance of the company made it possible for them to detect the various movements in their incipiency, which always resulted in the immediate discharge of anyone found to be connected or suspected of being connected with such an undertaking.

Even in 1902, when our organization was inaugurated, the Western Union discharged considerable numbers of men all over the country. At that time, however, the influence of John W. Mackay, the founder and up to the time of his death, in 1901, the president of the Postal Telegraph Co., had not been entirely eliminated from the affairs of that company, and it did not oppose our efforts to organize. John Mackay was a very fair-minded man, and, I believe, had he lived the Commercial Telegraphers' Union would have had a working agreement with the Postal that would have prevented the strike of 1907 against the Western Union, extending to the Postal.

I might say in this connection, that it is my belief that the Postal and Western Union were on very good terms about the time of the general strike

of the telegraphers in 1907. There is quite a breach between the two concerns at the present time, but it occurred after the strike, when the American Telegraph & Telephone Co. formed its alliance with the Western Union. That the Postal had this same idea of amalgamation with the A. T. & T. in mind for itself is evidenced by its accumulation of the telephone stock, which it promptly disposed of when that company aligned itself with Western Union.

Going back to the inception of the present organization—the Commercial Telegraphers' Union of America—and the policy of the Western Union toward it: As I stated, the Western Union discharged hundreds of men throughout the country for affiliation with this union when its formation began in 1902, and it continued to oppose the organization with such tenacity that at no time until the spring of 1907 did we have a large percentage of that company's employees on our membership rolls. Mr. Brooks has stated that the company did not antagonize their employees in their efforts to organize in 1907; that the policy of the company seemed to change, or did change. Now, the fact of the matter is that the company did oppose this move on the part of their telegraphers and discharged some of them in New York and Chicago, and, I believe, other places. Those discharged at Chicago constituted an organizing committee that had been at work quietly for several weeks. The dismissal of these men stirred up such a clamor all over the country that the company, in the face of the 20 to 60 per cent increase in rates it was inaugurating, feared the wrath of public opinion that a strike would engender. The discharged men at Chicago were reinstated; and the work or organization continued among the telegraphers. Soon thereafter the 10 per cent increase in salaries, mentioned by Mr. Brooks, was granted. Of course the company could easily afford to give their employees a little of their increased income resulting from the raise in rates; and it has always been my opinion that the 10 per cent granted them was simply a sop calculated to stem the tide of organization.

The Western Union began almost immediately after the granting of this increase a campaign of recovery through the old reliable sliding scale. Union men were discriminated against, as in the case of the chiefs at Chicago, who were offered an additional 15 per cent increase if they would withdraw from the union. Those who did were given the additional 15 per cent, while those who refused were denied the 15 per cent. There were innumerable minor grievances that needed adjustment, which the company showed no intention of remedying. It showed no desire to deal with the chosen representatives of its employees. There were evidences that the executive officials of the company were being deceived by their subordinates as to the real strength of the organization, and it was finally decided that a show of numbers must be made. To this end, the strike at San Francisco was agreed upon; and the executive committee, sitting at New York, dispatched President Small to the coast for that purpose. Through the traitorous work of a man named Demarest, who had been acting as sort of private secretary and valet to President Small, the Western Union officials were apprised of Small's mission. You will observe that President Clowry's agreement with Dr. Neill was dated June 20, 1907, and that the strike in San Francisco was called on the 21st. This strike would have occurred on the 20th had not President Small, contrary to the instructions of the executive committee, stopped off at Chicago en route to see his wife who was sick at the time. It is my opinion that the company, knowing the night that President Small left New York just when the strike was scheduled to take place, timed its negotiations with Dr. Neill in such a way that they would culminate but an hour or two before the strike. While the Clowry-Neill agreement was the greatest concession the Western Union ever made to its employees, the document was replete with equivocations and evasions. "If" was its predominating characteristic. The operators know—and knew that Col. Clowry knew—that there were no "ifs" about the matters referred to in that matter in the agreement, and most of them felt that the company in proposing the agreement were simply marking time in a crisis. Between the ultraconservative East and the ultraradical West was the great intermediate mass of thinkers who, through years of experience with the Western Union's deceit and hypocrisy, considered Col. Clowry's words an insult to their intelligence. They were expecting deeds, not words, and rebelled. While, on its face, it would appear that the telegraphers bolted an agreement, it must be considered that Deputy President Konenkamp was given but a few hours in which to act, and that those few hours were almost wholly consumed in an endeavor on his part to secure the sanction of President Small to the signing of the agreement. Had Mr. Konenkamp been granted three or four days in which to learn the sentiment of the Western Union employees as a whole, I am

fully convinced in my own mind that he would never have put his signature to that document.

The details of the strike and what has followed has been or will be fully covered by others and I shall not impose upon your time further in regard thereto.

I wish to refer briefly to some of the testimony given here. First, as an instance of the Western Union's system of rewarding its faithful servants, or rather its nonrewarding, I would call your attention to the testimony of President Carlton, wherein he states that he entered the service of the Western Union—his first experience in the telegraph business—in December, 1910. His salary in the position he now holds is $35,000 per annum, while Vice President Brooks, who, as he testified, has been in the service of the company since 1871, in almost every capacity, receives but one-third that amount. Verily, it appears that not only the operators but the vice president is underpaid. Mr. Brooks has forgotten more about the telegraph business than Mr. Carlton will ever know, yet the board of directors, representing the financial interests, supersedes Mr. Brooks with a man who has spent his life in other pursuits. Still the company would stir the ambitions of the mere operator with that time-worn phrase, "There's always room at the top for the right man."

Mr. Carlton prates of "a representative body of competent employees of the Western Union Telegraph Co." as an organization with which his company might deal. I ask, how can such an organization be created when the company opposes with its discharging and black-listing power every effort of its telegraphers to form such an organization? Such arguments, in view of the historical facts in the case, are hypocritical to say the least. Let the Western Union remove the embargo against organization among its employees and the latter will form a responsible union within a surprisingly short time. The forming of such an association at this time would include many of the veterans of 1907, men of experience in union matters, who could be relied upon for good counsel; but defer reorganization for another decade and the union that will be formed then, as one will eventually obtain, no matter what the course of the company may be, will be composed principally of a new generation, inexperienced and headstrong, that will no doubt repeat the performances of preceding generations; and I venture the prediction that unless the Western Union does permit its employees to organize and does deal with them courteously and righteously the stories of 1870, 1883, and 1907 will be reenacted within the next 10 or 15 years, perhaps earlier.

Mr. Carlton, in endeavoring to offset the higher salaries paid telegraphers prior to the Western Union's monopoly, stated that the men did more work in those days, handling as high as 900 messages per day. Now, I do not believe that the gentleman wanted to deceive this commission, and attribute his assertion to lack of authentic information and unfamiliarity with the telegraphic business. Like himself, I have found the memories of some of the telegraphers of those days who still live somewhat shady, and have not relied upon them entirely for my information. I have dug into the printed archives of half a century ago and brought forth the facts as they were written down at the time. I have found not a few mentions of what was considered in those times very fast telegraphy. Here is one "record" set down in the Telegrapher, of July 15, 1865: "Five hundred and fourteen messages were received in Boston, on July 10, from the gold room, New York, and 63 sent, a total of 577, between 9 a. m. and 6 p. m. This is probably the largest business ever transmitted over one Morse wire in nine hours." I choose this one because it is the greatest "record" I discovered. When it is considered that at that time no telegraphic ciphers were in use, that all the words in the messages were understandable, and that for the most part these 577 messages consisted of short gold quotations, the accomplishment pales into insignificance beside the work performed on Mr. Carlton's "premium" wires of to-day. The records made at telegraphic contests in those days did not approach the daily average on the fast wires of either company to-day. The press telegrapher of the present generation who did not do better than the "miraculous" performances recorded in the ancient days would last about as long as the proverbial snowball in the infernal regions. I dare say Mr. Brooks would not indorse President Carlton's statements that the telegraphers performed more service 40 or 50 years ago than they do to-day. And, aside from that question, there were no multiplex systems in those days; all wires were worked "single" then. Now, the capacity of a wire duplexed is increased 75 per cent, and more than doubled by quadruplexing, which increases in like proportion the company's income from that wire.

Mr. Carroll was, I believe, questioned as to why the company maintained a school for the increasing of the supply of telegraphers when, according to his testimony, the company could dispense with many of the men on the extra lists in his district, and I could almost detect crocodile tears of sympathy in his eyes as he graciously asked, "Shall we say to those desirous of learning a trade 'Thou shalt not'?" He neglected to inform us that his company and the schools that flourish with the tolerance of the company solicit these students, and that the outside schools in particular misrepresent the actual conditions in pointing out to the prospective student the advantages of learning telegraphy. Nor did he explain that the Western Union has never had any hesitancy in saying to those who had spent several years in learning in becoming proficient in the art 'Thou shalt not' work at your trade.

In this connection permit me to submit a clipping[1] from the Brooklyn Standard Union of January 31, 1915, which constitutes a reading notice for the Brooklyn School of Telegraphy, which is located in the same building with and is ostensibly an adjunct to the Western Union Telegraph Co.'s office in that city, together with a letter I directed to the editor of the newspaper mentioned concerning the same. No reply was received regarding my offer to insert a paid advertisement in its columns.

Mr. Carroll also intimated that whereas the union had condemned split tricks in the past, it now condemned him for abolishing the split tricks. True, the union is opposed to split tricks for the very reasons that Mr. Carroll recites against them; but two wrongs do not make one right, and when the company is abolishing a seven-and-a-half-hour split trick, inaugurates in its stead a straight nine-hour trick, covering approximately the same working hours, there is serious objection. While, as Mr. Carroll states, there are perhaps no straight tricks ending at a later hour than 7.30 p. m. in Chicago, I beg to inform him that in New York there are such tricks ending as late as 10 p. m., which spoil both afternoon and evening as far as any pastime or recreation is concerned. I sincerely hope that the split trick will be eternally abolished; but a telegrapher should be permitted to have either the afternoon or the evening off duty in which to follow some pursuit of happiness.

As Mr. Brooks truthfully says, the matter of handling grievances, arranging hours of service, adjusting salaries and conserving the best interests of both the company and its employees is a big problem, and it will never be satisfactorily solved while a cold-blooded, dollar-mad board of directors dictates every policy of the company and forbids the employees one word in the direction of affairs telegraphic.

In conclusion, I desire to say that I believe this commission is doing a great work and that, as at present constituted, it should be perpetuated with a view to continually investigating the industrial relations of this country and in recommending to Congress the passage of such laws as become necessary for the protection of the workers.

POWERS EXHIBIT.

Sick benefits paid to members of P. T. E. A. in Chicago main operating department from March 1, 1914, to March 31, 1915 (149 active members).

Name.	Period.	Amount.
E. J. Allman	March 1 to 8, 1915	$4.67
M. B. Ammann	October 26 to November 16, 1914	7.26
A. B. Carroll	June 4 to August 23, 1914	172.50
Ruth Clay	January 20 to March 6, 1915	2 40.00
A. G. Cooper	December 3 to 14, 1914	5.22
M. E. Coonan	January 5 to 25, 1915	21.92
A. G. Drake	February 9 to March 9, 1915	40.44
F. W. Goulden	January 7 to February 11, 1915	30.00
Miss T. Hawley	February 26 to March 22, 1915	20.75
C. E. Inman	November 30 to December 14, 1914, and January 2 to 10, 1915	18.28
Maud Holden	May 18 to June 1, 1914	13.39
Benj. Holles	August 31 to 20, 1914, and March 26 to April 17, 1914	14.00
F. C. Schmeckel	June 1 to 15, 1914	5.64
Geo. Smallbone	September 14 to October 15, 1914	48.00
Roy M. Wood	March 18 to 28, 1915	14.15
L. B. Morey	September 1 to 14, 1914	14.00
F. J. Wilton	March 26 to April 2, 1914	8.33
R. V. Fray	April 2 to 20, 1914	8.00
Total		560.75

[1] Not printed.

[2] Still continued.

Benefits paid members outside of the operating department at Chicago.

Rose Muller	June 8 to 22, 1914	$3.76
Anna Bruton	March 9 to April 11, 1914	12.70
J. L. Carroll	July 17 to August 31, 1914	22.76
Total		39.22

Death benefits paid in Chicago in 1913.

Thomas H. Lukins[1]	$200
Charles F. Parker, jr	50
Jacob Wurzburg	200
Total	450

T. N. POWERS.

RUSSELL EXHIBIT NO. 1.

Supplementary list, May 1, 1913.

Name.	Address.	Occupation.	Reason.
Adams, A. H	Buffalo, N. Y	Operator	Cause.
Andrews, John	Chicago, Ill	do	Do.
Beck, Geo	do	do	Do.
Bennett, Chas	Pittsburgh, Pa	do	Cause (flagging—right name unknown).
Bisso, W. C	do	do	Cause.
Bisek, Geo. W	Nashville, Tenn	do	Do.
Brenen, Carl	St. Louis, Mo	do	Do.
Brierton, Matthew J	San Francisco, Cal	do	Do.
Caldwell, Dude	Kansas City, Mo	do	Do.
Cooley, James	Buffalo, N. Y	do	Do.
Davis, H. A	do	do	Do.
Dawe, Robert	New York City	do	Do.
Dillon, G. W	do	do	Do.
Dudley, Robert	do	do	Do.
Englesby, John	Chicago, Ill	do	Do.
Gallagher, J. T	New York City	do	Do.
George, Harry	Buffalo, N. Y	do	Do.
Gill, Wm. S	New York City	do	Do.
Grabel, Joe	Chicago, Ill	do	Do.
Greenar, J. B	New York City	do	Do.
Hayes, Charles, alias Bob Haynes.	Chicago, Ill	do	Do.
Heady, D. B	New York City	do	Do.
Johnson, L. C	do	do	Do.
Joyce, E. M	do	do	Do.
Kellog, Frank	Buffalo, N. Y	do	Do.
Kline, Frank	do	do	Do.
Lape, F. W	New York City	do	Do.
Leddy, C. E	do	do	Do.
Leigh, Chas, alias L. L. Probst	do	Organizer	Do.
Marks, Frank	Rochester, N. Y	Operator	Do.
Martin, Fred	Buffalo, N. Y	do	Do.
McClain, Harry	do	do	Do.
McCune, H. E	Rochester, N. Y	do	Do.
McFaddon, F. J	New York City	do	Do.
McFerson, James	Buffalo, N. Y	do	Do.
McKenzie, B. G	New York City	do	Do.
Murphy, Miss M	Buffalo, N. Y	do	Do.
Pastrel, M. C	New York City	do	Do.
Payne, Eddie	do	do	Do.
Pierce, Howard	Buffalo, N. Y	do	Do.
Powers, Ralph B	Pittsburgh, Pa	Organizer	Do.
Probst, L. L., alias Chas. Leigh	New York City	do	Do.
Riley, Jim	do	Operator	Do.
Roach, C	Chicago, Ill	do	Do.
Rogers, R. R	New York City	do	Do.
Roller, Dick	Chicago, Ill	do	Do.
Ryder, Corn, Mrs	Buffalo, N. Y	do	Do.

[1]Also paid $202.40 sick benefits.

RUSSELL EXHIBIT NO. 1—Continued.

Supplementary list, May 1, 1915—Continued.

Name.	Address.	Occupation.	Reason.
Shadd, Guy	Pittsburgh, Pa	Operator	Cause (flagging—right name unknown).
Silverstein, Mr. H	New York City	do	Cause.
Simpson, Chas	Chicago, Ill	do	Do.
Snyder, J. H	Niagara Falls	do	Do.
Thomas, George	Buffalo, N. Y	do	Do.
Truitt, W. J	New York City	do	Do.
Warren, Orville E., alias O. E. Warner	Salt Lake City, Utah	do	Do.
Wilson, T. E	New York City	do	Do.
Willoughby, A. J	Memphis, Tenn	do	Do.
Wilson, B. F	New York City	do	Do.
Wilson, D. G	Nashville, Tenn	do	Do.
Wilson, E. F	Detroit, Mich	do	Do.
Wilson, E. F	Chicago, Ill	do	Do.
Wilson, J. Allan	Pittsburgh, Pa	do	Do.
Wilson, J. F	Salt Lake City, Utah	do	Do.
Wilson, M. L	Oklahoma City, Okla	do	Do.
Wilson, P. J	Helena, Mont	do	Do.
Wilson, R. A	Little Rock, Ark	do	Do.
Wilson, W. F	Salt Lake City, Utah	do	Do.
Winn, J. M	Kansas City, Mo	do	Do.
Winne, C. F. (Wynne)	do	do	Do.
Wirick, E. G	Spokane, Wash	do	Do.
Withlet, S. A	San Francisco, Cal	do	Do.
Wogreen, W. F	New York City	do	Do.
Wolever, H. C	Bellingham, Wash	do	Do.
Wolford, Alva	Columbus, Ohio	do	Do.
Wolover, H. C	Bellingham, Wash	do	Do.
Wonell, W. C	Altoona, Pa	do	Do.
Wood, A. L	Minneapolis, Minn	do	Do.
Wood, H. P	Everett, Mass	do	Do.
Wood, J. W	Albany, N. Y	do	Do.
Wood, T. E	Kansas City, Mo	do	Do.
Wood, W. W	Hartford, Conn	do	Do.
Woolard, C. M	New York City	do	Do.
Wooten, A. L	Augusta, Ga	do	Do.
Wooten, Wm	Los Angeles, Cal	do	Do.
Worzell, W. C	New York City	do	Do.
Wratter, Geo. E	Portland, Oreg	do	Do.
Wray, W. S	Seattle, Wash	do	Do.
Wright, E. E. (E.)	do	do	Do.
Wright, J. W	Duluth, Minn	do	Do.
Wright, L. H	Nashville, Tenn	do	Do.
Wynart, J. B	New York City	do	Do.
Wynn, F. T. (Winn)	St. Louis, Mo	do	Do.
Wynne, O. B. (or O. E. Winn)	Kansas City, Mo	do	Do.
Yelte, R. M	Pittsburgh, Pa	do	Do.
Yoell, W. A	New York City	do	Do.
York, W. C	Pittsburgh, Pa	do	Do.
Yorker, Sadie V	New York City	do	Do.
Younan, A	Nashville, Tenn	do	Do.
Young, Chas	New York City	do	Do.
Young, W. B	Detroit, Mich	do	Do.
Young, W. B	Govans, Md	do	Do.
Young, W. T	Los Angeles, Cal	do	Do.
Youngs, B. L	Spokane, Wash	do	Do.
Zimmerman, F. E	Salem, Oreg	do	Do.
Zimmerman, O. H	Oklahoma City, Okla	do	Do.

Total of 1,709 names.
Corrections:
Leonard, W. V., should read Leonard, A. V.
Martin, W. H., should read Martin, W. R.
O'Brien, W. H., should read O'Brien, W. H.
Taylor, A. E., should read Taylor, A. E.
NEW YORK, *March 1, 1915.*

RUSSELL EXHIBIT NO. 2.

STATE OF ILLINOIS,
County of Cook, ss:

George C. Roderick, being first duly sworn, deposes and says that the documents described in the list attached hereto and hereby expressly made a part hereof are the original letters, memoranda, expense accounts, etc., of or from

Theodore P. Cook, general superintendent of the western division, Western Union Telegraph Co.; R. M. Shoemaker, chief special agent of the Western Union Telegraph Co.; William J. Lloyd, division traffic superintendent of the Western Union Telegraph Co.; Thomas W. Carroll, division traffic superintendent of the Western Union Telegraph Co.; and others received by this affiant in the course of his employment as special agent of the Western Union Telegraph Co., extending over a period from, to wit, January 2, 1912, to March 15, 1913. This affiant further says that the Belvidere Brooks referred to in a separate statement made by this affiant and in the documents heretofore mentioned herein is the general manager of the Western Union Telegraph Co., with headquarters at New York City, N. Y.; that the initials T. P. C. are those of the said Theodore P. Cook, and that the initials or signature where it occurs in handwriting is that of the said Theodore P. Cook; that the initials W. J. L. are those of William J. Lloyd, and the signature or initial where it occurs in handwriting is that of the said William J. Lloyd; that the initials R. M. S. are those of R. M. Shoemaker, and the signature or initial where it occurs in handwriting is that of the said R. M. Shoemaker; that the initials T. W. C. are those of Thomas W. Carroll, and the signature or initial where it occurs in handwriting is that of the said Thomas W. Carroll; that this affiant is well acquainted with the handwriting of each of the aforesaid persons, and is willing to testify under oath that the said letters and memoranda came from the aforesaid persons, and that the signatures thereto are the genuine signatures of the aforesaid persons.

This affiant further says at the nature of his employment with the Western Union Telegraph Co. as special agent was to secure information concerning the Commercial Telegraphers' Union of America, the movements of its officers, the names of its members, and to prevent employment of members of said union by the said Western Union Telegraph Co.; that these letters, memoranda, etc., mentioned in the said list have been voluntarily and without force or duress turned over to the international secretary-treasurer, Wesley Russell, of the Commercial Telegraphers' Union of America, for the purpose of giving a true and accurate account of his work as said special agent of said company; that the aforesaid letters, memoranda, etc., are those referred to in an affidavit of this affiant wherein he makes a detailed statement of his acts as the special agent of the said Western Union Telegraph Co.

GEORGE C. RODERICK.

Subscribed and sworn to before me this 15th day of August, A. D. 1913.

JOHN C. DE WOLFE,
Notary Public, Cook County, Ill.

PULLMAN EMPLOYEES

(For exhibits under this subject, see pages 9693 to 9695)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL.,
Monday, April 5, 1915—10 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Ballard, and Aishton.

Chairman WALSH. I would like to announce to the witnesses that we will begin promptly at 10 o'clock in the morning and we will adjourn at 12.30, reconvene at 2 o'clock and adjourn at 4.30. Those hours may be depended upon by the witnesses. I would also like to say that all the witnesses subpœnaed to appear here to-day will remain in attendance without further notice until they are called.

The first witness, I believe, is Mr. Hungerford. Mr. Hungerford will please take the chair.

TESTIMONY OF MR. L. S. HUNGERFORD.

Chairman WALSH. Please state your name.

Mr. HUNGERFORD. L. S. Hungerford.

Chairman WALSH. What is your business, please, Mr. Hungerford?

Mr. HUNGERFORD. General manager of the Pullman Co.

Chairman WALSH. Where is your office?

Mr. HUNGERFORD. In the Pullman Building.

Chairman WALSH. I wish you would briefly state the general organization of the Pullman Co.—that is, as to its officers.

Mr. HUNGERFORD. They have executive officers, the president, two vice presidents——

Chairman WALSH (interrupting). Please give the names.

Mr. HUNGERFORD. Our president is Mr. J. S. Runnells. We have, of course, as chairman of the board, Mr. Robert T. Lincoln. Mr. J. S. Runnells is the chief executive officer, Mr. Le Roy Kramer vice president, and Mr. Richmond Dean vice president.

Chairman WALSH. Proceed, please, Mr. Hungerford.

Mr. HUNGERFORD. We have an assistant general superintendent and we have representatives throughout the country that have immediate jurisdiction over the service in their territory.

Chairman WALSH. Just describe them, please; that is, you have a district superintendent—you have a division superintendent first, do you?

Mr. HUNGERFORD. No. We have no division superintendents. We have what we term "superintendents."

Chairman WALSH. How many have you in the United States?

Mr. HUNGERFORD. We have four of those.

Chairman WALSH. And where are they located, and their names?

Mr. HUNGERFORD. St. Louis, San Francisco, Philadelphia, and New York.

Chairman WALSH. And their names, please.

Mr. HUNGERFORD. F. L. Wood, at San Francisco; Mr. F. R. Cook, St. Louis; Mr. J. T. Ransom, Philadelphia; Mr. A. J. Grant, in New York. Then the territory is subdivided into district superintendents, so termed.

Chairman WALSH. The number of your directors, please.

Mr. HUNGERFORD. I don't know just how many we have got at the present time. We had some vacancies. Whether they have been filled at the last meeting or not I don't know.

Chairman WALSH. How many do you have when the board of directors is full?

Mr. HUNGERFORD. I don't know what they number; I think about 11. I will not state positively.

Chairman WALSH. Do you know the names of them?

Mr. HUNGERFORD. I know the names of some of them.

Chairman WALSH. Give the names of all you know.

Mr. HUNGERFORD. Mr. Keep, Mr. Morgan, Mr. Runnells, Mr. Baker, Mr. Lowden, Mr. Webb. Those are all that occur to me just now.

Chairman WALSH. And the chairman of the board is Mr. Robert T. Lincoln?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How frequently does that board meet?

Mr. HUNGERFORD. I can not tell you that; I have nothing to do with the executive matters, and do not give them any particular attention.

Chairman WALSH. Please state as concisely as possible your connection with the Pullman Co., when you started, and the positions you have filled.

Mr. HUNGERFORD. I entered the service of the company in 1886; I went in a new position that was created—I was chief clerk to a newly created position, the position of general agent, so termed. It did not last a great while, and I was then—I then became connected with the general superintendent's office. I was assistant to the assistant general superintendent, and afterwards assistant general superintendent, then general superintendent, and at the present time I am general manager, that taking effect on the 1st of April.

Chairman WALSH. On the 1st of April of this year?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Prior to that time your position was what?

Mr. HUNGERFORD. General superintendent.

Chairman WALSH. Are you in charge of the car service department of your company?

Mr. HUNGERFORD. I have general supervision of the service throughout the country, the operation of the cars and matters with the roads using the cars in connection therewith.

Chairman WALSH. How many conductors are there in the employ of the Pullman Co.?

Mr. HUNGERFORD. We have approximately 2,500. We have not that many just at the present time, because the business has decreased.

Chairman WALSH. How many porters do you have in the employ of the Pullman Co.?

Mr. HUNGERFORD. About 6,500.

Chairman WALSH. What is the wage scale for conductors?

Mr. HUNGERFORD. They enter the service—when they enter the service they are paid at the rate of $70 per month for the first six months, then $75 to $80 the first year; two years $85, five years $90, 10 years $95. Those employed on special limited trains are paid at the rate of $100.

Chairman WALSH. How many special limited trains have you? How many are thus employed?

Mr. HUNGERFORD. I could not give you that exactly. I can recite some of them in a general way, and give the territory, if you like.

Chairman WALSH. Have you compiled a statement, Mr. Hungerford, that will give the number of conductors that you have on those various scales?

Mr. HUNGERFORD. No, sir; I have not.

Chairman WALSH. How many $70 a month conductors have you now?

Mr. HUNGERFORD. I could not tell you that.

Chairman WALSH. Who could give that information?

Mr. HUNGERFORD. It would have to be prepared; I presume Mr. Davis could give that.

Chairman WALSH. Will you have that prepared and give it to the commission?

Mr. HUNGERFORD. I will speak to him about it.

(The information sought was later submitted and appears among the exhibits at the end of this subject as "Hungerford Exhibit No. 1.")

Chairman WALSH. Can you tell approximately how many you have on at the different month's pay; that is, $70, $75, $80, $85, $90, and $100?

Mr. HUNGERFORD. I can say to you that we have 50 per cent—that 50 per cent of the men, both conductors and porters, are 10 years in the service. Let me correct that—5 years in the service. We have some 600—some conductors that are 10 years in the service, and I think some 1,600 porters that are 10 years in the service.

Chairman WALSH. What is the wage scale for porters?

Mr. HUNGERFORD. The minimum wage scale is $47.50 a month; that is, unless they have been 15 years in the service, then they get a 5 per cent addition that brings it up to $28.87, and I think——

Chairman WALSH (interrupting). What is the wage scale for porters?

Mr. HUNGERFORD. I have been corrected; I inadvertently said that the porters received $47.50 a month—if I said that it was an inadvertence, I should have said $27.50.

Commissioner O'CONNELL. What was it, $27.50?

Mr. HUNGERFORD. Yes. After 15 years in the service they receive a 5 per cent increase, making it $28.87.

Chairman WALSH. After how many years?

Mr. HUNGERFORD. Fifteen years. Porters employed in parlor-car service receive $32.25 a month, and after 15 years $33.86. Porters employed in tourist-car service receive $36.75 a month, and after 15 years $38.59. Porters operating in charge or on combined cars, $42 a month, and after 15 years, $44.10. Those employed in private cars receive $47.25 a month, and after 15 years $49.61.

Chairman WALSH. When were the salaries of car-service employees last changed?

Mr. HUNGERFORD. I think in 1911 that an advance was made of conductors and porters generally; it was June, 1913, that the 15-year men received the increase of 5 per cent.

Chairman WALSH. Was that the change made in 1911?

Mr. HUNGERFORD. No.

Chairman WALSH. Please state when that was.

Mr. HUNGERFORD. The general increase was made in 1911.

Chairman WALSH. What was that general increase?

Mr. HUNGERFORD. The porters received an increase—the porters that previously received $25 a month were increased 10 per cent; it was rated up to the $42 men and they got a 5 per cent increase and the $40 men received an increase of 5 per cent. The conductors who had been in the service two years or over received an increase of $5 a month.

Chairman WALSH. Was that the total increase? Have you stated all the details of the increase of 1911?

Mr. HUNGERFORD. I think so.

Chairman WALSH. Is there a bonus system in operation with the Pullman Co.?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. What is it?

Mr. HUNGERFORD. I might read to you these various bonuses in different arrangements.

Chairman WALSH. Very good.

Mr. HUNGERFORD. A month extra pay is granted all car-service employees who after one year's service have a clear record during the calendar year. By "clear record" that does not mean entirely free from demerits, but if assessed demerits they can be worked off by good service for various periods during the remaining portion of the year. During the year 1913 this extra month pay was granted to 79 per cent of the conductors, and 65 per cent of the porters, and during the year 1914 to 83 per cent of the conductors and to 74 per cent of the porters.

Employees in the service over 15 years are granted a 5 per cent increase in pay as a reward for long service. In 1913, 253 conductors and 593 porters received this increase, and in 1914, 277 conductors and 644 porters received the increase.

All employees in the service over 10 years are furnished with two new uniforms a year at the expense of the company.

At the important terminals sleeping quarters are furnished free, either through the use of old-style cars or in rented rooms.

Voluntary associations of employees for death benefits have been organized among the employees, operated entirely by themselves, but the company adds a bonus of 5 per cent to each death claim. For instance, in our conductors' voluntary association there are, approximately, fourteen hundred and fifty members who assess themselves $1 for each death; the company then adds $72.50 to the amount raised.

The company maintains a relief bureau at its own expense, without any contribution from the employees, which is more liberal than any other system maintained by the large employers of labor. Under it, employees are granted either full or half pay, according to the length of time of service, when they are sick or disabled, or when injury or death results from their employment or not.

It also maintains a pension system, at its own expense, modeled along liberal lines and has in many instances made allowances beyond those provided for in the pension rules.

Chairman WALSH. Describe the system of book suspensions, stating the offenses for which the various degrees of suspensions are given.

Mr. HUNGERFORD. We have what is called book suspension. Under the old method of actual suspension they lost pay. These suspensions are made for dereliction of duty, principally in attention to passengers and disregard of regulations that have been made for the protection of the traveling public. No suspension is made for less than 5 days or for a greater length of time than 15 days. For the ordinary dereliction they receive a reprimand. A reprimand can be erased—is erased after 3 months of subsequent clear service. It is erased in the same manner after 6 months—that is, a 5-day book suspension is erased—and the record is then clear. After 9 months a 10-day book suspension is erased and a 15-day suspension is wiped out in a year.

Chairman WALSH. Have you given us the different derelictions for which these suspensions are made?

Mr. HUNGERFORD. Well, I don't know that I have given them to you in detail.

Chairman WALSH. I wish you would, as briefly as you can, and state all the offenses.

Mr. HUNGERFORD. I could not give them to you without—that is, complete—our chief service inspector can give that, and I believe that he has been subpœnaed.

Chairman WALSH. Is it written?

Mr. HUNGERFORD. Yes.

Chairman WALSH. That is, they are all written out?

Mr. HUNGERFORD. Yes. They are written out; that is, we have a list of the suspensions, so as to have general uniformity.

Chairman WALSH. Have you a list of the offenses?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are they contained in the book of rules given to employees?

Mr. HUNGERFORD. They are not.

Chairman WALSH. How is notice of those offenses served on the employees?

Mr. HUNGERFORD. At the time the matters are taken up with each one.

Chairman WALSH. Don't they have any notice beforehand as to what is considered an offense that can be punished by a suspension?

Mr. HUNGERFORD. I think they all know pretty well. I can not say that any special circular has ever been issued to employees showing that.

Chairman WALSH. How many suspensions and what duration as to time are required to deprive a man of his bonus?

Mr. HUNGERFORD. I think I have explained that. They have to have a clear record for the calendar year. If an employee has committed an offense that calls for penalty of 10 days' suspension it takes 9 months to work it off.

Chairman WALSH. That answers that fully, does it?

Mr. HUNGERFORD. I think so. I think it does. As I said before a 5-day suspension is erased in 6 months, and a reprimand in——

Chairman WALSH (interrupting). The 5-day suspension in 6 months?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, proceed with that. I am trying to get it in my mind.

Mr. HUNGERFORD. A reprimand—I will go over that. A reprimand is erased after 3 months' subsequent perfect service. A 5-day book suspension is erased after 6 months' perfect service. A 10-day book suspension after 9 months, and 15 days after a year. After they have been erased their record then becomes clear after those periods.

Chairman WALSH. Is the rule in regard to this a fixed rule which is applied to the entire country?

Mr. HUNGERFORD. It is.

Chairman WALSH. Or is the district superintendent allowed to make any rules in respect to those matters?

Mr. HUNGERFORD. Not at all.

Chairman WALSH. Has your attention ever been called to the alleged fact that the district superintendent did make rules or vary the rule that you have given?

Mr. HUNGERFORD. I don't think it has. There have been some cases, yes, where they have in their—in the exercise of their judgment made departures from our established practice and had to be corrected. We desire, of course, to keep the service uniform throughout the country.

Chairman WALSH. Is it the intention of the company to have it uniform?

Mr. HUNGERFORD. To have it uniform throughout the country.

Chairman WALSH. And if the superintendent departs from it, it is not a matter of discharge——

Mr. HUNGERFORD (interrupting). It is not. Of course, everybody carrying on a big business is liable to make errors in judgment.

Chairman WALSH. Now, I want to ask you this question: State what petitions have been received during the past 10 years from conductors or porters asking about increased pay or complaining about the conditions under which they worked.

Mr. HUNGERFORD. I don't know of any petitions from the men for increased pay. I do know that there was some alleged petition gotten up by some persons that we had reasons to believe—we were not positive, but we thought somebody outside was interested in the matter and got up a printed form and distributed it around in the district offices in the conductors' rooms and for signatures, with the request that when they were filled in they be forwarded—I think the last one—to the president of the company.

Chairman WALSH. Well, were those forms filled in and were they forwarded to the company?

Mr. HUNGERFORD. Yes, sir; some of them.

Chairman WALSH. Do you know how many men signed them?

Mr. HUNGERFORD. I do not.

Chairman WALSH. Who would know how many men signed them?

Mr. HUNGERFORD. Well, I don't know. Some of them did not bear many signatures; some of them had more. I don't know.

Chairman WALSH. What was done with the petitions?

Mr. HUNGERFORD. Well, I think they were turned over to our vice president, the present vice president, then general manager.

Chairman WALSH. Who is that?

Mr. HUNGERFORD. Mr. Dean—Mr. Richmond Dean.

Chairman WALSH. Mr. Dean?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And did they ever come before the board of directors?

Mr. HUNGERFORD. I can't say as to that.

Chairman WALSH. Did they ever come before the president of the company?

Mr. HUNGERFORD. I can not say as to that. That would be a matter he would have to answer.

Chairman WALSH. That who would have to answer?

Mr. HUNGERFORD. Mr. Dean, who was then general manager, and, of course, what he did with it would not be for me to question.

Chairman WALSH. Have you ever met a grievance committee from time to time of the car-service employees?

Mr. HUNGERFORD. I have not. They have never presented themselves; not to me, and I don't know that they have to anybody else.

Chairman WALSH. What provision is made by which the men can submit complaints or grievances to the higher officers of your company?

Mr. HUNGERFORD. I think it is generally understood by all of them that the offices are open to them any time. I know mine is. I have never turned down a conductor or a porter.

Chairman WALSH. Do you receive complaints and grievances from them?

Mr. HUNGERFORD. We have not received a great many; no, we have not. We would receive them.

Chairman WALSH. You would receive them?

Mr. HUNGERFORD. Yes; we receive them very gladly.

Chairman WALSH. Well, do you recall ever having had them?

Mr. HUNGERFORD. I don't recall.

Chairman WALSH. You are the general manager, are you, Mr. Hungerford?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. And who is next under you?

Mr. HUNGERFORD. Well, our assistant general superintendent comes next.

Chairman WALSH. Then——

Mr. HUNGERFORD (interrupting). Mr. Bostwick—F. M. Bostwick.

Chairman WALSH. Has Mr. Bostwick ever reported to you that he has received complaints or grievances from employees?

Mr. HUNGERFORD. He has not.

Chairman WALSH. Have you ever inquired from him whether there was any general or widespread grievances among employees?

Mr. HUNGERFORD. Oh, I would not inquire from him. If any matter of that kind occurred, it would not necessarily be brought to his attention.

Chairman WALSH. A form has been furnished to the commission, which I will submit to you, Mr. Hungerford, and I will ask you if that is the form in general use when a conductor is discharged?

Mr. HUNGERFORD. Yes; I think it is.

Chairman WALSH. It reads:

"As your performance of the duties of the position has not been satisfactory to officials of this company, your services as conductor will not hereafter be required."

That is the form, is it?

Mr. HUNGERFORD. Yes, sir; that is the form.

Chairman WALSH. Do you or not have any appeals from conductors who are discharged alleging that they are not treated fairly?

Mr. HUNGERFORD. Oh, we have a great many inquiries. We have them call and ask for reinstatement or are desirous of getting back. And they are all heard and listened to if they come to me, and I think by all our people, so far as I know.

Chairman WALSH. In the investigation made by the commission statements are made by our investigators that it is stated that frequent complaints are made by the men who have been in the employ of your company that they are never told why they are discharged and can get no satisfaction when they try to investigate their cases. Is that correct?

Mr. HUNGERFORD. Well, I can not say as to that. I do know that we keep a very careful supervision over the service, which is necessary. Our service is made up of small details and requires a constant surveillance. When it is found that a man is not fitted for the service, or for other reasons, he is simply retired.

Chairman WALSH. And no reason given him other than that on the slip?

Mr. HUNGERFORD. That is the principal—that is the slip.

Chairman WALSH. Well, when they object for any reason or desire to know why they are discharged—say, a man has been in the service for a great length of time—is there any information given?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. Any definite, particular information?

Mr. HUNGERFORD. Very frequently; yes, sir. Of course, it all depends on the circumstances. If they write me, I always communicate with them. I do not think anybody will say they have not received any word from me.

Chairman WALSH. How many of those complaints do you get in your office, would you say, in a year, that come directly to you?

Mr. HUNGERFORD. I couldn't say that; that would be a matter of probably—oh, I suppose——

Chairman WALSH (interrupting). Do you recall having met any conductors who have been discharged, say, during the past 12 months, that have come to you personally?

Mr. HUNGERFORD. Oh, I think it is safe in saying that I have; yes; but I can not recall any particular person.

Chairman WALSH. Do you recall any particular instance?

Mr. HUNGERFORD. No; I do not.

Chairman WALSH. Do you have a yellow slip which you use in discharging men, or any different color from the white slip such as I have handed to you there?

Mr. HUNGERFORD. That is the only one that I know of.

Chairman WALSH. Have you heard of the use of any other in your company?

Mr. HUNGERFORD. I have not.

Chairman WALSH. Now, what has been and is now the attitude of your company toward the organization of its car-service employees?

Mr. HUNGERFORD. Well, I can not answer that because I have never been met with the question.

Chairman WALSH. Do you have any position on the matter yourself?

Mr. HUNGERFORD. Well, that would be a pretty hard thing to say—a good deal like a man figuring what he would do in case his house caught fire. It generally breaks out at another section and he does not do what he intended. I can not say exactly. Circumstances would govern.

Chairman WALSH. Is your company opposed to the organization of its employees into what might be called unions or associations to present their grievances collectively to the company?

Mr. HUNGERFORD. That question has not been raised to my knowledge.

Chairman WALSH. Are you yourself opposed to it as the general manager of the company?

Mr. HUNGERFORD. I do know that we have no—made no distinction, whether a man is connected with an order when he enters our service. That question has never been raised. I can say that.

Chairman WALSH. Has any effort been made, to your knowledge, to organize the conductors or porters in your company's service?

Mr. HUNGERFORD. Oh, there was a so-called federation started two or three years ago. I did not place much reliance on it because I did not think it was founded on good lines. I did not think it represented the men.

Chairman WALSH. What lines was it founded upon?

Mr. HUNGERFORD. Well, it looked to me as if it was more for the personal gain of a few men comparatively new in the service. I inquired into it—I heard it was started—I heard some of the men were making considerable agitation in regard to the matter, and I naturally inquired what brought it about. I could not find that there was any unrest, say, any discontent among the—what you might call our men—representative men of the company. I therefore felt that it was only a question of time when it would fall of its own weight. The matter was not taken up by the company with any of these people, to my knowledge. I think what few—those that did join were mostly of the newer men.

Chairman WALSH. You thought all of the conductors that had been with you some time and all the porters were satisfied with these salaries you have been giving them?

Mr. HUNGERFORD. I won't say that everybody is satisfied, but I think they were contented, and that there was no discontent or unrest.

Chairman WALSH. Why does the company in paying an extra month's salary in the form of a bonus require a clear record of 12 months of the calendar year?

Mr. HUNGERFORD. To stimulate them to render efficient and careful service to the demands of the traveling public.

Chairman WALSH. What percentage of conductors receive the bonus?

Mr. HUNGERFORD. I think I gave you that—79 per cent of the conductors and 69 per cent of the porters in 1913; 83 per cent of the conductors and 74 per cent of the porters in 1914.

Chairman WALSH. Please state the method by which your conductors are employed.

Mr. HUNGERFORD. The conductors—we are in receipt of a great many applications. In fact, I think we have got thousands of them on file now. Those men, generally, where they can, present themselves to representatives at the various points, who interview them, look up the letters that are submitted by them—such letters as they care to submit from people indorsing them, and they are taken up when the vacancies——

Chairman WALSH (interrupting). For the past several years, say the past five or six years, have you always had more applications than you have had vacancies?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. And that has been the rule practically all the time?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Well, what training is given conductors—Pullman conductors?

Mr. HUNGERFORD. What training?

Chairman WALSH. Yes.

Mr. HUNGERFORD. That is one thing about our service—it does not require trained men. He does not have to go through any special school. If he is careful, intelligent, and courteous, he will have no difficulty in carrying on the work without any special training. He is allowed 10 days' time in which he receives full pay to go through what we call a course of instruction. We have instructors at various large centers that post him in regard to the detailed duty, and he is sent out on a line with old conductors, and then put on a light line. It is not a difficult position.

Chairman WALSH. About how long would he continue on what you call "a light line"?

Mr. HUNGERFORD. That all depends on the service conditions.

Chairman WALSH. Going back to the question I asked you a while ago, has your company ever discharged a conductor or a porter because he was active in his efforts in trying to form an organization of your employees?

Mr. HUNGERFORD. I know there is one or two of these so-called federated men that were so active in condemning the company's methods, seemed to be so busy forming this union and criticising the company's methods and stating—threatening—and stating that they would have a position with the organization that would pay them more than the company, I thought it was well to let them devote their entire time to it. As a general—we have not discharged any men—as a general proposition, we knew they were connected with an organization.

Chairman WALSH. Do I gather from that answer that you do discharge men in the employ of your company who are active in trying to form an organization?

Mr. HUNGERFORD. There were one or two of those men—I can't say how many—I know there was one man who was very pronounced in his attitude toward the company, and we told him he had better be retired.

Chairman WALSH. Just one that you recall?

Mr. HUNGERFORD. That is the only one that I recall.

Chairman WALSH. Do you say there were no others or that there might have been others and you not aware of them?

Mr. HUNGERFORD. I think all the others—it would have been on their records generally, as any other conductors—I know there are quite a number of men in the service to-day who are so-called federated men, and we have not disturbed them as long as their service record is all right.

Chairman WALSH. Well, are there other men connected with the company that you discharged——

Mr. HUNGERFORD (interrupting). Not to my knowledge.

Chairman WALSH. One of the offenses, I believe, that you enumerate is disloyalty to the company?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Would an employee who sought to have his fellow employees join an organization to redress alleged grievances or complaints—would you consider that disloyalty to the company?

Mr. HUNGERFORD. I would not.

Chairman WALSH. And how are porters employed?

Mr. HUNGERFORD. Porters are employed about the same way as the conductors. They make application to our representatives. We have an employment bureau here, though, in Chicago that looks up their records. We have also employed some men in the South.

Chairman WALSH. Is the supply of porters as large proportionately for the places as the supply of conductors?

Mr. HUNGERFORD. Fully as large.

Chairman WALSH. Is the company in touch with any sources of supply, such as training schools for negroes in the South and other institutions?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. You say you get some from the South?

Mr. HUNGERFORD. Oh, you mean do we get any men from those places in the South?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. Just describe what you have——

Mr. HUNGERFORD (interrupting). We have in the summer time in New York a great many extra lines that call for the temporary employment of men. We have got quite a number of men from these southern schools, who are very glad to get something to do during the summer months, and they have proved very efficient.

Chairman WALSH. I understand you, then, that you do not get any porters from the South except some, you say, on eastern lines during the summer months?

Mr. HUNGERFORD. Oh, you asked me about these schools.

Chairman WALSH. Yes.

Mr. HUNGERFORD. I say I do not know that we get any from the schools except in the summer months, because they go back to school in the fall. But we do employ colored men in the South for regular service; yes, sir.

Chairman WALSH. And send them to the North?

Mr. HUNGERFORD. Oh, we transfer them around as may be necessary to meet the service requirements; yes, sir.

Chairman WALSH. Now, what organization have you in the South, or how do you get porters in the South?

Mr. HUNGERFORD. Why, our representatives there keep in touch with them—get hold of them, and the service inspectors look them up, and get men of a desirable class.

Chairman WALSH. You have them report where?

Mr. HUNGERFORD. Well, they report to the superintendent at the point where they are hired usually.

Chairman WALSH. Well, you say the supply is quite as large of porters as it is of conductors?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Does that exist throughout the United States?

Mr. HUNGERFORD. I don't think there is any point where we can not get porters except on the Pacific coast.

Chairman WALSH. Now, you say you have men looking out for them in the South?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Is there any shortage of supply, say, in the vicinity of Chicago and St. Louis and these other places?

Mr. HUNGERFORD. Is there any shortage?

Chairman WALSH. Yes; such as——

Mr. HUNGERFORD (interrupting). No; there is no shortage in supply. There are plenty of men but they are not always altogether of the right caliber.

Chairman WALSH. Oh, the reason, then, that you get colored men from the South is because you get better men, you think, from that place?

Mr. HUNGERFORD. That is it exactly.

Chairman WALSH. From that part of the country?

Mr. HUNGERFORD. That is it exactly.

Chairman WALSH. Is that the idea, that you get men that will serve better; that is, that makes better servants than the colored men in the North?

Mr. HUNGERFORD. Well, we find that their training there better fits them for service on the car.

Chairman WALSH. To put it plainly, is the negro in the South as independent an individual as the one in the North? Do you find it so?

Mr. HUNGERFORD. I think he is.

Chairman WALSH. And in what way, then, so far as car service is concerned, does the northern negro compare with the southern negro to his disadvantage, so far as your employment is concerned?

Mr. HUNGERFORD. You must consider one thing, and that is that the South is the source of the negro. You have a bigger field to make selections from than you have here. I think that the old—what you might call the old southern negro is much more acceptable a man on the cars than the younger colored man that is found around in the slums of Chicago.

Chairman WALSH. Well, is there any place that you find negroes that will do for your service other than the slums?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. There are large numbers of them that are not——

Mr. HUNGERFORD (interrupting). There are.

Chairman WALSH (continuing). That are not found in the slums?

Mr. HUNGERFORD. There are.

Chairman WALSH. How do they compare—those colored men that are not found in the slums—how do they compare with the negro you get in the South?

Mr. HUNGERFORD. I think the old southern colored man makes the best porter on the car.

Chairman WALSH. Well, in what way?

Mr. HUNGERFORD. Well, because he is more adapted to waiting on the passengers and gives them better attention and has a better manner, that is more acceptable to them and more pleasant.

Chairman WALSH. Now, are there any other points that you find him desirable in?

Mr. HUNGERFORD. That is about all.

Chairman WALSH. The reason, then, that you make a special effort to get porters in the South is that they are more polite to the passengers and so on?

Mr. HUNGERFORD. Yes; more pleasing to them.

Chairman WALSH. And there is no other reason

Mr. HUNGERFORD. None that I know of.

Chairman WALSH. Do you find those men that come from the South come from the farms and the like of that, do they?

Mr. HUNGERFORD. They do not.

Chairman WALSH. Where do they come from? What have they been doing?

Mr. HUNGERFORD. We get mostly house servants.

Chairman WALSH. House servants—those that have been employed in families?

Mr. HUNGERFORD. Yes.

Chairman WALSH. What training do you give the porters before you give them runs?

Mr. HUNGERFORD. They are trained and taken down and put on the cars and given instructions in preparing berths and the minor duties, and then they are put on the road.

Chairman WALSH. Well, who gives them their instructions in the beginning?

Mr. HUNGERFORD. Representatives in the district offices have to do that.

Chairman WALSH. Do you have someone whose particular duty it is to train porters, or do you just send them on a car where other porters are?

Mr. HUNGERFORD. We have, of course, the representatives at these various points, and they instruct the porters as well as the conductors. They are sent down into the yard and instructed and given an opportunity to go through with what you might call the mechanical work of preparing berths, and so on. Here in Chicago we do have an instruction department because of the larger field, and we have so many extra cars that are sent out of here, this being our supply station.

Chairman WALSH. And how long does it take to train the porter to do his work so that if he is ever going to be able to do it he can do it?

Mr. HUNGERFORD. Oh, it don't take more than two or three days for any intelligent fellow to learn to do it.

Chairman WALSH. Two or three days for an intelligent porter?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And during the period during which he is being broken in is he paid?

Mr. HUNGERFORD. They are not.

Chairman WALSH. And does it ever extend over a longer period than two or three days?

Mr. HUNGERFORD. Oh, I can not say as to that. I could not say as to that, how long it takes some. Of course, you know there is a difference in men. Some pick up more quickly—adapt themselves.

Chairman WALSH. As soon as they get through this two or three days' instruction, what do you say is done with them?

Mr. HUNGERFORD. They are assigned to service when service opens up. We have a great many extra men who are just waiting to get some runs.

Chairman WALSH. In ordinary times how many extra porters would you have, would you say were waiting to get runs?

Mr. HUNGERFORD. Well, I can best answer that by saying that during the last inauguration at Washington they had a large troop of them. We were called on, I think, for some 300 or 400 extra cars to go to Washington, and they took every extra available car we had in storage, down there—some 500 or 600 extra cars went in the course of one week; and we manned each car from the extra men waiting here, and they were very glad to get the employment.

Chairman WALSH. How long after a man is broken in, on an average in ordinary times, would he have to wait to get on the pay roll?

Mr. HUNGERFORD. Oh, I could not answer that.

Chairman WALSH. Do I gather from your answer in regard to that inauguration matter that that is the ordinary status of your company that you have a waiting list of some 500 or 600 men waiting to be porters?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Easily?

Mr. HUNGERFORD. Easily.

Chairman WALSH. And that occurs—that is the case during all ordinary times?

Mr. HUNGERFORD. Yes. We could send out 500 cars to-morrow.

Chairman WALSH. Now, is this work still going on of undertaking to get men in the South—colored men?

Mr. HUNGERFORD. Not undertaking it now, because we have got all that we would want and more too.

Chairman WALSH. Is it the policy of your company to keep a great number of men available for this purpose?

Mr. HUNGERFORD. It is not. It is our policy to get the best men we can to make the service the highest possible standard. We are seeking them all the time.

Chairman WALSH. Do you have in mind that by having 500 or 600 men, of what you might call a small economic power, do you consider that that has an effect on wages; that a man would be more likely to work for $27.50 a month if he knew there were 600 men ready to take his place than if you did not have such a number?

Mr. HUNGERFORD. Not at all.

Chairman WALSH. You did not have that in mind? Are porters first assigned to tourist cars in many instances?

Mr. HUNGERFORD. Yes; in many instances, they are.

Chairman WALSH. Is the policy of the company to first assign them to tourist cars?

Mr. HUNGERFORD. Oh, not altogether. We do where we are operating regular tourist-car lines, yes; because the tourist-car service is not supposed to be the same high standard as the first class or so-called standard cars.

Chairman WALSH. What is the pay of a tourist-car porter compared with a standard-car porter?

Mr. HUNGERFORD. Thirty-five dollars a month, it was; now, $38.75.

Chairman WALSH. The car, as I understand it, has no conductor—the tourist car?

Mr. HUNGERFORD. Oh, yes; the tourist cars are genarally run on the same train and the conductor has jurisdiction over all the cars on the train.

Chairman WALSH. How does it happen that the porter will get $35 a month on the tourist cars and then——

Mr. HUNGERFORD (interrupting). They started in on that rate in the beginning some years ago and it has been carried on ever since.

Chairman WALSH. Why does the porter get more on the tourist car than he does on the standard?

Mr. HUNGERFORD. Well, the service is not—I imagine the service is not as attractive to the porter as the standard car. When they established the service I imagine that is the reason. I had nothing to do with fixing the rates, so I am not altogether clear on it, but I would venture the opinion that that is the reason.

Chairman WALSH. What is the reason?

Mr. HUNGERFORD. That the service is not as attractive.

Chairman WALSH. Well, why not?

Mr. HUNGERFORD. Well, it is not the same class of travel.

Chairman WALSH. Well, is it because the people that ride on tourist cars will probably not be so likely to pay them enough to subsist on a round trip that way? Do you have that in mind?

Mr. HUNGERFORD. Why, I imagine the tips—I imagine they are not tipped as liberally on the tourist cars as on the standard cars; yes.

Chairman WALSH. Is that considered by the company in giving a man $35 if he is going on a tourist car and an inexperienced porter at that?

Mr. HUNGERFORD. Well, as I say, I don't know what they had in mind when they established that rate. It has been in effect so long, and I had nothing to do with it, that I can not say what they had in mind.

Chairman WALSH. You do not know, then, as general manager, why they pay an inexperienced porter $35 for running on a tourist car and an experienced man $27.50, is it?

Mr. HUNGERFORD. Twenty-seven dollars and fifty cents.

Chairman WALSH. For running on a standard car?

Mr. HUNGERFORD. Nothing more than I have stated; no.

Chairman WALSH. Nothing more than you have stated?

Mr. HUNGERFORD. No.

Chairman WALSH. What increase of salary is given to porters who have been with the company, say, for 5 or 10 years? Are there increases given to the porters who have run 5 or 10 years.

Mr. HUNGERFORD. No; there is not. They were given an increase in 1912 if they had been with the company for 15 years, in service.

Chairman WALSH. Fifteen years in the company's service?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And there is no rule with respect to that then?

Mr. HUNGERFORD. No. You mean no graduated scale?

Chairman WALSH. No graduated scale.

Mr. HUNGERFORD. No.

Chairman WALSH. How are old and faithful porters rewarded for their services?

Mr. HUNGERFORD. Rewarded by their—they receive the benefit of these—we carry the time of these old men that are sick, and then we have the pension when they reach the period when they become incapacitated.

Chairman WALSH. How many porters would you say you hire in a year to keep the equipment up to 6,500?

Mr. HUNGERFORD. I don't think at the present time we are hiring. We haven't got 6,500, so far as that goes, just now.

Chairman WALSH. Well, I have that number in mind——

Mr. HUNGERFORD (interrupting). Yes; that is generally when things are normal.

Chairman WALSH. When things are normal?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, when things are normal and you have 6,500 porters—when 6,500 porters are necessary for your service, how many would you say you hire?

Mr. HUNGERFORD. Well, that varies. It varies with the conditions. Some years we have extraordinary—what we call convention years, when there is an unusual number of extra cars outside of the regular business. That necessitates taking up a large number of men. And seasons of business depression come on, and as matters have been running, pretty regularly, we don't have to take on so many. Of course, we take the men up, and if we are unable to give them regular employment they will drop out, and generally are ready to come back, though, whenever the business is such that we can provide work for them.

Chairman WALSH. I would like for you, please, Mr. Hungerford, to take a normal year—select what you think yourself is a normal year—when you need 6,500, and give us, if possible, an estimate of how many porters are hired per year to keep your equipment up to the 6,500.

Mr. HUNGERFORD. I said I could not give you that.

Chairman WALSH. Could you approximate it?

Mr. HUNGERFORD. I could not.

Chairman WALSH. How many porters in a normal year would you discharge?

Mr. HUNGERFORD. Well, that I could not tell you.

Chairman WALSH. Do you hire in a normal year as many as 13,000 men to keep up the equipment to 6,500?

Mr. HUNGERFORD. Thirteen thousand?

Chairman WALSH. Yes; in the United States?

Mr. HUNGERFORD. I would say that I never heard of that. I would say that we did not.

Chairman WALSH. Then please make your own estimate. Do you have as many as 10,000 to keep up your equipment of 6,500?

Mr. HUNGERFORD. I can tell you what we did in 1913 and 1914. They were abnormal years—but not in normal years.

Chairman WALSH. Give us 1913, what you call a normal year.

Mr. HUNGERFORD. You said normal year, and I explained to you that some years business fluctuates so heavily that it is abnormal and calls for the taking up of a large number of additional men; 1913 and 1914 were those years.

Chairman WALSH. 1913—was 1912 a normal year?

Mr. HUNGERFORD. More so than 1913 and 1914.

Chairman WALSH. And 1911?

Mr. HUNGERFORD. Yes; more so; 1913 and 1914—the latter part of 1913 and the fore part of 1914 were the largest in the history of the company, due largely to this extraordinary movement that we had. I will say that your commission has asked for the number of people employed and discharged in 1913 and in 1914, and I have those figures here.

Chairman WALSH. Please give us those figures.

Mr. HUNGERFORD. But I say, when you asked me, you asked me as to the normal condition; and I could not say that.

Chairman WALSH. Well, we will leave that for the moment and just take 1913 and 1914.

Mr. HUNGERFORD. Yes. In 1913 there were 735 conductors employed, and in 1913 we employed 2,235 porters.

Chairman WALSH. Now, what was your equipment—was that the average number that you ran that year, 6,500?

Mr. HUNGERFORD. Yes; I think that is where we got up to, about—yes; I think that is the period it was about 6,500. Yes; I think we went over 6,500; yes.

Chairman WALSH. Now, give me the other year, please.

Mr. HUNGERFORD. In 1914 there were 485 conductors employed and 1,130 porters employed.

Chairman WALSH. That figure again, please—that last one.

Mr. HUNGERFORD. The porters?

Chairman WALSH. Yes; just the porters.

Mr. HUNGERFORD. Yes; in 1914 there were 1,130 porters employed. You have 1913, I think?

Chairman WALSH. Yes. I wish you would state the duties of a Pullman porter. First, how long before the train leaves does the porter report for duty?

Mr. HUNGERFORD. Oh, that varies at different points; depends on the conditions. He has to report down in the yards and get his car in condition and shape; count his linen. We aim to have them report as late as possible and get his car in shape. On cars departing late at night they have to report earlier than when they leave in the afternoon, because it is necessary to have the berths made down before the train is backed to the station.

Chairman WALSH. So in some instances they are required to be there at 6 or 7 o'clock in the evening, although the train does not leave until 11 or 12 o'clock?

Mr. HUNGERFORD. Oh, that is—no; I don't think to that extent; no.

Chairman WALSH. Well, what do you mean?

Mr. HUNGERFORD. Probably have to come down there about 11 o'clock; and I will say there have been some instances brought to my notice where they were required to report earlier than seemed to be necessary. I think it has been corrected. I hope so.

Chairman WALSH. Was that some rather widespread usage? You said you hoped so. Who knows whether it has been corrected or not?

Mr. HUNGERFORD. Well, I know it was taken up, and it should be corrected. There was no widespread grievance; it simply came to my attention that it was being done.

Chairman WALSH. You would say accidentally?

Mr. HUNGERFORD. Yes—incidentally, I should call it.

Chairman WALSH. Incidentally?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Did some one report it to you?

Mr. HUNGERFORD. Yes; it came to my attention, I think, about—I think a porter reported it to me.

Chairman WALSH. Came to your office?

Mr. HUNGERFORD. No; he dropped me a communication.

Chairman WALSH. Do you recall any others of like nature that you received, or only recall that one?

Mr. HUNGERFORD. I recall that one, and I inquired into the general proposition.

Chairman WALSH. What are the duties of the porters as to receiving passengers and taking up Pullman tickets for their cars before the trains start out?

Mr. HUNGERFORD. That is a duty which is generally attended to by the conductor. There are some cases where the porters are in charge, and of course then they perform the conductor's duties.

Chairman WALSH. I wish you would state, please, as concisely as you can, the duties of Pullman porters.

Mr. HUNGERFORD. The duties generally are to wait on the passengers, make down the beds, put them up, and keep the car in condition.

Chairman WALSH. What time does the conductor retire at night?

Mr. HUNGERFORD. That varies on different lines. As a general proposition he retires at 3 o'clock in the morning.

Chairman WALSH. And what time does the porter retire?

Mr. HUNGERFORD. He retires before.

Chairman WALSH. Any fixed time?

Mr. HUNGERFORD. No; that depends on the service conditions. It is generally arranged by the district superintendent to meet the local conditions as they present themselves.

Chairman WALSH. Take, for instance, this district here we are in now. What time does the porter—what time is he supposed to retire?

Mr. HUNGERFORD. You are talking about—as I say, as a general proposition on all lines they retire along 11.30 to 12 o'clock.

Chairman WALSH. Eleven thirty?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. And required to get up at 3 o'clock?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And are they permitted to retire aftter 3 o'clock?

Mr. HUNGERFORD. No.

Chairman WALSH. Or sleep during the day?

Mr. HUNGERFORD. No, sir; the porters are not to sleep during the daytime—not supposed to.

Chairman WALSH. Is it considered an offense if he does sleep in the daytime?

Mr. HUNGERFORD. Oh, no—we know they sleep in the daytime.

Chairman WALSH. How many of them sleep in the daytime?

Mr. HUNGERFORD. Yes; it is an offense if they deliberately go off watch at night when they are supposed to be guarding the car and take a blanket and a pillow and go to sleep; but ordinary napping isn't considered an offense.

Chairman WALSH. What are their instructions? Are their instructions to remain awake or are they told they can go to sleep in the daytime?

Mr. HUNGERFORD. It is arranged in some runs where they can go to sleep, but I don't know of any instructions that say they can sit down in the car and go to sleep when they feel like it. There are no instructions that they can go to sleep, but we do know they go to sleep.

Chairman WALSH. Well, take a long run, first, Mr. Hungerford, a run leaving here on the Santa Fe——

Mr. HUNGERFORD. Yes.

Chairman WALSH. Going to Los Angeles, or San Francisco is it?

Mr. HUNGERFORD. Well, they go through.

Chairman WALSH. Now, what time does the porter retire, going out of here?

Mr. HUNGERFORD. I would have to have our district superintendent tell you that. As I say, the runs vary—the hours of relief vary according to the runs and conditions presented; and they are arranged by the district superintendents. I could not pretend to keep in my mind the details of the runs of each line of this company. We can have our superintendents——

Chairman WALSH (interrupting). Have you ever ridden—I should just like to get for our information—have you ever ridden on that road?

Mr. HUNGERFORD. On the Santa Fe?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, what time did the porter go to bed and what time did he get up, if you know, going between here—say, between here and Los Angeles?

Mr. HUNGERFORD. I should judge he went on about that schedule retired about 11 o'clock, and arose about 4 o'clock—that is, on the standard cars.

Chairman WALSH. That is at 4 instead of 3?

Mr. HUNGERFORD. I will correct that and call it 3.

Chairman WALSH. Call it 3?

Mr. HUNGERFORD. Three o'clock is what I should have said.

Chairman WALSH. Now, during the night I believe you said he is required to guard the car?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. That is, to protect the lives and property of the passengers?

Mr. HUNGERFORD. Oh, to guard the car; yes.

Chairman WALSH. And is he required to polish the shoes of the passengers while they are sleeping?

Mr. HUNGERFORD. Permitted to do so.

Chairman WALSH. Isn't he required to do so?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. Oh, he is not required to do it?

Mr. HUNGERFORD. No; that is not an obligation, but he is permitted to do that.

Chairman WALSH. Well, suppose a passenger's shoes were not polished, and he complained to the conductor about it, what action would be taken?

Mr. HUNGERFORD. He would probably ask the porter why he didn't do it or why he discriminated against that passenger.

Chairman WALSH. And suppose the porter just took the notion it was beneath his dignity to polish shoes, and he did not polish them at all; what would you do?

Mr. HUNGERFORD. Well, we have not had that case. They are generally very careful about that.

Chairman WALSH. They are careful about that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. But, as a matter of fact, they are supposed to polish the shoes of the passengers while they are asleep?

Mr. HUNGERFORD. Oh, yes.

Chairman WALSH. And if he did not do it he would be discharged?

Mr. HUNGERFORD. Oh, I can not say as to that, because it has not been up. I don't know that I ever heard of that proposition.

Chairman WALSH. The idea is that if they polish them they expect to get something for it, and you know they will be polished?

Mr. HUNGERFORD. Yes; exactly.

Chairman WALSH. And the passengers know they will be polished?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Who furnishes the polish to the porters?

Mr. HUNGERFORD. They do.

Chairman WALSH. They furnish their own polish?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, what is their duty with respect to awakening passengers who are required to leave the car during the night?

Mr. HUNGERFORD. I don't get the purport of that.

Chairman WALSH. Is it part of their duty to awaken passengers during the time the conductor is asleep?

Mr. HUNGERFORD. If he wants to leave the train during the time the conductor is asleep?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Surely.

Chairman WALSH. That is his sole duty, and it is his duty, also imposed upon the porter of calling the passengers in the morning in time for breakfast, and so on?

Mr. HUNGERFORD. Yes; he is provided with a small card for that purpose.

Chairman WALSH. He has a call card and keeps that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Does he have any instructions to keep the car sanitary and to disinfect any articles used by persons presumed to be suffering with contagious diseases?

Mr. HUNGERFORD. Yes. There is a rule governing that, and regulations issued by our doctor of sanitation for the purpose of protecting the public in every way.

Chairman WALSH. And the porter is supposed to familiarize himself with that?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And to carry out the instructions with reference to keeping the car sanitary and disinfecting articles belonging to the passengers who are affected——

Mr. HUNGERFORD (interrupting). Well, I don't know about disinfecting articles belonging to the passengers. He is supposed to keep the car sanitary, but I don't know about disinfecting articles belonging to the passengers.

Chairman WALSH. Well, the articles belonging to the company that are used by the passengers who are ill?

Mr. HUNGERFORD. He is supposed to keep any linen separate and away from any soiled linen.

Chairman WALSH. Do you have any disinfecting methods?

Mr. HUNGERFORD. Each car is provided with a disinfectant, formaldehyde or some disinfectant that is approved by the Government sanitary officials; as much is on the car as may be necessary to keep the car in sanitary condition, and it is his duty to see that it is done. The conductor has charge to see that the porter does that.

Chairman WALSH. Is he required to report damage to the car or equipment?

Mr. HUNGERFORD. That is turned in by the conductor, usually, if he is running in charge he would do that. If anything is wrong on a car he is sup-

posed to report it to the conductor, and it is noted on what we call inspection report.

Chairman WALSH. Is he required to report to the conductor anything he notices in regard to damage to the car or equipment in the first instance?

Mr. HUNGERFORD. He is expected to do so; he is required to do so by the regulations.

Chairman WALSH. What reports are required to be made by the porters, if any, to the company? What regular reports are required to be made by the porters to the company?

Mr. HUNGERFORD. Well, they do not make any regular report that I recall, unless they are operating in charge.

Chairman WALSH. What are the requirements of the porters with reference to their personal apparel, as to having their uniform brushed and in good condition, and as to wearing clean linen?

Mr. HUNGERFORD. They are required to present a cleanly and neat appearance.

Chairman WALSH. Do you consider $27.50 a month sufficient for a man who is required to discharge all of the duties you have detailed here and to follow the rules referred to?

Mr. HUNGERFORD. All I can say is that you can get all the men you require to do that work for that pay.

Chairman WALSH. Does your company consider the general effect on the country—the social effect—of employing men for $27.50 a month; do they consider the entire basis for employing them at that sum, the fact that they can be gotten for that?

Mr. HUNGERFORD. That would be a matter that I would not be called upon to give advice upon. I probably would not be consulted about it, so I do not think that I am qualified to answer it.

Chairman WALSH. Do you think these men can live on $27.50 a month?

Mr. HUNGERFORD. Well, I don't know about the $27.50 by itself. Of course I presume you are leading up to the point that they must live partly on the perquisites that go with the position.

Chairman WALSH. I will ask you first whether or not—do you investigate for the company, in any way, the living conditions and the surroundings of your men?

Mr. HUNGERFORD. Not to any great extent.

Chairman WALSH. Sir?

Mr. HUNGERFORD. Not to any great extent; no.

Chairman WALSH. And what was your answer to my question; do you consider that a man can live on $27.50 a month. Was it "no"?

Mr. HUNGERFORD. I did not say that; I do not know what they can live on.

Chairman WALSH. You do not know but what a man, at the present cost of living, could live on $27.50 a month, and perform the duties your porters are required to perform?

Mr. HUNGERFORD. Yes.

Chairman WALSH. He may do that?

Mr. HUNGERFORD. Yes; he might do that.

Chairman WALSH. What is the history of the tipping system that is practiced on the cars of the Pullman Co.? Give it in your own way; how did it grow up?

Mr. HUNGERFORD. I don't know how it did grow up. I do no. think it can be claimed that the company instigated tipping; it is not local to the Pullman Co. It is general; it prevails everywhere. I do think, if there is anybody that is entitled to a tip for expert service rendered, the porter is entitled to it as much as anybody. I think some of them are artists.

Chairman WALSH. Does that form the standard, the artistic development of the men, for the wages paid?

Mr. HUNGERFORD. Because he takes advantage of the opportunity and does a great deal more than some white people to advance himself.

Chairman WALSH. State whether or not it is a fact that the tipping of Pullman porters became general before the practice of tipping other persons engaged in personal service became widespread.

Mr. HUNGERFORD. Do you mean to ask, did it originate with the Pullman Co.?

Chairman WALSH. I did not say that; but was it not general among the Pullman porters before the practice of tipping other persons engaged in personal service became widespread?

Mr. HUNGERFORD. Tipping was going on long before I entered the service of the company, and I can not answer that.

Chairman WALSH. Does the Pullman Co. expect the public to pay the difference between the salaries of porters and the amount required by the porters to enable them and their families to live decently and in comfort?

Mr. HUNGERFORD. No, sir; it does not; it simply accepts the conditions as it finds them. If the conditions change, I suppose they would have to change conditions to meet them.

Chairman WALSH. You have 6,000 porters at work, and you stated in one year you hired 2,300 and in another year you hired 1,100?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And there men are all colored, I believe, all the porters?

Mr. HUNGERFORD. Yes.

Chairman WALSH. What do you think of the social aspect of taking 6,500 men that are obviously a practically new race, struggling up from slavery, and putting them in a position, from practice or otherwise, where they are compelled not to stand independently as men, but to depend on receiving gratuities from another race for their livelihood; what do you think of that in a social matter in a country such as we have here?

Mr. HUNGERFORD. Well, as I say, I don't believe——

Chairman WALSH (interrupting). A little louder, please.

Mr. HUNGERFORD. I do not feel that I am competent to answer that question.

Chairman WALSH. Is it good for the men; that is, for them becoming independent citizens and a unit in the Republic?

Mr. HUNGERFORD. I think they are advancing very rapidly, and I think the Pullman Co. offers the colored man as good an opportunity for advancement as any other concern to-day.

Chairman WALSH. Do you think that the present wage system of the Pullman Co. places that company directly in the position of receiving gratuities itself from the public, Mr. Hungerford?

Mr. HUNGERFORD. I do not.

Chairman WALSH. You say you do not?

Mr. HUNGERFORD. I do not; no.

Chairman WALSH. What is the average mileage covered by the Pullman conductors during a month?

Mr. HUNGERFORD. I can not give you that, because we do not handle our men by mileage; they are operated by days.

Chairman WALSH. Could you approximate it?

Mr. HUNGERFORD. No, sir; I could not. Your commission asked for those figures and I asked our auditor to prepare them, and he said it would take him some time to do so; when he will have them I do not know. We do not handle our men on the mileage basis.

Chairman WALSH. Would that answer also apply to the Pullman porters?

Mr. HUNGERFORD. Yes, sir; it would.

Chairman WALSH. In what instances does the Pullman Co. deduct amounts from the salaries of the conductors, if any?

Mr. HUNGERFORD. I do not know of any deductions in the conductors' salaries; the payments are all by the month.

Chairman WALSH. Of both porters and conductors?

Mr. HUNGERFORD. Not altogether; they are paid according to the regulation. As a general proposition we pay by the month. Some States require payment semimonthly, and one requires weekly payments.

Chairman WALSH. Take the cases where they are paid by the month, are sums deducted during periods of illness? Are they paid when they are ill? Is there any rule about that?

Mr. HUNGERFORD. They are paid for the period they work.

Chairman WALSH. During the month?

Mr. HUNGERFORD. Yes.

Chairman WALSH. If they are sick, are deductions made for the time they are sick?

Mr. HUNGERFORD. They are paid for the time they work; yes.

Chairman WALSH. And the porters, also?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are they paid for the time they lose on account of accidents or changes in the schedule?

Mr. HUNGERFORD. No; they are paid in case of accident; and about illness, as I said before, we have a relief system under which men are paid for the time they are absent on account of illness.

Chairman WALSH. Please briefly state what that relief system is; do the conductors or porters pay anything into that?

Mr. HUNGERFORD. They do not.

Chairman WALSH. What are they allowed during the time they are ill; what are the conductors allowed during periods that they are ill, and what are the porters allowed during similar periods?

Mr. HUNGERFORD. Take a man 5 years in the service, he is allowed half rate for the first 14 days; if he is gone for more than that time up to a month, he is paid for a month full rate, and for another month at half rate. If he has been 10 years in the service, that is doubled, and it is 2 months on full rate, and 2 months on half rate; a 20-year man he gets 3, and then it would be time to consider if he is not permanently incapacitated, and ought not to be put on the pension list.

Chairman WALSH. How about the porters?

Mr. HUNGERFORD. It is the same way with the porters.

Chairman WALSH. Let me get at that again; if a porter is sick for one-half a month, he gets what?

Mr. HUNGERFORD. For the first 14 days he would get half pay.

Chairman WALSH. That is half pay for the 14 days, you mean?

Mr. HUNGERFORD. Yes.

Chairman WALSH. If he was getting $27.50 a month, he would get one-fourth of that for the 14 days? Let's see if I understand. Suppose he was getting $30 a month, if he was sick 14 days he would get $7.50?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And when he passed the 14 days?

Mr. HUNGERFORD. If he went on to a month, then he is paid for the month. The first 14 days we pay one-half rate, and if he goes on longer than that we pay the full month. If we paid full rate for a shorter time, we would find a considerable amount of sickness.

Chairman WALSH. That is, they would falsify?

Mr. HUNGERFORD. That is, they would lay off when they otherwise might not.

Chairman WALSH. Is that the reason that method was adopted?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How long would he be carried on the sick list?

Mr. HUNGERFORD. I said, if he was a five-year man he would be carried one month at full pay and one month at half pay.

Chairman WALSH. If he was a five-year man, what then?

Mr. HUNGERFORD. It would be a matter of special consideration. We do not generally undertake to insure against sickness. The men as they enter the service of the company; they have to be there a while to be entitled to that.

Chairman WALSH. During the five years, he would not have the benefit of it at all, as I understand?

Mr. HUNGERFORD. When he gets up to four years, it is taken up and he would probably be considered a five-year man. Those matters are presented to the pension board, and it becomes a matter of special consideration under five years.

Chairman WALSH. After two months, what provision is made, if any?

Mr. HUNGERFORD. None.

Chairman WALSH. So it just applies to temporary illnesses?

Mr. HUNGERFORD. Yes, sir; illnesses that long.

Chairman WALSH. And during the first five years, if a porter or conductor is sick, a deduction is made for the time he is ill and they do not draw any pension?

Mr. HUNGERFORD. No.

Chairman WALSH. What is the average length of time that porters remain in your service; that is, if you know?

Mr. HUNGERFORD. Well, I think we have those figures somewhere; I have not them with me, but, as I said before, over half of them have been over five years in the service. We have a great many that are over 15 years, and some 25, but the number I have not here; I do not seem to have that here.

Chairman WALSH. What, if any, compensation system does the company have for compensating conductors and porters injured in the discharge of their duties?

Mr. HUNGERFORD. We carry their time. The compensation and relief is about the same. We carry the time of the men injured in the service.

Chairman WALSH. I did not catch that.

Mr. HUNGERFORD. We carry the time of the men injured in the service. The compensation and relief are about the same; they are synonymous terms. But the compensation of men injured in the service applies to any, whether one or two years, while the relief applies to men who have been five years in the service—have performed some service for the company for that length of time. It is the policy of the company to carry the time of the men if they are injured, and, if away from home, to pay their hospital expenses, and in the case of death to bring them back and pay whatever expenses are necessary. We have very little of that, fortunately.

Chairman WALSH. If I understand you, then, if a man is injured in your service you carry him on the pay roll without any deductions?

Mr. HUNGERFORD. Yes.

Chairman WALSH. For how long?

Mr. HUNGERFORD. That would depend; I could not say how long that would be done. I know we have carried a man injured on the Pennsylvania Limited—I think we carried him some six months and paid his expenses.

Chairman WALSH. Have you any rule about it? I do not care for any specific instances.

Mr. HUNGERFORD. Our regulation is to carry their time. If it came to a matter outside of the usual custom or regulations, it would be taken up with the pension board and handled on its merits.

Chairman WALSH. And if a man is killed in the service what is done?

Mr. HUNGERFORD. We have his body prepared and brought back home, or whatever disposition is made with his relatives or kin, whatever they may suggest.

Chairman WALSH. Does the company pay anything to employees as compensation for injuries in States where no compensation laws are in force other than what you have mentioned?

Mr. HUNGERFORD. Yes; we carry the time of our men injured on duty.

Chairman WALSH. Does the company pay compensation under the workmen's compensation act of New York, Illinois, or any other States that have them?

Mr. HUNGERFORD. I believe we do in New York.

Chairman WALSH. Do you in Illinois?

Mr. HUNGERFORD. I don't recall what was done about that.

Chairman WALSH. Do you in California?

Mr. HUNGERFORD. I can not say about those States.

Chairman WALSH. Do you know about any of the other States?

Mr. HUNGERFORD. No; we handle our men independently of compensation laws. I know our men injured in New York State are better taken care of than under the compensation law, because that does not carry any time for the first two weeks, as I recall it.

Chairman WALSH. Do you pay compensation under the workmen's compensation law in New York?

Mr. HUNGERFORD. I believe we do.

Chairman WALSH. Why do you not, if you do not, pay it in other States?

Mr. HUNGERFORD. I can not answer that question. Those matters are handled in our legal department, with our assistant general superintendent, when I was away last summer, and I can not tell.

Chairman WALSH. Who is assistant general superintendent?

Mr. HUNGERFORD. Mr. Bostwick.

Chairman WALSH. What system of pensions have you in your company?

Mr. HUNGERFORD. We all retire at 70 years of age—all employees. Any employee that is 20 years in the service, who becomes incapacitated, regardless of his age, is eligible for retirement with pension.

Chairman WALSH. So that he must have been in the service of the company 20 years, and have reached the age of 70?

Mr. HUNGERFORD. Oh, no; I say, any man in the service who becomes incapacitated, they are retired. There is a fixed retirement when they become 70 years of age, excepting when a special relief or change is made by the president.

Chairman WALSH. Does the 20-year term of service have to intervene in the case of incapacity?

Mr. HUNGERFORD. Yes, sir. Anybody who has been 20 years in the service of the company, who may become incapacitated, is eligible for retirement.

Chairman WALSH. Please describe as briefly as you can the machinery for granting these pensions; have you a pension board?

Mr. HUNGERFORD. Yes, sir; we have a regular pension board, appointed by the president, to whom those cases are presented.

Chairman WALSH. Just describe how that works.

Mr. HUNGERFORD. Any employee who is eligible for the pension who, I say, has been 20 years in the service of the company, fills out a regular blank; a regular blank is filled out and submitted to the board for it to act upon.

Chairman WALSH. Describe the formation of the board.

Mr. HUNGERFORD. The board consists of Mr. Kramer——

Chairman WALSH. First, is it appointed by the president?

Mr. HUNGERFORD. Yes.

Chairman WALSH. How many members has it?

Mr. HUNGERFORD. I think five.

Chairman WALSH. Is there a requirement that the members of that board shall be connected with the company, or have any particular connection with the company?

Mr. HUNGERFORD. You mean requirement of the board?

Chairman WALSH. No; rules of your company; what limitation is placed upon the appointment of the members of this board, if any?

Mr. HUNGERFORD. None whatever.

Chairman WALSH. What is that?

Mr. HUNGERFORD. I don't know of any; the president makes the appointments.

Chairman WALSH. And so far as the rules of the company are concerned, he could appoint an outsider on the pension board?

Mr. HUNGERFORD. I don't know whether he could or not, but I don't imagine he would consider doing that.

Chairman WALSH. He has full authority to appoint the men?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Who compose the present board? Give the personnel of the present members of the board.

Mr. HUNGERFORD. Mr. Richmond Dean, vice president; Le Roy Kramer, vice president; Mr. L. S. Taylor, treasurer; William Hough, auditor; and myself. We have a regular pamphlet in regard to that which I would be glad to submit to you.

Chairman WALSH. I wish you would please do so.

Mr. HUNGERFORD. I have not it with me, but will submit it to the commission.

Chairman WALSH. I wish you would, please.

(The witness subsequently submitted, in printed form, a pamphlet entitled "The Pullman Company Pension Plan," adopted by the board of directors Nov. 13, 1913. Effective Jan. 1, 1914.)

Chairman WALSH. In the rules governing the payment of pensions the company provides that the board of pensions may withhold or entirely discontinue pensions in cases of misconduct or acts contrary to the interests of the company?

Mr. HUNGERFORD. I think there is some such provision, but this record will show that.

Chairman WALSH. Have the car-service employees any voice in the management of the pension fund—the porters and conductors?

Mr. HUNGERFORD. They have not; they do not contribute to it in any way; it is all voluntary.

Chairman WALSH. I will ask you if it is a fact—do you consider that conductors and porters running from Chicago to the Pacific coast points get enough rest en route to enable them to remain in good physical condition and be alert and be efficient?

Mr. HUNGERFORD. I do not. The company is not a believer in those long runs and would like to break them, and have broken some of them; but there is a strong opposition on the part of the roads and the men themselves to our action in that respect, I think in the interests of the service. The shorter runs are advisable. We have broken a great many and are continuing to do so as we can work the matter around with the roads; it is my idea that they should all be broken.

Chairman WALSH. You do not think that they get sufficient rest?

Mr. HUNGERFORD. I do not think, in the interest of the service, those long runs are desirable from any standpoint.

Chairman WALSH. You say the men want them. Have they petitioned the company for them?

Mr. HUNGERFORD. Whenever the long runs have been broken they have taken it up. Take the Santa Fe runs. The Los Angeles Limited was broken five or six years ago to Albuquerque, and they said they did not like it and would prefer to run through, and the railroad companies were insistent that they should run through. I should imagine if we attempt to break the run of the Overland Limited and the Los Angeles Limited we would be met with vigorous opposition on the part of the roads; but my feeling is, and also that of the company, that it would be advisable in the interests of the service to break them up.

Chairman WALSH. What is the policy of the company as to employing married men in its car-service department? Do you prefer single or married men?

Mr. HUNGERFORD. We have no specific regulation in that respect. The men that are in charge of that part of the work—that is, getting new men—are supposed to get men qualified for the service, but there is no requirement as to a man being married or single.

Chairman WALSH. Are your car-service employees trainmen in the meaning of the Federal statute limiting hours of work to 16?

Mr. HUNGERFORD. Do I consider them as trainmen?

Chairman WALSH. Yes.

Mr. HUNGERFORD. No.

Chairman WALSH. Is it true that the company discontinued the practice of equipping its car-service men with lanterns in order to evade this law, or made any other change in the rules and regulations for this purpose?

Mr. HUNGERFORD. No, sir; that is not so. We have discontinued the use of lanterns very largely, because they are not necessary; their use is not necessary, because the cars are now generally electric lighted, the steps and all. There seems to be no need for lanterns.

Chairman WALSH. Your company took no steps or made no change in its equipment or rules so as not to come within the provisions of that statute?

Mr. HUNGERFORD. No, sir; I never heard of that before.

Chairman WALSH. Are porters during the hours of duty responsible for thefts committed in the cars?

Mr. HUNGERFORD. I do not know that they are responsible; they are supposed to guard the cars sufficiently. It is understood that they can not always prevent sneak thieves in the guise of passengers from working.

Chairman WALSH. What action is taken as to disciplining them, or anything else, in the case of loss?

Mr. HUNGERFORD. It is all settled on its merits entirely, whether the employees on the car were alert and attentive and performing their duty, the duties incumbent on them.

Chairman WALSH. What is the rule of the company as to the duty of conductors in regard to calling at the office of the district superintendent for mail? You might describe the system by which the company's mail is transported, if you will.

Mr. HUNGERFORD. Well, the mail is carried in bags between the various centers. As a general proposition that mail is delivered to the cars and to the conductors, and we have men to receive it. There may be instances where the conductor takes the mail bag to the superintendent's office or may call for it. That may be so; I think likely it is.

Chairman WALSH. You have no personal information about that?

Mr. HUNGERFORD. We have no fixed rules about it. Our receiving cashier's office and the district superintendent's office are generally all one, and if the man has to go to the receiving cashier's office to report he usually carries the mail.

Chairman WALSH. How does the average mileage for Pullman conductors and porters compare with the average mileage for passenger railroad conductors, brakemen, and flagmen? Have you ever compared that?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. Is it not a fact that passenger trainmen average not more than 5,000 or 5,500 miles as against 10,000 to 20,000 miles a month for Pullman conductors and porters?

Mr. HUNGERFORD. I should say that those latter figures were rather excessive, but, as I said to you, we have not made calculations of the number of miles made by the car-service employees, so I would not assume to say about that.

Chairman WALSH. Could you approximate it, or give the commission an idea as to that?

Mr. HUNGERFORD. No, sir; I could not.

Chairman WALSH. Is there any connection between the Continental Casualty Co. or the Fidelity Casualty Co. and the Pullman Co.?

Mr. HUNGERFORD. No; I can safely say there is not.

Chairman WALSH. Does the Pullman Co. have any arrangement with either of these casualty companies by which car-service employees are urged to take out insurance in them?

Mr. HUNGERFORD. I do not know that they are urged to take out insurance. There are three companies, the Travelers' Insurance Co. and two casualty companies who have submitted a form of insurance that we think should be acceptable to the men, and the Pullman Co. makes the collections, at the request of the men, for them. We had previously considerable trouble with insurance companies taking advantage of technicalities in case of injury, and the matter was gone into, and these companies who submitted the best form were accepted to take out insurance with the men, where the company makes the collections. The men can insure in any company they like, but the Pullman Co. will only make collections at the request of the men and attend to the detail work on the part of such insurance companies that submit a form that the Pullman Co. thinks fully protects its men.

Chairman WALSH. And those three companies for which these deductions are made are the Travelers' Insurance Co., the Continental Casualty Co., and the Fidelity Casualty Co.?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And these deductions are made on orders from the individual men?

Mr. HUNGERFORD. Yes; on orders from the men themselves.

Chairman WALSH. By what means do the porters, what means are provided for the porters getting their meals while on the road?

Mr. HUNGERFORD. We have no special provisions for that. Of course, they have to get their meals the same way the passengers do. The passengers are always afforded an opportunity to get their meals, and the porters have the same opportunity.

Chairman WALSH. Is there any special arrangement made by the company, or endeavored to be made by the company, to have their meals provided at reduced rates?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Please state what that is.

Mr. HUNGERFORD. There are a good many roads maintaining a rate of 25 cents to our employees, and there are others that charge a higher percentage. We have taken it up with a number of the roads and suggested to them that in view of the fact they are so insistent on the men running through with their cars that they ought to be liberal with the men in regard to furnishing them meals in the dining car. A number of them have taken the position that they could not afford our men any better arrangement than they do their own, but it has been pointed out to them that their own men usually run between division points only and get their meals at home. We do not feel that the railroad companies ought to go to any expense to feed our men, yet they should give them as low a rate as they can, and come out whole on the dining cars on the through trains, since they are so insistent on the men running through, and a number of them have done so in the last year.

Chairman WALSH. Have you a copy of your book of rules here, Mr. Hungerford?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Will you kindly submit it to us?

Mr. HUNGERFORD. Yes; here it is. [Witness hands book to Chairman Walsh.]

Chairman WALSH. I notice on page 8 of this book of rules, under the heading "General instructions," "Employees are subordinate to all officers of the company and to railroad companies as train employees." To what extent are conductors and porters under the orders of the railway company?

Mr. HUNGERFORD. That is covered generally in our agreement with the roads, that our men are subordinate to their employees and governed by their train regulations. The train conductor is in charge of the train; he is the only man who has any police jurisdiction.

Chairman WALSH. How far may railroad officers or employees go in reprimanding, reporting, suspending, or discharging Pullman employees?

Mr. HUNGERFORD. They have nothing whatever to do with that. Some of the agreements with the roads provide that if the men do not perform their duties

in a manner satisfactory to the railroads the roads can request their withdrawal from their service; that is about as far as it goes.

Chairman WALSH. That would include—that would be the entire interpretation of that rule, so far as the railroad companies are concerned? As a matter of fact, no employee of a railroad company in charge of a train otherwise has any disciplinary control over your employees?

Mr. HUNGERFORD. Nothing more than would affect the operation of the train during that time; they can not discipline them.

Chairman WALSH. Take page 8 of the book of rules, and I find this [reads]:

"The company requires of employees the very best service possible under all conditions. A system of discipline by record has been adopted, whereby suspension from duty with loss of pay is avoided. Employees guilty of any dereliction of duty or breach of rules will be disciplined by reprimand or book suspension. An individual record is kept of each employee, and every case of carelessness, negligence, or improper conduct will be noted on this record and the usual penalty assessed and entered on the books, the employee continuing at work without loss of pay. A perfect record is one against which no unfavorable entry has been made. A clear record is one where the unfavorable entries have been extinguished by subsequent good service. In each case where reprimand or suspension is noted against an employee he will be notified. No suspension will be made for less than 5 days or more than 15 days.

"1. A reprimand will be extinguished by three months' clear record.

"2. Five days' suspension will be extinguished by six months' clear record.

"3. Ten days' suspension will be extinguished by nine months' clear record.

"4. Fifteen days' suspension will be extinguished by one year's clear record.

"When an employee's record shows frequent delinquencies and a number of penalties assessed against him, his case will be given special consideration, and dismissal may follow on account of unsatisfactory service in general, although no single offense might warrant such extreme action.

"Disloyalty, dishonesty, intemperance, immorality, insubordination, incompetency, discourtesy to passengers, gross carelessness, false reports, or concealing facts concerning investigations, etc., will subject the offender to dismissal."

I wish you would please describe what is meant by "disloyalty."

Mr. HUNGERFORD. I should say a man that was working against the company's interests was disloyal.

Chairman WALSH. In what way?

Mr. HUNGERFORD. In any way.

Chairman WALSH. Would the joining of a labor union constitute disloyalty?

Mr. HUNGERFORD. It would not in my opinion.

Chairman WALSH. On page 10 of the book of rules we find this [reading]:

"Conductors have jurisdiction over all employees and cars; and unless they require those under them to properly perform their duty they will be subject to the same entry as the offenders, except where they are unable to exact obedience, and report to that effect is promptly made to the district superintendent."

State how frequently that is enforced by your company?

Mr. HUNGERFORD. The conductor is the captain of the ship and in charge of the porter. If the porter is grossly negligent and the conductor allows it to go on and makes no attempt to correct it, he is equally responsible with the porter.

Chairman WALSH. You have another rule on page 10 as follows [reading]:

"Employees must be neat and cleanly in personal appearance; wear clean linen and have clothing brushed and shoes polished. The uniforms designated by the company must be worn on duty, but not when off duty. The uniforms must be made by tailors selected by the company, and no deviation in style or specifications will be permitted. White collars must always be worn."

What inspection of uniforms is made?

Mr. HUNGERFORD. Uniforms are inspected, I think, monthly; it may be quarterly; at the time they are paid.

Chairman WALSH. By whom?

Mr. HUNGERFORD. By the district superintendent.

Chairman WALSH. Who pays for the uniforms worn by conductors and porters?

Mr. HUNGERFORD. The company furnishes free uniforms when they are 10 years in the service; before that time they pay for them themselves.

Chairman WALSH. Who pays for the white jackets worn by the porters?

Mr. HUNGERFORD. The company.

Chairman WALSH. Who are the tailors selected by the company to make these uniforms?

Mr. HUNGERFORD. They are made now by Marshall Field & Co., in Chicago.

Chairman WALSH. How long have the employees of the Pullman Co. been required to purchase uniforms of that firm?

Mr. HUNGERFORD. I do not know just how long that has been; I could not tell you; it is 8 or 10 years.

Chairman WALSH. Who makes the contract for the price?

Mr. HUNGERFORD. Our director of purchases.

Chairman WALSH. What is the price of a porter's uniform?

Mr. HUNGERFORD. I think about $24; $22, I think, for the porter's uniform and the conductor's uniform about $24, I should judge.

Chairman WALSH. How much for the conductor's uniform?

Mr. HUNGERFORD. About $24; I won't give you that as an exact figure; but that is my recollection; $24.50, I think.

Chairman WALSH. Of the conductor's?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Will you please submit that to us definitely?

Mr. HUNGERFORD. Yes.

(Immediately after recess of this day's hearings, Mr. Hungerford read into his testimony the information requested.)

Chairman WALSH. Has the firm of Marshall Field & Co. any connection directly or indirectly with the Pullman Co.?

Mr. HUNGERFORD. Not that I know of.

Chairman WALSH. The employees of the Pullman Co. get these direct from Marshall Field & Co., do they?

Mr. HUNGERFORD. They have tailors all over the country—that is, they appoint men to take the measurements and then they put in application at the district office for the uniforms and they come to them direct in that way.

Chairman WALSH. Has there been any change made in the price of the uniforms in the last few years?

Mr. HUNGERFORD. Yes, sir; they are getting cheaper; they are cheaper this year than last year to a considerable extent.

Chairman WALSH. How much cheaper?

Mr. HUNGERFORD. I can't tell that.

Chairman WALSH. Who makes the arrangements?

Mr. HUNGERFORD. The director of purchases.

Chairman WALSH. Do you know how much profit Marshall Field & Co. make out of the uniforms?

Mr. HUNGERFORD. I don't know.

Chairman WALSH. Do the men have anything to say about the price of them whatever?

Mr. HUNGERFORD. They do not.

Commissioner O'CONNELL. Are they furnished to the men at cost price?

Mr. HUNGERFORD. They are furnished at a low price considering the quality of the goods; I think they are very reasonable.

Commissioner O'CONNELL. Are they furnished to the men at the same price that they are furnished to the Pullman Co.?

Mr. HUNGERFORD. We do not have anything to do with that at all; the agreement is made with Marshall Field & Co. as to the price they will make the uniforms for, but the Pullman Co. does not have anything to do with receiving any of the revenue.

Commissioner O'CONNELL. All of the profit that is made goes to Marshall Field & Co.?

Mr. HUNGERFORD. Yes.

Commissioner O'CONNELL. None goes to your company?

Mr. HUNGERFORD. No.

Chairman WALSH. On page 16, of the book of rules, the company says [reading]:

"Employees must not in any manner endeavor to influence passengers in favor of any hotel or route of travel, and must not under any circumstances criticise the railway service."

Is that rule enforced?

Mr. HUNGERFORD. It is, or we have our attention called to it strongly by the roads; yes.

Chairman WALSH. Is it not—is it or is it not a fact that Pullman conductors are expected by the company officials to receive favors from hotels, such as reduced rates or free lodging?

Mr. HUNGERFORD. No, sir; it used to be pretty general that railroad and Pullman conductors were sought after by hotels, but those conditions are changed.

Chairman WALSH. Are Pullman-car porters exposed to the danger of infection or contagion through waiting on and making up the berths of travelers suffering from tuberculosis and other contagious and infectious diseases?

Mr. HUNGERFORD. The fact that we do not have any trouble of that kind shows they are not. Our director of sanitation has gone into that, and the record shows they are not. Our cars are kept in a strictly sanitary condition; and, the fact is, that the conditions to the traveler on our cars are better usually than in his own home. Some people who ride in our cars are sick, but if the regulations are observed there is no danger of contamination.

Chairman WALSH. You have made an investigation of that through your sanitary department and that is what you have found?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, on page 20 of the book of rules is this [reads]:

"Conductors when off duty should occupy an upper berth whenever available."

Mr. HUNGERFORD. Yes.

Chairman WALSH. What is the purpose of that?

Mr. HUNGERFORD. The purpose of that is that we had a great many complaints on the part of passengers of their inability to secure lower berths, claiming that the conductors withheld them for their own personal benefit. It came up in the railroad commission and an open statement was made that our conductors were holding back lower berths for their own use. There are also many cases where space is reserved by passengers to be taken up en route. Other passengers would get on the cars and make application for a berth and would be told that none were available; some berths were reserved to be taken up down the line, and in some of those cases the passengers who reserved the berths en route would not get on. This happened often after the passengers had retired, and in the morning they would see our conductor coming out of the berth, and, of course, under those circumstances no argument would satisfy the passenger that that berth was not held out by the conductor for his own special benefit. And the complaints were numerous—many through commissions—and finally this plan was devised of requiring the conductors to occupy upper berths. An upper berth is just as comfortable as a lower berth; in fact, more so; it is farther away fro mthe trucks and the air is purer. It may be a little less convenient to retire into and out of, but in that respect we felt that the traveling public should be given the advantage of the lower berths in order that no complaints of the kind mentioned might be made.

(Thereupon, at 12.30 o'clock p. m., a recess was taken by the commission until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Is Mr. Hungerford present? Please take the chair, Mr. Hungerford.

Mr. HUNGERFORD. I wish to submit to the commission the pension plan.

Chairman WALSH. Yes.

Mr. HUNGERFORD. And in regard to the conductors' uniforms.

Chairman WALSH. Yes.

Mr. HUNGERFORD. I was to give you correct data on that. I find that the conductors' winter uniform is $19.75, porters' $18.75; summers $18.25 for conductors and $17.75 for porters. I would add in that connection that the company pays the same price for the uniforms that it furnishes those over 10 years in the service as is paid by the men in service a shorter period. That, I think, answers your question.

Chairman WALSH. Yes. I think you are mistaken about the porters' winter rate. I was going to call your attention to the error, because the prices submitted to us by Marshall Field shows that to have been $18.50 instead of $18.75. Might you not also be mistaken about that?

Mr. HUNGERFORD. No—which—$18.50 was the conductors' for the last summer—1914—but not for the coming summer; $18.25 for the coming summer.

Chairman WALSH. Oh, I see; it has been changed.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Since last summer.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Has the winter uniform of the porters been changed from $18.50 to $18.75? Marshall Field gave us $18.50 for porters' winter uniforms, and you give $18.75.

Mr. HUNGERFORD. I give that as the purchasing agent has furnished it at the present time, for the winter of 1914 and 1915—conductors' uniform $19.75 and porters' $18.75.

Chairman WALSH. Now, we have had submitted to us the general instructions given by you. It is short, and I will read it to you—under date of September 1, 1914. [Reads:]

"For employees on cars of the Pullman Co.: The instructions contained herein are for the general guidance of car employees, but should not be enforced in such manner as to defeat the object intended, namely, to popularize the service. The most important feature to be observed at all times is to satisfy and please passengers. In case they request privileges that can not be legally or properly granted they should be politely informed that the request falls outside of your jurisdiction. Never say that the rules of the company prevent compliance. L. S. Hungerford, general superintendent."

Mr. HUNGERFORD. Yes.

Chairman WALSH. Yes; now, you gave that general order?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Now, one offense for which I notice you suspend for 15 days is "discourtesy, indifference, or inattention to passengers." Is that correct?

Mr. HUNGERFORD. I think so. Our chief service inspector will bring over a list of suspensions himself. I think that is correct.

Chairman WALSH. Now, your men are not allowed to explain to the passenger that a request is in violation of the company's rules?

Mr. HUNGERFORD. I wish to explain that. New men entering the service, and others who lack—who show a lack of disposition to comply with the requests of passengers frequently cloak themselves under the statement that it is against the rules. I saw a case here the other day; a passenger came down from St. Paul and wanted an extra blanket, and the porter told him he couldn't furnish it, because it was against the rules. Well, of course, that irritated the passenger very much. There was nothing against any rules about it to prohibit him from furnishing a blanket, if he did so; but you will find that, especially in the case of new conductors and new porters, they will use that expression that it is against the rules; and the expression "against the rules" is very offensive to passengers. That is the whole situation in regard to that.

Chairman WALSH. Well, as between the man and the company, does not that shift the responsibility to a certain extent upon the man, if he is not allowed to say that it is in violation of the rules of the company——

Mr. HUNGERFORD (interrupting). Well, he can say he is not permitted to do so.

Chairman WALSH. Well, the request you give him is to tell them that it falls entirely outside of his jurisdiction?

Mr. HUNGERFORD. Yes; that ought to cover it.

Chairman WALSH. And he must never say that it is in violation of a rule of the company?

Mr. HUNGERFORD. Well, he is to avoid that expression, which is offensive to passengers.

Chairman WALSH. Well, but you give this specifically, do you not; or you did when you began September 1: "Never say that the rules of the company prevent compliance."

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, you suspend a man 15 days for discourtesy, indifference, or inattention to passengers.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, when a difficulty arises, or a contention arises, and the passenger claims that a porter, for instance, is discourteous, how do you arrive at it?

Mr. HUNGERFORD. We arrive at it by hearing what the employee has to say.

Chairman WALSH (interrupting). Do you take the passenger's word or the porter's word?

Mr. HUNGERFORD. Every case is determined on its merits, just as far as we are able to do so. It is the district superintendent who investigates these matters directly with the employee—and the inspector, too—and he reports to the chief service inspector. We do know that some passengers are irritable and exaggerate, and an employee is given every possible opportunity——

Chairman WALSH (interrupting). Yes.

Mr. HUNGERFORD (continuing). That, of course, inattention or discourtesy to passengers is where they are striking cases. Just a mere form of reply offhand is not considered as treatment with discourtesy.

Chairman WALSH. Well, how was it determined? Suppose the porter, now, says he was not discourteous and the passenger says he was, and that his manner was offensive, and so forth. How do you determine that?

Mr. HUNGERFORD. It is determined very largely, of course, by what the porter has to say, and the passenger. Then, if they do not agree—the statements, as far as possible—in a great many or a majority of the cases, where the complaints are made of inattention or discourtesy to the passenger, we have somebody to call on the passenger and explain to the passenger what the employee has to say and to endeavor to reconcile the statements. The passenger is generally pretty fair and not inclined to exaggerate, I think. We give the man every opportunity. We call on the passenger for reasons to straighten out these things and satisfy both sides.

Chairman WALSH. You send an inspector to the passenger?

Mr. HUNGERFORD. Oh, we send an inspector or a representative. If it happens to be a representative who is more convenient we have him go out.

Chairman WALSH. Now, is this book suspension carried by the calendar year?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. A man does not have his credits or demerits go over into the following year?

Mr. HUNGERFORD. No, sir; it is the calendar year.

Chairman WALSH. The calendar year. So, if a 15 days' suspension is inflicted, now, any time after July it is impossible——

Mr. HUNGERFORD (interrupting). It debars him.

Chairman WALSH. It debars him?

Mr. HUNGERFORD. Well——

Chairman WALSH. And, likewise, 5 days' suspension inflicted upon him after the 1st of September.

Mr. HUNGERFORD. No; yes—well, that would be after six months; yes.

Chairman WALSH. Now, the five days' suspensions are inflicted for the following reasons, are they not [reading]:

"Failure to promptly answer bells. Failure to turn lights after passengers have retired, and at proper time in the morning. Failure to wipe handrailings and sweep platforms"——

Mr. HUNGERFORD. I don't think that is the list; I can get that list, if you will excuse me.

Chairman WALSH. Yes, sir; I wish you would check it off, if you please, because we don't want to take time of the other witnesses on it.

Mr. HUNGERFORD. Well, that is right.

Chairman WALSH. And we want to have as many matters undisputed as possible. That is issued, I believe by Mr. J. A. Davis, chief service inspector.

Mr. HUNGERFORD. Yes.

Chairman WALSH. Take No. 3 [reading]:

"Failure to wipe handrailings and sweep platforms.

"Failure to solicit buffet orders.

"Failure to properly ventilate and keep"——

Right there; are they supposed to solicit orders from the buffet from all passengers?

Mr. HUNGERFORD. They are where we have buffets; but they are so few now that is hardly of much moment. Our buffet service is getting less and less all the time, but where we have it they are supposed to go around and pass the menu card to the passengers.

Chairman WALSH. Is that the solicitation that is meant, to pass menu cards?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Does that include buffets in which alcoholic drinks are served?

Mr. HUNGERFORD. No; it does not. It means the buffet cars where the passengers get light lunch.

Chairman WALSH. Don't solicit or serve alcoholic liquors?

Mr. HUNGERFORD. No; not at all on our sleepers or parlor cars.

Chairman WALSH [reading]:

"Failure to properly ventilate and keep cars in cleanly and tidy condition.

"Failure to properly answer name when posted.

"Failure to wire or incorrectly wire vacant space messages.

"Failure to supervise porter's work and correct same where necessary.
"Failure to supervise buffet service.
"Failure to comply with rules relative to method of awakening passengers.
"Failure to comply with rules relative to reporting accidents, losses, or unusual incidents.
"Failure to fasten safety cords."
"Failure to report duplicate sales whether passenger is taken care of or not.
"Failure to search cars at destination.
"Failure to check and sign for linen in accordance with regulations.
"Failure to be out for reception of passengers and assisting passengers with baggage.
"Failure to issue call cards or slips and call passengers as directed.
"Failure to request passengers to step to end of aisle to be brushed.
"Failure to maintain quiet at night or allowing passengers to be disturbed by loud talking, slamming doors, making unnecessary noises in handling berths at night, or putting them away at too early an hour in the morning.
"Failure in using accommodations and equipment other than those designated.
"Visiting between employees while en route."

Now, are there any others not mentioned there, and for which five days' suspension is inflicted?

Mr. HUNGERFORD. That is all I know of; but of course there may be some others come up. Discipline would be governed on a line with this; but that is supposed to cover it.

Chairman WALSH. Are the district superintendents supposed or authorized to issue rules from time to time—specific rules?

Mr. HUNGERFORD. They are not supposed to; no.

Chairman WALSH. Well, are they permitted to?

Mr. HUNGERFORD. No; they are not permitted.

Chairman WALSH. When they do issue them, are reports required to be made to the general manager?

Mr. HUNGERFORD. They are not supposed to issue them—not expected to issue them—not permitted to issue them.

Chairman WALSH. Has your attention been called to the publications of the district superintendent at Omaha, entitled "Things to Do" and "Things Not to Do."

Mr. HUNGERFORD. No; it was not.

Chairman WALSH. Mr. B. C. Johnson is your district superintendent there at Omaha?

Mr. HUNGERFORD. District superintendent; yes.

Chairman WALSH. Under date of August 17, 1914, have you noticed two publications of Mr. Johnson to conductors and porters entitled "Things to Do" and "Things Not to Do"?

Mr. HUNGERFORD. No; I have not.

Chairman WALSH. And whose attention—what individual's attention should such a matter as that be called to?

Mr. HUNGERFORD. Well, I don't know what the contents of this so-called document are, but I assume it is a résumé of the features that are covered by the general regulations.

Chairman WALSH. Well, I will call your attention to them a little later. I wondered if you knew.

Mr. HUNGERFORD. No; I don't know.

Chairman WALSH. Now, you inflict 10 days' suspension for failure to turn in lost property. [Reads:]

"Smoking on duty.
"Sleeping on duty.
"Leaving cars unguarded."

That is correct, is it?

Mr. HUNGERFORD. That is according to this——

Chairman WALSH (interrupting). Well, now, that third paragraph says, "Sleeping on duty."

Would that apply to a porter sleeping through the night or day?

Mr. HUNGERFORD. Well, that would apply to his sleeping on duty; when he is supposed to be on duty; yes.

Chairman WALSH. Now, is it a fact that you find it frequently an impossibility with these men to keep them awake on these long runs where they have only three or four hours per night sleep?

Mr. HUNGERFORD. Well, I would not say—on these long runs it is difficult for them. I do know that they sleep, and we do know that it is countenanced.

Chairman WALSH. Now, when it comes to discretion under that rule 2 as to whether or not they shall inflict that 30 days' book suspension on them, who exercises that discretion?

Mr. HUNGERFORD. Those cases are all passed on by the chief service inspector, who does, I think, give full consideration to all the conditions of the service.

Chairman WALSH. Is it a fact that that rule is waived in connection with a long trip like to Los Angeles and to San Francisco?

Mr. HUNGERFORD. Oh, it is where the circumstances seem to make it clear that the man is doing his best—to the best of his ability.

Chairman WALSH. Would it be waived in any case where a man has three or four hours per night of sleep; would it be inflicted in such cases?

Mr. HUNGERFORD. Well, I say it would be passed upon in accordance with the circumstances in each case.

Chairman WALSH. Well, suppose the circumstance was that the second day out the man had retired at 11.30 and resumed duty at 3 o'clock that night, and the next night he retired at 12 o'clock and resumed duty at 3 o'clock, that second night, and was then found asleep in the body of the car, or in the smoking room or some place the next day, would it be inflicted?

Mr. HUNGERFORD. It would not be inflicted unless it was a willful violation of the instructions. If he had just fallen asleep—now, if he was supposed to be on duty at that time and went to a drawing room and went to sleep he would probably be suspended; if he took his pillow and a blanket and left the car unguarded and went off duty when he was supposed to be on duty willfully, he should probably and would probably have the penalty inflicted.

Chairman WALSH. Then it is not inflicted when the porter is found asleep in the car, but not with a blanket or pillow?

Mr. HUNGERFORD. Oh, it is not inflicted if he drops off to sleep at all; if he just drops off asleep, no.

Chairman WALSH. Now, the 15 days' book suspension is inflicted for the following derelictions [reading]:

"Discourtesy, indifference, or inattention to passengers.
"Soliciting fees from passengers.
"Drinking on duty.
"Carrying passengers beyond destination or getting short of destination."

That is correct, is it?

Mr. HUNGERFORD. That is correct.

Chairman WALSH. Now, I will call your attention in this circular from Mr. Johnson of "Things to Do." [Reading:]

"Always wear clean linen.
"Have your uniform cleaned and pressed up.
"Keep your shoes polished.
"Black passengers' shoes."

Have you seen that?

Mr. HUNGERFORD. I don't remember that.

Chairman WALSH. The last is "black passengers' shoes."

Mr. HUNGERFORD. Well, this is to the porters, I assume?

Chairman WALSH. Yes; this is to the porters.

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH (reading):

"Dust passengers' clothing, asking them to step aside.
"Call out stations when trains enter terminal stations or en route.
"Tender pillows to passengers.
"Tender hat bags to lady passengers.
"Keep washstands cleaned up.
"Keep cuspidors cleaned up.
"Keep your lockers cleaned up, clean papers on the shelves.
"Keep clean jackets with full set of buttons.
"Have lanterns lighted at night and in position for immediate use.
"Keep soiled linen picked up.
"Keep plenty of clean towels in the racks.
"Keep whisk brooms in the toilet room.
"Fasten all berth safety cords.
"Light your night lamps when other lights are lighted.
"Answer bells promptly.
"Answer questions of all passengers courteously and intelligently.

"Courtesy is the best thing you can give passengers and have in stock. It costs you the least and gives best results.

"Wipe window sills often.

"Guard cars closely.

"Assist passengers with ladder when getting in and out of upper berths.

"Make up berths promptly at night.

"Be out at all stations where trains stop to receive passengers and assist with the baggage.

"Properly regulate ventilation.

"Look closely after the regulation of the Garland ventilators, those marked 'V' to be opened, or part of them closed, as the weather will indicate.

"Temperature of your cars should be regulated by steam in the winter months, to be introduced through the inlet valve in the heater room.

"Keep combs and brushes clean.

"Turn out lights promptly after passengers have retired.

"Have equipment box supplied at all times at home station.

"Keep uniform coats buttoned while on duty.

"Read station order books, sign them, and be sure you understand the orders and comply with them. If not understood, call at the office for an explanation.

"Render all assistance possible to lady passengers and children, especially old ladies and men and sick passengers.

"Wire vacancies according to local instructions.

"Use camp stool at the end of aisle at night to guard cars.

"Pull down all window shades at night when starting to make down berths.

"Wipe deflectors and screens before placing them in windows and lockers.

"Conductors to sleep in upper berths; porters in smoking room or upper No. 1."

Do you recognise all those as being taken from——

Mr. HUNGERFORD (interrupting). Those are our general practice; I don't know as to whether they are all rules, but they are in general practice.

Chairman WALSH. Now, are district superintendents authorized to issue such matters as that Omaha general circular?

Mr. HUNGERFORD. I think he would be as long as they did not conflict with any existing instruction.

Chairman WALSH (reading):

"Read rules and instructions contained in front pages of rate book.

"Comply with instructions relative to signing back of linen cards when placed in charge of car after counting linen.

"Always carry screw driver in equipment box.

"Comply with the instructions relative to turning over cash with reports when en route, deposit en route slip form.

"Comply with the instructions relative to checking equipment on car to know, if asked, whether car has full stock or not.

"Place all portiere curtains in upper berth No. 2; not in lockers.

"When on cars having electric lights, see that the connecter up at front end of car is taken down and put in locker.

"Comply with instructions as to handling breakfast call cards.

"Keep working office diagrams worked up at all times to indicate just what space is occupied; see order posted June 2, 1914."

Now, there are a number of others. Has your attention ever been called to such publication by district superintendents other than the Omaha man?

Mr. HUNGERFORD. Oh, I don't know; but, as I say, there is nothing there that differs from our general instructions. He had that printed out instead of giving it to the employees verbally. That is about the only difference.

Chairman WALSH. Yes.

Mr. HUNGERFORD. That saves him, I suppose, some labor.

Chairman WALSH. That is within the general scope of his authority?

Mr. HUNGERFORD. Yes; within the general scope.

Chairman WALSH. And of your instructions to him?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Now, would a failure to do any of the things mentioned in there call for discipline on the suspension book?

Mr. HUNGERFORD. Well, they would come in—many of those—some of them, I should think—I can not carry them all in my mind—would come in under reprimand. I don't see any there that would come in under suspension.

Chairman WALSH. To whom do the charges of dereliction go directly? Suppose a man was accused, now, of having committed any of these things, who would get the information?

Mr. HUNGERFORD. Come to the chief service inspector.

Chairman WALSH. The district superintendent would not have anything to do with it?

Mr. HUNGERFORD. It would be taken up with him then to take up with the employee. Or it might come to the district superintendent first and then to the chief service inspector. But perhaps it would come to the chief service inspector himself—that is, if it was on a complaint made by some outside person.

Chairman WALSH. Now, I will read the "Things Not to Do," and I would like you to follow them closely, because I am going to follow that with the same question, as to whether or not the doing of any of these things would subject a man to discipline or not. [Reading:]

"To conductors and porters:

"Don't chew tobacco.

"Don't chew gum on duty.

"Don't carry a toothpick in your mouth on duty.

"Don't smoke or drink on duty.

"Don't wear soiled linen.

"Don't sleep on duty.

"Don't wear jackets with one button.

"Don't visit with porters in other cars.

"Don't leave cars unguarded at any time day or night.

"Don't handle woodwork with bare hands, always use a cloth.

"Don' wear a towel or handkerchief around your neck instead of a collar.

"Don't lean against car when receiving passengers or standing at a terminal station; stand up straight—look pleasant.

"Don't make unnecessary noise in moving about the cars at night.

"Don't step on seats or arm rests when making up or putting away berths.

"Don't wear a frown on your face.

"Don't use low and vulgar language.

"Don't enter drawingroom, stateroom, or ladies' toilet room before knocking.

"Don't put away berths at an early hour in the morning, awakening other passengers.

"Don't put away berths in the morning before asking passengers to do so.

"Don't accept effects from passengers and put them in lockers for safekeeping.

"Don't leave stepladder in passageway or aisle of car at night after it has been used. Place it in the locker.

"Don't leave grips and suit cases in the aisles or passageway if they can possibly be located under the berths.

"Don't ask to be relieved at foreign stations, unless in case of sickness.

"Don't go to sleep after conductors have called you, and it is the end of your time for sleeping. Be wide-awake and on watch.

"Don't leave porter's drinking glass in the public washrooms.

"Don't loop smoking car portiere curtains up over the hat hooks.

"Don't carry yourselves in such a manner as to impress the passengers that you own the cars, and that it is a privilege to allow them to ride. Remember we are all servants of the public and as such must comply with the public's wishes at all times; that is, be courteous and gentlemanly, answering questions intelligently and promptly, doing everything in your power to please the public.

"Don't use towels for display purposes in wash rooms., pillow slips for hat bags, or sheets to cover passengers' clothing or sofas in rooms.

"Don't slam vestibule or trap doors.

"Don't wear uniform coat or overcoat over white jackets.

"Don't put ice in coolers with bare hands.

"Don't use any but the company's buckets inside of cars.

"Don't put scrib buckets inside of ice buckets in lockers.

"Don't use the linen as dust cloths.

"Don't fail to frequently wipe woodwork on passageway partitions and white toilets.

"Don't call to each other when passing on trains.

"If it is necessary to blacken shoes in the smoking room, on account of objections of passengers to the noise, never take more than one pair at a time.

"Don't tell passengers we will stay here any certain length of time, but when asked how long train stops, say train is due to leave at a certain time, whatever the schedule calls for."

Now, is the failure or is the doing of any of those things I have read—does the doing of any of those things call for reprimand or book suspension?

Mr. HUNGERFORD. The majority of them would be just simply ordinary cautions and asking them to correct them and not make mistakes. There are a few in there that would come under the head of penalties. I notice you had one, drinking while on duty.

Chairman WALSH. So that is quite a great deal different from the first one? The "Don'ts" are quite a great deal different from the "Do's"?

Mr. HUNGERFORD. From the "Do's"; yes, sir. Those mentioned there, visiting in the cars and drinking on duty, they would come in under the list of penalties; but the great majority of them are just simply for the information of the porters, as I said before, instead of telling them verbally what to do, which is better; he has got a labor-saving device and got it printed out.

Chairman WALSH. Has there been much complaint to your office as to the handling of your men both as to compensation and as to the rules as to whether or not that is the general situation?

Mr. HUNGERFORD. No; there is not.

Chairman WALSH. Would you be the person generally in charge to observe those things and look into them if they were wrong?

Mr. HUNGERFORD. I would; I would know about them.

Chairman WALSH. Did you read the record of the Public Utility Commission of California in which the chairman of that commission notified Mr. Dean that they had failed to find one person in the State or one employee in the State of California that did not have objection to their treatment or their wages in some manner?

Mr. HUNGERFORD. I read that statement; yes.

Chairman WALSH. You read that statement? That was Mr. Eshleman, the present lieutenant governor of California.

Mr. HUNGERFORD. Yes, Mr. Eshleman.

Chairman WALSH. Now, I want to call your attention to certain letters that we have received. This inquiry was placed upon our list of inquiries in response to a very wide-spread demand from the employees. We have taken a number of letters which seems to epitomize what might be grievances and an ascertainment was made first of that person as to whether he was a bona fide employee of the Pullman Co., and it was afterwards checked by our investigators with other conductors to see whether the complaints extended generally throughout the service, or depended upon one person who might have some particular grievance. So I am going to read you a few of those letters that were picked out for your comment, so you may have a fair opportunity to comment upon them.

I will say this, that the fact—I believe I have stated—was established that these were bona fide employees, and in all instances they have asked to have their names withheld, which we have uniformly granted in all industries that we have investigated. [Reading:]

"October 15, 1914. I understand the railroads in the State of Illinois pay their employees in full, and I can see no reason why the Pullman Co. could not do the same, as it means a great deal to the employees. On a recent pay day in Los Angeles a bulletin was posted over the cashier's window, stating the company had failed to mail the pay checks in Chicago and they would arrive a day late. Therefore, pay day would be on the 16th instead of the 15th of the month. A great many who were on long runs were inconvenienced by such an error, as they were obliged to make an extra trip before receiving their check. If each district in the different States made out their own pay checks, as they did in Colorado before they ceased to comply with the law, there would be no errors of this kind to discommode employees."

The thing I principally desire to ask you is, Is it a fact that your company at first complied with the semimonthly pay law of Colorado and afterwards ceased to do so?

Mr. HUNGERFORD. It is my understanding and recollection that the law included and had reference to shop employees. We paid our shopmen, I think, semimonthly. I don't know whether we ever paid the car employees semimonthly or not. I don't know of any change being made, because, as I stated this morning, we are governed in that matter by the regulations of the State. I don't know of any change having been made in the date of pay of the car employees.

Chairman WALSH. Now, then, this same man says [reading]:

"I will give you a brief outline of some of the sleeping quarters furnished by the company in different districts."

Now, do I understand that these sleeping quarters are furnished to employees who have worked a certain length of time for your company?

Mr. HUNGERFORD. No; they are furnished free to all men who run into those places.

Chairman WALSH. Irrespective of length of service?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH (reading): "Omaha. Three double-deck beds in the basement of the Pullman office. Very damp during the rainy period. No bath."

Mr. HUNGERFORD. Well, I take exceptions to that. It is a building that is on the side of a hill, so that is the ground floor on that side of the building. It is not a basement. The doors open right outside and the windows open right outside. I don't know whether they have any bath, but there is running water in the rooms.

Chairman WALSH (reading): "Denver. A small room in the depot with six single beds. Impossible to sleep on account of noise. No bath."

Mr. HUNGERFORD. I don't know the date of that. Of course, at the time the building was being remodeled——

Chairman WALSH (interrupting). This is October 15, 1914.

Mr. HUNGERFORD. Well, I think probably that is so. They remodeled the station in Denver. We have office quarters in the building at Denver as well as sleeping quarters for the men, and they remodeled the building and forced us out of the second floor and down onto the first floor at the time. They are back there now, I think.

Chairman WALSH. What are the sleeping arrangements?

Mr. HUNGERFORD. They have a room there on the second floor that is reported to me as being ample.

Chairman WALSH. How many beds?

Mr. HUNGERFORD. I could not say.

Chairman WALSH. How large is it?

Mr. HUNGERFORD. I could not say.

Chairman WALSH (reading): "Salt Lake City. Two small rooms in the Wellington Hotel. Four single beds in one room. Chairs in the other. Employees have access to public bath. This building was condemned several years ago. Employees are assigned to a certain bed, and their hours of rest are limited so as to accommodate the overflow which comes in at different hours during the day and night."

Mr. HUNGERFORD. I know nothing about that. We have our inspectors going around to these various places, and they are supposed to inspect on these different things in addition to service inspection. We have no reports come from there that their quarters are not satisfactory.

Chairman WALSH (reading): "Ogden. An old dismantled Pullman car which occupies a very prominent place in the midst of the coach and freight yard and where the switch engines are very busy day and night, rendering it almost impossible to sleep. For several years this car was without a toilet. No bath."

Mr. HUNGERFORD. Well, it has a toilet and bath now. It is a car that is out of date, to be sure; but the same beds we furnish our passengers with. It has electric light, toilet, and bath now. It is off to one side and away from the station, but it is very convenient; more so than it would be in town.

Chairman WALSH (reading): "Portland. Two rooms in the Hoyt Hotel, which are very comfortable. Employees have access to public bath.

"San Francisco. A room is furnished across the bay at Oakland Mole near the depot. It has three double-deck beds. No bath."

Mr. HUNGERFORD. Yes; they have had that car there. It has been fixed up and remodeled especially for them, I understand, and makes very satisfactory arrangements. It is on the pier. It is cool in the summer time, and it has steam heat, hot and cold water all the time, and is equipped with bath and is partitioned off for a reception room and for a place for their baggage, and I believe it has proven pretty satisfactory. They did have a room at one time in the building, but we have taken that for the receiving cashier's office since.

Chairman WALSH (reading): "There are no sleeping quarters furnished in San Francisco proper, as the company knows a great many of the hotels furnish the employees with sleeping quarters without charge."

Are you aware that is the practice in San Francisco?

Mr. HUNGERFORD. I am aware of the fact that our lines do not terminate in San Francisco, but at Oakland, and there is where our sleeping quarters are provided. That is where they take their trains and where they leave them.

Chairman WALSH. Is it a fact that many of the hotels of San Francisco do furnish your employees with sleeping quarters without charge?

Mr. HUNGERFORD. I don't know whether they do or not. We have provided them with quarters at Oakland Mole, where the line terminates.

Chairman WALSH (reading): "Los Angeles. No sleeping quarters are furnished. The company depends upon the different hotels to take care of employees."

Mr. HUNGERFORD. We have no sleeping room there, for that matter was taken up some years ago, and we found that the hotels there were taking care of the men, and they would not accept the quarters we provided for them, and so we have not provided for them. We have been extending the use of these rooms as the circumstances seem to require.

Chairman WALSH (reading): "El Paso. Two rooms in the basement of an apartment house. Each room has four single beds. Employees have access to public bath. These rooms are very insanitary, as the wind blows almost constantly, and I have seen the beds and bathtubs covered with dust and dirt from the streets. Employees are obliged to sleep in these quarters, as they can not afford to pay the prices asked at the hotels."

Is that the situation at El Paso?

Mr. HUNGERFORD. It is not the situation to-day. I guess it is, so far as the wind blowing. I think it blows there all the time. That has been my experience when I was on the Rio Grande.

Chairman WALSH. Well, leave out the elements.

Mr. HUNGERFORD. The quarters have been changed. They are in the Hotel Raymond, I think, that is the name of it. They are satisfactory, so far as I know, now.

Chairman WALSH. So that has been eliminated?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And this gentleman says [reading]:

"I have slept in all of the above-mentioned quarters, and I am frank to say that I have not drawn on my imagination in the least. If anything, I have not pictured them quite as bad as they really are.

"The company does not furnish a call boy for conductors as the railroads do; but we are expected to be on the job, and protect our run regardless of how little sleep we have had. If we should oversleep and miss our run we are penalized in some way. In Ogden and El Paso in the sleeping quarters an alarm clock is used to awaken us in time for our train, but this is very annoying for the men who are still sleeping."

Do you have any comment to make on that?

Mr. HUNGERFORD. I have not any comment to make on it.

Chairman WALSH. Well, is it correct?

Mr. HUNGERFORD. I don't know anything about it. I don't know whether they have a call boy. They are supposed to report to their runs in time to take them out.

Chairman WALSH. You have no call boy such as the railroads have?

Mr. HUNGERFORD. No, sir; not that I know of.

Chairman WALSH. Sir?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. And those smaller details, about the alarm clock, you have no personal knowledge about?

Mr. HUNGERFORD. No——

Chairman WALSH (interrupting). Now, this is another letter, November 12, submitting an inclosed list of porters, and he says [reading]:

"I have questioned each man in the inclosed list of porters and find the company deducts a certain amount from their checks each month. I find it varies from 40 cents to $1.50, and in a few cases even more than $1.50. Most of the porters claim they do not offer a complaint, as their time and car fare would equal the amount deducted, as they would be compelled to go to the storeroom in the yards, then to their superintendent, and from the superintendent to the general office in the Pullman Building before their claim would be adjusted."

Does that honestly portray the situation?

Mr. HUNGERFORD. No; I think not. I don't know. He talks about the Pullman Building. That has reference to some Chicago porter.

Chairman WALSH. Yes; this is from Chicago.

Mr. HUNGERFORD. The linen situation is one that is a pretty embarrassing situation all around. The linen is turned over to the porter, and it is part of his duties to handle that linen. I feel, though, that if he has exercised the proper care to count his linen that he will have no trouble. The fact of the matter is that they do not count their linen. Our shortage last year, what we call porters' shortage of linen, amounted to $173,000. That is in addition to our condemnation and shortage by theft, which would run it up to $300,000. Of that $173,000 there was about 12 per cent collected from the porters, more in the line of discipline for failure on their part to comply with the instructions to count the linen and to exercise due care. We have had that matter under consideration for some time, and the company is now doing away with these porters' collections——

Chairman WALSH (interrupting). With what?

Mr. HUNGERFORD (continuing). Doing away with them and make them apply the disciplinary penalty for failure to carry out instructions when they do not do it. I do not think the porters would like it any better. I don't think that the porters generally feel that they are unjustly treated in regard to the collection of linen. There must be some restraint and some restriction put on the handling of the linen to prevent its promiscuous loss. As I say, now it runs up to $178,000 a year. It is part of the duties of the employee to take that linen and to take care of it and to exercise due care over it. They are given the benefit of every doubt in any mistake—the carrying off of linen by passengers—if there is any mistake made by the linen counter, they note it on their card that they sign, and they are excused. The trouble is they sign these receipt cards for the linen without counting it.

Chairman WALSH. Well, now, as to that part of this complaint, that is, that they do not offer their complaint, as their time and carfare would equal the amount deducted, as they would be compelled to go to the storeroom in the yards, then to their superintendent, and from the superintendent to the general office in the Pullman Building before their claim could be adjusted. Is that correct?

Mr. HUNGERFORD. I don't know of any necessity for their coming to the Pullman Building. The fact of the matter is that they can't come to the Pullman Building in all these other districts, and I don't think they do here. I don't know why they should.

Chairman WALSH. Suppose the superintendent refused to adjust it?

Mr. HUNGERFORD. They can come to the Pullman Building; anybody can, to appeal.

Chairman WALSH. That is probably what is meant here.

Mr. HUNGERFORD. It may; coming there to appeal; but I don't think the conscientious man who has tried to handle his linen in a proper manner has any occasion to appeal. I do not think that circumstance has arisen. I do feel that the superintendents are giving the men every possible consideration in regard to those linen shortages. It is a part of moral effect. If we did not have anything; if we had it wide open, I don't know where our linen would go to.

Chairman WALSH. Here is a letter dated September 28, 1914 [reading]:

"I feel justified in saying the employees would not object to rules under favorable working conditions, but a conductor or porter who is on the road three or four consecutive days and nights, as many of them are, with but four hours' rest each night, will find it a hard task to live up to some of them, especially the one "Don't sleep on duty." When the berths are all made down at night the conductors and porters are required to spend the hours of watch sitting on a camp stool at the end of the aisle night after night.

"I will outline briefly some things that a conductor and porter are required to do:

"They have to purchase their own pencils; indelible only permissible.

"Porters are required to furnish the shoe polish used upon the passengers' shoes.

"Both conductors and porters are required to appear in full uniform before the superintendent or one of his subordinates and be inspected each month before they get their check. If they pass O. K., they receive a slip signed by the inspector which they present to the cashier and receive their check. If they do not pass O. K., they are ordered to purchase a new uniform or some part of one, as the case may be. In this event they are given a slip with the amount to be deducted from their check by the cashier, who pays them the difference, if any."

They do purchase their own pencils, do they, and are required to purchase a certain kind?

Mr. HUNEMORAN. Well, I guess they furnish the pencils. We do not furnish them as a general practice. We do not furnish the pencils; no.

Chairman WALSH. And are they required to use indelible pencils?

Mr. HUNEMORAN. I don't know anything that calls for an indelible pencil; but it may be so.

Chairman WALSH. You have already mentioned that the policy is free as to the requirement about the uniform?

Mr. HUNEMORAN. Yes, sir; they are required to have their uniforms inspected each month. It is necessary that that should be done. We formerly had a great many complaints as to the appearance of the employees on the cars. A good many porters, especially new porters, would borrow the uniforms from one to another, so we had to have some fixed time to have them inspected. I don't know about making the deductions. I don't think that is so. They were probably told it would be necessary to get whatever uniform was necessary if the one they had on was not presentable.

Chairman WALSH. You think it is not the custom of the inspector, then, to give a slip to the inspected employee with the amount to be deducted from the check by the cashier?

Mr. HUNEMORAN. I don't think so; he can't give him the amount to be deducted by the cashier; no. I will say that that is not right. He gives them a check to the cashier that everything is O. K., but I don't think he gives him a check to deduct the amount from the pay roll unless he authorizes it.

Chairman WALSH. Now, I will call your attention to another matter that was beyond my understanding there. I don't see how they could determine what was necessary to be deducted, but I will read you another paragraph to which I wish you would pay particular attention. It is about that semimonthly pay law. He says [reading]:

"Some States have a law compelling them to pay their employees semimonthly, which is very satisfactory to employees. Colorado was the first to pass this law, in 1897, and the company complied with it until the shops were moved from Denver to Richmond, Cal. This diminished the pay roll considerably. The company, since that time, have been paying but once per month. The shops were moved in 1910. This law is still in effect in Colorado, but the employees there question the company's right in not complying with State law. The checks are made out in Chicago and forwarded to the different districts to distribute them. By paying monthly it means that the company retains one-half a month's salary from each employee, which is quite an item, as they have several thousand."

What comment have you to make upon that?

Mr. HUNEMORAN. Well, I think I covered that this morning about as fully as I am able to do.

Chairman WALSH. Who could tell—from your headquarters—what the practice is in the State of Colorado in reference to the semimonthly pay law?

Mr. HUNEMORAN. Well, the legal department would have to pass on that.

Chairman WALSH. Well, what are the facts?

Mr. HUNEMORAN. I don't know that there is any such thing; but, as I said this morning, my impression is that we paid at the shops semimonthly. I don't think at that time the car employees were paid semimonthly. I don't think there has been any change. I don't know of any law there now requiring them to be paid semimonthly. If so, I do not know why we are not complying with it.

Chairman WALSH. He follows [reading]:

"The company is opposed to any organization among their employees, as it leaves them free to dictate to the man and to add any additional work they see fit for them to do.

"Conductors who operate between Los Angeles and Salt Lake City for the San Pedro, Los Angeles & Salt Lake road lay over in Salt Lake City from 6.30 a. m. until 11.30 p. m. They report for duty at 8. p. m., and at 9 p. m. the passengers are allowed to go aboard the sleepers. The tickets, both railroad and Pullman, are lifted at the depot gate as the passengers pass through. Ever since the road has been in operation, which is about nine years, or at least ever since this rule of taking up tickets at the gate was passed, the Pullman conductor lifted the Pullman tickets and an agent furnished by the railroad lifted the railroad tickets. August 31 of this year the ticket agent's position was abolished. This saves the railroad company $115 per month. Instead of ordering

the train conductor who was due out on this train to report at 9 p. m. and collect the railroad tickets they requested the Pullman Co. to have their conductor lift the railroad tickets along with the Pullman tickets. This means extra work for the Pullman conductor without additional pay."

Is that correct?

Mr. HUNGERFORD. It may be so. It is done in some places. We have been requested by the railroads to have our conductors, where the cars are placed in the station early for the reception of passengers for a train that departs late at night, to take up the railroad transportation at the time the Pullman transportation is lifted. It does not make any great amount of work. The passengers come dragging along one at a time and we asked them to put the railroad transportation in the envelope with the Pullman transportation; and it does not incur any great hardship on the men to speak of. As I say, it may be the case in some places and it may be so at Salt Lake.

Chairman WALSH (reading). "If the men were organized as the trainmen are, they would object to the above-mentioned as well as numerous other things they are compelled to do.

"On many roads they are compelled to handle the railroad tickets while on train. I will mention two roads, the Santa Fe and Pennsylvania."

Leaving out the conclusion as to the men being organized, you have already spoken about that, unless you care to say something——

Mr. HUNGERFORD. Yes.

Chairman WALSH. Do they handle the railroad tickets on those roads?

Mr. HUNGERFORD. They do on the Pennsylvania, and I think on most of the trains of the Santa Fe.

Chairman WALSH. We have a communication dated November 25, 1914, regarding insurance, as follows [reading]:

"Regarding insurance I will say the company urges their employees to carry insurance either in the Continental Casualty Co. or the Fidelity & Casualty Co., and the payments are deducted each month from the employees' checks. The company has printed circular letters pertaining to the indorsement of the above insurance companies, which they send out to the different districts. They formerly posted bulletins in the bulletin books referring to the indorsement of said insurance companies.

"When a conductor enters the service of the company he is introduced to an insurance solicitor by some one in the office, usually the instructor, and between the two the conductor is influenced to accept the policy. The report is current that either the Pullman Co. is interested in the above insurance companies or else the officials are carrying a free policy at the expense of the men."

I wish—what do you say as to that? Have you anything further than that your attention was directed to these two companies?

Mr. HUNGERFORD. I think not; no. I think that covers it.

Chairman WALSH. Do you know of any instances in which any of the officials are furnished favors from these companies for soliciting insurance from the men?

Mr. HUNGERFORD. I do not.

Chairman WALSH. And do you know whether or not any of the officials of the Pullman Co. are interested as stockholders, directors, or managers in the insurance companies?

Mr. HUNGERFORD. I think I can safely say they are not.

Chairman WALSH. Now, another paragraph [reading]:

"I wish to call your attention to the manner in which conductors are being treated at the present time. In a number of the districts there is a surplus of extra men, due principally to the different railroads taking off some of their trains. In Los Angeles there are 19 extra conductors. The company, without consulting the men who are entitled to hold their regular run, assigned an extra man to the different runs, causing all men to lay over an extra day at their own station each trip, which they do not get pay for. Each man loses from three to five days each month. The company wishes to hold these men, as a great many trains will be put back later. I am sure if the old men were consulted in the matter they would be willing to meet the company halfway. The above method is not practiced by railroads proper among their employees."

What do you say as to that?

Mr. HUNGERFORD. Well, about all I know in that there have been a number of trains taken off on the Pacific coast, as there have been all over the country;

and there are unfortunately, I am sorry to say, quite a number of men on the extra list. I presume it is the desire of the district superintendents to keep the men employed and to divide the work as much as possible among all of those men, as stated there, to let them share alike. Certainly that would avoid the statement that there would be any discrimination exercised. I don't know that to be a fact, but I should say that possibly that is correct. I know there are quite a number of men that are on the extra list—more than we should like to see.

Chairman WALSH. This gentleman says [reading]:

"For your further information I am writing you concerning conductors who operate on second sections of Santa Fe trains No. 3, Chicago to Los Angeles. I am told there is a second section on an average of every other day to take care of the extra travel to California at this time of year. As this train is a limited train, conductors are paid $100 a month regardless of time and service. The equipment of these trains is returned to Chicago deadhead shortly after their arrival at Los Angeles. The conductors and porters are due to return with the deadhead equipment, but the conductor is held in Los Angeles a couple of days and returned in service on a train of inferior class, either No. 2 or No. 10, and the conductor who is due to return on No. 2 or No. 10 is returned on the deadhead equipment on his arrival in Los Angeles. This is a saving of $10 per month in salary to the Pullman Co., as the limited conductor would be entitled to pay at the rate of $100 per month if he was allowed to return in charge of the deadhead equipment. But owing to the change his pay is reduced from that of a limited conductor to whatever his time and service entitle him to. This applies to his eastbound trip."

Is that correct?

Mr. HUNGERFORD. I don't understand how that can come in. In the first place I don't understand that for deadheading they are entitled to that rate of pay at all. If they have been receiving that, it seems to me they have got more than they are entitled to. This limited rate of pay is paid for a special high-class service. If he goes out on an extra train—take a man that has a grade, say, of $90 or $95 a month and he goes out on that limited train, I should say he was only entitled to that limited rate of pay for the time he was employed on that. Now, if they have been allowing him the extra deadheading, I think probably he has got more than he is entitled to, and he can not complain if he don't get it every time. I don't know anything about it.

Chairman WALSH. He says further [reading]:

"Conductors on various occasions have asked the company when lost articles are turned in, and the company has kept same a reasonable length of time and are satisfied the owners will not claim them, that they be turned over to the porter who found same; but the company refused to do this. It would at least be an incentive to porters who are very much underpaid to turn in all lost articles promptly."

Mr. HUNGERFORD. I don't see his point.

Chairman WALSH. Why, the point seems to be made by this gentleman that after a certain length of time lost articles should be given to the porter who found them. Is there any time at which the company disposes of articles for cash?

Mr. HUNGERFORD. Oh, we have the greatest quantity of stuff turned in from the cars you can imagine. If we could get rid of the lost and found properties, we could save quite a number of clerks—one at least in each district. Night-shirts and articles like that and clothing are turned over to the hospital at the end of a month. Rubbers and old stuff not sanitary are thrown away. Anything of any value is kept for a matter of two months before it is taken out of the district, waiting for a claimant.

Chairman WALSH. I did not catch it.

Mr. HUNGERFORD. I say, waiting for a claimant. We endeavor to locate the owner just as far as it is possible to do it, and we are very careful about that. At the end of two months any articles of value are forwarded to the chief service inspector, who turns them over to the treasurer to be held. A receipt is always given to the employee for any articles of value. I will say that we have had very few articles of any value that we have not been able to locate. In regard to turning them over to the porter or to the employee who found them, it is pretty hard to tell when they will be claimed. I know I was in communication here only last week with some man out in Arizona, who was asking for a very valuable pair of field glasses turned in last October, and these were held out in Los Angeles, or the district office, wherever it was, for two months.

and turned in here, and have since been forwarded to him. I do not see much in that——

Chairman WALSH (interrupting). You have no time at which the company sells property found upon their cars for cash?

Mr. HUNGERFORD. I don't know of any things that have been found that have been sold.

Chairman WALSH (reading). "On a run between Los Angeles and Cheyenne the conductor is allowed ordinarily to sleep from 8 a. m. to 7 a. m. But on one run there are two conductors between Cheyenne and Ogden, a distance of 494 miles, or 13 hours' run. The Los Angeles conductors sleep from 10 p. m. to 3 a. m. between Cheyenne and Ogden, and the Omaha conductors who operate between Omaha and Oakland, Cal., on the same train as far as Ogden, sleep from 3 a. m. to 6.30 a. m. between Cheyenne and Ogden. In other words, they go off duty as the Los Angeles conductors go on duty at 3 a. m. The Los Angeles conductor is on duty from 3 a. m. until 3 a. m. the following morning, or 24 consecutive hours. Then he gets his four-hour rest from 3 a. m. until 7 a. m., time allotted by the company."

Is that correct?

Mr. HUNGERFORD. I don't know that that is correct. If it is, I think it is not arranged right. I have no doubt in some of these runs all over the country you could pick out some that might stand out as not being in line and should be corrected when we can get hold of them. That might be one of them. I don't know. If it is, it is wrong.

Chairman WALSH (reading). "I wish to call your attention to what the company has been doing recently regarding what they term "school" or "lecturing" the conductors and porters. In Chicago some of the officials lectured to the conductors at what they term "The Home." It is a house furnished by the company as a sleeping quarters for conductors who run into Chicago from their districts. They also lecture to porters at the Colored Y. M. C. A. in Chicago and occasionally go to the various districts outside of Chicago, such as Omaha, Denver, Kansas City, in fact, to all of the large districts. They have been handing out the bunk to the porters recently that the company was arranging to do a good part by them about the first of the year, leading them to believe they will get a raise in salary. Still, they were very careful not to commit themselves regarding same."

What comment have you to make on that?

Mr. HUNGERFORD. I don't think the latter part calls for any answer.

Chairman WALSH. But the first part of it, as to the object of it?

Mr. HUNGERFORD. The object of it—I take exceptions to his expression "lecturers," because we do not call them lecturers. Every meeting—the object is to get the men and the district superintendents together. It gives the men an opportunity to express their views and to make any complaints and to bring out any unsatisfactory conditions which you have been enlarging upon. And I want to say that the feeling shown by the men indicate very clearly that they appreciate it. I have not heard of any complaint of those characters. They have held this meeting once in three months. Nobody is compelled to go. They are told about the meetings being held and it is a good deal what he says about a man running between Chicago and Denver, he may attend meetings at both points, but there is nothing—it is simply because he apparently desires to do so. There has been a great deal of interest shown in these meetings.

Chairman WALSH. How are the men notified as to the time and place of the meeting?

Mr. HUNGERFORD. Bulletins naturally will be put up in their order book, I suppose.

Chairman WALSH. Do you know of your own knowledge how they are notified?

Mr. HUNGERFORD. No; I do not. That would be the only way that they could do it, though, I should say.

Chairman WALSH. Here is one other letter, December 23, 1913, this is dated. [Reading:]

"Leaving Denver at 8 a. m. on the Denver & Rio Grande, a conductor arrives at Ogden at 1.45 p. m. the next day. Time, 29 hours and 45 minutes.

"The Pullman conductor makes this run with four hours rest. No matter how long the run the Pullman Co. gives the conductor only from 3 a. m. to 7 a. m. out of each 24 hours on the road, so you see on this road a conductor arising at Denver at 6 a. m. to take his train at 8 remains on duty until 3 a. m.

the next morning. From the 21 hours then he is given only 4 hours sleep. This run is covered by three train conductors, an average of 10 hours for each man. And the conductor from Denver to Salida, 215 miles, with a night over coming back to Denver, gets about the same lay-over at home that the Pullman conductor gets having gone to Ogden and return, 1,589 miles."

Mr. HUNEMOON. I guess that is ancient history. You say that is in 1912?

Chairman WALSH. Yes, sir.

Mr. HUNEMOON. Your Mr. West advised us there was some complaint about that, so I looked it up. There is no Denver-Ogden run now. It is Denver and Salt Lake.

Chairman WALSH. Mr. West called your attention to this particular matter?

Mr. HUNEMOON. Yes. So I say I looked that up; but I do not pretend to keep all these runs in my head. But I can tell—they leave Denver about 8 o'clock in the morning and get to Salt Lake City the next noon, and remain there until the next afternoon, and leave there about 4 o'clock and get back to Denver the next evening, and lay over 30 hours—lay over at Denver, and 24 hours the other way, and they have their relief at night. Besides I don't consider it a long, hard run. Our service duties are different—entirely different from those of the train conductor. The train conductor has got the responsibility of the train on his hands, and our conductors have got about the same as the passengers.

Chairman WALSH. About the same as the passengers?

Mr. HUNEMOON. Yes; it is no harder to make the trip than for the passengers. You know that a great deal of our travel is made for pleasure travel. The service is entirely different from that of the train conductor. He has got to be on his feet all the time and got the responsibility on his hands.

Chairman WALSH. Well, is that taken into consideration in the compensation given to the conductors as well as the hours they are required to remain on service; that is, that pleasure in traveling?

Mr. HUNEMOON. Oh, not at all. We take the condition as we find it. As I said before, I don't believe, notwithstanding all that is said about the rate of pay, take a young man with a future before him, with the present condition, present arrangements of pay, has any better opportunity with any other concern than with the Pullman Co. The opportunity is worth something to the man. And his measure of success depends very largely on the energy and the conscientious effort that he himself makes. Ninety per cent of our officers in the various districts and assistants are—were Pullman conductors. They have risen from the ranks, and there are always vacancies for those who show aptitude to fill them. And even if we did not take advantage of these men that are making conscientious effort, they are running and coming into contact with men of affairs all the time. We have cases of men who will be advanced to other businesses and other lines—a great many men—men of prominence, I will say, have stated that they have ridden with a certain conductor and asked about him and have taken him away from us. A great many men to-day, who formerly have been Pullman conductors—I don't think the experience with them has ever been any detriment to them.

Chairman WALSH. He continues [reading]:

"We have a short run on the Union Pacific, Denver to Cheyenne, 107 miles. The Pullman conductor gets up at 5.30 o'clock a. m., leaving Denver at 7.50 a. m., and gets back to Denver at 6.05 p. m., it being 7 p. m. when he gets away from his train and home. He works every day; no holidays; no Sundays; and no vacations; 12½ hours every day. He has no opportunity to interest himself in the duties of citizenship and is almost a stranger to his family. The train conductor on this same run is given every fifth day off."

Is that correct?

Mr. HUNEMOON. What is the date of that letter?

Chairman WALSH. That is the same letter. I will tell you when I leave that letter. That is a letter dated December 23, 1913.

Mr. HUNEMOON. The reason I say that, I don't think there is any such run. I don't think there is any run like it now.

Chairman WALSH (reading). "Conductors and porters make runs from Chicago to the coast, four nights with four hours' sleep at nights, and the porter often gets in two out of the four without any rest at all; and in case of trains being late, which they often are, many hours, the employee gets no allowance for extra time."

He adds to that:

"I have given only two or three runs, and what I give pertaining to them will no doubt apply to the entire working operation of the company throughout the United States."

Mr. HUNEMOON. I did not get the point of that.

Chairman WALSH. Well, I will give you the last. He says [reading]:

"Conductors and porters make runs from Chicago to the coast, four nights with four hours' sleep at nights, and the porter often puts in two out of the four without any rest at all; and in case of trains being late, which they often are, many hours, the employees gets no allowance for extra time."

Mr. HUNEMOON. There is no run that I know of, and I am safe in saying there isn't any run where he does not get some relief between here and the coast. If the train is late an hour or so, though, he would not get any extra pay; if the train was late so as to interfere with the run, another car would be put on, and they would be held over and paid until they got back.

Chairman WALSH. He follows [reading]:

"I have given only two or three runs, and what I give pertaining to them will no doubt apply to the entire working operation throughout the United States.

"An investigation will show that employees are putting in 20 out of 24 hours from two to four days at a time; that porters are paid a mere pittance and expected to hold up the public in order to get the wherewith to live; and that conductors are entitled to a much higher salary, and their runs should be the same as the train conductors.

"As to porters, while the tipping system prevails, a porter fares best in remaining with his car from its start to its destination, however long the trip is, in order to see all his passengers when the trip is ended."

Mr. HUNEMOON. That is his opinion.

Chairman WALSH. That is his opinion.

Mr. HUNEMOON. Yes; well——

Chairman WALSH (interrupting). I notice you said this morning that the men objected to having their long trips cut up—what is there about that circumstance—that the porter wants to follow the man who is going to give him the money?

Mr. HUNEMOON. I had reference this morning to train conductors.

Chairman WALSH. What about porters?

Mr. HUNEMOON. I think they like to run through as well. There may be something in what he says; I don't know.

Chairman WALSH. He follows [reading]:

"Make tipping unlawful, as it should be; create a condition whereby porters are compensated by the company with a living wage; and then it would be all to their advantage to have their runs shortened similar to what I have suggested for the conductors.

"Employees are fearful of making a move, as they know, should it become known, it would mean a discharge. For this reason, in the interests of other employees, whose assistance I shall secure, as well as in my own behalf, I hope the investigation is handled in such a manner that employees are protected in their positions."

What do you say as to his suggestion that tipping ought to be made unlawful, and that every person requiring the services of another should pay him a living wage?

Mr. HUNEMOON. We certainly would have to meet any changed condition. We will simply have to pay whatever wages are necessary to secure the help to carry on the business. That is all there is about it.

Chairman WALSH. Well, we are attempting to get constructive suggestions. Now, here is a man from the other side who says make tipping unlawful and pay the men who work for you a living wage. What do you believe about that as being proper? Should tipping be made unlawful, and should it be made unlawful, or at least not respectable, for an individual or company to have anyone work for them or for him that was not paid a living wage so that he would be an independent man, not dependent on the largesse or kindness of another man?

Mr. HUNEMOON. Well, that is a pretty comprehensive subject, and I would not care to answer it with the limited thought I have given to it.

Chairman WALSH. Here is another letter, December 11, 1915 [reading]:

"Several thousand employees, of which I am one, have been anxiously waiting for our company to do something of a substantial character; but it seems,

when our petitions to them, which I honestly believe have been reasonable, are ignored—not even the courtesy of a reply—our only hope is through pressure being brought to bear from some other source."

Are there several thousand of your employees that from time to time have petitioned you for improved conditions, to which petitions you did not give reply?

Mr. HUNGERFORD. I have not seen any petitions about improving any condition, or heard of one. There have been, as I stated this morning, some petitions come in about increasing the rate of pay, and I think I have pretty well covered that.

Chairman WALSH. How many persons signed those? Did thousands of employees sign them?

Mr. HUNGERFORD. No; I would not say thousands, but I will say there were some; quite a number signed.

Chairman WALSH (reading). "November 20, 1913."—this is a letter received—"I am told of the existence of a body known as the Industrial Relations Commission. I would respectfully and confidentially ask you to investigate the conditions surrounding the employment of Pullman conductors and porters. As a conductor I can assure you that in many ways our position with the Pullman Co. is almost unbearable. Where employees, thousands of them, are putting in 20 hours out of 24, days at a time, and lay-overs not worthy of the name, at a quite insufficient salary, and this from an enterprise declaring huge dividends each year besides annually adding an immense amount to their reserve, I feel that it is high time that some move be made to bring about a change."

That voices what seems to be a complaint on the part of some of those as to length of hours. Have you received many or few suggestions that the hours that the men work are too long, or that the hours that they were required to stay awake, leaving out of the question the work, are too long?

Mr. HUNGERFORD. Oh, they have been in some cases taken up. I can't recall any just now, but they have always received consideration, and would, any complaint by any employee. I do not—I can not conceive that that voices the feeling of the men generally, because I think the men generally know that they can take up any matter that relates to them, is of interest to them, and get proper consideration.

Chairman WALSH. Mr. Hungerford, how would you get the wishes and voice of the men generally in your service, and how do you get it?

Mr. HUNGERFORD. The men generally?

Chairman WALSH. Yes.

Mr. HUNGERFORD. Why, the men very frequently take up matters themselves, individually.

Chairman WALSH. How many individuals have called at your office for a raise in their pay during the last 12 months?

Mr. HUNGERFORD. Have not been any.

Chairman WALSH. Well, the year before how many called there?

Mr. HUNGERFORD. I don't know that any conductors have come to me asking for an increase in their pay.

Chairman WALSH. Here is a letter from a conductor, dated October 10, 1914. He says [reading]:

"I have given the company about 10 years of my time and am still employed as a Pullman conductor. I do not wish to be known as a kicker, but there are a few points upon which we all would be pleased to see some changes.

"First. Some of the runs are very long, extending over three days and nights, and we work 20 hours out of the 24. On the run on which I am working we make the trip from Portland to Omaha and return every nine days. The mileage is 1,706 each way, making 3,636 miles for each trip, or, allowing for 40 trips per year, totaling over 141,000 miles per year. Another feature is the high cost of living on dining cars and in restaurants, which has increased about 40 per cent during the past year, without any increase in salary. In fact, there has not been any increase in salary for several years, except to the office force. Several times we have sent in a petition asking for an increase, but have never heard from them."

Are you acquainted with what the men you have heard here say? Is it a fact that the cost of living on the dining cars and in restaurants during the period of the year ending December, 1914, has increased 40 per cent?

Mr. HUNGERFORD. I don't know that the increase has been 40 per cent, but we all know that the prices of meals in dining cars have increased in the last few years; that is, I imagine, one of those long runs, which, as I said before,

I do not believe in. I think we can get these straightened out some day. I think they are too long myself.

Chairman WALSH. At this point I will ask you how many high officers, district superintendents, and so forth, are there whose positions conductors may hope to rise to?

Mr. HUNGERFORD. We have got some 80 or 90 of these district officers around the country, and they have their assistants and agents all throughout the country. I could not tell you the exact number.

Chairman WALSH. Here is a letter from a porter [reading]:

"I am sorry it is impossible for me to testify. I think it best not to testify for fear of losing my position. I run from Chicago to Los Angeles, 2,265 miles. I am on the road 2 days and 3 nights each way, with 4 hours' sleep each night and about 22½ hours' lay-over in Los Angeles. About 2½ of this 22½ is spent in the yards, which leaves about 20 hours' rest. When I arrive in Chicago I have 48 hours, but 4½ hours of this is consumed in riding the train from the depot to the yard on every arrival. The company always takes from 50 cents to $1 out of our check each month for linen they claim is short. The $27.50 per month we receive barely pays for our meals while on the road."

Is that a truthful statement of the condition on that run?

Mr. HUNGERFORD. I don't know that run. As I said before, I don't think that anybody pays for the linen if they will exercise due care in the handling of it.

Chairman WALSH. I called your attention a while ago to the statement of Commissioner Eshleman, of California. I find my memorandum of it. He says [reading]:

"As I told you in our office, we have yet to find a single employee of the Pullman Co. in the State of California that has talked to us—and we don't ask them; they talk to us from time to time—that thought your company was doing right by them; not a one. I have the first one yet to see who will say a good word about your company among the employees."

Now, you say you know about this. Have you made any investigation in the State of California as to the conditions existing there, so far as your company is concerned?

Mr. HUNGERFORD. Yes; we have. As I say, we sent inspectors out to cover that subject and talk with the men, and that effort has not developed any such thing as that. I notice he says that he has talked with some of the men. I hope and believe he did not talk with a great many.

Chairman WALSH. Now, you say that petitions were sent in that you deemed were gotten up by outside persons, and that therefore you did not notice them; but what was there about those petitions—because I want to call your attention to a letter there from a conductor—that caused no attention to be paid to those petitions?

Mr. HUNGERFORD. No; I did not say that no attention was paid to them.

Chairman WALSH. But I mean no answer given to them.

Mr. HUNGERFORD. Well, I don't know who you would answer.

Chairman WALSH. Well, just state were the names of the conductors signed to them.

Mr. HUNGERFORD. Yes.

Chairman WALSH. How many were there? Hundreds?

Mr. HUNGERFORD. I think I tried—I endeavored to make it clear that I would not say.

Chairman WALSH. Well, I did not get it clear.

Mr. HUNGERFORD. No; I tried to make it clear. I couldn't say. Those petitions, as you know, came in here a year or two ago and were turned over to our vice president—he is the vice president now—and I have said I do not know what action has been taken. The only way you could make a reply to them would be to frame a general reply to them. I do know that the matter has been up for consideration with our people and is up now; but so far as making any reply, I didn't know how you could reply to them. I don't see that there is any point in that in particular. Only one reply that you could make that would be satisfactory would be to grant an increase.

Chairman WALSH. How many conductors do you say you take on in normal times?

Mr. HUNGERFORD. About 2,500.

Chairman WALSH. Were 2,000 names signed to those petitions?

Mr. HUNGERFORD. No; I would not—you know——

Chairman WALSH (interrupting). Was there a thousand names signed to them?

Mr. HUNGERFORD. Well, as I said before, I can not say. I know they were all not signed up. I can not say how many were signed up, but I am only expressing a general recollection.

Chairman WALSH. Did they come from the different districts of your company?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Are they signed by some conductors in all of the districts?

Mr. HUNGERFORD. I would not want to make a positive statement as to that.

Chairman WALSH. Would you say there were 1,000 names signed to them altogether?

Mr. HUNGERFORD. I have stated that I could not make any definite statement.

Chairman WALSH. Were there 100 names signed to them altogether? I want to try to search your recollection now—I must for a moment—as to the number, as to how general that request was.

Mr. HUNGERFORD. Well, I have made about as clear a reply as I am capable of doing, and that is that I do not recall. I do not know that I examined them all. I know that I did not examine them carefully. I did not examine to see how many signed and how many did not. The fact that the request had been made was sufficient, and it would be recognized just as quickly as if it had been signed by the rest, or signed by all, as far as that is concerned.

Chairman WALSH. We received this letter of December 20, 1913 [reading]:

"DEAR SIR: This, the inclosed, you will note, is dated June, 1912, and as yet we have received no reply. It was sent from every important district in the United States, signed by at least 75 per cent of the Pullman conductors.

"While there is nothing in it concerning working conditions, this matter has been taken up in a verbal way through the various district superintendents frequently and without results. And inclosed with that was this:

"CHICAGO, ILL., *June 4, 1912.*

"'THE PULLMAN CO., *Chicago, Ill.*

"'GENTLEMEN: We, the undersigned Pullman conductors, beg to submit to you for your kind consideration a request for an increase in our salaries.

"'Owing to the tremendous increased cost of living we find ourselves barely able to support our families, and we are unable to save anything for that rainy day which sooner or later comes to all of us.

"'We take this opportunity to thank you for the fine consideration which we have received from you in the past, and we want to assure you of our loyalty by putting forth our best efforts in a manner that at all times will retain the high standing of service which you require.

"'Thanking you in advance for any favor you may see fit to grant us, we are,

"'Very respectfully, yours.'"

Is that the truth, that 75 per cent of your conductors signed a communication of that sort under date of June 4, 1912?

Mr. HUNGERFORD. I make the statement, as I said before——

Chairman WALSH (interrupting). That you don't know?

Mr. HUNGERFORD. I do not know.

Chairman WALSH. Well, is this the petition you refer to which you say you thought was supposed to be signed by outsiders?

Mr. HUNGERFORD. What is the date of it?

Chairman WALSH. June 4, 1912.

Mr. HUNGERFORD. I don't think that is the date. I think we got a later one.

Chairman WALSH. I was going to ask you now, then, if there was not posted in the different offices and terminals of your company the following [reading]:

"Copy of petition"—this is our memorandum, which, according to Conductor "B," was posted in every district in the United States in January, 1914, and generally signed by the Pullman conductors.

"JANUARY 12, 1914.

"THE PULLMAN CO., *Chicago, Ill.*

"GENTLEMEN: We the undersigned Pullman conductors beg to submit to you for your kind consideration a request for an increase in our salaries.

"Owing to the tremendous increased cost of living we find ourselves barely able to support our families, and we are unable to save anything for that rainy day which sooner or later comes to all of us.

"We take this opportunity to thank you for the fine consideration which we have received from you in the past, and we want to assure you of our

loyalty by putting forth our best efforts to serve in a manner that at all times will retain the high standing of service which you require.

"Thanking you in advance for any favor you may see fit to grant, we are,

"Very respectfully yours.

"Pullman conductors, please sign and forward promptly to President J. S. Runnells, the Pullman Co., Chicago, Ill."

Did you receive that sort of request signed by the conductors in every district in the United States?

Mr. HUTCHINSON. Oh, they received that request, but I can not say that they got them from every district in the United States. As I said before, I did not check off the list of them. It is a matter that would have to be passed on generally, and I can not give you the number that was signed up.

Chairman WALSH. A conductor has sent in a comparative list, to which I call your attention and invite your comment. First, railroad employees: Conductors, Los Angeles to Las Vegas, $175 per month, brakemen $105; from Las Vegas to Caliente, conductors $165, brakemen $99.55; Caliente to Salt Lake City, conductors $175 a month, brakemen $170; Salt Lake to Ogden, conductors $140, brakemen $98; Ogden to Green River, conductors $165, brakemen $99.55; Green River to Cheyenne, conductors $165, brakemen $99.55; and that the compensation of the Pullman conductors between the same points is, respectively, $95, $90, $85, $85, $85, and $85. Perhaps I had better pass you that so you can look at it.

Mr. HUTCHINSON. Of course, as I said before, our own men do not have to acquire any training, as they have to in the railroad business.

Chairman WALSH. That is all the comment you care to make, is it?

Mr. HUTCHINSON. Yes.

Chairman WALSH (reading). The time schedule and mileage for conductors on the Pullman run from Los Angeles to Cheyenne and return over San Pedro, Los Angeles & Salt Lake Railroad; Oregon Short Line Railroad; and Union Pacific Railroad, east bound, leaving Los Angeles Tuesday, report at 7.30 a. m.; leave Los Angeles at 9 a. m.; arrive at Cheyenne Thursday, 5.20 a. m. Time on duty, 46 hours, except 4 hours' rest each night; mileage, 1,303 miles; rest in Cheyenne 10 hours. Westbound, leaving Cheyenne Thursday; report 3.20 p. m.; leave 5.40 p. m.; arrive at Los Angeles, Saturday 10.30 a. m.; turning in reports at office, 10.30 to 11.30 a. m.; time on duty, 44 hours and 10 minutes, except 4 hours' rest each night; mileage, 1,303 miles; rest in Los Angeles, about 86 hours, or until Tuesday at 7.30 a. m. Total mileage, round trip, 2,606 miles.

"The above runs are operated by the Pullman Co. with seven conductors, one leaving Los Angeles each day, making one trip a week. These conductors operate along with 6 train crews each way, or 12 crews on a round trip.

"Pullman conductors on this run make 11,302 miles per month, while train crews make from 4,320 to 5,000 miles, according to their division and schedule.

"Mail clerks on the Union Pacific Railroad, Cheyenne to Ogden, make 4,207 miles per month."

Are those figures approximately correct?

Mr. HUTCHINSON. I don't know; that looks to me like a hard run. Do you want to retain this paper?

Chairman WALSH. I can give you a copy of it if you would like to take it.

Mr. HUTCHINSON. I would like to look into it.

Chairman WALSH. This has been submitted also [reading]:

"Below are a few runs that show the mileage Pullman conductors have to make per month:

"Denver & Rio Grande Railroad, Denver to Ogden, 9,515 miles.

"Southern Pacific Railroad, Los Angeles to San Francisco, 9,720 miles.

"San Pedro, Los Angeles & Salt Lake Railroad, Los Angeles to Salt Lake, 9,696 miles.

"Union Pacific and Southern Pacific Railroads, Omaha to San Francisco, 18,560 miles.

"Union Pacific, Oregon Short Line, and Oregon Railroad & Navigation Co., Omaha to Portland, 13,529 miles.

"Chicago, Burlington & Quincy Railroad, Chicago to Denver, 12,681 miles.

"Santa Fe Railroad, Chicago to Los Angeles, 15,181 miles."

Mr. HUTCHINSON. Am I to retain these copies?

Chairman WALSH. Yes, may; but I would like you to answer that offhand, if you could, and then you may take this with you and verify them, so that the record may be straight on that. Have you any comment you can make offhand?

Mr. HUNGERFORD. I have not.

Chairman WALSH. You have not the information?

Mr. HUNGERFORD. I have not.

(The witness later submitted data in regard to the mileage made by Pullman conductors, and the same appears as "Hungerford Exhibit No. 2," at the end of this subject.)

Chairman WALSH. I will furnish you, then, with a comparative statement here of mileage; round-trip mileage, Cheyenne to Ogden, Cheyenne to Green River, Los Angeles to Cheyenne, and Denver to Cheyenne, which purports to give those facts, that a mail clerk runs 8,709 miles per month and receives $180 per month, and that the regular train conductor runs 5,207 miles per month and receives compensation at the rate of $165 per month; and that the Pullman conductor on the same run runs 4,500 miles per month, and receives compensation of $100 per month.

(Chairman Walsh here furnishes witness with copy of paper referred to.)

Is there a rule—I believe I read a rule against conductors soliciting business or recommending railroads or hotels—a rule against soliciting business or recommending hotels or railroads by your employees?

Mr. HUNGERFORD. You read that, did you not?

Chairman WALSH. I believe there is a rule of that kind?

Mr. HUNGERFORD. Yes.

Chairman WALSH. Are you aware of the fact that hotels do furnish free accommodation to your conductors at different points?

Mr. HUNGERFORD. I am.

Chairman WALSH. Why do they do it?

Mr. HUNGERFORD. I never investigated to ascertain why they did. I say it used to be a custom pretty generally to take care of railroad conductors and sleeping-car conductors. They seemed to be desirous of their patronage, but that has gradually drifted away, and they are not doing it so much now.

Chairman WALSH. Do they still furnish free accommodation at certain hotels to your knowledge?

Mr. HUNGERFORD. Yes.

Chairman WALSH. And is it not a fact that they furnish such free accommodation in the hope that they will recommend travelers to stop at those hotels?

Mr. HUNGERFORD. That is merely a supposition. You ask me, however, about the matter, and I think it is possibly so, but that is merely supposition.

Chairman WALSH. Is it not a fact that conductors and porters frequently carry cold lunches with them because they can not afford to eat in the dining cars and have enough left out of their salaries to support their families?

Mr. HUNGERFORD. It would be optional with them to carry their lunches, if they so desired.

Chairman WALSH. Has that been going on?

Mr. HUNGERFORD. I do not know whether it has, or to what extent, but I assume that it would.

Chairman WALSH. Would the company be willing to meet a committee of conductors and porters to talk over their grievances, with a view of remedying them, if such a committee were fairly selected from among the employees?

Mr. HUNGERFORD. Entirely so; at any time.

Chairman WALSH. What has been the tendency in the past year to cut down or increase lay-overs—about cutting down or increasing lay-overs?

Mr. HUNGERFORD. We have increased lay-overs and cut the runs, considerable of them during the last year.

Chairman WALSH. Is it or is it not a fact that some of the railroads from which Pullman conductors handle the railroad transportation for the railroad company offer to pay the Pullman conductors a stipulated sum for their work, and that the Pullman Co. refused to allow their conductors to accept it?

Mr. HUNGERFORD. No, sir; not to my knowledge.

Chairman WALSH. Did this ever happen on the Santa Fe Railroad?

Mr. HUNGERFORD. Not to my knowledge.

Chairman WALSH. Did it ever happen on the Pennsylvania Railroad?

Mr. HUNGERFORD. It never happened on any road that I have any knowledge of.

Chairman WALSH. Is it a fact that Pullman conductors have taken the place of gatemen employed by the San Pedro, Los Angeles & Salt Lake Railroad at the Salt Lake station?

Mr. HUNGERFORD. I think you covered that this morning. I think you said they had taken the train conductor away and asked that our conductor take

up the railroad transportation at the same time the Pullman transportation was lifted, and I said that probably that was so; it has been done in some cases.

Chairman WALSH. Are Pullman conductors ever charged for railroad transportation when called away by sickness or death, when there is no time to obtain transportation through the Chicago office?

Mr. HUTCHINSON. Are they charged with that?

Chairman WALSH. Yes.

Mr. HUTCHINSON. I do not understand the question.

Chairman WALSH. Are Pullman conductors charged for railroad transportation when they are called away by sickness or death, when there is not sufficient time to get transportation from the Chicago office?

Mr. HUTCHINSON. If they do not get transportation or do not have a pass, I suppose they have to pay fare.

Chairman WALSH. What is your rule or method for providing them with transportation when they are called away in an emergency?

Mr. HUTCHINSON. Any of our superintendents can make up application on the road for that.

Chairman WALSH. Is it done by wire?

Mr. HUTCHINSON. They can do it, yes, sir, without any wiring or writing.

Chairman WALSH. Are the porters required to occupy a camp stool while on watch during the night at the end of the car?

Mr. HUTCHINSON. They are provided with a camp stool—it ought to be a camp chair—so that they can keep watch of the car.

Chairman WALSH. At page 43 of the book of rules I find the following [reading]:

"It must be understood that the passengers and employees, and the baggage belonging to them, can not be searched without their consent, except by officers of the law, but prompt report must be made in any case where an employee declines to be searched. Employees are cautioned, however, not to suggest any personal search unless it be suggested by the passenger, in which event it is assumed that any employee of the company will readily consent to such search, and in that case the passenger should be requested to make the search personally, and it should be done, if possible, in the drawing room or smoking room."

Does that mean that a penalty would follow the refusal of a conductor or a porter who refused to allow a passenger to search his person?

Mr. HUTCHINSON. It does not.

Chairman WALSH. What does it mean?

Mr. HUTCHINSON. It means, in case of loss, if claim is made by a passenger sustaining loss on the car, if they questioned the employee, as they often do, and endeavored to throw suspicion on him, that it would be better for him to submit to the search to satisfy the passenger, and clear himself. But there is no penalty attached to it if he does not do so.

Chairman WALSH. On page 65 of the book of rules is this provision [reading]:

"The time at meal stations will be divided between employees, and under no circumstances will the conductor and the porter leave the car at the same time to go to the dining room."

Does that arrangement always give your employees sufficient time for their meals?

Mr. HUTCHINSON. I think so. The point of that is that meal thieves frequently get into the cars when no one is there and make away with the passengers' effects.

Chairman WALSH. On page 76 of the book of rules, under the heading, "Accidents and damage to cars," is the following provision [reading]:

"Whenever wheels are removed en route, the employee left in charge of the car will ascertain the maker's name of the wheels removed and applied, their numbers, their position in the trucks, and the cause of the removal, and report the occurrence to his district superintendent, giving the location of the car at the time the change was made."

Are porters, when in charge of cars, required to make this sort of a report?

Mr. HUTCHINSON. When the porter is in charge of the car he performs the conductor's duties.

Chairman WALSH. And your answer would be that they would be required, under those conditions, to make such report?

Mr. HUTCHINSON. Yes, they would be.

Chairman WALSH. Referring again to this book of rules, on page 73, beginning at page 73, and on down to page 82, under the heading, "Communicable diseases," and including "Means of prevention, the temperature of the car, the use of disinfectants, fumigation," and so forth, that chapter being signed by Thomas R. Crowder, M. D., superintendent of sanitation; are porters supposed to familiarize themselves with the instructions contained in this book from page 73 to page 82, inclusive, and carry out those instructions?

Mr. HUNGERFORD. Yes.

Chairman WALSH. These instructions, under the head "Means of prevention," give detailed instructions as to the handling of ice and water, the use of disinfectants and fumigation; and they are held responsible for the carrying out of these instructions, and the health of the traveling public to that extent—the porters are?

Mr. HUNGERFORD. Yes.

Chairman WALSH. On pages 83 to 90, inclusive, of this book of rules, is a digest of the laws of different States regarding the playing of cards, public drinking on trains, and the sale of tobacco and liquor in various States. Are the porters expected to familiarize themselves with those interpretations of the laws of the various States and see that they are complied with?

Mr. HUNGERFORD. They are expected to familiarize themselves with any information contained in the book; that is issued for their guidance.

Chairman WALSH. Then, I take it that they are supposed to familiarize themselves with the interpretations of the laws of the various States?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. Who is responsible for the enforcement of these laws in the cars of the company?

Mr. HUNGERFORD. That information is conveyed to them. The train conductor is the only man on the train who has police jurisdiction; they report occurrences to the train conductor.

Chairman WALSH. Are the porters and conductors ever arrested for violating these laws?

Mr. HUNGERFORD. We hope not.

Chairman WALSH. Do you know of any instances in which they have been?

Mr. HUNGERFORD. No; I can not recall any now.

Chairman WALSH. Has the company ever been fined for violating these laws?

Mr. HUNGERFORD. I can not recall a case.

Chairman WALSH. Commissioner O'Connell would like to know what is the usual and general arrangement that obtains between the Pullman Co. and the railroads for the use of Pullman cars.

Mr. HUNGERFORD. Well, that is a pretty comprehensive question, but the general practice is that we furnish the cars on the request of the railroad companies; we are under agreement to do so for the accommodation of their passenger travel as in their opinion may be necessary.

Chairman WALSH. Well, I wish, if you could, you would make it a little more specific. What contractural rights usually exist between the railroad companies and the Pullman Co.; the character of them—your right to run cars on the roads?

Mr. HUNGERFORD. We have no right to run cars at all; we furnish cars to the roads, as I have said, for the accommodation of their passenger travel.

Chairman WALSH. You might take a typical case and just state what your arrangement is with the company.

Mr. HUNGERFORD. It would be to furnish cars to the roads to accommodate their passenger business, and they call upon us for the cars as they find it necessary on certain lines, and we are under obligation to furnish them. That is about the general idea. I don't altogether get the point.

Commissioner O'CONNELL. What I want to get at is the matter of compensation from either party for the use of the cars. Do the railroad companies pay you for the privilege of using your cars?

Mr. HUNGERFORD. No; we furnish the cars to them. The cars are used for the transportation of their passengers, and we get our revenue for the special accommodation furnished them—the seats, berths, or beds, and special accommodation.

Commissioner O'CONNELL. What is that particular contract? Can you briefly outline it for me? Have you a copy of a contract that you can furnish us? Are they usually the same?

Mr. HUNGERFORD. They are very similar. They are on file with the Interstate Commerce Commission.

Commissioner O'Connell. We can get them?

Mr. Hungerford. Yes.

Chairman Walsh. Commissioner Ballard would like to ask a few questions.

Commissioner Ballard. I would like to ask you, for instance, in going from Chicago to Louisville the porter leaves Chicago Monday night and arrives at Louisville on Tuesday morning, and then, returning, gets back to Chicago on Wednesday night; does he run continuously or have one day off a week, for instance?

Mr. Hungerford. He has one day off a week. He makes two round trips a month and has four days off.

Commissioner Ballard. You spoke of the matter of ventilation and temperature. Do you have a thermometer in each car and try to keep the air at a certain temperature?

Mr. Hungerford. Yes, sir. It is more easily regulated with the improved methods we have at the present time, such as steam heat, than formerly. Those temperatures are being maintained, as far as possible, to comply with what the medical people think is the best for the public health.

Commissioner Ballard. You spoke of blankets. Do you have two blankets for each bed in the car?

Mr. Hungerford. Yes, sir.

Commissioner Ballard. What if there is a change of temperature; then there are two blankets?

Mr. Hungerford. Yes; we know some people want a room hotter than others; we keep it cool and furnish them with additional blankets on request.

Commissioner Ballard. You have additional blankets in the cars that the porters can get?

Mr. Hungerford. Yes, sir.

Chairman Walsh. Commissioner Aishton would like to ask some questions.

Commissioner Aishton. Under the rules you have spoken of in the number of lay-off days proportionately larger on the long runs you have spoken of than on the one-night runs?

Mr. Hungerford. Yes, sir; on the Overland Limited a man has three days and two nights away.

Commissioner Aishton. He has three days and two nights at his home town?

Mr. Hungerford. Yes.

Commissioner Aishton. And that applies to runs other than the Overland Limited?

Mr. Hungerford. Yes, sir.

Commissioner Aishton. And it applies to conductors as well as porters?

Mr. Hungerford. Yes, sir.

Commissioner Aishton. I think that is all, Mr. Chairman.

Chairman Walsh. Commissioner O'Connell has another question or so.

Commissioner O'Connell. Do the conductors and porters—are they required to give bond of any kind?

Mr. Hungerford. The company bonds its men at its own expense.

Commissioner O'Connell. It has a bonding department?

Mr. Hungerford. No; it has an arrangement with some bonding concern and bonds the men with what you might call a blanket bond.

Commissioner O'Connell. Are the employees taxed for that in any way?

Mr. Hungerford. They are not.

Commissioner O'Connell. Are the porters charged up with all losses of toilet articles in the cars on their return trips?

Mr. Hungerford. They are not; very little charge is made for that. The only charge made for linen or anything else is for what might be considered necessary for the moral effect, where they are found to be careless or negligent; but the toilet articles, they are not charged up with them at all, to speak of.

Commissioner O'Connell. Not for brushes or combs?

Mr. Hungerford. No, sir; they are carried away sometimes; you can not prevent that.

Commissioner O'Connell. In the matter of the men waiting—the extra time waiting for an opportunity to take a run—are these men permitted to seek other employment, or must they be at all times ready to be called by the Pullman Co.?

Mr. Hungerford. Oh, no; no at all; not at all; we could not keep them out of employment.

Commissioner O'Connell. If they are called and not found, or if they have a position and they can not come up right away and some one else takes that

particular place that is ready then, does that mean that they are set back in any way?

Mr. HUNEMORGAN. Not at all.

Commissioner O'CONNELL. They could then go to the foot of the list, as it were?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. What is the average earnings of a Pullman porter per year? I mean not the $27.50 a month; but what are the total earnings; what would the average be?

Mr. HUNEMORGAN. Deducting lost time?

Commissioner O'CONNELL. Yes. I take it for granted that every porter does not get to work a full month the year round.

Mr. HUNEMORGAN. That is true.

Commissioner O'CONNELL. There must be an average.

Mr. HUNEMORGAN. Yes; but I could not tell you what that is.

Commissioner O'CONNELL. If he had an average loss of time that is allotted to the usual workmen—that is, he works 300 days a year?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. That would naturally reduce his income materially?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. In other words, if his wage was $27.50 a month, it would average $24 or $25, as the case might be, so that his year's earnings would be much less?

Mr. HUNEMORGAN. You want what his average earnings would be, based on his actual days' service?

Commissioner O'CONNELL. Yes.

Mr. HUNEMORGAN. I could not tell you that.

Commissioner O'CONNELL. Does your company publish, in connection with your beneficial features, such as sick benefits, reports showing the amounts paid to the men, and the number of men sick during the year?

Mr. HUNEMORGAN. I do not know that we publish it; but we have it.

Commissioner O'CONNELL. Have you any such matter you can give us?

Mr. HUNEMORGAN. I can tell you what it was for last year; the sick benefit in the operating department was $60,000, and the pension fund was $66,000.

Commissioner O'CONNELL. How many employees would that probably affect?

Mr. HUNEMORGAN. Well, that would have an effect on all those connected with the operating department; and we have in that department between 14 and 15——

Commissioner O'CONNELL (interrupting). That would apply only to employees in the service 10 years?

Mr. HUNEMORGAN. Five years in case of sickness and 20 years in case of pension, except where pension might be granted under exceptional conditions—in exceptional cases where a man has been long in the service of the company and has given out under unusual conditions. In the event a man has been in the service from 15 to 20 years his case is presented to the board for the action of the board in those exceptional cases.

Commissioner O'CONNELL. Then, as I understand it, a man must be five years in the service to come under the sick-benefit rules?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. And 20 years to come under the pension system?

Mr. HUNEMORGAN. Yes.

Commissioner O'CONNELL. How many of the 6,000 porters have been in the employ of the company 20 years, approximately?

Mr. HUNEMORGAN. I think I can give it to you on the 15-year men.

Commissioner O'CONNELL. Whatever it is.

Mr. HUNEMORGAN. The reason I was going to give it to you on the 15-year men, I had the number of men that received the 5 per cent on account of 15-year service; I did have it, but I do not seem to have it now. I can furnish you that information.

Commissioner O'CONNELL. And in addition, if you have not got it now, I would like to know the number of employees who have been five years in the service who are eligible to sick benefits.

Mr. HUNEMORGAN. Yes.

(Under date of April 15, 1915 Mr. Hungerford submitted the following statement in regard to the term of service of employees:)

Car employees in service 5 years and over: Conductors, 1,288; porters, 3,425.
Car employees in service 20 years and over: Conductors, 214; porters, 516.

Commissioner O'Connell. And you have given us, as I recall it now, in answer to a question by the chairman, the number of additional employees during 1913 and 1914, I think, showing something like 2,500 porters in sole case.

Mr. Hungerford. I think the number was taken up this morning; yes.

Commissioner O'Connell. You think that would be a fair average of the number of employees—additional employees each year to keep up that number?

Mr. Hungerford. No; as I said to you—as I tried to make clear this morning—that was an abnormal period in 1913 and 1914, but that seems to be the period covered by the investigation, so I have those figures. As I said, the last part of 1913 and the fore part of 1914 was the heaviest in the history of the company. The travel was the heaviest.

Commissioner O'Connell. Does that mean this number of additional employees have been permanently in the service?

Mr. Hungerford. They were taken up, but all did not remain permanently; no.

Commissioner O'Connell. It does not mean this large number was on an extra list?

Mr. Hungerford. It means they were taken up on account of unusual conditions, but it does not mean that they have continued to serve, because a great many necessarily, with the falling off of business, are let out—rather, they are carried on our extra list as satisfactory employees, but some have gone into other business; but that is the number we took up during that period.

Commissioner O'Connell. You have a system whereby the oldest employee is given the opportunity for a more favorable or better position?

Mr. Hungerford. Seniority counts where everything else is equal.

Commissioner O'Connell. You do apply seniority?

Mr. Hungerford. Yes.

Commissioner O'Connell. You spoke about the opportunity for conductors to rise up in the service of the company and get other positions, such as clerkships, and so forth; that about 90 per cent of your present force has risen from conductors?

Mr. Hungerford. Yes.

Commissioner O'Connell. What opportunity is there for a porter to rise in the service of the company?

Mr. Hungerford. Well, we have not any great number of positions they could enter from their positions as porters. There are, however, a great many porters on our cars who, by coming in contact with men of affairs that ride with them as passengers, have entered their service, but we have not many positions open to them.

Commissioner O'Connell. There is no other opportunity for them, with the possible exception of length of time of service, which would bring them a certain percentage of increase in wages?

Mr. Hungerford. Yes; that is correct.

Commissioner O'Connell. That is the only opportunity they have?

Mr. Hungerford. Yes. I can tell you the number of porters 10 years and over in the service, if you would like that.

Commissioner O'Connell. All right.

Mr. Hungerford. That is 1,721.

Commissioner O'Connell. That would be about what percentage?

Mr. Hungerford. That is about one-fourth. Over 5 and under 10 years it is 1,704. That makes a total of 3,425 that are over five years in the service out of the 6,866.

Commissioner O'Connell. Would there be a possibility of the porters and conductors, with their experience as operating men, having charge of the affairs of the Pullman Co. on wheels, as it were, in conference with the officials of that company, that their judgment might not be very effective in the way of suggesting remedial rules and regulations governing operations for their improvement and that of the company; that is, might not the company, by a conference with them, be able to bring that about?

Mr. HUNGERFORD. We have conferences with the men to which some questions have been raised apparently every three months. We have them with porters and conductors all over the country, and they are invited to make suggestions or comment or criticism.

Commissioner O'CONNELL. Is there any premium or prize of any kind offered to employees for suggestions?

Mr. HUNGERFORD. Yes, sir.

Commissioner O'CONNELL. In what way is that done?

Mr. HUNGERFORD. They are fully informed in regard to that. I would like to submit a pamphlet about that.

(The witness submitted, in printed form, a pamphlet entitled "The Pullman Co.—Policy and Procedure in Patent Matters.")

Any suggestion made by an employee is received and considered, and although the suggestion he may make may not not be altogether practical, if anything can be worked out of it he is rewarded for it. I will cite one case of a conductor that called attention to the fact, out at Denver, of rain falling off of the vestibule doors. I think everybody has got on those trains—I know I have and our passengers have—on rainy days and had the rain drop off of the door onto their hats. This conductor suggested putting a little V-shaped strip over that door, which was a very simple matter, and it is a wonder that no one else had thought of it, and the company rewarded and gave him $25 for the suggestion. That is all there was to it; there was nothing patentable about it.

Commissioner O'CONNELL. The company did not patent it?

Mr. HUNGERFORD. No; there was nothing patentable about it; it was simply a suggestion, and he was rewarded for that.

Commissioner O'CONNELL. Supposing a conductor left Chicago to go to San Francisco and return, and supposing on his trip out to San Francisco some charge was made against him for violation of some of the rules and the charge was sufficient to warrant him being discharged and taken off the train at San Francisco and not let return as conductor, would the company furnish him with transportation back to Chicago?

Mr. HUNGERFORD. You say, if it was sufficient so that he should be taken off?

Commissioner O'CONNELL. Yes.

Mr. HUNGERFORD. We would furnish it back to Chicago, unless he was arrested for some criminal offense.

Commissioner O'CONNELL. Of course, in that event.

Mr. HUNGERFORD. But they do not usually take men off away from their home stations unless they are compelled to do so for very good cause.

Commissioner O'CONNELL. If they were taken off, you would return them to the home station?

Mr. HUNGERFORD. Oh, yes.

Commissioner O'CONNELL. Suppose the grievance charged was made against a conductor or porter for having violated some rule or for having done something that was offensive to the traveling public and he was brought up before the officials and charged with whatever it might be, and it was substantiated; do you place fines upon them? Do you fine them in any way financially? I don't mean a suspension for a certain time, but an actual money fine of say $50 or $100 for the offense?

Mr. HUNGERFORD. No.

Commissioner O'CONNELL. Supposing that he is suspended for 30 days and he feels that he has been unjustly suspended; how does he go about having his case properly presented to the officials of the company and have a hearing?

Mr. HUNGERFORD. Most of the men would appeal to the chief service inspector, and if he was not satisfied with that he could appeal to me, or to the president. Any official will receive a petition of the employee and give it the proper attention.

Commissioner O'CONNELL. Suppose he is out in San Francisco and the officers of the company out there should take his case and decide it, and he must return to Chicago; will the company furnish him transportation and provide for him to come back to Chicago?

Mr. HUNGERFORD. In order that he may present his case?

Commissioner O'CONNELL. Yes.

Mr. HUNGERFORD. That matter would be determined on the merits presented by the petition; if it was justified, yes; to put him in service would be the way it would be done.

Commissioner O'CONNELL. How would the man have an opportunity to come back?

Mr. HUNGERFORD. Put him in service and send him here.

Commissioner O'CONNELL. That would be done in all cases?

Mr. HUNGERFORD. Yes. Anybody will be heard and given every opportunity to be heard about anything they do not think is right.

Commissioner O'CONNELL. Have the conductors or porters ever been invited in to discuss with the company the question of wages and hours or conditions of employment, at all?

Mr. HUNGERFORD. As I said, we hold these meetings and request them to make any suggestions they have to make. I do not know that they have been especially asked to come in on any specific subject, but they are given an opportunity to air their views on any subject.

Commissioner O'CONNELL. What I mean is, have the men ever, by committee, or on invitation of the company, selected some of their number to come to Chicago to take up with the Pullman officials the question whether there will be an increase or reduction in wages, or any change in their wage?

Mr. HUNGERFORD. Not to my knowledge.

Commissioner O'CONNELL. Or as to their hours or conditions of employment?

Mr. HUNGERFORD. Not to my knowledge.

Commissioner O'CONNELL. Then the position of the Pullman Co., as I see it, is that it states the rate of wage, the hours of service, and the trips and other conditions, and simply says to the workman who may make application for employment, "Those are the conditions under which your job is presented, and you can accept it or not, as you choose"; they have no say whatsoever as to the conditions under which they are to be employed?

Mr. HUNGERFORD. Well, they understand the conditions before they accept the employment.

Commissioner O'CONNELL. I understand that they accept the position simply as it is made for them, with the understanding that those are the conditions under which it is to be accepted.

Mr. HUNGERFORD. That is it.

Commissioner O'CONNELL. And the moment they felt that was not fair, they were expected to give up and allow some one else to accept it who was satisfied with it. I understood you to say to the chairman there were such a number of applicants that they seemed to be satisfied with the conditions?

Mr. HUNGERFORD. Yes; and, furthermore, there is about 80 per cent of the men—I will say 80 per cent to be safe—that are dismissed for one cause or another, that make strong efforts to get back. If conditions were so bad, I do not understand why, when once out, they would be so insistent to get back; but that is a fact.

Commissioner O'CONNELL. I can not explain that, and I would like to know myself. I was going to ask a question, and I think the chairman asked it in another way: If the porter's wages are $27.50 a month, and he is a man of family, and traveling must necessarily cost him extra expense, traveling from San Francisco, for instance, to Chicago and back, and gone several days, and if he has not a liberal lot of passengers with him I imagine the major portion of his salary would be eaten up by expenses while away from home; has your company given some thought as to the question of whether that wage is a sufficient wage for a man to keep himself and rear a family? Is there not an anticipated value of some kind in that position that is not in print or is not before us?

Mr. HUNGERFORD. Of course, as I said——

Commissioner O'CONNELL. Does not the possible liberality of the traveling public cut some figure? Does not the porter, when he accepts that position—is he not imbued with the idea that the salary question is not so great with him as getting a run upon which there is a large number of people traveling, and that the larger the number of people traveling upon it the greater his income will be? Does he not speculate, as it were, with the number of people traveling on the run?

Mr. HUNGERFORD. That may be so.

Commissioner O'CONNELL. And would that not be largely why he is anxious to stay in the service of the company or come back into the service of the company?

Mr. HUNGERFORD. That may be. As I say, we take the conditions as we find them. There are a great many men waiting for the positions and anxious for the work.

Commissioner O'CONNELL. Well, it does not seem possible that any man, white or black, would be seeking a position at an average of $1 a week, unless he saw in it some other condition or circumstance that would bring him a

larger income. We are enacting, or trying to enact, minimum-wage laws for women in Illinois, and it was figured somewhere around $8 a week as a minimum upon which a woman could live in respectability. Now, if a woman can not be expected to live on less than eight dollars and some cents per week, then a man traveling, as your porters do, and with the expenses they are put to, could not live on less than that amount and rear a family, could he? Has there any thought been given to that?

Mr. HUNGERFORD. That does not come up in the line of operation, and that has not been put up to me; that would be considered by a higher official than I.

Commissioner BALLARD. In other words, do they get so many tips that they are willing to work for a small wage?

Mr. HUNGERFORD. I think that enters into it. It is what goes with the position that makes it desirable; there is no question about that.

Chairman WALSH. Where do porters sleep on crowded trains that carry the modern steel cars, in which there are small wash rooms?

Mr. HUNGERFORD. That is the berth designated as No. 1, usually upper No. 1.

Chairman WALSH. Supposing that all of the upper berths are taken by passengers; does that not occur at times?

Mr. HUNGERFORD. That is a very desirable supposition, but it is so rare that it is not worthy of consideration. We would be very glad if it were so. There may be times when the porter finds difficulty in finding a berth, but I do not think it is so frequent that it may be considered.

Chairman WALSH. Would your company sell upper No. 1 to a passenger?

Mr. HUNGERFORD. They would, under forced conditions, I suppose, but they are supposed to hold for the porter that berth on the character of cars you speak of, upper No. 1.

Chairman WALSH. What is the rule of your company?

Mr. HUNGERFORD. It says in the book there—I think you read it—that they hold that berth.

Chairman WALSH. Sir?

Mr. HUNGERFORD. I think the regulation provides for that in the book there.

Chairman WALSH. Is upper berth No. 1 reserved for the porter to sleep in on the modern steel cars?

Mr. HUNGERFORD. No.

Chairman WALSH. It is not?

Mr. HUNGERFORD. No.

Chairman WALSH. That is, he can not sleep in upper berth No. 1 if the car is full?

Mr. HUNGERFORD. He sleeps in the smoking room. The majority of our cars have smoking rooms. You asked the question awhile ago about the cars that do not have smoking rooms, and I said in those cars they probably designated upper 1. The book provides that the district superintendent will provide the space for them—arrange the space for the men.

Chairman WALSH. How many cars have you that have the small wash rooms without berths?

Mr. HUNGERFORD. I could not tell you offhand.

Chairman WALSH. Could you approximate it?

Mr. HUNGERFORD. No, sir; I could not. The majority of what we call our standard cars have smoking rooms—what we call our standard cars. The other cars mostly run on trains of a special character, where there are other means for smoking, countless cars.

Chairman WALSH. Do the Chicago-New York trains; do the cars in those trains have sleeping accommodations in the smoking rooms usually?

Mr. HUNGERFORD. Yes, sir.

Chairman WALSH. On the Pennsylvania Railroad?

Mr. HUNGERFORD. They have—we have exhibited cars on the Pennsylvania Railroad, and have two sections arranged for sleeping.

Chairman WALSH. The Chicago-San Francisco trains, how are they? Do they have the small smoking room without berth?

Mr. HUNGERFORD. Yes, sir; but I do not think we ever saw a Chicago-San Francisco train loaded that way.

Chairman WALSH. Do you know of any instance where all of the upper berths were taken, and the porters had no place to sleep?

Mr. HUNGERFORD. No, sir; I never heard of it; it may have occurred; it possibly has, but I do not know of it.

Chairman WALSH. That is all, thank you, Mr. Hungerford. You may be excused, but please remain in call in the event that we may wish to recall you.

Mr. HUNGERFORD. Very well.

Chairman WALSH. I will ask you another question. I call your attention to a situation of this kind: Take a case like this, where only three Pullman passengers come through from Seattle to Chicago, arriving in Chicago on Saturday at 10.15 a. m.; how would a porter be supposed to live on a trip of that kind, if that is a fact? This was handed to our investigator by some one, and we might assume that that occurred.

Mr. HUNGERFORD. Probably that is not the average; I do not know whether that is a fact; I do not know anything about it. The men get along all right, so far as I know.

Chairman WALSH. Do you make any attempt to ascertain how many passengers ride on the cars, with reference to the way the porters maintain themselves? Have you runs that are very meagerly patronized?

Mr. HUNGERFORD. There is a difference in the amount of patronage; certainly.

Chairman WALSH. Many that affect the porters' way of making a living?

Mr. HUNGERFORD. They would be what would be considered less desirable runs, I suppose.

Chairman WALSH. Do you have that in mind and change them off, runs that probably might be put on runs where they could not possibly get enough?

Mr. HUNGERFORD. The better grade of men are put on them, and they look for promotion to some other line.

Chairman WALSH. Would he make a request of you to that effect?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. How is that taken care of?

Mr. HUNGERFORD. That is handled by the local district superintendent.

Chairman WALSH. Would the local district superintendent take that into consideration if a man was put on a poorly patronized line for any length of time and put him on a better one?

Mr. HUNGERFORD. I can not say about that; he probably would not disturb the men on the better lines.

Chairman WALSH. Do you make any investigation to find out whether there are instances of runs where porters can not possibly maintain themselves just from the tips and their compensation?

Mr. HUNGERFORD. I do not know of any such runs.

Chairman WALSH. Do you make any investigation to ascertain whether there are any such?

Mr. HUNGERFORD. No.

Chairman WALSH. Do you make any investigation to find out what porters make on any particular runs?

Mr. HUNGERFORD. No.

Chairman WALSH. Is there any established knowledge, from custom or otherwise, in your company, that would indicate how much a porter would make, supposing he had a 14-section train filled up with passengers?

Mr. HUNGERFORD. No, sir; there is not.

Chairman WALSH. You do not figure on that in any way?

Mr. HUNGERFORD. No, sir.

Chairman WALSH. That is all. Thank you, Mr. Hungerford.

Mr. R. W. Bell.

TESTIMONY OF MR. R. W. BELL.

Chairman WALSH. What is your name?

Mr. BELL. R. W. Bell.

Chairman WALSH. Where do you reside, Mr. Bell?

Mr. BELL. 12051 Parnell Avenue, Chicago.

Chairman WALSH. How long have you resided in Chicago, Ill.?

Mr. BELL. Well, consecutively I have been here 18 years; I have been away at different times, though.

Chairman WALSH. What is your present occupation?

Mr. BELL. In the mercantile business.

Chairman WALSH. In what line, please?

Mr. BELL. Groceries and meats.

Chairman WALSH. Are you in business for yourself?

Mr. BELL. No; I am employed.

Chairman WALSH. Have you ever been in the service of the Pullman Co.?

Mr. BELL. Yes, sir; three times.

Chairman WALSH. Just describe the length of each one of your services and in a general way what runs you had.

Mr. BELL. The first time I was with them I was in the storeroom at the Dearborn Station.

Chairman WALSH. How long were you in the storeroom at the Dearborn Station?

Mr. BELL. Six or seven months. I don't remember exactly; it was during the World's Fair in Chicago. Some years later I went on the road and worked about 25 months—I am not sure of the exact number—and I quit and went into business for myself, and after being out for about 6 years I went back in the Pullman service again until they decided they did not want me any longer. I was there about 25 months at that time.

Chairman WALSH. So you were with them about six months the first time and two years the other two times of service with the company?

Mr. BELL. A little over two years each time.

Chairman WALSH. Just describe the runs you had in each period of your service.

Mr. BELL. I was pretty near all over creation; I don't know hardly how I could describe it.

Chairman WALSH. Are you a married man?

Mr. BELL. I am a married man now, but I was not when I went in the service of the company the first time; I was married when I was in the service.

Chairman WALSH. The first or second time?

Mr. BELL. The first time. They would not give me permission to get off to get married.

Chairman WALSH. But nevertheless you seem to have accomplished your purpose?

Mr. BELL. Yes; I pretty nearly always get what I go after.

Chairman WALSH. Was that during your first service that you were married?

Mr. BELL. Yes, sir; my first service on the road.

Chairman WALSH. Now, were you connected with any effort to organize the employees of the Pullman Co. at any time?

Mr. BELL. Yes; I was probably as active or more active than anyone else.

Chairman WALSH. Was it during your first or your second term of service?

Mr. BELL. The second term.

Chairman WALSH. How long were you with the company before you undertook to assist in the organization of the employees?

Mr. BELL. Well, in June, 1913, I was with them two years. We commenced this movement in the latter part of May, 1913.

Chairman WALSH. The last two years' service you were conductor and you were only in the storeroom the first six months?

Mr. BELL. Yes, sir.

Chairman WALSH. All the rest of the time you were conductor?

Mr. BELL. Yes, sir.

Chairman WALSH. Go ahead.

Mr. BELL. We commenced this movement in May, and in June I would have been in the service two years.

Chairman WALSH. Now, I wish you would give us as concisely as possible the history of the effort to organize the Pullman employees. What was its inception? First, what reason did you have and what moved you make to do it?

Mr. BELL. Well, it was a common subject of conversation in the conductors' room when we were waiting to go out on our runs that organization would be the only remedy for our grievances.

Chairman WALSH. Briefly and generally stated, what were your grievances?

Mr. BELL. It is easier to say what they were not. It was in regard to working conditions, wages, and all those things; working conditions and wages, of course, would cover everything.

Chairman WALSH. Did you have a specific demand for an increase in wages, or could you state briefly what was your objection to the wages? That is, were the wages inadequate for the service rendered, or what?

Mr. BELL. Well, we were in luck to break even. That was my experience, and I was running a good part of the time. The last period of service I put in I was on a run where you could live as economically as almost any one of the runs out of the district—to the Chicago & Alton to St. Louis.

Chairman WALSH. What was your salary then?

Mr. BELL. Eighty-five dollars.

Chairman WALSH. What was your salary when you first went with the company?

Mr. BELL. Seventy dollars; that is the regular schedule pay to start with. Of course, I only worked for $60 about two months.

Chairman WALSH. And then you got $75 or $80?

Mr. BELL. Seventy-five dollars.

Chairman WALSH. How long did you run for $75?

Mr. BELL. Six months at $75, and then there was the instance of the time that I got credit on the $70 term. There was a time when you got credit for past service, and that was added to your salary, but that was discontinued.

Chairman WALSH. What was the addition that you got for past service?

Mr. BELL. Well, I worked for six months in the storeroom at the Dearborn Station, and when I went on the road, after I worked a couple of months, they gave me credit for that six months' service, which put me in the $75 class.

Chairman WALSH. When was that discontinued?

Mr. BELL. When I had served a year I was paid $60, the regular schedule pay; I was given $60 when I resigned, and I went back at $60 and finished out; I started in at $60, and after that I got $65 until I was discharged.

Chairman WALSH. Was your service with the company during your first period satisfactory? Did you quit of your own accord in harmony with the company?

Mr. BELL. Yes; I resigned the first time.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock to-morrow morning; please be here at 10 o'clock to-morrow.

(Thereupon at 4.40 p. m., Monday, April 5, 1915, an adjournment was taken until Tuesday, April 6, 1915, at 10 a. m.)

CHICAGO, ILL., *Tuesday, April 6, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Ashton, O'Connell, Ballard, and Garretson.

Chairman WALSH. We will please be in order; the commission will resume.

TESTIMONY OF MR. R. W. BELL—Continued.

Mr. Bell, will you please resume the stand, and I will have to ask you to speak a little louder, as the commissioners at this end [indicating] could not hear you very well yesterday.

When we adjourned last night I think you had finished giving your experience with the Pullman Co. Now, I wish you would give a history of this effort to present the matters of the employees collectively—your effort to organize.

Mr. BELL. Well, we got the idea of organizing from the conversations of the men. They seemed to think that was our only remedy to combat the grievances we were up against.

Chairman WALSH. Were there persons that came in from the outside to promote the organization?

Mr. BELL. I never heard of any.

Chairman WALSH. From any other organization, craft, railroad, or others?

Mr. BELL. All we got from outside crafts was what we made the advances ourselves. The movement was purely from within, and for the reasons I stated we started the movement. We worked under cover, as we knew it would be the wisest thing to do.

Chairman WALSH. Just describe what you did; just tell what you did toward organizing the men.

Mr. BELL. We had the application cards printed and visited the men and talked to them and got their signatures to the application cards, and got their expressions; and conducted it along that way, and we were, in turn, let out of the service, and a great many of the men were very much in favor of the organization.

Many of the old men expressed themselves as being very much in favor of the organization, but they said they could not afford to sign up because they were getting along in years and could not work at anything else, and they said if they did that meant the termination of their relations with the company; and they expressed themselves as being with us as we could get to a point where they could come out openly.

Chairman WALSH. You say you had your petition?

Mr. BELL. Yes.

Chairman WALSH. How many men were discharged?

Mr. BELL. Of the organizers, you mean?

Chairman WALSH. Yes, sir.

Mr. BELL. There were three of us; we were all discharged.

Chairman WALSH. Who were the three men discharged? Have you got the list?

Mr. BELL. Mr. Stewart, Mr. Bernadicki and myself.

Chairman WALSH. What reason was given for your discharge?

Mr. BELL. I asked the reason for my discharge, and they said they didn't know. Mr. Waite discharged me, and I had gone down to the train to go out on my run, and I was sent for to go back to the office; I was called in, and Mr. Waite was busy and said he would see me in a few minutes; and he called me in the office and said that he was sorry, but the company did not want my service any more. I asked him the reason, and he said he didn't know. And I was given my discharge papers, and was told to see the chief clerk and get my time, and we were afterwards told to stay out of the station.

Chairman WALSH. Who was told to stay out of the station?

Mr. BELL. Mr. Stewart was, Mr. Bernadicki was, and I was, myself. And some of the men working for the organization in the East were taken out by the police. That happened in Jersey City. In New York, at the Pennsylvania Terminal, they were forbidden to go into the Y. M. C. A. rooms.

Chairman WALSH. I will now—that is all of the evidence, is it, that you have, that men were discharged for attempting to organize, what you have stated? If you have anything else, please state it.

Mr. BELL. I have some letters here.

Chairman WALSH. Very well.

Mr. BELL. Here is one from Houston, Tex.

Chairman WALSH. Please give the substance of them, instead of reading them at length.

Mr. BELL. I will just read the matter stating the discharge. This was addressed to me [reading]:

"I have just been handed a card." I don't want to take up any extra time. [Continues reading:]

"I was called into our office yesterday. Our district superintendent said he had a letter from Mr. Davis stating my services were no longer required with the company; not stating any reason why I should be let out.

"On reporting for my run to go out on February 20, was called into the superintendent's office and discharged from the service without any investigation."

That is Jacksonville, Fla.

Chairman WALSH. Were all those men men who had taken part in the organization? I noticed by the testimony of Mr. Hungerford yesterday that that was the usual way of discharging men, no matter what the cause. Were these men active in the organization to your knowledge or not?

Mr. BELL. I might read a little further and give their statement.

Chairman WALSH. Just give your knowledge, please.

Mr. BELL. The letters I have here, nearly all, state that they thought it was on account of their connection with the Federation, as they had been active in talking organization; some give that in their letters.

Chairman WALSH. Well, then, give the dates of these letters and the names, and then we will have that in the record without reading.

Mr. BELL. The names of the writers?

Chairman WALSH. The names of the writers, unless you wish to withhold them for any reason.

Mr. BELL. I would rather not give the names of anyone in the service.

Chairman WALSH. All right.

Mr. BELL. These discharges are not, of course, in the service.

Chairman WALSH. I thought you were just giving those, Mr. Bell, at the present time that had been discharged for activity in the organization?

Mr. BELL. Well, those are, Mr. Walsh.

This is Houston, Tex., J. M. O'Williams; New York is H. D. Shortridge; here is another one from the New York district, C. R. Weygandt; Jacksonville, Fla., S. J. Roberts; St. Louis, A. P. Ferguson; here is a letter, an appendix into a letter, that I would like to read, Mr. Walsh.

Chairman WALSH. Very good.

Mr. BELL. It is from a discharged employee. It is a postscript [reading]:

"Mr. Wood, our superintendent, called me into his office some time ago and said, 'Hunsicker, I want you to tell me the truth, and if you do not, I will find

it out anyhow.' I said then, 'Yes, sir, Mr. Wood.' He said, 'I hear that you are mixed up in this Pullman union business.' I said, 'Yes, sir.' So he read the riot act to me."

The rest of it is not important. It is [reading] "W. G. Hunsaker, San Francisco."

That is all the letters I have with me on that, Mr. Walsh.

Chairman WALSH. For the benefit of two of the commissioners who were not here yesterday, I wish you would please give the wages of conductors and porters in the Pullman service, if you have it there?

Mr. BELL. I can give that from memory. I haven't it.

Chairman WALSH. Do it from memory, please.

Mr. BELL. A standard-car porter gets $27.50 per month; tourist-car porter gets, I don't remember the exact amount——

Chairman WALSH (interrupting). Thirty dollars per month?

Mr. BELL (continuing). Thirty-six dollars and seventy-five cents, I believe. That is approximate.

Chairman WALSH. Thirty-six dollars and seventy-five cents?

Mr. BELL. The first six months the conductor gets $70; the second six months, $75; the second year, $80; the third year, $85; after he has been in the service 4 years he gets $90. After 10 years he gets $95 and free uniforms.

Chairman WALSH. I think there is a hundred-dollar scale, is there not?

Mr. BELL. That is for special runs, the limited runs.

Chairman WALSH. Now, please describe the bonus system.

Mr. BELL. There is a bonus of an extra month's pay for a good record made during the calendar year. If you are in the service from the 1st of January to the 31st of December and have not sufficient penalties against your record, why, you will get the bonus.

Chairman WALSH. Please describe the system of book suspensions.

Mr. BELL. Well, I could not tell you what the suspensions were given for. They have plenty of them—plenty of reasons.

Chairman WALSH. I believe they run—the punishments run—from a mere reprimand to a 15 days' suspension?

Mr. BELL. Yes, sir.

Chairman WALSH. Yes. Well, now, can you describe how the bonus is lost by book suspensions?

Mr. BELL. Well, if they get sufficient penalties against you.

Chairman WALSH. Well, can you describe offhand, for instance, how long it takes them to work out a suspension of 15 days?

Mr. BELL. Nine months, I believe it is—nine calendar months.

Chairman WALSH. Well, we can get that out of the record, anyway.

Mr. BELL. You will find that in the book of instructions there—book of rules.

Chairman WALSH. Yes. Well, we had that yesterday. Now, I interrupted you. Proceed. Have you something else you desire to submit there that you had in writing?

Mr. BELL. No; I had nothing.

Commissioner LENNON. May I ask one or two questions?

Chairman WALSH. Yes.

Commissioner LENNON. What do you pay for meals when you are on your trips in the dining cars?

Mr. BELL. On almost all roads—the Santa Fe and Chicago & Alton are the only exceptions I can recall—we pay a half rate—50 per cent of what the passenger pays. We do not always get the half portion. That depends a good deal on the dining-car steward, I suppose.

Commissioner LENNON. Do you have opportunities for sleep on long runs?

Mr. BELL. Yes; the regular rules of the company are for the conductor to retire at 8 o'clock in the morning and be up by 7. That is varied some by the conditions on the run.

Commissioner LENNON. Suppose you are a day or two days in San Francisco after a long run. Does the company pay half your expenses for meals?

Mr. BELL. They do not pay anything.

Commissioner LENNON. Just while you are on the train?

Mr. BELL. They do not pay anything in regard to your meals at any time.

Commissioner LENNON. I know, but you get a half rate. Do you get any such arrangement while at the end of the route?

Mr. BELL. No, sir.

Commissioner LENNON. Otherwise than at your home place?

Mr. BELL. In railroad cutting houses where trainmen are allowed a cut rate, we get it on identification. We can often get it, and usually get it.

Commissioner LENNON. That is, if you are at the end of a route; otherwise than your home place?

Mr. BELL. Yes. We do not always get that, even.

Commissioner LENNON. That is all.

Chairman WALSH. Have you any information other than what was stated here yesterday as to what sort of accommodations are furnished conductors by the Pullman Co. at terminals?

Mr. BELL. Well, there are many of them I have seen personally—not a great many; several I have seen.

Chairman WALSH. Please describe them briefly.

Mr. BELL. In St. Louis there is a room over the storeroom with 10 single beds. It is about—it is just across the street from the shops. The street without runs right in front of it with the street cars running over it, and you are only about 100 feet from the railroad tracks; and the storeroom is underneath, and the men are working down there all day. The room is not kept in very good condition, but the linen is always clean. The room has not been properly swept—is not usually; was not while I was there.

In Denver there is a room in the depot there with six beds, right off the cashier's—the waiting room to the cashier's office. It is quite noisy. There are single beds, and the linen is usually clean, so far as I was ever able to tell, although I never slept there, as I stayed at the hotel. The Oxford Hotel would give us rooms.

Chairman WALSH. Of whom did you buy your uniforms while on the road?

Mr. BELL. Marshall Field & Co.

Chairman WALSH. And give the price of them, please?

Mr. BELL. My overcoats and cap together cost $21.50, I believe it was. I understand the price has been changed since. I think they pay more now.

Chairman WALSH. State whether or not you know anything about any petitions for increased wages or improved conditions having been submitted to the company by the conductors and porters?

Mr. BELL. Well, I have signed several petitions for increased pay myself for the conductors. I have never seen any for the porters. I understood there was some sent in.

Chairman WALSH. How were they circulated? How did you happen to sign them?

Mr. BELL. The form of the heading was usually gotten up in type and left in the conductors' room to sign—for the conductors to sign; and usually some conductors were active in seeing that you did sign. It did not take much persuasion to get them to sign it.

Chairman WALSH. How, generally, were they signed?

Mr. BELL. Well, I have seen some of them with over 200 names on.

Chairman WALSH. In a district containing how many conductors?

Mr. BELL. I don't know just how many conductors the St. Louis district has. I understood it was about 250, but I can not tell you about that.

Chairman WALSH. It has been stated that the men were generally satisfied with wages and conditions. Now, I wish you would sketch, if you will, what your observation was with reference to that—whether or not the men are satisfied; how they view the company; what they think about their wages and conditions?

Mr. BELL. I do not believe that I ever heard a man state that he was satisfied, and I have talked to a good many. As an organizer I come in contact with a great many, and I have never heard anyone say, though, that he was satisfied with wages and conditions.

Chairman WALSH. Well, do they generally express dissatisfaction?

Mr. BELL. That has been my experience, that they were pretty free in expressing dissatisfaction when they were where they would not be heard by the officials.

Chairman WALSH. Did you ever receive the bonus of one month's salary for a clear record during the calendar year?

Mr. BELL. I got it once, and once was the only opportunity I had to get it.

Chairman WALSH. That was in 25 years' service?

Mr. BELL. Yes, sir. The first time I was there they did not have that bonus system. The next time I commenced in June and I was not eligible, and the next year I got it, and the next year I was discharged, so I was not likely to get it.

Chairman WALSH. What is the rule as to receiving your entire month's salary when you miss one or more of your regular runs by being "out of line"?

Mr. BELL. They pay you for the time put in, and if you miss anything that is deducted from your salary.

Chairman WALSH. Is there a possibility of missing it? What is the usual custom in regard to that?

Mr. BELL. That is the custom, that if you are out of line or you take—where they assign you next, if you lose any more time than you are entitled to in that lay-over, that is deducted from your pay.

Chairman WALSH. Does that occur frequently enough to make an appreciable difference in the amount of your actual earnings?

Mr. BELL. To some men it probably does. I never missed much myself.

Chairman WALSH. When was the wage scale last changed by the company?

Mr. BELL. I was not in the service at the time. I believe it was in 1911.

Chairman WALSH. When was the bonus system established?

Mr. BELL. I was out of the service at that time. I believe it was about 1910, I think; I am not sure.

Chairman WALSH. At what time in the month and in what manner are the Pullman Co.'s employees paid—the car-service employees?

Mr. BELL. In Illinois they are paid semimonthly, and it is about the 10th and 25th; something like that. I don't remember the exact dates. In New York they are paid weekly, and in Missouri they are paid semimonthly; and I think in the rest of the districts they are paid monthly.

Chairman WALSH. In those States in which they are paid more frequently than once per month are there laws requiring such payments to be made?

Mr. BELL. Yes, sir.

Chairman WALSH. Do you know of any State in which there is no legal requirement, in which they pay oftener than once a month?

Mr. BELL. I don't know of any. I know somewhere they do not.

Chairman WALSH. Is there anything added to the revenue of the conductor by tips?

Mr. BELL. Well, occasionally. It is his good fortune if he gets a tip.

Chairman WALSH. It is not usual?

Mr. BELL. It was not in my experience.

Chairman WALSH. Could you tell what is the average monthly revenue there would be from it, or was it so infrequent as not to cut a figure?

Mr. BELL. It don't cut any figure. My experience was that I got very little. Once in a while a passenger asked me to go to dinner and eat with him, and he would pay the bill. That was about all the tips I ever received.

Chairman WALSH. Could you give us any light on what might be the average revenue of a porter from tips, taking the most heavily traveled runs and the lighter ones, say, and then the average in between?

Mr. BELL. No; I can not; because that is something you couldn't count on. The only way it could be told is where the porter would keep an account of what he got from the tips.

Chairman WALSH. What superior officers do conductors deal with?

Mr. BELL. He deals directly with his district superintendent and his assistant and the chief inspector's office. Sometimes when there is something serious he is called into Mr. Hangerford's office.

Chairman WALSH. Usually speaking, what are the relations between the officers and the men? Are they best? Do they get along well or otherwise? What is the attitude of one toward the other?

Mr. BELL. Well, of course, it is concealed a great deal; but in my experience it is not very friendly from the men toward the officials.

Chairman WALSH. Well, do the officials treat them with courtesy and consideration?

Mr. BELL. Well, the dealings with the company are usually very arbitrary. My own experience with them has not been so unpleasant. I had a little unpleasant experience in Mr. Davis's office; but, of course, that don't leave any feeling on my part. It is all over with.

Chairman WALSH. Are you able to state from your observation, running through these years, what effect the employment seems to have upon men? Is it an employment that is conducive to ambition and forward-looking economically or otherwise?

Mr. BELL. I don't think it is conducive to ambition. I think it has just the opposite effect. In the first place, lack of sleep puts a man in a state of coma—partially, anyway. He does not get regular and sufficient rest. And the atti-

trade of the men toward the company does not give them much reason to hope for much better, although there are men promoted. Some of them are promoted to good offices; but there is very little hope for them as I have been able to learn from the men themselves.

Chairman WALSH. Do you recall from your experience—could you—how many men have been promoted from positions of conductors into higher positions in the service of the company?

Mr. BELL. Oh, well, I could name a few who have become superintendents.

Chairman WALSH. Just state now how they advanced from the position of conductor and to what other position they were advanced and how many of them there were that you recall?

Mr. BELL. I could not name very many without giving it some thought.

Chairman WALSH. Well, have you given it any thought?

Mr. BELL. Not much. I know several men who are holding district offices now who have been promoted from conductors; but I do not know what——

Chairman WALSH. Well, does the tendency seem to be to favor the men who are running upon the road when those promotions come to be made?

Mr. BELL. Well, I could not tell you in regard to that, because that is something I did not have occasion to look into.

Chairman WALSH. Do you know of any appointments to assistant superintendencies that have been other than from the ranks of the men?

Mr. BELL. I do not know where many of the higher officials came from.

Chairman WALSH. You do not know, then, but what they were all appointed from the ranks, so far as your information goes?

Mr. BELL. Well, I know some of them that were not. Mr. Davis was not a conductor.

Chairman WALSH. Was he in some other branch of the company's service?

Mr. BELL. I do not know. He used to be a railroad man. Mr. Kramer came from outside, and others——

Chairman WALSH. Pardon me.

Mr. BELL. There are others I could not tell you about. I never gave that matter any thought.

Chairman WALSH. State the manner in which conductors and porters are inspected as to their uniforms before drawing their salaries.

Mr. BELL. Well, before you can get your pay you are called in the district superintendent's office and inspected by some of the—usually by some of the assistant officials; sometimes by the district superintendent himself—the uniform, to see if it is in good condition, and if it is not you are told to get a new one, and if you are passed you are given an order to the cashier to get your check. And they give it a pretty thorough inspection, too.

Chairman WALSH. Now, I do not understand exactly about giving you an order for your check. You mean that if the uniform does not pass the inspection that there is some delay about receiving your money, or does that have any effect?

Mr. BELL. I never knew it to, but I do not know what the orders are given for the checks unless it would.

Commissioner O'CONNELL. When you get an order for your check, what does the order say?

Mr. BELL. I can not repeat that from memory. The order can be gotten. It is a printed blank, signed by the district superintendent's office.

Chairman WALSH. I wish you would please state how a conductor is dismissed from the service.

Mr. BELL. He is usually called in and told that he is not wanted any m——, his services are not satisfactory. They have a printed blank to that effect, and whether it is a conductor or porter, that is filled out and signed by the district superintendent's office, or whoever is discharging him.

Chairman WALSH. Is it common for conductors and operators to protest against their discharge or demand reasons therefor, and if so, are the reasons given?

Mr. BELL. So far as I have investigated, the reason is given—no reason is given—pretty hard to get a reason.

Chairman WALSH. What system has the company for checking the conduct of their employees, both as to how they act when on the trains and as to the handling of the company's money and turning it in?

Mr. BELL. Well, you are headed to turn in the money that you receive, and for your conduct they have the inspectors and the spotter system—special agents they call them.

Chairman WALSH. Could you give us a description as to how that is operated?

Mr. BELL. The special-agent system?

Chairman WALSH. Yes.

Mr. BELL. Well, a special agent, so far as the conductor or porter was supposed to know, was a passenger, and he rides on the service and reports. You are not supposed to know who he is, and if you do get to know him, I suppose he is not wanted any longer. It is secret service.

Chairman WALSH. When a report is made against a conductor, has he information given to him as to his claimed dereliction?

Mr. BELL. He is called in and the report is read to him.

Chairman WALSH. Is he given an opportunity to justify himself or produce countervailing evidence?

Mr. BELL. He makes a statement nearly always—usually—in writing.

Chairman WALSH. Are there cases in which the statement of the conductor has been accepted, where there is a conflict between the conductor and the special agent?

Mr. BELL. Yes; I have had my word taken in preference to the special agent's, but not usually. In fact, I don't believe a special agent's report is any stronger than a passenger's report, whether it is right or wrong.

Chairman WALSH. What is your experience with reference to passengers' reports?

Mr. BELL. My experience—I was reported on the Burlington for a passenger's displeasure; I was taken over to the chief inspector's office and inspected there, and I was given much more opportunity to listen than to talk. I told them, and truthfully, that the report was not true, but I got five days for it just the same; and Mr. William, the assistant inspector, asked me to come back when I was in a better humor and talk it over, and I told him I was asking no mercy from anybody, if it stood that way and that was the way they did business; and I guess it is there yet.

Chairman WALSH. What is the system of insurance carried by the car-service men?

Mr. BELL. Well, there is—I believe there are three companies that are approved by the company. Their solicitors are allowed to work among the men and get insurance. You sign an application that gives the company authority to deduct it from your pay, and it is taken out in payments. I believe it is four payments during a certain period of time, but I don't remember what that period of time is.

Chairman WALSH. In any instances do the porters act as conductors?

Mr. BELL. Yes.

Chairman WALSH. Do you know of any case where porters are put in charge and the service of conductors dispensed with?

Mr. BELL. I have a letter here, Mr. Walsh [reading]:

"The conductors of this district are no doubt very dissatisfied with general working conditions, as doubling out the men under the new schedule, which was protested"—I don't know whether I have the right letter there or not.

On the Boston & Maine, or a road from Boston to Albany—there is a case there where there was a protest [reading]:

"There are at present about 40 men here in this district (Boston) out of work. The porters in charge on a number of runs, since the change of time and election of President Hustis of the Boston & Maine; not only are these conductors loafing, with no prospects here, but we understand there is no place to transfer to, as no Boston men are to be transferred this fall; bright prospects, is it not?"

Commissioner ALEXANDER. May I ask the date of that letter?

Mr. BELL. November 6, 1914.

Chairman WALSH. Is that all the information of that kind you have?

Mr. BELL. These are all the letters I have.

Chairman WALSH. Have you ever had your porters figure on the total amount of tips they had, so as to compare them with salaries, to any amount?

Mr. BELL. No; I never did.

Chairman WALSH. Is there anything else now that you care to volunteer that has not been asked, that you would think would throw light on the general situation in the car service of the Pullman Co.? If so, you may state it.

Mr. BELL. I have some letters here with extracts I might read, in regard to conditions of employment.

Chairman WALSH. Could you summarize them? Could you state what they are without reading the letters in full?

Mr. BELL. Yes, sir; I would not attempt to read the letters in full, because there are other things in them that came to me personally, without having any bearing on the company's affairs [reading]:

"The conductors of this district are no doubt very dissatisfied"—this is Boston also—"with general working conditions, and doubling up the runs under the new schedule, which was protested, and a number of copies of a petition sent to the different officials of the company, declaring that the first-class service could not be given without the proper amount of rest and time allowed for meals," and so forth.

"To be sure, it seems strange that every man should not want to go to it at once and try and better our miserable conditions, but they seem to lack confidence. On this district we never had such hard working conditions; nine work from 16 and 18 hours out of every 24, as the company has doubled the men out on the runs, cutting down our lay-overs for rest, and I understand this not only applies here, but in other districts as well. If this is kept up we will be physical wrecks in a short time. The conductors are very bitter against the company and the service in consequence is demoralized.

"Are you not in a position to at least bring the matter to the attention of the I. C. C."—Interstate Commerce Commission—"relative to the long hours the company compels us to make?

"Can it be that we are wholly at the mercy of the company and that they are free to work us 18 hours out of 24? Are there not State laws with regard to hours of labor? Surely there is some way to cause an investigation into our conditions and arouse public sentiment.

"I am going to expound the principles of federation in an open manner so as to help bring the organization to a stage of efficiency in as short a time as possible. Of course, I know that by doing this I am putting myself in position to be dismissed by this company. But this is not time to stand on the principles of individualism.

"The conductors are all very much dissatisfied with present working conditions, as we do not get time for rest. Never in my 19 years' service have I ever seen such hard working conditions in this district. There seems to be no limit as to the number of hours the company sees fit to work us."

Commissioner AUSTRON. Is that the Boston district, Mr. Bell, that you are referring to now?

Mr. BELL. No; there is Boston and New York——

Chairman WALSH. Give the last district, please.

Commissioner AUSTRON. What was the last letter that you read?

Mr. BELL. That was Boston. [Continues reading:]

"For several years conductors and porters have requested from the Pullman Co. increase in pay and better conditions." This is Jacksonville. "Petitions for increase in salary have been made and signed by every conductor in several districts and forwarded to the general manager of the Pullman Co., and the Pullman Co. have never made any reply to them. After talking to a large number of employees, I send you the following facts and figures."

This is a record of personal expenses, the balance of this, on the road.

Chairman WALSH. Personal expenses on the road?

Mr. BELL. Yes.

Chairman WALSH. Well, that might be enlightening. Could you briefly state what they are?

Mr. BELL. Would you like that in detail, Mr. Walsh? It is two pages, and it has a summary here, a recapitulation.

Chairman WALSH. We have been trying to get, as we have gone along, what the expenditures were, and if it is well stated there, if it meets with what you believe are the facts, why, you may read it. Do you have a summary?

Mr. BELL. I have a summary.

Chairman WALSH. Well, then, give us the summary.

Mr. BELL. Let us see. I don't remember the—here is a summary relative to just what is stated there [reads]:

"On many of the day runs the men are required to run every day without relief and lay-over. On relief runs the men, when relief is due as allowed by the company, are required to report, to protect their runs, until sure that a man has been assigned to relieve them. But, in many instances throughout the system, men run two to three months, being compelled to make several reliefs without pay for that relief time. On the Pullman buffet cars employees must pay

full price for all meals—the same prices we are charged as the passengers. Am sending you several reports of runs and expenses of same."

Here are 6 breakfasts away from home $6; dinner at home, supper at home—that is relief—2 meals, at 50 cents for trips, $4.50. Six trips a month, $27.

Another piece, 7 meals at 50 cents, including street car, tips, etc., $5.50; one room, 50 cents—$4. That is the shorter trips.

And I will say, further, that it is compulsory to fly waiters on dining-room cars to get service, just as much for the crew as it is for passengers.

Eight trips per month, $36; four days at home each month. I will not read you the rest of that, because I will submit this to you, and you can have it.

Here is a summary of 6 meals at 50 cents per trip, $3; 10 trips per month, $30. And in his summary, his conclusion, "Uniform, pro rata, $3; insurance (health and accident), $2; groceries, meats, and so forth, at home, $25; house rent (house not heated), $18; water, light, and fuel, $4; lodge dues, $1; laundry, shirts, collars, and cuffs, $4—$87"; and to that add meals and room away from home. That is his cost of living at home.

Chairman WALSH. I can't hear you. What did you say there, just at the last?

Mr. BELL. I say that was his living expenses at home. He says, add to that expenses away from home—add what it costs him to live.

Chairman WALSH. Have you added that to it?

Mr. BELL. No; I have not.

Chairman WALSH. All right; go ahead.

Mr. BELL. Do you wish to take this?

Chairman WALSH. Yes; you may hand that up.

(Statement handed to Chairman Walsh.)

Chairman WALSH. Have you ever figured out the actual living expenses of a Pullman conductor?

Mr. BELL. I never kept account of my own. It always took all I made, so I knew how much it was.

Chairman WALSH. Well, this man seems to have figured it up at $87.

Mr. BELL. At home.

Chairman WALSH. At home. Then he must add meals and room away from home.

Mr. BELL. Well, there is the report of the rest of it on the sheets.

Chairman WALSH. The record of the rest of it is where?

Mr. BELL. That is his expenses away from home on these sheets. Here is another conductor [reads]:

"I can not get by—I can, by being economical, get by on $6 a trip, or $1.80 per day, which totals $60 per month. They even charge extra for bread and butter on the diner now. The men who are on the same train from Omaha to Oakland claim their expenses equal that of a little more. Of course, the conductors who operate on the Santa Fe get their meals for 25 cents, where we have to pay half rate."

That is all I have on that, Mr. Walsh.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. You spoke in a letter that you read, November, 1914, from the Boston & Maine, of the conditions. Were those conditions caused because the Boston & Maine changed the schedule and laid off a great many men, and a great many conductors were thrown out of work, or what was the reason?

Mr. BELL. His reason given there was that the conductors were taken off and the porters put in charge.

Commissioner BALLARD. Porters put in charge of the cars?

Mr. BELL. Yes.

Commissioner BALLARD. You say, on the buffet cars they charge the porter in charge the same price for meals as they do the passenger?

Mr. BELL. Charge the porter and conductor——

Commissioner BALLARD (interrupting). The porter and conductor. Is that the porter——

Mr. BELL (interrupting). That is, for meals.

Commissioner BALLARD (continuing). For meals. Is that the porter that cooks the meals himself?

Mr. BELL. He or any other Pullman employee that may from that buffet.

Commissioner BALLARD. Then the porter that cooks the meals pays the whole price of the meals that he cooks for himself?

Mr. BELL. That is my understanding, according to the letter. I do not know whether there are any exceptions.

Commissioner BALLARD. The cook who could not take care of himself is a pretty poor cook.

Mr. BELL. That is their good fortune, and not anything that the company allows him.

Commissioner BALLARD. Do they generally put on old or young men on these runs—these Pullman runs—the conductors?

Mr. BELL. Well, they will take any man that looks good to them, if he is 25 years of age.

Commissioner BALLARD. Are they generally young or old men?

Mr. BELL. Well, they are pretty well mixed as to age.

Commissioner BALLARD. You say that you used to go to the hotels and to the Pullman rooms to stay, you yourself. Do the hotels give the conductors reduced rates?

Mr. BELL. Many hotels will give you a room without charge.

Commissioner BALLARD. Well, do they expect the conductor then to recommend the hotel, or is there any reason for it? Why do they give the conductors the room?

Mr. BELL. I suppose they do. They never said anything to me about it.

Commissioner BALLARD. You used to get your hotel rooms free of charge?

Mr. BELL. In some places.

Commissioner BALLARD. The porter and the conductor on the car, would not they ever—the porter ever tell the conductor that he had a good run or a bad run with regard to tips? Did they ever mention tips to the conductor?

Mr. BELL. They made that expression; yes.

Commissioner BALLARD. That they had a good run this trip, or a poor run?

Mr. BELL. Yes.

Commissioner BALLARD. Did it ever occur to you to ask how much he had made on any one of those trips?

Mr. BELL. No. I did not.

Commissioner BALLARD. Never did ask how much he made?

Mr. BELL. I never did ask. I was not—I never attempted to make—take any statistics from it, and I never put it down.

Commissioner BALLARD. You do not know what they would make on a good run, or about what they would make on a bad run at all?

Mr. BELL. No. I know what salary they got; the rest, I did not.

Commissioner BALLARD. When the porter talked about having a good run, it did not occur to you to ask how much he had made?

Mr. BELL. Whether it occurred to me or not, I never did. I seldom—that was his own private business.

Commissioner BALLARD. I notice in these expenses you have here, 10 trips per month at $4 per trip, making $40 for the 10 trips; that would be $40 if a man made 10 trips. Then at home it seems to be $25.

Mr. BELL. That was his living expenses at home.

Commissioner BALLARD. That, then, would make his expenses about $65; that would include probably most of his salary?

Mr. BELL. According to what he gives there. Take it in Chicago and many cities a man can not get rent for what he gives there. I haven't had that good fortune.

Commissioner BALLARD. That is all.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Do the porters divide tips with the conductors?

Mr. BELL. I never knew of a case like that; I do not think anybody else does.

Commissioner O'CONNELL. At these places at the terminals where they have sleeping facilities, do they also have facilities there for porters, or do they occupy the same rooms?

Mr. BELL. No; they do not occupy the same rooms. In St. Louis there is a room for the porters—a separate room. I never was in it. In some places they use cars, and there are other places where they have some rooms.

Commissioner O'CONNELL. Have you ever been any place where the porters and the conductors occupy the same rooms?

Mr. BELL. No; unless they sleep in the car while laying over.

Commissioner O'CONNELL. What is the wage of a buffet porter where he is supposed to act as cook and waiter and porter?

Mr. BELL. I do not know that, Mr. O'Connell.

Commissioner O'CONNELL. Where they run a buffet car on a train with other cars attached, is it part of the duty of the porter of other cars to go into the buffet car and help serve there, in addition to working their own car?

Mr. BELL. Only in cases of emergency. They can go in there and get provisions for the passengers in their own cars and take them to the car. But they seldom go in the car and help the buffet porter in his own car.

Commissioner O'CONNELL. There is no extra compensation of any kind whatever if he does go into the other car?

Mr. BELL. Not unless he gets it from the passengers.

Commissioner O'CONNELL. Have you ever taken up with, or thought of taking up with, the United States Board of Mediation and Conciliation the question of having that board take up with the Pullman Co. the questions of grievances in behalf of conductors and porters?

Mr. BELL. No; I have not. I—I do not quite——

Commissioner O'CONNELL. Do you understand the laws under which the board is operating, now known as the Newlands Act, formerly the Erdman Act, under which the organizations engaged in interstate commerce—this board acts as mediator between the workman and the employer in the adjustment of disputes?

Mr. BELL. I have read extracts from this. They were sent me by the Interstate Commerce Commission and by the Bureau of Labor.

Commissioner O'CONNELL. This is not under the Interstate Commerce Commission. It is separate entirely.

Mr. BELL. Well, but they sent me extracts of the law.

Commissioner O'CONNELL. You have never looked into the matter as to whether the employment under which conductors and porters are working would properly come under the jurisdiction of that department?

Mr. BELL. I never went into that, to tell how much there was to it.

Commissioner O'CONNELL. Have you got one of those orders you say is given to the conductor, ordering the paymaster to pay him if he has passed the inspector and had his uniform inspected?

Mr. BELL. No; I have not.

Commissioner O'CONNELL. You have not got one of those?

Mr. BELL. No, sir; I have not.

Commissioner O'CONNELL. Have you ever received one of those yourself?

Mr. BELL. Yes; I received one almost every time I was paid.

Commissioner O'CONNELL. Almost. Does it occur every time men are paid?

Mr. BELL. It is supposed to occur every time they are paid. But cashiers have given me my checks without giving me that slip.

Commissioner O'CONNELL. Then it is not a fixed rule or custom that you should pass examination before you are paid?

Mr. BELL. It is a fixed rule, but——

Commissioner O'CONNELL. (interrupting). Not enforced?

Mr. BELL. It is, sometimes, business transacted differently with some men. In my case where I got it without the order was where I had very little time to get to the cashier and had almost no time in the office while the cashiers were on duty.

Commissioner O'CONNELL. Under what circumstances would the paymaster refuse to pay you your month's salary?

Mr. BELL. I do not know.

Commissioner O'CONNELL. Would he have any right to do it under any circumstances?

Mr. BELL. I do not know whether he would or not. I don't think he would.

Commissioner O'CONNELL. Suppose an inspector found your uniform with no buttons on and a lot of things the trouble with it; what would he do with you before you went to the paymaster? Would he give you an order so you could get your pay, or would he hold up the pay until you got the buttons put on your clothes, or what?

Mr. BELL. No; he would give you an order to get your uniform put in condition. And I suppose he would give you an order for your pay at the same time. I do not think they would attempt to hold out your pay. They know better than that.

Commissioner O'CONNELL. They would give you warning not to appear in that condition again?

Mr. BELL. Yes. That is as far as I could tell about that.

Chairman WALSH. Commissioner Ashton, did you have some questions?

Commissioner ASHTON. Yes. I would like to ask one or two questions, Mr. Bell.

I have forgotten whether you testified or read from the correspondence regarding the number of hours work in every 24-hour period; 16 to 18, was it, that conductors were required to work in 24 hours?

Mr. BELL. Yes. I read that.

Commissioner ASHTON. That was read from correspondence? Is that a fact, from your personal knowledge, on any large number of runs, or any runs?

Mr. BELL. Well, there are many runs where you have to work from 26—well, say from 20 to 60 hours.

Commissioner ASHTON. That is, these are the long runs?

Mr. BELL. Those are the long runs.

Commissioner ASHTON. To the Pacific coast?

Mr. BELL. But the runs he has reference to are not long runs, because the runs where he was running were not long runs.

Commissioner ASHTON. Those runs were short runs, what you call one-night runs?

Mr. BELL. Yes.

Commissioner ASHTON. What would be the general average of work on runs of that kind as to lay-over? Would he ordinarily get several hours lay-over at the end of his run?

Mr. BELL. I should judge on those runs he would go in about 7 or 8 o'clock in the morning and leave in the evening, probably from 8 to 10 o'clock.

Commissioner ASHTON. From 8 to 10 o'clock. And arrive at destination, the home terminal, the following morning?

Mr. BELL. The following morning.

Commissioner O'CONNELL. Then what is the practice with regard to the lay-over? When will he go out again, ordinarily?

Mr. BELL. The following evening.

Commissioner ASHTON. He would go out the following evening?

Mr. BELL. Supposed to go out every evening except when he has a relief.

Commissioner ASHTON. He has stated reliefs, has he not, that are provided, and that are granted?

Mr. BELL. He has not stated reliefs. They are only reliefs, but you know reliefs are customary with the company that you are supposed to have a certain number of reliefs on short runs, and on long runs you have lay-overs.

Commissioner ASHTON. How many reliefs would a man ordinarily get on what you would call a one-night run, in a month, say?

Mr. BELL. It is usually one round trip a month. That is what it amounts to; sometimes that is divided.

Commissioner ASHTON. One round trip a month?

Mr. BELL. Yes.

Commissioner ASHTON. Now, on the long runs, if you take the Pacific coast runs, say, that occupy three days, a man reaches San Francisco, how long does he ordinarily lay over there before he comes out?

Mr. BELL. They are there sometimes over night; some of the runs I believe leave there the same day. There was a change in that, but I do not know just what that is. They used to be there over night, and they used to be there sometimes—in Los Angeles—two nights.

Commissioner ASHTON. On arrival at the home terminal, what is the practice on that class of runs, say a run from Chicago to San Francisco, when a man arrives at Chicago, what opportunity does he generally have to rest? Possibly you may not be able—I think testimony was given yesterday—if you are not familiar with it.

Mr. BELL. I could not tell you; but there is plenty of testimony on that by men——

Commissioner ASHTON. 48 to 64 hours, I believe, is the testimony.

Chairman WALSH. Sixty-eight hours.

Commissioner ASHTON. Sixty-eight hours; the testimony was given yesterday.

Referring to this matter of substitution of porters for conductors, as referred to in a very large number of letters that you read, Mr. Bell, is it not a fact that on the Boston & Maine Railroad, the New York, New Haven & Hartford, and a number of those that are commonly called "summer-resort railroads," it is customary to put conductors on those same cars in the month of May and generally continue them until the month of September or October, and through the summer-resort business, and through the balance of the year the travel is very thin, the number of cars that run in that territory very limited, and is that not possibly the cause of dissatisfaction that was referred to in those letters rather than to any act of the company trying to bring about the present conditions?

Mr. BELL. I know that Boston is a district where they use a great many more conductors during the summer than they do in the winter. The custom has been to transfer many conductors to other parts of the country during the winter season. I do not know how the travel is in that section during the winter.

Commissioner AISHTON. Is it not fair to assume that that same condition prevailed, in rather accentuated form, last October on account of the depression of business everywhere, and that it is possible that the failure to transfer the conductors was due to the condition rather than any desire to put more men out of employment?

Mr. BELL. I don't know as to that; that is a question. As I never was in that section very much, I do not know what the conditions of travel are during the year.

Commissioner AISHTON. I have forgotten, Mr. Bell, just what your testimony was as to your last service with the Pullman Co. at the time you were discharged for various reasons. What was the last date you worked for the Pullman Co.?

Mr. BELL. August 25, 1913.

Commissioner AISHTON. 1913?

Mr. BELL. Yes, sir.

Commissioner AISHTON. So that your knowledge of the conditions since that date has been from the correspondence you have had with the various parties?

Mr. BELL. From correspondence and interviews.

Commissioner AISHTON. You worked for the Pullman Co. three different periods, I believe; once in the Dearborn Station, where you left for certain reasons of your own; then you resought employment with them and was employed as a Pullman conductor for 2 years or 18 months?

Mr. BELL. About 25 months.

Commissioner AISHTON. About 25 months?

Mr. BELL. Yes.

Commissioner AISHTON. Then you were in some other line of business for a period of how long?

Mr. BELL. After being a conductor, do you mean?

Commissioner AISHTON. Yes.

Mr. BELL. About six years.

Commissioner AISHTON. You left the service of your own accord, I believe?

Mr. BELL. Yes.

Commissioner AISHTON. And was in some other line of business six years?

Mr. BELL. Yes.

Commissioner AISHTON. And then you sought employment again with the Pullman Co. as conductor?

Mr. BELL. Yes.

Commissioner AISHTON. What was the—may I ask—I do not want to be personal at all and you need not answer if you do not want to.

Mr. BELL. You can ask me any question you wish, and when you ask me something that I do not wish to answer, the chairman will have to overrule me.

Commissioner AISHTON. What I want to get at is why did you go to work for the Pullman Co. again? Did you consider the employment desirable at that time?

Mr. BELL. I resigned as conductor to go into business for myself. I was in business for myself six years and sold out, and I went back with the company after—this was in June, and I thought I would go back and stay until spring. What I had in mind in the spring did not materialize, and I stayed until they did not want me any longer, then I quit.

Commissioner AISHTON. That is all, thank you, Mr. Bell.

Chairman WALSH. Commissioner Ballard has another question.

Commissioner BALLARD. I was just going to ask you: When you were dismissed the last time were you organizing a union among the conductors and porters?

Mr. BELL. Yes, sir.

Commissioner BALLARD. And you are still doing that, are you?

Mr. BELL. Yes.

Commissioner BALLARD. That is your profession now?

Mr. BELL. I am secretary of the organization.

Commissioner BALLARD. Do you think that the secretary of a union—that you being secretary of the union it would be difficult to find men complaining of the

company? Do you think it would be difficult to get men to sign petitions for almost anything?

Mr. BELL. I know it is not, but when men write voluntarily I do not see that the secretary has anything to do with it but to read it.

Commissioner BALLARD. You think then those letters you have read were not solicited or inspired letters, but just the honest statement of the feelings of the men?

Mr. BELL. They were not asked for by me.

Commissioner BALLARD. They were in no way inspired or sought for?

Mr. BELL. Not that I know of; they did not come that way to me, I know.

Commissioner BALLARD. Are they all of them addressed to you?

Mr. BELL. I believe all that were read are addressed to me.

Commissioner BALLARD. That is all, Mr. Bell.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. Mr. Bell, is a Pullman conductor under the charge or direction of the train conductor?

Mr. BELL. That is your instructions. If you go to do anything in regard to the passengers or anything, you are supposed to consult the train conductor.

Commissioner LENNON. Do the Pullman conductors take up the tickets of passengers, or does the train conductor always take them up? I mean the transportation tickets; I don't mean the Pullman tickets; but the transportation tickets?

Mr. BELL. On the Pennsylvania and on the Santa Fe, on most all of the trains, the Pullman conductor takes the transportation in the Pullman cars. On other roads, the train conductor is supposed to take up the transportation, and usually does leaving the terminals, but passengers getting on after that, their transportation is in most cases lifted by the Pullman conductor.

Commissioner LENNON. Can you tell us as to the number of hours per month served on trains as to the conductor compared with the Pullman conductor? Have you made out that schedule?

Mr. BELL. No.

Commissioner LENNON. Have you such figures to submit to us?

Mr. BELL. No; I have not.

Commissioner LENNON. Well, will you do so? Will you ascertain and submit a statement to this commission as to the number of hours, as a general proposition, worked by the Pullman—train conductor—that is, that he is on the train, not somewhere else—and the number of hours served by the Pullman conductor? Can you do that?

Mr. BELL. I could not do that accurately.

Commissioner LENNON. Well, we do not want it unless it is accurate; at least I do not.

Mr. BELL. Well, for this reason, in going from here to Denver—we will take the Burlington. You leave here on No. 3 and go to Denver. You are on the road about 30 hours. You have five train conductors.

Commissioner LENNON. I know; but the others serve a certain number of hours, and you say you serve 30 hours?

Mr. BELL. Yes.

Commissioner LENNON. It seems as though there should be some way to ascertain the number of hours served by each in the month or in the week or——

Mr. BELL (interrupting). But that train conductor goes from Chicago to Burlington and lays over there, and after getting a certain amount of rest he comes back to Chicago. He may go back there again and meet the Pullman conductor again by the time you get back from Denver. That is what makes it difficult to tell.

Commissioner LENNON. Well, can you submit a statement as to the number of hours per month that the Pullman conductor is usually on the trains?

Mr. BELL. I can tell you how many hours a month he is on the train on certain runs, and you can——

Commissioner O'CONNELL. Well, give us that statement, when you can.

(Witness subsequently furnished information desired. It appears among the exhibits at the end of this subject as "Bell exhibit.")

Commissioner AUSTON. May I ask a question, Mr. Chairman?

Chairman WALSH. Yes, sir.

Commissioner AUSTON. Mr. Bell, you are familiar with the work and responsibility of both the train and Pullman conductors?

Mr. BELL. Yes, sir.

Commissioner ASHTON. Does the Pullman conductor have any responsibility whatever for passing on the validity of transportation; that is, if he——

Mr. BELL (interrupting). Please ask that again.

Commissioner ASHTON. Does the Pullman conductor have any responsibility or any jurisdiction as to the acceptance or rejection of the transportation that may be offered by a passenger—railroad transportation?

Mr. BELL. He is not supposed to have anything to say about the transportation at all.

Commissioner ASHTON. He simply collects the transportation for the action of the train conductor in passing on it and seeing whether it is valid or invalid or right?

Mr. BELL. Yes.

Commissioner ASHTON. Does the Pullman conductor have anything to do with the handling of the orders connected with the movement of that train or the operation of the train?

Mr. BELL. No, sir.

Commissioner ASHTON. Nothing whatever?

Mr. BELL. No.

Commissioner ASHTON. In other words, the Pullman conductor's responsibility is limited to seeing that the revenue due the Pullman Co. for seats, berths, or rooms is collected and properly reported to the company—to seeing that the porters under his charge carry out their duties properly, that the cars are ventilated, and anything else?

Mr. BELL. He is supposed to have complete supervision of the Pullman service, really, without any authority. He has no authority even to put a passenger out of the car for refusing to pay their Pullman fare, even if they have paid their railroad fare.

Commissioner ASHTON. And the train conductor, in other words, is the man they would have to——

Mr. BELL. (interrupting). You are instructed to see the train conductor before you take any action—any action of any importance. I was told by Mr. Ryan, the assistant superintendent at St. Louis, that I had no right to give a passenger any information without first seeing the train conductor.

Commissioner ASHTON. I think that is all, Mr. Chairman.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. Mr. Bell, is it not a fact that on those lines where Pullman conductors are required to lift transportation and pass it on to the train conductors, that if they accept transportation that is wrong, they are regularly disciplined for so accepting it?

Mr. BELL. I do not understand, Mr. Garretson.

Commissioner GARRETSON. On those lines where the regulations of the railway company, as on the Pennsylvania, requires the Pullman conductor to lift the train transportation, if he makes an error in accepting outlawed transportation, he is liable for discipline therefor?

Mr. BELL. They certainly are.

Commissioner GARRETSON. In other words, they have all the responsibility for doing those things and get no pay for it?

Mr. BELL. Yes. They get disciplined for anything that leads to trouble in that respect.

Commissioner GARRETSON. Is there not a very large number of local-service short lines in the Pullman service, as, for instance, Chicago to Des Moines, Chicago to Ottumwa or Burlington, and similar runs, that a Pullman conductor never has his foot on the car in at least one direction, and sometimes more? That the porter handles everything——

Mr. BELL. I did not get the question.

Commissioner GARRETSON. That the porter handles the transportation without any conductor on those runs in at least one of those directions, and sometimes both?

Mr. BELL. There are some places, some runs, where the porter handles both in one direction; sometimes there is a conductor part of the way, and sometimes no conductor.

Commissioner GARRETSON. Well, a very considerable number where there is no conductor in one direction?

Mr. BELL. There are some; yes, sir.

Commissioner GARRETSON. What line were you on, Mr. Bell? What Pullman line?

"The strike of the clerks was confined to the southern lines of the Illinois Central Railroad and to the lines of the Yazoo & Mississippi Valley Railroad. That is to say, with the exception of some points on the Ohio River, there was no general walkout of the clerks in northern territory.

"The strike of the clerks occurred on September 25, 1911, some days in advance of the strike of the mechanical employees. Six hundred and ninety-eight clerks quit the service on that day. These striking employees were distributed as follows: Two hundred and eighty-four at New Orleans; 130 at Memphis; 22 at Evansville; 4 at Princeton, Ky.; 18 at Paducah; 22 at Water Valley, Miss.; 9 at Louisville; 18 at Vicksburg; 47 at Mounds, Ill.; 23 at Jackson, Tenn.; 4 at Dyersburg, Tenn.; 2 at Ripley, Tenn.; 15 at Canton, Miss.; 57 at Jackson, Miss.; 7 at Brookhaven, Miss.; and 14 at McComb, Miss. The clerks at the smaller towns did not sever their connection with the company. I might mention that, in advance of the general shopmen's strike, at Memphis, there was a so-called sympathetic strike of a number of mechanical employees, which occurred on September 25, the same day when the clerks went out. Generally speaking, however, the strike in the mechanical department did not occur until September 30, 1911. On that date, or very soon thereafter, there occurred a strike of 860 boilermakers and helpers; 474 blacksmiths and helpers; 1,228 machinists; 212 tinners, coppersmiths, and sheet-metal workers; 151 pipefitters, steamfitters, and helpers; 271 painters and helpers, and more than 3,500 car men, these being for the most part employed at the Burnside shops in Chicago; Centralia, Ill.; East St. Louis, Ill.; Clinton, Ill.; Mattoon, Ill.; Freeport, Ill.; Waterloo, Iowa; Jackson, Tenn.; Paducah, Ky.; Fulton, Ky.; Memphis, Tenn.; McComb, Miss.; Water Valley, Miss.; and New Orleans, La.

"In addition to these members of the crafts a number of other employees, helpers, cinder-pit men, etc., struck, bringing the total in the locomotive and car departments up to 8,587. This strike was accompanied by the usual incidents with which this commission must be familiar. The strikers, at practically every point, formed picket lines around the company's property with the purpose to prevent the employment of men to take their places. More or less violence usually attends a strike of this character, and this was not absent in this case. The management of the railroad company felt it to be its imperative duty to supply the places of those who quit its service at the earliest possible moment, and therefore steps were taken to secure a supply of men to carry on the necessary work of the railroad. It was, of course, impossible in every case to obtain men on the ground, and the importation of some laborers from other States was therefore imperatively demanded. I may say that in the States of Alabama, Nebraska, Minnesota, Wisconsin, Indiana, Arkansas, and South Dakota we encountered very little trouble, and nothing occurred in these States which calls for special mention here. The mileage of the Illinois Central system in each of these States is comparatively small; nor are there situated in any of those States any very important repair shops. We did not find it necessary to take any extraordinary precautions in any of these States. We did have a commissionary at Birmington for a time, but it was discontinued much sooner than at many other points. I will therefore confine my narrative to the States of Iowa, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, where strike conditions were more acute and where the principal trouble was encountered.

"In a general way, I may say that at practically all of the important points where persons were employed in the mechanical trades, and where a large number of clerks struck, we found it necessary to establish commissaries and to provide sleeping quarters for the men who took the place of the striking employees. We found little or no difficulty in securing an abundance of men to do our work, and the problem before us was to furnish these men with sustenance and protection, so that the work of the railroad might go on. Our experience soon taught us that it would not be safe for these employees to leave the premises to secure meals and lodging, since they were constantly interfered with and, indeed, found it practically impossible to pass the picket line established by the strikers near the railroad premises. These commissaries were abolished gradually as conditions improved, and were entirely discontinued at the end of about six months from the time of the walkout. It was our settled policy to avoid conflicts and violence of every kind, wherever that was possible. As an evidence of this fact, I may mention that at no time were any of the persons employed by us to take the place of strikers permitted to carry weapons of any kind. When the assault was made upon our shop force at Water Valley, Miss., to which I will presently refer, not a man in our employ was armed. When the train carrying employees into and through McComb, Miss., was fired

upon by a mob, not a man on the train had a weapon of any kind. Our effort was to comply strictly with all laws, State and Federal, and to handle the matter in such a way as to be free from criticism, in so far as provoking acts of violence was concerned. We did employ a number of special agents or watchmen to assist the Federal and State authorities in maintaining order, and particularly in protecting our property at the various places where violence was threatened. I confidently assert that no incident can be mentioned where the employees of the company were responsible for any outbreak or any act of violence, or, if such incidents did occur, they were isolated and exceptional.

"In order that the commission may understand precisely what happened, I will undertake to review the course of the strike in the several States.

"In the State of Iowa we had only one point—Waterloo—where any very considerable number of mechanical employees were located. At that point, on the 8th of October, a number of persons undertook to enter our shop, but this effort was defeated by the vigilance of the watchmen employed to protect the property there. Some of these watchmen were severely injured by missiles thrown by the mob into the grounds. There were isolated acts of violence at this point from time to time, but the situation was never desperate, and the local authorities felt that they were competent to take care of the matter, and it was therefore not necessary to appeal to the Federal authorities. No suit for injunction was filed in the State of Iowa, although we found it necessary to keep the shops under guard and to maintain a commissary at that point.

"In the State of Illinois we had but little trouble at our important Burnside shops, in the city of Chicago, where were employed the largest number of mechanical employees of any point on the system. The protection furnished by the city authorities was all that could be desired, and we encountered comparatively little trouble at this point. Upon several occasions rocks were thrown through the windows of our suburban trains at Chicago, and on October 2 one man was arrested for assaulting employees at Burnside, and fined $200 and placed under a peace bond. On October 7 another man was arrested for assaulting employees and placed under a peace bond. Upon one occasion a switch engine was turned loose at or near Burnside, and was wrecked by running into a freight train on the main line. Minor and occasional interferences were had with our suburban service, engines being sometimes disabled and other acts of lawlessness committed, but I hardly think they are worthy of detailed mention in this connection.

"We did, however, encounter a good deal of trouble at Centralia, some trouble at Carbondale, and not a little at Mounds and East St. Louis.

"At Centralia, on October 2, certain car repairers were forced to leave their work and a number of section laborers interfered with. There was a good deal of miscellaneous shooting at Carbondale on October 4, several windows in the roundhouse being shot out.

"At Clinton, Ill., on October 10, the engine of a passenger train was disabled by having a piece of iron placed in the guide. On October 18, at Centralia, three of our clerks were attacked by a mob, and several efforts were made to cut hose on passenger trains. On October 21, at Centralia, a watchman was assaulted and beaten. On October 23, at Centralia, a watchman was assaulted while mailing a letter, and on the same day another watchman was badly hurt.

"On the 1st of November, at Carbondale, the assistant train master was fired upon while calling train crews. On November 6, at Carbondale, a striking machinist was assaulted. On November 9, at Centralia, an assault was made upon one of our employees. On November 20, at Carbondale, 11 shots were fired at the roundhouse.

"On October 1, at Mounds, the clerks' carding cars were assaulted with stones and one clerk was injured. Assaults were also made upon the roundhouse foreman at that place and other acts of lawlessness committed. On October 21, at Mounds, Ill., three shots were fired into the office of the assistant train master. On October 25, at Mounds, 16 shots were fired into our office building situated in the railroad yard.

"On October 27 two yard clerks were assaulted at East St. Louis, and on October 28, at the same place, three watchmen and a clerk were assaulted. On the same date two watchmen were assaulted by persons who were presumably in sympathy with the strikers. On October 24 a roundsman at East St. Louis was fired upon, a bullet passing through his coat.

"These incidents are typical of the character of trouble which we encountered in Illinois, and as a result of such acts of violence and intimidation the railroad company found it necessary to apply to the United States circuit court for

an injunction. A bill for an injunction was filed and a temporary injunction granted on October 3, 1911, the suit being brought in the eastern district of Illinois, at Cairo. The application for an injunction was vigorously resisted by the defendants, and on October 23, 1911, a motion to dissolve this injunction was heard before United States District Judge Wright, at which time affidavits were offered by both sides, and the case was argued elaborately. The affidavits submitted by the company showed a number of acts of violence at Mounds, Centralia, and Carbondale. After full argument the motion to dissolve the injunction was overruled and the same continued in force and effect. Quite a number of contempt proceedings were instituted to punish persons for violating the court's injunction. I will mention some of them:

"Jesse Hawkins was fined $100 and given a sentence of 30 days in jail by the United States court for making an assault on October 8 upon Eugene Coombes, a clerk at Cairo.

"George Sherwood and J. R. Yoden were fined $200 each and given a sentence of 60 days in jail for making an assault on October 18, 1911, upon William T. Burge, a clerk at Centralia.

"On October 29, 1911, Miles Burpo was assaulted by William McLaine and M. I. Williams at Carbondale. These men were cited for contempt, but the court felt that it had not been shown beyond a reasonable doubt that the assault grew out of any labor trouble, and the defendants were discharged.

"Ernest McClurg, on November 6, 1911, undertook to make an assault upon a machinist named Hafli, but was prevented from actually striking Hafli by the presence of a deputy marshal. McClurg was fined $100 and imprisoned for 30 days.

"On December 4, 1911, Barnard Harley and Henry Joby assaulted Ralph Dunn, employed as a clerk at Mounds. Harley was fined $200 and given a jail sentence of 60 days, and Joby was fined $100 and given a jail sentence of 30 days.

"On December 14, 1911, Omer V. Hudson, a striker, was arrested by United States deputy marshal for threatening a call boy. The case, however, was disposed of by Hudson's paying the costs.

"On October 16, 1911, contempt proceedings were instituted against Charles Linder, C. A. Anthony, and H. E. Maxy. These men were charged with assaulting two employees of the company at East St. Louis on October 6, 1911. The arrest of these men was ordered, but they were never found by the United States marshal.

"On October 19 contempt proceedings were filed against Thomas Woods and James Whitmore. Whitmore was tried first, was found guilty, and a fine of $100 and costs was imposed. Woods was arrested later and his case tried on November 21. He was found guilty, but judgment was suspended conditioned upon good behavior.

"On November 2 contempt proceedings were begun against Charles P. Dennison. He was charged with having made an assault upon an employee of the company at East St. Louis. He was found guilty and sentenced to pay a fine of $200 and to a jail sentence of two months.

"In January, 1912, proceedings were begun against James T. McCloskey, James Meagher, and Fred Irwin, for violations of the injunction, alleged to have been committed at Clinton. The case was heard by the Federal judge and the parties dismissed with a warning.

"In March, 1912, contempt proceedings were begun against two men by the name of Hilliard and Nash. These men were placed under bonds of $1,000 to keep the peace. They were charged with violations of the injunction occurring at Mattoon.

"As indicating the view of the judge of the district court, before whom these proceedings were instituted, I will read into the record the opinion of Judge F. M. Wright delivered on November 21, 1911, in the case of United States v. Thomas Woods, president of the local boiler makers' union at East St. Louis. Judge Wright, in rendering his opinion, said:

"'This injunction was issued after a fair open hearing in a court of justice. Everybody had an opportunity to be heard upon it, and some of the defendants and others did appear and they were heard upon it, and after a full and fair consideration of the application for an injunction the court determined that it was proper and issue it. It was issued, and thereafter it became the process of this court. Now, I said over and over again, I repeat it again, that that is not the injunction of any judge. It is belittling an injunction to call it the injunction of this or that judge. It is as easy to call it the Constitution and

laws of the United States. It becomes binding and effective as any other law that ever was passed. If anybody will undertake to read it, undertake to examine it, they will find that it starts out: "The President of the United States to the defendants in the case, greeting," and it concludes with the name of Edward D. White, Chief Justice of the United States. That is what it said. It is the concrete form of a sovereign command to the people of the United States. If there was ever a high mandate from the sovereign authority of the United States, it is this injunction. It is not my order, it is the order of the court. Of course it requires the voice of some judge to express it, just like in Congress it requires the majority vote of the Members of the two Houses. But it is not their law after it is passed. Any resistance of a command like that is the resistance of the highest authority on earth. That much is to be said of the injunction.

"'I know there are a class of people in this country that don't want any law at all and don't want to have any courts. They denounce it; belittle it—these processes of the courts. I say the injunction was properly issued. Now, this railroad is merely a private corporation. Don't get it into your minds that it is public, for it is not. It is a private corporation, and they are entitled to the same rights as you and I are entitled to as individuals, precisely the same, no more and no less. Now, this man here is charged with inducing in some manner, by threats or otherwise, these men immediately employed by this railroad company, a private corporation, to quit. If it was a private individual, it would be precisely the same, no more and no less. Now, there is no peculiar understanding or situation here. Some people have an idea that because it is a railroad it has no rights at all. Now, no one has a right to conspire; no men—no two or more men have a right to conspire to induce anybody whom Mr. Flannigan says he has in his employ—no one has a right, no two or more men have a right to inspire a man to leave Mr. Flannigan's employ to his injury, and no benefit to them. It is denounced by the laws of this State. The railroad is entitled to the same rights. It is a mistake to suppose you have a right to get together and conspire to induce these men to leave the employ of the company, to its injury, and without any benefit to you.

"'I don't know what this strike is for. I don't believe anybody else does. From the character of some of the publications I have seen and the character of some of the correspondence I have observed I see that the outsiders are from away off from here—from this railroad, but these men who are concerned with it seem to be bossing it, and have more interest in it than anybody else.

"'Now, I say to you men, that there is nobody more friendly to you than the men who are operating this Government, from top to bottom, and when you suffer yourselves to be misled as you are being misled by these outside agitators, you are simply surrendering to them the rights you ought now to be enjoying. If you would let proper people be your friends instead of these men who want to break up the country, you would be better off, and you can if you want to. I don't see what good this strike is doing you. We can all appreciate a strike that is brought about for the purpose of good—a little more wages—a little more money. But why break down the law? You don't appreciate it, but those that see to it do understand that is the object of it. Read those publications—the publications that are foisted upon you, and see what they say about it.

"'Now, I have said this much, in a general way. I probably have said this much before. I would like to see all these men on strike get down to fair, unbiased, unprejudiced consideration of this thing. Go back to work. There is no reason why you are out. You can't tell a private corporation or any private concern to surrender up their business to these outside people away off from here. You don't know them. Why, I am informed—not by the evidence in this case—that the largest shops on this railroad, where there are the most men (I am credibly informed this is true), when this strike question came up, voted unanimously against it. Now, think of that for a moment. At the Burnside yards I am informed that there was a unanimous vote against that, unless I am mistaken about it, but certainly a very large majority were against it. But what happened? Somebody away off, I don't know who, some man that your suffrage has elevated and that you have submitted this to in some way or other that you felt yourselves under obligation to obey—these outsiders come in here, control your business, keep you out of your jobs, keep you out of your money. I wouldn't do it. I wouldn't submit to it. It is the most cruel tyranny on earth; men who voluntarily submit to these irresponsible

men and carry out their orders to its fullest extent. That have some rules, I don't know what, but some rules and regulations that require you to obey what they say. You are under no legal obligation to obey any such orders. I wouldn't do it. Technically, this defendant is guilty.

"'Now, I will tell you what I am going to do in this case. It is the last case, so far as I know, of this kind upon this docket, and I hope it will be the last, for it is no pleasure to me to be compelled to pass upon these questions and judge these men guilty of contempt of court and punish them. I am going to do this: I am going to take this case under advisement indefinitely, convene it to the adjourned session of the September term at Danville, and allow this man to go, as it were, upon parol. I will put him upon a par with all of these strikers that are out striking. If they behave I will never punish this man; but if they don't, and I am compelled to pass upon these cases again, I don't know what I will do. I trust this is the last one that will ever come up.'

"I have read that rather long opinion in the record because I understand the commission wants light upon the question of injunction in particular.

"The State of Mississippi is the second most important State served by the Illinois Central system, mileage being considered. In that State there were two principal storm centers, McComb and Water Valley, these being the points where our shops are located. We had some trouble at Durant, Miss., where the freight handlers were threatened with violence, and at Vicksburg there were occasional acts of vandalism, whereby engines were disabled and the operation of the railroad somewhat interferred with. At Jackson, Miss., on the 26th of October, 27 cars had their air hose cut, and on November 14, at the same point, a messenger boy was struck on the head with a club, knocking him senseless. We had considerable trouble at Jackson on account of the clerks' strike, due to the destruction of waybills and records, whereby our shipments were confused and our deliveries interfered with. This was a practice which will be discussed more in detail in connection with my treatment of the situation at Memphis. Outside of these incidents, our difficulties were at McComb and Water Valley, and I will address myself particulary to those points.

"On October 3, 1911, we operated into McComb a special train carrying a number of men destined for McComb and New Orleans, these being persons whom we had employed to take the place of the strikers. Information had evidently been furnished to the strikers and their sympathizers that this train would arrive. In any event, there were probably 250 armed men in and about the station at McComb when this train reached that point. A number of the men were disembarked at McComb for use at that point and the rest of the trainload were taken to New Orleans. At South McComb, or while the train bound for New Orleans was passing that point, the train was fired on by perhaps 250 armed men. Fortunately, the men, by not exposing themselves at the windows or doors, escaped without harm. On the same day the camp cars at the shops, where 123 employees were sleeping, were fired on and other violent demonstrations were made. So serious did this situation become that the local authorities were entirely unable to cope with it, and the governor of the State of Mississippi was asked for troops to protect the property of the company and to preserve order. The first of these troops reached McComb at 2.20 o'clock the morning of October 4. Just prior to their arrival a charge of dynamite was exploded in the middle of the railroad tracks near the office building. On the morning of October 4, there being then present at McComb only a comparatively small number of troops, a mob assembled near the shops and served notice upon the local officers of the company that the men then at work for the company would not be permitted to remain. There were threats of attack upon the shops and the intimation that dynamite would be used if these men were not promptly removed. As stated, there were not at that time enough soldiers present to control the situation, and the governor of the State, the sheriff of Pike County, Miss., and the commander of the State guards united in a request to the railroad company, asking that the men at McComb be immediately removed; otherwise these authorities felt that there would be a wholesale massacre. Yielding to this request from the authorities, the men were removed from McComb by special train, being escorted out of the city by a detail of State guards. Very soon thereafter the number of soldiers at McComb was increased, just as fast as they could be hurried to the scene. On October 13, 425 soldiers and 37 officers were on duty at that point. Thereafter the company was enabled to recruit its force at McComb and to reopen its shops, being under the protection of the State troops. It was found necessary,

however, to build a stockade around the shops and, of course, to maintain a commissary. These troops remained at McComb until about March 1, although the number was diminished from time to time as the situation improved.

"On January 17, 1912, occurred a very unfortunate affair near McComb. Five negro laborers employed as helpers in the shops at McComb lived at Summit, Miss., a town 8 miles north of McComb. It was the custom of these employees to return to Summit each night after the day's work was over. While these laborers were returning from the shops to their homes they were fired upon at night, two being killed, one fatally wounded, and two slightly wounded. The local authorities and the governor of the State took active steps to apprehend the persons guilty of this crime, and six persons were arrested, charged with murder. All of these were strikers. Some of these men were subsequently indicted by the grand jury, but it was found impossible to convict them, since the proof was largely circumstantial.

"The commissary at McComb was closed about February 1, and thereafter there was little or no difficulty.

"This railroad maintains a repair shop at Water Valley, Miss., in the northern part of the State. Shortly after the strike we employed a considerable number of men to take the place of the strikers. The trouble there culminated in an attack upon the shop on October 6, 1911. Indeed, on October 4 our shop was invaded by a mob and orders were given to all the employees to leave the town immediately under threat of being fired upon. This mob was armed with shotguns and revolvers. At 11.30 of the same night certain camp cars which were occupied by employees were fired upon. On October 6 occurred the most serious disturbance at Water Valley. At that time the shop was assaulted by an armed mob and a great number of shots fired through the windows. The employees were absolutely without any protection at that time and fled from the shop in fright and disorder. Previous to this attack the shop had been visited by local officers, the men searched for weapons, and the fact was developed that none of the employees were armed. After this attack the governor ordered State troops to be moved to Water Valley, where they remained until about the 1st of February. After the arrival of the troops there was some disorder, consisting of attempts to spike down a switch, shooting toward the shop, assaults upon employees, and so forth. Some of these assaults will be referred to later in discussing measures which were taken in the courts to protect our property in Mississippi. When the strike of the clerks occurred on the 25th of September, as has been stated, quite a number of records were destroyed at Jackson, Miss., causing the utmost confusion in the handling of freight. In order to prevent a recurrence of this form of injury on the 27th of September, 1911, the railroad company filed suit in the Federal court at Jackson, asking for an injunction against the striking clerks, and particularly seeking to prevent them from interfering with the records and business of the company and to enjoin them from committing acts of violence and making threats against the company's employees. An injunction was issued on the 28th of September, which was served on a number of the striking clerks. On the 2d day of October, 1911, the railroad company filed another bill at Jackson, Miss., against the mechanical employees. This bill, while it took the form of a separate suit, was in effect an amendment to the previous suit so broadened as to include the shop employees. This suit was filed in the southern district of Mississippi and was based upon certain acts of violence and certain interference with the property of the company at Jackson, Canton, Brookhaven, McComb, and elsewhere. A restraining order was secured immediately upon the filing of the bill, and this was served upon a number of strikers at points where violence had been common.

"When, as has heretofore been stated, the governor, on the 4th of October, sent troops to McComb, these troops were accompanied by a number of deputy marshals armed with the writ of injunction and instructed by the court to see that the injunction was served and obeyed.

"On the 8th day of October, following the trouble which has been referred to at Water Valley, a bill was filed in the northern district of Mississippi, at Oxford, of a tenor similar to that filed in the southern district. A restraining order was promptly obtained and served by deputy marshals at water Valley and other points in northern Mississippi.

"On October 13, 1911, warrants were sworn out by the authorities of the United States against J. M. McDaniels and four others, charging them with violating section 247 of the United States Criminal Code, as well as the act of Congress approved July 2, 1890. These men were arrested and put under

bond. They, together with 18 others, were subsequently indicted by the grand jury at Jackson, but in view of the fact that contempt proceedings were instituted against these same persons at a later date for violating the injunction the indictments were not pressed.

"On November 3, 1911, a United States deputy marshal filed an affidavit in the Federal court against Jimmie Thompson, charging him with having assaulted one Tim McKnight, an employee of the railroad company, in violation of the injunction. In the same affidavit complaint was made against J. R. Burkitt, Otis Green, Leo Nagle, Worth McKnight, D. T. Verlander, J. D. Dunn, U. S. Prosser, Will Watkins, Luther Odkin, Thomas McCarley, and L. H. Brown, charging them with having made an assault upon one Britain Mayes, a clerk in the employ of the master mechanic at McComb. Charges were also preferred in the same affidavit against John Hurst, William Glennon, Joe Sanchey, Ed. Montgomery, and F. W. Walters, charging them with violations of the injunction. Citations were issued against all these parties upon the filing of the complaint."

There are others of the same nature, which I will not read unless you desire.

Chairman WALSH. On the same point?

Mr. MARKHAM. The same point. [Reading:]

"Many of these cases were never brought to trial——

Chairman WALSH (interrupting). Were there any convictions at that place?

Mr. MARKHAM. I think so; yes. [Reading:]

"On November 8 another petition was filed asking for citation for contempt against John Tardy and one Permenter. This affidavit was made by United States deputy marshal.

"On November 14 a petition was filed against Ed. Montgomery based on the affidavit of one J. L. Hester. On November 15 the judge of the court tried Montgomery on this charge. He was sentenced to pay a fine of $100 and to be imprisoned for 90 days in the jail of Hinds County, Miss.

"On January 20 a complaint was made against one Claire B. Smith for an assault upon J. L. Cowen. On the same date complaint was made against Smith Cotton and Joe Bogle for assault upon two men by the name of McInnis. On January 20 another petition was filed against Joe Cotton, Joe Sanchez, and 10 others, this affidavit being filed by United States deputy marshal. Under this last affidavit, on January 31, 1912, Smith Cotton, Joe Cotton, and Joe Sanchez were tried in the Federal court, found guilty, and each sentenced to paya a fine of $100 and imprisonment for four months in the jail of Hinds County, Miss.

"On January 29 a petition for contempt was filed at Jackson against John Coker and four others, charging them with firing into a train, this petition being based upon the affidavit of a United States deputy marshal."

Chairman WALSH. Were the indictments quashed or abandoned on account of the prosecution being under violation of the injunction at that place?

Mr. MARKHAM. Were all of them?

Chairman WALSH. Yes. What I wanted to find out was whether or not any of the indictments were pursued to trial at that particular place.

Mr. MARKHAM. These were, as I understand it.

Chairman WALSH. Are those indictments, or are they violations of the injunctive order?

Mr. MARKHAM. Take the case where complaint was made against Claire B. Smith for an assault upon J. L. Cowen. Complaint was made against Smith Cotton and Joe Bogle for assault upon two men by the name of McInnis. On January 20 another petition was filed against Joe Cotton, Joe Sanchez, and 10 others.

Chairman WALSH. Inasmuch as it is called a petition, it was not clear in my mind. I thought you read a while ago a statement there that there were certain indictments returned and that they were abandoned because prosecutions were had for violation of the injunctive power.

Mr. MARKHAM. Yes. Those were separate indictments for separate offenses, other offenses than violation of the injunction.

Chairman WALSH. I did not clearly understand the terms down there, whether these petitions were complaints or what.

Mr. MARKHAM. Is Judge Fletcher here?

Judge FLETCHER. They were retired from the files; those indictments were retired to the files, having the same effect as a nolle-pros, because these same men for the same acts were proceeded against by information in the nature of contempt proceedings. Therefore, to avoid any kind of duplication, those indictments were retired.

Mr. MANKHAM (reading): "Many of these cases were never brought to trial, for the reason that conditions rapidly improved at McComb, and it was considered by the authorities that, since violence had ceased and the operation of the railroad become normal, no good would result from pressing these charges."

I may say in that connection that the company entertained the same opinion. [Continues reading:]

"In nearly every case, however, as will be observed, the complaint was not made by employees of the railroad, but by officers of the Federal court. All the contempt proceedings above referred to were for violation of the injunction issued in the southern district of Mississippi at Jackson. In the northern district, by virtue of the injunction granted at Oxford on December 28, 1911, a petition was filed against Johnny Dalton, charging him with assault upon one George Evans. On February 10 a petition was filed against one John H. Hawkins, charging him with circulating an inflammatory circular or paper in violation of the court's injunction. On February 10, 1912, contempt proceedings were instituted against Earl White and Will Cooper charging them with assault upon one John Jones. On February 10, 1912, proceedings were begun against one W. C. Blunt charging him with making an assault upon an employee named Emerich. On February 10 proceedings were instituted against Richard Harris charging him with making an assault upon one F. W. Snyder. On February 14 similar proceedings were filed against DeWitt MacMillan and Alfred Walker charging them with making an assault on one H. K. Martin. On February 26 proceedings were instituted against Louis C. Barber, the editor of a local paper published at Water Valley, charging him with having violated the court's injunction by certain publications in the North Mississippi Herald. Hearings were had on some of these applications, and MacMillan and Walker were found guilty and sentenced each to four months' imprisonment in the county jail. The editor, Barber, was held under a $500 bond for his appearance at the next term of the court. Harris was bound over under a $500 peace bond. Cooper escaped and was never arrested.

This brief review covers all the court proceedings had in Mississippi. No suit was filed at Vicksburg, but the Alabama & Vicksburg Railroad, threatened with a strike at that point, did file a suit against the Brotherhood of Railway Clerks, but this suit was dismissed, some adjustment of the difficulty having been arrived at.

"If the commission is doubtful as to the necessity of ordering out troops at McComb and Water Valley and of the necessity for securing the protection of the injunctive power of the Federal court, an examination of the acts of the governor and the legislature in the State of Mississippi during this period would convince them that no steps were taken either by the railroad or by the local authorities which were not fully warranted by conditions. I have shown that the troops were ordered out by the governor only after a very serious riot at McComb and an equally serious riot at Water Valley.

"On October 9, 1911, at the request of the governor of Mississippi, Hon. E. F. Noel, I visited Jackson, Miss., and there held a conference at which were present the governor, the mayor of the city of Jackson, United States Senator John Sharp Williams, and a number of officials and representatives of the local unions at Jackson. The situation was fully discussed, and at the end of the conference Senator Williams, who apparently appeared at the conference at the request of the striking railroad men, made a sensible and patriotic speech to those assembled in the governor's office, advising against any violence or lawlessness of any kind and particularly deploring the action of certain ill-advised men in destroying railway records—a practice which had prevailed to a considerable extent at Memphis and New Orleans.

"On October 10, 1911, the governor of Mississippi addressed a letter to the sheriff of Yalobusha County, in which county Water Valley is situated, wherein this language occurs:

"'A peace that means no workmen in the railroad shops except such as may be agreeable to the strikers would be no peace at all. The law should be applied to each individual strike breaker or nonunion man and to each individual striker so that each man would be held responsible, through legal methods, for his own misdemeanors or crimes, and unlawful assemblages and riots and such gatherings should be dispersed and quelled. It was lawlessness and an absolute want of law that led people in the past to shoot men—white, black, or red—because of their color or calling, without reference to whether or not the particular individual had offended against the laws and without giving him a trial. The same characterization applies to the same transactions now. If you and

the local authorities are unable to single out the criminals among the strikers or strike breakers and to prevent unlawful gatherings and to protect every man who has not violated the law in his liberty and in his property, then the powers of government, so far as your county or city is concerned, is impaired or lost in one of its most essential particulars, and the State is due the citizens whose lives or property are imperiled to aid in the enforcement of law. If the State is unable to do it, then the Federal Government is required to do it upon the call of the State. The railroad has a right to employ men to fill vacancies in place of those who refuse to work, and the men they employ are entitled to protection, except when they violate law, and to a trial before the courts, and not to mob violence, even when they do offend against the law. There ought to be no trouble about enforcing the law against a man who is a stranger and has no voice nor influence in the courts other than such as the justice of his cause would give him, and neither he nor especially others not connected with him nor his acts should be subjected to mob violence. When such condition prevails it is the duty of the State and the Federal Government to come to the aid of the local government and see that life and property is made secure, regardless of whether the men affected be classed a "gentleman" or a "scab." In either event he is entitled to a trial for his own acts and not to be subjected to mob violence for his own acts, especially not for those of others with whom he is not concerned.

"'I sincerely hope that the troubles in your community will be soon adjusted, and I would be glad to do anything in my power toward effecting an amicable adjustment. It seems, however, that both the railroad men and the strikers are determined never to come together on the federation proposition, and that fact might as well be recognized, the railroads regarding it as practical confiscation of property and a surrender of control of it by the owners and the officers, and therefore they say it is not a subject for arbitration nor for any further discussion, and those who insist upon it will probably have to seek other employment than from railroads holding these views, and this fact may as well be recognized now.

"'Yours, very truly,

E. F. NOEL.'

"On October 19, 1911, the governor of Mississippi by his proclamation convened the legislature in extraordinary session. Among other reasons mentioned by the governor for convening the legislature at this time was 'the payment of the services and other expenses incurred in ordering out the National Guard at the request of local officials to assist these local officials against lawless acts beyond local control.' I quote further from the proclamation:

"'Before the National Guard were ordered out hundreds of shots had been fired in riots at McComb city and at Water Valley. The guardsmen have others depending on their earnings, to whose urgent needs the State should give immediate response, for these men are but meeting the obligation resting upon each good citizen to do his share to protect life, property, and the peaceful pursuit of a livelihood guaranteed to every person, high or low, within our State borders. But for the prompt and effective action of the National Guard much blood might have been shed; and probably one of our leading railroads, with all of the agricultural, industrial, commercial, and domestic necessities dependent on its prompt transportation would have been for an indefinite time suspended, to great public and private loss, suffering, and inconvenience.'

"At this legislative session there was an appropriation of $48,000 to defray the extraordinary expenses of the National Guard.

"On November 8, 1911, the Mississippi house of representatives, in replying to a protest which had been lodged with that body against the conduct of Col. Baker, commander of the troops at McComb, passed a resolution denouncing this protest. This resolution was in the following language:

"'The report of an alleged advisory committee, representing the striking element at McComb city, read in the house yesterday, is an unwarrantable reflection upon the dignity of the State of Mississippi, a slander upon the chief executive of the State in his efforts to preserve order and uphold the law of the State against violence, and uncalled-for slur at the patriotic soldiers of the State who are serving in obedience to the orders of the duly constituted authorities, and is of such a nature as should not be perpetuated upon the journal of the house except to be condemned: Therefore be it

"'*Resolved*, That the alleged report be expunged from the journal and proceedings of the house with the regret of the house that such statements were allowed to be read herein.'

"On January 4, 1912, the mayor of McComb addressed the following letter to the governor of the State:

"'In view of the intolerable conditions here, which seem to be growing worse instead of better, and in view of the complete failure of all civil powers to keep the peace, including the United States circuit court, I would request that martial law be temporarily invoked to the end that the few characters who are terrorizing the community may be brought to summary justice and the streets cleared and business be permitted to be conducted without fear of life and property.

"'On Sunday night three men arrived on train No. 8 from the neighborhood of Wesson, Miss. They were severely beaten up, and one escaped by walking to Summit and taking the train for home.

"'This was repeated last night when one John N. Walker, a citizen of Arkansas, arrived, looking for work, a so-called "picket" offered to conduct him to a boarding house, induced him to follow him to a secluded place where he was set upon and nearly beaten to death. About the same time the houses of two citizens who are in the employ of the Illinois Central Railroad Co. were fired into and the whole community thrown into a panic.

"'The so-called "pickets" congregate on the street corners and block the sidewalks, frequently forcing the people to get off the walk in order to go about their business. They show no more respect to ladies than to men, and never lose an opportunity to insult anyone who is not known to be open enemies of the railroad company.

"'I have endeavored in every way to do my duty, but the municipal board is against me, four members of the board being strikers. The United States marshals admit that they are helpless, for some reason not stated.

"'I therefore appeal to your excellency to take drastic measures and convince my people once and for all that there is law in the land.

"'Very respectfully,

"'*Mayor of the City of McComb Miss.*

"In response to this request the governor did, on January 9, establish a modified form of martial law at McComb.

"There was a change of administration in January, 1912, Gov. Noel having been succeeded as governor by the Hon. Earl Brewer, and a complete change occurring in the personnel of the legislature.

"Shortly after the assassination of the negro employees of this company as they were going from McComb to Summit, as has been shown, the Mississippi Legislature passed an act, approved January 20, 1912, appropriating $2,000 as an emergency fund to be used by the governor in the enforcement of law and the suppression of crime in Pike County, Miss. At this same session of the legislature, liberal sums were appropriated for the extraordinary expenses of the National Guard while being kept on duty at McComb and Water Valley.

"In that connection two different governors and State legislatures appropriated $200,000 for maintaining militia during the strike.

"One of the most significant utterances of this legislative session was the report of a committee appointed by the legislature to investigate the situation at these two points and report whether the troops could safely be withdrawn. The mittee visited both points, and on aJnuary 21, 1912, made a report, which is in the following language:

"'That we left there in a body and went to McComb city on the 13th day of January, 1912, and after examining some 25 witnesses, composed of strikers, prominent in the different crafts at said place, and business men, professional men, officers—both civil and military—and some of the railroad officials, and after holding an all-day secret session, sitting as a grand jury, we found the condition of affairs were such at said McComb city that we, as a committee, do not think it advisable to remove all the troops from said place. After examining all those witnesses, none told us that it would be better to remove said troops, but many, on the other hand, advised us that it would be better to let them remain there.

"'On the 18th of January, 1912, said committee arrived at Water Valley and conducted the same kind of investigation at that place as at McComb city, having examined some 25 witnesses, and after so doing, the committee thought it best not to recommend the removal of all the troops from said place. We, your committee, would, however, recommend to the executive authorities, which we

can only do, to remove all the troops at McComb city except 50 soldiers and 3 officers, and 10 soldiers and 1 officer at Water Valley, and, as the civil authorities gain better control of said places, to reduce this number.

"'Respectfully submitted.

"'H. F. BROWNE,
"'*Chairman Senate Committee.*
"'T. I. DOOLITTLE,
"'*Chairman House Committee.*'

"Shortly thereafter, however, conditions having greatly improved, the troops were withdrawn by the governor after he had taken the precaution to ascertain positively that normal conditions were rapidly being restored, and that the property of the company would be safe in the absence of the State troops.

"Serious as were all these occurrences in the State of Mississippi, the situation would have been much more serious had it not been for the prompt, hearty, and active cooperation of the two governors in that State and of the law-abiding people living along the line of the railroad, who were at all times in sympathy with the company's policy and who lent their moral support to every effort made by the chief executives and the officers of the law to suppress violence and give the company the best protection that lay in their power. Certainly the authorities of the State of Mississippi are to be congratulated upon the firm stand which they took in favor of law, order, and the protection of life and property. I lodge no complaint whatever against the State of Mississippi, either its people or its officers. Indeed, I acknowledge my debt of gratitude to the State for the splendid support which it gave and which enabled the railroad company to continue its business without having a single train annulled and which ended all interference with the business of the company within six months from the time this strike was declared.

"In the State of Kentucky our principal trouble was at Central City and Fulton. The disorder at Central City, which is a mining town, reached its climax on October 3, 1911. At that time a number of shots were fired into railroad cars and buildings at that point and an attack made upon employees which was similar to those made at other points. On the night of October 2, a crowd of perhaps 200 people assembled about the McDowell Hotel in Central City, in which hotel there were a number of employees brought in to take the places of strikers. The crowd was boisterous and threatening. When the crowd was dispersed by a police officer, it almost immediately reassembled, and threats and menaces were made against employees and officers of the company. On the night of October 3, there was an angry mob of people in Central City, who made a number of threats against the employees of the company and who refused to permit the porter of a passenger train to cut his engine loose from the train and take it to the roundhouse. On the same night a number of shots were fired into camp cars, where the employees of the company were temporarily boarding.

"By reason of these and other acts of violence and the inability of the local authorities to control the situation a suit was brought in the United States Circuit Court for the Western District of Kentucky asking for an injunction. This suit was filed on October 4, 1911, and an injunction issued on October 5. A supplemental bill extending the scope of the original bill was filed on October 21, 1911. This suit was filed at Owensboro, in the western district of Kentucky. Quite a number of contempt proceedings were begun after the issuance and service of the injunction, but in view of the fact that conditions rapidly improved in Kentucky, it was not thought desirable to bring these cases to a trial, and they still stand, as I am informed, upon the docket of the Federal court undisposed of. It is not likely that they will ever be brought to trial unless there should be some outbreak, which nobody at this time anticipates.

"I may mention for the information of the commission the names of Will Thornton, James Carr, William Fogle, Joseph Stewart, Biscuit Mitchell, and Glover Thompson, who were cited for contempt in violating the court's injunction. These citations were issued October 24, 1911, and were returnable at Owensboro.

"There was some disorder at Princeton, Paducah, and Louisville, but I hardly think it necessary to mention these minor disturbances in detail.

"At Fulton, Ky., however, a somewhat more serious situation developed. Picket lines were closely drawn at that point, and on October 26 two carmen were injured by being shot with buckshot fired by some unknown persons. The employees were in an office adjoining the commissary when this occurred.

thereupon the sheriff of the county, the judge of the county court, and the county attorney petitioned the governor of Kentucky for troops, and in accordance with this request a company of soldiers was sent to Fulton. These soldiers remained on duty until about January 2, when it was considered that the situation had sufficiently cleared up to permit their withdrawal.

"Coming now to the State of Tennessee. There were two principal points of interest—Jackson and Memphis.

"Our troubles at Memphis began on the 26th of September, after the strike of the clerks and the sympathetic strike of the shopmen. Some trouble was had with our passenger trains, Nos. 4 and 104, on September 26. On September 27 two of our employees, when leaving the freight house, were attacked, one watchman being beaten, and persons who were carrying provisions to employees in the freight house were driven away. Picket lines had been established by the strikers just across the street from the Calhoun Street station and in close proximity to the freight house. On the same day there came to our knowledge the fact that our records had been carried away and either hidden or destroyed, so that the proper handling of freight was practically impossible. Cards were being torn off cars and exchanged, so that there was for a time a most annoying confusion as to the origin and destination of freight. Laborers not particularly involved in this strike were molested and found it impossible to go through the picket lines around the company's property. We were not able to open one of our freight houses on September 27. Stones were thrown at and windows broken in sleeping cars which had been taken to Memphis for the use of employees. On October 12 there was an attack made upon the Nonconnah yard office, several volleys being fired during the night. On October 13 two striking car repairers were arrested near the company's property and found armed with loaded revolvers.

"These are some of the cases of violence occurring at Memphis, and are fairly representative.

"The situation in Memphis being thus quite a serious one, on September 27 both the Illinois Central and the Yazoo & Mississippi Valley Railroad Cos. filed suits in the United States District Court for the Western District of Tennessee against the clerks, asking for an injunction restraining further violence and interference with the company's business and property. This injunction was granted and served on a large number of defendants and given general circulation on September 27. Later a trial was had upon the issues presented by the bill for injunction. Affidavits were offered in support of the bill and in opposition thereto. Full proof was taken, and Judge McCall, holding the court, issued a temporary injunction holding that the company had supported by its proof the charge of lawlessness and interference with the business of the company.

"Upon the hearing of this case the company filed about 75 affidavits in support of the allegations of the bill. These affidavits cover instances of all sorts of interference with the business of the company, such as assaults upon employees, destruction of waybills, changing of cards on the cars, threats, intimidations, and so forth. The affidavits are from persons who were subjected to these assaults or who witnessed them. I have before me a memorandum showing in detail the names of the persons making these affidavits and the character of violence which the affidavit covers. This is at the disposal of the commission and will be read into the record if desired.

"At the conclusion of the hearing Judge McCall, as has been stated, issued the injunction as prayed for, and in doing so used this language:

"'The answer makes a technical denial of all the general charges of wrongdoing that are made in the bill, and also a technical denial of practically all the specific acts of wrongdoing, and that makes the issues of fact which the court must determine.

"'Judge Gibson, in his Suits in Chancery, section 832, note 16, says:

"'"On a struggle between the bill and the answer the victory depends on the fullness, frankness, and savor of truth manifested in one rather than the other. A literal, formal, technical denial of the charges, especially if made seriatim, lacks the flavor of that earnest candor which is an essential of truth.

"'"The answer must do more than deny the facts of the bill in the manner and form as alleged. The substance of the charge must be met and traversed."

"'I do not think the answer meets the requirements of the rule laid down by Judge Gibson, especially in reference to the charge of the destruction of the dray checks and shipping instructions. These clerks had the dray checks and shipping instructions on freight consigned for shipment on that date in their possession when they quit work. They should have been there immediately

afterwards, or there should have been averment in the answer that they left them upon the desks and in the proper places. Not only so, but to have been entirely full and frank, the answer should have not only denied that they did not destroy them as the agents of the companies but that they did not destroy them in any capacity, nor did they mislay or conceal them. For if they were only mislaid or concealed the subsequent confusion of business would have been just as acute for the time being as if they had been destroyed.

"'It is necessary to say that the complainants filed a large number of affidavits tending to support the allegations of the bill, while, upon the other hand, the defendants filed a large number of affidavits tending to support their denial of wrongdoing as alleged against them.

"'The same weakness pointed out in reference to the answer appears in the affidavits filed by the defendants, and this includes the answer, in so far as it may be considered as affidavits of those whose names appear thereto.

"'It would extend this opinion far beyond reasonable proportions to attempt to analyze all the affidavits that have been filed; but, in a general way, the court must state its conclusion after a due consideration of all the testimony offered.

"'I am of the opinion that the answer and the affidavits in support thereof fairly meet some of the charges made in the bill, yet there are other charges made therein which I believe the greater weight of the evidence, as set forth in the affidavits filed by both complainants and defendants, is with the complainants. And these charges, so established, in so far as they can be established by ex parte affidavits, are sufficient not only to authorize the court but to make it its positive duty to grant the preliminary injunction.'

"At Memphis the following contempt proceedings were had, all of these being instituted in the Federal court:

"On October 16, 1911, a complaint was made against one M. J. Scott for having assaulted the acting chief clerk at the local freight office. This attachment was issued and served, but the case apparently never came to trial.

"On October 17, 1911, a complaint was lodged against John N. Hastings for an assault upon a clerk in the office of the general freight agent, but temporarily employed in the local freight office. The proof was clear as to Hastings's guilt and he was sentenced to 10 days in jail, but on account of his youth the jail sentence was held up upon payment of costs.

"On October 26, 1911, a complaint was made against Nicholas E. Brangan for an assault upon the chief yard clerk. The attachment was issued but was never served, as Brangan fled from the State.

"On October 28 a complaint was made against J. E. McCracken for making an assault upon a man employed in the shops. The attachment issued but McCracken fled the State and was never served.

"On October 28, complaint was made against A. E. Gaskins and S. C. White, for an assault upon a clerk named Tirelli. White was fined $100, which fine was suspended by the court until some further order. The court felt, however, that Gaskins had not been shown to be guilty beyond the reasonable doubt which the law required and he was therefore discharged.

"On November 6, complaint was filed against C. W. Rowe for an assault upon a clerk. Rowe was found guilty and sentenced to 90 days in jail, but was released after having served 47 days, the railroad company concurring in a request that this be done.

"On November 24, complaint was made against Joseph Humphrey, W. H. Hall, and George J. Cissel for making an attack upon a clerk. Upon the trial, Cissel was acquitted, but Humphrey and Hall were convicted and sentenced to four months in jail. They actually served not more than three weeks, however, being released after that time on their good behavior.

"On December 8 a complaint was made against C. H. Martyn for threatening and intimidating employees. Martyn was sentenced to three months in jail and fined $100, but the sentence was suspended during good behavior and upon the condition that he would report to the mashal every week.

"On December 8, 1911, complaint was made against Herman Simonson for making an attack upon an employee named Marcrum. Simonson was found guilty and sentenced to pay a fine of $100 and three months in jail, but sentence was suspended during good behavior and upon the condition that he report weekly to the marshal.

"On December 22, 1911, a complaint was filed against John Pelegrin for making an assault upon employees. The testimony, however, showed that Pelegrin was not present when the alleged assault occurred and he was therefore dismissed.

"At Jackson, Tenn., there was some interference with the business of the company, particularly taking the form of threats against freight truckers. The injunction granted by the Federal court was not resisted at Jackson by the defendants. Perhaps the most serious occurrence at that point was the firing into the shop yard on October 6, 1911, at which time about 30 shots were discharged. On the afternoon of October 7 one of the striking clerks, a man named Alred, was found dead in the cemetery adjacent to the shop. A revolver was found upon his person and a belt filled with cartridges. It was evident that he was accidently shot by persons who were firing on the shops.

"In Louisiana the interference with the business of the company was confined almost entirely to the city of New Orleans and its suburbs. On the 26th of September, one of the clerks, who chose not to strike, was badly beaten by a crowd assembled about the premises of the company. On the 27th 2 traveling auditors and 2 clerks were assaulted on Canal Street. On the 5th of October, while 13 shopmen were being moved from one point in the city to another, the car in which they were riding was attacked by a mob and the movement prevented. A number of rocks were thrown, resulting in cuts and bruises of a minor character. On the same day, October 5, 8 employees, guarded by United States marshals, were fired upon by a mob at the fruit wharf, one employee being shot in the stomach and one of the marshals being wounded slightly in the hand. On October 8 an attempt was made to fire a hay shed at Poydras yard, but the fire was discovered by a watchman and extinguished.

"On November 1, Mr. Walter P. Allen, a member of Gov. Colquitt, of Texas, party, was assaulted at the Union Depot at New Orleans, evidently being mistaken for an employee. On November 7, a timekeeper, Mr. B. V. Muller, was assaulted at the corner of Howard and Dryades Streets. On November 10, a clerk, one H. N. Shaw, was assaulted by four men.

"At New Orleans the same tactics were pursued in regard to destroying records, changing the cards on cars, and mixing up freight in the yards as we confronted at Memphis. We were also greatly annoyed at New Orleans by the cutting of air hose on cars. While this trouble was not peculiar to New Orleans, this form of vandalism having occurred at Central City, Ky., and elsewhere, yet it was carried to a greater extent at New Orleans than any other place on the line. Thus, on the 6th of October, several cars were found on the terminal with the air hose cut. On October 25, 17 cars were found in this condition; on November 15, 15 cars were thus injured; on November 19, 9 cars; and on November 20, 12 cars were found with the air hose cut. On November 30, 26 cars were thus disabled. On November 17, 5 cars were injured in this way. On January 12, 25 cars were found with the air hose cut. These are only instances of the method adopted to cause the company loss and embarrassment.

"On September 26 a suit was filed in the United States Circuit Court for the Eastern District of Louisiana, in which the striking clerks were made parties defendant, seeking to enjoin the defendants named from interfering with the business of the company and from resorting to violence or unlawful means of any kind. A writ of injunction was issued and served upon quite a number of persons, and thereafter there were some prosecutions for violation of the injunction.

"On September 27 Fred Engelbrecht, Fred Keese, and James Wakefield were arrested, charged with having interfered with a laborer by the name of Blanks. These men escaped on the first trial, on the ground that they were simply calling on Blanks for the purpose of using persuasion to induce him to quit work. A few days later, however, Engelbrecht, with two other men, was found lying in wait for Blanks, apparently in order to attack him on his return home. The men were again arrested and at the end of the trial Engelbrecht was found guilty by Judge Foster of the Federal court and sentenced to 10 days in jail.

"Shortly thereafter one James Ware and other men assaulted two employees of the company on a street car at the corner of Canal and Baronne Streets. Ware was convicted of this assault and sentenced to 10 days in the county jail. On October 6, one William J. Mason was arrested for leading a mob in an attack upon the employees of the railroad company, lodged temporarily in Peters School. Mason pleaded guilty and was sentenced to serve a 90-day jail term. In imposing this sentence, Judge Foster stated that Mason was guilty of a serious crime in having started a riot, but that, in view of the illness of his mother, he would not inflict more severe punishment.

"On October 7 Max Russel and Arthur Lentz, two strikers, assaulted a clerk named Johnson, throwing bricks and other missiles at him. They were tried by the judge of the Federal court and sentenced to 10 days in the parish prison.

"On October 7 one Hill Nugent, a striker, was arrested for striking an employee of the company named Moran. Upon the testimony of a police officer and of Moran, Judge Foster found Nugent guilty and sentenced him to 10 days in jail. On October 8 a striker named John Lapouble was sentenced by Judge Foster to a jail term of 10 days for throwing rocks at employees returning from the Sturvestant Docks.

"On October 9 one Frank Grotsch was found uncoupling an engine from the coach at Stuyvesant Docks, and a 60-day jail sentence was imposed by the judge of the Federal court. On October 14 three strikers, Bernard Bowen, Lawrence Newman, and Charles Lockeridge, made a most brutal assault upon J. E. W. Thomas and his wife, both of whom were clerical employees of the railroad company. Mrs. Thomas was knocked down by these men. The persons making the assault were arrested and sentenced each to serve 4 months in the county jail by the judge of the Federal court. On the same day, one John Coons was arrested while tearing cards off cars, and given 30 days in jail by Judge Foster of the Federal court. On October 17 one Arthur Johnson was arrested for making an assault upon clerks and was punished by being sentenced to jail for 30 days. On November 21 Henry Johnson and Albert Williams were each fined $25 for turning an angle cock, this punishment being imposed by the judge of the Federal court.

"On December 13 one Dan Daly was sentenced to serve 60 days in the county jail by Judge Foster for making an assault upon an employee by the name of Kentnell. On December 17 one Paul Souvie was arrested, convicted, and sentenced to the county jail for 6 months for cutting air hose.

"I have thus attempted to review as briefly and yet as comprehensively as possible the principal events in this strike, which, as has been stated, lasted for a period of 5 or 6 months. I have endeavored to state, in accordance with the committee's request, the number of men who went out, the steps that were taken by the company and by the civil authorities to protect the property and to permit the operation of the railroad, have mentioned all the cases filed in court upon which injunctions were obtained and all the contempt proceedings, so far as my information extends.

"I have not attempted to mention all the minor occurrences, since a history of these less important events would perhaps burden the record unduly and tax the patience of the commission. If there are any particular incidents which have been called to the attention of the commission and to which I have not referred, about which the commission desires further information, I hold myself in readiness to supply it, either personally or through the medium of other officers of the company.

"My own opinion is that there has rarely, if ever, occurred in the United States a strike of this magnitude in which there were fewer fatalities than this. As my narrative indicates, the only employees of this company who were killed were the negro laborers who were waylaid and assassinated on the way from McComb to Summit, Miss. Of course, a number of employees at various times received injuries of a more or less serious nature, but apparently none were fatal except those mentioned. It is my opinion that none of the strikers or their sympathizers were at any time seriously injured either by our employees, by the soldiers, the deputy marshals, or the private watchmen of this company. While our business for a time was badly interfered with, particularly by reason of the destruction and concealment of records at Memphis and New Orleans and the changing of cards upon cars, yet, upon the whole, as I look back upon the matter I feel that we emerged from the strike with as little loss as could have been expected. Our trains were in some cases delayed. All the trains were actually operated and the traffic was moved, though, as stated, there was some delay.

"By the middle of March, 1912, the strike was over, so far as it affected the business of the company. Since that time we have had scarcely any trouble, although there has been now and then an outbreak of trifling consequence, which we simply ignored. Perhaps 1,500 striking shopmen have returned to work, and our shop force is now and has been for two years or more in excellent condition, well organized, and thoroughly efficient. The most cordial relations now exist with all our employees and there is no trace of inharmony or friction of any kind. A very large number of our present shop force are natives of the States in which the shops are located. They seem to be entirely satisfied with their wages and conditions of employment. Of course, I am not able to give information as to the present location and occupation of the men who left our service and did not return. Many of them, doubtless, have entered the service

of other railroads, and some of them have sought employment in other locations.

"I have not the slightest doubt that our success in handling this strike and our ability to operate our railroad during the acute period were largely due to the fact that public sentiment generally was overwhelmingly in our favor. As indicated in an earlier part of this statement, we had the support of the substantial and influential newspapers at almost every point on our line. Commercial organizations in many cities indicated their sympathy with our position. An effort was made by one Congressman to have a congressional investigation of this strike, but the resolutions to this effect did not emerge from the committee to which it was referred. A similar effort made by a member of the Illinois Legislature was promptly tabled. While some of the local authorities were slow to assert themselves in defense of the company's property at the beginning of the strike, I attribute the feeling of indifference to a failure to understand the causes of the trouble. As soon as the attitude of the company became generally known this feeling of indifference or sympathy with the striking men rapidly disappeared, and thereafter the local authorities cooperated with the Federal authorities in enforcing the law.

"As indicative of the attitude of the clergy, I will read into the record a statement made on October 7 by the Most Rev. James J. Keane, archbishop of Dubupue, in an interview which he gave out, as published in the Waterloo Times.

"'It is unfortunate that men who have local interest allow the irresponsible to secure control. They do that by neglecting to attend meetings and to elect the conservative and careful to office,' said Most Rev. James J. Keane, archbishop of Dubuque, in an interview last night at the home of Rev. Father J. J. Hanley, when asked his opinion on the strike of the Illinois Central Railway shopmen.

"'I am exceedingly sorry that the men have been persuaded to go out,' he continued, 'as I know from a very thorough canvass of the situation through the West, where the matter is being agitated, that the vast majority of them were not in favor of it. Not only do the men neglect to elect to office the conservative and careful, but by their inattention to the interests of the unions they permit the radical element to advocate and strive for the introduction of impractical principles which are unjust to vested interests of unionism.

"'Some of the matters at issue in the present strike are radical, so radical, indeed, that it is difficult to see how the railroad company can yield without capitulating. They demand, as an instance, the time of service and not merit must determine whether a man is to be promoted or not; secondly, that a man's personal record should not at all influence those who are to employ him; and, thirdly, that the entire body should be made to suffer in order to promote the presumed interests of a particular craft.

"'I believe in unionism; I believe that men have a perfect right to unite to protect their interests, just as capital combines to promote its interests. Men have a perfect right to a wage which will be sufficient to support their families in comparative comfort and to make some provision, provided they be economical and industrious, for the morrow. But the good which unionism serves to promote can not possibly justify the introduction into the practical conduct of unionism of principles which are unjust. I fear that some of the principles with which they are contending are such, and I believe that the superior minded, upon deliberation, will have the courage to repudiate what is wrong and to abandon a contention for what is not just. I expect that within a short time a goodly number of men who have local interests will have the courage to return to work.'

"I may add that the engineers, firemen, conductors, brakemen, and all men engaged in the operation of the trains were loyal to the interests of the company throughout the trouble, and we have no cause to complain of their conduct.

"As I look back upon the matter, calmly and dispassionately, I remain of the opinion that the company made no mistake in declining to meet the officers of the so-called federation. In fact, no other course was open to us, unless we were prepared absolutely to surrender the management of the property to a small band of ambitious leaders. While the strike was, of course, a disagreeable experience and an expensive one, I do not feel that any other course could have been adopted, consistent with the permanent welfare of the property. It is a matter for congratulation that the employees of the company at all times preserved their equilibrium, and that we went through the ordeal with the minimum of violence and with the maximum of patience and forbearance. If the men who quit the service have suffered loss, and if their families have undergone privations, I, of course, regret the fact, but I do not feel that any responsibility rests upon the management. The action of the men was taken without provocation,

and this company disclaims any responsibility for hardships to which the men may have been subjected.

"I invite the fullest investigation of every phase of this affair, and shall be glad to reply to any questions which the commission may see proper to propound."

Chairman WALSH. I want to call off the list of these organizations and ask you with which you had contracts or working arrangements prior to the strike of 1911.

Brotherhood of Railway Carmen?

Mr. MARKHAM. Yes.

Chairman WALSH. Brotherhood of Blacksmiths?

Mr. MARKHAM. Yes.

Chairman WALSH. The Brotherhood of Boilermakers and Iron Shipbuilders?

Mr. MARKHAM. Yes.

Chairman WALSH. International Association of Machinists?

Mr. MARKHAM. Yes.

Chairman WALSH. Amalgamated Sheet Metal Workers?

Mr. MARKHAM. Yes.

Chairman WALSH. Association of Steamfitters?

Mr. MARKHAM. Yes.

Chairman WALSH. Painters, Decorators, and Paper Hangers?

Mr. MARKHAM. Yes.

Chairman WALSH. Federal Labor Unions?

Mr. MARKHAM. No.

Chairman WALSH. Brotherhood of Railway Clerks?

Mr. MARKHAM. No.

Chairman WALSH. What had been your experience with those crafts with which you dealt, as to harmonious and satisfactory relations?

Mr. MARKHAM. So satisfactory that we have not had a grievance with them for years, sir.

Chairman WALSH. You had been in perfect harmony?

Mr. MARKHAM. Usually. There were the usual negotiations.

Chairman WALSH. What, if any, points of difference existed between your company and these crafts prior to the formation of the Illinois System Federation?

Mr. MARKHAM. None that we had any notice of.

Chairman WALSH. Had any question arisen as to the matter of seniority rights of shop employees?

Mr. MARKHAM. No; most emphatically, no.

Chairman WALSH. I am asking you a number of questions that have been submitted, assuming you are going away this evening. So I am rather putting it in advance——

Mr. MARKHAM (interrupting). Yes.

Chairman WALSH. And many of them have have been requested by the gentlemen who are attending this——

Mr. MARKHAM (interrupting). Yes. I am sure I appreciate it very much, your allowing me to testify to-day.

Chairman WALSH. How frequently were conferences held with these various crafts?

Mr. MARKHAM. I have not any information with me as to the number of conferences; but the contracts were at various dates. I think 1909 and 1910 most of the seven contracts that you refer to date back to, and, as is usual with such contracts, there were meetings at various times to consider different questions arising with respect to the construction of the contracts.

Chairman WALSH. Was each craft dealt with separately?

Mr. MARKHAM. Yes, sir.

Chairman WALSH. How much time would you say, upon the whole, would these conferences consume?

Mr. MARKHAM. Oh, I could not even hazard a guess.

Chairman WALSH. Could you approximate it——

Mr. MARKHAM (interrupting). No.

Chairman WALSH. Was it a matter of days or weeks or——

Mr. MARKHAM (interrupting). No.

Chairman WALSH. Or months?

Mr. MARKHAM. No.

Chairman WALSH. It is impossible for you to approximate it?

Mr. MARKHAM. Yes, sir.

Chairman WALSH. Did your company at any time prior to the formation of the Illinois Central System Federation ever organize a committee composed of committees from the various crafts for the purpose of waiting upon the governor of Illinois and urging an increase in freight rates?

Mr. MARKHAM. Not to my knowledge. It may have been done, but I have no knowledge of it.

Chairman WALSH. Was such committee ever organized by the company, or at the request or desire of the company, and sent to Gov. Deneen for the purpose of urging him to use his influence in favor of an increase in rates?

Mr. MARKHAM. I do not know of any such committee having been organized, but I would see no objection to it. I should think the men would have the same interests in the company securing an increased compensation, in order that their compensation might be increased; I would see no objection to that. It seems to me it would be in perfect harmony with the relations existing between the company and its employees.

Chairman WALSH. Did the company pay for the time of and give transportation to men composing such a committee?

Mr. MARKHAM. I answered that question by stating that I did not know that such a committee was appointed; but if there was such a committee, I think that would be proper.

Chairman WALSH. You can not answer the question more definitely?

Mr. MARKHAM. You would have to give me some dates, and we would have to look back.

Chairman WALSH. Would it be specific enough to say that it was during the administration of Gov. Deneen, or the legislature which was in session during his incumbency?

Mr. MARKHAM. For this investigation I would be willing to admit that the company did ask its employees to cooperate with it in endeavoring to get increased rates from the State.

Chairman WALSH. When did you first learn of the movement on the part of the shop crafts on the Illinois Central to organize into a system federation?

Mr. MARKHAM. In May or June of 1911—in the summer of 1911.

Chairman WALSH. Did you hear of a convention held May 1, 1911, at Memphis, Tenn., where the shop crafts on the Illinois Central organized a system federation?

Mr. MARKHAM. I do not remember the date, but I know such a convention was held.

Chairman WALSH. Some time prior to that?

Mr. MARKHAM. Yes.

Chairman WALSH. Did you know of a letter being sent to Mr. Bell, superintendent of motive power for your company, Mr. Foley, former superintendent of motive power, and other officials, under date of June 20, 1911, in which the so-called federated committee, composed of three members of each of the crafts, asked for a conference?

Mr. MARKHAM. I think I read a letter of June 9 to Mr. Foley of the same tenor.

Chairman WALSH. Was any reply sent to the representatives of the men?

Mr. MARKHAM. I think so.

Chairman WALSH. Have you that reply in the record here?

Mr. MARKHAM. Not in the record here.

Chairman WALSH. Will you kindly have that submitted, please?

Mr. MARKHAM. Yes.

(See Markham Exhibit No. 1 at end of this subject.)

Mr. MARKHAM. I might say, Mr. Chairman, however, that we were very consistent in our declining to meet the officers of the federation from the beginning, and there would be nothing different in Mr. Foley's declining to meet them, from the letter I finally wrote them some time in August.

Chairman WALSH. Do you know whether or not the Illinois Central System Federation renewed its request for a conference in a letter sent by the president of the association to Mr. Foley on July 12?

Mr. MARKHAM. I did not catch that question.

Chairman WALSH. Do you know whether or not the Illinois Central System Federation renewed its request for a conference in a letter sent by the president of the association to Mr. Foley on July 12?

Mr. MARKHAM. It is my understanding that there was never any meeting with the officers of the federation as such; that whatever meetings we had were with officers of organizations with which we had contracts, and we de-

clined from the beginning to give any force to the so-called recognition of the System Federation by holding meetings with its officers.

Chairman WALSH. Were you advised of the fact that Mr. Foley had met with the individuals who were the officers of the System Federation on July 21, or about that time?

Mr. MARKHAM. I do not remember.

Chairman WALSH. Was any objection made in letters from the company's officials, between July 10 and July 13, or in the conference held on July 21, that the crafts composing the federation had not given 30 days' notice that they wished a change in their contract?

Mr. MARKHAM. I have no knowledge of any such meeting, and therefore I can not answer the question. I speak for the company in all these matters, and if there was any slip in the method of handling this question by the officers of the company, it was something afterwards disavowed, and if Mr. Foley or any other officer of the company met the so-called officers of this System Federation, and that is now being urged by the proponents of the System Federation as an indication that the company, to that extent, recognized this federation, I want to say as president of the company that I want to disavow any such action, as was done in my final letter to the federation.

Chairman WALSH. The company attempted to maintain a consistent attitude as to the right of the men to have a federated system?

Mr. MARKHAM. Yes.

Chairman WALSH. What officials of the company gave their personal attention to the controversy with the shop employees and to the meeting of problems that arose before and during the strike?

Mr. MARKHAM. The superintendent in charge of each division—the general superintendents—three in number, and the general manager.

Chairman WALSH. Give the names of the general manager and of these superintendents.

Mr. MARKHAM. At that time Mr. Morris was superintendent of the Y. M. V., Mr. Clift of the lines south of the Ohio River, and Mr. Baxter was superintendent of the northern lines; Mr. Foley was assistant general manager and Mr. Park vice president and general manager, in charge of operation; Mr. Bell was superintendent of motive power; and they, under my direction, gave most of the attention to the strike.

Chairman WALSH. Did the same people give attention during the strike also?

Mr. MARKHAM. Yes; each, of course, assisted by his staff of train masters and master mechanics and the like; but we looked to those men.

Chairman WALSH. What conferences were held by the officials of the company with the board of directors or the executive committee in regard to the strike?

Mr. MARKHAM. There were no conferences.

Chairman WALSH. How was the policy of the company determined in regard to the federation during the strike?

Mr. MARKHAM. It was determined by the management in Chicago, of which I am the executive head, reporting, of course, to the board of directors, as in all other matters.

Chairman WALSH. How frequently did you make reports to the board of directors?

Mr. MARKHAM. Before the strike?

Chairman WALSH. Yes; first, before the strike.

Mr. MARKHAM. I suppose probably it was referred to, as long as it was a live question, in our weekly letter.

Chairman WALSH. Did you have a weekly letter in your general custom?

Mr. MARKHAM. Yes; as to general conditions on the line; it was very brief.

Chairman WALSH. And during the strike?

Mr. MARKHAM. Whenever there was occasion to refer to it.

Chairman WALSH. Did you have many reports to make to the executive committee?

Mr. MARKHAM. Not in any detail, merely expressions as to the conduct of the strike, how it was getting along, and its probable life—but merely speculative as to the life of the strike.

Chairman WALSH. Was the Illinois Central Railroad Co. at that time affiliated in any way, either directly or indirectly, with the so-called Harriman lines?

Mr. MARKHAM. It never has been.

Chairman WALSH. Did officials of your company hold conferences or exchange correspondence with Mr. Kruttschnitt, of the Harriman lines, regarding a policy to be pursued toward the newly organized federations?

Mr. MARKHAM. No.

Chairman WALSH. Did you or other officers——

Mr. MARKHAM (interrupting). One moment, in answer to that question. There may have been an exchange of correspondence with Mr. Kruttschnitt or with officers of the so-called Harriman lines. Mr. Kruttschnitt was in charge of operation and the ranking officer of the Southern Pacific and Union Pacific, and a man I would naturally discuss any questions of common interest with. There was a large matter of common interest involved in this strike, the only difference being that we had a larger number of organizations to deal with than they had; and there was probably some exchange of views as to how the matters were being handled and how we were getting along, and a discussion between Mr. Kruttschnitt and myself on different matters, but I have no personal recollection of it. I am willing to admit, however, there was.

Chairman WALSH. Will you please ascertain whether or not there was correspondence between Mr. Kruttschnitt and yourself with reference to the general policy of dealing with this organization and submit it to the commission?

Mr. MARKHAM. Yes; but I want to emphasize this point: That this matter was handled by myself and without reference to what the officials of any other company may or may not have thought of our policies.

(See Markham Exhibit No. 1.)

Chairman WALSH. Did you have any conference with Mr. Kruttschnitt yourself?

Mr. MARKHAM. No.

Chairman WALSH. Did any of the other officials that you know of have any conferences with them?

Mr. MARKHAM. No.

Chairman WALSH. Did you have a formal or informal meeting with the heads of any other railroads with reference to the policy to be pursued toward this organization?

Mr. MARKHAM. No.

Chairman WALSH. Do you know whether or not shop crafts on other lines have dealt with the railroad companies as federations?

Mr. MARKHAM. I believe there are some instances; yes.

Chairman WALSH. What roads?

Mr. MARKHAM. Well, I might mention the Southern Railway as one I have in mind; I do not recall now any other—perhaps the Rock Island, and later on some lines not strong financially that could not stand out and probably had to make some arrangements.

Chairman WALSH. Any other?

Mr. MARKHAM. May have been some others, but I do not recall them now.

Chairman WALSH. It might be interesting at this time, in a general way, and as concisely as possible, to state what the effect has been on those roads, good or bad, and whether or not the fears expressed in your statement were borne out by the situation on those roads.

Mr. MARKHAM. Why, I have not any knowledge of the condition on these roads. I might add an expression of opinion on the subject, that if those fears have not been realized it is because the organization has not grown strong enough.

Chairman WALSH. Had your company taken steps to introduce piecework, bonus system, or other systems of what is properly called scientific shop management into its shops prior to the formation of the federation?

Mr. MARKHAM. No.

Chairman WALSH. What were the wages paid to members of the various crafts involved in the controversy prior to the strike?

Mr. MARKHAM. I can not call them offhand; there was a basis of wages common to all the other roads in this territory at that time.

Chairman WALSH. Was a questionnaire submitted to you by the staff, asking you to give those wages?

Mr. MARKHAM. At this time?

Chairman WALSH. Yes.

Mr. MARKHAM. No; I don't believe I quite caught that.

Chairman WALSH. Was there a request made upon you to have submitted to the commission these wages I have asked for?

Mr. MARKHAM. Not that I can recall. It can be obtained; there is no objection to furnishing it. You mean the wages in effect at the time the strike was called?

Chairman WALSH. Yes.

Mr. MARKHAM. Yes.

(See Markham Exhibit No. 1.)

Chairman WALSH. What were the hours of labor for these crafts?

Mr. MARKHAM. The usual hours obtaining on other railroads in this country; I think the 9-hour day was the basis.

Chairman WALSH. Did you ever consider a proposal to submit the points at issue to arbitration?

Mr. MARKHAM. No such proposal was ever made to us from any authoritative source.

Chairman WALSH. That would include, of course—what do you mean by authoritative source?

Mr. MARKHAM. I mean it never came from the officers of the organization on strike.

Chairman WALSH. Was any proposition of arbitration ever made by the federation that was sought to be had?

Mr. MARKHAM. No.

Chairman WALSH. Did the System Federation, or any other agency, at any time endeavor to secure the services of the State or Federal labor bureaus, the National Civic Federation, or other bodies as arbitrators to settle the strike?

Mr. MARKHAM. I think they did in one or two instances. I think I recall some letter from some State official in Illinois containing suggestions that something of the kind be done, but it was not followed up in any way; it was not from any authoritative source, and it was answered in the usual way by giving our present understanding of the status of the strike.

Chairman WALSH. Did your company adopt any policy, or did it take any attitude toward those attempted negotiations?

Mr. MARKHAM. Mr. Chairman, it never got to the point where it became necessary for us to do that. If you want to ask me what my attitude would have been if that question came up, it would be different, but that question never came to us from any authoritative source, and it was a question we never had to answer except in the abstract in dealing with it as a theoretical question.

Chairman WALSH. Perhaps you stated this in your statement, but it was so connected that I did not get it exactly clear in my mind, Were steps taken, by the employment of watchmen, to protect the company's property as soon as the strike was ordered, or was it after there was some showing made that the company's property was imperiled?

Mr. MARKHAM. It was coincident with the calling of the strike. We immediately began to employ watchmen to protect the property of the company.

Chairman WALSH. To what extent? I wish you would give us an idea. Were they employed?

Mr. MARKHAM. You mean as to numbers?

Chairman WALSH. Yes.

Mr. MARKHAM. I suppose at one time we had over a thousand watchmen at different points on the lines. Take a situation like at New Orleans, with all the ramifications of the railroad yards, 150 or 200 men scattered around to protect the property would not be too large a number.

Chairman WALSH. I would like you to explain approximately how many were put on, first, as soon as the strike was ordered?

Mr. MARKHAM. I can not answer that approximately; I only know that during the first month of the strike—October—we had a maximum at one time of about 1,200 watchmen, and then it was rapidly reduced every week, or almost every day after that.

Chairman WALSH. At the beginning of the strike, could you give us an idea of how many you had?

Mr. MARKHAM. Not the slightest.

Chairman WALSH. I assume that the 1,200 were had during the time that the disturbance was the most acute?

Mr. MARKHAM. Yes.

Chairman WALSH. And while the trouble was going on that you have been reading about?

Mr. MARKHAM. Yes.

Chairman WALSH. In whose charge were these men?

Mr. MARKHAM. Mr. Kelliher.

Chairman WALSH. Who was he?

Mr. MARKHAM. The man in charge of our department that looks after all those things.

Chairman WALSH. What is his title?

Mr. MARKHAM. Chief special agent.

Chairman WALSH. Chief special agent?

Mr. MARKHAM. Yes.

Chairman WALSH. From whence were these men obtained?

Mr. MARKHAM. From everywhere. Mr. Kelliher was formerly in the West, connected with the Union Pacic out in Wyoming; he was a peace officer in that section, and through his acquaintance in that section he got a good many men from there. The men used in St. Louis and Carbondale came largely from the West. The men employed in the South, New Orleans, came from that district.

Chairman WALSH. Did any come from any organized agencies—detective agencies?

Mr. MARKHAM. No; I think not.

Chairman WALSH. What instructions were given to the chief special agent of your company with reference to handling these men, and arming them, if they were so armed?

Mr. MARKHAM. His instructions were to do everything he possibly could to avoid the loss of life.

Chairman WALSH. Were instructions given to him in writing?

Mr. MARKHAM. No; we were in constant communication, and there was no necessity for doing that.

Chairman WALSH. When were the instructions given; during the ordinary course of business?

Mr. MARKHAM. Yes; by his immediate superior officer, handling the matter through him.

Chairman WALSH. Where were the arms obtained?

Mr. MARKHAM. What arms?

Chairman WALSH. I assumed, perhaps, without having the fact in mind, that these men were armed?

Mr. MARKHAM. If we found it necessary to buy shotguns for men in some of the outlying districts around New Orleans we would go to some hardware store and buy them; I don't know just where.

Chairman WALSH. Were these guards armed with weapons generally?

Mr. MARKHAM. No.

Chairman WALSH. They were not armed?

Mr. MARKHAM. No; but where a man was in a little outlying cabin, for the purpose of guarding property from destruction or fire, or where other persons may have been endangered, because of the isolated nature of the place, they were probably furnished with shotguns, or something of the kind.

Chairman WALSH. Who had power to do that?

Mr. MARKHAM. Mr. Kelliher.

Chairman WALSH. Entirely?

Mr. MARKHAM. Or the general superintendent in charge at the time.

Chairman WALSH. Have you a record in your office showing the amount and nature of the firearms furnished?

Mr. MARKHAM. We can get it.

Chairman WALSH. Will you do so, and furnish it to the commission?

Mr. MARKHAM. Yes.

(See Markham Exhibit No. 2.)

Chairman WALSH. Did the board of directors or the executive committee have meetings to consider the strike situation?

Mr. MARKHAM. Not for that special purpose; no. Judge Fletcher, are you making a note of these things?

Judge FLETCHER. Yes.

Chairman WALSH. Were Mr. Kelliher's men on a special pay roll at all times?

Mr. MARKHAM. I am not sure about that; I think he had his own pay roll.

Chairman WALSH. Will you please ascertain and submit the pay roll to the commission?

Mr. MARKHAM. Yes.

(See Markham Exhibit No. 1.)

Chairman WALSH. Now, my question was, did the board of directors or executive committee have meetings to consider the strike situation?

Mr. MARKHAM. Not for that special purpose.

Chairman WALSH. Was there any meeting or meetings of the board of directors or executive committee at which the strike situation was discussed?

Mr. MARKHAM. No; only such meetings as I was present at, and would make the usual references to the conduct of the strike and to the progress of it.

Chairman WALSH. Was any stenographic record kept of the reports you made to the executive committee?

Mr. MARKHAM. No.

Chairman WALSH. What steps were taken to obtain machinists and other shopworkers to take the places of the men on strike? Give the entire modus operandi.

Mr. MARKHAM. We made the usual arrangements, Mr. Chairman, with the employment agencies throughout the country, making the usual basis for payment for securing the men.

Chairman WALSH. Please give what that is.

Mr. MARKHAM. I can not. I can only say that when a strike occurs on a railroad the first thing you have to do is to get men; there are certain employment agencies throughout the country that make it a business to secure men, and the usual plan, if it happens to be, say, for instance, in Cincinnati, is to go to them, and they advertise for men to be employed under certain conditions to go to certain places, and those men are required to sign an application for employment setting forth the conditions of their employment, and the fact that they may be called upon to take the places of strikers, and the usual plan is to pay the labor agency, in some cases, so much a day for the men in charge for the running of the office, and in other cases a certain sum is paid for each man furnished by the labor agencies.

Chairman WALSH. Which plan was followed in this case?

Mr. MARKHAM. Both.

Chairman WALSH. How many agencies did you have of that sort?

Mr. MARKHAM. Half a dozen at least.

Chairman WALSH. What were the names of the companies with which you dealt?

Mr. MARKHAM. I can not call them off; one was the Pinkerton Agency, for example; another was the Hannon. I can not give you the names of those agencies; however, I can get them for you.

(See Markham Exhibit Nos. 1 and 2.)

Chairman WALSH. Give all you can think of now.

Mr. MARKHAM. I can only recall those two.

Chairman WALSH. What officers of the Pinkerton Agency did you deal with?

Mr. MARKHAM. I did not deal with them at all; it was dealt with by our general manager in Chicago. I think Mr. Foley handled that; the assistant general manager.

Chairman WALSH. Do you recall the names of any other of those agencies?

Mr. MARKHAM. No. Mr. Chairman, I want to make it just as easy as I can for the commission in getting detailed information. We took advantage of all of these agencies, wherever they were in the country, and got the men wherever we could, and we paid sometimes more and sometimes less for the service. It was a question of getting the men, regardless of what it cost; we did not consider that. It was to get the men; that was the first consideration.

Chairman WALSH. Did you use the O'Brien Agency?

Mr. MARKHAM. I do not recall.

Chairman WALSH. Did you use the Turner Agency?

Mr. MARKHAM. I do not recall.

Chairman WALSH. You will submit the names of those?

Mr. MARKHAM. Yes.

(See Markham Exhibits Nos. 1 and 2.)

Chairman WALSH. Now, what official of your company made application direct to the agency to furnish the men?

Mr. MARKHAM. I presume Mr. Foley, the assistant general manager, did it; it was under his jurisdiction.

Chairman WALSH. What proportion of the membership of the crafts unions affected left your employ—what percentage of the men?

Mr. MARKHAM. Pretty close to 100 per cent, sir; I do not think there were very many left. You must remember that a large number that went out were

influenced very largely by the instructions the men gave them. They did not think it was a real thing. They were not prepared to go out. They did not go out with the understanding that they were going on a prolonged strike. They were told as a general thing that it would be just on for a time, and then the men would go back to work. For instance, at Water Valley, shortly after the strike was called, a wife of one striker was overheard talking to another woman, telling that her husband said it would be over in a short time and the company would be after them to come back to work, but that it did not look like the men were going to be called back, but that they would be going and asking the company to take them back. I just recite that as illustrating the fact that they didn't understand what they were going into. They didn't know a strike was being called. They had not been given any opportunity to vote on a real strike. The strike went on on the 25th of September—the 20th of September—while the strike vote was to be returned on October 10; just a mad scramble. No one knew what they were doing.

Chairman WALSH. At this point we will take a recess until 2 o'clock. Kindly return at that time, Mr. Markham.

(At 12.30, April 7, 1915, a recess was taken until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

Chairman WALSH. We may proceed now, Mr. Markham.

Prior to the strike, did the company recognise the Brotherhood of Railway Clerks?

Mr. MARKHAM. No.

Chairman WALSH. Why not; for any other reason except that which you have given—that they were so intimately connected with the officials?

Mr. MARKHAM. That was the principal reason.

Chairman WALSH. Were there any other reasons?

Mr. MARKHAM. I have tried to give in my statement, Mr. Walsh, all of the reasons that governed us in that respect; and I would be glad to read again from the statement.

Chairman WALSH. No. As I look back over it that is all I recollect, and, of course, the commission is gathering a good deal by the oral testimony, as you notice.

Mr. MARKHAM. Yes.

Chairman WALSH. And I just wanted to freshen up on it a little. Was there any other reason?

Mr. MARKHAM. No; the principal reason was the confidential relations that existed between the clerks and the officers and management of the railway.

Chairman WALSH. Is it a fact that the payments of wages to railway clerks have not increased in proportion as have the wages, for instance, of railway conductors and enginemen for the past couple of decades?

Mr. MARKHAM. I think that is true.

Chairman WALSH. It has been submitted here that it is a common thing for clerks, as they grow older, to be reduced in position and in compensation until, when they approach old age, they are, in many instances, unable to make a living.

Mr. MARKHAM. I know of no such condition obtaining on the Illinois Central.

Chairman WALSH. Would you give the rate of pay—what you might call the typical rates of pay of clerks?

Mr. MARKHAM. I could not give it from memory. I could give it from our record, sir.

Chairman WALSH. Is it a fact that the payment of compensation to rate clerks, for instance—those are rather high-class clerks—and revising clerks——

Mr. MARKHAM. Yes; those are high-class men.

Chairman WALSH. Is it a fact that the rate of pay of rate clerks has constantly fallen during the last 20 years——

Mr. MARKHAM (interrupting). No; on the contrary, I should say, they have risen during that time.

Chairman WALSH. What does a rate clerk get now?

Mr. MARKHAM. I do not know.

Chairman WALSH. What did he get 20 years ago?

Mr. MARKHAM. I don't know. I am dealing only with general terms. My impression is, from discussions had with officers of the company about the difficulty of obtaining good men for rate clerks, that wages have risen. I can get the information for you, however, if you desire it.

Chairman WALSH. I wish you would, please, on that particular class of clerks.

Mr. MARKHAM. How long a range?

Chairman WALSH. Well, I would like to get it, Mr. Markham—pick us out, for instance, the clerks that joined the association—for instance, did the yard clerks and did the bill clerks join it?

Mr. MARKHAM. Probably all the clerks in the employ of the company at certain stations in the South.

Chairman WALSH. Well, take the bill clerks, the yard clerks in the local departments, and then take those that have existed in some departments for quite a length of time, like journal clerks, ledger clerks, revising clerks, extension clerks—enough so that we can get a typical situation from which we can make deductions so that we may ascertain whether the tendency has been upward or downward.

Mr. MARKHAM. You want that over what range, say?

Chairman WALSH. Say, pick out a period extending back over 20 years—what it is to-day, and 5 years ago, and in periods of 5 years.

Mr. MARKHAM. Very well, I will do that.

(See Markham Exhibit No. 1.)

Chairman WALSH. Were the general office clerks, as a rule, in this case in this organization?

Mr. MARKHAM. I don't know of any general office clerks being in this particular organization, but I understand they are eligible, however.

Chairman WALSH. What are the clerks that are in the local office—bill clerks and yard clerks and check clerks and what else?

Mr. MARKHAM. Why, in the local offices there are the clerks employed in the making of waybills, making of expense bills, and making of the various entries covering the receipts and forwarding of cars, and all that sort of thing.

Chairman WALSH. Of course, these others I have spoken of—the revising clerks, rate clerks, etc., are general office clerks?

Mr. MARKHAM. No; not necessarily. Those are clerks employed at the more important stations. At a one-man station he may do all the work—revise the waybills, and make his own expense bills, and take care of his own cashbook, and make all the entries of his station; but at a station that is larger it may require different men for each branch of the work.

Chairman WALSH. Will you please indicate again—you probably have in your statement, but I did not catch it—what was the first violence in this strike—the first act of violence?

Mr. MARKHAM. The first prominent act, I should say, was the interference with our operations at McComb, Miss.; and Water Valley; that is, after the principal strike was called. We had acts of violence at Mounds when the incipient strike of the 25th was called, and at various places. There were so many of them and they covered such a vast, large scope of territory that it would be impossible for me to segregate the particular thing, or any particular time.

Chairman WALSH. Or the first one?

Mr. MARKHAM. Or the first one.

Chairman WALSH. You mentioned something about newspaper comment. What steps, if any, did the company take in regard to publicity? Did it have an organized department to get out publicity?

Mr. MARKHAM. Why, it had a department that I undertook to run personally, sir; and following very closely upon the calling of the strike we prepared this pamphlet [indicating] giving the facts about the strike, dated October 12, 1911. Now, this pamphlet was circulated all along our line of road, and the principal statements contained in it were printed in all of the prominent papers, beginning at Chicago and ending at New Orleans.

Chairman WALSH. Was any payment made to the newspapers?

Mr. MARKHAM. Oh, decidedly, at regular advertising rates; used pages; and we went to a very considerable extent to get all the facts about the strike before the people, and we were willing to pay for it.

Chairman WALSH. And those same papers that made the editorial comment you have mentioned?

Mr. MARKHAM. I will say absolutely no. We made no connection between the advertising end and the editorial end——

Chairman WALSH (interrupting). No; but they were some of these papers?

Mr. MARKHAM. These papers probably; but I can not say. I can not even

now name the papers we made arrangements with, but just our papers all along the line.

Chairman WALSH. What was the total amount of expense incurred by the company in regard to newspapers, during the strike, in paying for advertisements?

Mr. MARKHAM. I don't know.

Chairman WALSH. Could you approximate it?

Mr. MARKHAM. No, sir.

Chairman WALSH. Give any idea whatsoever?

Mr. MARKHAM. No. I could by reference——

Chairman WALSH. Will you please give us that?

Mr. MARKHAM. I will be very glad to.

(Witness subsequently furnished the amount as $3,196.65. See Markham Exhibit No. 1.)

Chairman WALSH. You say you handled that for the company yourself?

Mr. MARKHAM. Yes; that is, I handled the preparation of the matter and then directed that arrangements be made with the various newspapers to print it for us.

Chairman WALSH. Did the strike require the assignment of additional attorneys?

Mr. MARKHAM. I think not. We may have, in some cases where we were asking for injunctions—we may have secured the services of additional attorneys, but I don't recall now that there were any such cases.

Chairman WALSH. Were there requests made by any of the following organizations upon your company, asking you to arbitrate the differences between yourselves and the employees: The Cotton Exchange of New Orleans, the Commercial Club of Memphis, the Federal Department of Labor, or the National Civic Federation?

Mr. MARKHAM. It was suggested by a member of the National Civic Federation that the good offices of the members of that federation might be offered to the Harriman lines and the Illinois Central with a view of bringing about an arbitration. I had a conversation with Mr. Low in New York.

Chairman WALSH. Mr. Seth Low?

Mr. MARKHAM. Yes; and I think I succeeded in convincing him that more harm than good would come from any attempt to settle the matter in that way. I think I convinced him that quite a large principle was involved that had to be disposed of, and that anything that you might call outside interference would result in more harm than good.

Chairman WALSH. Was any request made by the Cotton Exchange of New Orleans?

Mr. MARKHAM. I do not recall that. Just a moment, there was an informal request from a man who was at that time president of the exchange. On one of my trips to New Orleans he came to see me, saying that if he could do anything to bring about a settlement of this trouble, which was of interest to the people of New Orleans, he would be glad to do it, and I think I convinced him that more trouble and harm would come from any outside interference of that kind than good.

Chairman WALSH. How about the Commercial Club of Memphis?

Mr. MARKHAM. I do not recall about that.

Chairman WALSH. Did the governor of Mississippi try to do anything in that respect?

Mr. MARKHAM. Gov. Brewer of Mississippi did take considerable interest in the matter at one time, but the question as to whether we would agree to arbitrate this question was never put to us by he governor. He had a conference in his office with a number of the leaders of the organization, but nothing came of it. There was some question on their part as to whether they would confer, and the question was dropped.

Chairman WALSH. Was there anything from the Department of Labor at Washington?

Mr. MARKHAM. Not until some six or eight months ago, when two representatives of the Department of Labor came to see me to discuss the question of the strike, and more particularly to discuss the question of permitting the return to our employ of a large number of men who were still out. They were told—I said to them what I have said repeatedly to every commercial organization or to anyone who attempted to take an interest in the situation of these men, that we had no grievance against the men who went out on this strike, but followed

an unusual practice in dealing with them. We never had closed the doors to the men that went out, but left the door open, unless they had been engaged in actual acts of violence or destruction of property. The fact that a man went out on strike did not disqualify him for future employment by our company unless, as I say, he might have engaged in some act of violence or destruction of property; and that situation exists to-day. I said to the men at that time that if they made application for employment we would give them the preference unless they had been guilty of some act of violence or destruction of property.

Chairman WALSH. What arrangements did the company make for housing those men brought in to take the places of the men on strike?

Mr. MARKHAM. We built commissaries, stockades around the different shop plants, and put up building to take care of them, and fed them and arranged for their sleeping.

Chairman WALSH. When were the stockades built with reference to the calling of the strike?

Mr. MARKHAM. Some time afterwards.

Chairman WALSH. How long afterwards?

Mr. MARKHAM. A matter of 10 days after the beginning of the strike, and some 5 days at McComb, where the strike condition was bad—on the fourth or fifth day.

Chairman WALSH. Was anything done to inquire into the character of the men so employed?

Mr. MARKHAM. No, sir; we had to operate the road and had to take such men as we could get.

Chairman WALSH. You mentioned the commissary; what was the commissary?

Mr. MARKHAM. A place to feed the men.

Chairman WALSH. Please describe how it was operated.

Mr. MARKHAM. We had a regular organization; we put men in charge to look after it just as you would a small hotel; to provide sleeping quarters and to provide arrangements for the men eating, and that sort of thing. In some cases we made provision for the sale of tobacco to them, and overalls, and such things as that that the men would need that could not go to town for them.

Chairman WALSH. How was a charge made to the men?

Mr. MARKHAM. To start with, we furnished them with these facilities in addition to their regular pay.

Chairman WALSH. For how long?

Mr. MARKHAM. The last of the commissaries was closed out in 5 months, and some in 60 and 90 days.

Chairman WALSH. As to the wages paid to the men who were brought in, how did they compare with the wages paid theretofore?

Mr. MARKHAM. Exactly the same wages.

Chairman WALSH. Was there any exchange of employees between the Illinois Central and the Harriman lines during the strike?

Mr. MARKHAM. No.

Chairman WALSH. You understand what I mean?

Mr. MARKHAM. Yes; I understand perfectly.

Chairman WALSH. In cases of prosecution, public prosecutions for alleged infractions of the law, were your attorneys furnished to prosecute the men?

Mr. MARKHAM. I can not answer that question; I do not know of my own knowledge whether they were or not. We did what we could to assist in the prosecution of those engaged in acts of violence or destruction of our property. I do not know whether our attorneys appeared in court in connection with the prosecutions. Of course, our attorneys got up—made the case; they got up the information and made the complaint, and all that sort of thing.

Chairman WALSH. But whether they participated in the trials, you do not know?

Mr. MARKHAM. No; I can not answer that.

Chairman WALSH. Who selected the newspapers through which the advertising was done, this page advertising?

Mr. MARKHAM. I think I did in this general way, that I told them to select, for example, all of the Chicago papers, all of the New Orleans and Louisville papers; I do not think there was any discrimination in the large towns; we took all the papers.

Chairman WALSH. Were there country papers that carried these advertisements also?

Mr. MARKHAM. I think very few papers in the smaller towns; perhaps in Jackson, Tenn., and Jackson, Miss.

Chairman WALSH. Did any of the papers in these localities adopt an editorial policy that was inimical to the company in the strike, or in favor of the strikers?

Mr. MARKHAM. I do not recall any; the general sentiment was very favorable to the company.

Chairman WALSH. Do you recall any paper at all that took the side of the strikers editorially?

Mr. MARKHAM. No; unless it was some paper edited and managed by the strikers; there was one or two of that kind.

Chairman WALSH. Did the officials of the company recognize the fact that there would be a strike in case a conference was refused with the federated committee?

Mr. MARKHAM. We never believed they would go that far. We thought our cause was so just that it would prevail, and when the proper time comes I would like to read into the record circulars that were sent out to our employees dealing with a probable strike on August 24, and again on September 30, when it was called.

Chairman WALSH. Perhaps this might be as good a place to read it in as any.

Mr. MARKHAM (reading):

"CHICAGO, ILL., *August 24, 1911.*

"*To All Employees:*

"This circular is issued for the purpose of acquainting the employees and the public with the demands made upon these companies by the officers of the 'Federation of Railway Employees of the Illinois Central System'"——

This circular was issued some 30 days before the calling of the strike (Reading:)

"in which they claim to be authorized to make a new contract with these companies covering all employees in the mechanical department and with those employed indiscriminately in other departments.

"The fact is ignored that the principal crafts already have contracts with these companies, signed by their authorized representatives, and that these crafts have not given the formal notice, as stipulated therein, that they wish to cancel or change the agreements now in force. The management is observing these contracts in the utmost good faith and expect the employees parties thereto to do likewise. If they desire that they shall be revoked or modified or conference arranged looking to the handling of matters between the company and its employees differently than at present, it must be taken up in the regular manner as has been the practice heretofore.

"Should this management violate the existing contracts by reducing wages or changing working conditions without giving the 30-day notice they would be accused of acting in bad faith, and justly so. The clause in the machinists' agreement reads as follows:

"'These rules shall be in force October 8, 1909, and thereafter: *Provided*, That after 30 days changes may be agreed upon by either party giving 30 days' notice to the other of changes desired for conference.'

"In the contract with the boiler makers and blacksmiths and all the other principal crafts this clause reads as follows:

"'The rules and rates as shown herein to become effective May 1, 1910, and remain in force until May 1, 1911, and thereafter: *Provided*, That after the first year changes may be agreed upon by either party giving 30 days' notice to the other of changes desired for conference.'

"The officials of the so-called federation have not denied the existence of these contracts or the fairness of our position, nor have they gone about this modification or abrogation in the formal and proper way. On the contrary, they have called mass meetings in certain localities which have naturally been attended by those who are in sympathy, and from such source would undoubtedly obtain a majority of those present in favor of forcing the company into a position which must result in great harm to itself and its employees."

You will notice, Mr. Chairman, this circular was issued after this correspondence that has been referred to this morning. [Reading:]

"It is the hope and wish of the management to retain the present relations with its employees and to continue to better their condition. If, however, it is placed in a position where it must violate its contracts, made in good faith with employees constitutionally authorized to make such contracts, or choose the alternative, there is left open only one course.

"The management makes the foregoing explanation through a sense of duty to its employees, the owners of the property, and last, but by no means least, to the shippers and traveling public who are dependent upon the Illinois Central for transportation facilities.

"To indicate the radical demands made and the inconsistency in many respects thereof, it is only necessary to summarize a few of those submitted.

"SUMMARY OF DEMANDS.

"1. Demand that 'not more than eight hours shall constitute a day's work,' except Saturdays, when they shall work seven (7) hours, and be paid for eight (8).

"Nine hours is now the standard working day on the Illinois Central system, except for car men, whose agreement calls for 10 hours. It is also the standard on all railroads.

"2. Demand 'an advance of 5 cents an hour for hourly men' and proportionate advance for monthly men.

"The Illinois Central increased the pay of its shopmen last year, and they now receive as high or higher wages than those of competing roads. The increase demanded varying from 12 per cent to 35 per cent, according to each man's present rate, would amount to more than $2,000,000 per annum.

"3. Demand 'double time after 12 o'clock midnight for daymen, and after 12 o'clock midday for nightmen.'

"Time and one-half is now allowed for overtime, also for Sundays and holidays, with other special allowances, which make Illinois Central rates more liberal than those of most other roads.

"4. Demand that all crafts shall have 'uniform hours for commencing and quitting work,' which shall be the same hours for all.

"This would leave all shops, roundhouses, and terminal yards without a working force for a third of the time, or compel the company to pay time and one-half or double time for work done outside of 'regular' hours. The railroad must run day and night to accommodate the public.

"5. Demand that men 'sent out on the road for any cause shall receive time and one-half from the time called until they return, and not less than $1.50 per day for expenses.'

"Now receive straight time during regular shop-working hours, and time and one-half for overtime hours, with $1.25 a day for expenses. This would compel the company to pay men time and a half while waiting for trains or riding on trains, either day or night.

"6. Demand that 'when reducing expenses in shops and round houses the full force of men will be retained and reductions made in hours until the hours shall have reached 40 hours per week. Any further reductions will be made by shutting down the shops.'

"This prohibits the railroad company from at any time reducing the force, regardless of decreases in business or changes in operating conditions.

"7. Demand that 'all reductions in hours and shutdowns will be universal at all points on the system.'

"This regardless of local increases or decreases in business or any other variation in conditions. Operating in 14 States, business fluctuates to a considerable extent, dependent upon crops and other conditions. The forces of the company must necessarily be arranged accordingly.

"8. Demand that 'applicants for employment shall only be required to give name of position wanted and address of nearest relative.'

"This would prevent the employing foreman or master mechanic from asking an applicant for work as to his ability, character, habits, or experience, or otherwise informing himself relative thereto. This would deprive the company and also its employees of any protection against disreputable and incompetent men getting into the service.

"9. Demand that in filling vacant positions as foreman or gang boss 'seniority to govern.'

"This would compel the company to promote and put in charge of its work and properties the man who, by reason of seniority, is longest in the service, regardless of his ability, age, experience, habits, or capacity for increased responsibility. This method would be contrary to the first principles of efficient and economical management, and the railroad company could not excuse or defend it as efficient management.

"Many other radical demands are made, all tending toward inefficiency of service and increasing cost of operation.

"During the past year the company has increased the pay of its mechanical forces $428,188 per annum."

I want to impress this upon the commission that during the year preceding this demand made upon us we increased in the pay $428,000. [Continues reading:]

"It has increased the pay of its employees in all departments $1,744,350.

"Having in mind the welfare of its employees, the company during the past year has appropriated large sums for the improvement of sanitary conditions at the respective shops and grounds. It has also in other ways provided for the betterment of its employees and expects to continue such policy.

"The managing officials must continue, as heretofore, to pass on all matters relating to the proper and efficient conduct of the property. To put this into the hands of its employees under a federation of many classes would not properly safeguard the interests of its stockholders, the public, or the employees themselves."

That is the circular sent out to the employees.

Chairman WALSH. What is the date of that, please?

Mr. MARKHAM. August 24, 1911.

When the strike was called another circular of about the same import was issued. I will only read a part. I won't read the part that is a duplicate of what I have just read. [Reading:]

"CHICAGO, ILL., *September 30, 1911.*

"*To all employees:*

"This circular is issued for the purpose of acquainting the employees and the public with the causes leading up to a strike of certain classes of employees in our mechanical department.

"For many years we have had contracts with these organizations, made in conferences with their representatives, mutually agreed to and satisfactory in all of their terms. No change in the working conditions or rates of pay have been made except upon the filing of agreed notice of a desire for a conference to make such changes. The representatives and business agents have always been met with courtesy and full consideration has been given to their requests for changes in rates of pay or working conditions. The best evidence of this is that during the past year the company has made increases in the pay of its mechanical forces amounting to $428,188 per annum.

"On June 21, 1911, we received a request from a so-called Illinois Central and Allied Lines Federation for a conference and submitting therewith a proposed agreement, of which the following is a summary.

I give the summary as read in the preceding document. [Continues reading:]

"Upon our refusal to meet the officers of the federation, we were asked to meet and did meet the various officers of the different crafts with which we had agreements. They were advised that we felt compelled to consider the existing contracts in full force and effect until canceled in the manner provided therein, just as they would have insisted on our doing had the conditions been reversed.

"Following the conference, the international officers took the whole matter out of the hands of the officers of the federation and finally decided to resubmit the question of striking to the members of the different crafts. The members were asked to take into consideration the fact that existing contracts had not been abrogated in the manner provided therein, and were given until October 10 to record their votes. It is well known that the international officers of at least some of the crafts supported our position and bitterly opposed violating their contracts by consenting to call a strike on the Illinois Central. The conservatives seem, however, to be in the minority, and the result is one of the most uncalled for walkouts of labor in the history of this country. The shopmen at Memphis and New Orleans quit their work in defiance of the instructions of the same grand officers responsible for calling a general strike.

"The Illinois Central has not sought this controversy and has no quarrel with organized labor as such, but it will use all the resources at its command to retain such control of the management as will enable it to continue the exercise of public functions, for which it was created, and which subsequent events have shown it could not have continued to exercise had the management consented to enter into negotiations with the organization which is primarily responsible for this trouble."

Chairman WALSH. Did the officials of the company confer regarding their policy toward the duly organized federation with the officials of any other railroad company?

Mr. MARKHAM. I do not recall.

Chairman WALSH. Did you have correspondence with them, with the officials of any other railway company?

Mr. MARKHAM. Not that I recall; I wouldn't say.

Chairman WALSH. Did you confer, any of you—yourself, or any of the officials—confer regarding this policy with the General Managers' Association of Western Railroads?

Mr. MARKHAM. Not so far as I have knowledge.

Chairman WALSH. Or with officials of the association?

Mr. MARKHAM. Mr. Chairman, it is a lone fight. We fought the battle alone. We received no help from any source, from the railroads. I am sorry to say that most of them were standing by ready to take up the business that left us because of the trouble we had in handling the business as a result of this strike.

Chairman WALSH. I have been asked to ask you if it is not a fact, Mr. Markham, that at the time this strike was called there were 31 railways that were dealing with the federated unions organized on this plan?

Mr. MARKHAM. I do not know that, sir.

Chairman WALSH. And I was further requested to ask you if it is not a fact that at the present time there are 52 railways that are dealing with the federated unions organized upon this same general plan?

Mr. MARKHAM. I do not know it to be a fact; no, sir. May I add to that, however, if it is a fact, and it keeps on going, they will be sorry they have ever done it. That is a thing that we have been trying to avoid throughout this whole contest—was putting the railroads in this country where through the power that would be given the leaders of this organization—power not only over the railroads of the country, but over all of the other industries of the country—that it would be a detriment to the commerce of the country.

Chairman WALSH. Can you estimate approximately the amount that has been expended—that this strike has cost your company?

Mr. MARKHAM. Several millions of dollars. I could not attempt to say how much, because the year following the strike was rather a poor year anyway, and the earnings dropped off.

Chairman WALSH. The direct expense was approximately how much—the hiring of guards, the payment for commissaries, and the erection of stockades, those that might be called local expenses, mentioning nothing of any falling off in the traffic, or anything of that sort?

Mr. MARKHAM. I have never made any figures, and any statement that I would make would only be the wildest kind of guess. I would not undertake to do it; no.

Chairman WALSH. Has the company—is there any official of the company who has figured out the cost of this?

Mr. MARKHAM. No.

Chairman WALSH. Per year?

Mr. MARKHAM. We made up our mind, sir, that it was a question that had to be fought out, regardless of the cost.

Chairman WALSH. I take it, from what you say, that nothing has occurred since, either in the strike itself or in any experience that you have had, that has caused you to change your mind as to the wisdom and desirability of the policy which you read from your paper.

Mr. MARKHAM. I am more strongly confirmed in it than ever, sir.

Chairman WALSH. Commissioner O'Connell has a few questions he would like to ask.

Commissioner O'CONNELL. Has the company dealt with transportation organizations in combination of any kind?

Mr. MARKHAM. We have not been asked to.

Commissioner O'CONNELL. Have not been asked to?

Mr. MARKHAM. No. We are dealing now through the General Managers' Association with the enginemen collectively, the firemen and engineers; but we have not been asked to deal with collective organizations of the train and enginemen. That was the purpose of your question, Mr. O'Connell?

Commissioner O'CONNELL. With the Order of Railway Conductors and Brotherhood of Trainmen at the present time, under a joint agreement?

Mr. MARKHAM. I am not so sure about the practical effect, whether the general manager meets them together or not. I think Mr. Garretson knows and could answer that question better than I can. It is a detail I do not get into. But we have not met the four organizations collectively, have not been asked to, the question has not been raised on our system.

Commissioner O'CONNELL. Or in the past; do you know of meeting the engineers and the firemen?

Mr. MARKHAM. I do not know that we have ever met the engineers and firemen together, sir. They are acting together in this application for wage increase.

Commissioner O'CONNELL. I know they are.

Mr. MARKHAM. But I do not understand they are acting together individually with respect to other agreements with individual roads.

Commissioner O'CONNELL. In the past you do not know of the L. C. having dealt in that manner?

Mr. MARKHAM. I do not know. I do not think we have. We have separate agreements, you understand, with all of these different organizations—the conductors, the trainmen, the enginemen, and the firemen.

Commissioner O'CONNELL. The question is, however, that you have dealt with the engineers and firemen; met them at one time?

Mr. MARKHAM. Met with them?

Commissioner O'CONNELL. And that the same has taken place in the meeting in the order of conductors and the others?

Mr. MARKHAM. I would like to make an explanation. It is not the same condition. To do that there would be a meeting of these other crafts.

Commissioner O'CONNELL. Under the same condition?

Mr. MARKHAM. Under the same condition; no. I tried to make that plain in my paper.

Commissioner O'CONNELL. Just briefly state why. I do not quite catch the reason.

Mr. MARKHAM. Mr. O'Connell, take the organization of machinists, for example; I would not undertake to state who they are. I do not know them. They are represented—the machinists employed in industries other than the railroad industry—and there is not the same community of interest between the machinists' organization—the members of the machinists' organization and other organizations working in the train service. The firemen and the enginemen and the conductors are all working together, and they have a community of interest. You are dealing with questions pertaining to their work, and then you are dealing with questions that are more or less common to the four organizations. But when you are dealing with the organization of machinists and the blacksmiths and all of these organizations, you are dealing with men who have interests outside of the railroad. It is a different question entirely. You never know when you are going to get mixed up in an industrial fight. Just as in the old A. R. U. trouble they had, and the trouble in Ireland, about four years ago, that I referred to in my paper, where there was a strike on some timberwork, and where the men belonged to the same organization—a strike was called on the railroads because they were hauling a product of this plant. We do not think there is a community of interest between the men who are employed on the railroad and the men who are employed in the outside industries. There is not the proper community of interest between the men.

Commissioner O'CONNELL. Isn't there considerable expense in the matter of shopmen having committees, meeting the officials of the company, and taking up these several questions separately, incurring a great expense necessary to bring the men together, that could be avoided if they acted collectively?

Mr. MARKHAM. Yes; but it may cost so much more in other directions. You might save at the spigot and lose at the bunghole in that case. Our contention is that the greater loss and the smaller saving in the expense of committees, of time lost by the workmen or by the railroad company itself, would be so small that it would be infinitesimal when taken into consideration with the greater losses that would follow through the combination of these forces that I have spoken of.

Commissioner O'CONNELL. I take it, from the documents you read into the record, your fear of the combination becoming so strong and powerful was that it would have an influence not in the best interest of society in general?

Mr. MARKHAM. Yes.

Commissioner O'CONNELL. That by the combination they would become extraordinarily strong, as it were?

Mr. MARKHAM. Yes.

Commissioner O'CONNELL. Wouldn't it be rather a strong argument in favor of organization—a combination of that kind—of the men?

Mr. MARKHAM. The trouble with it would be too much power in the hands of too few men, and the question is whether they would exercise it wisely or

not. Power never has been exercised wisely, too much in the hands of any one man or set of men, in the past, and I doubt if it will ever be. It will be just as injurious in the hands of the labor leaders as in the hands of the capitalists.

Commissioner O'CONNELL. So the real cause of your opposition to meeting the men as a combination prior to the time the strike occurred or after was that they had not given what you considered the 30 days' notice in accordance with the agreement of the men, or of this fear of this combination?

Mr. MARKHAM. The real cause was the fear of the combination. And we justified our refusal to these men by putting before them the fact they had not given the 30 days' notice, and demanded that they live up to their contract, just as they expected us to do. If you want me to be frank, the real cause was the fear of putting too much power into the hands of men who would not use it wisely.

Commissioner O'CONNELL. I understood you quoted me in your document that you read—that paper?

Mr. MARKHAM. May I further amplify that by saying, too, Mr. O'Connell, we have always felt that if we had been given the opportunity to sit across the table with the leaders of these different organizations by themselves, with the representatives from the different points on the line, discussing this question of the system federation, that we would have talked them out of it. We wanted that opportunity, and we were not given it. We were entitled to that opportunity.

Commissioner O'CONNELL. Wasn't it the general impression of the men and the leaders of these organizations that they had at least technically given 30 days' notice?

Mr. MARKHAM. It was claimed so; but I did not believe it, nor do I think you believed it at that time. You went on record as not believing it. I don't think Mr. Condon did. I think some of the men I talked to—I am not sure but what one of the gentlemen is here that I met in conference—that I had in conference some 30 days before the strike was called. Those gentlemen did not urge that question on me very strongly, but simply claimed that we were taking advantage of a technicality, and that we knew of it through some other sources. But, I said, "We want you to tell us, in accordance with the contract. Here is a contract, and we want you to live up to it, and we don't want notices given through somebody else. We want it from the men who are acting under that notice. You may come back and repudiate it and say, 'We did not give it to you.'" We were insisting throughout that they live up to their contracts, just the same as they expected us to do.

Commissioner O'CONNELL. Well, this is supposition, of course. But if they had given 30 days' notice, in accordance with the requirements of their contracts, and then had asked to meet your company jointly, that difficulty being cleared away, what would then have been the position of your company?

Mr. MARKHAM. I would then have been still of the same opinion as at that time, that it would have been an unwise thing to have done. I don't think I would have done it; but it is pretty hard to tell.

Commissioner O'CONNELL. So that really the failure to give 30 days' notice was not the cause of the break between you? That would not have avoided it if both sides——

Mr. MARKHAM. Well, I am not so sure about that. It would have depended on conditions at the time. A good many things might have happened between that time and the giving of the notice and the time of the calling of the strike. You must remember that this strike was called before the final vote was taken. The company had no reason to expect a strike would be called at that time. It had a right to believe that the vote would be taken as instructed by the heads of the organizations at the time, and that then, after the vote had been taken, then notice would be served on the company and it would be given opportunity to say what it wanted to do; but it was not given that opportunity, and the strike was just as much of a surprise to the company as it was to a great many of the men.

Commissioner O'CONNELL. In the employment of men to take the places of those who went on the strike, were bonuses or rewards of any kind given or promised?

Mr. MARKHAM. To the individual men?

Commissioner O'CONNELL. Yes.

Mr. MARKHAM. No. They were given some bonuses in the way of free commissary services, as testified a few moments ago; paid the regular wages, and, for a time, were given the free commissary services.

Commissioner O'CONNELL. Were any promises made of rewards if the men would stay a certain time in the employment of the company—say, six months or a year?

Mr. MARKHAM. No, no; absolutely not.

Commissioner O'CONNELL. Were the agents that were employing these men, so far as you know, or have you heard, whether they made promises of any kind to the men that if they stayed in the service a certain length of time they would receive a bonus?

Mr. MARKHAM. Each man was required to sign a contract—an application for employment that set forth the conditions of employment, and whether anything was promised outside of that by the labor-employment agents or other men of course I have no means of knowing.

Commissioner O'CONNELL. Have you a copy of that contract with you?

Mr. MARKHAM. I have; yes, sir.

Commissioner O'CONNELL. Will you just put that in the record?

Mr. MARKHAM. I was looking for it, and will be glad to file it with the commission.

(Witness submitted application blank referred to. It appears at the end of this subject, marked "Markham Exhibit No. 3.")

Commissioner O'CONNELL. This is the point—one of the points—that I have in mind in this contract: It says [reads]: "As a condition to receiving any wages I agree to continue at least 30 days in such employment unless sooner discharged by the company, and no wages are to be payable to me if I voluntarily leave my employment within that period."

Mr. MARKHAM. You see, we were furnishing these men free transportation, paying out a good deal of money for transportation and getting them in New York, for example, and paying, for example, the Pennsylvania or the Erie $18 or $20 apiece to get them to Chicago, and we wanted some assurance and some guaranty that they were going to remain in our employ a certain length of time after we got them. If you please, that may have been a bonus. If it was, it was a necessary one. We were not in a position to choose. We had to fill the places of some 9,000 men, and we had to get them wherever we could.

Commissioner O'CONNELL. This reads further [reading]: "And no wages are to be payable to me if I voluntarily leave my employment within that period."

Mr. MARKHAM. Yes.

Commissioner O'CONNELL. Now, suppose an employee's transportation was only $5 or $10, and he earned $100 in a month. You say you would not——

Mr. MARKHAM (interrupting). Oh, no; we would have treated him fairly, as we always do.

Commissioner O'CONNELL. Under this contract he would not have the right to ask for it?

Mr. MARKHAM. Probably not; but he would have been treated fairly. In many cases we paid the money for the time occupied in coming under contract, and then sent them back to their homes because claims were made that the conditions had been misrepresented to them.

Commissioner O'CONNELL. Were the employment agents instructed to notify those seeking employment that there was a strike on the road?

Mr. MARKHAM. They were. I think you will find that document has that provision in it.

Commissioner O'CONNELL. Has there been published in some of the reports, or the annual reports of the company, the statement, I take it, of yourself to the board of directors, or of the board of directors to the stockholders, quoting, in your annual reports, the cost of the strike?

Mr. MARKHAM. I do not recall of our making any such figure. The increase in expenses and some reductions in earnings were accounted for by reason of the conditions following the strike; but I know of no attempt having been made to determine the exact cost of it.

Commissioner O'CONNELL. Has the strike been adjusted? Is it still on?

Mr. MARKHAM. I believe it is still on. We do not hear of it any more, sir—have not for a long time. If you mean, it has never been called off, Mr. O'Connell, it has never been called off.

Commissioner O'CONNELL. I mean, there has never been any settlement?

Mr. MARKHAM. No.

Commissioner O'CONNELL. Are there not a number of directors on the so-called Harriman lines—the Union Pacific, the Southern Pacific, etc.—who are also directors of the Illinois Central?

Mr. MARKHAM. Why, I think at the time of the strike there were two or three common directors.

Commissioner O'CONNELL. Wasn't it commonly rumored or understood at least that there were personal representatives of Mr. Harriman on the directorate of the Illinois Central?

Mr. MARKHAM. Well, you know, the Union Pacific owns a very large block of stock in the Illinois Central and has a representation on the board. There is no question about that.

Commissioner O'CONNELL. And they are very closely associated, at least in a financial way?

Mr. MARKHAM. No; they have common directors, but there is no relation between the companies, financial or otherwise. The Illinois Central is operated entirely separately from the Union Pacific, and the finances are handled entirely separate. There is no connection at all in their operation, and it conducts its business and handles its finances just as separately as the Union Pacific and the Atchison or the Union Pacific and the North Western or any other line.

Commissioner O'CONNELL. In the handling of the business, I take it, the Illinois Central would, where it was just as convenient, at least, direct or exchange its business with the Harriman lines in preference to some other line?

Mr. MARKHAM. Yes. Yes; surely, but——

Commissioner O'CONNELL. (interrupting). You would send freight over the Harriman lines, preferably to the Santa Fe, to San Francisco?

Mr. MARKHAM. Yes; but the situation is such that it is to its interest to do it. The Illinois Central runs out to Omaha and connects there with the Union Pacific. Handling the business with the Union Pacific gives the Illinois Central the long haul. In the case of the Southern Pacific, at the time that the two lines were operating by the same management, we connected with them at New Orleans and got the long haul by taking the business to New Orleans and delivering it to the Southern Pacific for certain territory. It was to the interest of the Illinois Central to do it; and then, besides, there was this friendly interest that grows out of this relation—out of the ownership of a large block of the Illinois Central stock by the Union Pacific. But that is not reciprocal. It happens to be to the interest of the Union Pacific to deal more favorably with some of the other lines than with the Illinois Central. I am looking at you, Mr. Aishton [smiling].

Commissioner O'CONNELL. I understood you, of course, that you never had any association or conferences or correspondence that you recall with the officials of the Union Pacific or of the Southern Pacific with regard to the causes of the strike on the Harriman lines proper?

Mr. MARKHAM. No; I know very little about them, sir. Our hands were so full, sir, at the time that we did not have time to consider anything but our troubles. We let them take care of their own.

Commissioner O'CONNELL. Were your relations with the shopmen under their contractual relations perfectly harmonious up to the time the strike occurred?

Mr. MARKHAM. I think so.

Commissioner O'CONNELL. (continuing). In times gone by?

Mr. MARKHAM. I think as harmonious as those of any other railroad.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Commissioner GARRETSON. You stated a moment ago, Mr. Markham, that the real underlying reason of the attitude of your company was the fear of placing power in the hands of a few men?

Mr. MARKHAM. Yes, sir.

Commissioner GARRETSON. Is it your opinion that it is more dangerous to place the power of representing the employees of a corporation like your own in the hands of a few men than it is to place the handling of a property in the hands of one or two or three men?

Mr. MARKHAM. Most decidedly.

Commissioner GARRETSON. For what reason?

Mr. MARKHAM. For the reason that you have more power. You can exercise your power in so many different directions. If you please, if I might answer the question fully, I would say that if you were to give me control of all the railways of the United States to-day there would be some limitations on the powers that I could exercise—limits placed on the exercise of powers by law, by

custom, by usage, by everything—the laws of society. But if you place me in the attitude or position of a labor leader with absolute control, so far as any one man can enjoy such control, it would be more dangerous, because I could exercise that power in an entirely different way. I would not be answerable to the same laws, the same regulations, the same conditions, as the man who exercised power as the owner or controller of the property.

Commissioner GARRETSON. Is the man who represents labor of a weaker moral fiber or more of a lawbreaker than the man that represents a corporation?

Mr. MARKHAM. I don't think so as a rule, sir; but he is not answerable to the same tribunals as the other man is.

Commissioner GARRETSON. Whether he is answerable to the same tribunals, is he not answerable to the same moral tribunals?

Mr. MARKHAM. They ought to answer to the same; ought to be no difference.

Commissioner GARRETSON. Well, do they?

Mr. MARKHAM. I am afraid not.

Commissioner GARRETSON. In your opinion, which would suffer the most if they did answer to the same tribunals?

Mr. MARKHAM. That is too purely a hypothetical question for me to try to answer.

Commissioner GARRETSON. You don't mean that the morals are hypothetical? According to the testimony that has been given before this commission by all the representatives of all the great financial groups of the country the average man handling an industrial corporation or transportation corporation is absolutely unhampered by his board of directors. He is absolute. Is there, in your opinion, a greater incentive for a man who stood as the representative of the labor men on a property like this to administer that power less intelligently and less honestly than the other man?

Mr. MARKHAM. That would depend upon the man so much. It would depend upon the various processes by which he reached that particular position which he occupies. There is a great deal of theory in answering that question, too.

Commissioner GARRETSON. It is a little like the porter testified yesterday; it depends on the man?

Mr. MARKHAM. It depends on the man; yes. Now, let's take—since you are discussing that question and we are sitting around a table, as it were—let's take my own case. You know something of my history—of how I came up to the——

Commissioner GARRETSON (interrupting). Yes.

Mr. MARKHAM (continuing). To the Illinois Central. I think you know that I have not forgotten yet how to talk the language of the men still in the ranks. Now, I have the same sympathetic feeling toward the men occupying the subordinate positions that I ever had and the same desire to have pleasant relations. But my attitude toward the men——

Commissioner GARRETSON (interrupting). Well, but are you less honest or more honest than when you shoveled coal on the dock at Tucson?

Mr. MARKHAM. I don't think I have changed much. I think I have kept my principles the same now as then.

Commissioner GARRETSON. Now, if two men started on the same basis from that same point and one traveled up through labor unionism and the other up in the corporation service, what agencies would tend to make one man less dependable?

Mr. MARKHAM. Why, it would depend again on the man. There is no answer to a question like that. It is like the question, Is it a good thing to send a boy to college?

Commissioner GARRETSON. Take your personal illustration of a moment ago. Had you got turned into the other channel, would you have been less dependable as the officer of a labor union than you are as the president of a railway company?

Mr. MARKHAM. I would have been less dependable for the reason that my responsibilities would have been different, perhaps. It depends on whom you hold him responsible to.

Commissioner GARRETSON. Isn't that a hypothetical question, whom you hold them to?

Mr. MARKHAM. Perhaps——

Commissioner GARRETSON (interrupting). Are your responsibilities greater to stockholders than they are to a man who places simply his trusts and interests in your hands?

Mr. MARKHAM. But, my dear sir, our responsibilities are not confined to responsibilities to the stockholder. We serve at least quasi-public institutions when we serve the railroads of this country, and we have a duty to the public and a duty to all the people. Why, on the Illinois Central Railroad, we have fifty or sixty thousand employees. So it is not a fact that we have not just as much interest in those men on a good many considerations as our stockholders, and the owners of the property; and there is the question of service to the public and giving good service to the public. I have the three considerations.

Commissioner GARRETSON. Now, if the control was absolute of all of the men who served the Illinois Central Railway Co. and was vested in one man's hands——

Mr. MARKHAM (interrupting). May I differentiate between the different kinds of men; and so far as the organization of which you yourself are a member, they are run by high-class men, and that as long as they are run by that class of men none of the things will happen that I am afraid of, but I am not so sure of other organizations outside of the railroad service, and it is that I am afraid of and not those that are purely and simply railroad men.

Commissioner GARRETSON. But on the question of this responsibility, if one man had the absolute control of all of the men who served the Illinois Central, the thing you fear, would he owe less to this same clientele?

Mr. MARKHAM. He might not owe less, but he would give less.

Commissioner GARRETSON. Why?

Mr. MARKHAM. I do not know; there comes your theory again; it depends on the man.

Commissioner GARRETSON. Then, in fact, your attitude is really based on your distrust of men instead of your distrust of the man because he is an official of a local union?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. And consequently you distrust the other agents of a corporation in the same degree if the interests differ in the same degree?

Mr. MARKHAM. I go largely on my experience in the past with such organizations as the old Knights of Labor and the American Railway Union; wherever they have attempted to control the interests, I mean the result has been bad in the past, and I am afraid it will be in the future.

Commissioner GARRETSON. Let me ask you one question: Have you read Tridon's (?) New Unionism?

Mr. MARKHAM. No.

Commissioner GARRETSON. Is it not a fact that every laboring man, if he would hear the document which you presented here this morning, in which you say they have a right to act in common with the company, would cease to be a class organization man and would immediately become a member of an industrial organization comprising every class that is on the pay roll of the railroad, for instance?

Mr. MARKHAM. I should hope so; I would not want to state it as a fact.

Commissioner GARRETSON. Is it not a classic that Debs could not have produced?

Mr. MARKHAM. What do you mean by that?

Commissioner GARRETSON. An appeal to every man who labors to make common cause with every other man who labors for the same employer?

Mr. MARKHAM. It is bound to add to the dangers, that sort of organization.

Commissioner GARRETSON. That is the danger to the corporation?

Mr. MARKHAM. No; it is the danger to the interests of this country as well as to the well-being of the companies, not only the corporation but the stockholders of the corporation and the people who depend on the corporation for transportation facilities.

Commissioner GARRETSON. Who is the country?

Mr. MARKHAM. The people.

Commissioner GARRETSON. How many of those people are laboring men?

Mr. MARKHAM. A very large number, but they do not all belong to labor unions, though.

Commissioner GARRETSON. I am not talking about unions, but laboring men. In regard to the consistency of the railway company's position, you used this phrase, that your attitude was that having agreements with several——

Mr. MARKHAM (interrupting). Nine in the federation, and we had agreements with seven.

Commissioner GARRETSON (continuing). Having agreements with seven of those organizations you could not deal during the life of those agreements; is

it not a fact that in every agreement you have you always deal for its revision during its life, and that the 30-day notice is not a notice to terminate, but for revision?

Mr. MARKHAM. We were objecting to dealing with men who had nothing to do with the agreements we were working under. We said we were willing to meet with the men who made the agreement and discuss the question with them, but did object to meeting the ones that had nothing to do with it.

Commissioner GARRETSON. I am not dealing with the facts that occurred, but with your statement; your statement was that you could not deal with them during the life of the agreement. The fact is, you deal with every organization you have an agreement with, during its life?

Mr. MARKHAM. I admit that, but with the qualification that we are dealing always with the men who make the agreements and not folks on the outside that have nothing to do with it.

Commissioner GARRETSON. There are cases where you have done the opposite?

Mr. MARKHAM. I deny that.

Commissioner GARRETSON. Are you sure?

Mr. MARKHAM. Yes, sir; so far as my information goes.

Commissioner GARRETSON. So far as your information goes?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. Is it not a fact that when your agreements were separate with the Order of Railway Clerks and the Brotherhood of Railway Trainmen that they desired to make a joint agreement, and that a joint agreement was arranged and became effective at the date of the termination of the old ones?

Mr. MARKHAM. I do not say it is not a fact, but I do not know.

Commissioner GARRETSON. That course was pursued by the company in that case?

Mr. MARKHAM. I do not know.

Commissioner GARRETSON. You are not prepared to say you did not?

Mr. MARKHAM. No; I say that I do not know.

Commissioner GARRETSON. Again, is it not a fact that your company formerly had a joint agreement with the Brotherhood of Locomotive Engineers and with the Brotherhood of Locomotive Firemen?

Mr. MARKHAM. Maybe we did; I do not know.

Commissioner GARRETSON. And on notice of a desire from those two organizations to terminate the joint agreement that you negotiated with the two separate organizations?

Mr. MARKHAM. Well, the joint agreement was never changed from. I have tried to explain that we put them in a general class when we came to discuss these matters. I am not saying that we would not be willing to-morrow to meet a joint committee, but what we were asked to do in this other matter was entirely different from what we were asked to do with regard to the engineers and firemen or the other trainmen.

Commissioner GARRETSON. The only phase of it I was interested in was the attitude your company occupied.

Mr. MARKHAM. I do not see that there is anything inconsistent in the two attitudes.

Commissioner GARRETSON. Now, in regard to understandings between the Illinois Central and the other portions of the Harriman lines, you testified that there had been no—I don't want to go too far—did you testify there had been any correspondence on the subject with the officials of other Harriman properties?

Mr. MARKHAM. I was asked if there was correspondence with Mr. Kruttschnitt on the subject, and I said I did not know. Since going back to the office this noon I have looked it up and found that there was no correspondence. The files do not show any communications with Mr. Kruttschnitt before the strike or afterwards affecting questions of policy governing the strike.

Commissioner GARRETSON. Was there any with the general managers or presidents of independent properties, the U. P. or S. P., either East or West?

Mr. MARKHAM. Before the strike?

Commissioner GARRETSON. Yes.

Mr. MARKHAM. There was probably some correspondence—not that I had but that took place between other officials of the company, with reference to what was happening in different sections of the country.

Commissioner GARRETSON. All three of the higher officials of the Illinois Central, the president, vice president, and general manager, came from Harriman lines, did they not?

Mr. MARKHAM. I would not——

Commissioner GARRETSON (interrupting). Yourself from the Southern Pacific, Mr. Parks from the Union Pacific, and Mr. Foley from the Union Pacific?

Mr. MARKHAM. I would not say that I came from the Southern Pacific; I was six years out of the business.

Commissioner GARRETSON. But you were made on the Southern Pacific?

Mr. MARKHAM. That is true.

Commissioner GARRETSON. Was there any understanding brought by those officials in regard to the attitude of the corporations from which they came as to the course to be pursued?

Mr. MARKHAM. I do not think so. I do not think the fact that these three men happened to be in the employ of the Union Pacific and Southern Pacific at any time had anything to do with the conduct of this strike.

Commissioner GARRETSON. It might explain this, might it not, that if the same attitude was pursued by the companies with which they had had their experience, that was followed by them here, it would show at least a coordination of thought?

Mr. MARKHAM. If there had been no attempt on the Southern Pacific to amalgamate the five shop crafts or metal crafts and the attempt was made on the Illinois Central, its attitude would have been the same.

Commissioner GARRETSON. Is it not a fact that on the Southern Pacific, that company went to the extent of submitting to the demands of the different organizations rather than meet them jointly?

Mr. MARKHAM. I have heard of that.

Commissioner GARRETSON. And that that was later than the date of the Illinois Central strike?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. And that the company abandoned that position?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. And did meet with them in settlement of the questions?

Mr. MARKHAM. Yes; but that did not have a thing in the world to do with the policy of the Illinois Central in dealing with the same questions.

Commissioner GARRETSON. It only shows a continuous line of thought.

Mr. MARKHAM. I am hardly willing to agree to that, that it showed a continuous line of thought.

Commissioner GARRETSON. You call it a detached line?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. You made some reference to the testimony given by E. E. Clark, a former executive of the Order of Railway Conductors and Mr. P. H. Morrissey, formerly an executive of the Brotherhood of Railway Trainmen, in regard to independent action by their organizations; are you aware of the fact that those two men—are you familiar with the articles of federation that exist between them?

Mr. MARKHAM. Only in a general way.

Commissioner GARRETSON. Are you aware of the fact that notwithstanding the testimony you read, Clark and Morrissey are the men who wrote those articles of federation and who championed them strongly?

Mr. MARKHAM. I would be inclined to argue they were right in 1894 and wrong now; but it would depend on the side of the question you took.

Commissioner GARRETSON. And you would grant the right of another to think that they were wrong in 1894 and right now?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. You know the school into which Morrissey has graduated since that time, the pursuit he follows at the present time?

Mr. MARKHAM. I think he is a railroad official to-day.

Commissioner GARRETSON. Yes; dealing with the wage question on the other side of the table than the one he used to?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. In regard to the formation of committees here in Illinois, I think you made the statement, Mr. Markham, that for the purposes of this hearing you would admit that such committees were probably formed; I am not misquoting you in that?

Mr. MARKHAM. What committees do you refer to?

Commissioner GARRETSON. This committee that waited on Gov. Deneen.

Mr. MARKHAM. Oh, yes.

Commissioner GARRETSON. You disclaimed definite knowledge, but I think you used the expression "for the purposes of the hearing," you would admit that such was done?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. If it is legitimate—and you stated that it was a perfectly legitimate purpose in your opinion?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. If it is a legitimate purpose to combine all of the elements that serve a railway company and to utilize them and use them on behalf of the railway company in determining the rates that shall obtain in a State and to utilize them to influence the authorities of the State, is it less legitimate for those men to come together on their initiative and use the same influences for their own benefit, as between themselves and the company?

Mr. MARKHAM. It is altogether a question of the exercise of power wisely or unwisely.

Commissioner GARRETSON. Ethically one is as legitimate as the other?

Mr. MARKHAM. Yes; I do not know of any objection to it ethically.

Commissioner GARRETSON. Then it becomes a question of the interests involved?

Mr. MARKHAM. A question of fact.

Commissioner GARRETSON. Then there can be no inconsistency in the men doing this, if they are able to do it?

Mr. MARKHAM. Not the slightest in the world.

Commissioner GARRETSON. You made the statement that you could not afford—I am not quoting exactly, but the purpose—you made the statement that the company could not afford to deal with this federated committee, because the act of conferring with them would in itself be a recognition of the right of the men to form such federation?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. Can there be any question of their right to do it?

Mr. MARKHAM. You know better than anybody else—what I mean is as to the practical side of the question; when you once let a body of men like that get inside of the door and begin discussing the question with them, then the difficulty in getting rid of the question is harder than if you maintained your position from the start.

Commissioner GARRETSON. Then you do not mean to question the right of the men to form such federation, if they are able to do it?

Mr. MARKHAM. Oh, no; we simply deny the fact they were able to do it on the Illinois Central Railroad.

Commissioner GARRETSON. Practically speaking, I guess you demonstrated that.

Mr. MARKHAM. I guess so.

Commissioner GARRETSON. Is it not a fact that exactly such combinations exist among the different railways at the present time?

Mr. MARKHAM. Not that I know of.

Commissioner GARRETSON. And for exactly the same purpose—the exercise of power?

Mr. MARKHAM. Not that I know of.

Commissioner GARRETSON. What about a certain committee that exists?

Mr. MARKHAM. What committee do you refer to?

Commissioner GARRETSON. I will refer, first, to the committee on legislation that represents 97 per cent of the railways of this continent. Is there not such a one in existence?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. That deals with the legislation as applied to transportation?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. Is it formed for the purpose of gaining legislation that is undesirable?

Mr. MARKHAM. No, sir; it is formed for the purpose of preventing legislation not desired.

Commissioner GARRETSON. But gaining that which is desirable?

Mr. MARKHAM. Gaining that which is constructive and desirable.

Commissioner GARRETSON. And the federation then would work to gain that which would be desirable to them?

Mr. MARKHAM. They are doing that all the time, and there is no question of the right of the men to do that; it is being done all over the United States and the world.

Commissioner GARRETSON. And they have taken their cards out of the employees' books for doing that?

Mr. MARKHAM. I am not so sure about that. The employees may have gotten some cards and instructions from them.

Commissioner GARRETSON. We have all been in the school of experience for some time.

Mr. MARKHAM. Yes.

Commissioner GARRETSON. Take it in dealing with wages; is not the same plan followed territorially? There are three associations in existence that deal for all of the large railway institutions, with possibly one or two exceptions?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. The Western and the Eastern and the Southeastern?

Mr. MARKHAM. Yes. The collective system of dealing has been forced on them by the organizations, as I understand it.

Commissioner GARRETSON. What method is used?

Mr. MARKHAM. Militant insistence.

Commissioner GARRETSON. That only made it easier for men to deal in a bunch than one man alone?

Mr. MARKHAM. I am not arguing about the reasons, but the facts. The organizations have insisted on the collective system of bargaining and insisted on the railroads coming and dealing with them at one time and dividing up the territory as you have indicated.

Commissioner GARRETSON. Do you know what that grew out of?

Mr. MARKHAM. I do not know the real reason; I would be glad to have you tell me.

Commissioner GARRETSON. In dealing with the wage question is it not true that the organizations were confronted for 10 years with the situation described by a general manager who admitted that they should have more money, but that he could not afford to spring the raise on his competitors. When they admitted that for a series of years then they concluded to be put against their competitors' conditions.

Mr. MARKHAM. I have no criticism to offer of it.

Commissioner GARRETSON. But the fact remains that the very thing you fear; that is, the underlying reason—not the excuse for your attitude—that it is done by the employers right along in various directions, but you fear it when it is done by the men?

Mr. MARKHAM. It is only done by the companies in dealing with organizations stronger than them.

Commissioner GARRETSON. How about the legislative idea?

Mr. MARKHAM. It is a matter of community of interests, if you are speaking now of the legislative program between the men and the railroad companies.

Commissioner GARRETSON. Is there not the same community of interests in every employee of the Illinois Central Railway Co. when it comes to dealing with the question of whether he believes he receives an equitable wage and is permitted to work under equitable conditions?

Mr. MARKHAM. I think so.

Commissioner GARRETSON. You made the statement a moment ago that you thought because your cause was so just there would be no strike. If you admit, as you have now, the right of the men to do this thing, was your cause so just when you contended against them?

Mr. MARKHAM. What do you mean by admitting the right? I said if they wanted to come together and do the thing on the outside they had the right to come to us, but we had the right to deny that request. You are dealing again with a question of theory in asking me if I thought the men had the right to enter into that combination. I am not denying that, but I am not admitting they are right when they do it.

Commissioner GARRETSON. Is it not confusing the use of right and power? You admit they have the right, but question their power?

Mr. MARKHAM. I admit they have the right, but do not admit that they are right when they come to us and went to the point of calling a strike on this railroad for the purpose of enforcing that right.

Commissioner GARRETSON. The right to combine, then, as you look at it, is like this: You will assert that in carrying out the business of these various

combinations with which your company is connected, that they have the right to do these things as far as they have the power to do them?

Mr. MARKHAM. And as far as they may be legally permitted to do so, but only so far as they can do it without injury to anyone else; there are lots of "buts" in it.

Commissioner GARRETSON. It is not a question of injuring some one else always?

Mr. MARKHAM. No, sir; but when it becomes a question of morals or abstract right or wrong I think it comes in it.

Commissioner GARRETSON. The legal limitations probably exist for all concerned in the same degree?

Mr. MARKHAM. I doubt that; I do not think so.

Commissioner GARRETSON. You read a decision by a certain judge prefaced by the statement that a very large element criticised the courts. In that statement by the judge, if I heard it correctly, he made the statement that he did not know what the strike was for and he doubted if anyone else did. Am I quoting correctly?

Mr. MARKHAM. I think that is substantially what he said.

Commissioner GARRETSON. He then proceeded to read the men a lecture on listening to outsiders and reviewed the whole case from his standpoint, although he asserted that he did not know anything about it, and then proceeded to advise them what to do. Was not any man who was an international officer of the organization or any man who was a chief officer of a corporation an outsider?

Mr. MARKHAM. I hold no brief for the judge, and I was merely reading into the record his statement that had reference to a matter we were called upon to give an opinion on. As I say, I hold no brief for the judge, and I would much prefer not to enter into a discussion of it.

Commissioner GARRETSON. I am speaking of the way the law is followed. You referred to what was the legal limitation on the company, but not on the men. How many men would read with an unbiased mind that dissertation by the judge and not have a tendency to criticise the courts?

Mr. MARKHAM. I do not know; I could not answer that question.

Commissioner GARRETSON. I would like to have figures on the subject, but I suppose you can not refer me to any?

Mr. MARKHAM. No.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Aishton would like to ask a question.

Commissioner AISHTON. Just a question, Mr. Markham. I understood in your written statement that there were nine organizations in this federation of crafts, nine different crafts, and that with seven of those crafts you had what were known as agreements or schedules or contracts?

Mr. MARKHAM. Yes.

Commissioner AISHTON. How were those contracts made with those different crafts?

Mr. MARKHAM. They were made in the usual manner that obtains in making labor contracts; meetings were held between the officers of the company and the officers of the organization and the ordinary form of contract worked out and entered into. I have, for example, here, an agreement with the machinists, a contract that was made on October 8, 1909. There was present at that meeting Mr. Rhoderick, Mr. Malloy, Mr. Rodgers, and others. Mr. Rhoderick was chairman, and these other men from Burnside, Clinton, Alton, McComb, Water Valley, Waterloo, and so on. All points on the road were represented.

Commissioner AISHTON. Representatives of the workmen who entered into that contract representing the entire crafts on your system?

Mr. MARKHAM. Yes; as I understand it, there was.

Commissioner AISHTON. And those delegates that attended that meeting or convention at which this agreement was entered into were elected by the men of the different crafts on the railroad?

Mr. MARKHAM. That is my understanding.

Commissioner AISHTON. To represent them at this meeting?

Mr. MARKHAM. Representatives of the men from the different shops at the different points on the line.

Commissioner O'CONNELL. Does that contract contain the signatures of the delegates for the men?

Mr. MARKHAM. Yes.

Commissioner AISHTON. And that contract contains what you have stated the 30-day clause?

Mr. MARKHAM. Yes; the 30-day clause I read into the record a short time ago.

Commissioner AISHTON. You had similar contracts with the seven different crafts, seven of the nine crafts that made this other request on you?

Mr. MARKHAM. Similar contracts to those that were reached and arrived at in the same way.

Commissioner AISHTON. How do you estimate the value of such a contract, Mr. Markham? Is it covered by a bond or by any financial obligation if it is broken, or is it as a matter of good faith as between the two contracting parties?

Mr. MARKHAM. You eliminate the element of good faith and there is nothing left to it.

Commissioner AISHTON. Good faith in making that contract is the entire value of that contract to a transportation company?

Mr. MARKHAM. Absolutely.

Commissioner AISHTON. And is the only thing that insures a continuation of service for the 30 days?

Mr. MARKHAM. That is all.

Commissioner AISHTON. Mr. Markham, you said, I think, in your oral testimony, or read out of some document, that in the 12 months previous to the calling of this strike there was an advance in compensation given the men in the mechanical department of your road amounting to $428,188?

Mr. MARKHAM. I read that; yes, sir.

Commissioner AISHTON. Was that advance in compensation made as a result of the negotiations between these committees representing the men and these organizations?

Mr. MARKHAM. Yes.

Commissioner AISHTON. And your company?

Mr. MARKHAM. And under contract similar to this. There was an advance made, I think, through that same period to the machinists' wages contract still in force to that effect.

Commissioner AISHTON. And the committee's request made by this federation of nine crafts was a different personality, that is, different persons than the people that executed these contracts with you?

Mr. MARKHAM. Entirely different; the officers were different.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Ballard would like to ask you a question.

Commissioner BALLARD. Just one question. Your road has agreements, enters into agreements and contracts with the four orders known as the railroad orders; that is, the conductors and engineers and firemen and brakemen?

Mr. MARKHAM. Yes.

Commissioner BALLARD. And those men, as I understand it, do work for the railroads and for the railroads only?

Mr. MARKHAM. Yes.

Commissioner BALLARD. And any negotiations you make with those representatives of those orders are made purely from the railroad standpoint?

Mr. MARKHAM. Absolutely.

Commissioner BALLARD. Now, these other crafts that you spoke of, for instance, take the machinists, the machinists which work for your railroad might not have the power of controlling the machinists' organizations of the country, and therefore the machinists organizations of the country might force the railroad machinists to demands which would not be proper for a railroad, but might be prevailing in an industry; that is one reason that could be given?

Mr. MARKHAM. Yes. To make that a little plainer, what we object to is getting mixed up in quarrels with those outside of the railroad service because there was a strike in a machine shop somewhere else. For instance, I use the illustration of the Baldwin Locomotive Works. That is one thing. If there is a strike in the Baldwin Locomotive Works we do not want to be prevented from exercising the right or privilege of buying engines from the Baldwin Locomotive Works, and, after buying them, having the machinists in our employ say there is a strike in the Baldwin shops and they shall not work on these locomotives. It is through this larger organization, more powerful organization that I speak of, that it would come about under that System Federation being in a position to exercise that power.

Commissioner BALLARD. Then you feel these various unions should have so-called railroad unions separate from others so that the railroads would treat with those probably without serious difficulty?

Mr. MARKHAM. We do that. We have done that for years. We have no trouble in dealing with them.

Commissioner BALLARD. That is all.

Commissioner LENNON. Would you advise—excuse me—would you advise the railroad corporations of this country to disintegrate the large organizations that they have been brought into and resolve back into the small organizations that existed originally?

Mr. MARKHAM. No; it would not be an economical proposition to do it.

Commissioner LENNON. Why do you feel that the workmen ought to do that?

Mr. MARKHAM. Because, through organization of the railroad employees, the railroads of the country serve the people of the country, the commerce of the country, more economically and more efficiently.

Commissioner LENNON. Isn't it true that the labor organizations where they work together more efficiently serve the interests of labor and consequently the interests of the country?

Mr. MARKHAM. I am not sure of that; no. I am not sure that the interests are concurrent in a case of that kind. But what we are afraid of is the unwise exercise of power that it would give to such an organization.

Commissioner LENNON. I have heard several times some very commendatory statements regarding Brother Garretson's organization and some others; have you found that the dependability of the men of those organizations is greater than among the machinists, the blacksmiths, or boiler makers, or shop organizations?

Mr. MARKHAM. Well, we had in this strike of ours, we had these organizations go out in defiance of the orders of their grand officers. They went out before the strike was authorized or called, and they refused to go back when their grand officers tried to get them to go back. I have never known of a case of that kind on the other side, that they did not discipline their men, and discipline them severely for doing it. And I have known of some cases—I do not know of any of these men that have been disciplined for what they did to us.

Commissioner LENNON. Is it not true that there has been a policy of the railroad corporations toward the brotherhood or that at least permitted a more thorough organization among them than has been the case with the shop organization, more easily?

Mr. MARKHAM. We have never denied the right on the Illinois Central, so far as my knowledge goes, to anyone, to the shopmen to organize. We have never refused to treat with them in precisely the same manner we treat with the other organizations. I hold no brief for the other railroads of the country, and I can not speak for them.

Commissioner LENNON. Have you in your past experience, Mr. Markham, with the agreements with these other organizations, leaving out for the present the brotherhoods—have you found them more loyal to their agreements——

Mr. MARKHAM (interrupting). To each other, you mean?

Commissioner LENNON. Like the machinists, the boiler makers, or other organizations?

Mr. MARKHAM. No. That is what led to this strike.

Commissioner LENNON. No; prior to this strike, in the years gone by, prior to the strike.

Mr. MARKHAM. My experience goes back a good many years to the time when I was on the Southern Pacific, and there was a lot of trouble with these other organizations, with incipient strikes. If I recall, we had the men on a strike at a certain point because the pay car was 12 hours late. They are not as responsible organizations as the others, and yet, notwithstanding that, the railroads have dealt with them along the same lines.

Commissioner LENNON. Are they less responsible because of not being of as good character, or is it because of the fact that their environments are such that complete organization is more difficult?

Mr. MARKHAM. It is not a question of completeness of the organization. They have had that.

Commissioner LENNON. They have?

Mr. MARKHAM. Yes; quite as complete, according to my information, as any of the trainmen or enginemen's organizations.

Commissioner LENNON. That is all.

Chairman WALSH. Is there anything else you care to submit that has not been covered by the questions? If so, you may do it now.

Mr. MARKHAM. You asked me for certain information before I left.

Chairman WALSH. Yes.

Mr. MARKHAM. And I have prepared during the noon hour a little memoranda covering those points.

You asked about the agencies through which we obtained our men. We obtain practically all of our new force through the Pinkerton National Detective Agency, Waddell & Mahon Corporation, Thiel Detective Service—very few men from the last, the first three—Furlong Secret Service Co., Mooney & Boland Agency, National Secret Service, Model Labor Agency, Michael Labor Agency.

Commissioner GARRETSON. Those were agencies you secured your guards from?

Mr. MARKHAM. No; the agencies we secured our men from.

Commissioner GARRETSON. You mean your——

Mr. MARKHAM (interrupting). To work in the shop.

Commissioner GARRETSON. Workmen?

Mr. MARKHAM. Yes.

Commissioner GARRETSON. Those are all detective agencies.

Mr. MARKHAM. I know they are, but they are men who engage in gathering up men and that sort. They did not get all of them, but during the first of the trouble we received quite a number of men through those agencies.

You asked me about the reply to a letter addressed to Mr. Foley under date of June 20, 1911, from the office of the federation. I can not find there is any reply that was made to that letter.

You asked me to furnish a letter, dated July 12, from the federation organization. We have made careful search of our files and do not find any such letter was received from the federation.

Then you asked again for copies of letters in which the company insisted on being given 30 days' notice. The letter was addressed to Mr. Buckalew (?) on August 9 by our assistant general manager, Mr. Foley, and referring to a circular which is attached, the circular which I read here to-day.

You asked me then to search my files for copies of correspondence with Mr. Kruttschnitt. I do not find anything either before or after the strike dealing with the policy of preventing the strike on our respective lines.

Commissioner O'CONNELL. Does that document indicate the agencies which you mentioned, and also give the number of men each of those furnished?

Mr. MARKHAM. No; I can't give you that. I don't know.

Commissioner O'CONNELL. Does the Pinkerton Agency furnish men who are to work as mechanics in the shop?

Mr. MARKHAM. Yes. They open offices at various places and put notices in the newspapers calling for men, for machinists and boiler makers, or whatever class of men they want, and we had our representatives at the different points examine the men and see that they were obtained and then they were forwarded in batches of 10 or more to points where they were needed.

Commissioner O'CONNELL. I think in your document you read into the record you said there was something like 9,000 employees that went on strike?

Mr. MARKHAM. Yes.

Commissioner O'CONNELL. Can you give us any idea as to the number of workmen you employ during the time of the strike?

Mr. MARKHAM. Oh, no. They were coming and going all the time. We find, of course, great difficulty in getting the right men, the right kind of men, getting men that would stay. At some of the places conditions were not very encouraging. There was a good deal of violence or threatened violence, and it was very difficult to keep men.

Commissioner O'CONNELL. Could you furnish us with a statement, to come later, showing the number of workmen in the machinists, take that, for instance, that had been employed during the time of the strike?

Mr. MARKHAM. That we employed after the strike was called?

Commissioner O'CONNELL. After the strike occurred to take the place of the strikers and to keep up your force since that time.

Mr. MARKHAM. Well, you have some idea, Mr. O'Connell, of the way the force changes. I suppose that in the shop very few railroads have at the end of the year more than 70 or 75 per cent of the men in their employ that they had at the first of the year. This class of employment changes right along. It would be quite a task to show all the men that came into the employ and left during

that time. It may be of information to say that we have to-day within a matter of two or three hundred of the same number of employees we had four years ago when the strike was called.

Commissioner O'CONNELL. Suppose during the year 1914 you had employed in your shops, you had given employment say to 25,000 workmen, had that many different names on your roll?

Mr. MARKHAM. It might have been, probably would have been.

Commissioner O'CONNELL. Or 50,000?

Mr. MARKHAM. No; I would not go as high as that, but even 25,000 would be the wildest kind of a guess, because I have no idea whether that is correct or not.

Commissioner O'CONNELL. We have had some information heretofore on the permanency of employment, the isolation of employment; what is the number of men that keep coming and going to keep the positions filled?

Mr. MARKHAM. We had more or less difficulty, Mr. O'Connell, in getting competent men, and you see in losing the services on a railroad as old as the Illinois Central of all of its mechanical force, or practically all at one time, very few of them returning to the service, it would take a good long time to pick up competent men, and the process of weeding out was a long one, a slow one. But we have to-day, I am happy to say, that we have a good lot of men, and we are turning out good work, and we are employing as many men in the shops to-day as we were when the strike was called four years ago.

Commissioner O'CONNELL. Is your production as great now with the same number of men as it was prior?

Mr. MARKHAM. I think so; yes, sir. I think our efficiency is quite as good to-day as it was then.

Commissioner O'CONNELL. At any greater cost or any lesser cost?

Mr. MARKHAM. I sometimes think a little less cost, things are a little bit different, have a little better control of the situation.

Commissioner O'CONNELL. Have created a better efficiency, you think?

Mr. MARKHAM. I think so. Our men tell me so.

Commissioner O'CONNELL. Is there still much employment of men going on and quitting of men?

Mr. MARKHAM. No; we have a very good class of men, men that have been with us a good long time now. Of course, changes in the force occur now and then as before the strike occurred.

Commissioner O'CONNELL. The strike has been going on now for how long?

Mr. MARKHAM. Nearly four years.

Commissioner O'CONNELL. Four years?

Mr. MARKHAM. It will be four years on September 30.

Commissioner O'CONNELL. You could not, offhand, estimate the number of people that have been employed in the shops in that time?

Mr. MARKHAM. No; I could not.

Commissioner O'CONNELL. Would it be a very laborious task to get from the records an estimate of the number of employees?

Mr. MARKHAM. Well, no; we can go over the shop pay rolls. It would be quite a task; it would take some time to do it, but it is just a matter of clerical labor. If the information is desired by the commission we will be glad to furnish it.

Commissioner O'CONNELL. Yes. Well, you will let us have that?

(See Markham Exhibit No. 1.)

Chairman WALSH. All of these matters called for, I will say, that require preparation that you could not bring now, if you will please prepare them, you will be called upon later by the secretary, because they keep a memorandum of what we request.

Mr. MARKHAM. Yes; I understand that.

Chairman WALSH. Now, I would like to ask do you have a permanent contract with the Pinkerton Co. for gathering these employees?

Mr. MARKHAM. Probably a letter exchange.

Chairman WALSH. And also with the Waddell & Mahon Corporation?

Mr. MARKHAM. Yes; I have no reason to understand they were handled in any different way. I presume they were all handled the same way.

Chairman WALSH. Now, I understand Mr. Park, on account of his engagements, can not appear before this commission.

Mr. MARKHAM. Yes; Mr. Park is on this arbitration here.

Chairman WALSH. Now, who could appear here most conveniently to your company with those contracts or with the correspondence that constituted the contracts?

Mr. MARKHAM. Why, we would be glad to file copies of the letters or contracts with you, sir.

Chairman WALSH. The reason I asked particularly if some one could bring them, some one in authority of whom we might ask some questions concerning them——

Mr. MARKHAM. Yes.

Chairman WALSH. I might say that the commission is making a special investigation of that subject, or has been, through experts——

Mr. MARKHAM (interrupting). Yes.

Chairman WALSH (continuing). And we would like to make whatever additional investigation of that we can.

Mr. MARKHAM. I shall be glad to——

Chairman WALSH (interrupting). Could Mr. Foley come?

Mr. MARKHAM. Yes; Mr. Foley could do it, if the commission desires him to appear.

Chairman WALSH. Yes; and bring those contracts with him.

Mr. MARKHAM. Yes.

Chairman WALSH. Now, in the absence of Mr. Park, I have been handed some questions to ask you.

Was there complaint made on the part of the shop employees against the introduction of the so-called scientific management scheme, including piecework, the bonus system, and so forth?

Mr. MARKHAM. Why, we never had any such plan on the Illinois Central Railroad; never had any such scheme.

Chairman WALSH. There was no such thing?

Mr. MARKHAM. No, sir.

Chairman WALSH. Was there a complaint on the part of the employees—a general complaint—as to the organization and management of the hospital association?

Mr. MARKHAM. There was some complaint on the part of the shopmen; yes.

Chairman WALSH. I will go through these questions just as they have been submitted to me; they being submitted by the other side——

Mr. MARKHAM. Yes. Let me say, however, as regards the hospital association that the shopmen's organization was the only one on the railroad that took organization official notice of the organization of the hospital department or objected to it in any way.

Chairman WALSH. The first question is, What suggested the organization of the hospital association on the Illinois Central Railroad?

Mr. MARKHAM. A desire to serve the employees of the railroad.

Chairman WALSH. What suggested the organization of the hospital organization on the Harriman lines?

Mr. MARKHAM. The Harriman lines had the hospital association when I began to work for them in 1881. That is about 34 years ago, and my mind does not go back——

Chairman WALSH (interrupting). Was the plan of the organization of the hospital organization taken up—on the present line of management, I think that means—by conference of the different railroads and made a matter of general railroad policy?

Mr. MARKHAM. No.

Chairman WALSH. When was the hospital association organized, and what methods were used, if any, to induce the men to join?

Mr. MARKHAM. It was organized in July, 1911. Certain men were—I think circulars were sent to the men outlining the basis of the organization, and they were—addresses were made to them at certain points—certain gatherings, and opportunities given them to listen to reasons in support of the organization.

Chairman WALSH. Is it not a fact that the application blanks for employment require the applicant to agree to pay a certain monthly rate to the association as a condition precedent to getting a position?

Mr. MARKHAM. Yes; 50 cents a month is the charge, by the way.

Chairman WALSH. Is the amount of the payment uniform, or determined by the hazard of the occupation, or salary of the employee?

Mr. MARKHAM. It is uniform.

Chairman WALSH. And the scale is just—what is the monthly charge—50 cents to all?

Mr. MARKHAM. Fifty cents to all.

Chairman WALSH. To all crafts?

Mr. MARKHAM. Yes.

Chairman WALSH. How much money does your company collect monthly from the men for the hospital association?

Mr. MARKHAM. About $25,000—$25,000, or $26,000, or $27,000, depending on the number of men in the employ of the company.

Chairman WALSH. How is the money collected?

Mr. MARKHAM. Deducted from the pay roll, 50 cents from each person.

Chairman WALSH. How is the association managed?

Mr. MARKHAM. Managed by the chief surgeon under an organization made up of the managing officers of the railroad.

Chairman WALSH. Are the employees permitted to have a voice in the management of the association and the disposition of its funds?

Mr. MARKHAM. The employees have no—do not participate in the management of the organization.

Chairman WALSH. Have not the employees repeatedly requested that the fund be managed by a board of directors, and that employees be given representation on the board of directors?

Mr. MARKHAM. They have not. It has been our purpose to so handle the affairs of the organization that there would be no reason for their wanting to make a change, and I think up to the present time we have been very happy in succeeding in that regard.

Chairman WALSH. Has there ever been any accounting given to the employees of the hospital association fund?

Mr. MARKHAM. The account is open to their representatives at any time they want to know about it. The funds of the hospital department are kept in a separate bank, and the facilities for taking care of the employees are added to just as fast as the accretion of the funds of the association will permit. We have in South Chicago, at Fifty-seventh Street, a hospital now in course of construction, costing three or four hundred thousand dollars.

Chairman WALSH. What is the fact in regard to providing facilities and services for passengers injured who have not contributed to the fund?

Mr. MARKHAM. If it is for the railroad, the railroad pays for the services. The railroad contributes to the fund the proportion used either for passengers or trespassers or any employee for whom it is responsible.

Chairman WALSH. Have the employees any voice in the selection of the physicians and surgeons employed and paid out of the fund?

Mr. MARKHAM. No.

Chairman WALSH. Is it a fact that physicians and surgeons employed and paid out of the fund are selected by the officials of the company and owe their loyalty to them and, as a consequence, are a witness for the company and against the men who pay them and who are injured employees making claims for damages for personal injuries, which are alleged to be the result of the negligence of the company?

Mr. MARKHAM. The purpose of that question is to discredit the organization. I understand those are submitted——

Chairman WALSH (interrupting). Yes; these are submitted questions.

Mr. MARKHAM. For the purpose of discrediting the organization.

Chairman WALSH. Regardless of the motive for asking the question, as to the practice, what is the fact——

Mr. MARKHAM (interrupting). It is not true.

Chairman WALSH. As to real estate purchased out of the contributions of the employees, in whose name is the title placed?

Mr. MARKHAM. Will you ask that question again, please, Mr. Chairman?

Chairman WALSH. In the purchase of real estate, how is the title taken—the purchase of real estate out of this fund?

Mr. MARKHAM. Real estate purchased in Chicago was taken in the name of Mr. Park and myself, as trustees for the employees for the hospital department.

Commissioner O'CONNELL. Just to keep the record straight, Mr. Markham, you say this hospital that is being built will cost three or four hundred thousand dollars?

Mr. MARKHAM. Yes, sir.

Commissioner O'CONNELL. Where does that money come from?

Mr. MARKHAM. From this fund belonging to the employees.

Commissioner O'CONNELL. Out of the funds of the employees?

Mr. MARKHAM. Oh, yes; and the company contributes its share in the fund.

Chairman WALSH. Is it a fact that in Paducah, Ky., the property of the hospital association was by the Illinois Central officials in charge turned over to that company?

Mr. MARKHAM. No; it was turned over to the hospital department. The Illinois Central owns the land on which the building is located. Just the building and its appurtenances were turned over to the Illinois Central Hospital Association by the employees of that section of the line who were the formers of the old organization and under conditions that were entirely friendly, and all of that, and at less cost than under the old organization.

Commissioner GARRETSON. Was that the old Chesapeake & Ohio Southwestern system?

Mr. MARKHAM. Yes, sir.

Chairman WALSH. How was the title to that property held before it was transferred?

Mr. MARKHAM. Well, the real estate is owned by the railroad.

Chairman WALSH. It was—the title was in the Illinois Central Railroad?

Mr. MARKHAM. Well, or the old Chesapeake & Ohio; I don't know just how the title was; but the railroad owns it at least.

Chairman WALSH. And the title is in whom now?

Mr. MARKHAM. The title of the land still stays where it was; it has not been changed.

Chairman WALSH. And what was the value of the improvements upon the land?

Mr. MARKHAM. Now, one moment there—the title now, as I recall, remains in the railroad company, and the hospital department, I think, pays 4 per cent on the agreed value for its use.

Chairman WALSH. What was the value of the improvement?

Mr. MARKHAM. I don't remember.

Chairman WALSH. Approximately?

Mr. MARKHAM. I haven't the slightest idea; I can not tell you.

Chairman WALSH. Is it not a fact that physical examinations by the doctors appointed by the company and paid for out of the contributions by the employees would afford a means of getting rid of employees who were active in labor unions?

Mr. MARKHAM. I don't think so.

Chairman WALSH. Is it not a fact that the physicians and surgeons are called to testify in behalf of the company in personal injury cases and are paid by the company out of the hospital fund?

Mr. MARKHAM. I don't think so.

Chairman WALSH. Are the reports made by the examination of physicians and surgeons employed in the hospital association accessible to other employers?

Mr. MARKHAM. How is that, again?

Chairman WALSH. I would take that to mean, are the reports as to the physical condition of persons who have been in the hospital open to other employers? For instance, you have a physical record of an individual in your hospital. If you were called upon by another employer for that, would you furnish it to him or give him access to it?

Mr. MARKHAM. I think that would involve a question of medical ethics. I would not think anything of that kind would be done.

Chairman WALSH. So far as you know, is there any practice concerning that?

Mr. MARKHAM. I know of none, and do not believe any such exists.

Chairman WALSH. What method is used by the company to determine the competency of physicians and surgeons selected for the hospital association?

Mr. MARKHAM. Our chief surgeon would have to answer for that, sir; I could not tell you.

Chairman WALSH. You don't know as to that?

Mr. MARKHAM. No, sir.

Chairman WALSH. Is it not a fact that the physicians and surgeons used by the railway company are paid a small sum of money yearly to make them employees, and that their real compensation is free transportation?

Mr. MARKHAM. I would not say that. There is a good deal of prestige connected with being on the roll of a railway company as its surgeon and physician. The transportation may be regarded as of some value, but I think the question of prestige is more important than anything.

Chairman WALSH. Is this free transportation so paid charged against the hospital fund?

Mr. MARKHAM. It is not.

Chairman WALSH. Is it not a fact that the company has a fixed schedule for operative work done by surgeons, and do you believe this might not be an inducement to impose unnecessary operations upon patients by a surgeon who is not conscientious?

Mr. MARKHAM. That is a matter of medical detail with which I am not familiar. I could not answer.

Chairman WALSH. Is it not a fact that in the hospital service young and inexperienced medical men are employed, who secure their experience in the profession at the expense of sick and injured employees?

Mr. MARKHAM. Just a moment, Mr. Chairman. I had a memorandum here that might be of interest on that. There is on our hospital staff here in Chicago, Dr. John B. Murphy, professor of surgery and head of the surgical department of Northwestern University Medical School, and chief of surgical staff of Mercy Hospital, Chicago; Dr. Arthur R. Edwards, dean of the faculty and professor of medicine of Northwestern University Medical School; Dr. C. L. Mix, secretary to the faculty and professor of nervous diseases of the Northwestern University Medical School; Dr. L. W. Bremerman, professor of urinary diseases of the medical department of the University of Iowa; Dr. R. G. Harris, consulting dermatologist, Cook County Hospital; Dr. R. J. Tivnen, associate professor of optomology, Northwestern University Medical School, and head of the eye department of Mercy Hospital, Chicago.

I don't think anyone would call those gentlemen young or inexperienced men, and yet the man who pays his 50 cents a month has, if it is necessary—or is in a position to get the advantage of an operation performed, for instance, by Dr. John B. Murphy.

Commissioner O'CONNELL. Will you file with us that history of the strike that you have in book form;

Mr. MARKHAM. Yes; here it is.

(The pamphlet referred to, entitled "The facts about the shopmen's strike," was submitted in printed form.)

Chairman WALSH. That is all. Thank you, Mr. Markham. You will be permanently excused.

Mr. MARKHAM. Thank you, gentlemen.

Chairman WALSH. Mr. Wharton.

TESTIMONY OF MR. A. O. WHARTON.

Chairman WALSH. Please state your name.

Mr. WHARTON. A. O. Wharton.

Chairman WALSH. What is your business, Mr. Wharton?

Mr. WHARTON. At the present time I am president of the railway employees' department of the American Federation of Labor.

Chairman WALSH. What is your place of residence?

Mr. WHARTON. St. Louis, Mo.

Chairman WALSH. I take it you were engaged, before you were in that work, in some craft?

Mr. WHARTON. Yes, sir.

Chairman WALSH. What is your trade?

Mr. WHARTON. Machinist.

Chairman WALSH. How long did you work at your business?

Mr. WHARTON. I entered the service of the Santa Fe Railroad as apprentice in 1887.

Chairman WALSH. Just sketch briefly and concisely, please, your own activities down to the present time, both in private employment and in railroad employment and as a member of a labor organization.

Mr. WHARTON. Well, in addition to making that statement, I would like to state that I have prepared some information which I would like to read later.

Chairman WALSH. Yes.

Mr. WHARTON. I served an apprenticeship of four years as apprentice to the machinist's trade, and then was engaged or employed as a journeyman machinist on various railroads throughout the country up until about 1901, when I became an officer of the International Association of Machinists, and since that time, and up until 1912, I was in the employ of the International Associa-

tion of Machinists, principally engaged organizing locals of that organization and negotiating agreements between railway companies and employees on the various systems of this country.

Chairman WALSH. Will you please repeat the name of your organization?

Mr. WHARTON. This organization I now represent?

Chairman WALSH. Yes.

Mr. WHARTON. Railway employees' department of the American Federation of Labor.

Chairman WALSH. I wish you would describe what that is, its connection with any local body, as well as its connection with the American Federation of Labor. Have you a statement which covers a large number of these matters?

Mr. WHARTON. I have.

Chairman WALSH. Would you prefer to submit that statement as Mr. Markham submitted a statement, first?

Mr. WHARTON. I would; and then to answer any questions you desire to ask afterwards.

Chairman WALSH. Very good. You may proceed, Mr. Wharton.

Mr. WHARTON (reading): "I have followed railroad work almost exclusively since entering the shops of the Atchison, Topeka & Santa Fe R. R., Topeka, Kans., in 1887 as an apprentice to the machinist's trade.

"Beginning with the Knights of Labor and referring to the organization of the machinists, boiler makers, blacksmiths, carmen, and other craft organizations that again came into existence as a result of the failure of the Knights of Labor, the organization of a system federation, composed of machinists, boiler makers, and blacksmiths on the Santa Fe and Union Pacific Railroads in 1892, the strikes on both these roads in May of 1893, their successful termination, the appearance and demise of the American Railway Union in 1893 and 1894, the rapid growth of the craft organizations thereafter, the appearance of the United Brotherhood of Railway Employees in 1900, its demise in 1903 or 1904; the organization of the railway employees department of the American Federation of Labor in 1908 and its reorganization in 1912, together with the fact that I have had some 15 years' experience in negotiating agreements between various railroads and the men employed by them in the mechanical departments, in my opinion, qualifies me to speak with some degree of authority with respect to the causes leading up to the organization of the System Federation plan of concerted action.

"The very nature of the railroad industry, the organization and system of supervision necessary to its successful operation, and the absolute helplessness of the individual are three of the principal reasons.

"The mileage of a railroad is divided up into divisions. At each division point a force of employees is maintained, the number and qualifications of the employees being governed by the nature of the service required. Each division has its corps of officials and is generally under the direct supervision of a division superintendent or a division master mechanic, or both, who are in turn subordinate to a district or general superintendent or master mechanic, and so on up to the general manager, vice president, president, chairman of the board of directors, and the board of directors jointly.

"In the locomotive and car shops there are numerous subordinate foremen, designated as straw, scratch, pit, or gang foremen, leadmen, machine foremen, roundhouse foremen, car foremen, general and division foremen, who have direct supervision over the men and work they perform.

"An order issued by a general manager or other general officer of the company is in turn communicated to each subordinate official until it is delivered to the man or men who actually execute it. A general order may thus be put into full effect and force over an entire system, and, according to its character, affect one division point or all division points or an individual employee, or all the employees.

"When the present craft organizations were inaugurated the men were subjected to all kinds of intimidation, coercion, and discrimination, the more active ones often being dismissed from the service. This opposition on the part of the railway officials was quite general. Because of these conditions strikes frequently occurred, first in one craft, then another, and in the beginning only one shop or division point would be involved. A strike of this kind generally resulted in the closing of the shop affected and the transferring of the work to the next division or shop, and these men consciously or unconsciously were used to defeat their fellow workers.

"To overcome this, and following the example set by the railroad officials, each craft inaugurated a system of district organization. Each district was

delegated the authority to organize and conduct the business of all the members of their respective crafts on the entire system, subordinate to their respective grand lodges. As a result of this change in policy, and despite the opposition of the railroad officials, the men were eventually successful in securing system agreements with many of the railroads.

"During this period it developed that the officials in negotiating agreements, and dealing with but one organization at a time, would play one organization against the other. Each organization in turn would be confronted with this fact, all of which worked to the disadvantage of the men as a whole, and this system was extended to a point where the officials would attempt to force the men on one road to accept conditions that prevailed on another, always with the object in view of compelling the men to accept as a standard the poorest conditions in that territory.

"Due to this fact and because of a general belief that the railroads had formed some kind of an association having for its object the dealing with questions affecting the employees, we attribute the rapid development of the American Railway Union, culminating in the abortive strike of 1894, which, together with the great industrial depression that prevailed during 1894, 1895, and 1896, so affected the organizations that they remained comparatively inactive for a period of several years. During this period of trade-union inactivity the railroads had taken advantage of the conditions and quite generally introduced what is termed the "personal record system." This rule required the applicants for positions to give a brief history of their lives, and as a condition of employment they were compelled to furnish reference satisfactory to the employer for a period of at least five years immediately preceding the date of filing the application. This resulted in establishing what we term an absolute and positive black list and placed the man who was out of a job at the mercy of the employer. In addition to this a number of the railroads introduced what is termed a "physical examination" test for shopmen. This rule is subject to the same abuses as a black list, as the company selects the examining physician and his decision is final, although the applicant, if accepted, is compelled to pay from one to two dollars as an examination fee. Many men have been rejected and were examined by other physicians and pronounced physically fit to enter the United States Army or Navy. Piecework and bonus systems and other so-called efficiency methods, together with the establishment of an age limit ranging from 35 to 45 years, after which age no man would be employed, were put into effect by a number of railroads and were attempted by a number of others.

"A peculiar thing in connection with practically all of the so-called efficiency methods is the acknowledged fact that the mainspring of the whole institution and the one thing absolutely essential to its success, 'the human being developed to the highest point of efficiency,' is not taken into consideration, neither is he protected or provided for in any respect. No human being capable of self-support should be cast upon the industrial scrap heap, and no system that predicates such a condition should be tolerated.

"Beginning with 1900 and up to the close of 1907 the various craft organizations began to renew their activity. They became involved in a strike on the Union Pacific Railroad against the introduction of piecework, all shop crafts participated, and after a strike lasting about one year a settlement was reached. Piecework was not established. Following this strike the machinists on the Santa Fe became involved in a strike, due to the refusal of this company to enter into an agreement. Later the boiler makers and then the blacksmiths also became involved. After a four years' struggle this strike was declared off.

"These strikes and the increasing cost of negotiating the respective craft agreements annually, this item alone running into the hundreds of thousands of dollars, and the fact that the railroads had federated and were playing one craft against the other, also using competing lines as a basis of settlement and the abrogatiton of the craft agreements early in 1908 by the Denver & Rio Grande Railroad, bringing on a strike of all trades. The notice of a reduction in wages served on all employees of the Southern Railroad and allied lines, which was prevented by the united action of both the shop and transportation organizations; the strike of all shop employees on the Canadian Pacific system about the same time, which was also settled in a manner satisfactory to the men; the attempt to introduce piecework on the New York, New Haven & Hartford in January, 1908, which was prevented by all shop crafts federating and protesting; the abrogation of all craft agreements on the Iowa Central in February, 1908; the successful termination of this strike and recognition of

the federation organized as a result of the company's action; and the abrogation of all craft agreements on the Wabash in 1907, resulting in the formation of a federation at a later date and the signing of a federated agreement, brought about agitation that lead to the introduction of a resolution in the A. F. of L. convention, held in Denver, Colo., November, 1908, the purpose of which was to organize the railway employees' department. This resolution was adopted unanimously, and the department was chartered February 19, 1909. The strike on the Denver & Rio Grande terminated in March, 1909, the settlement being favorable to the men, a federation being organized in the meantime.

"In 1907 the craft organizations on the Missouri Pacific and St. Louis, Iron Mountain & Southern Railway became involved in strikes in the following order: Blacksmiths, boiler makers, and sheet-metal workers. In each of these cases the strike resulted because the company had played one organization against the other, a settlement having first been made with the machinists in February of 1907, none of the organizations following being given the same consideration.

"In 1908 this company made an effort to get the Brotherhood of Railway Car Men to accept piecework; the men refused. Later the company abrogated their agreement with this organization, and after a strike of some seven months succeeded in introducing the piecework system in the car department.

"No further trouble occurred until May 2, 1910, when this company declined to renew the agreement with the machinists and grant the same concessions that had been conceded to the machinists on some 17 other roads in the Southwest. This company attempted to force the Missouri Pacific machinists to accept a set of rules that had been accepted by the committee on the Missouri, Kansas & Texas Railroad. This the men declined, and a strike of the machinists, apprentices, and helpers took effect May 2, 1910. In the meantime the company signed agreements with the boiler makers, blacksmiths, and sheet-metal workers. By October 21 conditions had reached a point that resulted in these three crafts striking in support of the machinists. Numerous conferences had been held between the officials of the company and the general officers of these organizations, including the machinists, all to no avail, the company maintaining their original position; i. e., that the machinists on the Missouri Pacific must accept the agreement signed up by the machinists on the Missouri, Kansas & Texas Railroad, notwithstanding the fact that this would mean a distinct loss of conditions enjoyed by the Missouri Pacific men for many years. This strike terminated on December 21, 1910, the joint or federated committee being recognized and the machinists securing the same increase per hour as that granted the other crafts and the restoration of their former agreement, together with a number of additional concessions. The outcome of this strike gave added impetus to the federated movement.

"As an evidence of the growth and development of the American Railway Association, we refer you to the Official Railway Guide, quarterly supplement, published by the National Railway Publication Co., 75 Church Street, New York.

"I have here a copy, which contains in detail the organizations of every character. I think there is scarcely anything in the railroad industry, from politics to finance, that is overlooked in the various subdivisions and organizations established by the railways of the entire country.

(The document referred to by witness was submitted in printed form.)

"Our experience and knowledge of the subdivisions of this parent organization are such that we feel absolutely justified in stating that certain of these subdivisions have to do with and very materially influence the policies of the associated railways in their dealings with the organizations representing the railroad employees.

"Generally and specifically speaking, our experience has been that the railroads compel unreasonable terms and conditions of employment where the organizations of the men are weak, and that when dealing with other railroads the fact that such conditions do exist are advanced as an argument against acceding to the just and reasonable demands made. We have also found that when two or more committees on two or more railroads are negotiating agreements at the same time, the railroads keep in close touch with one another, and if there is the slightest concession made with respect to the original proposition by any of these committees it is immediately telegraphed to the other railroad officials and by them used to weaken the position of the respective committees.

"We also have experienced the studied and deliberate method of protracted conferences, the purpose of which is to make the cost of the negotiations so expensive that the men will be compelled to relinquish part of their reasonable demands.

"And in connection with this I desire to state that for a number of years there were at least a hundred railroads, or their representatives, negotiating agreements annually. On an average I would say there were possibly five shop crafts represented, which meant that there would be five committees meeting officials on these railways on an average of once a year, renewing their schedules, and that the average cost per committee possibly would be regulated to some extent by the size of the railroad; but in some instances we have known a single craft committee to have found it necessary to assess the members on that system sufficiently to raise $5,000 for the purpose of paying one committee—the craft in securing an agreement on that one system. It is safe to presume that the various shop organizations in this country, in negotiating agreements annually were compelled to pay in the neighborhood of $250,000, which sum was raised by some form of assessment levied on the men on these various systems, handled through their district organization.

"We also find that it is absolutely essential to maintain committeemen at all division points and a general chairman, under salary, as a means of compelling the average railroad company to carry out and put into effect and operation the rules and conditions of employment embodied in these agreements, the result of which is to materially increase the cost of maintaining the contract and securing the conditions agreed upon.

That represents an expense of, possibly, on one railroad, say, averaging between six and eight thousand miles, to each organization that is in a position to support a general chairman, in the neighborhood of $2,500 a year. This added expense is simply to take up and adjust grievances arising from the possible misinterpretation of rules or by a studied or deliberate effort on the part of the officials to evade an agreement which has been entered into. In many instances it has been an absolute fact that after entering into an agreement every possible method was put into practice to break down and evade the rules that they had agreed upon.

"The burden of this expense is so great that the smaller craft organizations are unable to meet it, and as a result the agreements entered into are ignored to a very large extent and the members denied redress, the common practice on some roads being to single out and discharge the men elected to serve as committeemen. If they succeed in doing this, the men are at the mercy of the officials, and dare not become active or raise their voice in protest for fear of discharge.

"We have also found that the practice of the railroads in employing operatives from the so-called private detective agencies has contributed very largely to the labor troubles experienced by them.

"We recently had in our possession a letter signed by C. L. Patterson, manager of the St. Louis branch of the William J. Burns National Detective Agency (Inc.), dated March 8, 1913, addressed to the Universal Cutter Co., St. Louis, Mo. This letter was sent out for the purpose of soliciting patronage, and among other things stated 'we are also prepared to furnish skilled mechanics and craftsmen, trainmen, switchmen, telegraph and telephone linemen and operators, men and women for any occupation or business, who will keep you advised at all times relative to dishonest employees, labor agitation, carelessness, and disobedience of employees, and so forth. In the event of a strike among your employees we are prepared to furnish strike breakers and guards for your property. A few dollars intelligently expended for detective service may save you thousands.'

"It is presumed that anyone can readily understand this proposition, but there are some things in connection therewith which only those who represent and are engaged in the organizing work of a trade-union can fully explain. The private detective agencies, and there are many of them, consist principally of men who have been unable to earn a living in any other manner than that of preying upon their fellow men. Many of them, if asked to fill out one of the personal-record employment applications required by some of the railroads, would be compelled to give as a reference the rogues' gallery.

"We herewith submit the picture of E. A. Strang, secured from the rogues' gallery, St. Louis, Mo., as a striking illustration of the type. This man joined the machinists' union and acted as an inside or cover-up man for an agency

during the Missouri Pacific strike of 1910. We herewith produce the copies of two letters from Assistant General Manager J. W. Small, of the Texas lines of the Harriman system, dated December 8 and 29, 1911, found in the possession of Strang. These letters are self-explanatory. Strang has a police record that stamps him as an all-around crook. We herewith submit the picture of E. A. Strang, secured from the rogues' gallery of St. Louis, Mo."

(The picture was here presented by the witness. It is not printed.)

[Form 2. Standard, 2-12-50 M.]

The Galveston, Harrisburg & San Antonio Railway Co.
Houston & Texas Central Railroad Co.
The Houston East & West Railway Co.
Houston & Shreveport Railroad Co.
Texas & New Orleans Railroad Co.
W. G. Van Vleck, vice president and general manager; G. Radetski, J. W. Small, D. K. Colburn, I. A. Cottingham, assistant general managers.

HOUSTON, TEX., *December 3, 1911.*

Mr. E. A. STRANG,
305 Frisco Building, St. Louis, Mo.

DEAR SIR: Referring to your letter of November 22, in reply to mine of the 15th ultimo, I now have this matter up with our general manager, and may possibly want you to investigate the matter referred to.

In the meantime, however, it might be well for you to go ahead and obtain any data you can without expense to yourself, and you will likely hear from me before very long.

Yours, truly,

J. W. SMALL,
Assistant General Manager.

The next one is dated December 29, 1911:

[Form 2029. Standard, 8-11-50000.]

The Galveston, Harrisburg & San Antonio Railway Co.
The Texas & New Orleans Railroad Co.

HOUSTON, TEX., *December 29, 1911.*

Mr. E. A. STRANG,
4191 West Belle Place, St. Louis, Mo.

DEAR SIR: I have your letter of 20th inst. If you will report at Houston at the earliest possible moment, I will be able to use you.

On arrival here get located at some hotel and call up, by telephone, "Hadley 864," and ask for Mr. Sands and you will receive instructions what to do, but do not call up the shops or offices.

Yours, truly,

J. W. SMALL.

[No. 11. The Manufacturers' Information Bureau Co. J. K. Turner, president, Cleveland, Ohio, U. S. A.]

CLEVELAND, OHIO, *December 8, 1906.*

THE RAILWAY EMPLOYEES' DEPARTMENT.

The inauguration of the railway employees' department of the American Federation of Labor at Denver last month is a significant movement which unquestionably signifies a renewal of labor agitation among the railway employees in the next six months.

The various orders interested in the new federation are: The Order of Railway Telegraphers, Brotherhood of Boiler Makers, Iron Ship Builders, International Freight Handlers, International Association of Machinists, International Association of Car Workers, International Brotherhood of Blacksmiths, Brotherhood Maintenance of Way Employees, International Association of Steam Fitters, Brotherhood of Railway Clerks, and the Switchmen's Union of North America.

For a number of years past the old-line brotherhoods not affiliated with the federation have been endeavoring to establish a federation of the five great brotherhoods. The first meeting was held in Toledo about three years ago, and the developments of that meeting indicated a live interest in the proposi-

tion, but no definite action was taken at that time. Since then these efforts have been continued, and the foremost movers in the work were Morrissey of the trainmen and Hanahan of the firemen. The A. F. of L. officials for the past two years have been endeavoring to enforce an affiliation to the federation on the part of the brotherhoods without success. The two conservative brotherhoods, namely, the engineers and conductors, being the stumbling block in the way of affiliation, and developments for the past two years indicate, on the part of Morrissey and Hanahan, an effort to dominate the movement, Morrissey endeavoring to merge the conductors with the trainmen and Hanahan the engineers with the firemen.

This has been a fortunate development, from the standpoint of common sense, and the developments for the last six months, which eliminated Hanahan from the movement for personal reasons, and the elimination of Morrissey, which will take place in January, clears the atmosphere in that direction and leaves the control of the brotherhoods in the hands of conservative leaders. These facts taken into consideration makes the action at Denver doubly significant. The two organizations of carmen, headed by Ronemous and Richardson, having been brought together at Denver, and their differences in a measure healed, would indicate that but one organization of car workers may be in the field in the next year. Flannery and Braggins, of the freight handlers and clerks, respectively, who have been at loggerheads for years, have buried the hatchet at Denver, and it behooves the railway management throughout the United States to watch this new organization and prevent their ever obtaining sufficient strength to hold the balance of power.

The most important work facing the railway management at the present time, in the estimation of the writer, should be directed to prevent the merging of the Brotherhood of Railway Carmen and the International Association of Car Workers, for in the division of power of these two organizations has resulted comparative peace, hence it would seem desirable to prevent, as far as possible, this merger. The significance of the legislation enacted at Denver is that it has been along the lines advocated by the Socialists and Industrial Workers of the World, whose attitude and claim for recognition has been industrial unions in place of trade autonomy.

In the formation of this railway employees' department at Denver upwards of half a million organized workers are pledged to the support of the rules and regulations yet to be adopted. Since the convention adjourned the sum of $25,000 has been provided for by special assessment levied upon the various organizations for the purpose of providing funds to establish this movement on a sound economic basis.

That circular was issued by the agency which we will show you later was engaged in various other cities extracting dollars from the railroads for the purpose of simply destroying organizations.

Chairman WALSH. At this point, Mr. Wharton, we will suspend, and, gentlemen, we will stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4.30 p. m., Wednesday, April 7, 1915, an adjournment was taken until 10 o'clock Thursday morning, April 8, 1915.)

CHICAGO, ILL., *Thursday, April 8, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, Ballard, and Garretson.

Chairman WALSH. Please be in order; we will proceed.

Mr. Wharton, we will proceed now.

TESTIMONY OF MR. A. O. WHARTON—Continued.

Mr. WHARTON. Continuing where we left off yesterday, I have copies of letters here in further connection with the detective agencies.

Here is a letter, dated St. Louis, January 19, 1915, to Mr. P. J. Conlon, 928 McGill Building, Washington, D. C., as follows [reading]:

"DEAR SIR AND BROTHER: Owing to the fact that we are having considerable difficulty at several points throughout our respective jurisdictions in regard to the employment of some of our members by the people who are backing the Mediator, and having been informed that you have gone into this matter quite thoroughly, securing information which can be used to good advantage in dis-

abusing the minds of our members in connection with the purposes of this publication, I would be very glad to have you send me a copy of the data secured.

"Trusting that you will be able to favor me with the above at an early date, I am, with best wishes,

"Fraternally, yours,

"A. O. WHARTON,
"*President Railway Employees' Department.*"

In reply is the following letter [reading]:

WASHINGTON, D. C., *January 22, 1915.*

Mr. A. O. WHARTON, *St. Louis, Mo.*

DEAR SIR AND BROTHER: Your esteemed favor of the 19th to hand and contents noted. I beg to advise that in the same mail I have a similar request from Brother A. McGillivray. I am herewith inclosing a carbon copy of my reply to Brother McGillivray, which I think will be a sufficient reply to your favor of the 19th.

With best wishes, I am,
Fraternally, yours,

P. J. CONLON,
International Vice President.

A letter to A. McGillivray, Cincinnati, Ohio [reads]:

WASHINGTON, D. C., *January 22, 1915.*

Mr. A. MCGILLIVRAY,
Dennison Hotel, Cincinnati, Ohio.

DEAR SIR AND BROTHER: Your telegram of the 21st to hand and contents noted. I beg to advise that the investigation that I made in regard to the Mediator developed the fact that J. K. Turner, of Cleveland, Ohio, who has been notorious as conducting a detective agency for the last 20 years in Ohio for the purpose of supplying spies to employers and hiring men to break strikes, is the main editor of the Mediator, with headquarters at Room 608, Rockefeller Building, in Cleveland.

If you will note, the Mediator does not bear the union label, and some years ago the Cleveland Citizen—the official organ of the central body of Cleveland, Ohio—made an exposure of the J. K. Turner Detective Agency and printed a long list of union men and officials of different unions that were operators under this company, and I would suggest that you drop a line to Mr. Max Hayes, editor of the Cleveland Citizen, for further information concerning this gentleman, as he knows more or less about him and his methods. As a leopard can not change his spots, neither can J. K. Turner change his manner of doing business.

Fraternally, yours,

P. J. CONLON,
International Vice President.

And another letter of February 9, 1915, to Mr. McGillivray, as follows:

CLEVELAND, OHIO, *February 9, 1915.*

Mr. ARCH MCGILLIVRAY,
Birmingham, Ala.

DEAR SIR AND BROTHER: Pursuant to my promise to you to look into the career of Mr. J. K. Turner, president of the Square Deal Club and editor of the Mediator, I beg to advise that I have not found out anything new over that which I already knew, viz, that said J. K. Turner operated a detective bureau on Euclid Avenue, in Cleveland, for several years, and made a business of furnishing employers with operatives, for the purpose of spying on employees and foremen as well, as well as reporting the proceedings of union meetings in the year of 1901.

Through the medium of Mr. Turner's stenographer, to whom one of our representatives was paying attention, quite a lot of manuscripts from Mr. Turner's office fell into our hands, and his whole system of operation, together with a list of his operators were exposed in the Cleveland Citizen, at that time an official organ of organized labor in the city of Cleveland. Mr. Turner never saw fit to question the exposure or sue the Citizen for libel, thereby establishing beyond

any shadow of doubt that the exposure as made in the Cleveland Citizen was authentic.

Among the list of operators were machinists, blacksmiths, painters, carpenters, and in fact every line of trade, most of whom carried union cards, and who were afterwards expelled for their duplicity.

Now, Mr. Turner appears in a new rôle with the same old crew. A few weeks ago our business agent, William Jack, of Cleveland, called on him at his office in the Rockefeller Building here. Business Agent Jack frankly told him that he had come to learn about his Square Deal Club and further told him that he was the local business agent of the machinists, so as to have no suspicions regarding the nature of his visit. Jack opened the ball by telling Turner that on account of his past record of running a scab-herding detective agency, organized labor looked on his scheme as one of the many now afloat to divide the railroad workers.

Turner therefore pressed several buttons on his desk, and in walked several men, one a machinist, one a pattern maker, and another a boiler maker, and so on until eight, all told, appeared, representing different trades. Turner then asked each one to outline to Jack his idea of the Square Deal Club. Each one in turn told Jack of the get-together plan, and the peculiar part of it was the stories were almost identical, showing the lesson had been learned from a text-book.

All this merely indicated that Turner had just changed the name of his business. It is the same old Turner and the same old crew sailing under a different banner.

Now, if you want further information you may write Business Agent Jack or Mr. Max Hayes, 979 Parkwood Drive, N. E., Cleveland, Ohio, either of whom are able to give you a line on Turner, but like all men in the same business they hide in a deep hole, and it is hard to dig them out in the limelight.

Fraternally, yours,

P. J. CONLON,
Intl. Vice President I. A. of M.

"The functions assumed by these so-called private detective agencies is unquestionably one of Government, and should be given serious consideration by those in authority. Theoretically the private detective agency may be all right, but in actual practice we find that these agencies do not confine their operations to the legitimate calling of detecting criminals.

"In reference to the furnishing of 'skilled mechanics and men and women detectives for any occupation or business' and specifically mentioning among other things, 'labor agitation' and of being 'prepared to furnish strike breakers and guards,' this establishes the fact that these so-called detective agencies do not confine themselves to detecting crime and criminals, unless it be considered a crime for men and women to organize for mutual protection and advancement, morally, physically, and mentally. The skilled mechanics referred to are usually members in good standing in the union; if not at the time of their entering the service of the detective agency, they become members as soon as possible, and as soon as this is accomplished they begin operations by furnishing the agency with the names of the active members of the union. This class of operatives are commonly known as 'inside or cover-up men.' They receive a salary anywhere from $100 to $200 per month and expenses, and in the agency are known as operative number so-and-so. Any operative who fails to furnish the kind of information wanted by the agency is called to account, given positive instructions containing a detailed statement of information he must furnish, and notified to return all letters received, including the report, by return mail.

"In connection with this phase of the private detective agency, their work does not in the slightest degree bear any relation to crime or the violation of any law, unless it be at the instigation of the 'detective' who originates the proposition, and whether or not he is successful in securing the cooperation of a fellow member proceeds to send in a report that the member or members are a dangerous lot of men. This kind of work establishes his reputation, and he becomes what is termed a reliable 'operator.' The agency in turn informs the employer, and the man or men involved, who up to the time of the appearance of these spies in their midst had always been recognized as honest, reliable workmen, become in the eyes of the employer and the uninitiated, dangerous and undesirable employees. These agencies claim that a 'few dollars intelligently expended for detective service may save thousands later,' whereas in our opin-

lon the actual cause of many strikes that have resulted in the loss of thousands, and in some cases millions of dollars, can be traced directly to them.

"Labor disputes form one of the principal assets of this organized band of trouble makers, grafters, and crooks, incorporated under the name of 'detective agencies.'

"These agencies have not accomplished anything that could not have been achieved by the Government itself; on the other hand they have reached a point where they actually constitute a menace to the industrial peace of the Nation. If the thousands and thousands of dollars now being spent by employers in this manner were intelligently applied in improving the conditions of employment of their employees, we are of the opinion that much better results would be obtained, and most of these so-called detective agencies would be compelled to go out of business if the employers of labor withdrew their patronage. We recognize the necessity of maintaining a legitimate detective force under the direct supervision of and maintained by the Government, but not the right of individuals to usurp the functions of the Government for personal gain."

CHICAGO & EASTERN ILLINOIS BONUS SYSTEM.

TOLEDO, OHIO, *December 11, 1914*.

Mr. A. O. WHARTON,
5 and 6 Ohio Building, St. Louis, Mo.

DEAR SIR: Relative to the matter of the bonus system of the Chicago & Eastern Illinois Railroad, we herewith inclose you letter from Attorney Lyford, general counsel for the receivers, under date of December 8, containing a statement of the bonus system, which statement was prepared by Mr. Epler, who is the superintendent of motive power for this company.

We would appreciate it very much, if, at your convenience, you would write us, giving us the benefit of any suggestions that you care to make concerning this statement.

Yours, very truly,

MULHOLLAND & HARTMAN.

[William J. Jackson and Edwin W. Winter, receivers Chicago & Eastern Illinois Railroad; W. H. Lyford, general counsel.]

714 MCCORMICK BUILDING,
Chicago, December 8, 1914.

Mr. CHARLES HARTMAN,
The Nicholas Building, Toledo, Ohio.

DEAR MR. HARTMAN: In compliance with your request for a statement of the bonus system, our Mr. Epler has prepared such a statement, and I give you below a copy thereof.

Statement by Mr. Epler.

"The bonus system is a method of paying a workman a premium over and above his regular wages for performing or completing an operation in a time, either closely approaching to or less than a definite and predetermined standard time for performing the operation. The operation is closely studied in all its details while watching the workman perform it, and from this study, after eliminating all unnecessary movements and lost time, and instituting improved methods in doing the work, a definite or so-called standard time is set for performing the operation. The relation that this standard time bears to the actual time which the workman takes to perform the operation determines his efficiency, and from his efficiency his extra wages or bonus are determined on a fixed percentage basis.

"Bonus is paid to the workman for all efficiency in excess of 66⅔ per cent, the percentage increasing as the time taken to perform the work decreases. This bonus or premium payment is a percentage of the wages earned or paid for the actual time the man is working; thus, if the standard time for an operation is one hour, the workman's wages 30 cents per hour, and he performs the operation in one hour, he receives his wages (30 cents) and an additional premium of 20 per cent (which is the fixed percentage at 100 per cent efficiency) of his hourly rate, or 30 cents, this giving him a premium of 6 per cent (cents) for performing the work in the standard time. If he performs the operation

in an hour and a half, no bonus or premium is paid. He is, however, paid his regular wages at the rate of 30 cents per hour for the hour and a half, or 45 cents. If he performs the operation in any period of time less than an hour and a half, his efficiency, of course, increases, and he gets the percentage of his wages in accordance with the following table:

Per cent efficiency.	Bonus, per cent of wages.	Per cent efficiency.	Bonus, per cent of wages.	Per cent efficiency.	Bonus, per cent of wages.
66.7	0.00	75.0	1.30	83.5	5.25
67.0	.01	75.5	1.45	84.0	5.55
67.5	.02	76.0	1.60	84.5	5.90
68.0	.04	76.5	1.80	85.0	6.25
68.5	.07	77.0	2.00	85.5	6.60
69.0	.10	77.5	2.20	86.0	6.95
69.5	.15	78.0	2.40	86.5	7.30
70.0	.20	78.5	2.60	87.0	7.65
70.5	.26	79.0	2.85	87.5	8.00
71.0	.33	79.5	3.05	88.0	8.40
71.5	.45	80.0	3.30	88.5	8.80
72.0	.55	80.5	3.55	89.0	9.20
72.5	.65	81.0	3.80	89.5	9.60
73.0	.75	81.5	4.05	90.0	10.0
73.5	.88	82.0	4.35	90.5	10.5
74.0	1.00	82.5	4.65	91.0	11.0
74.5	1.15	83.0	4.95		

"In this table you will note the percentage of his wages paid as bonus increases rapidly until 80 per cent efficiency is reached, after which point each per cent increase in efficiency increases the percentage of wages paid as bonus 1 per cent.

"In handling the bonus, description of the method used in freight-car repairs is typical. When the car requiring repairs comes on the repair track it is inspected by a man appointed to that duty. He records on a card all the work that is to be done. The timekeeper takes this card and opposite each operation of repairs that is to be made marks the standard hours set for performing it. This card is then tacked on the car. It serves two purposes—first, notify the workman that repairs are needed, and, second, to show him the standard time for performing the work. The workman signs the card and notes thereon the time that he starts to work on the car. When the work is completed he also notes the time of completion. The difference between the starting and finishing time, of course, gives him the total time that he has worked on the car. A comparison of the time that he has worked on the car with the standard time to perform the work gives him his efficiency.

"In addition to this, workmen are notified by the timekeeper after the car is finished of the time that they consumed in repairing the car, the standard time for doing the work, and their efficiency in performing same. The workmen, by retaining these notices, have a check against the amounts paid them at the end of the month and from these can calculate their earnings and premium. However, bonus is not calculated on each individual car, but is calculated at the end of each pay-roll period. The total hours worked by the men and the total hours of standard time are used to determine their efficiency, and from this average efficiency their premium for the period is calculated. Thus, a workman working a period of 2 weeks at 9 hours per day, with the wage rate of 25 cents per hour, would be paid for the 12 days' period a regular rate of $27. If, during this period, he had secured 108 hours of standard time he would be paid a bonus of 20 per cent of the $27, or a premium of $5.40. If, on the other hand, he had only accumulated 97.2 hours of standard time, he would have been working at an efficiency of 90 per cent, and would be paid 10 per cent of his regular wages as a bonus, or $2.70. Again, and as is the average condition, had he accumulated more standard hours than he actually worked his bonus or premium payment would be larger. For instance, had he accumulated 118 standard hours, his efficiency would be 110 per cent, and he would be paid a premium of 30 per cent of his wages as bonus, or $8.10.

"The advantages to the workmen of the bonus plan over the piecework system are:

"The guaranteed day rate, which fixes the minimum wage and one which the workman agreed upon when he secured employment.

"It furnishes for him the full advantage of any increase that he may be given in his regular rate, while with piecework the price is the same for all, regardless of their hourly rate. Quite frequently skilled workmen have to perform certain operations in connection with their regular duties that are usually assigned to less skilled workmen, and under piecework the price is made for the less skilled and lesser paid class of workmen, with the result that the higher paid workman loses the advantage of his higher rate. With the bonus, it being on a time-limit plan, he is paid a premium on his regular rate, based on the time he takes to perform the operation.

"Yours, truly,

"(Signed) W. H. LYFORD."

[In re to bonus system, C. & E. I. Ry.]

ST. LOUIS, MO., *December 15, 1914*.

MESSRS. MULHOLLAND & HARTMAN,
Suite 1311–17, the Nicholas Building, Toledo, Ohio.

GENTLEMEN: Replying to your favor dated the 11th instant, in which you inclosed a statement on the bonus system prepared by Mr. Epler, Supt. of M. P. of the C. & E. I. Ry.

I am herewith inclosing you a copy of an address delivered by Mr. John P. Frey, which I believe will furnish you with a splendid argument against the bonus system. I am also giving you a brief statement of my views on the subject.

In Mr. Epler's statement you will note that he has entirely evaded one of the most essential features in dealing with the employment of workmen. His statement contains absolutely no reference to the right of the workman to collective bargaining. Mr. Epler is already on record as saying that he did not consider that the agreement had been violated in introducing the bonus system. Yet this agreement, such as it is, represented collective bargaining and the right of the employees to be represented by duly authorized committeemen in all matters relating to conditions of employment, hours of labor, rates of pay, etc., without the right of collective bargaining, we immediately place the workman at a great disadvantage.

According to Mr. Epler's own statement in the first paragraph, "The bonus system is a method of paying a workman a premium over and above his regular wages." In the next to the last paragraph he states, "The guaranteed day rate which fixes the minimum wage and one which the workman agreed upon when he secured employment." These two excerpts indicate very clearly that Mr. Epler has in mind not only the right to employ an individual workman at a wage which appears to be one of mutual agreement, while in reality it represents an employment based upon the lowest bid submitted by the workman who desires to connect himself with a job, and whose bid must in the natural course of things be more or less determined by the necessity for employment with which the individual workman is confronted, but he goes even further than this; he has in reserve still another method of controlling the wage of the workman, after the jobless man has set a minimum hourly rate for his services, as outlined above, believing that he can in a measure overcome this low hourly rate by earning a bonus, he finds the employer regulating the bonus in a manner that leaves him absolutely at their mercy as an individual, and having no voice in the setting of the bonus he again becomes confronted with the problem of competing with not only a condition he has had no voice in establishing but is forced to accept a bonus rate that has been established by the employer, who has used every available means to ascertain, under the most favorable conditions, what can be done by the best and swiftest workmen, the system of eliminating all unnecessary movements or operations leaves nothing to chance in so far as to the amount of work that can be performed under the most favorable conditions by specially selected workmen is concerned. In addition to this, Mr. Epler injects a very innocent-looking proposition in the following words: "However, bonus is not calculated on each individual car, but is calculated at the end of each pay-roll period," which means still another method of holding the workman to the minimum hourly rate.

For illustration: A workman may, if furnished steady work for the first week of his two-week pay-roll period, be able to earn a bonus of 20 or 30 per cent, but in the second week he is compelled to wait for either work or materials or work on the low hourly rate, and this reduces his bonus in proportion to his average performance for the entire pay-roll period.

These efficiency systems lack one essential feature of equity, the workman does not share an increase in his earnings in proportion to the increased output. The employer assumes that in purchasing a machine, or introducing any other method that will increase the output per man employed, he is entitled to the full benefit thereof, the proof of which is in evidence, by noting the earnings of the men, as compared with the output before and after the introduction of improved machinery and methods of performing the work.

The efficiency experts admit that their system does not take into account or make any provision for the workman whose days of usefulness are numbered by his ability to keep up to the standard of efficiency required, and this standard time is, according to Mr. Epler's own statement determined by "closely studying each operation in all its details, after eliminating all unnecessary movements and lost time and instituting improved methods in doing the work, a definite or so-called standard time is set for performing the operation." Under such a system it is readily seen that only workmen capable of maintaining the pace set are considered desirable employees, and just as soon as they begin to fall below the standard set they are cast upon the scrap heap, and once it is established that they can not keep up the pace no other employer wants them. As one evidence of the result of this system, and its effect on the workman, we now find many employers who will not employ men after they have reached the age of 40, and in some instances as low as 35, while others set the age limit at 45.

In addition to this, efficiency experts maintain that their system does not recognise the right of collective bargaining, without which the workmen are absolutely at the mercy of not only the employer, but every subordinate official from the lead or gang foreman to the superintendent and manager. The recognition and establishment of this system means slavery in its most abject form, even to a greater degree than that of the chattel slave, because as a chattel slave it was to the interest of the owner to see that these slaves were properly fed and housed; to do otherwise meant a property loss, whereas under this other system the employer has no interest in the workman other than his ability to perform the service exacted, and when he fails in this he is cast out and another secured to take his place.

Labor unions are not opposed to any system which means greater production, provided the interests of the workman are safeguarded and he becomes a beneficiary in proportion to the results obtained.

We demand that our inherent rights as human beings be not abridged, and in the name of humanity we shall never willingly accept as a condition of employment any system which has for its purpose the lowering of the standard of living and which further increases the existing inequality in the distribution of the wealth produced.

I have not had the time to go into details as fully as I would like to, but trust these few statements will in a measure be of some service in explaining our position.

Very truly, yours,

A. O. WHARTON, *President.*

In line with that policy, we desire to introduce here the form of application blank that has recently been introduced by the Chicago & Eastern Illinois system, which I believe is in line with our general contention that the introduction of these systems lead to the physical examination and other systems that are introduced in the line of efficiency that has a tendency and shows the evil and final results of these systems if they are not properly controlled.

This is a form of blank which I will read just briefly—the important features connected therewith.

Chairman WALSH. You may proceed.

Mr. WHARTON (reading). "There are three ways to improve the character of the service: 1. Employ a better class of men. 2. Discharge the vicious and incompetent. 3. Educate those kept.

"So far as possible men should be employed from those living along the line of the road. Their normal character, physical fitness, mental capacity, and past record should be rigidly examined."

And emphasized in heavy type: "Only the best should be employed."

It provides for the signer of this application as follows:

"DEAR SIR: I hereby apply for a situation as ——, or in such other service or employment as may be necessary or required from time to time by the company, or my superior officers, and, if accepted, agree to observe all the rules and regulations, to abstain from the use of intoxicating liquors, to conduct

myself properly whether on or off duty, to perform my duties to the best of my ability, and in the event of my leaving the service from any cause, I hereby authorize the company and its officers to answer any and all inquiries as to my conduct and qualifications while in such service and, so far as they may know, the cause of my leaving the same."

Then it asks to give the state, height, weight, color of hair, color of eyes, general health, education (number of years spent in school); name of wife (if married); residence; name of father (if living); name of mother (if living); names and ages of children (if any); names and addresses of nearest relatives (if no family or parents living).

Previous railroad experience (past three years).

Cause for leaving last situation (explain fully).

Previous service with this company (if any).

Have you any physical ailments or defects, such as lameness, deafness, color-blindness, or shortsightedness? (Each question should be specifically answered.)

Are you habitually addicted to the use of intoxicating liquors and do you promise you will not become so while in the employ of this company?

The following persons will certify to my good character:

There are spaces after each one of those to be filled in.

"I accept employment with the full understanding that if my references or services do not prove satisfactory I will not be retained in the service."

A place for signature and a place for witness.

"Application approved for employment as ———.

"NOTE.—This application must be filled out by applicant in presence of and witnessed by the head of the department in which the applicant is to be employed."

That application would place the workman absolutely at the mercy of the employer if for any cause he might desire to get rid of him or relieve him from service in the employ of the company.

Commissioner LENNON. Is that application generally used on the one road you are talking about?

Mr. WHARTON. That is a type. It is very similar. We have here another case which has come to our notice in the form of a telegram addressed to myself at St. Louis, dated April 2:

"We have a change of officials and the applications of employees to date have been misplaced or destroyed. The new general manager requests all employees to make new applications, giving personal history and places of employment for five years previous to working for the F. S. & W. Advise by wire.

"D. E. WINTERS."

This is simply a typical case of following out that same line on another road.

Scientific management and efficiency systems, the railroads have quite generally agitated for, and, in some instances, forced the men to accept conditions that we feel safe in saying are detrimental to the men, the railroads, the public, and the human family in its entirety.

The following article expresses our views, and in our opinion clearly points out some of the dangers of the so-called scientific management and efficiency methods. We have, I think, a splendid analysis of the system—efficiency—analyzed from the viewpoint of a man well qualified in every respect, which I would like to have injected into the proceedings, by John P. Frey, editor of the International Molders' Journal—of the International Molders' Union Journal, as follows [reading]:

THE RELATIONSHIP OF SCIENTIFIC MANAGEMENT TO LABOR.

By John P. Frey.

Address by the editor of the International Molders' Journal before the Western Economic Society, Chicago, March 14, 1913:

The problems identified with the development of our industries will undoubtedly be viewed and analyzed from as many conflicting angles as there are classes in the community. The manufacturer, the business man, the professional man, and the workingman, each will have a different viewpoint; each will reach a decision influenced, to a greater or lesser degree, by his own self-interest. The final solution will be found, not in the dictum of any one of these classes, but in the equitable and harmonious combination of every one of them. I admit, beforehand, the difficulty of securing such harmony,

but am strongly of the opinion that an exchange of views and their unbiased consideration and discussion by an assemblage of this kind will go far to promote it.

It is as a member of a trade-union composed of skilled mechanics that I am endeavoring to examine and analyze "scientific management" in its relation to labor.

That system for the increasing of production, popularly called scientific management, is a subject of sufficient importance to the wage earner and the industries of our country to warrant the careful examination of all thoughtful men; for, in addition to the problem of production, it involves the workman's standard of mechanical efficiency, his physical welfare, and his social status.

If scientific management in its final analysis fails to increase the workman's earnings, develop his mechanical ability, lengthen his period of usefulness, elevate his standard of living, and distribute in an equitable manner, between capital and labor, the gains from increased productiveness, it has failed to deserve the title conferred upon it.

With the object of avoiding any confusion of terminology in the discussion of the subject, the following definition is submitted:

By scientific management we have in mind those methods for increasing production which have been advocated within very recent years by several gentlemen who are recognized as among the most prominent advocates and exponents of systems for the standardization, systematization, planning, and routing of work in manufacturing establishments and in offices, the grouping and operating of machines to their greatest efficiency, coupled with time studies of manual movements, the elimination of unnecessary motions by employees while at work and their stimulation to greater effort of piecework, bonus, task, differential, premium, and other systems, rather than by a daily-wage rate.

Any system which will lower the cost of production by eliminating inefficient management or unnecessary labor through the adoption of more practical methods of operation should be welcomed and encouraged, for inefficiency in any form can only result in placing a needless burden on the cost of production and to the extent that it exists retard in inverse ratio the progress of industry and the production of wealth. Whether it is in the machine or the workman himself, all motions which do not accomplish definite and practical results, all unnecessary movements result only in wasted energy, and wasted energy is a dead loss. With any system which will eliminate useless labor the American trade-union movement will be found in full accord.

From an examination of scientific management as presented in the books prepared upon the subject by some of its best-known advocates and exponents, it would appear that it aims to secure greater production from machinery and workmen:

(a) By systematizing, standardizing, and overseeing all work, by speed, repair, inspector and gang bosses, or functional foremen and overforemen.

(b) By having time studies made by experts with split-second watches in hand, with which to note the time consumed in performing each motion made in connection with the work.

(c) By having studies made with the object of eliminating all useless motions, so that production can be increased.

(d) By having the time to perform a given piece of work determined by an expert from the records secured.

(e) By the minute subdivision and specialization of the work, and the employment, to the largest degree possible, of laborers trained to work under the system of subdivision and specialization, rather than the employment of skilled mechanics.

(f) By the payment of a bonus or premium to workmen for measuring up their day's work to the task set, and the payment of similar inducements to the foremen and overforemen for maintaining the quantity of production of the gangs of workmen or the departments under their charge.

As presented in the works upon the subject, scientific management as applied to workmen moves with the smoothness of a well-oiled and perfected machine, in which each one performs his part with the accuracy of a mechanically and mathematically perfect tooth on a gear wheel, when it meshes with the teeth of another wheel in transmitting power. But whether this system in every-day practice accomplishes with workmen what it seems to accomplish with them in books is a question which we desire to investigate.

Before entering into an examination of the relationship of scientific management of labor, there is one fact which is deserving of consideration in connection with the discussion. The American workmen, as verified by the great mass of statistics upon the subject, produce more within a given time than the workmen of any other country. He has no equal as a producer; this being due partly to his mental and physical alertness and ambition, and partly to the various systems of specializing and speeding up which were well developed before scientific management was brought forward as an industrial stimulant. That he has worked under such high pressure as to prematurely age him has been well demonstrated by the policy of many corporations to hire no workmen over 40 years of age or when their hair is tinged with gray.

High tension and intensity of application have become a marked feature of our industries. Machinery is operated to its physical limit, and when worn out is thrown on the scrap heap; workmen, likewise, are expected to work to their physical limit, and like the worn-out machines they, too, are liable to find themselves in the industrial scrap heap when there should still be years of effective labor in their minds and bodies. As illustrating this tendency in our American methods of production there is the illuminating testimony given by Mr. Harrah, of the Midvale Steel Co., before the congressional Committee on Labor, March 1, 1900, a portion of the committee's record for that date giving questions and answers [reading]:

"Mr. GRAHAM. I was going to ask whether you thought that you could put your machines so as to accomplish getting out more work in 8 hours than you can now in 10?

"Mr. HARRAH. No; the machines are worked to their fullest capacity now.

"Mr. GRAHAM. You would have to get some kind of improved machinery?

"Mr. HARRAH. We have the most improved kind of machinery now; but we make it a rule to run a machine to break. For instance, the life of a hammer bar may be two years. If that hammer bar does not break within two years, I go for the forge master, because I know he is not getting the work he ought to out of the forge. It is the same way in the machine shop. If a lathe, the natural life of which might be two years, does not break down before that, I would go to the engineer in charge.

"Mr. GRAHAM. Everything is run to its full capacity now?

"Mr. HARRAH. Absolutely. Yes, sir; we have absolutely no regard for machinery or men."

The Midvale Steel Co. is one of the plants where scientific management was first applied by one of its leading exponents.

Instead of burdening this paper with additional evidences indicating the intensity of labor in this country, the impressions of two of the world's greatest thinkers as to its effects will be submitted.

On the occasion of his last visit to the United States, that eminent philosopher, Herbert Spencer, after noting the intensity with which our toilers were working, declared that the time had arrived to preach and practice "The gospel of relaxation." Last year another famous British scientist, Sir Thomas Oliver, visited our shores. After attending the Congress of Hygiene at Washington he visited a number of our industrial centers, expressing some of his impressions later on, in part as follows:

"Generally speaking, work is rushed too much and life is lived at too high pressure in the United States. There is no reason for either. Work and the love of work for the monetary gain it brings are more characteristic of Americans than of most other people, and yet what is the gain if life is shortened by the strain imposed upon it in trying to obtain these? A nation whose workmen are old at 40 is certainly not only not rich in men, but it is not doing its best for them."

That the American workmen are now working at higher speed and producing more within a given time than the workmen of any other country we are confident can not be successfully questioned.

With these brief preliminary thoughts, we may proceed to more carefully examine scientific management in its relation to labor, as its influence and effect upon labor are of more importance than any other feature it may possess.

While scientific management in some of its phases has entered into the most minute details, on some important factors connected with production it touches but lightly and indefinitely, while other equally important ones are practically ignored.

This is particularly true of its attitude toward workmen, the flesh-and-blood human beings who are to be developed into semiautomatic attachments to ma-

chines or rigid and inflexible forms of directing production if one feature of this system is to be applied.

The efficiency of a workman is not to be determined solely by his ability to continuously feed and operate a machine or perform some other task with a never-changing motion at high speed, acquired as the result of time and motion studies by those who may be employed as experts in this work. To a very large extent his efficiency will depend upon his alertness of mind and physical responsiveness, and his ability to maintain both under the numbing influence of his monotonous task.

During recent years there has scarcely been a convention of employers but that papers are read which bewail the difficulty of securing competent mechanics and proposing plans by which mechanical knowledge among workmen may be increased.

Trade-unions have been unjustly accused on the one hand of preventing apprenticeship, while on the other, and in contradiction of that charge, an effort is made to discover the reasons why the boys and the rising generation seem unwilling to apprentice themselves in trades. So strong is this disinclination on their part that during the past decade the wages paid to apprentices have been practically doubled, and yet in many industries it is most difficult to secure or retain apprentices. It is our opinion that the intense specialization and subdivision of work as developed in our American system of production is the most prominent cause, for the boys and their parents have come to believe that apprenticeship in most cases does not mean the development of mechanics, but rather the production of specialists skilled only in some simple subdivision into which the method of production has been developed, and unable because of their lack of mechanical and manual skill to hold their own as journeymen mechanics on the termination of apprenticeship.

In Germany, that country which to-day stands out so prominently as a land where all-embracing scientific methods are applied, the workmen have reached a degree of efficiency which makes them the peers in mechanical ability of those of any other nation, and this efficiency on their part is the result of the broad and thoroughgoing mechanical and theoretical education which they are given as apprentices, and the opportunities which are afforded to them afterwards as mechanics to become familiar with the theory as well as the practice required in the industry in which they are engaged.

Through their cooperative courses, in which the coming generation of engineers are being educated, our leading universities are recognizing the principle that theoretical knowledge must be supplemented by practical experience in the industries during the course of study, if the highest efficiency is to be attained. And likewise the manufacturing establishments are learning that well-equipped superintendents and foremen can not secure satisfactory results from workmen deficient in mechanical skill and knowledge.

Advocates of scientific management will contend that it is not their intention to speed the workman to his extreme physical limit, and it is quite possible, by quoting detached expressions from their works on the subject, to give a color of truth to this contention; but no practical man acquainted with the methods of production and the influences which emanate from the management of a corporation through the superintendent, foremen, and subforemen to the workmen, to stimulate their productivity, will fail to realize that, even though the system of scientific management with its time studies, its precise form of organization, and its premiums and bonuses to workmen and foremen for quantity in production, was established in any plant by the best trained and most just experts and with a proper care that no workman would be driven to speedy physical exhaustion, it must soon degenerate into a system under which each workman would be forced to labor to the physical breaking point or drop out to make room for others whose vitality had not yet been exhausted.

In fact, in the well-known reference to the laborers in the Bethlehem Steel Works, Mr. Taylor, in his book on shop management, says: "The tasks were all purposely made so severe that not more than one out of five (perhaps even a smaller percentage than this) could keep up."

Perhaps no one has had a greater opportunity of studying the effects of various systems of shop management on the workmen employed than Judge Higgins, president of the Court of Conciliation and Arbitration for the Commonwealth of Australia, and as his views on this question are most valuable in connection with the subject now being discussed, a few excerpts from a recent decision which he prepared are submitted. The case was one arising in the

shoe industry, and those portions of the decision having a direct bearing on the subject under consideration read:

"The claim of the employees in these proceedings as to apprentices is, in effect, that there should be no boys employed unless apprenticed to learn some substantial portion of the work of a factory; that there should be no 'improvers'; that the number even of apprentices should be limited to one apprentice to every four journeymen; that the wages should be settled for each year of apprenticeship; that the apprentice should be properly taught.

"I am glad to see that the claim makes, in the main, in the direction of industrial efficiency. At present all the conditions of boy labor in this great Australian industry tend in the direction of inefficiency, and as the men trained to make boots by handwork from start to finish pass from the trade there is every prospect that in place of intelligent, skilled artisans the Commonwealth will have thousands of anemic, ill-developed, undertrained factory slaves—youths unfitted for any work but the feeding of some one insatiate machine—youths prematurely put under the strain of bread winning and soon to be replaced by other youths ad infinitum.

"The employees want, as far as it is possible, to eliminate improvers, to prevent the existence of such a class at all, to stop this pestilent manufacture of imperfect tradesmen. They want to prevent capable workmen of average capacity from being put out of work by men who submit to work for a smaller wage on some ground of incapacity, generally actual, sometimes only alleged.

"From the point of view of this court, whose ideal is industrial peace, I feel even more strongly than before that the system of improvers as it now stands is a perpetual menace to the peace of the community.

"Another point is that the improver is often kept exclusively for many years to one single machine of the simpler class, until he becomes extraordinarily apt to it. His speed is an argument for greater speed on the part of those before him and behind him in the team of men and boys working at some process. The worker before him must keep him fed with stuff; the worker after him must not let the stuff accumulate, and the strain becomes intense. The specialized improver is often used to force the pace. But if the improver loses his little fraction of a job, he is useless for any other job. To get a similar job elsewhere he must fight. His only weapon is to offer to submit to a reduction of wages, and inevitably he forces down the claims of the journeymen who are looking for work.

"But what is the proper remedy? Or, rather—as my functions are limited—what is the proper order of this court to make under the circumstances? I can not undertake the responsibility of telling every employer in the Commonwealth what he ought to do in case of every employee at every stage on every day of his employment and under all circumstances. I conceive it to be my duty to leave every employer free to carry on his own business on his own system that he may make the greatest profit within his reach, so long as he does not perpetuate industrial trouble or endanger industrial peace, and that means so long as he satisfies the essential human needs of his employees and does not leave them under a sense of injustice.

"In the strain of competition the pressure on the employer is often very great, and he ought to be free to choose his employees on their merits and according to his own exigencies, free to make use of new machines, of improved methods, of financial advantages, of advantages of locality, of superior knowledge—free, in short, to put the utmost pressure on anything and everything except human life. Unless there is to be industrial war at every turn, human life must not be treated in the game of competition as if it were a ball to be kicked. This, the most valuable asset of the State, must be protected, whatever else suffers.

"Extreme specialization injures the boy in his manhood and as a tradesman, and it is the cause of much industrial disturbance. Extreme specialization may make the output greater and cheaper and may at the same time be injurious to the men and to the public."

The human factor can not be ignored in the industries. To-day the wage earner's stimulation to greater physical exertion has been highly developed through the constant pressure brought to bear upon superintendents and foremen. Elaborate cost sheets are prepared monthly by every department, and those showing the lowest cost for production in similar departments are sent to the superintendents of those which show a higher cost, with the polite request: "Please report to us on the reasons why your department shows a higher cost for production during the month than Department A." Under this stimulus there generally is but one course pursued, that being to speed up labor.

Under the great concentration which has resulted in huge corporations the former bond of personal interest between employer and workmen has disappeared; neither now knows the other; the one is only a number on a brass check or card; and the other may live a thousand miles away. The one who holds a brass check is forced to realise his position by the treatment accorded him by a foreman spurred on by the desire to secure a bonus for the large output of his department and by the rigid discipline to which he must conform and the promptness with which he is discharged for any reason.

Under present methods of production, where thousands of workmen are employed by a single corporation, it may be difficult to reintroduce the element of human sympathy between workmen and employer, but a truly scientific system of management can not overlook this most important factor if it is to endure.

One feature of scientific management which has interested labor is its evident opposition to collective bargaining between organized workmen and their employers. The claim is practically made by some of its leading exponents that the system can not be successfully applied unless the huge corporation insists on dealing with the workman as an individual, and then of bringing every possible pressure, including discharge, upon him. A brief extract from a letter, which we were informed was written by one of the most prominent exponents of scientific management to a firm which had tried the system for six years without success bears witness to this fact. It reads:

"Have you tried the incisive plan of centering on one man instead of going at the whole shooting match at once? I think the failure is due to the lack of patient persistence on the part of the employers, and then to the lack of centering right onto a single man. No workman can long resist the help and persuasion of five foremen over him. He will either do the work as he is told or leave."

The implication is not difficult to grasp. Where the large corporations have had a free hand in centering their stimulus to activity upon the individual workman and determining the conditions under which workmen will be employed, they have frequently accomplished results which, while probably showing increasing production per man, have also developed conditions of labor which have shocked the moral and humane sense of the Nation. An illustration is afforded by the iron and steel industry which, according to the report of the Federal Department of Labor, covering the month of May, 1910, indicated that 29 per cent of the 172,706 workmen covered by the investigation, worked 12 hours per day, 7 days in the week—84 hours in all; and that every second week, when the shifts changed from day to night or vice versa, many of these workmen were forced to remain on duty without relief for from 18 to 24 hours. Of these 172,706 men, who included all unskilled and skilled workmen in the plants where investigations were made, 55,812 or 40.09 per cent, received less than 18 cents per hour.

Practically every abuse, every arbitrary and unjust condition affecting workmen which has crept into our industries, has only developed where the workmen failed to enjoy the right of collective bargaining with their employers for the determination of the wage rate and the conditions under which labor was to be performed.

The specialization and subdivision of work, which as much as it is possible tends to make the workmen specialists, that is to say, fractional mechanics, whose knowledge of a trade or industry is confined to but a few simple operations, is anything but a scientific method for developing and maintaining the necessary supply of mechanics and in this direction scientific management seems to be most eminently unscientific.

It is unscientific because it does not include an adequate system for the education of apprentices from which competent mechanics can be developed.

It is unscientific because it does not adequately provide for the workmen's progress in mechanical knowledge, but tends to restrict him to the subdivision of a specialty, keeping him endlessly performing the same operation, disregarding the fact that this constant repetition, which in time becomes semiautomatic on the workman's part, through its very monotony numbs the mind instead of inspiring it.

It is unscientific because if applied in all of our industries it would at once prevent the development of competent mechanics, and produce in their place fractional mechanics, who could only work effectively under the groups of functional and superforemen provided for by the system.

It is unsafe, as well as unscientific, inasmuch as its tendency is toward the production of quantity rather than quality. The number of bricks which can be laid in a day is one thing, the strength and durability of the wall being an entirely different matter. The number of steel rails which can be run through the rolls in a day may be an interesting item in the matter of production, but of far more importance to the public is the ability of these rails to stand the burden of traffic, instead of breaking under strain they should have been able to stand, and ditching the train with its passengers.

On this question of steel rails, the statement of Mr. W. H. Wickhorst, engineer for the American Railway Association, is valuable. In his paper on "Rail Research by Railroads and Producers," presented at the recent International Congress for Testing Materials, he said in part:

"While the railroads were thus busy increasing the capacity of their motive power and cars, the steel mills were likewise endeavoring to secure increased tonnage. These efforts took the form of eliminating unnecessary delays, installing larger converters and more powerful machinery, and using larger ingots, and sometimes of allowing less time for the chemical reactions. At the height of the tonnage endeavor in the rail mills, about five years ago, there was a considerable rivalry between the different mills to produce the greatest tonnage, and it reached a condition that might almost be termed madness; that had only secondary regard for the quality of the product. The purchaser had the choice of buying rails as made by the mills or going without them."

It is unscientific because it has failed to adequately understand the human factor and the spirit of our American institutions, for it makes of one man a taskmaster and taskmaster without the free consent of the other. It ignores that principle so clearly set forth by the congressional committee, which, after investigating the Taylor and other systems of shop management, said in its report: "Government in a mill should be like government in a State, with the consent of the governed."

Scientific management seems to lay greater stress upon the quantity of production than upon its quality. It seems to give more consideration to workmen as units in production than as human beings, and must tend in the unbridled efforts to increase production being made in many industrial establishments to-day to approach as closely as possible the methods of those ancient Egyptian taskmasters who finally endeavored to have bricks made without straw.

In connection with its relation to labor, in these respects the term "scientific management" seems to be about as accurate as the name given to that little quadruped which has been the subject of so much scientific experimenting, the guinea pig, which in the first place does not come from Guinea, and in the second, is not a pig.

With the experiments which may be made in the name of science to discover the highest speed which a machine can attain, its greatest capacity for production, and minimum length of time in which its usefulness can be exhausted before it is discarded and thrown in the scrap heap, labor has no objections, but American workmen will object with all the strength at their command, and justly so, to all efforts to experiment likewise with them.

With improved shop equipment and more efficient systems for routing, handling, machining, and assembling material in the course of construction we are in harmony. But we are in most positive opposition to the application or continuation of any system which tends to deteriorate the American workman mentally, morally, or physically.

Organized labor believes that true scientific management is that which reduces the cost of production by eliminating useless labor, which improves the facilities for doing work by surrounding the workmen with good light, pure air, sanitary conditions, and safeguarded machinery. A system of management under which care will be taken to prevent workmen from overstrain, as well as provide that their output should reach an adequate standard, and which will afford ample opportunity for the fullest development of mechanical and manual skill on the part of all workmen. A system under which the terms and conditions of employment will be governed by agreements entered into by employers and their workmen as a collective body. And, finally, a form of management which will never allow quality to be sacrificed for quantity, nor men, women, and children to be classified with machines. The equity right of human flesh and blood must be recognized by any system that would endure.

Scientific management, as the workers know it, vitally concerns every thinking man and is undoubtedly one of the principal causes of industrial unrest.

the cold blooded, coolly calculated system of exacting from the workmen the last ounce of his physical and mental strength, without the least regard for his future, represents one reason why federation and concerted action are so much desired by the various labor organizations; other reasons equally apparent is the desire to offset the tremendous power exercised by the federated railroads to obviate the necessity of strikes, to curtail the exactions of subordinate officials and to compel the employer to give our representatives a fair chance to meet with them and talk over in a dispassionate manner matters that vitally affect both.

We have a form of physical examination being introduced by the Chicago & Eastern Illinois Railroad Co. and a circular letter in connection therewith. I will read just the physical qualifications in order to reduce the monotony of the reading. It refers to every man employed on the railroad. This statement is issued by William J. Jackson, receiver of the Chicago & Eastern Illinois Railroad, as follows:

"PHYSICAL EXAMINATION OF APPLICANTS FOR EMPLOYMENT AND EMPLOYEES FOR PROMOTION.

"*Classification.*

"1. All those handling trains and train signals; i. e., engineers, firemen, motormen, engine hostlers, conductors, brakemen, flagmen, train porters, yardmasters, switchmen, signalmen, towermen, and boatmen, and others engaged in marine service.

"2. Station agents, telegraphers, train telephone operators, station baggagemen, switch tenders, section foremen, railroad crossing flagmen, watchmen, crossing flagmen, bridge foremen, and foremen of building department.

"3. All other employes except common laborers.

"*Requirements.*

"1. Vision. Normal (20-20 required in each eye). Firemen and engineers entering the service must be tested with plus 2d lens, and if able to read 20-foot line must be rejected.

"Hearing. Normal (whisper at 20 feet, accumeter or watch at 30 inches).

"Color perception. Normal (worsted or lantern).

"NOTE.—Firemen for promotion to engineers, and brakemen for promotion to conductors, must have combined vision of 20-20, provided vision in one eye is not less than 20-40 without glasses.

"Physical defects. All physical defects tending to impair the efficiency of the individual disqualify.

"Reexamination. Reexamination of employees in this class must be made every three years.

"Vision. Only those whose vision does not fall below normal in one eye and 20-40 in the other may be allowed to hold preferred or main line runs.

"Hearing. One-half of the requirements for entrance to service.

"(2) Vision. 20-30 required in one eye and not less than 20-50 in the other.

"Hearing. Normal. (Whisper at 20 feet, accumeter or watch at 30 inches.)

"Color perception. Normal. (By worsted and lantern.)

"Physical defects. All physical defects tending to impair efficiency of the individual disqualify.

"Reexamination. Reexamination of employees in this class must be made once every three years.

"Vision. Combined vision must be 20-30 and not less than 20-40 in one eye with or without glasses.

"(3) Vision. Combined 20-30, not less than 20-50 in one eye without glasses.

"Hearing. One-half normal (whisper at 10 feet, accumeter or watch at 10 inches).

"Color perception. Car repairers and others whose duties require handling of signals (flags or lanterns) must have normal color perception.

"Physical defects. All physical defects tending to impair efficiency of the individual disqualify.

"NOTE.—Employees over fifty (50) years of age or employees who require glass to bring their vision to standard must be examined every year. Employees who have suffered severe injury or illness must be examined before they reenter the service.

"*List of physical defects.*"

"All classes. Trachoma or other inflammatory conditions of the eye, or chronic discharge from the ear; varicose veins of both legs or marked varicosity of one leg; phlebitis, skin disease (especially eczema or even a strong tendency to it); loss of thumb or loss of two fingers on one hand disqualify the first class and station baggagemen and switch tenders in the second class only. Hernia disqualifies all classes. Unmistakable evidence of alcoholism, acute gonorrhea, and all manifestations of syphilis, traumatic and pathological bubo disqualify all classes as long as symptoms are apparent. Orchitis, epididymitis, hydrocele, undescended testicle, malignant tumors, recurrent appendicitis, old depressed fractures of the skull, or any fracture followed by head symptoms, spinal injuries, epilepsy, anterio-posterior curvature, severe injury of the back, tuberculosis, marked scrofulous cachexia, aneurism, necrosis, acute and chronic periostitis, acute and chronic cystitis, floating cartilage and impaired mobility of joints disqualify first class and all second class except agents and operators, who may be accepted if inflammation has long since subsided and the affected joints be free from pain. Diabetes, chronic rheumatism, gout, chronic diarrhœa, chronic hepatic disorders attended by jaundice or those that are disabling in their nature; hepatic cardiac or renal dropsies, asthma, hemoptysis, valvular diseases of the heart, angina pectoris, evidence of organic diseases of brain and spinal cord, insolation, inveterate neuralgia of the larger nerves disqualify all classes.

"(a) When hernia occurs while in the service, the right to continue in, or of promotion to class 1, will not be lost, provided the employee, by operation or otherwise, effects a satisfactory cure.

"Candidates for students' privileges, for employment, or reexamination in or selected for promotion, must pass the prescribed examination and tests before being permitted to enter or remain, except temporarily, upon the duties of the position sought or occupied.

"An examination fee of $2 is paid by the company in all cases to the examining surgeon. Employing officers in charge of the pay rolls are instructed to deduct said examination fee, upon the pay roll in favor of the company, from the first month's wages of all applicants assigned to service. The examination fee of $1 for rejected applicants or those who may not be given employment will be borne by the company.

"The officer charged with the duty of employing men for any of the different classes must reject any candidate who may be seen to possess maimed or deformed hands or limbs, or any other outward evidence of injury which will disqualify, or one who after careful questioning and inspection of outward appearance would fail to pass the required tests.

"Use great care in making examinations, stripping the candidate from head to foot, making careful and painstaking effort to do justice to all concerned.

"Reexaminations of employees will be made at any time when, in the judgment of the superintendent, it is necessary.

"Physical defects, if originating or developing after entering the service, will not disqualify, provided the efficiency of the employee is not impaired.

"Surgeons must be careful to note and record any defect that might impair the usefulness of the applicant, or that would be more or less aggravated by the service, or that would contribute to the prolongation of disability in case of injury.

"In order to prevent fraud in subsequent claims for personal injury, a careful record must be made of defects, even though they do not impair the usefulness of the applicant, or would not be aggravated by, or contribute to the prolongation or disability in case of injury.

"Surgeons must in all cases require signatures of the candidates to the certificate at the bottom of application blank in space provided for same.

"The application blank after being complete, will be returned by the surgeon to the employing officer from whom received.

"In the discretion of the employing officer, applicants may be permitted to enter the service temporarily if accepted by the surgeon, subject to the approval of the superintendent.

"Age limit, 45 years.

"W. H. BOHART, *Chief Surgeon.*

"Approved:

"W. J. JACKSON, *Receiver.*

"FEBRUARY 23, 1915."

That system, if accepted on the Chicago & Eastern Illinois, would in substance absolutely nullify every existing agreement on that road as it now exists. There are 13 organizations represented among the various railroad employees on that system. As a result of the action of the company, speaking of the incentive for federation and concerted action, the attempt of this company to introduce that system, resulted in a meeting of 13 representatives in the city of Chicago last Sunday, at which place and time they organized and came together as a federated body representing all classes, transportation, shop, and office employees of the Chicago & Eastern Illinois Railroad Co. for the purpose of combating the introduction of this so apparently unjust system.

I have here a list of the system federations that have been organized in the past few years, together with notes referring to the time, and so forth.

The following statement contains information with respect to the organization and recognition of the system federations on various railroads dealing exclusively with the mechanics, apprentices, and helpers, commonly designated as railway shopmen, 98 per cent of whom are members of some one of the following organizations, which constitute what is known as the mechanical section of the railway employees department of the American Federation of Labor [reading]:

"International Association of Machinists; International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America; International Brotherhood of Blacksmiths and Helpers; Brotherhood of Railway Carmen of America; Amalgamated Sheet Metal Workers International Alliance; and International Brotherhood of Electrical Workers.

"1. New York, New Haven & Hartford, organized and recognized January, 1908.

"2. Southern Railroad and allied lines, including the—

"3. Mobile & Ohio.

"4. Alabama Great Southern.

"5. Cincinnati, New Orleans & Texas Pacific.

"6. New Orleans & Northeastern.

"7. Alabama & Vicksburg.

"8. Vicksburg, Shreveport & Pacific.

"9. Georgia Southern & Florida.

"10. Virginian & Southwestern, organized and recognized December, 1908.

"11. Denver & Rio Grande, organized, 1908; recognized, 1909.

"12. Wabash Railroad Co., first joint action, 1902; federation organized, March, 1909; federated agreement, June, 1909.

"13. Seaboard Air Line, organized and recognized March, 1909.

"14. Canadian Pacific West.

"15. Canadian Pacific East, organized and recognized, 1908 or 1909.

"16. Minneapolis & St. Louis, including Iowa Central, organized and recognized, 1909.

"17. Missouri Pacific, St. Louis, Iron Mountain & Southern, organized, January, 1910; recognized, December 21, 1910."

Chairman WALSH. January, 1909?

Mr. WHARTON. 1910.

Chairman WALSH. When was it organized?

Mr. WHARTON. Organized January, 1910.

Chairman WALSH. And recognized December, 1910?

Mr. WHARTON. December, 1910.

Chairman WALSH. Have you a brief statement in there with reference to what intervened between the establishment and the recognition, how they approached it, what was done with the existing contract?

Mr. WHARTON. We can explain that.

Chairman WALSH. Then make a memorandum, please, and explain it or have somebody do it—what was done with the existing contracts of the crafts, and what negotiations were had between the officers of the road and the interested unions.

(See Wharton Exhibit at the end of this subject.)

Mr. WHARTON [reading]:

"18. Richmond, Fredericksburg & Potomac, organized February, 1910; recognized same year.

"19. Fort Smith & Western, organized and recognized 1910.

"20. Chesapeake & Ohio, organized and recognized 1910.

"21. Atlantic Coast Line, organized and recognized 1910.

"22. Wheeling & Lake Erie, organized March, 1911; recognized same year.

"23. Virginian Railway, organized and recognized 1910.
"24. New Orleans, Mobile & Chicago, organized and recognized 1911.
"25. Chicago & Alton, organized 1911; recognized 1912.
"26. Canadian Northern, organized 1911; recognized same year.
"27. Quebec Central, organized 1911; recognized the same year.
"28. Norfolk & Western, organized and recognized 1909.
"29. Chicago, Rock Island & Pacific and Chicago, Rock Island and Gulf Island Railway system, organized and recognized 1911.
"30. St. Louis & San Francisco and St. Louis & San Francisco of Texas, organized December 12, 1910; recognized in 1913.
"31. Trinity & Brazos Valley, organized and recognized in 1910.
"32. Kansas City, Mexico & Orient, organized October, 1911; met officials February, 1912; federated agreement signed up August, 1914.
"33. Norfolk & Southern, organized and recognized 1911.
"34. Atlanta, Birmingham & Atlantic, organized and recognized 1911.
"35. Intercolonial & Prince Edward Island Railway, organized and recognized 1911.
"36. Chicago & Eastern Illinois, organized December 12, 1910; recognized December 1, 1913.
"37. Georgia & Florida Railroad, organized and recognized about 1911.
"38. Missouri, Kansas & Texas, organized April, 1911, and recognized July, 1913.
"39. Raleigh, Charlotte & Southern, organized and recognized 1911.
"40. Wabash-Pittsburgh Terminal, federated agreement, October, 1913.
"41. Missouri, Oklahoma & Gulf and Midland Valley Railways, organized 1912.
"42. Terminal Railroad Association of St. Louis, St. Louis Merchants Bridge Terminal Railway, and Wiggins Ferry Co., organized 1912; recognized June 1, 1913.
"43. Colorado Southern Railroad, organized and recognized 1911.
"44. New Orleans Terminal Railroad Co., organized 1911; recognized September, 1913.
"45. Texas Pacific Railroad, organized 1911; recognized 1912.
"46. International & Great Northern, organized 1912; recognized September 1, 1913.
"47. Kansas City Southern Railroad, organized 1912; recognized August 15, 1913.
"48. Denver & Salt Lake Railroad, organized 1913; recognized 1913.
"49. Delaware & Hudson, organized and recognized 1912.
"50. Missouri & North Arkansas, organized 1913; recognized January, 1914.
"51. Boston & Maine, organized and recognized June and July, 1914.
"52. Coal & Coke Railway, organized and recognized June and July, 1911.
"Of the above number approximately 30 were recognized and working under federated agreements prior to September 30, 1911.
"System federations are organized on the following railroads, but have not yet negotiated for federated agreements:
"1. Chicago & North Western Railway.
"2. Chicago, Milwaukee & Puget Sound.
"3. Central of Georgia Railway.
"4. Northern Pacific Railway.
"5. Cincinnati, Hamilton & Dayton.
"6. Western Maryland.
"7. Chicago, Indianapolis & Louisville.
"8. Denver & Fort Worth.
"System Federations were organized on the Illinois Central and Yazoo & Mississippi Valley Railways in May, 1911.
"On the Harriman lines, namely, the Union Pacific, Southern Pacific, Oregon-Washington Railway & Navigation Co., Oregon Short Line, Houston & Texas Central, Houston East & West Texas, Galveston, Harrisburg & San Antonio, San Pedro, Los Angeles & Salt Lake, Texas & New Orleans, and the Arizona & Eastern Railways in June, 1911."

The question that you asked with reference to the declination of the officials——

Chairman WALSH (interrupting). Take a few of those: For instance, for one year, or two years, or three years; take the Illinois Central and a few others and briefly state what the negotiations were.

Mr. WHARTON. The general manner of procedure would be the perfection of an organization first—a meeting of the different district organizations of the

crafts which were to compose the federation on that system; that is, the representatives of each craft would be called to meet, and at that meeting they would draft a set of laws which would be their governing laws, or govern the actions of the federation from that time on, these laws being subject to their approval. Generally, then, agreements had been so arranged that they all practically had the 30-day clause—the necessary notice of desire to open negotiations by either party. If the business conditions were satisfactory, or rather favorable, from the viewpoint of the men, the question of opening negotiations for new agreements were agreed to, a new schedule embracing a set of general rules which would apply to all trades, including such special rules as applied to the different conditions of each trade, which could not be embodied in a set of general rules, and would be adopted and presented with a 30-day notice to the officials of the company. This notice was for the purpose of securing a conference.

In some instances a notice would be sent in by the secretary and president of the federated board. In other instances it was found inexpedient, and the method adopted of each organization notifying the management, and in practically all cases where the objections were made to treating with the federated committee a conference was held, and instead of there being any result other than that of friendly relations the men would talk the matter over, and in the course of the year that followed a better understanding would have been arrived at, and an agreement or negotiations would later result. Sometimes it might have been, for purely local reasons, that would cause the men to withdraw. I have one case particularly in mind on the Kansas City, Mexico & Orient, where the federation, I think, was organized and in existence something like 18 months, and in first presenting their proposed agreement the company met the joint committee and discussed the matter with them very thoroughly and seemed to satisfy the men at that time that possibly they had been a little hasty in presenting that form of agreement. As a result the men returned to their homes and withdrew the proposed joint agreement and a year later presented a new joint agreement. The negotiations resulting in federated agreement being signed up.

Chairman WALSH. Has there been any case except that of the Illinois Central where they absolutely refused to meet?

Mr. WHARTON. To my personal knowledge, that is absolutely the only case where the officials have refused to discuss the matter with the men.

As a result of the declination of the officials of these systems to either meet or treat with the duly authorized representatives elected by the employees a strike was inaugurated on the 30th day of September, 1911, the immediate purpose of which was to bring about a conference between the officials of these companies and the committee elected by the employees.

The employees on the Pere Marquette Railroad became involved in a strike between the dates of May 17 and 25, 1915. A System Federation was in existence on this road, but the strike resulted from other and specific causes.

ST. LOUIS, MO., *March 9, 1915.*

(Important.)

DEAR SIR AND BROTHER: A letter from Attorney F. Comerford notifies us that the Harriman and Illinois Central will be heard in Chicago by the Industrial Relations Committee April 5.

While the proposed investigation has principally to deal with the conditions responsible for the strike on the Harriman and Illinois Central lines, brought about by the refusal of the railroad officials to treat with the shopmen as a federated body, it undoubtedly will be far reaching in its scope, and we desire to introduce evidence to prove our case and the necessity of federation for better protection. Many railroads had previously recognized federation and favored this method of dealing with their employees; many others have since adopted the same policy, clearly proving the unwarranted antagonism of the Harriman and Illinois Central officials against this form of organization.

We desire to secure the following information to be presented before the council meeting on March 29, to be used in preparing data for the Industrial Relations Commission.

State cause leading up to the formation of your system federation.

Date of organization and first federated agreement, if any.

Will also appreciate any additional information on this subject.

Please give this matter your earliest possible attention.

Fraternally, yours,

JOHN SCOTT, *Secretary-Treasurer.*
A. O. WHARTON, *President.*

This letter was sent to all these men.

Chairman WALSH. What was the date of the first Federated System organization? That is, commencing in what we might call this later period, of this 52 that you speak of.

Mr. WHARTON. Yes; 1908.

Chairman WALSH. That was signed by the officers of what department?

Mr. WHARTON. Railway employees' department.

Chairman WALSH. American Federation of Labor?

Mr. WHARTON. American Federation of Labor.

M., K. & T. RAILWAY,
Denison, Tex., March 15, 1915.

Mr. A. O. WHARTON,
President Railway Department A. F. of L., St. Louis, Mo.

DEAR SIR: Replying to your letter of March 9, in which you inquire as to reasons for forming a system federation of shop trades on the M., K. & T. railways. Many years' experience proved that our craft organization was not effective in securing fair working conditions, or a rate of wages that would compare with that received by the skilled trades outside the railway service, or that was at all adequate for the kind of service required.

The small increases in pay we were able to secure from time to time did not keep pace with the increased cost of living, and they were more than offset by the company's policy of continual retrenchment. We saw the different crafts defeated and crushed in detail on our system and other roads when they made a stand for fair treatment.

We finally became convinced that federation was necessary to secure justice from our highly organized employers. We also believed this form of organization would be an advantage to the company as well as the men on account of the time that could be saved by negotiating agreements jointly.

Our federation was organized April, 1911.

Yours, fraternally,

FRANK MUNIER,
Chairman Board of Adjustment, M., K. & T. System Federation.

M. & L. SYSTEM,
Minneapolis, Minn., March 15, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. L., St. Louis, Mo.

DEAR SIR: In reply to your letter of March 9, and the information you ask for, will state that the causes leading to the formation of our System Federation was the unsatisfactory results obtainable by the single-craft method of organization to gain working conditions and wages that we believed we were justly entitled to.

The M. & St. L. and Iowa Central were consolidated in 1912, I believe, and are now known as the Minneapolis and St. Louis Railway.

In 1908 the Iowa Central attempted to abrogate the craft agreements and reduced wages. This resulted in a strike in which all crafts participated, a federation was organized, and on the termination of the strike in 1909, which resulted favorable to the men, a federation agreement was signed up and has since been renewed from time to time to the satisfaction of the men and company.

The federation was extended to include the entire M. & St. L. system on June 1, 1914, but owing to the unsettled industrial conditions no attempt has been made to negotiate a new agreement.

Fraternally, yours,

J. G. LITTLE, *Secretary-Treasurer.*

SEABOARD AIR LINE RAILWAY AND ALLIED LINES,
Savannah, Ga., March 15, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L., St. Louis, Mo.

DEAR SIR: In answer to your letter of March 9, I would state the Seaboard Federation was organized March, 1909, and have since that time been in conference with officials and signed agreements three times, all times agreeing with officials on rules and rates. Previous to 1909 we had four organizations that had agreements with company, and it would take about 30 days for com-

mittee of eight machinists, superintendent motor power, master mechanic, clerk and stenographer to come to a settlement for machinists alone, then from two to three weeks for boiler makers, the same for blacksmiths, the same for carmen. This represented about three months' actual time for the officials of the company and the different committees. We had agreements for the four crafts which was very expensive to the men on the system, and also the company. Now the last agreement for machinists, boiler makers, painters, carmen, blacksmiths, and pipemen, we spent about two weeks and accomplished more for the men at about one-fourth the expense. This was one of the main reasons we organized a federation on the S. A. L.

Personally, I believe the company is very glad to have one committee representing all employees at a conference, instead of meeting various committees, about every month of the year, as we formerly had to do.

We have also succeeded in bringing about a satisfactory adjustment of a number of very difficult cases affecting the different crafts, any of which may have resulted in a serious situation, had it not been for the efforts and influence of the federation.

Hoping this information may be of some use to you, I am,

Fraternally, yours,

H. M. FALLON.

207 East Wallberg Street.

He was the president of that system organization.

K. C., M. & O. RY.,
Wichita, Kans., March 16, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L., St. Louis, Mo.

DEAR SIR: In reply to your favor of March 9 will say in this section of the country a separate craft agreement was not worth the paper it was printed on, for the reason that the company would keep cutting things out and by the end of one year the agreements would be no good, and things they had agreed to they would interpret the wrong way to suit the company.

We all got dissatisfied and on October 31, 1911, we called for a meeting of all crafts. At this meeting it was decided that no craft be allowed to ask for separate agreements. We had committees from all the crafts draft a proposed agreement. On February 26, 1912, we met the company, but were refused a federated agreement. The chairman was told that we could get a separate craft agreement; we informed the company that we would meet them the next day at 10.30 a. m., and we were offered the single craft agreement. We informed the company that we would not accept craft agreements. At this they refused to meet our federation, so we went back to work and strengthened our cause in every way possible. We waited until August 3, 1914, when we again met the company. This time we were successful and secured a federated agreement, effective September 1, 1914.

This has been the longest time in the history of the K. C., M. & O. that peace and satisfaction has reigned. The company seems to be just as well pleased as the men.

Fraternally, yours,

J. F. PERRY, *Secretary No. 1.*

526 South Millwood, Wichita, Kans.

WHEELING & LAKE ERIE RAILWAY,
Massillon, Ohio, March 17, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L., St. Louis, Mo.

DEAR SIR: Replying to yours of March 9, our object or cause in forming this federation was the lesson we learned from the efforts of the machinists on the B. & O. & B. & O. S. W. at the time of their strike when they went our single handed and tried to better their conditions. This will show that federations were formed for protection of shop crafts and not to ask for unreasonable demands, as some railroad companies seem to think.

Our first federated agreement was obtained in 1911.

W. & L. E. System Federation, No. 22, was instituted in March 1911, and changed to No. 28 last fall, when we took out a charter from the reorganized department.

In getting our agreements we have had our differences with the railroad officials, but when everything was settled all petty differences were soon forgotten and harmony prevailed between employees and employer.

Fraternally, yours,

C. P. BURKHART, *Secretary No. 28.*

WABASH RAILROAD,
Decatur, Ill., March 11, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L.,
St. Louis, Mo.

DEAR SIR: Your letter of March 9 came to hand to-day and contents noted. In reply will give you all the available information I have on the subject. That will be during my connection with the Wabash Railroad.

The first move along the federation line on this road was made in November of 1902. The boiler makers at that time had been out on strike two weeks, when the other crafts saw the necessity of pulling together for their own protection. They walked out in sympathy on November 2, 1902, and were out four weeks. The outcome of this first effort was a 2-cent increase for mechanics and 1½ cents for helpers. It was a joint affair, but the agreements were made between crafts and were mostly verbal. The mechanics received with the increase added a prevailing rate of 28 cents per hour and a 10-hour day. From this time till 1909 the men became involved in several strikes, with the result that their prevailing rate at that time had been raised to 32 cents. It seemed up till this time that either one craft or the other would start something and whoever started seemed to suffer the worst. There was always a strike to get a raise, and the men lost more in the time lost than they gained with their raises obtained. In 1907 the company abrogated all their agreements. Through 1908 the men began talking federation, and in January, 1909, the company called in the blacksmiths' committee and tried to get them to sign up an agreement with them which was absolutely unfair. They notified the management that they were not prepared to negotiate an agreement at this time but would notify them at a later date when they would meet them. The crafts all got busy, and the result was that a federation was organized on March 27, 1909. This federation worked on the case until the latter part of August, when they presented the first joint agreement. This federation was composed of the machinists, boiler makers, blacksmiths, and tinners and pipemen. After the first agreement had been presented the carmen came into the organization and asked to be taken in with the agreement. After about two months of parleying the federation secured recognition for them and the agreement was signed up in December of that year. Since the organization of the federation there has never been a strike. At times different crafts have voted a strike, but have never failed to abide by the federation rules. The result is that the men have been raised till their prevailing rate is now 38 cents per hour. They have as good an agreement as any in the country; they have reduced the working hours to 9 hours for the day. They have made a test of the 8-hour day, and the company is satisfied to grant it when it becomes general. The company would sooner meet the men now as a federation than any other way and have hinted that they would be glad to see all roads in certain territory meet as districts. The federation has been a blessing to the men, an advantage to the company, and has certainly proven its worth to the men on this system. If I can be of any further assistance in this matter kindly let me know.

Fraternally, yours,

ALBERT OWEN, *Secretary-Treasurer.*

436 North Third Street, Decatur, Ill.

Commissioner AUSHTON. What road was that, please?

Mr. WHARTON. Wabash Railroad. [Reading:]

CHICAGO & NORTH WESTERN RAILWAY,
Chicago, Ill., March 12, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L.,
St. Louis, Mo.

DEAR SIR: Replying to your request of March 9, the North Western System Federation was organized April, 1900, under charter of railway department,

and has been a continuous member of that department since. Causes which led to our organizing as a system federation may be summarized as follows:

Previous to organization as a system federation we found that our agreements were not enforced, only in the larger shops. At smaller shops and isolated points we found that our agreements were either ignored or evaded. Men working at some of these places were ignored altogether. Overtime clauses were in many cases ignored. Jurisdictional disputes were of common occurrence. Each craft was trying to get the best of the other, and the usual bitterness between crafts which follows conditions of this kind prevailed.

The benefits derived since the organization of a system federation may be summarized as follows:

Brought the different crafts closer together.

Less jurisdictional disputes.

More uniform shop conditions. (Overtime rates are the same all over the system where organization prevails.)

Better enforcement of agreements at isolated points.

More uniform rates of pay. (The blacksmiths, boiler makers, and machinists get the same rate, 41 cents all over the system in the M. P. Dept.)

Trusting this information may be of some value, I am,

Fraternally, yours,

J. W. FRANCIS,
Secretary-Treasurer System Federation,

FORT SMITH & WESTERN,
Fort Smith, Ark., March 15, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L.,
St. Louis, Mo.

DEAR SIR: Your communication of March 9 duly received, and in reply will say that the employees of the Fort Smith & Western Railroad tried a number of times to get an agreement and an increase in wages as individual crafts, but each time they failed and were told that if they did not like their jobs they could quit. So in 1910, they organized a federation and succeeded in securing a working agreement and a small increase in wages.

In August, 1911, we secured better working conditions, and Octoebr 1, 1911, an increase in wages of 5 per cent.

From March to August, 1913, we had a number of conferences with the management regarding shop rules and an increase in pay. During this time all we got was the promise of an increase in pay commencing the 1st of October, 1913.

About the 1st of November, 1913, the agreement was made and the increase in pay granted with back pay for the previous month. Since the signing of the federated agreement everything has seemed to work in harmony. It brings the men of the various crafts closer together, creates more of a brotherly love for one's fellow workmen; also, far easier to settle grievances and disputes which arise in the shop, as we now get together and have them out among ourselves, while before they were taken before the officials of the road.

This also relieves the officials of a great deal of annoyance and trouble.

There are also other reasons why federation organization is superior to the craft organization, which at this time would occupy too much time and space.

Fraternally, yours,

E. WINFREE,
Secty.-Treas. Ft. S. & Western Sys. Fed.

400 South Sixteenth Street.

CHICAGO & EASTERN ILLINOIS,
Danville, Ill., March 18, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. of L.,
St. Louis, Mo.

DEAR SIR: Your communication of March 9 duly received, and in reply wish to state that the labor organizations employed on the Chicago & Eastern Illinois Railroad organized into a system federation for the following reasons:

To bring together all organizations on the C. & E. I. Ry.

To prevent the introduction of piecework, bonus systems, physical examination, and unfair efficiency systems.

To shorten the hours of labor and establish a minimum wage scale for the employees in all branches of the railway service.

To establish an agreement that will cover all branches of organized labor in the mechanical department that would bring about a more permanent and stable condition acceptable to the employer and employees alike.

By system federation agreements we can prevent strikes and lockouts to a great extent and by concerted actions reap the benefits of our labor.

To urge all members to adopt and carry out a plan of cooperation with all crafts, thereby eliminating strikes of an affiliated organization caused by jurisdictional disputes and the pitting of one craft against another by unfair employers.

The operation of railroads under Government supervision as to standardization of passenger and freight rates calls for the standardization of pay to the employees; this can only be gained by system federation.

Fraternally, yours,

THOMAS J. SHORT, *Secretary-Treasurer.*

Mr. WHARTON. I have a statement here of a man who was one of the general officers of the boiler makers' organization and I believe was present during many of the negotiations and organization of practically all of the southeastern railroads. It is as follows:

PORTSMOUTH, VA., *March 18, 1915.*

Mr. A. O. WHARTON,

President Employees Department, St. Louis, Mo.

DEAR SIR: In reply to your circular of the 9th, requesting information on the important question of system federations on railroads, including the Harriman and Illinois Central lines, and their possible effect in negotiating agreements between the railroad companies and their shopmen, I desire to say that from close, as well as practical, experience in connection with system federations on the principal railroads of the southeastern district, that such a movement has brought about a condition of affairs most gratifying to capital and labor from an industrial standpoint, as no strike has occurred since the formation of railroad federations in 1908, of serious nature.

I further desire to say that the railroad companies were responsible for the federated craft movement, because of their intense opposition while in conference with single craft organizations in their plea for humane working conditions, as well as fair wages to support those depending on them.

It is also true that some railroad companies favor a federation of their shopmen, as it has a tendency to save time, as well as expense to both parties at issue, in their negotiations with a duly authorized committee representing all the shop crafts affiliated in a federation.

If the railroad corporations of America would only realize the importance of the employees railway department of the American Federation of Labor as a factor in preventing industrial disputes, as well as serious labor complications, that could be avoided when handled with due deliberation and business judgment by both parties at issue, if such was done, investigations by industrial commissions would not be necessary; but just as long as corporations can only look at their own individual interests in the industrial field, labor will continue these efforts for human rights, which every American citizen is entitled to according to the law of self preservation.

Fraternally, yours,

THOS. NOLAN.

This is the Frisco Railway system, dated Springfield, Mo., March 19, 1915, as follows:

Mr. A. O. WHARTON,

President Railway Employees Department, A. F. of L., St. Louis, Mo.

DEAR SIR: Yours of March 9, requesting information as to why we organized a system federation received.

Our federation was organized December 12, 1910, for at least four reasons:

First. To reduce the cost of securing agreements.

Second. To keep the company from using one craft to fight another.

Third. To become more closely allied for our mutual protection.

Fourth. Following the example set by our employers in order to meet with them on matters pertaining to our welfare on somewhat of an equal footing.

Our first federated agreement was secured September 15, 1912.
Trusting this will be of some service to you, I remain,
Fraternally, yours,

CHAS. CHUMLEY,
Sec'y-Treas. Frisco System Federation No. 22.

The following is from the Intercolonial and Prince Edwards Island Railways, dated Moncton, New Brunswick, March 18, 1915, as follows:

Mr. A. O. WHARTON,
President Railway Employees Department, A. F. of L., St. Louis, Mo.

DEAR SIR: Your communication of March 9 received, and in reply will say that as individual organizations we felt our weakness on many questions of importance to us. Finally, we decided to form a local federation for the purpose of procuring a shorter workday. In this matter we were successful in reducing our hours of labor from 10 to 9 hours per day, receiving the same wages for the 9 hours as we did for the 10 hours, and in cases where there was a fraction of 1 cent per hour we got the benefit; we also received 1 cent per hour over and above what we were receiving for the 10-hour day. We also received a federated schedule with the management, and have been working under such schedule since February 1, 1913, and all matters are now handled by the federation, and we feel that we never could have accomplished what we have in a couple of years in any other way than by federation. You understand our hourly rates have been increased from 3 to 4½ cents per hour, which we consider is alone sufficient to satisfy our membership that federation is an advanced step over the individual organization and the management can now deal with five or six organizations in the same time they used to take to deal with one.

We would not think of giving up our federation, for we see the benefit of it. I remain,
Yours, fraternally,

L. MCKINNON, *Secretary-Treasurer.*

Commissioner GARRETSON. Is that railway a privately or a publicly owned and operated railway?

Mr. WHARTON. The Government owns it.

Commissioner GARRETSON. The Government owns and administers the road?

Mr. WHARTON. Yes.

The Rock Island Railway, dated Kansas City, Mo., March 24, 1913, as follows:

Mr. A. O. WHARTON,
President Railway Employees Department, A. F. of L.,
Suite 5–6, Ohio Building, St. Louis, Mo.

DEAR SIR: Answering your letter of recent date regarding the benefits derived by the men by forming federations of shop crafts on railroads, will say: The machinists, boiler makers, blacksmiths, sheet-metal workers, and carmen, together with their helpers and apprentices on the Rock Island Railroad, formed a federation, and in 1911 negotiated an agreement with the Rock Island Co.

We found this method of organization of benefit to all the men employed.

First. It greatly reduced the cost to the men of obtaining an agreement. Under the old system of craft agreement it was necessary for each craft to send a committee to the company officials and to spend weeks negotiating an agreement. One craft followed another, and although one craft had signed an agreement, the craft following was compelled to again go over the same ground covered by the craft ahead of them. After the formation of the federation a committee, smaller in some instances than the committee representing a single craft, oftimes negotiated an agreement covering all the men in all crafts in about the same length of time formerly taken by a single craft committee. This greatly reduced the cost to the men and was also of benefit to the railroad company in that it did not take so much of their time when making agreements.

Second. It standardized the rules, and it insured equal treatment to all employees. Previously, under craft agreements, there would be different interpretations of certain rules or, perhaps, different wording in the rules that caused confusion both to the men and to the company, and resulted in more grievances arising to be settled.

Third. We found under the old method of craft agreement that the railroad companies were using one craft against another for the purpose of defeating any betterment of working conditions. The federation of those crafts eliminated this condition.

Fourth. We knew that the railroads were in a manner federated, through associations of general managers, etc.; and if this form was good for them, a similar form of organization became a necessity for the protection of the men.

Fifth. Under the craft form of agreement the company would, by various methods, take certain conditions from one craft. After this was accomplished that fact was then used as an argument against other crafts having a similar rule. The federation form of organization eliminated that condition.

There are other good reasons, aside from those shown above, not the least of which was the absolute necessity of a stronger organization on the part of the men to successfully combat a rapidly growing tendency on the part of the railroad companies, which was the result of organization on their part, to get all crafts on all roads to a common level as regards rules and rates of pay and thereby destroy the argument the men had of showing better rules and rates of pay on other roads.

The shop employees on the Rock Island have been working under a federated agreement for three and one-half years, and we find it efficient and economical. It has greatly reduced the number of grievances arising and has been beneficial to both the employees and the company.

The company at first seemed to greatly fear the federated form of organization. The manner of handling agreements and grievances under the agreement and the rapid manner in which grievances are being eliminated proves their fears groundless.

Yours, fraternally.

H. J. CARR,
Chairman Executive Board R. I. Federation.

New York, Ontario & Western Railway, dated March 25, 1915, as follows:

Mr. A. O. WHARTON,
President Railway Employees' Department, A. F. L., St. Louis, Mo.

DEAR SIR AND BROTHER: Previous to July, 1911, the various crafts on the N. Y., O. & W. R. R. worked for their own individual welfare. This had many drawbacks to the organization, as well as to its members, taken separately. Now, when negotiations were under way for a new agreement, each craft would elect its delegates, and a time would be set with the railroad management for a hearing.

For example, the machinists to-day, boiler makers to-morrow, the blacksmiths the next day after, etc. Now, the delegates of the machinists from all points of the railroad would meet here to-day, and their business could not be completed for various reasons; but as the boiler makers had to-morrow and the blacksmiths the next, the machinists would have to wait until the first vacant day to finish their business. Probably the same would happen to the other crafts, making expense to that individual craft, taking men from their work an unnecessary length of time, besides often keeping men from duties which necessitate their being in their respective stations.

One can readily see how the above is detrimentad to the employees, also the railroad company.

Each craft seemed to be working against the others, and matters did not move as smoothly as desired for the benefit of the men. It was also taking a great amount of valuable time from the railroad officials. Hence on July 1, 1911, delegates of the different crafts from all points of the N. Y., O. & W. met to determine if something could not be done to overcome the obstacles. After much careful consideration, it was decided to form a system federation. This body was guided by a set of rules; and while it was not recognised by the heads of the company until later, its cooperation was perfect, and the different crafts could not help but see the benefits derived therefrom.

On July 1, 1914, the N. Y., O. & W. Co. met the System Federation as a whole. The results were beneficial both to the company and the men. This is especially noticeable in the time taken to bring matters to a close. You see all crafts represented have a hearing on the same day at the same time; thus all crafts know what is being done by the others and what is being received by them. It is strikingly noticeable that this eliminates any contention among the men involved and is a great preventive of strikes, because the larger the body

of men the less liability of their striking, it being such a simple matter to get them together to reason with them and, if need be, control them.

Thus you will perceive the many advantages of the System Federation on the N. Y., O. & W. according to the men, as well as the management itself.

Fraternally, yours,

CHAS. D. MCCARTHY,
Secretary-Treasurer.

New York, New Haven & Hartford Railway, Roslindale, Mass., March 20, 1915, as follows:

Mr. A. O. WHARTON,
President Railway Employees' Department, A. of L.,
St. Louis, Mo.

DEAR SIR: Your favor of March 9 received, requesting information about why we formed our federation, and when.

Our federation was formed as a protest against piecework some time about the month of January, 1908.

I beg to remain,

Yours, fraternally,

ROBT. HENDERSON,
Sec'y-Treas. System Fed. N. Y., N. H. & H. R. R.

I will say that the piecework was not introduced as a result of the organization of the federation on that system.

The officials of the Illinois Central and Harriman lines are on record to the effect that they were unalterably opposed to the recognition of the System Federation. We herewith quote from a printed circular issued October 12, 1911, by General Manager W. L. Park, of the Illinois Central:

"So far as the System Federation is concerned, the Illinois Central management makes no secret of its opposition for the reasons already mentioned. It refuses to be placed in the position of giving any encouragement, even by inference, that will lead its employees to believe it will recognize the federation."

Mr. J. Kruttschnitt, chairman of the executive committee, speaking for the Harriman lines in a conference held with the general officers of the organizations in San Francisco early in September, 1911, made a similar statement, although couched in different language.

As a matter of fact, we desire to state that there has never been an authorized strike on any railroad system, where a federated committee has been recognized and a federated agreement signed up. This statement refers to federated agreements signed and in effect since early in 1908. There has been but one unauthorized strike. This occurred on the Missouri, Oklahoma & Gulf, a very small road, and if the railroad officials had been willing to permit the men to return to work under their old agreement, the general officers would have ordered the men back. This the company refused to do, and the strike was then declared to be a legal one.

We believe this record, together with the fact that many railroads admit that they prefer to deal with a federated committee, speaks for itself and places the responsibility for the Illinois Central and Harriman lines strike on the shoulders of those who declined to meet or treat with a federated committee. Knowing the men as we do, it has always been our opinion that by giving the committee a hearing the railroad officials would have paved the way for a peaceful and mutually satisfactory adjustment of the existing differences.

The reorganization of the railway employees' department not being consummated until some time after this trouble occurred, others more familiar with the details of these strikes will no doubt be called again.

The following letters were exchanged between the railway department and the Association of Western Railways, and are introduced as evidence of one of the many efforts put forth by the organization to bring about a settlement.

St. Louis, Mo., *May 8, 1912.*

Mr. W. A. GARRETT,
Chairman General Managers' Association of Western Railroads,
Heisler Building, Chicago, Ill.

DEAR SIR: The officers whose signatures and titles appear attached hereto, acting for the membership of their respective organizations and by the au-

thority of a convention held in Kansas City, Mo., April 15 to 22, inclusive, desire to enter into arrangements for a conference between the General Managers' Association of Western Railroads or the duly authorized representatives of said association.

The object of this conference to be the bringing about of a settlement of the strikes now in effect on the M., K. & T., Illinois Central, and the roads generally designated as the Harriman lines.

If it be the disposition of the railway managers or those whom they represent to enter into negotiations for this purpose, we are of the opinion that the first great step will have been taken in establishing a more universal and permanent peace between the railroads and the men employed by them, which result will be of mutual benefit to all concerned.

Back of this request there is a real desire on our part to be of such service as we can in bringing about a complete understanding, and an understanding that will practically eliminate strikes and their attendant losses.

We believe that the time has arrived when employer and employee must recognise that each have rights which must be respected.

Trusting that your association will see the possibilities of a meeting of this character and that this communication will receive your serious and favorable consideration, we remain,

Very respectfully, yours,

Wm. H. Johnston, President Machinists and Helpers; J. W. Kline, President Blacksmiths and Helpers; M. F. Ryan, President Railway Carmen; Jno. J. Carrigan, President Railway Clerks; Geo. F. Hedrick, President Painters and Decorators; J. A. Franklin, President Boiler Makers and Helpers; M. O'Sullivan, President Sheet Metal Workers; James Wilson, President Pattern Makers; J. T. Kinsella, President Steam Fitters and Helpers; A. O. Wharton, Chairman.

P. S.—Address all communications to A. O. Wharton, Room 305 Howard Building, St. Louis, Mo.

Under date of May 21, 1912, the following reply was received, addressed to the officers named previously:

THE ASSOCIATION OF WESTERN RAILWAYS,
Chicago, May 21, 1912.

Mr. William H. Johnston, president Machinists and Helpers, 405 McGill Building, Washington, D. C.; Mr. J. A. Franklin, president Boiler Makers and Helpers, Suite 7, Law Building, Kansas City, Mo.; Mr. J. W. Kline, president Blacksmiths and Helpers, 324 Dearborn Street, Chicago; Mr. M. O'Sullivan, president Sheet Metal Workers, Nelson Building, Kansas City, Mo.; Mr. M. F. Ryan, president Railway Carmen, 509 Hall Building, Kansas City, Mo.; Mr. James Wilson, president Pattern Makers, 403 Keave Building, Cincinnati, Ohio; Mr. John J. Carrigan, president Railway Clerks, 307 K. C. Life Building, Kansas City, Mo.; Mr. J. T. Kinsella, president Steam Fitters and Helpers, 857 West Sixty-third Street, Chicago; Mr. George F. Hedrick, president Painters and Decorators, La Fayette, Ind.; Mr. A. O. Wharton, Room 305 Howard Building, St. Louis, Mo.

GENTLEMEN: Acknowledging receipt of and in reply to yours of the 8th instant advising your desire to bring about a conference between the General Managers' Association of Western Railways, or their duly authorized representatives, and the officers of the various organizations to whom this letter is addressed, for the purpose of "bringing about of a settlement of the strikes now in effect on the M., K. & T., Illinois Central, and the roads generally designated as the Harriman lines."

This association is entirely without knowledge of, jurisdiction, or authority in the matter referred to and can take no action in the controversy between the railroads mentioned in your letter and their former employees.

By order of the executive committee.

Respectfully, yours,

W. A. GARRETT, *Chairman.*

Chairman WALSH. Was there a strike on the M. K. & T. before this agreement was entered into?

Mr. WHARTON. That was one of the roads on which we had craft troubles; at the time the carmen were on strike on the M., K. & T. system.

Chairman WALSH. Was the strike over the question of introducing the Federation System?

Mr. WHARTON. No; it was a case of pitting one craft against another and denying rights to earnest that were granted to others.

Chairman WALSH. Was the Federation System introduced on the M., K. & T. after this strike?

Mr. WHARTON. Yes. (Reading:)

St. Louis, Mo., *June 26, 1912.*

Mr. W. A. GARRETT,
Chairman General Managers Association of Western Railways,
Chicago, Ill.

DEAR SIR: Acknowledging receipt of your favor dated May 21, which was in reply to a communication sent you under date of May 8, by the undersigned officers, we have duly noted contents, and regret that the Association of Western Railways assumes to be without knowledge of, jurisdiction, or authority to arrange a conference for the purpose as outlined in communication previously sent you.

Since the exchange of the communications above referred to, we find ourselves in a position which, to us at least, appears to have altered the situation to the extent of warranting that another effort be made to arrange a conference with the object in view of bringing about a peaceful solution of the labor disputes now going on, and the maintenance of peace in the future.

We believe that a conference will at least prove beneficial, even though we may be unable to accomplish all that we have in mind. It is our desire to place a number of matters squarely before the Association of Western Railways, matters that have to do with the future as well as the present.

A desire exists on our part to bring about a more permanent and stable condition of affairs. We believe that the Association of Western Railways should be interested in this proposition to the extent of meeting the undersigned in conference, if not, then they must be considered responsible for any subsequent action on the part of the employees, who have been thus denied an opportunity of presenting their side of the question.

Trusting this communication will receive your favorable consideration, we remain,

Very respectfully, yours,

Wm. H. Johnston, president Machinists and Helpers; J. W. Kline, president Blacksmiths and Helpers; M. F. Ryan, president Railway Carmen; Jno. J. Carrigan, Railway Clerks; Geo. Hedrick, president Painters and Decorators; J. A. Franklin, president Boiler Makers and Helpers; M. O'Sullivan, president Sheet Metal Workers; James Wilson, president Pattern Makers; J. T. Kinsella, president Steam Fitters and Helpers; A. O. Wharton, chairman.

P. S.—Address all communications to A. O. Wharton, Room 305, Howard Building, St. Louis, Mo.

The reply to it was as follows [reading]:

THE ASSOCIATION OF WESTERN RAILWAYS,
Chicago, July 11, 1912.

Mr. Wm. H. Johnston, president Machinists and Helpers, 400 McGill Building, Washington, D. C.; Mr. J. A. Franklin, president Boiler Makers and Helpers, Suite 7, Law Building, Kansas City, Mo.; Mr. J. W. Kline, president Blacksmiths and Helpers, 324 Dearborn Street, Chicago; Mr. M. O'Sullivan, president Sheet Metal Workers, Nelson Building, Kansas City, Mo.; Mr. M. F. Ryan, president Railway Carmen, 509 Hall Building, Kansas City, Mo.; Mr. James Wilson, president Pattern Makers, 403 Keuve Building, Cincinnati, Ohio; Mr. Jno. J. Carrigan, president Railway Clerks, 307 E. C. Life Building, Kansas City, Mo.; Mr. J. T. Kinsella, president Steam Fitters and Helpers, 307 West Sixty-third Street, Chicago; Mr. Geo. F. Hedrick, president Painters and Decorators, La Fayette, Ind.; Mr. A. O. Wharton, Room 305, Howard Building, St. Louis, Mo.

GENTLEMEN: In reply to your favor of the 20th ultimo, asking for conference with a view of "bringing about a peaceful solution of the labor disputes now going on and maintenance of peace in the future."

The Association of Western Railways can not undertake to hold such a conference, being without knowledge of, jurisdiction, or authority in the matter referred to, as stated in my letter to you of May 21, 1912. The association has no original jurisdiction, and can not negotiate differences between its members and their employees, nor can it undertake to act in the capacity of arbitrator or mediator, as suggested in your letter, or to in any way enter into a dispute existing between the employees of any railways and their employing companies unless all parties to such dispute should agree and request that the matter be so handled.

By order of the executive committee.

Respectfully, yours,

W. A. GARRETT, *Chairman.*

As a matter of information, we herewith submit copies of federated agreements last signed up on the Southern Railroad and allied lines; the Wabash Railroad; the Missouri Pacific-St. Louis, Iron Mountain & Southern; the Chicago, Rock Island & Pacific, and the Kansas City, Mexico & Orient Railways. These we believe to be fair samples of the 52 federated agreements now in effect.

In outlining these agreements, I want simply to draw attention to some of the principal features of them, which simplifies the work of the agreements. They are practically headed in the same manner, starting out with "general rules" governing the crafts.

I desire to state that the general rules embodied in these federated agreements are practically a repetition of the same rules that existed in each one of the crafts' agreement prior to the signing of the federated agreement. This change resulted in standard rules for all the shopmen.

The men all work, or mostly work, in one shop under the supervision of the same authorities, and they were naturally very much controlled by any decision that would be arrived at by that management in handling the affairs of the shops.

But we found there were conditions that would creep in under the same management, different things; we found men working seven, eight, and nine hours a day in the same shop. And this brought about the greatest of dissatisfaction on the part of the men. The general rules in the federated agreement stopped or rather removed this cause of complaint.

We have also been placed in the rather peculiar position of being compelled to practically demand the most simple of sanitary regulations, even to the point of securing pure drinking water, and things of that kind. We were denied, sometimes in one department, because the other department had not made a demand for such a condition where the health of the employees was absolutely at stake, those requests were denied.

I have in mind one shop in particular in Little Rock, Ark., on the Missouri Pacific and Iron Mountain & Southern Railroad, the employees numbering hundreds under this one roof, the locomotive shop, possibly 700 or 800 men. The average number of men prior to about 1905 and 1906 that was in the hospital from that shop would run close to an average of 20 per day from malarial fever and chills, and kindred diseases, conditions native to that climate.

After we got purified water in there that number decreased pretty nearly 75 per cent in the next two years, the reduction in the average number of men laying off from those causes resulted in their reducing the number of men on their pay roll by a very large number. In other words, they used to have to carry 20 to 30 per cent more men than they actually needed in order to keep up the full complement of men who were able to work.

A committee—it took over two years to establish a condition in the shop whereby pure drinking water would be furnished, and it was the result of two negotiation periods of all the crafts, and in some instances as a result of one craft asking for a thing to be furnished, and the fact that the other crafts did not have it or had not asked for this particular thing would be used as a basis for refusal.

I do not desire to burden you with all the details. There are 52 of these.

Chairman WALSH. You may turn them in, if you will.

Mr. WHARTON. I will leave them with the commission.

(Witness submitted pamphlets referred to in printed form. They are entitled: "Agreement and General Shop Rules of the Machinists, Boiler Makers, Blacksmiths, Pipe Fitters, and Tinners and Helpers and Apprentices and the Wabash Railroad Co.; In Effect Apr. 17, 1914. Agreement Between the Following Organizations: Boiler Makers, Blacksmiths, Sheet Metal Workers, Machinists, Carmen, Painters, their Helpers and Apprentices, and the Missouri Pacific Railway Co., St. Louis, Iron Mountain & Southern Railway Co.; Effective Apr. 1, 1913. Joint Agreement Between the Rock Island Federated Trades and the C., R. I. & P. Railway and C., R. I. & G. Railway; Effective Mar. 1, 1913. Agreement Entered into Between the Kansas City, Mexico & Orient Railroad Co. and Kansas City, Mexico & Orient Railway Co. of Texas and the Following Organizations: Machinists, Boiler Makers, Blacksmiths, Carmen, Sheet Metal Workers, their Helpers and Apprentices; Effective Sept. 1, 1914. Agreement Between the Federation of Railway Employees and the Southern Railway and Allied Lines. Also By-Laws and Names and Addresses of Delegates to Fifth Annual Convention, held in Birmingham, Ala., Feb. 24 to Mar. 1, 1913.")

We also submit a copy of the constitution of the railway employees department of the American Federation of Labor.

(Witness submitted printed pamphlet entitled "Constitution and By-Laws of the Railroad Employees Department of the American Federation of Labor.")

In connection with this we desire to state that the aims and objects of this department are primarily and fundamentally—

(*a*) To federate all recognized railway craft organizations.

(*b*) To shorten the hours of labor to a maximum of eight hours per day.

(*c*) To establish a minimum wage scale for all employees in all branches of railway service, in conformity with the principle that all who perform a useful or necessary service are entitled to earn a wage that will insure a decent living for themselves and those dependent upon them.

(*d*) To enter into agreements that will establish conditions of employment, beneficial to the moral, physical, and mental development of all railroad employees.

(*e*) To abolish the abuses connected with the physical examination and personal record systems, wherever established.

(*f*) To reduce strikes and lockouts to a minimum, the department being pledged to a policy of mediation, conciliation, or voluntary arbitration as a means of adjusting questions which can not be settled otherwise.

We believe that the following questions come properly under the purview of the Commission on Industrial Relations:

The hospital service: To which employees are required to contribute their financial support, and on a vast majority of the railroads are denied representation on the managing board, have no voice in selecting the physicians and surgeons, and no financial accounting is ever made to them, showing how and to whom and for what purpose the funds collected are expended

Insurance: A number of railroads have put into effect a plan of insurance. Employees who can pass the necessary physical examination are compelled to accept this insurance, payment for same being deducted from their earnings.

The old-age-pension plan, as well as the insurance plan, has a direct bearing on the question of employment and in a measure has been responsible for the adoption of rules precluding the employment of men physically and mentally in their prime.

The personal record and physical examination systems, their relationship and effect on the workmen in connection with the so-called scientific management, insurance, and old-age pensions.

Chairman WALSH. I have a question or two I would like to ask you?

I understood you to read from your statement there that there has been no strike, sympathetic or otherwise, on any of these systems on which the Federated System has been recognized?

Mr. WHARTON. There has been none, excepting the M. O. & G., which I previously explained; only about 250 men being involved.

Chairman WALSH. Mr. Markham made a suggestion here to the effect that this would produce an influence upon the industries that were not within your own craft. You got that, I believe.

I want to ask you this: Has the question ever come up—in how many instances where the railway had objected to, for instance, the use of material which came from outside industries where they claimed the conditions were not fair to union labor?

Mr. WHARTON. There has never been a case come to my attention.

Chairman WALSH. Has the boycott been used in that or any other way through this system?

Mr. WHARTON. There has never been any such matters referred to this department, there has not been any such thing discussed or contemplated. In connection with the statement made by Mr. Markham I would like to explain, as an answer to the objection he made to our mechanical organization because of the nature of their membership, it is true that the organizations affiliated with this department have members working in the various industries of the country, but they are separate and distinct organizations, being of diversified character. Their laws are adapted so they will apply to the different industries in which their members are employed.

For instance, in the railroad industry the railroad men absolutely handle the railroad business, subject to the general laws of the organization and the general officers of the organization. It has its executive council and international president. Right in line with that, the laws of this department recognise the laws of each affiliated organization, and in turn the general presidents of these organizations compose the executive council of the department.

If we desire, for instance, to inaugurate a strike on the railroads, it would be necessary for the members of the organization affiliated to this department to take a vote. The grand lodge officers haven't got the authority that Mr. Markham said they had. He said that the grand lodge officers would order a strike, and he went on in a detailed explanation of one man power, and so forth. All of the organizations affiliated to this department, their constitution and laws require that the men must vote for a strike. The majority required by all of them except one is two-thirds. It requires a two-thirds majority of the vote in five of the organizations recognized by this department, and a three-fourths vote of the members of one of the organizations. No question of strike can be taken up by the departments until that power has been given by this affiliated membership. It then becomes a question for decision of the council, and the matter is referred to it for consideration, for conciliation, and every other method or means that might be considered as practical in avoiding a strike.

Mr. Markham spoke, I think, without absolutely any knowledge of this department or its affiliated organizations or its laws when he made the statement that he did.

Chairman WALSH. Mr. Markham drew a parallel between what might happen to this organization and with the trouble known as the A. R. U. Why could not that be so?

Mr. WHARTON. Because of the very nature of its formation, the A. R. U.——

Chairman WALSH. Briefly give us, then, if you can, the difference between the formation of the A. R. U. and this organization.

Mr. WHARTON. The A. R. U. was an organization holding as eligible to membership any man that worked on a railroad. It held its meetings in general assembly. Every man of every type, possibly 20 to 25 different classes of men that might be specifically mentioned, craftsmen, transportation employees, and so forth. These men who met in one hall would discuss matters generally. There was no system in their method. For instance, every particular line of work was concerned. It brought about confusion among the men. It brought about a situation where, if by accident a majority of one craft, we will say, as an illustration, there would be a meeting held at which there might be a hundred of one craft attending and something that would come up at that meeting which would be of importance to members of another craft of which there were possibly only 10 men attending, due to the fact there were only 10 of those men there that night, and the question came up did not interest the hundred in the other craft, they would overrule and override the request of those 10 men, and it brought about a feeling that the men could not secure justice within their own organization, resulting in a gradual separating of the men, and brought about a confusion and dissatisfaction within their own ranks. It was exactly the reverse effect of what its proponents claimed for it. And not only in the case of the A. R. U., but in several other organizations of a similar character that have been since and before started, everyone of them dissolved because of this and similar reasons they broke up because of internal dissention, and the absolute inability to control their own affairs to the satisfaction of the majority.

The difference between this form of organization and the organization as now represented in this department is that the department provides for the

autonomy of each organization; the craft organization has autonomy over all of its own affairs. It makes its own laws. If it has a grievance, that grievance would be handled by members of that organization. If through the failure of the regular plan of handling grievances an organization fails to secure a satisfactory adjustment, they would then be in a position to refer that matter to the joint board composed of all the board members represented in the federation on that system. It would then become the duty of the federation to pass upon that grievance, and that board after reviewing the evidence in the case and in some instances, quite a number of them, we have found that through the advice of this advisory board, that the craft, where the personal feeling entered into the case, had been in the wrong, because of the advice and influence of the members of the other organization looking at it from a more impartial viewpoint the question in dispute would be withdrawn.

On the other hand, if it was decided that the grievance was a just one, the representatives of all the crafts would seek an adjustment by conference with the higher officials, and on up possibly to the highest official of the company who treated with committees.

Our experience in that respect has been to bring about harmony within our organizations by eliminating, to a very large degree, what might be termed "lapping over" of the jurisdiction of the various organizations.

These things I think have been settled more satisfactory to the men and to the company, avoiding what we might term disorganization in their shop organization from the employers' viewpoint.

I do not know of a single instance, and I am quite conversant with the conditions, generally speaking, in that respect, where the employer has regretted having made an agreement with the organizations as organized in this department. That is, generally speaking, the difference in the handling of the business is that we recognize the right of the craft organization itself in this department, but that organization, because of its affiliation with this department has a right to appeal to the department to secure its assistance in adjusting any grievance that may arise.

Chairman WALSH. Could you approximate for us the mileage of the 52 systems in which this has already been inaugurated?

Mr. WHARTON. Well, it would be a rather hazy approximation. I could give you the information, approximately.

Chairman WALSH. I wish you would give us the information, and submit it, will you, please?

Mr. WHARTON. Yes; I can easily give it to you.

(See Wharton exhibit at end of this subject.)

Chairman WALSH. Now, getting down to a few more details in this particular matter here: I will ask you, first, in the 52 systems where this form of organization exists, are the railway clerks in each one of them?

Mr. WHARTON. No.

Chairman WALSH. How many of them?

Mr. WHARTON. The railway clerks is an organization that has had a rather stormy career. They are now passing through practically the same experience that all the rest of the organizations of railway employees have passed through possibly 25 to 35 years ago.

Their efforts to secure recognition are being just as vigorously fought by the railroads as were those of the craft organizations, which have since secured recognition by reason of their persistency. They are being discriminated against in every section of the country where they attempt to organize.

There have been a number of cases referred to the Labor Bureau, the Department of Labor. And I believe that they have had representatives out on the Southern Railway; also on the Pere Marquette, and one or two other roads that I am not just sure of.

I believe that on the Illinois Central Mr. Markham mentioned the fact that the clerks struck at Memphis on September 25. That would be 5 days prior to the date that the strike order was issued, September 30. I understand that there were some 25 or 30 clerks summarily dismissed from the service down there for no other reason that the men could assign than that they were members of the organization. That resulted in the walkouts referred to.

The Boston & Maine and the New Haven & Hartford are two roads on which the clerks have agreements, I believe.

There are several others; this department has been divided into what is called two sections, the mechanical section and the transportation section.

The six organizations that we have named herein form the mechanical section at the present time, the Switchmen's Union of North America, the Brotherhood of Railway Clerks, and the International Brotherhood of Steam Shovel and Dredgemen represents the organization that constitutes the transportation department. The formation of this department as it is reorganized resulted from a desire to avoid unnecessary complications, reserving at the same time the right to protect its affiliated membership. I do not think that all of the organizations were entirely in harmony with recognizing every organization that might desire to become affiliated with this department, and as a result of that, at the last convention held in April, 1914, it was decided to establish the department on a basis recognizing what might be considered the basic trades in the railway industry. And that is the reason that the organizations in the mechanical section were limited to those organizations that are now recognized.

Chairman WALSH. Does your organization keep any statistics showing the trend of wages from which could be obtained any definite and reliable data as to the pay of railway clerks? That is, the trend of the pay of railway clerks?

Mr. WHARTON. No; we have no such department as that in the organization.

Chairman WALSH. You heard the comment of Mr. Markham upon that particular subject in which he said one demand was that the railway clerks be recognized in this system and that it was inadvisable to do so on account of the intimate relations existing between the clerks in many instances and the officers of the company. Have you any comment to make upon that?

Mr. WHARTON. Nothing; except I think it was absolutely unfounded. Our relation with the clerks so far as any connection with the service never, in my experience, has had a tendency to prove the statements made by Mr. Markham.

Chairman WALSH. Is it akin to the same question, or is it not akin to the same question that arises with reference to the acceptance of foremen of outside industries into the union? A line seems to be drawn, I notice in many places, by employers—and very fair ones it seems to me—between the class of employees that have intimate relations with the administration of the business from the employers' standpoint

Mr WHARTON. Well, I think that might be true to a certain extent in the clerical departments. There are some of the men that might now be eligible to membership in a clerical organization that might be holding or be employed in an official or semiofficial capacity; but the large percentage of the clerks are normally engaged in the performance of assigned duties. They themselves work under chief or assistant chief clerks, and that official relationship I do not believe extends to that class of men. You have one class, and a large number of men, who work upon the timebooks and work like that, in which sense I do not see how they could be considered working in any official capacity.

Chairman WALSH. Where could information be obtained as to the general trend of wages among railway clerks as compared with those of operatives?

Mr. WHARTON. I think that the best information in that line could be obtained from the officers of a railroad company who have the pay rolls on file covering a number of years. My opinion is, and I state it with some little knowledge of this, that the railway clerks' salaries have not gone up nor even been increased to any extent in comparison with the increased cost of living.

Chairman WALSH. You heard Mr. Markham's statement with reference to the general action that was taken really being in substantial violation of the clause in the contracts with the crafts that they should have 30 days' notice. What comment have you to make on that?

Mr. WHARTON. I think that was simply a subterfuge on the part of the company——

Chairman WALSH (interrupting). Well, what were the facts in regard to it, regardless of motive?

Mr. WHARTON. The facts are that the men in authority did notify the company over the signatures of their selected representatives. If we assume that the employer has the right to dictate to us the form of organization which we deem necessary to protect our interests, then, of course, we would assume that he had the right to say to us whom we should select to represent us.

Chairman WALSH. You mean for notification purposes?

Mr. WHARTON. Yes, sir; also for other business matters.

Chairman WALSH. Well, it seemed to me, the way I gathered it, that certain forms and certain clauses of the agreement were contained in the separate craft agreements in regard to that matter, and that action was taken without

recognizing or properly recognizing that provision of the separate contracts. Am I correct about that?

Mr. WHARTON. Well, they had separate craft agreements—that is true; but there was nothing in the agreement, say, a machinist agreement, that would require a machinist to serve a notice. It said that the company should be served with a 30-day notice. It does not say by whom, and giving notice of the changes proposed in the agreement. But, of course, that agreement being made with the machinists, the machinists naturally would handle that.

Chairman WALSH. Wasn't that the chief or one of the impelling motives probably for entering into the agreement, that they were doing it separately? You see this gentleman at least has strong opposition to the confederated system, and according to his statement he has a strong predilection toward the craft system, and no objection to it. Wasn't that, perhaps, one of the moving reasons why he entered into the contract in the first instance, and had a right to expect the notice from the separate crafts?

Mr. WHARTON. Well, I hardly think so. I don't think that was in mind at the time they entered into the agreement with the craft organizations. I do not believe they had that condition or a movement of this kind in mind at all. I don't believe there was any cause for any such reason for refusal to make a system agreement at that time.

Chairman WALSH. Now, you have given the commission many reasons why the federated system was good for both sides. Now, you heard Mr. Markham's statement that public opinion was with them practically unanimously; and he submitted certain editorial comments from the press. What means did you have, if any, or what means did you have, for instance, of getting these facts which have been adduced before this commission before the public who were not in the railway business, so that an intelligent opinion might be formed relative to these matters?

Mr. WHARTON. I think, rather unfortunately for the organizations of the men, they are handicapped in securing sufficient finances to go into the market and purchase the publicity that the employer is able to secure by paying for the information to be circulated through the daily press. Our means of communication are practically nil so far as the public is concerned. We often went to the daily papers published in all the cities and met Associated Press men, and we have found many very fine people among them, and they would promise to do this or that; but when the paper was issued the next day there was nothing in the paper in regard to our position.

Chairman WALSH. Mr. Markham did not seem to have the information himself as to the number of railway systems that had entered into this sort of an agreement. Is any direct effort made on the part of your organization to inform the public generally, or even the railway officials themselves, as to the extent to which it has been entered into and the results?

Mr. WHARTON. Well, generally speaking, I think the attitude of the officials on the Illinois Central and the Harriman lines have denied the men from communicating to them that these other agreements were in effect at that time. They refused to meet the men. That, however, would not debar them from having knowledge that these agreements were in effect, because, in my experience in making agreements, I found that the members of the various railroads associated with the managers' associations of this country are pretty well informed as to what the conditions are on every other road.

Chairman WALSH. Well, he said he knew there were such agreements, but that he was not able to give us information as to the extent of them. It seems to me possibly that might have something to do with his making up his mind.

Mr. WHARTON. I think if there had been the same interest shown in the welfare of the men as there was, possibly, for the company, that he could have had that information, as they have always had it in the past in dealing with craft organizations. Any craft committee, in attempting to negotiate an agreement, would be confronted with the fact that such and such conditions existed on all or certain railroads, and that information would be there by simply touching a button, demonstrating that the railroad could easily secure information as to the conditions of employment on every other railroad in what might be termed competitive territory.

Chairman WALSH. At this point, Mr. Wharton, we will adjourn until 2 o'clock, and then you will please resume the stand. Some of the other commissioners may wish to ask you some questions.

(A recess was here taken until 2 p. m. of Thursday, Apr. 8, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Wharton, will you please resume the stand. Commissioner Ballard has a few questions to ask of you.

Commissioner BALLARD. I understood you to say that there were 52 railroads that had effected agreements with the organizations you are interested in. How many systems of railroads are there that do not treat with them?

Mr. WHARTON. The question of defining that in the form in which you put it would be rather difficult. A system sometimes embraces several different roads. We are in an agreement—that is, the organizations we represent are in agreement with approximately 108 different railroads in the United States and Canada. These systems, as they are divided, and the territory covered by these agreements represent about two—this is approximately—I think about 210,000 or 215,000 miles of railroad.

Commissioner BALLARD. What proportion is that of the whole mileage?

Mr. WHARTON. The proportion to the whole mileage is in the neighborhood of 85 per cent; that is, 85 per cent of all of the railroads are in agreement with some one or other of our organizations. Fifty-two of them recognize the federation.

Commissioner BALLARD. You spoke of the physical examination and enumerated a great many different kinds of ailments, and I am frank to say to you that I am not familiar with them all; but you said that some barred a man from the first class and others barred him from the second class; what do you mean by that reference to first class and second class?

Mr. WHARTON. That definition would have to be answered by the gentleman who drew that circular, as the matter was entirely one of his own invention and subject only to his own interpretation. We are not consulted in any manner with respect to the drafting of such rules. They are forced upon us, not because of our willingness to accept them, but only where we are unable to resist the introduction of such unfair regulations.

Commissioner BALLARD. I gathered while you were reading that—it spoke of some positions in which those persons might work, perhaps depot clerks, or something of that kind, that they might work in such a capacity, but they could not work as first class?

Mr. WHARTON. Generally speaking, I think that would be true, that there is certain classes of service which a man might fill acceptably, while he might be absolutely unfitted for other classes of service.

Commissioner BALLARD. You think, then, it is wrong for the railroad company to bar men who have those diseases from certain classes of service?

Mr. WHARTON. We do not think it is wrong to bar any man from performing a certain service which he is incapable of performing, but we do believe we ought to have some voice and be consulted; and reason and justice should prevail and be practiced toward all concerned, and there should be no arbitrary rule fixed by the employer alone.

Commissioner BALLARD. I noticed, too, that the fee where the man was accepted was $2 and where he was rejected it was $1?

Mr. WHARTON. Possibly the company is poorer than the men; they have made the burden of $2 on the fellow who has to work for a living, but the company, if he is rejected, only has to pay $1. That is another of their regulations over which we have absolutely no control.

Commissioner BALLARD. Perhaps the fact that the doctor gets $2 for those he passes and only a dollar for those who are not passed would have a tendency to make him pass the men?

Mr. WHARTON. Yes; but if he failed to pass a man there would be another man for examination in his place, and he might continue that indefinitely, and make considerably more by turning down the men.

Commissioner BALLARD. In that way he might have the privilege of seeing and turning down many sick men.

Mr. WHARTON. No end to it, and they could be called in and examined as often as the officer who had charge of that determined they should be examined.

Commissioner BALLARD. They spoke of a judge and read some of his remarks, a judge from Texas, I think it was, and he spoke of a good many troubles or complaints. I listened rather attentively, but I could not see where this judge made any recommendations which could be accepted as ameliorating these troubles. Do you remember that he gave any principles that could be adopted to remedy them?

Chairman WALSH. That was in Australia.

Mr. WHARTON. I believe he made his position clear that nothing should be permitted that would have a tendency to, you might say, lower the standard of humanity in any sense, based upon the moral principle that the citizens were entitled to consideration first over and above any mercenary motive.

Commissioner BALLARD. There were a great many "don'ts." Now, what should be done rather than avoided? I could not gather that he gave us any constructive suggestions at all.

Mr. WHARTON. I think he pointed out some of the evils which the principle does not correct, and offered as a basis of an adjudication of that question that all dealings with those questions should be on the broad principle of protecting human life.

Commissioner BALLARD. Yes; that is true, and everybody should deal with it on the principle of protecting human life and bettering conditions of the worker; but he did not tell just how to do it, or I could not gather that he did.

Mr. WHARTON. I should think that would be a problem that no one man would be in a position to decide. He might point out the way by which conditions in certain industries could be alleviated and a standard established which would, as a whole, bring about the least possible injustice to any in that given industry.

Commissioner BALLARD. That is it.

Mr. WHARTON. I believe that back of his position was the invitation for the employers to recognize and deal with the employees and for them together to work out a system which would be in a sense one that would bring justice in the greatest possible measure without injury to anyone, as far as possible.

Commissioner BALLARD. Our commission is specifically instructed to make some recommendations toward the removal of the existing discontent and troubles in the industrial world. Then, you would say that our commission should recommend that the best way to avoid it would be to suggest that the employers and employees meet together and agree on mutual plans for that purpose?

Mr. WHARTON. I think that could be worked fairly and satisfactorily, provided the same recommendation would carry with it a medium of adjudication in the event that the interested parties failed to arrive at a satisfactory conclusion that would be equally fair to the public and to the employees themselves. There is no desire on the part of the trade-union movement to invoke any system that would be detrimental to the public in so far as safety is concerned. I do not think there is any movement in existence to-day that has been more prominent in its effort to safeguard the interests of human life and limb.

Commissioner O'CONNELL. Mr. Wharton, I want to get in the record, or in my mind, at least, the question of the influence mentioned by Mr. Markham, of the influence of the railroad, the operation of the membership of these organizations. You heard his statement to the effect that the organizations were composed of members not wholly confined to railroad employment, and that there would be an influence of those in railway employment to dictate the policy of an employer. As a general rule the organizations of railway employees holding membership in these international organizations have their membership into local lodges composed of railway members and contract, commercial members employed in commercial shops outside of the railway service?

Mr. WHARTON. That is the general practice. It is done to avoid misunderstanding between the men working in the various industries. There are some of them that even go further than that, that specialize because of the special nature of the work; these men are granted charters because they are best able to handle the particular class of work in which they are engaged. That is the policy of the organizations. None of these separate and distinct bodies have any voice or control in the matters that do not directly concern them, and these various local lodges and districts as they are formed. Each one has the right to handle its own business.

Commissioner O'CONNELL. For instance, the trouble on the Illinois Central Railroad; the machinists on that road are organized into local unions of machinists; holding membership in these unions are the machinists employed on the Illinois Central Railroad?

Mr. WHARTON. Yes.

Commissioner O'CONNELL. And there are not in these unions men who may be employed in building of stationary engines?

Mr. WHARTON. Only isolated cases, just a man here or there. They are what we call railroad locals.

Commissioner O'CONNELL. That applies to the other organizations, the boiler makers and blacksmiths?

Mr. WHARTON. Absolutely.

Commissioner O'CONNELL. Now, suppose the members on a railway system were looking toward reduction in hours or increase in wages or some improved condition of employment. Only the members of the organization that are employed on that railway system would vote upon the proposition of the wages or the hours or the conditions in which they were dealing?

Mr. WHARTON. That is absolutely correct. The system has been worked out and in effect for years that only those that were directly concerned would be permitted to participate.

Commissioner O'CONNELL. Those employed in other shops, holding membership in the same international organization, would have no say whatsoever?

Mr. WHARTON. Absolutely none.

Commissioner O'CONNELL. So that the machinists and the boiler makers and the blacksmiths and other organizations in railway employment are as separate for the purpose of dealing with railway companies as is the brotherhoods?

Mr. WHARTON. Yes, sir.

Commissioner O'CONNELL. Or transportation men.

Mr. WHARTON. Exactly the same, as far as their railroad affairs are concerned.

Commissioner O'CONNELL. It is the policy of these organizations that only those men who are to be directly affected by a question that might involve them in a strike, for instance, only the men who were directly affected by such strike are permitted to vote upon it?

Mr. WHARTON. That is absolutely true.

Commissioner O'CONNELL. And in the case of the machinists, for instance, requiring that they shall by a three-fourths vote, a majority of three-fourths for the privilege to take action?

Mr. WHARTON. Yes.

Commissioner O'CONNELL. And after they have that vote taken, they then haven't the power of striking without they have the permission and sanction of their international officers?

Mr. WHARTON. That is correct.

Commissioner O'CONNELL. And substantially they have no power to order a strike unless the membership have decided by a 75 per cent or a majority of at least 75 per cent that they want to strike?

Mr. WHARTON. That is true.

Commissioner O'CONNELL. And the officers are only empowered to give their sanction to a strike, not to order it?

Mr. WHARTON. That is correct.

Commissioner O'CONNELL. The matter originally of bringing about, as I recall it in my experience, the matter of the necessity of federations or joint handling of grievances by the organization was in a way brought out by you. I want, for my own benefit, to have it straightened out in the record.

In former years when the organizations were dealing independently, I will cite an instance: The machinists, as a rule, have the largest membership of any of the several crafts employed in the railway service; there are a larger number of machinists—I mean the shop trades?

Mr. WHARTON. Excepting only one, I believe.

Commissioner O'CONNELL. That is, you refer to the carmen?

Mr. WHARTON. Yes.

Commissioner O'CONNELL. The locomotive men. Their membership would probably be about three to one of the other organizations?

Mr. WHARTON. From that to five.

Commissioner O'CONNELL. In dealing with the individual trades ordinarily the machinists would be the first organization that would be brought up for an adjustment of their schedule?

Mr. WHARTON. I believe in a majority of the cases that was the rule.

Commissioner O'CONNELL. Then the adjustment reached with the machinists in that schedule, if it was a question of hours or overtime rates, all those things that would uniformly apply to these trade agreements being made with the machinists, that then would be a criterion that the company would require all other organizations to bring their contracts to agree to that?

Mr. WHARTON. Except to this point, that the weaker organization would be discriminated against to the extent of forcing them possibly to accept some things not as good as that secured by the machinists, and using the fact that the machinists had signed up and were bound by their agreement to bring about that very condition.

Commissioner O'CONNELL. The point I make is that the other trades could not hope to get any better conditions than the machinists had agreed upon.

Mr. WHARTON. That is true.

Commissioner O'CONNELL. If they secured or agreed upon nine hours, the other trades could not expect to come in there and ask for eight hours.

Mr. WHARTON. That is correct.

Commissioner O'CONNELL. Because they could not secure them. And for the further reason that a great number of violations of individual contracts were taking place, resulting in either the separate organization accepting the violation or resisting it on some occasions to the extent of a strike, that being purely an individual case. Now, by the system of federation contract being, as you have indicated in your statement, similar with all, where they applied alike, there would be less opportunity of violation because of the more thorough understanding of all in charge as to what they meant?

Mr. WHARTON. That has been demonstrated and they have proven eminently satisfactory to those operating under federated agreements.

Commissioner O'CONNELL. That is, the superintendent of the machine shop would have the same understanding of it as the superintendent in the car shop?

Mr. WHARTON. Yes, sir.

Commissioner O'CONNELL. And would not be liable to have one of several constructions placed upon it by the several superintendents having charge of the different agreements?

Mr. WHARTON. That is true.

Commissioner O'CONNELL. So that by avoiding that opportunity for misunderstandings you have reduced very materially the number of misunderstandings occurring and very largely the necessity of strikes?

Mr. WHARTON. The record speaks for itself. Since 1908 there has been no strike on roads where the federation was recognised.

Commissioner O'CONNELL. In answer to a question asked by Mr. Ballard, you stated that while there were conferences held, and so on, there was no adjustment; that there should be some other method, then, by which an agreement might be reached. A number of witnesses before this commission have indicated that it might be possible to have some sort of department or bureau in which the Government itself would be directly interested. Has the railway employees' department or its officials given thought to whether the Government might create a board for the purpose of mediation and conciliation and, where requested, voluntary arbitration? That is, if differences between the companies and their employees might be had?

Mr. WHARTON. The executive council of the department of the railway employees department have gone on record, and I stand instructed to advise the ment wherever complications arise which they are unable to adjust of their own efforts or through the officers who are appointed to look after the matter; that in that event they appeal to the Department of Labor and ask for a conciliation or mediation committee to be appointed to act in an effort to bring about a peaceable adjustment of the trouble.

Commissioner O'CONNELL. And personally would you think it would be a good thing for this commission to recommend to Congress that a board with those authorities, with this authority, without having compulsory power, avoiding anything like compulsory arbitration, but having in mind purely the point of getting the people together and using the good offices of the Government for the purposes of mediating would be a good thing?

Mr. WHARTON. I do.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon wishes to ask you a few questions.

Commissioner LENNON. Mr. Wharton, can you tell us—I ask this question because of some things that were read and that I had heard yesterday. Can you tell us what efforts were made by the department to bring about mediation, conciliation, or arbitration in connection with the Illinois Central and Harriman lines at first?

Mr. WHARTON. I might say that this department, as it is now reorganized, did not come into existence until after the inception of the strikes on the

Harriman and Illinois Central lines. We therefore did not have the opportunity prior to the strike of using our offices in connection therewith. Since that time there have been efforts made by the department, which will be fully explained by other officers of the department.

Commissioner LENNON. Are you aware as to whether the separate organizations made any effort in that direction prior to the strike or at its very beginning?

Mr. WHARTON. I am not in a position to answer what was done by the officers prior to the time I took charge of the department, or accepted the present position to which I have been elected.

Commissioner LENNON. I want to ask one question on the line which Mr. O'Connell asked. Suppose you have an agreement with a company—your department—and the machinists working for the Baldwin Locomotive Works became involved in a strike, have the machinists who are in your federation the power to interfere, under the laws of your federation system, if those engines were brought to a road where you were employed——

Mr. WHARTON (interrupting). I do not——

Commissioner LENNON (continuing). Would your federation rules permit the machinists to take independent action?

Mr. WHARTON. Under our laws there can be no independent action on a matter that jointly affects the men affiliated to the department.

Commissioner LENNON. Well, the machinists could not go on a strike without affecting the whole department, could they?

Mr. WHARTON. Not very well.

Commissioner LENNON. Well, then, your rules would forbid a single organization taking action in a case of that character?

Mr. WHARTON. Under those conditions.

Commissioner LENNON. Now, in your statement regarding the A. R. U., I don't know whether it is quite clear in the record or not. Your federation is not an organization for the ultimate purpose of dissolving the craft organizations.

Mr. WHARTON. On the other hand, it is for the purpose of strengthening the craft organizations.

Commissioner LENNON. And protecting them?

Mr. WHARTON. Yes, sir.

Commissioner LENNON. And the A. R. U. started in with the proposition that they were to dissolve them?

Mr. WHARTON. I believe that was their claim to popularity.

Commissioner LENNON. I believe that is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. In regard to the physical examination, Mr. Wharton, has your experience given you any line as to how that is applied on men trying to secure positions with the average company, as well as on those who are in the service?

Mr. WHARTON. Well, our experience has been that so far as it has been worked out it has been a detriment to the men, going and coming.

Commissioner GARRETSON. Either returning to the service or attempting to enter it?

Mr. WHARTON. Yes, sir.

Commissioner GARRETSON. Have you come against an instance where, say, a company crippled a man, say, to the extent of the loss of a finger joint, we will say, and settled with him for the ordinary dollar clearance, and where a reduction in service, we will say, took that man out, have you ever known of an instance where that same injury was used to debar him from reentering the service of that company on the grounds that he was unfit?

Mr. WHARTON. I think, speaking generally—and we can verify the statement—that that has happened in hundreds of cases.

Commissioner GARRETSON. The sum total of the amount received was possibly his doctor bills and $1?

Mr. WHARTON. I don't say that he received his doctor bills, because the employees in the service of that company paid for that doctor through their contributions to the hospital fund, but if he was not wise he signed the release and the doctor pocketed the dollar.

Commissioner GARRETSON. And he was debarred from following that vocation with that employer for and on account of the injury which it had done him, and for which it had not reimbursed him.

Mr. WHARTON. I believe that is true; and in a good many cases, if they refer to that road in seeking employment, on any other road they will be rejected on account of that fact.

Commissioner GARRETSON. That would occur only on roads where the physical examination is rigidly applied?

Mr. WHARTON. Yes, sir.

Commissioner GARRETSON. There are others where it is not done?

Mr. WHARTON. That is true.

Commissioner GARRETSON. Speaking of the statement made by Mr. Markham yesterday in regard to the railway clerks, that there was an intimate and confidential relation existing between the clerk and the company that made it undesirable for him to be organized or affiliated with other organizations. Has your experience taught you that the class of clerks that join organizations have any intimate relation with the company, any more than any other employee, except those employed in direct contact with the officials of the company in the various departments? Wasn't that claim even more rigidly made against operators on the ground of the intimate relations in the transmission of officials' messages, and therefore ought to be barred from organization?

Mr. WHARTON. That is true; and in going further back I think they applied it to conductors who handled the cash for the company.

Commissioner GARRETSON. Then in your opinion that claim is not well founded?

Mr. WHARTON. Absolutely not.

Commissioner GARRETSON. Under the federation form which you represent where there is the joint agreement covering—what did it embrace, seven crafts?

Mr. WHARTON. Six.

Commissioner GARRETSON. Six crafts?

Mr. WHARTON. That is in the mechanical section.

Commissioner GARRETSON. Yes. If a member of one of those crafts considered that he had been unfairly dealt with by his employer under the terms of the agreement, and he brought his claim to the organization to which he belonged which, I suppose, would be the method of procedure——

Mr. WHARTON. That is correct.

Commissioner GARRETSON (continuing). Would that organization be at perfect liberty to take up by itself the adjustment of that claim, if they so desired, before taking it to the federation?

Mr. WHARTON. That is required.

Commissioner GARRETSON. It is not only optional but necessary?

Mr. WHARTON. Necessary.

Commissioner GARRETSON. And if they can effect an adjustment alone, it never goes to the federation?

Mr. WHARTON. That is the manner in which we carry out all business of that kind.

Commissioner GARRETSON. The complete autonomy of that organization is maintained in the federation?

Mr. WHARTON. Not only maintained but guaranteed.

Commissioner GARRETSON. And the federation is not invoked until the organization aggrieved, or to which the aggrieved member belongs, has exhausted its own resources?

Mr. WHARTON. That is correct.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Ashton would like to ask you some questions.

Commissioner ASHTON. Mr. Wharton, Commissioner O'Connell asked a question about a Federal board of conciliation and mediation, and as to what your attitude would be to that. I understood you to say that you were in favor of a proposition of that kind.

Mr. WHARTON. Of a voluntary board of mediation and conciliation.

Commissioner ASHTON. A voluntary board, but not an appointed board——

Mr. WHARTON (interrupting). Well, let me qualify that. We would be opposed to any law being enacted that would bring into existence a commission that would have authority to compel us to accept arbitration against our wishes.

Commissioner ASHTON. Yes; I understood that to be your reply.

You are familiar—I am just asking you for the information of the board of commissioners—with the Canadian act, known as the Canadian labor act? I believe it provides, in a way, for investigation, conciliation, mediation, publicity, and for the suspension of any strike order for some certain period.

Mr. WHARTON. To a limited degree, I am.

Commissioner AISHTON. Do you think that would help to solve some of these problems we are all confronted with?

Mr. WHARTON. Yes; but on the other hand there are some very objectionable features to the Lemieux law, I believe it is called.

Commissioner AISHTON. I am not very familiar with it myself.

Mr. WHARTON. I am satisfied that one of the objectionable features of that law is based upon the fact that it gives an opportunity to the employer which it does not give to the members of the trade-union. There have been cases where it worked out, I believe, in connection with the miners in Canada, where the miners' organization was practically put out of existence because of the employer taking advantage of the law, which permitted him to make all the preparations for a strike—securing strike breakers, and all. The law gives 90 days, and this 90 days would be used by the employer absolutely with the object in view that at the end of 90 days he would so conduct his end of the negotiations that it would be impossible for a settlement to be reached, and he would have—in the 90 days gone by—gathered forces of men to enable him to fight the men that were asking for what they thought they were entitled to. That has been one of the objections to the Lemieux act, I have heard.

Commissioner AISHTON. The objection comes from delay.

Mr. WHARTON. From delay and the opportunity.

Commissioner AISHTON. Yes; which would be taken advantage of.

Mr. WHARTON. Yes; which has been taken advantage of.

Commissioner AISHTON. You said, Mr. Wharton, there were 52 railways in which this federation system had been given recognition?

Mr. WHARTON. Yes, sir.

Commissioner AISHTON. Have you any objection to giving the commission a list of the crafts in each one of those 52 roads for our information, and which you——

Mr. WHARTON (interrupting). We can get that information. I haven't got it.

Commissioner AISHTON. I suggest, Mr. Chairman, that at any convenient time——

Chairman WALSH. Yes. Just let the record show that the statement has been called for from Mr. Wharton as to the number of crafts that constitute the federation upon each system of the 52 roads mentioned by him, as well as the total mileage of the systems.

Commissioner AISHTON. And would there be any objection to the number of men engaged in each of the crafts?

Chairman WALSH. Yes; the number of men also engaged in each of the crafts.

Mr. WHARTON. I can only give that approximately, as the only place it can be secured accurately is from the companies' pay rolls.

Chairman WALSH. Well, do it as closely as you can. It does not need to be exact.

(See Wharton exhibit.)

Commissioner AISHTON. Mr. Wharton, you read into the record this moning some 12 or 14 letters from different railroads, referring to the operation of the federation and the reasons leading up to the federation on those railways. Those letters were, I believe, written by secretaries and treasurers or the officers of the federation on those roads?

Mr. WHARTON. Yes, sir.

Commissioner AISHTON. There was no evidence submitted directly from the railroads or from the railroad officers as to the operation of that arrangement?

Mr. WHARTON. That is a matter which we have no control over. We were simply gathering information as to what the experience of our members had been on the roads where these agreements were entered into, and thes opinions generally—the information sent to us would be based upon the experience and the expressions of the officials with whom they dealt. I can say that personally there were at least five or six roads that were represented by some of the members of our organization in the system where the officials had stated a preference for dealing with a single committee for all crafts.

Commissioner AISHTON. Those roads represented about 35,700 miles, did they not? I believe I looked that up.

Mr. WHARTON. On the other hand, I think they represented far more than that. I can name about five roads that represent about 35,000 miles of mileage on but five of those roads, I believe.

Commissioner AISHTON. Well, the M., K. & T. has how many?

Mr. WHARTON. Well, I will name the ones that I am familiar with, if you want to—or I can give it to you now——

Commissioner AISHTON. Oh, it is not very important, but if you have it handy there—was the B. & O. one of the——

Mr. WHARTON (interrupting). No; I did not say anything about the B. & O.

Commissioner AISHTON. I thought there was a letter there from the B. & O.

Mr. WHARTON. C. & O., I think—the Chesapeake & Ohio.

Commissioner AISHTON. Wasn't it the B. & O. boiler makers——

Mr. WHARTON (interrupting). No; I referred to a strike on the B. & O., and that the New York, Ontario & Western cited that as the reason why they should organize a federation of the New York, Ontario & Western. And the other case you mentioned was from Mr. Nolen, representing the boiler makers, I believe, who spoke of similar conditions in the Southeast. We can give you the mileage——

Commissioner AISHTON. Well, it is immaterial; you can submit that, if you please, with the other statement.

Chairman WALSH. I might make a suggestion that, as long as you are submitting that, you can give us the mileage and the approximate number of employees on each one and add the total at the end, and then we can look at the record and see how much mileage——

Mr. WHARTON (interrupting). Yes. For instance, I might state one road I was connected with a number of years, which might perhaps give a basis—the Missouri Pacific system. That has a mileage of 7,250 miles, and I find there are between 6,500 and 7,000 men employed in the trades represented in the federation, and we can arrive at the average number of men based on the mileage. We can give an approximate figure on it, but we have no access to the exact figures.

Chairman WALSH. I understand, but you can give us the mileage and give us approximately the number.

Commissioner AISHTON. We do not expect to be accurate, but you have a pretty fair idea.

Mr. WHARTON. Yes; we have a pretty fair idea and will be pleased to do it. (See Wharton exhibit.)

Commissioner AISHTON. At the time these agreements were entered into, were some of these roads then in the hands of receivers?

Mr. WHARTON. Yes; I believe—I recall to mind that particularly one road, a small road, the Missouri & North Arkansas—a small road.

Commissioner AISHTON. Yes; and that was also true of other roads you mentioned this morning, was it not? I think there are five roads in the hands of receivers—I didn't get interested and didn't get time to look that up, how long they have been in the hands of receivers.

Mr. WHARTON. Well, the Missouri & North Arkansas is one of the roads mentioned in the hands of receivers at the time it recognized the federation, and the strange thing was that the officials declined to make the agreement and the judge overruled them.

Commissioner AISHTON. Mr. Wharton, among the reasons for federation was given the fact that agreements were not lived up to and enforced. Take the separate craft agreements, generally speaking, there are certain instances in which they are not—but, generally speaking, are not agreements as between transportation companies and separate crafts lived up to?

Mr. WHARTON. Well, I prefer that the representatives of the transportation organizations should speak for the transportation organizations; I am not representing any of those organizations.

Commissioner AISHTON. I am speaking about the shop crafts, machinists and boiler makers; it was advanced by you as a reason why a federation was advisable and necessary for the protection of the men that those agreements were not lived up to.

Mr. WHARTON. That is true; that is one of the reasons advanced, among others. We have in mind the organization of a system of railroads where there are possibly 15 or 20 per cent of the men employed at isolated or small division points, intermediate division points. They are not located where they have the benefit of the organization, and the men are not in a lodge where committees can be regularly appointed and so forth, and where the interpretation of agreements might not be understood, because those points did not have representation in the conference where the agreement was made, consequently the men at those points are working at a disadvantage; and I want to qualify

this with the idea of placing the general officials in the right light. We have found that the local officials take advantage of the conditions, and when we take these cases up eventually, if they come to our notice, the general officials would rectify the causes of complaint. But it worked out in this way: that unless we put a man on the road and got these men in touch with the situation and sent men directly there to investigate the conditions, that the local officials continued to take advantage and that possibly 20 per cent of the men on the system would not be getting the benefits they were entitled to under the agreement; that the most of the large points would have the benefit of the cooperation of the men, but the small points would be in the condition I have described until some one was sent to such points to see that the agreement was complied with as entered into.

Commissioner AISHTON. Would it actually work out that way, in your opinion, at the present time if a schedule was entered into with the machinists and we take the ordinary railroad of 12 or 14 divisions, possibly 500 miles to a division, two or three points on each division where there are men in that craft located; in the making of a schedule at the present time is it not the usual practice for a delegate from each division to be present at a conference, at a meeting, and the negotiation with the officers of the company, and to agree on the rules; and when those rules are agreed to, are they not printed in book form ordinarily, and if not, in typewritten form, and the employees all have a copy of them; and the officers, subofficers, and the officials who have to do that, don't they also have copies of that, and is there such a wide diversity in the interpretation of that thing as you fear might take place? Now, this is more in the nature of a chat about it. With the federation idea, how—what would be the difference? How would you make a schedule with a railroad of that character and arrive at the rules and compensation? What would be the machinery used to do it?

Mr. WHARTON. The system of procedure would be that each organization affiliated with the System Federation would hold a district convention of their respective crafts. That generally occurs at what we call annual or biennial meetings, at which they transact the routine business of their organizations and at that time each craft would draw up what they considered a preliminary form of schedule for negotiations. Each one of these craft organizations selects from among the members of their district a delegation of from three to five members who compose what is known as an advisory board of the members of their respective organizations.

Commissioner AISHTON. That is, three to five advisory members; that is, on the division?

Mr. WHARTON. No; that is for the entire system; that is selected from the division representatives; these 3 to 5 are selected to act on the advisory board of the federation. The federation with 6 crafts would have a representation of 30 men. Those 30 men select an executive board, a president, and a secretary.

Commissioner AISHTON. Of the employees?

Mr. WHARTON. All employees—we are only speaking of employees now. So those committees or advisory boards of five each, would bring the proposed craft agreements together and they would eliminate all the differences that existed, and they would present one set of general rules instead of having what they formerly had, six sets of general rules. I mean rules covering overtime, hours, and so forth, and those things that can be standardized and apply equally to all trades.

The duty of this advisory board is to draw up the general rules, representing as near as possible the requests of the various trades. That is the principle on which we would work out the general rules.

Then each of the crafts present what they call their special rules dealing with the specific questions differing from the other crafts.

Commissioner AISHTON. Questions pertaining to their craft alone?

Mr. WHARTON. Yes, sir. It seems to me that it is an advantage to the employer for the men generally to iron out their differences in that way without any expense whatever to the company. Then when they go before the company they have already ironed out their differences and have come to a mutual understanding as to jurisdiction and various other matters that bring about dissention, such as existed under the old system. And when they go before the management they are in a position to negotiate an agreement based on what they have agreed on between themselves, and if it is acceptable to the company they have established a condition which removes, in my opinion,

many objections to the craft agreements and brings about a better relationship between employers and employees in the shop trades on railroads.

Commissioner AISHTON. Has there been many jurisdictional disputes as between the different crafts?

Mr. WHARTON. Quite a number.

Commissioner AISHTON. From your experience you ought to know.

Mr. WHARTON. I will give you an illustration of one thing that has been instrumental in causing a great many that have arisen in the last two or three years, the introduction of doing work by acetylene or electrical welders, a form of machine that does the work of all of the crafts, for instance, and takes work out of the blacksmith shop, and takes work out of the boiler shop, and so forth. Through that system of doing work it brought about a feeling, you might say, of strife between the various organizations, and it became necessary for them to get together and devise a line of demarcation as to the line of work they would perform. That is one thing that has, within the last few years, brought about a number of jurisdictional disputes which have assumed serious proportions in some of the shops in different portions of the country.

Commissioner AISHTON. I never heard of anything of that kind in a railroad shop and I did not know how serious it was.

Mr. WHARTON. I would like to be in your happy position, but, unfortunately, we know those things come before us and evolution and the introduction of new methods of doing work has been one of the most difficult problems that we have been confronted with in endeavoring to bring about peaceful and harmonious relations between employers and employees.

Commissioner O'CONNELL. There have been several organizations claiming jurisdiction over the pipe trade?

Mr. WHARTON. Yes; and we have attempted to establish a condition which would relieve both our organization and the companies from any trouble because of that jurisdiction.

Commissioner AISHTON. Have you been successful in removing those causes for jurisdictional disputes where the federation had contracts?

Mr. WHARTON. Generally speaking, I don't know of any case that has come to us where we have not succeeded in protecting the interests of the employer and brought about a satisfactory arrangement without cost to the employer.

Commissioner AISHTON. Take Mr. Markham's illustration of yesterday as to the Baldwin Locomotive Works; I was not clear, in your reply to Commissioner O'Connell, about the avoidance or the lack of mutual interest in a matter affecting the locomotive works. Take the Baldwin Locomotive Works and suppose they had a strike and for some reason or other they put in nonunion labor in the shops and some railroad had a contract for locomotives and they came on the road. Am I to understand that there would be no question as to the roads right to use those locomotives or repair them or do any work that might be necessary on them that would arise with the machinists in your organization?

Mr. WHARTON. As far as I am acquainted with that, there have been several strikes in the Baldwin Locomotive Works and other locomotive works, and there has never been that question injected into it in this department, but there has been no strikes since this department was organized.

Commissioner AISHTON. Has the question ever arisen as to the use of nonunion locomotives on a road on which your federation had a contract?

Mr. WHARTON. I think in some individual crafts, organizations acting independently; I do not believe the department was in operation—that there was a case or two where an effort was made on the part of that craft organization to protect its membership to the extent of bringing up a possible adjustment of the strike, but not to the extent of refusing to work on the locomotives that had been contracted for, but they used what I termed legitimate efforts in trying to induce the railroad companies to which their members and workers belonged to place their contracts with contractors who were fair to the members of their organization.

Commissioner O'CONNELL. The Baldwin Locomotive Works at the present time are still nonunion?

Mr. WHARTON. Yes, sir.

Commissioner O'CONNELL. And there is no trouble about the locomotives on the road?

Mr. WHARTON. No, sir; there has not been since I have been connected with this department. However, I can show you, and I believe this is as good a

place to make this point as any, that the Baldwin Locomotive Works in 1904, I think it was, during the Santa Fe strike, sent possibly several hundred men to the Santa Fe Railroad to take the places of striking machinists on that road under a leave of absence for 90 days, transportation both ways—were loaned to the Santa Fe Railroad, to defeat the union machinists who were on strike at that time. The same Baldwin Locomotive Works during the period of this strike, for the life of this strike, which existed about 4 years, sent in carload lots of material made from a standard form and assisted the Santa Fe Railroad in every way possible.

Now, if we imagined that that condition would arise again and we had the organization to protect the interests of the people we represent we would certainly exercise our fullest power to protect our members.

Commissioner AISHTON. I should think so.

Mr. WHARTON. We want to be absolutely candid about that. That is our position.

Commissioner AISHTON. You could not hardly forecast, however, what might be done in a case of Baldwin locomotives coming to any railroad with which your federation had a contract?

Mr. WHARTON. The only thing I can say is that they come and we have never made—the fact we have made no objection speaks for itself. That is self-evident. We are receiving engines from the Baldwin Locomotive Works to-day on the various roads on which we have practically union-shop conditions and there has been no objection to working on the Baldwin locomotives or anybody else's when they come to this company and were owned by this company. But I say this: That we would object to working on a locomotive that came from a road on which our members were involved in a strike. We would not permit the employer to use our organization in one section of the country to defeat the members of our organization in another section of the country, not if we knew it.

Commissioner AISHTON. In this discussion in your paper this morning, Mr. Wharton, with regard to these detective agencies, you said something that I did not just catch the drift of, that there was no objection to the Federal Government using detectives' service, I believe it was?

Mr. WHARTON. I said that we believed that was necessary—that that was a function of government, pure and simple.

Commissioner AISHTON. You think detective agencies ought to be under the supervision of the Government or do you think the Government ought to really operate any detective agency?

Mr. WHARTON. Well, I do not presume to answer for the Government on a matter of that sort. As a matter of fact, there is not a government in existence of any description that has not found it apparently necessary to maintain what they term a secret service. And, I presume, legitimately used, it has served a very useful and necessary service in connection with the Government. There is certainly no desire on the part of labor organizations to be opposed to anything that is necessary and useful.

Commissioner AISHTON. Yes; you want to handle it as peacefully as possible?

Mr. WHARTON. Absolutely.

Commissioner AISHTON. Which is perfectly right.

You said, I believe, in answer to some inquiry here a while ago, that in your railroad department there were six crafts?

Mr. WHARTON. That is in the mechanical section.

Commissioner AISHTON. That is in the mechanical section?

Mr. WHARTON. Yes. Do you want the names?

Commissioner AISHTON. No; I do not care about that. That point was not in my mind. The point that was in my mind was this: It was testified, I believe, yesterday, that in this demand of the federation of the Illinois Central that there were nine crafts?

Mr. WHARTON. That is true.

Commissioner AISHTON. There must have been, then, other than these six shop crafts in your railway department interested in that Illinois Central Railroad matter?

Mr. WHARTON. In answering that question I will have to explain some things that this department has tried to do. There are in the American Federation of Labor, I believe, 110 international unions affiliated to that body. Each one of these organizations has a jurisdiction, so called, governing the work presumably that their members are supposed to do. Take it in a railroad. We find there is what we term the overlapping of jurisdiction of a trade. We find, for in-

stance, in the car department of a railroad that there are painters employed and possibly several other trades. And in the car department as the organization is composed of strictly, purely, and simply railroad men, that embraces all the men working in the car department, so to speak; they have painters in their organization. But on the Illinois Central painters, decorators, and paper hangers, which is one organization that Mr. Markham mentioned, had some members on that road, and they had been recognized by the company themselves.

They also recognized the steam fitters, an organization which has since been, through amalgamation—is not now in existence. That made two organizations that would be represented in the six organizations that we have represented in this mechanical section. The other organization that he mentioned, which we do not mention, is a federal labor union, composed of laborers and helpers, and so forth. The jurisdiction of the organizations affiliated to this department take in all their helpers now. There was a time when they did not. It has practically removed the necessity of the formation of a federal labor union, which embraces men and is a plan of the American Federation of Labor of offering, you might say, protection of an organization to men who are not eligible to any craft organization. That is what brought the so-called federal labor union into existence.

With this form of organization that we have, as I have said before, the men who are actually eligible to the federal labor union are now as helpers eligible to the various organizations represented in this mechanical section. That removes the necessity of the federal labor union. And the amalgamation of these other trades, the jurisdiction of car men covering the painters, eliminates two other trades that were represented over there.

Now, in connection with the railway clerks, and I presume, because of the attitude, the hostile attitude of the railroad managers, and because we did not feel ourselves in a position to assume a burden which might mean disruption to us, involving us in fights which we were possibly ill prepared to carry on, we have simply adjusted ourselves to a condition not because we did not believe we were right, but because we desired to conform as near as possible with the condition which we were forced to meet and had no control over.

I think if there is any set of men in this country that needs the beneficent protection of a trade union, I believe that that man is the railway clerk. And certainly we would like to assist them even more than we are assisting them in the interest of humanity. But, as I say, we have drawn up this plan of organization here trying to outline a plan on a practical basis, one which will meet with the least possible objection from the men whom we have got to deal with, and which at the same time offers to us that degree of protection to which we believe we are entitled.

Commissioner ASHTON. There is a certain amount of overlapping, Mr. Wharton, of the different crafts—that is to say, these six in your railroad department in the shop and railroad department.

Now, your federation is not limited to these six you say overlap into other organizations, and in that way don't you get mixed up with interests outside of railroad interests?

Mr. WHARTON. I think it is just the reverse of that. I think we prevent your railroad companies from becoming involved in trouble with an organization who might have a few men working in your shops, which if we did not have control over them would use the influence of the other organizations to start a possible strike in a shop when they only had less than 5 or 6 per cent of the men employed there.

This they can't do under our system of organization, because we control the situation. If there is going to be any strike on a railroad where the federation is in existence, it has got to be in accordance with law, by the two-thirds or three-fourths majority vote as described earlier, and also the fact that they have got to have the sanction of the executive council of this department. I think if the employers want to do something for universal peace and something that will be mutually beneficial both to the employer and to the employees and the public in general they would encourage the form of organization which we have established.

Commissioner ASHTON. The general practice on railroads in making contracts to-day outside of the roads that you have contracts with is that the machinists make contracts for machinists, and the boiler makers make contracts for boiler makers, and the blacksmiths make contracts for blacksmiths, and so on?

Mr. WHARTON. We do the same thing in the federation. I thought I explained that. If you will permit me, I will make that clear.

Commissioner AISHTON. I didn't understand that.

Mr. WHARTON. I thought I made that clear. I said this advisory board which had the authority to negotiate was composed of three to five men from each craft. These men are elected by the machinists, the boiler makers, the blacksmiths, and so on, and these men represent their organization in negotiating for the agreement.

Commissioner AISHTON. Now, the advisory committee is three men out of each craft?

Mr. WHARTON. Three to five.

Commissioner AISHTON. Three to five?

Mr. WHARTON. Yes; optional with the System Federation.

Commissioner AISHTON. At the present time the difference lies in this: That at the present time in negotiating the contract you have a representative from every division familiar with every condition on the entire railroad, haven't you?

Mr. WHARTON. Not necessarily so.

Commissioner AISHTON. But isn't that the way it generally works out?

Mr. WHARTON. No, I can't say that it does. I tried to explain that here once before—that the smaller points on the system were absolutely not represented, and the agreement that was adopted was not put into effect, because under that form of organization the men didn't get out over the road and protect the small points. Just the reverse of that exists in the organization of the federation, because we appoint these men at the smaller points, and therefore establish a system of handling that does away with that condition, once it is signed up.

Commissioner AISHTON. I think that is all, Mr. Chairman.

Commissioner GARRETSON. You were asked a question regarding the Lemieux Act a few moments ago. You are reasonably familiar with its workings in Canada, what is known as the compulsory investigation act?

Mr. WHARTON. Something of it; yes.

Commissioner GARRETSON. Is it not a fact that at the time the Lemieux Act was originally proposed that it was supported by almost the entire Trades Labor Congress of Canada, and that the coal miners were its most enthusiastic supporters?

Mr. WHARTON. That is correct.

Commissioner GARRETSON. And is it not true that it has been broken oftener by the coal miners than by any other interests, and that the trades labor assemblies that formerly approved it, after experience with it, denounce it the most widely?

Mr. WHARTON. I think if the miners had not broken it the miners would have been broken.

Commissioner GARRETSON. Therefore, the very people that advocated it now denounce it, after being familiar with its workings?

Mr. WHARTON. They denounce it—the manner in which it has been used and the manner in which it has been drawn, because they have found the weaknesses in it, and in an effort to get that made right, after it was once enacted into law, as they have been absolutely defeated, and because of that they have been compelled to take the bit in their teeth and tell the Government to put them into jail if they want to put them all in jail.

Commissioner GARRETSON. And are you aware as to whether or not it has been testified to before this commission by representatives of the Canadian Government that there were not enough jails in the Dominion to hold the people that had violated it?

Mr. WHARTON. That was the only safety the men had, was in their numbers—the fact they had not built enough jails to take care of them.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. You will be excused.

TESTIMONY OF MR. JAMES J. MEAGHER.

Chairman WALSH. Please state your full name.

Mr. MEAGHER. James J. Meagher.

Chairman WALSH. Where do you reside?

Mr. MEAGHER. Clinton, Ill.

Chairman WALSH. What is your business?

Mr. MEAGHER. Machinist.

Chairman WALSH. How long have you followed that occupation?

Mr. MEAGHER. About 18 years.

Chairman WALSH. Are you connected with any labor organization?

Mr. MEAGHER. Yes.

Chairman WALSH. What one?

Mr. MEAGHER. The machinists'.

Chairman WALSH. Are you connected with it in any official capacity?

Mr. MEAGHER. I have been president of Local No. 641, International Association of Machinists, ever since, well, I presume a year or a year and a half prior to the walkout in September, 1911.

Chairman WALSH. Are you still connected with it?

Mr. MEAGHER. Yes, sir.

Chairman WALSH. In what capacity?

Mr. MEAGHER. Well, the lodge has since sent in its charter, because of the few remaining in the strike zone. I am still a member of the machinists' organization.

Chairman WALSH. Were you involved, were you a defendant in any of the injunction proceedings testified to by Mr. Markham yesterday?

Mr. MEAGHER. Yes, sir.

Chairman WALSH. Mr. West has advised me that you desire to make a statement that might throw light upon that situation, and especially upon a certain portion of it in which you were involved yourself?

Mr. MEAGHER. Yes, sir.

Chairman WALSH. I wish you would, as briefly and concisely as possible, give the history of that litigation.

Mr. MEAGHER. I will. Thank you. A portion of Mr. Markham's testimony on yesterday refers to James T. McCloskey, James Meagher, and Fred Irwin for violations of the injunction, alleged to have been committed at Clinton. Mr. Markham further states the case was heard by the Federal judge and the parties dismissed with a warning.

This is a slander on me——

Chairman WALSH. I wish you would just state the facts in connection with it.

Mr. MEAGHER. Yes, sir.

Chairman WALSH. We try to conduct our examinations under a rule that no matter what anyone tells he is not to be characterized either personally or in his motives, so just state the contrary facts if they appear there.

Mr. MEAGHER. I would like to tell you a few of the incidents leading to my arrest, if you please.

Chairman WALSH. That is perfectly all right, but just observe the rule that you are not to characterize the motives of the person. Just state what occurred.

Mr. MEAGHER. In 1911, in October, 1911, a restraining order was issued from Judge Humphrey's court of the southern district of the State of Illinois restraining the men from doing picket duty in and about Clinton. I was named as one of the defendants. A special train conveyed a United States deputy marshal and his aid to Clinton to serve the papers.

Chairman WALSH. Excuse me. Where was the court sitting—the southern district of Illinois—at Cairo?

Mr. MEAGHER. At Springfield, Ill. I beg pardon. I forgot to mention that.

The sheriff of Dewitt County met Carl Person and myself on the street and said, "There is a United States deputy marshal up in the Illinois Central office who wants to see you." We went up to the Illinois Central office to meet the United States deputy marshal and he served me with a copy of the restraining order—temporary restraining order. When he handed it to me he said, "Take it home and read it carefully, because it means everything it says." I read it over in the office there and I said, "I will save you the trouble going around to these men and looking them up individually. You call at the federation headquarters in the morning and you can serve all of these men at once."

Chairman WALSH. How many were mentioned in the restraining order, if you remember?

Mr. MEAGHER. Oh, I would say maybe 300.

Chairman WALSH. Generally, it was against what—committing acts of violence?

Mr. MEAGHER. The bill of complaint which was filed in Judge Humphrey's court asked that an injunction be served, claimed these men had committed acts of violence, and I will state there before I go any further that up until that time and after there had been no acts of violence committed in the vicinity

of Clinton and the issuance of the restraining order was unwarranted. But why they happened to send for me in particular I do not just exactly understand, but they did.

At a meeting in the morning after the United States marshal had served the papers, I warned the men against doing anything contrary to the order.

I believe that we were all asked to appear in court at Springfield, Ill., on November 6, and show reason, if any, why the injunction prayed for should not issue.

We appeared. We filed an answer to the bill of complaint denying the charges contained in the bill of complaint and Judge Humphrey made some modifications in the order. Judge Humphrey's words were: "There are many things these men can do, and very few things they can't do. They can picket. They can persuade peacefully the employees of the Illinois Central to leave their work if they wish."

I conveyed that message to the men on strike at Clinton, and again advised them against committing any violence whatsoever.

In December, about the 29th, a United States marshal came to my room and placed me under arrest. When I asked him what the charge was, he said: "Violation of restraining order." I said, "Well, what is the specific nature of the charge?" He said, "Violation of restraining order."

I was brought to Springfield, Ill., with three others. However, the fourth man is not mentioned in Mr. Markham's paper. I will give you the reason later on why this man is not mentioned in this paper.

We were brought to Springfield and asked for a bond in order that we might be able to prepare our case; and after an attorney representing us had learned the specific nature of the charge, Mr. Drennon, who was the prosecutor for the Illinois Central Railroad, told our attorney that there were many more arrests to be made at Clinton, Ill. However, this man who was arrested with us, by the name of Harry Andrews, said, "Well, there isn't any occasion for me to wait. I will just stand trial." And he was sent to the workhouse for 30 days. When we came to trial it appeared that a man by the name of Chenowith had been responsible for my arrest, having filed an affidavit in court to the effect that I had intimidated and threatened him. On the witness stand the same Chenowith was forced to admit that he had been coached by the Illinois Central attorneys. Just about two weeks before that there had been a shooting affray in the city of Clinton. Three strikebreakers were arrested for having shot at some strikers, and were placed in jail. On the day of our trial at Springfield these men were taken out of the county jail at Clinton and brought to Springfield and testified on behalf of the Illinois Central.

About the only thing that developed was that two of them had been carrying guns around Clinton and for some reason had deposited them in a saloon on one particular evening. A saloonkeeper by the name of Frye testified to the same thing, and another by the name of Moore, he said that on one occasion the strikers had approached him to talk to him about the strike, and he said that if they did not leave him he would show daylight through them. Three gunmen, if your honor please, testified in behalf of the Illinois Central, in an effort to convict three men, strikers, on the charge of having violated the injunction.

Mr. Drennon then got into a dispute or argument with the other attorneys who were local to Clinton. The name of the firm is Lennon & Lennon. They got in an argument, and Drennon says, "Why, Meagher is all right with us yet." He arose and he said, "Your Honor, I move that you dismiss these cases." And Judge Humphrey said, "It seems to me as though some one should be prosecuted for perjury." And he immediately ordered his bailiff to telephone to Peoria and have Harry Andrews released.

Mr. Markham said yesterday that advertising the strike, from their point of view, had been paid for at the usual advertising rates, and when the cases were dismissed at Springfield there wasn't any mention made of it at all. We could not pay the advertising rate.

Now, Mr. Markham comes and testifies into this record about me and said that the judge dismissed me with a warning, which means I was probably guilty, but he let me off with a warning. A man of Mr. Markham's character, the president of a railroad, carries weight when he makes a reckless slander of a man's character, and especially in front of a public hearing. My character is even more to me than his, because it is collateral to me in securing a job.

He also read into the record what Justice Wright had to say about strikers and the strike; but he fails to tell of an important thing that Judge Humphrey told in the court at Springfield; and I repeat that Judge Humphrey was thoroughly disgusted and said that some one should be prosecuted for perjury. That is all.

Chairman WALSH. What was the record in your case? Were you dismissed from the charge of contempt?

Mr. MEAGHER. Yes, sir.

Chairman WALSH. That is all; thank you, Mr. Meagher.

Mr. MEAGHER. I thank you.

Chairman WALSH. Mr. McCreery.

TESTIMONY OF MR. J. S. McCREERY.

Chairman WALSH. Your name, please?

Mr. McCREERY. J. S. McCreery.

Chairman WALSH. Where do you reside, Mr. McCreery?

Mr. McCREERY. Paducah, Ky.

Chairman WALSH. And your business, please?

Mr. McCREERY. I am general vice president of the Brotherhood of Railway Carmen.

Chairman WALSH. Are you connected with this System Federation or with the department of the American Federation of Labor having to do with the railways?

Mr. McCREERY. Yes; I am president of the Illinois Central System Federation.

Chairman WALSH. President of the Illinois Central System Federation; that is the one involved in this matter?

Mr. McCREERY. Yes, sir.

Chairman WALSH. I wish you would sketch, beginning at this time and going back, what your business has been—that is, your connection with any trade organizations, of any sort, and your private employment since you have been employed.

Mr. McCREERY. Going back to the beginning, my connection with the railroad work?

Chairman WALSH. Yes.

Mr. McCREERY. I began work for the Illinois Central in 1901—January 2, 1901—and was in their employment until the time of the calling of the strike, September 30, 1911. I began work for the Illinois Central at the rate of 12½ cents an hour and worked my way up and learned the trade, and, in fact, worked at mighty near all the different lines of work in the car department—that is, along the line of handling tools—until the strike. And during that time, and for about six years previous to the strike, I was a member of the general grievance board, or general joint protective board of my organization.

Chairman WALSH. What was the general joint protective board?

Mr. McCREERY. The joint protective board is the board made up of men representing each local upon the system of the organization, with a chairman and secretary and vice chairman.

Commissioner ASHTON. Composed of carmen exclusively?

Mr. McCREERY. Yes.

Chairman WALSH. Are you familiar with the conditions which obtained in the Illinois Central shops prior to the organization of the System Federation?

Mr. McCREERY. Yes, sir.

Chairman WALSH. Would you be kind enough to please give us now a concise statement of the character of agreements that the crafts had with the organization, the working of them, and violation or nonviolation of the agreements which you had, and all those matters which might have a bearing upon this question which led up to the difficulty?

Mr. McCREERY. Well, I will go into details in regard to the contracts with my organization, and I will dwell upon the other contracts so far as my knowledge will permit.

The organization that I represent, the Brotherhood of Railway Carmen, we had contracts with the Illinois Central officials and have had for as long as I have been a member of the organization—that is, when I first went to work—and previous to the change of management here a year or so [illegible] were able at all times to negotiate very fair conditions to work under. At least,

we had no trouble in arranging audiences with the management and negotiating conditions, shop rules, and rates of pay. True, we were not always able to secure the amount of increase in salary we thought we were entitled to, but there was very little friction between the management and the men.

But beginning with the change in management of the Illinois Central, the attitude of the officials of the company toward our organization and especially the other shop crafts seemed to be altogether different from the old management. They began to introduce piecework in the car department. Nevertheless Mr. Markham said, in his statement here, that they had not.

Chairman WALSH. Perhaps, now, then, if that is the case, you had better give us the details, briefly, of the facts leading up to the introduction of piecework.

Mr. MCCREERY. Well, we had a contract with the management based upon an hourly rate of pay—hourly and monthly rate of pay—and so specified in the contract.

Chairman WALSH. That was in your own craft?

Mr. MCCREERY. Yes; and the management, without any notice whatever to the men of a desire to change the method of performing the work or the pay, they began to install piecework upon the system in the different shops.

Chairman WALSH. Well, at what shops and what did they install?

Mr. MCCREERY. Well, I will use the shop I worked in as an example, and what I will say in regard to that will apply to the other points on the system. That is Paducah, Ky. They began putting in this system and having the material stacked up along the line of tracks where the cars were to be repaired, upon certain tracks, and men were put over there without any knowledge as to what they were going to do, as far as their duties from the railway company, and the work was checked up after them. They were required to go ahead and do the necessary repairs, rebuilding of the cars, and the material was furnished—something that had not been done before. The material was brought right to the job. Previous to that whenever the men wanted material for a car or a job they would have to go to the bins or storeroom, wherever it was, to get it, and lose that time running back and forth. As soon as they began this system, why, they began to deliver the material to the cars and to the job where the men were at work. Then the appointed men—clerks out of the offices and men without any experience whatever or any knowledge whatever of the repairs or construction of a railroad car—to check this work up after the men. They would get along—they were supposed to go along and see what the man had done and record it in the book, but they were unable to do that, and they had to depend entirely upon the statements of the men themselves as to what quantities and character of work was performed upon the job.

Commissioner GARRETSON. Was that the "rip" work or building.

Mr. MCCREERY. Repairing and rebuilding. And this began to raise a general stir among the men. It was a new method of performing the work, and they did not know what it was. They did not know whether they wanted it or not, and they began to ask the officers for a price list, so they would know what they were paying for such jobs. These price lists were repeatedly denied the men. The men did not even know what they were receiving for the different classes of work until the end of the month. After the first month the piecework checker would come around with his book and he would say, "You have made $10 or $20 or $30 more than your rate. Do you want it?" Well, if he said he wanted it, he marked it down. His partner—the men generally worked in partners—his partner, he would tell him, "Why, you have earned so much. Do you want it?" And if he said "No," why, in the future he never made very much over his rate, if any. Now, that is my experience along that line.

Furthermore, after we had made repeated requests upon the company to discontinue their efforts to establish piecework, claiming that it was in violation of our agreement, based upon the 30 days' notice to be given us if they desired to make a change in the method of performing the work or pay, which they had not done. They ignored our appeals, and we were unable to cause them to rectify matters, and eventually all the men were checked up after that regardless of whether they were accepting piecework or not and were required to make their rate—their hourly rate—whatever that might be, according to piecework price; and they knew not what those prices were. In fact, at the end of the month they came around to this man employed on piecework and wanted to know if he wanted to take that, and he would say, "No; I don't want that piecework. I don't want it, and I don't like it, and I don't believe that is a fair method of performing the work, and I won't accept it." And the other

man accepts it, and he will come around at the end of the month and say to him, "Well, you have not made your rate according to our prices." And he will say, "I don't care if I didn't; I have done as much work as my partner." "Well, you have not made your rate, and you will have to do better." And the result was that when lay offs came some of these men were laid off that according to the checking of the company had not made their rate, regardless of the fact that they had a clause in their contract giving them seniority rights in regard to laying off.

And we further, in fighting this introduction of piecework, we made investigations and we found that men who were anxious to make this extra money, they would accept it; they were in the minority though—a very small number compared with the full crew. Those men who were anxious to accept this work in instances we cited to the officials, we showed where they had turned in work that really had not been performed; that they had turned in, in one instance that I have in mind, where a man repaired and put in 18 inches of decking. Now, decking is the bottom of the car—the floor—18 inches running lengthwise of the car; it goes clear across to the other side; you are paid so much a foot. They claimed this man repaired 18 inches of it the running length of the car, and he turned in 18 feet; and it went on for two weeks before we found it out, that is, before we got it before the officials. We took it before the local officials, and at that time they just took the information and that is about all they did at that time. Later on, about two weeks or a matter like that afterwards, this man was let out for some reason; I don't know, but the checker, the man supposed to check up this work, that put this down there, was retained.

We have also found where men had turned in draft-rigging, drawbars, springs, and trucks as being applied, when in fact the rust upon the nuts showed they had not been touched. It showed they had not been removed and replaced. I know that from personal observation of the cars that I found the checking on, and I went out and made the investigation.

Now, in putting this matter up to the officers of the company, they waved us off when we told them that we should have had 30 days' notice and given an opportunity to come in and discuss this matter and to show them our objections to it. They just waved us off; and the times were such and our organization was such that we were not in a position to rebuff them in their effort to establish that method of work.

The other crafts began to see that if this was established in the car department it would be established in the other departments—the machinery department. They finally issued slips to all of the crafts. When a man went to check in in the morning, you go by the check window and you are handed out—this is before 7 o'clock—you are handed out a brass check, and at noon you turn that brass check in. Each man has a number, and when you go there and call for the number he gives you the check, and at noon you turn that back in, and before 1 o'clock you go and get it again, and then you turn it in at quitting time in the evening. And when a man in the morning would go to work he was handed out a slip, a little slip about as big as the face of this [indicating] that said at the top of it, "Piecework slip," and on that it was spaced off and a man was required to put down the amount of hours work on each job. This matter was taken up under protest by the different organizations before the officers of the company, and they says, "Oh, no; that is just a system to find out how much it is costing us to do the different classes of work, and in order to know just exactly whether to charge your work to freight work or to charge it to passenger work."

I will say, in explanation of that, that a man working on a passenger engine, why, his work is charged to passenger work, and a man working on a freight engine, his time is charged to freight work; and they claimed this was just in order to keep the record of that.

But the stronger organizations, they put up the hardest fight, each organization working for itself; and the stronger organizations were able to get that discontinued; but the weaker organizations had to continue. The men especially in the car department had to continue doing that, even those that were not accepting the piecework; and the piecework, the stand that the men took against piecework was this: The officers of the organization—myself for one—had studied the piecework question previous to this. I knew a little about it when they started to install it there, and our position was that the establishment of piecework would eventually weed out the old employees of the company—weed them out entirely, because they would be unable to keep

pace with the younger ones. It would also make old men out of young men before they reached middle age. And another thing that the men had no question—had no voice in the making of the rate or in the method of performing their work in any way; they had no voice in the question at all. That, and a good many other things.

After the new management had taken hold, certain rules in the contract were abrogated to a certain extent. Now, for instance, I have, or we have in ours, a rule that is applied—that is, it is in use or is the same in several different contracts outside of our own organization. The machinists have the same contract and I believe the boiler makers and the blacksmiths, where a man working at night or day, as the case may be, is transferred to take the place of another on another shift, he shall be entitled to time and a half for the first 15 days or nights, whatever the case may be. That had been allowed right along. Those rules were made—well, away back in 1900, I believe, was the first time that we got that rule. And that had been in effect and had been complied with. But all at once we were told that at certain points on the system, "We can not afford to give you that. We can only give the man time and a half for the first night." I will state one specific case that I took up, in order to illustrate. I took up a grievance from Paducah, where the man was working in the day, at regular work in the day, in the roundhouse as engine carpenter, and the night man happened to be sick, or laid off for some cause, and one of the day men was required to go on at night and work in his place. That man worked for about a month. When he got his time it showed that he had received only time and one-half for the first night, when our contract says that he shall receive time and a half for the first 15 days, as the case may be. In taking that up with local officials, they said they could not grant that, and being unable to adjust it with the local officers, I took it up with the superintendent of the car department in the general offices at Chicago, making a trip of about 400 miles to Chicago, and taking it up with the superintendent of the car department; and this is the exact words, the best I can remember, that he said in his answer to my contention for the clause. He didn't raise any question as to the contract giving it to us. He says, "Why, we can't afford to comply with that." "Well," I says, "Mr. Barsdale, this rule is made here. This contract is made by the officers of the company and the representatives of the men, and signed up by them, and bears their signatures;" and I says, "It is still in effect." He says, "I can't help that. The company can't afford to pay the men 15 nights or days overtime, filling another man's place temporarily." He says, "We just can't afford it."

Now, I am telling you this in order to show you the attitude of some of the officers toward the men. Not only was that the case—that case was adjusted, eventually, when it was appealed to the higher officials—but it cost us five times more money than it amounted to the man to get it adjusted. No more probably would we get that case adjusted and returned to our homes, when the same thing would occur at some other point on the system, maybe 900 or 1,000 miles away, and our laws required us never to take up a grievance without going first to the place of the grievance and investigating to find out if the grievance is justified, or if there is sufficient evidence to justify the grievance—if we have sufficient grounds to take it up and handle it. And a great many times we go to a place like that and are called where the grievance occurs, and go there and investigate it, which would take us two or three days in order to get the evidence, and then go before the officials with it, and maybe fight it out for a week or ten days, sometimes two or three days—different times. Sometimes we would be able to get a meeting right away, and sometimes have to wait; and sometimes we would get it adjusted, and sometimes we would not. All these things tended to bring about a general dissatisfaction.

Another thing to my knowledge in other crafts was the introduction of the speed-up system. They gave orders there all at once at my local point, to my knowledge, to speed and gear the machines up higher, which resulted in burning up tools—the burning up of tools that were not tempered high enough to stand the increased speed. It raised a complaint from the men. There were a good many things of that kind that showed the men that the company was, it looked like, trying to disrupt them. It would work one organization against the other, too, in negotiating agreements. I have been up there after the machinists have been up or the boiler makers, or some other craft, and was told, "Now, we can't afford to give you any more than we have given them." Or, "We can't afford to give you this, because if we do, when the boiler makers come in they will want it or somebody else will want it." I

have been told that on a good many occasions in putting up arguments why certain rules or things should be granted.

Also, I want to call your attention—yesterday it was said they were so fair to their employees and that they had last year, or the year previous to the strike, granted to the employees an increase which amounted to something like $450,000 or $700,000, which ever it was. Now, I want to just read off something here from this contract that was made in May, 1910. That is, it was signed up in 1910. I just want to read off some of the prices paid here in the car department, and some of the increases granted, and it would take a lot of men to make $400,000. I will give you some of those where the figures are before me here. For instance, at Burnside, Ill., they worked there about 500 men in the car department at that time. They were receiving then 20¢ cents, and those men were raised the enormous sum of one-quarter of a cent. Here is another place where 135 men were receiving 17½ cents and they were raised to 19 cents. Here is a place where 47 men who were receiving 22 and 25 cents, respectively, 2 receiving 20 cents and 35 receiving 25 cents, and they received 23½ cents—no; they received 25 cents—40 receiving 23½ cents; and these others—I could read off all of them, but some cases are only just one man or two men. Every man's rate is listed here. Now, here is one place here where there were 38 men—I don't understand that figure that is left out there—I mean 18 men receiving 25½ cents, and they were raised to 26 cents; 20 men receiving 25 cents, and were raised to 26 cents; 15 men receiving 22 cents were raised to 23½ cents.

Commissioner GARRETSON. What were you on, a 9 or 10-hour day?

Mr. MCCREERY. I will say that at that time I don't believe, to the best of my recollection, that we worked any 9-hour day during the year; that is, shop hours.

Commissioner GARRETSON. The ordinary day was 10 hours?

Mr. MCCREERY. Eight hours. We were working on short time. And I wish to state also, that to the best of my recollection they—immediately after this contract was granted there was a lay off, reduction in force. And I will state that there was something else caused us a great deal of trouble and expense that brought about the formation of the federation in order to facilitate matters in handling our differences, our grievances.

Our board was composed of between 14 and 20 members, representing different lodges at different points on the system. We would have to hold two meetings a year. We would go in and hold our board meeting and draw up our contract or, I mean, draw up the proposed agreement, and then present that to the company and then wait until they gave us an audience, and then call our board back in together again into an audience, and they would say, "Well, we are pretty busy. We will give you this audience, though, but we can't spend too much time to-day. We will only be able to allow you three hours a day or four hours a day." The result was that our conferences were drawn out to a longer extent than it would have taken had we been given an opportunity to stay in audience there until we had adjusted matters, say, 6 or 8 hours a day, or 10 hours. And the result was that it was getting mighty expensive on us. We were not able to increase our dues because our membership would not stand for it; and a heap of times we had to go without adjusting grievances, because we didn't have the money in our treasury to send representatives over the road to settle these things where the local officers failed to adjust anything.

Now, there are a good many things in that respect that have been already stated in regard to the causes which lead up to the strike.

I will state, while I think about it, that Mr. Markham stated here yesterday that the hospital at Paducah, established there, had been turned over to the hospital association, or whatever it is, by the employees, and that the property belonged to the Illinois Central Railroad. It has been my knowledge, from general knowledge, for the last 15 years, that that property belonged to the old Huntington heirs. It was donated by—I forget Mr. Huntington's initials, the president of the old C. & O. S. W., presented that hospital to the employees of the Louisville division to be used as a hospital as long as it was used as a hospital ground, but whenever it was used for anything else it was to revert back to the Huntington heirs. That has been my understanding in connection with my organizing and my connection with the Illinois Central road. We have investigated and looked into these thing in the last years, trying to get a representation upon these boards, and to the best of my recollection that is the knowledge I have always had. And I have

not gone into this other, of course, as to who gave the company the right, or who sold it to the company, or turned it over to the company; I don't know. I don't say for sure that those are the facts, but that has always been my knowledge, and it is public knowledge. It is generally understood by the employees, especially at Paducah, that that was the way that property was given to the employees. We paid over monthly—it was taken out of our wages, rather, monthly, whether we wanted it or not. We were not asked anything about it. And when I went there to work they sent me to the hospital to be examined, and they didn't ask me if I wanted to pay the hospital fees or join the association.

I went over and was examined and came back and went to work, and as long as I worked there so much money was taken out; it was on a percentage basis and was taken out of my wages as long as I worked there, every month. We did, eventually, after continuous complaints, get representatives on the board. We only had two men out of the shop crafts and one or two out of the transportation organizations, and the rest of them were made up of company officials, and I will state——

Commissioner GARRETSON (interrupting). Was that when it was the Newport News & Mississippi Valley?

Mr. MCCREERY. No; the Illinois Central.

Commissioner GARRETSON. Then you had representation on the hospital board all that time?

Mr. MCCREERY. No, sir; we never got it until the last six or eight years.

Commissioner GARRETSON. You have representation now?

Mr. MCCREERY. They did before the strike.

Commissioner GARRETSON. I mean other employees?

Mr. MCCREERY. Yes; the transportation. I understand that since the strike—shortly after the strike—these new men who were brought into the shops were presented with a vote, to vote this property into the hands of this new hospital association, and it carried.

Commissioner LENNON. What percentage did you pay out of your wages before we leave that point?

Mr. MCCREERY. I will state that if you made $50 or less, 50 cents was taken out of your wages; if you made $50 or more and up to $75, 75 cents was taken out of your wages; and if you made between $75 and $100, then you paid $1.

Commissioner GARRETSON. You heard the testimony on that subject yesterday?

Mr. MCCREERY. Yes, sir.

Commissioner GARRETSON. And the representation also that the company did not have any representation?

Mr. MCCREERY. Yes, sir. Well, I will tell you; I will give you a little of my experience about that representation. I was asked one time by the officers of the road, the superintendent of the Louisville division, to submit my name, that he wanted me on that board. After we had got the requests granted to give us representation they said, "Well, you shop crafts pick out your men; we would suggest that you pick one from the car department and one from the metal crafts"; and that was submitted to the men to select their own men. I being the chairman of our department over there, I was told by the superintendent, he says, "Here, Mac, put your name on that, we want you on that board." If he did that to me he might have done it to some one else; he might have picked his own men everywhere he went.

So, coming down to the time of the formation of the federation, I want to state we felt it was our best interest to unite our interests to offset these policies of the company to establish piecework on the system—numerous reasons and numerous things that caused us to get this federation idea in our heads. So the men at Paducah and Burnside and Memphis, Tenn., who had all got together locally and had been working that way on different questions that pertained to the interests of all of the employees combined with the different local officers as a joint local committee of the federation.

I will say that at Paducah, my home town, that the master mechanic for some time and the general foreman had received a federation committee of all of the shop crafts at that point and adjusted grievances with them until he had orders from headquarters to break it off, and he did break it off rapidly and refused to meet us any more.

I will state that the efforts that were made to organize the federation—the minute Memphis was organizing a federation and wanted to get it organized right and in harmony with and along the lines we hoped to organize, they wrote a letter to Paducah requesting that we send a man down there to teach

them and give them an idea how to operate, as we had been organized locally for some time; and a committee was appointed by the different crafts there, through the local federation, and I was one of that committee that went to Memphis and told those fellows how we had formed our local federation and assisted them in organizing their local federation, composed of three men from each shop craft.

After we had organized that local federation we decided that we would ask the men at Paducah, Ky., and the men at Memphis, of all of the crafts, to levy a voluntary assessment on the men of 25 cents in order to raise sufficient funds to send a couple of men over the road to organize local federations of the men at the different points. Well, we were successful in that and it was taken before each organization and ratified and they appointed a committee to go out and solicit a voluntary contribution of 25 cents, and that fund was raised at Paducah and Memphis and was spent for two men, one to go north and one to go south, and get the men of the crafts together and organize an association by taking it up before the men in a big, general meeting, to see if they were in favor of forming any such federation, and, if so, to select a delegate from each local and instruct them to come to Memphis on May 1, 1911, for the purpose of organizing themselves into a System Federation.

I will state that when the men convened at Memphis, we found out that all of those men who had asked for transportation were flatfootedly denied transportation although they had agreements with the company to furnish transportation; they were denied transportation when it was found that they were going to Memphis for the purpose of forming a federation. That was in strict violation of our contract with the company.

After the formation of the federation at Memphis, the representation of which was made up of one man from each local organization on each system, we drew up laws, rules, and regulations to govern that organization, and we selected—each craft did—an advisory board composed of three men from each craft all over the system. For instance, the carmen selected three men to represent them on this advisory board, the machinists selected three men to represent them on this advisory board, and the boiler makers selected three men, and so on all down the line, so that our board was composed of 27 members, the president, vice president, the secretary, and treasurer being included in that 27 men.

So, after the convention at Memphis, we returned to our respective homes with the understanding that each craft was to draw up their respective rules. I will state in connection with that that it is necessary for each craft to have special rules, because the men of one craft can not be governed by the rules of another craft; the work is so different that it requires different rules. But there were rules which we embodied in one general set of rules known as "general rules," asking that the men of all the crafts be given the same consideration as to rules that would apply to all of the men alike, such as transportation and such as overtime, and we instructed the different organizations to draw up these special rules and recommendations for general rules and to have it ready and for the board to meet at Paducah at a later date on the call of the president. As I said, I was elected president of that meeting. Later on, I called the board together in Paducah, Ky., and at that meeting we took the different contracts—special rules, rather—that were handed in by the different organizations, and after going through them and compiling them and compiling our general rules, we drew them up in a form and sent them to a printer and had them printed in this form. Here is the general rule that comes first, that pertains to the hours of work and to the overtime and to transportation, drinking water, sanitary conditions, and such as that, that apply to all men alike. Then it comes on down with general rules covering the different crafts, special rules covering the machinists, special rules covering the boiler makers, blacksmiths, carmen, painters, clerks, and so forth—federal labor union. We drew them up, and those rules and those special rules from the different crafts are based upon the contracts in effect at that time with very few changes in the special rules. We thought—we had in view the idea that if we were recognized—if we could get recognition as a federation, with some few concessions, we would do well that year, and we did not insert or inject anything in there that we thought would prevent us from being recognized; we were very particular about that.

So, after these rules were drawn up, or at the time, just after these rules were drawn up, I was instructed by the board to send Mr. Foley—I mean to send the officers of the railroad, the superintendents of the different depart-

ments—a letter telling him of the formation of the federation and of our desire to meet them, and I heard Mr. Markham make the statement yesterday—he read a letter where he was notified of the formation of the federation and on being asked if that was the only communication that passed, he said yes, that he had no record of any other. I have some letters here and I want to read them into the record of this investigation. Here is a letter——

Chairman WALSH (interrupting). Before you get to that, I want to see if I can straighten out something in my mind. In talking about this hospital association, what you said about representation on the board applied to the hospital at Paducah, Ky.?

Mr. MCCREERY. Yes; to that alone.

Chairman WALSH. As to the general association, the general hospital association, the employees had no represention on the board, just as Mr. Markham said; that is correct?

Mr. MCCREERY. Yes; to the best of my knowledge.

Commissioner ASHTON. Beg pardon; this charge of 50 cents against those who received under $50, and of 75 cents against those who received $50 and up to $75, and of $1 against those who received $100, applied to Paducah alone?

Mr. MCCREERY. Yes.

Commissioner ASHTON. And not to the general situation?

Mr. MCCREERY. Yes. This letter was drafted and sent to Mr. Foley after the rules were drawn up and compiled.

Commissioner LENNON. Give the date.

Mr. MCCREERY. June 10, 1911. It was as follows (reading):

PADUCAH, KY., *June 10, 1911.*

Mr. T. J. FOLEY,

Assistant General Manager Illinois Central Railroad, Chicago, Ill.

DEAR SIR: The following organizations, International Association of Machinists, International Association of Steam Fitters, Brotherhood Railway Carmen of America, International Association of Sheet Metal Workers, Brotherhood of Railway Clerks, Brotherhood of Blacksmiths and Helpers, Painters and Decorators, Brotherhood of Boiler Makers and Iron-Ship Builders of America, and Federal Labor Union, representing employees of the Illinois Central Railroad and allied lines, have formed a Federation of Railway Employees of the Illinois Central Railroad and allied lines and have, through the executive board representing all of the above organizations formulated rules and special agreements covering working conditions and wage scale, and we desire to inform you that these rules and agreements are now in the hands of the printer and will be ready within a week and will be submitted to you. It is the desire of the executive board, representing these federations, that an audience be granted them at the earliest possible opportunity for the purpose of discussing and adopting these agreements, and to notify the undersigned of date set for conference, allowing time to arrange for transportation to reach Chicago on date assigned by you.

Yours, truly,

J. F. MCCREERY,
President.
W. E. BOWEN,
Secretary.

A copy of this letter was sent to R. W. Bell, superintendent of machinery; W. A. Summerhays, superintendent store department; M. K. Barnum, general superintendent of machinery, and to J. M. Barrodale, superintendent car department.

In reply to that, I got a letter from Mr. Foley's office, signed by the chief clerk, dated June 27, 1911.

Chairman WALSH. Was that letter put in the record yesterday by Mr. Markham?

Mr. MCCREERY. The first was, but the rest of them were not. Not receiving any reply from Mr. Foley——

Chairman WALSH (interrupting). What have you read heretofore that was not put in the record yesterday in the statement of Mr. Markham?

Mr. MCCREERY. Nothing; I just read that first letter.

Chairman WALSH. That first letter was in Mr. Markham's statement?

Mr. MCCREERY. Yes.

Chairman WALSH. What are you going to call attention to which you say was not in his statement—that his statement furnished no correspondence in regard to?

Mr. MCCHESNEY. I am going to give you the correspondence.

Chairman WALSH. There seems to be a conflict now between you, and what are you going to claim he did not submit?

Mr. MCCHESNEY. I am going to submit a letter from Mr. Foley's office setting forth the fact or setting forth the information that Mr. Foley was out of the office and that upon his return——

Chairman WALSH (interrupting). Go ahead, I think it will show for itself when you get it in.

Mr. MCCHESNEY. That was June 10, the letter I have read to Mr. Foley, and we were patient in waiting until July 10 before taking the matter up with him again. No; I beg your pardon—yes; on July 10 I wrote this letter; we never received any reply to that [reading]:

PADUCAH, KY., *July 10, 1911.*

Mr. T. J. FOLEY,
Assistant General Manager, Illinois Central Railroad Co.

DEAR SIR: On June 10 I sent you and subordinate officers a letter telling you of the formation of this system, of the different organizations, into a System Federation, and of our desire of meeting you in conference on proposed agreements covering all organizations affiliated as shown in headlines; and on June 21 I also forwarded yourself and subordinate officers copies of general rules and special agreements, and as yet have received no reply.

Now, as the men over the system are getting very restless and are crowding me for information along this line, I would ask that you let me know as soon as possible as to time of audience with our committee, in order that I may be able to appease the men, a great many of them not being able to understand why there should be such a delay.

Again asking you for as early a reply as possible.

Respectfully,

J. F. MCCHESNEY,
President.

Now, then, in answer to that I received this letter [reading]:

CHICAGO, *July 13, 1911.*

Mr. J. F. MCCHESNEY,
1246 North Thirteenth Street, Paducah, Ky.

DEAR SIR: Your letter July 10 calling attention to your letter June 10 remaining unanswered has just reached me.

I was out of the city the greater part of June, and since my return Mr. Barnum, general superintendent of motive power, has been absent and is leaving to-day for a couple of weeks. I have not had an opportunity to confer with Mr. Barnum relative to the matters brought out in your letter, and for that reason same can not be given consideration until his return, at which time I will write you further.

Yours, truly,

T. J. FOLEY,
Assistant General Manager.

On July 24 I wrote Mr. Foley [reading]:

"Your letter of July 13 at hand and contents noted, and replying beg to inform you that I can not, after a careful perusal of it, consider that it conveys anything definite regarding the proposition at issue.

"When I consider you were notified June 10 of the desired meeting of all of the crafts on the system you represent, and later, June 21, in conformity with my letter of June 10, the proposed agreements were forwarded to you, it seems to us that the proper consideration has not been given the matter.

"After waiting what in my opinion was a reasonable length of time, I wrote you July 10, requesting an audience; your reply to the letter states that you will have to confer with Mr. Barnum, who is to be absent two weeks from the date of your letter, 'and for that reason same can not be given consideration until his return, at which time I will write you further.'

"Experience has taught me that there is too much valuable time consumed in long-distance correspondence, and furthermore the constant demand made upon me by the different crafts all over the system to take some action which

will result in an audience being granted to the committee, and in tones which indicate that they are more than impatient, constrains me to inform you that a better understanding can be arrived at by a personal interview than by correspondence and have so advised Mr. Knox, vice president, and Mr. W. E. Bowen, secretary-treasurer, who with myself will compose a committee for this purpose.

"By this method we can ascertain just when the audience is to be granted, thereby placing me in a position to convey something definite to the men on the system; to this end I beg to inform you that the committee mentioned will visit you July 28, and I sincerely trust that there will be no delay in granting us an audience, and furnishing us with the desired information.

"Respectfully, yours

"J. F. McCREERY,
President.

Now, I will state I waited upon Mr.—I mean I came into Chicago; on account of the expense I did not call Mr. Bowen, secretary-treasurer, from New Orleans; it had been so expensive. I came into Chicago and had the vice president, Mr. Knox, who lives in Chicago, to accompany me. And we waited upon Mr. Foley in his office to secure an audience, and we appeared at the office. As stated in the letter, we were being crowded by the men for some definite answer and we wanted to know just what the company's attitude was going to be. Mr. Foley questioned us in regard to why break the relations that existed now in dealing with individual organizations, and questioned that to some extent, but he never did say nor he never has said yet that it was necessary; he never had said up until the time of that circular letter that it was in violation of the 30-day notice, or they could not recognize the federation or they would not recognize the federation. I was led to believe in that audience that an audience would be arranged and granted by Mr. Park and Mr. Barnum on their return to the office; and I went away from that convention thinking that that would be—I mean from that hearing—thinking that would be arranged. I went from Chicago down to New Orleans, the office of the secretary-treasurer, and we sent out a circular letter over the system telling the men of the efforts made to secure an audience, and that I believed that just as soon as these officers would return that an audience would be granted. At that time no question was raised at all about the 30-day notice.

Well, after that we waited in vain until August 4. On August 4 the circular letter was sent out by Mr. Barnum which was read into the record yesterday, and I do not suppose it will be necessary for me to repeat it, giving the company's side or the company's reason for not granting an audience to this committee. Of course he goes on, says "certain individuals styling themselves of the 'federation of railways' asked to have an audience." He raised the question of 30 days' notice.

Then in order to appease the men over the system and to come to a better understanding as to what our attitude would be, I called the entire federated board or the federated board, advisory board, into Chicago, and after arriving here why I wrote Mr. Foley another letter and sent it over to him. I first rang him up on the telephone, right in the meeting where our board was meeting. I rang him up at his office and I told him I had the board in there, and that we would like to have an audience with him. And he said that the company had taken the stand they would not meet this federation. I told him to grant an audience and let us get together and talk over the matter and see if something could not be arrived at. He said, no; that their letter fully answered everything, I mean the federation stand in the matter. Then I wrote a letter to him which is as follows (reading):

"The committee representing the above federation is now here and desire an audience with you for the purpose of ascertaining when the agreement presented to you some time ago may be discussed.

"From telephone conversation with your office to-day, we can only infer that it is evidently your intention not to comply with requests made upon you for an audience; if our deductions are correct we will be pleased to have you confirm them, in which event we will submit the matter to the grand lodge officers, who are now here for their consideration and future action.

"Please acknowledge receipt by bearer, and your reply can be made to me at room 506 New Southern Hotel.

"Respectfully, yours,

"J. F. McCREERY, *President.*"

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock. Please resume the stand at that time, Mr. McCreery.

(Thereupon, at 4.30 of this Thursday, April 8, 1915, an adjournment was taken until to-morrow, Friday, April 9, 1915, at 10 o'clock a. m.)

CHICAGO, ILL., *Friday, April 9, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Aishton, O'Connell, Ballard, Garretson.

Chairman WALSH. We will proceed. Mr. McCreery, please resume where you left off yesterday evening.

TESTIMONY OF MR. McCREERY—Continued.

Mr. McCREERY. I believe that I had reached the point where I stated we had sent a communication and I read a letter that was sent to Mr. Foley after the advisory board had reached Chicago. In answer to that he sent a copy of a letter that was sent out over the system to the individual employees by Mr. Barnum with an inclosed attached note.

Chairman WALSH. Please pitch your voice a little higher, Mr. McCreery, as the room is large, and some have difficulty in hearing you distinctly.

Mr. McCREERY (reading):

"DEAR SIR: Attached hereto copy of circular letter issued to-day. It very concisely states our views on the subject discussed therein.

"Yours, truly,

"J. T. FOLEY."

The circular referred to was the letter of Mr. Barnum's. Then, at that stage, we turned matters over to the general officers, and I will read you a report that was sent out to the men over the line giving the efforts made by the board and the general officers to secure an audience (reading):

To all brothers:

In connection with my duties as president of the federation I desire to inform you of the ultimate result of the attempt of the executive board to secure an audience with Mr. Foley for the purpose of discussing the merits of the proposed agreements submitted to him from the various craft composing this federation.

In the reports of the grand lodge officers, submitted herewith, everything subsequent to the refusal of Mr. Foley to meet the executive board is detailed and submitted to you for your consideration and final action.

I believe, however, that the attitude of the executive board in connection with the matter should be submitted to you in order that you may intelligently decide what your decision will be.

In connection with our endeavors to secure the audience with Mr. Foley we used every available argument we possibly could through correspondence to secure the audience and to move the officials from their arbitrary stand but without avail; we at no time intimated to the officials that the proposed agreements were our ultimatum; we were prepared and are yet to modify them where it could be shown that any part of them were unreasonable or unjust to the company; they at no time maintained that they were, yet they arbitrarily refuse to grant us an audience for the purpose of giving us an opportunity of discussing the merits of them.

We are not unmindful of the magnitude of the proposition, neither is it our desire to place upon the company a burden too heavy to bear, but we do maintain that no valid reason has been advanced by the officials why they refuse to grant us an audience.

Mr. Barnum's letter embodies the very principles against which the crafts protest, and which caused the birth of the federation, realizing from experience that very little could be secured through the efforts of any one organization, hence the necessity of collective efforts to secure what they believed they are entitled to, and if you are of the same opinion now as you were when assisting in the formation of this federation then your duty is clear. It is my desire that you consider this question calmly but firmly, our duty is to explain the conditions as we see them, yours to decide how far you will go in order to secure

conditions which you maintained were desired when this federation was formed, and to that end the grand lodge officers have submitted to you for your final action the history of the proceedings up to the present time.

Whatever decision you may arrive at is expected to be in the hands of your district chairman or secretary-treasurer, W. E. Bowen, before August 25.

Forward all votes to W. E. Bowen, general delivery, Paducah, Ky.

Fraternally, yours,

J. F. McCARRY,
Chairman.

"*To the officers and members of the Federation of Railway Employees.*

"DEAR SIRS AND BROTHERS: The executive board of the federation, after having exhausted all honorable means in their power to secure a conference with the proper officials of the Illinois Central Railway system, and being unsuccessful in their efforts, they referred the entire matter to the grand lodge officers representing the organization affiliated with the federation.

"The undersigned grand lodge officers met at the Southern Hotel August 9, and after considerable discussion the matter was thoroughly gone into. A letter was drafted and sent to Assistant General Manager Mr. J. T. Foley, a copy of which is attached hereto:

"CHICAGO, ILL., *August 9, 1911.*

"Mr. J. T. FOLEY,
"*Assistant General Manager Illinois Central Allied Lines, City.*

"DEAR SIR: The undersigned grand lodge officers, representing the various organizations in the Federation of Railway Employees Illinois Central System, Allied Lines, respectfully request that you grant us an audience for the purpose of talking over the matter of granting a conference to the committee representing the various organizations in the federation.

"We would like to be granted this conference not later than 4 p. m. to-day.

"Hoping you will give this your immediate attention and oblige,

"Yours, truly,

"J. D. BUCKALEW,
"*International Vice President Machinists.*
"LOUIS WEYAND,
"*International Vice President Boiler Makers and Helpers.*
"WM. F. FRAMER,
"*Grand Secretary-Treasurer Blacksmiths and Helpers.*
"FRANK PAQUIN,
"*International Vice President Brotherhood of Railway Carmen.*
"O. E. HOAD,
"*International Vice President Sheet-Metal Workers.*
"J. R. ALPINE,
"*International President Federal Labor Union.*
"JNO. J. CARRIGAN,
"*Grand President Brotherhood of Railway Clerks.*
"CLARENCE E. SWICK,
"*International Vice President of the Painters.*
"J. T. KIBBELLA,
"*International President of the Steam Fitters.*

"Address reply to J. D. Buckalew, Room No. 506, New Southern Hotel, Michigan Avenue and Thirteenth Street."

"The following reply was received in answer to the above letter:

"CHICAGO, ILL., *August 9, 1911.*

"Mr. J. D. BUCKALEW,
"*International Vice President Machinists,*
"*Room 506 New Southern Hotel, Chicago, Ill.*

"DEAR SIR: Replying to your letter of this date, the attached circular letter, sent out to the employees, clearly states our position. A conference could only result in our reiterating the statements contained therein.

"J. T. FOLEY,
"*Assistant General Manager.*"

"We regarded this reply an evasive one, and deemed it advisable to again write him defining our attitude in the matter which we did and drafted the following letter:

"CHICAGO, ILL., *August 9, 1911.*

"Mr. T. J. FOLEY,
"*Assistant General Manager Illinois Central Railway, Chicago, Ill.*

"DEAR SIR: The grand lodge officers, representing the machinists, boiler makers and helpers, blacksmiths and helpers, carmen, painters, steam fitters, sheet-metal workers, railway clerks, and Federal labor union, who are employed on the Illinois Central Railway, which road you are in charge of as assistant general manager, asked for a conference for the purpose of arranging a meeting for the men we represent, who are employed on the said Illinois Central Railroad, of which road you are the legal representative. Having refused said grand lodge officers a conference by referring us to a circular letter, that you had gotten out and forwarded to all of your employees, that are a part of the present controversy. The circular letter attached to your letter of even date in no way answers our letter.

"We beg to advise that after giving this matter due consideration we have decided that inasmuch as this is a matter in which all are equally interested, we must insist that you meet the international officers in a body to discuss the matter of a meeting for the representatives of the Federation of the Railway Employees, with the proper officials of the Illinois Central Railroad Co.

"A refusal on your part to meet this committee as a whole will be considered sufficient cause for the international officers to take such action as we deem advisable.

"Any reply you may desire to make to this will reach us at the New Southern Hotel until 2 o'clock p. m., Thursday, August 10.

"Respectfully submitted.

"J. D. BUCKALEW,
"*For the Machinists.*
"LOUIS WEYAND,
"*For the Boiler Makers.*
"WM. F. KRAMER,
"*For the Blacksmiths.*
"FRANK PAQUIN,
"*For the Carmen.*
"CLARENCE W. SWICK,
"*For the Painters.*
"J. T. KINSELLA,
"*For the Steam Fitters.*
"O. A. HOAB,
"*For the Sheet-Metal Workers.*
"JNO. J. CARRIGAN,
"*For the Brotherhood of Railway Clerks.*
"J. R. ALPINE,
"*For the Federal Labor Union.*

"In reply to the above communication we received the following reply from Mr. Foley, as follows:

"CHICAGO, ILL., *August 10, 1911.*

"Mr. J. D. BUCKALEW,
"*Room 506, New Southern Hotel, Chicago, Ill.*

"DEAR SIR: Replying to your communication of August 9, the circular letter, issued August 4, 1911, by this company, addressed to its employees in the mechanical department, clearly defines our position and fully answers your communication of August 9, 1911.

"Yours, truly,

"T. J. FOLEY,
"*Assistant General Manager.*"

"You will note from the above reply that Mr. Foley again reiterated his previous attitude in the matter, again calling our attention to the circular issued by the company on August 4, the meaning of which as we interpret it—the company will meet the individual organizations, but will not meet the federation—therefore we are submitting this to you for your consideration, and request that each and every member affiliated with this federation indicate by

his vote whether he will cease work until such time as the Illinois Central Railway Co. shall agree to meet the committee of the federated railway employees.

"There are 11 railroads which have met the Federation of Railway Employees, have signed contracts, granted increases in salary of not less than 2 cents an hour to all employees represented by the federation within the past 10 months.

"In addition to this, the Missouri Pacific strike was settled by the federation, and at the present time there is not a single strike breaker on the system. The Rock Island, one of the largest roads running out of Chicago, will go into conference with the Rock Island System Federation on August 15.

"This conference was secured after several months negotiations with the management of that system, and after a strike vote had been taken which was practically unanimous in sustaining the committee.

"In addition to the above, there are nine other railroads which contemplate conferences with system federations in the near future.

"Therefore, we are of the opinion that the general manager of the different Harriman lines have decided to fight the system federation, and refuse to meet more than one trade at a time.

"We know from experience that if we submit to this we can not hope to secure increases in wages and better working conditions; therefore we are placing the matter in your hands in order that each individual can voice his sentiment, after which time we propose to carry out the wishes of the men we represent.

"We would suggest that where it is possible to do so, you hold mass meetings, secure the services of some good speakers for the purpose of explaining to the membership the benefits of system federation, and the imperative necessity of cooperation at this time.

"The grand lodge officers hereby request all the lodges of the respective organizations to hold special meetings immediately and take a strike vote according to your respective constitutions, sending result of your vote to your international or national officers and the secretary of the system federation.

"All votes must be in the hands of the secretary of the system federation not later than August 25, 1911.

"If you are not willing to strike and want to meet the company as a separate trade, vote *No*.

"If you are willing to strike and force the management to meet the federation, vote *Yes*.

"J. D. BUCKALEW,
"International Vice President Machinists.
"LOUIS WEYAND,
"International Vice President Boiler Makers and Helpers.
"FRANK PAQUIN,
"International Vice President Brotherhood Railway Carmen.
"O. E. HOAD,
"International Vice President Sheet-Metal Workers.
"J. R. ALPINE,
"International President Federal Labor Union.
"JNO. J. CARRIGAN,
"Grand President Brotherhood of Railway Clerks.
"CLARENCE E. SWICK,
"International Vice President Painters.
"J. T. KINSELLA,
"International President Steam Fitters.
"WM. P. KRAMER,
"Grand Secretary-Treasurer Blacksmiths and Helpers."

That communication was sent with the strike vote when we submitted the question to the men for a vote, and the returns from that vote we received, the result of which is 96¾ per cent of the men on the system. I have the exact vote here that I would like to submit to the commission. I do not find it at the moment, and will submit that later to be secretary.

That concludes our effort up to the time the matter was turned over to the general officers. I am not exactly in a position to give you the results of the general officers' efforts to secure an audience after the strike vote was taken. That will be covered by some of the international officers.

Chairman WALSH. What had been your experience with strikes on the Illinois Central prior to the strike of 1911? I think there had been one at Paducah in 1910?

Mr. McCREERY. At Paducah in 1910. We had formed a local federation there of the different crafts and had been dealing with the local management for some time on conditions around the shops there, and grievances, and the men in the car department had several grievances that they were denied any redress from by the officers. We had been trying to get a meeting with the master mechanic. He kept putting us off on the question. So we asked that he meet the federation committee. He refused to do so, stating that he had orders from the general office not to meet the men as a federated committee.

The men were pretty well worked up over not being able to get their conditions adjusted, and the result was that they walked out. They were out three or four days, when the officers came down, and they asked the men to meet them, separate committees at a time. They would call on the machinists, the carmen, the sheet-metal workers, the boiler makers, the blacksmiths, and one and another. But they all refused to meet the officers unless they would meet the committee as a whole.

Eventually they met the committee as a whole, and we adjusted our differences by agreeing to take up the matters of these grievances with those officials later on.

Chairman WALSH. That was at Paducah?

Mr. McCREERY. Yes.

Chairman WALSH. Now, did you have a strike at other points on the line?

Mr. McCREERY. Yes.

Chairman WALSH. And if so, give, as concisely as you can, what led up to the strike at Clinton, the strike at Memphis, the strike at New Orleans.

Mr. McCREERY. I am not in a position to give you the details of that.

Chairman WALSH. All right. Did you ever have any trouble prior to this time as a committeeman from your own craft organization in meeting with the officials and taking up the differences you had?

Mr. McCREERY. We had a good deal of trouble by delays being caused on account of the officials putting us off, causing us to spend a good deal of money in going from one place to another.

Chairman WALSH. What do you have in mind that you can give us information on regarding the importation of the workmen to take the places of strikers?

Mr. McCREERY. The importation of what?

Chairman WALSH. The importation of workmen to take the places of the strikers—strikebreakers?

Mr. McCREERY. What methods did they use to get these men?

Chairman WALSH. Yes; what information they need; what methods they used; the character of the men, and everything of that sort.

Mr. McCREERY. Well, I was in Chicago during the conference just previous to the strike. I was told that they were recruiting men over on Wabash Avenue, and I went over there and walked into the building where they were hiring men. They said they were hiring men for duty on southern and western roads, and I stood there and seen them hire several men, or, that is, take their names down and tell them to report the next morning. That is as far as I know about their hiring men. I have talked with men that came down over the road to work for the company, that after they landed on the job they refused to go to work, after finding out there was a strike on. I have had men tell me they knew nothing about the strike being on.

Chairman WALSH. Do you know what the conditions were after the strike started inside of the stockade—how they were managed, and whether liquor was allowed to come in?

Mr. McCREERY. Yes; it was general knowledge in my home town of Paducah, Ky., that liquor was furnished to the men in the stockades. Furthermore, I have general rumor all over in that city at that time that a good deal of trouble in the shops of men fighting among themselves. There were police calls where the police had to go out. I know several instances where the police came in contact with these fellows and had a good deal of trouble, and had to slug some of them.

Chairman WALSH. I wish you would state, if you know, your observation concerning injunctions, and state just as briefly as you can the effect these injunctions had on the men and the attitude of the men toward the injunctive processes and the men that issued them.

Mr. McCREERY. Yes; the strikers—I myself—was served with about four or five injunctions. In fact, every injunction served in the different States, a copy

was served on me as president of the federation. And I will state that it had a very demoralizing effect on the men. It enjoined them from doing almost anything except breathing. They could not even speak to a man that was working for the Illinois Central Railroad, according to the terms of the injunction; they were very effective upon the men.

Chairman WALSH. In your opinion, in regard to the substance of it, did it cause the men in large numbers to have disrespect for the courts that issued them, and was that disrespect voiced?

Mr. McCREERY. Yes; I have heard the courts condemned repeatedly on that.

Chairman WALSH. What effect did the arrest of these men for violation of injunctive processes have upon them in the community? Did it give them the reputation such as an ordinary arrest would do, or how was it?

Mr. McCREERY. Why, there was a good deal of publicity given the men arrested for certain crimes, but not as much publicity given to the fact that they were not convicted. I have some letters here from the city attorney at Paducah, Ky., as well as from several other attorneys there, as to the court records of that city during the strike, which speak for themselves; and I would like to read one if you will allow me.

Chairman WALSH. Read one and submit the others into the record, if you please, Mr. McCreery.

Mr. McCREERY (reading):

"F. E. GRAVES, ATTORNEY AT LAW,
"PADUCAH, KY., *July 17, 1911.*

"Mr. J. F. McCREERY, *Paducah, Ky.*

"DEAR SIR: Having been requested by you to make a statement in regard to the effects of the "shopmen strike" on the Illinois Central Railroad here in Paducah on and since September 30, 1911, I beg to state to you the full effects, as far as I can, in so far as they have affected local conditions.

"There was, immediately afterwards, and since said time a general depression in business, locally, and as the direct result of the strike I have known of several business men forced to the wall and some of whom were forced into bankruptcy. This city has never fully recovered, and probably never will, from the effects of the strike from a financial and also social standpoint, as the men formerly employed by the company before the strike were, as a rule, lifelong citizens of this community, interested in the progress and development of the city and adjoining territory, and owners of their own homes and made good and respectable citizens. Since the strike a great many of them, in fact a majority of them, have left Paducah, broke up their homes, and sought employment elsewhere. Their places were filled at the time by some of the most desperate characters this country produces"——

Chairman WALSH. Excuse me. What are you reading now?

Mr. McCREERY. Now, I am getting down to the point, as to the court records.

Chairman WALSH. Well, is that letter from the city attorney, that you spoke of?

Mr. McCREERY. This is a letter from an attorney, Mr. Graves. I can give you the city attorney's letter, if you want it.

Chairman WALSH. Who is Mr. Graves?

Mr. McCREERY. Mr. Graves is an attorney there.

Chairman WALSH. Did he represent any interests involved in the controversy?

Mr. McCREERY. Well, he in a good many instances served the strikers gratis for the work performed for them, he says here in his letter.

Chairman WALSH. Go ahead.

Mr. McCREERY (reading): "Their places were filled at the time by some of the most desperate characters this country produces. In fact, two of the strike breakers murdered in cold blood one of the saloon keepers of the town in an attempt to rob him in the presence of several persons that were in the saloon at the time and made good their escape and have never been captured. This was on pay day night and this saloon keeper had been in the habit of cashing the checks of the Illinois Central employees and generally kept several hundred dollars on hand on such occasions for that purpose. In addition to that, immediately following the advent of the strike breakers into Paducah, we 'enjoyed' the greatest carnival of crime this city ever experienced. All sorts of crime immediately made its appearance in Paducah, and the emissaries of the railroad began an undercurrent of suspicion that the strikers were responsible for it.

"However, soon after the police and detectives of the city ran down some of the crimes and criminals, and in every instance the strike breakers were the ones responsible, and not the strikers. Several of them were convicted and sent to the penitentiary and one or two 'jumped' their bonds and left their bondsman for the bag to hold.

"Immediately after the strike begun several of the strikers were arrested by complaint made by the I. C.'s private detectives, charged with various crimes of violence, and I had the pleasure of defending them, some for hire and some gratis, unable to pay, and not an instance was any one of them found guilty by the courts. In fact, some of the charges were so flimsy and chimerical that the courts gave an instruction to find for the defendant upon the evidence of the prosecution alone—not requiring the defense to introduce any evidence at all.

"I hope this statement will be of some service to you and to your friends and cause, and in the future if I can be of further service to you kindly let me know.

"Yours, very truly,

"F. R. GRAVES."

I have also a statement of a similar character from the prosecuting attorney. I will submit one more letter that I would like to read to the commission, and then submit the whole bunch for the record.

Chairman WALSH. All right. Very good.

Mr. MCCREERY. One letter I have here from a real estate man.

Chairman WALSH. Very good.

Mr. MCCREERY (reading):

WHITTEMORE REAL ESTATE AGENCY,
Paducah, Ky., July 18, 1914.

FRANK COMERFORD, *Chicago, Ill.*

DEAR SIR: In reference to the effect of the strike of the nearly 1,000 I. C. R. R. shopmen in Paducah in 1911 on the general business conditions in Paducah, I will state that it was wholly demoralizing in every way, and its bad effects are here to-day.

It was demoralizing financially because it brought about strained credits, not only on account of the men, but on account of the merchants and banks that were doing business with them. It brought about loss of property to the men, both on personal property partly paid for and on homes on which they had made payments.

It brought about strained conditions in neighborhoods, churches, and lodges. Out of it came no good to anyone.

It was a fitting example to call attention to the need of a court of arbitration, where the interests of both labor and capital would be given honest consideration, and all differences speedily adjusted, and for the best interests of all concerned. I remain,

Respectfully, yours,

EDGAR W. WHITTEMORE.

I have here a good many letters of similar character, and also a statement here—an affidavit from the city solicitor of Paducah, Ky., as to the amount of bankruptcies since the Illinois Central strike. I will state that of my own knowledge previous to the strike that a man taking the bankruptcy law was discharged, unless we got things straightened up pretty quick. If a man was garnisheed three times the third time he lost his job. Whenever he was garnisheed he had to lay off from work until it was adjusted. If he was garnisheed three times he lost his job. Since the strike of 1911, up until this time—this was gotten out in 1914, May 20—and it is a short one and I would like to read it [reading]:

STATE OF KENTUCKY,
County of McCracken, ss.

Personally appeared before me, the undersigned notary public, A. Y. Martin, who, being duly sworn, upon his oath states that he has made a careful examination of the docket in bankruptcy of the United States District Court for the Western District of Kentucky, from September 1, 1911, to May 20, 1914, and examined each case for the purpose of ascertaining how many Illinois Central Railroad employees at Paducah, Ky., have availed themselves of the

United States congressional act, 1898, relative to bankruptcy, and finds that during such period of time there have been eighty-seven (87) cases in bankruptcy in said court, filed by persons at the time in the employ of said Illinois Central Railroad Co.

A. Y. MARTIN.

Subscribed and sworn to before me this the 27th day of May, 1914.
My commission as notary public expires on the 22d day of January, 1918.

KATE NUNEMACHER,
Notary Public, McCracken Co., Ky.

Chairman WALSH. I wish you would give us, as briefly as you can, your knowledge of any violence that was committed during the strike.

Mr. MCCREERY. Well, I do know that——

Chairman WALSH (interrupting). I would like you to preface that, if you will, please, with instructions, if any—first, with the extent of picketing down there and the instructions, if any, given to the pickets.

Mr. MCCREERY. I am glad you asked that question, because immediately after the strike I sent out letters over the system to the different local secretaries of the local federation warning them against violating the injunctions; that they might be thrown into jail, and, moreover, warning them to tell their pickets to peaceably picket the lines by gathering information as to what was going on and report, so we would be able to get out a bulletin and see the men that came in to work and tell them the conditions and try to persuade them from going into the shops. And I know in a good many cases that our men were pulled up and arrested for violating the law, by supposedly beating up some of the strike breakers, but we have no record of any convictions of my own knowledge, and I do know that some of our pickets were beaten up by so-called strike breakers and gunmen.

Chairman WALSH. What was the membership of the federation at the beginning of the strike?

Mr. MCCREERY. The membership was something along about between—well, 7,000 men, to the best of my knowledge.

Chairman WALSH. How was the federation financed during the strike?

Mr. MCCREERY. How was that?

Chairman WALSH. How was the federation financed? Where did you get your money from?

Mr. MCCREERY. Well, when we found ourselves on strike we found that we had no money. We immediately began to raise money in every way possible; by donation, solicitations, and one thing and another.

Chairman WALSH. Did you pay strike benefits to those out of work?

Mr. MCCREERY. The different international organizations paid strike benefits to their members.

Chairman WALSH. I interrupted you. What were you going to say?

Mr. MCCREERY. I started to say that at each local point the men used different methods to raise money. We established commissaries and when the men became in desperate straits, needed assistance such as coal, wood, or clothing, groceries, such as that, we would take donations from merchants or farmers or anybody else, and we would distribute this among our most needy people. We would solicit money by raffles, balls, and any kind of entertainment to raise money.

Chairman WALSH. Could you approximate the actual expense of the strike to the federation and to the different crafts that you say paid strike benefits?

Mr. MCCREERY. Well, I could not, only in just a general way. I might say it would not be surprising but what it was over two or three million dollars.

Chairman WALSH. How many injunctions do you say were served upon you?

Mr. MCCREERY. Well, I do not know. I do not exactly remember. I think some four or five.

Chairman WALSH. Were you made a defendant in any of the cases in which injunctions were issued?

Mr. MCCREERY. No.

Chairman WALSH. For alleged violations.

Mr. MCCREERY. No. I had a notice to appear before a court, but on advice of my attorney, he said it was not necessary.

Chairman WALSH. If you care to answer—were you ever arrested for any violation of law?

Mr. MCCREERY. No; I never was.

Chairman WALSH. How many men after the strike began left the union and went back to work?

Mr. MCCREERY. I have no record. Up until January of 1914—up until that time something less than 10 per cent.

Chairman WALSH. That is January, 1914?

Mr. MCCREERY. Yes.

Chairman WALSH. There has been no record kept since?

Mr. MCCREERY. Well, I am not in possession of it.

Chairman WALSH. Could information be given to the Commission by some other individual?

Mr. MCCREERY. Well, I would not say for sure, but I believe it could.

Chairman WALSH. I wish you would describe briefly the status of the situation at the present time. Is it claimed that the strike is still on? Are there any benefits being paid? I would like you to describe the status of the matter to-day.

Mr. MCCREERY. Well, there are benefits being paid. The international organizations have about gone their limit and unable to pay any further benefits. But benefits are being raised in different ways in different States, different names throughout the country, different men volunteer donations, and we are keeping men on the job.

Chairman WALSH. Is there any statement you would care to submit covering any subject about which I have not interrogated you?

Mr. MCCREERY. How is that?

Chairman WALSH. Is there any statement you would care to submit upon any subject about which I have not interrogated you?

Mr. MCCREERY. No; not that I know of.

Chairman WALSH. Commissioner Aishton wishes to ask you a question or two.

Commissioner AISHTON. I just want to ask a question about that schedule, Mr. McCreery, that you submitted yesterday, with rates.

Mr. MCCREERY. Yes.

Commissioner AISHTON. That covered the carmen's craft alone, did it not?

Mr. MCCREERY. Yes.

Commissioner AISHTON. That was negotiated originally between some of the officers of the company and representatives of the carmen?

Mr. MCCREERY. Yes.

Commissioner AISHTON. Were you a party to those negotiations?

Mr. MCCREERY. No, sir. I will explain my absence off of that committee.

Commissioner AISHTON. It does not make any particular difference; what I was trying to get at is whether it was negotiated by a committee.

Mr. MCCREERY. Yes.

Commissioner AISHTON. A committee elected by the carmen to represent them?

Mr. MCCREERY. Yes.

Commissioner AISHTON. And it was agreed to on their behalf?

Mr. MCCREERY. Yes.

Commissioner AISHTON. And that schedule you had was the last one that was negotiated with the Illinois Central Railroad?

Mr. MCCREERY. Yes.

Commissioner AISHTON. Who generally, on behalf of the company, negotiated or signed those schedules?

Mr. MCCREERY. The superintendent of the car department, and the superintendent of motive power.

Commissioner AISHTON. Under that schedule, the principal difficulty you had was in delay, was it, in reaching those officers to negotiate new schedules or to reach an adjustment under the old ones?

Mr. MCCREERY. How is that?

Commissioner AISHTON. Under that schedule—you said there were objections to the schedule and the method of negotiation, because of delay, that there was a good deal of delay in reaching the officers of the company in cases of grievance or of disputes about rates, or anything of that kind?

Mr. MCCREERY. No; I could not say that in regard to the negotiation of agreements but as to the adjustment of grievances.

Commissioner AISHTON. But, ordinarily, the grievances were adjusted with more or less satisfaction, with more or less satisfaction on either side after a lapse of time?

Mr. McCREERY. Not so much of late, but previous to the strike, we had a lot of difficulty, and we were unable to adjust our grievances; we were able to adjust some of them.

Commissioner AISHTON. But could not reach a conclusion as to others?

Mr. McCREERY. Yes.

Commissioner AISHTON. That schedule you read there was in effect up until the time of the strike?

Mr. McCREERY. Yes.

Commissioner AISHTON. I think that is all; thank you.

Chairman WALSH. That is all. You will be excused permanently, Mr. McCreery.

Mr. McCREERY. I wish to state one thing, that my organization notified the management and gave them the 30 days' notice. It was stated we had not.

Commissioner AISHTON. Have you a copy of that notice?

Mr. McCREERY. No, sir; it was personal; the notice was personal, and has been for years. Our chairman would simply notify the management that we wanted a meeting on a certain date.

Commissioner AISHTON. Who was the chairman?

Mr. McCREERY. O. L. Sanborn.

Commissioner AISHTON. And he can furnish such evidence as may be necessary to show that?

Mr. McCREERY. Yes; I will give it to you.

(Under date of April 22, 1915, Mr. McCreery wrote the commission as follows:

"In regard to the 30 days' notice I stated in answer to Commissioner Aishton's question on that matter that my organization had given the 30-day notice through the system chairman, Mr. O. L. Sanborn, and that it was given verbally and not in writing; therefore am not able to furnish a copy. I have endeavored to get in touch with Mr. Sanborn in order to get a statement from him in regard to the matter, but have been unable to locate him.")

Chairman WALSH. That is all, thank you, Mr. McCreery. You will be permanently excused.

Mr. R. W. Bell.

TESTIMONY OF MR. R. W. BELL.

Chairman WALSH. Will you please state your name?

Mr. BELL. R. W. Bell.

Chairman WALSH. What is your business?

Mr. BELL. General superintendent of motive power of the Illinois Central Railroad Co.

Chairman WALSH. How long have you occupied that position?

Mr. BELL. Since June 1, 1913.

Chairman WALSH. Since June 1, 1913?

Mr. BELL. Yes.

Chairman WALSH. What was your position at the time the strike began, in 1911?

Mr. BELL. Superintendent of machinery.

Chairman WALSH. I wish you would please give your connection with the Illinois Central Railroad Co., and with railroads generally, your general railroad experience, and the positions you have held.

Mr. BELL. Well, I have been connected with the Illinois Central in the capacity of locomotive engineer, traveling engineer, roundhouse foreman, general foreman, master mechanic, assistant superintendent of machinery, superintendent of machinery, and general superintendent of motive power.

Chairman WALSH. Did you have personal charge of the negotiations with craft unions representing shop employees prior to the strike?

Mr. BELL. Well, some of them, I did; with the metal trades.

Chairman WALSH. That would include what?

Mr. BELL. Machinists, boiler makers, blacksmiths, pipe fitters, tinners, and coppersmiths.

Chairman WALSH. Any others?

Mr. BELL. The common labor in the locomotive department.

Chairman WALSH. Was there any organization among the common laborers?

Mr. BELL. Yes, sir.

Chairman WALSH. What was that called?

Mr. BELL. Well, it was simply called——

Chairman WALSH (interrupting). Called the Federal Union?

Mr. BELL. Yes; the Federal Union.

Chairman WALSH. Will you please give us, as briefly as you can, the modus operandi of making the annual contracts with those organizations?

Mr. BELL. The representatives of each craft would require a meeting, and on the first convenient date we would arrange for a meeting, and there and then make a contract covering the working conditions and rates of pay.

Chairman WALSH. Please describe how these committees were organized by the men.

Mr. BELL. I presume they were elected or appointed by the men.

Chairman WALSH. How many of them were there on the committee?

Mr. BELL. Well, there was usually one man from each division point.

Chairman WALSH. How much of your time was spent in negotiations with shop committees?

Mr. BELL. Oh, possibly six weeks of each year.

Chairman WALSH. Six weeks of each year?

Mr. BELL. Yes.

Chairman WALSH. Was there any complaint of any sort from the committees that they were not given sufficient time or that the time was not so ordered as to be convenient and effective for them?

Mr. BELL. Yes; there was. We generally tried to make the time as convenient for them as possible. At all times we were not able to meet them just when they wanted to be met, but we arranged it as soon as we could.

Chairman WALSH. What form did the complaint take? Was it a serious complaint, or just a sort of objection?

Mr. BELL. Oh, a sort of objection; I never heard of any serious complaint.

Chairman WALSH. You were present yesterday, Mr. Bell, and heard the discussion of the objection that the men had to the piecework, the bonus system, and time studies used in the company's shops?

Mr. BELL. Yes.

Chairman WALSH. Please give us your comment upon that without specific questions; what the effort of the company was in that direction, the purpose of it, and the attitude of the men toward it.

Mr. BELL. I was not in charge of the car department at that time. I was merely in charge of the locomotive department.

Chairman WALSH. What did you have to do with the bonus system or time studies, or anything of that sort?

Mr. BELL. Nothing; we had no piecework system in the locomotive department.

Chairman WALSH. Were the seniority clauses in the contracts with the craft unions always complied with in reducing forces?

Mr. BELL. Generally it was.

Chairman WALSH. Was there complaint in regard to that from the men? That is, to violation of the clause? And in the instances in which it was not strictly adhered to, what was the reason therefor?

Mr. BELL. I believe, so far as the locomotive side was concerned, it was adhere to.

Chairman WALSH. Would that include all of the departments of which you had knowledge?

Mr. BELL. Yes.

Chairman WALSH. I am going to go through the list, and anything you are familiar with please tell about it. What were the wages paid to carmen?

Mr. BELL. Well, they varied in different localities. We generally paid the going rate of wage in that locality.

Chairman WALSH. Please give the rate.

Mr. BELL. I could not, offhand.

Chairman WALSH. Could you, offhand, give the rate of the blacksmiths?

Mr. BELL. No; I could not; I would have to refer to the list of the rates.

Chairman WALSH. I wish you would give us those that you can recall now, in any particular locality; that is, the wages paid to blacksmiths.

Mr. BELL. Well, in Burnside, that is our Chicago shop, we paid the going rate of wages to blacksmiths, to machinists, boiler makers, blacksmith helpers, pipe fitters, and tinners.

Chairman WALSH. What were the wages paid?

Mr. BELL. Machinists, 39 cents an hour; boiler makers, 40 cents.

Chairman WALSH. What were the wages paid to blacksmiths?

Mr. BELL. They ran from 36 to 42 cents an hour, according to the importance of the work. The pipefitters, I do not remember just exactly what we paid them, or the tinners, or coppersmiths.

Chairman WALSH. What were the wages paid to the painters?
Mr. BELL. Or as to the painters.
Chairman WALSH. What were the wages paid to decorators?
Mr. BELL. We had no decorators in the locomotive department.
Chairman WALSH. What wages were paid to the shop clerks?
Mr. BELL. We paid the going rate of wage.
Chairman WALSH. What do you mean by "going rate of wage"?
Mr. BELL. The rate paid by other railroads in the same locality.
Chairman WALSH. Is there a variation in the duties of shop clerks?
Mr. BELL. Oh, yes; there is. There are some that their duties are very important, and there are others that their duties are of minor importance.
Chairman WALSH. How did the wages range, of the shop clerks?
Mr. BELL. Possibly from $55 to $105.
Chairman WALSH. Unless it has been called for from some other witness, will you please furnish us with the wages paid—I will put it in the record so it will be given to you, at the different points on your system—that were paid at the time of this strike, and at the present time to carmen, blacksmiths, boiler makers, machinists, sheet-metal workers, steam fitters, painters, decorators, paper hangers, helpers, and shop clerks.
Mr. BELL. Yes.
(The matter above referred to will be found printed among the exhibits at the end of this subject as Bell Exhibit.)
Chairman WALSH. Were the helpers and shop clerks organized in the unions?
Mr. BELL. In some localities; at Centralia, Paducah, Waterloo, Burnside, and Chicago.
Chairman WALSH. In what unions were they organized?
Mr. BELL. I believe they were affiliated with the American Federation of Labor.
Chairman WALSH. Were the shop clerks also?
Mr. BELL. No; there was no organization of the shop clerks.
Chairman WALSH. Did you have contracts with the Helpers' Union?
Mr. BELL. Yes.
Chairman WALSH. Did you have a conference at times with the Federal Labor Union as a labor union?
Mr. BELL. Yes; we had from the different localities.
Chairman WALSH. Were you ever asked to have conferences with the Brotherhood of Railway Clerks?
Mr. BELL. No; I never was.
Chairman WALSH. You are not aware of the fact, if it be a fact, that that request—that they requested a conference and it was denied?
(No answer.)
Chairman WALSH. I say, are you aware of that fact, if it be a fact?
Mr. BELL. No; I am not aware of that fact.
Chairman WALSH. What part did you take in obtaining men to take the places of strikers?
Mr. BELL. Our strike breakers for the first year, we obtained generally through employment agencies, but there were a great many men who applied individually, and as they applied individually, we passed upon them and put them at work.
Chairman WALSH. What class of men were obtained from the Pinkerton Agency and the Hannon and the other agencies as to personally character and habits? Were they furnished good men, as good men as were ordinarily employed by you?
Mr. BELL. Oh, they furnished good, bad, and indifferent.
Chairman WALSH. About how did those range?
Mr. BELL. Well, some of them were satisfactory and some of them were not satisfactory.
Chairman WALSH. How did their efficiency generally compare with that of the men who had gone on the strike?
Mr. BELL. Well, it was not as good.
Chairman WALSH. How does the efficiency of your present force compare with that of the force prior to the strike?
Mr. BELL. Very favorably.
Chairman WALSH. How many men have you hired since the strike began?
Mr. BELL. Oh, I couldn't answer that off-hand. We hired, the first year, several thousand.

Chairman WALSH. Could you approximate it a little closer than that, how many thousand?

Mr. BELL. Well, we had 8,500 men go out on strike, and we possibly hired 15,000.

Chairman WALSH. Could you give us an estimate as to how long and for what length of time these men remained in the service during the first year?

Mr. BELL. No; I could not give you that information.

Chairman WALSH. Sir?

Mr. BELL. I could not give you that information.

Chairman WALSH. Do your master mechanics and other subordinate officers report—what kind of a report do you get from your master mechanics and other subordinate officers as to the class of men that were furnished by the employment agencies?

Mr. BELL. We get no reports from the master mechanics.

Chairman WALSH. When did you cease to get men through these employment agencies?

Mr. BELL. I believe that we stopped employing men through the agencies about February, 1912.

Chairman WALSH. How many men do you think were employed that way altogether?

Mr. BELL. Oh, I have no idea.

Chairman WALSH. Could you tell what proportion of them remained with the company?

Mr. BELL. We have to-day about 2,500 men with the company who came to us between September 30, 1911, and September 30, 1912.

Chairman WALSH. And September 30, 1912?

Mr. BELL. Yes.

Chairman WALSH. But you quit employing them through these detective agencies at what time?

Mr. BELL. About February, 1912.

Chairman WALSH. And do you know how many of those men that came to you through that means are still with the company?

Mr. BELL. No; I do not. That would have to be checked up from the records.

Chairman WALSH. How many strikers have you had returned to work?

Mr. BELL. I think about 2,000 men.

Chairman WALSH. Have wages been increased or reduced since 1911?

Mr. BELL. Wages are practically the same as they were September 30, 1911, with few exceptions where they have been increased.

Chairman WALSH. And in what departments have they been increased and what was the extent of the increase?

Mr. BELL. Well, that would refer to the common labor. We have in some cases increased the wages of the common laborer.

Chairman WALSH. From what point to what point, what sum?

Mr. BELL. Possibly we would increase 2 cents an hour.

Chairman WALSH. What were they getting before the increase?

Mr. BELL. Well, they were getting all the way from 18 to 22 cents an hour.

Chairman WALSH. Has the piece system been extended since the strike?

Mr. BELL. We have no piecework system in the locomotive department.

Chairman WALSH. What is your knowledge as to the piece system in any other department of your company?

Mr. BELL. We have piecework system in the car department at 10 shops.

Chairman WALSH. Where?

Mr. BELL. At 10 of our shops.

Chairman WALSH. What shops are they? [Witness examines book.] I will let you furnish it. We must hurry along.

Mr. BELL. Just a moment. I have it here.

Chairman WALSH. Have you?

Mr. BELL. Yes. We have Burnside, Clinton, Mattoon, Centralia, Mounds, Paducah, Birmingham, Harahan, East St. Louis, and McComb.

Chairman WALSH. Has the piecework system been extended to your knowledge since the strike?

Mr. BELL. Yes; I believe we have put the piecework system in a few of the points since the strike.

Chairman WALSH. Has it been made compulsory in any instance where it was not compulsory prior to the strike?

Mr. BELL. No. It was put in at the request of the men at the points that it was instituted.

Chairman WALSH. In what way was the request communicated to the company?

Mr. BELL. Verbally, a verbal request by the men on the division officers.

Chairman WALSH. That is, did the men come in conference, send a representative to the division officers?

Mr. BELL. Yes.

Chairman WALSH. Is there any record made of that?

Mr. BELL. No.

Chairman WALSH. What official had charge of the special officers and guards in the shops during the strike?

Mr. BELL. Mr. Kelliher, who was our chief special agent.

Chairman WALSH. Describe in what manner you cooperated with Mr. Kelliher in assigning these guards.

Mr. BELL. I had nothing to do with the assignment of guards whatever.

Chairman WALSH. And what official cooperated? Who did?

Mr. BELL. Mr. Kelliher assigned all the guards.

Chairman WALSH. Did he have any cooperation with any official of the company whatsoever?

Mr. BELL. No, sir. He put the guards in, I believe, on his own judgment at different points.

Chairman WALSH. Do you know what instructions were given to the guards with reference to picketing by strikers?

Mr. BELL. No; I do not.

Chairman WALSH. Was there no person connected with the company that took up the questions of policy as to the conduct of these guards with Mr. Kelliher?

Mr. BELL. Well, it was generally understood that the guards were there to protect our property.

Chairman WALSH. Do you know of any instances where members of the shop crafts were asked to send their representatives in the form of a federated committee to the legislature or the governor or the Chicago Civic Council in the interests of legislation desired or opposed by the company?

Mr. BELL. Yes; I believe there was a request made when the freight rates were being requested. I believe they requested some of the representatives of labor to go to Springfield; that is, I heard that. I have no personal knowledge of it.

Chairman WALSH. And you had no personal contact with that?

Mr. BELL. No.

Chairman WALSH. What is your opinion from your experience as a railroad man with reference to the practicability and desirability or not of dealing with your shop employees as a federation? I wish you would give your comment upon it.

Mr. BELL. Well, I believe—I am not in favor of it.

Chairman WALSH. Please give your reasons.

Mr. BELL. Because I believe that they are too hard to handle in case of the federation. I believe it is more satisfactory to handle the men individually; that is, by crafts.

Chairman WALSH. I wish you would be a little more definite, if you will, please, Mr. Bell, as to what you mean by "too hard to handle." Do you mean too hard to deal with, to establish contractual relations with?

Mr. BELL. Yes.

Chairman WALSH. Too powerful and too insistent upon demands?

Mr. BELL. No; not too powerful, but too insistent and unreasonable.

Chairman WALSH. Any other reason that you have in mind for being opposed to it?

Mr. BELL. No. Those are about the reasons I have.

Chairman WALSH. Upon what do you base that statement, please, Mr. Bell, as to their being unreasonable? Is it on account of their potential strength by being added together, or is it from some experience that you have had where there has been a federation?

Mr. BELL. The employees of the mechanical department, who are all the skilled help, are in the minority; and my impression is that the unskilled help, being in the majority, would outvote the men who are in the minority.

Chairman WALSH. Is your opinion based upon any experience either that you have had or that you gathered from other railway officials with respect to this matter?

Mr. BELL. No; we had one experience with federated crafts at Paducah, Ky., in 1910. Our master mechanic was in the habit of receiving representatives from each of the crafts on shop matters. It occurred in the summer of 1910 that one of our subforemen in the car department laid off for a few days to go to a camp meeting.

Chairman WALSH. What?

Mr. BELL. To go to a camp meeting. And there was a man appointed to take his place temporarily who did not suit the men. The result was all of the employees at Paducah went out on strike. And they were out several days. I went to Paducah. While I did not have charge of the car department at that time, I was deputized to settle it. I went to Paducah and received representatives of the car department and representatives of other crafts; they were allowed to sit in and listen to the proceedings, and we came to an understanding, and the men went back to work.

Now, there was absolutely no reason for those men going out on strike about a trivial matter like that.

Their contract required that they should appeal to the higher officers before they would go out on a strike.

Chairman WALSH. Over what period of time did those negotiations extend; that is, the settlement of this strike?

Mr. BELL. About two or three days.

Chairman WALSH. About two or three days?

Mr. BELL. Yes.

Chairman WALSH. Did all the men go back?

Mr. BELL. Yes; they all went back to work.

Chairman WALSH. What was the disposition of the matter? Did the foreman remain?

Mr. BELL. Yes; he remained; that is, the foreman who left to attend the camp meeting came back and went to work.

Chairman WALSH. It was only a temporary matter?

Mr. BELL. That is all. My impression from that occurrence was that the federation was not a very good thing.

Chairman WALSH. Have you any other experiences or any other facts?

Mr. BELL. No; I have had no other experience with federated trades.

Chairman WALSH. Since this strike came up, have you had any communications with any other companies, either that opposed this scheme of organization or upon whose systems it was in force?

Mr. BELL. No; I have not. I only hear in a general way. They are only rumors that they don't get along very well.

Chairman WALSH. You have no special instances you could give?

Mr. BELL. No.

Chairman WALSH. To what extent does the strike effect the efficiency of your shop?

Mr. BELL. Well, in the first year to considerable extent.

Chairman WALSH. What was its effect as to increasing the number of engine failures, accidents, wrecks on the road?

Mr. BELL. Well, the engine failures, of course, a little; but did not increase the wrecks.

Chairman WALSH. Were there any wrecks that could be directly attributable either to the conduct of the men that were in your employ or to the failure on account of either the character of the men or the number of them to keep up the equipment properly?

Mr. BELL. No more than ordinarily.

Chairman WALSH. Did you personally go over the system prior to the calling of the strike and call on the local committees of the craft unions, particularly the metal trades, to withdraw from the federation?

Mr. BELL. I never requested them to withdraw from the federation; but I advised them against joining the federation.

Chairman WALSH. That was how long prior to the strike?

Mr. BELL. That was possibly two months prior to the strike.

Chairman WALSH. Did you give them the reasons why you thought they should refrain from joining the organization?

Mr. BELL. Yes, I believe I told them that I thought it was to their interest to remain a metal-trades craft and not affiliate with the car department side of the mechanical department.

Chairman WALSH. Did you give them the same reasons that you have given here as your objection to federated organizations?

Mr. BELL. No; I just simply gave them the reasons I have explained.

Chairman WALSH. After the strike was called, did you have anything to do with the publicity and the creation of what you might say public sentiment upon the question?

Mr. BELL. No, sir.

Chairman WALSH. Did you arrange for meetings of business men or shippers, urging them to influence the men to go back to work?

Mr. BELL. No, sir.

Chairman WALSH. Do you know anything about any such thing having been done?

Mr. BELL. No, sir; I do not.

Chairman WALSH. Did the clergy take the position in some instances—I notice a communication read from a bishop and some other suggestions of that kind in the statement made by Mr. Markham. Do you know anything about any person urging upon ministers to use their influence upon the men and ask them to return to work?

Mr. BELL. No; I do not.

Chairman WALSH. Who would know about that now? For instance, there was a communication read here from a bishop, in which he told the men that they ought to go back to work and desist from their efforts to organize in the way they were doing. Do you know how that came about? Was there any pressure brought to have that done?

Mr. BELL. I don't know.

Chairman WALSH. To your knowledge?

Mr. BELL. No.

Chairman WALSH. Do you know by hearsay?

Mr. BELL. No; I just saw the statement at the time, but I know nothing further about it.

Chairman WALSH. Is your present attitude as it has been expressed here as in the past with reference to dealing with craft unions or federated unions?

Mr. BELL. Yes.

Chairman WALSH. You have not changed your position on that?

Mr. BELL. I have not changed my mind on it.

Chairman WALSH. You have not changed your position on it?

Mr. BELL. Nor my position.

Chairman WALSH. What experience did you have that you could enlighten us upon with reference to violence during the strike by either side?

Mr. BELL. Well, there were a great many fights. I paid no particular attention to the fighting that was going on.

Chairman WALSH. What actual experience did you have that you could give this commission with reference to the interference of the orderly conduct of the business in your shops during the strike?

Mr. BELL. Why, there was some interference. I do not know who did it. I could not say it was the strikers.

Chairman WALSH. Please describe what that was, this interference that interfered with the orderly conduct of the business of the company?

Mr. BELL. Well, an engine started away from Burnside and collided with a train on a crossing. Another engine was started away from Waterloo by some unknown person and collided with a train on the main line. Another engine was started away——

Chairman WALSH. That is Waterloo, Ill.?

Mr. BELL. Waterloo, Iowa. Another engine was started away at Paducah and collided with an engine in the yards.

Chairman WALSH. Was there a loss of life in either case?

Mr. BELL. No; I believe there was somebody injured.

Chairman WALSH. Was the property destroyed or the equipment broken up?

Mr. BELL. Yes; there was.

Chairman WALSH. Was there anything else of that sort?

Mr. BELL. Equipment was destroyed.

Chairman WALSH. Now, any other instances, other than those you have mentioned?

Mr. BELL. No; I can not recall any particular instances.

Chairman WALSH. Now, would that include—we would like to get from you, if you could, Mr. Bell, a concise but an exhaustive statement of just what occurred in the way of violence that interfered with the operation of your business?

Mr. BELL. We could compile a statement for you.

Chairman WALSH. Well, I would like if you could give it offhand.

Mr. BELL. Oh, I don't remember just offhand.

Chairman WALSH. Well, any that you do remember offhand.

Mr. BELL. Well, those three were about the cases.

(The information above referred to will be found printed among the exhibits at end of this subject as 'Bell exhibit.")

Chairman WALSH. Now, is there any other statement that you desire to make upon any subject that I have not interrogated you upon, Mr. Bell?

Mr. BELL. No.

Chairman WALSH. Commissioner O'Connell has some questions he would like to ask you, please.

Commissioner O'CONNELL. I understood you to say, Mr. Bell, that ordinarily it would require about five weeks to adjust the various contracts with the metal-trades organizations during the year?

Mr. BELL. Yes, sir.

Commissioner O'CONNELL. If I recall, I think that in 1908 the question of the reduction of hours and of the increase of wages was under consideration. That required several months at that time to bring about an adjustment of these questions, with the machinists first. I think they met around, well, in the fall of the year, in September, and were in session several weeks with you, and then the hour-question was adjusted, and the wage-question went over and was not settled until several months later—the next spring?

Mr. BELL. Possibly.

Commissioner O'CONNELL. Must have gone along for several months?

Mr. BELL. Well, that may have been so.

Commissioner O'CONNELL. And the other organizations in the meantime had received no adjustment of their affairs, and when the contract was finally made with the machinists as to hours, it had the effect of making the other organizations agree to the arrangement made with the machinists' organization? In other words, the dealing with one organization first practically set the rule for all others to comply with. They were simply called in and given those contracts?

Mr. BELL. No; not necessarily. We generally met the first organization that made the first request.

Commissioner O'CONNELL. Well, at that time, in 1908, wasn't there a much greater period of time occupied in entering into an agreement?

Mr. BELL. Well, there may have been. I would have to refresh my memory on that.

Commissioner O'CONNELL. The committee met, I think, in 1908—one organization alone I speak of. In that case, weren't you in session with them several weeks, and were not adjournments taken, and finally an adjustment was reached in the latter part of that year, covering—in which the nine-hour day was agreed upon, and the wage question was put over, and conferences held innumerable times, and it was not finally adjusted until about May or June, 1910—1909. So that they were running conferences for practically six or seven months in that instance?

Mr. BELL. No; I don't believe that is so. I do not believe they were running—well, they may have been running conferences, but I believe the conferences were closed.

Commissioner O'CONNELL. The question of wages not having been adjusted, as I recall it—having been somewhat interested in the matter at that time—the wage question was not adjusted until May or June of the following year?

Mr. BELL. 1909.

Commissioner O'CONNELL. 1910.

Mr. BELL. 1910—possibly that is so. We were adjusting wages all the time with different crafts.

Commissioner O'CONNELL. Well, now, the manner of federation and the bringing about of an understanding whereby the federation—whereby all the organizations would be dealt with as a federation—the purpose being to avoid that delay of an adjustment of their annual contracts, would that not be preferable, to that these running—this expenditure of time and expense would be avoided? The men in the shops would know that there was a settlement; there would be a settling down of the men to the work; not a continuous arguing among the men and loss of time, as regarding the contracts.

Mr. BELL. No; I do not believe that we would settle with the men any quicker jointly than we would separately. The matter of the adjustment of wages and the adjustment of grievances is subject to considerable negotiation.

Commissioner O'CONNELL. Well, if you brought in one organization and discussed the question of a reduction of hours—say the largest organization on the system, and you agreed upon a certain number of hours which would constitute a day's work, and that was signed up, now it is not possible, is it, that the other organizations when they came in would be given any different—any longer or shorter period?

Mr. BELL. If they requested it and it was thought feasible.

Commissioner O'CONNELL. If the machinists had been given a nine-hour day, and the boiler makers and blacksmiths should come in and ask for an eight-hour day, they might be given an eight-hour day?

Mr. BELL. No. If they asked for a 10-hour day—which the boiler makers did in some instances.

Commissioner O'CONNELL. Came in and asked for a longer day?

Mr. BELL. Came in and asked for a 10-hour day—or night.

Commissioner O'CONNELL. Night?

Mr. BELL. Yes.

Commissioner O'CONNELL. What were they formerly working?

Mr. BELL. Nine hours.

Commissioner O'CONNELL. Do you know whether you heard the contract read here the other day in which the men hired to take the place of the strikers agreed if they did not stay in the employ of the company for 30 days, but left of their own accord, they would not be entitled to any compensation—do you know whether that was carried out in any case?

Mr. BELL. No; I never saw any of those contracts, but I believe the men were paid for all the time they worked. I never knew of a case where a man was not.

Commissioner O'CONNELL. Do you know of any bonuses or special considerations being given to strike breakers when they were brought in at any time?

Mr. BELL. I do not believe any were ever given.

Commissioner O'CONNELL. Was piecework introduced at the car shops since the strike took place, except upon the request of the men?

Mr. BELL. Yes, sir.

Commissioner O'CONNELL. Might that be considered a bonus of some kind for their having remained in the service of the company?

Mr. BELL. I don't think so.

Commissioner O'CONNELL. What extra compensation did these men make after piecework was introduced over that formerly received by them?

Mr. BELL. Well, they made all the way from $10 to $40 a month over and above their day rate. If they do not make it they are paid their day rate.

Commissioner O'CONNELL. What was their day rate?

Mr. BELL. Well, it varied in different localities; for the men in the car department, possibly an average would be about 22 cents for car repairing—22 cents per hour—and 25 cents for a car carpenter.

Commissioner O'CONNELL. Was the production where they increased it greater than it had been in the other shops formerly? With reference to the output?

Mr. BELL. You mean after the piecework was introduced?

Commissioner O'CONNELL. Yes.

Mr. BELL. Yes; it was.

Commissioner O'CONNELL. About what per cent?

Mr. BELL. Oh, possibly 10 or 15 per cent, and in some instances 20 per cent.

Commissioner O'CONNELL. On an increase of 15 or 20 per cent it would increase their wage rate $30 or $40 a month?

Mr. BELL. Well, from $10 to $40.

Commissioner O'CONNELL. From $10 to $40?

Mr. BELL. It ranged between those figures.

Commissioner O'CONNELL. Is there any assurance to the men that that rate will continue indefinitely?

Mr. BELL. Is there any assurance to the men?

Commissioner O'CONNELL. Yes.

Mr. BELL. We have established a piecework rate in the car department, and there is no reason why it should not continue indefinitely. It is fair and reasonable.

Commissioner O'CONNELL. Have you the right to readjust it?

Mr. BELL. Yes; we have, with the consent of the men.

Commissioner O'CONNELL. With the consent of the men?

Mr. BELL. Yes. We would not readjust the piecework schedule without the men were consulted; and the men are not compelled to work piecework if they do not want to.

Commissioner O'CONNELL. Well, would a man in a plant where piecework was in operation, and there was this increase of apparent efficiency, is it likely that the company would retain men there that would not work piecework where others were working piecework, and adding increased efficiency to the plant?

Mr. BELL. Well, we have not had any of those cases in those localities where the men had declined to work piecework.

Commissioner O'CONNELL. Suppose there was to be an adjustment of piecework—that your company attempted to readjust, say, the price paid. I understand there is no organization among the men at this time, and no contract relations between the men and the company at this time?

Mr. BELL. Only a set of shop rules.

Commissioner O'CONNELL. You promulgated the shop rules?

Mr. BELL. Yes; I was instrumental.

Commissioner O'CONNELL. The men were not taken into conference, as formerly, in the matter of agreeing to the rules?

Mr. BELL. The rules practically covered the old organizations. There were no changes.

Commissioner O'CONNELL. Just put into effect the rules that were the agreements with the older organizations?

Mr. BELL. General agreements.

Commissioner O'CONNELL. Now, suppose the company were arbitrarily to change these rules, how would the men at the present time, not being organized, compete with the company, or even get consideration?

Mr. BELL. Well, I do not think it would be fair to change the rules without consulting the men. The men in our different shops have representation.

Commissioner O'CONNELL. They would be called in en masse—the shopmen would all be called together and you would explain there was going to be a reduction in the price of piecework, or a change in the rules?

Mr. BELL. No; they would be called in according to trades.

Commissioner O'CONNELL. All the carmen, for instance, would be called in?

Mr. BELL. Yes, sir.

Commissioner O'CONNELL. En masse?

Mr. BELL. Yes, sir.

Commissioner O'CONNELL. And would be dealt with individually?

Mr. BELL. Yes. They have committees. They are represented by committees. The carmen have committees, and so have all the trades. They are represented.

Commissioner O'CONNELL. How do they select the committees if there is no organization among them?

Mr. BELL. They elect them themselves, I presume. Whenever they have any grievances they send in a man to the office, and they say this is our committeeman and we wish you would confer with him. We always do.

Commissioner O'CONNELL. Suppose the committeeman enters into some arrangement with you and goes back and reports to these men, and then the men simply pay no attention to it. What method of enforcing the agreement made with these men would there be. Who is the responsible party? Who is the responsible party you call in to make these men do so and so?

Mr. BELL. Well, we have never had a case of that kind come up.

Commissioner O'CONNELL. There would not be any organized influence or power behind any arrangement you make with these men?

Mr. BELL. Only the moral obligation of the men or of the man.

Commissioner O'CONNELL. You say the efficiency of your shops now is up to the standard, as it was prior to the strike?

Mr. BELL. Quite satisfactory.

Commissioner O'CONNELL. The same production at the Burnside shops, for instance, according to the number of employees—for the same number of employees as prior to the strike, the same number of locomotives are being overhauled?

Mr. BELL. Yes, sir.

Commissioner O'CONNELL. At any greater cost?

Mr. BELL. Not any greater.

Commissioner O'CONNELL. And the result is as efficient as it was before?

Mr. BELL. Just exactly.

Commissioner O'CONNELL. Now, are there any great number of men quitting and coming and going now?

Mr. BELL. No. For the past two years business has been very dull throughout the country and the men have stayed to work. There has been very little change among the men.

Commissioner O'CONNELL. If the strike were to be declared off on the Illinois Central road, officially, so that the men really had a right to return to work under the laws of their organization, if they wanted, would there be any great reemployment of these men—the old mechanics?

Mr. BELL. Well, yes; there would. We are always employing men, especially coming into the spring we employ more men than ordinarily. We open up the spring's work and endeavor to do as much as possible when we have good weather.

Commissioner O'CONNELL. And they would not be held out because they are less efficient or because you have gathered a better class of mechanics than you formerly had before the strike?

Mr. BELL. We have not gathered a better class of mechanics.

Commissioner O'CONNELL. You have not?

Mr. BELL. No, sir.

Commissioner O'CONNELL. I take it, then, if opportunity presented itself you would be glad to have these skilled men in your employment again.

Mr. BELL. Always have been glad to have them.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Commissioner LENNON. I would just like to ask you, did you start with the Illinois Central as a locomotive engineer, Mr. Bell?

Mr. BELL. Yes, sir.

Commissioner LENNON. Were you a member of the brotherhood?

Mr. BELL. Yes.

Commissioner LENNON. Are you still a member?

Mr. BELL. I am an honorary member of the Brotherhood of Locomotive Engineers.

Chairman WALSH. Mr. Aishton would like to ask you a question.

Commissioner AISHTON. Mr. Bell, this contract that was negotiated in 1908 that Commissioner O'Connell referred to, I understood the basis was changed from a 10-hour day to a 9-hour day at that conference. Is that right, Mr. Bell?

Mr. BELL. Well, possibly it was. As I told Mr. O'Connell, I would have to refresh my memory.

Commissioner O'CONNELL. Yes; it was a nine-hour day.

Commissioner AISHTON. If that is the case, wasn't that rather extraordinary negotiation changing the basis of hours? Would not such a negotiation affect all the rules in the schedule—the overtime rules and the rule affecting the operation of shops—and would it not require more than the ordinary amount of consideration to reach an adjustment?

Mr. BELL. Yes, it did; it required a lot at that time, if I remember right; there were a lot of rules that had to be changed, and there were overtime concessions that had to be made, and we had to take into consideration all of these things.

Commissioner AISHTON. It was what you might call a revolutionary schedule, in that it changed all existing conditions?

Mr. BELL. Yes, sir.

Commissioner AISHTON. That is all I have to ask, Mr. Chairman.

Chairman WALSH. Mr. Garretson will ask you some questions.

Commissioner GARRETSON. Mr. Bell, is it not a fact that simply changing it as to the day would not change any other rule in the schedule?

Mr. BELL. Yes; it would change the rule.

Commissioner GARRETSON. In what way?

Mr. BELL. Time and a half would occur earlier.

Commissioner GARRETSON. It would occur earlier, but it would be paid on exactly the same basis after the close of the regular day, whether it was eight hours or twelve?

Mr. BELL. Just exactly.

Commissioner GARRETSON. And there would be no change except the one rule, if that was all that was under consideration.

Mr. BELL. Well, there was a rule under consideration for Saturday afternoon.

Commissioner GARRETSON. Oh, well, if there were other rules—but I am speaking just of the change of the day. If that was the only thing under consideration it would not cause a change of any others?

Mr. BELL. At that time there was a good many rules that were under consideration.

Commissioner GARRETSON. Well, that changes the complexion of it. Following the commissioner's question, were you ever a committeeman for the B. of L. E.?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. Isn't the principle involved in federation exactly one step forward from the principle involved in the organization?

Mr. BELL. Well, I presume it is.

Commissioner GARRETSON. And the real objection to the federation is the same old objection that you heard made when you were a committeeman of the B. of L. E., that the company didn't want to deal with the engineers collectively, because it would be hard to get——

Mr. BELL (interrupting). No; it never came up when I was a committeeman for the B. of L. E.

Commissioner GARRETSON. It was ahead of your day?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. Some of the other organizations met it later on?

Mr. BELL. I reckon they did.

Commissioner GARRETSON. Would you recognise it as a stock argument when you were committeeman?

Mr. BELL. No; I don't think that was ever brought out.

Commissioner GARRETSON. There are none of the old earmarks on it?

Mr. BELL. No.

Commissioner GARRETSON. You say you have not changed the rates of pay in any degree in these crafts since the strike?

Mr. BELL. Very little.

Commissioner GARRETSON. Or where they have changed they have changed for the better?

Mr. BELL. Well, there have been a great many of the men advanced in rates; that is, common labor.

Commissioner GARRETSON. Have the conditions of their service changed?

Mr. BELL. No; the conditions are practically the same.

Commissioner GARRETSON. You speak of a code of shop rules you made. Those rules are posted on bulletin boards in your shops?

Mr. BELL. In every shop.

Commissioner GARRETSON. Will you file a copy of those with this commission?

Mr. BELL. Glad to.

Commissioner GARRETSON. For comparison with the old contract?

Mr. BELL. Yes, sir.

(The rules above referred to by the witness were submitted in printed form.)

Commissioner GARRETSON. What day did the strike take place?

Mr. BELL. September 30, 1911.

Commissioner GARRETSON. Following that strike, in accepting applicants or men for the filling of these positions as furnished you by the various agencies, did you apply your physical examination to them?

Mr. BELL. I don't think we did.

Commissioner GARRETSON. Age limit?

Mr. BELL. No.

Commissioner GARRETSON. Reference?

Mr. BELL. No.

Commissioner GARRETSON. How long was that suspended?

Mr. BELL. Possibly for several months.

Commissioner GARRETSON. Do you know the date of its resumption, or has it been resumed?

Mr. BELL. Yes.

Commissioner GARRETSON. It has been resumed now?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. Then those qualifications which you require of all applicants under ordinary conditions were all suspended as unnecessary in time of stress?

Mr. BELL. Yes; it was.

Commissioner GARRETSON. Are they at any time really necessary, except for the purpose of weeding out undesirable men?

Mr. BELL. No; they are necessary to protect the service in a degree, and necessary to protect the other men.

Commissioner GARRETSON. But at a time like that neither service or the other men need protection?

Mr. BELL. No; those are war times.

Commissioner GARRETSON. The companies are all that need protection?

Commissioner AISHTON. You were confronted with the condition of having to afford some transportation to the public?

Mr. BELL. We are faced with the condition, sir, of having to operate our railroad and run our trains.

Commissioner GARRETSON. Has there any other statement been made than that whenever threatened with trouble with the employees at any time? Don't the moral obligations of the company get very great and their legal obligations very insistent when they are threatened with trouble?

Mr. BELL. Well, we were never threatened with trouble before. So I don't know.

Commissioner GARRETSON. You speak of committees that are not existent in the various crafts?

Mr. BELL. Yes, sir.

Commissioner GARRETSON. Now, in which shop is there a committee?

Mr. BELL. All shops.

Commissioner GARRETSON. Can you give the date of a meeting of that character and the name of the committeeman to this commission?

Mr. BELL. I can furnish it later; yes.

Commissioner GARRETSON. Will you please do that?

Mr. BELL. I will.

(The matter above referred to will be found printed among the exhibits at the end of this subject as "Bell exhibit.")

Commissioner GARRETSON. You speak of engines being started; runaways, I suppose?

Mr. BELL. Runaways, you would call them.

Commissioner GARRETSON. That is, they became that as soon as they started?

Mr. BELL. Yes.

Commissioner GARRETSON. At Waterloo, Paducah, and what other points?

Mr. BELL. Burnside.

Commissioner GARRETSON. Did the company develop any information as to who started those engines?

Mr. BELL. No; we never found out.

Commissioner GARRETSON. You don't know, then, whether the strikers had anything to do with it.

Mr. BELL. We could not say.

Commissioner GARRETSON. There was no more evidence that it was a striker than that it was a special guard who desired to demonstrate the necessity of guarding?

Mr. BELL. No; we couldn't say.

Commissioner GARRETSON. You made the statement that different rates were paid to these different crafts at different points, like Burnside, New Orleans, Paducah, and other points; has any discontent ever arisen out of that?

Mr. BELL. No; I do not think that it has.

Commissioner GARRETSON. Do the men ever refer to the fact in your train and engine service you pay exactly the same rate at New Orleans, Omaha, and Sioux City?

Mr. BELL. Exactly.

Commissioner GARRETSON. I say, have the men in these crafts, in the days gone by, referred to the fact that you paid a uniform rate over your entire territory?

Mr. BELL. I do not recall that they ever did.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you, Mr. Bell. You will be permanently excused.

TESTIMONY OF MR. H. J. MALLOY.

Chairman WALSH. State your name.

Mr. MALLOY. H. J. Malloy.

Chairman WALSH. What is your business?

Mr. MALLOY. General organizer for the machinists.

Chairman WALSH. I wish you would name all of the official positions you have had with any labor organizations, as well as your previous positions with railroad shops, or elsewhere.

Mr. MALLOY. Well, prior to the position I now hold I was business agent for the machinists on the Illinois Central, dating back to the time of the beginning of the strike, and for seven and one-half years prior to that time I worked in their shop in Chicago.

Chairman WALSH. As a machinist?

Mr. MALLOY. Yes.

Chairman WALSH. State as briefly as you can what you know of the formation of the Federation System on the Illinois Central.

Mr. MALLOY. The federation was formed on the 1st of May at Memphis by representatives from the different organizations that had sent their men there and the other facts in connection with it are very much like Mr. McCreery gave here, so that it is hardly necessary to duplicate that. My recollection is just like he read it off here.

Chairman WALSH. I wish you would just detail any information you have with reference to the use for publicity purposes or legislative purposes or otherwise of federated crafts by the railway companies.

Mr. MALLOY. Well, beginning as far back as 1907 a committee representing all of the employees at the shop at Burnside, which is in this city, were called into the master mechanic's office. There was somewhat of an agitation at that time caused by this so-called money panic and many of the men were beginning to insist that their pay would be given to them in cash rather than given to them in checks, fearing that when they would go to cash their checks they would be compelled to accept this script that was then being floated, and at that we were called in. I was a member of the committee that was called in and the master mechanic asked us if we would not use our influence in all of the departments to try to allay that agitation that was going on, assuring us that he thought all would be well in connection therewith. That to my recollection is the first time that these committees were called in jointly and, in my opinion, it showed the advisability of such a committee, because the master mechanic explained to us at one time what it would have taken him nine times as long to explain if he had called in nine different committees and told them at separate times.

Chairman WALSH. Prior to that time had there been any effort on the part of the crafts to have joint conferences rather than take up matters individually?

Mr. MALLOY. No, sir; not to my knowledge.

Chairman WALSH. To your knowledge had there been any effort of that kind anywhere else?

Mr. MALLOY. No; I do not believe there was.

Chairman WALSH. Proceed now, and give any other instances of that kind you may have in mind?

Mr. MALLOY. Well, following that up, I—some time later at this same shop in Chicago there was a shop train running for the convenience of employees that lived down in the city and there was a bulletin posted calling attention to the danger of men staying on suburban train platforms. That came as a result of some one being hurt, and the committee wanted to point out the reason of the danger and asked that the committee be met, and they stated the purpose of their meeting. The master mechanic at that time, on gathering the purpose of their meeting from the chairman, said, "I do not see the necessity of meeting such a committee as this, but to you, as chairman, I will say that we will take this matter up." And at that time there was a very permanent remedy effected—a more permanent remedy effected than ever before. There had been additional cars which we asked for attached to that train and they were never taken off, as they had been in the past. In the past they would just put a car or two on for a short time and later on they would be cut off. But to my knowledge that effected what you might call a permanent remedy for that evil.

Chairman WALSH. Proceed and state any other instances.

Mr. MALLOY. Thank you. Later than that, beginning in 1910, there was a committee before the superintendent of motive power to adjust grievances, and this committee, after having about finished their work—it was mentioned informally something about the wage rate, which had been left over from 1909. The answer by the superintendent was that unless some new source of revenue was found by the company that he did not believe that any wage increase would be given on the system. And he made mention of the fact that this freight rate would have something to do with it. From that time on this freight-rate agitation grew, until, to my recollection, about the latter part of April or early in May, the general foreman of the Burnside shop, who was a machinist with a withdrawal card, came to a machinists' meeting and asked

the privilege of speaking to the members on that question. The sentiment seemed to be very much in favor of doing something on it, the men feeling that the prosperity of the company would be in a large measure their prosperity later, and having in mind what had been said to their committee at this meeting in January, why, they decided that they would take part in it. The sentiment was very much in that way.

Now, I do not remember whether any official action was taken at the meeting, but nevertheless it was understood that there would be no objection to its being taken up. So it went on until later the company told the men in the different departments that if they would go into the office, or different places assigned to them, they could write letters to the governor of the State of Illinois urging him to assist—urging him to use his influence in the direction of an increase in this freight rate on coal. Whether they felt that was not doing all they could or not, the question was again urged that a committee might be a good thing, and when the matter was talked to the machinists, why, the machinists said if such a question came up that it was their desire that their own usual committee that handled these conferences with the company would be the committee to handle this. I happened to be on that committee and we went to Gov. Deneen, and there were 27 and it may be up to 30 representing all of the different departments, and the governor met us and we had our conference with him and told him our business. We told him we felt that the matter would mean some measure of increase to us, and he assured us that he would take under consideration what we had placed before him. He did not make any declaration as to what he would do. That was on May 26, 1910, to the best of my recollection.

Just one month later the machinists' committee, after having a request in for a conference, they were taken into conference, and prior to their being taken in, in the meantime, between the time they were first in in January talking over that question, up to that time the carmen had been taken in early in May, and this agreement that Mr Markham submitted, this low rate, ranging from a quarter of a cent upward, was at that time given to the carmen. A little later the boiler makers' committee went in, and because of the low rate and hard bargain that was driven with the car workers the boiler makers were almost compelled to accept a proportionate rate, and the boiler makers got a 1-cent rate in Chicago and a 2-cent rate at other points on the system.

At our conference on the 20th of January, this was the first conference that our committee had had under the administration of Mr. Markham, and I just want to make this statement at this time, that what Mr. Markham said about the fair treatment of the company, that all happened prior to his administration, that fair treatment. This one conference that we had was really the only wage conference that we had in Mr. Markham's administration; and the machinists were given a 1 to 2 cent increase. Regardless of their talk of fair treatment it left them 1 or 2 cents behind the prevailing rate in this territory; it left them 1 or 2 cents behind the prevailing rate in some other territory and as much as 3 cents in other territory. I will say this, that in a few different places, where there were a small number of men employed, that the rate which they gave was a little higher than that prevailing in that territory, paid by other roads. But as a general proposition the rate was a low rate for the largest number of men, because the large shops were affected by this reduced rate.

Commissioner LENNON. When you speak of 2 cents, that is the raise given over the previous schedule.

Mr. MALLOY. Yes.

Commissioner LENNON. By the hour?

Mr. MALLOY. Yes.

Chairman WALSH. Proceed.

Mr. MALLOY. After that committee was in a matter of two hours this 2 cents had already been offered. The committee stayed here for a matter of five weeks, or perhaps a few days longer, trying to better that increase, but because of the two agreements signed ahead of them they were almost compelled to accept that which had been signed up for by the other crafts. Our committee did not sign up then; it signed up agreements back in 1909, and it was then that the nine-hour day was given and then is when the wage rate first came up, and in negotiating that it was really a matter of nine months before that conference was finally completed. All these other instances took place in the meantime—this coal rate, and so forth. And concluding on that coal-rate proposition. When our committee was finally given this 2 cents and reported back to

the men, why, naturally, in checking where they had taken so much interest in trying to do all they could to make it possible to have a better rate and get all they could and do all they could for the company, with the belief that they were really acting in their own interests and all that, why, considerable dissatisfaction started right away, and those who had opposed going to the governor pointed out to us and said, "There is all you got out of it; those railroads who did not interest themselves at all, they are able to give more money." And from that time on the agitation was stronger than ever to take the matter up as a federated committee, because if it was a good thing for the company for us to act in that way, it would be a good thing for us to act in our own interests.

Then another thing that took place: We also—I urged—was the electrification of the Chicago terminals. When that agitation was up it was under the administration of Mayor Busse. The company had the men on the job to take the necessary preliminary steps to organize meetings, and so forth, and they suggested different times to meet and talk to the men. They suggested meeting them after working hours. That did not seem very practicable, because of the fact they went in so many different directions and had so many means of transportation. So the company finally set on having a meeting in the shop during shop hours, and we met, and the meeting, as I recall, was held about 10.30 in the morning, and every man in any department was allowed to go to the meeting. The speaker at that meeting urged the men to come down here to the city hall and to go in large numbers, and that same thing was done by the other railroads—to go in large numbers, and if possible to go down and crowd the council chamber so that no one else could get in. I was down there; I happened to go early enough to get in, and I was greatly surprised; when you speak about the press and the influence of the press, my best recollection is that the press of the city was in favor of electrification, but when we came down to the council meeting and this question came up the alderman of the first ward was the man favoring the railroad company; it was not the press.

Well, those instances naturally led the men to believe that they could accomplish better things by being together than by being separate, and although the company talked to us machinists and told us what fine fellows we were and that we ought not to affiliate with the carmen and all that just prior to the strike, why, at that time they were anxious for us to sit in the council chamber with the carmen or anyone else in order to crowd it; it didn't make much difference. It was much like the age limit after September 30; it was not a question then of who, but it was a question of necessity to get them.

Then right during the time that this federation was being developed by the men, the company started in and they did violate agreements. We took this question up from the standpoint of the violation of the agreements, this hospital question, and we had never had a hospital question at any other place on the system but at Paducah. The men were not asked as to whether they wanted a hospital or whether they did not want the hospital. It was just simply a question of a petition being placed before you and being asked as to whether you were in favor of it or not. Well, when the petition was passed around at our shop, which was one of the big ones of the system, the petition had quite a large number of names on the side of those opposing it and very few on the other side. Then the local federation took that question up and protested against it and said that they did not believe the matter had carried. Now, the company prepared and put forth this petition. The company counted the result of the petition and announced that the thing had carried by a great majority.

When the men protested against this the protest finally became so vigorous that a federated committee from this point was at least admitted by Mr. Park. They talked over this question of a hospital. I was not a member of that committee, but to my recollection they were told that this hospital proposition could not be a success unless it had the full membership of the employees from all the departments. They wanted some federation there. And the man that was opposed to the federation was usually a man that had to deal a whole lot with the foreman, and they were trying to convince him how good it was and how just it was in some cases to talk these questions with them.

The same thing happened when the federation was being developed by the men. The company officials all over the system, I am told, and I am sure they came to me, I know I was told what a bad thing it was for me and the rest of my associates, the machinists, to affiliate with the carmen, and that the large number of carmen on the system would outvote the rest of us fine mechanics on any question that would come up. Now, in connection with that, I

just want to say their fears were not justified, because of the fact we would vote on these questions singly in our own organization, and our own organization would then have just one vote on the question. The carmen then would have the same thing, just one vote on the question, regardless of the number that they had, and so that their fears were not justified in that connection.

Now, another instance I want to give you about their fears not being justified. In 1909 when the committee was up, it was 1909 that they got this 9-hour day, the fear of the company in granting the 9-hour day was that it was going to be quite expensive, quite an expensive thing from the standpoint of the overtime, that it would shorten the day and thereby cause them to pay overtime for the tenth hour, which they did not have to do in the past. That was in September that that was settled. In January, when our committee was up, some of the complaints were too many men being worked overtime, and the officials of the company submitted evidence there to show us and told us plainly that there had been less overtime worked in our department in the last three months than had ever been in any three months time over the entire system—that is, by our craft—which went to show that we worked less overtime under a 9-hour day than we formerly had with the 10-hour day, which showed plainly that their fears were not justified. It showed that just simply by a matter of management and other things taken into consideration they could cut these things out. Their fears if not entirely eliminated would be greatly minimized.

So those things are the most flagrant things I see in connection with the way that they developed this thing, or rather developed their opposition to it, opposed the hospital question from the standpoint that it was a violation of our agreements; that our agreement called for a wage rate, our agreement called for a 30-day conference in order to change this rate, and the company did not submit any 30 days' notice on this hospital proposition; that the company just simply put out these petitions and by mutual agreement anyone that would sign the petition would become a member of this hospital association; all new men that would come into their service would be compelled to join the hospital association, be compelled to undergo a doctor's examination, and because of the features in connection with that we always believed that the doctor had a large latitude there for graft, and because of that fact we did not care to enter into the proposition. We know that the doctor had at some times issued orders and almost compelled the men to appear at his office and be vaccinated, and a man that would not comply with the notice, it might take four or five weeks until that time would have been past and finally they came up with a little slip and handed it to you, telling you to appear at the doctor's office, to go to the doctor's office to be vaccinated. And if you were not vaccinated at some time he would want to know then for sure, and he would try to impose upon you the necessity of getting vaccinated, but if you had been vaccinated at some time prior he would always be insistent enough to have you show him the scar; he would not take your word for it. The doctor was paid 25 cents for each vaccination, and you take it in a shop like Burnside, where 2,800 men were working, it is easy to see how a general rule like that would bring over $700 revenue in about as many weeks, about seven weeks, to a doctor. And it was for that that we opposed this hospital proposition—that it just opened up a new field of graft. It just made it broader. In addition to it being a violation of our contract from the 30-day-notice standpoint; there had been no notice given. There was no conference held. It was just simply put up to the men on petition, and it was left to them and if they mutually decided to do a thing, all right, and those that did not they could work and all new men coming into the service would be compelled to join that hospital association.

Chairman WALSH. Do you have any particular information, Mr. Malloy, with respect to the instance of alleged violation of the 30-day notice, particularly the notice calling the strike in 1911?

Mr. MALLOY. Well, as soon as that question was brought up the general chairman or business agent of the machinists consulted with me. I was what we call district secretary. And we wrote out a notice that would cover the machinists of the system, and in our opinion it would cover our agreement; would cover that which the company asked for; and told them that when we met, inasmuch as this question had been brought up, when we met we hoped to meet with all the other crafts in a federated body; and as far as I know that notice was conveyed to the company. I was not general chairman then.

Chairman WALSH. You say, so far as you know; what is your information, either directly or indirectly, on that subject?

Mr. MALLOY. Well, I am inclined to believe that it was given to them.

Chairman WALSH. Have you any foundation for your belief or information, either by hearsay or otherwise, that that was given them?

Mr. MALLOY. Yes; hearsay of the general chairman at that time, and my confidence in him at that time to convey it.

Chairman WALSH. Who was the general chairman?

Mr. MALLOY. He was H. S. Kieley, at Paducah.

Chairman WALSH. What was the attitude of the Chicago police department toward the strikers?

Mr. MALLOY. Well, at the very beginning of the strike, the morning of September 30, when the men walked out, there were from 150 to 200 of Chicago police lined up at the gates out here at this Chicago shop, and to me it seemed that crowd of such a number of them out there was to intimidate. Things that occurred following after that would justify that belief that they were there to intimidate.

In the early days of the strike two or three Pullman cars were backed into the yards and placed as close to the shop gate as possible. I understand that these police were kept in those cars inside the Illinois property, and that they were fed at their commissary. Their attitude from that time on was rather against our men. They would pick them up on almost anything. They would claim violation of injunction, and so forth. We had perhaps 60 to 70 different cases tried here in Chicago, and out of those 60 or 70 cases, to my knowledge, there was about one that a fine of $10 was imposed upon, because he seemed to be a little better marksman in throwing brickbats than the other fellow was.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. When this committee went to Springfield, you were allowed time and expenses?

Mr. MALLOY. Yes.

Commissioner GARRETSON. When the company made up that committee, was it made up collectively from all the shop crafts?

Mr. MALLOY. Oh, yes; every department.

Commissioner GARRETSON. They were willing, then, to utilize the collective power of their employees legislatively for their own benefit and their municipal question also?

Mr. MALLOY. Exactly so.

Commissioner GARRETSON. But they were ready to spend millions to keep from doing that, that same power on your own behalf?

Mr. MALLOY. Yes, sir.

Commissioner GARRETSON. That is all.

Mr. MALLOY. I will say, since you state about millions, we were advised that on this electrification proposition that to electrify their terminals it would have cost them eighteen millions; and in order to save eighteen millions they would use us, but they would spend eighteen millions to fight on this federation.

Chairman WALSH. Is there any other statement that you desire to make about which you have not been interrogated, Mr. Malloy?

Mr. MALLOY. Yes; I would just make this statement in connection with the 30-day proposition:

That Mr. Markham the other day made the statement here that he believed that if they could have met with the different crafts that they could have convinced them that they had violated their 30-day agreement.

Now, what has been submitted here showing the company's position in connection with that, I believe it was all brought in from a federated standpoint. That from the time this first conference was asked, first communication passed, down until the time that Mr. Barnum issued the circular, that the circular was issued in the nature of a federated circular, and the company never did serve the 30-day notice on us saying that they desired to change the time to the old agreement. If they had done so, the chances are that they would have got that opportunity to try and convince us in our different crafts; but, as I understand it, they never presented any notice to us saying that they desired to meet us to discuss any one rule of that contract, but they simply put them all together and sent them out together, and to all different crafts that were affiliated with this federation.

Commissioner ASHTON. Commissioner Garretson raised the question about this committee that went to Springfield and asked if the company made up the committee.

That was not the fact, the company did not nominate who went on the committee, did they?

Mr. MALLOY. Well, as far as we were concerned, the machinists, they did not nominate, because we did not let them.

Commissioner AISHTON. They did not, as far as you know, with any other?

Mr. MALLOY. They went to those they wanted.

Commissioner AISHTON. As a matter of fact, the employees were as vitally interested as the company in seeing that revenue was secured and all that kind of thing, were they not? Ordinarily it is to the interest of the employee and to the interest of the company, they lie together in a matter of that kind?

Mr. MALLOY. From that standpoint, yes; that was the standpoint the men entered into that matter.

Commissioner AISHTON. It is a mutual affair?

Mr. MALLOY. Yes.

Commissioner AISHTON. That is all, thank you.

Mr. MALLOY. I might add to that, that that opinion was rudely shattered after our conference and the small amount of wages that were expended by by way of increase.

Commissioner AISHTON. I understand that.

Chairman WALSH. That is all; thank you. You may be excused.

Mr. Montgomery.

TESTIMONY OF MR. HUGH MONTGOMERY.

Chairman WALSH. What is your name, please?

Mr. MONTGOMERY. Hugh Montgomery.

Chairman WALSH. Where do you reside?

Mr. MONTGOMERY. I reside in McComb, Miss.

Chairman WALSH. McComb, Miss.?

Mr. MONTGOMERY. Yes.

Chairman WALSH. How long have you resided in McComb, Miss.

Mr. MONTGOMERY. About 33 years.

Chairman WALSH. I wish you would state what your business has been during that time?

Mr. MONTGOMERY. I have been working for the Illinois Central 28 years of that time. I have worked 28 consecutive years up until September, 1911, when the strike was declared. I was on the pay roll then. I was off sick, however, and had been for a month, but I was supposed to be employed by the company at that time.

Chairman WALSH. In what department were you employed, Mr. Montgomery?

Mr. MONTGOMERY. I was in the car department.

Chairman WALSH. In what capacity?

Mr. MONTGOMERY. As what is termed car carpenter.

Chairman WALSH. How long have you followed that particular line?

Mr. MONTGOMERY. I had followed that particular line about 18 years.

Chairman WALSH. What was your rate of pay per hour at the time the strike was called?

Mr. MONTGOMERY. Twenty-six cents.

Chairman WALSH. What was your monthly wage just prior to the strike?

Mr. MONTGOMERY. Well, about an average of $65, I think, something like that; about an average of that; perhaps a little less.

Chairman WALSH. Are you a married man or a single man?

Mr. MONTGOMERY. I have a family.

Chairman WALSH. What was the average wage of the men in the car department in your shop?

Mr. MONTGOMERY. Why, for the last few years back I think it is about 18½ cents an hour. Prior to that, ever since I had been working for the company, they had what they called a flat rate. Every man that worked in the car department, that is, as a car repairer, got 16½ cents an hour. A few years ago they changed that plan and adopted what they call the scale system. Then they paid a man what he was worth. I do not know exactly how they came to do it, but at any rate some of the men got 17½ cents; others 18½ and up as high as 22½. I think the general average has been from that time on until now about 18½ cents an hour, some more and some less, brings the average to about, I think, 18½ cents per hour.

Chairman WALSH. What was the average number of men in ordinary times at work in the car department in your shop?

Mr. MONTGOMERY. We had, I think it was some 400 men on the last roll in the car department.

Chairman WALSH. How were those men with reference to being married or single or having a family or not having a family?

Mr. MONTGOMERY. Well, the majority of them were men with families.

Chairman WALSH. What would be the average monthly wage of those men, would you say; getting 18½ cents an hour?

Mr. MONTGOMERY. About $37 to $40.

Chairman WALSH. Thirty-seven to forty dollars a month?

Mr. MONTGOMERY. Yes.

Chairman WALSH. How many men were working, would you say, approximately, at that wage?

Mr. MONTGOMERY. Well, there were approximately, I suppose, 300.

Chairman WALSH. From your personal knowledge of the men in the car department who were married and working for 18 cents an hour, can you give the commission an idea, a concise idea of their standard of living, what sort of homes they had, what sort of food they ate, what sort of clothes they wore, and all about it?

Mr. MONTGOMERY. Mr. Chairman, as a matter of fact, the buildings, nearly all of the buildings in that town that are for rent are just common, what we term box-house buildings, you know. They are a very ordinary class of buildings, and that kind of building, all those men that work in the car department with a few exceptions live in that kind. Of course, we have, as with all other classes, some of them who are better managers and can get along on less and have better surroundings than others; but the majority of them are men who rented these box-houses at from $7 to $10 a month. Of course, their manner of living was very poor, with what they had to buy being so very high and their having so little money with which to buy; hence they lived principally on bread and bacon, Irish potatoes and sweet potatoes and a great deal of sirup which is raised around in that section of the country; they make a good deal of sirup, cane sirup, which is very cheap. They just had simply the absolute necessities of life without any of the luxuries.

Chairman WALSH. And how about clothing?

Mr. MONTGOMERY. Well, about on a par with what they eat—ordinary clothing, just very ordinary clothing.

Chairman WALSH. Are the people all white or are part of them colored?

Mr. MONTGOMERY. The car repairers were; yes.

Chairman WALSH. Were what, white people?

Mr. MONTGOMERY. Yes.

Chairman WALSH. To get some general idea now about the living conditions down there I would like you to tell us further. You say that during all these years, down toward the last few years at any rate, you averaged about $55 a month?

Mr. MONTGOMERY. Yes.

Chairman WALSH. Had you had a family?

Mr. MONTGOMERY. How is that?

Chairman WALSH. How is that reference to adequacy of wage for a man to raise a family on in that neighborhood?

Mr. MONTGOMERY. At the time I was raising my family—I had a small family, I had only two in my family, two sons—and while I was raising them I was getting 16½ cents an hour. By the time I got to where I got 20 cents an hour my boys were grown and working in the shops themselves. Of course, I could get along better than a man that had a lot of small children, little boys and girls coming up that he had to clothe and feed and all that sort of thing. I owned my home. But it so happened that when I went to McComb I had some property, had some land. I sold that and bought a home in McComb. That enabled me, not having to pay rent while I was raising my children on this 16½ cents an hour, although it took my monthly wage—my monthly wage would average about $34 a month for about 18 years—no not that long—about 16 years my wages averaged about $34 a month.

Chairman WALSH. Was the work laborious; was the work hard?

Mr. MONTGOMERY. Why, not necessarily.

Chairman WALSH. The general character of it?

Mr. MONTGOMERY. Well, the general character of it was repairing cars in that day and time. I was a car repairer then. Then during the first few years I worked with the company, of course, it was comparatively hard work; yes, sir. A good deal of it was just all I could possibly do, because I never was so very stout—for instance, handling car wheels where you have to change wheels on the cars.

Chairman WALSH. What are you doing now?
Mr. MONTGOMERY. I am not doing anything.
Chairman WALSH. Have you been out ever since the strike?
Mr. MONTGOMERY. Yes, sir.
Chairman WALSH. You mentioned about owning your own home?
Mr. MONTGOMERY. Yes.
Chairman WALSH. You live in McComb?
Mr. MONTGOMERY. Yes.
Chairman WALSH. Are there other employees there that own their homes?
Mr. MONTGOMERY. Yes; employees, a few; yes.
Chairman WALSH. Did any of them leave or are they all still there?
Mr. MONTGOMERY. They have all left there, hardly one there. I do not know of but one other man that owns his home in McComb when the strike commenced that is there to-day.
Chairman WALSH. How many home owners would you say—you say a few there—could you approximate—give us the number any more specifically than that?
Mr. MONTGOMERY. Why, there was a good many of the blacksmiths, machinists, that owned homes there. I suppose there were perhaps a hundred men that owned their homes.
Chairman WALSH. Would you say there are only one or two of those men left there?
Mr. MONTGOMERY. I don't think there is but one other besides myself.
Chairman WALSH. Well, were they that had their homes paid for, or were they like ordinary persons in various processes of paying for them?
Mr. MONTGOMERY. They were then in various processes of payment. There were very few of them that had their homes paid for. Some of them did and have since sold them. A great many of the men that had their homes paid for at the inception of the strike have since sold them, having title vested within themselves they could sell them and get some money for them. A great many of them have done that; others have simply lost what they had paid on them.
Chairman WALSH. Why did you join a union?
Mr. MONTGOMERY. When did I?
Chairman WALSH. Why did you join a union?
Mr. MONTGOMERY. Why, because it was considered to be the thing to do. Every other workingman in that whole town and in that shop belonged to the union; and for the purpose of getting protection—getting more wages. Otherwise I would perhaps be working for 16½ cents to-day, or as least when I did quit. I joined the union to get the protection that the unions give to the workingmen. That is why.
Chairman WALSH. Were you in McComb at the time of the riot there?
Mr. MONTGOMERY. Yes.
Chairman WALSH. I wish you would give a brief description of that for our record. You were right on the ground, were you?
Mr. MONTGOMERY. Yes; I was right on the ground. I was the man that was struck. The first intimation that we had of these people in the car was from Winona, Miss., a distance of 200 miles above McComb. They wired from Winona to gentlemen in McComb that there were a certain lot of men in a coach coming south, coming to McComb, and cutting up very badly along the route; that when this train had stopped there they had gone out and looted a restaurant and several other places; and as they came on down the line we were getting messages from every town nearly about these fellows and the conduct they were carrying on, and when they got to a little town 8 miles north of McComb, called Summit, it is not admissible to tell you the conduct that these people carried on there.
These things were wired on ahead; in consequence of which by the time they arrived at McComb the citizenship was very much incensed at the insults that had been offered to women all along the line. As they approached McComb—I will say further right here the way I came to be in the crowd. A day previous to that a writ of injunction had been served upon us—upon the strikers—and the company had had a wire stretched along the right of way. Well, I had a son that was a young fellow—he was a machinist, a young fellow—and there were quite a number just like him that were thoughtless; and I knew that unless I or some one else was along to keep constantly reminding them of the fact, they were liable to get over into that wire on the right of way. And we had a United States marshal there and I knew what the consequences would

be if they got over there, and hence I was along just to keep them off, from violating the injunction.

When this coach came into McComb there was a great crowd of us that was standing on the little embankment—an elevated embankment which brought us up just about on a level with the coach windows. We were scattered along there, men, women, and children, along as they came in; and as it came down and got just opposite to where the crowd was standing the windows of the coach went up as by automatically, and they—they just threw out these rocks. They had a barrel—they had stopped a mile above McComb where the company had been doing some concrete work, and got up a barrel of these rocks. And they fired them into the crowd, and shot two or three shots from a gun and shot into one man's automobile. One of the first stones hit me right above the eye [indicating] and put me out of business—for awhile, at any rate.

Well, as I have just told you, I have been a citizen of McComb for thirty-odd years. I think you will believe me when I tell you that—I do not say this boastfully—but every man, woman, and child in McComb is my friend. And when in connection with the conduct that these men had been carrying on in their course down to McComb, and the fact connected with it that they had thrown out and struck and, as they supposed, killed me—the story went out all over the country just that quick that Montgomery was killed. And they ran the coach into this shop yard. In the meantime they had built a wall around there. They ran the coach into the shop yard and on down through, and as it came out on the south side of the shop yards the men had—the citizens had gathered together, and as the coach pulled out of the shop yards some fellows in the coach fired guns and shot one of the men's fingers off, and then the shooting commenced. They shot the coach to pieces. They said there were 21 men killed in it. I don't know whether there was 21 or none. I have never been able to ascertain as to the facts of the case.

Chairman WALSH. You say 21 were killed on this car or train?

Mr. MONTGOMERY. That was the report; I don't know. But that is the fact of the case, that the citizenship of McComb had been so incensed from these wires that had been coming down the line, and then the climax of shooting into the crowd and striking and knocking me down—as I said I have been a citizen of McComb for 30 years, thirty-odd years, and no man has ever had any charge against me for anything.

Chairman WALSH. How much of a population has McComb, Mr. Montgomery?

Mr. MONTGOMERY. Well, it has about 9,000.

Chairman WALSH. Nine thousand?

Mr. MONTGOMERY. They claimed 10,000. You will see on the big electric sign as you go into the city, "Ten thousand population." But I think that is exaggerated a little. I had access to the tax collector's books here a few weeks ago, and 9,000 is about the correct population.

Chairman WALSH. Is there any other large industry in the city except the railway interests?

Mr. MONTGOMERY. No, sir. No, sir; there is nothing else there at all; that is, to amount to anything.

Chairman WALSH. What is the total number of employees that were engaged in the shop at the time the strike began?

Mr. MONTGOMERY. Why, something over 800, I think it was.

Chairman WALSH. How many of those have left the city of McComb?

Mr. MONTGOMERY. Why, I could not tell you; nearly all of them.

Chairman WALSH. Practically all of them?

Mr. MONTGOMERY. Yes; practically all of them. I do not think there is 10; I don't think there is 10 left there.

Chairman WALSH. At this point, Mr. Montgomery, we will adjourn until 2 o'clock this afternoon. Will you please resume the stand at that time? There may be a few more questions.

(Thereupon, at 12.50 o'clock, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. HUGH MONTGOMERY—Continued.

Acting Chairman LENNON. Mr. Montgomery, will you please resume the stand. Our chairman is away on account of a funeral. I think the direct examination has closed; unless you desire to submit something that you have not yet submitted you may be excused.

Mr. MONTGOMERY. I have this one particular thing that I would like to call your attention to, Mr. Chairman. In Mr. Markham's statement—he read us, in his statement before this commission, something with reference to the arrests that had been made along on the track, on the Illinois Central, in the strike zone. I wish to say to this commission that I had a son that was among that number. At McComb there was a number of our people that were arrested and hiked out to Jackson, Miss., to the Federal court, without giving them any chance whatever to make any preparation at all. My son was accused of having struck a strike breaker that was at least three-quarters of a mile from my residence. We proved conclusively by quite a number of witnesses who happened to be at my home that this boy was at my house for an hour previous and for an hour and a half subsequent to the time the man was said to have been struck; but, notwithstanding that fact, he was sentenced to 90 days in prison and fined $100, and was confined in the Jackson, Miss., jail. He was put in jail and kept there 45 days, and the fine was remitted and he was turned loose.

Now, I want to say to you gentlemen that I was in the Southern Army. We fought them for a principle that we then thought was right. I have been engaged in that same kind of a fight for a principle during this controversy with the railroad company.

While, as I said this morning, a good many of the years of my life have been spent in the service of the Illinois Central Co. at the small salary of 16½ cents per hour, hence you can readily see that I have had no opportunity to educate my children and maintain them as ought to be done with white people. However, there is no man, except in that one instance, that can point to a single solitary thing in the life of either one of my family where they have been accused of any crime or been arrested for anything in this world except that one particular thing.

The policy of the company seems to have been to arrest our people and carry them off to Jackson, Miss., in order to make it cost us as much money as possible, knowing that was the quickest way to wipe us out—to clean us of what little finances we did have. They took these people—there was no charge; some of them had no charge preferred against them at all; they were arrested by United States marshals—and carried them to Jackson, and kept them there for a few days, 30 days some of them, and then released them and the fines were remitted. So that is about the extent of that thing.

There is no charge anywhere in the records of our country down there where any of my people have ever been charged with any crime whatever, and I just wish to impress upon you gentlemen the fact that while we are poor people of necessity, yet, at the same time, we are honest people, and we try and do to our utmost. My endeavor has been always, since the inception of this strike, and I have advocated and pleaded on every occasion to keep within the limits of the law, because I knew very well whenever we come counter to the United States courts then we were in for it; hence, I have done everything in my power to keep down anything of a lawless character.

I do not think of anything else.

Acting Chairman LENNON. Will you kindly, in a brief way, tell us about the school facilities?

Mr. MONTGOMERY. The school facilities in the last few years—for the last five years at McComb—they are rather above the average; they have a good system of public schools now, but prior to that the school system was very inferior.

Acting Chairman LENNON. In connection with the riot that took place—called a riot, anyway—you were there on this bank you have described—along where the train ran—some little time before the train came in?

Mr. MONTGOMERY. Well, no; I suppose not exceeding 10 minutes—5 or 10 minutes.

Acting Chairman LENNON. Did you hear anything there among the men as to a prior arrangement to attack this train or these strike breakers?

Mr. MONTGOMERY. No, sir; there could not have been anything of that kind, I don't think, from the fact that it was generally known, as I stated this morning, that we had been wired this morning from different points along the line that they were approaching McComb; and the evening this occurred was an exceedingly warm evening, and the men were out in their shirt sleeves, and they had—no; I am confident there was not a thing on earth among them with which to commit a crime or with which to fight. I am confident that I had a little umbrella in my hand, and I think that is about as dangerous a weapon as there was in the whole crowd.

Acting Chairman LEHMON. That is all, Mr. Montgomery.

Commissioner AISHTON. Just a moment, Mr. Montgomery. Who were these wires sent by that you received?

Mr. MONTGOMERY. Sent from Winona by—I can't think of the names of the people. There was a merchant——

Commissioner AISHTON. Telegrams, were they?

Mr. MONTGOMERY. Yes; from Winona it was a telegram, and from Summit a telephone call. I can't tell by whom; but I can tell you to whom they were sent. They were sent to Dr. O. B. Quinn. He is president and general manager of the First National Bank of McComb. He is one of the most prominent men in the whole southwestern Mississippi, known to everybody—Dr. O. B. Quinn. These messages came to him, and he told them to me and to others that were there at the bank. That is the reason the crowd collected along there, just merely more through curiosity than anything else. As to the purpose of raising a riot or anything of that sort, there couldn't have been anything of that sort; because, if there had, they certainly would have made some preparation for it.

Acting Chairman LEHMON. Commissioner Ballard would ask a question.

Commissioner BALLARD. In this repairing of cars, is it what might be called carpenter work—the use of ordinary carpenter's tools?

Mr. MONTGOMERY. Yes, sir.

Commissioner BALLARD. Regular carpenter's tools?

Mr. MONTGOMERY. Yes, sir.

Commissioner BALLARD. What do you say you got per hour before that strike?

Mr. MONTGOMERY. I was getting 20 cents.

Commissioner BALLARD. Twenty-six cents an hour?

Mr. MONTGOMERY. Yes, sir.

Commissioner BALLARD. Have you ever had as good a job since?

Mr. MONTGOMERY. I have never had any at all, sir.

Acting Chairman LEHMON. Mr. Garretson will inquire of you.

Commissioner GARRETSON. Most of those telegrams came from points where there were no strikers?

Mr. MONTGOMERY. Yes, sir; no strikers.

Commissioner GARRETSON. Interdivision points where there were no employees or strikers?

Mr. MONTGOMERY. Yes, sir.

Commissioner GARRETSON. Just some citizens?

Mr. MONTGOMERY. Yes; from the citizens of Winona, a merchant there—I forget the name, but some merchant in Winona. Nearly all those people along the line are acquainted with Dr. Quinn, because he is a big man, a big man generally in that country, and everybody knows him. That is the reason these wires went to him. Some men in Winona—that is the place from which the first message came—some merchant.

Commissioner AISHTON. That was about 200 miles away?

Mr. MONTGOMERY. Yes; about 200 miles north of McComb?

Acting Chairman LEHMON. That is all. You will be excused, Mr. Montgomery.

Dr. L. C. Henley.

TESTIMONY OF DR. L. C. HENLEY.

Acting Chairman LEHMON. Where do you live?

Dr. HENLEY. 9230 Cottage Grove, Chicago.

Acting Chairman LEHMON. You are a practicing physician and surgeon?

Dr. HENLEY. Yes.

Acting Chairman LEHMON. How long did you act as surgeon for the Illinois Central Railroad?

Dr. HENLEY. From June, 1896, until October 30, 1912.

Acting Chairman LEHMON. Describe your duties in a general way as surgeon of the company.

Dr. HENLEY. Up until July, 1912, my duties were to take care of all injured employees that were brought to my attention, and to have general supervision of all things pertaining that would naturally come under the jurisdiction of the surgical department, and sanitary matters at the point called Burnside. Subsequent to 1912, to take care, have charge of the injured and sick employees at Burnside.

Acting Chairman LENNON. What compensation did you have prior to 1912?

Dr. HENLEY. $125 a month, with opportunities for outside work. That did not occupy all of my time.

Acting Chairman LENNON. When the system of physical examination was introduced, did that fall under your charge?

Dr. HENLEY. Yes.

Acting Chairman LENNON. And that created additional compensation to you?

Dr. HENLEY. Well, no; I should have said in July, 1911, the hospital department started, and then my salary was placed at $175. The examinations started in June, 1912, and there was no increase to the salary.

Acting Chairman LENNON. Will you describe what the examination was, how rigid an examination you made?

Dr. HENLEY. The physical examination, the general physical examination. The applicant was, you might say, examined as to his general appearance, his pulse, his temperture, whether or not he was ruptured, varicose veins, or any gross evidence of specific trouble. If his pulse and temperature indicated heart lesions or lung lesions, we would go a little further into the examination.

Acting Chairman LENNON. Were the different examinations had by you for different classes of employees?

Dr. HENLEY. Yes; there was a different examination, more thorough examination, for men of the transportation department, those who had to do with the dispatching of trains, the reading of signals, that was more rigid, required a more thorough examination as to vision and hearing.

Acting Chairman LENNON. In making the examinations in the usual way, if you found a candidate unfit for a certain position, could you certify him to some other position he might be fit for?

Dr. HENLEY. Our examinations at Burnside included only the shopmen and none of the transportation men. They were either accepted or rejected outright.

Acting Chairman LENNON. When did you leave the service of the company, or have you left?

Dr. HENLEY. October 30, 1913, my resignation was effective. My resignation was sent in the early part of September.

Acting Chairman LENNON. Have you any idea of the number of examinations you would make in the course of a month during that specific period of time?

Dr. HENLEY. From June 3, 1912, to October 30, 1913, that is 16 months, there were 9,400.

Acting Chairman LENNON. Please repeat that.

Dr. HENLEY. The examinations made between June 3, 1912, and October 30, 1913, that is 16 months, were 9,400.

Acting Chairman LENNON. What fee was charged each one of these applicants?

Dr. HENLEY. The first two months $1 was charged for each applicant, and subsequent to that those who received compensation of $50 per month or more were charged $1. Those who received a compensation of less than $50 were charged 50 cents.

Acting Chairman LENNON. What understanding, if you know, did the men have as to the disposition of these fees?

Dr. HENLEY. Their understanding was that it was to go to the examining surgeon. It was so stated on the top of the application which they filled out and signed. They were so informed by the employing officer.

Acting Chairman LENNON. The examining surgeon then received the fees?

Dr. HENLEY. I did not.

Acting Chairman LENNON. Well, do you know who did receive the fees?

Dr. HENLEY. Why, a number of them; I don't know, to my personal knowledge. I understand that surgeons throughout Illinois, except in Chicago, received them. That was where the largest number of men were employed—in Chicago.

Acting Chairman LENNON. Did these fees go to the company in any way, directly or indirectly, that you know of?

Dr. HENLEY. It was deducted from the salary, the first month's salary of the employees by the company and by them turned over to the hospital-department fund.

Acting Chairman LENNON. Then it went, eventually, these fees, to the hospital fund, as you understand it?

Dr. HENLEY. Yes, sir.

Acting Chairman LENNON. Could you give us an idea as to the cost of your department, including your salary—what would be the average cost to the company in cases of accident and sickness among its employees?

Dr. HENLEY. Why, I tabulated that some time ago, but I do not recall the exact number of cases. It amounted, considering my salary and the salary of my assistants, and a fair estimate for the upkeep, less than 50 cents per case for cases treated by me or my assistants.

Acting Chairman LENNON. Is there anything further in connection with these hospital services which would enlighten the commission on the management and control of the hospital system that has not been called out by these questions?

Dr. HENLEY. I do not know of anything that would be of interest to the commission. I do not know exactly what it is that is desired.

Acting Chairman LENNON. Who is the chief surgeon for the company now?

Dr. HENLEY. Dr. G. G. Dowdall.

Acting Chairman LENNON. Is he a resident of Chicago?

Dr. HENLEY. A resident of Chicago.

Acting Chairman LENNON. Does the Illinois Central Co. have surgeons in most of the principal cities and towns in which their road operates?

Dr. HENLEY. They have at all points, in all towns and cities.

Acting Chairman LENNON. Do those surgeons at those towns outside of Chicago receive the same compensation or fees that you received when you were acting here at the Burnside plant?

Dr. HENLEY. No; that varies greatly according to the amount of work that is done at these points, according to the amount for which, I presume, they can get a man.

Commissioner O'CONNELL. Just explain the attendance in sickness. I understand that the employees have the attention of the doctor in case of ordinary sickness?

Dr. HENLEY. Yes; the employees themselves, not their families. A sick employee has the attention of the company surgeon.

Commissioner O'CONNELL. Through a protracted illness at home?

Dr. HENLEY. Yes.

Commissioner O'CONNELL. Without cost?

Dr. HENLEY. He pays 50 cents a month into the general hospital department fund.

Commissioner O'CONNELL. Medical attendance was given him as a member of the hospital association?

Dr. HENLEY. Hospital department; yes, sir.

Commissioner O'CONNELL. For the payment of the monthly fee?

Dr. HENLEY. That was deducted from his pay each month.

Commissioner O'CONNELL. In case of surgical operation, was there any additional cost in any way?

Dr. HENLEY. No, sir; unless it was for some specific trouble or injury received in fighting or some infraction of the law.

Commissioner O'CONNELL. If a workman was injured away from the shop accidentally in some way, would he receive the attention?

Dr. HENLEY. He receives attention; yes.

Commissioner O'CONNELL. He would receive the attention?

Dr. HENLEY. Yes; except as I said, through some infraction of the law.

Commissioner O'CONNELL. Have you any idea as to the proportion of the men passed upon for employment that were accepted by the company?

Dr. HENLEY. There was a very small per cent, less than a fraction of 1 per cent rejected at Burnside.

Commissioner O'CONNELL. Would they be rejected if, for instance, they were troubled with varicose veins?

Dr. HENLEY. If I reported they were serious, bad varicose veins, they would be rejected; that was left to my discretion, to accept or reject.

Commissioner O'CONNELL. Would there be very many out of the nine thousand and some that you examined, I think you said in 16 months?

Dr. HENLEY. Yes.

Commissioner O'CONNELL. Would there be any perceptible percentage of that number that were not troubled in some way, by varicose veins?

Dr. HENLEY. Oh, yes; a very small per cent were troubled with varicose veins.

Commissioner O'CONNELL. A very small per cent?

Dr. HENLEY. Very small; that is, where they are enlarged to such an extent to make them a detriment in any way. My instructions were to pass all men unless their defects were very serious.

Commissioner O'CONNELL. Did you pass upon their hearing and eyesight?

Dr. HENLEY. No; we did not do that at Burnside. That was only for the men who belonged to the transportation department, or who had to do with reading signals.

Commissioner O'CONNELL. If they had a finger or two fingers off?

Dr. HENLEY. We were to make a note of those things in the paper, in the examination report.

Commissioner O'CONNELL. In the matter of the acceptance or rejection, would that be left to the officials of the company, based upon your reports?

Dr. HENLEY. Yes.

Commissioner O'CONNELL. Either for or against?

Dr. HENLEY. No; I marked them either accepted or rejected.

Commissioner O'CONNELL. You marked them?

Dr. HENLEY. Yes. I either accepted them or rejected them. But if there were any that they wished to overrule, it would be overrule by the chief surgeon.

Commissioner O'CONNELL. Largely upon your recommendation, then, they would secure employment?

Dr. HENLEY. Yes, sir; it was entirely, I believe, in no case at all that I was overruled.

Commissioner O'CONNELL. You say the per cent was very small that you rejected?

Dr. HENLEY. Practically less than 1 per cent; very small.

Commissioner O'CONNELL. In a general way, what would those rejections be, what would be the cause?

Dr. HENLEY. I believe practically all for hernia, in which they refused to obtain a truss. I do not recall any other case just at present.

Commissioner O'CONNELL. Were there any cases with varicose veins?

Dr. HENLEY. Yes; we had some, but upon the applicant agreeing to obtain a support for them, elastic support, we left them go through.

Commissioner O'CONNELL. Trouble with the lungs?

Dr. HENLEY. There were a few lung troubles. I believe we did have one case of very bad heart trouble that we rejected. My impression now is that we did.

Commissioner O'CONNELL. And tuberculosis?

Dr. HENLEY. We had some what you might call mild cases, not advanced.

Commissioner O'CONNELL. Would they be marked favorable or unfavorable?

Dr. HENLEY. They were accepted with the notes made as to their condition.

Commissioner O'CONNELL. You say you do not know where the difference in cost of operating your department and the difference of the money collected went to, other than it went to the association, the hospital association?

Dr. HENLEY. I do not quite understand your question.

Commissioner O'CONNELL. The money that is collected by the company, this dollar a month, or 50 cents, or 75 cents, as the case may be, that you say was turned into the hospital association?

Dr. HENLEY. Hospital-department fund; yes, sir.

Commissioner O'CONNELL. And your salary and expenses came out of the hospital fund?

Dr. HENLEY. They came out of the general hospital fund.

Commissioner O'CONNELL. And any balance that might be there over the cost of operating the department remained in the hospital fund?

Dr. HENLEY. Yes, sir.

Commissioner O'CONNELL. And has that fund accumulated?

Dr. HENLEY. Why, I was informed that quite a fund had accumulated.

Commissioner O'CONNELL. Have you any idea as to the amount?

Dr. HENLEY. Last fall I was informed by the chief clerk that it was about $400,000.

Commissioner O'CONNELL. Does that apply to the entire system of the Illinois Central?

Dr. HENLEY. Yes, sir.

Commissioner O'CONNELL. The $400,000?

Dr. HENLEY. Yes, sir.

Commissioner O'CONNELL. How many employees are supposed to be in that, all of them?

Dr. HENLEY. Yes.

Commissioner O'CONNELL. How many would that be aproximately?

Dr. HENLEY. I really could not tell you; I think about sixty or seventy thousand; that is merely a rough estimate.

Commissioner O'CONNELL. And they are paying on an average of from 50 cents to $1 a month?

Dr. HENLEY. They are all paying 50 cents straight and have been since the hospital department started.

Commissioner O'CONNELL. The income of that department is approximately $25,000?

Dr. HENLEY. I presume about that.

Commissioner O'CONNELL. Does the department publish an annual statement showing the receipts and expenditures?

Dr. HENLEY. I have never seen any or heard of one being issued.

Commissioner O'CONNELL. There are no published documents we could count upon that would give a statement of the operating of the department, the receipts and expenditures?

Dr. HENLEY. Not that I know of.

Commissioner O'CONNELL. Is a report of any kind made to the Illinois Central Railroad Co.?

Dr. HENLEY. I presume there is a report made to the railway company.

Commissioner O'CONNELL. But there is no published document about it?

Dr. HENLEY. None that I know of at all.

Commissioner O'CONNELL. Who is the chief in charge of the whole system of the medical department?

Dr. HENLEY. The chief surgeon, G. G. Dowdall.

Commissioner O'CONNELL. His address is in the city here?

Dr. HENLEY. Yes, sir.

Commissioner O'CONNELL. And we could get from him any statement made in connection with this?

Dr. HENLEY. I suppose so.

Acting Chairman LENNON. Commissioner Aishton wishes to ask you a question.

Commissioner AISHTON. Your work was confined to the Burnside shops entirely, was it?

Dr. HENLEY. Burnside and vicinity; I handled a great many cases in the Fordham yards at Ninety-first Street.

Commissioner AISHTON. In the examination of new employees, your work covers largely shop men?

Dr. HENLEY. Yes, sir; largely, and the laboring class from the Fordham yards, and the clerks also; all except those who have to do with the transportation of trains.

Commissioner AISHTON. You have an office in the Burnside shops?

Dr. HENLEY. There is an emergency hospital there.

Commissioner AISHTON. Fitted up by the company?

Dr. HENLEY. Fitted up out of the hospital department funds.

Commissioner AISHTON. And a part of the hospital arrangements, the general hospital arrangements?

Dr. HENLEY. Yes, sir.

Commissioner AISHTON. That is all.

Acting Chairman LENNON. Commissioner O'Connell wishes to ask another question.

Commissioner O'CONNELL. Suppose that an employee had a protracted case of illness, would he receive medical attention and service of the physician for all of the time he was ill, say, if it was for a year or two years or even longer?

Dr. HENLEY. Yes, sir.

Commissioner O'CONNELL. Supposing he left the service of the company and he had been paying into this fund for a number of years, that he had been paying into the hospital association for a number of years and he left the service of the company for some reason, either he was dismissed or quit, would he be entitled to that service after that?

Dr. HENLEY. No, sir; that right terminates as soon as his employment with the company ceases.

Commissioner O'CONNELL. It stops as soon as his employment stops?

Dr. HENLEY. Yes.

Acting Chairman LENNON. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. In the employment of doctors in the department, Doctor, was there any different—were there any regular salaried men except here at Chicago?

Dr. HENLEY. I believe they are all regular salaried men.

Commissioner GARRETSON. All over the country—that is, all over the system?

Dr. HENLEY. Yes, sir; all over the system.

Commissioner GARRETSON. Is the arrangement the same at towns which are not division points, as at those that are?

Dr. HENLEY. In that respect, yes; there is a difference received in the way of salaries.

Commissioner GARRETSON. How about the disposition of the fees received from the men examined at points like Clinton, Champaign, and Centralia? Did the examining surgeons there keep the fees?

Dr. HENLEY. Yes; I understand they keep the fees; they are deducted by the company and paid to the examining surgeon. They are deducted by the company from the first month's pay of all those who are put to work, and in the case of men who are not put to work the company itself pays the fee.

Commissioner GARRETSON. The company acts as collecting agent in that case?

Dr. HENLEY. Yes, sir.

Commissioner GARRETSON. Then, in Chicago, if there had been any manipulation of the examination—were you here this forenoon?

Dr. HENLEY. Yes, sir.

Commissioner GARRETSON. And you heard the testimony?

Dr. HENLEY. Yes.

Commissioner GARRETSON. If there had been any manipulation here in Chicago it would be the hospital department that would be the gainer financially and not the physician?

Dr. HENLEY. Yes.

Commissioner GARRETSON. While at outlying points, if there was any manipulation, the surgeon would gain by it?

Dr. HENLEY. Yes, sir.

Commissioner GARRETSON. In the matter of physical examination, is the man compelled to strip?

Dr. HENLEY. His trousers were lowered to his knees and his upper clothing removed, his coat and vest and we would lift up his shirt.

Commissioner GARRETSON. It is quite a strict examination; it is rigid?

Dr. HENLEY. Yes, sir.

Commissioner GARRETSON. More so than in an examination for insurance?

Dr. HENLEY. Yes, sir; more than I have ever submitted to for insurance.

Commissioner GARRETSON. In other words, he does not have the status that an insurance applicant has?

Dr. HENLEY. Probably not.

Commissioner GARRETSON. Do you know of any man holding a position being given information from any source that this or that man should be rejected?

Dr. HENLEY. No, sir; I do not.

Commissioner GARRETSON. You never had anything of that kind occur?

Dr. HENLEY. No, sir.

Commissioner GARRETSON. Do you know when—can you tell how long a period following the 11th day of September—that is the strike date, isn't it?

Dr. HENLEY. Thirtieth.

Commissioner GARRETSON. September 30, 1911; for how long was all physical examination in the departments that were on strike suspended?

Dr. HENLEY. Well, they did not have the examinations at that time—physical examination. Physical examinations did not commence until June, 1912.

Commissioner GARRETSON. Following that?

Dr. HENLEY. Following that.

Commissioner GARRETSON. It had been before that in the transportation department?

Dr. HENLEY. Yes, sir; that was always.

Commissioner GARRETSON. But it had not been extended to these departments?

Dr. HENLEY. No, sir.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. Who are the financial officers of the hospital?

Dr. HENLEY. The same as the financial officers of the company.

Acting Chairman LENNON. The same treasurer?
Dr. HENLEY. The same treasurer, paymaster, and auditor.
Acting Chairman LENNON. That is all, thank you, Dr. Henley.
S. H. Grace.

TESTIMONY OF MR. SAMUEL H. GRACE.

Acting Chairman LENNON. Give your name, address, and occupation?
Mr. GRACE. S. H. Grace, Omaha, Nebr. I am general organizer for the International Association of Machinists. Prior to that time I was what we term business agent, or general chairman, for the machinists' organization on the Union Pacific from the fall of 1908 up until September 30, 1911.
Acting Chairman LENNON. And as such, you had been associated in this work on what are known as the Harriman lines in this controversy being investigated?
Mr. GRACE. Yes, sir.
Acting Chairman LENNON. Did you make any special investigation—any special investigation of conditions on the Union Pacific and Oregon Short Line at any time?
Mr. GRACE. Mr. Chairman, before going into that I have a matter here that I would like to read to the commission——
Acting Chairman LENNON. All right.
Mr. GRACE (continuing). By which we will endeavor to show the change of policy on the part of some of the higher officials on the so-called Harriman lines.
Acting Chairman LENNON. All right, Mr. Grace. Submit it in your own way, but we want to be as brief as possible.
Mr. GRACE. I will not read it completely, but I desire to submit to the commission this telegram, and probably one or two small statements, and then will submit all of this so it may be incorporated in the record.
In the years 1902 and 1903 the machinists' organization were on a strike on the Union Pacific system. A settlement was made in May, 1903, they then returning to work on June 8, 1903. The Union Pacific at that time was using or borrowing engines from the Southern Pacific system. That matter was taken up with the heads of the different organizations and a strike vote was taken among the shopmen on the Southern Pacific system. Mr. E. H. Harriman at that time was president of the Union Pacific and of the Southern Pacific systems, and became interested in the affair, and as it was his telegram which brought a settlement, I desire to have that incorporated in the record. The same telegram was sent to the president of the International Association of Machinists, to the president of the boilermakers,' and the blacksmiths' organizations—the same telegram in effect. The names of the men in these were different. This refers practically to the machinists. This is a telegram sent from New York City in the month of May, 1903, to James O'Connell, who was then president of the machinists' organization [reading]:

"Rather than permit a condition to be brought about whereby men's homes would be broken up and their families, wives, and children permitted to suffer through no fault of their own, I will recommend to Mr. Burt and suggest to you for your consideration the following:
"The sympathetic machinists' strike on the Southern Pacific and other lines to be called off, Union Pacific strike to be called off, matter of piecework to be left to the men themselves, both those already employed and to be employed hereafter by the Union Pacific, and piecework not to be further extended on the Union Pacific, and to be abandoned at the end of four months, if so determined upon by Mr. Burt and Hugh Doran, and if they can not agree it is to be referred to Messrs. J. O'Connell, M. J. Ford, and E. H. Harriman; the piecework not to be extended on the Southern Pacific or other lines except after conference and agreement with the machinists; no discrimination to be made against former employees on the Union Pacific when places are to be filled and no discrimination to be made on account of their accepting temporarily the piecework or not, and any adjustment thereof to be determined between Messrs. Doran and Burt, and in case of nonagreement by them to be referred to Messrs. O'Connell, Ford, and Harriman; in lieu of this call off the strike, both sympathetic and otherwise as above, and refer the whole Union Pacific controversy in its present condition to arbitration to be agreed upon. On account of present conditions it is important that I see you all in New York not later than Monday next. Please answer.

"E. H. HARRIMAN."

As a result of that telegram a settlement was brought about, which provided that at the end of four months a conference would be held by the parties mentioned. Mr. Doran came to Omaha, and being unable to agree with Mr. Burt over the abolishing of the piecework, the matter was then referred to Mr. Harriman, Mr. O'Connell, and Mr. Ford. Also a committee of machinists from the Union Pacific system, of which I happened to be one, went to New York. In that conference the matter was practically left in the hands of Mr. Harriman, he at that time stating it was the first labor trouble he had been mixed up or interested in, and that so far as he was concerned it would be the last if it laid within his power to prevent it. Matters ran along after that conference in New York City, and in the fall of 1906 many complaints were sent east to President O'Connell, of machinists' organization, who no doubt forwarded them to Mr. Harriman's office in regard to the company not living up to the agreement at that time as to the discontinuance of piecework. It was not being abolished as fast as the representatives thought it should be. Consequently, in the trip over the road Mr. Harriman stopped at Cheyenne, Wyo., he was in the West at the time, and telegrams were sent to the president of the machinists' organization, at that time, to myself at Omaha, stating that Mr. Harriman was in the West and would stop on his way east and interview committees. He stopped at Cheyenne, Wyo., and had an interview with the committee, and also stopped at Omaha. The matter was discussed with Mr. McKeen, then superintendent of motive power of the Union Pacific, and we had a conference in Mr. Harriman's car in the yards at Omaha. He made a very broad assertion or statement which no doubt was made in good faith, and meant considerable to the employees working on the so-called Harriman lines. After our grievances had been thrashed out, he made a suggestion to the men—to the committee—that while he realized it was necessary for capital to combine, he did not see why the same rights should be denied to the employees; and practically made the suggestion that the employees on the so-called Harriman lines should have an organization of their own, which is very much following out the federation plan—system federation plan. He made that statement, as I say, I have no doubt, in good faith; also instructed us to visit the officials more frequently; and when any change in policy was contemplated by the company the employees should also be consulted in the matter.

It is for the purpose of showing that after the death of Mr. Harriman there seemed to be a change of policy on the part of the highest officials in the operating department that I desired to read the telegram. The rest of this is practically a repetition of what has gone before, and simply shows why we organized our System Federation. The correspondence between the officials of the Union Pacific, the Oregon Short Line, and the Oregon Railway & Navigation Co. and myself, as chairman of the machinists' organization, as to serving 30 days' notice on behalf of our organization of any change in agreement, and asking for a joint conference, and their replies thereto, and I would like to submit that to the commission, which can be incorporated in the record and thus save taking up your time.

After the settlement of the shopmen's strike, 1902-3, on the Union Pacific system, which was brought about by Union Pacific using engines belonging to the other parts of the Harriman lines, strike vote was taken by the shopmen on the other lines, then Mr. E. H. Harriman, now deceased, took a hand in the affair as per the telegram from New York heretofore given.

As provided in telegram, conferences were first held in Omaha, Nebr., by the parties named, who were unable to agree. Then referred to last-named parties and Mr. E. H. Harriman at New York City.

During conference in New York City with Mr. Harriman statement was made by him that it was the first labor trouble in which he had ever become interested, and that it would be the last on system controlled by him as far as he was able to prevent.

Many complaints were made that the Union Pacific Co. was not carrying out promises made or living up to the agreement signed. These complaints were sent to Mr. Harriman at New York. Later on Mr. Harriman made a trip over the road, meeting committees at Cheyenne, Wyo., and Omaha, Nebr. At the last-named place Mr. Harriman stated in the presence of committee and officials of the railroad company that he realized it was necessary for capital to combine and organize. He therefore could not see why the same privilege should be denied the working class. At that time, December 16, 1908, he made the suggestion to the committee that he thought it would be advisable for all employees on what were termed Harriman lines to have an organization of their own, and

when any change in policy was contemplated by the railroad company the employees should also be consulted in the matter. This was the idea the men had in mind in forming the Harriman federation. Such a statement coming from Mr. Harriman, then recognized as one of the foremost railroad men of the country, meant much to the employees working on the Harriman lines, and no doubt shows the foresight of the man at that time in recognizing that such an organization must or would be formed by the railroad employees. Therefore it is no wonder that regrets have often been expressed and statements made that if he were alive the present conditions on the Harriman lines would not exist.

The Harriman lines had their own organization of officials that would meet at various times at different cities on their line, at which time, no doubt, the cost of operation and amount of work done by employees in shops at the different points would be discussed and the policy outlined having to deal with their employees.

The pension rules of the Union Pacific Railway Co. dated January 1, 1903, rule 6, on page 6, reads as follows:

"The terms 'service' and 'in the service' refer to employment upon or in connection with any of the railroads owned or operated by the Union Pacific Railroad Co., Oregon Short Line Railroad Co., Oregon-Washington Railroad & Navigation Co., Southern Pacific Co., Central Pacific Railway Co., Southern Pacific Railway Co., Oregon & California Railroad Co., the Galveston, Harrisburg & San Antonio Railway Co., Texas & New Orleans Railroad Co., Houston & Texas Railway Co., Louisiana Western Railroad Co., and Morgan's Louisiana & Texas Railroad & Steamship Co., respectively, as well as upon or in connection with any line of railway now owned or operated by this company, and the service of any employee of either of said companies shall be considered as continuous from the date from which he has been continuously employed by said companies, or either of them, or by this company. Employment by said other companies shall be certified by the boards of pensions of said companies, respectively."

In view of the rules made by the officials of the Harriman lines, which covered all employees, the organization deemed it advisable to form a federation that would be in a measure able to cope with the organization of their employers, for in their experience in the past each craft working alone had been unable to secure redress of grievances or shop rules granted by part of the Harriman lines to some systems while denied to the employees working under the same jurisdiction of officials. For instance, shop employees when applying for a position were required to undergo physical examination by company doctors on some parts of the system, costing applicant $1, while on others it was not required. After many conferences and large expense to the different organizations the practice was finally abolished.

At different times committees representing the machinists endeavored to secure agreements from the officials of the Oregon Short Line and the Oregon Railway & Navigation Co. similar to those granted to the employees of the other Harriman lines, and until October, 1909, they were unsuccessful. At this time and in order to secure consideration it was necessary for the machinists to take a strike vote and deliver an ultimatum to the officials. After the matter had been carried to the vice president and general manager of those systems, and before agreements were secured, part of the men on the Oregon Short Line did leave their work.

Whether it was the policy of these roads to increase expenses of the committees, or for other reasons, although the employees were all under the jurisdiction of the same general manager and superintendent of motive power, committees were refused conferences unless committee was divided. At one time in Salt Lake City it was necessary for machinists' committee to be divided in three sections, the Oregon Short Line having part of the Union Pacific and part of the Southern Pacific under their jurisdiction. As these parts of the system were under the management of the Oregon Short Line officials, it meant that the machinists at that time employed at Evanston, Wyo., for the Union Pacific, and from Ogden, Utah, to Reno, Nev., employed by the Southern Pacific, had no voice or say in the shop rules they were compelled to work under. Officials at Salt Lake City would give them nothing only what had been signed by committees at Omaha, Nebr., and at San Francisco, Cal. The officials of the railroads would not meet or treat with them at those points for the reason they were under the Oregon Short Line management. The same conditions prevailed on the Oregon Railway & Navigation system, though there we were only compelled to have the two committees.

Such actions on the part of the railroad officials practically forced the employees to form into federations in order that they would eventually be in a position to deal with the highest officials of the Harriman lines.

Machinists of the Harriman lines met in Sacramento, Cal., April 10, 1911. Committees were also there from the boiler makers' and blacksmiths' organizations, while the carmen were holding a meeting similar to the machinists. Arrangements were there completed to hold a meeting in Salt Lake City on June 5, to which all organizations were requested to send delegates for the purpose of forming a federation on the Harriman lines. The Southern Pacific officials seemed opposed to this meeting, for transportation was denied delegates of the different organizations, they consequently having to pay railroad fare, about 25 in number, contrary to all former practices. A committee waited on Oregon Short Line officials in an effort to secure return transportation, after leaving a list of names, were requested to return the following day, when they were informed that no transportation would be issued unless requested by the road employing the men.

At this meeting about 100 delegates and grand lodge officers were in attendance. Laws were adopted and agreement drawn up to be submitted to the Harriman lines. The secretary of the federation authorized to give railroads 30 days' required notice in accordance with provisions in agreements then in force between the railroads and the organizations that had them.

Proper officials of the craft organizations also to give the notice for their respective crafts and ask for joint meetings at the same time. To the best of my knowledge same was done, as the following correspondence will show on behalf of the machinists—the same letter being sent to the following superintendents of motive power: Mr. C. E. Fuller, U. P. R. R., Omaha, Nebr.; Mr. J. F. Dunn, Oregon Short Line, Salt Lake City; Mr. J. F. Graham, Oregon Railway & Navigation Co., Portland, Oreg., dated at Denver, Colo., between June 28 and June 30, 1911:

"DEAR SIR: In accordance with present shop rules and regulations governing machinists and apprentices, 30 days' written notice are required to be given the other party when a change is desired.

"I have been instructed by the members of our organization working under your jurisdiction to notify you that a change is desired, and that later a new schedule will be submitted to you in our behalf.

"As the present shop rules of all crafts are now nearly identical, we believe that a conference between yourself and representatives of the different crafts should be held jointly.

"I am therefore requested to ask for a joint conference of all crafts on behalf of the machinists, and believe that by such a conference time will be saved you as an official of the company.

"Awaiting your reply, I am,

"Yours, respectfully,

"SAMUEL H. GRACE,
"Machinists' Representative, District 11, Room 403,
"Bee Building, Omaha, Nebr."

To which the following replies were received:

OREGON SHORT LINE RAILROAD CO.,
Salt Lake City, July 15, 1911.

Request from machinists for meeting.

Mr. SAMUEL H. GRACE,
Machinists' Representative, District 11, 403 Bee Building, Omaha, Nebr.

DEAR SIR: Acknowledging receipt of yours of the 11th I am not in position just at this time to say when I can meet committee of machinists relative to changing their agreement, and so forth, but think no doubt that before the end of the month I can advise you as to the date when I can meet them.

Yours, truly,

J. F. DUNN.

OREGON SHORT LINE RAILROAD CO.,
Salt Lake City, July 22, 1911.

In re: Request for conference, machinists.

Mr. SAMUEL H. GRACE,
Machinist Representative, District 11,
Room 405, Bee Building, Omaha, Nebr.

DEAR SIR: Referring to yours of June 29, and my reply thereto of the 15th instant. If the machinists' committee desire a conference with me, I will arrange to meet them here on August 3, but can not meet them in a joint conference of all crafts, but will continue to meet them as a separate organization, as we have been doing heretofore.

Yours, truly,

J. F. DUNN.

UNION PACIFIC RAILROAD CO.,
Omaha, July 29, 1911.

Mr. SAMUEL H. GRACE,
403 Bee Building, Omaha, Nebr.

DEAR SIR: Your favor of June 30 received, and in reply would advise that if a committee of machinists desire to meet me to discuss the machinists' working rules I will be very glad to arrange for a meeting with such committee as in the past, but can not accede to the request to meet with other crafts at the same time.

Yours, truly,

C. E. FULLER,
Assistant General Manager.

OREGON-WASHINGTON RAILROAD & NAVIGATION CO.,
July 3, 1911.

Mr. SAMUEL H. GRACE,
403 Bee Building, Omaha, Nebr.

DEAR SIR: This is to acknowledge receipt of yours of the 28th ultimo, and wish to advise you that until such time as we are presented with a copy of demands it will not be possible for us to arrange a meeting. This inasmuch as we have had no complaint nor request from our own employees that would indicate that they are dissatisfied with the present agreement.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager,
For and in the Absence of the General Manager.

Believing that the railroad officials should be furnished with a copy of the proposed agreement in order that they might familiarize themselves with same before expiration of the 90 days' notice, the following letters were sent:

OMAHA, NEBR., *July 19, 1911.*

Mr. J. F. GRAHAM,
Asst. Gen. Mgr. O. W. R. R. & N. Co., Portland, Oreg.

DEAR SIR: Inclosed find copy of new schedule submitted for your consideration in behalf of the machinists of the Oregon-Washington Railroad & Navigation Co

This same schedule will be submitted to all of the allied lines of the so-called Harriman systems in behalf of the machinists employed by them and practically the same schedule, outside of rule 4 (definition of work), by all other shop crafts.

In view of the above, we therefore trust that you can see your way clear to grant us all at this time a joint conference, and that by so doing it will give better satisfaction to all concerned and also be a saving of time and expense to all parties.

Realizing that our 30 days' notice does not expire until August 1, I also realize that you, as the company's representative, should be furnished with the proposed schedule prior to going into conference with any committee, in order that you may familiarize yourself with all requests made, and it is with this idea in mind that I am at present inclosing copy.

Awaiting your reply, I remain,

Yours, respectfully,

S. H. GRACE.

OMAHA, NEBR., *July 19, 1911.*

Mr. C. E. FULLER,
Asst. Gen. Mgr. U. P. R. R., Omaha, Nebr.

DEAR SIR: Inclosed find copy of the new schedule submitted for consideration in behalf of the machinists of the Union Pacific Co. This same schedule will be submitted to all of the allied lines of the so-called Harriman systems in behalf of the machinists employed by them, and practically the same schedule, outside of rule 4 (definition of work), by all other shop crafts.

In view of the above, we therefore trust that you can see your way clear to grant us all at this time a joint conference, and that by so doing it will give better satisfaction to all concerned and also be a saving of time and expense to all parties.

Awaiting your reply, I remain,
Yours, respectfully,

S. H. GRACE.

"OMAHA, NEBR., *July 20, 1911.*

"Mr. J. F. DUNN,
"*Superintendent M. P. & M., O. S. L., Salt Lake City, Utah.*

"DEAR SIR: YOUR letter, of the 15th instant to hand, in regard to meeting the committee. Realizing that the 30-day notice does not expire until August 1, I also realize that you, as the company's representative, should be furnished with the proposed schedule prior to going into any conference with any committee in order that you may have an opportunity to look over what requests are made, and it is with this idea in mind that I am at present inclosing you a copy of the new schedule in behalf of the machinists of the Oregon Short Line.

"This same schedule will be submitted to all of the allied lines of the so-called Harriman systems in behalf of the machinists employed by them, and practically the same schedule outside of rule 4, definition of work, will be submitted by all other shop crafts.

"In view of the above we, therefore, trust that you can see your way clear to grant us all at this time a joint conference, and that by so doing it will give better satisfaction to all concerned, with a saving of time and expense to all parties.

"Awaiting your reply, I remain,
"Yours, respectfully,

S. H. GRACE."

I also desire at this time to submit a pamphlet, dated Omaha, Nebr., August 28, 1911, signed by Mr. C. E. Fuller, assistant general manager of the Union Pacific Railroad Co.; a pamphlet, of the same date, from the Omaha Business Men's Association, in which the proposed agreements are discussed pro and con; and also a copy of the agreement as proposed by the machinists' organization, which I desire to submit to be incorporated in the record.

(The pamphlets here presented and described by the witness were both in printed form. The agreement referred to appears among the exhibits as Grace Exhibit.)

Acting Chairman LENNON. Now, is that the preliminary matter that you desire to submit?

Mr. GRACE. Yes, sir.

Acting Chairman LENNON. Now, did you make a special investigation of the conditions on the Union Pacific or the Oregon Short Line?

Mr. GRACE. Yes, sir.

Acting Chairman LENNON. Well, tell us the conditions that you found. I suppose this investigation was made after this strike took place.

Mr. GRACE. The investigation was made quite a time after the strike took place. It was along in the year 1914 that this investigation was made. It was practically in regard to the character of the men that were imported, and was such as the effect on business, the effect on our men, and so forth. I might state, as a general rule, that the character of the men imported by the Union Pacific, I presume, were about of the same class as those imported on the other lines, as it seemed no doubt some arrangements had been made whereby the men were gathered up from the East and probably located here in the city of Chicago, and then distributed over the lines; for our pickets in picketing talked to some of the strike breakers, and were informed that when they were hired in the East they really did not know where they were to be sent, whether they were to be sent to the Illinois Central or to the

Harriman lines. Some claimed they were hired for one place, and would be sent to another. This is best described by saying that this class of imported men—there is no question but that they were of a low character, the majority of them, the first that they shipped in. They seemed to have cared more for the ride they had secured from the company, in place of being able to do the work. While we have not had the trouble on the Union Pacific that they did on the Illinois Central, I can discuss that, being more familiar with it than with the balance of the Harriman lines. We have not had the trouble on the Union Pacific that they have had on the Illinois Central. The strike over there seemed to be conducted along fairly peaceable lines, and no doubt a good deal of it was through the fear, possibly of some of the so-called noted guards that were in charge—Union Pacific guards—at some of the points along the line. It is a well-known fact that the State of Wyoming, in particular, is noted for the "bad men" that they have all over the country. I have in mind several at different places—so-called noted gunmen and bad men of the West. One man in particular by the name of C. R. Horton, who was in charge of the company guard at Laramie, Wyo. He killed another one of the guards at that point. No prosecution was ever made, and he was transferred over here on the Illinois Central. There was another man by the name of Charley Irwin, of Cheyenne, Wyo., who was employed in some kind of position, industrial agent or something of that kind, who was also instrumental in gathering guards and strike breakers for the Union Pacific.

No doubt you are aware of the fact that General Manager Park is from the Union Pacific and Mr. Kelliher, chief special agent for the Illinois Central, is also from the Union Pacific. It may be on account of trouble they had over here. They may have thought some of these men were necessary. Now this man Irwin sent a man by the name of Hugh Clark, he was used as one of the guards at Burnside, and another man I have named also by the name of Bill Lewis—they called him "Negro Bill Lewis" in the West. He was in charge of the guards at Evanston, Wyo. He became mixed up in an altercation or fracas with a brakeman. Some brakeman was going down the yard to his caboose or something, and Lewis set on him and beat him up very severely, and for quite a time they didn't think he was going to live. The trainmen's organization got busy and had a warrant sworn out for Mr. Lewis, but the city officials at Evanston, Wyo., made no effort to serve this warrant. Lewis, however, was transferred from Evanston to Green River, Wyo., the division east, and he later on got into some trouble there, I don't recall just what it was at this time; but he was also transferred over to the Illinois Central, and was eventually killed, I think, at Centralia, Ill., either by another Illinois Central guard or by a United States marshal. And that seemed to be the character of the guards through that section of the country. They seemed to be more obnoxious—made themselves so. And it was probably on account of the reputation they had—one storekeeper in Rawlings, Wyo., by the name of F. J. Keefe at one time went on a rampage and killed a couple of citizens, and served four years in the penitentiary, which was located at that point, and was paroled or pardoned out of the penitentiary. At the inception of the trouble he was one of the guards in the city of Rawlings, and within the last six months he went on another tear, as the saying is out there, and shot up the place. That seemed to be the character throughout that section.

On the eastern end we did not have so much trouble, with the exception that at Omaha the character of the man that was first employed in charge of guards, I believe the company soon realized what he was. He was an ex-policeman. His name was Mike Crones, and he was in charge of the company guards; and I believe he was finally discharged for drinking. Anyhow, he was placed in the sanitarium across the river, and the statement came out in the newspapers that he was transferred to Cheyenne, Wyo. After he was discharged, his brother, Fred, was placed in charge of the guards. He also was discharged by the company and was arrested by the city police and fined in police court, I believe, $35 and costs, for accepting money from the women of the streets; and I believe he was promptly discharged by the company.

Those were the only two that we had to contend with on the eastern end, to any extent.

Acting Chairman LEMMON. The documents you submitted, did they show whether or not your System Federation met out there and attempted to secure conference to bring about an adjustment of the matter before the strike took place?

Mr. GRACE. The correspondence I submitted simply shows the correspondence that was taking place between officials or the superintendent of motive power and assistant general manager, as their title then was, in the majority of cases, and myself as representative of the machinists' organization; and in that correspondence we, as the machinists, asked for a joint meeting with the officials, and later on submitted a copy of the proposed agreement, and in that correspondence stated that the agreement submitted would be practically the same as that that would be submitted by all crafts with the exception of rule 4, which was the definition of work; and their replies thereto, which were that—from some of them—that they would meet these craft organizations, but refused to meet us jointly. And the matter was then turned over to our grand lodge officers, and I presume they are qualified to testify——

Acting Chairman LENNON. Do you know about the number of men that were involved in this strike on the Harriman lines? Have you that information?

Mr. GRACE. No. To the best of my knowledge, taking the Illinois Central, as we figure between ten and eleven thousand men on the Illinois Central, I should presume that there was in the neighborhood of 20,000 to 22,000 men on the Harriman lines.

Acting Chairman LENNON. What effect has the strike apparently had on the part of the country with which you are familiar on the business of the communities? Do you know anything about that?

Mr. GRACE. Well, that is a hard question to answer, for the simple reason that in a number of smaller points—division points, as they are termed—there is practically no competition with the Union Pacific, and practically the only industry located at those small towns is the railroad. So, as a consequence, when the men left their work, the organizations paying them what benefits they did, certainly had an effect on the business of those smaller towns. And at the inception of the strike there were many complaints made in the towns in western Nebraska and there were newspaper reports of shortage of coal, and so forth. It seemed to be the general proposition that the men did not have the money, and the majority of these smaller towns are, you might say, practically dependent on the pay roll of the corporation.

Acting Chairman LENNON. Commissioner O'Connell desires to ask you some questions.

Commissioner O'CONNELL. Mr. Grace, as the result of the trouble on the road you presented a request to the officials of the Harriman lines to meet your organizations as a federation?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. There was no agreement presented asking for changes of wages, was there, at that time?

Mr. GRACE. Not when the notice was served. Later on, prior to the expiration of the 30 days' notice, a proposed agreement was submitted to the Harriman lines.

Commissioner O'CONNELL. The original request was simply presented asking them to meet you as the joint committee.

Mr. GRACE. No; it was serving 30 days' notice on the company—on the Harriman lines, I am speaking of.

Commissioner O'CONNELL. Serving a 30 days' notice.

Mr. GRACE. For a change in the agreement.

Commissioner O'CONNELL. But you asked that the company meet you as a committee of the federation.

Mr. GRACE. As a joint committee.

Commissioner O'CONNELL. Joint committee?

Mr. GRACE. Endeavoring to explain to them the time that had been wasted in going over the different agreements, and explaining why such and such rules should be uniform.

Commissioner O'CONNELL. You presented the officials with a copy of the proposed agreement, then, at that time, did you, when the notice was given?

Mr. GRACE. No, sir. Notice was given, as I recollect it, on the 1st day of July. It had always been customary on behalf of myself, as representing the machinists' organization prior to the expiration of the 30 days as required in the contracts that were in force, to submit a copy of the proposed agreement to the officials of the company for the purpose that they would become familiar with what our organization was asking for and that no time be wasted when the day was set for conference. As a general rule, we always heard from the officials about the time the proposed agreement was submitted, setting a date. As I recollect it now, this proposed agreement was sent by registered mail to

the officials of the Union Pacific, Oregon Short Line, and the Oregon Railway & Navigation Co. on July 10, 1911.

Commissioner O'CONNELL. Did they acknowledge receipt of that?

Mr. GRACE. Not of the agreement. The reply came shortly afterwards under date of about July 22, probably, or 24th or 25th, advising us that they would not meet us as a joint committee.

Acting Chairman LENNON. July 25 they notified you they would not meet you as a joint committee?

Mr. GRACE. Yes; somewhere along there.

Commissioner O'CONNELL. Was there any suggestion or counter proposition to meet you in any other way?

Mr. GRACE. The letter from Mr. Fuller as I recollect, stated that they would meet the machinists' committee, but not meet as a joint committee.

Commissioner O'CONNELL. These two circulars you have handed in for the record, one is dated Omaha, August 28, 1911, and headed "The following from the Omaha Press, including report of meeting of the Omaha Business Men's Association, held on Saturday, August 26, is published for the information of all concerned." This circular is published more than a month prior to the time the strike occurred?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. And the other circular is dated August 28, two days later than the date of that meeting, and is addressed to all shop employees of the Union Pacific Railroad Co., and is signed by C. E. Fuller, assistant general manager of the Union Pacific Railroad Co. One of those was issued by the business men of Omaha, and the other by the officials of the company. I notice in looking over them both they contain practically the same matter. There are 13 paragraphs in the first circular by the business men's association, outlying the demands made by the men. In the other circular the same material and same number of demands occur, except there are 13 in this and 12 in the business men's association pamphlet, covering exactly the same language. Have you any idea how these two circulars seem to be so similar, coming from such different sources?

Mr. GRACE. Well, I have, only in a general way. No doubt that circular—that was sent broadcast, and it was practically along the lines of publicity, as stated in Mr. Markham's statement, that also appeared in the public press in all the large papers just at that time. And at that time the grand lodge officers, the presidents of the organizations, and their representatives were on their way to San Francisco to meet Julius Kruttschnitt, who was then director of maintenance and operation. They met him about the 1st of September, or somewhere along there, and those were sent out or were in the mails while the representatives of the organization were on the way to Frisco to meet Mr. Kruttschnitt, as I recollect. I know I was in Frisco when they were sent out.

Commissioner O'CONNELL. This statement appears in the circular issued by Gen. Manager Fuller, in the first paragraph: "It is demanded that the Union Pacific Railway Co. shall no longer treat directly with its own employees"; did you make any such demand as that on the company, that they should not treat with their own employees?

Mr. GRACE. No.

Commissioner O'CONNELL. Then, that is a misleading statement?

Mr. GRACE. I should judge so. I do not want to take up too much time in discussing the propositions submitted there. It has been the practice in the past in conferences with the officials of the different railroad companies that in order to get to discuss any matter that is proposed it must be incorporated in the proposed agreement, and, as a general rule, the agreement that is proposed or sent in to the officials of the railroad company is not recognizable at the conclusion of the conference with those officials, but in order to get to discuss all matters they must all be incorporated. That has been the way in the past and probably is yet.

Commissioner O'CONNELL. You do not quite get the point that I am trying to make. This statement is issued to the shop employees of the Union Pacific and is signed by the assistant general manager, Mr. Fuller, and in the very first line it says, speaking of the demand that the men made upon the company by presenting their agreement, "It is demanded that the Union Pacific Railroad Co. shall no longer treat directly with its own employees." Now, did the proposed agreement you presented, or any other demands you made upon the company, contain anything that would prevent the company from dealing with its own employees?

Mr. GRACE. No, sir.

Commissioner O'CONNELL. Then, this first statement in this circular issued is not in accordance with the facts?

Mr. GRACE. No, sir; I notice in glancing over these pamphlets that everything is headed as "demands." There were no demands.

Commissioner O'CONNELL. The point I am trying to make is whether you made a request, or whether your agreement, if signed as you had presented it, would have prevented the Union Pacific Railroad Co. from dealing with its own employees?

Mr. GRACE. No, sir.

Commissioner O'CONNELL. And in negotiating the agreement it would have been negotiated with its own employees?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. And they would have been dealing with committees from their own shops?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. And if the agreement had been signed as presented, that would not have prevented them from dealing with their own employees?

Mr. GRACE. No, sir.

Commissioner O'CONNELL. It seems to me that there was an effort made to confuse or mislead some one as to your purposes and intentions.

Mr. GRACE. These pamphlets were sent to all business men and also to the employees in the operating department.

Commissioner O'CONNELL. And I notice that appears in the circular issued by the Business Men's Association of Omaha, that you made a demand upon them which would prevent the company from treating with its own employees; as a representative of the organization upon that system, you were an employee of the Harriman lines?

Mr. GRACE. Yes.

Commissioner O'CONNELL. And had not quit or been discharged when you accepted a position representing the men?

Mr. GRACE. No, sir.

Commissioner O'CONNELL. You were simply off on furlough?

Mr. GRACE. Yes, sir; simply off on furlough with transportation; I was granted annual transportation.

Commissioner O'CONNELL. By the company?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. And you were in a position to return to the service of the company at any time you wanted to?

Mr. GRACE. Yes.

Commissioner O'CONNELL. And you would not have lost your rights in any way by being out of the service?

Mr. GRACE. I presume not.

Commissioner O'CONNELL. So you were considered an employee of the Harriman lines when you were negotiating for the men?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. And that applied to all of the other representatives of the other organizations?

Mr. GRACE. Yes, sir.

Commissioner O'CONNELL. It applied to the transportation men in the same way?

Mr. GRACE. Yes, sir; all general chairmen practically.

Commissioner O'CONNELL. Have you any idea as to what interpretation the Interstate Commerce Commission has put upon representatives of these organizations who are employed by their men to represent them?

Mr. GRACE. The general interpretation—it seems, after the amendment, I believe in 1907 the antipass law was amended, the Hepburn Act—there seemed to be quite a difference of opinion and as I had been general chairman of the machinists on the Union Pacific, there was a question about granting the transportation, notwithstanding that in our contract with the company—our understanding—it stated I was an employee of the company, and yet, in endeavoring to straighten that idea out, I was compelled to return to work, and I appeared on three pay rolls I think, or something like that, in the year 1907 or 1908. And I worked a short period in each month and was then granted further leave of absence and resumed my old position; but the general interpretation placed on the granting of such transportation by the Interstate Commerce Commission has been that they have been considered employees of

the company and are entitled to transportation for themselves and for their families.

Commissioner O'CONNELL. Does that agreement contemplate the unionizing of the shops?

Mr. GRACE. I do not recall just now the different articles in the agreement.

Commissioner O'CONNELL. You spoke of attending a conference in New York several years prior to the present strike in the matter of adjustment of a former strike occurring on the Union Pacific road?

Mr. GRACE. Yes.

Commissioner O'CONNELL. At which conference, which was held in the office of Mr. Harriman—E. H. Harriman—then president of the road, and of meeting him later at two or three points on the Union Pacific road, his general suggestion that the men get together so that they might deal in the larger unit as they had formerly done. Do you recall at that conference in New York Mr. Harriman's suggesting it would be better if the men should select some representative to represent them all so that an adjustment could be made for a long period of time for the affairs, so there would not be any possibility of strikes for at least a year that might be handled by several men representing all the employees in the shops?

Mr. GRACE. He made a suggestion along those lines when he made the statement, as I recall now, that that was the first labor trouble that he had been mixed up in or interested in, and so far as he was concerned it would be the last. At that time, if you recall, he entered into a discussion of the merits of compound engines, and so forth, and went on about merits of such engines.

Commissioner O'CONNELL. That is all.

Commissioner AISHTON. Mr. Grace, at the time this circular referred to by Commissioner O'Connell, issued by Mr. Fuller, you say the matter was out of your hands. I understood you it was entirely in the hands of the grand officers and they were on their way to Frisco to meet Mr. Kruttschnitt at that time?

Mr. GRACE. The general officers were on their way to San Francisco and I had been instructed to be there with them.

Commissioner AISHTON. And this entire matter had been turned over to them?

Mr. GRACE. Yes.

Commissioner AISHTON. For adjustment?

Mr. GRACE. It was in the hands of the grand lodge officers.

Commissioner AISHTON. So that Mr. Fuller's circular was correct in the statement made in that paragraph that the matter was being handled by other than employees of the system?

Mr. GRACE. No. I would like to take exception to that statement. It was being handled, temporarily, by the international officers of the organization—but it was for the purpose of bringing the two parties together. It was not for discussion of the contents of the proposed agreement or anything of that kind.

Commissioner AISHTON. Oh, I misunderstood your former testimony on that to that effect. You had turned that matter over to the grand officers?

Mr. GRACE. In turning the matter over to the grand lodge officers, that was done for the purpose of bringing about a conference.

I might explain a little further, that as the Harriman lines were constituted at that time it seemed—the statement has been made they were something like scrambled eggs—they were divided and subdivided into so many different sections. It was for the purpose of bringing in some of the higher officials with authority who could deal for all of them. That was the purpose of turning the matter over to the grand lodge officers. It was not really out of the hands of the employees after the conference was secured.

Acting Chairman LENNON. You mentioned that at Omaha Mr. Harriman stopped and you had a consultation with him in the car. I wish you would state so that we may get it in the record who was with you representing the men and who was there with Mr. Harriman representing the company, as nearly as you can recall; you may not remember everyone, but you certainly can remember part of them.

Mr. GRACE. Well, present with Mr. Harriman was Mr. W. R. McKeen, jr., superintendent of motive power. With the committee of machinists was George W. Smith, who is living in Council Bluffs, Iowa, at the present time; a machinist by the name of A. S. Mildred, who is dead, I am sorry to say; and myself.

There was a committee of three in the Omaha conference. There was a committee of three in the conference at Cheyenne. I will give you the names of those if you want them. I have them.

Acting Chairman LENNON. If you can name them, name them also.

Mr. GRACE. At Cheyenne, Mr. William Nyland was representing the company along with Mr. Harriman.

Commissioner ASHTON. What is his position?

Mr. GRACE. Master mechanic; G. H. Tomlinson, George Harris, W. R. Junk was, I think—I don't remember the machinists' committee. I wouldn't be positive about Junk.

Acting Chairman LENNON. That is all, Mr. Grace, unless you desire to submit any further statement.

Mr. GRACE. No; there is nothing; matters then being left in hands of grand lodge officials for future action.

Acting Chairman LENNON. You will be excused, then.

TESTIMONY OF MR. JOHN G. TAYLOR.

Acting Chairman LENNON. Give the stenographer your name, for fear we did not call it right.

Mr. TAYLOR. John G. Taylor; residence, Oakland, Cal. Entered the service of the Wabash as machinist apprentice in 1888 in Springfield, Ill. I have worked almost continuously since that time on western railroads, among them the various Harriman lines. I was elected business agent of the machinists upon the Southern Pacific, Pacific & Atlantic system, the Houston & Texas Central systems in May, 1909.

Acting Chairman LENNON. Did you make any special investigation of the conditions on these lines?

Mr. TAYLOR. I did.

Acting Chairman LENNON. Just tell us as briefly as you can and cover the subject—what you found to be the conditions.

Mr. TAYLOR. I should like——

Acting Chairman LENNON (interrupting). Talk as loud as you can. Don't be afraid to use your lungs.

Mr. TAYLOR. I haven't got much. I caught a cold since I landed in the Windy City.

I would like to make a very, very brief statement as to the causes that led up to the formation of the System Federation on those lines in my territory.

Acting Chairman LENNON. All right.

Mr. TAYLOR. The story told by Mr. Grace is generally accepted in all that territory which covers roughly about 10,000 miles and about 10,500 shop men. It is accepted, and so is the statement Mr. Harriman made that he hoped at some time the representatives of all the men would deal with all lines. It was generally accepted as true.

Another statement made to the machinists, blacksmiths, and boiler makers' representatives at different times by Mr. H. J. Small, at that time general superintendent of motive power on the Southern Pacific, both of its systems, now retired, that he hoped at some time or other the men would all come at once and they would not spend the whole year taking up his time and others also.

The schedule generally, the district that I represented and of which Mr. Grace and myself were the business agents, was combined in one, the first to combine along that line. If I remember correctly, district 11, machinists, that is the Harriman lines, held its first real session in 1907, or along about that time.

Schedules were drawn up separately. And in 1907 the machinists of the Pacific system—I want to make a slight digression, the Southern Pacific and the Pacific systems comprise those lines from Portland, Oreg., to Los Angeles and from San Francisco to Ogden; the Atlantic system, as it is generally known, comprises the G. H. & S. A. and some subordinate lines; the T. & N. O., the M. L. & T., and the L. & W. railway.

The Houston & Texas Central comprises the Houston & Texas Central proper, the Houston, East & West Texas Railways, and all of these railways have within them more corporations, about 25 or 30.

On neither of the systems under my jurisdiction, I mean on all the systems the machinists having schedules, all of them combined in one district, the boiler

makers also, and later I believe the blacksmiths and the sheet metal men had none on any of the systems that I know of unless it was the Houston & Texas Central.

The carmen had no schedule upon the Southern Pacific proper or the Pacific system. They had a very fair schedule on the Houston & Texas Central.

The main causes—that is, the mental attitude of the men, and I believe I am as familiar with that as any man can possibly be, having been up and down those lines for the past six years and personally acquainted with all of the men at some time or other—the schedule of the machinists generally upon the Pacific system was considered fair except so far as the seniority clause was concerned—that is, its rate of pay was good—the schedule upon which the Atlantic system, the H. & T. C. was considered good so far as shop conditions—I believe a little above the average—but the rate of pay was 3 to 4 cents below the rate of pay in that territory.

In 1909 we began a conference with the officials; that is, the motive power officials on the Atlantic system, and the H. & T. C. That extended along from the fall of 1909 until along in April, 1910, if I remember correctly, and the machinists got a 3-cent raise, and I believe the boiler makers at that time also had a change.

That left three points, Houston, San Antonio, and Algiers, all intermediate points between Ennis, Tex., 1¼ cents behind the rate of pay, for my craft to that of competing territory. In other words, the man who sat in the same local in Houston and San Antonio and Algiers from their railways like the I. & G. N. and the T. P. were getting 42 cents an hour, and my men were getting 37 or 37½, something like that.

In 1910 we gained 3 cents, leaving us a cent and a half behind at that time.

The machinists on the Pacific system were held what to our law was an illegal convention. We never called it as such, because there was going to be some more consideration upon the seniority clause in the—and absolute violation of the seniority clause and the hospital question and the spotter system.

The seniority clause—I am not going to burden the commission with any great story of it, but simply tell one story or perhaps two that illustrates on the Pacific system.

I want to say for the Atlantic system that we never had any trouble along that line outside of the Houston & Texas Central.

I hope I will be pardoned for using a personal reference, because I can tell my own story best. I went to work in the Oakland shop, and I have been working with the Southern Pacific on more than one occasion, in the fall of 1907, and I want to show conditions.

I did not go into Oakland to go to work there. The master mechanic and the general foreman and the gang boss under whom I worked were men whom I had worked many times, and in the language of the street were partners of mine. They asked me to go to work. That was the time the Pacific system got the 3-cent raise over and above all the other Harriman—I mean the machinists on the Pacific system, which afterward caused a good bit of trouble. I think I had been in the service at that time about six or seven weeks when there came a lay off and two men who had been in the service of the company for a long time, named Dwelley and Fredericks, men who were counted extraordinarily first-class mechanics, were laid off. It was common report among the men they had had got in bad with a particular spotter. At any rate I was kept. I was not laid off. After a good bit of trouble of our shop committee Dwelly and Fredericks and some others were reinstated.

Again, in 1908, in the same shop, as was general all over the system, there was a heavy reduction made, I think only in our shop, about 10 of our craft were kept in the roundhouse.

I went to work for the Du Pont Powder Co. at Paola; had a good situation. The gang boss came to me one night when I came into Oakland from Paola—Paola is a short distance out of Oakland—and said for me to go to work. I refused, because I knew that men who had antedated me in seniority—some of them 20 years—were still out. But I think it was two or three weeks before I really did go in, because it occurred to me that some were men that never could go back to their jobs. A man that took my place—I went to work in the West Oakland shops. In the lodge room afterwards; that is, in my own union, the talk came up that the most outrageous thing that had ever happened, because we were hired with this understanding that the seniority right, so far as transportation and pensions were concerned, they still had. But no other seniority rights did they have. In simple language I

am giving it now, not absolutely, but as near as I can recall, that I was a boomer, counted as a boomer in the shop, had only been there perhaps seven or eight months all told, and was antedated in seniority by about 100 or 109 men who had been there 30 or 40 years. That was all over the Pacific system.

In 1909 I was elected business agent to fill the unexpired term. We had some six or seven business agents and none of us were ever recognized as chairman. I think I was recognized longer than anybody else, 70 days, and we had some general correspondence over that.

On the spotter system it is so bad in California that at the last legislature, that is the one preceding the present one, the transportation organizations, backed up by all the other labor unions of California, brought in an anti-spotter bill. It failed of passing. The present legislature has an antispotter bill that when I left there had been so amended that it was practically worthless. Its history right now I do not know. I have not been able to ascertain. But the effect of that upon the minds of the employees was bad.

For instance, I have had my union built up only to have it torn down. I will tell that further story where the spotter seniority business did come up and that will end it.

In this convention which the machinists held, and which I spoke of as being practically illegal according to our district law at Roseville, the young man by the name of Beck—Roseville is what is called a boomer town, one that comes and goes all the time. I had rebuilt that lodge; I don't know how many times it was torn to pieces. I do not know what caused it, but something did. During the heart of the fruit rush when—and this is a mountain roundhouse, Roseville is—when they needed everything that would turn a wheel, right after this convention, we had no conference, as a matter of fact refused a conference, as did the boiler makers and tinners. And on further evidence, I think I can not give it absolutely, but in a general way, notice was posted at 3 o'clock that they would go on 48 hours a week. I believe in 15 or 20 minutes thereafter that they would go on 40 hours a week. Then 28 men were laid off. That was the seniority effect. The rest of them were hired Monday morning. Mr. Beck was never.

When the tinners asked for a conference in 1909 I think they were refused; had a strike, and lost.

In 1910 the machinists on the Pacific system asked for a conference, and they got none.

The boiler makers asked for the same thing.

And the demand for a system federation became general. The carmen never did have the schedule on the Pacific system. I believe that Mr. Markham stated that they did not believe that they would ever strike. I want to say to you in my talk with our men our men never believed we would have to strike we never believed that to the last hour, we never believed it.

Three or four months elapsed during the strike before the men believed that they were up against a hard fight, because of the statement of Mr. Small to the boiler makers, to the blacksmiths, to the machinists, and I want to say to you it is ordinary human nature. Mr. Small always had the best reputation among the men as a general superintendent of motive power than all the other railroads I ever worked on, and the faith of the men was then and is now absolutely in him. They also had faith in the statement of Mr. Harriman.

After this strike took place the effect of the spotter system was very apparent to some of our organizations.

At one of our particular points, I would like to mention Sacramento, the boiler makers are said to be 100 per cent strong. Their organization was crushed like a shell within three months after it began. The foreman out there was a notorious money lender and a very wealthy man, said to be. I do not know him. In the language of the streets, as we say, he had his fingers in most all the boiler makers in that union; that is, he had loaned them money to build houses and things like that.

I have made a general investigation of the effects, and I do not want to take up the time of the commission very much, but I believe I could give it.

Acting Chairman LENNON. Will you tell us, before you leave that question, who were the spotters, the machinists, or blacksmiths, or the men employed in some other capacity; do you know anything about it?

Mr. TAYLOR. It is a general question that can not be absolutely proven, only here and there, and then only by inference. I have had a great deal of experience in organizing the men of my own craft, and I might say this, as an

opinion, that they generally work in trios—some of them I have in mind that I thought were spotters, who are now in the employ of the company as strike breakers. One is running a detective agency of his own at Sacramento; one of them in Portland, Oreg., was a leader of our picket lines, we happened to catch him with the goods on him. And their general idea was to—knowing the ordinary nature of the male sex, and that men follow leaders, for instance, now, in the lodge room—I say they would work in trios and as against each other, Jew against Gentile or Greek against barbarian; they would do it. Then there was another fellow who was a genuine good fellow, he never took any of our money himself, but he always wanted to spend it on smokers and little excursions. And then there was another fellow, that there is nothing in the English language to describe him exactly. He was a good fellow, but whenever anyone spoke of any movement he would point out the dangers in it; he was a "discourager." The man on the picket line in Portland, Oreg., turned in regular reports; he was also on our executive committee; that was after the strike. I will state, Mr. Lennon, that it is a generally recognized thing in California, at any rate, and I believe in Arizona, because I think both States have had up antispotter bills; the present antispotter bill is in the legislature of California at this time.

Acting Chairman LENNON. Do you want to tell anything more, Mr. Taylor?

Mr. TAYLOR. There is so much of it, still, I believe I am willing to turn it over to the commission, and think I can get through with it in 20 minutes.

Acting Chairman LENNON. Is it a written document?

Mr. TAYLOR. Yes, sir.

Acting Chairman LENNON. Possibly you can put that in evidence; can you tell us some specific things as to the distribution of the men that went on strike? Are they in the same neighborhood, or, like on the Illinois Central, scattered all over the country?

Mr. TAYLOR. Scattered all over the country.

Acting Chairman LENNON. And have not remained at the place where they were when the strike took place?

Mr. TAYLOR. In our country there are places where it is absolutely desert territory and there is nothing but the shop, and at some of those places there are none, but in the larger towns they have not scattered quite so much, in such towns as Sacramento and San Francisco and Los Angeles, and so forth.

Acting Chairman LENNON. If you want to submit some parts of that, or want to read them, why, they will be heard all right.

Mr. TAYLOR. I am just going to submit a summary, just about a page and a quarter.

"Forty-four points were investigated. Seven thousand four hundred and eighty-two men came out on strike. A number probably equal to one-fifth of this trouble were laid off or quit just prior to the strike. About 16 division points were not investigated. These employed from 2 to 6 men. I believe that with one exception all of them struck. Their particular story could not be obtained in the time given to me."

I will state that this is a report to your department, and the matter will be submitted entirely—the entire matter will be submitted. [Reads:]

"On matters relating to the first question; the territory given to me is mainly desert, or at least not thickly populated. Small portions of it are agricultural, and but four towns, namely, Los Angeles, San Francisco, Oakland, and Portland, contain factories of any size whatever. Most of the cities have practically no industries but the railroad shops.

"On the second question, I have 14 cases of men with criminal records—speaking of the strike breakers who were caught—for whom there were warrants and whom were caught. Four hundred and forty-one cases of arrests for various misdemeanors that came directly under the notice of the strikers. In only one city could I get information from police-court officers, and I feel sure that my estimate is conservative to the last degree. There are 5 cases of scabs taking the bankruptcy act, and 495 cases of garnishee. This information also is given by strikers; and I am sure is exceedingly conservative. The general answer given to this question was about the excessive number that beat their bills, but as to whether many had been garnisheed or not, strikers appear to have little knowledge or care.

"One hundred and eighty children were taken from school. On this question strikers generally deliberately lie, undoubtedly from a sense of pride. The time limit given me would not justify my calling on school superintendents, and in many cases they were out of town, it being the summer vacation. The number

given does not include those taken out temporarily because of the removal of their parents to other towns. If this number were counted it would undoubtedly run past the thousand mark.

"The fourth question shows that 1,069 families were forced to break up their homes. All of these can be easily verified. I have no record from Starbuck, a large shop, and the numerous places mentioned previously, which would undoubtedly add at least 50 cases to this number.

"On the fifth proposition 558 strikers were arrested, none of them for crime; there were but 20 cases of fines and all the rest were released. Each case was for fighting, and the highest fine—that of O. L. Davis at San Jose, Cal.—was undoubtedly unjust."

In this case the charge was that a strike breaker had been beaten up, and the witnesses to that said that Davis, being an unmarried man, took the blame off of the shoulders of a married man who had actually beaten up the strike breaker. The man who did that was a trouble maker and was in the employ of the company only two weeks longer, and we were glad to get rid of him.

"Questions 6 and 7 can not be totalized. They apply to each particular locality and are so given.

"Question 8: One hundred and four children were put to work and 383 wives went to work. This number, I believe, falls ridiculously short of the real number, so far as the labor of wives and children is concerned. I am positive that some of the strikers lied to me, because I talked to the wives of men whom I knew had been at work and these men afterwards denied.

"There were 57 deaths, 4 suicides, 4 insane, 4 murders, and the loss of 10 homes are credited to the strike. The latter case I am sure is also short of the real number."

There is also the statement of a case I would like to read, just extracts from the investigation made at Bakersfield and Mojave.

"During October, 1911, three gunmen made an assault on two pickets, one picket was badly wounded. Shooting up the yards and the town by gunmen was a nightly occurrence for four months.

"During the evening of November 25, 1911, Railroad Policeman Oyster began beating Picket Reinhardt with his club. Reinhardt ran and hid in the rear of the Leader saloon. A small fight occurred on the street during the beating of Reinhardt. Policeman Oyster and four gunmen followed Reinhardt into the saloon, Gunmen Hardwick and Perry carrying guns in their hands. A small crowd followed them in. Perry and Hardwick began using clubs on the crowd indiscriminately. J. S. Coldereau, a striker, was at the bar before the fight began. Perry began shooting at Coldereau, hitting him five times, the last shot being fired into Coldereau's head as he lay dying on the floor, Perry remarking at the time, 'Take that, you s—— of a b——; I guess that will quiet you.' Perry was arrested and charged with murder. Citizens of Bakersfield openly charged that Reinhardt, the principal witness, was paid by the S. P. Co. to leave the country. The district attorney, Mr. Irwin, was charged by the strikers of being an 'S. P. man.' and finally juggled the case out of court. Perry's case was called this summer, but was dismissed because Reinhardt, the principal witness could not be located.

"Reinhardt had been charged with resisting an officer. Bail was furnished by the treasurers of the different unions. When the treasurers of these unions saw how flagrant the case was, they demanded the return of the bail money after Reinhardt had left town, and the authorities, afraid to refuse, gave it to them.

"The whole affair is such a shameful travesty on justice that the authorities of California should investigate, and if they are unable to make Kern County comply with law and order, then the United States Government should take a hand."

I will read a part of the record at Mojave:

"About January 25, 1912, Ed Lafevre, a striking car inspector, was shot and killed, supposedly by an Indian mixed breed named Smith. On this occasion five or six gunmen were outside of the Owl saloon, and one shot as Lafevre came out of the door. Several of the guards were arrested, but no real attempt has ever been made to apprehend the murderer. Three of the gunmen who made this assault were given 30, 60, and 90 days, respectively, as being accessories. Smith left Mojave about 11 o'clock that night and is still at large. The guards made criminal assaults at the same time on Ernest Mayne, a companion of Lafevre."

Acting Chairman LENNON. Is that all, Mr. Taylor?

Mr. TAYLOR. The investigation in its entirety, at all the local points, is in this and it will be given to the commission.

(The paper so referred to appears at the end of this subject as "Taylor Exhibit.")

Acting Chairman LENNON. Mr. Taylor, it has been requested to ask you a couple of questions. Who were the witnesses that were paid by the Southern Pacific to leave town?

Mr. TAYLOR. Reinhardt; that is the general charge that was then in the newspapers in Bakersfield, Cal.

Acting Chairman LENNON. Your information is of a general character and not specific and of your own knowledge?

Mr. TAYLOR. As I stated in my statement, it was of a general character. I would like to add, that as to the return of the bail money, that is absolutely illegal; the bail money furnished by the treasurers of the unions was returned to the unions even after Reinhardt had left town.

Acting Chairman LENNON. You will be excused, Mr. Taylor.

TESTIMONY OF MR. J. W. KLINE.

Acting Chairman LENNON. State your name and business, please.

Mr. KLINE. I am president of the International Brotherhood of Blacksmiths and Helpers.

Acting Chairman LENNON. Will you state your experience and the experience of your organization doing business with the Illinois Central Railroad Co. and Harriman lines, if that is also covered by your experience, prior to the strike, as to making agreements with them; and a brief story of the experience of your organization doing business with these railroad companies?

Mr. KLINE. Mr. Chairman, I would like to read into the record a series of conferences and dates that I can not well keep in my mind, which will only take about 10 or 15 minutes.

Acting Chairman LENNON. Very well.

Mr. KLINE. I would like to say that the statement contained in the circular written by Mr. Fuller and quoted by Commissioner O'Connell—that the men were demanding that others would confer with the company hereafter instead of the employees—that in following my statement here you will see that such is not the case. [Reading:]

"A STATEMENT BY J. W. KLINE, GENERAL PRESIDENT OF THE INTERNATIONAL BROTHERHOOD OF BLACKSMITHS AND HELPERS.

"On June 11, 1910, we signed our last agreement with the Illinois Central Railroad. In negotiating that agreement our organization was represented by 19 delegates, and the contract was signed by a subcommittee of 5 with myself. The increase in rates for our organization at that time would possibly average about 1½ per cent. At some points we received 2 cents. At other points 1 and 1½ cents. About a maximum of 400 men involved would mean about $6 an hour, and, if working eight or nine hours a day, would amount to $48 a day advance for the blacksmith department over the Illinois Central system and their allied lines. Some of the other crafts did not fare as well, and some possibly a little better than we did. It cost us $114 a day in negotiating this contract, for getting the advance of $50 a day. I am now speaking of the actual conferences and the days with the company officials, and not days put in with our own committees arranging our contract for presentation to the company. Sometimes our committees were sent home for a week, as the case may have been, and at other times the company would meet other committees, and keep one set of committees waiting.

"We concluded that it was a very expensive way of doing business. For some time our men, as well as the other crafts, were dissatisfied with the long-drawn-out conferences, and decided that a joint committee with less committeemen from each craft could accomplish the same purpose in possibly less time, and a great deal less expensive.

"The committees were called together in Memphis in May, 1911, to form a federation, principally for the purpose of economy as well as harmony. This was followed in June of the same year by the Harriman line employees. These federations received the sanction of the general officers of the different organizations involved. I, as a general officer, approved the Illinois Central contract of 1910, and signed it with Mr. Barnum, general superintendent of motive power.

"Rule 21 reads as follows:

"'The rules and rates as shown herein to become effective June 1, 1910, and remain in force until June 1, 1911, and thereafter, provided that after the first year changes may be agreed upon by either party giving 30 days' notice to the other of changes desired for conference.

"'Accepted June 30, 1910.

"'M. K. BARNUM,
"'*General Supt. of Motive Power.*
"'J. W. KLINE.
"'S. J. OSTER.
"'J. L. EDWARDS.
"'THOS. YATES.
"'EDW. KING.
"'CORNELIUS CASEY.'

"You will note that after the first year 30 days' notice is to be given by either party desiring changes. Our craft desired to change, and that conference or federation organized, with the sanction of the general executives, elected a committee to notify the company of these changes. In other words, they were the authorized agents of their organizations to notify the company of these changes. I, as a general officer, was not notified by the Illinois Central officials of their dissatisfaction with this procedure until I received a letter from Mr. M. K. Barnum, August 25, 1911, in which he called my attention to that clause in our contract.

"All of the correspondence and statements made at this hearing to my mind is ample evidence that the strengthening of our separate crafts by federation is necessary to cope with a much stronger federation or combination.

"The offensive tactics of the railroad officials preceding a change of policy is usually worked out through their subordinate officials down to local foremen, and as a rule, if the unions are strong, these tactics are in the form of discriminations in the way of changing work on the men, showing personal preferences, breaking into the seniority rights, injecting personalities and in many other ways, which naturally create an unsettled feeling and discontent, breaking up the harmony of the shop, and in many instances making enemies among the men, causing such friction that many times we have what is known as the union men and the company men. After the strength of the union is broken our contracts can be violated without much fear. Shop committees are powerless on account of the division among the men in the shops. This was the policy of the Union Pacific officials in 1902 before they introduced the premium system, which drove their employees out on strike in 1903 and 1904, in which I was involved, and some of the I. C. officials at present are from that system, and had started the same time study that the U. P. started.

"The general officers were thoroughly convinced some months before the present strike on the Illinois Central that the new management was going to introduce a different system of working in their shops. Complaints of a general nature came to my office from different points on the Illinois Central of an unrest among the men, they stating that the management seemed to be taking advantage of them in various ways where they could do so without an open and glaring violation of the contract. Finally, I began to receive letters asking my advice relative to filling out time-study cards, which the officials had insisted on them filling out. As time went by the feeling against this card system became more intense, and I was called upon to take the matter up with the company's officials. These protests came from various points, and one point in particular was Freeport, Ill., where I prevented a walkout by taking the matter up with Mr. Barnum, who stated that he would not insist, and that the men were unduly alarmed. This included, I believe, all the metal crafts.

"A general dissatisfaction and discontent was now prevalent, and the employees had about concluded that the only way to protect what they already had, and to carry on their future negotiations, was to federate the crafts, which was done in Memphis in May, 1911. This same course was pursued on the Harriman lines in June of the same year in Salt Lake City. Immediately after the formation of these federations, the proper railroad officials were duly notified of our action, therefore giving their companies ample time for the proper consideration of the proposed agreements submitted to them by their federated employees. The organization of these federations being authorized by the executive officers of the crafts involved, we considered the 30-day clause was covered, when our authorized representatives notified the management of the change desired. These negotiations were carried on with their employees

until it became evident that the company's officials were not disposed to go along with us in our efforts to bring about harmony in the shop organizations. This includes harmonious relations between the company and our unions, and, finally, the general officers were requested by the committees to assist them. In fact, about the 1st of August there was a condition prevalent on both the Harriman and Illinois Central lines that looked serious. Many complaints of discriminations in various ways were flying thick and fast on the Harriman lines. The various general managers had refused to meet federated committees on these lines, as well as on the Illinois Central, and request came that the general officers confer with Mr. Kruttschnitt, the then general manager of maintenance and operation on the Harriman lines, if possible, for the purpose of adjusting the difficulty. I was in the East at that time with the president of the International Association of Machinists and the president of the International Brotherhood of Boiler Makers, and the latter was requested to go to Chicago, where the meeting of the Illinois Central committees were in session, and, if possible, to arrange a meeting with Mr. Kruttschnitt. He failed to meet Mr. Kruttschnitt, but finally met Mr. Scott, one of Mr. Kruttschnitt's assistants, who, by the way, refused to meet anyone except Mr. Franklin. The conference between Mr. Scott and Mr. Franklin brought no results, but rather we were more thoroughly convinced in our own minds that the Illinois Central and Harriman lines were both going to attack our federation."

Commissioner GARRETSON. Was that W. B. Scott?

Mr. KLINE. I think it is; he was assistant to Mr. Kruttschnitt. [Continues reading:]

"I returned to Chicago August 10 and found an extremely serious state of affairs. There seemed to be at this time a series of discriminations in the form of reductions of force and an increase of hours on the Harriman lines, the building of high board fences around the shops, the hiring of extra policemen, the usual procedure before a strike. After a careful survey of all of these conditions, I decided to confer with Mr. Kruttschnitt, if possible, and therefore made arrangements to meet him in his office in Chicago the 24th of August.

"At that meeting with Mr. Kruttschnitt I explained to him the absolute facts regarding the conditions on the Harriman lines and the earnest efforts of the officers of the unions to avoid an open rupture between the company and their employees. I advised that a meeting with the federated committee, either by himself or his representatives would, in my opinion, bring about an amicable adjustment, and what he considered unreasonable wage increase or other unreasonable requests could be settled without much difficulty. He agreed with me that conditions were serious, but he had been instructed by the board of directors to ignore the requests for federated conferences, and that it was impossible for him to ignore the instructions of the directors. After a conference of an hour or an hour and a half he finally agreed to meet the general officers of the unions, but absolutely refused to meet a federated committee of his employees. Neither would he advise any of his subordinates to meet them as federated employees. This seems to be a new departure, as a rule—they would rather meet their own employees.

"Mr. Kruttschnitt left the city the same evening for a trip over the lines west. He agreed to meet the general officers anywhere along the lines or at San Francisco. After that meeting with Mr. Kruttschnitt later in the evening, I concluded that to be safe I would wire Mr. Lovett in New York, chairman of the board of directors. I therefore sent the following telegram:

"'Mr. R. S. LOVETT,

"'*Pres. U. P. & S. P. R. R., 120 Broadway, N. Y.:*

"'As Mr. Kruttschnitt had left for the West, thereby making it impossible to meet him, and as the conditions are extremely serious in the mechanical department and men on the verge of a strike on Harriman lines, which we are trying to avoid, I therefore request that you meet the international officers of the crafts involved in an effort to bring about an amicable adjustment of the trouble. Please wire.

"'J. W. KLINE,

"'*International President, 585 Monon Bldg., Chicago, Ill.*'

"The following day I received this reply:

"'J. W. KLINE,

"'*585 Monon Bldg., Chicago, Ill.:*

"'Replying to your message received to-day: The position of our companies, as stated by the general managers and Mr. Kruttschnitt, was taken after con-

ference with and approval by me, hence no reason for me to interfere. Moreover, Mr. Kruttschnitt wired me yesterday the substance of his interview with you, and as you understood then, he is on the lines and is conveniently accessible to any one in the West who desire to see him.

"'R. S. LOVETT.

"'1.55 p. m.'

"I then wired Mr. Kruttschnitt as follows:

"'JULIUS KRUTTSCHNITT,
"'*Vice President, General Manager Maintenance and Operation,*
"'*Union Pacific and Southern Pacific.*

"'You stated to me that you were willing to meet the general officers in West. Will you please state time and place for that meeting.

"'J. W. KLINE.'

"Received the following reply:

"'J. W. KLINE,
"'*Chicago, Ill.:*

"'I expect to be in San Francisco until end of next week and can see you there at any time before Saturday, September 2.

"'J. KRUTTSCHNITT.'

"I then wired the international officers of the machinists, boiler makers, carmen, and sheet metal workers that if agreeable we could meet Mr. Kruttschnitt in San Francisco on or before September 2. This was acceptable, and we arranged immediately and proceeded to that city. From Omaha I wired Mr. Kruttschnitt that we would meet him the following Thursday or Friday. We arrived in San Francisco on Wednesday, the 30th. On Thursday, the 31st, we met with our committees and arranged a date to meet Mr. Kruttschnitt on Friday, September 1. We met Mr. Kruttschnitt, Mr. Calvin, Mr. Small, Mr. Clancy, Mr. Scott, and Mr. Athearn. Representing our organizations were President Ryan, of the carmen, President Franklin, of the boiler makers, Vice President Buckalew, of the machinists, and myself. The conference lasted about two hours and a half, and everything was discussed that had any bearing on the case. It was apparent from the line of argument that Mr. Kruttschnitt had not changed his original position, and contended that the different systems of railroads were under different stockholders, and a federation of all systems would be an utter impossibility. His main objection was that it would place too much power in the hands of the federation, but was willing to treat each craft separately. We argued that it was not the policy of our federation to gather power enough to protect our various crafts, the same power would be applied to discipline our own organizations when it became necessary, and also maintain a harmonious shop organization. Mr. Kruttschnitt further stated that he was willing to continue his relations with the individual shop crafts and deal with them separately on the various lines of the system, basing a strong argument on the fact that he could handle one craft at a time, but he could not handle them together. I lay special emphasis on the word 'handle.'

"During our conference and after Judge Clancy examined our federated constitution, Mr. Kruttschnitt made the statement that we were a combination and were in his office in violation of the law, intimating that a possible prosecution was in store for us for violating the Sherman Act. He denied that the railroad managers were federated, and stated that two managers were almost afraid to get together on the street lest they might be accused of being a combination.

"In the general discussion we naturally spoke of a possible strike with all of the hardships and suffering that goes with these industrial disturbances, and we appealed to Mr. Kruttschnitt to avoid this by meeting a federated committee of his own employees. We thought that possibly the appeal would reach the tender spot, but we were doomed to disappointment. Our conferences came to an end. However, before separating, we wanted to be further convinced as to the attitude of Mr. Kruttschnitt, and asked him a question in about the following manner: 'Mr. Kruttschnitt, we have discussed this matter of federation quite thoroughly. There seems to be but one obstacle in the way of our getting together, namely, federation. We have discussed the sufferings that would naturally accompany a strike. Do you still maintain your position that you will allow this to come about rather than meet a federated committee of your own employees?' His answer was 'I do. I have been advised of what the

consequences will be.' This astounding statement was the most cold-blooded I ever heard.

"We made our report to the federation of the Harriman lines that was then in session, and we decided to call the general chairmen of all points on the line, numbering about 40, and place the matter before them. I was advised to get Mr. Kruttschnitt, and request transportation for the general chairmen to San Francisco. Mr. Kruttschnitt referred me to Mr. Calvin, general manager, and Mr. Scott, secretary of the federation, and myself, met with Calvin and arranged for these general chairmen to apply for transportation at their various home office. The transportation being granted in most cases, I believe, if not all, they all came to San Francisco on September 8.

"We placed the matter before them and discussed the strike situation from every angle, and by a unanimous vote they said they could not, and would not, stand for any further discriminations and humiliations from the subordinate officials of the company, and that they were representing the sentiment of the men who had previously voted to stand for federation.

"On September 11 the general officers left San Francisco by way of Los Angeles and separated and went various routes home. On September 25, with the other general officers, President Franklin of the boilermakers, Ryan of the carmen, and myself attended the convention of machinists in Davenport and laid the matter before that body. The result was that the machinists' convention decided to strike the Illinois Central and Harriman lines with the other crafts. We then sent the following telegram to Mr. Kruttschnitt, who was then in New York:

"'DAVENPORT, IOWA, *September 28, 1911.*

"'JULIUS KRUTTSCHNITT,
"'*Vice Pres. U. P. Ry. Co., 120 Broadway, New York City:*

"'We are officially instructed by our organizations to request you to agree to meet the representatives of the shop federations, or to notify you that we have no other alternative but to give our approval and permission to the men on the lines you represent to quit work. We will expect an answer so that we can arrange to meet you by noon Thursday next at Chicago for the purpose of making the necessary arrangements as above indicated. Send reply to Jas. O'Connell, Davenport Hotel.

"'J. W. KLEIN.
"'M. F. RYAN.
"'J. A. FRANKLIN.
"'M. O'SULLIVAN.
"'JAS. O'CONNELL.'

"On the 27th received the following:

"'JAMES O'CONNELL AND OTHERS,
"'*Davenport Hotel, Davenport, Iowa.*

"'Replying to your telegram of September 28, my presence here, of course, makes it impossible for me to meet you in Chicago Thursday noon.

"'If the essentials of admittedly fair and considerate treatment, the payment of the highest wages of any road in the territory served by our lines, and the guaranty of hospital and generous pension benefits have not been sufficient to deter our shopmen from terminating agreements insuring these conditions made from time to time in conference with their labor unions and from spending four or five months in devising new issues and means to destroy existing harmonious relations, and moreover, are not sufficient to induce them to remain in our employ, and to make them realize their duty to the public, I do not see that we can do anything more to convince them that they have no good reason to stop work or to prevent you giving your approval and permission to them to leave our service.

"'JULIUS KRUTTSCHNITT.'

"Both positions being well defined, and the ultimatum issued, nothing was left for us to do but to call the strike, as per instructions of the rank and file.

"The statement that it was an illegal strike is absurd. The statement that the men did not know what they were doing and that they were not expecting a strike is ridiculous. The intense feeling among the men in regard to discriminations, and a clamor to have it remedied or strike, refutes the company's statement. The walkout at Memphis before the strike was called corroborates the statement that I am now making.

"The large percentage of the strike vote on the Illinois Central is evidence that they well knew what was going on, for negotiations had continued about three months at that time, and the further fact that they knew what they were doing is that in February, 1913, the general committee of the Illinois Central in St. Louis, unanimously rejected Mr. Park's proposition of a settlement.

"The American workingmen reserve the right to form any kind of an organization for their own protection, as long as it does not antagonize the law of our land or interfere with the legitimate business of another. This right has been recognized by the highest authorities.

"The employer may think we make mistakes sometimes in forming these organizations, and that may be true, but we have always shown a disposition, and in fact in this case an earnest effort was made to discuss our form of organization with the employer from our side of the table. Our efforts were unavailing, as the records show. The antagonism of the officials of the Illinois Central and Harriman lines was such that we were deprived of that privilege, and to our way of thinking the responsibility for this strike was thrown upon the shoulders of the railroad officials. Had that autocratic spirit that was so publicly displayed in purchased paid advertisements in the daily press been substituted by the American spirit of honest purpose and a square deal this strike would have been avoided."

I want to say, Mr. Chairman, that the letter that Mr. Barnum sent me on August 23, after the correspondence had been going on for about three months and the question of the 30-day clause had not been raised, it was surprising to me to have it raised at that late date.

I want further to say that there was reference made this afternoon in regard to the conference with Mr. Harriman, the predecessor of Judge Lovett as president of the Union Pacific and Southern Pacific. The former strike on the Union Pacific in 1903 and 1904 was settled as has been stated here. I was one that was selected with my predecessor to meet Mr. Harriman in his office in New York, and he made the statement at that time to us that the matter of collective bargaining was to be the form of doing business in the future, and that so far as he was concerned he never expected to have any more labor troubles on his railroad; and I often felt that it was a sad day for organized labor that Mr. Harriman died, for I believe if he had lived we would not have had this trouble.

Acting Chairman LENNON. Have you something more there that you desire to submit in advance?

Mr. KLINE. No, sir. I have some more data here that possibly later I may offer.

Acting Chairman LENNON. After the strike was called what, if any, efforts were made by the organizations involved or by their friends or by the Government to try to bring about conferences and attempts of settlement, if any such attempts were made at all?

Mr. KLINE. In January we appealed to President Gompers to intercede with Hon. Seth Low, chairman of the National Civic Federation of New York, and, if possible, to use his good offices with Judge Lovett and try to bring about a settlement of the strike. We were notified later that Mr. Low was unable to do anything with Mr. Lovett.

Then, on January 31, the general officers received a wire from Gov. Brewer of the State of Mississippi, asking us to meet him at his mansion on February 5, at 7.30 p. m. The general officers went to Jackson, Miss., and met the governor, and to this day we are at a loss to know just why we were there. The governor wanted the strike settled. If it could not be settled on the whole line of the road, he would like it settled in Mississippi; and if he could not get the strike settled in Mississippi he, at least, wanted the State militia removed from McComb City and Water Valley. He seemed to be between the devil and the sea. If he removed the militia he would offend the Illinois Central, and if he did not remove them he would offend the citizens of McComb. And he asked us to advise him to remove them. We, of course, could not do so and did not do so. Did not care to do so. It was not our business.

In our conferences with him he stated that he attended a meeting of the board of directors in New York City. I do not know who the directors were, or what road they represented, but he made a statement that the president or Chairman Yoakum of the Frisco Lines—he made the statement in that meeting

and advised the other directors to fight a federation of railroad employees. Since that time we have organized a federation on the Frisco Lines.

On February 7 there was a gentleman came from New Orleans to Jackson and invited us to New Orleans to meet members of the cotton exchange. We went there and we laid our strike matter before them, and they, after hearing our case, wired to President Markham, of the Illinois Central, at Chicago and he came to New Orleans later. Also Mr. Krattschnitt and Mr. Lovett, I understand, were there.

This conference, according to the chairman of the cotton exchange, was also without results. He so reported to us, in Mr. Markham's statement the other day before this body, that he had advised the president of the cotton exchange that it would be unwise to accede to the demands of the men and that the president of the exchange had agreed with him was not born out by the statement the president made to us. He was very sympathetic and assured us that we had a just grievance and hoped the strike would be settled.

On February 13, 1912, we met the Business Men's Association of Memphis. Some one of the strikers invited us to stop off and he would get the business men's association together so that we could lay the matter before them; this was done and they were also sympathetic. However, they told us they did not see that they could do anything at that time.

Acting Chairman LENNON. Did you have any consultation with Prof. Neill, of the Labor Department? Was any effort made through that department to adjudicate the trouble?

Mr. KLINE. Yes, sir. I have not the data, Mr. Chairman, but an effort was made through the department and Mr. Neill used his good offices also the second time and failed.

Acting Chairman LENNON. Were you here when Mr. Wharton submitted his statement regarding the growth and development of the federation and the causes leading to it?

Mr. KLINE. Yes, sir.

Acting Chairman LENNON. Has his statement regarding that your approval?

Mr. KLINE. Yes, sir.

Acting Chairman LENNON. Any other statement you desire to submit, Mr. Kline?

Mr. KLINE. Mr. Bell, the general superintendent of motive power, was unable to give the rate of wages of the blacksmiths. If you desire, I will submit that.

Acting Chairman LENNON. All right. It does not cover that whole book, does it?

Mr. KLINE. Oh, no. But we have our matter bound each year and we print these contracts. Mr. Bell stated that the rate of the blacksmiths ran from 36 to 42 cents, I think. The rates run from 20 cents and some as low as 22½ up to 47½.

Acting Chairman LENNON. Is that the 1910 agreement?

Mr. KLINE. The 1910, the last agreement. There is only one man on the Illinois Central getting 47½; very few 44; a few 42½ and 40 and 36. And at the time of the strike I think 36 cents was the prevailing or going or hiring rate as they term it. The helpers run as low as 17½ cents; at the Burnside shops here in Chicago there are hammer boys that get as low as 13 and 16½ cents an hour, and in Louisiana, on the Illinois Central, where they were getting 30, across there in the same State, on the Texas Pacific they are getting 42, 3 cents an hour more.

Of course these low rates obtain at various points on the Illinois Central. I did not go over all of them, but the lowest and the highest ones.

Acting Chairman LENNON. Is that all you care to submit, Mr. Kline?

Mr. KLINE. I believe so.

(See supplemental statement of Mr. Kline at end of this subject.)

Acting Chairman LENNON. At this point the commission will stand adjourned until to-morrow morning at 10 o'clock. Mr. Fuller will probably be the first witness called.

(At 4.30 in the afternoon of this Friday, April 9, 1915, an adjournment was taken until Saturday, April 10, 1915, at 10 o'clock a. m.)

CHICAGO, ILL., *Saturday, April 10, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, Ashton, O'Connell, Ballard, and Garretson.

Chairman WALSH. The commission will please come to order.

Mr. Kruttschnitt.

TESTIMONY OF MR. JULIUS KRUTTSCHNITT.

Chairman WALSH. Will you please state your name?

Mr. KRUTTSCHNITT. Julius Kruttschnitt.

Chairman WALSH. And your residence?

Mr. KRUTTSCHNITT. New York.

Chairman WALSH. The particular address in New York?

Mr. KRUTTSCHNITT. 165 Broadway.

Chairman WALSH. Your occupation, please?

Mr. KRUTTSCHNITT. I am at present chairman of the executive board of the Southern Pacific Co.

Chairman WALSH. Will you please state your experience as a railroad official, the positions you have held?

Mr. KRUTTSCHNITT. I started in 1873 as engineer in charge of construction of the Morgan, Louisiana & Texas Railroad in Louisiana; I occupied that position for three years, when I was made general road master; two years after that I was made division superintendent. In 1885 I was appointed assistant general manager of what was then known as the Atlantic system of the Southern Pacific Co. In 1889 I was appointed general manager. In 1895 I was appointed general manager of the Southern Pacific Co., both Atlantic and Pacific systems, and also after that elected fourth vice president of the company. In 1904 I was appointed director of maintenance and operation of the Union and Southern Pacific systems, with headquarters at Chicago. In 1913 I was elected to my present position.

Chairman WALSH. What was your position with the Harriman lines during the time of the shop strike which began September 30, 1911?

Mr. KRUTTSCHNITT. I was director of maintenance and operation; I had charge of the operation of the roads, maintenance and construction.

Chairman WALSH. Will you please state your experience prior to that time in dealing with what are known as the shop crafts?

Mr. KRUTTSCHNITT. Prior to September 30, 1911?

Chairman WALSH. Yes, sir; prior to the strike.

Mr. KRUTTSCHNITT. Both the Southern and Union Pacific had contracts with numbers of the shop crafts, I think four or five. It was the custom to meet the men whenever they desired to take up questions and discuss them. Up to that time everything had been harmoniously settled, and we had gotten along without any particular friction or trouble. We rather prided ourselves on our record, and up to as late as immediately preceding this strike our men told us that they had been properly treated and they had nothing to complain about.

Chairman WALSH. I have some detailed questions that I desire to ask you, Mr. Kruttschnitt, quite a number that have been submitted by what might be called the other side of the controversy, and the commission thought perhaps you might like to make a statement in a sense covering any observation you have to make upon the general subject of the inquiry, with which I believe, you are reasonably familiar—that is, with the scope of our inquiry.

Mr. KRUTTSCHNITT. You mean generally covering my connection with the strike?

Chairman WALSH. Covering your connection and your ideas with respect to it and the reason for that position which the company has taken and such matters as that; it may save asking some questions.

Mr. KRUTTSCHNITT. Well, as stated, we had gotten along pleasantly with our men until a month or two preceding this strike. About May, 1911, we were informed that a meeting had been held at Salt Lake, at which different shop crafts had decided to federate and present their demands in a body. I think in June, or perhaps in July, the conclusions that this federation meeting had reached and the demands they proposed to make were presented to the different companies, the Union Pacific, the Southern Pacific, and the Short Line & Navigation Co. In the months of July and August requests were made by the men to jointly meet the motive power officers, superintendents, general superintendents, and other officers of the company. To this request the reply was made that we had contracts with the different crafts and that if they were

found objectionable or any changes were to be discussed the company would be glad, through its officers, to meet the men of each craft separately, but they did not care to make any changes in the methods of discussing or handling the questions. The men were not satisfied with those answers, and they waited on the general managers and received the same replies; that is, that the company was ready at that time, and in the future, as they had been in the past, to meet the men freely to discuss differences, and expressed the hope that whatever differences existed at that time could be amicably settled as they always had been before.

These answers were not satisfactory to the men, and some time in August, I think probably between the 15th and the 25th, Mr. Franklin, of the boiler makers, wrote asking me for a meeting on a certain date in Chicago. I replied that I would not be in Chicago on that date, but that my assistant, Mr. W. B. Scott, would meet him, which he did. At that meeting Mr. Franklin urged the company, through Mr. Scott, to change its views and to adopt the federation plan of settling these matters. Mr. Kline came to see me on the same subject—I think between the 20th and the 25th of August—making the same plea. Mr. Kline represented that the men were in a very excited condition, that they were threatening trouble and he came to me, as Mr. Franklin did, to devise ways and means to avert this trouble. I explained to him that our record with our men was a matter of pride with us, and that we were extremely indisposed to have any trouble; but if the men had met and drawn up a set of demands on the company, which they proposed to have granted whether or not, that, as a condition precedent to the discussion of any matters of difference between the company and the men, that the company should accede to this question of federation and have all crafts to discuss and settle matters connected with only one—that if the men had made up their minds to that and that we must have trouble, I did not see how we could avert it; that we had nothing to do with bringing it on and apparently the first people to take steps to avoid trouble would be the people that had laid the foundation for it. Mr. Kline did some arguing and tried to convince me it was for the benefit of the companies to adopt this change of plan. I replied that if his plan was acceded to and the company, before discussing any questions of working conditions or wages, should deliver itself practically bound hand and foot into the power of Mr. Kline and his associates, that then it would be too late to discuss any questions of wages and conditions; that the federation would have it in its power to impose any conditions it saw fit, not necessarily the conditions that were set forth in this printed circular served on us, but any conditions they saw fit to impose; that the company by agreeing to a condition precedent would deprive itself of any power to resist. I told him, also, that they should recognise that it took two people to make a bargain and apparently this arrangement had been made without any consultation with the company, and that if the company acceded to this plan of settling troubles it would forever thereafter be deprived of any power to resist any demands, no matter how unreasonable.

In that interview Mr. Kline asked me, or stated that he and his associates had not been able to get any hearing from any officer of the company. I told him I was glad he had come to me, that I had never yet refused to meet anybody, and that I would meet him or his associates or anybody he had with him. That led to a meeting with Mr. Kline, and, as I remember it, Mr. Franklin, Mr. Buckalew, Mr. Ryan, and one other whose name I do not remember now, in San Francisco.

The matter of this federation method of settlement was fully discussed, the company being represented by Mr. Calvin, who was then general manager; Mr. Scott, assistant general manager; Mr. Small, superintendent of motive power, and two other gentlemen, Mr. Clancey, an attorney, and Mr. Athearn, who had charge of the comfort and rest rooms of the employees. In that meeting pretty much the same ground was gone over as was gone over in the Chicago meeting with Mr. Kline, and it was explained to him and his associates at that time still more fully how utterly helpless the company would be in the future if it acceded to their demands to treat with the crafts as a federated whole.

It was pointed out that a very slight disagreement perhaps with a tinsmith or a blacksmith in New Orleans might put the entire line from New Orleans to Portland and from Omaha to San Francisco out of commission. Mr. Kline and his associates assured me that it was not their desire to do anything of that sort, and that they did not intend to do it. To that we replied that if they

once had the power nobody could say what they would do; that the company would no longer be a party to these negotiations with any power, but would be utterly helpless. They were insistent on their method of dealing. I think the conference lasted two and a half or three hours, perhaps. We touched on some of the objectionable features of the paper that had been handed to us, such as the demand that the company should, within 30 days, require all of its men to join the federation whether they wished to or not; that the dismissal of men from the company's shops should be entirely in the hands of the federated committee; that the appointment of foremen should be largely in their control; that the number of apprentices should be dictated by them; and that no questions were to be asked a man either as to his physical condition or as to his previous employment—rights that every individual in the country has, though they were to be denied to the company. As a result of this meeting we were given plainly to understand by Mr. Kline asking a question couched in some such language as this: Whether we understood what a continued refusal to accede to this plan meant? I told him I thought I did. I understood from the beginning and I believed all through the negotiations that this plan had been arranged by the men to force the issue; we were told by our older men that they were not in sympathy with the plan, that the plan had been arranged by the younger men, the hotheads that wanted to make this change, and that they were not in sympathy with it, but, of course, if called out, they would have to go. So I never was deceived for a moment as to what the men intended to do. I firmly believed they intended to strike if we did not give them what they wanted. And the matter was placed clearly before our board of directors, both of the Southern Pacific and of the Union Pacific systems. It was explained to them what would happen if a refusal was given to these demands; and they concluded, as trustees of property representing some thirty-five or forty thousand owners, and perhaps some two or three hundred thousand people in the United States, and after considering their obligations to the public to manage their properties and to run them so as to give proper service, that it was impracticable—indeed, impossible—to accede to these demands. Mr. Kline and his associates left the meeting and said that they intended to get delegates from all over the system to meet, I think, at San Francisco, to discuss this matter; and they asked for transportation, which was given them.

This meeting was held, I suppose, some time about the middle of September—perhaps between the 10th and the 20th. We were told that the men had voted for a strike. The next I heard of the matter was through a telegram sent to me by Mr. O'Connell and Mr. Franklin, Mr. Kline and Mr. Ryan, and a fifth gentleman, whose name I do not happen to remember now, from Davenport, Iowa, presenting an ultimatum that the company would either have to consent to this federation plan and deal with the federated committee, or they would strike. To that I replied that we had done everything possible and everything that could be expected of us. That if fair treatment of the men and looking out for them in their old age with pensions, and for their care when they were sick, would not affect or appeal to them, of course we could not dictate what view they should take of this matter, and we could not control their judgment, and that they could do what they saw fit; and a strike followed, I think, on the 30th of September or the 1st of October.

It always seemed to me through these negotiations that the trouble arose from a misconception or rather from a total disregard of the rights of the employer. The men got together and decided what they wanted and what they proposed to demand, what they proposed to exact to the extent of their power from the employer. That was briefly—they appeared to think that the employer's work belonged to them; that they could dictate terms without consulting the rights or the wishes of the employer as to how this work should be conducted, and what men should be chosen to do the work for the carriers, how the forces should be decreased when they had to be decreased; that they would be the judges of that, and not the carriers; that they denied to the carrier the right accorded to everyone to select the people or the employees to do his work. I don't suppose one of them would have considered for a moment hampering his wife in the choice of a cook and requiring that she should retain a cook that did not suit her, did not do her work properly, or was distasteful to her, or not useful to her; yet this right was denied to the company in their paper.

After the strike was started the usual tactics followed of attacks upon the men who were engaged to take the places of the men who had abandoned their jobs, and there was a great deal of violence at a great many points, and

that violence culminated in murder and assassination at one point in Texas in which three men were shot from ambush. The number of men arrested and punished for these attacks was very great. I have not prepared a statement of them. I do not know that a statement is particularly necessary or is particularly desired. If it is, of course, it can be furnished.

Chairman WALSH. I would like to ask—pardon me.

Mr. KRUTTSCHNITT. I deplored this trouble. I started in a department of the company where I had to do very hard physical labor for a number of years. I was in close touch with the workmen of all kinds, where I knew the men and where I could call them "Bill" or "Tom." I was sympathetic. And I had up to 1911—for 33 years—gotten along pleasantly with my fellow workmen. But the unreasonableness of these demands, and the insistence that before considering any question of wages, of service, or anything affecting the relations of the men with the company, excepting only this question of federating, and of all taking up a question for settlement instead of one craft, had led to this serious difficulty.

Chairman WALSH. What official position did you hold in 1902 and 1903?

Mr. KRUTTSCHNITT. I was general manager of the Southern Pacific Co., assistant to the president and fourth vice president.

Chairman WALSH. I want to go—in view of some of the testimony that has been submitted—into a little history prior to this time. What position did the late E. H. Harriman hold at that time—1902 and 1903?

Mr. KRUTTSCHNITT. He was president of the Southern Pacific Co. and chairman of the executive committee.

Chairman WALSH. Now, there was a strike on the Union Pacific, I believe, in 1902 and 1903?

Mr. KRUTTSCHNITT. I think that is the correct date. There was a strike about that time.

Chairman WALSH. It has been stated that the cause of that strike was the effort on the part of the officials of the company to introduce what is called the piecework system. Was that correctly stated?

Mr. KRUTTSCHNITT. I think that is correct. That was the cause of the strike.

Chairman WALSH. And I believe there was what they call a sympathetic strike growing out of the claim that the Southern Pacific had assisted the Union Pacific by supplying engines during the strike?

Mr. KRUTTSCHNITT. There was no sympathetic strike on the Southern Pacific. That claim was made, but it was without foundation.

Chairman WALSH. Oh, I do not understand. That is, that there was no sympathetic strike is without foundation, or that the engines were not loaned—is without foundation?

Mr. KRUTTSCHNITT. Both. I do not recall any sympathetic strike. There were threats of a sympathetic strike based on the claim that locomotives were furnished, but I know that the locomotives were not furnished, and my recollection is that no sympathetic strike occurred. It was simply threatened.

Chairman WALSH. It has been stated that a sympathetic strike was voted on the Southern Pacific at that time. Whether it came to a head or not, I have not in mind. Was there a strike voted on the Southern Pacific at that time, to your knowledge?

Mr. KRUTTSCHNITT. I don't remember.

Chairman WALSH. Are you aware of the fact, if it be a fact, after the sympathetic strike was voted on the Southern Pacific, that Mr. Harriman appealed to the international presidents of the several crafts to meet him in New York and confer with him for the purpose of settling the difficulties in the whole matter?

Mr. KRUTTSCHNITT. I do not know. Mind you, I had nothing to do with the Union Pacific at that time.

Chairman WALSH. I understand. Do you recall, as a matter of history, that the federated body representing all the shop crafts of the Union Pacific and Harriman lines did meet with Mr. Harriman in New York at that time?

Mr. KRUTTSCHNITT. I think a number of men from the Southern Pacific, by number I would say perhaps three or four, did apply for transportation to go east to meet Mr. Harriman. I think that is correct. And transportation was given to them.

Chairman WALSH. Are you familiar with the fact, if it be a fact, that Mr. Harriman sent a telegram to the grand lodge officers of the various crafts in which he stated in substance that rather than be responsible for the breaking

up of homes, the suffering and poverty of men, women, and children, that the strike on the Union Pacific would mean if it continued, and the strike on the Southern Pacific would mean if inaugurated, that he would meet a federated body around the council table and confer with them to the end that they might be reinstated in their employment?

Mr. KRUTTSCHNITT. There was no strike on the Southern Pacific.

Chairman WALSH. Well, assuming that a strike was voted, or not assuming, are you aware of any such telegram being sent?

Mr. KRUTTSCHNITT. No, I am not.

Chairman WALSH. Are you aware of the fact, if it be a fact, that the grand lodge officers representing the shop crafts answered this telegram, saying that they would meet, and that they did meet in conference, and as a result of the conference a satisfactory settlement of both the Union Pacific strike, which was in effect, and the Southern Pacific strike, which had been declared by a vote, was settled and the men returned to work?

Mr. KRUTTSCHNITT. I know nothing of the telegram you refer to. I had nothing to do with the Union Pacific at that time. I had nothing to do with this settlement further than to answer some questions Mr. Harriman asked whether it was true or not that the Southern Pacific supplied locomotives to the Union Pacific. To that I replied in the negative—that there was no foundation for the claim at all. And the only further information I had was the request of some men from the Southern Pacific asking for transportation to go east to meet Mr. Harriman in conference.

Chairman WALSH. When did Mr. Harriman himself assume the presidency of the Union Pacific Railway Co.?

Mr. KRUTTSCHNITT. I do not know; approximately 1908, I think.

Chairman WALSH. Do you know the reason, Mr. Kruttschnitt, first-hand, or by hearsay, why the late Mr. Burt was removed from the presidency of the Union Pacific, if he was removed?

Mr. KRUTTSCHNITT. No, I do not.

Chairman WALSH. Had that anything to do with the difficulty that had arisen between him and the employees of the company prior to his removal?

Mr. KRUTTSCHNITT. That I do not know.

Chairman WALSH. At this conference that you had September 1, 1911, was the matter of a strike, the possible consequences, gone into in any greater detail than you have mentioned here, Mr. Kruttschnitt? As I recall your statement, it was that Mr. Kline and others stated simply that you knew what the consequences would be if a conference was not had. Was it gone into any more fully in detail; that is, as to the location of so many men in particular places and so many cities in which the men had acquired homes, that had family roots and the like, which would be torn up in case a disturbance occurred?

Mr. KRUTTSCHNITT. I don't think so. In what I have said before I have repeated as exactly as I can remember after a lapse of four years just what happened. There had been numerous talks between some of our older men and the officers of the company, deploring the possibility of a strike and breaking up of long-standing pleasant relations; but there was no particular detail gone into at this conference with Mr. Kline and his associates.

Chairman WALSH. Do you regard the attitude of your company and of yourself in 1911 as being in harmony with the attitude of the late Mr. Harriman in 1902 and 1903?

Mr. KRUTTSCHNITT. I was very closely associated with Mr. Harriman from 1902 until his death in 1909. That would be seven years. And I do not remember that I ever had any disagreement with Mr. Harriman about my attitude toward labor or my treatment of labor. He knew thoroughly well what my record was on the Southern Pacific; he knew thoroughly well before he got control of it, and he knew from personal observation what my record had been and what policy I was pursuing from 1902 to the time of his death, and he never criticised or reversed anything that I had done. I think I understood his mental attitude thoroughly, and I am justified in believing that my acts harmonized with his ideas, because, as I say, he never criticised them. And Mr. Harriman was not at all backward about criticising when he did not like anything.

Chairman WALSH. When Mr. Kline and these other gentlemen called upon you, did you suggest to them that their action in calling upon you as representing a federation—that this was in violation of the Sherman Act, and that they might be prosecuted for coming to see you in that situation in that capacity?

Mr. KRUTTSCHNITT. I did make that remark jocularly. I believed it true at the time, and I believe it true to-day. I think if we had done anything one-half

as repugnant to the Sherman Act as that we would have been indicted very promptly.

Chairman WALSH. It is a fact that a very short while ago a federated committee representing the employees in the transportation department of your roads was denied a conference by the vice president and general manager of the Atlantic system of the Southern Pacific, and that upon your specific order he was directed to recede from his stand and to hold a conference with the committee?

Mr. KRUTTSCHNITT. I think you are alluding to a trouble with the engineers——

Chairman WALSH. I really do not know what it is. This is one of the questions that has been submitted.

Mr. KRUTTSCHNITT. There was a difference between the engineers and firemen on the Atlantic system of the company. It was really a case where the innocent outsider is the sufferer. There was a dispute between the engineers and the firemen in which the company was in nowise interested. The company announced that it was perfectly willing to accept either the engineers' or the firemen's contention if they would only agree amongst themselves. But they insisted on bringing the company into this matter and a strike followed. Public sentiment that was familiar with the conditions, and public sentiment after all is the power that finally settles these contentions, was strongly opposed to this strike. They appealed to the President. Troubles were imminent on the Mexican border and I was appealed to by the head of the mediation board, Judge Chambers, who represented that the President appealed to the company's sense of patriotism to yield a point in order to settle with the men on a plan outlined by Judge Chambers and relieve the Government from embarrassment that might occur in connection with the movement of troops and supplies to the Mexican border. As an American citizen I——

Chairman WALSH (interrupting). Commissioner Garretson suggests that perhaps you have the two occurrences confused in your mind. If you have no objection, Commissioner Garretson will interpolate a question here.

Commissioner GARRETSON. Are you not confusing two occurrences, Mr. Kruttschnitt? You are referring to the jurisdictional strike between the firemen and engineers which occurred some five or six years ago——

Mr. KRUTTSCHNITT. No.

Commissioner GARRETSON (continuing). While the question is——

Mr. KRUTTSCHNITT (interrupting). No; I am not confusing it with that.

Commissioner GARRETSON. The last occurrences referred to four organizations, didn't it, of men in the train and engine service?

Mr. KRUTTSCHNITT. The chairman said he did not know what was referred to. I am putting on my explanation, and if it does not fit it will only result in the consumption of a little time and patience of the commission; but I am not mistaken as to the time, for I remember distinctly being called up by Mr. Chambers over the long-distance phone at my house in New Canaan, Conn., and having the situation explained; I could not be mistaken about the date because I have lived there only two years.

Chairman WALSH. Were there only two crafts involved?

Mr. KRUTTSCHNITT. Yes.

Chairman WALSH. Two?

Mr. KRUTTSCHNITT. Yes. To finish my story on this appeal from the President of the United States, we said at once that any view we might have about this matter would be abandoned and we would conform to the President's wishes, and we did so. That was the matter, and it happened certainly not more than two and one-half years ago, because I remember it occurred when I was living in Connecticut, and I have not lived there over two and one-half years.

Chairman WALSH. Is there any difference in principle in dealing with the federation of employees in the transportation department and when you are dealing with the shop crafts?

Mr. KRUTTSCHNITT. A very great difference.

Chairman WALSH. State as briefly as possible what that difference is.

Mr. KRUTTSCHNITT. I have already stated, and won't repeat it unless you wish—I have already repeated what the views of the shop crafts' federation was as to their jurisdiction over shop practices. You do not want me to repeat that, do you?

Chairman WALSH. No.

Mr. KRUTTSCHNITT. In dealing with the trainmen, engineers, and firemen, they have never presumed to call on us to require every man to join their organizations. They have relied on the good judgment and the good sense of the men to join or not, as they saw fit; if they do not join, they take the view that it is the men's loss, and if they do join, they are glad to take them in. They have never undertaken to say whom we should retain in the service; they have never undertaken to say whom we should employ as trainmasters or assistant superintendents. They are all in one branch of service; first, the engineers and firemen—naturally, their duties overlap. A fireman is an engineer in embryo. When he is promoted he has two organizations he can join—either the firemen's organization, which takes in engineers also, or the Brotherhood of Locomotive Engineers. The brakeman is a conductor in embryo; therefore when you speak of four organizations there are only two, because, as I say, they overlap. And all four organizations—if you choose to call them four—are engaged in one division of the service, and that is in running trains; and the great difference has been, in our experience, that these men do not claim that absolute control over their employers' business that the shop federation claims to hold, and to enforce with the strike.

Chairman WALSH. Is it within your knowledge that the late E. H. Harriman ever advised the men working on the so-called Harriman lines to get together and federate and treat with the officials by a federated committee of the Harriman lines; and did the late E. H. Harriman ever say that such a method of bargaining would save time and expense to the company and to the men and would go a long way toward preventing labor disturbances?

Mr. KRUTTSCHNITT. I have said I was intimately associated with Mr. Harriman from 1902 to 1909 as his immediate assistant; from the time he bought control of the Southern Pacific in 1902 to 1904 I was his assistant on the Pacific coast. The negotiations with the men in 1911 lasted, in one way or another, from, you might say, the month of June until the time of the declaration of the strike, and never once, either from Mr. Harriman in his lifetime or from any of these men, have I ever heard any allusion to any such agreement or expression of opinion on the part of Mr. Harriman. This is the first time I have ever heard it.

Chairman WALSH. Do you know whether or not Mr. Harriman stated this to be his policy in October, 1903, in the city of New York, when conferring with Mr. James O'Connell, M. J. Ford, Hugh Doran, S. H. Grace, T. F. Tomlinson, and George W. Smith, representatives of the Union Pacific machinists?

Mr. KRUTTSCHNITT. I do not; but I would think it passing strange if Mr. Harriman, after 1904, on giving me control for him over all these matters for both Union and Southern Pacific systems, should fail to acquaint me with his desires in that direction, and, as I repeated, he never did, and I have never heard of these telegrams or expressions of his views until you read them.

Chairman WALSH. Did you ever hear, prior to September 30, 1911, that the seniority rights of the men on the Pacific systems were violated, and that complaints were made to your subordinate, and that these complaints were not redressed, and that as a consequence general dissatisfaction was created among your employees?

Mr. KRUTTSCHNITT. I do not know that; but I do know that Mr. Franklin, when he waited on Mr. Scott in August, 1911, used the expression that there was little or no trouble on the Union or Southern Pacific; that they came nearer 100 per cent good service than any he knew of. In my conference with Mr. Kline in August, 1911, he made the same statement—that there was no trouble on our roads, and he was glad to know how harmonious the relations were; and when I went to San Francisco in the latter part of August, 1911, I was shown an interview that had been given to the papers by the head of the federated employees in California, in which he stated publicly that they had always been considerately and well treated by the Southern Pacific; and the same assertions were made to Mr. Small in numbers of his meetings with the committees of the individual crafts.

Chairman WALSH. Is it a fact that the car workers were denied a conference on the Pacific system and refused recognition as a craft organization of any kind?

Mr. KRUTTSCHNITT. I do not know that; but if it was stated, I would say emphatically that I do not believe it, because we had agreements with a number of the crafts, and I do not know why we should not have had it with these men as well as others.

Chairman WALSH. Is it a fact that the sheet-metal workers' craft asked for recognition as a craft organization on the Pacific system on or about the fall of 1907 and that recognition of this organization as a craft organization was denied by the company and that as a result thereof the sheet-metal workers went on strike at a number of points on the system?

Mr. KRUTTSCHNITT. That I do not know.

Chairman WALSH. You have no knowledge of any such thing?

Mr. KRUTTSCHNITT. No.

Chairman WALSH. Is it a fact that for years prior to 1909 the machinists on the Oregon Short Line and Oregon Railway & Navigation Co. petitioned your companies for the recognition of their crafts' organizations and that it was repeatedly refused?

Mr. KRUTTSCHNITT. No; I do not know.

Chairman WALSH. Is it a fact that the boiler makers and blacksmiths, as crafts, asked recognition repeatedly, prior to 1907, and were denied recognition by you or your subordinates of the Oregon Short Line and Oregon Railway & Navigation Co.?

Mr. KRUTTSCHNITT. That I do not know.

Chairman WALSH. Is it a fact that the boiler makers and blacksmiths, as separate crafts, sought conferences in 1910 with the proper officials on the Pacific system and that they were denied, although they had at the time contracts with that system under which it was provided for conferences when they desired to make changes on giving 30 days' notice?

Mr. KRUTTSCHNITT. I do not know the fact; but I say again that if those contracts were in effect, I do not believe the statement implied in the question.

Chairman WALSH. How much money did the companies under you appropriate for publicity purposes before the strike of September 30, 1911?

Mr. KRUTTSCHNITT. None.

Chairman WALSH. Was money used for publicity purposes in this way, that advertisements of an expensive character were inserted in the papers that were deemed to be influential and good avenues of creating public sentiment in different parts of the country?

Mr. KRUTTSCHNITT. I don't believe so.

Chairman WALSH. You are not aware of any such thing being done, if it was done?

Mr. KRUTTSCHNITT. No. The handling of the strike was in the hands of the operating vice presidents on the ground. I think I should have known of it. If any expenses had been incurred, however, I think I should have known it.

Chairman WALSH. Were you aware of any such publicity being used after the strikes began?

Mr. KRUTTSCHNITT. Why, I should have thought that these men were not proper for the duties intrusted to them if they had not given full publicity. I began by responding to a request of the San Francisco papers to give publicity to this contention, and I started by giving this statement. May I give this to the stenographer?

Chairman WALSH. Yes; you may, please.

Mr. KRUTTSCHNITT. And it was the duty of every officer, inasmuch as this was a contention in which we were fighting for a right to serve the public in a way in which they wished to be served, that they should be informed and that the fullest publicity should be given to everything we could think of.

(The paper here presented by the witness was received in evidence and appears among the exhibits at the end of this subject as "Kruttschnitt Exhibit.")

Chairman WALSH. Then, you mean to say you are not acquainted with the details; that is, as to how much money was expended in that way?

Mr. KRUTTSCHNITT. No.

Chairman WALSH. Is that correct?

Mr. KRUTTSCHNITT. I am not.

Chairman WALSH. This, I note, was given as a signed statement from you?

Mr. KRUTTSCHNITT. Yes.

Chairman WALSH. For publication in a San Francisco paper?

Mr. KRUTTSCHNITT. Yes. The papers were very much mystified; wanted to know what it was all about, and before I had been in San Francisco six hours, I suppose, I was waited on by a dozen different reporters and was told that they did not understand and that the public did not understand. And on the way west I was waited on by a number of reporters and was asked the same thing, and on arriving at San Francisco I wrote this statement and gave it to the press.

I don't think there was much, if any, money spent, because we were absolutely persecuted by reporters for statements, and after the strike began we pursued the policy of sitting quiet and having very little to say; and the officers were instructed by me not to make any boasts of what they were going to do or what they were doing, but to go ahead and perform their duties and to get the company's work systematized again and get the shop forces built up and to do no crowing about it in the press.

Chairman WALSH. This statement you submit here was not run in any newspapers as an advertisement and paid for in that way?

Mr. KRUTTSCHNITT. No, sir; it was solicited with the utmost eagerness, and there was not a cent paid for it.

Chairman WALSH. Do you keep fairly good track of the newspaper publications in the territory where the greatest interest was likely to be?

Mr. KRUTTSCHNITT. The operating vice presidents did; I did not. We paid for clippings. I was flooded with a mass of clippings, some of which I suppose I kept, but most of which I did not. They were too voluminous.

Chairman WALSH. Did the newspapers likewise publish the statements of the representatives of the men as to the causes of the strike?

Mr. KRUTTSCHNITT. Freely. I had—after the strike began I was importuned by a number of the papers to answer statements made in the press by Mr. Kline and other leaders of the men, which I consistently declined to do. I stated that I was not going to indulge in any newspaper controversy; that the side of the company had been given by me to the press, and I proposed to stop at that.

Chairman WALSH. Is it a fact, Mr. Kruttschnitt, referring again for a moment to the demands made by this federation and the conference in September, 1911; that is, that the so-called check-off system be adopted——

Mr. KRUTTSCHNITT (interrupting). So-called what?

Chairman WALSH. That the requirement be made that all employees should join the union and those others that were so objectionable to you—I wanted to ask you if it is or is not a fact that those suggestions were what might be called tentative suggestions for the purpose of discussion and negotiation in case a conference was granted, or were they absolute demands on the part of the men with a declaration that in the event they were not granted a strike would be called?

Mr. KRUTTSCHNITT. I am going to deal perfectly frankly with you and the members of the commission. We were assured time and again that we must not be alarmed by these objectionable demands that they made, that all we were asked to do was to deal with a federated body; that then everything would be lovely. That was tantamount to asking the company to surrender its ability to resist, and Mr. Franklin and Mr. Kline, in their interviews, and Mr. Kline and his four associates in the San Francisco meeting, tried in every possible way that ingenuity could suggest to persuade us that the only interest of the men in the matter was a little more convenient and expeditious way of handling grievances.

I was frank with Mr. Kline and his associates. I said, "I understand; we need not try to throw dust in each others eyes. I know and you know what you are after. Any acquiescence on the part of the company to the demand that we meet a federated board would no doubt lead to a good many of these matters that you put in here for trading purposes being put aside for the moment. In other words, they are there for trading purposes, and they would be withdrawn if only the company would bind itself by preliminary agreement with you that would prevent it from ever being able to resist any demands, no matter how unreasonable. Once having done that the company would find itself, perhaps in a year or two years or three years or maybe five or six years, met with a demand to pay exorbitant wages, and do all sorts of things, perhaps all the things asked for in this paper, and a good many more besides; and it would find itself powerless to offer any resistance." I told Mr. Kline in the San Francisco conference—I said, "At the present time we have agreements with a number of your crafts. If the machinists should come in with an absolutely outrageous and unreasonable demand on refusal of which they should all strike, the company would not be bound hand and foot—would not be helpless. It could transact its business in some way or other and fulfill its duties to the public that are required of it by commissions and by courts and by laws." I said, "What you are after, and I see it very plainly, is that if the machinists and all these other crafts should federate, then no matter how unreasonable the request the federation would be the sole and only judge as to whether

pressure was to be put on the company by striking to enforce those demands." Now, I said, "It is not reasonable to come to any man with any kind of intelligence and ask him to make such an arrangement as that." I said, "I can not do it."

Chairman WALSH. Did you have any conferences, formal or informal, with the Illinois Central, concerning the subject of system federation, prior to June, 1911?

Mr. KRUTTSCHNITT. No; I did not have anything to do with the Illinois Central, and never have had.

Chairman WALSH. Ever have any correspondence with them in regard to that matter?

Mr. KRUTTSCHNITT. I don't think so. I don't think there is a line of correspondence.

Chairman WALSH. What has been your attitude since the strike regarding conciliation, mediation, and arbitration?

Mr. KRUTTSCHNITT. There has been absolutely nothing that we could mediate or arbitrate. That was the hopeless condition of this issue that was presented to us by the men, that it was not arbitrable. It was simply a demand that they be put in control of the company's shopwork; that they should be given power to dictate whether any shopwork should be done or not; and if so, the conditions under which it should be done. The men put up a proposition to the company which, if reversed, they would have considered the company's officers insane for presenting. If the company's officers had suggested to the men that they were dissatisfied with the separate agreements with the crafts, and that they gave notice that in 30 days they would take up a change of those conditions, and that they proposed to require every man to get out of the union, that they proposed to dictate on just what terms the men should have employment with the company, regardless of their wishes, regardless of their convenience, regardless of their health of welfare, the men would not have tolerated it for a moment. They would have immediately begun a strike, and properly so. Yet they reversed those conditions and imposed those conditions on the company, and when they were refused they went on strike, and that was argued and preached, I suppose, in half a dozen different ways. And then the question was taken up after the company's forces had been built up to take back these men that had caused this trouble, but we consistently refused to do so.

Chairman WALSH. Do you feel that you took all possible steps to avoid the strike of 1911, Mr. Kruttschnitt?

Mr. KRUTTSCHNITT. I do.

Chairman WALSH. Have you made any investigation as to whether or not the system federations have been satisfactorily negotiated on other systems of railroads, and that they have worked out without detriment to the companies?

Mr. KRUTTSCHNITT. No; because it was totally irrelevant. My duties to the stockholders of the South Pacific Co. and the Union Pacific Co. and to the public would not have been based on the actions of A, B, C, or D read to its stockholders or the public. I could not have justified my acts by stating that I did thus and so because Mr. So-and-so did that in any court or tribunal or in public opinion. The reply would have been, "Why, that has nothing to do with the case. Your duty is clear; it is to serve the stockholders and the public according to law, and that utterly regardless of what any other road was doing." I have never given that matter consideration, though it was advanced by the men, as sugar coating to the pill, what this road had done or that road had done. It was totally irrelevant.

Chairman WALSH. Do you believe in the general principle of collective bargaining, Mr. Kruttschnitt?

Mr. KRUTTSCHNITT. Yes. As I told you, I had been working 33 years on it.

Chairman WALSH. Yes. This is leading up to another question: Do you believe that employees who are divided into many or into several different crafts, each dealing separately with a single employer, can enjoy anything like equality in bargaining power?

Mr. KRUTTSCHNITT. I do; and what is more, I think that a number of the chiefs of these separate crafts believed the same way before the strike.

Chairman WALSH. Are labor conditions in the companies considered by the directors of the company at directors' meetings; that is, the question of wages and conditions of your labor and the satisfaction or dissatisfaction among your employees?

Mr. KRUTTSCHNITT. Yes, sir; unquestionably so—they are. As I told you, in this case they were very promptly put up to the directors, who were put in full possession of the facts.

Chairman WALSH. Are the conditions of employment as to hours and wages discussed generally by your executive boards?

Mr. KRUTTSCHNITT. If you mean by that if they take a table of wages and compare them, no; but the conditions of the men, how they are paid, with respect to employees in the same occupation on different roads and in outside shops, I would say yes.

Chairman WALSH. Do you believe a wage averaging $60 a month is enough to support an American citizen and an ordinary family in the communities such as exist where your large shops are located?

Mr. KRUTTSCHNITT. Well, of course, that is a loaded question. Before I could answer I would have to ask you what that American citizen considered proper living. I can, perhaps, answer it best by saying that thousands and thousands—hundreds of thousands—of American citizens are living properly and raising their children and educating them on such wages.

Chairman WALSH. Have you ever considered, or do you consider, that proposition generally in fixing wages, what it costs the individual to live and support a family?

Mr. KRUTTSCHNITT. No; we have not done that, and I think we are right in that, because—take Government bodies, such as commissions; they have told us through their acts that cost of living has nothing to do with the case; they are not concerned as to how our companies live or the railroads' cost of living or the cost of buying material. They say that has nothing to do with it, and in paying wages we have always paid—and the men admitted that—we stated it repeatedly and they could not deny it—the highest wages of any railroads in the United States.

Chairman WALSH. Some of the commissioners will probably want to ask you some questions, Mr. Kruttschnitt, but I will ask you now whether there is any statement you would like to volunteer or any statement you would like to make covering any questions that have been asked you?

Mr. KRUTTSCHNITT. I don't think of anything much, Mr. Chairman. I came here, of course, knowing that you wanted to question me about my connection with these unfortunate occurrences. I did not know just what the line of your inquiry would be, and really I lacked the time and, I must confess, the inclination to sit down and write a very long statement, preferring to make the statement orally, as I have done, and let you supplement it by asking me questions on points I had overlooked, and I do not think of anything more.

Chairman WALSH. That is very satisfactory.

Mr. KRUTTSCHNITT. Possibly the questioning of some of the other commissioners might inspire a desire on our part to offer some questions, but I don't know of anything now.

Chairman WALSH. Mr. Garretson has a few questions he says he wants to ask you.

Commissioner GARRETSON. Mr. Kruttschnitt, I think you would regret it more than any one person if it developed that the testimony on any given point was historically incorrect, would you not?

Mr. KRUTTSCHNITT. I should.

Commissioner GARRETSON. I want to go back to the question of the two incidents where the Atlantic system of the Southern Pacific had trouble with their engineers or with the trainmen. Mr. W. R. Scott was located here in Chicago as your assistant, when you were director of maintenance and operation, was he not, for a considerable period?

Mr. KRUTTSCHNITT. He was my assistant part of the time. No; when I first came to Chicago I had another assistant, but I expect he was my assistant from about 1906 or 1907 to 1911.

Commissioner GARRETSON. At the time of the jurisdictional strike between the locomotive engineers and the firemen Mr. Scott was located here with you as assistant?

Mr. KRUTTSCHNITT. No. Perhaps I should have answered that a little more fully; no; because Mr. Scott at that time was in Houston, and handled all of the negotiations with the engineers and firemen.

Commissioner GARRETSON. Is it not a fact that the negotiations were handled almost exclusively by Mr. van Vleck and Mr. Fay, and that the terms of the settlement were finally reached here in Chicago in Mr. W. R. Scott's office, with Mr. Charles P. Neill, then commissioner under the Erdmann Act, on the ground

in Houston, the terms being arranged between the two chief executives of the firemen and engineers, with the chief executives of the conductors and trainmen acting as intermediaries, with Mr. W. B. Scott and Mr. Charles P. Neill and the executive officers of the organizations on the ground at Houston, Mr. Morrimey then president of the trainmen and the then president of the Order of Railway Conductors?

Mr. KRUTTSCHNITT. I think you are speaking of an entirely different matter.

Commissioner GARRETSON. That was the jurisdictional strike between the two?

Mr. KRUTTSCHNITT. Yes; the engineers and the firemen.

Commissioner GARRETSON. You are not mistaken about Mr. Scott——

Mr. KRUTTSCHNITT. Impossible for me to be, because where a man has a fact of a fact in an indefinite way, he may be mistaken, but he can not be mistaken when, as in this case, I stood at a telephone in a certain room in my house in Connecticut and talked with Judge Chambers at his home somewhere in Maryland on this strike, being called up in the middle of the night by the Western Union, in this very same house, and given telegrams relating to and explaining why the President wanted us to recede and give way to the men. I can not be mistaken.

Commissioner GARRETSON. At the time of the jurisdictional strike of the engineers and firemen, was there any trouble in Mexico, and was Judge Chambers connected in any way with the Federal Mediation Board?

Mr. KRUTTSCHNITT. Well, I——

Commissioner GARRETSON (interrupting). Judge Chambers never was Federal mediator until after the passage of the Newlands Act in 1913, and the strike of the conductors, trainmen, engineers, and firemen on the Atlantic system of the Southern Pacific took place in 1912, or 1913, and Judge Chambers was a party to the settlement of that strike. Is that not correct?

Mr. KRUTTSCHNITT. Assuming what you say to be true, I suppose it is correct; but I still think we are talking about different strikes. However, if it be a fact that Judge Chambers was not put on the mediation board—if that is a fact, then I must confess that I am mistaken, and I am talking about the wrong strike. Now, is Judge Chambers a member of the board now?

Commissioner GARRETSON. He is, and has been since 1912 or 1913, only. But bear in mind—I want to refresh you memory——

Mr. KRUTTSCHNITT. Well, I will say there was a strike at the time when Judge Chambers was mediator.

Commissioner GARRETSON. There was.

Mr. KRUTTSCHNITT. And the circumstances that I have related did happen or did take place with Judge Chambers. Now, it is possible that it was not the strike of the engineers and firemen, but I thought it was.

Commissioner GARRETSON. That is what I wanted to correct in the record, because the other is historically in the record, as I have stated. What I wanted to draw attention to in the record is this, the strike of the four organizations was not jurisdictional; was it not over the refusal of Mr. George W. Wahl, assistant manager of the Atlantic system, to meet and treat with representatives of the four trainmen's and engine service organizations jointly?

Mr. KRUTTSCHNITT. Yes; I think you are correct as to that.

Commissioner GARRETSON. And did not the recession from that position come from the fact that your company's trains—the movement of them was absolutely tied up, was it not?

Mr. KRUTTSCHNITT. The reason of that recession, as I told you, was that it was made on the appeal of the President through Judge Chambers.

Commissioner GARRETSON. The mediator had entered the game?

Mr. KRUTTSCHNITT. Yes, sir.

Commissioner GARRETSON. Then you now realize that Judge Chambers had no connection with the original jurisdictional strike between the two organizations, which took place in 1907 and early in 1908, the engineemen?

Mr. KRUTTSCHNITT. Well, I say I am willing to assume the correctness of what you stated, that the judge was not put on this board until then, but I think as my recollection goes that he acted in some cases prior to this strike that we are discussing now. However, that is immaterial.

Commissioner GARRETSON. That is immaterial except as it applies to the true facts and as to the cause and who were involved in the two strikes. That was what I wanted to get into the record in its correct historical form.

Mr. KRUTTSCHNITT. Well, I think you are right.

Commissioner GARRETSON. It will be a misfortune for you if the testimony stood absolutely out of accord with the occurrences that took place?

Mr. KRUTTSCHNITT. Quite right, and I am very much obliged to you for correcting me.

Commissioner GARRETSON. Was there any connection, Mr. Kruttschnitt, between the attitude of your general manager on the Atlantic system in refusing there being no question involved whatever in the original strike of the four organizations, but the refusal of Mr. Wald to meet the four jointly—was there any connection between that and your attitude as shown toward this federation?

Mr. KRUTTSCHNITT. No, I have already explained in answer to a question from the chairman the difference in the attitude of the trainmen's and the enginemen's organizations and the shop federation.

Commissioner GARRETSON. Then, in your opinion, if they had no connection with each other, there were not the following out of the same general policy, what was the cause of the refusal, then, to deal jointly with the train and engine service organizations?

Mr. KRUTTSCHNITT. You say what was the reason of the refusal?

Commissioner GARRETSON. Yes; what would be the cause of the refusal?

Mr. KRUTTSCHNITT. To answer frankly, I think a mistake was made.

Commissioner GARRETSON. Really, the two attitudes were exactly consistent with each other?

Mr. KRUTTSCHNITT. No; I haven't said that. You asked me that first and I said they were entirely different; then you asked me why the refusal was made to deal with the four trainmen organizations on the Atlantic system, is that not correct?

Commissioner GARRETSON. Yes.

Mr. KRUTTSCHNITT. And I told you that I thought frankly a mistake had been made.

Commissioner GARRETSON. Oh; I beg your pardon. I didn't catch that answer. Did you hear the declaration of Mr. Markham?

Mr. KRUTTSCHNITT. I was given a transcript of the testimony yesterday, and it amounted to, I think, six or seven hundred pages, and I only went through it very hurriedly.

Commissioner GARRETSON. Your own testimony in general and his are in line with each other. Now, would not the natural outcome of the attitude of your company and his, and the reasons asserted by yourself and Mr. Markham as underlying your attitude—would not the natural application by thinking labor men of your theories, result in the triumph of what is known as the industrial form of organization whereby every man on the pay roll of your company would be enrolled in one organization, because from the testimony given that would be the natural method for the man of radical views to carry out his desires against his employer—wouldn't that be the natural result?

Mr. KRUTTSCHNITT. Your question is very long and involved, and I will have to ask the stenographer to read it.

(Question read.)

I can answer that in a qualified way, yes; because the very issue that was presented to the companies was the result of the presence of the radical and hot-headed men on the companies' pay roll and in the different craft organizations.

Commissioner GARRETSON. I was not passing upon the matter submitted in any degree; I was only speaking of the original man, because that is exactly the form of organization, is it not, that is advocated by the I. W. W., who are generally classed as radical?

Mr. KRUTTSCHNITT. I am afraid I do not know much about that.

Commissioner GARRETSON. Industrial Workers of the World?

Mr. KRUTTSCHNITT. I know what you mean, but except from general newspaper accounts of them I know nothing about their aims or their ideals.

Commissioner GARRETSON. If you had traveled with the commission, you would have had considerable information on their desires. That is all.

Chairman WALSH. Commissioner Aishton has a few questions to ask.

Commissioner AISHTON. I understood you to say that you objected to the additional power which your employees sought to obtain. Have you seen anything since the strike was inaugurated to confirm those views?

Mr. KRUTTSCHNITT. Yes. I think it was in January, 1912, some three months or more after the strike had been started that President B. L. Regun, of the System Federation of the Harriman lines, sent out a set of resolutions adopted by the federation of the crafts of the Harriman lines calling on all railroads

in the country to join in a sympathetic strike to help them win the strike on the Harriman lines. This is a copy of the paper.

Commissioner Ashton. Do you desire to put it in evidence?

Mr. Knotteschnitt. Yes.

(The paper thus offered is as follows:)

OFFICE 608, HIBERNIA BUILDING,
San Francisco, January 6, 1912.

BROTHERS, GREETING:

The following resolutions are herewith submitted for your consideration:

We, the committee on resolutions, respectfully submit the following to you with the request of this local that you submit same to all locals on the Harriman lines and Illinois Central lines, and in addition all federated locals and trades-unionists involved in this strike on other systems.

CLARENCE C. RIGDEN,
E. J. CONNERS,
WM. A. DOUGAN,
Committee on Resolutions.

The following resolutions were drawn up by the committee appointed by system local at San Jose at our regular meeting Thursday, January 4, 1912, upon receipt of resolutions drawn up at Freeport, Ill., which resolutions we believe would have the effect of placing us in a position where the railroads would be able to effect a compromise with the federations on the Harriman and Illinois Central lines, before we have had time to fire our most effective shot, to wit, the federation with other federations and union shopmen throughout the country, so that if necessary to win this strike they can be called out and force the railroads to grant our demands at this time, and in the future enable the shopmen on the Harriman lines and the Illinois Central lines to protect all other brothers.

Let us make the federation of shop employees as nearly invincible as possible, and to do this we must strike while the iron is hot, and that to compromise at this time would probably prevent the federation of the shopmen into a Nation-wide organization.

We are out to win; so say we all.

Whereas we know from the word and action of the railroad officials since the strike was called September 30, that in no case will the managers of the railroads comprising the Harriman and Illinois Central lines be willing to compromise except to save themselves from defeat; and

Whereas the time must come when labor will realize that through compact organization, comprising not only one craft but all crafts working in one industry, that strikes can be decisively won, enabling the workers in that industry to demand and realize conditions which they know to be just to themselves, and believing that the time has come when this strike can be won with the assistance of the other federations now in existence in the United States with the help of all other union shopmen who have not yet formed federations: Therefore be it

Resolved, That steps be taken and demanded in recent resolutions from San Antonio, Tex., and Los Angeles, Cal., and unanimously indorsed by this local to call out, if necessary, all other shopmen in the United States for the purpose of winning, if possible without compromising, the demands of the blanket agreement, all of which demands we consider not only fair and just, but actually conservative.

Resolved, That we consider no compromise until all union men have done everything within their power to win all of the demands of the federation of shop employees of the Harriman and Illinois Central lines. With the coming of cold weather reports show that the system for which these men were working are only operating under the greatest of difficulties and it is highly probable that the general managers of these railroad interests will take steps to effect a compromise to enable themselves to avoid defeat. And be it further

Resolved, That owing to the benefits that will accrue to all workers through the success of this strike and the stimulus such issue is certain to be for the federating of other crafts, not only in the railroad industry but in other industries as well, thereby developing a much greater power in the hands of labor than has been heretofore attained, that our request for voluntary financial and moral support be addressed to our brother workers instead of the business men,

who as a matter of fact are not so deeply interested in the outcome of this struggle as the workers are.

Resolved, That a copy of these resolutions be sent to all locals on the Harriman and Illinois Central lines for their indorsement or rejection, and also to locals of other federations and craft locals not yet federated for the information of all union men not participating in this strike.

Respectfully submitted.

[SEAL.]

JOHN SCOTT,
Secretary-Treasurer System Federation Harriman Lines.

Approved:

B. L. RAGUIN,
President System Federation of the Harriman Lines.

Commissioner AISHTON. Mr. Kruttschnitt——

Mr. KRUTTSCHNITT (interrupting). This I considered at the time was a justification of fears that we had—that this federation was simply a plan to obtain absolute power over the operations of the carriers and to exert it to the utmost of their ability to carry their contentions no matter what they should be.

Commissioner AISHTON. Mr. Kruttschnitt, there was a lot of testimony introduced before the commission here yesterday about views expressed by Mr. Harriman in 1908, which indicated that he favored the federation of shop employees. Have you any knowledge as to his views other than as expressed by you in replying to the inquiries of the chairman?

Mr. KRUTTSCHNITT. None whatever. I desire to say to the commission with the utmost frankness and without the slightest mental reservation that Mr. Harriman never in any manner, shape, or form indicated to me any desire of that sort. If he had, it would have been my duty, as his assistant, to at once take the matter up and advocate it and carry it out. I should have done that. But as I say, I never in any manner, shape, or form received any intimation or instructions from him about that. I repeat, that until the chairman read these questions this morning I never heard that.

Commissioner AISHTON. Mr. Kruttschnitt, I understand you to say that at the time of this strike or just prior to it that your company had five contracts with shop trades?

Mr. KRUTTSCHNITT. I think the Union Pacific had five. I think the Southern Pacific had three or four. We had contracts with the shop crafts.

Commissioner AISHTON. Entered into through the usual negotiations between the employees in those crafts and the properly authorized officials of the company?

Mr. KRUTTSCHNITT. Yes.

Commissioner AISHTON. That is all. Thank you, Mr. Chairman.

Chairman WALSH. Commissioner O'Connell would like to ask you a question.

Commissioner O'CONNELL. Mr. Kruttschnitt, I do not want to appear as having this a personal matter at all in my position I am occupying here, but I happened to attend the conference at New York originally with Mr. Harriman which brought out statements about the old strike of the Union Pacific road. The testimony yesterday brought out some things that occurred at the conference and later resulted in an adjustment of the Union Pacific strike.

One of the witnesses yesterday attended the conference at New York, and I asked him some questions to put into the record his remembrance of what took place at the conference. Among the occurrences was a running conversation with Mr. Harriman in which he expressed the desire to have the matter adjusted and what he thought might be the manner of handling the affairs in the future that would avoid a recurrence of these strikes and the possibility of having a number of men, the smaller the number the better, he thought, who would be in a position to speak for the entire forces of the mechanical department of the road in the adjustment of any controversy that might arise. That led to the belief that he was favorable toward the form of organization that would permit the men to select representatives who would represent all of the organizations in any conference that might be had and carry it up to the executive officers. And later, he said he was going west and would be glad to meet representatives of the organizations in the West with a view of carrying out the proposed sentiments, and he did at Cheyenne and Omaha meet representatives of the joint organizations.

Mr. KRUTTSCHNITT. I do not, Mr. O'Connell, question any of that. I tried to make my position definite on that; it was before I had any connection whatever with the Union Pacific. I know nothing about the matter, but I do say

that it was strange that if Mr. Harriman charged me with the supervision and operations on both the Union and Southern Pacific he never mentioned anything about his desire to have what we were doing changed. It was still more incomprehensible that in the numbers of interviews and meetings between the craft committees and the officers of the companies, between Mr. Franklin, Mr. Kline, and their associates, who met me in San Francisco, that nothing had ever been urged on the part of the employees as to Mr. Harriman's wishes to induce us to agree to this federation plan, which they were advancing, and it seems to me, since I have heard you, that it was the most incomprehensible omission on their part that they did not advance that as an argument, because it would have been the strongest argument possible on their part.

Commissioner O'Connell. The matter might not have come to their minds at that time.

I recall Mr. Harriman going further in the telegram put in the record yesterday, in which he suggested three men to act as a finality on any dispute that came up, and could not be adjusted out along the lines—if any of the crafts had a difference with the company that could not be adjusted out there, that the contested matter be left to himself—"myself," and a Mr. Ford, who was in he company; and that on any subject or any questions he would be perfectly satisfied to have it adjusted by these parties.

As a man who handles large affairs, Mr. Kruttschnitt, and who comes in contact with the large employment of labor—this commission is authorized to ascertain the underlying causes of unrest and make some recommendations to Congress. Now, what has been your observation, and what suggestions have you to make to this commission for the elimination or the reduction as far as possible of the so-called unrest and the causes of strikes and friction between employer and employee?

Mr. Kruttschnitt. I have observed that as to every strike that has ever taken place none has succeeded where public opinion was against it; that the strikes that have taken place with which I am familiar have ordinarily been settled in the way in which the great American public decided that they should be settled; that is easily understandable, because, under our form of government, our final appeal must be made to the opinions and views of our fellow citizens, and if we are operating against their views as to what is right and proper, it is right and proper that we should not succeed, and I do not think any of us ever will. So that the only views I have ever held about the settlement of industrial disputes—and the older I get the firmer I believe it—is that the only way to settle them is to let the public fully understand what it is all about; and it is on that theory I wrote that memorandum which was passed up to the chairman in answer to the reporters of the papers asking what this was all about. The public had a right to know; I gave the railroad side of it and the federated employees gave their side. This strike did not succeed because the public believed that the men were wrong; if they had believed the men were right they would have succeeded.

Now, I believe, for the settlement of all future strikes, the only way we will ever get industrial peace is to let the general public know exactly what the issues are—take them into your confidence and their judgment will be, I will say, almost always right.

Commissioner O'Connell. Could there be some sort of a machine for carrying into effect public opinion?

Mr. Kruttschnitt. That is secondary. If you provide that the public shall be informed, if that principle is agreed to, the design of the machinery ought to be comparatively easy.

Commissioner O'Connell. Would you extend the idea to the mechanical department of railroads that now applies to the transportation department under the Newlands Act?

Mr. Kruttschnitt. I would make it absolutely general; I would say to all employees, "Let any employee who has any cause for dissatisfaction make it known in a proper way to the officers of the company, and if he and his associates can not bring about a settlement there should be an appeal to somebody or some organization that can look into these matters carefully and impartially and let the general public know." I do not suggest compulsory arbitration; I think it is chimerical; I do not think it would ever be made a success. It was tried in New Zealand and has proven a failure there. So the only force we can appeal to, to bring contestants together, is the force of public opinion.

The Canadians have some very excellent acts that provide for publicity and from an investigation I made, through one of my staff in the last six or eight

months, I find those acts are working up there very satisfactorily. The public there is put in full possession of the facts and they are able then to make their wishes and their judgment known; instead of providing for an arbitration by one or three or five or seven men, why, the general public acts as an arbiter.

Commissioner O'CONNELL. Would the creation of such a department by the Government of purely voluntary character, covering all industries, or lines of activity, as far as labor and capital are concerned, would the creation of such a department, with boards that would have authority, would have influence, on the Government to step in and ask contestant parties to use their good offices to mediate for the purpose of adjustment—do you think that would be of benefit to our country generally?

Mr. KRUTTSCHNITT. I think it would be of incalculable benefit, not only for the contestants, the employers and employees, but for the financial situation of the corporations. As our Government is organized at the present time the Government has absolute control over the revenues of certainly the railroads and of a great many other corporations, but now we are speaking really of railroads principally. Government has also, through the operation of the numerous laws, a very complete control of their expenses; in other words, the railroads at the present time have very little control over either their revenues or their expenses, therefore it is nothing but just that whatever tribunal has control over the revenues and expenses should investigate at least and report on these industrial troubles, because the ability of the road to pay the wages, in case the investigating board should decide that more wages were necessary, gives them the power to provi le the way by which the railroad can get the money to pay these wages.

Commissioner O'CONNELL. Just referring to the strike situation for a moment; I gathered from what you say, Mr. Kruttschnitt, that your fear was that recognition of the federation of these different trades would place an extraordinary power within their hands to compel you to comply and that it might result in constant trouble with the company. In your experience as a railroad man, does your observation lead you to believe there has been a great number of strikes in railroads—a great number of strikes in the past where the railroads were dealing with individual organizations, such as the Union Pacific, and the Santa Fe, where the railroad strikes ran a long time, and that such strikes have been going on in one way or another for a long time, and don't you think that the bringing together of these trades into a confederation would reduce the possibility of strikes? The evidence submitted here by the officers of these federations shows that they have entered into agreements with some 50 railways and that no strike had occurred, no appearance of strikes, and that the system there put into effect—the evidence is that it has eliminated strikes and friction, while the old system is simply strewn with the wrecks of strikes.

Mr. KRUTTSCHNITT. I do not agree with you altogether as to your views as to the frequency of strikes under what I might term the existing plan. I said, in answer to one of the questions of the chairman, that I did not think, if we had agreed to this federation plan, that we should have a strike for one or two or three or four or five years; in other words, we would not have had a strike until the federation was ready. As to the 52 roads you have mentioned, I do not know which they are.

Commissioner O'CONNELL. It is in the record.

Mr. KRUTTSCHNITT. The federation is perhaps not ready to do the next thing it has on the program.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, thank you, Mr. Kruttschnitt. You will be permanently excused.

TESTIMONY OF MR. J. F. GRAHAM.

Chairman WALSH. State your name, residence, and occupation, please, Mr. Graham.

Mr. GRAHAM. J. F. Graham; residence, Portland, Oreg.; at the present time I am superintendent of motive power of the O.-W. R. R. N. Co.

Chairman WALSH. Please describe your duties in that capacity, Mr. Graham.

Mr. GRAHAM. My duties in that capacity are to supervise all of the rolling stock and employees who are directly connected with the maintenance of the same.

Chairman WALSH. What craft unions do you deal with as—what craft unions did you deal with as a railroad official prior to the strike of 1911?

Mr. GRAHAM. With the machinists, blacksmiths, boiler makers, and carmen.

Chairman WALSH. What were your relations with those unions prior to that time, friendly or otherwise?

Mr. GRAHAM. Very friendly.

Chairman WALSH. How were contracts and agreements made?

Mr. GRAHAM. They were made by representatives of the various crafts; for instance, of the machinists—a representative from each division, sometimes two from a division.

Chairman WALSH. How much time was usually required by the—per year, say, to attend to the business of making the agreements?

Mr. GRAHAM. That is a pretty hard question to answer.

Chairman WALSH. Well, approximately, was it a month or two out of a year?

Mr. GRAHAM. Not that long; I should say, offhand, about between 5 and 7 per cent of my time, perhaps two years.

Chairman WALSH. To what extent had the piece-rate system entered into your operations prior to the time of this strike?

Mr. GRAHAM. None.

Chairman WALSH. Did you have time studies or bonus systems in your shops?

Mr. GRAHAM. No.

Chairman WALSH. Could you sketch to us, briefly, Mr. Graham, what points of controversy were typical ones in these conferences that you had with the craft unions prior to the time of the strike?

Mr. GRAHAM. Well, the conferences that came up, as a general thing, were those which related particularly to the crafts, the particular craft.

Chairman WALSH. As to wages and hours?

Mr. GRAHAM. Yes; as to wages and hours.

Chairman WALSH. And the assignment of work—with the machinists, what was considered machinists' work—any jurisdictional disputes that might happen to arise?

Mr. GRAHAM. Yes; that is correct.

Chairman WALSH. What was your first notification from anyone connected with the organization that a federation had been formed?

Mr. GRAHAM. The first notification, real notification, I had that there had been a federation formed was from our own employees.

Chairman WALSH. Was it in writing?

Mr. GRAHAM. No.

Chairman WALSH. Were any demands made upon you by the men in writing with reference to a conference or anything else?

Mr. GRAHAM. They asked for a joint conference; yes, sir.

Chairman WALSH. Was it in writing?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. Have you a copy of the request?

Mr. GRAHAM. I haven't it here; I left it at the hotel. I did not anticipate I would be called on this morning. I will bring it here this afternoon.

(The document referred to was later submitted by witness and appears among the exhibits at the end of this subject as "Graham Exhibit No. 1.")

Chairman WALSH. Have you also your reply to that first communication?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. Have you that with you?

Mr. GRAHAM. No, sir; but I will get it this afternoon.

Chairman WALSH. Kindly submit it then.

Mr. GRAHAM. Yes, sir.

(See Graham Exhibit No. 1.)

Chairman WALSH. Can you state concisely, so that we will not have to read it when it comes, what the substance of their communication was and the substance of your reply thereto?

Mr. GRAHAM. The substance of their communication was that they wished me to meet them in conference; that they thought the time had come for a change in the then existing rules and wished me to meet them as a federated body—that is, of shop employees, the different crafts—claiming that they thought it would require less time in dealing with them if we would deal with them as a federation.

Chairman WALSH. I wish you would relate as briefly as you can the progress of the negotiations and the dealings between you and the men, or attempted dealings, right up to the time of the strike?

Mr. GRAHAM. Well, there wasn't any negotiations further than my letters to them stating that I would be glad to meet with each one separately, but not as a body.

Chairman WALSH. That is, with a representative of each craft separately?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. What was the situation as to the determination of the policy of your lines? How was that policy determined; by what officials?

Mr. GRAHAM. By what officials?

Chairman WALSH. Yes, sir.

Mr. GRAHAM. In this particular case?

Chairman WALSH. Yes; in this particular case.

Mr. GRAHAM. I guess I was the only one they ever referred to.

Chairman WALSH. Did you have any conference with any other officials in regard to the general policy of treating with this question of a federated system among the employees?

Mr. GRAHAM. Yes, sir; I talked with the general manager.

Chairman WALSH. What was that?

Mr. GRAHAM. I talked with the general manager.

Chairman WALSH. Who was he?

Mr. GRAHAM. Mr. J. P. O'Brien.

Chairman WALSH. Anyone else?

Mr. GRAHAM. I think I did with all concerned—all of the officials directly connected with the road at that time.

Chairman WALSH. Did you have conferences and correspondence with the officials of other Harriman lines?

Mr. GRAHAM. Not until about the time the strike was called. I think I knew—I kept in touch with what was going on on the other lines.

Chairman WALSH. That was done, of course, by correspondence, or was it done by personal conference?

Mr. GRAHAM. No; I think the most of it was done by conference.

Chairman WALSH. Have you been requested to bring copies of that correspondence with you, Mr. Graham?

Mr. GRAHAM. No, sir.

Chairman WALSH. Did you anticipate the calling of the strike before it was called; and, if so, please tell what steps you took to prepare for it.

Mr. GRAHAM. Why, we certainly anticipated it, because they had made what you might say was an open threat that there would be a strike, and the only preparation that we made for it was to put ourselves in a position to secure men in case they went out.

Chairman WALSH. Do you recall the dates upon which contracts were made with the detective or employment agencies?

Mr. GRAHAM. I don't know of any.

Chairman WALSH. What steps did you take, then, to get persons to take the places of those who might go out upon strike?

Mr. GRAHAM. In our own particular neighborhood or in cities along the line—in towns along the line of the O.-W. R. & N. we had our own employees—that is, for example, in Seattle, Tacoma, Spokane—looking out for men quietly, and whenever they got a man they told him what it was for; that they anticipated a strike, and, wherever they could, held him in readiness.

Chairman WALSH. Please state, Mr. Graham, all the steps you took to employ men to take the place of strikers?

Mr. GRAHAM. That was about all, except we procured men from the East and from this city here.

Chairman WALSH. How did you procure men from the East? What was the method?

Mr. GRAHAM. Through agencies.

Chairman WALSH. What agencies?

Mr. GRAHAM. Well, now, if I recall—I could not tell what agents; I could tell you what we did. You understand, we had a representative from the mechanical department of the Union Pacific who acted as an examiner in selecting the men.

Chairman WALSH. Where, here at Chicago?

Mr. GRAHAM. Yes, here at Chicago.

Chairman WALSH. Do I understand that they just went to the ordinary employment agencies?

Mr. GRAHAM. No; I think not; I think they had a regular agency of their own.

Chairman WALSH. They established an agency?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. Did that cover the procuring of employees for all of the Harriman lines?

Mr. GRAHAM. I could not answer that question; I think it did for the Union Pacific, the Oregon Short Line, and the O.-W. R. R. & N.

Chairman WALSH. Who was the individual in particular charge of that work for that particular company?

Mr. GRAHAM. The man who did the examining was Mr. Daly.

Chairman WALSH. Is he still with your company?

Mr. GRAHAM. He is with the Southern Pacific at the present time.

Chairman WALSH. What position did he occupy at the time the strike was called?

Mr. GRAHAM. He was, I think, chief draftsman for the Union Pacific; that is, in the mechanical department.

Chairman WALSH. Before the calling of the strike, did you employ persons to guard the company's property?

Mr. GRAHAM. No, sir.

Chairman WALSH. Did you build any stockades before the strike was called?

Mr. GRAHAM. Well, what would you term stockades?

Chairman WALSH. What has generally been described as being a high fence around the place where the men were to be employed.

Mr. GRAHAM. At our main shops at Albina, or Portland, rather, there had been a high board fence around the shop, inclosing it, for 25 years, and there was both at Starbuck and La Grande a high board fence built that summer, but there had been an appropriation for it about a year prior to that.

Chairman WALSH. Did you build any fences or make any physical preparations for the strike prior to the time it was called at any point?

Mr. GRAHAM. Why, yes; what they already had built prior to the time the strike was called.

Chairman WALSH. Well, I mean with reference to the strike?

Mr. GRAHAM. No; I could not say they were built with reference to the strike.

Chairman WALSH. Now, after the strike was called, did your company employ men to guard the company's property?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. How many guards did you have?

Mr. GRAHAM. Well, over the entire system I think we had at one time in the neighborhood of 90.

Chairman WALSH. How did you procure the guards?

Mr. GRAHAM. Oh, our special agents that we have there, an employee of the company, he procured his own men, picking them up.

Chairman WALSH. Who was in charge, before there was any strike, of policing the company's property?

Mr. GRAHAM. Yes; and had been for years.

Chairman WALSH. And he just increased it in his discretion?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. Did you, or any of your subordinates, make any effort to blacklist men that went on the strike?

Mr. GRAHAM. None.

Chairman WALSH. What steps did your company take, if any, to secure the support of business men or business men's associations or commercial clubs?

Mr. GRAHAM. What is that?

Chairman WALSH. What steps did your company take, or what efforts did it make, if any, to secure the support of business men's associations?

Mr. GRAHAM. I don't know that we did anything in particular in that way.

Chairman WALSH. Did you submit your side of the controversy to business men's organizations out in that country——

Mr. GRAHAM. No, sir.

Chairman WALSH (continuing). With the idea of having them pass resolutions?

Mr. GRAHAM. No, sir.

Chairman WALSH. What steps, if any, did you take to give publicity to the company's side of the controversy?

Mr. GRAHAM. We took no steps whatever.

Chairman WALSH. Sir?

Mr. GRAHAM. No steps whatever.

Chairman WALSH. Was there any effort made at any points along the lines to induce merchants to refuse credit to strikers or their families while the strike was going on?

Mr. GRAHAM. No, sir; on the contrary, I think everything had the appearance of them refusing credit to the men who were brought in.

Chairman WALSH. Do you know anything of the character of the men who were employed as special agents or guards after the strike started?

Mr. GRAHAM. No; I don't know any more than just coming in contact with them; they were men I was not particularly acquainted with, with the exception of two I was personally acquainted with.

Chairman WALSH. To your knowledge, or from hearsay, were any of the guards employed during the strike men of bad character or previous criminal record?

Mr. GRAHAM. No, sir.

Chairman WALSH. Were any guards or special officers arrested for violations of law during the pendency of the strike?

Mr. GRAHAM. I only remember one who was arrested. He had had some little trouble with a man who was trespassing on the company's property.

Chairman WALSH. Just that one case?

Mr. GRAHAM. That is all I remember about.

Chairman WALSH. Do you know of any of your former employees being arrested during the strike?

Mr. GRAHAM. Yes; a number of them.

Chairman WALSH. Generally speaking, what were the charges?

Mr. GRAHAM. Well, charges of fighting or assaulting men who were going to or from the shops.

Chairman WALSH. How general was it, Mr. Graham?

Mr. GRAHAM. Not to any very great extent.

Chairman WALSH. Any great number arrested?

Mr. GRAHAM. Oh, I think, all told, there were about 11 arrests made.

Chairman WALSH. During the entire strike?

Mr. GRAHAM. Yes; that is all the men who went out on the strike, that is my recollection now. I think I have got all that with me at the hotel.

Chairman WALSH. I wish you would submit that.

Mr. GRAHAM. I will.

(See Graham Exhibit No. 2.)

Chairman WALSH. Were there any violations in which serious injury was inflicted or life was lost?

Mr. GRAHAM. No; not any more than injuries, beating a man up, having a sore head for a few days.

Chairman WALSH. Was liquor permitted in the inclosure about your shops where the strike breakers lived?

Mr. GRAHAM. Absolutely not.

Chairman WALSH. Have wages been increased or reduced since the strike?

Mr. GRAHAM. There has been some slight increase since the strike, which I will submit later.

Chairman WALSH. You have that, have you?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. I wish you would.

(See Graham Exhibit No. 3.)

Chairman WALSH. I am going to ask you about the wages paid in your shop. What are the wages paid to helpers, Mr. Graham?

Mr. GRAHAM. Twenty-three cents an hour to machinists' helpers.

Chairman WALSH. What is that?

Mr. GRAHAM. Twenty-three cents an hour to machinist helpers, and also blacksmith helpers. That varies, you know, from 21 cents up to 25 cents. It is in relation to the fire that is on.

Chairman WALSH. Shop clerks, what are their salaries?

Mr. GRAHAM. Our shop clerks, from $95 to $110.

Chairman WALSH. Approximately, how many at $95, and what proportion would that be—that would be your minimum; that is, $95 per month to $110 per month?

Mr. GRAHAM. Yes; I could not tell you just how many there are at each. I think I have that, too.

(See Graham Exhibit No. 4.)

Chairman WALSH. But the minimum is $95 and the maximum $110?

Mr. GRAHAM. No; the minimum is that, except for the office boy, the younger, junior, clerk in the office, you know.

Chairman WALSH. Is there more than one in each office?

Mr. GRAHAM. I have only one in my office.

Chairman WALSH. Car helpers and repairers, what are their wages?

Mr. GRAHAM. Well, their wages vary from 21 cents up to 27 and 27½ cents an hour.

Chairman WALSH. Blacksmiths?

Mr. GRAHAM. Blacksmiths, their wages are from 28 cents up to as high as 45 cents.

Chairman WALSH. How many hours per day do the car repairers work?

Mr. GRAHAM. Ten hours.

Chairman WALSH. And blacksmiths?

Mr. GRAHAM. Nine hours.

Chairman WALSH. And what is the pay rate for machinists?

Mr. GRAHAM. Prior to the strike and at the time of the strike machinists were getting 42 cents an hour; now 44.

Chairman WALSH. And boiler makers?

Mr. GRAHAM. Boiler makers, as high as—paid at the time of the strike; that is, the ordinary boiler maker was 44 cents.

Chairman WALSH. How does the present efficiency of your shop compare with that of the force you had prior to the strike?

Mr. GRAHAM. At the present time?

Chairman WALSH. Yes, sir.

Mr. GRAHAM. One hundred per cent.

Chairman WALSH. They compare favorably, then?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. Was your objection to the System Federation based on the demand that all the Harriman lines negotiate as a unit, rather than with the crafts—asking that your company deal with them as a unit?

Mr. GRAHAM. Our company, the company I represent.

Chairman WALSH. I wish you would state, as briefly as you can, the reason for your objections, Mr. Graham. You need not go into detail, because we will have to hurry through in order to let some of these other gentlemen get away.

Mr. GRAHAM. In the first place, it meant the turning of the management practically over to the men. They would dictate who you should hire; they would dictate the men—if this was adopted, they would dictate who you should hire; they would govern the hours of labor; they demanded that the hours of labor be uniform in all shops in the different crafts regardless of conditions, which is hardly practicable in any railroad shop, for the reason that the hours of labor—the work may require more hours to keep the repairing up in the car department than in the locomotive department, so that it is not practicable. Furthermore, the men in the car department when you made contracts asked for a 10-hour day, insisted on it. And it also meant that every man employed become a member of the organization—whatever organization it was in this federation—and they gave them 30 days' time after their contracts were entered into to join. And I also considered that meant the throttling of industrial freedom for the employee. I have always contended that any employee had a perfect right whatever—his inalienable right; he can belong to the union if he wanted to, or he can refrain from it if he wanted to, and that he should have the same right and privileges in the shop that the union men had. We never question a man when we are hiring him—or did before this—whether he was union or nonunion.

Chairman WALSH. Briefly, without going into detail, how did you start in the railroad service? Did you come up from the ranks or otherwise?

Mr. GRAHAM. From a machinist.

Chairman WALSH. You are a machinist?

Mr. GRAHAM. Yes, sir.

Chairman WALSH. What other official positions did you occupy until you got to the present one?

Mr. GRAHAM. What?

Chairman WALSH. What official positions have you held with the railroad company?

Mr. GRAHAM. Oh, I was foreman in various shops. I have worked both in railroad shops and in contract shops for the past 29 years, almost 30 years. I have either been foreman or master mechanic, or superintendent of motive

power. For the last 22 years, you might say—yes, 22 years—I have held the position as superintendent of motive power.

My present position I have occupied for 20 years. Two years prior to that I was in the same capacity on the Iowa Central. It was not—I did not have the title as superintendent of motive power there. It was general master mechanic. I do not assume to give the title as superintendent of motive power.

Commissioner AISHTON. I understood your testimony was that about two weeks' time in every year was occupied in negotiations on schedules with the organizations of the shop crafts?

Mr. GRAHAM. Well, when we first entered into that, about two weeks, but the first we went into was with the machinists in October, 1909, and I put in a little over a week with them at that time. Then came up next was the boiler makers, and I think I was there about two days with them. Then the carmen; no, the blacksmiths and then the carmen. These were easy after we had made a contract with the one; the others were practically the same.

Commissioner AISHTON. In other words, certain rules applied to——

Mr. GRAHAM (interrupting). The only difference there was was in the carmen; they asked for a 10-hour day. They wanted more time.

Commissioner AISHTON. How about the carmen? Carmen are not ranked as skilled laborers the same as machinists; they do not require the same degree of efficiency, do they?

Mr. GRAHAM. No; not as a general thing, except such as coach carpenters, upholsters, and painters.

Commissioner AISHTON. But on freight-car repairing?

Mr. GRAHAM. No; most anyone can build himself up to a freight-car repairer.

Commissioner AISHTON. Any man that can handle a hammer and saw and drive a nail can be a car repairer?

Mr. GRAHAM. In other words, it is not class work.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all. Thank you. Please submit the data. You are excused permanently.

TESTIMONY OF MR. HENRY C. BAINING.

Chairman WALSH. Please state your name, address, and occupation.

Mr. BAINING. Henry C. Baining, 9437 Champlain Avenue, Chicago.

Chairman WALSH. Occupation?

Mr. BAINING. Truck builder.

Chairman WALSH. Are you a married man?

Mr. BAINING. Yes, sir.

Chairman WALSH. How many children have you?

Mr. BAINING. I have three.

Chairman WALSH. How long have you been married?

Mr. BAINING. Fifteen years.

Chairman WALSH. Are you employed at the present time?

Mr. BAINING. No.

Chairman WALSH. Where have you lived, during the period of your married life?

Mr. BAINING. In Chicago.

Chairman WALSH. Chicago?

Mr. BAINING. Yes.

Chairman WALSH. During the entire 15 years?

Mr. BAINING. Yes.

Chairman WALSH. You are a native of what place?

Mr. BAINING. Of the United States.

Chairman WALSH. Of what State of the United States?

Mr. BAINING. The State of Illinois.

Chairman WALSH. Did you ever work for the Illinois Central Railroad Co.?

Mr. BAINING. Yes, sir.

Chairman WALSH. How long did you work for them?

Mr. BAINING. Two years.

Chairman WALSH. What was your line of occupation?

Mr. BAINING. Truck building.

Chairman WALSH. What were your wages when you were working for them?

Mr. BAINING. Seventeen and seventeen and one-half cents an hour.
Chairman WALSH. And where did you work for the company?
Mr. BAINING. I worked as a pipe-fitter helper.
Chairman WALSH. Where?
Mr. BAINING. At the Illinois Central, Burnside.
Chairman WALSH. What shop?
Mr. BAINING. Burnside shop.
Chairman WALSH. Do you remember, was your pay increased during the time you were there?
Mr. BAINING. It was, after I changed into truck building.
Chairman WALSH. What did you get as a truck builder?
Mr. BAINING. Well, I was working piecework and daywork. I was getting 19 cents an hour daywork.
Chairman WALSH. What was your average monthly pay check when you were making 19 cents an hour?
Mr. BAINING. About thirty-five to thirty-six a month.
Chairman WALSH. About what?
Mr. BAINING. Thirty-five to thirty-six a month.
Chairman WALSH. Thirty-five to thirty-six dollars a month?
Mr. BAINING. Yes; but we got piecework between that.
Chairman WALSH. What?
Mr. BAINING. We got piecework that made an average of about $55 a month.
Chairman WALSH. So your total average amounted to about $55 a month?
Mr. BAINING. Yes.
Chairman WALSH. What house rent do you pay?
Mr. BAINING. Fifteen dollars a month.
Chairman WALSH. What would your grocery and meat bills average?
Mr. BAINING. Oh, they would average $20, $22, or $23 a month.
Chairman WALSH. Have you figured it up so you could give it with any degree of accuracy?
Mr. BAINING. No; I have not.
Chairman WALSH. How do you get at it being $22 or $23 a month?
Mr. BAINING. Well, some months, of course, it would be that we would buy, in wintertime, we could buy a little more meat in the piece more than we could in the summer, because it kept better and longer, and you could buy a bigger piece and you could get it cheaper than in the summer.
Chairman WALSH. Is your life insured?
Mr. BAINING. It is not now; it was.
Chairman WALSH. It is not now?
Mr. BAINING. No, sir.
Chairman WALSH. During the time you were working, did you carry insurance on your life?
Mr. BAINING. Yes.
Chairman WALSH. In what company?
Mr. BAINING. I was in the Independent Order of Affairs, the Canadian Order of Affairs.
Chairman WALSH. How much insurance did you carry?
Mr. BAINING. One thousand dollars.
Chairman WALSH. Approximately, what premium did you pay?
Mr. BAINING. One dollar and fifty-five cents.
Chairman WALSH. Was your wife and children insured?
Mr. BAINING. Yes, sir.
Chairman WALSH. Your children?
Mr. BAINING. My children, they carried theirs in an insurance policy, the Metropolitan.
Chairman WALSH. Industrial insurance company?
Mr. BAINING. No.
Chairman WALSH. In the Metropolitan?
Mr. BAINING. Yes.
Chairman WALSH. Was your wife insured, also?
Mr. BAINING. Yes, sir.
Chairman WALSH. What did her insurance cost?
Mr. BAINING. Her insurance, she was in a Catholic order; some months it would be cheaper than others, but it was an average of about $1.05 a month.
Chairman WALSH. Does she still carry insurance?
Mr. BAINING. No, sir.
Chairman WALSH. What did it cost for the insurance of your children?

Mr. BAINING. Well, it cost 60 cents a week.

Chairman WALSH. Did your house rent include fuel and light, or either one?

Mr. BAINING. Yes, sir.

Chairman WALSH. How much did you pay for your house rent, you say?

Mr. BAINING. Fifteen dollars a month.

Chairman WALSH. And was the house heated, or do you live in an apartment?

Mr. BAINING. I heated the house myself.

Chairman WALSH. You heated it?

Mr. BAINING. Yes.

Chairman WALSH. Did you have to buy fuel in addition to your house rent?

Mr. BAINING. Yes.

Chairman WALSH. And what did that cost, was my first question; what did your fuel cost?

Mr. BAINING. It cost about $7.75 per ton for coal.

Chairman WALSH. What sort of coal?

Mr. BAINING. Hard coal.

Chairman WALSH. How much coal did you burn per year?

Mr. BAINING. Oh, about 7 tons.

Chairman WALSH. About 7 tons?

Mr. BAINING. Yes, sir.

Chairman WALSH. What were your milk bills per month?

Mr. BAINING. We got a quart of milk every day, at 8 cents a quart.

Chairman WALSH. Have you figured out what it cost you to live during this time? You say your house rent was $15; my recollection is your grocery bill was $22.

Mr. BAINING. Yes.

Chairman WALSH. And insurance for yourself, how much?

Mr. BAINING. One dollar and fifty-five cents.

Chairman WALSH. Insurance for your wife, how much?

Mr. BAINING. One dollar and five cents.

Chairman WALSH. And insurance for the children?

Mr. BAINING. About 60 cents.

Chairman WALSH. About 60 cents a what?

Mr. BAINING. A week.

Chairman WALSH. Did you have three of them insured?

Mr. BAINING. Two of them. I didn't have the third one then.

Chairman WALSH. I don't understand that 60 cents a week; 60 cents a week for the two children?

Mr. BAINING. Yes; 15 cents a week apiece.

Chairman WALSH. Fifteen cents a week each?

Mr. BAINING. Yes.

Chairman WALSH. How did you light your house?

Mr. BAINING. With gas.

Chairman WALSH. What did it cost you per month for gas?

Mr. BAINING. Our gas bill ran about $2.50 to $2.60 a month.

Chairman WALSH. And the milk, how much per month?

Mr. BAINING. Oh, about $2.40—something like that.

Chairman WALSH. How often did you have to buy shoes for your children?

Mr. BAINING. About every six weeks.

Chairman WALSH. As I figure the actual expense, it is $50.58 per month. How often do you buy a new suit of clothes for yourself?

Mr. BAINING. I haven't bought one yet.

Chairman WALSH. What is that?

Mr. BAINING. I didn't buy one in six years.

Chairman WALSH. Didn't buy a suit of clothes in six years?

Mr. BAINING. No, sir.

Chairman WALSH. Did you get any help from any other member of your family? Did you wife work?

Mr. BAINING. Yes, sir.

Chairman WALSH. At what occupation?

Mr. BAINING. She took in two boarders.

Chairman WALSH. Kept two boarders?

Mr. BAINING. Yes, sir.

Chairman WALSH. You say that you at some period did piecework?

Mr. BAINING. Yes, sir.

Chairman WALSH. I wish you would describe what the change was from daywork to piecework; what was it; how was it changed to piecework?

Mr. BAINING. It is in the daywork, piecework; when you work piecework you have to work hard, slave; when you work daywork you didn't have to work quite as hard; didn't have to work quite as hard.

Chairman WALSH. What was the difference in your compensation, in pay?

Mr. BAINING. Well, quite a bit of difference.

Chairman WALSH. How much did you make when you were on piecework?

Mr. BAINING. On piecework, from 35 cents an hour.

Chairman WALSH. What would your pay check amount to when you were on piecework?

Mr. BAINING. Well, it would come up to, some months, come up to as high as $80 to $85 a month.

Chairman WALSH. Would you prefer to work on a piecework basis, or on the hour basis?

Mr. BAINING. Well, I would prefer on the hour basis.

Chairman WALSH. Why?

Mr. BAINING. I would not be so tired when I got home, when I got through with our work.

Chairman WALSH. Well, were you more tired on the piecework system than you were on the hour system?

Mr. BAINING. Yes, sir.

Chairman WALSH. Did you observe any particular effect that it had upon your health?

Mr. BAINING. Well, the only thing I found out was it reduced me—in two years' time it reduced me 11 pounds.

Chairman WALSH. You were 11 pounds lighter?

Mr. BAINING. Yes, sir.

Chairman WALSH. Were you ill at any time during the time you were on piecework?

Mr. BAINING. No; I was not exactly ill.

Chairman WALSH. Now, in what manner—you say you were required to speed up—in what manner were you required to speed up?

Mr. BAINING. If we were working on a kindle-truck frame, put 44 rivets on a kindle, and if an ajax truck, we put 18. And he would run behind with the heavy rivets, and the ajax truck, they would put us back. On the kindle truck we could knock them out quicker than we could the ajax, and we used to get quite a bunch of ajax trucks, and they are a heavier truck frame than the kindle-truck frame.

Chairman WALSH. I want to get what other facts you have upon which you base your conclusion that they speeded you up? Was there a time study made of the time of the different operations performed?

Mr. BAINING. Well, we had only so many hours—we had so many hours—we had nine hours to work in—and wanted to get our day's work out.

Chairman WALSH. Well, who set the task? Who set the amount of work that was to be done?

Mr. BAINING. Why, there was nobody——

Chairman WALSH. Nobody set it?

Mr. BAINING. No.

Chairman WALSH. You did not have any time study?

Mr. BAINING. No.

Chairman WALSH. You did not have any bonus?

Mr. BAINING. No, sir.

Chairman WALSH. How old are your children?

Mr. BAINING. Well, one is 13, the oldest; the other will be 10, and the baby will be 2 in May.

Chairman WALSH. Do both of the older ones go to school?

Mr. BAINING. Yes, sir.

Chairman WALSH. Where do you live in the city? How far from the center of the city?

Mr. BAINING. I live at Ninety-fifth Street.

Chairman WALSH. Do you have any expenses for car fare?

Mr. BAINING. I do now. When I go out looking for work anywhere.

Chairman WALSH. I mean, when you were working, did you have any expenses for car fare?

Mr. BAINING. No, sir.

Chairman WALSH. Did you go out on the strike?

Mr. BAINING. Yes, sir.

Chairman WALSH. When?

Mr. BAINING. I think it was the 30th of September.

Chairman WALSH. What have you done since, Mr. Baining?

Mr. BAINING. Oh, I have been knocking around, doing little odds and ends of jobs, doing repair work and digging garden and—oh, little jobs that I could do, like building fences and painting sheds, and so forth.

Chairman WALSH. Have you undertaken to get regular work?

Mr. BAINING. Well, I have worked out in Hegewisch a while and out in Pullman off and on, and work two or three months and then get laid off and shut out again.

Chairman WALSH. I was going to ask you how long a period of permanent employment have you had since you went out on a strike?

Mr. BAINING. I worked about eight months steady.

Chairman WALSH. Did you consider the possible consequences to yourself and family of going on a strike, Mr. Baining, before you went out?

Mr. BAINING. Yes, sir.

Chairman WALSH. What determined in your mind, finally, the fact that you would go out?

Mr. BAINING. Why, to get better terms.

Chairman WALSH. Were you a member of the craft organization during all the time you were on the Illinois Central?

Mr. BAINING. No; not all the time. I was in the last six or seven months—last eight months that I worked there.

Chairman WALSH. Had you belonged to any union prior to that time?

Mr. BAINING. Yes; the car workers.

Chairman WALSH. What was the nature of your employment prior to the time that you worked on the Illinois Central? Had you been with any other railroads?

Mr. BAINING. No, sir.

Chairman WALSH. That was your first employment with a railroad?

Mr. BAINING. Yes, sir.

Chairman WALSH. What had been your employment prior to that time?

Mr. BAINING. Before I went to work for the railroad?

Chairman WALSH. Yes, sir.

Mr. BAINING. Drop-forge worker.

Chairman WALSH. What company did you work for immediately before?

Mr. BAINING. I worked for the Union Drop Forge over on Ohio and Orleans.

Chairman WALSH. Were you married in Chicago?

Mr. BAINING. Yes, sir.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock, and please be here at 2 o'clock, Mr. Baining. Somebody may have some questions to ask you.

(Thereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m., of this Saturday, April 10, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. Please take the stand again, Mr. Baining.

Mr. Aishton, did you desire to ask Mr. Baining any questions?

Commissioner AISHTON. No, sir; I did not. I think Mr. Ballard had a question to ask of the witness.

Chairman WALSH. Mr. Ballard has a few questions he would like to submit to you.

Commissioner BALLARD. I will just ask you—you say while you were working at this shop your wife had two boarders?

Mr. BAINING. Yes, sir.

Commissioner BALLARD. What did they pay per week?

Mr. BAINING. Four and one-half dollars per week.

Commissioner BALLARD. Apiece?

Mr. BAINING. Yes, sir.

Commissioner BALLARD. The two paid $9 a week, and that amounts to nearly $40 a month that your wife got?

Mr. BAINING. Yes.

Commissioner BALLARD. You say you struck because you wanted to get better conditions and better wages?

Mr. BAINING. Yes, sir.

Commissioner BALLARD. Who persuaded you to strike?

Mr. BAINING. Who persuaded me to strike?

Commissioner BALLARD. Yes, sir.
Mr. RAINING. My own conscience.
Commissioner BALLARD. You thought that you were not getting enough?
Mr. RAINING. I didn't think I was—I was getting enough, but I was not treated right.
Commissioner BALLARD. How long ago was that?
Mr. RAINING. Four years the 30th of December.
Commissioner BALLARD. Have you ever had as good a job since?
Mr. RAINING. Yes.
Commissioner BALLARD. You did not keep it, though?
Mr. RAINING. I could not hold it on account of bad times.
Commissioner BALLARD. And you have none now?
Mr. RAINING. No, sir.
Commissioner BALLARD. That is all.
Chairman WALSH. That is all; thank you, Mr. Raining. You will be permanently excused.
Mr. Fuller. Is Mr. Fuller in the room?

TESTIMONY OF MR. C. E. FULLER.

Chairman WALSH. State your name, please.
Mr. FULLER. C. E. Fuller.
Chairman WALSH. What is your business?
Mr. FULLER. Superintendent of motive power of the Union Pacific Railroad.
Chairman WALSH. Please describe your duties as superintendent of motive power of the Union Pacific?
Mr. FULLER. General supervision of all matters pertaining to the maintenance of equipment and mechanical matters.
Chairman WALSH. Did you hold the same position in 1908?
Mr. FULLER. Not on the Union Pacific.
Chairman WALSH. What position did you hold with the Union Pacific in 1908?
Mr. FULLER. I was not with the Union Pacific in 1908.
Chairman WALSH. I wish you would tell us what your various employments—official employments—have been, commencing with this one; you have already stated that, but go backward for the last 10 or 15 or 20 years.
Mr. FULLER. Do you want me to go backward or begin at the beginning?
Chairman WALSH. Go backward—whichever way you please.
Mr. FULLER. Well, prior to being on the Union Pacific I was superintendent of motive power of the Chicago & Alton Railroad; prior to that assistant superintendent of motive power of the Erie.
Chairman WALSH (interrupting). How long were you with the Chicago & Alton?
Mr. FULLER. A little over five years. Then I was assistant mechanical superintendent of the Erie for about three years; superintendent of motive power of the Central of Vermont for eight years prior to that; prior to that master mechanic of the Erie for about three years; prior to that apprentice—mechanical engineer, machinist, roundhouse foreman, and general foreman of the shops of the Vandalia.
Chairman WALSH. Could you tell us, as a matter of history of the Union Pacific, what the causes of the strike of 1908 were and how it was settled?
Mr. FULLER. I know very little of the trouble with the Union Pacific at that time. I learned more about it to-day than I really ever have known before; it seems to have been some kind of piecework introduction.
Chairman WALSH. But you have no personal knowledge of it?
Mr. FULLER. I have no personal knowledge.
Chairman WALSH. Any more than we have already learned here?
Mr. FULLER. Yes.
Chairman WALSH. Very good. State what craft unions you have dealt with prior to the strike of 1911, how the contracts and agreements were made, what time it took to make them, and the typical points of difference that were raised at such conferences; in other words, in hurrying to let some of you gentlemen off, I wish you would epitomize the things as you have heard them put to the other witnesses.
Mr. FULLER. The conferences with the crafts were principally with the machinists, blacksmiths, and carmen. The conferences were on wages, as well as conditions prevailing in the shops. The last conference I had, as I re-

member, with the machinists, took three days and one-half, with the boiler makers or blacksmiths about a day or a day and a half, and with the carmen about a day.

Chairman WALSH. And what were the points you say that came up, just wages?

Mr. FULLER. Simply wages and conditions under which the men worked in the shops.

Chairman WALSH. What was your first notification from the newly organized federation that there had been such a federation formed?

Mr. FULLER. In the latter part of June or the early part of July, 1911, I received a communication from our machinists by Mr. Grace and from our carmen through their secretary, Mr. Tucker, and from the boiler makers from—I forget his name—and two communications from outsiders, from California, representing themselves as covering the blacksmiths and the shop federations on the Harriman lines, by John Scott. I will file these if you wish with the correspondence and their schedules.

Chairman WALSH. I wish you would.

(The witness submitted the correspondence referred to. It appears among the exhibits at the end of this subject as "Fuller Exhibit.")

You spoke of schedules. You mean schedules of demands that they had?

Mr. FULLER. Schedules of demands, including wages and conditions.

Chairman WALSH. Could you give us the substance of the demands that were contained in this schedule that were not usually contained in schedules of the craft unions, if any?

Mr. FULLER. The closed shop was the principal one, giving us notice that within 30 days any employees who did not belong to the crafts would be given 30 days to join on the signing of the agreement.

Chairman WALSH. Was there a request accompanying it to the effect that the dues of the members should be kept out of their pay by the company?

Mr. FULLER. No request of that kind has ever been made to our knowledge.

Chairman WALSH. Please state the substance of what was your reply.

Mr. FULLER. I would like to read this. They were practically all the same with the exception of one to the men in California. I replied on the 29th of July to Mr. Grace as follows [reading]:

"Your favor of June 30 received, and in reply would advise that if a committee of machinists desire to meet me to discuss the machinists' working rules I will be very glad to arrange for a meeting with such committee as in the past, but can not accede to the request to meet with other crafts at the same time."

I replied to Mr. Scott on July 29, in California [reading]:

"Your letter under date of 27th received, and in reply beg to advise that it has always been the policy of this company to deal directly with its own employees and we can not see our way clear to deviate from this practice. If any classes of our employees desire a change in their present working rules and schedules, they fully understand that upon their direct request they will be given a hearing and full consideration."

Chairman WALSH. Now, did you have any other communications with men prior to the strike?

Mr. FULLER. My letters were the last that I have heard in any way, shape, or form.

Chairman WALSH. Why were the demands contained in the request objected to by you?

Mr. FULLER. The closed shop was the principal objectionable feature and their desire to meet as a federated body.

Chairman WALSH. How was the policy of your line and of the other lines, the Harriman lines, determined toward this proposition? Just state whether any conferences were had with any other officials or any correspondence, the substance of any correspondence that took place between you.

Mr. FULLER. There was no correspondence to my knowledge. We did in the summer ascertain whether or not the crafts on the other lines had made the same request and were informed they had. After that there was nothing done, there was nothing that came up. We waited from in July until the strike was called to see whether they would come to us locally or not. They did not.

Chairman WALSH. Did you make any effort to meet the men and discuss the new question raised by the federated trades?

Mr. FULLER. We did not.

Chairman WALSH. Was there any effort made by either side to bring about mediation, conciliation, or arbitration?

Mr. FULLER. Not that I know of. As time went on, I was approached by a good many of the men to explain what the situation was. It was plain that very few of them knew exactly what this federated movement meant. And on August 28, 1911, I issued the following letter, which I would like to read, if you care to hear it.

Chairman WALSH. I wish you would.

Mr. FULLER [reading]:

"OMAHA, NEBR., *August 28, 1911.*

"*To all shop employees of the Union Pacific Railroad Co.:*

"In view of the rumors of an impending strike on the part of shop employees of Union Pacific Railroad Co., growing out of certain demands of the federation of shop employees of all the Harriman lines, it is deemed important that the men fully understand the exact character of the demands which are made upon the company and of the situation in which it places the shop employees themselves. The company therefore presents to you a concise statement of the principal demands made by the federation, together with a number of reasons showing why the demands are not fair and should be withdrawn.

"1. It is demanded that the Union Pacific Railroad Co. shall no longer treat directly with its own employees, or its own crafts or organizations, but that it shall deal with a federation of shop employees consisting of workmen employed upon the Southern Pacific, Oregon Short Line, Oregon-Washington Railroad & Navigation Co., and other Harriman lines, including the Union Pacific.

"This company submits for consideration whether it would be wise in view of the friendly relations now existing between the company and its men, relations which are constantly improving, to disrupt the ties that bind together the company and its employees for the mere purpose of meeting the demands of workmen engaged upon other roads, whose interests are entirely separate and distinct from those of the employees of the Union Pacific Railroad Co.

"2. The demand is made that the company stop treating with the separate mechanical crafts of its employees and that it deal with a federation of craftsmen engaged in shopwork, consisting of machinists, blacksmiths, boiler makers, car-department employees, and others.

"This company has had schedules with its various crafts, each of which works under conditions peculiar to itself, and the relations in so dealing with the crafts have been pleasant and satisfactory. The result of this demand, if granted, would be that certain crafts would have the privilege of insisting upon demands for other crafts, which might involve matters in direct conflict with the interests of the individual crafts.

"3. The demand is made that the men in charge of mechanics must be mechanics.

"In other words, that foremen must belong to their organization, because in order to be a mechanic under the proposed rules an employee must be a member.

"4. The demand is made that the competency of employees entering the service shall be determined within 30 days.

"Under such a rule, if a workman was found to be incompetent after 30 days' service he could not be discharged on that ground.

"5. It is demanded that employees shall not be requested to undergo any form of physical examination or make out any form of personal record.

"The enforcement of such a rule would prevent the company from ascertaining the actual truth as to the physical, moral, and other qualifications of the men it seeks to employ.

"6. It is demanded that men shall not be required to work on engines outside of shops in bad weather; that no work shall be done on engines undergoing repairs until they have been cleaned; and that roundhouses shall be piped within 90 days, in order to carry away the steam blown out of engines.

"As to these demands it must be apparent, first, that there are times when it is absolutely necessary to have certain repairs done on engines outside of the shops in bad weather, and an absolute rule forbidding it would materially interfere with the service which the public is entitled to have; second, it must also be obvious that it is impossible to always clean the engines before any repair work is done upon them. The enforcement of such a rule would frequently prevent the use of a locomotive when imperatively needed to clear up a congestion of traffic; third, the company is piping all of its new roundhouses for the purpose of carrying away steam blown off from engines and within a reasonable time all of its roundhouses will be so equipped. The company is improving the physical condition of its prop-

city as fast as circumstances will permit. The present excellent condition of its railroad, including buildings, speaks for itself.

"7. The demand is made that a workman be not discharged or suspended without the previous consent of a committee of shop employees.

"The enforcement of such a rule would deprive the company of the power to maintain discipline.

"8. It is demanded that employees in outlying districts be given leave of absence and transportation upon 10 days' demand without regard to the needs of the company or the number of applicants asking for leave at the same time, or the ability of the company to furnish substitutes.

"9. It is demanded that all present and future employees not members shall join the organization making the demands in 30 days.

"This means, of course, the discharge of all employees who will not or can not obtain membership in the organization.

"10. The adoption of a rule is demanded which will result in the promotion of the oldest man in a given shop to the position of foreman whenever a vacancy occurs.

"The enforcement of such a rule would mean not only that the company would be deprived of the privilege of selecting its own officers, but in addition thereto might mean the selection of a foreman who was utterly incompetent to direct the labors of other employees however skillful he might be as a workman under the supervision of some other foreman.

"11. The demand is made that employees who are sent to the hospital for injuries or sickness shall remain there as long as the patients and the members of their organization think it necessary, regardless of the views of the experienced surgeons in charge.

"12. It is demanded that all employees be paid by the hour, abolishing all monthly bonus or premium systems of compensation, notwithstanding the fact that some of the crafts in the past have requested the bonus system, which has enabled them to make high premiums over their daily wages.

"13. The demand is made for a flat increase of 7 cents per hour and a bonus of one hour per week for all shop employees, and in addition thereto other methods of increasing the compensation for time worked, which, in the aggregate, would increase the expenses of Union Pacific Railroad Co. alone $1,500,000 per year.

"Attention is called to the fact that Union Pacific shop employees have received two general increases in pay since 1900, averaging an increase of 15 per cent for all shopmen; the rate of skilled mechanics being raised in this period from a minimum of 34 and a maximum of 37 cents to a minimum of 40 and a maximum of 43 cents per hour. The present rate of pay is generally higher than on other roads in our territory.

"With the business of the country rapidly declining, having held the retrenchment of forces longer than other lines in the same territory, this company deplores the present situation when it has striven so hard in the past to do as well or better than its neighboring competing lines in the matter of wages and expenditures to provide better shop facilities. It would therefore seem unwise and unjust in view of the treatment heretofore extended that the men should at this time inject a condition that further reduces prosperity and employment.

"This company feels that it has no right to present demands to its employees that are unreasonable or unfair, and it feels that the shopmen have no right to present to it, particularly at this time, conditions that are unfair. On the other hand, it feels that it ought to have the support and encouragement of its shopmen instead of embarrassment and attack.

"Attention is called to the fact that in the new shops at Omaha and in all the shops being erected upon the line in other places the most modern sanitary devices and other modern improvements are being installed, and that everything possible is being done to increase the comfort and convenience of the workmen which it gives the company pleasure to do.

"The employees of the company are also reminded that a pension system has been adopted for their benefit which provides for liberal compensation and free transportation during old age, and that many of the shopmen are now on the pension roll and many others are nearing the age when they will be entitled to such benefits.

"The company has endeavored to treat its employees with consideration and fairness, and now that it is struggling with the burdens of adverse legislation, rate reductions, material tax increases, and a large reduction in earnings, due

to depressed business conditions throughout the country, it submits for the candid consideration of its employees whether it is not unwise for them to be making demands which the company can not meet and producing conditions which may result in the utter demoralization of business conditions, curtailed employment, and in hardship and suffering for themselves and their families.

"The management will continue as heretofore to meet its employees of the respective crafts in such conferences as may be mutually agreed to and as heretofore advised."

Chairman WALSH. Were there any other efforts made to forestall or advise against the strike?

Mr. FULLER. I think what effort was made was made by the officers, who came in contact with the men from time to time.

Chairman WALSH. Was there then a concerted effort on the part of the company's officials to avert the strike?

Mr. FULLER. No; there wasn't any concerted action. The conditions on the Union Pacific railroad were as near a family condition as you could possibly find. The most harmonious relation existed between employees and employer. The men were free to talk to me whenever I went and as free to talk to their immediate officers. And what prompted this letter was the fact that so many men, as I went over the line, and the officers called my attention to the fact that the men were not familiar with the situation, and we felt that it was our duty to place the facts before them in as concise a form as possible, and then let them use their best judgment.

Chairman WALSH. Were there any preparations made for the strike prior to the strike——

Mr. FULLER (interrupting). None whatever.

Chairman WALSH (continuing). That is, the employment of strike breakers, building of stockades——

Mr. FULLER (interrupting). None whatever.

Chairman WALSH (continuing). And fences?

Mr. FULLER. None whatever.

Chairman WALSH. Briefly state what was done afterwards as to the employment of guards. How many were employed, and how did you obtain them, and all that—the same as you have heard asked some other witnesses?

Mr. FULLER. At the time of the shop strike we of course used every effort to fill our shops with competent men. I sent a man of my staff to Chicago, who examined and employed practically all the men employed at that point, with the assistance of others that he picked up. We commenced at once to also employ natives—men who lived in the towns where our shops were located—and for the first three months—October, November, and December—we employed about 50 per cent of the number of men that went out; that is, outside. We then employed, as I say inside, in their town, clerks, druggists, soldiers, street car drivers, motormen—I guess we have got every profession there in our shops to-day—young men that wanted to learn the trade. We took them in and educated them, until we have got practically 90 per cent natives of the towns through which the road runs. We employed guards—not that we had any knowledge of what might occur, but we felt it wise to protect our property and to protect our men. We are very happy to say that it was the best investment ever made, because we did not need them. Our men who went out on strike conducted themselves, as a general thing, in a gentlemanly manner. We employed about 400 guards and distributed them over the different sections of the railroad. These men were employed in towns along the line of the road in most cases. A few were got—I think there were 12 brought from Chicago; I think they were the first guards that were employed—they were all at Omaha.

Chairman WALSH. What steps did you take to give publicity to the company's side of the case?

Mr. FULLER. We didn't do very much. I had an awful time to keep from giving it. I was requested first by the boards of trade and commercial clubs to give a statement; but what to give, we did not know; and finally we formulated this letter that we sent to the shopmen, and we handed that to the commercial men and to the boards of trade who asked for it in the different towns, and we then gave it to such papers as asked for it. That is the only newspaper article that appeared, to my knowledge, from the time of the strike up to the present time that was given by the railroad company.

Chairman WALSH. Was there any effort made to blacklist the men that were on strike, to keep them from obtaining employment?

Mr. FULLER. Not to my knowledge; no, sir.

Chairman WALSH. Did you have any knowledge of strikers being denied the privilege of working for contractors engaged in the construction of roundhouses on your road?

Mr. FULLER. Not to my knowledge.

Chairman WALSH. Do you know of any of them being denied the privilege of working at the company's ice plants, cutting ice, while the strike was going on?

Mr. FULLER. Not to my knowledge.

Chairman WALSH. Did you use any effort with the merchants in the towns along your road to induce them to refuse credit to the strikers along the line?

Mr. FULLER. Not to my knowledge. I will say, very frankly, that we absolutely refrained from in any way interfering with our ex-shop employees. We felt they were citizens and they had a right to leave our service, and felt that in doing that they did not place themselves where we had any right to interfere with them, and we have not done it.

Chairman WALSH. Have the wages been increased or reduced since the strike?

Mr. FULLER. The wages have been increased since the strike. In July, 1913, we gave all shop employees voluntarily an increase.

Chairman WALSH. Will you please give me the rate of pay? First, describe what increase you gave them and to what character of employees it applied.

Mr. FULLER. We gave every employee in the shop, every class of labor, 1 cent increase.

Chairman WALSH. One cent per hour?

Mr. FULLER. Yes; 1 cent per hour. That was July, 1913.

Chairman WALSH. What was the pay to the shop clerks?

Mr. FULLER. I don't know what you mean by "shop clerks." Do you mean the clerks that worked in the shops?

Chairman WALSH. Yes.

Mr. FULLER. It runs from, I think, $60—there may be a few at $50—I think it runs from $60 to $125, depending on the duties and the hours that they work—whatever the shops work; if the shops are working eight hours, they work eight hours, and if the shops work nine hours, they work nine hours.

Chairman WALSH. What do the shops work?

Mr. FULLER. At the present time the shops work eight hours a day, with the exception of the car department, which works nine hours.

Chairman WALSH. What are car builders and repairers paid?

Mr. FULLER. Car builders and repairers were paid from 21 to 26 cents an hour.

Chairman WALSH. And they got the increase you mentioned?

Mr. FULLER. Yes, sir; and I will give the figures before or after, whichever you prefer.

Chairman WALSH. Give them at the present time.

Mr. FULLER. From 21 to 26 cents an hour.

Chairman WALSH. And the blacksmiths?

Mr. FULLER. The blacksmiths get from 41 to 44 cents an hour.

Chairman WALSH. And the machinists?

Mr. FULLER. They get from 41 to 44 cents an hour.

Chairman WALSH. And the boiler makers?

Mr. FULLER. From 41 to 44 cents an hour.

Chairman WALSH. How does the efficiency of your present force of shopmen compare with the force prior to the strike?

Mr. FULLER. We consider our present efficiency as equal in every respect.

Chairman WALSH. Commissioner O'Connell has a few questions to ask you.

Commissioner O'CONNELL. I want to ask a few questions.

Chairman WALSH (interrupting). I want to ask a question or two first.

Did your company sue out any injunctions?

Mr. FULLER. We did not.

Chairman WALSH. Were there any fatalities during the strike—any persons killed on the Union Pacific?

Mr. FULLER. Mr. Grace said yesterday a watchman was killed. I remember something of that kind. I would not say it is so, but I guess he is correct, for I heard something of that kind; that is the only one.

Chairman WALSH. I believe the Omaha tornado occurred during this strike?

Mr. FULLER. The Omaha tornado occurred on Easter Sunday, 1913. It was a very disastrous affair, destroying hundreds of houses—I guess I might say thousands—and killed about 140 or 150 people, making a path through the city about half a mile wide and about 8 miles long.

Chairman WALSH. Was there any assistance rendered to your company by these strikers following the tornado?

Mr. FULLER. There was.

Chairman WALSH. Just describe what it was, please.

Mr. FULLER. On Monday morning I had a check made of every employee in the motive-power department to see if they were on duty and sent out about 150 men with instructions to locate those absent and report their condition, whether they or members of their families had been injured, and whether their property had been destroyed, and by 1.30 we had a very complete report. When the report came in we heard of some of our old employees who were in distress, and we immediately sent men to their homes or where they were stopping, and we checked all employees that were injured, whether in the service then or prior to the strike. We gave assistance to all our employees, both in money, furniture, fuel, grocery supplies, and everything, and even rented rooms for them. We did exactly the same for the former employees; some of them would not take it; others did. We gave them money if money was needed. If they wanted groceries, we sent them groceries. We sent them coal. We sent them anything they wanted, which was done independent of the city's relief. The city had a relief committee out, but we felt an interest in these boys. I was in the tornado zone myself, and my house was badly damaged, but no one in the house hurt. The railroad and the employees donated their money freely, and we raised a very handsome fund, which was distributed to our employees who suffered, as well as the old employees. Some of the old employees, as stated, would not take it. I do not know why, but presume they felt they did not want to take it; others took the relief.

Chairman WALSH. What was your original service with the railroad company, Mr. Fuller? How did you start in the railway service? Did you rise from the ranks of the mechanics, or how?

Mr. FULLER. I worked a year for nothing, to get a start in the drawing room of the Vandalia Railroad, and after serving four years in the drawing room and becoming chief draftsman, I then went into the shop and commenced at 50 cents a day to learn my trade, and served five years.

Chairman WALSH. What was the trade?

Mr. FULLER. I served through every branch of the mechanical department; I went to every department of the shop—machine shop and blacksmith shop, roundhouse, and so forth and obtained as good a knowledge of the entire branch of the motive-power department as I could.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Just continuing that line, were you master mechanic at Olean, N. Y., at one time?

Mr. FULLER. No, sir; I was master mechanic at Jersey City.

Commissioner O'CONNELL. In this circular, Mr. Fuller, that was just read into the record, of which I have a copy, dated Omaha, Nebr., August 28, 1911, in the first paragraph in this circular it reads:

"It is demanded that the Union Pacific Railroad Co. shall no longer treat directly with its own employees."

I have also a copy of the agreement presented to the Union Pacific Co. by the workmen at that time, and I find nothing in that proposed contract that would indicate that there had been any such demand made on the Union Pacific Co.; can you explain that?

Mr. FULLER. In the letters received from the chairmen of the different committees, they requested that we treat with all of the crafts together; so it was the letters or requests in addition to the schedules presented that led us to form the conclusion that they wanted, not an individual craft schedule or conference, but a conference of the federated crafts.

Commissioner O'CONNELL. That is true, but that would not indicate, even though you were going to treat with them as joint crafts that they would not be employees of the company, would it? This indicates that some one outside of the service of the company would come down for that purpose.

Mr. FULLER. I am glad you asked that question, because I think you misunderstood Mr. Grace yesterday. We considered him always as an employee and always dealt with him very pleasantly, but when we got communications from such men as John Scott, secretary of the shop federation of the Harriman lines, at San Luis Obispo, Cal.; and from George L. Baker, secretary district 12, International Brotherhood of Blacksmiths and Helpers, we felt we were receiving communications from outsiders, because the Union Pacific Rail-

road has dealt with and handles all its matters as the Union Pacific Railroad. In other words, the superintendents of motive power of the different lines do not get together and determine what conditions prevail on any other lines; they are just as independent as though dealing with the Rock Island, as far as the shops are concerned.

Commissioner O'Connell. That construction might be put upon that by you, but I am speaking of the agreement presented by the men, joint agreement, covering all employees of the mechanical department; there is nothing in this agreement, if it should be made, that indicates you would have to deal with any other persons except those in your own employ, is there?

Mr. Fuller. No; I don't know that there is, so far as the boiler makers are concerned, so far as the carmen are concerned, or the pipe fitters; they did not present a schedule. The machinists presented a schedule, and one other craft that I have forgotten now; but the fact that in the case of the blacksmiths with whom we had a schedule that had been in successful and satisfactory operation, that we should be notified by an outsider instead of the local president of the blacksmiths' union, and that we received no requests from them but did receive them collectively from some one not in the employ of the Union Pacific Railway, made it look to us that way.

Commissioner O'Connell. In the third paragraph of your circular is this [reading]:

"Demand is made that the men in charge of the mechanics must be mechanics; in other words, the foreman must belong to the organization."

I do not find anything in that agreement to that effect, that the foreman must be a member of the organization.

Mr. Fuller. Clause 9 states that any employee who does not belong to the craft will be given 30 days to join it and at the expiration of 30 days we would not have anyone in our shop but members of one or the other organizations.

Commissioner O'Connell. Were any of your foremen members prior to the strike—were any of your foremen, prior to the strike, members of the organization?

Mr. Fuller. I think there were seven or eight foremen scattered over the road that were members, and I think there were others that were members that had cards not active; yes; I think we had a great many of our foremen that blonged to the organization in some way or other.

Commissioner O'Connell. In any conferences had with the organizations prior to the presentation of the present agreement, or the agreement latterly presented, was there any demand ever made by the individual organizations that the foremen should be members of the organization?

Mr. Fuller. Not to me; no, sir.

Commissioner O'Connell. In paragraph 5 of your circular, it says:

"Demand is made that the workmen be not discharged or suspended without previous consent of committee of shop employees."

Again, I do not find anything in the contract presented indicating any such request.

Mr. Fuller. Well, I think, Mr. O'Connell, it is the way you read it. That is what it means.

Commissioner O'Connell. That is your construction of it?

Mr. Fuller. Yes.

Commissioner O'Connell. In paragraph 10 it reads:

"The adoption of a rule is demanded which will result in the promotion of the oldest man in the shop to the position of foreman whenever a vacancy occurs."

That is simply the application of the rule of seniority, isn't it, applying in all railroad service?

Mr. Fuller. Yes; but the application of seniority in the shop and on the road is entirely different. Seniority on the road is, if a man is not physically capable of performing the duty he would not be in the position he was; but take mechanics in the shop, we have a lot of them that are deaf and have afflictions, and we have not applied the physical and medical examination to our men to find out whether they were perfect in every particular; we have done very little of it, practically none, to tell the truth, and we have men who would not be competent as foremen.

Commissioner O'Connell. Then your idea is that the organization would demand, without regard to his physical or mental or productive ability, that he be promoted if a vacancy occurred?

Mr. FULLER. There is danger of it. We feel that we, as employers, should select our own officers; it leads up to a controversy.

Commissioner O'CONNELL. Is that general in the transportation service?

Mr. FULLER. What is that?

Commissioner O'CONNELL. In the promotion, do you select, for instance, an opportunity of a man advancing from driving a freight locomotive to running a passenger locomotive?

Mr. FULLER. No; seniority prevails.

Commissioner O'CONNELL. Why should not the same rule prevail in the mechanical department?

Mr. FULLER. It does not prevail from conductor to trainmaster or from engineer to road foreman of engines for exactly the same reason.

Commissioner O'CONNELL. In rule 12 [reading]:

"It is demanded that all employees be paid by the hour, abolishing all monthly bonus or premium systems."

Has it not always been the custom that the employees are rated by the hour?

Mr. FULLER. So far as the Union Pacific Railroad is concerned, it has been customary, but at one time it was not; well, I will answer that yes, as a general rule, but the pay by the hour means just what it says.

Commissioner O'CONNELL. It means to be rated so much per hour?

Mr. FULLER. It means to be paid by the hour. How could you pay them piecework, if you are going to pay by the hour? I can not conceive how we could stretch the point. If we pay by the hour, we pay on the hourly basis, a stipulated amount, while in piecework the men would make more, possibly make twice as much. Now, we could not pay it and live up to the letter of the contract.

Commissioner O'CONNELL. You have worked piecework on the Union Pacific?

Mr. FULLER. Yes, sir.

Commissioner O'CONNELL. To what extent?

Mr. FULLER. In the car department probably 50 per cent, in the boiler shop 25 per cent, in the blacksmith shop a little, I don't remember the percentage.

Commissioner O'CONNELL. Was it not the understanding some few years prior to the strike, that piecework was to be gradually eliminated by the Union Pacific by an adjustment?

Mr. FULLER. I don't know anything about it.

Commissioner O'CONNELL. Has piecework been increased or decreased during your administration?

Mr. FULLER. It has been to some extent decreased, because there were some operations that we did not want to continue piecework on.

Commissioner O'CONNELL. Do you know whether it was a general impression among the workmen in the mechanical department that piecework was to be eliminated, if not instantly, gradually eliminated?

Mr. FULLER. The only place I know was in the machine shop. The piecework in the machine shop, as I understand it, was eliminated along about 1908.

Commissioner O'CONNELL. The fact that piecework had not been eliminated entirely on the Union Pacific, is that not one of the causes that resulted in the strike?

Mr. FULLER. No, sir.

Commissioner O'CONNELL. One of the fundamental reasons?

Mr. FULLER. No, sir. We never had one question raised. In 1909 I asked the car department committee if they wanted to eliminate piecework. It was a serious question in my mind whether we wanted to continue. They signified they wanted to continue piecework. There have been no complaints. On the contrary, it has been requested.

Commissioner O'CONNELL. Are there any bonuses being paid the employees at this time?

Mr. FULLER. None whatever. Well, now, wait a moment. I don't know what you mean by bonus.

Commissioner O'CONNELL. Well, I mean outside of piecework.

Mr. FULLER. No; none whatever.

Commissioner O'CONNELL. Were there any bonuses promised the men who were employed to take the places of the men that went on the strike?

Mr. FULLER. None whatever.

Commissioner O'CONNELL. Did you have the same clause in the employment contract that was read here as being used in connection with the Illinois

Central, namely, that the workman who agreed to work for the Union Pacific would be compelled, if he quit his work before 30 days, he did so without compensation? In other words, the company could retain his compensation if it desired?

Mr. FULLER. No; we did not have that clause. We had a clause that they would stay a stipulated length of time in the service, which they did not do.

Commissioner O'CONNELL. Did not do?

Mr. FULLER. No. Some of them—no; some of them did not go to work at all.

Commissioner O'CONNELL. Suppose a man agreed to work 30 days and only worked 20 days. Under the contract, if you desired to do so, could you have withheld his pay for his wages.

Mr. FULLER. Not to my knowledge, we could not. You can't withhold any man's pay.

Commissioner O'CONNELL. Were the men known as strike breakers as they are commonly called——

Mr. FULLER (interrupting). Yes.

Commissioner O'CONNELL (continuing). They were housed in some places at some of the shops on the road, were they not?

Mr. FULLER. Yes. We had a very handsome shop that we turned over to them at Omaha, a brand new one.

Commissioner O'CONNELL. At the commissary in Omaha—the feeding department—were the men furnished liquors of any kind there?

Mr. FULLER. Absolutely not, at any place.

Commissioner O'CONNELL. At any place?

Mr. FULLER. Not on the railroad, not a drop.

Commissioner O'CONNELL. What did the commissary consist of?

Mr. FULLER. The commissary consisted of a kitchen and cooks and waiters who furnished meats, vegetables, bread, coffee, and things of that kind; the regular boarding house.

Commissioner O'CONNELL. And that was inside of the shop yards?

Mr. FULLER. That was inside of the shop yards and in a building.

Commissioner O'CONNELL. Fence around it?

Mr. FULLER. Well, wherever there was a fence around the plant, it was inside of the plant; where there was not a fence, it was on the outside; and in some places it was in cars, where there were only a few men.

Commissioner O'CONNELL. Were these men allowed to come and go from the boarding place?

Mr. FULLER. Yes; if they wanted to.

Commissioner O'CONNELL. Down to the city, if they desired?

Mr. FULLER. Yes.

Commissioner O'CONNELL. Were there guards kept at the commissary?

Mr. FULLER. There was a guard kept at all the large commissaries.

Commissioner O'CONNELL. Were there any disturbances occurring in any of these commissaries?

Mr. FULLER. I don't know of any disturbances. I don't know of any, Mr. O'Connell.

Commissioner O'CONNELL. Were the men observed as to whether they brought alcoholic liquors into the commissary?

Mr. FULLER. Yes; they were; and it was taken away from them.

Commissioner O'CONNELL. And were they punished in any way for having done so?

Mr. FULLER. No; if they were unruly, and we did not want them, we put them on the train and sent them back home where they belonged.

Commissioner O'CONNELL (interrupting). What was the requirement of a man seeking employment during the past two or three years, since the strike occurred on the road? Was there any particular examination made as to his mechanical ability?

Mr. FULLER. The same examination was made of those men, Mr. O'Connell, that is made to-day and was made before the strike. Yes, sir; we had competent men examine these men.

Commissioner O'CONNELL. Was there a physical examination?

Mr. FULLER. None whatever.

Commissioner O'CONNELL. Do you now make a physical examination?

Mr. FULLER. We do not; never have.

Commissioner O'CONNELL. Never have?

Mr. FULLER. Not to my knowledge—never made it—except the car inspectors, I think, for their hearing and eyes.

Commissioner O'Connell. Were there any funds kept from the salaries of the workmen on the Union Pacific for any purpose whatsoever—kept out of their wages by the company?

Mr. Fuller. There is a hospital fund.

Commissioner O'Connell. What is that?

Mr. Fuller. That is 50 cents a month.

Commissioner O'Connell. That is taken out by the company?

Mr. Fuller. Yes; turned over to the hospital fund; yes, sir.

Commissioner O'Connell. Is the fund under separate direction or under the direction of the officials of the Union Pacific Co.?

Mr. Fuller. Well, it is under the direction of the officials—comes under the medical staff.

Commissioner O'Connell. What did the workmen get in return for the 50 cents a month?

Mr. Fuller. They get medicine and surgical attention or medical attention and hospital service.

Commissioner O'Connell. They get attention for ordinary sickness?

Mr. Fuller. Yes; if they are injured they are attended to, or if they are sick they are attended to.

Commissioner O'Connell. Is there a report of any kind made by the parties in charge of the hospital service?

Mr. Fuller. I don't know as to that.

Commissioner O'Connell. Who is the chief surgeon?

Mr. Fuller. Dr. Jonas.

Commissioner O'Connell. Where is he located?

Mr. Fuller. Omaha.

Commissioner O'Connell. Have you his initials?

Mr. Fuller. A. F., I think; Dr. A. F. Jonas.

Commissioner O'Connell. What is the working agreement or arrangement under which the men now work?

Mr. Fuller. Exactly the same as it was before the walkout.

Commissioner O'Connell. You simply promulgated the former agreement?

Mr. Fuller. Yes, sir.

Commissioner O'Connell. By posting up in the shops?

Mr. Fuller. I don't know whether it is posted in the shop or outside. I don't know whether it was posted in the shop before or not, but the same rules and regulations govern.

Commissioner O'Connell. Now, the same articles agreed upon between your company and the workmen before the strike——

Mr. Fuller (interrupting). Yes.

Commissioner O'Connell (continuing). And general rules were agreed upon?

Mr. Fuller. Yes, sir.

Commissioner O'Connell. And have been put in force to cover employees?

Mr. Fuller. Yes.

Commissioner O'Connell. To cover all the employees?

Mr. Fuller. No; exactly the same; machinists' agreement, to the machinists; boiler makers' agreement, to the boiler makers; blacksmiths' to the blacksmiths; and carmen's to the carmen. No consolidation.

Commissioner O'Connell. Well, that portion that would apply generally, for instance, the hours of labor—that was promulgated as covering all employees—if there was a 9-hour or 10-hour day, as the case might be; all the rules that should apply generally to all workmen were so applied?

Mr. Fuller. They applied to the crafts as they did before. There have been no consolidation agreements in any way.

Commissioner O'Connell. There has been no conference or committee meetings of any kind between the officers of the company and the workmen now in the employ of the company?

Mr. Fuller. Not to my knowledge.

Commissioner O'Connell. If there was to be—if the company desired or you desired, as superintendent of motive power, to change the workings or hours and to post notice to that effect, would you do so without consultation with the men? And if you wanted to consult with the men, how would you proceed to do it? I take it they have no organization.

Mr. Fuller. Why, of course, if we were going to cut our wages, we—I think we would talk to the men about it. If we were going to increase it, as we did before, we didn't do anything; just posted it.

Commissioner O'Connell. I take it that would be acceptable?

Mr. FULLER. If we were going to make any change, for instance, in the machinists, why, we would call the machinists in and tell them what we were going to do—what we wanted to do.

Commissioner O'CONNELL. Would you have to select from them some representatives, or call them all in?

Mr. FULLER. Oh, no; probably not call them all in; but probably ask them to send in two or three representative machinists; let them pick their own men and then let them convey the information to the balance of them.

Commissioner O'CONNELL. If that mode of procedure was gone through and finally you agreed with those men who came in supposedly representing the others, and an understanding was reached and then later on put into effect, and then the men simply did not pay any attention to it, there would be no means of conferring by an organized method with them! Wouldn't it be rather a chaotic condition of affairs?

Mr. FULLER. We have not found it so so far, but very acceptable.

Commissioner O'CONNELL. The general experience that you have had as superintendent of motive power on a great number of roads, would that indicate or are you able to say whether strikes have been more numerous because of the greater number of organizations to treat with, or the greater number of business agreements because of so many different committees to meet that it might create friction? For instance, coming from the Erie Railroad—you said you were with that a while?

Mr. FULLER. Yes.

Commissioner O'CONNELL. I think you will probably remember that there has been considerable difficulty on the Erie Railroad system between the mechanical department and the company in years gone by?

Mr. FULLER. Yes.

Commissioner O'CONNELL. Do you think that might have been avoided by a general understanding with the employees rather than dealing with one to-day and another to-morrow, trying to adjust the different situations with each other?

Mr. FULLER. No; I do not think so. I believe the strike on the Erie was principally piecework, was it not?

Commissioner O'CONNELL. Yes.

Mr. FULLER. That is, the first strike was. I do not know what that last strike was, really, about.

Commissioner O'CONNELL. Hasn't it been the custom in railway service, in the transportation department, that the officials treat with, jointly or singly, as the case may be, the transportation organizations, and the question is never raised?

Mr. FULLER. To my personal knowledge, I have never known of any treating with the transportation department employees as a whole. There has been treating between the engineers and firemen, which we consider is the same as the machinist apprentice and his helper, because the fireman is the apprentice to the engineer. They are both at the head of the train, both perform the same function, one doing it and the other doing his share in learning the balance of the trade; so I think that is not a very fair comparison. I think that there is no reason why the engineer and fireman should not be handled together. But when you get into the shop crafts, it is a different thing.

Commissioner O'CONNELL. But they have dealt with them in a governmental way, and not only dealt with them as a transportation organization—transportation and mechanical. I have known of cases where there were 20 different organizations represented in the conference covering an entire territory over railroad service.

Mr. FULLER. Was it for wages, conditions, or some other subject?

Commissioner O'CONNELL. The question universally affecting all, say, wages.

Mr. FULLER. I believe, if my views are well founded, it would be a rather cumbersome manner and not very satisfactory either for the men or to the company to discuss wages and conditions with shopmen, trainmen, section men, clerks, officers. Personally I would like to have them include the superintendent of motive power once in awhile.

Commissioner O'CONNELL. I have in mind a situation that occurred a few years ago, covering the southeast territory, of a meeting in Washington, in which the representatives of all the organizations employed by the railway system had threatened a reduction of wages.

Mr. FULLER. I think that is a little different.

Commissioner O'CONNELL. The matter was amicably adjusted with a committee from all the organizations.

Mr. FULLER. I don't know——

Commissioner O'CONNELL. Pardon me. If that had to be taken up with each organization at a time, it would have taken an immense amount of time, and then no satisfactory result having been reached some one organization might have gone on a strike. As it was, by bringing them together, if there was one that desired to strike where a large number probably would not, a great percentage, their influence would be against a strike.

Mr. FULLER. Well, I would not consider that it was objectionable if a general reduction of wages was made for the officers possibly to talk to the entire craft. It is an entirely different thing. Then I would not feel because that was done that we were establishing a precedent that they should deal jointly in other matters, because where it affects the whole—for if a general reduction is going into effect, why, it is a serious proposition, and I, very fortunately, have not been placed in that position where I either went up against a reduction or had to make a reduction like that.

Commissioner O'CONNELL. If the principle operates successfully, it would seem that it might be carried out to a greater extent to any other questions that would have a mutual interest, it possibly covering the entire service of the road, it might cover certain percentage of the road, the mechanical service or transportation department, or some other department.

Mr. FULLER. I do not feel that those are parallel cases at all. I think there are times when you can do business with the entire craft just the same as a church can do business with a lot of lawyers and doctors and shopmen, and everyone else. It is an entirely different proposition when they have got one thought, one mind. But when it comes into the settling of the intricate points involved in the employment of men and the service it is too intricate to mix up.

Commissioner O'CONNELL. I just want to ask you this one question: Was the real opposition of the officials of the company that of its not wanting to recognise the federation, or the fear that by recognition it would have a stronger power or influence to bring about improved conditions of employment for the workmen, was the opposition against the federation or the result the federation would have in cementing and federating the men together as a power?

Mr. FULLER. I think I can say truthfully that there was no thought of trying to prevent bettering the conditions of our employees. I think that our action in the past emphasized that. We felt that we did not want to deal with federated crafts for various reasons. We felt that it would be cumbersome, that in dealing with committees, say five crafts, five representatives, four-fifths of the men on that committee would be absolutely ignorant of the conditions of which the one craft was talking. For instance, you take the condition of the machinists, the carmen know nothing about their condition, and the blacksmiths know very little about it, and the boiler makers know very little more about it, and the pipe fitter knows very little about it, nor the tinner nor the painter.

Commissioner O'CONNELL. Of course, that was all explained away, how that was handled, by the chairman of the federation the other day.

Mr. FULLER. Yes; that was explained away. We yet feel those conditions can not and will not prevail.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. If the membership in the various unions had been confined exclusively to the railroad employees, would you feel that you might then be willing to treat with them as a system federation?

Mr. FULLER. No; I would not.

Commissioner BALLARD. Would the fact that a good many members of the various unions might be working for other industries, does that have any influence on you at all?

Mr. FULLER. Yes; we considered that; but not as seriously as we did the question of dealing with men not conversant with the subject that was under discussion.

Commissioner BALLARD. This strike that occurred, was it a spontaneous protest upon the part of the workmen against wages, or working conditions, or was it the result of probably something brought about or caused by outside agitation?

Mr. FULLER. I think I can say truthfully, and I believe the rank and file of the Union Pacific Railway will repeat it, that it was created and occasioned entirely by outsiders. Our men did not want to strike. They did not want to strike, and it took them as much as an hour and a half to get out of our shops after the strike was called. There was not a sound; there was not a bell rung;

there was not a shout; they went out of our shops just as though they were going to a funeral.

Commissioner LENNON. I would just like to ask one other question. Do you understand that the joint agreement as has been talked about, presented by the shop federation, abolishes the trade or craft agreement?

Mr. FULLER. Well, we do not know to what extent that would go. We simply knew that they wanted a meeting of all crafts, and we felt, and we do yet, that eventually that demand meant the elimination of the individual craft.

Commissioner LENNON. You have been a mechanic, an experienced man. Do you believe that the machinists would permit the car workers to make their agreements, even if they were all in one room, all together on one committee?

Mr. FULLER. Well, I don't know. In this age it is very hard to tell what will happen. I think the car repairers will be in the majority and helpers will be in the majority; and if majority rules, I think they will settle the machinists' schedule before they get through with it.

Commissioner LENNON. The truth of the matter is, according to testimony that has been submitted, that no matter which organization is the larger their vote is no greater than the smaller one?

Mr. FULLER. Yes; that is true, if they follow that; that is true.

Commissioner LENNON. Men are supposed to follow their agreements which they present in writing?

Mr. FULLER. Well, we have not any reason to take any exception. They have always carried out their agreements with us.

Commissioner LENNON. And the agreement as submitted indicated that each craft are still making their own agreements, and that the joint committee met together with the representatives of the company in order to dispose of all the agreements at one time.

Mr. FULLER. That is the first I ever heard of it; was to-day, or rather this week.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. On this question of outsiders. I have been something of a rank outsider myself for many years.

Mr. FULLER. That is all right; go ahead.

Commissioner GARRETSON. Is it not a fact that your company, both in the crafts that were comprised in this federation, as well as transportation organizations, have always dealt with outsiders whenever either the company officers and the committee were unable to agree on any action, or when the interests of the company seemed to demand the presence of an officer, would not the companies call on him without hesitation to come there?

Mr. FULLER. I will answer that this way and try to get it clear. If the employees that you represent had anything to do with the officers of the Union Pacific Railway, they would communicate and do the business with the officers of the Union Pacific Railway themselves, wouldn't they, up to a certain time?

Commissioner GARRETSON. Yes.

Mr. FULLER. And if the time ever occurred where necessary they called on you. We don't deny that. I haven't been talking about that at all. I agree with you fully.

Commissioner GARRETSON. Now, to go a little further. Isn't it a fact that in various instances in the past when the company had reason to be fearful or suspicious of some event that seemed about to happen that they have not hesitated to telegraph to the outsiders themselves in common with the practice on other properties?

Mr. FULLER. I do not personally know anything about that, because I never had to do it. But if you represented the machinists, I would not hesitate to call on you if I wanted to. But with me, Mr. Scott, Mr. Baker—we don't know him. We don't know whether they represent anything or not. Nobody has told us. They are employees of the Southern Pacific.

Commissioner GARRETSON. Then I have had better advertising than they have?

Mr. FULLER. Well, yes.

Commissioner GARRETSON. Isn't it a fact, Mr. Fuller, that for a number of years past that the four committees representing the four train services organizations have been in the habit of meeting the Union Pacific management for the purpose of adjusting the differences existing between the four of the

managers or questions of application of the agreements, which are several; that is, there are three agreements for the four organizations?

Mr. FULLER. Not to my knowledge, but there may.

Commissioner GARRETSON. You do not know, then, if they are not regularly in the habit of doing so?

Mr. FULLER. I have met the engineers' and the firemen's committee.

Commissioner GARRETSON. Yes.

Mr. FULLER. But never have met with the trainmen or the conductors or the switchmen.

Commissioner GARRETSON. But the engineers and the firemen only came to you in regard to questions interesting the fraternity, did they not?

Mr. FULLER. They came to me.

Commissioner GARRETSON. I mean for adjustment of agreements on those questions?

Mr. FULLER. Oh, yes; on the railroad.

Commissioner GARRETSON. And they always call up the general manager if they can not agree with you?

Mr. FULLER. Yes; I guess they do.

Commissioner GARRETSON. And it is when they get the general manager that the four of them are together?

Mr. FULLER. I don't know that they have. They may, but I do not know it.

Commissioner GARRETSON. Well, you don't know that they are not going there?

Mr. FULLER. No; I do not.

Commissioner GARRETSON. That is all.

Commissioner AUSTON. Mr. Fuller, to clear up this question of outsiders, you never knew of the Union Pacific Railroad negotiating a schedule with a committee in which any of the members were employees of other railroads, did you?

Mr. FULLER. Never.

Commissioner AUSTON. That is all.

Chairman WALSH. That is all, thank you, unless you care to volunteer something.

Mr. FULLER. I just want to say I do not know how pertinent this is, but Mr. Horton yesterday gave a lot of railroads that had accepted the federation agreement. I have a list here of 10 that I have gotten in touch with since yesterday, and they claim that they have not federated shop agreements that they know of.

Chairman WALSH. Just read that list into the record.

Mr. FULLER. The Wabash & Pittsburgh Terminal; Atlantic Coast Line; Trinity & Brazos Valley; Richmond, Fredericksburg & Potomac; Chicago, Indianapolis & Louisville; Canadian Northern Railroad; Frisco Lines (St. Louis & San Francisco); Missouri, Kansas & Texas; Atlanta, Birmingham & Atlantic; Wheeling & Lake Erie.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. FRANK COMERFORD.

Chairman WALSH. Please state your name, residence, and occupation.

Mr. COMERFORD. Frank Comerford; Chicago, Ill.; attorney at law.

Chairman WALSH. Mr. Comerford, have you had any connection with the difficulties upon the Illinois Central and Harriman lines?

Mr. COMERFORD. I have.

Chairman WALSH. What has been your connection with them, Mr. Comerford?

Mr. COMERFORD. As attorney for the Illinois Central System Federation, the Harriman lines federation, and the railway employees' department; I have had experience in handling litigation, criminal and civil, and I have made a limited social survey of the effects upon the moral tone of the communities after the strike, the effect upon the men and their families, and the methods employed by the Illinois Central Railroad Co. and the Harriman lines in prosecuting successfully up to this time their controversy with the men.

Chairman WALSH. Were you delegated to make that study by the organizations involved by the men?

Mr. COMERFORD. I was.

Chairman WALSH. I wish you would first describe now the study that you have made, and the plan generally, and the result.

Mr. COMERFORD. The survey contemplated to furnish this commission with the effect in human values and in dollar values followed the preparation of a

questionnaire of about fifty-odd questions which were printed and sent over the zone. By "zone" I mean the Illinois Central zone and Harriman lines zone. These questions were answered, and on the basis of these answers unselected, I made a card index and cross reference to attempt to determine the effects. I then used a check-up plan of writing to the individuals who had sent in their answers and followed that up by sending a special investigator to each of the points, with instructions to consider each point to be a unit in the plan. That dealt entirely with the question of the social effect of the industrial trouble on the Illinois Central and the Harriman lines.

It might not be amiss to state that in sending out the question sheets I distinctly advised each man who expected to respond that while he was not under oath he should be as conscientious and as fair in the making of his statements as though he were, and that he might subsequently be called upon to verify any statement that he made.

In order to give the commission an opportunity, should there be any doubt upon this somewhat scientific effort to determine the effect of this situation, at the conclusion of my testimony and with the consent and permission of the commission, I would like to file a thousand answers, giving the names and addresses of the men and the statements made by them.

I wanted, if I might, and if it is considered important by the commission, to make reference to two matters testified to by Mr. Markham in a very brief way before taking up the testimony that I expect to give as a result.

Chairman WALSH. Then you may refer to these two matters first, if you would rather do so, and then proceed to the other.

Mr. COMMONS. For instance, Mr. Markham, president of the Illinois Central, in his testimony the first day of this hearing, referred to a conference after the difficulty in Mississippi, in which Mr. John Sharp Williams, United States Senator from that State, and the governor were present, and used that as an illustration of the attitude of the Illinois Central Railway Co. to be fair. I believe Mr. Williams's name was prominently mentioned as one who had the same point of view Mr. Markham had as to the fairness of the company's attitude.

I want to read a letter dated August 28, 1914, from United States Senator John Sharp Williams, just the portion of it that bears upon the matter, and as I have stated, and then I will file the letter:

"I do remember being somewhat astonished at Mr. Markham's position; I thought it at the time arbitrary. I can not answer your question as to what the effect of the strike of the clerks was on the service of the operation of the lines, because I do not know. I was soon afterwards, you remember, called away from Mississippi by public duties here and became not only interested but absorbed in the work here. I remember trying my best to bring about good feeling between both sides and I have a distinct recollection that you seemed to be amenable to reason.

"I am sorry that my letter must be so unsatisfactory, but the state of my memory concerning it all is dim. I remember making a suggestion, the details of which I do not now recall, that I thought ought to be accepted by both sides and which seemed to be not favorably received by the railroad. I have tried to recall just what the proposition was and I am not able to do so.

"I am, with every expression of regard,

"Very truly, yours,

"JOHN SHARP WILLIAMS."

(The witness submitted the letter testified to, and it appears among the exhibits at the end of this subject as Conserford Exhibit No. 1.)

A simple fact coming from my investigation that both parties seemed to be agreed upon is that the cause of the difficulty grew out of the refusal of the Illinois Central and the Harriman lines to recognize what they claim is a new method of collective bargaining, namely treating with the employees organized in the form of a system federation. The Illinois Central have taken the position that there was a failure to give the 30-day notice. My investigation will reveal this fact: That the men on the Illinois Central system had legally constituted representatives to present the request for a conference, and that the question, this technical question was never raised. That further, Mr. Markham had said after it was raised, nearly three months having elapsed, from the beginning of negotiations by that time, that even if that technical question were not——

Chairman WALSH (interrupting). The 30 days' notice?

Mr. COMMONS. Yes—in the mind of the company that the company would not, under any circumstances recognize the right of the men to bargain with the company as a federation. The main reason given in the pamphlet which Mr. Markham offered as an exhibit, which bears the signature of Mr. Park, although Mr. Markham says he prepared the material, is that they could not successfully operate the property. The men, however, believe that the question of that form of bargaining was at that time not an experiment, but a demonstrated method of bargaining, one that had been economical and successful. That instead of it instigating labor trouble that it reduced to a minimum the possibility, by destroying the constant caste which prevails in a shop when men are treated with according to the particular kind of work they do.

In answer to a question of Commissioner Ashton's here, Mr. Kruttschnitt said that one experience had happened since this difficulty that confirmed his opinion and justified him in the belief that the recognition of system federations would menace the interests of the stockholders and bondholders that he, as a trustee, was trying to serve. And he said he introduced into the record a letter from a former president of the system federation on the Harriman lines suggested a calling of a general strike. However, Mr. Kruttschnitt failed to advise the commission, I presume because he did not have any information in his possession, that because of the democratic form of trades-unionism that suggestion was given consideration and a vote was taken and the men overwhelmingly refused to sanction a general strike. So if that experience indicated anything, it would confirm the position that the power was safely vested in the men because they had not, when the suggestion was presented, decided to use it.

Neither did Mr. Kruttschnitt suggest that the growth of this form of bargaining from 30 system federations that were in force and effect at the time the men asked simply to be met with, has reached the point that about 32 roads now so bargain; which indicates that from the railroad point of view either the additional railroad companies have made an absolute mistake, or that this method of bargaining is more satisfactory.

The men have taken the position that the 30-day notice was given. They have taken the position that there is a real cause back of this whole unfortunate controversy. And it is a matter of human conservation. In the railroad industry, from conferences, from contact for a long period of time in a most intimate way, not only with the officials, but with men wearing overalls and waiting for the whistle to blow, I have learned that the thing they fear is the introduction of the so-called scientific shop management. They are afraid of piecework and they are afraid of the bonus system—in connection with physical examinations and in conjunction with the repeated violation of seniority rights.

They urge another reason—the necessity of having some means of compelling the fulfillment of agreements after those agreements are made, and further that they will have some method in their hands of increasing wages at least to the extent of becoming solvent to their moral and blood and citizenship and Christian obligations to their firesides. It is a proposition with the men—the trades-union movement and the federated form of bargaining—of self-protection.

The men have been led to believe that the position taken by the railroad companies, the genuine position, is that in dealing with a single craft, even though their terms and conditions of employment are acceded to, that appear reasonable at the time or the best that the men can get, that as soon as the conference is over the men have no means of compelling the enforcement of those conditions. Further, the men believe that the railroad companies do not want to standardize conditions in the shop, such as the safety, sanitation, and wages; and until there does become something like a standardization of those things, particularly in what is called competitive territory, there will be the use of the figures on the road where the men are the weakest, and the conditions on the road where the men are the weakest will be used as the standard. In other words, they want to avoid the minimum of favorable conditions as the standard.

The question of the employment agencies has been touched upon. I want to call the commission's attention to just one single exhibit, in the large set of exhibits filed, many will be filed—but to show the extent to which this reprehensible practice of using employment agents to fraudulently bring decent, honest, hard-working American citizens into a zone without notice that labor

difficulties are on, and as showing the attitude in one case of the president of the Illinois Central, I will read a letter written to President Markham by myself, which I never mailed, because after having dictated it, I called up over the phone. [Reading:]

"President MARKHAM,

"*Illinois Central Railroad Co., Chicago, Ill.*

"DEAR SIR: Clifford C. Ormes is in Chicago, penniless and without friends. His home is Minneapolis, Minn., where he lives with his wife and family. He is by occupation a wood-machine man.

"He read an advertisement in the Minneapolis Tribune on October 15, placed in that paper by the Fay Employment Agency, No. 220 Second Street, Minneapolis. The advertisement told him of steady work in Chicago. It was suggested to him that his employment would be with a new manufacturing concern. He was put on a train for Chicago and given as his destination West Pullman. He was met at West Pullman by a representative of your road and taken to Burnside. At Burnside he found a strike in progress, and being a union man he refused to go to work under the conditions offered.

"This man, not only destitute as far as money and friends are concerned, labors under the terrible misfortune of being a deaf-mute. Your company is responsible for its agent, the Fay Employment Agency, that by false and fraudulent representations induced this man to leave his home and journey to Chicago in the belief that work awaited him here in a new manufacturing plant. The least that your company can do to make amends for its wrong to this man is to provide him with transportation back to his wife and family.

"The methods employed by your subordinates in resorting to trickery of the kind illustrated by this case and catching in the net unfortunates like Clifford Ormes are indefensible. These facts can be established by investigation. I shall be glad to supply the proof.

"The man's present penniless condition in Chicago makes it imperative for me to ask you to make some decision in this matter at once."

(The letter read by the witness was filed as an exhibit and appears as Comerford Exhibit No. 2.)

I sent that man to the Illinois Central and he was refused admission to the building after he got in the elevator; and out of the quarters of men who at that time were terribly insolvent themselves on account of the strike, he was furnished with money enough to buy transportation back to his home town so he might be reunited with his family.

In the State of Colorado I have simply to make this statement. I now file as an exhibit a letter from Mr. John E. Ramer, secretary of state and labor commissioner ex officio, showing the extent to which violations took place in that State on the Harriman lines and the extent to which citizens were brought into the zone without notice of a labor disturbance, and then when they claimed transportation or asked it they were denied it, and were made victims of misrepresentation.

(The letter here presented by the witness appears among exhibits at the end of this subject as Comerford Exhibit No. 3.)

An interesting feature of my investigation deals with the attitude of the legal machinery to both the companies and the men, and in taking that up I want to preface my observations based on facts by saying that it is an unhealthy sign in the country when the men lose confidence in the courts and in the law; that when a set of men who work for a living and have more time and opportunity to exercise their muscles than their minds are face to face with the situation that there is not any redress in the courts, those men then generally use the thing that they are best fitted and trained to use, namely, their muscles.

The first thing that happened after the so-called strike or lockout was the inauguration on the Illinois Central at least of a systematic campaign of arrests. Men were arrested and thrown in police patrol wagons and taken to police stations and moved from that station and put down behind the bars, their families were notified, the men were compelled to employ lawyers to defend them at great expense to them individually and to their trades-unions; small notices appeared in the newspapers indicating that these men had been arrested, which unfortunately in the lay reading mind carries with it the presumption of some wrongdoing. In 116 cases that I personally defended, 115 of them were found not guilty. That was not a compliment to any skill I possess as an attorney, it was simply an evidence of the fact that the arrests—at least to me—were not the result of accident, but were part of a plan. That plan did not stop at that

point. The publicity given to the arrests formed a public opinion hostile to the men. That hostile public opinion then affected the United States judge before whom a general blanket bill was presented with 15 or 20 affidavits asking for a temporary restraining order. The men then found that it was necessary to hire a lawyer, to get data together, to traverse the bill by affidavits, and traverse the allegations in it by an answer and attack the restraining order. To illustrate: This paper, which I will offer as an exhibit, begins, I believe, with Mr. Commissioner O'Connell, who at that time was connected with the machinists' organisation, and practically names every organisation and individual that in any wise by fancy or imagination could be conceived to be a part of the situation between the Illinois Central Railroad and its men. The injunction was granted. In this case we resolved—having a little money—to make a test. I went to Springfield, Ill., before his honor, Judge Humphrey, and filed an answer. We then attacked the restraining order, which you will find on this paper, which I will present as an exhibit.

(The restraining order referred to, entitled "In the Circuit Court of the United States for the southern division of the southern district of Illinois. Illinois Central Railroad Co., a corporation organised by special charter of the law of the State of Illinois, complainant, v. International Association of Machinists," was submitted in printed form.)

The restraining order as originally drafted absolutely prohibited picketing. I believe Mr. Horton, general counsel for the Illinois Central, and Mr. John G. Drennon, its district attorney, appeared for the company. After pointing to the fact that it prohibited picketing and explaining to Judge Humphrey the status of it at length, we succeeded in getting a modification of this bill, which permitted peaceful picketing. The draft of the bill——

Chairman WALSH (interrupting). Pardon me. What was the return day of the restraining order? When was it served and what was the return day?

Mr. COMMERFORD. I don't know whether this will show on the restraining order itself.

Chairman WALSH. Well, do you remember?

Mr. COMMERFORD. I do not; but it was about—yes, it was the 6th day of November, 1911, at 10 o'clock.

Chairman WALSH. And it was issued when?

Mr. COMMERFORD. The restraining order was issued on the 11th day of October, 1911.

Chairman WALSH. The 11th of October, and it was returnable on the 6th of November?

Mr. COMMERFORD. The restraining order, as drafted, was an ingenious bit of English literature. By its punctuation it prevented the men from the liberty that the judge intended to give them. And I have the original copy which I had at the time and inserted, as the judge modified it, the words, "for the purpose of threatening." In other words, the intimidation of a man acting as a picket was the basis of stopping picketing. There must be some affirmative act of intimidation. And it was at that time when the whole circumstances were explained to Judge Humphrey that Judge Humphrey said there are many things that the men can do under this restraining order, now, and only a few that they are prohibited from. In every other jurisdiction I believe where the men were unable to contest this ex parte issued returning order, peaceful picketing was entirely prohibited and the men were practically stripped of every right guaranteed to them by the Federal Constitution. It indicates, in answer to the position taken by a gentleman who testified here from another point of view, with which I have no quarrel, that one of the important features in collective bargaining, whether it is in the courts or at the council table or in publicity, is your ability to "pay the freight." I don't mean that as a reflection upon the courts, but I mean that it is necessary to hire counsel and go to the expense necessary under our judicial system to get justice. In other words, that while justice is not for sale, it costs money to go and get it.

These arrests of the men caused intense dissatisfaction. Most of the men with whom I personally associated had never been arrested before. Many of them had children of school age. Others had daughters of marriageable age; and they were vitally concerned about newspaper publicity and the execution of criminal process that held up in their neighborhood the head of the household to scandal, disgrace, and shame. That caused intense dissatisfaction.

Reference has been made to the injunction matter and to the attorneys. The firm of Lennon & Lennon were attorneys for the railroad, and the mayor of the town of Burnside was on the pay roll of the company, its surgeon, and three of the other commissioners, under their form of government, were——

Chairman WALSH (interrupting). You say that the mayor has some official connection with the company?

Mr. COMERFORD. He absolutely was an employee of the company. He is a paid district surgeon of the Illinois Central Railroad Co., and three of the other commissioners under the commission form of government down there have dealings with the Illinois Central that make it to their financial interest to serve primarily the Illinois Central's interest, and the interests of the general public secondarily.

Chairman WALSH. Do you remember or recall whether the mayor of McComb, a letter from whom was read here——

Mr. COMERFORD. No; that was the mayor of McComb and Mr. Markham, I know through accident, neglected to advise the commission that he is in the employ of the Illinois Central Railroad as superintendent or foreman of its car department. You will find many of our officials who have been quoted here occupying peculiar dual relations.

Now, take this case of Meagher down there at Springfield, Ill., he was charged with contempt. I represented Meagher in that case. The woman took the witness stand and testified that Meagher lived in her rooming house and that the doors on the—that gave entrance to the individual rooms had no locks on them. Then another man took the witness stand and said he was an Illinois Cenral Railroad employee and that in his room were found a couple of cartons of lye. Then the master mechanic or boiler superintendent took the witness stand and swore that if the amount of lye found in that Illinois Central employee's room, if it was introduced into the boilers of the locomotives would have destroyed the motive power of the Illinois Central Railroad. Then another witness took the witness stand and testified that on the carpets in Mr. Meagher's room there were some lye burns. The confessions made on the cross-examinations of those witnesses were so astounding to Judge Hamphrey, and even to the counsel for the Illinois Central Railroad Co., that they concurred in the request to the judge to dismiss the contempt proceedings based on conspiracy which involved about the evidence I have told you.

Mr. Meagher was born in Bloomington, Ill., a short distance from that point; had never been arrested before in his life. He was subjected to the expense, to the disgrace, and what he meant, I think, to convey was that at the time he was arrested and when the Illinois Central's evidence went in indicating that he was guilty of some inside conspiracy to put out of commission their rolling stock, through some strange happening, Mr. Meagher was given unusual publicity. But the action of Judge Humphrey in dismissing the case and being so disgusted with the evidence that he called up the bailiff of his court, and he said, "I sent men to Peoria on this kind of evidence yesterday, and I want them released at once." That was not given any great amount of space. I don't mean to indicate that the Illinois Central was responsible for that, or the newspapers, but it simply happened.

Now, Mr. Hooker answered a question sheet, and he says, "My name is Wallace Hooker. I live at Joliet, Ill.—403 Landon Avenue." I will just use this as a typical case of contempt proceedings in another jurisdiction, namely, before Judge Wright. I don't believe it is necessary for me to comment on the men's attitude toward Judge Wright. Mr. Wright has done that splendidly in the magnificent opinion or decision read into the record here by Mr. Markham. I think in legal literature it has not a parallel. Mr. Hooker says [reading]:

"I got my foot broke while I was working for the P. & P. U. Ry. June 15, 1912, at Peoria, Ill. I received $3,750 damages from them. That is why I have $1,200 cash now. Had it not been for that I probably would have been in the insane asylum now. I was brought before the Hon. Judge Wright, of the United States Circuit Court at Danville, Ill., January 2, 1912, on a charge of contempt of court. When he sentenced me he said that I had committed no crime. 'There was nobody hurt, nobody robbed; there was no damage done, nobody assaulted, nor nobody insulted. All there was to it was a little talk and very little of that. So I sentence you to 30 days in the Vermillion County jail. Also fine you $100 and costs.' I stayed in jail 27 days, then he released me. I had told a boarding-house lady, a neighbor of mine, not to board the I. C. strike breakers. That was the first time in my life that I ever was arrested. And I am not ashamed of that arrest. I did not strike against the I. C. R. R. I was

forced to quit their services or denounce the liberty of my fellow men that our forefathers shed their blood to give to us. I love the I. C. R. R. and I loved Mattoon, my home. But I would rather suffer 10 times what I have rather than stand up and see the Illinois Central Railroad managers pick the stars off Old Glory without resenting it."

One other observation that is borne out by this investigation of mine that I want to emphasize is just a line. In this campaign of arrests and the securing of injunctions, when the campaign of arrests was inaugurated, the men arrested were generally found not guilty. I have been giving statistics in my own experience, and others by the thousands will be filed.

Chairman WALSH. Have you statistics showing the number of persons charged with violations, the number that were originally served with injunctive process, the number that were charged with violations of injunctions, and the general result of the cases—whether the men were found guilty or acquitted and whether a large number was found guilty?

Mr. COMMERFORD. No; I have not compiled that, Mr. Commissioner Walsh, but I think we can give that; that we can give a copy of it at a later date.

Chairman WALSH. I wish you would.

Mr. COMMERFORD. When the campaign of arrests was instituted the men were found guilty, generally; but it served the purpose for which it was begun—that of influencing the public opinion first and bringing about an atmosphere in the courts that allowed the granting of writs of injunction. Without the issuance of injunctions it was necessary to arrest men and try them before juries, and they would be arrested and found not guilty; but all they had to do in the case of an injunction was to abandon the ordinary forms of procedure and go to the Federal court, where the man would be denied the customary form of trial before a jury.

To indicate another effect of this situation that emphasizes one cause of industrial discontent, I call attention to the question of car shortage. In the case of River & Rail Coal & Coke Co., of Kentucky, v. Illinois Central Railroad Co., reported in the 150th Southwestern Reporter, page 641, the Kentucky Court of Appeals held it to be the duty of the Illinois Central Railroad, at common law as well as under the Federal law, to furnish all the cars required by its shippers, and that its failure to comply with this legal duty made it responsible to the shippers in damages. This went to the upper courts and was affirmed. The mine owners—and by "mine owners" I mean "mine operators"—not receiving sufficient coal cars, were compelled to shut down their plants, and, as a consequence, sustained a damage. As a result of that, the mine operators sued the Illinois Central and recovered damages. This suit was in Illinois, and the litigation is pending, if it has not been settled. Now, the mine worker was without any redress. It is true that the failure to supply cars to the mine was the thing that caused the mine operator to close the mine down or run it on short schedule of time, and although the mine operator has a remedy by which he can compel the Illinois Central Railroad Co. to respond in damages to the extent that the railroad company has failed to supply cars, yet the men who are the victims of that have no remedy, because they are not parties, in contemplation of law, that have a right to any such remedy.

I want to read, briefly, an abstract from the 1912 session of the stockholders of the Illinois Central Railroad in which this point was emphasized by one of the stockholders, Mr. R. W. Roplequot, of Belleville, Ill. I have not the original minutes of the stockholders' meeting, and that will account for the mood and tense. [Reading:]

"We produced before the judiciary committee of the legislature a transcript of a meeting of the stockholders of the Illinois Central held in 1912. This record showed that R. W. Roplequot, an attorney and coal operator at Belleville, Ill., representing a minority of the stockholders, made a statement at the stockholders' meeting analyzing the report of the Illinois Central and calling attention to the fact that the annual report of the company showed that there had been an actual decrease of 219 coal cars for the period covered by 1912. At the same time he showed that the Illinois Central moved 8,008,039 tons of coal, which was 32.69 per cent of the freight traffic of the line. Mr. Roplequet then proceeded to tell the influence this criminal shortage of cars was having on the Illinois Central. He showed the influence of this condition upon the communities local to and upon the lines of the Illinois Central. He said that the mine which can not get cars can not work, and that this means that miners employed in these mines are forced out of employment, become restless, and move away, and that this meant financial distress to such towns, and that the merchants were badly affected."

An important cause of dissatisfaction and discontent among the men has been the policy of turning the function of government over to private individuals or private or quasi-public corporations. Reference has been made here repeatedly to United States marshals. To the general layman that calls up the vision of a man who is working continuously and constantly as an employee of the Government. The United States marshals—some of them—were men from the shops of the railroad company, and men who were consequently selected and picked by the Illinois Central, and the character of some of them would not have measured up to the standard our Government would require of a man to be given authority to represent the United States Government as an executive officer. And that thing is equally true of the deputy sheriffs. Lots of them were brought into the sheriff's office, and in many instances to satisfy certain statutory requirements subterfuges were resorted to. The county itself would pay $1 each month to each special deputy sheriff, and the balance of his salary, which was the actual salary, was to be paid by the Illinois Central Railroad. The conferring of that kind of governmental function on a private or quasi-public corporation in that manner causes the men to think that the Government is conferring rights that belong to it and delegating them to their opponent in the controversy and is the cause of much discontent among the men.

One remarkable case that came under my notice, but is typical as showing the extent to which the railroad companies—and I am not referring to the Illinois Central alone in this particular—goes to defend the men they take in after a labor difficulty occurs. The men were not examined, and they did not ask for a record of them, but took them, as Mr. Markham said, wherever they could get them, because they must have them. And when they were arrested for offenses, bond was furnished for them, while the men on the other side were left to their own resources.

Now, the question of publicity is one I imagine the commission is deeply concerned in. The pamphlet signed by Mr. Park, issued October 12, 1911, is an unusual document. We believe that public opinion solves problems in this country, but as a practical proposition we know that the avenue to get to the public mind is a thing that railroad companies, the employers, have which the men who work for a living ordinarily have not. This is illustrated by the investment of money in newspaper enterprises, and in large industrial enterprises—the ability to pay for space in newspapers, such as in the campaign inaugurated by the Illinois Central, when space was bought by them in large metropolitan papers for which was paid sums equal to the salary of a man for a year. And it was used to furnish what? If it had been used to furnish facts, the naked facts, we would not have any objection; but this pamphlet, which was the basis of Mr. Markham's testimony—in fact, he read word for word in his statement from this pamphlet, with some few changes.

Now, let me call your attention to the kind of material they use. [Reading:]

"The officers of the System Federation then took a strike vote. The employees were told that if a strike was voted, it did not mean one would be called, but that it would be a force to compel the company officials to treat with the new organization."

I have prepared a questionnaire which I have submitted here, and I do not believe there is any official of the Illinois Central Railroad that charged any individual connected with any union with having said that the strike vote was taken for any purpose than to vote the strike, and 97 per cent of the men voted to strike, and when out on strike after this document was issued, which questioned the fact that the men insisted on withdrawing their services unless their form of system federation was recognized.

Further, it says [continues reading]:

"On the ground the employees voted to strike when called upon. The vote was not taken according to the laws of the union with which the company had contracts. These required secret ballots, which were not taken."

That is absolutely untrue, and its only purpose was to influence public opinion and cause the public to believe that there was a conspiracy on the part of labor agitators to get men to leave their work, and that they would withdraw their services unless recognition was given to their requests for that form of bargaining. This is another form of advertising to affect the public attitude and opinion, particularly in view of the fact that both Mr. Kruttschnitt and Mr. Markham say that public opinion is the forum in our country, before which we must all be judged.

It is charged of the Socialists that they endeavor to disrupt the union movement in getting up as many strikes as possible. It is generally known that to attach the tag of socialism to a thing in the public press will cause an unfavorable public opinion toward it among the majority of people who do not accept that principle of political economy as their guidance in the administration of governmental affairs.

No evidence has been presented here, and I take it that none can be presented, showing that the labor difficulty on the Illinois Central or Harriman lines, or both, grew out of any economic or religious or other kind of agitation, except the single agitation to get recognition of the System Federation.

As another example of the kind of publicity paid for, and the possible consequence of it on the public mind, this appears in the circular of the company [reading]:

"The company officials had no warning. They were not notified in any way that a strike was to be called. They were waiting for the results of the vote ordered by the international officials, not considering any more than the employees that the action of the machinists' convention would bring on a strike on the Illinois Central. The employees were also astounded when given orders to quit work. They had settled down to a belief that there would be no strike, and when it was called they were shocked."

I have talked to men representing every grade of employment, in every section of the so-called Illinois Central and Mississippi zones, and I never heard from any officer or workman anything that even remotely bore that out as being true.

We attempted to get an investigation of this matter by the Illinois Legislature and we set out an investigation of the Illinois Central situation particularly because of the fact that we believed the attitude of the Illinois Central in this case was foreign to labor difficulties, generally. Under the charter of the Illinois Central Railroad Co., which gives it its corporate existence, the State of Illinois has a representative on the board of directors; the Government fulfills that function. That constitutes a participation in the management of the affairs of the country.

Under the terms of that contract between the State and the Illinois Central the railroad company pays, in lieu of taxes, 7 per cent of its earnings. That constitutes, we believe, a participation in the benefits of the business. It is generally conceded that the participation in the earnings of a business and in the benefits that flow from the business defines a partnership. We were afraid that the State itself, which gave the Illinois Central the right to organize its business into a union form, was being placed in the position of establishing a precedent that allowed the company, as such a partner, to deny the same right to its men. We went to the Illinois Legislature and we presented a petition representing 300,000 men; we were joined by the farmers, grain dealers' associations of Illinois, and we were joined by other labor union men, and simply asked for an investigation. We submitted a number of facts, but the Illinois Central was able to defeat our request for an investigation, although the Illinois Central and the State of Illinois are partners at Springfield. I have no explanation except one.

Ten years ago, when I was in the Legislature of the State of Illinois, Senator Mauney, then a member of the house, introduced a resolution to investigate the Illinois Central to determine whether or not that railroad company was paying in the 7 per cent that it had agreed to under its contract. That resolution was based upon evidence that had been given publicity. It was beaten in the house, and every man who voted in favor of that resolution had his annual transportation taken away from him. That is a fact that can be verified. That is an example of the pressure used by the railroad company in order to secure privileges for itself that citizens of the State can not get; whether or not it had any bearing on this situation, I do not know, but we are filing here some interesting exhibits showing efforts of the citizens of the State of Illinois—a part of the State—the kind of men that have to pay the taxes and who make up its social life and forms, giving a specific bill of reasons for the investigation, and yet the lawmaking body, committed to the function of representing them, denied, without answering any of the allegation of facts submitted, the right to have an investigation.

(At this point the witness submitted for the record various letters, and the same appear among the exhibits as "Comerford Exhibit No. 4.")

I want to cite to you one instance of the policy of the Illinois Central in regard to the matter of advertising. The Times-Democrat, of Vicksburg, Miss., published an editorial in November, 1914, in which they directly charged that the Illinois Central advertising had been taken away from them because they had printed matter favorable to the publicity agent of the striking men, Carl Person, who was at a time he was being tried for his life, having been compelled, in defense of his life, to kill.

Let me briefly sketch to you some facts concerning the efforts of the men to get publicity. Without money they could not meet the campaign of publicity launched by way of paid advertisements; neither could they afford to have matter printed to circularize the zones. They started a little newspaper, and the men who did picket duty acted as reporters for it. These men were furnished with cameras and they produced pictures of wrecks and secured knowledge of the cause of wrecks, and difficulties at various points. These facts were printed, and at the same time the stock of the Illinois Central Railroad Co. started to fall; I think it left 120 and did not stop until it reached 110. The dividends of the Illinois Central were affected, and Mr. Markham, in the 1912 meeting of the stockholders, explained it by saying that it was due to labor troubles. They fell, I believe, from 7 to 5 per cent.

Then Carl Person, the editor of this paper, the only publicity means of the men, was suddenly seized by a United States marshal and dragged to Springfield Ill., and an indictment was returned by a Federal grand jury under an ancient Federal statute on the charge of having reflected injuriously on the conduct of the Illinois Central Railroad Co. and its officials. No one had questioned the fact that the bills filed in the Federal court by the railroad company asking writs of injunction reflected injuriously on the conduct of the men who withdrew their services. The result was that he was placed under bond under an indictment containing seven counts, the maximum penalty for which was 35 years in the Federal penitentiary and a $35,000 fine, in the discretion of the court. Maybe they thought they would be able to intimidate him, but the bulletins went out on time. After the next one, that was his bulletin printed at Decatur—he was slugged on the streets of the city, and at the same time he was told that he must stop the publication of the strike bulletins or leave town. This not stopping this avenue of publicity, Person was decoyed from his office by a fake telephone message which came from a saloon. In front of the saloon was a traveling engineer of the Illinois Central Railroad, and a number of other strike breakers, and in the saloon was an ex-chief of police, a man by the name of Tony Mussler; he asked Person to meet him at the Union Depot, using the name of a friend of Person as a decoy.

Person went down there and in the meantime this man moved over next to the depot near the door, and as Person passed he pounced upon him, and Person was compelled to kill this man in defense of his life; and in this community, controlled by the Illinois Central, the feeling was so strong against this young man who acted as a decoy to Person that it was necessary to close the saloons at 4 o'clock and for a special posse to be organized by the sheriff to protect the jail. Yet, when we went into the court room to invoke the right of trial to another county, where the Illinois Central was not the only railroad and where the sheriff's son was not in the employ of the Illinois Central, and where the mayor of the town was not an employee of the Illinois Central, and asked for 30 days to file affidavits, we found at the State attorney's office and the sheriff's office and the police department and employees of the Illinois Central were out getting affidavits to show that we could get a fair trial, and we tried to get affidavits showing we could not. But we had 30 days' election to show whether a man charged with murder and on trial for his life could get a trial in another county. A special attorney was selected to aid the regular prosecutor. The evidence showed that the State's attorney had made application to have Judge Herrick employed and paid out of the county funds. That was denied, but I know it is so, because Judge Herrick led in the prosecution of that case. We could not get a hearing on habeas corpus down in that jurisdiction, and that established a unique precedent. I am stating this so that you gentlemen may understand the feeling created in the minds of the men that worked for their living, and which, right or wrong, formed the point of view they had right along there. We had to use out a writ of habeas corpus before Chief Justice Charles M. Walker of the criminal court of Chicago and have the sheriff of Cook County go 200 miles down into another district, comprising coextensive, and bring a man out of jail who had been in there five and one-

half months, in order to determine whether he was legally detained in jail; and the adjudication of that here established successfully at least in one particular that Person had been jailed, notwithstanding the presumption of his innocence, for the judge admitted him to bail and freedom that he should have five months before, if he had not been denied the writ of habeas corpus.

Briefly these statistics——

Chairman WALSH (interrupting). Before you get to that, Mr. Comerford, were these questionaries sent out to lines other than the Illinois Central?

Mr. COMERFORD. The Harriman lines.

Chairman WALSH. Did that include the Union Pacific?

Mr. COMERFORD. It did.

Chairman WALSH. Have you given, in your investigations and in the conclusions based thereupon—have you made any separation between the lines of the Union Pacific, Illinois Central, and Southern Pacific?

Mr. COMERFORD. I have not except in so far as I have identified by particular instances, which I have defined as belonging to one or the other. The nearest approximation I have been able to make as to the number of men involved is about 30,000. The estimates vary between 28,000 and 35,000. The total years of service prior to September 30, 1911—and I want to make it clear that this represents just 1,000 men. As a consequence, on that basis, if these figures are correct, the proper estimate would be found by multiplying by 30, which shows that the men worked 7,887 years, which would show that the average period of individual service was 7.88 years, indicating that these men were not boomers; they were not of that type or the floating type, but were, rather, constant men in their devotion to their employment.

The number of single men represented in this thousand were 186. The percentage of single men, therefore, in the entire zone among the 30,000 affected would be 18.6 per cent.

The number of married men, 814. The percentage of married men, 81.4.

The number of children, 1,748, making the percentage of children to a family of 2.

I want to emphasize the significance—that is, compared with other statistics—in indicating the tendency toward race suicide, whether the piecework system, present wage scale, present shop conditions constitute deterrent to the raising of families.

Number of women and children dependents, 2,423. And when I say women dependents it includes wives, sisters, and mothers in conjunction with children whose age would unfit them for being self-supporting.

Number of children of school age, 499.

The number of children driven into child labor, 98, which would make the estimated number of children driven into child labor as a direct result of this strike, 2,940, or 20 per cent of all the children of a school age, in the members of the families of the men affected.

And it occurs to me that the passing of legislation prohibiting children working between certain ages does not mean anything, as long as the pay envelope of the head of the house is not adequate to keep them in school and to keep and feed them and to maintain the shelter.

The number of wives, 734.

The number of wives driven into wife labor, 268. The percentage of wife labor, 36.4.

The number of home owners, 489. The number of these home owners who owned their own homes in partnership with mortgages, 346, making the total number of home owners, 185, or showing that only 15 per cent of the men who worked for the Illinois Central were ever able to own a home, regardless of the fact that the average period of service was 7.88 years.

Percentage not owning their homes, 87.1.

Number of homes lost, 86, of those who owned their homes, indicating a percentage of 15.7 of the homes lost of the 24.6 per cent who did own homes before the difficulty.

Moved to cheaper quarters—and this indicates the standard of living. I have epitomized and attempted to recapitulate, and by the examination of the question sheets you will see the basis for recapitulation and can test its fairness—moved to cheaper quarters, 91 per cent of all the men, whether married or single, affected.

Broken homes, 69 per cent. And by broken homes I mean that men were compelled not only to move away, but leave their wives and children with their

mothers or sisters who were dependent upon them back at the old home and take the road in seeking employment in order to maintain the family. And that separation lasted varying periods.

Compelled to ask charity, 91, which represents 10 per cent of the men. And we submit that there is not any more degrading or degenerating influence upon the character of a man in his relations to his home or in his relations to the State than to compel him to be the beneficiary of charity.

Compelled to sell furniture, 128, representing 12.8 per cent of the men who had furniture.

Compelled to borrow money and become dependent on relatives, 503, or 50 per cent of all the men.

Period of illness, 1,079 years and 8 months.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock Monday morning.

Commissioner LENNON. What period does that last item cover; what date is that examination?

Mr. COMMERFORD. For the first 34 months succeeding it, meaning October and September, 1914.

(At 4.20 o'clock p. m., Saturday, April 10, an adjournment was taken until Monday, April 12, 1915, at 10 o'clock a. m.)

CHICAGO, ILL.,
Monday, April 12, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Lennon, Ashton, O'Connell, and Garretson.

Chairman WALSH. I desire to announce that at the close of Mr. Comerford's testimony the first witness will be Mr. Konenkamp and the next Mr. Carlton. We will leave this Illinois Central controversy and proceed with the telegraphers. You may proceed, Mr. Comerford.

(Proceedings in relation to the matters mentioned by Chairman Walsh, for convenience of segregating testimony under one heading, appear heretofore under the title "Commercial Telegraph Companies.")

TESTIMONY OF MR. FRANK COMERFORD—Continued.

Mr. COMMERFORD. In the interest of accuracy in the record I wish to state that the figures, a portion of which have been read, representing the survey made, are based upon answers coming not alone from employees who withdrew their services on the Illinois Central, but the Harriman lines as well, including all of the Harriman lines.

The number of wives driven into wife labor, 268; percentage of wife labor, 26.4.

Number of homes, 420; number of homes owned in partnership with mortgages, 240; number of homes owned clear, 183; percentage owning homes clear, 18.8; percentage owning homes with mortgage, 24.6; percentage not owning homes, 57.1; number of homes lost, 65; percentage of homes lost, 15.7.

Moved to cheaper quarters, 91 per cent.

Broken homes, 63 per cent.

Compelled to ask charity, 91; almost 10 per cent.

Compelled to sell furniture, 128; 12.8 per cent.

Compelled to borrow money and become dependent on relatives and friends, 503; 50 per cent.

Period of illness, 1,079 years and 8 months; period of average individual illness, 1 year.

Period of separation from families, 220 years and 9 months; average individual period of separation from families, 4 years and 6 months.

Total number of jobs, 4,550; average number of jobs, 4.55.

Number complaining of blacklist, 179.

Number complaining misrepresentations were made to men hired by agencies, 954.

Number of suicides, 16.

Number of insane, 9.

Deaths due to strike, 16.

Killed by strike in wrecks, explosions, and by guards (estimated), 600.

Total savings before strike, $112,148; average individual savings before strike, $112.14.

Total money owed before strike, $35,422; average individual indebtedness before strike, $55.42.

Amount of savings in excess of indebtedness before strike, $56,720; average individual solvency before strike, $56.72.

Total savings after 34 months of strike, $29,611; average individual savings after 34 months of strike, $29.61.

Total indebtedness after 34 months of strike, $134,367; average individual indebtedness after 34 months of strike, $134.36.

Aggregate indebtedness after 34 months of strike in excess of savings, $104,756; average individual indebtedness in excess of savings after 34 months of strike, $104.75.

In other words, on a basis of solvency calculated on the amount of savings and the indebtedness before strikes, each citizen, as an individual, was fifty-five dollars and some cents solvent. After 34 months of this discontent and withdrawal of service they were indebted or absolutely bankrupt and insolvent to the extent of $104.75 above and beyond any savings.

Total savings before strike, $3,564,440.

Total money owed before strike, $1,662,000.

Amount of savings in excess of indebtedness before strike, $1,701,780.

Total savings after 34 months of strike, $898,290.

Total indebtedness after 34 months of strike, $4,041,010.

Aggregate indebtedness after 34 months of strike in excess of savings, $3,142,690.

I have picked out a few typical cases from the questionnaires that are brief, and I want to read them into the record. This one is on the question of pensions, and it indicates the attitude of one old man in the service [reads]:

"After 30 years of service, which must have been satisfactory, this certainly was a hard blow to me to be locked out because they would not recognize the union I belonged to. Me, as a free United States citizen, would not give up the union. Even the risk I took in losing the pension I had been looking forward to in my old age, after many years of faithful service."

A typical case of blacklisting furnished by Edward F. Mason, 544 Washington Place, East St. Louis, Ill. [Reads:]

"In making out the application for the job at the terminal railroad shops at Brooklyn, Ill., I was very careful not to mention having worked for the Illinois Central.

"I gave reference to three men who I had worked for and who had laid me off on account of a depression in business, each telling me that they wanted me to come back after business picked up.

"Nevertheless the general foreman sent word that I had the reputation of being a trouble maker in the shop. I was formerly on the shop committee at the Illinois Central shops and was secretary of the local System Federation and of the Central Trades and Labor Union of East St. Louis, Ill. In being refused the job it is still open, and they have been unable to get a machinist to take it so far."

Another case of blacklisting came from the Harriman lines [reads]:

"While standing at the depot one day watching the passengers and train Supt. Jeffrey, of the Union Pacific, came up and asked me what I was doing. I said, 'Nothing.' He then said, 'You better take what you can get, for if you go on any other road I will get you,' and then walked off."

I might suggest that the answers disclosed the fact that this particular superintendent, Jeffrey, seemed to have taken that position rather continuously, even to the extent of going to business men and suggesting that the men who withdrew their services should not be given credit, and in that way compelled them to leave town. [Continues reading:]

"The sheriff of Placer County tried to make me go back to work in the railroad yard; so did one of the trustees. Was also watched by special officers, both night and day whenever I left the house, until I left Roseville. And every job I have been on since the strike that amounted to anything, just as soon as they found out I was a striker, I would get fired. But at present I am working for myself—mining. I don't think I will get fired on my own job.

"EDWARD B. ROSS,
"*Dutch Flat, Cal.*"

Then here is one [reading]:

"Shortly after the strike was called I was appointed superintendent of the picket line and as such came in contact with very near every one around the Albina shops, and was also one whom the guards and police were instructed

to get'; only the presence of other strikers saved me on several occasions. On one occasion two boys came looking for work. The pickets caught them and were talking to them when a big guard named Stone and Deputy Sheriff McDonald came out in the street and with hands on their guns took the boys and forced them to go inside. Chief of Guards Mack invaded the home of Walter Scibar to arrest him for stealing wheat when it was another man that was wanted, beat him over the head with a revolver, and fractured his skull. The O. W. R. & N. paid big damages on account of it.

"There were 150 deputy sheriffs and police at the shop who received $100 per month from the city and county; the railroad paid the rest.

"W. C. LUKENBILL,
"*Box 601, Rainier, Oreg.*

"August 21 1914."

Here are a few typical cases of personal poverty brought about by this lockout. [Reading:]

"I was out of employment so long that I had to break up housekeeping and live with my brother-in-law in Kingsville and was separated from my family six weeks; then my baby was taken real ill and had to bring him back to Houston, Tex., for treatment and I was only making $2 a day. The union was not able to help us much.

"My sister-in-law lost her mind for nine months, over the strike; left a child 2 years old for the while she was in the asylum. My oldest brother's wife—he was a striker also—they were about to lose their home, and were both ill at the time and no work. I have no job at my trade now.

"Wishing for something better soon.

"Mr. W. P. BEARLEY,
"*2208 Decatur Street, Houston, Tex.*"

"My wife is a very heavy woman, weighs 240, has been obliged to wear an elastic stocking. Since the strike I could not afford to get one, the arteries of her limb have burst in consequence of it, and she is an invalid. She broke her right leg bone lengthwise and was obliged to work right on with no intermission every day for others, to try to help pay for our home, and our living was bread, butter, tea, sugar, and nothing else; $17 per month for three of us. This weakened her so as to cause complications at her age, the change of life. We have suffered great inconveniences too lengthy to tell."

This is hardly a typical case; it is an unusual case furnished by Mr. Edwards, 220 Sixteenth Street, Carroll, Ill. [Reads:]

"One man at Carroll tried to commit suicide from worry over the strike and was prevented by friends and was sent to the insane asylum at Anna, Ill. This man's name is Joe O'Loughlin and lives in Carroll.

"It was generally supposed that Mr. Gatton's death was caused from worry over strike and his wife later hung herself and in a short time his boy Clyde, who was deputy sheriff of Pulaski County, committed suicide by blowing his brains out with a revolver in the presence of his sweetheart, saying, 'Here she goes,' and she did."

That is the complete extermination of a family directly attributable to worry growing out of the strike. [Reads:]

"The winter just passed was fearful for me. My wife and babe sick, only making $37 per month; was compelled to send my boy to work at messenger service in Decatur and the Western Union. I had to keep my two children out of school. They had no clothes or shoes or books, and I had no way to provide for them further than some cheap rooms and enough groceries to keep from starving. More than this, I have an injured mother depending on me since the strike. She has done light work, too much for her strength.

"WILLIAM DELL AHOLT,
"*West Third Street, Moulton, Iowa.*"

"By being sick and out of employment I was forced to ask the Methodist orphanage at Jackson, Miss., to take my three girls and care for them, and when I got able to work would contribute to their support. My oldest sister has the boy, has cared for him since his mother's death six years ago. I, of course, send him money as I can. It was very humiliating to me to ask the home to take my little girls, as well as heartbreaking to part from them, but it was the only thing I could do. We were getting along nicely until the strike.

"F. L. REEKS,
"*114 Harrison, Monroe, La.*"

"We sure have had a hard time since the Harriman strike and more sickness than we ever had in our lives, and my wife had to take in washings and go away and work, and now her health is so poor that she is not able to do her work hardly, but still we have to all work, everything we buy is so high and times have been so hard and work for men is surely scarce here, and I won't scab if I have to beg, although I have had lots of chances to scab.

"FRED W. WEAVER,

"*409 East Elm, Salina, Kans.*"

"One can hardly tell with pen and ink the misery and the heartlessness the railroad corporations has caused me, my wife and I, our separation from our children and grandchildren. My wife has never once murmured. But the suffering she has passed through has plainly left its mark on her face. I am constantly in fear that I shall finally lose my home. As for myself the greatest damage the thing has done to me is that I have almost lost faith in humanity and humanity's God.

"THOMAS SCOPES,

"*124 Minnesota Street, Danville, Ill.*"

Comparing some of these figures with statements furnished by the last report of the Census Bureau; that is, the report compiled and completed, these facts do not seem important; that we maintain in America about 1,500 almshouses; we maintain in America about 30,000 jails; about 10 per cent in even normal times of child life of America is driven into child slavery; about 1,300,000 arrests are made in 156 selected cities in the United States of America every year. We spend about $50,000,000 taking care of the insane.

The point of view of the workingman, as I have found it from my observation and experience, is this: That religion and government, nature and morality tell him to marry. In obedience to these demands and laws he does marry. Incident to marriage comes the blood and moral and civic responsibility of making and maintaining of a home. That man has one thing to give—that is, his labor. He has one revenue and that is his wage. With that wage he must educate and feed and clothe and shelter his children and maintain his home. He gives all he has, the sum total of his physical and mental ability in work. If his pay envelope is not large enough to pay the burden of maintaining his home and educating and clothing his children he is absolutely helpless.

He is surrounded by laws he can not violate. He can not steal to make up the deficit in his pay envelope and discharge his responsibility to his family, because stealing is larceny, and that is a crime prohibited by law. He can not prevent his children coming into the world in order to reduce his family, because that is against the moral law and against the statutory law. He can not beg to make up the deficit, even if he is willing to, and even if organized society believes that begging would be a good thing for character, because begging is vagrancy, and that is prohibited by statute. He can not murder the children to keep from supplying them with food and clothing, because murder is a crime prohibited by statute. He can not avoid the responsibility, even if he were coward enough to want to, and leave his family and his children to the care of society, because if he does that the arm of the law will reach out and by process of extradition bring him back for having abandoned his children or his wife. He can not commit suicide if he is caught before he succeeds in the act, because committing suicide is a crime punishable by statute. And the attempt to pass legislation saying that he can not send his children out to work—why, we have failed to remedy the condition which causes his earning power to decrease as he grows older, while the expenses of his family increase as the children grow older, simply leaves him helpless.

We believe and we know that the children of the red-light district, the women of the red-light district are recruited largely from the girls that are in the beginning driven into child labor, and we believe that a girl who is denied the example of home life at a young age, who is denied a chance for education which fits her to cope with the temptations of life, underfed, with a desire for clothes to make herself attractive so that she can make a happy match of marriage in life, that girl is simply through utter frankness recruited into a thing that men of all minds agree and believe is a scar on our civilization.

We believe, too, that the tendency toward intoxication among men who work hard grows directly out of the fact that those men are underfed and overworked. They live from hand to mouth. They have the responsibility of a family to maintain and they live in the constant dread of losing their job.

The position that organized labor takes, as I have understood its demand, is that while the world does not owe every man a living, it owes every man a chance to make an honest living, and that covenant with society must be fulfilled by law or the men who work for a living will suffer the industrial and personal discontent that comes from constant worry and the fear that their children may become part of a social by-product that is unworthy of any country.

I want to call your attention to one matter testified to by Mr. Fuller, superintendent of motive power on the Union Pacific. He took the witness stand and he gave a list of nine of the system federations cited by Mr. Wharton, of which Mr. Wharton had cited 52. He had been advised that they did not exist on those nine.

Mr. Wharton's letter is as follows [reading]:

"During the presentation of my evidence at the hearings held April 7 and 8, I specifically stated that 52 system federations had been organized and recognized. I also furnished the name of each of these 52 railroads. Mr. C. E. Fuller, superintendent of motive power for the Union Pacific Railroad, testifying before the commission Saturday, April 10, made a statement to the effect that in answer to an inquiry sent to these roads the officials of nine of them had informed him that my statement was not correct.

"It is my desire to present to the commission the indisputable evidence of the incorrectness of Mr. Fuller's information, by furnishing you with copies of the agreement in effect on a number of the roads mentioned by him as not having recognized the federated crafts.

"These agreements will be forwarded to you in the next few days."

(The agreements referred to are to be found in Wharton exhibit.)

Since that time Mr. Wharton has found in Chicago one of the printed copies of the agreement with one of the railroads that Mr. Fuller said was not a system-federated railroad.

I want to call your attention——

Commissioner O'Connell. Put the name of that one in the record at this point.

Mr. Commons. The name of this railroad is the St. Louis, San Francisco & Texas Railway, Fort Worth & Rio Grande Railway, Brownwood, North & South Railway—Frisco system.

(The witness submitted, in printed form, a pamphlet entitled "Agreement Between the Following Organizations: Machinists and Apprentices; Blacksmiths, Apprentices, and Helpers; Boiler Makers, Apprentices, and Helpers; Sheet Metal Workers; Coppersmiths and Apprentices; and Pipe Fitters; and St. Louis, San Francisco & Texas Railway; Fort Worth & Rio Grande Railway; Brownwood, North & South Railway. Effective Sept. 15, 1918.")

In regard to the statement to Mr. Fuller in regard to the character of employees that left the service being competent men, I want to read briefly two paragraphs from the report of the railroad commissioner of Louisiana, Circular No. 389, report on accident near Monts, on the Yazoo & Mississippi Valley Railroad, one of the allied lines with the Illinois Central:

"The commission on Monday, November 11, 1912, received a telegraphic report of an accident on the Yazoo & Mississippi Valley Railroad near Monts, La., in which 20 or 30 passengers were reported killed and approximately 50 injured."

Now, to the finding of the commission (continues reading):

"Engine No. 85, which hauled the excursion train to New Orleans on Saturday before the accident and returned with it on Sunday night, with engine No. 2304 as a double-header, was taken out of work-train service and was never a passenger engine. It had not been in the shops for months and had broken down once at least, going to Woodville to bring the excursion out, and stopped several times for unexplained causes on the down trip. When at New Orleans it was worked on in the shops and on its return broke down again at Monts, where it was on the main track being repaired when the accident occurred. All of this leads to the conclusion that the company has been entirely careless in its discipline; that its employees are not as carefully trained or prepared as they should be; that the company is lax and extremely careless in the enforcement of its rules; that the equipment used on the excursion train was inferior, and engine No. 85 was in bad order and not proper for passenger service."

I want to file with the commission an exhibit containing letters from prominent business men all over the lockout zone, showing the effect upon business,

and in many instances showing the effect upon morality, of the communities within the lockout zone, the direct result of the failure of the Illinois Central and the Harriman lines to even treat with the men as a State federation.

I want at this time to file officially with the commission the exhibits heretofore used in my testimony, together with the thousand-question sheets used as the basis of the investigation as to the Illinois Central and the Harriman lines, as to the social effect.

(The exhibit containing letters from business houses presented by the witness appear at the end of this subject as "Comerford Exhibit No. 5."

The question sheets also presented by the witness were in printed form.)

Commissioner O'Connell. Did Mr. Franklin leave with you a document to be filed?

Mr. Comerford. Yes; I thank you, Mr. O'Connell [reads]:

"Statement from Mr. Joseph A. Franklin, international association president of the Boiler Makers and Iron Ship Builders of America.

"I desire to submit a few facts regarding the loss of life as a result of explosions and failures on locomotive boilers on the Southern Pacific Railway system, as compared with 14 other large railways in the United States, covering the same period of time as shown by the annual report of the chief inspectors of locomotive boilers to the Interstate Commerce Commission, issued October 8, 1912, and covering a period from July 1, 1911, to July 1, 1912:

	No. of engines.	Number killed.		No. of engines.	Number killed.
Southern Pacific	1,328	32	P. R. R. lines	6,974	2
Northern Pacific	1,464	0	C. & N. W.	1,629	0
New York, N. H. & H.	1,226	0	C. B. & Q.	1,655	0
N. Y. C. & H. R.	2,720	4	C., M. & St. Paul	1,857	0
Missouri Pacific	1,161	1	Erie Railway	2,468	0
Great Northern	1,120	0	Southern Railway	1,625	0
Baltimore & Ohio	2,678	1			
A., T. & S. F.	2,270	2		28,545	43
C., R. I. & P.	1,667	0			

The final figures show that the railroad companies mentioned had 28,545 engines in service, the Southern Pacific having 1,328 of them; that the total number killed were 43, and that for the 28,545 engines; and the Southern Pacific, having 1,328, killed 32.

Chairman Walsh. Commissioner Aishton would like to ask you some questions.

Commissioner Aishton. Regarding that last exhibit, Mr. Comerford, I suppose you have no personal knowledge of the conditions prevailing in the boilers on the Southern Pacific with regard to the character of the water used?

Mr. Comerford. Nothing that would be expert at all.

Commissioner Aishton. The Southern Pacific, you know, runs largely through a desert country in the southwestern part of the United States, and the character of the water may have something to do with the boiler explosions.

Mr. Comerford. That would be quite as true of the Santa Fe as it would of the Southern Pacific, would it not?

Commissioner Aishton. Yes, in a measure. Mr. Comerford, then this survey that was made, as I understand it, covered 1,000, did it?

Mr. Comerford. Yes, sir.

Commissioner Aishton. And it shows, does it not, the number of increases made on the lines of the Illinois Central?

Mr. Comerford. Yes.

Commissioner Aishton. And of the Southern Pacific and the other lines interested in this affair separately?

Mr. Comerford. Yes.

Commissioner Aishton. It shows just how it was distributed?

Mr. Comerford. Yes.

Commissioner Aishton. Your survey indicated not only a very distressing condition to the former employees and their families of the different railroads, but also disclosed quite an interruption to the different commercial industries along the line of the railroad?

Mr. Comerford. It did.

Commissioner Aishton. And that is indicated by those letters of these business men and various industries?

Mr. COMERFORD. Yes.

Commissioner AISHTON. And you testified directly, I believe, regarding some suit growing out of the fact that the business of some coal company was very much interrupted and that of other lines of industry connected with the coal mining industry; that men were thrown out of work, and all that kind of thing?

Mr. COMERFORD. Yes.

Commissioner AISHTON. You heard Mr. Markham's testimony, I believe, as to the large financial loss to the Illinois Central Railroad during the strike?

Mr. COMERFORD. Yes.

Commissioner AISHTON. Now, you have given the matter a great deal of study, I should assume, Mr. Comerford, and the commission would like to have your opinion as to a remedy—that is what we are all looking for, the corporations, the employees, the Government, and the people. Have you given the matter any thought?

Mr. COMERFORD. I have.

Commissioner AISHTON. Have you any objection to stating to the commission what your ideas are in regard to that, Mr. Comerford?

Mr. COMERFORD. I have not.

Commissioner AISHTON. We would be glad for such expression.

Mr. COMERFORD. I believe that Mr. Kruttschnitt struck the vital point when he spoke of publicity, but Mr. Kruttschnitt failed to provide in his detail a scheme by which the men would be able to secure publicity on the same terms with the companies, not having the money and not having the other methods of reaching the public. I believe that either a commission or the Department of Labor should, instead of being an unimportant department in the Government, should be made one of the most important, this being an industrial age and industrial problems being the most important, and that the powers of voluntary arbitration should be given; that a method of publicity should be devised in connection with the department; that the Government itself would issue the bulletins concerning the facts, and that the newspapers would be compelled to print them. In other words, I believe in an absolute Governmental supervision of the giving out of the news that affects that third party known as the people. It is not only the employer and the employee that have an interest, but the general social status of the State is directly connected, the shippers, the business men, the farmers, and all of the public who are affected by the general condition of the times.

I believe we should have voluntary arbitration and that in conjunction with it the Government should issue the bulletins, and it should be compulsory on the part of the newspapers to print the facts in a given situation. I believe that if the newspapers, for instance, while those negotiations were pending, had printed the actual facts, that instead of the pitched battle that was resorted to on the 30th of September, 1911, the Illinois Central and the Harriman lines would have come to the council table with the men, and these tentative agreements and rules which were simply submitted for the purpose of negotiating would not have been thrown out, and the situation that happened on the 32 roads would have happened on those roads, and there would have been no difficulty.

I believe the Government will be compelled ultimately to take the position that the men not only have the right to organize, but, for the good of the country, must always organize. I think collective bargaining makes it absolutely imperative that you have organization—an organized force among the men.

In the day of the individual being the master over individuals as employees, that man was held responsible in the community for the conditions under which his men worked, the wages that they got, and in a measure, their families, and if he drove too hard a bargain, the penalty of social disgrace was visited on him and his family. If the family of the employee was compelled to ask for charity, the community rose up against the individual employer. But when the corporation form succeeded the individual employer which gave the individual employee a chance to come in personal contact with the employer, there came a different way of doing business; there came two grades of employees, one grade you call official, and the other grade you refer to as the men. A man who is an official in an industry is simply retained by the stockholders and given a certain field and told to get the best possible results, and he becomes a slave driver in many instances, not because he wants to, but because he knows that his future, his increase in salary, and his advancement is determined by the profits and dividends that he can secure for his employer. He also knows that in competition with other employers, other officials occupying the same position, that if the returns from his work do not show well, he will

probably lose his place and go downward, and that stimulates a man to activity that in many cases is not human.

Commissioner AISHTON. Of course, that is largely theoretical, is it not, Mr. Comerford?

Mr. COMERFORD. I think anything that has not been put in practice is theoretical.

Commissioner AISHTON. Now, coming back to the remedy—you think—and I infer that in your talk, your are referring to what may be called employees of transportation companies as distinguished as purely industrial concerns?

Mr. COMERFORD. Yes.

Commissioner AISHTON. You think there is a difference between the regulation, if we call it such, that should apply to employees in transportation concerns, where the distress is so widespread and the interference with commerce so great, and of purely industrial concerns?

Mr. COMERFORD. It is simply the accentuation of a condition, that is all; it might be to a larger degree in transportation companies, meaning by transportation, shopmen and such.

Commissioner AISHTON. I mean men employed by transportation companies in any capacity in the transportation fields; does not collective bargaining become a proposition applying to a greater number of employees, in a greater degree, than in other business at the present time? I do not mean this present form of collective bargaining that this trouble is over, but collective bargaining where the men, as a body, negotiate with their employers, rather than as individuals.

Mr. COMERFORD. That is true.

Commissioner AISHTON. Both in the shop trades and in the train service?

Mr. COMERFORD. That is true.

Commissioner AISHTON. I think so. You are familiar with the Erdmann Act, and the Newlands Act, as it is now called in its amended form?

Mr. COMERFORD. Yes.

Commissioner AISHTON. Does that seem to lack the feature of authoritative publicity that you think, and Mr. Kruttschnitt thinks, is one of the principal features in the elimination of the trouble?

Mr. COMERFORD. I think it absolutely lacks it; and that is its weakness.

Commissioner AISHTON. Do you think it ought to be strengthened by new legislation that will bring that about?

Mr. COMERFORD. I do. I think it utterly ineffective without that.

Commissioner AISHTON. I think you agree with Mr. Kruttschnitt, in his testimony, that compulsory arbitration has been a failure?

Mr. COMERFORD. I think so.

Commissioner AISHTON. And would not be fair?

Mr. COMERFORD. Particularly in our country; it could not be.

Commissioner AISHTON. I think that is the general opinion. I do not know. I heard some discussion the other day about this Canadian act known as the Lemieux Act, are you familiar with that?

Mr. COMERFORD. Yes.

Commissioner AISHTON. The provisions of that provide for publicity, do they not, by Government authorities?

Mr. COMERFORD. Yes.

Commissioner AISHTON. What are the weak points in that act, as you see it?

Mr. COMERFORD. The weak point in that act is the period of time given the employer to get ready for the difficulty.

Commissioner AISHTON. Two weeks?

Mr. COMERFORD. Yes.

Commissioner AISHTON. That is its only weakness, is it, Mr. Comerford?

Mr. COMERFORD. I think that is the principal weakness in the act.

Commissioner AISHTON. I am not familiar with the terms of the act; I heard it discussed once or twice.

Mr. Comerford, just as a matter of correction for the record, I notice, and I think it was an inadvertence, that you used the term "lockout" in speaking of some of those typical cases on the Southern Pacific road; as a matter of fact, there was no lockout, was there?

Mr. COMERFORD. In my opinion, it was a lockout. The definition of lockout by the Supreme Court of the United States is the closing down of a factory for the purpose of putting out of employment men. Now, it is my contention that an American citizen has a right to organize, and if he has the right to organize, he has the right to organize in such form as he pleases. If that is

true, the railroad company, or any other employer, that refuses to meet men for the purpose of negotiating an agreement simply because of the form the men select to meet them constitute, in my judgment, as complete a lockout of those men as though they turned the key in the factory and suspended operations. This is analytical, of course; it is a matter of analogy. I have always insisted this was a lockout, rather than a strike.

Commissioner AISHTON. Under the original interpretation, though, of those words, it would hardly apply, would it?

Mr. COMERFORD. My interpretation is based on the reasoning in the United States Supreme Court decisions, and until they are changed I have been taught as a lawyer to follow them.

Commissioner AISHTON. I judge that is very correct.

In speaking about publicity the other day, Mr. Comerford, there was a mention made to the employees publishing a paper.

Mr. COMERFORD. Yes.

Commissioner AISHTON. And that was the only means of publicity the men had?

Mr. COMERFORD. Yes.

Commissioner AISHTON. Is there a file of that paper in existence?

Mr. COMERFORD. Yes.

Commissioner AISHTON. Would there be any objection to giving the commission a file of that paper?

Mr. COMERFORD. I think not; of course, if the file in existence is the only file, it would probably be furnished with the understanding that it be returned, because the file would be important to the men involved, it being the history of their efforts as to publicity.

Commissioner AISHTON. Would it be satisfactory, Mr. Chairman, that it be furnished with that understanding?

Chairman WALSH. It may be filed under those conditions. If there is an extra file we will have our investigator go and get it; and if not, it may be submitted under those conditions.

Commissioner AISHTON. I think that is all.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Your idea of publicity in connection with industrial strike is this, is it not, that the information upon which public opinion shall be based, should come from an authoritative governmental source so that it would be impossible to form public opinion on misinformation?

Mr. COMERFORD. That is exactly the purpose of it.

Commissioner GARRETSON. Your idea would debar either side from the publication of alleged facts?

Mr. COMERFORD. Exactly.

Commissioner GARRETSON. Viewed through their own glasses?

Mr. COMERFORD. Exactly.

Commissioner GARRETSON. In regard to the publicity that comes under the Lemieux Act, the Dominion industrial dispute act, your idea would be that if investigation by the Government became compulsory that it should progress without halting?

Mr. COMERFORD. Exactly.

Commissioner GARRETSON (continuing). The progress of the strike?

Mr. COMERFORD. Exactly.

Commissioner GARRETSON. That is, it would not afford an opportunity for either side to reinforce itself while the investigation was taking place?

Mr. COMERFORD. Yes.

Commissioner GARRETSON. Have you ever seen—I assume you are somewhat familiar with the workings of the Lemieux Act?

Mr. COMERFORD. Not from actual contact in Canada.

Commissioner GARRETSON. What?

Mr. COMERFORD. I am not familiar with it from any actual disturbance in Canada.

Commissioner GARRETSON. Then you might disclaim competence to answer the question I am going to ask; have you ever seen a report coming from any investigation made under the Lemieux Act?

Mr. COMERFORD. No, sir.

Commissioner GARRETSON. Except what was a defense of the decision reached by that board?

Mr. COMERFORD. I have never examined a report under that act.

Commissioner GARRETSON. I have been "Lemieuxed" a few times.

That is all.

Commissioner AISHTON. May I ask one more question?

Chairman WALSH. Yes.

Commissioner AISHTON. I was not quite clear about your idea of the Erdmann or the Newlands Act; I did not ask this specific question, as to whether it is your opinion that that act ought to apply to all employees in transportation service, or should it apply only to shopmen—that is, the shop craft?

Mr. COMERFORD. No; it is my idea that an act based on the principles of that act, with certain amendments, should be made to apply to all men who work.

Commissioner AISHTON. That was the intent of my opinion; that is all, thank you.

Chairman WALSH. Will you, at your convenience, suggest the amendments on that basis that you have to suggest to that act?

Mr. COMERFORD. Make a rough draft?

Chairman WALSH. Yes; just a rough draft.

Mr. COMERFORD. I will be glad to.

Chairman WALSH. That is all; thank you, Mr. Comerford; you will be permanently excused.

ADDITIONAL STATEMENT OF MR. JULIUS KRUTTSCHNITT.

SOUTHERN PACIFIC CO., EXECUTIVE COMMITTEE,
April 14, 1915.

To the Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Field Headquarters, Transportation Building, Chicago, Ill.

DEAR SIR: One of the questions asked me when I appeared before your honorable commission in Chicago on Saturday, April 10, was what could be done to settle labor disputes and maintain industrial peace in the future. I should like, with your permission, to explain my answer in some detail.

The act of Congress approved June 15, 1913, known as the Newlands Act, providing for mediation, arbitration, and conciliation in controversies between certain employers and employees, is a great improvement on the Erdman Act, which it superseded, but it relates to employees engaged in train service or train operation only of common carriers engaged in interstate commerce. Its usefulness would be greatly increased if it were made to apply to all railway employees engaged in the interstate business of the employer, including those engaged in keeping in repair cars, locomotives, appliances, machinery, track, roadbed, and other instrumentalities of interstate commerce. The Board of Mediation and Conciliation appointed by the President under the act has proven useful in maintaining industrial peace, but as it frequently results, as a consequence of invoking the services of this board, that railway expenses are increased, it is very important to the carriers that the board should be closely coordinated with, or, better still, subordinated to the Interstate Commerce Commission, so that the same authority responsible for increasing expenses of the carriers should at the same time incur a corresponding responsibility for providing revenue to meet the expenditures. The reasonableness of such a provision is apparent when the complete control of revenues and almost equally complete control of expenditures by Government at the present time is considered.

The Newlands Act provides that when a controversy arises either party may apply to the Board of Mediation and Conciliation for its adjustment, and the board may offer its services to the parties in controversy where interruption to public service is imminent. There is no obligation, however, other than a sense of obligation to the public, on either employer or employee to submit differences to mediation. Instances have occurred where mediation and arbitration have been stubbornly refused with utter disregard of the public's interest and rights, and the act offers no remedy. This defect could apparently be remedied, as is done in the Canadian industrial disputes investigation act of 1907, which makes a combination, lockout, or strike illegal until the questions at issue shall have been thoroughly investigated and made public; and there should be a provision that where the board offers its services for investigation, mediation, and conciliation it shall be obligatory on and not optional to the parties to submit their differences so that the public may judge the dispute intelligently.

The desirable feature in the Canadian act is that it compels investigation and publicity and peace pending investigation, and paves the way, as the Newlands

Act does, to arbitration, which, however, is optional with the parties to the dispute. The Canadian department of labor, in its bulletin of April, 1914, reviews the proceedings under the industrial disputes investigation act of 1907 for a period of seven years during which it had been in effect. One hundred and sixty-two applications had been received, as a result of which 141 boards of conciliation and investigation were established. In 19 cases the matters in dispute were adjusted by mutual agreement while steps were pending for the establishment of boards. Two applications were under consideration at the end of the year. There were altogether only 18 cases in seven years in which strikes were not either averted or ended through the instrumentality of the act. Out of this total one occurred in the operation of railways, five in railway offices, shops, and yards, and one in the operation of a street railway. In a report dated December 9, 1912, on the industrial disputes investigation act of Canada, 1907, made by Sir George Askwith, chief industrial commissioner to the British Board of Trade, and presented to both Houses of Parliament of Great Britain, the purposes of the act are defined as follows:

"The simple purpose of the act is to insure the recognition of the interests of the public is a third party in trade disputes, and the insistence that that third party, through the Government, shall have a voice in regard to a dispute affecting their interests, and, accordingly to the act, before a stoppage of work takes place. In practice, the recognition extends to cases arising before or after a stoppage of work. While this principle of the recognition of the public interest in trade disputes is emphasized in the act, the actual interference with the parties in their settlement of their differences is sought to be reduced to a minimum by the act being confined—

1. To industries whose uninterrupted continuance is of high importance to the well-being of the Nation (mining, railways, shipping, and other public utilities); and

2. To a brief suspension of the right to stop, as distinct from a complete prohibition of stoppage."

And further on occur the following views, which are as applicable to our country as they are to Great Britain:

"* * * and I think that it might be feasible in the United Kingdom, with advantage both to employers and employed, to give opportunity for such investigation and recommendation as would bring into light the real causes of difficulties, and create in the public mind and in the minds of employers and employed the opinion that when opportunity exists by law such opportunity should be taken advantage of, and that strikes and lockouts ought not to be commenced, and certainly not supported by 'sympathetic' strikes, while such investigation and recommendation are pending. Investigation and recommendation would not be necessary in all cases, and could well be confined, at any rate in the first instance, to cases in which the public were likely to be seriously affected.

"From the point of view of the public the advantage of such a course is obvious. The public have no use for strikes or lockouts, and such a course might reasonably be expected to lessen their number. While the public might often have much difficulty in bringing opinion to bear in favour of acceptance or rejection of technical decisions, which in many trades it would be impossible for persons who had not examined the question to understand, their support to the principle that the ordeal of battle should give place to reasonable judgment would probably be emphatic and frequently effective.

"From the point of view of the employers such a course need not interfere with the administrative details of business or discipline, but should give better opportunity for regular and consecutive business by reducing the number of strikes, by bringing strikes to an earlier conclusion, and by the powerful effect which I am convinced would result in the direction of rendering unnecessary and ineffective the progress of those sympathetic strikes by which employers having no quarrel with their own workmen are now so frequently disturbed."

Reports of the satisfactory operation of the Canadian act, and a conviction that like benefits would accrue through the adoption of some of its provisions in the United States, induced me to send an assistant to Canada in September, 1914, to learn at first hands from the managers of Canadian railways, and from the Canadian department of labor, their experience with the operations of the act. The opinion alike of railway executives, and of the commissioner of labor, was that their disputes and investigation act was satisfactory and very successful in preventing lockouts and strikes. In discussing the results of our observations with the executive heads of some of our important railway systems the

opinion was expressed, without exception, that the provisions of the Canadian act were most helpful in the interests of employers, employees, and the general public, the three parties to every industrial disturbance.

Respectfully submitted.

J. KRUTTSCHNITT.

P. S.—The report[1] of Sir George Askwith, in which the industrial disputes investigation act of 1907 is printed in full as an appendix, is of such great interest and fits so closely conditions in our own country, that I inclose a copy.

ADDITIONAL STATEMENT OF MR. JULIUS KRUTTSCHNITT.

SOUTHERN PACIFIC CO., EXECUTIVE COMMITTEE,
April 30, 1915.

Hon. FRANK P. WALSH,
Chairman U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Mr. N. H. Loomis, general solicitor of the Union Pacific, informs me we are invited to file, on or before May 10, answers to data put before the Industrial Commission by Mr. Comerford on April 10 and 12.

ARBITRARY POWER THE OBJECT OF THE STRIKE.

Mr. Comerford in his testimony, referring to a copy of a circular offered by me to show the attempt of the federation on the Harriman lines to bring about a strike on all railroads in the United States, says that the men refused to sanction it, thereby proving that the power to paralyze business throughout the country was safely vested in their hands.

The federation then existed on but few lines, and the overwhelming vote against a general strike was cast not by federationists but by members of the separate crafts in no wise connected with them. I offered the copy of the circular to prove that federation was not for convenience, economy, and celerity in treating with the employers, as frequently alleged, but for the purpose of acquiring arbitrary power and absolute and irresponsible control over the railroads. That the attempt failed was due not to the good judgment of the federated men, who did all in their power to cause a general strike, but to the good judgment of nonfederated men in the various crafts on roads not under federation control.

The aims of the federation are evidence by the following quotation from their circular:

"* * * to fire our most effective shot, to wit: The federation with other federations and union shopmen throughout the country, so that if necessary to win this strike they can be called out and force the railroads to grant our demands * * *."

The allegation that the men's demands on the railroads were for much more than they expected to get and that if audiences had been granted they would have been materially modified is proven untrue, thus:

"Let us make the federation of shop employees as nearly invincible as possible * * *, to compromise at this time would probably prevent the federation of the shopmen into a nation-wide organization. * * * Through compact organization comprising not only one craft but all crafts working in one industry, that strikes can be decisively won, enabling the workers in that industry to demand and realize conditions which they know to be just * * *."

"* * * to call out, if necessary, all other shopmen in the United States for the purpose of winning, if possible, without compromising the demands of the blanket agreement, all of which demands we consider not only fair and just, but actually conservative."

That is, the federation was to be the sole judge of the justness of the blanket demands, as to which there was to be no compromise.

We always feared the arbitrary power and the absolute and irresponsible control of the functions of the railroads that system federation would vest in the men. The candid admissions above referred to, made three or four months after the declaration of the strike, prove how well grounded were our fears, and vindicated our judgment in declining to enter into agreements that would have surrendered the trust imposed on us by the stockholders and the public.

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[1] Submitted in printed form.

EMPLOYMENT OF MEN UNDER FALSE PRETENSES.

It is alleged that employment agencies deceived the men by false and fraudulent representations. Every man employed on our lines made application for employment over his signature on a form marked "A," hereto attached, one of the paragraphs of which is as follows:

"I am to take the place of any former employee of the company who is on strike or who has ceased to work for any reason."

PUNISHMENT FOR ASSAULTS, TAMPERING WITH WITNESSES, ETC.

After giving details of indiscriminate arrests on the Illinois Central and adding that in few or no cases was guilt proven or punishment inflicted, Mr. Comerford says: "I have been giving statistics in my own experience, and others by the thousand will be filed."

I have not seen the thousands of statements filed by Mr. Comerford, but for fear that he may have overlooked the record of arrests and convictions on Southern Pacific lines, I attach a statement, marked "B," which shows that out of 118 arrests made for such crimes as assault with deadly weapons, assault and battery, firing shots, etc., punishment was inflicted in 51, or 43 per cent of all cases.

One of the strikers punished was G. W. Leopold, vice president of the machinists' union, who had just been elected to the presidency but had not yet taken office. He tried to smuggle witnesses in an assault and battery case out of the country, and on being detected became a fugitive from justice for a period of six months, when he was arrested and convicted and sentenced to six months in jail.

MURDER AND ASSASSINATION CASES.

Three other cases, in which no arrests have yet been made, deserve specific mention:

J. J. Pipes, a citizen of Athens, Tex., employed as guard in the company's shops in Houston, and a number of his fellow citizens were attacked by strikers, who began by throwing rocks and ended in shooting, as a result of which Pipes was wounded and died a few days afterwards. The stereotyped claim was made that Pipes was shot by his friends.

Frank Tullis, employed as guard in the shop grounds at Houston, was separated by a rail fence from a crowd of strikers and sympathizers. At 1 o'clock in the morning of October 4, 1911, as Tullis passed on his beat, an assassin, who rested his gun on the fence, shot and instantly killed him.

Thomas Lyons, an old shop employee at Houston, who did not go out on strike, engaged in feeding his pet cats near the roundhouse in Houston in the early morning of December 16, 1911, was instantly killed by a shot fired apparently from a building patronized by striking shop employees.

All three of these American citizens lost their lives because they had not considered it necessary to obtain a license from the federation to work for the support of their wives and children.

USE OF DYNAMITE—INCENDIARISM.

In the federation meeting at Salt Lake in June, 1911, resolutions were adopted offering sympathy and moral and financial support to the union men who murdered 22 men in Los Angeles with dynamite for no offense other than failing to secure permission of the unions to work for the support of their wives and children.

On October 16, 1911, a watchman stationed at a high railroad bridge near Naples, Cal., detected a man running from under the bridge, and on investigation discovered 41 sticks of dynamite near one of the piers, with caps and fuses ready for lighting attached to 21 of the sticks. The intention was evidently to wreck the bridge in front of an early morning train, and to throw it, with its innocent passengers, to the bottom of the canyon.

On the morning of October 27, 1911, a signal inspector at Ellwood, Cal., discovered 34 sticks of dynamite placed in and around the frog of the west switch, and 34 more sticks in the frog of the house track.

November 6, 1911, section Foreman found 19 sticks of dynamite near Ellwood depot.

November 10, 1911, occurred an explosion of powder that had been placed on top of steam pipe of tourist car in passenger train at El Paso, Tex.

June 8, 1912, a quantity of dynamite was found on track near depot, Merlin, Oreg.

September 8, 1912, 30 sticks of dynamite were found under rails and six detonating caps placed on the explosive, with a wire connecting the caps and rails.

October 23, 1911, bridge near Tracy, Cal., discovered on fire with a bundle of waste and bunch of matches.

On January 30, 1912, one J. Scott, secretary of the federation, issued strike bulletin No. 100 from its office in the Hibernia Building, San Francisco, and under the heading, "Brothers, greeting," informed them that he had found a "very able" article relating to the failing earnings of the Harriman lines, one paragraph of which, reading thus: "The strike is practically over, but train movements are interfered with by bars of soap that get into the engine boilers accidentally and emery dust that somehow gets on the axles," was followed by this suggestive and illuminating comment from Scott to the brothers: "He forgot to mention the dynamite or sugar that caused so many boiler explosions. Next." The "next" probably refers to the destruction of locomotive No. 704 at San Antonio, Tex., on March 18, 1912, when 30 men were killed. Independent experts, after careful investigation, were unable to find evidence reflecting on the character of the boiler and appliances, or on the ability or conduct of the company's employees, sufficient to explain the destruction and condition of the wrecked parts of the locomotive; but their investigation resulted in creating a strong suspicion of the use of high explosives, and it is confidently expected that time will furnish the explanation of what is believed to be a crime almost without parallel.

DENIAL OF BLACKLISTING E. B. ROSE.

A statement of Ed. B. Rose, of Dutch Flat, Cal., is given to show that after the strike this man was hounded out of employment by railroad influences. He voluntarily and emphatically denies any such meaning, as evidenced in copy of his statement hereto attached, marked "C."

SUPPLYING OMISSION IN FRANKLIN'S EXHIBIT.

Mr. Franklin, president of the Boilermakers and Iron Shipbuilders of America, introduces comparative statistics of accidents due to failures of locomotive boilers on the Southern Pacific and other railroad systems.

Mr. Franklin, though evidently a close student of such matters, offers no explanation of these figures. To supply what was no doubt due to lapse of memory, we offer the following, for which we are indebted to the much better memory of the secretary of the Federation of Shop Employees, who in the fraternal greetings already referred to gloats over the effect of soap in locomotive boilers and emery on journals, and calls attention to the fact that many explosions caused by dynamite had been forgotten: On the Southern Pacific lines west of El Paso 301 locomotives, 65 passenger cars, and 3,760 freight cars were maliciously damaged, and 62 attempts to damage roundhouse and shop facilities were made. The secretary was not troubled by doubts as to what caused locomotive explosions.

PURCHASING PUBLICITY.

Mr. Comerford says the men were not able to secure publicity on the same terms with the companies, not having the money and other methods of reaching the public.

I repeat what I said in my oral testimony, that our companies spent no money to advertise their side of the case. Statements were furnished to the press, on request, when the strike was called, but thereafter little or nothing appeared from the company's side, as its officers were instructed to devote their energies to reorganize the service, to ignore statements emanating from labor headquarters, and to avoid newspaper controversies. In addition to their publications in newspapers, the employees published bulletins and circulars which were widely circulated.

LOCKOUT OR STRIKE?

Mr. Comerford, in reply to a question, defends his use of the term "lockout" applied to the federation strike by quoting the Supreme Court's definition of a lockout to be "the closing down of a factory for the purpose of putting out of employment men."

On September 26 and 27, 1911, the following telegrams were exchanged:

[Postal telegram.]

DAVENPORT, IOWA, *Sept. 26, 1911.*

JULIUS KRUTTSCHNITT,
V. P. U. P. Ry. Co., 120 B'way, N. Y.:

We are officially instructed by our organization to request you to agree to meet the representatives of the shop federations or to notify you that we have no other alternative but to give our approval and permission to the men on the lines you represent to quit work. We will expect an answer so that we can arrange to meet you by noon Thursday next at Chicago for the purpose of making the necessary arrangements as above indicated. Send reply to James O'Connell, Davenport Hotel.

J. W. KLINE,
M. F. RYAN,
J. A. FRANKLIN,
M. O'SULLIVAN,
JAMES O'CONNELL.

[Western Union telegram.]

NEW YORK CITY, *September 27, 1911.*

JAMES O'CONNELL AND OTHERS,
Davenport Hotel, Davenport, Iowa:

Replying to your telegram of September 26, my presence here, of course, makes it impossible for me to meet you in Chicago Thursday noon.

If the essentials of admittedly fair and considerate treatment, the payment of the highest wages of any railroads in the territories served by our lines, and the guaranty of hospital and generous pension benefits have not been sufficient to deter our shopmen from terminating agreements insuring these conditions, made from time to time in conference with their labor unions, and from spending four or five months in devising new issues and means to destroy existing harmonious relations, and, moreover, are not sufficient to induce them to remain in our employ and to make them realize their duty to the public, I do not see that we can do anything more to convince them that they have no good reason to stop work or to prevent your giving approval and permission to them to leave our service.

J. KRUTTSCHNITT.

Assuming for the sake of the argument that the Supreme Court is correctly quoted, the issue on the Southern Pacific does not in the remotest degree come under the definition. At no time were the shops or factories of the company closed, and at no time was any person desiring work deprived of access to the shops, except by the strikers themselves. When the strike was declared 40 per cent of the Southern Pacific shop forces ignored the order and remained at work. It requires a good deal of ingenuity to make the Supreme Court definition apply to the 60 per cent who walked out of buildings that were not "closed down" at any time, and who in walking out did so of their free wills and with the permission and approval of five gentlemen in Davenport, Iowa, and without the assertion of any pressure or compulsion by their employers.

Yours, very truly,

J. KRUTTSCHNITT.

"A."

(The application blank marked "A" was submitted in printed form.)

"B."

Arrests of strikers and their sympathizers for violation of the law in connection with shopmen's strike on Southern Pacific lines during 1911–12.

PACIFIC SYSTEM.

Charge.	Punishment.					Discharged.	Total arrests.
	Jail sentence.	Fine.	60-day probation.	Reprimanded.	Total.		
Violence to persons:							
Assault		1		2	3	19	22
Assault with deadly weapon		1			1	1	2
Battery	1	14			15	20	35
Firing shot						1	1
Deadly hostler	1				1		1
Total	2	16		2	20	41	61
Other charges:							
Disturbing peace	1	2	1		4	3	7
Trying to incite riot			2		2		2
Impersonating an officer						2	2
Interfering with an officer						1	1
Petit larceny (stealing air hose)	1				1		1
Total arrests	4	19	3	2	28	47	75

SUNSET-CENTRAL LINES.

Violence to persons:							
Assault	1				1	12	13
Assault with deadly weapon		4			4		4
Assault and battery		4			4		4
Deadly hostler	2				2	1	3
Intimidation	1	1		1	3	4	7
Abusive language						2	2
Total	7	9		1	17	19	36

TOTAL.

Violence to persons:							
Assault	1	1		2	4	30	34
Assault with deadly weapon		5			5	1	6
Battery	1	14			15	23	38
Assault and battery		4			4		4
Firing shot						1	1
Deadly hostler	3				3	1	4
Intimidation	1	1		1	3	4	7
Abusive language						2	2
Total	9	25		3	37	62	99
Other charges:							
Disturbing peace	1	3	1		5	3	8
Trying to incite riot			2		2		2
Impersonating an officer						2	2
Interfering with an officer						1	1
Petit larceny (stealing air hose)	1				1		1
Total arrests	11	28	3	3	45	67	112

OFFICE OF CHAIRMAN OF EXECUTIVE COMMITTEE,
SOUTHERN PACIFIC COMPANY,
New York City, Apr. 30, 1913.

"C."

STATEMENT OF MR. E. B. ROSE.

DUTCH FLAT, *April 20, 1915.*

About the year 1908 or 1909 I was employed by the S. P. Co. as heavy repair man in Sacramento shop in car shop No. 5, Mr. George Bottoff, foreman. I worked in the shop about four months, then I went out into the Sacramento yards and went to inspecting air, under Mr. McInerry, foreman. I worked about a year in the yard, then went to Elvas Junction and tended switches for Mr. Andy McDonough, yardmaster. I worked at Elvas about a year. From Elvas I went to Roseville as air inspector, working under Mr. Chilton, foreman. I worked at Roseville until the strike was called, September 30, 1911. I went out with the strikers. I was a member of the Brotherhood of Railroad Carmen of America at that time, but "not" the present time. The strike had been on about three months when I was appointed financial secretary of B. R. C. of A. About six months after the strike was on I was appointed chairman of the local federation of labor at Roseville. I was at Roseville about one year after the strike. I moved to Dutch Flat with my wife and three children, one 7 months, the other 2 years, and the other 4 years old. I went to work for the Utah Construction Co. as a brakeman and worked about two weeks and was sent by the Utah Construction Co. to the Whitley Construction Co. I was running an engine. I stayed with the job till it was finished.

The S. P. Co. nor any officials of the Southern Pacific Co. did not interfere with me in regards to me seeking employment. They did not point me out as a striker or did not hinder me from making a living for my family and myself; not that I know of; and if anyone connected with the S. P. Co. would have interfered with me seeking a living I would have surely known of same.

There were forms sent to all strikers to fill in from the attorney of the B. R. C. of A. Mr. Comerford was the name of one of the attorneys. The forms were in the nature of, "Where party was employed and where employed at the present time and if S. P. Co. was interfering with me in regards to getting employment." I stated in the form that I had gone to work for the P. F. E. Co. at Roseville, icing cars in the Roseville yards. That was three days after the strike was called. I worked one shift and got laid off, but I did not state in the form sent to me the cause of my discharge, because I did not know. The forms were sent from the B. R. C. of A. The financial secretary is named E. W. Weeks and is located at Kansas City. I do not know if forms were sent to me from Kansas City or Chicago. If the S. P. Co. would tender me a position, I surely would accept quickly.

E. B. ROSE.

Witnesses:

GEORGE GREEN, *Special Agent.*
WILLIAM AMIE, *Dutch Flat.*

ADDITIONAL STATEMENT BY MR. J. W. KLINE.

The premium system installed in the mechanical department of the Union Pacific Railroad in 1903 was fought by the metal trades for one year. The late E. H. Harriman was instrumental in settling that strike over the head of President Burt, who was the one who attempted to force the premium system on the shop employees. The strike was settled with the understanding that the premium system would not be forced onto any one who did not care to work it, but it was not altogether withdrawn, and union men were encouraged to work it. Several cases came to my attention where an extra allowance would come on pay day, and up to date it is being worked more or less on the Union Pacific.

Mr. Markham, president of the Illinois Central; Mr. Parks, general manager; Mr. Foley, assistant manager; Mr. Barnum, general superintendent of motive power, were formerly Harriman-line officials, and shortly after their affiliation with the Illinois Central the time-study cards were introduced, and in some instances the stop watch was used, and with these innovations and other discriminations among the subordinate officers, the men became uneasy and complained that since the arrival of the new officials a speed-up policy was being inaugurated; especially were they alarmed because the officials responsible came from a road that was working the premium system more or less.

During the convention held in Kansas City, 1912, a message was sent to President Taft, signed by a committee of delegates representing the convention, appealing to him to interest himself in the strike, as the various boiler explosions and other bad conditions of the car equipment were dangerous to the traveling public. That was about the sense of the telegram. To that we received no reply.

In the early part of the year 1913 Mr. Parks, general manager of the Illinois Central, met representatives of our federation in the East and a proposition was made which was laid before the general officers of the federation in Chicago on February 26. The proposition was given consideration and a meeting was arranged with Mr. Parks and Mr. Bell, his superintendent. At this conference Mr. Parks absolutely refused to sign a federated agreement. Neither would he sign a contract with any craft, but would give us a set of rules that the strike breakers were then working under, and out of about 9,000 strikers he would give employment to 900 immediately and in the course of the summer he would take them back as needed, without discrimination as to their union affiliations.

This proposition, ridiculous as it was, was submitted to the general chairman of the various organizations on the Illinois Central in St. Louis on March 4, and by that committee unanimously rejected. They concluded that the union men would be taken back in such small numbers that they would either be forced to quit the service or be induced to leave the unions by the time another batch of strikers would be taken back. What the company wanted particularly was that the strike be called off.

At the Seattle convention of the American Federation of Labor in 1913 we wired President Wilson through President Gompers and requested that he use his good offices in behalf of the strikers. We were encouraged in this effort on account of the Harriman lines officials recognising a federation of the transportation brotherhoods on the G. H. & S. A. at Houston, Tex., and federation being the obstacle in the way of a settlement between the mechanical crafts and the company, we thought that a precedent had been established that might possibly lead up to a settlement of our strike. No results.

At our next convention in Kansas City, April, 1914, it was decided that we open up negotiations with the general managers' association with headquarters in the Transportation Building in Chicago. This also proved unsuccessful. Later in the year (I think in August) an effort was made by the Department of Labor to mediate, and Mr. Moffitt and Mr. Smith met President Markham, of the Illinois Central, in Chicago on one or two occasions, and also Mr. Kruttschnitt, of the Harriman lines, in New York, without favorable results.

Mr. Kruttschnitt in his testimony stated that public opinion was the only logical way to settle industrial difficulties, and that publicity was necessary. I agree with him in that respect, providing the columns of the public press would be open to both contending parties without the purchase price.

Mr. Markham, president of the Illinois Central, frankly stated that advertising rates were paid for. The strikers were unable to do that. We were at a disadvantage, and public opinion was swayed by these purchased newspaper advertisements, and the public were not permitted to read the strikers' side of the case. While I am opposed to compulsory arbitration, I would favor a Government commission to hear industrial disputes and with power to lay before the public, through the press, without prejudice, both sides of the case. When I speak of Government power, I have in mind the subsidized press, and it will take some authority to compel the public press to give the working man a square deal.

STATEMENT OF MR. H. H. LOOMIS.

UNION PACIFIC SYSTEM,
Omaha, Nebr., April 19, 1915.

Mr. BASIL M. MANLY,
Director of Investigation, Room 643, Transportation Building, Chicago, Ill.

DEAR SIR: Just prior to the closing of the testimony given before the United States Commission on Industrial Relations April 12 in the Illinois Central and Harriman lines strike investigation, the following memoranda, passed between Mr. Walsh, chairman, and myself:

"Mr. WALSH:

"Will an opportunity be given to file letters or written statements explaining or contradicting letters or statements or data put in evidence this morning by

Mr. Comerford? If so, within what time should it be done? May not wish to do this, but would like the opportunity if, after checking the testimony over, it seems advisable.

"April 12, 1915. N. H. LOOMIS."

Upon this note the chairman wrote the following indorsement:

"These are invited, but to get into our record should be sent to Basil M. Manly, director of investigation, room 643, Transportation Building, Chicago, on or before May 10, 1915."

In view of the above I inclose herewith original letters (2) from Mr. W. M. Jeffers, superintendent, U. P. R. R. Co., Omaha, Nebr., for filing.

Will you kindly acknowledge receipt?

Very truly, yours,

N. H. LOOMIS.

(Copy to Mr. Walsh, chairman U. S. Commission on Industrial Relations, Chicago, Ill., with copy of inclosures.)

[PERSONAL.]

UNION PACIFIC RAILROAD CO.,
Omaha, Nebr., April 15, 1915.

Mr. N. H. LOOMIS,
General Solicitor, Omaha.

DEAR SIR: From the press dispatches I notice reference made to gunmen being employed in policing railroad property in Wyoming during the shopmen's troubles some two or three years ago.

C. R. Irwin, referred to, is stock solicitor for this company, and is a man prominent in affairs in Wyoming. He is in no sense a gunman and never has been; in fact the term "gunman" is a misnomer.

The people of Wyoming are as law-abiding, perhaps more so, than those in any other State in the Union.

With reference to statement relative to Watchman Horton at Laramie. I was not connected with that territory at the time Horton was in the employ, but am more or less familiar with his trouble at that point. This affair had no connection whatever with the shopmen—it was entirely a personal matter. He was arrested, given trial, and acquitted, it being clearly a case of self-defense.

With reference to Assistant Special Agent Lewis. Lewis was assistant special agent of the former Utah division, Rawlins to Ogden, and had been in that position for some two or three years previous to the strike, and previous to that had been warden of the State penitentiary at Rawlins. Lewis was a thoroughly competent officer, but inclined to be quick-tempered. His trouble with the brakeman at Evanston was of a personal nature, he having struck this brakeman on account of some flippant remark made by the brakeman as to Lewis's position. The matter was investigated by me personally and his resignation accepted. He then entered the service of the Illinois Central, having been offered a position with that company before having the trouble above referred to. There was no complaint made by the trainmen's organization or any other organization relative to this trouble with this brakeman, the matter being handled by me personally.

Your attention is directed to the fact that at Green River, Rawlins, and Laramie the policing of our property was under the supervision of the city authorities and there was absolutely no friction at these three terminals. What friction there was at Evanston and Cheyenne was caused by an organization of shopmen, who left our service, known as the "flying squadron." It was the business of this aggregation to slip into our works and assault workmen. Even under these provocations there was little violence, certainly none from the standpoint of the railroad company.

Yours, truly,

W. M. JEFFERS, *Superintendent.*

[PERSONAL.]

UNION PACIFIC RAILROAD CO.,
Omaha, Nebr., April 15, 1915.

Mr. N. H. LOOMIS,
General Solicitor, Omaha.

DEAR SIR: Following excerpt taken from testimony given before Industrial Commission at the recent Chicago hearing:

Another case of blacklisting came from the Harriman lines:

"While standing at the depot one day watching the passengers and trains, Superintendent Jeffers, of the Union Pacific, came up and asked me what I was doing. I said, 'Nothing.' He then said, 'You better take what you can get, for if you go on any other road I will get you,' and then walked off."

I might suggest that the answers disclosed the fact that this particular superintendent, Jeffers, seemed to have taken that position rather continuously, even to the extent of going to business men and suggesting that the men who withdrew their services should not be given credit, and in that way compelled them to leave town.

With reference to first paragraph, this statement is absolutely not a fact. I never at any time made the statement that men would be followed to other lines.

With reference to second paragraph, there was no attention paid to the credit of the men who had left our service, and if their credit was injured by me or subordinate officials on Wyoming division it was only through the statement, repeatedly made, that the shops were being operated successfully and fully manned. There was no friction whatever between myself and employees who left our service at Cheyenne or at any other terminal.

Yours, truly,

W. M. JEFFERS, *Superintendent.*

EXHIBITS.

MARKHAM EXHIBIT NO. 1.

ILLINOIS CENTRAL RAILROAD CO.

OFFICE OF THE PRESIDENT.

CHICAGO, *May 12, 1915.*

Mr. LEWIS K. BROWN,
Secretary U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In reply to your favor of the 8th ultimo, calling on me for certain information supplemental to my oral testimony given before the commission on April 7, I beg to reply specifically to each of the matters mentioned in your letter, as follows:

First. I am just a little doubtful as to which particular letter the commission is interested in. I have searched my files carefully and, to the best of my knowledge, the letter to which reference is made is one addressed to Assistant General Manager Foley, dated August 9, 1911. I attach as "Exhibit A" to this communication a copy of this letter. If I should be mistaken as to the particular letter desired, I think the full information on the subject can be obtained by reading the testimony of Mr. J. F. McCreery, president of the so-called federation, who undertook to set out in the record all the correspondence between this organization and the officers of the Illinois Central Railroad Co.

Second. I have already stated in the record that my files show no correspondence between Mr. Kruttschnitt and myself in regard to the general policy of dealing with labor organizations. My statement in this respect was confirmed by Mr. Kruttschnitt when he was on the witness stand.

Third. In reply to this question, I beg to advise that Mr. R. W. Bell, general superintendent of motive power, under date of April 22, 1915, filed with you as "Exhibits 1 and 2" to his testimony two statements showing the wages of the shopmen and also the wages of clerks in the mechanical departments. I presume that it is not necessary for me to duplicate these exhibits.

Fourth. In reply to the question in regard to the nature of firearms furnished by the company at the time of the strike, I beg to advise that a small quantity of firearms was furnished by the company for use at New Orleans. Twenty shotguns were distributed to deputy marshals and deputy sheriffs stationed at outlying and isolated points in the New Orleans territory, where police protection was practically impossible. In addition to this, 25 shotguns and 3 revolvers, at a cost of about $400, were purchased for use in East St. Louis and Mounds, Ill. These guns were placed in the hands of officers regularly commissioned by State and Federal authorities, and were used only at places remote from the settled portions of the towns and where police protection could not be furnished.

Fifth. I append herewith as "Exhibit B" to this communication a statement showing the number of men employed as guards on the various divisions during the period from October, 1911, to March, 1912. I also append as "Exhibit C" a statement showing approximately the amount of money expended for these extra watchmen. I trust I will be excused from a literal compliance with the requirement of the commission, since, in my opinion, it would be impossible for the commission to make any correct deductions from the pay rolls, even if they were furnished. The pay rolls are located at the various division headquarters and would be of little or no value in indicating how many men were employed or what amount was paid. The information which I furnished is obtained from the records in the office of the chief special agent and is ap-

proximately correct. These men were in some cases carried on the superintendent's pay roll; in others on the shop pay roll; in others on the station roll—whichever might prove the most convenient way to handle. The original data, from which the rolls were made up, has been misplaced, scattered, and lost, and it would be practically impossible to locate this information. Such pay rolls as might be submitted would not show the number of men working each day. My opinion is that the exhibits which are filed will give the information desired and answer every requirement of the commission.

Sixth. I have already read into the record as a part of my oral testimony the names of all the agencies to which application was made to secure men to take the place of those who left the service of the company on strike. I take it that this information need not be duplicated.

Seventh. I herewith append, as "Exhibit D" to this communication, a statement showing the salaries of various classes of clerks, extending over a period of 20 years, as requested by the commission.

Eighth. Three thousand one hundred and ninety-six dollars and sixty-five cents.

Ninth. I am compelled to delay the furnishing of the information called for this inquiry, since it will require several weeks to compile this statement. I will answer this question as soon as it is possible to get the information.

Very truly, yours,

C. H. MARKHAM, *President.*

"EXHIBIT A."

CHICAGO, *August 9, 1911.*

Mr. T. J. FOLEY,
Assistant General Manager I. C. R. R., Chicago,

DEAR SIR: The grand lodge officers, representing the machinists, boilermakers and helpers, blacksmiths and helpers, carmen, painters, steamfitters, sheet-metal workers, railway clerks, and federal labor union who are employed on the Illinois Central Railway, which road you are in charge of as assistant general manager, asked you for a conference for the purpose of arranging a date for the men we represent and who are employed on the said Illinois Central Railroad, of which you are legal representative, have refused said grand lodge officers a conference by referring us to circular that you caused to be sent out to all your employees that are a part of the present controversy. The circular attached to your letter of even date in no way answers our letter.

We beg to advise that after giving this matter due consideration we have decided inasmuch as this is a matter in which all are equally interested we must insist that you meet the international officers in a body to discuss the matter of a meeting for the representatives or the federation of the railway employees with proper officials of the Illinois Central Railroad Co.

A refusal on your part to meet this committee as a whole will be considered sufficient cause for the international officers to take such action as we deem advisable.

Any reply you may desire to make to this will reach us at the new Southern Hotel until 2 o'clock p. m. Thursday, August 10.

Respectfully, yours,

J. D. BUCKALOW,
Machinists.
LOUIS WEYAND,
Boiler Makers.
WM. F. KRAMER,
Blacksmiths.
FRANK PAQUINE,
Carmen.
CLARENCE E. SWICK,
Painters.
J. D. KINSELLA,
Steam Fitters.
O. E. HAASE,
Sheet Metal Workers.
JNO. J. CARRIGAN,
Railway Clerks.
J. R. ALPINE,
Federal Labor Union.

"EXHIBIT B."

Extra watchmen employed, including marshals and deputy sheriffs, account labor troubles.

Division.	Oct., 1911.	Nov., 1911.	Dec. 31, 1911.	Jan. 25, 1912.	Feb., 1912.	Mar. 1, 1912.
Chicago Terminal	71	67	40	26	22	14
Illinois	20	15	3	3	3	0
St. Louis	130	126	66	66	30	5
Springfield	60	46	26	24	6	0
Indiana	55	39	20	14	4	0
Wisconsin	45	40	24	13	11	0
Minnesota	40	28	25	25	15	0
Iowa	30	18	10	10	6	0
Kentucky	125	66	15	15	9	0
Tennessee	60	44	24	17	10	0
Mississippi	40	40	31	31	7	0
Louisiana	220	200	28	28	23	0
New Orleans Terminal			150	125	28	10
Memphis Terminal and Division	190	175	120	95	23	10
Vicksburg	20	13	4	4	4	0
New Orleans	30	33	10	9	6	3
Total	1,261	977	600	527	280	42

"EXHIBIT C."

Extra watchmen during strike.

Month.	Total number guards.	Rate.	Total.
October, 1911	1,261	$3 per day	$116,125
November, 1911	977	do	87,930
December, 1911	600	do	53,964
January, 1912	527	do	46,611
February, 1912	280	$90 per month	25,200
March, 1912	42		2,520
Total			344,350

EXHIBIT "D."

Statement showing rates paid clerical positions at points as listed below for the month of March, 1895, 1900, 1905, 1910, and 1915.

CHICAGO STATION.

	1895		1900		1905		1910		1915	
	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.
Rate clerks	1	$75.00	1	$80.00	1	$80.00	2	$85.00	1	$100.00
	1	65.00	1	75.00	2	80.00	2	85.00	4	90.00
	1	60.00	1	70.00	3	75.00	6	80.00	3	85.00
			1	65.00	2	70.00			1	80.00
			2	60.00	3	65.00			2	75.00
Freight bill (not waybill) clerks	11	60.00	1	55.00	1	55.00	[1] 13	70.70	[1] 14	70.70
			4	50.00	[1] 9	71.78				
			1	45.00	[1] 2	60.00				
			10	40.00						
Waybill clerks	50	60.00	11	60.00	3	60.00	1	65.00	[1] 2	114.98
			8	50.00	4	65.00	3	70.00	[1] 13	116.13
					[1] 13	90.00	1	75.00		
							[1] 15	115.51		
Yard clerks	1	60.00	1	62.33	3	62.33	1	125.00	1	125.00
	5	55.00	1	60.00	1	65.00	1	90.00	2	112.50
	9	50.00	1	75.00	2	70.00	1	92.33	1	100.00
	3	45.00	1	65.00	1	65.00	1	85.00	1	90.00
			1	60.00	5	60.00	4	75.00	2	85.00
			2	55.00	3	55.00	3	65.00	2	80.00
			19	50.00	41	50.00	6	65.00	3	60.00
					1	45.00	1	57.50	3	77.50
					1	60.00	36	54.00	1	75.00
					1	35.00	6	50.00	4	72.50
							1	35.00	6	70.00
									4	67.50
									16	65.00
									4	62.50
									6	60.00
									7	57.50

[1] Paid on piecework basis.

Statement showing rates paid clerical positions at points as listed below for the month of March, 1895, 1900, 1905, 1910, and 1915—Continued.

NEW ORLEANS STATION.

	1895		1900		1905		1910		1915	
	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.	Number of men.	Monthly wages per man.
Rate clerks	1	$125.00	1	$125.00	1	$125.00	1	$135.00	1	$135.00
	1	95.00	1	95.00	1	95.00	1	97.50	1	97.50
							2	90.00	2	90.00
Freight bill (not waybill) clerks			3	85.00	5	80.00	5	82.00	4	80.00
									1	74.57
									1	73.00
Waybill clerks	3	75.00	4	75.00	5	75.00	6	85.00	5	85.00
Yard clerks	2	70.00	2	85.00	1	80.00	1	70.00	1	70.00
			1	30.00	0	80.00	4	62.50	1	65.00
							2	65.00	1	60.00
							4	57.50	6	57.50

TRAFFIC DEPARTMENT.

	1	$125.00	1	$125.00	2	$125.00	1	$150.00	1	$150.00
	1	90.00	2	100.00	3	100.00	2	125.00	1	140.00
	3	75.00	1	85.00	1	85.00	2	115.00	4	135.00
	1	65.00	1	80.00	3	80.00	1	110.00	2	115.00
			2	75.00	1	75.00	6	100.00	2	110.00
Tariff and rate clerks			1	65.00	1	70.00	1	95.00	5	100.00
					1	60.00	1	85.00	1	95.00
							3	80.00	3	90.00
							2	85.00	1	85.00
									3	80.00
									1	65.00

ACCOUNTING DEPARTMENT.

	1	$100.00	1	$100.00	1	$100.00	1	$110.00	1	$125.00
	1	90.00	1	90.00	0	75.00	1	90.00	1	100.00
	1	75.00	2	75.00	2	75.00	1	85.00	1	85.00
	1	70.00	2	85.00	6	80.00	1	80.00	2	85.00
	1	65.00					13	75.00	2	82.50
Revising clerks							3	70.00	5	80.00
							1	65.00	5	77.00
									6	75.00
									1	73.00
									1	67.50
									1	65.00
	1	80.00	1	80.00	1	85.00	1	95.00	1	125.00
	1	75.00	1	80.00	1	75.00	3	80.00	1	100.00
	1	60.00	2	65.00	1	70.00	1	75.00	1	90.00
Voucher clerks	1	55.00			2	65.00	1	70.00	2	80.00
					1	60.00	1	65.00	2	75.00
					1	45.00	1	60.00	2	70.00
					1	40.00	1	55.00	1	65.00
	1	70.00	1	85.00	1	85.00	1	95.00	1	125.00
	1	60.00	1	70.00	1	75.00	2	75.00	1	85.00
Pay-roll clerks	1	55.00	2	65.00	2	60.00	1	65.00	1	77.50
					1	45.00	1	55.00	1	75.00
									1	67.50
	1	70.00	1	80.00	1	85.00	1	95.00	1	125.00
	1	55.00	2	65.00	2	75.00	1	85.00	1	85.00
			1	55.00	1	70.00	1	75.00	1	85.00
					1	55.00	1	65.00	1	67.50
Bill clerks					1	45.00	1	55.00	1	65.00
							1	55.00	1	77.50
									1	65.00
									1	65.00
									1	65.00
									1	60.00

[1] Paid on piecework basis.

OFFICE OF THE AUDITOR OF DISBURSEMENTS,
Chicago, April 30, 1915.

MARKHAM EXHIBIT NO. 2.

ILLINOIS CENTRAL RAILROAD COMPANY,
Law Department, April 13, 1915.

Mr. GEO. P. WEST,
Assistant to Director of Public Hearings,
United States Commission on Industrial Relations,
Sherman House, Chicago.

DEAR MR. WEST: In accordance with my promise made to you yesterday afternoon, I beg to hand you herewith copy of a statement signed by Mr. T. J. Foley, assistant general manager of this railroad, covering his negotiations with the detective agencies. I also hand you copy of letter addressed to Mr. Foley by the Frank E. Hannan Co., which is typical, and which led to the negotiations described by Mr. Foley in his memorandum.

This is for the information of the commission, and is in substantial compliance with their request.

Yours, very truly,

R. V. FLETCHER, *General Attorney.*

About September 28 or 29, 1911, I sent for representatives of the Frank E. Hannan Co., employment agents; the Waddell-Mahon Corporation, employment agents; and the Pinkerton National Detective Agency, seeing each of them separately, and stating to them that the employees in the mechanical department were liable to quit work on short notice, and asking each of them if they were in position to open employment offices in the principal cities to secure mechanics, and if so, on what terms.

The Hannan Co. made a written proposal that they would act as our agents to furnish competent mechanics to take the strikers' places on a commission basis of $5 per man and cost of transportation from point where secured to destination, including subsistence. In addition, they were to be paid $5 per day salary for the men employing and escorting such mechanics. We were also to pay the expense of rent, advertising, telephones, etc. They stated they were prepared to begin at once examining and employing such men in New York, Philadelphia, Baltimore, Bethlehem, Buffalo, and Pittsburgh.

Almost similar propositions were submitted by the Waddell-Mahon Corporation and the Pinkerton National Detective Agency.

I asked these representatives to call again on the morning of September 30, which they did, and at that time I accepted their propositions to furnish competent mechanics, and gave directions as to where they were to be sent, with the understanding that these men must undergo an examination, be thoroughly competent, and in event they sent to our property any incompetent men such men would not be accepted and no commission would be paid them.

After each man had been examined, he was to be furnished an identification card bearing his written signature, and the same signature was to appear on an application for employment form. This was done to prevent imposters.

There was a thorough understanding that all men employed at this time were to receive exactly the same rate of pay as the men who had left the service on September 30, 1911.

I also had an understanding with them that this arrangement could be terminated at any time.

In October, 1911, I arranged for our officers in the mechanical department to open employment rooms in various cities, and to send our own foremen and others there to examine them, and at the expiration of about 10 days we canceled the arrangement with Waddell-Mahon and the Hannan Co., but then we entered into an arrangement with the Pinkerton National Detective Agency to open an employment agency in Chicago and in some other cities. They were to place one or two men in each of such offices, as necessity demanded, and these men were to be paid $6 per day, plus room rent, and at these offices our company would furnish an officer or representative to examine all men employed, and those passing the examination would be forwarded to where they were wanted. In this arrangement there was no per capita paid the Pinkerton Agency.

In all cases men employed were interviewed and advised that they were taking the place of strikers. They were required to fill out formal application blanks.

T. J. FOLEY,
General Manager I. C. R. R.

[The Frank E. Hannan Co., special agents, Powell Building, 105-109 Hudson Street.]

CHICAGO, *September 28, 1911.*

Mr. T. J. FOLEY,
Assistant General Manager, Illinois Central Railroad, Chicago.

DEAR SIR: We propose, as your agents, to furnish competent mechanics to take strikers' places on the open-shop basis in numbers as you desire on a commission basis of $5 per man and the cost of procuring and delivering him, said cost to be made up of transportation from point where we secure men to destination and subsistence. Also salary of men hiring and escorting at $5 per day transportation and subsistence; rent of premises where men apply, advertising, telephone, telegrams, car fare, etc.

We also propose to furnish any number of guards for the protection of men and property at $5 per day and expenses.

Relative conversation of yesterday, will say we have sent two men to each of the following places to list machinists, boiler makers, and blacksmiths: New York, Philadelphia, Baltimore, Bethlehem, Buffalo, and Pittsburgh.

Their instructions are to be prepared to ship or discontinue hiring on telegraphic instructions. If we do not make shipments, our charge for this service will be $50 per day and expenses of men hiring, examining, etc., stated in the foregoing. If we ship, we eliminate the $50 per day.

Very truly, yours,

ANK E. HANNAN.

ILLINOIS CENTRAL RAILROAD CO.,
LAW DEPARTMENT,
CHICAGO, *April 22, 1913.*

GEO. P. WEST, Esq.,
U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: I have before me your favor of the 19th instant in regard to the testimony of Mr. Foley. I note that the commission requests that Mr. Foley shall submit all correspondence and contracts or agreements between the company and the employment agencies and detective agencies. I have taken the matter up with Mr. Foley, and he has gone through his files in the hope that something can be found along the line suggested, which will be of interest to the commission. Formerly he submitted copy of a proposition made by one detective agency, together with a memorandum showing how the matter was handled.

Mr. Foley's further search discloses a copy of a letter from the Waddell & Mahon Corporation, copy of which is handed you herewith. I also submit a memorandum made at the time, showing what was said by Mr. Foley to Mr. Hannan, of the detective agency, in regard to the movement of men. I am also handing you a circular letter, issued by Mr. Foley at the time when he was assistant general manager, to all the superintendents, showing how men furnished by these agencies should be disposed of upon their arrival at destination. This last communication is not precisely covered by your request, but we thought it might be of some interest to the commission.

I regret my inability to submit any further documentary evidence bearing on this question. You appreciate, of course, that most of these matters were handled verbally between Mr. Foley and the representatives of the labor agencies. The necessity for supplying men arose unexpectedly, and there was furuther need for immediate action. The agencies made proposals, two of which have now been submitted to the commission, and thereafter their representatives called on Mr. Foley, and the matter was concluded by conference. The contracts were only such as are evidenced by the proposal of the company and the verbal acquiescense therein on the part of the assistant general manager.

I trust the matter which is herewith submitted will answer all requirements.

Very truly, yours,

R. V. FLETCHER, *Attorney General.*

[Waddell & Mahon Corporation, 218 La Salle Street, Chicago, Ill.]

CHICAGO, ILL., *September 29, 1911.*

Mr. T. J. FOLEY,

Vice Pres. & Gen. Mgr. Illinois Central Railroad, Chicago, Ill.

DEAR SIR: We, the undersigned, Waddell & Mahon Corporation, of New York City, N. Y., beg to submit the following proposition relative to furnishing the Illinois Central Railroad with mechanics to take the "strikers" places, in the event of a strike of shopmen on the above-mentioned railroad system.

EMPLOYEES.

We propose to furnish competent machinists and helpers, handy men, boiler makers and helpers, blacksmiths and helpers, coppersmiths, tinsmiths, car repair men, car inspectors, locomotive air-brake repair men delivered on the territory to take the "strikers'" places on the open-shop basis, they to receive the same rate of wages as paid and in force at the time the strike was inaugurated. All mechanics to pass examination given them by your superintendent of motive power or whoever you elect, in numbers as you desire, for the sum of $5 per man and the cost of procuring and delivering him, as hereafter specified; no commission to be charged for men failing to pass examination at shops at destination, each man to be furnished with duplicate numbered identification card bearing his written signature (the same appearing on form of "Application for employment"), such precautions we deem necessary to prevent emissaries securing employment cards by proxy.

FIELD MEN SECURING MECHANICS.

We propose to furnish competent mechanics of the various classes needed, as field men, the number not to exceed ———, whom we will send to cities and localities where the mechanics desired are available and where the scale of wages offered will be an inducement; field men to establish headquarters in hotels or such quarters as are obtainable, and there receive and examine as to qualifications all applicants who have been secured either by advertising or personal interview at resorts, boarding houses, or places of employment; for services of field men a charge of $5 per man per diem and transportation, hotel expense, subsistence, advertising, and incidentals not to exceed $3 per diem.

GUARDS AT SHOPS AND RESORTS.

We further propose to furnish men for guard duty who have nerve and who have had either military, naval, or police experience, in perfect physical health, who can and will protect the men and property intrusted to their care, thorough military discipline to prevail. On escort duty guards will protect men intrusted to their care, paying special attention to intimidation, interference, or missionary work of emissaries while in transit. On escort duty where journey extends over 24 hours we provide four guards to each coach load of 30 or 40 men, which number allows one man always on duty at each end of the coach and arranges a relief and protects possible loss of men en route. For guard service we charge $5 per man per diem, transportation, and subsistence.

COMMISSARY AND SUBSISTENCE EN ROUTE.

We further propose to equip, as your agents, suitable quarters to be furnished by the Illinois Central Railroad Co. and purchase at lowest market price obtainable, for your account, all supplies for the housing and feeding of the employees at the shops of the company, with such equipment as may be deemed necessary for the proper care of same, and to employ skilled cooks, waiters, and porters for the proper operation and serving of food and keeping such quarters in a sanitary condition. Our remuneration for the management of this department to be at the rate of 10 per centum of all disbursements made in this department, and a chief steward at $10 per diem, transportation, and subsistence. Meals for men en route. We arrange with the dining-car department of the company whose lines we travel over to furnish meals after regular service at the rate of 50 cents per meal, and if party is of sufficient number, we stock a baggage car with sandwiches, fruit, and pie, procuring coffee at meal stations along the route or from dining car, the cost of same being included in bill for transportation and seldom exceeds 35 cents per meal. If number of men is sufficient to warrant it, we furnish one commissary man

per car to take charge of and dispense the food and coffee at regular hours. For services of commissary men en route we charge the sum of $5 per man per diem, transportation, and subsistence.

This agreement can be terminated four days after notice has been served upon us by anyone having the authority to act for the Illinois Central Railroad Co.

Yours, very truly,

WADDELL & MAHON CORPORATION.

(Copy.)

SEPTEMBER 30, 1911.

Said to Mr. Hannan at 1.50 p. m., September 30, ship up to 500 men to New Orleans, this to include 50 escorts. His agency to furnish tickets on advice of Illinois Central ticket office of routing. Rigid examination must be made of all men before being shipped, as we will not pay for men rejected at New Orleans, and also in order to avoid paying transportation.

(Copy.)

ILLINOIS CENTRAL RAILROAD COMPANY,
Chicago, October 2, 1911.

Mr. A. B. Cliff, general superintendent; Mr. R. W. Baxter, general superintendent; Mr. S. S. Morris, general superintendent; Mr. H. Battlefore, superintendent; Mr. G. W. Berry, superintendent; Mr. J. F. Porterfield, superintendent; Mr. W. S. Williams, superintendent; Mr. L. E. McCabe, superintendent; Mr. J. F. Dignan, superintendent; Mr. T. H. Sullivan, superintendent; Mr. L. A. Downs, superintendent; Mr. A. H. Egan, superintendent; Mr. J. J. Guven, superintendent; Mr. J. M. Egan, superintendent; Mr. T. B. Hill, superintendent; Mr. T. L. Dubbs, superintendent; Mr. J. W. Meehan, superintendent; Mr. J. W. Dodge, superintendent.

GENTLEMEN: Please refer to my message of the 1st inst., concerning the keeping of complete records of all men received from the several agencies and accepted for service.

eW are securing men from three different agencies, viz., Frank E. Hannan & Co., Waddell & Mahon, Pinkerton Detective Agency, and have agreed to pay a certain sum for each man delivered and accepted; therefore it is very important that proper records be kept of all men furnished so as to avoid duplication in payment, and so forth.

Each shipment of men is accompanied by one or more guards sent by the agency. When the men are delivered the superintendent or master mechanic should give the guard a receipt for the men, keeping a copy of same for his record.

Superintendents will please send me a statement each night, made up from their records, showing the number of men received and accepted during past twenty-four hours and from what agency.

Please see that this matter is given very careful attention.

Yours, truly,

Assistant General Manager.

HARKHAM EXHIBIT NO. 3.

R. R. APPLICATION BLANK.

———R. R.

Position applied for.....
Name .....
Address .....
Last employed.....
How long.....
Cause for leaving.....
When did you leave.....
What roads engaged on.....
Cause for leaving.....

I hereby make application for employment as a freight clerk with the Illinois Central Railroad, and agree that if given such employment I will accept the same upon the following terms:

I am to go to any point designated by the company.

I am to take the place of any former employee of the company who is on strike or has ceased to work for any reason.

I am to be governed in all respects by the company's rules.

I am to receive the same rate of pay as now paid for the position to which I may be assigned.

As a condition to receiving any wages I agree to continue at least 30 days in such employment unless sooner discharged by the company, and no wages are to be payable to me if I voluntarily leave my employment within that period. The company shall have the right at any time that it may so desire to end my employment by giving me notice to that effect. So soon as such notice is given, my employment and pay shall immediately cease. If my employment shall be ended by the company for any reason other than my failure to perform my work to its satisfaction, I shall be entitled to receive pay up to the time of my discharge.

(Applicant's signature.)——— ———.

Applicant employed upon terms above set forth.

——— ———,

Employment Agent.

——— ———,

Witness.

Date———, 1911.

WHARTON EXHIBIT.

RAILWAY EMPLOYEES DEPARTMENT,
ST. LOUIS, MO., *April 15, 1915.*

Mr. LEWIS K. BROWN,
Secretary Commission of Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Inclosed you will find statement containing information requested by the commission. When asked, I was of the opinion that a fair estimate of the number of men in each craft on each road could be given, but I find this can not be done with sufficient accuracy to warrant even the term "approximate." The railroads can furnish the correct average number of men employed, under normal conditions, in each craft on their respective roads. This information is a matter of record, by pay-roll periods, and as easily obtainable.

Mileage, density of population, and business handled very greatly determines the number of locomotives and cars required. This, in turn, largely controls the number of men employed, and, without going into the matter very thoroughly, I could not make even a fair estimate of the number of men employed. Information of this character can be obtained from the employer, who has a clerical force in charge of the pay rolls, which, in turn, shows the rates of pay, hourly, monthly, or by the piece or bonus, as well as the occupation of every employee.

Very truly, yours,

A. O. WHARTON,
President Railway Employees Dept., A. F. of L.

EXPLANATORY.

ST. LOUIS, MO., *April 15, 1915.*

Machinists, indicates International Association of Machinists.

Boiler makers, indicates International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America.

Blacksmiths, indicates International Brotherhood of Blacksmiths and Helpers.

Carmen, indicates Brotherhood of Railway Carmen of America, and, unless otherwise specified, includes carpenters, pattern makers, painters, upholsterers, and other car-department employees.

Sheet-metal workers, indicates Amalgamated Sheet Metal Workers' International Alliance, and, unless otherwise specified, includes tinners, coppersmiths, and steam fitters.

Electricians, indicates International Brotherhood of Electrical Workers.

All of these organizations include their respective apprentices and helpers and constitute what is known as the mechanical section of the department.

You will note that steam fitters, painters, molders, upholsterers, carpenters, and carmen of both organizations are mentioned on the New York, New Haven & Hartford. This statement means the Brotherhood and now defunct International Association of Car Workers, and all were recognized by this company.

We have since reorganized this system, and the only members belonging to the six organizations affiliated to the department are recognized by this System Federation.

Whenever the words "Painter," "Steam Fitter," "Molder," "Carpenter," or "Pattern Maker" appear it indicates that the Brotherhood of Painters, Decorators, and Paper Hangers; United Association of Plumbers and Steam Fitters; Molders' Union of North America; United Brotherhood of Carpenters and Joiners; or Pattern Makers' League of North America have been recognized.

When new agreements are negotiated, it will be our policy to ask for the recognition of only those organizations affiliated to the department.

The Norfolk & Western at one time recognized 11 organizations, including molders, steam fitters, painters, hostler helpers, and a federal labor union.

We have been directing our efforts toward standardizing the System Federations, as a result of this, we have the six recognized organizations in some of the System Federations that show but four organizations in their present agreements; such as the Wabash and Chicago & Eastern Illinois and others, such as the New Haven and Chicago & Alton, have eliminated organizations not recognized by the department.

I am inclosing a copy of the official correspondence with respect to a conference held July, 1914, with the managers of practically all the main southeastern lines.[1] This we should have introduced during the hearings. Anyway, I believe the commission should know of the progress made. But for the unfortunate European conflict we would have negotiated an agreement covering all of the roads represented.

	Mileage.
1. New York, New Haven & Hartford Railroad	2,007
Machinists. Boiler Makers. Blacksmiths. Carmen. Sheet Metal Workers. Electricians. Steam Fitters. Painters. Upholsterers. Carpenters.	
2. Southern Railroad and allied lines	6,134
3. Mobile & Ohio	1,122
4. Alabama Great Southern	301
5. Cincinnati, New Orleans & Texas Pacific	338
6. New Orleans & Northeastern Railroad	196
7. Alabama & Vicksburg Railroad	142
8. Vicksburg, Shreveport & Pacific Railroad	171
9. Georgia Southern & Florida Railroad	302
10. Virginian & Southwestern Railroad	240
(From 2 to 10, inclusive:) Machinists. Boiler Makers. Blacksmiths. Carmen. Sheet Metal Workers.	
11. Denver & Rio Grande Railroad	2,585
Machinists. Boiler Makers. Sheet Metal Workers. Blacksmiths. Carmen.	
12. Wabash Railroad	2,514
Machinists. Boiler Makers. Blacksmiths. Sheet Metal Workers.	
13. Seaboard Air Line	3,098
Machinists. Boiler Makers. Sheet Metal Workers and Painters. Blacksmiths. Carmen.	

[1] Pamphlet entitled "Official Proceedings of Conference Held Between the Federated Shopmen and General Managers of the Southeastern Railroads," submitted in printed form.

		Mileage.
14. Canadian Pacific Railway Co. (lines west of Fort Williams)		[1] 11,941
Machinists.	Electricians.	
Boilers Makers.	Steam Fitters.	
Blacksmiths.	Molders.	
Carmen.	Pattern Makers.	
15. Canadian Pacific Railway Co. (lines east of Fort Williams).		[1]
Machinists.	Carmen.	
Boiler Makers.	Steam Fitters.	
Blacksmiths.	Sheet Metal Workers.	
Molders.		
16. Minneapolis & St. Louis, including Iowa Central		1,646
Machinists.	Blacksmiths.	
Boiler Makers.	Sheet Metal Workers.	
Carmen.		
17. Missouri Pacific—St. Louis, Iron Mountain & Southern Railway system		7,235
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.	Painters.	
18. Richmond, Fredericksburg & Potomac		89
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.		
19. Fort Smith & Western Railway		217
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.	Painters.	
20. Chesapeake & Ohio Railroad		2,367
Machinists.	Carmen.	
Blacksmiths.	Steam Fitters.	
Boiler Makers.		
21. Atlantic Coast Line		4,499
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.	Painters.	
Molders.		
22. Wheeling & Lake Erie Railway		459
Machinists.	Blacksmiths.	
Boiler Makers.	Sheet Metal Workers.	
23. Virginian Railway Co.		908
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.	Painters.	
24. New Orleans, Mobile & Chicago Railroad		408
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.		
25. Chicago & Alton Railroad		1,032
Machinists.	Sheet Metal Workers.	
Boiler Makers.	Steam Fitters.	
Blacksmiths.	Molders.	
26. Canadian Northern		6,772
Machinists.	Sheet Metal Workers.	
Boiler Makers.	Steam Fitters.	
Blacksmiths.		
27. Quebec Central Railway		259
Machinists.	Blacksmiths.	
Boiler Makers.	Carmen.	
28. Norfolk & Western		2,049
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.	Steam Fitters.	

[1] Combined mileage of Canadian Pacific Railway Co., lines east and west of Fort Williams.

	Mileage.
29. C., R. I. & P. and C., R. I. & G. (Rock Island)	11,108
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
30. St. Louis & San Francisco Railroad	4,959
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
31. Trinity & Brazos Valley	808
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
32. Kansas City, Mexico & Orient	959
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
33. Norfolk & Southern	907
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
34. Atlanta, Birmingham & Atlantic	645
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
35. Intercolonial & Prince Edward Island Railway of Canada	1,408
Machinists. Carmen.	
Boiler Makers. Steam Fitters.	
Blacksmiths.	
36. Chicago & Eastern Illinois Railroad	1,282
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
37. Georgia & Florida Railroad	859
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
38. M. K. & T. R. R.	8,000
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
39. Raleigh, Charlotte & Southern Railroad	228
Machinists. Boiler Makers.	
Blacksmiths.	
40. Wabash Pittsburgh Terminal	63
Machinists. Sheet Metal Workers.	
Boiler Makers. Steam Fitters.	
Blacksmiths.	
41. Midland Valley Railroad	365
Machinists. Blacksmiths.	
Boiler Makers. Carmen.	
42. The Terminal Railroad Association of St. Louis	67
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
43. Colorado & Southern Railroad	1,121
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
44. New Orleans Terminal Co	66
Machinists. Carmen.	
Boiler Makers. Sheet Metal Workers.	
Blacksmiths.	
45. Texas Pacific Railroad	1,905
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	
46. International & Great Northern Railroad	1,106
Machinists. Blacksmiths.	
Boiler Makers. Sheet Metal Workers.	

		Mileage.
47. Kansas City Southern Railroad		829
Machinists.	Carmen.	
Boiler Makers.	Electricians.	
Blacksmiths.	Painters.	
Sheet Metal Workers.		
48. Denver & Salt Lake Railroad		255
Machinists.	Carmen.	
Boiler Makers.	Sheet-Metal Workers.	
Blacksmiths.		
49. Delaware & Hudson Railroad		862
Machinists.	Sheet Metal Workers.	
Boiler Makers.	Electricians.	
Blacksmiths.		
50. Missouri & North Arkansas Railroad		305
Machinists.	Carmen.	
Boiler Makers.	Sheet-Metal Workers.	
Blacksmiths.		
51. Boston & Maine		2,302
Machinists.	Carmen.	
Boiler Makers.	Sheet Metal Workers.	
Blacksmiths.		
52. Coal & Coke, Gassaway, W. Va.		197
Machinists.	Blacksmiths.	
Boiler Makers.	Carmen.	
Total mileage		93,345

When asked I was under the impression that I could furnish the approximate number of men in each craft on each road, but I find that density of population in a very great measure determines the number of engines and cars used by the various roads; some of the roads in the sparsely populated sections of the country average about one locomotive to every 6 miles of line operated, and in the more densely populated sections of the country the number of locomotives in some cases exceed the number of miles of road under operation.

It was my intention to approximate the number of men, based on miles, engines, and cars of a standard system, but looking into the matter I find that figures of this kind would not be a fair estimate.

In round figures, I believe, that the roads now working under federated agreements would employ approximately 125,000 men eligible to the organization affiliated to the railway employees department.

Below I am also giving the mileage of the roads which have been organized into System Federations, but have not yet negotiated federated agreements. I should judge that there are approximately 30,000 men employed on these roads eligible to membership in the organizations affiliated to the railway employees department.

In each of these federations five organizations—Machinists, Boiler Makers, Blacksmiths, Carmen, and Sheet Metal Workers—are affiliated:

	Mileage.
1. Chicago & North Western Railway	8,090
2. Chicago, Milwaukee & Puget Sound	2,090
3. Central of Georgia Railway	1,924
4. Northern Pacific Railway	6,313
5. Cincinnati, Hamilton & Dayton	1,015
6. Western Maryland	946
7. Chicago, Indianapolis & Louisville	578
8. Fort Worth & Denver City	454
Total mileage	21,409

The usual manner of procedure in changing from the craft agreement to the federated agreement was as follows:

First. By calling a meeting of delegates from each craft representing the entire system of railroad and organize a System Federation; the number of delegates would vary in proportion to the mileage and method of representation. A terminal railroad company, where all shops were within a radius of 50 miles, would have about 5 men for each craft; a system like the Missouri Pacific-St. Louis, Iron Mountain & Southern, with over 7,000 miles of road would have

from the Sheet Metal Workers, about 12 delegates; Blacksmiths, 16; Boiler Makers, Carmen, and Machinists, from 25 to 35 each.

Second. Each craft would select not less than three nor more than five delegates to be known as advisory board members. The inclosed by-laws fully explain manner of procedure.[1]

Third. A proposed federated agreement will be drafted, and such agreements are always considered as the basis from which negotiations will be conducted, and do not in themselves represent a demand or ultimatum. We know by experience that a failure to embody in the proposed agreement any question relating to hours of services, wages, and conditions of employment precludes such matters from being introduced after the conferences start.

The railroad managers have also taught us the necessity of drafting our proposed agreements so that they would have what is commonly called "trading rules"; this places both sides in a position to justify concessions granted.

Fourth. The proposed agreement is then sent to the officials, together with the usual 30-day advance notice (as provided for in practically all craft and federated agreements entered into during the past six years), requesting a conference on or about the date the notice expires. All crafts or federated agreements last signed up continue in full force and effect until the negotiations for a new agreement have terminated.

There are two or three methods of signing a notice to open an agreement. For a craft agreement, it can be signed by the general chairman, the secretary-treasurer, or both, or by all the delegates, including the two officers mentioned. For a federated agreement, by the president and secretary of the System Federation, or by the general chairman of each craft (sometimes designated as the executive board), or by the entire advisory board, representing from three to five from each craft.

Neither prior to or since the Illinois Central and Harriman lines strike have I any knowledge that objection has been made to the manner in which notice of desire to open agreements had been served on the officials, and there have been several hundred agreements negotiated and renewed during the past few years.

Beginning with the reorganization of the department January 1, 1913, it has been our policy where craft agreements were in effect and the railroad officials objected to making a federated agreement (the Illinois Central and Harriman lines officials being the only ones who declined to meet such a committee) to advise the men to pursue the following course:

Withdraw the federated agreement, if necessary, then submit a separate agreement for each craft containing exactly the same general rules and their respective special rules, as originally presented in the federated agreement; then the federation would select and notify the company, which craft would go into conference, the craft selected would then negotiate an agreement subject to the approval of the federated committee, the company being notified that none of the committees would sign up their agreement until all were agreeable.

This manner of procedure was adopted on the Missouri, Kansas & Texas Railway, and resulted in the signing up of agreements having identically the same general rules for the four crafts participating, and all were effective the same date. The M., K. & T. may take the position that they have not recognized the federation. However, the desired results were obtained, and we list the M., K. & T. as having recognized the federation.

The railroad officials always know just what action is being contemplated by the employees, first, because the delegates ask for transportation to point where meetings are to be held, and, second, because these matters are of common knowledge in all shops and are freely spoken of. Our meetings are practically open to anyone, excepting known spotters, or men suspected as such. The only time we attempt to keep our business from the company is after the negotiations for conference have ceased, and the conferences are being held, the results of which are withheld from the men on the system, who understand the necessity of this policy. The inside men, or spotters, etc., are thus prevented from causing any serious division of opinion among the men while the committees are negotiating an agreement, the men being generally instructed to inform anyone who seeks information that the matter is in the hands of the committee, who has been given full power to act.

[1] Pamphlet entitled "By-Laws of the Federation of Railroad Employees, Missouri Pacific System. Affiliated with the Railroad Department of the American Federation of Labor," submitted in printed form.

This method of conducting business was born of necessity and to overcome conditions and methods of procedure instituted quite generally by the employers.

Yours, truly,

A. O. WHARTON,
President Railway Employees Department, A. F. of L.

RAILWAY EMPLOYEES' DEPARTMENT,
St. Louis, Mo., April 23, 1918.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In connection with the testimony given by Mr. Frank Comerford before the United States Commission on Industrial Relations Monday, April 12, a letter bearing my signature was read referring to certain statements made by Mr. C. E. Fuller, superintendent of motive power, Union Pacific Railroad, with respect to railroads not having recognized the System Federation. Mr. Fuller said that the following railroads had, in answer to a telegram, denied having an agreement with the System Federation; Wheeling & Lake Erie; Atlanta, Birmingham & Atlantic; Wabash Pittsburgh Terminal Railway Co.; Atlantic Coast Line; "Frisco System"; Trinity & Brazos Valley; Richmond, Fredericksburg & Potomac; Missouri, Kansas & Texas; and the Canadian Northern.

Mr. Comerford, after reading this letter referred to, submitted a copy of the "Frisco" federated agreement, and we now desire to submit a copy of the federated agreements in effect on the Wheeling & Lake Erie;[1] Wabash Pittsburgh Terminal Railway Co.

A letter from R. C. Taylor, secretary-treasurer of the Atlantic Coast Line Federation, states first federated agreement was signed up in March, 1911, and that he would try and send a copy of the last agreement, which he did not at present have in his possession.

The Trinity & Brazos Valley, agreement entered into September 1, 1911,[2] and renewed with a number of changes in 1913.

The Richmond, Fredericksburg & Potomac federated shop rules, effective July 1, 1912.

This information is submitted as per our letter of April 12 in refutation of statements made, and we believe is sufficient to establish our claim as to the incorrectness of Mr. Fuller's testimony in this respect.

Yours, very truly,

A. O. WHARTON,
President Railway Employees' Department, A. F. of L.

P. S.—If consistent, we would like to have these agreements returned after they have served your purposes.

A. O. W.

AGREEMENT BETWEEN WABASH PITTSBURGH TERMINAL RAILWAY CO. AND MACHINISTS, BOILER MAKERS, BLACKSMITHS, PIPEMEN, AND HELPERS, TO TAKE EFFECT OCTOBER 1, 1913.

RULE NO 1.

All the above-mentioned employees, excepting apprentices, shall receive an increase in the rate of pay of one (1) cent per hour.

RULE NO. 2.

One apprentice shall be allowed to each shop and engine house, regardless of number of journeymen employed, and one additional apprentice for each

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[1] Pamphlet entitled "Agreement and General Shop Rules of the W. & L. E. System, Federation No. 22, of the Machinists, Boiler Makers, Blacksmiths, Pipe Fitters, Sheet Metal Workers, and Helpers and Apprentices, and the W. & L. E. R. R. Co. In effect Oct. 1, 1918," submitted in printed form.

[2] Printed pamphlet submitted. It is entitled "Joint Agreement Between the Boiler Makers, Helpers, and Apprentices; Machinists and Apprentices; Coppersmiths and Apprentices; Blacksmiths and Helpers; and Carmen and the Trinity & Brazos Valley Railway Co. Effective Sept. 1, 1911."

five (5) journeymen in any shop of the company. Where the ratio is more than one apprentice to every five journeymen at the time these rules take effect there shall be no dismissal on account of this agreement, but no additions made until those now employed shall have passed out of their apprenticeship.

Four years shall constitute the term of apprenticeship.

Beginning with the first year, the rate of pay will be 10 cents per hour, with an increase of 2½ cents per hour for each individual year until the four years of apprenticeship have been served. If retained in the service after the time, he shall receive the standard rate of pay.

RULE NO. 3.

Nine hours shall constitute a day's work for machinists, boiler makers, blacksmiths, pipemen, helpers, and apprentices.

Overtime shall be paid for Sunday work and for all national or legal holidays mentioned below. No blacksmith, machinist, boiler maker, pipeman, helper, or apprentice shall be required to lose any time from his regular working hours to equalize any overtime worked by him. Day men called to work after regular working hours shall receive not less than three hours' pay. This does not apply to men who are notified to work after regular working hours before going home.

Holidays shall be as follows: New Year's Day, Lincoln's Birthday, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If any of the above-mentioned holidays should occur on Sunday, the day observed by the State or Nation shall be considered a holiday, and any time worked on those days shall be paid for in accordance with the above schedule

RULE NO. 4.

When employees above mentioned are sent from their respective regular place of employment to perform temporary service at some outside shop or roundhouse they will be allowed straight time for traveling to or from home point and will work under regular shop rules when employed at such outside points. Their expenses while away, including meals and lodging only, will be paid, this expense, however, not to exceed $1.25 per day.

RULE NO. 5.

Any machinist, boiler maker, blacksmith, pipeman, helper, or apprentice who is discharged or suspended without just cause shall have the right to make a written appeal within five days to the master mechanic. All appeals must be made in writing and state each item of complaint. At the investigation the employee may be represented by another employee engaged in the same class of service, whom he may select. It is the intention that any employee dismissed or suspended shall have a fair and impartial hearing. The company will in no way discriminate against any member of the committee representing the above-named crafts. It must be understood that energetic, competent, and faithful employees shall be given preference of promotion.

RULE NO. 6.

Helpers and handy men shall not be advanced to the detriment of the machinists, boiler makers, blacksmiths, pipemen, helpers, and apprentices, providing a sufficient number of skilled mechanics can be procured to maintain the necessary repairs of equipment. In case of a shortage the chairman of the shop committee will be requested to furnish the number additional satisfactory skilled men that are required. A reasonable length of time (not to exceed one week) shall be given the committee to furnish the men required.

RULE NO. 7.

Employees who at times, for good and sufficient reasons, are unable to report for work at the specified time, will be allowed to go to work an hour later.

RULE NO. 8.

These rules and regulations shall become effective and be in force from and after October 1, 1913, and remain in force one year and thereafter until such

time as either party to this agreement shall give to the other party 30 days' notice, in writing, of the desired change.

For the general manager:

H. F. GREWE.

For the employees:

S. G. BRIDGES, *Chairman.*
J. F. MCCARTHY, *Machinists.*
SIMON GILL, *Machinists.*
JOS. O'NEILL, *Boiler Makers.*
ALEXANDER WATSON, *Boiler Makers.*
ALOIS SKALA, *Blacksmiths.*

FEDERATION OF RAILWAY EMPLOYEES,
ATLANTIC COAST LINE RAILWAY SYSTEM,
Montgomery, Ala., April 19, 1915.

Mr. JOHN SCOTT,
Secretary-Treasurer R. E. Department, St. Louis, Mo.

DEAR SIR AND BROTHER: I am in receipt of your letter forwarded to me by Brother Dowdy of S. E. Federation, in which you are asking for information concerning federation of the A. C. L., and in reply to your letter wish to say that we have had a federation of employees on this road since 1911. It was organized in March, 1911, and we have had an agreement signed up by the company since that time. Now, Brother Scott, I am sorry that I haven't got a copy of our agreement to send you at present, but will try and get you one at an early date. If you will remember last year was a bad year with all roads, and we did not go up before the management to renew our agreement, but there is a clause in our agreement which states that this agreement shall remain in force until superseded by another, and as there hasn't been another, it still holds good.

Hoping this will be satisfactory to you, with best wishes to you and Brother Wharton, I am,

Yours, fraternally,

R. C. TAYLOR,
Sec.-Treas. A. C. L. Federation.

50 MORGAN AVENUE.

RULES GOVERNING THE HOURS AND WORKING CONDITIONS OF ALL SHOP EMPLOYEES OF THE RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO. AND WASHINGTON SOUTHERN RAILWAY CO. AT BOULTON, POTOMAC YARD (AND OUTLYING POINTS).

RULE NO. 1.

Regular working hours of shop employees (including inspectors and other men at outlying points) are nine (9) hours per day, except those joint inspectors and hopmen whose regular working hours are twelve (12) hours per day.

RULE NO. 2.

Shop employees and inspectors at outlying points (except those employees mentioned in rule No. 1, whose regular working hours are twelve (12) hours per day and laboring help) will be paid time and one-half time for all overtime, legal holidays (New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Washington's Birthday), and Sunday work.

Where these holidays fall on Sunday, the following day will be observed, unless there is a notice issued by the State or National Government appointing some other day.

RULE NO. 3.

Men working regularly at night, or such men as shall fill their places temporarily, will work under the same rules as those working in daylight.

RULE NO. 4.

Shop employees will be allowed time and one-half time for road work computing from the time of leaving shops until return, and will bear their own expenses.

RULE NO. 5.

All employees, except laboring help, called to do work after regular hours, or on holidays and Sundays, will be paid time and one-half time, the same as in rule No. 2, but should in no case be paid less than five (5) hours for such work, or, in other words, the length of time computed at time and one-half time shall equal five (5) hours' straight time.

RULE NO. 6.

At roundhouses, on account of working nine (9) hours, it may be found necessary, on account of emergency work, to overlap the time of one (1) or two (2) men of each class by starting them to work at 8 a. m. and work nine (9) hours from that time.

RULE NO. 7.

Any employee who thinks that he has been unjustly disciplined has the right of appeal through the regular channels, and if it is decided that he has been unjustly disciplined and is put back to work, he shall be paid for time lost.

RULE NO. 8.

If at any time it becomes necessary to reduce shop expenses, the hours will be first reduced to eight (8) hours, and if further reduction is necessary, the force will be reduced; ability, merit, and length of service to govern.

RULE NO. 9.

Apprentices in all departments will be required to serve four (4) years, consisting of 2,700 hours actually worked, and will be paid time and one-half time for all overtime the same as other shop employees, but will only be allowed straight time to count for their apprenticeship. Apprentices will be given every opportunity to learn their respective trades thoroughly.

RULE NO. 10.

The company will not in any way discriminate against any employee who shall serve on committees, or represents his organization in convention, provided he has proper leave.

W. T. KOPP,
Superintendent Motive Power.

JULY 1, 1912.

APRIL 28, 1915.

Mr. A. O. WHARTON,
President Railway Employees' Department,
5 and 6 Ohio Building, St. Louis, Mo.

MY DEAR SIR: I have yours of the 23d instant, with inclosures as stated. I note your request that the agreements be returned to you. Unless there is some compelling reason for their return, I greatly prefer to retain these exhibits in order that the commission shall have a complete file on the matter. Realizing the importance of these exhibits, I trust that you will see fit to advise that we may retain them.

Very truly, yours,

LEWIS K. BROWN, *Secretary.*

RAILWAY EMPLOYEES' DEPARTMENT,
St. Louis, Mo., April 30, 1915.

Mr. LEWIS K. BROWN,
Secretary U. S. Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Replying to yours of the 28th instant, with reference to my request for return of agreements sent you the 23d instant, permit me to say that I want the commission to retain those agreements, my request for return being made with the thought in mind that the commission would have no further use for them after they had been verified.

I am herewith inclosing a letter just received from Mr. Frank Munier, chairman board of adjustment, Missouri, Kansas & Texas System Federation. This is another one of the systems Mr. Fuller, superintendent of motive power, Union Pacific Railroad, stated had not recognized the system-federation plan of organization.

Kindly attach the inclosed letter to the agreements sent you under date of April 23.

Very truly, yours

A. O. WHARTON,
President Ry. E. Department, A. F. of L.

INTERNATIONAL ASSOCIATION OF MACHINISTS,
Denison, Tex., April 26, 1915.

Mr. JOHN SCOTT,
Secretary-Treasurer Railway Department.

DEAR SIR AND BROTHER: Answering your letter in which you inquire as to recognition of the system federation by the M. K. & T. Ry., wish to advise that the company agreed to meet the committee of any shop craft we selected and to grant exactly the same agreement to all the shop trades that was given to the craft selected to meet the officials first.

The machinists' committee was selected by the federation to meet the company officials first. The federated committee was in session in Parsons while the conference was being held, and no part of the schedule which all the shop trades are now working under was accepted until ratified by the federated agreement committee.

Thus the difference between our agreement and a federated agreement is in name only. Our schedule provides for an eight-hour day in shops and roundhouses, and this feature has proven beneficial to both the company and the employees.

A federation of the shop crafts on this system has strengthened our position and has been productive of much good in a number of ways.

Trusting this is the information you desire, I remain,

Yours, fraternally,

FRANK MUNIER,
Chairman Board of Adjustment,
M. K. & T. System Federation.

KRUTTSCHNITT EXHIBIT.

STATEMENT MADE BY MR. KRUTTSCHNITT IN REGARD TO COMPANY'S ATTITUDE AS TO STRIKE OF FEDERATED SHOPMEN, PUBLISHED IN CALIFORNIA NEWSPAPERS OF AUGUST 29, 1911.

On my trip to San Francisco I read an admirable editorial in one of our San Francisco dailies, in which was said:

"It is not very clear what grievances exist which the shopmen of the Union and Southern Pacific desire to have remedied."

I fully appreciate that the public is entitled to full information on a question which involves the surrender to a committee of employees of the right to say when the corporation shall or shall not perform its services to the public.

The policy of the Union Pacific and Southern Pacific has always been one of justice, liberality, and even generosity toward their employees.

This policy, prescribed by both Mr. Huntington and Mr. Harriman, and thoroughly indorsed by Mr. Lovett, the present executive head of both systems, has never been violated, as far as I know, and has in numberless conferences been gratefully recognized by employees.

PRAISE FROM UNION LEADER.

Indeed, on August 28 there appeared in one of the San Francisco afternoon papers the following statement, credited to the president of the federation, the spokesman for the employees:

"In the past we have had nothing but the most friendly relations with the Southern Pacific, having always been treated with the utmost consideration."

The superintendent of motive power of the Southern Pacific Co., in a circular to employees, issued on August 8, that has been freely quoted in the press, said that, coupled with considerate treatment, he was paying the highest wages of any railroad in the United States, and, in addition, was paying, within equitable limitations, a liberal scale of pensions, from which, through contributing nothing, the employee receives material assistance in his declining years.

Nearly 700 men are now carried on the pension rolls of the Harriman lines.

FREQUENTLY MEET MEN.

For many years our officers have freely met organized and unorganized employees in conferences. Conceding considerate treatment and a willingness on the part of the officers to discuss conditions at all times, the public is naturally mystified as to the issue, which, briefly, may be outlined as follows:

At a meeting in Salt Lake held last summer employees from all crafts on the Harriman lines determined to present to each line demands identical with those sent the Southern Pacific, which are substantially as follows:

First. Recognition of the shop employees' federation, representing all five crafts, viz, machinists, boiler makers, carmen, blacksmiths, and sheet metal workers.

Second. All present or future employees not members shall join the federated association within 30 days, which means, of course, the discharge of all employees who will not or can not join; that is, an absolutely closed shop.

FEARS UNREASONABLE DEMANDS.

Third. The company to agree that the control and final settlement of differences with their employees shall rest with a federated committee made up of representatives of all five crafts, instead of committees of the individual crafts, as heretofore. The effect of these demands, if conceded, would be to place the whole body of workers in all these crafts behind a demand made by any one of them, no matter how unreasonable, an arrangement which would certainly encourage the making of unreasonable demands, which are not likely to be made by individual crafts operating alone.

Fourth. To restrict the number of apprentices, denying to American boys the opportunity to fit themselves for the duties of life by learning trades.

Fifth. A flat increase of 7 cents an hour for all mechanics, apprentices, and helpers, which would mean increases of from 15 to 25 per cent, averaging for the entire shop force 23 per cent; a reduction of hours without decrease of pay, and other demands, averaging 13 per cent additional, or an average total increase from both sources of 36 per cent. This in addition to an average increase of pay granted to all shop crafts of 12½ per cent in the last five years, and in the face of the fact that the Southern Pacific is now paying higher wages than any other railroad in the United States.

$7,000,000 INCREASE YEARLY.

The effect of all these demands would increase the shop pay rolls of the Harriman lines about $7,000,000 annually.

Sixth. No employee shall work by piece, premium, or bonus system. Where anything of this sort is in existence, it shall be discontinued. Shop foremanships shall be filled by promotion from the ranks of federation employees. All this is in direct conflict with the public will, recently emphatically expressed, that increased expenses of the carriers were to be met by increasing the efficiency of their operations and not by increasing freight rates.

Seventh. No form of physical examination or personal record shall be required; that is, the company is denied the right exercised by every citizen to require of persons entering his service evidences of competency, good character, and health. Under this rule diseased, incompetent, inefficient, and immoral persons might be employed, and if they succeeded in escaping detection for 30 days they could not be discharged without danger of a strike.

SAYS STATUTE PROHIBITS.

The fellow-servant laws of California and of many other States make the corporation responsible for damages to its employees through negligence of a coemployee. The proposed clause would deprive the corporation of all means of protection and would promote inefficient and unsafe public service.

Eighth. If forces are reduced, employees are to indicate who shall be laid off, thereby embarrassing the company in efforts to increase efficiency by ridding the service of inefficient employees.

Ninth. No employee belonging to the federation is to be discharged or suspended without previous consent of the employees' committee.

Heretofore any issue arising with a machinist, a boiler maker, a blacksmith, or a sheet-metal worker was taken up with the company by his associates, and in most cases was adjusted.

When unsuccessful, strikes of that particular craft have followed, but these were not serious enough to cripple the operations of the properties and prevent them from performing the public services for which they were created.

STRIKE USUALLY CONTROLLED.

Except in a few cases where sympathetic strikes were ordered, the trouble was confined to the particular craft and line on which it originated.

Under the change proposed by the federated employees and opposed by the companies, an issue raised on a small system road in Louisiana or Texas might stop all shopwork throughout the system by requiring members to strike in distant California, Oregon, Washington, or Nebraska.

To settle the question, the company involved might have to meet a committee representing all of its craftsmen, which committee would owe allegiance to a general committee composed of all craftsmen of all the lines of the Harriman system.

Such an arrangement would mean chaos, would abridge or deprive the corporations of the ability to fulfill the duties imposed upon them by law, and the officers deliberately so betraying their trusts would be universally and justly condemned by public opinion.

DUTY TO PUBLIC PARAMOUNT.

The public nature of the functions of the railroad corporations has recently been most clearly defined by the people in legislation and by the courts in interpreting the laws. It would be difficult to-day to find a railroad officer who did not fully recognize the paramount nature of his duties to the public.

These are the reasons why we decline to surrender to an irresponsible committee of federated employees, representing a very small portion of the public trusts confided to us by the entire public, and why we will not concede to such a committee the right to dictate whether our companies shall or shall not fulfill for 20,000,000 of people in 17 States of the Union the duties clearly prescribed by law.

J. KRUTTSCHNITT.

GRAHAM EXHIBIT NO. 1.

PORTLAND, OREG., *June 28, 1911.*

Mr. J. F. GRAHAM,
Asst. Gen. Mgr., O.-W. R. & N. Co., Portland, Oreg.

DEAR SIR: We, the undersigned, representing the various shop crafts of the O.-W. R. & N. Co., desire at this time to notify you that we request a joint meeting on Tuesday, August 1, 1911, for the purpose of discussing proposed changes in our respective agreements and to submit new agreements for your consideration.

Respectfully submitted.

C. E. MERRILL, *For Machinists.*
CARL F. WOHLFARTH, *For Boiler Makers.*
HENRY WEBER, *For Blacksmiths.*
WM. THOMSOGOOD, *For Carmen.*
JOSEPH O'DEA, *For Sheet-Metal Workers.*

JULY 7, 1911.

Mr. C. E. MERRILL,
Machinist, Albina Shops, Albina.

DEAR SIR: Referring to your letter of the 28th, which came to my hands yesterday, and which is signed jointly by yourself; Messrs. Carl F. Wohlfarth,

for boiler makers; Henry Weber, for blacksmiths; William Thorogood, for carmen; and Joseph O'Dea, for sheet-metal workers, asking for a joint meeting on Tuesday, August 1, 1911, for the purpose of discussing proposed change in our respective agreements.

Please be advised that inasmuch as we do not know what your proposed changes are we are not in a position to say whether we will be ready to discuss it on the date named or not. I would suggest that you and the other members of your committee send me copy of your proposed changes for our information so we can be in position to discuss the matter intelligently.

Yours, truly,

J. F. GRAHAM.

SAN LUIS OBISPO, CAL., *June 27, 1911.*

Mr. J. F. GRAHAM,
Asst. General Manager, O.-W. R. R. & N.,
Wells, Fargo Bldg., Portland, Oreg.

DEAR SIR: In accordance with present shop rules and regulations I desire to give you the required 30 days' notice that a change in the same is desired.

Upon receipt of your reply we will arrange to send you a copy of the proposed new agreement at least 10 days before date of conference.

Present shop rules of the different crafts are practically the same, and we therefore request that in order to save time that you meet our committees jointly.

Waiting an early reply, I am,

Very respectfully,

JOHN SCOTT,
Secy. Shop Federation, Harriman Lines.

Address, 977 BUCHON STREET, SAN LUIS OBISPO, CAL.

JUNE 30, 1911.

Mr. JOHN SCOTT,
977 Buchon Street, San Luis Obispo, Cal.

DEAR SIR: I am in receipt of a letter from you dated June 27 calling attention to a change in present shop rules and regulations.

Please be advised that you are unknown to us, and inasmuch as we have not received a request from our employees on the O.-W. R. R. & N. and Southern Pacific lines in Oregon for a change in our existing agreement we will defer any action on this matter except on request of our own employees.

Yours, truly,

J. F. GRAHAM.

PORTLAND, OREG., *June 28, 1911.*

Mr. J. F. GRAHAM,
Genl. Supt. M. P. & M.,
Oregon-Washington Railroad & Navigation System.

DEAR SIR: In accordance with the present shop rules governing blacksmiths, apprentices, and helpers, 30 days' written notice is required to be given the other party when a change is desired.

I have been instructed by the members of our organization employed under your jurisdiction to notify you that a change is desired, and that later a new schedule will be submitted to you in our behalf.

As the present shop rules of all shop crafts are now practically identical we believe that a conference between yourself and representatives of the different crafts on the Oregon-Washington Railroad & Navigation system should be held jointly on August 1, 1911.

I am therefore requested to ask for a joint conference of all crafts, upon behalf of the blacksmiths, apprentices, and helpers.

Awaiting an early reply, I am,

Yours, respectfully,

GEORGE L. BAKER,
Secy. District Council No. 12,
International Brotherhood of Blacksmiths and Helpers.

3727 WEST GRIFFIN AVENUE, LOS ANGELES, CAL.

JUNE 29, 1911.

Mr. GEORGE L. BAKER,
3727 West Griffin Avenue, Los Angeles, Cal.

DEAR SIR: Referring to your letter, under date of June 28, in which you advise that in accordance with the present shop rules governing blacksmiths, apprentices, and helpers a 30-day notice is required to be given the other party when a change is desired, that you have been instructed by the members of your organization to notify us that a change is desired, and that later on a new schedule will be submitted to us on your behalf.

Please be advised that we have not had any complaint or intimation from our employees on the Oregon-Washington Railroad & Navigation nor on Southern Pacific lines in Oregon that a change is desired, and until such time as we are notified direct by employees of either of the lines mentioned under our jurisdiction no action will be taken.

Yours, truly,

J. F. GRAHAM.

OMAHA, NEBR., *June 22, 1911.*

Mr. J. F. GRAHAM,
Assistant General Manager O.-W. R. R. & N. Co., Portland, Oreg.

DEAR SIR: In accordance with present shop rules and regulations governing machinists and apprentices, 30 days' written notice are required to be given the other party when a change is desired.

I have been instructed by the members of our organization, working under your jurisdiction, to notify you that a change is desired and that later a new schedule will be submitted to you in our behalf.

As the present shop rules of all crafts are now nearly identical we believe that a conference between yourself and representatives of the different crafts should be held jointly.

I am therefore requested to ask for a joint conference of all crafts on behalf of the machinists, and believe that by such a conference time will be saved you as an official of the company.

Awaiting your reply, I am,

Yours, respectfully,

SAMUEL H. GRACE,
Machinists' Representative, District No. 11,
Room 403 Bee Building, Omaha, Nebr.

JULY 8, 1911.

Mr. SAMUEL H. GRACE,
403 Bee Building, Omaha, Nebr.

DEAR SIR: This to acknowledge receipt of yours of the 28th ultimo, and wish to advise you that until such time as we are presented with a copy of demands it will not be possible for us to arrange a meeting. This, inasmuch as we have had no complaint nor request from our own employees that would indicate that they are dissatisfied with the present agreement.

Yours, truly,

J. F. GRAHAM.

JULY 22, 1911.

Mr. C. R. MERRILL,
Representing O.-W. R. R. & N. Co. Machinists, Albina, Oreg.

DEAR SIR: I will be very glad to confer with you or a committee of O.-W. R. R. & N. machinists on Tuesday, August 1, at 10 o'clock a. m., if they desire a conference, relative to any matters which they may desire to take up with me. Please advise me promptly if you desire such a conference.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager.

JULY 29, 1911.

Mr. CARL F. WOHLPARTH,
Representing S. P. L. in Oregon, Boiler Makers,
East Portland, Oreg.

DEAR SIR: I will be very glad to confer with you, or a committee of Southern Pacific Co. boiler makers on Thursday, August 3, at 10 o'clock a. m., if they

desire a conference, relative to any matters which they may desire to take up with me.

Please advise me promptly if you desire such a conference.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager.

PORTLAND, OREG., *August 3, 1911.*

Mr. J. F. GRAHAM,
Assistant General Manager, O.-W. R. R. & N. Co.

DEAR SIR: As your final decision refusing to meet a joint committee has been given, it will be impossible for a committee of boiler makers to confer with you August 3 at 10 o'clock.

Yours, truly,

CARL T. WOHLFARTH,
Representing Boiler Makers.

PORTLAND, OREG., *July 31, 1911.*

Mr. J. F. GRAHAM,
Assistant General Manager.

DEAR SIR: Yours of the 29th received this 11 a. m., and as I am not on that committee I handed it to the proper person.

Thanking you for your courtesy.

Yours, truly,

JOSEPH O'DEA.

JULY 29, 1911.

Mr. HENRY WEBER,
Representing O.-W. R. R. & N. Co. Blacksmiths,
Albina, Oreg.

DEAR SIR: I will be glad to confer with you, or a committee of O.-W. R. R. & N. blacksmiths, on Saturday, August 5, at 10 o'clock a. m., if they desire a conference, relative to any matters which they may desire to take up with me.

Please advise me promptly if you desire such a conference.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager.

JULY 29, 1911.

Mr. WILLIAM THOMPSON,
Representing O.-W. R. R. & N. Co. Carmen,
Umatilla, Oreg.

DEAR SIR: I will be very glad to confer with you, or a committee of O.-W. R. R. & N. carmen, on Tuesday, August 8, at 10 o'clock a. m., if they desire a conference, relative to any matters which they may desire to take up with me.

Please advise me promptly if you desire such a conference.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager.

JULY 29, 1911.

Mr. JOSEPH O'DEA,
Representing O.-W. R. R. & N. Co. Sheet-Metal Workers,
Albina, Oreg.

DEAR SIR: I will be very glad to confer with you, or a committee on O.-W. R. R. & N. sheet-metal workers, on Thursday, August 10, at 10 o'clock a. m., if they desire a conference, relative to any matters which they may desire to take up with me.

Please advise me promptly if you desire such a conference.

Yours, truly,

J. F. GRAHAM,
Assistant General Manager.

GRAHAM EXHIBIT NO. 2.

VIOLENCE RECORD SUBMITTED BY OREGON-WASHINGTON R. R. & NAVIGATION CO.

October 13, 1911: S. Stoneberg, a tool dresser at the shops, was assaulted and knocked down by strikers on his way home from work. Ex-Blacksmith Davis guilty; prosecuted, but no conviction secured, account perjured testimony of strikers.

October 21, 1911: Ed. Preston, machinist, and Frank Arthur, hostler helper, were assaulted by strikers. Arthur received bad blow on head and was taken to the hospital. Preston went back to the shops. No arrest, account unable to identify.

O. H. Otis, waiter in dining room, was assaulted by strikers and knocked through barber-shop window on Russell Street, receiving a bad cut in the back. No arrests, account unable to identify.

October 25, 1911: J. J. Riley and Joe Wilson, boiler makers, were assaulted by strikers, knocked down, and kicked. Chas. Craig arrested and fined $10.

W. A. Holt, machinist, was assaulted by strikers on Russell Street, but rescued by A. D. McMillen. No arrests, account unable to identify.

November 28, 1911: M. Vollen, roundhouse foreman, was assaulted and abused. Could not identify assailants.

November 30, 1911: J. J. James was assaulted by strikers and abused. Accused parties acquitted, court holding evidence insufficient.

December 2, 1911: Pete Miller and five or six others were assaulted by strikers, who threw rocks at them. Judge acquitted parties arrested.

December 2, 1911: Wemme, machinist, was assaulted and hit by strikers on his way home from work. Could not identify.

December 7, 1911: H. Mulholand was assaulted by strikers after leaving the shops for home. Could not identify.

December 5, 1911: George Thomas, John Govorko, and George Loco, Austrians, were assaulted by strikers, but defended themselves with revolvers; also, they were threatened and abused. Accused parties were convicted, but sentence was suspended by municipal judge.

December 9, 1911: William Perkins and Ed. Taylor, boiler makers, were assaulted and abused severely by strikers. They stated they would do them bodily injury. Parties arrested were found guilty, but judge refused to sentence without also sentencing Perkins, hence released.

January 17, 1912: Paul Raybine was arrested for trespassing on company property and sentenced to 20 days on rock pile. Judge Taswell set aside this judgment and set the case for trial January 20, when he imposed same sentence.

January 18, 1912: Poter Blazen and Drosit were assaulted and abused by strikers; Drosit hit over left temple by stone. Blazen and Drosit arrested, tried, and acquitted.

January 26, 1912: Charles Oppel, George E. Oppel, and Maunice Oppel were attacked and stoned; also abused, in going to and from work, by strikers. Could not identify assailants.

February 2, 1912: Carl Friehof was asked to be searched by strikers for concealed weapons. Could not identify assailants.

February 11, 1912: Oliver Olsen, car inspector, assaulted severely by strikers. Guilty party released on perjured alibi.

February 13, 1912: George J. Smale abused severely by strikers numberless times. Could not identify.

February 19, 1912: Christ T. George was assaulted and abused by strikers from Albina all the way to terminal yards. Could not identify assailants.

February 21, 1912: Leir Gustafson, G. Gustafson, and John Aune were attacked by strikers, who followed them, throwing rocks. Cases not prosecuted on advice of attorneys, account of our men carrying clubs.

February 28, 1912: David Gustafson, G. Gustafson, John Aune, and Frank Bowman and J. J. James were assaulted by strikers. Cases not prosecuted on advice of attorneys, account our men carrying clubs.

GRAHAM EXHIBIT NO. 4.

Statement of number employed and rates of pay per hour of all shopmen, O.-W. R. R. & N. system, at date periods shown.

Occupation.	Oct. 1, 1909 and 1910.		Oct. 1, 1911.		Oct. 1, 1912.		Mar. 1, 1913.	
	Number.	Rate.	Number.	Rate.	Number.	Rate.	Number.	Rate.
Machinist	122	$0.37½	146	$0.42	210	$0.42	130	$0.44
Do	130	.42						
Do	1	.37½						
Do	2	90.00						
Machinist helper, special	1	.30	1	.36	2	.36	1	.36
Do					1	.36	1	.36
Do	1	.36			4	.36	4	.36
Do	70	.33	61	.33	107	.33	66	.33
Do							2	.33
Machinist apprentice	2	.20	2	.22			1	.22
Do	4	.22½	5	.22½			5	.22½
Do	6	.20	4	.20	1	.20	5	.20
Do	4	.17½	9	.17½			9	.17½
Do	8	.15	9	.15	2	.15	11	.15
Do	4	.12½	1	.12½	6	.12½	7	.12½
Do	10	.10	6	.10	23	.10	10	.10
Blacksmith							1	.44
Do			2	.44	2	.44	12	.44
Do			16	.42	13	.42		
Do					1	.40	2	.40
Do	1	.37½						
Do	12	.35					6	.36
Do			2	.37½	9	.37½	8	.36
Do			2	.35				
Do	2	.35			6	.36		
Do	1	.34½						
Do							1	.34
Do			3	.33	2	.33		
Do	2	.33½					2	.33½
Do	1	.32						
Do			2	.31½	2	.31½		
Do			1	.30	1	.30		
Do	2	.30						
Do			1	.28	1	.28	1	.28
Do	2	.27			1	.27		
Do	1	.25						
Do	1	.24						

Occupation.	Oct. 1, 1909.		Oct. 1, 1911.		Oct. 1, 1912.		Mar. 1, 1913.	
	Number.	Rate.	Number.	Rate.	Number.	Rate.	Number.	Rate.
Flue welder							1	$0.34
Do	1	$0.30	1	$0.30	1	$0.30	1	.30
Flue-welder helper							1	.30
Flue cutter	2	.30						
Nothing fixer	1	.37½	1	.37½				
Punch and planer							1	.33
Do	1	.37	1	.37	1	.37		
Front and mid air-pressure inspector			1	.30				
Do			1	.30	2	.30	2	.30
Do	2	.37	2	.37	2	.37	1	.37
Do							1	.34
Flue cleaner			1	.33	1	.33	1	.33
Do					1	.30		
Turret lathe operator							1	.30
Do			1	.30	1	.30		
Do			1	.28			2	.30
Do								
Do	1	.32½						
Do	1	.30						
Steel tire lathe man			1	.30	1	.30	1	.30
Do	1	.27						
Car-wheel borer					1	.27	1	.27
Axle lathe man					1	.30	1	.30
Drill pressman	1	.27	1	.27	2	.27	1	.27
Do	3	.28	2	.28	2	.28	2	.28
Do	1	.26	7	.26	2	.26	1	.26
Do					2	.28		

1 Per month.

GRAHAM EXHIBIT NO. 9—Continued.

Statement of number employed and rates of pay per hour of all shipmen[t] O., W. R. R. & N. system, at date periods shown—Continued.

Occupation.	Oct. 1, 1909.		Oct. 1, 1911.		Oct. 1, 1913.		Mar. 1, 1915.	
	Number.	Rate.	Number.	Rate.	Number.	Rate.	Number.	Rate.
Tool-room helper	2	$0.23	1	$0.23	2	$0.23	2	$0.25
Transfer table operator			1	.23	1	.23	1	.25
Machine oiler	1	.23	1	.23				
Nut tapper	1	.21	1	.21				
Tool dresser							1	.44
Do			1	.42	1	.42		
Do	1	.37						
Tool-dresser helper					1	.33	1	.33
Steam-pipe man			1	.30				
Do	1	.27½	1	.27½				
Stationary engineer	1	[1]80.00	1	[1]80.00	1	[1]80.00	1	[1]85.00
Do					1	[1]75.00		
Do			1	[2]2.50	1	[2]2.50	2	[2]3.00
Do	1	.35						
Do							1	.35
Do	1	.33	1	.33				
Do	2	.30	1	.30				
Stationary fireman	1	[1]70.00	2	[1]70.00	2	[1]70.00	2	[1]70.00
Do	1	[1]65.00						
Do							2	[2]2.75
Do					1	[2]2.50		
Do					1	.25		
Do	1	.22	1	.22	1	.27	2	.32
Brass finisher and locksmith					6	.38	6	.39
Do							1	.44
Do			1	.42	1	.42		
Brass finisher and locksmith helper	1	.34						
Shop switch engineer					2	.30	2	.30
Forging machine operator			1	[1]75.00	1	[1]75.00	1	[1]75.00
Do			2	.31½	2	.31½	2	.31½
Bolt cutter	2	.27						
Do							2	.34
Hammer boy	2	.22	2	.22	2	.22		
Tank and tanksmith	1	.12½	1	.12½	1	.12½	1	.12½
Do					1	.30	1	.30
Do	1	.27	1	.27				
Do	2	.25	3	.25				
Do	3	.24	3	.24			10	.25
Tank and tanksmith helper	5	.23	10	.23	9	.24		
Electrician	1	[1]125.00	1	[1]125.00	10	.32	10	.33
Do					1	[1]135.00	1	[1]135.00
Do					1	[1]100.00	1	[1]100.00
Do					1	.40		
Do	1	.37			2	.37		
Do			3	.35	1	.35	2	.37
Do							1	.35
Do							1	.33
Electrician helper	1	.25	1	.25	2	.25	1	.30
Coal-crane engineer							1	.26
Do					2	[1]75.00	2	[1]75.00
Do							1	[1]70.00
Timber					2	.40	2	.40
Do			7	.35	10	.35	5	.35
Do							1	.32
Timber helper	6	.32	1	.32	1	.32		
Timber apprentice	1	.23½	3	.23				
Do							1	.15
Do			1	.12½				
Babbitt man			1	.30	1	.30		
Steam fitter					1	.35		
Pipe fitter	1	.30	2	.35	1	.35	1	.35
Do			6	.35	12	.35	3	.35
Do					3	.32	10	.35
Do	5	.35					1	.32
Do			2	.30				
Do	1	.30	1	.30			1	.30
Pipe-fitter helper, special								
Pipe-fitter helper					3	.30	2	.30
Do					1	.24		
Jacket fitter	7	.35	10	.35	10	.35	7	.35
Jacket-fitter helper	1	.23	1	.23				
Coppersmith	1	.35	2	.35				
Do	1	.37	3	.42	4	.42	3	.42

[1] Per month.

[2] Per day.

GRAHAM EXHIBIT NO. 2—Continued.

Statement of number employed and rates of pay per hour of all shopmen, O.-W. R. R. & N. system, at date periods shown—Continued.

Occupation.	Oct. 1, 1909.		Oct. 1, 1911.		Oct. 1, 1913.		Mar. 1, 1915.	
	Number.	Rate.	Number.	Rate.	Number.	Rate.	Number.	Rate.
Engine inspector			3	$0.37½	3	$0.37½	3	$0.37½
Do	4	.37	5	.37	3	.37	6	.37
Boiler washer	8	.30	12	.30	13	.30	6	.30
Boiler-washer helper			3	.30	4	.30	3	.30
Do					1	[1] 1.75		
Carpenter			22	.34	32	.34	30	.34
Do	16	.32			1	.32	1	.32
Do	3	.30	3	.30	17	.30	13	.30
Do	12	.27½	16	.27½	29	.27½	27	.27½
Do	4	.27	3	.27	5	.27	44	.27
Do			26	.26	41	.26		
Do	46	.25	1	.25				
Car repairer:								
Passenger			10	.29	17	.36	12	.29
Do	6	.36						
Do	2	.32						
Freight							78	.25½
Do	3	.35	24	.32	57	.36		
Do	41	.34	73	.34	125	.34	32	.31
Do	42	.33	1	.33			9	.33
Do	1	.32½			2	.32½		
Do	11	.32	14	.32	26	.32	7	.32
Do	6	.31½					6	.31½
Do	10	.31			3	.31		
Do			5	.30	1	.30		
Car-repairer helper							1	.25½
Do					5	.29	6	.29
Car oiler	1	.34						
Do			1	.25				
Car inspectors			2	[1] 85.00	2	[1] 85.00	2	[1] 85.00
Do			4	[1] 80.00	3	[1] 80.00	4	[1] 80.00
Do					1	.30	1	.30
Do					5	.35	41	.35
Do							2	.37½
Do			44	.36	44	.36		
Do	44	.35					1	.35
Do	3	.34						
Air-brake inspector			1	.30	3	.30	2	.30
Do	1	.35						
Do							3	.30½
Do			2	.35	3	.35		
Do	2	.34						
Millwright			1	.42	1	.42	1	.42
Do	1	.34						
Mill hand			2	.30	6	.30	6	.30
Do	2	.28						
Do			3	.26	5	.30	1	.30
Do	5	.25						
Mill laborer	4	.25	4	.25	5	.25	1	.25
Pattern maker	1	.42	1	.42	1	.42	1	[1] 110.00
Do			4	.34	3	.34	3	.34
Do	4	.32						
Pattern-maker helper	1	.28	1	.28	1	.28	1	.28
Upholsterer	1	.30	1	.30	1	.30	1	[1] 90.00
Do	2	.28	2	.28	2	.28	2	.28
Upholsterer helper	1	.25	1	.25	1	.25	1	.25
Painter			6	.34	6	.34	6	.34
Do	7	.32	1	.32	1	.32	1	.32
Do							9	.31
Do			5	.30	10	.30		
Do							6	.30
Do			7	.27½	11	.27½		
Do	8	.27	1	.27				
Do							1	.25
Do	6	.25	7	.25	10	.25	4	.25
Do	8	.24	5	.24	6	.25		
Do					4	.30	2	.30
Painter helpers	2	.24	1	.24				
Do	1	.22½	1	.30	1	.22½		
Do	4	.20	4	.20	7	.20	5	.20

[1] Per day. [2] Per month.

GRAHAM EXHIBIT NO. 3—Continued.

Statement of number employed and rates of pay per hour of all shopmen, O.-W. R. R. & N. system, at date periods shown—Continued.

Occupation.	Oct. 1, 1909.		Oct. 1, 1911.		Oct. 1, 1913.		Oct. 1, 1915.	
	Number.	Rate.	Number.	Rate.	Number.	Rate.	Number.	Rate.
Painter apprentice							1	$0.10
Car cleaner							5	[1] 60.00
Do	1	$0.22½						
Do					7	$0.22	5	.22
Do	37	.30	48	$0.30	73	.30	42	.30
Do					8	[1] 1.75		
Watchman, shop							2	[1] 60
Do	5	[1] 2.00	5	[1] 2.00	8	[1] 2.00	9	[1] 3.00
Laborer, shop			1	.30	1	.30		
Do	6	.22½						
Do	163	.30	180	.30	233	.30	86	.30
Do					9	[1] 2.00		
Do			30	[1] 1.75	28	[1] 1.75		

[1] Per month. [2] Per day.

GRAHAM EXHIBIT NO. 4.

Statement of clerks and salaries paid, Albina shops, April, 1915:

1 chief clerk	$165	1 clerk	70
1 assistant chief	115	3 clerks	65
1 accountant	110	1 clerk	60
1 M. C. B. clerk	100	1 messenger	40
1 timekeeper	100	1 messenger	30
1 M. M. clerk and operator	100	1 chief draftsman	140
4 clerks and stenographers	85	2 draftsmen	75
1 clerk	80	1 draftsman	70
2 clerks	75		

FULLER EXHIBIT.

DISTRICT LODGE No. 11, I. A. OF M.,
Omaha, June 30, 1911.

Mr. C. E. FULLER,
Asst. Gen. Mgr. U. P. R. R., Omaha.

DEAR SIR: In accordance with present shop rules and regulations, governing machinists and apprentices, 30 days' written notice are required to be given the other party when a change is desired.

I have been instructed by the members of our organization working under your jurisdiction, to notify you that a change is desired, and that later a new schedule will be submitted to you in our behalf.

As the present shop rules of all crafts are now nearly identical, we believe that a conference between yourself and representatives of the different crafts should be held jointly.

I am therefore requested to ask for a joint conference of all crafts, on behalf of the machinists, and believe that by such a conference, time will be saved you as an official of the company.

Awaiting your reply, I am,

Yours, respectfully,

SAMUEL H. GRACE,
Machinists' Representative, District No. 11,
Room 403 Bee Building, Omaha, Nebr.

OMAHA, *July 29, 1911.*

Mr. SAMUEL H. GRACE,
403 Bee Building, Omaha, Nebr.

DEAR SIR: Your favor of June 30 received, and in reply would advise that if a committee of machinists desire to meet me to discuss the machinists' working rules I will be very glad to arrange for a meeting with such committee as in the past, but can not accede to the request to meet with other crafts at the same time.

Yours, truly,

C. E. FULLER,
Assistant General Manager.

Copy to Mr. Mohler.

JOINT PROTECTIVE BOARD,
Omaha, July 13, 1911.

Mr. C. E. FULLER,
Asst. Gen. Mgr. U. P. R. R., Omaha, Nebr.

DEAR SIR: In accordance with present shop rules and regulations, governing the Brotherhood Railway Carmen 30 days' written notice is required to be given the other party when a change is desired.

I have been instructed by the members of our organization working under your jurisdiction, to notify you that a change is desired, and that later a new schedule will be submitted in our behalf.

As the present shop rules of all crafts are now nearly identical, we believe that a conference between yourself and representatives of the different crafts should be held jointly.

I am therefore requested to ask for a joint conference of all crafts, on behalf of the Brotherhood Railway Carmen, and believe that by such a conference time will be saved you as an official of the company.

Awaiting your reply, I remain,

Yours, respectfully,

L. I. TUCKER,
Secretary-Treasurer.

221 CHESTNUT STREET, NORTH PLATTE.

OMAHA, *July 29, 1911.*

Mr. L. I. TUCKER,
221 Chestnut Street, North Platte, Nebr.

DEAR SIR: Your favor of July 13 received, and in reply would advise that if a committee of carmen desire to meet me to discuss the carmen's working rules, I will be very glad to arrange for a meeting with such committee as in the past, but can not accede to the request to meet with other crafts at the same time.

Yours, truly,

C. E. FULLER,
Assistant General Manager.

Copy to Mr. Mohler.

CHEYENNE, WYO., *June 26, 1911.*

Mr. FULLER,
General Superintendent M. P. & M., Union Pacific System.

DEAR SIR: In accordance with the present shop rules governing blacksmiths, apprentices, and helpers 30 days' written notice is required to be given the other party when a change is desired.

I have been instructed by the members of our organization employed under your jurisdiction to notify you that a change is desired, and that later a new schedule will be submitted to you in our behalf.

As the present shop rules of all shop crafts are now practically identical, we believe that a conference between yourself and representatives of the different crafts on the Union Pacific system should be held jointly.

I am therefore requested to ask for a joint conference of all crafts upon behalf of the blacksmiths, apprentices, and helpers.

Awaiting an early reply, I am,

Yours, respectfully,

GEO. L. BAKER,
Secretary District Council No. 12,
International Brotherhood of Blacksmiths and Helpers.

3727 NORTH GRIFFIN AVENUE, LOS ANGELES, CAL.

OMAHA, *July 22, 1911.*

Mr. GEORGE L. BAKER,
3737 North Griffin Avenue, Los Angeles, Cal.

DEAR SIR: Your letter under date of the 20th received, and in reply beg to advise that it has always been the policy of this company to deal directly with its own employees, and we can not see our way clear to deviate from this practice. If any classes of our employees desire a change in their present working rules and schedules, they fully understand that upon their direct request they will be given a hearing and full consideration.

Yours, truly,

C. E. FULLER,
Assistant General Manager.

Copy to Mr. Mohler.

SAN LUIS OBISPO, *June 27, 1911.*

Mr. C. E. FULLER,
Assistant General Manager,
Union Pacific Railroad, Omaha, Nebr.

DEAR SIR: In accordance with present shop rules and regulations, I desire to give you the required 30 days' notice that a change in the same is desired.

Upon receipt of your reply we will arrange to send you a copy of the proposed new agreement at least 10 days before the date of conference.

Present shop rules of the different crafts are practically the same, and we therefore request that in order to save time, that you meet our committee jointly.

Awaiting an early reply, I am,

Very respectfully,

[SEAL.]

JOHN SCOTT,
Secretary Shop Federation, Harriman Lines.

Address 977 BUCHON STREET, SAN LUIS OBISPO, CAL.

OMAHA, *July 29, 1911.*

Mr. JOHN SCOTT,
977 Buchon Street, San Luis Obispo, Cal.

DEAR SIR: Your letter under date of 27th received, and in reply beg to advise that it has always been the policy of this company to deal directly with its own employees, and we can not see our way clear to deviate from this practice. If any classes of our employees desire a change in their present working rules and schedules they fully understand that upon their direct request they will be given a hearing and full consideration.

Yours, truly,

C. E. FULLER,
Assistant General Manager.

Copy to Mr. Mohler.

DISTRICT LODGE, No. 11, I. A. OF M.,
Omaha, July 19, 1911.

Mr. C. E. FULLER,
Assistant General Manager, U. P. R. R., Omaha, Nebr.

DEAR SIR: Inclosed find copy of the new schedule submitted for consideration in behalf of the machinists of the Union Pacific Co.

This same schedule will be submitted to all of the allied lines of the so-called Harriman system in behalf of the machinists employed by them, and practically the same schedule outside of rule 4 (Definition of work) by all other shop crafts.

In view of the above, we therefore trust that you can see your way clear to grant us all at this time a joint conference, and that by so doing it will give better satisfaction to all concerned and also be a saving of time and expense to all parties.

Awaiting your reply, I remain,

Yours, respectfully,

SAMUEL H. GRACE,
Machinist Representative, District 11.

(Schedule requested by federation machinists.)

RULES AND REGULATIONS GOVERNING SHOP EMPLOYEES OF THE HARRIMAN LINES.

WORKDAY.

Rule 1. The standard working time shall be 8 hours per day and 6 days per week. The working hours shall be from 8 a. m. to 12 noon; from 1 p. m. to 5 p. m. Night forces on a corresponding basis. Night men shall be allowed 9 hours' pay for 8 hours' work. There shall be no lap shift worked. Working hours shall be bulletined. Where continuous service is necessary three shifts may be worked as follows: 8 a. m. to 4 p. m.; 4 p. m. to 12 midnight; 12 midnight to 8 a. m.; 20 minutes to be allowed each shift for lunch, with pay. All employees will be allowed one hour, with pay, at the close of the week irrespective of the number of hours worked.

REDUCTION OF EXPENSES.

Rule 2. When any reduction of expenses is to be made, employees shall first have the privilege of a 90-day leave of absence. If any further reduction is necessary, the last man hired within the jurisdiction where the reduction is to be made, shall be given a 90-day leave of absence, or until such time as forces are to be increased, when the last man given leave of absence shall be the first man put back to work. Men granted leave of absence shall be furnished with transportation over the Harriman lines. Committee shall be notified by foreman that the services of employees are again required and employees on leave of absence shall be given 10 days to return to work.

OVERTIME.

Rule 3. All time worked other than bulletined hours shall be considered overtime. Overtime shall be paid for at the rate of time and one-half up to midnight. After midnight double time shall be paid until relieved. No employee shall work longer than 1 hour without being allowed time for meals. Employees required to work after bulletined hours shall be paid 4 hours for 2 hours and 40 minutes' service or fraction thereof, if worked before midnight. If after midnight, they shall be paid 4 hours for 2 hours or fraction thereof. Sundays and all holidays designated by the State or Nation shall be paid for at the rate of time and one-half. Holidays falling on Sundays and another day observed by the State or Nation, this day shall be considered a holiday and paid for as such. No employees shall be required to work overtime more than two nights per week, or two consecutive Sundays. When overtime is required, it shall be distributed. Employees shall not be laid off from regular working hours to equalize overtime worked. Overtime shall be confined to emergency cases. Men transferred from one shift to another shall be paid overtime for the first night or day, as the case may be. Employees when sent out on the road from their home station shall receive continuous time from the time called until the time they return, as follows: Overtime rates for all overtime hours, whether waiting, traveling, or working, and straight time for what are straight-time hours at the home station, whether waiting, traveling, or working, with an allowance of $1.50 per day for expenses, provided that when away for a period of 36 hours, and have been given time for sleep and rest, that the regular rule for time and overtime shall apply thereafter. Expense money to be paid on the following pay day, except in the case of employee leaving the service of the company, he shall be paid at the time of leaving service.

DEFINITION OF WORK.

Rule 4. None but machinists and machinists' apprentices shall be allowed to do machinists' work. Machinists' work shall consist of erecting and dismantling locomotives (engines—steam, gasoline, electrical, and turbine), building and repairing of all machinery and finished tools, and the operation of all machines used in such work, except nut tappers, bolt cutters, and drill presses (except where drill presses are equipped with a facing head and turning head or boring bar).

Men in direct charge of machinists' work shall themselves be machinists. Men not having the title of foremen, with pay accordingly, shall not direct machinists nor assume the responsibility of machinists' work.

COMPETENCY.

Rule 5. Competency of the employees entering the service shall be determined within 30 days.

EMPLOYMENT.

Rule 6. Employees shall not be requested to undergo any form of physical examination or make out any form of personal record.

SAFEGUARDING EMPLOYEES.

Rule 7. Men shall not be required to work on engines outside of shop in bad weather. This not to apply to work in engine cabs. Before work on engines undergoing repairs in shops and roundhouses is distributed, it shall be cleaned. Roundhouses shall be piped or otherwise arranged so that when the engines are being blown down the steam will be carried from the roundhouse and the danger eliminated. This work to be completed within 90 days after the signing of this agreement.

APPRENTICES.

Rule 8. There may be 1 apprentice to every 5 mechanics in the shop. No apprentice shall be allowed to serve his apprenticeship where there are not proper facilities for learning the trade. Apprentices must know the first four rules of arithemic, and be able to read and write the English language. If within 6 months an apprentice shows no aptitude to learn the trade, he shall be transferred or released from the service. Shop foreman and shop committee shall be the judges in the case. Apprentices shall be subject to same regulations as mechanics unless otherwise stated in this agreement. Apprentices shall not be permitted to work nights and overtime; neither shall they be sent out on the road. When force of mechanics are reduced the number of apprentices shall be reduced to maintain ratio (except apprentices employed previous to this agreement), seniority to govern in their reduction and reemployment. At the expiration of their apprenticeship, if retained in the service of the company, they shall receive the rate of pay paid mechanics at that point. Apprentices when indentured must be between 16 and 21 years of age, and must serve 4 years, consisting of 280 days per year. Apprentices shall serve 3 years on machines and special work and not more than 4 months on any one machine or special work and 1 year on general work. The financial secretary or shop committee shall be furnished with a list containing the dates of employment of all machinists and apprentices every 3 months.

DISCHARGE AND SUSPENSION.

Rule 9. No employee shall be discharged or suspended without a just and sufficient cause. If after due investigation, it is found that an employee has been unjustly discharged or suspended, he shall be reinstated with full pay for all time lost, investigation to take place within five days after date of his suspension or dismissal. Before discharge or suspension takes place foreman shall notify employee and committee. In case of any doubt, employee shall be left at work pending investigation.

ADJUSTMENT OF GRIEVANCES.

Rule 10. It is understood in the adjustment of grievances the officials of the company will receive a duly authorized committee to act in the premises at any time. Grievances shall be first submitted to shop foreman, and in the event of his decision being unsatisfactory an appeal may be taken by the committee and their duly authorized representatives to the higher officials. The company will not in any way discriminate against employees who are called upon at any time to serve on any committee or to act in the adjustment of grievances, and shall grant leave of absence and free transportation to those delegated to go before the management in the adjustment of grievances. Transportation shall be granted to employees representing their organization to all conventions or meetings.

SANITATION.

Rule 11. Special efforts shall be made to furnish good ice water for drinking purposes, and all pits and floors in shops and roundhouses shall be maintained in a dry, clean, sanitary, and safe condition. Proper toilets shall be provided at all points, inclosed from public view, the doors of which shall be kept closed. Also a suitable place for washing purposes.

TIME CHECKS.

Rule 12. Employees leaving the service of the company shall be furnished with a time check covering all time due within 24 hours at all division points where time checks are issued, and 48 hours at all other points. When employees are being paid it shall be during working hours, night men excepted.

RELIEF SERVICE.

Rule 13. When an employee at any of the outlying points requests leave of absence and transportation, same shall be granted. Employees shall give 10 days' notice to proper officer of the company. Before the expiration of notice another employee shall be sent to relieve applicant.

TRANSPORTATION.

Rule 14. Employees and dependent members of their families and employees' representatives of the mechanical departments shall enjoy the same privileges in regard to free transportation as that now granted employees and their representatives of the operating department.

ASSOCIATES.

Rule 15. Employees now and hereafter employed and not members of the association represented as the second party in this agreement shall have 90 days in which to obtain membership.

PROMOTION.

Rule 16. When vacancies occur in shop foremanships the company shall consider mechanics of the craft in the shop where vacancy occurs for promotion to foremanship, seniority to govern.

SPECIAL CONSIDERATION.

Rule 17. Employees who by long and faithful service for the company have become unable to handle the heavy work to an advantage will be given preference of such light work as they may be able to handle without any reduction in their rate and without any discrimination.

HOSPITAL DEPARTMENT.

Rule 18. Employees injured or becoming sick while in the service shall, if necessary, be sent to hospital for treatment, such treatment to be given free of charge as long as the patient and members of his organization think he requires it. Hospital department shall furnish financial statement of receipts and expenditures to be given employees at least once a year. Employees shall be given equal membership on the board of directors of the hospital department.

WAGES.

Rule 19. All work performed shall be paid for by the hour. All mechanics, apprentices, semiskilled men, and helpers shall be granted a 7-cent flat increase per hour. No employee shall be employed for less than the established minimum rate of pay paid at that point. No employee shall work by piece, premium, or bonus system. Where same is now in existence it shall be discontinued upon the signing of this agreement.

CHANGE OF RULES.

Rule 20. These rules and regulations with rates of pay shall supersede all others, and shall take effect when signed by contracting parties and remain in effect until change by either party giving 30 days' notice in writing to the other party, during which time a conference shall take place. A copy of these rules and regulations shall be posted on bulletin boards in shop and round-houses and shall remain in force until superseded by another agreement.

INTERNATIONAL BOILER MAKERS, IRON-SHIP BUILDERS, AND HELPERS.

NORTH PLATTE, *July 28, 1911.*

Mr. C. E. FULLER,
Superintendent Motive Power and
Machine of Union Pacific Railway, Omaha, Nebr.

DEAR SIR: Please inclosed find copy of "Definition of Boiler Maker Work" that the boiler makers are asking for on the Union Pacific, which will come up for your approval.

Their agreement is the same as the machinists', which was presented some time ago.

Respectfully, yours,

J. C. CARROLL,
Secretary.
EDWARD WEBER,
JOHN SMITH.

(Schedule requested by federation boiler makers.)

DEFINITION OF BOILER MAKERS' WORK.

Rule 4, section 1. All such work as laying out, marking off, shearing, punching and rolling, flanging and cutting apart, fitting up, and riveting of all steel tank frames, angle iron, I beams, and channel iron, and all street car work made from No. 16 gauge iron and steel and up.

SEC. 2. All patching, riveting, shipping and calking, inspecting and testing of all steam, oil, water, gas, and air-tight work; all forms of stay-bolt work and tube work front and back end.

SEC. 3. All steel cab work, running boards, front end, grates and ash pans.

SEC. 4. Boiler makers will hold all handle tools and bars. Shall handle all new appliances in regard to gas machines and all gas welding machines, electric machines and all electric welding machines; boiler makers shall handle and operate all air hammers and motors, all pneumatic tubes and hydraulic riveting machines, and be furnished sufficient help to do same. When boiler makers are using pneumatic hammers, driving rivets ¾ inch or over, or when using any long-stroke pneumatic hammer on any class of work they will be given an advanced apprentice or another boiler maker to assist them.

SEC. 5. Boiler makers shall not be required to enter boilers to perform any work until after steam has been blown off, brick arches removed, and boiler reasonably cool. Water tanks and oil tanks must first be properly cleaned out before boiler makers are requested to work in them.

SEC. 6. When boiler makers are required to fill places of layer-outs, inspectors, flangers, or fitters up, for six days or less, their wages shall not be changed; if required to fill aforesaid vacancies for a term of days exceeding six in number, they shall receive the prevailing rate of pay for such occupation for full time worked.

APPRENTICES.

Rule 8, sec. 2. There will be two classes of apprentices—the regular apprentice and the helper apprentice. Fifty per cent of the apprentices may be selected from the ranks of the helpers. Regular apprentices must be within 18 and 21 years of age and shall serve 4 years of not less than 260 days per year. No apprentice shall be kept on one class of work more than 6 months.

Regular apprentices: Seventeen cents per hour for the first year; 19½ cents per hour for the first half of second year; 22 cents per hour for the second half of second year; 24½ cents per hour for the first half of third year; 27 cents per

hour for the second half of third year; 29½ cents per hour for the first half of fourth year; 32 cents per hour for the last half of fourth year.

Rule 8, sec. 8. Helper apprentices shall be selected from the force of helpers who have been in the service two years or more, seniority to prevail; the age to be between 21 and 25 years. Helpers' apprentices must serve 3 years of not less than 280 days per year, their rate to be as follows:[1]

Helpers' apprentices: Helpers' apprentices shall not be reduced in wages upon serving time of apprenticeship, and shall receive 2½ cents increase every six months.

Sec. 4. Helpers and laborers shall not be advanced to the detriment of boiler makers or apprentices except as defined in rule 8.

COMERFORD EXHIBIT NO. 1.

UNITED STATES SENATE,
August 28, 1914.

Mr. W. W. GARNER,
President Brotherhood Railroad Clerks, Lodge 141,
Lawrence House, Jackson, Miss.

MY DEAR SIR: I have your letter of August 24, which reads as follows:

"You will recall that during the year 1912 a conference was held in the office of Gov. Noel, looking to a settlement between the strikers and the Illinois Central Railroad Co., at which were present the governor, the mayor of Jackson, yourself, Mr. Markham, and other Illinois Central officials.

"Now, what I want to ask of you is that you give me a letter with reference to this conference, giving an idea of its purpose and what things were brought out there. In order to refresh your memory, you will no doubt recall that Mr. Markham, president of the I. C. system, admitted, in the presence of the members of the conference, that the railroad company would not recognize the 'clerks' as an organization, because they were 'too intelligent' and might sometime cause the company some embarrassment; said he would be willing to recall all of the other organizations in the federation and renew their contracts, but simply would not give recognition to the railroad clerical men. This was a surprise to the distinguished gentlemen present, who could not understand Mr. Markham's position, nor could he satisfactorily explain it.

"I would also appreciate it very much if you would give me your impressions of what effect the strike of the clerks of the I. C. R. R. has had on the service and operation of their lines.

"I would like to get this letter from you because the Industrial Relations Committee is going to investigate the strike referred to sometime next month and because other parties to this conference have also furnished letters."

I recall the conference to which you refer, though I do not recall the details. It seemed to me that you and the men operating with you at that time were very reasonable, and I did not quite understand why the clerical force should be especially selected as not to be forgiven. I do not quite remember Mr. Markham's remarks as you do; I do not remember that he said that "his objection" to recognizing the clerks was that they were "too intelligent and might some day cause the company embarrassment." He may have said that, but I do not remember. My recollection is somewhat dim about the whole affair at this late date, but as I remember it, he said, substantially, that the clerks were in a position of privileged communication with the company and occupied a confidential relation toward the company, and that for that reason he made somewhat of a distinction between them and other employees in his mind. It struck me that this was all the more reason why they ought to be dealt with in a friendly spirit. I do remember being somewhat astonished at Mr. Markham's position; I thought it at the time arbitrary.

I can not answer your question as to what the effect of the strike of the clerks was on the service in the operation of the lines, because I do not know. I was soon afterwards, you remember, called away from Mississippi by public duties here, and became not only interested but absorbed in the work here. I remember trying my best to bring about good feeling between both sides, and I have a distinct recollection that you seemed to be amendable to reason.

I am sorry that my letter must be so unsatisfactory, but the state of my memory concerning it all is dim. I remember making a suggestion, the details

[1] Not furnished.

of which I do not now recall, that I thought ought to be accepted by both sides and which seemed to be not favorably received by the railroad. I have tried to recall just what the proposition was, but I am not able to do so.

I am, with every expression of regard,

Very truly, yours,

JOHN SHARP WILLIAMS.

COMERFORD EXHIBIT NO. 2.

FRANK COMERFORD,
ATTORNEY AT LAW,
Chicago, October 19, 1911.

President MARKHAM,
Illinois Central Railroad Co., Chicago, Ill.

DEAR SIR: Clifford G. Ormes is in Chicago, penniless and without friends. His home is Minneapolis, Minn., where he lives with his wife and family. He is by occupation a wood-machine man.

He read an advertisement in the Minneapolis Tribune on October 15, placed in that paper by the Fay Employment Agency, No. 220 Second Street, Minneapolis. The advertisement told him of steady work in Chicago. It was suggested to him that his employment would be with a new manufacturing concern. He was put on a train for Chicago and given as his destination West Pullman. He was met at West Pullman by a representative of your road and taken to Burnside. At Burnside he found a strike in progress, and being a union man he refused to go to work under the conditions offered.

This man, not only destitute so far as money and friends are concerned, labors under the terrible misfortune of being a deaf-mute. Your company is responsible for its agent, the Fay Employment Agency, that by false and fraudulent representations induced this man to leave his home and journey to Chicago in the belief that work awaited him here in a new manufacturing plant. The least that your company can do to make amends for its wrong to this man is to provide him with transportation back to his wife and family.

The methods employed by your subordinates in resorting to trickery of the kind illustrated by this case and catching in the net unfortunates like Clifford Ormes are indefensible. These facts can be established by investigation. I shall be glad to supply the proof.

The man's present penniless condition in Chicago makes it imperative for me to ask you to make some decision in this matter at once.

Sincerely.

COMERFORD EXHIBIT NO. 3.

[John R. Ramer, secretary of state and labor commissioner ex officio, Axel Swanson, deputy labor commissioner and chief factory inspector.]

STATE OF COLORADO,
OFFICE OF BUREAU OF LABOR STATISTICS,
Denver, Colo., April 6, 1915.

Hon. FRANK COMERFORD,
4714 Clarendon Avenue, Chicago, Ill.

DEAR SIR: Replying to your favor of recent date, inquiring the particulars as to the work of this office in enforcing the laws on matters pertaining to the strike on the Harriman lines, I will say that we have a law requiring, in substance, that when a strike is called anywhere then employment offices are required to tell all applicants for positions in places where the said strike is in operation of this fact, and this office has further required that the words "strike job" be written across the slip given the applicant for said job, so that no mistake can be made.

Mr. John Allen, running an employment office, had orders for strikebreakers and was found sending them without said notification of a strike being on the said lines. The strikers complained, and this office immediately took the matter up with Mr. Allan and forced him to comply with the law. This is about all this office had to do with the matter. This occurred before my taking the office and during the term of my predecessor, Mr. Edwin V. Brake. I have,

however, investigated the matter and find these to be the facts. I therefore do not think that I can be of assistance to you by accepting a call to Chicago to testify.

Assuring you of my desire to assist you when possible, I am,

Very truly, yours,

AXEL SWANSON,
Deputy State Labor Commissioner.

CONNERTON EXHIBIT NO. 4.

(House resolution No. 60, General Assembly, State of Illinois, offered Apr. 8, 1913, submitted in printed form.)

(A roll call of the judiciary committee of the Illinois Assembly of 1913—yeas, 17; nays, 0—was submitted in printed form.)

(An article by J. J. Meagher, from Strike Bulletin, No. 101, dated Clinton, Ill., Dec. 2, 1914, published by the Illinois Central System Federation, was submitted in printed form.)

PEOPLE v. MIKE CANE
PEOPLE v. HUGH CLARK } Charged with carrying concealed weapons.

BRIEF AND ARGUMENT ON BEHALF OF DEFENDANTS.

FACTS.

The undisputed evidence in this case is that each of the defendants is employed by the Illinois Central Railroad Co., for the purpose of guarding its property at its Burnside shops in the city of Chicago, and had been so employed for some time prior to their apprehension. On the day of their arrest a policeman in full uniform, wearing his official star, without any warrant whatever, stopped each of these defendants upon the street, without consent on their part, and searched them. In making the search he felt in the pocket of each of these defendants, what, in his judgment, was a revolver. The policeman thereupon arrested each of the defendants, took them to the police station, and upon the defendants being searched it was found that each had a revolver in his pocket.

This information was revealed to the complaining witness, who swore to the complaint upon which the defendants were tried.

There was no evidence offered tending to show that each of the defendants carried a concealed weapon except that of the policeman. When this evidence was offered the attorney for each of the defendants objected on the ground that the search was unlawful and was a violation of the constitutional rights of the defendants, and that evidence so obtained could not be introduced in evidence. The court heard the evidence subject to the objection. If the objection is well grounded, then the defendants must be acquitted.

The fourth and fifth amendments to the Constitution of the United States are as follows:

"IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation."

Paragraphs 6 and 10 of Article II of the constitution of the State of Illinois, entitled, "Bill of rights," are as follows:

"6. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

"10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense."

While we will cite a number of authorities exactly in point, yet we feel that the case that is most conclusive upon principle is that of Boyd *v.* United States (116 U. S., 616). It will be noted in that case that the Supreme Court of the United States held an act of Congress in relation to revenue laws unconstitutional because it authorized the court to compel a defendant to produce evidence of his guilt, because the court said it was a violation of the fourth and fifth amendments of the Constitution of the United States. If an act of Congress would be so held as unconstitutional, then surely an ordinance of the city of Chicago would be unconstitutional as violating the same right; and the court, at page 631, in condemning this law said that such compulsory process "is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purpose of despotic power; but it can not abide the pure atmosphere of political liberty and personal freedom."

In the case of Hughes *v.* State (58 S. E., 390) the facts are as follows:

A city policeman saw two men walking down a passageway. The policeman followed them, searched them, and found upon the person of the defendant a revolver. He was taken to the police station and booked on the charge of carrying concealed weapons. He was not drunk, was violating no law, and was walking along leisurely with his companion. The lower court found the defendant guilty of carrying concealed weapons, but case was appealed by the defendant. The supreme court held that where a person not in legal custody is compelled to furnish incriminating evidence against himself the evidence is not admissible.

In the case of Pickett *v.* State (90 Ga., 15; 25 S. E., 900) the court said:

"While an officer may, without a warrant, make an arrest for an offense committed in his presence, he has no authority upon bare suspicion, or upon mere information derived from others, to arrest a citizen and search his person in order to ascertain whether or not he was carrying a concealed weapon in violation of law. * * * Even if the person arrested did in fact have a concealed weapon, the fact not being discoverable without a search, the offense of thus carrying it was not, in legal contemplation, committed in the presence of the officer, and the latter violated a sacred constitutional right of the citizen in assuming to exercise a pretended authority to search his person in order to expose his suspected criminality."

In the case of Davis *v.* State (61 S. E., 404), Georgia, the defendant, Davis, was suspected of having stolen some money. He permitted himself to be searched to see if he had the money, but between his overalls and his pants he had a concealed weapon, but he did not consent to that search, and held his hands between his legs. However, he was compelled to take his hands away and the weapon was found. The court held in substance that evidence of guilt, which a defendant is either directly or indirectly compelled to disclose is not admissible in a criminal prosecution against him. This case was affirmed, however, for the reason that in the court below the defendant did not object to this evidence.

In the case of Gray *v.* State (61 S. E., 843), Georgia, the court held that while evidence which a defendant has been compelled to disclose through the coercion of a search of his person by an officer pending an illegal arrest is not admissible against him, it is no violation of this principle to receive testimony of witnesses that the defendant intentionally or through accident or inadvertence exposed to view a pistol previously concealed while resisting an arrest, legal or illegal, or while such arrest and consequent detention were pending.

In the case of Jackson *v.* State (60 S. E., 892), Georgia, the chief of police without a warrant arrested the defendant on suspicion that he had committed a burglary, and while searching him found a concealed weapon. He was then booked on the charge of carrying concealed weapons. There is no question but that the arrest was illegal. It was not the defendant but the arresting officer who produced the evidence. The disclosure was not voluntary. The case was reversed.

In the case of Evans v. State (32 S. E., 653) a policeman arrested the defendant for carrying concealed weapons. The policeman testified, in substance: "I told him to give up that pistol." The defendant said: "What pistol." He was then forced to give it up. The court held this evidence to be inadmissible.

In the case of Day v. State (63 Ga., 667) it was held that evidence that a witness forcibly placed defendant's foot in certain tracks near the scene of the burglary, and that they were of the same size, is not admissible. The court held that a defendant can not be compelled to incriminate himself by acts or words. In this case the defendant was taken hold of and carried along and compelled to put his foot in the track. The first time he was told to put his foot in the track he refused; his foot was then taken hold of and put in the track. He did not consent to it. The shoe fitted the track. The evidence was admitted over the objection of the accused on the ground that it was compelling him to furnish evidence against himself, contrary to the constitution of the State. Chief Justice Warner said, in substance: "Nor can one by force compel another, against his consent, to put his foot in a shoe track for the purpose of using it against him on the criminal side of the court, the more especially when the person using such force has no lawful warrant or authority for so doing."

In the case of Stewart v. State (58 S. E., 360) it was held that an arrest without a warrant and search of the person of the accused for the purpose of ascertaining whether or not he is violating the law prohibiting the carrying of concealed weapons is unreasonable.

In the case of Boyd v. United States (116 U. S., 616) the court said, on page 629, in part, as follows:

"Lastly, it is urged as an argument of utility that such a search is a means of detecting offenders by discovering evidence. I wish some cases had been shown where the law forceth evidence out of the owner's custody by process. There is no process against papers in civil cases. It has been often tried and never prevailed. Nay, where the adversary has by force or fraud got possession of your own proper evidence there is no way to get it back but by action. In the criminal law such a proceeding was never heard of; and yet there are some crimes, such, for instance, as murder, rape, robbery, and housebreaking, to say nothing of forgery and perjury, that are more atrocious than libelling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say. It is very certain that the law obligeth no man to accuse himself, because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both cruel and unjust, and it would seem that search for evidence is disallowed upon the same principle. Then, too, the innocent would be confounded with the guilty."

Again, on page 631, it is said:

"And any compulsory discovery by extorting the party's oath, or compelling the production of his private books and papers, to convict him of crime or to forfeit his property is contrary to the principles of a free Government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it can not abide the pure atmosphere of political liberty and personal freedom."

Again on pages 632, 634, and 635 it is said:

"We have already noticed the intimate relation between the two amendments. They throw great light on each other. For the 'unreasonable searches and seizures' condemned in the fourth amendment are almost always made for the purpose of compelling a man to give evidence against himself, which in criminal cases is condemned in the fifth amendment; and compelling a man 'in a criminal case to be a witness against himself,' which is condemned in the fifth amendment, throws light on the question as to what is an unreasonable search and seizure within the meaning of the fourth amendment. And we have been unable to perceive that the seizure of a man's private books and papers to be used in evidence against him is substantially different from compelling him to be a witness against himself. We think it is within the clear intent and meaning of those terms. We are also clearly of the opinion that proceedings instituted for the purpose of declaring the forfeiture of a man's property by reason of offenses committed by him, though they may be civil in form, are in their nature criminal. In this very case, the ground of forfeiture as declared in the twelfth section of the act of 1874, on which the information is based, consists of certain acts of fraud committed against the public revenue

in relation to imported merchandise, which are made criminal by statute; and it is declared that the offender shall be fined not exceeding $5,000 nor less than $50, or be imprisoned not exceeding two years, or both; and in addition to such fine such merchandise shall be forfeited. These are the penalties affixed to the criminal acts; the forfeitures sought by this suit being one of them. If an indictment has been presented against the claimants, upon conviction the forfeiture of the goods could have been included in the judgment. If the Government's prosecutor elects to waive an indictment, and to file a civil information against the claimants—that is, civil in form—can he by this device take from the proceedings the criminal aspect and deprive the claimants of their immunities as citizens, and extort from them a production of their private papers, or, as an alternative, a confession of guilt? This can not be. The information, though technically a civil proceeding, is in substance and effect a criminal one. As showing the close relation between the civil and criminal proceedings on the same statute in such cases, we may refer to the recent case of Coffey *v.* The United States (*ante*, 436), in which we decided that an acquittal on a criminal information was a good plea in bar to a civil information for the forfeiture of goods arising upon the same acts. As, therefore, suits for penalties and forfeitures incurred by the commission of offenses against the law are of this quasi-criminal nature, we think they are within the reason of criminal proceedings for all the purposes of the fourth amendment of the Constitution, and of that portion of the fifth amendment which declares that no person shall be compelled in any criminal case to be a witness against himself; and we are further of opinion that a compulsory production of the private books and papers of the owner of goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the fifth amendment of the Constitution, and is the equivalent of a search and seizure—and an unreasonable search and seizure—within the meaning of the fourth amendment. Though the proceeding in question is divested of many of the aggravating incidents of actual search and seizure, yet, as before said, it contains their substance and essence, and effects their substantial purpose. It may be that it is the obnoxious thing in its mildest form and least repulsive, but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the courts to be watchful for the constitutional rights of the citizens and against any stealthy encroachments thereon."

In the case of State *v.* Slamon (87 Am. St. Reps., 711) the court held that a paper taken from one's person in violation of his constitutional right of freedom from unlawful search and seizure is not admissible in evidence against him. It appears that the officer had a search warrant to search the person of the defendant for stolen goods. When engaged in the search he found on the person of the defendant a letter written to him (the defendant) by a person whom the officer improved as a witness, in the impeachment of whom the letter contained material testimony. Upon the trial the State offered the letter in evidence, and it was admitted under objection and exception.

In the last paragraph on page 713, the court said in part as follows:

"We also hold that the letter was inadmissible under article 10 of the declaration of rights, which provides that in all prosecutions for criminal offenses no person can be compelled to give evidence against himself, and that this ruling is clearly manifest for the reasons stated in Boyd *v.* United States (116 U. S., 616)."

In the case of Chastang *v.* State (3 Sou., 804), an officer having a warrant for the arrest of the defendant, attempted to execute it, when the latter made demonstrations of resistance by moving his hand in the direction of the pocket or place on his person where pistols are frequently carried. Thereupon another officer, aiding the first, pointed a pistol at the defendant and commanded him to hold up his hands, which he did. The defendant was then arrested, and, proceeding to disarm him, a pistol was found concealed in his hip pocket. It was objected in the court below that the search of defendant's person was a trespass, unauthorized by law, and that the testimony thus obtained was illegally admitted, against the objection of the defendant. The Supreme Court held that the objections of the defendant were properly overruled. But note

the distinction between this case and the one this court now has under consideration. In the Chastang case the officer had a warrant for the defendant.

While I have not been able to give this case as much attention as I would like to, I respectfully submit that the weight of authority, backed by these opinions of the Supreme Court of the United States, reported in the One hundred and sixteenth United States, sustains the contention of these defendants.

Respectfully submitted.

J. E. DENNAN,
Attorney for Defendants.

DECEMBER 23, 1911.

(A pamphlet entitled "The Facts About the Shopmen's Strike," published in Chicago, Oct. 12, 1911, by the Illinois Central Railroad Co., and prepared by W. L. Park, vice president and general manager, was submitted in printed form.)

(A copy of Progress-Federation, published monthly by W. W. Lackey, under the auspices of the Federation of Railway Employees, date Chicago, Burnside Station, June 1, 1913, was submitted in printed form.)

(Three sheets of stenographic notes were submitted by witness.)

FARMERS' NATIONAL LIFE INSURANCE CO. OF AMERICA.
Chicago, May 8, 1913.

Hon. FRANK COMERFORD,
Press Club, Chicago, Ill.

DEAR MR. COMERFORD: If you will write to Mr. A. N. Steinhart, secretary Farmer's Grain Dealers' Association of Illinois, Bloomington, Ill., he will tell you of the trouble that farmers have had to get cars over the Illinois Central Railroad. I am certain that he can give you more of the information that you want than anyone else in Illinois.

There is also an association of farmers that ship live stock to Chicago, but their territory is in the west central part of the State, and I doubt if any of them wishes to use the Illinois Central. Further, I do not know the name of the association or the names of its officers. Possibly Mr. Steinhart can give you this information also.

With hearty good wishes,

Respectfully yours,

JOHN M. STAHL.

MAY 8, 1913.

Mr. A. N. STEINHART,
Secretary Farmers' Grain Dealers' Association of Illinois, Bloomington, Ill.

MY DEAR SIR: I am taking the liberty to write to you with the consent of our mutual friend, Mr. John M. Stahl. I am seeking information concerning the trouble and expense the farmers of Illinois have been put to during the past year because of the Illinois Central Railroad Co.'s lack of cars, etc. I want general and specific information to present to the Legislature of the State of Illinois.

I am anxious to get this information by Tuesday of next week, which is May 13. Am advised that there is an association for farmers that ship live stock to Chicago who live in the west central part of the State, and that these men have had great trouble with the Illinois Central. I have in hand information from the coal interests of the State and am sending for information from the manufacturing interests of the State. I want to supplement this with information showing that the farmers and handlers of live stock have been handicapped—put to expense and trouble by the Illinois Central Railroad Co.

If you wish, I shall keep the source of my information confidential.

Thanking you in advance for the courtesy of an early reply, I am, sir,

Yours, very truly,

P. S.—If you know the name and address of the executive officers of the farmers' association referred to above, I shall appreciate receiving it.

THE FARMERS' GRAIN DEALERS' ASSOCIATION,
OFFICE OF THE SECRETARY,
Bloomington, Ill., May 12, 1913.

CONSTANTINE & COHEN, *Chicago, Ill.*

GENTLEMEN: Referring to your favor of the 8th instant relative to losses to shippers on account of delay in the furnishing of equipment on the Illinois Central Railroad.

We have more elevators located on the lines of the Illinois Central Railroad than on any other railway in the State, and I do not know of a single station that did not lose money account of inability of that line to furnish cars when needed, and especially heavy loss occurred at most points in handling the last end of the old corn crop when we had a declining market, and sales had to be canceled and put out each time at a much lower figure. Many stations at this time lost up in the thousand figures, and I think practically all of them came through the year with a good deficit instead of a profit.

We had serious complaint of car shortage on that line only last week.

Yours, very truly,

A. N. STEINHART, *Secretary.*

[Local Union No. 80, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor, secretary's address, 1655 Claremont Avenue, Chicago.]

MAY 10, 1913.

HONORABLE SIR: The following resolution was unanimously passed at a meeting on May 10, 1913, and ordered mailed to each one of our representatives in the Chicago district:

Whereas the Illinois Central Railway operates under a special charter from the State of Illinois, the said State sharing in the gross receipts of the Illinois Central Railway, the governor being a director therein, and is therefore a partner of this corporation; and

Whereas the Illinois Central Railway refused to treat with us as a system federation of union labor and have let this road equipment deteriorate to the danger of human life, thus placing this State of Illinois in opposition to organized labor and the safety of its citizens: It is therefore

Resolved, That our 257 members demand the passage of house bill No. 60 as presented by Representative Stedman and by our representative before your honorable committee.

Yours, truly,

[SEAL.] INTERNATIONAL BROTHERHOOD OF BLACKSMITHS AND HELPERS,
J. R. LARSON, *President*,
PAUL C. ROPNIEKE, *Secretary Local No. 80.*

[Garden City Branch No. 11, National Association of Letter Carriers, office of recording secretary.]

CHICAGO, *May 11, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago.

DEAR SIR: At a meeting of Garden City Branch, No. 11, National Association of Letter Carriers, held on the above date, the following resolution was adopted:

"*Resolved*, That Garden City Branch, No. 11, National Association of Letter Carriers, consisting of 2,000 members, hereby indorses the joint resolution pending in the Illinois Legislature to investigate the Illinois Central Railroad Co."

Fraternally, yours,

[SEAL.] JAS. W. MURRAY,
Secretary Branch No. 11, N. A. L. C.

[Local Union No. 321, United Mine Workers of America.]

SPRINGFIELD, ILL., *May 8, 1913.*

I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR AND BROTHER: Yours to hand, concerning joint resolution pending in the legislature regarding investigation of Illinois Central Railroad.

You ask that I send a letter to the "undersigned" to have this resolution passed. Whom do you mean by the undersigned? Is it the governor or yourself and president? I think it means the latter. Am I right? If so, I will do as you ask. Let me know at once.

I received some petition blanks asking for the support of the legislators to the resolution for investigation of I. C. R. R.

I got them filled and sent them on to the representative from this district and inclosed letter will show you the result.

I will do all in my power to assist you in your troubles, as I am very interested in your strike. You say that they refuse to treat with you as a federation. Stick to your "federation strike" until you win, but I hope the next time you may have occasion to strike it will be as "one big union." That is the only hope for workers to win their strikes. I do not believe in one craft going in and scabbing on the other, and (so-called) union engine drivers pulling trainloads of scabs into shops where there is a strike. In these cases unionism becomes a farce. Let us try and get them all into one union, and then we will not scab on each other, but will pull together and strike together and win.

With best wishes for success in your investigation and strike, I am,

Yours, for the one big union,

JOE MULHOLLAND,
1112 North Thirteenth Street, Springfield, Ill.

CHICAGO, ILL., *May 5, 1913.*

DEAR SIR AND BROTHER: A joint resolution is pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co. A hearing is to be had on this resolution on or about May 14. Organized labor all over Illinois is asked to help in the passage of this resolution. The Chicago Federation of Labor unanimously indorse this resolution.

Will you send the undersigned a letter with the seal of your local, stating in substance that your local, composed of 2,500 members, unanimously asks the passage of this resolution. Please do this at once, as we desire to present these letters as a petition on or before the 12th day of May, 1913.

As you know the following organizations have been on a strike since September 30, 1911: International Association of Machinists, International Brotherhood of Blacksmiths and Helpers, International Brotherhood of Boiler Makers and Helpers, Railway Carmen of America, Amalgamated Sheet Metal Workers, International Brotherhood of Painters, Order of Railway Clerks, and Federal Labor Union.

The Illinois Central refuses to treat with us as a system federation. The Illinois Central operates under a special charter from the State of Illinois. Under the terms of this charter the governor of Illinois is a director of the Illinois Central, and the State shares in the earnings of the company. The importance of this is that the State of Illinois, a partner with the Illinois Central, is put in a position of being opposed to the right of labor to organize, and this is vital to every member of organized labor.

Make your letter strong in its indorsement, and send it at once under the seal of your organization, and in this way contribute your share toward this fight, which, although it involves directly the men at present on strike, at the same time is of vital importance to the very existence of organized labor.

Fraternally, yours,

[SEAL.] P. J. JENSEN,
President.
L. J. CHUMLEY,
Secretary, 6020 Madison Avenue, Chicago, Ill.

Indorsed by F. U. No. 141 of the U. B. of C. & J. of A., May 6, 1913.

[SEAL.] MARK D. TAYLOR,
Recording Secretary, 2436 Sangamon Street.

[Local Union No. 43, United Mine Workers of America.]

SPRING VALLEY, ILL., *May 2, 1913.*

DEAR SIR AND BROTHERS: At a meeting held by Local Union No. 43, U. M. W. of A., with a membership of 640, voted unanimously for an investigation of the Illinois Central Railroad Co.

PETER MATTIODA, *Financial Secretary.*
JAMES CHIAVENTONE, *President.*
VICTOR THEODORE, *Recording Secretary.*

[Headquarters Progressive Lodge No. 440, International Association of Machinists.]

ROCKFORD, ILL., *May 8, 1913.*

I. J. CUNDIFF.

DEAR SIR AND BROTHER: At the last regular meeting of our lodge, which is composed of 120 members, the members were advised that there is at the present time a joint resolution pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co., and on a vote of the members this lodge unanimously asks the passage of this resolution.

[SEAL.] GEO. CHRISTIANSEN, *Recording Secretary.*

[Secretary's office and headquarters Cigar Makers' Union, No. 14, 211 W. Madison Street, second floor. N. F. Lentz, financial and corresponding secretary.]

CHICAGO, *May 9, 1913.*

I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR: We beg to call your attention to the resolution or bill to be presented at this term of the State legislature, asking for an investigation of the Illinois Central Railroad Co.'s motive power and car equipment. The said railroad company is chartered under the laws of the State of Illinois as a common carrier, with provisions covering the welfare and safety of the traveling public and the commercial interests of the State. To prove to you that the said company is not complying with its charter rights we refer you to the numerous wrecks on their lines, extending from Omaha, Nebr., to New Orleans, La., but especially do we call your attention to the wrecks in our own State, namely, Kinmundy, Farmer City, Van Buren Street (Chicago), and the Daylight Special at Melvis, and others.

Investigation proved that all these wrecks were caused by defective equipment. Continuous complaint of the mine operators of car shortage, as well as the complaint of shippers along the line, also proves conclusively that the Illinois Central management is giving but little concern to the welfare of those whom it is their duty to serve.

Therefore, we, the organized Cigar Makers' Local No. 14, of Chicago, numbering 1,600 members, earnestly request that you, as our representative, do what you can to have this measure passed.

Yours, sincerely,

[SEAL.] J. A. KAIN, *Label Secretary.*

[Local Union No. 159, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 725 North Ninth Street.]

EAST ST. LOUIS, ILL., *May 8, 1913.*

Mr. I. J. CUNDIFF,

DEAR SIR AND BROTHER: Being aware of the fact that a joint resolution is pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co., will state this local entertained that subject at its last regular meeting, and with its 65 members we unanimously ask the passage of that resolution, not only for our own benefit but for the public. There is an end to all things, and we believe and know that there should be an investigation made of this company's business and the facts made known to

the public, and such lawlessness against public welfare be stopped. Trusting that you will use your influence for the passage of this resolution, we will use ours at this end, and remain,

Yours,

[SEAL.] WM. POWERS, *Secretary.*

[Local Union No. 461, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, Rock Island, Ill.]

MAY 8, 1913.

Mr. I. J. CUNDIFF.

Received letter and will answer it at once. We have 125 members in good standing in our local that wish the passage of this resolution against the Illinois Central on May 14, 1913.

With best wishes, fraternally yours,

[SEAL.] MOLINE LOCAL No. 461, I. B. of B. & H.,
C. E. LONG,
Recording Secretary, 2930 Thirteenth Avenue, Rock Island, Ill.

[Packing House Teamsters and Chauffeurs, Local Union No. 710, I. B. of T., C., S. and H. of A., 4201 South Halsted Street, Room 10, Geo. F. Golden, secretary-treasurer and business agent.]

CHICAGO, *May 9, 1913.*

Mr. P. J. JENSEN and I. J. CUNDIFF.

DEAR SIRS AND BROTHERS: We, the above-named organization, request and demand of the legislature that they pass your resolution in regards to an investigation of the Illinois Central Railroad Co. Our organization consists of 700 teamsters and chauffeurs and they hope to see the resolution pass and your request granted. Hoping for the best and with best wishes and kindest regards,

We remain, very truly, yours,

[SEAL.] PACKING HOUSE TEAMSTERS & CHAUFFEURS' UNION, LOCAL No. 710.
By GEO. F. GOLDEN, *Secretary and Treasurer.*

[Office of the secretary Local Union No. 1693, United Mine Workers of America.]

WITT, ILL., *May 9, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR AND BROTHER: Our local with a membership of 550 members unanimously ask the passage of the resolution pending before the Illinois Legislature for an investigation of the Illinois Central Railroad Co. on or about May 14.

[SEAL.] CALEB MARSELL,
Recording Secretary.

[United Mine Workers of America, Local 782, Chas. Scott, president; N. Hopkins, vice president; Eugene Dee, financial secretary; George Burchell, recording secretary.]

PEORIA, ILL., *May 9, 1913.*

I. J. CUNDIFF.

DEAR SIR AND BROTHER: At a recent meeting of Local Union No. 782, U. M. W. A., correspondence was read with reference to the great number of wrecks which has and are still happening on the I. C. R. R. Action was taken on same and a motion condemning the system for their lack of foresight in not properly safeguarding the various things which tend toward the safety of traveling. I understand there is a joint resolution to go before the house at an early date asking for an investigation. Speaking on behalf of 250 members of my local I do strongly urge that if any way can be made to make this investigation a possibility, I would strongly urge you to do it, as it is a crying shame the way traveling people are being killed and maimed for life continually on this system.

Fraternally, yours.

[SEAL.] GEORGE BURCHELL,
Sec'y L. U. 782, U. M. W. A.

PERU, ILL., *May 9, 1913.*

TO THE MEMBERS OF THE GENERAL ASSEMBLY,
Springfield, Ill.

DEAR SIRS: The members of local union 224, with a membership of 22, ask your support of the joint resolution before your body in regard to an investigation of the Illinois Central Railway Co., so as to do justice to the employees and the public in general. We believe that if this investigation is ordered it will show to the people of Illinois the utter lack of equipment of said company and will cause them to hire only competent employees, thereby assuring the traveling public that in riding over the Illinois Central their lives will not be endangered as greatly as it has been in the past. Hoping you will act favorable on the resolution before you, we beg to remain,

Yours, very truly,

[SEAL.]

LOCAL UNION 224, I. B. OF H. & H.
JOE MCCABE, *Secretary.*

[Local Union No. 668, United Mine Workers of America.]

WORDEN, ILL., *May 9, 1913.*

Local Union No. 668, United Mine Workers of America, representing 236 members, heartily ask for the passage of the joint resolution asking for an investigation of Illinois Central Railroad Co.

JAS. E. SCHNEIDER,
Recording Secretary of Local No. 668.
J. H. BRAUDERS,
President.
D. W. KELLY,
Vice President.
AUG. CHANIOT,
Financial Secretary.

RENTCHLER, ILL., *May 9, 1913.*

DEAR SIR AND BROTHER: Local Union No. 305 of here, composed of 90 members, unanimously asks the passage of a resolution calling for an investigation of the Illinois Central Railroad Co.

Yours, respectfully,

[SEAL.]

JAMES BUTLER,
Recording Secretary Local No. 305, Rentchler, Ill.

[Local Union No. 1202, United Mine Workers of America.]

TILDEN, ILL., *May 9, 1913.*

Mr. I. J. CUDDEFF, *Chicago, Ill.*

DEAR SIR: I wish to state that at a meeting held May 8, 1913, Local Union No. 1202, composed of 175 members, unanimously went on record as favoring joint resolution which is to come before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Hoping this very important resolution passes, I remain,

Yours, truly,

[SEAL.]

J. H. BARTLEY,
Secretary Local Union No. 1202, U. M. W. of A., Tilden, Ill.

[Local Union No. 225, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 5231, St. Lawrence.]

MAY 9, 1913.

MR. I. J. CUDDEFF, *Secretary.*

DEAR SIR AND BROTHER: We, the officers and members of this local, consisting of a membership of 96 members, unanimously indorse the joint resolution now pending before the State legislature for an investigation of the Illinois Central

Railroad Co. Therefore we most earnestly appeal to our State representative and insist that said bill be passed as presented.

Yours, fraternally,

[SEAL.] CHAS. WALKER, *President.*

N. BELGRIM, *Recording Secretary, 326, I. B. B. H.*

LOCAL UNION No. 1112,
Carriers Mills, Ill., May 9, 1913.

DEAR SIR AND BROTHER: The resolution pending before our State legislators calling for an investigation of the Illinois Central Railroad Co. we, the undersigned members of Local Union No. 1112, of 200 members, do insist and kindly ask our legislators to give this resolution preference; push it through without fail.

Very truly, yours,

[SEAL.] Z. T. PORTER, *Secretary.*

[Local Union No. 14, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, William Zickgraff, 1134 North Franklin Street.]

CHICAGO, ILL., *May 8, 1913.*

Mr. I. J. CUNDIFF, *5029 Madison Avenue.*

DEAR SIR AND BROTHER: At the meeting of Vulcan Local Union No. 14, I. B. of B. & H., held Saturday, May 3, 90 members being in attendance, the following motion was unanimously adopted:

"*Resolved*, That we, the members of Local No. 14, do hereby petition the Illinois Legislature to adopt a joint resolution calling for an investigation of the Illinois Central Railroad Co.

"*Resolved*, That we, the members of Local No. 14, pledge ourselves to write to our respective representatives urging and requesting them to vote for the adoption of the joint resolution for an investigation of the Illinois Central Railroad Co.

"*Resolved*, That as the State is a partner of the Illinois Central it becomes the duty of our State to investigate the affairs of the Illinois Central without fear and favor."

Approved by a rising vote of 90 members.

[SEAL.] WM. ZICKGRAFF, *Secretary.*

[Local Union No. 122, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 4462 Princeton Avenue.]

MAY 8, 1913.

Mr. J. CUNDIFF, *Secretary.*

DEAR SIR AND BROTHER: We, the members of Local No. 122, of Chicago, Ill., numbering 75, in good standing for a period of six months, heartily indorse the action taken in bringing before the legislative body of this State to bring about some way an amicable settlement in regards to conditions that exist on the Illinois Central system. Hoping success will crown our efforts, we remain,

Sincerely, yours,

[SEAL.] M. SCHMITT, *President.*
P. W. MOELLER, *Recording Secretary.*

[Local Union No. 239, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 1211 Otis Boulevard, Chicago, Ill.]

MAY 7, 1913.

Mr. I. J. CUNDIFF, *5029 Madison Avenue, Chicago, Ill.*

DEAR SIR AND BROTHER: Bloom Local No. 239, composed of 80 members, unanimously asks the passage of joint resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Please advise representative for our district, Mr. J. J. O'Rourke, that we earnestly urge him to vote for said resolution. If he fails to do so, we will certainly remember that he failed us.

Yours, fraternally, in behalf of Bloom Local No. 239.

[SEAL.]

CHAS. SEAHOLM, *Secretary.*

[Local Union No. 206, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, Chicago, Ill.]

MAY 8, 1913.

TO THE MEMBERS OF THE ILLINOIS STATE LEGISLATURE.

GENTLEMEN: This is to certify that the resolution to investigate the Illinois Central Railroad Co. has been unanimously adopted by Grand Crossing Union No. 206, I. B. of B. & H., 50 members, and we think, as the State has an interest in the company and our governor is one of the directors, that the legislature should do something to settle the I. C. strike.

[SEAL.]

J. L. EDWARDS,
President.

J. R. BURNS,
Secretary.

[Local Union No. 823, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 5223 May Street.]

CHICAGO, ILL., *May 7, 1913.*

I. J. CUNDIFF.

DEAR SIR AND BROTHER: At a special meeting of Walsh Local No. 823, I. B. of B. & H., on May 7, 1913, unanimously asks the passage of a joint resolution pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co., as we believe it is necessary, both for the protection of the patrons of the railroad and even for the future of the railroad itself, which, according to reliable authority, seems bent on ruining itself, simply to display its arrogant pride and selfishness. Walsh local is composed of 50 members in good standing of the I. B. of B. & H.

Fraternally, yours,

[SEAL.]

TIM CALLANAN, *Secretary.*

[Local Union No. 113, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, Herman Hecht, 34 Schuits Street.]

DANVILLE, ILL., *May 7, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR: Frisco Local 113, I. B. of B. & H., composed of 110 members, unanimously indorsed the following resolution:

"Whereas owing to the rolling stock of the Illinois Central Railroad, its numerous wrecks and accidents, due to defective equipment, has caused a shortage of cars and delays in train service, upon which the public must depend: Therefore be it

"*Resolved*, That we unanimously indorse and recommend the passage of the joint resolution now pending before the Illinois State Legislature calling for an investigation of the Illinois Central Railroad Co.

[SEAL.]

J. B. WILSON,
President.

HERMAN HECHT,
Secretary.

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618 HARRISON STREET, CHICAGO, *May 8, 1913.*

Mr. I. J. CUNDIFF, *Secretary.*

DEAR SIR AND BROTHER: Local Lodge 376, B. R. C. of A., composed of 12 members, unanimously ask for the passage of the resolution pending an investigation of the Illinois Central Railroad Co. now before the Illinois Legislature.

Yours, fraternally,

[SEAL.]

WM. HOGGINS,
President.

A. FREDERICKSON,
Secretary.

[Red Mumber Lodge No. 507, Brotherhood Railway Carmen of America. Alfred L. Miller, recording secretary, 1906 West Locust Street.]

BLOOMINGTON, ILL., *May 7, 1913.*

Mr. P. J. JENSEN,
President Local Federation of Railway Employees,
I. C. System and Allied Lines.

DEAR SIR AND BROTHER: Local B. R. C. of A. No. 507, heartily indorse the action taken by the Federation of Railway Employees in regard to an investigation of the Illinois Central Railroad. Our local consists of 50 members, and we all earnestly desire that you do all you can toward bringing about a satisfactory investigation of the Illinois Central Railroad, which is a common carrier under the laws of the State of Illinois.

With the best of success.

[SEAL.]

D. H. JONES,
President.
A. L. MILLER,
Recording Secretary.

[Denverside Lodge No. 406, Brotherhood Railway Carmen of America.]

EAST ST. LOUIS, ILL., *May 9, 1913.*

President, 6029 Madison Avenue, Chicago, Ill.

DEAR SIR: Denverside Lodge, 406, B. R. C. of A., consisting of 59 members, heartily indorse the resolution before the Illinois Legislature to investigate the condition of the Illinois Central Railway.

This is certainly a matter of safety in behalf of the traveling public and train crews of this company.

Yours, truly,

[SEAL.]

TROY MORGAN,
Secretary, 132 North Fourth Street,
East St. Louis, Ill.

[Grand Crossing Lodge No. 265, International Association of Machinists, Odd Fellows' Hall, northeast corner Seventy-fifth Street and Ellis Avenue.]

CHICAGO, *May 7, 1913.*

At the regular meeting of Grand Crossing Lodge, No. 265, held May 7, 1913, the following resolutions were presented and unanimously adopted:

"Whereas there is pending before the House of Representatives of the State of Illinois house resolution No. 60, asking for an investigation of the Illinois Central Railroad Co., its assets, liabilities, and the numerous wrecks that have occurred since the strike of the shopmen September 30, 1911; and

"Whereas the State of Illinois (by virtue of the special charter granted the Illinois Central Railroad Co.) is a partner in this railroad and vitally interested in the financial transactions, and should be as equally interested in the shopmen, who are citizens and property owners of the State of Illinois; and

"Whereas this strike was caused and has been prolonged by the arbitrary stand of the Illinois Central Railroad Co. denying their employees the right to federate and assert themselves as free, liberty-loving people, according to their constitutional rights granted to them by the State of Illinois and the United States of America; Therefore be it

"*Resolved*, That we, as citizens of the State of Illinois, demand of the representatives of the State of Illinois favorable consideration of house resolution No. 60; that we request those that have promised to support said resolution No. 60 to demand on the floor of the House a roll-call vote for the information of the voters who sent them there: And be it further

"*Resolved*, That these resolutions be signed by the president and secretary of this local, representing 400 members, with the official seal of this organization attached, and a copy sent to each and every representative."

[SEAL.]

SAM WILSON,
President.
R. J. WEBER,
Recording Secretary.

[Local Union No. 453, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor.]

CENTRALIA, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR AND BROTHER: We understand that a joint resolution is pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co., on which a hearing is to be had about May 14. The Centralia Local, No. 453, of the International Brotherhood of Blacksmiths and Helpers, composed of 26 members, is strongly in favor of this resolution and the members are unanimously asking the passage of the same. We feel that such an investigation will be of interest and advantage not only to organized labor, but to all the people of the State in general. Each member of the legislature by his position in regard to this resolution will have an opportunity of showing what his stand is toward labor organizations, as also his general interest in the welfare of the State.

We trust that all possible will be done toward urging the passage of the resolution.

Fraternally, yours,

[SEAL.]

ED MCMILLAN, *President.*
J. H. LITTLE, *Secretary.*

[Local Union No. 325, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 1100 South Kedzie Avenue.]

CHICAGO, *May 10, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR AND BROTHER: At our meeting May 10 your letter regarding a resolution to investigate the Illinois Central Railroad Co. and its operating methods was read and discussed at length.

This local union has 96 members in good standing—95 per cent of whom were present, and by a unanimous vote of this local union we expressed our desire that the Illinois Central Railroad should be investigated by our State legislature in the interest not only of union labor, but especially of the traveling public, and also of those engaged in industries which require the transportation of their wares or commerce.

Fraternally, yours,

[SEAL.]

DENNIS SHEA,
1100 South Kedzie Avenue, City.

[Joint protective board Brotherhood Railway Carmen of America, affiliated with the American Federation of Labor.]

MAY 10, 1913.

To the ILLINOIS STATE LEGISLATURE.

HON. GENTLEMEN: Dauphin Park Lodge, No. 467, with a membership of 400, at a special meeting assembled on the 7th day of May, 1913, requests the passage of house bill No. 60.

[SEAL.]

JOSEPH J. THOMAS,
President.
FRANCIS A. JOHNSON,
Recording and Financial Secretary.

[Tool and Diemakers' Lodge, No. 510, International Association of Machinists.]

CHICAGO, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR AND BROTHER: I take great pleasure in writing you that Tool and Diemakers' Local, No. 510, composed of 200 members, heartily indorse this joint resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad, and unanimously request its passage;

believing thereby that the citizens of this city may learn the true state of affairs as they now exist, and that they may reap some benefits from such action.

Fraternally, yours,

[SEAL.] CLARENCE CATE,
Recording Secretary.

[Local Union No. 784, United Mine Workers of America.]

MARISSA, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR AND BROTHER: This local union, with a membership of 400, has unanimously indorsed the proposition as presented in a joint resolution which is pending before the Illinois Legislature, asking for an investigation of the equipment and condition of the Illinois Central Railroad.

We believe that in the interest of public safety, and the inability of said road to properly serve the business and commercial interest of its patrons, should be evidence enough to warrant the legislature in making this investigation. No other class of business, I believe, has felt that something should be done in this matter more keenly than those interested in coal mining, especially when having to depend entirely on this road.

With best wishes for the success of this just and reasonable demand, I am,

Yours, very truly,

[SEAL.] AL. IMHOFF, *Secretary No. 784.*

[Garfield Park Lodge, No. 478, International Association of Machinists, office of recording secretary.]

CHICAGO, ILL., *May 10, 1913.*

MR. I. J. CUNDIFF.

DEAR SIR AND BROTHER: Your communication of May 5, 1913, in regard to the resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railway was read at the regular meeting of Garfield Park Lodge, No. 478, I. A. of M., which was held last night.

This local, with a membership of 510, urgently asks the passage of the aforesaid resolution, and calls upon all citizens of the State of Illinois to render all assistance possible to attain this end.

Any information regarding this matter will be most acceptable.

Yours, fraternally,

[SEAL.] F. E. ABEL,
Recording Secretary, No. 478, I. A. of M.,
945 N. Ridgeway Ave., Chicago, Ill.

[Gleichheit Lodge, No. 366, International Association of Machinists, Kraetsch's Hall, Sixty-third and Center Avenue.]

CHICAGO, ILL., *May 11, 1913.*

Mr. I. J. CUNDIFF,
Secretary Federation of Railway Employees.

DEAR SIR AND BROTHER: At a recent meeting of Gleichheit Lodge, the resolution now pending before the Illinois Legislature, calling for an investigation of the Illinois Central Railroad Co. was introduced and given thorough and careful consideration.

Believing that the proposed investigation would disclose conditions which do not tend toward the best interests of the people of this State, and also believing that the State should take steps to correct the existing conditions, Gleichheit Lodge, composed of 150 members, unanimously indorses and asks the passage of the pending resolutions.

With best wishes, I am,

Fraternally, yours,

[SEAL.] FRED H. VOELKER, *Secretary 366.*

[Local Union No. 806, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, R. P. Nauman, 2270 Blue Island Avenue.]

CHICAGO, ——— —, *1913.*

To the Honorable Illinois Legislature.

DEAR SIRS: At a regular meeting of Bolt and Nut Workers Local 806, I. B. of B. & H., it was regularly moved and seconded that we unanimously indorse the joint resolution before the Illinois Legislature looking into the Illinois Central affair. Our membership of 47 in good standing do urge that your honorable body do everything in their power to bring about some solution that will be satisfactory to all concerned.

With best wishes, I remain, fraternally, yours,

[SEAL.]

R. P. NAUMAN,
Recording Secretary, 2270 Blue Island Avenue.

[German Local Union No. 275, Brotherhood of Painters, Decorators, and Paper Hangers of America. Julius Lichtenstein, recording secretary, 1541 Wells Street.]

CHICAGO, *May 11, 1913.*

Mr. I. J. CUNDIFF, *6029 Madison Avenue.*

DEAR SIR AND BROTHER: Acting upon your suggestion not to wait till next meeting, I herewith send inclosed the indorsement of that resolution.

Hoping this will be satisfactory,

I am, fraternally yours,

JULIUS LICHTENSTEIN.

CHICAGO, *May 10, 1913.*

TO THE ILLINOIS LEGISLATURE,
Springfield, Ill.

At a mass meeting of this local, with a membership of 865 out of 1,065 present, held on Tuesday, May 6, its was unanimously passed to indorse the resolution, now pending before your honorable body, calling for an investigation of the Illinois Central Railroad Co., and I was instructed to notify your honorable body of this indorsement; and we urge you in the name of organised labor to make this a thorough investigation.

Trusting that your honorable body will recognise this appeal of organised labor and also in the name of justice and fairness.

I beg to remain, yours truly,

[SEAL.]

JULIUS LICHTENSTEIN,
Recording Secretary.

PEORIA, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR: This Local Union No. 734, United Mine Workers of America, composed of 340 members, unanimously ask the passage of the resolution pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Yours, respectfully,

[SEAL.]

LEONARD LEWIS,
Secretary Local No. 734.

[Local Union No. 2651, United Mine Workers of America.]

CRAIG, ILL., *May 10, 1913.*

DEAR SIR AND BROTHER: In regards to investigation we would like to help you out in every shape and form, but we are out of work here at the present time; we have been out of work for one month. Our local is composed of 50 members; we unanimously ask for the passage of this resolution.

[SEAL.]

T. R. LAWSON,
President.

FRED GERMER,
Recording Secretary.

ROBERT OGILVIE,
Financial Secretary.

[Surprise Lodge No. 297, Brotherhood Railway Carmen of America.]

MAY 10, 1913.

DEAR SIR AND BROTHER: The Surprise Lodge, No. 297, of Chicago, urges and requests that the Illinois Legislature take action on this resolution. We have a membership of 90 members and we urge the passage of this resolution.

Fraternally, yours,

[SEAL.] ALBERT F. BERNDT,
Recording Secretary, 5006 Princeton Avenue, Chicago, Ill.

[Local Union No. 124, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor. Secretary's address, 1816 South Eighth Street.]

SPRINGFIELD, ILL., *May 9, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: This local is composed of 50 members, who unanimously ask the passage of the resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Fraternally, yours,

[SEAL.] H. S. WHEAL, *Secretary.*

[Local Union No. 986, United Mine Workers of America.]

HERRIN, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago.

DEAR SIR AND BROTHER: We, the members of Local Union 986, comprising about 200 members, do hereby demand of our State representatives and senators that they use their influence and vote for the joint resolution pending before those bodies calling for an investigation of the Illinois Central Railroad Co. Failure on the part of our representatives and senator from this district to do this, they will be held responsible by the laboring classes in this district.

Yours, respectfully,

E. R. MYERS,
President.

[SEAL.] JACK L. MCKAY,
Recording Secretary Local Union 986, Herrin, Ill.

[Union No. 252, Brotherhood of Painters, Decorators, and Paperhangers of America. Address of writer, 614 Pope Street, Rockford, Ill.]

ROCKFORD, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR AND BROTHER: At a meeting held by Local Union No. 252, P. D. & P. of A., of Rockford, Ill., a local composed of 140 members, unanimously demand the passage of a resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Hoping you will give this matter your closest attention, I remain,

Fraternally, yours,

[SEAL.] FRED L. HENDRICKSON,
Recording Secretary.

[Local Union No. 180, of Oak Park, Ill., Rohde's Hall, 3800 West Madison Street, Chicago.]

OAK PARK, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: Relative to joint resolution now pending in the legislature, will say that this local union, consisting of 648 members, all citizens of this State, have indorsed said resolution and are very much in favor of an

investigation of the Illinois Central Railroad Co., as the past year has shown that numerous accidents have occurred on that road, that were not only avoidable, but some of them can truly be termed criminal, as most of them were due to equipment not in running shape, and also as has been shown that there is practically no inspection of equipment as specified by law, and consequently no repairs to it which were necessary.

Hoping that the resolution before the legislature will be passed and things remedied,

I am, yours, fraternally,

[SEAL.]

H. A. SOMMER,
Recording Secretary.

[Local Union No. 470, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor.]

CHICAGO, ILL., *May 12, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR AND BROTHER: Being aware that there is a disagreement on wages between the Illinois Central Railroad Co. and its employees, and that they have been on a strike since September 30, 1911, and as the cost of living, rents, etc., have increased very much, our local, composed of 40 members, voted unanimously to ask the passage of a joint resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co. The Illinois Central Railroad Co. operates under a special charter from the State of Illinois. Under the terms of this charter the governor is a director and the State shares in the profits. Therefore we heartily indorse the passage of this resolution.

Fraternally, yours,

[SEAL.]

M. E. WHOLIHAN,
Secretary, 1421 Jackson Boulevard, Chicago, Ill.

[Liberty Lodge, No. 229, International Association of Machinists. Residence, 2047 Warsaw Avenue.]

CHICAGO, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF,
Recording Secretary Local Federation of Railroad Employees.

DEAR SIR AND BROTHER: At our meeting of May 8, Liberty Lodge No. 229, I. A. of M., composed of 290 members, unanimously indorsed the joint resolution pending before the Illinois State Legislature calling for an investigation of the Illinois Central Railroad.

We earnestly beg the Illinois Legislature to go into this matter thoroughly, to see if there is not something radically wrong with their system, and if there should be, devise ways and means of rectifying that wrong.

Fraternally, yours,

[SEAL.]

J. RICKERT,
Recording Secretary.

[Subordinate Lodge No. 180, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America. Address of writer, 419 Lucy Avenue.]

MEMPHIS, TENN., *May 13, 1913.*

Mr. P. J. JENSEN,
President System Federation.

DEAR SIR AND BROTHER: Bluff City Lodge No. 180, Brotherhood of Boilermakers, composed of 45 members in good standing, unanimously asks and indorses the passage of the resolution before the Illinois Legislature calling for an investigation of Illinois Central Railroad Co. And we wish to go on record as condemning the State as a partner to being opposed to the right of labor to organize.

Wishing you every success in the undertaking, we are,

Fraternally, yours,

W. T. FUNSTON,
President.

[SEAL.]

CHAS. A. STEWART,
Corresponding Secretary and Financial Secretary.

[Local Union No. 1910, United Mine Workers of America.]

HARRISBURG, ILL., *May 17, 1913.*

I. J. CUNDIFF,
Secretary Illinois Central System Federation, Chicago, Ill.

DEAR SIR AND BROTHER: Can say in answer to your letter relative to your resolutions, which will come before the State legislature, our local appointed a committee to meet our district representative, W. O. Kane, of this city. This is the answer he gave them: He would do everything in his power to help the labor movement.

With best wishes,

[SEAL.] H. CARL OWENS,
Recording Secretary Local No. 1910, Box 208, Harrisburg, Ill.

[Freiheit Lodge No. 337, International Association of Machinists, affiliated with the American Federation of Labor. Office of secretary, H. Thielberg, 2832 Palmer Avenue.]

CHICAGO, ILL., *May 17, 1913.*

Mr. I. J. CUNDIFF,
Secretary of Federation of Railway Employees,
Illinois Central System and Allied Lines.

DEAR SIR AND BROTHER: At meeting of May 14, 1913, communication of May 5, 1913, was read and acted upon.

Secretary was instructed to write to your body, as the date of sending for Illinois State Legislature was too late for No. 337, but that this resolution came before the Chicago Federation of Labor and our delegates represented voted in favor of indorsing said resolution.

Yours, fraternally,

[SEAL.] HENRY THIELBERG,
Recording Secretary.

[Creamer Lodge, No. 236, International Association of Machinists. Office of secretary, 289 Iowa Avenue.]

AURORA, ILL., *May 17, 1913.*

I. J. CUNDIFF, *Secretary.*

DEAR SIR AND BROTHER: Through change of recording secretary I, the undersigned, received your letter of May 3 last night. May 16, our regular semimonthly meeting. Sorry that this delay happened, but the members hoped that a reply to your request would not be too late. The 65 members of Creamer Lodge, 236, unanimously urge the passage of the joint resolution pending before the Illinois State Legislature for an investigation of the Illinois Central Railroad Co.

Hoping this will not be too late, I remain,

Fraternally, yours,

[SEAL.] GEO. VON WAITZ,
Recording Secretary, 289 Iowa Avenue, Aurora, Ill.

[Local Union No. 480, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor.]

Mr. I. J. CUNDIFF.

MAY 12, 1913.

DEAR SIR: The members of Peoria Local, No. 480, Peoria, Ill., most heartily indorse the proposed action in the matter of the investigation of the conditions on the Illinois Central Railroad Co.'s lines.

Our local is composed of 13 members, who have been watching with interest the conditions on the above-mentioned railroad.

Yours, truly,

[SEAL.] B. H. REICHELDER, *Secretary.*

[Local Union No. 999, United Mine Workers of America. Walter Power, 2145 South Eleventh Street.]

SPRINGFIELD, ILL., ——— —, 1913.

Mr. I. J. CUNDIFF.

DEAR SIR: Our local union, composed of 350 members, indorsed the action taken by your organization in regard to joint resolution calling for an investigation of the Illinois Central Railroad Co. at our regular meeting held April 1, 1913. Our representatives and senator will be advised of the same. Also, at our last regular meeting, held April 15, we indorsed the action of our miners' legislative committee in their efforts to secure the passage of all bills recommended by affiliated unions. Our union has at different times in the past year indorsed your position in your struggle for your rights, and, as I stated before, our union has indorsed the action of the legislative committee and will aid them as far as possible to secure what they recommend.

Yours, fraternally,

[SEAL.]

WALTER POWER,
Recording Secretary.

P. S.—I am writing our representatives, James F. Morris, T. E. Lyon, and Bell, and State Senator Logan Hay the facts or action taken by our local union from time to time for the past year or more.

[Local Union No. 704, United Mine Workers of America.]

ELDORADO, ILL., *May 10, 1913.*

The members of the above local union, membership 300, unanimously ask the passage of the resolution, viz, "Calling for an investigation of the Illinois Central Railroad Co.," as we have been following this up, and record shows a big loss of life and a poor system of handling freight and passengers, for which the above company was incorporated, owing to defective machinery and car equipment.

Yours, truly,

[SEAL.]

W. A. TURNER, *President.*
H. A. KENNEDY, *Secretary.*

[Local Union No. 22, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor.]

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: We, the 110 members of Freeport Local Union, No. 22, of the International Brotherhood of Blacksmiths and Helpers, indorse resolution No. 60, presented to the General Assembly of the State of Illinois by Representative Seymour Steadman, and demand its passage in the interests of the citizens of Illinois and the welfare and safety of the traveling public. The Omaha line of the Illinois Central is a disgrace to the State.

Yours, fraternally,

[SEAL.]

H. P. HILL, *Secretary.*

[Local Union No. 1248, United Mine Workers of America.]

HERRIN, ILL., *May 12, 1913.*

Mr. I. J. CUNDIFF, *Chicago.*

DEAR SIR: This is to certify that Local Union No. 1248, U. M. W. of A., representing a membership of 420 members, unanimously indorse the resolution, now pending in the Illinois Legislature, calling for an investigation of the Illinois Central Railroad Co. and earnestly ask for its passage.

[SEAL.]

LOUIS H. MISKER, *Secretary.*

[Local Union No. 22, International Brotherhood of Blacksmiths and Helpers, affiliated with the American Federation of Labor.]

MAY 11, 1913.

DEAR SIR: We, the undersigned members of Freeport Local No. 22, of I. B. of B. & H., composed of 11 members, unanimously ask the passage of this resolu-

tion. As you know, the following organizations have been on strike since September 30, 1911: International Association of Machinists, International Brotherhood of Blacksmiths and Helpers, Railway Carmen of America, Amalgamated Sheet-Metal Workers, International Brotherhood of Painters, Order of Railway Clerks, Federal Labor Union.

The Illinois Central refuses to treat with us as a system federation. The Illinois Central operates under a special charter from the State of Illinois. Under the terms of this charter the governor of Illinois is a director of the Illinois Central, and the State shares in the earnings of the company. The importance of this is that the State of Illinois, a partner with the Illinois Central, is put in a position of being opposed to the right of labor to organize, and this is vital to every member of organized labor.

Yours, truly,

D. ROWLAND,
President.

[SEAL.]

H. P. HILL,
Secretary, 97 Shawnee Street, Freeport, Ill.

[Hall of Local Union No. 69, International Union of Steam and Operating Engineers, affiliated with the American Federation of Labor.]

MAY 12, 1913.

Mr. I. J. CUNDIFF,
6029 Madison Avenue, City.

DEAR SIR AND BROTHER: Your communication, I am sorry to say, arrived too late for our meeting, as we met May 7, and again May 14. I am positive, however, had action been taken it would have received the unanimous indorsement of our local.

Fraternally, yours,

[SEAL.]

OLIVER STINGLEY,
3361 South Park Avenue, Recording Secretary, Local 69.

[Local Union No. 1237, United Mine Workers of America.]

SESSER, ILL., *May 11, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: Your letter received May 8, and I am answering in behalf of your request. Local Union No. 1237, U. M. W. of A., Sesser, Ill., as a body of 456 United Mine Workers of district 12, do hereby earnestly pledge the governor of our State to give the joint resolution that is pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co. for refusing to treat with organized labor of all various labor unions, some of which are still on strike since September 30, 1911. We, as a body of U. M. W. of A., personally know that the Illinois Central Railroad Co. has shown partiality against organized labor by employing scabs to run its trains when the union firemen lay down and came out on strike, causing hundreds of miners to move in the dead of winter from the mining camps along the Illinois Central lines in 1911. Furthermore, it discriminated against certain coal operators on the Illinois Central Railroad, and by not distributing its cars on equal basis, therefore causing some of the mines to shut down on that account, some of which had to sue the Illinois Central Railroad Co. in order to get an equal share of cars. We, as a body, in whole unanimously ask for a proper investigation of the joint resolution before the legislature, and we sincerely hope that the governor acts in harmony with organized labor of all crafts and will make the Illinois Central Railroad Co. put out the real stuff and not be lurking in the background of discrimination. United we stand, divided we fall. In union there is strength, but discrimination means hell.

P. S.—Hoping the governor will act and use good common sense, so that the working class, who elected him for that position, can reap the benefits of their voting power.

Yours, truly,

[SEAL.]

BART OGILVIE,
Recording Secretary Local Union No. 1237,
U. M. W. of A., Sesser, Ill.

[Freeport Lodge, No. 223, International Association of Machinists.]

FREEPORT, ILL., *May 12, 1913.*

Mr. I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR AND BROTHER: This is to inform you that Lodge 223, I. A. of M., at regular meeting, passed a resolution calling for an investigation of the Illinois Central Railroad Co.

I will state that this local has a membership of 50, and they unanimously ask for the passage of this resolution.

Fraternally, yours,

[SEAL.]

D. COURTNEY,
Recording Secretary, 338 Carroll.

[Local Union No. 9 of the International Brotherhood of Electrical Workers, 234 North Clark Street.]

CHICAGO, *May 9, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: At the meeting of Local No. 9, I. B. E. W., on above date, our organization, 840 strong, unanimously indorsed the joint resolution now before the legislature to investigate the Illinois Central Railway.

As this road has not been fair with employees, and is apparently very unfair with everything it does business with, this investigation can not surely do anybody any harm, and may do the citizens of our State a great benefit.

Yours, fraternally,

[SEAL.]

R. W. LAMBAT,
Recording Secretary, 1339 North Ridgeway Avenue.

[Local Union No. 224, United Mine Workers of America.]

LINCOLN, ILL., *May 14, 1913.*

I. J. CUNDIFF, *Chicago.*

DEAR SIR AND BROTHER: Local Union 224, U. M. W. of A., Lincoln, Ill., composed of 142 members, unanimously asks for the passage of the joint resolution now pending before the Illinois Legislature asking for a thorough investigation of the Illinois Central Railroad Co., which has been drawn out for so many weary months. We will also watch with interest the position taken by the members from our district.

[SEAL.]

TOM PARRY,
PADDY HARDIN,
CHRIS HOLZAPFEL,
Resolution Committee.

[Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, 736–738 Milwaukee Avenue.]

CHICAGO, *May 14, 1913.*

I. J. CUNDIFF,
6029 Madison Avenue, City.

DEAR SIR AND BROTHER: I wish to state that Local No. 194 of the Painters, composed of 1,800 members, at its regular meeting held Tuesday, May 13, unanimously asked for the passage of the joint resolution pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Fraternally, yours,

[SEAL.]

A. A. WIGHNER,
Recording secretary, 1858 North Washtenaw Avenue, Chicago.

[Local Union No. 1471, United Mine Workers of America.]

SPRINGFIELD, ILL., *May 14, 1913.*

DEAR SIR AND BROTHER: Your letter of recent date, calling our attention to a resolution now pending before the legislature, and which resolution demands

an investigation of the Illinois Central Railroad, was read at last night's meeting of our local union, and the undersigned instructed to inform you that the 110 members of our local, one and all, take a keen delight in being put into a position where they can support a measure calculated to shed some light on the dark and devious ways of predatory wealth. "Big business" must of necessity operate under the cover of darkness. If our class were acquainted with the nature of the ills that human society suffers from and the causes thereof, a cure would readily suggest itself. The true function of the State, the only justification for the existence of government, must be that it promote the "greatest good of the greatest number." Where "the State" deviates from that course, there the protests of "the greatest number" are in order, and where those protests are not heeded by those in power revolution becomes a necessity—aye, a duty.

Therefore, by all means, light! more light! so we may know and understand.

Yours, for the working class,

A. F. KOCH, *President.*
SIM COOPER, *Financial Secretary.*
J. G. KEEFNER.

[SEAL.]

[Arsenal Lodge, No. 274, Brotherhood Railway Carmen of America, affiliated with the American Federation of Labor.]

MOLINE, ILL., *May 11, 1913.*

Mr. I. J. CUNDIFF,
Secretary, Chicago, Ill.

DEAR SIR AND BROTHER: Arsenal Lodge, No. 274, B. R. C. of A., of 88 members, at its regular meeting on May 8, unanimously indorsed the investigation of the Illinois Central Railroad and its branch lines, as from newspaper accounts its motive power and rolling stock is in a very unserviceable condition, and we would welcome an investigation of this road. Hoping this reaches you in due time, I remain,

[SEAL.]

CARL O. NELSON, *Secretary.*

[Local Union No. 693, Mine Workers of America. Office of recording secretary.]

VIRDEN, ILL., *May 10, 1913.*

I. J. CUNDIFF.

DEAR SIR: This is to certify that Local Union 693, U. M. W. of A., indorses that an investigation be made of the Illinois Central Railroad Co. before the Illinois Legislature. Our membership is 285 members.

Fraternally, yours,

[SEAL.]

FRED MAYER,
Recording Secretary, Local Union 693, Virden, Ill.

Hon. EDW. F. DUNNE,
Governor State of Illinois, Springfield, Ill.

DEAR SIR: Woodlawn Lodge, No. 492, International Association of Machinists, asks you, as chief executive of the State of Illinois, to use your influence on behalf of house bill No. 60, which, if passed, will bring about an investigation of the Illinois Central Railroad.

We believe, as this railroad holds their charter under the laws of the State of Illinois, it should be compelled to conform with the laws governing their charter and look well to the safety and comfort of the traveling public and the commercial interests of the State.

We have been informed that their power is in bad shape; that there is a continual shortage of cars; that mine operators and other shippers find it a hard matter to carry on their business along the line of this road.

There have been numerous wrecks along the entire system and several within our own State, and the claim has been made that it is due to the poor equipment, which, if true, is a violation of provisions covered by their charter.

We believe that you, as governor of the State of Illinois, wish to give people of the State, and especially those that cast their vote for you, all the rights

coming to them under the laws of the State, and we also believe you wish to treat the corporations fairly; therefore we believe that you can safely work to have the investigation carried on, for if the Illinois Central Railroad is carrying on its business strictly within the laws and conforming to their charter rights, the investigation can not hurt them, and if they are not it is the right of your constituents to know it.

This local has a membership of 200, and the membership of our association throughout the State is fully 15,000, and it is safe to say that all are vitally interested in having this bill passed.

Yours, sincerely,

WOODLAWN LODGE, No. 492, I. A. OF M.

[Subordinate Association No. 4, Lithographers' International Protective and Beneficial Association of the United States and Canada.]

CHICAGO, *May 10, 1913.*

I. J. CUNDIFF,
6029 Madison Street, Chicago, Ill.

DEAR SIR AND BROTHER: Subassociation No. 4, composed of 275 members, at its last regular meeting, Friday, May 9, 1913, unanimously asked the passage of the joint resolution now pending before the Illinois Legislature calling for an investigation of the Illinois Central Railroad Co.

Fraternally, yours,

[SEAL.]

CHAS. H. SCHARIEN,
Recording Secretary S. A. 4.

[Local Union No. 707, United Mine Workers of America. Office of secretary.]

PEORIA, ILL., *May 11, 1913.*

Mr. I. J. CUNDIFF,
Chicago, Ill.

DEAR SIR: Whereas the resolution calls for an investigation of the Illinois Central Railroad Co., therefore we, our Local Union No. 707 of United Mine Workers, with a membership of 150, at Peoria, Ill., appeal to our legislative body and recommend its adoption.

Fraternally, yours,

[SEAL.]

EDW. HAMER,
137 Arago Street, Peoria, Ill.

[Local No. 233 of Chicago, Machinery Molders' Union, organized September, 1878; reorganized April, 1892. Paul L. Becker, 2335 Sacramento Avenue, corresponding secretary.]

CHICAGO, *May 10, 1913.*

Local No. 233, I. M. U. of N. A., composed of 850 iron molders, unanimously demand the passage of the resolution introduced by Representative Seymour Steadman, which called for an investigation of the Illinois Central Railroad.

We heartily concur in the spirit of the resolution and insist on its adoption. The above action was taken at the regular meeting of Local 233 I. M. U. held Saturday, May 10, 1913.

Fraternally,

[SEAL.]

PAUL L. BECKER,
Secretary Local 233, I. M. U. of N. A.

[Local Union No. 672, United Mine Workers of America.]

PETERSBURG, ILL., *May 10, 1913.*

Mr. CUNDIFF:

DEAR SIR: The members of this local, composed of 100 members, are strongly in favor of the resolution before the Illinois Legislature calling for an investigation of the trouble on the Illinois Central Railroad, and they believe the public should know the cause of this trouble and who is the cause.

Fraternally, yours,

[SEAL.]

WM. WATT, *Secretary.*

[Local Union No. 1391, United Mine Workers of America.]

THAYER, ILL., *May 11, 1913.*

Mr. I. J. CUNDIFF, *Chicago, Ill.*

DEAR SIR: Local Union 1391, U. M. W. of A., Thayer, Ill., unanimously indorsed the joint resolution for an investigation of Illinois Central Railroad Co., as we consider it an injustice to the people of the State of Illinois for this to be defeated.

Local Union 1391 has a membership of 470 members in good standing.

THOS. MELLISH,
ROBT. OVINGTON,
JOHN C. MAINWARRING,
Legislative Committee.

[SEAL.]

[Local Union No. 2368, United Mine Workers of America, affiliated with American Federation of Labor.]

MURPHYSBORO, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF:

DEAR SIR AND BROTHER: We, the members of Local 2368 U. M. W. of A., Murphysboro, Ill., consisting of 250 members, do urge and request that the resolution calling for an investigation of the Illinois Central Railroad Co. be passed, as we earnestly believe that no honest company, firm, or individual fears investigation in any form whatever.

With best wishes for success, respectfully, yours,

THOS. MURPHY, *President.*
FRANK REEVES, *Secretary.*

[SEAL.]

[Local Union No. 611, United Mine Workers of America.]

SPARTA, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF.

DEAR SIR: Local Union No. 611, U. M. W. of A., Sparta, Ill., composed of 133 members, stand unanimously in favor, and hereby urge the passage, of the resolution calling for an investigation of the Illinois Central Railroad Co.

W. L. RAGLAND,
Secretary Local Union No. 611, Sparta, Ill.

[SEAL.]

CHICAGO, ILL., *May 5, 1913.*

BRICK, TILE, AND TERRA COTTA WORKERS, LOCAL NO. 6.

DEAR SIR AND BROTHER: A joint resolution is pending before the Illinois legislature calling for an investigation of the Illinois Central Railroad Co. A hearing is to be had on this resolution on or about May 14. Organized labor all over Illinois is asked to help in the passage of this resolution. The Chicago Federation of Labor unanimously indorse this resolution.

Will you send the undersigned a letter with the seal of your local, stating in substance that your local, composed of 200 (number of members), unanimously asks the passage of this resolution? Please do this at once, as we desire to present these letters as a petition on or before the 12th day of May, 1913.

As you know, the following organizations have been on a strike since September 30, 1911: International Association of Machinists, International Brotherhood of Blacksmiths & Helpers, International Brotherhood of Boilermakers & Helpers, Railway Carmen of America, Amalgamated Sheet Metal Workers, International Brotherhood of Painters, Order of Railway Clerks, Federal Labor Union.

The Illinois Central refuses to treat with us as a system federation. The Illinois Central operates under a special charter from the State of Illinois. Under the terms of this charter the governor of Illinois is a director of the Illinois Central, and the State shares in the earnings of the company. The importance of this is that the State of Illinois, a partner with the Illinois Central, is put in a position of being opposed to the right of labor to organize, and this is vital to every member of organized labor.

Make your letter strong in its indorsement and send it at once under the seal of your organization, and in this way contribute your share toward this fight, which, although it involves directly the men at present on strike, at the same time is of vital importance to the very existence of organized labor.

Fraternally, yours,

[SEAL.]

P. J. JENSEN, *President.*
I. J. CUNDIFF, *Secretary.*

(Indorsed by 200 members of Local No. 6, Brick, Tile, and Terra Cotta Workers.)

[SEAL.]

ERICK RIEMER.

[Local Union No. 681, United Mine Workers of America, affiliated with American Federation of Labor. O. G. Hearn, recording secretary, 619 North Ninth Street.]

MURPHYSBORO, ILL., *May 10, 1913.*

Mr. I. J. CUNDIFF,
6029 Madison Avenue, Chicago, Ill.

DEAR SIR AND BROTHER: This is to certify that this local, composed of 196 members, unanimously indorses and demands an investigation of the Illinois Central Railroad Co., as we believe no fair-minded person or corporation would object to an investigation, and we believe the conditions demand same.

Fraternally, yours,

[SEAL.]

A. H. POOLE, *President.*
THOS. E. BAILEY, *Recording Secretary.*

CLINTON, ILL., *May 10, 1913.*

Secretary Chicago Federation of Labor, Chicago, Ill.

DEAR SIR AND BROTHER: I desire to notify you that Clinton Local, No. 207, I. B. of B. & H. unanimously indorse resolution No. 60 and would request its passage by our State legislature on or about May 14.

Our membership numbers 10 in good standing. We hope our legislators will extend a square deal to the employees on strike on the Illinois Central Railroad, and that an investigation of this road be had for the benefit of all concerned, either directly or indirectly, and that commerce on the Illinois Central be restored again to a normal and safe condition such as existed prior to September 30, 1911.

Respectfully submitted.

[SEAL.]

MEMBERS OF LOCAL No. 207,
J. E. MATTHEWS, *Secretary.*

[Woodlawn Lodge, No. 492, International Association of Machinists, F. G. Stemler, recording secretary, 328 Englewood Avenue.]

CHICAGO, *May 10, 1913.*

I. J. CUNDIFF, *6029 Madison Avenue.*

DEAR SIR AND BROTHER: In reply to yours of the 8th instant, beg to say that our lodge has already drawn up a set of resolutions and have forwarded same to the governor. I inclose herewith copy of said resolutions.

Trusting this will be satisfactory to your, with best wishes, I remain,

Fraternally, yours,

F. G. STEMLER.

P. S.—This resolution was drawn up before I received your letter.

COMERFORD EXHIBIT NO. 5.

NEW ORLEANS, *July 21, 1914.*

To the UNITED STATES INDUSTRIAL RELATIONS COMMISSION.

DEAR SIR: This is to certify that the strike of the employees of the mechanical and clerical departments caused me to have to dispose of my grocery business on account of the men being out of employment and the class of people that took their places was of no benefit to my business.

Respectfully,

U. LAURENT,
2120 Tulane Avenue.

[Renecky shoe store, J. E. Renecky, dealers in fine shoes, 701–705 Patterson Street, corner Valiette.]

NEW ORLEANS, LA., *June 29, 1914.*

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: Being actively engaged in the shoe, hosiery, and furnishing business in Algiers, and being thoroughly acquainted with the strike on the Southern Pacific Railroad, I think it has and is still working a great hardship in this territory, and if it could be settled it would be of great benefit all through this locality.

Trusting that you will be able to render assistance in this matter, I am,

Very respectfully,

J. E. RENECKY.

[Ed. Boolos, dealer in dry goods, staple and fancy groceries and general merchandise, 2005 Washington Street.]

VICKSBURG, MISS., *June 23, 1914.*

To whom it may concern:

Business in our city fell to the bottom when the strike took place on the Illinois Central Railroad, and since that time business has not increased to 50 per cent of what it was before the strike. And when the strike is settled and the old men placed back at work the entire city will be benefited.

Yours, truly,

ED. BOOLOS.

[The Prudential Insurance Company of America. Home office, Newark, N. J. A. C. Crowder, manager for Mississippi.]

JACKSON, MISS., *August 20, 1914.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: This is to say that while mayor of this city and some time during the year 1912 I participated in a conference in the office of the governor of Mississippi looking to bringing together the striking clerks of the Illinois Central and the officials of that road.

President Markham was present, and declined emphatically to do anything that would in any way indicate any recognition of the union of clerks.

The conference adjourned without any accomplishment of my purpose in volunteering my services.

Yours, truly,

A. C. CROWDER.

[The Smith Company. Furniture, stoves, sewing machines, and organs. 129–131 State Street, 524–526–528 Pearl Street.]

JACKSON, MISS., *June 20, 1914.*

To the Officers and Members of the United States Industrial Relations Commission:

We have been in the furniture business here for nearly 12 years and have had things well lined up. We had the patronage of a large per cent of the employees of the Illinois Central Railroad Co. at this place, which is quite an item to us every pay day. But since the strike the greater per cent of the boys have gone, out of employment, and we have had to repossess the furniture. The accounts and the business that we get from this source now is not satisfactory.

We would that your honorable body might bring about some way or means by which an amicable settlement can be made and get everything working in harmony again.

Yours, truly,

THE SMITH CO.

JACKSON, MISS., *August 20, 1914.*

INDUSTRIAL RELATION COMMISSION,
Washington, D. C.

DEAR SIRS: This is to certify that I was chief of police from 1906 to 1913 in the city of Jackson. I had to handle the strike situation held on the Illinois

Central Railroad in 1911 and 1912, and I wish to say that the boys who went out on strike behaved beautifully and we had but very little trouble, but what did occur came from the strike breakers.

I hope this matter will soon be adjusted, as I believe the citizens here would be delighted to see the old employees return to work.

Respectfully submitted.

C. B. ALLEN,
Ex-Chief of Police.

JACKSON, MISS., *August 24, 1914.*

THE INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

GENTLEMEN: I have been requested to give my opinion as to the class of workmen sent here by the Illinois Central Railroad Co. during the strike of 1911-12.

I was a deputy United States marshal at the time and had the very best opportunity of studying these men, being stationed at a large building in which the men were lodged and fed. I was stationed there for the purpose of protecting the strike breakers from the strikers, but, as it turned out, we had more trouble with the strike breakers than with the strikers. They seemed to think that the railroad company owed them almost everything and wanted to go out into the city and start trouble. They seemed to be the toughs from the larger cities of the North, and out of two or three hundred that were sent here to fill the vacant positions only about a half dozen were qualified to fill any position at all. Most all of the clerical positions were filled by local people.

The whole crowd looked like they were recruited from Coxey's army, and, of course, were looked upon as such by the citizens.

Respectfully,

JAMES MCWILLIE,
Ex-Deputy United States Marshal.

[Ben Warren, clothier and furnisher, 1420 Washington Street.]

VICKSBURG, MISS., *June 27, 1914.*

To whom it may concern:

Business in our city has fell to the bottom when the strike took place on the Illinois Central Railroad, and since that time business has not increased to 50 per cent of what it was before the strike; and when the strike is settled and the old men placed back at work the entire city will be benefited.

Yours, truly,

BEN WARREN.

[Hanes & Hood, wholesale grocers, 1415 Mulberry Street.]

VICKSBURG, MISS., *June 25, 1913.*

Mr. G. KONCAR, *City.*

DEAR SIR: We wish to state that in our opinion the Illinois Central Railway strike has injured this city in a business way more than anything that has happened here for a number of years, and we regret very much that it has not been amicably settled.

Yours, truly,

HANES & HOOD.

[A. B. Porter, grocer, fancy and staple groceries, provisions, produce, and feed stuff of all kinds.]

WATER VALLEY, MISS., *June 11, 1914.*

To the Industrial Relation Committee:

GENTLEMEN: As a citizen and business man of Water Valley, Miss., I wish to state to the honorable board what the conditions have been in the city since the lockout or labor war. Owing to the company not being able to deliver freight, has caused heavy loss to the business men. Of the class of men that the company imported into our town there scarcely has been a day that some

of them have not been put in jail—some days as high as 15 in a day—keeping our city in a constant turmoil and disturbance. This same class of people has caused our best citizens to leave town, causing a great loss and sacrifice, and has caused a great deal of suffering among the women and children of our very best class, known as our best laboring people.

This foreign element, since their wages have been reduced by the Illinois Central Railroad, are now deserting their families and leaving them on the hands of the town, to be kept up by charity. No one can realize how bad conditions have been here, except he has been here and witnesses the thing as it is.

Trade has fallen off at least 50 per cent since this labor trouble began, growing from bad to worse. We hoped for a long time that it would improve, but it is getting worse all the time, and about all you can hear on the street is, "I wish I could leave this old town," and the good people are leaving as fast as they can.

It would mean a Godsend to this city and country if this strike could be settled and the old and honorable employees could be reinstated, for a nobler class of men never lived. Such a thing as one of them being a beat was never heard of; but now it is different; this class never pays unless made to.

Hoping for the best, I am,

Yours truly,

A. B. PORTER.

[W. W. Lassiter Co., wholesale grocers.]

VICKSBURG, MISS., *June 20, 1914.*

To whom it may concern:

We find that our business with the retail grocers in this city, particularly in some sections, has been very materially affected by the strike of the Illinois Central shop employees, the business having fallen off quite a good deal in volume, we believe, by this strike.

Very respectfully,

W. W. LASSITER CO.

[Basil C. Bonelli Co., wholesale grocers, 1110 Clay Street.]

VICKSBURG, MISS., *June 20, 1914.*

Mr. G. KONCAR, *City.*

DEAR SIR: In going over our books we notice that your business with us has fallen off considerably since the Illinois Central Railroad strike. No doubt the strike has been the chief cause, because you depend mainly on the railroad people for the largest volume of your trade. We would appreciate you getting your volume back up to the old standard.

Yours, truly,

BASIL C. BONELLI CO.

[S. Schwarz & Co., wholesale grocers, 1412–1418 Mulberry Street.]

VICKSBURG, MISS., *June 20, 1914.*

Attorney COMERFORD, *Chicago, Ill.*

DEAR SIR: Since the strike on the I. C. and Y. & M. V. R. R. Vicksburg has lost quite a good many families on account of the men folks being unable to secure work. The strike undoubtedly has worked a hardship in many ways in this city. The entire business interest has suffered, along with the working class, and it is about time, if it is possible, that the strike be settled.

Yours, truly,

S. SCHWARZ & CO.

[The Sauls-King Co., dealers in staple and fancy groceries.]

McCOMB CITY, MISS., *July 28, 1914.*

Hon. FRANK COMERFORD, *Chicago, Ill.*

DEAR SIR: I have frequently been asked questions regarding the conditions as I have observed them under union labor and nonunion labor.

I would like to make a short statement of the conditions as they have occurred under my observation. I came to McComb about 15 years ago and most of the time since have been engaged in the mercantile business. When I came to McComb very near all the buildings in the business part of the town were wood

structures. There was only one schoolhouse and it was an old wood structure. All the churches were of the same class. There was not a paved street in town, except the part of Main Street occupied by stores. It was thought that a mercantile business could not survive in McComb.

At that time the shop was nonunion. Wages were so low the men could barely make a support for their families. Car repairers were getting 16½ cents and machinists 31 cents.

The working conditions were very bad. Very few shelters for the men to work under. A short time after I came to McComb the different crafts organized their unions. Conditions began to improve and the town began to prosper. It is evident the railroad company prospered in the same proportion, for it was during that period the railroad company put in double track through the Mississippi and Louisiana division. They prepared better accommodations for their men. Shelter to work under and many other things that I have not space to mention. Everybody was happy and prosperous. The town grew rapidly. The old wood store buildings were moved away and handsome brick stores were rebuilt in their places. The principal streets were paved. The old wood school building was discarded and two handsome brick buildings were erected. We boast of having the most commodious brick public-school buildings in the State.

The same can be said of the churches. The old wood buildings were moved away and handsome pressed-brick buildings erected in their stead. We boast of having at least two churches that would be a credit to any city.

All this was done during the time of organized union labor in the Illinois Central Railroad shops. I contribute all this to the result of organized union labor.

It has been nearly three years since the strike. Every style of business has suffered greatly. Real estate has gone down. Business is not so satisfactory. A few years ago we boasted of having the best produce market in the country. Now the farmers find great difficulty in selling their produce.

Space will not permit me to say more at this time, but the above are undeniable facts as they have come under my observation.

Respectfully,

B. N. SAULS,
President and Business Manager the Sauls-King Co.

McCOMB WHOLESALE GROCERY CO.,
McComb, Miss., July 7, 1914.

To the Officers and Members of the United States Industrial Commission.

GENTLEMEN: The writer understands that your honorable body is to be asked to investigate the strike of union employees of the Illinois Central system. It is the opinion of the writer that the safety and welfare of the public in general would be better conserved if the employees of public carriers are members of trade unions. The reason for this opinion is that union men are, first, citizens of permanent places of abode; second, that owing to this fact they make more reliable workmen, because of their desire to acquire and maintain a permanent place in the social and religious affairs of the community in which they reside. On the other hand, the nonunion workman is on the job to-day and gone to-morrow, taking little or no interest in his work for that reason. The union workman has ever before him that on the retaining of his job depends the comforts of a home for himself and family and a place in society of which he need not be ashamed. The undersigned most certainly believes that it would be to the advantage of the business world of McComb if the striking employees of the Illinois Central were reinstated in their former positions.

Sincerely, yours,

J. D. WEATHERSBY.

[Stokes & Gaffney, dealers in fresh meats of all kinds, 118 South Boulevard.]

McCOMB, Miss., *July 23, 1914.*

To the Officers and Members of the United States Industrial Commission.

GENTLEMEN: The writers understand that your honorable body is to be asked to investigate the strike of the Illinois Central system. It is the opinion of the writers in regards to trade conditions since the men went out on a strike nearly

three years ago, will say at the time of the men going out this firm was doing a good, healthy charge account business with the employees, and we were getting our money promptly each pay day. For some time after the strike we carried these men, but finally had to stop. About 50 per cent of the old men have moved away and procured work at other places. As to the new men, we do nothing but cash business with them, as we do not know them well enough to extend them credit. We feel that if the strike was settled our city would be doing more business than at present. We feel that real estate has suffered materially during this strike.

We would be very much pleased to see this matter settled in a way that would be beneficial both to the company and the men.

Respectfully,

STOKES & GAFFNEY.

[McComb Dye Works, Ernest T. Jackson, proprietor.]

McCOMB CITY, MISS., *August 3, 1914.*

To the Officers and Members of the United States Industrial Commission.

GENTLEMEN: The writer understands that your honorable body is to be asked to investigate the strike of the union employees now in progress on the Illinois Central and Harriman lines.

It is the opinion of the writer, who has been here for the past 20 years, that the matter should be adjusted some way in favor of the men. I have seen the time when there was very poor conditions here for the workingmen in the shops before the days of the organization of the men.

After the organization of the different crafts everything began to grow and prosper. The conditions of the men were better, the city began to grow and was more prosperous. Conditions began to be better socially, religiously, and financially. Business was better in every respect.

Since the men were forced out on strike conditions have got to be worse than I have ever seen in my lifetime here of over 20 years. Business has gone to the bad since our citizens have had to move away and our town has been filled with a very undesirable bunch of people.

It is my opinion, after seeing both sides of the question, that the union men should be put back on their former jobs.

I believe that right will prevail, and I trust that your honorable body will see fit to (in the name of right and justice) adjust this matter in favor of the union men. If so, social conditions will be restored, business will be better, and last but not least, the several hundred of the best of our citizenship can return to their homes that they have labored a lifetime to build.

I am, sincerely, yours,

ERNEST T. JACKSON.

[Charles Johnson, dealer in staple and fancy groceries and notions.]

McCOMB CITY, MISS., *July 22, 1914.*

To the Officers and Members of the United States Industrial Commission.

GENTLEMEN: The writer understands that your honorable body is to be asked to investigate the strike of union employees of the Illinois Central system.

In regards as to trade conditions since the men went out on a strike 23 months ago, will say at the time of the men going out this firm was doing a good, healthy charge-account business with the employees, and we were getting our money promptly each pay day. For some time after the strike we carried these men, but finally had to stop. About 50 per cent of the old men have moved away and procured work at other places.

As to the new men, we do not do any business with them, as we do not know them well enough to extend them credit. We feel that if the strike was settled our city would be doing more business than at present. We feel that real estate has suffered materially during this strike.

We would be very much pleased to see this matter settled in a way that would be beneficial both to the company and the men.

Respectfully,

CHAS. JOHNSON.

[E. Bonelli Co. (incorporated 1907.) Wholesale grocers, established 1879.]

VICKSBURG, MISS., *June 20, 1914.*

To whom it may concern:

From our observation in a business way, we do not hesitate to say that business in this city has been much curtailed since the strike of the Illinois Central Railroad employees.

We feel sure that the employment of the old men in their old places would help this city very materially.

Very truly,

E. BONELLI CO.

[Biedenharn Candy Co. (Inc.) Candy manufacturers. Produce and grocers' specialties.]

VICKSBURG, MISS., *July 3, 1914.*

G. KONCAR, *City.*

DEAR SIR: As your business with us has shown a falling off since the strike, we take this method to inform you, it appears that this falling off is to be charged to the strike.

We would like to again have the nice business you used to give us.

Assuring you we have always appreciated your trade, we are.

Yours, very truly,

BIEDENHARN CANDY CO.

[W. C. Welch, wholesale and retail furniture company.]

JACKSON, MISS., *September 9, 1914.*

INDUSTRIAL RELATIONS COMMISSION, *Washington, D. C.*

GENTLEMEN: I have been requested to give my views of the lockout or strike caused by the Illinois Central Railroad Co. refusing to recognize the System Federation, composed of the shopmen and railroad clerks, which started September 25, 1911, and which is still on.

I have been in business for a number of years, and I am very sure that the lockout or strike on the Illinois Central Railroad has made a hardship on every merchant in our city. By the long delays in receiving our freight from the manufacturer caused by the incompentency of their motive power and other incompetent labor and which the railroad has hired to take the places of the old employees. Therefore, I among many others in this city and along the line of the Illinois Central Railroad are in hopes that your honorable body will soon bring the two factions together, thereby bringing this lockout or strike to a just end; and by so doing you will be conferring an everlasting favor to this city and this section of the country.

I am, yours, very truly,

W. C. WELCH.

[Crescent Billiard Hall, first class equipment, M. B. Herndon, manager, New Millsaps Building.]

JACKSON, MISS., *September 3, 1914.*

INDUSTRIAL RELATIONS COMMISSION, *Washington, D. C.*

GENTLEMEN: As per request we are furnishing you with the statement as to our opinion of the effects of the Illinois Central lockout or strike, which started on September 25, 1911, and which is still in vogue. The writer's business brings him in personal contact with practically every merchant in Jackson, and naturally I am familiar with their opinion. Almost without exception the lockout or strike has been a detriment to business in Jackson. The men now employed are not as a rule permanent residents, being largely transient, and naturally being to a large extent without families, they spend their money in channels that do not do the merchants much good.

Yours, truly,

M. B. HERNDON, *Manager.*

[P. N. Cox, contractor and builder.]

JACKSON, MISS., *August 28, 1914.*

INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

GENTLEMEN: I have been asked for my opinion of the railway clerks' strike in this section in the winter of 1911 and 1912. It did not affect my business directly but it did affect it indirectly through other business that was affected directly. Immediately after the strike was called there was a complaint from all quarters of business dropping off; everything was quiet for a long time, in fact I don't think we have recovered from it yet. So far as any personal violence is concerned the striking employees were very quiet here with an occasional fist fight, but in other towns in this State there was some blood shed which could have been avoided if the railroad had not tried to fill the strikers' places with the kind of people they did. I am confident that if the railroad and its employees will agree to settle all their future differences by arbitration, and then stand by the agreement, they will both be better off.

Yours, truly,

P. N. COX.

[W. F. West, practical merchant tailor, Huber Building, East Capitol Street.]

JACKSON, MISS., *June 19, 1914.*

To the Officers and Members of the United States Industrial Relations Commission, Washington, D. C.

GENTLEMEN: The writer understands that your honorable body is to be called upon to investigate the strike of the union employees of the Illinois Central Railroad Co.

It is, and has been for several years, the opinion of the writer that the public in general would be materially benefited if the employees of common carriers were members of trade-unions for a number of reasons. First, that union men, as a class, are trained workmen and citizens of permanent places of abode; second, that in view of these facts they make more reliable workmen because of their desire to better their condition, acquire property, and maintain a permanent place in the social and religious affairs of the community in which they reside. Then, too, the nonunion workman as a rule is on the job to-day and gone to-morrow, and for that reason he does not take the interest in his work that the man who is permanently located will.

The writer is of the opinion that it would be to the interest of the business section along their lines if due consideration were given to the striking employees and proper adjustments made.

Yours, sincerely,

W. F. WEST.

[Percy L. Clifton, attorney at law, First National Bank Building.]

JACKSON, MISS., *June 20, 1914.*

INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

GENTLEMEN: It has been a matter of much concern here that there has been a misunderstanding between the Illinois Central Railroad Co. and its employees, which has resulted in a strike.

This condition is more or less demoralizing and depressing to business and the general utility of the railroad itself.

When men who have seen long service in a particular employment are superseded by those who are comparatively inexperienced, the efficiency of service of the employer is bound to be more or less impaired by the change.

This community earnestly hopes that you may be able to arrange an amicable adjustment of the differences between the railroad and its former employees.

Very respectfully,

PERCY L. CLIFTON.

[James R. McDowell, attorney at law.]

JACKSON, MISS., *June 19, 1914.*

INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

GENTLEMEN: For two years or more there has existed some degree of demoralization owing to a strike among the employees of the Illinois Central Railroad. For a time the situation was acute, but things have quieted down for the past year. However, where so many men are thrown out of work because of misunderstandings between them and their employers, business depression must result. I think it is the desire of the people of Jackson that with your assistance the differences between the railroad company and their former employees may be amicably adjusted in a manner satisfactory to all parties.

Trusting that your good offices may bring results,

I am, yours, very truly,

JAS. R. MCDOWELL.

[Schwartz Furniture Co., 200, 202, and 204 South State Street.]

JACKSON, MISS., *June 15, 1914.*

To the Industrial Relations Commission, Washington, D. C.

GENTLEMEN: I have been informed that you will soon take up the investigation of the strike (or lockout) on the Illinois Central Railroad Co., which has been on for nearly three years, which has hurt the strikers and the railroad to a great extent, but by far it has hurt the farmer and the merchant most, and all kinds of business in general throughout this section of the country; and although not familiar with the true facts of this great struggle between capital and labor, I should think that through your thorough investigations of all the facts that you will be able to bring this strike to an honorable end which will be satisfactory to both of the contending parties. The class of labor which the railroad has brought to this section of the country has proven a great loss to the business world in more ways than one; they are coming and going and not paying their debts before leaving. I have been in business here for over 30 years and the service that the Illinois Central Railroad Co. is giving to the public is worse now that what it was before it was known as the Illinois Central. The class of labor employed by the above road is such that it can not nor ever will bring it back to the high standard such as it was before the strike (or lockout), and now it is placed in your honorable power to bring this long-drawn-out controversy to a just settlement to all parties concerned, and which I am sure you will do.

Yours, truly,

SCHWARTZ FURNITURE CO.
A. H. S.

STATE NATIONAL BANK,
Jackson, Miss., June 16, 1914.

INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

GENTLEMEN: We are taking the liberty of writing you in the matter of the strike of the railroad employees of the Illinois Central Railroad Co., which began here about two years ago.

We are informed that the inability of the railroad company and its employees to effect a satisfactory settlement of their differences has resulted in some demoralization of business in this community, and we would be very glad indeed to see some arrangement made by which a satisfactory settlement could be arranged.

Very respectfully,

L. M. GADDIS, *Vice President.*

[Howie & Howie, lawyers, John Hart Building.]

JACKSON, MISS., *June 17, 1914.*

To the Industrial Relation Commission:

GENTLEMEN: I have been connected very closely in my business interests with the handling of freight by the Illinois Central Railroad Co. from points in this State for about six years. Up to the time of the strike trouble in 1911, this

road was always very prompt in the handling of freight and reasonably efficient in the matter of the clerical work. Since that time there has been a marked difference. Nothing is certain now, and delays and inefficiency are in evidence everywhere in connection with the handling of the freight and freight bill at central points. I do not undertake to say what is the reason for this. I know that it is not like it used to be for some reason. This condition hurts both the railroad company and the shippers, and should be remedied.

Respectfully,

VIRGIL HOWIE.

[E. & S. Virden Co., groceries, dry goods, shoes, 516, 518, 520 East Pearl Street, 122 South State Street.]

JACKSON, MISS., *June 19, 1914.*

INDUSTRIAL RELATIONS COMMISSION.

GENTLEMEN: Referring to the recent strike of the Illinois Central Railroad employees in this section of Mississippi, we would suggest that you investigate the matter and see if satisfactory relations can not be established among the force.

We believe that union labor would work better in the interest of all parties concerned; that is, the railroad and the public.

A full investigation of the matter will reveal this fact.

We shall hope to learn of an early and satisfactory adjustment of the matters in question.

Yours, very respectfully,

E. & S. VIRDEN CO.

[Franzioli's Bookery, C. A. Franzioli, proprietor. China, glass, house furnishings, toys, dolls, and novelties. 234–236 East Capitol Street.]

JACKSON, MISS., *June 18, 1914.*

INDUSTRIAL RELATIONS COMMISSION,
Washington, D. C.

DEAR SIRS: The strike of the employees of the freight department resulted in a great deal of inconvenience to the merchants at that time, and I was very much in hopes that the matter had been settled some time since, and I hope the investigation will result in a settlement of the matter, which will be to the better interests of the employees, the merchants, the railroads, and this section of the country.

Thanking you, I beg to remain,

Yours, very truly,

C. A. FRANZIOLI.

[I. C. Restaurant, Larkin & Sherwood, proprietors, Freeman Street.]

JACKSON, TENN., *June 19, 1914.*

UNITED STATES INDUSTRIAL COMMISSION:

GENTLEMEN: I have been requested to make a statement in regard to the effect the Illinois Central Railroad strike has had on business in Jackson, Tenn., and will say that it is my opinion that business is not and never will be as good as it was before the strike or not at least until this strike has been satisfactorily settled. We have a number of strike-breaking citizens that we are not at all proud of, and therefore there is not harmony along business lines as there was before the strike. Therefore we hope there could be something done to bring about a settlement between the Illinois Central and the men out on this strike.

Yours, truly,

LARKIN & SHERWOOD.

[Golden Eagle Clothing Co. (Inc.). Established 1882. 11–13 South Main Street.]

MEMPHIS, TENN., *July 4, 1914.*

Mr. FRANK COMERFORD,
Chicago, Ill.

DEAR SIR: It would severely tax human ingenuity to devise a clumsier and more expensive method than either the strike or the lockout for settling such differences as may arise between employer and employed.

We need not refer to any one of a number of simpler and saner ways of composing controversies of this nature; but it may have a salutary effect upon those in authority on either side of such conflicts if the public at large calls attention in emphatic terms to the fact that strikes cause fearful havoc in that particular community and especially so in the case of merchants.

The Illinois Central Railroad strike has done Memphis more harm, perhaps, than any other calamity that has visited our town, and it will take years for many of us to recover lost ground even after the whole matter is adjusted to the satisfaction of both parties to the contest.

Let us hope that there may be no recurrence of such a misfortune in these parts.

Yours, very truly,

THE GOLDEN EAGLE CLOTHING CO.

[J. Shainberg, dealer in groceries, liquors, cigars, tobacco, dry goods, and notions, 113 McLemore Avenue.]

MEMPHIS, TENN., *June 3, 1914.*

Mr. JOHN WRAY,
Secretary Illinois Central Railroad Federation, 1022 Barton Avenue.

SIR: Am occupied in the grocery and dry-goods business on the corner of McLemore Avenue and Illinois Central Railroad crossing, and have been for the past 15 years. Being right in the heart of the railroad yards, it is but natural that the majority of the railroad employees should patronize me. But since November, 1911, my business practically has gone to nothing, I having fully lost 60 per cent of my trade. I also had a piece of property which stood vacant for 13 months, probably because no one wished to take the risk of opening a business near the railroad during such grave conditions.

Respectfully,

J. SHAINBERG,
113 McLemore Avenue, Memphis, Tenn.

[W. G. Ackermann, orchard, stock, and poultry farm, city office, 682 South Main Street, Memphis, Tenn.]

MEMPHIS, TENN., *June 2, 1914.*

Mr. JOHN WRAY,
Secretary Illinois Central Railroad Federation, 1022 Barton Avenue.

DEAR SIR: I have been engaged in the barber business at 682 S. Main Street for the past 20 years. Since October, 1911, and including the present time, my business has dropped off fully 50 per cent. I have made careful investigation and can truthfully say that the labor trouble with the Illinois Central Railroad is the direct cause. My business comprises about 75 per cent railroad men, and fully 50 per cent employed by Illinois Central Railroad. These men are out of employment and unable to patronize me. There are also a great many vacant houses in this neighborhood on account of this same trouble.

Respectfully, yours,

W. G. ACKERMANN.

[Criminal Court, Shelby County, Jerome B. Richards, clerk.]

MEMPHIS, TENN., *July 29, 1914.*

Mr. FRANK COMERFORD,
Attorney, Chicago, Ill.

DEAR SIR: Having been requested to give a statement as of the effect of the strike of the Illinois Central Railroad Co. shopmen, about September 30, 1911, on the city of Memphis, in a business as well as moral way, beg to state that, knowing a good many of the men involved, can state that a good many of them were forced to break up their homes and leave the city to seek employment elsewhere on other railroads, while others, on failure to find employment, were reduced to poverty; and, as a rule, those men formerly employed by the Illinois Central Railroad Co., who were forced on strike in defense of their organization, were property owners and taxpayers of this community, many of them being forced to take their children out of public schools and put them into the factories and mills in order to help support the family.

In regard to the men imported to fill the places of the strike men, they were a different class of men from the strikers, mostly transient, and could not be depended upon in a business way, and were of no benefit to this community.

The inability of the Illinois Central Railroad Co. to furnish proper service to our shipping and business interests was the cause of many losses, and resulted in a number of suits being filed for damages and loss of freight. I will state that I would desire very much to see an honorable and early adjustment of this strike reached, which would benefit the public at large served by the Illinois Central Railroad Co. in this city.

Very truly,

JESSE R. RICHARDS,
Clerk of the Criminal Court of Shelby County, Tenn.

[New York Life Insurance Co., 346 and 348 Broadway, New York. Darwin P. Kingsley, president.]

MEMPHIS, TENN., *June 4, 1914.*

Mr. JOHN WRAY,
Secretary Illinois Central Federation.

DEAR SIR: In response to your committee concerning the effect on local business on account of strike, will say that I have been engaged in the life insurance business here for 14 years, and had during the time of the union conditions been able to do quite a satisfactory business amongst the Illinois Central employees, but since the strike the class of people now employed are in the main floaters, people who could not assume an obligation to do anything, also a class who have no desire to do anything looking to a future provision to a dependent family, and I know personally that it has depreciated values in a very large section of the city at least 25 per cent; I mean, of course, real estate, and to change a large area of permanent home owners to a lot of floaters is very detrimental to the general welfare of any community; and I feel safe in saying it is one of the most deplorable happenings that has happened to this city since the yellow-fever epidemic.

Hoping you will finally succeed in your heroic struggle to uplift humanity, I am,

Very truly, yours,

W. A. WEATHERALL,
Special Agent New York Life, Box 1107.

[Tripps & Gardner, Pure Food Grocers, 176 Gilbert Avenue.]

MEMPHIS, TENN., *May 25, 1914.*

This is to state that my business fell off $700 per month at the Illinois Central strike about three years ago, and has never recuperated from it.

I am in favor of settling this strike at any cost or sacrifice.

FRED TRIPPS.

[Office of Levi & Greif, distributors of dry goods, clothing, shoes, ladies' suits, millinery, lingerie, 106 and 108 South Main Street.]

MEMPHIS, TENN., *July 21, 1914.*

Mr. FRANK COMERFORD, *Chicago, Ill.*

DEAR SIR: Having been asked as to the effects of the shopmens' strike on the Illinois Central Railroad of September, 1911, in regard to business, we will state that it has affected our business very materially, as we enjoyed a good trade from the men formerly employed by the Illinois Central Railroad before the strike, and who have since been forced to leave the city and seek employment elsewhere. Therefore our business has never fully recovered to what it was previous to the strike.

We would desire very much to see some legislation enacted to prevent such strikes in the future.

Yours, very truly,

LEVI & GREIF,
Per L. LEVI.

[The Toggery, goods' furnishings and high-grade tailoring, North Liberty Street.]

JACKSON, TENN., *July 23, 1914.*

J. F. MCCHESNEY, *City.*

DEAR SIR: Relating to the conversation had with you this morning in regard to the effect the Illinois Central shopmens' strike of September 30, 1911, had on our business and on business in general in Jackson, I will state that previous to the strike we enjoyed a fine trade from the men in the shops, but since then, on account of these men being forced to break up their homes in this city and to seek employment elsewhere, our business has been very materially affected. The class of men that is employed is no benefit to our business, as they are of such a character that we can not open an account with them. I can state the strike has been very effective in the city of Jackson. I would desire very much to see some adjustment made and a reestablishment made of the conditions in Jackson that previously existed before the strike which would benefit the business more than anything that could be done at the present time.

Very truly,

THE TOGGERY.
G. H. ROOKS.

[McCall-Hughes Clothing Co., C. C. McCall, president; T. G. Hughes, secretary-treasurer.]

JACKSON, TENN., *July 24, 1914.*

Mr. J. F. MCCHESNEY,
Jackson, Tenn.

DEAR SIR: Relative to our conversation this morning as to the effect of the recent Illinois Central strike.

Will say that in our opinion this strike has had a very depressing effect both upon the business and social life of Jackson. The men formerly employed by the Illinois Central Railroad who are involved in this strike consists very largely of members of our best families. A great many of these men have had to seek employment elsewhere, which is a loss to the business and social life of our city.

In our opinion a large percentage of the men employed to take the places of the strikers are transients and only live here a short length of time, which, of course, makes them of very little value as citizens. If a way can be found to settle this controversy and to avoid future strikes it will be of untold benefit to the business and social life of our city.

We trust that this condition may be brought about at an early date.

Yours, respectfully,

MCCALL-HUGHES CL. CO.
H.

[Thos. C. King, grocer, 1401 Dryades Street, member of the Retail Grocers' Association, New Orleans, La.]

JULY 21, 1914.

THE UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: The writer has been engaged in the retail grocery business for over 25 years in this city and during that time does not remember any occurrence that caused more suffering than the strike on the Illinois Central Railroad system a few years ago.

I believe that some means should be devised by national legislation to prevent such disputes that cause great loss to the employer, merchant, and the employees, and also invariably great suffering to the employees and their families.

Respectfully,

THOS. C. KING.

[Thos. F. Fuga, dealer in fancy and staple groceries, corn, oats, and grain, foreign and domestic wines and liquors, corner Magazine and Octavia Streets.]

NEW ORLEANS, LA., *July 23, 1914.*

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: Being actively engaged in the retail grocery business in New Orleans, and having a large trade with the former employees of the Illinois Central Railroad, I am in a position to say that it has worked a great hardship

upon the business community, to say nothing of the hardship suffered by the men and their families.

I feel that the community at large would be benefited by the settlement of this long-pending struggle.

Trusting you will give this matter due and favorable consideration, I am,

Very truly, yours,

THOS. F. FITZE.

[Office of the Retail Grocers' Association, owners and publishers of "The Louisiana Grocer," 709 Metropolitan Bank Building.]

NEW ORLEANS, *June 17, 1914*.

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: Being actively engaged in the retail grocery business and doing a large shipping business throughout the southern territory I am thoroughly acquainted with the situation resultant from the strike on the Illinois Central Railroad.

I am also president of the above organization and voice the sentiments of my fellow merchants when I say that the above strike has worked a great hardship on us, and I am of the opinion that if same were settled it would be of inestimable value to the local merchants as well as to the road itself.

Trusting that you will give this matter due consideration and act favorably on same, I am,

Very truly, yours,

E. F. LYONS,
President the Retail Grocers' Association.

[Louis Sporl, ladies', gents', misses', and children's shoes, Dauphine Street and Lafayette Avenue.]

NEW ORLEANS, LA., *July 16, 1914*.

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: I am a shoe merchant of New Orleans, La., for the past 20 years, and I am satisfied that the strike on the Illinois Central Railroad has harmed other merchants as well as myself. I believe that if the strike was settled it would benefit the retail trade in general. I would be glad if your committee could bring about a settlement.

Yours, very truly,

LOUIS SPORL.

[Southern Illinois Cigar Co. Wholesale cigars, pipes, and tobacco.]

CENTRALIA, ILL., *May 23, 1914*.

ROY HORN:

As per your request we are furnishing you with statement as to our opinion of the effects of the Illinois Central strike. The writer's business brings him in personal contact with practically every retail merchant in Centralia, and naturally I am familiar with their opinion. Almost without exception the strike has been a detriment to business in Centralia. The mechanics now employed are not considered good credit risks, and naturally they being to a large extent without families they spend their money in channels that do not do the merchants much good.

Yours, truly,

SOUTHERN ILLINOIS CIGAR CO.,
Per L. PEIPER, *Manager*.

[Leader's, Leader & Leader, Centralia, Ill. Fancy groceries.]

CENTRALIA, ILL., *May 14, 1914*.

ROY HORN:

SIR: In answer to yours of recent date and in compliance with your request as to trade conditions since the men went out on a strike two years ago will

say at the time of the men going out this firm was doing a good, healthy, charge-account business with the employees and we were getting our money promptly each pay day. For some time after the strike we carried these men but finally had to stop. About 50 per cent of the old men have moved away and procured work other places. As to the new men, we do not do any business with them as we do not know them well enough to extend them credit. We feel that if the strike was settled our city would be doing more business than at present. We feel that real estate has suffered materially during this strike.

We would be very much pleased to see this matter settled in a way that would be beneficial both to the company and the men.

Respectfully,

LENDER & LENDER,
Per C. F. LENDER.

[Richard A. Watts, constable and deputy sheriff of Marion County. Collections a specialty.]

CENTRALIA, ILL., *June 3, 1914.*

Mr. ROY HORN, *St. Louis, Mo.*

DEAR SIR: I beg to reply that as chief of police of the city of Centralia, Ill., from May, 1912, to May, 1913, I experienced a great deal of trouble with the men employed in the Illinois Central shops, the larger part of them being of a disorderly disposition. I consider their being here a detriment to the business interest of the city.

Yours, truly,

R. A. WATTS,
Ex-Chief of Police.

[Quality Corner, Henry Shaw: all kinds of footwear; 1623 Charleston Avenue and Seventeenth Street, Opposite post office.]

MATTOON, ILL., *May 18, 1914.*

UNITED STATES INDUSTRIAL COMMISSION.

GENTLEMEN: I have been in the retail business in Mattoon for a number of years. I am very sure that the strike on the Illinois Central Railroad has made a hardship on every merchant in our city, and if it could be settled now it would be a great help to all lines of business in our city, and the railroad company as well.

Yours, very truly,

HENRY SHAW.

[Charles T. Welch, banker and broker, money loaned on real estate and collateral, farm loans, mortgages and notes for sale.]

MATTOON, ILL., *May, 1914.*

The INDUSTRIAL RELATIONS COMMITTEE.

GENTLEMEN: As a citizen and a business man of the city of Mattoon, Ill., I wish to bring to the attention of your honorable body for consideration and action the conditions prevailing as a result of the labor war which has been carried on for almost three years by the Illinois Central Railroad Co. against its former employees.

Not being fully informed I will not attempt to explain same, but as to conditions resulting therefrom I wish to say that not only the men concerned directly but the business men and citizens generally have sustained heavy losses.

These losses have been caused partly by the fact that honest, hard-working men have been replaced by those who will evade payments of all bills possible, this entailing a double loss, and partly by delayed or damaged goods owing to the demoralized conditions of the road.

As a citizen of Mattoon and of the United States and being vitally concerned in the welfare of the Nation and of this community I can not urge upon you too strongly to give this matter your earliest and most rigid investigation, with a view to an early termination of the trouble.

Very truly, yours,

CHAS. T. WELCH.

[The Pennington Co., dealers in and manufacturers of high-grade granite and marble monuments and mausoleums and building stone. 2121 Western Avenue.]

MATTOON, ILL., *May 22, 1914.*

To the officers and members of the United States Industrial Commission.

GENTLEMEN: The writer understands that your honorable body is to be asked to investigate the strike of union employees of the Illinois Central system. It is the opinion of the writer that the safety and welfare of the public in general would be better conserved if the employees of public carriers are members of trades-unions. The reason for this opinion is that union men are, first, citizens of permanent places of abode; second, that owing to this fact they make more reliable workmen because of their desire to acquire and maintain a permanent place in the social and religious affairs of the community in which they reside. On the other hand, the nonunion workman is on the job to-day, and gone to-morrow, taking little or no interest in his work for that reason. The union workman has ever before him that on the retaining of his job depends the comforts of a home for himself and family and a place in society of which he need not be ashamed. The undersigned most certainly believes that it would be to the advantage of the business world of Mattoon if the the striking employees of the Illinois Central were reinstated in their former positions.

Sincerely, yours,

HERB PENNINGTON.

MAYOR'S OFFICE,
Freeport, Ill., July 28, 1914.

THE INDUSTRIAL RELATIONS COMMITTEE.

GENTLEMEN: As a citizen and a business man of Freeport I wish to bring to the attention of your honorable body for consideration and action the conditions prevailing as a result of the labor war which has been carried on for almost three years by the I. C. R. R. Co. against its former employees.

Not being fully informed I will not attempt to explain same, but as to conditions resulting therefrom I wish to say that not only the men concerned directly but the business men and citizens generally have sustained heavy losses.

The losses have been caused partly by the fact that honest, hard-working men have been replaced by those who will evade payments of all bills possible, this entailing a double loss, and partly by delayed or damaged goods owing to the demoralized conditions of the road.

As a citizen of Freeport and of the United States, and being vitally interested in the welfare of the Nation and of this community, I can not urge upon you too strongly to give this matter your earliest and most rigid investigatjon with a view to an early termination of the trouble.

Very truly, yours,

CHARLES F. FRANZ,
Mayor City of Freeport.

FREEPORT, ILL., *August 28, 1914.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

(Investigation of Illinois Central Railroad Co. and Harriman Lines.)

GENTLEMEN: Attached please find petition circulated and indorsed by Citizens' Commercial Association in January, 1912, for the purpose of trying to get the Illinois Central Railroad Co. and their former employees together.

Former employees agree to meet officials and try to straighten out the trouble. Result, nothing.

Gunmen and sluggers were imported and every effort was made to try and get the locked out men implicated in trouble, but the men, being the better class of employees, declined to have anything to do with that class of men, always conducting themselves as law-abiding citizens should.

The imported gunmen, sluggers, and strike breakers have a long police record at this point, and many of them committed offenses that should have sent them to the penitentiary instead of being paroled to the Illinois Central so they would have a chance to jump their parole.

Hoping this will be of some use to you in defining the stand taken by an arrogant corporation against their former employees, I beg to remain,

Yours, respectfully,

M. C. JENKINS,
143 Stephenson Street, Freeport, Ill.

PETITION OF CITIZENS COMMERCIAL ASSOCIATION TO ILLINOIS CENTRAL RAILROAD CO. AND SYSTEM FEDERATION OF RAILWAY EMPLOYEES.

JANUARY 2, 1912.

Mr. C. H. MARKHAM,
President Illinois Central Railroad Co., Chicago, Ill.

DEAR SIR: You will find inclosed herewith a petition addressed to your company and to the System Federation of Illinois Central Railroad shop employees. The subscribers thereon are representative business men of Freeport, and th bulk of them are patrons of the Illinois Central Railroad. We trust it may receive due consideration from you and that it may be instrumental, at least in part, in bringing your road and the federation together to your mutual advantage.

Trusting a settlement may be effected in the immediate future, we are,

Yours, very truly,

CITIZENS COMMERCIAL ASSOCIATION,
_____ _____, *Secretary.*

To the Illinois Central Railroad Co. and to the federation of shop employees lately employed by said company:

We, the undersigned business men of the city of Freeport, deploring the present strike upon the Illinois Central Railroad, detrimental as it is to our business, do respectfully ask both sides to this unfortunate controversy to make an effort to settle this trouble. We do not desire to take sides in this matter, but we believe that it would be to the best interests of everyone if each side gave in a little so that the employer and the employees might get together on the common ground of mutual concession and end this strike.

Stukenberg & Borchers; John Vaupel; Michael Scheidt; George Ennenga; Bailes Bros.; Bokemeier & Kaney, Wagner Furniture & Undertaking House; Geo. G. Lusbbing; Herrnmeier Bros.; Christian Fuss, Freeport Trust & Savings Bank; Riley & Wheat; Lilly & Foss; J. Schrenkler & Cahill; John Wagner; Freeport Hardware Co.; Chas. H. Straub; Aug. Kluth, contractor and builder; Otto Wagner, office supplies; O. T. Smith, superintendent Freeport Water Co.; A. C. Wanner, jeweler; H. H. Kuhlmeier, shoe dealer; R. F. Sheridan; H. J. Moogk, druggist; Steffen & Seyfarth, hardware; Derby & Snyder, grocers; M. L. Parker Co., plumbing and heating; G. V. Armour, manager People's Market; John Hea, music and machines; E. F. Ryan, sewing machines; T. S. Ryan; R. C. Hudson, barber shop; Cramer & Luecke, merchants; New York Hotel; Wm. Ohlendorf, brewery; Rubenstein Co., dry goods; H. J. Hayner, grocery; Fred H. Seitz, grocery; J. F. Ross, merchant; Frank Lohr, harness and saddlery; John Schwarz & Sons, paints and paper; Geo. A. Stemm, pianos; Frank B. Koenig, furniture and undertaking; Robt. Luecke, clothing, boots, and shoes; Fred Rodemeir, merchant; W. H. Brandt & Co., merchant; E. A. Blust, merchant; Schmich & Riordan, merchants; Genant & Landeking, hardware merchants; G. G. Schoeffel, grocery; Bluiter & Braner, paints; G. Byers; R. S. Schwarz, merchant; F. J. Morrell, merchant; F. R. Rice & Co., commission company; S. Ortmeier, boots and shoes; C. P. Guenther & Co., druggists; O. H. Rotsler, insurance; Kuehner Bros., furniture dealers; Freeport Wholesale Grocery Co.; Paris Dye Works; Lichtenberger Bros.; A. H. Davenser, shoes; Merck & O'Brien, meat dealers; John Schneider, flour and feed; J. G. Hayen, livery; George Biller, tinner; Fred Wedkamper, clothing company; J. Pfender & Son, flour and feed; A. F. Wagner, insurance; E. W. Spencer, harness; John Buss, 75 Galena Street; O. H. Nelman, machine shop; W. H. Wagner & Sons, printers and publishers; Arthur J. Bauscher, wholesale flower market; George F. Hoffman, saloon; H. A. Rotzler, jeweler; Chas. F. Johnson, druggist; J. B. Hellmann, New Idea Quilter Co.; J. F. Cramer, grocer; F. A. Schulz, fruit merchant; F. A. Raubenheimer, barber; S. L. Friedly; Geo. Tinsley; Geo. Burkhart; Wm.

Molter; Wachlin & Pfeiffer Bros.; Wm. A. Mann; S. Art & Book Shop; H. D. Zeller, Troy Cafe; H. Schulte; Blachschlagar & Goldman; German Bank; L. R. Jungkuns; R. Bengston; Straub & Nohe; Brokhausen & Hill; Winslow & Co.; Anton Diefenthaler; Wm. F. Jungkuns; J. Billig; A. H. Tempel's Sons; A. W. Schulz, manager Union Pacific Tea Co.; M. B. Considine; A. W. Ford; Zimmerman & Reiter; C. F. Bender; J. A. Kinsella; A. J. Robson; Geo. F. Eichorn; Williams & Beckmire; W. C. Ruch; Jos. Emmert; Jacob Weiss; John A. Wolf; Miller, Jourden & Carroll; Emerick & Barrett; Wm. Walton Nephews; M. Summers; F. A. Read; Huss & Irvin; Brown & Dollmeyer; Burrell Bros.; Specialty Shoe Co.; H. A. Huenkemeier; Welch & Hartman; Angelos & Dickos; Seppis & Paulos; Wm. O. Wright & Co.; Jas. R. Cowley; D. R. Breed; Geo. F. Swarts; J. S. Harpster; Wagner Bindery, Oscar Wagner, proprietor; Hoefer Manufacturing Co.; Baier & Ohlendorf, brewers; The B. P. Hill Grain Co.; Guyer & Calkins Co.; Whiteside & Co.; Will L. Boeke; C. J. Dittmar; M. C. Steffen; A. J. Clarity; C. D. Cramer; John Bruce; Dr. M. M. Baumgarten; J. A. Poling; Franz Bros. Brewing Co.; Chas. D. Franz; Schmich Bros.; Dorman & Co.; Schrader & Scheffner; W. H. Shons, per F. M. C.; Scott Deaner; J. E. Hamlyn; Geo. E. Mauer; Frank Klechner; Geo. Kendall.

CITY CLERK'S OFFICE,
Freeport, Ill., July 21, 1914.

To the Industrial Relations Committee:

GENTLEMEN: As a citizen and city clerk of the city of Freeport, Ill., I wish to bring to the attention of your honorable body for consideration and action the conditions prevailing as a result of the labor war which has been carried on for nearly three years by the Illinois Central Railroad Co. against its former employees.

Not being fully informed, I will not attempt to explain same, but as to conditions resulting therefrom I wish to say that not only the men concerned directly, but the business men and citizens generally, have sustained heavy losses.

Their losses have been caused partly by the fact that honest, hard-working men have been replaced by those who will evade payments of all bills possible, this entailing a double loss and partly by delayed or damaged goods owing to the demoralized conditions of the road.

As a citizen of Freeport and of the United States, and being vitally concerned in the welfare of this community, I can not urge upon you too strongly to give this matter your earliest and most rigid investigation, with a view to an early termination of the trouble.

Very truly, yours,

WM. H. GOSS,
City Clerk, City of Freeport.

BROTHERHOOD RAILWAY CARMEN OF AMERICA,
Paducah, Ky., July 16, 1914.

Mr. FRANK COMERFORD,
Attorney, Chicago, Ill.

DEAR SIR: Inclosed you will find a few question sheets filled out by a few stragglers I ran across.

Congratulations on your success of securing a change of venue for Brother Person's trial.

J. F. MCCREERY.

Inclosed statements made by business men and city officials in Centralia, Ill., five in all. I expect to secure more from that city later on. I find that some are willing to make statements, while others acknowledge that the strike has been very disastrous to their business, but when you ask them to make a statement they balk. I think this is on account of their fear that when the I. C. found that they had made a statement that they would be discriminated against.

Following is a statement I secured from Brother Haun, our picket at Centralia: Men working before lockout, 525; came out September 30, 1911, 98 per

cent; number in Centralia now, 90; left Centralia to secure employment, 435; homes broken up on account of men having to leave, 350. We also find that a good many of the men shipped into Centralia to take the place of the men locked out did not know that there was any trouble of any kind. They were told that no trouble was on.

I instructed the men in regards to filling out question blanks and sending them to your office. I also met with some of the miners in that city, and they told me that they would get up a statement as to their losses caused by being out of employment on account of not receiving sufficient cars to keep them employed.

For any further information desired from Centralia, Ill., write William Haun, 502 South Maple Street. He has been on the job there ever since the inception of the strike and an employee of the I. C. for 25 years previous.

Before reaching Centralia I stopped over at Champlain and secured the following information from George Riley, our picket there: Men working at Champlain before September 30, 1911, 100; men now working, between 100 and 125.

As Brother Haun is to cover Champlain later on I did not stay over to get statements. I next visited Cairo and Mounds, Ill. There were only a few men working at Cairo at time of lockout. Cairo was not very much affected, but business in Mounds, 9 miles from Cairo, is dependent on the employees of the I. C. shops. There was a force of 500 men before September 30, 1911; 96 per cent of these men were white men. At the present time the negroes compose at least 60 per cent of the crew of 500 now employed.

I find that the special agents and gunmen brought in here during the strike were very active in trying to stir up trouble, and on several occasions strikers caught out by themselves were beat up, and on one occasion one of the strikers was forced to kill one of these gunmen in self-defense. He was exonerated. I was told while in Mounds that gunmen had killed men in the yards at night and that no arrests were ever made; also that gunmen were continually having trouble with the city police. On another occasion a striker was shot in the leg by one of the men employed in the shops. I found that there was a great deal of suffering and poverty caused by the strike or lockout, and that one striker and his wife and son committed suicide, supposedly over worry at being out of work and unable to provide for themselves.

As to the lawlessness in Mounds caused by the gunmen, I would refer you to Charles Waldbridge and Harry Cole, police at Mounds all through the strike until lately. I am inclosing a statement from the mayor of Mounds, and will have several more to send in later on. I find that the merchants are not willing to make statements, as they now are having to depend almost entirely on the men now working in the shops, as all of the former employees were forced to leave to secure work elsewhere, with but few exceptions. I think that some very damaging evidence will be given in the question sheets from these men that are now in Mounds and also from those that were forced to leave there.

For further particulars write to John Waldbridge, Mounds, Ill.

I am in Paducah, Ky., now, and expect to get some damaging evidence, as I have a good many statements promised me by men that I have been able to see on my other visits here. From here I will go to Princeton, Ky., and from there to Central City, Ky., where I will be able to get evidence from miners and others who went to court for damages sustained caused by the inability of the I. C. to furnish cars.

Frank, I think that there should be some form for us to fill out, covering our visits at the different points. In that way we would not overlook anything.

Hoping to hear from you soon, I am,

Fraternally,

J. F. McCREERY.

MOUNDS, ILL., *July 14, 1914.*

Mr. FRANK COMERFORD,
Attorney at Law, Chicago, Ill.

DEAR SIR: The effect of the shopmen's strike or lockout on the moral, social, and business relations of our city and community has been deplorable indeed. It has caused many of our best citizens to be thrown out of employment. It has caused others to leave their happy homes and loved ones and go into strange and far-off fields to seek new employment, or perhaps fail in the effort to begin life anew.

The old line-up of boys in the employ of the I. C. R. R. Co. at the time of the walkout could not have been improved on anywhere in the civilized world. All departments here were filled by good, honest, sober, industrious boys fresh from the rural districts, who were loyal to their convictions and true to their company's interests. Those boys are just as firm and loyal to their convictions of right to-day as they were on September 30, 1912, and if this great struggle could be settled with credit and honor to all parties concerned, I feel confident that the boys would all return to their former positions with new zeal, and the I. C. system would be stimulated into new business life.

On the other hand, the class of men imported into this city by the railroad company were failures from the start and up to the present time. They only stay and barely fill the places for a few days and then they run off, or are garnisheed, or come before some justice of the peace and sign over what little wages are coming to them and are gone to try and insinuate themselves into the job of some honest toiler at some other place.

These two classes of men can never live and work side by side in the same town and build up its interests until there is a settlement, once for all, of these great questions.

Hoping that these great issues may be brought before the board of arbitration and that a speedy and impartial settlement may be had, I am,

Yours, very truly,

E. C. FLETCHER, *Mayor.*

MOUNDS, ILL., *July 14, 1914.*

Mr. FRANK COMERFORD,
Attorney at Law, Chicago, Ill.

DEAR SIR: Having been asked to give a statement as to the effect the shopmen's strike or lockout on the I. C. R. R. has had on the business and morals of Mounds, I will state that I am a barber and that my business has decreased 50 per cent since the strike or lockout; and as to the moral effect on the city I will state that the moral standing of Mounds to-day is nothing compared to what it was before the strike or lockout September 30, 1911. The men involved were all good citizens of Mounds, on whom the entire business interest of the city depended for the support of their business. The majority of these men were forced to break up their homes and go elsewhere to secure employment. The men brought in here by the I. C. to take the places of the men locked out were an entirely different class of men as far as moral character is concerned, which is proven by the reign of lawlessness that took place immediately upon their arrival. Several killings took place here in Mounds. I would very much desire to see a settlement reached whereby the old employees could return and reestablish their homes in Mounds again.

WALTER ADAMS.

[L. H. Reed, druggist, 118 South Locust.]

CENTRALIA, ILL., *July 11, 1914.*

FRANK COMERFORD, *Attorney.*

DEAR SIR: I am of the opinion that the Illinois Central strike in Centralia, Ill., has not been for the best interests of either the citizens of Centralia, the strikers, or the Illinois Central Railroad Co. As to the effect produced thereby, because the citizens and business men have felt the strike in a commercial and social way, I am of the opinion that some method or remedy ought diligently to be sought by which such strikes could be prevented, and the matters settled amicably and by committees, or in some manner that loss of time, money, property, occupations, profits, dividends, and earning power generally could be averted.

Respectfully submitted.

L. H. REED.

[Famous, clothing and gents' furnishings.]

CENTRALIA, ILL., *July 11, 1914.*

Mr. FRANK COMERFORD,
Attorney at Law, Chicago, Ill.

DEAR SIR: Ever since the strike or lockout September 30, 1911, we have noticed a marked decrease of about 40 per cent of our business, and we accredit

it to the above cause. Before the lockout the shops were filled with a different class of men from what they have been since, which our police records will prove. They have revolutionized the business standard of our community as to business methods, as no dependence could be placed with the majority of the men who have replaced the men locked out, who were our citizens. From a moral as well as a business standpoint it would be very desirable if an honorable agreement between the company and the men could be reached.

WM. BENJAMINSON.

[Homer Gillett & Co., clothiers, 214 East Broadway.]

CENTRALIA, ILL., *July 10, 1914.*

Mr. FRANK COMERFORD,
Attorney at Law, Chicago, Ill.

DEAR SIR: Having been asked to give from my own observation the effects of the shopmens' strike or lockout has had on business and morals in the city of Centralia, Ill., I will state that the effect has been very disastrous to me and my business, from the loss of trade due to the men being out of employment.

These men before the strike or lockout composed a large part of the citizenship of this community, a good many of them owning their own homes, and were taxpayers having their children in the public and private schools of the city, and on account of being thrown out of work and unable to secure work in the city were forced to break up their homes and move to other cities where they were able to secure employment, and in this way the effect on the business interest of the city was disastrous.

The class of men brought in here by the railroad to fill the places of the men who were out were altogether a different type of men, a good many of them being undesirable from a moral viewpoint, and have been of very little good to us from a business standpoint, as they spend very little of their money in Centralia, but get passes from the company and go to other cities and make their purchases.

I would very much desire to see some kind of a settlement of the difference between the railroad and the men brought about and thereby reestablish the harmonious relation that formerly existed, which would enable these men that were forced to leave Centralia to secure employment, to return to the city and reestablish their homes, which would greatly benefit the city from a business and moral standpoint.

HOMER GILLETT & Co.

[Wm. Gordon Murphey, lawyer.]

JULY 11, 1914.

To whom it may concern:

I am of the opinion that the Illinois Central strike in Centralia, Ill., has not been for the best interests of either the citizens of Centralia, the strikers, or the Illinois Central Railroad Co., as to the effects produced thereby, because the citizens have felt the strike in a commercial and social way, the strikers have felt it in financial and many other ways, and the railroad company has felt it in money matters and inconvenience.

I am of the further opinion that some method or remedy ought diligently to be sought by which such strikes could be prevented and the matters settled amicably and by committees, or in some manner that loss of time, money, property, occupations, profits, dividends, and earning power generally could be averted.

Respectfully submitted.

W. G. MURPHEY.
E. L. WATTS, *Chief of Police.*

[Vass & Brooker, wholesale cigars and tobacco, 119 North Locust Street.]

CENTRALIA, ILL., *July 11, 1914.*

Mr. FRANK COMERFORD,
Attorney at Law, Chicago, Ill.

DEAR SIR: Having been requested to give, from our own observation, the effect the shopmen's strike or lockout has had on business morals in the city

of Centralia, Ill., we will state that the effect has been very bad on our business, from the loss of trade due to the men being out of employment.

The men who were formerly employed in the shops here, or a large part of them, were reared here. We knew them from their boyhood, and knew whom we were dealing with; knew they could be trusted. A great number of them owned their homes, hence took a pride in the upbuilding of our community. On account of being thrown out of work, these men were forced to seek work elsewhere, disposing of their homes in many instances at a sacrifice, this having a tendency to hurt real estate values and otherwise injuring business generally. In our own case, being cigar manufacturers, we had spent years building up our business through the friendships we had formed with the shopmen. Since the strike these men have left Centralia, leaving us practically where we were when we began business many years ago. We simply mention this in our case, believing the same condition applies to the other business men of Centralia.

The class of men brought here by the railroad to fill the places of the old employees are a different class of men, most of them being of that floating type who stay at no place for any length of time, some of them being undesirables from a moral viewpoint, and have done us but very little good from a business point of view.

We would very much desire to see some kind of settlement between the railroad and the old employees made whereby they may return to Centralia and take up their old positions with the company and again become citizens of our city. If this could be done, we firmly believe the railroad, the business men, and the old employees would be mutually benefited.

With the wish that this long-drawn-out strike will soon be adjusted, we are,

Very truly,

VARS & BROEKER.

[The S. & S. Meat Market, choice fresh meats, sausages, etc., 133 South Locust Street.]

CENTRALIA, ILL. *May 14, 1914.*

GENTLEMEN: The strike of 1911 has affected our local business very much. We wish that some agreement could be made so the men could go back to work. If we at any time can be any service to you in regards to a settlement we will willingly do our part.

Respectfully, yours,

SCHUCHMANN & SANDMA.

BELL EXHIBIT.

ILLINOIS CENTRAL RAILROAD CO.,
Chicago, April 23, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Complying with your request of the 14th instant for certain information which I undertook to furnish at the time I gave oral testimony in this case, I beg to comply with your request, as follows:

First. I submit herewith a statement showing the ruling rates of pay to all mechanical employees at the time of the strike, this being marked "Exhibit 1" to my testimony. I also append as "Exhibit 2" a statement showing the rates of pay applying to shop clerks at the time of the strike. These rates are now precisely the same as they were at the time of the strike, there having been no increases or decreases since September, 1911. These rates were those which prevailed after the increase put into effect in the early part of the year 1910.

Second. I ask to be excused from furnishing a statement as to acts of violence which interfered with the operation of the railroad, since all these were carefully collected by the different departments and were read into the record by President Markham in his testimony. Any information which I might collect from my files would be a mere duplication of this statement. Mr. Markham's testimony was based upon information furnished by this office as well as other departments of the railroad.

Third. I append to my testimony, as "Exhibit 3" thereto, a statement showing the details of a shop-craft meeting held in the office of the shop superintendent at Burnside on March 31, 1915. This shows the names of the com-

mitteemen present and indicates the character of the discussion. These meetings are held pursuant to a circular issued November 20, 1911, by the then general superintendent of motive power, a copy of which is herewith appended, marked "Exhibit 4." I may say that this statement is a sample of the character of meetings which are held from time to time at the various shops located on the Illinois Central system.

I believe this covers all the matters mentioned by you in your letter.

Very truly, yours,

R. W. BELL,
General Superintendent of Motive Power.

Exhibit 1.

RULING RATES OF PAY PER HOUR, MECHANICAL DEPARTMENT.

Occupation.	Burnside.	Centralia.	Mattoon.	East St. Louis.	Clinton.	Freeport.	Waterloo.
Machinists	$0.39	$0.39	$0.39	$0.39	$0.39	$0.39	$0.39
Machinists' handymen	.26-.30	.28	.25	.28	.28-.30	.28-.30	.28-.30
Machinists' helpers	.21½	.18½	.18	.19	.30	.19	.30
Blacksmiths	.39-.42½	.39-.40	.39-.40	.39-.40	.39-.40	.39	.39-.40
Blacksmiths' handymen	.27-.29			.27	.29		
Blacksmiths' helpers	.26	.20½	.21	.21½	.20½	.21	.21
Boiler makers	.40	.39	.39	.39	.39	.39	.39
Boiler makers' handymen	.27-.30	.25	.25	.26	.26-.30	.28-.30	.28-.30
Boiler makers' helpers	.20½	.19½	.20	.23	.20½	.20	.21
Steamfitters and pipemen	.37	.32		.34½	.35	.34	.34½
Steamfitters' helpers	.23½			.19½	.19½	.19	.19
Painters, locomotive	.28	.25	.25	.27½	.26	.28	.27½
Painters' helpers, locomotive	.21½	.20	.17		.18	.19	.18½
Painters, car	.32½	.25	.20	.27½	.20	.22	.20
Painters, car, helpers	.23½	.20					
Tinners and coppersmiths	.30	.31½	.34½	.34½	.35	.33	.33½
Tinners' and coppersmiths' helpers	.22			.19½			
Laborers, locomotive	.18-.19	.16	.17	.18	.18	.16½	.17½
Engine dispatchers	.26	.20	.20	.24	3.20	.21	.21
Coach carpenters	.31½		.27½	.27		.21	.26½
Freight carpenters	.27	.25	.25	.27	.25	.25	.26
Carpenter helpers	.21	.20					
Car repairers	.21	.20	.20	.20-.21	.20	.20	.20
Car cleaners	.19	.18-.19	.18	.17	.19	.16	.19
Car oilers	.21	.20	.15	.20	.19	.20	
Laborers, car	.19	.18	.18	.17	.18	.17	.18

Occupation.	W. Valley.	Jackson.	McComb.	Memphis.	Paducah.	Vicksburg.
Machinists	$0.39	$0.39	$0.39	$0.39	$0.39	$0.39
Machinists' handymen	.30-.35	.25	.26	.25	.25-.30	.30-.35
Machinists' helpers	.12	.12½	.14-.15	.16	.16-.18½	.15
Blacksmiths	.39-.42	.39	.39-.42	.39-.42	.39-.41	.39
Blacksmiths' handymen	.25	.25-.30	.29		.26	.25
Blacksmiths' helpers	.17½	.18½	.15	.20	.18-.21	.19
Boiler makers	.39	.39	.39	.39	.39	.39
Boiler makers' handymen	.30	.31	.25	.25	.26	.26
Boiler makers' helpers	.15	.17½	.16	.15-.17	.16-.18½	.18½
Steamfitters and pipemen	.37	.37	.34½	.39	.34½	.34½
Steamfitters' helpers	.17½		.14½	.16-.19	.17-.18½	
Painters, locomotive	.30	.30	.30	.31	.30	.31
Painters' helpers, locomotive	.16	.13½		.16		.15
Painters, car	.22½	.20	.22-.25	.25	.20	.21
Painters, car, helpers	.15			.17½	.21	.15
Tinners and coppersmiths	.37	.37	.37	.39	.33	.34½
Tinners' and coppersmiths' helpers						.15
Laborers, locomotive	[1].12	[1].13½	[1].14-.15	[1].14½	[1].16	[1].14½-.15
Engine dispatchers	.20	.16	.26	.25	.23½	.21
Coach carpenters				.30		
Freight carpenters	.25-.27½	.20	.23½-.25	.25	.25	.24-.25
Car repairers	.20	.20	.25-.23½	.20	.20	.15-.17½
Car cleaners	[1].12	[1].13½	[1].15	[1].17½	[1].16	[1].15
Car oilers	.20	.20	.15-.20	.20	.16	.20
Laborers, car	[1].13½	[1].13½	[1].15	[1].14	[1].16	[1].15

[1] Colored.

Chicago, October 3, 1914.

Exhibit 2.

RATES OF PAY PER MONTH OF SHOP CLERKS.

Occupation.	Burnside.	Centralia.	Matteson.	East St. Louis.	Clinton.	Freeport.	Waterloo.
Chief clerk	$130.00	$100.00	$90.00	$100.00	$100.00	$100.00	$110.00
Assistant chief clerk	90.00						
Chief accountant	100.00	80.00	70.00	80.00	75.00	80.00	80.00
Assistant chief accountant	85.00	75.00	65.00	75.00	65.00	75.00	85.00
Assistant chief accountant	80.00						
Assistant chief accountant	75.00						
Car clerk	85.00	80.00	80.00	75.00	75.00	85.00	80.00
Engine clerk	80.00	65.00		65.00			70.00
Statement clerk	70.00						65.00
Stenographer	80.00	55.00	45.00	65.00	60.00	55.00	55.00
Stenographer	55.00						
General foreman, locomotive clerk	95.00	85.00			80.00	80.00	
General foreman, car clerk	85.00						
Timekeeper, locomotive department	85.00	75.00	55.00	70.00	70.00	65.00	80.00
Timekeeper, car department	80.00	75.00		70.00	65.00		
Assistant timekeeper, locomotive department	65.00				60.00	60.00	
Assistant timekeeper, locomotive department	65.00						55.00
Messenger	55.00	50.00					
Piecework, checker, car	85.00	80.00	65.00	65.00	65.00		
File clerk	75.00	55.00		65.00			

Occupation.	W. Valley.	Jackson.	McComb.	Memphis.	Paducah.	Vicksburg.
Chief clerk	$100.00	$105.00	$105.00	$115.00	$115.00	$120.00
Assistant chief clerk		75.00				90.00
Chief accountant	80.00	85.00	85.00	90.00	85.00	85.00
Assistant chief accountant	75.00	70.00	80.00	80.00	75.00	75.00
Car clerk	80.00	80.00		65.00	65.00	80.00
Engine clerk	75.00	60.00	75.00	80.00	65.00	80.00
Statement clerk					75.00	
Stenographer	60.00		65.00	85.00	70.00	55.00
General foreman, locomotive clerk		65.00	85.00	90.00		65.00
General foreman, car clerk	80.00		75.00	75.00		
Timekeeper, locomotive department	75.00	75.00	67.50	80.00	65.00	70.00
Timekeeper, car department	65.00		62.50	65.00	57.50	65.00
Assistant timekeeper, locomotive department	65.00			65.00	57.50	
Piecework, checker, car			75.00	75.00	75.00	
File clerk	65.00		50.00	67.50	52.50	55.00

Chicago, Ill., April 19, 1915.

Exhibit 3.

SHOP CRAFT MEETING HELD IN OFFICE OF SHOP SUPERINTENDENT.

Names of parties attending.	Recommendations for improvements to be made, all sorts.	Action taken on such matters not requiring further approval.
L. A. North, shop superintendent.	ROUNDHOUSE, MAR. 31, 1915.	
Walter Pivylyski, boiler shops	The last five meetings report was made that plank on the west side of track in midway boiler shop in need of repairs.	Refer to B. & B. department.
Wm. Jeffrey, blacksmith shops	1. Frame hammer die in need of attention; also foundation to frame steam hammer in need of attention. 2. Hammer die in need of attention..... 3. Roof in leaking condition..... 4. Ventilation in blacksmith shop very poor. Suggestion was made to apply a suction duct and that arrangements be made to furnish the blacksmith shop with a good grade of fuel oil, in order to overcome excessive smoke, which is brought about by poor grades of fuel oil.	1. Refer to general foreman, locomotive department. 2. Refer to general foreman, locomotive department. 3. Refer B. & B. department. 4. For your recommendations.

Exhibit 3—Continued.

SHOP CRAFT MEETING HELD IN OFFICE OF SHOP SUPERINTENDENT—Continued.

Names of parties attending.	Recommendations for improvements to be made, all sorts.	Action taken on such matters not requiring further approval.
Emil Teistrom, machine shop, machine side.	Last five meetings report has been made of bad conditions of floor machine side, machine shop. Should be given attention.	Refer B. & B. department.
Louis Burgoin, machine side, erection shop.	1. Skylights in need of repairs	1. Refer B. & B. department.
	2. 4 electrical driven emery wheels and 4 upright drill presses, capacity up to ¾ needed for gangs on the erecting side.	2. General foreman, locomotive department.
C. Abberger, locomotive tin shop.	The last five meetings it was reported that the windows were badly in need of repairs. Should receive attention.	Refer to B. & B. department.
	Leak in roof near toilet should be taken care of.	Refer to B. & B. department.
C. Cook, passenger tin shop	O. K.	
Alex Helge, locomotive paint shop.	At the last five meetings report was made that windows were badly in need of repairs. Nothing has been done.	Refer to B. & B. department.
	New horse needed in this department	Refer general foreman, car department.
Joseph Janer, passenger paint shop.	O. K.	
Archie King, passenger shop	O. K.	
James Yeaman, passenger pipe shop.	New horse needed for this department, to be stenciled passenger pipe shop.	Refer general foreman, car department.
	Shades needed on south windows of the passenger shop in the pipe gang.	Refer general foreman, car department.
Peter Fuestion, upholster shop.	Leaky roof in need of repairs. Reported at the last five meetings. Nothing done as yet.	Refer B. & B. department.
	Concrete floor was recommended for the shop to replace old board flooring, which is in need of repairs.	Refer B. & B. department.
G. Peterson, carpenter, cab shop.	Floor near glue pot steam table badly in need of repairs. Floor in general in need of repairs.	Refer B. & B. department.
	Window ropes in need of attention, third report.	Refer B. & B. department.
Axel Jacobsen, freight shop.	Old and new	
	Roof in old freight shop in leaky condition	Refer B. & B. department.
	Windows in need of attention	Refer B. & B. department.
	Floor in need of repairs	Refer B. & B. department.

SHOP CRAFT MEETING HELD IN OFFICE OF MASTER MECHANIC, ILLINOIS DIVISION

	BURNSIDE ROUNDHOUSE, MAR. 10, 1915.	
J. J. Casey, general foreman; Chas. Hawkins, machinist; Jas. B. McDonald, machinist helper; Alex Ryan, No. 1, boiler washer; John Donoter, handyman; Tony Tostelino, flue-fitter; Andrew Carlquist, laborer.	Attention called to vibrating of steam and water piping in coach house, also requested that electric light be placed over portable bulbs in coach house.	Will be taken care of by Burnside organization.
	Attention called to condition of doors and windows of north roundhouse, same being in very poor condition and about ready to fall out.	Should be attended to by B. & B. department at once
	TWENTY-SEVENTH STREET ROUNDHOUSE, MAR. 4, 1915.	
H. L. Needham, general foreman; M. F. Tuttle, carpenter; O. F. Gaskin, engineer; T. Dolan, foreman; Ed. Ritz, boiler foreman; Geo. Christian, blacksmith.	Committee held a meeting but had nothing to offer for this month.	
	FOREMAN YARDS, MAR. 4, 1915.	
Wm. Pub, general foreman; Dennis Lenzi, carpenter; John Sexton, safety appliance man; Mike Sinnickle, air-brake man; Mike Gaul, truck head.	Committee at Needham yards had nothing to offer.	

Exhibit 3—Continued.

SHOP CRAFT MEETING HELD IN OFFICE OF MASTER MECHANIC, ILLINOIS DIVISION—Continued.

Names of parties attending.	Recommendations for improvements to be made, all sorts.	Action taken on such matters not requiring further approval.
	WILSON PASSENGER YARD, MARCH, 1910.	
M. H. Long, general foreman; J. Schaible, carpenter; D. K. Hass, timeman.	Committee at Wilson passenger yards had no recommendations to make for this month.	
	KANKAKEE ROUNDHOUSE, MAR. 2, 1910.	
F. E. Baldwin, general foreman; Carl Nordin, car foreman; Henry Morgan, machinist; John Moore, fireman; Theo Kraus, car repairer; Herman Miller, blacksmith; Dedrick Endicott, carpenter.	The committee at Kankakee met but had no suggestions to offer other than those made at meetings previously, namely, for new roundhouse, new roundhouse, electric motor, raising of repair tracks, also spacing them further apart, etc.	None.
	CHAMPAIGN ROUNDHOUSE.	
W. H. Denley, general foreman; J. S. Hamilton, boiler foreman; A. Delvaux, machinist; A. Rose, box packer; M. Cagnon, boiler washer; J. Sprague, blacksmith; C. White, boilermaker; J. F. Ballard, carpenter; A. Warner, car repairer.	The committee met and discussed several small matters, all of which will be handled locally by organization at Champaign. They had no recommendations to make.	None. Will be taken care of locally.

(Exhibit 4, a circular marked "HI. 4250-11. 23." in upper left-hand corner, was submitted in printed form.)

GRACE EXHIBIT.

RULES AND REGULATIONS GOVERNING SHOP EMPLOYEES OF THE HARRIMAN LINES.

WORK DAY.

Rule 1. The standard working time shall be 8 hours per day and 6 days per week. The working hours shall be from 8 a. m. to 12 noon; from 1 p. m. to 5 p. m. Night forces on a corresponding basis. Night men shall be allowed 9 hours' pay for 8 hours' work. There shall be no lap shift worked. Working hours shall be bulletined. Where continuous service is necessary, three shifts may be worked, as follows: 8 a. m. to 4 p. m.; 4 p. m. to 12 midnight; 12 midnight to 8 a. m. Twenty minutes to be allowed each shift for lunch with pay. All employees will be allowed 1 hour with pay at the close of the week, irrespective of the number of hours worked.

REDUCTION OF EXPENSES.

Rule 2. When any reduction of expenses is to be made, employees shall first have the privilege of a 90-day leave of absence. If any further reduction is necessary, the last man hired within the jurisdiction where the reduction is to be made shall be given a 90-day leave of absence, or until such time as forces are to be increased, when the last man given leave of absence shall be the first man put back to work. Men granted leave of absence shall be furnished with transportation over the Harriman lines. Committee shall be notified by foreman that the services of employees are again required, and employees on leave of absence shall be given 10 days to return to work.

OVERTIME.

Rule 3. All time worked other than bulletined hours shall be considered overtime. Overtime shall be paid for at the rate of time and one-half up to midnight. After midnight double time shall be paid until relieved. No employee

shall work longer than 1 hour without being allowed time for meals. Employees required to work after bulletin hours shall be paid 4 hours for 2 hours and 40 minutes' service, or fraction thereof, if worked before midnight. If after midnight, they shall be paid 4 hours for 2 hours or fraction thereof. Sundays and all holidays designated by the State or Nation shall be paid for at the rate of time and one-half. Holidays falling on Sundays and another day observed by the State or Nation shall be considered a holiday and paid for as such. No employees shall be required to work overtime more than two nights per week or two consecutive Sundays. When overtime is required, it shall be distributed. Employees shall not be laid off from regular working hours to equalize overtime worked. Overtime shall be confined to emergency cases. Men transferred from one shift to another shall be paid overtime for the first night or day, as the case may be. Employees when sent out on the road from their home station shall receive continuous time from the time called until the time they return, as follows: Overtime rates for all overtime hours, whether waiting, traveling, or working, and straight time for what are straight-time hours at the home station, whether waiting, traveling, or working, with an allowance of $1.50 per day for expenses, provided that when away for a period of 36 hours and have been given time for sleep and rest, that the regular rule for time and overtime shall apply thereafter. Expense money to be paid on the following pay day, except in the case of employee leaving the service of the company he shall be paid at the time of leaving service.

DEFINITION OF WORK.

Rule 4. None but machinists and machinists' apprentices shall be allowed to do machinists' work. Machinists' work shall consist of erecting and dismantling locomotives (engines, steam, gasoline, electrical, and turbine), building and repairing of all machinery and finished tools, and the operation of all machines used in such work, except nut tappers, bolt cutters, and drill presses (except where drill presses are equipped with a facing head and turning head or boring bar).

Men in direct charge of machinists' work shall themselves be machinists. Men not having the title of foremen, with pay accordingly, shall not direct machinists nor assume the responsibility of machinists' work.

COMPETENCY.

Rule 5. Competency of the employees entering the service shall be determined within 30 days.

EMPLOYMENT.

Rule 6. Employees shall not be requested to undergo any form of physical examination or make out any form of personal record.

SAFEGUARDING EMPLOYEES.

Rule 7. Men shall not be required to work on engines outside of shop in bad weather. This not to apply to work in engine cabs. Before work on engines undergoing repairs in shops and roundhouses is distributed it shall be cleaned. Roundhouses shall be piped or otherwise arranged so that when the engines are being blown down the steam will be carried from the roundhouse and the danger eliminated. This work to be completed within 90 days after the signing of this agreement.

APPRENTICES.

Rule 8. There may be 1 apprentice to every 5 mechanics in the shop. No apprentice shall be allowed to serve his apprenticeship where there are not proper facilities for learning the trade. Apprentices must know the first four rules of arithmetic and be able to read and write the English language. If within six months an apprentice shows no aptitude to learn the trade, he shall be transferred or released from the service. Shop foreman and shop committee shall be the judges in the case. Apprentices shall be subject to same regulations as mechanics, unless otherwise stated in this agreement. Apprentices shall not be permitted to work nights and overtime, neither shall they be sent out on the road. When force of mechanics are reduced, the number of apprentices shall be reduced to maintain ratio (except apprentices employed previous

to this agreement), seniority to govern in their reduction and reemployment. At the expiration of their apprenticeship, if retained in the service of the company, they shall receive the rate of pay paid mechanics at that point. Apprentices when indentured must be between 16 and 21 years of age and must serve 4 years, consisting of 290 days per year. Apprentices shall serve 3 years on machines and special work and not more than 4 months on any one machine or special work and 1 year on general work. The financial secretary or shop committee shall be furnished with a list containing the dates of employment of all machinists and apprentices every 3 months.

DISCHARGE AND SUSPENSION.

Rule 9. No employee shall be discharged or suspended without a just and sufficient cause. If after due investigation it is found that an employee has been unjustly discharged or suspended, he shall be reinstated with full pay for all time lost. Investigation to take place within five days after date of his suspension or dismissal. Before discharge or suspension takes place, foreman shall notify employee and committee. In case of any doubt, employee shall be left at work pending investigation.

ADJUSTMENT OF GRIEVANCES.

Rule 10. It is understood in the adjustment of grievances the officials of the company will receive a duly authorized committee to act in the premises at any time. Grievances shall be first submitted to shop foreman, and in the event of his decision being unsatisfactory an appeal may be taken by the committee and their duly authorized representatives to the higher officials. The company will not in any way discriminate against employees who are called upon at any time to serve on any committee or to act in the adjustment of grievances, and shall grant leave of absence and free transportation to those delegated to go before the management in the adjustment of grievances. Transportation shall be granted to employees representing their organization to all conventions or meetings.

SANITATION.

Rule 11. Special efforts shall be made to furnish good ice water for drinking purposes, and all pits and floors in shops and roundhouses shall be maintained in a dry, clean, sanitary, and safe condition. Proper toilets shall be provided at all points inclosed from public view, the doors of which shall be kept closed. Also a suitable place for washing purposes.

TIME CHECKS.

Rule 12. Employees leaving the service of the company shall be furnished with a time check covering all time due within 24 hours at all division points where time checks are issued, and 48 hours at all other points. When employees are being paid it shall be during working hours, night men excepted.

RELIEF SERVICE.

Rule 13. When an employee at any of the outlying points requests leave of absence and transportation same shall be granted. Employees shall give 10 days' notice to proper officer of the company. Before the expiration of notice another employee shall be sent to relieve applicant.

TRANSPORTATION.

Rule 14. Employees and dependent members of their families and employees' representatives of the mechanical departments shall enjoy the same privileges in regard to free transportation as that now granted employees and their representatives of the operating department.

ASSOCIATES.

Rule 15. Employees now and hereafter employed and not members of the association represented as the second party in this agreement shall have 30 days in which to obtain membership.

PROMOTION.

Rule 16. When vacancies occur in shop foremanships the company shall consider mechanics of the craft in the shop where vacancy occurs for promotion to foremanship, seniority to govern.

SPECIAL CONSIDERATION.

Rule 17. Employees who by long and faithful service for the company have become unable to handle the heavy work to an advantage will be given preference of such light work as they may be able to handle without any reduction in their rate and without any discrimination.

HOSPITAL DEPARTMENT.

Rule 18. Employees injured or becoming sick while in the service, shall, if necessary, be sent to hospital for treatment, such treatment to be given free of charge, as long as the patient and members of his organization think he requires it. Hospital department shall furnish financial statement of receipts and expenditures to be given employees at least once a year. Employees shall be given equal membership on the board of directors of the hospital department.

WAGES.

Rule 19. All work performed shall be paid for by the hour. All mechanics, apprentices, semiskilled men, and helpers shall be granted a 7-cent flat increase per hour. No employee shall be employed for less than the established minimum rate of pay paid at that point. No employee shall work by piece, premium, or bonus system. Where same is now in existence it shall be discontinued upon the signing of this agreement.

CHANGE OF RULES.

Rule 20. These rules and regulations with rates of pay shall supersede all others, and shall take effect when signed by contracting parties, and remain in effect until change by either party giving 30 days' notice in writing to the other party, during which time a conference shall take place. A copy of these rules and regulations shall be posted on bulletin boards in shop and roundhouses and shall remain in force until superseded by another agreement.

TAYLOR EXHIBIT.

The territory assigned to me comprises the S. P. L. A. and S. L. (hereinafter called the Salt Lake), the Southern Pacific (S. P.), and the O. W. R. & N. Ry. Co. The Salt Lake from terminal to terminal, i. e., from Los Angeles, Cal., to Salt Lake City, Utah; the S. P. from Montello, Nev., to San Francisco, Cal., and from Los Angeles, Cal., to Portland, Oreg., inclusive; the O. W. R. & N. Co. from Portland, Oreg. to Huntington, Oreg., and Spokane, Wash., inclusive.

In cases where I have been unable to obtain exact information and which may come to me at a later date, same will be sent as a supplement to this report.

OTIS, CAL.

Twenty-two men of all crafts came out on strike. All of them have left the vicinity. Some were men of families and homes, but they have scattered in every direction. To date I have been unable to locate any of them.

LOS VEGAS, NEV.

Three hundred men were employed just previous to this strike; 120 quit and 180 walked out at the strike call. There have been as high as 1,182 names on the pay roll in one month. This was during July and August, 1913. At the present time 120 are employed. These are mainly Negroes and Japs.

(1) There was and is a general complaint because of car shortage, failure, and delay in delivery. Los Vegas is entirely a railroad desert point. No. 7 mail train has been annulled on many occasions.

(2) A mechanic helper named Long, an escaped convict from Canyon City, and one hold-up man from Los Angeles were captured in the Los Vegas shops. There have been 99 arrests of scabs for various causes and 66 garnishees known.

E. S. Lee, a timekeeper, padded the pay rolls and was assisted by a number of scabs. He was given three years in Carson City, and the company took its money from the pay checks of the scabs who had assisted in the looting. Many of these drew no pay check for June, 1914.

One scab killed another with a buggy bar; the murderer is serving a life sentence in Carson City.

(3) No known cases of children taken from school.

(4) Fifty-seven families were forced to move from Los Vegas.

(5) Twelve of the strikers have been arrested during the strike; all were released without trial.

(6) About 100 gunmen were employed. On one occasion during 1911 the gunmen beat up a striker at the railroad station. The striker had purchased a ticket and was leaving town; there were no arrests. Many fights took place between gunmen and strikers, but none of a serious nature.

(7) A majority of the men who came from the East claim that they were not informed by the employment agencies that there was a strike on. Following are the particular cases:

During 1911 one carload which left Buffalo, N. Y., with 45 men landed in Los Vegas with 34, 6 of these went to work, the rest refused. About January, 1912, a carload from Chicago and Omaha arrived with 32 men, 16 of whom went to work. In the spring of 1912 the carload which left Denver with 60 men arrived at Vegas with 20. These men claim the company had agreed to ship them to Los Angeles; 8 went to work. During 1914 an average of 3 mechanics per day was shipped by the Municipal Employment Bureau of Los Angeles. There was some scandal among the city officials of Los Angeles on account of this case. April, 1914, 10 Negroes were shipped from Memphis, Tenn., but 2 have remained to date.

(8) There are no factories at Los Vegas, therefore no child labor. Twelve wives work to assist husbands (notable case, Mrs. John Fagan, now deceased). No strikers owned homes, there were no deaths or suicides. Arnold Ganders, whose family resides in St. Louis, was and is supported by strikers.

(9) Morris Newkirk, Los Vegas, Nev., available witness.

CALIENTE, NEV.

Fifty men compose the normal force of this shop; 45 men came out on strike; 5 old men were allowed to stay in by strikers. The greatest number ever employed was 150. They have 40 men of all classes there now.

(1) Charles Wing, a business men, claims to have lost several thousand dollars; all other merchants make the same complaint. There has been and is now serious complaint on account of delays in shipment.

(2) A white machinist, who is still working at Caliente, was fined $100 for shooting up the town during February, 1912. During the same year a woman was killed by a scab. There has been no investigation of this case. Robinson, a scab machinist, and two gunmen beat up a striker. The picket killed Robinson and wounded the other two. A coroner's jury exonerated the picket. Ten scabs have been arrested and fined for disorderly conduct.

Tom Pippin, Earnest Keats, Jack Hains, Louis Meyers, and Si Land (the two latter still in Caliente) were the most notorious of the gunmen. Jack Hains was particularly lawless. He shot up the "Old Crow" bar; was accused of shooting switchlights and trying to fasten the blame on strikers. The citizens finally raised a general howl on his account and company agents ran him out of town. No scab took the bankruptcy act; about 50 have been garnisheed and 100 beat board and bar bills and skipped town.

(3) About 25 children have been taken out of school.

(4) Fifteen families, all with children, moved out of town. All the strikers are gone except two of the old men, who were among the number allowed to stay in by the strikers.

(5) None of the strikers were ever arrested.

(6) Gunmen story is told under question 2.

(7) Many men were brought in and refused to go to work because they claimed that the matter had been misrepresented to them by the employment agency. I have no authentic cases.

(8) I have no cases except those mentioned in (3).

(9) John Cushin and Isaac Blanchard lost everything they had. Their address is Santa Rita, N. Mex. The majority of the strikers of Caliente lost their all.

MILFORD, UTAH.

Normal force prior to the strike was about 90 men; 85 men came out on strike. During September, 1912, 150 men were employed. At the present time there are about 90.

(1) There were serious delays of freight for the first year. Mrs. Beard, a wall-paper merchant, had one car delayed three weeks. During this spring wool was loaded in refrigerator cars. The Moscoe mines have been seriously hampered all of the time and have been forced to shut down repeatedly. (See Luke & Gibson, teaming freighters.)

(2) The first batch of scabs was classed by the citizens as an "outrageous" bunch. Thirty have been arrested since the strike. In many cases where warrants were issued it is claimed that the company gave scabs passes in order to get them out of town. The strikers have no knowledge of any scabs taking the bankruptcy act, and have only one case of garnishee.

(3) Ten children were taken from school.

(4) Thirty families were compelled to break up their homes and move away.

(5) There are 50 cases of arrests of strikers, and in seven instances these men were fined, and in some of these instances the fine was remitted. Allen Hedges, a local gunman, who had been appointed deputy sheriff, arrested three strikers for looking over the company fence, marched them down town at the point of the gun. The men were reprimanded by the judge and turned loose. David Sedgewick and son were arrested for calling "Scab" and fined $50. The railroad attorney is on record as stating that the whole affair was one of outrageous delay and illegal proceedings. The case was finally dismissed.

(6) Harvey Hedges, a gunman, who was paid by the city, county, and railroad company, and another, name unknown, assaulted Pete Peterson. Marshal Hedges brought the other gunman into a saloon where Peterson was playing cards and, pointing out Peterson, told the gunman to kill the S. O. B. During the fight Peterson was badly hurt, and managed to whip the gunman, and while Peterson was being held by other men Marshal Hedges struck him in the mouth. The citizens rose en masse over this offense. The town board finally fined Marshal Hedges $25 for ungentlemanly conduct in an officer. This fine has not been collected to date, and Hedges is still a company gunman and a town marshal. Company gunmen use force in driving pickets from the county road, and at various times shot up the town. During the fall of 1912, 13 gunmen came down town at night with the avowed intention of "cleaning" Deputy Marshal Kirk, claiming that Kirk was unfair to them. By false statements one of them induced Kirk to come outside, and as he came out of the door three of them struck him and all crowded him. Although Kirk appealed to Marshal Hedges for assistance, Hedges only laughed. Finally citizens interfered and ran the gunmen off. During the latter part of May, this year, two gunmen went into the union pool hall and demanded a table. The result was a row, and the proprietor threw them out. They returned in force and rushed the place. Citizens interfered and the entire crowd of gunmen were thrown out.

(7) Fifty men stated to the pickets that they were brought into Milford under misrepresentation. All of these men refused to do the company's service. Walter Ames, vice president of the I. A. of M., has evidence of these cases.

(8) No cases of child labor. Eight cases of wife labor. One home has been mortgaged. Frank Hacker lost his life in the mines and left a destitute family.

(9) David Sedgewick, of Milford, Utah, is an especial case, and would make an excellent witness.

(10) The entire business element of Milford profess friendship for the strikers' side and are desirous of seeing the end of the trouble.

LYNNDYL, UTAH.

(1) A total of 40 men struck at this place. It was a clean sweep. At times there has been three times that number, and at the present time there are about 40 men. Lynndyl is a desert point, and is entirely a shop town.

(2) Most of the men brought in were of the very lowest type. One scab made lead quarters and played the slot machines with them at Meade's store. Mr. Meade was also postmaster, and he had the counterfeit quarter dollars passed on him. Meade claims to know who made them, but was afraid to squeal because of the attitude of the company. No cases of the bankruptcy act or of garnishee; however, I know of 15 cases of scabs beating their bills.

(3) But one child was taken from school. In the remaining cases the children refused to go to school with the children of the scabs.

(4) Ten families were compelled to break up their homes and move away.

(5) None of the strikers were ever arrested.

(6) A man named Tidwell, a deputy sheriff and also a gunman for the company, was particularly obnoxious. On one occasion he followed Miss Morris and a party of her friends to a dance at Lemington, shot up the dance hall, and then followed the strikers' team on its home trip, shouting insults at the strikers and shooting. Shot up Lynndyl, in the vicinity of the strikers' homes. At various times he, accompanied by gangs of scabs, threatened to burn the homes of strikers, and finally terrorized all of them into leaving the town. He made claim to be a United States deputy marshal. He is now serving a term in the penitentiary for cattle rustling. The strikers claim that scabs conducted three blind pigs.

The railroad company owns the well and pumps and furnishes water to the entire town. Water was given free to everybody prior to the strike. After the strike the company put locks on the hydrants and refused water to strikers. The latter were forced to haul water from the river, practically a mudhole, 2 miles away. Hoffman, the hotel keeper, was threatened with a refusal of water because he gave water to strikers from his hydrant.

(7) There are only two cases known to the strikers of men sent in under false pretenses.

(8) One child of the Morris family was put to work. Five cases of wives who worked to assist husbands on strike. The child of Arthur Meade died and his wife was near death. Messrs. Morris, Meade, Lyle, Jerome, and Ivey lost their homes. While there were no cases of extreme poverty, I would suggest the name of Vaughn Morris, 915 West First Street North, Salt Lake City, Utah, as a witness, especially in the water case.

SALT LAKE CITY, UTAH.

This point is the terminal of the Salt Lake and also of the Oregon Short Line. The shops of the two roads are combined. In normal times and before the strike about 190 men were employed. One hundred and seventy men struck. There have been as high as 340 men employed, and at the present time there are about 200.

(1) There has been and now is a serious car and power shortage; an exasperating delay of trains, especially on the Salt Lake. Many of their cars were overhauled by the Pullman Co.

(2) So far as the strikers know, none of the scabs had criminal records. About 15 of them have been arrested for disturbing the peace and carrying concealed weapons. One scab took the bankruptcy act and there is 1 case of beating grocery bill and desertion of family (the address 723 North Second Street West), about 10 cases of garnishees.

(3) No positive cases known of children being taken from school.

(4) Twenty cases of families breaking up and moving away.

(5) Two strikers were arrested, but were released.

(6) J. C. Hayden, a carman, was going home on the street car; this car had several gunmen on board. Hayden left the car and was followed by an Italian gunman, shot, and killed. The railroad company's attorney defended the gunman and the courts turned him free. Strikers are bitter in their denunciation of the courts and the company over this affair, claiming it to be wanton murder and a miscarriage of justice.

Detrick Olson, a crippled carman, was standing on the street. Gunmen made a general and unprovoked attack on pickets. Olson was struck by a bullet. Again the company attorney defended the gunmen and again the gunmen were turned free. The strikers considered the earlier scabs as a gang of Waddell & Mahon cutthroats who were continuously hunting fights. They consider the city courts as fair and impartial; they do not so consider the higher courts. There were many small riots and fist fights, and many fights occurred among the scabs themselves.

(7) The company tried to force four men who were employed by a Kansas City agency for the B. & R. department to go into the shops and scab. These men refused, and all quit. Ten other cases of misrepresentation came to the notice of the strikers. Henry Glase, of Salt Lake City, is charged with hiring men under false representation. There are affidavits to this effect in Mr. Webber's office. Many men who were hired in Dunkirk and Buffalo, N. Y., claimed misrepresentation. The majority of these men either quit or refused to go to work, and the company refused to ship them back to their starting point.

(8) No known cases of child labor. Five known cases of wife labor. No cases of homes lost by foreclosure. One striker, J. H. Bean, was killed at Garfield, Utah, and left a destitute family. A blacksmith, Bert Lemon, lost a child. His wife was taken to the hospital. There were no suicides among the strikers.

(9) The following are cases of severe effect of strike on families: Deane, William Myrick, a helper (extreme case, address care D. & R. G. shops, Salt Lake City); Bert Lemon (28 Harmony Place, Salt Lake City); and Charles Kinder, with a family of 10 children, is another extreme case.

OGDEN, UTAH.

Report sent in by Mr. S. H. Grace, of the machinists.

MONTELLO, NEV.

Fifteen men struck at this point. There are about 25 employed at the present time. Six of the strikers had families with children. All of the strikers are gone; scattered everywhere. I was unable to trace any of them, except a man named Clark now at Elko, Nev., and I was unable to see him.

CARLIN, NEV.

The normal force was 35 men. Thirty men struck. The greatest number employed since the strike began was 150, and there are now 40 men employed.

1. Stock shippers were and are complaining on account of the shortage of cars and delay of shipments. Mr. Thomas Griffin, although a renter of the company lands, is one of these.

2. During 1911, three scabs were arrested on requisition from eastern States. Their subsequent history is unknown. There have been numerous arrests since then for highway robbery, burglary, and like crimes, and 20 cases for fighting, assault, etc. No cases of the bankruptcy act. About 50 cases of garnishee. There are continuous and innumerable cases of beating bills, petty theft, etc. J. A. Isola, of the Overland Hotel, is bitter in his denunciation of the scabs on account of them beating bills.

3. No children were taken out of school.

4. Four families were broken up and moved out of town.

5. None of the strikers were ever arrested.

6. On or about July 4, 1912, 20 scabs led by John Crouch, a boiler maker, now supposed to be employed by the company at Pajaro, Cal., and a machinist named George Lamb made a general attack on the citizens of Pajaro (no pickets were engaged in this battle). The encounter resulted disastrously for the attacking party, especially Crouch.

7. No cases of men being shipped in under false representations came to the notice of the strikers. Strikers and citizens characterized the scabs as being "an abominable, vicious bunch."

8. No cases of child or wife labor, of homes lost, death, or suicide among the strikers.

9. S. C. Rae's family suffered severely because of the strike. A child was born to them during the early part of the trouble. Care was taken of them by the strikers, men in fair circumstances giving them their share of the benefits.

IMLAY, NEV.

Twelve men came out on strike at this place and are completely scattered. I got word of Joe Daugherty and Stangler. These men were machinists and can be traced through Lodge 78, I. A. M., of Reno, Nev.

MINA, NEV.

Thirty men came out on strike at this place. Some had families, and all are gone. I could trace none of them, even by inquiry of the machinists' local at Reno.

SPARKS, NEV.

Six hundred men came out on strike. The greatest number ever employed was 800, and at the present time there are about 500.

1. There were no cases of business failure. Shortage of cars and general delay were and are the grievances of stockmen. A special case happened in January, 1914, at which time a shipment of hogs was delayed two days.

2. There are no cases known of criminal records. There were 100 cases of arrests of scabs for various offenses ranging from burglary to plain drunk during the first year of the strike. The police court fines amounted to $300 during the year 1911; in 1912 they amounted to $1,000. There are 50 known cases of burglary committed by the scabs. "The Toggery" is an especial case; this store has been robbed a number of times. No cases known of scabs taking the bankruptcy act. There were 125 cases of garnishee during the first year; no record was kept after that time. The constant complaint is the beating of board and bar bills.

3. Twenty of the strikers' children were forced to leave school.

4. Sixty families were forced to move away.

5. None of the strikers were arrested.

6. During February or March of 1912 about 150 armed scabs decided to make a general attack on the pickets and citizens of the town, but were forced to desist by one of the foremen threatening to lock the gates, after they had left the bull pen, thus giving them no chance to retreat.

7. Most of the men who were brought to Sparks were of the genuine strike-breaker order. They came from Pittsburgh and Chicago. There were not over 15 cases of men who even claimed to have been deceived.

8. There were 10 cases of child labor and 10 cases of wife labor. There are several cases of men who had to sell their homes and several cases of homes that had to be and are now mortgaged, although there are no cases of homes lost by foreclosure. No deaths among strikers or their families are known. Arthur Hyde committed suicide in Australia, and his wife is now in the Reno Hospital.

9. John Schwanne and Otto Sorrenson suffered severely because of the strike. L. E. Johnson is an exceptional case. Johnson is an elderly man and was given permission to stay in the shop by the strikers. He could not bear the idea and came out anyway. He afterwards applied for reinstatement, but was refused by the company. He has lost his home and all that he had. He may be found by addressing in care of the secretaries of Lodge 610 or 284, I. A. of M., at Oakland, Cal.

TRUCKEE, CAL.

Ten men struck and they are all gone.

COLFAX, CAL.

Five men struck and I have been unable to locate any of them.

ROSEVILLE, CAL.

Two hundred and twenty-five men were employed prior to the strike, 210 men struck; 500 men were employed about September, 1912. The present force is ———.

(1) Mr. E. N. Scribner went out of business lately. Mr. Scribner was especially friendly to strikers.

Roseville is entirely a railroad town and is said to be in company control.

The town is the great clearing yard of the S. P. and has no other industry.

(2) Phipps, a notorious Chicago gunman, was eventually run out of the town by citizens. Ten scabs were arrested and fined for carrying concealed weapons, drunkenness, etc. No cases of the bankruptcy or garnishee known to the strikers. (I personally know of one case of garnishee.)

(3) Twenty-five children were taken from school.

(4) Twenty-five families were compelled to break up their homes and move away.

(5) Six of the strikers were arrested. Each took trial before the local justice and conducted their own cases. Each was finally dismissed.

(6) Company employed 25 extra guards. The railroad police at Roseville were not inclined to be vicious, but the gunmen were insulting to pickets and their families, this provoking many fights. There was no general assault of gunmen on pickets, but there was an incessant war of a guerilla nature.

(7) There were a few cases known to the strikers of men who claimed when approached by the pickets that facts had been misrepresented to them by the employment agencies, and in each case these men quit and left town.

(8) There were no cases of child labor; 10 cases of wife labor; no deaths; no homes lost by foreclosure; and no suicides.

(9) John Veal, now at the W. P. shops at Sacramento, will make the best witness.

SACRAMENTO, CAL.

Four shops at the Sacramento plant (the largest by far in the strike zone) were not struck, namely, the foundry, rolling mill, electric, and bridge shops. These shops employed probably 700 men. Most of them were and still are unionized. Two thousand men were employed in the struck shops; 1,008 men struck. During January, 1913, the company claimed that 4,000 men were at work. About 2,000 men are now employed.

(1) There were no failures of any magnitude. Members of the Retail Grocers' and also Retail Butchers' Association extended credit to individual strikers and also the strike committee. The strike committee has paid all of its debts and so have the majority of individual strikers. There was and is a continuous complaint because of car shortage and delay of trains. Appeals were made to the Post Office Department on account of delayed mail trains, but no redress was ever attained. There are no cases known of the bankruptcy act. The strikers have about 60 cases of garnishee. It was impossible to get good data on paragraphs a and d at Sacramento. What follows is given from memory, newspaper clippings, etc.

(2) One scab wanted for murder in Mexico; one named Marshall, from Salt Lake City, got six years for forgery; and one killed two women and committed suicide. Strikers never attempted to keep any record for fighting, drunkenness, and petty thievery because it was an everyday occurrence. The various officers having police authority would not give this information to me.

(3) About 40 children were taken out of school.

(4) One hundred cases of families breaking up and leaving town.

(5) Ten cases of arrest of strikers and but one conviction. In this case it was a fight on the streets between a striker and a scab; both were arrested for disturbing the peace and both plead guilty. The striker was fined $20 and the scab was released by Justice Anderson.

(6) There was not many cases of lawlessness on the part of the gunmen. In one case, however, a marauding band jumped on a machinist named John Thomas, not a striker, knocked him into the gutter and jumped on his leg and broke it. There were innumerable small riots provoked by company officials and gunmen. The last row occurred in the early part of September, 1912. One hundred and twenty-five men, led by 2 scabs named Kipp and Simms, came out of the gates armed with nuts, bolts, etc., and made a general assault on the 25 pickets. Five of the pickets were seriously but not dangerously hurt. One scab, Simms, and 3 pickets were arrested. The scab was turned loose by the city prosecutor without trial; the pickets stood jury trial and were acquitted. The strikers claimed that this assault was planned by company officials. All expenses of the trial were paid by the strike committee, the general expense being about $600.

(7) As high as 3,000 men were hired during one month. Most of these claimed deception, especially newly arrived foreigners.

(8) About 20 cases of child labor; 50 known cases of wife labor (was probably more); 12 cases of death (the strike committee still owes undertaker bills); no homes lost by foreclosure; no suicides.

(9) W. M. Trefery, City Hall; J. W. Neathercott, Labor Temple, Sacramento, Cal.; and James Allen, of 7 Lake Street, River Forest, Ill., are special cases and Allen is the worst.

TRACY, CAL.

One hundred and fifty men were employed in all capacities prior to the strike; 100 men struck. About 150 men have been employed constantly since that time. Much of the work formerly done at Tracy is now sent to other shops.

(1) There was general complaint by the grain shippers, and the S. P. lost many of its customers to the W. P. There are no factories at Tracy. It is a railroad and wheat community.

(2) No cases of criminal records. Twenty scabs have been arrested and fined, mainly for fighting amongst themselves. No cases of the bankruptcy act and about 20 cases of garnishee.

(3) No children taken from school.

(4) Four families were compelled to break up and move away.

(5) Four of the strikers were arrested for disturbing the peace. All hired lawyers (expense borne by strike committee), stood judge trial, and were acquitted.

(6) About 20 gunmen were employed; and although these men were generally insulting to the strikers and their families, no outbreaks ever occurred.

(7) Eight cases of men claiming deception were made to the pickets. All quit and left town. In each case they were hired in San Francisco.

(8) No cases of child labor; 2 cases of wife labor; 1 striker died from exposure; no homes lost by foreclosure; and no suicides.

(9) J. W. Jones, Box 152, Tracy, Cal., an exceptional case.

STOCKTON, CAL.

Seven men came out on strike, four had families, and all are gone.

SAN JOSE, CAL.

About 150 men were employed during normal times prior to the strike; 97 men struck. The place has been gradually reduced since that time, and 60 men now employed. Mainly white foreigners and Japanese.

(1) Two failures of small business men are reported. Men have been laid off on a number of occasions at the freight sheds, and the canneries have been seriously hampered because of the delay of trains and car shortage. There was general complaint by the fruit shippers on the same account, and cases were reported of fruit being shipped in stock cars that were 6 inches deep with manure.

(2) No cases of criminal records; 8 cases of arrest; no cases of the bankruptcy; and 15 known cases of garnishee. Merchants class the scabs generally as "dead beats" and extend but little credit to them.

(3) No children taken from school.

(4) Twelve families broke up their homes and have moved away.

(5) Fifteen cases of arrest of strikers; 13 cases were dismissed without trial; 2 were convicted. In the case of O. L. Davis, the strikers claim that Davis was absolutely innocent, but took the blame for a man named Ebling. Ebling had a family and afterwards proved to be a spotter. Ebling is now in the employ of the company at San Jose. Davis was fined $100.

(6) During October, 1911, a gunman shot from a bunk car at a crowd of pickets. The bullet lodged in a packing plant by the heads of a number of girls employed there. The gunman laid in jail for one month, but was finally released without prosecution. During December, 1911, a gunman beat up and afterwards shot at two pickets. About 100 gunmen were employed until January, 1912, and after that time were gradually reduced. Many of their guards incessantly insulted the strikers, and one guard especially went around town daring the strikers to fight. He was rewarded with a job switching in the yards.

(7) About 30 men claim deception and left at the solicitation of the pickets. They claim San Francisco as their starting point. (See report on San Francisco.) It is also claimed that Clark Rickett, a local employment agent, has been and is now violating the law.

(8) No cases of child labor; 30 cases of wife labor; 1 home lost by foreclosure and 2 now mortgaged; 8 deaths in families of strikers, mainly because of poverty; no suicides.

(9) E. Van Hagen, 10 Garland Avenue, San Jose, Cal.

SAN LUIS OBISPO, CAL.

Eighty-five men composed the normal force prior to the strike; 80 men struck; 100 men were the greatest number after the strike; 112 men now employed.

(1) There is nor was no general complaint on account of shortage of cars or delay of shipments. This town is not a shipping point.

(2) No scabs with criminal records. Five scabs were arrested, but all were released. The strikers claimed the sheriff failed to do his duty. No cases of bankruptcy or garnishee.

(3) No children taken out of school.

(4) Thirty-five families were compelled to break up their homes and move away.

(5) Eight cases of arrest of strikers; lawyers hired in each case. None were convicted on the charges against them.

(6) Nine gunmen led by one Macy made a general assault on six pickets. Macy shot at the pickets and after shooting used the butt of the gun on Picket William Brown. Shooting again, he struck Picket Brown, inflicting a flesh wound. In the riot that followed Picket Simmons was hit with a blackjack and wounded, but not seriously. Although the police and sheriff were notified by citizens, neither appeared for some time after. When they did arrive the riot was over. Two pickets and one gunman were arrested. Case was compromised the next day. Two guards, one named Parsons, attempted to run a picket named Dumphy away from the streets. In the fight that followed honors were even. Gunman Macy became so obnoxious that the company was forced to remove him from town. Gunman Parsons and one other were accused of robbing cars, but were never arrested. Hobos were taken from the trains by the gunmen, who locked them in the bull pen and tried to force them to scab. There are affidavits to this effect in the district attorney's office.

(7) Many men told the pickets that facts had been misrepresented to them by the employment agencies in San Francisco and Los Angeles.

(8) No cases of child labor; five cases of wife labor; no cases of homes lost, but two have since been mortgaged. Several strikers were paying for lots on the installment plan; lost the lots and their payments also. Several deaths occurred among our families, but strikers do not attribute the cause as being directly due to the strike. McClellan, a striker, and Morgan, alias Norris, a scab, committed suicide; both because of grief occasioned by the strike.

(9) George Hunn is an especial case of poverty. He finally took to drink. Hunn is not vicious. His family of six children were taken by the court. His address is 2482 Howard Street, San Francisco, Cal.

(10) The Rockdale store, the stock of which was mainly owned by strikers, has failed.

PAJARO, CAL.

Twenty men came out on strike. Majority had families, and they scattered everywhere. Up to the present time I have been unable to locate any of them.

SANTA CRUZ, CAL.

Six or more men came out. Several had families, and all are gone.

SANTA MARGARITA, CAL.

Two men struck; both had families and have left.

OAKLAND, CAL.

One thousand men were employed before the strike. Nine hundred and seven men struck. It is estimated that 2,700 was the greatest number employed since. About 650 are now employed.

(1) Three cases of business failure on account of the strike. The chamber of commerce at Hayward, a suburb of Oakland, made a strenuous complaint on account of the shortage of cars and delay of shipments. There was general complaint by all shippers around the bay on this account. The Van Emmons Elevator Co. was forced to shut down in their foundry three times since the inception of the trouble on account of delay in shipments; 18 men were employed.

(2) One Army deserter was captured in Oakland. Twenty-five known arrests for various misdemeanors. No cases of bankruptcy; about 50 cases of garnishee. Mrs. Robinson, of 1840 Seventh Street, running a boarding house, claims to have been beat out of $582 by scabs.

(3) No children taken out of school.

(4) One hundred families were compelled to break up their homes and leave.

(5) There were more than 200 cases of arrests of strikers; but 4 convictions. Twenty per cent of the cases were set free without trial. Judges Smith and Samuels refused to hear many cases, stating that the company was making "goats" of several prominent picket leaders.

(6) There were continuous assaults by the State railroad police on the strikers. (See San Francisco report.) This lasted for one year, and then a committee of business and union men called on the commissioner of public safety, Mr. F. C. Turner, and made a demand that the S. P. keep its gunmen and State police away from the public thoroughfare. The demand was complied with and good results have followed. On April 12, 1912, scabs, gunmen, and State police led by Master Mechanic Hinckley made a general assault under Hinckley's orders on the picket line. The rioting that followed lasted for 30 minutes. Five of the pickets were seriously wounded, and one, Al. Bourian, was unmercifully clubbed by a State policeman. Bourian finally died from the effect. Seven of the pickets were arrested by direction of Mr. Hinckley and turned over to the city police. All of them were set free.

Especially during the time that women were on the picket line outrageously obscene insults were hurled at the strikers and their wives by the State police. One called "Handsome Harry" was slapped by a woman to whom he had passed a particularly obscene sign; a small riot followed.

(7) The majority of the men who arrived in the early part of the strike claimed to have come from the East and had been hired with the impression that there was no trouble. Most of these men quit at the solicitation of the pickets. Sullivan's Employment Agency, of San Francisco, contrary to State law, hired men without telling them of the strike.

(8) No cases of child labor known; 50 cases of wife labor, an especial case being that of Mrs. R. D. Oliver, who was run over and killed while on her way to work. Twelve cases of death due directly or indirectly to the strike; no suicides.

(9) Henry Byron, Jamestown, Cal.; William Matson, 4105 Boyd Street, Fruitvale, Cal.; and Charles O'Toole, corner Eighth and Pine Streets, Oakland, Cal.; either of these would make special cases, and I have no choice.

SAN FRANCISCO, CAL.

Three hundred and twenty-five men were employed prior to the strike; 304 men came out on strike. Greatest number employed since is about 600; present force is 300.

(1) One business failure is known, and the strikers say there was and is general complaint on account of the service, but do not know of specific cases.

(2) No cases of criminal records known. One guard employed was a released convict. During June and July, 1912, two scabs were arrested for highway robbery. Ten cases of arrests for misdemeanor and assaults. One case of the bankruptcy act and about 30 cases of garnishee.

(3) Fourteen children were taken out of school.

(4) Fifty families were compelled to break up their homes and move away.

(5) Twenty or more of our men were arrested; but two were fined. There was a judge trial in each case. The majority of our cases the judge refused to go beyond a preliminary examination, and dismissed the cases.

(6) During October, 1911, 75 gunmen led by one Madden came out of the gates to engage in a general assault on the neighborhood. Citizens of the vicinity armed themselves and allied themselves with the pickets. The gunmen went back.

The company employed about 180 gunmen, whose continuous activities were so pernicious that a committee headed by Mr. R. L. Begnin, president of the Harriman Line Federation, called on Gov. Johnson in December, 1911. The governor, going over the records, informed the committee that no State railroad police had been appointed for the S. P. in the past two years. Therefore the gunmen were illegally assuming State authority. Much less trouble, because of gunmen activity, occurred after that time.

Dan Collins, a picket, seemed to be the especial target of the gunmen, and was arrested seven times by the so-called railroad police, without warrant, and in each case set free.

(7) Much trouble was experienced by the strikers on account of local employment agencies, especially Sullivan's, not informing men in accordance to law that a strike was on. Strikers finally hired a banner man to parade in front of the agency.

(8) Fourteen cases of children put to work; 50 cases of wife labor. One blacksmith died from grief and worry, and his particular friend, a helper, went insane. One man, John Harley, committed suicide. Mr. Purcey, night engineer, is probably the worse case; his wife went to work in a laundry and lost her arm. They have five children.

(9) Henry Elbering, 300A Guerrero Street, San Francisco, Cal., will make a good witness.

RED BLUFF, CAL.

Twenty-five men struck at Red Bluff; at least 10 of these men had families, and I feel certain that 2 of them lost homes. I have so far been unable to locate any of them.

WEED, CAL.

Twelve men were employed during normal times; all of them struck; four of them were married, and all of these broke up their homes and left. Three children were taken from school. There are no strikers now in Weed.

HORNBROOK, CAL.

All the men at Hornbrook struck; there were eight of them. I have been unable to locate any of them.

ASHLAND, ORE.

Forty men were employed during normal times; 30 men struck; 50 men is the greatest number ever employed since. The mechanical gang is now three times the size prior to the strike, but the car gang is less.

(1) The Star restaurant went out of business. This place catered to the scabs, and that is said to be the cause of its failure. There is no general complaint because of lack of cars or service.

(2) No cases of criminal records. Three cases of arrest, two for fighting among themselves, and one for indecent exposure and assault on young girls. The two former cases resulted in conviction. The citizens run the last-mentioned case out of town. No known cases of bankruptcy. The strikers are not sure of any garnishee, but know of many cases of scabs beating bills.

(3) No children taken out of school.

(4) Ten families were compelled to break up their homes and move away.

(5) No strikers were arrested.

(6) Fifteen extra guards were employed. These men were sworn as extra police by the city authority. A quarrel occurred between the mayor and the city recorder, the mayor advocating drastic action against the strikers, who were peaceable, and the recorder decidedly against such action. The recorder carried the day. No cases of disorder occurred because the special police were not allowed to leave the company property.

(7) The pickets know of no cases of men who claimed misrepresentation by employment agencies.

(8) No cases of child labor; 4 cases of wife labor. An especial case is that of Mrs. James Hubech. Mrs. Hubech went to work in a laundry to help earn a living. She had her left hand crushed in a mangle; was absolutely crippled for one year. She now has some use of her hand, but it will always be crippled. The operation and surgeon's care cost $150.

G. W. Pinlger lost his home. He has a crippled wife and one child. Pinlger was finally forced to scab and is now at Pajaro, Cal. No deaths and no suicides.

(9) James Hubech, 108 Second Street, Ashland, Ore.

GRANTS PASS, ORE.

Twelve men were employed during normal times; 8 men struck; 24 is the greatest number employed since; and 16 are now employed.

(1) No business failures, although some merchants who were friendly to the strikers suffered severely at first. There is general complaint because of delay in shipments.
(2) No criminal records, no arrests, no bankruptcy, no garnishees.
(3) No children were taken out of school.
(4) Three families broken up and have moved away.
(5) No strikers arrested.
(6) No gunmen employed.
(7) No cases reported.
(8) No cases reported.
(9) Frank Smith, with a wife and two children, had to leave Grants Pass because no one would employ him. The city was entirely hostile to the strikers. Smith is now employed by the Standard Oil Co. in Putnam, Oreg.

ROSEBURG, OREG.

Eighty men were employed before the strike; 78 men struck; 230 is the greatest number employed since. Present force number is 90.
(1) No business failures. There was and is general complaints because of delay in shipments, but not on account of shortage of cars. Roseberg does no shipping, except in the prune season, and that is small.
(2) Ten gunmen were employed; one of these named Beck was an ex-convict. Ten scabs have been arrested for drunkenness, fighting, insulting women in the streets, etc. No cases of bankruptcy or garnishees, but many flagrant cases of beating of bills.
(3) Five children in one family were taken out of school and they are still out.
(4) Thirty families compelled to break up homes and move away.
(5) Six of the strikers were arrested and all hired lawyers. Two were fined for fighting and the rest released.
(6) The gunmen made several general assaults on the pickets and there were innumerable individual assaults. One gunman shoved a revolver in the face of Picket Schwartz and said he would kill him if he (Schwartz) opened his mouth. The gunman was arrested, but the district attorney refused to prosecute him. Walter Christi, a picket, talking to a local merchant, remarked that a certain scab was carrying a gun. The scab opened a fire on Christi and was arrested; he took jury trial and was released. Roseberg was bitterly opposed to the strikers. It is now as bitterly opposed to the scabs.
(7) Many of the men who were shipped in and were met at the trains by the pickets claimed that they were not informed of the strike by the employment agency at Portland. These men did not go to work.
(8) No cases of child labor; three cases of wife labor; no deaths. Picket Schwartz became insane from worry over the strike and is now an inmate of the California Insane Hospital. His wife is working in a Roseberg store, supporting her two children. One home was lost by foreclosure and one home has since been mortgaged.
(9) Thomas Patterson, 602 Short Street, Roseberg, is an especial case. Patterson has an invalid wife. Alexanderson, with a family of five, was and is destitute. The strikers had divided their benefits with him.

PORTLAND, OREG.

There are two shops at Portland—the northern terminal of the S. P. and the western terminal of the O. W. R. & N.
There were 500 men employed in the O. W. R. & N. prior to the strike and 275 employed by the S. P. Four hundred and ninety-five men struck at the O. W. R. & N. and 245 struck at the S. P. One thousand three hundred is the greatest number employed by the O. W. R. & N. and 600 is the greatest number by the S. P. There are 550 now employed by the O. W. R. & N. and 160 by the S. P.; the remainder of the Portland report is combined.
(1) There was general complaint in Portland on account of the shortage of cars and the delay of shipments. The greatest complaint was from the water front and warehouses during 1913. In the early part of 1913 warehouses refused to accept freight on account of the congestion. Many buildings were delayed on account of shortage of material, due to delays in receiving shipments of structural steel.
(2) Two men were arrested on requisitions of the governor of Texas on charges of robbery. One case of arrest for sodomy. This man was caught by

three switchmen and beaten up so badly that it was necessary to take him to the hospital. No cases of bankruptcy. Forty known cases of garnishee.

(3) Thirty children were taken from school.

(4) One hundred and fifty families were compelled to break up their homes and move away.

(5) One hundred strikers have been arrested. All on charges of disturbing the peace. Some took jury trials, but many accepted trials by the judges. Seventy-five cases taken before the judges were dismissed. Eighty per cent of all cases were compelled to hire lawyers. None of the strikers were ever in jail except when waiting for bail. One case was in the criminal court but was never tried; it is now outlawed.

If the scabs were arrested for carrying concealed weapons, it was noticeable that an equal number of strikers were hauled up for the same offense. The city attorney, Mr. Frank S. Grant, and the company's attorney would use the effect of the latter arrests on the strikers, and compromise the cases of the scabs, thus setting the scabs free.

(6) About 30 gunmen were employed. Some were sworn in as deputy constables and sheriffs. Constable Wienberg went to the O. W. R. & N. shops and took badges from men, who having no authority nevertheless were assuming the same.

During September, 1912, 400 scabs and gunmen led by Supts. Ladd and Graham, of the O. W. R. & N., made a general assault on the Albina picket line, consisting of 17 men. A general riot, lasting 30 minutes, took place. All of the pickets were hit by rocks, bolts, and nuts, and two of the pickets were badly injured. No arrests were made, although there were six policemen on that beat. Sergt. Burk charged some of the scabs with disturbing the peace, but no trial was ever held.

During the summer of 1912 the scabs bombarded the headquarters of the strikers with files, nuts, bolts, etc. During this melée Pickets Robb and Martin were seriously hurt. This instance was like all the rest; two pickets and two scabs were arrested, and the cases afterwards dismissed.

On two separate occasions the pickets' headquarters at Albina were torn down. Headquarters of the S. P. strikers were destroyed four times. One tent, occupied as a home by a striker, was set on fire when the striker was inside and asleep, and once the tent was ripped to pieces by the company gunmen.

During the fall of 1912, 400 scabs armed with bolts, nuts, and clubs made a general assault of the pickets at the S. P. shops. Threats were made by the scabs to kill the captain of the pickets. It was stated that Webber—a notorious gunman—was slated to do the killing.

During the spring of 1912 a picket was standing at the foot of Russell Street about 10 a. m. Picket saw a gunman named Peter Stone go into the ball pen and come out with a bucket of crude oil and go on top of the office. The oil was poured down on the picket and also on a switchman standing near. Picket also saw the gunman afterwards come out of the office, and although he, the picket, made complaint no arrests were made.

Assaults by the gunmen on the pickets were so continuous that citizens in the neighborhood of the shop made complaint to the city authorities. The city authorities placed squads of policemen continuously in the region of the two shops. Decency and order prevailed thereafter.

(7) Employment agents continuously hired men without notifying them, as required by Oregon law, that a strike was on. For a while they were compelled to obey the law, but at the present time they are employing men and telling men that the strike has been declared off.

(8) Twenty-five cases of child labor, 50 cases of wife labor. Twelve deaths have occurred among the strikers and their families, all attributable to the strike. Many men lost homes, but I have no authentic record of these. No suicides.

(9) Frank Tire, 1184 Greeley Street, Portland, Oreg., will make an exceptional witness and strongly recommend that he be called.

NOTE.—It is just reported to the pickets by the scabs that 20 of their members have just been discharged for stealing from cars.

BALLAR, OHIO.

Six men came out; 1 stayed two and a half years but returned to work. I can find no trace of the remaining 5.

SPRINGFIELD, OREG.

Two machinists struck. Their whereabouts is unknown.

ROSQUAM, WASH.

One machinist, a married man, struck. He has broken up his home and left. Do not know his whereabouts.

ALBANY, OREG.

Twenty-five men comprised the normal force prior to the strike; 23 men struck. Seventy-five is the greatest number employed since. Present force is about 60.

(1) There was no general complaint because of the shortage of cars or delay of shipments.

(2) Three extra guards were employed. These men were sworn in as deputy sheriffs. No cases of criminal records. One home-guard scab was arrested for carrying concealed weapons and threatening the peace. He was placed under bond. No case of the bankruptcy act; five known cases of garnishee. Present complaint of the merchants is that the scabs are "dead beats."

(3) Three children of W. W. Wilson were taken out of school and are still out.

(4) Eight families were forced to break up their homes and move away.

(5) None of the strikers were ever arrested.

(6) One scab carried a gun and threatened to kill anyone who spoke to him.

(7) No cases.

(8) No child or wife labor; no homes lost by foreclosure; but three strikers were compelled to dispose of their homes at a loss. No deaths or suicides.

(9) A. Truelove was compelled to move a sick wife and family. His present address is care of 209 Allisky Building, Portland, Oreg.

THE DALLES, OREG.

Thirty-five men was a normal force prior to the strike. Thirty-one men struck. Sixty was the greatest number employed since. Thirty-five are at present employed.

(1) The general complaint by merchants and fruit shippers, cause of delay.

(2) No cases of criminal records, arrests, bankruptcy, or garnishee.

(3) No children taken out of school.

(4) Sixteen families were compelled to break up their homes and move away.

(5) No strikers suffered arrest.

(6) Eleven gunmen, some of known evil reputa, were employed and sworn in as deputy constables. These gunmen on many occasions threatened to kill the pickets, but never carried out their threats.

(7) Strikers report cases of 12 men who claimed misrepresentation by employment agencies. All of these men quit and left at the solicitation of the pickets.

(8) No cases of child labor; 2 cases of wife labor; no cases of homes lost, although three men were compelled to desert the strikers in order to save their homes. One child died because of the poverty of his father. There were no suicides.

(9) The strike parted the family of James Hines, and this family is still parted. Hines is supporting his two children. His last known address is Whitefish, Mont.

UMATILLA, OREG.

Forty men were employed prior to the strike; 36 men struck. One hundred is the greatest number employed since; 35 in the present force.

(1) There was and is complaint against the company because of delay of shipments and shortage of cars. Shippers state that they are in hopes of getting direct connection with the Hill lines.

(2) No cases of criminal records. Two scabs were arrested for criminal conspiracy to injure striker McFarland. No cases of bankruptcy; 2 known cases of garnishee. The merchants complain that the average scab is a dead beat.

(3) No children were taken out of school.

(4) Three families broke up their homes and moved away.

(5) Scabs spread the story that Striker McFarland, who was running a dairy, poisoned the milk he was selling to customers. McFarland was arrested and forced to hire lawyers and was acquitted.

(6) Six guards were employed who had no particular authority except that of making trouble. One, a "bad man" from Pasco, Wash., did not live up to his former reputation and was run out of town. The gunmen were vulgar and obscene to the strikers and citizens. Many of the citizens resented the insults, and numerous fights ensued.

(7) No cases of employment agencies.

(8) No cases of child or wife labor. No homes lost, although some were compelled to take cheaper quarters. No deaths or suicides.

(9) No bad cases of destitution. Strikers appear to have done very well.

LA GRANDE, OREG.

One hundred and sixty men were employed prior to the strike; 131 men struck. Two hundred and twenty is the greatest number employed since. Present force is about 70.

(1) One grocery store was compelled to close because the scabs beat their bills. Merchants and shippers were complaining because of car shortage and delay. La Grande shippers, like those of Umatilla, are awaiting the coming of the Hill lines.

(2) No criminal record. Twenty-five arrested for drunkenness and disturbing the peace. Three took the bankruptcy act, and an average of 15 cases of garnishee for every month since the strike began.

(3) No children taken out of school.

(4) One hundred families broken up and moved away.

(5) Twenty of our men were arrested and fined, and the fines were remitted in each case. The charges were for calling "scab." All cases hired lawyers and took judge's trial. All expenses were borne by the local federation.

(6) Thirty extra guards were employed and made deputy sheriffs. All of them were local men of bad reputation. They continually insulted strikers and citizens, tried to provoke fights, and were generally successful.

(7) No cases.

(8) No cases of child labor; 45 cases of wife labor. Two homes lost by foreclosure. No deaths or suicides.

(9) J. J. Guthridge, present address La Grande, with a wife and three children, suffered most from the effects of the strike. There are 10 strikers and their families still in La Grande.

DUNSMUIR, CAL.

Normal force prior to the strike, 85 men; 57 men struck. Two hundred and fifty men is the greatest number employed since, and there are about 120 men now employed.

(1) There were no business failures and no complaint about service. Dunsmuir is entirely a shop town; it was and is in the control of the railroad company.

(2) One man, "Chicago" Miller, was convicted for white slavery and committed to the penitentiary. Ten have been arrested for drunkenness, fighting, etc. No cases of bankruptcy. Thirty known cases of garnishee. There is probably no place in the strike zone where the beating of bills was and is as great or as continuous as in Dunsmuir. It is the one great complaint of the community.

(3) No children taken out of school.

(4) About 15 families were broken up and moved away.

(5) Three cases of arrest. All hired lawyers and stood trial. One was fined $30, and others were discharged.

(6) Sixty guards were employed; all of these claimed to be State railroad police and were badges as such. On two occasions guards tried to start trouble in the saloons and afterwards on the streets by insulting strikers and daring them to fight.

During the winter of 1913 about 30 gunmen came out of the shop, stating their intention of doing up the strikers and the town. There were but few citizens and no strikers on the street at the time. This affair ended as it began—in noise.

New Year's Eve, 1912, 25 gunmen were in a snowball fight with boys. One of the gunmen slapped a child. A citizen interfered and "cleaned the gunner." Remaining scabs drew guns, but other citizens and police officers drove them off.

(7) The usual case at Dunsmuir. Many of the imported men refused to go to work when informed of the strike.

(8) Two cases of child labor and one case of wife labor. No homes lost. One death, Anton Swanson, an old striker, died in grief over the affair.

(9) Thomas Failing, address Dunsmuir, has a family of five and is now sick. He was and is assisted by the strikers.

FRESNO, CAL.

Seventy-five men comprised the normal force prior to the strike; 65 men struck. One hundred and twenty-five is the greatest number employed since, and the present force is about 75.

(1) There were no business failures and no general complaint on account of the shortage of cars. There was and is complaint on account of delay.

(2) No scabs with criminal records. Ten have been arrested for misdemeanor and one for murder. No cases of bankruptcy or garnishee.

(3) No children were taken out of school.

(4) Twenty families were compelled to break up their homes and move away.

(5) Four of the strikers were arrested. All hired lawyers and stood judge trial. All were released. The local federation paid the expense.

(6) Fifteen gunmen were employed and all of them claimed the authority of State police. These harassed and annoyed citizens as well as pickets. One citizen was arrested by them for trespassing and then was released.

During January, 1912, two scabs got into a general "mix-up" and one was killed. The other was arrested on a charge of murder, but was released on the ground of self-defense.

(7) No cases.

(8) There were 10 cases of child labor, 15 cases of wife labor, no homes lost, no deaths, and no suicides.

(9) David Hinton, 909 Van Ness Avenue, Fresno, Cal.

BAKERSFIELD, CAL.

Two hundred and fifty men were employed prior to August 1, 1911; 186 men struck and 15 stayed in. Three hundred and eighty is the greatest number employed since, and the present force is about 280.

(1) One grocer in Kern failed. The failure is charged to the fact that he gave credit to scabs who failed to pay. Merchants claim that the strike has ruined the town. Merchants and shippers have in the past and are now complaining on account of delay. The S. P. lost many customers to the Santa Fe.

(2) Many of the scabs have criminal records, but none with charges pending against them at the beginning of the strike. There have been three arrests for murder. Arrests for misdemeanors are numberless. No cases of bankruptcy. Twenty known cases of garnishee.

(3) No children taken out of school.

(4) One hundred families were compelled to break up their homes and move away.

(5) Twenty-five of the strikers have been arrested. A majority of them took jury trial; all hired lawyers; the federation paid for two cases; the individuals paid for the remainder. In none of the cases was the decision rendered against the strikers.

(6) Seventy-five gunmen were employed. A majority of them men were of known desperate character. Four of them were deputized as constables, and they immediately proceeded to inaugurate a reign of terror. Tents of the strikers were burned on several occasions. The local police refused to make arrests of plain and open violations of the law.

During October, 1911, 3 gunmen made an assault on 2 pickets; 1 picket was badly wounded. Shooting up the yards and the town by gunmen was a nightly occurrence for four months.

During the evening of November 25, 1911, Railroad Policeman Oyster began beating Picket Reinhardt with his club. Reinhardt ran and hid in the rear of the Leader saloon. A small fight occurred on the street during the beating of Reinhardt. Policeman Oyster and four gunmen followed Reinhardt into the

saloon, Gunmen Hardwick and Perry carrying guns in their hands. A small crowd followed them in. Perry and Hardwick began using clubs on the crowd indiscriminately. J. S. Coldereau, a striker, was at the bar before the fight began. Perry began shooting at Coldereau, hitting him five times, the last shot being fired into Coldereau's head as he lay dying on the floor, Perry remarking at the time, "Take that, you S. O. B.; I guess that will quiet you." Perry was arrested and charged with murder. Citizens of Bakersfield openly charged that Reinhardt, the principal witness, was paid by the S. P. Co. to leave the country. The district attorney, Mr. Irwin, was charged by the strikers of being an "S. P. man," and finally juggled the case out of court. Perry's case was called this summer, but was dismissed because Reinhardt, the principal witness, could not be located. Reinhardt had been charged with resisting an officer; bail was furnished by the treasurers of the different unions. When the treasurers of these unions saw how flagrant the case was they demanded the return of the bail money after Reinhardt had left the town, and the authorities, afraid to refuse, gave it to them.

The whole affair is such a shameful travesty on justice that the authorities of California should investigate it, and if they are unable to make Kern County comply with law and order then the United States Government should take a hand.

(7) No positive cases of misrepresentation by employment agencies.

(8) Two cases of child labor and 10 cases of wife labor. No cases of homes lost by foreclosure, although many have since been compelled to sell their homes. There was 1 murder; 3 cases of death because of limited means; one man named Claridge committed suicide; Louis Dorr wounded his wife and committed suicide.

(9) Herbert Sanders, of Taft, Cal., or Walter Dunbar, of Owen and Oregon Streets, East Bakersfield, Cal. Either will make an exceptional witness, but I would recommend Sanders.

MOJAVE, CAL.

Twenty-seven men were employed previous to the strike; 25 men struck. Seventy-five is the greatest number employed since, and they now have about 80.

(1) One restaurant which catered to the strike breakers failed because of the boycott by union men. Mojave is entirely a railroad and miners' town and has no shippers of any kind.

(2) No cases of criminal record that are known to the strikers. There have been about 6 arrests for drunkenness, fighting, etc. No cases of bankruptcy, and but 1 known case of garnishee.

(3) No children taken out of school.

(4) One family moved away. All other strikers were single men, and all have left except one.

(5) Three of the strikers were arrested. All stood jury trials and were acquitted.

(6) Twelve guards, all of them of known evil reputation, were employed.

About January 25, 1912, Ed. Lafevre, a striking car inspector, was shot and killed, supposedly by an Indian mixed breed named Smith. On this occasion 5 or 6 gunmen were outside of Owl Saloon, and one shot as Lafevre came out of the door. Several of the guards were arrested, but no real attempt has ever been made to apprehend the murderer; 2 of the gunmen who made this assault were given 30, 60, and 90 days, respectively, as being accessories. Smith left Mojave about 11 o'clock that night and is still at large. The guards made criminal assaults at the same time on Ernest Mayne, a companion of Lafevre.

Mojave, like Bakersfield, is in Kern County, and although the local authorities did their best in this case, they received no help from the county officials.

Several fights took place between guards, and strikers would be arrested, but were always released. Guards were never arrested.

The murder of Lafevre is as flagrant a miscarriage of justice as that of Coldereau and should be investigated.

(7) Ten Greeks were brought in the day before the strike, but refused to go to work when they learned the conditions.

(8) No cases of child labor; 1 case of wife labor, and she, being a schoolteacher, lost her position; no homes lost; 1 murder; and no suicides.

(9) Ernest Mayne, Mojave, Cal., first-class witness, and strongly recommend that he be called.

LOS ANGELES, CAL.

There are 2 shops in Los Angeles, namely, S. P. and the Salt Lake. At the Salt Lake 225 were normally employed; 225 men struck. Six hundred is the greatest number employed since, and about 220 are now employed. One thousand seven hundred men was the normal force at the S. P. shop; 1,500 men struck. Two thousand five hundred men is the greatest number employed since the strike; present force is about 1,300.

The remainder of the Los Angeles report will combine the 2 shops.

(1) No business failures. During the early part of the strike there was serious complaint by the orange shippers because of car shortage and delay of shipment.

(2) No criminal records are known to the strikers. Fifteen known arrests for misdemeanors. No cases of bankruptcy, and about 25 cases of garnishee. There are numerous cases of scabs beating bills; as a matter of fact, this is the complaint of the merchants on the "East Side."

(3) No children taken out of school.

(4) Two hundred families were broken up and have moved away.

(5) Four of the strikers have been arrested for disturbing the peace; all of them took jury trials; 3 were acquitted and 1 was fined. The local federation paid the expenses.

(6) One hundred and fifty guards were employed; the majority were sworn in as deputy sheriffs.

During the early part of the strike the gunmen were very insulting to the strikers and tried to provoke fight, but were unsuccessful, because the local police made them stay on company property.

About 6 months after the beginning of the strike, and at a time when the company began discharging the guards, George Bennett, an old machinist, who was allowed to stay in by the strikers, was set upon and received a severe beating. None of the strikers ever held any enmity toward Bennett, and they (the strikers) claim that Bennett was beaten up by gunmen.

Claude Reans, a scab foreman, was arrested in a gambling room with a gun and a badge on him. It afterwards developed that Reans had no police authority. The gun and badge were confiscated by local police.

On one occasion a guard named Squires drew a gun on striker James Compton, while both were on a street car. Citizens interfered, and a police officer arrested Squires. Squires was afterwards released.

(7) The employment officers of many of the fraternal orders were and are hiring men for the struck shops.

During the early summer of this year the Municipal Employment Office hired men for the struck lines without telling them of the strike. This is one of the scandals of the present city administration and was stopped by Councilman Wheeler.

(8) Twenty cases of child labor and 15 cases of wife labor. Many cases of homes lost have been reported to me, but I am unable so far to verify any of them. Many of the strikers have since been forced to sell their homes. Ten dentists among the strikers and their families. Hall, a boiler maker, went insane and is confined to the Patton Insane Hospital. His wife is now supporting the family.

SANTA BARBARA, CAL.

Twenty-five men struck at this point. I am unable to locate any of them.

STARBUCK, WASH.

The force employed at Starbuck at the time of the strike was between 75 and 100 men. All but 5 struck. I was unable to get to Starbuck and have written to Mr. Roy Eaton, Box 108, Starbuck, Wash., for information. To date I have not heard from Mr. Eaton.

SUMMARY.

Forty-four points were investigated. Seven thousand four hundred and eighty-two men came out on strike. A number probably equal to one-fifth of this total were laid off or quit just prior to this strike. About 16 division points were not investigated. These employed from two to six men. I believe

that with one exception all of them struck. Their particular story could not be obtained in the time given to me.

On matters relating to the first question: The territory given to me is mainly desert, or at least not thickly populated. Small portions of its are agricultural, and but four towns, namely, Los Angeles, San Francisco, Oakland, and Portland, contain factories of any size whatsoever. Most of the cities have practically no industries but the railroad shops.

On the second question: I have 14 cases of men with criminal records for whom there were warrants and who were caught. Four hundred and forty-one cases of arrests for various misdemeanors that came directly under the notice of the strikers. In only one city could I get information from police-court officers, and I feel sure that my estimate is conservative to the last degree. There are 5 cases of scabs taking the bankruptcy act and 495 cases of garnishee. This information also is given by strikers, and I am sure is exceedingly conservative. The general answer given to this question was about the excessive number that beat their bills, but as to whether many had been garnisheed or not, strikers appear to have little knowledge or care.

One hundred and eighty children were taken from school. On this question strikers generally deliberately lied, undoubtedly from a sense of pride. The time limit given me would not justify my calling on school superintendents, and in many cases they were out of town, it being the summer vacation. The number given does not include those taken out temporarily because of the removal of their parents to other towns. If this number were counted, it would undoubtedly run past the thousand mark.

The fourth question shows that 1,009 families were forced to break up their homes. All of these can be easily verified. I have no record from Starbuck, a large shop, and the numerous places mentioned previously, which would undoubtedly add at least 50 cases to this number.

On the fifth proposition: Five hundred and fifty-three strikers were arrested, none of them for crime, there were but 20 cases of fines, and all the rest were released. Each case was for fighting, and the highest fine, that of O. L. Davis, at San Jose, Cal., was undoubtedly unjust.

Questions 6 and 7 can not be totalized. They apply to each particular locality and are so given.

Question 8: One hundred and four children were put to work and 353 wives went to work. This number, I believe, falls ridiculously short of the real number, in so far as the labor of wives and children are concerned. I am positive that some of the strikers lied to me, because I talked to wives of men whom I knew had been at work and these men afterwards denied.

Fifty-seven deaths, 4 suicides, 4 insane, 4 murders, and the loss of 11 homes are credited to the strike. The latter case I am sure are also short of the real number.

In the report of each shop I have named a man who would make a good witness. I desire to emphasize the statement made in the case of Lyndyl, Utah (Morris mentioned as witness); Sparks, Nev. (Johnson as witness); Bakersfield, Cal. (Souders as witness); and Mojave, Cal. (Mayne as witness).

In conclusion I realize that my summing up is not accurate, that I have only scratched the surface in this investigation. To give a good account in the same territory one should be allowed 120 days.

J. G. TAYLOR.

LABOR TEMPLE, SACRAMENTO, CAL.

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64TH CONGRESS, 1st Session } SENATE { DOCUMENT No. 415

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. XI

WITH INDEX

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COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Tuesday, May 4, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Harriman, Weinstock, Lennon, O'Connell, and Aishton.

Chairman WALSH. We will please be in order. I might make an announcement that these hearings will open at 10 o'clock each morning and continue until 12.30; adjourn for luncheon until 2; resume and continue until 4.30. Those hours may be relied upon.

Mr. Perham, take the chair, please.

TESTIMONY OF MR. H. B. PERHAM.

Chairman WALSH. Your name is H. B. Perham?

Mr. PERHAM. Yes, sir.

Chairman WALSH. What is your business, please?

Mr. PERHAM. I am president of the Order of Railroad Telegraphers.

Chairman WALSH. How long have you held that position?

Mr. PERHAM. Since the year 1901.

Chairman WALSH. I wish you would sketch briefly your business experience, beginning at the time that you engaged in the telegraph business and down to the present time, assuming that you are a telegrapher.

Mr. PERHAM. I am a telegrapher; yes. I commenced in the telegraph business in 1871 and worked on various railroads throughout the United States and Canada until the year 1895. My positions in the railroad service were from call boy in the train service, as telegrapher, station agent, signalman, and, for a short time, train dispatcher.

Chairman WALSH. Train dispatcher for what railroad?

Mr. PERHAM. For the International & Great Northern Railroad of Texas.

Chairman WALSH. Have you occupied any other position with this labor organization?

Mr. PERHAM. From the year 1889 to 1895 I was general chairman representing the telegraphers on the Denver & Rio Grande Railroad. In the year 1897—May, 1897, to be more correct—I was elected grand secretary and treasurer of the Order of Railroad Telegraphers, an international position. I held that position until the year 1901, when I was elected as its president.

Chairman WALSH. Are there any other organizations of your calling in the United States? I desire to bring out what connection, if any, you had or have with the commercial telegraphers' organization, a hearing upon which was held in Chicago.

Mr. PERHAM. The commercial telegraphers have a union—an international union—and that organization represents that class.

Chairman WALSH. Well, have you any affiliation with them?

Mr. PERHAM. I am a member of that organization in good standing.

Chairman WALSH. Has your organization any affiliation with them?

Mr. PERHAM. A working agreement; that is, an agreement with several articles in it expressly stating where our jurisdiction begins and ends—that is, for both organizations—and what we shall do under certain circumstances, where we find a commercial telegrapher working in the railroad service or a railroad telegrapher working in the commercial service.

Chairman WALSH. Have you a copy of that agreement?

Mr. PERHAM. I have not with me.

Chairman WALSH. Would you be kind enough to transmit one to us, please, so that we may make it a part of our record?

Mr. PERHAM. I will take pleasure in doing so.

(See Perham Exhibit No. 1 at end of this subject.)

Chairman WALSH. Now, I understand you have prepared a statement on the particular subject of your own organization, Mr. Perham, in writing, which you desire to read.

Mr. PERHAM. That is true.

Chairman WALSH. You may submit it now, then, in your own way; and if there are any questions the commissioners wish to ask you afterwards, they will do so.

Mr. PERHAM (reading):

"The act creating the United States Commission on Industrial Relations, among other matters, provides that the commission shall inquire into existing relations between employers and employees, into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations, and also that it shall seek to discover the underlying causes of dissatisfaction in the industrial situation.

"The Order of Railroad Telegraphers, in requesting an investigation of labor conditions on the Pennsylvania Railroad lines east of Pittsburgh and Erie, avers, through its president, that the present attitude of the managers of that company toward its employees and the policies of that company toward organizations of labor constitute a menace to the peace and progress of the people.

"From the great strike of 1887 to the present time, with trouble pending throughout the ranks of the telegraphers, station agents, signalmen, and other classes of employees, its officials have assumed an attitude of arrogance and harshness that inevitably leads to strikes and other disturbances inimical to public welfare and ill befitting a corporation so richly endowed by the people. Reference is made to the Third Annual Report of the Commissioner of Labor, 1887, page 1072, and succeeding pages, for an account of the strike that took place in July, 1887, on that company's lines. The arbitrary and unfair actions of the officials at that time brought on the strike and other troubles, and the same attitude is being assumed by them at the present day.

"This company not only controls its own employees in a manner that constantly tends toward strikes and general dissatisfaction, but being one of the foremost companies of its kind in the United States, its example is often followed by other railroads. Its policies not only affect the conditions of the people in the States traversed by it, but they effect the conditions of people in numerous other States who receive and forward freight and travel over its lines.

"The company recognizes members of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, but these transportation brotherhoods are the only regular labor organizations thus recognized.

"It does not recognize the regular organizations of the telegraphers, signalmen, signal maintainers, linemen, station agents, section foreman, trackmen, machinists, boiler makers, blacksmiths, car repairers, clerks, and others.

"At one time the Order of Railroad Telegraphers had a certain kind of standing with the company. It succeeded in getting its committees into conference with some of the subordinate officials of the company and in inducing them to formulate and publish general notices governing working conditions.

"These general notices were usually posted at division points where employees could see them, and they were to be considered as a proclamation from headquarters for the guidance of employees. The main objection to the general notices is that the officials of the company were at liberty to cancel or amend them at any time that such action suited their convenience or met with the approval of those higher up. They were not contracts such as usually govern the relation between employees and employer.

"After 1907 the Pennsylvania Railroad refused to meet or have any dealings with the regular telegraphers' organization. In 1909 and again in 1912 there was intense dissatisfaction among the employees of the telegraph department. A strike vote was taken in the latter year after the company had refused to see the general committee of the telegraphers to discuss with them wages and working conditions, and had furthermore discharged from their employ the telegraphers who were regularly elected to serve on this committee.

"Realizing the economic waste caused by strikes, the O. R. T. decided, after its members had voted in favor of going on strike, that they would appeal for mediation under the so-called Erdman Act. This mediation the company refused to accept, and opened a recruiting office in Philadelphia for the employment of telegraphers and also equipped its main-line offices with telephones intending to put inexperienced men in charge of those towers. This procedure would have endangered public safety.

"After the refusal of mediation by the company, the employees still desired if possible to attain their ends by peaceable methods, and as a last resort of that character concluded to place the facts before this honorable commission."

I desire to read for the benefit of the record copies of the general notices mentioned, which were issued by the company and took the place of schedules, wage scales, contracts, and things usually made by employees with employer. This is one of the general notices—No. 232—dated Baltimore, Md., August 24, 1908:

"The following regulations are for the information of all interested officers and employees, and are to govern telephone-block operators:

"1. Ability, fitness, and seniority entitle a telephone-block operator to promotion as opportunity may offer. The superintendent shall decide whether the candidate or applicant is qualified therefor.

"2. New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of 10 days, by circular letter (or by telephone message when it can be done without burdening the wires), and at the expiration of that period given to the telephone-block operator making application in writing, if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights.

"3. A telephone-block operator failing to make application for a position forfeits to the man who accepts that position such senior rights as the position may carry with it, but will be given the opportunity to make application for the position when a vacancy occurs.

"4. In reduction of force, the services of the youngest employee (according to his seniority rights) will be dispensed with first; in reemployment, the oldest employee (according to his seniority rights) will be given employment first. Regulation No. 1 to govern in both cases.

"5. Employees transferred from one division to another, at the instance of the company, shall, when a vacancy occurs, be given seniority rights on the division to which transferred. An employee transferred from one division to another, at his own request, shall have seniority rights only from date of transfer.

"6. Employees who have received leave of absence shall not lose their seniority rights.

"G. LATROBE,
"Acting General Agent and Superintendent."

Another such notice, dated Baltimore, Md., April 13, 1910, No. 99, referring to Regulation No. 2 of the general notice for the government of telegraph operators, dated August 12, 1905, which reads as follows:

"New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of 10 days, by circular letter (or by '23' message when it can be done without burdening the wires)—I might explain that a '23' message is a message to all concerned—and at the expiration of that period given to the telegraph operator making application in writing if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights."

Because of the fact that operators on some of the divisions have obtained positions through advertisement and in a few days made application for the positions which they had just vacated, the following is issued as a supplement to this regulation:

"An operator can not make application for a position he has just vacated, but if the position is vacated by the man who fills his vacancy he may then make application and his application will be considered."

There are two other such notices, showing amendments to the original notices that are issued, which I would like to file with the commission [reads:]

"BALTIMORE, MD., *May 9, 1910.*

"GENERAL NOTICE No. 127.

"The following additions to the regulations for the government of telegraph operators are authorized:

"SUPPLEMENT TO REGULATION NO. 2.

"All temporary and prolonged vacancies (of six months or more duration) will be bulletined in the same manner as new positions and permanent vacancies and filled by the senior operator making application in writing, Regulation No. 1 to govern.

"SUPPLEMENT TO REGULATION NO. 5.

"When an office is closed or a reduction of force is made, seniority on the division entitles the employee affected to ask for any position held by another whose seniority is less than his own; and the employee affected shall have this right regardless of the rate of pay he formerly received or the rate of pay of the position to which his senior rights entitle him—Regulation No. 1 to govern. Such senior rights, however, shall not apply to offices where priority exists."

"BALTIMORE, MD., *November 18, 1910.*

"GENERAL NOTICE No. 401.

"The following regulation for the government of telephone operators has been authorized:

"Effective December 1, 1910, telephone operators who handle train orders or messages, block or report trains by telephone in lieu of telegraph, will be given equal rights with telegraph operators, based upon the time of their entering the service as either telegraph or telephone operators, and the same regulations as now in effect governing telegraph operators will apply to telephone operators.

"When a telegraph office is changed to a telephone office, it will not be considered a reduction in force and be open to advertisement unless the rate of pay or hours are changed.

"'It is understood that in filling new positions and permanent vacancies, either telegraph or telephone, in accordance with present Regulation No. 2, both telegraph and telephone operators will be given an opportunity to make application for such positions. In case no applications for telephone positions are received from either telegraph or telephone operators, such positions to be filled by the selection of the superintendent.'"

Relating to charges Nos. 1 and 2 in our petition: The company in the last few years has officially recognized the four transportation brotherhoods, as before stated, and has entered into contractual relations with them. It has, however, persistently made war upon all other regular labor organizations for the purpose of breaking up existing organizations and of preventing the establishment of new ones.

In accordance with this policy it broke up the Brotherhood of Railway Clerks by the simple expedient of discharging those members of the brotherhood who would not withdraw from it.

It has persistently discriminated against the members of the Order of Railroad Telegraphers by refusing them promotion and by discharging and intimidating its members.

When an attempt was made to organize the shopmen in 1911 it discharged all men as soon as their connection with the new organization was established.

The same thing happened in the attempt to organize the shopmen in 1914. As soon as the organization made any headway the company began its old policy of laying off the men who were interested in the movement. The methods used were not always so crude that the employee was told directly he was laid off on account of his union connections, but the general reason given was slackness of work, but the men affected were, in all cases, those interested with the union movement. In quite a few instances the company foreman very frankly told workmen that they were discharged for their labor activities, although they further told them some technical charge would be given officially as the reason for their dismissal.

In support of this we desire to submit a report from Third Vice President J. F. Riley, covering in detail the discrimination of that company against the Brotherhood of Railway Clerks, as follows [reads]:

"Mr. WILBUR BRADDOCK, *Grand President:*

"I hereby make my report covering the period during which I was assigned to duty on the lines of the Pennsylvania Railroad east of Pittsburgh and Erie.

"When I commenced work on that system no trouble was anticipated, and so far as I knew no opposition to our organization existed among its officials. In fact, there was no reason to believe that anything but the most amiable and harmonious relations existed between that company and the brotherhood and that they would be perpetuated.

"Early in May I went to Philadelphia and attended an open meeting given under the auspices of Philadelphia Lodge No. 200. A large number of non-

member clerks in the employ of the Pennsylvania Co. attended this meeting, as well as representatives from the locals at Jersey City, Trenton, and Camden, N. J., and Wilmington, Del. At this meeting the most earnest enthusiasm prevailed, and the early completion of the work on those lines was freely predicted by members and nonmembers alike. A short time previous to this meeting we had organized Washington, D. C., Baltimore, Md., and Wilmington, Del. After this meeting I remained in Philadelphia and vicinity for a few days attending an open meeting at Wilmington, at which Baltimore and Philadelphia locals were represented. At this meeting, like the one in Philadelphia, much enthusiasm was manifested and the prediction freely indulged in that we were in a position to rapidly complete the work on that system.

"I then went to New York City for the purpose of attending an open meeting arranged by Empire State Lodge No. 189 and of doing other necessary work there and in Jersey City. Shortly after may arrival in New York I received a message to the effect that the agent at Waverly Transfer had notified some of the members in the employ of the P. R. R. at that point that it would be necessary for them to either withdraw their membership from the organization or leave the service of that company. In view of the fact that the brotherhood had been established on the lines of the P. R. R. for some seven or eight years I felt that this was only a local matter and could readily be adjusted. Accordingly I called Organizers Crowe and Sherwood, who were in New York at the time, to my assistance, and with them went to Waverly Transfer and had an interview with the agent, Mr. Consadine. Due courtesy prompts me to say that we found Mr. Consadine a perfect gentleman in the interview which resulted. He refused to say whether this order which had been issued had emanated from him or whether he had been instructed by another to take such action. We felt that if the order had been issued at his instigation that we had so represented matters to him that it would not be enforced; if instructions had been issued by a higher official, that such facts would be demonstrated by like orders being promulgated at other points within a few days. We returned to New York, and some three or four days later I was informed that a similar order had been issued to some of the members at Wilmington, Del. Convinced thereby that the opposition being encountered was more than of a local nature, I telegraphed you for authority to form a general board of adjustment on the P. R. R. in order that all locals might take concerted action in an effort to combat such unwarranted opposition from, as I presumed at the time, the minor officials of that company, hoping thereby to adjust this matter. Such authority being given, I accordingly issued a circular letter to all lodges east of Pittsburgh and Erie on the Pennsylvania lines to send the chairman of their protective committees to Philadelphia on May 17 for the purpose of forming such board. It might be pertinent to remark in this connection that some of the members issued a circular to these locals a day or so later stating that such action was unnecessary and uncalled for, that the trouble was of a local nature and could be adjusted by the local protective committees. The following day an order was issued by the company to these members instructing them to relinquish their membership in the organization. The circular letter which they had issued was therefore withdrawn.

"The chairman of the local protective committees of a majority of the lodges on the P. R. R. east of Pittsburgh and Erie accordingly met in Philadelphia on May 17 and a general board was organized. Brother William Wivel, of Washington, D. C., was elected chairman of this board. The following forenoon a communication signed by this general board was sent by special messenger to General Manager Atterbury's office at Broad Street Station requesting an interview at as early a date as possible, and that a reply be returned by the messenger. In reply a note was received from Mr. Ramsey, of Mr. Atterbury's office, stating that Mr. Atterbury was out of the city, but if the committee would call at the office at 11 o'clock a. m. the following day, the 19th, that Mr. Nichols, an assistant to General Manager Atterbury, would give the board an audience. He was informed that the committee would be on hand at the hour named.

"About 10 o'clock a. m. on the 19th General Chairman Wivel was called to the telephone and informed by Mr. Jones, representing Mr. Atterbury, that Mr. Nichols was ill, that Mr. Atterbury was still absent, and that it would therefore be necessary to postpone the meeting until 10 o'clock a. m. the 20th, at which time both Mr. Atterbury and Mr. Nichols would be present.

"At the appointed time the committee (which had been formed from some of the members of the general board of adjustment, as it was deemed advisable to have the entire board go before the general manager) called at Mr. Atterbury's

office and was received by Mr. Jones. He informed this committee that Mr. Nichols was still sick and unable to be at the office, and that it was the invariable rule of General Manager Atterbury not to receive any committee unless Mr. Nichols was present, as he, Mr. Nichols, handled all matters of this character; therefore a further postponement was necessary. It being impossible to say when Mr. Nichols would be able to return to the office, and Mr. Jones agreeing to inform Chairman Wivel when he returned, it was deemed advisable to disband the general board subject to the call of the chairman, which was done. Mr. Jones informed Chairman Wivel that he knew of no discriminatory order having been issued against the members of that organization.

"Some three days after the general board had left Philadelphia I received a telegram from General Chairman Wivel asking me to come to Washington at once. I went there and found that he had been dismissed from the service of the Pennsylvania Co. After going over the matter with him, we hoped, even against the evidence, that the discharge was at the instigation of some minor official in Washington and had not been ordered from the general offices of the company in Philadelphia; that it might therefore be adjusted at a later date through the general board of adjustment when meeting with the general manager. This was based upon the fact that Chairman Wivel's immediate superior, C. E. Wann, had requested him, before going to Philadelphia, not to take any matters to the general manager that could be adjusted locally. It was decided not to take the matter of Chairman Wivel's discharge up with the local officers, but to hold it in abeyance until the general board convened in Philadelphia.

"I returned to New York for the purpose of finishing up some work I had in hand there; visiting Jersey City, Trenton, South Amboy, Atlantic City, Baltimore, Wilmington, York, and other points on the P. R. R. for the purpose of trying to get the members to stand firm and assist in building up the organization to a more effective basis. In the meantime Chairman Wivel was engaged in trying to effect a date of meeting between the general board and General Manager Atterbury without success. It becoming apparent that the management had no intention of carrying out the promises made to the board, through Mr. Jones, I addressed a note to General Manager Atterbury requesting a personal interview. To this note I attached a memorandum giving specific cases of discrimination. As these specific cases should be made a part of this report, a copy of the memorandum sent Mr. Atterbury follows:

"'Washington, D. C.—W. W. Bowie, freight agent, has informed his clerks that if any of them are members of the Brotherhood of Railway Clerks that it will be necessary for them to withdraw from the organization under penalty of discharge for failure, and that if any nonmember clerk under his jurisdiction affiliates with the organization he will be discharged from the service of the Pennsylvania Railroad Co.

"'C. E. Wann, yardmaster, has informed his clerks that it is a case of either withdrawing from the Brotherhood of Railway Clerks or losing their positions.

"'Baltimore, Md.—Acting Supt. Latrobe (in place of Supt. Capp) has told his men that they either had to get out of the Brotherhood of Railway Clerks at once or be dismissed from the service of the company.

"'Yardmaster Sapp, at Bay View, has informed the clerks under his jurisdiction to withdraw their membership from the organization under penalty of dismissal, also instructing clerks who are members to file signed statements that they will withdraw from the organization, and those who are not members to file written statements that they will not become members of the Brotherhood of Railway Clerks or of any kindred organization.

"'York, Pa.—Acting Supt. Latrobe has instructed the members to file written statements that they have withdrawn from the Brotherhood of Railway Clerks and will not in the future join this or any kindred organization.

"'Perrysville, Pa.—The members have been indirectly informed by Yardmaster Cantwell that it will be necessary for them to withdraw their membership from the Brotherhood of Railway Clerks under penalty of discharge.

"'Wilmington, Del.—The clerks in Assistant Engineer Duane's office have been served with written notice to withdraw from the Brotherhood of Railway Clerks under penalty of dismissal from the service. The same has been done in Supt. Bannard's office.

"'The clerks in Gen. Supt. Brooks's office have been given a statement to sign to the effect that they have relinquished their membership in the Brotherhood of Railway Clerks and informed that failure to sign it would result in dismissal from the service of the company.

"'Camden, N. J.—The clerks at Camden have been instructed to relinquish their membership in the Brotherhood of Railway Clerks, being informed that this order came from the management.

"'Trenton, N. J.—Freight Agent Morrison is trying to influence his clerks into withdrawing from the brotherhood.

"'Jersey City, N. J.—W. H. Vreeland has informed his clerks that they must relinquish their membership in the organization at once, under penalty of dismissal.

"'Waverly, N. J.—Yardmaster Wright has informed clerks under his jurisdiction that they must withdraw their membership in the Brotherhood of Railway Clerks at once under penalty of dismissal from the service of the company.

"'Waverly Transfer.—Agent Consadine has informed the clerks under his jurisdiction that they must withdraw from the organization at once or be dismissed from the service.

"'Sunbury, Pa.—The freight agent has been investigating to ascertain who are and who are not members.

"'Renova, Pa.—The master mechanic has advised the clerks in his office to resign from the Brotherhood of Railway Clerks, stating that he wished an immediate reply in order that he might report to his superintendent, W. J. Coughlin.'

"The date for our convention being near, it was necessary for me to leave the Pennsylvania system and go to Toledo, Ohio. However, up to the time of leaving no reply had been received from General Manager Atterbury, and as none was ever forwarded to me, presume no reply was made.

"From Toledo I returned to the general offices at Kansas City, going back to the Pennsylvania lines in August. One peculiar feature of the actions of the officials of the Pennsylvania Co. was the fact that no antagonism had, up to the time of my leaving these lines, been directed against the members in Philadelphia; the only point of importance on that road east of Pittsburgh and Erie where we had any considerable number of members who had not felt the opposition. Upon my return to Philadelphia, however, I found that Local No. 200, in that city, had been forced to disband, the same tactics having been employed as at other points above enumerated. The futility of any attempt to openly reorganize in Philadelphia under such conditions being apparent, I went to New York City, and beginning there personally interviewed every former member possible between that city and Washington, inclusive. The result was that not only did I succeed in saving part of the organization on the Pennsylvania but succeeded in getting a number of nonmember clerks interested who had heretofore shown but a passive interest in the organization. The organization as it now exists upon those lines is absolutely secret. All lodges have been disbanded, and the membership remaining has been individually transferred to the grand lodge. In this connection it might be pertinent to remark that some of our oldest and most enthusiastic former members have given up their membership in fact as well as in theory.

"Being convinced that further effort toward a settlement at this time would be a waste of energy, I returned to Philadelphia the latter part of September and addressed a note to President McCrea of the P. R. R., transmitting it by special messenger, stating that we were anxious to reestablish the harmonious relations which had existed for a number of years between our members and the officials of that company; that I was then in Philadelphia and would appreciate an interview with him in order to present certain facts which I believed would induce him to modify, at least, the discrimination against our members. I also informed him in this note that the absence of any reply would be construed to mean that the policy of discrimination was to be perpetuated. I received a verbal reply by messenger to the effect that President McCrea was out of the city. I supplemented my note by another to the effect that any reply made would reach me if mailed to general delivery at Hagerstown, Md., where I went from Philadelphia. No reply being received, I presume none was made.

"In closing this report I deem it of interest to touch upon some matters of minor importance. It is said that the Pennsylvania Co. maintains one of the most efficient "secret-service" systems in the world, that of Russia even not excepted. All appearances indicate that a secret system of no small proportions is maintained.

"In Washington a most affable stranger occupied a room opposite the one I occupied for a week. When I left I wrote a fictitious address in the mail-forwarding book, going to York, Pa., instead of Baltimore, as shown in the book. Later I learned he left the hotel the same day that I did, but I did not have the pleasure of meeting him again.

"On board a steamer between Baltimore and Philadelphia I later met a most entertaining gentleman, who attempted to find out all about my affairs, where I was going, etc. Perhaps it was a coincidence that I met him a number of times in Philadelphia and later in Jersey City. Each time I would meet him I could not keep from thinking that when a man lost an arm in legitimate railroad service that there was perhaps always an opening for him if he was willing to fall low enough to become a 'spotter' for some corporation.

"On the Courtland Street Ferry one evening, between Jersey City and New York, I met one of the most blunt strangers that it has ever been my pleasure to meet. I feel indebted to him for the most excellent advice he gave me. He inquired my business and asked other personal questions. Of course, he received little information, but the climax came when he said: 'I thought perhaps you were interfering with the employees of the Pennsylvania Railroad Co. I just wanted to say to you that there have been several mysterious disappearances of men engaged in that manner, and I wanted to warn you.' I met many other 'affable' gentlemen. In fact, I was hardly ever from under the surveillance of one of them. Yet these cases are sufficient.

"In a certain city several clerks met at the home of one of them to pass a sociable evening. A vigorous investigation was set on foot by officials of the P. R. R. for the purpose of determining what their object was in getting together, and had they not discontinued their visits no doubt this Russianized secret service would have attempted to 'disperse the rebels' by force if necessary. Patrick Henry warned the colonists that they must act 'before a British guard was placed in every house,' yet but a little over a hundred years later, upon the very soil which his ringing appeal caused to be saturated with the blood of our forefathers, we see peaceable assemblages of free American citizens forbidden and almost see a guard stationed in their homes, and by an employing corporation, not by Government authorities.

"Respectfully submitted.

"J. F. RILEY,
"*Third Vice Grand President.*"

Commissioner AISHTON. What is the date of that communication, Mr. Perham?

Mr. PERHAM. It is in the letter—April 22, 1912.

In relation to the matter of the discharge of the telegraphers' committee, which is mentioned in my statement, here is a letter [reading]:

ALTOONA, PA., *August 29, 1912.*

Mr. A. L. REX,
Signalman, B. P.:

I have been directed to dismiss you from the service, effective at once, for absence without permission since July 28, 1912, and insubordination in refusing to return to duty as directed in my letter of July 25, 1912.

W. H. BALSLEY, *Division Operator.*

By order of the superintendent.

MAPLETON, PA., *September 2, 1912.*

Mr. W. H. BALSLEY,
Division Operator, Altoona, Pa.

DEAR SIR: I have received your two letters of August 29. In accordance with your request I return herewith "C" Pass No. 14144 and my book of rules. I prefer to retain my R. D. certificate for the reason that I protest against being discharged under the circumstances and for the reasons given in your letter and will now make my discharge one of the grievances against the company to be adjusted by the general committee now in session in Philadelphia.

You were fully advised that I was a member of the general committee then and now in session, and from my point of view there is no good reason for my discharge.

Respectfully, yours,

A. L. REX.

MAPLETON DEPOT, PA., *January 11, 1913.*

Mr. W. H. BALSLEY,
Division Operator, Altoona, Pa.

DEAR SIR: I wish to advise you that I am now through with general committee work and desire to return to my regular position "B. P." third trick.

Awaiting your early action, I am,

Yours, respectfully,

A. L. REX.

PENNSYLVANIA RAILROAD CO.,
Altoona, Pa., January 12, 1913.

Mr. A. L. REX, *Mapleton, Pa.*

DEAR SIR: Replying to your letter of January 11, 1913, would respectfully refer you to our letter of August 29, 1912, which you received and acknowledged receipt of, which is self-explanatory, and there is no further action to be taken in the matter.

Yours, truly,

W. H. BALSLEY, *Division Operator.*

In relation to the statements regarding men discharged for union affiliations, I desire to read an affidavit made by Mr. A. E. Ireland, of Pittsburgh, Pa., who is a machinist by trade:

COMMONWEALTH OF PENNSYLVANIA,
Allegheny.

Before me, the subscriber, notary public, in and for Allegheny County, personally appeared A. E. Ireland, of Pittsburgh, Pa., who, being duly sworn, according to law doth depose and say the real cause of the strike that occurred on the Pennsylvania Lines east and west on the 1st day of May, 1911, was brought on by the officials of the company discharging its employees—over 1,000 of them—for their refusal to sever their connections with their labor organizations. The employees had no such thing as a strike in mind. There would have been no strike had it not been for the methods adopted by the company. Officials and members of the several organizations, hundreds of them, were told throughout the Pittsburgh district, in the numerous shops of the P. R. R., that the company had no use whatsoever for the organization of the A. F. of L., and that they were willing for their employees to form a fraternal organization themselves, distinct and apart from that of the A. F. of L., and that the P. R. R. would never allow its employees to connect themselves with the shopmen's federation or any other kind of organizations, no matter what it was, whose object was for the purpose of combining the various trades together, and ultimately make demands upon the company for shorter hours, more wages, and better shop conditions; and further deponent said not.

A. E. IRELAND.

Sworn and subscribed before me, this 21st day of January, 1913.

[SEAL.] THOMAS E. MORGAN, Jr.,
Notary Public.

My commission expires March 10, 1913.

I will submit a large list of similar statements from employees without reading, and I would ask that the commission protect the signers of these and other letters that I intend to present from victimization by the companies that now employ some of these men. The men have been discharged in some instances and again hired, and their testimony is here. I hardly think it is necessary to mention the names, but I file it with the commission as evidence to the statements I have made.

(See Perham Exhibit No. 2. A pamphlet entitled "Pennsylvania Railroad System Federation. Headquarters, Monongahela House, Pittsburgh, Pa. Read and be Convinced," and a clipping, "Pennsylvania begins war on unions," New York Call, Nov. 1, 1908, were submitted in printed form.)

Relating to charge No. 3: The company publicly states that its expenditure for police protection as being about $800,000 annually. We believe that this is only a small proportion of the amount really spent as besides the 700 or 800 men on its regular police force there are thousands of spies and spotters in its employ. Many of these men are known as special-duty men, and are supposed to act as instructors or inspectors, but their real function is to keep close tab on all actions of the men and report them to their division officials.

Their system of espionage is reputed to be one of the most efficient in the world—they set one employee to watching another, and oftentimes a third to watch them both. They endeavor through bribery to corrupt members of labor organizations in order that they may be thoroughly informed as to what is happening in their councils.

In time of strike their regular force of men is largely augmented by the employment of thugs and gunmen from large cities and the surrounding country. These men have no interest in the communities into which they are brought and are, through their insolent actions, a constant incentive to violence upon the strikers' part.

These Pennsylvania police, who are commonly known as "bulls," have followed labor organizers through the streets of cities; have spent the night in front of their doors at hotels, have assaulted union men with blackjacks, and have paraded through the streets of peaceful communities in order to incite riots.

Their existence is absolutely unnecessary as they usurp a State function. The officials of the State themselves do not know who they are, or how many there are, and there is no check on them. We believe that they are a menace to the rights and safety of the people and that the company should be prohibited by law from pursuing such practices.

At various times and places when the employees were attempting to organize the company has hired or rented all the available halls or meeting places to thwart them in their purpose. For instance, about the month of June, 1911, the employees attempted to hold meetings, but the company rented all the available halls and places where such meetings could be held in the towns of Altoona, Juniata, Tyrone, Bellwood, Hollidaysburg, Gallitzin, and Cresson, but a picnic place known as Sylvan Lodge at or near Altoona was overlooked, and the company upon discovering this applied for a temporary injunction, which was granted but eventually dissolved after a full hearing.

In Harrisburg in 1914 at a labor meeting company police blocked the door so effectually that no one could either come in or go out and the civic authorities had to be called in to clear a way.

In their process of intimidation these Pennsylvania police do not hesitate to make false arrests of employees or other citizens. A case in point is that of Harry Clark who was employed at Philadelphia and sent to Pitcairn as a strike breaker without his knowledge that a strike was in progress. On finding that such was the case he left the shops and went direct to the paymaster's office, where he turned in his tools and requested his pay. The next day he was arrested charged with larceny of his tools. W. E. Smith, a machinist in the employ of the company at Johnstown, Pa., was acting as doorkeeper at a joint union meeting of shopmen on March 8, 1911, he was induced to leave the meeting hall by a device, and was then and there arrested by a detective in the employ of the Cambria Steel Co., which company was then owned by the Pennsylvania Railroad Co. The charge was interfering with an officer. No one appeared against Smith and the case was dismissed.

In the publication referred to where the cases of policing this company's property is mentioned, I quote from a pamphlet issued by the company's publicity bureau at Philadelphia, dated February 3, 1914. On the eleventh page this item occurs: "There were 20 arrests for depredations involving the safety of trains. It cost approximately $800,000 to maintain and carry on the work of the police department during the year."

Commissioner LENNON. Is that signed by the company or issued by the company?

Commissioner O'CONNELL. Is that the department that Mr. Lee is connected with?

Mr. PERHAM. I understand so. It is signed by S. C. Long, general manager. I get such copies in almost every mail.

Commissioner AISHTON. You find them in every coach and sleeping car on the Pennsylvania Railroad.

Mr. PERHAM. Yes, sir.

"I will next read a letter from W. H. Pierce, of the locomotive firemen and enginemen, dated Altoona, Pa., March 9, 1914 [reads]:

"L. A. BROWN,

"*Special Investigator, Washington, D. C.*

"DEAR SIR: This it to advise you of the conditions existing upon the Pennsylvania Railroad as known by me personally regarding the spying system as practised by the said company, but better known as the 'bull' system by the employees.

"These spies, or bulls, gather around the main entrance to the hall and have books in their hands; scrutinise the faces of these employees who attempt to enter; and then make believe they are writing down names in the books they have with them. This, of course, intimidates the men, and in many cases the men refuse to enter the hall, fearing they will be discharged by their superior officers, and I can say truthfully I know cases where these men have been called into the office the next day after attending a meeting for the purpose of trying to organize, and have been told they would be discharged if they

attempted to attend any more meetings. These bulls follow labor leaders everywhere they go, not only from one town to another, but go to their hotels, and I saw one by the name of Roddy that was looking at my mail.

"These spies will send out word that they are taking the pictures of the men that attempt to go into a hall where they organize. These bulls are all armed with revolvers and blackjacks, and I know one in Harrisburg by the name of Martin Kane who is not naturalized.

"These bulls will go to a man whose wife is pregnant, and will tell him if he will give him five names of brotherhood men he will be put back to work. They will do the same to men whom they know have sick wives.

"Some of the best mechanics they ever had on this system have been discharged because they joined a labor organization.

"Any further information that you may desire upon this subject I shall be pleased to furnish.

"With best wishes, I remain,

"Very truly, yours, W. H. PIERCE."

"P. S.—Affidavits can be furnished to substantiate these statements."

Here is an interesting affidavit from Mr. T. E. Fidler, of Lutherville, Md., who, I believe, is a telegrapher employed there. [Reads:]

"On September 1, 1912, while the general committee representing the telegraphers on the Pennsylvania Railroad lines east of Pittsburgh and Erie were in session at Philadelphia, Pa., trying to secure a wage scale and set of working rules for the telegraphers employed on said system, I had been sent back to my division to collect ballots on Wednesday, August 28, 1912, and while at home—Lutherville, Md.—on Sunday, September 1, 1912, a gentleman who gave his name as R. Dunn, but who said that this was not his correct name, called to see me and ask that I consider my position with the Pennsylvania Railroad, also Mr. H. B. Perham, as after the telegraphers' trouble was over that Perham would be through with me, but if I would return to work the company would look out for me.

"On Sunday, November 24, 1912, the same party called at my home again, representing himself to be R. Dunn, General Delivery, Philadelphia, Pa., in regard to me returning to my old position with the Pennsylvania Railroad. I asked him if he was employed by the Pennsylvania Railroad, and he replied, 'Not directly, but indirectly.' I also asked him if he was a member of the O. R. T. D. A. and S., and he replied, 'No.' I then asked him if the O. R. T. D. A. and S. was a legitimate organization, and he replied, 'No; it is an illegitimate organization.' I then asked him what he wanted me to do. He replied, 'If you do as I ask you I will have you placed in your old position, and you can continue your membership in your organization'—meaning the O. R. T.—'and can attend meetings any place where they are held, with the understanding that you will report to us anything that takes place in the meeting. You can talk strike and anything you wish, but report back to us those who were the most active at said meetings.' I told him that the men on my division had elected me thinking me to be an honest man, and when I could not be honest with myself and them I would drop out of the organization and leave some one else represent them.

'He further stated that I should not talk too hasty, and consider the matter. I told him that I had considered it thoroughly and had no more to say. He then says, 'Keep under your hat about me being here to-day. Don't you tell H. B. Perham or J. F. Miller; if you do they will be suspicious of you.' I told him all right.

"At the close of the conversation he requested me to write him R. Dunn, General Delivery, Philadelphia, Pa., as to whether or not I would accept the proposition he offered me.

"T. E. FIDLER."

"Sworn to by T. E. Fidler before me, a notary public of the State of Maryland and for Baltimore County, this 13th day of April, A. D. 1914.

"[SEAL.] "ERNEST C. HATCH,
"Notary Public."

(See Perham Exhibit No. 3 for letters submitted in evidence at this point. Newspaper article submitted, entitled "Ex-officer reveals spy system on the Pennsylvania Road," Harrisburg Torch, Feb. 23, 1913.)

More in relation to the gunmen mentioned. Here are some reports from one of our organizers on the subject. I will read the first one. [Reads:]

PHILADELPHIA, PA., *February 16, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last night, February 15, 1913, City Policeman George Oliver (colored), thirty-ninth district, Philadelphia, Pa., said to me in presence of J. Leven, shoemaker, 3444 North Twentieth Street, Tioga, Philadelphia, that the four men who watched the committee while at 3415 North Twenty-second Street last summer were Pinkerton men and regularly sworn-in special officers, and had their authority on them, so he was told, and that he was told they were all right and therefore he did not molest them when citizens complained of their presence; that he was informed the men received $10 per day for the work, and that he understands the P. R. R. requested the service from the Pinkerton Agency. For your information.

Fraternally,
T. E. ELLIS.
General Delivery, Philadelphia, Pa.

(Witness here submitted certain letters. They will be found at the end of this subject, marked "Perham Exhibit No. 4.")

In regard to the assaulting of men mentioned in my statement, I have here an extensive file on the subject, and will read the first affidavit:

STATE OF PENNSYLVANIA, *County of Allegheny, City of Pittsburgh, ss:*

John J. Gallagher, being duly sworn, deposes and says that he is fourth general vice president of the Brotherhood of Railway Carmen of America, and that he resides at No. 20 Prescott Street, Readville, Mass.; that between 12 o'clock midnight and 1 o'clock in the morning of June 25, 1911, in the city of Altoona, Pa., he was murderously assaulted by a special agent of the Pennsylvania Railroad Co. named Charles Luther; a detective named Spangler; Capt. Shafer, of the Pennsylvania Railroad police; and three other Pennsylvania Railroad special agents. Affiant's ribs were broken and he was severely bruised and beaten about the body. He remained unconscious, as the result of being assaulted, for about seven hours. Just prior to the assault affiant was standing outside of Hotel Senate, Altoona, Pa., said hotel being his abiding place at that time. He was watching for one John Schmitt, vice president of the Brotherhood of Boiler Makers and Iron Shipbuilders, whose life he believed to be in jeopardy, as the company detectives and Capt. Shafer, aforesaid, and several other special agents of the Pennsylvania Railroad Co. were in the immediate vicinity, and there having been rumors respecting an assault about to be made upon the said John Schmitt, affiant desired to warn him about this.

While conversing with a painter named Robinson, Charles Luther, accompanied by his wife, passed him and stopped a few yards away, evidently waiting for a street car. A few moments afterwards he walked over to where affiant was standing and asked him where John Schmitt was. Affiant told him that he did not know. Luther thereupon called him a liar and said that he did know. Affiant repeated that he did not know. Luther again called him a liar and said that affiant was a tool of Schmitt, and challenged affiant to go with him away from the square to a vacant lot and he would knock his head off. Affiant refused to accept the challenge. Luther insisted, and became more threatening and abusive. Affiant noticing Patrolman John Bockberger walking up the street toward the corner where affiant was standing, went to him and complained of Luther's conduct. Luther, in the presence of said Bockberger, repeated his threats toward affiant and stated that he would like to take affiant out on the hill and lick him, as he could lick six like him. Patrolman Bockberger remonstrated with Luther and said, among other things, that, as Luther was a constable of Juniata, it was his province to keep the peace instead of trying to disturb it. Bockberger advised Luther to take the next car for his home, and Luther thereupon boarded the next car, accompanied by his wife, and Patrolman Bockberger then went over to the Colonade Hotel. A few minutes thereafter affiant saw Luther returning to the place where the previous conversation took place, and affiant thereupon turned to his companion, the said Robinson, and said: "This fellow is evidently bent on making trouble; I guess I will go into the hotel." Affiant then started for the hotel entrance, but did not reach there, because Luther pounced upon him with a weapon and knocked him senseless. Affiant was afterwards informed that the other detectives and

special agents rushed from their hiding places to assist in the assault, but the presence of the police officers and others who heard the outcry of people who witnessed the assault foiled their plans and probably had the effect of saving the life of the affiant.

Affiant further states that, to the best of his knowledge and belief, the said special agent, Charles Luther, was acting under orders from officials of the Pennsylvania Railroad Co. when he committed the assault aforesaid.

Affiant further states that, to the best of his knowledge and belief, the aforesaid company has manufactured and stored away thousands of clubs to be used against employees under certain circumstances.

Affiant further states that he believes the low wages paid employees and the arrogant, harsh, and cruel attitude assumed by the officers of the Pennsylvania Railroad Co. will lead to riots and disorders in the near future unless some means be found to regulate their action.

JOHN J. GALLAGHER.

Subscribed and sworn to before me this 5th day of December, A. D. 1912.

[SEAL.] EVA A. MILNE, *Notary Public.*

My commission expires February 21, 1915.

Gallagher was vice president of the Brotherhood of Railway Carmen.

I offer for the record the balance of the file pertaining to that case.

(For file so offered by the witness see Perham Exhibit No. 5. Two newspaper clippings submitted, entitled "Organisers are wanted by an irate parent," Altoona Times, July 28, 1911, and "Organizers are accused after leaving city," Altoona Gazette, same date.)

In relation to the injunctions mentioned to prevent the meetings of employees, for the purposes of the record, I will read a court paper in the case [reads]:

"In the court of common pleas of Blair County. Anna W. Baker, plaintiff, against H. H. Barnett, J. W. Crabb, John Gallagher, E. Flood, T. H. Flynn, J. W. Smith, John Doe, and others to the plaintiff unknown, defendants. No. 749, Equity Docket 'E.'

"By the Court:

"Plaintiff filed this bill in equity, accompanied by injunctional affidavits, praying that defendants be enjoined and restrained from assembling upon the land belonging to the plaintiff, located in Logan Township, upon which is erected a building known as Sylvan Lodge, by reason of the fact that her lease with H. H. Barnett, the tenant, provided that the premises should not be sublet except to persons satisfactory to the lessor; that notwithstanding the demise of the premises is for an exclusive purpose the defendants, H. H. Barnett and J. W. Crabb, his sublessee, had leased and sublet, or was about to lease and sublet, the premises to one or more of these defendants without her consent and permission; that the purpose for which the premises were sublet was for the holding of a mass meeting in Sylvan Lodge, which is not adapted to or safe for the accommodation of such an assembly of people, and that if such meeting were held the property would probably be greatly damaged and the lives and limbs of the people attending endangered. Upon these averments we issued a preliminary injunction, which we are now asked to continue.

"The witness for the plaintiff at the preliminary hearing, one of whom was a carpenter, testified to the fact that Sylvan Lodge is not a safe and proper place for a large number of people to collect and congregate.

"This testimony was not denied nor in any way contradicted by the defendants, except one witness testified that on an occasion last summer during the period of a couple of hours a large number of people were accommodated in the building.

"We felt at the time we granted the preliminary injunction, as we do now, that it would be unwise to run the risk of endangering the lives of people who were gathered in Sylvan Lodge innocently believing that the building was safe and strong enough to hold them.

"It seems to us, aside from the fact that the lease of these demised premises prohibits subletting without the consent of the lessor that it is better to temporarily inconvenience the persons interested in holding the alleged meeting than to endanger human life.

"The defendants all testified that Flynn et al. had not leased the premises from the lessees; that they purposed simply to congregate and assemble upon the premises of the plaintiff for the purpose of holding a picnic where speeches

would probably have been made. We feel that we are not justified in enjoining such a congregation or assembly of people; that that would be a right and privilege which the lessee could extend to the other defendants without violating the conditions of the lease; the people so assembled would have the right to go in and out of Sylvan Lodge and obtain lunches, etc., in accordance with and under the terms of the lease, to make, deliver, and listen to speeches and addresses upon the premises, except in Sylvan Lodge.

"Now, June 8, 1911, this cause came on to be heard and was argued by counsel, and upon consideration thereof it is hereby ordered, adjudged, and decreed that the injunction herein granted be, and the same is hereby, dissolved, except that the defendants, H. H. Barnett and J. W. Crabb, their agents, employees, and all other persons, be, and they hereby are, enjoined and restrained, until further order of this court, from assembling, or permitting to assemble, and from holding mass meeting, or any meetings whatsoever, where addresses or speeches are to be made, in the Sylvan Lodge, as we regard that building unsafe and insecure for that purpose.

"THOMAS J. BALDRIGE,
"*President Judge.*"

(For other papers offered by witness at this point see Perham Exhibit No. 6. A "Bill in Equity for Injunction," filed in the court of common pleas of Blair County, Pa., was submitted in printed form.)

With reference to the false arrest of Harry E. Clark, I will read an affidavit:

To whom it may concern:

I, Harry E. Clark, of 854 Ohio Street, Cleveland, Ohio, solemnly declare that I was employed by the Pennsylvania Railroad Co. in Philadelphia on Tuesday, May 16, 1911, and transported to Pitcairn, Pa. I had no knowledge of the strike at Pitcairn, but was told by Mr. Williard of the railroad company that Pitcairn was an "open shop." As soon as I learned that I was working in the place of a union man who was "out on strike," I demanded my time and was told by the foreman that I could not get it without going to the superintendent's office in Pittsburgh, and as they had used threats to detain me and I had seen them use force to detain others, I slipped out of the yards at the first opportunity, with my electrician tools over my shoulder. I boarded the first trolley car to the paymaster's office and surrendered my tools and demanded my time. He took my identification card and told me to come back the next day, which was Monday, May 22, 1911. I was taken back to the shop against my will, and after I had refused to go back to work was placed under arrest and am now confined to the Wilmerding Borough lockup, presumably for larceny of the tools which I personally surrendered to the paymaster.

HARRY E. CLARK.

Sworn to and subscribed before me this 22d day of May, 1911.
[SEAL.] GEO. B. SNYDER,
Notary Public.

My commission expires February 21, 1915.

In the case of W. E. Smith, who was arrested in Johnstown, Pa., I submit several documents and a court record upon the subject.

I will read one of the documents [reads]:

"W. E. Smith's illegal arrest and imprisonment.

"Smith states that the night he was arrested and imprisoned at Johnstown, Pa., there was being held in the G. A. R. Hall a 'joint union meeting for P. R. R. shopmen'; that he was doorkeeper at front door; that he noticed the light in entry from back side door disappearing and coming on again. To investigate the cause of this, he passed out the front door around to the side-back door; opened it. There was no light, but he could make out three persons in entry. He said, 'Where is the switchboard; I will turn on the light.' Just then Officer A. D. Jones grabbed him; pulled him outside the door. He recognized the other two men. They were P. R. R. Detective Robinson and Chief of Cambria Steel Detective Carney. On the way to the jail Smith asked what such action meant; was given no satisfaction. He asked to be allowed to telephone his friends for bond; not allowed. Then he asked the detectives to telephone for him; not done.

"Smith says there was no quarreling nor harsh words of any kind used before Jones rushed him away from the hall; that in about one hour after he was locked up his stepbrother came to the jail and asked for him. The turnkey said: 'Smith is not here,' when the steward spoke to him, saying, 'There will be trouble about this case; Smith had better be released.' Then a cash bond of $20 was accepted from Smith's stepbrother and Smith released. That he was brought before the mayor, where Jones stated Smith was arrested for interfering with an officer; that for some reason neither Robinson nor Carney, who were present were called on; he was immediately discharged and the $20 returned."

(Various letters submitted by witness, see Perham Exhibit No. 7.)

Relating to the charge—No. 4—of low wages paid by the company, we are only able to speak with authority for those employees in the telegraph and signal department. In the year 1906 a pamphlet was issued by the committee representing the telegraphers, showing some increases in wages that had been secured during that period, which became effective on September 1, 1906. That interesting document indicates the wages paid prior to that time and the rate after the increase was granted.

After the increase many of the positions paid as much as $38.50 per month; prior to the increase some of them paid as much as $22 per month; showing the necessity and value of such negotiations. The average wage was in the neighborhood of $50 per month.

In the year 1911 conditions had improved considerably, but the men were not satisfied, and they made a stand for recognition of their organization and an increase in wages. Employees receiving a monthly wage amounting to $44.90 requested that it be made $48.40, an increase amounting to $3.50 per month In order to make our statement fair, we will say that we have quoted only from the lowest-paid employees; still there is a great number of them, many of them men with families to support, and it is marvelous that the company can get them to stay with it and how the employees manage to support themselves on such a rate of wage. Here we have an instance of a wealthy and powerful corporation, financially able to pay a decent living wage, but which, on the contrary, has hundreds and thousands of its men living on the very brink of poverty.

Chairman WALSH. Have you any further analysis of the wages you mentioned there—you say they were raised from $22 to $38?

Mr. PERHAM. I have some figures.

Chairman WALSH. Give us an idea of how many men worked for the $22 and how many worked for the $38, and what services they were performing.

Mr. PERHAM. I will submit an exhibit covering the case completely.

Chairman WALSH. Where are the exhibits?

Mr. PERHAM. Here. That [handing chairman a pamphlet] is a report of the general committee representing the telegraphers in 1906.

Commissioner AISHTON. May I ask a question right there, Mr. Chairman?

Chairman WALSH. Yes.

Commissioner AISHTON. I would like to ask if that exhibit shows simply what was received from the Pennsylvania Railroad Co. by those men, or included other sources of income received from possibly express companies and from the Western Union Telegraph Co., or other sources of income?

Mr. PERHAM. It simply shows the wage paid by the company and the increase to it.

Commissioner AISHTON. Yes; it does not show other sources of income that came with other employment?

Mr. PERHAM. There is no sort of income worthy of mention in that connection. There might be a case where a man would get a dollar and a half a month in commissions, or perhaps, under extraordinary circumstances, he might get up to $2.50—that is, from express commissions and telegraph commissions or from any other source; but assume it is $2.50—that would still make it ridiculously low.

Commissioner AISHTON. Your estimation is that the maximum received from such sources would be $2.50 per month?

Mr. PERHAM. Would not average that much.

Chairman WALSH. Have you made an epitome of this in any way [referring to the pamphlets presented by the witness]?

Mr. PERHAM. Mr. Chairman, I would like to read an epitome made from that.

(The pamphlet presented by witness is in printed form. It is entitled "Re-

port of General Committee, Showing Increase in Rates of Pay of Telegraphers, Pennsylvania Lines East of Pittsburgh and Erie. Effective Sept. 1, 1906.")

Chairman WALSH. I would like you to take what you might call the typical average, which seems to be $49.50, and tell us how many get that, and how many get each rate. For instance, here are a great many, I notice, who get $60.50.

Mr. PERHAM. Will you allow me to read. I have it right here: Rate per month, $90, one employee; $37.10, one employee; $42.40 per month, three employees; $46.65 per month, one employee; $47.50 per month, one employee; $50.55 per month, one employee; $51, two employees; $51.95 per month, two employees; $57.55 per month, fifty employees; and that was all on the West Jersey & Sea Shore Division that is contained in that document.

Commissioner WEINSTOCK. Are these all telegraphers?

Mr. PERHAM. All telegraphers, and some are station agents as well.

Commissioner WEINSTOCK. Men or women?

Mr. PERHAM. Both.

Commissioner AISHTON. Does that include any signalmen of any kind; towermen or men of that kind.

Mr. PERHAM. I don't know whether the men in those places handle signals or not, but we will have witnesses here that can testify as to that fact. I am not familiar from personal contact with the conditions on the Pennsylvania Railroad. It is just from information furnished me that I got these matters.

Now, on the Delaware division, at $35 per month, there is one employee; at $40.80 there is one employee; at $44.90 per month there are fifteen employees; at $51.30 per month there are five employees.

Now, I claim that at that time that situation was without a parallel in the United States. I am informed by employees that since we made this petition to this commission that those wages have been materially increased; but it is supposed that from the testimony of witnesses who know of the facts from personal contact that they will be able to give the commission exact data as to when those increases in wages were made and what they now are.

Commissioner GARRETSON. Mr Perham, would any man receive percentages—commissions on express business—except the man that was station agent?

Mr. PERHAM. There are solitary instances here and there where signalmen take express commissions, or a telegraph operator.

Commissioner GARRETSON. But that is just where an occasional package is delivered to a man of that kind?

Mr. PERHAM. An occasional package delivered; and these agents at places located where they get these commissions, they amount to practically nothing—scarcely anything.

Commissioner GARRETSON. Are any ticket commissions paid on the Pennsylvania system?

Mr. PERHAM. Not to my knowledge.

Commissioner GARRETSON. Is that company the great original opposer of the payment of commissions on tickets?

Mr. PERHAM. I believe it was the first one to abolish the coupon commissions that were paid about 20 years ago.

Commissioner WEINSTOCK. Paid to whom, and for what purpose?

Mr. PERHAM. Station agents used to be better off than they are now. Say, a man in San Francisco would sell tickets to Boston. There were a great many routes, and he would make as much as $15 to $20 on each ticket sold. For instance, I have been ticket clerk at Oakland, Sixteenth Street, and I have sold an opera company tickets through to Boston, getting on the train to make out the photograph tickets, and would make as much as $70 by the operation for myself. Well, some years ago the companies cut off all those commissions, and our wages were left the same, and that is a grievance we have never been able to adjust.

Commissioner WEINSTOCK. What function did you perform to earn that commission?

Mr. PERHAM. Well, say in that particular instance it takes about 10 or 12 minutes to make out a ticket, because you have to describe the passenger by filling out the spaces on the ticket so it will be impossible for him to sell that ticket to another. It is sold at a special rate and must be carried by the purchaser.

Commissioner WEINSTOCK. Isn't that part of your duty to do that, and isn't that part of the wages—isn't that service supposed to be covered by your wages?

Mr. PERHAM. It certainly was not covered by the wages. My wages as ticket agent were reduced on account of the commissions I was able to earn, and in the same way it is quite general where express commissions are given throughout the United States, that where the agent can make a few dollars as express commission his wages are reduced by the railroad company so as to keep him down to the certain minimum that is in the mind of some official that he thinks is the wage that ought to be paid.

Commissioner WEINSTOCK. Let us understand you. In the beginning as a ticket agent you received a wage as salary and a commission?

Mr. PERHAM. And commission.

Commissioner WEINSTOCK. And later the salary was minimized by virtue of the fact you were earning certain commissions?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And the commission was cut off, but the minimum salary was permitted to remain?

Mr. PERHAM. I would not be able to testify that the minimum wage was allowed to remain. As a matter of fact, the minimum wage has been reduced.

Commissioner WEINSTOCK. Still further reduced?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. So that a ticket agent's candle burns at both ends—his commission was cut off at the one end and the wage reduced at the other end?

Mr. PERHAM. That is the trouble. When I first went in the telegraph business, about 40 years ago, I made about $100 a month, but wages have been constantly reduced.

Commissioner WEINSTOCK. Now, the telegrapher doing substantially the work that you did 40 years ago at $100 a month, what is he earning to-day, say, at similar work to the work you did earning $100 a month?

Mr. PERHAM. We have been able to keep his wages up by means of organization in the last 10 years to a wonderful degree.

Commissioner WEINSTOCK. Please answer my question.

Mr. PERHAM. Five or ten dollars per month less now.

Commissioner WEINSTOCK. Where you earned $100 a month 40 years ago he is earning——

Mr. PERHAM. Ninety or ninety-five dollars, and as low as $50 in the interim.

Commissioner WEINSTOCK. And were you also getting commissions? Of course, the telegrapher operator had nothing to do with the sale of tickets?

Mr. PERHAM. I might say that in 1872 I was day telegrapher, and I had good commissions in selling local tickets.

Commissioner WEINSTOCK. In addition to your wages as a telegraph operator? Are we to understand that telegraphers' wages have declined in the last 40 years, despite the fact that the cost of living has materially increased during those 40 years?

Mr. PERHAM. Prior to the advent of an active period in this organization that would be true.

Commissioner WEINSTOCK. How is it now, to-day?

Mr. PERHAM. On the upgrade everywhere.

Commissioner O'CONNELL. Is it so in connection with the Commercial?

Mr. PERHAM. The Commercial Telegraphers show a decrease in the last 25 years; it occurs in the Government report on the subject, written by Charles P. Neill.

Commissioner O'CONNELL. That was the testimony in Chicago.

Commissioner LENNON. In getting this commission, was the commission based on some particular routing that you gave them? For instance, if they went by Los Angeles you got a certain commission and by way of Ogden or through that way another commission, or did you get that commission without regard to the routing?

Mr. PERHAM. They attended to that; there was no chance to favor one road against the other, and the commission was always the same, and my memory is that there were 20 routes between Oakland and Boston.

Commissioner AISHTON. The payment of commissions went into the discard with freight rebates?

Mr. PERHAM. It was a long time prior to freight rebates.

Commissioner AISHTON. Not very much, I think; the records will show it was about the same time?

Commissioner GARRETSON. Is it not a fact that certain companies ceased to pay long before the universal practice was put in effect?

Mr. PERHAM. It is true that certain companies did abolish it on coupon tickets for awhile, but put it back again because they were discriminated against so much that it was not until the general agreement that they were put out of business.

Commissioner GARRETSON. Was it not the underlying object that the ticket agent would influence people to travel by the best route for him? Was that not the underlying object of the commission?

Mr. PERHAM. There were many things done to gain the good will of the ticket agent. I have carried advertising in local papers asking people to come to me when they wanted to go anywhere, and I have paid for that advertising out of my own commission.

With further regard to matters on the Pennsylvania Railroad: This exhibit is the schedule and wage scale asked for by the telegraphers in 1911.

Chairman WALSH. Have you a comparison of the wages paid the telegraphers with other railroads?

Mr. PERHAM. I have not.

Chairman WALSH. In a general way, how do they compare—are they about the same or greater or less?

Mr. PERHAM. On certain parts of the line they are higher; they compare favorably. That is to say, on the main line, where the signal business is so intense, good wages are paid in comparison to branch lines. Now, most of these wages quoted here are unimportant parts of this company's line, but the fact is just the same that the employees have to live on the wages herein quoted.

I desire to be perfectly fair in this presentation of the case.

Commissioner LENNON. Could you furnish us the wages on the main line of the Pennsylvania from New York to Pittsburgh, and on the Lake Shore from New York, say, to Chicago?

Mr. PERHAM. We are not prepared to involve any other railroad in this investigation or controversy.

Commissioner LENNON. All right.

Mr. PERHAM. This exhibit shows precisely the wages that were paid in 1911 and the wages asked for by the committee of employees, and there is no official position or station missing in this document. It shows the complete situation on the Pennsylvania Railway.

Commissioner AISHTON. In 1911?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. You have nothing showing it to-day?

Mr. PERHAM. No, sir. This matter has been pending, as you are aware, for some years, and there are some slight changes since this document was written.

Commissioner AISHTON. Has there been any increase—general increase—in the pay since that was written?

Mr. PERHAM. I believe not; only in the very low wages has it been made better.

Chairman WALSH. When you were interrupted with questions you had started to read a document about shop employees' wages?

Mr. PERHAM. There were two affidavits in regard to shop employees. This one from Mr. J. W. Kline, president of the International Brotherhood of Blacksmiths and Helpers:

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

James W. Kline, being duly sworn, deposes and says that he is the general president of the International Brotherhood of Blacksmiths and Helpers, and he resides at Kansas City, Mo.

That upon information and belief, in the year 1911, the above organization endeavored to establish a wage scale and secure a contract with the Pennsylvania Railroad lines east of Pittsburg and Erie, but that the same was without success, the committee of employees and the representatives of the said brotherhood failed to get a conference with any of the managing officials; that the wages paid are unsatisfactory to the men, some blacksmiths receiving as low as $2.80 per day, and that some helpers are receiving as low a compensation as 15 cents per hour; that the company has discharged many men on account of their affiliation with the above-named brotherhood.

Deponent further says, upon information and belief, that the above-named company has fostered a rival organization that took in members of our class; that during the strike detectives in the employ of the above-named company were in the habit of shadowing deponent all the time he was on the territory

of the Pennsylvania Railroad; that the conditions surrounding blacksmiths and helpers are very unsatisfactory at the present time.

Deponent further says that the source of his knowledge and information was obtained through his connection as general president of said above-named organization and from his personal knowledge of conditions and from information gained from interviews with others through his official position.

J. W. KLINE.

Sworn to before me this 14th day of November, 1912.

EMANUEL KOVELESKI,
Com. of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y., ss:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city, duly authorized to take the same; that I am well acquainted with his handwriting, and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts this 25th day of November, A. D. 1912.

JAMES L. HOTCHKISS, *Clerk.*

Another affidavit is from Martin F. Ryan:

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

Martin F. Ryan, being duly sworn, deposes and says that he is the general president of the Brotherhood of Railway Carmen of America, and that he resides in Kansas City, Mo.

That upon information and belief, in the month of May, 1911, the said above-named organization endeavored to establish a wage scale and secure a contract with the Pennsylvania Railroad lines east of Pittsburg and Erie, but that the same was without success, and that the committee of employees and the representatives of said brotherhood endeavored to obtain a conference with the officials of the company, but that all their efforts in this direction failed.

Deponent further says upon information and belief that great numbers of the employees of the said road do not receive what deponent considers living wages and that $1.25 and $1.50 a day are the rates of remuneration that are quite prevalent; that the piecework system with low rates of wages prevail, and the same is in need of equitable adjustment.

That the company fosters a sham rival organization to the above-named organization, which said latter organization is known as the Brotherhood of Car Inspectors, Car Repairers, and Railway Mechanics, and that the same is designed for the purpose of dividing the force of the Brotherhood of Railway Carmen of America; that the said above-named company keeps in its employ armed men who are called detectives, watchmen, and special agents, which same are for the purpose of coercing men from joining the organization of their class, and for the further purpose of instituting a reign of terror generally, and that many men have been assaulted and grievously wounded by said men, and that many others have been threatened in various ways, and on different occasions.

Deponent further alleges on information and belief that the company has had thousands of steel billies and wooden clubs manufactured, and that the same have been stored away for the purpose of being used upon the employees should they go upon strike at any time in the future.

Deponent further says upon information and belief that the conditions now existing can not continue much longer upon that system, and in the opinion of deponent a general uprising such as took place in 1877 is likely to be the result.

MARTIN F. RYAN.

Sworn to before me this 14th day of November, 1912.

EMANUEL KOVELESKI,
Com. of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y., ss:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city, duly authorized to take the same; that I am well acquainted with his handwriting, and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts, this 25th day of November, A. D. 1912.

[SEAL.] JAMES L. HOTCHKISS, *Clerk.*

Commissioner WEINSTOCK. May I ask a question at this point? That document was signed November, 1912, was it not?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And it forecasts trouble if conditions are not altered?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. What trouble has taken place since that date?

Mr. PERHAM. Quite numerous strikes have taken place, but they have not received the sanction of officials of the legitimate organization.

Commissioner WEINSTOCK. Was the writer of that a blacksmith?

Mr. PERHAM. That was a carman, Mr. M. F. Ryan. He is now in Canada on some business that kept him, but we expected him to be here, but he is held up in Canada on important business.

Commissioner WEINSTOCK. There have been strikes of those departments since November, 1912?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Do you know how many and how serious they were?

Mr. PERHAM. There was one strike on the middle division, W. H. Pierce was the president of the organization. I don't know how many men, several thousand. There was another strike on the Monongahela of enginemen and trainmen. It is quite an ordinary thing for strikes on the Pennsylvania Railroad, but none of them have received the sanction of the international presidents of the organizations. They were not regular strikes, sanctioned by the organizations.

Commissioner WEINSTOCK. What happens if men go out on strike without the sanction of the proper labor authorities?

Mr. PERHAM. They are not supported by the organization.

Commissioner O'CONNELL. And were not connected with legitimate organizations?

Mr. PERHAM. No, sir; they were not legitimate.

Commissioner O'CONNELL. You spoke about Mr. Pierce, he was attempting to establish an organization for himself on the system of some kind?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. In other words, the strikes were not brought by an organization affiliated with the American Federation of Labor?

Mr. PERHAM. Not in any instance.

Commissioner WEINSTOCK. Have any strikes taken place on the Pennsylvania Railroad on the part of men who are affiliated with the American Federation of Labor?

Mr. PERHAM. Some shopmen in 1911 were affiliated.

Commissioner WEINSTOCK. I am speaking of since the date of that document, November, 1912?

Mr. PERHAM. Not to my knowledge.

Commissioner AISHTON. These strikes on the middle division, or this strike, was caused by a man by the name of Pierce?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. The men that he had in his organization were shopmen and blacksmiths?

Mr. PERHAM. Shopmen generally.

Commissioner AISHTON. Who did not belong to the other organization or who might belong to both organizations?

Mr. PERHAM. They might have belonged, but as a general rule they did not belong to any, for the reason set forth in this statement; they were not allowed to belong.

Commissioner AISHTON. Was not this man Pierce one of the members of the older railway organizations?

Mr. PERHAM. I think he was a member of the Brotherhood of Locomotive Firemen and Enginemen.

Commissioner AISHTON. Was he a member of that organization when he organized this other?

Mr. PERHAM. I believe that he was.

Commissioner AISHTON. You believe that he was?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Was he organizing another organization seeking to control, or something of that kind, or was it for personal advantages that he organized this?

Mr. PERHAM. No, sir; it is an honest desire to find a way out.

Commissioner AISHTON. What did he call this, the brotherhood of federations of all railway employees?

Mr. PERHAM. Yes, sir; it had a high-sounding title.

Commissioner AISHTON. A high-sounding title, and quite an extensive membership?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And he undertook to tie the Pennsylvania Railway up?

Mr. PERHAM. I think not; it was not large enough to accomplish that.

Commissioner AISHTON. What was the object of it, then; they would not have started it if they had not thought they could do that?

Mr. PERHAM. These men are in such a condition of mind it is very difficult to control them. I assume that Mr. Pierce's organization would not have brought out a strike at that time if Mr. Pierce or any other man like him was able to control it.

Commissioner AISHTON. But the officials of the regular organization, your organization, for example—the railway telegraphers—they did not support this at all?

Mr. PERHAM. No, sir; we are absolutely able to control our organization.

Commissioner GARRETSON. Is it not a fact that the Pierce organization considers any man eligible who is on the pay roll?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. And is it not a fact that while Pierce was a member of the locomotive engineers and firemen that his organization was absolutely independent of that, and had not only not had the approval of that organization but was absolutely disavowed by them?

Mr. PERHAM. It was absolutely disavowed; my information is not complete, but it was disavowed by the American Federation of Labor.

Commissioner GARRETSON. Is there not a document disavowing it by the Federation of Labor?

Mr. PERHAM. I have not seen it, but it would not surprise me to learn such was the fact.

Commissioner WEINSTOCK. Is Mr. Pierce the man that wrote that document which you just read which forecast trouble?

Mr. PERHAM. I did read one from Mr. Pierce earlier.

Commissioner GARRETSON. Addressed to Mr. Brown, investigator for the commission?

Mr. PERHAM. Yes, sir.

Now, I desire to read one more document in regard to low-paid employees, and this refers to the much-vaunted "redcap" porters for the Pennsylvania Railroad. This is a report by one of my men, Mr. Ellis, of January 15, 1913 [reads]:

PITTSBURGH, PA., *January 15, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last evening I got in conversation with H. H. Jenkins (colored), 1410 Bedford Street, Pittsburgh, Pa., who is one of the "redcap" porters for the P. R. R. at their station here; he said as follows:

That he has been in present position something more than a year; that the porters there are all sore and are hoping some one will take up their case with the Interstate Commerce Commission; that when a porter begins with the

company he is given a suit (uniform), thereafter he is compelled to buy them of the company, including caps and overcoats; that suits cost about $9; overcoats, about $15; caps, about $1.50; that about each quarter porters are inspected and usually are compelled to buy new clothes, parts of or whole suits, are told this or that is not fit to wear, and that they can not work until the article is purchased, and they can not get the article or articles anywhere except of the P. R. R. Co.

That in order to keep out of the hands of the I. C. C. the company tells each porter applicant that they will be paid a salary, and on each pay day they sign a pay roll, but the most Jenkins has drawn in any month is $1.80; the least, $1.25, for a month's wages. They are compelled to belong to the voluntary relief, but he does not know what he pays or how the company gets it unless the older porters are taxed for it; those who have worked three years draw, or are supposed to draw, $15 per month, but scarcely ever get more than $13.50 as wages at the end of the month. He says if he should be killed in the company's service his people will get $250, and that the papers he signed when he entered the voluntary relief are fixed so that there is no further redress; that there is no chance to recover through the law; that he did not know this until after he had signed the papers.

That each porter is compelled to be in service three years before he can get the $15 per month wages; that at this time there are about 20 or 21 of these less than three-year men.

That he understands the P. R. R. at New York advertises "free porter service," which makes it that much harder for the men to make a living; that on account of the company's advertisement in time-tables that "redcap" porters are available, many people believe they are paid wages by the company, therefore do not offer them tips; that they are not allowed to make any charges, but always, when asked by those whom they assist as to what the charges are, answer, "Just what you wish to give"; that they are not allowed to go even so far as the Fort Pitt Hotel here, about one and one-half blocks distant; that should they assist a party that far and be reported for it the company would discipline them. He believes this is on account of the taxi line the company is interested in here, which charges patrons of the road 50 cents from the station to the Fort Pitt.

That they are closely watched by "efficiency men" in plain clothes, and if seen sitting are called immediately to the station master's office.

Jenkins says the texture of the uniforms is very poor; for instance, trousers cost $3 to $3.50, and are not worth more than $1 or $1.50.

He was very anxious some white man would intercede for them through the I. C. C. I told him I had a friend who was close to some people in Washington, and that when I met him I would lay the case before him, and that if he (Jenkins) heard from that source it is to be hoped he would give all possible information and get others to do the same. He said they would be sure to do so. He is above the average intelligence in that strata.

Yours, fraternally,

T. E. ELLIS.

General Delivery, Pittsburgh, Pa.

(For documents filed by witness at this point see Perham Exhibit No. 8.)

Commissioner AISHTON. May I ask Mr. Ellis's connection as an organizer?

Mr. PERHAM. At that time he was employed by me to investigate conditions on the Pennsylvania Railroad.

Chairman WALSH. What is his usual employment?

Mr. PERHAM. Telegraph operator.

Chairman WALSH. Prior to this particular investigation, was he an organizer for the O. R. T.?

Mr. PERHAM. He was.

Commissioner AISHTON. And what was the date of this?

Mr. PERHAM. January 15, 1913.

Commissioner AISHTON. He simply saw this colored redcap in the Pittsburgh station and interviewed him and got this information?

Mr. PERHAM. At my direction for the purposes of this commission.

Commissioner AISHTON. And the Pennsylvania people had no knowledge of what he was sent there for?

Mr. PERHAM. None at all, unless some of their men were able to find out.

Commissioner AISHTON. You have no knowledge other than what this negro

said about what he received? You have not seen the pay rolls, or have no way of going over them, of course, but you don't know what these redcaps are paid?

Mr. PERHAM. I know nothing about it except what is contained in documents similar to this.

Commissioner AISHTON. The redcap is not ordinarily considered a transportation employee, is he, and—that is not the rule, in purchasing transportation or a ticket to furnish a porter to carry their baggage to the trains?

Mr. PERHAM. No, sir.

Commissioner AISHTON. That rule is a gratuitous service on the part of the railway?

Mr. PERHAM. Service on the part of the railway?

Commissioner AISHTON. They don't have them at all stations?

Mr. PERHAM. No, sir; only at the larger stations, New York, and so forth.

I submit along with this several reports, some others in relation to the question of porters, also newspaper clippings, and the story is pretty generally set forth in this exhibit. I simply read one to show the tenor of them all.

With reference to charge 5, alleging that the company brings into existence and fosters sham labor organizations.

In the year 1906 there was an organization of railroad employees known as the Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, which was reputed to be fostered and controlled by the Pennsylvania.

Charles W. Stanglen was the supreme chief of that alleged labor organization, and he was accused of attempting to bribe several persons to get them to desist from supporting the telegraphers' eight-hour bill in the Maryland Legislature in March, 1906, offering men as much as $725 apiece to work against the measure.

Since the attempts at bribery were exposed, Stanglen left for parts unknown, and nothing further has been hear of the so-called Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America.

In the year of 1911 there was an organization of railroad employees on the Pennsylvania Railroad lines known as the Brotherhood of Railway Mechanics. It came into existence mysteriously about the time of the shopmen's strike in 1911, and the company openly fostered the inauguration of locals at Pitcairn and Altoona. It is not recognized by workingmen as a labor organization.

A man now occupying an official position with the P. R. R. Co. was in 1907 employed by the Pennsylvania Railroad Co. as signalman and was accused of being a special agent and lobbyist for that company. He was a member of the Order of Railroad Telegraphers, general chairman for the telegraphers on the Pennsylvania Railroad, and a member of the board of directors. He was expelled from the Order of Railroad Telegraphers for alleged misconduct concerning the telegraphers' eight-hour law in the Maryland Legislature in 1906, said expulsion being finally confirmed and decided in May, 1907, at the Minneapolis convention of that organization.

Immediately thereafter a new organization came into existence, entitled the "Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen."

The Pennsylvania Railroad Co. through its subordinate officials has boosted the so-called Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen at every opportunity, discriminating against those who preferred to continue their allegiance with the Order of Railroad Telegraphers. The higher officials have entertained committees of their own organization, the said O. R. T., D. A. & S., and closed their doors to the committees of employees who are known to be members of the old regular organization, the O. R. T. Recently, as before stated, the company discharged four members of the telegraphers' committee who belonged to the regular organization, because they persisted in their endeavors to represent their constituents.

In support of these averments we desire to file a supplemental report from the board of directors of the Order of Railway Telegraphers covering the subject, and I wish to read an affidavit on page 20 for the purpose of the record, more especially to explain about a Mr. Stanglen who was already mentioned. This is a copy of an article appearing in the Baltimore Sun of Thursday morning, March 22, 1916, and it was headed [reads]: "Was it a sell-out? Queer situation develops over telegraphers' bill. Was money used to defeat it? Senate promptly passes measure, formerly reported unfavorably up to its third reading. (Special dispatch to the Baltimore Sun.)

"THE SUN BUREAU, *Annapolis, March 21.*—The motion to substitute the McComas bill for an eight-hour day for telegraphers in block-signal stations for the unfavorable report came up this morning as special order, and Senator Lee moved that consideration be postponed until 8 o'clock to-night. In explanation of this motion, Senator Lee read the following affidavit:

"'STATE OF MARYLAND, *Anne Arundel County:*

"'I hereby certify that this 21st day of March, before me the subscriber, a notary public of the State of Maryland in and for said county, personally appeared James Sebastian, of Baltimore City, treasurer and secretary of the legislative committee of Railway Telegraphers, and made oath in due form of law that on the 15th day of March he was approached by C. W. Stanglen, of Baltimore City, and offered by said Stanglen the sum of $725 if he would join him, the said Stanglen, in withdrawing from the consideration of the senate of the State of Maryland the telegraph operators' eight-hour bill, and he said that said money is now locked in a safe in Annapolis, and that said money will be distributed if said bill is defeated. And further makes affidavit that the operators belonging to the Order of Railway Telegraphers are in favor of the passage of the said bill and, but for fear of their dismissal from their positions, they can not take an active interest in promoting the passage of the said bill. That said Charles W. Stanglen is the supreme chief of the Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, and that previous to this offer to the said deponent, as aforesaid, Stanglen was in favor of the eight-hour bill for railway telegraphers, and said deponent further made oath as aforesaid that said Charles W. Stanglen told him (said deponent) that the Baltimore & Ohio Railroad Co. was furnishing the money and the Pennsylvania Railroad Co. the talent to defeat said bill.

"'NANNIE S. STOCKETT,
"'*Notary Public.*'"

I might state that this Senator Lee mentioned above is now United States Senator Lee from Maryland.

(The document referred to by witness was submitted in printed form. It is entitled "Supplementary Report of the Board of Directors to the Members of the Order of Railroad Telegraphers.")

I wish to read an affidavit from Mr. Thomas H. Flynn, who is now an organizer for the American Federation of Labor. [Reads:]

STATE OF PENNSYLVANIA,
County of Allegheny, city of Pittsburgh, ss:

Thomas H. Flynn, general organizer for the American Federation of Labor residing at 408 New Rochelle Street, Mount Oliver, Pittsburgh, Pa., states that, to the best of his knowledge and belief, the officials of the Pennsylvania Railroad Co. have formed an organization of employees known as the Brotherhood of Railway Mechanics, and that during the strike of the shopmen in the spring of 1911 they formed and fostered locals of that organization at Pitcairn and Altoona, Pa., and that from that time to this they have carefully fostered that organization in antagonism to the regular organizations that have been recognized on all of the important railroads in the United States; that said organization was formed solely for the purpose of maintaining the company's authority over its employees and to prevent them from going out on strike or in any manner representing their interests in any independent way.

To carry out the policy of the company in this direction the emissaries of the company were ordered to obstruct the regular organizations in the pursuance of their legitimate business by preventing them from hiring halls or meeting places, having automobiles crowded with detectives, special agents, and other armed men to prevent meetings of the regular organizations of employees; also in applying for restraining orders preventing such recognized leaders of men as John Mitchell, of the United Mine Workers, and Raymond Robins, the reformer, from speaking in a park which had been hired for that purpose by the representatives of the regular labor organizations. While this was going on the organization formed by the aforesaid company had the privilege of holding its meetings in fire halls and other municipal buildings in the city of Altoona, Pa., and did hold many such meetings without let or hindrance.

Affiant further states that there has been a general reduction in wages and a lowering of prices for piecework since the ending of the strike, and that he believes that a continuance of the arrogant and dictatorial policy of the aforesaid

company will lead to riots and disorders in the State of Pennsylvania unless some means be found to make the company change its present policy toward its employees.

THOMAS H. FLYNN.

Subscribed and sworn to before me this 5th day of December, 1912.

[SEAL.] EVA A. MILNE, *Notary Public.*

My commission expires February 21, 1915.

Commissioner AISHTON. What strike is that referred to in that affidavit; is that what is known as the Pierce strike?

Mr. PERHAM. No, sir; this was a shop-organization strike that started in Pittsburgh or vicinity in the spring of 1911.

Commissioner AISHTON. That was prior to the Pierce strike?

Mr. PERHAM. Yes, sir.

We filed 50 letters from employees relating to the telegraphers' organization, and the discrimination against the members of the regular organization—the Order of Railroad Telegraphers—and the acts in favor of the company organization.

(For said letters see Perham Exhibit No. 9.)

I might say that these 50 letters are selected from about 10,000 in my files at St. Louis.

Again, on the same subject are 25 selected reports from organizers on the same subject.

(For said reports see Perham Exhibit No. 10.)

We have here a copy of circulars for the government of employees of the telegraph department of the Pennsylvania Railroad, effective October 1, 1914.

Commissioner LENNON. Promulgated by whom?

Mr. PERHAM. By the company. This schedule of rules, when sent out, was accompanied by letters. I will read three of the letters in relation to it [reads]:

THE PENNSYLVANIA RAILROAD CO., EASTERN PENNSYLVANIA DIVISION,
Harrisburg, Pa., November 9, 1914.

Mr. C. S. MELCHER, *R. J.:*

I inclose herewith a copy of regulations for the government of employees of the telegraph department, effective October 1, 1914, which were agreed upon after several conferences between the company and a committee of operators representing the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen.

JOS. BROWN, *Division Operator.*

I might state that a railroad company very seldom advertises a railroad organization in that manner. [Reads:]

PHILADELPHIA, *October 27, 1914.*

All concerned, telegraphic department, Philadelphia Terminal Division:

We send herewith copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914.

It is to be understood that these regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

H. LOGAN, *Division Operator.*

WILMINGTON, DEL., *November 5, 1914.*

All operators, Maryland Division:

We are sending you, under separate cover, a copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914. These regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

C. J. RUDULPH, *Division Operator.*

(Witness here submitted printed pamphlet entitled "The Pennsylvania Railroad Co. Regulation for the Government of Employees of the Telegraph Department.")

Commissioner LENNON. Are there any particular sections to which you refer, or do you refer to all of the rules generally?

Mr. PERHAM. This is an amended code of rules, and the point of this exhibit is that when the rules are sent out by the company they state that it is done at the request of a labor organization, but it is the company's own organization and not the regular organization.

A VOICE. Mr. Chairman, on a question of privilege; I am president of the O. R. T. & F., and I desire to file with this commission a list of members.

Chairman WALSH. Please see the secretary, Mr. L. K. Brown, 940 Southern Building, in this city.

A VOICE. I have a letter saying that I was to be invited to attend this meeting, but it was overlooked. I am here, and I will state, if you will allow me——

Chairman WALSH (interrupting.) We will not allow you now.

A VOICE. Please excuse me.

Chairman WALSH. We will excuse you, but your matter will be taken up in the regular way.

Mr. PERHAM. I wish to file another production. It is a copy of the by-laws of the Mutual Benefit Association of Pennsylvania Railroad Employees (Inc.). This seems to be the latest labor organization fostered by the company. It has many things to commend it in the way of organization work. I refer to a mutual benefit association proposition contained therein. It also arranges for committees to adjust grievances, and so forth. Among its peculiarities are, "Officers must have been 15 years in the service of the company." That is stated on page 41 of this document. "They must have the indorsement of the executive officers of their various departments." That is stated at page 41 of this document. "They must be at least 35 years of age." And that is stated on page 41. The arrangement for local committees of adjustment is mentioned on page 53 of the document.

(Document referred to was submitted in printed form.)

Commissioner AISHTON. This Mutual Benefit Association that you have just referred to—this organization has nothing to do with the O. R. T. D. & S., or something like that?

Mr. PERHAM. No connection that I know of.

Commissioner AISHTON. So that this age limit, and all that sort of thing, does not apply to the other organizations?

Mr. PERHAM. No, sir. This is the latest—the last organization that is supposed to be formed by the Pennsylvania Railroad Co. in behalf of its employees.

Commissioner AISHTON. That has a sick benefit?

Mr. PERHAM. There is a death fund arranged for, but no sick benefit that I can discover.

Chairman WALSH. In its general form, is it a labor organization? Does it provide for the presentation of grievances, and does it have the characteristics of a labor organization, such as those organizations usually have?

Mr. PERHAM. Yes.

Commissioner AISHTON. What class of grievances does it provide for?

Mr. PERHAM. They are not specified, and that question is only mentioned in a very indefinite way, but it is there.

Commissioner AISHTON. And it has no connection with the other order of telegraphers that you have talked about?

Mr. PERHAM. No. It is a corporation, and it is different from the others in that—that it is incorporated.

With reference to charge No. 6, respecting the company's refusal to mediate or arbitrate labor disputes: During the years 1908 and 1909 the telegraphers, through their regularly elected committee, attempted to get recognition and a revised wage scale, but the officials declined to do business with the regular committee, and, as a last resort, mediation under the so-called Erdman Act was requested by the employees. The committee consulted with the mediators as to the necessity or advisability of taking a strike vote, and the consensus of opinion was that under the circumstances such a course was not necessary. Upon invitation from the mediators, officials of the company and the committee representing the employees went to Washington, D. C., during the month of February, 1909. The attorneys for the company made the plea that it was necessary, under the law, that trouble should be threatened or pending before the mediators could act. As no strike vote had been taken—and, furthermore, the committee being unwilling that such a vote should be taken—the negotiation was dropped for the time being.

During the months of July, August, and September, 1912, the members of the Order of Railroad Telegraphers endeavored again to establish contractual relations with the company. The officials by various devices, such as referring the committee from one official to the other under the pretense that the same were absent on vacation or out of town or on inspection trips, avoided meeting the committee of their employees, and they eventually returned all documents to the committee and declined to have any business with them. The company then prepared for a strike by placing extra employees in the towers and offices, most of whom were totally ignorant of the requirements of the job.

The employees' committee sought mediation under the terms of the Federal law, but the company refused to either mediate or arbitrate the questions at issue.

To substantiate these statements we desire to file for the use of the commission a copy of the Erdman Act and a copy of the Newlands Act, showing the difference between the two statutes.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon. Please resume the stand at that time, Mr. Perham.

(Whereupon the commission took a recess until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Perham, will you please resume the stand? You were finishing something when you were interrupted, and if you will, please, I would like you to finish that; and then, if there is no objection, I would then like to have you retire, so as to put in one other witness, with whom arrangements have been made to testify at 2 o'clock.

Mr. PERHAM. That is quite agreeable.

Chairman WALSH. Very good. Then we will connect it up.

Mr. PERHAM. At the point where we stopped I was on my statement with reference to charge No. 6, and we were about to file exhibits to substantiate the statements made.

Chairman WALSH. If you can finish up on No. 6 I wish you would do so.

Mr. PERHAM. We now file a copy of the Erdman Arbitration Act; a copy of the Newlands Act, which superseded the Erdman Act; a copy of our circular letter dated October 10, 1912, referring to certain questions mediated or arbitrated; the correspondence in relation to our requests for mediation and the replies thereto; correspondence showing that the employees desired to go out on strike, about which their organization for prudential reasons withheld its approval; newspaper clippings indicating how the arrogant attitude of the officials of the company was generally regarded. We have no need to read any of the exhibits in the case, and will file them with your permission. And that concludes our matters in relation to charge No. 6.

(All the foregoing matter was submitted in printed form except strike letters, for which see Perham Exhibit No. 11. The newspaper clippings are as follows: "Bars Knapp and Neill in wage adjustments," Washington Star, Sept. 5, 1912; "Telegraphers ignored," Pittsburgh Dispatch, Sept. 15, 1912; "Pennsylvania declines mediation of dispute with its telegraph operators," Philadelphia Record, Sept. 15, 1912; "Refuses any mediation with its telegraphers," New York Sun, Sept. 15, 1912; "P. R. R. opens recruiting office for telegraphers," Philadelphia Public Ledger, Sept. 26, 1912.)

Chairman WALSH. Then, if you will just retire for the present, we will recall you when we get through with the next witness.

Mr. PERHAM. Thank you.

Chairman WALSH. Now, Mr. Lincoln.

(Mr. Robert T. Lincoln was here called as a witness. His testimony will be found under the heading "Pullman Employees.")

TESTIMONY OF MR. H. B. PERHAM—Continued.

Chairman WALSH. May I ask you to take up at the point you left off, and just proceed. I am sorry to have detained you in this manner, but arrangements were made many days ago.

Mr. PERHAM. I expect to be through in a very few minutes.

Chairman WALSH. We must have perfect order in the rear of the house, please.

Mr. PERHAM. With reference to charge No. 7, the voluntary relief department of the P. R. R. is an insurance department of employees with accident, sick-

ness, death, and pensioning benefits. While it is known as a voluntary association, yet in the last few years membership has practically become compulsory.

The objectionable features of this relief department is that an employee loses all equity in it when he leaves the service of the company, either voluntary or through discharge. This is, of course, a powerful weapon in the company's hands, for men who have contributed to this insurance fund for 10 or 20 years are very careful to do nothing which will endanger their position with the company and thereby cause them to lose all that they have paid in.

During the year 1914, 41,412——

Chairman WALSH. How many?

Mr. PERHAM. Forty-one thousand four hundred and twelve men lost their equity in this insurance. The injustice of forcing men to take insurance which can be terminated at the pleasure of the issuing company without any refund being made is too patent to require comment.

Should an employee sue the company, there is a clause in his insurance contract which provides that he automatically forfeits his rights. In spite of the thousands who are forced to give up their savings of years, we know of no case in which a successful suit has been brought against the company to force them to refund money wrongfully retained. When an employee is discharged he has to surrender his relief contract before he will be paid the money due for his labor. The voluntary relief department is in reality employers' liability insurance in which the employee pays the premium.

The twenty-ninth annual report of the company, which is dated December 31, 1913, shows a membership of 134,189. It shows that there were 33,097 accessions to membership, and that 41,412 members left the service of the company. It is not stated what proportion of these men left voluntarily and what proportion were discharged. On the assumption that these men had been members for five years and were members of the second-class relief, which requires a yearly premium of $18, then these 41,412 men would have paid into the company treasury $3,707,080, in which fund they lost all equity.

Chairman WALSH. Has there not been a court ruling on that proposition that they had to refund the premium in cases of discharge?

Mr. PERHAM. Not to our knowledge, we have not been able to discover that.

Chairman WALSH. My attention was called to the alleged fact that the Supreme Court of the District of Columbia had such a case under consideration.

Mr. PERHAM. It may be the fact and we are not cognizant of it. Now, in relation to this matter——

Chairman WALSH. Are you aware of any case in which that question was ever tested out as a legal proposition?

Mr. PERHAM. I myself collected a bill of that character from the railroad company without a suit, just on presentation of the facts.

I want to state to make it more clear that this relief to the sick benefit and superannuation fund, both of which are incapable of separation under existing arrangements. There seems to be no complaint in regard to the sick-benefit feature, the complaint being practically upon the superannuation end of it. Now, we desire to file copies of the annual reports of the Pennsylvania Railroad's Voluntary Relief Department for the years ending December 31, 1909, 1910, 1913, and 1914.

(Witness submitted in printed form the Twenty-fourth, Twenty-fifth, Twenty-eighth, and Twenty-ninth Annual Reports of the Pennsylvania Voluntary Relief Department.)

Also copies of the regulations governing the Pennsylvania Railroad's Voluntary Relief Department. I wish to call special attention to the part on page 24, which reads (this refers to applications for membership in the relief department): "I also agree that any undue or fraudulent statement made by me to the medical examiner, or any concealment of facts in this application, or resignation from the service of the said company, or my being relieved from employment and pay therein at the pleasure of the company or its proper officers shall forfeit my membership in the aforesaid relief fund and all benefits, rights, or equities arising therefrom, excepting that my leaving the service shall not (in the absence of any of the other foregoing causes of forfeiture) deprive me of any benefits to the payment of which I shall have previously become entitled by reason of accident or sickness occurring while in the service."

(Printed pamphlet, entitled "Regulations Governing the Pennsylvania Railroad Voluntary Relief Department," submitted.)

I point that out to illustrate that the employees give up all their rights by such an agreement.

Now, as an example of the superannuation allowance, I gather from this law that an employee who has been a member, say for 30 years—10 years in first class, 10 years in second, and 10 years in third class, it figures out 10 multiplied by 12 multiplied by 1 is $1.20; 10 multiplied by 12 multiplied by 2 is $2.40; 10 multiplied by 12 multiplied by 3 is $3.60. The monthly allowance would then be $7.20, and that is not guaranteed. The pension allowance, assuming $600 average salary for the first 10 years, then 1 per cent of $600 is $6. Six dollars multiplied by 30 years of service amounts to $180. One hundred and eighty dollars per year divides at $15 per month. The total drawn by employees is $15 and $10.50 from the voluntary relief department makes the total of $22.20 per month. [Reading:]

"The investments of the department are passed on by the advisory committee, whose action, however, is subject to the approval of the directors of the P. R. R. This company, however, is the guarantor of the funds."

Employees are divided into five classes according to their earnings.

Class.	Earnings.	Premium.	Daily accident benefit.	Sick.	Death.	Monthly allowance, 30 years.
1	$35.00	$9.00	$0.50	$0.40	$250.00	$3.00
2	$35.00 to 55.00	18.00	1.00	0.80	500.00	7.20
3	55.00 to 75.00	27.00	1.50	1.20	750.00	10.80
4	75.00 to 95.00	36.00	2.00	1.60	1,000.00	14.40
5	95.00	45.00	2.50	2.00	1,250.00	18.00

The annuity is not guaranteed. Any surplus from the relief funds is turned over to this superannuation fund at the end of the three-year periods. If there is not enough to pay this rate, then all payments of annuities are scaled down proportionately.

If the employee leaves the service, whether voluntarily or through arbitrary dismissal, he loses all equity in the relief fund. Should he sue the company, he forfeits his equity.

The company pays the cost of maintaining the department and makes good any deficiency in the relief-fund liability account.

Payments to this relief fund are paid monthly in advance, being deducted from the employee's monthly earnings. This payment takes precedence over any other claim against the earnings of an employee.

In the last few years membership in this association is believed to have become compulsory. In any event the company will not employ any man who does not first take and pass the medical examination for this association.

This association works decidedly to the advantage of the P. R. R. It is really employers' liability insurance, except that it is so arranged that the employees pay the premium. Then, too, fear of losing all of the money which they have paid into it keeps the employees steadily at work and is a very effective club in the company's hands in the time of trouble.

I file a large list of letters and statements showing that the department is a misnomer and that the membership is not voluntary.

(See Perham Exhibit No. 12. A clipping from the Evening Journal, Washington, Del., March 4, 1915, entitled "B. & O. is illegal," was also submitted.)

On our part, the objection is because the men do not seem to live long enough to draw any pension or superannuation fund.

Commissioner LENNON. Before leaving that subject, have you a statement as to the accumulation of funds in this department by the company?

Mr. PERHAM. It is shown in the annual report, exhibits I furnished for four years. There are some more interesting matters in this exhibit, as to the condition of telegraphers and signal men, and the reason why. Their names do not appear upon the roll of honor as old employees, and the reasons why are shown in the exhibit.

Chairman WALSH. What are the main reasons?

Mr. PERHAM. The conditions of service are so intense that the men do not live to that age, and insanity among signalmen is one of the most remarkable features of it. A number of the men have broken down from the conditions under which they work; the constant watchfulness in the operation of trains and the movements of signals controlling their movement is of such a strenuous nature that they break down quite frequently.

Chairman WALSH. How are the statistics on that preserved and found?

Mr. PERHAM. We have no statistics on an unorganized road, and this is comparatively an unorganized road. The organization never got a footing here, and never have got into position to make up statistics.

Chairman WALSH. What statistics have you bearing out the statement you have made that a number of the men have been afflicted with insanity because of that?

Mr. PERHAM. Nothing but letters from employees upon the subject.

Commissioner AISHTON. Have you letters submitted to the commission bearing on that subject?

Mr. PERHAM. I have.

Commissioner AISHTON. Pertaining to the Pennsylvania Railroad or to organized railroads?

Mr. PERHAM. Particularly to the Pennsylvania Railroad, and to no other.

(See Perham Exhibit No. 12.)

Chairman WALSH. Proceed.

Mr. PERHAM. With reference to charge No. 8, and of the company bringing in a large force of armed men during the shopmen's strike in 1911, the Pennsylvania Railroad brought into Altoona between 250 and 300 armed men. These men followed peaceable citizens from place to place, kept an automobile, with its engine constantly running, in order that these men should not escape their espionage, and, on one occasion, had several hundred police, fully armed and dressed as workingmen, who mingled with a crowd of strikers.

In the Pitcairn shops, in the same year, they tried practically the same tactics. They brought in hundreds of these armed men and on one occasion they paraded through the streets of Pitcairn with the supposed object of provoking a counter display of force.

During the trainmen's troubles in 1913 the company mobilized between 500 and 700 men at Lucknow, a few miles west of Harrisburg. These men were stationed where they could be seen by all train crews on the north, south, east, and west lines, and they engaged in drills and target practice with riot guns in order to awe the trainmen. It is worth noting that as soon as the trainmen agreed to arbitrate their difficulties with the company, this force of men were dispersed and sent back to their respective stations.

In connection with that subject I desire to read a letter from four different men addressed to Mr. Frank Morrison, secretary of the American Federation of Labor, dated Altoona, Pa., May 24, 1911:

DEAR SIR AND BROTHER: Replying to your request for a statement of the conditions existing in Altoona at present, beg to state as follows: The Pennsylvania Railroad Co., as you probably know by this time, have about 200 special officers watching the organizers; in addition to this they have two automobiles and a motor cycle at their service, and every act of the labor representatives is closely watched from early in the morning till late at night. We were stopping at the Altament Hotel, but were compelled to leave, as the proprietor of the place feared the Pennsylvania Railroad Co. would remonstrate against his license if he continued to harbor us. We were refused admittance to every hotel in the city with the exception of two. On several occasions we arranged to secure a hall for a meeting, and in every instance the company managed to checkmate our efforts by either buying the property or securing the lease, and as a consequence we were denied the use of the hall. This made our work extremely difficult, and we had to get applications for membership as best we could—on street corners, public places, and wherever we could meet the men, but we are glad to report that we are securing applications very rapidly. When we arrived here public sentiment was rather indifferent, if not against us, but at the present time it is safe to say we have a majority of the business men and about 75 per cent of the workingmen in sympathy with our movements. This change in sentiment has been brought about largely by the organizers being willing to stand the abuses of the company's continued shadowing, discrimination by the hotels, attacks by the hostile press, etc., and in addition to this the company has added their share by compelling their employees to sign a petition calling for a mass meeting to protest our presence in this city. We are inclosing you herewith clippings from the press of Altoona, many of which are far from expressing the truth. The opera house in which the meeting was held has a seating capacity of 1,800, and, while the house was comfortably filled, the larger portion of the audience was composed of company clerks, foremen, business men, and other understrappers, together with those drawn

there by curiosity. While this meeting was going on fully 1,000 men gathered in front of our hotel and called for addresses from the organizers, which unfortunately could not be complied with, owing to the prohibitory order of the mayor of the city, although Brother Flynn did briefly explain our position. From present indications it is evident that the shops here can be organized, but it will take some time. Public feeling at present is running pretty high, and the company insinuates that more drastic measures will be used to rid the city of our presence. In one of the clippings you will find a part of Brother Flynn's story. This was the first and only statement of our side of the controversy the local press ever contained, and even this would not have appeared had not many of the workingmen canceled their subscriptions. The Pitcairn Express is circulated in this city every week and is eagerly sought after by the public, who are anxious to learn the truth. The foregoing is a brief statement of conditions as they exist here at present.

Trusting in the near future to be in position to keep you more fully posted, we desire to remain,

Fraternally, yours,

F. H. FLYNN,
JOHN J. SWEENEY,
JOHN SCHMITT,
HARRY E. SCHILLING,
Senate Hotel, Altoona, Pa.

Commissioner AISHTON. Who are those men?

Mr. PERHAM. The first one is the organizer for the American Federation of Labor, and I believe Schmitt and Schilling to be members of the Boiler Makers' Union, but I am not quite sure as to that.

Commissioner AISHTON. That is not the Order of Railway Telegraphers? That was another affair?

Mr. PERHAM. That was the shop trades.

Commissioner AISHTON. So that this—was this the Pierce trouble that was referred to a while ago?

Mr. PERHAM. No; that is another one; that is the western district, wherein the Pierce trouble took place.

In addition to that I will file five reports from our representatives as to the bulldozing and terrorizing of the people and the employees in the vicinity of Altoona at that time.

(The reports will be found at the end of this subject, marked "Perham Exhibit No. 13.")

With reference to charge No. 9, the company uses its power to intimidate not only its own employees but also bankers, merchants, hotel keepers, newspapers, and other citizens.

In Altoona in 1911 labor organizers were forced to leave their hotel at the dictation of the company. A restaurant keeper of Juniata named Walker, who was favorable to the strikers, was forced out of business, and after securing a position was discharged through the influence of the company.

Small printing firms in Harrisburg had their business interfered with on account of lending moral support to striking shopmen. Bankers were approached by company officials in the same city—newspapers were requested to discharge reporters who had written stories which the railroads did not approve of; a conference of editors was called to agree to the censoring of news; company employees are forced to sign petitions and write letters in support of measures which the company desires passed. Employees are told how to vote—are forbidden to visit the capitol when legislation affecting them is up, and, in general, surrender their entire freedom in return for a chance to work for a wage which is hardly sufficient to keep the wolf from the door.

With relation to those charges, I desire to read this statement from C. F. Welker:

"To whom concerned:

"I, C. F. Welker, a resident of Juniata, Pa., make the following statement of facts, and will swear to same at any time called upon to do so:

"That at and before this time of the Pennsylvania Railroad Shopmen's strike at Juniata, Pa., I was the proprietor of a restaurant at Second and Fourth Avenue, Juniata, Pa., and had exhibited in my place of business a "union card" and was a sympathizer with the men on strike during this time, at different times. I had arguments with Charles Luther, a Pennsylvania Railroad

employee, constable, etc., who misquoted me, and Spangler Blair, county detective, constable, etc., but who mixed actively in the Pennsylvania Railroad Co.'s side of the controversy. On account of these things, I was practically forced out of business.

"After this I applied for and was given a position by Mr. Pennington at Pennington repair yards. This job lasted one and one-half days, when Pennington notified me if I remained there I must furnish references. I applied to Mr. McGibbons, of the middle division of the Pennsylvania Railroad, who had employed me prior to the time I entered the restaurant business. Mr. McGibbons gave me a fine recommendation, which I took to Pennington, who then said I would have to have more recommendations. I asked why. I asked him what he had against me. He said, 'I can not tell you that. I must look out for my own position; I can not employ you, anyway.'

"That just before Charles Luther assaulted Organizer Gallagher he (Luther) assaulted a 14-year-old boy named Saterfield and was practically mobbed by citizens of Juaniata because of that act, having injured the boy so that his face was covered with blood. Luther made his escape by catching a street car, jumping off at entrance of Juaniata Pennsylvania Railroad shops and getting inside the inclosure there; that Charles Luther's reputation is very bad; that there is no doubt the Pennsylvania Railroad paid Luther's wages and expenses while he was away on account of the assault upon the person of John Gallagher near the Senate Hotel, Altoona, Pa., in 1911, while, it is reported, Gallagher was under the influence of liquor. That there is no question but that the assaults upon young Saterfield and Gallagher were premeditated for the purpose of creating trouble and excitement, in order to create a condition that would justify the bringing into the situation of deputy sheriffs.

"That it is almost impossible for me to secure work in and around Altoona and Juaniata, Pa., on account of the influences as above stated.

"The Pennsylvania Railroad furnished several automobiles for use of detectives during the strike.

"C. F. WELKER,
"*Juaniata (Altoona), Pa.*"

In closing, allow me to state that while the documentary evidence submitted in support of our averments may be considered voluminous, yet only a few were selected. We have in our possession over 10,000 letters and other documents upon the various subjects that have accumulated in the past five years. The subjects herein mentioned are a matter of vital interest to the men employed upon the Pennsylvania Railroad lines in particular, and they are of more than ordinary interest to every railroad employee in the United States.

The railroad employees generally are in hopes that this honorable commission may be able to make some recommendations that will have the effect of ameliorating conditions that, as far as this company is concerned, may be considered intolerable.

I might add to that that owing to the prestige and importance of the Pennsylvania Railroad there are many railroads in the United States that follow its example in such matters, and that is the reason why the most powerful and the most important of them all was selected as the railroad to be investigated by this commission.

I might add that when this company changes its policy in regard to these matters that other railroads will do the same thing and make it much better for employees throughout a certain district of the country, which notably lies between here and the New England States; and with that I will close my presentation of the case.

Commissioner AISHTON. Mr. Perham, in your last statement, you stated there were other railroads other than the Pennsylvania on which these conditions existed. They are not all confined to New England, are they?

Mr. PERHAM. Not all.

Commissioner AISHTON. In fact a great many railroads west of Chicago, or in the western territory, are included, are they not?

Mr. PERHAM. Probably the worst offender against the people in this country is the Louisville & Nashville Railroad, with the Nashville, Chattanooga & St. Louis closely behind it.

Commissioner AISHTON. And the Atchison, Tokepa & Santa Fe, and a number of roads we could name out in that territory?

Mr. PERHAM. We consider that road a bad actor, but we have not got such serious charges to bring against them.

Commissioner AISHTON. Now, about these intolerable conditions you speak of. I understood in one of your statements that as far as the conditions of the Pennsylvania Railroad were concerned, it was not a matter of personal knowledge with you, but a matter that was communicated to you through letters from these people?

Mr. PERHAM. That is partially correct. I might say that as an organizer and representative of labor, I have had considerable experience with the Pennsylvania Railroad employees. Personally I have met thousands of them, but I never worked for the Pennsylvania Railroad and can not speak from an exact knowledge of conditions as an employee can.

Commissioner AISHTON. From your personal knowledge and observation of the employees, it would be confined largely to the employees in the station service, would it not, or telegraph service?

Mr. PERHAM. I am glad you asked that question, because it gives me an opportunity to explain. At the time this grievance arose I was chairman of the railroad employees' department of the American Federation of Labor, and in that capacity I took an interest in the grievances of the shopmen, the trackmen, and the clerks, and organizations that were affiliated with the American Federation of Labor. And I might further add that had it not been for the fact that we had so many men interested in this grievance, that these charges would have been formulated in a more logical manner than they have been presented here. The subject has been made complex because a great number of men have had a hand in making out that petition to the commission.

Commissioner AISHTON. Possibly my misunderstanding arose from this, that this hearing was in the matter of the Pennsylvania Railroad and the Order of Railway Telegraphers, and I did not understand that it involved all classes of labor on the Pennsylvania road, as has been indicated by your letters.

Mr. PERHAM. That is a fact, that we have made the charge, but at the time this petition was printed and framed we actually represented all of the other organizations with the exception of the four brotherhoods, who have a federation of their own.

Commissioner AISHTON. So those 10,000 letters that you say are in your office at St. Louis—I think you so stated?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. The 10,000 letters on which you base this are not of station employees or telegraph operators, but are from among the entire employees of the Pennsylvania Railroad?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. That is true, is it?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. There are only about 3,000 station employees, what you might call station employees, on the Pennsylvania lines?

Mr. PERHAM. My understanding is that there are 5,000 on the lines east of Pittsburgh and Erie, and a large number on the western lines, but this inquiry relates to the lines east of Pittsburgh and Erie.

Commissioner AISHTON. I am going on the report made by the Pennsylvania Railroad Co. to the Interstate Commerce Commission, in which they classified them, and I think you will find that there are 3,000, as stated in that report. Now, referring, Mr. Perham, to the 1887 strike, and as being prior to that time, as I understand, that you, or the Order of Railway Telegraphers, had not had any particular difficulty in getting meetings or negotiating with officers of the Pennsylvania Railroad, but since that time you had had difficulty. What was that strike in 1887, or did I correctly understand you?

Mr. PERHAM. I referred to that strike as an interesting illustration of what may occur where employees are generally discontented.

Commissioner AISHTON. Was that a strike of station employees at that time?

Mr. PERHAM. It was of all of the employees, everybody was mixed up in that, both trainmen, enginemen, shopmen, trackmen——

Commissioner O'CONNELL (interrupting). That was 1877.

Commissioner AISHTON. That is what confused me; that was a general strike?

Mr. PERHAM. Yes; it is an interesting Government report, and photograph of a very serious trouble.

Commissioner O'CONNELL. That should be corrected in the record.

Mr. PERHAM. It should be 1877.

Commissioner AISHTON. 1877?

Mr. PERHAM. Yes.

Commissioner AISHTON. And at that time all classes of employees just simply quit and laid down their work and also resorted to violence and destroyed considerable property of the railroad company?

Mr. PERHAM. Yes.

Commissioner AISHTON. And destroyed a roundhouse and other things?

Mr. PERHAM. Yes.

Commissioner AISHTON. Now, speaking of your organization, and not others associated with the Federation of Labor, did the organization you represent or yourself seek interviews with the officers of the Pennsylvania Railroad?

Mr. PERHAM. I have.

Commissioner AISHTON. With what officers?

Mr. PERHAM. With every one of the managing officers from the superintendent of telegraph to the president of the road.

Commissioner AISHTON. Well, the president of the road doesn't ordinarily handle those matters, but the vice president or the general manager, as a rule, would ordinarily handle such matters?

Mr. PERHAM. Yes; and we have applied to each and every one of them.

Commissioner AISHTON. I think you mentioned Mr. Atterbury's name; was Mr. Atterbury vice president at that time or general manager?

Mr. PERHAM. He was vice president at that time, and we also applied to S. C. Long, who was then general manager.

Commissioner AISHTON. What answers did you get from Mr. Long and from Mr. Atterbury?

Mr. PERHAM. They referred us back to the superintendent of telegraph, I believe, and eventually all correspondence and schedules and the letters with relation to it were all returned to Mr. Johnson's office.

Commissioner AISHTON. Were you told by any of those officers that there was a question of whether you represented the men or not?

Mr. PERHAM. I think they pretended they are doing business with the company organization, and they said if there was only three members of that organization they would do business with that preferably to doing business with mine.

Commissioner AISHTON. And that has been the main question involved, or one of the questions involved, as to whether the organization is really what it represents itself to be, a representative organization of the men?

Mr. PERHAM. Yes; I think that is a very important question.

Commissioner AISHTON. And is it not particularly the case when there are two or three organizations striving for supremacy on the road?

Mr. PERHAM. There is nothing of that character in this case.

Commissioner AISHTON. I thought there was testimony given that there was another organization on the Pennsylvania lines, and possibly on some other lines, the O. R. T., and the D. S., or something of that kind.

Mr. PERHAM. That refers to the company organization; that is true.

Commissioner AISHTON. I do not know; it was not referred to as a company organization; it was referred to as the O. R. T. and the D. S., or something like that; I don't know just what it is, but anyway they represent some other employees than you claim to represent?

Mr. PERHAM. Yes; two or three of them.

Commissioner AISHTON. And was not that the reason given by the officers of the Pennsylvania Railroad for declining to enter into contract with you or your officers?

Mr. PERHAM. Yes, sir; and it was regarded as a device by us to avoid meeting us.

Commissioner AISHTON. It was so regarded by you, perhaps; but that was the reply of the company; they just gave their reasons why they did not meet with you, didn't they?

Mr. PERHAM. I think that was stated among other things—that they had an organization of their own; that is the way we understood it.

Commissioner AISHTON. Now, Mr. Perham, speaking about the Pennsylvania Railroad now, does your organization, the Order of Railway Telegraphers, claim to represent any other class of employees other than employees who handle the telegraph or telephone in their daily line of business?

Mr. PERHAM. We have nine classes of railroad employees in the Order of Railroad Telegraphers.

Commissioner AISHTON. Clerks?

Mr. PERHAM. Who telephone; yes.

Commissioner AISHTON. Clerks in the freight houses, with the telegraphers?

Mr. PERHAM. The men who handle the train orders, train movements.

Commissioner AISHTON. The clerks who handle the telegraph instruments as a part of their day's work?

Mr. PERHAM. Yes.

Commissioner AISHTON. Who also handle the phone or telegraph?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And lever men?

Mr. PERHAM. Yes.

Commissioner AISHTON. Whether they handle the telephone or telegraph or not?

Mr. PERHAM. Yes.

Commissioner AISHTON. That is, if a man handles a lever to throw switches you have him in your organization?

Mr. PERHAM. Oh, yes.

Commissioner AISHTON. And signal repair men?

Mr. PERHAM. Not at all.

Commissioner AISHTON. You do not have them?

Mr. PERHAM. No.

Commissioner AISHTON. They have a separate organization, have they not?

Mr. PERHAM. Yes; they belong to the Brotherhood of Railway Signalmen.

Commissioner AISHTON. You don't undertake to represent any clerks other than those handling telephones on account of train orders?

Mr. PERHAM. Train orders. I might add to that that we represent train dispatchers and staff men, interlockers, as well as the telephone and telegrapher and the signalman.

Commissioner AISHTON. These organizers, Mr. Perham, that you told about, that had such a time at Altoona; there were several references to that, and all had reference to the trouble that they had in getting a meeting place and in the injunction that was served upon their meeting in Sylvan Park?

Mr. PERHAM. Sylvan Lodge.

Commissioner AISHTON. Sylvan Lodge. It was all the same occurrence?

Mr. PERHAM. Yes.

Commissioner AISHTON. These organizers that were there, they were not representing your order? That was in your connection as secretary of the Federation of Labor?

Mr. PERHAM. Or in that direction.

Commissioner AISHTON. You spoke about an organizer being at Pittsburgh interviewing the negro redcaps and people there. How many of those organizers did you have in your organization?

Mr. PERHAM. This was the same man, Mr. Ellis, that I mention so many times in this inquiry. I put him on this job and had him look up all these matters. I might say that I went on the ground myself first to discover whether there was any validity in these charges and rumors of charges and found that there was, and then afterwards put Mr. Ellis on to look it up; and he spent possibly a year in looking it up and reporting to me what he found.

Commissioner AISHTON. He was doing a kind of secret work, going around and getting information and transmitting it to you?

Mr. PERHAM. It must have been secret.

Commissioner AISHTON. He was the only man employed in that capacity by your organization?

Mr. PERHAM. Oh, no; I had quite a number of men during the year or two.

Commissioner AISHTON. Yes. Well, do they work and report to you what they find?

Mr. PERHAM. Yes; to see if there is anything to these complaints.

Commissioner AISHTON. Now, then, these organizers that were down there at Altoona—you read a letter from one of them saying that he had been very successful in getting 75 per cent of the employees on their side. That would indicate that the employees when he went there were not very favorable to this proposition of striking and raising a disturbance, didn't it?

Mr. PERHAM. Well, yes.

Commissioner AISHTON. Were those men sent down there particularly for that purpose?

Mr. PERHAM. They were sent there to organize the men. That is our business—to organize men. And these were mostly shopmen that got into that struggle there, and they found that the newspapers were controlled by the employer and that everybody was in terror of the employer. The people along the line of this railroad are enslaved. We desired to free them.

Commissioner AISHTON. Yes; I understand that is the attitude and your work; but, now, down here at Altoona this strike was on, as I understand it, when these organizers went down there?

Mr. PERHAM. No; this occurred, I believe, prior to the strike; although I am not sure of that.

Commissioner AISHTON. No; but when this letter was written, however, these four organizers were down there, and, as one of them says, "We have now got 75 per cent of the men," indicating that there was a very much less number when they started in on their work?

Mr. PERHAM. Yes; naturally.

Commissioner AISHTON. You say that there were about 200 guards kicking up a disturbance?

Mr. PERHAM. Yes.

Commissioner AISHTON. And they were these fellows drilling along the track so the trainmen could see them?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And after you had this Altoona disturbance?

Mr. PERHAM. Yes; that is my understanding.

Commissioner AISHTON. Now, your understanding comes from the organizers—the letters they wrote about it? You were not there?

Mr. PERHAM. I was not there.

Commissioner AISHTON. You have no personal knowledge?

Mr. PERHAM. No personal knowledge of the facts in that matter.

Commissioner AISHTON. No; it is just simply what these organizers and fellows that were around getting information for you picked up and wrote you?

Mr. PERHAM. And from employees not representing me; some hundreds of employees I never met. I have their letters.

Commissioner AISHTON. Yes. This information you gave this morning about these "bulls," as you call them—these special agents and spotters and detectives and all that class of fellows—you said J. F. Riley——

Mr. PERHAM. Yes.

Commissioner AISHTON. He is the third vice president of the railway clerks, isn't he?

Mr. PERHAM. Yes, sir; that is his position.

Commissioner AISHTON. That is a sort of organizing position, is it, or is that an executive position?

Mr. PERHAM. He holds meetings and organizes men.

Commissioner AISHTON. Yes; but all the information you have about this affable gentleman he thought was on his trail wherever he went and followed him around and who met him on trains and on docks and all that kind of thing—all you know about that is just what Riley wrote you?

Mr. PERHAM. Unfortunately, not all I know about it, because I have had the same experience, and every man, I think, that ever went near the Pennsylvania to organize employees has had the same experience.

Commissioner AISHTON. Well, isn't that a common experience or a common feeling, I believe, on the part of not only the officers of labor unions, but also of officers of railroads, that every movement is being watched, and all that kind of thing? It is a kind of mutual feeling and about nine-tenths is "bunk," isn't it?

Mr. PERHAM. Oh, no; labor-organization men are intensely practical. Not one in a hundred labor-organization men at this time is really followed by a detective—everybody knows what he is going to do—except by this company that employs so many of them.

Commissioner AISHTON. Exactly—well, you take the detective racket, it has been worked to death, hasn't it? You have been worked and the railroads have been worked until it looks ridiculous. Yes; until it looks ridiculous; and it is a favored stunt with everybody connected with both sides of the business to make out that they are kind of martyrs and being followed by these detectives, and, as a matter of fact, nobody pays much attention to it.

Mr. PERHAM. If you would just take the guns off of those men, we would not have any complaint; but we can not get on an equality because we can not carry guns. If they would just take the guns away from those men, we don't care.

Commissioner AISHTON. I think you have given some testimony—in fact, turned in a document here published by the Pennsylvania Railroad, that they spent $800,000 last year, was it, for policing?

Commissioner WEINSTOCK. Eighty thousand?

Mr. PERHAM. Eight hundred thousand.

Commissioner AISHTON. Eight hundred thousand, I think, was the amount named, and that includes, I suppose, the Fort Wayne and the Pennsylvania and the whole system, doesn't it?

Mr. PERHAM. I am not sure about that, but I think closer investigation would show the figure is altogether wrong and that it is not half stated.

Commissioner AISHTON. Well, it comes out over the signatures of the officers of the road, and I should hardly think they would publish anything that is not correct. Let's say it is $800,000, or take any figure you want to set, for the sake of the argument—do you know, or have you any knowledge of the Pennsylvania police force organization and its duties, and what they do?

Mr. PERHAM. No.

Commissioner AISHTON. Your home is in St. Louis?

Mr. PERHAM. Yes.

Commissioner AISHTON. The Pennsylvania runs in there over the Vandalia lines, and the Vandalia is included in that figure. Do you know how many policemen they have in St. Louis, and what their duties are?

Mr. PERHAM. I have no idea.

Commissioner AISHTON. Do you know that their police force covers also crossing flagmen who are in uniforms?

Mr. PERHAM. I don't know that.

Commissioner AISHTON. Well, I don't know that, but I have a very shrewd suspicion that they are, and that can be developed on investigation. Do you know how many policemen they have around their passenger station at—well, we will take the Union Station in Chicago? Do you know what their force is there?

Mr. PERHAM. I do not know.

Commissioner AISHTON. Do you know what they pay the men?

Mr. PERHAM. Not at all.

Commissioner AISHTON. Do you know what their duties are?

Mr. PERHAM. I never was——

Commissioner AISHTON (interrupting). Have you ever been in their freight station?

Mr. PERHAM. Never——

Commissioner AISHTON (interrupting). Ever see any of the men in uniform along the Pennsylvania road?

Mr. PERHAM. Yes; a great many.

Commissioner AISHTON. You don't know anything about their duties, or how necessary they are in the operation of the road, or in the protection of their passengers or freight, or anything of that kind?

Mr. PERHAM. I do not.

Commissioner AISHTON. So, as far as you know, when you pay the Pennsylvania Railroad at Chicago and Pittsburgh and Philadelphia, and all these large centers of population, you don't know whether it is an unreasonable or a reasonable amount to expend for police protection, or whether they are justified in it or not, do you?

Mr. PERHAM. I think it is right to call the attention of this commission to that fact that this railroad is usurping a State function in the matter of having so many armed men and assuming police powers here that do not belong to a corporation, as I understood it.

Commissioner AISHTON. I think the commission probably will take that into consideration; but what I am trying to get at is that there is possibly two degrees of illegitimate work of policemen; one is the legitimate kind of illegitimacy, and the other is what you are complaining about, the armed thugs, bulls, and all that kind of thing, and people going about with steel billets and guns and things of that kind and terrorizing people. Now, this $800,000 referred to, if it is investigated, I think it will be found largely what might be termed a proper mode of protection?

Mr. PERHAM. That would be a matter of opinion. During the time that this commission was sitting in Chicago, in seven days five men were killed by railroad policemen. Some people might think that that is eminently proper that the railroad should protect itself to that extent; that if they find a man breaking into a car that man should be instantly killed. I believe that some people entertain that view. I do not.

Commissioner AISHTON. Take the other view of that, Mr. Perham; were it not for the protection afforded its trainmen by the police officers, such as I have outlined, in their yards, how many trainmen and enginemen and brakemen and conductors do you suppose would be killed in a year in the city of Chicago?

Mr. PERHAM. I don't know; I think they are capable of taking care of themselves.

Commissioner AISHTON. Well, that is a point of ethics as to where the duty of the city ends and where that of the railroad begins.

Mr. PERHAM. Yes. I have raised that question here for that very purpose of having that line of demarcation set out so that we may understand what a railroad's position is in regard to policing and where the State draws its line.

Commissioner AISHTON. This O. R. T., or this other organization—this company organization that you speak of, who are its officers, Mr. Perham; do you know?

Mr. PERHAM. I know of one. That was Mr. Austin, and I think he has the charge of it, the president, and also secretary of it, and the editor of the magazine.

Commissioner AISHTON. They publish a magazine; do they?

Mr. PERHAM. They publish a monthly magazine.

Commissioner AISHTON. Do you know whether they charge dues and all that kind of thing?

Mr. PERHAM. Well, I don't know. I think sometimes they do and sometimes they do not——

Chairman WALSH. At this point, excuse me, we will adjourn until to-morrow morning at 10 o'clock. Some of the other commissioners have some questions, and we have to recall Mr. Perham.

Mr. PERHAM. All right.

Chairman WALSH. To-morrow morning at 10 o'clock.

(Thereupon, at 4.30 p. m., these proceedings were adjourned until the following day, Wednesday, May 5, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C.,
Wednesday, May 5, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Lennon, Mrs. Harriman, Garretson, Aishton.

TESTIMONY OF MR. H. B. PERHAM—Continued.

Chairman WALSH. Mr. Perham, you may resume the stand now.

Commissioner AISHTON. Mr. Perham, I think we closed with what we were discussing at the time, and there is nothing further to say on that, I think.

Mr. PERHAM. I believe that is the case.

Commissioner AISHTON. Mr. Perham, you made some statements about the earnings of a telegraph operator, monthly earnings, when you were so employed; I think you said $100 a month was the pay the telegraph operator received, or that is what yours was?

Mr. PERHAM. I received that much.

Commissioner AISHTON. Since that time there have been changed conditions of work, have there not? You have telegraph operators in the transportation service, at least, that work on an eight-hour-a-day basis now?

Mr. PERHAM. Quite generally that is the case.

Commissioner AISHTON. Quite generally that is the case?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. As the result of legislation on that subject?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. So that any comparison of pay would also take into consideration the hours and conditions of service that go with it?

Mr. PERHAM. All things should be considered.

Commissioner AISHTON. All things should be considered?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. I don't know that this is important, but the record shows, I think, from your testimony, that the Pennsylvania Railroad, as one measure of combating strikes, installed telephones, to the great danger of the public, or something of that kind; I think the record shows that is your testimony?

Mr. PERHAM. I don't remember ever having made such a statement.

Commissioner AISHTON. You would not support such a statement? Possibly I misunderstood you.

Mr. PERHAM. No, sir. We consider the telephone a very valuable adjunct to our business.

Chairman WALSH. That was the statement—it sounded to me like that. I understood it that way, Mr. Perham, that you said they put in the telephone service and something else to the great danger of the public.

Mr. PERHAM. I think that was the time the strike was pending, and many section laborers were put in the signal towers to take the places of signalmen that might go on strike.

Chairman WALSH. That had nothing to do with telephones, then?

Mr. PERHAM. Not at all.

Commissioner AISHTON. If the record so stated, it will be noted that Mr. Perham so corrects it, as far as the telephones are concerned.

Mr. PERHAM. May I explain that my organization admits telephone operators engaged in the handling of trains on the same plane as telegraph operators and train dispatchers? We consider that an improvement on telegraphy.

Commissioner AISHTON. There are some questions, Mr. Perham, raised as to the Pennsylvania Railroad in these notices or rules for the telegraph department that they issued, I think by you. You have a statement contained in that notice that this was arrived at in a conference of the committee, which was a little out of the usual. Was that the way you testified? You read several notices from some division superintendents of different divisions about the rules having been agreed to by a committee?

Mr. PERHAM. I read three letters from as many different division operators that stated that this schedule of rules had been arranged with a committee representing a certain organization, and I said in reference to that that it was a very unusual thing for railroad officials to state that it was made with this organization, because that would be an advertisement for a labor organization, and of course in this case we doubt the authenticity of this particular organization, as my testimony yesterday went to show.

Commissioner AISHTON. In putting out schedules and rules of agreement as between employees and the railroad companies generally, I don't know what the practice is on Pennsylvania Railroad, but did not such schedules ordinarily bear not only the signature of the officers of the company but also the signatures of the officers of the different organizations?

Mr. PERHAM. It is not unusual for the organization to have its committee put its name on the schedule as being parties to the agreement.

Commissioner AISHTON. Yes, sir; I think that is the case in a great many of your schedules in the West, for example?

Mr. PERHAM. Quite a number of them.

Commissioner AISHTON. Yes, sir; so that really the practice is not particularly an unusual one, except it might be on the Pennsylvania Railroad; I don't know their conditions.

Mr. PERHAM. The letters that I quoted were the only records in my life where such a thing occurred.

Commissioner AISHTON. I think you said, Mr. Perham, in reply to somebody, that this wage schedule that was submitted and put in the record as evidence, where rates of pay were quoted at $38.50, is one I remember—the date of that schedule; what was it? You say 1906?

Mr. PERHAM. 1906.

Commissioner AISHTON. You have no knowledge of what the condition was except as included in that schedule?

Mr. PERHAM. I filed a schedule of wages paid and wages asked for in 1911.

Commissioner AISHTON. Which is a later date?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Do you have any knowledge of what the duties are of these lower-paid men?

Mr. PERHAM. In a general way; yes, sir.

Commissioner AISHTON. What are they—agents and operators?

Mr. PERHAM. The men generally quoted at $44.00 per month were station agents, working from 12 to 13 hours per day.

Commissioner AISHTON. In what territory?

Mr. PERHAM. On the branch lines.

Commissioner AISHTON. Something like the Delaware division.

Mr. PERHAM. I believe some wages were reported on the Delaware division.

Commissioner AISHTON. You don't know whether these agents also have lines of business they perform; for example, a man might run a store and sell tickets. I don't know that is the case on the Pennsylvania, but it is on some roads with very thin traffic.

Mr. PERHAM. I am informed that it is not the case on the Pennsylvania Railroad.

Commissioner AISHTON. You have no personal knowledge; that information comes to you?

Mr. PERHAM. Nothing but a statement of the employees.

Commissioner AISHTON. You spoke about regular organizations; that the railroads made agreements with regular organizations. What are considered the regular organizations, Mr. Perham?

Mr. PERHAM. My reference at that time was to the Brotherhood of Locomotive Engineers, the Brotherhood of Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen.

Commissioner AISHTON. They have agreements with those organizations?

Mr. PERHAM. I so understand.

Commissioner AISHTON. They have an agreement, in your knowledge, with this D. S., O. R. T. S. & A., that is referred to, rival organizations to the O. R. T., on the Pennsylvania Railroad?

Mr. PERHAM. I assume from the letters read yesterday that they have.

Commissioner AISHTON. These four organizations that have agreements, are they members of the American Federation of Labor?

Mr. PERHAM. They are not.

Commissioner AISHTON. Is this the D. S., O. R. T., T. S. & A.; are they?

Mr. PERHAM. They are not.

Commissioner AISHTON. Is your organization, the O. R. T.?

Mr. PERHAM. It is affiliated with the American Federation of Labor and has been since 1899.

Commissioner AISHTON. But that has nothing to do with their being regular or irregular?

Mr. PERHAM. Nothing.

Commissioner AISHTON. The regular part is that the railroad company has seen fit to make an agreement with those organizations; is that it.

Mr. PERHAM. The irregular part is for the railroad company to foster a dual organization to another one; the railroad organization having very few members and the regular organization representing a majority of the men employed.

Commissioner AISHTON. The railroad company, you would not have us understand, fosters the Order of Railway Telegraphers?

Mr. PERHAM. I have no evidence of that, but I have in the case of the other organizations mentioned.

Commissioner AISHTON. That evidence will be presented, will it?

Mr. PERHAM. It was presented in the letters I read.

Commissioner AISHTON. That is the extent of your knowledge of any fostering, is it—those letters read?

Mr. PERHAM. I filed 50 letters from different employees verifying my statement; also 25 reports from organizers verifying that statement, or attempting to do so.

Commissioner AISHTON. Mr. Perham, do you know what rate of wages is paid what are called the shop crafts, say at Altoona, on the Pennsylvania Railroad, per hour?

Mr. PERHAM. Nothing further than the affidavits filed by me yesterday from the chief executives of the labor organizations; it was from the blacksmiths and the carmen.

Commissioner AISHTON. If I remember right, that stated in a general way that the men were working for $1.80 a day, or something of that kind.

Mr. PERHAM. I think it was $1.25 a day, or $1.50 a day for car repairers.

Commissioner AISHTON. Did that give the number of men employed in the different crafts and the rate per hour paid?

Mr. PERHAM. It did not.

Commissioner AISHTON. Is that information obtainable?

Mr. PERHAM. From the company, yes; from the organization, no.

Commissioner AISHTON. Have you any knowledge of the rate per hour paid generally in that territory for that kind if work or how it compares with the rates paid the Pennsylvania men?

Mr. PERHAM. I have no specific knowledge on that subject.

Commissioner AISHTON. You gave some testimony about the work—I think you confined yourself to station employees and telegraph operators—about the nature of the work breaking men down and making the men insane, and that kind of thing, and cited an instance of one man who had gone insane, Mr.

Perham. Do you base that statement on that one man or is that a general proposition with that class of employees?

Mr. PERHAM. It is more prevalent on the Pennsylvania Railroad than any other railroad that I have heard of, and I think it is caused by the density of the traffic and the nervous condition that comes from that tense application to watching trains and their movements.

Commissioner AISHTON. Well, now, that might apply in possibly some few places on the Pennsylvania or any other railroad where the traffic was particularly dense, but the Pennsylvania is a pretty large railroad and there are very few of those tense points on it where there is any terrific amount of congestion. What I was trying to find out, and what I think the commission ought to know, is, are these men employed in these capacities where this dense traffic is and where they handle switches and interlocking plants all on the eight-hour bases?

Mr. PERHAM. Yes.

Commissioner AISHTON. They all work in eight-hour tricks?

Mr. PERHAM. Yes.

Commissioner AISHTON. Their hours of service are less than any other class of employees in the transportation service, are they not?

Mr. PERHAM. They are; and they must be still reduced. In Germany, for instance, switchmen work six hours a day by the Federal law, and we, in seeking to bring about the eight-hour day generally for such employees, have succeeded so far in getting the eight hours. Now, our next move will be to get a six-hour day for those men.

Commissioner AISHTON. And then I suppose five hours or four hours, so as to divide it up in tricks, like they have on shipboard?

Mr. PERHAM. We will continue our efforts along this line until we make it possible for the men to retain their health and work in those positions.

Commissioner AISHTON. I think you said there were 5,000 employees on the Pennsylvania road engaged in this class of service yesterday. I questioned that a little as to whether it exceeded 3,000; but we will say 5,000. How many employees—what percentage of the employees—have these strenuous jobs that drive them insane, do you think?

Mr. PERHAM. As I said yesterday, there are nine classes of employees eligible to the organization I represent, and the approximate figure of 5,000 had reference to those who were eligible to the organization.

Commissioner AISHTON. That is, clerks?

Mr. PERHAM (interrupting). This tense condition only applies to men in signal towers and the relay telegraph offices.

Commissioner AISHTON. And what proportion or how many men would you think the Pennsylvania Railroad had of that character?

Mr. PERHAM. Well, probably 500 or 600, although I do not know. That is just an approximate estimate.

Commissioner AISHTON. Now, the New York Central line is the line that would closely approximate the density of traffic and number of employees of that class, would it not, Mr. Perham?

Mr. PERHAM. I think it would; no doubt.

Commissioner AISHTON. Do you think the New York Central would have probably 500 to 600 employees in that class?

Mr. PERHAM. On the line between New York and Buffalo it generally applies.

Commissioner AISHTON. Now, your statement that the Pennsylvania Railroad lines exceeded in that—the number of people who went insane and were broken down prematurely over other roads—have you any figures to show how the comparison stands as to that class of employees between the New York Central and the Pennsylvania?

Mr. PERHAM. No; but the reason I assign for it is the difference in the management between the New York Central and the Pennsylvania Railroad. These men on the Pennsylvania Railroad seem to be living in a state of terror. They are laid off for some trifling mishap, something that they were not responsible for, and they seemed to be afraid of everybody and everything; and that condition applies wholly and singularly to the Pennsylvania Railroad.

Commissioner AISHTON. I think you said yesterday, Mr. Perham, that your personal knowledge of the Pennsylvania Railroad was rather limited, and you depended largely on these letters. Have you letters that support that statement as to employees of the Pennsylvania Railroad?

Mr. PERHAM. No. I would prefer to have that from witnesses who have direct knowledge of the circumstances. In my opening statement yesterday it was

to introduce the subject, to be verified later by witnesses that I assume will be called by the commission to testify as to the truth or not of these statements I have made.

Commissioner AISHTON. Oh, pardon me for trying to get that evidence. The witnesses are to be produced. We would like to get some prima facie evidence in regard to that.

Mr. PERHAM. I take it that it is necessary for a man to work on the road to know of the conditions; and, as I stated yesterday, I never have worked on the Pennsylvania lines.

Commissioner AISHTON. I think, Mr. Perham, you are absolutely right about that; and what this commission wants, of course, is facts and not speculation.

About the pension system on the Pennsylvania Railroad, Mr. Perham, I believe you testified that the operators never get pensions?

Mr. PERHAM. Very few of them, in comparison with other classes.

Commissioner AISHTON. Now, what is the reason of that?

Mr. PERHAM. On account of the tense condition in which they are employed and the vicissitudes of the business not permitting them to live long enough, or to remain in the business long enough to gain a pension.

Commissioner AISHTON. The witnesses here are competent to testify to that feature?

Mr. PERHAM. I hope so.

Commissioner AISHTON. Isn't there another feature also that is responsible for lack of pensions or a proper percentage of pensions among telegraph operators on the Pennsylvania? Isn't it a fact that on the Pennsylvania Railroad, as well as on other transportation companies, that there is a larger percentage of telegraph operators promoted to official positions, to important agencies, and that kind of thing, and isn't it a fact that about 75 per cent of all promotions occur in the telegraphic service? And doesn't that take away, in a large measure, the elderly, or the men who have aged in the service, and who are more competent?

Mr. PERHAM. I don't know that to be a fact.

Commissioner AISHTON. I think, Mr. Perham, I asked you a question or two at Chicago, and possibly this will be a reiteration of it; but this commission, as you know, is endeavoring to find a solution of these difficulties. We are earnestly trying to find them. Now, you take a strike or a tie-up or a lockout, if you please, in railroad service or in the service of a public corporation, it is really a more serious matter, isn't it, than in the ordinary commercial pursuits of a manufacturing industry?

Mr. PERHAM. I have always viewed it that way——

Commissioner AISHTON (interrupting). That has always been your policy?

Mr. PERHAM. That to call a strike on the railroad is a very serious thing; that it interferes with the business of persons who are not directly connected with the troubles that brought on the strike, for instance.

Commissioner AISHTON. And it not only interferes with their business, but affects their lives and the lives of their children and of the whole community?

Mr. PERHAM. Has a bad effect all around on the employees and the employers; in this Pennsylvania Railroad matter we would have called these men out on strike if it had not been for such consideration quite awhile ago. We have been trying to avoid that.

Commissioner AISHTON. I think that is your reputation and, as Mr. Carlton very well said, that has been your attitude always and that has been generally recognized; and I am asking these questions on account of that attitude that you have preserved.

Mr. PERHAM. I am very glad to answer those questions.

Commissioner AISHTON. Yes. Now, the authority rests for calling a strike in you as president, doesn't it?

Mr. PERHAM. The rule upon the subject is that two-thirds of the general committee representing the employees, with the approval of the president, may bring on a strike.

Commissioner AISHTON. They can not do it without the approval of the president?

Mr. PERHAM. They can not.

Commissioner AISHTON. There is no so-called vetoing or, rather, overriding of the veto of the president or anything of that kind? They can not go ahead without his approval?

Mr. PERHAM. Not without it; and sometimes the president vetoes a strike anyway after the general committee has authorized it.

Commissioner AISHTON. Yes; I think it is generally understood that you have been brave enough to take that action in some cases where you thought it was not right.

Mr. PERHAM. I have taken that action.

Commissioner AISHTON. Don't you think that in the hands of what you might call improper persons—improper, I don't use that offensively, but a man who has not ripe, matured judgment on those things, and who may be in the position of head of one of these organizations—don't you think that is a mighty dangerous power to put in one man's hands of determining on whether or not the intereference with the life of the community will be carried out through the calling of a strike; and don't you think, particularly in railroad or transportation matters, or public utilities where that result comes, that there should be some body or power or something or other devised or recommended by this commission of a nature that would either afford an adjudication of the disputes or such publicity as to the real facts in the matter as would prevent the party who is in the wrong from going into it, or at least to defeat him or defeat either side if they had not public opinion with them?

Mr. PERHAM. Imperfect as our labor organizations may be, I believe that it is better to keep away from the judicial end of it. A court, in the last analysis, is but a man. He has his opinions in regard to these questions, and it depends upon his environment, his make-up generally as to whether the court is any more competent to pass upon the rights of such a matter than the man who has come through all the chairs in a labor organization, and has been tested by the fire of experience in all sorts of ways before he gives this decision on a strike. Every time a labor leader puts his O. K. upon a strike he puts himself in jeopardy. That is well known. Consequently, the men who are in charge of labor organizations work to gain their ends through peaceable means. The great labor leader is not a great labor leader very long. The thing is self-adjusting. If he makes mistakes, if his judgment is not good, he is the one who is generally sacrificed; and that is the check and balance for the entire system that we have developed.

Commissioner AISHTON. I think something was said about a strike that was called on the Pennsylvania Railroad—you called it the Pierce strike, I think—which did not receive the support of the organizations. That is right, isn't it?

Mr. PERHAM. I think that was an uprising of the men, and that is their present disposition.

Commissioner AISHTON. That was a labor organization?

Mr. PERHAM. Yes.

Commissioner AISHTON. Federation of Railway Employees, or something like that?

Mr. PERHAM. It was forming at the time the strike came on.

Commissioner AISHTON. Of course, in the consideration of this entire subject, with the interruption that comes, and the unrest that comes, we have to consider not only what you might call the old-established organizations, but the menace of an organization of that kind, not only to the public, but to the older organizations; and an affair of that kind is a menace to the entire labor situation, as well as it is to the employers' side of the question, is it not?

Mr. PERHAM. It certainly is; and my contention is that the best plan for the railway company is to make an agreement with its employees in the regular way, and they would be insured industrial peace, which does not come to this railroad because it has strikes every few months, somewhere or other, on account of their not having made contracts with their employees.

Commissioner AISHTON. Well, is that just a fact? They have contracts with their employees; they claim, I believe, I don't know anything about it, I believe you advised that the reason they would not meet with you, as given by Mr. Long and Mr. Atterbury, was that you did not represent the men. Whether that is right or wrong, this commission has no way of judging, but I suppose they will testify why when they are put on the stand.

Mr. PERHAM. That has been their contention right along, but if they have not got the men they can not represent them. Now, we claim to have the organization, that we are the power, and that when our men make a movement to get a wage increase the company meets it by giving it to the other committee, and the committee that we claim is appointed by the officers, not elected by the men.

Commissioner AISHTON. I suppose evidence will be brought out before this commission to show on that?

Mr. PERHAM. I hope so.

Commissioner AISHTON. I take it from what you said about the conditions of courts that there are men that are not competent, or at least what you call a class prejudice, to prevent them making a rule, judicial decision, on questions of this kind?

Mr. PERHAM. I am not in favor of the word "class" prejudice, and I really did not use it.

Commissioner AISHTON. I read it in some pamphlet here yesterday.

Mr. PERHAM. What I said was that the court was a man, and that his environment had much to do with his opinion as to labor and industrial and wage questions. If, for instance, this particular judge had been a lawyer in the pay of the corporation all his life, and his work has been corporation work, naturally he is close to the work that engrossed him. It sways his views. My views have always been on the labor side of this question, and it is impossible for me to depart from it and to separate from it. It is part of my life work, consequently it is the same with corporation counsel; it is their life work, and they can not be separated from it.

Commissioner AISHTON. You and I agree absolutely on that, and yet you, I say you, or men in the organization, that are the heads, are the final court that says whether there will be a strike on the railroad or not, and it is not, and does not that indicate the necessity for somebody in between, the Government or somebody who would be free from your education and labor and your labor affiliations, and the employers being filled up with their side, but to meet in between and say what the right thing to do is?

Mr. PERHAM. It was for that reason that we helped to form the United States Board of Mediation and Conciliation, and if you will look at our records you will find that since that board has been formed we have invariably referred matters to that body that we could not arrange with the company.

Commissioner AISHTON. That is what is now called the Newlands Act?

Mr. PERHAM. Yes, sir; and previously it was the Erdman Act, and we have invoked that.

Commissioner AISHTON. Now, in view of what has taken place and can take place, do you think that the Newlands Act goes far enough to avoid strikes?

Mr. PERHAM. The Newlands Act can be extended to cover a wider jurisdiction and more classes of railroad employees.

Commissioner AISHTON. At present it only takes in what are known as the transportation employees?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Your idea is that it should be extended to take in, say, shop crafts and any other crafts of laborers?

Mr. PERHAM. To railroad employees I would have that extended.

Commissioner AISHTON. Would you extend it to public utility employees; employees of water works, gas works, and street car lines, and all that kind of thing?

Mr. PERHAM. I certainly am in favor of another such act to cover other business. The transportation business is peculiar, as this United States Board of Mediation and Conciliation has learned much from the transportation business, and I desire to say, if you will permit me, that I believe mediation to be one of the best things ever devised for the prevention of labor troubles. That we have had much experience with it, and we like it much better than arbitration for many reasons. One is that arbitration leads to ill-feeling, sometimes, between the employer and employee. Mediation never does, for the mediator comes in between the two contesting parties and seeks the point of contact, eliminates the points of difference, and actually brings about the solution of the trouble with good feeling to both parties, which we desire; so that the mediation feature of the work of the board has been the most prominent and the most useful and the most to be desired of the work of that board. Consequently, having found that to be a good thing, and having devised methods for bringing about a peaceable solution of their differences, I believe it should be extended, and I think a conciliation and mediation board should be in each of the judicial districts in the United States, so that their services might be obtained quickly and effectively, so as to nip the trouble in the bud and bring about a solution before ill-feeling arises between the classes.

Commissioner AISHTON. You believe that under the law such mediation and conciliation should be compulsory to both parties?

Mr. PERHAM. I do not. Compulsory features lead to a judicial phase of it, and wherever men have tried that, it has been a failure. I refer particularly to New South Wales and New Zealand, as examples.

Commissioner AISHTON. You think that there being such a law and such a body that neither side would dare go against public opinion in refusing to accept mediation and conciliation?

Mr. PERHAM. That has been our experience.

Commissioner AISHTON. And you think that would follow naturally?

Mr. PERHAM. Yes, sir; I do. I think the mediation can be developed so that in the minds of men it will be accepted as the proper thing. I believe in public opinion.

I think you spoke of rebating yesterday, and afterwards the thought occurred to me that there had been an entire change in public sentiment throughout this country on that matter. Say, for instance, 15 years ago that a merchant would come to an agent and ask for a rate on certain commodities, each man seeking to get a lower rate than his neighbor, and it was regarded as a legitimate proposition, and to-day it is known to be wrong by every shipper in the United States and no man seeks a rebate. That has been brought about by publicity, and work of the I. C. C., by showing the iniquities that are concealed in it.

Commissioner AISHTON. Do you believe in this mediation and conciliation idea of yours, that in the features of the Canadian disputes act that they should be introduced by way of publicity of the question?

Mr. PERHAM. I do not favor the Canadian act. Freedom is our goal in this country, and the right to strike, right to quit work, is one of the rights that we prize, although we may not exercise it; still, to know that we have that is a reassuring fact.

Commissioner AISHTON. The Canadian disputes act does not deprive you of that right?

Mr. PERHAM. It does.

Commissioner AISHTON. Only for a certain period, two weeks?

Mr. PERHAM. One minute would be too much.

Commissioner AISHTON. You want to be able to tie it up right away?

Mr. PERHAM. Not to tie anything up; just the right to quit work when we are through.

Commissioner AISHTON. And you determine when you are through?

Mr. PERHAM. The men will; not the man, the employees.

Commissioner AISHTON. In your case, it would be you?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Now, Mr. Aishton asked you regarding the authority of the president of your organization in connection with strikes. Mr. Aishton, I am of the opinion, has the idea that you have the power to order a strike?

Commissioner AISHTON. After a two-thirds vote.

Commissioner O'CONNELL. As I take it, you have the power to veto a strike, but your authority would not order a strike.

Mr. PERHAM. It simply approves.

Commissioner AISHTON. It would approve of a two-thirds vote?

Commissioner O'CONNELL. You could not authorize a strike?

Mr. PERHAM. Will you allow me to explain further in regard to that proposition? There is no provision in our laws, rules, or regulations as to a strike vote, but before the president of the organization would put his approval on a strike proposition, he must know that the constituents are going to strike. He must have word from them or find out what the men mean. A strike called otherwise would not do, and that is where the judgment of the president is reached to decide the question. For instance, on a certain road in this vicinity I had a strike vote one time of 98 per cent of the men; I vetoed it.

Commissioner AISHTON. You knew they were wrong, or had not exhausted their other resources?

Mr. PERHAM. They were perfectly right, but they did not have the strength numerically to win the case. It was a small number of men; if I had received such a vote from a large number of men there would have been nothing for me to do but put my approval thereon. In these cases we poll the men, and the president absolutely represents the men in his action; if he does not he will go down, and if he does he will endure.

Commissioner AISHTON. Am I to understand that the only question the president determines in a case of that kind is whether he can deliver the goods? Is that the question? Or is there the question of the right or wrong of the thing? Men are wrong sometimes, and men of experience know it.

Mr. PERHAM. There are many things in relation to that. We have had cases where the men were wrong; we will be frank and will state to you that we had information that the men did not have in regard to the case, and that

we failed to indorse the strike proposition because we knew the trouble, and took other methods of adjusting it.

Commissioner AISHTON. I understand, Mr. Perham, from what you said, that you as a representative labor man are absolutely opposed to arbitration differences?

Mr. PERHAM. You do not understand me correctly, because I have been an arbitrator several times on cases and counsel in arbitration cases.

Commissioner AISHTON. I did put it wrong. What I meant was that you object to any legal requirement or any law that would require arbitration of disputes.

Commissioner O'CONNELL. The compulsory arbitration?

Mr. PERHAM. I am unalterably opposed to that, compulsory arbitration.

Commissioner AISHTON. I am very much obliged, Mr. Walsh, and am sorry to have taken up so much of your time.

Chairman WALSH. Mr. O'Connell has some questions.

Commissioner O'CONNELL. At the time your organization was in an effort to secure a conference with officials of the Pennsylvania Railroad, did you tell us yesterday you had a letter stating that it was inferred that you did not represent the men on the system was the reason why you were not given a contract?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. What was the truth of that statement? Did your organization have the membership on the Pennsylvania Railroad?

Mr. PERHAM. We represented about one-half of them?

Commissioner O'CONNELL. About 50 per cent?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. And the organization that the company did meet or make an arrangement with, which you termed a company organization, have you any idea as to what the membership of that organization was?

Mr. PERHAM. We had various reports about it, but it is in such a mixed condition that it is something that we can not get along with. They take in laborers and maintainers and different people, who are not eligible to our organization. And they have a few of our men; I believe it was counted 122 on this railroad that would be eligible to our organization.

Commissioner O'CONNELL. Then they had nothing like the membership on the system that your organization represented?

Mr. PERHAM. They never have had.

Commissioner AISHTON. Then from whence did the information come that you did not represent and they did? The officials of the company simply have a misconception of the truth of the situation?

Mr. PERHAM. I think they have been deceived.

Commissioner O'CONNELL. You say this other organization takes in a different class of membership from yours? What difference, in what way?

Mr. PERHAM. Signal men, maintainers, mechanics, and machinists.

Commissioner O'CONNELL. What are maintainers?

Mr. PERHAM. The men that put in plants and maintain them.

Commissioner O'CONNELL. You were discussing with Mr. Aishton the question of hours, as one of the methods of compensating men, for the hours of labor on the railway system, and particularly the Pennsylvania Railroad, had been reduced by the company, or has that been brought about largely through legislation?

Mr. PERHAM. Largely through legislation, although the eight-hour day prevailed on this part of the system before the hours of service became effective. Might I explain that this work is of such a tense condition it might be compared to a man watching the pendulum of a clock for eight hours and not missing a motion.

Commissioner O'CONNELL. As a general proposition, is the reduction in the hours of telegraphers on railway systems been the result of voluntary contribution on the part of employees or by legislation?

Mr. PERHAM. For over 20 years we tried to get a reduction in hours, and we generally failed until the Federal law was passed. In some States the eight-hour laws were enacted, but most of them were dead letters; but since the Federal law was passed that was made effective, and the eight-hour day was secured under the nine-hour provision.

Commissioner O'CONNELL. Was that a voluntary contribution of the railroad company or have they opposed it?

Mr. PERHAM. There are thousands of suits each year under that law and decisions made by the Interstate Commerce Commission and protected by the Interstate Commerce Commission.

Commissioner O'CONNELL. On the part of the company violating the law?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. They have not been, as would be taken from the evidence here—they have not given the hours of labor as a voluntary contribution, but it has been forced from them by legislation against their will; they opposed the legislation to reduce the hours of labor?

Mr. PERHAM. They fought the bill bitterly before it was enacted and after it was enacted.

Commissioner O'CONNELL. In the case of the effort to reduce the hours in the State of Maryland, there was a rigid opposition on the part of the railroad representatives there, and the evidence you have handed us would indicate that money was used in the opposition to the legislation, Mr. Perham?

Mr. PERHAM. Yes; that came out in the public press, and that is the way our notice was first attracted to it; that people who went there ostensibly in favor of the bill toward the last were working against it.

Commissioner O'CONNELL. As a general proposition, the hours of labor of the telegraphers have not been reduced voluntarily by employers as a means of compensation to the men for their increased service or greater efficiency, but has been a result of the efforts through legislation?

Mr. PERHAM. Yes; through legislation and organization.

Commissioner AISHTON. Let me ask a question here, please. I think you stated that there were thousands of suits brought against railways by the Interstate Commerce Commission for violation of the hours-of-service act in the case of telegraphers?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. That is, station and telegraph employees?

Mr. PERHAM. That would include the trainmen.

Commissioner AISHTON. They have a different law than the telegraphers.

Mr. PERHAM. It is the same act.

Commissioner AISHTON. But a different provision.

Mr. PERHAM. A different provision because they perform their business by trips, and we work by the day.

Commissioner AISHTON. Coming back to this violation by the railroad, you do not know of any suits having been brought against the Pennsylvania Railroad Co. on account of any of these violations of the eight-hour day?

Mr. PERHAM. I do not know.

Commissioner AISHTON. And is it not a fact that the large number of cases that are brought against all of the railroads are not for violation of the eight-hour day, but for technical—lack of a proper interpretation by the Interstate Commerce Commission of how the law applies to the country station?

Mr. PERHAM. There have been violations of all kinds, according to my knowledge of the case. I read the reports pretty closely. The points are quite varied.

Commissioner AISHTON. Of course, it is a matter of record in the Interstate Commerce Commission, and I think that this commission, Mr. Chairman, should secure the information in regard to the suits brought in violation of the hours-of-service act and incorporate it in the record.

Chairman WALSH. Will the stenographer please make that memorandum?

Commissioner AISHTON. That is all.

Commissioner O'CONNELL. You were discussing yesterday, Mr. Perham, with Commissioner Aishton the question of the source of your information and the men that had furnished this information to you. I got the conception that the men you had sent out were a sort of secret-service men, employed something in the plan that you indicated the company employs men to secure information for them; that is the impression it left on me. The men whom you sent out to secure information for you are men employed regularly by your organization as organizers or vice presidents or members of your board, or something of that kind?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. They are not taken, for instance, from some detective agency or some agency that furnishes men for special service at so much per day?

Mr. PERHAM. No; they are men who go around seeking applications of employees for membership in the organization, and along the lines of the Pennsylvania Railroad they hear many stories and complaints from citizens about what the Pennsylvania Railroad does, and they report that to me.

Commissioner O'CONNELL. They are regularly employed by your organization?

Mr. PERHAM. Yes; their business is to get members.

Commissioner O'CONNELL. As organizers?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And they are supposed to report to the executive of their organization, and in your organization that would be to you?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. They would not be supposed to report to anybody else, to some one on the Pennsylvania Railroad or the public?

Mr. PERHAM. Not to anyone but to the man who employed them, which, in the case of my organization, would be myself.

Commissioner O'CONNELL. They are not authorized to attempt any peculiar or secret methods of getting this information?

Mr. PERHAM. No, sir.

Commissioner O'CONNELL. They simply get it in their everyday travels, and experience and association with people?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. There are no underhanded methods?

Mr. PERHAM. No; just in the way I would get it in visiting a certain town and meeting a citizen and he would tell me something the company had done which he did not like.

Commissioner O'CONNELL. You have been in Altoona?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Altoona is a city with one large shop; practically the whole community exists upon that fact, that the Pennsylvania Railroad Co. maintains a large locomotive shop in that city, and there are no other large manufacturing institutions?

Mr. PERHAM. It is what is known as a railroad town.

Commissioner O'CONNELL. There is a large shop there, and many employees, I do not know how many, but I presume the majority of the population of the town of Altoona are train and engine crews, with their families, and shop employees?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And there are no other, so far as you know, large manufactories in that city?

Mr. PERHAM. Not that I am aware of.

Commissioner O'CONNELL. For instance, if a machinist lost his position in Altoona, he would probably have to move to some other town to secure a job, would he not?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And that would apply equally to any workman in that class?

Mr. PERHAM. Yes; that is, any workman employed by the railroad.

Commissioner O'CONNELL. So that if a workman secured for himself the displeasure of the superintendent, or some one in charge, he would have to leave Altoona; that would be the result?

Mr. PERHAM. And the most of them own their own homes there, and that makes them stand in fear of the officials?

Commissioner O'CONNELL. I will get to that in a moment. The employees can buy their own homes?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And they have done so, and paid some money on them, say a thousand or fifteen hundred or two thousand dollars on a small house?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And if a workman there, for any reason, should incur the displeasure of some one in charge and should lose his position, he would be forced by conditions and the fact of there being only the one workshop in the city, to seek work elsewhere, and as a result, he not only forfeits his position, but he forfeits the possibility of savings, because he has to sell his home, or the portion he has put into it, at a great sacrifice—it is not always marketable, at its face value, to say nothing of a profit; is not there a great possibility that men being employed under conditions such as that, where

their very lives depend on that city, if they are to live there at all, and are subservient to the will and wishes of their employers, not only in their employment, but also in their everyday life, their general make-up, their character and behavior, their family relations, their social relations—in fact every make-up of a human beings life—makes it possible that by the slightest mistake and incurring the displeasure of some one, that their whole life's earnings and savings may be wiped out?

Mr. PERHAM. I found that to be a distinguishing feature of the shopmen employed in Altoona.

Commissioner O'CONNELL. And is that not one of the underlying causes of unrest—one of the things that goes to produce unrest and hatred toward employers?

Mr. PERHAM. It certainly does; and to the stranger who goes into Altoona that feeling is apparent a few hours after he gets there.

Commissioner O'CONNELL. Let us go a little further: Supposing the employee is dismissed for some purpose, reasonable to the employer, and he starts in some little business in Altoona; what is the probability of him maintaining and keeping up a business in Altoona if he has incurred the displeasure of those in charge of the plant?

Mr. PERHAM. He can absolutely be driven out of business.

Commissioner O'CONNELL. Is it not generally understood and fairly well known that the Pennsylvania Railroad Co., or those in charge of its affairs in Altoona, have a sort of censorship over the commercial business of Altoona?

Mr. PERHAM. It is so reported.

Commissioner O'CONNELL. You mentioned the fact that some of the organizers of the organization were in Altoona and were invited to leave some of the hotels there?

Mr. PERHAM. Yes; that is true.

Commissioner O'CONNELL. What pressure would be brought to bear on a hotel man, do you suppose, if he were to incur such displeasure?

Mr. PERHAM. Loss of patronage and also the fear of having his license forfeited.

Commissioner O'CONNELL. Does the Pennsylvania Railroad Co. interest itself in the matter of who secures licenses and who does not?

Mr. PERHAM. It is so reported.

Commissioner O'CONNELL. Then the impression prevails that in the city of Altoona, because of its peculiar situation, there being but one large place of employment, that it practically dominates not only the employment of the men and the others who are employed there, but they dominate the business life of the community?

Mr. PERHAM. That is my understanding and my impression from my visits to that city.

Commissioner O'CONNELL. Have you any knowledge, or have you heard, that that thing reaches to the church in Altoona?

Mr. PERHAM. I have not.

Commissioner O'CONNELL. But it is the impression that it does reach, in some sense, to the police court and the higher courts?

Mr. PERHAM. Yes; and the newspapers.

Commissioner O'CONNELL. And that public assemblage and public speech is impossible against the will of the Pennsylvania Railroad Co. in Altoona?

Mr. PERHAM. That has been the experience of the employees.

Commissioner O'CONNELL. They have succeeded in preventing public gatherings?

Mr. PERHAM. They have.

Commissioner O'CONNELL. And they have succeeded in preventing men from leasing halls for the purpose of holding public meetings in Altoona?

Mr. PERHAM. That is a part of the case; yes.

Commissioner O'CONNELL. Then, in order to live in Altoona you must live as the Pennsylvania Railroad Co. wishes you to live; that is the last analysis of the situation, is it?

Mr. PERHAM. That seems to be the situation generally in that vicinity.

Commissioner O'CONNELL. You could not well live in Altoona and work for the Pennsylvania Railroad Co. and advocate some other company; you must be a "Pennsylvanialte," as it were, and not only live in Altoona but be first, last, and all the time for the Pennsylvania Railroad Co.?

Mr. PERHAM. Yes; it is a clear case of "My company, it is of thee I sing."

Commissioner O'CONNELL. Can you explain why it is that the Pennsylvania Railroad Co. will meet the officials of the locomotive engineers, the firemen and enginemen, and Order of Railway Conductors, and the railway trainmen in conference to make up schedules governing the employment of various men in those four crafts and will not meet the representatives of the other crafts of men who are as large numerically, if not larger?

Mr. PERHAM. I think it is because of the wonderful position strategically that the train and enginemen have; they are able to tie this company up instantly.

Commissioner O'CONNELL. The enginemen are?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Would not the telegraphers have a very great effect on tying up things if they all left the Pennsylvania Co.'s service?

Mr. PERHAM. Not so effectively as in the case of others. The telegraphers would only retard the telegraph business and the signal department and possibly the station agents' work. It would disorganize the company's business quite considerably, but it has not the position in strategy occupied by the engineers, firemen, conductors, and trainmen.

Commissioner O'CONNELL. Do you know anything of what is known as "On and off" system on the Pennsylvania Railroad?

Mr. PERHAM. I have heard a great deal of complaint about that, where a man would be required to stay around a shop to wait for work that might be offered him. Piecework is the rule in the shops on the Pennsylvania Railroad, I understand, and certain employees are required to be handy in case extra work comes along, or there is a sufficient amount of work offered to put them all on the job, and they stay around there sometimes for the major part of a day, and would make only one-half or an hour's work, or something like that, and that "On and off" system has been a grievance for many years and affecting all the various classes of shop employees.

Commissioner O'CONNELL. The organization that was spoken of, the Pierce organization, which, as I understand, really was no organization, but simply a man assuming to name an organization and name himself as the head of it, and men simply going out on strike without apparent understanding, that strike being an independent one, and died out almost as soon as it was started, but prior to that time there was a strike in 1911 on the Pennsylvania system of shopmen which involved a large number of people in and around Pittsburgh, principally, and later on an organizer went to Altoona, as was asked you about yesterday by Commissioner Aishton. Now, there was no strike at Altoona when the organizers went there, or for some time after, but later on some men were called out on a strike. Have you knowledge as to the real cause of that strike of the shopmen?

Mr. PERHAM. The original cause was dissatisfaction with wages and an attempt to organize, and the organizing led to the discharge of all of the men that took part in it, and that brought on more trouble.

Commissioner O'CONNELL. Is it not a fact that at——

Mr. PERHAM (interrupting). Pitcairn?

Commissioner O'CONNELL. No, not Pitcairn; that the men had organized and there was an overwhelming discharge of men, sufficiently large in number, so that they would be sure to get the union men? That there were 100 more discharged than had joined the union, in order to be sure that the union men would be caught in the dragnet; that great numbers were discharged for that purpose?

Mr. PERHAM. That is my understanding of the case.

Commissioner O'CONNELL. And the strike that resulted later was a protest against the discharge of men who had joined the union, and a vigorous protest on the part of the men who had no associations with the union at all, for which they were discriminated against because some had joined the union that they had not joined?

Mr. PERHAM. Had taken no part in the organization of the union, and yet were discharged on suspicion that they were.

Commissioner O'CONNELL. Your knowledge therefore is that, so far as you know, there is no recognition on the part of the company or its officials of the shop trades at all, but, on the contrary, there has been a persistent and everlasting discrimination against them for attempting to join the legitimate organizations of labor?

Mr. PERHAM. Constant warfare against that proposition of allowing the men to join the regular organizations of labor.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Weinstock has some questions he would like to ask you.

Commissioner WEINSTOCK. As I understood the discussion between yourself and Mr. Aishton, Mr. Perham, you, as the president of the telegraphers, have the veto power when it comes to the matter of a strike, but you have no power of initiation?

Mr. PERHAM. That is true. I can not initiate a strike.

Commissioner WEINSTOCK. That is, you on your own act could not initiate a strike?

Mr. PERHAM. No.

Commissioner WEINSTOCK. All you could do would be to veto a strike if, in in your judgment, it was unwise and unwarranted?

Mr. PERHAM. That is true.

Commissioner WEINSTOCK. The power then of declaring a strike is vested in a group of men rather than in one man?

Mr. PERHAM. By the rule of our organization that power is vested in what is called the "general committee." May I explain just how the general committee is constituted? On each division superintendent's territory the telegraphers elect one of their men to present their grievances, and he is called "chairman of the local board of adjusment." He, by virtue of his office, is a member of the general committee; and so each division superintendent's district is represented on this board by that man. There are other variants to that. In this case it would make such a large general committee that they generally select a lesser body. In this case there are five—I believe either five or seven; I am not sure—general superintendent's districts and these men elect an assistant general chairman to form the general committee, which puts it down to a workable body of, say, seven men.

Commissioner WEINSTOCK. How many railway telegraphers in the country, Mr. Perham?

Mr. PERHAM. It has been agreed by the railroad officials and this organization that there are about 53,000.

Commissioner WEINSTOCK. Fifty-three thousand. Of course, your objective as an organizer would be to get those 53,000 men organized as a union, would it not?

Mr. PERHAM. Yes.

Commissioner WEINSTOCK. That would be the ideal?

Mr. PERHAM. Yes. We have 45,000 now—a little over 45,000—and are reaching out for others naturally.

Commissioner WEINSTOCK. Now, if you could get those 53,000 men to act as a unit, and you had grievances, and these grievances were submitted to the railway managers, and the railway managers refused to consider them or refused to make the concessions that you demanded, and you had no other recourse, I presume the last step would be the strike?

Mr. PERHAM. That is the last step.

Commissioner WEINSTOCK. Now, if these 53,000 men were in one organisation acting collectively and struck they would paralyze the railway industry of the Nation, wouldn't they, while they were striking?

Mr. PERHAM. Well, I would not go as far as that to say that it would paralyze the railway industry. The fact is, that to those who are acquainted with the business, and most of these railway company officials are acquainted with the business, they can manage without the telegraph operator. There was a time when the railroads were run without the telegraph men—that is, by time-card rights trains could proceed.

Commissioner AISHTON. May I ask a question, Mr. Commissioner?

Commissioner WEINSTOCK. Yes.

Commissioner AISHTON. In your organization, however, that 53,000 contemplates what you call lever men, men who throw switches and interlocking plants?

Mr. PERHAM. No; this applies particularly to telegraphers, telephoners, and station agents. I might say that came up through a discrepancy in the figures furnished by the Interstate Commerce Commission where they seemed to have a larger number of men than I could account for; by an old-fashioned system of compilation they put telegraph operators and train dispatchers under one head and station agents under another; and on making inquiry I found some of the operators were classed as station agents and that there was a duplication in the report. That accounts for why we made some inquiry into this to

find out just how many men there were employed as telegraphers, telephoners, and station agents—and we came to that conclusion.

Commissioner WEINSTOCK. Evidently there is a slight difference of opinion, Mr. Perham, between yourself and Mr. Aishton, as to the effect that a strike would have on railways, if it should be a collective strike of all the telegraphers. While Mr. O'Connell was questioning you I sent this note to Mr. Aishton—a note for information: "Could or could not all railroad telegraphers acting as a unit paralyze the railway system?" To which he answered, "Yes; could paralyze the station service, stop the receiving of freight and the handling of passengers."

Now, do you agree with Mr. Aishton on that?

Mr. PERHAM. Quite generally, yes; but I would like to say here that the possibilities of such a strike are exceedingly remote, and, in my opinion, never can happen in this country.

Commissioner WEINSTOCK. Well, a few moments ago I understood you to say, Mr. Perham, that if the telegraphers were a unit and if they had real or imaginary grievances and they presented these grievances to the railway managers and the railway managers either refused to consider them, or, considering them, declined to comply with the demands of the telegraphers and they had no other recourse they would then strike?

Mr. PERHAM. Yes; of course, I had our own rules in mind which probably you will not be familiar with——

Commissioner WEINSTOCK (interrupting). But probably there would be a strike?

Mr. PERHAM. On a railroad or group of railroads owned by the same individuals.

Commissioner AISHTON. How about a group in the same territory?

Mr. PERHAM. We do not go into concerted action. It is not part of our law. But it is permissible to take a group of railroads owned by the same persons and bring it on at the same time.

Commissioner WEINSTOCK. Now, I think you will agree with me, Mr. Perham, that whatever is possible may happen. We have seen practically a universal railway strike in this country before, and in 1894, during the Pullman strike, the railway system of the country was paralyzed.

Mr. PERHAM. That was one of the lessons we learned. We took it to heart quite seriously.

Commissioner WEINSTOCK. Now, 53,000 telegraphers represent, as nearly as I can estimate it here, about one-twentieth of 1 per cent of the people of this Nation—of the hundred million of people. You say that you are opposed to the Canadian system, known as the public-inquiry act, which, as you know, provides that in the event of a dispute there shall be no strike, and there shall be no lockout until the State has had an opportunity of intervening in the hope of bringing about an adjustment. You say you are opposed to that because you are opposed to anything that will compel anybody—a railway worker especially—to continue to work for one minute if he does not choose to work for that one minute?

Mr. PERHAM. I said that; and at the same time had the Constitution of the United States in mind.

Commissioner WEINSTOCK. Now, do you think that the rights of one-twentieth of 1 per cent of the people are paramount to those of 100 per cent of the people? Do you think that one-twentieth of 1 per cent of the people should have it within their power, the possibility of paralyzing the trade and industry of the whole Nation?

Mr. PERHAM. Do you think we should have that power?

Commissioner WEINSTOCK. Yes; I say, do you think you should have that power?

Mr. PERHAM. Yes; if necessary.

Commissioner WEINSTOCK. You then would consider the interests of a twentieth of 1 per cent greater than the interests of all?

Mr. PERHAM. No; I am willing to trust those 100,000,000 of people, mostly American citizens, who understand what our people are striving for, and that their idea of justice and of freedom will not permit my small class to be condemned to involuntary servitude because 100,000,000 of people wanted it; and I firmly believe they will not permit that.

Commissioner WEINSTOCK. If you have faith, Mr. Perham, in the hundred million of people, if you have faith that the consensus of opinion of the hundred million of people will not stand anything that is unfair, unjust, and

inequitable, then what risk do you run in following the Canadian system, and leaving the State to see if it can not adjudicate the differences?

Mr. PERHAM. The risk of getting into the hands and the control of a narrow-minded man, who does not understand the case.

Commissioner WEINSTOCK. Well, you do not run that risk under the Canadian system, Mr. Perham, and I suppose you are as familiar with that as I am, working under it, as I know—that under the Canadian system after an organization has voted to strike, it is not permitted to strike until the State, through a board of inquiry, chosen by both sides, with an umpire chosen by the two, and in the event of the two being unable to agree on an umpire, the State selects an umpire. You know this commission investigates into the causes and makes recommendations to both sides, and that neither side is obliged to accept the recommendations. If the recommendations are not acceptable to one side or to the other, then they can legally strike or legally lockout. Now, the Canadian experience, as I recall it from the last figures published, is that it has saved somewhere around 98 per cent of what otherwise, in all likelihood, would have been strikes; and if this board of inquiry should be unfair and unjust and make recommendations that were not equitable, and the men on the one hand should reject them and go out on a strike, or the employers on the other hand should reject them and create a lockout, you would have your hundred million of people standing behind you for equity; and no strike, if it was unjust, or no lockout, if it was unjust, could succeed in the face of this investigating committee. Now, with those facts in mind, Mr. Perham, isn't it wiser for the twentieth of 1 per cent of the people to be willing to submit their case to the people rather than to take the power in their own hands and seriously injure the welfare of the entire Nation?

Mr. PERHAM. I do not agree with you, Mr. Commissioner. It would not be wiser to give up the right to quit your employment at any time you saw fit for any kind of an advantage that might be offered by the Government or the administration or the people. The 30-day provision in the Lemieux Act is what we object to. It did not originate under American ideas of freedom. It may be good enough for those who desire to worship a king. It is not good enough for an American citizen.

Commissioner WEINSTOCK. You know, do you not, Mr. Perham, that there are to-day under our laws instances where men must continue to work whether they wish to or not; and that if they refuse to, it is a crime? You know that the sailor on board a ship must continue to work when that vessel is out on the ocean? You know that the engineer on a train must continue and take that train into a station before he can quit his work?

Mr. PERHAM. I have in mind the Adair decision in the Supreme Court of the United States where the opinion leading up to the decision is to the contrary—that it being the law that a man could quit when he chose, it should also be the law that the man could be discharged without a reason. That is the law, if the Supreme Court of the United States is declaring the law. I might say that at this same time I am aware that in 19 States of the Union the engineer may not quit his engine after he has left the terminal. I understand that; but that case has never been brought up to the Supreme Court of the United States to decide upon its constitutional features. It has rested on the State statutes, and no one has interfered with it since it was enacted by the legislatures of the 19 different States.

Commissioner WEINSTOCK. Well, forgetting law, Mr. Perham, and dealing with good ethics and as a man of equity, do you think if you or I had the power to paralyze the industries and trade of this Nation that we would be justified in doing so for some real or imaginary grievance that we might have?

Mr. PERHAM. I do not worship business, I worship freedom.

Commissioner WEINSTOCK. Very well; has not the public also a right to freedom, has not the public a right to travel when they want to travel?

Mr. PERHAM. I think I am now contending for freedom for the public.

Commissioner WEINSTOCK. Well, then, is the right of one individual paramount to the rights of society as a whole?

Mr. PERHAM. You and I will not agree upon a conclusion until we have agreed on the premise. I disagree with you on the premise. That is, that I was in no position to paralyze the business of the United States.

Commissioner WEINSTOCK. You know, and I know, that if this country was in danger that all the people would have the right, regardless of your conceptions or my conceptions of freedom, to take you or me by the back of the neck and put us in the ranks and put a gun in my hands, and I would have to shoot

and obey orders. I could take the ground under those circumstances that I was robbed of my freedom and right as an individual citizen, yet I would have to submit to the demands of all of the people, because it was in the interests of all of the people that I should sacrifice at least temporarily my freedom?

Mr. PERHAM. And the companies would like to do that to the telegraph operators now, but there is an encouraging feature in it that the telegraph operator will be heard from before he loses his liberty.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon has some questions.

Commissioner LENNON. Do you remember that Abraham Lincoln said at one time that he thanked God that in this Nation workmen can strike when conditions become intolerable?

Mr. PERHAM. I have that in mind, and I have often thought of it.

Commissioner LENNON. Do you agree with that idea?

Mr. PERHAM. I absolutely do.

Commissioner LENNON. In the cessation of work that has taken place among the members of the Order of Railroad Telegraphers, has it been more often caused by the stubbornness and incompetency of the officials and members of the railroad telegraphers than it has been caused by the lack of good judgment on the part of the representatives of the corporations?

Mr. PERHAM. It has always been my experience that such trouble was brought on by unfairness; by men who do not know right from wrong, that happen to be on the employers' side. You will notice that imaginary grievances have been mentioned here. I never had anything to do with an imaginary grievance in all the years I have been in the business, but I have had a good deal to do with grievances that were very real, indeed.

Commissioner LENNON. I would like to have you, because of testimony that was submitted regarding a relief plan for the Pennsylvania Railroad system, I would like to have you state for the record, for the information of the commission, what features of benefits the Order of Railroad Telegraphers have as to insurance or taking care of injured or sick, and what, if anything, do you do for their families?

Mr. PERHAM. The national organization has a mutual benefit department which is by some people called life insurance, but might more truthfully be stated as a methodical method of passing the hat. We have an assessment on the members of 20, 30, and 60 cents per month, and upon the death of a member we pay his beneficiary $300, $500, or $1,000, according to the series in which he paid assessments. This department was started in 1898, and wide open to anyone to join or not that was then in the organization, but under the provisions made after a certain date—in the near future—every member that joined would have to participate in the mutual benefit department. I have not the figures at hand to show what has been done, but considerably over $1,000,000 have been paid out in that short time to the beneficiaries of members, and at the present time it has a surplus of considerably over half a million dollars to pay claims in the future. The matter of sick benefits is handled by the local unions. They make their own rules in regard to that, and it is no unusual thing to have a sick benefit that costs 50 cents a month. That is in the nature of an assessment upon the members, and when a man has been sick three days, or such a matter, upon application he is paid $5 a week for the time that he is away, for a period not exceeding six months.

Commissioner LENNON. Supposing a member of your organization pays for his insurance a number of years and ceases to be an operator and goes into the grocery business or something else; is he immediately cut off from all possibility of any participation in that benefit?

Mr. PERHAM. No; he pays his dues and his assessments regularly, notwithstanding that he has left the business. The last time I had occasion to look up that matter I found 68 bank cashiers who were members of our organization and were carrying the insurance, about 200 county treasurers and county clerks, and about 200 railroad officials still carrying their membership in this mutual benefit department. You will understand from the fact that we charge $7.20 per year per thousand for the so-called insurance, and that the dues are $8, it amounts to about what insurance would cost in an old-line company.

Commissioner LENNON. What, in your judgment, has been the influence of your organization as to morals and character on the telegraphers of this country.

Mr. PERHAM. We have been in business since June 9, 1886. We re-formed our organization after the great strike in August, 1883, and along new lines—along class lines, I would call it—and from that time, with our business methods insti-

tuted in the new organization, we have been quite successful in raising the wages and bettering the conditions of the employees and also in improving the morals of the class. At one time it was quite an ordinary matter for a telegraph operator to travel with some other people, you know, in different trades, in what is called a side-door Pullman—that is, a box car—and have a bottle of whisky along, but the whisky business has almost completely been eliminated from the telegraph business. It is no longer characterized as it used to be, and in addition to that the seniority clause in our schedules provided that the oldest men in the service shall be given a show for promotion has kept the men on the road, and there has been not so much of this wanderlust business as there used to be, so that the man has a sort of interest in the company with which he is employed, knowing that if he stays there every year adds to his chances for promotion. I take it that the seniority clause in these contracts has been the most valuable thing in the way of uplift that was ever devised by our craft, and it has resulted in giving our men a standing in the community and in the country and absolutely changed the thing around so they are not wanderers any longer, but respectable citizens, and, as I have stated, so many were elected to office that it shows they have the respect of their neighbors and the people they live among.

Commissioner LENNON. Mr. Perham, in your contact with unorganized labor, which must be very considerable, do you believe if intimidations of all characters were removed from the organization that the people that are not in your organization who are eligible would become members?

Mr. PERHAM. I believe every man would join the organization of his craft, and that applies not only to telegraphers but to everyone employed on railroads.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Weinstock has another question.

Commissioner WEINSTOCK. I take it that you discovered in your dealings with railroad managers that sometimes they make mistakes; that they are not always right?

Mr. PERHAM. Not always, but they average up pretty well with the rest of the people.

Commissioner WEINSTOCK. Now, if the managers on one hand are liable to err in judgment, are not the workers on the other hand liable to err also in judgment?

Mr. PERHAM. They are, and they do; but the organization takes care of them, and they have experienced men in the organization to advise them and show them where they are in error, and the employer never hears of those kind of cases; they are killed in the organization.

Commissioner WEINSTOCK. I am not speaking of individuals, but of the organization. Take the railway managers as a unit, acting collectively, as I take it they sometimes do; they collectively make their mistakes, do they not; their judgment is not always perfect?

Mr. PERHAM. I can not recall a case in our organization that I would classify that way.

Commissioner WEINSTOCK. Among the railway managers; have they always been right?

Mr. PERHAM. Oh, I thought you spoke of the employees. There can be various reasons why a railroad official might make a decision that is wrong.

Commissioner WEINSTOCK. I am not talking of the individual making decisions, but the association collectively.

Mr. PERHAM. I am scarcely able to judge about the general managers of railroads.

Commissioner WEINSTOCK. Let me put it in this form: You know that railroad managers collectively deal with railroad employees collectively?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. In your judgment, has their decision arrived at by the railway managers collectively been always wise and just and a proper decision?

Mr. PERHAM. I can not recall any one that I would take objections to.

Commissioner WEINSTOCK. Then we are to take it that the railway managers collectively are wise and are just and are equitable?

Mr. PERHAM. As a general thing that may be stated as true.

Commissioner WEINSTOCK. Then, if they are wise and just and equitable, how can your workers have any grievance?

Mr. PERHAM. They do on account of the failure of an individual, not as a group. Now, you are speaking of general managers as a group?

Commissioner WEINSTOCK. Yes, sir. As I understood it, take in the transportation branch of the business, an individual does not deal with an individual. The four great rules of the railway men for these organizations, and the railway managers have their organizations, and they deal collectively, do they not?

Mr. PERHAM. I have always understood so.

Commissioner WEINSTOCK. Yes, sir; very well. Now, if it is a fact that the railway managers have always been wise and always been just and equitable in their collective decisions, where is there room for grievances?

Mr. PERHAM. We never had a grievance against them as a group.

Commissioner WEINSTOCK. You never have?

Mr. PERHAM. No, sir.

Commissioner WEINSTOCK. And where lies the issue?

Mr. PERHAM. With the individual. The one man out of many men who does not know right from wrong.

Commissioner WEINSTOCK. Then I don't understand your method of procedure, Mr. Perham. Has your organization differentiated from the other railroad men's organizations? Don't you deal collectively with the managers as well as the other organizations?

Mr. PERHAM. No, sir; we do not.

Commissioner WEINSTOCK. You deal with each individual manager?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And the telegraphers on the North Western Railroad would deal with Mr. Aishton, for example?

Mr. PERHAM. Yes, sir; we always have, and got along very well, and that does not mix up the New York Central or any other railroad.

Commissioner WEINSTOCK. In that way your organization is different from Mr. Garretson's?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Mr. Garretson, representing his organization, would deal with a group of managers?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Have you given any thought to the question of workmen's compensations as applied in the various States of the Union?

Mr. PERHAM. In a rather indefinite way; yes, sir.

Commissioner WEINSTOCK. You know that the laws provide, where they have compensation laws, that those injured workmen shall receive a certain compensation if he is injured, and that his beneficiaries shall receive a certain compensation in case of his death?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. This commission, I am sure, would like to have your opinion as to the wisdom of advocating a Federal compensation act to apply to workmen engaged in interstate commerce.

Mr. PERHAM. It is a very complex question, and on that even the labor men have not been able to come to an agreement. We have many divergent views and have not yet had sufficient experience with the business to become crystallized about it. My personal view in the matter is that injury and death to the employee should be charged to the cost of production.

Commissioner WEINSTOCK. That is the philosophy of workmen's compensation, that the industry shall bear the burden; the industry, not the individual or the employer, but that it should be put upon the industry; that is the underlying principle of workmen's compensation?

Mr. PERHAM. Yes, sir; that is my view of it.

Commissioner WEINSTOCK. Now, in view of that being your philosophy, which is the general philosophy on the subject, do you think it would be a good thing for this commission to recommend to Congress that it shall enact a Federal workmen's compensation act that will deal with workmen engaged in interstate commerce, precisely as the States in the Union—many of them—deal with the workmen engaged within their borders? To illustrate: Here are two telegraphers working in the State of California, one engaged in interstate commerce and one in domestic or State business. Both meet with an accident or death, are killed, and that the California State law provides that the workers engaged in domestic service, his family, would be provided for; but in the absence of a Federal similar law the beneficiaries of the worker engaged in interstate commerce would be thrown upon society; and does it now seem that both should be taken care of and the industry bear the burden of both losses?

Mr. PERHAM. I think so. On that subject I would like to make a little statement. We are feeling our way out with these various State enactments, and

eventually we will discover just what we do want. We do not seem to favor the idea that exists in Germany about these things, nor the English proposition, but out of these various State laws we expect to be able to select one that we can indorse. It is difficult to frame a statute and to surmise just how it will work out. It is only by court action that we discover the defects in the statutes. The court decisions, for instance, often point out a salient feature that we should have met in the first place, but did not. Now, after these State enactments have gone through the courts we may look them over and discover something that would do very nicely for a Federal act. That has been our attitude. Now, I could not commit my organization to this question without at the present moment treading upon the toes of some other organizations that hold a different view.

Commissioner WEINSTOCK. The point I want to get at is this: If this commission in its judgment would see fit, as one of its recommendations to Congress, to advocate the enactment of an interstate workmen's compensation act, would your organization, for example, look upon it with friendly eyes?

Mr. PERHAM. I believe it would.

Commissioner WEINSTOCK. And if it was a just and equitable law you would be prepared to support it?

Mr. PERHAM. You will understand that is because I represent a class of preferred risks in the insurance term. Men that are not working in dangerous employments. That is, as a general thing, now and then a man loses his nerve and loses out, but, as a general proposition, we are a preferred risk and are necessarily segregated from the brakeman on the train or the engineer.

Commissioner WEINSTOCK. That regulates itself, Mr. Perham, by the difference in the rate charged for the insurance—charged by the insurance carrier—by virtue of the different kinds of employment?

Mr. PERHAM. But that feature is the cause of my attitude in regard to this Federal enactment for liability. That is why I speak for my organization, knowing that is the situation.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mrs. Harriman has a question.

Commissioner HARRIMAN. Mr. Perham, in speaking of universal strike, you said such a strike could not happen in this country. What do you mean by that? Do you consider labor conditions not as good in other countries as ours?

Mr. PERHAM. I mean by that that we have had our fingers burned in those attempts and don't intend to have them burned again. The men who are running the labor organizations, who have been in the business a number of years, have had their experience with Nation-wide strikes and sympathetic strikes and are not in favor of those things, and the chances are it will not occur again in the United States.

Commissioner WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. You were asked about the working of the Canadian act, Mr. Perham. I think you have been "Lemieuxed" about as often as anybody?

Mr. PERHAM. I think so.

Commissioner GARRETSON. Have you ever seen any possibilities come from the act in Canada greater than come from the proceedings in an ordinary arbitration board in this country?

Mr. PERHAM. No, sir; about the same.

Commissioner GARRETSON. The ordinary status?

Mr. PERHAM. Yes, sir; about the same.

Commissioner GARRETSON. Have you seen this period within which action, in which the law says action can not take place, that the employee can not strike nor the employer can not lock him out—have you ever seen that time utilized by the employer to reinforce himself ready to defend a strike if they did not accept?

Mr. PERHAM. It has caused me to put men at every port of entry in Canada to keep their men out.

Commissioner GARRETSON. In defiance of the law, they were acting?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. They were changing the status? And is it not a fact that the employer has repudiated—I am applying this solely to transportation organizations—is it not a fact that the employer has repudiated the verdict oftener than the employee has?

Mr. PERHAM. That is my impression; I couldn't definitely state that is so, but I believe that is true.

Commissioner GARRETSON. Is it not a fact also that the provisions of the act are regularly disregarded, both by employer and employee, outside of the railway service?

Mr. PERHAM. I believe that is true.

Commissioner GARRETSON. And you are speaking from a knowledge based on former Canadian citizenship?

Mr. PERHAM. I never was a citizen of Canada.

Commissioner GARRETSON. You lived in that country?

Mr. PERHAM. I lived there for a while.

Commissioner GARRETSON. A question was asked you a moment ago about a deadly injury being done to a great body by a fraction of 1 per cent of its membership. Is it not a fact that the actual principle upon which the question put to you was based applies to fifteen-twentieths of the people of the Republic instead of a fraction of 1 per cent? In your membership it is a fraction of 1 per cent, but the same idea applies to all laboring men whether union or non-union?

Mr. PERHAM. The same idea would apply. What per cent did you say?

Commissioner GARRETSON. I said three-fourths, fifteen-twentieths instead of one-half of 1 per cent.

Mr. PERHAM. I think that is more near the correct proportion of those affected.

Commissioner GARRETSON. Is there any good reason—because the question could not by any system of reasoning be narrowed to the operators—is there any good reason why the 5,000,000 of this 100,000,000 population who serve the railways, and that is conservative in number taking their families, should be nailed to the cross for the benefit of the other 95,000,000?

Mr. PERHAM. I never could see any good reason for it; I don't believe the people of the United States would indorse such a view.

Commissioner GARRETSON. Then, the withdrawal of the right to quit on the part of any laboring man would in itself be a form of involuntary service?

Mr. PERHAM. I so understand it.

Commissioner GARRETSON. In regard to the Government taking a man up and putting him in the trenches with a gun in his hand, and making him shoot, is it your opinion that that might be something like leading the horse to water?

Mr. PERHAM. It would be in my case.

Commissioner GARRETSON. You would decide yourself which way you were going to shoot?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. I suppose also you will decide whether you will work the key or not in the case of emergency?

Mr. PERHAM. I intend to have the disposal in my hand whether I use it or not.

Commissioner GARRETSON. We talk about this 50,000 men, and about the power of the operators in a universal strike to paralyze the traffic of the company. Is it not a fact that there is a reserve force of about that many men in the way of promoted officers and retired operators available that would, or at any rate always have been, called in when the Government was confronted with a matter of that character?

Mr. PERHAM. It is true that they have been able to get along in strikes by putting on men to run the business, and in some sort of way run it, but as to the telegraphers who have left the business on account of finding the conditions intolerable, they could not get them back.

Commissioner GARRETSON. The bulk of them, that is true; but if there was one in there like railroads, like railway men, they might be available?

Mr. PERHAM. They might be.

Commissioner GARRETSON. Your definition of a legal organization simply means an organization that is tacitly recognized by the labor world?

Mr. PERHAM. By the two or three million that are organized we recognize the other organizations as part of them. For instance, although the brotherhoods are not members of the American Federation of Labor, we are very close to them in every respect. We have their legislators represented here in Washington, and we work with them throughout the various States of the Union. We are in close contact with the brotherhoods all of the time.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all—just a minute.

Commissioner AISHTON. What was the date of your last visit to Altoona?

Mr. PERHAM. I would not be able to give you that. The last time I stopped off there might have been about 18 months ago.

Commissioner AISHTON. How long were you there at that time?

Mr. PERHAM. Probably a week.

Commissioner AISHTON. Your opinion that you give as to conditions at Altoona was from your personal knowledge of the situation?

Mr. PERHAM. Prior to that time I organized a great number of section laborers at Altoona. They were foreigners. At their meeting I would have an Italian on one side and a Hungarian on the other translating my speech to their men; and inside of a couple of weeks we organized about a thousand men, but the organization was scattered by the company putting guards at the bunk houses and preventing the men from coming into the town and tried to prevent me from going on their right of way to organize these men.

Commissioner AISHTON. That is all. I thank you.

Chairman WALSH. Mr. Atterbury.

TESTIMONY OF MR. W. W. ATTERBURY.

Chairman WALSH. Please state your name.

Mr. ATTERBURY. W. W. Atterbury.

Chairman WALSH. What is your business, please?

Mr. ATTERBURY. Vice president of the Pennsylvania Railroad.

Chairman WALSH. Where do you reside?

Mr. ATTERBURY. Philadelphia.

Chairman WALSH. Will you please give your connection with the Pennsylvania Railroad—your official connections?

Mr. ATTERBURY. I started about 30 years ago as an apprentice to the machinists' trade, and I have been in the service of the company continually since that time as assistant road foreman of engines and assistant engineer and master mechanic, superintendent of motive power, and general superintendent of motive power, and general manager and vice president in charge of operation.

Chairman WALSH. That is the position that you are holding at the present time?

Mr. ATTERBURY. Yes, sir.

Chairman WALSH. I have been advised, Mr. Atterbury, that you prefer to make the statement that you have to make from written memoranda. If so, you may make any statement that you desire to make.

Mr. ATTERBURY. Mr. Walsh, I rather gathered from the newspapers the trend of the discussion and preferred that what we might have to say be presented in rather a formal way. I have it here, and the summary, if you will permit me, I will read.

Chairman WALSH. We will be very glad to have it.

Mr. ATTERBURY (reading): The Pensylvania Railroad has presented to the United States Commission on Industrial Relations a statement of its policies toward its employees, of which the following is a summary:

The management of the Pennsylvania Railroad believes that the company's greatest asset is the loyalty and efficiency of its men. Its labor policies may be generally described, therefore, as an effort to protect that asset.

The Pennsylvania Railroad early realized the importance of training its own officers. This, of course, carried with it the training of its own men. To make the service attractive it was essential that employment, as far as possible, be permanent. The result is that at present the average term of service on the Pennsylvania Railroad is exceptionally high.

The majority of those who enter the service continue in the service until they die or are pensioned. The consequence has been the establishment of sympathy, affection, and understanding between the officers and the men, which has done much to bring about the success of the company.

The company believes that railroad employees should be paid liberal wages, and it believes there should be every feasible safeguard to provide for the personal safety of both employees and patrons.

The management frankly recognizes the propriety of the men organizing for the purpose of bettering their condition, subject only to such restriction as may protect the elemental essential of safe and continuous operation. It sometimes happens that the management itself would be glad to do more in the direction of additional compensation of the men if economic conditions made it possible.

It should be understood that the Pennsylvania Railroad has always paid moderate dividends, believing that the safety and permanence of a moderate dividend afforded the greatest insurance for the continuing credit of the company. Only by maintaining a credit of the highest character could the company expect to obtain on reasonable terms the capital necessary to provide the public service demanded by the growing needs of the communities along its lines.

The stock of this company has always been well distributed, and the officers have been trustees rather than controlling owners. No one financial interest has ever undertaken to dominate the company's policies.

In dealing with organizations among its employees, the company has felt that the employees themselves were the best judges of the forms of organization into which they desired to go. Therefore there has been no interference in the employee's liberty of choice in this matter.

The company has always recognized the right of any man to labor upon whatever terms he and his employer may agree, whether he belongs to a labor organization or not. Employees have always been given full opportunity to redress their grievances whether associated with labor organizations or not.

Th foregoing statement, however, must be qualified in this respect:

1. The company owes a supreme duty to its patrons and employees to take all possible measures to insure safety of operation. Such safety can not be secured without the most careful adherence to orders. The management has, therefore, felt that it should resist firmly all activities of employees' organizations which might tend in the least to undermine discipline.

2. The management is also responsible to the public for maintaining continuity of operation. This has made necessary a policy of opposition to such labor organizations as might interrupt that continuity, because of disputes with which neither this company nor its employees had any direct relation.

The company is opposed, therefore, to employees affiliating themselves with an organization which might call a sympathetic strike. If there is to be any strike on this railroad, the management believes that it should be the result of the choice of its own employees, and because of some difference between this company and its own men, and for no other reason.

The company believes that men should be employed without regard to the labor organizations of which they are members, and that every man should be free to join an organization or to remain entirely independent. The company believes, therefore, that all its operation should constitute an "open shop."

In normal times the Pennsylvania system has 250,000 employees. The company has always paid the highest prevailing rate of wages paid to railroad employees in the territory in which it operates. But more than that: The policy of the Pennsylvania Railroad has been to insure that all its relations with its men should be characterized by fairness and friendliness.

The management of the Pennsylvania Railroad believes that the best test of the sincerity of its interests in the welfare of its men is the fact that so large a percentage of its employees have made the service of this company their life work.

The rules governing the "organization" of the Pennsylvania Railroad Co. include everyone in the service, from the board of directors to the laboring man of the track. Now, the fundamental principle of that organization is that responsibility is properly placed, from the board of directors and the president down to the lowest man, and regulations or rules have gradually been adopted and recorded which describe the various duties.

The company's officers now believe that the experience embodied in its present form of organization is the surest guarantee of efficient and economical performance of the company's public service.

Chairman WALSH. We have some questions prepared which really contain questions to be asked of Mr. Long, Mr. Atterbury. I understand that Mr. Long is here also?

Mr. ATTERBURY. Yes, sir. I think perhaps, Mr. Walsh, that I can answer some of those questions, perhaps being more familiar with them.

Chairman WALSH. Very good; I will run through the questions. What is the general attitude of your company toward national labor unions? I think that is intended to elicit as to whether or not you have any particular objection to the affiliated ones; that is, the American Federation of Labor, and so forth.

Mr. ATTERBURY. Mr. Walsh, I attempted to describe that in my summary. There are three parties interested in the transportation problem—the employee, the stockholder, and the public, and the public has the paramount right. The flag that we have nailed to our mast is that of running our trains. That is the

one thing we must do, and in my experience of 30 years we have never missed a train schedule because of any labor trouble whatever. Even going back as far as the A. R. U. strike, in 1894, in which I happened to be mired up, we did not miss a schedule out of Chicago. Of course they were somewhat late, but we still represented every passenger schedule, and that is what we are in business for. Now, any organization that takes out of the hands of its employers their right of action is inimicable to the interests of the public and was what we considered our paramount duty to the public. I will give two instances of what I mean.

We had a trolley strike in Philadelphia. You would think it was a long, long distance from a trolley strike to a painters' strike in a railroad shop, but such a thing happened. As it turned out a sympathetic strike was called, and some 137 painters in our shop in West Philadelphia left our service in sympathy with the strike of the trolley employees. Now, imagine a situation where the operation of a road depends immediately upon those 137 painters. The other side of the picture is that the labor organizations with which we do business and have done business with for 30 or 40 years take quite a different position. We had an unauthorized strike on the Monongahela division. Although the men who were on that division belonged to the train organization, they left their employment; that is, the members left with comparatively little preliminary notice. The organization immediately disowned them and properly disciplined them, and the organization maintained their obligation to the railroad company. That has been repeatedly shown in the so-called train organizations. The same thing was shown and exemplified in the strike of the subway employees some years ago in New York. The strikers belonged to the Brotherhood of Locomotive Engineers, and, in defiance of the wishes of the organization's leaders, the men left the service of the company, and they were afterwards dismissed from the brotherhood. There is quite a distinction between a good organization and one in the interests of the traveling public and a bad organization, one against the interests of the traveling public.

Chairman WALSH. What machinery, if any, do you have in your company for dealing with grievances of organized employees?

Mr. ATTERBURY. We have—each shop has, in a large way, its own grievance committee; but I think, Mr. Walsh, that the shop conditions are materially different from the road conditions, because the master mechanic in his shop knows his employees, can know them; they are centered in a concentrated area, and he can know his men better than a road man knows his employees, because it is not an uncommon saying on most every railroad that a superintendent never sees his good men; it is only the bad men that come before him for discipline that he knows.

Chairman WALSH. What contractual relations are existing now between employees and the company in your service?

Mr. ATTERBURY. None whatever.

Chairman WALSH. How do you operate with those organizations that you have been dealing with?

Mr. ATTERBURY. We are working under findings of arbitration boards in every case of our train employees. My recollection is they have all expired, although they are continued under 30-day clause.

Chairman WALSH. With how many organizations have you such arrangements?

Mr. ATTERBURY. We have four; and, if my memory serves me correctly, there is some arrangement between the operators and the managers.

Chairman WALSH. Do you have what is called a labor board on your railroad?

Mr. ATTERBURY. We have.

Chairman WALSH. Please describe its organization; that is, the personnel, its duties, powers, and all about it.

Mr. ATTERBURY. Under the organization the general manager is the final court of appeal on labor matters. Now, of course, you can recognize that with the lapse of time the Pennsylvania Railroad Co. has grown until it has reached such an extent that the general manager finds it impossible to deal personally with every case that may come before him. Therefore, much of the preliminary work is thrashed out by a board consisting of the superintendent of telegraph and two or three of the general superintendents, who deal with those organizations; but every question finally comes to the general manager for settlement if there is any appeal from the decision of the superintendent, the general superintendent, or the board itself.

Chairman WALSH. What is the attitude of your company toward mediation and conciliation where disputes arise between yourself and organizations of employees?

Mr. ATTERBURY. Our attitude has been rather in favor of some form of mediation, because both Mr. Garretson and myself were down before the Newlands committee on the change from the old Erdman Act to the Newlands bill. We advocated at that time the present arrangement, and while not entirely satisfactory, and in the nature of a compromise, it was, I think, the best we could get at the time, and reasonably satisfactory to both interested parties, but it will probably have to be modified as time goes on.

Chairman WALSH. Then, as I take it, as a general proposition, you are in favor of conciliation and mediation?

Mr. ATTERBURY. We are.

Chairman WALSH. State, please, as specifically as you can and still speak generally, what methods you adopt to prevent the organization of the men into those organizations that you conceive to be inimical to the proper conduct of your business.

Mr. ATTERBURY. Any necessary thing to keep the flag flying, to keep the railroad running, and keep the trains running. I was rather interested to hear what Mr. Perham had to say, that he would like to have authority to stop work in a minute. Now, the business of a railroad officer is to know in advance what is going to happen, and we keep ourselves very thoroughly posted as to what is going on. We have a very efficient police organization, and we know in advance everything that is going on, just exactly as the organizations themselves know what is going on with us. We have emissaries in our ranks, just as the organizations have emissaries in their ranks.

Chairman WALSH. How are these men operated; under whose specific charge would these men be that are put into their ranks; through what department of your company?

Mr. ATTERBURY. Let me say that we have two methods of information. We have our own employees who may volunteer information, and we employ the Pinkerton service. We do not know ourselves who the men are in the Pinkerton service.

Chairman WALSH. Who does that, do you, or the general manager?

Mr. ATTERBURY. That is done under the superintendent of telegraph.

Chairman WALSH. That just applies to the telegraphers?

Mr. ATTERBURY. Oh, no; the superintendent of telegraph is on the staff of the general manager, and he is the man that handles most of the labor matters for the general manager.

Chairman WALSH. What does the Pennsylvania Railroad Co. pay its section hands?

Mr. ATTERBURY. Our section hands are paid, except under certain conditions, the ruling labor wage.

Chairman WALSH. What is that at the present time?

Mr. ATTERBURY. Perhaps it may be $1.40 or $1.50; I do not know. For some of our service we pay as high as $1.60 or $1.70.

Chairman WALSH. Is it $1.50 or under for the majority of the men?

A VOICE. Mr. Long says it is $1.76.

Chairman WALSH. Maybe I better leave that for Mr. Long.

Mr. ATTERBURY. Whatever it is, it is the ruling wage.

Chairman WALSH. How do you ascertain that—by what is the wage paid by other railroad companies?

Mr. ATTERBURY. No; it is what you can hire laboring men for. Section men are laboring men, pure and simple. They are not like boiler makers or machinists; they have no classified trade.

Chairman WALSH. You are speaking about men you use to gather information. Do you have private detective staffs of your own, or a detective staff——

Mr. ATTERBURY. We have no private detective staff, as you understand the description——

Chairman WALSH. Please describe what it is.

Mr. ATTERBURY. We have our police organization, with captain, lieutenants, and everything of that sort.

Chairman WALSH. Uniformed men?

Mr. ATTERBURY. Some are and some are not. And then we utilize our crossing watchmen and utilize our shop watchmen. Altogether we have a force of some 400 men that are in our regular police department.

Chairman WALSH. Are you in a state of preparedness at all times for any state of warfare? That is, have you arms on hand and cars prepared and clubs made and stored, and all that? You heard what was said here.

Mr. ATTERBURY. I do not know that I have heard, but I am quite prepared to say, Mr. Walsh, that we are prepared for anything that the other fellow is getting ready for.

Chairman WALSH. About how many rifles do you keep on hand, usually?

Mr. ATTERBURY. I do not know that we keep any.

Chairman WALSH. I just want you to analyze a little your statement there.

Mr. ATTERBURY. I haven't the details; but we prepare everything that we can, nor do we leave anything undone, Mr. Walsh, to keep the railroad running that is lawful, legal, and proper.

(The details referred to are mentioned in a letter which is printed among the exhibits at the end of this subject as "Atterbury Exhibit.")

Chairman WALSH. And that would consist, in your conception, in having arms on hand and ammunition?

Mr. ATTERBURY. If that was necessary; and anything else that was proper and lawful for us to do; yes, sir.

Chairman WALSH. Do you know as to that detail whether or not you have on hand arms and ammunition at the present?

Mr. ATTERBURY. Well, I do not know; but I assume Mr. Johnson or whoever may come here—Mr. Harper, perhaps, may follow—will be prepared to give details.

Chairman WALSH. There may have been some statements made as to the alleged policy of your company with reference to the use of the men in formulating public opinion or influencing legislative action, for instance, such as signing petitions against the full-crew law, and such things as that; and the statement has been made that men have been displaced for refusal to do so. Have you any knowledge——

Mr. ATTERBURY (interrupting). I have not any knowledge of that; but I have knowledge of the organizations disciplining their men for attempting to assist us in the repeal of such legislation.

Chairman WALSH. Well, if you will, kindly briefly give us the details of those attempts.

Mr. ATTERBURY. In other words, the organizations which advocate such laws as the full-crew law and the headlight law have a clause in their organization which subjects any man—anyone of their organization appearing before a legislative committee or in any way interfering with the dictum of the head of the organization—to discipline; may be disciplined and may lose all of his insurance and all the things that he has for many years subscribed to.

Chairman WALSH. And so you have no information of any cases wherein the company has undertaken to discipline an employee for refusal to sign?

Mr. ATTERBURY. I have not.

Commissioner GARRETSON. Mr. Chairman, I have just a question there.

Chairman WALSH. Very well.

Commissioner GARRETSON. Just in regard to that last reply of yours, Mr. Atterbury, to get your record straight. Do those clauses of all those organizations read, "Disobeying the dictum of the head of the organization," or "Disobeying the decision of the legislative committee of the State"?

Mr. ATTERBURY. Well, whichever it is, Mr. Garretson, the effect is that an employee who testifies for a railroad company is subjected to discipline, and may lose his membership in the organization.

Commissioner GARRETSON. If he goes against his associates, and not against his chief? That is the point I want to make clear.

Mr. ATTERBURY. Well, the effect upon the railroad company is that if he testifies for the railroad company he is subjected to discipline?

Mr. GARRETSON. Yes.

Mr. ATTERBURY. And that may mean the loss of his insurance or pension, and everything of that sort?

Commissioner GARRETSON. What I was looking at in the question, was only the effect it had on me.

Mr. ATTERBURY. Well, I was looking at it from the effect it had on the railroad.

Commissioner GARRETSON. You are aware of the fact that the real dictum he interferes with is that of his associates and not of his chief?

Mr. ATTERBURY. Well, I know that at any rate he can not give an unbiased expression of his own opinion.

Commissioner GARRETSON. That is not my question.

Chairman WALSH. Upon yesterday, Mr. Perham, referring to one of your publications distributed on the cars, one of your bulletins, in which it was stated that the expenditure of your company last year for police protection, or for the police force, was $600,000; I wish you would describe generally of what that expense consisted.

Mr. ATTERBURY. Well, of course, I can not give the detail of that expense, Mr. Walsh, but I should say that $400,000 of that was probably the expense of the direct police force.

Chairman WALSH. Yes.

Mr. ATTERBURY. Now, that may or may not have been the year when we had our unauthorized strike on the Monongahela division, and which continued for a long time. We maintained bunk rooms, and everything of that sort, and I have no doubt at all but what the cost of conducting that strike has been included in that sum, as well as the charges that are against the other cases that might be called police protection, for instance, crossing watchmen that we use for preventing trespassing, and things of that sort, because we consider the trespassing probably the most serious part of our police work, the prevention of trespassing.

Chairman WALSH. The intention being to protect the lives of the passengers, the employees, and the trespassers themselves?

Mr. ATTERBURY. Right.

Chairman WALSH. Now, there has been much discussion before this commission on the question of violence, as you have probably noticed; and I would like to ask you for your opinion upon the proposition that the control of an armed force is strictly or ought to be strictly a State function. What do you believe about that? That is, that the State ought to furnish you protection to your property, protection to your passengers, so far as policing is concerned, and protection to all the interests involving property and life. Is it feasible to do that, and if it is, why should not that be the case?

Mr. ATTERBURY. Theoretically, you are quite right; there is no question about it. Practically, I doubt if under our republican form of government you are ever going to arrive at that very happy condition.

Chairman WALSH. Now, for what reasons?

Mr. ATTERBURY. Because I think there has been so much opposition to it. We have in the State of Pennsylvania to-day, what I believe is the finest body of men in the United States, and that is our mounted constabulary; and yet that—I have forgotten how many members there are on the force—perhaps 250; and yet every labor organization, so far as I know, is bitterly opposed to it. I believe it is the best body of men in this country.

Chairman WALSH. Well, regardless of opposition, how is it for efficacy? Does it do the job?

Mr. ATTERBURY. It does the trick.

Chairman WALSH. Well, then, why should not the State go to whatever expense necessary, and regardless of opposition, to furnish proper protection—for instance, to furnish the same protection to the individual that you seem to be compelled to spend a very large proportion of your earnings to secure——

Mr. ATTERBURY. Why, Mr. Walsh, we can not get in any State we run through a proper police protection against trespassing. Do you realize that we kill from three to five hundred men a year on the Pennsylvania Railroad?

Chairman WALSH. That is, trespassers?

Mr. ATTERBURY. Trespassers.

Chairman WALSH. Well, then, the reason—the practical reason—is that the States through which the railroad runs do not function properly in that direction—in the police direction?

Mr. ATTERBURY. I think there are local reasons that make it difficult to do that. And I think—I hope you are not—but I am afraid you are dreaming of a millennium if you expect them to, with the political winds that are constantly blowing our legislators. I wish we could get it.

Chairman WALSH. Well, do you think, have you observed—I will ask you from a practical standpoint—that the officials have been influenced by political and other consideration in giving or withholding police protection to your property or to the lives of your people?

Mr. ATTERBURY. At times, I should say; yes.

Chairman WALSH. When last?

Mr. ATTERBURY. It is liable to work the other way, Mr. Walsh, because the pendulum that swings one way is going to swing the other; and if it militates against us at times, it also helps us at times.

Chairman WALSH. That is, you have the force sometimes, and they have the force sometimes?

Mr. ATTERBURY. Exactly——

Chairman WALSH. The armed force. Now, what do you think of a proposition of the armed force being in the hands of the side that is economically able to have it, just simply to buy the arms and keep them? Wouldn't that make for a condition to break down law?

Mr. ATTERBURY. Perhaps I do not understand that question.

Chairman WALSH. You say the idea is this, that if you leave it to the State sometimes the State authorities or police authorities will use the power in their hands for your side, or in other instances for the side, you might say, of the workers in the industrial dispute. It works both ways; but what is being used is force in either event. Now, if that is true, if it is more dangerous to place that power, that armed power, in the hands of the one side that is economically powerful enough to have it—that is, in this case, your company; you are able to buy or provide for a million dollars' worth of men and ammunition while the other side perhaps is not so situated; do you not think, no matter what the difficulties might be, that the State is the one to do that?

Mr. ATTERBURY. I quite agree with you that the State is the one to do that, if it would do it.

Chairman WALSH. Isn't it dangerous to have it in the hands of either side? Suppose you were not so situated that you could have these arms, or spend this $800,000, would—what would you think of the situation if the American Federation of Labor organized a police force upon which they could spend a very large sum of money and keep arms and ammunition on hand? Would you not be in danger, and would not the unprotected public, the innocent bystander, and the State, be in danger also?

Mr. ATTERBURY. If the State would properly patrol our property and protect us against robbery and all of the other things that we are subjected to, I think that such would be the ideal situation. I think that is the proper place to put it, Mr. Walsh. Theoretically, we ought not to be attending to the police business of the State, and yet we are forced to do so.

Chairman WALSH. Has attention been given to that matter seriously now and specifically by the officers of the company taking it up with the legislative power or legislative authority of the States through which the road runs?

Mr. ATTERBURY. The most evident form and the simplest one of all to handle is that of trespassers. We can get little or no action on the question of trespassers, notwithstanding it is in the hands of the local magistrates.

Chairman WALSH. You have undertaken to do that specifically?

Mr. ATTERBURY. We have endeavored to use the laws which existed, and have endeavored to have the laws enforced, and the local conditions almost universally prevent it.

Chairman WALSH. Could you separate the question of protection of the lives and the protection of property on account of the trespassing evil from the balance for which you think you need police protection?

Mr. ATTERBURY. Perhaps I do not understand that question, Mr. Walsh.

Chairman WALSH. You say that you have been absolutely unable to get proper protection from the evil of trespassing. Now, as I take it, it does not call for a very high order of police duty, or a very great amount of ammunition, or anything of that sort to protect you from trespassers, and what I was trying to ascertain was whether or not you could not draw the dividing line between taking care of the trespassers, for instance, yourself, and all the other police duty to be taken care of by the State?

Mr. ATTERBURY. We do not know, Mr. Walsh, when a man comes upon our premises whether he might be what I would call an innocent trespasser or a malignant trespasser. In other words, we do not have any way of knowing whether a man intends to do some other wrong besides trespassing. We do not see how we are going to differentiate between one proper function of the State and another proper function of the State that we unfortunately have to perform for the State.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. That is only one of the purposes of this $800,000 expenditure. Does that also cover the Pinkerton expenditure?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. Where does Pinkerton recruit his operatives; from the ranks of your employees?

Mr. ATTERBURY. As far as I know, he does not; but I do not know anything about it, Mr. Garretson, except in this way, that I take it it must take some time for a Pinkerton man to get in a position where he has knowledge of what is going on.

Commissioner GARRETSON. Well, I judge, with your system of information, you are perfectly familiar with the fact that at regular intervals the committees on your road present the evidence they have with reference to one of their members, who fold their tents and fly.

Mr. ATTERBURY. Yes.

Commissioner GARRETSON. And you are familiar with the fact that it is invariably stated that they were Pinkerton men? That, I am saying, comes to you in the way of common rumor?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. And you have no knowledge yourself in regard to that system of recruiting?

Mr. ATTERBURY. That is the system of recruiting——

Commissioner GARRETSON (interrupting). Yes.

Mr. ATTERBURY. No; I have not; and I doubt if any officer of our company does.

Commissioner GARRETSON. Nor you have no knowledge as to whether there is any combination of the form of payment of those men, first, for their services as employees, and, secondly, for their services as operatives?

Mr. ATTERBURY. Oh, yes; I do; because we pay them for their services as operatives and deduct from them the wages they draw as employees.

Commissioner GARRETSON. Or, the wage as an operative is less than their wage as an employee, the deduction is the other way?

Mr. ATTERBURY. I do not know that any such case exists. I should doubt that it did.

Mr. GARRETSON. That is all.

Chairman WALSH. I was going to ask you some questions about the relief department, Mr. Atterbury, but they will be more or less of a technical and detailed nature, and I would ask you, please, to allow our investigator to have access to the records of that relief department.

Mr. ATTERBURY. Our Mr. Hunt, superintendent of relief department, is here, Mr. Walsh, and here for the purpose of giving you all the information you may desire.

Chairman WALSH. Very good. That is all I desire.

Mr. ATTERBURY (continuing). And the same is true of all of our officers who are here. We are entirely in sympathy with the work of this commission. We have industrial problems of our own that we would like to have solved for us, if you can help us, and we would like to be of assistance, real assistance, if we can.

Chairman WALSH. Very well, thank you.

Commissioner WEINSTOCK. I have a few questions.

Chairman WALSH. We will adjourn at this point until 2 o'clock. Please resume the stand at that time.

(Thereupon, at 12.30 o'clock, a recess was taken until 2 o'clock p. m. of this Wednesday, May 5, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. The house will please be in perfect order. Mr. Atterbury, please resume the stand. I neglected to ask you if there was any supplemental statement you desired to make outside of the written statement?

Mr. ATTERBURY. I do not think there is anything additional I desire to say, Mr. Walsh, unless there are some questions you want to ask. I want you to feel perfectly free to ask any questions.

Chairman WALSH. I have been.

Mr. ATTERBURY. Because we are much interested in this, as I tried to say before, in the successful conclusion of your labors. We have 250,000 employees, and we want a satisfied set of men, and if you can help us in our problems, we welcome your assistance.

Chairman WALSH. Do you have some questions to ask, Mr. Garretson?

Commissioner GARRETSON. No further questions.

Chairman WALSH. Commissioner Weinstock has some questions, Mr. Atterbury.

Commissioner WEINSTOCK. You have seen this petition to the Commission on Industrial Relations from the Order of Railway Telegraphers, of which Mr. Perham is the president?

Mr. ATTERBURY. I have.

Commissioner WEINSTOCK. And you know he states therein that there are eight specific charges against the Pensylvania Railroad Co.? It seems to me that in fairness to the railroad company, the opportunity ought to be afforded you, if you care to exercise it, to answer specifically the charges named therein.

Mr. ATTERBURY. I think we have already answered it somewhat in detail in the memorandum we submitted, Mr. Weinstock. I thought perhaps I could facilitate the work by presenting it as a whole.

Commissioner WEINSTOCK. This document is rather voluminous.

Mr. ATTERBURY. It is.

Commissioner WEINSTOCK. And it would take up a great deal of our time to go through it analytically; and for the matter of the record it seems to me that if you can briefly answer them, as I take them up seriatim, it would cover the ground more satisfactorily. You notice the charge first made is that the Pennsylvania Railroad Co. denies the right of organization to all of its employees, except those engaged directly in transportation.

Mr. ATTERBURY. That of course is denied.

Commissioner WEINSTOCK. Your contention is that the employees are given the right to do that?

Mr. ATTERBURY. Under certain restrictive conditions that we believe essential to the continuous and safe operation of our property.

Commissioner WEINSTOCK. Would you state just what those specific charges are?

Mr. ATTERBURY. That is that the men shall be under their own control; shall not submit themselves to any association or affiliation which will bring about a cessation of their operation on a question in which they are not directly interested.

Commissioner WEINSTOCK. Your thought, I take it, in doing that is to prevent a sympathetic strike and tying up of your road?

Mr. ATTERBURY. Quite right; I might also say that if the attention of this commission has not been brought to it that such is the position of the United States Government with relation to its railway-mail clerks—and I have before me a letter, if you will just allow me to read an abstract from it, dated March 13, 1911, by the Second Assistant Postmaster General:

"All clerks, when they enter the service, take oath to well and faithfully discharge the duties of their office," etc.

"It is incompatible, with their obligation to the department, that they should assume another oath of a secret organization, while in the service, which may at any time interfere with their obligation which they have assumed upon entering the service."

Then later, I think Congress passed a law to much the same effect, and the wording of that law is:

"*Provided, however,* That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or personally to assist in any strike."

In other words, the position of the Pennsylvania Railroad Co., in connection with its employees and as a public carrier, with a public duty to perform, for the past 25 or 30 years has been exactly the position the Government itself has assumed in the last three or four years.

Commissioner WEINSTOCK. Are your engineers, firemen, conductors, and brakemen affiliated with national organizations?

Mr. ATTERBURY. On some of the roads in the country they are working under what I believe, as I remember, is called the Cedar Rapids agreement. I think I am right, Mr. Garretson?

Commissioner GARRETSON. The Cedar Rapids plan of federation.

Mr. ATTERBURY. But even then, before any action can be taken, the vote of the men themselves must be obtained; and on our railroad, for instance, where they are not affiliated, if the conductors went on a strike the engineers are under obligation to continue manning their engines, and can not be drawn into the controversy at all unless we foolishly ask them to perform the duties of the workmen who are out on the strike.

Commissioner WEINSTOCK. But if the conductors on some other road would go on a strike could they call out your men?

Mr. ATTERBURY. They could not. That is, Mr. Garretson—I am speaking for Mr. Garretson, as I understand it—could not call out the conductors on the Pennsylvania Railroad without the conductors themselves having a voice.

Commissioner WEINSTOCK. I see; so that to that degree you are protected against a sympathetic strike?

Mr. ATTERBURY. We are.

Commissioner WEINSTOCK. Even with those engaged in the railroad business?

Mr. ATTERBURY. In the railroad train service there is no such thing as a sympathetic strike.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania Railroad Co. makes a practice of discharging men for the reason that they have joined a labor organization; also that it coerces and intimidates men who are suspected of having joined a labor organization, and habitually discriminates against men who endeavor to exercise their right to organize?

Mr. ATTERBURY. In a measure that is correct, in this way: If we have knowledge—and, as I explained before, it is our business to have knowledge of just those things—that an organization is already in existence which emphasizes the practice of things that we object to, or attempts to organize on our lines, we take steps to prevent it.

Commissioner WEINSTOCK. Now, outside of men engaged in transportation, Mr. Atterbury, about what proportion, as far as you can estimate, of your employees are organized in any form?

Mr. ATTERBURY. Of course, I have no means of knowing how many organizations, such as the Elks and like organizations.

Commissioner WEINSTOCK. I am speaking of labor organizations.

Mr. ATTERBURY. Out of 135,000 men that we normally have on the lines east there may be 30,000 in the train service, and of the men in the train service perhaps 25,000 are organized, and the rest of them are what we call nonunion men. Now, of the 108,000 or 110,000 not in the train service I doubt if any of them are organized, except as they may have come into our service, having been members of an organization which it was necessary for them to belong to in order for them to secure employment at all.

Commissioner WEINSTOCK. Is a question put to an applicant for a position whether or not he is a member of a union?

Mr. ATTERBURY. It is not; and we do not bother him unless we have reason to believe he is going to bother us.

Commissioner WEINSTOCK. That is, he can take the initiative?

Mr. ATTERBURY. He does. We are acting on the defensive at all times and at no time on the offensive.

Commissioner WEINSTOCK. The third point is that the Pennsylvania Railroad Co. maintains at an immense expense a force of undesirable characters to intimidate and spy upon its men for the purpose of effectuating its policy of preventing organization among its employees; also, that it uses force and violence and has made false arrests to intimidate employees and to coerce them and keep them from joining their organization or continuing their membership therein. Also, that when the employees have attempted to hold meetings for the purpose of discussing the matter of organizing, the company has in some instances leased all the available halls and meeting places to prevent such meetings being held; in other instances injunctions have been obtained by devious methods to prevent such meetings.

Mr. ATTERBURY. Of course, that is a pretty general proposition, and it is difficult to answer it except in detail. As a general proposition I would say that is incorrect. I have explained the functions of our police force, and to some extent—perhaps not to the extent Mr. Walsh would like—but we have representatives here that can go into it more in detail. In regard to the situation at Altoona, I hope you will listen to Mr. Creighton, who is in charge of our property in Altoona, as I think he can enlighten you as to the trouble there in 1912.

Commissioner WEINSTOCK. Going back a minute, I judge from what you said, so far as the 100,000 employees are concerned, you practice what is known as individual bargaining, rather than collective bargaining? You make a bargain with an individual employee?

Mr. ATTERBURY. As a matter of fact, the larger part of our work in the shop is piecework. It has been until the last two years, when we have begun bargaining with our train employees collectively, in common with all of the other roads in the eastern territory; our practice in the past to adjust the wages of the shop employees and the wages of all our service, practically on the same

plane, by a 10 per cent increase or a 6 per cent increase, depending on the general conditions of the country, and in that way all of the employees have profited with the company in its prosperity.

Commissioner WEINSTOCK. The next point is, that in the unorganized branches of its service its rate of wages is below that required by a decent standard of living and is contrary to public policy.

Mr. ATTERBURY. I take it that is a matter of public records, and any statement on my part would be superfluous; that is, the I. C. C. has prepared reports, and my recollection is that our average wages are above others, not only of our competing friends, but also of the general territory which we serve; that the wages on the Pennsylvania are higher and not lower. However, that is a matter of record and need not be a matter of assumption or guess.

Commissioner WEINSTOCK. That the Pennsylvania Railroad Co. brings into existence and fosters sham labor organizations for its employees, which are labor organizations only in name and are merely formal organizations and the subservient tools of the management and designed to obstruct the progress of legitimate labor organizations.

Mr. ATTERBURY. That is incorrect; inasmuch as the Pennsylvania Railroad has never fostered any labor organization. If our employees desire to establish a labor organization we would welcome it, if it is along reasonable lines.

Commissioner WEINSTOCK. Sixth, that the Pennsylvania Railroad Co. refused to mediate or arbitrate its recent difficulties with its telegraphers and deliberately arranged its affairs to meet a strike by placing inexperienced men in readiness to take charge of its signal towers without regard to public safety.

Mr. ATTERBURY. That is rather a long history, and yet I think it is of interest. If you will permit me, I would like to read a statement that I made to the United States Board of Mediation, in which I refused to submit the question to mediation. When I came to Pittsburgh as general manager in 1903 I found a conservative committee of some 20 members representing the telegraph employees of the lines east of Pittsburgh. The chairman was Mr. L. K. Marr, who had been for seven years prior to that time chairman of the committee, with many of the original members still on the committee. For three years the relations between the committee and myself were satisfactory. At no time, either prior to 1903 or subsequent to 1903 until 1906, did any question of organization enter into our intercourse. The committee represented the employees and appeared before me as representing all the employees of the telegraph department. I knew that the organization existed and that the committee were members of the organization, but by no act or word at any time did I object to the organization.

In 1905 we commenced to rapidly extend the block signal system, requiring a large number of additional operators. It was then brought to my attention that the practice differed on several divisions as to the question of students. Some divisions I found with ample men to draw from to expand the block system. Other divisions I found unquestionably short. I at once gave instructions that the division not having students were to see that an adequate supply was at once employed. I might say that the company is as anxious to educate its own telegraph operators as it is its own engineers, conductors, and all of its officers, and following this thought, in addition to the number of student operators, it has organized schools of telegraphy at two points on its line. At one of the meetings of the committee I myself introduced for the first time the question of organization, it having come to my attention, what had heretofore escaped me, that there was a clause in the ritual of the Order of Railway Telegraphers to the effect that no operator could take a student without first obtaining the permission of the head of the organization. This was the reason for my introducing the subject of organization to the committee.

I explained to the committee the necessity for an increased number of students and advised them fully to the effect that any operators refusing to accept a student would be guilty of insubordination and would be dealt with accordingly. I requested the committee to at once take up with the employees whom it represented this matter of teaching students and explained to them my position. My full understanding was that no man would refuse to accept a student; that if there were any objections to his taking a student the matter would be brought to the attention of the committee, and the committee would bring it to my attention, as all other matters were, in a regular, orderly, and dignified way. This the committee agreed to do. Shortly following this three operators refused to accept students and were discharged. They appealed their cases to the committee and the committee, realizing that the men in ques-

tion had taken a stand at variance with my instructions and the instructions of the committee, refused to handle their cases of appeal. They then took up the matter, I understand, with the head of the organization. What happened between the committee and the head of the organization I am not familiar with other than in September, 1906, at which time the committee was in session, and following an increase granted to the committee for the benefit of the telegraphers amounting to about $80,000 a year, my understanding is that the head of the organization appeared and endeavored to explain to the committee how it should best conduct its various matters with the railroad. The committee felt that as employees it had acted in a proper manner toward the employees that it represented, and seriously objected to the criticism of the head of the organization. The objections were so strong that by a vote of 24 out 25 of the committee he was requested to withdraw from the conference. Following this, as head of the organization, he disciplined the committee by suspension and subsequent expulsion from the organization.

A number of the employees, members of the organization, feeling that the committee had been most unfairly treated, also withdrew from the organization, and these men, I understand, have formed an organization of their own. At the present time, and to the best of my knowledge, the original organization has a membership not to exceed 1,000. The new organization has a membership of between 600 and 700. As the total number of employees in the telegraph department of the lines east of Pittsburgh and Erie is over 3,900, it will be seen that there are at least 2,900 employees in the telegraph department not members of any organization.

Following the action previously described, the head of the organization wrote me requesting the reinstatement of the men who were dismissed for insubordination. I quote from my reply of December 22, 1906:

"I might state that these men were dismissed for insubordination in refusing to comply with the instructions of their immediately superior officer, this refusal being accentuated by an attitude which totally ignored the interests of the company. The attitude taken by these men and the disposition shown by them without first making known to their immediately superior officer any complaint which they had to make, and without appealing to their superintendent, were in themselves factors of sufficient moment to warrant their dismissal as their action was incompatible with the maintenance of discipline."

To this I received a reply under date of December 28, 1906, a quotation from which is as follows:

"If it is to be the future policy of the company that telegraph operators now in its employ will be required as a condition for remaining in the service to teach their trade to others, there are certain indications of a definite character that a large number of your experienced telegraphers will seek service elsewhere while conditions are favorable, rather than wait for the students to force them out."

Last fall a committee claiming to represent the employees in the telegraph department, whom I later learned were members of the original organization, desired to conduct business with me as representing the telegraphers of the lines east of Pittsburgh. During 1906 and 1907, notwithstanding the totally unjust treatment that the original committeemen had received at the hands of the organization, they continued to do business with me in their usual orderly way, the numerous concessions and increases in wages in detail and by classes were granted. I could see no good reason why I should refuse to receive a committee that I had been doing business with for some seven years, and my predecessor for seven years prior to that time had also been doing business with, and to conduct my business with a committee whom I believed did not represent the best element among our employees, nor will I now receive them as representing the employees in the telegraph department.

I would like to call your attention to the clause of the Erdman Act, under which you have requested me to come to Washington to interview yourself and Commissioner Neill. This clause reads as follows:

"That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by meditation and conciliation, to amicably settle the same."

I would like to state positively and distinctly that there is no controversy between the employees in the telegraph department of the Pennsylvania Railroad which threatens to interrupt, nor can interrupt, the business of the carrier. The Pennsylvania Railroad east of Pittsburgh and Erie has in its service not less than 2,300 men who are not interested in any controversy. Seven hundred men who are opposed to such employees, as I understand, are represented before the mediation board. In addition, all telegraph towers, offices, etc., are equipped with telephones, with men ready and willing to man them prepared to meet any emergency that may arise if, following the threat covered in the quotation from the letter of December 28, 1906, referred to, a number of its employees should see fit to leave the service. I would, of course, regret to see this number of men leave the service, as many of them are employees who have served the railroad company a number of years. The regret would be for the men themselves. So far as the company is concerned, such withdrawal, if necessary, would be welcomed as eliminating from its service a discordant element oath bound to action inimical to the best interest of the employees and the company and its patrons.

I have made this full statement that you may thoroughly understand the situation, and appreciate why I now say that the clause of the Erdman Act referred to has no application, and can have no application, in the existing situations.

Now, that explains in detail our attitude toward the Order of Railway Telegraphers, and that situation largely exists to-day.

Commissioner WEINSTOCK. The next point was that the Pennsylvania Railroad Co. compels its employees to contribute to and largely support the so-called voluntary relief association, so organized and operated as to intimidate and defraud employees.

Mr. ATTERBURY. We have a voluntary relief association. I have before me our March 31, 1915, statement. Of 134,157 employees there are 124,121 that belong, or over 10,000 employees in the service do not belong to the voluntary relief department.

Commissioner WEINSTOCK. It is not compulsory, then?

Mr. ATTERBURY. It was not compulsory originally, but it might be said to be compulsory to-day; and yet it really is not, Mr. Weinstock. I think you will appreciate the necessity which exists to-day of careful and physical examination of the employees as they enter the service. Particularly is that true in the train service, where existence of Bright's disease or epilepsy or similar diseases which are liable to carry a man off in a moment would jeopardize not only his own life, but that of employees and of the public. So we make it a practice to require physical examination of employees before they enter the service. Now, our experience in the past has been that owing, perhaps, as a natural feeling, one I think we have all gone through, if we are considering taking life insurance out at all, we put it off because we object to a physical examination. Having taken the physical examination the worst hurdle is over, and the men then go into the relief department because they recognize, as well as we do, the value of the relief department.

Commissioner WEINSTOCK. What is the monthly contribution of your employees to that fund?

Mr. ATTERBURY. Mr. Hunt can give you the details; but there are five classes, and my recollection is it is 50 cents for one class and then 50 cents or something additional death benefit. I think my contribution perhaps to the fund is $5. I think I have $2,500 death benefit.

Commissioner WEINSTOCK. I see. Does that cover sickness as well as accident?

Mr. ATTERBURY. That covers sickness as well as accident.

Commissioner WEINSTOCK. Does the company itself make any contribution to the fund at all?

Mr. ATTERBURY. The company itself contributes the cost of operation and, in the earlier days, guaranteed certain funds, you see. The relief department grew in strength and the last few years the company has not contributed to the integrity of those funds.

Commissioner WEINSTOCK. Well, who manages the fund?

Mr. ATTERBURY. An advisory board, which consists of eight of the officers and eight of the employees. This is a joint arrangement between the various companies and the employees. It is not an incorporated fund at all. That is one of the reasons why we do not care to continue the insurance of the men that leave the service. We doubt our legal position in the matter. The ad-

visory board consists of eight officers of the company and eight employees, and the general manager is chairman ex officio of the advisory committee. The eight employees are elected by the employees themselves, and as the moneys are accumulated they are invested on the recommendation of the advisory committee.

Commissioner WEINSTOCK. Now, out of this fund, I suppose are paid all sick benefits and all funeral expenses and all compensation in the event of injury?

Mr. ATTERBURY. There are no funeral expenses paid out of the fund. There are certain provisions made for such a contingency in the event of the employee dying without money available for the purpose; but if any of our employees are killed, the company generally pays the funeral expenses itself.

Commissioner WEINSTOCK. I see.

Mr. ATTERBURY. That has nothing to do with the relief fund.

Commissioner WEINSTOCK. I see; but in the absence—well, what might be called accident compensation, that comes out of that fund?

Mr. ATTERBURY. It does.

Commissioner WEINSTOCK. Now, in the absence of any such fund, what claim, if any, would the injured worker have upon the company in law?

Mr. ATTERBURY. That would depend on whether he is working in New York State, New Jersey, or Pennsylvania, or whether he is working in interstate travel. The whole thing is very badly mixed up, so far as compensation for accident is concerned, Mr. Weinstock.

Commissioner WEINSTOCK. Take Pennsylvania, for instance; in the absence of any such fund, if the worker is injured while engaged in work, what redress, if any, would he have under the law?

Mr. ATTERBURY. The common law remedy.

Commissioner WEINSTOCK. He can bring suit for damages?

Mr. ATTERBURY. At present he can bring suit for damages. The present session of the Pennsylvania Legislature, I have no doubt, and will be glad to see, will put in effect a proper compensation act. I only wish it were Federal.

Commissioner WEINSTOCK. Are you in favor of a Federal compensation act?

Mr. ATTERBURY. I am, most certainly.

Commissioner WEINSTOCK. The eighth statement here is that the Pennsylvania Railroad Co. have in collusion with certain local officials brought into some communities not only an array of unnecessary police, but also illegal and unwarranted forces of men selected and employed by it for the purpose of endeavoring to provoke a counter display of force and create disorder in peaceful communities. Also that it habitually keeps in its employ thousands of spies, detectives, and armed men for the purpose of spying out the actions of men with respect to organization and for browbeating and bulldozing purposes generally.

Mr. ATTERBURY. Well, I think I have already outlined the scope and extent of our police organization; and as I say, I think our officers would be very derelict in their duty if they did not anticipate what was going to happen. That is what we are there for.

Commissioner WEINSTOCK. I see. Both sides, Mr. Perham on one side and yourself on the other side, have frankly stated you have spies in each other's ranks?

Mr. ATTERBURY. We have.

Commissioner WEINSTOCK. Now, it would be of interest to this commission to know, if possible to know, which is the cause and which the effect. That is, are you obliged to hire spies because the other side initiated it, and therefore you found yourself in a position to do this thing as a matter of self protection, or did you initiate it, and were they obliged to meet the situation by hiring their spies, as protection to them? In other words, which was the cause and which the effect?

Mr. ATTERBURY. Mr. Weinstock, the oldest problem in the world is that of the egg and the owl—whether the owl came first or whether the egg came first. I think your question is very much like that, probably. I think it is one of those conditions that has gradually evolved.

Commissioner WEINSTOCK. Was there a system of that kind in operation when you first went into the railroad service?

Mr. ATTERBURY. Always has been so.

Commissioner WEINSTOCK. Always has been so?

Mr. ATTERBURY. Yes, sir; always has been so.

Commissioner WEINSTOCK. Antedates your experience?

Mr. ATTERBURY. Yes.

Commissioner WEINSTOCK. On both sides?

Mr. ATTERBURY. Yes; and a perfectly natural human thing to do.

Commissioner WEINSTOCK. What would be the effect if both sides dismissed their spies?

Mr. ATTERBURY. Why they would each start in organizing again.

Commissioner WEINSTOCK. You don't think an understanding could be arrived at whereby there would be an armistice or a disarmament as it were—a mutual disarmament?

Mr. ATTERBURY. I think before such an understanding was in operation a month one side would be accused of playing unfair and would accuse the other side of playing unfair.

Commissioner WEINSTOCK. Then, you regard as mutual the employment of spies as a permanent condition?

Mr. ATTERBURY. Until some more proper way of handling the so-called labor question is evolved by just such a commission as is sitting to-day on the subject.

Commissioner WEINSTOCK. Well, this commission, of course, is made up of men who have been taken from different walks of life, and while I have all due respect for my fellow commissioners, I do not know of anyone of them who is in a position to evolve the best possible plan from their inner consciousness; I know I can not, and I possibly have had as much experience as my associates have, and we are largely dependent on the suggestions and hints we get from practical men, such as yourself, who have come up against the real thing and who can help to guide and direct us, and we welcome and invite suggestions from those whose suggestions are worth listening to, and we should be very glad, indeed, if, while you are here, you can give us the benefit of your long and broad experience.

Mr. ATTERBURY. I can not help but think, Mr. Weinstock, that you must recognize from your own experience that the last 8 or 10 years has developed a code of morals totally different from that of 20 or 25 years ago. Now, that covers not only business relations but it covers your personal relation in life; it covers your relations with your employees. I think the old—and I do not use it politically—but the old reactionary is a thing of the past. I think our fathers did things and our predecessors in our business did things that would not for one moment be considered proper and right to-day. I think the whole thing has changed; I think conditions are very materially improved; and I think our employees are 100 per cent better to-day than they were 15 or 20 years ago.

Commissioner WEINSTOCK. You mean more efficient?

Mr. ATTERBURY. I think there is less drunkenness; I think there is less immorality; they are very much better citizens than they were; I know that ours are, as they have come up from the ranks. I want you to realize that on the Pennsylvania Railroad all of us have come up from the service. There is no distinction between officers and men, because the man of to-day is the officer of to-morrow, and we are all one big family. We do have our rows among ourselves, naturally, but we try to avoid interference from outside sources; that is all.

Commissioner WEINSTOCK. So, summing up, Mr. Atterbury, wherein lies the hope of the spreading of this spirit?

Mr. ATTERBURY. I think the general regeneration of the people that is going on is going to bring about an improved condition affecting labor.

Commissioner WEINSTOCK. Do you look forward to a higher or a lower degree of industrial peace in the immediate future, say for the next 5 or 10 years, as compared with the past?

Mr. ATTERBURY. I should be very much surprised if I saw a great railroad strike to-day. I think Mr. Garretson and some of the rest of us are largely responsible for that position as of to-day. I do not think you will ever see a great railroad strike again.

Commissioner WEINSTOCK. A repetition of the experiences of 1894 in connection with the Pullman troubles, you think, if not impossible, is highly improbable?

Mr. ATTERBURY. I will not say it is impossible or improbable, because, in the first place, that was not a real organization, although its effects were very real; it was not what I would call a real strike.

Commissioner WEINSTOCK. Then, do you think in railroad circles, and I suppose naturally you talk from a railroad point of view primarily, do you think in the railroad world in this country that the employer and the worker are in closer touch with each other to-day than ever before?

Mr. ATTERBURY. I think so.

Commissioner WEINSTOCK. You think they understand each other better than ever before?

Mr. ATTERBURY. I think, as a matter of principle, yes. I think, unfortunately, however, in all classes of employment, the old days when the shoemaker had two or three men working around him is past, or where the division superintendent knew every man on his division, and when there was a baby born on the division he knew all about it, and probably the baby was named after the superintendent, I think probably that day has passed.

Commissioner WEINSTOCK. Do you believe, Mr. Atterbury, that this mediation and conciliation board that has been created to deal with railroad labor troubles could be successfully broadened to take in all industries of important character?

Mr. ATTERBURY. I think it could.

Commissioner WEINSTOCK. Would you favor it?

Mr. ATTERBURY. I have already favored it.

Commissioner WEINSTOCK. That is, the creation of a permanent board of mediation and conciliation to deal with large problems of that nature?

Mr. ATTERBURY. I made that statement before the Senate, Newlands's committee, some two years ago. As far as the Pennsylvania Railroad Co. is concerned, we would be glad to see the Newlands bill so drawn as to cover all classes of employees.

Commissioner WEINSTOCK. Please give us the benefit of your opinion on the Canadian public inquiry act; is it good or bad, as you see it?

Mr. ATTERBURY. Well, perhaps you are going to ask the next question, and I am going to answer the next question first; that is, I am opposed to compulsory arbitration.

Commissioner WEINSTOCK. You know that is not compulsory arbitration?

Mr. ATTERBURY. I know it is not, but I expected you to ask it.

Commissioner WEINSTOCK. No; I would not ask about compulsory arbitration, because I am at one with you on that. That is compulsory, but compulsory only so far as the inquiry is concerned. The Canadian law does not compel either side to accept the decision.

Mr. ATTERBURY. I understand that. The Canadian law has this advantage, that it gives the Government an opportunity to go in and investigate the situation by an impartial commission and advise the public of what they find; that is, assuming that the two parties themselves can not agree on a published statement. That gives the public, then, some 30 days to get a fair knowledge of the situation, and I think that has many advantages. We might well try it and experiment with it. I think the present Newlands Act, and perhaps Mr. Garretson will agree with me, perhaps not—but the present Newlands Act was a great step in the right direction. It can be amplified. The present plan puts too many arbitrators on the board that are not impartial. I have been on two arbitrations, one under the Erdman Act and one under the Newlands Act. In one case there was one intermediate arbitrator with two end men, and in another case there were two intermediate arbitrators with four end men. My own opinion is that had there been a larger proportion of impartial arbitrators on the boards than one-third, which was, in effect, the result of the Newlands Act and the Erdman Act—only one-third are impartial and the others are not impartial arbitrators, and under the circumstances they can not be impartial arbitrators; they are partial. My feeling has always been that the Newlands Act was defective in that respect, and that it should have a very much larger proportion of absolutely neutral and impartial arbitrators. However, the Newlands Act was the best we could compromise on, and while both sides had some objections to it it was a compromise step in the right direction.

Commissioner WEINSTOCK. Under the Newlands Act, if I understand it correctly, there are two representatives of the employers, two representatives of the employees, and two neutrals.

Mr. ATTERBURY. It can be three, six, or nine.

Commissioner WEINSTOCK. Three, six, or nine?

Mr. ATTERBURY. Yes; that is my recollection of it.

Commissioner WEINSTOCK. If there are six, there is liable to be a hung jury, is there not?

Mr. ATTERBURY. It might be; but you always have your two neutrals, and they are generally for one side or the other.

Commissioner WEINSTOCK. But even then you might have a hung jury.

Mr. ATTERBURY. Yes; but my experience with Hon. Seth Low and with President Finley, the head of the New York University, was that there was never a case of any split; they always worked together. I think of all the votes that were taken there was but one case where there was any difference, and later on that vote was changed.

Commissioner WEINSTOCK. The final charge made by Mr. Perham is that the Pennsylvania Railroad Co. appears to exercise so complete a domination over all affairs, industrial and governmental, over a large area of this country that it is sufficient to overthrow legal and constitutional rights of persons not favorable to its domination; that within the area of the domination of this company liberty exists not under law, but only to the limited extent of the company's authorization. Its men have no rights as men, but merely such rights as it permits.

Mr. ATTERBURY. My answer to that, Mr. Weinstock, is that the railroads, and the Pennsylvania Railroad particularly, if that statement were correct, would not be fighting tooth and nail in New Jersey, New York, and Pennsylvania to repeal the full-crew bill if they politically controlled those States. If you coud see the antagonistic legislation that is constantly being passed by the legislators of those States you would appreciate what a farce such a statement was.

Commissioner WEINSTOCK. May I ask, in passing, are there railroad commissions in these various States, State commissions?

Mr. ATTERBURY. Yes, sir; there is a railroad commission in each one of those States.

Commissioner WEINSTOCK. Have they broad powers?

Mr. ATTERBURY. Very broad powers.

Commissioner WEINSTOCK. Are they elected by the people or appointed by the governors?

Mr. ATTERBURY. I think in each of those cases they are appointed by the governors.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Here is a question that was submitted to the commission to ask you, Mr. Atterbury:

"Mr. Atterbury states that the chief interests of the company is to run their trains; is not really the chief interest of the company to make money just as the chief interest of the workers is to make wages, and is not the running of the trains, which is the public's interest, merely incidental to these two?

Mr. ATTERBURY. We can not make money if we do not run our trains.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. Mr. Atterbury, is it a condition of employment when telegraphers are taken on that they shall teach others their crafts, for instance, or some one else?

Mr. ATTERBURY. Mr. Lennon, so far as I know, there is no such written obligation on the part of any employee, no matter in what branch of the service, but we all know that it is our obligation to keep some one coming on to take our places in case anything happens to us. That applies to every craft; it applies to every officer, and it is a very bad officer who does not have a lieutenant that can run his job quite as well, if not better, than he can himself.

Commissioner LENNON. I intended to ask another question in connection with that. Is it generally understood that when an employee comes into the service of the company that this policy prevails; that is, a general understanding sufficient to be a notice to a man that he is expected to teach an apprentice telegraphy as required?

Mr. ATTERBURY. In our crafts—that is, in our boiler shops, blacksmith shops, machine shops, and everything of that sort—the large proportion of the apprentices are our own employees, and it is only in the case of an emergency—that is, where we have to expand very, very rapidly—that we hire members of those crafts. That is, we try to educate our men just as we educate our own engineers and our own conductors and our own operators; we educate our own machinists and boiler makers. It is a very common practice on many of the roads, and it is covered in their agreements, to employ a certain number of conductors and engineers, but we have never done that at all. We promote the subordinate men and train them up and educate them and promote them.

Commissioner LENNON. I want to know whether I understand your position as to the danger of sympathy strikes. You say the telegraphers were all on strike on the New York Central lines from Buffalo to New York; do you understand that the general organizations would have power to order the teleg-

raphers of the Pennsylvania Railroad on strike without a vote of the Pennsylvania telegraphers?

Mr. ATTERBURY. No; I do not understand so, and if I conveyed any such statement you misunderstood me. My objection to the Order of Railway Telegraphers is that the employees are responsible to the heads of their organization and not to the proper officer of the Pennsylvania Railroad Co.

Commissioner LENNON. In regard to the continuance of employment?

Mr. ATTERBURY. In regard to the students.

Commissioner LENNON. Leaving the student matter out of the question; I think you have answered that; take the matter of the sympathetic strike; you say you object to these organizations because of the danger of sympathetic strikes, Mr. Atterbury.

Mr. ATTERBURY. That is right; certain organizations.

Commissioner LENNON. That is, it would interfere with the operation of the road?

Mr. ATTERBURY. Yes.

Commissioner LENNON. Do you understand that the telegraphers of the Pennsylvania Railroad, under any circumstances, could be called out on strike by the telegraphers' organization without their own consent and without their own vote?

Mr. ATTERBURY. I know the painters in the shops went out without any vote of themselves and by the orders of a man not in our service.

Commissioner LENNON. Did they go out by order of their own organization; do you know that?

Mr. ATTERBURY. I do not know; I know they left our service because there was a strike in the city of Philadelphia.

Commissioner LENNON. Have you any idea as to whether the American Federation of Labor has any power to order sympathetic strikes, or any other kind of strikes, for instance?

Mr. ATTERBURY. No.

Commissioner LENNON. You think they have not?

Mr. ATTERBURY. No; I say I do not know. I thought you asked me if I knew, and I said no.

Commissioner LENNON. You say you do not know whether they do or not?

Mr. ATTERBURY. No.

Commissioner LENNON. What, in your opinion, has been the result as to the human uplift of the existence of labor organizations?

Mr. ATTERBURY. I think it has been very beneficial.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner O'Connell wishes to ask some questions.

Commissioner O'CONNELL. Mr. Atterbury, have you some one coming on the stand who is solely familiar with this matter of the employment of secret-service men?

Mr. ATTERBURY. We have. We have our superintendent of telegraph, and also our superintendent of police. I think Mr. Walsh has subpœnaed both of them.

Commissioner O'CONNELL. Have you some one who is thoroughly familiar with the situation at Altoona?

Mr. ATTERBURY. Yes; our general superintendent, Mr. Creighton.

Commissioner O'CONNELL. I want a little information in connection with this matter of the alleged secret-service men on both sides. You say that the Pinkerton Agency furnished the men to secure information in connection with the affairs on the system and that you believe the organizations have their own men who furnish them information in connection with the affairs of the company. In what way might the organization have men in your service that could furnish information as to the officers of your company?

Mr. ATTERBURY. Why, every man in the organization is furnishing information to the heads of the organization.

Commissioner O'CONNELL. How would they be able to secure the information, for instance, in your own office, as having charge as vice president of the company?

Mr. ATTERBURY. Well, they get it.

Commissioner O'CONNELL. Would they be able to put a man in your office?

Mr. ATTERBURY. I do not know whether they would or not, but they get in. I mean there is no secret about it. I know they know, and they know I know.

Commissioner O'CONNELL. The men in the employ of the mechanical end of

the service, in the shop department, and so on; such information as they might secure would be the information of men in everyday employment; you say, for instance, they would have a man in the master mechanic's office who would be unfaithful to the company, as it might be?

Mr. ATTERBURY. Quite possible.

Commissioner O'CONNELL. You believe that to be true?

Mr. ATTERBURY. I do.

Commissioner O'CONNELL. And for that reason you employ through an outside concern, not part of your own company—the Pinkerton Detective Agency, their service, and in return for which they put men into the various labor organizations for the purpose of securing the things going on inside of that organization?

Mr. ATTERBURY. No, sir; I take it rather that they are men already in the labor organizations, who may have union cards and have been employed somewhere else. They are necessarily traveling around a great deal. We ask the Pinkerton company to assign a certain number of operatives to our service; we do not know who they are; they come along in the natural course of events and we then get reports. We never act on those reports in any way, except as it may give us a lead to follow. We never act on a private report in any way to the detriment of any man, unless we have the information confirmed from some other source.

Commissioner O'CONNELL. In connection with the matter of mediation and conciliation in connection with the Erdman Act, now the Newlands Act, I understand you to say that you are in sympathy with the extension of that act to apply to all shop employees?

Mr. ATTERBURY. I so stated, and I think I am on record. My recollection is, Mr. O'Connell, that one of the chief objectors to the Newlands Act was Secretary Wilson. I think I am right, Mr. Garretson, and at that time I made the statement that if the Secretary wanted to and could prevail upon the committee to include the other branches of the service under the Newlands Act, I was perfectly satisfied.

Commissioner O'CONNELL. There was a misunderstanding at the time as to just what the organization wanted themselves in connection with the matter. I was somewhat interested. You have been on two arbitrations, you stated. I suppose in connection with railroad affairs under the act, and you have some idea, therefore, what one of these general arbitrations cost. For instance, what would you estimate the cost of the arbitration that took place on the Eastern, the case between the firemen, and so forth?

Mr. ATTERBURY. I would rather not guess at that, but I would like to submit a statement of the actual cost to the railroads; we can do that, and I have no doubt that Mr. Garretson can submit it as for the employees. I know it is a matter of record with us. We had a separate organization to run it; and if the commission desires to have that, we will be glad to submit that.

Commissioner O'CONNELL. I want to get an idea at this time, if you could give it to me, in order to bring up another matter.

Mr. ATTERBURY. Frankly, I have no idea.

Commissioner O'CONNELL. Your idea is it would cost $200,000 or $300,000?

Mr. ATTERBURY. Mr. Miller, can you give me any facts on that; do you remember what it cost us for the conductors and trainmen, what it cost all of the 52 railroads. Pardon the informality of that.

Commissioner O'CONNELL. Certainly, we are glad to have it.

Mr. MILLER. About $300,000.

Commissioner O'CONNELL. And you estimate it would cost the other side, if they were to gather full information, about the same sum?

Mr. ATTERBURY. I do not know.

Commissioner GARRETSON. It did not cost us that much money, quite; we maintained a larger staff, but spent much less money in dollars.

Commissioner O'CONNELL. $200,000?

Commissioner GARRETSON. I would judge fully that.

Commissioner O'CONNELL. Then in order to carry on an arbitration case under the Erdman Act, or now the Newlands Act, as it was carried on in that case would cost $500,000, roughly estimated?

Mr. ATTERBURY. Yes, sir. You have to understand there were ninety-odd thousand employees interested. How many were included in that, Mr. Garretson?

Commissioner GARRETSON. Eighty-two thousand.

Mr. ATTERBURY. And that it involved something like ninety million a year; that is, it would run over $1,000 for each individual who was engaged in the arbitration.

Commissioner O'CONNELL. The point I want to get at is, whether if this act is extended and the men in the railroad system and in the shops are unorganized, and with no method of having funds like the Order of Railroad Conductors, what possibility they would have to raise the money or prepare themselves to go into arbitration with an organized company like the Pennsylvania system, and present case, like the transportation men, with their large organization and large funds at hand, what show the shop men would have under conditions of that kind?

Mr. ATTERBURY. The only show they have, Mr. O'Connell, is the protection of the officers themselves; and that, in turn, depends altogether upon the financial condition of the company and the relations of the standard of wages of the employees of the company to the standard of outside employment.

Commissioner O'CONNELL. They would have been unable, if it cost as it does these transportation organizations in cases of arbitration? It costs them immense sums of money to gather data and statistics and to fortify themselves in an arbitration case——

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL (continuing). That the shopmen, unorganized and unassociated together in any way, would certainly not be prepared to come in and fortify themselves with this great expense under any kind of an act. So that the extension of the Erdman Act might not carry with it the same relief to the unorganized men as it might to the organized men who are prepared to appoint boards——

Mr. ATTERBURY (interrupting). I think, perhaps, that is true.

Commissioner O'CONNELL. So the mere fact of your saying that that would be a good thing to put in effect does not mean so much to the men who are not organized?

Mr. ATTERBURY. No, sir.

Commissioner O'CONNELL. You were acquainted with the troubles that occurred in and around Pittsburgh in 1911 in the shop trades?

Mr. ATTERBURY. I was.

Commissioner O'CONNELL. Do you recall what was the beginning of that trouble?

Mr. ATTERBURY. Well, I can not specifically recall the details that started it, Mr. O'Connell.

Commissioner O'CONNELL. Were there not at that time a large number of discharges took place?

Mr. ATTERBURY. I think there were; all of that, however, Mr. Long, our general manager, who was on the ground at the time, can testify to.

Commissioner O'CONNELL. He is familiar with it?

Mr. ATTERBURY. Yes; he was on the ground at the time and in charge.

Commissioner O'CONNELL. As I understand it—and, by the way, I was at one time in the employ of the Pennsylvania, years ago.

Mr. ATTERBURY. I did not know that.

Commissioner O'CONNELL. On two or three occasions I worked for the old W. M. & Y., and the Central, and others about the time you worked in the shop, and at the same trade; the wages and hours and conditions under which the men were to work were set in the shops; as suggested by the commissioner, Mr. Weinstock, that you made individual deals individually with them; in other words, that you made with them an individual arrangement. I take it that the company, the officials of the company, or the officers who have it in charge, simply set the rates of wages, the piecework prices—it is largely piecework—and set the hours of labor, and set the conditions of employment, and that the workman who comes along simply accepts that or declines to accede to it, as the case may be.

Mr. ATTERBURY. I think that is true.

Commissioner O'CONNELL. And he has nothing to say with it, one way or the other.

Mr. ATTERBURY. I would not say that he has nothing to do with it. Take a place like Renovo, Elmira, Williamsport, or Sunbury; there the master mechanic is very familiar with the individuals in the shop. The shop is not so large but what the master mechanic can know everybody in it.

Commissioner O'CONNELL. But, take an outlying point, say Renovo, and the master mechanic would not be empowered to put into effect in the shops an

eight-hour day in Renovo, without the approval of the general officers of the company?

Mr. ATTERBURY. Oh, no; no.

Commissioner O'CONNELL. He would not have the right to change the general conditions of work?

Mr. ATTERBURY. No, sir.

Commissioner O'CONNELL. And a man comes along there, he works and accepts that rate that is provided, and he works under the conditions that are provided. And I understood a while ago you said there was an advance of 10 per cent all along the line. Now, the workmen were not taken into consideration or consultation in that at all?

Mr. ATTERBURY. No, sir; not at all.

Commissioner O'CONNELL. Not in any way.

Mr. ATTERBURY. Nor the trainmen. Do not forget that our treatment of the trainmen organization in that respect, until the last year, has been absolutely the same.

Commissioner O'CONNELL. But if there were discharges of trainmen, or they were laid off and men were held up, or were given a suspension, or anything of that kind, you would meet the officials or representatives or committees of the trainmen or the conductors for the purpose of adjustment?

Mr. ATTERBURY. Yes; and many——

Commissioner O'CONNELL (interrupting). In that case you recognize them as an organization?

Mr. ATTERBURY. Well, we recognize them as representing their particular trade. Now, in some of our shops we have the same sort of committees. Just how far that exists, I do not know.

Commissioner O'CONNELL. But in so far as the setting of the rates of wages, my experience of many, many years, and my observation of things having had to do with the machinists' organization, as you may know, for many, many years, the Pennsylvania Co. simply set the rate of wages, or their officers do, their officials probably, at the various points, the rates for piecework, prices, etc., and how the man shall work, and the hours they shall work, and the men are not brought into consultation in any way about it, or individually, but the company simply posts notices or puts it in the book of rules that these are the conditions?

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. And the prices and all that?

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. So the man who goes to work has to accept the conditions under which he shall work.

Mr. ATTERBURY. Yes, sir. Now, of course, the number of hours the shop works is altogether dependent on the amount of work that there is. That is one of the subjects——

Commissioner O'CONNELL (interrupting). Now, then, there follows with that what is commonly called the "on and off" system.

Mr. ATTERBURY. I do not know what you mean.

Commissioner O'CONNELL. Well, a man is laid off, it is commonly called—where he works to-day and is off to-morrow, or he works to-day a half day and is off in the afternoon.

Mr. ATTERBURY. I think that is an exception rather than the rule, Mr. O'Connell. The work is laid out in a somewhat different way. That is, the master mechanic knows in advance what work he has ahead of him in the shop and knows how many hours he is going to work, and I question if there is very much of that sort of thing going on. I rather imagine that is exaggerated, rather than the rule.

Commissioner O'CONNELL. Well, do you feel, Mr. Atterbury, that if there was a closer relationship between the employees, speaking now of the shop trades, with which I am more familiar, and the company officials, that it would have a tendency to appease industrial unrest, if there be industrial unrest?

Mr. ATTERBURY. I would welcome it, Mr. O'Connell, if it could be done under proper auspices. I would welcome and more than welcome an organization of the Pennsylvania employees among themselves.

Commissioner O'CONNELL. Without any outside entangling alliances, as it were?

Mr. ATTERBURY. Absolutely. That would be ideal, if it could be accomplished.

Commissioner O'CONNELL. You think that would be a good thing, then, good for the Pennsylvania; and if it was, it would be good for all other roads alike?

Mr. ATTERBURY. Not only good for the railroad, but it would be good for the men, because anything that is good for the railroad is good for the men; and, vice versa, anything that is good for the men is good for the railroad.

Commissioner O'CONNELL. You have in view principally in that the possibility of preventing—I say "preventing"; I don't recall just the word to use—but, anyhow, the interference of outside influences with the employees of the company?

Mr. ATTERBURY. Anything that would produce a greater condition of harmony between the employees and the railroad company would be very, very good for the railroad company, and it would mean more efficient work. It means more willing work and more loyal work.

Commissioner O'CONNELL. I will ask you this question of a general character: This commission is authorized to investigate and ascertain, if possible, what are the underlying causes of industrial unrest. In a broad sense there is industrial unrest. There are strikes and disturbances and all sorts of turmoil breaking out here and there; and you, as a man of large experience, and having to do with a great corporation and many thousands of workmen—what, in your opinion, is the cause of industrial unrest?

Mr. ATTERBURY. Well, there are two kinds of industrial unrest: One is the commercial and the other is the sociological. Now, my own opinion is that unrest is a good thing.

Commissioner O'CONNELL. Of course, I would not expect to do away with industrial unrest—a healthy unrest.

Mr. ATTERBURY. My opinion is that it is a perfectly normal thing—unrest. There is no progress going to be made in the world unless there is unrest. Rather an interesting sidelight on the situation was the statement of a coal man as made to the effect that the miner of to-day wanted a wife of his own and wanted a house with a bathroom; and 5 or 10 years ago he was willing to live 10 or 12 in one community with one woman and one big room, and never took a bath. Now, that sort of unrest is a good thing for the world, and the more of it the better we will be as a United States.

Commissioner O'CONNELL. Well, that is a healthy unrest. Now, there is another unrest.

Mr. ATTERBURY. Now, the commercial unrest, from my standpoint—the responsibility for that is largely due to our commercial conditions. For instance, at one time we may be working our full force of 135,000 men on the lines east—working them full time and, maybe, overtime; and six months after that we haven't got business enough to keep two-thirds of them busy. Now, under those circumstances, I do not see how you are going to avoid social unrest so long as your social conditions are such as to bring about that situation. My own judgment is that we will have to put ourselves commercially as a country in a position where we have our peak load 365 days in the year, and then unload on our neighbors what we have to spare.

Commissioner O'CONNELL. Then the irregularity of employment——

Mr. ATTERBURY (interrupting). I think irregularity of employment is the most serious thing we have got to contend with.

Commissioner O'CONNELL. And added to that the seasonal employment?

Mr. ATTERBURY. Yes. That is all a part of it. One of the witnesses testified about our men owning their own homes. That is true. We encourage and advocate building and loan associations in all of the towns that we have any representation in; and the men are gradually paying for their own homes, and it is a good thing, and it is a good thing for the country. Yet these men are dependent on their monthly earnings for the payments in the building and loan association, and they will pay along for three or four years, and then comes a bad year and they are not able to keep up those payments. I think that is one of the largest causes for industrial unrest—is the irregularity of employment. I think a man is always happier when he has got his regular employment and regular hours. At least that has been my experience.

Commissioner O'CONNELL. And you do not think a man may feel dissatisfied because he is not taken into a sort of partnership, as it were, to deal with the employer as to his conditions of life and as to his wage-earning capacity?

Mr. ATTERBURY. Why, I think that if there were any proper way of profit sharing or stock ownership in the railroads—in our railroad—I would be very keen in advocating it. I wish our employees were interested in our company. Many of them are stockholders to-day, but not to the extent to which I would like to see them.

Commissioner O'CONNELL. Well, I do not mean so much the stock ownership or profit sharing; may they not feel that they have a right to, and that the company should want them to, come in and sit down at the round table and argue out the questions of wages they are to receive, and questions of hours they are to work, and conditions under which they are to work, and that they should be taken into confidence to that extent by a great corporation like the Pennsylvania Railroad? Now, it seems to me, they feel, particularly the shop trade of the company, that they are not given any consideration at all; that their sole dependence is based upon the good will of the officials of the company who carry these things into effect for them without consultation or advice at all. Don't you think that that might—that an arrangement might be made whereby these workmen would be taken into advice and counsel? That they might feel that they had a greater share and participation in the affairs of the company, and by that means bring them closer to the company and have a higher opinion and interest in the company than if they are kept isolated?

Mr. ATTERBURY. You can not do that without an effective organization.

Commissioner O'CONNELL. That is the point I am getting at, Mr. Atterbury. So then there ought to be, instead of an attitude of discouraging organization, an attitude of encouraging organization.

Mr. ATTERBURY. I think I have already stated that we will be glad to see proper organization.

Commissioner O'CONNELL. Well, of course, the term "proper"—your interpretation of proper and what the men themselves might think proper as men might differ very materially.

Mr. ATTERBURY. I grant that.

Acting Chairman AISHTON. Any other questions?

Commissioner GARRETSON. Just a question or two.

Acting Chairman AISHTON. Very well.

Commissioner GARRETSON. One moment ago, Mr. Atterbury, you asked for confirmation on a question. That was in regard to the attitude of Secretary Wilson. I know your attitude is exactly that of myself. You would not want to be understood as doing—I mean you would not want to allow your answer to do him any injustice. He favored all the principles that are embodied in the Newlands bill, but it was as to who should be responsible that he differed with us on.

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. He desired to have it under the Labor Department.

Commissioner GARRETSON. Sure. That is the point I want to make clear. He did not differ from us on the essence of the bill, but he differed from us as to the machinery.

Mr. ATTERBURY. Thank you for correcting me, Mr. Garretson. I am very glad to hear it.

Commissioner GARRETSON. Well, I knew that would be your attitude, Mr. Atterbury. Now, as to this question of unrest, Mr. Atterbury, which you have described under two different heads—that is, legitimate unrest which is desirable, and what you first referred to under the name of commercial unrest and then followed up with the term "social unrest," meaning either the unrest or its outcome, do you believe this, assuming merely for the purposes of an expression that there are localities in your line like Altoona, for instance, for I am taking a typical company-governed town, or what is alleged to be a company-governed town, that if there were a large number of men, employees of the company, no matter how long, who do feel that they are being deprived of the free exercise or what they hold to be their constitutional privilege, could there be any greater agency to create unrest of the latter class than that—social unrest?

Mr. ATTERBURY. I did not follow that as closely——

Commissioner GARRETSON (interrupting). A man deprived of what he believes to be his constitutional privilege either as a citizen or as an employee, would that be a great influence to create an undesirable unrest?

Mr. ATTERBURY. Oh, I think it perfectly natural. I know I feel so myself at times. If I am deprived of what I think is my just dues, I have a grudge against somebody. That is perfectly natural.

Commissioner GARRETSON. That is the human side of it?

Mr. ATTERBURY. Certainly.

Commissioner GARRETSON. Now, I want to ask you a question, because I heard it referred to in that locality very many times. It is only an indication. Have you ever heard how many copies of the Appeal to Reason were received in Altoona prior to 1911—probable circulation?

Mr. ATTERBURY. No, sir.

Commissioner GARRETSON. If it was an exceedingly large number, would it be an indication in that community they did feel that they had been circumscribed?

Mr. ATTERBURY. That would largely depend; could only affect my judgment if I knew something of the propaganda that had preceded this large distribution.

Commissioner GARRETSON. If that circulation had continued during a very considerable time?

Mr. ATTERBURY. I do not hesitate to say that I think it would be a very bad sign.

Commissioner GARRETSON. You never had any data on that subject?

Mr. ATTERBURY. No; I never have. If the Appeal to Reason was voluntarily received and read in Altoona——

Commissioner GARRETSON. And paid for.

Mr. ATTERBURY. And paid for; I would say it would be a very bad sign.

Commissioner GARRETSON. You referred to the fact that transportation organizations upon some lines were federated under what is known as the Cedar Rapids plan?

Mr. ATTERBURY. I only attempted to differentiate between that situation and the situation as it existed on the Pennsylvania, in answer to some question asked me.

Commissioner GARRETSON. All I intended to ask you was as to whether or not at least three of the organizations were not federated on the Pennsylvania lines east, at the present time under that plan?

Mr. ATTERBURY. If they are, I am not aware of it. I do not think the Brotherhood of Locomotive Engineers are—perhaps the others are. My recollection is that the old Cedar Rapids agreement took in the Order of Telegraphers.

Commissioner GARRETSON. At one time, and later on did not; they were parties to its original formation.

Mr. ATTERBURY. That was my recollection.

Commissioner GARRETSON. I have a weakness for eggs; I want to go back to the owl and the eggs. In this question of which was first, espionage by the company or espionage by the men, is it not a fact, predating your own day with the company, that the company had espionage before there was any organization, and that when organizations began to come into existence that that was when its espionage in regard to the spirit of the men was extended by the company?

Mr. ATTERBURY. I take it for granted you remember the old story of the conductor, the money that he threw up and stuck on the bell rope went to the company and what fell went into his pocket?

Commissioner GARRETSON. That was a Federal bell cord?

Mr. ATTERBURY. I suppose espionage went back to other days.

Commissioner GARRETSON. But you have no reason to believe anything to the contrary, that espionage did precede organization?

Mr. ATTERBURY. No; I have no reason to believe—all I know is the situation as it exists. That is troublesome enough without wondering as to the cause of it.

Commissioner GARRETSON. You don't know of any time that the company did not exercise espionage?

Mr. ATTERBURY. No.

Commissioner GARRETSON. Have you any remembrance of when the organization did not exist?

Mr. ATTERBURY. I have not. Some of my oldest friends were members of the Brotherhood of Locomotive Engineers and Order of Railway Conductors, and some of my best friends.

Commissioner GARRETSON. I will take the one I know best. Voluntary increases never ceased in the train service on the Pennsylvania road until 1910?

Mr. ATTERBURY. Not until we first joined with the other lines, following a consolidation of the engineers on the line east of the Mississippi and north of the Ohio; that is my recollection of the first time.

Commissioner GARRETSON. No; was it not when the first concerted attempts were presented to the companies, and they acted singly about that time, in 1910?

Mr. ATTERBURY. That is as I remember it; however, you are more familiar with it than I am; but my recollection is that followed the application of the New York Central award, followed the statement by Mr. Myers that we would do as well as anyone else did.

Commissioner GARRETSON. That is the time I referred to as the last so-called voluntary increase. Has the increase since that time been granted to the train-service department been accompanied by corresponding increases to the other organizations, as they used to be in what we call the voluntary days?

Mr. ATTERBURY. I regret to say they were not.

Commissioner GARRETSON. In regard to the Lemieux Act, the Canadian act.

Mr. ATTERBURY. I call that the Mackenzie King Act.

Commissioner GARRETSON. Did you pay any attention to its workings in 1910?

Mr. ATTERBURY. At the time of the Grand Trunk strike?

Commissioner GARRETSON. At the time it culminated in the Grand Trunk strike.

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. Did you compare the amount of time that was consumed in disposing of 71 properties on this side and 3 on the other, or 3 on this side under the Erdman Act—71 on this side and 3 on the other, in working under the Erdman Act and under the Lemieux; did you ever check up the comparative time that was used?

Mr. ATTERBURY. I have not.

Commissioner GARRETSON. You are aware that the Grand Trunk strike took place the same day that settlement was reached on the Pennsylvania, the last of the properties on this side of the line?

Mr. ATTERBURY. I did not know that.

Commissioner GARRETSON. Under the Lemieux Act, the same amount of time was used for 3 companies that was used for the 71 on this side?

Mr. ATTERBURY. I do not think the Lemieux Act has any application to the train-service employees. I think I have already said that we doubt if we will ever again have a big strike; that before that we would probably come to terms among ourselves under some form of arbitration.

Commission GARRETSON. In regard to your ideal form of organization, if I do not misunderstand you, it was to the effect that you would welcome an organization composed wholly of Pennsylvania employees with no outside entanglements?

Mr. ATTERBURY. That is right.

Commissioner GARRETSON. In the conduct of the company's business, has it any entangling alliances with other railroad companies?

Mr. ATTERBURY. It did not have until the employees themselves took up outside coalitions.

Commissioner GARRETSON. Outside of wage conditions altogether? For instance, the I. C. C. legislation, and otherwise, you have such alliance with all of the other companies that obtain between the other companies, and they are parties to it.

Mr. ATTERBURY. If you remember, Mr. Garretson, there was a general managers' association in the East, the Pennsylvania Railroad was never a party to that, and never dealt collectively in any way, shape, or form and did not do so until our engineers decided and desired themselves to collectively bargain. It was not until then that we went into the general managers' association and became a part of it. We have always, as you know, endeavored to deal with our own employees, and largely prided ourselves upon it, and I can not help but think it was a sad day for the employees of the Pennsylvania Railroad when they went into that collective bargaining, and put themselves on a par with employees of the other railroads of the eastern country.

Commissioner GARRETSON. You belonged to the American Railway Association all these years?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. You belong to an association which was represented by a committee on legislation?

Mr. ATTERBURY. I don't think we belong to that. I have always objected to it. Now, we belong to the Master Car Builders' Association and the Master Mechanics' Association, and have our representative in the Signal Officers' Association, and the Maintenance and Engineers' Association, and the American Society of Mechanical Engineers, and the American Society of Civil Engineers, we have our representatives in all those organizations.

Commissioner GARRETSON. That is because you believe your interests are better conserved by working in company with them, having a common interest? If that is true of your company, is it not also true of your employees?

Mr. ATTERBURY. We can easily conceive of the employees condition of the other railroads being materially improved by having an alliance with the em-

ployees of the Pennsylvania Railroad, but I think it has worked adversely to the employees of the Pennsylvania, but materially to the advantage of the employees of the other roads, and if you are going into the broad question, perhaps the good of the country and of the Pennsylvania road itself may have been benefited, but directly our men have not been.

Commissioner GARRETSON. I wondered if you believe that the Pennsylvania employees should stay in these associations as philanthropists to the others?

Mr. ATTERBURY. No, sir; I think they were forced into it.

Commissioner GARRETSON. How could they be?

Mr. ATTERBURY. By sociological methods, that you are as familiar with, and more so, than I am.

Commissioner GARRETSON. Did you ever see a man hung by a sociological method?

Mr. ATTERBURY. No, sir; but he might a heap better be hung.

Commissioner GARRETSON. You finish him just the same?

Mr. ATTERBURY. Exactly.

Commissioner GARRETSON. That is all, we will leave him there.

Acting Chairman AISHTON. That is all, Mr. Atterbury, but before you leave the stand, I don't believe you put this document in the record. Do you wish to do so at this time?

Commissioner GARRETSON. I think you will find that the stenographer directed your attention to it and you handed him a copy when you read the excerpt from it, but whether you put the whole document in, I don't know.

Acting Chairman AISHTON. It is the desire that the entire document be presented?

Mr. ATTERBURY. Yes, sir; I desire to do so.

(The document referred to by witness, entitled "The Pennsylvania Railroad—Its Policies Toward Its Employees," was submitted in printed form.)

TESTIMONY OF MR. H. B. PERHAM—Recalled.

Mr. PERHAM. At the proper time I would like to correct a wrong impression as to the telegraphers and the spying system. It would be wrong to allow all this impression to go out that our organization employs spies.

Acting Chairman AISHTON. You will be allowed before the close of the hearing to make any statement you desire in that regard.

Mr. PERHAM. I would not like for any person to go away with the idea that any telegraph operator was a spy.

Acting Chairman AISHTON. Do you have to leave town to-day?

Mr. PERHAM. No; but I would like to be able to address the people that heard the statement made.

Acting Chairman AISHTON. You make take the stand now.

(H. B. Perham, recalled, here took the stand.)

Mr. PERHAM. I think it was Mr. Weinstock misunderstood some of the testimony I gave this morning. I tried to make it clear that the organization had received its information from citizens along the line. It should be understood that the telegraph operator of a station is the sole custodian of the commercial secrets and domestic secrets of the town where he is just the one man who handles these telegrams, and sends them for the commercial telegraph company, then he is the one man that carries all the secrets of the town, and very seldom, indeed, has it ever been reported that such a man has been guilty of a breach of confidence. In fact, I never heard a case of that character, and I have had much experience with these men, consequently it would damage my business if the impression was carried abroad that these men were spies. It would not do. Again, in the general offices of the railroad company we usually have the large telegraph offices, and the men there work night and day, and would have access to correspondence, to files, and the secret work of the company, and could do considerable damage if they were retained as spies or allowed to spy. The fact is thta we, or the Order of Railway Telegraphers, never do hire a spy, or have any connection with detective agencise, and never allow its members to spy or inform upon the employer. If he was to be guilty of giving up the secrets of his employer, he would undoubtedly be tried on charges and possibly expelled from the organization as a punishment for that breach of confidence. I thought it absolutely necessary that at this time I make that absolutely clear that we desire to hold the position we have, as being forthy of the confidence of all people in relation to being intrusted with their domestic secrets.

Commissioner WEINSTOCK. What did you have in mind when you said this morning that both sides employed spies?

Mr. PERHAM. I don't remember having said that.

Commissioner WEINSTOCK. Perhaps I misunderstood that. I got the impression, I think, from the testimony that you knew the railroads had spies in your ranks, and that you had spies in their ranks; that you hired the men to go out and gather information.

Mr. PERHAM. I tried to make it clear that these men were organizers, soliciting members, and not spies.

Commissioner WEINSTOCK. Not telegraph operators themselves?

Mr. PERHAM. They are mostly railroad employees, ex-employees.

Commissioner WEINSTOCK. Then you probably heard Mr. Atterbury on the witness stand a little while ago make this statement also, in discussing the question of spies, that information right from his own office was made known in labor circles. That he knew it, and they knew that he knew it. Now, is that information gotten out of the office?

Mr. PERHAM. I heard that testimony, and it possibly would account for Mr. Atterbury's attitude toward organizations, that he was mistaken about that, that there was no legitimate organization that had anything to do with that character of work. We hold ourselves above it, and would sooner have no information than to get it in such a manner as that.

Acting Chairman AISHTON. I think the record shows, as Mr. Perham states, that Mr. Perham did not indicate that they were hiring spies or anything of that nature, but that organizers in the conduct of their work did make it their business, and did report to you certain things of interest which they ascertained, without the knowledge of the officers of the Pennsylvania, in their own manner, but as far as employing spies is concerned, for that particular purpose, you didn't do it.

Mr. PERHAM. We didn't do it; and that is what I wanted to make clear.

Commissioner WEINSTOCK. Do you draw a distinction between an organizer, probably whose function it is to keep you informed as to what is going on, and a telegraph operator? Are these organizers men outside of the ranks or are they also telegraphers?

Mr. PERHAM. These organizers that we have in my employ, I believe there are 17 in the United States and Canada, have served at least 20 years as telegraph operators.

Commissioner WEINSTOCK. While acting as organizers, are they also performing the functions of a telegraph operator?

Mr. PERHAM. No, sir; they get better wages as an organizer, because they are selected for that particular purpose, and each man is well known to the man that employs him.

Commissioner WEINSTOCK. Now, we have had labor representatives on the stand in other places, and they have stated very frankly and very openly that they expected these men to get information from the enemy, looking upon it in the light of labor troubles; they expected them to get the information any way they can get it, right or wrong. I don't know whether your union draws the line between the right and wrong way. In other words, I gathered from their statement that a labor trouble is war and that everything is justifiable in war; that one country in war with another does not hesitate to send out spies and get information any way they can, and the same idea prevails in labor wars, and I gather from what you say that your union draws the line and does not gather it in that way?

Mr. PERHAM. I believe that is an exaggeration to say that a labor trouble is war. There are probably people that entertain that view who never had anything to do with war and do not understand what war is. The impression conveyed to my mind is that probably the officials of this company imagine that a labor organization is a subrosa concern, that it is in a way a conspiracy. That is not true. The organization to-day—it would not matter if every letter in my files in St. Louis, say for a period of 10 years, was published in the newspapers, there is nothing to conceal, and I think every railroad man in this country knows what my next move will be in a labor dispute. There is nothing to find out about it, and it is the same way with all other railway organizations.

Commissioner WEINSTOCK. You mean you play with your cards on the table?

Mr. PERHAM. That would be a good expression.

Acting Chairman AISHTON. Anything further? If not, you may be excused, Mr. Perham.

TESTIMONY OF MR. W. H. PIERCE.

Acting Chairman AISHTON. Will you please state your full name and residence?

Mr. PIERCE. W. H. Pierce.

Acting Chairman AISHTON. Your residence?

Mr. PIERCE. Harrisburg, Pa.

Acting Chairman AISHTON. Mr. Pierce, what is your business?

Mr. PIERCE. An organizer.

Acting Chairman AISHTON. For what?

Mr. PIERCE. Brotherhood of Federated Railway Employees.

Acting Chairman AISHTON. Mr. Pierce, are you familiar with local conditions on the Pennsylvania Railroad?

Mr. PIERCE. Well, somewhat.

Acting Chairman AISHTON. Please state your knowledge, and how gained, how you gained such knowledge?

Mr. PIERCE. Practical experience.

Acting Chairman AISHTON. On what line and covering what term of years?

Mr. PIERCE. Four years.

Acting Chairman AISHTON. And commencing at what time?

Mr. PIERCE. When I say four years, that is exaggerated a little. The 30th day of December, 1911, to make it exact.

Acting Chairman AISHTON. And continuing to the present time?

Mr. PIERCE. I have been out of that system several months during that time. I have been on the lines west. I have done special work maybe during that period of time. You understand at the beginning of 1910 I was employed by the Brotherhood of Locomotive Firemen and Enginemen as a national organizer, and I was on for several years, but I came on the Pennsylvania system in December, 1911, and from that time to the present time I have possibly been off of the Pennsylvania system on lines east or west approximately four or five or six months.

Acting Chairman AISHTON. You have been for a period of about four years an organizer for the Federation of Railway Employees?

Mr. PIERCE. No, sir; they were not organized until the 22d of October, 1913.

Acting Chairman AISHTON. And since that time you have been connected with that organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. What was your experience, Mr. Pierce, prior to this four years' period that you were an organizer—were you connected with some railroad?

Mr. PIERCE. I do not understand the question. Just once more, please?

Acting Chairman AISHTON. What was your line of work; what experience before you started into this organization work?

Mr. PIERCE. I done special work at the grand lodge. I was connected with the grand lodge of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill.

Acting Chairman AISHTON. For how long a period?

Mr. PIERCE. About seven years.

Acting Chairman AISHTON. Doing special work?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. What was the nature of that special work, please?

Mr. PIERCE. Anything that I was assigned to.

Acting Chairman AISHTON. Anything in connection with organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. Of that particular organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. And was that the first work that you did in your life for that organization?

Mr. PIERCE. Oh, no.

Acting Chairman AISHTON. Or were you with them before that?

Mr. PIERCE. I was a member of the executive board and general chairman for many years.

Acting Chairman AISHTON. And general chairman of the Brotherhood of Locomotive Firemen?

Mr. PIERCE. Yes, sir; that was before they added the name "Enginemen."

Acting Chairman AISHTON. How long were you with them?

Mr. PIERCE. Some eight or ten years.

Acting Chairman AISHTON. You were a paid representative at that time?

Mr. PIERCE. The men paid me then only when I was on special work for the grand lodge.

Acting Chairman AISHTON. And prior to that line of work, where were you engaged?

Mr. PIERCE. I went to school.

Acting Chairman AISHTON. Did you fire a locomotive?

Mr. PIERCE. I did.

Acting Chairman AISHTON. For how long?

Mr. PIERCE. Three years and one day.

Acting Chairman AISHTON. You fired a locomotive during this period you were chairman of that committee?

Mr. PIERCE. I was an engineer also.

Acting Chairman AISHTON. And at the present time you are compensated for your services by some organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. The Federation of Railway Employees?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. Now, Mr. Pierce, what knowledge have you as to the shop conditions on the Pennsylvania Railroad in 1913 and 1914? You have prepared no statement, as I understand it?

Mr. PIERCE. No, sir; if you will give me a specific case I will tell you anything I possibly can.

Acting Chairman AISHTON. I presume you have been furnished with a statement of the questions that will be asked?

Mr. PIERCE. I have not that I know of.

Acting Chairman AISHTON. Have you any knowledge of the shop conditions on the Pennsylvania in 1913 and 1914?

Mr. PIERCE. I have had more or less knowledge ever since I have come here in 1911.

Acting Chairman AISHTON. Have you a knowledge of shop conditions on other lines in the territory surrounding the Pennsylvania?

Mr. PIERCE. I have, on the Baltimore & Ohio and the Erie and the New York Central lines.

Acting Chairman AISHTON. If you can not explain in detail the conditions on the Pennsylvania road, can you make a comparison between the conditions on the Pennsylvania road and other lines in that territory?

Mr. PIERCE. Wherever there is piecework or the piecework system is established a majority of the men are dissatisfied. I will say to you, if you will allow me, that I believe that has caused one-half of the unrest to-day. The efficiency system that is put into effect under the piecework system makes it impossible for only those who are the most proficient, and possibly those that have more energy to burn up, to make any money. Under the piecework system men are grouped, they have gangs, and many cases where there are new men coming into the service, all the time as apprentices, Mr. Atterbury said they bring up their own apprentices, and you take a gang of 10 or 12 or 15 men and have 4 or 5 apprentices, and it is impossible, almost impossible, for them to earn any money at all because they are not accustomed to that work; it is a trade by itself—car repairing and repairing engines and special roundhouse work. You take, after they have been in the service many years and a gang have become acquainted with each other, and they work and the allotment of the work, and they make very fair wages when they have full time. The conditions where there is piecework on any line of railroad all depends upon the blueprint or the price that is paid for it. The efficiency system you understand possibly as well as I, being a railroad man, as I understand you are; a man first entering the service he earns but little, afterwards becomes more proficient and can earn a fair salary, but he soon breaks himself down, and at 40 or 45 he is an old man.

Acting Chairman AISHTON. You have made no statement as to the shop conditions on the Pennsylvania in 1913 and 1914 other than the general statement as to the efficiency system. Do you desire to make any statement as to that condition?

Mr. PIERCE. I find this on the Pennsylvania system, that they have a very elaborate and proficient police service, probably the greatest in the world for any corporation of its size—in the railroad field at least. The men who work in their shops—that is, outside of the transportation men, comprising between 108,000 and 113,000 men—they are denied the right that is extended to the

men in the transportation department, and until they are given equal rights there always will be unrest there, and the conditions will never be what they should be.

Acting Chairman AISHTON. Now, Mr. Pierce, will you tell us what brought about the inception of the Brotherhood of Federated Railway Employees?

Mr. PIERCE. Yes, sir. In June, 1913, certain employees of the Pennsylvania Railroad Co. held a meeting in the city of Pittsburgh, the first Monday in June, and at that meeting there was an organization contemplated and afterwards put into effect on that system that was known as the Pennsylvania Railroad Employees' Mutual Benefit Association. They have changed the name of that association several times and I can not tell you just exactly what the name of it now is, but it is practically the same. It is a benefit, mutual benefit, association, taking in all classes of employees. I think it was in August, 1913, I was instructed to attend some meetings on the Pennsylvania system.

Acting Chairman AISHTON. Instructed by whom?

Mr. PIERCE. By the international president of the Brotherhood of Locomotive Firemen and Enginemen, W. S. Carter, and at those meetings it was brought out that they were getting out a tentative application to have these employees sign for this mutual admiration association, and it was brought out there that the intent and purpose of this organization was, and I think it has been fairly displayed here this afternoon what the special purpose was, when Mr. Atterbury said he was heartily in favor of an organization exclusively of Pennsylvania Railroad employees, because that organization is thriving there at the present time, and without a doubt his anticipations will be filled within a short time in my estimation. And in attending those meetings it seemed that they had some organizers in the field. Now, it has always been a mystery to me how it is that men who have tried to organize these men have been hounded by their detectives, but evidently they overlooked the fact that the company people were in league with ex-members of labor organizations which were trying to organize these men. At any rate they seemed to have a free hand. When the tentative constitution was drawn a copy of a letter was sent to Mr. Long, the general manager, asking him, by the man who was chairman of the meeting, if he could make any recommendations and if that one met with his approval. Of course, I did not get the correspondence, and while it has been said we do not do any detective work I want to confess that I do, and I did some there, and that is how I got this constitution or letter that was sent to General Manager Long, and I want to say to you that I don't blame those fellows for doing that class of work, myself, under this system. I have nothing against those people in doing detective work. All I have asked is that they keep them a certain distance from me, because I did not want the people in a town to think I was associating with them. I have no objection, however, to them following me and I have had a large quota around me all the time, and I have felt safe against foreign invasion, because I have had from 10 to 20 following me around, and all I have asked is that they keep a proper distance.

Acting Chairman AISHTON. About how far?

Mr. PIERCE. I would think half a block would be about right. I have often thought that I could have saved the Pennsylvania Railroad a large amount of money if they would have allowed me to make a report every day where I was and what I done, because they made a large job for a lot of suckers I made a report to the international officers of our organization and we had several conferences, and it was decided to fight fire with fire, so we started in.

Acting Chairman AISHTON. Pardon me for the interruption. At this period you were still the organizer for the B. of L. E. & E. and acted under instructions from Mr. Carter?

Mr. PIERCE. Yes, sir; you have it. In attending these meetings, I advised them not to go into this mutual admiration association, because I believe it would have been a bad thing; whether it would be or not time will tell, because it is only a short time until it will be put into effect, and we will all get a chance to see it; but I told the men, advised them to organize themselves, and at about every meeting we held they would say they did not dare to organize themselves, they would be discharged, and would not become officers of the organization, and they wanted to know if I would become the head of them and organize them. At that time there was a trip laid out for me to the Pacific coast on some work for the organization, but I was destined to be in Pennsylvania and New Jersey and Delaware and Maryland for a period of 60 or 90 days, and I told the men who attended those meetings that I would draw them up a tentative constitution and application and they should pick

their own men to run their organization, but I would give that time to them gratuitously to assist them, and so I did. At every meeting we had the halls were not big enough to hold the people who wanted to join the organization; always overflows.

Commissioner O'CONNELL. Were any of these meetings in Altoona?

Mr. PIERCE. Yes, sir; and right here I will tell you, you have heard a great deal said about not being able to get halls. Do you know I was accused by one organizer from the American Federation of Labor of being in league with the railroads because I could get a hall in Altoona, and for your information I will tell you how I got it; I bought it. I bought the entire hall; that is how I got it. The Pennsylvania Railroad would have stopped me; they have stopped me in other places, and Mr. Lamb, a detective, is here and he can tell you how they stopped it. I went them one better in Altoona. I had the experience of the American Federation of Labor.

Acting Chairman AISHTON. Proceed, and do not get away from the subject any more than possible.

Mr. PIERCE. Yes, sir; I will try to do so, but I may drift away, and if so, I may be corrected. I believe these meetings were all of an overflow character. I drew them a tentative constitution and presented it to them, and I took an organizer by the name of McDevitt, who was an organizer for the firemen, but who had been relieved from service on account of the work being nearly completed which he was assigned to, and I put him in charge of this new organization to organize these men. It went along until we had four or five men working and eventually, you understand, I was working with the firemen all day soliciting membership and straightening out affairs with the firemen's organization and then attending meetings all night, and I commenced to be run down; I could not stand the work, it was too strenuous. So we had a conference here in the city of Washington of several members of the firemen's organization, and at that meeting I told them I could not go any further and carry the two organizations, and it was agreed that I should take a leave of absence for a certain length of time, and so I did.

Acting Chairman AISHTON. A leave of absence from the service of the firemen?

Mr. PIERCE. Yes, sir; and so I took a leave of absence from the firemen and agreed to act as the head of this organization for a period of 90 days, thinking that in the meantime there would some one develop that would take charge of the affairs, as it was always my contention that one of their own men should be at the head of it. While I have been accused of many things, and it being a one-man organization, as I heard one of your honorable board say, or words to that effect, I want to say that was farthest from my thought, and all the time, until I got a leave of absence, I was working only under instructions of W. S. Carter. But during this period of leave of absence of 90 days this organization grew by leaps and bounds, and the American Federation of Labor began to get worried; that is where a little jealousy crept in; the American Federation of Labor commenced to get worried, and they saw that if this oganization was a success they would lose their membership on the different lines of railroads connected with the American Federation of Labor, and so they commenced to put up a wail and howl like a dog with a tin can tied to its tail, and they commenced to send out reports and letters, and they commenced to make Brother Carter take water, and Brother Carter told me to commence unloading on some one else, but I was not of that unloading disposition, and I did not propose to draw a man into a hole and leave him in the hole. I made up my mind to get him out of it, and simply because the American Federation of Labor wished to control labor, wished the transportation men to keep their hands off from men employed by railroads which would not allow the American Federation of Labor on their grounds, or to organize them, and simply because we were having success and they were purely jealous of that success, I continued and was loyal to those men. Everything went along beautifully until along in January, when they commenced to suspend men, and it is not necessary for me to tell you here this afternoon that Mr. Atterbury's system of spying worked out beautifully in this case, because the men they put in the shops were certainly loyal to the Pennsylvania Railroad Co.; and I can tell Mr. Long and Mr. Atterbury how many they had; they had 36 in the city of Harrisburg. I know their methods, and possibly I could tell Mr. Atterbury and Mr. Long their method of procedure in the shops.

Acting Chairman AISHTON. Mr. Pierce, at this point, you have finished with the inception

Mr. PIERCE. That is what brought out the inception.

Acting Chairman AISHTON. What was the attitude of the company toward yours and other organizers?

Mr. PIERCE. They used me fine, only I had a big body guard around me all the time for months; that is, detectives; they never did me any personal harm.

Acting Chairman AISHTON. How about the other organizers?

Mr. PIERCE. I believe one or two of them did get beat up a little or something, I don't know. I guess they did have some disturbances, but I will tell you candidly, I think they would leave you alone if you would leave them alone. I think there was probably a little friction; some fellows did not like to be followed around, and resented it more or less, but all I ask is that they keep back a little ways, 15 or 20 feet. Two or three of them did not do it, and I stopped them and requested them not to do it.

Acting Chairman AISHTON. And they did not do it any more?

Mr. PIERCE. If they had we would have had a clash.

Acting Chairman AISHTON. Did you have any actual clash?

Mr. PIERCE. No. The nearest I had to it was up in Buffalo. A fellow up there—you know he thought a fellow could not talk to himself, and he came over to try to stop me from talking to myself. I got off of a car, and I knew that he had a gun and a blackjack on him, and I got off of the car and went over to a store and telephoned the police first that if that fellow followed me any more I would get a gun, and I intended to do it; and if that fellow came over and put his hands on me I was going to use it, because I knew the man, and I knew he had a gun and a blackjack on him, and that if I could not get the civil rights of a citizen in Buffalo I was going to take my case in my own hands.

I am going to say to you, if you will allow me, about their police department, that they have some very fine men on their police department, and they have some of the worst scavengers in the world—those that are picked up at random—and there is nothing in the world that they would not do to cause trouble, and they are real trouble makers. They lie to and deceive the company in making their reports. They do that so they will continue on the job and draw their pay. They are not honest with the railroad company, and if they were it would be a different tale to tell altogether, but they deceive the railroads and the railroad managers themselves and the railroad officials, and I want to say to you that they are not the only ones that deceive them.

Acting Chairman AISHTON. Did you have any experience with the spy system, Mr. Pierce, in your own particular case?

Mr. PIERCE. You mean—just make that more definite. You say, "Spy system." Do you mean the "bull" system, as they call it?

Acting Chairman AISHTON. No; I mean the espionage system.

Mr. PIERCE. You understand I was never allowed to go on their ground after this organization. When I was a fireman I could go all around their roundhouses. They never objected to that—that is, I never had them object—but when I went into this I say I was followed by so many gunmen that I never stepped my foot on their property except I had a mileage book in my pocket and I went into one of their stations.

Acting Chairman AISHTON. How were the men treated that affiliated themselves with this particular organization?

Mr. PIERCE. I know they were discharged.

Acting Chairman AISHTON. Do you have any further information you desire to put into the record in regard to that?

Mr. PIERCE. I know men who were told to either withdraw from the organization or be discharged.

Acting Chairman AISHTON. In discharging men did the company give as a reason their affiliation with the organization?

Mr. PIERCE. They told them that if they gave up their due books they could have their jobs back after they discharged them.

Acting Chairman AISHTON. Can you tell us what was the cause of the strike of 1914?

Mr. PIERCE. It was hardly a strike; it was more a lockout. They locked out all of the men that belonged to the organization through this spying system they had of gaining information. If you will allow me, I will tell you how they got that information.

Acting Chairman AISHTON. The commission would like to know.

Mr. PIERCE. I hope Mr. Atterbury will correct me if I am not correct. They take these Pinkerton detectives and they put on overalls and go into the shop,

and they are supposed to work, but their principal work is rolling up their sleeves and putting their handkerchief around their necks and wiping the sweat off of their brow and finding out how much the other employees know about organized labor. They never do any work. If they did, they would not be detectives. You never saw a detective who was a worker.

Acting Chairman AISHTON. Now, Mr. Pierce, did your association, or you, attempt to establish any relations—any contractual relations—with the Pennsylvania Railroad Co.—for these employees?

Mr. PIERCE. Not until after they commenced to discharge them in bunches in that way. They discharged a lot of old men, and we asked Mr. Long, and Mr. Creighton also, when they laid off these men to lay them off according to their seniority rights. They laid off men who had been 25 and 35 years in the service and kept men very much younger in the service—men who had been there only a few years. It came out in the Altoona and Harrisburg papers that they would only lay off the young men and the unmarried men, but what they really did do was just the reverse. They laid off the oldest men in the service and the married men and kept the single men working, as a rule.

Acting Chairman AISHTON. That hardly answers the question. Was any attempt made by you as head of that organization or any committee of that organization to present a demand to the Pennsylvania road or attempt to establish a contract with it?

Mr. PIERCE. No; just seniority rights is all we asked; we did not ask for any advance in pay. We had not completed our organization when this came up.

Acting Chairman AISHTON. Was there any demand made through mediation, or through the Department of Labor, to bring about a settlement of the strike?

Mr. PIERCE. Yes.

Acting Chairman AISHTON. Please recite to the commission what was done.

Mr. PIERCE. When they commenced to lay these men off in large numbers that way—take the section men; there would be a section gang of 12 men. They would lay off 6 and hire 6 new men in their place. They would let those other 6 work for three or four days until the new 6 had become familiar with the work, more or less, with the whistle system. The men that work on the track have no right to look up to see whether trains are coming or going; the foreman blows a whistle and the workmen jump off of the track, and if he does not blow the whistle they are killed. So, when they got the whistle system drilled into those new men they discharged the other old 6 and hired 6 new men to fill up the gang; and that is the system they adopted of getting rid of the men that belonged to the organization.

Acting Chairman AISHTON. Mr. Pierce, I asked the question as to whether any demands were made to secure mediation.

Mr. PIERCE. I am going to tell you about it, if you will allow me.

Acting Chairman AISHTON. I should be glad to hear it.

Mr. PIERCE. When this came on and they kept on discharging the men this way and laying them off, we wrote a letter to Mr. Long, but never received any reply to it. Then we took it up with Mr. Wilson, the Secretary of Labor, and I think Mr. Rose, who is Assistant Secretary.

Commissioner O'CONNELL. Mr. Post.

Mr. PIERCE. Yes; Mr. Louis Post; we took it up with both those gentlemen, and there was some serious trouble at Altoona or Glitzen, and I got word one night that a lot of Italians were going to blow up a tunnel; and I want to say to you that that is one of the things that I would not stand for. While Mr. Atterbury, Mr. Long, and I do not agree on the labor proposition, I would not destroy any property of the Pennsylvania Railroad, or cause any injury to them personally, because I have the utmost regard for them as men, but we do not agree, possibly, on the labor situation. And when I heard there was a chance of their blowing up the Glitzen Tunnel, I immediately went there; and while I was gone up there to run down that rumor I found it was well founded, because there were people there that had dynamite and were going to blow up the tunnel, and I went there to stop them from doing any damage.

Acting Chairman AISHTON. Were there any other cases of violence during this strike?

Mr. PIERCE. There was no violence at all, because I had the men well in hand that way. If there was any chance of anything of that sort I went on the ground myself, and I did not take any chance, because I did not want anything of that kind to happen.

Acting Chairman AISHTON. What was the conduct of the strikers during the strike?

Mr. PIERCE. Very manly; there was no rioting. I think there was in Harrisburg one night or afternoon, a bunch down there, and I guess they did get into a little mix-up and clubbed each other a little mite, but there was not much damage done.

Acting Chairman AISHTON. Outside of that you know of no violence during the strike?

Mr. PIERCE. No; none whatever; but while I was up there Mr. Price Jackson, commissioner of labor of Pennsylvania, got in communication with a couple of our boys, and they opened up negotiations, and about this time I got a telegram to come to Chicago to meet some executives of the transportation brotherhoods, and while I was gone they had opened up negotiations with Mr. Jackson, and I had told them if there was any chance for negotiations for them to open them up, and they had followed out instructions.

Secretary Wilson sent Mr. Moffatt and Mr. Smith, if I remember right, to act with Mr. Speece, of Mr. Jackson's office, and our committee had gone up to see Mr. Creighton, and then they had been down to see Mr. Long, and they kept them running back and forth for three or four days. But Mr. Moffatt, of the Department of Labor, told me, and Mr. Speece, of the State board, when I came back, that Mr. Long said there would be no more discharging; that he had no objection to the men organizing, and he would not allow them to be discharged because they belonged to the organization. But the very night I got that message they discharged 185 men at Middletown, and they discharged them purely and simply because they belonged to organized labor. The supervisor there told them that if they would turn in their due books they could have their jobs back.

Acting Chairman AISHTON. That is all the mediation that took place during this time?

Mr. PIERCE. Yes.

Acting Chairman AISHTON. What protective measure did the company use in the way of bringing in police?

Mr. PIERCE. I do not know how they brought them in, but they had them there.

Acting Chairman AISHTON. How many?

Mr. PIERCE. I know they had 36 Pinkertons. You understood they took a lot of their own employees and made them these so-called "bulls."

Acting Chairman AISHTON. Were they armed?

Mr. PIERCE. Yes; some of them were. I did not investigate them all; I did not get a chance to.

Acting Chairman AISHTON. What was the general character of the men, and conduct, that were brought in there as police?

Mr. PIERCE. Well, now I want to say to you that I have not got anything to say about them. They are no better or worse than the rest of them; they are all of the same character.

Acting Chairman AISHTON. What attempts were made by the company to break up the organization?

Mr. PIERCE. Why, by discharging the men.

Acting Chairman AISHTON. Their activities were confined to discharging the men that belonged to the organizations?

Mr. PIERCE. I say they discharged them; if you will look in their report there, in their relief report, you will see where there 42,000 men left the service of the company in 1914.

Acting Chairman AISHTON. Have you any knowledge——

Mr. PIERCE. (interrupting). Just a moment. I do not want to say that those 42,000 men were all members of the organization, because they were not; but there came on a lull in business and that gave them an opportunity to discharge the men, and they took advantage of that.

Acting Chairman AISHTON. Have you any knowledge of intimidation of the strikers by the company, or by the officers of the company, to learn the secret of the organization?

Mr. PIERCE. Oh, yes.

Acting Chairman AISHTON. State what it was.

Mr. PIERCE. They would tell the men—now, I want to be fair about this matter; I do not want to infer that Mr. Long or Mr. Atterbury did this, but the men that worked under them did. They have the finest system in the world for doing that kind of work, and you have to hand it to them. They are per-

tainly past masters of the art. Now, this is the way they arranged that affair. They knew who the fellows were that were agitators and active fellows in the organization. That is the easiest thing in the world to find out, because they put these Pinkerton men in the shop and they watch everybody, and they could tell who were signing up. They would suspend a lot of these men, and then tell them that if they would give the names of others of the men who signed up they would get their jobs back, and a great many did give the names of others.

Acting Chairman AISHTON. What has happened since the strike in regard to these men that went out on strike? Have they got their jobs back, any of them?

Mr. PIERCE. Yes; some of them have gone back.

Acting Chairman AISHTON. What proportion, do you know?

Mr. PIERCE. I could not tell you.

Acting Chairman AISHTON. Do you know what it cost the men?

Mr. PIERCE. It cost a good many of them their jobs. I do not know just what it cost the men, the storekeeper, the railroad, or themselves.

Acting Chairman AISHTON. What has been the attitude of the company toward those men that are out of their service now, that went out on strike? Can those men get jobs—that is, if there are any?

Mr. PIERCE. Some of those fellows have had hard work to get positions. They would go to some place and seek employment, and have been turned down simply because they worked for the Pennsylvania Railroad. A great many of those men feel that they are blacklisted, and I presume to say in some of the subsidiary corporations of the Pennsylvania Railroad that they know that these men—and you know they have many of those subsidiary corporations, there is hardly a corporation along the line they are not more or less directly interested in, and when those men seek employment at those corporations they are denied work for some cause or another.

Acting Chairman AISHTON. Are there any further statements that you desire to make in connection with this matter?

Mr. PIERCE. Well, I am ready to answer any questions you want to ask about the unrest or about the situation as a whole. I will say to you frankly that I do not blame the Pennsylvania Railroad for the defeat of this project; I have not got a thing in the world against them because they did defeat it; it was a natural consequence of the industrial conditions of this country to-day. I have no animosity toward any of the officers of that road. I am big enough to know that they did that to keep up their dividends, and they are in the business for dividends, and if they had paid those men in those shops a living wage the same as they have to pay their transportation men they would have to stop increasing the wages of the transportation men or stop paying as big dividends and issuing more stock—that is, their surplus would be cut down.

Commissioner O'CONNELL. I would like to know, Mr. Pierce, if you are familiar with the actual wage earnings of the men.

Mr. PIERCE. Mr. O'Connell, it is almost impossible for anyone to become familiar with that, because it fluctuates so. This week the men are satisfied because they are working full time or overtime, and next week they do not have any work and they are dissatisfied. To-day they have men working in those shops for less than 90 cents a day. They have what is called the "on and off" system, and the men have to stay there all day whether they have anything to do or not, and they may get four or five hours' work in a day. If a man works on the piece system and he knows that he is only going to get that one job, he will rush through it to get as much money out of the time as possible. They have mechanics working in Altoona, and have had for more than a year, who have not averaged $11 a week, while we have common laborers that have got twice that amount. I could tell you something about that if you wanted to know. It is a very unfair system, and Mr. Creighton, if he wanted to, could tell you much more about it than I can.

But I know of a specific case where an engineer up there who was very prominent, and I will give his name if you care for it, because I have nothing to conceal in regard to this matter. There is an engineer up there very prominent who had a brother, and this brother wanted to get in the transportation department, so that he goes to the master mechanic there for a position in the shops, and he tells this man that he did not expect anything but laborer's pay, which is 16½, and he finally gets this man a job as a laborer in the shop, and the first two weeks he draws $52.

Acting Chairman AISHTON. At this point the commission will stand adjourned until 10 o'clock to-morrow morning.

(Whereupon the commission adjourned until 10 o'clock to-morrow morning, Thursday, May 6, 1915.)

TESTIMONY OF MR. W. H. PIERCE—Continued.

WASHINGTON, D. C., *Thursday, May 6, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Harriman, Lennon, Weinstock, Ballard, Aishton.

Chairman WALSH. Mr. Pierce, take that chair, please. Mr. Weinstock would like to ask you a few questions.

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. You were telling us yesterday, Mr. Pierce, that you did succeed in getting a hall in Altoona?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And that you had overflow meetings?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And how large an attendance did you have at your meetings?

Mr. PIERCE. Well, we had them every night, you understand; some nights larger than others.

Commissioner WEINSTOCK. What was the capacity of your hall?

Mr. PIERCE. Six or seven hundred.

Commissioner WEINSTOCK. And it was generally full?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. What was the character of the people that composed your audience?

Mr. PIERCE. Chiefly shopmen.

Commissioner WEINSTOCK. Employees of the Pennsylvania?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Practically all railroad people?

Mr. PIERCE. All railroad people, with perhaps an individual straggler, came in. Of course, I could not tell every individual men who came in.

Commissioner WEINSTOCK. What was the nature of the meetings, Mr. Pierce?

Mr. PIERCE. For organizing purposes.

Commissioner WEINSTOCK. Were the doors open to the public?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And who would the speakers be, generally?

Mr. PIERCE. Well, as a rule, myself; sometimes I had others; I had other organizers there.

Commissioner WEINSTOCK. In brief, what was the nature of the appeal you made to the audience?

Mr. PIERCE. I wanted them to organize.

Commissioner WEINSTOCK. Did you point out what the advantages of organization would be?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And can you brief them; just what, in substance, you would say?

Mr. PIERCE. As a rule, men who are organized get from $1 to $1.25 a day more for the same class of work than the unorganied, and they receive better treatment at the hands of the employer. They have more freedom.

Commissioner WEINSTOCK. Did those men who attended your meetings, Mr. Pierce, and who you say were Pennsylvania employees, as far as you know, did they value their jobs?

Mr. PIERCE. They were very afraid of them; they valued them so highly that it took a long while to educate them to a standard of realising the worth of organization.

Commissioner WEINSTOCK. In fact, they valued them very, very highly?

Mr. PIERCE. I think I said on yesterday, so far as Altoona is concerned, it is a typical railroad center or town, and I doubt but what 95 per cent of the people who live in that town who are working for a livelihood but what are dependent either directly or indirectly on the Pennsylvania Railroad for a livelihood, and not being any manufacturing to any extent there it is awful hard to get a job.

Commissioner WEINSTOCK. And the loss of a job——

Mr. PIERCE (interrupting). The loss of a position means moving.

Commissioner WEINSTOCK. It would be in the nature almost of a dilemma to lose a job?

Mr. PIERCE. Yes, sir; it would. I would like to correct a statement, so far as I saw it in Altoona, about the men owning their homes there. There are a great many railroad men own their homes, but as a rule it is the boss and men in the transportation department, and there are but a small minority of the men that labor for a livelihood own their own homes.

Commissioner WEINSTOCK. You were also telling yesterday, Mr. Pierce, about being shadowed and followed by detectives.

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Did these detectives attend your meetings?

Mr. PIERCE. Why, yes, sir; sometimes they would.

Commissioner WEINSTOCK. What was their function, so far as you know? Why did they attend the meetings; what was their purpose?

Mr. PIERCE. To find out who else attended.

Commissioner WEINSTOCK. Did they make a note of those in attendance?

Mr. PIERCE. They would not make any notes, because if they did they would get thrown out, you know.

Commissioner WEINSTOCK. Yes, sir.

Mr. PIERCE. They came there and would attend those meetings in the guise of an employee. The real detective was on the outside, and they would report to him when they went out. This elaborate spying system that they have—there might be a dozen on the inside sitting in different parts of the hall and across the street would be the other fellow, and when they went out they would report to him.

Commissioner WEINSTOCK. The purpose was to find out who attended the meetings?

Mr. PIERCE. Yes, sir; they got their names that way.

Commissioner WEINSTOCK. So that headquarters would get those names?

Mr. PIERCE. You can readily see that a Pinkerton detective would not know John Brown from Jim Smith unless some one told him. I doubt if there is a detective on the Pennsylvania but what is now carrying my picture in his pocket. They are very dumb, some of them, and they look at a picture and then at you to see if they can distinguish it.

Commissioner WEINSTOCK. I think you have testified about in substance that it was the policy of the company to discharge men who either joined the union or encouraged unionism?

Mr. PIERCE. Oh, yes, sir; they discharge them for joining the union. I don't think that the officers themselves would deny that statement if you asked them, and they will tell you honestly, because I have the direct evidence of why they did do it, and I can produce it if you wish.

Commissioner WEINSTOCK. Of course the men all understand that to become a union man means discharge?

Mr. PIERCE. Those men have tried to be organized many times, and each time there has been internal dissension and disruption and strikes take place, but this time I met with greater success than my predecessors had, to an extent, because they felt that the organization in the transportation department would stay with them.

Commissioner WEINSTOCK. Just excuse me a minute; I want to look at some of your testimony. Have you yesterday's testimony here?

Mr. CRANDALL (official reporter). It was turned over to the office.

Commissioner WEINSTOCK. Undoubtedly there is a difference between your testimony and that of Mr. Atterbury's.

Mr. PIERCE. In regard to what?

Commissioner WEINSTOCK. Your contention is that men were discharged because they joined the union and they would not employ union men knowingly?

Mr. PIERCE. I would not say they would not employ union men; I know union men that work for them, but as soon as they become active—the greatest asset that the Pennsylvania road has to-day is the unorganized men, and they know it, and they don't want them organized. There are two specific reasons: In the first place they would have to pay them more money, and in the second place they could not use them against the transportation men when they request an increase in wages. The greatest asset they have is to tell them to go on strike, that they have men that will fill their places, and they have a system of calling those men into the office and getting them to sign up as engineers, firemen, signalmen, trainmen, or bulls or crooks.

Commissioner WEINSTOCK. What do you mean by bulls?

Mr. PIERCE. They are detectives.

Commissioner WEINSTOCK. I think that I can not altogether reconcile in my own mind, and perhaps you can make it clear; on the one hand we learn from your statement that the men valued their jobs, and to lose their jobs under the circumstances was almost in the nature of a dilemma, because other employment was not easily found; second, that they knew that the company disapproved of their joining the union; and third, that at these overflow meetings there were detectives present, and the men knew they were present, who recorded their names and handed them to headquarters, and they knew that was a serious menace to them. Now, I can not quite reconcile that situation. If men valued their jobs very highly, and knew that to attend these meetings might mean to them disaster, I can not understand why they would go, and if they did go it would be evidence seemingly that they had nothing to fear.

Mr. PIERCE. Well, maybe I can set you straight on that to a great extent. I don't think that the Pennsylvania Railroad officials object to 5 per cent of their men becoming organized, you understand. Maybe about 10 or 15 per cent, but when they commence to show any great strength, they overthrow their system, and they can wipe them out of existence. It takes quite a while to get their machinery going, although they have it in good repair all of the time. They wait until the proper time comes, and in my case, or in this case, the proper time did come on account of the great calamity and depression in business.

Commissioner WEINSTOCK. How long did you make your headquarters in Altoona?

Mr. PIERCE. That was just a branch office I had there.

Commissioner WEINSTOCK. And about how much of your time did you put in there?

Mr. PIERCE. Oh, probably about two or three months.

Commissioner WEINSTOCK. Off and on?

Mr. PIERCE. Practically all of the time, night and day there.

Commissioner WEINSTOCK. Now, during that time, how many members did you sign up?

Mr. PIERCE. Well, I think at the time I went there there was something between 12,000 and 13,000 men there.

Commissioner WEINSTOCK. Railroad men?

Mr. PIERCE. I mean shopmen. There were more than that number of employees, but there were between 11,000 and 14,000. I can not give you the numerical strength, but 55 or 60 per cent of them were organized.

Commissioner WEINSTOCK. Between 55 and 60 per cent?

Mr. PIERCE. I would say so.

Commissioner WEINSTOCK. Well, is it not a sufficiently large percentage, from the railroad point of view to make it seem to them as a menace to their interests?

Mr. PIERCE. They certainly do feel it that way. They not only use their employees as spotters, but they used the clergymen, and the board of trade, and all the influential citizens of the town to crush the organization.

Commissioner WEINSTOCK. During what period were you there?

Mr. PIERCE. About the middle of November—you understand when I first went there I was in the employ of the Brotherhood of Locomotive Firemen and Enginemen, and I carried on the work of organizing both organizations. There were a good many nonunion firemen and enginemen in the city of Altoona, which is the largest terminal in the world for a single railroad, and in organizing these firemen, of course, you could not organize the shopmen in the daytime. I could organize the firemen in the daytime, but the only chance to see the shopmen was at night, and we would hold meetings at night. Now, the shopmen almost exclusively attended those meetings, but many of the transportation men would attend them too, because they were enthused with the idea of having the shopmen organized, and they had been told it was a good thing and to give me all the assistance possible, and they did give me all the assistance possible, and that is what made it a menace to the whole proposition in the end. So they were encouraged to organize by the men in the transportation department, and when the critical time came the men in the transportation department vanished like fog in the sun.

Commissioner WEINSTOCK. Coming back to my question, what period were you there?

Mr. PIERCE. I went there along about the middle of October or 1st of November.

Commissioner WEINSTOCK. October of what year?

Mr. PIERCE. 1913.

Commissioner WEINSTOCK. October, 1913?

Mr. PIERCE. Yes.

Commissioner WEINSTOCK. And you remained there about how long?

Mr. PIERCE. Excuse me a moment; I came back to Harrisburg half a dozen times up to the 1st of November, and then I went back there and would be there four or five or six days a week, and maybe one day a week in Harrisburg or some other town on the line, opening up new places. Up until along in March——

Commissioner WEINSTOCK (interrupting). March, 1914?

Mr. PIERCE. I think it was later than that; I think, the 1st of April; and then I was away more or less until the 1st of May, when things began to get serious and they began to discharge men in large numbers, and I had to go from place to place to make investigations to find out why they were discharged or on furlough. I take no exception to the furlough, except the furloughing of old men who had been in the service 25 or 30 years in some cases, and in other cases 10 or 12 or 14 years, and leaving young men only hired a few months in the service doing the same class of work; in fact, they would furlough their mechanics, machinists, and boiler makers and allow the apprentices of those men to run their machines for them for two reasons, and one was that the apprentice got 90 cents a day and the other $3 or $3.50 a day.

Commissioner WEINSTOCK. Were you able to keep tab on those discharges in order to determine what percentage of them were union men?

Mr. PIERCE. They got practically all of the union men that they found out about, but many of them they never did know; the detectives were not smart enough to find them out. There were some of them who would come and join and pay their dues on the quiet, or send the dues through the mail, that they did not find out about, but they got all that attended the meetings; they did not miss any of them.

Commissioner WEINSTOCK. Can you explain in what respect the organization you were endeavoring to bring into life differed from the Debs organization of 20 years ago—the American Railway Union?

Mr. PIERCE. This was a home-rule affair, while the other was not.

Commissioner WEINSTOCK. Explain what you mean by that distinction.

Mr. PIERCE. I will try to. It had the same principle to a certain extent, only it went further.

Commissioner WEINSTOCK. In order that we may better understand it for the purpose of the record, will you give us a brief outline of the aims and purposes of the American Railway Union, and then an outline of your union?

Mr. PIERCE. The American Railway Union was an organization that was never perfected. It had this sole purpose, the organization of the men into one craft instead of into many.

Commissioner WEINSTOCK. Very much as the I. W. W. advocate?

Mr. PIERCE. No; I think you have a misconception of the I. W. W., so far as the industrial union in the I. W. W., it is much different. The I. W. W. believes that all people ought to belong to the same union, while we believe that all people who work at a certain trade should belong to a certain union.

Commissioner WEINSTOCK. You believe in craft union?

Mr. PIERCE. No; they are nothing but coffin clubs.

Commissioner WEINSTOCK. Well, I may be confused.

Mr. PIERCE. I will set you right. You understand this is a new movement. You understand what the United Mine Workers are, and how they are organized? From the engineer to the boy who picks slate, every man that works in the mine belongs to the same union; but they do not go out and take in the farmer, but every man that worked in the mine in any capacity belongs. Now, we believe, I believe, and many of us believe, 90 per cent of the men on our railroads to-day believe, that all of the men who work for railroads ought to belong to one union, so they could have power and strength. We see the amalgamation of wealth, and we see 110 railroads which comprised originally the Pennsylvania system—used to be 110 individual railroads, with 110 presidents and 110 superintendents and general managers, and all that; we see them amalgamated into a large system, and it was only done for two specific purposes; that is, so that they might have a system governing those roads that was uni-

form; and it was also cheaper to pay Mr. Rea $75,000 a year than to pay 110 different presidents $10,000 each, and the policy could be carried out easier and much more systematically.

We believe that if labor is ever going to accomplish anything going up against that mighty wealth, that they must be organized in some way. That is what I believe, and many others—90 per cent of the men working on the railways—but they are not allowed their freedom. Don't think it is all the railroad company's; it is not.

Commissioner WEINSTOCK. Now, let me make sure that I clearly catch your point. From what you now say I would understand that there were three different ideas along the line of labor organizations; the American Federation of labor, for example, believe that in railroad work the machinists should have a union and the boiler makers should have a union——

Mr. PIERCE (interrupting). Believe in autonomy; yes.

Commissioner WEINSTOCK. Yes; and believe all these unions should be federated. Your idea is that the men employed in railways should have one joint union——

Mr. PIERCE (interrupting). You understand——

Commissioner WEINSTOCK (interrupting). Pardon me a moment. I think we will make time to see if I have got your thought correctly.

Mr. PIERCE. Yes.

Commissioner WEINSTOCK. Where you and the American Federation of Labor differentiate, as nearly as I can make out, that they would have the machinists organize a separate union and would have the boiler makers organize a separate union, and you, on the other hand, would have all the men employed in the railway service in one common union?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Regardless of how they are employed, and so with the other large industrial bodies of employees.

Mr. PIERCE. Yes; and use them politically as well as from an industrial standpoint.

Commissioner WEINSTOCK. I see. Now, was that undertaking on the part of yourself and your associates successful?

Mr. PIERCE. Yes. It was a great success to start with, until the elements got to working. You understand what I mean by "elements"?

Commissioner WEINSTOCK. No.

Mr. PIERCE. I mean the railroad officials, with the spy and bull system at the beginning, and the craft unions with their jealousy. They immediately cooperated with the railroads.

Commissioner WEINSTOCK. Yes. Why?

Mr. PIERCE. Why? Because they would lose their meal ticket—the heads of the organization would.

Commissioner WEINSTOCK. That is, on the theory under your plan there would be one set of officers where there are now many sets of officers of these unions.

Mr. PIERCE. Why, there were 13 different crafts—craft unions of large capacity, taking in railroad employees, with 63 vice presidents and 13 grand lodge headquarters to support, and rent to pay and clerks to hire. If they had been under my plan they would have been only one.

Commissioner WEINSTOCK. And that aroused the antagonism of the craft-union officials?

Mr. PIERCE. I imagine that green-eyed jealousy crept in.

Commissioner WEINSTOCK. Well, I suppose for the same reason that animated the craft-union officials to oppose your movement you and your associates would oppose the I. W. W. movement, because that would be still further concentration, wouldn't it?

Mr. PIERCE. I want to say, so far as the I. W. W. is concerned, that I can not see where a man who is working on a street-car line or a painter on an outside building has anything to do with a man in the railroad work.

Commissioner WEINSTOCK. Well, what would the same workman in the railroad employment have to do with the locomotive engineer?

Mr. PIERCE. Because he paints his cab.

Commissioner WEINSTOCK. Well, what would the office clerks have to do with the locomotive engineer?

Mr. PIERCE. Because he makes out his time.

Commissioner WEINSTOCK. You think there is an interlocking of interests?

Mr. PIERCE. Can not help but be. They are working for the same company.

Commissioner WEINSTOCK. Let me further understand. Was it your understanding to have simply the employees of one company organized in a union or all the railway employees of the country organized as a union?

Mr. PIERCE. I believe the railroad employees ought to be organized into a national organization. There can never be success or tranquillity amongst employees until that is done.

Commissioner WEINSTOCK. In other words, if your plan had been carried out you would have railroad employees of the Pennsylvania organized into one union and the Southern Railway employees organized into another union, and so forth?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And then have these unions affiliated?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. That would be your scheme?

Mr. PIERCE. That would be my plan.

Commissioner WEINSTOCK. What is the present status of your organization, your union?

Mr. PIERCE. Well, I want to say to you that they pretty near fought me out of my clothes.

Commissioner WEINSTOCK. Is the organization still in existence?

Mr. PIERCE. Yes; but it is going out of existence shortly. I am going to turn it over to another organization.

Commissioner WEINSTOCK. And you do not attribute its failure to any inherent weakness in the underlying principles?

Mr. PIERCE. None whatever.

Commissioner WEINSTOCK. You attribute the failure to the antagonism on the part of the railroad companies and the craft unions?

Mr. PIERCE. Absolutely. The men want it, but the fear of the railroads and the domineering effect that the craft unions have over their constituency makes it too much of a fight.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon would like to ask you some questions.

Commissioner LENNON. Mr. Pierce, does the miners' organization, to your knowledge, belong to the federation?

Mr. PIERCE. The American Federation of Labor?

Commissioner LENNON. Yes. Do they deny their right to an industrial organization?

Mr. PIERCE. They would not dare to. They would break the federation. They are stronger than the federation itself.

Commissioner LENNON. Are there any other organizations that are industrial in character in the American Federation of Labor?

Mr. PIERCE. No, sir; not entirely; because as soon as they do, the same as the steam fitters or the car workers, immediately Mr. Gompers revokes their charter. They would not have a dual organization, just the same as the two organizations here of the railroad telegraphers—the O. R. T. and the O. R. T. D. A. & S.—could not affiliate with the American Federation of Labor because it is a rival organization.

Commissioner LENNON. Are you aware of any charters which Mr. Gompers, President Gompers, ever revoked?

Mr. PIERCE. Yes, sir; the International Association of Car Workers.

Commissioner LENNON. You say that was done by President Gompers?

Mr. PIERCE. Yes, sir.

Commissioner LENNON. Well, I was present and did not see it that way.

Mr. PIERCE. Well, maybe you were not looking that way.

Commissioner LENNON. Well, that may be. Did any strike or lockout take place under the auspices of your organization during its continuance on the Pennsylvania Railroad?

Mr. PIERCE. Well, I said it was more of a lockout than it was of a strike, through their spying system. I explained that yesterday. They laid off the men and suspended them until there was practically no one working.

Commissioner LENNON. The result of it was that a large number of men at a number of different points vacated their jobs. Was that either because they were discharged or because of their own volition?

Mr. PIERCE. There were not so very many men discharged. They would be furloughed. They would say you are furloughed. The supervisor would tell the trackmen, and the master mechanic and superintendent would tell the machinists or boiler makers that they were furloughed, and they would say

they were going to retrench, and so there would be 600 men furloughed at Harrisburg and 2,500 men at Altoona; and so on, over the system.

Commissioner LENNON. Did you ever encounter any evidence that would indicate that members of your organization were bribed to turn down your organization or to use their influence against its extension, or anything of that kind?

Mr. PIERCE. The word "bribe"—just make it a little clearer.

Commissioner LENNON. Well, paid money or given better positions——

Mr. PIERCE (interrupting). Well, they got their jobs back, if you call that bribing—if a man's position is worth anything, you can call it bribing. I never knew any money being paid to the members of the organization. They don't have to. They paid that to the transportation representatives.

Commissioner LENNON. Do you still belong to the brotherhood——

Mr. PIERCE. Of Locomotive Firemen and Enginemen? Yes, sir.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. You referred a moment ago, in response to a question as to the apprehension of men in regard to losing their positions—in your contact with men, especially unorganized men, have you or have you not found that the average laboring man does have intense apprehension in regard to losing his job or his employment, without any regard to whether the job is good, bad, or indifferent, and dreads nonemployment?

Mr. PIERCE. Well, if there is a fellow outside the door there knocking to have your job, you are going to lock the door and keep him out if you can; and when business is good that is only one time to organize men; I have been in the game a long time, and it is when business is good; and if business is bad a fellow hesitates about organizing, because there is a fellow outside knocking on the door.

Commissioner GARRETSON. The real value of a job, whether it is good wages or a reasonable wage or good or bad conditions, cuts little figure in it?

Mr. PIERCE. The average workingman is too dumb to realize what he is being paid; it is the wife that is running things, anyway.

Commissioner AISHTON. I think you said in reply to a question by Mr. Weinstock that your organization was successful because it felt that it had the transportation employees back of it?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. That is, the men felt that?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. How did they get their idea, Mr. Pierce?

Mr. PIERCE. Well, by word of mouth, they told everyone that was there. Mr. Lee—I ought to call him brother, but I don't because it is a disgrace. W. G. Lee, president of the Brotherhood of Railroad Trainmen, come to Harrisburg on the 30th day of November, 1913, and there at a joint meeting of all classes of transportation men made this declaration; he says: "Now, in regard to the shopmen's organization, if ever the Pennsylvania Railroad Co. discharges one of those men, we have 135,000 men in the Brotherhood of Railway Trainmen; we have three and a half million dollars in our treasury, and we will use every dollar of it and every man against them if they dare discharge those men." That was in the afternoon. In the evening, at an open meeting in White Hall, where the shopmen were present, he reiterated those words, and said that while he could not speak authentically for the grand lodge officers, that he was sure he voiced their true sentiment, and "they will stand by you." And I will say to you, Mr. Aishton, that it is the cause of all this unrest and all of this trouble, because Mr. Lee's own men, by this declaration, they went out and encouraged the shopmen to organize and encouraged them to strike. I was the one element and one man that stood with them for days and days pleading with them to not strike, but the trainmen would say: "Strike, we will go with you." And strike they did; there could nothing hold them; and if there is a man ever guilty of high treason to his country and fellow man it is W. G. Lee, and if he voiced the sentiments of his grand lodge officers they are equally guilty and accessories to the crime. He has caused suicides and the loss of property, and the breaking up of homes.

Commissioner AISHTON. Mr. Pierce, at the time of this organization I believe you said you were an organizer for the B. of L. F. & E.?

Mr. PIERCE. I was; yes, sir.

Commissioner AISHTON. Were any representations of that character made by you at those meetings, or to those men, that the transportation men were behind you?

Mr. PIERCE. I made many declarations along this line: That if they would organize there was no question but what they would have affiliation and federation with others in the movement, and I had the greatest assurance in making that declaration.

Commissioner AISHTON. That was the real one or the most potent argument you used, was it?

Mr. PIERCE. I can not say the most potent, but one of them.

Commissioner AISHTON. You can not judge of that?

Mr. PIERCE. No, sir; I could not read the other fellow's mind.

Commissioner AISHTON. Now, Mr. Pierce, just for the matter of the record, are you still engaged in the work as organizer of the B. L. F. & E.?

Mr. PIERCE. No, sir; I am not.

Commissioner AISHTON. You severed your connection with that work?

Mr. PIERCE. On the 23d day of March, 1914, they requested me; they wrote and made me an offer; they wrote me two letters that day, one to increase my wages, to have me come back and take charge of the Louisville & Nashville Railroad; our organization was not recognized on the L. & N. since the 1894 strike, as you well know, and they insisted on my returning to the service of the organization; but, Mr. Aishton, I never ran away from a fire yet when I was holding the hose, and I did not in this case.

Commissioner AISHTON. Now, Mr. Pierce, this organization of yours takes in all classes of employees on the Pennsylvania?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Brakemen?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Clerks?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Telegraph operators?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. And all the various shop trades?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. And, as I understand from your reply to Mr. Weinstock, if there is a difference between the company and any class of these employees would be a matter for the whole; that is the underlying principle?

Mr. PIERCE. It was to give them power to cope with the powers that be.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. That is all, Mr. Pierce; you may be excused permanently now.

Commissioner AISHTON. Before Mr. Long is placed on the stand I would suggest that the record in this case attacking Mr. Lee be handed to Mr. Lee, an officer of one of the transportation organizations, as he is referred to in it.

Chairman WALSH. Mr. Stenographer, make a copy of that part of the testimony referring to Mr. Lee, and see that he gets a copy of it.

Take the chair, Mr. Long.

TESTIMONY OF MR. S. C. LONG.

Chairman WALSH. Your name, please?

Mr. LONG. S. C. Long.

Chairman WALSH. And what is your business?

Mr. LONG. General manager of the Pennsylvania Railroad.

Chairman WALSH. How long have you occupied that position, Mr. Long?

Mr. LONG. Since March of 1911.

Chairman WALSH. Where is your office?

Mr. LONG. Philadelphia.

Chairman WALSH. What other positions have you held with the Pennsylvania Co.?

Mr. LONG. I was chainman, rodman, then levelman, transit man, and assistant engineer of construction, assistant supervisor maintenance of way, supervisor maintenance of way, division engineer, division superintendent on different divisions, general superintendent of the western Pennsylvania division at Pittsburgh, and in 1911 general manager at Pittsburgh, and in that position since then.

Chairman WALSH. What has been the general attitude of your company toward national labor unions, including those affiliated with the A. F. of L.?

Mr. LONG. I don't know that I can add anything further than was stated yesterday in this book, which I should say is a composite opinion and statement of facts.

Chairman WALSH. The book introduced by Mr. Atterbury?

Mr. LONG. And on page 58, under the fourth article which he read to the honorable commission yesterday, is the position taken in regard to the policies of the company, and I don't presume you care to have it read again.

Chairman WALSH. That contains your opinion, does it?

Mr. LONG. Yes, sir; it was put in the record.

Chairman WALSH. It is in the record.

Commissioner AISHTON. It was in the pamphlet in the record, and so was the part that Mr. Atterbury read.

Mr. LONG. That fully expresses my views, our views, I will say. I am only a brick in a big wall, you understand.

Chairman WALSH. I will ask you some of the specific questions that we want a little light on. I wish you would give us the details, Mr. Long, of your police system, including the detectives; that is, how they are employed, what sort of an examination is held of them, what inquiry into their character, and the formation of those who are uniformed police, and the duties that they perform, either those who are private, and the duties they perform, and the office out of which they work, your office, or whatever it is?

Mr. LONG. You will understand, Mr. Walsh, that necessarily I must have assistance to do some of the work in this big corporation, which has over 12,000 miles of railrond and 150,000 employees, when we are doing normal business, and consequently a great many of these things have to be carefully prepared and set forth and assigned to some other person, and these particular duties that you are asking me about, as to the details, were anticipated as being the information desired by the commission, and for that purpose we brought with us our superintendent of police, who is also subpœnaed by Mr. Chenery, to give you in connection with this book what is the organization of the police service. If you care, I will submit that as an exhibit.

Chairman WALSH. We would rather take it up with the man that has the knowledge.

Mr. LONG. This gives the organization of the police system, and requirements for employment and rules and regulations and instructions and admonitions.

Chairman WALSH. Do you have any detectives that work directly through your office?

Mr. LONG. No, sir.

Chairman WALSH. Do you have knowledge of the preparation made by the company for industrial warfare—that is, the ammunition you have on hand, if any, firearms or other weapons, where they are kept, and the like of that—or do you have some one else here that knows that?

Mr. LONG. The superintendent of police.

Chairman WALSH. What was the Luknow encampment of 1903?

Mr. LONG. I don't know it under that particular name. I don't recall having heard that particular name.

Chairman WALSH. I will ask some one else.

Mr. LONG. Does it refer to the labor trouble at Harrisburg particularly; 1913?

Chairman WALSH. 1913.

Mr. HARPER (superintendent of police on the Pennsylvania system). If he is in the dark as to that question, I can assist him.

Chairman WALSH. Go ahead.

Mr. HARPER. That was the time that we gathered the men at Harrisburg.

Mr. LONG. The strike of 1914?

Mr. HARPER. No, sir; it had nothing to do with any strike; it was a picnic of the employees.

Mr. LONG. I was in the dark as to the Luknow encampment; I never heard the term before. I gathered from your question that it was some character of a strike.

Chairman WALSH. I will ask the question of some one else.

Mr. LONG. Yes, sir; Mr. Harper indicates knowledge of the affair.

Chairman WALSH. Now, do you have any organization by which influence is sought to be had upon legislation, particularly I would like to inquire into your campaign for the repeal of the full-crew law? How were the petitions circulated?

Mr. LONG. Everything was done openly and in a fran way, to solicit public opinion in favor of a law which we felt was very unfair and unjust, and the only way to have it repealed was to acquaint the people with what it was. We recognized the fact that in a matter like that the layman won't read the details, he won't read the law, and we felt it was about the only weapon we had to ap-

peal to the public, and we appealed to the public in an open, frank, and free manner, without any concealment of any kind, or with any mystery about the matter at all. Simply myself and every other employee asking his neighbor, after explaining the situation to him thoroughly, from his viewpoint, and his present knowledge, after having the matter explained to him, if he could not honorably use his influence and vote against it, and if he said "no," that was the end; it had to be; but if he said "yes," we felt we had performed our mission well.

Chairman WALSH. Well, were circulars gotten out from your office?

Mr. LONG. No, sir.

Chairman WALSH. Do you know who circulated them?

Mr. LONG. The facts are that the railroads in the State of Pennsylvania——

Chairman WALSH. Pennsylvania Railroad, did they employ people to circulate those petitions?

Mr. LONG. No more than any other railroad in the State.

Chairman WALSH. You employed people, then, did you?

Mr. LONG. The railroads offered the services of officers, and I think there are 14 or 15 railroads in the State.

Chairman WALSH. In common with the others?

Mr. LONG. And they met together and decided one representative from each road would make too large a committee to deal with the public, and to give the information, so a smaller committee was formed, representing the 14 railroads. There was no individual railroad doing it, it was all done over the signature of Mr. O'Donnell, chairman of the committee. There was the Lehigh Valley Railroad, the Reading, Lackawanna, the Baltimore & Ohio Railroad, and others. Perhaps some one else could name the other.

Chairman WALSH. Then, I gather that the Pennsylvania did not do this in its own corporate capacity?

Mr. LONG. No, sir; it was done by every railroad in the State, and I think, including a little railroad down in York County about 3 miles long.

Chairman WALSH. Did your company issue any instructions to its men to stay away from the State capitol at any time when legislation was up affecting them?

Mr. LONG. Stay away?

Chairman WALSH. Yes; remain away when questions were up—legislative matters were up that might affect them?

Mr. LONG. I could not say that any instructions were issued for them to go there or stay away.

Chairman WALSH. Do you know of any instances where the company or its officers ever disciplined men for expressing sentiments not in accord with its policy with reference to the full-crew bill or any legislation?

Mr. LONG. No, sir; that would be unfair.

Chairman WALSH. Does the company in any way interest itself in the policies of the men—that is, in regard to their own matters—so far as legislation is concerned?

Mr. LONG. I should say, no, sir; unless it was well known to be the movement of a very large body of citizens endeavoring to pass a law which might be thought too expensive or an unfair law—not particularly so to the employees—no more so to the brakemen than to the farmers living alongside of the railroad.

Chairman WALSH. What sort of a law do you have in mind?

Mr. LONG. Well, the headlight law.

Chairman WALSH. What was that, briefly?

Mr. LONG. Well, they wanted a particular kind of headlight, which the experienced doctors and experts demonstrated was not scientific and was not worth much to us, and, therefore, we told everybody, the farmer, the butcher, the baker, and the candlestick maker, that we did not think it was a good law, and that we would be glad if he would ask his representative to help repeal it.

Chairman WALSH. How did you do that? How did you get to the butcher, the baker, the candlestick maker, etc.?

Mr. LONG. We just told our officers, just told our neighbors. I told my neighbors all around me in my community.

Chairman WALSH. Was there any order issued or any concerted action on the part of the company's officers toward it?

Mr. LONG. No, sir.

Chairman WALSH. You just acted as individuals and said you did not think it was good, and just told any other citizens, but did the company take any action?

Mr. LONG. I would not say any railroad company did, but so far as I know not the Pennsylvania or the Reading.

Chairman WALSH. What action did your company take?

Mr. LONG. All of the railroads came to the conclusion that the headlight bill should be modified, or, which in its proposed form, was unnecessarily expensive. Each railroad had its motive power officers make an investigation to ascertain whether that headlight, reflected too much candlepower and whether it was or was not scientifically a good headlight.

Chairman WALSH. Did your company do anything specifically with reference to that headlight legislation; did you issue any orders or circulars to your men?

Mr. LONG. No.

Chairman WALSH. Did you address any meetings of the men?

Mr. LONG. I think not, so far as I know. It was simply a matter of conversation at casual meetings. We told our railroad neighbors that it was not a good law; there was nothing that was not open and aboveboard, and no mystery about it at all.

Chairman WALSH. Did your company pay any part of the expenses of the O. R. T. D. A. & S. during any of the early years of its existence or at any time?

Mr. LONG. To the best of my knowledge, no, sir; but it was formed a good many years before I came to Philadelphia; but I never spent a cent.

Chairman WALSH. Did your company pay any part of Mr. Austin's salary?

Mr. LONG. To the best of my knowledge, no; but since I have been general manager, absolutely no.

Chairman WALSH. Did the company or any of the officers of the company guarantee to pay or pay any part of the printing bills of the organization?

Mr. LONG. To the best of my knowledge, never a cent.

Chairman WALSH. Did they contribute or have they from time to time contributed to the magazine known as the Railroad Wire and Signal?

Mr. LONG. If there was ever a cent spent in that way, I never heard of it.

Chairman WALSH. Is the Mutual Benefit Association favored by your company?

Mr. LONG. It is an employees association, you understand, with which, so far as I know, very few officers are connected; there may be some, but if there are, I do not know who they are. The most I can say about it is that we have not antagonized it; but, to the best of my knowledge, outside of the employees themselves, it has not been favored—I would say it is no baby of the railroads.

Chairman WALSH. Please state what sort of an organization it is.

Mr. LONG. I could not tell you, except it is a mutual benefit organization in which the insurance features and the benefits are good so far as I read the by-laws. The organization is just what its name indicates—a mutual aid association.

Chairman WALSH. When was it formed?

Mr. LONG. I do not know; I think about five years ago.

Chairman WALSH. Are men permitted to work for it on the company's time?

Mr. LONG. No, sir.

Chairman WALSH. Do you know the attitude of the transportation brotherhoods toward it?

Mr. LONG. I can not say that I do; but I believe there are quite a number in it; I am so advised, but I have no facts.

Chairman WALSH. What is your attitude toward mediation and conciliation in matters of dispute between the company and its employees?

Mr. LONG. Well, Mr. Walsh, if you had as many worries about labor, you would welcome almost any kind of mediation, good, bad, or indifferent. What we have to-day is very excellent in its way, but I do hope the result of your combined wisdom, gentlemen, will be to improve on it, because the railroad officials throughout the country to-day, with their long years of experience they have waded through to achieve their positions, can not exercise their wit—can not use their time and give proper consideration to the questions pertaining to the professions they love, on account of these questions. If we had a high-class board of mediation and conciliation on whom Job could unload his burden, all would welcome it very much.

Chairman WALSH. When did you have your last strike on the Pennsylvania road?

Mr. LONG. Well, if you would call the efforts of your eleemosynary friend, Mr. Pierce, a strike, it was in 1914.

Chairman WALSH. And prior to that time, when?

Mr. LONG. For the information of the commission in the event of their asking just such a question as you have now asked me, we prepared——

Chairman WALSH (interrupting). If you could just give that offhand, it is leading up to another question and might illuminate that. Did you have a strike in 1913?

Mr. LONG. November, 1913.

Chairman WALSH. Now, at that time——

Mr. LONG (interrupting). You understand, Mr. Walsh, in asking me whether there was a strike in 1914, I said that if you cared to so denominate the efforts of Mr. Pierce in achieving what was apparently a flourishing organization, which he admitted was not very flourishing now, as a strike, then that was a strike in 1914.

Chairman WALSH. You mentioned that; we are now speaking of 1913.

Mr. LONG. We had a real strike in 1914.

Chairman WALSH. What page is that found on?

Mr. LONG. Page 29.

Chairman WALSH. How many men were involved in that strike, please?

Mr. LONG. To be precise as I know how, and I was on the ground at the time, there were 665.

Chairman WALSH. From what department?

Mr. LONG. There were 665 road and yard freight men on the Monongahela division; I think 14 of them were sick, or reported sick, and would leave 651; I think about 651 of them left the service. Every man left the service, except those that were sick. May I ask to be corrected as to whether it was one man or not?

Chairman WALSH. Yes.

Mr. LONG. Do you remember whether one man was left, John?

A VOICE. [Mr. Harper, superintendent of police] "One man."

Chairman WALSH. What page is that found on?

Mr. LONG. Page 29 in this other book, which we have prepared and from which I will read, "A History of the Labor Troubles on the Pennsylvania Railroad."

Chairman WALSH. Have we been provided with copies of this before, "A History of the Labor Troubles on the Pennsylvania Railroad"?

Mr. LONG. I am not sure about that.

Chairman WALSH. Then you may refer to this book and answer the question.

Mr. LONG. This is given in detail and with preciseness, and gives the meat of the whole thing on pages 29, 30, 31, 32, 33, 34, 35, and to the middle of page 36.

Chairman WALSH. What was the result of that strike?

Mr. LONG. The result of that strike was that to-day, to the best of my knowledge, outside of the 14 men that were sick at the time these men walked out, a more efficient force is operating that division to-day, notwithstanding the fact that among those who walked out—who refused to work, I will say—some were in the service 15 or 20 years.

Chairman WALSH. Did any of them return to work?

Mr. LONG. Only those who were ill. Every individual man was advised, after repeated warnings, that after 2 o'clock a. m. of a certain day—and my memory is that it was Monday morning—we had patience with them from Friday and over Saturday and Sunday by reason of our ability to hold back freight. You understand no passenger men were involved in this and the passenger trains ran as usual, and no passenger schedule was missed. Notice was given to every individual man of the 650 or 652 that they must come to work at 2 o'clock or report for duty at 2 or 6 or 8 o'clock, whichever hour it was, and that if they did not report at that time by their action they had severed their service with the company.

Chairman WALSH. With what organization were these men affiliated?

Mr. LONG. So far as I know, with none. It was one of those unfortunate things which seemed to have no rhyme or reason. You may recall in the Bible when Moses went up into the mountain and came back and the people worshiped a serpent. No one could find out how it came about; and it did not last long, either.

Chairman WALSH. You mean they did not give any list of grievances?

Mr. LONG. No; I do not think they even thought of them until three or four days afterwards.

Chairman WALSH. You received no complaints at all?

Mr. LONG. Absolutely none. A couple of them got hot under the collar and quit, and it spread like lightning.

Chairman WALSH. You gave them until a certain time on Monday to return?

Mr. LONG. Yes; I think it was Monday, if my memory serves me right. Do you care if I read that?

Chairman WALSH. You might read that part of it.

Mr. LONG (reading): "Trainmen's strike, Monongahela division. Because of the general depression existing throughout the country the Pennsylvania Railroad Co. and affiliated lines began in November, 1913, to reduce operating expenses wherever possible without detriment to the service, so as to offset, so far as practicable, the continued decrease in traffic and consequent reduction in gross earnings."

I presume you remember that just about that time not only our business but all the business in the country began to get "on the toboggan," and we had to prepare for it; we could not make a dollar and tried to save a dollar.

"These reductions in expenses were effected, very largely, by dropping from the service employees not actually necessary for handling the reduced traffic. As a means of securing further reductions in expenses the officials of the Monongahela division decided on March 18, 1914, to take off one brakeman from yard crews when possible to do so without detriment to the service. This reduction left an engineer, fireman, conductor, and two brakemen to constitute the crew."

You notice that we still adhered to the Pennsylvania law.

"Following the regularly recognized method at the Thirtieth Street yard, Pittsburgh, one brakeman's name was taken of three crews. When the 6 p. m. yard crews—two of those affected—reported for duty and found that they were to work with one less brakeman the conductors and brakemen refused to work. Later two road crews which were about ready to leave the Thirtieth Street yard refused to take out their trains, because the flagmen and brakemen refused to work until the third brakeman was restored to the yard crews. The conductor and brakemen of the 7 p. m. yard crew—the third crew affected—at the Thirtieth Street yard also refused to work."

To give you a little better idea of that peculiar situation, Mr. Walsh and gentlemen, the river here flows from south to north; it flows into the Ohio River at Pittsburgh. This railroad is on the west bank of the Monongahela River for about 60 miles, and the Thirtieth Street yards are at Pittsburgh. The bulk of the traffic originates up in the coal and coke regions, and the cars are brought down loaded and the empties go up. That is done by the road crews, those that run from Pittsburgh up to the coal and coke region and return.

"This from the railroad company's standpoint, was the actual cause of the strike which followed, although the men involved in the strike claimed they had other grievances which had been under consideration with the company for some time past and which were then in process of adjustment, but which could not be finally adjusted because they were, in a measure, dependent upon rules and regulations contained in arbitration awards handed down by arbitrators appointed to adjust petitions made by the engineers, firemen, conductors, and trainmen upon eastern railroads for increases in wages and improvement in working conditions."

Chairman WALSH. Could you state at this point what those latter grievances were?

Mr. LONG. I recall one, the others have gotten away from me.

Chairman WALSH. What was the one?

Mr. LONG. There was one grievance; you understand that while this is a brief or summary or synopsis, necessarily all of the details can not be inserted, but one of the grievances which they claimed afterwards—this was not done until three or four days afterwards, when they happened to think there were other grievances which were in course of adjustment in the regularly prescribed way—was that of freight conductors, engineers, and firemen, in which they claimed the rates of pay for road work which was being paid on the basis of yard work. The conductors and trainmen insisted that we pay them yard wages, because they are higher than road wages. The engineers and firemen, through their chairman, claimed that I—this question was brought up while I was general superintendent—insisted that I treat their work as road work, because a road engineer and a road fireman got more money than a yard engineer; in other words, the train crew wanted a yard proposition while the engine crew wanted a road proposition. That was one of the grievances.

Commissioner GARRETSON. Should that not be corrected, and was it not that the trainmen demanded yardmen's pay and the conductors, engineers, and firemen demanded road pay?

Mr. LONG. Yes; you are right; it is a penny an hour higher.

Chairman WALSH. So there was a grievance growing out of taking one member of the crew off, and also about the compensation of the men?

Mr. LONG. Yes, sir; a grievance about the compensation of the men, but that was being adjusted in the regular way; it was being adjusted or attempted to be adjusted by the chairman of the O. R. C., the B. R. T., the B. L. F. & E., and the B. L. E.; these four chairman a few months previous had taken this up and it was that time probably before the general superintendent. But three or four days after the strike they had to hunt up a reason and they brought in this grievance, which would have been adjusted in an orderly way.

Chairman WALSH. With reference to the meeting you speak of there, where the division officials met 30 or 40 of the trainmen; when was that, before or after the strike?

Mr. LONG. That was immediately—it was right when the men went off; it was right at the Thirtieth Street yard, and they called the men right in.

Chairman WALSH. That was before the 30 or 40 went out?

Mr. LONG. Yes; this transpired possibly the first few hours.

Chairman WALSH. You say you gave them until a certain time to come back, and that if they did not come back their places would be filled?

Mr. LONG. Yes; I will come to that in a minute.

"The division officials met the men involved for a discussion of the question of removing one brakeman from the yard crews. About 30 or 40 trainmen, consisting of members of the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Switchmen's Union of North America, and nonunion men were present at this meeting. They insisted that they could not be represented by a committee, but that each man should act for himself. Because of this attitude, no definite arrangements with the men could be made, and noting that a number of the speakers were members of the Brotherhood of Railroad Trainmen the general chairman of that organization on the Pennsylvania lines east was communicated with by telephone. He advised the representatives of the Brotherhood of Railroad Trainmen that they were violating the regulations of that organization in refusing to work and that they should return to their accustomed duties and take up, with their superior officers, the question of adjusting grievances in the usual and orderly manner.

"The men, however, refused to abide by his advice or any influence he could bring to bear."

I will state right there that these chairmen, naturally, have in each of their lodges a certain number of men who stand above the rest—conservative, careful, loyal employees—loyal to their organization and loyal to the company; and these chairmen call on that class of men to help them cool off the hot-headed ones who will not listen, and that is what is meant by "any influence he could bring to bear."

"Later, however, they agreed to return to work with a full crew of three brakemen, as before, and have the subject considered at a meeting to be held on March 19—they to be represented by a committee—with the understanding that the members of the 6 p. m. yard crews who originally refused to work would not be allowed to work that night. The meeting with the men, scheduled for March 19, was not held until March 20, because of the inability of the general chairman of the Brotherhood of Railroad Trainmen to reach Pittsburgh. At this meeting the men contended that the White Hall branch crews could not safely operate with less than a conductor and three brakemen on account of the numerous grade crossings and heavy grades, and after some discussion the superintendent decided upon the following instructions:

"'In the case of crews consisting of five men, cars pushed ahead of engine northward between Twenty-second and Twenty-first street yard should be limited to five loads or eight empties. When pulling down or pulling up any number of cars should be hauled with crew consisting of five men.

"'It is the intention to operate the White Hall branch with an independent crew, day and night, consisting of the same number of men as at present—that is, four men besides engineman and fireman—but if a crew consisting of only three men besides engineman and fireman—that is, a five-man crew—then cars should be limited to five loads or eight empties northward; but southward any number of cars.'"

I might state to you, in order to get the geographical peculiarity of this White Hall Railroad, that the railroad is one-half of a mile from the river bank at Thirtieth Street. This White Hall brach is a branch connecting the main line of the Monongahela division with the industries immediately on the bank of the river. The railroad itself does not exceed a mile or a mile and one-eighth long.

Chairman WALSH. Were you present at this conference with the men before the strike?

Mr. LONG. No, sir.

(The pamphlet from which the witness read, entitled "History of Labor Troubles on the Pennsylvania Railroad," was submitted in printed form.)

Chairman WALSH. Mr. Long, I am going to ask you some questions, to see if I can not shorten——

Mr. LONG (interrupting). If you will permit me, I will soon be through with it and anticipate anything you can say on the subject because this is the whole story.

Chairman WALSH. Let me see if I can put a few questions here and if I can not save you——

Mr. LONG. I prefer to answer my own way.

Chairman WALSH. I prefer to ask you a few questions that will be very short, and may save time. I was going to ask you some questions about how the book was gotten up, and save you perhaps some little time. If you insist, however, you may——

Mr. LONG (interrupting). Yes; I prefer to read it and get it in the record.

Chairman WALSH. How long is it going to be?

Mr. LONG. Three minutes.

Chairman WALSH. Go ahead.

Mr. LONG (reading):

"This was accepted by the men, who then took up the question of operation in flat yards, contending for a full crew, the same as on the White Hall branch, but as similar conditions did not prevail, the company would not agree to restore the brakemen on crews in flat yards. The general chairman of the Brotherhood of Railroad Trainmen, recognizing the prerogative of the superintendent to determine the number of men in a crew, again advised the men to return to work. In the meantime efforts were made by division officials and others to persuade the men to continue at work and later adjust their grievances upon the merits of the case; but when the men reported for work on the night of March 20, and found that the third brakeman was not to be placed on crews operating in flat yards, they again refused to work and declared a strike.

"The strike spread rapidly on the night of March 20, and practically all points on the Monongahela division were affected by the following morning. The general chairman for the Pennsylvania Railroad east of Pittsburgh, of the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen went to Pittsburgh and issued notices to all their members that the strike had been illegally called, since the rules of their organizations, as well as the organization of the Switchmen's Union of North America, provided that a strike could only be called after a referendum vote of all members, in which at least two-thirds must vote in favor of a strike, and such strike could only be called by the chief executive of the organization voting.

"The strike spread to other classes of employees, and many engineers, firemen, signalmen, clerks, and yardmasters were strongly in sympathy with the strikers, some of whom left the service and others reluctantly rendered the least service they could.

"On March 24 a committee of engineers and firemen volunteered to intercede with the superintendent in behalf of the striking trainmen, and the superintendent agreed that if the men, then out of service, would report for duty during the day of March 24 they would be called for service when trains were ready and would be restored to their former positions without prejudice, and that their grievances could be taken up by their regular organization committee, in the usual way, for prompt consideration. The reply of the strikers to this offer was that they could not accept it until after a meeting had been held, although it appears that the offer was not generally promulgated among the trainmen. After the committee of engineers and firemen interceded with the superintendent in behalf of the striking trainmen, the engineers and firemen made no further efforts in behalf of the trainmen's case,

but, on the other hand, assisted wherever possible in teaching the new men their duties.

"At the start of the strike, efforts were made to recruit trainmen from other divisions of the system who had been relieved on account of reduction in force. In this way many men were secured to fill the positions vacated by the strikers. In fact the president of the Brotherhood of Railroad Trainmen advised members of that brotherhood who were out of work to go to Pittsburgh to take positions vacated by the strikers. A number of so-called strike breakers were also employed, but because of their lack of knowledge of train operation were of very little use to the company. Adequate commissaries were established at various points for feeding and housing the men, and meals and lodging were furnished free at these commissaries until May 1, when a charge of $4 for 21 meals and 5 cents per bed per day was made, all commissaries being discontinued by July 1.

"Because the company secured experienced trainmen from other divisions of the system, the strike really ended on March 28, after which there was little interruption to the service.

"During the progress of the strike the sympathy of the citizens, tradespeople, and borough officials along the division was strongly in favor of the strikers. In some cases the merchants refused to sell goods to employees who had taken the place of strikers, and a favorite method of harassing both the company and the new employees was to stop trains within the borough limits by getting on the cars and setting hand brakes or turning the angle cocks of air brakes. When the trains would come to a stop the borough officials would arrest the trainmen for blocking the crossings, and at the hearings the men would be heavily fined. Upon advice of our solicitors these cases were appealed, and in many of them the decision was reversed and the fines remitted. The strikers and sympathizers also interfered with the handling of traffic by releasing hand brakes on cars on sidings, permitting them to move toward main tracks and be derailed. In one case a serious accident resulted in which a fireman, engineer, and a trainman were injured. Various attempts were made to wreck trains by setting signals incorrectly, placing material in frogs and switch points along the rails, but very little damage resulted from these attempts.

Members of the railroad company's police department were sent to the Monongahela division to maintain order, protect the company's property and the men on duty.

"Considerable hostility was shown toward the train-service organizations from the start. When they refused to help the strikers and took action to expel them from their organizations and later helped to fill their places, the strikers organized the Industrial Railway Union, with the intention of disrupting the four train-service organizations. This new union embraced all classes of railroad employees, except those who have authority to employ and discharge men. The new union published a weekly paper called "The Railroader," in which they attacked the officials of the railroad company, officers of the Order of Railway Conductors and Brotherhood of Railroad Trainmen, or any other individuals who held the ill will of the strikers. The new organization was short-lived and was practically defunct by November 1 because of nonpayment of dues.

"On May 7 a committee consisting of nine of the strike leaders called upon the general superintendent to ascertain under what conditions the men on strike could be restored to their former positions. They were advised that, inasmuch as they had originally refused to work, had repudiated the obligations of their organizations, and had also refused to return to work when the opportunity was offered, they could not be restored to their former positions.

"In this connection it is only fair to state that this strike removed from the railroad company's service a number of men who were disloyal to the company, and that the new men within a few weeks after their employment performed more efficient and satisfactory service than the employees who went on strike, some of whom had been in the company's service for many years.

"Below is given a copy of a letter from Mr. W. G. Lee, president Brotherhood of Railroad Trainmen, to officers of Brotherhood of Railroad Trainmen lodges on the Pennsylvania lines east, showing the attitude of the brotherhood with respect to this strike.

"CLEVELAND, OHIO, *March 23, 1914.*

"To the President, Secretary, and Treasury of all B R. T Lodges, Pennsylvania Lines East:

"SIRS AND BROTHERS: As you are probably aware, a few members of the O. R. C., B. R. T., and Switchmen's Union, with a number of "No-bills," em-

ployed in the vicinity of Pittsburgh by the P. R. R., have seen fit to leave the service of that company, individually or collectively, and are now claiming that a strike of train and yard men is in effect on that line.

"The O. R. C. and B. R. T. have for a number of years negotiated rules and rates of pay through their general committees with the Pennsylvania management, and are at this time handling certain wage and working conditions pertaining to that and other lines with the board of arbitration.

"General Chairman J. B. Hendricks, of the O. R. C., and H. A. Enochs, of the B. R. T., for the P. R. R. lines east, are now at the Colonial Hotel, Pittsburgh, handling the situation in so far as it applies to those two organizations. They have issued public statements through the press and have forwarded telegraphic instructions to committeemen and others on the line, copies of which have been forwarded to this office and which have my approval.

"A strike can not be declared legally by either the B. of L. E., B. of L. F. & E., O. R. C., or Swithmen's Union until after a referendum vote of the membership on a line has been taken, showing that two-thirds or more of the employees of each organization interested have voted in favor of a strike, which must afterwards be approved by the chief executive of the organization voting. No such action has been taken on the Pennsylvania in so far as the O. R. C. or B. R. T. are concerned, and whatever vacancies exist on the Pennsylvania system as a result of this illegal strike can be filled by members of the brotherhood or others regardless of the claim of a few irresponsible persons that a strike is in effect.

"Each of you know how a strike of the transportation organizations must be declared, and officers and members of the brotherhood are cautioned against violating general rule No. 11, page 64, of the constitution and general rules now in effect, and you are hereby instructed to prefer charges against all members of the brotherhood under the jurisdiction of your lodge violating the rule referred to, furnishing this office names and full information pertaining to the same.

"Fraternally, yours

"W. G. LEE, *President.*"

I thank you very much, Mr. Walsh, for permitting me to do it.

Chairman WALSH. I was going to ask you who wrote this history of the labor troubles on the Pennsylvania Railroad?

Mr. LONG. Well, I don't think it is the result of any one pen, Mr. Walsh. The information, necessarily——

Chairman WALSH. Who had charge of it?

Mr. LONG. Possibly the major portion of it Gen. Supt. O'Donnell, of Pittsburgh, superintendent of the division; the trainmaster, his assistants, myself——

Chairman WALSH (interrupting). Is he a witness here?

Mr. LONG. I think not.

Chairman WALSH. Was the material collected and given to some one person to put in form?

Mr. LONG. The material, I think, was collected by half a dozen or more employees; for instance, the trainmaster at West Barnesville—by reason of this strike we assigned an assistant superintendent at the other end of the road, where formerly there was only a yardmaster—he wrote his version, as did the assistant trainmasters at other places. All of these versions were revised by the superintendent and again by the general superintendent, and again by myself and staff officers, and finally by Vice President Myers.

Chairman WALSH. Who put this book in the form it is here finally?

Mr. LONG. The book, I think, was put in this form by the publicity agent.

Chairman WALSH. What is his name?

Mr. LONG. Mr. Lee.

Chairman WALSH. He is a witness here?

Mr. LONG. Yes, sir.

Chairman WALSH. It looks to be very concise; as far as I am concerned I am going to say I would accept it as your statement, and if there are any commissioners that wish to ask you questions they may do so.

Mr. LONG. It was a composite statement, and rather than have 40 men state in here in their rambling way, as I do at times, and tell the story we thought it could be told in better language that way.

Chairman WALSH. I was going to say if you desire to make any statement outside of that we would be glad to hear it, but that we would accept this as your statement as far as it went.

Mr. LONG. That is the whole story.

Commissioner WEINSTOCK. You heard the testimony of Mr. Pierce this morning?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. You heard him make the statement that in his opinion the reason why his efforts to organize a federation of a broader railway men's union failed was due to the jealousy of the officers of the craft unions, as well as to the interests of the company?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. The inference, of course, left upon my mind, and doubtless upon the minds of the other commissioners, was that the officers of the craft unions were selfish and did not want to lose their jobs as officers of the unions, which might happen if they were to amalgamate into one union, and that inferentially, of course, that Mr. Pierce himself was unselfish in his work and that he did it for the love of the cause. Now, my attention has been called to a statement here on page 36 of your pamphlet entitled "History of Labor Troubles on the Pennsylvania Railroad." Let me read it and let me ask you if, so far as you know, it states the facts in the case. It says here at page 36:

"The strike of shopmen and others at Harrisburg was due to the agitation conducted by W. H. Pierce, formerly connected with the Brotherhood of Locomotive Firemen and Enginemen as a national organizer, and who, after being unsuccessful in his efforts to be elected vice president of that organization at its convention in Washington, June 2, 1913, offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interest of that company. Failing to secure this position, he immediately started to organize all classes of employees under an organization called Brotherhood of Railway Employees. His efforts, while directed particularly against the Pennsylvania Railroad, were not confined exclusively to the employees of that company, but extended to other railroad companies, particularly the Philadelphia & Reading Railway."

This, you see, would cast a very serious reflection upon the methods of Mr. Pierce. The frame of mind that this would leave me in, if it states the facts, is that it is now the result of disappointment and in a spirit of revenge; not having been elected vice president of the Brotherhood of Locomotive Firemen and Enginemen, he offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interests of that company, was out of disappointment merely, and in a spirit of revenge, and not having secured that position, with a view of injuring the company, he immediately started to organize all classes of employees under an organization called the Brotherhood of Railway Employees. If those are facts, it would largely discredit the testimony of Mr. Pierce. It would with me, of course, and I think it would also with my fellow associates.

Mr. LONG. Well, I don't presume, Mr. Weinstock, that you could say that if it was the opinion of 100 of our officers that Mr. Pierce did this because he was disappointed that that would make it a fact. It would be rather difficult to say that any disappointment of Mr. Pierce's was the real fact. You can readily see that. Now, it may be, perhaps, as to immaterial conclusions here, it may be somewhat unfair to Mr. Pierce to say that it was entirely due to disappointment, but it is a composite viewpoint.

Commissioner WEINSTOCK. Are those two statements made as to his failure to be elected vice president and failure to secure a job with your company, true?

Mr. LONG. The failure to secure the vice presidency, you know very well is true; as to the other, I don't know whether we can establish that as an absolute fact or not. I think possibly we might, but I would not be willing to say that we can right off-hand. I would be willing to give Mr. Pierce the benefit of the doubt on that one hand.

Chairman WALSH. What point is that? That he applied for a job with your company?

Mr. LONG. It might be difficult to present the exact facts.

Chairman WALSH. Is that contained in this statement that you submitted to us?

Mr. LONG. Yes, sir.

Chairman WALSH. Would you put a thing in a formal statement of that kind that you could not be sure of and could not present the proof on?

Mr. LONG. I say I can not; I think possibly if you give me time I can produce the papers, but it might be difficult to find them.

Commissioner O'CONNELL. Was an application made; do you know, personally?

Mr. LONG. Not to me.

Chairman WALSH. We can get that information from Mr. Lee.

Mr. LONG. Possibly Mr. Lee can give it.

Chairman WALSH. You don't know anything about it?

Mr. LONG. That particular fact; no. But the others; yes. These are the facts and views as we could ascertain them, the result of composite minds endeavoring to be as fair and free and frank as we possibly could.

Commissioner WEINSTOCK. In the course of your remarks this morning, among other things, you conveyed the idea that while you regarded the present plan of mediation and conciliation—that is, the Federal plan of mediation and conciliation—as efficient, that I judged that you did not feel it was sufficient, and you would like to see it bettered and improved. Can you suggest to this commission whereby the Federal system of mediation and conciliation can be improved and bettered? If you can, we will appreciate it very much.

Mr. LONG. It will take a great many impartial minds to reach even a partial conclusion on such a big problem as this. If I could do it I should have it patented, and thereafter I would not worry again about anything; it would be a great boon to capital and labor, and mankind in general. If the disagreeable disputes between those that earn a living by the sweat of their brow and those that pay them their living could be settled amicably like father and mother and brother and sister, it would be a great boon; but I think we can look at that like the millenium, which we are working toward. I think we are working toward it; I think, if I may so express it, that the kernel or the meat we will get out of this commission will put us a step further toward it.

Commissioner WEINSTOCK. Do you regard, as an old railroad man with long experience, that with these labor troubles, do you regard the relationship existing to-day on the whole between railroad managers and employers, on the one hand, and railroad workers, on the other hand, as better or worse than 10 years ago?

Mr. LONG. Oh, infinitely better.

Commissioner WEINSTOCK. Infinitely better?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. To what do you attribute that improved feeling?

Mr. LONG. Well, the trend of the times, I guess; it is rather difficult to explain why the moral sense in business is much more acute to-day than 10 years ago, and much, much more acute than 20 years ago, while there was none at all 30 years ago in most business. Any newspaper reading person will admit that.

Commissioner WEINSTOCK. Then there has been great progress along the lines, and in the railroad world, in bringing about a more cordial and more friendly relationship between the workers and their employers?

Mr. LONG. I think there is, judging others by ourselves; we set up at nights to find out how to get next to our men.

Commissioner WEINSTOCK. Do you regard the good will of your rank and file as a valuable asset?

Mr. LONG. We certainly do, and we have it to a large extent. If we can get the residue, we are all right.

Commissioner WEINSTOCK. Now, do you think that this better relationship, this more cordial feeling between the two parties, is due at all to the employer having been trained perhaps by hard knocks and bitter experience to look at the situation not only through his own eyes, but through the eyes of the worker, and the worker likewise through hard knocks and bitter experience has been trained to look at the situation with the eyes of the employer as well as his own eyes?

Mr. LONG. I think so. The wood sawyer, after becoming the boss of the wood sawyers, sympathizes more with his men than if he had never been a wood sawyer.

Commissioner WEINSTOCK. Is that your feeling in the matter?

Mr. LONG. That is my feeling in the matter; I was a worker myself.

Commissioner WEINSTOCK. On that particular point, evidently you don't agree with our friend, Mr. Garretson; he took the opposite view yesterday?

Commissioner GARRETSON. Let me correct you, day before yesterday.

Commissioner WEINSTOCK. The apology is accepted. His view is that usually the worst slave driver is the one that was once himself a slave.

Mr. LONG. I would say that is true to only a limited extent. If the man who is a slave and has only the ideas of a slave can become a slave driver,

he is a terrible taskmaster; but in becoming the master of the slaves he also improves his mind with his position, and it is different.

Commissioner WEINSTOCK. Then, from your point of view, Mr. Long, I take it that we are minimizing industrial strife as far as the railroads are concerned?

Mr. LONG. I am a big, large optimist. Certainly we are moving ahead in every direction, morally and every other way.

Commissioner WEINSTOCK. You think to-day is better than yesterday?

Mr. LONG. Yes, sir; the day of Croesus is coming to an end in the next generation.

Commissioner WEINSTOCK. Now, do you think that the method that has been in operation in the railroad world along the line of mediation and conciliation could be broadened out so as to take in the other industrial fields successfully, and relatively the same happy situation, the same more cordial and more kindly and more friendly feeling between those on the two sides of the issue could be created in other branches of industry?

Mr. LONG. I think so; but we will know in two or three years conclusively. Henry Ford is trying it.

Commissioner WEINSTOCK. He is trying it on a basis unlike any other employer, and there are many that contend that what is possible with him is not possible with the generality of employers, that he is an exceptional case.

Mr. LONG. The principle is the same; if Henry gives them $5 bonus, somebody else will give them a penny, but the principle is the same.

Commissioner WEINSTOCK. Do you think the remedy lies, of whatever industrial friction may exist, along the line of profit sharing?

Mr. LONG. No, sir; I do not mean that; you asked me if it could be extended to commercial and industrial uplift as well as the railroads, and I said it possibly would be solved by Henry Ford.

Commissioner WEINSTOCK. Henry Ford is using an entirely different policy from the railroad companies. That is, the railroad company as a rule in many branches of their work deal with organized labor, certain forms of organized labor?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. Take the transportation form, you deal with the engineers and firemen and brakemen and conductors generally, and Mr. Ford does not recognize or deal with organized labor. His policy is entirely different from the policy in the railroad work; he absolutely refuses to recognize or deal with organized labor.

Mr. LONG. The object and the purpose, however, are the same. The purpose is to get more work units, or whatever you want to call them, out of labor.

Commissioner WEINSTOCK. You mean higher efficiency?

Mr. LONG. Yes, sir; and as the result, more profits; and he gives part of it back to the man for "hotfooting it," as the railroad man calls it. We do it in another manner. If our railroad men are efficient, they get better results in wages, because it gives better profits and we can afford to pay them.

Commissioner WEINSTOCK. That is, with your unorganized people, you have the piecework system?

Mr. LONG. Oh, yes, in many cases; very largely so.

Commissioner WEINSTOCK. And the theory is that in the piecework system the most efficient man earns the most money, and the less efficient man the less money?

Mr. LONG. That goes without saying—that it is wages and solely wages makes the higher-class workman, otherwise there is no incentive.

Commissioner WEINSTOCK. That is your way of bringing out the highest efficiency of the workers. The Ford way, as I recall it, is to offer the worker as the result of his record—he must first make a record, and having made the record, he gets a certain maximum wage from it, and at the end of a given time, I think a year, he gets an added bonus in the way of a share of the net earnings of the enterprise. That only applies to earning power, and there are other factors that enter into the relations between the employer and worker—the question of hours, of conditions of labor, etc. If we pursued Mr. Ford's plan, the workers would have absolutely no voice, but would have to depend upon the generosity of the employer, as they do in the case of Mr. Ford. Mr. Ford of his own volition says, "I will make you these concessions," and the worker must accept or not. But with you, it is different. The employees have a voice with you in fixing the hours of labor and in fixing the working conditions and their compensation. They are two widely different policies and

can not be brought together. Now, the question is, does the future lie along the line of Mr. Ford's method, in giving the employer the absolute voice and sole voice in dealing with his worker, or does it lie along the line of the four transportation organizations and the general managers? Do I make myself clear?

Mr. LONG. I think you have. As I said before, we will see how this works out.

Commissioner WEINSTOCK. Your answer is to that question that if Mr. Ford's plan proves a success that that is likely to be the plan of the future?

Mr. LONG. Very generally in industrial and manufacturing concerns.

Commissioner WEINSTOCK. If that is to be the plan of the future, then the worker will have no voice?

Mr. LONG. I doubt whether Henry Ford, himself, however, can tell the measure. Henry Ford don't know how to make cotter pins, but he pays so much for cotter pins, and if a man makes so much money per thousand, say 10 per cent of their value, he pays so much per thousand. He may set that rate. He knows how many cotter pins a man ought to make in 10 hours. He does that by the opinion of the 1,000 cotter-pin makers, and after all, the men are setting the pace.

Commissioner WEINSTOCK. But they have no voice; your engineers and your conductors can come and have a conference with you, and can discuss with you the equality of a certain wage, or certain working conditions, and you have to listen to what they have to say.

Mr. LONG. We gladly listen to what they have to say.

Commissioner WEINSTOCK. You not only gladly listen, but you are in a position where you have to listen, because you can not afford to ignore what they say, because they have behind them the strength and power, and they can not be ignored. Now, in the case of Mr. Ford's work, he watches the results and establishes rates largely by the result, but after all they have no voice.

Mr. LONG. I know; but he establishes the results, Mr. Weinstock. I don't see that he accepts the cotter-pin makers or——

Commissioner WEINSTOCK. But suppose he fixed it at less than what he thought they were entitled to receive, they would have no voice, and when they would go to Mr. Ford and say we would like to discuss this matter with you, he would say, "Gentlemen, I am sorry, but I am not prepared to discuss with you. I reserve the right to fix the price, and if you don't like my price you can quit." You see there is a big difference there. You would not say that to your engineers. You would give them—would acknowledge they had a right to discuss the matter with you and that you must consider——

Mr. LONG. Well, we enter into a contract or arrangement to do it with them; but I must say I don't know Henry Ford's methods in full. I know only what I read in the newspapers about his affairs. But he has started off on a new plan of profit sharing. Now, whether Henry Ford, who I think is a mechanic himself, reserves to himself the supreme authority to decide how many of each piece of the thousand pieces that enter into each machine each man can make each day, I don't know. But I doubt very much that it is not the result of observation and not the result of actual performance, and so in fact after all the men have a voice, since they can all say "Now we are not going to make more than 80 pins a day."

Commissioner O'CONNELL. Is it your impression, Mr. Long, Mr. Ford is paying all his employees $5 a day?

Mr. LONG. No. I was under the impression that he fixed it just as Mr. Weinstock said, "Mr. Aishton, you can make 40 pitchers a day, and you will get 10 cents a pitcher, or I will make 40 books a day, and will get 10 cents a book." or another man makes something else and he gets 10 cents a book or a box. That he reserves to himself the authority to say how many I must make to earn $5. Now, if I make 10 a day right along for six months, 10 a day fixes the wage; and if I make 11 I make more, and if I make 9 I make less.

Commissioner O'CONNELL. That is not the system.

Mr. LONG. I was under the impression that it was.

Commissioner O'CONNELL. We had Mr. Ford before us.

Mr. LONG. Very well, then you know a great deal more about Mr. Ford than I do. But getting into the realm of piecework—it is the day's work and the hourly work which is generally recognized as the leveler. That is generally admitted by craft organizers. So that the worker is paid for time and not for service; and in that way we believe that piecework is a better proposition, in that not only if the man wishes to earn more money he can, but he can show his capacity; and if you desire to go into that I want to refer you to our

general superintendent of motive power, Mr. James T. Wallace, who can tell you more in a few minutes about that than I could in a week, and we have him here so you can develop that if you so desire.

Commissioner LENNON. Do you apply the piecework system in the payment of the president or the vice presidents or the treasurer or the board of directors?

Mr. LONG. I think not. It hardly could be called that.

Commissioner LENNON. This is the official document submitted by the Pennsylvania Railroad Co. [referring to pamphlet presented by the witness].

Mr. LONG. As a comprehensive statement of the facts.

Commissioner WEINSTOCK. You were present yesterday, Mr. Long, when Mr. Atterbury was questioned about the Federal workmen's compensation law?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. Are you in accord with his views? He favored a Federal compensation law.

Mr. LONG. Well, we have all been thinking over that a great deal as to just where we are coming out. It is not going to be an easy thing to draw up a compensation act that will be exceedingly just to the parties who have to pay in and at the same time not pauperize those who are to receive. I presume, if I may inject this into the proceedings, that if all the poorhouses in the 66 counties of Pennsylvania and all the money that goes to maintain them—the county commissioners and everything of that kind that goes with the matter of supporting indigent poor in each one of the 66 counties of Pennsylvania—were to be put into one fund and be distributed by some really wise party, that more relief to destitution would result—more of it be eliminated than now obtains. Now, after all, isn't the underlying thought in a compensation act to reward the indigent poor, in the first place?

Commissioner WEINSTOCK. No; it has no relation to that problem at all, Mr. Long.

Mr. LONG. Well, it will have ultimately.

Commissioner WEINSTOCK. No; a workmen's compensation act——

Mr. LONG (interrupting). Permit me to carry out my thought, if I may.

Commissioner WEINSTOCK. Very well.

Mr. LONG. The poor and injured workman—the injured workman—becomes indigent poor if his employer does not look after him, don't he? Now, the greatest disgrace that can befall a man, even beyond that of going to jail, is going to the poorhouse. Why, in the country districts there are lots of people that go to jail and are not looked down upon as much as the person who goes to the poorhouse; therefore the poorhouse is not an elevating proposition. But the workmen's compensation act that is going to take care of indigent men and women, made so by reason of accident in industrial plants, and who can be taken care of under the compensation act, that looks a little more honorable, and there would be a little more pride go with it. Therefore compensation acts, no matter if they are poorly framed, are bound to result in some good, and if we keep on at them and wipe out the poorhouses and the corruption accused of going with the most of them, and all that money is put to wise purpose, I believe compensation acts could be evolved that would be of great good to the employer and employee.

Commissioner WEINSTOCK. As you pointed out a moment ago, Mr. Long, there is a differentiation between the indigent poor who become indigent by virtue of industrial accident and the indigent poor who become poor from other reasons?

Mr. LONG. Yes. I was thinking of the poor man who is an employee and gets his leg sawed off in the harvest field, and any compensation act so far promulgated leaves that poor fellow to look out for himself; but if he loses a leg under our railroad train we have to take care of him the rest of his life.

Commissioner WEINSTOCK. Now, a workmen's compensation act confines itself exclusively to workers injured while at work industrially. Now, it is a very acute problem—no question about it—to define equitably; and while that was still more difficult a few years ago, it is becoming less so, because we are getting experience all along, because we have got some twenty-odd States which have adopted workmen's compensation, and where the law has been operating in some one year, some two, and some three or four years; and this is giving us an accumulation of experience hitherto unknown. Therefore, under existing conditions, it is easier to formulate a wise and equitable and workable compensation law than ever before; and the point I am interested in just now is to learn what is the attitude of great employers—interstate employers—toward the Federal workmen's compensation act, whether such a proposition would be

looked upon by them with friendly eyes or whether they would fight if a measure of that kind should be presented to Congress.

Mr. LONG. Oh, I think every wise employer of labor would promote some wise compensation act. One of the evidences of progress is that 10 or 15 years ago it would have been laughed out of countenance. To-day everybody is thinking about it and trying to arrive at something fair. The humanitarian sense is growing, and the humanitarian family is getting bigger every day.

I want to say in addition, now, with reference to one question. You asked me about one of the causes of unrest, and I was going to say that it was due to the fact that "a little learning"—as you have observed in various hearings—"a little learning is a dangerous thing." Therefore, spend your money and have more schoolhouses and more schoolmasters. The more schoolhouses and more schoolmasters, the more colleges and universities, the faster this thing will move toward the end we all hope to achieve.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Mr. LONG. Yes, sir.

Commissioner GARRETSON. Touching for a moment on Henry Ford's plan and on the plan that obtains in other localities, is not the result that lies ahead of the plan of Henry Ford, and the result advocated by men speaking on their own behalf as laborers, is not the object exactly the same—the betterment of the worker in his relation to his output?

Mr. LONG. I trust so.

Commissioner GARRETSON. You speak, Mr. Long, of the fact that especially in 20 years, from your own standpoint, on your own road, conditions were far better than they were 20 years ago, and gave promise for the future. Within that 20 years you span almost the entire period during which you have recognized the right of a large body of your employees to have their voice in fixing rates of pay and conditions of service. Isn't that true?

Mr. LONG. I think so; yes, sir.

Commissioner GARRETSON. Do you believe that any degree of that betterment in industrial conditions that has arisen on your line has been the outgrowth of the recognition of their right in that direction? Bear in mind that 20 years ago it was claimed that the right of the employer was inherent to fix those things. It has been recognized since that time, and the railway delegates that right or surrenders it to the men to speak for themselves in large degree.

Mr. LONG. In answer to the first part of your question, I have great doubt as to whether the same end would not have been achieved in another way. In other words, your wages have been increased by show of force and numbers. I think, possibly, the same thing would have been achieved pretty nearly, if not better ends achieved, if molasses had been used instead of vinegar, very often.

Commissioner GARRETSON. But if neither molasses nor vinegar had been used, because of the inability of the employee—because of want of organization to get either molasses of vinegar, what then?

Mr. LONG. That is a hypothetical question and I will have to give a hypothetical answer——

Commissioner GARRETSON (interrupting). Could the individual have done for himself what he has done for himself and associates, because of being associated with other individuals, collectively?

Mr. LONG. Possibly I will have to say no to that, because the punk man would have had to drop out, and he is now going along.

Commissioner GARRETSON. The punk man, as a foregone conclusion, could not have helped himself alone?

Mr. LONG. Hardly.

Commissioner GARRETSON. And only the sporadic individual would have had the strength to attain anything for himself alone?

Mr. LONG. I will say yes to that, if you will change that "sporadic" to "the great majority."

Commissioner GARRETSON. Well, no matter how many, unless he works collectively, he is only a sporadic case.

Mr. LONG. I can not agree to that. He is the great majority.

Commissioner GARRETSON. Well, you do not believe a great benefit has come to men through association?

Mr. LONG. Oh, I don't say it has not; it certainly has. But I say I think the same thing could have been achieved in a better way.

Commissioner GARRETSON. Do you believe that the result obtained from railway operation—I heard the statement made here this morning that your

property is composed of 110 component parts; at any rate, we know that the Pennsylvania is a large number of formerly separate systems.

Mr. LONG. A brick wall made of bricks.

Commissioner GARRETSON. And made into a cohesive whole?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. And better results come from that assembling of units?

Mr. LONG. That has been the history of all time.

Commissioner GARRETSON. Is there any reason to believe that the same benefits do not come to the men from assembling the units?

Mr. LONG. As I stated a while ago, it just depends on the method you pursue, whether you do it by the method that has been followed, or whether some other method might not have been better.

Commissioner GARRETSON. Well, that is a question of method; but the fact is that they need it to assemble.

Mr. LONG. May I illustrate it by a story that I frequently use? A dusty Weary Willie came along a dusty road and stopped in front of a house where there was a beautiful shade tree, on a hot afternoon, and he said to the man at the gate, "I am very tired, and I am coming right in there under your shade tree and lie down." To which the man at the gate said, "If you come in I will knock off your block. This is my property; I don't want you in here." But he goes in by force and gets under the shade tree. The next day another man comes along and takes off his hat and says, "My dear sir, I am very tired and hot and dusty. May I come in and lie under your shade tree for half an hour?" and the man says, "Come right in."

Commissioner GARRETSON. That was a pure question of manners; but they both got the shade?

Mr. LONG. Both got the shade.

Commissioner GARRETSON. And probably both claimed they had a right to it, but they expressed it in a different form.

Commissioner AISHTON. The latter fellow probably got a rocking-chair to sit in instead of sitting on a rock.

Commissioner GARRETSON. This did not deal with furniture; only with shade.

In your dealings with your own men, Mr. Long, the question was raised yesterday as to leave of absence for men. Have employees of the Pennsylvania Co., those who are acting as legislative representatives of their associates, ever been denied leave of absence for the purpose of performing those duties?

Mr. LONG. No; I think not. I think they are very much in evidence at Harrisburg.

Commissioner GARRETSON. I have heard a few of them were. And have any of them ever been recalled or notified that they must report for duty and leave such work?

Mr. LONG. No, sir.

Commissioner GARRETSON. There are no instances of that?

Mr. LONG. None that I know of, because it was positively decided that it was unwise to interfere with that liberty of the man if he wanted it.

Commissioner GARRETSON. What is the name of that organization you referred to——

Mr. LONG. X. Y. Z. (?)

Commissioner GARRETSON. No; you have so many there that I can not sort them out; that mutual-benefit organization that was referred to as a "child of the company"?

Mr. LONG. Oh, the Mutual Aid Association. I don't know whether it is "mutual aid" or "mutual benefit."

Commissioner GARRETSON. Mutual aid and benefit, maybe; I don't know.

Mr. LONG. I think it is B. M. A; I don't know whether it is M. A. A. or M. B. A.

Commissioner GARRETSON. Well, whatever the name of it may be, just so we understand the same one——

Mr. LONG (interrupting). Yes, sir.

Commissioner GARRETSON (continuing). At the time of the inception of that organization were any men allowed time in their various capacities as conductors or brakemen or engineers or firemen for visiting subordinate lodges or divisions of the organizations commending this to the men? Were any men detailed who were paid time for that?

Mr. LONG. I should say no, Mr. Garretson. If anybody did do that and signed the pay roll that the man did such service for money received, it would be falsifying the pay roll.

Commissioner GARRETSON. If he was informed by the officer of the company directly over him, for instance, that he would be allowed to do that and to put in his time slips exactly as he had when at work, you could not charge the man with padding the pay roll, could you?

Mr. LONG. Well, we might take a conductor and tell him that we wanted to know how the conductors on the North Western Railroad did and say, "We will pay you for going out there and getting that information for us the same money that you would earn if you stayed at home and worked, plus your expenses." Now, to find out how much that money is we ought to pay for that thing, we can't determine that without the time slips, and if he is gone 10 days finding out how the conductors on the North Western do, and if he brought back the information, whether it suited us or not, we would pay him for the service.

Commissioner GARRETSON. Allow him straight time and expenses?

Mr. LONG. Just as much; but to say he performed that service for that money, that is not done.

Commissioner GARRETSON. But on the pay rolls he would appear as on duty, although he was performing another service, for instance? How do you pay your court men—men going to court?

Mr. LONG. We do the same thing with passenger conductors who are granted two weeks' absence under pay, and they appear on the rolls as exercising their right to leave of absence.

Commissioner GARRETSON. And if they were sent out for this purpose and appeared on the rolls, the man would not be chargeable with padding the pay rolls. It would be using him for that purpose, then.

Mr. LONG. I don't think it would be on the pay roll; it might be. I take it it would be vouchered then.

Commissioner GARRETSON. Do you know whether anything of that kind has been done or has not been done?

Mr. LONG. Well, if it has I don't think it has been done in accordance with our instructions. While the result in money would be the same to the company, the company prefers that it should be done in proper, open, and legitimate ways—that is, if a conductor works 20 days as a conductor on a passenger train and 10 days for special work in Boston or anywhere else to find out how the conductors do this, that, and the other, or the engineer, or the fireman—that the money that he gets for that service should not be paid as wages, but that the same amount would be paid. Of course, in the end, to the company it would mean the same amount of money, and it is possible that, in order to avoid paying that man for that service with a voucher, as it ought to be paid, it may be they give him the money on the pay roll, because in the end it would mean the same thing to the company. But the proper and legitimate way that the controller, I think, would insist upon——

Commissioner GARRETSON. Well, but if some officer of the company, though, was desirous of not drawing any attention to the fact that it was the case of the "maybe"—I am using the phrase you used, yourself, in the testimony——

Mr. LONG (interrupting). Yes.

Commissioner GARRETSON. The natural thing to do would be to put it in on the pay roll?

Mr. LONG. Well, you say the natural thing. I guess I would have to say "yes" to that—it would be natural, but it would not be the proper thing in accordance with the instructions of the comptroller, who does not care a rap whom it hurts if it is not correct. He wants to know the facts connected with each expenditure, whether it is disagreeable to me or to anybody else to tell him. We have to tell him, because it is his business to know what the company's money is spent for.

Commissioner GARRETSON. You would not deny the authenticity, then, of the man who had performed that service and assert it in justification thereof that he had done it for pay?

Mr. LONG. I think if it was made a part of the written record it would explain itself and show whether any collusion, mystery, or rascality was connected with it.

Commissioner GARRETSON. Now, on this Monongahela strike—the real impelling thing in the causing of that strike was the removal of a number of men from that yard crew?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. At the time of the removal of those men, wasn't it a fact that there had been an award handed down by arbitration that had not yet been made effective?

Mr. LONG. It had not been made effective in its entirety; but I should say 98 per cent of it had.

Commissioner GARRETSON. Well, that was only a case of prediscounting?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. Officially it had not been made effective?

Mr. LONG. Yes, sir; and wherever the conclusion reached at that late date was on the basis of the award, the pay to the men was retroactive as of the date that it became effective; so that they were not losing one cent even if they had to wait.

Commissioner GARRETSON. Oh, it was not a question of waiting for that award. Was not the claim made—you are perfectly aware I hold no brief for the men who were in that strike—but isn't it a fact that those men claimed, and with a certain degree of justification, that a lessening of the number of men under the terms of that award in itself constituted a departure from the spirit of the agreement to arbitrate?

Mr. LONG. I think they so claimed; yes. Possibly that is quite true. I think quite a fair conclusion, but the claim was not just.

Commissioner GARRETSON. That is all.

Commissioner AISHTON. Mr. Long, the division of accounts is very clearly outlined by the Interstate Commerce Commission's regulations, is it not?

Mr. LONG. Absolutely.

Commissioner AISHTON. And the rules?

Mr. LONG. Yes, sir; absolutely so.

Commissioner AISHTON. And your comptroller has to keep his accounts in accordance with those rules?

Mr. LONG. Yes, sir.

Commissioner AISHTON. And he has to make a sworn statement at the end of every month accounting for all the division of accounts and moneys expended and what they were expended for and everything of that kind in accordance with the rules laid down by the Interstate Commerce Commission?

Mr. LONG. Yes, sir; that is the reason why he is so exacting about them.

Chairman WALSH. Mrs. Harriman wishes to ask you some questions.

Commissioner HARRIMAN. Mr. Long, are you willing to go on record as for or against the organization of labor?

Mr. LONG. Oh, I think organized labor has done us a great deal of good.

Commissioner HARRIMAN. Well, are you for it?

Mr. LONG. I am for it in certain forms. Organized labor I approve of very much. I think, if I may say a good word in favor of some organizations as against the others—and that possibly applies to the four organizations that have consideration on our railroad—that they have promoted the elimination of intemperance by their actions just as much as the actions of their officers. I think, as a matter of principle, that they are opposed to the use of liquor; and that if they had done nothing else but that, their reason for being would have been sufficient, the achieving of that one good thing.

Commissioner HARRIMAN. Then you are for it? You are not against it?

Mr. LONG. I am not against it.

Chairman WALSH. Did your company oppose the passage of a workmen's compensation act, Mr. Long?

Mr. LONG. I think not, sir.

Chairman WALSH. Or take any action on it?

Mr. LONG. If any action was taken at all, it was simply because some one who knew about enactments of that kind thought that a better one might be drawn.

Chairman WALSH. Well, was there some action taken for a different law than the one that was passed?

Mr. LONG. Personally, my views were not solicited, but my impression is that possibly some of the executives and—that the opinions of men in the legal department were asked as to certain contemplated compensation laws, and whether they were good.

Chairman WALSH. Did you send out circulars with respect to that—your company?

Mr. LONG. No, sir; not that I know of.

Chairman WALSH. Or make any effort to creat public opinion?

Mr. LONG. No, sir.

Chairman WALSH. Did you see any of the arguments used against it by these gentlemen, the executives or attorneys?

Mr. LONG. Well, I saw some, and saw a good many in favor of it.

Chairman WALSH. My thought was concentrated on that by your statement about the farmers. Was there an effort made to have it include the farmers?

Mr. LONG. I think there were several members of the legislature of Pennsylvania who were endeavoring to champion that, but they were rather from the industrial districts, and, of course, the rural members, wanting the farmer vote, they wanted to leave the farmer and wanted to leave the employer who has one servant out of the law.

Chairman WALSH. Was that consideration urged by those gentlemen that you say may be opposed to this law?

Mr. LONG. I don't think that affected them at all.

Chairman WALSH. That is all, thank you.

Mr. LONG. I might say, Mr. Walsh, that the public prints were full of the fact that the passage of the law depended entirely upon eliminating domestic servants and farm help. Of course, we are not, as a corporation, interested in eliminating domestic help or farm help, because we don't employ domestic help or farmers on the railroad.

Chairman WALSH. That is all, Mr. Long. We thank you, and you will be excused permanently.

TESTIMONY OF MR. E. B. HUNT.

Chairman WALSH. Will you please state your name?

Mr. HUNT. E. B. Hunt.

Chairman WALSH. What is your business, please?

Mr. HUNT. I am superintendent of the relief department and agent of the pension department of the Pennsylvania Railroad.

Chairman WALSH. How long have you been in that position?

Mr. HUNT. I have been superintendent since June, 1911.

Chairman WALSH. Have you held other positions with the company?

Mr. HUNT. I was a clerk in the relief department from 1886 to 1905, when I was made assistant superintendent, and upon the death of the superintendent was made superintendent in 1911.

Chairman WALSH. What proportion of the employees of the Pennsylvania Railroad are members of the relief department?

Mr. HUNT. Ninety-two per cent.

Chairman WALSH. Is membership in the relief department compulsory?

Mr. HUNT. As far as new employees are concerned they are all urged to become members. In the statement that I have prepared, and which I would like to read, there is a paragraph on that particular point.

Chairman WALSH. Very good. What are you reading from?

Mr. HUNT. From the book that was presented to you as the Pennsylvania Railway's policy toward its employees.

Chairman WALSH. If you will kindly refer me to the page?

Mr. HUNT. Page 25 [reading]:

"Because of the regulations of the pension department providing for retirement of disabled employees between the ages of 65 and 69 years, if they have had 30 years' previous service, and also for the purpose of obtaining employees physically fitted for the positions in which they are to work, new employees entering the service are required to undergo a physical examination and are thereby practically required to become members of the relief fund, although they are at liberty to withdraw their membership at any time after employment if they so desire.

Chairman WALSH. When employees are discharged or relieved through slackness of work, what becomes of his equity in this department?

Mr. HUNT. It ceases.

Chairman WALSH. What proportion of the 23,000 men who left the service of the company in 1914 were discharged?

Mr. HUNT. Your representative called upon me a few days ago and asked me to prepare a statement showing the number of members of the relief fund who had left the service in 1914, which he understood was 41,412; the average length of service, the cause for leaving, and so forth, and the classification of the occupation. I prepared such a statement, but I am very sorry that I did not have time enough to divide the several groups of occupations showing causes for their leaving the service; that is, the number in each occupation which voluntarily resigned, the number relieved on account of reduction in force, and the number discharged.

Chairman WALSH. You have not that classification?

Mr. HUNT. I have it as a whole, and would be glad to read it to you.

Chairman WALSH. Give it to us as a whole.

Mr. HUNT (reading). "The number of members of the relief fund who left the service during the year 1914 was 41,412. The percentage and number of those who resigned voluntarily was 23,195, or 56 per cent; the percentage and number of those relieved on account of reduction in force and through no fault of the employee was 14,494, or 35 per cent. The number of those discharged for cause was 3,727, or 9 per cent. The average length of service of such employees was one year and three months. The classification of occupations: Officers, agents, and clerks, 1,446, or 3.5 per cent; warehousemen, station laborers, messengers, and so forth, 4,666, or 11.3 per cent; telephone and telegraph operators and train dispatchers, 318, or 0.8 of 1 per cent; conductors on all trains, 307, or 0.7 of 1 per cent; brakemen, flagmen, and baggage-masters on all trains, 3,169, or 7.7 per cent; locomotive and electrical engineers, 34, or 0.1 of 1 per cent; locomotive firemen and electrical engineer helpers, 1,460, or 3.5 per cent; yardmen, 1,162, or 2.8 per cent; shopmen, 9,527, or 22.9 per cent; trackmen, 19,207, or 46.4 per cent; floating equipment, 116, or 0.3 of 1 per cent."

I will file that with the commission for their information.

(The document so identified and offered in evidence by the witness is printed among the exhibits at the end of this subject—Hunt Exhibit No. 1.)

Chairman WALSH. Have you the information as to how long the men have been members of the relief department?

Mr. HUNT. No, sir; only as a whole. That is, the average length of service—one year and three months.

Commissioner AISHTON. And 92 per cent of employees are in the benefit association?

Mr. HUNT. Yes, sir; 92 per cent are members.

Chairman WALSH. In what are the funds of the department invested?

Mr. HUNT (reading). "As of December 31, last year, Columbia & Port Deposit Railway Co. 4 per cent mortgage coupon bonds, par value $330,000, cost $330,000.

"Western New York & Pennsylvania Railway Co. general mortgage 4 per cent coupon gold bonds, par value $219,000, cost $201,952.50.

"Chesapeake & Ohio Railway Co. general mortgage 4½ per cent coupon registered gold bonds, par value $247,000, cost $265,833.75.

"Cambria & Clearfield Railway Co. general mortgage 4 per cent coupon bonds, cost $47,000, par value $47,000.

"Allegheny Valley Railway Co. general mortgage 4 per cent bonds, par value $50,000, cost $50,000.

"Reading Co. and Philadelphia & Reading Coal & Iron Co. general mortgage 4 per cent coupon bonds, par value $55,000, cost $53,468.75.

"Pennsylvania general freight equipment, trust 4½ per cent certificates, cost $87,038.20, par value $90,000.

"Southern Pacific 4½ per cent equipment trust certificates, par value $100,000, cost $97,181.52.

"Pennsylvania Railroad Co. 3½ per cent convertible bonds, cost $181,785.55, par value $187,000."

That represents a total cost of $1,314,260.27. There is a balance on hand of cash on deposit with the treasurer of $1,680,555.67, for which the relief fund is receiving 4 per cent interest from the company, compounded semiannually.

Chairman WALSH. Who passes upon those investments?

Mr. HUNT. The advisory committee; the advisory committee directs the investment.

Chairman WALSH. Of what does that consist, the committee?

Mr. HUNT. It consists of eight members appointed by the company, eight members elected by the employees with the general manager ex-officio chairman. I am ex-officio secretary of the committee, but am not a member.

Chairman WALSH. In the event of increase in the value of the securities held in trust by this department, how is the increase treated?

Mr. HUNT. We have never had occasion to sell any securities; they are carried on the books the same as I read to you from the annual report.

Chairman WALSH. In case of a decrease, how do you treat them?

Mr. HUNT. The same as I read to you, we have never made any change in our account.

Chairman WALSH. You have never made any change in your account?

Mr. HUNT. No, sir.

Chairman WALSH. Has there been decrease in the real value of any of those securities?

Mr. HUNT. Not to any appreciable extent. I don't recall any, if such is the fact.

Chairman WALSH. Does the company guarantee these funds in any way?

Mr. HUNT. They guarantee to make good any deficiency as outlined in regulation 5. By the way, Mr. Chairman, I would like to file with the commission also a copy of the regulations governing the department.

(The document so referred to, entitled "Regulations Governing the Pennsylvania Railroad Voluntary Relief Department," was submitted in printed form.)

Mr. HUNT. And also a copy of the last annual report, for the full information of the board.

(The document referred to, entitled "The Pennsylvania Railroad Voluntary Relief Department, thirty-ninth annual report for the year ending December 31, 1914," was submitted in printed form.)

Mr. HUNT. We wish to put before the commission all the information that we possibly can.

Chairman WALSH. Does the relief benefit guarantee superannuation payments?

Mr. HUNT. No, sir; it does not.

Chairman WALSH. Does the company insist upon the surrendering of the employee's relief book before the final payment of his wages is made?

Mr. HUNT. Not that I know of. It may be insisted upon by some employing officer, but not to my knowledge, generally.

Chairman WALSH. Now, it has been charged that this department put the expense of accidents on workmen and relieves the company of paying the ordinary common-law liability. I wish you would give us a brief little discussion of that, will you?

Mr. HUNT. Yes, sir. That was true, Mr. Chairman, up to January of this year, to a limited extent. When the relief department was put in operation there was no national employers' liability law—only the laws of the several States. Due to the fellow-servant theory and the assumption of risk and other defenses that an employer had, very few employees who were injured or killed in the service could recover damages, and one of the reasons for establishing the relief department was to take care of all such cases; but as time went on compensation laws have been passed in several of the States through which the railroad lines pass, and there is also a national employers' liability law in effect at the present time; so that if an employee is injured in intrastate commerce he is treated differently from those injured in interstate commerce, and therefore it was thought unfair to treat the employee in one State different from those in another, or, again, those that were engaged in interstate commerce different from those in intrastate commerce, and the regulation of the relief department containing the release provision was wiped out, beginning with January 1 of this year, and benefits are paid now irrespective of any liability; in fact, we pay the benefits and state to the beneficiaries that if they have any claim against the company, or think they have, they should take the matter up with their superintendent.

Chairman WALSH. At this point we will stand adjourned.

(Thereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m. of this Thursday, May 6, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. We will now resume. Please be in order.

TESTIMONY OF MR. E. B. HUNT—Continued.

Mr. Hunt, will you please resume the stand. I believe you had not finished your answer.

Mr. HUNT. May I ask the stenographer to repeat the last question?

The STENOGRAPHER. The stenographer who reported Mr. Hunt's last answer is not at present in the room.

Chairman WALSH. You were in the midst of your statement in regard to the alleged shifting of liability for accidents.

Mr. HUNT. I think I had finished my statement on that, Mr. Chairman; that the regulations were changed by reason of the fact that there were changes in

the State and national laws, and in order to treat all employees alike and fairly we had done away with what was known as regulation 58—abolished it entirely.

Chairman WALSH. What was regulation 58, if I may ask, Mr. Hunt?

Mr. HUNT. It provided that the acceptance of benefits in the relief fund would constitute a full discharge of liability on the part of the company in case of accident; that is, under that provision an employee who was a member of the relief fund had an election; he could either accept the benefits and waive his right to bring an action or make settlement with the company, or he could accept the benefits, which automatically prevented him from bringing suit or making settlement with the company. Now, that has all been abolished after January 1.

Chairman WALSH. And the relief department cuts no figure in your personal-injury cases at all?

Mr. HUNT. None whatever; a man gets his benefit, and if he feels that he has any cause for action against the company or thinks he should have something in addition, why, he presents the facts to his superintendent and the matter is taken care of that way.

Chairman WALSH. What was the law that affected it? Was there a law passed by the State of Pennsylvania that had a direct bering on it? Was there any provision in the workmen's compensation act that affected it?

Mr. HUNT. There is no workmen's compensation act in Pennsylvania at the present time; there is one in New Jersey, there is one in New York and one in Maryland, and there is a national employer's liability act that has a provision in it that if they accept benefits from the relief fund it does not constitute a release, so we wanted to treat the employees in Pennsylvania, New Jersey, and those engaged in interstate commerce alike, and put them all on the same basis, and the whole thing was wiped out.

Chairman WALSH. Is there any other statement you wish to make that I have not asked you about?

Mr. HUNT. No; only your investigator wants to know the total amount of benefits—total amount of contributions made by the members, and the total benefits paid—and I have made a statement from year to year which is really a copy of our annual report, giving all that information, and I would be very glad to file it with the commission.

Chairman WALSH. Let it be filed.

(The statement above mentioned is printed among the exhibits at the end of this subject as "Hunt Exhibit No. 2.")

Chairman WALSH. I was going to say one thing; we are making a special study of these voluntary relief associations, and you will be called on by representatives of the commission, and if you will be kind enough to give them access to your books we will be glad.

Mr. HUNT. I will be pleased to give them any information I can.

Chairman WALSH. They will be given proper credentials.

Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Is there any rule, Mr. Hunt, in regard to the character of the securities the surplus funds of the department are invested in?

Mr. HUNT. No; that is, under the regulations the advisory committee directs their investment.

Commissioner GARRETSON. It is purely discretionary?

Mr. HUNT. Yes.

Commissioner GARRETSON. The securities of the company or of its auxiliary companies are not barred as investments?

Mr. HUNT. Oh, no.

Commissioner GARRETSON. For how many years—I have forgotten the date of the institution.

Mr. HUNT. February 15, 1886.

Commissioner GARRETSON. In the period from 1886 down to the passage of the liability act there never was a time when to any employee article 58 was not in full force and effect until the passage of the national employers' liability act, was there?

Mr. HUNT. That is true.

Commissioner GARRETSON. Have you ever made any estimate, or has any agency of the department made any estimate, of the amount that the company saved in damage claims during the years between 1886 and the passage of the liability act? 1906 or 1907, wasn't it?

Mr. HUNT. 1906, I think.

Commissioner GARRETSON. The first one was passed in 1906 and the second in 1908?

Mr. HUNT. You are correct about that.

Commissioner GARRETSON. Have you ever made any estimate of the probable amount that was saved to the company in damage suits?

Mr. HUNT. It was absolutely impossible to tell what the court would say as to the liability on the part of the company, so that it is absolutely—there is absolutely no way of telling.

Commissioner GARRETSON. What has the company paid annually, then, since 1908, in damage suits, if you know?

Mr. HUNT. I do not know.

Commissioner GARRETSON. You have no means of knowing?

Mr. HUNT. No; I would be glad to furnish the commission with the information.

Commissioner GARRETSON. Will you do so?

Mr. HUNT. Yes, indeed.

(The witness subsequently sent in the data requested, and the same appears among the exhibits at the end of this subject as "Hunt Exhibit No. 3.")

Commissioner GARRETSON. When the Sutherland Commission was in existence, was there any definite opposition to the proposed compensation act, except from companies that had a relief department?

Mr. HUNT. I do not recall that there was; certainly on the part of the Pennsylvania Railroad there was not opposition to the compensation bill; in fact, the company favored it.

Commissioner GARRETSON. The opposition was to that specific clause in it which specifically exempted relief funds from acting as a bar to recovery, was it not? Won't the records of that commission show that?

Mr. HUNT. I think not; I don't recall it.

Commissioner GARRETSON. Is it not true that the three companies that have such relief funds on a large scale were the only three that brought opposition to bear on that feature of the compensation act?

Mr. HUNT. This company did not oppose it.

Commissioner GARRETSON. What was the mission of the company's representatives there?

Mr. HUNT. We had made the proposition that the amount that the company contributed to the operation—that is, in any amount that could be recovered under the compensation act—that the company be allowed to set off from what the men received the proportion of the amount that the company paid. If the company paid 25 per cent toward the operation of the relief department and the men 75 per cent, and that amount to, say, $10 a month to an individual, that that amount be charged against the compensation.

Commissioner GARRETSON. Was not that the later position of your company instead of the first position?

Mr. HUNT. No, sir; it was not.

Commissioner O'CONNELL. I understand that the cost of operation of the association is borne by the company.

Mr. HUNT. Yes, sir; they also guarantee the integrity of the fund and make up any deficit that might occur.

Commissioner O'CONNELL. What is the cost of operation?

Mr. HUNT. Three hundred and fourteen thousand dollars last year.

Commissioner O'CONNELL. Just approximately?

Mr. HUNT. Three hundred and fourteen thousand, two hundred and forty-four dollars and sixteen cents last year.

Commissioner O'CONNELL. That was in 1914?

Mr. HUNT. Yes, sir; and since that——

Commissioner O'CONNELL (interrupting). Just before we go into that I want to connect it with another thing. What was the amount contributed by the employees into the association?

Mr. HUNT. Unfortunately, somebody has taken my statement. Last year it was $2,079,000.

Commissioner O'CONNELL. And the men had contributed $2,079,000 and the company $314,000?

Mr. HUNT. Yes, sir.

Commissioner O'CONNELL. Now, these totals, if you have them.

Mr. HUNT. The contribution by the members since the fund began operation was $30,570,495.73; the total contributed by the company for operating expenses, and so forth, $6,027,000.

Commissioner O'CONNELL. Then, to follow up the question asked by Commissioner Garretson, the $6,000,000 and something appropriated by the company would, apparently, be in lieu of the liability it would assume if the employees had not signed away their right to go to the courts?

Mr. HUNT. That is correct.

Commissioner O'CONNELL. That is an assurance for the company against being sued for accidents?

Mr. HUNT. That is correct.

Commissioner O'CONNELL. Do the employees pay their money direct into this association, or is it taken out of their earnings?

Mr. HUNT. It is taken directly off of the pay roll.

Commissioner O'CONNELL. By the company?

Mr. HUNT. Yes, sir; the man giving his assent to it in the application for membership.

Commissioner O'CONNELL. If a man works only a portion of the month—for instance, a new employee—he immediately becomes a member of the association, as soon as he is furnished employment?

Mr. HUNT. Yes, sir.

Commissioner O'CONNELL. Suppose he does not work a month—only half a month or 10 days in the month—and quits; what is his proportion of the contribution—is the entire contribution kept out?

Mr. HUNT. Only his proportion, and for the day he left the service it is returned to him.

Commissioner O'CONNELL. You say last year there were 41,000 changes?

Mr. HUNT. There were 41,000 left the service.

Commissioner O'CONNELL. There were that many changes in the membership of your association? You said about 92 per cent were members?

Mr. HUNT. I can give you the number, in order that you may have full information on the subject. The number of accessions to membership was 32,097, and the number that died was 1,125; the number that left the service from all causes, 41,412; withdrawals, 10; making the total 42,547.

Commissioner O'CONNELL. Does that same proportion of men leaving the service carry out from year to year?

Mr. HUNT. I believe it was greater; I think about 66,000 the year before. The statement that I filed with the commission gives all that information from the time the department went into existence.

Commissioner O'CONNELL. What number of men are drawing superannuation from the company?

Mr. HUNT. I think 55 per cent of the pensioners.

Commissioner O'CONNELL. What is their average superannuation?

Mr. HUNT. I can give you that; it varies, of course, with the length of time they were members. I can give you that as of December 31, from $3.46 to $17.80 per employee.

Commissioner O'CONNELL. From $3.46 to $17.80 per month?

Commissioner GARRETSON. Three dollars and forty-six cents?

Mr. HUNT. Yes, sir; up to $17.30.

Commissioner GARRETSON. Is $17.30 the highest superannuation, the highest you pay?

Mr. HUNT. Yes, sir; not pensions. Understand, pensions are paid by the company, and the superannuation comes out of the relief fund. That is an additional amount paid to the man by the company who happens to be a member of the relief fund.

Commissioner GARRETSON. I understand the pension is paid direct from the company?

Mr. HUNT. Yes, sir; right from the treasury of the company.

Commissioner GARRETSON. And the superannuation is paid out of the funds of this association?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. And that runs from $3 and something to $17 and something a month?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. Now, if I understand the figures rightly, the company contributes about one-sixty toward the general fund; that is, figuring your expenses.

Mr. HUNT. I think my statement shows, I can't give you just the exact figures, but about 16 per cent.

Commissioner WEINSTOCK. How is that arrived at, that 16 per cent?

Mr. HUNT. The company paid about 16 per cent to the fund as a whole—that is, the men paid 86 or 84 per cent and the company about 16 per cent.

Commissioner WEINSTOCK. Out of what?

Mr. HUNT. In making up the fund.

Commissioner O'CONNELL. Out of the dollar.

Commissioner WEINSTOCK. I don't think we have that right.

Commissioner O'CONNELL. The company contributes 16 cents to the fund and the man 84 cents.

Commissioner WEINSTOCK. It does not seem to me the figures work out that way.

Mr. HUNT. It is about that. The men have contributed $30,570,000 since the fund was established, and the company has contributed altogether, in operating expenses, deficiencies, and so forth, $6,027,000.

Commissioner GARRETSON. How long has it been since the fund was self-supporting? Where the company put in no contribution except administration expenses?

Mr. HUNT. Since 1900.

Commissioner GARRETSON. Is your cost of operation equal to 16 per cent, administration cost?

Mr. HUNT. About that.

Comimssioner O'CONNELL. It must be that, because that is all they contribute.

Commissioner GARRETSON. It seems to me it is a high cost for administration expenses.

Commissioner WEINSTOCK. It is not that much, is it? What was the contribution last year by the men?

Mr. HUNT. The $6,000,000 that I gave you included past deficiencies that were paid by the company.

Commissioner WEINSTOCK. Taking 1914 as a standard year, what was the contribution by the men?

Mr. HUNT. Two million and seventy-nine thousand dollars, and three hundred and fourteen thousand dollars by the company.

Commissioner WEINSTOCK. Two million and seventy-nine thousand dollars and three hundred and fourteen thousand dollars?

Mr. HUNT. Yes, sir; $314,000 by the company.

Commissioner WEINSTOCK. That would be a little over 6 per cent, 6½ per cent?

Commissioner O'CONNELL. The point I want to make—these figures are near enough. The point I want to make is that the superannuation of the employees of the Pennsylvania Railroad Co., the employees themselves contribute in round figures, taking your figures, 84 cents on every dollar that is paid of superannuation, so that the superannuation carried on by the Pennsylvania system is the contribution of the men to each other, to themselves?

Mr. HUNT. Oh, yes; the superannuation, but not the pension.

Commissioner O'CONNELL. I am not speaking of the pension, but things that accrued in this department.

Mr. HUNT. I see.

Commissioner O'CONNELL. I think it was generally understood—it was my impression that there was a greater quantity of contribution on the question, and, I think, the public impression is that the Pennsylvania Co. is conducting an association that is providing for the old age of its employees. I take it from figures it is the employees themselves who are conducting this organization and by means of contributions are accumulating funds to take care of the men that grow old in the company.

Mr. HUNT. That is true.

Commissioiner O'CONNELL. And not the company?

Mr. HUNT. Yes, sir; and to pay benefits when they are sick or hurt.

Commissioner O'CONNELL. Why, if you can give me any information, was the regular pension system not carried on with this association?

Mr. HUNT. I am not the agent, as I mentioned at the beginning of my testimony; I am the agent of the pension department; I keep all of the records; I report to the board of officers of the pension department.

Commissioner O'CONNELL. Well, does the cost of operating and conducting the pension department figure in the cost of operating this department?

Mr. HUNT. Oh, no.

Commissioner O'CONNELL. That is separate?

Mr. HUNT. Absolutely separate, yes, sir; two separate and distinct departments.

Commissioner O'CONNELL. How long must a man be in the employ of the company to get superannuation benefits?

Mr. HUNT. Well, he must first be pensioned by the company.

Commissioner O'CONNELL. First?

Mr. HUNT. First; yes, sir. In order to be pensioned by the company he must be 70 years of age, or if he has had 30 years of service, and is between the ages of 65 and 70, he may be retired, provided he is disabled, either on recommendation o fhis employing officer or on the application of the employee himself.

Commissioner O'CONNELL. Then does he get the superannuation in addition to his pension?

Mr. HUNT. Oh, yes.

Commissioner O'CONNELL. What are the pensions? What proportion of the salaries?

Mr. HUNT. One per cent of the average wages during the last 10 years' employment.

Commissioner O'CONNELL. What per cent? One per cent?

Mr. HUNT. One per cent; yes. For instance, if a man began——

Commissioner O'CONNELL (interrupting). Suppose a man gets a thousand dollars, would be get $10 a month?

Mr. HUNT. Oh, no; multiplied by the number of years' service.

Commissioner O'CONNELL. Say a man was drawing an average salary of $100 a month for 10 years.

Mr. HUNT. Well, he would get $10; and for 30 years' service it would be $30, and for 50 years' service it would be $50.

Commissioner O'CONNELL. Then, as I understand, a man must first be pensioned before he draws benefits from the other fund?

Mr. HUNT. No; before he receives superannuation allowance he may be disabled and get accident or sick benefits.

Commissioner O'CONNELL. But I mean the pension; he must first be pensioned on his own desire or the desire of the company?

Mr. HUNT. Or at 70 years of age, when he would go out automatically.

Commissioner O'CONNELL. Automatically?

Mr. HUNT. Yes.

Commissioner O'CONNELL. How many employees of the Pennsylvania Co. are now on the pension list?

Mr. HUNT. Three thousand two hundred at the end of last year.

Commissioner O'CONNELL. How long has the pension system been in operation?

Mr. HUNT. Since January 1, 1900.

Commissioner O'CONNELL. A man automatically leaving the service of his own accord or at the wishes of the company automatically ceases to be a member of any of these beneficial associations?

Mr. HUNT. Yes.

Commissioner O'CONNELL. Regardless of how long he has been paying into them?

Mr. HUNT. Regardless, yes——

Commissioner O'CONNELL. That is not taken into consideration?

Mr. HUNT. The relief department is simply an organization where contributions are collected from month to month.

Commissioner O'CONNELL. They have no provision where a man, say, reached the age of 69 years and 11 months and left the service, or for some reason or other was out of the service, because of lacking that one month? No consideration would be given him in any way?

Mr. HUNT. I have never heard of a case of that kind.

Commissioner O'CONNELL. I am making it extreme——

Mr. HUNT (interrupting). I say, an extreme case. where he had not had the 30 years' service?

Commissioner O'CONNELL. Yes.

Mr. HUNT. Well, he would not have any right of pension in that case.

Commissioner O'CONNELL. He would be dropped for a little less than 30 years?

Mr. HUNT. Oh, if he had 30 years' service he would be paid a pension.

Commissioner O'CONNELL. So the benefit funds, to which he has been contributing himself—these various funds—and contributing his service to the Pennsylvania Co., and everywhere they were required—the fact that he had not served the other year would not be taken into consideration at all?

Mr. HUNT. He would not be entitled to a pension; no.

Commissioner O'CONNELL. According to the law. By what method are the laws of this association changed?

Mr. HUNT. You mean the relief department, or the pension?

Commissioner O'CONNELL. Relief department. The pension department, I understand, is the company's own.

Mr. HUNT. Yes; the company's own—managed by a board of officers, separate and distinct.

Commissioner O'CONNELL. Only the company would have the right to change those?

Mr. HUNT. Yes; only the company would have the right to change those. But, referring to the regulation of the relief department, if there is an amendment to the regulations, it is proposed at a meeting of the advisory committee and acted on at a subsequent meeting.

Commissioner O'CONNELL. By the advisory committee?

Mr. HUNT. By the advisory committee.

Commissioner O'CONNELL. Suppose the employees on the system wanted to change the superannuation from $3 to $4—leaving out the cents—or from $17 to $20 a month?

Mr. HUNT. I did not quite finish my other answer. Any amendment would have to be confirmed by the board of directors.

Commissioner O'CONNELL. Well, the point I want to get at—to the members of this association—all the employees now, I take it—it being practically compulsory that they should belong—if they desired to change—if a majority of the employees of the system or the members of this association voted to increase the superannuation to $20 a month, would that prevail?

Mr. HUNT. If the board of directors concurred in it.

Commissioner O'CONNELL. The board of directors have the final word?

Mr. HUNT. Both are concurrent. The board of directors could not make a change without the consent of the advisory committee, and the advisory committee could not make a change without the consent of the board of directors. It must be mutual.

Commissioner O'CONNELL. Then if you should have a unanimous vote of the members of the association—less, perhaps, those on the board of directors, who were in favor of changing the constitution so that it might increase their allowance—it would not become effective unless it had the approval of the board of directors?

Mr. HUNT. No, sir.

Commissioner O'CONNELL. So, in the last word, the board of directors are the men who can change it?

Mr. HUNT. Not necessarily. The board of directors can not change it unless the advisory committee concur——

Commissioner O'CONNELL (interrupting). The advisory committee is composed of how many?

Mr. HUNT. Composed of 16 members, 8 elected by the members themselves and 8 appointed by the company, with the general manager as chairman ex officio.

Commissioner O'CONNELL. Then, how many in the board of directors?

Mr. HUNT. I don't recall how many——

Commissioner O'CONNELL (interrupting). Equally as many?

Mr. HUNT. The board of directors?

Commissioner O'CONNELL. The other board you spoke of.

Mr. HUNT. The board of directors of the company; that is, not the board of directors of the managers of the relief department, but the board of directors of the company.

Commissioner O'CONNELL. They have to approve?

Mr. HUNT. They have to approve or reject.

Commissioner O'CONNELL. Now, with these 8 or 10 members on the advisory board and the board of directors opposing it, probably 20 or 30 men, as the case may be, regardless of the 150,000 or 200,000 employees who may be members of the association, these 200,000 employees could not change the laws in this association unless they had the approval of these 8 men and of the board of directors of the company?

Mr. HUNT. Not necessarily. I am afraid I have not made myself quite clear, Mr. O'Connell. The advisory board is a separate and distinct board from the board of directors of the company. Now, they do not act at one time. Amendments to the regulations must be proposed at a meeting of the advisory committee and acted upon by them, and then later acted upon by the board of directors of the company.

Commissioner O'CONNELL. Well, then, let me see if I make myself clear. Suppose all the employees on the Pennsylvania system wanted to increase the superannuation to a maximum of $20 a month——

Mr. HUNT. Yes.

Commissioner O'CONNELL (continuing). Suppose by some means a vote was taken and all these employees voted for it——

Mr. HUNT. Yes; that is, the advisory board.

Commissioner O'CONNELL. No; I am speaking of all the members now; and they put that up to the advisory board and say, "We have voted unanimously"—I do not know how many members, but it does not make any difference whether it is 100,000 or 200,000—"we have voted to increase the superannuation to $20 a month as a maximum." Now, it is within the power of this advisory board to veto the wishes of all these employees if they wish to do so?

Mr. HUNT. Yes.

Commissioner O'CONNELL. And if they approve it, it is yet within the power of the board of directors of the company to veto it.

Mr. HUNT. Yes, sir.

Commissioner AISHTON. You say there are 3,200 pensioners?

Mr. HUNT. Yes, sir.

Commissioner AISHTON. Beneficiaries of the pension system on the Pennsylvania Railroad?

Mr. HUNT. Yes.

Commissioner AISHTON. And that half of those also come in for additional benefits under this superannuation fund?

Mr. HUNT. Yes; that is the number.

Commissioner AISHTON. Have you the figures showing the amount paid for pensions classified as you did as to this superannuation fund that you would like to put in the record here?

Mr. HUNT. No; only as it is shown in the book that we filed. This book shows the amount paid in pensions [referring to the book entitled "The Pennsylvania Railroad; Its Policies Toward Its Employees."]

Commissioner AISHTON. Can you state what the amount was for the year 1914 for pensions?

Mr. HUNT. Yes. In 1914 it was $983,620.40.

Commissioner AISHTON. To 3,200 pensioners?

Mr. HUNT. Yes.

Commissioner AISHTON. That is in the record——

Mr. HUNT. Yes, sir; that is in the record as submitted to the commission.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all, then.

Commissioner WEINSTOCK. Just a moment, please.

Chairman WALSH. Just a moment. Commissioner Weinstock wants to ask you.

Commissioner WEINSTOCK. For the correction of the record, I figured out a little while ago that the company had contributed in 1914 to the pension fund or rather to the sick fund an amount equal to 16 per cent. My attention has been called to the fact that that is an error; that the exact amount is 13.1 per cent, and I want this correction made in the record.

Mr. HUNT. That is what I roughly figured it here.

Commissioner WEINSTOCK. Thirteen and one-tenth per cent?

Mr. HUNT. Thirteen per cent. I did not get that far.

Commissioner GARRETSON. One moment. Mr. Chairman, may I ask one question?

Chairman WALSH. Very good.

Commissioner GARRETSON. How many employees are assessible—135,000 nominally?

Mr. HUNT. Yes; about that. I can give you the——

Commissioner GARRETSON (interrupting). Oh, well, I only care to approximate it.

Mr. HUNT. Yes.

Commissioner GARRETSON. I only remember hearing it quoted several times, and wanted to fortify my own remembrance of that. How much are those men assessed under the superannuation fund and the voluntary relief, because I suppose they are the same?

Mr. HUNT. Well, the full information, the table, is given here [referring to the pamphlet entitled "The Pennsylvania Railroad; Its Policies Toward Its Employees"], and I will read it.

Commissioner GARRETSON. What is the minimum assessment?

Mr. HUNT. Seventy-five cents.

Commissioner GARRETSON. Per month?

Mr. HUNT. Per month; yes, sir.

Commissioner GARRETSON. Nine dollars a year?

Mr. HUNT. Nine dollars.

Commissioner GARRETSON. What is the maximum?

Mr. HUNT. Five dollars and twenty-five cents per month.

Commissioner GARRETSON. And the average amounts that you pay in superannuation run from $3.46 to $17.45?

Mr. HUNT. To $17.30.

Commissioner GARRETSON. In addition to that, for the same rate of $9—I suppose the $9 per year man represents the $3.46 man?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. He pays $9 a year to get at the end of his period presumably $40 per annum?

Mr. HUNT. Yes; but he may have drawn out enormous amounts in benefits.

Commissioner GARRETSON. Yes; but he may have drawn nothing?

Mr. HUNT. He may have drawn nothing; yes, that is true.

Commissioner GARRETSON. Are you aware of what the men pay and the amounts that they receive in the organizations that have a quasi pension or superannuation or disability system?

Mr. HUNT. No; I have not, Mr. Garretson. I have not that information.

Commissioner GARRETSON. I know one organization that has, out of a total membership of 50,000, I think 510, possibly, to-day men who are on indigent and disability pension.

Mr. HUNT. I see.

Commissioner GARRETSON. At an annual cost of $3 per year to that membership with an average pension of $28 per month. How would you think those figures contrast?

Mr. HUNT. Well, it looks to me that it would be only a question of time when they would come to the end of their resources.

Commissioner GARRETSON. They are paying within their receipts, then?

Mr. HUNT. That may be true. Of course, I don't know what organization you refer to, Mr. Garretson.

Commissioner GARRETSON. Well, it is one that I have very definite knowledge of.

Mr. HUNT. I see.

Commissioner GARRETSON. That question of cost, it seems to me—your administrative cost—16 per cent; is that correct; is that the correct figure? Or was that corrected to 13?

Commissioner WEINSTOCK. Thirteen per cent for 1914.

Commissioner GARRETSON. Aren't you higher there than the German Government cost?

Mr. HUNT. Our relief department is operated on a little different basis from any other organization, for the reason that we—a man has only to report sick or that he is hurt. We collect the information or visit the man ourselves to determine whether he is disabled.

Commissioner GARRETSON. Then part of your administrative cost is self-defense?

Mr. HUNT. Well——

Commissioner GARRETSON. I am not using that in an offensive sense.

Mr. HUNT. In a broad sense; yes.

Commissioner GARRETSON. What are your figures and the German figures? I speak of the Germans because they have the most comprehensive Government system.

Mr. HUNT. Yes; that is true.

Commissioner GARRETSON. What are your figures, and what are the German figures as to cost?

Mr. HUNT. I haven't those figures.

Commissioner GARRETSON. Right around 12, isn't it?
Mr. HUNT. I don't recall.
Commissioner AISHTON. If you simply took care of the superannuation and the disabled, Mr. Hunt, do you figure your cost would be as high as $3?
Mr. HUNT. No.
Commissioner AISHTON. Cutting out the disability and everything of that kind?
Mr. HUNT. It would be practically nothing.
Commissioner AISHTON. Practically nothing?
Mr. HUNT. No. In other words, it would about equal the expenses of the pension department which is only about $5,000 a year.
Commissioner GARRETSON. If that is true, what is going to put the other organization on the rocks?
Commissioner AISHTON. You would judge they were making money on their rates, would you not?
(No response.)
Chairman WALSH. Thank you, Mr. Hunt, that is all.
Mr. Hoyer.

TESTIMONY OF MR. SAMUEL M. HOYER.

Chairman WALSH. What is your name?
Mr. HOYER. Samuel M. Hoyer.
Chairman WALSH. What is your business, please?
Mr. HOYER. Contractor.
Chairman WALSH. In what line?
Mr. HOYER. Oh, house building, and that sort of thing.
Chairman WALSH. Building contractor?
Mr. HOYER. Yes, sir.
Chairman WALSH. What was your occupation in 1911?
Mr. HOYER. Latter part of 1911 I was mayor, in 1911, at Altoona.
Chairman WALSH. When did you take office, and when did your office expire?
Mr. HOYER. I first took office in 1898, and next in 1902, and next in 1908.
Chairman WALSH. And the terms are for how long?
Mr. HOYER. The first, 3 years; the first two terms; and the last, 3 years and 10 months.
Chairman WALSH. Now, were you familiar with the conditions in Altoona during the time of this labor trouble in 1911?
Mr. HOYER. I was there.
Chairman WALSH. You were mayor at that time, were you?
Mr. HOYER. Yes, sir.
Chairman WALSH. Would you be good enough to give us a description of the conditions there, beginning with the arrival of the organizers in Altoona, from the A. F. of L.?
Mr. HOYER. I remember some men coming there to organize the shopmen. I do not know of any disturbance brought about by it. I don't know just what you have reference to.
Chairman WALSH. What were their names?
Mr. HOYER. Let's see—there was one by the name of Flynn, another by the name of Gallagher—I don't remember; I think I met all of them perhaps once, but I don't remember the balance of their names.
Chairman WALSH. I will give you the specific points that have been enumerated in complaints that have been filed with the commission. Do you know anything about the ejection of these organizers from hotels?
Mr. HOYER. Yes.
Chairman WALSH. Just describe that, please.
Mr. HOYER. They were refused admission to the hotels on the ground, as I understand it, that they made these remarks—that is, to me, when I met them—that men were afraid they would be refused a license if they kept them.
Chairman WALSH. Refused a license for what?
Mr. HOYER. Selling drinks.
Chairman WALSH. Liquor. Do you have any information on that, except such as you got from organizers?
Mr. HOYER. That was general talk.
Chairman WALSH. Did you ever talk with any of the officers of the company about it?
Mr. HOYER. No.

Chairman WALSH. Did you ever talk with any of the officers charged with the administration of the license law?

Mr. HOYER. No.

Chairman WALSH. What do you know about the treatment of these organizers by the companies—by the company's police—if anything?

Mr. HOYER. They were followed by the police everywhere they went. The day they came to see me, I remember, there was a large window in front of my private office, and an officer kept parading back and forward on the outside, looking in.

Chairman WALSH. Was that the mayor's office at Altoona?

Mr. HOYER. Yes; the mayor's office.

Chairman WALSH. Was there some kind of a difficulty, in which Organizer Gallagher was assaulted?

Mr. HOYER. Yes.

Chairman WALSH. What was there about that?

Mr. HOYER. I do not know what brought about the assault, but he was very badly used up.

Chairman WALSH. Did you see him?

Mr. HOYER. I did not.

Chairman WALSH. How did you get your information?

Mr. HOYER. We had an investigation the following day—the chief of police and myself.

Chairman WALSH. Were you at the head of the police department as mayor?

Mr. HOYER. Yes.

Chairman WALSH. What sort of an investigation did you make?

Mr. HOYER. We called in every person that we thought knew anything about the trouble and took statements from them.

Chairman WALSH. Did you see Mr. Gallagher after he had been assaulted?

Mr. HOYER. Not until after he got out of the hospital.

Chairman WALSH. How long was he in the hospital?

Mr HOYER. I don't remember.

Chairman WALSH. Could you epitomize the circumstances as to this assault on this man Gallagher from what you learned in your investigation?

Mr. HOYER. I remember an officer by the name of Luther, a constable from Logan Township, assaulted him in the presence of a county detective—Mr. Spangler. Our investigation showed that Spangler stood looking on; in other words, keeping others away until the constable would get through with his work, and then immediately placed him under arrest and took him to an alderman's office——

Chairman WALSH (interrupting). Placed who under arrest?

Mr. HOYER. Luther, the constable, and took him to an alderman's office; and he gave bail and he came up missing; he was not to be found for some time after that.

Chairman WALSH. The officer was not to be found who arrested him?

Mr. HOYER. Mr. Luther. Spangler was the county detective.

Chairman WALSH. Spangler was the man that made the arrest, and Luther was charged with assault?

Mr. HOYER. Yes.

Chairman WALSH. Was his bail forfeited?

Mr. HOYER. It seemed not; they never got him back for a preliminary hearing. He seems to have left as soon as the assault was over.

Chairman WALSH. Do you know about the renting of halls by the company to prevent organizers from holding meetings? That charge has been made.

Mr. HOYER. Well, I heard Mr. Creighton direct either Mr. Devero or Preston to rent all of the available halls in Altoona, Hollidaysburg—I am not sure—Juniata was one and probably Gallitzin.

Chairman WALSH. Who was Creighton?

Mr. HOYER. General superintendent of the P. R. R.

Chairman WALSH. Do you know whether any action was taken with respect to the renting of these halls by the company?

Mr. HOYER. I understood they rented anything that was available that the organizers might get.

Chairman WALSH. Did the organizers succeed in getting any hall in which to hold their meetings in Altoona?

Mr. HOYER. I think they had one hall probably, I do not know how they got it or anything about it. I did not concern myself about that part of it, I want you

to understand; I was attending to what I thought was my own business; I was not attending to that.

Chairman WALSH. That is, your business as mayor of the city?

Mr. HOYER. Yes.

Chairman WALSH. What was the population of the city of Altoona at that time, in 1911?

Mr. HOYER. About 52,000.

Chairman WALSH. Do you know anything about the discharge of company employees for affiliating with the organization that was gotten up?

Mr. HOYER. Nothing; only general rumor.

Chairman WALSH. What do you know with respect to the calling of the strike itself?

Mr. HOYER. What brought it about?

Chairman WALSH. Yes.

Mr. HOYER. Well, as I noticed in this little pamphlet [indicating]; first, after the organizers were working for a short time there was an effort made to induce the men to stay out of the organization to save trouble, as I understood, by the railroad company. They had a large meeting in a theater in Altoona, which was attended by a very large number of people, almost all employees, a very enthusiastic meeting, that seemed to settle all trouble for the time, but unfortunately there was a piece card that the company claimed was not intended to be put in operation at that time presented, or got among the men in same way in the shops.

Chairman WALSH. First, under whose auspices was this meeting held in the opera house or theater?

Mr. HOYER. It was supposed to be the shopmen.

Chairman WALSH. Was it a meeting of their organization?

Mr. HOYER. No; just general.

Chairman WALSH. A mass meeting of the shopmen?

Mr. HOYER. Yes; and it seemed to be a very satisfactory meeting, but the real trouble happened the following day.

Chairman WALSH. What was there about the piece card?

Mr. HOYER. This piece card seemed to have cut prices as to some classes of mechanics.

Chairman WALSH. Piecework prices to be paid in the shops?

Mr. HOYER. Yes. One of the shops, if I remember right, that was running almost entirely on piecework, and that got noised about among the men, and some of them being organized they at once appointed a committee to wait on the master mechanic, I think, and while they were waiting on the master mechanic the organizers seemed to hear of it in some manner and got on the Twelfth Street Bridge, the bridge crossing between the main shops of the Pennsylvania Railroad, and began doing some talking that rather enthused the laborers or the employees, and at last a couple of police came along and I had given them instructions to arrest any organizers that would speak at any other point except one point in the city. We designated an old public square for them to do their talking in, and they stopped at a hotel, they stayed at a hotel at this point; and I gave them instructions to arrest these organizers if they found them talking any place else. So, when they began to speak from the bridge two of our officers came along and placed them under arrest. At that a lot of men rushed up the steps onto this bridge and broke the railing and five or six fell over and were badly hurt. I suppose it was a blessing that this happened, because it might have been much more serious if this had not happened, if the railing of the bridge had not broken. Then the men went back to work. There were some men after that stayed out, and they would have a parade each day through the city, which was entirely orderly, and not a particle of disorder in any way whatever. Two of the executive committee, I remember, were arrested one day for throwing about some sort of literature, I think something like this, "What constitutes a scab," and that kind of thing was against the ordinance, and the two were brought into my office.

Chairman WALSH. By the city police?

Mr. HOYER. That was the only disorder that we ever had.

Chairman WALSH. Now, what measures were taken by the company with reference to bringing in police?

Mr. HOYER. Well, the company had a great many police officers there.

Chairman WALSH. Did they have uniformed police officers in the city ordinarily?

Mr. HOYER. No. There may have been about the depot, but their officers, if I remember right, are not uniformed.

Chairman WALSH. Are they required to obtain a commission from the police board or some State authority?

Mr. HOYER. I really don't know; I think they get their appointment through the judge of the court.

Chairman WALSH. How many police were brought into the city by the company?

Mr. HOYER. Mr. Devereaux told us that there were 61, is my recollection, on the bridge.

Chairman WALSH. Who is Mr. Devereaux?

Mr. HOYER. He was their superintendent of motive power and has died since. He told us, a bunch of us together, that there were 61 of their officers on the bridge at the time of this occurrence.

Chairman WALSH. And about how many, would you say, were in the crowd on the bridge?

Mr. HOYER. I have no idea; I went away that day for a little rest; I was up almost day and night.

Chairman WALSH. Did you receive information by way of a report or anything about the number of men, approximately, that were in the crowd?

Mr. HOYER. There were probably four or five hundred anyway; about as many as could possibly get on the bridge.

Chairman WALSH. How many police were on the Altoona force at the time?

Mr. HOYER. Forty-one, if my recollection is right.

Chairman WALSH. Was the city able to preserve order up to that time; did they preserve order?

Mr. HOYER. There never was any disorder whatever.

Chairman WALSH. How long did these parades of the men continue that remained out on strike?

Mr. HOYER. There was parading for four or five days; something of that kind probably, as I remember.

Chairman WALSH. Did you have any talks with the company officials during this time?

Mr. HOYER. Oh, yes.

Chairman WALSH. Give the substance of them, their attitude toward you, what they had to say, etc.

Mr. HOYER. Well, Mr. Creighton always wanted me to arrest the strikers and prevent them from parading, and, of course, I had no authority under the law to do anything of the kind as long as they were orderly; they had a perfect right and were allowed there to parade, of course, but would be cautioned to be careful and have no disorder whatever, and there was not one particle. I could not refer to the slightest disorder of any kind.

Chairman WALSH. What did you say when you were requested to do that? I would like for you to give the substance of the conversation, whatever it was. What was the charge that these gentlemen made against them?

Mr. HOYER. Just on general principles; Mr. Creighton wanted me to arrest them on general principles; either the organizers or the men; just so somebody was arrested.

Chairman WALSH. You refused to do that?

Mr. HOYER. Undoubtedly; I said to him on a number of occasions that the organizers had as much right there as he and I—I used our names because I was mayor and he was superintendent of the road—so long as they conducted themselves properly, and I never saw any disorder or bad conduct about them in any way, nor there never was any.

Chairman WALSH. Was there anything ever said to you by any of the officers of the company that they desired trouble or desired a riot?

Mr. HOYER. Yes, sir; there was.

Chairman WALSH. Just state what that was.

Mr. HOYER. Mr. Creighton on different occasions insisted on me arresting some person, either the organizer—he insisted more freely that the organizers be arrested, and I would always contend that we had no right whatever; that they were keeping within their bounds. I said to him on two different occasions, "Supposing we arrest some person, then likely it will be the cause of loss of life; we will start a riot," and he said, "Supposing we do start a riot," and I said, "There will likely be loss of life," and he said, "Supposing there is." And he on one occasion said, "Don't your officers understand when they take their oath of office that they stand a chance of losing their lives in the discharge

of duty?" And I said, "They have no duty to perform other than what they are," and I thought that he was very unreasonable. The gentleman is present; and if I am wrong he can correct me. He and I were not alone when that was said.

Chairman WALSH. Who else was present?

Mr. HOYER. The chief of police was along with me, for one; Mr. Devereaux and Mr. Preston were present, I think, on both occasions. I know Mr. Preston was once, and so was Mr. Devereaux, and Mr. Devereaux agreed with me and said I had no right to place those organizers under arrest.

Chairman WALSH. Were any arrests ever made by your police force in that strike?

Mr. HOYER. Never; only the two that I told you that were circulating little pamphlets.

Chairman WALSH. That was from beginning to end?

Mr. HOYER. From beginning to end.

Chairman WALSH. Did you have a meeting in the schedule room of the Pennsylvania Railroad with some other gentlemen?

Mr. HOYER. I was called to the schedule room—I had many meetings with Mr. Creighton, and he and I could not agree on handling a strike. I wanted—remember I felt that my duty was this, I had no feeling against the Pennsylvania Railroad Co.; in other words, they always treated me elegantly, and I have the kindliest feeling; but he did not seem to want to settle the strike; there seemed to be something else back of it.

Now, I would instruct my officers every morning and every evening going on duty just what to do. My position was to prevent trouble. I didn't care anything about the organization, whether the men organized or did not, but I felt it was my duty to prevent trouble, loss of life, and loss of property, and we succeeded very well in doing that, and I think any reasonable person will tell you that we did. Now, I was called into the schedule room in the presence—I guess that is what you have reference to there—in the presence of a lot of gentlemen; I remember there was a representative of each of the four newspapers of Altoona, and quite a number of gentlemen, and Mr. Creighton there asked us, he said this, he said, "I have called you gentlemen together, you gentlemen being a representative lot of citizens of the city and county, and the mayor, in order that we might determine some way of stopping this trouble." I told him that he could stop the trouble very quickly. Now, there were a number of men present at that meeting; there must have been 20; and I could name almost all, if you wish; and I told him if he would allow the men to go to work the next day, that they wanted to go back to work, that they saw that they were wrong, that it would settle it; but Mr. Creighton claimed that they could not go back, because the time limit expired that day, in the morning, and this meeting was now probably 8 o'clock in the evening. I knew nothing of this meeting until I was called and asked to come down right away to the office, and I found these gentlemen all there. Quite a discussion took place, back and forth, and some person suggested that I take a hand and settle the strike. That came up, I think, through a newspaper article that said that I had a delegation in my office and that I was going to try to bring about peace. The delegation I had in my office were the two gentlemen that were arrested, and I was advising them to get back to their work, and that they had surely made a mistake in striking, and that is the way it was. They took their information from the newspaper men that I was going to try to bring about peace.

Chairman WALSH. How long was it after this strike was ordered that the men went out on strike that you had this meeting in the schedule room?

Mr. HOYER. I don't remember what day of the week the meeting was on, but I remember it was the same week. I would imagine about four or five days, probably, after the bridge broke down.

Chairman WALSH. How many people were involved in it at that time? How many wanted to go back?

Mr. HOYER. I think almost all of them.

Chairman WALSH. Was that the occasion upon which about 600 went out?

Mr. HOYER. Well, at that time Mr. Devereaux stated there were 573 out.

Chairman WALSH. They were in the main residents of Altoona?

Mr. HOYER. Yes, sir; they were principally Altoona citizens. He took from a couple of slips that he had and said, "These are Altoona shops and the Fourth Street shops and the Juniata shops," and on through, along that way, and added them up, and said there were 573 out.

Chairman WALSH. And you said practically all of them wished to go back?

Mr. HOYER. I think all of them would have been satisfied to go back if they could have gotten back, but the company issued an order that any person that failed to report on that morning at 7 o'clock would consider himself discharged.

Chairman WALSH. What was that time in the day?

Mr. HOYER. The meeting was at 8 o'clock in the evening.

Chairman WALSH. After the strike, did you have any conversation with the officers in regard to it?

Mr. HOYER. No, sir.

Chairman WALSH. Our attention has been called to an alleged conversation which took place between you and the officers of the company with reference to immunity for the men that assaulted the organizers. Is there anything in that story

Mr. HOYER. Yes, sir; there is.

Chairman WALSH. Just state what it was.

Mr. HOYER. We thought from our investigation that there was a great wrong done the organizer, and as mayor we felt it was a shame that such a thing should happen in the city without the person that did it being arrested, for from all appearances the man was kicked to death. We thought he was dead when he was picked up, and, of course, I had the chief of police swear out an information against the person that did it. It was no secret; a number of people saw it. We thought all the time that he was smuggled away, and some time elapsed—quite a good while—I can't say how long, but quite a good while—when Mr. Reading, who was superintendent of motive power, asked me if I would not leave up on this man and leave him come back; that he was sort of homesick for his family; he was a married man and has a family; I don't know how large a one; and saying that they had fixed the judge and the district attorney and the alderman who took the bail and the county detective, and I was the only stumbling block. Now, I said, he was not our prisoner; we never caught him; we didn't have an opportunity; that we would have if we could; but that he belonged to the Commonwealth, and if the Commonwealth was satisfied that he should be at large, I had no objection. We notified the police to that effect, and the next day he was on the streets.

Chairman WALSH. Was he ever prosecuted or punished?

Mr. HOYER. No, sir.

Chairman WALSH. Ever have a trial?

Mr. HOYER. Never.

Chairman WALSH. What was the date of the strike, Mr. Hoyer?

Mr. HOYER. I could not give you the exact date. I had all the dates in reference to the investigation, but I don't know whether I could get that one or not.

Chairman WALSH. You have not that with you?

Mr. HOYER. Oh, no; I didn't know what you wanted.

Chairman WALSH. And you could not give the date that Mr. Creighton fixed as the day the men should go back to work, if at all?

Mr. HOYER. No. It was on Friday.

Chairman WALSH. Or the date that you spoke of when you requested that the men be taken back?

Mr. HOYER. I couldn't fix the date exactly.

Chairman WALSH. See if I can fix it as to days; I understand you that the strike occurred on Friday; it lasted Friday, Saturday, Sunday——

Mr. HOYER (interrupting). No, sir; it was Friday that the men had instructions to return to work.

Chairman WALSH. It was Friday that the men had instructions to return to work?

Mr. HOYER. Yes, sir; and they failed to return.

Chairman WALSH. Yes; apd you had your meeting Friday night?

Mr. HOYER. Yes, sir; and I was called into Mr. Creighton's office on Friday.

Chairman WALSH. How long prior to that Friday was it—the same week they went out on strike?

Mr. HOYER. They were out then.

Chairman WALSH. How long had they been out on Friday?

Mr. HOYER. I am not able to say, but I think on Monday.

Chairman WALSH. It all occurred within the week?

Mr. HOYER. Yes, sir; and maybe Tuesday; they were only parading about four days is my recollection.

Chairman WALSH. And your recollection also is that it was on that same night that you asked Mr. Creighton to take them back to work, the same Friday night about 8 o'clock——

Mr. HOYER. Yes, sir.

Chairman WALSH. And that was the same day upon which Mr. Creighton had issued his order that they were to return that morning at 7 o'clock or not at all.

Mr. HOYER. For that reason he said he could not take them back, that whenever they issued an order they never retracted.

Chairman WALSH. What had been your business prior to being mayor?

Mr. HOYER. I had been in the coal business for many years.

Chairman WALSH. A coal merchant?

Mr. HOYER. Yes, sir.

Chairman WALSH. Had you been in the employ of the railroad company?

Mr. HOYER. Never. No, sir; I never worked a day for the railway company.

Chairman WALSH. Have you given all the conversation that you can recollect that was had in the schedule room?

Mr. HOYER. Well, I would not like to tell you all of it.

Chairman WALSH. I think it might be well, as long as we have gone into it, a part of it, Mr. Hoyer, unless there is some personal or legal objection, I wish you would go into it and give us the substance of all that was said there.

Mr. HOYER. Well, really, Mr. Creighton had handled the strike proposition in such a way that it had me worried. I had gone through one prior to that in 1894. We had a strike right outside of the city limits, and I settled that one in about two or three hours. But one of Mr. Creighton's predecessors came to my assistance, Mr. Shepherd. That was a real serious one; they were then threatening to burn, and everything of the kind, so much so that I had two revolvers lying on my desk; and they were so tame and mild that there was no excuse for any particular excitement at all at this time. The men were as orderly as men could possibly be. In reference to—I got in a bad humor when Mr. Creighton said that these men, these 573 men, were out, absolutely out, he said, to stay out. When some person made the remark that I be selected to bring about peace, he says, "That won't do; we don't want any politics in this." He seemed to look on me just as an ordinary ward politician. Mr. Greavey was mentioned as a man to settle the trouble, and he said, "Absolutely no; that would be equally as bad." So the matter had been conducted in such a manner that I lost my temper, and I told Mr. Creighton if he did not allow the men to go to work the next morning that I would go out at the head of the strike, that there was really no trouble, and that he was the man that could settle it if he would, just by allowing the men to go back to work; and I left them for a few minutes, and when I came back they decided to leave the men go to work. I told them very positively what I would do.

Chairman WALSH. And so the men were permitted then to return to work?

Mr. HOYER. Yes, sir; they went to work. Mr. Devereaux telephoned me the next day at 10 o'clock that very close to 250 men had gone to work on Saturday morning of the 573, and they dwindled down until there was about, he told me, about 30 or 35, and he said he would like to discipline those men, and wanted it done in a friendly way, and I told him to do so, so what became of those fellows, I don't know.

Chairman WALSH. I believe that is all, unless some of the other commissioners have something to ask you.

Commissioner AISHTON. Just one question, Mr. Hoyer. You say Altoona is a city of 52,000?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. And the police force was 41 men?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. That included the chief of police and patrolmen and all?

Mr. HOYER. Just patrolmen.

Commissioner AISHTON. They are divided, I suppose, into a day and night force?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. Was any request made by any of the Pennsylvania people for additional police protection?

Mr. HOYER. Yes, sir. Mr. Creighton thought we ought to bring in the State constabulary, and I always contended that we could cope with the situation, because there was nothing startling, they were all peaceable and quiet, as

quiet as this room, any more than the noise of men's feet walking the street. The only disorder I heard of at all that you might call disorder were men in passing a newspaper that they thought had not treated them fairly, they just said in a low voice, "Scab, scab, scab, scab." Now, that was the only remark that I heard being made.

Commissioner AISHTON. There was one man, you say, that was assaulted?

Mr. HOYER. Yes, sir; he was an organizer.

Commissioner AISHTON. He was an organizer?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. Were there any other cases of assault?

Mr. HOYER. No, sir; there was not even a fight.

Commissioner AISHTON. You said that the man that assaulted this Gallagher was a man by the name of Luther, a constable, of Logan Township?

Mr. HOYER. Yes, sir; Altoona sets in the very center of Logan Township.

Commissioner AISHTON. Altoona is a part of Logan Township?

Mr. HOYER. Yes, sir.

Chairman WALSH. Was there a petition gotten up by the citizens of Altoona asking Mr. Creighton to take these men back?

Mr. HOYER. Yes, sir.

Chairman WALSH. What were the circumstances of that appeal?

Mr. HOYER. I guess that was done at the same time; yes; yes, sir. Mr. Creighton said that he would leave the men go back, but they would have to have some excuse for doing that, and they prepared petitions and sent them out and had them signed the following day. They were signed numerously of course; all of the citizens of Altoona were anxious that the matter be entirely settled, and the men get back to work, and practically all of the business men of the town, and they were signed very numerously by thousands of people.

Chairman WALSH. Was that before or after this conference?

Mr. HOYER. Right at the time; right afterwards. That was done for an excuse for retracting this order.

Chairman WALSH. As an excuse for whom, for you as an officer?

Mr. HOYER. No, sir; for the railroad people taking back the men after they had given orders that if they did not report to work that morning they would be discharged.

Chairman WALSH. Was this man Spangler that, as as I understood it, assaulted Mr. Gallagher, he was a county detective and was not in the employ of the Pennsylvania Railroad?

Mr. HOYER. He was a county detective.

Chairman WALSH. And not in the employ or connected with the Pennsylvania Railroad?

Mr. HOYER. No, sir. Mr. Creighton told this committee that it was costing the railroad company $750 a day, and that then, I can remember now, 22 days had gone by, at a cost of about $750 a day for policing Altoona, and I contended then again that there was no necessity for them paying them unless they needed them in their line of work, and Mr. Devereaux said they had bought a gross of revolvers, and exhibited one that was placed in the hands of these fellows.

Chairman WALSH. Who exhibited the revolver?

Mr. HOYER. Mr. Devereaux, who was then superintendent of motive power. I think he gave the chief of police one after the trouble was all over.

Commissioner GARRETSON. The assault made upon this man Gallagher, made by Luther, was that before the strike or during——

Mr. HOYER. During the time of the strike, or it might have been right after; now, really, I can not say. I didn't pay any attention to dates. We had all of that matter; I think I could give you all of it if you want it, showing everybody that knew anything about it from beginning to end; we took all of that data the following day, and Luther just laid for this man undoubtedly to kick the life out of him.

Commissioner GARRETSON. After you held the conference with the officers of the company who came to you to arrange for Luther's return, if you would not prosecute him, what was your impression then, that the company stood for Luther's act?

Mr. HOYER. That undoubtedly was; yes, sir.

Commissioner GARRETSON. And that they had known of his whereabouts all the time?

Mr. HOYER. Yes, sir.

Commissioner O'CONNELL. Mr. Hoyer, these 30 men you say that were disciplined in some way, I rather inferred that they disappeared. You mean they were driven out of the city or something of that kind?

Mr. HOYER. I know that some of them could not get employment in the city at all. Just to show you, we had a fund to take care of stranded people, and would buy half-price tickets to get people that were stranded away, and I remember their general superintendent refused me a charity ticket for one of the 33 who were discharged, and didn't have a dollar, and he couldn't get out of town, and we had to put up the straight money and buy a ticket and send him—my impression is to this town; that is, right to Washington, and from here I think he went to West Virginia to some car shops.

Commissioner O'CONNELL. Were these men, any of them, old residents of Altoona?

Mr. HOYER. Yes, sir; this man was, had lived there a long time.

Commissioner O'CONNELL. And did he have a home there?

Mr. HOYER. I think he was a renter; I know he was a resident there and had a small family.

Commissioner O'CONNELL. Were any of the men interested in homes, of those that you say were refused employment?

Mr. HOYER. That I don't know; only what came in my regular line; I didn't pay any attention to the other matters, very little attention. I merely make this statement in the interest of humanity. The way that strike proposition was handled there was really a disgrace, and a thing of that kind ought not to be allowed to happen again.

Cimmissioner O'CONNELL. Were you a candidate to resucceed yourself as mayor at the next election after this time?

Mr. HOYER. No, sir; I ran for commissioner a year or so ago.

Commissioner O'CONNELL. Were you elected?

Mr. HOYER. No, sir.

Commissioner O'CONNELL. Was there any particular reason for being defeated?

Mr. HOYER. Oh, yes; but it was not on account of the Pennsylvania Railroad.

Commissioner O'CONNELL. Not because of any association with the strike?

Mr. HOYER. Oh, my, no.

Commissioner O'CONNELL. I have heard statements made about Altoona being largely a one-shop town, that the company has rather a natural influence over not only the lives of the people employed in their shops, but in the business world and commercial world of Altoona. What is the general impression in Altoona as to the control of the Pennsylvania Railroad Co., as to controlling them, the entire inhabitants?

Mr. HOYER. The company treats the people very nicely, and while they may exercise some influence in various manners, why, they treat the people of Altoona very fair.

Commissioner O'CONNELL. Do they appear in the political arena in any way?

Mr. HOYER. Oh, yes.

Commissioner O'CONNELL. Interested in who holds the mayoralty job in the city and counselor?

Mr. HOYER. Yes, sir.

Commissioner O'CONNELL. Did they enter actually into the question of the election of certain people?

Mr. HOYER. I could not say that; they are very heavy taxpayers in Altoona.

Commissioner O'CONNELL. Just assumed the natural rights of citizenship?

Mr. HOYER. Yes; just as any other person would be active.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Can any candidate for political office in Altoona be elected if the Pennsylvania Railroad Co. is opposed to him?

Mr. HOYER. Oh, yes.

Commissioner WEINSTOCK. Then the Pennsylvania Railroad Co. does not dominate the political situation in Altoona?

Mr. HOYER. Oh, no; in fact it is very seldom that they ever take any particular part, very seldom.

Commissioner WEINSTOCK. Do they keep their hands off politically?

Mr. HOYER. As I said before, not any more than the average person or corporation would do.

Commissioner WEINSTOCK. I have in my hand a document entitled "Petition to the Commission on Industrial Relations from the Order of Railroad Telegraphers, by H. B. Perham, president," in which certain charges are made against the Pennsylvania Railroad Co., among others this charge on page 8, that the Pennsylvania Railroad Co. appears to exercise so complete a domination over all of the affairs, industrial and governmental, over a large area of this country that it is sufficient to overthrow legal and constitutional rights of persons not favorable to its domination. That within the area of the domination of this company liberty exists not under law but only to the extent of this company's authorization. Its men have no rights as men, but merely such rights as it permits. Now, you have been a citizen and a public man, mayor of Altoona, and what would be your comment on this charge?

Mr. HOYER. That seems to be the general impression, but I could not say this impression is correct.

Commissioner WEINSTOCK. What are the facts as you know the facts to be?

Mr. HOYER. I was in public office 16 years, as councilman and mayor of Altoona, and I was never asked to do anything that was not entirely right, in my opinion, excepting in this strike proposition, and I suppose in my feeling for humanity—I started as a bit of a boy myself at work—I talked a good deal, I suppose, at that time, and that is why, I suppose, I am here to-day; but I did it because I thought an occurrence of that kind should not happen, if possible, in my city again.

Commissioner WEINSTOCK. Were your sympathies in that particular strike with the strikers or with the company?

Mr. HOYER. Neither; I was only interested, as mayor of the city, in my capacity of keeping order, and that I was doing, and while I was doing that I was prevailed on to do things that looked so ridiculous to me that I became sort of red-headed over it and lost my temper.

Commissioner WEINSTOCK. Prevailed on by whom?

Mr. HOYER. Mr. Creighton. Creighton was the man.

Commissioner WEINSTOCK. Who was Creighton?

Mr. HOYER. He was general superintendent of the road.

Commissioner WEINSTOCK. Of the Pennsylvania Railroad Co.?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. But you did not comply with his requests?

Mr. HOYER. I did not.

Commissioner WEINSTOCK. You acted independently?

Mr. HOYER. I did.

Commissioner WEINSTOCK. You had no political fears in doing that?

Mr. HOYER. I had not; no. I was doing my duty. I made that remark, and I think Mr. Creighton is here to-day and will bear me out in that—that if I have to leave town the day following the expiration of my term as mayor, I will do my duty as I see it.

Commissioner WEINSTOCK. Then I should understand your position to be this: That while there is a general impression abroad that the Pennsylvania Railroad Co. does exercise domination over governmental affairs within its area, that that is not a fact?

Mr. HOYER. Well, from self-experience I could not say so. I have been in office so long, maybe, that they know I am one of the fellows they did not need to look after; I do not know what they might do with other people.

Commissioner WEINSTOCK. Do you know of any instances that have come under your observation or knowledge?

Mr. HOYER. Yes; I do.

Commissioner WEINSTOCK. Where they did control politically?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. Please cite those instances.

Mr. HOYER. I could cite the instance of a contract that was let during my last administration, involving about $30,000, where another was $15,000 less than the one who was given the contract. I vetoed the proposition, because I wanted to be fair to the people who paid the bill, and then one of the railroad officials did call in men who asked me to veto this same legislation and asked them to pass it over my veto after that, after they had been in my private office and asked me. I said, "Men, you do not need to ask me; I will do that regardless of whether you stand by me or not; it is a matter of duty." One of the railroad officials did get the men to change and do the other thing a day or two later.

Commissioner WEINSTOCK. You mean members of the board of aldermen?

Mr. HOYER. No; council.

Commissioner WEINSTOCK. How many were there?

Mr. HOYER. At that time we had a council, but at this time we have a board of commissioners. We had a council then consisting of 36 members.

Commissioner WEINSTOCK. There were 36 members in the council?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And it took 19, I presume, to carry?

Mr. HOYER. No; there were two branches. There were 12 wards and 12 members of the higher branch and 24 members of the lower branch. So of the higher branch it took 7 members for a quorum. It took two-thirds to pass a resolution over my veto. They got the two-thirds.

Commissioner WEINSTOCK. As I understand it, the council approved of a certain bid which was 15 per cent higher than a certain other bid?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. On what grounds did they approve of this higher bid?

Mr. HOYER. They did not have anything to say, only it was let to a home contractor.

Commissioner WEINSTOCK. But it meant a 15 per cent loss to the people?

Mr. HOYER. Fifteen thousand dollars, practically.

Commissioner WEINSTOCK. And you then vetoed that measure?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And it was passed over your veto?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And you say it was passed over your veto because the Pennsylvania Railroad Co., through its representatives, influenced enough members of the council to carry it over your veto?

Mr. HOYER. That is where I am told the influence came from by the gentleman who helped do it. So that is as near as I can get to it.

Commissioner WEINSTOCK. You do not know it of your own personal knowledge, but only from hearsay?

Mr. HOYER. That is correct; they would not let me know that.

Commissioner WEINSTOCK. Do you know of any other instance where the Pennsylvania Railroad Co. was said to have used their influence or power politically?

Mr. HOYER. Oh, yes; but in rather minor affairs, you know. I would not want to say very much about that, because, as I said to you, during all the years I was in public life no official has ever asked me to do anything that did not seem to be entirely all right, except this request of Mr. Creighton.

Commissioner WEINSTOCK. In order to make the thing still clearer, let me say that in my own State of California, for many years, the Southern Pacific Railroad Co. absolutely dominated politically, and no man could get a nomination unless it was with the approval of the Southern Pacific Railroad Co.; they ruled the destinies of the State politically and held that part of the State in the palm of their hand. Does that same condition prevail in your vicinity?

Mr. HOYER. No.

Commissioner WEINSTOCK. It does not?

Mr. HOYER. Not so much; I would not say that.

Commissioner WEINSTOCK. Do the employees of the Pennsylvania Railroad in Altoona, so far as you know, vote independently, or are they dictated to by the company?

Mr. HOYER. As councilman?

Commissioner WEINSTOCK. No; voting as voters.

Mr. HOYER. Employees?

Mr. WEINSTOCK. Yes; so far as you know, has the company tried to influence the vote of its employees?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. It has?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. In what way?

Mr. HOYER. In trying to get them to vote against a certain candidate; but that generally acted as a boomerang against them as to the fellow that they were trying to defeat.

Commissioner WEINSTOCK. What would be their method of endeavoring to get their employees to vote as they wanted them to vote?

Mr. HOYER. Generally through the foremen.

Commissioner WEINSTOCK. The foremen would pass the word down the line?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. Would the men, so far as you know, comply with the request?

Mr. HOYER. Well, we have a secret ballot in Pennsylvania, and it generally just had the opposite effect.

Commissioner WEINSTOCK. So that they really had no control?

Mr. HOYER. Not very much, I would not think so; no. If they showed their hand at all, it only had the opposite effect, even with their own employees.

Commissioner WEINSTOCK. That is, their employees seemed to resent being dictated to?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And would exercise an independent privilege?

Mr. HOYER. Yes, sir.

Commissioner WEINSTOCK. Really, Mr. Hoyer, the only points of difference that occurred between you and the officers of the Pennsylvania Railroad was a difference of opinion between yourself and Mr. Creighton, the general superintendent, as to the advisability of the arrest of a number of people?

Mr. HOYER. Yes, sir.

Commissioner WEINSTOCK. In the first instance?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And in the last instance about the advisability of some 300 men being taken back into the shop in a body after their notice had expired?

Mr. HOYER. Yes; between 500 and 600—573 men altogether.

Commissioner WEINSTOCK. So those are the only points of difference that arose?

Mr. HOYER. Yes, sir; I have come in contact with the officials of the Pennsylvania Railroad at Altoona for many years, starting in 1888, and always had the kindest treatment and no unreasonable requests made of me except by Mr. Creighton in this strike affair.

Commissioner WEINSTOCK. And your principal criticism of the handling of the strike——

Mr. HOYER (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Is the failure to take those men back immediately without any question?

Mr. HOYER. From interfering, you mean?

Commissioner WEINSTOCK. No; I say——

Mr. HOYER. Oh, yes; I understand; yes.

Commissioner WEINSTOCK. So the principal criticism you would have of handling that strike was their failure to take those men back to work after their time expired?

Mr. HOYER. Yes, sir; there are a great many of them being punished to this day; I know—many of them to this day.

Chairman WALSH. Mr. Lennon has some questions.

Commissioner LENNON. Mr. Hoyer, I understood you to say that you made the remark that you intended to perform your duty as you saw it even if it caused you to have to leave Altoona the day after your term of office expired. What put that frame of mind into your head so that you gave expression to that?

Mr. HOYER. Well, I knew the powerful influence of this great railroad company.

Commissioner LENNON. So that there was evidently some power that——

Mr. HOYER (interrupting). I knew that Mr. Creighton would not feel kindly to me, of course, taking the position I did, and I am sure I have felt very unkindly toward him for the position he took.

Commissioner LENNON. You mentioned another cause which seems to give some exhibition of political influence or domination. I understood you that after this Mr. Luther had disappeared—failed to appear for preliminary examination, some time thereafter some one came to you and asked that you let up so far as the information which had been filed by your chief of police—that the judge had been fixed, the the constable had been reached with the necessary influence, and that the only thing that stood in the way of the man returning to Altoona and his family was your position.

Mr. HOYER. Yes.

Commissioner LENNON. Do you think that is an evidence of domination in the affairs of a community that is commendable by a corporation?

Mr. HOYER. It is not. It is disgraceful.

Commissioner LENNON. I think that is all.

Chairman WALSH. Mr. O'Connell, did you have something?

Commissioner O'CONNELL. No; Commissioner Lennon asked the question.

Chairman WALSH. That is all, then, thank you, Mr. Hoyer. You are excused permanently, unless you have some statement that you desire to make.

Mr. HOYER. Oh, no; no, indeed.

Commissioner AISHTON. Mr. Walsh, may I ask one more question?

Chairman WALSH. Yes; certainly.

Commissioner AISHTON. Is there a record of any kind of any investigation at Altoona into the circumstances of the injury of this man Gallagher by the township constable?

Mr. HOYER. Oh, yes. I had a full account of that, and I believe, if you wanted it, I could send it to you.

Commissioner AISHTON. It is a matter among the records of the city of Altoona, is it?

Mr. HOYER. Yes. It might be out. There was some person asked for that, and I would have to find out whether it was ever returned. If it was not, I would not know where to find it. But that gives a full statement of the number of people who came onto the scene while it was taking place, and that is what made me feel so badly that that man was spirited away.

(The witness later submitted a newspaper clipping dated Altoona, June 25, 1911, headed "Early Sunday morning row—As a consequence Organiser John J. Gallagher is in the hospital—Is not seriously injured—Alleged assailant was Charles Luther, of Juniata—Stories of trouble conflict.")

Commissioner AISHTON. That was all, thank you, Mr. Chairman.

Chairman WALSH. Now, in regard to the influencing of these officers that you have mentioned, who was it told you about that?

Mr. HOYER. Beg your pardon, I don't——

Chairman WALSH (interrupting). This matter that Commissioner Lennon just asked you about, where you stated that somebody came to you and told you about the judge and other officials had been fixed, was the expression, I believe, that you used.

Mr. HOYER. Yes, sir.

Chairman WALSH. Who was it that made that expression?

Mr. HOYER. Mr. Reading, superintendent of motive power at Altoona.

Chairman WALSH. Did he say who committed this offense, who had spoken to these officers?

Mr. HOYER. The man that he wanted back?

Chairman WALSH. Yes.

Mr. HOYER. Yes; he asked me this, whether I would leave up on Officer Luther——

Chairman WALSH (interrupting). Yes; but did he tell you who fixed the judge?

Mr. HOYER. He says "we."

Chairman WALSH. "We"?

Mr. HOYER. Yes.

Chairman WALSH. He was no more specific than that?

Mr. HOYER. No more; no.

Chairman WALSH. That is all, thank you, Mr. Hoyer.

Mr. Creighton.

TESTIMONY OF MR. G. W. CREIGHTON.

Chairman WALSH. What is your name, please?

Mr. CREIGHTON. G. W. Creighton.

Chairman WALSH. Mr. Creighton, I thought perhaps it might be that you would want to go on as closely after Mr. Hoyer as possible, so that some of these matters might be fresh in your mind that have not really been submitted to you in the little questionnaire, so that if there is any statement you have to make, I think it would be agreeable to the commission for you to make it now, because I have promised to let another gentleman get away; and when you have made the general statement covering anything you desire to make, I will then ask you to stand aside——

Mr. CREIGHTON (interrupting). And then recall me?

Chairman WALSH. And then recall you. No; you may make your statement now, if there is anything growing out of what this last witness said——

Mr. CREIGHTON. Well, I want to thank you for your giving me the opportunity for making a general explanation of this situation. It is quite apparent from what Mayor Hoyer has told you that there was a very wide difference of opinion in which the strike troubles should be conducted.

We can very readily understand that a man occupying the position that I did, at the head of the local organization, approximating sixteen or seventeen thousand men, with probably forty or fifty million dollars at stake, was anxious that there should be nothing left undone that would insure the normal operation of the property—the running of trains and the normal conduct of the shop proposition. We had at that time, as you will note by our report, approximately 11,600 men——

Chairman WALSH (interrupting). Yes. My attention has been called to the fact that I have not asked you some general questions. Your name is C. W. or G. W.?

Mr. CREIGHTON. G. W. Creighton.

Chairman WALSH. And you are the general superintendent of the Pennsylvania Railroad?

Mr. CREIGHTON. From Altoona east.

Chairman WALSH. And your residence is in Altoona?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. And your headquarters are in Altoona?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. Very well. You may proceed.

Mr. CREIGHTON. What I was going to say is, with 11,000 men in our service, they are liable to be affected by a strike which we operating people recognize would have paralyzed the Pennsylvania Railroad Co. I was required to take every action at my disposal to prevent, first, the strike; and if, after the strike occurred, any—to prevent anything that would, in my judgment, interfere with, as I said before, the normal operation of the road.

My attitude toward the mayor I think he very clearly expressed in that latter statement he made, namely, that at only one time during his entire career as an officer of the local government was there any difference of opinion. I had on numerous occasions offered him and assured him of the personal and official assistance of this railroad toward conducting the city's affairs. That has always been the case at Altoona. There has been the most cordial spirit between the city and the railroad authorities. There has never been any effort at coercion. At times probably we had our preference for this or that person for office, and I am very glad that the mayor very aptly expressed our inability to control affairs. The men are a very forceful and intelligent body of men, able to exercise their own prerogatives, and they do it.

At the time this strike was threatening this little volume that we have submitted in evidence clearly indicates to you the fact that we did not rely on our own judgment of the best methods to pursue. Personally I was very anxious that I should have the benefit of advice of everybody of consequence in the community; and this recites in connection with this particular strike—I would like to read from it, with your permission, simply that you may understand my own personal attitude toward this question. I am going to read—I am not going to burden you with a lot of information, but just simply want to mention this one point. On page 15 of this history of the labor troubles we go on to recite the fact that the difficulty first originated on the western Pennsylvania division, which is that portion of the railroad west of the Alleghenies and west of my division and under another general superintendent. In time the organizers came to Altoona, as described by the mayor, and endeavored to organize the shopmen at Altoona, without question recognizing, as anyone should, that it was probably the most sensitive point in our whole operation.

On page 16 you will note here a statement to the effect that the general superintendent, meaning myself—this is a recitation, by the way, on the part of the general manager—called a meeting of the mayor of Altoona, representatives of the newspapers, president of the board of trade, and number of prominent citizens. He explained to them all the facts in the case and the prospect of labor difficulties at Altoona, and their advice was requested as to the best plan to pursue. It was decided that the general superintendent should prepare for publication the facts with regard to conditions at that point.

Then I go on to recite in detail the exact statement which was published in the morning and evening papers. We have four papers there, and, as I stated,

the editors of those four papers were there in person, and, as well, Mr. A. B. Clark, the chief of police. This article was prepared and approved by the gentlemen that I referred to there, and was published. So that it was the act not of ourselves, but the act of the people interested in the welfare of the community.

Now, following that statement, I go on to recite that the employees themselves, to the number of about 5,000, were dissatisfied with the action and purpose of the organizers who were present in Altoona at the time—so dissatisfied that they actually went to the extreme of getting the opera house there and holding a meeting, at which there were a number of—it was an open meeting—at which there were a number of speakers who protested in their own language as to this invasion, so termed, and effort on the part of the organizers to disrupt what had always been, as stated in this article here, the pleasant relations with the employees.

Now, this was the condition of affairs at Altoona until about January, 1911, when there was a revision of piecework rates under way in Altoona, and by one of those mysterious errors of operation, as cited here on page 18 of this pamphlet, and without our knowledge, there had been extracted from the records placed in one of our erecting shops, we having three at that place, a rate sheet which had been prepared and was to have been submitted to the superintendent of motive power for his approval. Unfortunately, it had not been so approved, which was one of the necessities before putting the rate sheet into effect. And it was discovered by the men first that there were in two of those shops two different rates in effect—two different rate sheets, and on—I was trying to give the date; it was some time in May; I haven't got it here, by the way—it was discovered by the men, and they, in the usual way, at about noon, appointed a committee to call the attention of the master mechanic to it; and as the committee was in the presence of the master mechanic the rest of them were under what we know as the Twelfth Street Bridge. It is a bridge—only a footwalk, probably 10 feet wide—crossing our shops from one side of the shop's inclosure to the other. And somebody noticed this 50 or 60 shopmen down there sitting around in one place or another, and they assumed at once—this agitation having preceded it—that they were out on strike and carried the news down to what was known as the Senate Hotel, where these organizers were living. Very promptly two of those men ran back to the bridge, and, as recited by the mayor, began to call upon these men down 15 or 18 feet below them to come out on strike; and he, in turn, very properly tried to preserve order by the arresting of these men on the bridge. The men under the bridge, naturally, did not know what was going on. The crowd was gathering in the meantime, and they, the shopmen, ran around to an exit which we had onto this bridge, climbing the stairs to ascertain the cause of the trouble on the bridge, and by that time there may have been two or three hundred crowded into that little 12-foot areaway, and they burst the railing of the bridge and four or five men fell down into the shopyard area and were injured and were taken to the hospital. At the time that happened the committee had had their difficulties settled with the master mechanic. Thirty minutes was all that was probably necessary to fix that up. The error was noticed and the matter was corrected immediately; and it was so quickly done—and I would like to mention this because of the seeming importance of it. I had just gone to my lunch 75 feet across the lawn between my office and my house and everything was quiet when I went to lunch, and I certainly was not gone over 30 minutes; and when I came back this trouble was all on our hands. Following that—I want to avoid reading this if I can, sir, because I think I can give you the gist of it. The two organizers who were urging the men to strike were given a hearing before the mayor, and after they left his office they went to the city square, which was the square in front of the Senate Hotel, at which they had their headquarters, and naturally they had a very large gathering there, at which they made speeches, and continued to make speeches, and finally held a meeting on Sunday, March 26, in one of the public parks, at which there were present, as near as we could ascertain, about 3 per cent of the 11,000 of our employees.

Chairman WALSH. What park was that, Mr. Creighton?

Mr. CREIGHTON. I can't tell you the name; it was on the outskirts——

Chairman WALSH. Was there any effort made to keep them from speaking at Sylvan Park?

Mr. CREIGHTON. No; that is another, different park, and at the other end of the city. Now, in anticipation of that Sunday meeting—and I again want to

repeat the natural anxiety of the company represented by myself to have order and to avoid difficulty and as well the principal matter of operating normally our railroad—and fearing that this Sunday meeting might result in a very large gathering, the end of which we might not know, and as stated in this pamphlet, I addressed a letter to the pastors of the various churches in Altoona, explaining the fact, in connection with the agitation going on, as to the efforts of labor organizers to induce the shopmen to strike in sympathy with those of western Pennsylvania—the pastors were required to cooperate with the railway company in such way as they thought best.

I will say frankly to you gentlemen that the point I had in view and the way in which I put it to these people was that here was a community dominated absolutely by these railroad men. We have, counting our roadmen, our yardmen, and the shopmen, between sixteen and seventeen thousand men there, practically representing the entire community. An agitation that would affect one would affect all, and I endeavored to get their influence at my command to preserve order. And in requesting these pastors to help us, I wanted them to do it from the pulpit just as I wanted the mayor to do it from his office, namely, to use every effort at his command to avoid everything that would tend to precipitate an actual outbreak or strike. As I stated before, there was at that meeting only about 3 per cent of the shopmen——

Chairman WALSH. Excuse me. At this point I am going to ask you to step aside, as a gentleman who has a very pressing engagement has asked us, and we have promised to try to dispose of him in a half hour, or I would not ask you to do it, except probably it will take an hour or more to finish with you, and we have to accommodate our witnesses——

Mr. CREIGHTON. I would rather like very much not to have much time elapse before I have an opportunity to clear up the very unfavorable impressions created by what the mayor has stated. He has been very kind in the latter part of his statement, to explain and to state that it was a difference of opinion as to the strike——

Chairman WALSH. We try to accommodate all the witnesses, and we have only a half an hour, and you will be put on the first thing in the morning at 10 o'clock.

Mr. CREIGHTON. At 10 o'clock?

Chairman WALSH. Yes.

Mr. Maurer.

(At this point Mr. James H. Maurer took the stand. His testimony is to be found under the subject "Pennsylvania State Constabulary.")

WASHINGTON, D. C., *Friday, May 7, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Lennon, O'Connell, Harriman, Aishton, and Weinstock.

TESTIMONY OF MR. G. W. CREIGHTON—Continued.

Chairman WALSH. Mr. Creighton, please.

Now, Mr. Creighton, could you begin where you left off. I cut you off in the middle of a statement last night.

Mr. CREIGHTON. Have you the testimony there?

Chairman WALSH. You were just at that point where you said you had addressed a letter to the pastors at Altoona, and you started to say there were just 3 per cent of the shopmen at a certain meeting.

Mr. CREIGHTON. Yes, sir. This meeting was an open meeting held on Sunday afternoon, May 28, in the vicinity of Juniata, under a call of the organizers, and, as I stated yesterday, I sent a memorandum, or sent to the various pastors in the community a statement explaining the importance of having order preserved and to prevent the gathering of any undue crowd that might result in trouble. At that meeting, as I stated, about 3 per cent of the shopmen were represented, 3 per cent, which represented about 350 men out of 11,600. On May 29—or, rather, at that meeting, I should have stated here—there was a committee of 48 men selected to call upon me to go over the shop situation, as recited on page 20 of this pamphlet, which you have in your possession, called "The History of the Labor Troubles on the Pennsylvania Railroad." [Reading:]

"On May 29 this committee—48 men—called on the general superintendent"—meaning myself. "They were advised that, in accordance with the regulations of the railroad company, it would be necessary for them to present any grievance they might have to the master mechanic in direct charge of the shop. If they failed to reach a satisfactory conclusion with him, they could then appeal to the superintendent of motive power and then the general superintendent.

"Failing in their efforts to secure an audience with the general superintendent, the committee returned to the organizers of the American Federation of Labor."

I would like to explain that point. The meeting of the so-called shopmen that were on strike was presided over by these organizers or representatives of the American Federation of Labor. They had their room and were the real factors in the carrying on of this agitation, and they were responsible for the resolutions passed and the committee of 48 which had been appointed on Sunday. [Continues reading:]

"Later they brought to the office of the general superintendent resolutions adopted at the Sunday meeting, in which they referred to the strike of the shopmen on the western Pennsylvania division and declared that unless men then on strike there were taken back into the service immediately they would discontinue work until their demands were complied with."

The western Pennsylvania division is the division west of the Allegheny Mountains, west of Altoona. [Continues reading:]

"Upon receipt of these resolutions the committee was advised that the settlement of the controversy on the western Pennsylvania division was a matter of which the superintendent"—general superintendent that should be—"of the eastern Pennsylvania division had no jurisdiction or control."

My jurisdiction ends at Altoona; there is another general superintendent taking the territory west of Altoona. Now, in connection with the matter of publicity and the things connected with the strike, we state here that these facts were made known to the public through the newspapers. As a matter of fact, the reporters of the four daily papers there were in constant consultation with us and had access to the same records we had ourselves; they were on the desk there, which anybody could come to and read. [Reads:]

"On May 31 the labor organizers called a strike, which on the first day was responded to by 712 men out of a total of 11,515 shop employees. On the second day the number of strikers were increased to 802, which number was gradually reduced"——

Chairman WALSH. Would you be kind enough to pitch your voice a little higher? When you go to read it strains us some to hear you.

Mr. CREIGHTON (reading). "On the second day the number of strikers were increased to 802, which number was gradually reduced, until on June 7 only a few remained on strike. As soon as the strike began notices were published in the newspapers and elsewhere that all shop employees absent without leave at 7 a. m. June 2, 1911, would be considered as having left the service."

I want to call your attention, Mr. Chairman and gentlemen of the commission, to this point in connection with a statement made by Ex-Mayor Hoyer, to the effect I did not apparently give these men an opportunity to return to work; that there was no opportunity for them to recant or get back into the fold again. The strike, as you will note, took effect on May 31; my notice issued at 4 o'clock that afternoon gave them until June 2—at 7 a. m. of June 2—and that was published in the morning papers of June 1. This date was determined upon in order to give the men ample opportunity to learn of the company's action and decide what course they would pursue. After the publication of this notice a number of the business men of the community, realizing the seriousness of the situation, circulated a petition. And another phase I want you to note in that connection is that this body of citizens were interested about on the same lines, I think, as the mayor. There is no doubt about the attitude of the mayor toward the citizens of Altoona; anyone could appreciate his interest in his people; we do. He is a man of very good principles, but, unfortunately, in this particular instance he and I did not agree on one phase of the work as to how I ought to conduct our operations in the strike.

This petition, which was addressed to the railroad company, read as follows:

"We, the undersigned citizens of Altoona, realizing that the men now out of the service of the Pennsylvania Railroad Co. in this city are out of employment largely because they have been misled and deceived by the organizers of the American Federation of Labor, respectfully request the management of the Pennsylvania Railroad Co. to give the applications of former employees

preference in filling vacancies that now exist or may occur in the shops, if such applications are made within a reasonable period."

As a result of this notice and petition the number of men who actually severed their connection with the company on account of the strike was very small.

My recollection is that June 2, 1911, was on Friday, and that this notice practically meant, from an operating standpoint, that these men would have until Monday at least of the following week; they would have Saturday and Saturday afternoon and Sunday to think over their position. [Reads:]

"Throughout the entire progress of the agitation of the labor organizers and the strike which followed the railroad company's police department was augmented properly to protect the company's property and to afford protection to those men who remained at work, and to follow the movements of the labor organizers."

That last paragraph is rather concise as to just what we did. The methods adopted consisted first in absolutely assuring ourselves of every movement that might be made by the organizers; we felt it a necessity to know in advance what they contemplated doing, and if it happened to be anything that jeopardized our interests necessarily we had to take action to take care of ourselves in a proper and legal way. We also had to have a sufficiently large force to police and protect the property.

The situation at Altoona is peculiar in that while we refer to the Altoona shops, it is not the ordinary collection of buildings that one may see in an ordinary community. We have practically an exposed front of about 7 miles. The main shop, in which there are about 5,000 men employed, is in the center of the city, where we do our miscellaneous work and general locomotive repair work. East of that, about a mile, we have our car shops where there are, say, close on to 3,000 employed. Two miles east of that we have our new locomotive shop—the Juniata shop, as it is called—where we have 2,500 men employed, probably; and a mile and one-half or so east of that we have our large roundhouse, which handles the ordinary and current freight business—locomotive freight business of the road.

Chairman WALSH. Is that on both sides of Altoona?

Mr. CREIGHTON. No; I am referring to the east now. Now, to the west and south we have a large wheel foundry, where at this time we were turning out about 1,050 car wheels a day.

Chairman WALSH. How much of it is outside the city limits of Altoona? How much of the perishable property?

Mr. CREIGHTON. The car shops and the machine shops are in the city; the other shops are outside.

Chairman WALSH. How much frontage would you say? You say you have about 7 miles altogether?

Mr. CREIGHTON. Covering all our shops.

Chairman WALSH. About how much frontage would be entirely outside of the city limits?

Mr. CREIGHTON. About 3 miles to the east—I might say in the city about 3 miles. That whole front is more or less exposed. We have some fencing, but not such a fence as might exclude anybody that might want to get upon the premises; and the history of this strike was that every now and then the organizers and strikers would get upon the premises and it was necessary for us to have a rather active patrol to take care of the situation. We therefore, incident to the failure to get what he thought was the proper and sufficient protection from the city, we had to appeal to the county, and through the sheriff we got about 50 deputies appointed.

Chairman WALSH. Well, had there been some aggressions of some sort or some effort to destroy property?

Mr. CREIGHTON. There was a constant invasion of our property at some point or another in order to interfere with current operation of the railroad.

Chairman WALSH. Of what did that consist, Mr. Creighton?

Mr. CREIGHTON. It consisted very largely of where the bridges crossed our railroad yards and where the car repair men, trackmen, and men engaged upon locomotive work were interfered with either by men on the bridges dropping articles on them or interfering with them in the usual way that might obtain——

Chairman WALSH (interrupting). Well, what way was it there?

Mr. CREIGHTON. Throwing missles at them and preventing them going down into the entrance into the shop yards.

Chairman WALSH. Well, I wanted you to draw the line, if you could. Was it just requests made upon them—what they would call picketing, or some violence?

Mr. CREIGHTON. Oh, there was actual violence.

Chairman WALSH. Actual violence?

Mr. CREIGHTON. And interference a number of times, and almost constantly, with their getting into and from their work. There was a reference in Mayor Hoyer's remarks, I believe, or testimony, to our having automobiles in service at Altoona. We had automobiles there. I have forgotton how many—three or four. They were kept there day and night in charge of men at headquarters, where we had a force of these special officers, extra men that we had employed, for the purpose of moving that force to any point of attack, or expected attack, on this line of 6 or 7 miles. That we felt was a necessity, and, as a matter of fact, it was proven on numerous occasions during the strike that without that we would have been placed in very serious condition and our work interfered with.

Chairman WALSH. Has there been any change in the wage scales in the yards and shops at Altoona since 1911, Mr. Creighton—any general increase or decrease?

Mr. CREIGHTON. There has never been what might be called a general increase. Very seldom does it occur—what we call a general increase—except it is a percentage increase such as 10 per cent.

Chairman WALSH. That is what I mean. Has there been any since 1911?

Mr. CREIGHTON. No; I believe not; no, sir.

Chairman WALSH. Will you please indicate what the wage scales are in the different shops and yards at Altoona?

Mr. CREIGHTON. On piecework?

Chairman WALSH. Well, just describe it yourself—what the men have been paid and what their wages are.

Mr. CREIGHTON. Well, I can not give you the exact figure; but I assume that from 75 to 80 per cent of our work is done upon the piecework principle.

Chairman WALSH. Well, then, will you please tell what the net earnings of the men are?

Mr. CREIGHTON. I can give you some figures upon that subject; yes, sir. Here is a statement I have had prepared, Mr. Chairman, a few days ago—a statement showing the average yearly earnings of employees of the several Altoona shops for the year 1911. Now, that takes in the division officers, division office clerks, machinists, and under the head of machinists it includes blacksmiths, boiler makers, molders, forge men, etc.; and then come carpenters, and so on, showing various occupations. It is shown here—I want to leave a copy of this.

(The statement submitted by witness is to be found at the end of this subject—Creighton Exhibit No. 1.)

Chairman WALSH. Yes; we would like it; but, if you can, give me the heads, for instance, taking division officers and——

Mr. CREIGHTON. Oh, there are 18 division officers; the total earnings—this, by the way, is the 1911 we have under discussion?

Chairman WALSH. Yes.

Mr. CREIGHTON. Eighteen division officers, and they include all the active heads, from superintendent of motive power and the master mechanic down to the assistant master mechanics, and men of that kind. Those 18 men earned a total of $51,734.10, or $2,874.12 apiece.

Chairman WALSH. What is the highest salary?

Mr. CREIGHTON. The master mechanic. I think he is getting now $400 or $450. I find the rate was $325 per month.

Chairman WALSH. A month?

Mr. CREIGHTON. Yes.

Chairman WALSH. Now, what is the next?

Mr. CREIGHTON. I would not like to say definitely. I would say about $250 or $275 or $300; probably $300 is right.

Chairman WALSH. How many of them get that?

Mr. CREIGHTON. The master mechanic at the machine shops, I think, is getting either $400 or $450; the car shops, about $300. I think I can get that for you accurately.

(The witness subsequently sent to the commission a statement in regard to salaries of certain officers, which appears as "Creighton Exhibit No. 2.")

Chairman WALSH. I don't care, really, so very much, except I would like to get that.

Mr. CREIGHTON. They are getting from $300 to $400.

Chairman WALSH. Now, the clerks.

Mr. CREIGHTON. The division office clerks—there are 172, the total getting $162,815.95. The average yearly earnings per man, $943.70.

Chairman WALSH. What is the highest salary of the clerks?

Mr. CREIGHTON. I haven't got it here in that form, Mr. Chairman, but I will be very glad to give it to you.

Chairman WALSH. Well, I wish you would, if you please. We will take that average, but I wish you would submit that—submit them, say, in those various classes, the maximum, the minimum, and what might be called the medium; for instance, the number that get a hundred dollars a month or those that get $75 a month, and so on. It don't need to be refined to the last analysis, but what the bulk there get, or a general statement of prices, or something of that sort.

Mr. CREIGHTON. Well, here, we have got it right here [referring to a document presented to the witness by a gentleman later called Mr. Hoover]. Is this the Interstate Commerce report?

Mr. HOOVER. No; that is not.

Mr. CREIGHTON. Mr. Hoover, by the way, I should like to explain, is our statistician at Altoona, and he seems to have something with him that I did not know we had here.

Chairman WALSH. Can you get it for us?

Mr. CREIGHTON. Yes.

Chairman WALSH. Mr. Hoover can assist you, then.

Mr. CREIGHTON. This shows we have one man at $400 and one at $212, one man at $205, one man at $192.40, and one man at $128.25. Now, what was the other class, Mr. Chairman?

Chairman WALSH. The clerks.

Mr. CREIGHTON. The clerks; we have one man $141.10.

Chairman WALSH. What is his title?

Mr. HOOVER. He is the shop clerk.

Chairman WALSH. Chief clerk?

Mr. CREIGHTON. Yes, sir; chief shop clerk. And we have 1 man at $128.25, 1 man $109, 2 men at $96.20, 4 men getting $89.80, 8 men $83.05, 10 men at $76.95, 13 men $70.55, 1 man at $69.25, 21 men at $64.15, 33 men at $57.70, 1 man at $54.05, 16 men at $51.30, 1 man at $44.90.

Chairman WALSH. In what capacity?

Mr. CREIGHTON. Now, in addition to that, I might say, Mr. Chairman, that Mr. Hoover calls my attention to the fact that a large number of these clerks are working at an hourly rate. There are 107 of them earning $63.88 per month.

Chairman WALSH. Give us the largest number that get one specific sum per hour.

Mr. CREIGHTON. In that list?

Chairman WALSH. In that 107.

Mr. CREIGHTON. Twenty-one getting 20.6 cents. They work only with the gangs at the shops in which they work. If they work on the 8-hour basis, the clerk works on the same basis, and if they work on the 12-hour basis, the clerk gets 12 hours.

Chairman WALSH. Do they sometimes work less than a day? Are clerks put on and put off less than a day?

Mr. CREIGHTON. Yes; they will go with the local force that they may have.

Chairman WALSH. How long has that system or development been in the shop?

Mr. CREIGHTON. It is to be explained, however, that very seldom will a clerk work less than a half a day.

Chairman WALSH. How long has that been in use in the shops?

Mr. CREIGHTON. That the clerks work at the hourly rate?

Chairman WALSH. Yes; how long a time?

Mr. CREIGHTON. So many years, so far as I know; we have had it an indefinite period. Now, the machinists, that includes blacksmiths, boiler makers, molders, forgemen. There are a total of those of 2,213—this is all our shops now; I am not differentiating between them; 2,213 of those men are earning $2,413,926.10, or $1,090.79 each.

There was something said here yesterday, I believe, about the very low earnings, if I mistake not, of the blacksmiths. Now, I haven't looked at this

list, but probably Mr. Hoover can assist me here to see what the blacksmiths do earn.

We have a total at the Altoona machine shops; there are 15 blacksmiths who earn an average hourly rate of 38.8 cents per hour; I think it was said by somebody that we paid them $1.20 a day.

Chairman WALSH. I recall as low as $1.50 a day was made. What was the lowest? Go ahead.

Mr. CREIGHTON. The lowest we have here on this is 1 man, at 24.4 cents per hour; 2, at 28.2 cents per hour; 1, at 29.5 cents per hour; 1, at 41 cents per hour; and 8, at 48.8 cents per hour. The average earnings per man—I am giving you the hourly rates—are $88.41, the full earning per month. In addition to those men working at the hourly rate that I have given you, we have 119 men working on piecework in that same shop. The average earning of a man engaged in piecework is $123.20 per month. Carpenters, we have a total—and that includes, by the way, cabinetmakers and car repairers—we have 1,388 earning $1,221,859, or an average of $880.30 per year. Then, the shopmen, that includes all the various crafts not included in the above, they amounted to 6,333, earning a total of $4,675,423.75, or an average wage per year of $738.26. Watchmen, 95 watchmen—that is, the police organization which you may have heard of—95 watchmen, with a total earning of $66,255.72, an average wage of $697.43. Engine house men——

Chairman WALSH (interrupting). What was the typical wage paid those men if you can gather from the purpose you have there? How much to each man per month?

Mr. CREIGHTON. There is, one man——

Chairman WALSH. Is that a report of the Altoona shop alone?

Mr. CREIGHTON. That is a report of the Altoona shop, and it is typical, however, of our other shops, the wages are practically the same.

Chairman WALSH. Do the 97 watchmen—does it include the Altoona shops alone?

Mr. CREIGHTON. They include the Altoona shop, the machine shops, the car shops, the Juniata shops, and the South Altoona foundry.

Chairman WALSH. Covering this territory you mentioned a while ago?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. Give us the average.

Mr. CREIGHTON. We have 1 man, at 29.5 cents per hour; 2, at 21.8 cents per hour; 4 men, at 20.6 cents per hour; 4, at 17.9 cents per hour; 12, at 16.6; 3, at 15.4 cents per hour, a total of 54, earning an average monthly of $56.56, their average rate being 16.7 cents per hour. I don't think I read engine-house men. We have 681, the total earning being $558,247.70, an average wage per man of $819.75. Fuel and water station men, 31; a total wage of $21,888.80, or an average wage of $706.09 per year. And car cleaners, oilers, and so forth—and that, if I mistake not, was mentioned by Mr. Pierce—we have 52 of them, earning $30,230.45, or an average wage of $581.35.

Now, all other employees are classified here under one lot that includes laborers of all kinds and miscellaneous employees. There are 981 earning an average of $748.41.

Chairman WALSH. Can you run through the memorandum you have on the sheet, and give us the average wage to a common laborer; just give us some of them?

Mr. CREIGHTON. We have here about seven classifications of laborers—is that the Interstate Commerce classification or our local classification?

Mr. HOOVER. Our local classification.

Mr. CREIGHTON. The great bulk of them are under the head of laborers, ordinary, so I will read that. One at 44.8 cents per hour; 1 at 42.3 cents per hour; 1 at 41 cents per hour; 6 at 38½ cents per hour; 2 at 37.2 cents per hour; 1 at 34.7 cents per hour; 4 at 32 cents per hour; 4 at 30.7 cents per hour; 5 at 28.2 cents per hour; 3 at 26.9 cents per hour; 28 at 25.7 cents per hour; 84 at 24.4 cents per hour; 24 at 23.1 cents per hour; 13 at 21.8 cents per hour; 85 at 20.6 cents per hour; 31 at 19.2 cents per hour; 20 at 17.9 cents per hour; 229 at 16.6 cents per hour. That is a total of 492 ordinary laborers, earning an average of $52.83 per month.

Commissioner WEINSTOCK. How many hours a day?

Mr. CREIGHTON. That would depend of course upon the manner in which the shop was working. It might be on an 8-hour day, a 9-hour, or 10-hour, or it might be some overtime involved.

Commissioner GARRETSON. What amount of ordinary laborers do you pay; there was a very considerable number of men there between 25 and 44 cents an hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. What kind of an ordinary laborer do you pay $4.40 a day on a 10-hour day?

Mr. CREIGHTON. I presume, Mr. Garretson—I couldn't tell you, personally, what this ordinary labor is that gets 44 cents per hour.

Commissioner GARRETSON. That is the maximum that is named there?

Mr. CREIGHTON. Yes, sir; and I think it is inclusive simply of the classifications of men for convenience of the report.

Commissioner GARRETSON. There were a very considerable number of men above 25 cents per hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. And all the way up to 44 cents per hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. That is an utterly unusual rate for an ordinary laborer.

Mr. CREIGHTON. It don't seem to be here; here is the report, sir.

Commissioner GARRETSON. I am not taking your situation; I am taking the situation in general.

Mr. CREIGHTON. Well, it depends on——

Commissioner GARRETSON (interrupting). What is it you pay your highest skilled mechanic laborer, 44 cents?

Commissioner WEINSTOCK. May they not be gang foremen?

Mr. CREIGHTON. Oh, no; the men are all classified. There is no question about them being laborers of some kind or another.

Commissioner AISHTON. Are any of them laborers on piecework basis?

Mr. CREIGHTON. No, sir; not those that I mentioned. I have some there; if you desire I can read it—an ordinary laborer—we have 87 pieceworkers earning $89.47 a month. I would like, if it is the desire of the commission, to file with you a statement showing exactly the character of service performed by these laborers at their various rates.

(The witness later submitted a statement in regard to laborers, which is printed as "Creighton Exhibit No. 3.")

Chairman WALSH. In times of retrenchment, Mr. Creighton, what governs the selection of the men that are laid off?

Mr. CREIGHTON. When there is a reduction of force we scan very carefully all the lists and retain in the service the most loyal and efficient employees.

Chairman WALSH. In matters of discipline, is there any appeal from the action of the specific foreman who discharges the man?

Mr. CREIGHTON. There is always an appeal on the line of the Pennsylvania Railroad in that every employee, whether represented by an organization or not, can appeal to his superior, and in turn, through the various ranks until he reaches the general manager. There is no restriction whatever on the matter of appeal on the part of an employee, the best evidence of which is that the general manager just now, through his labor board, is entertaining appeals in some 50 cases on the part of one of our organizations, some of them having been decided three times, but they are introducing new evidence, and we rehear them whenever they have new evidence. There is really no limit to appeal on the part of any of the employees.

Chairman WASH. Coming up to the strike of 1911, what arms or weapons did the company have on hand, if any, at Altoona?

Mr. CREIGHTON. I do not remember that they had any on hand at all.

Chairman WALSH. Did they manufacture or purchase any, Mr. Creighton?

Mr. CREIGHTON. No, sir; not as far as I recollect. My recollection is—and this, of course, will have to be verified later by evidence probably of Mr. Harper—but my recollection of that circumstance is that we secured those weapons from the purchasing agent's office in Philadelphia, who keeps them during times of peace or stored in Philadelphia for use whenever they may be needed.

Chairman WALSH. What do the weapons consist of that you got from the purchasing agent?

Mr. CREIGHTON. Revolvers.

Chairman WALSH. And clubs, or anything else?

Mr. CREIGHTON. No. The ordinary club is simply a policeman's club, which can be turned out at any shop in a moment, and is only to be used for the purpose of defense, and they are furnished to watchmen on the premises.

Chairman WALSH. Did you manufacture any preceding or during the strike of 1911?

Mr. CREIGHTON. They are always manufactured. They are just ordinary maces or clubs about that long [indicating], and it is cheaper for us to turn them out of the timber that we have about the place, and they are used like a policeman uses his club in the hand.

Chairman WALSH. Was there any increased manufacture of them at that time?

Mr. CREIGHTON. No; there is no manufacture, except at a time like the strike of 1911.

Chairman WALSH. How many were manufactured then, if you know?

Mr. CREIGHTON. Oh, I don't know. There could not have been very many, because I would assume that our total police force there would not have exceeded 200 or 250 men.

Chairman WALSH. Did you ask to have the State constabulary brought in in 1911?

Mr. CREIGHTON. No.

Chairman WALSH. Did you make that suggestion to anyone?

Mr. CREIGHTON. I did. I told Mayor Hoyer at the time of this particular excitement—and that, by the way, was during the strike, when the crowds were surging through the streets in front of our office on Eleventh Avenue, in the heart of the city, in such numbers that the street cars could not run, and there still seemed to be the feeling on the part of the mayor that there was no real reason for anticipating trouble, and yet one could not get across the street without being carried off his feet. I told him that if he could not take care of us that there was, we hoped, a remedy in the State constabulary, and that I would have to appeal to some one to take care of the property.

Chairman WALSH. You heard the statement of the former mayor in regard to this Luther-Gallagher matter. I want to ask you a question or two about that.

Was Luther, who was charged with assaulting Gallagher, an employee of the Pennsylvania Railroad Co. in any capacity at the time it occurred?

Mr. CREIGHTON. I would like to read a little statement which I wrote last night which, I think, will in a very few words——

Chairman WALSH (interrupting). Could you answer that question yes or no?

Mr. CREIGHTON. He is an employee of the Juniata shops, as an officer in no way connected with the Pennsylvania Railroad Co. This squabble, or whatever it might be termed, was entirely foreign to the strike, and its introduction was entirely wrong. In so far as we are concerned, the officers of the Pennsylvania Railroad Co.——

Chairman WALSH (interrupting). One moment, please. Was Luther a county detective at the time?

Mr. Creighton. Luther was a duly elected constable of the borough of Juniata.

Chairman WALSH. What did he do in the Juniata shops?

Mr. CREIGHTON. I can not tell you. If I mistake not, he was a laborer.

Chairman WALSH. An employee?

Mr. CREIGHTON. Yes; an employee in the Juniata shops.

Chairman WALSH. And had been constable for some time at the time this occurred, had he?

Mr. CREIGHTON. For I year, I think. Constables are elected for a year.

A VOICE. For five years.

Mr. CREIGHTON. Whatever it may be.

Chairman WALSH. You may proceed and read any statement you have, Mr. Creighton.

Mr. CREIGHTON. I have just written a number of little explanations here, which I feel I would like to call to your attention in connection with the mayor's evidence of yesterday [reading]:

"There are a number of Mayor Hoyer's comments which, so far as I am concerned, need correction, or explanation, in order that their true import may be understood.

"With reference to the Gallagher case, I wish to state that it should be clearly understood that this case should in no wise have been introduced into this testimony. The man Luther charged with the attack was an ordinary employee of our Juniata shops, and was not a member of our police force, although he was a duly elected constable of the Borough of Juniata. The man Spangler referred to as standing near at the time, was a county detective. He was not in the railroad company's employ.

"The attack upon Gallagher was attributed at the time to various causes. He charged it to the railroad company's officers. Mrs. Luther, it was reported in the papers, copy of which I herewith submit in evidence, stated that Gallagher had insulted her. When this fact was made known to her husband, he took his wife to their home in Juniata and returned to the Senate Hotel and attacked Gallagher, no doubt using him up badly. The presence of our officers on the pavement and in the vicinity of the Senate Hotel within sight of this occurrence is readily explained by the fact that under my orders, for the purpose of knowing every movement of the organizers, some of our officers kept the organizers under surveillance all the time, and were there for that purpose.

"You will note that Mayor Hoyer does not charge our men with participation in the assault; as a matter of fact, so far as the P. R. R. was concerned, the occurrence was nothing of interest to us, and was the ordinary street brawl following a personal squabble."

That is strictly true.

Chairman WALSH. Have you those newspapers to which you have referred?

Mr. CREIGHTON. Yes; they are here.

Commissioner O'CONNELL. Is that the conclusion of that portion you want to read?

Mr. CREIGHTON. No; I want to read some more, but I want to make some comments on some other statements made by the mayor. That is the end, however, of this particular instance.

Commissioner O'CONNELL. Do you know that Mr. Gallagher died shortly after that incident?

Mr. CREIGHTON. I do not.

Commissioner AISHTON. It was stated in some of the papers this morning that Gallagher did get well.

Mr. CREIGHTON. I really don't know whether he did or not.

Commissioner AISHTON. The fact is that he did die shortly after that time.

Mr. CREIGHTON. It may be so; I am not clear; I really do not know a thing about it.

Commissioner O'CONNELL. If the Pennsylvania Railroad Co. were not interested in that particular incident at all, what about the statement made by this ex-Mayor Hoyer, that the officers of the Pennsylvania Railroad Co. came to him for the purpose of interesting him in "letting up," as he termed it, on the prosecution of the men who had assaulted Gallagher? He referred to the master mechanic or superintendent of motive power of the Altoona shops, coming to him personally, and saying that the judge had been fixed, that the district attorney had been fixed, and that the prosecution was fixed, and everything fixed but the mayor. Now, why should the Pennsylvania Railroad Co.'s officials interest themselves, if the statement is true that they had fixed everybody but the mayor to "let up" on the assailants of Gallagher, if they were not interested in it at all?

Mr. CREIGHTON. I read that portion of the testimony last night about 8 o'clock when we got our transcript of the notes, and was then impressed by what the mayor had said. As a matter of fact, I had not personally noted that. I must have been out, because if I were here I certainly would have asked to have some questions put to him at the time. I immediately called Mr. Reading on the long-distance telephone and read to him this portion of the testimony of the mayor and he stated unqualifiedly that he had never said anything of the kind to Mayor Hoyer, and both of us who know the judge know very well that a person who would have endeavored to do anything of that kind would have received very short shrift. He is an exceedingly upright man, and no one in the community would think of charging him with being a party to any "fixing." I am inclined to think that the "fixing," or the use of that term on the part of the mayor, was an inadvertence and really not intended in the sense that one would ordinarily attribute, or use that term. It sounds harsh, and it reads very harshly in the minutes, I will admit; but certainly Mayor Hoyer would not for a moment think of accepting as true a statement of that kind from anybody, and I can assure you that there was nothing of that kind possible. Secondly, there was no attempt, nor have we ever attempted, to fix the court or fix any officer to settle any dispute we ever had with labor.

Commissioner O'CONNELL. Do you think that the mayor, on a matter of such great importance as agreeing to discontinue any efforts of prosecution of a man whom he says personally was a criminal because of the vicious treatment of a man he felt was viciously treated, that he would have said before this commission that a certain person—a well known officer of your company, in

charge of the Altoona shops, the superintendent of motive power, and known by everybody—that the mayor would have been mistaken to the extent of saying he had come to his office, if he had not?

Mr. CREIGHTON. I do not know what reply to make to that, sir, except to say, as I told you, I called my office on the phone last night, long-distance phone, and read the notes to him, just as they appear in the—just as he stated there, and he unqualifiedly stated that he never said anything of the kind to Mayor Hoyer.

Commissioner O'CONNELL. Did he indicate that he did not make an appeal to the mayor? For instance, if not to "let up," to let the man come back to town, or that he did not call up the mayor at all?

Mr. CREIGHTON. There were constant interviews with Mayor Hoyer, as indicated in his evidence yesterday; there was not a day that passed by during this agitation that I did not have the mayor and his chief of police, A. D. Clark, the representatives of the newspapers, and prominent citizens in my office. There was constant intercourse with the mayor, and it was not unusual that they appeared there twice a day. At those times it is possible that any matter of that kind might be up for discussion. I can assure you personally that I never had any discussion with him about the Luther case; it did not interest me, except that I regretted it occurred at the time of this disturbance.

Chairman WALSH. Might I suggest, as we expect to close on this subject to-day, that you take that statement of Mr. Hoyer and have this gentleman who is involved make an affidavit covering that matter? And state the substance of it as he remembers it and let it be filed here.

(See Chenery exhibit at end of this subject.)

Commissioner O'CONNELL. Luther was never tried after he came back, was he?

Mr. CREIGHTON. That is in the report; I can not tell you of my own knowledge whether or not he was.

Commissioner LENNON. I would like to have come into the record from some source whether Luther was tried, and if not what disposition was made of the information that was filed against him by the chief of police; how it got out of court.

Chairman WALSH. The court record shows that the prosecuting witness failing to appear the case was dismissed.

Mr. CREIGHTON. I personally do not know anything about that.

Commissioner AISHTON. Who was the prosecuting witness?

Chairman WALSH. Gallagher.

Commissioner AISHTON. He is dead; that is not a matter of record as to his death?

Chairman WALSH. No.

Commissioner O'CONNELL. It is not a matter of record?

Mr. CREIGHTON. It is not a matter of record with us; he did not die immediately after the accident, and apparently did not die for some time afterwards.

Chairman WALSH. Will you look after that matter I suggested, Mr. Creighton?

Mr. CREIGHTON. I did not have anything to do with that.

Chairman WALSH. I thought you might like to have procured the affidavit of the gentleman who was involved in that and have it put in the record.

Mr. CREIGHTON. Yes; but I would suggest, in order there may be a fair presentation of the case to you, that you ask the mayor to get his; they tell me there were two. In talking about this to Mr. Reading he told me there were two charges against Luther; one was the ordinary city charge for—I can not tell you what the charge was.

Chairman WALSH. Fighting, the paper says.

Mr. CREIGHTON. And he was fined; and then the Commonwealth charge. He was brought before a magistrate.

Chairman WALSH. Do you know anything about a charge that any officer of the Pennsylvania police hid the defendant away from the officers?

Mr. CREIGHTON. I know nothing about this case other than what has appeared there in the newspapers and what I have already stated to you.

Chairman WALSH. How many of the men of the 573 were still out when the meeting in the schedule room took place?

Mr. CREIGHTON. What meeting do you refer to?

Chairman WALSH. There was testimony by the mayor that you had a meeting in the schedule room, in which he made certain requests of you.

Mr. CREIGHTON. That is the reason I asked you to ask him those questions yesterday. I couldn't understand from his testimony what date he referred to.

Chairman WALSH. Let us assume that the strike started on Monday.

Mr. CREIGHTON. I think it started Wednesday.

Chairman WALSH. Well, maybe we can not get at that at all.

Mr. CREIGHTON. May 31, 1911, if anybody knows what day that was.

Chairman WALSH. Do you recall a conversation that you had in which Mayor Hoyer was present, in which he asked you to take back the men, and that conversation occurred the evening of the day indicated by your company, after which none of the men would be taken back?

Mr. CREIGHTON. Then that was on Friday.

Chairman WALSH. Do you remember such a conversation?

Mr. CREIGHTON. I remember of such conversations with him there.

Chairman WALSH. Do you know of one of the evening of that day?

Mr. CREIGHTON. I would not like to say, because, as I told you, at this time we were together sometimes until 1 and 2 o'clock in the morning, and we were almost in each other's company constantly.

Chairman WALSH. How many of the 573 men returned to work?

Mr. CREIGHTON. I don't know that I have any detailed statement to that effect.

Chairman WALSH. Could you approximate it?

Mr. CREIGHTON. How many returned to work?

Chairman WALSH. Yes, sir; of the 573 that went out.

Mr. CREIGHTON. I think in total, at the end of the trouble there, there were about 250 that did not come back.

Chairman WALSH. Please tell us what you know of the movements of those men after leaving your company.

Mr. CREIGHTON. I don't know anything about it.

Chairman WALSH. Do you know what became of them?

Mr. CREIGHTON. It seems that we have had appeals from a number of them that desired to be restored to the service of the company.

Chairman WALSH. Did yourself or any officer of the company to your knowledge make any effort to prevent them from securing employment elsewhere than in Altoona?

Mr. CREIGHTON. No, sir.

Chairman WALSH. When they sought employment in other States or other cities, what answer did you make when they referred to you or when you were called upon to give them a service letter?

Mr. CREIGHTON. I can not say that it ever came to my knowledge that any of these men asked for service cards to be presented to employers elsewhere.

Chairman WALSH. Do you recall, Mr. Creighton, having answered inquiries in other places, or would you do that?

Mr. CREIGHTON. It would not be me; some one of my subordinates possibly, or the man in charge of that particular man.

Chairman WALSH. What would the service card show in a case of this kind, or do you give any specific directions in respect to that?

Mr. CREIGHTON. No, sir; I give no directions whatever.

Chairman WALSH. What would the ordinary service card show, that they went out on a strike?

Mr. CREIGHTON. It would show exactly the cause for being relieved.

Chairman WALSH. What would it show?

Mr. CREIGHTON. In this case?

Chairman WALSH. Left on a strike or resigned, or what?

Mr. CREIGHTON. I don't know in this case, because I don't know what we would attribute the man's leaving the service to. There are a number of causes assigned for leaving the service under the general head of a strike; there are lots of things incident to the strike. A man might have been extremely belligerent, or done something to the company's property, which might be specifically designated under some particular head. We have always been very truthful in our statements of the reason of a man leaving our service, leaving him to use his service card as he desires.

Chairman WASH. The information that you have on these cards, with reference to these men, is it given to anyone else—any other corporation or person?

Mr. CREIGHTON. No, sir; they are given to the employee himself upon his request, or, if he signs an application with an employer with whom he desires to secure work, that is received by us in the ordinary mail and we reply to it, upon the feeling on our part that his signature is his veritable signature.

Commissioner GARRETSON. Under the reference system, Mr. Creighton, if these men apply to another railway company—I am not carrying it further than a railway company—for service under their system of reference, if they come back to you for a verification?

Mr. CREIGHTON. We give them no information whatever unless the individual himself requests it. We do not furnish information to any other railroads, Mr. Garretson.

Commissioner GARRETSON. Does not the ordinary form of application blank used in the transportation service in itself request of you to furnish that information?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. And in every case, then, it is given?

Mr. CREIGHTON. It is not, sir

Commissioner GARRETSON. It is not?

Mr. CREIGHTON. Not on our railroad. We do not furnish information of that character except upon the personal appeal of the applicant.

Commissioner GARRETSON. Transmitted directly through you or——

Mr. CREIGHTON (interrupting). Left with the employee. If he asks that his record be transmitted, we transmit it.

Commissioner GARRETSON. Does not the standard form of application embody that request that the man signs?

Mr. CREIGHTON. I can't tell whether it does or not; it depends entirely upon the railroad to which he is applying for employment. There are different forms for it; if his signature is on his application for employment requesting us to furnish his record to this railroad, we will, of course, furnish it; but if not, we would not do it. We do not comply with requests of an officer of any railroad for the service record of an employee unless that employee asks for it.

Commissioner GARRETSON. The idea being that is a legal relief?

Mr. CREIGHTON. It is certainly not customary; I can not tell you whether it is illegal or not.

Commissioner GARRETSON. Did you use brake clubs on your division?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. What resemblance is there between a brake club and these wooden billies?

Mr. CREIGHTON. Personally I can not tell you, unless it is a little longer than the mace or club that is here designated as an officer's club.

Commissioner GARRETSON. A brake club would make an excellent riot club?

Mr. CREIGHTON. I imagine it would.

Commissioner GARRETSON. Now, in the statement I notice, as well as in the verbal testimony of yourself and Mr. Hoyer, you issued a letter to the pastors of the town in regard to exercising, according to their judgment, their efforts in a certain direction. Do you believe that the influence of the pulpit, regardless of what the faith may be, is a legitimate weapon in either political or industrial trouble?

Mr. CREIGHTON. Mr. Garretson, under the circumstances that existed at that time, we felt that we were acting properly in using or attempting to use any influence at our command to avoid trouble. We had, as I recited yesterday, and I desire to repeat it to-day, endeavored to keep in touch with every interest in the city of Altoona in this trouble, and the action taken was largely the joint action of the various interests involved. It was not just publicity features and the issuing of statements and appeals to the public, and this appeal to the pastors was not my personal conclusion entirely. It was the result of these meetings which I had with these people in the community. I say frankly to you that I don't believe that there was a strike conducted with a greater deference to public opinion than that was.

Commissioner GARRETSON. Deference on whose part?

Mr. CREIGHTON. On my part.

Commissioner GARRETSON. How about the other party, the strikers themselves, did they show proper regard for public opinion?

Mr. CREIGHTON. You know what my opinion of that would be, of course——

Commissioner GARRETSON (interrupting). Let's follow this pastor business through a little bit further. In one case that appeared before this commission it was made perfectly apparent that unless the preachers in communities dominated by the corporations preached the gospel according to the tenets laid down in the manager's office he ceased to preach. Would you consider that legitimate?

Mr. CREIGHTON. By no means, sir.

Commissioner GARRETSON. What is the difference, except in degree, between attempting to influence by communication the pastors of the churches or to be in a position where the screws could be put on?

Mr. CREIGHTON. I would answer that by saying that had I been a pastor and appealed to in an instance of that kind, I should have represented to my parishioners what I thought to be the possible outcome of an unusual gathering such as there might have been incident to this agitation. We were probably more interested and more fearful—I use that term in the proper sense—that something might happen. Here was a holiday or Sunday when there was nothing going on and there were nearly 12,000 shop employees who might attend a meeting of that kind; and, with the possibilities of some excitable individual starting trouble, there is no limit to what might happen. We had the experience of 1877 at Pittsburgh. It was only a matter of five minutes that the whirlwind struck Twenty-eighth Street and then on down to the Union Station, and we had more at stake at Altoona than in 1877 at Pittsburgh, and a very small incident started the trouble there. Now, I asked these gentlemen to use whatever influence they had at their command with the parishioners not to gather at these meetings and to be peaceful and orderly. I talked to some of them on the telephone and I used every persuasion at my command to accomplish what I was after to avoid trouble. I felt it was right, and I still feel it was right.

Commissioner GARRETSON. Would you have considered it right if those organizers had used exactly the same tactics and had been able to influence every pastor in the city to advise his parishioners to go out on strike and to go to these meetings? What, then, would have been your opinion?

Mr. CREIGHTON. I would have used more strenuous efforts to have overcome their persuasion.

Commissioner GARRETSON. You would have called on the mayor to do some more arresting?

Mr. CREIGHTON. I would have done everything I could to offset it.

Commissioner GARRETSON. In other words, we had before this commission a minister of the gospel who testified that he did not have a single laboring man in his congregation, but that he was approached by a business association of the town and notified that unless he withdrew a certain statement that he had made in a sermon in regard to a labor difficulty that was on in the town that he would be driven from his parish. Would that be the next step that was justifiable, in your opinion, in attempting to influence the pulpit?

Mr. CREIGHTON. No, sir.

Commissioner GARRETSON. You would not have any sympathy with that?

Mr. CREIGHTON. I certainly would not.

Commissioner GARRETSON. You would not go any further, then, than moral pressure?

Mr. CREIGHTON. I would not go any further than asking for the moral support of the people of the community. We acted very largely upon the advice of these people that I have already mentioned as being in consultation with. I made no effort to make a move without first having some—having the same approved by these people. If you recollect, in my original testimony yesterday I mentioned the different interests I had secured for this meeting. I wanted to make certain that I would not be placed in the position which apparently the mayor tried to place me yesterday. I say this very frankly. I don't say I don't think he was doing right from his standpoint, but I do say that I had here the representatives of the board of trade and had the newspaper men and had the mayor and the chief of police, and I had in addition to the representatives of the board of trade a number of business men who were not on the board of trade, and nearly all the walks of life were represented in that preliminary meeting and, I may say, any subsequent meetings. This initial meeting was simply a representative meeting of the meetings that were occurring every day in my office.

Commissioner GARRETSON. There were no elements in that meeting, either press or business, who were in any way influenced by your company or whose interests lay along the same lines as your company? They were just as open to influence by the other side, were they?

Mr. CREIGHTON. Yes; certainly.

Commissioner GARRETSON. Both the press and the commercial interests?

Mr. CREIGHTON. Certainly, sir; but it is well to state what you can readily appreciate. Here is a town that is practically dominated by the Pennsylvania Railroad in the sense that it is all Pennsylvania Railroad. There is not an

influence there but what ought to be with us in sentiment and feeling and to work with us.

Commissioner GARRETSON. That is, in your opinion, they ought to.

Mr. CREIGHTON. Why, certainly; they are our own employees, and they are loyal if left to their own devices. I would like to say in this connection that here is an instance—there were 11,500 men peacefully pursuing their work in the city of Altoona, and as a matter of aggression about 15 organizers came to our town for the sole and express purpose of crippling us at Altoona in order to make successful the strike at Pitcairn, on the western division. That was the whole scheme of operation. Now, here was a peaceful community, fifty some thousand people practically represented by our employees. We have at least 5,000 more employees than the shop employees—that is, the trainmen living in the town and men engaged in the yards, and so forth—that are not included in our shop employees. Here were fifteen or sixteen thousand men invaded by that small body of agitators who endeavored to create the unrest which has been discussed here, and our effort was to prevent that for business reasons, at least. In the normal operation of the railroad we are required to maintain and have our duty to the public, and we in this case fortunately were able to carry that out; but we used only legitimate means. So far as influencing the community is concerned, here is a peculiar situation at Altoona, and you can readily see that in a one-industry town certainly every industry or every walk of life is interested with us, or should be if we are operating properly, and we hope we are.

Commissioner GARRETSON. Therefore you took no chances in associating these two elements with you to receive your desires?

Mr. CREIGHTON. Which two elements?

Commissioner GARRETSON. The business element and the press.

Mr. CREIGHTON. I should—I say we had them right with us.

Commissioner GARRETSON. Well, I say you were perfectly sure of their agreement with you?

Mr. CREIGHTON. Certainly; because they were all advisers in this course.

Commissioner GARRETSON. And they were advising you for what you considered and what they considered their own interest in the course you took?

Mr. CREIGHTON. Generally, you know, we are selfish.

Commissioner GARRETSON. Sure; that is the only certain thing you can bank on.

Mr. CREIGHTON. In life; yes.

Commissioner GARRETSON. Now, you say these men came and created unrest. Is that correct, or was the unrest there and these people simply furnished the channel for its expression?

Mr. CREIGHTON. There was absolutely no unrest in the city of Altoona. It was peaceful there then as to-day.

Commissioner GARRETSON. Isn't there one difference? To-day it may be like the peace of God—it passeth all understanding?

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. Or the kind you find in a cemetery?

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. But was it the same kind of peace before 1911?

Mr. CREIGHTON. It certainly was. It is best evidenced by the statement made in one of these books—I have forgotten which one—that during this strike there were 5,000 of our own employees openly and publicly protested against the presence of these agitators in our community, and of their own volition hired the opera house and had a meeting, openly protesting, by personal speech and otherwise, the presence of these people in the community. The men were not dissatisfied.

Commissioner GARRETSON. None of that was inspired by the foremen?

Mr. CREIGHTON. Absolutely none of it.

Commissioner GARRETSON. Absolutely spontaneous?

Mr. CREIGHTON. Absolutely spontaneous; I want to say that.

Commissioner GARRETSON. They had no trouble, then, getting a meeting place?

Mr. CREIGHTON. Who?

Commissioner GARRETSON. This meeting for spontaneous expression?

Mr. CREIGHTON. Certainly not. Our campaign had not been started. If it had been, they would not have gotten any meeting place contrary to our authority.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Aishton would like to ask you some questions.

Commissioner AISHTON. Mr. Creighton, your official position is general superintendent of the Pennsylvania Railroad at Altoona, is it not?

Mr. CREIGHTON. Yes, sir. I have six of the superintendents of divisions of the lines east of Altoona, Philadelphia to Pottsville, and the coal branches.

Commissioner AISHTON. And you are the recognized authority of the Pennsylvania Railroad in that territory on all matters pertaining to the operation and conduct of the railroad company's affairs?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. You heard Mayor Hoyer's testimony yesterday? I think he said that one point of difference between you, where you first got crosswise, was on the matter of your trying to incite a riot in Altoona by requesting him to arrest people without a warrant when they were peaceably conducting their business. Have you anything to say in answer to that?

Mr. CREIGHTON. Yes, sir. I, in a general way, as previously expressed—Mayor Hoyer and myself differed, as the testimony in the case shows, very widely on the possibilities of difficulty at Altoona. At the time of the strike, the afternoon of the strike, there were gatherings in unusual numbers on the streets. The strikers were in—they actually occupied the street in front of my office from curb to curb, so that the street cars could not run. The mob carried everything before it between the Senate Hotel for four blocks east, and the meeting place——

Commissioner AISHTON (interrupting). What do you mean by "carried everything before it," Mr. Creighton?

Mr. CREIGHTON. Why, just simply rushed——

Commissioner AISHTON (interrupting). Wiped the people off the street?

Mr. CREIGHTON. Wiped the people off the street.

Commissioner AISHTON. Stopped the street cars?

Mr. CREIGHTON. Stopped the street cars; and they filled the streets from house line to house line. Now, this is no romance; it is the real fact that I am telling you; what actually did occur——

Commissioner AISHTON (interrupting). I think that is what the commission desires to know.

Mr. CREIGHTON. I do not care to invest it with any inflammatory language at all. I am simply stating the facts as they were. At that time, as soon as we saw that condition of affairs, I asked the presence of the mayor and the chief of police, Mr. Clark, and after a little while they came to my office; came in through the back way, because they would not have been able to get through the front; and I called their attention to this condition of affairs—that if it was allowed to go on there was no limit to what might actually occur—and we had a good many men to protect our property, but we were, as I stated before, vulnerable, because of the large front we had to protect; and I felt that we ought to have some action on his part. I was not able to get any action, as previously expressed. It was clearly a case of lack of appreciation of the dangers incident to the gathering of the large crowd and the possibility of a spark igniting the whole people.

Commissioner AISHTON. What were these men doing that were gathered in the street?

Mr. CREIGHTON. Well, the usual things that a crowd of that kind do. They were following first the organizers, who were leading them from point to point in defiance of the mayor's command not to speak on the public streets.

Commissioner AISHTON. Had the mayor issued such a command?

Mr. CREIGHTON. He had notified them that they could not speak. He informed me that he had notified them that they could not speak on the public streets; and, notwithstanding that fact, they erected stands and they spoke on the public streets. He notified them they could not parade, and they defied him and paraded. We requested—these parades were participated in by 600 to 1,000 or 1,100 people on several days, and they would gather outside of the city on the public thoroughfares and then march into the city in formation. And I begged him that he would meet them at the city line and tell them to disperse or disperse them, because of what I again repeated that I thought it was a very serious menace to the peace of the community. He refused in every instance, stating it was a peaceful parade, and so forth. Fortunately, it did ultimately develop that no difficulty occurred, but the possibilities were there.

Commissioner GARRETSON. During all this parade, in your opinion and in your judgment, and under the circumstances, there was danger of a general conflagration and riot?

Mr. CREIGHTON. There was that danger; and my appeal to the mayor was simply from the sentiment and appeal of citizens I have just mentioned to you who were all in my office at the very time. There was one night when things were extremely acute, and I begged of the mayor to issue a riot order and disperse the people who were on the street, and he continued to refuse; and that was the night I told him we would be forced to call on the governor for some help if he could not take care of it himself.

Commissioner AISHTON. What action was taken by the mayor then?

Mr. CREIGHTON. Well, finally he issued some sort of notice and had it posted throughout the town, and they did disperse—that did disperse the crowds, along about 2 o'clock in the morning. Now, my appeal to him was the appeal of these people with whom I was then in consultation. It was not a personal matter. This thing, I am frank to state to you gentlemen, it was not my own thought. It was the combined effort of everybody with whom I was in consultation and who at various times every day were in my office.

Commissioner AISHTON. That is, citizens of the town?

Mr. CREIGHTON. Citizens and representatives of the newspapers and board of trade.

Commissioner AISHTON. Mr. Hoyer testified yesterday, I believe, that Altoona had a population of 52,000 people, and that their police force consisted of either 42 or 51 men, or something like that.

Mr. CREIGHTON. Say, 50 men.

Commissioner AISHTON. Was there any increase made in this police force during all this time of apparent public disturbance?

Mr. CREIGHTON. No.

Commissioner AISHTON. There were no men employed?

Mr. CREIGHTON. No.

Commissioner AISHTON. Any request made on the mayor to increase the force?

Mr. CREIGHTON. Yes, sir; I made that request.

Commissioner AISHTON. That he afford additional police protection?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. Was any furnished?

Mr. CREIGHTON. No, sir.

Commissioner AISHTON. None was furnished by the city?

Mr. CREIGHTON. None was furnished by the city. No, sir; no increase in his organization.

Commissioner AISHTON. No; this 42 or 51 men, whatever it was, was the only protection?

Mr. CREIGHTON. That is all there was.

Commissioner AISHTON. The only protection afforded by the mayor and the city to your company?

Mr. CREIGHTON. That is all.

Commissioner AISHTON. I believe you stated there were 7 miles of front—that is, that your shops extend all along the river there, or valley——

Mr. CREIGHTON. Along the railroad.

Commissioner AISHTON. For a distance of 7 miles?

Mr. CREIGHTON. Yes.

Commissioner AISHTON. How much of that 7 miles is in the city limits?

Mr. CREIGHTON. About 3 miles of it.

Commissioner AISHTON. Leaving about 4 miles of it outside the city limits?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. That, I suppose, is the usual shop layout, buildings, repair tracks, switching tracks, and everything of that kind? Is it crossed by grade crossing providing an outlet and access?

Mr. CREIGHTON. No; no grade crossing.

Commissioner AISHTON. How many bridges are there?

Mr. CREIGHTON. Two bridges east of the city and three street bridges and one footbridge in the city.

Commissioner AISHTON. Are those bridges owned by the city, crossings from outside in the shop ground, or owned by the Pennsylvania Railroad?

Mr. CREIGHTON. The bridges themselves are owned by the city, and we have a right to enter them from our premises to the street.

Commissioner AISHTON. From any city public bridge there is a right of exit; that is, an elevated structure?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. Now, I understand there was some trouble on some of these bridges; I think the mayor testified there was trouble on one bridge,

and the question was asked by the chairman this morning about this picketing, and whether these men were making requests. Now, at the time that these men created the disturbance on the bridge, the whole shop operations were in progress on the ground underneath, were they not; on your repair tracks, and so forth?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. How many men were working in there without thought of striking, or without striking, not counting the conductors or trainmen or engineers?

Mr. CREIGHTON. These men that we referred to were the employees in the erecting shops.

Commissioner AISHTON. I don't refer to that particular shop, but in your entire shop proper; how many men were going on with their usual work?

Mr. CREIGHTON. I suppose twelve or fifteen hundred in the yards at different places.

Commissioner AISHTON. There were twelve or fifteen hundred in the yard?

Mr. CREIGHTON. Yes, sir; and on the repair track and where they sorted metal and places of that kind.

Commissioner AISHTON. And also in your shops; does that include your machinists and boiler makers, and so forth?

Mr. CREIGHTON. Oh, no.

Commissioner AISHTON. These men were working at this time?

Mr. CREIGHTON. In the shops?

Commissioner AISHTON. Yes, sir.

Mr. CREIGHTON. Oh, we had 11,500 men working in the shops.

Commissioner AISHTON. That is what I wanted to bring out; you had 11,500 men working in that 11-mile stretch at their usual occupation?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. How many strikers were there, approximately? I think you said 800.

Mr. CREIGHTON. Yes, sir; about 800.

Commissioner AISHTON. The men that were on the bridge, that were making these requests and taking this other action, were the strikers or their representatives?

Mr. CREIGHTON. They were there in sympathy with the organizers, and upon the organizers appealing to them they preached to them over the railing of this footbridge. This is a footbridge that has been spoken of.

Commissioner AISHTON. What did these men on the bridges do? You said they threw some missiles?

Mr. CREIGHTON. Now, this particular instance was a little different from the others, but on these bridges we had as many as five or six hundred men collected at times. Well, where we have our eastbound repair yards, and at a point where the stairways went down from the bridges.

Commissioner AISHTON. Were they making peaceable requests to those men to stop work?

Mr. CREIGHTON. Not very peaceable.

Commissioner AISHTON. Explain to the commissioners; some of them are inexperienced in that kind of things, and I would like to have them know.

Mr. CREIGHTON. The bridges were public thoroughfares, and the men would gather on them and fill the bridges and congest them so that our men could not get to their work; could not use the stairways that led down to the ground where they were employed in the car repairing, and trackmen, and so forth.

Commissioner AISHTON. Had they used any abusive language to your knowledge?

Mr. CREIGHTON. Oh, yes, sir; it is what is customary.

Commissioner AISHTON. Did they call them scabs and scratch on their arms?

Mr. CREIGHTON. Sometimes.

Commissioner AISHTON. And when those names were used they would lead to personal assault?

Mr. CREIGHTON. Possibly.

Commissioner AISHTON. That actually took place, did it, on this occasion?

Mr. CREIGHTON. Yes, sir; it had taken place constantly, and this force of deputies of about 50, which I had as a mobile force to be moved from one point to another, was the only force I had at my command to disperse this crowd of people, outside of the city limits.

Commissioner AISHTON. These occurrences—I just want the commission to have a mind picture of what was really going on there, and as evidencing the necessity or the wisdom of your requesting the mayor for some kind of action

to stop that kind of thing, and if there is anything more on that line that the commission ought to know, I would be very glad to have you state it.

Mr. CREIGHTON. I want to state, as far as the outlying conditions were concerned, we did get ultimately the active support of Sheriff Orr, who swore in at our request fifty-some deputies, and he personally was in charge of those deputies at our headquarters at Twelfth Street, holding them there in readiness to take them in our automobiles, which have been referred to, to any point of expected attack, and he was the man that we largely depended upon for protecting us at points outside of the city limits. We got no protection whatever inside of the city limits except the customary passive protection on the part of the mayor, who would send to our shop gates, of which we had probably 15 or 20, a number of his officers, who would stand by placidly and say nothing or do nothing actively to protect us. We, on our part, had to preserve at those gates an extremely large force, because we could not go out in the streets and could not get to our work, but in the outlying thoroughfares this force that I have spoken of, it would be taken to a place such as has been indicated, where a crowd was gathered, and interfered with our men, and the sheriff with his deputies would clear the way and allow the men to go to and from their work.

Commissioner AISHTON. During all of this period of disturbance, there were approximately 11,500 at work in your shops?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And there were 800 men—that would make about 10,700 men peaceably at work?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And 800 men that were out trying to influence the other fellows by such means as they thought best?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The mayor yesterday laid a good deal of stress on a conference in the schedule room, and I think you testified that you could not recall just what time that took place, but my recollection is that you had issued a notice that on June 2, at 7 a. m., all the men that wanted to return to work must be in their places, or were out of the service?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And this meeting was on June 2, in which the mayor endeavored to have you extend that time and let the men go back to work?

Mr. CREIGHTON. That was the difficulty, of finding out what date the mayor had in mind. I would like to explain about this schedule room.

Commissioner LENNON. Mr. Hoyer was right about that, it was the evening of the same day?

Commissioner AISHTON. That is the mayor's testimony, I think. I just wanted to clear it up so that Mr. Creighton might refresh his memory from the record and submit to the commission just what took place on that day.

Mr. CREIGHTON. There is no doubt of what took place that day, because it was taking place every day, because in what is known as my schedule room meetings were held constantly. We were constantly in conference with our fellow officers, or our superintendents or subordinates. We have a room known as a schedule room, but the name is a sort of misnomer, it doesn't mean what it says, because we make up no schedules in that room any more, but it is a large room and has a long table that we can gather around and have a meeting, and this is the room that I invited those men in to this conference, and other conferences.

Commissioner AISHTON. On this occasion, June 2, you invited the mayor to this conference?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The meeting was not solicited by the major or chief of police?

Mr. CREIGHTON. No, sir; it was at my solicitation in every instance.

Commissioner AISHTON. But at that meeting the mayor brought up the question of extending the time?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And giving those men further time?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The mayor made a statement yesterday——

Mr. CREIGHTON (interrupting). In that connection I would like to emphasize, Mr. Aishton, that notice of appeal made to us on the part of the citizens.

Commissioner AISHTON. I was just coming to that in a minute. The mayor, I think, left an impression on the minds of the commission that you were averse

to extending the time, but that you made the proposition to the mayor that if there could be a petition circulated, that was as he expressed it, "to save your face"?

Mr. CREIGHTON. Save my face?

Commissioner AISHTON. Yes, sir; I think that is in the record, at least that is the impression I got, that you would be willing to consider the matter on something of that kind. What are the facts in regard to that?

Mr. CREIGHTON. Merely as stated in this report. The first notice was issued on the afternoon of the strike, on May 31, in which notice I told the men that they would be required to report on June 2, 1911, at 7 o'clock a. m., and failing to do so, they would be considered as having left the service. Now, those gentlemen with whom I consulted thought that they would like to have us be a little more generous, and they of their own volition circulated or presented us with this petition, which I read to you, asking us to extend the time past June 2, and I recollect as stated a while ago, I think it was on Friday. We paid no attention to that notice in the returning of the men, and allowed the time to lapse, and we took men back until, I recollect, on Monday.

Commissioner AISHTON. So that the mayor's understanding about the way that petition was circulated does not agree with your knowledge and understanding of the manner in which it was started?

Mr. CREIGHTON. No, sir; not at all. I didn't have to save my face, he has no reason for saying that at all, because I was acting in consultation with the others.

Commissioner AISHTON. I simply wanted an opportunity to have it put in the record as contrary to the mayor's statement. Mr. Reading was the master mechanic or superintendent of motive power at Altoona?

Mr. CREIGHTON. Yes, sir; Mr. Reading was.

Commissioner AISHTON. And I don't know that it is necessary to raise any further question on that account, to call attention again to the mayor's statement yesterday before this commission to the effect that Mr. Reading had stated to the mayor that they had had fixed, "That we had"—that is the language he used—"we have fixed the judge and prosecuting attorney, and it is up to you." Now, Mr. Reading is your subordinate?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. You as general superintendent of the Pennsylvania Railroad are responsible for the policies of the Pennsylvania Railroad and for the carrying out of the policies of the Pennsylvania Railroad at Altoona and the territory you have charge of?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. If any movement of any kind is made, it could not be made except through you?

Mr. CREIGHTON. It could not.

Commissioner AISHTON. And there was no such move made, as I understand from your testimony?

Mr. CREIGHTON. There absolutely was not.

Commissioner AISHTON. The Pennsylvania Railroad or you, yourself, had no interest in this man Luther?

Mr. CREIGHTON. It is all merely incident. There is no reason whatever for bringing it up in this at all.

Commissioner AISHTON. Luther was not an employee of the Pennsylvania Railroad, was not in your employ in any capacity?

Mr. CREIGHTON. No, sir; and was not on our police force.

Commissioner AISHTON. He was a constable of Juniata Township, and had been elected some months previous and had a term of five months to serve?

Mr. CREIGHTON. I don't know how much time he had to serve. We had nothing to do with his election, and the matter was one of his own volition from beginning to end.

Commissioner AISHTON. If it is not understood, Mr. Chairman, I wish it would be understood that Mr. Creighton will furnish an affidavit sworn to by Mr. Reading as to the circumstances referred to, and put it in evidence as a matter of record.

(See Chenery exhibit at end of this subject.)

Commissioner O'CONNELL. I want it also understood that the mayor, Mr. Hoyer, be asked to furnish an affidavit in addition to his testimony, as to what he has stated was the circumstances.

Chairman WALSH. Mrs. Harriman has some questions to ask.

Commissioner HARRIMAN. Mr. Creighton, there has been a good deal said about conferences that you held with city officials; now, I very much wish to know whether before or after the disturbance you have described with the 750 or 800 men marching through the streets, if, on the part of the railroad officials, there was any attempt made to confer with the labor organizers or representative committees of the men?

Mr. CREIGHTON. There certainly was not. They were intruders, and we had nothing in common with them. They came there with the express purpose of disrupting our organization and creating unrest and creating a strike for the express purpose of requiring us to settle a dispute 100 miles west; and under the circumstances we did not deem it our duty to consult with this character of men whose presence in the community was simply for that purpose of disturbing our usual and ordinarily normal prosecution of the company's duty to the public.

Commissioner HARRIMAN. Did you feel that this 750 or 800 men were absolutely satisfied with conditions before the organizers came in?

Mr. CREIGHTON. Which men?

Commissioner HARRIMAN. The men that went out on the strike; the men who were influenced to go out on a strike by the organizers; were they perfectly satisfied before?

Mr. CREIGHTON. There was not one iota of discussion of a strike until those men arrived there. They were not all there during the entire time. At one time the majority of them were there, but during this strike at one time or another 15 of these men were there. They came in singly and in parties of two or three; as they needed support, they would send for a man of peculiarly persuasive influence in order to get results.

Now we, as has been developed at this hearing, used all the means at our command to ascertain the real facts connected with the current conditions on our railroad; there was absolutely no intimation or indication of trouble east of the Allegheny Mountains until this trouble at Pitcairn; then, finding themselves unable to accomplish anything at Pittsburgh for the settlement of the difficulty to their satisfaction, this weapon was used of sending their organizers into Altoona so as to create unrest and discontent at that point. We naturally would not, Mrs. Harriman, feel it was our duty to at all consult one or more men of this character in order to have quiet and order where there already was quiet and order; and the whole object of our having these meetings in my office was that we could get these citizens to use their means of not allowing any improper action on the part of these people, we being entirely circumscribed in our actions within the confines of the railroad company's property. Our whole scene of operation was, you might say, within the fence lines of our own domain.

Commissioner HARRIMAN. If you had right so completely on your side, might you have not been able to persuade those leaders, if you had given them a chance to air their side, to convince them that they were in the wrong?

Mr. CREIGHTON. It did not so appear to me.

Commissioner HARRIMAN. What did you say to them?

Mr. CREIGHTON. There was nothing to discuss with them; we had nothing in common. They came there for the purpose of creating disorder in our ranks, and I did not feel it was the proper thing for me to do to ask them to desist.

Commissioner AISHTON. Have they presented to you any demands or requests of any specific nature; have you ever to this day received any demands or request of a specific nature from organizers or heads of this organization?

Mr. CREIGHTON. Only in this way I spoke of; this self-appointed committee of 48 who were appointed by these organizers at the meeting held on that Sunday afternoon at Juniata.

Commissioner AISHTON. You would hardly feel at liberty, as an officer of a railroad, to negotiate with these 800 men regarding the affairs of 10,700 men, with no knowledge on your part, in view of the fact that those 10,700 men were peaceably at work and had nothing to do with the other 800 men?

Mr. CREIGHTON. Those 750 or 800 men, as I stated, in no wise represented the general organization of the Altoona shops. At the time these meetings were held there were close to 11,000 men peaceably at work carrying on their daily work, and these other men were creating the disorder in the streets and in the vicinity of our railroad, and endeavoring to get more of the peaceable employees out on strike.

Commissioner GARRETSON. Arising out of the replies to some of the questions that have been asked you by Mr. Aishton, I find it difficult to reconcile some

of the statements made or to understand just what your viewpoint was; you may reconcile it without any difficulty. To start with, you stated there was no unrest among the employees until it was created, and that the organizers were only able to create it in 800 men. Then you stated, in reply to questions, that there were 11,500 men who were absolutely loyal and who remained at work all the time without unrest; and then you stated that on account of your intense apprehension as to what these men that were out might do you insisted on the mayor arresting these men; that you had deputy sheriffs sworn in; wanted the police force of the city increased; and stated you would have to have the constabulary. How could that take place when there were only 800 men against 11,500 men that were loyal?

Mr. CREIGHTON. I could answer that by stating that if you had been in the city of Altoona and seen the effect of 800 men parading, with the organizers at their head, followed by a band, followed by the usual crowd that consorts with a body of that kind, you could readily understand that the possibilities of trouble were there. You know, in difficulties of this kind, that in 9 cases out of 10 we are told, you know, that the striker creates no trouble; it is the mob that goes with it; and that was our anxiety in this case. The 800 men parading the streets—that act of itself created disorder in the city, and it carried with it the usual mob of boys and men out of employment who were not themselves actually engaged in this strike, but they were part of the mob that filled the streets.

Commissioner GARRETSON. Where did this mob come from, if there were 11,500 employees loyal and at work in a town of 52,000 population? There you have got close to the family unit.

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. Are the streets especially narrow in Altoona?

Mr. CREIGHTON. No.

Commissioner GARRETSON. This mob of 800—for how many squares did it fill the streets, from curb to curb, and stop all foot traffic, vehicles, and street-railway traffic?

Mr. CREIGHTON. I would say that for three blocks the streets were so blockaded the street cars did not run.

Commissioner GARRETSON. Until the parade walked three blocks?

Commissioner AISHTON. I thought you said they stood in front of your office?

Mr. CREIGHTON. They did stand in front of my office; and, in addition, it is quite apparent, if one will think a moment, that a parade may gather a crowd.

Commissioner GARRETSON. I have paraded.

Mr. CREIGHTON. You have paraded and know what I mean, and perhaps have gone through some of these experiences we have been discussing, and you know the character of the people that usually assemble; they come from every nook and corner of the community.

Commissioner GARRETSON. With this army of 11,500 loyal men of your own do you wonder that the mayor was not impressed with your intense apprehension?

Mr. CREIGHTON. The 11,500 men—or 11,000 men, to be a little more precise—in an agitation of that kind there is always an element of uncertainty as to what others of them might do. You recognize, Mr. Garretson, as well as I recognize, that an agitation of this kind at any time is likely to draw out this gang or that gang, and they might go out at different hours of the day, a few here and a few there, and our effort was not to permit those things and to avoid the effect of more men withdrawing from the service.

Commissioner GARRETSON. I can readily understand that if there was unrest; but if there was no unrest I can not understand it.

Mr. CREIGHTON. Well, Mr. Garretson, the fact that there were 800 men—which is, of course, a relatively small number—on the streets of Altoona following organizers, making speeches on the open streets, that might of itself constitute a very serious condition of affairs in any orderly community of the size of Altoona; and certainly we, and particularly myself, representing the interests of the Pennsylvania Railroad Co., had to recognize anything that might in any sense contribute to the difficulty of that situation.

Again I repeat what I said about Twenty-eighth Street. No man who lived through—any man who lived through that knows very well it was not the force of numbers at all; it was a local incident that created all the trouble there and precipitated the fire and riot and great loss of property and paralysis throughout the entire State of Pennsylvania at least.

Commissioner GARRETSON. It spread a great deal farther. I was in the tail of it out farther west.

Mr. CREIGHTON. That is exactly what I, as a representative of the railroad company, was endeavoring to prevent at Altoona, and I want to say again that notwithstanding the mayor's effort to minimize all this difficulty, there was a real difficulty there, or why should the citizens of Altoona have been with me on repeated occasions?

Commissioner GARRETSON. I suppose if their interests were in common with yours it was perfectly natural they should be.

Mr. CREIGHTON. That was the situation exactly, and about the only one that did not take any real live interest at all was the mayor himself; I say that frankly, I think he had the wrong conception of the effect of 800 or 1,000 men parading in a community of that kind behind those organizers, and that it would not create disorder of one kind or another.

Commissioner GARRETSON. I can understand your position because I have seen the time when I thought that the 20 general managers I was dealing with were the most unreasonable and most apathetic men I ever saw, when they did not agree with me.

Mr. CREIGHTON. That is one of the difficulties we have. We do not always agree with each other.

Commissioner AISHTON. As an officer of the Pennsylvania Railroad Co., dealing with large numbers of men, you make a special study, do you not, to discover the causes of unrest, and attempt to remove them, if possible?

Mr. CREIGHTON. Yes.

Commissioner AISHTON. You feel, as an officer of the Pennsylvania Railroad Co., that one of the principal assets of the road is the good will and loyalty of its employees, do you not?

Mr. CREIGHTON. Yes; we prize it very highly.

Commissioner AISHTON. And you take every means that you know of to remove causes of unrest?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner Lennon has a few questions to ask.

Mr. CREIGHTON. I would like to say, Mr. Chairman, at this point, that I have some comment to make here, and I hope you will not drive me away before I have had a chance.

Chairman WALSH. You will have a full opportunity; but as long as this discussion has started, we had better let the other commissioners finish; but you may make the comment you desire before you close.

Commissioner LENNON. Mr. Creighton, did any violence—did any injury take place to individuals growing out of these parades, so far as you know?

Mr. CREIGHTON. I could not cite any, Mr. Lennon.

Commissioner LENNON. Is it still your judgment that had the mayor pursued the policy that you advised at the time and had used the force to drive these people off of the streets, that the city of Altoona and its citizenship would have been better served than by pursuing the policy which he did?

Mr. CREIGHTON. That was my view at the time, and I think so to-day; I think we would have had a settlement of the difficulty probably some days in advance of the actual settlement. That question, of course, is just my judgment and question of opinion. I exercised my judgment in appealing to him to have certain things done, and he simply did not agree with me.

Commissioner LENNON. These parades and assemblages of men in all cases evidently dispersed without doing injury?

Mr. CREIGHTON. Well, they each had their influence toward the possibility of creating disorder; I know we feared that more than anything else.

Commissioner LENNON. No substantial disorder occurred because of the carrying out of the mayor's policies, did there?

Mr. CREIGHTON. Except the particular thing that I mentioned where the streets were very badly congested on several occasions. To say the least it was to the discomfort of the community, and what I feared was that it was liable to precipitate this difficulty at our shops.

Commissioner LENNON. You spoke of occurrences on some of the bridges that crossed the track; were you present? Do you speak from your own observation?

Mr. CREIGHTON. Yes; I rode about in an automobile and saw those things.

Commissioner LENNON. Do you consider it a crime for men to quit work, or, in other words, to go out on strike?

Mr. CREIGHTON. Not a bit, sir.

Commissioner LENNON. Do you believe that men have a right to organize?

Mr. CREIGHTON. Yes.

Commissioner LENNON. Do you permit them to exercise that right if they remain in the employ of the Pennsylvania Railroad Co., and in the shops at Altoona, where you are the principal officer in charge?

Mr. CREIGHTON. Yes, sir; qualified by the comment that was made by Mr. Atterbury, that our interests are not jeopardized by any discussion of the question of the closed shop and affiliation with organizations that may approve of sympathetic strikes with interests that are in no wise connected with our own operation. But so far as the organization of our own men is concerned, we spend a great portion of our time in consultation with these men. Their committees are in weekly conference, I will say, with our officers at all points on the system.

Commissioner LENNON. Did these organizers that came apparently from outside of Altoona behave themselves, in so far as their personal conduct was concerned? Did they keep sober or engage in brawls? Were they profligate or did they behave themselves decently while in Altoona?

Mr. CREIGHTON. I prefer not, unless you—there were some things connected with their personal conduct which I do not think it would help us to mention here. Our means of ascertaining facts connected with what they did there were complete; they did do a good many things that I hardly think would amount to anything for me to mention here. So far as their work connected with organization was concerned, that was conducted in the usual business manner; they used emissaries of all kinds, and were on their part, I know, just as earnest to organize the men as we, on our part, were to prevent it, considering the ultimate end and aim of this character of organization.

Commissioner LENNON. Then, so far as this particular incident was concerned, you did use what influence you had to prevent the men from organizing?

Mr. CREIGHTON. Yes; in this case, because it was the expressed intention on their part to use it for the purpose of settling a dispute elsewhere on our railroad, and we were asked to meet representatives of organizations known to be favorable to the closed shop and sympathetic strike, and that, of course, considering our obligation to the public, we feel ought not to be involved in any wise in our labor questions.

Commissioner LENNON. Do you hold that the principle which underlies the sympathetic strike, that which actuates labor in entering upon a sympathetic strike, is reprehensible?

Mr. CREIGHTON. Yes.

Commissioner LENNON. You think it reprehensible for men to help each other?

Mr. CREIGHTON. That is your way of expressing it; but to those of us who are charged with doing things, it certainly seems wrong that men with whom we have no dispute should be called out, to our detriment, to settle a dispute that may occur hundreds or thousands of miles away from us, simply in order that the grievance of some one else may be settled by force. We do not feel that we ought to suffer in that way; it is a different viewpoint. The sympathetic strike is approved generally by certain organizations; but we have never felt it was a fair thing to the employer, and that, again, is a different viewpoint.

Commissioner LENNON. Does not the same principle exist to a greater or less extent in the cooperation of corporations and large moneyed interests; I mean this same spirit of helping each other?

Mr. CREIGHTON. We all ought to help each other, Mr. Lennon. I quite agree with you in that. Anything that will help one another, but will not disturb any interest in the whole body politic, we feel is a good thing.

Commissioner LENNON. One matter came out in your testimony I want to ask one question about. In these conferences that were held and called by yourself, or by your representatives, of the editors, and chamber of commerce representatives, I did not hear that you mentioned an invitation to any wageworkers to attend these conferences. Why was that? Were there wageworkers in Altoona that were not involved in this controversy at all?

Mr. CREIGHTON. Yes; we had 11,000.

Commissioner LENNON. I mean were they not employees other than those employed by your company—carpenters, bricklayers, waiters, and such; clerks?

Mr. CREIGHTON. No; I did not ask them; I do not think there would have been any objection to it. Here were employers of labor, and that thought never occurred to me. I would not have had any objection, however, to it.

Commissioner LENNON. That is, you were employers of labor, and you invited other employers whom you believed were in sympathy with you to cooperate?

Mr. CREIGHTON. No; I would not say that, Mr. Lennon; I was not aware that these other people were in sympathy with me prior to my invitation that they meet with me to discuss this situation. It was a perfectly frank and open discussion of what we thought was an impending difficulty, and which actually later on occurred, and they were called in without reference to whether or not they agreed with me. I hoped they might be sympathetic to the extent that they could assist me in avoiding difficulty in our community.

Commissioner LENNON. Did you have no acquaintance, or the representatives of your company have no acquaintance with wageworkers in the city of Altoona that were worthy citizens, that had the good and welfare of the community at heart, that were as much interested in justice and right, as were the proprietors of newspapers and representatives of the chamber of commerce, and who could have been called into such conferences?

Mr. CREIGHTON. I believe there was any number of them, but it never occurred to me. It is one of those things that at the time did not appeal to me, I just simply—that phase of consulting with those people never occurred to me; I would not have objected to it at all; I would have been very glad to do it if I had thought of it.

Commissioner LENNON. It was not prompted by a feeling, perhaps, not particularly considered as a feeling, that they earned their living by working for wages, and they might prove to be in sympathy with the men on strike?

Mr. CREIGHTON. No, sir; I would have selected men in Altoona that were not at all in sympathy with this movement. I would like at this point to say that my attitude toward labor and toward the welfare of labor is exactly that of the Pennsylvania Railroad Co. I always was interested in the betterment of mankind in various ways. Our history indicates that. We have endeavored to recite here the various things that can be done for the welfare of our men. As far as I am personally concerned, I have spent a great portion of my life in work of that character, and simply mention it in order that you may understand that we are not so tyrannical in our views in reference to the pursuit of labor because they may happen to be an employee. We respect labor, and personally I have the greatest respect for it. I have, as I say, been personally interested in welfare work for 20 or 30 years. I am to-day the chairman of the State organization of Young Men's Christian Association in the State of Pennsylvania, carrying on the work of helping mankind in one way and another to better methods of living, and I only mention this to indicate to you that there is no disposition on our part to encroach on labor to its discomfort or annoyance.

Commissioner LENNON. Is that welfare work; is it not prompted largely with a view of offsetting the efforts of the working people for organization?

Mr. CREIGHTON. It is not, sir. I am speaking personally, for myself, it is not; it is an interest in the man himself.

Commissioner LENNON. Well, we will say, suppose I come to Altoona and endeavor to organize the men, tried in a gentlemanly way, would there be any interference, direct or indirect, with my carrying on that work if I wanted to carry it on for a year.

Mr. CREIGHTON. It would depend entirely on our information as to what your ultimate end might be.

Commissioner LENNON. My ultimate end would be to raise wages and decrease the hours of labor and better the conditions of the men in the shops.

Mr. CREIGHTON. That is all right, as long as there are not along with those laudable endeavors the proposition of a closed shop and sympathetic strike, with possibly one or two other matters. The main thing we fear in operation is the closed shop and sympathetic strike, they are the two drastic matters that the railroad man is in constant dread of. We know what it means, we have had it in the West recently, and all over the country at various times, and have absolutely insisted always upon the open shop and the absence of any effort to make our system otherwise by strikes of men at other points.

Commissioner LENNON. If I was to appear there in Altoona for the American Federation of Labor, to which you ascribe certain ideas of organization, then you would oppose in so far as you might be able the possible carrying on of that work?

Mr. CREIGHTON. I would repeat what I did in 1911 by every proper and legal means, and endeavor to prevent the organization under the auspices of the American Federation of Labor for the reasons expressed, feeling that I was doing my duty by the company.

Commissioner WEINSTOCK. I took it that while on the one hand, Mr. Creighton, you believe that individuals ought to aid individuals and groups of men ought to aid groups of men, that when such aid involves injury to a third innocent party you regard it as unrighteous?

Mr. CREIGHTON. Unrighteous? I hardly know whether I would apply that as a term in the business sense; I would say it was wrong and something to be avoided.

Commissioner WEINSTOCK. If it was wrong, it would be unrighteous?

Mr. CREIGHTON. From the standpoint of an officer, I would certainly oppose anything of that character that might prevent me carrying out my normal work as an officer of the railroad.

Commissioner WEINSTOCK. In other words, your objection to a sympathetic strike is that if some group of workers and some employer have trouble—have a dispute—that it is unrighteous for them to inflict injury on you as an innocent employer?

Mr. CREIGHTON. Yes, sir; to use me as a means for correcting trouble at another point. That was exactly the situation in 1911. We had no interest in the controversy at Pittsburgh; they were purely local to that point, and consequently I felt that it was entirely wrong to be subjected to the annoyance that we were, and to the very large expenditure that we were called upon to make simply that those men might satisfy that grievance over a hundred miles west of us.

Commissioner WEINSTOCK. And there was inflicted injury on an innocent party, and whenever that is done it is wrong?

Mr. CREIGHTON. Yes, sir.

Commissioner WEINSTOCK. And the sympathetic strike, in your opinion, does inflict injury on innocent people?

Mr. CREIGHTON. Yes, sir.

Commissioner WEINSTOCK. And you oppose it?

Mr. CREIGHTON. Yes, sir.

Commissioner O'CONNELL. Do you consider that, for instance, if the machinists on the western end of the Pennsylvania were on a strike and the machinists at the Altoona shop went out on strike, do you consider that as a sympathetic strike for the same employer?

Mr. CREIGHTON. That is not the point. Here is the case: We might have been just as well two shops on different railroads. The information we had was precise and to the point—that these organizers were to come to Altoona for the express purpose of organizing our men in order that they might paralyze our railroad at that point, in order to make their strike at Pitcairn effective, which it was not. They had pursued their opposition there to the ultimate end without exactly getting the results, and inability to perform its functions, and they thought then they would come to Altoona and by creating a strike at Altoona that they could be successful at Pitcairn.

Commissioner O'CONNELL. That you would consider to be a sympathetic strike?

Mr. CREIGHTON. Yes, sir.

Commissioner O'CONNELL. If the machinists, for instance, at Pittsburgh—we will use the cities that we know—suppose your largest shop was at Pittsburgh—I am simply using that name because it is well known—that the machinists were on strike in Pittsburgh against a reduction of wages in Pittsburgh shops, and they had to go on strike against a reduction of wages, and they went on strike, and that the company moved the locomotives, or the locomotives were taken from Pittsburgh to Philadelphia, saying it was the next largest shop, for repairs, and if the machinists in Philadelphia should refuse to work on those engines, you would consider them on a sympathetic strike?

Mr. CREIGHTON. I certainly would, for they have no local grievance.

Commissioner O'CONNELL. They are working for the same employer and the same company.

Mr. CREIGHTON. Yes, sir; the same employer; but it might extend from Chicago to the seaboard, and it ought not to be started at some other point.

Commissioner O'CONNELL. Then, all the employer would have to do would be to move his rolling stock from Pittsburgh to Philadelphia, and that would settle it?

Mr. CREIGHTON. Your comment was that we had men that were dissatisfied with the conditions of employment at Pittsburgh, without any reference to the conditions at Philadelphia?

Commissioner O'CONNELL. Yes, sir.

Mr. CREIGHTON. And then I would say frankly that I would consider the introduction of that trouble by organizers into the city of Philadelphia just simply as a sympathetic strike.

Commissioner WEINSTOCK. Now, Mr. Creighton, I want to read to you some of the testimony given before this commission yesterday by Mr. Maurer, the president of the Federation of Labor of the State of Pennsylvania, and to invite your comment on it. It reads as follows:

"Q. You say that you and the State federation of labor are opposed to the State constabulary?—A. Yes, sir.

"Q. Are you also opposed to the National Guards?—A. Well, to tell you the truth, all organized labor is opposed to the National Guards in the past. It has been opposed.

"Q. Now, are we to understand that, as you know the situation, that if organized labor had its way it would wipe out the National Guards?—A. There is not much to wipe out any more. Poor little tin soldiers that they are; I can not help but pity them as I look at them.

"Q. May I ask you to answer my question?—A. Yes, sir; if I had my way about it, my dear sir, there would not be a soldier on earth. I think it is a disgrace to our twentieth century civilization that we are still at each other's throats murdering each other.

"Q. How would you protect life and property from the lawless?—A. Quit pursuing people and they will be peaceful. People that are not robbed never revolt.

"Q. Then you don't believe there are such things as criminals?—Oh, yes; sure.

"Q. How would you protect yourself against the criminal?—A. Oh, the criminal? The criminal that we don't find is all right; you can not bother with him, because we can not catch him, but the fellow we catch he is too dumb to be a criminal, and that is why we catch him; he don't have the qualifications of a criminal.

"Q. I don't suppose you profess ignorance of the fact that in labor troubles labor representatives do violate law and resort to crime and blow up houses and bridges, and how would you protect the employer and his property against conditions of that sort?—A. You have reference to the structural iron workers?

"Q. Yes, sir.—A. That is a condition entirely. The one responsible for that condition was the employer, or those who exploit labor themselves. They advocate to-day, we heard it here, we always hear it, of no organization, that they believe in dealing with the individual, and they teach people that way; that is the theory of the individual, that he can work out his own destiny. The McNamaras were strict individualists, in so far as they believed in individualism, but not in political action, and they believed that they could do as they pleased. The power was used against them, and they used the same weapon.

"Q. If you were an employer, how would you protect yourself against the McNamaras?—A. If I was an employer, I would be like any other if I expected to succeed in business.

"Q. Please answer my question. If you were an employer, how would you protect yourself against the McNamaras?—A. I told you I would be like most any other employer.

"Q. How would you protect yourself? If they come and blew up your property?—A. They would blow it up; I couldn't stop it. I don't know that I would do anything else than what the other men are doing now. I would try to protect my own interests. The individual is not to be blamed; you must get the system and not the individual.

"Q. If you were an employer, and you had a dispute with your workers, and you would not agree with them, and they blew up your premises and killed a lot of innocent people, would you try to prevent a repetition of those circumstances?—A. I might answer you if I cared to be untruthful that if I was an employer I would not have such conditions.

"Q. Suppose the workers ask what you felt was an unjust demand, and a thing that you could not meet at all; you know that workers are sometimes human, and are made out of the same sort of clay as the rest of us, and they are as likely to be as unreasonable as employers; suppose the employee asked what you thought was an impossibility, an unfair and unjust position, could you submit or not?—A. If I thought it was impossible, I could not do it.

"Q. You could not agree with your worker then?—A. No, sir.

"Q. Suppose they resorted to violence?—A. I never knew of one yet that did, unless they were goaded on by the men that wanted them to do violence."

I want to invite your comment on these two points: First, do you agree with Mr. Maurer in his statement that he never knew of a worker that did resort to violence unless he was goaded on by the man that wanted him to do violence; and second, I want to invite your comment, as a man of broad experience in labor matters, as to what in your judgment would be the condition in the State of Pennsylvania, for example, in times of labor troubles, if the State constabulary and National Guards were wiped out?

Mr. CREIGHTON. I would hesitate very much, Mr. Weinstock, to attempt to make much comment on Mr. Maurer's testimony. I am familiar with Mr. Maurer's history, and I don't agree with his policy; I heard his testimony yesterday, and in no sense would I agree with his views on the labor question. In my judgment——

Commissioner WEINSTOCK. Just a moment, Mr. Creighton. Mr. Walsh calls my attention to the fact that the hour of adjournment is at hand. Will you defer your answer until after lunch?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. We will now stand adjourned until 2 o'clock.

(Whereupon at 12.30 p. m. Friday, May 7, 1915, the commission took a recess until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. G. W. CREIGHTON—Continued.

Commissioner WEINSTOCK. You will remember, Mr. Creighton, my last question. My last question, in substance, was an invitation for your comments on the attitude of Mr. Maurer when he said that he had never heard—that he never knew of a labor man yet that had resorted to violence unless he was goaded on by the men that wanted them to do violence; and his other point was that he, in common with organized labor, believed that the State constabulary and militia should be wiped out. And your comments on those two statements were invited.

Mr. CREIGHTON. Just at the moment I do not suppose I could recite any particular experience of the actual commission of an offense at any particular point; but there is no doubt in my mind that we could—almost anyone of us could—discover evidence of an offense of that character directly by those engaged in the strike. We do know that was the wholesale difficulty in 1877, when there was a general assault upon the property of the railroad company; and in our own case our officers were practically driven to secrete themselves for their personal protection, to avoid serious consequences at the hands of the strikers. That was one experience.

Commissioner WEINSTOCK. Were those strikers members of organized labor?

Mr. CREIGHTON. Well, the men were all engaged at that time in this work—striking. They were all strikers, and somebody read—the history here recites that all the means at the command of the State were necessary to ultimately secure order. For some days there was no order. There was disorder of the worst kind at very many points on the system, and I can hardly conceive of what the general conditions socially might be if a difficulty of that kind would arise again and there be no legally constituted means such as the National Guard or the State constabulary to protect the public.

Commissioner WEINSTOCK. Do you think the wiping out of the constabulary or of the National Guard would make for peace and law and order?

Mr. CREIGHTON. I do not, sir. I think rather to the contrary.

Commissioner WEINSTOCK. Was the State constabulary brought into this trouble that you have been telling us about this morning of 1911?

Mr. CREIGHTON. No, sir.

Commissioner WEINSTOCK. So far as you know, has the State constabulary been brought into labor troubles in Pennsylvania in recent times?

Mr. CREIGHTON. I personally have no knowledge of that, sir. They have been used generally throughout the State for the preservation of order. They have, as far as I know, headquarters at different points within the State where small bodies of these men are located in charge of a subordinate officer, for the purpose of patrolling and looking after a prescribed area and seeing that peace is preserved, just as the ordinary local police officer within any community.

Commissioner WEINSTOCK. You have seen the State constabulary in action?

Mr. CREIGHTON. Personally I have not, sir.

Commissioner WEINSTOCK. So that you can not speak from personal knowledge?

Mr. CREIGHTON. No, sir.

Commissioner WEINSTOCK. As to how they conduct themselves when called upon to render a service in a public disturbance?

Mr. CREIGHTON. Not from any personal knowledge, sir.

Commissioner WEINSTOCK. What is their general reputation in the State, as far as you know, in every respect? Are they looked down upon as an undesirable lot?

Mr. CREIGHTON. It has been my impression that their reputation has been of the very highest order. They are a very carefully selected lot of men; they are men who have probably had more than the ordinary advantages in the way of education; some of them have served in our Army; they are men who probably prefer a life of that kind, as some do. Their conduct, as far as I know, is above reproach. I never heard it criticised, except in a general way, that it was in Mr. Maurer's testimony yesterday.

Commissioner WEINSTOCK. Well, you heard Mr. Maurer's testimony. You heard the sweeping manner in which he condemned the State constabulary as being unfit and undesirable. What justification, as far as you know, for that sweeping condemnation on his part?

Mr. CREIGHTON. None whatever, sir.

Commissioner WEINSTOCK. You think he does the State constabulary an injustice?

Mr. CREIGHTON. A very grave one.

Commissioner WEINSTOCK. Do you know what the general public's opinion is in Pennsylvania about the State constabulary?

Mr. CREIGHTON. The general public, I believe, have the very highest opinion of the general morals of the service, and of the individual members in that service. The officer in command, Capt. Groome, is a citizen very much respected in the city of Philadelphia, his home town. His reputation as an officer in that character of work is probably second to none in this country, and I believe that has been attested to by the efforts of other States to secure his services to organize a similar force.

Commissioner WEINSTOCK. Mr. Maurer, among other things, made this statement: He said in the American Cossack, referring to a little book that he said he had written himself, proved that they were—that is, the constabulary—partial in their conduct and used to break strikes, and used by the Lehigh Traction Co. as guards and as attorneys for the strike breakers; paid strike breakers' fines and arrested men on trumped-up charges and railroaded them to jail; that they invaded the homes of foreigners and searched their homes under the pretext of looking for firearms, "and I was informed, and believed my informant, that they robbed some of these people under the pretense of looking for firearms. They arrested them and took them to the steel company's property, and locked them up and held their court there. They paraded the streets, beat men right and left, trampled old people down, and rode to the Majestic Hotel and shot through the doors and shot one man to death and other men down, and trampled people down with their horses, and did everything possible to incite and create a reign of terror and fear and thereby break the strike."

Has any knowledge come to you, Mr. Creighton, as an old citizen of Pennsylvania, that would corroborate that statement?

Mr. CREIGHTON. I would say nothing about that testimony, as the trouble occurred a good many miles from my home, and I know nothing about it.

Commissioner WEINSTOCK. He goes on further to say [reading]:

"I might add that so unpopular has this department become in the State that notwithstanding the fact that the press of other States have been trying to laud it and eulogise this department to the extent that the other States would adopt it, to show you that it is not as popular as the press would have you believe, for the past four years they have tried to increase this department, and I happened to be a member of the Pennsylvania Legislature for the past three sessions myself, and know whereof I speak."

According to this witness's testimony, one would be led to believe that the constabulary was extremely unpopular in the State of Pennsylvania, is that your judgment?

Mr. CREIGHTON. Not as far as I know. There has been opposition on the part of certain people of the character voiced by Mr. Maurer, but that does not represent the sentiment of the whole community by any means. I would say it was

rather a small minority, neither does it represent the sentiment of the large part of the community in any large degree.

Commissioner AISHTON. Just one question and answer, in answer to one of the questions regarding your attitude toward a sympathetic strike. I think you said the objection was that it interfered with the railway company's transaction of business and with the employee. Now, Mr. Atterbury, in his testimony, said that the objection on the part of the Pennsylvania Railroad to a sympathetic strike was on account of a grievance they had, that they had no control over, and which they had no power to remedy themselves; that the service of the railroad and the welfare of the public on its lines would be seriously interrupted. Is that the reason that you have for an objection to the sympathetic strike?

Mr. CREIGHTON. That is the underlying point involved in all labor questions.

Commissioner AISHTON. Then an issue over which the officers of the Pennsylvania Railroad had no control?

Mr. CREIGHTON. That is the primary reason for our objection to the sympathetic strike, that it interferes with our duty to the public to operate our property in a normal way. In other words, our duty is primarily to the public, and a sympathetic strike in a very large degree would interfere with that public function.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. I believe you have a statement that you wish to read?

Mr. CREIGHTON. If you will let me glance at some notes I have here, sir.

Mr. Chairman, in that evidence given by Mayor Hoyer, he mentioned one incident in which, in his experience as mayor of the city of Altoona, an officer—I do not think he mentioned directly who—an officer of the Pennsylvania Railroad had attempted, or had succeeded in interfering in some of his official actions. I have thought over that matter last night, and, as nearly as I could place that incident, he must have referred to an incident in connection with a paving contract which created a great deal of discussion in our city. A large number of our reputable people, including myself as a representative of the Pennsylvania Railroad Co., a very large taxpayer, felt that the investigation as to several kinds of paving had not been properly pursued, and we asked for a little further exploitation of the whole problem, but the contract was ultimately let, and in furtherance of that scheme we—and when I say "we" I mean this committee of citizens, which included a dozen or fifteen prominent people, owners of property—we combined together and employed an expert of the United States Government on paving—I have forgotten his name, but connected with the department here—to examine paving in various cities and give us an opinion. Having obtained which we asked his presence in the city of Altoona and had a meeting of councilmen, and we simply insisted on being heard, after which hearing our case was so clearly proven to the body that we reversed their former action and we advertised for the work; and possibly I think that is the one matter referred to by the mayor that he may have been annoyed about—by that insistence on our part; but we were acting then only as one interest, we paying our proportion of the charge for this expert on paving. I can give you a history of that, if you desire; I just at present have not got the fact in my mind.

Chairman WALSH. You may submit anything further you wish on that.

Mr. CREIGHTON. There are some notes here which I am just simply looking over; I do not want to read them, because I think I have covered these notes in the testimony I have already given.

Chairman WALSH. Unless there is something more, Mr. Creighton, which you wish to say, I believe we will close now with you, because there is such an insistent demand to get through with this subject this afternoon, because so many of the witnesses want to get away.

Mr. CREIGHTON. If you will permit me, Mr. Chairman, I want to say one thing further with reference to the question of service card, and so forth, which you asked me about this morning. I would like to state for the company that everyone leaving the company is given a service card clearly indicating his term of service and stating the cause of the severance of his service with the company. I have been trying to post myself since I left the stand this morning. Upon receipt of inquiry from other railroads we pass to them a form upon which the individual is asked for certain information. In asking Mr. Hoover, who looks after that in my office, he said we have probably had half a dozen last year, and I want to say we have no so-called black list; nothing of that character.

Chairman WALSH. That will be all. Thank you, Mr. Creighton.

TESTIMONY OF MR. J. W. LEE, JR.

Chairman WALSH. State your name please.

Mr. LEE. J. W. Lee.

Chairman WALSH. We have been over the general topic of this pretty well, and I know that you are one of the ones who wishes to get away, and we will ask you to make it as brief as possible; we have a number of special topics that we would like to conclude this afternoon. I believe you were asked for a general statement of the publicity organization and the scope of your activities?

Mr. LEE. Yes.

Chairman WALSH. In as brief a manner as you can and still make it comprehensive enough to throw light on it, please tell us about that?

Mr. LEE. I will read this statement, if you will allow me.

Chairman WALSH. All right; do so.

Mr. LEE (reading): "The object of the publicity bureau of the Pennsylvania Railroad is to keep the public advised of the company's activities, in short to take the public into its confidence. Where matters are in controversy we endeavor to see that the company's position is thoroughly understood by the public. The company started its publicity work some nine years ago by first inaugurating a plan of full publicity regarding all accidents on its lines. Since that time the work has been extended to cover the activities of all departments.

"In the matter of accidents we make public the exact reports received by the general manager, and we make them public immediately on receipt of them, very frequently before the newspapers have even heard of the accident. As a matter of fact a carbon copy of the actual report sent to the general manager is shown to reporters who come to our office and a copy of it is sent to the newspapers. We give newspaper reporters and photographers the run of a wreck, assisting them in every way to get all of the information they desire. We do not endeavor to conceal anything. We are willing to be judged by the facts. In this connection we have from time to time issued notices to the press telling of our policy of publicity concerning accidents."

I have those here, if desired.

Chairman WALSH. You can submit them in the record as exhibits.

(Two circulars issued by the Pennsylvania Railroad entitled, respectively, "Notice to the Press—Relative to Method of Making Public Details of Accidents," dated Dec. 18, 1911; and "Methods for Supplying Information to the Press," dated Jan. 10, 1914, were submitted in printed form.)

Mr. LEE (continuing reading): "If people are injured or killed, we announce it as soon as we learn it, and give the names of the people as soon as we can get them. If the cause of an accident is stated in the report received by the general manager, it, too, is made public at once. In the same way, if we go a year, or two years as we just have, and do not have a single one of all the 181,000,000 passengers carried killed in a train accident, we make that fact public.

"We make an effort to see to it that what the press publishes about the railroad shall not consist of complimentary notices about the railroad or our offices, but real facts of consequence. We endeavor to see to it that in all matters the public learns what the railroad believes to be the truth. We take special pains that it learns those facts which show that the management is doing its job as best it can, and which will create the idea that it should be believed in. We tell our story, tell it frankly, tell it fully, tell it often, and tell it with a view to its being understood and carrying conviction.

"An essential principle back of the publicity policy of the Pennsylvania Railroad is this: If it is going to be able to work out its problems properly it has got to be believed in. It must get embedded in the public mind what is, in all truth, the supreme fact of the situation, namely, that it is doing its work as best it can, and doing it, in the main, exceedingly well—doing it as well as, if not better, than the railroad business is being done anywhere else in the world.

"In short, we endeavor to secure the help of the public in working out our problems. To do that we must acquaint people with our problems.

"The first plan of distribution we worked out was to give information verbally and in printed form to the press in Philadelphia, and then to send, when we had time, copies of that information to the papers throughout our system

direct. There were some very curious results of that. We found, for example—on one occasion having sent it to the papers direct from Broad Street Station—that some of our officers at outlying points were asked the next day the meaning of a particular article, and they didn't know anything about it. It then became perfectly obvious that the local representative of the company in each city must of necessity know what was being given to the papers in his district. We then developed the plan whereby representatives of the company at various points were appointed to deal with the press in each place. In some cases it was the general superintendent, in other cases the superintendent or the agent or some other employee, as the case might be.

"We consider that this information that we send out is in the nature of a report to the public on how we are performing the obligation we have to give the public good and efficient service. We never pay any newspaper anything to print anything as news, or as an editorial, regarding our service. We want the papers to feel that if we give them any information they can do as they wish with it—publish it or throw it in the wastebasket. What they do does not affect in the slightest the attitude of the company toward them. This policy of the railroad has been commended by the press as a broad one.

"Mr. Rea said, shortly after he became president of the Pennsylvania Railroad: 'Do not ever ask any newspaper not to print anything that is so. If it is bad, let them print it, because in that way the matter will probably be brought to my attention, so that we can have it corrected. The only thing we want to ask of newspapers is that when they do mention the Pennsylvania Railroad Co., or they mention railroad matters generally, they publish the truth in small matters, as well as great.'

"I might say that these instructions given by Mr. Rea are typical of the principles the company follows in its publicity work, as well as all of its other activities.

"Having perfected our system of distributing matter through local representatives, a scheme which we have now enlarged so that it now covers the entire Pennsylvania Railroad system, we have yet found that it is not wise to depend entirely upon the newspapers; that there is a very much broader field to cover, and that we must study methods of getting the attention of people, to get into their minds ideas which we could not get to them through the newspapers. We began to study our own constituencies. We found that we had 85,000 shareholders—the company has now over 92,000—who are certainly direct constituents of the Pennsylvania Railroad proper. The subsidiary lines have about 20,000, so that it can be said that the Pennsylvania Railroad system has approximately 112,000 shareholders. Bondholders we estimate at something over 200,000, though a great many of them are not registered. We have, also, our employees, of whom there are between 200,000 and 250,000 on the lines east and west of Pittsburgh. Of course it is a very difficult thing to get at so many men. We have often thought of publishing a magazine, but that would be a very large undertaking. We therefore have started out by publishing leaflets, giving certain details of operation. We don't send them to everybody; but we get out one, for example, and send it almost entirely to the men on a certain division; in another case we will send it very largely to the men on a grand division; in another case we may send it to the locomotive engineers. The idea is to get before our employees facts of interest which the management feels will be instructive and of benefit to these particular men.

"In addition to our employees we have our passengers—about 150,000,000 a year. This means that every day of the year some 500,000 people take our trains. To get them interested is a large undertaking; therefore we are starting out on a plan of publishing bulletins to be posted on our station bulletin boards. The theory is that in publishing these, with more or less frequency, and getting even a small percentage of these 500,000 people a day that take our trains to read them, we will be able to implant in their minds thoughts and facts—not to heavy—which will cause them to think and to discuss the affairs of our company and railroads generally with their neighbors.

"We shall begin shortly placing in the cars of our trains small folders containing information of interest to passengers.

"We feel that we are just beginning in our publicity work. We are continually trying to find new angles from which to approach the public with information about the work the railroad is trying to do.

"The publicity bureau is in charge of the publicity agent, who has sufficient assistance to carry on the work. At the present time there are eight other people in the department besides the publicity agent."

Chairman WALSH. Are you the publicity agent?
Mr. LEE. Yes.
Chairman WALSH. What is your staff?
Mr. LEE. I have one man who assists me in the preparation of material; chief clerk, who handles accident reports, the general-matter distribution, and who has charge of the stenographers and clerks in the office.
Chairman WALSH. Are the documents presented to this commission gotten up under your supervision?
Mr. LEE. No; I couldn't say that they were. I had charge of the printing of those documents—the two brown books. They were prepared after a series of meetings in the general office, at which all the facts we could get together were assembled, the points that the company thought pertinent and of interest to the commission were turned over to me to have put in printed form. I attended all of those meetings.
Chairman WALSH. Commissioner Garretson wants to ask you a question.
Commissioner GARRETSON. Mr. Lee, a very well-known publicity man testified before this commission some time back that the mission of a publicity man was to place before the public that which the interests which he represented wanted the public to know. You do not agree with that?
Mr. LEE. Well, I think I will bank on what I have just said here.
Chairman WALSH. Mr. O'Connell——
Mr. LEE (interrupting). I was going to say that I have bound copies—something——
Chairman WALSH. Yes; anything you desire to submit may be put in, and also anything we have not asked that you think you ought to put in you are at liberty——
Mr. LEE. I will be glad to give you anything you wish.
(Witness here presented two bound volumes entitled "Information for Employees and the Public," vol. 1, 1913, and vol. 2, 1914, issued by the Pennsylvania Railroad.)
Commissioner O'CONNELL. Mr. Lee, when Mr. Atterbury was on the stand—I think Mr. Atterbury—he was asked regarding this statement made on page 86 in the History of the Labor Troubles on the Pennsylvania Railroad?
Mr. LEE. Yes.
Commissioner O'CONNELL. Referring to Mr. Pierce?
Mr. LEE. Yes.
Commissioner O'CONNELL. In this statement he says that Mr. Pierce made application to the Pennsylvania Railroad Co. to handle its legislative matters, which was refused—the application. We asked Mr. Atterbury if that would be confirmed——
Mr. LEE (interrupting). Mr. Long, I think it was.
Commissioner O'CONNELL. Either one; and I think they referred to the fact that you would probably know.
Mr. LEE. Well, I might say that in the preparation of that book there were so many incidents that happened on different parts of the line that the officer who had general charge of assembling this matter assigned to the men on these different divisions those who knew about the different troubles to get all the facts that they could. Reports of these different facts were then assembled. We have here with us all the supporting data for everything that is in those books. That particular point to which you refer was based on information supplied by Mr. J. C. Johnson, superintendent of telegraph, who, I understand, is to testify before you.
Commissioner O'CONNELL. He will be a witness here?
Mr. LEE. Yes; I understand so.
Chairman WALSH. Mr. J. C. Johnson.

TESTIMONY OF MR. J. C. JOHNSON.

Chairman WALSH. What is your name, Mr. Johnson?
Mr. JOHNSON. J. C. Johnson.
Chairman WALSH. Where do you reside?
Mr. JOHNSON. Philadelphia.
Chairman WALSH. What is your business?
Mr. JOHNSON. Superintendent of telegraph for the Pennsylvania Railroad.
Chairman WALSH. How long have you held that official position? Also, please indicate what other positions, if any, you have held on the Pennsylvania Railroad, and a little history of your service.

Mr. JOHNSON. I came with the Pennsylvania Railroad Co. as telegraph operator in January, 1885, and was promoted from time to time from telegraph operator to train dispatcher, chief train dispatcher, assistant train master, and division operator and assistant train master, and chief clerk to the superintendent of telegraph, and in 1910 was made superintendent of telegraph, and I have held that position ever since.

Chairman WALSH. When was that, pardon me?

Mr. JOHNSON. 1910.

Chairman WALSH. I wish you would address yourself to the inquiry of Mr. O'Connell, just put to the last witness, concerning the reference to the difficulty with Mr. Pierce. You know just what he asked?

Mr. JOHNSON. Yes.

Chairman WALSH. Cover that before I get to your regular questions, please.

Mr. JOHNSON. Shortly after the convention of the B. L. F. & E., I think it was, in Washington, in 1912 or 1913—1913, I believe it was—Mr. Pierce wrote to Mr. Long that he would like to have an interview with him, and, as is the custom, that was referred to me. Mr. Pierce was then in Harrisburg, and in order to find out what he wanted to see him about I sent one of my men up to see him, and he said that he had some matters of importance he wanted to talk over with him in regard to legislative matters; and I told him then that he could come down to my office and see me; and after talking over the labor situation for some little time he said he would like to handle the legislative matters for the Pennsylvania Railroad. He thought he was thoroughly capable of doing it, considering his knowledge as a national organizer for the firemen; and I asked him what he expected, and he named his salary, and wanted that, and in addition to that his expenses——

Chairman WALSH. What salary did he name?

Mr. JOHNSON. Four thousand dollars a year; and I told him that that was a pretty big matter and would require some consideration, and if he would keep me advised as to his whereabouts I would write him and state whether we wanted his services. He told me then that he was going West to see some insurance company, if I remember right; but I never received his address, and never have given an official answer that his services in that respect were not wanted.

Chairman WALSH. Did you give the information you wanted in there?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. You gave it to Mr. Long and he had it incorporated?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. State briefly what the general scope of your duties are as superintendent of telegraphers?

Mr. JOHNSON. I am, in addition to that, a staff officer of the general manager, and any matters that he may want me to look after are assigned to me.

Chairman WALSH. I think you were the gentleman that was pointed out as in charge of the police detective department?

Mr. JOHNSON. The police department is under the charge of the superintendent of police, who reports to me and receives his instructions from me.

Chairman WALSH. I believe we have the superintendent of police here—that is, Mr. Harper—and I will not go into that with you, because, you understand, we are trying to get through with this matter to-day.

Mr. JOHNSON. Yes, sir.

Chairman WALSH. Just describe the organization of your detective department, please—as to the number of men, how you employ them, and all about it.

Mr. JOHNSON. There is no connection whatever between the confidential department and the police department. That is entirely separate. While they both come under my direct charge, they are entirely separate.

Chairman WALSH. We are accepting that, and will go to Mr. Harper about the police. Will you please proceed?

Mr. JOHNSON. Now, the confidential work is entirely in my hands on the whole system. It is my business to gather and keep myself informed of any information in regard to labor matters or any other matters that need confidential investigation, and when the investigation is made I give the general manager, or such officers of the company as require it, such information as I think will be of interest to them. We have our force in that respect—it varies with the exigencies of the service. We may have 15 or 20; we may have 40.

Chairman WALSH. How many have you now?

Mr. JOHNSON. At the present time I would say about 35.

Chairman WALSH. And how many did you have at the beginning of the trouble in 1911, or immediately prior thereto?

Mr. JOHNSON. I think about 35—I mean 25.

Chairman WALSH. And did you increase it during the trouble?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. To what extent?

Mr. JOHNSON. Well, I suppose we added about six men.

Chairman WALSH. Is there some particular reason now, without going into the details of it, for having 35 now instead of 25?

Mr. JOHNSON. I can not say there is a reason now except that we are making some investigations looking after the drinking question; we look after that periodically pretty severely.

Chairman WALSH. I wish you would go ahead and give us the details of all the work that these men do for your company.

Mr. JOHNSON. You understand I don't handle them; they are not my men. When I want anything done I simply confer with the superintendent or general superintendent, or possibly if the case is very important I may confer with the general manager of the Pinkerton Detective Agency, and I tell him what I want.

Chairman WALSH. Do you use Pinkerton men altogether?

Mr. JOHNSON. Well, at times there may be some local detective on a local matter that we may have attend to it.

Chairman WALSH. Do you have any in the employ of your own company?

Mr. JOHNSON. No, sir.

Chairman WALSH. Either known or unknown detectives?

Mr. JOHNSON. No, sir.

Chairman WALSH. I don't want to interrupt you. Go ahead with your statement and explain it in your own way, and we will probably get along faster.

Mr. JOHNSON. We have many friends of ours in the railroad that tell us things, but they are not considered in the light of secret men.

Chairman WALSH. Are they paid for the information?

Mr. JOHNSON. No, sir; not any more than they get wages as employees.

Chairman WALSH. Do they ever get any gratuities or rewards of any kind?

Mr. JOHNSON. No, sir; if we send a man to make investigations for us—for instance, a conductor—we may send him to some other railroad to see how they do things there, and we would pay him his wages and in addition his expenses.

Chairman WALSH. Proceed.

Mr. JOHNSON. Now, the confidential work, you understand that covers a great deal more than keeping yourself informed on the labor question. At the present time we are working with the Government together, on some Black Hand matters, and things of that kind. We have a few men working in that direction, checking up all the time, and watching things closely.

Chairman WALSH. Men that check the conductors?

Mr. JOHNSON. Yes, sir; and the auditors and baggage-masters and watching things of that kind.

Chairman WALSH. Now, do you have any contract with the Pinkerton Agency, any written contract with them?

Mr. JOHNSON. No, sir.

Chairman WALSH. Just tell the terms of how you employ these men.

Mr. JOHNSON. I don't know that I would like—I don't know that I am at liberty to divulge anything for the Pinkerton Detective Agency.

Chairman WALSH. As far as the Pennsylvania Railroad is concerned, what do you pay them, what is your contract?

Mr. JOHNSON. We have a sliding scale with them, and it depends on the number of men we have. It runs from $4 to $7 a man.

Chairman WALSH. Per day?

Mr. JOHNSON. Per day.

Chairman WALSH. That is, $4 a man?

Mr. JOHNSON. That all depends on the number, I say, the number that we have.

Chairman WALSH. Now, what determines it, what number determines whether it shall be $4 or $7?

Mr. JOHNSON. The dividing line, I think, anything under 30 men, I think it is, we have to pay them $7; above that the scale slides.

Chairman WALSH. And the money is all paid to the Pinkerton Agency?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. Do the detectives deal with you personally after they come on the road?

Mr. JOHNSON. I don't know any of them at all.

Chairman WALSH. Now, did you have Pinkerton men in the different departments of the railroad acting as employees?

Mr. JOHNSON. There may be; yes, sir. All I ask of the Pinkerton people is to bring me the information needed. They have to get it the best way they can.

Chairman WALSH. How is information transmitted to you?

Mr. JOHNSON. By reports.

Chairman WALSH. Do you meet the operative at all?

Mr. JOHNSON. No, sir.

Chairman WALSH. Do any of these detectives do what might be called police duty?

Mr. JOHNSON. No, sir; I don't think they have any commissions; I don't think they can make arrests.

Commissioner GARRETSON. Have you any corps, Mr. Johnson, with which you are in direct connection among your various classes of employees which constitutes a regular bureau that furnishes you such information as may be of interest to you?

Mr. JOHNSON. Among our own employees?

Commissioner GARRETSON. Yes, sir; in all classes.

Mr. JOHNSON. No, sir; as I stated to the chairman, we have among our employees men who are our friends, that tell us things that happen; but we have no regular corps.

Commissioner GARRETSON. You don't have any of the operators that report what takes place over the wire, or baggagemen that make examination of transit mail or company mail?

Mr. JOHNSON. No, sir.

Commissioner GARRETSON. That is all done by the Pinkertons?

Mr. JOHNSON. I don't know anything about examination of the mails. Their instructions are to see that mail carried by the railroad is purely railroad matter, and that comes under the general superintendent of transportation, and I don't know what method they have any more than they expect a baggagemaster, if he gets hold of any mail that he don't think is right, that he should turn it in to be examined.

Commissioner GARRETSON. And his curiosity may be quite wide, to know what the men in sending letters to each other may be writing?

Mr. JOHNSON. He has no authority to open mail.

Commissioner GARRETSON. Is it done without authority, to your knowledge?

Mr. JOHNSON. Not to my knowledge.

Commissioner GARRETSON. Then, if a man came into possession of a list of names, of course, in a purely legitimate way, that gave a list of 75 employees, giving their number, the amount of money they received, how that money was paid to them, the method of their reporting there for instructions or transmitting their information, they would be Pinkertons, and the men occupying positions with you as conductors or engineers, firemen, brakemen, baggagemen, yardmen, and shopmen of their class, they would not be under your direct supervision, but under the Pinkertons?

Mr. JOHNSON. Yes, sir.

Commissioner AISHTON. Just one question, Mr. Johnson; I understood one of your officers to say that these men were used simply to develop the situation, that the officers made the investigation.

Mr. JOHNSON. That is entirely so.

Chairman WALSH. Do you have charge of any arms or ammunition, or other weapons the company might own?

Mr. JOHNSON. No, sir.

Chairman WALSH. Who would have them—Mr. Harper?

Mr. JOHNSON. No, sir.

Chairman WALSH. Who would?

Mr. JOHNSON. I heard the question asked here two or three times. I do not know of any place on the system where we have anything stored for that purpose. At the times we have had our troubles in the past we have got through our purchasing agent a supply of revolvers.

Chairman WALSH. So far as you know, there are no arms or ammunition kept on hand?

Mr. JOHNSON. I want to explain. After the trouble was over they were returned to the purchasing agent, and I understand he has a few hundred, I don't

know how many, just a few hundred, lying there in a safe same place in Philadelphia.

Chairman WALSH. Who would know of that, if anyone, who is here?

Mr. JOHNSON. I do not know of anyone; I think that is entirely in the hands of the purchasing agent.

Mr. MYERS (from the audience). We would be glad to give you that information.

Commissioner AISHTON. They are kept stored, in the general practice of the railroads, with the purchasing agent or his subordinates, the storekeeper, who keeps the general stores of the company?

Mr. JOHNSON. Yes, sir.

Commissioner O'CONNELL. Do you know whether the Pinkerton people in hunting this information, or any information they might desire, as to any activity on the part of organized labor on the system—whether the men employed on the system are men of the particular trades that are liable to be involved in trouble?

Mr. JOHNSON. I understand so.

Commissioner O'CONNELL. For instance, if the telegraphers were active on the system, would the men who would be put on the system likely be telegraphers?

Mr. JOHNSON. I understand so; yes, sir.

Commissioner O'CONNELL. Do you suppose, if it was essential to have Pinkerton men there, they would try to place them in the national organization of the telegraphers to secure information?

Mr. JOHNSON. I do not know about that; if they wanted information, I suppose they would.

Commissioner O'CONNELL. Do you get information that is indicated as coming from the general officers of the organization?

Mr. JOHNSON. No.

Commissioner O'CONNELL. Your information would not indicate that it comes direct from the national organization?

Mr. JOHNSON. No.

Commissioner O'CONNELL. Do you get information of any kind to indicate that the Pinkerton people are reporting information secured at the headquarters of the various organizations, such as the American Federation of Labor?

Mr. JOHNSON. No, sir.

Commissioner O'CONNELL. That is all.

Chairman WALSH. If there is anything further you desire to say, Mr. Johnson, that we have not asked you about, you are at perfect liberty to do so.

Mr. JOHNSON. There is nothing; I want to be frank; there is nothing to conceal.

Chairman WALSH. That is all, thank you, Mr. Johnson.

Mr. Harper.

TESTIMONY OF MR. J. C. HARPER.

Chairman WALSH. Please state your name.

Mr. HARPER. J. C. Harper.

Chairman WALSH. What is your business?

Mr. HARPER. Superintendent of police of the Pennsylvania Railroad Co.

Chairman WALSH. Where do you reside?

Mr. HARPER. At Philadelphia.

Chairman WALSH. How long have you resided there?

Mr. HARPER. Since February, 1907.

Chairman WALSH. I wish you would sketch a little history of your service with the railroad company, please.

Mr. HARPER. Or the purpose of the organization?

Chairman WALSH. No; your own service. Have you always been superintendent of police?

Mr. HARPER. No, sir.

Chairman WALSH. I mean your personal service with the company.

Mr. HARPER. I came from the telegraph department; I have been with the company 30 years.

Chairman WALSH. How does it happen that the police department should be under the telegraph department?

Mr. HARPER. It is an awful handicap, but, nevertheless, it is a fact. The public do not understand the importance of the superintendent of telegraph; he is a bigger man than his title indicates.

Chairman WALSH. He is on the staff of the general manager, is he?

Mr. HARPER. Yes.

Chairman WALSH. Is that how he comes to have charge of the police?

Mr. HARPER. Yes, because the general manager is too busy a man to handle my matters, which are trifling.

Chairman WALSH. I wish you would be brief and give a little history of your police organization, and begin with the classification. I believe it has been submitted to you; the number of uniformed officers, the number of plain-clothes men, the number of special-duty men.

Mr. HARPER. The organization of the police service was effective November 1, 1907. You understand as a general proposition that until that time it had been purely divisional; each division had its own police, and one division did not know what the other was doing in that respect. Do you want the figures collectively?

Chairman WALSH. The number of uniformed officers, plain-clothes men, the number of special-duty men, if there are such; that is the way I have classified my question.

Mr. HARPER. The number of men with State authority, 361; number of men with city authority, 33. Incidentally I might mention that the 33 men with city authority are located within the confines of Philadelphia. We have but one actual policeman on the road without authority. This makes the total of actual policemen 395. In addition, the police rolls are burdened with 291 men known as watchmen, without any police authority.

Chairman WALSH. Crossing men and the like?

Mr. HARPER. They are crossing men—men who have been incapacitated in other departments by reason of injury, loss of arm or leg, or defective sight; and they are used as crossing watchmen, watchmen at freight houses, gates, or they follow a tour of clocks for fire prevention, and so forth.

Chairman WALSH. Just describe the authority these men have and the territory in which they act—whether or not they settle at one place, or whether any number of them are transferred from place to place along the road, or how that is.

Mr. HARPER. As I have already outlined, the State authority to the policeman is issued by the governor of the Commonwealth.

Chairman WALSH. Directly by the governor?

Mr. HARPER. Yes, sir; a commission from the State of Pennsylvania; and that commission gives the individual police authority for a period of three years, and must be renewed every three years.

Chairman WALSH. Are they renewed every three years?

Mr. HARPER. Yes.

Chairman WALSH. Are there any others that may operate in other jurisdictions?

Mr. HARPER. Yes; in the State of New York for a good while we did not make any effort to obtain police authority from that State; but when we opened our terminal in New York City we did. It was a very large proposition, and in the meantime we operated under city authority.

Chairman WALSH. How many have you in the city of New York?

Mr. HARPER. Now, I can not give minute figures on that, but I can give you approximate figures as of December 31.

Chairman WALSH. We do not want that much detail. How many have you?

Mr. HARPER. I will have to give you the New Jersey division, which takes in that territory.

Chairman WALSH. You have that in documentary form there?

Mr. HARPER. Yes.

Chairman WALSH. So you can submit it?

Mr. HARPER. Yes.

Chairman WALSH. Very well; please submit it, and we will not go into that detail now.

(The information requested is printed among the exhibits at the end of this subject as Harper Exhibit.)

Chairman WALSH. How are the men armed?

Mr. HARPER. These uniformed men are armed with a .32-caliber revolver.

Chairman WALSH. Clubs or other weapons?

Mr. HARPER. If a man feels he is not physically capable of taking care of himself—and, of course, mentality goes with the physical—he is furnished with a leather club about 10 inches long; we do not furnish our men with handy billies or blackjacks. A blackjack puts a hole in your head, whereas the leather don't do you any harm, but temporarily stuns.

Chairman WALSH. Where are your leather ones made, or are they purchased?

Mr. HARPER. The purchasing agent purchases them. I can not tell you offhand where they come from.

Chairman WALSH. To your knowledge, are any arms held in storage at any point on the road?

Mr. HARPER. Yes, sir.

Chairman WALSH. Just describe their character and where they are located.

Mr. HARPER. In a safe in the department of the general purchasing agent at Philadelphia, Broad Street Station; there are 90 guns there. They were purchased for the purpose of arming officers on divisions where a number of post-office safes in our stations had been blown by bandits. In the winter of 1907 I went to Philadelphia—just as an illustration, between Philadelphia and Paoli, a distance of 25 miles, there was not a safe that was not blown up at least once during that winter.

Chairman WALSH. That is, the safes in the stations?

Mr. HARPER. Yes, sir. In one place, Wynnewood, the safe was blown three times, and so on down the line. There is absolutely no use of the police going after that element with revolvers, and that was the purpose of buying these guns. We did not have safe blowing any more thereafter. Those guns are in a safe, well protected.

Chairman WALSH. You do not know whether there are any other arms than those stored at any place?

Mr. HARPER. We might have two or three hundred revolvers that were purchased in bulk in order to get a low rate of cost. You understand that we are governed by the principle that if you are going to give a policeman a revolver it should be a good one, as an inferior make is a dangerous thing; so that for the sake of safety and uniformity we adopted the Colt revolver, which is the standard small arm of the United States Army.

Chairman WALSH. And those are kept where?

Mr. HARPER. In this same place.

Chairman WALSH. Have you trains equipped for police service?

Mr. HARPER. Any what?

Chairman WALSH. Any trains or cars or engines?

Mr. HARPER. No, sir.

Chairman WALSH. You have nothing of that kind?

Mr. HARPER. No, sir.

Chairman WALSH. There was a reference made to Lucknow, the Lucknow encampment.

Mr. HARPER. Yes.

Chairman WALSH. Explain that, if you will, please, Mr. Harper, without being asked any direct questions.

Mr. HARPER. A policeman is on duty 24 hours a day, and 25 hours if possible—I have been on duty 25—and he is not docked if he is off a day, nor is he granted a vacation for extra time on duty. We believe that our policemen are exceptional men, and we try to treat them as such; so that Lucknow encampment was an arrangement with the company to give these men a vacation to get them together to become better acquainted with each other, particularly the captains.

Chairman WALSH. Did they consist of your uniformed police, those with the Lucknow encampment?

Mr. HARPER. Those with uniforms had such equipment with them, and those who did not have them went in civilian clothes.

Chairman WALSH. How many were there?

Mr. HARPER. We split it. All told, we had 340 men, half the first two days and the other half the next two days.

Chairman WALSH. Proceed, now, Mr. Harper, please, where I interrupted you.

Mr. HARPER. I was going to give you the number of uniformed men.

Chairman WALSH. I do not care for that; just complete your answer. Just give us your answer about the encampment—as to the whole matter. It was reported to our investigator that the Lucknow encampment was held at a time when an agreement was being entered into between some of the union organizations, or being settled by some union organization with the officers; and they were encamped and drilled at a place where they could be seen by the people going back and forth, and the inference was that it was being done for the purpose of intimidation or having some effect on the making of the contract; did you understand it that way?

Mr. HARPER. It is possible that something was going on with some of the train-service men. There is something going on practically every day; but I pay no attention to it. That does not enter into my manipulation of the police service. Your other statement, that these men were gathered at a point where they could be noticed by travelers or the men——

Chairman WALSH (interrupting). That is not my statement.

Mr. HARPER. Anyway, that is all wrong, because they were camped in the most obscure place that you could find. They were sent out there for two or three days' vacation, and they were encamped along an old canal bed south of the Pennsylvania line, where they were not seen from the railroad; in an old cornfield, and this old canal bed has a row of trees down both sides.

Chairman WALSH. And the assembling of them at that point at that time had no significance, so far as any labor trouble was concerned, so far as you know?

Mr. HARPER. No, sir.

Chairman WALSH. What date was that?

Mr. HARPER. June, 1913, I think; I do not know positively.

Chairman WALSH. Now, Mr. Harper, unless you have some further statement you desire to make you will be excused permanently.

Mr. HARPER. I have nothing to say, except to reiterate——

Chairman WALSH (interrupting). With all due respect, do not reiterate.

Mr. HARPER. I have nothing further to say.

Chairman WALSH. Very well; you will be excused.

Mr. Auston.

TESTIMONY OF MR. J. R. T. AUSTON.

Chairman WALSH. State your name, please.

Mr. AUSTON. J. R. T. Auston.

Chairman WALSH. Where do you live?

Mr. AUSTON. At Philadelphia, Pa.

Chairman WALSH. What is your business?

Mr. AUSTON. President of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen.

Chairman WALSH. How long have you occupied that official position?

Mr. AUSTON. Since 1910; I was grand secretary from 1907 to 1910.

Chairman WALSH. Are you a telegrapher; were you originally a telegrapher?

Mr. AUSTON. A telegraph operator since I was 11 years old.

Chairman WALSH. How did you happen to come to the Minneapolis Convention?

Mr. AUSTON. The Minneapolis convention of May, 1907?

Chairman WALSH. Yes.

Mr. AUSTON. I was in the employ of the Denver & Rio Grande Railroad Co., but previous to the convention I was with the Western Union at Denver, and took a leave of absence and went to Minneapolis as a visitor or member in good standing, with up-to-date card to June 30, 1907, which represented 20 continuous years of membership.

Chairman WALSH. Did you pay your expenses to that convention?

Mr. AUSTON. Yes; my own expenses and those of my wife.

Chairman WALSH. Did anybody pay the expenses—any of your expenses during the period of that convention? Or any of the expenses of that convention, that you know of?

Mr. AUSTON. No, sir.

Chairman WALSH. What salary did you receive during the early part of the existence of the organization?

Mr. AUSTON. At Minneapolis, when the division or split, as we call it, occurred, I was asked my rate and I told them I could get along, I thought, on $150, and they thought they could not pay that, and they were all friends of mine, and I said, "Make it $100, and I will come and help you anyway," and my salary to 1910, if I remember right, was $100; then I believe it was raised to $125, and now it is $150 a month.

Chairman WALSH. Has your salary always been paid by the members of the organization?

Mr. AUSTON. My salary has always been paid, when it was paid, out of the revenues of the organization.

Chairman WALSH. I gather from what you say that sometimes your salary was not paid.

Mr. AUSTON. In the first years of the organization—in 1907, when we returned from Minneapolis, they handed me $65; and I also used finances of my own in financing the organization.

Chairman WALSH. Did the Pennsylvania Railroad Co., either directly or indirectly, pay your organization expenses or guarantee them?

Mr. AUSTON. No; under no circumstances whatever.

Chairman WALSH. It has been suggested that they guaranteed your credit with a printing concern to the extent of $1,000.

Mr. AUSTON. That is an absolute falsehood, which can be proven by the affidavits of the printers. I told them I wanted a $1,000 credit, and it was up to them whether I could have it or not, and they gave me credit; and I ran an $800 credit.

Chairman WALSH. Has the Pennsylvania Railroad Co. approved of your organization?

Mr. AUSTON. That is a question I could not answer. They have done business with us, but whether they approve of our organization or any other, I do not know; I never asked them.

Chairman WALSH. Tell us what business you did with the company?

Mr. AUSTON. When the controversy came to a head on the Pennsylvania lines—understand I never worked for the Pennsylvania Railroad Co. in my life, and I never was in their service—the whole general committee, with the exception of one man, members of the O. R. T., of St. Louis, changed their buttons and came to our organization. In 60 days we had over 800 members in good standing. The committee kept right on with its transactions just the same as it did before; in fact, when the disturbance arose in 1905 after the general chairman was out of favor, the committee still kept on doing business with the company without any organization at all behind it, and paid dues to their old secretaries, two in Philadelphia; the committee kept right on doing business, and if the time was not so brief I could bring in a complete schedule of the dates of the meetings, and their results, and so forth; as all general committee work is.

Chairman WALSH. Was there a threatened strike on the Pennsylvania Railroad in 1912?

Mr. AUSTON. In 1912, if I remember right, about in June, there was a movement made by Mr. Perham's organization, who kept a large corps on the Pennsylvania all the time to disrupt it, arranging to bring a committee before the management of the company and force official recognition, which they had never enjoyed at any time from 1907 to that date, 1912. It resulted in the committee being brought into Philadelphia, headed, as I understand, by Mr. McGraill, of the Pittsburgh division, and Mr. Perham himself; and I believe you have all the data in regard to that controversy between Mr. Perham and the Pennsylvania Railroad.

Chairman WALSH. Well, at that time did you undertake to secure telegraphers for the Pennsylvania to take the places of the men who might go on strike?

Mr. AUSTON. No, sir; no, sir. The statement was made by these men, the organizers of Mr. Perham, that I maintained a labor bureau on Filbert Street in Philadelphia and sat behind the desk and enrolled men for such positions.

Chairman WALSH. Did you send any operators to the Pennsylvania during the time this strike was going on?

Mr. AUSTON. No, sir; no, sir; I maintained a neutral position.

Chairman WALSH. Now, Mr. Auston, if there is anything else you would like to say, about which you have not been interrogated, you may do so.

Mr. AUSTIN. I would like to read a brief statement and pass it into the records of the commission.

Chairman WALSH. Can you epitomize it for us and then submit it, and we will take it up as a whole?

Mr. AUSTON. I believe we would save time to just let me read it.

Chairman WALSH. Does it cover any point I have asked you about?

Mr. AUSTON. No; other points.

Chairman WALSH. Now, please omit any points you have been asked about, if you can, Mr. Auston, and read anything now that you want to put in, but please omit these matters that I have asked you about.

Mr. AUSTON. I will start right in [reading]:

"The new organization in 1907 took over the existing general committee, Pennsylvania lines east, and its officers, and continued doing business with the Pennsylvania Railroad management, the same as it had for several years previous.

"After we organized, President Perham, of the O. R. T., appealed for an injunction to debar us from using 'Order Railroad Telegraphers' in our title. The appeal was denied by Judge Holland, of the superior court, Philadelphia.

"Immediately after the close of the Minneapolis convention, in 1907, the new organization was called company organization by Mr. Perham and his agents. A number of organizers were placed on the Pennsylvania system to disrupt the new organization. The work of attempted disruption and the sowing of falsehood and prejudice by the circulating of scandalous reports, while not injurious to the O. R. T., D., A., and S., or retarding its progress and growth, might be said to be the direct causes of unrest among the telegraphers employed on the Pennsylvania Railroad east of Pittsburgh and Erie, who have been misled and deceived by the specious statements and despicable untruths.

"The general committee, working under the guidance and supervision of our organization, has had many conferences with the managements of the Pennsylvania Railroad, the Philadelphia & Reading Railway, the Long Island Railroad, the St. Louis Terminal, and that of other systems, and at the present time has important matters pending final adjustment on some systems.

"Our general committees have been very successful in securing additional compensation, better regulations, and improved conditions, and in no instance is there any indication of a lack of harmony between any of them and the railroad managements whom they have conferred with.

"As the Pennsylvania Railroad east appears to be the system now being investigated, I desire to state that the general committee, guided by our laws, can conclusively prove that from a financial point of view wages of telegraphers and other employees represented have been increased thereon since 1907 to a greater extent or percentage than the Order of Railroad Telegraphers, of St. Louis, Mo., has obtained in the same period on any railroad in the United States."

In connection with this statement I desire to file with this honorable commission some data showing the rates of pay on the Baltimore and the Delaware divisions of the Pennsylvania system and on the West Jersey & Seashore division as they existed January 1, 1914. This is made necessary because Mr. Perham quoted rates on those divisions which have been wiped out to a considerable extent by wage increases secured by our general committee. Also, because the rates quoted were minimums only and rates paid at positions where the responsibility was not very great.

(The statement referred to by witness is printed among the exhibits relating to this subject as Auston Exhibit No. 1.)

Mr. AUSTON (continuing reading). "Mr. Perham stated to this commission that the total membership of his organization was 45,000 and that the total number of telegraphers in the United States was 53,000. To my knowledge his organization has very few members on the Pennsylvania lines east, although I am aware there is a claim made that it has something like 1,100. Information secured by me indicates that many delinquent members are still carried on their system division No. 17, Pennsylvania Railroad, and also that a fair estimate of the total membership would not exceed 400 in good standing up to the end of 1914.

"On the Philadelphia & Reading; the Central of New Jersey; the Lehigh Valley; Delaware, Lackawanna & Western; and the Erie the membership in the O. R. T. is, practically, small. Reports received from southern and western systems exhibit a lack of complete organization; therefore it is evident that if his organization has 45,000 members it will be necessary to find more than 53,000 telegraphers to increase the total of nonmembers and properly man the railroads I have mentioned, upon which his organization is partially represented.

"Mr. Perham has branded me as a company tool and the organization I represent as a company organization. He has done this at meetings. He has done this in his complaint to this commission when he stated that the Order of Railroad Telegraphers, Ditspatchers, Agents, and Signalmen were fostered and financed by the Pennsylvania Railroad. He repeatedly stated the past few years that he had evidence, and that at this hearing he would prove his assertions and put the O. R. T., D., A., and S. entirely out of business. I am surprised that up to this time nothing has been openly presented to this commission in support of Mr. Perham's allegation. He has failed to meet the issue openly and fairly, as I have repeatedly challenged him to do. He has failed to prove up publicly. The charge affects my personal character, the repute of the organization I have the honor to represent, and the good name of its members, and it seems to me that it is cowardly procedure for anyone holding such a high

position in the labor world—the ranks of organized labor—to defame personal character and then pass alleged evidence to this commission under a promise of secrecy, instead of giving it out publicly, even though he did withhold the name of any person he might think would be persecuted for giving him information. The only conclusion possible for a fair-minded man to arrive at is: Mr. Perham did not have sufficient confidence in his alleged evidence and preferred to have it submerged in the voluminous data he has filed regarding 'gum-shoe men' and 'bulls' in whom he seems to be greatly interested—more interested than in proving openly and publicly that I am a corporation tool and the organization I represent a company association.

"In 1912 when Mr. Perham and a so-called general committee polled a strike vote on the Pennsylvania lines east and made a demand on the management for official recognition, I filed a protest against the management of the company recognizing said general committee. This protest is filed herewith."

(The document presented by witness is printed as Auston Exhibit No. 2.)

"My reason for filing the protest just read was that if the company received Mr. Perham's committee it meant our general committee would have to retire and give the Order of Railroad Telegraphers the right of way.

"At the time of filing the protest I had no knowledge as to what might be the decision of the Pennsylvania Railroad management, but I did know the opinion and feeling of our members regarding the matter; therefore it was my duty to put our position plainly before the officials.

"At this time we had some important matters pending adjustment, and anything tending to disturb our harmonious relations with the company would have been disastrous to the best interests of the employees, not only our own members but all employees of the telegraph, signal, and agents departments of the Pennsylvania Railroad system.

"I mention this filing of a protest for the reason that there have been misstatements regarding our position at the time Mr. Perham was considering the advisability of disturbing the transportation business if his demands were not conceded, which were, briefly, "Put the O. R. T., D., A., and S. out the back door and let us in the front door."

"Our organization has a sick benefit of $5 per week and a funeral benefit of $100, both paid directly from the grand division. Our locals are not permitted to have such benefit features. The dues are $9 per year, payable quarterly. We have distributed over $10,000 since 1908.

"The methods of procedure we favor have increased wages, secured better regulations governing seniority rights and promotion and other conditions of service. We have never found it necessary to call a strike vote on the Pennsylvania Railroad or appeal to any governmental board or commission. We have had some difficulties on other systems, but through the exercise of diplomatic tactics, patience, and publicity we have won our case without exciting any spirit of official retaliation.

"Our organization has a strike clause in its laws based on a two-thirds vote of members interested.

"I wish it clearly understood that we have no apologies to make for our plan of organization. Mr. Perham objects to injunctions restraining or preventing the holding of meetings. So do I, but I extend my objection still further. I do not believe that there should be a high court of organized labor in this country—a court possessed of actual or assumed prerogatives to say to all the workers of this country, 'We are the selected rulers of your destinies, and there shall be no other kind of labor organization permitted to exist except those bearing our seal of approval.'

"Such is the position taken by the American Federation of Labor, of which Mr. Perham is a vice president. It must be its position or Mr. Perham would never have spent thousands of dollars since 1907 in a futile effort to disrupt the organizttion I represent. Such position is, in my opinion, a sort of injunction served on labor to prevent any part of that great army from stepping out of an old rut and trying new methods and new procedure.

"So the injunction served on me is that I am a leader of an irregular organization, and that the only regular organization of railroad telegraphers is the one Mr. Perham represents. And still it is 'regular' for the Brotherhood of Railroad Trainmen to have conductors and baggagemen as members and the Order of Railway Conductors to have conductors, too, and for the Brotherhood of Locomotive Firemen and Enginemen to have engineers and the Brotherhood of Locomotive Engineers to have engineers only.

"Whether regular or irregular, the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen asked no one how it should establish itself or what classes of railroad employees it should make eligible to membership. It, however, will always try and respect the rightful jurisdiction of any other organization that is really honestly and practically representing labor; but in the case of Mr. Perham's organization, the Order of Railroad Telegraphers, the organization from which many of us withdrew for causes too many to enumerate, we do not recognize its right to be the exclusive labor organization for railroad telegraphers, or, in fact, recognize it in any way under its present official management for the reason it has deemed proper to vilify and abuse and made efforts to disrupt the O. R. T. D. A. & S. ever since it was organized in 1907, instead of seeking some means to harmonize ill feeling and dissension caused by its own official errors of judgment.

"Our organization represents train dispatchers, directors, towermen, signalmen, signal maintainers, telegraphers, levermen, linemen, clerks, agents, and electricians who are employed on a railroad. We have no 'laborers,' as Mr. Perham stated in his testimony.

"Under our plan each class represents itself directly before the supervising officials through its own local chairman and division board of adjustment. Each local chairman, regardless of class, forms the general committee, and the chairman of that committee can be elected from any class by the local chairmen themselves. Our idea is to get the best men in the lead.

"In conclusion I wish to repeat that I do not believe any coterie of labor leaders has a patent on every plan of organization. I have no apology to make to adherents of the class idea for promoting an organization of railroad labor composed of different classes—three departments. I am pleased to be able to state our success has proved the plan to be feasible. The object of labor unions is to promote the welfare of those represented. We are doing that, and take considerable pride in the accomplishment.

"We began life with $65. In a month we had 700 members. When expenses press too hard, owing to organizing expenses, the organization was fostered and financed. I plead guilty to that charge, but I desire to state that Mr. Perham accused the wrong party. It was not the Pennsylvania Railroad or any other railroad; not the Steel Trust, as some of his organizers once reported. It was J. R. T. Auston, the present national president of the order, the writer of this statement.

"Respectfully,

J. R. T. AUSTON,
"National President Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen."

Mr. AUSTON. I thank you for permitting me to read that.

Commissioner O'CONNELL. What is the total membership, Mr. Auston, of your organization?

Mr. AUSTON. At the present time in the neighborhood—we have a quarterly system—and, taking it approximately, I would place the membership on the Pennsylvania Railroad——

Commissioner O'CONNELL. I am not speaking of the Pennsylvania Railroad, but the whole organization.

Mr. AUSTON. We have a little over 3,000.

Commissioner O'CONNELL. What is the membership on the Pennsylvania system?

Mr. AUSTON. Well, somewhere about, possibly, twenty-three or twenty-four hundred. We have not branched out much.

Commissioner O'CONNELL. And out of your total membership you say 2,400 are on the Pennsylvania system?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. Does that mean the entire Pennsylvania system?

Mr. AUSTON. The Pennsylvania lines east. We have not touched the lines west.

Commissioner O'CONNELL. You have no membership in the West?

Mr. AUSTON. Yes, sir; on the Milwaukee & St. Paul and on other roads.

Commissioner O'CONNELL. I mean the Pennsylvania lines west.

Mr. AUSTON. Not but very few; we have a few in Pittsburgh, but I doubt whether any of the western lines are in there yet.

Commissioner O'CONNELL. Does your organization have printed monthly reports or a journal of some kind?

Mr. AUSTON. We have an official journal called the Railroad Wiremen Signal, published monthly.

Commissioner O'CONNELL. Does that contain reports of your income and disbursements?

Mr. AUSTON. No, sir; neither does yours, perhaps.

Commissioner O'CONNELL. Yes; it does.

Mr. AUSTON. Yes; I think you are right. Our laws don't require that; and another thing, an organization that is growing up under difficult circumstances and surrounded by enemies will keep its inside business very close.

Commissioner O'CONNELL. Does your secretary and treasurer, or secretary or treasurer, as the case may be, or yourself, if you are the officer, publish a statement that goes to your membership direct?

Mr. AUSTON. The local lodges are furnished statements and the books are audited once a year by an auditor.

Commissioner O'CONNELL. Does your national organization furnish to your lodges the income and disbursements of your national body?

Mr. AUSTON. We do at the biennial conventions.

Commissioner O'CONNELL. When was your last one?

Mr. AUSTON. We will have one this coming May 17.

Commissioner O'CONNELL. Then you have prepared a statement to present to that?

Mr. AUSTON. I have not yet, but I will if I can get away from here a few days.

Commissioner O'CONNELL. You expect to prepare one?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. Will you furnish this commission with a copy of your statement to the next convention?

Mr. AUSTON. Yes, sir; but it is a little bit irregular. Ordinarily, if ours was the only organization, I would say "yes," frankly; but, as I say, I will have to get permission from the convention—the delegates, at least. I am under oath of office to protect my organization.

Commissioner O'CONNELL. I ask that that request be made.

Mr. AUSTON. If it was put in the form of a demand, we would probably have to comply.

Commissioner O'CONNELL. Let me ask this question: You have made through your organization an agreement of some sort, or arrangement, covering the employment of your people with the Pennsylvania system east?

Mr. AUSTON. Mr. O'Connell, when I came to Pittsburgh along in 1907 they had the seniority rule on a piece of yellow paper, called "the yellow kid," and we kept improving on that until we got it in book form, and we now have the rules and regulations, the rights of employees, and we have enlarged——

Commissioner O'CONNELL (interrupting). I am not speaking of that, Mr. Auston. You entered into some sort of negotiation with the Pennsylvania whereby you agreed upon rates and wages for telegraphers?

Mr. AUSTON. Yes, sir; there was a mutual understanding and agreement.

Commissioner O'CONNELL. Now, you say there is in your constitution a strike provision?

Mr. AUSTON. Yes, sir; a two-thirds vote.

Commissioner O'CONNELL. Then you are not an antistrike organization?

Mr. AUSTON. No, sir; I would not pay 50 cents into an organization that would not strike. You know for 35 years I have carried a union card.

Commissioner O'CONNELL. Having that clause in your constitution, of course, means something to the membership. Suppose your members were in complete control of the telegraph situation at the Altoona station, on the eastern division, and one of your members was discharged in Altoona, on the Altoona force, for what you would consider an unjustifiable position, and you attempted to have those men reinstated and the company refused, under your law, if you made that two-thirds vote you could order that strike of your members for the reinstatement of those men. Do you hold that under that rule you have a right to call your members out at the Philadelphia station in support of the contention of your members at Altoona?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. You have that right?

Mr. AUSTON. Sure we have.

Commissioner O'CONNELL. Then your organization does, as was alleged this morning, have a sympathetic clause?

Mr. AUSTON. No, sir; we have no sympathetic clause; we simply claim the right to represent all of the men on the Pennsylvania lines east of Pittsburgh and Erie that are organized. If such—which I hope won't occur—we will suppose such a case comes up with us, all of the ordinary pressure for harmony would be brought about to avoid a strike, and the membership, and if it comes to a strike every labor union must support the men that are discharged.

Commissioner O'CONNELL. Then you are, as I understand the statement made this morning, you are not the kind of an organization just exactly the Pennsylvania officers would want on their system?

Mr. AUSTON. I don't think so; I was told in the anteroom by a gentleman I just met this morning, "What you want a hearing for; you are opposed to labor organizations," and I said, "You don't know me; you don't know what you are talking about."

Commissioner O'CONNELL. The point I am trying to get at is, for instance, the general superintendent who was on the platform here just before noontime stated that they were not opposed to an organization of labor on the system, provided they were organized along certain lines and without any entangling alliances, and were not in favor of a sympathetic strike; that a sympathetic strike meant that the men, for instance, at one station, speaking of shopmen, that the men on strike at Pittsburgh—there is a contention with the company—and the men struck at Altoona, or if the men go on strike at Altoona it would be looked upon as a sympathetic strike and not in accordance with their idea of an organization.

Mr. AUSTON. The opinion of another witness is not always my opinion. A sympathetic strike in my idea is this, that if the telegraphers were out on the New York Central, and called on them on the Pennsylvania lines to assist in order to drive them into a sympathetic strike to aid the New York Central men, that that would be a sympathetic strike. The illustration of a sympathetic strike given this morning between two shops on the same system is not an example of what I would term a sympathetic strike.

Commissioner O'CONNELL. You don't agree with that idea at all?

Mr. AUSTON. No; not at all.

Commissioner O'CONNELL. Suppose the New York Central, as you spoke of it, you had a strike on the Pennsylvania road and the New York Central furnished operators to take your members' places on strike on the Pennsylvania Railroad, what would you do in case of the New York Central if you had members working for it?

Mr. AUSTON. We would tell them not to come.

Commissioner O'CONNELL. Suppose they did come; would you allow your men to work for the New York Central?

Mr. AUSTON. How about the members that don't come? The few that do come to the Pennsylvania line, you know as well as I do that they violate their obligation to the union.

Commissioner O'CONNELL. But supposing the New York Central line, through its telegraph system, furnished the Pennsylvania Co. with men to take the place of your members who had gone on strike, officially, and done that, what would you do with the New York company if you had members working for them?

Mr. AUSTON. We would have a grievance against the New York Central.

Commissioner O'CONNELL. And you would strike that?

Mr. AUSTON. Yes, sir; if necessary, because they interfered with the Pennsylvania line, just what we are against; we say we won't interfere sympathetically with other lines.

Commissioner WEINSTOCK. On account of the limit of time, I will ask you to answer my questions just as briefly as possible. I have in my mind a document filed with this commission by Mr. H. B. Perham, president of the Order of Railroad Telegraphers, in which he makes certain charges against the Pennsylvania Railroad. I gathered from your testimony that you had been doing business with the Pennsylvania Railroad, and therefore you can probably answer some of these. The first is that the Pennsylvania Railroad Co. denies the right of organization to all employees except those directly engaged in transportation. Is that your idea and your experience?

Mr. AUSTON. No, sir.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania——

Mr. AUSTON. Let me modify it. It is not true as far as my organization, or our organization's activities are concerned, because we are organizing clerks at the present time on the system, and have large locals.

Commissioner WEINSTOCK. Do you represent primarily the telegraphers?

Mr. AUSTON. No, sir; three departments—telegraphers, signal, and agents departments.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania Railroad Co. makes a practice of discharging men for the reason that they have joined a labor organization; also that it coerces and intimidates men who are suspected of having joined a labor organization and habitually discriminates against men who endeavor to exercise their right to organize. Have any of your members beeen discharged?

Mr. AUSTON. I know of none of ours or any other telegraphers being discharged for belonging to any organization.

Commissioner WEINSTOCK. The next charge is that the Pennsylvania Railroad Co. brings into existence and fosters sham labor organizations for its employees which are labor organizations only in name and are merely formal organizations and the subservient tools of the management, designed to obstruct the progress of legitimate labor organizations.

Mr. AUSTON. The only one I know, the only organization that I would apply that to, would be the recently organized mutual benefit association of Pennsylvania employees, which I have attacked in our official journal and endeavored to work against.

Commissioner WEINSTOCK. As far as your own organization is concerned, this would not be true?

Mr. AUSTON. I don't think so.

Commissioner WEINSTOCK. The next is that the Pennsylvania Railway refused to mediate or arbitrate its recent difficulties with its telegraphers and deliberately arranged its affairs to meet a strike by placing inexperienced men in readiness to take charge of the signal towers without regard to public safety.

Mr. AUSTON. You have the data in regard to that controversy; it is not necessary for me to enlarge on it.

Commissioner WEINSTOCK. What is your point of view of it?

Mr. AUSTON. I do not see how the Pennsylvania management could do business with two factions; they were recognizing one, as I stated in my report; they must put one out of the back door and leave the other fellow in or shut the door and not allow them to come in at all.

Commissioner WEINSTOCK. Did the Pennsylvania Railroad Co. ever refuse to mediate with your organization?

Mr. AUSTON. No, sir.

Commissioner GARRETSON. You heard Mr. Creighton's definition of what constituted a sympathetic strike. Did you ever hear such a definition of a sympathetic strike at any other time?

Mr. AUSTON. I will admit it is the first time I ever heard that sort of a definition of a sympathetic strike. I have been in several strikes myself and am pretty familiar with the different kinds.

Commissioner GARRETSON. You are familiar enough with the four train-service organizations to know that if that is a proper definition they are all sympathetic strikers?

Mr. AUSTON. Yes, sir.

Commissioner GARRETSON. The four organizations having contractual relations with the Pennsylvania system?

Mr. AUSTON. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. You will be permanently excused. I have been asked to announce that the only other witnesses that will be called on this Pennsylvania matter are John Guyer, J. T. Born, H. L. Grimm, and W. H. Pierce. All other witnesses on that particular subject will be excused permanently.

Mr. MYERS. May I say a word as to your investigation as to the hearing of the Pennsylvania Railroad and the taking of their testimony? As Mr. Atterbury, who spoke for the company, one of its highest officials, has had to leave to meet an appointment in Philadelphia, I wish to thank you and the members of the commission for the way in which you have conducted the investigation, and I wish to assure you that we stand ready at any time to put at your service any information that we may have which can serve to help you to solve this question that you are investigating. As very large employers of labor, and as men who have devoted our whole lifetime to this question, we

are intensely interested in it, and as good citizens we want to aid you with every means in our power to reach a proper solution.

Chairman WALSH. We thank you, Mr. Myers.

Mr. Guyer, will you please take the stand?

TESTIMONY OF MR. JOHN P. GUYER.

Chairman WALSH. What is your name?

Mr. GUYER. John P. Guyer.

Chairman WALSH. What is your business?

Mr. GUYER. Newspaper man, at the present I am engaged as social worker and clerk for the directors of the poor for Dolphin County, Pa.

Chairman WALSH. What is the county seat of Dolphin County?

Mr. GUYER. Harrisburg.

Chairman WALSH. Now, I wish you would state in your own way, Mr. Guyer, what you call the mobilization of the Pennsylvania police at Lucknow in 1913, which has been testified to here?

Mr. GUYER. About May, 1913, I was city editor of the Patriot, and there came to Harrisburg, into what is called the Lucknow field, or end of the road or yards, I think there were 17 cars, and in them were said to be 450 railroad detectives. These men were there I believe four days. I think Mr. Harper referred to it as a picnic, and at that picnic they used their automatics or revolvers in target practice on the National Guard rifle range. They were in sight of the north central and lines east and west of the Pennsylvania—the lines north, south, west, and east.

Chairman WALSH. Now, did I understand that there was some arbitration going on at the time between the company and certain of its employees?

Mr. GUYER. Yes, sir; at that time there was a question pending in New York in conference with the managers' association and representatives of the B. R. T. and O. R. C., representing about 100,000 men, and they agreed to arbitrate under the provisions of the Erdman Act, and the day following the agreement to arbitrate I noticed—I had been up to see those men practice their target shooting—and I noticed that the picnic left the next day.

Chairman WALSH. When you went up there, Mr. Guyer, were you told that the men were there on an excursion?

Mr. GUYER. No, sir; I was told that they were there because they were expecting a strike.

Chairman WALSH. Who told you that?

Mr. GUYER. The people living in the neighborhood with whom I talked.

Chairman WALSH. Did you talk to any of the men that were there?

Mr. GUYER. No, sir.

Chairman WALSH. To any of the officers?

Mr. GUYER. No; I heard reports. One of our reporters talked to Mr. Harper—Mr. White, I believe—and got the reason they were there, and we published a series of articles in the newspaper and told about their performances, etc.

Chairman WALSH. What statement did Mr. Harper make at the time with reference to what brought them there?

Mr. GUYER. If I can recall it, and he can correct me if I am wrong——

Mr. HARPER. I will correct you very emphatically.

Mr. GUYER. According to the reporter's story, what the men were there for, was, I believe, an outing, and it was the first assemblage of this kind that the police department had had on the Pennsylvania.

Chairman WALSH. He made substantially the statement that he made here?

Mr. GUYER. Yes, sir.

Chairman WALSH. On the statement that he made here?

Mr. GUYER. Yes, sir.

Chairman WALSH. Now, were you there during any strike on the road?

Mr. GUYER. Yes, sir.

Chairman WALSH. What strike was that?

Mr. GUYER. The strike of 1913, or 1914, I guess it was.

Chairman WALSH. What was known as the strike——

Mr. GUYER. That was known as the Pierce strike, according to the common talk around there, Mr. Pierce led the strikers.

Chairman WALSH. I wish you would give us the general conditions as prevailed and as concisely as you can, leading up to that strike?

Mr. GUYER. It would take quite a little time to do that. If you gentlemen would care, I would just as leave write out a statement of the conditions that

I know about, and based upon my observation there as a newspaper man there at that time.

Chairman WALSH. I would be very glad to have you do that?

Commissioner AISHTON. Your observations at Harrisburg?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. And the statement will be confined to conditions that you actually saw?

Mr. GUYER. Yes, sir. I will relate some of them, if you wish, to-day.

Commissioner AISHTON. I don't think it is necessary to take up the time, Mr. Chairman.

Chairman WALSH. If you can state what you saw yourself briefly, do so; but if it will take some time, as you say, perhaps you had better not.

Mr. GUYER. It would take some time. I was admitted to meetings of the men most any time I wanted in, and, in view of all that I attended, I saw a great deal; and I saw the police of Pennsylvania crowd around the halls, so much so that they had difficulty in entering the hall, and the local police were called out. I don't think it is the regular Pennsylvania force, but this was an unusual force that they employed.

Chairman WALSH. Did you observe anything about the blockading of the hall by the company police in which the strikers desired to hold meetings?

Mr. GUYER. The railroad men said they were company detectives, or, rather, imported men, who were about White's Hall on one evening that I endeavored to enter there, and I had to wait there until they scattered out.

Chairman WALSH. How many men went out on strike at that time?

Mr. GUYER. It has been variously estimated from 700 to 2,000.

Chairman WALSH. Were these men brought in to take their places?

Mr. GUYER. Yes, sir.

Chairman WALSH. What was the relation between the strikers and the men brought in to take their places?

Mr. GUYER. Occasionally there was bitterness exchanged, and at other times the strikers and strike breakers would come to strike headquarters and report the conditions that they saw in the yard limits and in the shops.

Chairman WALSH. Do you know anything about attempted bribery of strike leaders?

Mr. GUYER. Nothing of my own observation. It was so reported.

Chairman WALSH. And do you know anything further than you have testified about the policing or the use of detectives in the strike?

Mr. GUYER. I know simply what I heard a number of times; Mr. Grimm was followed a number of times and I was followed a number of times by men I presume were interested in the Pennsylvania.

Chairman WALSH. It has been stated that you personally had some information as to what was called company domination over employees and economic pressure brought to bear by the company on citizens not directly connected with the company.

Mr. GUYER. That is quite extended. Mr. Chanery, your agent, spoke regarding the connection or control that the Pennsylvania exercised over courts and the machinery of the county government, and in that connection I think I told him that these employees, these police, had access to the jail and could incarcerate a man without the formality of a commitment and take him out without any more formality than to walk in and speak to the warden and take him out. They were in evident control. I think I mentioned the matter of Sheriff Wells, one of their shopmen, who was a candidate on the Democratic ticket for sheriff. He brought a letter to me at one time showing, or purporting to show, a letter written by Mr. Donohue, a clerk, to Mr. McCaleb, the superintendent of the division, in substance requesting him to get off the ticket or he would be dismissed, and I think I said to Mr. Chanery that the result was that Mr. Wells continued his candidacy and was elected by an overwhelming vote on the Democratic ticket, although Dauphin is nominally a Republican county.

Chairman WALSH. Now, I wish you would do as you suggested to Mr. Aishton, that you furnish a statement covering any facts in regard to these matters that might be of interest, of which you have personal knowledge.

Mr. GUYER. Mr. Chanery inquired regarding the full-crew law and the methods used by the Pennsylvania in creating public sentiment. In that connection, Mr. Chanery got from Mr. Maurer about one-eighth of the mail that he received on that subject, and with some clerks we tabulated it, and we found 19 form letters mimeographed, and amongst 2,600 letters that we examined we found but 7 which bore any resemblance of originality. A number of

these were upon the stationery of the Pennsylvania, and I can submit them to you, possibly several thousand of these mimeographed typewritten letters with the names of Mr. Maurer written on it and signed, in some instances dated Pittsburgh and signed by John Jones or some one in a little suburb outside of Pittsburgh.

Chairman WALSH. Just submit a few of them, and we will take the names of the others.

Commissioner AISHTON. You have no personal knowledge of what these police were for?

Mr. GUYER. No, sir.

Commissioner AISHTON. In the Lucknow encampment.

Mr. GUYER. No, sir; I didn't talk to them.

Commissioner AISHTON. You were city editor at that time of a newspaper?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. And an item of news that they were there for mobilization, and from the railway, and this practicing, would be of greater value as news than if you would say they were on a picnic or an annual drill?

Mr. GUYER. Yes, sir; no question about it.

Commissioner GARRETSON. Was not the entire press, especially the eastern territory, full of a strike up to the day that the agreement of arbitration under the Erdman, not the Erdman but the Newlands Act, was reached?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. Was it not a foregone conclusion by the press that that would be reached?

Mr. GUYER. There was a very strong hope expressed that it would be.

Commissioner AISHTON. Was it not of general knowledge on the part of the press that that result would be reached?

Mr. GUYER. There was no way of telling beforehand that it would be reached.

Commissioner GARRETSON. Have you any knowledge from the press reports, and the other sources that were available to you, as to who the pressure had to be brought on to get them to agree to arbitration, the men or the company?

Mr. GUYER. I do not have anything official on that line, but all sorts of rumors were about.

Commissioner GARRETSON. You ought to have done like a lot more of them did that came to me. I was there.

That is all, Mr. Chairman.

Chairman WALSH. That is all, thank you, Mr. Guyer.

Mr. GUYER. Do you want to make an inquiry in regard to this matter or shall I include it in my statement that I am to furnish in regard to the pressure brought to bear on the papers to prevent the publication of news favorable to the men?

Chairman WALSH. Yes; you may tell us about that.

Mr. GUYER. I covered the strike news, although I was acting in the capacity of clerk, but I covered the strike news, and Mr. Grimm was at that time city editor, and I was told by some men who claimed there was an effort being made to have the news changed and made favorable to the company, or something of that nature; and later on men in the new brotherhood reported to me that they had heard that the chamber of commerce and officials of the Pennsylvania, including its attorneys, had held a meeting with the three city editors of the local papers in an endeavor to have all the news published favorable to the company—to the company's interests—and Mr. Grimm, of course, subsequently told me such had been the case, but he is here.

Commissioner AISHTON. I want to ask that any statement submitted by Mr. Guyer, a copy of it be furnished to Mr. Long, general manager, for the Pennsylvania, for any reply that he sees fit to make to it.

Chairman WALSH. Yes. That is all, thank you, Mr. Guyer.

Mr. Born.

TESTIMONY OF MR. J. T. BORN.

Chairman WALSH. What is your business?

Mr. BORN. I am postmaster of Wilmerding, Pa.

Chairman WALSH. How long have you lived at that place?

Mr. BORN. Sixteen years.

Chairman WALSH. What business—what was your business prior to being postmaster?

Mr. BORN. Machinist.

Chairman WALSH. By whom were you employed?

Mr. BORN. The last two years that I worked at my trade I was employed by the Pennsylvania Railroad Co.

Chairman WALSH. I wish you would state, Mr. Born, what part you took, if any, in the strike of 1911 at Pitcairn.

Mr. BORN. Why, I was on the grievance committee.

Chairman WALSH. Of what?

Mr. BORN. Of the shopmen.

Chairman WALSH. How long were you employed by that company altogether?

Mr. BORN. Well, five years; but I had left—was out of the company's employ for two years.

Chairman WALSH. And when this strike came on you were with the company, were you?

Mr. BORN. Yes, sir.

Chairman WALSH. Now, what was your record with the company?

Mr. BORN. Well, I guess it was good, because after I left they were after me to come back—that is, the foreman—to return there when I left the place that I was in; to go back. So it must have been good or otherwise they would not have asked for me to come back to the Pennsylvania.

Chairman WALSH. How did you come to finally sever your connection with the company?

Mr. BORN. I was discharged.

Chairman WALSH. For what reason?

Mr. BORN. For being a member of the union.

Chairman WALSH. Did you attempt to return to the employ of the company?

Mr. BORN. Not after the strike.

Chairman WALSH. What was the cause of the strike in 1911?

Mr. BORN. Well, I was a member of the International Association of Machinists before I knew that the shop was being organized. I was only a member of the shop organization about two weeks before. The company seemed to think I was a member a longer time, but I was only a member two weeks when I was discharged. They had organized the shop long before I knew anything of it. The reason I was not asked to join the union—that is, the shop union—or that they did not let me know there was such a thing was on account of me being friendly with the superintendent of the plant and they thinking I might give away something said or done; but the cause of the organization was due to the "off and on" system that the company adopted. They had a new system there that when a man got through with a job he was to report to the clerk. If he was on good terms with the clerk he might get a job immediately when he reported it. If not, he would have to stand around and he would lose the time. They had the piecework system. Now, that was the cause of the organization of the men in the Pitcairn shops.

Chairman WALSH. Was there or was there not substantial unrest among the men on account of that?

Mr. BORN. Well, that is what started it; but later, when the company knew that they were being organized, the old hands were discharged—the old employees. Now, that is what we tried to work with the company, that they should reinstate the old employees. The strike would not have come off at the time if they had not discharged the old hands.

Chairman WALSH. How many of those had been discharged?

Mr. BORN. Quite a number; not only at Pitcairn but all along the line. I think it was done more to scare them from organizing.

Chairman WALSH. Could you approximate the number that was so discharged?

Mr. BORN. Well, I could not. I judge in the machine shops, the shop that I was employed in, there were in the neighborhood of—you see, at Pitcairn they employed about 5,000; that is, all classes, laborers, car men, blacksmiths, pattern makers; they worked in the cabinet shop, and different men working at different work.

Chairman WALSH. How were grievances adjusted between the employees and the management?

Mr. BORN. There didn't appear to be any adjustment at any time. That is what created the trouble. If they would have recognized them——

Chairman WALSH. Was there any machinery for hearing the complaints of the men?

Mr. BORN. No; not to my knowledge.

Chairman WALSH. Was there or was there not any complaint about the wages?

Mr. BORN. Well, there is where it was; it was on this "off and on" system is what made the wages so small.

Chairman WALSH. Well, now, just sketch the trouble in that respect. How small were the wages, or how large—the earnings?

Mr. BORN. Well, if they worked through—had no trouble in getting their work—some of them made good money; that is, for not being mechanics. A man on the Pennsylvania at Pitcairn that was not a mechanic could make as high as a hundred dollars a month—and I thought that was good wages—provided he had the work.

Chairman WALSH. Was there any considerable portion of them that did not have the work that got the rate?

Mr. BORN. Oh, yes.

Chairman WALSH. Well, now, what proportion?

Mr. BORN. Well, just at that time, or for six months, in fact, from the time they adopted that up until the strike there were a great number of them made a very small wage.

Chairman WALSH. Well, what was the wage and about what did it net them?

Mr. BORN. The greatest part of it.

Chairman WALSH. How did it run, generally?

Mr. BORN. Some made less than a dollar a day; some made good wages. Now, with myself, I had no complaint with the Pennsylvania Railroad, personally; they paid me good wages. I was a day rater. I was not on the "off and on" system. They treated me good. I couldn't say anything myself, personally, but good for the Pennsylvania; but their employees as a whole were not treated right; and that is the reason I went with them and helped fight their battle.

Chairman WALSH. Any complaint about the voluntary relief association?

Mr. BORN. Yes, sir.

Chairman WALSH. What was that complaint?

Mr. BORN. Why, they were compelled to join the voluntary relief association. I don't call it "voluntary," because you were compelled to join the relief association. You were in the Pitcairn shop at the time. I don't know how about the others.

Chairman WALSH. Was there any objection to joining it?

Mr. BORN. Yes, sir.

Chairman WALSH. What was the objection?

Mr. BORN. Well, they did not care about joining it for the reason that they did not know whether they would stay with the Pennsylvania Railroad; there is where the biggest part of it was. Now, the company took that money out and the employees, so far as we understood, that 10 per cent of that money went for the pension fund. Now, we may have been wrong—I may have been wrong—but we used that as an argument, that 10 per cent of that money paid in went for the pension fund. Well, if a man did not stay there until he was 70 years of age, all the money he put in that relief he would lose. Now, that is the reason why so many objected to the relief. I for one objected to joining the relief, and I was compelled to join the relief. I was told so.

Chairman WALSH. By whom?

Mr. BORN. By the foreman.

Chairman WALSH. What was the attitude of the company toward labor organizers?

Mr. BORN. Why, it was not good. It showed that by the discharging of the men.

Chairman WALSH. That is what I was going to ask you. Did they discharge the men who joined?

Mr. BORN. Yes.

Chairman WALSH. Well, now, how many, and what were the circumstances connected with that?

Mr. BORN. Why, I venture—I believe there was one-third or over one-half had been discharged by the time the strike was called. Now, I was discharged February 27, 1907.

Chairman WALSH. You said you were discharged for joining the union. Why did you say that?

Mr. BORN. I was told if I would drop the union I could be held.

Chairman WALSH. By whom?

Mr. BORN. By my foreman.

Chairman WALSH. Who was that?

Mr. BORN. Mr. Steinburg.

Chairman WALSH. Were new men employed to take the places of these men discharged prior to the time of the strike?

Mr. BORN. No; not until the strike.

Chairman WALSH. Did seniority rights exist at any time while you were there?

Mr. BORN. No, sir—well, they did up to that time.

Chairman WALSH. What attempt was made, if any, to establish contractual relations with the company?

Mr. BORN. You mean, what measures were used?

Chairman WALSH. Yes, sir.

Mr. BORN. Well, we went before—well, we had correspondence with the officials of the company, the superintendent, the general superintendent, and the manager, for to have a hearing, that we could come to a peaceable settlement; and we were heard by the general superintendent, the superintendent, and the general manager. They treated us courteously, and I couldn't ask for better treatment; and they consulted with us; but they believed they had a right to discharge men if industrial conditions so existed, and that they had a right to use their own judgment. Now, they wanted us to go back to work and settle it afterwards—wanted us not to strike; but it was out of the question. We could not; the men compelled the strike unless the old men were reinstated.

Chairman WALSH. And who actually called the strike?

Mr. BORN. The men did.

Chairman WALSH. By a vote?

Mr. BORN. By a vote.

Chairman WALSH. How many men?

Mr. BORN. Well, each organization—I guess there was in the neighborhood of 5,000 men brought on the strike—more than that, between 5,000 and 10,000.

Chairman WALSH. How long were they out?

Mr. BORN. From the 1st day of May until the 15th day of June, I believe it was the 15th; I couldn't say positively the day they went out—they went back.

Chairman WALSH. What was the conduct of the strikers?

Mr. BORN. Good; could not be better.

Chairman WALSH. Any casualties there or disturbances?

Mr. BORN. There was trouble there the first day of the strike. There were detectives, and we thought they were the Pennsylvania detectives. Since I have been in here I have been informed they were Pinkerton detectives. They marched through the borough of Pitcairn—for what reason I don't know. I went before the council, the Pitcairn council, and asked them if they would not put on an extra police force and place men that were out on strike on the police force, as I believed that would keep better order than by putting strangers there; and the borough council agreed that they would, after I had explained ways of keeping order, and they immediately put on a bunch of policemen that were connected with the strike. There was no trouble in Pitcairn until the company—of course, the shopmen had pickets. They would try to prevent men from going over to work by speaking to them, and the company brought in a bunch of detectives and they came over to the borough to escort men to work, and that day there came nearly being a riot, but they kept it down. The extra police kept the detectives over on their side and from that day on there was no more trouble.

Chairman WALSH. You say there came near being a riot. Was there anybody hurt?

Mr. BORN. No, sir; nobody hurt; no blows struck; no.

Chairman WALSH. Or missiles thrown?

Mr. BORN. No; but there would have been if there had not been restraint.

Chairman WALSH. Now, were there police or not brought into the city?

Mr. BORN. No; not in the borough. The company tried to get the Cossacks there after that date.

Commissioner AISHTON. Who did?

Mr. BORN. The company did—tried to persuade the sheriffs to bring the State constabulary on the scene.

Chairman WALSH. Were the State constabulary brought in?

Mr. BORN. No, sir; the sheriffs took hold of it after that and appointed deputies that were out on the strike.

Chairman WALSH. That is workingmen that were on strike?

Mr. BORN. Workingmen that were on strike.

Chairman WALSH. And were there any police brought in by the company—any uniformed police from outside places?

Mr. BORN. Not in the borough.

Chairman WALSH. Not in the borough?

Mr. BORN. No; but there were in other boroughs where we could not get the council's help to put on men who were connected with the strike.

Chairman WALSH. You mean there was no blow struck, during the strike, at all?

Mr. BORN. Only one case that was at Wall, and that was controlled mostly by the company—a borough called Wall.

Chairman WALSH. How far is that from Pitcairn?

Mr. BORN. Right across the railroad yards.

Chairman WALSH. Well, then, Pitcairn itself was absolutely without trouble.

Mr. BORN. Without trouble. Well, there was trouble one night with a fight.

Chairman WALSH. Did anyone get hurt?

Mr. BORN. One man got hurt by a detective—one of the company detectives or Pinkerton detectives. They are the ones that tried to agitate trouble.

Chairman WALSH. Well, were there any arrests made growing out of this strike?

Mr. BORN. In Wilmerding there were two or three.

Chairman WALSH. Were the persons convicted?

Mr. BORN. No, sir.

Chairman WALSH. Or tried?

Mr. BORN. Yes, sir.

Chairman WALSH. Before a jury?

Mr. BORN. No; before the burgess's court.

Chairman WALSH. Now, briefly, a little of the aftermath. What became of these men that were discharged?

Mr. BORN. From the Pennsylvania Railroad?

Chairman WALSH. Yes.

Mr. BORN. Why, scattered to various parts of the United States.

Chairman WALSH. How many of them failed to get back?

Mr. BORN. Well, about one-third. I interceded for two or three, tried to get them back. I went to Mr. O'Donnell, and he turned me down, would not recognize them. One man in particular; he was on the committee—two men were on the committee—and they were both hurt by the company, and they did not have any part in calling the men out on the strike. They handled themselves properly during the strike, only they were on the committee. They tried to adjust grievances. And I could not see why the company could not accept those two men. They asked me to intercede for them, and I did, but they would not take them, and Mr. O'Donnell told me that we caused the Pennsylvania Railroad Co. to spend over a million dollars, and they did not think that it was right to take men back who were the cause of the railroad company being at such expense.

Chairman WALSH. Was there any change in the status of the men that were returned to work, either in wages or conditions, or anything of that sort?

Mr. BORN. I don't think so; I have not learned of such.

Chairman WALSH. When were you appointed postmaster at Wilmerding?

Mr. BORN. Last September.

Chairman WALSH. You said you were a member of the machinists' union?

Mr. BORN. Yes.

Commissioner AISHTON. And then spoke about an organization of the shop crafts. That was a federation, was it?

Mr. BORN. It was a federation; but I still hold my membership with the International Association of Machinists, and still do—am still a member.

Commissioner AISHTON. And your connection with the matter of meeting with the Pennsylvania was acting as representative of the men of the shop crafts?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And the involved laborers?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And helpers?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And all the classes of employees?

Mr. BORN. Yes, sir; and on that committee there was one representative from each craft.

Chairman WALSH. That is all, thank you.

Mr. Grimm, please.

TESTIMONY OF MR. HERBERT L. GRIMM.

Chairman WALSH. Please state your name.
Mr. GRIMM. Herbert L. Grimm.
Chairman WALSH. What is your business?
Mr. GRIMM. State editor of the North American, Philadelphia.
Chairman WALSH. Of the Philadelphia North American?
Mr. GRIMM. Yes.
Chairman WALSH. Please state your newspaper experience, running back from this time.
Mr. GRIMM. Well, in 1913 I was city editor—you mean my entire experience?
Chairman WALSH. Yes; please.
Mr. GRIMM. Last fall I was acting managing editor of the Gettysburg Star and Sentinel, and prior to that time city editor of the Patriot for a year at Harrisburg. Before that I was New Jersey editor of the North American for two years.
Chairman WALSH. Did you act as representative of the Patriot at the meeting called by the Pennsylvania Railroad Co. and attended by the representatives of four Harrisburg papers, members of the chamber of commerce, and the Pennsylvania Railroad officials?
Mr. GRIMM. Yes; three Harrisburg papers.
Chairman WALSH. I wish you would briefly state how that call was made, and what took place at the meeting.
Mr. GRIMM. The call was made for one of the owners of the Patriot, I think. The Patriot is owned by the McCormicks, Vance C. and H. P. McCormick. And Mr. McCormick was out on the primary campaign; he was then running for governor of Pennsylvania; and I was asked to represent the Patriot.
The meeting was called for the purpose, as I understand it, of making the chamber of commerce members and the newspapers acquainted with the situation with regard to the strike from the railroad point of view.
I do not recall the date of the conference, but it was in the afternoon. There were present about 10 members of the chamber of commerce, whose names I do not recall, but one was Mr. Musser, the president, and for the railroad Mr. Creighton, general manager of the middle division of the Pennsylvania Railroad; Mr. McCaleb, superintendent of the Philadelphia division; and two of Mr. McCaleb's assistants, Mr. Dennehew and Mr. Sweeney; and Mr. Charles Bergner, local corporation counsel of the Pennsylvania Railroad Co., and a couple of others, whose names I do not recall. It was a closed meeting, and nothing was ever printed about it.
Mr. Creighton was the first one, I think, to make an address. The meeting was held in the office of Mr. McCaleb, superintendent of the Philadelphia division, in the station at Harrisburg.
The impression I gained at the time, soon after Mr. Creighton began to talk, was that the meeting was called for the primary object of winning over the members of the chamber of commerce and using them as a club to whip the newspapers, who were standing with the strikers, into line for the Pennsylvania Railroad Co. One of the parts of Mr. Creighton's address, I recall, he said he was at Atlantic City a couple of weeks before that, I believe, and that he was walking out on the board walk and picked up his Patriot and read across the top of the column "Terrible labor conditions in Harrisburg," and he said that was giving the city a black eye and was creating the general feeling that Harrisburg was a very poor town to work in, and so forth. Some of the chamber of commerce members would put in once in a while with, "That is right; that is right." And Mr. Bergner made an address along the same line.
Chairman WALSH. Who is he?
Mr. GRIMM. Bergner was local counsel of the Pennsylvania road. He accused the Patriot of deliberate lying.
Chairman WALSH. Had it?
Mr. GRIMM. No; I do not think so; I told him it had not.
Chairman WALSH. Go ahead.
Mr. GRIMM. Mr. McCaleb made an address along the same line Mr. Creighton did. And then addresses were made by a couple of members of the chamber of commerce, who agreed that the news ought not to be used in the local papers because it would create a feeling of unrest generally. That is about all.
Chairman WALSH. Did you have anything to say?
Mr. GRIMM. I only tried to show Mr. Bergner that the Patriot had not lied. There were representatives of the other newspapers there, and they all made

addresses or made replies and said they would be glad to use everything that the Pennsylvania Railroad Co. submitted, and they also agreed to give them front-page space.

Chairman WALSH. What had the attitude of the papers been prior to that time?

Mr. GRIMM. Well, Harrisburg is essentially a railroad town and about 5,000 of the 12,000 voters are, I think, railroad men. Of course, we cover these railroads, and we had one man on the local staff whose duty it was to "do" the Pennsylvania Railroad and call on the heads of the different departments every day. He always had difficulty in getting anything, and frequently, depending on the humor the railroad officials were in, he was curtly dismissed. I have knowledge of that. We had a story—I do not recall what it was about—one evening, and as it was the policy of the Patriot—if it was attacking, printing any story about a man in public life or any corporation—to always give the party concerned a chance to give their side of the proposition. I called Mr. Dennehew out of bed at 11 o'clock. The Patriot is a morning newspaper. I called Mr. Dennehew at the late hour, in order to let him give the railroad side of the story. The next day he called my chief and told him if anything like that ever happened again they, the railroad company, would never give us a line of anything and that he would take it up with the owners of the paper. That was about two weeks prior to the strike.

When the strike took place Mr. Dennehew and Mr. Sweeney and other railroad men came around to my desk in the evening to know what I had on the strike.

Chairman WALSH. Was there any change in the attitude of the Patriot?

Mr. GRIMM. There was not. The Patriot is owned by men of wealth, who run it more as a hobby and to give expression to their personal principles and beliefs, rather than from mercenary motives.

Chairman WALSH. Then you continued to print the news on both sides as you had done before?

Mr. GRIMM. Well, we always gave the Pennsylvania Railroad a chance to state their side, and the only difference was that we gave the strikers the best position. It was a big story, and we played it up every day. We gave the strikers the lead of the story and the Pennsylvania Railroad Co.'s side of it at the end.

Commissioner AISHTON. In your judgment there was no undue influence used by the Pennsylvania Railroad Co. to control the publication of news in the newspaper, was there?

Mr. GRIMM. Yes; there was. They tried to influence chamber of commerce members, mostly merchants, to withdraw their advertising.

Commissioner AISHTON. Two weeks prior to the strike, at the time you got in the row with them over calling some one up at midnight, there was nothing of that kind, was there?

Mr. GRIMM. After that we always had trouble getting any news whatever out of the Pennsylvania Railroad.

Commissioner AISHTON. They were a cold proposition, in other words?

Mr. GRIMM. They were that.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. Did you hear the testimony of a witness here in regard to how the publicity department of the Pennsylvania Railroad Co. works, and the spirit that impels it?

Mr. GRIMM. I did not hear that testimony.

Commissioner GARRETSON. You did not hear that testimony?

Mr. GRIMM. No; I was in the back part of the room.

Commissioner GARRETSON. It was to the effect that absolute knowledge on all subjects of interest was given to the public. Now, if that was the attitude of the publicity department of the Pennsylvania Railroad Co., it was not worked overtime in Harrisburg during your experience, was it?

Mr. GRIMM. They probably gave what they thought was news.

Commissioner GARRETSON. Have you any information as to the mission of publicity men in general? Is it to tell the truth, the whole truth, and nothing but the truth, or is it to tell what their employers want them to tell?

Mr. GRIMM. It depends on what newspaper you are working for.

Chairman WALSH. That is all, Mr. Grimm; thank you; you will be excused.

Mr. W. H. Pierce, please resume the stand.

TESTIMONY OF MR. W. H. PIERCE—Recalled.

Chairman WALSH. You have been recalled, as you understand, to make a reply, at your request, to make a reply to a statement contained in this publication with reference to your applying to the Pennsylvania Railroad Co. for a position, and so forth.

Mr. PIERCE. If you noticed, I just called the officials of the Pennsylvania Railroad Co. outside and requested them to stay until I made this statement, so that if I said anything that was not absolutely so they could contradict it, and I hope the commission and the reporters will pay strict attention when I go over it, and if I don't throw more light on this thing in the next 15 minutes than you have heard here in the last week I will jump out of that window.

Chairman WALSH. Please get down to the matter.

Mr. PIERCE. I see in this report compiled and filed by the Pennsylvania Railroad Co. the following [reading]:

"Strike of shopmen and others at Harrisburg and vicinity.—The strike of shopmen and others at Harrisburg and vicinity was due to the agitation conducted by W. H. Pierce, formerly connected with the Brotherhood of Locomotive Firemen and Enginemen, as a national organizer, and who, after being unsuccessful in his efforts to be elected vice president of that organization at its convention in Washington, June 2, 1913, offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interests of that company."

I understand that was compiled by the publicity agent of the Pennsylvania Railroad Co. and that the eminent gentleman who compiled it had nothing to do with it. I never met him in the world until I met him here, although I dealt with him from a fireman's standpoint for a long period of time, as I have been assigned to that system for 3 or 3½ years, and I know the tactics of the entire system probably better than any man outside of the official family of that railroad.

Mr. Creighton, sitting here in this chair, did he act as though he was piqued in any way toward the Pennsylvania Railroad? No, he was a loyal employee of that company, and still he was overruled by Mr. Atterbury and Mr. Long, who ran around him with seniority rights. Why should I as president of our organization be piqued because I was not elected vice president of that organization? I want to contradict that statement, however.

Now, during the convention, when I was defeated, I was on a number of boards of appeal, which had all of the cases appealed from the decision of the president to this board, and the decision was handed down to the convention to approve of the decision, and three were members of the engineers who appealed their case; the matter was appealed from the decision of the president to the board of directors, and it was brought out at that hearing, which lasted for more than a week before the board of appeals, that there was crooked work going on on the Pennsylvania Railroad. We knew that those things were going on on the Pennsylvania Railroad, but we did not know to what extent, and no one had been able to find out, so one man who we expelled from the order accused the general chairman of the Brotherhood of Firemen and Enginemen, A. I. Kaufman, from Conemaugh, with receiving $300 from the Pennsylvania Railroad Co. in the shopmen's strike in Pittsburgh in 1911, and Kaufman sat right there and heard this accusation and never denied it. That night Kaufman came to my room and said, "I want to see you on important business." I had a private room and a public room also at the Hamilton Hotel up here. He started in to make a confession. I should say he was very much worried, and he started in to make a confession of receiving this money, and the gentleman is here who paid the money, J. C. Johnson, who has testified here as the head of the police department of the railroad company and also superintendent of telegraphs of that system. But Kaufman did not get a chance to complete his confession to me before other visitors came into my room, and it being the last days of the convention, the convention adjourned before the confession was completed, but I got enough to know there was crooked work going on. I went away on a vacation for a week or 10 days, and on my return I got a message from W. S. Carter to come to New York, and it was 1913, and Mr. Carter called me into his private room and said: "There are two men on two general boards," naming them, and the Pennsylvania board was one. "That is the most corrupt system I have ever seen," and I told him of this partial confession Kaufman had made, and he told me what he was going to do and for me to keep

it to myself; he said, "We will ferret it out afterwards." I had never said anything up to this time, so when I met him in New York and he told me about these leaks, and he said, "I am only allowed $1,666.66 a year for a contingent fund to find out those things, and every time I put a Pinkerton or other agency man on, and they get the goods and get the evidence, they come to me and say it will cost me $4,000 or $5,000, or $6,000 if I want the evidence, and if I don't get the money, they take it back and sell it to the railroads." I asked him to go to Raymond Burns, a son of William Burns, and he said no, it wouldn't do, and he said, "Don't you know where there are men on the Pennsylvania Railroad you can put in who will get this stuff?" I said, "Yes, there are plenty of men with that incentive, who will do it," and he said, "You go back and you can agree to pay them $600 for their services, and we will keep them satisfied with giving them a job." So I went back home and I found many men. If there is any doubt about the veracity of this I hope the commission will go into the innermost secrets of it to find out about it; I am a free lance and have nothing against any man in the world, but I am giving this to you to clear up the stigma that hangs over both parties in this transaction. I hope that a law is passed that will make it a prison offense for a man to receive or give a bribe, and if you do not do that you will always have trouble and unrest in the labor world.

Upon my return to Harrisburg I could not find a man that would, for $600, go into the office of the railroad and find out the system and the railroad crooks on the Pennsylvania road. Being somewhat handicapped in the money line, I figured out that Long was in New York; I knew that Johnson was the head of the bull department. I knew he handled all of the crooks. I said to myself, "If I am fortunate enough to get in communication with this gentleman and get in there to see Johnson myself, I will learn something before he gets onto my game—I will learn something," and I will tell you how he got onto my game a little later.

I wrote a letter to Mr. Long, and I thought if it became public the words "legislative matters" would be easy to explain, and I said I would like to see him, because I was about to sever my connection with the B. of L. F. & E., and I wanted to see him on "legislative matters." I mailed that letter in the morning and waited for results. I had a meeting just outside of Harrisburg, and when I came back to the hotel from that meeting I found a card in my box signed, I think, by J. K. Linn, or James K. Linn, and it was a funny incident. Just a few days before that a fellow had told me about J. K. Linn; he was a man who was listed as assistant station agent at Harrisburg, but was never there. He was a direct representative of Mr. Long, and he said he had called on me and would return at 9 o'clock in the morning. I did not know Mr. Linn, and I was in the lobby of the hotel, and pretty soon I heard some one call my name, and I got up, and it was Linn, and he said, "Let's go somewhere private and talk over some matters," and we went to my room, and he told me he got this letter and Mr. Long was very busy in New York, but that he was going to arrange for a meeting between me and Mr. Johnson, and I lamented the fact that I could not see Mr. Long, because I was anxious to see him; but that was a lie, and I wanted to see Johnson. He told me he thought he could arrange it all right, and he called on the telephone and said he would let me know in a few hours. He said he was going to Williamsport on special business. So I waited there a short time, and he came back and told me they would meet me at 10 o'clock the next day, that Mr. Johnson would meet me, and so I gets on the train and goes to Philadelphia and am ushered into Mr. Johnson's office. He read this letter and then commenced to talk legislative matters, and in regard to fostering legislation in Washington, and we talked legislative matters, and he said, "It will only take part of your time for legislation, for the legislature meets only once in two years; what would you be willing to do outside of legislative matters"? I said, "Anything honorable." We got into the labor movement, and he condemned Carter and Stone and Garretson for their activities, and sided with him more or less in that proposition.

Now, if I make any misstatement, Mr. Johnson, why you correct it. He told me they were a menace in one way or another, and I agreed with him to a certain extent, and finally he came down to getting a man that he could depend on, and I mentioned Joe Compton. We all knew he was a crook, and he said that Compton could not be depended on, and I said, "How about Kaufman"? I knew he had paid Kaufman this money, and I wanted to know what he thought of the article he had bought, and he said he was a dub and no good, and he said the only man he could depend on to pull off a job was Enoch, the general

manager of the trainmen. I thought that was pretty good. And about this time he said, "If you accept employment, will you tell Carter"? And I said I certainly would, and he closed the interview there. He said, "I will take this matter up and drop you a card, where will you be in a week or ten days"? that he was going on a vacation, and he told me to drop in in a week or ten days, but I never did, and I never got a card from him. I was just as honest with him as I am here; I never intended to accept employment.

The Pennsylvania Railroad has not money enough in the world to hire me, nor to buy one hair in my head, nor never had. My efforts up there were to find out who the crooks were; and I can sit here and tell you that afterwards Kaufman confessed the whole matter of receiving this $300. I can tell you the bank he deposited it in. He deposited $250 in the Conemaugh Savings Institution. There was a mortgage there on a piece of property in Conemaugh, and he paid $250 out of this $300 he received to that bank. And he went to Turkey's trunk store in Baltimore and bought a grip that cost him $16. The other $34, he went up to Baltimore with two fellows and had a good time, and came back to the Windsor Hotel and lost $10 playing poker. I ferreted this all out. Now, Mr. Parks, the general chairman of the engineers, confessed that he received $300 at the same time. There was $1,500 spent, if you could believe the clerk in the paymaster's department, they spent $1,500; Kaufman told me. He says, "I got mine," he says; "Park got his," he says: "Hendricks, I know, got his; and Capp, I know, got his, but I have no proof of it. That was called out at length.

Now, to this commission I wish to say this: So long as men will receive bribes, and so long as the people are able, like Joseph (Simon) Legree, or sell them on the block, like Joseph Legree did the negro, the country is going to have this unrest. I stand here to-day in the cause of humanity. I have not a chestnut in the fire—nothing to pull out and nothing to put in. I want to say that this unrest is not caused altogether by the general manager, but it is caused by men like Warren S. Stone, who went into Pittsburgh in 1911 and told the shopmen and Brother Grimm down there, who has just testified preceding me, will vouch for this statement, when Stone said that they had a wonderful machine, and if the Pennsylvania Railroad Co. didn't get right that they could oil up their machinery and give them a spanking. Lee comes on in 1913 and tells the men in Harrisburg and convinced them that he was going to stay with them and spend a lot of money, and he led them on. Don't you know that inspires those men to arm, to organize, the trainmen and firemen and engineers, to just assist them to a certain extent, and then when they get ahead to where the engineers' time came they withdrew all their support and left their own men up in the air as well as the shopmen. Now, I will say to you there is the lowest lot of crooks on the Pennsylvania Railroad that there is on any railroad in this country. Those officials down there know the several different men they can use, and I am not afraid to name one, Milton Robinson, at Harrisburg, who will either work for the company or the organization, whichever he thinks to his interest, and steal from the trainmen's organization first with one hand and then the other. He is a scapegoat and ought to be shot at sunrise. He is only one of a few just such crooks on that system, and until those men are eliminated off of that system they are never going to dispel unrest on that system. I want to say to you I could go on from now until morning telling you——

Chairman WALSH (interrupting). Mr. Pierce, that may all be very interesting, but really what you were recalled for was to answer this one question, and I deem it fully answered.

Commissioner AISHTON. I think it has been fully answered.

Commissioner WEINSTOCK. May I ask one question of Mr. Pierce? What became of Kaufman and the other railroad workers whom you charge with being grafters?

Mr. PIERCE. There is a point I want to touch on. I went and found this out, and when he came for reelection I took the floor and said he is a crook and do not reelect him to office.

Commissioner WEINSTOCK. What happened?

Mr. PIERCE. He was defeated.

Commissioner WEINSTOCK. Was he expelled from the union for being a grafter?

Mr. PIERCE. No, sir; he was not expelled.

Commissioner WEINSTOCK. Do you know of any of these men——

Mr. PIERCE. He transferred his membership, to keep from being expelled, from the Conemaugh, No. 381, to Altoona, 282 (?).

Commissioner WEINSTOCK. Do you know of any men who were guilty of grafting on the employers who were expelled from the union for grafting?

Mr. PIERCE. I know of men who betrayed the union and were expelled. There was Milton Robinson and Derrick (?), and a fellow by the name of Huber (?) that were expelled for that and afterwards were reinstated by the national president.

Commissioner WEINSTOCK. What I want to know is were men expelled for grafting on the employers, not on the union?

Mr. PIERCE. Do you mean accepting money?

Commissioner WEINSTOCK. Yes; accepting bribes from the employers?

Mr. PIERCE. Why, you know it is impossible to expel them.

Commissioner WEINSTOCK. Why?

Mr. PIERCE. On account of the system they have there. Why, if those officials wanted to tell you, they have got a majority of members they could put into all those lodges. They can elect about any man they want in a local lodge by manipulation.

Commissioner LENNON. Mr. Pierce, do you know——

Commissioner WEINSTOCK. I have not finished my question.

Commissioner LENNON. Well, I want my question to follow yours here.

Commissioner WEINSTOCK. Well, I want to finish my question and get his answer. Do you know of any specific cases where men have been expelled from the union they have been affiliated with for grafting on the employers?

Mr. PIERCE. Yes; I do.

Commissioner WEINSTOCK. You can answer that question then. Name them.

Mr. PIERCE. Not the Pennsylvania, but on other roads, I could tell you; but we are not investigating other roads, I understand.

Commissioner LENNON. Do you know of any employers that have bought, or are alleged to have bought, union men or other men for dishonorable service that have lost their employment with the company because of so doing?

Mr. PIERCE. Now, I would have to give that some thought. That is a very broad question. You mean on the Pennsylvania Railroad?

Commissioner LENNON. Yes.

Mr. PIERCE. Oh, you know the Pennsylvania Railroad has got no more use for a sucker than you and I have after they get done using him. They despise him.

Commissioner LENNON. I mean the officer that does the buying?

Mr. PIERCE. Of being discharged? Do you mean to ask me, do I know of an officer who has been discharged from the service for buying men?

Commissioner LENNON. Yes.

Mr. PIERCE. Oh, no; if they did that, they would discharge Mr. Johnson, because he bought men, and he is still in their employ.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. You may be excused.

Mr. PIERCE. I want to thank you, Mr. Commissioners, for allowing me to state this, because I felt that I was in a sense in a very compromising position before this board and before the public, being accused of trying to sell out my organization; I wanted the actual facts known, and they will stand the closest investigation. And should you desire the men whom I went to to get them to do the job, and are unable to get them because they don't have the nerve, I will bring them here to you.

Chairman WALSH. The commission will now stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4.45 p. m., Friday, May 7, 1915, the proceedings were adjourned until the following morning, Saturday, May 8, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Saturday, May 8, 1915—11.30 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Harriman, Weinstock, Lennon, O'Connell, and Aishton.

ADDITIONAL STATEMENT OF MR. S. C. LONG.

Chairman WALSH. Now, I have been requested by the commission to read publicly into the record a communication from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co., addressed to the chairman of this commission. [Reading:]

DEAR SIR: Referring to the statement made to-day before your body by Mr. W. H. Pierce that Mr. J. C. Johnson, superintendent of telegraph of the Penn-

sylvania Railroad, had paid $300 to certain men connected with the train organizations on the Pennsylvania Railroad, we desire to submit the following so that there shall be no misunderstanding in this matter:

When the strike was declared at Pittsburgh in May, 1911, the company was fearful lest some of the members of the transportation brotherhoods might join the strikers. Accordingly the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman, B. L. F. and E.; William Park, general chairman, B. of L. E.; J. B. Hendricks, general chairman, O. R. C.; and E. V. Kapp, general chairman, B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements with the company and remain at work, with the distinct understanding that the men should not be asked to do any work other than that which they always had performed in the positions which they held.

These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over as each of these general chairmen had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairmen, he thanked them for the very efficient service they had rendered the company and the organizations and told them the company desired to show some appreciation of their work, and accordingly they were each given $300, which they were told could be used toward defraying their expenses or any other purposes they might choose.

Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the "History of Labor Troubles on the Pennsylvania Railroad," a copy of which has been filed with your commission.

Yours, very truly,

S. C. LONG,
General Manager Pennsylvania Railroad Co.

WASHINGTON, D. C., *Wednesday, May 12, 1915—2 p. m.*

Chairman WALSH. We will be in order.

I have been requested by the commission to read publicly into the record two additional letters from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co.

In the letter read the other day naming four men who were said to have received $300 each under circumstances detailed in that letter was mentioned Mr. William Park, general chairman of the Brotherhood of Locomotive Engineers, and we have these two further communications from Mr. Long:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: We desire to make a correction in our letter of May 7 mailed to you after the hearing before the commission closed on that date.

We find, after reaching home, that the amount given Mr. William Park, general chairman B. of L. E., Pennsylvania Railroad, was $200 instead of $300. This money was paid Mr. Park after the strike was over and everything cleared up and was to cover expenses and compensation in connection with his efforts during the shopmen's strike in Pittsburgh in 1911, to prevent employees, and particularly engineers, from leaving the company's service, urging them to remain at work and maintain our contractual relations.

We also desire to say that this money was returned to us by Mr. Park, with the verbal statement that the men he represented had paid him his expenses.

You understand that the total number of employees receiving payments after the strike was over was 511, while 295 other employees were given letters of commendation.

Yours, very truly,

S. C. LONG,
General Manager

And also the following letter:

PHILADELPHIA, *May 11, 1915.*

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: In connection with our letter to you of this date, requesting to be permitted to correct statement in our letter to you of May 7, regarding payment of $200 to Mr. William Park, general chairman B. of L. E., Pennsylvania Railroad, to cover expenses and compensation in connection with service rendered during shopmen's strike at Pittsburgh in 1911, as an act of fairness and justice to Mr. Park, may we suggest that you send a copy of our letter, or have its contents conveyed in your own language, to Mr. Warren S. Stone, grand chief engineer Brotherhood of Locomotive Engineers, Cleveland, Ohio.

Yours, very truly,

S. C. LONG,
General Manager.

WASHINGTON, D. C., *Thursday, May 27, 1915.*

AFTERNOON SESSION.

STATEMENT OF MR. C. T. CHENERY.

Chairman WALSH. I will submit into the record now all of the data with reference to the further investigation made by Mr. Chenery in the alleged giving of bribes and taking of bribes in the Pennsylvania Railroad Co. strike. That includes the letters from the officials of the Pennsylvania Co., the statements of the men involved, and the statement of the local organization of the workers as to the action taken in regard to this alleged bribery, together with the letter from the general manager of the Pennsylvania Railroad, stating the amount of arms and ammunition kept on hand in Philadelphia.

(The letters and statements here referred to are printed among the exhibits at the end of this subject as "Chenery Exhibit.")

STATEMENT OF MR. WILLIAM PARK.

Chairman WALSH. The statements just referred to, which will not be read, will be merely filed. That does not apply to letters from Mr. Park, who desires that the same publicity be given to his letters as was given to the charge that he had accepted and retained this money, or the charge that he had accepted without explanation but returned it. Here is the further record of the case of Mr. William Park:

PHILADELPHIA, PA., *May 11, 1915.*

Mr. WILLIAM PARK,
General Chairman B. of L. E., No. 941 Railroad Avenue, Sunbury, Pa.

DEAR SIR: Referring to the statement made before the United States Commission on Industrial Relations at Washington on May 7 to the effect that you were given $300 to cover expenses and compensation in your efforts during the shopmen's strike at Pittsburgh in 1911 to prevent employees, and particularly engineers, from leaving the company's service, and urging them to remain at work and maintain our contractual relations, which expenses and compensation were paid you after the strike was over and everything cleared up.

In order that the facts may be known to whomsoever they concern, and particularly the locomotive engineers, this is to certify that the amount paid was $200 instead of $300, as stated, and this amount was returned to me by you with the verbal statement that the men you represented had paid you.

We regret this was not made clear in the original statement.

In order that you may be fully informed, I am attaching a statement made to the commission.

Yours, very truly,

J. C. JOHNSON,
Superintendent Telegraph.

[Inclosures.]

Next is a letter from Mr. Park to Mr. Chenery, our investigator, reading as follows:

[Personal.]

MY DEAR MR. CHENERY: I am inclosing a copy of Mr. Johnson's letter to me answering my letter to Mr. Long of the 9th.

This letter is a fair and plain statement, and if Mr. Johnson wants to be fair and not try to discredit the train organizations he should have made this same statement to you rather than muddle it as he did by trying to tell what I have said the many times he has tried to have me take this money all in one short paragraph.

Note he says "in order that the facts may be known to whomsoever they concern."

I feel that the men I represent and myself are very much concerned, and that the people who saw the letter appearing in last Sunday's papers may see this letter from Mr. Johnson. May I ask you to have the press print the same, as a correction of his former letter?

I expect to go to Cleveland in a day or two. If you desire to reach me address B. of L. E., Convention Hall, Cleveland.

W. PARK.

Next is a letter from Mr. Park to Mr. Long, reading as follows:

SUNBURY, PA., *May 9, 1915.*

Mr. S. C. LONG,
General Manager P. R. R., Broad Street Station,
Philadelphia, Pa.

DEAR SIR: I note by to-day's papers in the proceedings or testimony before the Industrial Labor Commission, that a letter had been submitted by you, in reply to the charges by W. H. Pierce, that the chairmen of the four brotherhoods had been bribed, in which you are quoted as stating that when the trouble started in 1911, in Pittsburgh, the four chairmen were asked to go there and urge their members to live up to their agreements and that their efforts were successful, and on their return to Philadelphia they were presented with $300 to reimburse them for their expenses, quoting the names of the four men who were then chairmen.

That letter in the form it is quoted surely places me in a very bad position with all organized men, and particularly so with the men who have recently re-elected me for their chairman for the following reasons:

First. I was not asked to go to Pittsburgh by the company, they having only asked me to get into communication with the local chairmen, which I did, and hold copies of the wire I sent them.

Second. I was called to Pitcairn by the local representatives from that point, and later ordered there by Grand Chief Stone.

Third. I have once had charges placed against me for a similar charge wherein I admit that at this time (1911) I was handed a letter by Mr. Johnson, not knowing what it contained at the time, and inadvertently placed it in my pocket to discover after I left the city that I had accepted an envelope containing $200.

Fourth. Your statement, if correctly reported, states that I was given $500. The men I represent will naturally conclude and will have just reasons for doing so, that I did not make a truthful statement when I was tried on this charge, or that I had been given money more than once, and did not make it known.

Fifth. In the published report of your letter to the commission you did not state that I returned this money to Mr. Johnson, telling him that I had been paid by the men I represent in this case, and could not accept it from the company.

In view of these facts, together with the wide publication in this evidence, I can not allow the matter to stand as it does for the public to-day, if for no other reasons, on account of the taunts that may be thrown at my children by their companions.

I would therefore ask, can you and will you correct this statement that I was given $200 instead of $300, as quoted, and also that I returned the money to Mr. Johnson, the man who had handed it to me, giving this correction to the commission that it may be as widely published as your former letter?

I had hoped to leave home for the convention in the city of Cleveland not later than Tuesday evening, May 11, but I can not do so with this matter standing as it does, and if you can not make this correction I shall surely be compelled to seek an audience with that commission for the purpose of getting this question correctly before the people for my own protection.

Anxiously awaiting an early reply and hoping that you will see your way clear to promptly correct your former letters, and in such a way that it will reach the public as widely as before,

Yours, truly,

WILLIAM PARK,
Chairman Engineers Committee.

Accompanying the letter just read is an affidavit or supplementary statement signed by William Park, reading as follows:

SUPPLEMENTARY STATEMENT TO QUESTIONS ASKED AND ANSWERS GIVEN BY ME TO MR. CHENERY, MAY 13, 1915.

In Mr. Johnson's statement of May 11 he quotes several remarks, and in such a way that they would appear to have all been made by me at the time I returned the money, which is not the case.

Mr. Johnson has asked me on several occasions since I returned the $200 to come in and get it, stating that it was intended to reimburse me for time lost and expenses while at Pittsburgh during the shop strike during 1911, and each time advanced some reason for me doing so, which I have always answered with some argument as to why I should not.

I will not attempt to deny this statement in general, but I must try and disconnect it to some extent, that the commission and the public may know and understand.

When I returned the money he (Johnson) took exceptions to it and explained what it was for, as formerly stated, and, among many other remarks made, I did say that it would not be understood in the way he put it, and if the question was ever raised a different construction would be placed on it from the way he understood it.

I had very good reasons to believe that the question would be raised, for I made no attempt to keep it an absolute secret. I had told many of my members all about it long before I ever heard of it through other sources, and before W. H. Pierce used it in his speeches to discredit the train organizations, and I told the members of my own organization all that he produced when he brought charges against me and had me tried before our general committee.

I do not recall ever saying anything about reelection but on one occasion, when I was asked to come in and try to get the money; among other things, I did say that I had charges against me now over that money and would have to stand trial at our next meeting; at this time I had no reason to say anything about reelection, for we were not to hold an election at that meeting.

After this trial, at which I had but one vote against me, or one vote for conviction, and one member refused to vote, I was again asked to come in and get the money or permit it to be sent to my wife, with the remark that it was all over now (meaning, I presume, the trial I had just gone through).

At this time I replied that it was not all over and that the question was likely to go to the convention before it was over. This was the only time the convention was mentioned to the best of my knowledge.

WM. PARK.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

C. G. SHERMAN,
Notary Public.

ADJOURNMENT.

Chairman WALSH. The hearings of this commission will now stand adjourned without day.

(Thereupon, at 6.05 p. m., on Thursday, May 27, 1915, the hearings of the Commission on Industrial Relations were adjourned sine die.)

ADDITIONAL STATEMENT OF JOHN P. GUYER.

HARRISBURG, PA., *May 12, 1915.*

COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: Herewith I submit a written statement of those conditions affecting the employees of the Pennsylvania Railroad Co., of which your

representative, Mr. C. T. Chenery, made inquiry, and which you directed should be sent you. Copy is also sent to the Pennsylvania Railroad Co., as directed by Chairman Frank P. Walsh.

The following letter was received by me after Mr. Chenery had made inquiry concerning the dismissal of employees for joining the Brotherhood of Federated Railway Employees:

"Your name was given to me to hand my evidence or testimony to in the case of being discharged from the work train at Huntingdon, which is under J. M. Kinkade. On March 14, 1914, received a note from Mr. Kinkade to come to his office that evening.

"I accordingly went to his office as supervisor at Huntingdon on March 14, 1914, at 7.15 p. m., and after a short conversation he said to me: 'Have you heard about this Brotherhood of Federated Employes Union that is being organized?' I said I had. He then said to me, 'Do you belong?' and I said 'No.' He then said, 'I am certainly glad you do not.' He then said that John Galbraith, the present foreman, belongs to the brotherhood and that he would be relieved from duty after to-day, 'and I want you to take charge of the train.'

"I then told him, or rather asked him, if he was sure that Galbraith belonged to the brotherhood. He said he was sure and he said further that there is several more who belong to the brotherhood and 'I am going to get rid of them, to.' I asked him if he had the names of any others that belonged. He said, 'Yes.' I said, 'who are they?' and he read the following names: David Prough, W. F. Rhodes, Preston Coffman, W. H. Sutton, Chester Feightel, all of Huntingdon.

"He asked me if I knew of any that belongs, and I told him that was my business, and told him to put my name to his list of men who would be gotten rid of because they belonged to the brotherhood. We were all discharged and have not since been employed by the P. R. R. Co.

"I would like if you would place this before the commission as strong as you can, and if they need any or all of us let us know. A man dare not belong to any organization or political party that tends to better conditions for the mass of people. Socialists are hounded like dogs and have to be careful or they will lose their means of making a bare existence. I think it is high time for the Government, who assures to the people life, liberty, and the pursuit of happiness, to get to work and to look this matter of serfdom and wage slavery up. Men have no civil and political rights at all, it seems. The railroads of this country, and the Pennsylvania in particular, do as they please and all the so-called courts of justice are back of them.

"Hoping that this will be of benefit to men who are and want to be better men, I am, yours for a more sane civilization.

"WM. L. MCELWAIN,
"*Huntingdon, Pa.*"

Regarding the matter of the "Lucknow Encampment" of which you inquired, I find that the newspapers examined by myself and Mr. Chenery give the following accounts of it:

[From The Patriot, Saturday, July 12, 1913, front page.]

"Preparations are being made by the Pennsylvania Railroad in this city for the strike which is expected to occur in the near future among the trainmen, according to reports. A special train carrying a number of officials of the road and policemen from the Philadelphia division is said to be coming here to be stationed on a siding near the Linglestown road above Lucknow, where it will remain until all rumors of a strike have died out.

"A train arrived early this morning which consisted of five sleepers and two dining cars and a number of commissary cars. In them the officials and policemen will make their homes for an indefinite length of time. Upon its arrival in this city the train, it is said, will be equipped with Winchester rifles and other paraphernalia, which will be used to protect the railroad property in case trouble should arise among the men.

"Arrangements are also being made for providing water for this train during its stay on the Linglestown siding, it is said, and yesterday several thousand feet of two-inch water pipe was laid temporarily from the Lucknow shops to the place where the train will be stationed. Lavatories have been built and other arrangements made. Forty gallons of milk have been ordered to be loaded on the train upon its arrival in this city, and every effort is now

being made to make the men who will occupy the cars as comfortable as possible during their stay.

"The train was expected to arrive in this city early yesterday morning, but late last night it had not pulled into the Union Station, where guns and other paraphernalia are awaiting it, along with a number of colored porters and waiters, who will care for the officials and policemen while they are stationed in this city.

"It was denied last night at the train dispatchers office that there was such a train coming to this city to protect the railroad property should trouble arise among the trainmen, but according to persistent reports the train is coming, and it is expected here early this morning. It was learned early this morning that the special trains carrying officers will be rushed here from all parts of the Pennsylvania system.

"Coming as far west as Chicago by Sunday night it is believed that fully 500 special policemen and officials will be in this city. It is proposed by the company to make this instruction camp to teach these men how to protect their property, and if trouble is started they will be sent to their respective divisions."

July 14, 1913, first page story:

"The large force of Pennsylvania Railroad police that came in to Harrisburg Friday and Saturday and set up camp along the Linglestown road near the railroad tracks laughed yesterday when asked if their mission to this city was to protect the railroad in case of a strike. The men stated that they were in Harrisburg on their annual outing and that they had nothing with them but their revolvers.

"There are about 450 men in the camp and they come from all points on the eastern division. Yesterday in full-dress uniforms they drilled under the burning sun. The officers stated that, should a strike take place, it would be their duty to protect the railroad.

"The drill yesterday took place before hundreds of spectators.

"It is customary during these annual encampments to take the men out one or two times and drill them, so that when trouble of any kind arises they are able to handle the situation. This is also done to keep the uniform system over the Pennsylvania lines from New York to St. Louis.

"It was denied by both the officials of this city and the members of the force that they had either Winchester rifles or ammunition. So far, the men have not done any target practicing and it was stated will not, as they have nothing to practice with.

"In the face of these denials, however, it is said that boxes of rifles and ammunition and riot clubs have been received in this city.

"The men represent the police force of the Pennsylvania Railroad of the lines east of Pittsburgh and Erie. They represent all capacities of the railroad, from the superintendent to the cop. The men are under command of Supt. Harper, of Philadelphia, who is head of the police of the eastern lines. They came from all the terminal points on the eastern lines, including New York, Philadelphia, Camden, Baltimore, Jersey City, Williamsport, Renova, Pottstown, Altoona, Pittsburgh, Erie, and many other cities.

"In quartering these men the company is using 13 Pullman sleepers, three dining cars, and two commissary cars. It was said they will leave Tuesday and Wednesday."

In same issue of Patriot, July 12, 1913, first page heading:

"Say railroads must recede to prevent strike—Leaders are authorized to declare formal strike any time—At Washington to-day—Interest will center at Capitol in conference with Wilson."

One-column box read: "What the railroad strike would mean:

"Railroads affected, 52, operating 50,000 miles of tracks in 18 States, including New England, Middle Atlantic States, Michigan, Illinois, Ohio, Kentucky, and Indiana. Total gross incomes, $957,190,000.

"Annual pay roll, conductors and trainmen, on present basis of pay, approximately $85,000,000. Increase men now ask $17,000,000.

"Annual pay roll, conductors and trainmen, if strike is won, $102,000,000. The employees affected, 90,000.

"Number voting for strike, 75,734. Conductors, 11,808; trainmen—referring to brakemen and flagmen—60,829.

"Number voting against strike, 3,077—conductors, 1,446; trainmen, 1,631.

"Their chief demands are 20 per cent wage increase and adjustment of working hours.

"Organizations involved: Order of Railway Conductors and Brotherhood of Railway Trainmen."

July 15, 1913, front page:

"The second force of armed policemen of the Pennsylvania Railroad east of the Ohio River arrived in this city yesterday morning to receive instructions on how to protect the railroad property in case of trouble. They proceeded to the instruction camp, which is situated along the Linglestown road near Rockville, where they will remain until to-night, when they will leave for their respective divisions and the camp will be broken up.

"There were nearly 400 men with the force which arrived here yesterday morning, and while they were coming into camp about half that number were returning to their homes. The latter force arrived here early Saturday morning, and have received their instructions.

"The instructions consisted of the handling of riot guns, target practice, and drills, and during the three days since the camp has been opened about 600 railroad policemen from New York, Buffalo, and from as far west as Chicago have receiving training.

"The entire day was spent at pistol practice, which was held on the Lucknow rifle range and was under the direction of Lieut. H. G. Olsen, of the Pittsburgh police force. Lieut. Olsen is a crack shot and is one of a team of four who during their service in the United States Army held the world's record as pistol shot.

"Nearly the entire force which arrived yesterday morning were instructed by Lieut. Olsen on how to handle their guns in case of trouble. He also demonstrated to the men his art of shooting by placing seven shots in the center of the target at a distance of 25 yards, out of as many trials. This gave the instructor a perfect score. A number of the policemen watched the lieutenant handle firearms, and before the day's practice was over nearly all of the men were making high scores. Pistol practice continued until 6 o'clock last evening, when the men were ordered to the dining cars for supper.

"Immediately after the evening meal all the patrolmen, attired in blue uniforms and white-top hats, proceeded to an adjoining field, where a dress parade was held. This drill was under the command of Capt. Robt. Cusick, of the superintendent of police headquarters at Philadelphia.

"Supt. of Police Harper confessed yesterday that the camp was held in order to teach the railroad police how to protect the company property.

"'I knew that this camp was to be held at Harrisburg,' said the superintendent, 'but I did not know when. I was on my vacation when the messenger came to me Friday morning stating that I was to prepare for the instruction camp. It was a very short notice, but until Saturday morning everything was in readiness, and on Saturday morning breakfast was eaten there.

"'When the train pulled into this city early on Saturday morning there were about 311 policemen on it, of which 120 were former Army men. Some of the cars, sleepers, and dining cars which were in the train had to be brought all the way from Chicago.

"'We have now in the service of the railroad force east of the Ohio River 525 uniformed men and 750 regular officers, including superintendents, inspectors, captains, and lieutenants. They are the best men we can find. We protect our police force to the best of our knowledge and equip them with the best firearms and ammunition which can be gotten. If we find any flaws in the revolvers or ammunition, we will throw them away and get new, for we do not want any accident to happen to the policemen which could be avoided. Just to-day we found at least 10 revolvers among the men who participated in the target practice which back-fired, and I ordered them throw away and new ones secured.'

"After the day's instructions were completed the policemen were entertained by a baseball game, which was played on an adjoining field between men picked from the main-line force and Baltimore division, the latter coppers losing to the score of 19 to 4."

On the same day's paper, same page (first), appeared the heading: "Railroad men will arbitrate under new bill—Conference at Washington ends in agreement with trainmen—Bill to be law to-night—Railroads and brotherhoods agree to armistice until to-morrow."

The commission will notice that the interview with Superintendent Harper was published almost two years ago, yet no denial of its authenticity or accuracy has been received by the newspaper publishing it—the Patriot. The num-

ber of men employed in police work was given freely by the superintendent, as was the entire interview. As stated before your commission, the police were withdrawn after decision to arbitrate was arrived at by the board of managers and the officials of the brotherhoods.

During his testimony Mr. Atterbury said, in effect, that the various superintendents see only the bad men who come before them for discipline. There have been reported to me details of conferences which men have held with various superintendents over grievances, in which the superintendent is said to have given out false information to one set of committeemen, charging, in detail, other members of the brotherhoods serving on grievance committee with having taken active interest in brotherhood matters only when their own class was affected. One man has told me how he forced one of the Pennsylvania's superintendents to retract such a statement, though not until some time had elapsed, during which time the injured man was obliged to suffer the odium of suspicion resting upon him in his brotherhood as a result of charges made against him. The charges were preferred by men to whom the superintendent is said to have given the false information.

Names of these men will be furnished the commission, but not for use by the company, which would doubtless discipline them for daring to tell of conditions.

Excepting for one brief instant when one of its superintendents "slipped up" and gave a partial exhibition of character as it really is, the commission has seen the Pennsylvania "with its gloves on." I have seen its bare hands reaching out for the jobs of men who disobeyed its requests for aid of various kinds to further its own ends.

One young man who had just been dismissed or furloughed without cause being assigned, according to his statement to me, had his relief taken away. His wife had just been confined. Shortly afterwards one of the company's representatives came to him and asked him to "break strike" on the Monongahela division, though they didn't use that term. His wife urged him to keep away from that division, which he did. He has never been employed by the Penny, nor has he received his relief.

Another man who was furloughed before the 1914 strike was told by a confidential employee of the company to turn in the names of his friends who had joined the new brotherhood, suggesting that by so doing he could be given his work again. This man's wife was pregnant at the time, according to both his statement and that of the wife, so he turned over the names of all the men he knew were in the new organization. Finally his wife learned of it and made him stop, but he had turned in all he knew. He never got his job and is not now working for the company.

An employee of 12 years' experience, with wife and large family, told me how he was treated by the company when the first talk of urging seniority rights was heard. His foreman was notifying him that he was to go on furlough. His "buddie," working on the same line of work, was a single man and owned some property. This friend offered to take the place of the man with family, to prevent the family's suffering. The foreman refused to permit it, and the men say it was mainly because the married man was a brotherhood advocate. The married man has secured work with the company again. The unmarried one has left the company's employ. Both these men told their stories to me shortly after the incident happened and both have repeated it since Mr. Chenery investigated conditions here, telling it to Mr. Chenery in my presence.

In his testimony Mr. Atterbury said that, owing to the great number of employees, it was impossible for the superintendents to know personally each man or to be on such friendly terms that they named their babies for them, yet these foremen certainly have opportunity to know of the conditions of the families of the men employed, and in the instance cited, the foreman was told of conditions, yet intimated he was acting under instructions.

It is such lack of knowledge or of realization of the fact that all men are our brothers, whose welfare is our own, which makes for the industrial unrest.

Sincerely,

JOHN P. GUYER.

ADDITIONAL STATEMENT OF MR. S. C. LONG.

THE NEW WILLARD,
PENNSYLVANIA AVENUE, FOURTEENTH AND F STREETS,
Washington, D. C., May 7, 1915.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: Referring to the statement made to-day before your body of Mr. W. H. Pierce, that Mr. J. C. Johnson, superintendent of telegraph, Pennsylvania Railroad, had paid $300 to certain men connected with the train organizations on the Pennsylvania Railroad:

We desire to submit the following so that there shall be no misunderstanding in this matter: When the strike was declared at Pittsburgh in May, 1911, the company was fearful lest some of the members of the transportation brotherhoods might join the strikers. Accordingly, the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman B. L. F. & E.; William Park, general chairman B. of L. E.; J. B. Hendricks, general chairman O. R. C.; and E. V. Kapp, general chairman B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements with the company and remain at work, with the distinct understanding that the men should not be asked to do any work other than that which they always had performed in the positions they held.

These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over, as each of these general chairmen had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairmen, he thanked them for the very efficient service they had rendered the company and the organizations, and told them the company desired to show some appreciation of their work, and accordingly they were each given $300 which they were told could be used toward defraying their expenses, or any other purpose they might choose.

Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the history of labor troubles on the Pennsylvania Railroad, a copy of which has been filed with your commission.

Yours very truly,

S. C. LONG,
General Manager Pennsylvania Railroad Co.

STATEMENT OF MR. W. G. LEE.

[General offices Grand Lodge Brotherhood of Railroad Trainmen.]

CLEVELAND, OHIO, *May 8, 1915.*

Mr. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I am in receipt of your communication of the 6th advising me that, at the direction of Commissioner Aishton, of the United States Commission on Industrial Relations, you inclose extract from the testimony of one W. H. Pierce before the commission, for which I thank you.

I do not believe it will be either possible or necessary for me to appear before the commission to refute any statement made by Mr. Pierce, but would be very glad to have you hand this communication to Commissioner Aishton if you care to do so.

As stated by Mr. Pierce to the commission, I attended a joint union meeting November 30, 1913, at Harrisburg, Pa., held under the auspices of the local lodges of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. There were present at the meeting something over 1,000 members of the four organizations named, all of whom heard my statement referred to by Mr. Pierce. At that meeting Pierce attempted to have a resolution passed before the meeting was really organized permitting mem-

bers of the Brotherhood of Federated Railway Employees not affiliated with either of the four transportation organizations to be admitted to the meeting. The chairman ruled that only members of the four organizations would be permitted to remain in the hall, and as a result of this ruling Mr. Pierce left the stage and stood during the greater portion of the meeting in the rear of the hall.

I was reliably informed that Pierce was a self-appointed president of the organization known as the Brotherhood of Federated Railway Employees, and that he had repeatedly in public made the statement that he was supported or backed by the four transportation organizations. I said to those present that while my sympathies were with the unorganized employees the organization I had the honor to represent could only lend its moral support to them until properly organized in one of the various organizations already in existence, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc. I stated plainly that I did not propose to antagonize bona fide labor organizations affiliated with the American Federation of Labor by even encouraging Pierce to admit to membership employees eligible to the organizations above referred to; that in order to secure the support of the transportation organizations it would be necessary for him to secure authority from the chief executives of the carmen, shopmen, maintenance-of-way men, and other crafts to admit to membership in the Brotherhood of Federated Railway Employees those classes, and that if such authority was secured or permission given for these classes to affiliate with the Pierce organization I would be only too glad, in conjunction with other officers of the transportation organizations, to join in any honorable attempt to assist them.

I made it plain to all concerned that under no circumstances could either of the transportation organizations be expected to strike in sympathy with any class of employees.

To prove conclusively the foregoing let me call your attention to the fact that the strike inaugurated by Pierce and his followers took effect at noon, May 7, 1914, and that under date of December 8, 1913, the attached circular[1] of instructions was mailed to all lodges and divisions of the engineers, conductors, firemen, and trainmen on the Pennsylvania system over the signatures of the chief executives of those organizations, and particular attention is called to the last two paragraphs of the circular referred to, which deal entirely with the Pierce organization. It must appear strange that in view of the fact that all lodges of the four transportation organizations on the Pennsylvania system had such instructions in their possession they did not know the position of their chief executives several months later when the strike referred to, called by Pierce, became effective. I also attach hereto special circular No. 20,[1] under date of April 15, 1914, dealing with an illegal strike on the Monongahela division of the P. R. R., which clearly defines the position of the Brotherhood of Railroad Trainmen. The policy of the brotherhood is so well known, and so much literature has been sent out over the signature of the chief executive clearly defining such policy, that it seems unreasonable to suppose that even Pierce, who was, and I understand is, a member of the B. of L. F. & E., would not know the position that would be taken in case of a strike such as the one under consideration.

Accusations made against the undersigned by Pierce are unworthy of answer, and I learned many years ago that it is useless to attempt to lock the door against a liar or defamer. Nothing, in my opinion, has injured labor organizations more than men of the character of W. H. Pierce, whose only object seems to be to live without work and to deceive or impose as far as possible upon his fellow workers. If it were deemed necessary or advisable I have no doubt of my ability to place on the stand several hundred members of the four transportation organizations who attended the meeting of November 30 at Harrisburg, and who would corroborate the foregoing statement made by me at that meeting.

Tranking you for furnishing me the information, I am,

Very truly, yours,

W. G. LEE, *President.*

Will the commission be kind enough to wire me date I could appear before it a few moments?

LEE.

[1] Submitted in printed form.

STATEMENT OF MR. G. B. ROWLAND.

[State legislative board Brotherhood of Railroad Trainmen of Pennsylvania, Rooms 503–504, Franklin Building.]

HARRISBURG, PA., *May 11, 1915.*

Mr. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I note through the Associated Press news of the statements made by one W. H. Pierce before the Federal Industrial Commission at Washington, D. C., the following statement by Pierce:

"W. G. Lee came to Harrisburg and addressed a joint meeting of the shopmen and transportation men. Lee said to these men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'we have 135,000 union transportation men and $3,500,000 in the treasury, and will use every dollar and every man against the railroad if they discharge those shopmen.'"

I wish to say that the above statement of Pierce is absolutely untrue, as I was present at that meeting and remember distinctly the statements made by W. G. Lee to the shopmen's trouble in Harrisburg, which was:

"That he could only lend his moral support to the Federated Railway Employees until such time as they had affiliated themselves with the respective bona fide organizations representing their crafts, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc."

There was at no time during his remarks that he promised them the support of the 135,000 brotherhood men or $3,500,000 in their treasury.

He also stated that "under no circumstances could either of the transportation organizations strike in sympathy with any class of employees.

Yours, respectfully,

G. B. ROWAND,
Chairman Pennsylvania State Legislative Board,
Brotherhood of Railroad Trainmen.

(Copy sent to W. G. Lee.)

STATEMENT OF MR. W. H. PATRICK.

[Keystone Lodge No. 42, Brotherhood of Railroad Trainmen.]

HARRISBURG, PA., *May 11, 1915.*

Mr. FRANK P. WALSH,
Chairman Federal Industrial Commission, Washington, D. C.

MY DEAR SIR: Recently there appeared in the daily papers some malicious statements made before your commission by one Mr. W. H. Pierce against one of the members of Keystone Lodge No. 42, Brotherhood of Railroad Trainmen, namely, Milton T. Robinson, of Harrisburg, Pa., and also the grand president of the Brotherhood of Railroad Trainmen, William G. Lee, of Cleveland, Ohio.

By action of the above-named lodge I was instructed to inform you that the statements made by Mr. W. H. Pierce have been refuted by the lodge, and that they are not true.

Trusting that you will give this affair your consideration, I am,

Very truly, yours,

[SEAL.]

W. H. PATRICK,
Secretary Lodge No. 42, No 2311 N. Sixth Street, Harrisburg, Pa.

STATEMENT OF MR. M. T. ROBINSON.

[State Legislative Board of Brotherhood of Railroad Trainmen of Pennsylvania.]

HARRISBURG, PA., *May 17, 1915.*

Mr. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I have noted by the Associated Press news of the proceedings before the Federal Industrial Commission, sitting at Washington, D. C., of statements

made before the commission, and wherein my name has been mentioned by one W. H. Pierce, and to which I take exceptions and wish to file with the commission my reason for so doing.

I note his statement in reference to a visit to Harrisburg by W. G. Lee, president of the Brotherhood of Railroad Trainmen, and of which organization I am also a member, and attended the meeting at which the following statement, quoted by Mr. Pierce, is supposed to have been made:

"W. G. Lee came to Harrisburg and addressed a joint meeting of the shopmen and transportation men. Lee said to these men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'We have 135,000 union transportation men and $3,500,000 in the treasury and will use every dollar and every man against the railroad if they discharge those shopmen.'"

This statement is absolutely incorrect. Mr. Lee did say "that he could only lend his moral support to the Federated Railway Employees until such time as they had affiliated themselves with the respective organizations representing their crafts, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc." At no time during his remarks did he promise the support of the membership of the Brotherhood of Railroad Trainmen, either by membership or by capital. He did say that "under no circumstances could either of the four transportation organizations strike in sympathy with any class of employees."

As to myself, a note under date of May 7, where Pierce said that I, "Milton T. Robinson, of Harrisburg, ought to be shot at sunrise."

If I may interpret the meaning of his statement I should say that the statement should be reversed and applied to Mr. Pierce, as he is the only man I know who has not only tried, but has misled many good, reliable, and industrious men to follow him in a movement in which he as an experienced organizer of men knew that he was telling them something that was simply impossible to do. He knew as an organizer of the Brotherhood of Locomotive Firemen and Enginemen that the transportation brotherhoods could not under any consideration strike in sympathy with any other class of employees, and yet he has steadfastly maintained that they would, and thereby induced many employees to join the Brotherhood of Federated Railway Employees. If the term "traitor" should be applied to anyone, it is my opinion it is he who should be "branded."

When he says that the trainmen promised to go out on strike with the members of his organization, there is nothing to his statement, as no one was in authority to speak on that matter other than W. G. Lee, but there was a few persons unauthorized and of the same disposition as Pierce, and who are of the stripe who would do anything at the wrong time and nothing at the right time, who made such statements, but no one should have known the truthfulness of such sayings better than Pierce from his experience as an organizer, yet he continued to deceive his followers.

Very truly, yours,

M. T. ROBINSON,
P. O. Box No. 598, Harrisburg, Pa.

STATEMENT OF MR. H. B. HUBER.

[Brotherhood of Railroad Trainmen, general grievance committee, Pennsylvania lines east.]

HARRISBURG, PA., *May 20, 1915.*

Hon. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: I have been an interested reader of the press reports of the testimony presented to your honorable commission during its many sittings throughout the Nation, but particularly interested in the testimony offered by one W. H. Pierce, president of the so-called Brotherhood of Federated Railway Employees, who, according to the Associated Press report, under date of the 6th instant, testified in part as follows:

"Mr. W. G. Lee, president of the trainmen—I should call him brother, but don't, because it's a disgrace—came to Harrisburg and addressed a joint meeting of shopmen and transportation men. Lee said to those men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'We have 135,000 union transportation men and $3,500,000 in the treasury, and

will use every dollar and every man against the railroad if they discharge these shopmen.'

"The trainmen said to the shopmen, 'Strike, and we'll go with you.' But the trainmen didn't strike with them. If ever a man was guilty of high treason against his fellows it is W. G. Lee. He is the cause of suicides, great loss of property, and the breaking up of homes."

The meeting referred to by Pierce was held in Harrisburg on November 30, 1913, and I was one of approximately 1,000 transportation men who were present at this meeting—the term "transportation men" referring to members of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. The meeting itself was one of what we railroad men term "fifth Sunday" meetings, which are usually held in some large railroad center on the fifth Sunday of any month in which such occurs, and the attendance at such meetings is generally limited to transportation men, practically the only exception being when members of the Order of Railroad Telegraphers are admitted. Officers of these organizations are invited to address these meetings, as well as men prominent in public life. At the meeting in question President Lee, of the Brotherhood of Railroad Trainmen, was an invited guest.

Pierce, the president of the so-called Brotherhood of Federated Railway Employees, was present at the opening of the meeting in his official capacity, but not as an invited guest, to the best of my knowledge. Pierce—who, by the way, was a defeated aspirant for a vice presidency of the firemen's organization at their Washington convention in 1913, and whose commission as an organizer of that organization expired at midnight, November 30, 1913, sought to have the meeting thrown open to the members of the "federation." After a short discussion it was decided that, in view of the fact that the meeting had been called for transportation men only, the members of the "federation" would not be admitted. Pierce immediately left the meeting in a "huff," but shortly returned in his individual capacity as a member of the firemen's brotherhood, and later on, at the request of the chairman, addressed the meeting.

I was an attentive listener to the address made by President Lee, but at no time in his discourse did I hear him make any statement that could be construed as inferring that Pierce or his organization could, at the least, hope for the support which Pierce testified President Lee promised would be given if the Pennsylvania dismissed any shopman for affiliating himself with the "federation." President Lee did make a statement, which in substance was that if Pierce was organizing the shopmen and other employees and affiliating them with his organization with the permission of the different craft organizations already in existence and affiliated with the American Federation of Labor, then he could no doubt meet with the heads of the four transportation organizations and talk the matter over. Pierce did not then nor has he since, to the best of my knowledge, claimed that he had permission from any of the craft organizations representing other than transportation men in railroad service, such as the Brotherhood of Maintenance of Way Employees, Brotherhood of Railway Clerks, Brotherhood of Car Repairmen, International Car Inspectors' Union, etc., to affiliate this class of employees with his organization. He has repeatedly announced that he would not affiliate his organization with the American Federation of Labor.

There is no doubt in my mind but that Pierce was promised physical support in his then threatened strike by members of the transportation organizations acting in an individual capacity, but this was an assumption of authority on their part that was contrary to the general rules of the Brotherhood of Railroad Trainmen and similar laws of the other transportation organizations. The president of the Brotherhood of Railroad Trainmen, Mr. Lee, acting in his official capacity, can not call a strike of his own initiative, the general rules only giving to him the authority to approve or disapprove the action of a general grievance committee who, having received the approval of at least two-thirds of the membership on a railroad as the result of a referendum vote, can authorize or order a withdrawal from the service. Pierce, as a member and deputy officer of the firemen's brotherhood, was well aware of this fact.

The transportation organizations accept the open-shop policy; their members work side by side with others in their respective classes who do not belong to their organizations on the condition that these nonmembers work for the same rates of pay and upon the same conditions; and these organizations neither believe in nor practice the sympathetic strike.

It might not be out of place to suggest to your honorable commission that in considering the testimony presented by Mr. Pierce that you consult the report of Messrs. John A. Moffit and James A. Smyth, the commissioners of conciliation of the United States Department of Labor, submitted to the Hon. William B. Wilson, Secretary of Labor, under date of July 1, 1914. This report covers the work of the honorable commissioners of conciliation in their efforts to avert the—at that time—impending strike of Mr. Pierce's Brotherhood of Federated Railway Employees.

Respectfully, yours,

H. B. HUBER,
1352 North Street, Harrisburg, Pa.

Sworn and subscribed before me this 20th day of May, A. D. 1915.

[SE IRWIN M. CASSELL, *Notary Public.*

My commission expires March 25, 1917.

STATEMENT FROM HARRISBURG (PA.) PATRIOT.

[From Harrisburg Patriot, Dec. 1, 1913.]

CONCERTED MOVE GREAT FOR MEN—SPIRIT OF HARMONY A NECESSITY TO SUCCESS, SAYS LEE—PIERCE RAPS COMPANIES.

A thousand railroad men attended the regular joint fifth Sunday meeting of the four brotherhood organizations yesterday at the Board of Trade Hall.

William G. Lee, president of the Brotherhood of Railroad Trainmen, who has just finished the eastern arbitration proceedings, was the principal speaker on the occasion. He said he knew of no differences between the various brotherhoods. The especial need of affiliation of the four organizations on the Pennsylvania was urged. Lee declared that he worked for federation and harmony between the engineers and firemen in the Harrisburg and St. Paul conventions. All would stand by the new brotherhood with money and otherwise, he said. He dwelt on spies and gum-shoe men and said it was impossible to keep out the traitor. "With small favors they tempt employees with passes," he said. Government figures were used to show the high death rate on the railroads. For 1912, one killed every five and one-half hours, and those injured, including the killed, average one every 12 minutes. Railroad men can never get just compensation in consideration of these fatalities. He spoke on arbitratiton, concerted movements, and wage scales at great length and intimated that concerted action was one of the most valuable.

Senator E. E. Beidlemen extended an address of welcome to the visiting members.

G. G. Boran, chairman of the State legislative board of the Brotherhood Railroad Trainmen, spoke of legislation and the work of the legislative board, dwelling principally on the public-service commission act and commented on the fact that employees and families will not be granted passes.

J. C. Blarney spoke on behalf of the B. of L. E. and took occasion to commemorate the fiftieth anniversary of the organization, which is the pioneer of the railroad brotherhoods. He alluded to the concerted movement as one of the grandest things and urged a spirit of harmony to prevail among all railroad employees and the four organizations.

W. H. Pierce, organizer of the B. of L. F. and E., who recently organized the Brotherhood of Federated Railway Employees, told of the achievements of organized labor as monuments of the brotherhoods, and, as he is from the rank and file, his heart is with those who earn their living by the sweat of their brows. The expense of handling grievances is much greater now than formerly, he said. One hundred dollars is now spent where 5 or 10 years ago $10 or $15 was sufficient to handle a case. "Petty grievances are now carried to the higher officials. Years ago they were settled in the yardmaster's office," Pierce said. "This is done to create excessive assessments, discourage the men, and make them quit the brotherhood."

The brotherhood meeting held yesterday afternoon in the Board of Trade Auditorium was continued last night at White's Hall, Broad and James Streets, under the auspices of the B. of F. R. E.

Most of the speakers at the afternoon session were present, all speaking a word of encouragement for the new organization. Among the speakers were W. G. Lee, president of the Brotherhood of Railroad Trainmen, and W. H. Pierce, organizer for the Brotherhood of Locomotive Firemen and Enginemen. Both men extended hearty cooperation of their brotherhoods toward the new organization and offered support at all times.

STATEMENT OF MR. P. L. SMITH AND OTHERS.

[Grand Lodge Brotherhood of Federated Railway Employees.]

HARRISBURG, PA., *May 17, 1915.*

To whom it may concern:

We, the undersigned members of the different railroad brotherhoods, did attend a meeting in White's Hall on the 30th day of November, 1913, which was addressed by Mr. W. G. Lee, president of the Brotherhood of Railroad Trainmen, and heard him make this declaration:

(By W. G. Lee.) We have 135,000 members and $3,500,000 in our treasury, and every dollar and every man will be used against the Pennsylvania Railroad if they discharge one of you men for belonging to a union; and he further said if we stood by W. H. Pierce that he, Pierce, would lead us to a victory.

P. L. SMITH,
2010 Susquehanna Street, B. of L. F. and E.
GEO. F. HOFFMAN,
641 Dauphin Street, B. of F. R. E.
R. R. STEVENSON,
1215 Front Street, B. of F. R. E.
J. Q. YODER,
621 Harris Street, B. of L. F. and E.
M. D. HENDERSON,
1911 Foster Street, H. B. G. B. of F. R. E.

STATEMENT OF MR. R. B. SHEELY.

[William H. Morne Lodge, B. of L. F. & E., 673.]

HARRISBURG, PA., *May 22, 1915.*

To whom it may concern:

I, R. B. Sheely, secretary of William M. Morne Lodge No. 673, Brotherhood of Locomotive Firemen and Enginemen, Harrisburg, Pa., do hereby swear that I was in attendance at a meeting held in the city of Harrisburg, Pa., on the 30th day of November, 1913, and heard W. G. Lee, president of the Brotherhood of Railroad Trainmen, in the course of his address, make this statement, to wit:

"The Brotherhood of Railroad Trainmen has 135,000 members and three and a half million in their treasury, and that they (the Brotherhood of Federated Railway Employees) would have the backing of the entire organization if one of their men was discharged for joining the union."

R. B. SHEELY.

MAY 24, 1915.

Sworn and subscribed to before me this day above written, May 24, 1915.

[SEAL.] FRITZ KRAMME,
Alderman.

My commission expires the first Monday in January, 1920.

ADDITIONAL STATEMENT OF MR. W. H. PIERCE.

[Grand Lodge Brotherhood of Federated Railway Employees.]

HARRISBURG, PA., *May 27, 1915.*

LEWIS K. BROWN,
Secretary Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In answer to your request regarding information in regards to the Brotherhood of Federated Railway Employees, I hereby make an official statement covering the question asked me by your honorable commission.

A. I. Kauffman, who was general chairman of the Brotherhood of Locomotive Firemen and Enginemen in 1913, made a partial confession to me that he received money from the Pennsylvania Railroad Co. in the early part of July, 1913, and a full confession in the month of August, 1913. This will, I think, answer the two first questions.

No; the knowledge was not known generally. I had informed two members of Kauffman's own lodge at Altoona, Pa., and one member who lived in Harrisburg, and also W. S. Carter, national president of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill.

It did become known in June, 1914, in a general way to all members who attended meetings, and most of them were displeased with the action of the general chairman, and I attended the annual meeting of the joint protective board in the city of Philadelphia, Pa., and there told the joint board that Kauffman was crooked and not to reelect him to office, and they defeated him.

I was then a member and am still a member of the Brotherhood of Locomotive Firemen and Enginemen. I belong to Lodge 477, located at Galesburg, Ill.

Mr. W. G. Lee, president of the Brotherhood of Railroad Trainmen, did make a statement at a meeting held in the board of trade hall in the afternoon of November 30 and in White's Hall that same evening, in the city of Harrisburg, Pa., that the Brotherhood of Railroad Trainmen had 135,000 members and $3,500,000 in their treasury, and that they (the Brotherhood of Federated Railway Employees) would have the backing of the entire organization of the Brotherhood of Railroad Trainmen if one of the employees of the P. R. R. was discharged for joining the union.

He also said in White's Hall at the evening meeting that if the shopmen would follow W. H. Pierce, he, Pierce, would lead them to victory.

W. H. PIERCE.

STATE OF PENNSYLVANIA, *County of Dauphin, ss:*

Personally appeared before me the undersigned, an alderman in and for the said State and county, W. H. Pierce, of the city of Harrisburg, State and county aforesaid, who, being duly sworn according to law, doth depose and say that the facts above set forth are both true and correct.

Sworn to and subscribed before me this 15th day of June, A. D. 1915.

[SEAL.] J. WILLIAM BAYLES, *Alderman.*

My commission expires first Monday in January, 1916.

STATEMENT OF CHARLES LIEBAU.

HARRISBURG, PA., *June 12, 1915.*

To whom it may concern:

At a regular joint fifth Sunday union meeting of the railway brotherhoods held at the Board of Trade Auditorium, Sunday afternoon, November 30, 1913, which I attended as a member of Lodge No. 673, Brotherhood of Locomotive Firemen and Enginemen, I personally heard W. G. Lee, president of the Brotherhood of Railroad Trainmen, distinctly state in the course of remarks, in speaking of the shopmen's organization, that the Brotherhood of Railroad Trainmen had 135,000 members and three and one-half million dollars in its treasury, which would be used to back up the shopmen if any were discharged for joining the union.

The above is a true and correct copy.

[L. S.] CHAS. LIEBAU.

STATE OF PENNSYLVANIA, *County of Dauphin, ss:*

Personally appeared before me, the undersigned, an alderman in and for the said State and county, Charles Liebau, of the city of Harrisburg, State and county aforesaid, who, being duly sworn according to law, doth depose and say that the facts above set forth are both true and correct.

Sworn to and subscribed before me this 15th day of June, A. D. 1915.

[SEAL.] J. WILLIAM BAYLES, *Alderman.*

My commission expires first Monday in January, 1916.

EXHIBITS.

PERHAM EXHIBIT NO. 1.

AN AGREEMENT.

The duly authorized representatives of the Commercial Telegraphers' Union of America and the Order of Railroad Telegraphers, for the purpose of more clearly defining their relations to each other and for the further purpose of avoiding disputes and securing harmonious cooperation in joint defensive action, do hereby agree:

1. That for the purpose of this agreement a joint board shall be created, as follows: The president and the general secretary-treasurer of the Commercial Telegraphers' Union of America and the president and the grand secretary and treasurer of the Order of Railroad Telegraphers.

2. That the joint board may adopt rules of procedure in the conduct of business that may properly come before it which shall not conflict with this agreement or the laws of the organizations parties hereto.

3. That meetings of the joint board shall be held upon the joint call of the presidents of the two organizations.

4. That the presiding officer at meetings of the joint board shall be elected by a majority vote at each meeting, provided that should a tie vote occur any other method mutually agreed upon may be adopted.

5. That three votes in the affirmative shall be necessary to adopt any proposition before the joint board, and when so adopted shall be binding on both organizations parties hereto.

6. That each organization parties hereto shall bear equally the incidental expenses of the joint board.

7. That when a joint demand is made by committees representing members of both organizations parties hereto involving either questions of wages or hours, all conferences and business with the employer relative thereto shall be conducted by joint committees of the organizations parties to this agreement, and in case a strike or lockout shall result each organization shall bear its own expenses.

8. That when a strike or lockout occurs where a joint demand has not been made, but where one of the organizations parties to this agreement shall be involved, it shall be compulsory, without further notice, for members of the other organization to protest against handling telegraph business other than that handled before the strike or lockout occurred, provided that nothing herein shall be construed to mean that a sympathetic strike can take place before being constitutionally legalized.

9. That telegraphers employed by a railroad company shall not be admitted to membership in the Commercial Telegraphers' Union of America.

10. That telegraphers employed by a commercial telegraph company, brokerage firm, or press association shall not be admitted to membership in the Order of Railroad Telegraphers.

11. That the officers of the Commercial Telegraphers' Union of America shall insist on all members of that union now in or hereafter entering the railroad service joining the Order of Railroad Telegraphers without delay.

12. That the officers of the Order of Railroad Telegraphers shall insist on all members of that order now in or hereafter entering the commercial telegraph service joining the Commercial Telegraphers' Union of America without delay.

13. That nothing contained in this agreement shall be construed to mean that any telegrapher shall be prohibited from continuing membership in both organizations parties hereto.

14. That upon proof being furnished that a member of either organization party to this agreement worked for a firm, association, or corporation during the continuance of a legal strike charges shall be preferred against such member by the officers of the organization in which he holds membership, and such member shall be tried in accordance with the laws of that organization.

15. That this agreement shall be effective on and after the date of its signing.

Approved.

C. E. LAYMAN,
GEO. O. FORBES,
A. O. SINKS,
Board of Directors, Order of Railroad Telegraphers.

R. J. FOWLER,
S. J. KONENKAMP,
JOS. M. SULLIVAN,
M. J. REIDY,
C. E. HILL,
Grand Executive Board.

Agreed:

H. B. PERHAM,
President Order of Railroad Telegraphers.

S. J. SMALL,
President Commercial Telegraphers' Union of America.

This agreement became effective on October 1, 1906.

PERHAM EXHIBIT NO. 2.

MIDDLETOWN, DEL., *July 12, 1912.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: I am called on committee work for July 15, and I would be glad if you will kindly arrange to relieve me from July 15 and until further advised.

Yours, truly,

T. W. TRUITT.

[Telegram.]

WILMINGTON, DEL., *July 14, 1912.*

T. W. TRUITT:

Will relieve you July 15; advise your address in order that we may reach you if needed.

J. R. D.

S–N., 4.31 p. m.

WILMINGTON, DEL., *August 6, 1912.*

Mr. T. W. TRUITT,
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR: On account of the unusual number of men on our sick list we are unable to further extend your leave of absence, and it will be necessary for you to report for duty at once.

Please arrange accordingly and acknowledge receipt.

J. R. DONOVAN,
Division Operator.
S.

3415 NORTH TWENTY-SECOND STREET,
Philadelphia, Pa., August 9, 1912.

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: On account of death in family I have been out of town, and just received your letter. I am sorry you are in need of men at this time, as it is

impossible for me to return for duty at once, owing to the fact the telegraphers' committee is expecting an audience with the officials any day, and it is necessary that I shall be present when this audience is granted. I will report for duty as soon as I am relieved, which should be in a short time.

Yours, very truly,

T. W. TRUITT.

WILMINGTON DEL., *August 23, 1912.*

Mr. T. W. TRUITT,
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR: Referring to your leave of absence granted July 15, my letter to you dated the 6th and your answer of the 9th, will advise this leave of absence is terminated, and it will be necessary for you to report for duty Monday, August the 26th, or else you will be dropped from the rolls and your position advertised. Please acknowledge receipt of this letter.

Yours, truly,

J. R. DONOVAN, *Division Operator.*

HEADQUARTERS OF GENERAL COMMITTEE,
3415 NORTH TWENTY-SECOND STREET, TIOGA,
Philadelphia, Pa., August 24, 1912.

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: Your letter of August 23 received. I regret to have to say that I am unable to report for duty on Monday, August 26, as requested, for the reason that I am a member of the telegraphers' general committee, which is now in session and endeavoring to establish a schedule and wage scale on the Pennsylvania lines. I hereby protest against being dropped from the rolls and my position being advertised, and I notify you that such action on your part will cause me to make it one of the grievances we have against the company.

Yours, truly,

T. W. TRUITT.

WILMINGTON, DEL., *August 28, 1912.*

Mr. T. W. TRUITT,
Operator, Middletown, Del.

DEAR SIR: Yours of the 24th instant received. As you have been working for this division for 24 years and received your living from them, I consider your first duty toward them when you are needed in the service. Any employees given leave of absence are likely to be recalled at any time when the service requires, and you, of course, understand the result of refusing duty and insubordination.

J. R. DONOVAN, *Division Operator.*

MIDDLETOWN, DEL., *January 10, 1913.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: Having about completed my duties as committeeman for the operators I am now ready to resume duty, please advise at your earliest convenience when I shall report for duty at my position here, and oblige,

Yours, truly,

T. W. TRUITT.

MIDDLETOWN, DEL., *January 18, 1913.*

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: I am attaching herewith a copy of the letter sent to Mr. Donovan on the 10th,[1] as per your instructions. You will notice I did not recognize that I had been discharged. This was due to the fact that Mr. Donovan has never officially notified me to that effect.

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[1] Printed in this exhibit.

This letter was sent to Mr. Donovan through the United States mail, and I am very sure that he received it O. K., but up to this time I have received no reply from him. Would you advise that I make a second request or let it stand as it is?

With best wishes, I am,
Yours, fraternally,

T. W. TRUITT.

ST. LOUIS, MO., *January 20, 1913.*

Mr. T. W. TRUITT,
Middletown, Del.

DEAR SIR AND BROTHER: I have received your favor 18th instant, together with the communication addressed to Mr. Donovan, division operator at Wilmington, Del., and in reply will state that in my opinion it will be well to write Mr. Donovan another letter, calling his attention to your communication to him dated January 10, and inclosing copy of same. If you do not hear from him within a reasonable length of time kindly advise to that effect.

With best wishes, I am,
Yours, fraternally,

H. B. PERHAM, *President.*

MIDDLETOWN, DEL., *January 23, 1913.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: On January 10 I sent you a letter stating that I had about completed my duties as committeeman for the operators, and was now ready to resume duty. Up to this time I have received no reply from you. Not being sure that you had received this letter, I am attaching a copy herewith, and would be glad if you will give me a reply at your earliest convenience, and oblige.

Yours, truly,

T. W. TRUITT.

MIDDLETOWN, DEL., *February 3, 1913.*

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: As per your letter of January 20, I made the second request upon Mr. Donovan to be put back to work, and up to the present time I have received no reply to either letter. To make sure that Mr. Donovan would get my last letter I registered same to him and am attaching his receipt herewith.[1]

From what I can learn from the other men they are being treated in about the same manner as I am. I hear that all the division operators have their orders, and could not make a reply to us if they so desired.

With very best wishes, I am,
Yours, fraternally,

T. W. TRUITT.

ST. LOUIS, MO., *February 6, 1913.*

Mr. T. W. TRUITT, *Middletown, Del.*

DEAR SIR AND BROTHER: Your letter of February 3 received. It is sufficiently conclusive to establish the fact that you were discharged from the service for representing your fellow employees, as you had a right to do. We now have a very good case against the Pennsylvania Railroad on many counts. The delays have been very annoying, but it has given us an opportunity to get ready that otherwise we would not have had, and it may be all for the best.

The situation at Washington has interfered with us and our plans considerably, but we are not alone in that respect.

The organization on the Pennsylvania is standing up wonderfully well, and we certainly ought to win on that account alone.

With best wishes, I am,
Yours, fraternally,

H. B. PERHAM, *President.*

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[1] Registered-letter receipt attached.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *March 4, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., Washington, D. C.

DEAR SIR AND BROTHER: The Pennsylvania Co. continues to discharge the active officers of the new locals. Their present policy can not help but be to our disadvantage unless some change is made at once. Along these lines we have arranged to hold a special conference with delegates from the points affected, and they are principally on the Pittsburgh division. Men being let go at Twenty-eighth Street, Pitcairn, Youngwood, and Derry, Pa.

Up to now our efforts for adjusting these grievances have not proven successful, local shop officials not giving the committees waiting upon them any satisfaction. When the cases are taken up with higher officials the same treatment is accorded. What course the company will pursue when the general committee of each organization waits upon them is not known. It's easy to surmise that little show will be given to these men let go, who are practically all old employees.

Meanwhile organizers are making arrangements for meetings in Altoona, Harrisburg, and at Columbus, Ohio. It may be necessary that some of the international officials make an effort to meet the higher officials of the road and make an effort to have this discrimination stopped.

Vice President Glover, of the blacksmiths, has been assigned to work in conjunction with the other organizers, and for the time being will be located in the Pittsburgh district.

With best wishes, I am,

Fraternally, yours,

A. E. IRELAND, *Secretary.*

[Telegram.]

PITTSBURGH, PA., *February 24, 1911.*

FRANK MORRISON,
801-G NW., Washington, D. C.:

Company continues to discharge union men at all points. Trouble anticipated. Should have two additional men to help. Wire answer.

T. H. FLYNN.

PITTSBURGH, PA., *March 4, 1911.*

Mr. FRANK MORRISON,

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date.

The work of organizing on the P. R. R. is not as good as it was some time ago; this is due to the fact that the company has started to discriminate against the union men, which has resulted in making some of the men refuse to cooperate with us, but I think that this will not last long, and the men will see that they must make a stand sometime.

The blacksmiths have placed a man on the road, and the sheet-metal workers will have one of their organizers here Monday. So, with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN,
Organizer A. F. of L.

P. S.—Send check to my home address.

T. H. F.

PITCAIRN, PA., *March 6, 1911.*

Mr. FRANK MORRISON:

DEAR SIR AND BROTHER: The Federal Labor Union, of this city, was installed on Saturday last, with a membership of 218. They will send to you for more due books and constitutions.

The P. R. R. has discharged all the men who were active in the formation of this movement and I do not know how we will be able to stop a general strike. We all realize how impossible it would be at this time to win; but how to stop it is also as hard.

Wyatt was in Pittsburgh on Sunday. His reports from Altoona are good. Our reports from Columbus, Denison, and other points in Ohio are real good.

Pierce is in Harrisburg, but we have not received a report from him, but we expect one to-night.

The blacksmiths have placed two organizers on this road—Glover and Horn.

I hope that some arrangements will be made so the men will get their trouble adjusted and not have to strike.

I am inclosing you clippings from Pittsburgh Leader which will explain how it stands up to the present time.[1]

So, with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN.

PITCAIRN, PA., *March 11, 1911.*

Mr. FRANK MORRISON,
Washington, D. C.

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date, for which you will please send check to my home address.

The conditions on the P. R. R. is about the same, the company is discharging and the men are organizing faster than the company can discharge, while the organizers are real busy keeping the men from striking, for as they say that if the men are all discharged then there will be not enough to strike when the time comes.

The organizers sent to Columbus, Ohio, are organizing real fast, but Gallagher and Wyatt are having all kinds of trouble at Altoona, while we have not received any information from Pierce from the time he left Pittsburgh for Harrisburg.

I have worked all week around Pittsburgh and Youngwood with other organizers getting the locals installed and advising against a strike. At the same time we organized another federal union at the 28th shops, and will make application for a charter Sunday, also will go Sunday night to Johnstown to form another federal labor union.

We are working real hard to get a conference with the company, but up to the present time we have not been able to accomplish much along those lines.

Ireland will be in Washington Monday and will call on you and explain matters to you; so with best wishes I beg to remain,

Fraternally, yours,

T. H. FLYNN,
Organizer A. F. of L.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *March 21, 1911.*

Mr. FRANK MORRISON,
801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: In connection with the organization work on the Pennsylvania system would state for the past two weeks since the last circular was issued much trouble has been experienced on account of the company's attitude in discharging employees for their activity in organizing.

At some of the immediate points near Pittsburgh the company officials went even so far as to discharge from one-third to one-half of their forces.

For some time the situation was very critical, and in order to offset any attempt on behalf of the company to discourage our movement, it was arranged for a big general mass meeting, and same was held in Old City Hall, Sunday, March 19, when addresses were delivered by President James O'Connell, of the International Association of Machinists, and other organizers.

The outlook at this stage is much more promising, and arrangements are being made to carry on the organization work, particularly at all eastern points.

At a meeting held Sunday morning at the headquarters in the Monongahela House, at which meeting President O'Connell was in attendance, the entire matter was gone into in detail. It was then mutually agreed to arrange for

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[1] Submitted in printed form. They are entitled, "Railroad men remain quiet," Feb. 28, 1911; "Railroad men face struggle," no date; "Many shopmen join federation," Mar. 2, 1911.

a campaign of education by sending out circulars to the unorganized points, it being understood that the mails were to be used to reach this company's employees.

It was agreed as heretofore that the expense incurred is to be borne pro rata by each organization.

Your representatives on the ground will be prepared in a few days to submit to you in detail what the share of your organization will be. Meanwhile every effort is being put forth to further increase our forces. We have been in close touch with the officials of the company. Copies of communications are inclosed.

T. H. FLYNN.

SOME PERTINENT QUESTIONS TO TRANSPORTATION SERVICE MEN.

1. Are there provisions in your agreements for the transportation of scabs to take the place of loyal union shopmen on strike?
2. Does it specify that you shall operate defective motive power and jeopardize the lives of the traveling public, on account of incompetent nonunion workmen?
3. Is there anything therein that says you shall man your trains and mingle around the yards among armed thugs and scab herders and work under their protection?
4. Does it say that you shall haul provisions, clothing, and other supplies to scabs?
5. Is it not true that these striking shopmen refused to be used by the company when you faced a serious conflict less than a year ago?
6. There is a principle involved, stand by these stanch citizens and refuse to work until this company reinstates its old employees. Don't be used as tools to defeat your fellow workmen.

By order general committee striking shopmen, Pennsylvania lines east and west.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *June 15, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., 801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: Inclosed herewith find statements relative to methods pursued by train-service men which are self-explanatory. Conditions remain unchanged, and unless something is done soon in the way of benefits all men will return to work. Trusting to hear from you soon, I remain,

Fraternally, yours,

GEO. A. NOLTE.

PITTSBURGH, PA., *June 6, 1911.*

On afternoon of June 6, at Weber's Hall, Mr. G. W. Souser, member of Ormsby Lodge, No. 465, B. L. F. & E., addressed about 300 shopmen, advising that if they would sever their connection with the A. F. of L., the Pennsylvania Co. would be willing to make some satisfactory settlement.

PITTSBURGH, PA., *June 8, 1911.*

The following recommendation was furnished by Mr. J. C. Jackson, member of R. B. Hawkins Division, No. 114, Order Railway Conductors, to Mr. J. Jenney, foreman of Pennsylvania Co.

RECOMMENDATION.

PITTSBURGH, PA., *June 8, 1911.*

Mr. J. JENNEY:

The bearer is the man I was talking to you about at Howard. He is a pipe fitter by trade. Anything you can do for him will be thankfully received, and oblige.

J. C. JACKSON,
Order Railway Conductors.

PITCAIRN, PA., *June 13, 1911.*

We, the undersigned men on strike, authorize this committee of five men, David Rodgers, W. C. Woomer, H. E. Baker, J. E. White, and W. J. Harshberger, to meet the representatives of the various crafts of the A. F. of L., namely, Messrs. Ireland, Paquia, Flynn, Nolte, and Bork, and we demand that the said representatives of the various crafts meet in I. O. O. F. Auditorium, Pitcairn, Pa., Wednesday, June 14, at 2 p. m., for the purpose of demanding the strike benefit or passing the settlement of this cause into the advice of the heads of the various operating crafts and if such is not recognized and acted upon according to this request, a message will be sent to all points that is out on strike, notifying them of the action we have taken and asking them to cooperate with us and unite with us and appoint their representatives with full power to act and bring this settlement about.

No promise will be accepted. Immediate action must be taken.

(NOTE.—This petition had 169 signatures.)

BROTHERHOOD OF RAILWAY CARMEN OF AMERICA,
Pittsburgh, Pa., June 13, 1911.

Mr. THOMAS A. JONES,
P. O. Box No. 466, Pitcairn, Pa.

DEAR SIR AND BROTHER: Inclosed herewith find letter from Brother Morrison, secretary of A. F. of L., in which he requests sworn statement regarding the attitude of train-service employees. What we want, Brother Jones, is something to show the exact disposition on part of these men for future reference in their attempt to influence our men to return to work.

We know that there are many instances in which they tried to bring about discord, of which no doubt you can furnish good information, and it is this kind of information that we desire.

If you will also give the names, together with name of organization, number of lodge, etc., or, if in case of grand lodge representatives furnish their name and title, it will indeed be highly appreciated.

We would kindly urge upon you to furnish all information in this connection possible and forward same to this office as soon as convenient to do so.

Assuring you of our best wishes, I remain,

Fraternally, yours,

GEO. A. NOLTE, *Grand Lodge Deputy.*

P. S.—Kindly return letter of Brother Morrison's without fail.

These men have held two public meetings in Pitcairn for the purpose of doing the above business: Edward McGinniss, B. of L. F. & E.; Bob Jackson, B. of L. E.; F. S. Titman, B. of R. T.; Hendricks, O. R. C.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 8, 1911.

Mr. GEORGE A. NOLTE,
Monongahela House, Pittsburgh, Pa.

DEAR SIR AND BROTHER: Your several favors received and contents noted. Your last favor received to-day in regard to the attitude displayed by the brotherhoods' executives. I would like you to furnish me with the names of the representatives of the brotherhoods who are urging the men to withdraw from the American Federation of Labor. If you can do that, we can then take it up with the international officers. I will be pleased to have you wire, at our expense, the names of these men and the organizations they represent.

I also have in mind your postscript in your letter of June 6, in which you say you had a debate at Ormsby, at one of the large shops, with the representative of the Brotherhood of Locomotive Firemen and the company's representative; but you do not furnish me with the name of the representative of the Locomotive Firemen's Union.

The executive council of the American Federation of Labor will meet next Monday, June 12.

With best wishes, I remain,

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *June 15, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., No. 801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: Inclosed find copy of proposition turned down by the general strike committee at Pittsburgh, Pa., this date, which shows conclusively that the Pennsylvania Co. does not intend to act fair with its employees now on strike.

I am sending this by request of Brother Flynn, who is actively engaged here at present.

With best wishes, I am,
Fraternally, yours,

GEO. A. NOLTE.

Proposition as a basis of settlement from Mr. Shroyer, superintendent Pennsylvania Co. lines west:

First. The company now has an ample force of men at work or en route, none of whom will be displaced.

Second. None of the men now on strike can be reemployed at present.

Third. However, if the strike is called off at once the company will consider applications from the men now on strike, and such of them as it is found desirable to reemploy will be taken on from time to time as new men.

The committee recommends its rejection.

ALTOONA, PA., *June 30, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: Organizer Gallagher, who has been in the hospital for some days as a result of a very hard beating, is to-day able to be around. We are hopeful that there is nothing serious.

As I wrote to you some time ago asking you to take the matter of continuing organizers in the Pennsylvania system up with the national organizers, I wish you would let me know at your earliest possible convenience what has been done along those lines.

There are now working on this system Organizers Schmitt, Gallagher, Bork, and myself, with Ireland in Pittsburgh, which shows very poorly for the national officers, who pledged themselves at the Pittsburgh conference to continue the work of organizing. Moreover, with this small force of organizers now on the system the company will again take advantage of our organizations and start to discriminate, which will result in disbanding and disrupting all that we have accomplished in the past six months.

Here in Altoona alone we have the following organizations: Boiler makers, 338; blacksmiths, 125; machinists, 436; carmen, 320; laborers, 150.

The laborers have not as yet applied for a charter. There are also several hundred applications from various craftsmen which we have not segregated at the present time.

The blacksmiths have taken their organizer away and the local union feels very hard about it. The same is applicable to the machinists; and I might state briefly that the organizers now on the ground will not be able to accomplish very much effective work if the national and international organizations directly affected do not manifest a more willing desire to perfect the organization of the entire system.

So, hoping that you will bring this matter to their attention, and begging for an early reply, I beg to remain,

Yours, very fraternally,

T. H. FLYNN.

P. S.—You will please find inclosed weekly statement for week ending to date, for which you will kindly mail check for same to my home address.

T. H. F.

PITTSBURGH, PA., *July 1, 1911.*

Mr. FRANK MORRISON,
Washington, D. C.

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date, for which you will please send check to my home address.

The conditions on the P. R. R. are getting bad. The company knowing that all the organizers except three were off the road has again started to disrupt the organization by refusing to reinstate the old men as per the agreement. This week I had to give up my work of organizing in Altoona and come to help the men at Pitcairn, Allegheny, and other places that have been on strike for a long time and are out of money and not one organizer here to instruct them. I have arranged for an ox roast for the 11th and got all the stuff donated. We expect to get enough money to help some of the strikers.

Now, if the national organizations will not assist in organizing to other shops on the road, the company will continue to discharge all union men. I will go back to Altoona on the 12th. So with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN.

AMERICAN FEDERATION OF LABOR,
Mount Vernon, N. Y., November 5, 1912.

Mr. H. B. PERHAM,
Eighth Vice President, American Federation of Labor,
St. Louis, Mo.

DEAR SIR AND BROTHER: Your favors dated October 28 and 31 received.

I shall write, as you suggest, to Mr. J. H. Marble, secretary of the Interstate Commerce Commission, requesting him to furnish me the report referred to in your letter, or if a later report on the same subject has been published, to send that. I thank you for the information.

Referring to your inquiry concerning a statement issued by an officer of the Pennsylvania Railroad Co., I desire to say that on Sunday afternoon, April 2, 1911, I was in Pittsburgh, for the purpose of addressing a meeting in the interest of the Pennsylvania Railway employees who were then engaged in a strike. Prior to the meeting a local officer of one of the shopmen's unions—I do not remember his name—handed me a typewritten statement, which he said was a copy of a letter issued to the employees. In giving me the statement he admonished me to regard as absolutely confidential the name of the Pennsylvania official attached to the letter. In reading the communication at the meeting I did withhold the official's name.

I, of course, can not vouch for the authenticity of this statement, and while I send a copy of it to you, I suggest that you should investigate before using it, and thus ascertain if it is really authentic.

With best wishes, I am,

Yours, truly,

JOHN MITCHELL,
Second Vice President.

(Inclosure.)

All foremen:

We have been necessitated to discontinue work during the past week to keep within our allotment because of the fact that the force now on our section is greater than the money allotted us can maintain.

In order that we may work our men regular and give them living wages and keep within out allotment, it will be necessary for us to decrease our force. Before making this reduction in the force, however, we desire to have an expression from our laborers as to whether or not they are members of labor organizations now being organized in this vicinity. In this reduction of the force to live within our allotment, it is our intention to first lay off the men who are members of the organization or who propose to join the organization.

Advise us not later than Monday p. m. of the answer of your men to the question, "Are you a member of a labor organization? If so, what? Is it your intention to join one of the labor organizations now being organized in this vicinity?"

W. T. HANLY,
Supervisr No. 10½.

PITTSBURGH, PA., *January 19, 1913.*

NOTES OF P. R. R. CASE.

Joseph Born, Wilmerding, Pa., says as follows:

That about the first or middle of February, 1911 Mr. John Steinburg, foreman, P. R. R. shops, called on him and talked about union affairs, stating it

would be better for Born to drop the union proposition. Born refused, explaining that while it was true that the company, as stated by Steinburg, had treated him (Born) well, there were others of his craftsmen who had not been accorded such treatment and that he (Born) proposed to fight for those less fortunate than himself. That on February 27, following this interview, Mr. Steinburg said to him (Born) "I have orders to discharge you," and did so, giving no other reason for the action. Born claims he was discharged wholly because he was a union man and refused to accede to the request made by Steinburg.

That 500 maces or clubs were manufactured by the P. R. R. at its cabinet shop, Pitcairn, Pa., prior to the shopmen's strike in 1911, and immediately after a committee had notified the company of the desires of the men.

That John Geiger, Trafford City, Pa., knows all about these matters and would be a good witness, but at this time is endeavoring to get back into service with the P. R. R., therefore will probably be averse to talking on the outside.

That E. P. Kepple, Pitcairn, Pa., is also well posted relative to the case and will tell all about it at any time.

Mr. Born says he is perfectly willing to testify to all that he knows of the matter, which is somewhat limited on account of his activity on committee work during the time of some of the occurrences.

That general manager S. C. Long and Mr. Morrow are men that will not stick to the truth, either regarding facts or the things they have previously stated; that occasion made it necessary for him (Born) to call each of them liars at Broad Street, and he did so; that while Mr. O'Donnell is a fighter, he found him truthful.

That all strikers taken back by the company lost all money they had paid into the voluntary relief and rights to a pension, the company claiming the men had "left the service."

That he understands pension rates are determined by the average of the last one year's pay in the service of the company, but does not seem quite clear on this.

Mr. William Shenefelt, jr., 423½ Westinghouse Avenue, Wilmerding, Pa., says:

That he saw clubs or maces manufactured in P. R. R. cabinet shops, Pitcairn, Pa., prior to the strike of the P. R. R. shopmen in 1911 ,that the clubs were of hickory timber, about 16 or 18 inches long, a hole in one end with a strap through, that they were very dangerous weapons, that he can probably supply one or two if it should become necessary; that these clubs were shipped from cabinet shop to P. R. R. storerooms, about 200 yards distant and stored there.

Shenefelt further states that of his own knowledge the P. R. R. manufactured similar clubs at same place and for the same purpose, viz, arming "bulls" (special agents) at the time a trainmen's strike was looked for; he thinks it was during the year 1909.

That men now in the P. R. R. storerooms, Pitcairn, above mentioned, were also there when clubs were put there in 1911, that the manager, Mr. Nicholson, now, was also manager of the rooms in 1911.

That Jacob Greenwalt, East McKeesport, Pa., was one of the men who turned clubs in 1911, as was also Edwin Cassady, now in the West somewhere. Cassady's father resides in Duquesne, Pa.

That himself and others who went on strike lost what they had paid into the volunteer relief; that the relief is but a "graft" anyway.

That all who went on strike and were taken back do not get the passes they used to get nor that others get who are at work and were not strikers in 1911. Shenefelt was out one week, returned to work, and is still working for the P. R. R.

That he did not assist in manufacturing the clubs, as he is not a turner.

T. E. ELLIS.

PITTSBURGH, PA., *January 20, 1913.*

Mr. E. B. Kepple, health officer and insurance agent, Pitcairn, Pa., says:

That in February, 1911, he was employed as a blacksmith by the P. R. R. Co. at Pitcairn, Pa., and was a union man; that during that month the P. R. R. began "laying off" its old employees in the shops at above-named place; that the employees thus treated belonged to the union covering their craft, these men in most cases being informed that when they left their union they would be placed back to work; that this procedure continued until a thousand or more of the employees were thus treated.

That about the first day of March, 1911, himself, Joseph Geiger, Trafford City, Pa., and Jacob Born, Wilmerding, Pa., as a committee, were sent to wait upon Mr. J. F. Coursan, general foreman P. R. R. shops, regarding above treatment of the employees, Born having been laid off just previous to this visit. The committee accused the company of discriminating against its old employees who were union men, giving names and other evidence. Mr. Coursan disputed the act of discriminating and stated the company would do no such thing. During the interview Joseph Geiger remarked to Mr. Coursan, "Yes; and I will be about the next one to go," implying that he would be discharged for appearing before Coursan on a committee in behalf of the laid-off or discharged employees. Mr. Coursan said, "No, sir; you will not; you will not be molested"—words to that effect. That the next day, March 2, 1911, Joseph Geiger and himself (E. B. Kepple) were both laid off, and neither have been taken back into service yet.

Kepple states that they were discharged at noon, and that the men yet working when he left the shop were instructed to not speak to him until after he was outside the shop.

Kepple has printed copies of affidavits by men who were treated by the company as above; that the company told them they were treated thus because of their affiliation with their union, and that when they would leave their unions they would be put back to work. He says there are thousands of living witnesses to all this, but that Mr. Ireland, of Pittsburgh, Pa., has the original affidavits, in case they are desired. The conversation with Mr. Kepple suggests that the trouble between the P. R. R. and its shopmen in 1911 was due to the discrimination described above. The first man laid off or dismissed from the service in this eliminating process was the secretary of the Brotherhood of Blacksmths and Helpers' local lodge, Pitcairn, Pa., Mr. George Morgan, now residing at North Braddock, Pa.

This cleaning-out process continued from February until May, Kepple says, and that finally a strike was ordered, and if it had not been ordered when it was there would not have been anyone left to strike, as not one-third of the union men were then left in the shops, thus claiming the company forced the men to strike. He says the company had been told a strike would be called but paid no attention and kept on letting the men out.

Kepple says one of the methods the company used was to place bosses near meeting places. The next day or so after the meeting there were sure to be some of those attending laid off or, in other words, discharged from service.

Kepple says the contract entered into between the employee and the company when entering the voluntary relief is of such nature that if in case of death a beneficiary of the deceased enters suit against the company it voids the relief benefit and also bars prospect of recovering through the law. Upon being asked why employees entered into such a one-sided contract, he said, "It's that or no job." He states some of the employees went to an attorney regarding this contract, but the attorney told them it was so ironclad the employee had "no show."

Kepple also says, regarding the lay-off or discharge feature, it was a method of the company to get hold of a man it thought it would be able to bulldoze, call him into the office, and go after him roughshod. To such they did not mince words as to the unions and what would be done, etc.

Regarding the relief, Kepple also says the company is a gainer in case of demotion during the latter part of a pensioner's active service with the company, as in such case the company's donation to the fund would be materially diminished. This matter is very complex. See treaties on the subject.

Kepple says the younger strikers who have been taken back into service are taken into the relief, but the older men are not.

T. B. Ellis.

PITTSBURGH, PA., *January 22, 1913.*

Thomas Jones, Pitcairn, Pa., to-day stated as follows:

That he was, just prior to March 10, 1911, employed as foreman of a crew at P. R. R. roundhouse, Pitcairn, Pa., and that on March 10, 1911, H. Cosgrove, foreman P. R. R. roundhouse, told him (Jones) that his services were no longer needed; that he had been in the employ of the P. R. R. for about 13 years prior to that date; that, although Cosgrove did not say so, he was discharged because of his affiliation with his union; that hundreds of P. R. R. employees at Pitcairn were treated in like manner and for same reason during

February, March, and April, in 1911. That as soon as the company became aware the men were organizing themselves the company began to lay off (discharge) men, and kept this up until a committee representing the different unions the men belonged to was sent to visit Mr. S. C. Long, Philadelphia, Pa. The committee, after exhausting every reasonable means and after being advised that a lockout would be inaugurated against the men, taking effect at 10 a. m. May 1, 1911, told Mr. Long that unless all men who had been discharged (laid off) be put back to work within 48 hours a strike would be called, to take effect at 8 o'clock a. m. May 1, 1911.

That the committee received no response to this ultimatum, either in way of a reply or compliance with their request; therefore the strike was called as per information given Mr. Long.

That there was no demand made upon the company for increased wages, etc.; that as above stated the whole trouble was caused by the company discharging men because of their union affiliations; that he (Jones) was at the time of his dismissal by Cosgrove recording secretary of local lodge Brotherhood Railway Carmen; that he has never been reinstated with the company.

That when he drew his balance due from the company he suggested that his dues in voluntary relief be deducted as usual. Man in charge refused, stating that Jones was out of the service, therefore out of the relief. Jones called his attention that he had paid in much money to the relief, but this had no effect.

That some little time after his discharge the company began sending "bulls" to his home calling for his pass. They were so persistent that Mrs. Jones was much annoyed; that he finally sent his pass to Cosgrove, but close after he had done so a "bull" came to where the men were holding a meeting in rear of a justice's office and demanded Jones's pass, and stated he was instructed to take it by force unless he could otherwise obtain it. Jones told him to attempt such a thing, but it was not done.

About the last men laid off were a bunch of 30, according to Mr. and Mrs. Jones, who gave this interview in each other's presence. Among the 30 was Frank Freeman, John Ballinger, and others, whose whereabouts they are not aware of. They say all these men were told plainly the act was due to their union affiliations. That the P. R. R. Co. placed a much younger man in the service into his (Jones) position after his dismissal.

That he saw the clubs that were manufactured by the P. R. R. Co. at its cabinet shop, Pitcairn; they were about 2 inches through, about 2 feet long. Were made before his discharge, because he could not have seen them otherwise; that he saw them where stored, in bins in lumber storerooms, open during day but locked at night; that there must have been 250 or more. One day he remarked about them to an employee named Harter.

That at time of strike Mr. J. F. Coursan held the position of president of the borough council; that on one day the mayor or burgess, Mr. M. D. Cameron, a physician by profession, being absent, Coursan thereby became temporary burgess or mayor for that day; that on that day about 20 of the P. R. R. "bulls" marched up the streets of the borough of Pitcairn, Pa., and that this was the only day the "bulls" did this; that it was felt that it was for the purpose of exciting the citizens and thus bring about trouble. None occurred, however, but the next day about 150 or 200 of the bulls lined up just on the edge of the company right of way in a threatening manner, but were met by as many or a greater number of citizens who lined up on the other side of the street. The bulls did not encroach off P. R. R. right of way. That these bulls were toughs picked up by the company wherever they could find such men.

That in 1909, when the trainmen threatened to strike on the P. R. R., an official came to him (Jones) and said, "If we need you, are you going to be a good fellow? May want you to either act as a brakeman or as a policeman." Jones told them he would do neither.

Jones says Kepple appeared O. K. to him; says no better union man than Ireland: says wrote you; says Gallagher called on him and he told Gallagher the whole story; that Gallagher knew it of his own accord. He seems to think Gallagher is O. K. Got better job now than with P. R. R.; is night foreman switching crew at Westinghouse's. Lives in rear, corner Second Street and Boardwalk, up the hill. Milliner store in front.

Says Jacob Greenwaet worked right along during strike.

I have Jones's voluntary relief book. If you haven't one, will send it to you.

T. E. ELLIS.

PITTSBURGH, PA., *January 25, 1913.*

Jacob T. Born, Wilmerding, Pa., to-day, among other things, said:

That while we can not swear that he and others were discharged by the P. R. R. in 1911 because of their union affiliations, there is no doubt about that as being the fact.

That the committee of which he was a member made no demands upon the P. R. R. except that the discharged men, or, as the company put it, the men laid off, be reinstated and put back to work.

That the whole contention between the men and the company was the right of the men to affiliate with their different labor brotherhoods.

That while no particular man was put into his (Born's) position immediately after his discharge, the work upon which he had been engaged was allotted to different men yet in the shop; this work was on the machinery employed in the different shops and came under the head of maintenance, over which Mr. Coursan had jurisdiction.

That he believes that no machinists were hired by the company to fill the place of the men that were discharged or "laid off," but immediately the strike was declared carloads of men were brought to Pitcairn by the company; in fact, a greater number than had been discharged by the company.

That men still employed in the shops before the strike was called told him (Born) that the machinery was "run down" and was in very bad condition on account of lack of men to do the necessary work.

That one day in May, 1911, but he has no record and can not call to mind the date, he was notified by telephone from the committee headquarters, Pitcairn, Pa., that a lot of company bulls were marching in the streets of Pitcairn.

T. E. ELLIS.

PITTSBURGH, PA., *January 25, 1913.*

Rev. Father R. J. Maloney, Pitcairn, Pa., to-day, among other things, stated as follows:

That he sympathized with the men on strike at Pitcairn P. R. R. shops in 1911; that as near as he can judge from the proceedings at that time the men desired to bring about better conditions for themselves in the P. R. R. shops and began to affiliate themselves with their labor unions.

That when the P. R. R. found the men were organizing, the officials of the company began to discharge or lay off those who had joined their unions; that this is absolutely true—that the P. R. R. discharged its employees on this account; told them so plainly when they were discharged; in many instances the men were called before the officials and asked to leave their unions; upon refusal the men were then and there dismissed from the service; Rev. Maloney is very emphatic about this.

That while it is true the P. R. R. pays fair wages, yet the employees are so bound down by the company it amounts to near serfdom; that they are not entirely "free American citizens"—words to that effect; that the men are afraid.

That there was absolutely no rioting nor material disturbance in the borough during the strike; that men did congregate and endeavor to induce other men from working; hissed sometimes when not successful, but used no force at any time; that the strikers conducted themselves splendidly; that he said so then publicly, and told the truth.

That he heard about the company detectives marching in the streets, and, while it was a bad thing to do, because of the natural feeling and heated condition of the men's minds, there was no trouble that he heard of.

That he understands before the shopmen struck they were assured of assistance from the road men, but after the strike came road men would not join them as sympathetic strikers, account their contracts with the company.

That old and young men were discharged—laid off.

Father says it is strongly thought there were union men in pay of the company during the strike to disrupt them.

T. E. ELLIS.

PITTSBURGH, PA., *January 26, 1913.*

Joseph Geiger, Trafford City, Pa., to-day stated, among other things, as follows:

That on March 1, 1911, himself, Mr. Born, and Mr. Kepple, as a committee, visited Mr. J. F. Coursan, P. R. R. shops, Pitcairn, Pa., for getting the older

men whom the company had laid off reinstated. Coursan said he had no authority in the matter, thereby practically closing the interview. Geiger seems very uncertain as to just what was said at this interview with Mr. Coursan.

That next day, March 2, about 10 o'clock a. m., Mr. Cosgrove, his foreman, called him in and told him he was also laid off, and said it was on account of "the depression." At noon Geiger again went to Mr. Cosgrove and asked him why younger men were not laid off instead of the old ones. He received no satisfaction from Cosgrove, who reiterated his previous statement that it was on account of the "depression." Geiger states he was unable to notice any depression other than that which the company made by laying off its men.

That in January, 1912, he visited Mr. O'Donnell, P. R. R. general superintendent, at Pittsburgh, and asked why he could not be put back at work. Mr. O'Donnell told him he could not work for the P. R. R., offering no further information or satisfaction, and has not heard anything from the company since then.

That the first men laid off began with Mr. Morgan, a blacksmith; then Mr. Matson, a machinist, followed by other old employees. Occasionally one of the young men were also laid off, but as a rule the older men were selected first. This began in early February, if he remembers correctly, and continued until hundreds of men had been let out of the shops at Pitcairn. That practically all these men were union men. That the company seemed at first to pick out "gang bosses," he himself being a gang boss.

That while he was not told so by company officials, men who were laid off told him (Geiger) the officials told them it was because they were union men.

That he does not know who took his position at the time he was let out.

That everything was quiet in Pitcairn during the strike, so far as he knows; that he heard of but two arrests during the trouble; two P. R. R. "bulls" were arrested, charged with being suspicious persons, searched, and found to have guns on their persons; they were taken before Justice of the Peace Dewalt, Pitcairn.

That he does not know why deputy sheriffs were brought into Pitcairn.

That he heard of a meeting just before the wholesale return to work of the strikers, between the burgess of Pitcairn, representatives of the brakemen, firemen, conductors, and engineers' brotherhoods, and a few citizens of the borough; that he diligently and for some time endeavored to find out the nature of the meeting, what was done, and by whom arranged, but was never able to do so. Geiger says he is a member of the B. R. T.

That about the time of this meeting or a little after it (he's not clear about time) the ministers of the different churches were asked to intercede with the company officials; they did so; but all the company would offer was to put the strikers back as new men, and after investigation determine what would be done about the cases of the men who had been laid off. Father Ward of Wilmerding represented the Catholic Church on this occasion, Geiger says.

That during the first time he worked for the company he belonged to the voluntary relief, but the second time, beginning in 1901, when he applied and was accepted by the P. R. R. for service, he was told to go to the relief doctor for examination; he did so, but told the doctor he was suffering from a hard cold, and was told to return when he had recovered from the cold. As he did not wish to join the relief he never returned for the examination, although he remained in service until 1911, 10 years, and was not approached by company officials on the subject. Geiger says he is 41 years of age now.

That so far as he can remember there was no ultimatum given Mr. Long at Philadelphia by his committee, of which he was chairman, that they could not get any satisfaction from Long, and after returning to their hotel decided to write him for another interview, which was not granted, and they returned home and put the matter up to the men for a vote, as he remembers it.

That the P. R. R. at Pitcairn shops manufactured clubs or maces in 1909, when it was anticipated the trainmen were going on a strike; that the clubs were stored in the storerooms at Pitcairn; that there are men now working there who made the weapons and assisted in storing them; that he does not know about clubs for shopmen in 1911, jokingly adding that he guessed the company did not consider it worth while to bother about clubs for them.

That Mr. Matson, of Roanoke, Va., was sick for several weeks after being laid off by the P. R. R. in 1911, and presented a claim for his voluntary relief sick benefit, but thinks he never received any satisfaction.

Geiger stated that some of the discharged men were in a position to talk, but that he was getting at an age where he must be careful, at present earning 20 cents an hour.

T. E. ELLIS.

PITTSBURGH, PA., *March 26, 1914.*

This is to certify that I, Robert D. McChristie, was sent from New York, understanding that there was no trouble on the Monongahela division of the P. R. R. When I arrived there I was sent out as flagman without having passed any examination of any kind and was sent from Shire Oaks to Conway with a 42-car train as flagman. The head brakeman quit at Pittsburgh; the middleman never railroaded in his life before, therefore knew nothing about railroading; the conductor did not know the road from Pittsburgh to Conway. The middleman was asleep from Avalon to Conway; the conductor was asleep from Ambridge and did not awake till I was in the yard at Conway and the yardmaster took charge of our train in the yard. Then I woke the conductor and told him that we were in Conway yards. There was no switch report made out, and I had to make out the wheel report. Coming back we had 39 empties and had still the same middleman, the conductor, and myself to run the train; run with three men from Pittsburgh to Conway and return to Shire Oaks. When arriving in Shire Oaks I did not consider I had no protection and did not close main line entering the yard. Joe Sollesby was conductor, James Smith was engineer.

Yours, truly,

R. D. MCCHRISTIE.

H. C. Sellers, 215 Vine Street, Elmira, N. Y., was sent here with his wife with the information that there was no trouble here. After situation was explained he refused to go to work and asked for transportation for himself and wife home, which was refused. He applied for transportation at police headquarters and was told to leave town best way he could.

F. C. Wills, New York City, occupation baker, had not done any railroad work for eight years; was arrested at West Elizabeth for blocking crossing. He did not have a watch, did not know engine number, nor how many cars in train; did not know where he was or what division he was working on. March 27, 1914.

The following men were furnished $1 watches (conductors and flagman): R. C. Smith, J. A. McNeil, G. S. Young, and C. W. Newingham.

ALTOONA, PA., *April 1, 1914.*

To whom it may concern:

On Tuesday, March 24, 1914, the foremen of the Cresson division was called into the supervisor's office by telegram and told they should report and come in on train No. 709.

This was done by the foremen, and they was ordered to withdraw their membership in the Brotherhood of Federated Railway Employees or resign their positions with the company, and gave them and all other employees belonging to the brotherhood 24 hours, or until 3 p. m. March 25, 1914, to do so or leave the service of the company.

The foremen and laborers was given a form of a written statement, to be copied in their own hand, the same a resignation or withdrawal of membership in the brotherhood.

These resignations had to be written by the men, and they was ordered by the supervisor to send same to his office.

I was asked to withdraw my membership from the brotherhood by my foreman, F. A. Bertram, and I told him I would not do so, and the next day I was told I was relieved from the service of the company on account of reduction in force.

The foreman stated to the men that the supervisor, W. B. Groff, had told him that those who did not withdraw from the brotherhood would have to leave the service of the company.

RAYMOND M. ECKENROD.

DILLTOWN, *March 28, 1914.*

Mr. W. H. PIERCE: This is to certify that I have withdrawn from the Brotherhood of Federated Railway Employees. The first letter that I wrote is annulled. The company will send you my notice written with lead pencil—my own handwriting. Count me out of the order at once.

L. D. MCNUTT, *Dilltown, Pa.*

PITTSBURGH, PA., *January 28, 1913.*

J. J. Lovitt, insurance agent, Irvin, Pa., to-day stated as follows, and declares he is willing at any time and ready to make oath to these statements:

That he joined the Sheet-Metal Workers' Union about the 25th or last days of January, 1911; that he was made a committeeman to represent his craft in the P. R. R. shops, Pitcairn, Pa., on February 23, that year.

That a day of so after that Messrs. Kepple, Freeman, and Born, others of the committee, had a meeting with Mr. J. F. Coursan, P. R. R. shops at Pitcairn, relative to the laying off or discharging men at the shops; that during this meeting with Mr. Coursan the names of all the other committeemen were given to Mr. Coursan.

That on February 26, 1911, just before the noon hour, my foreman, S. A. Ebberts, sent his clerk out to me and asked for my annual pass, making no explanation. I asked what he wanted it for. The clerk said, "Go and see for yourself." I went in and asked Mr. Ebberts. He said, "Want to give it to another man." I said, "The pass is in my name; others can not use it." He said, "I want it." I walked out of the office. Fifteen minutes later the clerk, while I was busy at my bench, came and handed me an evelope. I asked him what it was. He said he did not know. I refused take it, believing it contained my discharge. I went into the office and demanded of Mr. Ebberts why he was giving me my time. Ebberts said, "On account of a slack time." As I was the next oldest man in the shop, having been there 10 years, I said, "There are 15 or 20 men here who were hired long after I began. There is one here, Jacob Smith, who was hired but two or three days ago." After some heated argument he gave me my time. I kept on talking about the reason of my discharge. Ebberts got mad. Hitting the desk, he said, "Well, if you have to know, it is for joining the union." I told him that was just what I wanted to know. Present at this time was William Loughrey, Mr. Ebberts's clerk, who heard all of the conversation.

The day following my discharge Mr. Ebberts sent George Saxaur, assistant foreman, to my house, demanding my pass. I refused to give it up. On the next day a party came to my home in Irvin, Pa., and demanded my pass. I asked him who he was. He said, "I am a P. R. R. officer," throwing back his coat, which act exhibited a large blue-steel gun strapped to him. He said he would either take the pass back to Pittsburgh with him or take me there; that those were his instructions by his chief officer. I told him to go ahead and take me; that I would go with him and give the pass to the man who had given it to me. I walked to the P. R. R. station with him. All the way and after arriving at the station this man tried to coax and also to scare me into giving him the pass. I refused to give it to him, and he boarded the train without either me or the pass. A few days later I took the pass to Mr. Ebberts, Pitcairn. He asked me why I had not given it to either of the two men who had come for it. I told him I did not consider those men had any right with the pass. He said, "Well, this will go hard with you if you ever want to work for the company again."

That Levi Cohen, a tinner, employed at Pitcairn shops, was told by S. A. Ebberts, P. R. R., as follows:

That he would give him good work if he remained out of the union and would endeavor to keep other Jews out; that if he joined the union (meaning the Jews) "We will send all of our work to Altoona and discharge you." Cohen told Ebberts the Altoona men belonged to the union. Ebberts disputed this, and said, "You had better get another job." The following day Cohen was discharged. Lovitt says he saw this conversation between Cohen and Ebberts, and that Cohen came direct to him and repeated the conversation, as he (Lovitt) was a leader and the men came to him with their troubles.

Cohen is now in Chicago, Ill., and a member of the Sheet-Metal Workers' local there.

That Charles Reese, sheet-metal worker, Pitcairn, Pa. P. R. R. shops said to him (Lovitt) as follows:

That Mr. Ebberts came to him (Reese) and asked if he belonged to his union (this was in Ebberts's office). Reese told him, "Yes." Ebberts said nothing to this, but that evening Ebberts called Reese to his office and said to him: "You will either have to keep away from those Jews, putting union ideas into their heads, or get another job. You have been attending these meetings, getting this stuff into your head and spreading it among the Jews. If you don't quit all this you can hunt another job." After some argument Ebberts discharged Reese on the spot. Lovitt says Reese is now with the Westinghouse people at Wilmerding, Pa.

That at the Pitcairn shops the Jews were placed on one side in a colony by themselves; other men on the other side. A day or two after the discharge of Reese, Ebberts came in and found some of the other men talking with the Jews and told them if they did so again he would discharge them. Among these men were Phillip Lang, Pitcairn, and James McCreight, whereabouts unknown to Lovitt.

That the committee, himself (Lovitt) included, were to start for Philadelphia on Monday morning to meet Mr. S. C. Long. The Saturday evening before this intended trip, while he (Lovitt) was eating his supper, a stranger came to his home and stated he desired to talk with him. Lovitt took the man into another room. The man asked if they were alone. Lovitt told him they were. The man went to a door of an adjoining room, looked in, then closed the door, came back, and said, after talking about the labor troubles, that he wanted to make some arrangements with Lovitt; that he wanted Lovitt to go to headquarters at the Monongahela House and get the papers and the letters the committee were going to take with them to Philadelphia the next Monday. He said the P. R. R. would take good care of Lovitt; give him a good position in secret-service department, with good salary and pass. Offered a sum of money on the spot and did give me $10. I was to bring the papers to the Union Depot at 8 o'clock, meeting the man there on Sunday evening, next night. I promised to do all this. He told me how to work it; said I should give Flynn, Ireland, and Paquin the best of whisky to drink, so I would not have any trouble in getting the papers; that it meant a life job for me with the company. I promised faithfully, but I went to Pittsburgh and told President Ryan, Ireland, and Flynn what had taken place. It was fixed for me to carry this out by getting together a bundle of old letters and papers. I did this, and waited at point he had instructed me to wait, entrance to smoking room. While standing there he passed and said, "You have a gang with you." I came out from Pittsburgh on the last train; he came also; he met me near my home and said, "You have double-crossed me"; that I had Matson and McGinnis with me at the station in Pittsburgh. He tried again to get me to do the job. I jollied him and told him we would leave Pittsburgh at 7.30 a. m. Monday, but we left on train No. 12. I have never seen this man since. My sister heard all of the conversation on the Saturday evening above mentioned. She listened at the door, on account she was afraid I would be harmed, due to the labor troubles.

That he (Lovitt) was a gang boss when discharged by the P. R. R. and states there was to his personal knowledge at least three new men employed (hired) in his shop after his discharge and before the strike was called.

That Charles Reese told him (Lovitt) during the strike that he (Reese) saw "piles" of clubs or maces in P. R. R. storerooms, Pitcairn, Pa.

That he (Lovitt) was injured on Thanksgiving day, 1900, by falling 35 feet while working for the P. R. R., the fall severely injuring his spine and bladder; that the P. R. R. doctor at Irvin, Pa. (Dr. Sowash), was called in that evening, and the next day he called found I could not urinate. He relieved me with an instrument. The next day he did not call. My sister went for him, but he could not be seen. The next day, Sunday, I was suffering terribly, not having urinated since the doctor had operated. My sister-in-law went for him, but was told that he was not at home. I was almost wild with suffering. Monday Miss Marie Balsimo went for the doctor, whose wife told her he was not at home. It was afterwards found he was in. I then sent for Dr. Bowman, who said my case had been badly neglected. He drew my urine at once and took my case, when I said I would discharge Sowash, which I did. After this Sowash threatened Bowman with personal violence on the street because he had taken my case. I had much correspondence with P. R. R. officials over the bill of Bowman, but they finally paid it; that he has never fully recovered from the injury; that he was unable to work for one year after the injury and drew

$1 per day from the voluntary relief, and this was all he had to keep himself, mother, and sister on. He put the case to the company, but could get no further relief from them. Lovitt has much more of this matter if it is wanted.

That he does not remember the exact date, but has at home a letter from Samuel Gompers that will fix the date. A stranger approached him in Irvin, Pa., after the strike of 1911, stating his name was Wilson, from the Illinois Central Railroad; that Lovitt had received a tough deal by the men during and after strike at Pitcairn, and that it was on account that he (Lovitt) was on the wrong side; that he (Wilson) had authority to give him a good job with regular monthly pay to work on the quiet among the men on the Illinois Central, and so on and so forth, asking (Lovitt) to meet him at Hotel Henry, Pittsburgh, Pa., next day to sign contract. Being encouraged, he handed Lovitt $10. Lovitt did not go, but received a telegram hurrying him. Still he did not go nor reply. Then a special-delivery letter came asking him to come and sign contract, as previously arranged. Lovitt did not go, but sent both telegram and letter to Samuel Gompers, together with a letter explaining the matter. The letter to Mr. Gompers was answered, congratulating him on his stand in the matter, but neither letter or telegram were returned to him.

That at Philadelphia the committee told Mr. Long that if the discharged men were not put back to work they would not be responsible for what would follow, but says strike was not mentioned; that we would return to Pitcairn and put the matter up to the men; Long would give us no satisfaction, and we returned and put it up to a vote. Men voted to strike after listening to a speech by A. E. Ireland; that Ireland was in charge; that the shops outside of Pitcairn wanted to go out at same time Pitcairn men did, but Ireland said better not—to wait till they were asked to come out, but they did not do so and came out without being asked or ordered out.

Then one evening at a meeting of strikers, and the hall was packed, a telephone came for the committee to hurry to Pittsburgh—that they were wanted at once. Shortly after this John McGinnis came in and quietly said to the committeemen that the representatives of the other four organizations wanted to see them at the Colonial Annex Hotel, Pittsburgh, at once. They immediately left the hall—a very bad procedure they afterwards found—and he feels there was something wrong about the call. Jacob Born was to speak that night, it being a very critical time during the strike. That the committee leaving left the meeting without a head, and things were said and done that did the cause no good, some of the men remarking afterwards it was the worst thing that could have happened. Upon getting to Pittsburgh they were told the people there desired to meet them to discuss settlement of the strike. They refused till after the matter had been put to the men at Pitcairn. This was done, and the next day they met the people at the Colonial Annex; that at this meeting Fitzpatrick of the trainmen stated, among other things, that their strike was an illegal one; that the best thing we could do was to settle it as soon as possible; that Paquin and Fitzpatrick quarreled about the character of the strike, but there were other A. F. L. there who agreed with Fitzpatrick about the legality of the strike. That the following looked bad to him after a meeting with Mr. O'Donnell, of the P. R. R., was arranged, and they had met O'Donnell; almost the first words he said to the committee were, "Do you people know this is an illegal strike? You have heard it so stated in some of your meetings, have you not? I understand it has been so stated."

That he heard of the meeting between the burgess of Pitcairn, some of the citizens of that borough, and the men of the four transportation organizations; had endeavored to find out about it, but has never been able to do so.

That there was no rioting nor trouble at Pitcairn that would necessitate the bringing in of outside help; that he heard at different times of the acts of the P. R. R. bulls which were thought by himself and others to be an endeavor to incite trouble, but the people were wise and nothing came from it. He also heard of the marching in the streets of the bulls, but knew nothing personally about it.

T. E. ELLIS.

PITTSBURGH, PA., *February 3, 1913.*

James O. Baldridge, 105 Vannear Avenue, Greensburg, Pa., stated at his home to-night as follows:

That H. F. Altman, his shop foreman, P. R. R., Youngwood, Pa., on February 1, 1911, said to him that he was indefinitely suspended, but gave no reason

whatever for that action. At this time Baldridge says he had been in the employ of the P. R. R. for 10 years. I was sure my suspension was on account of my affiliation with my brotherhood and my position as member of our local board of adjustment, and so said to my wife that day on my return home, remarking that "I had my head chopped off on account mix up with the A. F. L." I kept after Altman for work after the men went back to work until he gave me work the 1st of August, 1911. I was asked to make no promises for the future, and did not do so. I have again joined the P. R. R. voluntary relief, of which I was a member prior to the time I was indefinitely suspended. I can not see where the company would profit by its men going out of the voluntary relief at any time. I do not know whether there is a break in my service record or not. Suppose I could find out if I tried to do so. Of course, the P. R. R. lets old men out to make room for younger men. That when he joined the Brotherhood of Carmen he did not know it was affiliated with the A. F. L. until Ireland and Flynn showed up at a meeting; then he knew he was in for it. That no one has ever told him that they were discharged because they joined the union, but all the men felt that that was the only reason why they were let out by the company.

That before the strike the shopmen were told by the trainmen and enginemen, all four brotherhoods, they would get their support, but that when the strike went into effect they would not assist the shopmen, and on that account all are very sore on that class of men.

That Ireland and Flynn told the strikers they would receive benefits from the A. F. L. while on strike, but they have never received a cent, and the men are all sore on that account, and it would be impossible to organize those men now.

That it was common report among the men that Ireland sold out to the P. R. R. and started a gent's furnishing store on Sixth Avenue, Pittsburgh, with the money; that about nine months ago he was given a card advertising such place; the card was handed him by J. J. Lovitt, Irvin, Pa.

Asked what, in his opinion, brought on the strike in 1911, he answered, "That was a hard question to answer." He would not say what the cause was or what his opinion of it was. He says he is making now the same as he did before the strike, about $80 per month; that he gets a trip pass when he asks for it, the same as before the strike.

Mrs. Baldridge, hearing the conversation in another room, came in and said, "You had better come and eat your supper and drop this talk. If there is to be any more 'union business' you can take the house. I supported this family all summer in 1911, and that will do me." Words to that effect. She is very bitter, and said the men were talked into the matter, the organizers got the money, and the men lost their jobs; that the men got good wages, were making a living, and that was all she wanted, and again told him to go to supper and then to church. After she left Baldridge admitted he did not like to talk much about the matter on her account.

Baldridge is afraid of both the P. R. R. and Mrs. Baldridge, and, by heck, I hardly blame him.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

W. E. Smith, machinist, Franklin, Cambria County, Pa., among other things at his home, February 7, 1913, stated as follows:

That on March 14, 1911, Robert Kiser, Smith's foreman at P. R. R. shops, said to him and another machinist, Mr. Hill, "you are laid off," giving no reason for the action (it will be noticed this was six days after the meeting on March 8 and four days after the mayor of Johnstown had dismissed Smith from charges made by Jones); that he, Smith, at that time was vice pres't Local Lodge 328, International Association of Machinists; that many men were laid off along about that time in like manner, everyone of whom were affiliated with their unions.

That after the strike was over he, Smith, applied for his job back, and was put to work by the P. R. R. and is still with them; that conditions are much better in their shop now than before the strike; that the men are given trip passes by the company when asked for; that he is no longer a member of his union, intimating the reason. (P. R. R. won't allow it.)

T. E. ELLIS.

DALMATIA, PA., *March 9, 1914.*

To whom it may concern:

This hereby certifies that John G. Radle, who has been in my employ for about four years is strictly honest, sober, and is an industrious man, but has been honestly furloughed on account of reduction of men on the railroad.

The above recommendation was given to John G. Radle (member of brotherhood) who is next to the oldest man in the gang, when he was laid off on account of a reduction of men on the railroad. The original copy of this is in the hands of John G. Radle, of Pillow, Pa.

MARCH 25, 1914.

STATEMENT OF ROCCO DIFALCCI.

I worked for the Pennsylvania Railroad Co. for seven years as a boiler maker, when they called me in the office and wanted me to go into the brotherhood office at the brotherhood meetings and secure the names of all the men who joined the brotherhood and turn them over to the office. I said that "I refuse to do it." Six days after that they laid me off on furlough, and have not been returned to work.

G. ROCCO DIFALCCI,
1707 North Seventh Street, Harrisburg, Pa.

ALTOONA, PA., *March 26, 1914.*

STATEMENT OF GIUSEPPI SPENALO.

I, Giuseppi Spenalo, was employed by the Pennsylvania Railroad Co. as a night watchman. When I went to work on the evening of the 11th of March the foreman informed me that the supervisor had telephoned to him to discharge me. I asked the foreman why I was discharged, and he asked the supervisor, and the supervisor told the foreman that he could not tell him. The foreman then asked me if I belonged to the union, and I denied that I belonged.

GIUSEPPI (his x mark) SPENALO.

(He does belong to the union, Altoona, Pa.)

STATEMENT OF MATTEO DANELLI.

I, Matteo Danelli, was employed by the Pennsylvania Railroad as a night track walker; worked from 6 p. m. till 6 a. m. On the 10th of March I went to work and found that another man was working in my place, and I went to see the foreman in regards to this matter, and he told me that he had a letter from the supervisor to discharge me because I belonged to the union.

MATTEO (his x mark) DANELLI,
Altoona, Pa.

MARCH 27, 1914.

STATEMENT MADE BY A GANG LEADER.

I have been employed by the Pennsylvania Railroad Co. in Altoona, Pa., as a gang leader for the past two years. On the 27th day of March, 1914, at about 5 o'clock, the foreman under whom I work informed me that he had received a telephone message to discharge me, as I was an undesirable employee to the company. I was a gang leader, having about 75 men under me, the majority of whom are younger men in the employ of the company than myself, but who were still allowed to continue working. I did not belong to the relief.

J. E. VOWINCKEL.

MARCH 26, 1914.

STATEMENT OF AN EMPLOYEE OF THE FREIGHT SHOP.

The assistant foreman of the above shop told me that if I did not belong to the brotherhood and could fix the matter and show that I did not belong that my trouble could be readily adjusted and everything O. K.'d. This statement was made in the presence of myself and R. M. S. Bowser.

G. H. WEAVER.

MARCH 27, 1914.

STATEMENT OF EDWARD COBONO, SALVATORE TAPALUCCI, GIOACCHINO SANGIORGI, AMEDEO GONNELLA, AND GIUSEPPI TAPALUCCI.

We, the undersigned, worked for the Pennsylvania Railroad Co. as laborers on the work train up till the 18th day of March, 1914, when our foreman informed us that he received orders to lay us five men off. We asked the foreman the reason, and he said he did not know. We then went to the supervisor, and he said he did not know any reason. We then went back to see the supervisor, and he asked us if we belonged to the union, and we said that we did not. The next day we went back to see him, and he told us that he might be able to do something for us if we would drop out of this brotherhood.

This supervisor's name is W. E. Groff, Cresson, Pa.

GIOACCHINO SANGIORGI (14 years' service).
ADOARDO COBONO (14 years' service).
AMEDEO GONNELLA (7 years' service).
SILVESTRO TAPALUCCI (5 years' service).
GIUSEPPI TAPALUCCI (13 years' service).

MARCH 27, 1914.

STATEMENT OF ANOTHER EMPLOYEE OF THE FREIGHT SHOP.

There were 10 men employed on the one track on which I was employed—2 single men and the rest married. There were 5 men suspended on this track, and all of them were married men, and the majority of the men kept on are younger men in the service than myself, and I have been employed for two years.

J. R. MULHOLLAN.

(Belongs to brotherhood.)

ALTOONA, PA., *March 26, 1914.*

STATEMENT OF GIUSEPPI MIANO AND NICOLA TANCREDI.

We, Giuseppi Miano and Nicola Tancredi, were employed as track laborers by the Pennsylvania Railroad Co. On the 11th day of March, 1914, we were informed by the foreman that the supervisor had telephoned to him to discharge us, and in the morning when we went to work we got our time. We then asked the foreman why we were discharged, and he asked us if we belonged to the union, and we said that we did, and he then told us that is what we were discharged for.

GIUSEPPI MIANO.
NICOLA TANCREDI.

MARCH 28, 1914.

STATEMENT OF AN EMPLOYEE AT FOURTH STREET.

I have been employed by the Pennsylvania Railroad Co. as fireman on a stationary engine for 11 years. On the morning of the 28th of March, 1914, I received a notice from my foreman that on account of reduction of forces I was relieved from service. I went into the office and asked them the reason for this release, and I was told that I was laid off on account of belonging to the brotherhood.

ROCCO (his x mark) MASTDONO.

MARCH 28, 1914.

To whom it may concern:

That I, John de Gerolomo, this 28th day of March, 1914, attach my signature in the presence of these witnesses.

I worked for the Pennsylvania Railroad Co. for about 10 years, up to the 27th of November, when I was discharged by Mr. J. A. Beamer, master mechanic of the Tyrone division. This was the next morning after I attended a union meeting held in the Red Men's Hall in Tyrone, and to my belief I was discharged for attending this meeting. My position was given to a member of

the Tyrone shop band, who was a younger man in the employ of the company than myself. I then started in the grocery business at 833 Twenty-first Street, Tyrone, Pa., and I also kept boarders. Mr. Beamer told several Italians who worked under him that if they did not quit dealing at my store they would get into trouble. He also told one of my boarders that he would have to find a new boarding house or he would give him his time. I can furnish the names of these men if necessary.

JOHN DE GEROLOMO.

Witness:

L. A. BROWN, *Investigator.*

I visited this town and saw this man's store and the other men. It looks like a case of "boycott."

L. A B.

PERHAM EXHIBIT NO. 3.

HOTEL SENATE, *Altoona, Pa., July 5, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: I am sending you a clipping of Monday's paper containing a report of my action against five of the police. I expect they will have a hearing to-day. Luther, the constable who blackjacked me, they haven't got. Now, if we can bind these thugs over to keep the peace and not follow us, the task of organizing won't be so hard. Schmitt, of the boiler makers, and Borke, the organizer, are on the job, and we all expect, if we get favorable action from the court in relation to these thugs, to establish good, solid locals here. The men at Jersey City are building for a Polish organizer, as four-fifths of the men at that point are Polacks. I expect to be there July 11. I would like if Borke, the Polish organizer, could go over there for several days, as I know from experience how easily he can organize the Polacks, Slavs, and Hungarians. There are a couple of Polish organizers in New York City, but they are not railroad men, while Borke is, and a first-class machinist; again, he is a Christian and belongs to most all the Polish religious and fraternal societies. He is a powerful man among these foreigners and I know that he could do more in a week in Jersey City, where he is also known, than several of us American organizers could do in months.

With best wishes, I am, yours, fraternally,

JOHN J. GALLAGHER, *Hotel Senate.*

(Newspaper clipping, without date, inclosed, entitled "Organizer's new move—Gallagher makes information against railroad and county policemen before Alderman Casey.")

HOTEL SENATE, *Altoona, Pa., July 19, 1911.*

Mr. FRANK MORRISON,

Secretary American Federation of Labor, Washington, D. C.

DEAR SIR AND BROTHER: The situation here is this: We are dogged by "bulls" day and night. We have only one hall that we can meet in—Trainmen's Hall. When a meeting is called the place is surrounded by foremen and "bulls." For my last two meetings I sent out over 600 notices and circular letters, and I saw at least 100 men go by the hall and would not come in. There is more moral cowardice here than I have ever seen before. We have been responsible for the nonenforcement of the new piecework schedule, which meant an average reduction of 40 per cent; and, further, for the first time in years there has been no lay off, always from 2,000 to 3,000 being laid off. We have decided that as only the A. F. of L. and boiler-makers' organization have men on the job, other crafts indifferent (except the carmen), that the best thing to do is to leave this place for about 60 days and give the P. R. R. a chance to enforce the new schedule and lay off about one-third of the men, and then drop back in here, and it may be some of the scales on their eyes may have fallen off and we may be able to do some business with them. We have dropped the injunction as proposed by the attorneys. I expect to leave here not later than next Monday. I am unable at this time to say just where I will be ordered. I think some work can be done in the east end of this system. With best wishes and regards.

Yours, fraternally,

J. F. SCHMITT.

PITTSBURGH, PA., *July 30, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: I have been in Freedom on the 29th of July and held a meeting there, and I would like to put the secretary under bond; his name is Jouan Gowic, and I would like you to send him a blank for bond, so as I can get that local complete.

I have about 80 laborers to be organized, but I can't organize them just now, because I wouldn't like to see them lose their work, because Altoona is full of railroad detectives, and watching our every step. I and Brother Smith have been talking about this, and we agreed to leave Altoona for about three or four weeks, until the R. R. company takes in some of the detectives from there, because it is very hard to organize a local without them knowing it and without them finding out the names of workmen that are organized; in many cases I was forced to organize in private homes on account of the detectives. I expect to be in Altoona in about three or four weeks, and then I will do my best to organize them. I am going to try to organize some of the concerns in and around Pittsburgh. I will try it in McKeesport steel mills and the horseshoe makers in Shoenberg mills, of Pittsburgh, and hope that I will meet with success.

Yours, truly,

WILLIAM BOEK.

LOGAN HOUSE,
Altoona, Pa., January 5, 1912.

Mr. H. B. PERHAM,
1378 Montclair Avenue, St. Louis, Mo.

DEAR SIR AND BROTHER: For your information, yesterday, the 4th, I got into touch with P. R. R. Detective David R. Jones, Howard Street, Altoona, Pa., who has been in same service nine years. We had a special seance, lasting nearly two hours; when it ended he was lisping in good shape.

He exhibited a bank book in favor of P. R. R.; also a slip from the bank showing that he had same date deposited $2,080 for P. R. R.; this exhibition was due to my doubting his word when he had told me his name. He said the instructions were to report my movements, no matter where they were made, and asked me as a personal favor to come clean with them, so it would be easy, as he wanted to treat me right, etc.; then upbraided me for sneaking Huff out of their way after I had told them earlier in the day there was nothing doing all day, as it was Saturday, and added, it will get me in bad with the company if you lose us. I laughed at him and told him Huff had simply sneaked in order to see some "skirt." Finally he was convinced, and I told him he was a jay if he reported to the company; that they had lost out; but to just report nothing doing but loafing around hotel and town; that I was playing fair. Nevertheless I had lost four of them and saw Henderson, as reported in another letter to your office. All this to give you a line on the situation here.

Fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

ALTOONA, PA., *January 7, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: For your information and record, if it is needed, the following to you:

To-night P. R. R. policeman "Red," after leaving him on Eleventh Avenue, where he had followed me into a picture show, followed me through Eleventh Alley, which is dark, for one block; thence down a dark passageway out onto Eleventh Avenue. We came out facing the P. R. R. gen. offices, in rear of the Logan House, on Eleventh Avenue. I took this trip to test out how far these people had instructions to go in my case. I said to him, after waiting for him to catch up, "Red, this looks to me like pretty bad business; you have made a record; seems as though you have orders to go the limit with me." He said, "That's it; the limit."

Fraternally, yours,

T. E. ELLIS,
General Delivery, Altoona, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., January 7, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Following as a matter of record, if it should be needed:

Sunday evening, January 5, 1913, about 8 o'clock, I took Brother V. H. Huff with me and strolled out and up Eleventh Avenue here. The weather was extremely bitter; ice over everything. Arriving near Fifteenth Street, I saw an opportunity to dash into a street car, leaving Huff and a P. R. R. policeman, who was near us, in the rear. The conductor closed the door immediately behind me and proceeded on his trip; neither Huff or the P. R. R. man knew of my intention.

I proceeded and, by circuitous routes, held the interview already reported. The policeman then, I am told by himself, stuck so close to Huff that he became angry and, it is said, had words about the matter. I do not know, however, all that was said, as Huff made no report to me of the affair; that policeman told me of the matter to-night.

Yesterday, before Huff left for Lewistown, he held a lengthy interview with another P. R. R. policeman—Heller. Huff reported to me, on my questioning, that Heller told him that the cause of the close watch being held over me was a result of my talk with Spangler; that Spangler told me nothing that he did not want me to know; that they had orders to follow wherever we went, even though it was to Pgh. or Philadelphia.

Huff was very anxious to get away without being followed, but I told him that made no difference, as he was going to do nothing but organize, etc.; bulls make him very nervous.

To-day there has been but one man around, unless they have relayed again; but to-night there are two on the job that I know of.

These P. R. R. men, so this one tells me, are also State men and have commissions from Harrisburg; are subject to the orders of the governor, should he need their services; they can arrest anywhere in the State of Pennsylvania. When transferring operations to another part of the State they simply have to "register" there, giving number of their commission, etc.

General Superintendent Creighton has all these men on his division in charge.

Fraternally,

T. E. ELLIS.

ALTOONA, PA., *January 9, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: To-night at 11 o'clock, when I took last report to post office, I went to stamp and general-delivery window. P. R. R. special agent, Russell Miller, called "Red" for short, crowded right up close. I backed away. He bought 30 cents' worth of cards. I said to him, "This is going too far; do that again and I will take it up with Washington; I have treated you right; if you want to be dirty we will see what's the redress"; words to that effect. This is the first time the attempt has been made.

Fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., January 11, 1913.

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: Perhaps the following may be of use:

At 9.40 to-night I went to the post office for my mail, as the far West mail is usually distributed at that time; the clerk said they were late with it, and that it would be "up" at 10.15. I then went out onto Eleventh Street and up to Federal Alley, back of post office, walked through that alley to Ninth Street, "Red," Russell Miller, P. R. R. special agent, following me, about 50 foot behind. I turned down Ninth Street to Eleventh Avenue and entered the Colonade Hotel, formerly the Gilbert, where in the presence of Wm. Gallagher, night clerk at that hotel, and D. F. McNellis, day clerk at the Colonial Hotel, who happened in, Miller admitted he had followed me as above, and that the alley

is absolutely dark, no lights in it; that so far as he knew I was a gentleman and law-abiding man; that he had no right to lay a hand on me; that he knew of no charges against me; that he was sorry that he had not met me under different circumstances; that he did not like to follow me there, and indicated his instructions compelled him to do so; that he would not have my position for any consideration, indicating this was on account of the constant watch kept on me, and in an apologetical tone said sometimes we are placed in positions we do not like, this in speaking of his trip after me.

I deliberately took the two men's names, as above, in Miller's presence and said to him, "Red, you have made another record to-night."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

AS TO P. R. R. ESPIONAGE AND THE CHARACTERISTICS OF ITS SPECIAL OFFICERS.

READING, PA., *March 13, 1913.*

Ex-P. R. R. Police Officer W. A. Bowers, 1119 North Seventh Street, Harrisburg, Pa., stated on March 12, 1913, as follows:

That he served the P. R. R. for 23 years as special officer or policeman; that he was frozen out of the service in January, 1913; forced to resign because he failed to spy upon employees, men whom he had known for years and who were among the most reliable employed by the P. R. R.; he refused to report them for visiting hotels, etc.; that during his service with the P. R. R. he would never shadow or report an employee or other person who was not guilty or suspected of crime.

That graft is a big factor in the arresting of people on charge of trespassing on P. R. R. right of way or jumping on train.

That during the months of March, April, May, June, August, October, and November, 1912, there were 589 arrests made by Philadelphia division special officers, principally on account of trespass and jumping trains; that each arrest is sure to bring cost or a fine, the size of which depends upon the amount of money the victim has at time of arrest; that he urges me to send a friend on the P. R. R. right of way with $15 or $20 on his person and see what happens; that a good, solid fine and cost will follow, but if the victim has but a dollar or so he will be set free and the dollar taken from him.

That he knows of his own knowledge that Captain of Police Shaeffer, P. R. R., Altoona, Pa., at the present time, while in Harrisburg took to his home a keg of whisky that had been stolen from the P. R. R. and discovered by Bowers; that after the thief had been shot in the leg and arrested, Shaeffer took the whisky home and used it.

That he knows that Officers Shaeffer and Britton, the latter now in the employ of the Southern R. R. in South Carolina as special officer, sold seven sides of harness leather to a harness and saddle maker in Harrisburg, Pa., about one year after he (Bowers) had apprehended the thief and located the twelve sides of leather contained in the original lot. The party who bought the seven sides told Bowers of the transaction, and complained because Shaeffer and Britton beat him out of the eighth side. Bowers, being asked if the P. R. R. knew of the sale of leather and had gotten the money for same, laughed and said, "I should say not; they told me at headquarters the leather had been used in making belts and holsters." Bowers says the real owner of the leather was never found.

That in 1911 he was assigned to duty among the shopmen in Harrisburg; his instructions were to "get among the men, talk with them, see if they are organizing, see what the men have to say about organizing, and that sort of thing, and report, giving names; also see that organizers do not get on right of way." That other special officers had instructions to continuously follow organizers around the city and vicinity (Harrisburg), keeping them in sight all the time, and report their every movement; that his reports always showed "no information about machinists organizing." He exhibited copies of his reports February 25 to 28, 1911, inclusive, all of which read as above.

Bowers quotes numerous incidents where he claimed arrests were made by P. R. R. special officers simply to get the one dollar from so-called costs, but in 1908 this money was cut from the P. R. R. special officers, but that the aldermen get the same cost as before, and he intimates this "graft" now goes to higher-ups instead of to P. R. R. special officers.

Bowers cites instances of the brutal characteristics of P. R. R. special officers; one, that of Lieut. Towsley, of Harrisburg, Pa., in August, 1912. On this occasion a telephone message came to the office that a drunken man was in a coach in P. R. R. yards, and to take him away. Bowers and Towsley proceeded there and found the man, who was so drunk he could not stand; this irritated Towsley, who with his fists beat the man up in an inhuman way; the sight was sickening to Bowers, the man's face and clothing in front being completely besmeared with blood. Bowers being asked if the man resisted arrest said, "Great Scott, no; he was so drunk he could not stand." The man was locked up and next day paid his fine.

That former Captain of Police Britton, who was brought to Harrisburg from Pittsburgh, Pa., on account of the reputation he made at Harrisburg as a drinker, gambler, and chaser of married women, had to leave Harrisburg, but the P. R. R. secured him a job with the Southern R. R., and sent him there.

That Lieut. Barr, Tyrone, Pa., is of the same material as the others, and he has incidents to cite along these lines regarding the man.

That the superintendent's private clerk at Harrisburg has charge of the Philadelphia division P. R. R. police force, and that all these things and more are known to him.

T. E. ELLIS.

J. Franklin Miller, being duly sworn, deposes and says that he resides at 2916 Huntington Avenue, Baltimore, Md.; that during the year 1912 he was general chairman of the telegraphers employed on the Pennsylvania Railroad lines east of Pittsburgh and Erie; that on or about July 16, 1912, he convened a telegraphers general committee in Philadelphia, Pa., having previously rented for that purpose a house known as No. 3415 North Twenty-second Street, Tioga, Philadelphia, Pa., and that the said committee remained in session from July 16 to September 15, 1912; the said committee consisted of T. W. Truitt, of Middletown, Del.; O. T. Arendt, of Foxburg, Pa.; A. L. Rex, of Mapelton Depot, Pa.; T. E. Fidler, of Lutherville, Md.; that during all the time said committee was in session between the dates aforementioned its members were under constant surveillance by detectives employed by said Pennsylvania Railroad Co., there being from two to eight of them on watch at all times of the night and day.

Deponent further states that all persons who visited the committee aforesaid were followed by one or more of the said detectives, and that he was informed on reliable authority that each detective was furnished a considerable sum of money by the Pennsylvania Railroad Co. to defray traveling and other expenses that might be incurred in following such persons.

Deponent further states that from the appearance of the said detectives that he believes that all members of the aforesaid committee and many of the visitors to said committee were in danger of bodily harm while being followed by such suspicious characters.

J. FRANKLIN MILLER.

Subscribed and sworn to before me this 13th day of December, 1912.

[SEAL.] JOHN T. FARDY, *Notary Public.*

AFFIDAVIT BY G. E. NIGHTINGALE, G. S. & T. O. R. T. GENERAL COMMITTEE, DIVISION No. 17, NEWFIELD, N. J.

On the evening of October 8, 1912, a man called at my home and introduced himself as Mr. Payne, representing the secret-service department of the General Managers' Association.

He stated that he had had me under observation for 10 years and he now had a position for me. I inquired what sort of a position. He replied that it would be along the lines suggested by the association, with the general object in view of eliminating the loss of time and money now expended by railroads in meeting and discussing grievances with the general committees of the various railroad organizations; that I would be expected to attend important meetings not only of my own organization (the O. R. T.), but such others as they might direct, and advise them promptly of any proposed legislation, either industrial or political, so that they might adjust the trouble in advance, and thus save the time of the committees and themselves.

I declined the offer, but he refused to consider my answer as final, and spoke at considerable length on the advantages to be derived, in effect: That I had served the O. R. T. ably for a long time without substantial reward, and now it was up to me to consult my own interest; that I owed it to my family to place myself out of the reach of the uncertainty and unsatisfactory conditions of an ordinary workingman's life; that I would be really helping my fellow workingmen without their knowledge; that there was no possibility of detection, as I would never be addressed or known by my employers by my proper name in any correspondence; that he could get plenty of men right in my own division if he chose, but that they did not have the ability which he recognised in me and which he wished to retain in their interest.

I then asked what salary they would pay for such services. He said that that would depend upon my success in the future; but at the start I would receive approximately as much as I now received from the railroad and the O. R. T. combined, and would, of course, continue in my present positions. He warned me that should I enter their employ that it would be impossible to "double-cross" them, as they always had one employee checked by another; also reminded me that the association was very powerful, and any railroad employee that they considered objectionable could easily be gotten rid of. I asked him if he was threatening me. He said not at all, that he merely meant to convey the idea that with them division officials were very small fry.

He said that the cause of the O. R. T. on the P. R. R. was hopeless, as it had been all "fixed"; that Gompers did not favor a strike and that Perham would not dare consider anything that Gompers did not approve.

I told him that he was wasting time, as I had no intention of trying to walk in two directions at the same time. He then proposed that I should come to Philadelphia the next evening and meet his superior, who, he felt sure, could convince me that it would be worth my while to accept his proposition. I told him that I would consider the matter. He then left, having spent two hours here.

When I told him that I would consider coming to Philadelphia, it occurred to me that I might be able to recognize his "superior" or gain some knowledge that might be useful; but, upon reflection, I decided that should I attend such a conference there might be a plan to compromise me in some way and that I would not take the hazard, so I wired him that I would not come up, and to consider the matter closed.

I received a letter the following day (attached), and on the evening of the 15th he again called and rehashed some of his former arguments, and finally, when he understood that he was making no impression, he warned me to say nothing to anyone that he had been here, as it could do no good and might result unpleasantly.

G. E. NIGHTINGALE.

Sworn and subscribed before me this 2d day of April, 1914.

FRANK MORRELL, *Notary Public.*

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., November 3, 1913.

Mr. FRANK PAQUIN,
First General Vice President Brotherhood Railway Carmen,
Kansas City, Mo.

DEAR SIR AND BROTHER: Upon my return to this office I find your letter of October 30, and I am not surprised that you should be interested in the situation on the lines of the Pennsylvania Railroad Co. (east). In order that you may know all that I know of the matter I will recite the situation as follows:

1. For many years past the Pennsylvania Co., by a systematic employment of members of this brotherhood for "special duty service," have succeeded in discounting or discrediting much of the brotherhood's work. While these men will not confess that they are "spotters" there is no question in my mind but what they furnish information to the officials, and discourage our members doing that which the officials object to, as a part of the services they perform and for which they receive extra compensation. I mean by this that while these members of this organization are nominally "air-brake inspectors," "inspectors of switching yards," etc., they are expected to do "dirty work" on the side. The result of this policy has been that the brotherhoods have in past years been quite weak on the Pennsylvania lines east.

2. Notwithstanding the methods adopted by the railroad companies to weaken this brotherhood and others, as just stated, within the past few years the members of the Brotherhood of Locomotive Engineers, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Brotherhood of Locomotive Firemen and Enginemen have acquired a degree of aggressiveness in wage matters that is surprising, not only to others, but to the officials of the Pennsylvania Co. While this new characteristic of employees of the Pennsylvania lines east has not been so pronounced with the engineers and conductors, so far as the B. R. T. and B. L. F. & E. are concerned, I believe I state the truth when I say our membership have developed a high degree of courage in protecting their own interests. During the year 1912 a temporary cooperation between members of the O. R. C., B. R. T., and B. L. F. & E. (which cooperation the members of the B. L. E. refused to join) secured a very fair settlement of the electrical question and adjusted many grievances that could not have been adjusted otherwise. During these negotiations it became necessary to take a strike vote, and it appeared at one time that nothing could avoid a strike of all conductors, trainmen, switchmen, firemen, etc. The fact that the B. L. F. & E. included almost half of the engineers on the road would have made the strike a very serious one. Since that time the B. L. E. and B. L. F. & E. have agreed to cease their wrangling and have, so far as wages, working conditions, and grievances are concerned, become one organization, in that the two organizations support each other in all such matters.

3. Having regard for the wonderful changes in the work of the brotherhoods, as heretofore set forth, certain officials of the Pennsylvania road (east) conceived the idea that the only way to weaken, if not destroy, the four railway brotherhoods was to institute an organization of all employees on the Pennsylvania R. R. While the prospectus and the statements of the organizers of this new association would indicate that the officials of the road have nothing to do with it, the fact that the officials are approving the movement—in fact minor officials are acting as organizers for the movement—leads us to believe that this new organization is simply an instrument adopted by the Pennsylvania lines (east) to destroy these four brotherhoods. Among the advantages offered by the new organization for all employees of the Pennsylvania lines joining it are that the expense will be less, wages, working conditions, and grievances may be adjusted more readily by the friendship of the officials of the company, cooperative stores will be instituted hereafter, cheap insurance and pensions will be assured, etc. It is not strange that the shop employees, track employees, clerks, and other branches of service that have been coerced in the past, would gladly look to an organization of this kind, which they could join without fear of dismissal from the service of that company, and the result has been that the organization made wonderful strides for a few weeks, and it was claimed that whenever a majority of the employees of the Pennsylvania lines (east) were members of this new association all schedules and agreements with the four railway brotherhoods would be abrogated and the new organization would make schedules for every man in the service, etc.

4. For the past two or three years Mr. W. H. Pierce, a special organizer of this brotherhood, has been doing excellent work on many roads, among which the Pennsylvania Co. has been a most prolific field. When he was confronted by the arguments of the organizers of the new organization, he found himself greatly handicapped in securing applications for membership from the young firemen who had just entered the service and who had been led to believe that their best interests lay in the new organization instead of in the B. L. F. & E. Mr. Pierce, being a very aggressive man, fought the new organization as best he could at public meetings, and, so I understand, at one public meeting where a large number of employees of the Pennsylvania lines from all classes of service (including some officials) were present, Mr. Pierce advised the shopmen, etc., that if they desired to form an organization, they should form one of their own, and not join an organization intended to displace the railway brotherhoods. Such a suggestion was received with such hearty acclaim by those present, that I understand Mr. Pierce secured the signature or approval of 700 men present who heretofore have been denied the privilege of joining any organization. I understand from Mr. Pierce that he has no doubt that he can organize the shopmen, possibly the trackmen, and the office men in an organization of "Pennsylvania employees," and that without very much opposition from the officials. I do not mean that they would approve the breaking up of their own scheme, but it is understood that they would probably not dismiss men from service for joining the organization referred to. I have advised Mr.

Pierce that he has nothing to gain by organizing these men for, not being in that line of service, they would probably elect officers from among their own ranks, and after all of his own efforts he would have nothing, not even compensation, for his work. In reply, he has said that he was not looking for office or for compensation, but he was determined that the Pennsylvania Co. was not going to disrupt these railway brotherhoods by their new scheme, and he has been "fighting the devil with fire."

I am sending carbon copy of this letter to President Ryan, of the Brotherhood of Railway Carmen; to President Perham, of the Order of Railroad Telegraphers; to President Franklin, of the International Brotherhood of Boilermakers; to President Johnston, of the International Association of Machinists; and President Kline, of the International Brotherhood of Blacksmiths, and for that reason I have described the situation at length.

I shall be glad to hear from all concerned, stating any objection they might have to the organization of the employees on the Pennsylvania Railroad into one organization, with the exception of those crafts represented by the railroad brotherhoods, which will be exempted from membership therein.

Yours, fraternally,

W. S. CARTER, *President.*

AS TO THE P. R. R. PITTING ONE EMPLOYEE AGAINST ANOTHER, ASSISTING IN FORMING DUAL ORGANIZATIONS, AND FOSTERING SAME.

PHILADELPHIA, PA., *August 5, 1913.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Mr. M. S. Samson, 4200 Girard Avenue, Philadelphia, Pa., in the presence of P. A. Wenrich, grand division organizer, said at his home to-night, as follows:

That in 1909 the Philadelphia Terminal P. R. R. Conductors' Association was formed with a charter membership of 131; these men, in many instances, came from the ranks of the Brotherhood of Railroad Trainmen, of which Mr. Sammon is a local officer.

That Mr. L. K. Marr was present at the formation of the association and attended a banquet given by it.

That he (Sammon) began warfare against the movement, and was arrested and placed in jail through charges brought against him by some of the ringleaders.

That also he was summoned before officials of the P. R. R. and severely reprimanded because of his fight against the association.

That he secured evidence with which he was able to bring about the expulsion of numbers of the members of the B. R. T. on account of their connection with the forming of the association.

That he secured much correspondence pertaining to the formation of the association, which passed between the officials of the P. R. R. and certain of the employees connected with the organizing of the association, and that he has all of this and other papers in connection with the move; in fact, he has practically all of the papers and paraphernalia belonging to the association; that he won the fight completely; the association was disorganized; that many of the expelled members of the B. R. T. have since begged for reinstatement to the brotherhood.

Sammon is now local chairman for the B. R. T. on the Philadelphia Terminal Division, P. R. R., and an employee of that railroad.

For your information.

Yours, fraternally,

T. E. ELLIS.

PERHAM EXHIBIT NO. 4.

G. R. Difaleg worked for seven years for the P. R. R. as a boiler maker. Was gang leader, and once during this time was suspended for five days on account of the actions of one of his men who was new to the work.

About last December he was called into the master mechanic's office and found there two P. R. R. bulls with the master mechanic Andrus. They accused Mr. Difaleg of belonging to the new brotherhood, but this he denied. They, however, insisted, but told him that they had a good job for him and to go with them that afternoon.

That afternoon he was told that he was to go to the brotherhood meetings and find out what men were members and report them. That the company would take good care of him—that he would have a life job, would wear good clothes, and have all of his expenses paid.

He told the secret-service man who made this proposition that he did not care to earn a living that way. The bull told him to keep his mouth shut about the occurrence, and four days after his refusal to serve he was furloughed. The next day he reported on relief on account of injuries received, and remained on relief for two months, and then, in accordance with regulations, reported for work, but was informed that there was no work for him, nor has he been given work since.

He has since then applied to the master mechanic for a recommendation, but the master mechanic said that he could not give him one, and told him that he would have to see the superintendent. Also asked him how was his friend Billy Pierce, the organizer and president of the new brotherhood. He has made one effort to see the superintendent, but was not successful.

J. G. B. DIVALES.
W. H. PIERCE.

STATE OF NEW JERSEY,
County of Hudson, city of Jersey City, ss:

Walter A. Kranz, of full age, being duly sworn according to law, upon his oath sayeth: I am employed by S. C. Long, general manager of the Pennsylvania Railroad Co., at a salary of $25 per day; my employment is to find out information from the trainmen of the said Pennsylvania Railroad Co. regarding their transactions and doing at their meetings, and ascertain, if possible, the vote of the men and how the same is taken, and such other information which would work for the benefit of the company and be detrimental to the men. I was also specially instructed by J. A. Donnelly, chief clerk for Mr. Long, to see and interview one Edward McMahon, of Rahway, N. J., passenger conductor in the employment of the said Pennsylvania Railroad Co. I further state that Edward P. Clark, of Camden, N. J., is engaged by said company for the same purpose and with the same instructions, and further state that at the same time these instructions were given to me there were about ten other men present in the same room and received the same instructions. I was especially instructed to obtain above information at any expense. My age is 29 years; my place of residence is Ridgway Hotel, Camden, N. J.; my home is in El Paso, Tex.

WALTER A. KRANZ.

Sworn and subscribed to before me this tenth day of June, A. D. 1912.

[SEAL.]

EDWARD MARKLEY,
Notary Public, New Jersey.

THE PORTAGE,
Akron, Ohio., December 24, 1912.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Yours of the 21st received here to-day noon. Brother John Mitchell was mentioned in a very indirect and indistinct way by a couple of parties in Altoona, and in accordance with your first letter on the subject, this part of it will be worked out—perhaps the "John Doe" or the "and others" in the "Baker case" may mean him—however, we will see, as progress is made.

Relative the $200 furnished "bulls" during the "siege" at 3415, I think you will recall that I gave you this information. It was told me by a member of the Philadelphia city police department the night before I took up the location of Mr. Long. I will later on get hold of that party or another and get names and dates. One of the "bulls" told my man.

Will ask that if anyone else is put into this case you advise me in order that we may not get into confusion.

With best wishes, yours, fraternally,

T. E. ELLIS,
General Delivery, Indianapolis, Ind.

DISTRICT OF COLUMBIA, ss:

John A. Brandon, being duly sworn, deposes and says that he resides at Whitewater, Wis.; that during the year 1912 he was employed as a traveling

organizer for the Order of Railroad Telegraphers, and in that capacity it was his duty to visit as many of the telegraph and signal employees of the Pennsylvania Railroad Co. as he could reach, with the object of initiating them in the said organization; that during the months of July, August, and September, 1912, he was under constant surveillance by detectives employed by the Pennsylvania Railroad Co.; that on or about August 15, while on North Twenty-second Street, Tioga, Philadelphia, Pa., in the presence of another organizer named E. A. Compton, he was followed by two of the said detectives, one of whom was a negro. Deponent stopped and asked them why they were following him; the white man replied: "We will follow you as much as we like, and we have got your measure." The negro then placed his hand upon his hip pocket as if about to draw a gun, whereupon deponent proceeded about his business, not wishing to get into an altercation under such circumstances; several times thereafter deponent was spoken to in a threatening manner by one or more of the said detectives, and he most firmly believes that all the time he was employed upon this work he was in danger of being assaulted by said detectives, and constantly refrained from going out on the streets alone after nightfall on that account.

JOHN A. BRANDON.

Subscribed and sworn to before me this 18th day of December, 1912, at Washington, D. C.

[SEAL.]

PAULINE M. WITHERS,
Notary Public, D. C.

[General offices Brotherhood of Railway Clerks, affiliated with the American Federation of Labor, Jno. J. Carrigan, grand president, 409–10–11–12 Kansas City Life Building.]

KANSAS CITY, MO., *December 16, 1912.*

Mr. H. B. PERHAM,
President Order Railroad Telegraphers, St. Louis, Mo.

DEAR SIR AND BROTHER: Replying to your favor of recent date, relative to Brother Riley being threatened with violence while he was working on the Pennsylvania Railroad, when they commenced their discriminatory tactics against our brotherhood, Brother Riley advises as follows:

"Referring to Brother Perham's request for the name of the man who threatened me, or, rather, uttered the implied threat, on the ferryboat between Jersey City and New York, while I have every reason to believe that he represented the Pennsylvania Railroad and was acting under instructions, yet I have no way of establishing that fact. He did not volunteer his name, and it did not occur to me at the time to 'feel him out,' but later I regretted that I did not do so for future use, if the occasion should arise. I was watched so closely, every moment being under the surveillance of those whom I felt reasonably sure were emissaries of the company, that the incident did not make the impression upon me which it perhaps otherwise would. From the moment that I called our general committee together in Washington to the time I left the line, I do not think I was out of sight of these supposed secret-service men more than a very short time, probably for a period of two months. The only time I eluded them was when I left a fictitious address in the mail-forwarding book at the National Hotel at Washington. I had no more than turned away from the counter until I noticed a party who had unsuccessfully tried to engage me, as well as members of the committee in conversation, go to the counter, look at the book, and make a memorandum. I had, as soon as our committee met, warned them against talking with strangers, advising them that I had every reason to believe that the company had their secret-service men on the ground for the purpose of trying to ascertain just what we intended to do. However, some two or three days later they had again found me, as I recognised them from seeing them in Washington.

However, I do not think I had before met up with the man who uttered the implied threats on the ferryboat. The facts of the case were as follows:

I went aboard the boat about sundown and was standing out on the upper deck. It seemed that this man was rather ill at ease. He passed me two or three times, evidently hoping to get me away from the crowd. I paid but little attention to him, and in fact would not have noticed him had he not given me a scrutinizing glance each time he passed me.

As we neared the New York shore the crowds began to go below, and there was no one left near enough to overhear an ordinary conversation. This man

came up to me, and as near as I remember the following was the exact conversation which ensued. He remarked:

"Nice evening."

"Yes; very pleasant."

"Your face looks familiar. Where are you from?"

"From the West."

"What business are you engaged in?"

"I am a traveling man."

"Well, I thought probably you was interfering with the employees of the Pennsylvania Railroad Co. I just wanted to warn you that if such was the case, that there have been a number of mysterious disappearances of men engaged in the same manner, right here in New York. So if that is your game, look out."

"Well," I replied, "I am generally able to take care of myself whether in New York or elsewhere. I appreciate your advice and the danger which you mention does not concern me in the least."

I then turned away abruptly and left him. In the meantime the boat had reached its slip and I joined the crowd and hurried ashore.

He was a man of about 35 years of age. Heavy set, powerful build, had a small black mustache and a protruding under jaw which gave him the appearance of being a ruffian or prize fighter with a bulldog tenacity.

As before stated, I have every reason to believe that he was an employee of the Pennsylvania Railroad, was acting for them, and was prevented from saying more on account of getting no chance to speak to me privately until the boat had almost reached its dock. Furthermore, I am firmly convinced that I would have been in great bodily danger had it been dark and no witnesses had been on the upper deck.

I regret very much that I did not give him a chance to speak to me after we landed, as I would then no doubt have secured information which would be valuable to Brother Perham at this time."

I, too, regret that Brother Riley can give no further information, and that there is no way in which he can establish the fact beyond a reasonable doubt that this man represented the company.

With best wishes for your success in your operations against the Pennsylvania Railroad Co., I remain,

Sincerely and fraternally,

JNO. J. CARRIGAN,
Grand President.

ATTEMPTED BRIBERY OF J. J. LOVITT, IRVIN, PA., 1911.

PITTSBURGH, PA., *January 31, 1913.*

January 30, 1913, at Henry Hotel, Pittsburgh, Pa., J. J. Lovitt stated as follows:

That on the first visit of the party he gave me a slip of paper with name of Scott and a post-office box number, East Liberty, Pa., written on it, and told me that if I was not successful in handing the papers from our headquarters to him at the P. R. R. station, Pittsburgh, to mail them to the address given.

That I got on same train with this man, sat in a seat a few feet back of him, and saw him exhibit his pass to the conductor; he went to Pittsburgh and I lost him in the crowd at the station.

He was about 6 feet high, weight about 185, 25 or 28 years old, full face, red cheeks, and rather a blond, with short-cut hair. I would recognize him readily.

(More of this.)

T. E. ELLIS.

PHILADELPHIA, PA., *February 16, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last evening Officer McFarland, thirty-ninth district, Philadelphia, Pa., said, in presence of J. Leven, shoemaker, 3444 North Twentieth Street, Tioga, Philadelphia, Pa., that he did not know what building the special officers were watching last summer on Twenty-second Street, but that he was instructed they were all right; at first he declared that when citizens there complained of the suspicious presence of the four men, including a negro, he talked with one of them, who exhibited written authority to be there; at first McFarland said it was by a private detective agency, and then by his lieu-

tenant, Johnson, thirty-ninth district; and that he was told these men were all right, therefore he did not interfere with them; that he did not bother to find out who or what the people were that the special officers were watching; that they were there by instructions of a private detective agency and were not employed by a railroad company.

When I asked him if instructions from private detective agencies were supposed to be good with city policemen he said, "Who are you, asking so many questions? You will have to see the lieutenant."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 5.

ALTOONA, PA., *June 26, 1911.*

STATEMENT MADE BY PATROLMAN JOHN BOOKBERGER WITH REFERENCE TO LUTHER-GALLAGHER AFFRAY.

At 11.50 p. m. June 24, 1911, I was at Green Avenue and Tenth Street. I saw Charles Luther and two women coming from County Detective Spangler's residence, which is located on Tenth Street between Green and Chestnut Avenues. I went from there to Chestnut Avenue and Seventh Street to make my 12.15 a. m. report at box 44. I left there and went down to Green Avenue and Seventh Street, then came up to Ninth Street; this was about 12.20. I heard some loud talk at Chestnut Avenue and Ninth Street and went up that way; when I got there I saw Charles Luther talking to Gallagher and a man named Robinson; they were standing in front of the Hotel Senate office. When I came up to them Gallagher said that he was being abused by Luther and wanted a stop put to it. I said, "Gentlemen it is Sunday morning, you will have to cut it out." Luther then said to Gallagher, "I would like to take you out on the hill and lick you; I could lick six like you." Gallagher said, "I would be a fool to go out on the hill with you, as you are loaded with tools and I haven't anything." Gallagher said, "Go at me here, man to man." I then said to Luther, "You are an officer of the law; instead of agitating trouble, you should help put it down." By that time a car came along; Luther and a woman got on the car. As Luther got on the car he called to Gallagher, "I would like to trim you." Gallagher said, "Go on, you are a four flusher." I stood and talked to Gallagher and Robinson until about 12.35 a. m., then went across the street and walked up as far as the Colonade Hotel; was there about a minute; I heard a crack; it sounded like hitting a man with a barrel stave. I ran down to the Senate and found Gallagher laying on the street, beat up and bleeding; Luther had a hold of Robinson. At this time County Detective Spangler rushed in and got hold on Luther. When I was at Glunt's corner Luther was going down Ninth Street to Green Avenue. I said to Officer Spangler, "Where is Luther." He said, "It was not Luther; I got hold of the wrong fellow." I then met Fire Chief Alleman; he told me that he had ordered the ambulance. Gallagher was still laying there; Officer Spangler got a hold of Gallagher and drug him up by the neck over to the curb, and held him there until the ambulance arrived. As far as I could notice, while in conversation with Gallagher, he was sober, and I could not detect any liquor on him.

There was no complaint made to me about anything, except what Gallagher said about Luther abusing him. Luther said nothing to me, nor did any women complain to me.

During the assault I noticed Capt. Shaffer, of the railroad police, rush in; he was in a position to make the arrest or assist Officer Spangler in making the same. Officers Shaffer, Spangler, and Luther were together a short time before. Shaffer and Spangler were on the scene when Luther assaulted Gallagher, and were there after same took place, and assisted Luther in making his escape.

Others that I saw there were Joseph O'Neil, Fire Chief Alleman, Singer, Ed. Oniel.

With reference to attached affidavit, stories were circulated about J. J. Gallagher insulting Mrs. Luther and a woman named Miss Graham. These stories were investigated, with the results as per attached memoranda.

STATEMENT IN REGARD TO A PRELIMINARY INVESTIGATION CONCERNING THE ALLEGATIONS CONTAINED IN THE AFFIDAVIT OF JOHN J. GALLAGHER, AND OTHER CORRELATED MATTERS.

Editor Kelly, Altoona Times, Altoona, Pa., upon being interviewed by J. H. McGrail and T. E. Ellis, evening of December 6, 1912, at Times Building, Altoona, Pa., in relation to assault committed by Charles Luther upon J. J. Gallagher on June 25, 1911, stated that he (Kelly) was going home on a street car Sunday a. m., June 25, 1911; saw the man, Gallagher, sitting on curbstone with face badly beaten up and in a used-up condition, and thought he had been hit by a street car. In conversation regarding the affair Mr. Kelly stated emphatically that in his opinion the affair was a frame up against Gallagher. His opinion was expressed in presence of J. H. McGrail, Altoona, Pa., and T. E. Ellis.

On December 7, 1912, in Juniata, Pa., High Constable Joseph C. Norris, who is also street commissioner, stated, in presence of H. B. Perham and T. E. Ellis, that Charles Luther, who was at that time ward constable of Juniata, Pa., and who committed the assault upon the person of John J. Gallagher in 1911, was at that same time employed by the P. R. R. Co. as blacksmith at their Juniata shops; had been employed there for some years previous to that time and is yet employed by the said P. R. R. Co.; that Luther's reputation in Juniata is bad; that all of the trouble occurring in Juniata, Pa., during the labor troubles in 1911 was caused by the P. R. R. detectives, and that Luther was the moving spirit or originator of all plans connected with the bad work done by the detectives, enumerating many incidents occurring during that period.

Mr. Norris states that in his opinion the episode occurring during 1911 at the Senate Hotel, Altoona, Pa., wherein a female employee of that hotel charged one J. J. Gallagher with insulting her, and whose name Mr. Norris believes to have been Graham, was a frame up, or put-up job, for the purpose of getting Gallagher as organizer away from that hotel, and believes one Charles Luther, of Juniata, Pa., was also responsible for that frame up, and that, without having direct knowledge upon the subject, a cash consideration was given for inventing the story against Gallagher.

Mr. Meckley, proprietor of pool room and cigar store in Juniata, Pa., stated that it is a matter of general opinion in Juniata that the occurrence at the Senate Hotel, Altoona, in 1911, wherein J. J. Gallagher was accused of insulting a female employee, was a put-up job or frame up for the purpose of getting Organizer Gallagher to leave town.

Mr. J. F. O'Neill, butcher, corner Ninth and Chestnut Avenue, Altoona, Pa., stated, in presence of H. B. Perham and T. E. Ellis, on December 7, 1912, that he was proprietor of Hotel Senate, Altoona, Pa., during the trouble between the P. R. R. and its shopmen in 1911, and at the time J. J. Gallagher was accused of having insulted a young woman by the name of Graham, who was 18 or 19 years old; residence, Juniata, Pa.; employed by said O'Neill at Hotel Senate; that the morning the accusation was made Miss Graham came in late, and as he had been inconvenienced thereby he asked her as to cause, and she stated, among other things, that she made an affidavit against Gallagher and had received some money from a third party for making said affidavit.

O'Neill said that both Miss Graham and her father received money for making the affidavit and that her father accompanied her to the alderman's office to make the affidavit—Alderman Leak—and that there is no question in his mind but that the two P. R. R. detectives at that time boarding at his hotel put up the job against Gallagher.

H. B. PERHAM.

[Robert A. Henderson, attorney at law, Altoona, Pa., Blair County Trust Building.]

JULY 31, 1911.

Mr. FRANK MORRISON, *Washington, D. C.*

MY DEAR SIR: About six weeks ago Charles Luther, a constable in the employ of the Pennsylvania Railroad Co., assaulted one of the labor organizers, John J. Gallagher, here in Altoona, and injured him so badly that Gallagher was confined to the hospital for a week. Luther had been a fugitive from

justice until a few days ago, when he gave himself up. In the meantime Gallagher and the other labor organizers had left Altoona, and I am unable to locate them at present so as to notify Gallagher of the hearing here. Will you please let me know his address.

Yours, very truly,

R. A. HENDERSON.

AUGUST 1, 1911.

Mr. R. A. HENDERSON,
Blair County Trust Building, Altoona, Pa.

MY DEAR MR. HENDERSON: Your favor of July 31 received in regard to Mr. John J. Gallagher. I desire to say that Mr. Gallagher is organizer for the Brotherhood of Railway Carmen, and is not directly under control of the American Federation of Labor, hence I do not know his address. I am writing to the secretary of the organization to-day asking him to furnish you with Mr. Gallagher's address. I am also writing to our organizer in Altoona, Mr. J. M. Imler, asking him to call up Organizer Flynn over the long-distance telephone and try and arrange to have Mr. Gallagher present at the hearing of the case, which I understand is for to-morrow.

Very truly, yours,

FRANK MORRISON,
Secretary American Federation of Labor.

MONONGAHELA HOUSE,
Pittsburgh, Pa., August 22, 1911.

Mr. FRANK MORRISON, *Washington, D. C.*

DEAR SIR AND BROTHER: In answer to your favor of the 13th inst., inclosing clippings from Altoona daily paper of July 28, received, and contents carefully noted. In answer thereto beg leave to state as follows:

If you would only look over your files you will find where I have submitted to you a report, also inclosed clippings the same as you have inclosed to me, and prior to doing this I wrote you and informed you that Brother Ireland would also call at your office and give to you in detail statement of the matter in question. You later acknowledge that Brother Ireland did so.

From the time this controversy started I have written to different people of Altoona, and from what information I am able to glean, this said Clara Graham was not alone employed by the Pennsylvania R. R. Co. to get the parties in question in bad repute, but has also a police record in the courts of Altoona, which leads me to believe that she will do most anything for a monetary consideration. This, of course, does not justify the actions of the brothers in question in purchasing for her wines and liquors, or even mingling in her society. I think you are not unmindful of the good advice you gave to the both brothers during your stay in Altoona. I think you can also recall to mind my advice along those lines and the pitfalls that might await our agents or organizers, who with matured bodies and young heads might become victims of such pitfalls. But they heeded not our words of warning, and I must say that Brother Bork and I are not responsible for the result.

I have also written to our attorney, Mr. Henderson, and told him that any assistance I could render in clearing up this case I would only be too willing to do. I have also written to Gallagher and Schmitt and recommended that if they were innocent of the alleged charges that they should accompany me immediately to Altoona and there prove their innocence, and by so doing purify the stigma that has been placed upon the movement by their alleged actions. As far as I am concerned I know not the parties in question, have never spoken to them, and never associated with that class of people; and I can also say in all sincerity that Brother Bork is equally as innocent as I, who was not there on the date of July the 4th.

So hoping this will be satisfactory, I beg to remain,

Fraternally, yours,

T. H. FLYNN.

PITTSBURGH, PA., *August 22, 1911.*

Mr. FRANK MORRISON, *Washington, D. C.*

DEAR SIR AND BROTHER: I had the pleasure of meeting Organizer Flynn to-day, who handed me your letter which contained inclosed clippings from the

Altoona daily papers, and which involved my name in connection with that of Gallagher and Schmitt, and which Mr. Flynn wrote to you some time ago about. I beg to state as briefly as I possibly can all connections I had with the Altoona affair:

First. According to the sworn affidavit of Clara Graham, the girl in question at the Senate Hotel, who alleges that I did, with Gallagher and Schmitt, on the 4th day of July, 1911, buy her beer is a falsehood. On the 4th day of July I first arrived in Altoona. Being a holiday, shops being closed, I took advantage of the day and associated with the Polish, the Slavish, and Roumanians for the purpose of arranging a meeting and for organizing purposes, which can be clearly demonstrated by a meeting I held the following night, July 5, and which I reported to your office. It is true that warrants were sworn out for the arrest of Gallagher and Schmitt, but I am informed that my name was never mentioned, nor was there warrant issued for my arrest, other than I was a party to quietly getting Schmitt out of the city, which I thought was a duty I owed Mr. Schmitt, owing to the fact that I knew the sources that this prearranged conspiracy came from, and realizing that Gallagher and Schmitt were innocent, and that the railroad corporation, through one of their agencies, Mr. Jones, who was stopping at the said hotel, had enlisted the cooperation of one of the bartenders to further the scheme to ruin the name of Gallagher and Schmitt. I not only advised Gallagher and Schmitt to be watchful, but I did go further and gave to Mr. Jones all that could be given in the manly art of self-defense.

In conclusion allow me to say that I am willing to meet you, or any agent you appoint, or any man you would suggest, including our attorney, Mr. Henderson, in the city of Altoona and prove conclusively that I am in no way connected with the statement made by the Associated Press or the sworn affidavit of the said Clara Graham; neither have I ever had the so-called pleasure of meeting her, and hoping that you will so arrange that I may go to Altoona and prove conclusively that all that is contained in the above statement are absolute facts.

With kindest and best wishes, I beg to remain,

Yours, fraternally,

WILLIAM BOCK.

ALTOONA, *December 31, 1912.*

H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to inclosed report of interviews with Detective Spangler, Blair Co., Pa., and Alderman Leak, I posed as a labor-union man, giving name, etc., in the interest of the cleaning-house process, that Gallagher's employers desired to know facts regarding the matter; that honest union labor did not approve of men who were not representative; that I individually thought it rather bad that Gallagher should not return and face the charges if innocent, etc., etc. You, of course, understand this man Spangler is, as I understand, virtually a P. R. R. "bull." I have heard this ever since coming onto the job in July last; but he has established the character of Clara Graham and opened the way for the commission, if they care to go for him.

After I retired from the scene last night he pitched into the Colonial Hotel clerk and tried to pump him, asking who I was and how long I had been here, and this a. m., about 9 o'clock, he came up and looked over the register and asked for me. I told the clerk to send him up if he called when I am in.

For your information,

Fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

ALTOONA, PA., *December 30, 1912.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: This date, in presence of Alderman Leak, Altoona, Pa., Mr. James G. Spangler, Blair County, Pa., detective and constable, first ward, city of Altoona, Pa., stated to me as follows:

That he filed the complaint in case of Clara M. Graham vs. J. J. Gallagher et al. in 1911, afterwards contradicted this by stating that Graham's father filed the complaint; that charges were filed July 27, 1911.

That Clara M. Graham was in a family way at the time those charges were filed.

That on July 4, 1911, all the girls employed at the Senate Hotel, this city, were drunk; that the proprietor and family of that hotel were absent on that day.

Spangler first said Clara Graham was at that time 16 years old; afterwards at same place said she was not quite 18 years old at that time.

That Gallagher and Schmidt were nothing but toughs and bums; that he did not have so much to say for Bork; that Flynn was a good sort of fellow, nothing more or less than a "boozer and chippy chaser"; that Gallagher and Schmidt were disgraces to any labor organization.

That the P. R. R. is anxious to find Gallagher in the State of Pennsylvania in order to push the charges against him in the Graham case, and that he (Spangler) is also anxious to get hold of Gallagher; that not long since Graham's people asked him to push the matter.

At same time and place (Alderman Leak's office, Altoona, Pa.) Alderman Leak read to me in presence of Mr. Spangler, the charges Graham vs. Jno. J. Gallagher, Schmidt, and Bork; they are that malt liquors, beer, etc., were given, etc., to a minor, naming Clara M. Graham—nothing said about insults or anything of that sort. Leak did not offer the document for me to read.

During the conversation Alderman Leak corroborated the statement by Spangler that Clara Graham was pregnant at time the charges were made against Gallagher et al. and said a couple of months after that time Miss Graham swore that J. B. Green, Altoona, was responsible for her pregnant condition and that Green settled the matter for a $75 cash consideration. That he supposed Green was considered the handiest man in sight for the purpose, etc., words to that effect. Leak seemed rather backward about showing up the charges made by Graham vs. Gallagher and was rather reticent, except when pushed a little. These charges, according to Leak, have not been booked by him, inasmuch as no arrests were made, but are on file in original form.

After leaving the alderman's office Spangler and I came up toward the central portion of the city on the way, and also after we had entered a saloon at his suggestion and where he seemed intimately acquainted, and also where we met day clerk Colonial Hotel, and until we parted an hour later he said to me, without witness or witnesses, among other things:

That during the P. R. R. shopmen's strike in 1911 one Welker was proprietor of a restaurant near the Juniata shops and took sides with the strikers, placed a placard on his place of business reading, "No scabs served." He, Spangler, went to Welker endeavoring to have card taken down and for him to take care of P. R. R. employees, saying to Welker, "They are not scabs; they are good mechanics drawing good wages and can pay you; the others can not pay you; you will lose out by your present way of doing." But Welker would not listen and eventually had to get out of the business. That some time afterward Welker met Spangler; Spangler asked what he (Welker) was doing; Welker said he had just secured a good job, naming place or firm, and was getting about $100 per month; Spangler says this job lasted one-half day and Welker was told he could not be retained, Spangler intimating to me that it was on account of his record during the strike.

Spangler said that he went to General Superintendent Creighton's office, P. R. R., and talked over matter of taking the strikers back into service. Creighton did not feel inclined to do so, but Spangler said to him he thought if it was made known that the P. R. R. would take back the strikers, or certain ones of them, many would go to work, as they owned their homes here and at Juniata, etc. He said to me, as a result of the conference, such action was taken by the company, and many strikers did return to work.

Spangler stated that during the trouble there were 70 armed men in Juniata P. R. R. enclosure; that he said to occupants of an automobile he and others were using during the strike when some one cautioned about the speed: "Oh, that's all right; if we bust her the company will fix it all right," etc., etc.

Spangler stated that Luther beat up Gallagher because Gallagher called Luther a c——— s———ker in presence of Mrs. Luther; that Gallagher was drunk at the time. Luther did not assault Gallagher when above expression was made, but after returning from Juniata and when approaching Gallagher near Senate Hotel, when Gallagher seeing Luther said there comes the son of a b———. That Luther went to New York and remained one month because he was afraid Gallagher was going to die. (See Henderson's attorney's state-

ment.) Spangler mentioned an organizer, Horn, and spoke of him as being a gentleman and not mixed up with the others during all this fracas.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

RELATIVE J. J. GALLAGHER AND CLARA GRAHAM.

THE COLONIAL HOTEL,
Altoona, Pa., February 10, 1913.

Jerry B. Green, at his home, Wapsononock Avenue Extension, Altoona, Pa., to-night stated, among other things, as follows:

That he paid the Graham family of Juniata, Pa., $75, as per agreement signed by the father of Clara Graham, on account of a charge against him (Green) that he was responsible for her alleged condition. That he saw no indications at that time that she was enceinte, but Clara's sister told him such was the case; that he hardly believes he was responsible for such condition if it was present. That he heard that a child was born to Clara afterwards, but never saw any proof of such an occurrence.

That Clara Graham told him (Green) that her father had made a charge against Gallagher on account of the occurrences at the Senate Hotel, Altoona, Pa.; if he remembers correctly she said it was on July 4, and that she was drunk, but he (Green) paid very little attention to what she said about it, as it did not interest him.

Asked why he was so allegedly easy in his case with Graham, Green said that he did so in order to not allow the matter to get into the daily papers; that he thinks the Grahams thought he was to marry another girl; that Clara was about 18 years old at that time.

PHILADELPHIA, PA., *August 8, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: By my directions Brother A. L. Rex traced and found Miss Eva Hofer, now residing at Avis, Pa., and on August 7, 1913, at her home she stated to Brother Rex as follows:

That in 1911 she was employed at the Senate Hotel, Altoona, Pa., as dining-room girl; also worked in the office; and at the time of the P. R. R. shopmen's strike was still at the hotel. She says she was acquainted with the organizers, Flynn, Ireland, Shelling, Smith, and Gallagher, while those men were stopping at the hotel; that at no time did the girls at the hotel drink beer or other intoxicants in company with any of the organizers named, nor any other organizers, but did drink some beer at different times in the hotel kitchen, but the beer was paid for by the women or girls themselves, but that Clara Graham, being only 16 years[1] of age, never drank any beer either in the kitchen or elsewhere around the hotel so far as she is aware.

That on the 4th of July, 1911, Mr. and Mrs. O'Neill were away from the hotel, but there was no beer drank at the hotel by the girls in company with the organizers; that the story about the organizers and girls being drunk on that day was absolutely false. No one around the hotel, so far as she knows, knew anything of such a story until it appeared in the Altoona Gazette about a week after the 4th. When the story appeared in the paper Organizer Smith challenged Clara Graham in the presence of Eva Hofer and Carrie Wallace, asking Clara why she had told that the girls and organizers were drinking at the hotel on July 4, when she know it was not true. Clara Graham replied to Smith that her father (who resided in Juniata, Pa.) was being paid by a "railroad bull" for her to say this, and had told her if she did not say it her father would not allow her to come home; that her father forced her to say this.

At another time Clara Graham stated in the presence of Eva Hofer and Carrie Wallace, and Eva is quite sure Mr. O'Neill, the proprietor of the hotel, was also present, that the railroad bulls had paid her father to have her swear the organizers had insulted her while working in the dining room as a waitress.

Eva Hofer states that Clara Graham was "flip" and was hired at the hotel as a dishwasher, but sometimes acted as a waitress.

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[1] Marginal note: Wrong—born 1892. See her statement Altoona papers.

Eva Hofer stated that she overheard a P. R. R. bull by name of Jones, of Harrisburg, Pa., say to the other bulls in conversation on the street at Altoona, Pa., after Gallagher had been hit, that if they (the bulls) would give the organizers a good slugging maybe it would scare them out of town.

For your information, I am, with best wishes,

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

RELATING TO CONDITIONS IN ALTOONA DURING SHOPMEN'S STRIKE, 1911.

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

Frank Paquin, being duly sworn, deposes and says: That he is first vice president of the Brotherhood of Railway Carmen of America and that he resides at Chicago, Ill.

That upon information and belief several hundred men employed by the Pennsylvania Railroad lines of Pennsylvania and Erie were dismissed in the years 1910 and 1911 on account of their becoming beneficiaries to the relief and pension fund which the employees in the mechanical trades commenced to organize.

Deponent further alleges upon information and belief that employees were dismissed from the service of the company on account of their attaining the age and having been in the company's employ a sufficient length of time when they and their beneficiaries might be expected to draw benefits from the relief and pension funds that had been instituted by that company. That after the men had commenced to organize for the purpose of resisting the injustice aforementioned under the auspices of the various organizations having jurisdiction over their crafts the company continued to dismiss men from its service; that this condition was the chief reason for the men going on strike in May, 1911.

Deponent further alleges on information and belief that the company refused to reinstate the men who had been dismissed, and also declined to agree to a contract or wage scale. That during the strike John J. Gallagher, fourth vice president of the Brotherhood of Railway Carmen of America, was waylaid and assaulted by Special Agent Luther, of the Pennsylvania Railroad Co., in the city of Altoona, Pa., in the month of June, 1911, and left lying insensible in the street; that he was shadowed by Pennsylvania Railroad detectives, who were all the time engaged with these negotiations and conducting the aforementioned strike.

FRANK PAQUIN.

Sworn to before me this 14th day of November, 1912.

[SEAL.]

EMANUEL KOVELESKI,
Commissioner of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y.:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city duly authorized to take the same; that I am well acquainted with his handwriting and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts this 25th day of November, A. D. 1912.

[SEAL.]

JAMES L. HOTCHKISS, *Clerk.*

[International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, office of international president, room 9.]

KANSAS CITY, KANS., *September 25, 1912.*

Mr. H. B. PERHAM,
Chairman Railroad Employees' Department, A. F. of L., St. Louis, Mo.

DEAR SIR AND BROTHER: Your favor of the 20th inst. from Washington, D. C., received and noted, and referring to the matter of Vice President Schmitt

being waylaid in Altoona during the trouble on the Pennsylvania road will state that Brother Schmitt can give you enough history in connection with this matter to make quite a case against the Pennsylvania Railroad and their attitude toward organized labor. Brother Schmitt will be in Kansas City during the month of October, and I will have him make out the necessary papers if that will be early enough to suit your purpose.

Trusting I may hear from you at your convenience and with best wishes, I am,

Yours, fraternally,

[SEAL.] J. A. FRANKLIN, *International President.*

[International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, John F. Schmitt, ninth international vice president, 1711 Ofnere Street, Portsmouth, Ohio.]

CHICAGO, ILL., *November 29, 1912.*

Mr. H. B. PERHAM,
Chairman Railroad Employees' Department, St. Louis, Mo.

DEAR SIR AND BROTHER: While at our executive board meeting President Franklin referred to me your letter wanting some information in regards to the attitude of the Pennsylvania R. R. Co. toward organized labor. I was on the P. R. R. lines from January 3 until late in July and in all that time was hounded by P. R. R. detectives from the time I left my room in the hotels in the morning until I returned in the evening, and it would take several closely typewritten pages to tell my experiences on the P. R. R. lines. I will tell you of a few.

On June 17 Brother J. J. Gallagher, of the B. R. C. of A., was brutally beaten in front of the hotel by Charles Luther, a constable, who was in the employ of the P. R. R. Co. at the time as a detective. James Spangler, a county detective, stood by and saw the dirty work done, and then hid Luther in his home for 36 hours, and then took Luther out in the country and placed him in hiding. An effort was made to get the city officials busy on the job, but only a bluff was made. Capt. Schafer, of the R. R. detectives, and three of his men also stood by and witnessed the slugging, and had it not been for a man and his wife who were sitting at the window and screaming they would have killed Gallagher.

In this same city a public meeting was held, which was composed of city officials, merchants, and R. R. clerks, and foremen employed by the company, at which resolutions were adopted ordering us out of the city. The officials also had a meeting of the hotel men called, at which resolutions were adopted saying they would not take in any organizers and were classed as undesirable patrons. We were stopping at the Altamont Hotel, and after this meeting were requested to leave; we then went to the Senate Hotel, which was one of two hotels that refused to abide by the resolutions as adopted at the hotel men's meeting.

The company also got the old lady who owned the grounds where we were going to hold a picnic to get out an injunction against the man who had leased the park from her and prevent us from holding the picnic, which they did.

Many mornings on leaving the hotel was compelled to submit to be searched. I appealed for protection, but never was able to get it; could not get protection in the hotels; the R. R. bulls sit by the door of the room all night. The R. R. Co. seemed to be powerful enough to get anything done they wished.

The working conditions on these lines are deplorable, and the workmen are not far removed from being slaves. On my first visit to Altoona, when the officials learned of my being there, they made every man return to the shops and stay there until 11 p. m., with nothing to do, and received no pay for this time; and in May they forced the men to put in 13 hours, with not work enough to keep the men busy more than 5 hours a day; all work is done under the piecework system. I have seen time cards where men have been compelled to stay in the shops 10 hours and receive all of 8 cents; I have seen boilermakers' pay envelopes for the month of June, 1911, that had put in every work day, and two weeks of this month 13 hours a day, and receive $29.90 for same.

I am surely pleased to see that some effort is being made to get laws to curb such corporations as the Pennsylvania Railroad Co., and if I can be any further assistance to you in this work I will be pleased to do so to

the best of my ability. I also wish to apologize for not taking this matter up earlier, and hope this will reach you in time to be of some service to you.

With best wishes and success, I remain,

Fraternally, yours,

J. F. SCHMITT.

[Office of general president Brotherhood Railway Carmen of America, affiliated with the American Federation of Labor.]

KANSAS CITY, MO., *October 3, 1912.*

H. B. PERHAM,
Chairman Railroad Employees Department,
713 Star Building, St. Louis, Mo.

DEAR SIR AND BROTHER: Your letters of September 14 and 20, relative to Public, No. 300, being House resolution 21094, an act to create a commission on industrial relations, received and contents fully noted. In reply thereto will say that it is with pleasure that I comprehend the great advantage of such a law and the opportunity that it gives the officers of labor organizations, and especially those engaged in railway service, to show up some of the dirty methods and tactics of railroad officials to prevent their employees from organizing.

So far as presenting evidence of this character before a commission on industrial relations, will say that I certainly am in a position to not only verbally testify my experience, but to submit documentary evidence which will be beyond successful contradiction.

In your letter of September 20, from Washington, D. C., you refer to one of our vice presidents, Brother John J. Gallagher, who was assaulted in Altoona, Pa., about June, 1911, by one of the paid hirelings of the Pennsylvania Co. This is true. There never was a more cowardly assault upon a man than that made upon Brother Gallagher. Please permit me to say that when a hearing is arranged by this industrial commission that I will be more than pleased to attend myself, and also to have present Vice President Gallagher and possibly one or two others of our vice presidents who were handling the situation for our organization on the Pa. Railroad Co. during the recent uprising of their employees, which was in May and June of 1911. I would especially like to give Brother Gallagher the opportunity of telling to the Commission on Industrial Relations just the tactics adopted and pursued by the officials of the Pa. Railroad. I would also suggest that you get in touch with John F. Schmitt, 717 Offnere Street, Portsmouth, Ohio. Brother Schmitt is international vice president for the Brotherhood of Boilermakers and Helpers. He was with Brother Gallagher in Altoona at the time he was assaulted. Brother Schmitt would be a most valuable man to give evidence to the above referred to commission.

Assuring you that you will have my most hearty support and cooperation with reference to the subject matter and with kind regards, I remain,

Yours, fraternally,

[SEAL.]

M. F. RYAN,
General President.

AS TO METHODS OF THE P. R. R. IN TREATING SOME OF ITS EMPLOYEES, AND ESPECIALLY THOSE ON STRIKE.

PHILADELPHIA, PA., *April 19, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: See attached letters by Brother A. L. Rex, Mapleton Depot, Pa., who is home for over Sunday. This refers to the recent strike among the P. R. R.'s section men.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

MAPLETON DEPOT, PA., *April 18, 1913.*

Mr. T. E. ELLIS,
Philadelphia, Pa.

DEAR SIR AND BROTHER: Since arriving home the following has come to my ears: A gang of P. R. R. bulls arrested some strikers at Altoona, Pa., and,

after having these strikers handcuffed, they hit them on the head and cut it open. Flagman Parsons was watching the bulls do the arresting, but when they commenced to hit them with their clubs Parsons expressed his opinion in front of the bulls that they were carrying things to extremes. Since that time Parsons has received notice of 30 days' suspension for interfering with the bulls.

This for your information.

Yours, fraternally,

A. L. REX.

PERHAM EXHIBIT NO. 6.

Among the records and proceedings enrolled in the Court of Common Pleas in and for the County of Blair, in the Commonwealth of Pennsylvania, to No. 749, Equity, is contained the following:

COPY OF EQUITY DOCKET ENTRY.

O. H. Hewit. R. A. Henderson.

ANNA W. BAKER (749) VS. H. H. BARNETT, J. W. CRAB, JOHN GALLAGHER, E. FLOOD, T. H. FLYNN, J. W. SMITH, JOHN DOE, AND OTHERS TO THE PLAINTIFF UNKNOWN, DEFENDANTS.

Plaintiff paid, 2.50; Sheriff Orr received, 8.40; Wm. H. Orr, sheriff. Attorney, 3; Prot L., 2.35; June 14, 1911, received, 5.35; Guy R. Lingafelt, Prot A. J. N. Defendant's bill, 1.70; Prot. L., 4.

Bill for injunction, filed June 2, 1911, praying for relief, as follows:

I.

That an injunction issue, temporary until final hearing and permanent thereafter, enjoining and restraining the defendants, their agents and employees, and all other persons from assembling upon the premises of the plaintiff described in the bill or upon the adjoining premises of the plaintiff containing five hundred (500) acres, more or less, for the purpose of holding a mass meeting or meetings to be addressed by the defendants or others in the interest of the strike of employees of the Pennsylvania Railroad Co. now in progress in the city of Altoona, county of Blair, or for any other purpose other than those of moral amusement.

II.

GENERAL RELIEF.

June 2, 1911, injunction affidavits (2) filed.

ORDER OF COURT.

Now, June 2, 1911, the foregoing bill, together with injunctional affidavits, presented to me, and same read and considered, and it is hereby ordered, adjudged and decreed that an injunction issue as prayed for in the bill, the same, however, to be taken to be dissolved unless a motion to continue the same be argued at the courthouse on June 7 next, 1911, at the hour of 10 o'clock in the forenoon; an approved bond in the sum of $500 to be filed.

By the court:

THOMAS J. BALDRIGE,
President Judge.

June 2, 1911, bond of plaintiff in the sum of $500 with Central Trust Co. of Altoona, Pa., as surety approved and filed.

Sheriff returns: June 3, 1911, served the within writ of injunction upon H. H. Barnett, J. W. Crab, John Gallagher, E. Flood, T. H. Flynn, and others by reading and making known to them the contents of the within writ of injunction, also by handing to H. H. Barnett, J. W. Crab, J. W. Schmit true copy of same.

Now, June 8, 1911, this cause came on to be heard and was argued by counsel, and upon consideration thereof it is hereby ordered, adjudged, and de-

creed that the injunction herein granted be, and the same is hereby, dissolved, except that the defendants, H. H. Barnett, J. W. Crab, their agents, employees, and all other persons, be, and they hereby are, enjoined and restrained until further order of this court from assembling, or permitting to assemble, and from holding mass meeting or any meetings whatsoever where addresses or speeches are to be made in the Sylvan Lodge, as we regard that building unsafe and insecure for that purpose.

THOMAS J. BALDRIGE,
President Judge.

(See opinion filed.)

June 12, 1911, R. A. Henderson, Esq., by writing filed, appears for defendants. June 3, 1911, answer to defendants (printed), original and 10 copies filed. July 7, 1911, plaintiff's printed bill (4) copies filed. September 5, 1911, time to be fixed later. September 5, 1911, motion to dissolve preliminary injunction filed. September 12, 1912, continued.

COMMONWEALTH OF PENNSYLVANIA
Blair County, ss:

I, Guy R. Lingafelt, prothonotary of the court of common pleas in and for said county, do hereby certify that the foregoing is a full, true, and correct copy of the docket entry of the case therein stated, wherein Anna W. Baker is plaintiff and H. H. Barnett, J. W. Crab, John Gallagher, E. Flood, T. H. Flynn, J. W. Smith, John Doe, and others unknown to the plaintiff are the defendants, so full and entire as the same remains of record before the said court at No. 749 equity.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 30th day of December, A. D. 1912.

[SEAL.]

GUY R. LINGAFELT,
Prothonotary.

THE COLONIAL HOTEL,
Altoona, Pa., February 10, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Inclosed find copy opinion of the court, case Anna W. Baker *v.* H. H. Barnett et al., common pleas court, Blair County, Pa., temporary and permanent injunction.

In connection with this matter I wish to state that Anna Henderson, secretary to Attorney R. A. Henderson, Altoona, Pa., answering my question as to why Dr. Beckman, agent for the Baker estate, did not appear as plaintiff in this case, said to me: "Attorney Henderson asked Beckman this question at the hearing; Beckman replied, 'I don't know.'" Anna Henderson also said there was no doubt but that influences were brought to bear upon Anna W. Baker in the matter, adding, "The Pennsylvania Railroad owns this city."

Although I can not state as a fact, I am of the opinion that it will be found that the temporary injunction, which included the entire 500 acres of that part of the Baker estate, answered all purposes desired by the prime movers in the procedure.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., December 21, 1912.

H. B. P.:

Attorney Henderson was in a great rush to get home to lunch to-day. I entered just as his wife called him on phone, urging him to come at once, etc. I therefore thanked him for the short interview and suggested that I would see him again during first week in January, when I hoped he could give me more information, in order to place Gallagher, Flynn, and others in a better light before their people, and that he should be reimbursed financially for any trouble, inconvenience, etc. Seems an open, easy talker.

Yours,

T. E. E.

Developments indicate this is a very important matter, and on account of the tremendous power shown by the P. R. R. over this vicinity, individually and collectively, it is a difficult proposition and one that can not be rushed.

T. E. E.

ST. LOUIS, MO., *December 23, 1912.*

Mr. T. E. ELLIS,
General Delivery, Indianapolis, Ind.

DEAR SIR AND BROTHER: This will acknowledge receipt of your special-delivery letter of December 21, which was received by me about 1 o'clock this morning. I had written you upon this subject, and am glad to note that you had already gotten on the trail of a very interesting development. I want to include this matter in my petition to the commission, as I deem it to be of more than ordinary importance. When you return to Altoona I wish you would get a copy of the restraining order that, I assume, was issued by the court and send it to me at your very earliest convenience.

I would like to know if this was the injunction matter that prevented Brother John Mitchell from making a speech at Altoona in June, 1911. I am inclined to think that this is the one, but possibly there might have been two such actions.

With best wishes, I am,
Yours, fraternally,

H. B. PERHAM, *President.*

AUGUST 1, 1911.

Mr. E. WILLIAM WEEKS,
Secretary Brotherhood of Railway Carmen of America,
507 Hall Building, Kansas City, Mo.

DEAR SIR AND BROTHER: Attached find copy of a letter that I received from Mr. R. A. Henderson, the attorney who assisted in vacating the injunction against organized labor in Altoona, Pa. If you can, kindly furnish the address of Organizer Gallagher to him.

With best wishes, I remain,
Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

AUGUST 1, 1911.

Mr. J. M. IMLER,
Organizer American Federation of Labor,
609 West Twenty-sixth Street, Altoona, Pa.

DEAR SIR AND BROTHER: Attached find copy of a letter that I received from Mr. R. A. Henderson, the attorney who assisted in vacating the injunction against organized labor in Altoona, Pa. I received a communication from Organizer Thomas H. Flynn stating that he was en route to Uhrichsville, Ohio. If you would know where to reach him there by long distance phone, I would suggest that you call him up and try to arrange to have Mr. Gallagher present at the hearing of the case.

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

THE COLONIAL HOTEL,
Altoona, Pa., December 21, 1912.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Herewith inclosed document, which may prove of some value and information in the case. Same was handed me to-day by Attorney Robert A. Henderson, Second National Bank Building, Altoona, Pa. Mr. Henderson was attorney for the defendants in said case and states unhesitatingly that the P. R. R. Company was back of the move by Miss Anna W. Baker, owner in part of the property mentioned, and that the temporary injunction asked for was effective inasmuch as the one meeting was all that was anticipated. That

the pretext—condition of the building—was but a pretext, as the building was absolutely safe for the proposed meeting; that the building has since been destroyed by fire.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

H. B. P.:

You notice Miss Baker included all the property outside and in (it belongs to the Baker estate); also she included everyone that wanted to talk to strikers P. R. R. railroad.

T. E. E.

PITTSBURGH, PA., *December 22, 1912.*

H. B. P.:

I do not know whether you are aware of the fact, but I am told by different people that during the trouble at Altoona during the year 1911, General Superintendent Creighton and Superintendent Preston, of the P. R. R., appointed a committee of railroad men to interview the Socialists' committee at Altoona for the purpose of getting that party or organization to prevail on Debs, who was billed to speak there, to abandon his visit, stating to the committee that on account of the strike it was feared that Debs's talk would cause trouble, etc. The Socialists refused to take action.

Then a committee of citizens and railroad men were sent to Williamsport to see Debs personally. He refused to cancel his date, and sent word back that he would appear as advertised, regardless of the Pennsylvania Railroad Co. At this time 25-cent tickets were being sold in Altoona entitling holder to hear Debs and to 40 weeks' subscription to Appeal to Reason. Immediately after return of the committee from Williamsport the sale of these tickets was suppressed, but was afterwards carried on in secret.

The night of the Debs meeting it is said the P. R. R. Co. ordered a large number of its shopmen to report for work immediately after supper, and held them at work until 10.30. This had never been done before, it is said. However, most of the men went to the place of meeting and listened to Debs's speech, which had been postponed on account of the action by the company as above. It is said the shopmen understood their jobs depended upon their return to work that night.

The report goes that there was no trouble from the Debs meeting in any sense of the word, but there were about 15 city policemen near the hall (Jaffe Temple); also the mayor of the city attended the meeting.

T. E. E.

PERHAM EXHIBIT NO. 7.

ALLEGED ILLEGAL ARREST AND IMPRISONMENT OF MR. W. E. SMITH AT JOHNSTOWN, PA., MARCH 8, 1911.

THE COLONIAL HOTEL,
ALTOONA, PA., *February 8, 1913.*

The following copied from the records of police cases in the mayor's office, Johnstown, Pa., this date:

"Case No. 15004; defendant, W. E. Smith; charge, interfering with an officer; arrested at 9.40 p. m. March 8, 1911, by Officers Jones and Robinson, P. R. R.; up for hearing March 10, 1911; plea, ———; waived hearing and was discharged."

No testimony recorded.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

W. E. Smith, machinist, P. R. R., Franklin, Cambria County, Pa., at his home on February 7, 1913, said in parts as follows:

That the night he was arrested and imprisoned at Johnstown, Pa., there was being held in the G. A. R. Hall a joint union meeting for P. R. R. shopmen; that he was doorkeeper at front door; that he noticed the light in entry from back side door disappearing and coming on again. To investigate the

cause of this he passed out the front door around to the side back door, opened it. There was no light, but he could make out three persons in entry. He said, "Where is the switchboard? I will turn on the light." Just then officer A. D. Jones grabbed him, pulled his billy, pushed him down the steps and took him to the jail and locked him up. That as soon as Jones had pushed him outside the door he recognized the other two men; they were P. R. R. Detective Robinson and Chief of Cambria Steel Detectives Carney. On the way to the jail Smith asked what such action meant; was given no satisfaction. He asked to be allowed to telephone his friends for bond; not allowed. Then he asked the detectives to telephone for him; not done. Smith says there was no quarreling nor harsh words of any kind used before Jones rushed him away from the hall.

That in about one hour after he was locked up his stepbrother came to the jail and asked for him. The turnkey said, "Smith is not here." When the steward spoke to him, saying "There will be trouble about this case; Smith had better be released." Then a cash bond of $20 was accepted from Smith's stepbrother and Smith released. That he was brought before the mayor, where Jones stated Smith was arrested for interfering with an officer; that for some reason neither Robinson or Carney, who were present, were called on. He was immediately discharged and the $20 returned.

That officers Jones, Robinson, and Carney were seen in the park facing the G. A. R. Hall in each others company before the meeting began.

That Chief Detective Carney of the Cambria Steel Co. told him (Smith) that that day before the meeting and arrest of Smith, Charles Robinson, P. R. R. detective, telephoned Carney to come over—that there were to be some of the Cambria employees at the meeting.

That he had Officer A. D. Jones arrested for assault and battery (see copy Justice Trimbath's record); that after the case went to common pleas court, County Detective S. J. McClune was sent to Smith's stepfather by Officer Jones with a view of having Smith withdraw the case against him, promising to pay all costs, etc., if he would do so, stating he was sorry the thing had happened and that he (Jones) was in the wrong. On this account, also because of sickness in his family, also being short of funds, he withdrew the case, but that if he had not done so it would have gone hard with Jones at the county seat. (Record in common pleas court, Cambria County, Pa.)

T. E. Ellis.

The Colonial Hotel,
Altoona, Pa., February 8, 1913.

Thomas Trimbath, justice of the peace, borough of Franklin, Cambria County, Pa., said in part on February 7, 1913, at his office as follows:

That Constable and Chief of Police J. R. Slates, Franklin Borough, told him (Trimbath) that Policeman Alfred D. Jones, Johnstown, Pa., told him (Slates) that P. R. R. Officer Robinson had met him (Jones) before the meeting at G. A. R. Hall, Johnstown, and requested him to go with him, that he (Jones) was sorry because of the part he had played in arresting and jailing of Smith and could not understand how he came to be influenced to go there, as he himself was a union man. Trimbath says he will take oath that Slates told him as above.

That W. E. Smith withdrew his charges against Officer A. D. Jones only after the latter had sent word to Smith requesting Smith to do so, offering to pay all costs, etc. This was done and he (Trimbath) received costs due him when settlement had been made. (Record in common pleas court, Cambria County, Pa.) Also see Justice Trimbath's record of the case in his court attached herewith.

That it is a wonder that the treatment of Mr. Smith by the three detectives did not cause a riot in Johnstown, that it would have done so had a considerable number of the union men from the borough of Franklin been in attendance at the meeting. That he (Trimbath) believes that if Jones were a well man he would tell me the whole history without reserve. (Jones in hospital dangerously ill.)

That Mr. W. E. Smith is one of the best citizens of the borough of Franklin, strictly honest, moral in every way.

T. E. Ellis.

Commonwealth *v.* Alfred D. Jones. Charge: Assault and battery. Warrant issued to J. R. Slater, constable, March 13, 1911, on oath of W. E. Smith.

And now, March 13, 1911, Alfred D. Jones, defendant, arrested and produced bail in the sum of $200 before Alderman J. W. Reese for his appearance at the June term of court.

Alfred D. Jones, Alex Wilson, bail, April 12, 1911. Returned to the court of quarter sessions.

STATE OF PENNSYLVANIA, *County of Cambria, ss:*

I, Thomas Trimbath, a justice of the peace in and for said county, certify that the above is a true transcript from my docket and that the recognizances were duly taken and acknowledged before me as aforesaid.

In witness whereof I have hereunto set my hand and seal at Franklin Borough, Pa., this 7th day of February, A. D. 1913.

[SEAL.] THOMAS TRIMBATH,
Justice of the Peace.

My commission expires first Monday of May, 1918.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

The janitor G. A. R. Hall, Johnstown, Pa., this date corroborated the statements made by W. E. Smith, Franklin Borough, Cambria County, Pa., on February 7, 1913, in all details, and says when he told the three detectives, Jones, Robinson, and Carney, he would report their presence in the cellar of the building to the officers of the union meeting upstairs he was threatened with arrest, and told them to go ahead and arrest him. They did not do so, and then retired to the rear door of the hall, where they arrested without cause and took W. E. Smith to the city jail.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

Attorney Frank P. Martin, Johnstown, Pa., to-day stated, among other things, as follows:

That he was attorney for W. E. Smith in 1911 when Smith was charged with interfering with an officer; that when the case came up for hearing Officer Alfred Jones said, among other things, that he was brought into the matter by Officer Robinson, of the P. R. R., and that it was evident that Jones was repentant for his part in the matter; that Mr. Smith was discharged of any offense by the mayor (then a Mr. Wilson). Martin added, "You will likely find there is no record of what was offered at the hearing" (evidence).

Attorney Martin said there was no doubt but it was a put up job by Robinson, of the P. R. R., in order to find out what was going on at the meeting of union men and to see who were there, for the purpose of discharging those who attended the meeting; that there was absolutely no legal cause for the arrest of Mr. Smith.

That if Officer Alfred D. Jones were living he would in all likelihood tell me every word just as events happened. (Mr. Jones died at 6 o'clock this morning as a result of an operation performed Feb. 6, 1913.)

T. E. ELLIS.

LOGAN HOUSE, *Altoona, Pa., February 9, 1913.*

H. B. P.:

Clipping from Friday, February 7, 1913, Pittsburgh Dispatch., Harrisburg, Pa.; political news.

For your information W. E. Smith, Franklin, Cambria County, says he was not physically injured, but considered arrest and imprisonment a greater injury, as it was the only time an officer ever laid hands on him. I do not know how rumor of physical injury came to you. I look at the case as important and information conclusive. No wonder Alderman Lamberd was so noncommittal; he's one of those to whom the octopus has it "cups" applied. I, 13, received several warnings relative interview with him.

Referring again to Smith case, you will notice the Johnstown police record shows he was "arrested by Officers Jones and Robinson, P. R. R." Important.

Yours, T. E. ELLIS,
General Delivery, Philadelphia, Pa.

Likely leave here Tuesday noon, the 11th.

PERHAM EXHIBIT NO. 8.

The low rate of wages paid by the Pennsylvania Railroad Co. is one of the chief causes of dissatisfaction among the employees at the present time.

The attached exhibit contains a copy of the proposed rules and regulations and wage scale, the original of which was filed with the various officials of the company by the employees' committee in the year 1912. In the wage scale the first column shows the rate of wages paid, the second column the rate of wages asked for, the third column the amount of the increase requested. The lowest rates are shown on the following divisions:

West Jersey and Sea Shore Divisions.

Rate per month—	Number.	Rate per month—	Number.
$30.00	1	$47.50	1
37.10	1	50.55	1
42.40	3	51.00	2
40.80	1	51.95	2
44.50	1	57.70	50
46.65	1		

Delaware Division.

Rate per month—	Number.	Rate per month—	Number.
$35.00	1	$44.90	13
40.80	1	51.30	5

That situation is without a parallel in the United States.

EXHIBIT.

PROPOSED RULES AND REGULATIONS FOR THE GOVERNMENT OF THE EMPLOYEES IN THE TELEGRAPH DEPARTMENT, PENNSYLVANIA LINES EAST OF PITTSBURGH AND ERIE.

No. 1.

Ability, fitness, and seniority entitle a telegraph operator to promotion as opportunity may offer. The superintendent shall decide, after a fair and impartial trial, whether the candidate or applicant is qualified therefor.

No. 2.

New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of ten days, by circular letter (or by "23" message when it can be done without burdening the wires), and at the expiration of that time, given to the operator making application in writing, if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights.

All temporary and prolonged vacancies (of six months or more duration) will be bulletined in the same manner as new positions and permanent vacancies and filled by the senior operator making application in writing, regulation No. 1 to govern.

No. 3.

An operator failing to make application for a position forfeits to the man who accepts that position such seniority rights as the position may carry with it, but will be given an opportunity to make application when a vacancy occurs.

No. 4.

After an operator enters the telegraph office of the superintendent, general superintendent, or general office, Philadelphia, and is assigned to permanent service, he shall be in line for promotion therein from the time of entering such office, regulation No. 1 to govern.

No. 5.

In reduction of force, the service of the youngest employee (according to his seniority rights) will be dispensed with first; in reemployment, the oldest em-

ployee (according to his seniority rights) will be given employment first. When an office is closed or reduction of force is made, seniority on the division entitles the employee affected to ask for any position held by another whose seniority is less than his own, and employee affected shall have this right regardless of the rate of pay he formerly received, or the rate of pay of the position to which his seniority rights entitle him. Regulation No. 1 to govern in both cases.

No. 6.

Employees transferred from one division to another at the instance of the company shall, when a vacancy occurs, be given seniority rights on the division to which transferred. An employee transferred from one division to another at his own request shall have seniority rights only from date of transfer.

No. 7.

Overtime shall be paid at the regular pro rata rate; provided that the rate per hour shall not be less than 35 cents. In computing overtime, less than 30 minutes will not be counted; 30 minutes or more will be counted one hour. At stations or offices where only one operator is stationed, overtime will be allowed after the leaving time of the last scheduled train which he is required to meet. When operators relieve each other at regular hours, if by lateness of train or any fault of the operator relieving, the operator to be relieved is compelled to work overtime, no overtime will be allowed.

No. 8.

Regular operators required to perform duty at wrecks, washouts, or similar emergency offices shall receive their overtime rate per hour for the number of hours from the time they are called until their return. If held so as to be unable to work their regular trick the next day, they shall receive pay for a full day, in which latter event pay will not also be allowed for overtime spent at wrecks, etc.

No. 9.

Employees who have received leave of absence shall not lose their seniority rights.

No. 10.

Telephone operators who handle train orders or messages, block or report trains by telephone in lieu of telegraph, will be given equal rights with telegraph operators, based upon the time of their entering the service as either telegraph or telephone operators, and the same regulations as now in effect governing telegraph operators will apply to telephone operators. When a telegraph office is changed to a telephone office, it will not be considered a reduction in force and be opened to advertisement unless the rate of pay or hours are changed.

It is understood that in filling new positions and permanent vacancies, either telegraph or telephone, in accordance with present regulations No. 2, both telegraph and telephone operators will be given an opportunity to make application for such positions. In case no applications for telephone positions are received from either telegraph or telephone operators, such positions to be filled by the selection of the superintendent. An operator can not make application for a position he has just vacated, but if the position is vacated by the man who fills his vacancy he may then make application and his appliction will be considered.

No. 11.

The word "operator" as herein used applies to telegraph and telephone operators, operator-clerks, clerk-operators, agent-operators, and relief-operators.

No. 12.

Operators called as witnesses in court in the interest of the company, coroner's inquests, or railroad investigations of any character will be allowed time for same with the minimum of one day, also traveling expenses and board when away from home.

No. 13.

Operators will not be suspended for minor offenses; pending investigation or decision witnesses will be examined separately, but in the event of conflicting testimony those whose evidence conflicts will be examined together. Operators will receive 10 days' notice prior to the date suspension takes effect.

No. 14.

Operators, signalmen, and levermen whose duties compel them to work Sundays, will receive two consecutive days vacation per month with pay.

No. 15.

Employees considering that they have been unjustly treated shall have the right to appeal, and at hearings in the case may have an employee of their own selection to assist them.

ALLEGHENY DIVISION.

Station or tower.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
MAIN LINE.					
*White Rock	3 tricks	Block station	$64.15	$67.35	$0.60
N. Y. tower	do	do	64.15	67.35	9.60
*Ford City	2 tricks	Blk. sta. and clk. opr	70.55	73.75	6.40
Do	1 trick	Block station	64.15	67.35	3.20
*Kittanning	12 hours	Tkt. and clk. opr	76.95	83.35	6.40
K. O. tower	3 tricks	Blk. sta. E. D. T	67.35	70.55	9.60
*Mosgrove	do	Block station	64.15	67.35	9.60
Orr Hill	do	Blk. sta. and E. D. T	67.35	70.55	9.60
*Templeton	do	Block station	64.15	67.35	9.60
Hooks	do	do	64.15	67.35	9.60
*Rimerton	do	do	64.15	67.35	9.60
*Red Bank	do	Blk. sta. L. G. jct	70.55	75.00	13.35
*Phillipston	do	Blk. sta. and term. yd	73.75	75.00	3.75
Do	12 hours	Message ofs	70.55	73.75	3.20
*S. K. tower	3 tricks	Blk. sta. and E. D. T	67.35	70.55	9.60
Spruce	do	Block station	64.15	67.35	9.60
*Monterey	do	do	64.15	67.35	9.60
*Parker	do	do	64.15	67.35	9.60
*Foxburg	do	do	64.15	67.35	9.60
*Emlenton	2 tricks	do	64.15	67.35	6.40
Do	1 trick	Blk. and clk. opr	67.35	70.55	3.20
Dotter	3 tricks	Block station	64.15	67.35	9.60
Wood Hill	do	Blk. and pump sta	70.55	73.75	9.60
St. George	do	Block station	64.15	67.35	9.60
*Kennerdell	do	do	64.15	67.35	9.60
Brandon	do	do	64.15	67.35	9.60
*East Sandy	1 trick	Blk. and agent opr	73.35	75.00	1.65
Do	do	Blk. and clk. opr	67.35	70.55	3.20
Do	do	Block station	64.15	67.35	3.20
Big Rock	3 tricks	Blk. sta. and E. D. T	67.35	70.55	9.60
Prentice	do	do	67.35	70.55	9.60
V. S. tower	do	Blk. and interlkg	70.75	73.75	9.60
D. K. tower	do	Blk. telephone sta	87.70	90.95	9.70
N. B. tower	do	Block and E. D. T. and yd	64.15	70.55	19.20
*R. D. tower	do	Blk. and dlvs	87.70	67.35	38.95
Oil City	6 tricks	Supts. msg. office	90.90		
Do	do	Telephone dispra	141.10		
Do	10 hours	Telephone opr	52.45	60.95	8.50
All'y div	7 relief	Operators	76.90	83.35	45.15
LOW-GRADE BRANCH.					
Shannon	2 tricks	Block station	57.70	64.15	12.90
*Lawsonham	3 tricks	Blk. sta. and jct	60.95	67.35	19.20
Rock Run	do	Block station	57.70	64.15	19.35
C. A. tower	do	do	57.70	64.15	19.35
*Newbethlehem	2 tricks	Blk. and clerk opr	57.70	67.35	19.30
Do	1 trick	Block station	57.70	64.15	6.45
*Oakridge	1 man	Blk. and agent opr	70.55	75.00	4.45
Mayport	do	do	70.55	75.00	4.45
Do	1 trick	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45

* Handle postal business.

ALLEGHENY DIVISION—Continued.

Station or tower.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
LOW-GRADE BRANCH—continued.					
Kinbrae	12 hours	Block station	$64.15	$70.55	$6.40
*Summerville	3 tricks	do	60.95	67.35	19.20
*Rose	do	L. S. and M. S. jct	64.15	70.55	19.20
Bell	do	Block station	57.70	64.15	19.35
*Fuller	1 trick	Block and agt. opr	70.55	75.00	4.45
Do	do	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Reynoldsville	3 tricks	Blk. and msg. opr	70.55	73.76	9.60
Do	1 trick	Dispatcher	128.25	.....	.....
Do	2 tricks	do	121.85	.....	.....
West End	3 tricks	Blk. and jct	64.15	67.35	9.60
*Falls Creek	do	Block station	64.15	67.35	9.60
*Du Bois	do	Block and y. m. ofs	64.15	70.55	19.20
*Sabula	1 trick	Blk. and agt. opr	70.55	75.00	4.45
Do	do	Blk. and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Penfield	12 hours	Blk. and agt. opr	70.55	75.00	4.45
*Tyler	1 trick	do	70.55	75.00	4.45
Do	do	Blk. and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Medix Run	do	Block and agt. opr	70.55	75.00	4.45
Do	do	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Bennesette	12 hours	Blk. and agent opr	70.55	75.00	4.45
Keslie	3 tricks	Block station	57.70	64.15	19.35
Driftwood	do	Blk. and clerical wk	64.15	67.35	9.60
SALAMANCA BRANCH.					
*Allegany	3 trick	Blk. sta. and term	64.15	67.35	9.60
*Bradford	12 hours	Blk. and agent opr	70.55	75.00	4.45
Vandalia	1 trick	Blk. and clk. opr	64.15	67.35	3.20
Do	2 trick	Block station	57.70	64.15	12.90
Riverside Junction	3 trick	Blk. and pump sta	64.15	67.35	9.60
*Salamanca	do	Blk. and clerk wk	57.70	64.15	19.35
*Red House	1 trick	Blk. and agent opr	70.55	75.00	4.45
Do	do	Blk. and clerk opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Quaker Bridge	do	Blk. and agent opr. and pump stat.	70.55	75.00	4.45
Do	do	Blk. and clerk opr. and pump sta.	64.15	67.35	3.20
Do	do	Blk. and pump sta	60.95	64.15	3.20
*Corydon	do	Blk. and agent opr	64.15	70.55	6.40
Do	do	Blk. and clerk opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
Kinsua	3 tricks	Blk. sta. and jct	60.95	64.15	9.60
Hemlock	do	Blk. and col'g sta	57.70	64.15	19.35
*Struthers	12 tricks	Blk. and clk. opr	64.15	70.55	6.40
Thompson	3 tricks	Blk. and pump sta	64.15	67.35	9.60
*Tidioute	12 tricks	Blk. and clerk opr	64.15	70.55	6.40
Trumbleyville	3 tricks	Blk. and pump sta	64.15	70.55	19.20
*Hickory	12 hours	Blk. and clk. opr	64.15	70.55	6.40
*Tionesta	1 trick	do	64.15	67.35	3.20
Do	2 tricks	Block station	57.70	64.15	12.90
*Eagle Rock	1 trick	Blk. and clerk opr. and pump sta.	67.35	70.55	3.20
Do	do	Blk. sta., pump and clerk opr	64.15	67.35	3.20
Do	do	Blk. and pump sta	60.95	64.15	3.20
*Rockmere	do	Blk. agt. opr. E. D. T	70.55	75.00	4.45
Do	do	Blk. and clk. opr. E. D. T	64.15	67.35	3.20
Do	do	Blk. and E. D. T	60.95	64.15	3.20
SY tower	3 tricks	Blk. sta. phone	57.70	60.95	9.75
Siverly	do	Train directors	83.35	86.55	9.60
Oil City	do	Train dispr's	134.65	.....	.....

* Handle postal business.

BUFFALO DIVISION.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
Buffalo BD tower	1st	$64.15	$75.55	$11.40
	2nd	64.15	75.55	11.40
	3rd	64.15	75.55	11.40
Buffalo GD tower	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Ebenezer Z tower	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Spring Brook, E. D. T-DT tower	1st	67.35	72.55	5.20
	2nd	67.35	72.55	5.20
	3rd	67.35	72.55	5.20
Elma M	Agt. opr			
Jamison Road Ja	Agt. opr			
East Aurora AU	Clerk opr	67.35	70.55	3.20
	3rd	64.15	67.35	3.20
	1st	70.55	75.15	4.60
	2nd	64.15	72.55	8.40
	3rd	64.15	70.55	6.40
South Wales SW	Agent opr			
Holland HO	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
	Agt. opr			
Protection P	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
	Agt. opr			
Chaffee CF	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
	Agt. opr			
Arcade D	Clerk opr	67.35	72.55	5.20
	1st	64.15	72.55	8.40
	2nd	64.15	72.55	8.40
	3rd	64.15	70.55	6.40
Delevan DV	Agt. opr			
Machias CH	Clerk opr	64.15	72.55	8.40
Machias JC	12 hours	64.15	70.55	11.40
	1st	67.35	75.55	8.20
	2nd	67.35	75.55	8.20
	3rd	67.35	75.55	8.20
Franklinville F	1st	67.35	72.55	5.20
	2nd	67.35	72.55	5.20
	3rd	67.35	72.55	5.20
Cadiz CO	12 hours	64.15	75.15	11.00
Ischua IA	1st	67.35	70.55	3.20
	2nd	67.35	70.55	3.20
	3rd	67.35	70.55	3.20
Hinsdale EDT HD	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Olean AD	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Olean EDT OW	Message opr	67.35	75.55	8.20
	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Portville VA	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Bullis Mill SN	Day opr	67.35	70.55	3.20
Eldred CR	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Larabee BR	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Turtle Point KI	Day opr	67.35	70.55	3.20
Port Allegany PY	1st	64.15	75.15	11.00
	2nd	64.15	75.15	11.00
	3rd	64.15	75.15	11.00
Relay EDT NR	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Keating Summit KS	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Sisterville S	Agt. opr			
Emporium WB	Clerk opr	67.35	70.55	3.20
	3rd	67.35	70.55	3.20
	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80

BUFFALO DIVISION—Continued.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
ROCHESTER BRANCH.				
Rochester HF	Day opr	$72.50	$75.55	$3.05
Terminal RB	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Genesee Jct. GO	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Scottsville SC	Agt. opr	64.15	72.55	8.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Wagus WG	Night opr	64.15	70.55	6.40
Fowlerville FW	Agt. opr	64.15	75.55	11.40
Piffard BN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Cuylerville Q	Day opr	64.15	70.55	6.40
Mt. Morris MS	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
	3rd	57.70	67.35	9.65
Sonyea SF	Agt. opr	64.15	70.55	6.40
	Clerk opr	64.15	70.55	6.40
Nunda Jct JU	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
Rossburg WC	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Houghton HN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
Belfast FA	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Black Creek BK	Night opr	64.15	70.55	6.40
Cuba CB	Day opr	64.15	70.55	6.40
Deep cut DC	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
CHAUTAUQUA BRANCH.	3rd	57.70	67.35	9.65
Buffalo Bc	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Roland CM	Night opr	64.15	70.55	6.40
Blasdell GB	Agt. opr	64.15	75.55	11.40
Lake View KN	1st	70.55	75.55	5.00
	2nd	67.35	72.35	5.00
	3rd	64.15	70.55	6.40
26 Mile siding FS	Day opr	64.15	70.55	6.40
Farnham FC	1st	57.70	70.55	12.85
	2nd	57.70	70.55	12.85
Silver Creek CK	Clerk opr	70.55	75.55	5.00
Brocton BN	do.	70.55	75.55	5.00
	do.	64.15	70.55	6.40
	Block opr	64.15	70.55	6.40
Prospect GM	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
Mayville MA	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Summerdale SJ	Day opr	64.15	70.55	6.40
Sherman SR	1st	57.70	67.35	9.65
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Panama BM	Agt. opr	64.15	75.55	11.40
Clymer C	do.	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
Corry Jct. EY	1st	70.55	75.55	5.00
	2nd	70.55	75.55	5.00
	3rd	70.55	75.55	5.00
Spartansburg B	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
	3rd	57.70	67.35	9.65
Centreville G	Agt. opr	64.15	75.55	11.40
Tryonville QN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	Block opr	57.70	67.35	9.65
Hydetown RW	Agt. opr	64.15	75.55	11.40
Titusville J	Clerk opr	70.55	75.55	5.00
	do.	70.55	75.55	5.00
Miller Farm MB	1st	57.70	67.35	9.65
	2nd			
	3rd	57.70	67.35	9.65

BALTIMORE DIVISION.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
C. G. tower	1st trick	$64.15	$70.55	$6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
J. A. tower	1st trick	67.35	73.75	6.40
	2nd trick	67.35	73.75	6.40
	3rd trick	67.35	73.75	6.40
DX. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
AC. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
KS. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
CB. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
Calvert Station F	Day	76.95	76.95	.....
	Night	70.55	76.95	6.40
Baltimore	Manager	96.20	105.00	8.80
Baltimore "B"	Supts ofs., 10 oprs	86.00	95.00	31.00
Station BA (master)	1st	70.55	76.95	6.40
	2nd	70.55	76.95	6.40
	3rd	70.55	76.95	6.40
B & P Jct. GU	1st	89.90	95.00	5.10
	2nd	89.90	95.00	5.10
	3rd	89.90	95.00	5.10
MO. tower	Day	70.55	76.95	6.40
	Night	70.55	76.95	6.40
KN. tower	1st	70.55	73.75	3.20
	2nd	70.55	73.75	3.20
	3rd	70.55	73.75	3.20
WD. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
MW. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
HK. tower	1st	64.15	64.15	.....
	2nd	64.15	70.55	6.40
	3rd	67.35	70.55	3.20
SD. tower	1st	67.35	70.55	3.20
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
FA. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
V. tower	1st trick	64.15	64.15	.....
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
PX. tower	1st trick	67.35	70.55	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
GK. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
MK. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
WH. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
N. tower	1st trick	64.15	67.35	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
AD. tower	1st trick	67.35	70.55	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
RD. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
NF. tower	1st trick	64.15	67.35	3.20
	2nd trick	73.75	76.95	3.20
	3rd trick	73.75	76.95	3.20
MP. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
GR. tower	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40

BALTIMORE DIVISION—Continued.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
U. tower	1st trick	$64.15	$67.35	$3.20
	2nd trick	70.55	73.75	3.20
	3rd trick	64.15	67.35	3.20
BG. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
BI. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
CO. tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
K. tower	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
	1st trick	70.55	76.95	6.40
	2nd trick	70.55	76.95	6.40
R. V. office	Day	70.55	76.95	6.40
JS tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
HM tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
WJ tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
MR tower	1st trick	73.75	76.95	3.20
	2nd trick	73.75	76.95	3.20
	3rd trick	73.75	76.95	3.20
RN tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
HR tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
Lamoyne J.	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
GS tower	1st trick	70.55	73.75	3.20
	2nd trick	70.55	73.75	3.20
	3rd trick	70.55	73.75	3.20
DY tower	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
CG to KN	Relief operators	76.95	88.90	12.05
WD to WH	do	76.95	83.35	6.40
M to CO	do	76.95	83.35	6.40
K to DY	do	76.95	83.35	6.40
D & P Jct GU	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
FREDERICK BRANCH.				
C office	1st trick	60.95	64.15	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	60.95	64.15	3.20
SF office	1st trick	60.95	64.15	3.20
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
SI office	Day	57.70	64.15	6.45
WN office	Day	57.70	64.15	6.45
SN office	Day	57.70	64.15	6.45
HA office	Day	57.70	64.15	6.45
Q office	Day	57.70	64.15	6.45
WM office	Day	57.70	64.15	6.45
WU office	Day	57.70	64.15	6.45
FK office	Day	57.70	64.15	6.45

ELMIRA DIVISION.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
QC supts ofs	1st trick	$83.35		
	2nd trick	83.35		
	3rd trick	76.95	$83.35	$6.40
	4th trick	76.95	83.35	6.40
	5th trick	70.55	83.35	12.80
	6th trick	70.55	76.95	6.40
BN office	1st trick	64.15	76.95	12.80
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
SJ Jct office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
F office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
DR office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
S office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
CX office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
DN office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
ZO office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
J office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
GB office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
C office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15		
GU office		(1)		
PC office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
ON office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
M office	1st trick	60.95	67.35	6.40
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	67.35	6.40
A office	1st trick	67.35	76.95	9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
NY office	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
Q office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
BD office	Agent operator			
FI office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
MS office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
V office	1st trick, agent operator			
	2nd trick	60.95		
	3rd trick	60.95		
NE office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
RG tower	1st trick	67.35	76.95	9.60
	2nd trick	67.35	76.95	9.60
	3rd trick	67.35	76.95	9.60
HS office	1st trick	60.95	70.55	9.60
	2nd trick	60.95	67.35	6.40
VA office	3rd trick	60.95	64.15	3.20
	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		

(1) Minimum.

ELMIRA DIVISION—Continued.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
MI office	1st trick, agent operator			
	2nd trick	$60.95		
	3rd trick	60.95		
MF office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
RS office	1st trick	67.35	$76.95	$9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
FR office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
CK office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
UC office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
ST office	1st trick	64.15	67.35	3.20
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
Himrods HI	Agent operator			
Himrods Jct "G"	1st trick	60.95	64.15	3.20
	2nd trick	60.95	64.15	3.20
	3rd trick	60.95	64.15	3.20
MO office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
PY office	1st trick	64.15		
	2nd trick	64.15		
	3rd trick	64.15		
K office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
H office	1st trick	64.15		
	2nd trick	60.90		
	3rd trick	60.90		
SM office	1st trick	67.35	76.95	9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
UN office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
D office	1st trick	60.95	67.35	6.40
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
CG office	1st trick	70.55	76.95	6.40
	2nd trick	64.15		
CN office	1st trick	60.95		
	2nd trick	60.95		
OS office	Agent operator			
JC office jct	1st trick	57.72	60.95	3.20
	2nd trick	57.72	60.95	3.20
	3rd trick	57.72	60.95	3.20
BX office	1st trick	60.95	70.55	9.60
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95		
GN office	1st trick	64.15	76.95	12.80
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15		
SP office	1st trick	76.95		

WILLIAMSPORT AND SUSQUEHANNA DIVISIONS.

Tower.	Tricks.	Present rate.	Proposed rate.	Increase.
AQ tower	3 tricks	$64.15	$68.30	$12.45
H tower	do	64.15	68.30	12.45
FN tower	do	64.15	68.30	12.45
MR tower	do	64.15	68.30	12.45
BG tower	do	64.15	68.30	12.45
K station	4 opr's	70.55	75.02	17.88
SC tower	3 tricks	64.15	68.30	12.45
RK tower	do	67.35	71.72	13.11
VO tower	do	73.75	78.40	13.96
BS tower	do	67.35	71.72	13.11

WILLIAMSPORT AND SUSQUEHANNA DIVISIONS—Continued.

Tower.	Tricks.	Present rate.	Proposed rate.	Increase.
GF tower	3 tricks	$67.35	$71.72	$13.11
J tower	do	67.35	71.72	13.11
SQ tower	do	73.75	78.40	13.95
NC tower	do	70.55	75.02	13.41
BY tower	do	73.75	78.40	13.95
WD station	3 opr's	61.15	66.30	12.45
KI yd ofs	do	70.55	75.02	13.41
UX tower	3 tricks	64.15	68.30	12.45
RO tower	do	73.75	78.40	13.95
MU tower	do	64.15	68.30	12.45
YM tower	do	64.15	68.30	12.45
DE tower	do	67.35	71.72	13.11
Q tower	do	67.35	71.72	13.11
MO tower	do	67.35	71.72	13.11
MK station	1 opr	64.15	68.30	4.15
OJ tower	3 tricks	64.15	68.30	12.45
DR tower	do	67.35	71.72	13.11
B tower	do	64.15	73.75	28.80
HN tower	6 opr's	75.75	78.40	27.90
DY tower	3 tricks	70.55	70.55	.....
P tower	do	73.75	73.75	.....
BQ office	1 gen'l yd	73.75	78.40	4.65
RF tower	3 tricks	70.55	.....	.....
GD tower	do	70.55	70.55	.....
RU tower	do	64.15	68.30	12.45
RV tower	do	64.15	68.30	12.15
BA tower	do	64.15	68.30	12.45
FY tower	do	64.15	68.30	12.45
JN tower	do	70.55	73.75	9.60
UR tower	do	64.15	68.30	12.45
CF tower	do	64.15	68.30	12.45
VN tower	do	64.15	68.30	12.45
D tower	do	67.35	70.55	9.60
ZA tower	do	70.55	70.55	.....
GO supts office		89.80	95.00	[1] 5.20

RENOVA DIVISION.

Offices.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
CH Renova yd	3 tricks	Interlkg	$67.35	$72.50	$15.45
AK Renova	do	Yd. and blk	64.15	70.55	19.20
CT Keating	do	Jct. intlg	64.15	72.50	25.05
DF Driftwood	do	Yd. and blk	64.15	70.55	19.20
HY Huntley	do	E. D. T	64.15	70.55	19.20
SG Sterling	do	Interlkg	64.15	70.55	19.20
FR Cameron	do	E. D. T. interlkg	64.15	70.55	19.20
JN Emporium	do	Intlg. jct	70.55	78.00	14.35
Do	12-hour msg		70.55	83.37	12.82
RM Emporium	3 tricks	Intlg. E. D. T	64.15	72.50	25.05
GR Benzinger	do	do	64.15	70.55	19.20
MA St. Marys yd	do		70.55	78.00	14.35
Do	Msg. man		70.55	78.00	5.45
AD Ridgway	3 tricks	Block	64.15	78.00	20.55
UK Johnsonb'g	do	Intlg. yd	64.15	72.50	25.05
Do	Msg. man		64.15	72.50	8.35
OW Wilcox	3 tricks	Intlg	64.15	70.55	19.20
KZ Kane	do	Yd. blk	64.15	78.00	27.55
RIDGWAY TO FALLS CREEK BRANCH.					
CR Croyland	1 opr. clerk 12 hours.	Clerk opr	57.75	64.15	6.40
VE Brockwayville	2 operators 9 hours.	Intlg. yd	64.15	70.55	12.80
KN Ludlow	3 tricks	Blk	57.70	64.15	19.25
SH Sheffield	do	do	57.70	64.15	19.25
CD Clarendon	do	do	57.70	64.15	19.25
DW Warren	do	Intlg. E. D. T	67.35	70.55	9.60
FN Warren	do	Block	64.15	70.55	19.20
VA Irvineton	do	Int'lg	67.35	70.55	9.60
PF Pittsfield	do	Block	57.70	64.15	19.25
GD Garland	do	do	57.70	64.15	19.25
SO Spring Creek	do	do	57.70	64.15	19.25
CY Corry	do	do	64.15	70.55	19.20
DK Elgin	do	do	57.70	64.15	19.25
UN Union City	do	do	57.70	64.15	19.25
WR Waterford	do	do	57.70	64.15	19.25
GS Jackson	do	do	57.70	64.15	19.25
BV Belleville	do	do	57.70	64.15	19.25
SM Tower	do	do	57.70	64.15	19.25
OD Erie shops	do	Yd. office wk	74.70	78.00	3.90

[1] Per man.

SUNBURY DIVISION.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
BA tower	3 tricks	$67.35	$70.55	$9.60
WO tower	do	67.35	70.55	9.60
KD tower	do	67.35	70.55	9.60
B tower	do	64.15	67.35	9.60
BC tower	do	67.35	70.55	9.60
CA tower	do	64.15	67.35	9.60
CW tower	1 trick	64.15	70.55	6.40
AG tower	3 tricks	64.15	70.55	19.20
BT tower	do	67.35	70.55	9.60
BM tower	do	64.15	70.55	19.20
NK tower	do	67.35	70.55	9.60
UC tower	do	67.35	70.55	9.60
KO tower	do	64.15	67.35	9.60
UN tower	do	67.35	70.55	9.60
HO tower	do	64.15	70.55	19.20
NA tower	do	64.15	67.35	9.60
BD tower	do	64.15	67.35	9.60
SW tower	do	64.15	67.55	9.60
WN tower	do	64.15	67.35	9.60
JC office	1 trick	64.15	67.35	3.20
NESCOPECK AND POTTSVILLE BRANCHES.				
NO tower	2 tricks	57.70	64.15	12.90
RG tower	3 tricks	64.15	67.35	9.60
OU tower	1 trick	64.15	70.55	6.40
XN tower	3 tricks	67.35	70.55	9.60
BK tower	2 tricks	64.15	67.35	6.40
Q tower	3 tricks	67.35	70.55	9.60
FM tower	do	64.15	67.35	9.60
OT tower	do	64.15	70.55	19.20
BJ tower	do	67.35	70.55	9.60
F tower	do	57.70	60.95	9.75
FB tower	2 tricks	64.15	67.35	6.40
SHAMOKIN AND LEWISTOWN BRANCHES.				
MD tower	3 tricks	67.35	70.55	9.60
KX tower	do	60.95	64.15	9.20
FG tower	do	60.95	64.15	9.20
QE tower [1]	do	64.15	67.35	9.20
SN tower	do	64.15	70.55	19.20
BO tower	1 trick	64.15	67.35	3.20
DU tower	do	64.15	67.35	3.20
M2 tower	3 tricks	60.95	64.15	9.20
GC tower	1 trick	64.15	67.35	3.20
KF tower	2 tricks	57.70	64.15	12.70
FI tower	1 trick	60.95	64.15	3.20
MX tower	2 tricks	57.70	60.95	6.50
MY tower	3 tricks	57.70	64.15	19.35
XA tower	2 tricks	64.15	70.55	19.20
JM tower	1 trick	60.95	64.15	3.20
YA tower	do	60.95	64.15	3.20
RD tower	do	60.95	64.15	3.20
MR tower	do	60.95	64.15	3.20
AD tower	do	60.95	64.15	3.20
Relief schedules, per man		76.95	84.64	

PITTSBURGH DIVISION.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
OD office	1 mgr	8½	$102.60	$105.00	$2.40
Do	2 mgrs	8½	96.20	100.00	7.60
Do	15 men	9	89.20	95.00	78.00
EX office	3 men	8	70.55	70.55	
BU office	do	8	70.55	70.55	
BV office	do	8	83.35	86.20	8.55
CM office	do	8	96.20	100.00	38.40
CM office, O. and L.	do	8	83.35	80.80	19.35
VI office	do	8	64.15	67.35	9.60
WK office	do	8	83.35	86.20	9.60
R office	do	8	83.35	86.20	9.60
WG office	do	8	83.35	83.35	
UJ office	do	8	76.95	76.95	

[1] Weigh scales.

PITTSBURGH DIVISION—Continued.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
GH office	4 men	8	$70.55	$73.75	$12.80
SZ office	3 men	8	83.35	83.35	.....
CP office	....do	8	83.35	83.35	.....
MF office	....do	8	83.35	86.20	8.55
RG office	....do	8	83.35	83.35	.....
GU office	....do	8	83.35	90.20	38.55
SW office	....do	8	70.55	76.95	19.20
AX office	....do	8	76.95	83.35	19.20
KR office	....do	12	64.15	(1)	64.15
KR Lev	2 men	8	76.95	76.95	.....
BV office	3 men	12	64.15	(1)	64.15
BV Lev	2 men	8	83.35	90.20	38.55
DR office	3 men	12	64.15	(1)	64.15
DR Lev	2 men	8	70.55	73.75	9.60
DQ office	3 men	8	73.75	73.75	.....
HM office	....do	8	76.95	86.20	27.75
BH office	....do	8	70.55	70.55	.....
IJ office	....do	8	70.55	70.55	.....
VY office	....do	8	76.95	86.20	27.75
JD office	....do	8	70.55	73.75	9.60
VK office	....do	8	64.15	67.35	9.60
DP office	....do	8	73.75	73.75	.....
NR office	....do	8	73.75	73.75	.....
SQ office	....do	8	64.15	67.35	9.60
RU office	....do	8	76.95	86.20	27.75
SX office	....do	12	64.15	(1)	64.15
SX lev	2 men	8	83.35	90.20	38.55
C TR dir	3 men	8	70.55	76.95	19.20
C opr	....do	8	64.15	64.15	.....
C lev	....do	8	70.55	73.75	12.80
DM office	4 men	8	64.15	67.35	9.60
HO office	3 men	8	73.75	76.95	9.60
AO office	....do	8	70.55	70.55	.....
MP office	....do	8	76.95	86.20	27.75
SO office	....do	12	64.15	(1)	64.15
SO lev	2 men	12	64.15	(1)	64.15
AO lev ofs	....do	8	76.95	86.20	27.75
W office	3 men	8	73.75	73.75	.....
NY office	....do	12	57.70	(1)	57.70
NY lev	2 men	8	73.75	73.75	.....
LY office	3 men	12	57.70	(1)	57.70
LY lev	2 men	8	80.15	80.15	.....
MO office	3 men	8	57.70	64.15	19.35
MO lev	....do	8	96.20	96.20	.....
UN office	....do	8	57.70	64.15	19.35
UN lev	....do	8	83.35	96.20	38.55
AR office	....do	8	83.35	86.20	8.55
SF office	....do	8	57.70	64.15	19.35
AR office lev	....do	8	73.75	76.95	9.60
AG office	....do	8	70.55	70.55	.....
KN office	....do	8	80.15	80.15	.....
GY office	....do	12	121.85	121.85	.....
WA office	1 man	8	121.85	141.60	59.25
FK office	3 men	8	115.45	115.45	.....
IS office	....do	9	121.85	121.85	.....
RJ office	2 men	9	115.55	115.55	.....
Do	1 man				
Relief men.					
OD to GH	1 man	8	83.35	83.35	.....
GH to KR	....do	8	76.95	83.35	6.40
KR to VK	....do	8	76.95	83.35	6.40
VK to SO	....do	8	76.95	83.35	6.40
SO to GY	....do	8	76.95	83.35	6.40
SW branch	1 and 12	1 & 12	76.95	83.35	6.40
6 additional relief operators					300.10
T. C. V. BRANCH.					
BY office	3 men	8	64.15	67.35	9.60
HD office	2 men	9	64.15	67.35	6.40
SOUTHWEST BRANCH.					
CJ office	3 men	8	70.55	70.55	.....
BC copiers	....do	8	89.80	89.80	.....
BC opr's	....do	8	70.55	73.75	9.60
WU office	....do	8	70.55	70.55	.....
HJ office	....do	8	64.15	67.35	9.60
HN office	1 man	12	70.55	70.55	.....
TR office	3 men	8	70.55	70.55	.....

[1] Wanted 8 hours.

PITTSBURGH DIVISION—Continued.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
SOUTHWEST BRANCH—continued.					
CN office	3 men	8	$64.15	$67.35	$9.60
NJ office	2 men	9	67.35	67.35	.....
DB office	do	9	64.15	67.35	6.40
GS office	do	12	70.55	70.55	.....
RS office	3 men	8	67.35	67.35	.....
VA office	do	8	64.15	67.35	9.60
LINEMEN.					
Linemen	6 men	10	83.35	88.35	30.00
Do	1 man	10	86.65	91.65	5.00

CONEMAUGH DIVISION.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
SOUTH OF KISKI JUNCTION.					
AC	1 man	Supt's ofs	$89.80	$100.00	$10.20
	do	do	89.80	100.00	10.20
	do	do	89.80	100.00	10.20
	do	do	89.80	100.00	10.20
	do	do	89.80	100.00	10.20
	do	do	89.80	100.00	10.20
	do	do	89.80	100.00	10.20
Pgh 29th st	1st	Signalman	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
Q	1st	Ass't t. m. opr	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	64.15	70.00	5.85
CX intlg	1st	Opr and leverman	83.35	93.00	9.65
	2nd	do	83.35	93.00	9.65
	3rd	do	83.35	93.00	9.65
JO intlg	1st	Opr intrlkg	76.95	85.00	8.05
	2nd	do	76.95	85.00	8.05
	3rd	do	76.95	85.00	8.05
DN	1st	Block station	73.75	80.00	6.25
	2nd	do	73.75	80.00	6.25
	3rd	do	73.75	80.00	6.25
2	1 man	M. and M. office, opr. and clerk	64.15	70.00	5.85
BG	1st	Block station	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
FN	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
VC	1st	Opr. and agent	70.55	80.00	9.45
	2nd	Opr. and blk. sta	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
BR	1st	Block station	64.15	75.00	10.85
	2nd	do	64.15	75.00	10.85
	3rd	do	64.15	75.00	10.85
GC	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
AG intlg	1st	Opr. and leverman	70.55	80.00	9.45
	2nd	do	70.55	80.00	9.45
	3rd	do	70.55	80.00	9.45
Relief operator "A"			83.35	93.00	9.65
WEST END.					
Madison Avenue, Allegheny.	1st	Signalman	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	70.55	75.00	4.45
CQ	1st	Blk. sta. and sig	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	70.55	75.00	4.45
ON	1st	Y. m. office	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	70.55	75.00	4.45
BN	1st	Interlocking	83.35	93.00	9.65
	2nd	do	83.35	93.00	9.65
	3rd	do	83.35	93.00	9.65
PC	1st	do	83.35	93.00	9.65
	2nd	do	83.35	93.00	9.65
	3rd	do	83.35	93.00	9.65

CONEMAUGH DIVISION—Continued.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
WEST END—continued.					
HR	1st	Opr. leverman	$83.35	$93.00	$9.65
	2nd	do	83.35	93.00	9.65
	3rd	do	83.35	93.00	9.65
YX	1st	do	67.35	80.00	12.65
	2nd	do	67.35	80.00	12.65
	3rd	do	67.35	80.00	12.65
RO	1st	do	76.95	85.00	8.05
	2nd	do	76.95	85.00	8.05
	3rd	do	76.95	85.00	8.05
HI	1st	Blk. sta. and opr. L	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
DY	1st	Block opr	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
SA	1st	do	64.15	75.00	10.85
	2nd	do	64.15	75.00	10.85
	3rd	do	64.15	75.00	10.85
QN	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
RX	1st	do	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
KG	1 man	Clerk and opr	70.55	75.00	4.45
UB	do	do	64.15	70.00	5.85
KS	1st	Block operatr	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
BJ	1st	do	73.75	85.00	11.25
	2nd	do	73.75	85.00	11.25
	3rd	do	73.75	85.00	11.25
A Adj	1st	Intlg. opr. and lv'm	70.55	80.00	9.45
	2nd	do	70.55	80.00	9.45
	3rd	do	70.55	80.00	9.45
Relief operator "B"			83.35	93.00	9.65
Relief operator "C"			76.95	85.00	8.05
EAST END.					
DA	1st	Operator	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
Um Intlg	1st	Opr. leverman	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
FB	1 man	Opr. and clerk	64.15	75.00	10.85
GI	1st	Block operator	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
VG	1 man	Operator and clk	64.15	70.00	5.85
NS	do	do	64.15	70.00	5.85
AP Intlg	1st	Opr and leverman	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
RN	1st	Block sta. opr	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
S	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
AN	1 man	Operator and clk	64.15	70.00	5.85
UN	1st	Block station	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
FG	1 man	Opr. and clerk	64.15	70.00	5.85
S2	1st	Block station	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
ZA	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
BI	1st	do	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	70.55	75.00	4.45
DX	1st	do	73.75	85.00	11.25
	2nd	do	73.75	85.00	11.25
	3rd	do	73.75	85.00	11.25
Relief operator "D"			76.95	85.00	8.05
FD	1st	Block station	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
	3rd	do	64.15	67.00	2.85

CONEMAUGH DIVITION—Continued.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
BUTLER BRANCH.					
WR	1st	Block operator	$64.15	$67.00	$2.85
	2nd	do	64.15	67.00	2.85
XN	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
KD	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
VO	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
	3rd	do	64.15	67.00	2.85
Ba	1 man	Opr. and clerk	70.55	78.00	7.45
INDIANA BRANCH.					
ZD	1st	Block operator	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
MR	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
NM	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85

MONONGAHELA DIVISION.

Office.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
PA	4 tricks	Supt. ofs	$89.90	$95.00	$20.80
YJ	3 tricks	Intlg	83.25	90.00	19.95
OB	do	do	83.25	90.00	19.95
AU	do	do	83.25	90.00	19.95
PG	do	do	83.25	90.00	19.95
CB	do	Blk. sta	70.55	78.50	8.85
BG	do	do	70.55	78.50	8.85
WO	do	do	67.35	78.50	18.45
EJ	do	do	67.35	78.50	18.45
WN	do	do	70.55	75.00	13.35
H3	do	do	70.55	75.00	13.35
MC	do	do	70.55	75.00	13.35
FO	do	do	64.15	68.00	11.55
BD	do	do	64.15	68.00	11.55
CH	do	do	64.15	68.00	11.55
DN	do	do	64.15	68.00	11.55
SC	do	do	64.15	68.00	11.55
FL	do	do	64.15	68.00	11.55
GX	do	do	70.55	75.00	13.35
WB	do	Blk. and msg	70.55	80.00	28.35
BF	do	Blk. sta	70.55	75.00	13.35
BZ	do	do	64.15	68.00	11.55
FH	do	do	64.15	68.00	11.55
WU	do	do	64.15	68.00	11.55
VJ	do	do	64.15	68.00	11.55
NE	do	do	64.15	68.00	11.55
One relief operator			83.25	90.00	6.65
Do			70.95	80.00	3.05
HS opr. and clerk			64.15	68.00	3.85
MN opr. and clerk			64.15	68.00	3.85
AY message operator			64.15	70.00	11.70
My opr. clerk			64.15	68.00	3.85

MARYLAND DIVISION.

Towers.	Present Pay.	Rate asked.	Increase.
MO	$70.55	$76.95	$6.40
MO	73.75	76.95	3.20
MO	73.75	76.95	3.20
KN	76.95	76.95	.....
KN	76.95	76.95	.....
KN	76.95	76.95	.....
MX	64.15	73.75	9.60
RW	64.15	73.75	9.60
RW	64.15	73.75	9.60
HU	73.75	83.35	9.60
HU	76.95	83.35	6.40
HU	73.75	83.35	9.60
WO	70.55	76.95	6.40
WO	73.75	76.95	3.20
WO	70.55	76.95	6.40
U	70.55	76.95	6.40
U	73.75	76.95	3.20
U	70.55	76.95	6.40
HA	70.55	76.95	6.40
HA	70.55	76.95	6.40
HA	70.55	76.95	6.40
HD	70.55	76.95	6.40
HD	64.15	76.95	12.80
AY	70.55	76.95	6.40
HM	64.15	73.75	9.60
CU	70.55	70.55	.....
CU	70.55	70.55	.....
CU	70.55	70.55	.....
WA	76.95	83.35	6.40
WA	83.35	83.35	.....
WA	83.35	83.35	.....
PJ	70.55	76.95	6.40
PJ	70.55	76.95	6.40
PJ	70.55	76.95	6.40
SO	64.15	70.55	6.40
SO	64.15	70.55	6.40
SO	64.15	70.55	6.40
PI	64.15	70.55	6.40
PI	64.15	70.55	6.40
PI	64.15	70.55	6.40
N	70.55	76.95	6.40
N	70.55	76.95	6.40
N	70.55	76.95	6.40
SX	67.35	76.95	9.60
SX	67.35	76.95	9.60
SX	67.35	76.95	9.60
BJ	67.35	73.75	6.40
BJ	67.35	73.75	6.40
BJ	67.35	73.75	6.40
KH	64.15	70.55	6.40
KI	70.55	76.95	6.40
KI	70.55	76.95	6.40
KI	70.55	76.95	6.40
BC	70.55	76.95	6.40
BC	70.55	76.95	6.40
BC	70.55	76.95	6.40
NH	67.35	76.95	9.60
NH	67.35	76.95	9.60
NH	67.35	76.95	9.60
CF	64.15	70.55	6.40
CF	64.15	70.55	6.40
CF	64.15	70.55	6.40
PN	70.55	76.95	6.40
PN	70.55	76.95	6.40
PN	70.55	76.95	6.40
VY	70.55	76.95	6.40
VY	64.15	73.75	9.60
V	73.75	83.35	9.60
V	73.75	83.35	9.60
V	73.75	83.35	9.60
DE	64.15	70.55	6.40
GC	70.55	76.95	6.40
GC	70.55	76.95	6.40
GC	70.55	76.95	6.40
GO	70.55	76.95	6.40
GO	70.55	76.95	6.40
GO	70.55	76.95	6.40
AR	64.15	70.55	6.40
AR	64.15	70.55	6.40
AR	64.15	70.55	6.40
PY	64.15	76.95	12.80
PY	64.15	76.95	12.80

Towers.	Present pay.	Rate asked.	Increase.
PY	$64.15	$76.95	$12.80
BU	64.15	70.55	6.40
BU	64.15	70.55	6.40
BU	64.15	70.55	6.40
DA	64.15	76.95	12.80
DA	64.15	76.95	12.80
DA	64.15	76.95	12.80
M	64.15	76.95	12.80
M	64.15	76.95	12.80
M	64.15	76.95	12.80
CA	64.15	70.55	6.40
CA	64.15	70.55	6.40
CA	64.15	70.55	6.40
MS	64.15	76.95	12.80
MS	64.15	76.95	12.80
MS	64.15	76.95	12.80
RU	64.15	70.55	6.40
RU	64.15	70.55	6.40
RU	64.15	70.55	6.40
NI	70.55	76.95	6.40
NI	70.55	76.95	6.40
NI	70.55	76.95	6.40
DS	64.15	73.75	9.60
DS	64.15	73.75	9.60
UN	76.95	89.80	12.85
UN	83.35	89.80	6.45
UN	76.95	89.80	12.85
FN	76.95	83.35	6.40
FN	76.95	83.35	6.40
FN	76.95	83.35	6.40
VN	70.55	76.95	6.40
VN	70.55	76.95	6.40
VN	70.55	76.95	6.40
SA	70.55	83.35	12.80
SA	70.55	83.35	12.80
SA	70.55	83.35	12.80
NA	70.55	76.95	6.40
NA	70.55	76.95	6.40
NA	70.55	76.95	6.40
SY	67.35	73.75	6.40
SY	67.35	73.75	6.40
SY	67.35	73.75	6.40
SV	67.35	76.95	9.60
SV	67.35	76.95	9.60
SV	67.35	76.95	9.60
Z	67.35	73.75	6.40
Z	67.35	73.75	6.40
Z	67.35	73.75	6.40
AU	70.55	76.95	6.40
AU	70.55	76.95	6.40
AU	70.55	76.95	6.40
BW	64.15	73.75	9.60
P	70.55	76.95	6.40
P	70.55	76.95	6.40
P	70.55	76.95	6.40
GA	64.15	70.55	6.40
GA	64.15	70.55	6.40
GA	64.15	70.55	6.40
BO	67.35	76.95	9.60
BO	67.35	76.95	9.60
BO	67.35	76.95	9.60
MD	64.15	70.55	6.40
MD	64.15	70.55	6.40
W	70.55	76.95	6.40
W	70.55	76.95	6.40
W	70.55	76.95	6.40
BH	64.15	70.55	6.40
BH	64.15	70.55	6.40
BH	64.15	70.55	6.40
JU	67.35	73.75	6.40
JU	67.35	73.75	6.40
JU	67.35	73.75	6.40
VU	73.75	83.35	9.60
VU	76.95	83.35	6.40
VU	76.95	83.35	6.40
BG	73.75	76.95	3.20
BG	76.95	76.95	3.20
BG	76.95	76.95	3.20
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
CB	64.15	70.55	6.40

MARYLAND DIVISION—Continued.

Towers.	Present Pay.	Rate asked.	Increase.	Towers.	Present pay.	Rate asked.	Increase.
CR	$64.15	$70.55	$6.40	GD	$64.15	$70.55	$6.40
CR	64.15	70.55	6.40	GD	64.15	70.55	6.40
BF	64.15	70.55	6.40	GD	64.15	70.55	6.40
BF	64.15	70.55	6.40	PS	64.15	70.55	6.40
BF	64.15	70.55	6.40	PS	64.15	70.55	6.40
MF	64.15	70.55	6.40	PS	64.15	70.55	6.40
MF	64.15	70.55	6.40	FH	64.15	70.55	6.40
MF	64.15	70.55	6.40	FH	64.15	70.55	6.40
BM	64.15	70.55	6.40	FH	64.15	70.55	6.40
BM	64.15	70.55	6.40	Relief operators	76.95	89.80	12.85
BM	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40				

DELAWARE DIVISION.

Towers.	Call.	Position.	Character.	Present rate.	Proposed rate.	Amount of increase.
Tower	DJ	Blk. opr. 1st trk	Blk. tower	$64.15	$65.35	$1.20
Do	DJ	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	DJ	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	CB	Blk. opr. 1st trk	Elec. tower	67.35	70.55	3.20
Do	CB	Blk. opr. 2nd trk	do	67.35	70.55	3.20
Do	CB	Blk. opr. 3rd trk	do	67.35	70.55	3.20
Do	BE	Blk. opr. 1st trk	do	64.15	67.35	3.20
Do	BE	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	BE	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Porter	CG	Blk. opr. 1st trk	Blk. sta	57.70	65.35	7.65
Do	CG	Blk. opr. 2nd trk	do	57.70	65.35	7.65
Do	CG	Blk. opr. 3rd trk	do	57.70	65.35	7.65
Tower	J	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	J	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	J	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	M	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	M	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	M	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Middletown	MD	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	MD	Tkt. clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	WN	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WN	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WN	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Townsend	TW	Tkt. clk. and opr. 1st trk	Pass. sta	64.15	67.35	3.20
Tower	BI	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	BI	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	BI	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Clayton	CK	Blk. opr. and tkt. clk. 1st trk	Pass. sta	57.70	65.35	7.65
Do	CK	Blk. opr. and tkt. clk. 2nd trk	do	57.70	65.35	7.65
Do	CK	Blk. opr. and tkt. clk. 3rd trk	do	57.70	65.35	7.65
Smyrna	SD	Clk. and opr	do	44.90	57.70	12.80
Tower	C	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	C	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	C	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Do	WS	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WS	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WS	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Chesswold	MR	Agt. and opr	Agency	64.15	67.35	3.20
Do	MR	Clk. and opr	do	40.80	44.90	4.10
Tower	DV	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	DV	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	DV	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Wyoming	WM	Tkt. clk. and opr	Pass. sta	70.55	76.95	6.40
Tower	WL	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WL	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WL	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Woodside	WO	Agt. and opr	Agency	44.90	51.30	6.40
Tower	VO	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	VO	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	VO	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Viola	VA	Agt. and opr	Agency	51.30	54.40	3.20
Felton	FN	Tkt. clk. and opr	Pass. sta	57.70	64.15	6.45
Tower	FO	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	FO	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	FO	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Harrington	HA	Tkt. clk. and opr	Pass. sta	70.55	76.95	6.40
Do	HA	Blk. opr. 1st trk	do	64.15	65.35	1.20
Do	HA	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	HA	Blk. opr. 3rd trk	do	64.15	65.35	1.20

DELAWARE DIVISION—Continued.

Towers.	Call.	Position.	Character.	Present rate.	Proposed rate.	Amount of increase.
Tower	H	Blk. opr. 1st trk	Blk. tower	$64.15	$65.35	$1.20
Do	H	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	H	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	Z	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	Z	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	Z	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Do	GD	Blk. opr. 1st trk	do	67.35	70.55	3.20
Do	GD	Blk. opr. 2nd trk	do	67.35	70.55	3.20
Do	GD	Blk. opr. 3rd trk	do	67.35	70.55	3.20
Greenwood	CU	Agt. and opr	Agency	70.55	76.95	6.40
Do	CU	Clk. and opr	do	57.70	64.15	6.45
Bridgeville	BM	Clk. and opr. 1st trk	Pass. sta	64.15	67.35	3.20
Do	BM	Clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	B	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	B	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	B	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Cannon	CO	Agt. and opr	Agency	51.30	54.45	3.15
Tower	CN	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	CN	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	CN	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 1st trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Seaford	SF	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	SF	Tkt. clk. and opr. 2nd trk	do	64.15	65.35	1.20
Do	SF	Tkt. clk. and opr. 3rd trk	do	64.15	65.35	1.20
Tower	BD	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	BD	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	BD	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Laurel	AU	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	AU	Tkt. clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	RU	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	RU	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	RU	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Delmar	DR	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	DR	Tkt. clk. and opr. 2nd trk	do	64.15	70.55	6.40
Do	DR	Tkt. clk. and opr. 3rd trk	do	64.15	70.55	6.40
Do	DR	Tkt. clk. and opr. 4th trk	do	64.15	70.55	6.40
Galt	GO	Agt. and opr	Blk. agency	57.70	60.50	2.80
Massey	MS	do	do	64.15	67.35	3.20
Do	MS	Clk. and opr	do	44.90	48.40	3.50
Millington	GM	Agt. and opr	Agency	57.70	60.50	2.80
Do	GM	Clk. and opr	do	51.30	54.45	3.15
Sudlersville	SU	Agt. and opr	Blk. agency	57.70	60.50	2.80
Do	SU	Clk. and opr	do	44.90	48.40	3.50
Barclay	BY	Agt. and opr	Agency	44.90	51.30	6.40
Price	CS	do	Blk. agency	57.70	60.50	2.80
Do	CS	Clk. and opr	do	44.90	48.40	3.50
Centreville	CV	Agt. and opr	Agency	70.95	76.95	2.00
Do	CV	Clk. and opr	do	57.70	60.50	2.80
Lambson	BS	Agt. and opr	Blk. agency	57.70	60.50	2.80
Black	KS	do	Agency	44.90	51.30	6.40
Kennedyville	DI	do	Blk. agency	57.70	60.50	2.80
Stillpond	HN	do	Agency	44.90	51.30	6.40
Lynch	F	do	do	44.90	51.30	6.40
Warton	WR	do	Blk. agency	57.70	60.50	2.80
Chestertown	CH	do	Agency	64.15	67.35	3.20
Do	CH	Clk. and opr	do	44.90	48.40	3.50
Stockley	KY	Agt. and opr	do	44.90	51.30	6.40
Millsboro	MO	do	do	57.70	60.50	2.80
Do	MO	Clk. and opr	do	44.90	48.40	3.50
Dagsboro	GA	Agt. and opr	do	57.70	60.50	2.80
Frankford	FR	do	do	57.70	60.50	2.80
Selbyville	V	do	do	64.15	67.35	3.20
Showell	HO	do	do	44.90	48.40	3.50
Berlin	BB	do	do	76.95	78.95	2.00
Queponco	CU	do	do	51.30	54.45	3.15
Snow Hill	OD	do	do	64.15	67.35	3.20
Do	OD	Clk. and opr	do	57.70	59.70	2.00
Girdletree	GR	Agt. and opr	do	64.15	67.35	3.20
Do	GR	Clk. and opr	do	35.00	44.90	9.90
Federalsburg	FU	Agt. and opr	do	64.15	67.35	3.20
Do	FU	Clk. and opr	do	44.90	48.40	3.50
Do	FU	do	do	44.90	48.40	3.50
Williamsburg	WB	Agt. and opr	do	51.30	54.45	3.15
East New Market	MK	do	do	57.70	60.50	2.80
Linkwood	KD	do	do	57.70	60.50	2.80

CENTRAL DIVISION.

w ages to be increased approximately 10 per cent of the pay roll and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers' committee.

PHILADELPHIA DIVISION.

Office call.	Kind of office.	Tricks.	Now paid.	Wanted.
UD	Superintendent's office	14	$89.80	$100.00
UD	Superintendents, managers	3	95.00	105.00
DE	Yardmaster	3	70.55	80.15
FI	Train directors	6	83.35	90.00
GI	Yardmaster	3	70.55	80.15
MQ	do	6	70.55	80.15
TOWERS.				
WH	Block office	3	78.95	83.35
R	do	3	72.75	78.95
SZ	do	3	78.95	83.35
PA	do	3	83.35	83.35
FZ	do	3	72.75	80.15
GH	do	3	72.75	80.15
DN	do	3	78.95	80.15
CS	do	3	70.55	78.95
HO	do	3	72.75	80.15
VA	do	3	72.75	80.15
CV	do	3	78.95	80.15
PG	do	3	80.15	83.35
NI	do	3	78.95	80.15
G	do	3	70.55	78.95
MA	do	3	70.55	78.95
NZ	do	3	70.55	78.95
WM	do	3	70.55	70.55
ES	do	3	72.75	80.15
G	do	3	72.75	83.35
CA	do	3	70.55	72.75
DV	do	3	78.95	80.15
KF	do	3	64.15	67.35
NV	do	3	67.35	78.95
SA	do	3	64.15	67.35
FN	do	3	67.35	72.75
KU	do	3	67.35	72.75
BN	do	3	64.15	67.35
NA	do	3	67.35	72.75
U	do	3	64.15	67.35
MB	do	3	78.95	80.15
HS	do	3	70.55	70.55
DF	do	3	70.55	78.95
BI	do	3	70.55	72.75
DO	do	3	78.95	80.15
FH	do	3	64.15	70.55
H	Station master	3	70.55	80.15
HG	Block office	3	78.95	78.95
RJ	do	3	83.35	83.35
FB	Train directors	3	70.55	80.15
QA	Block office	3	67.35	72.75
EY	do	3	67.35	78.95
CM	do	3	78.95	80.15
MY	do	3	64.15	67.35
RQ	do	3	70.55	80.15
SM	do	3	67.35	70.55
BG	do	3	64.15	67.35
CF	do	3	67.35	70.55
AR	do	3	67.35	70.55
SH	do	3	64.15	67.35
MH	do	3	64.15	67.35
WA	do	3	70.55	72.75
GR	do	3	64.15	67.35
WV	do	3	64.15	67.35
AK	do	3	70.55	78.95
MO	do	2	64.15	67.35
KN	do	2	64.15	67.35
Q	do	2	64.15	67.35
SF	do	2	64.15	67.35
CO	do	2	64.15	67.35
LG42	do	3	64.15	67.35
LEVERMEN.				
RJ	Interlocking	3	64.15	78.95
HG	do	3	78.95	78.95
FB	do	6	64.15	78.95
WS	do	3	64.15	70.55
DO	do	3	64.15	70.55
MB	do	3	64.15	70.55
DB	do	3	64.15	70.55
CV	do	2	64.15	70.55
PA	do	3	64.15	70.55
FZ	do	3	64.15	70.55

BEDFORD DIVISION.

Station.	Tricks.	Rate pay.	Asked.	Increase.
State line	1st	$57.70	$64.15	$6.45
Do	2nd	57.70	64.15	6.45
Do	3rd	69.00	75.00	6.00
Hyndman	Day	70.55	76.95	6.40
Fossilville	do	63.60	70.55	6.95
Buffalo Mills	do	63.60	70.55	6.95
Manns Choice	do	70.00	76.95	6.95
Colelt	do	57.70	70.55	12.85
"DC" Junction	do	57.70	70.55	12.85
Mt. Dallas	1st	57.70	64.15	6.45
Do	2nd	57.70	64.15	6.45
Do	3rd	57.70	64.15	6.45
Census	Day	63.60	70.55	6.95
Fishertown	do	57.70	70.55	12.85
Reynoldsdale	do	63.60	70.55	6.95
Osterburg	do	63.60	70.55	6.95
Imler	do	57.70	70.55	12.85
Queen	do	63.60	70.55	6.95
Claysburg	do	70.55	76.95	6.40
East Freedom	do	70.55	76.95	6.40

TYRONE DIVISION.

Station.	Call.	Position.	Character.	Present rate.	Proposed rate.	Increase.
Bellefonte sta	BE	Opr. and tkt. clerk	Tkt. office	$64.15	$70.55	$6.40
TOWERS.						
RU		Blk. and opr	Blk. office	64.15	70.55	6.40
RU		do	do	64.15	70.55	6.40
RU		do	do	64.15	70.55	6.40
NO		do	do	67.35	70.55	3.20
NO		do	do	67.35	70.55	3.20
NO		do	do	67.35	70.55	3.20
FX		do	do	64.15	67.35	3.20
FX		do	do	64.15	67.35	3.20
FX		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
SI		do	do	64.15	67.35	3.20
SI		do	do	67.35	70.55	3.20
SI		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
BF		do	do	67.35	70.55	3.20
BF		do	do	67.35	70.55	3.20
MX		do	do	67.35		
CX		do	do	64.15	67.35	3.20
CX		do	do	64.15	67.35	3.20
CX		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20

TYRONE DIVISION—Continued.

Station.	Call.	Position.	Character.	Present rate.	Proposed rate.	Increase.
TOWERS—continued.						
GN		Blk. and oper	Blk. office	$57.70	$60.50	$2.80
UI		do	do	57.70	60.50	2.80
UI		do	do	57.70	60.50	2.80
UI		do	do	57.70	60.50	2.80
N		do	do	57.70	60.50	2.80
N		do	do	67.35	70.55	3.20
OA		do	do	67.35	70.55	3.20
OA		do	do	57.70	60.50	2.80
BN		do	do	57.70	60.50	2.80
RA		do	do	57.70	60.50	2.80
SN		do	do	57.70	60.50	2.80
D		do	do	64.15	70.55	6.40
Relief operators, east end of division.				64.15	67.35	3.20
Relief operators, west end of division.						

SCHUYLKILL DIVISION.

Wages to be increased approximately 10 per cent of the pay roll, and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers' committee.

MIDDLE DIVISION.

Tower.	Present pay.	Pay wanted.	Increase.	Tower.	Present pay.	Pay wanted.	Increase.
PR	$70.55	$80.40	$9.85	CB	$76.95	$83.85	$6.90
PR	70.55	80.40	9.85	CB	76.95	83.85	6.90
PR	70.55	80.40	9.85	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	HU	73.75	83.85	10.10
CB	76.95	83.85	6.90	HU	73.75	83.85	10.10

MIDDLE DIVISION—Continued.

Tower.	Present pay.	Pay wanted.	Increase.
GC	$70.95	$83.85	$6.90
GC	70.95	83.85	6.90
GC	70.95	83.85	6.90
HM	70.95	83.85	6.90
HM	70.95	83.85	6.90
HM	70.95	83.85	6.90
WG	70.55	76.90	6.35
WG	70.55	76.90	6.35
WG	70.55	76.90	6.35
PG	70.95	83.85	6.90
PG	70.95	83.85	6.90
PG	70.95	83.85	6.90
QX	70.55	76.90	6.35
QX	70.55	76.90	6.35
QX	70.55	76.90	6.35
SC	73.75	80.40	6.65
SC	73.75	80.40	6.65
SC	73.75	80.40	6.65
QY	70.55	80.40	9.85
QY	70.55	80.40	9.85
QY	70.55	80.40	9.85
UE	70.55	76.90	6.35
UE	70.55	76.90	6.35
UE	70.55	76.90	6.35
FR	76.95	83.85	6.90
FR	76.95	83.85	6.90
FR	76.95	83.85	6.90
RM	76.95	83.85	6.90
RM	76.95	83.85	6.90
RM	76.95	83.85	6.90
PH	70.55	80.40	9.85
PH	70.55	80.40	9.85
PH	70.55	80.40	9.85
BQ	76.95	83.85	6.90
BQ	76.95	84.95	6.90
BQ	76.95	83.85	6.90
DI	73.75	80.40	6.65
DI	73.75	80.40	6.65
DI	73.75	80.40	6.65
EF	73.75	80.40	6.65
EF	73.75	80.40	6.65
EF	73.75	80.40	6.65
RV yard office	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
GD	76.95	83.85	6.90
GD	76.95	83.85	6.90
GD	76.95	83.85	6.90
FG	83.35	90.00	6.65
FG	83.35	90.00	6.65
FG	83.35	90.00	6.65
JK	76.95	90.00	13.05
JK	76.95	90.00	13.05
JK	76.95	90.00	13.05
BO	83.35	90.00	6.65
BO	83.35	90.00	6.65
BO	83.35	90.00	6.65
AF	64.15	70.55	6.40
AF	64.15	70.55	6.40
BS	64.15	70.55	6.40
BS	64.15	70.55	6.40
KZ	64.15	70.55	6.40
KZ	64.15	70.55	6.40
KZ	64.15	70.55	6.40

Tower.	Present pay.	Pay wanted.	Increase.
SJ	$64.15	$70.55	$6.40
SJ	64.15	70.55	6.40
SJ	64.15	70.55	6.40
F	64.15	70.55	6.40
F	64.15	70.55	6.40
F	64.15	70.55	6.40
BM	64.15	70.55	6.40
BM	64.15	70.55	6.40
AD	64.15	70.55	6.40
AD	64.15	70.55	6.40
WI	70.55	76.90	6.35
WI	70.55	76.90	6.35
WI	70.55	76.90	6.35
SN	64.15	76.90	12.75
SN	64.15	76.90	12.75
SN	64.15	76.90	12.75
EL	64.15	70.55	6.40
EL	64.15	70.55	6.40
EL	64.15	70.55	6.40
AY	64.15	70.55	6.40
AY	64.15	70.55	6.40
AY	64.15	70.55	6.40
RELIEF TRICKS.			
1	76.95	83.85	6.90
2	76.95	83.85	6.90
3	76.95	83.85	6.90
4	76.95	83.85	6.90
5	76.95	83.85	6.90
6	76.95	83.85	6.90
LEVERMEN.			
NC	64.15	70.55	6.40
NC	64.15	70.55	6.40
M	64.15	70.55	6.40
M	64.15	70.55	6.40
J	64.15	70.55	6.40
J	64.15	70.55	6.40
GC	64.15	70.55	6.40
GC	64.15	70.55	6.40
PG	64.15	70.55	6.40
PG	64.15	70.55	6.40
RM	64.15	70.55	6.40
RM	64.15	70.55	6.40
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
DH	64.15	70.55	6.40
DH	64.15	70.55	6.40
DH	64.15	70.55	6.40
SUPT. MESSAGE OFFICE.			
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA managers	96.20	100.00	3.80
Do	96.20	100.00	3.80
Do	96.20	100.00	3.80

WEST JERSEY & SEASHORE R. R.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Starr e. p. int	HN	1st operator	$67.35	$67.35	
Do	HN	2nd operator	67.35	67.35	
Do	HN	3rd	64.15	64.15	
Liberty Park	RH	Agent-operator	57.70	60.95	$3.25
Collingswood	CG	do	81.60	81.60	
W. Haddonfield m. int	HI	1st operator	67.35	67.35	
Do	HI	2nd operator	67.35	67.35	
Do	HI	3rd operator	64.15	64.15	
Haddonfield	Q	Agent	81.60	81.60	
Do	Q	1st opr.-clerk	70.55	70.55	
Do	Q	2nd opr.-clerk	64.15	67.35	3.20
Ashland	RU	Agent-operator	64.15	64.15	
Kirkwood	OD	do	64.15	64.15	
Lindenwold		Agent	46.65	50.55	3.90
Lucaston	WS	do	81.60	81.60	
Do	WS	1st opr.-clerk	64.15	64.15	
Do	WS	2nd opr.-clerk	64.15	64.15	
Do	WS	3rd opr.-clerk	57.70	64.15	6.45
Berlin	U	Agent-operator	62.90	64.15	1.25
Do	U	Operator-clerk	64.15	64.15	
Atco	F	Agent-operator	70.55	70.55	
Do	F	1st opr.-clerk	57.70	60.95	3.25
Do	F	2nd opr.-clerk	57.70	60.95	3.25
Waterford	WF	Agent-operator	64.15	64.15	
Do	WF	1st opr.-clerk	60.95	60.95	
Do	WF	2nd opr.-clerk	57.70	60.95	3.25
Ancora	RA	Agent-operator	57.70	60.95	3.25
Winslow jct. m. i	B	Agent	70.55	70.55	
Do	B	1st operator	67.35	67.35	
Do	B	2nd operator	67.35	67.35	
Do	B	3rd operator	64.15	64.15	
Hammonton	GO	Agent	90.10	90.10	
Do	GO	1st opr.-clerk	64.15	64.15	
Do	GO	2nd opr.-clerk	64.15	64.15	
Elwood	D	Agent-operator	64.15	64.15	
Egg Harbor	H	Agent	81.60	81.60	
Do	H	1st opr.-clerk	57.70	60.95	3.25
Do	H	2nd opr.-clerk	57.70	60.95	3.25
Pomona	JS	Agent-operator	64.15	64.15	
Absecon	A	Agent	89.95	89.95	
Do	A	1st opr.-clerk	57.70	60.95	3.25
Do	A	2nd opr.-clerk	57.70	60.95	3.25
Drawbridge m. i	BR	1st operator	70.55	70.55	
Do	BR	2nd operator	70.55	70.55	
Do	BR	3rd operator	64.15	64.15	
S. O. Camden e. p. int	SA	Agent	100.70	100.70	
Do	SA	1st operator	67.35	67.35	
Do	SA	2nd operator	67.35	67.35	
Do	SA	3rd operator	64.15	64.15	
Bulson St. m. int	UR	1st operator	70.55	75.00	4.45
Do	UR	2nd operator	70.55	75.00	4.45
Do	UR	3rd operator	67.35	70.55	3.20
Gloucester	RN	Agent	81.60	81.60	
Do	RN	Opr.-clerk	76.25	67.35	
Westville jct. m. int	WC	1st operator	67.35	67.35	
Do	WC	2nd operator	67.35	67.35	
Do	WC	3rd operator	64.15	64.15	
Westville	RO	Agent	81.60	81.60	
Do	RO	Opr.-clerk	67.35	67.35	
North Woodbury		Agent	57.70	60.95	3.25
Woodbury	CH	do	100.70	100.70	
Do	CH	Operator	64.15	64.15	
Woodbury tower m. int	W	1st operator	70.55	75.00	4.45
Do	W	2nd operator	70.55	75.00	4.45
Do	W	3rd operator	67.35	70.55	3.20
Do	W	Leverman	57.70	60.95	3.25
Woodbury Heights	DU	Agent-operator	57.70	60.95	3.25
Wenonah	MA	Agt.-opr	76.95	76.95	
Do	MA	Opr.-clk	64.15	64.15	
Sewell	BO	Agent	76.96	76.96	
Do	BO	1st operator	60.95	64.15	3.20
Do	BO	2nd operator	60.95	64.15	3.20
Do	BO	3rd operator	57.70	60.95	3.25
Pitman	PG	Agent	81.60	81.60	
Do	PG	1st opr.-clk	67.35	67.35	
Do	PG	2nd opr.-clk	64.15	64.15	
Glassboro	SY	Agent	90.10	90.10	
Do	SY	Opr.-clk	70.55	70.55	
Glassboro tower e. p. i	G	1st operator	70.55	70.55	
Do	G	2nd operator	70.55	70.55	
Do	G	3rd operator	67.35	67.35	
Do	G	1st leverman	57.70	60.95	3.25

WEST JERSEY & SEASHORE R. R.—Continued.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Glassboro tower e. p. t.—Contd.	G	2nd leverman	$57.70	$60.95	$3.25
So. Glassboro M. Int	GS	1st operator	57.70	60.95	3.25
Do	GS	2nd operator	57.70	60.95	3.25
Do	GS	3rd operator	57.70	60.95	3.25
Clayton	CN	Agent	90.10	90.10	.....
Do	CN	1st opr.-clk	64.15	64.15	.....
Do	CN	2nd opr.-clk	64.15	64.15	.....
Franklinville	JO	Agt.-opr	64.15	64.15	.....
Do	JO	Opr.-clk	60.95	64.15	3.20
Iona	NA	Agent	40.80	50.55	9.75
Malaga	MS	Agt.-opr	63.60	64.15	.55
Newfield e. p. int	WI	Agent	75.25	75.25	.....
Do	WI	1st operator	67.35	67.35	.....
Do	WI	2nd operator	67.35	67.35	.....
Do	WI	3rd operator	64.15	64.15	.....
Do	WI	Leverman	57.70	60.95	3.25
North Vineland	Z	Operator	64.15	64.15	.....
Vineland	V	Agent	90.10	90.10	.....
Do	V	Clk.-opr	76.95	76.95	.....
Do	V	1st opr.-clk	60.95	60.95	.....
Do	V	2nd opr.-clk	60.95	60.95	.....
Do	V	3rd opr.-clk	60.95	60.95	.....
So. Vineland	VD	Agt.-opr	64.15	64.15	.....
Do	VD	Opr.-clk	64.15	64.15	.....
Millville s. tower	M	Frt. agent	90.10	90.10	.....
Do	M	Passr. agt	81.60	81.60	.....
Do	M	1st opr	70.55	70.55	.....
Do	M	2nd opr	70.55	70.55	.....
Do	M	3rd opr	64.15	64.15	.....
Manumuskin m. int	MK	Agt.-opr	64.15	64.15	.....
Do	MK	1st opr.-clk	57.70	60.95	3.25
Do	MK	2nd opr.-clk	57.70	60.95	3.25
Belleplain	BU	Agt.-opr	64.15	64.15	.....
Do	BU	1st opr.-clk	64.15	64.15	.....
Do	BU	2nd opr.-clk	57.70	60.95	3.25
Woodbine	WN	Agt.-opr	70.00	70.00	.....
Mt. Pleasant m. int	MP	1st operator	64.15	64.15	.....
Do	MP	2nd operator	64.15	64.15	.....
Do	MP	3rd operator	57.70	60.95	3.25
Sea Isle Jct. m. int	JN	1st operator	67.35	67.35	.....
Do	JN	2nd operator	67.35	67.35	.....
Do	JN	3rd operator	64.15	64.15	.....
Seaville	SV	Agt.-opr	64.15	64.15	.....
Swain	MD	do	57.70	60.95	3.25
Cape May Ct. House	C	do	64.15	64.15	.....
Wildwood Jct	DO	do	64.15	67.35	3.20
Do	DO	1st opr.-clk	64.15	64.15	.....
Do	DO	2nd opr.-clk	57.70	60.95	3.25
Rio Grande	RG	Agt.-opr	57.70	60.95	3.25
Bennett	BS	do	57.70	60.95	3.25
Cape May tower m. int	FK	1st operator	57.70	60.95	3.25
Do	FK	2nd operator	57.70	60.95	3.25
Do	FK	3rd operator	57.70	60.95	3.25
Cape May	CM	Agent	104.00	104.00	.....
Do	CM	Opr.-clk	81.60	81.60	.....
Burleigh tower m. int		1st leverman	42.40	51.00	8.60
Do		2nd leverman	42.40	51.00	8.60
Angiesea s. t.	JR	1st operator	64.15	64.15	.....
Do	JR	2nd operator	64.15	64.15	.....
Angiesea	HS	Agt.-opr	81.60	81.60	.....
Wildwood	WO	do	81.60	81.60	.....
Do	WO	Opr.-clk	64.15	64.15	.....
Holly Beach	HB	Agent	114.50	114.50	.....
Do	HB	Opr.-clk	64.15	64.15	.....
Avalon	DA	Operator	57.70	60.95	3.25
Stone Harbor	NU	do	57.70	60.95	3.25
Ocean View	CV	Agt.-opr	64.15	64.15	.....
Sea Isle City	SI	Agent	81.60	81.60	.....
Do	SI	Opr.-clk	70.55	70.55	.....
Ocean City	OC	Agent	95.40	104.95	9.55
Do	OC	Opr.-clk	64.15	75.00	10.85
Port Elizabeth		Agent	30.00	44.50	14.50
Mauricetown	MN	Agt.-opr	64.15	64.15	.....
Leesburg	BH	do	64.15	64.15	.....
Maurice River	RV	Agent	81.60	81.60	.....
Do	RV	Opr.-clk	70.55	70.55	.....
Forest Grove		Agt.-opr	47.50	60.95	13.25
Buena		Agent	50.55	50.55	.....
Minotola m. int	MW	do	51.95	60.95	9.00
Do	MW	1st operator	60.95	64.15	3.20
Do	MW	2nd operator	60.95	64.15	3.20
Do	MW	3rd operator	57.70	60.95	3.25

WEST JERSEY & SEASHORE R. R.—Continued.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Richland	DY	Agt.-opr	$57.70	$60.95	$3.25
Mays Landing	MO	Agent	74.20	74.20	.....
Do	MO	1st opr.-clk	57.70	60.95	3.25
Do	MO	2nd opr.-clk	57.70	60.95	3.25
McKee City	RF	Agt.-opr	57.70	60.95	3.25
Pleasantville m. int	PJ	Agent	81.60	81.60	.....
Do	PJ	1st opr	70.55	70.55	.....
Do	PJ	2nd opr	70.55	70.55	.....
Do	PJ	3rd oper	64.15	64.15	.....
J tower		1st leverman	57.70	60.95	3.25
Do		2nd leverman	57.70	60.95	3.25
CA tower m. int	CA	1st operator	83.35	83.35	.....
Do	CA	2nd operator	83.35	83.35	.....
Do	CA	3rd operator	77.30	77.30	.....
Do	CA	1st leverman	70.55	70.55	.....
Do	CA	2nd leverman	70.55	70.55	.....
Baltic Ave. m. int		1st leverman	64.15	64.15	.....
Do		2nd leverman	64.15	64.15	.....
Do		3rd leverman	57.70	60.95	3.25
Sta. master office	BF	1st operator	63.00	67.35	4.35
Do	BF	2nd operator	63.00	67.35	4.35
Atlantic City	K	1st operator	76.95	76.95	.....
Do	K	2nd operator	76.95	76.95	.....
Do		Agent	167.00	167.00	.....
So. Glassboro S. T. tel		1st leverman	51.00	51.00	.....
Do		2nd leverman	51.00	51.00	.....
Aura		Agt.-opr	42.40	60.95	18.55
Monroeville	MY	....do	64.15	64.15	.....
Elmer	MR	Agent	81.60	81.60	.....
Palatine		Agt.-opr	44.50	60.95	16.40
Husted	HU	Agent	57.70	60.95	3.25
Finley		....do	44.50	44.50	.....
Irving Ave	VI	Agt.-opr	64.15	64.15	.....
Bridgeton	BN	Agent	114.50	114.50	.....
Do	BN	1st opr.-clk	70.55	70.55	.....
Do	BN	2nd opr.-clk	70.55	70.55	.....
Daretown		Agt.-opr	51.95	60.95	9.00
Yorktown	JY	....do	57.70	60.95	3.25
Clarksboro	CK	....do	64.15	67.35	3.20
Mickleton	MC	....do	37.10	50.55	13.45
Swedesboro	SO	Agent	90.00	90.00	.....
Do	SO	Opr.-clk	69.95	69.95	.....
Harrisonville	SN	Agt.-opr	64.15	64.15	.....
Woodstown	WD	Agent	81.60	81.60	.....
Do	WD	1st opr.-clk	57.70	60.95	3.25
Do	WD	2nd opr.-clk	57.70	60.95	3.25
Riddleton	RJ	Operator	57.70	60.95	3.25
Alloway jct	JC	Agt.-opr	57.70	60.95	3.25
Salem	S	Agent	115.00	115.00	.....
Do	S	1st opr.-clk	70.55	70.55	.....
Do	S	2nd oper.-clk	70.55	70.55	.....
Alloway	WY	Agt.-opr	64.15	64.15	.....
Quinton	QN	....do	64.15	64.15	.....
Paulsboro	BI	....do	81.60	81.60	.....
Gibbstown	MY	....do	90.10	90.10	.....
Do	MY	Opr.-clk	57.70	60.95	3.25
Bridgeport	RB	Agt.-opr	64.15	64.15	.....
Pedricktown	PC	....do	69.95	69.95	.....
Penns Grove	GC	Agent	81.60	81.60	.....
Do	GC	1st opr.-clk	57.70	60.95	3.25
Do	GC	2nd opr.-clk	57.70	60.95	3.25
Train-wire operators	KN		89.80	89.80	.....
Coopers PT	SM	Opr.-clk	68.75	68.75	.....
Phila., Mkt. St	MF	Operator	64.15	64.15	.....
Extra agents			90.00	90.00	.....
Relief agents			76.95	80.00	3.05
Extra operators			57.70	60.95	3.25

10 per cent commission on Adams Express business for agents who handle same.

NEW YORK DIVISION

Wages to be increased approximately 10 per cent of the pay roll and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers committee.

BELVIDERE DIVISION.

Station office or tower.	Tricks.	Present rate.	Rate asked.
Belvidere sta. C	Day only	$64.15	$70.50
G tower L. & H. jct	1st trick	64.15	70.50
	2nd trick	64.15	70.50
	3rd trick	60.95	70.50
RG tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
K tower	1st trick	60.95	70.50
	2nd trick	60.95	70.50
	3rd trick	60.95	70.50
MC office	Day only	64.15	67.35
DY tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
HU tower	1st trick	60.95	70.50
	2nd trick	60.99	70.50
	3rd trick	60.95	70.50
P tower	1st trick	70.50	76.95
	2nd trick	70.50	76.95
	3rd trick	64.15	72.50
J jct office	Day	70.50	74.00
Do	Night	64.15	70.50
F tower	1st	64.15	67.00
	2nd	64.15	67.00
	3rd	64.15	67.00
WN tower	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
RH tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
MD tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
FD tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
N tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
BI tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
SK tower	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
FJ tower & jct	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
Flemington tower	Phone blk., day only	57.70	64.15
Ringoes	Phone blk. ofs., day only	57.70	64.15
FH station	Day only	67.35	67.35
VI tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
MO tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
WC tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
BR tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
DK tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
Q tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
MS tower	1st trick	70.50	72.20
	2nd trick	64.15	70.50
	3rd trick	60.95	67.00
FR frt. house ofs	Day only	76.95	76.95
Relief schedule No. 3		76.95	80.80
Relief schedule No. 4		76.95	80.80
FG supts. office, Trenton, N. J., mgr		89.05	89.05
FG supts. office, Trenton, N. J	7 A to 4 P	83.35	85.10
Do	8 A to 5 Pm	83.35	85.10
Do	1 P to 10 P	83.35	85.10
Do	do	83.35	85.10
Do	10 P to 7 A	83.35	85.10

Total amount of increase, $525.60.

AMBOY DIVISION.

Station.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
CB Pavonia	3 tricks	Operator	$76.95	$85.00	$8.05
FS Fish House	do	Intlg. tower	64.15	75.00	10.85
DV Beaverly	1 agent	Agency	76.95	85.00	8.05
BU Burlington	3 tricks	Intlg. tower	70.55	80.00	9.45
MJ East Burlington	do	do	64.15	75.00	10.85
QN East Burlington	1 man	Block office	64.15	75.00	10.85
WR Rusling	do	do	64.15	75.00	10.85
NW Newtown	do	do	76.50	85.00	8.50
DR Yardville	do	do	76.32	85.00	8.68
HN Hightstown	do	do	72.80	85.00	12.20
CY Cranbury	do	do	74.20	85.00	10.80
JG Jamesburg	3 operators	Intlg. tower	70.54	85.00	14.46
GO Helmeta	1 man	Agent	76.30	85.00	8.70
SO Spotswood	do	do	76.30	85.00	8.70
Old Bridge	do	do	76.30	85.00	8.70
CQ South Amboy	3 tricks	Intlg. towers	64.15	75.00	10.85
SA South Amboy	do	do	70.25	80.00	9.75
MR Merchantville	1 man	Agency	76.95	85.00	8.05
JN Mount Holly	3 men	Block office	60.95	70.00	9.05
BJ Mount Holly	1 man	do	64.15	75.00	10.85
NC Browns Mills Junction	do	do	64.15	75.00	10.85
VA Lavallette	do	do	64.15	75.00	10.85
DY Tracy	do	do	64.15	75.00	10.85
F Freehold	do	Tkt., Postal	76.30	85.00	8.70

To establish a minimum rate of $65 per month for operators, and apply same to positions receiving then this amount not hereinbefore stated in itemised schedule.

To establish a minimum rate of $75 per month for agents that have telegraphic or telephone train work to attend in connection with their duties as agent, and to apply same to positions receiving less than this amount not hereinbefore stated in itemised schedule.

To establish a minimum rate of $65 per month where agents exclusive of telegraphic or telephone train work, and to apply same to positions receiving less than this amount not hereinbefore stated in itemised schedule.

To grant 10 per cent increase in wages to agents, operators, signalmen, and leverman in those positions which are not affected nor included in the foregoing schedule and request.

PHILADELPHIA TERMINAL.

Towers.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
C tower	3 tricks	Director	$89.80	$102.80	$13.00
FW tower	do	Operator and leverman	89.80	100.00	10.20
D tower	do	do	89.80	100.00	10.20
GC tower	do	do	89.80	100.00	10.20
K tower	do	Directors	89.80	100.00	10.20
Z tower	do	do	89.80	100.00	10.20
GV tower	do	Operator and leverman	73.75	89.80	16.05
52 tower	do	do	73.75	89.80	16.05
OB tower	do	do	89.80	100.00	10.20

All positions to have two days off each month, and two weeks vacation each year.

NOTE.—On each grand division rates of present pay in some instances have been increased since negotiations were commenced August 21, 1911.

The following marked paragraph in a Pennsylvania Railroad Co.'s schedule was submitted in this exhibit:

"Uniform parcel porters wearing red caps are in attendance at the Pennsylvania Station, New York; Broad Street Station, Philadelphia, West Philadelphia Station, North Philadelphia Station; Union Station, Washington; Union Station, Baltimore; and at Union Station, Pittsburgh, to carry parcels and hand baggage for arriving and departing passengers."

RED-CAP PORTERS' TROUBLES.

PITTSBURGH, PA., *January 23, 1913.*

Mr. H. B. PERHAM,
President, Washington, D. C.

DEAR SIR AND BROTHER: Attached statement on Postal Telegraph message blanks from which headings had been taken was slipped into my overcoat

pocket to-night at P. R. R. Union Station, Pittsburgh, Pa., by red-cap Porter H. H. Jenkins, 1410 Bedford Avenue, Pittsburgh, Pa. See former report regarding this matter.

Fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

[Inclosure.]

Hours of work, 12. We are compelled to sign our names on a time sheet. A report of 10 or more minutes late means the loss of a day or more. The uniforms cost, complete, from nine to twelve dollars. The first uniform is given free. There are 6 men who get $15 a month, which they lose if they quit the company or get discharged. There are 24 men here at present, who get anywhere from 30 cents to $1.75 per month, from which fees for the relief fund are taken. In case of sickness or injury the 6 men get from 80 cents to $1 a day. The other men get something like 40 cents a day. The rules under which we work are almost unbearable. The average that a hustling man can pick up around here is from $30 to $35 in certain months of the year. We got up a paper once and signed our names to it, asking for a salary, about a year ago, from which we have never received an answer. There is more evidence if needed.

PHILADELPHIA, PA., *February 22, 1913.*

One of the 41 "no-pay" red-cap porters at Broad Street Station states that he, with the other 40 of this class of employees there, are compelled to belong to the voluntary relief, and have to hustle as best they can to pay the assessments, which are 75 cents per month. It is same case with the uniform proposition. This looks to me like an outrage.

FORT PITT HOTEL,
Pittsburgh, Pa., May 4, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Red-cap Porter Jenkins, P. R. R. Station, Pittsburgh, told me to-night that on March pay day it was circulated among the porters "there was a surprise for them," and when they went to the stationmaster's office for their stipend, or to "sign up," as usual, all white men present except those on duty there were asked to retire, and the porters were all paid wages arranged as follows: Ten men at $15, 10 at $10, 10 at $5. See Jenkins' first statement sent you in January. Jenkins also stated to-night that he drew a pair of trousers since I first saw him, and that the $3.10 has not yet been taken from him. Another drew a cap, but the $1.90 has not been taken from that porter. Another drew a cap and pair of trousers, but the $5 has not been taken from that man. This never occurred before, he says. Jenkins also states that he knew of cases where $15-per-month men had been taxed $1.50 per month for voluntary relief association. This was before he first met me. He does not know about this at the present time. Jenkins thanked me profusely "for what I had done for the porters."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Indianapolis, Ind.

EAGLE BRIDGE, N. Y., *June 7, 1913.*

H. B. P.:

Thought maybe this would interest you.

G. A. JOHNSON.

[Inclosure from New York World, June 7, 1913, entitled "Porter Gets $1 a month—'Outrageous!' Says Court, and Paroles Negro Who Stole $5 from Passenger."]

PHILADELPHIA, PA., *June 12, 1913.*

Mr. H. B. PERHAM,
President, New York.

DEAR SIR AND BROTHER: Note attached, editorial Philadelphia Times, June 10, 1913, relative "red-cap" porter, Pittsburgh, Pa. I will see the editor.

T. E. E.

[Inclosure entitled "The Price of a Tip."]

PHILADELPHIA, PA., *February 12, 1913.*

Mr. H. B. PERHAM, *St. Louis, Mo.*

DEAR SIR AND BROTHER: February 11, en route Altoona to Philadelphia; train No. 44, New York express, P. R. R. Train Porter Simmons, New York, said, among other things, as follows: That he runs between New York City and Pittsburgh, Pa., and makes 10 round trips monthly; his wages are $40 per month.

There are 12 of these colored porters on these runs; all receive same wages. They have been trying for five years to get the company to pay them a living wage and have been promised from time to time, but nothing has come from it. Simmons has been on the runs for six years.

Not long since Simmons discovered en route a broken truck that would have caused disaster, very probably. His boss called him in and congratulated him on account of his watchfulness, and during the talk remarked to Simmons: "You are making plenty of money." Simmons told him "No; nothing doing." Simmons says the public does not tip them, as it concludes they are paid a living wage, and the porters have to hustle outside their duties (at New York) in order to keep even with the world. On some of the runs between New York and Pittsburgh and return the men scarcely have time for three hours' sleep.

The porters are all compelled to buy their uniforms from the P. R. R. Co. They would be thankful for relief from some direction.

Yours, fraternally,

T. E. ELLIS.
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *February 14, 1913.*

On February 13 Red-cap Porter No. 11, Broad Street Station, Philadelphia, Pa., said among other things: That he had been at the business 14 years and is getting $15.85, less 75 cents per month voluntary-relief assessment. That there are 56 of these porters at Broad Street and 15 of these are paid the same as he is and is ashamed to say the other 46 get no wages at all. All are required to belong to the relief. The company gives each applicant for the job a suit and overcoat. After that they are required to buy these uniforms from the company when the company designates they shall buy. That the porters who do not receive wages were in the habit of making enough by extra work in running the elevators to pay their voluntary-relief assessments. Since that has been changed he does not know how they manage the matter. No. 11 says there are just double the number of porters at Broad Street that should be there. Added to this is, on account of the company advertising them as a feature, people think they get fair wages and do not tip as they would otherwise. He recounts an experience occurring two or three weeks ago when he escorted a white gentleman around for about two hours and during that time told the gentleman all about these conditions and says the man was astonished and indignant. In speaking of the advertising part, he said, "They are talking of cutting it out."

T. E. ELLIS.

PHILADELPHIA, PA., *February 24, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: The following letter received from Brother Elliott, Elmira, N. Y., this a. m.:

ELMIRA, N. Y., *February 22, 1913.*

Mr. T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DEAR BROTHER ELLIS: Your favor of the 19th instant at hand. Beg to advise that I am informed by several of the shopmen that the system you refer to is in effect here.

The men, as I understand it, are under the piecework plan and remain at the shops whether there is work for them to do or not, getting paid for just what work is performed.

One of the men stated that he had recently spent one whole day at the shops and made but 7 cents. He also stated that unless the party affected registered a very vigorous kick he would be compelled to put in a great deal of time with no compensation.

I am pleased to advise you that at a joint meeting held here Monday evening last with members from the other roads entering Elmira the Chemung Telegraphers' Club was launched, with about 50 charter members, officers chosen, and we will push the movement for all it is worth. Have no doubt but that it will be a success.

Matters are taking from hereabouts and we ask that you watch us grow.

Sincerely and fraternally,

C. R. ELLIOTT,
Local Chairman.

You note machinery I put in motion last November has been kept going in good shape. Have asked Brother Elliott to return to you constitution and by-laws, Queen City Telegraphers' Club, borrowed at that time.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 9.

FAVORING COMPANY ORGANIZATION.

[The Order of Railroad Telegraphers. General committee. Pennsylvania' lines east of Pittsburgh and Erie. G. E. Nightingale, general secretary-treasurer.]

NEWFIELD, N. J., *April 26, 1912.*

Mr. H. P. PERHAM, *President.*

DEAR SIR AND BROTHER: C. R. Williamson, whose address is Palmyra, N. J., told the agent here, Mr. A. Beckett, that the company was interested in the O. R. T. D. A. & S.

He is making desperate efforts to organize the W. J. & S. and Amboy divisions without success, although many of our members are becoming very impatient at the delay, and to increase their discomfort the O. R. T. D. A. & S. is flooding the road with their pamphlet. As none of them are subscribers is this not a violation of the postal laws regarding second-class rates?

My superintendent called me in on the 24th and attempted to browbeat me for a half an hour for appealing over his head to the general superintendent, although he did not deny that my letter to him had not been answered, that he would not meet our committee, and he asserted that the company was doing business with another committee. When I asked him if it was his idea of justice that the complainant had no right to choose his representative or attorney, he changed the subject, and said I had been sending eggs to Atlantic City improperly, and he was considering referring it to the Interstate Commerce Commission, and asked me how a few days behind the bars would suit me? I told him that I was not worrying about it. How about it? Some bluff? The egg business is one dozen which I deliver to the railroad station here without instructions. I do not know who takes them down, but it seems that that is up to the agent or baggage master. In fact, it is my opinion that the interview was simply to frighten me if possible. I trust that, with your help, we may be able to return the favor.

Yours, fraternally,

G. E. NIGHTINGALE.

SOUTH SEAVILLE, N. J., *May 14, 1912.*

Mr. J. F. MILLER, *Baltimore, Md.*

DEAR SIR AND BROTHER: On being in conversation with Brother J. W. Thurston, agent, of Ocean City, N. J., am informed by him that Mr. Andrews tried to induce him to join their order, O. R. T. D. A. & S. Mr. Thurston says he can produce evidence to bear him out in this statement. Have asked Mr. Thurston to write the matter up in full and mail to you or hold for future reference.

You will recall, this is the party I spoke to you about in Philadelphia on 10th instant, being called upon to pay his respects to superintendent after being visited by Andrews and Williams.

Hoping the situation may have its final in a sweeping victory for Miller and his gang, I remain,

Fraternally,

C. E. ELLENBERGER.

THE DAUPHIN,
HARRISBURG, PA., *December 2, 1912.*

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I was told by Operator R. E. Erbe, 539 Lancaster Avenue, Lancaster, Pa., that he made application for position on Manhattan Terminal, New York, and was told by some of the P. R. R. officers that he could not be placed there unless L. K. Marr says so, "and the understanding they gave me was that L. K. Marr would not put a man there unless he was a member of the O. R. T. D. A. & S., and not being one I did not get the position."

Fraternally,

T. E. FIDLER.

FOXBURG, PA., *August 16, 1912.*

Mr. O. T. ARENDT, *Philadelphia, Pa.*

DEAR BROTHER: W. H. K. was over the road yesterday, and on account of being laid out by wreck he stopped at Emlenton and was giving Campbell a line of "B. S." Told Campbell there would probably be a strike vote taken this week and for us not to sign it, but to turn down the O. R. T. and join the O. R. T. D. A. & S., so as to be recognized; and also that they had something in store for the O. R. T. D. A. & S. members. So, you see, if you fellows fall down we can join W. H. K.'s order and still have something.

Have heard several of the boys talking, and so far they are all on your side; but when it comes down to the fine point there may be some who will not stick, but all the members who amount to anything are with you. This is too big a country to hang on to one job when the chance comes to get out, and here is one that is going on the first jump and get a good job.

Suppose by this time you have things in such shape that your job there will soon be ended.

Yours, fraternally,

R. V. ROBINSON.

W. H. K. was over the road Saturday on special. Made stop at Philadelphia, and when talking to Red McCoy gave him a "jacking up" for paying his dues for the coming term, and wanted him to drop it and take up the O. R. T. D. A. & S., but Red said, "Nothing doing."

THE PENNSYLVANIA RAILROAD CO.,
TEMPLETON, PA., *August 26, 1912.*

Mr. O. T. ARENDT.

DEAR BROTHER: No doubt you will be somewhat anxious to hear from this vicinity to know how the boys stand. As you are aware, Brother Compton lined up three from this point, making both extra and regular men solid. Also had a short talk with Mr. W. H. Karns Saturday. He called me out of office and asked me if I was a member of the O. R. T. I said, "Yes, sir." He said, "I understand the boys are talking of polling a strike vote in the near future, and my advice to you is to vote against a strike, as you are married and living here, and I would not like to see you get into any trouble. Are your brothers, E. O. and B. S., members, too?" I said, "Yes; they all are." "Tell them what I said, as I shall not likely see them. I have been telling all the boys in North End I see the same; and if it does come to a showdown, I will fight it to the bitter end." I says, "Yes; I do not wish trouble; I will so."

He also asked several south of me about the same dope; but all his talking was in vain, as they all seem firm, and am sure will stick with you boys till the bitter end, knowing that we shall win and everything come out O. K.

I am, fraternally, yours,

H. C. HOOKS.

EMLENTON, PA., *August 26, 1912.*

O. T. ARENDT.

DEAR SIR AND BRO.: I just received your letter last p. m., and in regard to W. H. K. asking me to join the O. R. T. D. S. & A., yes; he said, "Why don't

you drop the O. R. T. and join the O. R. T. D. S. & A., which will do you some good," and that they will not recognize the O. R. T. He has been to two-thirds the men on the division with the same spiel, and wanted to know if it would come to a strike vote, which he thought it would, if we would vote against it. We had quite a talk at Emlenton. I am now working second at S. K.—lost my happy home at J. S. I have been posting all the boys I can get to see, and they are all very strong in favor of it. If they do not come to terms they will stick by you. I say go to it; now or never. W. H. K. appears very uneasy at the present. He was putting a big spiel that we would all lose our pass, and he said he would know who all voted for and against; that he would get the ballots. He said, "What will you do if they come out on a strike?" I said, "I was darn sure I would not scab." I suppose you have no idea when you will be back. Well, stick to her; we are all with you.

Wishing you success, I remain,

Your friend and brother,

P. A. CAMPBELL.

WOOD HILL, PA., *August 27, 1912.*

The following statement was made to me by Mr. W. H. Karns, division operator, Allegheny Division, P. R. R.:

There are about 3,200 operators on the lines east of Pittsburgh and Erie. Of these about 900 are O. R. T. men and about 700 are O. R. T. D. A. & S. men, and the remaining half do not belong to either order. He suggested that we all join the O. R. T. D. A. & S.

E. A. GEORGE.

MOSGROVE, PA., *August 27, 1912.*

O. T. ARENDT,

3415 North Twenty-second Street, Tioga, Philadelphia, Pa.

DEAR SIR AND BROTHER: On the 24th inst. Mr. W. H. Karns, division operator, called at this office and asked me if I were a member of the O. R. T., and when I replied that I was he said he understood that we were going to take a strike vote, and that he would advise me to vote against any trouble. I told him that I wasn't aware that it had come to that yet, and if it did I would consider what to do then. He said, "Well, that's my advice to you," and went out.

Respectfully yours,

C. J. MOORE, *First Trick.*

TIDIOUTE, PA., *August 27, 1912.*

O. T. ARENDT, *Philadelphia, Pa.*

DEAR BROTHER ARENDT: Your letter at hand. I have been told by several that W. H. K. has tried to coerce all the nons and younger men to join the other organization, and have requested T. W. Pringle to come up to see me so I can get his written statement, but if he does not come I will go down on No. 30 and ride up with him from Eagle Rock to Hickory and talk with him, as he told Brother Cridler that Karns called him in, telling him that the O. R. T. had secured all the increase the operators had so far received and asking him to join them. Mr. Pringle refused to commit himself by either promising or refusing, but stated to Brother Cridler that he would join the O. R. T. as soon as he got a steady position.

In relation to Mr. Karns's talk to myself he did not commit himself in plain words, and the following is his exact conversation as nearly as I can remember it: On train No. 34, August 23, just after leaving Irvineton, Karns approached me, and the following conversation took place:

W. H. K.: "Hello, Cross. Are you a member of the O. R. T.?" E. G. C.: "Yes, sir; I am." W. H. K.: "Well, well, how's that?" E. G. C.: "I have been a member since becoming one in April."

W. H. K.: "My brother belongs, too; but maybe you won't believe that, and I am going to say the very same thing to him that I am now saying to you. The fellows around Oil City are getting very much excited. Do you know about it?" E. G. C.: "Perhaps I may." W. H. K.: "I understand there will soon be a strike ballot out, and I presume some of the men will, during the excitement, sign for a strike, and I want to caution you that if you do you will, when the excitement dies away, be sorry; but it will then be too late, for if you once sign that ballot your name will go on record, and, whether there is a strike or not, you lose."

Then followed a conversation about my hearing, and I successfully changed the subject, as I did not wish to commit myself in any way. Just before reaching Thompson Karns asked me if Frank Mascaro, a student by permission from Brother Perham to Brother Kennedy, was a member. I said, "Not yet." He said, "It's a wonder. If you fellows were wiser you would drop this foolishness and get into some order that would get you what you want without this friction," to which I made no reply, having reached our station.

On August 20 T. F. Hilliard, supervisor subdivision No. [illegible] entered my office, and the following conversation took place, but I was under the wrong impression that he meant Brother Compton:

T. F. H.: "Have you seen the organizer?" E. G. C.: "No." T. F. H.: "Do you belong to them?" E. G. C. (supposing he meant the O. R. T.): "Yes." T. F. H.: "W. H. K. ought to be satisfied, then." E. G. C.: "Why?" T. F. H.: "Didn't the company send the organizer around?" E. G. C.: "No; do you think the company wants to organize labor unions to buck against them?" T. F. H.: "Oh, yes; they did. He travels on a pass, and I heard him talking to the bunch in Richards's office."

I tumbled then and knew he must mean the other organization, and said, "That looks funny to me, for I can't see why our employers wish us to organize." He said, "You better get the other fellows into it, too." His train then pulled out and he left.

Will say further that W. H. K. seems too wise to make statements in words that will commit him directly to those whom he has reason to fear; and, while I do not dare write and ask those whom I know he has approached for fear they might give the game away, I will endeavor to see them personally and get a statement.

Brother McGill, now relief agent, told me W. H. K. had seen nearly every man and threatened them against signing the ballot, and W. H. K. told me he intended seeing every one.

Will learn all I can and try to keep you informed.

Fraternally, your friend,

E. G. Cross.

TUNESASSA, N. Y., *August 27, 1912.*

Mr. O. T. ARENDT, *Philadelphia, Pa.*

DEAR SIR AND BROTHER: Your letter of Aug. 23 and others prior to this received, and I will now try and write you a few lines in answer to this and thank you for writing to me and wish you success. I see that things are serious, and I think now or never, and there are others that think the same. As near as I can find out all the members are sending in their dues pretty well and mean business, if they will only stay that way.

I saw Brother Compton a few minutes the 23d while train No. 33 stood here, and I understand he has to be pretty careful, but the other men of the other organization are going over this division, but so far guess with poor results.

Yes, W. H. K. has been going over the division seeing different operators, but so far he has not been here. And in regard to W. H. K. and what I can find out, he tried to find out from Brother Brown, second Vandalia, if he was in favor of a strike, and if he would vote a strike ballot, and W. H. K. jumped off 33 one night at Red House and asked Brother F. Goodrich how the O. R. T. was getting along. And I heard, too, that Brother Lamb, first NB tower OC., was up in W. H. K. office, and he tried to get information in regard to the O. R. T., and then he said that he wished he would join the O. R. T. D. S. & A., but Lamb said he guessed the O. R. T. was good enough for him.

I will now close for this time, hoping this will find you O. K. I remain,

Yours, truly,

WALTER LINDEN.

TAMOUTH, PA., *August 31, 1912.*

This certifies that I am a telegraph operator on the Pennsylvania Railroad, and that on Tuesday, August 20, I was approached by Supervisor T. F. Hilliard in behalf of the organization known as the O. R. T. D. A. & S., who informed me that the officers of the Allegheny division of the P. R. R. Co. had on that date sent an organizer out over the Salamanca branch of the Allegheny division for the purpose of securing members for said O. R. T.

D. A. & S. That during my conversation with said T. F. Hilliard he stated that all who wished to hold or continue their positions would be required to affiliate with the above-mentioned organization.

E. G. Cross.

TARIOUTE, PA., *August 31, 1912.*

This certifies that on Friday, August 23, 1912, I was approached by Division Operator W. [illegible] Karns while en route from Warren to Thompson on train No. 34, and that during the conversation that ensued I was informed to the effect that should I vote in favor of the strike my name would go on record as having so voted; that I would be sorry for so voting whether the strike was won or lost, giving me to understand that I would be blacklisted, although not saying so in plain words, but in such manner that his meaning was plain to me.

E. G. Cross.

AUGUST 31, 1912.

This certifies I am a telegrapher on Allegheny division, P. R. R., and that I was held in conversation with a "traveling organizer" of the O. R. T. D. A. & S. on a train at a recent date. The conversation having the following import: That the P. R. R. did not recognize the O. R. T. under President Perham, of St. Louis, Mo., as it was affiliated with the American Federation of Labor, and that it did recognize an independent organization called the O. R. T. D. A. & S., in that the O. R. T. D. A. & S. had obtained the last minor increases in salary on the P. R. R. But when I stated that we had made particular investigation of the O. R. T. D. A. & S. and found it to be a counterorganization to the O. R. T., its object in the end to disrupt the uniting of the telegraphers on the P. R. R., he said he would not talk with me further on the subject, but would leave it to my future and better consideration, and handed me two application blanks, which he said he was confident I would wish to fill out soon after the O. R. T.'s committee in Philadelphia had been defeated in their object, which would prove that the O. R. T. was just taking our money willingly for nothing, and that we should belong to the O. R. T. D. A. & S., as it was the coming organization, recognized, and using our money to good advantage.

C. E. Kennedy.

REYNOLDSVILLE, PA., *September 10, 1912.*

O. T. ARENDT, *Local Chairman.*

DEAR ARENDT: I want to submit my case to you and ask you what the O. R. T. will think of what I may or may not do.

I took this appointed job at "RS" with the understanding that I was to fit myself for train dispatching, and when it became fair, to give me the examination for dispatcher they would do so and carry me as a dispatcher, giving me such extra dispatching as my turn would be entitled to and moving me up to regular dispatcher, as per seniority.

I have done more or less of train running for the other dispatchers since I came to this office, and am somewhat familiar with the work now and feel that I might tackle it.

But now I am getting to the real issue: I have just received a request to present myself for examination for train dispatcher, which will probably mean that (if I pass the examination) they will put me on the list as an extra dispatcher and will require my withdrawal from the O. R. T. At least, that is what Supt. Buckelew required of Dispatcher Campbell.

So you can see where I am at. I want to see the boys win out, and I want to get promoted to dispatcher myself, and feel I owe it to myself to take every advantage of promotion that comes my way.

What I want to know is, Will the O. R. T. (the boys and officials) uphold me if I withdraw now from the order, which is necessary to become a dispatcher.

I consider myself mighty lucky to have gotten as far up as I already have, being with the company only two years, and starting in a ham of the worst specie.

Will my taking the dispatcher's examination, and provided I pass—and work—will it amount to very much to the order after all?

I want to do what is right with the boys, and at the same time I want to get all the promotion that I can.

So, to sum up, would I be a scab if I were to take the dispatchers examination, pass, and work up in this line for the company.

Fraternally, yours,

H. L. BAKER,

P. S.—Please answer quick, as I may have to present myself any day for the examination; am trying to delay it until I hear from you and what you think and what the boys think. Of course I shall do whatever I think best when the examination time comes, but would like to have your opinion on this first.

P. S. S.—Please put yourself in my place, as it were, and look at it in that light before you answer, but please answer soon.

H. L. B.

P. A. WENRICH.

DEAR FRIEND: J. C. M. was to see me yesterday. He asked me if I was a member of the O. R. T.; said "yes." Then he said, "You know the P. R. R. does not want their men to belong to O. R. T.," and said they will not meet the O. R. T. committee and if they call a strike. He said the reason is that if the company will not give in why the O. R. T. calls a strike and they do not want to deal with a union of that kind. The D. A. & S., they will not strike, he says. He asked me how many there were on this division, and I said some fellow said there were about 50. J. C. M. says that fellow must have stretched it some, and he says as soon as superintendent of telegraphers hears of O. R. T. men being on this division he will tell him (J. C. M.) to find some cause to discharge them. He says he thinks the men are foolish to waste their money on O. R. T.—this is for your information. Guess he thinks he can scare the fellows to drop the O. R. T. Am not scared yet. Understand he gives this little story to all the men he meets.

Your friend,

W. R. LONGENECKER,
130 Greenwich Street, Reading, Pa.

READING, PA., *December 13, 1912.*

Mr. T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DEAR BROTHER ELLIS: See your diary November 19, 1912, meeting at Pottsville, Pa.

Referring to our conversation relative to the different things that took place on this occasion, I wish particularly to call your attention at this time to the statement that was made by Mr. G. W. Hoffman, who, I understand, is one of the local board of adjustment, and, if I remember correctly, the L. C. on the Schuylkill division, representing and a member of this so-called organization known as the O. R. T. D. A. & S. Immediately after the meeting, you will remember, you and I were walking up the main street and met Mr. Hoffman, and among other things he said: "Of course, your argument is logical, your cause is good, and I am unable to contradict what you say, but you know as well as I do that, as long as there are three members of the O. R. T. D. A. & S. on the Pennsylvania Railroad the O. R. T. can never do business with the management of that corporation (P. R. R.)." He gave me further to understand that he thinks he should therefore continue to support this so-called organization for that reason. I understand that Mr. Hoffman lives in Pottsville.

I merely mention the above to refresh your memory on what Mr. Hoffman had to say, as I consider it of great importance that we remember such damaging admissions, especially when they come from such a source as this.

With best wishes and kindest regards, I am,

Yours, fraternally,

PAUL A. WENRICH,
Box 606, Reading, Pa.

H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Mr. Hoffman also said at the same time, when I called his attention to the character of an organization in the position which he described, as per Bro. Wenrich's letter, "that it did not make any difference to him if he got returns," etc.

Fraternally,

T. E. ELLIS.

[Telegram.]

READING, PA., *March 4, 1914.*

J. F. MILLER,
2916 Huntingdon Avenue, Baltimore, Md.:

Division operator called me in his office to-day and accused me of trespassing on company property, and I am liable to be discharged or suspended very heavy any minute. He demanded a statement on my job at once. Statement made was about 25 words. Please give some advice.

H. F. STRUNK.

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316 SOUTH SEVENTEEN AND A HALF STREET,
Reading, Pa., March 5, 1914.

Mr. J. F. MILLER,
General Chairman.

DEAR SIR AND BROTHER: Division Operator Moran called me in his office yesterday and there accused me of trespassing on P. R. R. property, and when I asked him to tell me who told him so and demanded time and place of trespassing, if I had done so, he told me if I demanded that he would get rid of me shortly, and he gave me to understand that he wanted a statement from me or my job, so, therefore, I made this statement: "If I trespassed on P. R. R. property while off duty, it was only to see some operator whom I could not see while off duty."

I said, according to that, I had not dare to go in Ra office and see or talk to Operator Ramsay, and he said no, so I asked him what he was going to do with the operators that do go in there every day by the bunch, and he said he thought he had to stop them, and I asked if they could be stopped without being punished, and I had to take punishment. I also had him fast in some other ways, but he told me he would attend to me shortly, so I do not know what the outcome will be. I am not a bit scared, for if they give me a heavy suspension or discharge me, I am sure it will bring all five orders closer together on this pike, and, besides, I know I got support, but still I want to do all I can to hold my position for the present, but all four other orders urge me to go right on with my work, and I mean to do so.

Yours, fraternally,

H. F. STRUNK, *Local Chairman.*

I got application and $3 in money from John Duiolf, from Douglassville, and expect a few more this week yet.

H. F. S.

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316 SOUTH SEVENTEEN AND A HALF STREET,
Reading, Pa., March 11, 1914.

Mr. J. F. MILLER,
General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: I have not yet got any new members since I wrote to you last. But I tell you what I did get, and that is one-day suspension for trespassing on the P. R. R. property while off duty from February 25 to March 1, 1914. Well this was rather lucky, but I just bet you after they did all they could to scare me and found that they could not do it, and I put on a bold front in the very beginning, that they did not trust to suspend me very hard, for no doubt the way I acted they thought no doubt I had some pretty good backing in some way or other. But I tell you I was really afraid I might get fired in the first place, but I did not let on to them that I had any such idea in my mind, but after I got out of the office I expected to at least be suspended very hard, if not fired, but I was not a bit scared, for I knew I was well taken care of. I will make good use of the day I get suspended, and hope I can get about 5 or 6 new members that day.

I will to-day send you under separate cover a Reading Eagle, the leading daily paper of Reading, Pa., and you can find on page 2, column 1, a paragraph about the P. R. R. M. B. D., and also see that Operators Schaffer and Hoffman, two of the leading O. R. T. D. A. & S., are representing the operators in the P. R. R. M. B. D. This might be some help to you in the future, for it comes to show who are company men, for these two men are both of the $76.95 a month men, and are a few of the men that received an increase in wages on this division last fall a year ago. At the same time that this increase was

given out these men were very active in the O. R. T. D. A. & S., and also the majority of the men that did receive an increase at that time.

About four weeks ago I was to see Operator Hoffman, and he told me then he would not join the O. R. T. if I paid his dues, but I found out since that one time he was fired on the Sunbury division, P. R. R., and then came on here and got a job, and when he was found out he and his father-in-law, Conductor Faith, who is a very active member in the P. R. R. M. B. D., went to see the superintendent of the Schuylkill division and fixed things up, and ever since I understand Operator Hoffman stands up for the P. R. R. and nothing else, and it did prove itself when Operator Hoffman was local chairman in the O. R. T. D. A. & S. that he worked for the company and not for the boys. Operator Bause, chairman of the operators in the P. R. R. M. B. D., is another man hunting a good job that his seniority rights can not give to him, and so he is trying to stand in and took the opportunity of belonging to the P. R. R. M. B. D., and no doubt expects to find a good position in this way. It certainly is disgusting, but we will show them a thing or two before they pull any of these stunts off on us I think.

Wishing you success and a bright future, I remain,

Yours, fraternally,

H. F. STRUNK, *Local Chairman.*

AS TO J. W. KELLY, HADDONFIELD, N. J., AND HIS SECRET WORK ON THE BALTIMORE DIVISION, P. R. R., IN SEPTEMBER AND OCTOBER, 1912, UNDER INSTRUCTIONS OF J. R. T. AUSTON, AND WHILE USING P. R. R. FREE TRANSPORTATION.

PHILADELPHIA, PA., *March 25, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Attached letter from Brother Fidler, dated March 20, 1913, refers to Mr. J. W. Kelly, P. R. R. telegrapher, Haddonfield, N. J., of whom you have other reports. I do not know whether any of our organizers have made any reports to you as to what Kelly did down there around York, although one of the grand division men visited that territory several times last fall. For your information

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

[Inclosures.]

AS TO PITTING ONE EMPLOYEE AGAINST ANOTHER FOR SHADY PURPOSES, ETC.

PHILADELPHIA, PA., *March 18, 1913.*

It will be remembered that the alleged cause of the break between Auston and Jim Tatlow was a request by Auston that Tatlow go to the Baltimore division, P. R. R., and interview certain men, Tatlow refusing. Both Tatlow and Auston have stated to me that Tatlow refused to go and also told Auston that he would not "do things against the O. R. T. (See report of interviews with both.) J. W. Kelly, Haddonfield, N. J., was afterward assigned to that work. The records in P. R. R. headquarters show that J. W. Kelly was relieved from duty at Haddonfield as telegrapher on September 30 and remained away until October 20, 1912. On his return Kelly told telegraphers there (Haddonfield) that he had been down on the Baltimore division, but did not say what the nature of his mission was.

Attached herewith is a letter from Brother T. C. Hunter, Parkton, Md., to Brother Fidler, that refers to Kelly's visit with him.

Also attached herewith is a letter from Brother J. K. Gladfelter, Hanover Junction, Baltimore division, stating that Mr. J. L. Rhorbaugh, agent Shrewsbury, told him of what Mr. Kelly told Rhorbaugh the P. R. R. would do to "break up" the O. R. T. With reference to this I will say that Telegrapher J. P. Connell, Haddonfield, N. J., one of the men who joined the O. R. T. D. A. & S. with Kelly, being promised an immediate advance in wages for so doing in the spring of 1912, states that a man from Haddonfield was sent to J. R. T. Auston's office, Philadelphia, to find out why the advance was not forthcoming, and was told by Auston that Kelly had no authority to make such statements

with reference to advance in men's wages. Quite likely the same would be said of Kelly's other statements.

If Kelly's characteristics are wanted I have considerable of it in writing.

T. E. FIDLER.

PARKTON, *March 6, 1913.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: Replying to your note of March 3, Mr. Kelly was to see me some time last fall; think it was the latter part of September or first part of October. I don't remember much of what he said, but said nothing to me about company helping him "bust" O. R. T.; but he tried to tell me their organization had more members than the O. R. T., and he was very anxious for my application to join them. He showed me his card, which had his name on it as organizer for the O. R. T. D. A. & S. I told him it was no use to talk to me at all, as my mind was made up as to the right organization. He did not get to see P. S. Talbott, as he was in bed the day he was here, and said he was coming back to see him, but did not. I told him then he may as well save his time as to come back.

I am certainly glad to hear the boys are dropping that crowd, and hope they will all come our way.

Yours, fraternally,

T. C. HUNTER.

HANOVER JUNCTION, *March 18, 1913.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: I am sorry that you were compelled to write your second letter for this information. I never met Mr. Kelly. Mr. J. L. Rohrbaugh, agent at Shrewsbury, told me what Mr. Kelly had told him, but it had slipped my memory, and I was unable to ask him before, as I didn't want him to get suspicious, as he is not in sympathy with the operators' cause. Mr. Kelly told him that the company would spend a certain amount of money to break up the O. R. T. It was either $100,000 or $250,000. If I'm not mistaken, Mr. Kelly gave Mr. Rohrbaugh to understand that the "Pennsy" was back of the new order, but if it were to come to a test Mr. J. L. R. might deny this.

This is about all I can do for you at this time in regard to this. If I can find out any more, will let you know at once.

How are you making out up the line? I hope things will soon come our way.

Fraternally, yours,

J. K. GLADFELTER.

P. S.—One of the linemen told me yesterday that Mr. Kendig wants 175 operators. Looks as if they are expecting trouble.

PHILADELPHIA, *March 18, 1913.*

H. B. PERHAM,
President O. R. T., St. Louis, Mo.

DEAR SIR AND BROTHER: Herein find inclosed copy of letter I wrote Brother Miller to-day, which is self-explanatory. We are getting to a very delicate period of the case. I have worked upon the Schuylkill division, and I realize that we will have to handle it with gloves on.

I took a run to this city to-day to confer with Brother Ellis on the situation.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

P. S.—I also attach interview of 20th inst. next to that of 18th.

Rdg., Pa., March 21, 1913.

P. A. W.

[Inclosures.]

PHILADELPHIA, *March 18, 1913.*

Mr. J. F. MILLER,
General Chairman, 2916 Huntingdon Avenue,
Baltimore, Md.

DEAR BROTHER MILLER: I am in receipt of your letter of recent date and note what you say.

Just as I suspected, Mr. Boyer has been twisted and molded into shape by this so-called general committee and seemed to be very much in a hurry this a. m., claiming to have had considerable business on hand, and consequently not very communicative. He said they presented a claim for readjustment to the management yesterday, and, then, too, there were other rules and regulations pending that were submitted to the management before his election as local chairman of the Schuylkill division that are being held under advisement. He also claimed that he wrote a letter to Senator Blair Lee regarding a supposed a letter he was alleged to have received from L. K. M. that 3,500 men in the telegraph department did not want that law, and Mr. Lee, he says, replied, saying that he never received such a letter to his knowledge; or, if so, same could not be found on his files, or words to that effect.

Mr. Boyer also contradicted your statement regarding our membership on the P. R. R., and says he can show that they represent and have a membership of 2,500 men, etc. I told him he could not show us a membership of over 200 bona fide telegraphers. This he would neither confirm or deny, but consoled himself by saying that he wanted to belong to the organization that could do business with the management and the organization that was getting these things from the coffers of the corporation through nip-and-tuck methods, and that the corporation had inconvenienced themselves by granting the concessions hereinbefore alluded to, or words I understood to that effect. He was filled with the spirit of Mar-Anst-Dolph-a-mania, and I told him that everything they had secured or anything they can ever hope to secure they owe to the consistent organized telegraphers of the North American continent. In view of the fact that we have all the lines scheduled on this continent, with the exception of nine, with 500 miles of trackage or more, it stands to reason and is common logic to suppose that these remaining lines being in the small minority must either grant increases and other concessions from time to time or else stand the consequences of losing many good men. The P. R. R. being bent on breaking up the O. R. T. on that road through the instrument of the D., A. & S., are using that organization to perform that task by handing out these concessions in the name of that organization in order to pull the wool over their eyes and throw the dust into their faces and blind the men. By such tactics "they make things look what they ain't."

This is about all of the conference or interview I had with Mr. Boyer, as he seemed to be in a very big hurry. I made an appointment with him, however, to meet me at the hotel Thursday morning at 9 o'clock. I will get T. E. E. here, and we will try and learn more about their conference. As near as I am able to judge at this time, I am of the opinion that they accepted what the company felt inclined to give them. I do not know whether or not Mr. Boyer will admit this. We will see and let you know later just what we are able to learn in our interview two days hence. He is filled with the spirit and will have to be handled easy. I know.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

READING, PA., *March 20, 1913.*

Mr. J. F. MILLER,
2916 Huntingdon Avenue, Baltimore, Md.

DEAR SIR AND BROTHER: As stated in my letter dated the 18th inst., which I inclose herewith, I had an appointment with Mr. Boyer at the Phoenix Hotel, Phoenixville, Pa., for 9 o'clock this a. m., and, as stated therein, I arranged to have Brother Ellis with me. Mr. Boyer put in his appearance at about 9.45. After Brother Ellis registered, we retired to room No. 2, which the clerk assigned him, and immediately got down to business. We found him more communicative than what I did on the 18th, which, in my opinion, is due to several reasons—first, because Brother Ellis was with me; second, on account of Mr. Giles paying him a visit on Wednesday, the 19th; and, third, on account of the sentiment of his fellow telegraphers on the Schuylkill division, which I am advised is vicious, and as one man puts it, "I never heard such a cursing and carrying on since the death of Supt. Moss." Mr. Boyer admitted that the men along the road look upon the adjustment and hand-out as indirectly due to the efforts of the O. R. T., and that most of the men are satisfied that it was done for organizing purposes.

He states that 29 positions on the Schuylkill division were affected by the increase, reaching about 12 offices, and causing more trouble than if nothing

had been handed out at all. Mr. Boyer advises us that everything was cocked and primed before the D., A. & S. general committee arrived at Broad Street, as everything was ready in blue print form when the committee arrived at Broad Street. He says that the trouble above referred to is due principally to the fact that it is mostly the higher-priced men that were benefited by the adjustment.

He advised us that the reason he thinks Mr. Giles called to see him was on account of a question he asked one of the committeemen after they were through with the conference. He says he asked one of the committeemen whether he thought it looked like a company order, to which the man replied, "Why, no; does it to you?" and quite naturally says he replied that it did not appear so to him. Boyer says he is of the opinion that this man must have told Giles and probably others concerned, as Giles put the question right at him; and Boyer says he told Giles that to join the O. R. T. was the most remote thing in his mind, and was one of the last things he would think of doing. Mr. Boyer says that Mr. Hoffman and himself arrived in Philadelphia Sunday forenoon, and that Hoffman took him to Auston's office, and that after they had listened to what Auston had to say Hoffman looked at him and said, "You can see now that this is not a company organization."

Mr. Boyer says that Mr. Johnson and Mr. Marr were the only officials of the company present at the conference, and that Auston was not there, but says it was shown before the committee met Johnson and Marr that Auston knew what was to be given the committee, and that either Johnson or Auston stated that if the increase would have been handed out, say, about 10 days later and not at the time it was that the Schuylkill division boys would not have fared as well on account of their recent attitude in voting to get into the O. R. T. and attending the meetings the way they did. He says Mr. Johnson mentioned the O. R. T., saying that he understood that we had several meetings in Reading, and that the management would never meet the O. R. T. Mr. Boyer made the statement that three men were running the D., A. & S., and that those three men are Johnson, Marr, and Auston, but that Johnson was the real head.

During the conference Mr. Boyer states that he presented a rule that he wanted the company to adopt, relating to seniority, and to which Mr. Johnson took exceptions; and that he (Boyer) took occasion to say something in defense of this rule and the Schuylkill division, claiming that there have been discriminations in the past in connection with the assignment of positions. After the exchange of a few remarks Mr. Johnson remarked that he would better not have so much to say, as he was the baby of the committee.

In reply to a question propounded by Brother Ellis, he stated that it appeared to him, and now plainer than ever, that they had him spotted throughout. He says he was cautioned in committee room to leave what transpired there at Broad Street, and requested us several times during our interview to keep different facts to ourselves. He cautioned us particularly not to say anything that he told us that Marr was at Broad Street.

Mr. Boyer also took occasion to say during the course of his remarks that he believed that if a fellow would be crooked enough to accept (or have himself elected) general chairman of that order that he could, or in all probability would, fall into a good position with the P. R. R. He indicated that he could and would in all probability have something more to say a little later that might prove of some worth to us. We let it go at that for to-day, however. Mr. Boyer seems to entertain the idea that he is in a position where he will be able to learn more about the inner circle of matters pertaining to the D. A. & S., but we made it plain to him that he was a marked man, and consequently not very likely that they would let him in on anything.

On account of the previous attitude of Boyer on my visit two days ago being somewhat variant, I did not ask him to write you that letter as you suggested, neither did I ask him whether he wrote you as he had promised or not. He advised us, however, that you sent him a journal. I left him a confidential report of our board of directors bearing on the Marr case. He told us to-day that he wished already that he had never accepted the L. C. of the D. A. & S., and he certainly looked as if he meant just what he said. He seemed to be worried, and appeared the very picture of a very uncomfortable man. He predicts that there will not be a dozen members left in the D. A. S. by the end of April, 1913, if all the men drop that threaten to do so.

I believe that Boyer is on the level, but for the present I think it best to follow the suggestion Brother Ellis made to me to-day, and be careful not to give him any information for a while yet. What say you? Did he write you?

With best wishes and kind personal regards, I am,

Yours, fraternally,

PAUL A. WENRICH, *Organizer.*

Copy to H. B. P., St. Louis, Mo., and T. E. E., Philadelphia, Pa.

LUTHERVILLE, MD., *March 25, 1913.*

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I was told by H. H. Hubley, operator No. 605, West Princess Street, York, Pa., that Mr. E. Good, operator, living at York, Pa., says that that man Kelly told him he was out organizing for the D. A. S. and the P. R. R. was paying him his salary while off doing so. This man Kelly was also arrested by a company officer at York for trespassing and taken to the train master's office there in York, and after showing his passes and telling who he was, the trainmaster instructed the officer to let him go, as he was all right, which gave him the privilege to continue trespassing, and no other employee is granted that privilege, showing that he has that privilege, contrary to the law of Pennsylvania.

If I get any more will let you know.

Yours, fraternally,

T. E. FIDLER.

MAPLETON DEPOT, PA., *January 25, 1912.*

Mr. J. F. MILLER,
General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: Your letter of January 23 inst. received, and would say that the reason for me not advising you what was doing on the middle division was account of receiving a letter from you some time ago saying that you would be with me on or about January 23.

My division operator called me to his office on January 19, 1912, and asked if I was still going to be so active in the O. R. T. as I have been in the past. My reply was that so long as it did not conflict with my work for the company I did not see any reason why I should not continue.

He asked about the certificate of authorization, and wanted to know if I was going to put it out among the employees. I told him that I had already put some of them out; but, of course, if he said stop it I would have to listen to him. He told me not to put any more out until I heard from him in a few days. I said that I would obey his request.

He told me that Miller, meaning you, was coming on the middle division next week, meaning the week of January 21, for the purpose of helping me to put out these blanks. I told him that I was very glad for that information, as I thought he could not drop in on me at a better time, and also continued to tell him that I knew nothing of your coming until he had just told me of it.

He asked me what membership I now had on the division, and I told him that he should know that already without asking for it. "Well," he said "I am informed that it is between 70 and 80 per cent." I said, "That is quite right." He said, "Now, Rex, the reason that I brought you up here to-day is to see if you will not drop out of the O. R. T. It is the company's desire that we have as few of our employees as possible in that organization, and don't you think you could withdraw from it." I said I joined the O. R. T. just the same as I employed with the company; I did it voluntary. Also when I joined the O. R. T. I made an investment in taking out their insurance for $1,000, and I did not think that the company would be treating me fair to ask me to drop out of the O. R. T. and have me lose all that I have paid to them on my insurance. He said, "Rex, I see that does not look right, and we will change it somewhat. Can you not cease your activity for that organization? We are going to place our men in this office as opportunity affords itself, and we do not want to have any strings hanging to you when this time comes. You have done wonders for that organization on this division, because only last August you had about 30 per cent in that order, and now you have it increased from 30 to 80 per cent. We have better positions for our employees who are competent of doing such work as you have in the last few months." I told him that I would consider the matter for a few days. I was in his office from 9.30 to 11.45 a. m. Now, the

blanks that I referred to were put out between Mapleton and Lewistown. None of the operators west of Mapleton or east of Lewistown knew that there was such a thing out on the division. On Saturday, January 20, the division operator sent a man out of the superintendent's message room to come down along the division and advise the employees that it was the company's desire for them not to sign the authorization blanks that the O. R. T. were putting out, and if they did they were going to get in serious trouble. Many of the boys called on me on Saturday eve and wanted to know what I had that the company got on the job once and was telling the boys not to have anything to do with it. Well, this put me onto their plan at once. It was to have this man cover the division ahead of me; scare the boys not to sign them, so I could not show that I represented the majority of the employees. I sent a letter to my division operator at once, telling him that I would call at his office on Monday a. m. at 9.30. I did not hold any meetings for the purpose of getting out these blanks, because the most of the employees are scared to do any work. Therefore I took this plan: I would wrap 3 blanks in a newspaper and clip it with a clothespin. An office that had a lever man I would put in 5 blanks. Now, before I would leave the office in the morning I would tell the boys to leave a note in the office; that I would throw a paper off of a certain train and to look for it. Now, this plan worked out good, as every man was at the window looking for me from Mapleton to Lewistown, and when the division operator called for me on the 19th I had nearly all of the blanks that I put out on Thursday signed and in my keeping. Before I left the office on Monday, January 22, to see the division operator, by my request, I told all of the offices from Mapleton to Altoona to look for a paper from train No. 85. I threw these blanks off just as fast as the train could take me to Altoona, and saw that a man was looking for it at every office. I was not going to wait for this man to cover the division ahead of me and then get a letter from the company that they did not object to me putting out these blanks. As soon as I entered the division operator's office on Monday he looked very guilty. Before I said a word to him, he said, "Rex, I have not given you a reply about putting out those blanks yet. I was busy and forgot it." I told him that after the action the company had taken that he did not need to take his time in giving me a reply, as I have put all of them out on the division this a. m. He said, "Well, it will take some time for them to get them by mail." I said, "Perhaps so." You see, he was under the impression that I was putting them out by United States mail. I told him that my trip to see him was concerning certain statements that the man he sent along the line made to the boys. I said, first, he told them that those who signed the blanks would get in serious trouble. I said, "If there is any trouble coming I want to know of it." He called the man in his office, and he denied saying anything of that kind. Second, I said, "Did you not ask the boys if they knew who had already signed any of them?" He denied saying anything like that, and said that he just told the boys that it was the company's desire not to sign them. Well, I got him in two lies; also had him and the division operator a little nervous, because they knew that they were guilty and were not acting fair and honest with me, as I was with them. I told the division operator that my main object in seeing him was to thank him for advertising my work to the employees at the company's expense instead of at mine. I told him that the boys were wanting to know what I had, and as he had already told them, the boys were standing true to the order and were waiting to sign my blanks, 80 per cent strong, backing me up and knocking at his door to let him know that they did not approve of the company's move.

I have these blanks out over the entire division and Petersburg branch, and am receiving or getting them back in my care very rapidly; only a couple that I know of are not going to sign them. The "nons" are signing better and quicker than the brothers. The division operator is under the impression that only the members of the O. R. T. are to sign them. He will get his eyes open in a few days, perhaps, after they are all signed and back in my care.

I have not held any meetings since I was at Washington on account of getting knocked out by that injury, and also have two patrolmen watching my work every night. I am in a tight pinch, but will do all that I can. I am very sorry that you could not be here with us at this date, because I was building upon you getting here about the 23d and set things booming on the east end for me. I can call a meeting now any time, but the question is, the west end is the stronger, and they want a meeting that they can attend. The east end is very weak and needs to be revived, and the few boys that belong to the order that work on the east end say that I should come down there. This question

I was going to leave for you to settle, as I thought you would hold a series of meetings at different points along the line. The way I understand our rules made at Washington, D. C., is that we can only hold one meeting a month. If I was granted permission to hold meetings on the middle division on east and west end once a month I would take two days off and hold morning and night meetings at each end. You see, the boys on here were always used to having two places on the division to go to meetings, and would not go. Now they see their mistake, and they are after me to hold them on east and west end once a month. I told them that you were coming to see me in a short time, and that they would get a chance to attend all the meetings that they were looking for.

I showed Brother Sneath your letter to me requesting him to make a write up for the journal; he said that he would do it.

T. G. Beaver is wanting meetings on the east end to do a little revival work and wants me to go along with him at the expense of the O. R. T. for both of us. Now, you see that I can't arrange to do that. I think that it would be best for you to come to this division just as soon as you can arrange, instead of waiting until February 15. I was just taking you at your word that you would be here in January, and have been doing all of the chasing up and down the line to get what information I could for you that would be a benefit to you and the meetings.

Brother McGrail wrote to me while I was off sick, saying that he was willing to come to Tyrone to help me to put out the blanks. Now, you see, I have the blanks out and coming in and have not held any meetings, which is so much more for the treasury and more work for me. It is not a good thing to have too many in the game, because they are liable to get scared and lay down on you. Now, you see how I beat the company with the blanks, where if I had had meetings and given them out to the boys to distribute over the division, they may have got scared and not given any more of them out. That would have given me ten times more work to get after them to finish their work than when I did it myself. Now, to explain my point is: If I had given some to M. L. Minick to put out on the east end I would have got stung. I was down to see Minick on Tuesday eve. I asked him for his signed blank. He said that he had not signed it yet, because that man from the superintendent's message room was down to see him personally, and that he was studying about signing it. I have not yet received his. Now, cases like this would have crippled the work had I put it out for the boys to do. In a few days, if you do not advise me that you are coming before February, I will call a meeting at the point on the division where I do not get the boys to sign the blanks on account of getting scared out and explain the matters to them, and what ones come to the meeting I will inform them who have not yet signed the blanks and set them to get them to sign and send them to me. Brother Fetzer has sent me all of his correspondence and blanks. He only had 34 blanks signed. I don't know how many are on his roster; I will write to him and ascertain. Brother Kacy sent me two copies of the Philadelphia division wage scale and a copy of his superintendent's reply. I will get in touch with Brother Melchor and see how he is doing with getting the blanks in. I have not heard anything from the Schuylkill division man, but will drop him a few lines at once.

Yours, fraternally,

A. L. REX.

Care O. R. T. 35, Middle Division.

P. S.—Just a word more. The division operator said that he could not understand why the employees put this mater in the hands of my committee instead of first coming to him. I said, "Perhaps I can explain that to you in this way. You have 249 men on your roster. Now, suppose they did not give this work to my committee and would all come to see you personally?" At that point he said he would never receive them; that it would be impossible for him. I said, "Very well; you don't want to meet their committee." He said, "No; I don't." I said, "That's it. You say you won't meet your employees or their committee. Now, you must do one or the other." Well, he saw his mistake and tried all ways to cover it, but I held him to what he had just said.

A. L. R.

[Inclosure.]

MIDDLE DIVISION, P. R. R.

All employees in the telegraph department, union and nonunion:

You are requested to sign the inclosed authorization blank, for the purpose of the local chairman on the Middle Division, to show that he has the authority

to represent you before the general superintendent for the consideration of a wage scale and schedule. Please sign and forward them to A. L. Rex, Mapleton Depot, Pa., as soon as possible by United States mail.

Yours, fraternally,

COMMITTEE REPRESENTING EMPLOYEES IN TELEGRAPH DEPARTMENT.

This letter was put in each pack that I threw off.

[Order of Railroad Telegraphers, Wilmington Division, No. 58.]

NORTH EAST, MD., *April 12, 1912.*

Mr. J. F. MILLER, *General Chairman.*

DEAR SIR AND BROTHER: Referring to your letter of April 10, instant, relative to being approached by officials of the company and trying intimidate the local chairmen, I wish to state that on the morning of December 22, 1911, Assistant Division Operator C. J. Rudulph came to me on train No. 280 and asked me if I was still local chairman of the Maryland Division, and when I replied that I was, he said he was sorry, as he had hoped that I had not been reelected under the new system division, and said he thought it would not do me any good to serve as chairman, and that the company would probably make trouble for me if we should attempt to force recognition for the O. R. T., and said he had hoped that I had given up the local chairmanship, as I had been a long time in the service and he would not like to see me get in trouble; also said the company would fight us and would use the new order against us, and said they expected the new order to help them out; said that the opposition was coming from Superintendent of Telegraph Johnson and that the general manager would uphold him.

Approached again on train No. 280 on January 15, 1912, and practically went over same ground; said the local chairmen of New York and Philadelphia divisions had resigned, and endeavored to get me to do the same, and intimated that if it came to a show-down the company would discharge me; and said they would not meet us on account of our being affiliated with the American Federation of Labor, and said the company would expect the new order to furnish men to fill our places in case we should go out on strike.

Approached again on train No. 280 on January 19 by C. J. Rudulph, who practically went over same ground and tried to induce me to give up the local chairmanship.

Approached again on train No. 280 on February 10, 1912, by Mr. Rudulph, and he said that Supt. Whitney had called him in his office and informed him that all the local chairmen but six had resigned, and said to him, our man will have to resign as local chairman. I told him to tell Mr. Whitney that I positively refused to resign the chairmanship and that I reserved the right to do as I pleased when off duty. He has not mentioned the matter to me since.

Yours, fraternally,

H. B. ARRISON,
Local Chairman.

PHILADELPHIA, *May 22, 1913.*

DEAR SIR: Found your card in mail box. If you are in town you can call Friday night, 23d, after 8.45 p. m., as I don't get home until 8.45 p. m. and there won't be anyone here to let you in, as the family will be away. If not, most any night will do after 8.45—to-night if you get this in time.

I can't call at the Windsor, as some one is sure to see me, etc. (Meaning P. R. R. detectives.)

Yours,

A. W. STOUDT,
2835 North Twentieth Street, Philadelphia.

Or any morning will do before 10 a. m.

MOUNT HOLLY, N. J. *April 18, 1912.*

Messrs. J. F. MILLER, *Chairman O. R. T., Baltimore, Md.*, and
G. E. NIGHTINGALE, *General Secretary O. R. T., Newfield, N. J.*

DEAR SIRS AND BROTHERS: By request of yourselves I submit the following statement as told to me by Brother M. Kunin as having been made to him by one

G. C. Williams: "The company has got you marked up; so have they Austin. I get my orders from New York, and the company pays me for coming around."

This G. C. Williams was supposed to be operator in "PR" Camden at the time, and these words took place in "JN" signal tower, Mount Holly, at the time Brother Kunin was on duty.

Fraternally, yours,

HAROLD G. AUSTIN.

DISCRIMINATION.

LUTHERVILLE, MD., *April 21, 1912.*

Mr. J. F. MILLER.

DEAR SIR AND BROTHER: In answer to yours of the 16th, will say that I bid in one of the positions as extra operator in "B" office (superintendent's office) that was advertised on March 19, and was second oldest man making application for same, according to my seniority rights, but on April 3 I was called to the office by Mr. Donnelly, division operator, and was told by him that I stood second for the extra work in "B" office, but was barred from same on account of being a member of the O. R. T. I said to him, "How about it if I withdraw?" He said: "That is up to you, but you can not work in that office while you are a member." I told him I was a paid-up member until June 30, and if that was to bar me from this office I would have to stand it. He did not tell me I would have to withdraw from the order, but said I would not be promoted while I was a member of same. On April 5 he took another operator (Lanius) in this office ahead of me, and I wrote and asked him why he had done it. (Attached find a copy of letter.) On April 9 I was again called to the office, this time by Assistant Division Operator Kendig. When I went in Mr. Donnelly got my letter that I had written him and began reading it to me, and said: "Now, Smith, in this letter you want to know why I brought Lanius in 'B' office ahead of you, and I want to tell you now, as I told you a few days ago, you can not work in 'B' office while you are a member of the O. R. T." I told him all right; that, as I was a paid-up member to June 30, I could not do anything further. Mr. Kendig then spoke up and said, "Why can't you get a withdrawal card"? I told him if he would give it to me in writing that I would have to get out of the order in order to get promoted I would see what I could do about it. This he emphatically refused to do. About this time Mr. Kendig got up and went out and stayed about five or eight minutes and came back and told Mr. Donnelly that they would have to have a man for "B" office that night and would put me in there pending the superintendent's decision. He then took me over to "B" office to get my orders from the manager of the office, and on our way over there he said to me, "Now, Smith, we are going to put you in here to-night, but if we ever hear of you taking any part in or attending any O. R. T. meetings you will be discharged at once." I thought this was pretty tough after a man giving them 16 years of loyal service as I have done to be treated in this manner.

Yours, very respectfully,

G. M. SMITH.

BALTIMORE, *April 23, 1912.*

J. F. MILLER, Esq.

DEAR SIR AND BROTHER: Yours of a few days ago received and contents noted. In reply to your inquiry as to why I dropped out of the O. R. T. would give you the following. This is not an exact copy of what took place verbatim, but is a sketch of the incident, and the facts given are entirely correct and worded as nearly as possible to remember them:

On January 11, or possibly the 10th, I was approached by Mr. Kendig, our assistant division operator, and told that it was desired by Mr. Latrobe, the superintendent, that I drop the O. R. T. I then asked him if he had told D. L. Koller, our secretary, that Mr. Latrobe said that if he did not drop out of the O. R. T. he would remove him from "B" office, and he said, "No; he did not say that, and he did not think Mr. Latrobe said it either; so after talking about it for some few minutes, and not being able to come to an agreement on it, he suggested that I go see Mr. Latrobe about it. This I did at once, and Mr. Latrobe said to me, "Jacoby, I want you out of the O. R. T. I will not have any man in 'B' office that is a member of that organization." I then asked him if I did not get out of the order whether it was true that he would remove

me from the office? He said, "No; I won't say that, but I will say that I won't have any man in that office that is a member of the O. R. T." So after talking over the matter for about 30 minutes I left him with this answer: "I will think over the matter and let you know my decision." I left the matter go until February 8th or 9th. Then I was notified that Mr. Kendig wished to see me. I saw him down on the concourse of the station, and he opened the matter about the withdrawal from the O. R. T. with this assertion: "Jacoby, Mr. Latrobe says he wants you to get out of the O. R. T.; and do it at once or he will take you out of 'B' office." I asked him if he was sure that that was the way Mr. Latrobe expressed himself, and he said "Yes; those were the very words he spoke." I then asked him if he thought Mr. Latrobe would really remove me if I did not drop the O. R. T., and he said "Yes; I am sure he will, for he is a very determined man in matters of this kind." He also said Mr. Latrobe wished me to get a withdrawal card so as to show him I had really withdrawn. I answered that neither Mr. Latrobe or Mr. Donnelly or any other official had any reason or cause to doubt my word, and that if I said I would withdraw that I certainly would do so, and that furthermore I was in arrears in dues now for the present quarter and could only get a withdrawal card by paying up the semiannual dues, and that I would not pay this amount for a withdrawal card for Mr. Latrobe, Mr. Donnelly, or anyone else. Then Mr. Kendig, after asking what the amount would be, said, "I don't blame you for not wanting to pay that amount for the withdrawal card." Then he said, "Well, just drop a letter stating that you have withdrawn, and I will show that to Mr. Latrobe as a verification that you have really done so." I answered, "You just write me a letter stating what you want and I will answer it. As there has been no writing about this matter as yet you will have to take my word for it until you write me." I have not seen a letter from him yet.

Several days after this I was on a car going home, and Mr. Kendig got on it and immediately approached me in the matter as to what I had done in it. I said, "Nothing at all." He said, "What do you mean by nothing at all? Have you acted in the matter, or what do you mean?" I told him I had allowed myself to become suspended for nonpayment of dues and that I was at the present time not a member of the O. R. T. He then said, "You are better off, as it would not do us any good to belong to it." Then I immediately told him that I differed in opinion about that and that we could not agree along that line if we talked until the day of judgment, and that I preferred not to discuss it with him. He had my word for it that I did not belong to the order, and that ended the incident. So we commenced to talk about other things. This is about the meat of the matter. Of course, there was much more said during the two meetings, but that is about the summing up of all that occurred.

Hoping I have set myself straight before you in the matter when I say that I was compelled to either drop the O. R. T. or be taken out of the office, and that, owing to the drain upon my resources for the 10 months that I was in Texas for my health, I was compelled to take a step that was very disagreeable to me. I may be censured for the action that I have taken in the matter, but that is a matter that every man must settle for himself. My conscience is clear on the matter, and thus I feel as near satisfied as a man can be who was compelled to do a disagreeable action through a power that he was unable to overcome.

Thanking you for your kind inquiry about the family, and saying that they are all well and hope you and yours are the same, I beg to remain,

Yours, respectfully,

H. E. JACOBY,
No. 2018 North Calvert Street, Baltimore, Md.

GREENWOOD, DEL., *April 29, 1912.*

Mr. J. F. MILLER,
General Chairman O. R. T., Baltimore, Md.

DEAR SIR AND BROTHER: As long as we moped along under the local-division plan our superior officers on the Delaware division gave us something like a square deal, but since we have awakened from our slumberings and adopted the system-division plan they have used their time both day and night in gunning for O. R. T. men on the road. Our division operator has been far more active, however, in the game of intimidation than any of the other officials, as he has used the company's time going from place to place holding conferences

with the men and using all kinds of argument and coercion, and even threats, in his effort to force us out of the O. R. T.

We are being discriminated against on account of our affiliation with the order, while nonmembers with enough against them to discharge 25 members do as they please. On one occasion they declared a tower closed when it was moved in order to give a man a job he was not rightfully entitled to. Our men who have been promoted to the superintendent's telegraph office at Wilmington have been forced out of the order, thereby causing them to lose their life insurance policy, which protected their families in case of death. On the strength of this they are forced into spying and doing detective work for the company.

Is it not possible for a good man, who gives the company honest, efficient service every day, to work on the Pennsylvania Railroad and be a member of the O. R. T. without being threatened with dismissal and the refusal of promotion when his turn comes?

I would be glad if you would take this matter up for investigation.

Very truly, yours,

THORNDYKE ROE, *Block Operator.*

CORBETT, MD., *May 10, 1912.*

Mr. J. F. MILLER.

MY DEAR SIR AND BROTHER: Your welcome letter at hand. Glad to hear from you again. I am not very busy at the present time; only made nine days last month, but think I may fare better this month. I don't think there is any show for me now in this department. I am endeavoring to get a new start in a different direction; can explain better when I see you again. That $4 rate surely ought to make the "nons" sit up and take notice. I will have my cousin now in a very short time. It seems as though I have been losing track of things since I lost my old job at "BA" and can hardly keep up to date. Send us some news now and then; we need something to help us keep up the fighting spirit. I am inclosing you some remarks from conversations with the assistant division operator. According to his idea he doesn't see anything for us, but I told him he had to show me. At least, I gave him to understand that much. These remarks are a little long, but I had to send them that way in order to include all the little points of interest.

I trust you are in better health by this time. Don't work too hard, Frank. We all appreciate what you are doing. I want you to accept my appreciation as an individual.

Trust I may be able to see you soon again and have a good long talk.

With many wishes for your success, I remain,

Fraternally, yours,

EDW. C. MERRYMAN, Jr.

March 18, 1912, as I was about to go on duty at "B" office, Mr. Kendig approached me and asked me if I was a member of the O. R. T. I told him I was, and he advised me to get out, saying I would benefit myself by doing so, and intimated there would be more show for me if I did so. I told him I did not feel that way about it, and as my time was getting short our conversation came to an end.

Sometime after this I had occasion to see him on a matter of business, and when we were through he called me out in the hall for a personal talk, and the following conversation took place; he said: "Now, to be perfectly honest with you, you are standing in your own light by remaining in the O. R. T." And he said: "Mr. Latrobe asked me yesterday if you belonged to the order, and I told him (although I knew you did) I was not sure, but would find out. I withheld this information from him, because I know if he knew you were a member of the order he would not let you work one day in 'B' office, but now he will be asking again, and I will have to tell him."

I was approached several times after this and asked to get out of the order. One time he said: "I can tell you honest, the company is not going to recognize the O. R. T. and you men are only making trouble for yourselves."

On Saturday, May 4, 1912, while working day duty in "F," Calvert station, Mr. Kendig stopped in to see me. He brought up the question of getting out of the order. During the conversation he said: "The general manager is not going to receive your committee," and said he understood our committee tried to arrange for an audience with the G. M. through the superintendent of telegraph, but were turned down. He went on to say: "You people are not

going to get anything, for there is always somebody fighting you." I said: "Yes, I know there is a fake order by the name of O. R. T. D. A. & S., etc., trying to put up a fight, and you know where they are getting their support." "Oh, yes," he said, "I acknowledge the company is supporting them, and that is the reason you will not be recognized." He said, "What did the O. R. T. ever get you?" In reply I asked, "Did not the O. R. T. win the 8-hour day for the men?" And he said, "Yes, and that is about all." I told him if he O. R. T. never wins anything else I am willing to support it the balance of my days as an operator for that.

I then said, "There is no getting around the fact, organization is the workingman's only salvation." "I acknowledge that," he said, "and if I was in a position to support an order in my line of business I would not hesitate a minute to become a member." Also told him our order was not here solely to compel the company to grant us a living wage, but to better our conditions in general; to look after one another's needs, and share one another's burdens; and to help those in need. And also told him our motto was, "Give our employer the best service we are capable of rendering." The subject was then changed.

E. C. M.

[Order of Railroad Telegraphers. Pennsylvania Railroad system, division No. 17. Local board of adjustment.]

FRENCHTOWN, N. J., *May 14, 1913.*

Mr. J. F. MILLER,
General Chairman.

DEAR SIR AND BROTHER: The following is in substance the conversation that took place between the division operator, Mr. W. H. Wilmot, and myself relative to my membership and activity in the O. R. T. on the three different occasions that I was summoned before him in regard to this matter:

In the latter part of December, 1911, I came to his office at his request. He said to me, in substance, "You are a member of the O. R. T.?"

"Yes."

"Your name has been handed to me as a paid organizer and very active."

"No, sir; I am no paid organizer nor never have been; neither have I ever received a cent from the order."

After a few general remarks derogatory to the order, such as the affiliation to the American Federation of Labor, etc., he concluded by saying, "Now, it would be very unpleasant to me to be compelled to suspend or dismiss you on this account, and I would be pleased to have you say to me now that you would cancel your membership. I made some reply about being paid up to December 31 and would think it over.

Some two or three weeks later, after I had been elected local chairman, I received another message to come to his office. On entering he said, "I am told that you are local chairman, and if this is the case you might as well quit right now," striking the table with his fist.

I replied, "Yes; I see I have; but I have not as yet decided to act. I do not think I will quit in any event, but would it not be well to hold the matter in abeyance until I decide? My membership expired on December 31, and I have not as yet renewed." He appeared to be satisfied, and this was about all of importance at this meeting.

On March 4 I received the accompanying letter, after my name had been published in the directory of the Telegrapher as local chairman.

On April 10 last I received a letter to come to the office next day. On entering the office he took from his letter file one of my circular letters that I had sent to the "Nons," appealing to them to enroll themselves on the right side and to turn down the fake concern. He said, "I see you are still active in the O. R. T. after you told me your membership had expired December 31."

I replied, "Yes; but I renewed it; I changed my mind."

He said, "Well, now, I would have thought a great deal better of you if you had told me you had changed your mind and not have me believe you were not a member."

I replied, "Now, Mr. Wilmot, I can not see where that would make any difference. I consider I have just as much right to belong to the O. R. T. as an engineer has to his brotherhood; a fireman, a conductor, a brakeman to theirs; but," I said, "if I were working for the D. A. & S. as others are doing on the divisions, would you object?"

"No," he said, "the company recognizes the D. A. & S."

Then I entered into a statement, wherein the company, for reasons that the operators were familiar with, wished to turn down a committee representing the majority and recognizing a committee representing the minority, and that the operators would not stand for it. After some argument on these questions, I was dismissed, no threats being made against me this time.

Yours, fraternally,

J. G. SIMANTON,
Local Chairman.

[Inclosures.]

THE PENNSYLVANIA RAILROAD CO.,
Trenton, N. J., March 4, 1912.

Mr. J. G. SIMANTON,
Frenchtown.

DEAR SIR: Are you aware that the St. Louis O. R .T. Journal is printing your name as the local chairman for the old Belvidere division? You told me you were not a member after January 1. Why do you allow the use of your name?

Yours, truly,

W. H. WILMOT,
Assistant Division Operator.

OSCEOLA MILLS, PA., *May 15, 1912.*

Mr. J. F. MILLER, *Baltimore, Md.*

DEAR SIR AND BROTHER: Yours of recent date received, and in reply will say that some time last December I was in the division operator's office and he, A. A. Witter, asked if I was a member of O. R. T. I said "No," to get something out of him. He at once congratulated me on not being a member. Said the insurance was a grand thing, but that was all. Advised me the O. R. T. D. O. & S. was the one to belong to, and handed me a card of J. C. Crouse, who came over the road in a week or two with an annual pass riding freight trains. I put all the boys wise on this branch and he sure got his calls from every one he approached—with no results. Then on January 24 he came to my office about 9.45 a. m. and said he understood I was booming the O. R. T. I said, "I don't know." He said he would advise me to drop it or I would lose my job with the company. I said, "I might as well belong to O. R. T. as the one he recommended." He said there was a great lot of difference; that the O. R. T. was antagonistic to the company. He then left, advising me to think over the matter seriously. My relief day was on January 25, and I had also asked off on the 26th, having asked five days ahead. He said he understood I was going out to solicit for O. R. T. Of course I told him what I thought of that. I did not get off my extra day asked for until I went to his office about it, on the 25th. This man retires July 31. I will also call your attention to the fact that vacancy in superintendent's message office here has always been a fight every time a new man goes in, there being a good bit of extra work there during vacations. About six weeks ago he advertised extra work, and a fellow bid it in, or rather they coaxed him to, and one of the youngest men on roster has been working it. This is not right. I was the next oldest bidder on this position. For some unknown reason he is knocking on me.

Hoping to hear of your meeting with the management soon, and that all matters have been satisfactorily adjusted, I am,

Fraternally, yours,

A. P. WOODRING.

FRANKLINVILLE, N. Y., *September 18, 1913.*

Mr. J. F. MILLER,
2916 Huntingdon Avenue, Baltimore, Md.

DEAR SIR AND BROTHER: I wish to call your attention to the following facts: That I am informed that Mr. D. C. Daley has filled a political position at Albany, N. Y., from January 15 until July 1, 1913, but whether or not he drawed a yearly salary or not, I am unable to state. If it is the case, however, I would suggest that the proper commission be informed to investigate whether it is lawful for an official of a railroad company to accept a political position with the

State government favoring the interests of railroad corporations, and as a reward for so doing he is retained in the service of the Pennsylvania Co. and resumed the duty of division operator on July 1, 1913. It might be well to have this investigated, to ascertain whether or not he is drawing a yearly salary from the New York State government. Whether or not it is lawful for an official of a railroad company to accept a political position with the government without first resigning from the railroad company, and to find out just what the position was that he filled.

This man above mentioned is very active in politics and gives his employees very little satisfaction or justice. He is very antagonistic to union labor, and in some cases has made threats and bold insinuations to frighten his employees to resign from labor organization. This for your information.

Yours, fraternally,

BURT SUTTON.

[Inclosures.]

[Pennsylvania Railroad Co., Buffalo division.]

NOTICE.

Effective January 15, 1913, and until further notice, T. P. Howe is appointed acting division operator, vice D. C. Daley, furloughed.

GEO. B. BEALE, *Superintendent.*

BUFFALO, N. Y., *January 13, 1913.*

[Pennsylvania Railroad Co., Buffalo division.]

NOTICE.

Effective July 1, 1913, D. C. Daley will resume duty as division operator. T. P. Howe, who has been acting division operator since January 15, 1913, will resume duty as chief dispatcher.

GEO. B. BEALE, *Superintendent.*

BUFFALO, N. Y., *July 2, 1913.*

FRANKLINVILLE, N. Y., *October 24, 1912.*

Mr. J. F. MILLER,
General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: The following may be of interest to you: On or about September 6 Mr. D. C. Daley, division operator Buffalo division of the P. R. R., and my employer, came to Cadiz (tower where I am working) on train at 6.30 a. m. Directly upon his arrival the subject of organization was brought up by this statement that he made, "Sutton, I heard that you are a hot-headed O. R. T. man." I admitted that I was a member of that organization, that my dues were paid, and that I intended to remain a member. For nearly an hour and thirty minutes we were engaged in an argument, during which time organization was discussed in general. I remember distinctly the following statements made. He said that I did not understand the fundamental principles of labor organization, that he being older than me and my employer he was in position to advise me. He asked me if I did not realize that he could discharge any man he chose to within a week and if the superintendent so recommended; that the officials of the O. R. T. in the general offices at St. Louis were nothing more or less than a bunch of grafters and more interested in their salaries than the welfare of the members; that if I went out on a strike (as you will remember, a strike was pending) I should consider myself discharged and that I would be a martyr to the cause. That after I assured him that my ballot had been somewhat delayed he said that he would learn within two hours after my ballot reached Philadelphia which way I voted, for or against a strike. He stated that the P. R. R. Co. had men stationed at our headquarters for that purpose. He requested me to withdraw from the O. R. T., and that if I could not see my way clear without belonging to an organization he would suggest that I join the O. R. T. D. A. & S. He said that if the members of our organization was called out on a strike the company could continue business on the Buffalo division main line with a very few offices, perhaps five or six. This division is one hundred and twenty-one miles long; also stated

that only three offices would be required on the Rochester branch, ninety-nine miles of track. He said that men were in readiness to fill my position and that if I ever went out on a strike that I could never be reinstated in the service of the P. R. R.

On or about September 23 Mr. Daley called again and organization was brought up the second time. While I was busy at the office, as I was on duty at the time, he went to my house and had a conversation with my wife. He soon, however, returned to the office, and during the conversation that we had at this time he (Mr. Daley) said that if I resign or withdraw from the Order of Railroad Telegraphers he would stand to my back so long as he could render me any assistance. The title to my house was in question at this time and efforts were being made by the company, through the section foreman, to eject me therefrom. Mr. Daley assured me that he was big enough and man enough to fight those persons who were making the effort to have me ejected from the premises and that he would guarantee that I would remain unmolested if I would resign from the O. R. T., as he would make no effort in my behalf so long as I remained a member.

I immediately had a lease drawn up to lease the ground that the house stood on and paid the farmer who owns the land all the back rent due on same. This action on my part settled the right I had to remain on the premises as far as the company was concerned, as I have not heard any comment on the matter, nor were there any more efforts made to remove me from the premises. This effort to have me withdraw from the O. R. T. proved a complete failure.

You will notice in each of the above cases I was strenuously requested to withdraw from organized labor, but as the right to belong to a labor organization is a personal privilege any person has a right to expect I intend to remain loyal to the order. However, I do not approve of my employer taking the above course in trying to have me withdraw from organization.

I am unable to say just what action will be taken next, but I assure you that I attend strictly to my duty to the railroad company at all times, and for the division operator to come to me, as I have stated in the above, he is doing me a very great injustice, in view of the good service that I have rendered at this office.

This for your information. With very best wishes, I am,

Yours, fraternally,

B. SUTTON.

[The Order of Railroad Telegraphers. Pennsylvania Railway system, division No. 17.]

KEATING SUMMIT, PA., *April 27, 1914.*

Mr. J. F. MILLER,
General Chairman O. R. T., System Division 17.

DEAR SIR AND BROTHER: Mr. D. C. Daley, division operator of the Buffalo division, called me on the telephone about 2 p. m. Thursday, April 23, and asked me if I could get on No. 51 and meet him in Olean, N. Y., on arrival, as he was coming to Olean on No. 44 from Buffalo, N. Y., and wanted to see me a few minutes; also saying he would stop train No. 56, an express train for Philadelphia, Pa., to let me off coming home.

I met him in Olean, N. Y., on arrival of train No. 51. He immediately approached me on the subject of being an O. R. T. member. He said, "I understand you are an agitator for the O. R. T. on the Buffalo division. You know the P. R. R. does not recognize the O. R. T. nor will they recognize them in the future. We do not want the men from St. Louis coming over here telling us what to do," how much the P. R. R. should pay the operators; that the P. R. R. knew what their offices were worth and how much they should pay better than the men from St. Louis, and that we would get our proportion of a raise when the company could give a raise.

He said, "You can not get promotion and expect any favors from the P. R. R. if you stay in the O. R. T." I said, "Why don't you talk to the O. R. T. D. A. & S. men and tell them same as you do the O. R. T. men." He said, "Them are our men; we can talk and reason with them, and they know what we can do." I asked him if he did not belong to the O. R. T. at one time, and he said, "Yes; I was chief telegrapher in Olean, N. Y., when we had a membership of about 124, and when we had a meeting in Olean, a bunch of them would come into the meeting and get drunk, and I never was more disgusted with anything in my life than I was to belong to them; that the majority of the O. R. T. men

were boozers and boomers, and the most of them carried a card to show some operator to get a quarter or so; we have them come in and stick a card in the window to the operators in 'BF' office, Buffalo, and ask them for a quarter; of course you will find a 'non' once in a while the same way."

I told him when he had a promotion for me I could withdraw from the O. R. T. if necessary to get the position until such time that I wished to renew my membership, and he said, "If you do not get out now you will not be considered for promotion."

He said, "It will not be many years when labor organizations will not be recognized in the world, and when it comes and you fellows have learned the lesson you will come back to the company and beg for a job."

Just as I was leaving he said, "Then you'd rather buck the corporation from which you get your bread and butter and listen to those fellows from St. Louis." I said, "Yes, sir." He said, "Then you will be put on a list as an agitator, and you need not look for any promotion or favors from the company."

Fraternally, yours,

C. S. SIMMONS,
Local Chairman Buffalo Division, System Division 17.

D. Y., *August 25, 1912.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: A few days after the last increase for D. Y. office was granted, Mr. John Kerl called to see me and to inform me that they had received an increase for us, and while in conversation he told me if I did not drop the order that my position was at stake. I told him that if my service had not been satisfactory they would have discharged me long ago instead of retaining me for 23 years.

Yours, truly,

H. D. ELLENBERGER.

LEMOYNE, PA., *August 26, 1912.*

Mr. T. E. FIDLER,
Local Chairman, Balto. Div., O. R. T., 17.

DEAR SIR: About March 25, 1912, Operator John Kerl, of New Fredom, called on me at "J" tower, when the following conversation passed between us, he saying: "You heard of the increase in pay effective at 'J' tower March 1." I replied: "Have no official information." He said: "I am here officially to inform you. Also that credit must be given the O. R. T. D. A. & S. for getting this raise. Furthermore if you are a member of the O. R. T., you are to withdraw and join the O. R. T. D. A. & S. or resign your position with the company." I replied: "That may be all right, but I am not alarmed, and when it comes to that there will probably be some one else have something to say."

Fraternally,

B. D. BARE,
Operator and Lever Man, Lemoyne Tower.

T. E. F.:

If necessary, I am willing to qualify to this statement at any time or place.

B. D. BARE.

R. D., FREELAND, MD., *August 28, 1912.*

Mr. T. E. FIDLER,
3415 North Twenty-second Street, Tioga, Philadelphia, Pa.

DEAR SIR AND BROTHER: In regards to your letter to H. W. Sutton dated August 23, 1912, concerning any statements made by any division official or Mr. Kerl about joining the O. R. T. D. A. & S., Mr. John Kerl approached me some time ago and said that if I did not drop out of the O. R. T. that I would lose my position, and that if I cared to prove this statement to write to Mr. Gamble Latrobe, superintendent, and he would tell me the same thing. Mr. Kerl also said that he was doing some organizing for the O. R. T. D. A. & S. at the same time.

I am sure you can get this same statement from a big number of the rest of the boys along the line.

Yours, respectfully,

C. C. SUTTON.

THE DAUPHIN,
Harrisburg, Pa., December 10, 1912.

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I have been told by Mr. G. Magee, operator, Baltimore, that he applied to Mr. James Donnelly, division operator, Baltimore division, P. R. R., for position as telegraph operator, which was given him, and after filling out all necessary papers for the position Mr. Donnelly "asked me if I was a member of the O. R. T. I told him I was. He then told me he could not hire me then and could not do anything for me unless I withdrew from the O. R. T. I then made application for withdrawal card and then showed the letter to Mr. Donnelly and he said he did not want me to do that; just wanted me to not pay up and drop out. That was after showing him that letter. I was given a position."

T. E. FIDLER.

HOTEL WINDSOR,
Trenton, N. J., September 14, 1912.

Mr. H. B. PERHAM, *Washington.*

DEAR SIR AND BROTHER: Perhaps you are not acquainted with the situation on the Belvidere division—a part of the Trenton division, P. R. R. Just before the institution of system division 17 it is claimed that Callahan, local chairman, Belvidere, disorganized the men by telling them he was told to leave the O. R. T. or be dismissed, and it is said he added to the men that they also would be discharged if they did not leave the order. The men now are to be disabused of the idea that they will be again betrayed if they join us. Added to this is the presence on the division of 16 working O. R. T. D. A. & S. people, but the Belvidere is the only part of the Trenton division thus effected.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Trenton, N. J.

To whom it may concern:

I, W. W. Glasgow, while in Pittsburgh, Pa., on October 29, 1912, I went to the office of the division operator, Mr. Murphy, of the Pittsburgh division, and asked for a position as telegraph operator on the above division. The reason of my calling at his office was based upon a letter that I had received from Mr. Murphy, stating that he could use me providing I was competent of working an interlocking office on a four-track system. When I appeared before Mr. Murphy personally on the above date I was taken in the message office and examined on through wires. After this examination, I took the copies and presented to the clerk of Mr. Murphy for inspection. Everything seemed favorable. The clerk then said that Mr. Murphy desired to speak to me. The clerk then took me into Mr. Murphy's office. Upon entering the above office Mr. Murphy saw that I wore an O. R. T. button and asked me if I was a member of the above-mentioned order. I replied that I was. He then said: "We have been having trouble with the O. R. T. on our division. We are having telephones placed in our offices, and in a short time we will not be beholding to the O. R. T. or to telegraph operators for their service, and I do not think that it would be advisable for us to hire any more O. R. T. men on this division." He asked me what division of the O. R. T. that I belonged to, and I told him Division 31, or the Missouri Pacific. He said: "I expect that they are solid on that division and that you were required to belong to the O. R. T. to work on the Missouri Pacific. I told him that it was. I then asked Mr. Murphy if that was all he had to say, and if he could not give me work, and he said: "That is all." I thanked him and walked out of his office.

I overheard the chief clerk to Mr. Murphy tell an operator that was sick for several days, that he had no one to relieve him, and that he needed about 15 operators, and that he would have to keep on duty. This conversation was over the telephone.

W. W. GLASGOW.

STATE OF PENNSYLVANIA,
County of Cambria, ss:

Personally appeared before me, a justice of the peace in and for the aforesaid county, W. W. Glasgow, who, being sworn according to law, doth say and

declare that the foregoing statement is true and correct to the best of his knowledge and belief.

Sworn to and subscribed this 15th day of November, A. D. 1912.

[SEAL.] C. J. TROXELL, *Justice of the Peace.*

My commission expires January 5, 1914.

PHILADELPHIA, *April 26, 1913.*

To PAUL D. HEURICH.

DEAR SIR: I am very sorry to tell you that I can not afford to go into the O. R. T., as I have so much to pay out now it would swamp me if I went into the O. R. T. I trust you will keep the conversation and the notes that you got from me secret, as it would hurt me if they got out.

Thanking you for your trouble, I am,

Yours, respectfully,

H. L. DESTLER.

P. S.—I will not be able to go into the O. R. T. at any time, so you can cross my name off that paper that I signed.

H. L. D.

AS TO THE P. R. R.'S ALLEGED DISCRIMINATION AGAINST THE EMPLOYEES ON ACCOUNT OF THEIR AFFILIATION WITH THE O. R. T.

PHILADELPHIA, PA., *May 1, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: See attached note from Brother A. L. Rex, dated April 29, 1913, in relation to what Brother J. F. J. O'Connor, 1026 Spruce Street, Camden, N. J., said to him about an interview that he had with the clerk of the division operator, P. R. R., Camden, N. J.

Brother Fred. Johnson, Hornerstown, N. J., lately told Brother Rex that he is next to go into the train dispatcher's office, P. R. R., at Camden; that not long ago Mr. Wampole, clerk to the division operator, called him to headquarters and asked him if he belonged to the O. R. T. Johnson told him that he did. Wampole told him that they had no objection to the men out on the road belonging to the O. R. T., but O. R. T. men would not be permitted to work in the dispatcher's office.

Brother Rex states that when he solicited the membership of Mr. A. W. Dann, Camden, N. J., in the O. R. T., Mr. Dann replied that he would be a damn fool to join the O. R. T., inasmuch as he is in line for work in "CF" office, Camden; that if he joined the order he would get no work in "CF" and would be taking "bread and butter out of his own mouth." The same old story as comes from practically all over the system.

Yours, fraternally,

[Inclosure.]

IMPERIAL HOTEL,
MOUNT HOLLY, N. J., *April 29, 1913.*

T. E. E.:

While talking to Brother J. F. J. O'Connor, 1025 Spruce Street, Camden, N. J., said that a few days ago he was called to the office at Camden, and that the division operator's clerk asked him if he was a member of the O. R. T. O'Connor replied that he was paid up to June 30. The clerk called O'Connor's attention to the fact that, according to his seniority, he was next to work in superintendent's office, and further stated that they had no objections to the boys along the line belonging to the O. R. T., but Broad Street would not permit them to let O. R. T. boys work in superintendent's office, and in case they would permit any to work in the office that were in the O. R. T., as soon as Broad Street would learn the fact they would demote them at once.

Yours, fraternally,

A. L. REX.

PHILADELPHIA, PA., *May 2, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: See attached letter from Brother J. H. Austin, assistant local chairman, Trenton Division, P. R. R., with reference to what Brother Fred Johnson, Hornerstown, N. J., had to say with reference to his being called into the division operator's office at Camden and what was said to him by Mr. Woompool, assistant to division operator, regarding the O. R. T. and the O. R. T. D. A. & S., etc., etc.,

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DELANCO, N. J., *April 30, 1913.*

BROTHER ELLIS:

I want to give you a little information, but I was told confidentially not to tell it, but I am going to tell you and you can go see him if you desire, but don't let him know I told you or I won't get any more out of him. Brother Fred Johnson, of Harnerstown, N. J., works third trick at "B. J.," Mount Holley. I was talking to him on the Mount Holly station Monday night. I saw he wanted to tell me something by his actions. He said this: "I was called on the phone by one of the dispatchers, Mr. McCabe, that I had a chance of going in the dispatcher's office, and come down, Stanley Woompool—that's division operator's assistant—wants to see you." He went down and saw him. He took him in his office and said, "Johnson, there is room for one man in D. S. Camden dispatcher's office, and you are in line for it, but you know you belong to the O. R. T. and you can not belong to that and work in there." He said, "Now, Johnson, I know how you feel about it, but that's the company's orders. We don't want any of our men to belong to it anywhere but out on the road. We can not help it, but you can belong to the D., A. & S.," he said.

So Johnson said to me: "Now, I suppose if I go in there and drop the O. R. T. I will be a sucker in the opinion of the men out on the road." I said, "Yes;" but he said "I hate like hell to see all the rest going in ahead of me, and just because I belong to that I can not go in there." I think that means, the way I take it, that he is going to drop us and go in there by his actions now .

If the information is of any use to you use it, but don't let Johnson know I told you, see. Probably I will get more. How are things? Best wishes.

Yours, fraternally,

J. H. AUSTIN, *A. L. C.*

WINDSOR HOTEL,
Philadelphia, Pa., August 14, 1913.

Mr. H. B. PERHAM,
President, St. Louis Mo.

DEAR SIR AND BROTHER: Brother Rex reports that Brother O. R. Simmers, Phoenixville, Pa, stated to him that Division Operator J. C. Moran, P. R. R., Schuylkill division, Reading, Pa., recently said to him after having asked Simmers if he had joined the O. R. T., and Simmers answering that he had, that it might not be the best thing for the boys to join the O. R. T., that Mr. Atterbury did not approve of the boys joining the O. R. T., on account of it being radical, and that he did not approve of its methods. Simmers asked Moran if he should understand that the men were to be discharged because of their membership in the O. R. T., Moran replied, no; explaining there is a law preventing such action and went on to say that Mr. Atterbury objected to the O. R. T., that he (Moran) had nothing against the O. R. T., but had to carry out instructions given him by higher officials. This is the Moran that attended our open meeting at Pheonixville, Pa., on June 30, 1913.

For your information.

Fraternally, yours,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

FREE CARDS IN COMPANY'S ORGANIZATION.

SUNBURY, PA., *August 28, 1912.*

Mr. H. B. PERHAM, *President O. R. T.,*
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: I inclose herein a certificate of membership issued free gratis by an organization known as the O. R. T., D., A., & S., with headquarters in Philadelphia, Pa., to Mr. J. W. Orndorf, whose address is Northumberland, Pa., together with other letters of explanation. The letter written me by Mr. Orndorf is self-explanatory.

For your information wish to state that I went to see Mr. W. S. Minnier, whose address is 151 Church Street, Sunbury, Pa., who declared to me in the presence of witnesses that he, too, got a free certificate, practically in the same manner. With best wishes, I am,

Yours, fraternally,

PAUL H. WENRICH, *Organizer,*
General Delivery, Sunbury, Pa.

[Inclosure.]

"Fraternity and cooperation."

ORDER RAILROAD TELEGRAPHERS, DESPATCHERS, AGENTS, AND SIGNALMEN.

This is to certify that J. W. Orndorf is a member of this organization and entitled to such sick, disability, and funeral benefits as are provided for in its laws, subject to such amendments as may be hereafter adopted at sessions of the grand division.

[SEAL.]

J. R. T. AUSTON, *President.*

Attest:

ADAM REED, *Grand Secretary-Treasurer.*

Issued at the general offices, Philadelphia, Pa., July 1, 1912.

NORTHUMBERLAND, PA., *August 28, 1912.*

Mr. PAUL A. WENRICH,
Organizer, Order of Railroad Telegraphers, Sunbury, Penna.

DEAR SIR: About one year ago I gave my application to Mr. W. P. Brown for the O. R. T. D. A. & S., together with a dollar, and one month after I handed him this application I requested him to return me the dollar, as I had decided not to join the body. This he refused to do. I have been receiving their monthly publication, which is edited in the city of Philadelphia, Pa., ever since, and I have not paid one cent since I paid Mr. Brown the dollar.

Notwithstanding these facts, I received a certificate of membership on the 17th of July, 1912, free gratis and against my will, which I take great pleasure of enclosing herein, in the hope that it will help the consistent organized telegraphers of North America in showing those concerned, at the proper time, the tactics this so-called organization is resorting to in boosting their membership by issuing these free certificates.

I am willing to testify at any time regarding the facts as herein set forth.

I most sincerely hope the information imparted in this letter will be of service to the general committee representing the O. R. T. and the men in the telegraph department east of Pittsburgh and Erie.

With best wishes to the general committee and the cause they represent, I am,

Yours, respectfully,

J. W. ORNDORF, *Operator.*

Witnesses:
G. C. VANDELING.
C. C. FENSTERMACHER.

NORTHUMBERLAND, PA., *August 28, 1912.*

Mr. P. A. WENRICH,
Organizer, O. R. T., P. R. R. Lines East of Pittsburgh and Erie.

DEAR SIR AND BROTHER: Referring to the papers you have in your possession signed by J. W. Orndorf, wish to say that I can substantiate all the statements contained therein, inasmuch as I have been and am now working in the same office with Mr. Orndorf, who has confided in me the facts set forth in his com-

munication to you by word of mouth time and again. It is evidently plain that this so-called organization is issuing bogus certificates free gratis and to men who are not now and who never have been "paid up" in that "body," in order to boost their membership and make things "look but like what they ain't," in order to discredit the consistent organized telegraphers of North America (the O. R. T.), who are in reality representing 95 per cent of the telegraphers on this division.

With best wishes, I am,

Fraternally, yours,

C. C. FENSTERMACHER,
Assistant Local Chairman, Williamsport and Susquehanna Divisions, P. R. R.

SUNBURY, PA., *August 29, 1912.*

H. B. PERHAM,
President O. R. T., 3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: The reason I couldn't get the papers from Mr. W. S. Minnier is because he claims he destroyed them. He further claims he has friends in the O. R. T., D. A. & S., and when I wanted him to make affidavit regarding the facts he "ran under the platform," but I have him fast, as he declared himself very plainly in the presence of a witness.

I am,

Yours, fraternally,

PAUL A. WENRICH.

ELMIRA, N. Y., *September 12, 1912.*

Mr. H. B. PERHAM,
President O. R. T., 3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: For your information permit me to say that a telegrapher employed on the Elmira division of the P. R. R., by the name of Frank C. Collins, whose address is 213 Colwell Avenue, Elmira, N. Y., admitted in the presence of Brothers E. A. Johnson, Starkey, N. Y.; C. G. Robinson and J. J. Clair, of Montour Falls and Watkins, N. Y., respectively, that he—Collins—received a paid-up card in a so-called organization of telegraphers, known as the O. R. T., D. A. & S., free gratis, notwithstanding the fact that Mr. Collins has not paid anything into that organization for over six months prior to the time he received this free certificate.

I have no seem Mr. Collins personally, as yet, but will do so as soon as possible, and will advise you fully when I do so. In the meanwhile you can make use of this information, as the witnesses were very emphatic in their declaration, which was made in the presence of Brother Newman, first vice president of the O. R. T.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

1308 NINTH STREET,
Altoona, Pa., September 14, 1912.

Mr. H. B. PERHAM.

DEAR SIR AND FRIEND: Although, as you are aware, I voted against a strike, and I trust there may be no necessity for one, I feel anxious to see fair play. I realize that the new order, known as the O. R. T. D. A. & S., has apparently set up the claim that they represent the majority of the men—a claim I feel is false—yet who knows might not be bolstered up to appear correct? I therefore call immedaite attention to the fact that I have been receiving regularly, for more than a year, the paper known as the Wire and Signal, yet have never subscribed for it or requested it. And on making inquiry among the men here I learn that several of them, both O. R. T. and nonmembers of either the old or new, are now and have been receiving the above-named paper regularly. I therefore suppose that the mailing list of the new order contains many, if not all, the names of the telegraphers, and possibly others hereabouts, gratis, like those I mention. Now, then, if that is the case, surely their mailing list ought not be used as evidence to support any claims of representation, and I therefore inform you of this matter.

Kindly, yours,

C. W. MELOY.

[Order of Railroad Telegraphers. Pennsylvania Railroad system, division No. 17.]

2916 HUNTINGDON AVENUE,
Baltimore, Md., September 13, 1912.

Mr. H. B. PERHAM,
President O. R. T., National Hotel, Washington, D. C.

DEAR SIR AND BROTHER: Referring to your letter of some time ago regarding the sending out of free paid-up certificates to certain members of the O. R. T. D. A. & S., beg to advise that Mr. W. A. Gosson, now a signalman located at Whiting, N. J., in the employ of the Pennsylvania Railroad, states that he has been receiving cards in Auston's organization for the past two years, and that during that time he has not remitted them one penny. This man is now a member of the railway signalmen's organization and would be willing to give testimony to this effect if called on.

With best wishes, I am,
Fraternally, yours,

J. C. SCHRODER, *Organizer.*

IN RE COMPANY MEN ATTENDING MEETINGS ALL OVER THE SYSTEM ON FREE PASSES AND PRESUMABLY ON COMPANY TIME.

THE COLONIAL HOTEL,
Altoona, Pa., January 2, 1912.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: During the series of O. R. T. open meetings held by the undersigned over the Pennsylvania Railroad lines east of Pittsburgh and Erie the following Pennsylvania Railroad Co. employees, who are representatives of the alleged Pennsylvania Railroad Co. organization for telegraphers, etc., were frequent attendants and did all possible to discredit the Order of Railroad Telegraphers and its grand officers: W. L. Overdorff, assistant yardmaster, New York, 257 West One hundred and eleventh Street, New York City; R. H. Conway, interlocking repairman, Broad Street Station, Philadelphia, Pa.; C. F. Bannister, Pennsylvania Railroad Station, New York City; M. W. Burke, Pennsylvania Railroad Station, New York City; Adam Reed, "PO" telegraph office, Broad Street Station, Philadelphia, Pa.; J. W. Green, Thirty-second Street Pennsylvania Railroad office, Philadelphia, 837 North Fortieth, Philadelphia, Pa.; M. J. Kelley, train director, Tower "A," New York Pennsylvania Railroad terminals, New York City.

There were others, but the above named were the most active, especially Overdorff, Conway, Kelley, and Reed, who were at most of the meetings. Beginning in September and ending December 9th, 1912, meetings were held in Trenton, N. J., Camden, N. J., Wilmington, Del., Harrisburg, Pottsville, Altoona, Sunbury, Williamsport, Lock Haven, Pittsburgh, and New Freedom, Pa., some of the men mentioned were at each of these meetings, all of them acknowledged they were traveling on free transportation furnished by the P. R. R.

At Williamsport Mr. T. E. Fidler, a member of the P. R. R. telegraphers committee, said to Mr. Overdorff, "How does it come you can get away from your job with the P. R. R. at New York to attend all these meetings?" It is claimed Overdorff told Fidler the company did not know he was absent from his regular duties.

A considerable number of P. R. R. employees believe the P. R. R. arranged to relieve these men for the purpose of allowing them to attend these meetings and that their pay by the company went on uninterruptedly.

Adam Reed was absent from his position in "P. O." telegraph office, Broad Street Station, Philadelphia, Pa., some months. It is said that he claimed the company had transferred him temporarily into the supply department, but this did not seem to interfere with Mr. Reed's attendance at our meetings.

Martin J. Kelley, train director, tower "A," New York terminals, was at times out on the road organizing among the telegraphers repairmen, etc., for the alleged company organization (named O. R. T. D. A. & S.), and it is also claimed using a regular P. R. R. "employees' pass" during such times.

It was stated by one of these men in our meeting at Pottsville that L. K. Marr, train master, New York terminals P. R. R., New York City, is a member of the Brotherhood of Railroad Trainmen in good standing, and at that time Martin J. Kelley had in his pocket Mr. Marr's receipt for last term of dues in

that organization, whether for the purpose of assisting him in getting members into the alleged P. R. R. Company's organization for telegraphers, etc., or not, it was not stated.

If it is desired to know at just what meetings certain ones of the above-named men were in attedance and dates of meetings, I can give you the information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

PHILADELPHIA, *December 13, 1912.*

H. B. P.:

R. H. Conway, signal repairman, Philadelphia Terminal, 2543 North Nineteenth Street, Philadelphia, Pa.; W. L. Overdorff, assistant yard master, Manhattan Terminal, N. Y., P. R. R. station. Martin J. Kelley, C. F. Bannister, M. W. Burke, and George Carson, train directors, P. R. R. station, N. Y.

Above names are the ones who attended the several meetings.

J. A. B.

PERHAM EXHIBIT NO. 10.

PHILADELPHIA, PA., *June 9, 1913.*

Mr. H. B. PERHAM, *President, New York.*

DEAR SIR AND BROTHER: Information comes to me this a. m. from Brother McGrail, Altoona, reading in part as follows:

"After the conductor on the train which I used to the tower this date collected his tickets, I asked him if he knew anything about the new association; he said, 'You are d—— right I do.' I attended the meeting at Pittsburgh last Monday out of curiosity, and I saw the s—— heels of the Pittsburgh division there and prime movers."

McCrail says the conductor named Hepney and Bently had been thrown out of the O. R. C. account of "underhanded work" last time they were taking a strike vote; also the same man went down to Walls, Pa., during the shopmen's strike and made himself conspicuous in "butting into affairs which he should have stayed out of."

The conductor also told McGrail that Conductor Collins (chairman of the meeting) went to the company and told them he was satisfied when last strike vote was taken. He said the whole move had a mysterious appearance; that it is always good to beware of Greeks bearing gifts.

"Tom, you were right about discredited movers so far as the regular unions are concerned, and I think we should keep track of this thing."

I am sending some of this to a certain few to-day. Received a letter from Miller this a. m., in which he says he left Harrisburg before my request to look up the origin of the articles appearing in the daily papers was received, he also said there is to be a meeting at Wilmington to-night and asked me to be there. There is an open meeting of Auston's bunch here to-night, and if I find I can't get in there I will go to Wilmington.

Telegram from Wenrich the 7th stated he is in bad shape, no relief from the pain, bedfast.

I will try and get our men to get in touch with the other brotherhoods on this association matter. It appears to me cooperation can be brought about through this new move on the part of the opposition. Do you wish me to do this?

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *March 24, 1904.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Brother Blaney, of the B. L. E., was telling me the other day that whenever they discover a member of their organization joining the Penna. R. R. new M. B. A. steps are taken immediately to throw him out. I am advised that some of the other organizations are doing the same thing.

but have not heard of any specific instance. What attitude will we take in the event some of our members join the association, and what will be our attitude toward those that joined the association, but also desire to join the O. R. T.? Will we take them?

Awaiting reply in pleasant anticipation. With best wishes, I am,

Yours, fraternally,

PAUL H. WENRICH, *Organizer,*
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *February 13, 1914.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: I inclose you herein a copy of the By-Laws of the P. R. R. M. B. A., and especially call your attention to article 29, on page 41; article 41, on page 53; article 49, on page 73 (this article I believe was based on President Taft's message, in which he gave the result of the Government's investigation of cooperative buying, etc.); and article 54, on page 76.

Brother H. A. Ramsey, this city, told me yesterday that McLaughlin told him last week that he was done with the O. R. T. and all labor organizations; that he done lots of running around for Quick and Perham in bygone days; and that he had tried to land a position after he got down and out and was given no consideration at all. Ramsey says Mack is trying to get on the P. T., and that he had good backing in the person of O. A. Scheetz, who, Ramsey says, is a stockholder. Regret to say that it is generally understood in labor circles in this city that J. J. McLaughlin is a detective employed by a large agency for the purpose of spying on the men, etc.

I have more information regarding J. J. McLaughlin and when I get it completed I will be pleased to let you have it. I am told that he is giving pitiful tales of hardship, etc. I told Brother Ramsey when he told me regarding Mack that I was exceedingly sorry to learn of his misfortunes, and if he saw Brother McLaughlin to send him to see me. If he calls, I will give you result of interview.

With best wishes, I am,

Yours, fraternally,

P. A. WENRICH,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *March 13, 1914.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Several weeks ago while hunting for a copy or copies of the by-laws of the Mutual Beneficial Association of Pennsylvania Railroad Employees (Inc.) I learned that Steven Green, the Pennsylvania Railroad Co. printer, located at Sixteenth and Arch Streets this city, was doing the printing, and printed 10,000 copies of them about a month and a half ago, and the forms were still intact ready to print another lot.

Yesterday I received the following letter:

[Philadelphia Typographical Union No. 2, 131 North Fifteenth Street. Organized 1850. William Young, jr., president; Jacob Glaser, secretary-treasurer.]

MARCH 11, 1914.

Mr. PAUL A. WENRICH, *P. O. Box 606, Reading, Pa.*

DEAR SIR: I am advised that another edition of 10,000 copies have been printed of the by-laws of the Mutual Beneficial Association of Pennsylvania Railroad Employees, and a page added which contains the following:

OFFICERS: George W. Brown, president; Henry M. Kinsel, vice president; John McCully, secretary; James K. Linn, treasurer; George W. Hanson, comptroller.

DIRECTORS: George W. Brown, conductor; Henry M. Kinsel, telegraph operator; John McCully, shop clerk; Arthur A. Roberts, machinist; Robert Britton, car inspector; James D. Klingeman, engineman; George W. Hanson, station agent.

With best wishes, I am,

Fraternally, yours,

WM. YOUNG, Jr.

This for your information.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH,
Organizer, General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *June 3, 1913.*

Mr. H. B. PERHAM, *President,*
New York.

DEAR SIR AND BROTHER: I am sending you herewith additional information with reference to the new organization on the P. R. R. east of Pittsburgh and Erie, which was the subject of my circular letter of May 28, 1913, to the general committee.

See report of Brother Rex, attached, my circular letter to our general committee here, even date, and the report of Brother Wenrich's interview last Sunday with Mr. Rothermel, of Reading, Pa. The latter follows here.

Rothermel's interview was solicited by himself and he stated to Wenrich that George Hoffman, telegrapher, Pottsville, Pa., a member of the O. R. T. D. A. & S., of whom I have written you before, said at a recent D. A. S. meeting in Reading that the P. R. R. is trying to get away from the "54-road alliance"; that Hoffman is one of the boosters of the new association; that Conductor James Faith, who is Hoffman's father-in-law, is also a booster; that Superintendent of Telegraph Johnson, P. R. R., told Faith that Hoffman is a good man for the work; that Faith gets letters from the various P. R. R. superintendents regarding the matter and permitting him to solicit members among the employees; that Faith is a member of the O. R. C., but is regarded as a weak sister.

Rothermel stated that so far as he had become acquainted with the new organization proposition, the following, in addition to those mentioned above, are working in the interest of the movement: George Diebert, assistant yard master and clerk, Pottsville; T. J. Martin, yard master, Pottsville; W. J. Shick, agent, Pottsville; J. H. Dupell, engineer, (expelled from union), Pottsville; J. D. Myers, engineer (expelled from union), Pottsville; M. A. Kerr, section foreman, Reading; J. A. Sweeney, telegrapher (D. A. S.), William Penn, Pa.; ——— Leary, passenger conductor (ax to grind); ——— Brown passenger conductor (ax to grind).

Rothermel says Telegrapher Boyer, of whom I have written you before and who gave us good information, is peddling information over the division that the O. R. T. D. A. & S. recently endeavored to harmonize with the old order, but that the O. R. T. would not do the right thing, therefore the fight continues.

I expect to get information regularly in regard to this matter and will see you shortly with reference to the situation generally. Have not heard from you with reference to the open meetings I have mentioned as being in favor of holding at Lancaster, Norristown, and Philadelphia.

Yours, fraternally,

T. E. ELLIS.

General delivery, Philadelphia.

[Inclosure.]

AS TO ALLEGED RELATIONSHIP BETWEEN THE P. R. R. AND THE O. R. D. T. A. & S.

PHILADELPHIA PA., *March 30, 1913.*

T. E. ELLIS:

While at Robinsville, N. J., on March 13, 1913, I was in conversation with Relief Operator C. H. Robinson, who lives at Camden, N. J. He informed me that he was a member of the O. R. T. D. A. & S., and therefore there was no use for me to talk to him. I asked him if he did not think that the D. A. & S. was a company order, and he replied that he did. He further stated that he was compelled to be a member of the above organization in order to get extra work in the main office, and if he could get a few dollars more per month by being a member of the above organization, regardless if it was a company affair, that he would be very foolish to drop it, as he had a family, etc., to keep and that he was just looking out for himself.

Robinson continued to say that the company positively would not permit any of the employees to work in the main office that were members of the O. R. T. Therefore he was willing to continue his membership with the O. R. T. D. A. & S.

Summed up, Mr. Robinson's declarations were that he knew that the O. R. T. D. A. & S. was a company organization and that he had to be a member of same in order to work in the main office, which is "CF," Camden, N. J.

A. L. REX.

PHILADELPHIA, PA., *June 3, 1913.*

To all members P. R. R. General Committee greeting:

Referring to my recent circular letter.

Brother A. L. Rex, of the Grand, per my instructions proceeded to Pittsburgh, Pa., on May 31, 1913, and attended a meeting of P. R. R. employees there yesterday, June 2, and reports there were 116 present.

Mr. J. K. Lynn, Harrisburg, Pa., called the meeting to order. Mr. J. H. Collins, passenger conductor, Middle Division, was made chairman of the meeting. Mr. J. H. McCully, Connemaugh Division, was made secretary of the meeting. Mr. H. O. Hooper, an employee of the P. R. R., made a few remarks.

Conductor Bixler, of the Middle Division, suggested the organization or association be named The Pennsylvania Railroad Employees Mutual Benefit Association

Brother Rex reports that Mr. Collins stated the P. R. R. Co. would be glad to handle the funds of the association.

Future meetings subject to call of the chairman. Mr. Collins stated he would finance such meetings if necessary.

My information from other sources and in territory not mentioned by Brother Rex is that the active people in the preliminary work and prior to the Pittsburgh meeting are those who may not be regular with the unions in which they are eligible to membership. I therefore suggest a correct union history of each of the men above named be obtained and that you also investigate the union standing of each employee who is interested in the formation of this association, reporting any information obtainable.

Letters from different members of our general committee, including General Chairman J. F. Miller, state they have no knowledge of this new association or organization, indicating there is a desire to keep such knowledge from us.

For your information.

With best wishes,

Fraternally,

T. E. ELLIS,
General Delivery.

PHILADELPHIA, PA., *November 27, 1913.*

Mr. M. SALTER, *Conductor,*
24 Fayette Street, Phillipsburg, N. J.

DEAR SIR AND BROTHER: Brother J. G. Simanton, O. R. T., local chairman, Trenton Division, P. R. R., Frenchtown, N. J., has requested me to give you the names of some of the more prominent employees of the P. R. R. lines East who are working in the interest of the new so-called Employees Mutual Benefit Association, stating that you desired this and other information for use on the Central Railroad of New Jersey, and I take pleasure in complying with the request, as follows: Lon Johnson, conductor, Monongahela Division; Herbert Peters, conductor, Susquehanna-Williamsport Division; J. H. Collins, conductor, Middle Division; Mr. Bixler, conductor, Middle Division; J. M. Faith, conductor, Schuylkill Division; J. K. Lynn, assistant station master, Harrisburg, Pa.; Robert Britton, foreman car repairers, P. T. Division; J. M. McCullough, Connemaugh Division.

These names have come to me in different reports from over the system. Mr. Faith, of the Schuylkill Division, has been reported to me as having been active on several different divisions. His son-in-law, a Mr. Hoffman, of Pottsville, Pa., has also been reported as having been active and, it is said, attended the meeting on June 2, 1913, at Pittsburgh, Pa., where the association was formed. Mr. Hoffman at that time was a member of the dual organization known as the O. R. T., D., A., & S., and, in fact, until recently was known as a local officer for that concern, which is now practically out of the running here so far as membership is concerned, according to all information at hand, as a result of the energetic campaign prosecuted by the telegraphers here during the past year.

For your information I will state that immediately after I was informed of the movement on May 26 last, and up to the present time, I have done all possible, with the assistance of our local chairman on this system, to acquaint the men in our department and also the men under the jurisdiction of the other four brotherhoods with the movement, cautioning all employees to investigate well, in order to be perfectly satisfied as to the character of the association and the real intent of those who were behind it before committing themselves to its support. I have also taken the matter up with the presidents of the five great brotherhoods on three different occasions. On September 16, 1913, I

recommended to the five presidents in a joint letter that a committee be formed for the purpose of acting jointly on this system in protecting our joint interests against dualism and also against any desire entertained by the corporation for dual organization conditions, and suggested that such committee be formed by selecting five or more men from each of the five organizations, viz, B. of L. E., O. R. C., B. R. T., B. L. F. & E., and O. R. T. I have also urged the five presidents to get together and act jointly in this important matter.

There has been several joint meetings held under the auspices of the five brotherhoods for the purpose of considering dualism and the advisability of forming a closer alliance between the five brotherhoods, and I have noticed that the rank and file is practically a unit in favor of such proceedure, and in my opinion would not hesitate a moment in forming an effective cooperative alliance for joint protection. While there are obstacles in the way of federation as we understand it under the "Cedar Rapids plan," and which by the way I have not so far observed any great results from, there is so far as I can see absolutely nothing in the way of effective cooperative alliance by the membership of the five brotherhoods employed upon any system of railroad in this country, I am absolutely in favor of it, I hope it will be rapidly put into existance, and am not afraid to go on record as stating that the day is not far distant when it will become a necessity.

In my opinion the membership of the five brotherhoods should hold joint open meetings at least once in each month upon each division of any system for the purpose of educating the employees along the lines of real unionism as employed by the five brotherhoods, the meetings to be conducted along educational lines.

My personal opinion with reference to the subject matter of this letter is that there is perhaps a desire by the managers' association to successfully launch dualism among us over the entire country, and this was my opinion from the beginning, later news from the Lake Shore, Jersey Central, St. Louis Terminal, and one or two other places I have in mind rather bears out the opinion.

Brother A. I. Kauffman, general chairman B. L. F. & E., Altoona, Pa., has in his possession, I understand, a typewritten copy of the constitution and by-laws said to govern the P. R. R. Employees Mutual Benefit Association.

If I can serve you further will be glad to do so.

With best wishes, I am

Yours, fraternally,

T. E. E., *Organizer O. R. T.,*
General Delivery, Philadelphia, Pa.

HOTEL HENRY,
Pittsburgh, Pa., November 7, 1913.

W. S. CARTER, *President B. L. F. & E., Peoria, Ill.*
W. G. LEE, *President B. R. T., Cleveland, Ohio.*
W. S. STONE, *President B. L. E., Cleveland, Ohio.*
A. B. GARRETSON, *President O. R. C., Cedar Rapids, Iowa.*
H. B. PERHAM, *President O. R. T., St. Louis, Mo.*

DEAR SIRS AND BROTHERS: The peril of "company organization conditions" affecting all classes of men employed by the Pennsylvania Railroad, in my opinion, is such that immediate joint action by the presidents of the five great brotherhoods is absolutely necessary at the earliest possible minute.

In my opinion we are confronting a situation the gravity of which is not entirely appreciated by all concerned and that it will be found is not entirely confined to this system. I believe the corporations are laying the foundation for a vigorous effort to put us all out of business, and that if we jointly line up now against this menace it can be wiped out, but later on if delayed there will be a different aspect.

Personally I can see no obstacle in the way of such an alliance between the five brotherhoods for such purpose, and believe it absolutely necessary to form such alliance to save each of the five organizations here. My appeal in this matter is not a selfish one for my organization. We have practically put the dual organization formed to fight us out of the running; our men are alive to the dangers threatened, and with me desire to assist all legitimate union labor in the field. The fight is aimed at all of us. In retaliation we can best succeed through joint action by all, therefore I call your attention to the suggestion contained in my letter on this subject dated September 16, 1913.

Yours, fraternally,

T. E. ELLIS,
Organizer, The Order of Railroad Telegraphers.

[Brotherhood of Locomotive Firemen and Enginemen.]

PEORIA, ILL., *November 3, 1913.*

MR. FRANK PAQUIN,
First General Vice President Brotherhood Railway Carmen,
Kansas City, Mo.

DEAR SIR AND BROTHER: Upon my return to this office I find your letter of October 30, and I am not surprised that you should be interested in the situation on the lines of the Pennsylvania Railroad Co. (east). In order that you may know all that I know of the matter, I will recite the situation as follows:

1. For many years past the Pennsylvania Co., by a systematic employment of members of this brotherhood for "special-duty service," have succeeded in discounting or discrediting much of the brotherhood's work. While these men will not confess that they are "spotters" there is no question in my mind but what they furnish information to the officials and discourage our members doing that which the officials object to, as a part of the services they perform and for which they receive extra compensation. I mean by this that while these members of this organization are nominally "air-brake inspectors," "inspectors of switching yards," etc., they are expected to do "dirty work" on the side. The result of this policy has been that the brotherhoods have in past years been quite weak on the Pennsylvania lines east.

2. Notwithstanding the methods adopted by the railroad companies to weaken this brotherhood and others, as just stated, within the past few years, the members of the Brotherhood of Locomotive Engineers, Order Railway Conductors, Brotherhood of Railroad Trainmen, and Brotherhood of Locomotive Firemen and Enginemen have acquired a degree of aggressiveness in wage matters that is surprising, not only to others but to the officials of the Pennsylvania Co. While this new characteristic of employees of the Pennsylvania lines east has not been so pronounced with the engineers and conductors, so far as the B. R. T. and B. L. F. & E. are concerned, I believe I state the truth when I say our membership have developed a high degree of courage in protecting their own interests. During the year 1912, a temporary cooperation between members of the O. R. C., B. R. T., and B. L. F. & E. (which cooperation the members of the B. L. E. refused to join), secured a very fair settlement of the electrical question and adjusted many grievances that could not have been adjusted otherwise. During these negotiations it became necessary to take a strike vote, and it appeared at one time that nothing could avoid a strike of all conductors, trainmen, switchmen, firemen, etc. The fact that the B. L. F. & E. included almost half of the engineers on the road would have made the strike a very serious one. Since that time the B. L. E. and B. L. F. & E. have agreed to cease their wrangling and have, so far as wages, working conditions, and grievances are concerned become one organization, in that the two organizations support each other in all such matters.

3. Having regard for the wonderful changes in the work of the brotherhoods, as heretofore set forth, certain officials of the Pennsylvania road (east) conceived the idea that the only way to weaken, if not destroy, the four railway brotherhoods was to institute an organization of all employees on the Pennsylvania Railroad. While the prospectus and the statements of the organizers of this new association would indicate that the officials of the road have nothing to do with it, the fact that the officials are approving the movement—in fact, minor officials are acting as organizers for the movement—leads us to believe that this new organization is simply an instrument adopted by the Pennsylvania lines (east) to destroy these four brotherhoods. Among the advantages offered by the new organization for all employees of the Pennsylvania lines joining it are that the expense will be less, wages, working conditions, and grievances may be adjusted more readily by the friendship of the officials of the company, cooperative stores will be instituted hereafter, cheap insurance and pensions will be assured, etc. It is not strange that the shop employees, track employees, clerks, and other branches of service that have been coerced in the past, would gladly look to an organization of this kind, which they could join without fear of dismissal from the service of that company, and the result has been that the organization made wonderful strides for a few weeks, and it was claimed that whenever a majority of the employees of the Pennsylvania lines (east) were members of this new association, all schedules and agreements with the four railway brotherhoods would be abrogated and the new organization would make schedules for every man in the service, etc.

4. For the past two or three years Mr. W. H. Pierce, a special organizer of this brotherhood, has been doing excellent work on many roads, among which

the Pennsylvania Co. has been a most prolific field. When he was confronted by the arguments of the organizers of the new organization he found himself greatly handicapped in securing applications for membership from the young firemen who had just entered the service and who had been led to believe that their best interests lay in the new organization instead of in the B. L. F. & E. Mr. Pierce, being a very aggressive man, fought the new organization as best he could at public meetings, and, so I understand, at one public meeting where a large number of employees of the Pennsylvania lines from all classes of service, including some of the officials, were present, Mr. Pierce advised the shopmen, etc., that if they desired to form an organization they should form one of their own and not join an organization intended to displace the railway brotherhoods. Such a suggestion was received with such hearty acclaim by those present that I understand Mr. Pierce secured the signature or approval of 700 men present who heretofore have been denied the privilege of joining any organization. I understand from Mr. Pierce that he has no doubt that he can organize the shopmen, possibly the trackmen, and the office men in an organization of "Pennsylvania employees," and that without very much opposition from the officials. I do not mean that they would approve the breaking up of their own scheme, but it is understood that they would probably not dismiss men from service for joining the organization referred to. I have advised Mr. Pierce that he has nothing to gain by organizing these men, for, not being in that line of service, they would probably elect officers from among their own ranks, and after all of his own efforts he would have nothing, not even compensation, for his work. In reply, he has said that he was not looking for office or compensation, but that he was determined that the Pennsylvania Co. was not going to disrupt these railway brotherhoods by their new scheme, and he has been "fighting the devil with fire."

I am sending carbon copy of this letter to President Ryan, of the Brotherhood of Railway Carmen; to President Perham, of the Order of Railroad Telegraphers; to President Franklin, of the International Brotherhood of Boiler Makers; to President Johnston, of the International Association of Machinists; and to President Kline, of the International Brotherhood of Blacksmiths, and for that reason I have described the situation at length.

I shall be glad to hear from all concerned, stating any objection they might have to the organization of the employees on the Pennsylvania Railroad into one organization, with the exception of those crafts represented by the railroad brotherhoods which will be exempted from membership therein.

Yours, fraternally,

W. S. CARTER, *President.*

PHILADELPHIA, PA., *October 9, 1913.*

Mr. H. A. ENOCHS, *Chairman,*
Broadway Central Hotel, New York City.

DEAR SIR AND BROTHER: Your favor of the 7th instant received. I am glad to note what you say about your men watching matters connected with the new association. My information from the system shows much energy is being displayed by the boosters of that scheme and not without results. The following bit of suggestive information came in from Altoona, Pa., a couple of days ago, or so:

"Mr. Howard Collins, conductor, middle division, recently visited the P. R. R. shopmen at Altoona in the interest of the new association, among other things saying that it is to pay insurance and take up grievances, to be beneficial-industrial, that the members of the various brotherhoods are getting tired of paying fat-bellied officers big salaries; that committees will be composed of employees and railroad officials; that in that way differences could be adjusted right here on the ground; that Mr. Long is getting tired of having committees in Philadelphia all the time," etc.

That's beautiful, isn't it? The "home-circle" idea so well loved by the corporation is thus beautifully outlined, and many men in all departments are falling for it; that's where the danger lies.

I hope you have put up a case that will win out.

With best wishes,

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *October 1, 1913.*

To the General Chairmen B. R. T., B. L. F. & E., B. L. E., and O. R. C., Pennsylvania Railroad, East.

DEAR SIRS AND BROTHERS: Information comes from the Monongahela division this morning that is as follows:

"I have been advised that there are something like 500 on this division that have signed the tentative application for membership. They are explaining that it is a new relief department, something to take the place of the old relief department."

For your information,

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *October 2, 1913.*

Mr. J. D. HENDRICKS,
General Chairman O. R. C.,
Wesleyville, Pa.

DEAR SIR AND BROTHER: Information from the Williamsport division this morning is as follows:

"Passenger Conductor Herbert Peters is gathering in men on the mutual benefit association. Mr. Peters resides at Harrisburg, Pa."

For your information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

WESLEYVILLE, PA., *October 4, 1913.*

Mr. T. E. ELLIS,
Philadelphia, Pa.

DEAR SIR AND BROTHER: This will acknowledge receipt of yours of 1st and 2d inst., referring to Conductors Lon. Johnson and Herbert Peters, of the Monongahela and Williamsport-Susquehanna divisions. This man Johnson has been into this kind of dirty work before, while Peters never did belong to anything and is a "non air" as far as our order or the B. R. T. is concerned. All I have to say that if the new organization can't get anything better to represent them than men of this kind they are in a very bad light, in my opinion.

Can not see where any man with any intellect at all can be drawn into anything of this kind at all, the idea of the committee that the constitution of that organization provides for is enough to kill it in my estimation. If we are to be represented by officials of the company we are working for, no need of any organizations at all, and the sooner our men will see where they are in bad, and I believe it will be one of the strongest points to show all concerned the folly of this move.

Very truly, yours,

J. B. HENDRICKS, *Chairman.*

AS TO THE P. R. R. AND ITS SO-CALLED LABOR ORGANIZATION.

WINDSOR HOTEL,
Philadelphia, April 4, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: You will remember the report of my interview with Adam Reed last fall, especially that part of it referring to the transfer of his services from the telegraph to the supply department, thus fixing the source of his salary. Your files show my reports of some of his movements during the time referred to.

On last Tuesday, in an interview with one J. J. Dulley, 368 East Price Street, Germantown, Pa., regarding P. R. R. telegraphers' union matters, when asked if he did not consider the D. A. S. a company affair, said: "Well, myself and others I might mention did not have such a thought until after Reed attended the meetings over the system last fall, also doing some organizing for our

order, while it was understood that he was in the supply department; then the subject came under discussion on account of the company paying the salary." Dulley is a radical D. A. S. man, and says he don't care if it is the Salvation Army, he will support it, providing it "brings home the bacon."

For your information.

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

FAVORING COMPANY ORGANIZATION.

HARRISBURG, PA., *July 6, 1912.*

Mr. H. B. PERHAM,
President, Cleveland, Ohio.

DEAR SIR AND BROTHER: Met Brother C. S. Melcher, local chairman, 531 Curtin Street, Harrisburg, Pa., last evening.

Brother Melcher informs me that last February he was on the east end of the Philadelphia division soliciting information-authorization blanks; met several Marr men, and in argument with them stated that they did not have more than 50 telegrapher members, etc.; that shortly afterwards the division operator "called him in" and told him the superintendent had instructed him to get after him (Melcher), and said that "no doubt you want to hold your job. It is said you have been misrepresenting the new organization," etc.; "advise that you keep off," or words to that effect.

Brother Melcher in the interview said that it would not do for me to go on right of way, as I would be arrested for trespass.

Melcher could give me little assistance so far as post-office addresses of the men is concerned, but I have him working on the matter and hope we may be able to secure more blanks in this territory as soon as he can get the addresses in proper shape.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Harrisburg, Pa.

ALTOONA, PA., *January 6, 1913.*

Mr. H. B. PERHAM,
President, 1378 Montclair Avenue, St. Louis, Mo.

DEAR SIR AND BROTHER: Ex-Mayor Mr. S. W. Hoyer, 1900 Third Avenue, Altoona, Pa., at his home last (Sunday) night, January 5, 1913, among other things, stated to me as follows:

That in the beginning of his administration Mr. G. W. Creighton, general superintendent, P. R. R., Altoona, Pa., approached him about as follows: Invited the mayor to his office; said, "I hope you and the P. R. R. will get along nicely"; that the P. R. R. proposed to dominate the political situation in Altoona in the future; and things along these lines.

That about the time the P. R. R. shopmen's strike in 1911 was brewing, Creighton called the mayor to his office and told him of the impending trouble and asked his cooperation, saying interesting things.

That during the strike General Supt. Creighton on at least three different occasions suggested and practically asked the mayor to bring about a riot in order that the State constabulary might be brought into the situation, for the purpose of scaring the men into submission and getting the organizers out of the city. When the mayor refused, and called attention to the fact that such action would cause death, he was told, "What of it; policemen are paid to take such risks." The Mayor stated the police force was for the purpose of preventing trouble and not for the purpose of creating riots, Creighton always being insistent that the mayor "start something."

That General Supt. Creighton tried to get the mayor (Hoyer) to illegally arrest Organizers Gallagher, Schmidt, and others, in order to get them out of town.

That he (Hoyer) heard General Supt. Creighton tell Albert W. Beckman, manager the Baker estate, to prevent the proposed meeting. (See copy court proceedings already sent you; also see statement by Attorney Henderson relative to the swearing of Beckman.)

That it is a fact that Creighton did rent halls, etc., and otherwise prevent meetings in and around Altoona.

That Creighton endeavored to put up a job on him (Hoyer) after this trouble, whereby Hoyer would be implicated in a criminal way in connection with a political campaign.

That Creighton repeatedly told him (Hoyer) that he had 171 armed P. R. R. policemen in service here, and at a cost of $750 per day, urging Hoyer to do something to relieve the company of that large expense, and was as often told to let the men go, that the city police could and were handling the situation without trouble, which was the facts.

That Creighton tried to put up a job on him (Hoyer) by congregating certain citizens, every one of whom were political opponents of the mayor's and including four newspaper men, together with some of the P. R. R. official family, in Creighton's office, then telephoned Hoyer, asking him to come to his (Creighton's) office, where Hoyer went in company with his chief of police, finding the layout as above stated. Creighton stated the meeting was for the purpose of finding some way to stop the strike, etc., and suggesed that he (Creighton) and his people retire, allowing the mayor and the others left to fix upon a plan. The mayor at once scented trouble, feeling that it was the plan to elect a chairman, pass any resolutions desired by the company, making him a party to the procedure, the newspapers doing the rest. Hoyer flatly refused, and asked Creighton if the men out on strike were to be reinstated. Creighton emphatically stated they would not be. Then Hoyer said, striking the table with his first, "In that case to-morrow I myself will lead the strike, and to a finish," and in consequence of this stand by Hoyer most of the strikers were taken back by the company.

That Mr. F. N. Allman, chief fire department, Altoona, Pa., witnessed the assault upon the person of J. Gallagher, near the Senate Hotel, Altoona, Pa., in 1911, and that he said to Mr. J. D. Spangler, Blair County detective and constable, first ward, Altoona, who watched the assault, "Why do you not arrest Luther?" Spangler replied, "He is a constable." Then Spangler and Luther left the scene together. That there is no doubt but what this assault was a frame-up, as was also the one upon the boy in Juniata, of which he heard something at the time.

Hoyer also says he heard about the Graham case at the Senate Hotel, and also believes that a frame-up.

Hoyer says the situation at the time of this trouble was simply horrible, meaning the attempts by the P. R. R. officials as above, and the whole truth is almost unbelievable.

There were other P. R. R. officials named by Hoyer, but I give Creighton, as he was the principal in all the above. One Mr. Durbour, now deceased, remarked when told that Gallagher would probably die, "Well, likely a good thing if he did," according to Mr. Hoyer. He gives other information, much of it, such as the purchase of guns by the company, etc., and will willingly repeat all at any time and under any circumstances, simply in the cause of right and justice, and says he has no ill will against the P. R. R., but that such men and methods should be eliminated from among honorable people, etc.

Fraternally,

T. E. ELLIS.

ALLEGED DISCRIMINATION AND COERCION BY THE P. R. R. CO. APPLIED TO ITS EMPLOYEES WHO ARE AFFILIATED WITH CERTAIN LABOR ORGANIZATIONS.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman O. R. T. committee, Monongahela division, P. R. R. address 243 Fifth Avenue, Pittsburgh, Pa., said to-day among other things, as follows:

That to his personal knowledge ex-local chairman O. R. T. committee, Monongahela division, P. R. R., who is at this time employed by the P. R. R. as a telegrapher, was called into Division Operator C. J. Isler's office, Pittsburgh, and told by Isler to resign his office as local chairman; that he (Isler) was not prepared to say what action Superintendent Mitchell would take in case this was not done; that if he did resign the office of local chairman he (Isler) found that the local chairman was in line for promotion to the position of train dispatcher.

It is stated that then Isler referred to the age of the local chairman (about 40) and to his large family (wife and six or seven children), and said other things along this line.

The name of the above ex-local chairman is C. A. Burgess, Pittsburgh, Pa., a member of the Order of Railroad Telegraphers of some 20 years' standing, and an old and very reliable employee of the P. R. R. Mr. Stover requests that Mr. Burgess' name be handled with care; otherwise serious consequences might result to Mr. Burgess.

T. E. ELLIS.

INTIMIDATION, ETC., BY P. R. R. OFFICIALS AMONG CERTAIN OF ITS EMPLOYEES ON ACCOUNT OF THEIR BROTHERHOOD AFFILIATIONS.

PHILADELPHIA, PA., *April 2½, 1913.*

Mr. H. B. PERAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to Article No. 2, your petition to the Industrial Commission. I am informed that Division Operator Moran, Schuylkill division, P. R. R., with office at Reading, Pa., is intimidating or trying to intimidate his men on that division in the following manner: Selects a man who has recently left the dual organization and joined the O. R. T., or those who have at one time or another expressed themselves in favor of doing so, asking if they have joined the O. R. T., and saying to them that they should not join the O. R. T., that the P. R. R. does not recognize the O. R. T., but does the O. R. T. D. A. & S.; that it would be easy matter for him to discharge them, as he could do so for any little thing he might find wrong about their "sheet," and other things along this line.

For your information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *August 21, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: Brother P. A. Wenrich, grand division organizer, while soliciting membership for the Order of Railroad Telegraphers among the employees of the Pennsylvania Railroad in the city of Philadelphia and its environs, among other employees has met the following people who, he states, have made the following statements to him, each statement following the name of the man who made it:

M. J. Gallagher, leverman, 4639 Lancaster Avenue, Philadelphia, Pa., says that he desires to become a member of the Order of Railroad Telegraphers, but fears to join the order singly on account of adverse influences that probably would be brought against him by P. R. R. officials, naming L. K. Marr, train master, New York, and the general yard master, Philadelphia, Pa. Mr. Gallagher is a member of the B. R. T.

M. J. Maloney, leverman, 48 West Southampton Street, Chestnut Hill, Pa., says that he desires to join the Order of Railroad Telegraphers, but dares not do so alone on account of L. K. Marr and other P. R. R. officials. Mr. Maloney is now a member of the B. R. T.

R. McAllister, leverman, 1455 North Fifty-fourth Street, Philadelphia, Pa., says that he has dropped out of the dual organization, and is willing to join the Order of Railroad Telegraphers, providing the balance of his coworkers on the "elevated" (P. T. division) join at the same time, but is afraid to take single action on account of L. K. Marr and other P. R. R. officials, implying that he would lose his job on account of such action.

G. M. Gable, telegrapher, 1343 North Allison, Philadelphia, Pa., says that he is dropping out of the dual organization because of the fact that he does not admire the manner in which the dual organization has been conducted; that he desires very much to become a member of the Order of Railroad Telegraphers, and will do so if a goodly number of the employees will join at the same time, but is afraid to do so singly on account of the influence of L. K. Marr, and when Wenrich called his attention to the fact that L. K. Marr is located in New York, Gable said "Yes; but he is here more than in New York," adding that Marr is a member of the P. R. R.'s official "labor commission." Gable went on to state in giving his reasons for his fears that he knew of one particular instance

wherein Marr approached an employee on the P. T. division, P. R. R., and told him to drop his membership in the O. R. T.; failing to do so he would have to take the consequences.

A. D. Sheldon, 225 Ramsey, West Philadelphia, Pa., says he would not dare leave the O. R. T. D. A. & S., and join the O. R. T., as those not belonging to the O. R. T. D. A. & S. were persecuted so much that life became almost unbearable on the P T. at Seventeenth Street tower, and that O. R. T. members would be especially persecuted.

R. McNeal, leverman, 5719 Woodland Avenue, Philadelphia, Pa., says he is afraid to join the Order of Railroad Telegraphers on account of the influence of L. K. Marr, who is a member of the P. R. R.'s labor commission, and goes on to state his reason as follows: That at the time Mr. Marr became train master or general yard master for the P. R. R. in New York, Mr. Marr sent for him and asked him if he would accept a position on his division. McNeal said to Mr. Marr that he would be glad to accept a position on his division, and requested that a position be also given his son. All arrangements were made to this end, but the arrangements were never carried out, as he believes, that it was ascertained that he was not a member of the O. R. T. D. A. & S. at that time, further stating that it is generally understood on the P. T. division that men in the telegraph department could not secure employment under Mr. Marr unless they were members of the O. R. T. D. A. & S. Mr. McNeal exhibited fear of the consequences should he join the O. R. T. unless a majority of his coworkers should accompany him in such action.

Thomas J. Robinson, "relief," 949 Falon Street, Philadelphia, Pa., says he is afraid to leave the O. R. T. D. A. & S. and join the O. R. T. on account of L. K. Marr, train master, New York, being on the labor commission of the P. R. R. meeting each week with other P. R. R. officials in Broad Street station, implying that his reason for so believing is that Marr was the cause of the dual organization being organized.

E. E. Creely, jr., relief telegrapher, 2128 Orthodox Street, Frankford, Pa., says that he is afraid to leave the O. R. T. D. A. & S. and join the O. R. T. individually on account that the company might take advantage of the condition of his eyesight, thereby causing him to lose his position.

Charles I. Fisher, telegrapher, 1419 North Robinson Street, Philadelphia, Pa., says that he is afraid to leave the O. R. T. D. A & S. and join the O. R. T. on account of the attitude of the train dispatchers in "S" office and also the men in "JR" office, the latter the division superintendent's office. It is said that Train Dispatcher Howard Brown, of "S" office, is one of the men, and John Green, of "JR" office, another who most strongly urge the O. R. T. D. A. & S. proposition among the men, and that the men along the line fear the position and influence of those two men should they antagonize the O. R. T. D. A. & S. or dual organization proposition by leaving the O. R. T. D. A. & S. or joining the O. R. T.

A number of these men state that they do not desire to insult L. K. Marr, who has befriended them, by leaving the O. R. T. D. A. & S. or joining the O. R. T.; also expressing their confidence in him as a man. Others express grave doubts as to Marr's sincerity in the past in relation to matters affecting regular organized labor.

This statement will be continued from time to time.

For your information.

Yours, fraternally,

T. E. ELLIS.

Approved:

PAUL A. WENRICH.
Grand Division Organizer O. R. T.

PHILADELPHIA, PA., *August 20, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: The two meetings at Reading Pa., August 19 were held according to program. There were but a half dozen at the morning meeting outside of members of the general committee, Wenrich, and myself. The meeting was informal, and the principal subject under discussion was the lack of attendance by the P. R. R. telegraphers, and according to the information gained it was decided that the attitude of Division Operator J. C. Moran toward

the men and the O. R. T. since the Phœnixville meeting on June 30, and also to the fact that too much time elapsed between meetings was responsible.

Brother H. F. Strunk, 316 Seventeen-and-a-half Street, Reading, Pa., stated that Mr. Moran approached him, asking if he belonged to the O. R. T. and went on to state that, of course, he could not discharge him directly because he belonged to the O. R. T., as there was a law prohibiting such procedure, but that almost any little thing might be found against him and his discharge ordered therefor; and while the discussion was going on Moran let it be known that he might at any time receive orders to proceed as above. It seems Mr. Moran canvassed his entire division for the purpose of intimidating the men, including members of the O. R. T., nonmembers, and members of the dual organization, and during each interview stated practically as above. To Brother O. R. Simmers, Phoenixville, Pa., who did not attend either meeting, it is said Mr. Moran stated as above and added that the objection to the O. R. T. on the Pennsylvania came from Mr. Atterbury. Others of the men have also stated that Mr. Moran's attitude and words suggested that he wished them to understand that he is simply following instructions.

At the night meeting, General Chairman Miller in the chair, there were 17 present all told, including 3 P. & R. men.

Train Dispatcher A. W. Haws, who is an ex-O. R. T., also ex-O. R. T. D. A. & S. member, and for one term a member of the board of trustees of the dual organization, and while a member of the board of trustees, according to his statements to General Chairman Miller and myself at Reading, came into possession of information which caused him to leave that organization, further stating that this was due to irregularities practiced by J. R. T. Auston.

Mr. Haws also states to General Chairman Miller and myself that regardless of the words spoken by Division Operator J. C. Moran in his address at our open meeting at Phoenixville, Pa., on June 30, 1913, since then Moran is approaching his men by informing them that the P. R. R. does not desire its telegraphers to hold membership in the O. R. T.; and while the law prohibits him from discharging them from the service because of their affiliation with the O. R. T., any little thing might be found against them and their discharge ordered on that account—words to that effect. Mr. Haws condemned the attitude and procedure of Mr. Moran in this matter, as above stated.

For your information.

Fraternally,

T. E. Ellis.

As to the P. R. R. Pitting One Employee Against Another for Secret Purposes and Its Peculiar Way of Treating With the Dual Organization.

Philadelphia, Pa., *March 20, 1913.*

Mr. W. H. Boyer, 380 Second Avenue, Phoenixville, Pa., stated to me to-day in the presence of Paul A. Wenrich, at the Phoenix Hotel, Phoenixville, Pa., as follows:

That he was recently elected local chairman O. R. T. D. A. & S. Schuylkill Division, P. R. R., and that last Monday, March 17, 1913, he, with other members of the general committee of the O. R. T. D. A. & S., met by prearrangement at Broad Street, Philadelphia, Pa., Mr. Johnson, superintendent telegraph, P. R. R.; that the only other P. R. R. official there present was Mr. L. K. Marr.

That it was made known to him by J. R. T. Auston, prior to above meeting, that Mr. Marr would be present.

That J. R. T. Auston knew exactly what was to be given above-named committee in way of concessions prior to the time the committee went to meet Mr. Johnson.

That he (Boyer) and the committee found the "readjustment" (concessions) made by the P. R. R. all ready for them in "blue print" when they got there.

That Mr. Johnson stated to the committee that the P. R. R. would never meet an O. R. T. committee, and that this is all there was said about the O. R. T. at the "conference."

That he (Boyer) was told to leave at Broad Street all that he had heard and seen there.

That it was stated, or that he was given to understand, that had the two Reading, Pa., O. R. T. meetings on March 13, 1913, been held two weeks earlier and the action of O. R. T. D. A. & S. men been noted the Schuylkill division P. R. R. would have gotten nothing in way of concessions.

That he (Boyer) asked Mr. Johnson what the readjustment allowed by the company netted all the telegraphers employed by P. R. R. east of Pittsburg and Erie, Mr. Johnson said "these papers do not show that." Boyer says that 29 positions on the Schuylkill division gains $1,012 annually, and are the only ones affected by the readjustment; that most of these are the higher paid positions, in consequence of which there is much dissatisfaction among the men already; that the men also as a rule believe the money handed out by the company to the dual organization is for anti O. R. T. action; that in his opinion there will not be more than a dozen O. R. T. D. A. & S. members left on the Schuylkill division in 60 days from now; that this "readjustment" is the one asked for in either 1910 or 1911. That there are three men who run the O. R. T. D. A. & S., and they are Messrs. Johnson, superintendent telegraph P. R. R., Mr. L. K. Marr, New York, and Mr. J. R. T. Auston, Philadelphia.

That after the "conference" Mr. Huffman, former local chairman O. R. T. D. A. & S., Schuylkill division P. R. R., took him (Boyer) to J. R. T. Auston's office, Filbert Street, Philadelphia, and there asked Auston questions along lines to draw answers from Auston in Boyer's presence that the O. R. T. D. A. & S. was not a company organization. That he (Boyer) is satisfied that reports preceded him to Philadelphia that he had been seen talking with representatives of the O. R. T.; this, I told him, was beyond doubt. He says that general chairman Giles of the O. R. T. D. A. & S. committee came all the way to Phoenixville to visit him yesterday, March 19. That he intends to remain with the O. R. T. D. A. & S. as local chairman a while yet to see what will happen; that at next meeting of D. A. S., at Reading, he will tell the members of just what occurred at Broad Street, as he agreed to do this when he was elected to the office of local chairman; that there will be no one else serve as local chairman; that if they oust him there will be none there.

Boyer stated, in a slow and deliberate manner, as follows during the interview: "If a fellow that is crooked will serve well as general chairman D. A. S. and is foxy he will be sure to get a fine job with the P. R. R.," and cited others Marr and Hartman, along with the declaration.

That the members of the O. R. T. D. A. & S. on the Schuylkill division P. R. R. began to get wise to the proposition latter part of last December, and they are convinced of the true situation.

This interview was prearranged by Wenrich and myself after he had a short talk with Boyer on Tuesday, when Boyer put a much different line of statement to Wenrich. I went over notes of the interview with Brother Wenrich to-day after the talk with Boyer, and he will write Brother Miller this evening of the interview, as per Miller's request. Therefore I am sending it only to you.

T. E. ELLIS.

AS TO RELATIONSHIP BETWEEN THE P. R. R. AND THE O. R. T. D. A. & S.

PHILADELPHIA, PA., *February 21, 1913.*

Telegrapher J. P. Connell, Haddonfield, N. J., second trick at P. R. R. tower, said in part as follows to-day:

That J. W. Kelley, telegrapher, has been employed on the Atlantic Division P. R. R. for the past three years or more; that he understands Kelley is a close friend of L. K. Marr, New York; that Kelley is a southerner, and it is thought he came from the B. & O. Ry. in Virginia, to the P. R. R. That last spring (1912) Kelley represented to him (Connell) that if himself and the other operator then employed at "H I" tower, Haddonfield, would join the O. R. T. D. A. & S. he would guarantee them at least a $5 per month increase in wages right away; that himself (Connell) and Telegrapher H. Panacoast joined with Kelley and paid him $1 each for membership, but as there was no increase in wages, as per Kelley's guarantee, both dropped out, refusing to pay any more money into the order. Kelley is an organizer for the O. R. T. D. A. & S. and works third trick "H I" tower, Haddonfield, N. J.

That during last summer (1912) Kelley was relieved from his duties as telegrapher for two or three weeks by Extra Telegrapher O. A. Coppage, and it was rumored that Kelley was down on the Baltimore Division, P. R. R., doing "gum-shoe" work among members of the Order of Railroad Telegraphers. Kelley himself told the men at Haddonfield that he had been on the Baltimore Division, but refrained to state what he was doing there. It was

also rumored that Kelley was on the P. R. R. pay roll at that time, but he does not know anything about the facts in the case; so states Connell.

That the above-named vacation was the only one from "H I" tower for Kelley so far as he remembers.

NOTE.—It will be remembered that Auston wanted Tatlow to go among a number of O. R. T. men on that division and Tatlow's refusal to do the dirty work is the cause of the split between Tatlow and Auston, as given by Tatlow. Boardman at Winslow states the same thing, as do others acquainted with the matter. Now we find a P. R. R. telegrapher was relieved from duty for the purpose. Dates have not been given me account nonmemory, but same will be furnished with other information on this subject in future reports.

T. E. ELLIS.

WINDSOR HOTEL,
Philadelphia, December 15, 1912.

H. B. P.:

See Brother Wenrich's letter, inclosed, for files in this case.

T. E. E.,
General Delivery, Philadelphia, Pa.

THE GARDENIER,
NEWARK, N. Y., *December 6, 1912.*

Mr. T. E. ELLIS, *Pittsburgh, Pa.*

DEAR SIR AND BROTHER: On the 15th of October, 1912, Brother W. M. Chilson, of 74 Pleasant Street, Canandaigua, hired to P. R. R. on Elmira Division, under Mr. J. Shears, division operator, who asked him if he was a member of O. R. T., and when he was advised in affirmative, he (Mr. Shears) told Chilson he had better drop it as it was not recognized by the P. R. R.; that the O. R. T. D. A. & S. was the organization to get in, as they were doing things, etc.

I took Brother Chilson in O. R. T. at Towanda, Pa., in fore part of this year.

On either November 6 or November 21, 1912, the paymaster asked Brother L. M. Rumsey, How about the telegraphers strike? Whereupon Brother Rumsey said, "Don't know; no doubt we will hear more about it," whereupon the paymaster and clerk gave him a sniff and horse laugh. No doubt they are doing this all over the system. "73."

Yours, fraternally,

PAUL A. WEINRICH.

P. S.—Yesterday got promise of three delinquents to pay up and collected; got one promise to come in. Boys on Shine line clamoring for meetings at some convenient point; for instance, Canandaigua.

P. A. W.

AS TO P. R. R. FOSTERING DUAL ORGANIZATIONS.

PHILADELPHIA, PA., *June 8, 1913.*

Mr. H. B. PERHAM,
President, New York City.

DEAR SIR AND BROTHER: Telegrapher Weaver, P. R. R., Phillipsburg, N. J., recently stated to Brother S. G. Simanton, local chairman, Frenchtown, N. J., that: "P. R. R. Telegrapher Harte, chairman the D. A. S. above Phillipsburg, had been telling the men up that way that if they would join the D. A. S. they would get a raise in wages. When the "hand-out" occurred last March no one above Phillipsburg received any of it, Harte himself included. Harte did not like this, and took the matter up with Telegrapher Vetter, the D. A. S. man at Lambertville, N. J. Harte claimed Vetter said to him, "Well, now, boy, get busy and get these men all in the D. A. S. and you will all get something in the next advance." Harte was not satisfied with this, and said he wrote Vetter about as follows: "I have not received any advance at all yet, and I want it as promised, and so do my men. Now, I will give you 10 days to fix it up, or I will give the whole rotten shooting match away." It is said in a day or two Division Operator Cross and Telegrapher Vetter went to "C R" tower and held a long conference with Harte. Immediately after this the list was corrected to include two more towers on the upper end. It is not known how Harte was

fixed up, but Weaver suggests by a hand-out. At least Harte now seems very reticent and satisfied, 'tis said.

Fraternally,

T. E. ELLIS.

P. R. R. ALLEGED DISCRIMINATION AND COERCION ON ACCOUNT OF ITS EMPLOYEES' MEMBERSHIP IN CERTAIN LABOR ORGANIZATIONS.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman O. R. T., committee, Monongahela Division, P. R. R., address 243 Fifth Avenue, Pittsburgh, Pa., says as follows:

That A. G. Mitchell, superintendent P. R. R., Pittsburgh, Pa., said to him after calling him to his office last fall, that if he (Stover) expected any promotion on the P. R. R. he would have to withdraw from the Order of Railroad Telegraphers.

That if the company needed a train dispatcher and there were two men to pick from, one a member of the O. R. T., the other a nonmember, ability equal, the O. R. T. man having advantage in seniority, that the nonmember would be chosen for promotion over the O. R. T. member.

That there have been several men promoted over him, and none of them have better records and none of them more ability than he has; that he is absolutely sure this is due to his membership in the O. R. T. and his position as local chairman for the men.

That at one interview with Division Operator C. J. Isler, P. R. R., Pittsburgh, Isler told him (Stover) that the O. R. T. was not popular with the P. R. R. and would never be recognized by the company; that he understood the O. R. T. D. A. & S. was all right and being recognized by the company; that Stover was making a big mistake in his activities as local chairman. Stover declares he can name other instances in connection with these features.

T. E. ELLIS.

PERHAM EXHIBIT NO. 11.

NATIONAL HOTEL,
Washington, D. C., September 15, 1912.

Mr. H. B. PERHAM,
President O. R. T., City.

DEAR SIR AND BROTHER: As per your instructions of the 9th instant, I addressed meetings on the P. R. R. at the following points: Harrisburg, Pa.; Williamsport, Pa.; Elmira, N. Y.; Latrobe, Pa.; Red Bank, Pa.; and Freeport, Pa. I found the men at all those places enthusiastic and ready to back up their committee to the extent of striking if it becomes necessary. They have every confidence in the committee and yourself.

From personal talks with the prominent men of each of the divisions that I visited and my personal observation I am of the opinion that 90 per cent or better will strike should one be called.

The officials have visited every employee, and in some instances, especially the ladies and old employees, have endeavored to intimidate them into saying they would not strike. The ladies were told they would never be permitted to work again and the old employees were advised that they would lose all rights in old-age pension fund if they struck.

Employees who have been superannuated by the Pennsylvania R. R. Voluntary Relief Association have been advised that they would be expected to return to the company's service should a strike take place.

In the territory I visited you can depend upon the employees walking out if a strike is called.

The company's organization cuts no figure in that territory, as there are no members worth mentioning out there; I only learned of two of them.

Yours, fraternally,

J. A. NEWMAN,
First Vice President O. R. T.

Mr. H. B. PERHAM,
President, City.

DEAR SIR AND BROTHER: Within the past week I have addressed meetings of Pennsylvania employees in the telegraph department at Greenwood, Del.;

Wilmington, Del.; Camden, N. J.; Trenton, N. J.; and Baltimore, Md.; meeting in all about 400 men. They are very much incensed against the treatment they have received from their employer and the way their committee had been used recently.

The situation is further aggravated by the company attempting to form an organization of its employees to be used for its own purpose, the company being willing to meet representatives from its own organization and treating with contempt the committee that was elected by the employees to represent them. The company wants the small minority to represent the great majority, and as a consquence 100 per cent of the men favor a strike.

I canvassed the situation closely and you may rely upon the truth of this statement.

Fraternally, yours,

J. J. DERMODY,
Fourth Vice President.

PERHAM EXHIBIT NO. 12.

P. R. R. VOLUNTARY RELIEF.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman, P. R. R., Monongahela division (O. R. T.) committee, 243 5th Ave., Pittsburgh, Pa., to-day stated in part as follows:

That in 1910 the Voluntary Relief (P. R. R.) became practically a compulsory proposition; that it is the policy of the company to not engage the services of men who can not successfully pass the Vol. R'l'f examination; that while he does not now belong to that relief it is due to the manner in which he has filled out blanks and answered questions by examiners; that it has been suggested to him by the division operator that "you do not need to go into very close details, they do not need to know all about you," words to that effect; that in an endeavor to get Stover to pass the examination and take membership, which Stover does not want, declaring the Vol. R'l'f is but a graft.

That it is a popular and general belief among the employees of the P. R. R. that several years before they reach retirement age demotion is given them in order to reduce rate of pension when retirement comes to them; that pension rates are arrived at by the average wage of the man during the last 10 years of service.

That the P. R. R. gained a very large sum of money through the "laying off" or discharging its shopmen and the strike resulting from this action in 1911; that there were men in the shops who had been in the service for 25 years and all those who were dismissed from the service or went on strike and belonged to the relief lost all they had paid into it; those who were taken back went into the service and into the Vol. Relief as new employees and members; of course, those who were barred by age from the relief are not members.

T. E. ELLIS.

PHILADELPHIA, PA., *February 14, 1913.*

Conductor Newcomer, work extra, 1142, on P. R. R., between Moores and Chester, Pa., Feb. 13, 1913, among other things stated as follows:

That the P. R. R. Vol. Relief is compulsory, inasmuch that an applicant for work must pass the examination of the Vol. Relief examiner before a position will be given, and if not successful with the examination no position will be given the applicant; in other words, it is join the Vol. R'l'f or no job.

Station policeman, P. R. R., Broad Street Sta., says same thing and adds that he was never asked to join the relief, but was put there at once before he went to work, pays $1.50 each month. I understand same thing exists on the Philadelphia and Reading R'y.

There is also reports that the P. R. R. runs a double insurance; that is, when they put a new employee into the $500 class they place his risk with some regular insurance company for $1,000; this was mentioned by Conductor Newcomer and also Operator W. H. Gibson, Moores, Pa.

T. E. ELLIS.

PHILADELPHIA, PA., *April 22, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to article 5 in your petition to the Industrial Commission, it is a matter of discussion among some of the employees of the P. R. R. that a large number of the foreigners who enter the service of that company, and, of course are compelled to contribute to the Vol. Relief, do not give their correct names from one reason or another. In case anything happens to these men there is no legal connection whereby the heirs or beneficiaries may recover. It is said the company officials understand this feature.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PENNSYLVANIA LINES WEST OF PITTSBURGH,
INDIANAPOLIS DIVISION, OFFICE OF DIVISION OPERATOR,
Columbus, Ohio, May 7, 1914.

Mr. A. H. LANTZ, *N. I. Cabin, Ind.*

DEAR SIR: Replying to your note of May 1, the company furnishes you the position and pays you the salary, and as they have an insurance for the benefit of employees, they wish all employees to be members of the R. D.

It seems to me it is a mistake for a man not to be a member when he is in the service. Of course, if you can not see it that way, will send you a blank for withdrawal.

Very truly,

J. H. MCALPINE,
Division Operator.

MARCH 18, 1913.

Geo. F. Hoffman, 641 Dauphin Street, Harrisburg, states that he has worked for the P. R. R. for three different times, the last period being for six years.

He was laid off in November, 1913—furloughed—in company terms.

For the first three months after he was furloughed he continued to pay his Volunteer Relief payments of $1.50 a month. The fourth month the company refused his payment, saying that he had been dismissed from the service. They did not return the $4.50 which he had paid after leaving the company service, nor is it their custom to do so in similar incidences.

Mr. Hoffman says that he individually has received as much from the relief as he has put into it, as he was sick for 27 months on a stretch, but his case is typical of the company practice.

GEO. F. HOFFMAN.
W. H. PIERCE.

HARRISBURG, PA., *March 20, 1913.*

To who it concerned:

This is to certify that I, the undersigned, do hereby state that I was furloughed on March 28, 1914, and that the P. R. R. accepted relief money after the same. I was also dropped from the service about June 15, 1914, and have receipts that the said R. R. Co. accepted relief money for that entire month and did not offer to return to me the surplus. I will also state that I was in the first-class relief.

DAVID MCKEE.

PENNSYLVANIA RAILROAD—WORKING CONDITIONS, TELEGRAPHERS AND TOWERMEN.

Working conditions are continually going from bad to worse on the railroad. On the Pennsylvania, in the Philadelphia district, it would be hard to picture the exact conditions, for it is almost beyond description to give a truly accurate pen picture.

In speaking of the telegraphers and towermen in the vicinity referred to, it must be said: While conditions in the recent past have been well-nigh unbearable, the company has lately been heaping insult to injury by unceremoniously laying off large numbers of men and closing up offices.

It was rumored that one morning soon after the last lay off as high as 25 telegraphers reported for work at one place and nothing for them to do. The recent lay off is not the first that has occurred this year.

It is beginning to look as if the telautograph may soon be used as an excuse for displacing more men, for these machines are being installed and message business is being diverted through other channels, the object unquestionably points in the direction of further retrenchments.

It is not because the duties of the men in this department have in any way lessened that the company has found an excuse for this reduction, on the other hand the work is continually becoming harder and harder, with no relief in sight; and instead of giving some form of assistance by putting on additional men they are just doing the opposite, and adding unjustifiably to our already tremendous burden.

This burden to which reference is made, and upon which too much emphasis can not be placed, can only be pictured in an illustration of words, and will bring out more clearly the true meaning of this so-called contention relative to working conditions.

The list of physical wrecks, premature deaths, etc., about to be shown, has caused deep sorrow and distress in many homes, from among our associates—passed and present—with whom we have worked shoulder to shoulder, and in behalf of whom we are now registering a protest of words.

The list about to be presented are of men who are, or have been employed in about three or four of the block offices of this little terminal division, and reference is made to the particular individual cases, so that others who follow may benefit.

The following is a partial list of those of the employees affected on this division, and while perhaps in one or two instances may not be shown just as accurately as might be, yet they are given as nearly correct as possible at this time.

The two following sudden deaths occurred, a few brief weeks apart, and early in the present year, 1914:

Faber Sellers, telegraph operator, "A" tower; died suddenly on his return home from work one day in early part of present year. Put in many years service at this office. In prime of life.

William C. Frazier, telegraph operator, "C" tower; died suddenly at his home one day after work early part of present year. See many years' service at this office. He was in the prime of life.

It was perhaps about five years ago that the following death occurred: M. J. Flynn, leverman, "B" tower; died suddenly on his way to work one morning, while in the prime of life; hardly past 47 years; was an old employee; formerly worked at "N."

The following is a list of those more or less seriously affected physically, and presumably directly the result of overwork:

John O'Brien, leverman, "B" tower; physical wreck; has been confined to his home, and absent from work for over a year. Doubt expressed as to his recovery or return to work. Has seen many years' service, and is aged about 45 or 47 years.

William Duffy, leverman, "B" tower; physical and nervous wreck. After being confined to his home for many months he was finally removed to an insane asylum, where he now is. He, also, is over a year away from work, and doubt is expressed if he may again return. He is an old employee, and about 47 or 50 years old.

These are all men of families.

Joseph Uleau, leverman, "N" tower; physical wreck, and has been absent from work for the past 4 or 5 years. Doubt expressed as to his return to duty. Was one-armed man, and having family, being aged about 47 years.

James Hutton, leverman, "N" tower; physical and nervous wreck for about two years. Was absent from work for over a year before returning to duty. Now working over a year. Is an employee of over 30 years' standing, and is about 49 years of age.

Death: Robert McNutt, leverman, "A" tower; physical and nervous wreck, having died in early part of present year after some months' confinement to his home. Was also a telegrapher with same company some years previous. Was old employee, and aged about 48 years.

Death: Harvey Miller, train director, "N" tower; physical wreck, and said to have died in the almshouse broken hearted. He was an old and faithful employee, and a demotion he received hastened his death about three years ago. He was about 58 or 60 years of age.

The following deaths were undoubtedly hastened because of worry over their work. These men died possibly within the last 3 to 5 years:

Lew Brown, leverman, "K" tower; died at about 55 years old, after brief illness. Old employee.

John Beatty, leverman, "C" tower; died at about 55 years, after extended illness. Was an old employee.

Willard Brown, telegrapher, "B" tower; died at about 50 years, after brief illness. Was an old employee.

Th following victims departed for a premature grave without having hardly reached the age of 50 years, and all died within a year or two apart, and about perhaps ten years ago:

T. O. Gallagher, train director, "A" tower; physical wreck, and died after a brief illness. Without a doubt overwork hastened his premature death. For years he worked this nerve-racking job without any assistance, but soon after his death two assistants were appointed. He was an old employee, and aged about 47 or 48 years.

B. F. Donecker, ex train director, "A" tower; died a suicide, while holding the position of yardmaster at Broad Street Station. Unpleasant surroundings hastened his end and rumor had it that his sudden death was the cause of a threat of demotion. Aged about 48 years.

E. M. Myers, ex train director, "A" tower; died after a short sickness, hastened by the death-dealing grind at "A" soon after his appointment as yardmaster, having been elevated to the position left vacant by death of Donecker. Was old employee. Age about 48.

Here is another victim of the dreadful "daily rush": M. E. Casey, telegrapher, "JR" office; physical and nervous wreck; absent from work 2 to 3 years, and in bad shape yet. Still confined to his home. He is an old and faithful employee and in the telegraph department many years. He is aged about 48 or 50.

The following is an additional list of towermen who were seriously affected by this nerve-racking daily drudgery:

I. F. Gill, train director, "A" tower; collapsed from the strain while on duty. After a lay-off period and recuperating he resumed his usual occupation. In service many years, and aged about 47 or 48 years.

L. M. Hatton, ex-train director, "A" tower; became a physical wreck, and after an extended lay-off returned to his work and finally accepted a new position of clerkship to the yardmaster. He has been long in the service, and is aged about 49 or 50 years.

W. J. Wilson, ex-train director, "A" tower; became a physical wreck, and after a great loss of time finally accepted a new position at Washington, D. C., with the new Terminal Co. there. Was about 30 years in the service, and now aged possibly 50 years.

J. K. Osmond, ex-train director, "A" tower; collapsed from the strain while on duty, and after an extended lay-off returned to work in the capacity of leverman, which is a decided demotion. He has been many years in the service, and is aged possibly 46 or perhaps less.

W. G. Cox, train director, "N" tower; became a physical wreck. His condition was aided none by the foul atmosphere from the large engine yard close by, besides the acid fumes from electric batteries located in cellar of building. After much loss of time he finally got located at "B" tower, same occupation. Has been long in service, and is aged about 48 years.

Wm. J. Wilson, electrician, "N" tower; became a physical wreck and resigned his position to get away from the unbearable surroundings. The foul atmospheres here also were anything but favorable to his condition. He had lost much time through sickness and was forced to this action in the interest of his health. He was an old employee, and about two years ago, when he resigned, he was about 50 years old.

Chris. Shread, electrician, "N" tower; became a physical wreck, and is at present confined in a sanitarium. He is away from work for the past six months or more. He, with others who were affected, frequently found cause for complaint over conditions and the filthy, unbearable atmosphere. Aged about 47. Worked 12 hours. No vacation. He was old employee. He filled position vacated by Wilson, who also worked 12 hours and no vacation.

The following is a list of men who were forced to free themselves from their jobs rather than submit to continual injustice and the unbearable surroundings:

D. C. Dickson, train director, "A" tower; relinquished his position and accepted a demotion at another office as block operator to be relieved from the

tremendous responsibilities. Is an old employee, very steady, and aged about 48 or 50 years.

C. D. Richards, train director, "A" tower; resigned his position about five years ago. Old and steady employee. About 45.

J. W. Richman, train director, "A" tower; resigned position couple years ago. Old and steady employee. Aged about 35.

Elmer Derr, day operator, "N" tower; relinquished his day job for a night office at another end of the district (no promotion) to be away from the "grind", the abusive tactics of those in authority, and the unhealthy surroundings. Old employee, and aged about 35 years.

This is just a few individual cases picked up hurriedly from the terminal division and noted here. Many other such cases may be traced by a more careful investigation. All the above information is simply presented to clearly define as briefly as possible the intolerable conditions under which the men here are forced to put up with.

The greatest number of cases referred to is confined to practically the last five years, with perhaps just a few running as far back as 10 years.

Previous to 10 years ago such occurrences as described were of very, very rare existence. Collapses and breakdowns were not then known and deaths in this department seldom happened. It is clearly seen by this that there is something wrong, and something is radically wrong.

It is a fact that most all of these men referred to had some experience with organization at one time and know of its advantages, but unfortunately at the present time a very small percentage of them are affiliated with the labor movement.

This is the secret of their trouble, and had these poor unfortunate human derelicts not abandoned their organization as they did there would not have been such a sad story to tell.

This subject matter is not being presented from any selfish motives, nor is it appealing for any action in behalf of the afflicted ones; on the contrary, it is purely presented as a lesson in the advantages of organization.

This does not infer, of course, that we wish these unfortunates any further bad luck; far from it, for it is only natural that we sympathize with them, but after all there is little to be accomplished by sympathy; therefore we are compelled to direct our activities more and more earnestly in the direction of organization.

The men who have been lucky enough to continue at work and who have not yet been stricken down in their tracks are surely beginning to show "the worse of the wear." They are beginning to show that worn-out appearance, and numbers of them are becoming very nervous, and this is plainly visible in their daily makeup. It is remarkable, indeed, that they have not been driven to drink.

Speaking of retrenchments, this may be justified to perhaps some degree on the railroad, but absolutely not amid the rank and file, where the lash is falling and where all the useful and laborious work is done. Higher up there is lots of opportunity for exterminating waste. This is the sort of waste that undoubtedly was referred to when the railroads were urged to reduce their operating expenses. A little investigation is all that is necessary.

At several of the block offices on this Philadelphia Terminal Division and where hundreds of trains are handled daily, there are no levermen employed, although they are equipped with the electric-pneumatic interlocking, and the telegrapher has to do all of this work, handling the switches and signals.

Some of these offices control subway and tunnel trains and make movements on their respective sections controlling trains running on from three to five divisions of railway.

(1) One morning recently a telegrapher reported off sick who had worked one of these offices where tunnel, subway, and surface trains were operated. No experienced man was available for his place. A telegrapher was sent to this office who was not familiar with the work. To overcome this great difficulty the 12-hour electrician on duty down stairs was called up to help out and requested to operate the levers for balance of the day, which he did.

(2) At a similar office close by and where the night leverman's services were dispensed with not long since, the day leverman failed to report until late in the day, and consequently the telegrapher on duty was forced to handle the enormous business single handed during the busy hours of the morning.

During the busy season, in the summer months, when the vacation list is in operation, at these offices the greater portion of the men work from 30 to 40

and 50 days before they got a single relief day, and then when it is their time for vacation they get a stingy week or 10 days. Some of them do not even get a vacation and some of them get only one relief day a month.

At one time it was the custom to give all offices, or most all, ten days' vacation and two relief days monthly, but since the men's organization has been disrupted the company has taken advantage of this, and many of such privileges have been abolished.

If the telegrapher and towerman had any brains at all he might be only working three or four days a week, just like some of our locomotive engineers, and be receiving big wages like them, for their position is just as responsible, and more so than that of the engineman, but it seems they can not see the length of their nose.

Among other things which have proved to be a great annoyance and affecting lever men (together with the ground switchmen) is the fact that boys are being brought into service to fill those positions, and for the most part they are the sons of officials, foremen, or other influential individuals directly or indirectly associated with the company.

When a lever man (or a switchman) tries to get a day off for some good and sufficient reason he is invariably informed that nothing can be done for him and that there is no boy available to fill his place.

When these boys are first employed they are started as messengers; then, after a few weeks, or perhaps less, they are used as telephone operators at some tower.

Usually at "N" tower, West Philadelphia yard, these boys are "broke in." This office controls the big passenger-car yard there and is the principal feeder for Broad Street Station. The messenger boys and telephone boys employed there are encouraged to pick up the work, pay close attention to the lever manipulations, and within a brief period of time they are pressed into service as levermen, and they are also used on the ground, filling the capacity of switch tenders.

In these capacities the boys mentioned are required to report train movements, both in the yard limits, to and from the main tracks, and also transmit orders between the yardmaster (and other officials) and the train crews.

The ages of these boys range from 16 to 18 and 19 years, and there are instances where they have filled some of these positions at the age of 14 years. When these boys get to learn a little something about the work, then the situation of the men concerned becomes almost unbearable in many cases, for they usually know more than a man, and the boys are, besides, encouraged by those in authority.

They go so far as to direct train movements and the like when the man in charge is busy on phone or otherwise engaged or temporarily absent.

Wrecks, delays, and other forms of confusion have already occurred by such irregularities, and there are instances where men have suffered discipline because of the same, and there is evidently no redress.

In cases where trainmen or enginemen are involved and where discipline is to be dealt out, the towerman is forced to keep quiet and not divulge these irregularities for fear he himself would be punished and perhaps lose his job, and all because of the fact he has no organization to back him up in his protest. If these things could be made clear to the train hands and point out the dangers to which they are exposed it is possible that there would be a different story to tell before many months. For their benefit they should insist on the recognition of our organization and encourage the unorganized to unite, thereby hastening an understanding whereby all these dangers will be eliminated.

In former years it was the custom to employ older and more experienced persons in these positions, especially for tower work, but a change seems to have occurred, and not for the better.

Either cripples or old experienced men used to be given the preference with a chance to fill these jobs on levers, but such opportunities are rare now.

Besides, most of these boys who hold the positions seem to be able to do nearly as they please and "get away with it," as the men in charge offer but little resistance, presumably because of the influence back of some of the lads.

Promotions for lever men and operators seldom occur, but when a chance vacancy of this character does occur some "pet" usually gets the job, and who, very often, comes from another department or branch of the service.

The towermen here in this short district, which is commonly known as the elevated, are all old, experienced, and faithful employees. The company does

not seem to appreciate their value; neither are they holding out any special inducements that would in any way tend in the direction of encouragement.

The wages are not such that a man can afford to take a day off once in a while to rest up; on the contrary, it takes every cent that one can make nowadays to keep the wolf from the door. Besides that constant grind, grind, grind on the job keeps the doctor almost constantly on the move propping us up for just one more day's work. These doctor bills must be paid, and nearly all of us have some good-sized bills already

Nearly every day you hear of some new victim in some of the departments who is "all in" and is not now working every day like he used to. These are facts, and all that a person has to do is simply go amongst the men; you can see it right in their faces. It shows up clearly and no mistake. About worked to death, so to speak.

Recently an engineer had some slight trouble with his engine, and it was getting close to leaving time. He called in one of the towers to report the defect, and recommended a change of engines. The poor fellow was just about ready to collapse. He was simply "all in." He was a nervous wreck and he looked it. Hundreds of instances may be quoted, but why continue? There is a reason for all these terrible things. Retrenchments and further retrenchments help it along. The work is carried on just as hard after retrenching as it was before, and just as much of it. But we are urged to hurry, and if we are not inclined we are politely informed that So-and-so does it and we got to. So there you are. Organization can improve this condition if it will half try. This same state of affairs exists among the trainmen as well as that of the enginemen. Their boss also has got them all about half scared to death.

The men in all the towers alike have the same kick. All you can get out of them is, "It's hell; it's hell."

Attention might be directed to one, for illustration, in West Philadelphia, that is known as "N" tower, or otherwise "the madhouse."

Up until about three years ago this office was in charge of a train director, one who directs movements to be made. Some changes occurred in the district, and finally the assistant yardmasters were given desk room in this large tower. After some few months, and when the A. Y. Ms. had slightly familiarized themselves with the tower work, it was intimated that some few of them were desirous of taking hold of it themselves and running it without a train director. Anyhow, preparations were made for the change, and the train director was finally removed. At the same time one or two of these A. Y. Ms. realized it would undoubtedly work a hardship on them, but the "bright lights," or the younger element in the movement, had that wish carried out, for their desire predominated. They were now destined to fill two positions, that of assistant yardmaster and also that of train director, and they are now making a sorry plight of it. Of course they are saving money for the company, and naturally the job is made harder for somebody. Besides, trains are being made up and moved; but how? Wrecks, delays, and inconvenience to the traveling public is the result. Human wrecks, also, is one of the results. These A. Y. Ms. try to make up trains, and they also try to move them. There is little or no system in their methods and mismanagement dominates. There was no seeming special instructions given these men as to how their work should be performed, and now they are having a hard time to hold their end up and keep things moving. They do as best they can at making up trains and make a very faint attempt at directing movements.

Making up trains is one thing and directing movements is another, and that's sure.

The passenger yardmaster has a corps of assistants all over his district. He has two special assistants who work 12 hours, day and night. They are in charge of the West Philadelphia district, and make "N" tower their headquarters, all the assistants in the district coming under them. The two 12-hour men get in the neighborhood of $150 per month, and the other assistants get, perhaps, $15 to $20 less.

The "rule" at "N" tower is about like this: The 12-hour man "calls combinations," and his 8-hour assistant also calls combinations, all at the same time. Then they get busy on the phones, and the leverman is being continually prompted to "keep 'em moving." If he moves them right, then all is well, but if he moves them not right then the vulgarity and sarcasm is something unbearable. Conductors and trainmen take a turn at it, suggesting movements to the leverman at times, and he is supposed to take notice to it, and usually

things go wrong again, then there is more trouble for the leverman. And to help the leverman along in his troubles the telephone boy or the messenger boy gets on the job, and as usual must obey; then, 9 times out of 10, there is more trouble for him. Wrecks innumerable have occurred at this place, and some men have been hurt and many suspended because of this state of affairs.

No two men of these assistants call combinations alike; that is, when they do call them. Invariably, their principle instructions to the leverman is, "Keep 'em moving; keep 'em moving."

Very few of these men know anything about interlocking, know little about the routes, and practically nothing about the switch or signal numbers, and there is continual confusion.

This is a very big yard; in fact, three yards in one; and with 30 to 40 tracks. Road engines and shifters are constantly on the move, making up, backing, and pulling empty passenger trains. Once in a great while they have an occasional passenger in, but not very often. On special occasions, or in emergency instances, we find it necessary to handle loaded ones.

Discipline for yard men is just as severe as for men controlling the passenger tracks.

Not long since a switch failed to work at this place, and the electrician was called to remedy defect. He made it safe to make one movement over it. Then a movement was awaiting to pass over same switch, but over another point. The leverman protested that it was unsafe to do so, but the man in charge insisted that he do it. The result was a wreck; engine and cars derailed. For this the leverman and electrician were both disciplined.

On another occasion when the man in charge was busy on the phone, the phone boy called a combination for a road engine to back in from engine yard to pick up his train. The leverman had to obey. The route was not properly protected and should have been carefully guarded by the a. y. m. in charge. The result was an empty draft of coaches backed straight into the side of the road engine, derailing and wrecking the rolling stock. For this a brakeman got a very severe suspension. In this instance all hands had to jump hurriedly to save their lives, and there were some narrow escapes.

This is some of the many, many experiences at this point. It is the result of one man trying to fill two men's jobs. But it's becoming common now on the railroad—one man doing two or three men's work. It's about time something was done to stop it. It's dangerous.

The way men in authority talk nowadays is something ridiculous, for they demand that you not only carry out the work of your own department, but they also insist that it's otherwise—for you work for the ——— railroad and you got to do this, you got to do that, and you got to do just what I say. In other words, they insinuate they will take an engineman off his locomotive to tamp ties, if necessary, or a telegrapher or clerk from his office to drive spikes. This is practically the situation in so many words. And they even brag about it.

Another unbearable annoyance at "N" is the fact that these a. y. m.'s come on duty and sit right down to work with their full street clothes on, and in some instances wearing their overcoats. Up goes the windows at their pleasure, and stay that way until they see fit to close them. This in the dead of winter, too. The leverman and operator in their office garb are forced to suffer and pay doctor bills. The only satisfaction you get is, who the hell cares.

These a. y. m.'s fight one another like cats and dogs. Their responsibility is so very great that they keep nagging and picking at one another in crazy struggle trying to keep the business moving on time. Just lately two of them almost came to blows. Then one of them will turn around to the leverman and say, "Have you got that—why that movement we were just talking about." Then the leverman is in wrong again if he don't happen to have it.

These men are all old employees and came from the train service, and an old man is not young by any means when it comes to handling this kind of business. This case might compare with the taking of a canal-boat captain and placing him in charge of a large, modern ocean liner, and it makes nearly a similar comparison. They threaten reorganization—meaning, you'll lose your job. They threaten everybody, when it suits their convenience, in the struggle keeping business moving.

Very often when a regular a. y. m. is off for a few days or on vacation then they will send a conductor or a brakeman to fill his place. Oftener the latter. This is not all pleasant.

When a leverman or an operator reports off acct. sickness or the like, then usually it is a case of double up. This means 12 hours' work, and its a hard,

hard proposition, for, truly, 8 hours is really too long to work in one of these infernos.

Another thing is the difficulty of getting to the toilet while on duty in some of these offices. Very often a man is compelled to go the full 8 hours without being able to attend to the wants of nature, either because of the rush of business or the fact that the toilet is unhandy to reach at the proper time. Besides some of these toilets are filthy dirty.

The a. y. m. has been very successful in imposing several of his duties over to the table of the telegrapher, and the latter must be good, for it will not benefit him in the least to raise a protest. He knows what would happen.

During all these hard times when business is so "bad" the traveler will occasionally see some ladies riding in smokers among the men, and because of the overcrowded condition of the rest of the train. On these trains you very frequently find passengers standing for hours, and no seats; then, besides, there are very many instances where they got to open their own trap doors to get out of the cars at the stations, because of not enough of trainmen.

There has been much said about irregularities in these pages; in how many of these instances has the law been broken? In several, undoubtedly.

What can be done to prevent recurrence? How is this to be stopped and the law breakers punished?

If this grind is to continue, as it is shown in the list of victims here recorded, what is to become of the additional human derelicts that will surely result, following their maimed, shattered, and disfigured condition?

The slaughter has become unbearable, and the turning point should be at hand. Praying and appealing is out of the question. Something more radical should be the order of the day. Demands should be our ultimatum—nothing less—for this is a life and death struggle.

We should urge the enginemen, the trainmen, and conductors to take notice. We should urge that they aid us in an attempt to gain recognition. We have the proof, and we can show to the world that we have a real grievance. We positively would get the support of these organizations. We already have been assured, locally, that they will stand by us. The grievance is just as much their grievance as it is ours, for their members are in danger of injury from irregularities, besides some of them are being punished or suspended unjustly—and is this not a grievance for them?

No time like the present, and now would be an opportune moment for action. If an organization with a hundred or two men can command respect of the officials of the Penna. R. R. like a certain element that now exists, insignificant as it is, and get a lot of free advertising at the same time, what might we not expect with our several hundred members, if we go the right way about it, and backed up by the influence of the other four great brotherhoods?

The following is a proof of the contemptible frame-up:

This circular was recently sent out from the offices of the Pennsylvania Railroad, accompanied by a small book of so-called regulations:

PHILADELPHIA, PA., *October 27, 1914.*

All concerned, telegraph department, Philadelphia terminal division:

We send herewith copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914.

It is to be understood that these regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

H. LOGAN, *Division Operator.*

The oppressed ones have now been heard from, and their message is in good hands, let us hope.

P. S.—The a. y. m's at "N" have all stated times innumerable that they could not perform their full duties properly and fully as it is expected of them. They have all intimated to their respective levermen time and time again that they could not call combinations or look after the movements and attend to their own work, too. And this is a fact.

The a. y. m. must keep a true and correct record of all his cars as he moves them from place to place, and is constantly making notations on his various sheets and lists, is on the phones almost constantly, and giving orders to crews, and has not the time to call combinations intelligently.

Nearly every time a leverman sets up a route without getting proper instructions it is invariably wrong; then a signal must be put to danger, which is in

violation of the company's rules. This is one of the principal reasons for this protest. These men have confessed their inability to fill the two positions.

Recently an a. y. m. picked up a paper weight, savagely, because of some irregularity of the leverman, and showed a disposition of firing it at his head, saying, if it was not for the law, etc., what he would do. If this was a joke it was a serious one; besides, there was a number of men present, and it was very humiliating to the leverman, who was innocent of any wrongdoing on his part.

PHILADELPHIA, PA., *March 23, 1914.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Some time ago my attention was called to the illness of Brother W. F. Duffy, leverman, "B" tower, this city, and who resides at 1543 N. 57th St., Phila., Pa., and who holds a card in the grand division of this organization; I was advised that his illness was due to overwork. (Last summer I called on Brother Duffy, when he produced his membership card and requested it to be held secret for the present at least.) In view of the above, I immediately called at his residence to pay my respects and to see if there was anything the brothers could do for him. Mrs. Duffy advised me then that Brother Duffy had been taken to an asylum and that nothing but his work put him where he is, and that Mr. Duffy worked some thirty years for the P. R. R.

Last week I learned that Dr. Chas. J. Cavanagh, 1518 Pine Street, Philadelphia, Pa., was Brother Duffy's physician, and determined to call on the doctor, which I did with the following result:

Dr. Cavanagh says that during the month of Nov., 1913, Wm. Duffy, with whom he had been acquainted for some twenty-odd years, came to him in a very nervous condition, claiming that detectives were following him, and that the P. R. R. was laying for him and watching him to find a cause to discharge him, threatening to commit suicide, and laboring under all kinds of hallucinations. The doctor says he tried to have Brother Duffy admitted to Kirkbright's Sanitarium, but the specialists told him that Kirkbrights would not think of such a thing (Kirkbright's is an institution for the elite, and, I am told, charges from $20 to $40 per week to keep a party there), but that finally he received word to bring his patient; but is unable to say who is keeping Brother Duffy there, but thinks the P. R. R. is doing it; he says he noticed a notation "Pennsylvania R. R." on the slip and $5 when he signed up, and is not sure whether it meant place of employment or that the company was putting up the cash. (I saw Mrs. Duffy since the interview with the doctor, and she tells me that she is putting up the cash at the hospital, but that the company had an investigator there, and that she expects them to do something more than pay the relief before very long. Mrs. Duffy is getting the relief money regularly.) The doctor says Kirkbright's said they would keep him for 13 weeks, and that he is there now since Jan. 3rd, 1914. (Mrs. Duffy further states that one of the first questions the company inspector asked her was whether Brother Duffy was a member of any of the R. R. organizations, and says she replied that he was not at this time but had been until this Marr trouble came up in 1906.) Doctor Cavanagh says he has known Brother Duffy and his entire family for some twenty years and knows that his present condition is not due to dissipation, nor was there a strain or taint of insanity in the entire Duffy family, and is therefore of the opinion that the mental strain of his work drove Mr. Duffy insane. Dr. Cavanagh says he is willing to testify to these facts at any time, but requests that he be not put on the stand as a specialist, as he is nothing more than an ordinary physician.

I gave the facts above set forth to the inspector or investigator on Thursday night of last week.

For your information.

Yours, fraternally,

PAUL H. WENRICH,
Organizer, General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 13.

PITTSBURGH, PA., *January 22, 1913.*

Mr. Michael Hennesy, shoe cobbler, Pitcairn, Pa., an intelligent, old-fashioned Irishman, 63 years of age, with a shop facing where the scenes occurred in 1911, in connection with the shopman's strike, said to-day:

That he saw about all that occurred, so much so that he neglected his work; that the company undoubtedly used methods which they hoped would bring on trouble, but that the people there were level-headed people and it could not be done.

That one day a dozen or two P. R. R. Company "bulls" (these people all call them "bulls") marched up and down the streets of the borough, he feels, for the purpose of inciting the people to violence, but that the people were too wise and did not molest them; that this marching was not repeated nor had it been done before that day he saw it.

That the P. R. R. sent for the sheriff to interfere; the sheriff came to Pitcairn, but found no trouble and said he could see no use in making expense for the county by bringing deputies there, as everything was peaceable, but after this, as the company was not succeeding in keeping men at work in their shops, as the strikers were successful in persuading those working to quit and join the strikers, the sheriff was again sent for by the company, and he came with his deputies, assisting the company as above, he supposes at the expense of the citizens of the county, a demonstration of the strength of capital and corporations over labor, as he put it; that he believes the company now realizes it made a great mistake in 1911, as it lost the cream of its shop employees at Pitcairn; the methods used were very bad, and the men only wanted the right to join and belong to their union.

Judd. Bruff is sheriff of Allegheny Co., Pittsburgh, Pa.

T. R. ELLIS.

PITTSBURGH, PA., *January 23, 1913.*

M. D. Cameron, physician and burgess of the borough of Pitcairn, Pa., today, among other things, said as follows:

That on May 18, 1911, he left Pitcairn, Pa., at 5.03 or 5.04 a. m. for Fayette County, Pa., for the purpose of looking at a piece of timberland. Met there a Mr. Wm. Oler. That he returned to Pitcairn at 9.30 or 10 p. m. same date.

That the night before (May 17) he told Chief of Police Porter of his intended trip on the next day and asked Porter to act as mayor until he returned; that it was known about a week before by citizens of Pitcairn that he was to make the trip.

That when he returned he was told that the company "bulls" had marched in the borough streets, but of course he had not witnessed it. I asked him if it was supposed that the chief would act thus. He hesitated and said, "Well, it has been said that the president of the council is the man, but, of course, was at work during the day and could not do so."

That he sent for Sheriff Bruff, who came to Pitcairn a number of times during the trouble; that Bruff, he was sorry to say, sympathized with the men and made light of the idea of sending deputies into the town, claiming the action was not needed; that it is a fact that Bruff made speeches favoring the men.

"Q. What, in your opinion, brought on all this trouble, Doctor?—A. Well, it was outsiders; the P. R. R. objects to its employees belonging to unions coming under the A. F. of L., giving its reasons for suggestion, that the A. F. of L. makes so much trouble for both employers and employees; the P. R. R., however, does not object outside of that.

"Q. Did you meet the heads or officers of the four other organizations, trainmen, engineers, etc., that came here?—A. Yes; I met them; Mr. Lapp, of Baltimore, was one. I called them to my office and had, with other citizens, a conference with them. There was no P. R. R. official there; this meeting was for the purpose of finding some way to get the shopmen to return to work, cease striking."

Cameron says many strikers told him they did not know why they were out on strike.

That quite a number moved to other towns, Irvin for one, and then came to work on trains, as they did not want to go to work from Pitcairn on account of the action of the strikers at the "bridge," where they congregated, hooting, calling those who went to work "scabs" and other vile names, this action by the strikers was the reason he (Cameron) insisted on Sheriff Bruff sending deputies into the situation and which he finally prevailed on Bruff to do.

That the day that 150 or so of the P. R. R. "bulls" came across the bridge and lined up it had been reported to the shop officials that a man wanted to go into the shops to work, could not do so account strikers, and had taken refuge in Mr. Lewis's store, but that this report proved to be an error; the "bulls" were sent to help this supposed individual out.

That the attitude of the strikers at the bridge at all times was one of force and not moral suasion.

That the sheriff had about 40 deputies there; that most of them were appointed from the ranks of the strikers.

That he has no idea whatever why the P. R. R. "bulls" marched in the streets the day he was out of town; that they did not do so before or after that date (leaving it for me to find out, I suppose).

That after his conference with the officers of the four other brotherhoods, he called on a lot of strikers, among whom was Charles Denny, and told them, making it very strong and clear that the attitude of those officials meant that the strikers would receive no assistance from those brotherhoods and did not have their sympathy; that they were not in accord with the actions of the men on a strike, urging them to go back, etc.

That he (Cameron) was P. R. R. doctor, 1893 to 1896, but never received any wages, simply granted a pass; that he quit the job because there was no money in it for him.

Cameron, answering my question relative to company laying off men, said, "Yes; I think they did; a few, not many though." I hinted at a thousand; he laughed and said, "One third that number would be nearer it."

That he was through the P. R. R. "bulls'" headquarters; made a complete visit to all cars; thinks the company had about 200 of them there; thought the "bulls" looked ordinary men, pretty fair-looking lot of men, in fact; that he was also through the headquarters of the men imported in by the company to take place of strikers.

"Q. Doctor, are you acquainted with Mr. Kepple?—A. Yes, sir; have known him a number of years.

"Q. Do you consider him a good citizen; is his word good?—A. Yes; Kepple is a good citizen, and I will accept any statement he might make as the truth.

"Q. Are you acquainted with Mr. Born, of Wilmerding?—A. Yes, sir; Born is also a good citizen, above the average in intelligence, and a man of his word. I will accept his statement as truth."

Cameron says that about fifty days after the strike was called a lot of strikers engineered a "return to work in a body move," because they did not wish to call any stigma down upon themselves singly; that "hundreds" returned to work in this movement, all inside of 48 to 96 hours.

Cameron also said of Born and Kepple that he heard them talk to the men in committee room several times, and that he considered their talks very reasonable and that good advice was given by them. Of Freeman he said, while he was not so well acquainted, he did not like his manner so well, etc.; that there was a foreigner on the committee that "wouldn't do," words to that effect.

Cameron said the "few" men laid off were treated so in Feb'y and March, 1911, he believes.

That he never saw car loads of strike breakers brought into the place.

T. E. Ellis.

Pittsburgh, Pa., *January 25, 1913.*

Henry Porter, night policeman, Pitcairn, Pa., to-day, among other things, said:

That during the shopmen's strike at Pitcairn, Pa., P. R. R. shops in 1911, he did not make any arrests, nor did he have occasion to make any arrests; that everything was peacable; that neither did the day policemen have occasion to arrest anyone during that period.

That there was no occasion to bring either deputy sheriffs or the State constabulary; that deputy sheriffs were brought in, but that was because the strikers were successful in persuading workmen to join the strikers; that this was not done by force, however; that the strikers were also persuading trainmen to assist the strikers, but did not use force in either case, but talked to them.

That the day the P. R. R. "bulls" marched through the streets of Pitcairn the burgess had gone out of town; that the night before this the burgess had said to him that he was to be out of town the next day, and requested him (Porter) to act as burgess while he was away; that the "bulls" marched early in the forenoon; that he did not molest the "bulls"; that he went to his home and retired at 11 a. m.

That the strikers nor citizens molested the "bulls"; that had they done so, he would have called Sheriff Bruff on phone; later said would have called Mr. Coursan first, as he was president of the council and his superior borough officer; that he did not know the "bulls" were to march; that no one had said anything to him about it, and that he did not know why they marched; that it was not done previous to that day nor after that day.

Asked if he had orders to call Coursan or Bruff, he said, did not remember of such orders; that it was a long time ago, two years ago; this was a favorite answer of his; seemed very reluctant to talk about anything connected with that strike.

About the first answer he made me was, "I do not know anything about it," but gradually opened somewhat.

T. E. ELLIS.

PITTSBURGH, PA., *January 29, 1913.*

Mr. M. L. KECK, real estate agent, Pitcairn, Pa., this evening, in the presence of four witnesses, among whom was D. A. Sherrer, said as follows:

That there is no doubt but that J. F. Coursan, Pitcairn P. R. R. shops, is responsible for the marching of the P. R. R. special agents through the streets of the borough one day during the shopmen's strike in 1911; that the burgess was out of town that day; that no marching was done before or since that day; that Mr. Coursan was in Pitcairn on that day. During the conversation Keck said that Cameron is burgess only in a nominal way; that he accepted the office with that understanding; that J. F. Coursan is president of the council.

That the system of "on and off" practiced by the P. R. R. in its Pitcairn shops is very wrong and unjust to the men, and was one of the causes of the men attempting to organize in 1911; that the P. R. R. discriminates yet against the merchants of Pitcairn who were sympathizers with the men in 1911; that he was at the meeting between the burgess, the four trainmen brotherhoods, and a few other citizens; it was arranged for, and proved a success in starting the men back to work. This meeting mentioned by Burgess Cameron; see report. Keck leans strongly toward the railroad company. Do not think he knew who I was.

That an agreement was made that one "bull" might come to the post office for mail each day.

PITTSBURGH, PA., *January 29, 1913.*

Mr. MCKELVEY, retired, P. R. R., Altoona, Pa., east end shop, foreman, now on P. R. R. pension, at the home of Mr. J. T. Lewis, Pitcairn, Pa., this evening, among other things, said:

That he as a member of the B. L. E. struck with others on the P. R. R. in 1877; that P. M. Arthur, then chief engineer that brotherhood, declared the strike illegal and took the charter from the P. R. R. men; that he then left the union and never joined it again; that some years ago he became foreman at East Altoona, Pa., was drawing $180 per month when retired, and now draws a $103 per month pension less $2.50 per month, which is taken out account his $2,500 policy or death benefit in the volunteer relief. That the rate of a pension is determined somewhat by the average rate of pay for the last ten years of service; that about the only bad feature connected with the vol. r'lf is that demotion or lowering of the rate of wages during the last ten years decreases the rate of pension, but he believes the company fair in dealing with this matter.

That in his opinion Mr. Thomas, former master mechanic for the P. R. R. at Altoona, was altogether responsible for the dissatisfaction among the men in those shops, due to his policy relative to piecework; that a certain card from his office denoting certain changes was found by the men; this dissatisfaction caused the men to begin organizing; that the men in his shop were not dissatisfied, but sympathized with the others and also organized, but did not remain on strike long, some coming back next morning; that Mr. Thomas left Altoona shortly before the trouble.

53 years in P. R. R. service.

T. E. ELLIS.

AS TO CONDUCT OF STRIKE BREAKERS AND "BULLS" DURING SHOPMEN'S STRIKE, 1911.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

Justice Thomas Trimbath, Franklin, Cambria Co., Pa., on Feb. 7, 1913, at his office said, in part, as follows:

That it seemed to him that the P. R. R. placed their cars containing strike breakers and "bulls" in such position that it might have caused trouble, due to the objectionable and beastly conduct indulged in by those people in the presence of the citizens.

That to his personal knowledge these men were many times guilty of deliberate indecent exposure of person in plain view of women and children; that he saw these acts on several occasions; that the matter was reported to officials of the P. R. R., but without avail so far as he knows.

T. E. ELLIS.

ATTERBURY EXHIBIT.

THE PENNSYLVANIA RAILROAD CO.,
GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 3, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Referring to your letter of May 25 in regard to information which I promised to supply the Commission on Industrial Relations:

I understand that Mr. S. C. Long, our general manager, has already furnished Mr. Walsh with a statement of arms and ammunition stored on our system, and that under date of June 2 he wrote you relative to our police organization.

If there is any additional information you would like on the subject, please let me know.

Yours, very truly,

W. W. ATTERBURY, *Vice President.*

HUNT EXHIBIT NO. 1.

THE PENNSYLVANIA RAILROAD VOLUNTARY RELIEF DEPARTMENT.

Number of members of the relief fund who left service during the year 1914, showing membership, average length of service, cause for leaving service, and classification of occupation.

Number of members of the relief fund who left service during the year 1914		41,412
Percentage and number of those who resigned voluntarily	56%	23,191
Percentage and number of those relieved account of reduction in force and through no fault of employee	35%	14,494
Percentage and number of those discharged for cause	9%	3,727
Total		41,412
Average class of membership		1.44
Average length of service		1 yr. 3 mos.

Classification of occupation.

Officers, agents, and clerks	3.5%	1,446	
Warehousemen, station laborers, messengers, etc	11.3%	4,666	
Telephone and telegraph operators and train dispatchers	0.8%	318	
Conductors on all trains	0.7%	307	
Brakemen, flagmen, and baggage-masters on all trains	7.%		
Locomotive and electrical engineers	0.1%	34	
Locomotive firemen and electrical engineers' helpers	3.5%	1,460	
Yardmen	2.8%	1,162	
Shopmen	22.9%	9,527	
Trackmen	46.4%	19,207	
Floating equipment	0.3%	116	
Total			41,412

HUNT EXHIBIT NO. 2.

Year.	Receipts.									
	Contributions by members.	Interest.	Total.	Donations.	Payments by companies.					Total receipts.
					For members first 3 months 1886.	Company relief.	Deficiencies.	Operating expenses.	Total by companies.	
1886	$198,592.33	$1,709.71	$200,302.04		$60,652.86			$54,509.08	$115,161.94	$315,463.98
1887	339,630.35	5,764.56	345,394.91			$1,561.40		56,701.38	58,262.78	403,657.69
1888	341,298.03	8,739.24	349,978.27			8,518.80		55,901.50	64,420.30	414,398.57
1889	377,461.19	11,671.80	389,132.99			13,882.60	$256.18	56,021.51	70,160.29	459,293.28
1890	440,103.83	12,127.87	452,231.70			16,673.00		60,838.01	90,511.01	538,742.71
1891	495,910.26	12,269.98	508,180.24			20,061.50		76,180.91	96,242.41	604,422.65
1892	555,215.84	12,874.43	568,090.27			20,356.20	57,598.65	57,000.29	134,955.11	725,045.38
1893	603,531.19	13,135.92	616,667.11			24,323.50	4,328.35	91,700.68	120,352.53	737,019.64
1894	605,558.76	15,431.79	620,990.55			31,267.00	2,007.50	88,701.47	121,976.57	742,967.12
1895	641,849.12	19,918.68	661,767.80			36,632.55	4,202.28	98,658.53	139,493.36	801,261.16
1896	684,776.40	25,161.42	719,937.91			40,214.20	3,542.18	103,748.11	147,504.49	867,442.40
1897	739,052.21	30,927.81	769,980.02			45,939.90	1,278.37	109,619.89	156,838.16	926,818.18
1898	766,231.77	31,644.83	797,876.60			50,129.50	1,285.50	108,988.53	160,294.53	958,161.13
1899	797,246.25	39,471.19	836,717.44	$2,800.00		54,353.90	1,120.50	114,817.31	170,291.71	1,009,809.15
1900	847,940.35	46,672.33	894,612.68			4.40	4,062.11	128,394.13	132,462.64	1,027,065.32
1901	937,040.69	42,059.10	979,099.79				85,004.43	148,357.13	233,361.56	1,212,461.35
1902	1,061,103.01	44,864.64	1,105,967.65				78,855.06	164,446.29	243,301.35	1,349,269.00
1903	1,230,234.72	45,081.74	1,275,316.46				60,593.55	202,183.82	262,777.37	1,538,093.83
1904	1,270,920.73	34,065.33	1,304,986.06				189,670.35	191,790.90	381,461.25	1,686,447.31
1905	1,410,784.02	49,820.78	1,460,613.80	2,505.25			92,824.79	196,286.81	289,111.60	1,752,230.65
1906	1,548,317.47	55,652.89	1,604,000.36				68,111.44	203,326.23	271,437.67	1,875,438.03
1907	1,648,410.28	60,130.28	1,708,540.56					255,516.48	255,516.48	1,964,057.04
1908	1,511,459.19	66,468.25	1,577,927.44	316.55				275,761.75	275,761.75	1,854,035.74
1909	1,580,013.85	77,433.44	1,657,447.29	27.99			79,172.65	268,807.35	347,980.00	2,005,455.28
1910	1,816,659.80	88,790.86	1,905,450.66					312,997.08	312,997.08	2,218,448.34
1911	1,946,448.97	110,488.42	1,956,937.39	122.25			81,585.61	319,812.57	401,398.18	2,358,457.82
1912	1,992,360.56	106,861.59	2,099,122.15	144.00				311,066.56	311,066.56	2,410,332.71
1913	2,188,245.71	112,902.20	2,301,147.91	45.00				322,349.75	322,349.75	2,623,542.66
1914	2,079,227.76	114,519.68	2,193,747.44					314,244.16	314,244.16	2,507,991.60
	30,570,495.73	1,296,699.76	31,867,195.49	5,661.04	60,652.86	363,919.05	815,499.50	4,787,601.78	6,027,673.19	37,900,529.72

Year.	Disbursements.							Balances.		Number of employees and members of relief fund, showing percentage.		
	Death, accident.	Death, sickness.	Disablements, accident.	Disablements, sickness.	Superannuation allowances.	Total.	Operating expenses.	Total disbursements.	Dr.	Cr.	Number of employees.	Number of members.	Per-centage.
1886	$18,800.00	$79,231.87	$17,664.00	$65,908.00		$181,147.87	$54,508.08	$235,655.95		$109,807.03		19,962	
1887	37,708.00	106,646.26	44,122.10	96,131.73		284,608.79	86,701.26	321,307.18		82,350.53		16,744	
1888	30,000.00	100,818.34	50,088.80	102,893.98		283,812.10	85,901.50	330,413.60		74,984.67		19,337	
1889	27,704.55	112,771.00	56,988.13	126,219.08		343,680.36	84,021.51	390,590.87		68,702.41	65,662	21,457	
1890	46,912.13	142,126.00	67,984.00	167,572.90		424,294.11	88,858.01	536,152.12		2,010.39	69,454	24,961	
1891	46,748.70	150,738.44	66,670.38	169,410.17		520,182.82	76,180.91	606,363.73			68,105	27,000	
1892	57,771.70	183,238.44	129,107.73	228,355.43		618,371.31	87,000.26	705,372.25	81,941.06		72,840	31,440	
1893	61,911.00	191,732.61	133,419.26	260,781.32		646,844.19	91,703.47	754,095.88		30,772.13	84,827	33,433	
1894	58,288.00	171,807.61	104,270.68	254,434.13		588,781.32	88,701.67	677,482.99		2,923.74	85,887	33,433	
1895	60,000.00	191,826.44	112,125.73	228,072.33		591,964.50	89,568.43	681,532.93		107,674.43	85,616	34,433	
1896	59,000.00	197,548.92	119,670.73	235,300.57		610,119.22	90,746.11	700,865.33		111,106.46	86,674	34,433	
1897	59,054.84	200,246.92	114,611.38	238,474.36		612,387.50	109,618.83	722,006.33		133,575.00	86,674	34,433	
1898	58,044.84	211,094.84	146,326.38	277,308.83		692,774.67	105,969.33	798,744.00		138,923.33	86,674	34,433	
1899	58,267.74	253,406.15	178,484.18	335,968.82		826,126.89	114,817.31	940,944.20		141,201.80	87,677	34,777	
1900	58,478.50	242,798.60	169,314.38	406,047.02		876,638.49	129,366.13	1,006,004.62		114,651.46	89,677	34,777	
1901	59,967.06	307,916.53	220,188.53	435,667.50		1,023,739.62	149,357.13	1,173,096.75		81,481.79	107,622	39,677	
1902	59,940.60	343,888.26	270,491.38	494,268.91		1,168,589.15	164,446.28	1,333,035.43			110,387	70,307	
1903	61,174.06	355,892.26	294,138.38	555,257.14		1,266,461.82	202,183.68	1,468,645.50	12,671.00		111,488	70,307	
1904	59,000.00	391,203.56	345,677.38	553,446.12		1,349,327.06	191,790.50	1,541,117.56		54,346.00	125,283	82,198	
1905	59,000.00	450,740.44	316,138.34	546,912.38		1,372,791.16	196,268.61	1,569,059.77		100,823.81	125,119	84,777	
1906	58,000.00	466,064.44	264,501.80	546,923.45		1,335,489.69	202,516.48	1,538,006.17		136,223.08	128,314	86,777	
1907	58,267.74	422,252.98	270,588.58	485,671.84		1,236,781.14	215,781.76	1,452,562.90		134,768.34	114,977	91,777	
1908	58,478.50	480,055.72	342,527.38	582,865.77		1,463,927.37	215,077.38	1,679,004.75		141,095.00	125,453	103,864	
1909	59,967.06	504,261.13	345,674.38	647,218.54		1,557,121.11	212,967.57	1,770,088.68		201,538.68	131,193	110,011	
1910	59,940.60	473,102.79	499,334.38	731,196.50		1,763,574.27	219,512.57	1,983,086.84		201,372.68	131,244	117,050	
1911	59,077.61	475,520.79	410,975.80	731,196.50		1,676,768.70	211,066.46	1,887,835.16		134,668.34	142,226	126,134	
1912	58,302.61	522,794.99	407,085.00	933,382.67		2,110,565.27	322,340.73	2,432,906.00		107,668.44	134,169	134,169	
1913							311,344.16	2,431,670.39		83,321.01	146,170		
1914											136,313		
	2,795,334.98	8,458,535.98	6,031,728.99	11,944,866.98	918,865.31	30,118,112.00	4,787,601.78	34,905,713.78	.....	2,894,815.94			

HUNT EXHIBIT NO. 3.

[The Pennsylvania Railroad Voluntary Relief Department, including the employees of the Pennsylvania Railroad Company, Philadelphia, Baltimore & Washington Railroad Company, West Jersey & Seashore Railroad Company, Office of the Superintendent, 233 South Fourth Street Annex.]

PHILADELPHIA, *June 11, 1915.*

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: I beg leave to advise that the company has paid to injured employees and their dependents on account of suits, settlements, etc., for the years 1908 to 1914, inclusive, as follows:

1908	$91,546.49	1912	$76,691.48
1909	59,954.25	1913	175,660.12
1910	72,579.27	1914	341,014.15
1911	101,859.70		

I trust that these figures will prove satisfactory for your purpose.

Yours, respectfully,

E. B. HUNT,
Superintendent.

CREIGHTON EXHIBIT NO. 1.

Statement showing average yearly earnings of employees at the several Altoona shops for the year 1911.

Class of employees.	Altoona machine.			Altoona car.		
	Men.	Total earnings.	Average yearly earnings per man.	Men.	Total earnings.	Average yearly earnings per man.
Division officers	11	$33,078.90	$3,007.17	2	$6,062.40	$3,031.20
Division office clerks	116	114,475.45	986.86	22	20,842.45	947.40
Machinists: Blacksmiths, boiler makers, molders, forgemen, etc.	1,376	1,500,265.35	1,090.31	157	159,485.30	1,015.83
Carpenters: Cabinetmakers, car repair men, etc.	287	261,680.25	911.78	1,050	911,201.15	867.81
Other shopmen	3,331	2,472,325.00	742.22	1,391	1,035,193.20	744.21
Watchmen	48	36,562.52	761.73	37	23,296.50	629.63
Engine house men	673	555,989.90	819.90	3	2,357.80	785.93
Fuel and water station men	31	21,888.89	706.09			
Car cleaners, oilers, etc.	1	520.15	520.15	51	29,700.30	582.36
All other employees on M. E. rolls (laborers, etc.)	195	128,642.55	659.71	740	581,207.60	785.42
Total	6,074	5,125,229.07	843.81	3,433	2,769,347.80	802.01

Class of employees.	Juniata.			South Altoona foundry.		
	Men.	Total earnings.	Average yearly earnings per man.	Men.	Total earnings.	Average yearly earnings per man.
Division officers	3	$8,115.00	$2,705.00	2	$4,477.20	$2,238.60
Division office clerks	20	17,047.20	852.36	14	9,949.05	710.65
Machinists: Blacksmiths, boiler makers, molders, forge men, etc.	454	499,591.20	1,100.42	226	254,584.25	1,126.62
Carpenters: Cabinetmakers, car repair men, etc.	17	17,231.75	1,013.63	34	31,745.85	933.70
Other shopmen	1,126	833,363.45	740.11	485	334,541.80	689.77
Watchmen	9	5,723.90	635.99	1	672.80	672.80
All other employees on M. E. rolls (laborers, etc.)	43	22,533.25	524.49	3	1,788.30	596.10
Total	1,672	1,403,636.55	839.49	765	637,789.95	833.97

Statement showing average yearly earnings of employees at the several Altoona shops for the year 1911—Continued.

Class of employees.	Total average.		
	Men.	Total earnings.	Average yearly earnings per man.
Division officers	18	$51,734.10	$2,874.12
Division office clerks	172	162,315.96	943.70
Machinists: Blacksmiths, boiler makers, molders, forgemen, etc	2,213	2,413,926.10	1,090.79
Carpenters: Cabinet makers, car repair men, etc	1,388	1,221,859.00	880.30
Other shopmen	6,333	4,675,423.75	738.28
Watchmen	95	66,255.72	697.43
Engine house men	631	556,247.70	819.73
Fuel and water station men	31	21,898.80	706.09
Car cleaners, oilers, etc	52	30,230.45	581.35
All other employees on M. E. rolls (laborers, etc.)	961	734,191.70	748.41
Total	11,964	9,933,072.97	830.50

ALTOONA, PA., *April 28, 1915.*

CREIGHTON EXHIBIT NO. 2.

This statement is submitted to explain the evidence where I was unable to accurately give the salaries.

MAY 13.

G. W. CREIGHTON.

Division officers Altoona shops, year 1911.

	Monthly rate.	Yearly earnings.	Total.
Altoona machine shops:			
Superintendent motive power[1]—			
6 months at[1]	$700.00	$4,200.00	
6 months at[2]	600.00	3,600.00	
Assistant engineer motive power[1]—			
6 months at[1]	291.50	1,749.00	
6 months at[2]	238.50	1,431.00	
General road foreman of engines[1]	332.20	2,796.40	
General locomotive inspector[1]	212.00	2,544.00	
General car inspector[1]	166.75	2,001.00	
Master mechanic	325.00	3,900.00	
Assistant master mechanic	205.20	2,462.40	
Do	192.40	2,308.80	
General foreman	212.00	2,544.00	
Do	166.75	2,001.00	
Assistant general foreman	129.25	1,530.00	
			$33,076.60
Altoona car shops:			
General foreman	300.00	3,600.00	
Assistant general foreman	205.20	2,462.40	
			6,062.40
Juniata shops:			
Master mechanic	291.50	2,496.00	
Assistant master mechanic	179.55	2,154.60	
General foreman	205.20	2,462.40	
			8,115.00
South Altoona foundries:			
General foreman	238.50	2,862.00	
Assistant general foreman	134.65	1,615.80	
			4,477.80
Grand total			51,733.80

[1] All these officers were carried on this particular shop roll, but they had charge of and devoted their attention to the operation of all shops on the Eastern Pennsylvania Division (Harrisburg, Philadelphia, Tyrone, Bellwood, Cresson, Mount Carbon, State Line).

[2] Change of officers; less experienced men succeeding old men, hence reduction of rate.

CREIGHTON EXHIBIT NO. 2.

[The Pennsylvania Railroad Company, Eastern Pennsylvania Division. Office of General Superintendent.]

ALTOONA, PA., *May 9, 1915.*

Mr. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations.

DEAR SIR: In my testimony before your commission we quoted figures from Altoona machine-shop reports covering the pay of ordinary laborers, under which head we have 492 day workers with an average monthly wage of $52.83 and 87 pieceworkers with an average monthly wage of $69.47. Among these men were included 28 high-rated men, because they fit into this classification better than any other, as follows:

		Cents.
1 storehouse-attendant gang leader	per hour	44.8
1 laborer gang leader	do	42.3
1 storehouse stock man	do	41.4
6 storehouse stock men	do	38.5
2 laborer gang leaders	do	37.2
1 laborer gang leader	do	34.7
4 storehouse stock men	do	32.0
4 laborer gang leaders	do	30.7
2 laborer gang leaders	do	28.2
3 storehouse attendants	do	28.2
3 storehouse attendants	do	26.9

These high rates resulted largely from the fact that their particular work required a better qualified laborer than the usual laborer's work, and they carried with them an advanced rate. When the company made the two separate 10 per cent advances and the 6 per cent advance in pay it was applied to all alike, resulting in the above high rates for this class of service.

G. W. CREIGHTON,
General Superintendent.

HARPER EXHIBIT.

POLICE DEPARTMENT—PENNSYLVANIA RAILROAD CO.

PHILADELPHIA—HEADQUARTERS.

	Monthly wage.
1 superintendent	$212.00
1 inspector	145.75
1 captain	96.20
1 lieutenant	89.80
	543.75

Three of these officers have State police authority; one is uniformed.

EASTERN PENNSYLVANIA DIVISION—HEADQUARTERS, ALTOONA, PA.

1 inspector	145.75
6 captains	657.20
9 lieutenants	833.95
78 patrolmen	6,002.10
94	7,639.00

All of these men have State police authority; 60 have uniforms.

WESTERN PENNSYLVANIA DIVISION—HEADQUARTERS, PITTSBURGH, PA.

1 inspector	145.75
4 captains	434.60
9 lieutenants	840.80
96 patrolmen	3,488.50
30	4,909.65

All of these men have State police authority; 10 have uniforms.

NEW JERSEY DIVISION—HEADQUARTERS, NEW YORK CITY.

2	inspectors	306.05
3	captains	339.20
9	lieutenants	903.60
101	patrolmen	7,197.50
115		8,746.35

All of these men have State police authority; 100 have uniforms.

P. B. & W. R. R.—HEADQUARTERS WILMINGTON, DEL.

1	inspector	145.75
1	captain	116.00
4	lieutenants	359.20
23	patrolmen	1,769.85
29		2,390.80

All these men have State-police authority; 21 have uniforms.

CENTRAL DIVISION—HEADQUARTERS WILLIAMSPORT, PA.

1	inspector	145.75
3	captains	530.00
4	lieutenants	359.20
28	patrolmen	2,154.60
36		3,189.55

All of these men have State-police authority; 34 have uniforms.

NORTHERN DIVISION—HEADQUARTERS BUFFALO, N. Y.

1	inspector	145.75
2	captains	212.00
16	patrolmen	1,231.20
19		1,588.95

All of these men have State-police authority; 16 have uniforms.

PHIADELPHIA TERMINAL DIV.—HEADQUARTERS PHILADELPHIA.

1	inspector	145.75
3	lieutenants	253.10
32	patrolmen	2,052.80
36		2,451.65

Three of these men have State-police authority, while 33 have city of Philadelphia police commissions. 36 of these officers have uniforms.

GENERAL.

Number of men with State authority	361
Number of men with city authority	33
Number of men without commissions	1
Total number of men	395
Monthly disbursement of wages	$31,459.70
	12
	62 919 40
	314 597 0
	377,516.40

The figures in the foregoing table represent the active commissioned police service of the Pennsylvania Railroad Company.

Of the 395 men, 278 are equipped with uniforms.

WATCHMEN IN CONJUNCTION WITH POLICE DEPARTMENT, PENN. R. R.

		Monthly wage.
	Eastern Penna. division:	
6	watchmen	$346.25
	Western Penna. division:	
28	watchmen	1,909.00
	New Jersey division:	
181	watchmen	11,188.55
	P. B. & W. R. R.:	
3	watchmen	180.75
	Central division:	
4	watchmen	233.60
	Northern division, none.	
	Philadelphia Term. div.:	
69	watchmen	4,133.00
291		17,991.15
		12
		35 982 30
		179 911 5
		215,893.80
		377,516.40
		593,410.20

In the main these men, known as watchmen, are disabled employees, physically unfit for service in the operation of trains, etc., and turned over to the police department, which assigns them to duties compatible with their condition, watching shop gates, crossings, etc.

AUSTON EXHIBIT NO. 1.

[Filed with statement of J. R. T. Auston, President Order Railroad Telegraphers, Despatchers, Agents, and Signalmen.]

Rates pay Baltimore division, Pennsylvania Railroad, Jany. 1st, 1914.

Men.	Rate per month.	Men.	Rate per month.
16	$141.10	45	$70.55
1	132.50	2	69.95
19	89.80	53	67.35
3	96.20	19	64.15
1	88.00	5	60.95
7	82.70	5	57.70
1	81.60	1	57.25
27	80.15	1	52.45
17	76.95	1	30.00
11	74.20		
14	73.75	249	

Rates of pay on the Delaware division, Pennsylvania Railroad, Jan. 1st, 1914.

Men.	Rate per month.	Men.	Rate per month.
2	$147.50	12	$67.35
7	141.10	79	64.15
1	121.85	13	60.95
1	96.20	24	57.70
6	89.80	6	51.30
1	86.60	8	44.90
2	83.35	2	48.10
1	80.15	7	[1] 25.65
6	76.95		
2	73.75	202	
24	70.55		

[1] Probably a helper.

Rates pay on the W. J. & S. division, Pennsylvania Railroad, Jan. 1, 1914.

Men.		Men.	
9	$141.10	11	$73.35
1	109.00	21	70.55
1	93.00	26	67.35
3	90.10	42	64.15
3	89.80	1	63.60
1	86.60	13	60.95
4	83.35	20	57.70
1	82.70	1	51.30
1	81.60	2	[1] 42.40
23	76.95	—	
2	75.00	186	

AUSTON EXHIBIT NO. 2.

[Filed with statement of J. R. T. Auston, president Order Railroad Telegraphers, Despatchers, Agents, and Signalmen.]

PHILADELPHIA, PA., *June 17, 1911.*

Mr. S. C. LONG,
General Manager Pennsylvania Lines east, Pittsburgh and Erie,
Broad Street Station, Philadelphia.

DEAR SIR: I am advised that President Perham, of the Order of Railroad Telegraphers, St. Louis, Mo., has called a meeting of the O. R. T. general committee, Pennsylvania Lines east of Pittsburgh and Erie.

Mr. J. F. Miller, of Baltimore, Md., is the chairman of the committee and the meeting is to be held in Harrisburg, Pa., June 20.

President Perham has expressed his intention to be present at this meeting and formulate some plan whereby the management of the Pennsylvania Railroad will be obliged to recognize the O. R. T. general committee. Also that certain matters affecting the interests of the employees are to be presented for your consideration.

As executive officer of the Order Railroad Telegraphers, Despatchers, Agents, and Signalmen, I feel it incumbent upon me to state that the O. R. T. committee does not represent a majority of the employees of the telegraph department, consequently the membership of our order will most assuredly object to any recognition of the O. R. T. general committee or any adjustments or understandings entered into with that committee.

In view of the harmonious relations now existing between our general committee (O. R. T. D. A. & S.) and the management, I trust you may deem it no more than just and equitable that such relations shall not be disturbed through any contemplated action on the part of Mr. Perham or his committee.

Yours, very truly,

J. R. T. AUSTON, *President.*

PHILADELPHIA, PA., *August 20, 1912.*

Mr. S. C. LONG,
General Manager Pennsylvania Lines,
Broad Street Station, Philadelphia.

DEAR SIR: Being advised that the Order of Railroad Telegraphers, of St. Louis, Mo., is again endeavoring to secure official recognition, etc., the following protest is filed in behalf of the employees who do not desire to be represented by the organization referred to:

Since 1905 another representative general committee has had many conferences with the management of the Pennsylvania Railroad lines east of Pittsburg and Erie. The committee has been headed at different periods by the following chairmen: L. K. Marr, W. G. Bucher, John W. Hartman, and C. M. Giles, all employees of the telegraph department; and the committee has been representative of and has legislated for not only the employees of that department, but also for employees of other departments who have been represented on the committee.

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[1] Telephoner.

Mr. C. M. Giles is the chairman at the present time. The business relations between the committee and the management have always been harmonious and the results obtained for those the committee represented have been appreciated.

It is stated that the O. R. T., of St. Louis, Mo., has secured the signature of 2,700 employees and that 1,900 are members of that organization. The signatures attached to what is called a "certificate of authority" authorizing representation through an alleged committee formed under the laws of the O. R. T. and guided by the advice of its national president, Mr. Perham, who has been in consultation with said alleged committee.

According to the St. Louis people, they represent 1,900 organized and 800 unorganized employees east of Pittsburgh and Erie.

The general committee (Mr. Giles, chairman) represents 3,278 organized employees and 8,722 others, including the 1,900 alleged O. R. T. members and the 800 nonmembers. My estimate of the total number of employees is as follows: 5,000 in telegraph dept.; 2,000 agents; 4,500 signal maintainers, linemen, and electrical workers, and about 500 train despatchers and train directors. (The estimate for telegraph department includes telegraph and telephone operators, signalmen, lever men.) This estimate makes a total of 12,000 employees, all of whom are eligible to membership in the organization I represent, and 3,278 of whom are represented by Mr. Giles's general committee as organized men and 8,722 as unorganized. This representation can be proved by data showing increased pay distributed regardless of membership in the O. R. T. D. A. & S., but secured through the argument of and the presentation by the general committee, headed at this time by Mr. Giles.

In behalf of the 3,278 organized employees who have not signed the certificates referred to I hereby file a protest against any official recognition being given to the so-called committee now in Philadelphia, which is headed by either Messrs. McGrail or Miller, and is said to be composed of Messrs. Rex, Truitt, Fidler, Nightingale, and Arendt. The reasons behind this protest are as follows:

1. The 2,700 certificates to represent were secured by paid agents of the St. Louis organization, who, it is alleged, made misleading statements to encourage the signing of the same.

2. As there are 5,000 (estimated) employees in the telegraph dept., 1,900 of whom are claimed to be members of the O. R. T. of St. Louis, Mo., and 2,302 are in the O. R. T. D. A. & S. of Philadelphia, from an organization point of view the Philadelphia organization has the best of it.

3. That the general committee—Mr. Giles, chairman—has and does yet, not only represent 3,278 organized employees, but also the 2,700 signers of the certificates as well as the 6,022 unorganized employees who make up the total of 12,000 employees for whom the said committee has and is still legislating.

4. To recognise the petition of the 2,700 employees practically means the acknowledgment of the right of a minority to legislate for a majority—the minority in this instance being the 1,900 organized men, or 2,700 organized and unorganized men, wanting to represent 9,300 other employees. The general committee—Mr. Giles, chairman—has always represented the 12,000 employees regardless of their affiliation with either organization, or with neither organization, so far as securing increased pay and amended regulations are concerned.

5. It would be impracticable for the management to attempt to do business with two general committees representing the same employees.

6. No good reason being advanced for the withdrawal of official recognition from the general committee—Mr. Giles, chairman—it would be extremely unjust and irregular to do so in view of the harmonious relations existing between the management and the committee as well as the fact that there are matters under official consideration which said committee presented to the management and is now awaiting a decision on. Those matters are of importance to the employees and it would be quite inconsistent for the management, after receiving the papers from the committee and discussing them with the committee, to ignore them and advise the committee, through its chairman, Mr. Giles, that official recognition had been withdrawn, etc., and no equitable reason given for such action.

I respectfully ask your earnest consideration of the above. Should the parties seeking your official recognition decide to appeal to a national board of mediation, etc., I assure you it will be a pleasure for me to be present and aid in the placing of data before said national body which should be absolute convincing proof that the claims of the St. Louis people are made on unstable foundation.

Hoping nothing may occur to disturb the present cordial relations now existing between Mr. Giles's committee and the management, I remain,

Yours, truly,

J. R. T. AUSTON,
President.

CHENERY EXHIBIT.

STATEMENT OF WILLIAM PARK TO C. T. CHENERY, OF THE INDUSTRIAL RELATION COMMISSION IN REPLY TO CHARGES MADE BEFORE THE COMMISSION BY MR. W. H. PIERCE.

Why did you go to Pitcairn during the shopmen's strike in 1911?—Ans. I was called there by the local representatives of Div. 772 and later ordered there by Grand Chief Stone. See copy of telegram from R. F. Jackson and W. S. Stone.

What request, if any, did you receive from the company in connection with this strike?—Ans. I was called on phone by Supt. Allibone and asked to get into communication with the local representatives in and about Altoona. See copy of telegram sent local representatives at Altoona.

Were you paid by your organization for going to Pitcairn, and if so, at what rate?—Ans. At this time the chairman was not on a salary, and I received time lost on my run and expenses—amount to a little more than $89 for the month of May, 1911.

How long after the end of the strike was it before you saw Mr. Johnson?—Ans. If I recall rightly the strike was in May, and some time near the latter part of August is when I saw Mr. Johnson.

What conversation, if any, did you have with Mr. Johnson about money matters at this time with reference to your visit at Pitcairn?—Ans. I had no conversation other than at this time Mr. Johnson handed me an ordinary envelope, with the statement that it was a token of appreciation for the manner in which I had handled the Pittsburgh situation. At this time I did not know what the envelope contained. I later discovered that I had accepted an envelope containing $200.

Did you tell anyone of this transaction?—Ans. Yes; I informed two members of our general committee at my first opportunity, Mr. J. A. Donlin, 309 N. Vanburen St., Wilmington, Del., and Mr. G. R. Johnson, 203 Mercer St., Phillipsburg, N. J.

Why did you decide to return the money?—Ans. Because I had been paid by the men I represent, and did not feel that I was entitled to this money.

When did you return the money?—Ans. I am not able to say just when it was. I delayed the returning of this money, waiting for an opportunity to present itself. I carried the money with me waiting for an opportunity.

What was Mr. Johnson's attitude when you returned the money?—Ans. Mr. Johnson was not pleased, and argued with me that I was justly entitled to this money, as much so as other men who had been paid for lost time and expenses, and insisted on me retaining the money. I would not do so, and at this time I did make a remark to Mr. Johnson that I wanted to be in a position to say that I had never gotten any money from the railroad except what I had signed for in the pay car the same as other men.

Please state the circumstances attending the receiving and the returning of this money.—Ans. On leaving Mr. Johnson's office, after a conference with him, the member who was with me was called to one of the clerk's desk in the outer office, and while he was there Mr. Johnson came to the door between the inner and outer office and handed me the envelope. When I returned it I went back to his office, placed the envelope on his desk, and told him that I could not accept it.

How did your organization feel about the matter?—Ans. Charges were preferred against me by one division, and after a trial by the general committee I was acquitted of the charge of intentionally accepting money. The trial was held in Sept., 1914. I was again reelected in March, 1915, having only 5 votes against me. Charges were preferred against me on the strength of what I had told the members of the committee myself.

WM. PARK.

STATE OF PENNSYLVANIA,
County of Northumberland, ss:

William Park, being duly sworn according to law, doth depose and say that the answers to the above questions are true and correct.

WM. PARK.

Sworn and subscribed before me this 13th day of May, 1915.

[SEAL.] I. A. DE WITT,
Justice of the Peace.

My commission expires first Monday, January, 1916.

SUNBURY, PA., *May 9, 1915.*

Mr. S. C. LONG,
General Manager P. R. R., Broad Street Station,
Philadelphia, Pa.

DEAR SIR: I note by to-day's papers in the proceedings or testimony before the Industrial Labor Commission that a letter had been submitted by you, in reply to the charges by W. H. Pierce, that the chairmen of the four brotherhoods had been bribed, in which you are quoted as stating that when the trouble started in 1911 in Pittsburgh the four chairmen were asked to go there and urge their members to live up to their agreements, and that their efforts were successful, and on their return to Philadelphia they were presented with $300 to reimburse them for their expenses, quoting the names of the four men who were then chairmen.

That letter in the form it is quoted surely places me in a very bad position with all organized men, and particularly so with the men who have recently reelected me as their chairman, for the following reasons:

First. I was not asked to go to Pittsburgh by the company, they having only asked me to get into communication with the local chairmen, which I did, and hold copies of the wire I sent them.

Second. I was called to Pitcairn by the local representatives from that point, and later ordered there by Grand Chief Stone.

Third. I have once had charges placed against me for a similar charge, wherein I admit that at this time (1911) I was handed a letter by Mr. Johnson, not knowing what it contained at the time, and inadvertently placed it in my pocket, to discover after I left the city that I had accepted an envelope containing $200.

Fourth. Your statement, if correctly reported, states that I was given $300. The men I represent will naturally conclude, and will have just reasons for doing so, that I did not make a truthful statement when I was tried on this charge, or that I had been given money more than once and did not make it known.

Fifth. In the published report of your letter to the commission you did not state that I returned this money to Mr. Johnson, telling him that I had been paid by the men I represent in this case and could not accept it from the company.

In view of these facts, together with the wide publication in this evidence, I cannot allow the matter to stand as it does for the public to-day—if for no other reasons on account of the taunts that may be thrown at my children by their companions.

I would therefore ask, Can you and will you correct this statement that I was given $200 instead of $300, as quoted, and also that I returned the money to Mr. Johnson, the man who had handed it to me, giving this correction to the commission that it may be as widely published as your former letter?

I had hoped to leave home for the convention in the city of Cleveland not later than Tuesday evening, May 11, but I can not do so with this matter standing as it does; and if you can not make this correction, I shall surely be compelled to seek an audience with that commission for the purpose of getting this question correctly before the people for my own protection.

Anxiously awaiting an early reply, and hoping that you will see your way clear to promptly correct your former letter, and in such a way that it will reach the public as widely as before,

Yours, truly,

WM. PARK,
Chairman Engineers' Committee.

[General Committee of Adjustment Penn. Railroad lines east.]

SUNBURY, PA., *May 14, 1915.*

Mr. C. T. CHENERY,
Representative of Industrial Labor Investigating Committee,
928 Southern Building, Washington, D. C.

DEAR SIR: Since your visit to my home yesterday I have received a reply from Mr. J. C. Johnson answering my letter to Mr. Long of May 9. He also incloses a copy of the statement given you May 11 in further reference to the charges made by W. H. Pierce.

While his letter to me is very plain and clear, his statement to you of the 11th is put in such a way that I feel that a more complete statement from me should be made, and in accordance with this I desire to add to my statement of May 13 the attached sworn statement as supplementary to my former statement that the commission and the public may have all the facts.

Yours, very truly,

WM. PARK,
Chairman B. of L. E., Pennsylvania Lines East.

SUPPLEMENTARY STATEMENT TO QUESTIONS ASKED AND ANSWERS GIVEN BY ME TO MR. CHENERY, MAY 13, 1915.

In Mr. Johnson's statement of May 11 he quotes several remarks, and in such a way that they would appear to have all been made by me at the time I returned the money, which is not the case.

Mr. Johnson has asked me on several occasions since I returned the $200 to come in and get it, stating that it was intended to reimburse me for time lost and expenses while at Pittsburgh during the shop strike (1911), and each time advanced some reason for me doing so, which I have always answered with some argument as to why I should not.

I will not attempt to deny this statement in general, but I must try and disconnect it to some extent that the commission and the public may know and understand.

When I returned the money he (Johnson) took exceptions to it and explained what it was for as formerly stated, and among many other remarks made I did say that it would not be understood in the way he put it, and if the question was ever raised a different construction would be placed on it from the way he understood it.

I had very good reasons to believe that the question would be raised, for I made no attempt to keep it an absolute secret. I had told many of my members all about it long before I ever heard of it through other sources and before W. H. Pierce used it in his speeches to discredit the train organizations, and I told the members of my own organization all that he produced when he brought charges against me and had me tried before our general committee.

I do not recall ever saying anything about reelection, but on one occasion when I was asked again to come in and get the money, among other things I did say that I had charges against me now over that money and would have to stand trial at our next meeting. At this time I had no reason to say anything about reelection, for we were not to hold an election at that meeting.

After this trial, at which I had but one vote against me, or one vote for conviction and one member refused to vote, I was again asked to come in and get the money, or permit it to be sent to my wife, with the remark that it was all over now—meaning I presume the trial I had just gone through.

At this time I replied that it was not all over and that the question was likely to go to the convention before it was over. This was the only time the convention was ever mentioned to the best of my knowledge.

WM. PARK.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

[SEAL.] C. G. SHIPMAN, *Notary Public.*

My commission expires January 21, 1917.

(Personal.)

MY DEAR MR. CHENERY: I am inclosing copy of Mr. Johnson's letter to me answering my letter to Mr. Long of the 9th.

This letter is a fair and plain statement, and if Mr. Johnson wants to be fair and not try to discredit the train organizations he should have made this same statement to you rather than muddle it as he did by trying to tell what I have said the many times he has tried to have me take this money, all in one short paragraph.

Note: He says, "In order that the facts may be known to whomsoever they concern."

I feel that the men I represent and myself are very much concerned and that the people who saw the letter appearing in last Sunday's papers may see this letter from Mr. Johnson. May I ask you to have the press print the same as a correction of his former letter.

W. PARK.

PHILADELPHIA, PA., *May 11, 1915.*

Mr. WILLIAM PARK,
General Chairman, B. of L. E.,
941 Railroad Avenue, Sunbury Pa.

DEAR SIR: Referring to the statement made before the United States Commission on Industrial Relations, at Washington on May 7th, to the effect that you were given $300 to cover expenses and compensation in your efforts, during the shopmen's strike at Pittsburgh in 1911, to prevent employees, and particularly engineers, from leaving the company's service and urging them to remain at work and maintain our contractual relations, which expenses and compensation were paid you after the strike was over and everything cleared up.

In order that the facts may be known to whomsoever they concern, and particularly the locomotive engineers, this is to certify that the amount paid was $200 instead of $300, as stated, and this amount was returned to me by you with the verbal statement that the men you represented had paid you. We regret this was not made clear in the original statement.

In order that you may be fully informed, I am attaching a statement made to the commission.

Yours, truly,

J. C. JOHNSON,
Superintendent Telegraph.

[Inclosures.]

STATEMENT OF MR. J. C. JOHNSON, OF THE PENNSYLVANIA RAILROAD CO., TO THE COMMISSION ON INDUSTRIAL RELATIONS, MAY 11, 1915, IN CONNECTION WITH STATEMENTS MADE BY MR. W. H. PIERCE.

As stated in Mr. Long's letter to the commission, after the strike was called at Pittsburgh in 1911, we notified the general chairmen of the different train-service brotherhoods that we would like them to see that their men were kept at work and not attempt to go out on strike in sympathy with the shopmen, who were then on strike. After the strike was over, it was decided to remember a certain number of employees on the system who had performed what we considered commendatory service, and a list was made up which included 511 names for cash payments, aggregating $19,041.10, and 285 names for commendatory letters. This included such men as chief clerk to division operator, inspectors, stewards, foremen of car inspectors, transitmen, rodmen, agents, signal apprentices, chainmen, clerks, telephone inspectors, telegraph repairmen, yardmasters, assistant yardmasters, conductors, captains and inspectors of police, lieutenants of police, patrolmen, plumbers, car inspectors, men from the different departments of the shops, such as engine-house foremen, boiler shop foremen, electricians, assistant foremen. These men were paid anywhere from $10 to $150, no one receiving less than $10. In the case of the general chairman, three of them were given $300 each and one was given $200. In the case of every person except the general chairmen, there was a voucher, with a commendatory letter mailed to the person. In the case of the general chairmen, they were given cash at a time when they called at the office to transact business in connection with their work as general chairmen, and were thanked personally by me for the good work they had done in preventing any trouble and keeping the traffic moving smoothly. It was not given to all of them at one time, as their work did not bring them here together, and some little time elapsed between the time it was given to each

one of them, although I can not state just how long this was. This money was secured from the general manager's contingent fund, that is the money that was paid in cash.

In the case of Chairman Park, some time afterwards (I don't remember how long) he came to me and said that he understood some one had raised a question about his receiving this money and had put the wrong construction on it, and that he wanted to return it because he wanted to be able to say to his men, at the time of reelection and before the convention, that he had never received anything from the Pennsylvania Railroad but what he had signed the pay rolls for. I told him if he felt that way about it, that I would take it back. While we do not have any record to show just how long these men were at Pittsburgh, if my memory serves me correctly, I would say they were there four or five weeks, but I do not think that Mr. Park was there as long as the other three.

It should be understood that they were not under pay of the company either for wages or expenses during the time they were there, and the money given them afterwards, herein referred to, was for expenses and compensation for work performed.

The rewarding of the men in this particular instance is not a new thing, as it is not unusual in cases of trouble of any kind, floods, prostration of lines through storms, strikes, or any extraordinary occurrence, to reward meritorious service.

J. C. JOHNSON.

Sworn and subscribed to before me this 11th day of May, A. D. 1915.

[SEAL.]

HENRY E. CAIN,
Notary Public.

Commission expires February 21, 1919.

[Western Union Telegraph Co.]

PITTSBURGH, PA., *May 7, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Conductors, trainmen, and firemen's general chairmen here. Situation serious. Action to be decided on by the four general chairmen in joint session. We must do something to protect our men, also the honor of the organization. Come without delay, for if we do not act we are done for here.

R. F. JACKSON, 772.

After coming back home I later received this telegram:

PITCAIRN, PA., *May 25, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Trainmen strike as individuals to-morrow. Consulted Moyer. Come at once.

R. F. JACKSON.

CLEVELAND, OHIO, *May 25, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Message from Pitcairn that trainmen as individuals will strike to-morrow. Wish you would go there and hold the men in line. Insist on men performing their usual duties, comply with the laws of the order, and carry out their contract if necessary. Call me up on phone, and I will come.

W. S. STONE.

SUNBURY, PA., *May 31, 1911.*

Mr. C. MOORE, *Altoona, Pa.*
Mr. D. G. MYERS, *Altoona, Pa.*
Mr. G. C. IRWIN, *Hollidaysburg, Pa.:*

Keep our men performing their usual duties and protect contracts in case of any trouble.

WILLIAM PARK,
Chairman, G. C. of A.

Copy to C. Moore and D. G. Myers, of Altoona.

[The Pennsylvania Railroad Co. General office, Broad Street Station.]

PHILADELPHIA, *May 15, 1915.*

Mr. C. T. CHENERY,
Care United States Commission on Industrial Relations,
928 Southern Building, Washington, D. C.

MY DEAR SIR: I had a talk with Mr. Hendricks after your interview with him, and the inclosed affidavit is the result. I am sorry that I made this error. If there is anything further I can do to straighten matters out or any help that I can give you, I shall be glad to hear from you.

You will appreciate that all this occurred four years ago, and so much has happened since then that I am sorry to say my memory is not as clear on some of these details as it should be.

Yours, very truly,

J. C. JOHNSON,
Superintendent Telegraph.

SUPPLEMENT TO STATEMENT OF MR. J. C. JOHNSON, OF THE PENNSYLVANIA RAILROAD CO., DATED MAY 11, 1915, TO THE COMMISSION ON INDUSTRIAL RELATIONS IN CONNECTION WITH STATEMENTS MADE BY MR. W. H. PIERCE.

In connection with that part of my affidavit referring to amount of money given the four general chairmen, I made no memoranda of giving this money, and, as the giving of it discharged what I considered my moral obligation, I dropped the matter from my mind. When the question was brought up recently, my recollection was that I had given each general chairman $300. I have this day had a talk with General Chairman J. B. Hendricks and am now reminded of what I did, and this is to correct that part of my affidavit in which he is concerned; that is, that he was given $50 instead of $300. I would respectfully ask that my statement be corrected accordingly.

J. C. JOHNSON.

Sworn and subscribed to before me this 15th day of May, A. D. 1915.

[SEAL.]

ERNEST H. BROWN,
Notary Public.

My commission expires February 21, 1919.

STATEMENT OF A. I. KAUFFMAN TO C. T. CHENERY, OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, IN REPLY TO CHARGES MADE BEFORE THE COMMISSION BY MR. W. H. PIERCE.

Q. Why did you go to Pittsburgh in 1911?—A. I was summoned there by Gen. Supt. O'Donnel.

Q. Did the local secretary of the organization or your grand chief also request you to go there?—A. Several of the local members met me in Pittsburgh and asked me to remain there, and also asked the president of our organization to send a grand lodge representative there.

Q. How long did you remain in Pittsburgh?—A. From about May 2 or 3 until June 17, 1911. The dates may not be exactly right, but are very close.

Q. Were you on salary of the organization at this time?—A. Yes, by the day; so much per day, and pay your own expenses.

Q. How long after the conclusion of the strike was it that you saw Mr. Johnston?—A. I can not tell the exact date without referring to the records; but it was about June 24, as near as I can recollect.

Q. The company had not made any promise of payment for your work while in Pittsburgh?—A. No, sir.

Q. Did you have any conversation with Mr. Johnson about money when you saw him on June 24?—A. Mr. Johnson gave me the money.

Q. What conversation took place?—A. During the meeting with the general manager and his representatives and some members of our committee a number of grievances were discussed; at the close of the meeting Mr. Johnson came to me and thanked me for what I had done in the Pittsburgh district during the strike, and also handed me an envelope, plain and sealed, and said: "Here is a token of appreciation from the company and to help to defray your expenses." I said: "I have nothing coming from the company, as the organization paid me for my services during the trouble." He stated that it was due me and that I should keep it, but at this time I did not know what the envelope contained.

Q. How much money was in the envelope?—A. Three hundred dollars.
Q. Did anyone see Mr. Johnson pass the envelope to you?—A. Not to my knowledge.
Q. Did you tell anyone of having received this money?—A. I did. Mr. H. G. McComas.
Q. When did you tell Mr. McComas?—A. On the way from there to Baltimore.
Q. Did Mr. McComas tell anyone?—A. Not to my knowledge. He has told me since that he has not.
Q. When did it become generally known in the organization?—A. I was charged with having received this money during the summer of 1912.
Q. Have you any idea how this information leaked out?—A. I have not.
Q. Did you ever return this $300?—A. Yes, sir.
Q. Did the company keep it or return it to you again?—A. It was again returned to me.
Q. How was it returned?—A. The same certificate of deposit that I had sent them.
Q. On what bank was this deposit drawn?—A. I can tell the place. I think it was the Third National Bank, right across from Broad Street Station on South Penn Square.
Q. Did they write you a letter or send any statement when they returned the certificate?—A. No, sir.
Q. How did your organization feel about this when it became known?—A. Well, some of them felt that I had done entirely wrong, and others did not seem to think so much.
Q. Did it have any influence on the election of the general chairman the past year?—A. Well, probably so.
Q. How did you feel, personally, about it, Mr. Kauffman?—A. I realize now that I made a mistake.
Q. It did not influence you in your duty toward the company in any way?—A. Not in the least, and I think by referring to the minutes of meetings with committees and the company since that time will prove my statement.

A. I. KAUFFMAN.

Sworn to and subscribed before me this 15th day of May, A. D. 1915.

[SEAL.] KATHERINE KANE,
Notary Public.

My commission expires February 21, 1919.

[Joint Protective Board, Brotherhood of Locomotive Firemen and Enginemen, Pennsylvania lines east.]

PHILADELPHIA, PA., *May 14, 1915.*

STATEMENT OF H. E. CORE, GENERAL CHAIRMAN, B. OF L. F. & E., PENNSYLVANIA LINES EAST, TO C. T. CHENERY, OF THE U. S. C. ON INDUSTRIAL RELATIONS, CONCERNING CHARGES OF W. H. PIERCE AGAINST MR. A. I. KAUFFMAN.

The knowledge of Mr. A. I. Kauffman's having accepted compensation from the Pennsylvania Railroad for services performed during the shopmen's strike in 1911, for which the organization he represented had already paid him, did not become known to the members until sometime in May, 1914.

It is the belief of many of our members that this information was first made known to our membership by Mr. W. H. Pierce.

While no formal charges were ever preferred against Mr. Kauffman for his action in accepting this money, his action was nevertheless strongly condemned by practically all our members, as we hold that it is dishonorable for a man to accept compensation from our organization and the company at the same time.

H. E. CORE,
General Chairman, B. of L. F. & E., Pennsylvania Lines, East.
H. G. McCOMAS,
Secretary-Treasurer, B. of L. F. & E., Pennsylvania Lines East.

Personally appeared before me H. E. Core and H. G. McComas, who depose and say that the statements above made are true and accurate to the best of their knowledge and belief.

Sworn and subscribed before me this 14th day of May, 1915.

[SEAL.] WM. H. O'NEIL,
Notary Public.

My commission expires March 9, 1919.

[Order of Railway Conductors, General Committee of Adjustment, Pennsylvania lines east.]

PHILADELPHIA, PA.

STATEMENT OF J. B. HENDRICKS, GENERAL CHAIRMAN ORDER OF RAILWAY CONDUCTORS, TO C. T. CHENERY, OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, CONCERNING CHARGES MADE BY W. H. PIERCE.

Q. Why did you go to Pitcairn during the shopmen's strike in 1911?—A. I was ordered there by the president of the O. R. C., and was further requested to come by the secretary of the local division No. 483, at Pitcairn.

Q. What request, if any, did you receive from the P. R. R. during this strike?—A. None; absolutely none.

Q. Were you paid by your organization for going to Pitcairn, and if so, at what rate?—A. I was paid the regular per diem rate of $10 a day, which covers salary and expenses.

Q. How long was it after the end of the strike that you saw Mr. Johnson?—A. The strike was called in May, and it was some time in the middle or fore part of July that I saw him.

Q. Did you receive any money from Mr. Johnson at this time, and if so, please state full circumstances?—A. I was in Mr. Johnson's office some time in July with Mr. Kapp of the B. R. T. While Mr. Kapp was talking to one of the clerks Mr. Johnson stepped up and handed me a plain envelope and said, "Jim, you boys were under a lot of extra expense at Pitcairn, and here is something to help pay this extra expense." After leaving the office I counted the money and found that there were 10 $5 bills in it.

Q. Did you tell any one of this transaction?—A. No; I don't think that I ever did.

Q. Did this transaction become generally known in the order?—A. It did not.

Q. Was this transaction generally known before Mr. Pierce's charges were made public?—A. It was not.

Q. How did you feel about receiving this money?—A. I feel that as I had to work both day and night to keep our organization out of trouble and went to a lot of extra expense that I was justified in taking this money.

J. B. HENDRICKS.

STATE OF PENNSYLVANIA, *City and County of Philadelphia, ss:*

Personally appeared James B. Hendricks, of Wesleyville, Pa., the within, who, being duly sworn according to law, doth depose and say that each of the foregoing answers to questions asked made by him are true and correct upon the best of his knowledge, information, and belief.

J. B. HENDRICKS.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

[SEAL.] MORRIS L. KOLB, *Notary Public.*

Commission expires February 26, 1917.

[Order of Railway Conductors, General Committee of Adjustment. Pennsylvania lines east.]

TYRONE, PA., *May 15, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: In accordance with request of your Mr. Chenery, I beg to advise that our organization heard only rumors concerning the acceptance by our general chairman of compensation from the Pennsylvania Railroad for services during Pitcairn trouble in 1911.

Such being the case, the matter has never officially been brought to the attention of the order, and we therefore have had no expression of sentiment by the members.

Very respectfully,

S. C. COWEN,
Secretary G. C. of Adjt. P. R. R. Lines East.

[Order of Railway Conductors, General Committee of Adjustment. Pennsylvania lines east.]

TYRONE, PA., *May 18, 1915.*

Mr. C. G. HASTINGS,
Pittsburgh, Pa.

DEAR BROTHER HASTINGS: Your favor of recent date received and was pleased to hear from you. Thankful for the very kind expressions in reference to my

wife's accident. She is improving right along; had the splints removed last Saturday.

Referring again to my former letter suggesting changes in the personnel of our general committee, would state that I was visited by a Mr. Chenery, who represented the United States Commission on Industrial Relations. He asked me to file a statement with the committee whether I had ever received any compensation from the P. R. R. for service during the Pitcairn trouble in 1911. I stated that I had never been called into the field where there had any trouble arisen between the company and any of its employees other than grievances affecting the conductors, but I had received flattering offers requesting me to report action of our organization on lines east. I gave him a copy of the letters I received. He had a statement from Hendricks confessing that he had taken money from the company during the trouble. This was paid through J. C. Johnson's office. If you remember this was rumored at the time the firemen elected Core to succeed Kauffman, who made the confession implicating himself, Kapp, Park, and Hendricks, and under this confession General Manager Long was compelled to admit under oath before the commission that he had paid $1,500 out at this time to the four organizations, giving each chairman $300; Hendricks in his statement tells that he only received $50. I was asked by Mr. Chenery whether any action had been taken by our organization against our chairman on account of accepting compensation from the company. I told him that we had heard rumors concerning this matter, and such being the case, it was never brought to the attention of our committee, as we had never had an expression of sentiment. I immediately wrote Garretson as to these developments, asking his advice, stating that I believed we should take action at once, and I would arrange to call committee in session and prepare charges against Hendricks.

Brother Hastings, I feel this matter should be prosecuted. Brother Garretson stated to me in a letter some time ago that he had heard rumors concerning certain action during the Pitcairn trouble that looked bad. He admitted that he felt this work was going on, but how to get definite information was the question.

I would be glad if you would give me your opinion just what you think we should do. Remember us to your family.

Very respectfully, in P. F.,

S. C. COWEN.

[Grand Lodge Brotherhood of Railroad Trainmen.]

GENERAL OFFICES, CLEVELAND, OHIO, *May 18, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Care Shoreham Hotel, Washington, D. C.

GENTLEMEN: In further reference to testimony given before your commission by one W. H. Pierce, wherein the name of E. V. Kapp, now deceased, formerly general chairman of the Brotherhood of Railroad Trainmen for the Pennsylvania lines east, was mentioned, have to advise that, if my recollection serves me correctly, Mr. Kapp spoke to me personally at one time in regard to the Pennsylvania Co. donating to himself and others some amount, for the purpose of covering time and expense incurred in 1911 while visiting Pittsburgh and vicinity for the purpose of advising members of the transportation organizations to remain at their regular and usual employment instead of leaving the service, contrary to the constitution and general rules of such organizations and participating in an illegal strike in sympathy with certain carmen, shopmen, trackmen, and other employees then on strike.

I do not remember the amount mentioned by Mr. Kapp, nor do I find any record of correspondence passing between this office and Kapp in connection with that subject. I am under the impression that Mr. Kapp told me that the Pennsylvania Co. appreciated the assistance given by himself and other general chairmen. Mr. Kapp visited the Pittsburgh territory at that time under my direct instructions and was paid the constitutional amount provided by our laws for such service. He was not, however, paid any amount to cover hotel or other similar expenses, owing to the fact that our constitution does not permit of the payment of any amount other than a per diem of a given amount.

Mr. Kapp's integrity was above reproach, and I have never known of a more conscientious or honest employee of any company. I do not believe he would have accepted any amount from the company had it not been for a generally known and understood custom on that line for the company to reimburse employees for services rendered independently of organization.

This letter is written in accordance with a verbal understanding had with one of your investigators at Pittsburgh on the 16th instant, suggesting that I forward this information to the commission.

Very truly, yours,

W. G. LEE,
President.

[The Pennsylvania Railroad Co.]

ALTOONA, PA., *May 21, 1915.*

Mr. REDMOND S. BRENNAN,
United States Commission on Industrial Relations.

DEAR SIR: I have your letter of May 13, and would advise that my sworn statement of May 8 covers the subject in question as far as I am able to do so.

The proposed statement you sent me with your letter of May 13 covers a denial of a conversation between S. M. Hoyer and myself. To this I can not affix my signature, as there was a conversation between S. M. Hoyer and myself under the following circumstances:

The interview took place in my office, Mr. Hoyer having asked for an appointment, and at this interview he asked me to grant him a favor for a person he was interested in, who was an employee in our shops. Upon the termination of that interview, and having been importuned by friends of Luther to assist him in his trouble, he having already returned to Altoona, I asked Mr. Hoyer to reciprocate by remitting Luther's fine; therefore I can not add anything further to my original affidavit, which is absolutely true and correct and is returned herewith.

Yours, truly,

R. K. READING,
Supt. Motive Power, Eastern Pa. Div., Pa. R. R. Co.

IN THE MATTER OF THE EVIDENCE OF HON. S. M. HOYER, EX-MAYOR OF THE CITY OF ALTOONA, BEFORE THE COMMISSION ON INDUSTRIAL RELATIONS, AT THEIR MEETING HELD AT WASHINGTON, D. C., ON THURSDAY, MAY 6, A. D. 1915.

STATEMENT OF R. K. READING, SUPERINTENDENT OF MOTIVE POWER OF THE PENNSYLVANIA RAILROAD AT ALTOONA, PA.

STATE OF PENNSYLVANIA, *County of Blair, ss:*

Personally appeared before me, Alex Weir, a notary public, residing in the city of Altoona, county and State aforesaid, R. K. Reading, superintendent of motive power of the Pennsylvania Railroad at Altoona, Pa., who, being by me sworn in due form of law, doth depose and say that his attention having been called to the testimony of Hon. S. M. Hoyer, ex-mayor of the city of Altoona, made before the Commission on Industrial Relations at Washington, D. C., on Thursday, May 6, 1915, wherein he states that Mr. Reading (this affiant), who is superintendent of motive power of the Pennsylvania Railroad, asked him to let up on this man and let him come back to the city; that "they had fixed the judge and the district attorney and the alderman who took the bail, and the county detective, and that I was the only stumbling block. Affiant saith that at no time was there any conversation between said Hon. S. M. Hoyer and this affiant in which the language was used that they had fixed the judge and the district attorney and the alderman who took the bail and the county detective, and that Hoyer was the only stumbling block; and affiant further declares and says that the statement of the Hon. S. M. Hoyer, imputing the aforesaid language to this affiant, is absolutely untrue and without foundation in fact, as no such language was used and no such statement made.

R. K. READING.

Sworn and subscribed before me this 8th day of May, A. D. 1915.

[SEAL.] ALEX WEIR, *Notary Public.*

My commission expires January 16, 1919.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, May 11, 1915.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: Referring to the question raised at hearing at Washington Friday, May 7, at which time you asked Mr. J. C. Johnson, superintendent telegraph, to furnish you a statement of arms and ammunition stored on the system for emergency use, we find that the purchasing agent has in stock in his rooms at Philadelphia 5,113 revolvers, 130 shotguns, 64,107 cartridges, 1,041 riot clubs, 435 pair handcuffs, 1,285 holsters with belts, and 5,013 special-police breast badges, and, as stated to your commission, this material is furnished on regular requisition when needed, and, if used when a strike is in progress, they are collected and again stored after the trouble is over.

Yours, truly,

S. C. LONG,
General Manager.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 2, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Your letter of May 25, 1915, addressed to Mr. W. W. Atterbury, vice president, asking for certain information in connection with his testimony before the commission at Washington, has been referred to me for reply.

In regard to the first subject—i. e., the number of rifles usually kept on hand by the Pennsylvania Railroad—permit us to advise that under date of May 11, 1915, we wrote Honorable Frank P. Walsh, chairman of the commission, giving him this information. However, in order that your record may be complete in one communication we quote below the following paragraph from our letter above referred to:

"We find that the purchasing agent has in stock in his rooms at Philadelphia 5,113 revolvers, 130 shotguns, 64,107 cartridges, 1,041 riot clubs, 435 pair handcuffs, 1,285 holsters with belts, 5,031 special police breast badges, and, as stated to your commission, this material is furnished on regular requisition when needed, and, if used when a strike is in progress, they are collected and again stored after the trouble is over."

The 130 shotguns are commonly known as riot guns or rifles.

In regard to the second subject—i. e., condition and number of the police organization—we attach statements giving this information in detail.

Very truly, yours,

S. C. LONG,
General Manager.

[Inclosures.]

POLICE DEPARTMENT, PENNSYLVANIA RAILROAD CO.

PHILADELPHIA HEADQUARTERS.

1 superintendent, 1 inspector, 1 captain, 1 lieutenant.
Three of these officers have State police authority; 1 is uniformed.

EASTERN PENNSYLVANIA DIVISION—HEADQUARTERS, ALTOONA, PA.

1 inspector, 6 captains, 9 lieutenants, 78 patrolmen=94.
All of these men have State police authority; 60 have uniforms.

WESTERN PENNSYLVANIA DIVISION—HEADQUARTERS, PITTSBURGH, PA.

1 inspector, 4 captains, 9 lieutenants, 46 patrolmen=60.
All of these men have State police authority; 10 have uniforms.

NEW JERSEY DIVISION—HEADQUARTERS, NEW YORK CITY.

2 inspectors, 3 captains, 9 lieutenants, 101 patrolmen=115.
All of these men have State police authority; 100 have uniforms.

P., B. & W. R. R.—HEADQUARTERS, WILMINGTON, DEL.

1 inspector, 1 captain, 4 lieutenants, 23 patrolmen=29.
All of these men have State police authority; 21 have uniforms.

CENTRAL DIVISION—HEADQUARTERS, WILLIAMSPORT, PA.

One inspector, 5 captains, 4 lieutenants, 28 patrolmen=38.
All of these men have State police authority; 34 have uniforms.

NORTHERN DIVISION—HEADQUARTERS, BUFFALO, N. Y.

One inspector, 2 captains, 16 patrolmen=19.
All of these men have State police authority; 16 have uniforms.

PHILADELPHIA TERMINAL DIVISION—HEADQUARTERS, PHILADELPHIA.

One inspector, 3 lieutenants, 32 patrolmen=36.
Three of these men have State police authority, while 33 have city of Philadelphia police commissions. Thirty-six of these officers have uniforms.

GENERAL.

Number of men with State authority, 361; number of men with city authority, 33; number of men without commissions, 1; total number of men, 395.
The figures in the foregoing table represent the active commissioned police service of the Pennsylvania Railroad Co. Of the 395 men, 278 are equipped with uniforms.

WATCHMEN IN CONJUNCTION WITH POLICE DEPARTMENT, PENNSYLVANIA RAILROAD.

Eastern Pennsylvania division, 6; Western Pennsylvania division, 28; New Jersey division, 181; Philadelphia, Baltimore & Washington Railroad, 3; central division, 4; northern division, none; Philadelphia terminal division, 69; total, 291.
In the main part these men known as watchmen are disabled employees, physically unfit for service in the operation of trains, etc., and turned over to the police department, which assigns them to duties compatible with their condition, watching shop gates, crossings, etc., and do not have commissions.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 24, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Answering your letter of June 4 in regard to the arms and ammunition in possession of the organization of the police, whether in Philadelphia, Altoona, Pittsburgh, or elsewhere, we beg to advise that we do not have any arms or ammunition stored at any point on the system except that referred to in our letter of June 2, which, as before stated, is in the possession of the purchasing agent. We have, of the number of policemen employed on the system, 394 who are armed.
We did not understand that you desired the information as to the members of the police force who are armed until your letter of June 4 was received, and the delay in answering has been caused by making a canvass of the police to find out just who were armed. If there is any more information desired, we would be very glad indeed to hear from you.

Yours, truly,

S. C. LONG,
General Manager.

PITTSBURGH, PA., *June 26, 1914.*

Mr. S. C. COWEN,
1533 Pennsylvania Avenue, Tyrone, Pa.

DEAR SIR: I am prepared to place before you a proposition which will add $100 to your monthly income, and the money paid as you desire, either by check monthly or semimonthly, and if preferable cash, special delivery.

At once you conclude the service required must be of a nature involving more than is usually requested in the ordinary affairs of life. In that conclusion you are right, but there need be no misunderstanding or mistake regarding the matter. At the outstart I will state the proposition to be made is presented from a strictly business point of view and will be carried through as such to the end with you, as it is with others in the labor world, if you can see your way clear to accept. Now, then, what I want is a daily letter from you (not every other day) regarding the affairs of your organization; that is to say, a complete report of everything within and without the organization, including, of course, the minutes, etc., of the meetings, special and regular.

You will find this the easiest money you ever earned in your life, and absolutely without the knowledge of anyone except yourself and one other. You are not required to sign your name to letters—only #500—and mail your reports or letters as you will later be instructed to do in case you accept the trust.

The writer is absolutely disinterested in any particular and acts only as a medium through which the arrangement can satisfactorily be completed.

You need have no hesitancy in replying, as this is strictly a straight out-and-out business proposition and not something intended to get you in wrong in any way. It will be carried out, too, in every particular.

I may state that if you render the service you are capable of the pay will be increased to $115 in six months and $125 beginning January 1, 1915.

I wish to further explain for your benefit that the object of getting this advance information is to add to a service intended to be exercised in furtherance of the amicable adjustment or settlement of labor differences and strikes, and as much as possible the avoidance of them. It is believed by advance thinkers on the subject that a good work can be accomplished and organized labor greatly benefited, and to that end the information will be directed, especially within the ranks of organizations with which we are already doing business.

I will appreciate a reply which I now promise will be strictly confidential.

I am,

Yours, very truly,

E. W. ELLIS,
Care of 821 Bellaire Avenue,
Brookline, Pittsburgh, Pa.

PITTSBURGH, PA., *July 15, 1914.*

Mr. S. C. COWEN, *General Secretary O. R. C.,*
No. 1533 Pennsylvania Avenue, Tyrone, Pa.

DEAR SIR: I am sorry you have not written me regarding my proposition made you some days ago, and am not altogether satisfied you want to pass up the opportunity to increase your earnings in the sum proposed. You need have no fear of me in any particular, as I have promised you truly that in case you communicate with me I will protect the same in every way.

I am desirous of having you take up the work, and therefore am not satisfied, as I have stated, to drop the matter. In fact, I would like to have a personal interview if you will grant it, and to that end will here state that I will meet you in Pittsburgh and pay your expenses while here, or I will meet you in Tyrone, at your home or hotel. Do not be foolish and pass up an opportunity like this, as you never will add to your earnings so much money as this so easily.

Trusting I will have the inclosed card returned promptly, I am,

Yours, truly,

E. W. ELLIS,
No. 821 Bellaire Avenue, Brookline,
Pittsburgh, Pa.

LABOR AND THE LAW.

(For exhibits under this subject see pages 10903 to 10928.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Monday, May 10, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Weinstock, Lennon, and O'Connell.

Chairman WALSH. Will the house please be in order.

Judge Clark, will you kindly take the stand?

TESTIMONY OF JUDGE WALTER CLARK.

Chairman WALSH. Will you please state your name?

Judge CLARK. Walter Clark.

Chairman WALSH. And your place of residence?

Judge CLARK. Raleigh, N. C.

Chairman WALSH. What official position do you occupy in the State of North Carolina?

Judge CLARK. Chief justice of the supreme court.

Chairman WALSH. How long have you occupied that position?

Judge CLARK. I have been on the supreme court 26 years; I have been chief justice 13 years.

Chairman WALSH. Now, Judge, I believe there was a little general outline sent you, and I might state here that this commission has held public hearings throughout the country and made many investigations, and we have summoned a great many judges and lawyers who seem to have paid particular attention to these matters, or whose decisions have had a certain significance to sort of epitomizing, if possible, the services, or at least the prevalent actions that seem to exist among people and industries in the United States.

With that general statement, and the suggestions that have been made to you, I will ask you some general questions.

First, I will say that we have met with the suggestion in many places, reiterated over and over, that the poor man does not have a fair chance in the courts of justice, and even here we have had the suggestion made by individuals that they perhaps would have to resort to means of their own to obtain justice, and so forth. Now, does the poor man occupy a different position before the law and in our courts than the rich man?

Judge CLARK. He does not in North Carolina; that is, upon the face of things he does not. Of course, we have this circumstance, that the rich man can employ abler lawyers and more lawyers, and I don't know how you can correct it, but there is no prejudice among the judges or among our jurors in favor of one class against others.

Chairman WALSH. Have you made a decision, Judge—I believe you did make a decision in regard to child labor, which evidently has had a bearing upon the whole situation. I believe that you decided a case some years ago in which you fixed the limit at which a child could be charged with contributory negligence, and I noticed it is referred to many times in the matter of legislation governing the same subject.

Judge CLARK. I just remarked that there was no prejudice in favor of or against the poor man, but North Carolina, as you know as well as I do, is a very conservative State, and to a large extent we have followed the idea of individualism. Of course, that has something to do as between labor and capital. Some years ago we had a case in our State where a child 9 years old was injured, and counsel very strenuously insisted that the courts had nothing to do with that; that the child was hired out by the father, and the father had control of the child, and that, therefore, he was accountable for the negligence and not the company or corporation. I wrote a decision that was concurred in by two

of my associates, and very vigorously dissented to by the other two, that the father had no control of the child; that the company was aware of his incapacity to work; that they had exposed him to this danger and the company was responsible. (Ward *v.* Odell, 126 N. C., 947; Fitzgerald *v.* Furniture Co., 131 N. C., 636.) It didn't meet with public approval at the time, but not long after, after some sessions of legislature, there was passed an action fixing the age at which children could be employed, and there are other decisions in our State on which other acts are taken by the legislature, and successive legislation, as has been the case in other States.

Chairman WALSH. In your opinion, would economic and social questions be considered by judges in rendering their decisions?

Judge CLARK. Not unless they are statutory. Unless in such case as I have just cited, and when legislation is so far behind that the courts ought to take a common-sense view of the case. In this case I have just mentioned where a young child was exposed to these dangers, they have said it was wrong and unjust.

Chairman WALSH. That is the reason I asked you that question, economic consideration seems to have cut a great figure in that particular decision.

Judge CLARK. Yes, sir; it did in that case, and on the side that courts generally do. Courts generally throw the gates down, and that is what our courts generally do, for instance, as to car couplers. Greenlee *v.* R. R. (122 N. C., 977; Troxler *v.* R. R., 124 N. C., 191.)

Chairman WALSH. Should counsel be given an opportunity to indicate fairly economic and social bearings on judicial decisions in arguments before courts?

Judge CLARK. Yes, sir; I think they should discuss them.

Chairman WALSH. What was available, for instance, in this case, Judge, trying to arrive at some comprehensive way of building up laws governing these social and economic subjects what did you have available from an economic standpoint when that decision was made?

Judge CLARK. Just simply the common-sense idea of justice that it was not right to take a child 8 or 9 years old and expose him to the dangers of machinery, which cost him his eyesight, or an arm, and that that boy could not recover simply because his father, pressed by the necessities of his home life, had hired him out to the company.

Chairman WALSH. Well, now, as you recall it, Judge, did counsel for the boy urge these broad social considerations that seem to have underlaid this decision?

Judge CLARK. No, sir; he did not.

Chairman WALSH. Then, did the judges have to do that? We would like to get at the minutiæ of the thing; did the judges have to consider that themselves? Was it that the judges, or part of them, simply took a notion that it was wrong?

Judge CLARK. In that particular case the whole matter originated with me. I argued with the court and presented the proposition; I said that the world ought to move, and that the decision ought to be as broad as the injury, and that it was time to take a broader view, and two of the judges concurred with me and two dissented.

Chairman WALSH. Your court is composed of five members?

Judge CLARK. Yes; it was then, and is now.

Chairman WALSH. In your opinion, Judge, from your experience on the bench, would it be feasible or possible to have economic advice for the court in some way in cases of this character, so that they would not have to be led to the knowledge that they gathered from the reading of general literature and such sources as that?

Judge CLARK. I do not know, Mr. Chairman, how that may be; I know the general trend of the courts is just the opposite of what I have told you. Though the legislation in this country or in England has been in favor of justice to the laborer, our courts being composed generally of elderly men, imbued with ideas they had while practicing at the bar, follow precedents and laws are lost sight of entirely or trimmed down instead of the courts making legislation more progressive.

Chairman WALSH. Many persons who have been before us from the labor side have complained bitterly to us of injunctive process, and told us of their reluctance to submit the matters to the determination of courts generally; have you any opinion you could give this commission as to the reasons for that; that is, whether or not there is any basis for that reluctance on the part of individual laborers or labor organizations?

Judge CLARK. Well, speaking as a lawyer, I do not want to attack my profession or the judges, but as a fact, my observation has been, including the reading of the law books, to show me that the courts are very slow to adopt economic ideas contained in the laws which the legislature has enacted. The judges are generally, as I say, elderly men, and most of them have been employed, before they went on the bench, by great corporations. They, unconsciously to themselves, are biased in favor of the view they advocated when they practiced at the bar. When they go on the bench they are still the same men, and unconsciously they put in force, sitting there, the ideas they advocated at the bar. That has been my observation of the course of the decisions.

Chairman WALSH. How could that situation be modified along legal lines, Judge?

Judge CLARK. I do not know of anything except the slow educative process of public opinion. Public opinion has educated them more or less, and as these elderly men pass from the bench, younger men may go on who are imbued with the ideas of the times. This is a slow process, but how else to do it I do not know.

Chairman WALSH. Have you made any study of the Danbury Hatters' case, and the Taff Vale in England?

Judge CLARK. Yes, sir; like every lawyer, I am familiar with them and know something of both. I do not like to criticize those courts, but, speaking as an American citizen, I can say that I do not agree with them at all or in any respect.

Chairman WALSH. Now, just from the standpoint of citizenship, I wish you would give your comment upon them.

Judge CLARK. My view is that the object of the courts is over and above any mere technicality to do justice between man and man. And as to those great corporations that require large numbers of laborers, if those laborers feel that it is necessary for them to take certain steps, in order to protect themselves, I do not see any reason why they should be made collectively responsible for possible excesses of a few of the men. They are trying to better their conditions; they are only in this world one time, and while here they ought to have a fair show and a square deal.

Chairman WALSH. What is the social desirability or undesirability of such action? Is it better for the State that they be permitted to organize freely or not, Judge?

Judge CLARK. Yes; they ought to be just as free to organize labor as we are to organize capital. If we can organize a great railroad system going from here to San Francisco and put our money together, they ought to be able to put themselves together to protect themselves; they are working to support themselves and their wives and children and ought to have as much right to organize as we.

Chairman WALSH. We have had before us here, Judge, in the last week, the operations of what is called the relief department of one of the railroads.

Judge CLARK. Yes, sir.

Chairman WALSH. We have had the necessity of taking that up in many other institutions. Have you given any thought to that subject, or have you had the subject before you, as a judge?

Judge CLARK. Yes; we had—we have had several cases of that kind in North Carolina. The Atlantic Coast Line Railroad system runs through our State. They compel every man who takes employment with that company to pay from $9 to $75 dollars a year into that fund; he could not take employment with them unless he paid that sum. It makes an income of several million dollars a year; I did have the figures. And that fund was disbursed and controlled entirely by the officers of the railroad corporation; and under that system, if a man was injured, if he took any benefit—well, he was compelled to—or went to the hospital or received any benefits, he was debarred from going into the courts of the State to recover damages. He might be damaged $5,000 or $20,000. We had one case where a man was damaged twenty-five or thirty thousand dollars, an engineer, and he received some $356 benefits, and he was debarred from bringing any action. It came before our court and we held that that arrangement was illegal under our State law and under the general precedent. Barden *v.* R. R., 152 N. C., 318.) We had had decisions in other States to the contrary, and the result was that by a change of the personnel of one member of our court the decision was reversed. (King *v.* R. R., 157 N. C., 44.) In the meantime an act of Congress was passed prohibiting those relief departments,

and since then it has been passed on and upheld by the Supreme Court of the United States in Railroad *v.* The McGuire, 219 U. S., 549), and one or two other cases, and as a result we have gone back to the former decision, and they are not barred from damages in the case of employees of railroads.

Chairman WALSH. Could you, Judge, sketch the trend of the decisions of your own State in labor cases? Do you have any other instances than the one you have detailed where the age was established?

Judge CLARK. So far as child labor is concerned, our courts have closely followed the statutes and have not attempted to modify them or cut them down in any way. We have tried to put them in execution, following out the spirit of the law. The purpose in our case is twofold, the age of child labor is very low in North Carolina, lower than most of the States.

Chairman WALSH. What is the age?

Judge CLARK. Thirteen, I think; not more than 12 in some cases. The other trouble is that we have no inspection law in North Carolina to enforce that law; there is no way to see whether it is put in operation or not. The practical result in our State is this, that we have in our legislature a committee to which those matters are referred, and they have a system by which this committee is composed of manufacturers, and of course you know exactly what the result is; we can not get any further legislation.

Chairman WALSH. Have you had any experience in the question of the policing of tracks and bridges of railroads?

Judge CLARK. The railroad men in our State, and I am speaking now of the Brotherhood of Locomotive Engineers and men of that class, who are always very intelligent men, they say they would be glad if some legislation could be had along this line. We have legislation for the inspection of car couplers and of handholds and of those kind of appliances, but there is none for the inspection of tracks or for the inspection of bridges. And they say—of course, I am not a railroad engineer myself—but they say they have bridges along the tracks that were built to hold 30-ton engines and that sometimes now 200-ton engines go across those bridges, and as they do so they bounce up and down. When one of those 200-ton engines goes across one of those bridges it will sink and rise, and such bridges are very dangerous; and if some means could be devised for inspection of tracks and bridges, it would add very much to the safety of the public in traveling and also to the protection of employees of the railroad. Our tracks are frequently defective, and in some places there is not one good tie in seven. Understand, I have not inspected this matter myself, but these men who are intelligent engineers tell me these things. And when an accident happens "no one is to blame," with no inspection; that is, public inspection of the bridges and tracks. I suppose the railroads themselves have some inspection, but there is nothing to protect the public and the enginemen operating the trains.

Chairman WALSH. Have you had experience in your State with the use of the injunction in labor disputes?

Judge CLARK. No, sir.

Chairman WALSH. Have you studied the effect of them, generally, in the United States, as a student of economics and the law?

Judge CLARK. I do not think they can be justified, sir.

Chairman WALSH. What are the economic and social effects of the issuance of injunctions in labor disputes?

Judge CLARK. Well, it has been, of course, to irritate the men, because they feel that in an Anglo-Saxon community every man has a right to a trial by jury, and that to take him up and compel him to be tried by a judge is not in accordance with the principle of equality, liberty, and justice.

Chairman WALSH. Do you think that has been one of the causes of social unrest in the United States?

Judge CLARK. Yes, sir; and undoubtedly will be more so unless it is remedied.

Chairman WALSH. You have observed, have you, judge, the situation out of which these injunctions largely grew, what is called picketing by labor unions?

Judge CLARK. Yes, sir.

Chairman WALSH. And have you considered the question of personal rights involved in that?

Judge CLARK. We have had no knowledge of them in our State, because we have had nothing of the kind; we have not had strikes or picketing, or boycotts; the only thing has been one or two trials for blacklisting.

Chairman WALSH. I was going to ask you about the social and legal aspects of blacklisting. Can that be stopped by law, or how?

Judge CLARK. It is prohibited in our State by law; how far it can be enforced is another matter.

Chairman WALSH. What have the decisions of your courts along that line been?

Judge CLARK. The only decision was that it was absolutely illegal to blacklist a man. We made the railroad company responsible for the damages in that case.

Chairman WALSH. Did you have a case in North Carolina where the railroad company was held responsible?

Judge CLARK. Yes, sir. It came up on a straight proposition where there was evidence showing that the blacklisting was done. We have had but one case.

Chairman WALSH. Did that proceed along the lines of the common law, or was it under the statute you have mentioned?

Judge CLARK. Under our statute.

Chairman WALSH. Have you considered the subject, Judge, of the protection that should be afforded to life and property during industrial disputes?

Judge CLARK. We have had nothing along that line in our State.

Chairman WALSH. Or the use of private guards and detectives?

Judge CLARK. We have had nothing of that kind.

Chairman WALSH. Or of martial law or the action of any military force during strikes?

Judge CLARK. We have had nothing to call them out. Our State is very largely an agricultural one, and we have very few labor disputes.

Chairman WALSH. Have you considered the extent to which Federal control is desirable in that matter?

Judge CLARK. No, sir; we have never had anything of that kind.

Chairman WALSH. Have you considered the extent to which the State may exert control over industrial conditions?

Judge CLARK. Only to the extent of fixing the age of labor and providing against the defective appliances on railroads and in the case of machinery. We have had legislation along that line, and we have had some decisions of our courts tending to show that any failure to use devices and measures for the protection of life and limb, as for instance covering cogwheels. They ought to be guarded, and wherever machinery is used there ought to be every protection that modern invention has found applicable for the protection of labor.

Chairman WALSH. The other commissioners will desire to ask you some questions, Judge Clark. Commissioner Lennon says he has some he wishes to ask.

Commissioner LENNON. Judge Clark, we have had criticism because of the exercise of power by the courts to declare laws passed by Congress and State legislatures unconstitutional; and it has been claimed in some instances that so far as the United States courts are concerned, this power is an assumed one; that there is no justification—actual justification—either in the Constitution of the United States or in the laws enacted by Congress controlling courts giving them any such power. Have you ever considered that matter? If so, what is your view upon it?

Judge CLARK. Yes, sir; I have considered that matter; and I have always believed that Mr. Thomas Jefferson was right when he said it was an assumed power and that there was no authority to exercise it.

Commissioner LENNON. Do you believe that the exercise of such power, particularly by Federal courts, is a cause of social and industrial unrest?

Judge CLARK. I think so, sir.

Commissioner LENNON. Do you think it is a justifiable cause of unrest?

Judge CLARK. Yes, sir.

Commissioner LENNON. That the unrest of that character by the citizenship is a righteous unrest?

Judge CLARK. Yes, sir. I think usurpation of power by any department of the Government is a justifiable cause of unrest among the sovereign people.

Commissioner LENNON. Do you believe it would be wise on the part of the Congress of the United States or of State legislatures to by statute prohibit the exercise of such powers by the courts?

Judge CLARK. Yes, sir.

Commissioner LENNON. I think the most acute criticism of the courts that we have encountered rises perhaps more often in personal-injury cases than any other, and has to do with the subject of the possible delays in getting a

final decision. We find cases where years have elapsed before a poor man has secured a verdict or a final settlement of an original verdict; and they believe that these delays are brought about in order to offset their just claims. What is your experience or what is your observation of the dealings with such matters by the courts?

Judge CLARK. Well, that is a very widespread complaint, sir, and a very just complaint; but how to remedy it is something the legal profession has not been able to ascertain. You take a case which comes up, that there are four or five able lawyers representing a corporation with a young lawyer over here generally appearing on a contingent fee. Now, these gentlemen are men of long experience in the profession and men of known ability, and when they argue the case before the judge and tell him that a witness, or witnesses, is absent or a witness is sick or give excuses of that kind, what can the judge do? It is one of those things inherent in the situation for which it is difficult to provide a remedy.

Commissioner LENNON. Is it not possible that legislation can provide a remedy for this in some way?

Judge CLARK. Well, the difficulty is to find out what legislation can be adopted to prevent this delay. It ought to be prevented. It is a crime and an evil, and has been ever since Shakespeare laid it down that the law's delays were one of the ills to which men were heir to.

Commissioner LENNON. Is it not a fact that the Government of the United States can generally provide a remedy for an admitted evil in the administration of justice?

Judge CLARK. It has been so up to this time.

Commissioner LENNON. Well, it would seem as though we will have some remodeling of our Government?

Judge CLARK. Well, Mr. Taft, who is not known as being a progressive, is now conducting an investigattion into some means for avoiding the delays of the law. He is president of the American Bar Association and is working upon that question, and I do not think he has yet been able to find, among many of the members of the American Bar Association, any practicable remedy for that evil. If so, I don't know what it is.

Now, we had a case which came before the court of which I am a member, where a man was killed on a railroad. An action was brought to recover for his death, and able counsel were able to postpone the trial of that case for four years. The case came up to our bench, and a majority of the court thought there was some little technical error in it and sent it back. Four years after that it came up there again, and another little technical error caused it to be again sent back. At the end of another four years it got there the third time, and we thought it ought not to go back again if we could help it, but there was some technical error or other there again, unfortunately, and against these able lawyers one young fellow on the other side, and, of course, you know, as a lawyer, how that is done——

Commissioner LENNON (interrupting). Well, I am not a lawyer, but I am an American citizen.

Judge CLARK. Well, at the end of some four years more it came back for the fourth time, and at the end of that 16 years, the little child, who was 6 months old when his father died, was then 17 years old; and after this great lapse of time and because witnesses had died, and after 17 years of litigation, and after 4 honorable judges doing their best, at the end of the 17 years nothing was had after all that litigation. Now, what is the remedy? I don't know.

Commissioner LENNON. There was an opportunity during those 17 years for that engineer to have starved to death, and his family?

Judge CLARK. Well, the man was killed, you know.

Commissioner LENNON. Or his family, at any rate, to have starved?

Judge CLARK. Yes; and I reckon they came very near it. It certainly was hope long delayed.

Commissioner LENNON. Well, isn't it the duty of the bar association or the lawyers of this country or the judges, to give a matter of this kind the most profound consideration of which they are capable, in order that the remedy shall be found?

Judge CLARK. Yes. In that particular case I wrote an opinion for our court, which you will find in our reports, reciting the history of that case and the evils, and asking what is the remedy. I have done that in other cases. (Penny *v.* R. R., 161 N. C., 530; Nelson *v.* R. R., 167 N. C., at p. 190.)

Commissioner LENNON. Will you state to the stenographer, so that we can refer to the case in the law books?

Judge CLARK. I have not the memorandum of the case, but I can send it to you, sir.

Commissioner LENNON. All right; send it to us.

(See Walter Clark exhibit at end of this subject.)

Judge CLARK. And I have written a half a dozen others along the same line. I have tried to impress upon the profession and upon the public that the court really desires speedy administration of justice, and that a delay of justice is a denial of justice. (Nelson *v.* R. R., 167 N. C., at pp. 188–190.)

Commissioner LENNON. Referring again to the question of the power of the courts to declare laws and acts of legislatures unconstitutional, have you ever made any degree of study of the exercise of that power by the courts, as to its effects upon the economic and social conditions of our people?

Judge CLARK. Yes, sir; I have delivered two addresses, Judge, along that line, one before the University of Pennsylvania in 1906, and one before Cooper Union, in New York, in 1914, both of which have been published by the United States Senate as Senate documents, and they give my views pretty fully on that matter.

Commissioner LENNON. If you will give us a reference to them, we will get them.

Chairman WALSH. Give us the best reference you can, please, Judge, and we will have them incorporated in our records?

Judge CLARK. They are addresses delivered before the University of Pennsylvannia in April, 1906, and published as a Senate document (S. Doc. 87, 62d Cong, 1st sess.), I believe, on the motion of Senator Owen, of Oklahoma. The other address was delivered at Cooper Union in January, 1914, and published as a Senate document on the motion of Senator Overman, of North Carolina. (S. Doc. 610, 63d Cong., 2d sess.)

Commissioner LENNON. That is all, Mr. Chairman.

Judge CLARK. They were both published or reprinted, I think, during the last year.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. Following up that matter of the law's delay, Judge, would you feel free to express an opinion as to whether or not one of the factors that enters largely into that is—well, for want of a better word, I will say the economic value of a lawyer to his client—depends in a very considerable degree in his ability to aid that client to avoid his legal responsibilites for the payment for injury or damage?

Judge CLARK. Unquestionably that is so, sir, and that is the difficulty; he is employed to delay. He is counsel for the defendant. The defendant does not want to pay. The defendant may know that if it comes to trial when the matter is fresh in the public mind and before a jury sitting over there that there will be a verdict against it. The attorney is retained to prevent that result, and he puts the case off for such time as he can, for 4 years or for 8 years or for 12 years, and by that time witnesses are dead and the impression on the public mind is faded, and he may get a verdict for plaintiff, but certainly for a very reduced amount. Counsel is retained for that purpose.

Commissioner GARRETSON. And as long as the class of lawyers—now, I am differentiating, as the class of lawyers who proceed on the basis that his annual income is based on his ability to do these things is intimately connected with the formation of legislation, in the hope that the legislation by formulating it in such a way that he can defeat it?

Judge CLARK. There has not been a session of the United States Congress or of any State in which there have not been lobbies present and paid for the purpose of defeating legislation that would militate against corporations. You know as well as I do that they do not all stand in the lobby, many have seats in the Senate and in the House.

Commissioner GARRETSON. There will be no dissenting opinion filed. Your State rendered the original decision, or I am in error in saying your State, but a judge in your State rendered the original decision in which the doctrine of fellow servant was passed?

Judge CLARK. No, sir; not the first one. The North Carolina fellow-servant act that was passed in 1898 was drawn by myself.

Commissioner GARRETSON. But you misunderstand the question, Judge. I mean the old, original decision under the common law, a decision was rendered in your State back in 1843, upon which the doctrine grew up, you preceded Massachusetts in that decision, did you?

Judge CLARK. No, sir; I think it was Murray *v.* R. R., in 1842 in South Carolina.

Commissioner GARRETSON. I was under the impression it was in North Carolina in 1838 or 1848?

Judge CLARK. South Carolina; and Massachusetts came second (Farwell *v.* R. R., 4 ——, 49).

Commissioner GARRETSON. Did I gather from the statement that you made earlier, after you came into the chair, that you held your view upon which your decision of child age limit was based that on certain fundamentals that the court is justified in taking into consideration pure equity in reaching a conclusion, provided it is not forbidden by statute law?

Judge CLARK. That is my opinion exactly.

Commissioner GARRETSON. Do you hold, bear in mind that is rather a different idea from what I have heard many men of judicial positions express, do you hold that that power is based on exactly the same principle that gives the judge the power to issue injuctions, or do you base it differently?

Judge CLARK. Upon a different basis, for this reason, an injunction, as you know, is derived from the old Roman civil common law. But this other doctrine you speak of is not. Some old judge about 300 or 400 or 500 years ago, when society was crude, and they had different ideas of labor than now, laid down laws against labor, and very much on the side that the judges came from. We have been following in his footsteps like sheep jumping over fences, and I say the same idea that that judge had to lay down that law is adhered to to-day. That law is nothing more than judge-made law, if he laid down law that was not right or just or fair between man and man, the judge of to-day should not be bound by it. If it is the statute, we must follow it, but we are not bound to take the views of a man 300 years ago about whose ability and integrity we know nothing, simply because he has written a decision.

Commissioner GARRETSON. And still to-day, although not as prevalent as a few years ago, by every case that is brought to an American court in which there is not an existing statute, it is decided on the European common law, which is nothing in the world but a consensus of decisions covering the decisions that you have referred to?

Judge CLARK. Yes, sir; and my opinion has been antagonistic to that principle. I don't recognize the right of some unknown man, who lived in different surroundings and in a different state of society to tell me what I shall say as to what is just between "A" and "B" to-day.

Commissioner GARRETSON. And would you take cognizance of the conditions under which you are forced to decide?

Judge CLARK. Yes, sir; and if he had the same surroundings that we have to-day, he might have done better.

Commissioner GARRETSON. On another phase, as to the public inspection of tracks on the part of railroads. You hold that such public inspection—you referred to the fact that it was all only as good as the weakest tie. That undoubtedly would be on what is known as the branch territory?

Judge CLARK. No, sir; I am not a railroad man, I am telling you what men in that line told me. They said in some places, I don't say it is general, but the track is often bad. In making a chain, a chain is no stronger than its weakest link, and the railroad is no stronger than its weakest section.

Commissioner GARRETSON. You hold that such public inspection would act as a protection to the public against the economic greed of the corporation?

Judge CLARK. Yes, sir.

Commissioner GARRETSON. Because the only reason that could be justly put forward for that condition would be that the company could not afford it and pay dividends?

Judge CLARK. I would not say "economic greed," but they are like other men, they don't always do their duty; they are sometimes negligent, and it may be the foreman or the superintendent that is not competent, and they may have a bad piece of track, just through incompetency.

Commissioner GARRETSON. It is to guard against that very feature that you believe that public inspection would be desirable?

Judge CLARK. Yes, sir.

Commissioner GARRETSON. After the decision that was rendered in your court in the case of the Atlantic Coast Line Relief, that worked an absolute revelation with the method of administering that relief fund, did it not? In other words, the company threw it wholly into the hands of the employee, and it did not act as a bar to recovery from them on either?

Judge CLARK. No, it did not; but since that the United States Congress has passed a law on that, and we have had two decisions of the Supreme Court of the United States; one was the McGuire case (219 U. S., 548), and R. R. v. Schonbert (224 U. S., 605), and since then they have abolished the compulsory feature.

Commissioner WEINSTOCK. May I ask, Judge, what effect public opinion and public sentiment have on court decisions?

Judge CLARK. What effect?

Commissioner WEINSTOCK. Yes, sir.

Judge CLARK. Well, it is a hard question to answer; but judges are like other men; they live in a community, and to some extent they are bound to take, to some extent, their impressions from the people. They do not do so enough, in my opinion. I think the decisions of the courts of the twentieth century ought to be delivered in accordance with justice, and we ought not to hark back to old opinions rendered three or four hundred years ago.

Commissioner WEINSTOCK. The point has been made, Judge, that without any change in the fundamental laws of the Nation the Supreme Court of the United States, for example, in these matters, and that are affecting the economic condition of the country, have materially changed. For example, it was pointed out by a legal man to me personally that such a decision as has been rendered in more recent years by the United States Supreme Court upholding the constitutionality of the 10-hour law for women in the Oregon Laundry case, and the 8-hour law for underground miners, and the maximum-wage law, that it would have been impracticable one or two decades ago when the courts were not ripe for it. I would like to know your view.

Judge CLARK. In the Lochner case in New York some years ago the State passed a law that men in the bake oven rooms, with a certain degree of temperature, ought not to be employed over 10 hours a day. Their court of appeals sustained the case, and it came to our Supreme Court at Washington, and they turned it down on the ground that it was interfering with the right to contract. But if a man was forced to work in an oven for 12 hours a day, he would be in no condition to contract. That decision has been very much criticized throughout the country.

Commissioner WEINSTOCK. What is the status of the child-labor law in your State, Judge, as compared with other Southern States?

Judge CLARK. I can not say about that, because I have not read the statutes in other States. I don't think the age of labor laws, child-labor laws, is high enough in our State.

Commissioner WEINSTOCK. What is it?

Judge CLARK. Thirteen for some and 12 for others; but I think it ought to be higher. Still the legislature passes on that, and the courts have to take it as they lay it down.

Commissioner WEINSTOCK. North Carolina, I take it, is largely an agricultural State, and only incidentally an industrial State?

Judge CLARK. Outside of the great corporations that run our transportation service and our cotton mills we have scarcely any other industry except agriculture.

Commissioner WEINSTOCK. Are the workers in the cotton mills organized?

Judge CLARK. Very few of them are. A very large proportion in the cotton mills are women and children, and therefore we don't have the labor unions.

Commissioner WEINSTOCK. Discussing the Sherman Act in connection with industrial decisions, Judge, I think that a decision was rendered recently by the Supreme Court claiming that employers have the same right as workers in the matter of hiring and discharging.

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. There were also decisions rendered and convictions made in favor of employers against the organized class for the upholding of prices, which was declared illegal, and if I remember rightly more recently some other manufacturing employers or manufacturing plumbers or distributing plumbers were taken into court for having entered into what I think was called conspiracy, to maintain certain prices, and to boycott certain dealers by refusing to sell them their wares?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. The fact of boycotting a dealer and refusing to sell him wares then became an illegal action, punishable under the law. Now, if the same law is applied to workers as applied to employers, there has to be a difference between the two, both ought to be treated alike under the law,

and might it not be said that if labor has a right to boycott an employer, a merchant for handling certain products, that that is likewise illegal. What is your point of view on that?

Judge CLARK. My point of view on that, that laborers, who have wives and children depending upon their daily earnings, are not in the same position as a Rockefeller or a Carnegie. They are not on a thorough equality.

Commissioner WEINSTOCK. Then you would differentiate on that point between the worker and the employer?

Judge CLARK. Yes, sir; because they are not on a parity.

Commissioner WEINSTOCK. If a group of merchants would come in and boycott some dealer because he cut prices, or some other reason, you would regard that as a crime?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. But if a group of workers come in and boycott another worker because he cuts prices of labor, or would boycott a merchant because he handled merchandise that was produced by cut-price labor, you would not consider that a crime?

Judge CLARK. As long as there is no physical violence, and no interference with the property rights of the employer, it is not illegal.

Commissioner WEINSTOCK. Will you go so far as to maintain that what is known as the secondary boycott shall not be punished? That is, let us assume that a labor union, printers, boycott a newspaper because the newspaper hires underprice men, and were unable to bring it to terms, and it goes to the advertisers of the newspaper and demands that they withdraw their advertising from that paper on the peril of being boycotted?

Judge CLARK. If no personal violence to person or property, and no intimidation, I think they have the right to protect themselves.

Commissioner WEINSTOCK. So that from your point of view what has become known as the secondary boycott likewise ought not to be punishable?

Judge Clark. There are some features that would go to the extreme that should be illegal, but simply where they use their influence I don't think they ought to be punished for that.

Commissioner WEINSTOCK. Has the question of injunctions in labor disputes arisen in your State?

Judge CLARK. No, sir; we have not had any acute form of disputes between labor and capital in our State.

Commissioner WEINSTOCK. Undoubtedly you have given that problem thought. What is your opinion on the matter of granting injunctions?

Judge CLARK. I think they ought to be like any other matter; I don't think one man should be allowed to sit there and decide for a corporation when a man is working for his wife and children, and they are depending upon him. He does not have a say at all.

Commissioner WEINSTOCK. Do you have in North Carolina a workmen's compensation act?

Judge CLARK. No, sir; we have not, and for this reason: The system of workmen's compensation act, I take it all you gentlemen agree with me, most men do, that it is a proper system. Now, you take it that an employer is injured, or killed, and leaves the widow and little children with no means to prosecute a lawsuit on the one side, and on the other is a corporation with a million dollars, with counsel retained by the year, and on this side there is nothing in the world that the widow has to do but to go to some young lawyer and have him take her case on a contingent fee. It is an unequal position. There ought to be some system by which there is a certain fixed amount so that the widow will have the implements of war when she needs it the most, immediately after her husband's death. The objection in our State has been that as soon as an act of that kind is introduced in our legislatures the gentlemen of our profession, who happen to be lawyers and legislators, start in to cut down the amount of compensation so low that the workingman will not accept it. In case where the ordinary jury might give a verdict of ten to twenty thousand dollars they put it at two or three or four thousand dollars. Of course the workingmen are not for that act, and that is where the trouble is in our State. We have had a compensation act introduced in two or three different sessions of the legislature. The principle is all right. There ought to be some compensation paid speedily, at the time of the family need (or at the time of the injured's need when he is injured); but when they cut down the allowance so low, of course the men are against it in North Carolina.

Commissioner WEINSTOCK. Now, when the employer or representatives of the employers in your State favor the act, making the issue, only the question is how much compensation shall be allowed, and do you think that the employers are acting in good faith when they favor it or pretend to favor it, and still make it so unreasonable that the workers are against it?

Judge CLARK. I would not like to attack the employers in the matter, but the fact is that proposed bill makes the rates so low that the men will not accept it, and the employer knows that is the reason.

Commissioner WEINSTOCK. Do you happen to know what is the maximum of weekly compensation that the latest bill provided?

Judge CLARK. No, sir; I have it at home, but I know it was so low that the men would not accept it. It was a flank movement, and the amount was so small that the men would not accept it.

Commissioner WEINSTOCK. You probably are aware of the fact that at the present there are either 24 or 25 States in the Union that come under workmen's compensation?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. And it is only a matter of time that the public sentiment will be so pronounced that other States will come under workmen's compensation?

Judge CLARK. Yes, sir; nobody opposes the act, but it is the flank movement that cuts it out.

Commissioner WEINSTOCK. It is simply a way of defeating it?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. You probably also know that there is a Federal compensation act applying to Federal employees? There are one group of workers that were overlooked in the shuffle, and that is those engaged in interstate commerce, and do not come under the State act or the Federal act. What would be your attitude toward a Federal compensation act that would deal with those engaged in interstate commerce?

Judge CLARK. I think there ought to be an act of that kind with adequate compensation for men engaged in interstate commerce. I would not like to infringe upon the prerogatives of the States.

Commissioner LENNON. I want to ask one question before Mr. O'Connell starts. I have heard a great deal of criticism regarding the phraseology of laws, that they are purposely——

Judge CLARK. Pardon me a moment?

Chairman WALSH. Yes; we will take a recess for a few moments.

(A recess was here taken for two or three minutes.)

Commissioner LENNON. I was just calling your attention to the fact that we have heard much criticism, and I have heard a great deal outside of what has been presented to the commission during their investigation as to the obscure phraseology of the laws; that lawyers predominate in the lawmaking bodies, and that laws are so worded that the laymen don't, in some instances, know whether it means yes or not. Is there justification for such complaint?

Judge CLARK. To some extent that is due to limitation in language. It is very hard to write matters so clear that no man can fail to understand. No matter what language you use there is always some ambiguity about it. Of course lawyers are very astute, lawyers can read things into the statute; they are paid to be astute, it is their business to be astute, and it is the business of judges not to let them be too astute.

Commissioner O'CONNELL. Well, I have in my own experience sat in a body of 10 or 12 men, all laymen, none of us lawyers, and everyone of us reached a different conclusion as to what a certain section meant.

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. Is that good for the citizenship of the country to have laws of that character?

Judge CLARK. No, sir; it is not good; sometimes it is undoubtedly due to want of clearness in the mind of the man who drafted the act, and sometimes it is due to the fact that the man was so certain what he meant that he didn't put down what he meant, and sometimes due to limitation in language, and sometimes due to purpose.

Commissioner O'CONNELL. You spoke of the policy of people before the court in the treatment of the law.

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. And that the possible difference was the fact that the one side was in a position to employ better talent or more talent than the other?

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. Do the laws themselves in some instances discriminate in the classes, as for instance in the Sherman antitrust law, it provides that damages can be collected in threefold, and in the case of the Danbury hatters they were assessed threefold by the hat manufacturers at Danville, Conn., and that was opposed by the workingmen. For instance, if blacklisting, for instance, was an opposite effect, and the employers banded themselves together, and if a man lost his position or quit his position or was discharged by an employer he could not find employment again, and was perhaps forbidden from seeking employment, there is no provision in the law for triple damages in his case, and I want to ask your opinion as to the quality of the law itself, if there is not at times discrimination. Take the Sherman antitrust law.

Judge CLARK. You mean in the statute itself?

Commissioner O'CONNELL. Yes, sir.

Judge CLARK. Yes, sir; it is very frequently so; and it is put there purposely, too.

Commissioner O'CONNELL. That is the point I wanted to bring out, if there was not a malicious intent on the framer of the law to apply it that way?

Judge CLARK. How could it be otherwise? A very distinguished American citizen said "we are all practical men"; we are practical men, and we know how legislation is passed. Ordinarily the gentlemen that occupy seats in Congress or other legislatures have campaign expenses, and those campaign expenses are contributed to by the personal friends of the candidate who have means. Can a man sit there and pass an act in opposition to the men that furnished the money to elect him and in favor of the man that did nothing but sell his vote, as some of the voters do? Those are things that are beyond the power even of this honorable body, that are almost even beyond imagination, to determine how we can correct it.

Commissioner O'CONNELL. I suppose you have given thought to the question as to whether labor in its organized form is a trust or not?

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. And you have also given thought to the question as to the origin of the Sherman antitrust law, its intent and purposes? In your opinion, was the Sherman antitrust law ever intended to apply to organized labor as such?

Judge CLARK. You ask my opinion; I say, in general, no; there was no such idea. I don't believe it was so intended. It was a construction that was put upon it by lawyers in the one instance, and by judges in others, who honestly expressed their views on the bench.

Commissioner O'CONNELL. As you studied the formation of labor, you don't look upon it as a trust on which the Sherman antitrust law was compiled?

Judge CLARK. No, sir; not at all, sir.

Commissioner O'CONNELL. There is an expressed fear on the part of some of our citizenship that the legislator might go too far in enacting legislation on the interference of the rights of citizens, and I have sometimes, assuming the rights of individuals, rights that when applied do not appear to be only right to us individuals—for instance, a great proportion of our citizenship believe that there should be one day in seven to rest, and that day the general opinion is ought to be Sunday. Yet, if we attempt to enact legislation that would prohibit Sunday employment, there would be a great number of our citizenship that would hold that we were interfering with individual rights. What is your opinion on that?

Judge CLARK. If you will allow me to express myself in a personal manner, that matter came before the Supreme Court of North Carolina, and my opinion is written on that subject in the case of Ordmann versus Robinson, in the 134 North Carolina, in which I decided that a man is entitled to one day's rest, and one day out of seven was about right, and there were a large proportion of our people that did keep Sunday, and that Sunday was probably the day that should be kept, although the Jews keep Friday, no, Saturday, and the Mohammedans keep Friday, and if they are Mohammedans they ought to have Friday, and if they are Jews they should have Saturday, but the point is that they ought to keep one day in seven to rest. It is not because it is Sunday, but because most of the people are entitled to one day out of seven for rest.

Commissioner O'CONNELL. You believe, then, that the people, the majority of the people, and their representatives whom they select to represent them in the halls of legislatures, would be justified if the habit of prohibiting one day's rest in seven became prevalent, and it became extremely dangerous to the health and

the morals of the people of our country, that the legislators would be justified in enacting legislation that would prohibit, regardless of the rights of the citizens, the continual employment of workers regardless of the day of rest?

Commissioner LENNON. Did I ask you, Judge—I am rather uncertain as to whether you have given any address or written anything upon the subject of the assumption by the court of the power to declare laws unconstitutional?

Judge CLARK. Yes, sir.

Commissioner LENNON. Oh, yes; that is the subject of the addresses you have spoken of——

Judge CLARK. Yes, sir; they are Senate documents.

Chairman WALSH. Did you write anything on the subject prior——

Judge CLARK. Yes; I have written some opinions along that line before. But those were the first two speeches I delivered on the subject. I delivered a speech on labor at Wilmington in August, 1914, on the general subject of these questions you have been just asking me.

Chairman WALSH. Yes. Well, did you write—outside of these two speeches have you written on the subject of the power of the courts to declare laws unconstitutional?

Judge CLARK. Yes, sir; I have written in one of the law magazines and published some other speeches.

Chairman WALSH. As Commissioner Lennon suggests, can you give us a reference to those?

Judge CLARK. I can probably send it to your clerk.

Chairman WALSH. I wish you would, please, then, giving us anything that you have.

Judge CLARK. Yes.

(The witness subsequently submitted the following printed pamphlets: "Labor Day Address of Chief Justice Walter Clark, of the North Carolina Supreme Court, at Wilmington, N. C., Sept. 7, 1914. Roanoke, Va., Industrial Era Print, 1914"; "Address by Chief Justice Walter Clark, of the North Carolina Supreme Court, at Richmond Va., Jan. 30, 1914. Equal Suffrage"; "Address on Reform in Law and Legal Procedure by Hon. Walter Clark, Chief Justice of the Supreme Court of North Carolina, before the North Carolina Bar Association, at Wrightsville Beach, N. C., Tuesday, June 30, 1914. Wilmington Stamp & Printing Co., Wilmington, N. C."; "Old Foes with New Faces, address by Chief Justice Walter Clark, before the Bar Association of Virginia, at Hot Springs, Va., Aug. 25, 1903"; and "Some Myths of the Law, by Walter Clark. Reprinted from Michigan Law Review, Vol. XIII, No. 1, November, 1914."

Chairman WALSH. Now, unless there is something to say yourself, Judge, you will be excused.

Judge CLARK. Nothing more; I thank you for your courtesies, gentlemen.

Chairman WALSH. Thank you, very much.

Judge Edgar M. Cullen.

TESTIMONY OF JUDGE EDGAR M. CULLEN.

Chairman WALSH. Will you please state your name?

Judge CULLEN. Edgar M. Cullen.

Chairman WALSH. And your profession?

Judge CULLEN. Attorney at law.

Chairman WALSH. Where do you reside?

Judge CULLEN. Brooklyn, N. Y.

Chairman WALSH. What official positions have you held, Judge?

Judge CULLEN. I have been judge of the Supreme Court for the State of New York and then associate judge of the court of appeals of that State; and then chief judge of that court until a year ago, the first of January, on having reached the age of 70. The Constitution provides, not unwisely, I think, that after 70 a man shall retire from judicial service.

Chairman WALSH. Have you considered the development in the United States of the declaration of martial law and industrial disputes, Judge?

Judge CULLEN. Not so much the question of martial law as some doctrines that have been held by one court particularly, the court of West Virginia, as to the right of military commissions under the declaration of martial law.

Chairman WALSH. Well, it was that particular subject to which we were going to invite your attention. If you will be kind enough, Judge, we will be glad to have your opinion upon that subject as a lawyer.

Judge CULLEN. Well, my opinion was simply this, as I expressed in a pamphlet, in an address that I delivered, that if the doctrine of West Virginia was true or was to be followed, it would be subversive of all such things as liberty in this country. The doctrine of that court was that not only during actual insurrection and the clash of arms, soldiers might arrest and detain those who were seeking to resist legal mandates, but the person that was offending against the law might be tried by a military commission and might be punished by that commission, although the civil courts might be open in the State.

Chairman WALSH. Would you please outline, just in ordinary terms, Judge, the situation as you understood it, in West Virginia, and the application of this somewhat new doctrine to that situation?

Judge CULLEN. As I understood it—but now, I wish—I can not be sure that my understanding of it is absolutely accurate, because I considered the question entirely from a legal point of view, and took the recital of the facts from the opinions of the court as its basis for that.

The miners had gone on a strike. There had been violence to such an extent that the governor called out the militia. I have forgotten whether he declared a state of insurrection in that locality or not, but at any rate he did call out the militia. The militia made arrests, and he assumed, or it was assumed—who was responsible for it I don't remember—to try some of the alleged rioters by military commission, convicted, and sentenced them; and the question came up on a habeas corpus before the civil courts for their release. At that time—I am depending upon my recollection, but I am very certain I am right—the courts in this county where this military commission sat were open—in the county seat. I think it was Kanawha County, but I am not absolutely certain. But it is immaterial for the point, and the courts of West Virginia held that that punishment by the military court was legal and effective, and refused to discharge the prisoner. Now, you will observe that is another and different question there from the right of suspension of the habeas corpus temporarily, or the right to use force against force, of course, possessed by every officer of the law. If a policeman seizes a burglar and the burglar resists him, he has a right to shoot him. That is an entirely different thing. But they held the law to be that the military commission in such a matter could try, convict, and punish for an offense. That is the whole of it.

Chairman WALSH. Now, what is the fundamental wrong of that view, from your standpoint as a lawyer?

Judge CULLEN. Well, the fundamental wrong is that when the militia is called out they are like other officers of the law—like the constable, like the police officer; they have the right to arrest; they have the right to resist force by force, even if it goes to the extent of taking life; but they have no right to punish, because otherwise while the statutes of the State define crimes and their punishments, a man might be sentenced entirely regardless of the law that had prescribed the offense and the punishment for the offense. Now, frankly and with all due deference to that court—that learned court of West Virginia—it must be said that the military commission did not condemn the man to death, but if they had the power to condemn him to imprisonment, I think they would have equal power to condemn him to death. And with my view of the law I think it is absolutely inconsistent with the decision of the United States Supreme Court in the famous Milligan case, where a military commission in Indiana—as I recollect it, in the time of the Civil War, when there was a great deal of excitement—had assumed to try a man for an offense committed in that State and sentenced him to death, and the case came up to the Supreme Court of the United States and they discharged him on habeas corpus. The radical difference between the two is just this: One rule simply attempts to enforce the law either by preventing the offense or arresting the offender; but giving a military commission power to punish for the offense subverts all authority of the civil courts and renders the civil power subordinate to the military.

Chairman WALSH. Now, Judge, a great deal of criticism has been leveled at that general situation, and a great deal of interest has been expressed by the workers throughout the country where we have held our hearings, growing out of the use of the military power. Now, from your standpoint—from the legal standpoint—what recommendations could this commission make, or what could be done in the way of suggestions, perhaps, to legislatures, or to Congress to remedy that situation?

Judge CULLEN. I don't think that situation can be remedied until you remedy the situation that causes that situation; that is, the use of violence by strikers.

Chairman WALSH. Well——

Judge CULLEN (interrupting). To a certain extent; if the strikers are only few in number the ordinary police force may be sufficient, but especially in the rural communities or where there are no great cities the local police force may be so small that it can not resist them. In New York City, of course, there has been no such trouble. The militia has not been called out over in old New York—not since 1871. There are—I don't remember the exact number—about 10,000 or 12,000 policemen, and whatever their faults, they are perfectly fearless and courageous, whether it be to stop a mob or whatever the emergency may be; and they never have called on the militia forces.

Chairman WALSH. Now, do I take it, Judge, then, that if violence is widespread enough on the other side, it would be justifiable to allow the military to supersede the civil power for the time?

Judge CULLEN. It does not supersede the civil power, in my conception, but simply goes there to enforce order and to enforce the civil law.

Chairman WALSH. Well, in this West Virginia case, Judge, had the violence reached that stage that the civil law, the civil authorities, were unable to cope with it?

Judge CULLEN. I must assume so, though, as I told you, I am not familiar with the facts. I looked at it altogether from the legal point of view and took the facts as stated in the opinion of the court. There was a minority opinion delivered there, too, denying the power of the military that was asserted by the majority, but the judges who dissented did not assume to state that the facts were different from those as stated by the majority.

Chairman WALSH. Is there any middle ground that the law might take, Judge, for instance, to see that the military forces keep the courts open and keep them free for the trial of cases, so that the military authority would not have to take over the question of innocence or guilt of the individual, no matter how great the violence was?

Judge CULLEN. I am afraid that I have not been clear in my expression of my views to you, Mr. Chairman. I have said that I condemned the assumption by the military of the power to determine whether the man was guilty or innocent, or to inflict punishment where the courts were open. They have a right to arrest those who are resisting the mandates of the civil authorities and of the Government, and who are invading the rights or the property of others; and if they had done that and had brought them up to the civil courts, there could not have been any question about their proceeding being within the law.

Chairman WALSH. Well, what I was asking awhile ago—may be I did not make myself clear, Judge——

Judge CULLEN (interrupting). No; I fear the fault is mine, sir.

Chairman WALSH (continuing). Is whether or not any recommendations could be made covering the whole situation from a legal standpoint?

Judge CULLEN. No. I dislike to see the militia use it because, naturally with my training, I like the policeman as the emblem of civil authority much better than the man in uniform. Then the police, where they are in sufficient numbers, are generally more efficient. And then the policeman's club makes no mistakes. If he hits a person in case of riot and outbreak, the man is either an actual offender or it is largely due to his own folly that he is in the riot. While with arms, with the militia, it is generally the innocent person, maybe a half mile or a mile away, that gets shot.

Chairman WALSH. Have you considered, Judge, the authorities governing the use of military power in the State of Colorado?

Judge CULLEN. No; I don't know anything about that. There is no decision—I have only looked at the decisions, as I told you. It is entirely a legal matter with me. There is no decision in Colorado that I have been able to find that upholds the power of a military commission to try and to punish offenders.

Chairman WALSH. Have you ever given any thought to the question of the trial of military offenders in these fields while the trouble is in progress; that is, a member of the militia. We have a case of this sort where a lieutenant was charged with wantonly killing a man—that is, an unarmed prisoner—and he was tried by military court-martial, or a commission of the officers of the military, and acquitted of the charge; and it was claimed that that was a bar to any prosecution by the civil courts. Did your investigation or your thought touch that subject?

Judge CULLEN. Of course, I believe in no such law. If I am right in my other view, he was responsible if he has violated the law, and the civil court must determine that. I had always supposed it elementary law in this country that the command of a superior, unless it was lawful, gave no immunity to his subordinates who obeyed it.

Chairman WALSH. Did you read the Linderfelt case—what is known as the Linderfelt case, Judge? It has been written about much.

Judge CULLEN. No.

Chairman WALSH. That is, a lieutenant had charge of a prisoner and struck him over the head or some part of his body—he claims he struck him on the arm—and broke the stock of his rifle and knocked the man down. Either while he was upon the ground or getting up and attempting to escape he was fired upon and killed. Now, of course, it created a great deal of feeling. This was one of a group of striking miners and one of the leaders of them—a man named Tikas—and with that feeling, why, the military forces undertook to try Lieut. Linderfelt and did try him and acquitted him, and it was claimed, as I say, that that was a bar to any future prosecution in the civil courts.

Judge CULLEN. I should say to the contrary if I had the power to decide the law.

Chairman WALSH. What, in your opinion, is the practical effect, socially or upon the State rights, of agreeing to that power being in the military rather than in the civil law?

Judge CULLEN. As I said to you, such a doctrine, it seems to me, is a subversion of our individual liberty and of our form of government.

I wish to say, and I am volunteering this remark, that very recently that question has come up in Montana, where, I believe, they had some very serious strike of miners. The supreme court of that State held, contrary to the courts of West Virginia, that while the military had the right to arrest a man, they had no right to try him.

Chairman WALSH. Have you observed whether these questions have arisen principally in cases where there were industrial disputes?

Judge CULLEN. I think those are the only cases.

Chairman WALSH. You think those are the only cases?

Judge CULLEN. Yes.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Your attitude, as I understand it, is that the military can only be properly used under the conditions that existed in West Virginia as an enforcement of the police power?

Judge CULLEN. Yes; that is right; that they shall attempt the enforcement of the law and bring the alleged violators of the law before the tribunals properly constituted to determine their guilt and assess their punishment.

Yes; but I wanted to make one qualification, of course, in most constitutions—but not in the constitution of West Virginia—in most constitutions there is a provision that authorizes suspension of habeas corpus, but the suspension of habeas corpus only authorizes detention, not punishment, when if the writ of habeas corpus were not suspended it would be necessary to bring the offenders immediately before a civil magistrate.

Commission GARRETSON. The only effect the suspension of the habeas corpus is to deprive a man of liberty pending adjudication?

Judge CULLEN. That is all.

Chairman WALSH. That is all, thank you, Judge.

Mr. Roe.

TESTIMONY OF MR. GILBERT E. ROE.

Chairman WALSH. Please state your name.

Mr. ROE. Gilbert E. Roe.

Chairman WALSH. Where do you reside?

Mr. ROE. New York City.

Chairman WALSH. What is your business?

Mr. ROE. Lawyer.

Chairman WALSH. How long have you practiced your profession?

Mr. ROE. Nearly 25 years.

Chairman WALSH. How long have you practiced your profession in New York City?

Mr. ROE. About 14 years.

Chairman WALSH. Have you given any particular attention or made any special study of the attitude of the courts in labor cases?

Mr. ROE. I have had the experience and of observation that comes to a lawyer in active practice, and I have also made some special study of it for the purpose of information in my practice and for the purpose of certain writings on the subject.

Chairman WALSH. What have you written upon the subject, Mr. Roe?

Mr. ROE. I wrote a series of articles a couple of years ago covering the subject in a general and brief way, which appeared in a magazine and was afterwards compiled in book form. That is the principal thing I have done upon that; and I have digested the opinions of two of the former chief justices of the Supereme Court of Wisconsin, where I formerly practiced, and annotated them with reference to labor decisions.

Chairman WALSH. There has been a general statement made to this commission, during the progress of this hearing, and to its investigators, by workers, to the effect that they feel they do not have a fair chance in the courts, or, plainly expressed, that a poor man has no chance so far as the law is concerned. We have also had complaints from employers to the effect that they had no chance before the courts on account of what might be called the political influence of workers and of labor unions, and that this was especially true, it was declared, so far as the inferior magistrates were concerned, and with administrative officers. I wish you would make your comment upon that topic, Mr. Roe.

Mr. ROE. I think that it is true that the poor man is not on an equality with the rich man in litigation. That is almost inevitably true; as it has been suggested on the stand this morning by the eminent jurists who have testified here, the rich man can always hire better lawyers or at least more of them than the poor man; he can bring witnesses from a distance; marshal the evidence. He can endure the law's delays, and perhaps even promote them; and in those respects naturally has, and, as far as I can see, is bound to have an advantage over the poor man in matters of litigation. Those are what I would call the legitimate advantages that wealth has in the courts. It is unfortunate, but unavoidable, I am not speaking now of any improper use of wealth being made in the court.

Then, I think that in labor cases particularly, you have to deal with another factor. It is true, as has been suggested here, that our law is founded upon the English common law, and wherever to-day we have not a statute that controls the decision of a case, we go back to the common law to find out what the decision shall be.

Now, the common law, as we all know, was developed—what we call the common law of England—was developed at a time when England, as compared with the present time, was a semibarbarous country, and at that time labor had no rights that the upper or ruling classes were bound to respect. The common law was not developed in the interest of what we call the laboring classes. So far as it was a contest with authority, it was a contest between the King and the upper classes; they ignored, all of them, the laborer.

In England, as late as 1800, they had a statute, and even after that time and during the nineteenth century, they had a statute which absolutely forbade all combinations on the part of laborers. I think they had the law still in existence at that time which penalized a man for refusing to work for an employer if he was offered the few pence a day that the law required.

Well, now, the trouble is, as I view it, that we all of us, as lawyers, you gentlemen of the commission who are lawyers and myself and lawyers generally, have been educated in the idea that the common law was the height of legal wisdom even if it was not something almost divine. We were taught to accept it the same as the theological student is taught to accept the creed of his church. And we find it very hard to get away from, and most judges have found it impossible to get away from it, and the result is that when a question comes up in which labor is involved and we find no statute controlling it, we go back to the common law, and find, if not a precedent, at least a principle, that is supposed to apply. And even in the case of statutes, so thoroughly saturated is the legal profession with the common-law idea that they interpret statutes in the light of the common law, and if a statute seems to be too revolutionary, as they term it; that is, departs too far from the common law, they find out some way to twist that statute to make it come more nearly in harmony with the common law.

Now, that, in a rough way, is my notion of why it is that labor distrusts the courts as it does to-day. Of course you can take that up in specific ways, if you desire to have that done. I do not want to make a speech, but only to answer your questions.

Chairman WALSH. You are going along an illuminating line, and at this point you may comment on the equipment of judges generally with economic information, their familiarity with the question of economics and the distribution of wealth, etc., that seems at the present time to be entering into all these questions—that is, of the nature of hours of work and minimum wage laws, and the like of that. Do I give you my idea?

Mr. ROE. I think so. Of course judges generally do not come from the laboring class. They almost always undergo a certain course of study which I have attempted to describe, and it has the influence upon them that I have suggested. No part of the preparation for the practice of the law, or for being a judge, as far as I ever heard, was a study of economics or laboring conditions, except what a man gets in his college training generally. So that the judge comes to the bench with the equipment of learning of 500 years ago, but not necessarily with any learning concerning the economic questions of the day beyond that which goes with the ordinary legal education.

Chairman WALSH. Do you believe it necessary that economic and social issues should be considered by judges in rendering their decisions?

Mr. ROE. I believe it inevitable; they do consider them now.

Chairman WALSH. Where do they get their information?

Mr. ROE. Well, at the time the Supreme Court, as Judge Harlan said, reversed itself in the tobacco and Standard Oil decisions, Judge Grosscup, the Federal circuit judge, in commenting on that change of decision, said that while he was in perfect harmony with it, that the court rooms had windows through which the judges acquired information and could see what was going on in the outside world; and I don't know but that is as good a description of the way the judges get their information as you can put it. They have no systematic way of getting it. They can, and it has been done by the Supreme Court of the United States in one recent case that I know of—can take what they call "judicial notice" of facts of common knowledge. I refer to that Oregon case relating to the hours of work of women. And in that case, as I recall, the court said it could take judicial notice of the fact that the long hours of work under certain conditions had an injurious effect on the health of women. In that case there was presented to the court, rather than precedents, certain reports from different societies that had made special studies of this question. I know some of the people in New York that compiled the facts that were presented to the court, and the court took it in that case, and that undoubtedly influenced its decision. But, so far as I know, at the present time all that a court can do in taking into consideration its economic and social facts in its decision is to say that the court will take judicial notice of matters of common knowledge. Of course the court interprets that for itself, and it may mean little or much.

Chairman WALSH. That being the case, it is very important where the knowledge should come from and the character of the knowledge.

Mr. ROE. It would seem so to me.

Chairman WALSH. Have you considered any means by which expressed economic advice could be made available for judges who have to pass on these questions? You say that in one particular instance pamphlets or findings were given to the judges; following out that line of thought, perhaps, is there any way by which machinery could be provided which would give them such advice upon these subjects?

Mr. ROE. I have not given that any particular thought, but I do not know any reason why that could not be accomplished by statute. The thing that prevents it now is the rules of evidence, and those are subject to change by statute.

Chairman WALSH. Have you any further suggestions that might show what you conceive to be the basis of the reluctance of labor organizations and individual workingmen to present their cases for judicial determination?

Mr. ROE. I can—I do not know whether this will be in answer to your question or not. I can give many instances where the application of the law has worked very unfairly it seems to me, and as it certainly seems to laboring men and labor organizations, if that is what you mean. I think those cases are the basis for the condition of which you speak.

Chairman WALSH. Very good; you can give those cases and your comment on them.

Mr. ROE. I do not mean to take up the specific cases, for I think that is not what you desire, but I can give you the line of decisions I have in mind.

Chairman WALSH. Very good.

Mr. ROE. And I might say, if I may be pardoned a personal word, that in my practice it has been my fortune or misfortune, as the case may be, in per-

sonal-injury cases, to usually represent the defendant, so that I naturally have not any bias, I believe, in the other way.

I think that one great reason that labor is loathe to go into the courts is because of what has occurred in what we call personal-injury cases—cases where an employee has been injured and brought his action at the common law to recover damages from his employer. We have developed, or rather we have brought over to this country from England—from the English common law—certain principles that we have applied to those cases, which have been most unjust and unfair in their result.

Ten years ago it would have been heresy to have said that, but to-day everyone admits it, and our compensation laws is the answer that is being made to that admitted unfairness.

Now, for example, in England, nearly 100 years ago, in a very simple case, an employer's two hired men were driving along the street in one of his wagons or vans, which broke down and one of the men was injured, and the court, in order to prevent recovery against the employer—the man who was injured sued the employer—and the court, in order to prevent the recovery devised two doctrines; one was that the servant that was injured assumed the risk of his employment. Of course his employment was the highly dangerous employment of driving along a country road with a very steady team of horses in an ordinary vehicle.

The other proposition of law the court devised was that anyway if the man was injured, if it was through any defect in the wagon, as alleged, it was caused by the negligence of his fellow servant in not keeping the wagon in repair.

Now, you have born into our law from that simple case this whole doctrine of "fellow servant," and an "assumption of risk," that was brought over to this country and early got into the southern reports that have been spoken of, and in the Massachusetts, and spread over the entire country, and is applied, of course, to cases that have absolutely no relation to the simple situation in which the doctrine originated.

I have compiled lists of those cases. I thought probably you would not care to burden your record with them, but we are all familiar with the one in which employees are held to be fellow servants. You may have a switchman up in a tower a thousand miles away from an engineer who is back on the road, and the engineer is injured as a result of the negligence of the man a thousand miles away in that tower, and they are held to be fellow servants, so that the railroad would not be required to respond in damages.

Commissioner GARRETSON. In the original Massachusetts decision was it not a fact that the two men that were held to be fellow servants were at least 2,000 miles apart?

Mr. ROE. I think that is the case, but I have not looked at the case.

Then, of course, akin to that is the doctrine of contributory negligence, and I was favored just day before yesterday with a brief for the Payne Lumber Co. in an action which they are bringing under the Clayton law—the Clayton law which was passed to correct injustices with regard to labor of the Sherman antitrust law, you know. The attorneys for the Payne Lumber Co. have recited this law gave that company certain rights with regard to injunctions that they did not have under the Sherman antitrust law, so they brought their action under that; but in this they get a list of cases in which contributory negligence has been held by the courts to be a defense. I am not able to turn to it this moment.

Commissioner LENNON. Is that the brief filed in the Supreme Court?

Mr. ROE. Yes. I have compiled a long list of those cases, and I would be glad to file it with the commission, with the headings under which they can be grouped.

Chairman WALSH. I wish you would do so.

Chairman WALSH. Have you studied any question of the method for securing the enforcement of the constitutional guaranty of rights, so far as the person is concerned, as distinguished from property rights?

Mr. ROE. You mean the right of free speech and of free assemblage?

Chairman WALSH. Yes; the right of free speech and the right of free assemblage, and everything of that sort, Mr. Roe.

Mr. ROE. It is my notion that if the courts would adhere to the Constitution in those matters they would get along pretty well with them.

Chairman WALSH. Have the courts been adhering to the Constitution, in your view?

Mr. Roe. I do not think they have in the matter of free speech and free assemblage. Of course we have many foolish statutes passed upon those subjects; I think the legislature is responsible, that Congress is responsible; but I think the courts could pretty well have taken care of it if they had done in those cases what they have in others, declared the statute unconstitutional.

Chairman Walsh. Is it your idea that if there has been any breaking done of the law with respect to conserving the personal rights of individuals that it has merely been because of the attitude of the men behind the administration of the law—the judges declaring the law, Mr. Roe?

Mr. Roe. I think so.

Chairman Walsh. Have you made any study of the law as applied to trade-unions—that is, the legal liability of trade organizations for the acts of its members, such as the Danbury Hatters' case and others, Mr. Roe?

Mr. Roe. I have read the cases upon that; I have made such study as a lawyer would who has come in contact with those subjects in the practice of his profession.

Chairman Walsh. I wish you would make your comments on it, especially so far as the social aspect of those cases is concerned.

Mr. Roe. There again it is my belief that the law discriminates against labor as between labor and property. Now, whether a blacklist is right or whether a boycott is right—whether either one or both ought to be prohibited—I do not know, but it seems perfectly clear that if you are going to allow a blacklist on the part of the employer, that you must allow, or ought fairly to allow, the boycott on the part of the employee. Now, in this connection permit me to call your attention to the very recent decision of the Supreme Court of the United States in the case with which I have no doubt you are all familiar, coming up from Kansas, in which the court holds that a law passed by the State of Kansas forbidding the discharge of an employee because he was a member of any union was unconstitutional. The court held in that case that that law was unconstitutional, and held it, I think, by a majority of one.

In that case, as I recall, there was a switchman or a fireman who was a member of his union. He had paid large sums of money into the union, in which he was entitled to sick benefits and other benefits. He was given notice by his employing company that he must either resign from his organization or he would be discharged. That notice was given in the very teeth of and was a clear violation of the statute. The man refused to withdraw from his organization and was discharged. The Kansas courts all upheld the statute and affirmed the conviction of the employer. The Supreme Court of the United States, however, reversed all that and held that the State had no authority to pass a statute of that kind. Now, that, coupled with the Adair case, looks to me as though it did not leave very much of labor's rights to organize.

Commissioner Garretson. Is the Adair case one brought under the Erdman Act whereby one section of the Erdman Act was declared unconstitutional by Judge Evans?

Mr. Roe. Yes. Now, if one employer can do that, all employers can do that, and they can either compel the employee to withdraw from his labor union and forfeit his benefits in it or forfeit his job.

Now, then, labor has no such retaliatory right as that against capital. If he wants to boycott himself—I mean personally—if he says, "I will withdraw my patronage" from his employer, the law says he can do it, but when he gets enough people to do it so that it amounts to something, that is called a secondary boycott, and he can not do it. So that it seems to me that in that respect also labor has very much to complain of, and unless there is something done to correct the decisions of the Supreme Court in the two cases that I have mentioned, they may become the Dred Scott decisions of the labor movement.

Chairman Walsh. Well, under the present form of our law and the constitution of our courts, what can be done, Mr. Roe?

Mr. Roe. Of course they can do the same thing that they did in the Legal Tender cases, change the personnel of the courts and change the decisions; the same things that they did in the Income Tax cases; and which occurred, according to my opinion, in the cases of the Standard Oil and the Tobacco cases. If that can not be done, they can pass a constitutional amendment.

Chairman Walsh. Of what character?

Mr. Roe. Which would meet the situation.

Chairman Walsh. Of what character?

Mr. ROE. Well, I have not given the form that that would take any consideration, but clearly giving to a State the right to pass such a statute as this statute of Kansas was.

Commissioner O'CONNELL. Prohibiting the blacklisting of union men?

Mr. ROE. Yes; and prohibiting their discharge because they did belong to a union.

Commissioner GARRETSON. Would you consider, as a remote possibility, that in the event there were no remedial methods introduced, the same spirit might grow up that grew up after the decision that you just referred to—the Dred Scott decision?

Mr. ROE. It does not seem to me improbable that that is likely to follow. I say that very reluctantly.

Commissioner GARRETSON. I would naturally suppose that any man who felt the gravity of the situation would say it reluctantly.

Mr. Roe, in answer to the original question in regard to equality of men before the law under certain conditions you rather divided your answer into two: One in regard to general litigation, and the other was in regard to labor questions.

Mr. ROE. Yes; I intended to, sir.

Commissioner GARRETSON. Yes; your attitude is that in labor cases, if resort is had to the English common law for a decision, that from the very fact that the English common law—the decisions which constitute it—were evolved at a time when the rights of laboring men were—I won't say ignored—but simply considered as not existing—would that in itself prejudice his case?

Mr. ROE. Yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. ROE. And it would not make any difference in that respect if the laboring man who brought his action for damages was worth a million dollars or ten millions, if he was injured in his employment and sued his employer for it, so long as he was subject to the fellow servant and assumed risk and contributory negligence propositions of the law, he would be unfairly dealt with just the same.

Commissioner GARRETSON. That would be a foregone conclusion because the decisions or the processes under which the adjudications would be arrived at were originally framed when the man whose property rights might be assailed was absolutely in control of all the means of adjudication?

Mr. ROE. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Well, while you are on that topic, Mr. Roe, if a constitutional provision such as that in West Virginia protecting the right of habeas corpus can be abrogated by the executive and military authorities, what would be the weight of such a constitutional provision protecting the men in their right to organize?

Mr. ROE. No one can say what its weight would be, of course. It is fair to say that in the West Virginia case there was a very strong dissenting opinion, and it was the law of that opinion that Judge Cullen concurred in in his expressions to-day. It is also fair to say that there have been strong dissents from the Supreme Court of the United States in these various cases where statutes have been destroyed that it seems to me ought not to have been destroyed.

Now, if the minority of the court in West Virginia—if their opinion had been the opinion that made the law of the case, it would have been all right. If the minority in many of the decisions which our courts have rendered had happened to be in the majority—in other words, if the personnel of the court had happened to be different, we would not find ourselves in the unfortunate position that we are in. Now, that, it seems to me, points one way out. There ought to be some changes in the personnel of the judges; and without those changes I think that public sentiment can exercise a powerful influence. For instance, about 15 years the Court of Appeals of the State of New York held that a law limiting the hours of night work for women in factories was unconstitutional in that it invaded the woman's divine right to work all night. Within the past year that court has rendered a decision which virtually overturns that former decision. If public sentiment has not changed, the court at least has found out more about what public sentiment is and is trying in some measure to follow it.

Commissioner GARRETSON. Was that decision along the line that the right of the community was paramount to the right of the individual?

Mr. ROE. Yes, sir; it contains that line of reasoning.

Chairman WALSH. At this point, Mr. Roe, we will stand adjourned until 2 o'clock. Would you kindly resume the stand at 2 o'clock? There are some further questions to put to you.

(Whereupon, at 12.25 p. m. Monday, May 10, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Roe, there were some questions submitted to you to which I understand you have made some answers in your own way. Would you like me to read them to you again, or can you present them your categorical answers?

Mr. ROE. I think, Mr. Chairman, that I have covered the main points of what I have prepared perhaps in briefer form than I have prepared it. There is one or two things that have occurred to me during the intermission which I might add in way of amplification of answers to questions that have already been asked me.

Chairman WALSH. We would be glad to have it.

Mr. ROE. Something has been said about the cost and delay in litigation. Now, I don't wish anything that I say about that to be taken or understood as a defense of the delay in litigation or the cost in litigation. I think there are grave abuses, but I think they are abuses that can be corrected. I think it is not safe to put too much emphasis upon that feature. Bar associations, lawyers, and courts are very ready to discuss and emphasize the delay in litigation and the cost of litigation. Codes are constantly being put forth and promulgated that have for their purposes the correction of these abuses, and they can be corrected, and in a number of States they have been corrected. In New York, which was formerly one of the worst States in that respect, there has been a great advance in the way of bringing cases to a more speedy termination and of cheapening litigation, and I think it is a mistake to put too much emphasis upon that feature of it. That is the obvious feature. I think the complaint lies deeper than that, than the mere form of procedure. It is substantive law itself of which I think labor justly complains. No amount of tinkering with the codes is going to correct that real evil.

Commissioner GARRETSON. Can not the rule of practice in the Federal courts—is that not a discretionary power of all the supreme court justices without legislation, Mr. Roe?

Mr. ROE. Very largely. On the law side of the Federal courts it follows the State practices of the State in which the Federal court happens to be held.

Commissioner GARRETSON. Is that law or custom?

Mr. ROE. Really, sir, that is simply a thing I have always learned was so; I think it is statutory.

Chairman WALSH. There is a statute on the subject that has been analyzed and defined and interpreted that says—I think that the language is that they shall follow the practice and procedure in the State as nearly as may be, or something like that. That has been passed on many times.

Mr. ROE. Yes, sir. I think the statute was probably declaratory of a custom. Of course, on the equity side they don't follow the State practice, and the court is free to make its own rules.

You asked me this morning with regard to the manner in which the courts were derelict in their protection of the fundamental personal rights of free speech, free assemblage, and free press. I answered that, I think, only briefly. If I am to amplify upon any statement, I would say there are three particulars in which I think courts have failed of their duties in respect to those fundamental rights. In the first place, so far as I am aware, the courts have upheld and enforced every statute that has been passed on the abridgment of those rights. Now, whether the courts are going into the business of passing upon the validity of statutes at all or not is another question; but if they are going to declare statutes unconstitutional that relate to property when they are in conflict with the Constitution, it would seem that they ought to apply the same principle to statutes which invade personal rights; and, so far as I am aware, no statute limiting freedom of speech, freedom of assemblage, free press, or the right to bear arms has ever been declared unconstitutional by the courts as an invasion of a personal right. I call attention in this connection to a statute which I am familiar with, because I lately, and unsuccessfully, argued the case in the Supreme Court here. The State of Washington, which, by the way, is a progressive State in a good many matters, passed this statute:

"Every person who shall willfully publish written or printed matter having a tendency to encourage or incite the commission of any crime, breach of the peace, or act of violence, or which shall tend to encourage or advocate disrespect for law or of any court, shall be guilty of a gross misdemeanor."

A man named Fox was convicted in the State of Washington for a very mild publication, in which he criticized the conduct of some people who had made complaint to the court on account of certain petty offenses, and was convicted, and he criticized that conduct as being hostile to the best interests of the neighborhood. The article was a very innocuous article, but he was convicted of the charge of publishing matter tending to create disrespect for the law, and the case was carried through all of the courts of the State of Washington and finally was carried to the Supreme Court of the United States. The Supreme Court of the United States in an opinion handed down only a few weeks ago upheld the constitutionality of that statute. Now, we argued that the statute was so indefinite that it did not constitute due process of law. No one could tell what might be said to advocate disrespect for law, and we pointed out that again and again where statutes had been less open to the vice of indefiniteness than this one had been set aside by the courts because they did not afford due process of law, and yet the court held that for the purpose of depriving a man of the right to express his conviction the statute was sufficiently definite. For instance, it has been held that a statute which says that unjust and unreasonable compensation shall not be required or exacted is so indefinite that the courts wont enforce it.

A State statute which had relation to railroads provided that they should not be guilty of unjust and unreasonable discrimination, was set aside on the ground that it did not constitute due process of law.

And there are many decisions along that line. There are a great many State statutes, of which the one I have just quoted is a type. The thought is and a study of the cases shows very clearly, I think, that the courts are not applying the same rule when they deal with statutes of that kind as they apply to statutes that deal with property.

Another class of cases with which the public is very familiar are those where injunctions are issued to prevent gatherings that are supposed to have unlawful purposes as their object. There is a recent case of that kind which illustrates the principle which arose from the State of Pennsylvania, in the State court there. In that case it was advertised that a meeting would be held at which Emma Goldman was to speak. The police, without knowing anything about what was to be said, locked the doors and dispersed the crowd that was to attend the meeting, and she applied to the court for relief, and here is the rule that the court lays down in denying her relief:

"If such public officers (that means policemen) should attempt to interfere in such case—that is, where they believe that the sentiments which are to be expressed might create disorder—their interference would be justified by the knowledge that dangerous and disturbing sentiments tending to disturb the peace would be uttered. That the utterance of such views in the community would be likely to incite such feelings as would result in a breach of the peace is by no means unlikely. (Referring to the views which the court knew nothing about, except as a mind reader.) It is not unreasonable to hold that such speech is an abuse of the liberty to speak freely on any subject. It is a familiar principle of equity that plaintiffs can not ask relief if they do not come into court with hands that are clean. We can not avoid reaching the conclusion that one who openly and in advance announces the purpose of advocating such doctrines and sentiments as the plaintiff avows is not within the class that can claim protection and relief from a court of equity."

The effect of that decision and decisions of that kind is to make the police department the censor in advance of what is to be said, and whether what is to be said is the proper thing to be said in the community, and, of course, it is utterly subversive of free assemblage and free speech.

It has always been supposed, until very recent years, that it was sufficient, at least, to decide as unlawful whatever was said that was unlawful after it was said, but in this line of cases they justify the police in going farther than that, and virtually saying whether a lecturer, whose sentiments they understand are such as may create disorder, shall be heard or not.

Now, then, a still further and perhaps a more common class of cases is illustrated by what occurred in New Jersey at the time of the Paterson strike. I speak of these particular illustrations because I was connected in some capacity with them and know the facts at first hand. During the strike there were over

300 strikers arrested and put in jail, and they were held in prison for periods varying from a few days to several months, and part of them were convicted, and no offense at all had been committed. Now, the reason I am able to say that is, that in two of the cases where the defendants happened to have a little money and were able to get their cases into the higher courts, writs of habeas corpus were sued out and the cases were taken to the Supreme Court, and in both instances the court held that there had been no violation of the law at all, and the defendants were discharged; yet, on precisely that state of facts, hundreds of men had been deprived of their liberty for days and weeks and months until the backbone of the strike was pretty effectively broken.

Now, I think an incident of that kind does incalculable harm. Nothing can ever convince those people in there that they can trust the courts.

Commissioner GARRETSON. There is ground for the statement freely made in such cases that the court itself is used as a strike-breaking agency.

Mr. ROE. Yes; that is just what it does. And no one can estimate the harm that that does.

Commissioner GARRETSON. The decision that has just been cited before that, Mr. Roe, the Pennsylvania case, of Emma Goldman——

Mr. ROE (interrupting). Yes.

Commissioner GARRETSON (continuing). Were not all the elements present in that case of the invasion of the right of the individual and an arrogation to himself to decide what would be seditious language that were present in the proceedings in the old Star Chamber?

Mr. ROE. Yes; I don't think there is any practical difference.

Commissioner GARRETSON. There the Crown arrogated to itself the right to pass upon the guilt, under any statute it might find, of any individual whom it might desire to suppress.

Mr. ROE. Yes. Here the police—the chief of police—does it instead of the Crown.

A good illustration—I don't want to weary the commission, but a good illustration of what I said this morning about our harking back to the old law is found in the decision of the Supreme Court of the United States in the Robinson case—the case of Robinson against Baldwin, decided in 1896 and referred to only last year again as being good law. That rose in connection with the seaman's case. You know our courts have always held that a seaman is not protected by the constitutional guaranties against slavery; that he could be held in slavery; and the history of how that came about is set out in this case. The common practice, if a seaman escapes from his vessel—indeed, the practice provided by statute—was to have him arrested by a justice of the peace or any other officer, and hold him until the time the ship sailed, and he was put back on board, and he went on the voyage. He had no right to a writ of habeas corpus or any other means to test the validity of his detention. And that continued true until the passage of the seaman's bill this last winter. And here is the way the court arrives at that conclusion. This is the case of Robinson against Baldwin, which the Supreme Court decided in 1896. It says [reading]:

"Returning now to the country from which we have almost immediately inherited our maritime laws and customs, we find Malynes, the earliest English writer upon the law merchant, who wrote in 1622, says that 'Marines in a strange port should not leave the ship without the master's license, or without fastening her with four ropes.'"

You can see how really applicable these ideas are to the present steamship.

"Or else the loss falls upon them. In a strange country the one-half of the company, at least, ought to remain on shipboard; the rest, who go on land, should keep sobriety and abstain from suspected places, or else should be punished in body and purse, like as he who absents himself when the ship is ready to sail. Yea, if he give out himself worthier than his calling he shall lose his hire, half to the admiral, the other half to the master."

Then the opinion says:

"Molloy, one of the most satisfactory of early English writers upon the subject, states that if seamen depart from a ship without leave or license from the master, and any disaster arise, they must answer," quoting the opinion again.

"There appears to have been no legislation directly upon the subject until 1729, when act 2, George III, was enacted for the better regulation and government of seamen in the merchant service. This act not only provided for forfeiture of wages in case of desertion but for the apprehension of the seamen deserting or absenting themselves, upon warrants to be issued by a justice of the peace."

So we go back to 1622 to get our law upon that subject, and we do precisely the same thing and go back to about the same period to get our law upon the subject of labor generally.

Chairman WALSH. A great deal of the trouble, so far as the law is concerned, seems to come from the exercise of alleged rights of picketing, as they call it; that is, the employees on a strike soliciting others not to take their places or attempting to argue others who have taken their places into joining the union. Have you given some attention to that, Mr. Roe?

Mr. ROE. Why, I have had something to do with those cases; yes, sir.

Chairman WALSH. Just address yourself, if you will, to the legal aspects of picketing and the legal methods, if any, you would suggest for the regulation thereof.

Mr. ROE. Of course, ordinarily a strike will amount to nothing unless the strikers can picket. There is no use of quitting their jobs and walking out if somebody else can be immediately put in their places. Now, I think that courts pretty generally say that peaceful picketing is lawful. Some courts say it is not, but the New York court holds, for instance, that peaceful picketing is lawful. But, of course, as a matter of fact, there can not be any such thing as peaceful picketing if the employer against whom the strike is directed does not desire that it shall be peaceful. Any detective or any employee can immediately start trouble and somebody strikes a blow, and forthwith the police are on hand and the strikers are carted off. They have very good illustrations of that in New York in some of the garment strikes there, where the girls went on strike and some of the wealthy women of New York took part in picketing and were arrested for disorderly conduct and for obstructing the officers in the discharge of their duties, resulting in a good deal of confusion for the officers and some for the court when the identity of the parties was disclosed in court. Now, I don't know what you can do about that except to try and be fair in the efforts to preserve order. But I think the complaint of labor, so far as manifested in the New York cases I speak of, has been fully justified; that the police force was so manipulated that it became an instrument in the hands of the employers and a means of breaking the strikes. For instance, they testified again and again, as I heard the testimony—pickets testified that they were simply trying to talk to the strike breakers and telling them there was a strike on and what the circumstances were, and that they would be assaulted, and immediately a policeman would come in and they would be carted off to the police station and the other side not disturbed. That is a social and economic condition that really is not primarily the concern of the courts. All that an ideal court could do when the parties were brought before it would be to try to find out what the truth was and act accordingly.

Chairman WALSH. Hasn't that been a leading subject of injunctive oppression?

Mr. ROE. Yes. That has been one of the injunctive powers I think of which complaint has been made.

Chairman WALSH. Does it or does it not involve ordinarily in practice the right of free speech and public assemblage?

Mr. ROE. The issuing of injunctions in those cases; yes.

Chairman WALSH. No; the picketing itself. Does it not involve the right of free speech? Don't those questions present themselves in practically every case where the right is claimed to speak to their fellow men on any subject they please and present persuasive arguments to them, if possible, and the contrary?

Mr. ROE. Yes; that phase of the question is always involved, or usually involved. I distinguish in the free-speech contest between the right to go out and use the street for a public meeting and the right you have when you hire a hall and say what you please in it. Of course, the street is primarily for the purposes of travel and not for the purpose of speaking; but when you go into a hall, however, and people go there for the purpose of listening, I can not conceive of any limits upon the right of free speech.

So that in cases of picketing, where they desire to use the streets or public places for the purposes of public addresses, I have always been very careful, where I have had occasion to advise strikers, to advise them to comply with all the local regulations with regard to permit, if a permit is required for a public meeting, and to meet in the place designated for that purpose, so as not to confuse the issue of free speech with these other side issues.

Chairman WALSH. I call your attention to the subject of boycotts. Have you given some thought to that or had to do with it in a professional way?

Mr. ROE. I have given some thought to it and had a little to do with it.

Chairman WALSH. Generally and broadly speaking, to what extent are boycotts legal in the United States to-day? Or is that too broad a question?

Mr. ROE. There are several large volumes written upon that subject, you know, in which the authors attempt to answer that question and set forth to state what the law is.

Chairman WALSH. That is the reason I am asking you for the practical knowledge of the legal profession.

Mr. ROE. I would distinguish between boycotts and some other forms of combination. Now, boycotts, strictly and properly speaking, relate to labor disputes. It is the effort, generally speaking, of the laborer to get the public, or to get some portion of the public, to refuse their patronage to someone with whom the labor dispute exists. Now, secondary boycott, what are called secondary boycotts, I think, are almost universally declared unlawful. By a boycott I mean the efforts on the part of the laborer to get a large portion of the public to refuse its patronage or refuse to trade with some firm or particular concern. The courts, of course, say that the laborer himself need not trade, if he does not want to, with a particular person, but when it goes beyond that the court uniformly says when you go outside of that and try to get someone else to refuse to trade with a person being boycotted, that is a secondary boycott and is illegal.

Chairman WALSH. In what respect do you think that the law governing boycotts should be modified, if you have any suggestion upon that subject?

Mr. ROE. It seems to me that there are two possible courses to pursue. At the present time the law is not taking either one of them. One is to prohibit boycotting and blacklisting and enforce the statute laws, such as the Kansas statutes that I spoke of this forenoon, and whenever new devices are devolved to accomplish the same result and follow them up and destroy them. Be absolutely impartial in the application of those laws, no matter whether it involves capital or labor. I would not want to be the person to frame the law to accomplish that, but I think they have done that pretty well in England, and I think that possibly it could be done here. Now, that is one course. The other course to take is to repeal the laws or change the laws relating to a boycott and blacklist, put labor and capital on equal terms, let capital blacklist and labor boycott and fight it out.

Chairman WALSH. Which of the two, in your opinion, would be the most desirable socially?

Mr. ROE. I would try to do the former first.

Commissioner WEINSTOCK. What is that?

Mr. ROE. Put capital and labor on an equality before the law and limit the right or destroy the right to boycott as well as blacklist.

Chairman WALSH. You heard the discussion here this morning by Judge Cullen?

Commissioner O'CONNELL. Just a moment before you enter that. What would be the equal opportunity of the two cases? That is, a boycott is publicly and a blacklist you do not do it publicly? It is almost impossible to detect the second with equal opportunity.

Mr. ROE. That is very true. It would be much more easy to convict labor than capital.

Commissioner O'CONNELL. You would still be in the same position of inequality before the law, speaking as labor?

Mr. ROE. Yes, sir; that is true.

And you would have to have means of discovering the violation on the part of capital. You would have to have arbitrary rights to examine books and records. Of course, blacklist is now carried on publicly, for that matter. The courts hold that an employer has a right to discharge a man for any reason or no reason, and if he is discharged for any reason he can publish the reason why he is discharged. If that was rendered unlawful then it would result in secret methods to accomplish the same purpose, but it would be a test of whether the law was capable of ferreting out their methods and gaining convictions. I would have trial by jury. I would not have this injunction business whereby it would put somebody in contempt and then have the question of the guilt or innocence passed upon by the judge instead of a jury. The question is still one of criminal law to be settled by a jury.

Chairman WALSH. We have found a great deal of criticism of the methods of obtaining juries as we go about through the country. For instance, in one of the jurisdictions you would find that there is a property qualification against each and every request produced, and is being made by some people,

practically those that have been in industrial disputes, on the worker's side. We have found communities in which they had an apparently impartial manner of selecting juries—that is, by putting a certain number in the wheel or box—and in some communities we found that the number is quite limited, so that it becomes a jury list which is composed of those persons in the community that are personally known to the jury commissioner or to the judge that selects them. What do you say as to the right of trial by jury in this modern day, meaning the right of trial by jurors drawn from a list of all qualified jurors, simply so far as citizenship and intelligence is concerned? I mean by that, ability to read and write and understand proceedings ordinarily had in courts of justice?

Mr. ROE. I would say that it clearly ought to mean that. I never have given that subject any particular study. Of course, the question of drawing is a question—a local question.

Chairman WALSH. Is it a local question?

Mr. ROE. For each State, I mean. I never have heard any particular complaint about juries in New York State. Indeed, I think the jurors are very fair there. You speak of property qualifications. We have this archaic condition of the law, which is more humorous than anything else: A juror must still, in New York, be a property owner, at least in a small amount, one hundred or two hundred dollars, or else he must be the husband of a woman who has property, which is a matter that has occasioned some amusement in the suffrage campaign which they are conducting at the present time there.

Chairman WALSH. Have you ever considered what might be called the fundamental nature of the question of a jury—whether justice can be democratically administered and men can obtain a fair trial by juries composed of their peers unless all persons are put in the jury wheel?

Mr. ROE. I can not conceive of any other way of doing it and avoiding great abuse. If the power rests anywhere to leave out certain names or certain elements of the population, I can not see how you can hope to escape very great abuse in the selection of your juries.

Chairman WALSH. Have you observed the report in Colorado where those criminal trials grew out of the industrial dispute, where the sheriff selected an open jury—that is, picked them up on the street—composed of citizens that he selected himself? Would you call that the right of trial by jury?

Mr. ROE. Oh, [illegible]

Chairman WALSH. That is, to be tried by a jury so selected?

Mr. ROE. Oh, no; it is a farce.

Chairman WALSH. It means that the jury shall be impartially and democratically selected in the community?

Mr. ROE. Of people that are qualified to serve upon a jury.

Chairman WALSH. We have found a great deal of unrest caused by the importation of armed men into the various States—guards and the like of that—into industrial disputes. Have you given any thought as to the question of placing the sole power of policing into the hands of the State?

Mr. ROE. I have not given any special consideration to that. I have read the reports of what have occurred in West Virginia and examined some of the original sources of information there, but I don't feel that I am qualified to express an opinion that is sufficiently matured to be of any practical value to the commission.

Chairman WALSH. Have you considered in any way the topic discussed by Judge Cullen this morning; that is, the declaration of military law or the putting in force of what might be called military law and the subordination of the civil by the military power in times of industrial disturbance?

Mr. ROE. I gave some time to it in West Virginia, because I had some litigation that involved that, and I concur with what Judge Cullen said, as I understood him. It seems to me that the doctrine announced by the majority of the courts in West Virginia, and I have examined them—and I think it is the doctrine in Colorado, but I am not sure of that—disregard the old law that all of us learned as lawyers, that martial law did not create a condition, it recognized a condition as existing; that when the courts had broken down or had fled the country, or were inaccessible, as a matter of fact, and when the civil process, as a matter of fact, no longer existed, then the governor or the executive authority, in recognition of the existence of those facts, would declare a state of martial law. And then the militia, or the soldiers, would preserve order and make arrests as far as may be and use such force as was necessary, and when the civil authority was restored would bring before it for trial the

persons arrested. Now, in West Virginia they seemed to go on the theory down there that the governor by an edict, by a piece of paper, declared that a state of martial law existed, and then, while the criminal courts of the county were open, ready to transact business, men were taken before the military commission and sentenced to years of imprisonment for offenses that in the civil courts would only mean imprisonment for a few days. They went further than that. There were three stages there of the trouble. Three times martial law was declared and revoked and the troops withdrawn, and they held that for offenses committed between those times the military commission, when it was reconvened, would obtain jurisdiction and go on and mete out punishment for those offenses. That condition wholly destroyed the idea of constitutional liberty; and if that is to be recognized as the law in other States, they are bound to become despotisms.

Chairman WALSH. What would be your remedy for conditions of that sort?

Mr. ROE. My remedy for conditions of that sort, like all other conditions, I would say would be an appeal to the people. I don't believe very much in the made-to-order remedies in the form of law. We can do something in that way, but that sort of a condition ought to have aroused a sentiment in that State that would have been revolutionary in its character, and unless that sort of sentiment can be aroused there or in any State, I don't know that there is any protection you can give the people.

Chairman WALSH. Ought the Federal Government to take any cognizance of it? You say it is an invasion of the constitutional rights of the individual should the Federal Government take any action in such cases.

Mr ROE. The West Virginia cases did not get into the Supreme Court of the United States. I think they pardoned the men, or did something, so that the cases never got up there, and if that action involves violations of the provisions of the Federal Constitution, I would say that it was a case where the Federal court should intervene. I am not anxious, though, to extend the authority of the Federal courts in State matters more than it is necessary to do.

Chairman WALSH. Commissioner Garretson has some questions on a point he desires to ask you.

Commissioner GARRETSON. Mr. Roe, the legal adviser of the adjutant general of Colorado testified before this commission that martial law was never proclaimed in Colorado; that under a decision of the Supreme Court of Colorado it was claimed that the mere presence of the troops in itself superseded the civil process. He referred to this as modified martial law. Mr. Chairman, I am using the phrase that was used in that instance, am I not?

Chairman WALSH. I think that is what they called it.

Commissioner GARRETSON. Have you any decided view on the creation of such a condition—the legal condition?

Mr. ROE. I have a very decided view, which I think, perhaps, would not be fit for the record. Of course, it is absurd as a proposition of law. It does not make any difference who testified to it or what court decided it; it is contrary to the fundamental and most elementary principles of law in this country.

Commissioner GARRETSON. I will say that that legal adviser was also in command of the militia in the field.

Mr. ROE. Yes; perhaps he was testifying in his capacity as commander of the militia and not as an officer of the court.

Commissioner GARRETSON. He testified in many capacities; he investigated himself as a militia officer, also.

It was testified before this commission by a man who is presumably a reputable citizen, bearing in mind having no connection with labor, but as a professional man, that during the time the militia was in the field, and when it was assumed that martial law of a modified form was created by their presence, that in, I think, three of the southern counties, that the adjutant general himself threatened arrest in the city of Denver for remonstrating against certain things under his police power. Could you hold that such a thing was compatible with the existence of civil government?

Mr. ROE. No, sir; not at all; it is not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock wishes to ask some questions.

Commissioner WEINSTOCK. Are you connected with the Free Speech League?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. In what capacity?

Mr. ROE. I am just a member.

Commissioner WEINSTOCK. Have you been employed in labor troubles professionally?

Mr. ROE. Very little; I have contributed my services sometimes in a small way as a matter of citizenship rather than as a matter of attorney and client.

Commissioner WEINSTOCK. By whom have you been employed?

Mr. ROE. I have been employed by the strikers in some matters in New York, and I have had connection with the litigation that has grown out of the strikes in New Jersey.

Commissioner WEINSTOCK. Have you been employed at times by the employers involved in strikes, also?

Mr. ROE. I think not; my recollection is that some of the employers who have been involved in strikes have been my clients, but that I did not represent them in any strike litigation, as it comes to my mind now.

Commissioner WEINSTOCK. You said a little while ago in regard to labor troubles in West Virginia that troubles of that character and the attitude of the courts in cases of that kind ought to bring a revolution on the part of the people—that is, they should change their system somewhat.

Mr. ROE. No; I said it ought to create a revolutionary sentiment on the part of the people.

Commissioner WEINSTOCK. Let us assume it did create a revolutionary sentiment on the part of the people, and the people felt dissatisfied with the existing system, and they wanted to remedy it; if their dissatisfaction was justified what remedy would you suggest?

Mr. ROE. At the first opportunity I would turn out of office all of the public officers who have been guilty of the conduct I have described and elect successors who I believed were in sympathy with correct principles.

Commissioner WEINSTOCK. What legislation would you enact to prevent their successors from repeating the same methods?

Mr. ROE. Well, in the case of West Virginia, I am frank to say that, having read the constitution of the State and the decision of the court in that case, that I can not frame—I doubt if I could frame a clearer expression than you will find in the constitution of that State forbidding just what the authorities did there.

Commissioner WEINSTOCK. In your opinion the authorities defied the constitution?

Mr. ROE. It seems that way very clearly to me; and I am reinforced in that conviction because of the dissenting opinion of the court in that case.

Commissioner WEINSTOCK. Can you, for the information of this commission, Mr. Roe, briefly point out how in accordance with your point of view the constitution was ignored or defied in that case by the court?

Mr. ROE. In the first place, I have the decisions in that case with me, and I will file those with your honors, if you desire.

I can say briefly, as I remember the case—I have not read it to refresh my memory for this testimony, because I did not know this was coming up in my examination, but, I think, in the first place they have a provision in the West Virginia constitution that the right of the writs of habeas corpus shall not be suspended. In a good many constitutions the provision is that it shall not be suspended except in case of public necessity, but there is some qualification about it. My recollection is very clear that the constitution of West Virginia went further than most constitutions in that respect; it also declared that the civil authorities should always be superior to any military authority, and there was a third provision along the same line which I would not like to attempt to give even the substance of from memory, as it is a matter of record in those cases; but the impression that you get from reading those cases, coupled with your other knowledge of the law, is that the constitution of West Virginia went further than that of most States in forbidding the very acts of which the public officers proved themselves guilty.

Commissioner WEINSTOCK. As a citizen of West Virginia, if you had been a victim of that maladministration of justice, would you have no redress or recourse?

Mr. ROE. I do not know what redress you would have. Now, the majority opinion, as I recall, raised and discussed, sir, that very question, and said, as it seemed to me at the time in a rather hollow way, that they were not passing on the right of the person who is the victim of the military process to get redress subsequently but all they were passing upon was the right of the military commission to proceed. But I do not know what redress a citizen of West Virginia could have. They were taken before a military commission; they were tried without regard to any rules of evidence; they were then taken to the prison and confined there, all as a matter of force, and the writ of habeas corpus was denied them.

Commissioner WEINSTOCK. Would you have no redress, as a citizen of West Virginia, under those circumstances to the Federal authorities?

Mr. ROE. Now, I should think you would, but, as I say, I do not know of any case; no case came up from West Virginia in which that was involved. I think the Milligan case which Judge Cullen spoke of here this morning was a case that rose, I think, from the State of Indiana, and in that case the Supreme Court did grant relief.

Commissioner WEINSTOCK. That is the Federal Supreme Court?

Mr. ROE. Yes. So I should think that would be a precedent probably for the Federal Supreme Court.

Commissioner WEINSTOCK. A little while ago we were discussing the matter of free speech. May I ask at what point, in your opinion, does public speech cease to be lawful and begin to be seditious and lawbreaking in character? Where would you draw the line?

Mr. ROE. Personally I would not draw a line short of the point where some overt act results from the abuse of free speech.

Commissioner WEINSTOCK. You mean, if a man got up in a public place and denounced the Government and the authorities and charged them with all sorts of crimes and misdemeanors you would treat it with contempt unless some unlawful act followed, in which event you would hold them responsible?

Mr. ROE. Yes; I would ignore it. I think that is the right way, in principle; and I think that in practice it is the best way to get along. It is substantially what I understand the English system is—that you can go out in Hyde Park and talk your head off, if you choose, and nothing comes of it.

Commissioner WEINSTOCK. I thought so, too, Mr. Roe, until not long ago I was in London, in Hyde Park, on a Sunday afternoon, and there were groups of Socialists and suffragettes and others that were holding meetings, and I found myself in conversation that a policeman standing near by, and I said to him, "I heard an Englishman state in my State of California publicly that he was in Hyde Park and he heard some of the socialistic, and perhaps anarchistic, speakers denouncing Queen Victoria in most shameful terms, and that a policeman stood near by and did not pay any attention to it." I said, "Is that so?" And he said, "The next time you see that man present him with my compliments and tell him that he is an infernal liar; and if any of those people around here resort to that sort of thing they would immediately be put under arrest. I am here for that very purpose, and draw the line and enforce it and keep them within reasonable bounds." And I am frank to confess that that statement on the part of that policeman corrected an erroneous notion of mine.

Mr. ROE. I have told you my position theoretically and as a matter of principle, and the question will probably have to be settled that way before it is finally settled; but there is a very big practical question here, and that is the question that it seems to me we are all of us interested in, and that is this utterly arbitrary and unwarranted, inexcusable interference with free speech, by the police and by the courts by their injunctive processes.

Commissioner WEINSTOCK. You think there are two possible evils, I take it, Mr. Roe; one evil is to have men get up and make reckless statements that incite others to action in violation of law, on the one hand, and the other evil is the authorities becoming despotic and preventing free speech where free speech ought to be allowed; and I take it, further, that of the two evils you would regard the one of permitting men absolute free speech and holding them responsible for the result of such speech is the lesser of the two evils?

Mr. ROE. Yes.

Commissioner WEINSTOCK. And the wiser one for the authorities to follow?

Mr. ROE. I think so.

Commissioner WEINSTOCK. You were present this morning, were you not, when Judge Clark gave his testimony, Mr. Roe?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. You probably recall that he expressed the opinion as near as I can phrase it briefly, that if a group of manufacturers or employers or merchants were to boycott a dealer, for example, by refusing to sell him goods because he had cut prices that he would regard that as a violation of the Sherman law and an unlawful act that ought to be punished; but that if a group of laboring men—a laboring union, for example—boycotted a fellow worker because he had cut the price of labor that that, in his judgment, would not be in violation of the Sherman antitrust law and ought not to be regarded as unlawful. In how far do you concur with the judge in his views on that point?—that is, he made the clear distinction between wares on the one hand and labor on the other.

Mr. ROE. I think his distinction is well taken. I am not sure that the first point that you describe there is properly a boycott at all; it is a business combination.

Commissioner WEINSTOCK. In restraint of trade?

Mr. ROE. Yes; in restraint of trade—dealing with trade and commodities—and I should hardly refer to that as a boycott.

Now, the matter of laborers boycotting a fellow laborer is not a matter of very vital—that is not a thing that occurs very often.

Commissioner WEINSTOCK. Why, yes; it occurs very often in the matter of the closed shop; I am a carpenter, for example, and am willing to work for $3.50 a day; whereas the union wage may be $4 or $5 a day. Now, because I am not willing to join the union and demand $4 or $5 a day the union does all it can to prevent me from getting work.

Mr. ROE. You and I are using the term "boycott" in a little different sense, Mr. Weinstock. I used the term "boycott" perhaps in the restricted and perhaps a technical sense, to mean simply trying to get some one else to withdraw their patronage or to cease to have trade relations with the person against whom the boycott is directed.

Commissioner WEINSTOCK. Well, isn't it as clear a case of boycott as you can possibly think of? Here, for example, are the building trades of a community. They establish certain wages, certain hours, and certain conditions; and you and I may be outside of the union—may, for some reason best known to ourselves, decline to join the union. They substantially give notice—may not do it in so many words, using my name or yours, but substantially gives notice to every contractor, "You must not employ Roe or you must not employ Weinstock, because they do not belong to our union. They are scabs; nonunion men. And if you do employ them you must take the consequences, and they will be the worst consequences we can inflict upon you." Then, are not you and I being boycotted by our fellow workmen because we do not think and do as they do?

Mr. ROE. Well, you can characterize that as a boycott, but——

Commissioner WEINSTOCK (interrupting). We are blacklisted, aren't we?

Mr. ROE. I don't see the situation gains anything in clearness by calling it any particular name. It is not strictly a blacklist, as that term is used, or strictly a boycott, as that term has grown up and has been used in the law, and as those terms are used in the law. It is a situation as you have described it. Now, I should say that labor is justified in taking that position, and it is necessary, it seems to me, for labor to have that power, to notify the employer that, for instance, if nonunion men are employed, the union men will not work. That is what it comes to.

Commissioner WEINSTOCK. I think I understood you to say a while ago, Mr. Roe, that you believed in equality before the law of both capital and labor; that one ought not to be given any advantage in law over the other; that both be treated exactly alike?

Mr. ROE. Yes.

Commissioner WEINSTOCK. Now, wherein lies the difference between a group of laboring men trying to prevent a fellow laborer from getting employment because he cuts the price of labor and is willing to work for less than they are willing to work for—wherein lies the difference between that circumstance and the circumstance of a group of merchants or a group of manufacturers preventing a fellow merchant or a fellow dealer from earning a living through his business because he wants to cut the price of his wares? The principle involved in both is precisely the same; the objective is the same; the only difference is in one case you are dealing with wares and in the other case you are dealing with labor. The end is just the same.

Mr. ROE. But does not the difference in what you are dealing in make all the difference in the world as to the principle that should be applied? Have you not answered the question, Mr. Weinstock, by saying that in one case you are dealing in wares, dealing with merchandise, dealing with trade, while in the other case you are dealing with the human equation?

Commissioner WEINSTOCK. Well, if you make that distinction, if you say that when it comes to labor there shall be no equality; that what labor has to sell shall be put upon a different basis from a man's wares, why, then, there is no longer an equality. You make a distinction there. You differentiate it.

Mr. ROE. Well, no; you only do it to this extent, as I see it, that you say that the same rule that applies to the inanimate things called property shall not ap-

ply to the thing—flesh and blood—called labor; and because you say that the same rules shall not apply, I don't see that there is any discrimination there. I don't see that they can be compared.

Commissioner WEINSTOCK. Well, you do believe that anything that is in restraint of trade is unlawful under the law—the Sherman Antitrust Act punishes those who do things in restraint of trade?

Mr. ROE. I think the latest pronouncement on that is anything that is in unreasonable restraint of trade.

Commissioner WEINSTOCK. Very well, let us qualify it and call it unreasonable restraint. Now, if I am a leader of a labor organization, and having the power to do so, go to contractors and say, "You can employ only the kind of men that meet with our approval. If you employ nonunion men we will tie up all your works," and the employer knows I can do it and have the power to do it, and I finally do do it, am I not doing things in restraint of trade? I tie up his business and the business of all his fellow contractors.

Mr. ROE. I don't think you are doing what was intended to be "in restraint of trade" under the Sherman antitrust law. Whether you are doing a thing that should be forbidden or not, of course, is another thing.

Commissioner WEINSTOCK. Well, let me substitute sailors for builders, and by virtue of the power invested in me by my fellow sailors I tie up all the vessels in a certain port or community, and they can not carry their cargoes, to certain destinations, am I not acting in restraint of trade?

Mr. ROE. Well, again I doubt if you are acting in restraint of trade within the sense of that law; but you are, of course, impeding commerce.

Commissioner WEINSTOCK. Well, that certainly is in restraint of trade, as I understand restraint of trade.

Mr. ROE. You are preventing the vessel from sailing; you are preventing the things that would result if the vessel did sail. But, of course, the Sherman antitrust law—"restraint of trade" there used was supposed to be used in certain definite senses; but I don't think we get anywhere by merely discussing terms here. I don't get the fundamental question of the difference between right and wrong, I think, that you are suggesting exists in this contest between labor and capital; and if you will put your question so that I see exactly what you mean, I will try to answer it for you.

Commissioner WEINSTOCK. Well, there is no issue, Mr. Roe, as I see it, if, as you believe, the law plainly differentiates between wares on the one hand and labor on the other. If the law makes it plain that men can organize for the purpose of punishing the price cutters of labor and do it legally, then there is no issue. What I want to get clear in my mind and for our record is your opinion as to whether a man can do that under the law, legally, whether men can boycott—practically boycott—or whether men can prevent other men from working at a cut price and do it legally or not. If, in your opinion, they can do it legally, why, of course, there is no further discussion.

Mr. ROE. I don't think they can do it legally.

Commissioner WEINSTOCK. You think not?

Mr. ROE. I don't think that a strike that has for its object the prevention of the employment of nonunion men, in most of the jurisdictions, is held to be legal. It is held to be unlawful.

Commissioner WEINSTOCK. Well, what do you understand the Federal law to be?

Mr. ROE. Well, I think it is unlawful under the Federal law. I think it is unlawful under the Federal decisions. I don't think it is right.

Commissioner WEINSTOCK. You don't think that the law is right?

Mr. ROE. No.

Commissioner WEINSTOCK. I see. Well, that is a new point of view to me. I was under the impression that a strike was not illegal anywhere; that what became illegal was an attempt to keep other men from taking the strikers' places; and that every man either individually or collectively has a right to quit work either collectively or individually, but has no right to prevent other men from taking the jobs if other men wanted to take their places.

Mr. ROE. No; a strike—the courts declare that strikes may be unlawful for two reasons. One is the object sought to be accomplished, and the other is the method. Now, let me give you, if you please, a list of the instances in which strikes have been held to be unlawful. I will not burden you with the cases, but there are scores of cases on each of these propositions.

A strike to injure an employer is illegal——

Commissioner WEINSTOCK. Well, speaking about the Federal law, now, are you, or the State laws?

Mr. ROE. Both. That proposition is supported by a number of Federal cases and State court cases.

A sympathetic strike where the strikers do not seek direct benefits for themselves is illegal. That is the doctrine applicable particularly to Massachusetts.

A strike to interrupt interstate commerce is illegal.

A combination of railway employees to tie up interstate commerce by a strike offended the Sherman antitrust law.

A strike to compel an employer to operate a closed shop is illegal.

A strike to prevent the employment of certain workmen is illegal. That is the very point you mention.

Commissioner WEINSTOCK. Just read that, will you?

Mr. ROE. A strike to prevent the employment of certain workmen is illegal.

A strike to bring about the employment of union men exclusively throughout any considerable industry in any community is illegal.

A strike to prevent a railway from hauling Pullman cars is illegal.

A strike to prevent a railway from handling the cars of a connecting railroad is illegal.

A strike against a manufacturer because he does work for a fellow manufacturer who is tied up with a strike is illegal.

A strike to extort money is illegal.

Where a strike is illegal the payment of strike benefits may be enjoined.

Of course in case of an injunction issued against a strike to prevent the hauling of cars striking is illegal.

Strikes to compel an employer to give up his business relations with another employer or to cease patronizing another employer are illegal.

Now, these are specific instances in which the courts have held that strikes are illegal.

Commissioner LENNON. Well, are there not other, perhaps more numerous, instances in which the courts have held strikes were not illegal?

Mr. ROE. Well, there are many instances in which the courts have held that a strike was not illegal.

Commissioner WEINSTOCK. In what respect does the recently passed Clayton law affect these decisions? And is the Clayton law likely to affect future decisions along these lines?

Mr. ROE. I have not made sufficient study of that so that I want to express an opinion that I would ask you to attach great importance to. But I am afraid that the Clayton law is not going to accomplish what is expected of it. I do not want to be a prophet of ill omen. But I know the attorneys in the Payne Lumber Co. case, the attorneys for the company, felt they had discovered some things in the law in their favor which gave them rights to injunctive relief that they did not have under the Sherman antitrust law originally. But I have not studied the Clayton law sufficiently so that I care to go on record with a positive opinion about it.

Commissioner WEINSTOCK. Well, then, briefly, your position, I take it, is that while your opinion is that a strike is illegal it ought not to be illegal?

Mr. ROE. Well, I would not quite make that general statement, sir. As I have said, some strikes are illegal and some are not. The illegal strikes are declared to be illegal, some of them, for the methods they use and some for the motives of the strike. Now, so far as the methods are concerned, I think there are doubtless methods used in strikes which ought to be condemned. So far as the motive with which the strike is declared is concerned I would not like to say that there are no instances in which a strike might not be declared illegal because of its motive, but there do not any occur to me at this time where I think it should be so declared illegal. But with all I say in regard to strikes, and all that I say in regard to this question, bear in mind I am simply speaking for equality between the two contending forces here. Now, the courts, when they talk about sympathetic strikes, it is like the secondary boycott, you know. It seems to be the reason it is condemned is because it is likely to accomplish something, whereas the direct strike, if some one is prepared immediately to take the places, or the direct boycott may not accomplish anything.

Now, then, if capital is to have the power to discharge men for any reason that it chooses, to discharge them for belonging to a labor union, to publish them to all the rest of the world and to all other employers, and to prevent that man from getting employment in his occupation anywhere else in the country, why, it seems to me, in order to meet that situation, which seems to be the right of capital to-day, you have got to untie laborers' hands and give them greater freedom than they have.

Commissioner WEINSTOCK. In the matter of the antiinjunction movement, I want to make sure that your idea of what the antiinjunction movement means and mine concur before I put my question. As I understand it, organized labor takes the ground that the good will of a business is not property and, therefore, when organized labor, in its efforts to win out, destroys what is commonly known as good will, it is not destroying property, and that therefore, as a matter of self-protection, it asks that no injunction be granted which, if granted, would protect good will. Now, may I ask what is your professional opinion as to what constitutes property? Does good will, in your opinion, constitute property; and if you destroy the good will of my business or I destroy the good will of your business, are we destroying property?

Mr. ROE. I should say that the good will of a business was property.

Commissioner WEINSTOCK. It has a commercial value?

Mr. ROE. It has commercial value, undoubtedly.

Commissioner WEINSTOCK. Then, if the good will of a business is property, and if the spirit of the law is that your property or mine can not be taken from us without due process of law, then what justification is there on the part of organized labor in demanding that good will shall be treated as not being property? That injunctions in labor troubles shall not be granted to disturb the good will of the business?

Mr. ROE. Do you see any objection to the saying that the good will is a species of property, but nevertheless the right to it, or the impairment, some impairment of it, may be required to give way before the greater necessity of the right of labor to organize? In other words, I don't see how we get any further by calling them by particular names. Now, ordinarily in law, we speak of the good will of a business as property, if the business is to be sold. We, as lawyers, know that sometimes good will has, and generally has a value in the sale of a business.

Commissioner LENNON. Can its transfer be guaranteed?

Mr. ROE. Of course no; oh, no. But call it what you will, if the right to it must be yielded in the face of some superior necessity, I don't see that it makes any difference whether you call it property or not.

Commissioner WEINSTOCK. I can not reconcile your two answers. A while ago you said you regarded good will as property. If it is property, it ought to be protected. Your property or mine can not be legally taken away from us, it could not be without due process of law. Such methods of destroying the good will of a business are not in accordance with due process of law, are they, the methods employed by unions?

Mr. ROE. I don't follow your reasoning, because that would prevent strikes altogether, because any strike may injure the business or good will of the business.

Commissioner WEINSTOCK. There is a great big difference as I see it between my simply withdrawing my services from your employment, for example, or a group of us withdrawing our services from your employment and leaving you free to employ others in your place.

Mr. ROE. But pardon me right there, you should get my thought on the good will of the business. Do you contend that there is any constitutional provision that comes in there to protect it?

Commissioner WEINSTOCK. I don't see how my withdrawal from your business destroys its good will, unless I go out and prevent others from trading with you.

Mr. ROE. The principle is just the same, the strike may be under such circumstances that the strikers' places can not be taken, because of the peculiar nature of the business, and the business is destroyed or greatly impaired. The principle that you are contending for would prevent strikes in that case.

Commissioner WEINSTOCK. Then under these circumstances you would hardly say that good will was property?

Mr. ROE. Yes, sir; good will was property, I would say, just the same. If business was sold the day before the strike occurred it may be that the good will would bring something.

Commissioner GARRETSON. It may be property, but not marketable?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. Your point is then that the kind of property that good will is, is not a kind that can not be taken away without due process of law?

Mr. ROE. No; I don't put it that way at all. But I simply say that the good will of a business, call it what you will, that is what all of us admit is held, under the Constitution and the laws, subject to the right of it being impaired

or destroyed by strike. Now, that is all there is to it, and we don't get any further by calling it any particular name.

Commissioner WEINSTOCK. I am afraid that we have gotten rather confused on the situation. On the one hand I think I understood quite clearly your statement that in your opinion good will is property?

Mr ROE. Yes, sir.

Commissioner WEINSTOCK. We start out with that as our basis, but I gathered from your later explanation that it was a different kind of property than this table or this house?

Mr. ROE. Oh, certainly.

Commissioner WEINSTOCK. That while I could not take this kind of property away from you legally without due process of law, that according to your point of view I can not take the good will of your business away without due process of law and do it legally?

Mr. ROE. No, sir; that is not what I am saying at all.

Commissioner WEINSTOCK. Then I have not caught on.

Mr. ROE. You may hold this table, if you are a manufacturer, you may hold a piece of machinery, it is property, but you hold it subject to the right of the laborer to strike. We all of us agree on that. Now, the nature of the machinery may be such that idleness for 24 hours will greatly impair its value. Now, would you say that we are taking property without due process of law? It doesn't seem to me that due process-of-law clause in the Constitution has anything to do with that. The fact is we hold that property subject to the right of labor to strike in some cases and thereby impair or destroy its value. Call it good will or machinery or anything else.

Commissioner GARRETSON. Put it in a practical form. A certain railway company, is not the value of good will exactly like the stock of the company, subject to depreciation on account of a strike ensuing?

Mr. ROE. Yes, sir; both, I would say, are subject to depreciation.

Commissioner GARRETSON. For instance, take a railroad that I know, which was worth 245, after the men had been on strike for eight weeks it was only worth 187, both good will and capital stock are impaired?

Mr. ROE. You simply mean quoted at 245 in the first place?

Commissioner GARRETSON. I did use an undesirable phrase. Its market value, not intrinsic value, changed in that degree, but the intrinsic value might have gone along the circumstances you quote, where disuse would deteriorate it.

Mr. ROE. Yes, sir; both might deteriorate by the strike.

Commissioner WEINSTOCK. Are you in favor of wiping out the so-called anti-injunction labor law?

Mr. ROE. I would not take the anti-injunction law or any other one thing in the labor situation by itself and just stand it up and say I was in favor of destroying that. If I were charged with the duty of passing upon the question as to whether we would continue the injunction or modify it, I would want to have the whole situation before me, and, in other words, make the laws match up. If you are going to destroy one, then you may need to destroy another, so while I believe that the injunction has worked very badly in labor cases, and it has done very great harm, and, as far as I can see now, it would be helpful to repeal it, yet I would not single out any one particular law in the labor situation and go after that. I would try to remake the laws for the whole situation.

Commissioner WEINSTOCK. You know, of course, that organized labor is honestly endeavoring in very many States, especially my own State, California, is endeavoring, to wipe out the anti-injunction law; it is centered on that one thing, especially on the theory that the injunction law is a great injustice to labor.

Mr. ROE. You don't mean wipe out the anti-injunction law?

Commissioner WEINSTOCK. No; I mean the injunction law, and——

Mr. ROE (interrupting). They want to deprive the courts of the power of issuing injunctions in a labor case.

Commissioner WEINSTOCK. Where there is a labor dispute on. Do you think these injunction laws ought to be wiped out? Are you in sympathy with organized labor as against the injunction laws?

Mr. ROE. In a general way I am. I think the laws are very wrong and work badly, but I don't mean to say I would just wipe out those laws and do nothing else about it.

Commissioner WEINSTOCK. What would you put in the place of the injunction law to protect the employer?

Mr. ROE. That I have not worked out. I don't know that you would need anything, and I don't know but what you would need something.

Commissioner WEINSTOCK. You have no constructive suggestion to make as a substitute for the present injunction law?

Mr. ROE. No. And, as I say, I think you get back to one of the two courses, either to withdraw all laws that are restrictive about both, and let them fight it out, or else to see where the evil results, apply the law at that point, but as far as I have observed the operation of the injunction in labor cases, I think that the results have been bad.

Commissioner LENNON. Mr. Roe, I might preface by saying that some of the statements advanced by Commissioner Weinstock do not appear to me to actually express the attitude of labor in some of these instances. It is alleged by labor that in the issuance of injunctions in labor disputes that personal rights are invaded, which is never the case where injunctions are issued as between corporations, for instance, against trespasses and things of that kind. I never have seen an injunction issued as between two corporations where the corporation was restrained from holding a meeting of their executive committee, where they were restrained from publishing the facts that had to do with this alleged trespass that was about to take place; where they were restrained from hiring of halls and holdings of meetings. Now, these are trespasses, in views of labor, on the personal rights of the men. I may say this, labor does not object to the right of injunction being used to protect purely property rights if it does not invade individual personal rights. Is that statement from your experience true, that injunctions in labor disputes invade personal rights and they do not in other injunctions?

Mr. ROE. I think very fundamentally that is true. The very familiar instance of it, of course, is the destruction of the right of trial by jury. I think that is one thing that creates great dissatisfaction on the part of labor. If an injunction is issued, and the man is arrested, he is charged with violating the injunction. Now, it may be, and generally is, that the act with which he is charged is a violation of statute; he may be guilty of disorder, or assembling a crowd, or any of those things, and instead of being tried for a violation of the law he is tried for contempt or violating the injunction. It substitutes the rules of the court for the statutes of the State.

Commissioner LENNON. This matter of good will, have you ever known of a transfer of good will as property, in the ordinary sense, by deeds or otherwise?

Mr. ROE. Oh, it is a common expression in making a bill of sale, of a business, to include the term "good will."

Commissioner LENNON. And suppose a man sells a grocery store that he has had on a corner and establishes a fine business and gets $10,000 for the supposed good will, and when he gets the money in his pocket he goes out and establishes a grocery on the opposite corner, is there any redress because he carried the business with him and the man on the opposite corner has not anything?

Mr. ROE. It was a pretty poor lawyer that drew the paper for the purchase that did not provide that he should not go into business in a given locality in a given time. Now, whether the mere expression in a bill of sale that he conveys the good will for a valuable consideration would operate to give him redress against the seller who sets up in business on the other corner, I don't know. It would depend upon all the facts.

Commissioner LENNON. I want to state a case that I know of personally. A hotel sold in a city with which I am familiar, and $65,000 was added to the sale price for good will. Quite a considerable sum of money. A corporation was immediately formed and a new hotel was built, and still better, and the first one has gone out of business within two years. Is there any way of securing redress by the man that bought out the first hotel and put in $65,000 into the so-called good will?

Mr. ROE. I suspect that there is not, but I would not like to pass judgment on it without going into all of the facts. Of course, this question of good will, you understand, I accepted Mr. Weinstock's proposition squarely, because I thought I knew what he meant, and did not attempt——

Commissioner LENNON. So do I, in a general way.

Mr. ROE. And did not attempt to distinguish this question of good will from other property. I don't think the principle applies, whether you call it good will or not.

Commissioner LENNON. But it is one of those peculiar things in practice that each case depends upon its own peculiar circumstances?

Mr. ROE. That is it exactly.

Commissioner LENNON. Have you given any consideration to the matter that was asked Judge Clark this morning regarding the assumption of power by the

courts to pass upon the constitutionality of laws, or whether they have such power because of legislation?

Mr. ROE. Yes, sir; I have given that some attention.

Commissioner LENNON. Give us your idea of that matter, please.

Mr. ROE. My idea of that is this: That the Constitutional Convention which framed the Constitution was divided, the members were, upon that question. It was known to the members of the Constitutional Convention that to put a clause into the Constitution giving the courts that specific power would have led to the defeat of the Constitution. I think that it is a matter of history which we will all agree upon, when we recall the difficulty of getting the Constitution ratified by the people, anyway. The question in a modified form was up several times in the Constitutional Convention, and the idea of giving the courts the power to pass finally upon the constitutionality of all laws, even in a modified form, when it came up in the Constitutional Convention, was rejected, and the Constitution went through silent upon that subject. Now, logically, by all interpretations of the Constitution with which I am familiar, the fact that there was nothing in the Constitution about it ought to have settled the question that the courts did not have that power, because the Federal Government and the departments of the Federal Government have such power, and such power only, as is specifically delegated to them—delegated either to the Government or the department. The branches of the Federal Government can do only that which they are specifically authorized to do, and in that respect the Federal Government differs from the State government, so when you turn to the document and fail to find in there any word giving the courts power to nullify laws, or set them aside as unconstitutional, it would seem from that final canon of interpretation that the courts did not have that power, and in Marbury versus Madison, where Chief Justice Marshall first asserted that power, it was not necessary to a determination of the case. I think he felt out public sentiment and it seemed as though it might go, and some time later that doctrine was applied.

Commissioner GARRETSON. Has there been any instance where the legislative branch has asserted preeminent right that the legislative act is not subject to a decision of the courts as to the constitutionality of it?

Mr. ROE. Have you something specific in mind?

Commissioner GARRETSON. The reconstruction period, was it ever asserted?

Mr. ROE. If you mean that there has been a contest over that question through many years, I think it is true.

Commissioner GARRETSON. That is foregone.

Mr. ROE. Jefferson denied the power, and it was a subject of debate for many years, and it was not until the Dred Scott case——

Commissioner GARRETSON. There never was an assertion of that power prior to the days of John Marshall; that is, that was carried through successfully.

Mr. ROE. No, sir; that power was asserted. The right of the courts to exercise that power was asserted by some of the State courts, and the people resented it. In some of the States they defeated the judges who asserted it and in some they had investigations with regard to their judicial acts.

Chairman WALSH. Was there not one case in which they passed a law that expressly prohibited the Supreme Court of the United States from declaring it unconstitutional?

Commissioner GARRETSON. That was at the time of the reconstruction period.

Chairman WALSH. And the Supreme Court yielded to the demand?

Mr. ROE. Yes, sir. I can not give you the details of that at this time.

Commissioner LENNON. You believe that the exercise of that power by the courts, whether State or Federal, gives justifiable cause for criticism of the courts in some instances?

Mr. ROE. Yes, sir; I think it has furnished a just cause for criticising the courts.

Commissioner O'CONNELL. I want to discuss this matter of the property ownership, or right. I think I understood you to say, Mr. Roe, that you were not sure that the Clayton law was going to be as effective as its sponsors expected of it. One of the principal enunciations of the Clayton law is that a human being, not an article of commerce, or not a commodity of commerce, I don't know the exact wording, carrying out the idea that you were discussing with Commissioner Weinstock, the difference between articles of products and human bodies. Has that not been one of the principal things that they have tried to inject into this question of injunctions—that the employer had a property right in the human being, and he sought to extend not only his ownership of the property but also in as far as his ownership in the human being; that is,

his employee? In some instances I think the courts have, for instance, prohibited the men from striking?

Mr. ROE. Yes, sir.

Commissioner O'CONNELL. They have in injunction and other cases. Now, in the New Orleans case, where the men were punished for violation of certain laws, and it being inferred that proprietors of the establishment had, or the inference to be drawn, at least, was that he had a proprietary right in the physical make-up of the human employee. What is your idea or thought along that question? Doesn't the Clayton Act clear that up?

Mr. ROE. The language to which you refer in that act seemed to do that, and seems to have had that for its object. My suggestion with regard to the Clayton Act, as I have said before, is not based upon such careful study of the act that I would care to go on record with very positive opinions about it, but it is based in part upon the fact that I found the Payne Lumber Co. asserting injunctive rights under it that it could not claim under the original antitrust law, and also as I read the Clayton Act, in a general way, it did not seem to me that its language had the clear definiteness of thought in it that there is, for instance, in the English Trade Dispute Act. Now, for instance, the act, which you know was passed after the Taft-Vale case, section 5, subdivision 3 of it, reads as follows:

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills."

There, you see, it cuts out the old notion, root and branch.

Then they go on and define trade disputes. They say:

"The expression 'trade dispute' means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or nonemployment or terms of employment, or with the conditions of labor of any person; and the expression 'workmen' means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises."

Now, as a remedial act it does not seem to me, as I have read the Clayton law, that it was as clear and positive in its terms as the English act.

Commissioner O'CONNELL. Have you given thought to the question as to whether or not the employer has a property right in the human being? Whether that is part of his good will?

Mr. ROE. I never have given very much thought to that question. I should not think it would take very much thought to answer that in the negative.

Commissioner O'CONNELL. But there are some that hold he has that right—some employers, for instance, that hold that they have that right. If the workman quits him, or quite a number quit him jointly, he says his business is interfered with, and that the property right he has in their productiveness has disappeared.

Mr. ROE. You mean they asserted that right in the absence of a contract?

Commissioner O'CONNELL. But, no—he would hold, and has held, and it is claimed that he has a property right in labor's power.

Mr. ROE. I would not for a minute admit a suggestion of that kind could be supported either on authority or by reasoning. I don't think you can find any support in the law books at this time for a proposition of that kind.

Commissioner O'CONNELL. It seems to be the opinion of those that were associated in the drafting of that portion of the Clayton amendment to the Sherman antitrust law. There were a great number of legal minds taken in as advisors in the amendment; and the seaman bill also.

Mr. ROE. In the seaman bill you have a different situation.

Commissioner O'CONNELL. But particularly in the Clayton bill a number of supposedly best legal minds in the country were brought together, and they feel that that right of the laborer is protected. That is, labor power is not a commodity to be dealt with the same as a table or a ton of coal or a roll of butter. That it can not be put on the market and pushed around and up and down; that he himself is the sole owner of his power of production.

Mr. ROE. I had supposed that that language in there was to distinguish or to differentiate the commodity of labor from an article of commerce. We had not thought of it having been put in there because it was necessary to negative the idea that an employer had some personal right of property in the labor of his

employee, in the sense that he had any right to demand that he should continue with this labor.

Commissioner O'CONNELL. Well, this question of equality before the law, the impression seems to prevail that the wage earner—that applying, of course, to men, women, and children—is equally protected; he has the opportunity of quitting his work, taking his chances of securing a position elsewhere, and in doing so he is affecting not himself alone but his family. Do you think as a general proposition the question of law as an equality before the court, as an equality toward opportunity, as an equality toward defending himself against the thing Commissioner Weinstock spoke about, the man offering to take his position for 50 cents or a dollar a day less, the impossibility of successfully carrying on what is commonly known as a boycott without having the things necessary to go with it? There is no use giving a man a boycott unless he can boycott. There is no use saying to the employer you can blacklist unless he can blacklist. He is in a position to do that. The employee is not in a position to boycott unless he boycotts. If it is legal for him individually to boycott and say I want to patronize the hats of John Smith, and if it immediately becomes unlawful for him to say to his neighbor, "You must not patronize John Smith," he is making unlawful what the law says he can do. In other words, two men make unlawful what one man is lawfully entitled to do. In all these ramifications of things, where is the general equality of the wage earner compared to the men of wealth or the employer.

Mr. ROE. There is no equality, he is not on an equal footing in any respect.

Commissioner O'CONNELL. Then what must the result of all that be, his opportunity, what must he do?

Mr. ROE. Of course, that is a question if I could answer——

Commissioner O'CONNELL. There is nothing, there is but one thing left to do, and that is to organize.

Mr. ROE. That is the first thing he must do is to organize, but that won't fully answer the question. After he is organized there must be the question still remaining, what he is going to do with the organization, and in this question of equality before the law—this is true also—you may have the same law applying to two men in different situations and yet they may not be on an equality. For instance, suppose that you fined a man worth $1,000,000 a hundred dollars, or so many days in jail, it means nothing to him. He pays his fine and walks out. You apply exactly the same law to the workman to whom it means a term in jail probably, and out of the same law you have entirely different results. The punishment is not the same if the offense is the same. You must keep in mind the consideration in saying that the men should be on an equality before the law, not only the fact of the law but the situation of the men to whom it is applied.

Commissioner GARRETSON. For the same offense, if the laborer only possessed $10 in wealth and the employer possessed a million dollars, if they constituted the same offense relatively, would the fine of the one man of a million dollars be any greater than to fine the other man $10, provided it took all they had?

Mr. ROE. Well, it would take all that either had.

Commissioner GARRETSON. That would be equality before the law in one sense.

Mr. ROE. It would leave them naked, as far as property was concerned.

Commissioner O'CONNELL. Outside of your general thought, fences ought to be taken down and let's go at it, as it were, and out of this chaotic condition might come some thought, have you given thought to what really is underlying all this unrest and dissatisfaction, is one side dislikes the courts, badly expressed and sometimes expressed not forcibly because the person wants to use friendly language, but it is the language he is acquainted with at the time, and uses language that very probably he should not use, but he believes that he is not getting proper protection or proper treatment, if he goes to the court with a damage suit, he is tossed from court to court until he is broke, and the lawyers say they can not go on further, why they can not carry his case on and pay court fees and transcription of records and all those things, and the man feels he is outlawed. He is not only outlawed because of his case, but feels he is an outlaw; it has a tendency to make a bad man of him, and he dislikes courts, he dislikes lawyers and everybody, and he becomes a regular man hater, because he feels he is not getting justice and has not had a fair opportunity. Now, have you given thought to that as to what you might suggest to this commission as a remedy for all of this? Congress asked us when they created this commission to seek the cause of all of these things and to come back and tell them how to correct them.

Mr. Roe. Congress certainly gave you a big commission. I think that one way to cure it is just the way the commission—this commission—is doing, and that is, going about over the country and taking this testimony and giving everybody a chance to express their opinions, and permitting and requiring the two sides to get acquainted with each other and get the other's point of view. I think that is the first step toward any solution of it, and the important thing for us who are not in the labor movement to appreciate and to learn, and the thing that the work of this commission had taught us very largely is that this is not labor's question any more than it is a question for all of the rest of us; the very conditions that you have so well described in your question to me of this unrest and hatred that is being bred in a very large class of our people, puts it up to all of the rest of the people to help find a remedy and to make some concessions here in order to correct these wrongs, and I think that teaching the public is one of the most important steps you can take toward a solution.

Now, when you come to a legislative program, I am afraid I can not help you very much. I would suggest this, however, I think I suggested it this forenoon, if the dissenting opinions in labor cases which I have referred to here this afternoon, and some of the ablest opinions that have ever been written have been the dissenting opinions of the judges, and in many instances Federal judges, from the propositions that the courts have laid down denying to labor the rights which it claims. Now, I say, if those dissenting opinions had been the majority opinions the law would have been very different, and the feeling of labor would have been very different to-day, and you would have a very different question to deal with.

Now, you can change the personnel of the courts.

Commissoner O'Connell. That is simply "The King is dead, God save the King"; that is the impression the laboring man has gotten as to the general condition; his treatment of the court indicates that the judge dies—"The King is dead, God save the King."

Mr. Roe. That is not quite true; the laboring man has got to learn to be patient here as well as the rest of us. I say that with some hesitation, because labor has been patient; but I am pointing out that if we had had a different personnel on the bench we would have different laws, so far as the judicial decisions make the law; and it is not impossible to change a law which has been made.

Then, of course, in taking up a program of constructive legislation, that is a great question which I feel I am not capable of advising upon. I think the English Trade Disputes Act, which I have referred to here, may make a model in some respects, and, of course, has received, or will receive a great deal of study from your commission.

Then, of course, in recommending legislation you are confronted with this situation, that you must recommend legislation that you can get through Congress, and you can not get legislation through Congress unless you create a sentiment such as you are doing now, which will compel that legislation.

Commissioner Garretson. I want to ask one question.

Chairman Walsh. Very well.

Commissioner Garretson. Mr. Roe, under the questions asked you some little time back by another commissoner in regard to the Sherman Act, and in regard to its application to the laborer and to the manufacturer, would you not get an exact parallel between the manufacturer and the attitude of labor under that act, if you would go back to the condition that existed prior to 1860, and a man dominated the labor market in his city, through actual ownership of labor of a certain class, as he could have done then, would that not be an exact parallel? Then he could restrain trade on the labor side because he owned the labor; it was a ware then, for the man owned, say, a thousand slaves, and he could then commit an act in restraint of trade by withholding them in conjunction with others; is that not correct?

Mr. Roe. Yes; I think that is true.

Commissioner Garretson. There you would have an exact parallel, but the moment you ceased to consider the man as property, in that sense the parallel ceases, does it not?

Mr. Roe. Yes; I think it does.

Commissioner Garretson. Dred Scott was returned because he was the ware of his owner, the property of his owner. The fugitive-slave law was passed on the idea that either the slave himself or other had abstracted the property of his owner; is that not correct?

Mr. Roe. Yes.

Commissioner GARRETSON. And did not the seamen's law that has been just repealed—that is, the one that has been in existence for centuries in one country or another—was not that law and the fugitive-slave law founded on exactly the English condition which made the masterless man an outlaw and authorized him to be driven from the public highways and put in the pillory?

Mr. ROE. Yes.

Commissioner GARRETSON. And even made it no crime to kill him?

Mr. ROE. Yes; that is the truth. The fugitive-slave law and the seamen's law are the same in principle.

Commissioner GARRETSON. And both founded on the property idea in the man?

Mr. ROE. Yes; I think I have heard it said or read that the fugitive-slave law, as we knew it in this country, was taken from the seamen's law.

Commissioner GARRETSON. And the law is undoubtedly founded on the old act binding the man to the soil?

Mr. ROE. Yes; that reaches back centuries?

Commissioner GARRETSON. That is all.

Chairman WALSH. That will be all; thank you, Mr. Roe.

At this point the commission will stand adjourned until to-morrow, Tuesday morning, at 10 o'clock.

(Whereupon the commission adjourned Monday, May 10, 1915, at 4.30 o'clock p. m., until Tuesday, May 11, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C., *Tuesday, May 11, 1915—10 a. m.*

Present, Chairman Walsh, Commissioners Garretson, Weinstock, Lennon, and O'Connell.

Chairman WALSH. We will please be in order.

Now, Doctor, if you will take the stand, please.

TESTIMONY OF MR. A. J. McKELWAY.

Chairman WALSH. Please state your name.

Mr. MCKELWAY. A. J. McKelway.

Chairman WALSH. And your residence?

Mr. MCKELWAY. Washington.

Chairman WALSH. And your business, please?

Mr. MCKELWAY. I am secretary for the Southern States of the National Child Labor Committee.

Chairman WALSH. How long have you occupied that position?

Mr. MCKELWAY. I have been with the committee since its organization, in the fall of 1904.

Chairman WALSH. Will you be kind enough to sketch your professional career—what work you have done, what your work has been up to this time?

Mr. MCKELWAY. Before being with this committee?

Chairman WALSH. Before being with this committee.

Mr. MCKELWAY. I was a minister and pastor of a church in North Carolina for seven years, from 1892 to 1898—six years. I was editor of a religious paper in Charlotte, N. C., for seven years and editor of a daily paper for a year. During my life in Charlotte I took charge of a mill school at Charlotte, N. C., for a year. Since the fall of 1904 I have been secretary of the National Child Labor Committee.

Chairman WALSH. Now, as secretary of that committee of child labor, Doctor, have you made an investigation of certain industrial centers, particularly in the South?

Mr. MCKELWAY. Oh, yes, yes; I have investigated a good many mills myself, and I have had agents under my immediate direction who have investigated every State in the South.

Chairman WALSH. Now, following the suggested line given you by Mr. Manley, Doctor, I wish you would go ahead and state in your own way the results of your investigation, if you will be good enough to present it to this commission. I will let you do it in your own way, following our conversation.

Mr. MCKELWAY. Soon after the committee was organized, in 1904, with Mr. Lovejoy, who is now the general secretary, and then the assistant, we took a trip through New England, and went through the mills at Lowell and New Bedford and Valley Fall River; that was in the fall of 1904. I wished to look at the States that had pretty good child-labor laws and where they were well

enforced by way of comparison. I had done some work in the South in my editorial work in carrying out those principles, and I had something to do with the first child-labor law in North Carolina, in 1903. By the way, Judge Clark was on the stand yesterday, and his decision in regard to a child that was hurt, that the company could not plead contributory negligence for a child under 14 years, helped to pass the first law in North Carolina, they feeling the necessity of an age limit, and they fixed it at 12.

Chairman WALSH. Is that still the law, 12?

Mr. MCKELWAY. They fixed it once at 13, that they could not be employed under 13 in an apprentice capacity, but that was interpreted to mean that if the child went to work under 13 it was an apprentice.

Chairman WALSH. Did the statutes in that particular abolish the common-law rule laid down by Judge Clark that a child under 14 could not be guilty of contributory negligence?

Mr. MCKELWAY. Yes, sir.

Chairman WALSH. And they passed a statute that reduced it to 13?

Mr. MCKELWAY. Twelve in reality.

Chairman WALSH. Go ahead.

Mr. MCKELWAY. I found in Massachusetts at that time that the 14-year age limit was pretty rigidly observed; there were few violations that we saw, but some abuses of the law. I remember an interview with an agent of a Massachusetts mill in Lowell, in which he threw open his mills to us, and they did not employ children that seemed to be under 14; we found none that seemed to be, and I expressed my gratification at the position, and remarked to him at the time that his company owned a large mill in Lindale, Ga., where there was no such law, and I hoped the influence of his mills would be directed toward getting the same law that we had in Massachusetts. He said at once that they had a gentleman's agreement in Georgia and that worked better than the law in Massachusetts, and that he was not in favor of the same law in Georgia that they had in Massachusetts.

I investigated a good many mills in North Carolina at that time. I was by myself—we had no agents—and I remember a little mill in Charlotte, just near my home. I found only 8 per cent of the children of school age attending school, and there were several children under the legal age employed in the mills. But North Carolina is still the only State that has no factory inspection. The commissioner of labor has no authority to enter a cotton factory, and the law has been almost universally violated. There has never been any enforcement, only probably one or two prosecutions. In the first campaign that I conducted as an agent of the National Child Labor Committee in 1905 we went to the legislature. There is rather a peculiar situation in the Senate of North Carolina. As a matter of fact, I have found a great deal more difficulty in getting a bill through the senate than through the house. It is a smaller body, more easily controlled, and I think our opponents have controlled the nominations in advance, and there is no possibility of getting a majority. They have the senate committee on manufacturing, to which every manufacturer is supposed to belong and gets on that committee, and to that committee all child-labor bills are always referred. It is rather a hostile committee, made up in advance—and I mention North Carolina particularly because we have made less progress in that State than any in the South. We still have the 13 age limit, and no factory inspection and practically no enforcement of the law. The Federal Bureau of Labor thatsmade this investigation in 1908 asserted that 75 per cent of the factories investigated in North Carolina were violating the law.

Another great abuse of children in North Carolina has been night work. There has been more night work in the mills of North Carolina than any other State. But the legislature preceding this last passed a bill making a 16-year age limit for night work, which has been the standard, to which we assented.

I have here a stenographic report of the hearing before that first committee, but I do not suppose it is worth while cumbering the record with the statement of the manufacturers' committee.

Chairman WALSH. If you could epitomize that and give a typical statement of the manufacturers—just give us what the manufacturers said.

Mr. MCKELWAY. They took the general attitude that this was an unwarranted interference with their business; that nobody outside of the mills themselves had a right to interfere between a man and his help—his force; that any legislation of this sort was the beginning of labor legislation, and no end of troubles and strikes, and so forth. They always spoke about the betterment work that a few of the mills were doing, the schools they had built and the teachers em-

ployed, and the churches erected. Sometimes there would be a hospital and gymnasiums, and so forth, and those things were always put forward as showing the efforts which the mills were putting forth.

There are some 20 or more cotton mills, through which a visitor going south to investigate the cotton-mill industry is nearly always conducted, and I have become familiar enough with the situation to tell what mills they have been to by reading the reports by the way in which they are described. The custom is for the best mills to put themselves forward in a way to protect the others. They show what they are doing and make an impression on the legislature by the treatment of their employees and say that they are the best ones to trust with the welfare of the employees—men, women, and children.

The poor-widow argument is always put forward. I see it appearing time and again in these hearings, "What are you going to do with the poor widow? Here she is at the factory with a number of children, and it is necessary for those children under 14 to work in order to make support for the family," and, unfortunately for us, there was a persistent accusation against us that we were being financed by the New England mills—our National Child Labor Committee. I do not think we ever received a dollar from any textile manufacturer in New England; but it is possible that one or two contributed, perhaps gave a small sum for literature or something of that sort; but that idea was very industriously fostered, and something of that sort was said at this hearing—but I do not know anything about it—that evidently the New England mills were behind this movement to cripple their southern competitors, and some sectional feeling was aroused.

We did not do anything in the campaign of 1905. The committee on labor in the house seemed to be rather favorable to us. Just before the committee met for hearing the speaker of the house added five or six members hastily to the committee, and the report was unfavorable, and the campaign of 1905 ended there.

I suppose it is generally understood that the cotton-mill business has been the chief opponent of child-labor reform in the Southern States, and wherever there are cotton mills in any number at all they have stood as practically the only opponents to any child-labor reform. There are other industries affected, but they have let the cotton mills stand for them, and they have kept in the background.

North Carolina, South Carolina, Georgia, and Alabama are the four chief cotton-mill States in the country, and the cotton mills are generally confined to a section called the Piedmont section and immediately below the Piedmont section in those States. North Carolina has more cotton mills than any other State in the Union, but they are generally small mills; and South Carolina has more spindles than any Southern State, and ranks next to Massachusetts.

We have been back to the Legislature of North Carolina every two years since 1905. We have attempted cooperation with the manufacturers. In 1907 we got together with them and they agreed to a nominal raise of the age limit from 12 to 13 years. Their first proposal was that children should not be employed under 13, except in an apprenticeship capacity, which would have lowered the whole age limit. I insisted it should be applied to children only between 12 and 13.

In regard to the apprenticeship business, in the last two or three years, our agent in North Carolina, who is a lawyer himself, has attempted to have manufacturers convicted of employing child labor under 13 not originally apprentices, through the regular forms of law, and in each case the manufacturers have pleaded guilty. We have never been able to have a court decision on the question, because they have invariably thrown up their hands and pleaded guilty to employing children under 13 in violation of the law.

Chairman WALSH. Can you approximate how many of those cases there have been?

Mr. MCKELWAY. I think only three or four. I remember one in North Carolina.

That was agreed to then, and everything else was voted down, and there was no reduction of the hours. The hours in North Carolina at that time were 66 a week, which makes 12 hours a day, because under the system in the cotton mills there is a half holiday on Saturday, so that with 6 hours on Saturday, that makes 12 hours for the other five week days.

Commissioner WEINSTOCK. Will you please enumerate the hours of starting and closing for the day's work?

Mr. MCKELWAY. There was no limit to that, gentlemen, they began at 6 o'clock in the morning, with half an hour for lunch on average, sometimes less

and sometimes a little more, and they closed at half past 6 in the evening. Now, it is almost universally an 11-hour day, 60 hours a week, in North Carolina, South Carolina, Georgia, Alabama, and Louisiana. There has been a progressive reduction of the hours in Tennessee.

In the campaign of 1909 we had a distressing example of the treachery of our manufacturing friends who had agreed to what is known as the Hinsdale bill. The Hinsdale bill was favorably reported by the committee on labor in the house. Hinsdale was a young man in Raleigh, and he made such a good speech that the legislature overturned the report of the committee—that is, the house did—and adopted his bill. Then the employers agreed to compromise, and said they would use their influence to have it passed. That is all a matter of record; but the very same men who had made this same agreement, the officers of the North Carolina Manufacturers' Association, when the bill came to the senate, telegraphed opposition to the bill, and those telegrams were shown on the floor of the senate by our friends, but the bill was defeated in the senate. In spite of that, we have had to educate nearly all of our agents in the South, and our local State child-labor committees, to steer clear of that sort of cooperation.

The theory is a wrong one; it is supposed that the legislature is a court, and there are two parties to a contest, so that if they agree upon a measure, the court will do what the two parties say, but the legislature, of course, has a will of its own, and no agreement can bind the legislature, and while we were compelled to keep our agreement, there was no association of manufacturers strong enough to hold all of their members, and the individual members of the association would go back on the word of the officials. We have tried that in North Carolina, South Carolina, Georgia, and Alabama, and we have had universally that experience, that an agreement to pass a certain kind of legislation was not worth the paper it was written upon. I remember a member of the Georgia Senate, who was a member of the Cotton Manufacturers' Association, that agreed with us three or four years ago on the terms of a bill, and who used all his influence in the senate against it.

And, then, this happens generally: We get the public sentiment aroused, and make our investigation and publish our figures, and appeal to the members and the people to get behind our movement, and they say, "This bill must be passed." Then our friends agree with the manufacturers to have a certain kind of legislation passed, and then instantly the public loses interest. They say, "That is settled now; that is going through the legislature; it is agreed to," and then the public interest wanes, and then when the legislature meets we have not that sentiment behind us aroused. We have had that experience over and over again, and now the only thing is to fight and fight to get the laws passed.

I got a letter from the chairman of our child-labor committee in Alabama, following this campaign in 1915, and in which she expressed her appreciation to me for not having written her, "I told you so." Mrs. W. L. Murdock tried the same plan and had to fight her way all through the legislature in spite of a six months' period of arbitration and compromise, and attempt to harmonize these conflicting interests.

I think one of the most unfortunate things about the child-labor situation in the South is that the operatives are such a helpless class. The illiteracy of the factory employees is an appalling thing. In spite of what we have heard and read in the papers about the schools the mill managements have built and the teachers which they employ there is a constant demand for the labor of the children and there is a contest between the mill and the school for the possession of the children, and the mill wins. I have not seen operative figures for 1910, and they are reduced some on both sides, but in 1900 the illiteracy of the white children in North Carolina from 10 to 14 years of age was 16 per cent, but in the cotton factories it was 50 per cent. In South Carolina for the same period the illiteracy of the white children from 10 to 14 years of age was 14 per cent, and in the cotton mills it was 48½ per cent. In Georgia the corresponding figures were 12 per cent and 44 per cent. The Federal Bureau of Labor, in its investigation in 1908, found practically the same state of facts—great illiteracy among the children of the cotton mill operatives.

Now, when we think that this industry in the South is already more than a generation old, and that the present factory employees, who have become adults, are male citizens and entitled to a vote, and have passed through that experience with no education, and brought up in the mill with long 12 or 11 hour days, you can understand that they are perfectly helpless to protect their own interests; and we have in our cotton-mill villages in the South a sort of feudal-

ism, sometimes a sort of benevolent feudalism, I suppose, but the manufacturer owns the town, owns the streets, the schools, and the churches. I remember our agent in North Carolina, Mr. W. H. Swift, who is a very intelligent man, telling me more than once that he has heard the mill people say this, "We work in his mill and we live in his house and we send our children to his school and on Sunday we go to hear his preacher." I remember too——

Commissioner LENNON (interrupting). And do they bury them, too, when death comes?

Mr. MCKELWAY. Yes, sir. I know they own a very large graveyard there that is distinguished by the large number of children buried there—owned by the mill property.

Commissioner GARRETSON. I suppose a good many of them think they worship his God also?

Mr. MCKELWAY. I presume so.

I have here a report of one of our agents on this subject. I will take one mill as a typical mill in North Carolina. The president of the mill is now dead, so I suppose there is no use to bring his name in the matter. The mill is at High Shoals. We sent our agent there—our photographic agent, we call him—Mr. Hine, in November, 1908, and he wrote a little account of his experiences there. The superintendent of the mill, Mr. Kale, was also magistrate for the town; and the first thing that he found when he went there was the statement that everything here belongs to the company. A young man friend said, "If you want to take many photographs, you will have to see Supt. Kale." So he went to Mr. Kale—he was sometimes called King Kale—and he objected to his taking any photographs, and asked him a good many questions, and would not give him permission, or postponed giving him permission, and when he suggested perhaps he had better take them anyhow, his friend said, "You had better wait until you get permission." But he went to the school and took some photographs there and was very sharply called up by the superintendent for having taken any photographs there, and was reminded that the whole mill belonged to the company and that he was really a trespasser on the premises.

There was a welfare worker at High Shoals, Miss Lila Charles, employed there, and she got very much distressed over the child-labor situation at High Shoals, and began to write me; and I wrote to her at once that it was rather dangerous for her if she wished to keep her job to be writing to me; and my replies were on plain letter head and envelope so it would not be known that she was writing to the National Child Labor Committee. But it was found out, and I think—well, here is her first letter, in which she says [reading]:

"I have been in the work here for six months as a teacher in the school and trying to do betterment work. I have had a golden opportunity for studying the conditions here. There is little or no obedience to the child-labor law and no enforcement in this mill village in regard to the age limit."

Then she went on to tell how one of the investigators—when he came there the mill was warned by telephone message from Charlotte and the children were hidden and taken out of the mill—most of them. Then follows a second letter, in which she tells of her discharge from the mill, and she said (reading):

"I was put here by the company to do betterment work and help with the school work, and it was necessary frequently to interfere with the High Shoals money-making scheme. Just as soon as they realized the fact that I had common sense enough to know they were violating the law I was asked to withdraw from my work."

And she went on to say—I find I haven't that correspondence with me, but it was made known to the Post Office Department that she was in correspondence with me and that was the cause for her discharge. She sent also a letter from one of her friends testifying to the same effect.

We had an agent in Georgia, a minister of the Christian Church, the Rev. Mr. Seddon. He was a very accomplished man, a scholar, and a gentleman, and he went to a mill in search of a boy that we were looking for in Georgia—perhaps I might stop to tell you that story.

There was a woman in New York whose husband had gone to Colorado to try to get cured of tuberculosis, whose name was Knapp, and she had a brother living in Georgia, and she sent her three children, the oldest of whom, Charley, was 9 years of age, to her brother, who was working a little farm then, or owned a little farm, and had promised to send these children to school. And soon after that Charley's uncle married a widow with several children, and he concluded to sell his farm and move to the mill and put his sister's children and his wife's children to work for him. The two younger children, however, he

sent back to their mother, and Charley had not forgotten how to read and write. He wrote a little note to his mother and hid it in the pocket of one of the younger children. She was thus informed that he was not going to school in the country, but was at work in the mill; and she went to our New York office—I was living at Atlanta at the time—and they instructed me to try to find Charley Knapp; and the report of this agent—I went out to look for him at the last mill I had heard of his working at. Charley worked in five Georgia mills from the time he was 9 years old until he was 11, in violation of law, because the Georgia age limit then was 12; and in two mills he worked at night in violation of the Georgia law, which then forbade children under 14 working at night. He was hurt twice; once when he was drawing up an old-fashioned bucket—old-fashioned system of drawing water with a windlass—and the windlass slipped and struck him in the head; and a little later they sent him up on a ladder to clean some shaftings in the mill and he got caught in the wheels and his side crushed so that he will be crippled for life; and he was kept at the hospital for a month or two by the mill authorities, but no suit was ever brought for damages. I finally found Charley in a little mill at Juliette, Ga., and the people got very much interested in the story of Charley Knapp; and as soon as they found out he was not the son of this man, his uncle, the mill almost stopped running—it was a small mill—and the people got very much interested, superintendent and all. And I went to the uncle and interviewed Charley's uncle, and after a stormy interview I said, law or no law, I was going to send the boy back to his mother, which I did.

Chairman WALSH. How old was he then?

Mr. MCKELWAY. He was then 11 years of age, and had worked two years in Georgia and in two mills at night.

Chairman WALSH. And he was crippled for life?

Mr. MCKELWAY. Yes, sir; one leg was shorter than the other. He will be crippled for life to that extent. I was trying to find Mr. Seddon's report about this mill, at or near Covington, Ga. I do not seem to be able to lay my hands on it now. I will probably be able to put that in the record later.

(See McKelway Exhibit No. 1 at the end of this subject.)

Mr. MCKELWAY. But Mr. Seddon found a mill near Covington, Ga., and went out there to investigate it. It was 2 or 3 miles from the railroad station. He put up at a hotel, and then the superintendent or the president of the mill came along and found out he was there and told him he was a trespasser; that he had no business visiting the school without his permission; that the school belonged to the company and the streets and the whole town belonged to the company; and when he got back to the hotel he found the order for his room had been canceled and he had no place to stay, and he walked back to the railroad station.

Chairman WALSH. How do you mean the order for his room had been canceled? You mean he was denied admission in the hotel?

Mr. MCKELWAY. Yes, sir; he went to the hotel and made a reservation for a room, and after his interview with the president of the company he was very violent about his being an agent of the National Child Labor Committee, and he went back to the hotel to spend the night, and he was told that he could not stay there, that the hotel belonged to the company just as much as anything else. Now, that is rather an extreme case, of course. Our agents generally have not had troubles of that sort, and I never have had any trouble of that sort. But I remember in Atlanta the Exposition Mills, one of the largest mills there—I had been doing some investigating there and made it rather troublesome for them; and they put up signs on the streets of the mill, which were a continuation of the streets of Atlanta, that anybody going through those streets was a trespasser; and even the market wagons were held up a while and could not deliver their goods. And the newspapers made such a stir about it that the signs were taken down. But the mills were outside of the corporation of Atlanta, and the whole thing belonged to the company just as much as the owner's house did.

Now, I think that is one of the most distressing things we have in the South to-day, and I think some of the southern legislatures are going to wake up to the fact that they need to incorporate these mill villages and give the people the right to elect their officers and conduct their affairs; because the mill absolutely controls that.

Now, I have given one from North Carolina and one from Georgia, and here in one from South Carolina—the mill at Pelzer.

In the mill at Pelzer there was a book written not long ago, some of you might have heard of it, it was called the "Child That Toileth Not." It was

written by Mr. Doyley. I quote from this book—I presume this was pleasing to Mr. Smyth, the manager and president of the Pelzer Mills, because he bought 120 copies of it and presented them to the legislature. Said the author: "I was told a story about these people that not only aptly illustrates their spirit of independence, but also the tyranny of the King of Pelzer." (The King of Pelzer, that was the name by which Mr. Smyth went.) "The labor unions of the North have determined to organize the downtrodden mill operatives of the South, and they sent one of their delegates to Pelzer * * *. But he had scarcely arrived in the place when his plans and movements were reported to the king. The king, seated at his office desk, listened to the report, and then quietly looking up at the clock, said, 'The train leaves at 11; have the constable put him on that train.' And the veracious historian comments with approval: 'The order was obeyed as effectively as though it had been a royal or presidential decree with a Swiss guard or a company of Mexican rurales to enforce it.'"

He treated that incident as a joke, and, I say, I presume the recital of it was pleasing to Mr. Smyth, because he purchased a large number of books to distribute.

Chairman WALSH. What were the circumstances, was it a fact that the constable did put him on the train?

Mr. MCKELWAY. Yes, sir; as a trespasser.

Commissioner WEINSTOCK. Was that book written in a spirit friendly to the manufacturers?

Mr. MCKELWAY. Entirely so.

Chairman WALSH. Sketch this little circumstance, the man's name, the circumstances under which he was put on the train, etc.?

Commissioner WEINSTOCK. What was the purpose of the book; what aim did it have in view?

Mr. MCKELWAY. This is all I know about it, this little extract from the book, although I have condensed it somewhat.

Mr. MCKELWAY. Mr. Doyley was an employee of the Federal Bureau of Labor, who they had sent out, being a man of large experience, to investigate the child and women wage earners in the United States. Their report is published in 19 volumes. He was sent into the mountains of North Carolina to investigate this particular question, which I think was a false issue, but nevertheless he was asked to do this work—whether the people of the mills are better off in their mill environments than in the mountains from which they came. In the first place, only a small per cent of the operatives come from the mountains. I think the files of the Labor Bureau will estimate from 20 to 25 per cent come from the mountains. The real question was not whether they were better off in the mountains or in the mills, but whether they were as well off in the mills as they had a right to be. Still, this is a mooted question, and his report, condensed, is reported in one of these volumes. He had a controversy with Mr. Neill, of the Bureau of Labor, and was separated from the service, and he wrote this book to give his impression of child labor in the mills and in the mountains. The book has been rather a boomerang to the cause, and we find it helps us more than the other side, because the statement as to rural life in the South was so extreme that the rural legislators resented it. The whole argument was to make it appear that the people on the farms or in the mountain coves were in such desperate condition that it was a mercy to move them to the mills if children of tender age were put in the mills.

Commissioner LENNON. Some one furnished the commission with copies of that book, at least I have one, and my wife got hold of it and put it in the stove.

Mr. MCKELWAY. I found this report I was looking for from Mr. Seddon [reading]:

"Learning that there was a hotel in Porterdale——

Chairman WALSH (interrupting). Who wrote that letter?

Mr. MCKELWAY. Rev. A. E. Seddon, one of our agents in Georgia at the time.

"When I reached the hotel I was told I could not be shown to my room until the proprietor, Mr. Brannen, came. After a short while he arrived, and with evident embarrassment informed me that the mill superintendent, Mr. Powers, had intimated to him that I was not to be accommodated at the hotel. He however informed me that Mr. Bowden would take me, and indicated the house. Bowden was out in the front yard, a big, heavily built, ill-looking man, the whole front of his shirt copiously stained with tobacco juice. He

was not, in appearance at least, the kind of man I would like to have for my host. It was not, therefore, a very great disappointment when he growled, 'I don't keep no boarding house.' A little later on I had occasion to view his refusal to take me in with great satisfaction, when I learned that some one, who under similar circumstances had been sent to be that man's guest, had been badly beaten during the night. I was about to return to the hotel to give instructions about my valise when I was called on one side by an elderly man whom I must not name, as he especially requested that I would treat as confidential what he said. He had been an observer of the whole incident and begged me not to return to the hotel, as he had reason to believe that I would be safer in Covington than in Porterdale that night. * * *

"The following day I was returning to Porterdale on foot, not knowing what kind of a reception awaited me. When half way there I was overtaken by an elderly gentleman who offered me the vacant seat in his buggy. I suspected from the first that my fellow traveler was Mr. Porter, the head of the Porterdale Mills. With a view to ascertaining whether my surmise was right, I at once told him I was a stranger and gave him my name. He told me his name was Porter. I inquired whether he was the Mr. Porter of the Porterdale Mills. He answered, 'Yes.' I told him I was glad of the opportunity to make the acquaintance as I was going to Porterdale to see him. I told him I was a representative of the National Child Labor Committee, and that I hoped to gain his permission to visit the mills. At this he began to get wrathy. He wanted to know what authority I had to visit the mill. I told him I was authorized to do so by the National Child Labor Committee. His vigorous reply was, 'That authority is not worth a damn, and you know it.' The only authority he was prepared to acknowledge was legal authority of the county or State. Of course he refused to allow me to go into the mill, and he and his sons were with me the whole four hours before my train left for Covington. They sent to the hotel for my valise, and Mr. John Porter saw me get aboard the train.

"During the four hours I was in the mill office with them we talked on a variety of subjects, but I constantly sought to bring the conversation back to mill conditions."

Chairman WALSH. Did he gain access to the mills?

Mr. MCKELWAY. No, sir; I think he took some photographs on the outside of the mill and at the school. He was detained in the office of the mill, but was not allowed to go through the mill itself. We have had practically the same history of our work in other States. We have always had in Virginia the opposition of the cotton manufacturers until the last session of the legislature; the bill did not affect them especially, and they agreed to let it pass. At the session of the Virginia Legislature preceding the last—that was in 1912—they opposed the bill that we presented at that time, and it was defeated in the senate. The chairman of the committee came from the Danville district, where the largest cotton mills are located, and I remember Mr. Fitzgerald talking to him for hours before the committee——

Chairman WALSH. Who was Mr. Fitzgerald?

Mr. MCKELWAY. Suprintendent of the Danville Cotton Mills; and I had in my hands a letter from Danville, which I tried to find but could not bring it with me, in which there were the names of at least 12, and possibly 15, girls who had been discharged from the mills because they were talking about organizing labor unions. There are about 800 cotton mills in the South, and I don't know of but one—at Knoxville—that is organized or tolerates a labor union.

Commissioner LENNON. Do you know whether the conditions there are any better or worse than the other mills?

Mr. MCKELWAY. I have not visited that mill myself, but I had a long talk with the superintendent, and he believes it is a good thing and that they get a better class of operators. We have had the same experience in South Carolina—the resistance of the manufacturers to any child-labor legislation. They have coupled together in South Carolina the idea of passing a compulsory-education bill with the child-labor bill, and the result of that has been to postpone child-labor legislation. The people of South Carolina had to pass some sort of compulsory-legislation bill at the last session, but the manufacturers very adroitly coupled the two things together, and they were defeated both through a term of years. We finally got through with it.

Chairman WALSH. What is the present condition of the law; have they no compulsory-education law?

Mr. McKELWAY. They did at the last legislature pass what they call a local-option educational law, in which any district and county can put itself under the law if it wishes.

Chairman WALSH. How is it operated in any mill town?

Mr. McKELWAY. I don't know of any mill in North Carolina—only one; that is Asheville, which includes one or two cotton mills. They have one or two in Virginia, but the constitution of Virginia prohibits them from making such a law for children under 12 years.

Chairman WALSH. How old is that constitutional provision?

Mr. McKELWAY. Not very old; there was a constitutional convention about 10 years ago, perhaps, or a little longer?

Commissioner LENNON. 1902, was it?

Mr. McKELWAY. I have forgotten; but about that time. When I went to Georgia I went to Atlanta to live in 1905 or 1906. We passed a child-labor bill through the house in 1905. They had what this New England mill agent described as a gentleman's agreement in Georgia not to employ children under certain ages; if I remember correctly, one week's work shall not exceed 66 hours; no child less than 12 years shall work at night under any circumstances; no child less than 12 years old shall be allowed to work there at all unless such child has a physically disabled mother or disabled parents that depend on the labor of the child; unless they can read and write; and attend school for four months during each calendar year. It also provided that no child under 10 years of age could be allowed to work in the factories under any circumstances.

We found that that was universally violated, and the house in 1905 passed a bill which the senate defeated, and there was such an outbreak of indignation in the press that a year ago the same senate came back and introduced a bill, signed by a majority of the members, which passed, virtually putting into effect this gentleman's agreement. There was a 10-year age limit and the 12-year exception for children of widows or orphans or children unable to support themselves in some way. Of course, you have all heard of the Frank case. One of the largest stockholders of that pencil factory in Atlanta in which Mary Phagan, the 14-year-old factory girl, was murdered, was an opponent of our child-labor law in 1908.[1] I have a letter from him here which I think I will put into the record, with my reply to it.

(Witness here submitted two clippings from the Atlanta Constitution of Dec. 31, 1908, and Jan. 10, 1909, respectively. They are entitled "On child-labor question S. F. Parrott writes letter," and "McKelway makes reply to Parrott on child labor.")

I don't know anything that has caused the governor more trouble than the Frank trial; not only the expense of the court services, all the way to the Supreme Court, but the man was—I don't mean to say whether Mr. Frank was guilty of that murder or not—but I want to make this point: If that law was passed, Mary Phagan would not have been allowed to enter that factory to work. She would not have been allowed entrance until a month after the time she was murdered. She went to work at 12 and was killed a little after she was 13 years of age. We had the cooperation of the labor unions everywhere, in my experience, in the South.

Chairman WALSH. One minute; I see this letter is signed by a man by the name of S. P. Parrott. He is president of the Atlanta Compress Co.——

Mr. McKELWAY. Yes, sir; and also a stockholder in the pencil factory. Our bill was defeated in the legislature in that year. I might say that last summer the Georgia Legislature reached the 14-year age limit for the employment of children, with the still unfortunate exception of 12 years of age for orphaned children or children of dependent parents. I have contended that that was unethical, or if the legislation was for the benefit of the child that the child of the widowed mother was as much entitled to that as any other children. That it was a matter of relief when the family was too poor to support itself except by immature children.

Commissioner O'CONNELL. Did you make a study of the hours as well as age limitations?

Mr. McKELWAY. Yes, sir; the wages for children in the cotton mills are comparatively high. I don't know of any work where children, say, of 12 and 14 years of age, can engage in anything like a wholesale way that pays them any better than working in the cotton mills. My contention is that the employ-

[1] For correction of error in this statement see McKelway Exhibit No. 1 at end of this subject.

ment of children lowers the whole wage scale to child labor. I have some figures I got from the Federal Bureau of Labor on the question of wages: "Doffers of 12 years were paid $3.74 per week; doffers of 13 years were paid $3.92 per week; doffers of 14 years were paid $5.04 per week; doffers of 15 years were paid $4.75 per week." It begins to go back at 15 years.

Commissioner O'CONNELL. How do you mean begins to go back; it gets lower as they get older?

Mr. MCKELWAY. Yes, sir; it is rather singular that the doffer, the girls or boys——

Commissioner O'CONNELL. What is a doffer?

Mr. MCKELWAY. It is a boy operator who takes the empty spool off of the spinning frame and puts on the full spools. Anybody speaking of child labor has certainly mentioned the doffer boy as not having a hard time of it. He can go out and play baseball or marbles between the time that he has to take the empty spool off and put the full one on. His work is intermittent work. The spinners are girls in the South, and they are almost constantly employed. It is not hard work, but it is a strain upon the nerves. They have to watch the spindle frame and as soon as a thread breaks tie the thread.

Commissioner O'CONNELL. Is there any differential between the male and female child in wages?

Mr. MCKELWAY. The wages for the adult man is a little lower than for the adult woman. I have not made a comparison of the wages of children.

Chairman WALSH. Have you the wages of men and women—the adults?

Mr. MCKELWAY. You will find them very accurately stated in 1908 in the first volume of that Federal child-labor report. I have a condensation of some facts here that may be of interest. Two hundred and fifty-one children under 12 years of age earned less than $2 per week and 731 children of 12 and 13 earned less than $2 per week. There were 1,700 workers from 14 to 20 years of age who earned less than $2 per week.

Chairman WALSH. Where is that?

Mr. MCKELWAY. This from the study of the wages of 32,400 workers in the cotton mills by the Federal Bureau of Labor. They studied their wages from the actual pay envelopes and made quite an exhaustive treatise on it. There were 1,700 from 14 to 20 years of age who earned less than $2 per week and 1,085 operatives 21 years of age and over who earned less than $2 a week.

Chairman WALSH. What period did they make that study?

Mr. MCKELWAY. In 1908.

Chairman WALSH. What period of time, I mean?

Mr. MCKELWAY. How long it passed over?

Chairman WALSH. Yes, sir; how many months?

Mr. MCKELWAY. I can not tell you that. I can put that in the record.

Chairman WALSH. I wish you would.

(See McKelway Exhibit No. 2.)

Mr. MCKELWAY. Yes, sir; I will remember to put that in. There were, as I said, 1,085 operatives 21 years of age and over earning less than $2 a week. Bear in mind these all received less than $2 a week.

Chairman WALSH. What are those last figures?

Mr. MCKELWAY. Out of 32,409 workers in the cotton mills whose actual wages per week were gotten from the pay roll we find these figures:

Two hundred and fifty-one children under 12 years of age earned less than $2 per week; 731 children of 12 and 13 earned less than $2 per week; 1,700 workers from 14 to 20 years of age who earned less than $2 per week; and 1,085 operatives 21 years of age and over who earned less than $2 per week. There were more girls from 18 to 20 years of age earning less than $2 per week than there were girls from 14 to 15 earning less than $2. There were 1,733 children under 16 who made from two to three dollars a week, and there was almost an equal number—1,712 workers—16 years and over, who earned the same wages. Children under 16 earning from three to four dollars a week numbered 2,426, and those from 16 to 21 and over earning from three to four dollars a week numbered 2,597. We argued from all of that that child labor reduced wages to the child standard.

Chairman WALSH. I wish you would interpret that; I am free to say I don't understand that. There is a certain percentage of adults earning less than $2. How do you interpret that?

Mr. MCKELWAY. That is out of the whole number—32,000. There is another scale of wages for those earning three to four dollars.

Chairman WALSH. There is such a great number that are earning less than $2?

Mr MCKELWAY. Child wages means family labor, and while one operative

could not support himself on the $2, by living together and putting their wages together they do manage to keep body and soul together.

Chairman WALSH. I don't exactly reconcile that with your statement that the wages were comparatively good.

Mr. MCKELWAY. I said the wages of children were high for children. In the South I don't know of any occupation in which the child can engage——

Chairman WALSH. That is only confined to the South?

Mr. MCKELWAY. Yes, sir; I am speaking almost entirely of the South, in which children can be employed from 12 to 15 years of age in which they would earn from 50 to 75 cents a day.

Chairman WALSH. What was the daily wage rate, if you have them in those figures, of these people that earn less than $2?

Mr. MCKELWAY. Divide that by six.

Chairman WALSH. Could you do that? That surely must be that they did not work full time or included a period in which the mill laid off for weeks.

Mr. MCKELWAY. No, sir; they would not have done that; they made a fair study of that.

Commissioner LENNON. Your statement that the comparative wages in the South of children were better in the cotton mills than elsewhere; you refer simply to the South; you don't mean to say that children over 14 employed in some of the industries of the North don't make more than $2?

Mr. MCKELWAY. No, sir; I said between 12 and 14. Of course, a boy can get a job that will pay him more than that; but to employ children in any number, the wages of the cotton mill is really a temptation to the parent to put their children to work, and they don't get much more wages after 15 or 17 than before that. The maximum of efficiency is the weaver or spinner. I suppose the maximum of the weaver is at 16 and the spinner from 18 to 21.

Chairman WALSH. How old are these mills in which these conditions exist?

Mr. MCKELWAY. There are very few old mills in the South. I used to have those figures on my tongue's end. I think in 1880 there were only 1,667 spindles in the South.

Chairman WALSH. Has it gone on long enough to find out what becomes of these people?

Mr. MCKELWAY. Most of them stay at the mills—most of them who went to work as children in the mills—some of them go back to the farm.

Chairman WALSH. Do you find many of them working in the mill that started out at an early day that have reached 50 or 55 or 60 years of age?

Mr. MCKELWAY. No, sir; because practically all of the mills that existed were destroyed during the war, and there are very few mills that are more than 30 years of age. The great growth of the mills in the South came between 1880—say, within the last 30 years.

Commissioner O'CONNELL. Do these investigations show the home life they are living—how they live and what they live upon?

Mr. MCKELWAY. Yes, sir; there has been a very full statement made about that in the Federal Bureau of Labor's report.

Commissioner O'CONNELL. Does it show the family earnings?

Mr. MCKELWAY. Yes, sir.

Commissioner O'CONNELL. So many in the family, so many children earning so much?

Mr. MCKELWAY. Yes, sir.

Commissioner O'CONNELL. The number of children all, based upon the family, the father and mother and the children all employed?

Mr. MCKELWAY. Yes, sir.

Commissioner O'CONNELL. Their earnings might be ten or twelve dollars a week, something of that kind?

Mr. MCKELWAY. Yes, sir. I think the people of the South who know anything about the situation are generally in favor of child-labor reform, but the legislature which is controlled by selfish interests, and especially the smaller house, the senate——

Commissioner O'CONNELL. Do these investigations show the percentage of white and black employed?

Mr. MCKELWAY. Nearly altogether white.

Commissioner O'CONNELL. Why is that?

Mr. MCKELWAY. There have been two or three experiments tried with the employment of negro labor in the mills, and they have been failures. I don't think that the experiments are entirely fair experiments. I think there were other circumstances probably that led to the failure of the mills, by the long work day. They could not employ a negro and white people in the same

cotton mills, it would have to be negro labor or white labor, but it is nearly altogether white labor. There are some negro men employed in the heavier work of the mills. I remember a little instance in the history of this legislation in Georgia, there was one negro member of the legislature when our bill in 1906 passed, and he was a very much respected member of the legislature, a good man, and during the roll call he had three minutes, I think, in which to express his views, and he said something like this: "Mr. Speaker: My people are not specially interested in this bill, because our children are not employed in the factories; we are trying to send them to school, but we have been legislating for the birds of the air, the beasts of the field, and the fish of the sea, and I am in favor of doing something for the little white children of Georgia."

There was a negro member pleading for the welfare of the white children.

Commissioner O'CONNELL. You said the colored children are sent to school. Is there a comparison made showing the white and colored going to school?

Mr. MCKELWAY. There was a larger percentage of white children attending school in the South than negro children. In the State of South Carolina where there are more negroes than white people, there are more negro children going to school than white children, but the percentage is small. But I have seen in the same town a colored school full of children and the streets empty of children, the children all going to school, and take in a cotton-mill village close by, in which the children are in the mills rather than in the school, are a large number of them. Undoubtedly the negro children in general in the South are getting a better opportunity for education than the white children in the cotton-mill villages. Now, speaking generally, we have not been able to enlist the cooperation——

Chairman WALSH. Pardon me for interrupting you. Has that feature been put forth strongly by your committees in these legislatures, the fact that the negro children are getting a better opportunity for education than the white children?

Mr. MCKELWAY. Yes, sir; we have stretched that a good deal.

Chairman WALSH. What has been the response to that?

Mr. MCKELWAY. I don't know that it has had very much influence. We have had fairly good success over a period of 10 years in defense of child-labor legislation in the South, and it is hard to say what argument has done the most to help it through.

Chairman WALSH. Have the newspapers in the South discussed it, have the educators, the church people, for instance, those that look toward what might be called the bettermen of people as a whole, discussed it?

Mr. MCKELWAY. The educators have discussed it, and some of the papers take it up now and then. We have generally had the following of the press throughout the South. One of our most bitter opponents for a long time was the Manufacturers' Record, published in Baltimore, which was the representative of the manufacturing interests very largely in the South. That is the same paper, by the way, that received a $5,000 contribution, I think, from Mr. Archbold. I have a shrewd suspicion that the reason they stopped the attacks upon us—I was a free-lance editor for an Atlanta paper at the time, and I played that a good deal of the time—and every time he said anything about child labor I had an editorial about Mr. Archbold's contribution, and I have not seen much of it in the last three years. You can take the papers that were influenced very much by the cotton manufacturers, they would be opposed to it, like the Charlotte Journal and News in Charlotte. The Times Union, a Jacksonville paper, owned by the railroad interests there, has been an opponent of the child-labor laws, but generally the press of the South has been with us. A Baltimore paper last year got the age limit of the newsboys reduced by the legislature from 12 to 10, and the governor signed that bill. That brings us to this point, that we have had very few backsets. After we establish a standard it has been very seldom we have lowered it, and the legislatures repealed what they have done.

Commissioner LENNON. They have not repealed it, but has it been improved?

Mr. MCKELWAY. We have factory inspection now of some kind or another in every State except North Carolina. In Virginia the work is very well done, in Tennessee it is very well done, and in Kentucky and Louisiana, it is well done in the city of New Orleans where much of the employment of children has been, but the appropriation was not large enough. We are getting a little more, though, every time we try for it.

I would like to except the Tennessee manufacturers from the general rule, all corporations. They had a 14-year age limit in Tennessee pretty early, and we

have had one or two contests with them, but out of those contests there arose an organization called the Southern Child Labor Association. It was organized in Nashville, and we got together and gave the manufacturers an equal vote with us, and had one or two meetings in New Orleans, and the Tennessee manufacturers have generally stood for pretty good legislation. We have very good child-labor laws in Tennessee.

Chairman WALSH. Briefly, what are the industries in Tennessee?

Mr. MCKELWAY. Cotton factories, a few woolen mills, a good many hosiery factories in Tennessee.

Chairman WALSH. The places where the largest are located?

Mr. MCKELWAY. Down on the Southern Railway, from Bristol to Chattanooga, and Knoxville has some very large mills, Chattanooga, and some at Nashville.

Commissioner LENNON. Considerable shoe industry, is there?

Mr. MCKELWAY. There is a large industry in Virginia—I don't know about Tennessee—and we have investigated that and found but very few children employed. West of the Mississippi the standard was higher than east. Texas has a 15-year age limit for children working around machinery, and a pretty good enforcement of the law.

Chairman WALSH. Have you made any study of the uses of children on farms?

Mr. MCKELWAY. Yes, sir; and a very exhaustive study; and we have some pamphlets on that. I might leave one for your files.

Chairman WALSH. At our Dallas hearing it was testified to by a number of witnesses that it was a common practice in certain portions of Texas and Oklahoma to make leases of farms, taking into consideration what they call the "force," which seemed to be the number of children that the person had—the renter had. It was testified there it was common for the children to go to work at the age of 7; that the school hours up to the present time, to the passage of this late law, the school hours and school terms had been fixed with reference to cotton picking and cotton planting, and so on. What has been your observation?

Mr. MCKELWAY. Yes—it is not so much observation as reports of our agents. In Oklahoma I wrote the first child-labor law and the first compulsory education law. I remember that I learned that there were roaming bands of people, leading almost a gypsy life, who moved from farm to farm picking cotton with all their children; and that is done, too, on a wholesale scale in Texas. Our recent investigations down there show such.

Chairman WALSH. What is the age at which they put children to work in the field?

Mr. MCKELWAY. There is no limit to that at all. We have some laws that provide that children under 14 shall not be employed during school hours or during the school term, as some of the laws read; but for vacation work there is no limit to the employment of children on the farm.

The census shows a very large percentage of children employed on farms and not employed on their father's farm—not members of farmers' families—as the census calls it. I think it has been put in the record before, perhaps in New York, about this interstate-commerce children's employment—children being employed in the berry fields and in the canneries of Delaware and Maryland, and then transported to the Gulf coast and employed in oyster picking and shrimp-picking industry there during the winter.

Chairman WALSH. Did we have a report on that in the New York hearing?

Mr. MCKELWAY. I think you did; I have not seen it, but I think you did.

Chairman WALSH. And have you any report on the conditions of farm child labor in Texas and Oklahoma?

Mr. MCKELWAY. Yes; we have in Texas. I don't think we have in Oklahoma.

Chairman WALSH. Well, give us a reference to it, so that if we desire we may secure it.

Mr. MCKELWAY. Yes; I have it at the office.

Chairman WALSH. I wish you would submit it.

Mr. MCKELWAY. Very well.

(See McKelway Exhibit No. 3.)

I don't want to take up your time, Mr. Chairman.

Chairman WALSH. We are very much interested; go ahead.

Mr. MCKELWAY. Perhaps it would interest you, Mr. Chairman, to know that when I went to Oklahoma I drew the first child-labor law there and compulsory education law, and I put a widow's pension clause into the compulsory education law. I don't say that this is perfect legislation in any way, but I think it was certainly the first thing during the past decade in the way of mothers' law. That section is as follows [reading]:

"If any widowed mother or disabled father shall make affidavit to the effect that the wages of his or her child or children under 16 years of age are necessary to the support of such widowed mother or disabled father, then the county superintendent of public instruction may, after careful investigation, in his discretion furnish such child or children a certificate called a 'scholarship,' stating the amount of the wages such child or children are receiving or so much of such wages as shall be deemed necessary to the support of such widowed mother or disabled father, so long as such child or children shall attend the public school in accordance with the provisions of this statute, which aid shall be allowed and paid upon the certificate of such county superintendent of public instruction to the child or children holding such scholarship by the board of county commissioners of the county in which such child or children reside."

I think I may modestly claim this has something to do with the agitation for widows' pension funds throughout the country, though I think it was rather crude legislation.

(For paper submitted by witness, see McKelway Exhibit No. 4.)

Oklahoma has an excellent child-labor law; Arizona has adopted a uniform child-labor law, with the exception that it went further than that, and included the protection of women, limiting them to an 8-hour day to all women in the industry, instead of women under 18. Uniform child-labor laws were unanimously recommended and adopted by the American Bar Association four years ago after recommendation of the commissioners on interstate laws.

Chairman WALSH. I might ask you, what is the situation in Georgia, North Carolina, and in these large mill communities, with reference to securing compensation for the injuries to these children? How are they treated in the courts?

Mr. MCKELWAY. Most of those mills—I don't speak with authority on this, but my impression is that most of them have accident insurance with casualty companies, to protect them; and these companies take up the burden of litigation. The courts have been pretty uniformly though in favor of compensation for injuries, and there have been some pretty good damage suits settled I know of in Georgia and North Carolina in the interests of the children. And I think Judge Clark's dictum there has had its influence throughout the South.

Chairman WALSH. That is, a child of tender years is not chargeable with contributory negligence?

Mr. MCKELWAY. Not with contributory negligence; no, sir.

Chairman WALSH. Or the assumption of the risk of the employment?

Mr. MCKELWAY. Yes; that is right.

Commissioner WEINSTOCK. Under which of the two conditions do the injured get the most equitable compensation, under the common law or under the workmen's compensation act?

Mr. MCKELWAY. Well, we have very few workmen's compensation acts passed in the South.

Commissioner WEINSTOCK. Why?

Mr. MCKELWAY. Well, we have just not reached that subject yet. I think there will be.

Commissioner WEINSTOCK. Is your association working for it?

Mr. MCKELWAY. No; no; we confine ourselves pretty strictly to the general question of child labor and compulsory education.

Chairman WALSH. Could you give us briefly the Texas compulsory education law?

Mr. MCKELWAY. No; I am not familiar with that, but I can get it for you without any trouble.

Chairman WALSH. Well, if you will get it—the two laws, the old law and the new law, and submit them.

Mr. MCKELWAY. Well, they had no compulsory education law in Texas until this last law.

Chairman WALSH. Until lately?

Mr. MCKELWAY. No, sir.

Chairman WALSH. I wish you would get it, then, please, Mr. McKelway.

Mr. MCKELWAY. Yes, sir.

We had quite an interesting experience in Arkansas two years ago. You know the rules for the legislature are peculiar to itself in Arkansas. It is really and literally more difficult to introduce a bill than it is to pass a bill. They have a roll call of the members of the legislature in each house, and when the roll is called the man who answers to his name has the right to introduce a bill in which he is interested, and then that bill is debated until it is disposed of. That

is the way they carry their calendar. And I found great difficulty in getting bills introduced in the Arkansas Legislature, because every man is interested in something else that he considers paramount, and it is difficult to get a bill introduced into the legislature for that reason. At the last session of the legislature, I finally told them that if they did not pass a bill I was going to initiate it and it would cost the State a good deal more expense; but they did not pass it and we did initiate it. They have the right of initiation and referendum in Arkansas. I think, taking Arkansas as a large State with a very large rural population, that it is very interesting to note the result of the vote and the interest that the people felt in that subject. We were required to get about 15,000 signatures, and we got 23,000; and when the vote was had I think the figures were 73,000 for the bill and 25,000 against it.

Commissioner WEINSTOCK. Is that the only southern State having the initiative?

Mr. MCKELWAY. Well, Oklahoma has it, if you call Oklahoma a southern State, and Arizona has it, but I don't think any other southern State has adopted it. But they will get it in the very near future. It is only a question of time. I know in Florida two years ago it almost passed. It passed the house unanimously and was defeated in the senate by a very small margin. I think the southern legislatures are reasonably responsive to the will of the people, and I have found very little graft or corruption or anything of that sort in the legislatures. I have never had any bribery or anything of that kind to contend with in my contests except perhaps the employment of attorneys—employment of legislators as attorneys for companies, and so forth.

Commissioner WEINSTOCK. Are there many blacks in the southern legislatures?

Mr. MCKELWAY. No; I don't suppose there is a single negro a member of any southern legislature now; not that I know of.

The last Arkansas Legislature, even after that tremendous popular vote, attempted to repeal this law passed by the initiative and referendum; but the attempt failed. But we had to have an agent there on watch all the time to keep it from being passed.

Chairman WALSH. What was the law?

Mr. MCKELWAY. It was almost a uniform child-labor law, condensed so as not to take up too much space in printing, but with a 14-year age limit for all occupations, including agriculture, during the school term, 16-year age limit for night work and dangerous occupations, and an 8-hour day for children under 16 years of age.

Chairman WALSH. Did it cause much agitation in the State?

Mr. MCKELWAY. We sent our agent to make speeches in the State and talk to the women's clubs and the churches and get the newspapers interested, and there was a very considerable agitation; and the vote for and against this bill was higher than any other proposition, and was only 10,000 less than the vote for the governor at the same election, so there was a great deal of interest taken in the legislature for and against, and we carried it by a vote of 3 to 1. We have had as the main opposition to child-labor legislation the influence of the cotton mills and cotton-mill manufacturers.

We had a long contest with one of the oyster packers in Florida, John G. Rood, who lived in Apalachicola. He was extremely adroit, and time after time our legislation was defeated. He had had a contest with labor unions, and was not employing children in his factory, which was shut down at the time, but he hoped to do so in the future, and he was very much averse to this class of legislation. Once we got our bill through both houses, and there was a slight disagreement, and there was a conference report of one house, and it got tabled.

Chairman WALSH. Was he a member?

Mr. MCKELWAY. No; he just managed the fight, and he was too much for us. Finally I went to Apalachicola and Key West and made some personal investigation, and got so many facts about what happened in regard to the employment of children that at the next session of the legislature he considerately sailed to Europe and let the bill be passed. We have a pretty fair law in Florida.

We had opposition from the telegraph companies in the protection of messengers. I suppose you want to know something about that?

Chairman WALSH. We are much interested in it.

Mr. MCKELWAY. We have had the same contest in the South and find the same conditions in Virginia and Georgia as found in New York, except on a smaller scale, because the cities are smaller.

Chairman WALSH. How about New Orleans?

Mr. MCKELWAY. New Orleans is perfectly fearful; I never heard or read anything like the reports of our agents in New Orleans, and that has not been corrected there yet.

Chairman WALSH. Do they use them in sending messages, and so forth, to the red-light district?

Mr. MCKELWAY. Yes; and in sending cocaine and whisky when the saloons are closed, and their association with the denizens of the red-light district are intimate. This is especially so of New Orleans, but the same thing exists in Richmond, Nashville, Baltimore, Savannah, Birmingham, Memphis, Montgomery, and other cities, and in some Texas cities; the same conditions prevail practically everywhere. Here in Washington the conditions are better because we have a 14-year age limit for daywork and a 16-year age limit for night work, and we did not find the same condition here as in Baltimore—that is, before the red-light district was closed in Washington.

Chairman WALSH. What is the age of the boys in the different cities?

Mr. MCKELWAY. It depends upon whether there is any law to prevent their employment; we found them from 10 years up.

Chairman WALSH. What are the names of the companies that employ boys?

Mr. MCKELWAY. The Western Union, the Postal, and the District Messenger Cos., which go by various local names.

Chairman WALSH. Those are the companies owned by the Western Union Telegraph Co.?

Mr. MCKELWAY. No.

Chairman WALSH. Or the stock of which is owned by the Western Union?

Mr. MCKELWAY. Not that I know of.

Chairman WALSH. Do you know whether it is or not?

Mr. MCKELWAY. I do not know.

Chairman WALSH. It has been testified to that what are called the district companies, named after the States, and with local names, are subsidiary companies of the Western Union Telegraph Co.

Mr. MCKELWAY. I might modify my answer. Where those district companies are carrying messages for the telegraph company, I suppose they are closely associated with that company.

Chairman WALSH. The testimony was that these district companies that carry private messages and carried packages for private persons, and the like of that, were subsidiary companies of the Western Union.

Mr. MCKELWAY. My impression has been, although I never looked into it carefully, that they were independent district companies.

Chairman WALSH. Publicity has been given to this commission, so far as the employment of messenger boys is concerned, say within the last two or three years.

Mr. MCKELWAY. It has been only within the last three or four years that our committee waked up to this question. We published some pamphlet on the night messenger service, and we had the reports of our agents, and sometimes put them in manuscript form before the legislatures. I think Mr. Lovejoy has a pamphlet that can be put in the record.

Chairman WALSH. I wish you would please do so.

(Witness submitted printed pamphlet entitled "Child Labor and the Night Messenger Service," by Owen R. Lovejoy, general secretary National Child Labor Committee. It is pamphlet No. 141, National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City.)

Chairman WALSH. It was testified to by the manager of the Western Union Telegraph Co. that those conditions did not exist anywhere in the United States at all.

Mr. MCKELWAY. That is a great mistake.

Chairman WALSH. He testified to it in Chicago, just a few weeks ago.

Mr. MCKELWAY. Here is something I might as well put in the record, on the night messenger service in Virginia, by Mr. Lewis W. Hine. Here is the gist of it. This is 1911 [reading]:

"After numerous confidential conversations with messenger boys in all the large cities of Virginia (as recorded herein), I find that conditions are the same in this State as they are in most of the other States we have investigated. The ready familiarity with the red-light district that these night messengers gain in a few weeks—the fact they are permitted to work at night as young as 14—also that the day messengers in the day and the early evening are thrown into that district more or less; the fluctuating character of the service (the majority

of the boys I interviewed having been in the work but a few weeks or months), all these repeat the story of previous investigations of this character in other States, except that limited time did not permit making so searching an investigation as some of the rest have been. The short term of service rendered by many of the boys indicates something radically wrong with the system of employing young, fickle, irresponsible boys; and, moreover, it increases manyfold the number of boys who are affected by the contact and acquaintance with this form of vice."

That is the general summary of the situation.

I have had some terrific contests with the telegraph companies in different States. I had one in Florida, in which I got Mr. Belvedere Brooks very closely involved in the matter. He was down there on other business, and I understood he had agreed to a bill, as it was drawn up, but his agent opposed it, and published a pamphlet on the subject, which I have here.

(Document referred to by witness was submitted in printed form. It is entitled "Senate Bill No. 160; House Bill No. 296. If the Child Labor Bill Becomes a Law, How It Will Affect the Telegraph Companies, the Public Service, and Messenger Boys." Democrat Job Print, Tallahassee, Fla.)

Chairman WALSH. What was the bill?

Mr. MCKELWAY. He quotes the bill here. It had a 14-year age limit for day-work, and 18 years for night work.

Chairman WALSH. For messenger boys only?

Mr. MCKELWAY. Yes; and they wanted that modified so as to apply to cities of 25,000 population or more, which I think would only have taken in one city, Jacksonville, and perhaps Tampa.

Chairman WALSH. Have you had any contests in any other States in which the company took part?

Mr. MCKELWAY. Yes; in Georgia, just after the New York law was passed, which made 21 years the age limit, and which the presidents of these companies agreed to. I tried to get the same law passed in Georgia, and I have here a stenographic report of the hearing before the committee. I had it taken down because I thought it was of historic interest. They employed an attorney to oppose the bill, and finally forced the age limit down to 16.

Chairman WALSH. Who employed an attorney?

Mr. MCKELWAY. The Western Union and the Postal, both; they were both represented, and their managers testified in this; I will put this in the record.

Chairman WALSH. Yes; I wish you would.

(Witness submitted document in printed form, entitled "Arguments Before the Committee on Labor and Labor Statistics of the Georgia House of Representatives on the Night Messenger Bill, in the hall of the House of Representatives, State Capitol, Atlanta, Ga., 5 o'clock p. m., Wednesday, July 27, 1910.")

Chairman WALSH. You said something about Belvedere Brooks being personally present in Florida.

Mr. MCKELWAY. Yes; he was there, and I met him and talked with him about the situation, and he made this general stipulation, that if we asked simply for an age limit of 18 years for night work, instead of 21, which limit we were insisting on, that he would not have any opposition to the bill; so we fixed the age limit at 18 years in the Florida law, and this agent in Florida—I think his name is Maxwell—did all that he could to oppose the bill and had that pamphlet circulated—and I protested to Mr. Brooks and sent a number of telegrams to him, and I have one addressed to me here, from Mr. Brooks, and this is my reply [reads]:

"Yours received. I presume all the harm that Mr. Maxwell was capable of accomplishing has already been done. Am writing more fully, but meanwhile suggest that as only his opposition is apparent here, best proof of good faith would be passage of bill unamended. Others matters can be settled afterwards. Signed, A. J. McKelway."

I have other correspondence, and if you want to put it in evidence in the record, all right.

Chairman WALSH. I wish you would, please.

(See McKelway Exhibit No. 2.)

Chairman WALSH. Can you state the purport of it now?

Mr. MCKELWAY. They pretended to object to the machinery we had in the law for the enforcement of it, regarding the requiring of a certificate for the employment of boys under 16, the general certificate plan which is in effect in all the laws. Then they said that it would work a hardship in the smaller towns; that they would have to close up the offices at night in the smaller towns because they only had one messenger and could not employ two,

Chairman WALSH. Why could they not employ two?

Mr. MCKELWAY. Because it would cost them more; they could not employ an older boy just to carry messages between 8 and 10 o'clock at night; I don't remember all of the arguments used.

Chairman WALSH. You can submit it then.

(See McKelway Exhibit No. 2.)

Mr. MCKELWAY. We had a contest with what is known as the Theater Trust in New Orleans and New Mexico. They defeated our bill in New Mexico, the whole bill, because of the proposition that children under 14 should not be employed on the stage in the daytime, and under 16 at night; the whole fight was on that clause. In New Orleans we succeeded in changing the law, putting it in the discretion of the judge of the juvenile court as to whether children should be employed. Those are about the only backsets we have had.

I have been engaged in some Federal legislation as well as State legislation, living here in Washington.

Chairman WALSH. I was going to ask you about that.

Mr. MCKELWAY. Very well.

Chairman WALSH. State what effort has been made, and the logical basis for a Federal act and the necessity for it, if you think there is such.

Mr. MCKELWAY. The first legislation which I was engaged on here was the District of Columbia child-labor bill, passed in 1908. Our chief opponent there was a Senator who was a glass manufacturer from West Virginia.

Then, I was interested in getting that appropriation for the Federal investigation into woman and child labor that was passed in 1892, and the children's bureau was established largely through the activity of the child-labor committee, and we had opposition to that of a very peculiar kind. Organs of the cotton manufacturers seemed to think it was an opening wedge for something else, and did not understand it. Most of the votes passed against it were from southern Senators and Representatives; there was considerable opposition to it.

The Beveridge child-labor bill was the first attempt, I think, at Federal child-labor legislation. Senator Beveridge made a great speech on the subject, taking about three days in talking on the bill, which, however, was never reported out of the committee. Mr. Beveridge's child-labor bill put the burden upon the carriers. It said the railroad companies and other transportation companies of any kind should not transport in interstate commerce the products of mines or factories or sweatshops employing children under 14 years of age. The bill, as I said, never got out of the committee. They never even had a hearing on it.

Our own National Child Labor Committee was somewhat divided on the question of Federal legislation for a while, but we have come unanimously to the old conclusion that it is necessary to make a proper standard and enforce the laws; and the Palmer child-labor bill, as originally introduced, put the penalty upon the manufacturer. It said that no manufacturer where children were employed under 14 years of age in the daytime, or under 16 years of age at night, or employed under 16 years of age for more than eight hours a day, should ship their products in interstate commerce; but the Committee on Labor in the House changed that bill, and I think removed some constitutional objections to it by the form in which it is now cast. I will read the first section [reads].

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be unlawful for any producer or manufacturer or dealer to ship or to deliver for shipment in interstate commerce the products of any mine or quarry which have been produced in whole or in part by the labor of children under the age of sixteen years, or the products of any mill, cannery, workshop, factory, or manufacturing establishment which have been produced in whole or in part by the labor of children under the age of fourteen years, or by the labor of children between the age of fourteen years and sixteen years who work more than eight hours in any one day or more than six days in any week or after the hour of seven o'clock post meridian or before the hour of seven o'clock antemeridian."

That bill passed the House at the last session by a vote of 232 to 43, and it came over to the Senate pretty late, when it could only be taken up by unanimous consent, and Overman, of South Carolina, objected, and brought along a petition from the manufacturers of South Carolina, who appealed to him to not support it. In the proceedings before the committee, three or four South Carolina manufacturers appeared in opposition to the bill, and that was the whole opposition we had in the hearing; and the Committee on Labor sent broadcast invitations to the manufacturers' associations and individual manufacturers to let them know if there was any opposition to this bill. I think

there is a pretty general feeling among employers, most of whom do not employ children at all, that a standard of legislation on this subject would be very desirable, to remove the alleged disadvantage which one State suffers by having a better child-labor law than a bordering State.

Chairman WALSH. Did you make any special study of that matter, in interstate commerce?

Mr. MCKELWAY. Yes.

Chairman WALSH. It has been urged very strongly, especially in the textile industries, that the State is put at a very great disadvantage.

Mr. MCKELWAY. I can not see how it would be put at a disadvantage by the Federal law. The argument has been persistent and insistent that when we go to one State——

Chairman WALSH (interrupting). That is what I mean.

Mr. MCKELWAY. I meet that everywhere. In Texas when the—in the last legislature there I got the manufacturers together to agree to a pretty good child-labor bill, which was amended a little in the house, and they opposed it and defeated it. They said they wanted Federal legislation; they wanted a 15-year age limit there, and they were at a disadvantage in competition with other States. The Tennessee manufacturers have said several times that they wanted Federal legislation.

The American Cotton Manufacturers, which is a Southern organization, met at Memphis on the 14th of April of this year, and an indorsement was given the proposition to establish an American merchant marine by the right of subsidy, and a protest was made against the operation of a uniform child-labor law, and the legislation pending in courts to require the branding of goods. I suppose this refers to this provision that the manufacturer must have a certificate accompanying his goods saying they were not made by children under a stipulated age.

Chairman WALSH. Is the Federal law still being pushed by the committee?

Mr. MCKELWAY. Yes; we have hopes of passing it during the next session of Congress; I know a majority of the Senate is in favor of it, and also the Members of the House, and if it goes to a vote I think it will be passed.

Commissioner LENNON. Mr. McKelway, what has been the attitude of organized labor in the South toward the efforts to secure child-labor legislation, both as to their work and as to their education?

Mr. MCKELWAY. So far as my personal experience goes, they have universally been on the side of better child-labor legislation and better education. I have worked in West Virginia and North Carolina and Georgia, Tennessee, and Texas. Our agent in West Virginia reported at this last session of the legislature that the glass workers' union, if that is the proper name for it, was opposed to the child-labor bill in West Virginia. I have heard from Gene Gordon, our representative in Louisiana, that the New Orleans Federation of Labor had been opposed to a higher standard of legislation, which she insisted on; but with those exceptions they have been universally with us, as far as I know.

Commissioner LENNON. What has been the attitude of the church in the South toward this legislation, as to declarations of synods and conferences? Have they been aggressive for the legislation, or indifferent to it, or what?

Mr. MCKELWAY. I should hardly say aggressive. The Presbyterian General Assembly passed a resolution demanding child-labor reform, and some Methodist bodies, and some Episcopalian bodies, and some Catholic bodies, although they are careful about mixing up the church and state, as they say. I have had generally the cooperation and sympathy of ministers in this work. I should think the exception would be where the ministers were really subsidized by the manufacturers, where part of their salaries was paid by the mills, and most of them feel that they have a more important work than that of advocating child-labor reform; and to do that would injure their other work of ministerial guidance, although I have known some earnest advocates of child-labor reform from that source.

Commissioner LENNON. What have you observed as the effect upon the morals of the community of the employment of children—say as to the virtue of women and morality generally?

Mr. MCKELWAY. That depends a great deal upon the locality. The ordinary cotton-mill village in the South is a rural community still, in spite of the people living together. They come from the country and the women are pure when they come there, and most of them remain pure. Sometimes in cotton mills located near cities I have heard some very bad things as to the morals of the people, and there has been some testimony to that effect. It depends a little

on the tradition of the mills themselves. Some mills have a bad reputation and others have a good reputation. The most of them have good reputations as to the purity of their women.

Commissioner LENNON. What effect does the employment of children have upon the parent as to their being industrious and looking after their own affairs?

Mr. MCKELWAY. I am speaking now of the South.

Commissioner LENNON. Yes; and I am also.

Mr. MCKELWAY. In the cotton-mill villages when a man moves from the country with his family to the cotton mill, if it is a typical cotton mill, there is very little work that he can do. He can not learn to spin or weave. If there is some rough work about the mill or he can be employed as a watchman, or something of that sort, he can take work with the mill, but the tendency is for him, not finding a job, to be supported by his wife and children.

Commissioner LENNON. Then the support by his children does tend to make him an idler?

Mr. MCKELWAY. Yes; or a vagrant; and we have some vagrant laws intended to reach that, in which a vagrant is defined to be where a man lives upon the earnings of his minor children.

Commissioner LENNON. What has been the effect upon the social or industrial unrest? Do you believe the employment of young children has had an effect upon that? You know that is primarily what this commission is appointed to study, the conditions of social unrest. How does this subject affect that?

Mr. MCKELWAY. Well, that is a pretty broad question. There is a general popular resentment against the exploitation of children; there is no question about that. I think members of the labor unions feel that there is an economic question involved adverse to the best interests of labor. They are, I think, especially resentful of the employment of children, and they know more about the situation than most people do. I think there is a growing feeling of resentment among the operators themselves at their helplessness and about the employment of children.

They had a strike in Atlanta last year; I have not been to Atlanta since the strike in the Fulton Cotton & Packing Mill; and the reason we got through that legislation in Georgia last summer was the part of the bill against the employment of children under 14 years of age. Some had employed their own children under 14 years, and said they were obliged to do it, but they said they wanted a law to protect them.

Chairman WALSH. If there is any other suggestion, Mr. McKelway, that you want to make, we will be glad to have you do so, as you understand our trend here.

Mr. MCKELWAY. I do not know that there is anything.

Chairman WALSH. If there is anything that will throw light on the condition in the South in pamphlet form that you wish to present, please do so.

Mr. MCKELWAY. I will get them together for you.

(Mr. McKelway submitted the following pamphlets written by himself and issued by the National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City: "Pamphlet No. 92. Child Labor in the Carolinas"; "Pamphlet No. 138. Child Labor in Georgia"; "Pamphlet No. 150. Child Labor in Tennessee"; "Pamphlet No. 169. Child Labor in Mississippi"; and "Pamphlet No. 171. Child Labor in Virginia." Also two other publications of the National Child Labor Committee, entitled "The Child's Burden in Oyster and Shrimp Canneries" and "The Uniform Child Labor Law. Fouth Edition. Revised February, 1912." Also other printed documents of the following titles: "Children Eligible for Employment in the Mills, Factories, and Manufacturing Establishments in the State of Alabama for the Year 1912. Brown Printing Co., Montgomery, Ala."; "An Argument in Favor of Exempting Cotton Mills and Other Textile Industries from the Proposed 54-Hour Labor Schedule"; "Hearings Before the Committee on Labor, House of Representatives (63d Cong., 2d sess.) on H. R. 12292 [Child-labor bill], Feb. 27, Mar. 9, and May 22, 1914"; "H. R. Report No. 1400 (63d Cong., 3d sess.)"; and two newspaper clippings, "Merchant Marine by Subsidy Plan Warmly Endorsed—American Cotton Manufacturers at Memphis Endorse This Plan—Protest Against Child-Labor Law," Asheville (N. C.) Citizen, Apr. 15, 1915, and "Some Strong Child-Labor Facts, by J. S. Mills," the Atlanta News, no date.)

Mr. MCKELWAY. With regard to the attitude of manufacturers, you will find within this volume of the Federal bureau report of the whole story of child-labor legislation in the South up until 1908 very carefully written.

(See McKelway Exhibit No. 2.)

Chairman WALSH. That is all, thank you, Mr. McKelway. You will be excused.

We will now adjourn until 2 o'clock p. m.

(Thereupon, at 12 o'clock noon, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Is Mr. Joseph Kobylak here?

Mr. KOBYLAK. Yes.

Chairman WALSH. Just take the chair, please.

TESTIMONY OF MR. JOSEPH KOBYLAK.

Chairman WALSH. What is your name, please?

Mr. KOBYLAK. Joseph Kobylak.

Chairman WALSH. What is your occupation?

Mr. KOBYLAK. Coal miner.

Chairman WALSH. What is your nationality?

Mr. KOBYLAK. Bohemian.

Chairman WALSH. How long have you been in this country, Mr. Kobylak?

Mr. KOBYLAK. For the last 12 years.

Chairman WALSH. What has been your business all the time you have been here?

Mr. KOBYLAK. Oh, 10 years—8 years acting in the coal mines, and since that time I helped the coal miners on the coal tipple as checkweighman.

Chairman WALSH. What was your occupation in the old country, Bohemia, before you came here?

Mr. KOBYLAK. Coal miner.

Chairman WALSH. How old a man are you?

Mr. KOBYLAK. Thirty-three years old.

Chairman WALSH. Are you a man of family?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Married in this country or the old country?

Mr. KOBYLAK. In this country.

Chairman WALSH. How many languages do you speak?

Mr. KOBYLAK. I speak German, Bohemian, Slavish, Polish, Lithuanian, and a little bit of English.

Chairman WALSH. And where have you worked as miner? Tell us now in what localities.

Mr. KOBYLAK. Gentlemen, I have these statements prepared in writing so I can give you everything exactly, with the dates.

Chairman WALSH. Well, I just want to locate you here first; you are the gentleman that reported to this commission some time ago that you had been arrested for high treason?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Against the State?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And that you like to make a statement?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. In regard to your experiences?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, you say you have that prepared in writing?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Very well. You may go ahead and read it, Mr. Kobylak.

Mr. KOBYLAK (reading):

"GENTLEMEN OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS: Having received your call to appear as witness and testify of my own experiences with the courts and with the officers of the law, before I will proceed to tell you, gentlemen of the committee, of my unrightful arrests, charges, and unlawful persecutions, which has greatly injured and damaged my name and my dear family, viz, trespasser, mule killer, speak-easy operator, black hander, rioter, highwaymen like intent to injure, robber, raper, and treason charge. I face last in this present 13-month coal-miner strike in eastern Ohio, compelled to stay in jail under $10,000 bond.

"Kindly note that I am not a salary-paid officer—nor an office keeper—I am only a mine-camp local officer—simply a foreign coal miner.

"Gentlemen of the committee will pardon me for mistakes I make in talking the American language.

"Now, I must go little into my life, to show you the road I have traveled in this time. In 1903 I migrated to America. I was 21 years of age. Located in Jefferson County, Ohio, and began work in the coal mines and joined the union—United Mine Workers of America.

"Now comes the year 1906. I worked in the Bradley mines property of the United States Coal Co. A strike took place in that district. There was no trouble. Everything went along peacefully. The United States Coal Co. condemned our union, U. M. W. of A., and immediately hired a few hundred private guards, generally called gunmen, together with hundreds of scabs and proceeded with their work.

"Striking miners at Plum Run mines, also property of the United States Coal Co., under the threats of brute force by the hirelings of the coal camp, they, the miners, had to surrender—then the camp began to mine coal. The same company attempted to do with Bradley mines—put up reflectors—made trenches for themselves—troubling the strikers, etc. The miners have seen all this—what to do. The strikers at Plum Run received no help, had to surrender. Bradley strikers were in the same position. Surrender? No. So they decided to defend their homes and their families. The hirelings make no progress, so they get ready for wholesale murder.

"July 1, 1906, for more than four hours the gunmen fire continuously into the strikers' homes. Didn't care for women and children. Their motto was to kill whole business—looked to me so. The strikers thank the traitor the hirelings had among themselves. From him the miners received warning in time so they place themselves with their families in safety, and yet the bloodshed took place. Then the Ohio State Militia came. Strikers would not give up the strike. The United States Coal Co. began to realize the strikers would not give up, so the company recognized the union and strikers returned to work.

"The strike lasted four months and contributed lots to my experience.

"In 1907 I changed the work place from Bradley to Plum Run mines. I found there big misunderstandings among the miners, which caused big trouble to themselves and to the union, and the company had always benefited by it. It was and is now the greatest enemy of the organized labor and at present this company hires nonunion labor. The working conditions were bad and the bosses rough to the miners. Local strike was called, miners divided themselves—some struck and some went to work. Little riot took place and the result was strike was lost. Some were arrested and lots discharged.

"Mr. William Green, district president of the Ohio miners, U. M. W. of A., and Mr. Watkins, subdistrict president of the eastern Ohio miners, U. M. W. of A., appeared on the scene at Plum Run to reorganize that place and put it right. A meeting was called of all the miners and I was appointed by the already named officers of U. M. W. of A. for mine committee to represent the coal miners. Appointment was accepted unanimously by the miners, and by the mine management of the United States Coal Co.

"I had a big job on hand. First, I began to organize the miners and had success. The miners, well organized, naturally began to ask for their rights which they were entitled to under the mining law and agreement to which the company had agreed and signed. Many times the company willfully violated the contract and the law, even over my protest they did."

Chairman WALSH. Violated what contract?

Mr. KOBYLAK. Between the miners and the coal companies.

Chairman WALSH. How did they violate the contract?

Mr. KOBYLAK. They have signed a contract that the miners have a right to pick out a checkweighman from among their own ranks, and they have not done that.

Chairman WALSH. They would not do that?

Mr. KOBYLAK. The men elect me in the right way, and they say the mine had asked to remove me.

Commissioner LENNON. They broke the contract by shutting the mines down without regular process under the agreement; wasn't that it?

Mr. KOBYLAK. They violated the contract by shutting the mine and asked that I should be removed. When the contract granted the right to the miners and also the mining law.

Chairman WALSH. Yes.

Mr. KOBYLAK (reading):

"In all cases I was the spokesman. It was my duty to be, as member of the mine committee. With a few shutdowns and with help of the mine inspector we compel the company to respect a little the mining law of Ohio.

"Better working conditions we have secured with strikes. We were compelled to take such action because the bosses refused to grant the miners anything they asked for. The bosses were not satisfied with my actions, they looked for chance to get rid of me and began with persecution. Mule killer in the mine was the first charge against me, but their plan was so weak that they give it up. Then they shut down the mine in which I work, refuse to place me in other mine, but the miners all together, including those who were hired in 1906 as strike breakers to break the union by the United States coal Co. were organized also, elected me for their checkweighman to represent them on the coal tipple and see that their coal is weighed correctly, and for secretary and treasurer.

"Immediately the company shut down all of their mines. This happened in September, 1909. The company violated the contract and the mining law. Mr. William Green, president of the Ohio miners, took up the case, and when company refused to comply with the law or contract he ordered a strike. The strike lasted 16 days. The company gave up, and I was reinstated as checkweighman, but the company did not stop working to get me out."

Chairman WALSH. Had you had a checkweighman before you went in at that tipple?

Mr. KOBYLAK. Yes, sir. [Continues reading:]

"It proceeded with its crooked business in the name of violence, but my fellow mine workers stood with me and prevented all kinds of dirty attacks made by the representatives of the United States Coal Co. against me, which caused about six more strikes, in all of which the company was the loser."

Chairman WALSH. What objections did the operators have to your being checkweighman, Mr. Kobylak, if any?

Mr. KOBYLAK. The miners would appoint me to represent the miners in the mine. I was spokesman, and in determining the rights, you know, under the contract.

Chairman WALSH. Before this time?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Then your idea is that they objected to you because you were the spokesman of the miners?

Mr. KOBYLAK. Yes.

Chairman WALSH. What did they say? How did they put it?

Mr. KOBYLAK. Well, they simply say, "We don't want him."

Chairman WALSH. Did they say why they did not want you?

Mr. KOBYLAK. No.

Chairman WALSH. All right, go ahead.

Mr. KOBYLAK (reading):

"One evening four policemen break into my home, arrested me without warrant, drove me for about 7 miles before squire, and charge that I am speak-easy operator."

Chairman WALSH. You say "speak-easy operator"?

Mr. KOBYLAK. Yes.

Chairman WALSH. What is that?

Mr. KOBYLAK. Selling liquor; and they dragged me off 7 miles, and I had to walk back. They did this so I would not appear on the tipple the next day, and so the miners would get excited if you remove me; they will have no miners on the tipple, and this speak-easy business is a serious thing among the miners, because you know it is a very bad kind of business.

Chairman WALSH. Well, was there an information ever filed against you for running the speak-easy?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Did they take you before the magistrate?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And did you have a trial?

Mr. KOBYLAK. Yes. They took me there before the squire and charge that I am a speak-easy operater, and he discharged me.

Chairman WALSH. He discharged you, and you went back home?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And you had to walk back?

Mr. KOBYLAK. Yes, sir; after he asked me a few questions.

Chairman WALSH. Right there, did you keep a speak-easy at any time?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Go ahead.

Mr. KOBYLAK (reading):

"The squire turned me loose, and I walked back.

"One day two officers of the U. M. W. of A. come to my home and ask me for all union books, vouchers, receipts, bank book, and cash money. I wonder and ask what go on anyhow. 'Well,' officer answer, 'you are charged with taking the union money. You are charged so by the United States Coal Co.' Both went over the books and the money and found everything correct. They found that the charge was false."

If the gentlemen will excuse me I will read the report of those two men who went over the books at the special convention of the miners, and I will read the findings [referring to a large pamphlet]. This is the proceedings of the special convention of the subdistrict No. 5, of district No. 6, United Mine Workers of America, held in Wheeling, W. Va., in October, 1911. Vice President Rapp (?) said:

"In explanation of Brother Kobylak's book, I will say that I went over them, in company with Brother ———, and he got a detailed report, of which I can say I never saw a more complete set of books kept in a more honest way, everything to show for every cent that has come in and every cent that has went out. I never saw in my life a more complete set of books than I did in Brother Kobylak's books."

That is from one who went over the books. [Reads:]

"In the month of November, 1910, the company offered me monthly job—to quit the union and go on the company side. I ignored the offer."

Chairman WALSH. Who offered it to you?

Mr. KOBYLAK. Offered by the superintendent three times, and the fourth time the manager, Mr. Bullitt(?) came from Cleveland.

Chairman WALSH. What job did they offer you?

Mr. KOBYLAK. To be the weigh boss.

Chairman WALSH. For the company?

Mr. KOBYLAK. Yes; for the company. [Continues reading:]

"In a short time, January, 1911, shutdown of all the mines took place again, and the company demanded the removal of myself from all the miners. The company failed to break strike in about five months, so the company, in a conference at Cleveland, Ohio, made a new offer to the officers of the U. M. W. of A.; offered to pay for my lost time on strike, willing to buy my home and pay the expenses to move. I ignored the offer again. The company went on with the fight to get me out, but surrendered after 11 months of strike. During the 11 months' strike I was charged as a blackhander, but charge was dismissed. I was reinstated as checkweighman again, but only for short time."

At that time, gentlemen, we had a wise man in the prosecuting attorney, and he did not send out with guards and rifles after me. He simply sent a letter that he wished to see me. Here is the letter I have received from the prosecuting attorney, and I was charged for blackhanding. [Reading:]

[Office of the prosecuting attorney of Jefferson County, Steubenville, Ohio, Jay S. Paisley, prosecuting attorney.]

MAY 8, 1911.

Mr. JOE KOBYLAK, *Rhodesdale, Ohio.*

DEAR SIR: If possible, will you kindly call at my office in this city next Thursday morning, as I desire to talk with you about matters which will no doubt be of interest to you and perhaps beneficial.

Very truly, yours,

JAY S. PAISLEY.

"The company, aroused again, hired a practical robber for weigh boss and private guard. Weigh boss began to steal by wholesale the coal, digged and loaded by the miners. Of course, shutdown took place again. On the 10th day of July, 1912, union asked the company to remove the weigh boss. Later on they did and asked for investigation and that during that time I should stay off the tipple scale. That was granted to the company. I have proved the robbery, but the company motto was to keep me off forever for all prices.

"September 10, 1912, an attack was made on me in the company store when I waited for my mail by the new hired company guard and threatened with arrest. I protested because I was in the United States post office, yet I was ar-

rested about half an hour later as a trespasser. The superintendent, acting as judge, turned me loose.

"September 25, 1912, a big meeting was called by Mr. John Moore, district president of the Ohio miners, and C. J. Albasin, subdistrict president of the United Mine Workers of America. In that meeting I was reelected as checkweighman on the coal tipple. A bloody riot took place at that meeting outside the union hall, but the meeting inside the hall went on peacefully. During the fight I was with the officers in the hall. Next morning myself, as per instructions and in the name of our constitution, contract, and the mining law, went on the tipple as miners' checkweighman, with the understanding that if the United States Coal Co. refused to have me there or try to shut down the mines I shall return to my home and the mine committee place other man in my place. Keep on working—it was to my satisfaction. The United States Coal Co. did not notify me or the mine committee or the local union officers at all about what it intended to do—plan was ready. As soon as I came to the tipple attack was made against me by the company guards. I was placed in hand chains and thrown in the jail at Smithfield, Ohio, charged with trespassing. The second day in jail was read to me another charge—inciting riot. The company put their guards in the union hall. The local union officers were suspended and new elected and proceeded with company guards in the union hall with their local business. In the Smithfield city there were enough farmers to buy near the whole city, yet the authorities refused to accept bond until two lawyers came from Steubenville, Ohio, and demanded the right under the law. The bond was then signed, and I was released from jail."

Chairman WALSH. Who went on your bond?

Mr. KOBYLAK. Farmer, for $500.

Chairman WALSH. Did they know you; were they friends of yours?

Mr. KOBYLAK. Simply surrounding farmers there.

Chairman WALSH. Who procured them to go on your bond, if anyone?

Mr. KOBYLAK. Nobody asked them to go; they simply volunteered to do so. [Reads:]

"The United States Coal Co. have gained what they were after for long years—kept the guards for the purpose to keep me off of their mines at Plum Run and Bradley. The guards are there to-day.

"I was trying to get work in the surrounding mines, but could get none—blacklisted. No money for leaving. I left my family—wife and four children—in Ohio and went to West Virginia and then to Pennsylvania. No work for me nowhere. Miners of the Penobscot mine, Pennsylvania, called a meeting and elected me for their checkweighman. I started work there in December, 1912. The working conditions were very bad. The miners asked the Penobscot Coal Co. from time to time to make better, but without result. So the miners all together lay off January 7, 1913; told the superintendent to fix up the mine; buy supplies so they all can work. Yet instead of buying supplies the company condemned the union miners and order the Pennsylvania State police. I was arrested again without warrant, placed in hand chains with eight other fellows, and tried in the company store at Penobscot (Pennsylvania) mine. This happened January 23, 1913; was charged as highwayman like intent to injure.

Chairman WALSH. What was that?

Mr. KOBYLAK. Like highwayman, intend to injure. That means I was on pike and would stop the workers when they go to work and threaten them not to go to work or I would kill them.

Chairman WALSH. What was the fact; had you had any trouble on the highway with any persons?

Mr. KOBYLAK. No, sir; I was not even there. I was in Ohio. When the mines shut down I had nothing to do, so I went to my home. [Continues reading:]

"Two squires present. They had no business there. Penobscot district was outside their jurisdiction, as proved in big court at Washington, Pa., later on, and yet they open the court in said coal company store. Act brutal. I have protested and demanded they place us where we belong if they think we have violated any law. State police loosen my hands."

Chairman WALSH. Loosened your hands?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What were on your hands?

Mr. KOBYLAK. Chains, you know; handcuffs. [Reading:]

"Squire sentenced me to leave the Penobscot district inside of 24 hours. Ohio guard of Plum Run mines helping squire in the State of Pennsylvania

after State police left. I could do nothing; had no money to defend myself. I left the State of Pennsylvania. Came back home to Ohio.

"In short time a special committee met me from Rush Run mines; asked me to be their checkweighman. I accept the offer. Meeting was called, and I was elected by secret vote with ballots. The United States Coal Co., with their guards, together with the Glen Run Coal Co., did all they could to prevent me to start work in the Rush Run mines, property of the Glen Run Coal Co., but failed.

"I start work February 3, 1913. Everything went along good, but the coal company didn't like that."

Chairman WALSH. Were you not checkweighman at that time?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. How long had you been acting?

Mr. KOBYLAK. I started on February 3, 1913, and was arrested on March 29.

Chairman WALSH. Now, before March 29, had there been any outbreak of any kind?

Mr. KOBYLAK. No, sir; everything went along peaceful.

Chairman WALSH. Had you had any meetings at which things were discussed?

Mr. KOBYLAK. We had meetings every two weeks; yes.

Chairman WALSH. Had there been any discussion with reference to your work as checkweighman?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Have you had any disputes with your company with reference to weights of coal?

Mr. KOBYLAK. We had a few times when the scale was wrong; they had made the correction, you know; and that is all. [Reading:]

"March 29, 1913, I was again arrested by the guards on the Wheeling & Lake Erie Railroad, placed in jail at Smithfield, and tried in that city, where the coal company had control. Charged as trespasser again, found guilty, and fined with the lightest sum of money by mayor to be found in the law book, namely, $5. Even the citizens of that city have protested. No! There was no pardon for Joseph Kobylak. I went to jail, transferred to the Jefferson County jail at Steubenville, Ohio. There I asked through attorney at law for a new trial. The result was, 'No.'

"In a very short time the Glen Run Coal Co. was compelled by the Rush Run miners to deliver powder, according to the mining law, into the mine. The company got mad and raised the price on powder. The miners refused to buy and went on strike August 29, 1913. Big meeting was called September 5, 1913, by the officers of the United Mine Workers of America. The coal company then reduced the price. The miners won the strike, and I was after the meeting again arrested, placed in hand chains, thrown into jail, and later released on $500 bond charged with attempt to rape. Grand jury dismissed the case. I responded and sued the party for injuring my character. At the last moment the party came to my home and plead guilty—told me that he was a victim of one of the private guards of the United States Coal Co. Asked me not to destroy his home and to forgive him, which I did, and the following statement is the result."

I have the statement signed by him and witnesses, which settled that case at that time, because he was poor fellow.

Chairman WALSH. That was the case you brought against him?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What did you sue him for?

Mr. KOBYLAK. $2,500. [Reading:]

"I, James Kolar, hereby admit that on or about the 10th day of August, 1913, and in the month of August, A. D. 1913, at Bradley and Dillonvale, in the county of Jefferson and State of Ohio, I made certain defamatory statements of and concerning the moral character of Joseph Keylask; said statements being contained in the petition of Joseph Kobylak for damages filed in the court of common pleas of Jefferson County;

"Now therefore let it be known that I, James Kolar, hereby retract, withdraw, disavow, and recall said defamatory statements and admit that the same were erroneous and untrue, and that I was persuaded and induced to make said remarks and statements by one Thomas Pyle, a private guard in the employ of the United States Coal Co., at Plum Run, Jefferson County, Ohio.

"In addition to this retraction, I have agreed to pay all the costs in the action commenced against me for damages by Joseph Kobylak, including his attorney's fees, the witnesses, and his individual expenses.

"I make this statement in justice to Joseph Kobylak and for the purpose of righting the wrong I have done him.

"JAMES KOLAR.

"Signed in presence of:
"JAMES PITNY.
"BLANCHE ROSE."

"Then came the year 1914. The contract between the miners and the coal operators expired March 31, 1914. We, the miners, were willing to work until May 20; that day the Green law 'run of mine' took effect. The Ohio coal operators refused to let us work to that date and run the miners out, and shut them down April 1, 1914. Locked out over 40,000 miners. Ignored the new law 'run of mine,' and the fight began. About three months later the operators in the Hocking Valley district and the Cambridge district agreed to abide by the law of State, contract being signed with the miners July last, under which 27,000 miners returned to work.

"The eastern Ohio mine owners began then troubling the peaceful strikers. Through their agents and gunmen they have used all kinds of tricks to break up the ranks of the strikers; begin with open shop, hired nonunion men, evicting the miners' families out of their homes, etc. When Mr. Joe Ettor was invited by 16 local unions to speak to them on the labor question in general last June the coal operators thought that would be a nice chance to make trouble, and then to get the State militia, and then breaking the strike if possible. I honor Gov. Cox for his wise act in keeping the militia home. The company's provokers were on the job with their press, but failed. So the company provokers began to think of other plans, especially the agents and guards of the United States Coal Co. got busy; organized trouble at Bradley, which took place in July. Immediately Mr. Willard, manager of the company, telephoned to the Jefferson County Sheriff and ordered him to go to Bradley and fix up the strikers that Mr. Willard didn't like, and that he, Mr. Willard, would pay the bill (last words I took of testimony given by sheriff in court). Sheriff fulfilled the orders and sent automobile after automobile with deputy sheriffs to Bradley; had security to pay them $5 per day. Wholesale arrests began, the deputy sheriffs acting brutal, walking among the strikers' women, threatening them, laughed at them, saying, 'Are you hungry?' and using profane language; 'We will feed you with this kind of bread,' showing them, the women, gun, bullets, and throwing the bullets from one hand to another.

"I was arrested at Dillonvale July 20, 1914, without warrant again. I demanded it, but I got rough answer back. Drove me to the county seat. There I found out that I was charged with 'treason'; placed me in the county jail at Steubenville and kept me there 43 days under $10,000 bond. I don't know what to say now. I guess the authorities did this for fun. The United States Coal Co. have so demanded and the authorities serve the bosses well. It looks to me so."

Chairman WALSH. Who filed the information against you, charging you with high treason?

Mr. KOBYLAK. One was by the deputy sheriff, and demanded by the United States Coal Co.

Chairman WALSH. What was the specification of treason; what did they say in the information that you did; that you levied war?

Mr. KOBYLAK. I have a copy of the warrants, if the gentlemen will so kindly read them.

Chairman WALSH (reading):

"THE STATE OF OHIO,
"County of Jefferson, ss:

"Before me, Henry F. Lawler, a justice of the peace in and for the said county, personally came Edward D. Lucas, who, being duly sworn according to law, deposeth and saith that on or about the 16th day of July, A. D. 1914, in the county of Jefferson aforesaid, one Joseph Kobylak unlawfully, willfully, and maliciously did unlawfully levy war against this State, and knowingly adhere to the enemies of this State, giving them aid and comfort, in violation of section 12392 of the Revised Statutes of Ohio.

"EDWARD D. LUCAS."

These are copies?

Mr. KOBYLAK. Yes.

Chairman WALSH. Was there any information filed against individuals at that time charging them with treason?

Mr. KOBYLAK. No.

Chairman WALSH. Was there any such information filed in the State, to your knowledge? I thought I heard there was some kind of information filed against Joseph Ettor?

Mr. KOBYLAK. Yes; later on.

Chairman WALSH. In the same jurisdiction?

Mr. KOBYLAK. Yes; but in another county. This happened in Jefferson County, and the same charge was made against Ettor in another county.

Chairman WALSH. Were you arraigned on this charge of treason?

Mr. KOBYLAK. Yes; they brought me before a justice of the peace.

Chairman WALSH. And the justice of the peace fixed your bail?

Mr. KOBYLAK. Yes; at $10,000.

Chairman WALSH. Did you endeavor to get bail?

Mr. KOBYLAK. I was not in position at that time to get $10,000.

Chairman WALSH. How long did you remain in jail?

Mr. KOBYLAK. Forty-three days.

Chairman WALSH. How did you finally get out?

Mr. KOBYLAK. I had my wife and five children, and they were eight months on strike, and they had nothing at home to eat; and the citizens of the city began to find out what was going on, and they simply found it out—that it was only fixed up in the name of the company—so they reduced the bond from $10,000 to $2,500, and I was released.

Chairman WALSH. Did some one go on your bond?

Mr. KOBYLAK. Yes; farmers went on my bond.

Chairman WALSH. Who was Mr. Lucas, who files this information?

Mr. KOBYLAK. Deputy sheriff of Jefferson County.

Chairman WALSH. I see here is another information that looks like it might be an amended information that Commissioner Weinstock called my attention to, dated July 20, 1914.

Mr. KOBYLAK. That is the date it happened.

Chairman WALSH. It says:

THE STATE OF OHIO, *County of Jefferson, ss:*

Before me, Henry F. Lawler, a justice of the peace in and for the said county, personally came ——— ———, who, being duly sworn according to law, deposeth and saith that on or about the ——— day of ———, A. D. 191—, in the county of Jefferson aforesaid, one ——— ———, unlawfully, willfully, and maliciously having knowledge that certain persons about to commit treason, unlawfully and willfully omitted and refused to give information thereof to the governor of this State, a judge of this State, or the President of the United States, in violation of section 12393 of the Revised Statutes of Ohio.

EDWARD D. LUCAS.

Sworn to and subscribed before me, in the county aforesaid, this 20th day of July, A. D. 1914.

HENRY F. LAWLER,
Justice of the Peace.

I see that is a different section; were two charges presented against you?

Mr. KOBYLAK. Yes.

Chairman WALSH. Did you have information of any person who was going to commit treason?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Or who was going to levy war against the State?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Did you levy war against the State yourself?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Now, when your bond was fixed at $2,500 you say you were released on bail?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Did you ever go back for trial?

Mr. KOBYLAK. I demanded hearing, and it was granted to me by the probate judge, and when the time arrived I had 11 witnesses, and the prosecuting attorney protested against it, and the probate judge accepted his protest and postponed the hearing, and then the grand jury, when they were in session, refused to indict me and postponed it to the next grand jury, and then the next grand jury met, and so they dismissed the case.

Chairman WALSH. You were still under bond all that time?

Mr. KOBYLAK. Yes; still under bond.

Chairman WALSH. How long a time elapsed between the discharge of the first grand jury and the convening of the second grand jury?

Mr. KOBYLAK. About a month.

Chairman WALSH. When you were discharged, did you come into open court?

Mr. KOBYLAK. No, sir.

Chairman WALSH. How did you get information you could go about your way?

Mr. KOBYLAK. I got a telephone from my attorney—from my lawyer.

Chairman WALSH. What year did you come to this country?

Mr. KOBYLAK. 1908.

Commissioner GARRETSON. The allegation of that John Doe information is for acts committed in 1901?

Chairman WALSH. No; this is meant for 1914; the numeral is not carried out. Go ahead, Mr. Kobylak.

Mr. KOBYLAK (reading):

"They keep on arresting and rearresting me under all kinds of charges. Yet I didn't have no trial, even a heading, this time in Jefferson County seat.

"The trouble with me was that I was active among the strikers not to give up and help strengthen the solidarity of the strikers, to compel the mine owners, the violators of the Ohio law, to respect the State law, namely, 'run of mine.' The coal barons struck against the 'run of mine' State law, starving thousands of miners and their families. They were not charged with 'treason'; they were not enemies to the State. Oh, no; they were safe. But myself, on the other hand, I commit the awful crime of 'treason," because I am a union man, believer in one industrial union of all the workers. I think I have that right. The capitalists are members of their union; the company are believers in trusts, which they already practice. I believe to defend ourselves when we are faced with threats of brute force, like our brothers were at Colorado, Michigan, and other places.

"I am married in this country, I have now six little children, and am a citizen of the United States. I have no show in the courts of justice at all. I was not prosecuted, but persecuted, by the authorities whenever the bosses have asked it.

"My opinion and conclusions regarding the law and its enforcement in connection with industrial matters generally I have not very much to say. However, I do welcome laws which give protection to the working class.

"I come to the conclusion that the pathway for a better, higher, and nobler life of all lays up to the workers themselves. We, the workers, need education—free press, free speech, and free assemblage is most necessary for our progress and to new life. Keep the stoppers off free press, speech, and assemblage away, together with all kinds of guards from labor meetings, and we will have peace soon."

If the gentlemen will allow me to read a report of Senator Green regarding this United States Coal Co. in open convention——

Chairman WALSH (interrupting). The report of whom?

Mr. KOBYLAK. Of Senator Green; he was president of the Ohio miners five or six years ago, but he is now State senator. [Reads:]

"Senator GREEN. With the permission of the convention I would like to make a few remarks. I may be able to throw a little light on this proposition now pending if there are no objections.

"When I was president of the district organization Brother Joe Kobylak was elected checkweighman at Plum Run, and when he was elected checkweigman the United States Coal Co. refused to allow him to go on the tipple. As a result of that I ordered a strike at the mine, and had a conference with Mr. Willard and the mine committee at Plum Run. At that conference a settlement was reached and we compelled the United States Coal Co. to allow Brother Kobylak to go on the tipple.

"It seems that ever since that time the United States Coal Co. has kept up their opposition to Brother Kobylak acting as checkweighman for the miners at Plum Run."

I have also a letter here, there was a different kind of business, and this boy is clerk of Berry County, Ohio, and this letter is from Shawnee, Ohio, and is as follows [reads]:

"I have made more money than I would make up there, and I did not have to steal to make it, neither. How is the new weighmaster cutting it? Is he honest or not?"

Then he went on with personal matters [reads]:

"Joe, you watch yourself and be on the guard, as they will try to get you, as I told you when I was there; you are too honest for them," and so forth.

This is the letter from the man when the weighmaster asked him to steal the coal that resigned and quit and said he would not steal, and went back home and wrote me this letter, warning me to be on my guard.

Commissioner LENNON. Are you working now, Mr. Kobylak?

Mr. KOBYLAK. No, sir. We were over 13 months on strike.

Commissioner LENNON. The strike was settled a few days ago?

Mr. KOBYLAK. Last Saturday night.

Chairman WALSH. Did you at any time own your own home, Mr. Kobylak?

Mr. KOBYLAK. Yes, sir; I owned two homes; and when I got married my wife had three cows and was selling milk, and she put up a home, and I was working in the mine on the machine and I had a home.

Chairman WALSH. Did you have them paid for?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What was the value of them?

Mr. KOBYLAK. $2,500.

Chairman WALSH. Both of them?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Did you save any money as a miner aside from this?

Mr. KOBYLAK. Yes, sir; when we start, you know, and I was working on the machine.

Chairman WALSH. What salary did you receive as checkweighman?

Mr. KOBYLAK. $3.44 a day.

Chairman WALSH. Did you retain your property through all this trouble?

Mr. KOBYLAK. No, sir; when they began to persecute me so I had to sell the cows and everything, and then the home, now I have to lose home, it belongs to the lawyer that loaned me money in my troubles. They have taken my home, but they have published I am the property destroyer, and the fact remains that they have destroyed my property.

Chairman WALSH. How much have you had to pay attorneys for defending you in your various cases?

Mr. KOBYLAK. Pretty near $200, between $150 and $200.

Chairman WALSH. How much money do you receive as treasurer of your organization?

Mr. KOBYLAK. I have received $6 when I was working and when idle I received nothing.

Chairman WALSH. Six dollars per month?

Mr. KOBYLAK. For treasurer, and $6 for financial secretary.

Chairman WALSH. Now, did the company take the same attitude toward any other checkweighman as they did against you?

Mr. KOBYLAK. No, sir; not in that section; no, sir.

Chairman WALSH. Now, what is your theory of this record you gave as the record of a great many series of troubles, and from your standpoint a very vindictive pursuit of you personally? What is your idea as to what caused that? What was there about you or your actions that would incite that animosity?

Mr. KOBYLAK. Gentlemen, I would say, not knowing any better, of course, there is a lot of foreigners, and I was the best spokesman in the English language, and they appointed me as mine committee to interpret matters, and they told me to be straight, and I was straight, and when they asked me to do something like maybe this kind I objected.

Chairman WALSH. Who told you to be straight?

Mr. KOBYLAK. The officers, to be straight; and I was working straight and demanding the rights under the law and the contract, and they worked against me.

Chairman WALSH. The officers of what?

Mr. KOBYLAK. Of the local union.

Chairman WALSH. You speak more languages than the average foreigner?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And you were the medium that they used to present their grievances to their employers?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, was there anyone else there in that district similarly situated that spoke the same number of languages that you did and took the same course that you did, approximately, or about the same course that you did? Do you understand what I mean?

Mr. KOBYLAK. Yes, sir; I do. No; I don't know that there was any other man.

Chairman WALSH. You are the only one that spoke that number of languages and were fit to do that work?

Mr. KOBYLAK. Of course, there was in the other district or other counties, there might be, but in that particular place there was nobody but myself.

Chairman WALSH. I was going to ask you another thing: Now, you called the attention of many persons to this record that had been made against you, or that you claimed was made against you?

Mr. KOBYLAK. What do you mean?

Chairman WALSH. You called attention to the troubles that you had and had somebody communicate with this commission some time ago and asked to be here?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Some months ago, many months ago?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, after a considerable lapse of time a subpœna was served on you to appear before this commission?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, did the newspapers publish anything in regard to your being summoned to appear?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Have you the newspaper clipping?

Mr. KOBYLAK. Yes, sir. I have one.

Chairman WALSH. Read that to the record, if it is the one I think it is.

Mr. KOBYLAK (reading):

"Kobylak May Be Deported—Rush Run Miner May Face Charge of Treason at Washington—Accused of Being Follower of Ettor in Strike Zone.

"It is entirely probable that Joseph Kobylak, Rush Run (Ohio) miner, will be haled before the officials of the Department of Labor and the immigration officials in Washington, D. C., in the next few weeks to face a charge of deportation from the country on a charge of treason.

"Kobylak is accused of being one of the followers of Joseph J. Ettor, famous labor leader of the Industrial Workers of the World, who visited Belmont County and the strike zone last fall. He was one of the men indicted by the Jefferson County grand jury"——

Chairman WALSH. Indicted by the grand jury?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Were you indicted?

Mr. KOBYLAK. I was not; Ettor was.

Chairman WALSH. Ettor was indicted?

Mr. KOBYLAK. Yes, sir. [Continues reading article:] "For being implicated in the riot at Bradley when the I. W. W. movement was at its height, but the case never came to trial.

"It is said that Government officials have taken up the matter and will summon Kobylak before them for an investigation. It is uncertain whether or not Kobylak is a naturalized citizen, but as he has six or seven children born in this country his friends claim that he has an excellent chance of being cleared."

Chairman WALSH. Have you your citizenship papers?

Mr. KOBYLAK. Yes.

Chairman WALSH. Have you final papers?

Mr. KOBYLAK. Yes.

Chairman WALSH. Has ever any question been raised about your citizenship?

Mr. KOBYLAK. No, sir.

Chairman WALSH. What became of the charge of treason that was lodged against Mr. Ettor?

Mr. KOBYLAK. They have charged him with treason, and they asked him if he will leave the county—Belmont County. They will dismiss the case.

Chairman WALSH. They would dismiss the charge of high treason if he would leave the county?

Mr. KOBYLAK. Yes.

Chairman WALSH. And did he leave the county?

Mr. KOBYLAK. Yes.

Chairman WALSH. And then they did not prosecute him any further?

Mr. KOBYLAK. No; let him loose immediately.

Commissioner LENNON. Is the I. W. W. an industrial movement, or is it a political movement?

Mr. KOBYLAK. It is an industrial movement.

Chairman WALSH. Now, was there something else you had there?

Mr. KOBYLAK. Yes. This is a letter, I think—it is one of the causes they got against me [reading]:

RHODESDALE, OHIO, *October 3, 1912.*

CHIEF INSPECTOR OF MINES, *Columbus, Ohio.*

DEAR SIR: Some of the miners working for the Glen Run Coal Co., Cleveland, Ohio, in the Edgar mines, Nos. 1 and 2, located 2 miles east of Dillonvale, Ohio, Jefferson County, report to me about tipple of said mine that said tipple there is absolutely rotten, dangerous for the miners to work there on said old, rotten tipple. They further reported that in quitting time come on said tipple about 200 miners to see their weight on the checkweighman sheet. Some of the practical miners working there claim that if nobody will take care of said old rotten tipple and the work will go on continuously some these days will break down and kill and injure lot of the miners. Kindly give careful consideration to this short report and investigate before will be too late.

Yours, very truly,

JOS. KOBYLAK, *Secretary.*

Chairman WALSH. To whom was that letter sent, Mr. Kobylak?

Mr. KOBYLAK. To the chief mine inspector of the State of Ohio.

This is the reply [reading]:

STATE OF OHIO, STATE MINING DEPARTMENT,
Columbus, Ohio, October 5, 1912.

Mr. JOSEPH KOBYLAK,
Secretary L. U. No. 2735, Rhodesdale, Ohio.

DEAR SIR: We have your letter of 3d instant this morning in regard to condition of tipple at Nos. 1 and 2, Edgar mine of the Glen Run Coal Co., near Dillonvale, in Jefferson County, Ohio.

I expect to be in your vicinity week after next and will make a personal inspection of said tipple sometime after the 14th of this month, as I have engagements every day up to that time.

Hoping this will be satisfactory, I remain,

Very truly, yours,

J. C. DAVIS,
Chief Inspector of Mines.

Chairman WALSH. Did he make an inspection of the tipple?

Mr. KOBYLAK. They did later on, because I have seen them making reparation there.

Chairman WALSH. Did they repair the condition and put it in proper shape?

Mr. KOBYLAK. Not exactly.

Chairman WALSH. What did they do about it?

Mr. KOBYLAK. They went up and make it better, you know.

Chairman WALSH. Did the State make an inspection?

Mr. KOBYLAK. Made an inspection and forced the company, you know, to fix up the tipple.

Commissioner LENNON. Did you file that kind of complaints—is that the only one you ever filed or did you file other ones?

Mr. KOBYLAK. Oh, I have filed lots of them—plenty of them.

Commissioner LENNON. Then, probably that may be the reason why the coal company did not like you around there?

Mr. KOBYLAK. It looked to me so, you know.

Chairman WALSH. Mr. Weinstock says he has some questions he would like to ask you.

Commissioner LENNON. Just one question, if you will pardon me.

Commissioner WEINSTOCK. Yes.

Commissioner LENNON. Is Secretary Greene familiar with this story pretty well all through?

Mr. KOBYLAK. Mr. Greene, he is partially; yes.

Commissioner LENNON. That is all.

Commissioner WEINSTOCK. You said, Mr. Kobylak, that the officers of your union told you to be honest?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. As a checkweighman?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And that you were honest as a checkweighman?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. And you believe that the fact that you were honest as a checkweighman is one of the reasons, if not the principal reason, why the company treated you as it did?
Mr. KOBYLAK. Yes.
Commissioner WEINSTOCK. Is that right?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. How many checkweighmen were there in that territory?
Mr. KOBYLAK. A checkweighman on each mine.
Commissioner WEINSTOCK. How many miners in the district?
Mr. KOBYLAK. Oh, over 15,000 miners, and about 60 or 70 camps.
Commissioner WEINSTOCK. And each camp had its own checkweighman?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. Elected by the men?
Mr. KOBYLAK. Yes.
Commissioner WEINSTOCK. To represent them and see that they got a square deal?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. Now, in reply to a question put to you by Commissioner Walsh as to whether the company had treated all the other checkweighmen as they did you, you answered that they had not; that you were the only one that had been treated that way?
Mr. KOBYLAK. Yes; in that section.
Commissioner WEINSTOCK. Well, then, were these other checkweighmen, so far as you know, honest?
Mr. KOBYLAK. Well, I don't know about that, you know.
Commissioner WEINSTOCK. Have you any reason to believe that they were dishonest?
Mr. KOBYLAK. I know a few that they simply have to respect the company, you know.
Commissioner WEINSTOCK. How do you mean—respect the company?
Mr. KOBYLAK. Well, when the coal is run over the screen and went in the pan, it is weighed, but if it is not weighed and is run direct in the railroad car and you don't say nothing, you know, then they like it; but when there was a coal car not weighed, I say, "Boys, we got to get the rest of the coal in the pan, so we can weigh it."
Commissioner WEINSTOCK. Well, are we to understand that some of the checkweighmen were not square to their own fellow workers?
Mr. KOBYLAK. I will say not—some of them.
Commissioner WEINSTOCK. Well, would the men stand for that if they knew the man they elected to watch out for their interests was not square with them?
Mr. KOBYLAK. If they were organized well, they would remove him.
Commissioner WEINSTOCK. And if he is allowed to remain at his job, it is fair to assume that they believe he is acting squarely for them? Well, now, if there are 60 or 70 mines there, and each of the mines has its checkweighman and these checkweighmen have held their jobs for some considerable time, it would indicate that the men believed them to be honest?
Mr. KOBYLAK. Oh, yes; and some of them are honest, you know.
Commissioner WEINSTOCK. All right. Now, if the companies do not persecute them as you say they have persecuted you, the fact of your being honest and watching out for the interests of the men can not be the reason of that persecution, can it? If that were true and were the reasons, they would be persecuting all these other men who were honest as well as persecuting you?
Mr. KOBYLAK. Yes; but consider that I had work to do with all the foreigners on my hands, you know; all kinds of nationalities.
Commissioner WEINSTOCK. Haven't the other checkweighman foreigners?
Mr. KOBYLAK. No, sir; mostly Americans and talk one language.
Commissioner WEINSTOCK. Was yours the only company that employed foreigners?
Mr. KOBYLAK. Oh, no; the foreigners was there, but the checkweighman was not in a position to speak so many different languages as I did, and the foreigners they naturally came to me and asked me to be their interpreter to carry grievances to the company.
Commissioner WEINSTOCK. Were you acquainted with some of those other checkweighmen?
Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Well, those that you knew, were they Americans or foreigners?

Mr. KOBYLAK. Some were Americans and some were foreigners.

Commissioner WEINSTOCK. And what proportion of them, so far as you know, were Americans and what proportion were foreigners?

Mr. KOBYLAK. I might say about half and half.

Commissioner WEINSTOCK. And I suppose they had foreigners in every mine, didn't they?

Mr. KOBYLAK. Yes, sir; nearly every mine. Comparatively few Americans. Well, 20 or 30 or maybe 50 Americans, and the rest foreigners.

Commissioner WEINSTOCK. Well, if it is true, the fact that you have stated, the fact that you said you were being honest and watching out for the welfare of the workers, as you said, instead of that being the cause of their treating you as they did, what was the cause? What had you done to antagonize them? Do you know what I mean by "antagonize"?

Mr. KOBYLAK. Well, the best way I can explain to you from my standpoint is that I insisted upon when they have signed a contract to respect it—to respect the contract.

Commissioner WEINSTOCK. That is, the men insisted upon it?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And it was your duty to see that the contract was lived up to?

Mr. KOBYLAK. Certainly; as the mine committee it was my duty to do so.

Commissioner WEINSTOCK. In other words, whenever you found the company breaking a contract, it was your place to call attention to it and insist upon its being carried out?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And wasn't that the duty of every checkweighman?

Mr. KOBYLAK. That was the duty of every checkweighman.

Commissioner WEINSTOCK. Then if there were checkweighmen did as you did, they would be an antagonistic against those—against all these others as against you?

Mr. KOBYLAK. Yes; every checkweighman who made an attempt they have removed him.

Commissioner WEINSTOCK. I understand you to say, Mr. Kobylak, that you are an I. W. W.?

Mr. KOBYLAK. If it is the understanding that the I. W. W. is the Industrial Workers of the World, yes, sir.

Commissioner WEINSTOCK. Now, are the other checkweighmen also members of the I. W. W.?

Mr. KOBYLAK. A few.

Commissioner WEINSTOCK. Were they treated as you were treated?

Mr. KOBYLAK. No, sir.

Commissioner WEINSTOCK. Then the fact of your being an I. W. W. was not the reason, because if that were the reason they would have treated all I. W. W.'s as they treated you. Therefore, there must be some other reason.

Mr. KOBYLAK. Yes; but the company began the persecution before I became an Industrial Worker of the World. You see I joined that organization in 1912, and I had some cases on hand before that time.

Commissioner WEINSTOCK. What proportion of the workers in your mine were members of the I. W. W.? How many miners employed in the mine you were working in? How many employed altogether?

Mr. KOBYLAK. Oh, in that Plum Run mine, 450; and in the mine where I am working now, 300 or 350.

Commissioner WEINSTOCK. Then out of that number, how many are members of the I. W. W.?

Mr. KOBYLAK. Only a few—10 or 15.

Commissioner WEINSTOCK. Well, were you one of the organizers of the I. W. W.?

Mr. KOBYLAK. No.

Commissioner WEINSTOCK. You were not. Did you preach or make speeches in favor of I. W. W.'ism?

Mr. KOBYLAK. I made talks on the streets—not speeches; but I have made talks on industrial unionism.

Commissioner WEINSTOCK. I see. Now, what doctrines did you preach to the men when you talked to them about I. W. W.'ism? What did you say to them about it?

Mr. KOBYLAK. Naturally, I told them the only way is for the workers to be organized on the industrial field and not be divided into locals and districts, and so on; but to have one great union.

Commissioner WEINSTOCK. Did you preach sabotage?

Mr. KOBYLAK. Sabotage?

Commissioner WEINSTOCK. Yes. You know what I mean by sabotage.

Mr. KOBYLAK. I know what it means.

Commissioner WEINSTOCK. Injuring the machinery of your employer when there is any trouble?

Mr. KOBYLAK. By sabotage I understand if the boss paid badly, you know——

Commissioner WEINSTOCK. Yes.

Mr. KOBYLAK (continuing). To not work so much. That is my understanding of sabotage.

Commissioner WEINSTOCK. No; the real meaning of sabotage is to put sand in the machinery and to cripple the machinery in any way they can and to injure the employer and destroy as much of the product as they can and to destroy his profits wherever they can. That is the full meaning of sabotage, as I understand, as interpreted by the authorities.

Mr. KOBYLAK. Well, by sabotage, I mean if the boss refused to grant a living wage to the workers that he shall return bad work, you know.

Commissioner WEINSTOCK. You have been familiar——

Mr. KOBYLAK (continuing). To injure his outcome, so as to compel him to——

Chairman WALSH. Finish; you were going to say something.

Commissioner WEINSTOCK. Did I cut you short?

Mr. KOBYLAK. No; proceed.

Commissioner WEINSTOCK. Now, had you advocated that among the men? Had you told them it was their duty, if they did not get fair wages, to practice sabotage against the employers?

Mr. KOBYLAK. I did not have that chance.

Commissioner WEINSTOCK. You did not have that chance?

Mr. KOBYLAK. No.

Commissioner WEINSTOCK. Why not?

Mr. KOBYLAK. If we go among the men and tell them use sabotage they are liable to take poison and throw in the water. It is impossible, you know——

Commissioner WEINSTOCK (interrupting). I don't quite understand you. You say you did not have the opportunity. If you talked to them you certainly had plenty of chance to say anything you wanted to say.

Mr. KOBYLAK. Yes; but not in that position in public meeting, I was not in a position to say sabotage when I was not in a position to back up that statement. If somebody ask me a question and I will be taken, I could not get that far to preach sabotage.

Commissioner WEINSTOCK. Well, when was sabotage preached to the men, and by whom?

Mr. KOBYLAK. Well, I——

Commissioner WEINSTOCK (interrupting). You say sabotage is part of the propaganda of the I. W. W.'s?

Mr. KOBYLAK. Yes; it is one.

Commissioner WEINSTOCK. The I. W. W.'s believe it is right and believe it ought to be done?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And they think they ought not to be punished for it?

Mr. KOBYLAK. Well——

Commissioner WEINSTOCK. Well, if they believe that with a clear conscience, you could preach that to them?

Mr. KOBYLAK. Well, yes; I take the positon, if the I. W. W. can go around the country and organize the men, I will not be afraid to tell them, "If you workers, if your bosses treat you bad and threaten you and punish you, simply don't work so much, so you hurt them on the pocketbook." Naturally I think sabotage is used by capital as well in injuring the great numbers of people, and why should the worker not use the sabotage when they are injured if——

Commissioner WEINSTOCK (interrupting). Well, would you, Mr. Kobylak, as an I. W. W., in preaching sabotage to your fellow workers, would you simply stop at saying to go slow on your work, or would you not go further and preach real sabotage? You know that going slow is not real sabotage? That is simply called soldiering, slowing up. That is a very different thing from sabotage. That is, I may go slow, and yet not practice sabotage. I only

practice sabotage when I injure either the product of my employer or his machinery. Now, are we to understand that you would stop at simply saying to the boys, "Go slow," or that you would preach sabotage as the I. W. W. teaches you to preach sabotage?

Mr. KOBYLAK. I wish to make it plain, you know; but I am not in position, as my feeling is to explain to you, but am short of the English language, is the cause that I can not explain so you can understand, as I believe it.

Commissioner WEINSTOCK. Take your own time and explain it in your own way. I think you can make yourself understood.

Mr. KOBYLAK. Well, gentlemen, I rather, if you desire to put this question, that a higher officer tell you what sabotage is, not a little worker. I ask you to exonerate me from this question.

Commissioner WEINSTOCK. You were selected by your fellow workers as their representative, and they must have had confidence in your intelligence and your ability to present their case; and, surely, you ought to be able to explain to us what you said to your workers when you talked I. W. W.'ism to them?

Mr. KOBYLAK. Yes; the I. W. W. meaning is the one industrial union; but it does not say use sabotage in all cases, you know.

Commissioner WEINSTOCK. You had strikes, of course, and were in strikes?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And talked to the men during the strikes, did you not?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And you were present when an agreement was finally entered into, and the men went back to work?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And was the agreement satisfactory to the men, or did they simply have to accept what the employers offered because they were hungry and could not help themselves?

Mr. KOBYLAK. Most instances they have to accept.

Commissioner WEINSTOCK. And were not satisfied with the conditions, but accepted them because they either had to accept or go hungry?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. Isn't that the time for the practice of sabotage?

Mr. KOBYLAK. I know; but listen, gentlemen, I am not in a position to explain to you sabotage, because that was not practiced around there where I came from.

Commissioner WEINSTOCK. What I want to get at, Mr. Kobylak, I want to find out, if possible, one of the real causes of the employers treating you as they did treat you, you say—evidently it could not have been because you were honest, because if that were the reason, they would have treated every other checkweighman as they treated you—those that were honest; it could not have been because you were an I. W. W., pure and simple, because others were I. W. W.'s, who were not treated as they treated you. Therefore there must have been some other reason, and that is what I am trying to get at, if I can, the reason they did that. Perhaps it was because you had preached sabotage to your fellows—that that may have been the reason. What is your judgment about it?

Mr. KOBYLAK. So far as sabotage is concerned, in our district it was not necessary, because we have plenty to do with our contract, to require the company to respect the contract; it was not necessary to use sabotage.

Commissioner WEINSTOCK. But isn't it a fact, Mr. Kobylak, that the I. W. W.'s—that part of their creed is that the worker, no matter how he may sign a contract, is not expected by his union to respect the contract; that if he signs a contract as an I. W. W. he can break it to-morrow; that he has the right to break it to-morrow; that the contract is not to be respected if it stands in the way of the I. W. W.'s getting the result that they have in mind; isn't that so?

Mr. KOBYLAK. Well, the I. W. W., where we are really, is organized as a propaganda. It is not a business local, but organized a local to educate the workers in the field; and we never had any occasion in the case, because we were working under the system of the United Mine Workers of America, and there is plenty of time to teach the workers and let them know what the meaning of the contract is and get the "goods" from the company what they have already granted and consented to them. It is no use to go and tell them to go and use sabotage when they don't know to protect their own rights.

Commissioner WEINSTOCK. I was not speaking of sabotage at this moment, I was speaking about the position taken by the I. W. W.'s, that it is perfectly legitimate for them to break a contract whenever it is to their interest to do so. Now, is that so or not so?

Mr. KOBYLAK. To break a contract?

Commissioner WEINSTOCK. Yes.

Mr. KOBYLAK. If they will be compelled to break the contract; yes.

Commissioner WEINSTOCK. No; that they have the right to break a contract.

Mr. KOBYLAK. Well, the same right the boss has to break the contract. They did break it several times—lots of times.

Commissioner WEINSTOCK. Well, that may be, but if they break it, they break faith, and they could be held liable for it; but, as I understand, the I. W. W.'ism—and I have been so situated that I have had occasion to study that problem of I. W. W.'ism, and I have investigated I. W. W. strikes and riots, and read their literature and letters from representatives of I. W. W.'s, and as I understand it, unless you can show to the contrary, one of the things that the I. W. W.'s believe in is the right to sign a contract to-day and break it to-morrow. I simply want to find out whether you understand it that way also, as an I. W. W. You have been an I. W. W., now, how long?

Mr. KOBYLAK. I joined the Industrial Workers of the World since July 6, 1912.

Commissioner WEINSTOCK. Then you have been an I. W. W. for nearly three years, haven't you?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And you have talked I. W. W.'ism to your fellow workers, haven't you?

Mr. KOBYLAK. Not so much.

Commissioner WEINSTOCK. You certainly have read the literature, haven't you?

Mr. KOBYLAK. Yes; some of it.

Commissioner WEINSTOCK. And posted yourself on it, otherwise you wouldn't join them?

Mr. KOBYLAK. No; I think not.

Commissioner WEINSTOCK. And you are a pretty intelligent chap, so I take it whatever you do you do as a result of your intelligence?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. So you ought to be fairly familiar with the doctrines of I. W. W.'ism.

Mr. KOBYLAK. Well, one reason I joined the Industrial Workers of the World was because I would like to have an industrial form of organization, and it don't exist except this Industrial Workers of the World. That is why I have joined in the ranks of the Industrial Workers of the World.

Commissioner WEINSTOCK. Yes; I am not taking issue with why you joined it. You had a perfect right to do it, but I am asking you the question as an intelligent member of the I. W. W., and as a member, I assume, who has studied the literature and knows the purposes and the principles of it—at least, I am simply asking you if it is not a fact that the organization consisting of the I. W. W., or the Industrial Workers of the World, considers it perfectly right on their part to break a contract for any reason or for no reason whenever it suits their purpose to withdraw from it?

Mr. KOBYLAK. That is correct; they do not believe in contract.

Commissioner WEINSTOCK. Exactly. That is all.

Commissioner LENNON. Did you ever advise the miners in your district to break contracts?

Mr. KOBYLAK. I did not.

Commissioner LENNON. You never advised them to break any contracts?

Mr. KOBYLAK. No, sir.

Commissioner LENNON. Did these other checkweighmen in the other mines, did they take up with the bosses the same as you did, the settlement of these times when the contracts were broken? Did they meet with the bosses; did you meet with the bosses in the different mines?

Mr. KOBYLAK. The mine committee met the bosses.

Commissioner LENNON. And you were one of the mine committee?

Mr. KOBYLAK. Yes, sir.

Commissioner LENNON. Were all of the checkweighmen members of the mine committee?

Mr. KOBYLAK. Not the checkweighmen.

Commissioner LENNON. But you were a checkweighman and you were a member of the mine committee?

Mr. KOBYLAK. I was a member of the mine committee before I was elected checkweighman.

Commissioner LENNON. This matter of the checkweighmen breaking contracts is something that the miners' organization has taken special pains to prevent by their unions, is it not? The mine workers are reputed not to be in the habit of breaking contracts; isn't that so?

Mr. KOBYLAK. Their intention is not to break contracts; no.

Commissioner LENNON. You were asked some questions about the honesty of checkweighmen, and whether you got into trouble because of your honesty. Every time you saw a few pounds of coal running away that was not weighed, and called attention to it and stopped the process, do you suppose that had anything to do with making the mine owners mad at you?

Mr. KOBYLAK. That was the main cause, I think—that they could not transact their business as they liked to.

Commissioner O'CONNELL. Let us see if we can not get at this cause a little more definite, Mr. Kobylak. You were the one at the tipple who was supposed to watch out and see that the contracts were lived up to?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. And when you discovered that the contracts were not being lived up to, you complained to the boss that there was a violation?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And you also filed with the mining department at Columbus, the capital of the State of Ohio, complaints that the property was in a dangerous condition and liable to injure life and limb?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. And you were looked upon by the men—expected by the men to look around and see if the property was safe, in their behalf?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. They looked to you to be a sort of one to watch and see that everything was sort of safe around the place?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And then you would report it to the proper officer, or proper State official?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And by that activity in discovering the possibility of accidents occurring and the violations of contract, it is not possible that the officials of the company took a dislike to you because of your activities in watching after the interests of the men, and reporting to the officials of the State that the property was in a dangerous condition, and of appearing before the officials of the company quite frequently and complaining that agreements were not being lived up to, and violations were taking place quite frequently, and by that means you brought yourself into a sort of disrepute with the officials of the company, who considered you too active in the interests of the men; and was not that the principal cause of why they persecuted you?

Mr. KOBYLAK. I considered that the cause, because they went so strong after me.

Commissioner O'CONNELL. You were, from what I take it, intensely active in seeing that the interests of the men were taken care of, by protecting and guarding them and watching that their contracts were lived up to, and probably the company thought you were going beyond what you ought to and was seeing things that did not exist, and it was because of friction you might cause, and that you might excite the men in thinking they were not being treated fairly and honestly, and that the company thought you were an agitator among the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And that you had a leadership and that the men would follow you because of your ability to speak different languages and get in close touch with the men because of being able to speak their languages, which their officers were not able to do, and by that means you held a sort of undue influence over the men and that you could lead them into a strike, as it were, or on your word they might stop work, feeling that their contracts were broken; in other words, the company felt you had more power over the men than they; isn't that the case?

Mr. KOBYLAK. The case, as I take it, is that when a contract is signed there is a great number of workers that can not speak the English language and

they can not write and read, and they don't know what their rights are under the contract and the law, and they are cheated by the bosses of the company, and when they have a man like I was they simply go to him and say, "Here, Joe, look this over and see if there is a shortage," and if there is a grievance presented to me, I look to see about it, and I say, "You are right"; and I go to see the boss to see if he will correct it, and there was plenty of such trouble.

Commissioner O'CONNELL. Every day you had some of that?

Mr. KOBYLAK. Not every day, but you can consider it nearly every day.

Commissioner O'CONNELL. A man would come to you and say he did not think his coal was weighed properly, but that it was short?

Mr. KOBYLAK. Yes; and other things.

Commissioner O'CONNELL. In these tipples, where they weigh this coal, the scales are up high where the men can not see them?

Mr. KOBYLAK. Some are on top and some are on the bottom.

Commissioner O'CONNELL. Where they are up, the men can not see the coal weighed themselves; he is not permitted to go up in the tipple?

Mr. KOBYLAK. He is at quitting time, but not before.

Commissioner O'CONNELL. But the coal is being weighed all the time it is coming out of the mine?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. You have been been up in the tipple yourself?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And have you seen the company's men with the long beam and watched them weigh the coal?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And you have seen them hit the beam or the weight on the beam and knock it out like that [indicating] and then knock it back again, and wherever it stops when it comes back that is the amount of coal he gives the miner?

Mr. KOBYLAK. Yes; and he watches the balance and when it strikes in the middle it is the correct weight for the coal if the construction of the scale is correct.

Commissioner O'CONNELL. Did you ever see him take the weight on the beam and move it backward and forward until he got the scale just to balance?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. Haven't you seen him knock it out and then back again and not move it forward any more, and whatever weight it showed when it came back he gave that weight to the miner?

Mr. KOBYLAK. Yes; but that is the thing that causes trouble.

Commissioner O'CONNELL. I have seen that myself. I have been up in the tipple and seen them weigh coal, and it is largely on the science of the man that kicks the weight back and forth and how near he comes to it; and unless the miners have a man up there to watch that they believe they are not getting the exact amount of coal they are entitled to, but that the man up there is juggling it, Mr. Kobylak?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. The miner is down in the mine at work and he can not see what is going on up there, and his whole earnings depend on the man up in the tipple?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. You say the mine owners made offers to you, offers, of course, to be on the side of the company?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. They indicated that they expected the man up there, where there was a question of doubt at all as to the weight of the coal, that it was to be given to the company and not to the miner; that the benefit would be given to the company and not to the miner?

Mr. KOBYLAK. I don't understand your question.

Commissioner O'CONNELL. You say they wanted you to be on their side?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. What did they mean by that?

Mr. KOBYLAK. To weigh coal for them; for the company, you know.

Commissioner O'CONNELL. And quit the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And did they mean by that that you should weigh coal favorably to the company or favorably to the men?

Mr. KOBYLAK. They asked me to weigh the coal the way the coal would show.

Commissioner O'CONNELL. Did they think they were not getting that before?

Mr. KOBYLAK. They were getting that before, and all they can get on the side; they took it, cheating.

Commissioner O'CONNELL. Did they ask you to cheat?

Mr. KOBYLAK. They did not ask me.

Commissioner O'CONNELL. When they asked you to come to work for them they knew you were honest with the men; now, was there any impression that they wanted you to cheat?

Mr. KOBYLAK. I was impressed that I would not take the job

Commissioner O'CONNELL. What was your impression that they wanted you to go to work for them for?

Mr. KOBYLAK. So they could get me off of their road; they saw I was in their road and they could not do the business they liked with me.

Commissioner O'CONNELL. In other words, they could not buy you by offering you an inducement of any kind, and then they wanted to promote you from the men's side to their side, in order to get you away from the influence you had with the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And they could not do that, and you believe they started to persecute you in the courts?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And get you out of the territory altogether?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And that you believe to be because of your activity in the interests of the men?

Mr. KOBYLAK. Yes; that is my conclusion.

Commissioner WEINSTOCK. When did the company offer you a job?

Mr. KOBYLAK. In the year 1911—I mean in 1910, in the month of November.

Commissioner WEINSTOCK. November, 1910; if I remember right, I think you said they offered you a job two or three times?

Mr. KOBYLAK. Yes; I was offered a job by the superintendent and then the general manager.

Commissioner WEINSTOCK. When was the first time they offered you a job?

Mr. KOBYLAK. Inside of two weeks after the months of October and November, 1910.

Commissioner WEINSTOCK. These three offers all came in the year 1910?

Mr. KOBYLAK. Yes, sir; all in the year 1910.

Commissioner WEINSTOCK. How long had you been checkweighman for the mine committee?

Mr. KOBYLAK. I was about three years.

Commissioner WEINSTOCK. Now, are they obliged—if the checkweighman for the company is dishonest he can swindle the company out of a great deal of money by giving the men credit for more than they are entitled to?

Mr. KOBYLAK. If they have a man on the other side not in position to see the coal weighed he can.

Commissioner WEINSTOCK. Therefore it is important for the company to have an honest man that will not sell out to the miners, because the company could just as well bribe the miners' checkweighman as the miners could bribe the company's checkweighman?

Mr. KOBYLAK. Yes, sir; but always you consider that the company has always a man on the tipple.

Commissioner WEINSTOCK. So the company always uses its best judgment to select an honest man that will not sell them out to men and favor the men at its expense?

Mr. KOBYLAK. Always the company are after a man who can handle the scales and is for their side, and not if he is honest. I have proof they have hired five or six day bosses during the time I was checkweighman, and they got discharged, and some of them openly told me that they ask that they shall rob, that they shall steal; and they say they will not steal, and then they quit.

Commissioner WEINSTOCK. On the other hand, how could they rob, how could they steal, if the miners had a man alongside of him to watch him?

Mr. KOBYLAK. That is what caused the trouble, you know; that is what caused the trouble with me.

Commissioner WEINSTOCK. Caused it in what way? Explain how the trouble developed and arose.

Mr. KOBYLAK. For instance, this man that they hired last, he came into the office and said, "Good morning, I am weigh boss here to do a straight business." I say, "All right, that is the only way," and we begin to weigh coal, and weigh coal correctly, and the next day weigh the coal correctly, and then in the evening there was one car short on the sheet when we balanced the sheets, and the checker always has a witness there which proves that the car was dumped. If there is no check so you can not prove it, you take the car off. I got this, and then I began to realize that this man went so low that when the coal was not on the tipple and I went down among the boys, he went down to the check board and rubbed the car off the sheet, and so the miner lost the whole car. And when I discovered this happened on the same day, I watched him—especially whenever the car was dumped—I watched him mark it down, and when the car was dumped at 2 o'clock he marked it down and I marked it down, and he moved and took the check; but I have checked too, and I see what he is going to do with the board, and he marked it on the sheet, and there was four or five more cars dumped, and then he began to rub his board off, and I caught him and stopped him at the dump and pretty near had a fight with him; and others came, and their guard was there, and he went away, and I had to send for the mine committee and had no officer of the law, and I had to send for a constable. The guard was deputized by Jefferson County, and he knew what took place, and he ran away, and I was there when the mine committee came, and they made an investigtion, and for the company to prove that I made a mistake they went and just stole a car from another man to make the figures balance with me, but when they dumped the coal off they took this car in the wrong trip. I have proof that this trip, from other miners, that is was impossible for that man to load this car, and the robbery was proven.

Commissioner WEINSTOCK. What was the end of it?

Mr. KOBYLAK. He was discharged.

Commissioner WEINSTOCK. By whom?

Mr. KOBYLAK. By the company. The miners, when the strike—the miners went on strike, you know, and asked to remove him, and they asked for investigation and asked for the miners' officers to lay me off until the investigation is over. During that time they hired new people from Pennsylvania and West Virginia, and when they got them they know they don't want me, then the officers of the union began to realize they have called a strike, so they came and wanted a meeting, and in that meeting they have organizers, and these new people, they had a riot, and cutting; they cut each other with knives outside of the hall.

Commissioner WEINSTOCK. You mean the old miners and the new miners got into a riot?

Mr. KOBYLAK. The company had these new men, and excited—sent them up as guards, and there was a riot took place in that meeting. I was reelected at that meeting; it was not necessary only because the company asked for the election, and the officers have to grant to the company that right; they say they are going to ask the election. I was reelected in that meeting and got the instructions from the union officers, and then in the name of the constitution and the law and the contract I went on the tipple, and their guards attempted to arrest me.

Chairman WALSH. Commissioner Garretson has a question he wants to ask you.

Commissioner GARRETSON. Are not the laws of Iowa and other States creating checkweighman passed because of the almost universal practice of light weighting of miners?

Mr. KOBYLAK. Light weights?

Commissioner GARRETSON. Yes, sir; that they were given less than they had mined. Was that the reason for establishing checkweighman?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. Were you a mine committeeman for the one mine or for the subdistrict?

Mr. KOBYLAK. For one mine.

Commissioner GARRETSON. Just one mine?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. There were none of the others that were checkweighmen and mine committeemen?

Mr. KOBYLAK. No, sir.

Commissioner GARRETSON. The consequence was that you, being both the checkweighman and mine committeeman, when you found the contract unobserved, you took it up directly there and then with the officers of the company?

Mr. KOBYLAK. No, sir; I was mine committeeman, but that day I was elected checkweighman; when I was elected checkweighman another miner took my place as mine committeeman.

Commissioner GARRETSON. You ceased to be a mine committeeman?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. Do you know of any other checkweighman being objected to by the company?

Mr. KOBYLAK. Oh, yes.

Commissioner GARRETSON. They usually quit when they were objected to?

Mr. KOBYLAK. Quitting, or they were so strong, the company, that they have removed him.

Commissioner GARRETSON. They laid down, in other words?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. You stayed, and the company went after you?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, Mr. Kobylak; you will be excused permanently.

Mr. KOBYLAK. I have here a newspaper report about the end of the strike I desire to read to you.

Chairman WALSH. Is it a short statement?

Mr. KOBYLAK. Yes, sir [reads]:

"International Secretary-Treasurer Billy Greene, author of the antiscreen bill, briefly reviewed the strike for the News. He said, 'This agreement brings to an end a strike that in many respects is most remarkable. For 14 months 12,000 miners have been engaged in a most intense industrial struggle. Altogether, counting the striking miners and their families, more than 60,000 men, women, and children have been directly involved. During all that time not a single violation of the law has taken place nor has one dollar's worth of property been either damaged of destroyed.'"

Chairman WALSH. All right, Mr. Kobylak, you will be excused.

Mr. Gregory, will you please take the chair?

TESTIMONY OF MR. STEPHEN S. GREGORY.

Chairman WALSH. Please state your name to the commission.

Mr. GREGORY. Stephen S. Gregory.

Chairman WALSH. And your residence.

Mr. GREGORY. Chicago.

Chairman WALSH. And you profession?

Mr. GREGORY. I am a lawyer.

Chairman WALSH. How long have you practiced the legal profession, please?

Mr. GREGORY. Forty-three years.

Chairman WALSH. Have you held any official position in the city of Chicago or the State of Illinois?

Mr. GREGORY. Not literally; except many years ago I was elected commissioner for a year or two. I have been president of the Chicago Bar Association, the State Bar Association of Illinois, and the American Bar Association.

Chairman WALSH. Have you been arbitrator in any cases under Federal arbitration acts, Mr. Gregory?

Mr. GREGORY. Yes, sir; under the Erdman Act, in reference to wages of switchmen in the Chicago district.

Chairman WALSH. Would you briefly give us the circumstances under which that arbitration was had, and the result of the decision?

Mr. GREGORY. The company—the railroad company—had chosen their arbitrator, Mr. Grey, now president of the Western Maryland, and the switchmen had Mr. Heberling as their arbitrator, and I think under the provisions of the act, Dr. Neill and Mr. Knapp, then with the Interstate Commerce Commission, Judge Knapp suggested me, and it was agreed that I should act with those gentlemen. We heard the evidence for some time, and the result was an increase in wages, I think, of 3 cents an hour.

Chairman WALSH. And the report was adopted and carried out?

Mr. GREGORY. Yes, sir.

Chairman WALSH. Now, Mr. Gregory, I believe you have been given a few questions, or more properly speaking, a list of points that we would be glad

to have you address yourself to, and the first is calling for your opinion on constitutional guaranties, personal rights, for example, trial by jury?

Mr. GREGORY. Yes, sir. I have not prepared anything definitely, but I have examined this and made some notes. Of course, we have in the Federal, and in almost all the State constitutions, in fact, with particular unanimity, certain guaranties that were taken very largely from the Magna Charta, and the Bill of Rights, in England, by which it is sought to secure to the individual the great essential rights to life, to liberty, and property, and I will speak presently as to the difference, as it seems to me, between the Federal and State constitutions in the efficacy of those provisions. The trial by jury is, of course, perhaps in a way related to procedure, but after all it is a great essential right, in my judgment, without which none of the rights can be regarded as secured. So far as habeas corpus is concerned, that is an element available in cases of unlawful arrenst. It might perhaps have been resorted to by the last witness when held upon what would appear to be like an absurd and untenable charge of high treason. It is the only remedy known to the law by which the cause of a man's detention, where he complains of illegal restraint, can be summarily and forthwith examined judiciously. I think under the provisions of the Federal and State constitutions, the statutes of both jurisdictions, that right is reasonably secured. Now, the right of free speech——

Chairman WALSH. One minute, Mr. Gregory. Has your attention been called to the decision in West Virginia and probably the Moyer case in Colorado, where it is suspended during the reign of what might be called military law, or what they call modified military law in Colorado?

Mr. GREGORY. Yes, sir; that, of course, illustrates the old maxim that in the crush of resounding arms laws are silent, but a great chief justice once said that was a statement of fact and not a principle of law. The fundamental principle of this country is that the civil is superior to the military power. Of course, there is an inherent right in an executive commander in chief, vested with military authority in times of disturbances to establish military law. He does so at his peril, and his exercise of power is to a large extent subject to review by the authorities or by the judiciary. Shortly after the Civil War, as you probably all remember in Indiana military courts condemned to death two men, Milligan and Bowles, and they were discharged by the Supreme Court of the United States on the ground that the exercise of authority of such courts, although the country was at war, in jurisdiction where the courts, the civil courts, were sitting and their proceedings were undisturbed, it was unlawful and unconstitutional.

They were charged with virtually treason and were sentenced to death. Jeremiah Black, formerly an Attorney General of the United States, and one of the greatest lawyers of this country, made an historic argument in that case, in the course of which he says, and I hesitate to quote it lest it might be attributed to me: In the palladium of trial by jury, that King Alfred was the greatest King that ever sat upon a throne; that he promised his subjects trial by jury, and that he secured it to them, although it was necessary for him in one year to hang 44 judges to do it. I have not verified the accuracy of that statement, but it will be found in the report of that case in the Supreme Court of the United States.

The right to free press is absolutely vital, and free speech. Here in this District a most remarkable statement was made by a gentleman whom I think is not now on the bench, Judge Wright, where he indicated that it might be possible, and strongly that it was probable, that a man might be enjoined from libelous statements. Of course, if he was enjoined, as I shall presently state in speaking of injunctions, and there tried for breach of that injunction by process of contempt of court, he would not be entitled to trial by jury, and would be deprived of all the constitutional guaranties, which were the subjects of a long historical contest in England, and which has been thought vital to this invaluable right in this country; but there is the fundamental error that lies at the foundation of this discussion in the minds of many estimable men, and some of my own profession, and it has been elaborately discussed recently by a committee of the National Civic Federation, and it was pointed out to those gentlemen in a very clear way by Mr. Choate, jr., that our system did not contemplate any method by which a man could be restrained in advance from speaking his sentiments.

The constitution of Illinois and most of the other States secures the right to speak freely the truth for good purposes, subject only to the right to prose-

cute for an abuse of that right, but that it is not possible in advance to stifle free speech; and one of the highly objectionable methods by which that is accomplished is to make the policeman the censor of public discussions. In times of great excitement, or where people publicly protest and have been aroused and sentiment runs strongly against a certain class or certain individuals in a community, there are instances of that kind which the public condone. The right to speak freely is an essential right; it is secured by our constitutions; and if a man speaks libelously—I would not say slanderously—or incites to violence, he might be answerable for that, but he nevertheless has the right to speak, and, of course, that extends to the ladies now also as well as the men. The right to freedom of the press stands on a secure foundation because the newspapers have so much power and so much influence that they are hardly likely to be very much oppressed in that regard. And possibly some may think that they at times abuse their privilege; they certainly treat us all with great freedom in discussing our conduct; but, after all, I believe with Jefferson that it would be better to have newspapers without government than government without newspapers. I feel that they secure publicity, which is invaluable.

As to free assemblage, there is, of course, this difficulty: The place of assemblage. Sometimes men desire to meet, and they desire to meet on the streets and other public places. Now, it is necessary that the control of these public places should be in the hands of public authorities, and the right to speak freely gives a man no right contrary to law or reasonable regulations to go either upon—or consent of the proper party to go either upon public or private property, and sometimes, no doubt, the authorities act partially and unfairly in giving leave to one class of men to hold meetings in public grounds or public parks and refusing it to others. That is probably, after all, one of those errors of administration which the law can not always redress.

As to freedom, free search, and unwarranted arrest, I think all our constitutions and statutes have necessary principles or provisions upon that subject. There is one thing, however, which seems like a minor matter to call to the attention of this commission, and yet I think it would relieve a great deal of hardship if everywhere for petty offenses, instead of making the first process a warrant, by which the defendant was arrested, he was summoned, as I understand, where there is no particular danger that he would run away; for instance, a teamster gets into a controversy with a policeman on the streets of a city, and I have seen it that the policeman would get on the box and drive him to the station. He is employed by a well-known employer, and there is no difficulty whatever in getting him, and he could be summoned the next day instead of him being locked up overnight and his employer having to go and give bond. There is a good deal of opposition in that way. That is a mere minor change, which I understand exists in some of the States, and certainly in England.

Commissioner O'CONNELL. That is done now in violations of speed laws, a man running an automobile; they take his number and summon him for the next day.

Mr. GREGORY. Yes, sir; that has become common; and one question which I was not going to discuss is—and that illustrates that sometimes it is a doubtful thing in our entire government—these wrongs that are practiced at the expense of the humble don't direct the public attention, but when men get so they own automobiles they have a way of making their complaints heard, and possibly that has done more in opening the eyes of the people to an age-old practice than much discussion on the subject would have. The law contemplates adequate protection against the exaction of excessive bail. That is frequently abused. I remember a case of my own experience, where a man was indicted on five indictments, which were never brought to trial and was discontinued without prosecution, but he was held, a stranger in Chicago, to $50,000 bail. He was not a laboring man or a miner or a victim of any prejudice at all; it was one of those miscarriages of justice which we have.

Now, the constitutional basis for these arrests is founded, of course, upon our Federal and State Constitutions, and the conditions under which they are denied are very largely cases of unwarranted and illegal interference by police and others in public authority. I am not aware of much that could be done in legislation in that regard. I was quite impressed with the statement of this witness that just left the stand as illustrating how, without any apparent—how no legislation apparently would be needed to correct everything of which he complains here. Of course, the attitude of the courts in labor and nonlabor cases is largely a matter of the temperament of the judge, which is certainly a

very uncertain factor in a science which is supposed to-day to approximate the existence of a law; nevertheless, it exists. It was charged against the English judges in the time of Mansfield, and it will be found so stated in Sir Philip Mahon's History of English Law, that they were all alike to power, and that they were hostile to individual rights and to liberty. That may have been so to some extent, and I am inclined to think the charge was justified.

In many labor cases I feel, and I presume you gentlemen are fully conscious of that, that the excesses that are imputed to men on strikes, sometimes probably justly, have the effect to prejudice all sober-minded men, including judges. Crimes of violence can never become popular by any possibility. A man who strikes down another with murderous hand is not apt to be a popular man in the community, nor is murder going to be popular. But more insidious wrongs, wrongs that are hidden, that are covered up, and yet work great injury to large numbers of people, are not so striking; they do not make that impression. And I think judges sometimes are impressed by violence, and that they are prejudiced against labor on that account—against labor leaders—because they impute to every leader of a strike everything that is unlawful that is done in it. In the case of Debs, it was distinctly held by a distinguished Federal judge, for whom I have the highest respect and regard, that it was not necessary to show that he had been actually advising any violence or counseling any violence; that if he were the leader of the strike he must be held for all lawlessness in the course of it. I think that was a mistake; I think that was a mistake in principle.

Of course, as to the social and legal aspect, the consequences of the denial of these rights, they are most serious. It is a serious thing for people or any large class of people to feel they are not treated with justice by the government under which they live. Therefore I think, and I think the people of this country realize—I think the appointment and the existence of this commission recognizes the fact that these complaints must be looked into, and that if there is wrong, if there is denial of rights it ought to be corrected, so that every man in this country shall feel that he is entitled to the full measure of his rights, however humble his position, or how small and trivial may seem to be that charge, when compared with larger issues.

The Federal Constitution furnishes but limited authority for the enforcement of constitutionally guaranteed rights for the reason that the provisions in the Federal Constitution have been regarded as mostly in this regard limitations upon the power of Federal agents; and therefore they do not apply to proceedings in the State courts, where almost all these questions really arise, except in some instances of injunctions; and now, under the antitrust law, more and more they are coming under the Federal laws. But the fourteenth amendment is all that attempts to restrict the power of the States, particularly; and that has in it a provision that no State shall deprive any person of life, liberty, or property without due process of law. But owing partly to the very exigencies of the situation, which would enormously burden the Federal judiciary, the Supreme Court of the United States has so limited its definition of "due process of law," and have gone so far as to hold that a man may be even tried with due process of law without trial by jury, which is certainly contrary to the common law, in my judgment, and without indictment by a grand jury; and in a very able decision by Mr. Justice Harlan, they have practically held that almost anything that was directed by general law in the way of procedure in a State must be regarded as due process of law under that constitutional provision.

The State constitutions contain the most ample guaranties, but the trouble is they are not self-enforcing, and the trouble is frequently with the masses of men that work hard; they are perhaps of limited education, and they have not much influence perhaps except as they get it through organization, and frequently it seems as if public authority was more accessible to the influence of large and consolidated interests. Certainly the provisions of the State constitutions ought to be enforced by the governors and other public officers—sheriffs who are sworn to see that the laws are faithfully executed. But they are all very much burdened in our large cities and large States and large communities. They have no adequate appropriations for this. As an illustration, the supreme court of my own State, the State of Illinois, seven years ago decided that a certain corporation was an illegal trust operating in that State, and it or its successor has continued to operate still, and there has been no effort made by the public authorities to drive them from the State.

I don't know that there is any particular remedy by legislation in this regard, but it is rather a trite remark to say that we should elect no one but capable,

upright, and efficient public officers; but that is the best security for the effective administration of the law in any aspect.

The status of trade-unions and labor organizations under the law is somewhat peculiar. Of course there is no doubt that it might, if they saw fit, incorporate, and I can well understand why they would object to doing that, and they would, I think, object to that for the same reason that the American Bar Association and most associations of lawyers, which certainly ought to have, and no doubt do have, a very high degree of confidence in the courts, object to incorporating. Almost all of these organizations, I suppose—these lawyers' associations—are voluntary associations. Now, the difficulty about incorporating, for instance, in the American Bar Association is that they have 10,000 members. I don't think that there would be 10,000 lawsuits if they were incorporated; but if they were incorporated, they would be liable any time to have some discontented member filing a bill and trying to have a receiver appointed and trying to regulate this—this is an age of regulation—to regulate the association. Therefore whenever it has been discussed I have always opposed it, and we have never done it—as I think, wisely. Now, I think probably a good many members of the labor unions feel the same way. I think they are wise about that.

Of course, at common law it is rather interesting at times to read the encomiums of Blackstone and Hale and others upon the common law. But it was, after all, not quite as humane as we regard it now and then. At common law an association for the purpose of increasing wages among laboring men or for the purpose of shortening the hours of labor was illegal. I know that a very learned judge, Chief Justice Daley, in New York, who had the respect and confidence and affection of the bar in his day, in one of his opinions stated the contrary; but with all due deference he was in error in that point. And in Chitty, which is a work classic among lawyers—Chitty on Criminal Law—will be found a precedent of an indictment for conspiracy among certain workers to shorten a day to less than 13 hours, which shows we have progressed some in our views on these subjects since that time. That was concluded "against the peace and dignity of the King," and not against the statutes, showing that it was a common-law indictment—an indictment on the common law. Now, of course, we have progressed so that these organizations are not now per se illegal, and under the Clayton Act, lately passed by the National Congress, that is distinctly provided.

Of course, the liability of members of a voluntary association is probably very much like that of partners or of principal and agent; and that presents a difficult question, as in the Danbury hatters' case the members of certain labor associations were held to be liable for a large sum, as I think, upon—if I may be permitted to differ from that exalted tribunal—some, I won't say unsound legal theory, but an unsound decision—from a standpoint of sociology. I will refer to that in a moment in speaking of boycotts.

Now, of course, injunctions in labor cases have been very frequently granted, and I think that probably the provisions of the Clayton bill in that regard now, if they could be followed in the States and made effective, would be about as good as anything we could get. The newspapers, and even the judges, have much to say when an employer files a bill and obtains an injunction against workmen on strike from interfering with his men that he has hired in the place of these workmen, and acts of violence, and so forth, about that injunction being granted in order to protect the right of every man to work for whom he chooses. There is really no just relation there, and no lawyer could justify it upon any such theory. I have no right to go out and file a bill to be permitted to work for whom I choose; and if I did, any one of these judges, who sometimes use that language incautiously, would laugh me out of court. Equity deals only with the rights of property. Jurisdiction of the Federal courts in equity, the exercise of which has been particularly criticized in these questions, is derived, not from the Consttution itself, but originally from the judiciary act of 1879; and by that act they invested our Federal courts, and such is also the effect of the present act of Congress in that regard, with all the jurisdiction which the English high court of chancery possessed, among those was this principle of elementary law that equity dealt only with property rights, and that a bill in equity for injunction would not be entertained except for the protection of property rights. Therefore this class of bill exhibited in the case of the United States *v.* Debs, which was a bill filed by the Government, and I don't think any bill has ever been filed like it since, and I think it would be exceedingly unlikely that there will be any more like it, for some time, at least. These in-

junctions are based upon the theory that the man carrying on a business has a certain sort of property right in the good will or the successful conduct of that business; and that when several hundred or several thousand excited men gather around his premises, where he carries his business on, and threaten everybody that comes in there to work, and possibly use violence, that that is such an unlawful interference of property right as may be the subject of protection in equity. And that view of the law has been sustained by the courts of practically all the States.

But the great difficulty about that was this, that having enjoined defendants, namely, striking workmen, perhaps from unlawful interference with the business of the employer, and that unlawful interference consisted in an attack or an assault and battery upon another man, to wit, perhaps a strike breaker, so called, or one who was hired to take the place of one of the striking workmen, that thereafter the judge who had ordered the injunction and whose authority had been thus defied was permitted to put the person charged with the breach of that injunction upon trial upon a charge of contempt really for having committed an unlawful and criminal act.

Now, the Constitution has thrown around the prosecution of criminals—the constitutions, State and Federal—a number of securities. They are entitled to trial by jury; they are entitled to be confronted by the witnesses who are to testify against them; they are entitled to be heard by counsel.

But none of those guaranties, except, perhaps, the right to be hard by counsel, is secured in contempt proceedings; and the obvious wisdom of permitting 12 men drawn from the body of the people to pass on questions of fact—men who are supposed to be prejudiced neither for nor against the parties, who know nothing about the case until they are sworn in the jury box, has so far commended itself to the wisdom of legislators and jurists to such a degree that it has become a permanent feature of our jurisprudence; and to provide that the court may proceed against them for contempt, where the conduct charged against them is criminal, is really an evasion of the constitutional guaranties and a plain attempt to commit to equity jurisdiction over matters which it has been decided over and over again by all the courts that it has no jurisdiction with respect to, namely, the administration of the criminal law.

For instance, I might receive, as I leave the room of this tribunal to-day, a threatening letter from somebody saying they were going to kill me for something I had said or had not said, in a court of equity. Now, that involves personal loss possible to my wife or those dependent upon me; but no court of equity would listen for a moment to a bill I should file, saying "A B" or some other black-hand gentleman had threatened to kill me, or if filed by anybody dependent upon me, and therefore there should be an injunction to prevent him from killing me. That would be an absurdity, a legal absurdity; and none the less is it so where a man is enjoined from committing acts of violence in a strike to try him for contempt without a trial by jury. And that has been an injustice that has rankled in the minds of everybody that has been a victim of it, and justly so.

Sir Charles Napier says: "People talk about agitators, but the only real agitator is injustice; and the only way is to correct the injustice and withdraw the agitation."

Now, that has been attempted by the Congress of the United States in Judge Clayton's bill. So that in every such case the accused, where the conduct with which he is charged under the guise of an information for contempt is criminal under the laws of the State or of the United States, he is entitled to trial by jury; and that is, I think, the best we can do.

Of course, the procedure—requiring notice now in the Federal courts particularly and in most State courts—in the Federal courts they may issue a restraining order, but they must set down the application for an injunction, and that gives notice. In the State courts the court granting the injunction may grant it in a labor case or another case without notice, but I don't think the procedure requires much modification. If you will pardon me, Mr. Chairman, I am running over this——

Chairman WALSH. Would it be asking too much of you, Mr. Gregory, to stay here until morning?

Mr. GREGORY. No.

Chairman WALSH. Well, we are all very much interested in this and would like you to take the time to go into it thoroughly. It is past our adjournment hour, and to accommodate you we will run later, but we would prefer if you will return in the morning——

Mr. GREGORY. I will be very willing to do so.

Chairman WALSH. Thank you very much.

At this point, then, we will adjourn until 10 o'clock to-morrow morning.

(Thereupon, at 4.35 p. m., Tuesday, May 11, 1915, an adjournment was had until Wednesday, May 12, 1915, at 10 a. m.)

WASHINGTON, D. C.,
Wednesday, May 12, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Lennon, and Garretson.

Chairman WALSH. Is Mr. Gregory here?

Mr. GREGORY. Yes, sir.

Chairman WALSH. Now, Mr. Gregory, if you will be kind enough to resume where you left off yesterday evening?

Mr. GREGORY. Much more might be said on the subject, Mr. Chairman and gentlemen, but I had not purposed at present to discuss further the question of injunctions. The next topic that I had in mind was the subject of picketing. In its essentials, without violence and disorder, it should be, I think, and generally is, considered lawful. In Chicago very recently one of our local judges, however, has enjoined picketing by waitresses of a line of restaurants. I have no familiarity with the circumstances of the case, and no knowledge as to the legal theories upon which that injunction was ordered. Of course, in the large communities, if they engage in picketing, or in any other occupation or matter that is essentially lawful, yet if they crowd the sidewalks and obstruct their free use by passers-by, there may be something in the necessity of police regulation, in the nature of police regulation, which renders that, which would not be in itself illegal, inadmissible because of these collateral consequences; but picketing without violence, which if it consists, as I understand it, merely in endeavoring by persuasion, not threats, to induce persons intending to take the place of strikers not to take them, I think it is undoubtedly lawful, and has generally been so recognized.

Of course, the only method of regulation is police regulation now, and then those injunctions, such as I spoke of. The law in itself, it would seem to me, looked at as a question of law, needs no particular amendment, but like so many other topics that we discussed here, the whole question is as to the administration of the law.

The next topic, and substantially the last one on which I intend to say anything, involves what is commonly called boycotts, and the question of how far they are legal and collateral questions. Now, I think that the spirit and genius of American institutions is founded upon the idea of liberty, just as much liberty and freedom as is possible for the individual, consistent with the general welfare, and I have never been able to satisfy myself, notwithstanding legal authorities to the contrary, that a boycott, as we understand it, in and of itself either was or ought to be illegal. A few years since I lived on a little, short street in Chicago running down to the lake, on which there were only private residences. No such incident as I am about to suppose ever occurred, but I have often thought in this connection—it was a beautiful street, shaded with trees, beautiful homes upon it—I didn't own my own home, and therefore did not have that interest, but suppose as the law then stood that a man had desired to establish a saloon in that district; there was vacant property that he might have purchased, there were no restrictions, nothing to prevent him from establishing a saloon. Without criticizing that institution in our community, at least that would have been a very undesirable adjunct to our neighborhood. Assume that my neighbors and myself, this saloon having been established there, property had depreciated, and the usual incidents following it, agreed together that we would not patronize this gentlemen, that if we bought a drink that we would buy it elsewhere, and would not buy anything at his saloon, and done so with the express purpose of driving him out of business. Now, I have never been able to understand on what theory that could be regarded as an illegal combination, and when I have presented that question I have never heard any intelligent answer to it from any source. If that is true, the object of the boycott seems to be not that it is an illegal agreement in itself, but it is an agreement to do something which the court or other body passing upon the validity of that agreement don't think ought to be done. That is another matter. If you agree to commit murder, that crime is illegal, whether it is two or two thousand. If you agree to do any other unlawful act, that agreement is illegal and constitutes

in itself an illegal act. But if men combine to do that which they, each one severally, have a right to do, if after all the combined act is essentially the same as the act of the single individual, then it is very difficult to establish on any logical, legal principle that such a combination in and of itself is illegal.

Now, it is my opinion that the law should be changed by statutes, State and Federal. Some of the States hold the boycott to be, as we understand the term, illegal. So that it should be provided that a combination or agreement by two or more persons not to trade with a third person should not be unlawful nor actionable.

I know very well that portentious pictures can be drawn of these terrible possible consequences that are likely to follow if such a principle of law were adopted; but, in my judgment, none of them would follow. There are thousands of offenses—minor offenses against society—which are punished without the law; that is, not by any principle of law. There is no rule that requires a man to be a gentleman; yet if he persistently prove wanting in courtesy and consideration for others, by a kind of common consent, though not by any formal law, he will suffer from that; and it would be idle for the law to attempt to deal with those cases.

Now, while there may be occasional instances where this principle would be resorted to to the great injury and damage to people, yet in the long run, speaking largely, I believe in the interests of freedom that it ought to be admitted into our law.

Chairman WALSH. Say, Mr. Gregory, I suppose it will be somewhat disconcerting, but Commissioner Weinstock would like to ask you a few questions right there.

Mr. GREGORY. Well, it might me, but I prefer that he should do it that way.

Commissioner WEINSTOCK. I will be very glad to wait until you are through with what you have to say.

Mr. GREGORY. I think I have finished with that subject, and I would really prefer to be interrogated upon it right now.

Commissioner WEINSTOCK. I suppose you are more or less familiar, Mr. Gregory, with the report on the anthracite coal strike in 1902?

Mr. GREGORY. Well, yes; but rather less than more, Mr. Weinstock.

Commissioner WEINSTOCK. Do you recall having read it at any time, Mr. Gregory?

Mr. GREGORY. Not in extenso; largely as it appeared in the papers at the time.

Commissioner WEINSTOCK. The commission, as I recall it, consisted of seven men, including labor representatives, officials, and employers generally. I think the labor men on the commission were the present Secretary of Labor, Mr. Wilson, and I think Mr. Clark, who is a railroad man now connected with the Interstate Commerce Commission, and possibly one other laboring man. The report was signed unanimously, and among other things, in dealing with the question of boycott, this is what the report has to say, and I would like to see how far you are in harmony with the position taken on boycotts by this commission. It says——

Commissioner GARRETSON. Let me interrupt here to make the point that the "Wilson" on that commission was a general of the Regular Army and not the Secretary of Labor at this time.

Commissioner WEINSTOCK. What laboring men were on that commission?

Commissioner GARRETSON. None.

Mr. GREGORY. Perhaps the names are in there.

Commissioner GARRETSON. There was one man on the commission not appointed as a labor man, but as an eminent sociologist.

Commissioner WEINSTOCK. Well, here is a list. You are probably more familiar with their callings than I am (addressing Commissioner Garretson).

Chairman WALSH. Let me suggest that in order to let Mr. Gregory get through, suppose we drop the personnel of that board as being immaterial, and let us ask Mr. Gregory the questions——

Commissioner WEINSTOCK. Well, it might be material to see whether there were any laboring men on that commission. I think that would have its bearing. It says here, Carroll D. Wright.

Commissioner GARRETSON. Commissioner of Labor.

Commissioner WEINSTOCK. John M. Wilson.

Commissioner GARRETSON. A general in the Regular Army.

Commissioner WEINSTOCK. John L. Spaulding.

Commissioner GARRETSON. Bishop of Peoria, in the Catholic Church.

Commissioner WEINSTOCK. Edgar E. Clark.

Commissioner GARRETSON. An eminent sociologist. He was the grand chief conductor of the Order of Railway Conductors.

Commissioner WEINSTOCK. Thomas H. Watkins.

Commissioner GARRETSON. A coal operator of Scranton, Pa.

Commissioner WEINSTOCK. Edward W. Parker, Washington, D. C.

Sommissioner GARRETSON. I have forgotten his pursuit, but he was not a labor man.

Commissioner WEINSTOCK. Well, he is one of them.

Commissioner O'CONNELL. He was a college professor.

Commissioner LENNON. He was a college professor, if I remember correctly.

Commissioner GARRETSON. Well, I have forgotten his pursuit, but he was no labor man. There was only one man who might be referred to as a labor man, but he was on for another reason.

Commissioner WEINSTOCK. I thought that this Mr. Wilson was the Commissioner of Labor.

Commissioner GARRETSON. No; he was a general in the Regular Army.

Commissioner WEINSTOCK. This is what that commission had to say on the subject of boycotts, the very subject you have been telling us about, Mr. Gregory [reading]:

"In social disturbances of the kind with which we are dealing the temptation to resort to this weapon," referring to boycott; perhaps I had better read a paragraph preceding that, which will make it till clearer. [Reading:]

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons who he or they, with or without good reason, dislike. This may sometimes be unchristian, but it is not illegal. But when it is a concerted purpose of a number of persons, not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law and should receive the punishment due to such a crime.

"Examples of such 'secondary boycotts' are not wanting in the record of the case before the commission. A young schoolmistress of intelligence, character, and attainments was so boycotted and her dismissal from employment compelled for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. A lad about 15 years old, employed in a drug store, was discharged owing to threats made to his employer by a delegation of the strikers, on behalf of their organization, for the reason that his father had chosen to return to work before the strike was ended. In several instances tradesmen were threatened with a boycott—that is, that all connected with the strikers would withhold from them their custom and persuade others to do so if they continued to furnish the necessaries of life to the families of certain workmen who had come under the ban of the displeasure of the striking organizations. This was carrying the boycott to an extent which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens. Many other instances of boycott are disclosed in the record of this case.

"In social disturbances of this kind with which we are dealing the temptation to resort to this weapon oftentimes becomes strong, but is none the less to be resisted. It is an attempt of many, by concerted action, to work their will upon another who has exercised his legal right to differ with them in opinion and in conduct. It is tyranny pure and simple, and as such is hateful, no matter whether attempted to be exercised by few or by many, by operators or by workmen, and no society that tolerates or condones it can justly call itself free.

"Some weak attempt was made at the hearings to justify the boycotts we have been describing by confusing them with what might be called, for convenience sake, the primary boycott, which consists merely in the voluntary abstention of one or many persons from social or business relations with one whom they dislike. This, indeed, might amount to a conspiracy at law if the ingredient of malicious purpose and concerted action to accomplish it were present, but whether this be so or not, the practical distinction between such a boycott and the one we have been reprobating is clear.

"It was attempted to defend the boycott by calling the contest between employers and employees a war between capital and labor, and, pusuing the analogies of the word, to justify thereby the cruelty and illegality of conduct on

the part of those conducting a strike. The analogy is not apt, and the argument founded upon it is fallacious. There is only one war-making power recognized by our institutions, and that is the Government of the United States and of the States in subordination thereto, when repelling invasion or suppressing domestic violence. War between citizens is not to be tolerated, and can not, in the proper sense, exist. If attempted it is unlawful, and is to be put down by the sovereign power of the State and Nation."

Now, in how far, Mr. Gregory, are your views in harmony with the views expressed in this report?

Mr. GREGORY. Not in the slightest respect.

Commissioner WEINSTOCK. Will you point out where, in your opinion, this judgment is in error?

Mr. GREGORY. In the first place it was Sir Fitz James Stephens, the great authority on the English criminal law, who afterwards went crazy, after he had been a judge and acquired a reputation by presiding at the trial of Mrs. Maybrick, who said, in his monumental work on the criminal law of England, that industrial strife of this character was war.

In the next place, I have the highest respect for the personnel of that commission, several of whom I have met. Mr. Wright, a very excellent, painstaking man, who, however, is not a lawyer, and I should not at all be disposed to subordinate my views of the law to his judgment upon it. The chairman of that commission was a very excellent judge, but hardly entitled perhaps to such a commanding place in jurisprudence as those who happen to agree with his utterances on this occasion might be supposed to assign to him.

In the next place, the commission begins by laying down the principle and then denying its application. They were dealing, of course, in this instance with something as to which I have not said anything particularly, and that is what they classify as a "secondary boycott" and not a primary one. Now, it is very common, as lawyers always know, when courts are hard pressed with an argument that is difficult to answer, to concede the principle and deny its application, and that is exactly what, it seems to me, this commission did in this case. In addition to that——

Commissioner WEINSTOCK (interrupting). At what point did this concede the principle and deny its application?

Mr. GREGORY. In the first paragraph you read.

Commissioner WEINSTOCK. May I repeat it?

Mr. GREGORY. Certainly.

Commissioner WEINSTOCK (reading): "To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he, or they, with or without good reasons, dislike."

That is then laying down the principle?

Mr. GREGORY. That is the principle for which I contend, and the logical application of it would have led to directly the contrary conclusion to what the commission reached.

Commissioner WEINSTOCK. Let us see what they say afterwards:

"This may sometimes be unchristian, but it is not illegal, but when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and a concerted attempt to accomplish it is a conspiracy under common law, and merits and should receive the punishment due such a crime."

Otherwise, if we meet and decide not to patronize a saloon and we do it negatively we are within our rights; but if we go out aggressively and by concerted action intimidate others and do all we can to ruin the individual saloon keeper, that is in the nature of a conspiracy?

Mr. GREGORY. Undoubtedly, if we intimidate others; but the commission does not make such distinction; they do not say anything about it being negatively, but they say doing it "voluntarily," and that is what I say.

It reminds me of a story they tell in the West of an embarrassed politician out in Iowa, about a controversy which is still raging there as to the liquor question; and his constituents were demanding that he declare himself, and he hesitated a good deal. He did not want to lose the votes of liquor men and he wanted the votes of the temperance people, and they pressed him pretty hard, and he finally said he would meet the committee and make an announcement, and he did so; and stated that he had considered the matter carefully, and that he was thoroughly in favor of the enactment of a prohibition law, but absolutely opposed to its enforcement.

Now, these gentlemen lay down a principle which, if they had followed out logically and fearlessly, and which of course is often embarrassing for judges and other public officials to do, because sometimes to be logical is to be impractical, would have led directly to the opposite conclusion. I believe they were right in the principle and wrong in their conclusion.

Commissioner WEINSTOCK. Now, the whole thing evidently hinges on the meaning of the word "voluntarily," and it might be well to clearly define what that word really means. I take it that if this group assembled in this room at this moment would agree among themselves not to patronize a certain concern or hotel, that that would be regarded as voluntary action, would it not?

Mr. GREGORY. It would be by me.

Commissioner WEINSTOCK. And suppose this group went further and sent out letters and published statements in the press that others should not patronize that certain enterprise at the risk of gaining the displeasure and the antagonism of all that are present here, and that we would use our influence to injure others that did patronize that enterprise, would that be still called voluntary?

Mr. GREGORY. I should have to see the papers first. It would be voluntary. Suppose they say: "Gentlemen, here is a man who is a disgrace to Washington City; he is a great scamp, and he is harming the city every day, and we think he is guilty of all sorts of things, but we can not prove anything; he is a neighbor of ours, but let us agree that we will not patronize him." Then suppose we should say, just stating the facts and nothing except what we can prove—nothing that is perhaps libelous—suppose we invite others to cooperate with us, the thing does not become involuntary because some one suggests to you that you should take a certain course of action; but you introduce at one time in your discussion another proposition, intimidation, by which I understand unlawful intimidation. If you say: "Here, if you do that, we will do something which the law prohibits," then you introduce another element, and that is an element so often relied upon in strike-injunction cases.

Commissioner WEINSTOCK. What would you call this illustration, given in this report, of the lad employed in a drug store, who was discharged owing to threats made to the employer by a delegation of strikers, for the reason that his father had chosen to return to work before the strike ended, or the case of the young schoolmistress stated here, who was dismissed for no other reason than that her brother, not living in her immediate family, chose to work contrary to the wishes and will of striking miners; what would you call that?

Mr. GREGORY. I should say that was lawful if the only threat was, as to the druggist, that the parties would not patronize him if he continued to employ that boy. As to the school-teacher, I do not know what threats they made; they could very well threaten not to patronize the schools, and in that case I would not be able to form any opinion.

Commissioner WEINSTOCK. May I ask at this point, then, Mr. Gregory, whether in the eyes of the law, as you see it, both sides should be treated equally? That is, the employer on his side, and the worker on his side?

Mr. GREGORY. Absolutely.

Commissioner WEINSTOCK. There should be absolute equality before the law?

Mr. GREGORY. Absolute.

Commissioner WEINSTOCK. And one should not be given privileges denied to the other?

Mr. GREGORY. I do not know whether that means absolute equality before the law; but there should be absolute equality before the law.

Commissioner WEINSTOCK. Well, then, if it is lawful and proper for the workers for a real or fancied grievance to do the things you say they ought to be permitted to do, as a matter of self-preservation and self-protection, because they think a certain employer is unfair and his methods inimical to the interests of labor, should not the employers, on the other hand, likewise be permitted to blacklist if they think a certain worker is doing or saying things inimical to the interests of the employer?

Mr. GREGORY. I had a note there on that subject, "black list"—unfortunate and injurious. Can the practice of blacklisting be governed by law? Not adequately in my judgment. That, perhaps, answers your question.

Commissioner WEINSTOCK. Will you elucidate that a little bit more?

Mr. GREGORY. I consider the question, because it operates very harshly and very injuriously, as I believe it to have been practiced. I have not been able, consistent with my views of individual liberty, to devise any scheme of a statute which would deal adequately with that situation.

Commissioner WEINSTOCK. Then, are we to understand that you do or do not consider blacklisting justifiable?

Mr. GREGORY. If you ask my opinion as to that, I would say that I consider blacklisting in some instances justifiable. That is to say, I don't like to use either the term of blacklist or boycott, because they carry implications that are vague and uncertain; but if an employee is unworthy and unreliable, I consider it proper. For instance, a railroad engineer who has been repeatedly guilty of infractions of the rules—running by a signal and perhaps using intoxicating liquors and things of that kind—I would consider it wrong for the railroad company or the superintendent having knowledge of that quality on the part of the engineer not to advise somebody else, some other railroad officer, who is about to employ that man. I consider that that would be a legitimate act, perfectly.

Now, that boycotting may be abused I have not the slightest doubt, that there may be unjustifiable boycotts. I am not discussing that. There might be boycotts that would work great hardships; but I do say that the law as it exists to-day is, in my judgment, likely to work far more harm than it will good.

Commissioner WEINSTOCK. Then, briefly, the situation as it is from your point is this, as I see, that while, as you point out, the boycott is liable to abuse, you nevertheless think that it ought to be a weapon permitted to labor?

Mr. GREGORY. I prefer to say that combination by two or more persons not to trade with a third person ought not to be unlawful and ought not to be actionable, and I don't apply it to labor any more than the gentlemen in this room or a lawyer or anybody else; but I lay that down as a universal principle.

Commissioner WEINSTOCK. If that principle might even be subject to abuse?

Mr. GREGORY. Yes, sir; there is nothing that can not be.

Commissioner WEINSTOCK. Then, if collective action on the part of workers along the line of so-called boycott ought to be permitted despite its occasional abuse, then I take it, from following out your logic to the end, then black listing, despite the fact that it is occasionally abused, likewise ought to be permitted?

Mr. GREGORY. I have not restricted my statement to what you term boycotting to laboring people. It also extends to employers. They should have the same right. But by blacklisting you mean keeping a record of a man's delinquencies and reporting on them, and I would say that that was a practice that might be abused, might be reprehensible, where it was unfairly used; but I have been unable to think out to my own satisfaction any concrete legislative remedy for it.

Commissioner WEINSTOCK. Here is a definition, Mr. Gregory, that has been given to the boycott and the black list. Let us see if the definitions given here are correct as you see them:

"A boycott is the act of a combination of individuals who undertake to deprive another of benefits, business, or social intercourse for the purpose of compelling him to accept some demand of the combination."

Do you regard that as a fair definition of boycott, so-called boycott?

Mr. GREGORY. Possibly.

Commissioner WEINSTOCK. The definition given the black list is that—

"The black list is the effort of a combination of employers to prevent the employment of one or more individuals."

Mr. GREGORY. Perhaps, as it is generally understood, that may be regarded as a good definition.

Commissioner WEINSTOCK. Then, we see in both cases it is a question of combination, combination of workers on the one hand in the boycott and a combination of employers on the other hand under the black list, and that both involve combinations?

Mr. GREGORY. I think the employer might boycott and the labor union might blacklist under those definitions.

Commissioner WEINSTOCK. You would use those words practically as synonyms?

Mr. GREGORY. Under the definitions that you have given you will find that is not confined to one side or the other. That is to say, the laboring men, if they combine to prevent somebody being employed, they are called a black list, in accordance with that definition.

Commissioner WEINSTOCK. If there is to be absolute equality before the law on both sides, then it seems to me this remains, that either the workers ought to be permitted to boycott and the employer to blacklist; or if the employer is not to be permitted to blacklist, then the worker likewise ought not to be permitted to boycott.

Mr. GREGORY. I don't know as I understand the terms as you do; I don't know that I materially disagree with that view. You would have to judge each case by itself.

Commissioner WEINSTOCK. It becomes self-evident, does it not, that if one side is permitted to combine for the purpose of injuring another party, and the other side is not permitted to combine for the purpose of injuring another party, that there is no equality?

Mr. GREGORY. In a case—it is probably in the law, Mr. Commissioner, that a mere combination to injure may be unlawful, and I don't favor a mere combination to injure. I think it is not necessary to go to that extent; but if men, for the purpose of promoting their interests, combine to do something that may injure another person, then I think you have a different situation; at least it is one that the courts make a distinction of and make much of.

Commissioner WEINSTOCK. Then that is the purpose of blacklisting, as I understand it, the employers get together and agree that they will not employ a certain worker because he is a trouble breeder. He creates dissatisfaction and dissension in the ranks of labor, and therefore he is to them, from their point of view, a detriment and an injury, and therefore they agree not to employ him. Now, then, they have exactly the same object in mind that the worker has when he boycotts? He believes that a certain employer is unfair to him, to his labor, and doesn't give him the proper working hours or conditions, and they propose to prevent him getting labor.

Mr. GREGORY. I don't see any reason why a given number of employers should oppose a man that they regard as an agitator getting employment with other employers. You get readily in these cases the lines of distinction, but they are somewhat difficult to explain. You might readily have a kind of an illegal conspiracy, if it appears that the people engaged in this effort were not trying to promote their own interest but to injure a man against whom their activity is directed. It is a question of a good deal of difficulty, and I think myself that probably, as I said to start with, the difficulties to my mind of regulating or prohibiting what is commonly called black list are such that they seem to me inseparable, as far as suggesting any adequate legislation.

Commissioner WEINSTOCK. There has been legislation on that?

Mr. GREGORY. Oh, yes.

Commissioner WEINSTOCK. That is, there are many States of the Union that have laws against black lists?

Mr. GREGORY. Yes, sir.

Commissioner WEINSTOCK. And there have been convictions under those laws, have there not?

Mr. GREGORY. I don't happen to remember any; I don't say there have not been; probably there have been.

Commissioner WEINSTOCK. I think there have. I think we have notations here, Kitchen *v.* Chicago & North Western Railroad Co., and in Handley *v.* L. & M. Railroad Co., Kentucky, and——

Mr. GREGORY. Those, I would judge, were actions for damages.

Commissioner WEINSTOCK. In this latter case an employer was held liable——

Commissioner GARRETSON. Every one is an action for damages.

Commissioner WEINSTOCK. In this latter case the employer was held liable by his discharged employee for writing a letter to an association of employers containing a request that he be refused employment in all association houses in which he may apply for a position. It was a rule of this association that an employee discharged by one member should be refused employment by all others. That would indicate that there had been damages awarded.

Mr. GREGORY. I don't know whether there was any legislation there or not, and, of course, irrespective of legislation, a letter of that kind might be libelous and affect an individual cause of action without reference to combination.

Commissioner WEINSTOCK. In the case of Kitchen *v.* Chicago & North Western Railroad something like $21,000 in damages was awarded to the blacklisted individual.

Commissioner GARRETSON. You had better trace the latter part of it.

Mr. GREGORY. I am not familiar with those cases, but I might say that these laws usually are a kind of a dead letter. They are incapable of efficient enforcement in the nature of things. They kind of satisfy the public, as the old saying, "throwing the sop," they pass a law and then go to sleep over it. I have no confidence in such legislation.

Chairman WALSH. You had not concluded?

Mr. GREGORY. Not quite, and perhaps I ought to have; I have taken so much time of this commission.

Now, I come to this proposition, which to a man that has been at the bar as long as I have, is always a serious one. Suppose that we had an ideal system of law prepared with the wisdom of Plato and Socrates or Aristotle, and all the great interests in America, and these lawgivers secured everybody their rights as far as legislation or code could secure it. You have heard here on the witness stand, I have heard since I have been here, testimony of witnesses that show you absolutely how these provisions fail. There is no way of enforcing the law; the man is poor and humble and one unit in the great industrial enterprise. Now, what can be done? He can hire a lawyer that charges $50 or $100 or $500 a day, if he has the money, and vindicate his rights. It is an impracticable remedy. We have tried to remedy these questions by ancient methods that are as impracticable to modern conditions as navigation by a trireme or a stagecoach would be to modern conditions. We have made a new departure. We have attempted now to enter upon a scheme of regulation by government. Where securing the rights of the general public and of great bodies of citizens has been committed to government, the men are elected executive officers and they swear them to see that the laws are favorably executed. We have, first, the railroad, with the Interstate Commerce Commission, which has accomplished much, but much remains to be accomplished, and, in my opinion, the organization of that commission is absolutely inadequate; it is overburdened; it can not by these possibilities, under its present organization, do that which is expected of it. We have recently made a still more ambitious departure in the establishment of the Federal Trade Commission, charged with the important duty of regulating all institutions except railroads engaged in interstate commerce. It is apparent at once that the field there is too large for a single commission. We may have other commissions. Listening yesterday to the witness, it occurred to me that we might have a mines commission. We might have a commission as to manufacturing, and we may have more. In one State in the West I understand they have some 40 commissions now, and the people of that State are inclined to think that is too many, but at least 4 or 5 or a half dozen ought not to be out of proportion for this great country.

Now, I listened to testimony of Dr. McKelway as to child labor. I read that speech of Senator Beveridge and have quoted from it myself in public. It is certain that a national question can only be regulated by the National Government. It is perfectly certain that there can be no efficient child-labor regulation that does not emanate from the National Congress; that is, in a reasonable time. I think that one of the first things that should be done would be for Congress to pass a law providing a Federal incorporation act and also requiring every individual and every corporation engaged in interstate commerce, either to incorporate under that act or to take out a license from the Federal authorities to carry on such business. Of the constitutionality and validity of such legislation I have no doubt.

You at once nationalize all of these questions. Now, it would not be necessary, of course, for the Interstate Commerce Commission to attempt to meet this suggestion as to the railways, but it is different. It should be legalized throughout, and not on different branches throughout the country. There should not be a lawsuit every time a man feels the manufacturer or railroad company refuses to do something required by law. It should not be necessary to travel through the courts, up and down; it is a disgrace to our jurisprudence, but I don't know of any way of stopping it.

For years and years we tried to determine a simple and essential administrative question, and I believe that in time that such legislation as I have indicated, with the appointment of proper commissions, will be regulated. The courts under our constitutional system—there must be some appeal to the courts, but in practice, while there are not bureaus of conciliation and arbitration, there will be bureaus, so that if this miner desires to make a complaint as to the condition of the mines he goes to the commission—the mine committee—and calls attention to the fact, and they act promptly. I know it is attempted to be done in some States, but in a way, I think, which is rather ineffective. Of course, in order to secure compliance with Federal legislation on the subject there must always be the power in the Federal Government to either suspend or cancel the license to carry on interstate business. A power sufficiently formidable in itself, if rightfully used, and not tyranically, to compel respect for its provisions; that is, one thing or the other, I think, should be carried out. Now, there is another thing that I think will be, perhaps, a little more

practical and potent, and it is in that regard that I look upon the work of this commission as of supreme importance. In the beginning God said, "Let there be light." Why do we light the streets of our cities; why is it that crime seeks darkness and not light?

This commission was constituted and, in my judgment, its most important purpose is to turn on the light, to bring the facts as to the industrial conditions in this country to the attention of the American people. The President of the United States in one of those eloquent and felicitous addresses which he knows so well how to deliver last fall stated the opinion of the world is the mistress of the world. It is speaking largely the truth. The opinion of America is mistress of America, and no unjust, oppressive, or unlawful practice can endure, law or no law, when you turn upon them the searchlight of publicity. It is undoubtedly an important duty, as I understand it, of this commission, Mr. Chairman, to report and recommend such legislation as in the judgment of its members the necessity of the situation requires. But, in my opinion, a far higher and more important duty is to lay the entire facts of the industrial situation before the American people, and to that end you have traveled to all parts of this country, you have given everyone an opportunity to be heard, and you have collected what, in my judgment, when it is adequately published, notwithstanding the fact that many of us probably have not contributed much to this discussion, an invaluable mine of information for the American people.

And now I wish to read a brief extract which recently attracted my attention, from the remarks of a distinguished Italian statesman, Señor Pasquale Flore. He said:

"On the other hand, consider for a moment that complex and ominous question, which, day by day, in all countries, grows more demonstrative, the so-called social question. It represents the undefined but unceasing movement on the part of the workmen and the proletariat clamoring for greater comfort and better treatment, greater development of the industries and commerce, so that they may more largely participate in the profit and be able to satisfy the increasing needs of life. The religious sentiment, which urged the people to tolerate privation and actual suffering in the hope of the life that is to come, has lost much of its strength and the proletariat and the working classes demand at once more comfort and more work."

That is a statement of an undenied fact. We hear in this country on the part of large employers of labor much talk of the liquidation of labor, that there will be a fluctuation in the demands of labor, and the right of its recommendation is undoubtedly true. We think there can be or there could be any such liquidation of labor by the great reduction of its share in the depreciation of profit in industries, as is indicated, but that phase is not only impossible, I hope, but is, from their standpoint, most undesirable. Wages must be higher; they must constantly tend to increase, not because the laboring man so wills, but because of prosperity and progress of this country and of every country. Oh, well, the man says, we have done pretty well in life; I don't care what he is, whether a capitalist, lawyer, laboring man, or artisan; but my children must be content or else we must go backward, and not forward, and the moment that happens that country has entered upon a condition of decadency and decay. It is the duty of every man that labors, as the great mass of people do, and I will include in that, although perhaps Mr. Commissioner Garretson seems to indicate to the contrary, professional men—I will include professional men, lawyers—it is the duty of every man that labors to desire that those who come after him in his calling shall have better profits than he had, unless he is unusually fortunate, and that means progress, and it means increased purchasing ability on the part of the masses. Why, we hear much of the burning of gasoline and the opening of champagne on the Great White Way. What does it amount to? Nothing at all as to the prosperity of this country; but it is the ability to purchase by the great masses of people that you see every day on the streets, in which the prosperity of the country, the prosperity of its railroads and every great industrial interest itself is absolutely involved. And any idea that wages must be progressively reduced means simply national degeneration and decay.

Commissioner GARRETSON. Let me correct a word. I said labor men, not laboring men.

Mr. GREGORY. Perhaps there is a distinction sometimes.

Commissioner O'CONNELL. Returning to the boycott for a minute, the impression largely prevails that it is the laboring man that is constantly boycotting. He seems to be the guilty person in connection with this boycotting.

They are lawabiding citizens in the general sense of the application. A few miles away from where we are now sitting property is sold and the deed provides that the property can not again be resold or rented to a colored person. It is found, however, that that is not held good. In a certain section not far from where we are there were no black people living in the section; it was a new section. The property was all laid out with the understanding that it would be sold only to white people. Some persons who bought property there found that they could not meet the payments, and the agent who had sold the property mysteriously found a tenant and sold the property at a large profit, it is reported. One day a colored person moved into this property, into the neighborhood, and there was great excitement. You could have bought that property that day in that neighborhood at 25 to 50 per cent off. Everybody thought the neighborhood was going to turn black instantly. There was an association of the people that owned the property in that territory, formed for the purpose of holding monthly meetings, and looking after the development of that section, and things of that sort for which such associations are organized, and immediately a boycott was placed upon this real estate man, and the sabotage that was spoken about yesterday was being carried out by the white men's children in that neighborhood, not workingmen. The windows were broken in the house and the colored children had to sneak out the back way if they got out at all, and finally the agent was compelled by force of this boycott to take the black tenant out of the house and repair the house, and there has been no attempt to put black people in the neighborhood since. Now, you cited the case of the possibility of a saloon coming into the neighborhood of which you spoke. Under those circumstances the fact that in this territory there was no black person living, and if they had come in it would have had the effect of reducing the value of property, that is the general result that has occurred. Now, is a situation of that kind justified or not?

Mr. GREGORY. Well, that is another question. Legally I say it is not. It does not justify breaking windows.

Commissioner O'CONNELL. No; that was incidental.

Mr. GREGORY. Yes; but I think legally those people should be permitted, if they saw fit, to combine. Those instances happen with us, and one more aggravated than that which you speak of where a colored man had secured a lease of property just before I left Chicago, and the assistant corporation counsel of the city was one of the alleged boycotters. I don't think human nature, Mr. Commissioner, is very different in the laboring men than it is in lawyers and doctors and employers.

Commissioner O'CONNELL. In this case there were lawyers and doctors, and all very active boycotters?

Mr. GREGORY. Yes, sir.

Commissioner O'CONNELL. In the same neighborhood the property is built in a large square, and the lots do not run into each other. Consequently there is a sort of hollow square in this block that the owner or real estate men did not sell to the property owners. All at once, one day, a lot of wagons of rubbish of all kinds usually found around a barn landed in that hollow space, and a very cheap affair building was put up, and within a few days a lot of horses and a lot more wagons piled into this place. There was another boycott declared, and it was claimed that pestilence and flies and almost all kinds of diseases would come into the neighborhood, and another meeting was called and another boycott took place and that disappeared. Now, I cite this to show that the boycotting is not always the workingman who is boycotting to compel some one to grant him better wages or better conditions of employment.

Mr. GREGORY. Undoubtedly.

Commissioner O'CONNELL. We are a nation of boycotters. There is no one within the sound of my voice, so far as I know, that is not boycotting all the time. He tells somebody, my printer is a bum printer, or my shoemaker is no good, or my tailor is beastly in his designs, and so on; constantly boycotting.

Mr. GREGORY. We have the greatest dry goods stores in the world in Chicago, undoubtedly, if you will permit me to say that, perhaps knowing how much disposed Chicago people are to boast a little, and if you should hear the ladies, Mr. Commissioner, as they talk sometimes about their experiences and urge each other to cut this shop or that shop or the other shop you would think this boycotting was even more extensive than perhaps you have heretofore thought. It is a natural impulse.

Commissioner GARRETSON. Now, speaking of boycotting and blacklisting, wasn't the ostracism of the Greek law and banishment of the Roman law ex-

actly in principle boycotting culminating in an individual blacklist by the entire nation?

Mr. GREGORY. Well, I think the ostracism of the Greek was.

Commissioner GARRETSON. In form?

Mr. GREGORY. Substantially.

Commissioner GARRETSON. And we have an instance in one instance where they tolerated the application of it simply because the victim was too good, Aristides, because they got tired of hearing him called "the just"?

Mr. GREGORY. Yes; after Aristides, they got tired of hearing him called "the just."

Commissioner GARRETSON. Does not equality before the law, which has been accented quite strongly, become something of a farce or become absurd when it is considered as between a man like the one who testified yesterday and his employer, when the man has only one weapon, the right not to work, and all the arsenal is in the hands of his employer?

Mr. GREGORY. It's practical accomplishment in such cases is difficult, if not impossible, under present conditions.

Commissioner GARRETSON. In your evidence yesterday, referring to the trial by jury—well, that is not germane to the matter. I will pass the question, Mr. Chairman. That is all.

Commissioner LENNON. I want to ask one question, Mr. Chairman.

Chairman WALSH. Commissioner Lennon has a question.

Commissioner LENNON. Mr. Gregory, is the issuance of injunctions warranted where there is other adequate remedy at law to cure that which the injunction seeks to handle?

Mr. GREGORY. It is one of the canons of the law on that subject that in such cases injunction should not issue—particularly, a preliminary injunction.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. You will now be excused permanently. We thank you for your attendance.

Mr. GREGORY. Thank you, sir.

Chairman WALSH. Is Mr. Arthur Woods here?

Mr. WOODS. Yes.

TESTIMONY OF MR. ARTHUR WOODS.

Chairman WALSH. State your name, please.

Mr. WOODS. Arthur Woods.

Chairman WALSH. Where do you live?

Mr. WOODS. New York City.

Chairman WALSH. And your business, please.

Mr. WOODS. Police headquarters, New York City.

Chairman WALSH. What official position do you hold?

Mr. WOODS. Police commissioner.

Chairman WALSH. How long have you held that position?

Mr. WOODS. A little over 13 months; since the 8th of April, 1914.

Chairman WALSH. What is your occupation—your general occupation, I don't mean now, Mr. Woods?

Mr. WOODS. That is hard to state, Mr. Chairman. I have done a good many things.

Chairman WALSH. I—are you a business man or a professional man?

Mr. WOODS. I have been a newspaper man, and I have been a schoolmaster, and I have been a business man. It is pretty hard to generalize from all those three.

Chairman WALSH. What police regulations are now in effect in New York with reference to free speech and free assemblage and picketing in strikes? I believe your attention has been directed to that particularly?

Mr. WOODS. May I talk a little generally on the question, sir?

Chairman WALSH. Indeed, you may. We would like to have you do so.

Mr. WOODS. Well, free speech and free assemblage are constitutional rights, and as I understand it, the local authorities have the right to regulate those locally, but not in such a way as to destroy them or abrogate them, and really, in effect, only in such a way as to preserve them. For instance, in New York, we not merely permit free speech and free assemblage and picketing, but we protect it. If an assemblage should assume such proportions as seriously to interfere with traffic—that is, if in the endeavor to preserve its own rights it seriously interfered with the rights of others, we should then

have to take measures to stop it in that particular location; not to stop it altogether, but to remove it from the particular location and the particular circumstances in which it was overriding the rights of others.

If a free assemblage incited to immediate violence, I should then take whatever police measures might be necessary to prevent that violence. Except for those two restrictions, free speech and free assemblage are not merely permitted, but are protected in the city.

Commissioner WEINSTOCK. How about picketing?

Mr. WOODS. Picketing, the same principle applies. We not merely permit lawful picketing, but we protect lawful pickets in the exercise of their full rights.

Chairman WALSH. You feel that that is part of the duty of the protecting authority of the law to keep those rights vindicated, and to keep the ways open to the exercise of them?

Mr. WOODS. Absolutely.

Chairman WALSH. And has that been the conduct, so far as guided by you, of the New York police authorities?

Mr. WOODS. Yes, sir.

Chairman WALSH. How have you found it to work out? You say you speak generally; we would like to have you speak generally. You have seen the disturbances that have occurred throughout the country, and the varying views in regard to these very large questions, and they have been before us many times, and we are trying to epitomize here, through the best authority we have, what the attitude of the Government ought to be toward them, and the attitude of the people, for that matter.

Mr. WOODS. Why, I see no two ways. The thing was rather strikingly brought to my attention. A year ago this last winter, as you will remember, through New York City there were a number of disturbances supposed to have been fomented by anarchists, and I. W. W.'s, etc., etc.; and there were meetings every Saturday in Union Square; strong police guards appeared at those meetings, and the result was that there was a good deal of unpleasantness. There were a number of broken heads; there was a good deal of recrimination back and forth, and there were a number of arrests. And the Saturday before I took office—I took office, I think on Wednesday—and the Saturday before I took office there was a particularly turbulent meeting in Union Square—a good many thousands of people. A little while before that there had been a disorderly march up Fifth Avenue, where a number of persons had been arrested. And the Saturday just before I took office there was violence, and there was a certain amount of bloodshed, and the result of it was that there were loud threats as to what would happen the next Saturday if the people did not get their free rights to assemble and speak.

Well, I took office in the interim after that turbulent Saturday, and quite changed the policy, the methods, and the orders given to the police. There was on the following Saturday a very small police force evident, although there were enough police available that if violence had resulted we could have handled the situation. Very few police were there. I had personally given them their instructions, and told them that they were to afford to the assemblage its full rights; that they were to interfere only if the traffic was seriously impeded, and if incitement to immediate violence was present. They were, under no circumstances, to act, as I don't believe they had acted, in any manner that could excite resentment on the part of the assemblage. The result of it was that they had a very large gathering—a good many thousands of people were there—and they spoke all sorts of doctrines, and they went on, and there was no disturbance; there was no trouble; there was no disorder. I had been in the office all the afternoon, and at the end of the afternoon I was called up by the chief inspector, who was in charge. He told me the meeting was practically over; one or two hundred people up there. I went up and stopped in the place. I was not recognized. I went up toward the crowd of one or two hundred people, perhaps, and their orator got up on the billboards, and as I went up he called out, "Well, boys, the cops certainly have made good to-day. Three cheers for the cops." Now, that is one instance.

Now, we had another instance at the time when there was picketing in front of the building where the Standard Oil office was. There was a meeting at Bowling Green during the noon hour, and some woman was addressing the crowd, and a man who was listening to it took exception to her remarks. She got a little strong in some of her remarks, apparently, and he said he couldn't stand for that. There was one policeman at that gathering. He went up to

this man and tapped him on the shoulder and said, "Here, cut that out." "But I can't stand for what she is saying. Did you hear her?" And the policeman says, "Yes; she is having her meeting here, and I am protecting her in that meeting, as long as she keeps the law. If you want to have a meeting, come over here, and I will protect you."

Now, there were several things of that kind that happened. This winter there have been meetings in various parts of the city, in the same place, in Union Square, and there has been no trouble.

Chairman WALSH. In your position as police commissioner have you given special study to the operations of so-called gunmen and professionals of that stamp?

Mr. WOODS. I have.

Chairman WALSH. Have you discovered any connection between gunmen, or their employment in the large cities, and the use of such persons in industrial disturbances?

Mr. WOODS. Yes.

Chairman WALSH. Please give us your observations upon that.

Mr. WOODS. I can not speak much except for New York City; you spoke of large cities.

Chairman WALSH. I was drawing, perhaps, an illustration from that—I thought perhaps we might.

Mr. WOODS. Yes. Well, by "gunmen" you do not mean simply a person who is found with a revolver on his person?

Chairman WALSH. I do not mean the person who is arrested, or ought to be arrested, for carrying concealed weapons, but what might be called one of a body of men commonly known as gunmen.

Mr. WOODS. Yes. They are called "gunmen," "guerillas," "gangsters," and I might define them roughly as men who have a questionable means of livelihood and can be hired to commit crime. Does some such definition as that meet your idea?

Chairman WALSH. Yes; I think you have the idea.

Mr. WOODS. There has been a great deal of crime committed in New York by these gunmen, and it is a kind of crime which is particularly intolerable, because it is crime which can be hired. There seem to be these professional criminals who are hirable to commit crime. They are an undiluted menace to the body politic. Perhaps I had better not go on; I was going to talk a little about gunmen.

Chairman WALSH. Please go ahead; your testimony applies to what the commission has in mind.

Mr. WOODS. I was going to point out what they do.

Chairman WALSH. I wish you would.

Mr. WOODS. There are six or seven different methods of earning an "honest living," and the first is, I say "first," but not in order of importance, they are used at repeating and intimidating voters at election time. Second, in connection with gambling. They are the people who are the cappers for the gamblers, and do the work inside of the gambling houses, and when the town is a little bit tight, as I hope it is at the present time, they do not find such a fruitful source of employment in that particular. Another source of income is by selling and dealing in habit-forming drugs, a traffic which has grown enormously in the past few years and which is a great menace.

Again, they live off the earnings of prostitutes; they live by employment in industrial disturbances; they can be hired generally for any sort of crime, and they have a custom of holding what they call "rackets," which are balls, parties of one kind or another, and then blackmailing people into buying tickets for them. A successful ball for a gang leader with a reputation ought to net him well over $1,500 by the forced sale of tickets. That is the general character of what we call gunmen.

Chairman WALSH. How do you ascertain, Mr. Woods, the use of these men in industrial affairs, industrial disputes?

Mr. WOODS. Well, it has been a matter of common police knowledge for some time that they have been used in connection with industrial disputes, in strikes; but a short time after I took office—well, not a short time— I think it was last September, when I was trying to shrink up the sources of income of these people from all points of view, and was studying out the principal gunmen, who the leaders of the gang were, to see how they were making their unlawful living, I was trying to contract their sources of income so that they might be driven out of town or behind the bars, or put to the unspeakable shame of having to

earn an honest living, I happened to have an opportunity to learn of an attempt of one Dopey Benny, commonly called; he was trying, as the information went, to force the representative of some union which was having a strike to employ him, and the representative of the union did not want to employ him; he said he did not want to have that kind of strike. Benny had give him until that afternoon to give him his money, so we had detectives stationed in this man's shop on that afternoon, and one was supplied with marked money with which he was to pay Benny. The detectives overheard the conversation and made the arrest. The case was such a sure case that this man Benny began to squeal, as the common parlance goes, turned State's evidence.

Well, from September until yesterday that process has been going on. This man has been confessing, has been giving evidence as to his part in industrial disturbances, and at least 8 or 10 other persons have been doing the same thing, and the result or the beginning of the result was the filing of indictments yesterday by the grand jury of New York County—some preliminary indictments. Now, those indictments were all filed against representatives of unions. The investigation so far has shown a very large employment of gunmen by strikers; has shown a very much less employment of gunmen by employers. The cases that we have found where they have been employed by employers have been indirect, in that the employer has hired a private detective agency to protect him against alleged violence, and among the men supplied by the private detective agency have seemed to be some of those gunmen; but the great use of the gunmen in connection with strikes in New York City the past few years has been, we have been able to find out as a result of this very exhaustive investigation, has been by strikers.

Chairman WALSH. Have the indictments been announced yet?

Mr. WOODS. Yes; in this morning's papers.

Chairman WALSH. How many of them were there?

Mr. WOODS. I can not tell you exactly, but I think there were 12 indictments handed down yesterday afternoon.

Chairman WALSH. Is the investigation still going on?

Mr. WOODS. Yes.

Chairman WALSH. Who presented them to the grand jury?

Mr. WOODS. The district attorney of New York County.

Chairman WALSH. Who called attention to the matter, if you know?

Mr. WOODS. I guess I did.

Chairman WALSH. Has any investigation of the use of these gunmen in connection with industrial disputes ever been made before to your knowledge in New York, Mr. Woods?

Mr. WOODS. Well, I can not give you conclusively information about that, but I should say nothing like so thorough going as this.

Chairman WALSH. Has any investigation been made to ascertain whether or not they were used in other places than New York City?

Mr. WOODS. I can not tell you that; there was a recent disturbance at Roosevelt, N. J., which you remember, and it was alleged that New York gunmen had been brought out there; I think probably they had, but we sent out some of our men to see the people there who were arrested, and they recognized none of them as New York gunmen. But it has been brought out in that investigation that New York gunmen have been taken to other cities; we have definite instances where they have been taken to Chicago, Cincinnati, Baltimore, Philadelphia, and other cities. One of the extraordinary features of the case is that in connection with strikes where women are employed. Women are used as "gunwomen," so to speak.

Chairman WALSH. What organizations are affected by these indictments? What labor organizations were found to have taken those men, to have used these people?

Mr. WOODS. The indictments had not been found when I left the city; all I can tell you would be what is contained in the newspapers.

Commissioner O'CONNELL. Largely the east side Hebrew trades, is it not?

Mr. WOODS. Yes; I think so.

Commissioner O'CONNELL. The organization known on the east side as the central body of Hebrew organizations in the east side?

Mr. WOODS. I could not be sure and state definitely it was Hebrews.

Chairman WALSH. What detective agencies have been found to have used these men, as you have stated?

Mr. WOODS. That I should not want to give you a definite list of names about at this time. If you would like, I can send them to you.

Chairman WALSH. I wish you would, and if it is not proper to publish the names at this time, while this grand jury investigation is going on, we will withhold them, of course, until such time as they can be published, but will only use them in our report of recommendations.

(Communication containing list of names referred to will be found printed among exhibits at the end of this subject as "Woods's Exhibit.")

Chairman WALSH. Do you know by whom these New York gunmen were taken to other cities?

Mr. WOODS. No; I do not know.

Chairman WALSH. By what individual or organization?

Mr. WOODS. No; I do not know, but I think you could get that information; would you like to have men send you that?

Chairman WALSH. Yes; very much; please do so.

(Information referred to appears among the exhibits at the end of this subject as "Woods's Exhibit.")

Chairman WALSH. Commissioner Weinstock wishes to ask some questions.

Commissioner WEINSTOCK. How many police commissioners are there in New York City, Mr. Woods?

Mr. WOODS. Only one, unfortunately, at the present time.

Commissioner WEINSTOCK. To use a Greek expression, you are the "whole cheese"?

Mr. WOODS. Yes, sir.

Commissioner WEINSTOCK. You were telling us about these gunmen blackmailing people by compelling them to buy tickets for alleged balls; what happens to a prospect if he declines to buy tickets?

Mr. WOODS. Things are made disagreeable for him in various ways, and he may suffer violence; his windows may be broken; his customers may be kept away from his store; and various things like that may happen.

Commissioner WEINSTOCK. Are these gunmen organized? Have they associations?

Mr. WOODS. It is more or less closed; I should say as a rule it is the development of the so-called corner gang.

Commissioner WEINSTOCK. Do they have leaders?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. And representatives?

Mr. WOODS. I should think probably there is no formal meeting, and they do not have a definte organization with by-laws, and that sort of thing, but they have well-organized groups of men, and the leader is understood.

Commissioner WEINSTOCK. Does the group obey the leader; does he have control over them?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. Is it known what punishment will be inflicted on a member of the gang who does not obey the leader?

Mr. WOODS. You mean, is it known to me, or is it generally known?

Commissioner WEINSTOCK. Is it known to the men in the group?

Mr. WOODS. That has not been brought out, especially what would happen to a member that did not obey the leader; the leader is there by popular selection, and if he is not satisfactory, then he goes.

Commissioner WEINSTOCK. As a result of your investigation, what have you found to be the method of procedure in industrial troubles; do these gangsters offer their services to both sides, and take the highest bidder, or do they confine their operations and offer their services to one side of the labor trouble?

Mr. WOODS. I should not say it was "offering their services," but the result of our investigation shows a course of procedure like this; there would be a strike and the strikers would retain some gunmen to do whatever forcible or violent work they needed. The employer, to meet this violence, would, in a comparatively small percentage of cases, and not as many cases as the gunmen were employed on the other side, would hire a private detective agency.

Commissioner WEINSTOCK. Now, when the unions employed these gunmen, what function were the gunmen expected to perform?

Mr. WOODS. To intimidate workers that were hired to take the place of the strikers.

Commissioner WEINSTOCK. That is so-called scabs?

Mr. WOODS. Yes, sir; so-called scabs.

Commissioner WEINSTOCK. Have there been instances where there has been violence against the so-called scabs?

Mr. WOODS. Yes, sir.

Commissioner WEINSTOCK. To what degree?

Mr. WOODS. Oh, to very strong violence.

Commissioner WEINSTOCK. Have they committed murder?

Mr. WOODS. Yes, sir; I think that is being brought out now. As I remember it last night in the newspaper article there were three indictments for murder in the first degree.

Commissioner WEINSTOCK. There is no limit then to what degree they will go to intimidate the so-called scabs?

Mr. WOODS. No. Now, there was a case that was noticed a good deal in the newspapers awhile ago of an innocent man by the name of Straus, who was shot and killed on the east side. The Dopey Benny gang was employed by the strikers, and some other gangsters were employed by the employers; I can not remember which particular gang it was. One of the Dopey Benny gang had been killed by one of the other gang.

Commissioner WEINSTOCK. Competing gangs?

Mr. WOODS. Yes; one gang employed by one side, and one gang by the other side. I may have my thing a little twisted here, but the gang that killed the member of the other gang was holding a ball, and the other gang came up to get revenge for the killing, and the man that they tried to shoot jumped behind this perfectly innocent citizen, Straus, and Straus was killed.

Commissioner WEINSTOCK. Now, are the so-called gangs of gunmen confined to the east side of New York, or are there other gangs in other parts of the city?

Mr. WOODS. There are gangs in other parts of the city.

Commissioner WEINSTOCK. In what parts of the city, for example?

Mr. WOODS. There are gangs on the west side. The gang—I think I am justified in saying that the number and virulence of gangs has been very much reduced in the past 12 months. The situation we found was a bad situation. The policy under the former administration had been to use mild methods; the whole thing has been very much reduced in the last 12 months, but you will find headquarters of gangs and places they hold out in the lower east side, and the middle west side, and in some parts of Brooklyn, on the upper east side.

Commissioner WEINSTOCK. Is every member of the gang of one nationality usually, or are they composed of mixed groups? For instance, on the east side, are they all Jews?

Mr. WOODS. No; they would be mixed groups.

Commissioner WEINSTOCK. Of different nationalities?

Mr. WOODS. Yes; of course people are naturally nationally clanish, more or less, and you naturally have a predominance of one nationality in one group.

Commissioner WEINSTOCK. For example, in the so-called "blackhand" groups, are there any members other than Italians?

Mr. WOODS. The term "blackhand" is a term which is very much abused. There is no such thing as an organized "blackhand." The term "blackhand" is a pretty terrifying term when used to ignorant persons, and anyone who wants to earn an easy living can write a letter and sign it "Blackhand," and demand a certain amount of money, and sometimes have reasonable success in getting the demand. We have not found organized societies called "blackhand," as in Italy it is understood there are organized societies called the Mafia and the Camorra. We found instances of blackhand work on the part of Italian criminals who were trying to blackmail members of the Italian population.

Commissioner WEINSTOCK. Are gunmen natives, or chiefly foreigners?

Mr. WOODS. Both.

Commissioner WEINSTOCK. Foreigners and natives?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. And they are not confined to any one or the other?

Mr. WOODS. No.

Commissioner WEINSTOCK. And they come from different nationalities?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. No one nationality has a monopoly?

Mr. WOODS. No.

Commissioner WEINSTOCK. Is there anything in the industrial situation, Mr. Woods, that you think is conducive to the creation of gunmen? Is one the cause and the other the effect? For instance, would you say the industrial situation is the cause and the gunmen the effect, or is the existence of the gunmen independent of industrial conditions?

Mr. Woods. I named, I think, seven different classes of income of the gunmen, and of those seven different sources, strikes were only one, so if he should no longer be able to get a living from strikes, he might from the other sources.

Commissioner WEINSTOCK. So, regardless of what the industrial situation might be, the gunmen would, in all likelihood, continue to exist?

Mr. Woods. When the police do their duty, as I think they are, he can be blotted out; I think he can be pretty well blotted out.

Commissioner WEINSTOCK. Well, the thought occurred to me that it might be held to be, according to our present industrial system, that gunmen are in all fields of our present industrial system. I want your judgment on that?

Mr. Woods. I would say not.

Commissioner WEINSTOCK. In relation to it?

Mr. Woods. He comes in useful in certain homes of industrial dispute, but we have minimized that very largely by affording the protection needed with the police. We try to make it clear where a strike occurs that both sides will be protected in the possession of their full legal rights by the police. It is an outrage there in a civilized community to have one side hire one kind of special and private armed guards, or the other side do the same thing, and neither side rely upon the properly constituted force of law and order.

Commissioner WEINSTOCK. In other words, that neither side would come into court with clean hands?

Mr. Woods. I don't think you can say there is one side and another side. Each dispute brings in a group of persons.

Commissioner WEINSTOCK. And as a result of your experience you have found that employers are guilty of resorting to the methods you condemn, and likewise the labor unions have resorted to the methods that you condemn?

Mr. Woods. Yes, sir; that there were two points that ought to be considered in connection with that; so far we have not found the direct employment of gunmen except by strikers.

Commissioner WEINSTOCK. The employment by employers has been indirect?

Mr. Woods. The employment by employers has been indirect, through private detective agencies, and we have found far more employment of gunmen by strikers than by employers.

Commissioner WEINSTOCK. One other thought that is made by critics of the present industrial system is that it is conducive to prostitution. I suppose that dealing with that you have found how to minimize it, and it has led you to investigate the causes? In so far as your investigation and experience goes, would you say that the present industrial condition is largely the cause of prostitution, or have you found, as has been found by many other investigators in many cities, that the question of low wages for women is one of the remote causes, and one of the minor causes for prostitution?

Mr. Woods. Well, Mr. Weinstock, I hesitate very much about going into any definite conclusion one way or the other. It is a question that has been with us for so many centuries that I don't think we can say that any particular industrial system of to-day is the cause of it. There may be a great many things affect it one way or the other, but I should be and am very slow about letting myself come to many conclusions as to the cause of it.

Commissioner WEINSTOCK. You are not prepared, then, to express an opinion on the matter?

Mr. Woods. I could say, not expressing at all a finished or considered conclusion, that it seems to me the question of low wages has far less to do with it than I at one time thought; but I reserve full liberty to revise my conclusion on that.

Commissioner O'CONNELL. If you revised your conclusion to any extent, what do you allege it to, on what basis it does occur?

Mr. Woods. I am at a loss——

Commissioner O'CONNELL. You just conclude that it is not a question of wages, but you have not agreed with yourself what is the cause?

Mr. Woods. No, sir; it is simply a conclusion.

Commissioner LENNON. You say these gunmen are employed by strikers; you may not be able to answer this question at present—I don't know whether you care to or not—but have you any evidence that connects this employment by strikers with direct action of the union?

Mr. Woods. You mean formal action of the union?

Commissioner LENNON. Yes, sir.

Mr. Woods. No, sir; I don't know about that.

Commissioner LENNON. You have no such evidence?

Mr. WOODS. No, sir.

Chairman WALSH. I have been asked to ask you this question: Did your investigation bring out the fact, if it was a fact, that guards and strike breakers were recruited from the ranks of these gunmen by detective agencies, who were afterwards sent to Calumet and to West Virginia in the Cabin Creek district?

Mr. WOODS. I don't think so; I can look it up if you wish?

Chairman WALSH. I wish you would.

(Information referred to is mentioned in "Woods Exhibit," which appears among the exhibits at the end of this subject.)

Chairman WALSH. And I have been asked if you have had any experience with industrial-service corporations in the city of New York that seemed to make a business of employing strike breakers and guards and the like?

Mr. WOODS. I don't remember that title at all. Might I have those questions?

Chairman WALSH. Yes; just take that memoranda, it will show it.

Mr. WOODS. Yes, sir; I will take that.

Chairman WALSH. And unless there is something that you have in mind that you think might enlighten us in our work you will be excused permanently. If there is any other suggestion that you think you could make we would be glad to have it.

Commissioner WEINSTOCK. I might ask this one question. Some one handed me a clipping from the New York Herald of the 5th. Is this the result of your investigation—this case of Dopey Benny? This article says:

"The diary which 'Dopey Benny' Fein, now in Sing Sing, but formerly leader of an east side gang of thugs, kept for five years upon his employment by labor-union leaders proved to be so accurate that yesterday an extra grand jury presented 12 indictments against 34 labor leaders to Judge Malone in the court of general sessions.

"Several of the 34 men are mentioned in each of the 12 indictments, and the charges include murder, assault, extortion, and rioting.

"No better commentary upon the reign of intimidation, backed by violence, conducted by labor unions in that section ever fell into the hands of the prosecuting officers than that unfolded by the diary of 'Dopey Benny.' He combined business ability with his leadership of a band of hired assassins and thugs. He kept accurate books, showing by whom he was employed, who was to be killed or attacked, what factories were to be besieged, where riots were to be started, the prices paid for these services, and the net result in dead and wounded, with names and other details.

"His diary, which really is a complete ledger, was placed in the hands of Lieut. Detective Clinton M. Wood"——

That is not yourself?

Mr. WOODS. No, sir; that is one of my men.

Commissioner WEINSTOCK (continuing reading): "And with several aids he has been investigating the entries. Upon the proof of their accuracy the grand jury yesterday voted the indictments. 'Dopey Benny' also was presented to the grand jury, and he is said to have amplified any clouded entries which might have appeared in his ledger. This business man's document gave in each instance the identity of each member of his band who took part in the crimes and how much he was paid for his services."

Was that the outcome of your investigation?

Mr. WOODS. That is what I have alluded to. That is rather picturesque, though.

Commissioner O'CONNELL. The other side has not been heard from in the matter?

Mr. WOODS. Oh, yes; we have been after all the facts; we don't care who they hit.

Commissioner O'CONNELL. But the defense has not been presented, has not presented its side?

Mr. WOODS. No, sir; not as far as the courts go.

Commissioner O'CONNELL. There is no evidence to show you that Dopey Benny's statements are true; you have simply those statements as facts?

Mr. WOODS. We, of course, would not—an indictment would not be filed, and we would not go ahead on this thing without what seemed to us sufficient corroborative evidence, because, however estimable this man may be, and how reliable his diary may be, we would not go ahead on that without investigating it.

Commissioner O'CONNELL. But the fact that the grand jury indicted is not an indication of guilt?

Mr. WOODS. No, sir.

Commissioner O'CONNELL. So the defense has not had its day yet?

Mr. WOODS. No, sir.

Commissioner WEINSTOCK. In how far have your investigations warranted this statement that appears following:

"Several of the indictments mention assaults upon members of the union, and in this connection District Attorney Perkins said last night that the reign of lawlessness was caused by union leaders who wished to perpetuate themselves in power, who hired assassins to assault contenders in their own union for their places, and who used their union offices to extort blackmail under threats from employers.

"Seven men are indicted for assault in a riot for control of a union. Four men are indicted for hiring Dopey Benny's band to go to a nonunion factory and 'rough house' the employees as they left, and 'wreck' the plant. A dozen workers were wounded in that fight.

"Six union men are accused of extortion and assault in using violence to collect a fine of $100 upon an employer. Four others are accused of hiring the Dopey Benny band to shoot up a nonunion factory. Many shots were fired, the factory suffered a damage of $1,000, and several persons were injured. Other indictments mention cases where the band was employed by union leaders to attack nonunion workers, to wreck factories, and even to assault union men who opposed the leaders."

Does your ivestigation substantiate those statements here?

Mr. WOODS. Yes, sir; that is the general line of things that we found. All that sort of thing.

Commissioner WEINSTOCK. So that this is not mere newspaper exaggeration, to your knowledge?

Mr. WOODS. No, sir.

Chairman WALSH. That is all; we thank you very much.

Mr. Seager.

TESTIMONY OF DR. HENRY R. SEAGER.

Chairman WALSH. Please state your name, Doctor.

Dr. SEAGER. Henry R. Seager.

Chairman WALSH. Your residence?

Dr. SEAGER. New York .

Chairman WALSH. Your profession, please?

Dr. SEAGER. Professor of political economy at Columbia University.

Chairman WALSH. How long have you occupied that position?

Dr. SEAGER. Fourteen years.

Chairman WALSH. And I wish you would please tell us, Doctor, the course of your studies and other means of information which you might have, touching upon the question of the disposition of production in industry.

Dr. SEAGER. My special interest, ever since I began to specialize in political economy, has been the labor problem, and of late years, for several years, I have been president of the American Association for Labor Legislation, and in that connection I have not only been interested in the theoretical aspects of the matter, but have been concerned with the practical aspects of the matter, particularly in New York. That experience has impressed me with the truth of statements that have been made before your commission in the last two days, perhaps more than would have been the case if I had been a mere closet student of economics.

To follow the questionnaire that has been prepared as the basis for my remarks, I don't see how any fairminded person can question the fact that our judges have shown a decided bias in favor of employers. I would not be inclined to ascribe this so much to class bias, although I think that is a factor, as to the antecedent training of our judges.

Under our legal system the principal task of the lawyer is to protect property rights, and property rights have come to be concentrated more and more into the hands of corporations, so that the successful lawyer of to-day, in a great majority of cases, is the corporation lawyer. His business is to protect the rights of employers and corporations. It is from the ranks of successful lawyers, for the most part, that our judges are selected, and from that results inevitably a certain angle on the part of a majority of our judges when they

become judges. Personally I have the highest respect for our judges, I believe that they strive to be judicious in connection with cases that come before them; but coming to the bench after having represented employers for such a long time, they are then removed from their class contact with labor struggles, and the bias, usually the unconscious bias, that they bring with them to their judicial position often persists and influences their judicial decisions. I believe that is shown in connection with any one of the different groups of decisions involving labor issues that one might study. Decisions relating to issues that have arisen in connection with labor disputes show it, and decisions in connection with the constitutionality of labor laws show it, and so with reference to other groups of decisions in labor cases. As to the possible remedy for that situation I myself am inclined to be optimistic, because I believe the criticism of this bias that is more and more common in the discussion of labor cases on the part of many students of the matter is having marked influence on the attitude of judges. It has made them more conscious of this danger and more conscientious in trying to overcome such a predisposition in favor of the employer by studying the other side of the labor problem.

It is quite evident in jurisdictions where judges are elected that there is more or less selection against judges whose reputation is based on eminence attained in defending the interests of corporations, and therefore I believe an historical review of decisions would show that the trend of decisions is toward a more and more fair-minded attitude toward both sides. I think that is conspicuously shown in the case of the United States Supreme Court, and it is certainly very markedly shown in the case of our New York Court of Appeals. From a court which until recently has rendered decisions which seem to me to show a clear lack of understanding of the labor side of the problem, we have had within the last few months as broad and liberal decisions as sympathisers with that aspect of the question could desire.

In the State of New York, as the members of this commission doubtless know, we are in process of amending our constitution, and some of us who are impressed with the unsatisfactory results of the decisions in some of these labor cases are urging in our constitutional convention a change which shall free the hands of the legislators in the field of labor legislation, so far as the State constitution is concerned. The argument that we are presenting to the constitutional convention is that under our system of government we now have protection through the due-process clause of the State constitution, and also through the due-process clause of the Federal Constitution. That the result of this is that a State court may hold a labor law unconstitutional, at the same time that the Federal Supreme Court is declaring constitutional the same sort of legislation. Or a labor law may be held constitutional in one jurisdiction by one State court, while a State court in another jurisdiction takes the contrary view and holds it unconstitutional. We submit that the simplest and most logical and most effective way to avoid this conflict of decisions, and at the same time to preserve the right of the courts to pass upon these issues, is to remove the limitation of the State constitution on the right of the State legislature, with reference to labor legislation, so that the only issue before the State court would be does this violate the due-process limitation of the Federal Constitution, an issue which under the changed system resulting from legislation last winter, if decided against the labor law, might be taken to the Supreme Court of the United States, and there passed upon by that tribunal in such a way that the decision would apply uniformly to the whole country. We feel that this plan offers a needed remedy for the evil of conflicting decisions as to what may be done under the police power. To be more concrete, in New York we passed a workmen's compensation law. Our court of appeals unanimously held that that involved violation of the "due-process" provision of our State constitution, and that the compensation principle was unconstitutional. A little later Washington passed a law not dissimilar in principle to the New York law, and the Supreme Court of Washington unanimously held it constitutional—that it conformed with the requirements of the "due process of law" provision. We feel that if we could get away from this anomalous situation, if all these issues could finally be brought to the Supreme Court of the United States, and it could lay down the rule as to what "due process" requires for the whole country it would be well. Whether that view will be taken by our constitutional convention remains to be seen; but at any rate the matter is going to be urged upon the consideration of our constitutional convention.

Chairman WALSH. Is it your organization that is doing that? That is, the American Association for Labor Legislation?

Dr. SEAGER. It is a committee organized by the Association for Labor Legislation; but the individuals are from a number of other organizations active in New York, and from labor organization, and in that way representing broadly the interests of labor, of social workers, and of students of the problem.

The next question on the memorandum that was given to me was as to whether the poor man was at a disadvantage under our legal system—whether he enjoys equal rights with the rich man. The poor man is at a disadvantage in almost every direction, and I feel clear that he is at a decided disadvantage as our laws operate. The limitations on his ability to enjoy the equal protection of the laws are so obvious that perhaps it would be a waste of your time to go into them. At the outset he may be accused of an offense in connection with which bail would be accepted. He may not be in a position to provide bail. That means that he must languish in prison. Or the penalty may be a fine or imprisonment. In every jurisdiction, so far as I know, the equivalent in a fine for a day in jail is preposterously low under modern conditions. I noticed the other day in the papers that an offender was given imprisonment for 20 days or $30 fine. The man did not have the $30 and so had to spend the 20 days in jail. Then, in reference to the ability to command the best legal advice the poor man is at an obvious disadvantage.

Then, in connection with litigation involving the wage earner there is, as I have indicated, in my opinion, an unconscious bias on the part of the judges—their failure to enter into his situation and to feel or see just the limitations under which he labors. In those various ways and others I fear that there is inevitably a handicap on the poor man—a handicap that probably can not be removed except by helping the poor man not to be a poor man any longer.

The next question refers to the basis of the reluctance of labor organizations and individual workers to present their cases for judicial determination. "How far do you consider that the existing attitude is justified? In what way can the existing attitude best be modified?"

I think the existing attitude is justified to a certain extent, as I have indicated. I think, however, that it is exaggerated because of the lack of acquaintance of wage earners with judicial procedure. In my contact with wage earners I am impressed by the fact that many of them do not discriminate between the different kind of actions and are as frightened by a summons to court as they would be by a criminal indictment. That results from an ignorance of just what a particular order of a court may involve. I see no way to correct that situation other than by education, including education that will make our judges more clearly aware of the interests of both sides, and possibly the provision of machinery for looking after the interests of wage earners—a suggestion that I will come back to in a moment.

The last question asks for recommendations that would tend to modify the present situation in the right direction.

Chairman WALSH. Pardon me, before we get to that, Doctor, have you made any particular study of the methods of selecting jurors so as to——

Dr. SEAGER (interrupting). No; I have not. I have no knowledge, or even impression, on that.

Chairman WALSH. If there is a feeling on the part of workers and a fear of the court which has been expressed before to us many times, that is the reason we are calling your attention, as well as that of some other citizens, to it. If that is true, might it not result from the method of obtaining jurors? Might not the workingman, when he looks at the jury situation, conclude that possibly its organization has something to do with the fact that he does not get justice from his standpoint?

Dr. SEAGER. I have no knowledge on that point. As a teacher I am exempt from jury duty, and perhaps for that reason I have not given attention to that phase of it.

The recommendations I would like to submit for your consideration are three in number. The first one I have already outlined; that is, a change in our State constitutions that would bring about, as a result, final or authoritative decisions as to the scope of the police power by the Supreme Court of the United States, so that as time went on there should be but one controlling view of what is reasonable labor legislation within the police power, and that the view laid down by the United States Supreme Court. That would have the advantage of simplifying the situation and avoiding the absurd result that in New York a law is unanimously held unconstitutional, while practically the same law, or a law presenting the same principle, out in Washington is held to be constitutional. It would concentrate also the responsibility for deciding

wisely these labor cases on the court in which I think all of us are inclined to have the greatest confidence and would bring about in the course of time such special knowledge of the issues involved in these cases that the decisions, I believe, would be in harmony with the interests of both sides.

The second suggestion relates to a phase of the law that has already been discussed before you this week; that is, the view taken by the courts that legislation making it a misdemeanor for the employer to discharge a worker because of membership in a labor organization is not constitutional. That view has been uniformly taken by the State courts and by the United States Supreme Court, and it would probably be idle to argue against it, because it is now so well established. It seems to me, however, that legislation of this character is required if we are going to have real equality before the law between employers and wage earners. My suggestion is that the justification of this legislation would probably be recognized by the courts if the legislation were enacted in a slightly different form. At it has been enacted it has seemed to impose upon the employer a limitation from which the employee is exempt. It says an employer may not discharge a workman because he is a member of a labor organization, and it says nothing about a reciprocal obligation on the part of an employee. My suggestion is that the law ought also to make it a misdemeanor for the employee to give up his employment on the ground that an employer belongs to an employers' association. Practically, that is innocuous. No one ever heard of an employee giving up his employment because he did not like the employers' association to which the employer belonged. The idea that the employee should concern himself about that aspect of the situation is absurd on the face of it. He is not yet strong enough to exert adequate pressure in connection with wages and hours and things of that sort that concern him more directly and is far from ever thinking of trying to dictate to his employer the sort of association he shall belong to. But if that addition was made to this type of statute, it would then be free from the objection that it does not apply equally to both sides; and I am inclined to think, from the reasoning of the courts, which always makes prominent the view that there ought to be equality before the law, that both sides ought to be treated equally, that this legislation against the employers is class legislation, and so on—I am inclined to think that this simple modification, though it would have little practical effect, because it would make this legislation formally reciprocal, would lead the courts to uphold it as constitutional.

I have no illusions as to the benefits that would result from such legislation, however, even if it were upheld, from the point of view that it would make it easier for workers to get together in labor organizations. Employers almost certainly would be able to urge other reasons for discharging employees than membership in a labor organization, and therefore, perhaps, there would be no definite result in that respect; but I think from the point of view of clear thinking on labor issues a great deal would be accomplished, and it would register the conviction of the community that under our system of free government and in a democratic country it is an unbearable condition that employers can organize associations and pride themselves on the fact that through those associations they can prevent their employees from organizing.

I noticed in one of the newspapers recently a rather satirical article in relation to this commission—in one of the Detroit papers—suggesting that it would be a good thing for this commission to come out to Detroit and see the blessings of the open shop as exemplified there, and going on to say that the Detroit employers are organized into an association that maintains the open shop, and admitting that this is the means in that locality by which they have escaped trouble with labor organizations. In other words, the open shop means practically a situation where the labor organization can not exist. Now, I submit that that is an intolerable situation—that employers should organize to prevent their employees from organizing—and that in that situation a change in our law that would formally protect the right of the employee to organize and making it a misdemeanor for the employer to discharge the employee for organizing, and putting the same obligation on the employee with reference to the employees' association, be a step forward in connection with clear thinking on the issue, and would be a moral advance even if practically it did not amount to a great deal.

My last suggestion is along the line of the suggestion made in such an interesting way by Mr. Gregory. I was very much struck by the similarity of the conclusions which he had come to and the conclusions which I wished to submit as a suggestion.

Formal changes in the law will not, so far as I can see, help the situation very greatly; but that conclusion is one that we have come to, not merely in the field of labor legislation, but in many fields, and, as Mr. Gregory pointed out, the other field, the alternative on which we are coming to place more and more reliance, is the creation of commissions that shall not so much penalize citizens for noncompliance with the law as cooperate with them to develop more just and harmonious relations.

The trade-commission act includes that very significant section penalizing "unfair competition." It delegates to this new body the task of deciding what unfair competition is and of directing employers, if they find them guilty of unfair methods, to desist from those methods and play the game fairly.

I believe that the way out for us in this country with reference to labor problems will be found along the same line; that is, the creation of a permanent commission on industrial relations to take up the work that this commission is performing, on the basis of the reports that this commission will make, and to carry on continuously the efforts to bring about more harmonious relations between employers and employees.

All of us recognize, whether we are employers or employees, the lamentable results of the present situation, the terrible waste, from the point of view of production, of this friction between employers and employees that is so evident on every hand. Unless in some way we can develop more harmonious relations we are bound to suffer all along the line, employees as well as employers. I believe that we shall have a permanent commission on industrial relations which will have as its function the exercise of a certain amount of supervision for the purpose of enforcing publicity on all manufacturers' associations, employers' associations, and labor organizations, and the promotion of collective bargaining and more harmonious relations between the two and preparation for the work of the Board of Mediation and Arbitration that we already have when for any reason it is necessary to resort to some outside agency for maintaining industrial peace.

I believe that a commission of that sort could gradually accomplish, with reference to the relations between employers and employees, what we hope the trade commission may gradually accomplish with reference to the relations between industrial combinations and consumers—bring about fairer conditions and more harmonious relations and an opportunity to enjoy more fully the advantages we have by lessening the frequency of strikes, and lessening what is even more serious, the waste due to the constant friction between employers and employees, which shows itself in so many different ways and which hampers so much industrial enterprises in this country.

Chairman WALSH. At this point, Doctor, we will stand adjourned until 2 o'clock. Some of the commissioners——

Dr. SEAGER. I had almost finished.

Chairman WALSH. Some of the commissioners may have some questions to ask you, Doctor, and we will try not to detain you.

(Thereupon, at 12.30 o'clock, Wednesday, May 12, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

STATEMENT OF MR. S. C. LONG.

Chairman WALSH. We will be in order. I have been requested by the commission to read publicly into the record two additional letters from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co.

In the letter read the other day, naming four men who were said to have received $300 each under circumstances detailed in that letter, was mentioned Mr. William Park, general chairman of the Brotherhood of Locomotive Engineers, and we have these two further communications from Mr. Long:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: We desire to make a correction in our letter of May 7, mailed to you after the hearing before the commission closed on that date.

We find after reaching home that the amount given Mr. William Park, general chairman, B. of L. E., Pennsylvania Railroad, was $200 instead of $300.

This money was paid Mr. Park after the strike was over and everything cleared up, and was to cover expenses and compensation in connection with his efforts during the shopmen's strike at Pittsburgh in 1911 to prevent employees, and particularly engineers, from leaving the company's service, urging them to remain at work and maintain our contractual relations.

We also desire to say that this money was returned to us by Mr. Park with the verbal statement that the men he represented had paid him his expenses.

You understand that the total number of employees receiving payments after the strike was over was 511, while 295 other employees were given letters of commendation.

Yours, very truly,

S. C. LONG,
General Manager.

And also the following letter:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: In connection with our letter to you of this date requesting to be permitted to correct statement in our letter to you of May 7 regarding payment of $200 to Mr. William Park, general chairman, B. of L. E., Pennsylvania Railroad, to cover expenses and compensation in connection with service rendered during the shopmen's strike at Pittsburgh in 1911:

As an act of fairness and justice to Mr. Park, may we suggest that you send a copy of our letter, or have its contents conveyed in your own language, to Mr. Warren S. Stone, grand chief engineer, Brotherhood of Locomotive Engineers, Cleveland, Ohio?

Yours, very truly,

S. C. LONG,
General Manager.

TESTIMONY OF DR. HENRY R. SEAGER—continued.

Chairman WALSH. Now, please resume, Dr. Seager.

Dr. SEAGER. I have concluded my statement.

Chairman WALSH. Commissioner Lennon has some questions.

Commissioner LENNON. Have you given any study to the subject of the assumption of power or the granting of power by legislative enactment to courts, principally United States courts, to declare unconstitutional acts of Congress or laws passed by Congress?

Dr. SEAGER. I am not familiar with any legislation. Do you refer to legislation giving that power to the courts?

Commissioner LENNON. Yes.

Dr. SEAGER. No; my impression is that that power has been inferred from the nature of the Federal Government, created by the Constitution, and has been exercised by the courts without any legislative grant.

Commissioner LENNON. Do you believe that it is proper for courts to assume such an important function as this without having been authorized so to do by legislative enactment?

Dr. SEAGER. I am unable to see just how our Federal system of government could operate unless there was some authority that would mark the line between the jurisdiction of the States and the jurisdiction of Congress, and that authority has proved to be the courts.

Commissioner LENNON. Well, have you observed in your study personally as to whether the exercise of this power by the courts has been a cause of industrial or social unrest?

Dr. SEAGER. I think it has, decidedly; I think the exercise that has been most complained of has been under the fourteenth amendment, that was added to the Constitution for a very definite purpose, and without any thought that it would be applied to labor disputes, in connection with which the race issue did not enter, and I think the way in which that due-process clause in the fourteenth amendment has been interpreted has caused a great deal of dissatisfaction and has had a great deal to do with the feeling on the part of wage earners that the courts are not only hostile to them but are disposed to stretch their powers to show that hostility.

Commissioner LENNON. Well, from your observation and knowledge of the matter, if you were a member of this commission, would you favor suggesting that by act of Congress that this power be either taken away entirely—if they are entitled to it, as you understand it—or limited in some way?

Mr. SEAGER. No; I do not think I would be disposed to take that position, because I think as time has gone on that the United States Supreme Court has taken a broader and broader view of the scope of the police power. In nearly all of the cases I have had in mind, and to which I referred this morning, there have been strong dissenting opinions representing the views of individual judges; Justice Holmes, for example, in line with the views I imagine most wage earners would take of what might be properly done under the police power. Those dissenting opinions have come to be the dominating opinions of the Supreme Court, so I have very little misgiving myself as to the position the Supreme Court is likely to take on most of these issues. And in connection with issues where I think the court might hold an act unconstitutional, as, for example, it did in the act making it a misdemeanor for railroads to debar from employment members of trade unions; that it would take a different position if the legislation were drawn in a little different way; that is, if I indicated if it applied the same way to the employer and employee, then I think the Supreme Court would withdraw its objection. Even in that case Justices McKenna and Holmes handed in strong dissenting opinions, taking the view that that sort of restriction of railroad corporations was entirely proper and should be upheld as constitutional.

Commissioner LENNON. You feel that with all educational processes we are making progress as rapidly as we can either toward the elimination of this exercise of power by the courts or to their action being in conformity with social ideas as they prevail?

Dr. SEAGER. I think we are, and I think that the progress will be facilitated if we center the matter in the Supreme Court of the United States, as I intimated, by taking that power away from the State courts, except as they exercise it in applying the fourteenth amendment of the Federal Constitution on labor legislation. These decisions could then all be appealed to the Supreme Court of the United States, and I believe we have now reached a point when that tribunal is disposed to take very broad views of those matters.

Commissioner WEINSTOCK. I am not altogether sure whether it was you or some earlier witness who took the stand that a worker comes into court seriously handicapped as compared with the employer? Was that in your testimony, Professor?

Dr. SEAGER. I don't know that I would phrase it in that way, but I think he is at a distinct disadvantage in comparison with the employer.

Commissioner WEINSTOCK. You would make that as a general statement, including union workers or nonunion workers coming into court?

Dr. SEAGER. I would put it in this way, that the judges are very much alive to the property interests at stake. Their whole training has led them to think out very clearly the measures necessary to protect property interests. Their training has not kept them equally alive to the human interests, the other human interests at stake, which is usually the interest in which the wage earner most relies, because usually he is not a person of property, and if he has any standing in court it is not because of property rights to be protected but some other right, and in that sense I believe the attitude of the courts is more favorable to the employer than the employee. Not consciously, but as a result of their antecedent training.

Commissioner WEINSTOCK. Was it you, Professor, or some other prior witness who pointed out that the wage earner is handicapped in coming into court by virtue of the fact that employers as a rule can hire better and more capable and higher-priced attorneys, for example, to defend him or to prosecute the case?

Dr. SEAGER. The question that I was discussing related to poor people as compared with rich people; not employers as compared with employees, but I think that inference from what I said would be justified, except in the case of a wage earner who was a member of a well-organized trade, where the organization had means to command the highest type of legal ability.

Commissioner WEINSTOCK. In the case of a union worker, he is a member of the organization, and has as high legal talent as possible; in that circumstance he is on a parity with the employer?

Dr. SEAGER. I think so.

Commissioner WEINSTOCK. That while the worker could not afford to employ a Parker, for example, who commands $2,000 a day to appear in court, yet a union like the Hatters' Union could?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. And so far as that circumstance is concerned the worker is on a parity with the employer? Now, you pointed out that courts are likely to be hostile in their attitude toward workers because of their previous training and the environment of the judges; that their sympathy was bound to be with property more than with human rights. Now, is it not a fact, Professor, that charge has been made by employers frequently, and with a good deal of justice, perhaps, that they can not get a square deal in the lower courts?

Dr. SEAGER. Especially in lower courts; yes, sir; I have heard that.

Commissioner WEINSTOCK. That police judges, where the case was first brought up, when violence has been used, to-day to labor in order to get votes, and that the employer is placed at a very serious disadvantage in those cases? Instances have been cited and come before this commission where in Philadelphia, for example, where some strike occurred in the textile industry where some 400-odd arrests were made for violence, and they had only been able to secure 3 convictions, and I presume that that experiment has been repeated very, very many times. Would that not lend color to the fact that the employer likewise has a grievance along that line?

Dr. SEAGER. I will agree with you in reference to that and go further and say that most people who have had the misfortune to come into contact with the police courts are likely to have a grievance. That is my impression of the operation of justice in New York City, that our police magistrates, as a rule, have not a very high reputation for impartiality. We are not particularly proud of that part of our judicial system.

Commissioner WEINSTOCK. Then, if there was criticism to be leveled against our judicial system, it is not one sided; both sides have grievances?

Dr. SEAGER. I would say that is true in the way you have indicated, but the grievance on the side of the wage earner is decidedly stronger, because appeal may be taken to the higher courts, and the issue finally rests with the higher courts, and it is their attitude that is the more important.

Commissioner WEINSTOCK. Now, will that hold in all cases? Here are men that are brought into a lower court charged with a criminal assault, say, on some so-called scabs, and they are discharged, and it is not possible under the law, as I understand it, to bring that question to a higher court. I don't know the legal phrase, not being an attorney, but it would be twice in jeopardy?

Dr. SEAGER. I would agree as to that class of cases. I thought your question perhaps referred to employers' liability cases, where very often the result of a jury trial is less favorable to the employer than the facts warranted. These cases can usually be appealed to the higher court, and this is not to the disadvantage of the employer.

Commissioner WEINSTOCK. I take it you agree that the rights to quit and discharge rest on the same basis, do they not?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. That is, if you as an employer have a right to discharge me, I as a worker have the right to quit you at any time and for any reason or for no reason?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. Now, would you regard it fair to all parties, then, to make it illegal or criminal to discriminate against men because they did or did not belong to a union?

Dr. SEAGER. Yes, sir; I should. I don't know that I should make it criminal, at any rate, not very criminal, but I think it would be desirable to make it unlawful.

Commissioner WEINSTOCK. In other words, it would be unlawful to discriminate against a man because he belongs to a union or does not belong?

Dr. SEAGER. Yes, sir; that was the view taken by one of our judges of New York, Judge Bartlett, in a dissenting opinion, insisting that that was the form it ought to take.

Commissioner WEINSTOCK. In other words, if I as a worker have the right to refuse to work, that you, because you are not what is called an employer of union labor, that you, on the other hand, have a perfect right to dismiss me because I was a union worker?

Dr. SEAGER. I would put it the other way around, and not give either one the right.

Commissioner WEINSTOCK. You would put both on an absolute parity?

Dr. SEAGER. Yes, sir.

Commissioner GARRETSON. On the question just asked you in regard to the Philadelphia incident, where out of 400 arrests there were only 3 convictions,

it was stated that that might be cited as an evidence that the lower courts in which jury trials were held were inimicable to employers. Would it be also evidence of the fact that such courts were inimicable to the employer, or would it be a fact that they had utterly unjustly arrested a large number of men where no legal cause therefor existed?

Dr. SEAGER. I should want to be quite open minded about it. I know nothing about the state of facts that Mr. Weinstock's question referred to. I would say, off hand, that your inference is quite as justifiable as the other.

Commissioner GARRETSON. In your investigation, has it not been brought to your attention that one of the great grievances of laboring men in industrial strife is that the weapon of improper or unjustified arrests is indiscriminately used for the purpose of prejudicing the interests of the men striking?

Dr. SEAGER. Yes, sir; I have that impression.

Commissioner GARRETSON. In regard to this equality before the law the fact of union men or nonunion men does not enter into the case at all; it is purely—I want to put the question in its purely economic phase—as between the poor man and rich man, can there then be a real equality between the men, either before the law or in the conduct of any matter of strife, between the man who has nothing but his labor and the man who has other unlimited resources or a resource that will extend over a very long period, for the very reason that the capital of the men who have the resources can subsist upon those resources where labor can not subsist upon itself?

Dr. SEAGER. I think that is true unless the wage earner is a member of an organization that can stand behind him.

Commissioner GARRETSON. I am taking it in the individual sense.

Dr. SEAGER. Yes, sir; I would agree with that.

Commissioner GARRETSON. The man that has the resources is always able to utilize not only the better in a legal contest, not only the higher class of professional talent, and thereby avail himself of all the possible delays of the law in the final adjudication of the case and starve the enemy out; is that not the logical conclusion?

Dr. SEAGER. I think that often describes the situation.

Commissioner WEINSTOCK. In what you have said, Professor, about the attitude of the courts in labor cases, do you have chiefly in mind the cases involving compensation or liability cases and cases relating to sanitary laws and measures affecting women and children, or have you in mind cases involving boycotts and strikes and picketing?

Dr. SEAGER. I had both classes of legislation in mind. If I may be permitted to do so, I have had occasion to review cases on these subjects recently, and I would be glad to submit a reprint of those cases as part of my testimony before the commission. This indicates more in detail just what sort of decisions it seems to me show the bias I have referred to.

(The papers referred to, entitled "The Attitude of American Courts Toward Restrictive Labor Laws," by Henry R. Seager, published by Ginn & Co., Boston, in 1904, and "The Constitution and Social Progress in the State of New York," by Henry R. Seager, published in The Survey, dated April 10, 1915, were submitted in printed form.)

Chairman WALSH. Commissioner Lennon has a question to ask.

Commissioner LENNON. Professor, you were asked as to your belief that the right to discharge by the employer and the right of quitting by an employee rested on the same basis. Do they rest on the same basis from a sociological viewpoint?

Dr. SEAGER. As I understood the question it referred to the legal basis upon which they should rest under our legal system. It was that sense in which I meant that they should be, it seemed to me, on exactly the same basis. The law should deal in exactly the same way with the two sides. As to the sociological or economic aspect, I think usually the job is more important to the worker than the worker is to the employer.

Chairman WALSH. I have been asked to ask you this question: Do you think it would be possible, with a permanent industrial relations commission, to encourage workers to work out their own salvation?

Dr. SEAGER. I am very glad that question is asked, because it will permit me to express the view that a permanent industrial relations commission, if we are to have one, should be a commission of employers and employees, on which the general public should not be represented, and that the basis of selection should be some sort of plan by which the members would represent the two sides—represent the organizations that are developed on the two sides, so that both points of view would be constantly present, and those who have full

knowledge of the difficulties of labor problems would be the ones called on to work toward a more harmonious solution.

Chairman WALSH. Have you found it very difficult to secure members who could be set out as representing the public, who were impartial in their views?

Dr. SEAGER. I think it is very difficult to secure such members.

Commissioner WEINSTOCK. How could you get an agreement under those circumstances, Professor, if both sides were partisan?

Dr. SEAGER. My thought is not that an agreement could be reached on all points, but that agreement could be secured on many points, and that all of the agreements reached would be effective because they would represent really a coming together of employer and employee. Whereas, usually, if representatives of the public are on such commissions, the two sides disagree and the representatives of the public declare the verdict, and it does not carry conviction to either side, which means virtually a failure of the whole system.

Chairman WALSH. The representatives usually do not work themselves, but live on an income from stocks, or something else, involved in industry?

Dr. SEAGER. Very apt to; have to live on something.

Commissioner WEINSTOCK. In other words, you would have the two sides represented without an umpire?

Dr. SEAGER. I should. The function I have in mind for such a commission would be to work toward more harmonious relations and go just as far as it is possible for the two sides to come together.

Commissioner WEINSTOCK. You would follow out the plan that has been in successful operation for many years in the London Chamber of Commerce, where the two sides to the controversy are represented by an equal number of representatives of each without an umpire?

Dr. SEAGER. Exactly.

Commissioner WEINSTOCK. And in nearly every case they come to an understanding?

Dr. SEAGER. Yes, sir.

Chairman WALSH. Commissioner O'Connell has a question, Dr. Seager.

Commissioner O'CONNELL. Doctor, as president of the Association for Labor Legislation, from what source does the active opposition to your legislation come; the legislation you seek in the various legislatures?

Dr. SEAGER. Usually from employers.

Commissioner O'CONNELL. They oppose all forms of legislation initiated by you?

Dr. SEAGER. No; many employers favor legislation; but when there is opposition it usually comes from the employers, and it relates to specific proposals; that is, employers now nearly always agree that some legislation is necessary, but many employers, when you come to a specific proposal, will dissent from that proposal.

Commissioner O'CONNELL. The tendency is usually toward reducing, for instance, the hours or the age limit, I mean, and where we would put it at 16 the employers would try to have it reduced to 14 or 13 or some other compromise on it?

Dr. SEAGER. Yes; that would be illustrative; though, as a matter of fact, we concern ourselves very little with child-labor legislation, because of the existence of another national organization that deals with that. The aspects we have been particularly occupied with have been compensation legislation, legislation with reference to one day of rest in seven, and so on; that is, legislation designed to protect the adult workers rather than children.

Commissioner GARRETSON. And with reference to occupational diseases?

Dr. SEAGER. With reference to occupational diseases.

Commissioner O'CONNELL. Did you observe the recently successful effort in changing the compensation laws in the State of New York at the recent session of the legislature, Doctor?

Dr. SEAGER. Substituting an industrial commission for the compensation commission?

Commissioner O'CONNELL. Yes.

Dr. SEAGER. Yes; I observed that very closely, and was very much interested in it.

Commissioner O'CONNELL. What were the influences behind that legislation?

Dr. SEAGER. The influences were very complex, and any statement I might make would be my personal opinion. There is no doubt but what the proposal started largely on political grounds; that is to say, the department of labor and the compensation commission had been organized under the auspices of a Democratic administration, and there had been a change in the politics of the

State, and the Republicans came into control and a number of measures were proposed, and some were put through, designed to provide—designed among other things, to provide offices for a number of deserving Republicans. It was in that way, I think, that the proposal first came forward. But after it was made, the association for labor legislation, which I represent, which had long been committed to the plan of an industrial commission as the body to administer the labor laws and the compensation law—that is, the Wisconsin plan—opposed the bill as it was introduced, and at the same time agreed to support a bill if it should be changed along lines that would eliminate politics from it so far as possible and insure the sort of organization of the department of labor, and the compensation commission, that seemed to us desirable, and the law, as finally passed, was the bill which was drafted under the auspices practically of the Association for Labor Legislation, and a very different bill from that that was originally proposed.

Commissioner O'CONNELL. But the effort was in the direction of making the compensation laws of New York less effective?

Dr. SEAGER. Not at all. I should say, on the contrary, to make them more effective. There was no change whatever made in the compensation law except to substitute for the compensation commission, as the body to administer the law, an industrial commission as the body to administer the law, and to charge this commission at the same time with administration of the labor law. The industrial commission consists of five members. It happened that the compensation commission consisted of four members, because one of the members had resigned, and only four were actually employed for the work of the commission. The four members of the compensation commission and the commissioner of labor constituted five persons, and the new commission consists of five persons, so the only result is the combination of the work of those two departments, both concerned in a very intimate way with the labor law, and it is likely to lead, in our opinion, to a much greater efficiency in the administration of the law by cutting out duplication as to inspection and so on and so on.

Commissioner O'CONNELL. Was not an effort made, and was it not successful, in allowing greater privileges in the optional——

Dr. SEAGER (interrupting). There were attempts made to amend the compensation law in a good many particulars, but that was entirely independent of the association bill, and all of them were opposed by the Association for Labor Legislation and all but one of them were defeated.

Commissioner O'CONNELL. Who were they supported by?

Dr. SEAGER. Supported, I imagine, by employers, although some of them were rather obscure, and also by casualty companies.

Commissioner O'CONNELL. Insurance companies?

Dr. SEAGER. Insurance companies; but practically all of those measures were defeated; only one of them passed, and that in a form that did not involve a very serious relaxation of the compensation law.

Commissioner WEINSTOCK. Isn't it a fact that one of the evils that developed under the New York compensation law was that of compelling all settlements with injured workers to be done by and through the commission, resulting in the commission becoming, as it were, snowed under and delayed indefinitely the time when the injured worker could get compensation?

Dr. SEAGER. The law provided for that method of settlement, and as a matter of fact the commission was far behind in the settlement of claims.

Commissioner WEINSTOCK. And in order to remedy that the plan was finally adopted—that settlement—a plan that has been employed practically with entire satisfaction in other States—of permitting the employer to make settlement with the injured worker subject to the approval of the commission?

Dr. SEAGER. Yes; that change was made. I would not say that operated to the entire satisfaction of both parties. There was a good deal of dissatisfaction with that method on the part of the workers; but that was entirely independent of the Association's Industrial Commission bill, and personally I was opposed to that change in the New York law. My own opinion was that a different method of handling claims would have enabled the commission to catch up with its business, and that on the whole, in the long run, having claims settled by the commission would be more satisfactory to both sides, assuming an impartial commission.

Commissioner O'CONNELL. The change you speak of, that was in the interest of the insurance companies?

Dr. SEAGER. Doubtless that bill was supported strongly by the insurance companies.

Commissioner O'CONNELL. Do you suppose their interest was that because the commission was not giving prompt attention to claims of individuals, they wanted a change?

Dr. SEAGER. Doubtless that aspect concerned them financially; that is, it was a financial disadvantage to them to have the settlement of these claims delayed. But it was the general impression that the stronger reason was the opportunity that might develop for making more favorable settlements from their point of view.

Chairman WALSH. That is all; thank you, Professor, very much, for your attendance and testimony.

Mr. Haywood, please.

TESTIMONY OF MR. WILLIAM D. HAYWOOD.

Chairman WALSH. Will you please state your full name?

Mr. HAYWOOD. William D. Haywood.

Chairman WALSH. Where do you reside, Mr. Haywood?

Mr. HAYWOOD. Denver is my home.

Chairman WALSH. Denver, Colo.?

Mr. HAYWOOD. Yes, sir.

Chairman WALSH. Where were you born?

Mr. HAYWOOD. Salt Lake City, Utah.

Chairman WALSH. And what is your age?

Mr. HAYWOOD. Born in 1869—February.

Chairman WALSH. At what age did you begin work?

Mr. HAYWOOD. Nine years old.

Chairman WALSH. And in what industry, or what occupation?

Mr. HAYWOOD. In the mining industry.

Chairman WALSH. Whereabouts?

Mr. HAYWOOD. Utah—Ophir Canyon.

Chairman WALSH. Would you be kind enough, Mr. Haywood, just to sketch your history as a worker and miner, up to the time you became a member of the association of the Western Federation of Miners?

Mr. HAYWOOD. Well, after the first short period, we moved from there back to Salt Lake City, where I worked at different kinds of work until I went to the State of Nevada, when I was 15 years old.

Chairman WALSH. Well, now, in a general way, what sort of work did you work at, between the ages of 9 and 15?

Mr. HAYWOOD. Why, I worked at driving delivery wagons, as a messenger boy, in a hotel as elevator boy and bell boy. It was when I was in the latter part of it, the fifteenth year, that I went to Nevada, and went to work in the mines permanently.

Chairman WALSH. At the age of 15?

Mr. HAYWOOD. Yes, sir.

Chairman WALSH. Will you kindly pitch your voice a little louder; the reporters seem to have difficulty in hearing you, and there are a number of spectators who would like to hear you. So you will please speak a little louder.

Mr. HAYWOOD. I went to work for the Ohio Mining Co. in Willow Creek, Nev., and worked there until I was 19; and then drifted around into the different mining camps of Utah, Colorado, Idaho, and back to Nevada again.

Chairman WALSH. Are you familiar with the formation of the Western Federation of Miners?

Mr. HAYWOOD. Yes; being a miner, of course I kept acquainted with what the miners were doing and remember when that federation of miners was organized, and have since become acquainted with all of the circumstances that brought about the federation of miners.

Chairman WALSH. Will you please describe the conditions that led to the formation of the Western Federation of Miners?

Mr. HAYWOOD. It was organized as the result of a strike that occurred in the Coeur d'Alene.

Chairman WALSH. What form of organization did they have prior to that time, if any?

Mr. HAYWOOD. Local unions, and mostly branches or assemblies of the Knights of Labor.

The miners of the Coeur d'Alene had gone on strike against a reduction of wages, and the mine owners called in armed thugs, armed men from outside territory. There was a pitched battle between these guards and the miners,

and in the course of the fight there was a mill blown up. This was charged to the miners, and the mine owners called on the governor for the militia. The militia was sent in there and martial law was declared, and nearly 1,000 men were arrested and placed in what they called the "bull pen." That was a hurriedly erected two-story structure built out of rough lumber, and these men were crowded in there with scarcely room to lie down—so many—with cracks in the floor above permitting the excrement from the men to drop on those below. The result of that incarceration, there were many of them who sickened and died from the diseases that they caught there. At one period of this strike an injunction was issued and 14 of the leaders were arrested and sent to Ada County; 2 of them, I think, were sent to Detroit to serve terms.

It was while these men were in Boise that they conceived the idea of federating all of the miners of the West into one general organization. After they were released, being in jail for six or seven months, they called a convention, that was held in Butte, in May, 1893, and it was there the Western Federation of Miners was started.

Chairman WALSH. Had you been connected in any official capacity with any organizations that preceded the Western Federation of Miners?

Mr. HAYWOOD. No; there was no organization where I was working at that time.

Chairman WALSH. Had you belonged to any labor organization up to that time?

Mr. HAYWOOD. No.

Chairman WALSH. Proceed, Mr. Haywood.

Mr. HAYWOOD. Following the organization, as it was started at Butte, came the first strike; that was in Cripple Creek in 1894. They went on strike to establish a wage of $3 a day and maximum hours of eight.

Chairman WALSH. What was the wage at that time, Mr. Haywood?

Mr. HAYWOOD. Three dollars, but there was an effort on the part of the mine owners to reduce it, as they had tried to do in the Coeur d'Alene. The strike was against a reduction of pay.

Chairman WALSH. The strike was against a reduction of pay?

Mr. HAYWOOD. Yes; in the Couer d'Alene, and it was practically so in Cripple Creek in 1894.

The mine owner had a sheriff in office. I do not think there is any use of mincing words. You know when the mine owners have the sheriff and you know when the miners have him. You know when the mine owners control the court and you know when the others control the court. Well, they had the sheriff and he organized some 1,600 deputies. These deputies were proceeding against the miners who were picketed on the crest of Bull Hill. It was then perhaps the only time in the history of labor troubles in the country when the militia was used in the interests of the men. Gov. Waite went to the Cripple Creek district in Denver and learned of conditions as they existed there and he called out the militia. He put them in between the deputy sheriffs and the miners, and told the deputies to disperse or he would declare a state of insurrection.

The strike was settled by the governor of the State being the arbiter of the men, and a banker of the name of David Moffatt, since deceased,, as the arbiter of the mine owners. The $3 a day was granted and the eight-hour law was established. The eight-hour law had not passed the legislature of the State of Colorado at that time, and it only applied to those quartz camps where the union was strong enough to enforce it.

There was no further trouble in the Cripple Creek district for some 10 years, and the next big strike was in Leadville, in 1896. Again the miners went on strike there to prevent a reduction of wages from $3 to $2.50 a day, and, as had become customary, the mine owners asked for the soldiers. Gov. Waite had been defeated in the election previous, and there was a governor by the name of McIntosh. He sent the soldiers at once. There were hundreds of men arrested, bull pens established, old abandoned shaft houses used as prisons, and the men subjected to some cruelties. They lost the strike; the wages were reduced 50 cents a day.

In 1899——

Chairman WALSH (interrupting). Were there any fatalities in that Leadville strike?

Mr. HAYWOOD. Yes.

Chairman WALSH. And was there any loss of life?

Mr. HAYWOOD. Yes; and there was some loss of life.

Chairman WALSH. Did imprisonment follow in any case?

Mr. HAYWOOD. There was no permanent imprisonment and no trials; with the end of the strike the strife was over.

In 1899 they had a strike in Lake City, and the militia was used again.

I heard some talk this morning of gunmen being employed by union men, but the mine owners always had gunmen in the strikes with the Western Federation of Miners in the West, in the militia, when they could not get any other men.

In 1899 there was a strike in Lake City, and the same year the second great strike in the Coeur d'Alene. In that strike wages had been established at $3.50 a day in nearly all of the mining camps, with, I think, the exception of Bunker Hill; and the mine owners had generally said to the miners that if the wages at Bunker Hill were not increased it would be necessary for them to reduce their wages to that standard. A strike against the Bunker Hill was declared and became general throughout the district. The soldiers were called for; again a mill had been blown up, and they charged the miners with the destruction of this mill, and it probably was the miners who destroyed it. The soldiers came, this time Federal troops. They were the black soldiers, the same who were afterwards dismissed from the Army down in Brownsville, Tex. And the treatment afforded to white men and white women by those black soldiers; I do not mention the fact that they were black because I like white soldiers any better, because I put them all on the same level, but they were colored soldiers in this instance.

Another bull pen was established. This time it was an old rambling one-story building, fenced in with barbed wire, where between 1,000 and 1,100 men were held for many months, between 6 and 7 months, and a good many of the men died.

Chairman WALSH. Were they held on specific charges of crime?

Mr. HAYWOOD. They were arrested without warrant and without charge.

Chairman WALSH. Were the courts not open or operating in the territory?

Mr. HAYWOOD. The courts were open and operating, but a semistate of martial law prevailed.

I recall one instance of a man who died in prison. His name was Mike Devine, he was a Catholic in religion. He had been sick for a long while, and was sick during the strike. Coming out of the hospital he was met on the street by one of the negro soldiers and pushed off of the sidewalk, and when Mike resented this treatment he was arrested and thrown into prison and he had a relapse, and he felt that he was going to die and he asked for a priest, and one Lieut. Lyons, who was there under Gen. Merriam, said to Devine, "You can make your confession in hell." And Mike died without the benefit of a confession.

The result of that strike was that wages were maintained at the same standard as had existed before the strike.

In the Western Federation of Miners there is little difference between the wage of the skilled and the unskilled. A man who handles a shovel gets a minimum wage of $3 a day, while a man who runs a machine drill gets $3.50 a day.

I have tried to mention the strikes that the organization has been mixed up in.

Commissioner O'CONNELL. Did you go up into the strike at Lead, the strike at Lead?

Mr. HAYWOOD. There was a strike at Lead about this period—this was in 1899—but that did not become serious, and the strike, or rather it is a lockout that is on there now, began at a later date.

In 1901 there was a strike in Telluride, Colo. There the company brought in scabs, strike breakers, and there was a fight between the union men and the scabs, and the union men came out best. The strike was won without much court proceedings.

In 1902 and 1903 came the strike that is so well known as the Cripple Creek strike, and that strike was in the nature of a sympathetic strike. The men who were working in the mills in Colorado City, although entitled to the benefits of the 8-hour law, which had been passed in Colorado at that time, were working 12 hours a day, 11 hours a day shift and 13 hours night shift. This condition prevails in the smelting plants of Colorado at the present time, and in some of the milling plants. They went out on strike in September, I think, 1903.

Chairman WALSH. Was the attention of the authorities called to the condition—that is, that the law was being violated with reference to the hours of labor?

Mr. HAYWOOD. Oh, yes, indeed.

Chairman WALSH. Was the law inoperative, or why didn't they prosecute the officials?

Mr. HAYWOOD. The smelter officials, or mine owners, do you mean?

Chairman WALSH. Yes.

Mr. HAYWOOD. Did you ever hear of a mine owner or of a manufacturer being prosecuted for violation of a law? Well, they were not, anyway. The courts don't work that way.

In the following March the miners of Cripple Creek who were producing the ore that was reduced at Colorado City, went on strike.

Chairman WALSH. Was the law being observed as to them; were they working?

Mr. HAYWOOD. They were the ones who first established the law.

Chairman WALSH. They established the law during the following strike?

Mr. HAYWOOD. Yes.

Chairman WALSH. And they were having the benefits of the law?

Mr. HAYWOOD. Yes; they never lost the effects of the first strike. They went on strike on the 17th of March, striking in sympathy and for the benefit of the men in Colorado City, and at that time strikes became very general through Colorado, there being some 10 or 15 camps, and included the smelters of Denver. The State was pretty well tied up, and most of the southern coal fields were on strike.

They were striking, as they struck 10 years before, for the enforcement of a State law. The laws at that time were inoperative at Cripple Creek. The militia ran the district. They threw the officers out of office. Sheriff Robinson, I remember, had a rope thrown at his feet and was told to resign or they would hang him; and other officers were treated in the same way, and some 400 men were deported from their homes. Seventy-six of them were placed aboard trains and escorted by soldiers over into the State of Kansas, where they were dumped out on the prairie and told that they must never come back. Habeas corpus was denied. I recall Judge Seed's court, where he had three men brought in that were being held by the militia. While his court was in session it was surrounded by soldiers who had their gatling guns and rifles trained on the door. He ordered those three prisoners released, and the soldiers went after them, and they were taken back to jail. That strike was not won. It was not altogther lost. There were some places where the eight-hour day was established and increases of wages were granted, but for the smelter men, as I said before, the 12 hours pretty generally prevailed among the laborers.

Commissioner LENNON. What hours prevail in Utah?

Mr. HAYWOOD. Eight hours.

Commissioner LENNON. In the smelters?

Mr. HAYWOOD. Not in all the smelters; no. There are part of them who work eight hours, but there is an eight-hour law nevertheless. That was the first one that was carried to the United States Supreme Court, and it was a similar law that was passed in the State of Colorado that was declared unconstitutional by the supreme court of that State. There is not much to be said about the courts in connection with that strike other than the writ of habeas corpus was denied; free speech was also denied; free assemblage also; bull pens were established; 1,600 men were arrested in Victor and put into the Armory Hall; 1,600 men in one room, and this in the heat of June. There were also women arrested, and during the strike the Western Federation of Miners established stores for supplies for relief of the strikers and did business with people who were not strikers. These stores, which proved to be splendid establishments, were broken into, looted, and safes broken open, scales and such things destroyed and carried off. They carried away fruit by the ton, and things that they could not carry away they destroyed; for instance, cutting open sacks of flour and sugar and dumping them on the floor and pouring kerosene oil over the quarters of beef, and such as that. This was done by members of the militia and of the Citizens' Alliance. Remember that you have a report here in Washington of that, written by Walter B. Palmer, that goes into the details of the labor disturbance in Colorado; also some Senate documents, statements by the Western Federation, and statements by the Mine Owners' Association.

It was during the period of those strikes that the Western Federation of Miners realized the necessity of labor getting together in one big union. We were on strike in Cripple Creek, the miners; the mill men were on strike in Colorado Springs. There were scabs in the mines and scabs in the mills, and there were union railroaders that were the connecting link between those two

propositions. There seemed to be no hope for such a thing as that among any of the existing labor organizations, and in 1905 the officers of the Western Federation of Miners took part in a conference we called—the convention of the Industrial Workers of the World. That convention was held in Chicago in June, 1905, and the Western Federation of Miners, among other labor organizations, became a part of that movement. And there has been a continuation of the same troubles that the Western Federation of Miners was involved in ever since that period. The federation itself has since 1905 had several severe strikes. In Lead City a lockout, which practically disrupted the organization at that point. At Bingham Canyon, Utah, they were involved in a great strike, and you have all heard of it; the strike in the copper mines at Calumet, Mich., where there were many casualties. The men were starved; the children of the miners were burned to death on Christmas Eve. There was no fire; they were trampled to death. A false cry of fire had been given, and in their attempt to escape from the hall there were 95 women and children trampled to death. The Industrial Workers, when organized, became first involved in a strike of serious proportions at McKees Rocks, Pa. There was the first time that we went up against what were called the Cossacks, the black plague of that State. The Industrial Workers met them on a different basis to what other labor organizations had done, and told them "for every man you kill of us, we will kill one of you," and with the death of one or two of the Cossacks their brutality became less.

I am trying to think of these incidents in sequence, as near as I can.

I think the next instance where the Industrial Workers had to contend with the law was perhaps the free-speech fight in Spokane, where the members of the organization insisted on speaking on the streets in front of the employment agency offices. They were telling what the employment sharks—what they were doing; how they would employ men; that these men would go up to take jobs that they had picked for them; that they would be discharged and other gangs sent out. The authorities of the city took up the side of the employment sharks, and between 500 and 600 men and women, members of the organization, were thrown into prison. Several of them were killed. They were put in the hot box and then removed and put in a cold cell. Several died from pneumonia. They got no relief from the court, but, as the members of the organization persisted in carrying on the fight, finally the city of Spokane compromised by saying that they would let them all out of jail provided that the organization would not prosecute certain cases that had been made against the officers. I think that it was the following year that the free-speech fight occurred in Fresno, Cal. There the authorities started to arrest men merely for speaking on the street corner, not causing a congestion of traffic. If I have it correctly, there was between 150 and 200 men thrown into prison there. They were crowded to more than the capacity of the prison. The hose of the fire department was turned on them. I am told that one night they were compelled to stand up to their knees in water, but they won that fight; and perhaps the only one that they have lost at all was the free-speech fight in San Diego, of which at least one of your commission is more or less acquainted. I think it was Mr. Harris Weinstock that made a report on that—a partial report of that San Diego free-speech fight.

The law afforded men no protection there. They were speaking, when arrested, on what is called D Street—D Street is a cross street running into one of the principal thoroughfares. It was not a street that was traveled, but the authorities had got tired of hearing the discussion that was carried on at this street corner every night. The first speaker arrested was a single taxer, and after him a Socialist. It was then that the Industrial Workers of the World became involved, and again I would say 135 men, some women, were badly abused and maltreated and thrown into the jails; they were beaten and whipped, and a man who was not a member of the organization had the letters "I. W. W." burned into his body, into his flesh, with a lighted cigar.

To recite all of the atrocities that took place in San Diego and elsewhere would mean to take up too much time of the commission.

I think this will bring us down to the time of the Lawrence strike, in which the Industrial Workers took charge. There, of course, as everywhere, I might say, that I have seen courts in action, they took the side of the capitalists. There were between 800 and 900 people arrested—men and women, girls and boys; there were some convictions, but a small proportion for the large number that were arrested. In Massachusetts they have a system of State police, something similar to that of Pennsylvania, though they are not mounted.

When the strike was called the State police came, and the park police, the municipal police from other cities, and then they brought in the militia. Several of the strikers were killed, none of the employers were, but they arrested two of the leaders of the strike for the death of Anna ———; she was one of the girls that was on strike. They had those men in jail for nine months and would probably have convicted them if it had not been for the general strike on the part of the workers. After the strike had been settled and the demands were gained, they added to their former demands that Ettor, Caruso, and Giovannitti be released from prison; they were finally acquitted. During the Lawrence strike there were strikes at Clinton and many other places in the textile industry.

At Clinton the police were again used by the mill owners, and they shot into a crowd of striking girls, wounding many of them seriously. In Little Falls the same treatment was accorded the strikers by the police, which is also true during the great strike at Paterson. Nearly everyone is acquainted with the details of that strike and its outcome.

Since the Paterson strike there has been trouble in Wheatland, Cal., where members of the Industrial Workers of the World organized 2,500 hop pickers, asking for better conditions in the hop fields of the Durst Bros. ranches. As the outcome of that demand two young married men, Ford and Suhr, were arrested and charged with the killing of the district attorney. They were convicted, and have been sentenced to prison for life terms.

This, I think, briefly outlines the main strikes of the organization that I have been affiliated with and, I think, clearly portrays a condition that this commission should understand, and that is that there is a class struggle in society, with workers on one side of that struggle and the capitalists on the other; that the workers have nothing but their labor power and the capitalists have the control of and the influence of all branches of government—legislative, executive, and administrative; that they have on their side of the question all of the forces of law; they can hire detectives, they can have the police force for the asking or the militia or the Regular Army.

There are workers who have come to the conclusion that there is only one way to win this battle. We don't agree at all with the statement that you heard reiterated here day after day—that there is an identity of interests between capital and labor. We say to you frankly that there can be no identity of interests between labor, who produces all by their own labor power and their brains, and such men as John D. Rockefeller, Morgan, and their stockholders, who neither by brain or muscle or by any other effort contribute to the productivity of the industries that they own. We say that this struggle will go on in spite of anything that this commission can do or anything that you may recommend to Congress; that the struggle between the working class and the capitalistic class is an inevitable battle; that it is a fight for what the capitalistic class has control of—the means of life, the tools and machinery of production. These, we contend, should be in the hands of and controlled by the working class alone, independent of anything that capitalists and their shareholders and stockholders may say to the contrary.

Personally I don't think that this can be done by political action. First, for the very good reason that the wage earner or producing classes are in the minority; second, that they are not educated in the game of politics; that their life is altogether industrial. That while they are the only valuable unit of society, still their efforts must be confined to the jobs where they work. And I have had a dream that I have in the morning and at night and during the day, and that is that there will be a new society sometime in which there will be no battle between capitalist and wage earner, but that every man will have free access to land and its resources. In that day there will be no political government, there will be no States, and Congress will not be composed of lawyers and preachers as it is now, but it will be composed of experts of the different branches of industry, who will come together for the purpose of discussing the welfare of all the people and discussing the means by which the machinery can be made the slave of the people instead of a part of the people being made the slave of machinery or the owners of machinery. I believe that there will come a time when the workers will realize what the few of us are striving for and that is industrial freedom.

Chairman WALSH. In how many of these places that you have spoken of——

Commissioner O'CONNELL. Just let me carry out this point, if you please, Mr. Chairman. You say you don't believe it can be done by political action?

Mr. HAYWOOD. No, sir.

Commissioner O'CONNELL. Have you in mind some other method by which it can?

Mr. HAYWOOD. Yes, sir; I think it can be done by direct action. I mean by organization of the forces of labor. Take, for instance, the organization that you know, the United Mine Workers of America. They have about one-half of the miners of this country organized. At least a sufficient number to control them all. I think the United Mine Workers can say to the mine owners, "You must put these mines in order, in proper shape, or we won't work in them." They can compel the introduction of safety appliances, of ventilation systems, and save in that way thousands of lives every year. I don't think anybody will deny that they have that power to bring about that improvement. If they have the power to do that by direct action, they have the power to reduce their hours; they have the power to increase or at least to better the laboring conditions around the mines and have better houses. It seems to me there is no reason in the world why the miner should not enjoy, even in a mining camp, some of the advantages that the worker has in the city. And I think that free organization of miners, organized in one big union, having no contract with the boss, have no right to enter into a contract with the employer or any other combination of labor, to my mind. There can be each division of industry, each subdivision, be brought into a whole, and that will bring about the condition that I have described to you.

Commissioner O'CONNELL. You mean by that, by these economic organizations they would create, or control questions of hours and things of that kind you spoke of, but as to the ownership, the right of ownership, what is the method that you have in mind of your organization in connection with the method of taking over?

Mr. HAYWOOD. Taking over through the organization. If you are strong enough to compel the things I say, you are strong enough to say, "Here, Mr. Stockholder, we won't work for you any longer. You have drawn dividends out of our hides long enough; we propose that you shall go to work now, and under the same opportunities that we have had."

Commissioner O'CONNELL. Well, you propose by your strength and numbers to declare ownership?

Mr. HAYWOOD. Yes; exactly; through the efforts of the working class.

Chairman WALSH. Commissioner Weinstock has some questions he would like to ask you.

Commissioner WEINSTOCK. May I ask you, Mr. Haywood, your present occupation?

Mr. HAYWOOD. Secretary-treasurer of the Industrial Workers of the World.

Commissioner WEINSTOCK. The charge has been made that so-called labor agitators, as a rule, are either of foreign birth or foreign parentage. May I ask what was your parentage?

Mr. HAYWOOD. My father was an American, and his father was an American, and his father was an American.

Commissioner WEINSTOCK. So you date your American ancestry back several generations?

Mr. Haywood. Yes, sir.

Commissioner WEINSTOCK. You made the statement a little while ago that the wage-earning producing class is in a minority?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. May I ask what is the foundation for that statement?

Mr. HAYWOOD. Well, Government statistics.

Commissioner WEINSTOCK. What do the Government statistics show?

Mr. HAYWOOD. Isaac Hourwich is the compiler of those statistics. Why, it shows very few States where they have even a slight majority.

Commissioner WEINSTOCK. Well, are you sufficiently familiar with the Federal statistics to tell us about how many wage earners there are in the country?

Mr. HAYWOOD. There are about 10,000,000 industrial wage earners.

Commissioner WEINSTOCK. Including their dependents, assuming there are the usual number of 5 dependents to every worker, that would make about 50,000,000 of people?

Mr. HAYWOOD. No; I don't think so. This includes the man and his wife and some of his children.

Commissioner WEINSTOCK. No—in that 10,000,000?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Now, assuming or admitting that the wage-earning producing class are in the minority—however, it would have to be admitted, I take it, that they at least have the balance of power, and whichever side they would throw their influence with would win?

Mr. HAYWOOD. I think that is quite so.

Commissioner WEINSTOCK. That is, they are relatively in the position that the Irish representatives in Parliament were in for many years; that is, they had the balance of the power, and while they had comparatively a small minority, yet whichever side they adhered to would win out.

Mr. HAYWOOD. Politically.

Commissioner WEINSTOCK. Yes; giving them of course great strength and great influence. And I take it the same might be said of the wage-earning producing class in this country, that even though in the minority they at least have the balance of power. Are you at all familiar with the number of States where the initiative, referendum, and recall prevail?

Mr. HAYWOOD. No; I have no definite knowledge as to the number of States.

Commissioner WEINSTOCK. I take it you know, of course, that numerous States have adopted the initiative, referendum, and recall in recent years, and that the tendency now is in most of the States to follow the pace set by the advanced States?

Mr. HAYWOOD. I can not see any State, even Oregon, where any benefit has accrued to the wageworker.

Commissioner WEINSTOCK. You think not?

Mr. HAYWOOD. No; I think not. For instance, the unemployment condition in Portland, Oreg., is perhaps worse than in any other city, and has been during this last winter.

Commissioner WEINSTOCK. Will you tell us what the membership of the I. W. W. is at this time?

Mr. HAYWOOD. I would judge that it is about 15,000.

Commissioner HAYWOOD. As you know, of course, this commission is seeking remedies for the industrial unrest; that is the function we are presumed to perform.

Mr. HAYWOOD. Yes; I know.

Commissioner WEINSTOCK. And we are inviting suggestions and opinions from all whose opinions and knowledge would lead them to express opinions that ought to carry weight with them. I take it that if the commission were to ask you what in your opinion is the remedy for industrial unrest, Mr. Haywood, that in all probability you would answer and say , I. W. W.'ism?

Mr. HAYWOOD. Yes; I think that I would.

Commissioner WEINSTOCK. Well, then that clearly brings I. W. W.'ism within the province of the discussion of this commission, does it not?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Because, if it is I. W. W.'ism, that is what we ought to recommend to Congress?

Mr. HAYWOOD. No; Congress can not do anything with that.

Commissioner WEINSTOCK. Well, we could say that encouragement of the organizattion of I. W. W. would tend to minimize industrial unrest?

Mr. HAYWOOD. I think that would militate against the I. W. W.'s if you did such a thing.

Commissioner WEINSTOCK. If we recommended that?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Why should it militate against the I. W. W.'s?

Mr. HAYWOOD. It seems to me a recommendation like that, coming from you gentlemen, would militate against the organization and have a tendency to dilute it and dilute its revolutionary strength.

Commissioner WEINSTOCK. Well, at all events, if that should be our conclusion, if after an exhaustive investigattion we should find ourselves in a frame of mind such as you are in, it would become our duty to announce it, no matter what the results?

Mr. HAYWOOD. You will not find yourself in that frame of mind. But if you were——

Commissioner LENNON (interrupting). You would take Mr. Weinstock into membership then?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. At all events, it becomes our province at this time, having invited you to give testimony here, and that carrying with it that your testimony is worth while, and you taking the ground that in your opinion

I. W. W.'ism is the proper remedy for the removal of unrest, it becomes our province properly to discuss I. W. W.'ism and see what it really stands for.

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Now, I am going to read here some quotations from I. W. W. authenticated literature, Mr. Haywood.

Mr. HAYWOOD. Who is the author?

Commissioner WEINSTOCK. Well, I will give you the authors as I go along, and I will invite your comment on it when I have finished reading the quotations.

The I. W. W. literature placed in the hands of the commission teaches militant action whenever such action may be deemed necessary. In a pamphlet published by the I. W. W. bureau of New Castle, Pa., entitled, "The I. W. W.—Its History, Structure, and Methods," written by the I. W. W. national secretary-treasurer, Vincent St. John, the following statement appears:

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us."

In a pamphlet published by the Spokane local I. W. W., Spokane, Wash., entitled "Industrial Workers of the World, Songs to Fan the Flames of Discontent," there appears the following:

"To arms, to arms, ye brave!
The avenging sword unsheath!
March on, march on, all hearts resolved
On victory or death."

In a pamphlet written by Arnold Roller, apparently an I. W. W. leader, under the title "The Social General Strike," there appears the following statement:

"In this manner the crisis of overproduction is the best guaranty for the success of a social general strike, because the products on hand permit the satisfaction of all needs before the complete reorganization, namely, by a general 'help yourself' on the part of the workers."

In another pamphlet entitled "Industrial Union Methods," by William E. Troutman, which appeared originally in the Industrial Workers' Bulletin, is found the following:

"The industrial unionists, however, hold that there can be no agreement with the employers of labor which the workers have to consider sacred and inviolable.

"Industrial unionists will therefore sign any pledge and renounce even their organization at times when they are not well prepared to give battle or when market conditions render it advisable to lay low; but they will do just the reverse of what they had agreed to under duress when occasion arises to gain advantages to the worker."

Under the head of "Sabotage" the same writer says:

"Inferior goods are turned out by silent understanding of all workers in one shop or plant; time is taken up with getting tools repaired and repair work attended to. These and similar methods are known under the compound name, 'sabotage.'"

In a pamphlet entitled, "The General Strike," by William D. Haywood, in which is published a speech delivered by him in New York, March 16, 1911, the following appears:

"I hope to see the day when the man who goes out of the factory will be the one who will be called a scab; when the good union man will stay in the factory, whether the capitalists like it or not; when we lock the bosses out and run the factories to suit ourselves. That is our program. We will do it."

In a pamphlet published by J. H. Kerr & Co., Cooperative, Chicago, entitled, "How Capitalism Has Hypnotized Society," by William Thurston Brown, an I. W. W. writer and lecturer, appears the following:

"Would it be wrong for the united working class of America to say to-day, to-morrow, any time: 'Not a wheel shall move on any railroad, not a bit of machinery shall be run in any mill, factory, or smelter, from the Atlantic to the Pacific, from the Lakes to the Gulf, unless it is understood distinctly by the people of America that these tools of industry belong of right to the workers of the nation? And, meanwhile, since hungry men and women and children must be fed, and since your charity organizations have recognized the fact, and

your churches have preached it, we shall take the food necessary for our sustenance until it is understood that this system of robbery is to stop forever."

In a leaflet issued by the I. W. W. Publishing Bureau, New Castle, Pa., entitled "Appeal to Wage Workers, Men and Women," by E. S. Nelson, the following appears:

"In case of a capitalist injunction against strikers, violate it; disobey it; let the strikers and others go to jail, if necessary. That would cost so much that the injunction would be dispensed with. Final, universal strike, that is, to remain within the industrial institutions, lock the employers out for good as owners and parasites, and give them a chance to become toilers."

In a pamphlet entitled, "The Crack of Doom, or The Fall of Capitalism," by Laura Payne Emerson, a resident of San Diego, and a recognized representative and lecturer of the I. W. W., appears the following:

"Industrial unionism, the capitalist well knows, spells the abolition of the wage system. The I. W. W. recognizes no craft autonomy and no contract system. All workers in all departments of any industry are organized in one union. No worker or set of workers in any craft or branch of an industry can make a contract with an employer which he must consider sacred while later his fellow workers in the same industry are on a strike, thus enabling him to scab on his fellows while he carries a union card and cusses scabs. When the workers who make these great industries possible get ready for action they will no longer beg for some master to give them enough to live on, but take what belongs to them."

That is fairly representative, Mr. Haywood, of the attitude and propaganda of the I. W. W.—these extracts from these I. W. W. pamphlets and articles I have read?

Mr. HAYWOOD. Yes; in so far as you have quoted from the I. W. W. pamphlet. You have a number of pamphlets that were not compiled by members of the I. W. W. The first that you quoted is the national song of France, the Marseillaise. What you read from the Brown pamphlet, advocating the taking of food, was said in this city by Abraham Lincoln during war time, when speculators, gamblers in foodstuffs ran the prices of provisions up 600 or 700 or 800 per cent, and the people came to Abraham Lincoln and asked him what to do, and he said: "Take your pickaxes and crowbars and go to the granaries and warehouses, and help yourselves," and I think that is good I. W. W. doctrine. I do not see much there I would take issue with.

Commissioner WEINSTOCK. You think, generally speaking, that it represents the sentiment and attitude and the creed of the I. W. W.?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Well, then, summing up we find that the I. W. W.'ism teaches the following:

(*a*) That the workers are to use any and all tactics that will get the results sought with the least possible expenditure of time and energy.

(*b*) The question of right or wrong is not to be considered.

(*c*) The avenging sword is to be unsheathed, with all hearts resolved on victory or death.

(*d*) The workman is to help himself when the proper time comes.

(*e*) No agreement with an employer of labor is to be considered by the worker as sacred or inviolable.

(*f*) The worker is to produce inferior goods and kill time in getting tools repaired and in attending to repair work; all by a silent understanding.

(*g*) The worker is to look forward to the day when he will confiscate the factories and drive out the owners.

(*h*) The worker is to get ready to cause national industrial paralysis with a view of confiscating all industries, meanwhile taking forcible possession of all things that he may need.

(*i*) Strikers are to disobey and to treat with contempt all judicial injunction.

If that is the creed of the I. W. W., do you think the American people will ever stand for it?

Mr. HAYWOOD. There is one feature there that I do not like; I do not think you can present it as I. W. W.'ism; that is the manufacture of shoddy goods. That is the complaint we have against the capitalists at the present time. There are no goods that are perfect in capitalism. They can not make enough profit out of them. You realize that as a merchant; in the manufacture of woolen goods they have learned how to use old clothes in the making of shoddy; in the manufacture of silk goods they have learned that silk is a peculiar fiber that will absorb four or five times its weight in tin, iron, and zinc, and I do

not believe that goods should be adulterated in that way. I do not believe in the manufacture of such stuff, and palming it off on the consumer as "as good as the best," or "as good as the purest." I do not believe in the poisoning of foods and the adulteratiton of drugs or any of the needs of the human family. I believe that there are plenty of all of the good things of life to reach all of the people.

Now, there are many things I would like to explain to you, that is as to the tactics and the results. Do you know the results we are hoping for? We hope to see the day when no child will labor. We hope to see the day when all men able will work, either with brain or with muscle; we want to see the day when women will take their place as industrial units; we want to see the day when every old man and every old woman will have the assurance of at least dying in peace. Now, you have not got anything like that to-day. You have not the assurance, rich man as you are, of not dying a pauper. I have an idea that we can have a better society than we have got; and I have another idea that we can not have a much worse one than it is at present. So you see that the program of the I. W. W. is not such a bad thing after all, because while we do not ask any advice and are not requesting any help from any other than the working people at the present time, still we believe through the working class that we will find a way of making workers of all of them and that will include myself, too.

Commissioner WEINSTOCK. I do not think there is any room for issue, Mr. Haywood, between you and the rest of us on the question of the adulteration of foods.

Mr. HAYWOOD. Well, you put in there that the I. W. W. wants to produce that kind of stuff.

Commissioner WEINSTOCK. Where?

Mr. HAYWOOD. In the conclusions you arrived at.

Commissioner WEINSTOCK. I was not giving my own views, Mr. Haywood. Please remember that I was quoting from some industrial I. W. W. workers.

Mr. HAYWOOD. From what you thought was.

Commissioner WEINSTOCK. No; I will give you my authority all the way down the line.

Mr. HAYWOOD. I told you that Brown——

Commissioner WEINSTOCK (interrupting). Is this what you take exception to: "The worker is to produce inferior goods and kill time in getting tools repaired, and in attending to repair work, all by a silent understanding;" that was this writer's explanation of what sabotage soood for?

Mr. HAYWOOD. That was Roller's?

Commissioner WEINSTOCK. Yes.

Mr. HAYWOOD. Roller was not a member of the I. W. W.

Commissioner WEINSTOCK. He was telling how sabotage should be employed?

Mr. HAYWOOD. I have a better conception of sabotage.

Commissioner WEINSTOCK. What is yours?

Mr. HAYWOOD. That the worker should refuse to be a party with the boss in robbing the public.

Commissioner WEINSTOCK. That is, that they should cease working?

Mr. HAYWOOD. That they should cease putting adulteration in such things. It is the worker, is it not, that does it? The capitalist never goes into the shop to put this adulteration into the food, and so forth.

Commissioner WEINSTOCK. Let us eliminate the adulteration of food products and take the rest of the summary. Leave that out and let my question be, Do you think the American people will stand for that kind of a doctrine?

Mr. HAYWOOD. Read me that over again.

Commissioner WEINSTOCK (reading). "(*a*) That the workers are to use any and all tactics that will get the results sought with the least possible expenditure of time and energy."

Mr. HAYWOOD. Yes; I believe in the worker using any kind of tactics that will get the results. I do not care what those tactics are when the working class has arrived at that stage of efficiency and organization, I do not care whether it means revolution. That is exactly the very——

Commissioner WEINSTOCK (interrupting). "(*b*) The question of right or wrong is not to be considered."

Mr. HAYWOOD. What is right and wrong? What I think is right in my mind or what you think is right in your mind?

Commissioner WEINSTOCK. "(*c*) The avenging sword is to be unsheathed, with all hearts resolved on victory or death."

Mr. HAYWOOD. What that means is a general strike.

Commissioner WEINSTOCK. "(*d*) The workman is to help himself when the proper time comes."

Mr. HAYWOOD. When the proper time comes, when he needs it, let him go and get it.

Commissioner WEINSTOCK. "(*e*) No agreement with an employer of labor is to be considered by the worker as sacred or inviolable."

Mr. HAYWOOD. No agreement?

Commissioner WEINSTOCK. Yes.

Mr. HAYWOOD. He never wants to enter into an agreement. Let me explain something about an agreement. I heard you talk to Kobylak yesterday. What would a union man say if some member of that union entered into an agreement with the boss? He would say he was a bad man, wouldn't he? And that he ought to stand by the rest of the members of his union. Now, we say that union has only a little nucleus of industry; we say that union has no right to enter into an agreement because the rest of the men employed in that industry ought to be considered. We say that no industry has a right to enter into an agreement because they are a member of the working class; and finally we say that the working class has no right to enter into an agreement because it is the inherent mission of the working class to overthrow capitalism and establish itself in its place. You can let that about contract and agreement stand.

Commissioner WEINSTOCK. "(*f*) The worker is to produce inferior goods and kill time"—we will cut out that which relates to the production of inferior goods and killing time; that is out of the subject.

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. "(*g*) The worker is to look forward to the day when he will confiscate the factories and drive out the owners."

Mr. HAYWOOD. I would drive them in instead of out.

Commissioner WEINSTOCK. I think that was your own quotation.

Mr. HAYWOOD. I would make an arrangement to take every owner on the inside and give him a job alongside of me.

Commissioner WEINSTOCK. Have you changed your views any since you delivered this speech on March 16, 1911, in which, among other things, you said this:

"I hope to see the day when the man who goes out of the factory will be the one who will be called a scab, when the good union man will stay in the factory, whether the capitalists like it or not; when we lock the bosses out and run the factories to suit ourselves. That is our program. We will do it." Are your views the same to-day as when you said that?

Mr. HAYWOOD. I hope we can do that to-morrow.

Commissioner WEINSTOCK. The next is, "(*h*) The worker is to get ready to cause national industrial paralysis, with a view of confiscating all industries, meanwhile taking forcible possession of all things that he may need."

Mr. HAYWOOD. I do not understand the necessity for causing industrial paralysis; that is, when the workers are sufficiently organized they have got control of the machinery; you never saw a capitalist with his hand on the trouble; you never saw him on the stony end of a No. 2 shovel; you read of him on his way to Europe and going down with the *Lusitania* or the *Titanic*; they are not interested in work. It is the workers who have control now of all of the machinery if they would only make up their minds to hold that control and maintain it for themselves.

Commissioner WEINSTOCK. I take it, then, that you take no issue as a member of the I. W. W. with that statement here?

Mr. HAYWOOD. No; I will let that go.

Commissioner WEINSTOCK. And the last is, "(*i*) Strikers are to disobey and treat with contempt all judicial injunction."

Mr. HAYWOOD. Well, I have been plastered up with injunctions until I do not need a suit of clothes, and I have treated them with contempt.

Commissioner WEINSTOCK. And you advocate that?

Mr. HAYWOOD. I do not believe in that kind of law at all. I think that is a usurpation on the part of the courts of a function that was never vested in the courts by the Constitution.

Commissioner WEINSTOCK. Therefore, you would have no hesitancy in advising your fellow I. W. W.'ists to do as you have done.

Mr. HAYWOOD. I do not like to advise too much, but I would do it myself.

Commissioner WEINSTOCK. Let me repeat my question once more: Do you think that the American people would stand for this program suggested?

Mr. HAYWOOD. I think the American working class will stand for it when they know it.

Commissioner WEINSTOCK. You think they would?

Mr. HAYWOOD. Yes; I think so.

Commissioner WEINSTOCK. Then how comes it that after at least 10 years of agitation and earnest, hard work on the part of yourselves and fellow propagandists and organizers you can only show a membership of 15,000, against, perhaps, 2,000,000 or more of the American Federation?

Mr. HAYWOOD. Well, how many could the American Federation show when they were 10 years old?

Commissioner WEINSTOCK. I do not know; my friends over there [indicating] can answer that better than I can.

Mr. HAYWOOD. That is not the question. We have these 15,000 members in good standing. How many people believe as we believe?

Commissioner WEINSTOCK. Fortunately very few.

Mr. HAYWOOD. That is not true, but may be fortunate for you that you think so. But there are a vast number of people in all walks of life that believe that the present system of society must be changed, and that this is the means of changing it.

Commissioner WEINSTOCK. Well, does not this preachment that I have just summarized practically mean this: That it is the organized and deliberate purpose of the I. W. W. to teach and preach and to burn into the hearts and minds of its followers that they are justified in lying; that they are justified in stealing and in tramping under foot their own agreements and in confiscating the property of others, in disobeying the mandates of the court, and in paralyzing the industries of the Nation; and is it not a fact that if all men and women in the Nation would accept such teaching that it would make society impossible; that it would make a Nation of thieves and liars and scoundrels?

Mr. HAYWOOD. That is the creed of the capitalist as it exists to-day, and as they practice it; they lie, they steal, they disobey the mandates of the court; there is nothing they do not do that you have ascribed to the I. W. W. there.

Commissioner WEINSTOCK. Very well; admitting that they do these things, does that make it right?

Mr. HAYWOOD. No; that does not make it right.

Commissioner WEINSTOCK. Then, would it make it any more right for the workers to do it?

Mr. HAYWOOD. The workers do not do it.

Commissioner WEINSTOCK. This preaches it, does it not?

Mr. HAYWOOD. It does not. Does it say I should lie?

Commissioner WEINSTOCK. If I was to come in and take possession of your property and throw you out, would I be robbing you?

Mr. HAYWOOD. You have a mistaken idea that the property is yours. I would hold that the property does not belong to you; that what you as a capitalist class have piled up as property is merely unpaid labor, surplus value; you have no vested right in that property.

Commissioner WEINSTOCK. You mean, then, that the coat you have on your back does not belong to you, but belongs to all the people?

Mr. HAYWOOD. All right; that is not what I mean. I mean that there might be private property. I don't want your watch, I don't want your toothbrush, but the things that are publicly used; no such word as "private" should be vested in any individual in any of those things. For instance, do you believe that John D. Rockefeller has any right, either God-given right or man-made right, or any other right to the coal mines of the State of Colorado?

Commissioner WEINSTOCK. He has a perfect right to them under the laws of the country.

Mr. HAYWOOD. Then the laws of the country are absolutely wrong, establishing private property to them in anyone.

Commissioner WEINSTOCK. Very well; who are the lawmakers of the country?

Mr. HAYWOOD. Well, you know who they are.

Commissioner WEINSTOCK. I know this: I know that in the State wherein I live, with the initiative, referendum, and recall, the people are absolutely the lawmakers of the State.

Mr. HAYWOOD. All right.

Commissioner WEINSTOCK. And they can be so in every State in the Union.

Mr. HAYWOOD. You know who the people are.

Commissioner WEINSTOCK. You and I and the rest of us?

Mr. HAYWOOD. Yes; the rest of our kind; we are parasites. The real people who have to be considered are the workers, the productive workers, the ones who make society, who build the railroads, who till the soil, who run the mills. I have done no work for 10 or 15 years, and I am a parasite; I recognize that. That is what you are, and that is what the rest of them are that do not labor. You would not object to a society where you and I did actual labor, would you?

Commissioner WEINSTOCK. Are we to understand, then, Mr. Haywood, that your interpretation or definition of a worker is a man who works purely with his hands?

Mr. HAYWOOD. I said brain and muscle.

Commissioner WEINSTOCK. But don't you exercise your brain in your avocation?

Mr. HAYWOOD. I try to, but I am not a productive worker. I am doing a thing that I ought not to be called on to do.

Commissioner WEINSTOCK. But if you say that a man who exercises his brain as well as his muscle is a producer, then you are certainly a producer?

Mr. HAYWOOD. Well, I produce some trouble and things like that, but I really have not produced anything now since I left the mine.

Commissioner WEINSTOCK. Then, if I. W. W'ism is the remedy for the industrial ills and you have succeeded in at least getting 15,000 people to think as you do, you have produced something from your point of view, have you not?

Mr. HAYWOOD. I would not say that is all my effort.

Commissioner WEINSTOCK. You have aided in it; you have done your full share in it?

Mr. HAYWOOD. Yes; and in so far as I contributed in doing that much even the workers would say that I have done a pretty good job.

Commissioner WEINSTOCK. Would you deny the claim, for example, of a teacher of being a producer?

Mr. HAYWOOD. No; a teacher is a producer.

Commissioner WEINSTOCK. In your line of work, you are a teacher to those around you and teach those around you. You go out and teach the principles you represent, and you are therefore as much a producer as the teacher, and you have no right to call yourself a parasite.

Mr. HAYWOOD. Well, I will accept your correction.

Commissioner WEINSTOCK. Now, will you tell this commission, Mr. Haywood, as an authority on the subject, wherein, assuming that you and the Socialists and the American Federationists have the same objective in mind; that is, the betterment of the worker—will you point out to this commission as clearly and concisely as you can wherein your methods differ and are better than the method of the Socialists, and of the American Federationists?

Mr. HAYWOOD. Well, I do not like to set myself up as a critic.

Commissioner WEINSTOCK. We have a right to your opinion, I think. You were invited here for that purpose and have certainly given the matter a great deal of thought and study and ought to be able to point out clearly to us the comparative advantages and disadvantages.

Mr. HAYWOOD. Without saying—without criticizing trade-unions, which I regard as having accomplished great good in their time, there are many things in the workings of trade-unions where they recognize the right of the bosses. The Industrial Workers of the World do not recognize that the bosses have any rights at all. We have founded the organization on the basis of the class struggle, and on that basis it must work out its ultimate.

The trade-union says, "Well, the boss has some rights here, and we are going to enter into a contract with him." How long is it going to take to solve this problem if you have continuity of contracts? That is the thing we say.

The trade-union is organized on the basis of the tools they work with. Now, the tools are changing, and it is driving trade-unions out of business. For instance, the glass blowers—glass was made by workmen who blew through a tube. A glass maker, a glass blower himself contrived a machine whereby this blowing is done automatically, and the glass blower, he is wheeling sand to that machine now.

We believe that everybody that works around that machine ought to be organized just as before; we believe that everybody that works around the glass factory ought to be organized, organized with regard to the welfare of each other. That is the reason I pointed out to you that in the Western Federation of Miners there was small differentiation in the wage scale. It is not true with the glass blower; he was paid from eight to ten dollars a day, while the boy off-bearer got a few dollars a week. Now, with us there was no boy went into

the mine younger than 16 years of age, and when he went into the mine he got a man's wages, because we thought he was old enough to do a man's work. It was not a matter of skill; he did not have to serve any apprenticeship; we just took the position when the boy was old enough for the boss to exploit he was old enough to draw full pay.

Mr. HAYWOOD. After the Socialist Party——

Commissioner WEINSTOCK. Let us make this point, Mr. Haywood, before we take up the Socialist Party: I gather, then, from your statement that the two fundamental points in which I. W. W.'s differ from American Federationists is you are are opposed to contracts with employers on the one hand, and you believe in one great union instead of craft unions. Does that make the difference?

Mr. HAYWOOD. That makes two differences.

Commissioner WEINSTOCK. In other words, you believe that by the adoption of the methods adopted by the I. W. W. that the ends can be achieved better and more quickly than under the methods followed by the American Federationists?

Mr. HAYWOOD. Can you conceive of anything that labor can not do if they were organized in one big union? If labor was organized and self-disciplined it could stop every wheel in the United States to-night—every one—and sweep off your capitalists and State legislatures and politicians into the sea. Labor is what runs this country, and if they were organized, scientifically organized—if they were class conscious, if they recognized that the worker's interest was every worker's interest, there is nothing but what they can do.

Commissioner WEINSTOCK. Granting an organization so colossal in its character would have great power for good, would it not have great power for ill?

Mr. HAYWOOD. Yes; it would have great power for ill—that is, it would be ill for the capitalists. Every one of them would have to go to work.

Commissioner WEINSTOCK. Would it not also have great power in doing this—in establishing a new slavery? If the wage earner claims that under present system of things he is in slavery, would not the colossal power of your plan simply be slavery with new masters?

Mr. HAYWOOD. Such a labor organization would be a fine sort of slavery. I would like to work for my union in a shop that I owned best.

Commissioner WEINSTOCK. If you were the "big Injun" chief?

Mr. HAYWOOD. No; to go right back in the mine that I came from. That is the place that I would like to go, right to-morrow, and receive for my labor, without any stockholder, without any Rockefeller taking off any part of it, the social value of what my labor contributed to society.

Commissioner WEINSTOCK. To that degree, then, I take it, the I. W. W.'s are Socialistic?

Mr. HAYWOOD. All right.

Commissioner WEINSTOCK. Let me see if I understand the distinction correctly between socialism and I. W. W.'ism.

As I understand it, I. W. W.'ism is socialism, with this difference——

Mr. HAYWOOD (interrupting). With its working clothes on.

Commissioner WEINSTOCK. As an I. W. W., are you a believer in free speech?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Are you a believer in free press?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Now, if your idea prevails and you went to bed to-night under the capitalistic system and woke up to-morrow morning under your system, the machinery of productiveness and distribution would belong to all the people?

Mr. HAYWOOD. Under our system?

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. It would be under the management of the working class.

Commissioner WEINSTOCK. There would be collective ownership?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Of course you are not anarchistic, you believe in organization, you believe in government?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Well, the anarchists believe in individualism, and carries it to the limit, without government?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And if you believe in government, then you would have to have a ruler——

Mr. HAYWOOD. Would you?

Commissioner WEINSTOCK. You would have to have superiors; otherwise, how could you have government?

Mr. HAYWOOD. It has been run at times without bosses.

Commissioner WEINSTOCK. Without any officials of any kind?

Mr. HAYWOOD. Without any officials; it was the glassworkers of Italy.

Commissioner WEINSTOCK. Taking society as we find it, as you know it and I know it, if you have organization you have to have officers?

Chairman WALSH. Let us have the glassworkers' illustration; I never heard of it.

Mr. HAYWOOD. The glassworkers of Italy went on strike, and while on strike they determined to run competitive factories, and they built factories of their own, owned by the members of the glass blowers' union. They went to work in those factories; each man knew his work—what there was to do. If you have any surplus and different interests to divide up, then there is some occasion for a boss; but if—suppose, now, that these men who are working in glass factories cooperate, as in this instance, and had some occasion for a boss, they would elect him, wouldn't they?

Commissioner WEINSTOCK. Yes, sir; they would elect him, that is guaranteed, and would put certain responsibilities on him to carry out certain rules and regulations or laws that they might adopt.

Mr. HAYWOOD. I can not conceive of much rules and regulations that would need to be applied with a man of common sense. There would be sanitary regulations around the mine. They would not shoot during shift; they would keep the places well ventilated and clean and well timbered. What other regulations do you want?

Commissioner WEINSTOCK. If this group in this room organized, it can not reasonably be expected to carry out its object unless it elected representatives and officers to carry out its wishes.

Mr. HAYWOOD. But you take a motly group like this; no one can carry out its wishes, because they change every time they turn around. But you take the workers that work in one industry; their interests can be well carried out.

Commissioner WEINSTOCK. Now, would you confine this great army of workers, organized in one body, would you confine their functions and their efforts to industrial matters pure and simple, or would you at the same time have them also deal with the political conditions, with the government of our municipalities, of our Commonwealths, or our Republic?

Mr. HAYWOOD. There would be neither county or State or National lines.

Commissioner WEINSTOCK. There would be no political subdivision?

Mr. HAYWOOD. Only what existed in the community.

Commissioner WEINSTOCK. That is incomprehensible to me, Mr. Haywood; you will have to explain it a little more definitely.

Mr. HAYWOOD. What is the government of the city? The government of many cities has been changed to the commission form.

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. The commissioner has the fire department, the public safety, and public improvement. Those are the different divisions. Why not have that same thing under industrial——

Commissioner WEINSTOCK. Have it nationally?

Mr. HAYWOOD. You have no community that is national in scope.

Commissioner WEINSTOCK. How, then, would you have it?

Mr. HAYWOOD. Have this group or this community wherever the industry was located. Do you suppose under normal conditions there would be communities like New York or Chicago with great skyscrapers sticking up in the air?

Commissioner WEINSTOCK. What would you say would be the size of the community?

Mr. HAYWOOD. Some 50,000 or 60,000, where the people in that industry would dwell. There would be no lawyers or preachers or stockholders like built New York.

Commissioner WEINSTOCK. What would you do with the city of New York?

Mr. HAYWOOD. Tear it down, or leave it as a monument to the foolishness of the present day.

Commissioner WEINSTOCK. How long do you think it will be, Mr. Haywood, knowing the conditions as you know them, before your ideals will be realized, before cities like New York and Chicago will be wiped out and replaced by urban communities?

Mr. HAYWOOD. Well, Mr. Weinstock, if some one had asked me a year ago how long it would be before a world-wide war would take place I would not

have answered them; but you see the people of many nations now pitted against each other, committing murder by the wholesale, and I would say that this can come just as quick as the war. I don't know when, but I know that there are people that are interested in bringing about a change of society; whether it will be the change that I have suggested here, or whether that is the right change—and I feel that it is—still I feel that it could come just as quick as other grave things have come.

Commissioner WEINSTOCK. You think it will be an overnight affair?

Mr. HAYWOOD. I think so; that is, as you mean overnight affairs, as war was an overnight affair.

Commissioner WEINSTOCK. I have been asked to submit this question to you if you care to answer it: What would you do with the lazy man and those that would decide which job each man should take, and what each particular man should do under your system?

Mr. HAYWOOD. I would give the lazy man the kind of work he would like to do. I don't believe any man is lazy.

Commissioner WEINSTOCK. You don't know me, then.

Mr. HAYWOOD. It is ingrown with you. You have not had a chance to do the thing you want to do; that is the reason you are lazy.

Commissioner WEINSTOCK. I am thoroughly enjoying the work I am doing, Mr. Haywood. How would you decide on which job each man should have and what each man should do? Who would be the judge; who would be the determining factor?

Mr. HAYWOOD. I think that each man has a selection of his own, and would find his place in the group where the work was going on.

Commissioner WEINSTOCK. You would permit a man to choose his own job regardless of his fitness?

Mr. HAYWOOD. I think he would be the most fit in doing what he would like to do.

Commissioner WEINSTOCK. I have known many merchants that thought they were great poets, and many poets that thought they were great lawyers, and many lawyers that thought they were great musicians, and they were not.

Mr. HAYWOOD. Not in your judgment perhaps, but probably they were according to their own.

Chairman WALSH. Mr. Garretson has a question he wants to ask you before we adjourn.

Commissioner GARRETSON. Mr. Haywood, the thing that I want to know is this: One of the commissioners has presented to you a certain summing up, which seems to me, instead of being a concept of your purpose is rather an indictment of your method. Now, I want to see if I have gathered correctly from what I have studied in regard to the I. W. W., accepting you as one of its principal spokesmen and interpreters—whether or not I gather from that what you claim to be your purpose. I am going to read it in a concise form in my own language, and see whether it is fairly interpretive of not your method but your purpose. Is it your attitude that neither man nor woman should have the right to possess, either by gift, inheritance, or accumulation, in amount of surplus value (I am using the ordinary phrase "surplus value") that it would make them independent, first, of labor in some form? That takes in the two forms you mentioned, mental or muscular, or extends to the duties and responsibilities that they owe to society or are accountable to that society for or that would enable them to influence other legislative processes, judicial processes, or social or executive processes that would apply their form of influence. Is that fairly—I know it is rather long.

Mr. HAYWOOD. I would say that neither man nor woman should be possessed by inheritance, accumulation, or otherwise with anything that would give them that power.

Commissioner GARRETSON. Either of those powers?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. Just one further point——

Mr. HAYWOOD (interrupting). For instance, I would say in foreign countries they have crowns and titles by divine right, but here they have everything without it. They have the sausage without the skin.

Commissioner GARRETSON. You hold by that every man has a divine right to that crown, worn conjunctly with every other man.

Mr. HAYWOOD. That would suit me first-rate.

Commissioner GARRETSON. You accept that as the definition of divine right?

Mr. HAYWOOD. Yes, sir; but that is as far as I will go with you.

Commissioner GARRETSON. Do you hold further that if your beliefs were made effective that the man that now stands in your estimation as a ruthless financier, or an exploiter of labor, by being deprived of the right to pile up surplus value or transmit it, having the incentive removed, that his energies would be directed to the common as well as the individual good?

Mr. HAYWOOD. I think so. Now, the only standard of measurement that he has is gold and its accumulation. Under a different system of society he would work for approbation and the approval of his fellow man with all the happiness that would mate with a new society, and would be more of an incentive to him than all his gold.

Commissioner GARRETSON. Supposing, of course, that we could not grab the coin at the same time?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. I won't press it further than that.

Chairman WALSH. At this point we will stand adjourned until to-morrow. Will you please resume the stand at 10 o'clock? Some of the other commissioners have some questions they wish to ask you.

(Thereupon, at 4.30 p. m., Wednesday, May 11, 1915, an adjournment was taken until Thursday, May 12, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Thursday, May 13, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Harriman, Garretson, Lennon, Weinstock, and O'Connell.

Chairman WALSH. Mr. Haywood, will you please resume the stand?

TESTIMONY OF MR. WILLIAM D. HAYWOOD—Continued.

Chairman WALSH. Mr. Weinstock said he had not quite finished with you last night, and maybe some of the other commissioners would like to ask you some questions.

Commissioner WEINSTOCK. At the hour of adjournment, Mr. Haywood, we were discussing the status of society as it would be if your remedies for the wiping out of industrial strife prevailed. My point was to see whether the condition would be better or worse than now. You remember that I asked you whether or not you believed in free speech and whether you believed in free press, and you said you did. The question that suggests itself to my mind is as to whether, under the conditions which you picture, we could continue to have free press and free speech. To illustrate, let us imagine that we are organized industrially, as you would want it, in one great, big unit, and everything were in the hands of the workers, who are supreme. That, of course, would mean organization; organization would mean the selection of executive officers. That, in turn, would mean the placing upon these executive officers responsibilities. With responsibilities there necessarily must be power. Now, with these officers in the saddle and supreme, unless human nature changed very materially, there would be room for criticism perhaps on the side of the dissatisfied minority. This great group owning all of the machinery, as it would, for production and distribution, would own the press. So that in the first place there would be no opportunity for the dissatisfied minority or the critics to give publicity to their criticism and to their dissatisfaction. If they dared to raise a public criticism of those in power, in all likelihood they would be subject to the same criticism that I found in Guatemala when I visited there a few years ago. The condition I found there would probably exist under your Utopia. Guatemala, a few years ago, elected a president who has only dared to show his head out of his doors three times during that period. Seventeen attempts at assassination have taken place, and yet, despite that fact, he rules his people with a rod of iron. Any man that dares to criticise the president or his policy can do one of two things—either get out of the country or lose his head.

Now, with that concentrated power under your method, would it not after all mean that if there is such a thing as wage slavery to-day, as is maintained by those who think as you, then would it not result simply in a change of masters, and would the slavery not be of a far more severe character than the slavery, if there is slavery, under our existing system?

Mr. HAYWOOD. In the first place, you presuppose a condition that perhaps will not take place at all. That is, you state that there would be officers with power. I can not conceive of that kind of society. In the industries each branch of industry would be operated by a group of workers who best know

that branch, and among that group of workers if foremen or overseers were necessary they would be selected from among the workers. There would be no dominating power there, would there? I can conceive no need of a dominating, national, world-wide power that would have control of the press. The press is not under a dominating control, and under present-day conditions the militant minority has no method of expression. This commission alone has afforded the minority an expression which in a measure finds its way into the press. No other means has been established, excepting for small weekly newspapers, or something of that kind, that are conducted by the minority. It seems to me that under a new society, and you will admit that human psychology will change if given an opportunity, the newspapers of the country would not be devoted to detailing murders and robberies and scandals and stocks and bonds; they would be really for the information of the people, and under normal society it seems to me there would be no radical minority striving for expression. There may be minorities who were striving for change, for the introduction of new ideas or new ideals, but I think that they would certainly be given publicity, because society as a whole would be interested in its own advancement. I think the conditions that you have described, instead of applying to the future society, very well represent the existing society. That is the condition that we have under capitalism to-day.

Commissioner WEINSTOCK. Let me make sure, Mr. Haywood, that I clearly understand the objective of I. W. W.'ism. I have assumed—I will admit that I have assumed in my presentation to you that I. W. W.'ism was socialism with a plus; that is, that I. W. W.'ism in——

Mr. HAYWOOD (interrupting). I would very much prefer that you would eliminate the reference to socialism in referring to I. W. W.'ism, because from the examples we have, for instance, in Germany, socialism has, or at least the Social Democratic Party, has been very much discredited in the minds of the workers of other countries. They have gone in for war, and those of us who believe we are Socialists are opposed to war. So if you don't mind we will discuss industrialism on its own basis.

Commissioner WEINSTOCK. Well, in order that I at least may better understand the purpose, aims, and objects of industrialism, I must, in order to bring out the differences and to compare it with the socialistic doctrine—you may not believe in the socialistic doctrine any more, and I do not; but my purpose is, so that we do not have a misunderstanding of the meaning of words. Now, let me briefly state to you what I understand socialism stands for, and what I understand the I. W. W.'ism stands for. The Socialist, as I understand it, is striving for the cooperative commonwealth, striving to bring about a situation whereby all the machinery of production and distribution shall be owned by all the people, where there shall be but one employer, and that employer shall be all the people, and everything shall be conducted substantially as the Army and Navy are conducted under our form of Government. I understand that I. W. W.'ism believes in exactly the same objectives but differs in the methods——

Mr. HAYWOOD (interrupting). In the first place, I. W. W.'ism has no such thing as an army or a navy, and certainly not as the Army and Navy are conducted at the present time.

Commissioner WEINSTOCK. Well, I did not say that the Socialists believe in a continuation of the Army and Navy——

Mr. HAYWOOD (interrupting). Some of them do.

Commissioner WEINSTOCK. I said that they believed everything would be managed as we now manage the Army and Navy. All the people manage the Army and Navy——

Mr. HAYWOOD (interrupting). But you make a statement that is not true.

Commissioner WEINSTOCK. The soldier and sailor has but one employer, and that employer is all the people. Now the only distinction that I have been able to discover between the aims and objects of those representing the I. W. W. doctrine and those representing the so-called socialistic doctrines, is the methods of getting to the ends. The Socialists believe in getting it through education and political action, and you believe in doing it through direct action——

Mr. HAYWOOD (interrupting). And education.

Commissioner WEINSTOCK (continuing). And the general strike.

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Therefore the ends are the same, but to be reached through different pathways?

Mr. HAYWOOD. No; the ends are not the same. Now, Socialists, while they present an industrial democracy, they hope to follow the files of existing

governments, having industries controlled by the Government, eventually, however, sloughing the State. They will tell you the State is of no further use; that when industries are controlled by the workers the State will no longer function.

Commissioner WEINSTOCK. Well, then, am I to understand this, Mr. Haywood? I want that made very clear to me, because if the objective is as I understand you have tried to indicate, then I have been laboring under a misapprehension. Am I to understand that it is not the objective of the I. W. W. to have the State-owned industries?

Mr. HAYWOOD. It certainly is not.

Commissioner WEINSTOCK. I see. Then there is a radical difference between the I. W. W.'s and the Socialists, Mr. Haywood?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. The Socialist wants the State to own all the industries.

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And the I. W. W., then, as you now explain it, proposes to have those industries not owned by the State but by the workers——

Mr. HAYWOOD (interrupting). By the workers.

Commissioner WEINSTOCK (continuing). Independent of the State.

Mr. HAYWOOD. Independent of the State. There will be no such thing as the State or States. The industries will take the place of what are now existing States. Can you see any necessity for the States of Rhode Island and Connecticut, and two capitols in the smallest State in the Union?

Commissioner WEINSTOCK. Except that of home rule.

Mr. HAYWOOD. Well, you have home rule anyhow, when you place it in the people who are interested, and that is in the industries.

Commissioner WEINSTOCK. Well, then, will you briefly outline to us, Mr. Haywood, how would you govern and direct the affairs under your proposed system of 100,000,000 of people, as we are in this country to-day?

Mr. HAYWOOD. Well, how are the affairs of the hundred million people conducted at the present time? The workers have no interest, have no voice in anything except the shops. Many of the workers are children. They certainly have no interest and no voice in the franchise. They are employed in the shops, and of course my idea is that children who work should have a voice in the way they work—in the hours they work, in the wages that they should receive—that is, under the present conditions children should have that voice, children who labor. The same is true of women. The political state, the Government, says that women are not entitled to vote—that is, except in the 10 free States of the West; but they are industrial units; they are productive units; from millions of women. My idea is that they should have a voice in the control or disposition of their labor powers, and the only place where they can express themselves is in their labor union halls, and there they express themselves to the fullest as citizens of industry, if you will, as to the purposes of their work and the conditions under which they will labor. Now, you recognize that in conjunction with women and children.

The black men of the South are on the same footing. They are all citizens of this country, but they have no voice in its government. Millions of black men are disfranchised, who if organized would have a voice in saying how they should work and how the conditions of labor should be regulated. But unorganized they are as helpless and in the same condition of slavery as they were before the war. This is not only true of women and children and black men, but it extends to the foreigner who comes to this country and is certainly a useful member of society. Most of them at once go into industries, but for five years they are not citizens. They plod along at their work and have no voice in the control or the use of their labor power. And as you have learned through this commission there are corporations who direct the manner in which those foreigners shall vote. Certainly you have heard something of that in connection with the Rockefeller interests in the southern part of Colorado. You know that the elections there were never carried on straight, and these foreigners were directed as to how their ballot should be placed.

They are not the only ones who are disfranchised, but there is also the workingman who is born in this country, who is shifted about from place to place by industrial depressions; their homes are broken up and they are compelled to go from one city to another, and each State requires a certain period

of residence before a man has the right to vote. Some States say he must be a resident 1 year, others say 2 years; he must live for a certain length of time in the county; he must live for 30 days or such a matter in the precinct before he has any voice in the conduct of government. Now, if a man was not a subject of a State or Nation, but a citizen of industry, moving from place to place, belonging to his union, wherever he went he would step in the union hall, show his card, register, and he at once has a voice in the conduct of the affairs pertaining to his welfare. That is the form of society I want to see, where the men who do the work, and who are the only people who are worth while—understand me, Mr. Weinstock, I think that the workingman, even doing the meanest kind of work, the workingman is a more important member of society than any judge on the Supreme Bench; than any other of the useless members of society. I am speaking for the working class, and I am a partisan to the workers.

Commissioner WEINSTOCK. Well, among your statements you said that under the present system labor has no representation. Did I get your correctly?

Mr. HAYWOOD. I mentioned the different divisions of labor that have no voice at the ballot box.

Commissioner WEINSTOCK. Take labor as a unit; take all the labor of the country as a unit, would you say it has no representation, no voice?

Mr. HAYWOOD. There may be places where labor may be sufficiently strong to elect a Representative. I realize that in Congress at the present time there are a number of card men, but I do not believe those men were elected by labor, and certainly from their voice in Congress I do not believe they are representing labor.

Commissioner WEINSTOCK. I suppose you, in common with the rest of us, appreciate the fact that whatever remedial legislation may have been enacted throughout the various States and in Congress, such as the child-labor laws, minimum wage for women and minors, the safety laws, the eight-hour day for women and children, and the Workmen's Compensation Act—as a rule, there may be exceptions here and there, but as a rule all of these remedial measures have been opposed by employers and have been advocated by the workers and their sympathizers. Now, if it is true that labor has not had a voice, except in isolated instances, as you point out, and then you doubt whether it is really labor's voice, how do you explain that in spite of the tremendous power of the employers throughout the nation these laws have been put on our statute books and are being enforced?

Mr. HAYWOOD. I said I believe that labor had but few representatives, and that is true. I know there are men who are elected to the different State legislatures that have been assisted by labor's vote, and they have introduced this reform and remedial legislation. But can you show me a place where any of this reform legislation is in effect, even so far as child labor goes and the eight-hour law for women, unless there is an economic organization sufficiently strong to enforce it upon the employer?

Commissioner WEINSTOCK. Yes; in the State of California.

Mr. HAYWOOD. Is the eight-hour law for women observed in that State?

Commissioner WEINSTOCK. Yes, sir; absolutely.

Mr. HAYWOOD. I understand it is not.

Commissioner WEINSTOCK. Then you are misinformed. I can state authoritatively, because I live in the State of California and am thoroughly familiar with the conditions there. There have been many actions brought against the violators of the law. They have been penalized, and there are some remote nooks and corners, in some of the backwoods towns, that can not be reached.

Mr. HAYWOOD. I understand that is so.

Commissioner WEINSTOCK. But wherever it is possible for the labor department to reach it, it is reached, and the law is generally enforced.

Mr. HAYWOOD. Do you believe it is enforced by the law and the authorities under the law?

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. Or by the labor—the strong labor organizations of California?

Commissioner WEINSTOCK. I suppose it is being backed by the labor organizations.

Mr. HAYWOOD. California is the strongest union State in the Nation.

Commissioner WEINSTOCK. If organized labor was not behind it, it might not be enforced as effectively as it is. Organized labor, naturally in sympathy with the law, leaves nothing undone to see that it is enforced.

Mr. HAYWOOD. I appreciate that, and that is the reason it is enforced.

Commissioner WEINSTOCK. Now, we are not a peculiar people. Humanity is no different in California than in any other part of the country, and whatever has been done there, and is being done there, can be duplicated all over the Union, and there is no reason why the same results can not be obtained in Maine as in California.

Mr. HAYWOOD. I heard a member of the child-labor commission report on the legislation in Maine. He said they had labor laws on their books in regard to the children employed in the fishing industry, packing sardines, and he said these laws were not lived up to, and it was only through the introduction of machinery that took the place of the children that they were able to enforce the law; that is, that they employed children in spite of the law.

Commissioner WEINSTOCK. Coming back, Mr. Haywood, to my initial question, we have a hundred million people in this Nation. Now, let us assume that under your system the industries would be organized as you would have them organized, and would be by the industrial workers; you still have not explained how the affairs of the Nation would be conducted. We would have foreign relations that would have to be dealt with; we would have to be prepared to protect ourselves against invasion, and we would have to conduct the affairs, the various avenues of governmental service, our postal department, and our various other departments. How would you do that?

Mr. HAYWOOD. Well, you seem to take into consideration that there is only this Nation in the world. Now, I can not imagine, if the workers of the world were organized as I have outlined to you, how there would be any invasion; they would all be interested in the same thing.

Commissioner WEINSTOCK. You will admit this, that you can not expect the whole world overnight to adopt I. W. W. principles; it would have to be a gradual growth.

Mr. HAYWOOD. It does not make any difference to me if it is not for a hundred years.

Commissioner WEINSTOCK. What would you do meanwhile?

Mr. HAYWOOD. The same thing we are doing now—plugging along and taking our part in this class struggle, fighting for better conditions, and hoping to get them to-morrow, but fighting for them, if we do not get them for a century. We are trying to educate such people as you, Mr. Weinstock.

Commissioner WEINSTOCK. I admit that I need a heap of education.

Mr. HAYWOOD. Maybe I do, too, but I can talk, and my working people understand the things we are striving for. It is hard to explain it to a person who has always been under a different environment. I realize that it is hard for you to explain this, but you can talk to people who are in the shop, and they recognize that they ought to have a voice in the workings of that shop. Indeed, there are many newspapers now who are saying that it is wrong for capital alone to direct industry; it is wrong to have the ideas of Mr. Rockefeller, who says that common labor is animate machinery. Common labor is a human being, collective human beings, and they ought to be considered in the same light as other human beings.

Commissioner WEINSTOCK. Can you tell us, Mr. Haywood, especially for the information of the chairman and myself, as well as for the other commissioners, where Mr. Rockefeller said that common labor is animate machinery?

Mr. HAYWOOD. I don't remember where I did see that, but somewhere.

Commissioner WEINSTOCK. I was present for three days, or about three days, when Mr. Rockefeller was on the stand, and he was turned inside out, and almost every conceivable question that could be devised was put to him.

Mr. HAYWOOD. When he comes here next week, ask him if he didn't say that. I think you will find out that he did. I think that is his mind, and I think he has no other viewpoint.

Commissioner WEINSTOCK. I will make a note of that.

Chairman WALSH. A request has just come up from the sergeant at arms that some of the persons in the rear of the hall are very anxious to hear what you have to say in answer to these questions, but are unable to do so and will you please pitch your voice a little higher?

Mr. HAYWOOD. Pardon me.

Commissioner WEINSTOCK. That is all the questions I have now.

Chairman WALSH. Commissioner Lennon has a few questions he wants to ask you.

Commissioner LENNON. Mr. Haywood, Mr. Weinstock asked you a question regarding the necessity of the exercise of power by officers as it might arise under your philosophy of administering the affairs of industry. Is there a

greater degree of social and industrial unrest over the exercise of power by officers under existing governments that has never been given to them by the people?

Mr. HAYWOOD. I think that is one of the chief causes for industrial unrest, is the usurpation of power by people that now control industries, power that has never been given to them—power that they have taken.

Commissioner LENNON. In your recitation of events that took place under your observation, so far as strikes, and so forth, were concerned, as an example of this exercise of power, without having been given to them by the people you mentioned the deportation of men from Cripple Creek. Were they deported by any court of proper jurisdiction after a trial as to whether they were guilty of any crime or not or was it a usurpation of power by officials?

Mr. HAYWOOD. They had never been arrested, never been charged with any crime. They were taken from their homes by the militia at the order of one Adjt. Gen. Bell. He issued an order to his understrappers, giving them a list of names, and instructed them to take these men on special train, assigning the train, outside of the State of Colorado, and to immediately report on their return to him.

Commissioner LENNON. In the case of the two Coeur d'Alene strikes or lockouts, the one that was in Utah, at that canyon, I forget the name?

Mr. HAYWOOD. Bingham Canyon?

Commissioner LENNON. Bingham Canyon; did you see any of this undue exercise of power by officers who had no authority under the law to exercise such power?

Mr. HAYWOOD. During the two strikes in the Coeur d'Alene, I then was a member of the executive board of the Western Federation of Miners, and I went through the Coeur d'Alene district. I went from house to house at night, and, of course, could feel the spirit, or lack of spirit, among the workers, who were afraid to move about. I met at that time men who were under indictment. I saw the bull pen; I know that there were thousands of men, or a thousand men, at least, in this bull pen at that time, and I know that they were there without warrant and without charge; that they were never charged with any crime; that they were held for six or seven months, many of them.

Commissioner LENNON. In any case where this undue exercise of power did injury to these men, were they ever able to recover damages or satisfaction of any character for the injuries done to them?

Mr. HAYWOOD. You remember yesterday I mentioned about the soldiers looting the stores at Cripple Creek. At that time we filed with the State auditor of Colorado a claim, I couldn't say just how much, but something less than a hundred thousand dollars for damages that was done to the stores. A few years later the legislature by act granted $60,000 as a return for the damages done by the soldiers to the Western Federation of Miners.

Commissioner LENNON. Were those men who were individually deported, were they ever able to secure any indemnity for the wrongs that had been done them?

Mr. HAYWOOD. The nearest that was done to anything on their behalf, I had each man that I could reach afterwards file claims against the State for individual sums, some of them claiming $5,000, some $7,500, and other amounts. They were filed with the auditor of state and they stand in the auditor's office now and could be granted by the legislature, but up to the present time they have received no redress.

Commissioner LENNON. Taking the men that were imprisoned in the bull pens at the different places you recited and were never tried, they simply turned them out when they got through holding them? Were they ever able to secure any redress?

Mr. HAYWOOD. Never.

Commissioner LENNON. I want to ask you a question or two on another phase of what has come before the commission.

Several questions were asked you yesterday regarding the rights of property. Is it not true that all recognized titles of property are man made, and that if men had the right to create titles they have the right to repeal those titles and substitute some other system?

Mr. HAYWOOD. I absolutely agree with you. I think that the first warranty deed was a fake; that it was a put-up job, the same as many other jobs were put up in this city, and have been; that titles that are existing are wrong and against the best interest of the people, and that the people should revoke the existing titles to private property that is publicly used.

Commissioner LENNON. Government was supposed to be instituted among men for service, for the protection of their rights. I can not quote it, but for the protection of the people's rights, I can not quote literally from the Declaration of Independence, but I think the understanding of the people that founded this Government was that if the Government then founded ceased to serve the best interests of the people, that the people have the right to overthrow it by legislative methods if they can, by revolution if that becomes necessary. Is that your conception?

Mr. HAYWOOD. That is about what the Declaration of Independence says, and about what the Constitution conveys. I do believe that.

Commissioner HARRIMAN. Mr. Haywood, I understand from what you have said to-day, and from what you have said before, that you do not believe in war. Now, if you don't believe in war, why do you believe in violence in labor disputes? One is war between nations, and the other is war between——

Mr. HAYWOOD (interrupting). You say I believe in violence?

Commissioner HARRIMAN. Yes, sir; one of your contemporaries, I think St. John, I asked him the direct question last spring if the I. W. W. believed in violence, and he said yes.

Mr. HAYWOOD. But you said I believed in violence?

Commissioner HARRIMAN. I thought you did.

Mr. HAYWOOD. Probably I do; but I don't want it to be taken for granted without giving me an opportunity to explain what violence means. I think you will agree that there is nothing more violent that you can do to the capitalist than to drain his pocketbook. In that sort of violence I believe, and we are trying to make it impossible for the growth of more capitalists, and to make useful citizens out of the existing capitalists. I give you an illustration of what I think violence is:

In Sioux City, Iowa, last month the authorities of that town came to the hall of the union and told a man, a member of the Industrial Workers of the World, that the chief wanted to see him. He said, knowing his rights as an American citizen, he said, "If the chief wants to see me, tell him where I am." He said, "No; you will have to go to the office." He said, "Have you a warrant?" "No." "Well, I will not go." The detective went downstairs and got a crowd of uniformed policemen and they came to the hall and took this man and all the other members that were in the hall and went to headquarters with them. The men were put in jail temporarily without a hearing. They were all thrown into jail, and the next morning refused a jury trial, refused a change of venue, and were sentenced to $100 fine or 30 days in jail. One of them remarked to the judge, "Why don't you make it a hundred?" And he said, "In your case, I will just double the sentence." Those men were put in jail, and word went out to the other locals throughout the country, and foot-loose members started for Sioux City. They came in groups of twos and threes, and tens and fifteens, and fifties and hundreds, until the Sioux City jails, both the city and county, were crowded to capacity. The authorities thinking to make use of the labor power of these men purchased from Sioux Falls, in South Dakota, three carloads of granite, which they expected the members of the I. W. W. to break, making little ones out of big ones. This they refused to do. They went on a hunger strike. Some 75 of those men were 86 hours without eating. The authorities found that they could not do anything with them, so they appointed a committee, or a commission, to go to see the men in jail, and asked them upon what terms things could be settled. The men said, "Unequivocal release from prison, the reestablishment of the right of free speech," and one of the boys said, "New clothes for the ones that the 'bulls' have destroyed," and upon those terms they were released. Those men were released from the prison in the face of the fact that they had been sentenced to jail by judges. That I regard as action more violent than the discharge of bombs in St. Patrick's Cathedral in New York, because they enforced the rights that this country gave to them; they compelled the authorities who are supposed to uphold those rights in seeing that they were granted. I believe in that kind of violence, and as I said yesterday when the workers are organized, it matters not to me what becomes necessary, if they are to get control of the means of life. The working class is the only class entitled to any consideration, and as Abraham Lincoln said, "To give to that class the full product of their toil is the righteous duty of any Government."

Commissioner WEINSTOCK. Where do you draw the line, Mr. Haywood, between the worker and the nonworker?

Mr. HAYWOOD. Oh, I think that it is easy to draw the line.

Commissioner WEINSTOCK. Please tell us what your line is. Are you a worker?

Mr. HAYWOOD. No. I told you yesterday that I thought you and I were parasites.

Commissioner WEINSTOCK. Well, you confine the term "worker," then, to the man who does manual labor?

Mr. HAYWOOD. Oh, no; I said brain and muscle. Now, understand, Mr. Weinstock, we are not excluding from the membership in the new society any man who has ability. We recognize the necessity of civil experts; we recognize the necessity for engineers and inventors and all useful citizens. What we can not appreciate is why the great minds or the minds of great men have been used to make lawyers or preachers.

Commissioner WEINSTOCK. Well, would you call an executive officer a useful citizen?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And despite the fact that he does not work with his hands?

Mr. HAYWOOD. Why, I say we want brain workers, men who will sit down and map out plans. He runs industries now. Well, we don't propose to change the industries, excepting so far as to eliminate waste which ownership brings. Why should the railroaders of this country continue running the road for the King of England? He is one of the largest owners in the Santa Fe. Why should the steel workers be running the steel plants for the potentates of foreign countries who are largely holders of stock in that industry? That is the thing we are after. We want the people of this country to own the steel industry in this country. We do not think a Morgan is necessary to the running of that steel industry. We don't think a John D. Rockefeller, notwithstanding what Mr. Baer said about divine providence, is necessary. We think that the mines can run without providence and without Baer and without Rockefeller and be run a great deal better, and there be no such terrible trouble as has existed there if the men were running them in the interest of the people. There would be no Ludlow affair.

Chairman WALSH. Commissioner Garretson has a question he would like to ask you, please.

Commissioner GARRETSON. You stated yesterday in response to a question that it was not, from your own standpoint, desirable when this or that evil was palliated, because it did not work a benefit to the cause that you represented; that is, the propagation of that cause. In other words, the best harvest field that you find for organization is where injustice is the most prevalent. Is that correct?

Mr. HAYWOOD. Well, that is usually the best place to carry on a propaganda—is where injustice can be best seen, where it is felt.

Commissioner GARRETSON. Where it is the most apparent?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And rub the hardest on the galled jade?

Mr. HAYWOOD. That is true.

Commissioner GARRETSON. Is that one reason that the method that the I. W. W. follows is against a legislative program, because you believe it would defer the day of universal acceptance of your doctrine?

Mr. HAYWOOD. Well, as I stated this morning, the majority of the workers have no legislative program; that is, they have no votes. They can not elect their representatives. You will readily admit that is true of children and true of most of the women and true of most of the black men and true of all of the foreigners and certainly affects a part of the American citizens. Then what appeal is there? Where do they find any expression in legislative action?

Commissioner GARRETSON. The question would be whether an educative program directed along those lines would be as effective as an educative program conducted on the other lines for the abolition of the legislative process. What I am curious about—possibly others of the commission are—is this: What will be the form—the medium, rather—of expression of these various bodies grouped on the industrial basis instead of grouped on what might be described now as the governmental basis? That is, the existence of States being abolished and the citizens of the country being grouped industrially. What is the medium of expression between those different groups as to their needs under your plan?

Mr. HAYWOOD. Let me take the different phases that an individual represents in society.

Commissioner GARRETSON. Yes.

Mr. HAYWOOD. We will take the home, for instance, in an industrial community. The father, mother, and children are the family of that home. When they leave that roof they go out to the different branches of industry in that town. They then are no longer a family; they are a part of the group in the industry in which they are employed, and should of necessity be a voice in that group. They should have a voice as to the conditions under which that branch is conducted—conducted now for profit, conducted then for use—and we will naturally suppose that everyone will be interested in doing the work in the best possible way with the best possible output. Leaving their industry, leaving their several groups, coming back to their homes, they will again become a family. But one family can not do the things essential for the happiness, for their happiness, and for their comfort. They would need to cooperate with other families of the community for the establishment of transportation, lighting systems, waterworks——

Commissioner GARRETSON. You are talking now of local transportation?

Mr. HAYWOOD. Yes; local.

Commissioner GARRETSON. Yes; go on.

Mr. HAYWOOD (continuing). Parks and amusements, education, schools. Why, I think that every child is entitled to the finest education that the Government could give—that is, that kind of a government—not the kind of education that we have now. That would be the relations of the individual to the industry and to the community. Now, as to national and international travel, let the railroaders belong to one organization, and you will agree that the railroaders can run the railroads better than coal miners can run them, or better than shareholders or stockholders can do it. Let them conduct the railroads and live in the community on the same basis as other industrial workers.

Commissioner GARRETSON. Well, now, you have placed the community life on exactly the old basis of the archaic condition of patriarchal control of the family, haven't you? You draw from your experience; I draw from mine. If the railroad is taken over as an industry in its present form—take a road that has been rather prominently in the eye here for a few days, the Pennsylvania Railroad—suppose that to be taken over by the employees of the railroad and operated by them. After the expressions that you have given as to those in power, I am at a loss to understand how a community on the Pennsylvania Railroad at Pittsburgh or Chicago is to arrive at a common understanding, first, of their necessities, and, second, of the method by which those necessities will be met in the actual operation without people in absolute control and direction and the power necessary to make their instructions mandatory for the train movement.

Mr. HAYWOOD. You would be there to run the railroads.

Commisioner GARRETSON. Or under the sod.

Mr. HAYWOOD. What?

Commisioner GARRETSON. Some other man will; some man will be there.

Mr. HAYWOOD. Yes, sir. It seems to me you can run them better—and we will take an arbitration board, for instance, the arbitration board sitting in Chicago. They have been looking out for the welfare of 65,000 individuals. Some of those people knew nothing about railroading, absolutely nothing. Well, they are not the people to look after the railroad interests. Take your own executive bard; who can run the railroads any better than they?

Commissioner GARRETSON. Well, now, how can they make their instructions effective unless they are made responsible for it and given the concomitant power?

Mr. HAYWOOD. Why, certainly, give them the power necessary to run the railroads.

Commissioner GARRETSON. Well, then, you are a believer in a system of control and direction which is owned by the men themselves and backed up by the sentiment and action of the men themselves?

Mr. HAYWOOD. Absolutely.

Commissioner GARRETSON. Yesterday possibly either I misunderstood or you phrased it unhappily in stating from your standpoint that there was no necessity for the exercise of executive power. Well, applied to transportation it would become an impossibility, because unless there was a head of that industrial group——

Mr. HAYWOOD. Exactly. Well, in speaking of industries yesterday, when I made that remark, it was with reference to political executive conditions.

Commissioner GARRETSON. Well, it was undoubtedly applicable to industry in general. Well, you know the transportation interest is one that can not be

disposed of by intercommunication—that is, the personal contact—because it is so widely separated. The man in Pittsburgh and the man in New York and the man in Boston have no means of operating except by intercommunication through a controlling power. That controlling power has got to gather, first, knowledge as to the necessity, and he has got to receive it in the community. For instance, there has got to be means of intercommunication through a medium regularly recognized to determine the needs of that community which have to be filled from the community that is distant. Is that not true?

Mr. HAYWOOD. I recognize that.

Commissioner GARRETSON. That community has to have an estimate of what clothing it needs?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. It has first got to be indicated to the mills to create the material therefor?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And known to the shop that turns that into clothing in its various forms. There has got to be a universal estimate of the food supply necessary, because without an intelligent production a market as it is known now ceases to exist for those things and ceases to be the dominative factor in determining production, because the profits of production, in the sense profit is now known, will cease to exist. Am I correct?

Mr. HAYWOOD. You are correct.

Commissioner GARRETSON. And executive power must do it?

Mr. HAYWOOD. Yes; and those executives you describe would be the representatives——

Commissioner GARRETSON. In other words, you would substitute the old folkmote of the Saxon village?

Mr. HAYWOOD. No; place the power in the hands of industry.

Commissioner GARRETSON. Would you put it further and follow the Saxon precedent higher up, the witenagemote?

Mr. HAYWOOD. I don't know anything about that.

Commissioner GARRETSON. Well, those are represented by our State legislatures and by our National Congress, as the case may be.

Mr. HAYWOOD. All right; anything that will take the place of the existing legislature, or let the legislature run—anything that will place the industries in the hands of the people and the direction in the hands of the workers.

Commissioner GARRETSON. In other words, you are willing to accept as much of the existing machinery as appears to be necessary for the carrying out of your ideas and not hostile thereto?

Mr. HAYWOOD. I would accept so much of it, certainly. We are not going to tear down that we can not find something better to put in its place.

Commissioner GARRETSON. Have you a belief on this subject? Reference was made yesterday to the futility of the initiative and referendum. Do you believe that with experience in the use of the initiative and referendum and a consequent education that will come from it, or the acquirement of knowledge, rather, that will come from it, that it will become a more effective thing than it has so far demonstrated itself to be in actual use?

Mr. HAYWOOD. I think that industrial government will bring legislation—the groups in the industries and the initiative and referendum will not become a burdensome thing, but that these matters of detail can be discussed in these groups or communities.

Commissioner GARRETSON. You believe that with responsibility placed upon the individual unit of the community that his conception of his responsibilities will increase?

Mr. HAYWOOD. Certainly.

Commissioner GARRETSON. One practical question in regard to the Colorado situation. At the time of the Colorado strike were the metalliferous and bituminous miners all in one association?

Mr. HAYWOOD. Yes; they were.

Commissioner GARRETSON. Both?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. At that time the Western Federation of Miners had in its membership both bituminous and metalliferous men?

Mr. HAYWOOD. The Western Federation of Miners organized the coal miners of Colorado first.

Commissioner GARRETSON. Before it did the metalliferous men?

Mr. HAYWOOD. Yes; but at the time of the 1903 strike they had become a part of the United Mine Workers.

Commissioner GARRETSON. Which strike?

Mr. HAYWOOD. In 1903.

Commissioner GARRETSON. But the same agencies were arrayed against both crafts, both the metal and the coal?

Mr. HAYWOOD. Oh, yes; they had the Mine Owners' Association.

Commissioner GARRETSON. That embraced all of the mine owners?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. Have you any definite knowledge or data as to when the miners separated into two separate associations, if they ever have separated?

Mr. HAYWOOD. I do not think they ever have separated.

Commissioner GARRETSON. Did you hear the statement that was made by Maj. Broughton before this commission to the effect—and Maj. Broughton, you remember, was in charge of the militia in the field?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And that he was also under retainer by the Coal Mining Association of Cripple Creek, and that he had no connection with any other mining class in Colorado during this period; did you hear that?

Mr. HAYWOOD. No, I did not hear that; but I think it is true beyond any question of doubt that they were all members of the Citizens' Alliance in 1903.

Commissioner GARRETSON. And that they were furnishing the medium of communication, even if there was different existing groups?

Mr. HAYWOOD. Absolutely.

Commissioner GARRETSON. That is all.

Mr. HAYWOOD. I met the members of the Colorado Fuel & Iron Co. in the senate chamber and the assembly hall before the mines and the mining committee, and they were contending then against an eight-hour law.

Chairman WALSH. I have three questions that I have been requested to ask you that have been sent up, and I wish you would answer them as briefly as you can. One is, Do you not consider the exploitation of children in industry under the present system a form of violence of a very insidious and brutal sort?

Mr. HAYWOOD. I most certainly do. It is only one of the terrible violences that are practiced by the capitalistic class.

Chairman WALSH. Then there is another question: Will I. W. W.ism do away with crime and criminals? If not, how will you organize your society to protect the well-behaved many against the vicious few?

Mr. HAYWOOD. Industrialism will do away with crime and criminals, as 95 per cent of the crime to-day is crime against property. Abolishing the wage system—abolishing private property—will remove 95 per cent of the crime.

Chairman WALSH. Now, I have not here a formal request from some gentleman, through a letter. He says that during the week prominent lawyers and sociologists have been asked a categorical question under the first section of the questionnaire, namely, as to the prevalent attitude of courts in labor cases. I thought your whole testimony was directed to that end, but nevertheless, if you have anything further to say on that, I would be very glad to have you say it. What is your view of the prevalent attitude of courts in labor cases?

Mr. HAYWOOD. I think, Mr. Chairman, that inciting the strikes, showing that the militia have been used in nearly every one; that many, many thousands of men have been arrested without warrant; that thousands have come before the courts, and, although warrants have been issued, they were discharged. It seems to me that in answer to that question it is safe to say that the courts are used, as a general rule, in favor of the capitalistic class.

Shairman WALSH. Now, there is one other question: Were you present during the testimony of Judge Cullen, formerly judge of the New York court of appeals?

Mr. HAYWOOD. No.

Chairman WALSH. I understood you had a comment to make upon that from the field, as it were, as one who had been upon the ground. He discussed the matter from a legal standpoint.

Mr. HAYWOOD. I have the speech made by Judge Cullen, and there are abstracts from his speech which I seem, in a way, to agree with.

Chairman WALSH. What are they?

Mr. HAYWOOD. The militia and the use of the militia in the field.

Chairman WALSH. Did your observation in the field concur with the conclusions reached by Judge Cullen in his speech, which may be said to have been reiterated by him on the witness stand?

Mr. HAYWOOD. Why, yes. I saw the militia at work; I saw them as I told you, and the militia was ordered to bring in three prisoners, and the militia absolutely refused to obey the order, because the court was at that time favorable to the strikers.

Chairman WALSH. As a matter of industrial unrest, does that sort of handling of men cause or does it not cause the most bitter resentment?

Mr. HAYWOOD. The working class of this country have looked upon the courts with a great deal of awe and respect in the past; that is not true now. They look upon the courts as a tool of the employing class.

Chairman WALSH. Do the workers, as a body, have the frame of mind expressed by Judge Cullen (with reference to the judges as a class when this form of what you might call legal oppression is practiced upon them) in his speech as follows [reads]:

"The governor might imprison or execute the members of the legislature or even the learned judges of the supreme court themselves. Frankly, I do not regard such a danger as likely, for I have great confidence in the common sense of the American people, and I imagine that if such a course were attempted not even the devotion of those learned judges to the principles of law they had declared would induce them to voluntarily surrender life or liberty, and that in their resistance they would be supported by the mass of the people."

Is that the attitude of mind the workers have—that when their rights are invaded by the force of the military power they feel they ought to resist, and that the most of the American people would support them if they understood it?

Mr. HAYWOOD. Yes.

Chairman WALSH. So, from your standpoint in the field, and Judge Cullen's standpoint from the court of appeals bench, there is no disagreement on that proposition?

Mr. HAYWOOD. Mr. Walsh, during the Cripple Creek strike of 1903, 1904, and 1905 the miners of that district would have killed every militiaman in the district if it were not for the fact that they believed the people of the United States did not understand it; if it were not for the fact that Roosevelt was in the presidential chair at that time, and there was a 10-company post of soldiers just outside of Denver. They knew their rights were being invaded, and they were willing to fight for their rights.

Chairman WALSH. Just as Judge Cullen says the people would fight if they attempted the same violence on the judges of the court?

Mr. HAYWOOD. Yes; the American people have always fought for their rights, and they are going to fight for them again.

Chairman WALSH. Commissioner O'Connell has some questions to ask.

Commissioner O'CONNELL. That end of the table [indicating] have brought out the position of the independent workmen of the world so plainly that it is not necessary to discuss that further.

I want to get some information in regard to the citation of yesterday, in which you spoke of a man in the Wheatland hop fields that was branded with the letters I. W. W. with a hot cigar.

Mr. HAYWOOD. That was in San Diego.

Commissioner O'CONNELL. Can you give the particulars of that, with the names, and so forth?

Chairman WALSH. We have that in our record.

Mr. HAYWOOD. Did you embody that in your report, Mr. Weinstock?

Commissioner WEINSTOCK. No; that circumstance occurred after I made my investigation.

Chairman WALSH. There is an investigation and it is in our report, because I read it; the name of the man was B. L. Wrightman, and he was taken outside of the city, it is alleged, and his clothing stripped from him, and with a lighted cigar they attempted to burn the letters "I .W. W." on his person; that part of it is in the record.

Commissioner O'CONNELL. And that was after you made your investigation?

Commissioner WEINSTOCK. Yes; after I made my investigation.

Mr. HAYWOOD. Was Nicolage(?) killed at that time?

Commissioner WEINSTOCK. I do not remember.

Commissioner O'CONNELL. I will look it up.

Now, Mr. Haywood, I feel that you will agree with me that the ideas that you have just outlined to us are not going to become operative right away?

Mr. HAYWOOD. Yes.

Commissioner O'CONNELL. It is not going to take place within the next month or the next year or several years; in the meantime we must be doing some-

thing, and this commission was created by Congress for the purpose of ascertaining what the underlying causes of industrial unrest are, the principal causes, and to make some recommendations to Congress. That would imply that Congress would be interested in doing something if we made certain recommendations right away for the relief of the people, particularly the working people.

Now, if you were a member of this commission, Mr. Haywood, what would you be in favor of recommending to Congress to take up immediately to relieve the people? What would you advise this commission to recommend?

Mr. HAYWOOD. I think I would advise, to meet the needs of the people, employment, work, such as the Government could do—reclamation, reforesting stations—such work as would meet the needs of the unemployed; that is, just as remedial measures.

Commissioner O'CONNELL. You consider, then, that unemployment, or temporarily so, is one of the underlying causes of industrial unrest?

Mr. HAYWOOD. Certainly, when a man is out of work, when he has no means of obtaining food for his family, that certainly is a cause of unrest. That is a cause of the present discontent largely.

Commissioner O'CONNELL. And would also imply, as I take it from your answer to a question a while ago, that idle hands beget crime; if there is steady employment, crime decreases.

Mr. HAYWOOD. That is always true; crime always increases in the winter when unemployment is greatest and suffering most intense.

Commissioner O'CONNELL. What would you do in the case of the itinerant worker, the casual employee who only has employment for a certain period of the year, for instance, picking fruit or cutting ice in the winter or doing logging in the summer, and all that?

Mr. HAYWOOD. Of course, I think that all of these people should be organized, and we are going on to that end. We establish what we call the organized workers, and we will meet the vast body of workers employed in the harvest fields.

Commissioner O'CONNELL. Would you have the Government arrange for the carrying of people from one industry to the other, where they were wanted, without cost to the workmen?

Mr. HAYWOOD. I think that workmen should be given free transportation; I don't mean in box cars, as has been suggested; I don't know by whom, that are fixed up, they ride that way now, but they should be given free transportation in proper conveyances in looking for work.

Commissioner O'CONNELL. The job and the man ought to be brought together by the Government itself, without cost to the man or the job?

Mr. HAYWOOD. That may be a remedial remedy suggested by the commission.

Commissioner O'CONNELL. That is incidental to the unemployment, and what you believe to be the fundamental cause of industrial unrest. Have you in mind any other general question that might be effective in this direction, that this commission might suggest to Congress as a remedy? Of course, I don't mean that healthy unrest, we don't want that, but we want the unrest that creates the criminals and makes paupers and makes men helpless, that sort of unrest. Do you think of any other idea you might suggest to the commission? I am sure we would appreciate it, notwithstanding we probably feel that you are so imbued with your Utopian ideas, of things that they would not modernize down to the affairs of to-day, that are effective to-day and tomorrow?

Mr. HAYWOOD. Really, Mr. O'Connell, I don't think that I presented any Utopian ideas, I talked for the necessities of life, food, clothing, shelter, and amusement. We can talk of Utopia afterwards. The greatest need is employment.

Commissioner O'CONNELL. You think unemployment, insufficient wage, long hours of labor, employment of children, employment of women beyond reasonable hours, and at low wages, the unfair application of laws by the courts, the unfair attitude of the courts as to the equity or opportunity of the poor man as against the rich man, to secure justice, all those things point toward unrest?

Mr. HAYWOOD. They certainly do; they are the things that make unrest.

Commissioner O'CONNELL. They are the things that make for unrest?

Mr. HAYWOOD. Yes, sir.

Commissioner O'CONNELL. And those are the things you think this commission ought to interest itself in at this time?

Mr. HAYWOOD. If there was any possibility of Congress remedying these evils, I think this commission has a duty to perform in recommending such changes.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, Mr. Haywood, and you will be excused permanently. We thank you.

Mr. HAYWOOD. I have here the preamble of the Industrial Workers of the World that I wanted to make a part of the record, I would like to read it in.

Chairman WALSH. We will be very glad to have it put in the record.

Mr. HAYWOOD (reading). "Mr. Chairman, in view of the attempt on the part of Commissioner Weinstock yesterday to create an erroneous impression relative to the methods and aims of the I. W. W., and in view of the further fact that Commissioner Weinstock read into the record in the forms of questions propounded to me portions of a biased report on the I. W. W., prepared some years ago by himself in California, I desire at this time to read for the enlightenment of the commission the very brief preamble of the Industrial Workers of the World.

"I. W. W. PREAMBLE.

"The working class and the employing class have nothing in common.

"There can be no peace so long as hunger and want are found among millions of the working people, and the few who make up the employing class have all the good things of life.

"Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth, and abolish the wage system.

"We find that the centering of the management of industries into fewer and fewer hands makes the trades-unions unable to cope with the ever-growing power of the employing class.

"The trade-unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat one another in wage wars.

"Moreover the trade-unions aid the employing class to mislead the workers into the belief that the working class have interests in common with their employers.

"These conditions can be changed and the interests of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

"Instead of the conservative motto, 'A fair day's wage for a fair day's work,' we must inscribe on our banner the revolutionary watchword, 'Abolition of the wage system.'

"It is the historic mission of the working class to do away with capitalism.

"The army of production must be organized, not only for the everyday struggle with the capitalists, but also to carry on production when capitalism shall have been overthrown.

"By organizing industrially we are forming the structure of a new society within the shell of the old."

Chairman WALSH. Dr. Goodnow, please take the stand.

TESTIMONY OF DR. FRANK JOHNSON GOODNOW.

Chairman WALSH. State your name, please.

Dr. GOODNOW. Frank Johnson Goodnow.

Chairman WALSH. And your residence.

Dr. GOODNOW. Baltimore.

Chairman WALSH. And your present position.

Dr. GOODNOW. President of Johns Hopkins University.

Chairman WALSH. I believe that there has been submitted to you a short outline?

Dr. GOODNOW. Yes, sir; this morning, just as I came here.

Chairman WALSH. I would like to have you address yourself to that. Would you be kind enough to take them up as they were given to you categorically and give us the benefit of your experience and advice and opinion?

Dr. GOODNOW. The question is: "As the result of your experience and study, has your attention been directed in any large degree to the equipment of judges to consider the social and economic questions brought before them in what are commonly known as labor cases?" Now, my experience with regard to this matter is the experience of a teacher of law for a considerable period, and I would say that there is no particular attention given in the requirements for

admission to the bar to securing any practical qualifications on the part of judges to consider these questions. That is, the ordinary admission requirements to the bar only demand, even at the utmost, a high-school education. No particular attention is paid to economic questions in the high schools or in the bar examination. There is thus no attention paid to such educational qualifications as might be of advantage in equipping judges to decide those questions. Whether a judge is or is not equipped from an educational point of view to determine these questions is very largely a question of accident. He may have studied economic conditions, or he may have studied the history of industry in connection with a college course, if he had that prior to his taking the course in the law school, or he may have as the result of private reading equipped himself for a decision of those cases.

Chairman WALSH. Have you any suggestion which you care to make to the commission with regard to the methods by which judges, and lawyers from which judges come, perhaps might be induced to give proper attention to such social and economic questions with regard to the machinery by which judges might be given proper knowledge of the economic and social facts involved in such cases?

Dr. GOODNOW. The only way that possibly might be secured would be by changing the examination or qualification for entrance to the legal profession.

Chairman WALSH. I might state that I had in mind when we were getting up these outlines, for instance, you find these large Government questions given into the hands of commissions; for instance, that these questions were being relegated to an administrative board to take into consideration the facts that might be elicited surrounding industries in order to determine whether or not there is unfair competition in industries, with a right in the first instance to so declare with the supervising power by the court; and in that way it occurred to me that perhaps some of these particular questions with which the judges were not equipped that some similar question might be worked out, as far as industry was concerned.

Dr. GOODNOW. Personally I don't see any way in which you can secure those qualifications, so far as they can be secured by educational requirements, without absolutely changing the entrance requirements to the bar. It is our system in this country, different from some other countries, to choose our judges entirely from the bar; and the judges are not educated for the position of judges as, for example, in Germany. They are simply chosen from the bar, and therefore you have to depend upon the character of the bar or the equipment of the bar for the kind of a man you get as judge.

Chairman WALSH. This question, as I have heard it all over the country, and of the bar playing such a conspicuous part in it, and so much criticism being made, I will say from both sides, what would your advice be as an educator as to the proper approach of the Government to meet the question?

Dr. GOODNOW. As I say, by absolutely changing the qualifications for entrance to the bar. That is, instead of providing, as is the case now, a mere high-school education, which does not include any study whatever into the history of industrial or economic conditions, and after the high-school education a purely technical education in the law, which does not include, as a general thing, any study of economics, I think if you will look over the questions for entrance to the bar you never would find a question of economics. It is questions of a purely technical legal knowledge of the lawyer. I don't see how under those conditions you can expect, except as the result of side reading or an accidental preparation, that a man may have—I don't see how you can expect to equip a man who has no practical knowledge of these economic conditions which, as you say, have become so important.

Chairman WALSH. Have you observed, Doctor, in your reading the late developments on which suggestions have been made to the court by economists or students in this field, for instance, in the Oregon case?

Dr. GOODNOW. You mean suggestions that were made that came up through Mr. Brandeis?

Chairman WALSH. Yes, sir.

Dr. GOODNOW. It was only because he had a much better training than the ordinary man that those questions were presented.

Chairman WALSH. Could any scheme be devised toward the proper education by which advice could be given to judges? Somewhat in the nature as it was given by Mr. Brandeis, for instance, that it could be submitted by experts when a question was up involving industry and the minimum wage and, for instance, such matters as affect the workers—physically affect them—that it could be submitted in some such way as was done by Mr. Brandeis?

Dr. GOODNOW. I think that would be perfectly possible under the scheme of expert witnesses.

Chairman WALSH. As a matter of the testimony in the lower court to be preserved in the record that was sent up?

Dr. GOODNOW. I think so.

Chairman WALSH. Do you think, Doctor, that it would be difficult or not to get that into a record now under the ordinary rules of evidence?

Dr. GOODNOW. I have never practiced law; I have only taught it.

Chairman WALSH. A great many complaints have been made to the commission that what are commonly known as personal rights, such as the right of trial by jury, free speech, and the right of writ of habeas corpus, which are incorporated in the Federal Constitution and in the constitutions of the States, are so frequently disregarded that they amount practically to nothing. What comment have you to make upon that?

Dr. GOODNOW. I have no personal knowledge of the violation of any such rights, but I am under the impression that it is popularly believed that these rights are greater than they actually are under the Constitution as interpreted by the courts. The question as framed here would seem to indicate, particularly the next question, that there is protection against State action of rights of this sort under the Federal Constitution which would affect the State authorities. Of course, the provisions with regard to private rights in the Constitution, except the fourteenth amendment to the Federal Constitution, only affect the operation of the Federal Government. The Supreme Court of the United States has further held that the fourteenth amendment is not a guaranty to individuals of the right to trial by jury, as far as the State is concerned. I think there is no guaranty in the Federal Constitution of any right to habeas corpus, so far as the State is concerned, so that for most of these rights such protection as exists must be found in the State constitutions. Furthermore, as I understand, the provision that is ordinarily contained in the State constitutions to the effect that the governor of the State may declare certain portions of the State in a state of insurrection is practically understood to be very largely within the discretion of the governor who happens to be in at that time, the right to declare what is a good deal in the nature of martial law, and then the courts can not interfere. A man ceases to have certain rights that he would where that state of insurrection was not declared. It seems to me there is a popular impression that there are greater rights than now exist under the law.

Chairman WALSH. Did you read the argument of Judge Cullen, who testified here, and a portion of his argument was put in evidence in connection with the testimony of the last witness as to the meaning of the clause in the several State constitution to mean, I think, that the martial shall always be subordinate to the civil power, I believe, is indorsed in some of them, or the civil power shall always be superior to the military power?

Dr. GOODNOW. No, sir; I did not see that or read it.

Chairman WALSH. The question of military law, the declaration of military law has been a very acute one in many industrial controversies that you have probably noticed, in West Virginia, Michigan, Colorado, and other States, and many questions have arisen as to what is meant by the declaration of martial law. That is, when martial law takes place, and the meaning has been defined so there is what is called semimartial law, modified martial law, some holding that the very existence of the militia in the field is a declaration of martial law in itself. Have you given any consideration to that subject?

Dr. GOODNOW. I never studied it from a technical point of view. I have noticed some of the cases, and I imagine that before anything in the nature of that modified or semimartial law could exist it would be necessary that there be some proclamation of the governor made under a specific provision of the constitution, and inasmuch as the governor is a civil officer, why, the militia, as far as it goes, is subordinate to the civil executive of the State.

Chairman WALSH. Now, in the State of Colorado, Judge Cullen went so far as to state in his testimony the other day that the acts of the militia, so far as they attempt to exercise judicial power, were null and void. One specific instance was this, that a military officer was accused of killing an unarmed person, and a military court was constituted, martial law not having been formerly declared at any time by the governor of the State, in which it was sought, or pretended to have tried the man and to have acquitted him?

Dr. GOODNOW. As I understand the effect of the trial of a man in the military service by a court-martial is merely to relieve him from the penalty of the military law, and that the plea of acquittal before a court-martial is not a good plea

of former acquittal, where a man is brought before an ordinary court. A soldier, as I understand the law, is in a double capacity. He owes subordination to his military superiors, and in regard to that the military courts have jurisdiction, but at the same time he is a citizen, and the mere fact that he becomes a soldier does not relieve him, so far as his civil duty to the State is concerned. In my acquittal by a court-martial they can not influence the decision in the civil court.

Chairman WALSH. Then the plea of former jeopardy would not be a good plea?

Dr. GOODNOW. Not as I understand it.

Chairman WALSH. Regardless as to the details of whether military law was declared or not?

Dr. GOODNOW. Yes, sir.

Chairman WALSH. That places the question on a much larger basis.

Dr. GOODNOW. I would like to qualify that a little. If you had an absolute martial law throughout the country, where the civil courts were not in existence at all, if it was in the field of military operation, then a military court would have complete jurisdiction, as I understand it, but that was not the case that you referred to.

Chairman WALSH. No; the civil courts were open in those States.

Dr. GOODNOW. And I don't think then under those conditions that the acquittal by the court-martial would have any effect when he came before an ordinary civil court.

Chairman WALSH. Have you devoted any particular attention to the relative desirability of State and Federal action in the regulation of industrial conditions and in connection with labor disputes?

Dr. GOODNOW. Well, to a certain extent. Of course, the question comes up in the first place as to the desirability of any regulation, and of course as to that we may differ as to the particular kind of regulation. The further question comes up as to whether, where it is admitted some regulation is desirable, the State or the Federal Government should have jurisdiction. Now as I look at it, one of the greatest troubles with State regulation of labor, where the purpose of the regulation is to secure better conditions of labor, if the matter is left to State regulation you have the competition between States, which makes in the end a State regulation ineffective, because a manufacturer in one State can not compete, if he is under disadvantages with regard to the amount of wages he has to pay or safety appliances that he has to provide, or if the State adopts the theory of the minimum wage, he is at a disadvantage with the manufacturer in a State where none of these regulations have been adopted. Therefore where there is competition, as there is for the most part between manufacturers of different States, I would think it would be almost necessary, if the regulation is to be effective in both cases, that it should be done by the Federal Government. That is apart altogether from any consideration of the constitutional powers of the Federal Government, but looking at it as a question of desirability. Under those conditions it seems to me that the necessary regulation or condition of labor must be, in order to be effective, a regulation by the Federal Government.

Chairman WALSH. From your knowledge of past decisions of the Supreme Court, to what extent do you consider that they are likely to approve the extension of Federal action with regard to labor conditions—I mean philosophically?

Dr. GOODNOW. That is a pretty hard question to ask a man to guess how the Supreme Court is going to decide, and particularly from a general point of view. You would have to take up the matter in a great deal of detail and make up your mind as to how, in view of decisions along a certain line, the Supreme Court would decide as to the constitutionality of the particular kind of law. Now, we have not so very many decisions at the present time to guide us. We have the decision in regard to the pure-food law, which is upheld. Of course, as is well known to the commission, the question has been mooted as to whether the act of Congress should apply the same method to the matter of child labor. That is, whether it could deny to the products of industry that were made as the result of child labor the right of interstate commerce. Now, I think a man could make a very good argument in favor of that proposition, but it is anybody's guess as to how the Supreme Court would decide it. The Supreme Court, of course, varies in its membership, and its views at one time may be somewhat different from at another time, but, as I say, a good legal argument in my opinion could be made in favor of that, in view of the decisions of the Supreme Court.

Chairman WALSH. I thought perhaps the section was evaded, enough at least to draw what might be called philosophical abstracts as to what the court has already done along that line.

Dr. GOODNOW. If you can argue from the decision in regard to the pure-food law and the decision in regard to this proposed child-labor law, I think philosophically they are quite analagous, you could make a good legal argument in favor of it, and I think that it could be pushed further.

Chairman WALSH. Finally, of course, it is the judgment of a majority of the Supreme Court of the United States?

Dr. GOODNOW. Yes, sir; finally.

Chairman WALSH. Calling your attention to this section of the Constitution, the question which provides that Congress shall have power to lay and collect taxes, duties, imposts, and excises, and pay the debts, and provide for the common defense and welfare of the United States; now, considering such a situation arose in which the military arm of the Federal Government is called upon to intervene—that is, the Chief Executive sends troops to a separate State, like in the State of Colorado—do you believe that machinery could be provided under that section by which action could be taken, for instance, if troops were sent in, whether under that section to pay the debts and provide for the common defense and welfare of the United States, that a body could be sent in in the nature of a mediation and conciliation board, or in an industrial dispute, are we committed to the proposition of sending armed forces along?

Dr. GOODNOW. I think there always have been two views in regard to the meaning of that particular clause. The way in which you have stated it I don't think is the view which has ordinarily been adopted. That is the clause as ordinarily interpreted to read that Congress shall have the power to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and welfare of the United States. It is not to collect taxes, duties, imposts, and excises and pay the debts and to provide for their welfare. You would depart from the fundamental theory of the Constitution, namely, that the Federal Government is a government of enumerated powers. While there is no limit upon the power of the United States to collect taxes, duties, imposts, and excises as long as they are used to provide for the welfare of the United States, Congress has not the power, apart from the enumerated powers of the Constitution, to provide for the welfare of the United States. That is the function of the State government. I would think that nothing could be derived from that clause of the Constitution of the character which you suggest.

Chairman WALSH. Do you have any other legal suggestions in mind by which something of that kind could perhaps be done; that is, if it is impossible in the National Government to send troops in merely to preserve order?

Dr. GOODNOW. The duty provided by the Constitution is that troops shall be sent in on the application of the governor of the State and the State authorities—that is, where a power such as the interstate commerce power of the United States Government is not interfered with.

Commissioner LENNON. Just a question or two. In speaking of the qualifications of judges, would it be helpful or otherwise if judges were required to spend 5 or 10 years in industrial and manual labor, as well as to pass their technical requirements? Would that be helpful to them?

Dr. GOODNOW. I would not think so.

Commissioner LENNON. You would not think so?

Dr. GOODNOW. I would not think so.

Commissioner LENNON. You think the experience would be of no value?

Dr. GOODNOW. I am afraid not.

Commissioner LENNON. There have been judges that have had that experience. I want to ask, sure you have studied it to some considerable extent, what view do you hold as to the right of the courts, either State or national, particularly national, to pass upon the constitutionality of acts or laws passed by Congress? Have they such power granted to them by legal enactment?

Dr. GOODNOW. Well, I don't think in view of the way in which the Constitution has been interpreted that there could be any doubt at all now as to the constitutionality of the exercise of that power by the courts.

Commissioner LENNON. Well, if it can be shown that the power was originally usurped—suppose it had continued for a thousand years, would that overcome the fact that originally it had been usurped by the courts?

Dr. GOODNOW. I would say there was something in the nature of the statute of limitation under those conditions; that the acquiescence of the people for so

long, for over a century, in that action on the part of the courts, would have killed any original usurpation, and I don't mean to say that I believe that there was any original usurpation.

Commissioner LENNON. No. Is it not a fact that this question has been raised in the last 10 years as it never was raised before?

Dr. GOODNOW. I think it is; yes, sir.

Commissioner WEINSTOCK. If the military arm of the Government, Doctor, became oppressive in dealing with workers in labor troubles, what would or could the workers do to protect their rights under the law, in lieu of resorting to force or violence?

Dr. GOODNOW. Well, I don't see what they can do except through the exercise of the power that every voter of the United States has, to endeavor to put out of office a government which in their belief has usurped power, as a general thing. I never made a particular study of the situation, but as a general thing I want to say in all these cases, where there has been this qualified military law declared, the declaration of qualified military law has always been preceded by violence, that was incident to the strike, whether it was due to the strikers or whether it was due to outside people, but there actually was violence, and in view of the existence of this violence, which threatened the continuation of the peaceful relations which we must regard as the basis of our Government, the governor has exercised power which was constitutional and which has been granted to him in the Constitution to exercise under those conditions. That is the way I look at it, as a legal constitutional proposition. Now, it may be, of course, in special instances that the governor has not exercised his power wisely, but I can not see how you can have any other method of exercise of power in that respect than you can have in all of these cases in which there may be the unwise exercise of political power, and that is by resorting to the people.

Commissioner WEINSTOCK. Taking a concrete case, Doctor; taking the case, for example, of the Colorado situation, and analyzing it; let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense, that they were first attacked by the strikers. The strikers deny that, and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did harrass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is: "Take the result. Yield for the time being. Do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand. Let your remedy come by use of the ballot. See to it that the commander in chief that is responsible for this is either recalled under your recall law, or is condemned by public sentiment, and not reelected." Do I follow you?

Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace; and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea or else there is no peace for our Government.

Commissioner WEINSTOCK. In other words, the short cut to the remedy must be condemned?

Dr. GOODNOW. Yes, sir; as I look at it.

Commissioner WEINSTOCK. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole.

Commissioner WEINSTOCK. You feel that where the military arm would be oppressive and unjust and tyrannical, that while that might be in the nature of an extenuating circumstance on the part of the workers in responding, that nevertheless it should be condemned and punished for it on the theory that they have their redress through the ballot?

Dr. GOODNOW. When you come to the punishment, that is rather a different thing. There would be punishment in so far as they contributed to the bringing

about of disorderly conditions, but in the punishment, why, of course, regard would be had for the extenuating circumstances which you mention.

Commissioner O'CONNELL. Would you, right there, as occurred, for instance, to a man in Colorado, the military being out, where the courts were in perfect operation, ready to perform the duties of the courts, and the military simply arrested people and held them in bondage; how was the individual man to get relief in that case?

Dr. GOODNOW. Well, I was out of the country at the time these things occurred, and I don't know. I have no personal knowledge, or even—I was not able to read what did occur there, and so, in any answer I could give, I must base what I say upon the supposition that you have made.

Commissioner O'CONNELL. The same as Mr. Weinstock supposed that the laboring men were perfectly right in resisting?

Dr. GOODNOW. But I understand the courts were in operation, and access to the courts was not denied them; and I would say they have no excuse for not applying to the court.

Commissioner O'CONNELL. How could they get to the courts when they were locked up by the military?

Dr. GOODNOW. Why, anyone can apply for a writ of habeas corpus in favor of anybody under arrest. It is not necessary, I say, that the individual under arrest should apply for it.

Commissioner O'CONNELL. Purely an individual case; an individual with no one particularly interested in him——

Dr. GOODNOW. Yes; but if you have a labor organization, the heads of the labor organization are interested.

Commissioner O'CONNELL. Suppose we have no labor organizations?

Dr. GOODNOW. I think it would be very difficult to suppose a case where it would not be possible for that man to bring the matter up before a court.

Commissioner O'CONNELL. You talk about them waiting and taking time and not taking the short cut, as Mr. Weinstock suggests, but obey orders, as was recited to us here, and remain in the bull pens, if that was the wish of the military, wait until legislation can be secured and proper remuneration for damage; but the man dies in the bull pen, what then? How are you going to bring back his life?

Dr. GOODNOW. Well, of course, you can not bring back his life; but he is in the bull pen because application has not been made to the court for a writ of habeas corpus, assuming that he is being held there unjustly.

Commissioner O'CONNELL. How is the individual man who is simply working from day to day and has no money—lawyers usually don't work for nothing—how is he going to get the admission to the court?

Dr. GOODNOW. Well, as I say, I can not conceive of the condition of circumstances where that would be possible. I don't mean to say that it may not have existed; but I don't know it.

Commissioner O'CONNELL. I understood you to say that you were a teacher, not a practitioner of law?

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. I take it you have not worked in factories, workshops, and mines, and things of that kind?

Dr. GOODNOW. No.

Commissioner O'CONNELL. You have not been right down in the midst of all those?

Dr. GOODNOW. No.

Commissioner O'CONNELL. I take it also that you concede that you can not appreciate the feeling of the man down there in the midst of all this?

Dr. GOODNOW. No; probably not.

Commissioner O'CONNELL. You see it from the purely legal standpoint?

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. Absolutely?

Dr. GOODNOW. Absolutely; yes.

Commissioner O'CONNELL. As the book reads?

Dr. GOODNOW. No; not exactly as the book reads, but as I see life about me.

Commissioner O'CONNELL. You said a moment ago that you were not a practicing lawyer, but a teacher, implying that there was some difference between a man who taught law and a man who practiced law?

Dr. GOODNOW. Well, no; I think you—possibly I did not make myself plain; but in answer to the chairman's question as to the admissibility of such kind of evidence, I said I did not consider myself qualified to express any opinion on that, because that is a matter within the domain of the practicing lawyer.

Commissioner O'CONNELL. Do you teach that to your students?

Dr. GOODNOW. No; I do not.

Commissioner O'CONNELL. Don't you teach them how to practice law?

Dr. GOODNOW. My work has to do mainly with constitutional law and has nothing to do with the law of evidence.

Commissioner O'CONNELL. When you finish with them they understand constitutional law, do they?

Dr. GOODNOW. Well, I hope so—some of it.

Commissioner O'CONNELL. Well, if that be true, wouldn't they know all about the practice of law, under that particular part of the law that you teach them?

Dr. GOODNOW. No; they would not.

Commissioner O'CONNELL. Oh. Then they are not finished in that?

Dr. GOODNOW. No; I think it would be very seldom the case that they would be finished under one feature of law. Law is a pretty wide subject, and has to be taught by a good many teachers; and the rules of procedure, practice, and so on——

Commissioner O'CONNELL (interrupting). Is that the reason we have so many constructions of law, because it is taught by so many and they receive different conceptions of the law?

Dr. GOODNOW. That I can not say.

Commissioner O'CONNELL. But I understand you do not, as a teacher of law—answering Mr. Weinstock's questions, conceding labor was right in all the things they were striving for—they should not attempt to take the short cut. They should simply obey?

Dr. GOODNOW. That is my idea.

Commissioner O'CONNELL. And if the military comes out and says, "You stay in your house, and you must not come out of there," and they say you must do this and the other thing, and say, "We are the boss," they must do that?

Dr. GOODNOW. Well, as I said, the coming out of the military has, so far as I know, in all these cases been preceded by violence.

Commissioner O'CONNELL. Well, suppose now—it is a supposition, there may have been some violence, but it is a supposition there is going to be violence. There are thousands of men on strike in this little community. The local officials, as was indicated here by some witness, or before our commission at some place, that the sheriff felt he was not going to be in a position to control the situation. If the mayor and the city officials in the city where the affair took place did not feel that it was necessary to bring in some outside force, and yet upon the application of one man the force was brought in. He believed there was going to be, and the evidence showed some officials of the city had not been, any violence—none whatever prior to the time these State officials came into the field. It was supposed there was going to be violence because there were large numbers of people out of work or had stopped work. Now, it is not always that violence has occurred before forces were brought into the field. As a man of law, you will agree that when injunctions are asked for it is not always that things have occurred, but they say that they are going to occur—we believe they are going to occur.

Dr. GOODNOW. Well, of course, what you say amounts to this—you are criticising in a particular instance the action on the part of the governor in the exercise of a power which is recognized by the Constitution as his. Now, I don't mean by any means that such a power has not and may not be abused or be exercised indiscreetly. That is true of every power you have in the Government. It may be exercised indiscreetly, but I can not see how, if we are to have a state of civilization based upon peace, that is any excuse for the result to violence with a result of bringing about what is a state of war; that is, the whole theory of democratic government is that under those conditions if the officers of the Government have made an indiscreet exercise of their power, then the people will do what they can at the next election to put them out. That is the theory of the democratic government.

Commissioner O'CONNELL. Has that been the history of our democratic government?

Dr. GOODNOW. I should say very largely it has been. I don't mean to say there have not been exceptions. There have been cases of violence, and they might be extenuated by particular conditions; but what I object to is the statement of a policy of violence. If you support a policy of violence as being the policy to adopt, you are simply breaking into our whole system of civilization. We can not, we simply can not exist, except upon the basis of peaceful relations.

Commissioner O'CONNELL. I do not know of anyone who has declared a policy of violence.

Dr. GOODNOW. That is what you are asking, whether under these conditions they should resort to violence.

Commissioner O'CONNELL. Oh, no.

Dr. GOODNOW. A short cut—it was put.

Commissioner O'CONNELL. I don't know what Mr. Weinstock meant by "short cut." I was simply using his language. Sometimes the longest way around is the nearest way home.

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. I don't know just what he employed short cut to mean, but I take it the short cut was not to commit violence; not to resist with force; not to say to the authorities in the field: "We won't obey your orders. We are entitled to free speech. We are entitled to free press, and all that sort of thing, and we won't obey you?"

Dr. GOODNOW. Well, it is a question of law you have got to determine in a particular case. After the declaration of a State that the State is in a state of insurrection, or that particular counties are in a state of insurrection, where that has been done by the governor, the rights of the individual are not as great as they were before; that is, as a matter of law.

Commissioner O'CONNELL. But the individual per se, without associations or ramifications of any kind, in these great ramifications of this Government of ours, what chance has he before the law?

Dr. GOODNOW. I don't see but what he has got the whole—I don't mean to say there are not injustices in particular cases; but I should say, on the whole, the American citizen has, under our law at the present time, ample opportunity to enforce his rights, although there may be occasions where under local conditions there may be a good deal of passion and prejudice, and so on. Of course, his rights may be limited; but generally, by and large, we do, as American citizens, we have a right, and a very broad right, to free speech, and a right to liberty, and a very broad right to liberty, and we have, generally speaking, the remedies by which we can enforce those rights.

Commissioner O'CONNELL. The poor man is arrested on the street corner, the policeman says, for violating the right of free speech, and he locks him up without ceremony. The next morning he is brought before the court, or probably the ordinary police magistrate, in the locality where he has been arrested. The lawyer appears and says, "I will defend you for $5 or $10," or, I suppose, there are those who will defend him for a dollar or two; but they want money, and he has not got it. What is his opportunity?

Dr. GOODNOW. Well, I think you take it by and large that a man who can, under those conditions, represent his case himself and bring out the facts, I think you will find he will get his rights.

Commissioner GARRETSON. Do you think he would be secured his rights?

Dr. GOODNOW. Yes. I do not mean to say there are no exceptions, for there is nothing perfect in this world.

Commissioner LENNON. What we are after, Professor, is this: We want to know what is the remedy where officials violate the law, that they shall be as quickly punished for violation of the law as the individual; that is what we want and that is what you want. We do not want any redress from violence because we are workingmen; we expect to be punished if we are guilty, but if a militiaman is guilty of violence we want him to be punished as quickly as the individual. How can we accomplish that?

Dr. GOODNOW. The only way I can see—you can not accomplish it at once; the Government is too complicated to make it possible for you to expect that. The only way you can accomplish it is by bringing your case before the public, and by finally exercising the political power you have by way of the vote.

Commissioner LENNON. That is a cause of unrest. I want to state a case that is a matter of record. Two men were brought into a court in Colorado on a writ of habeas corpus, and they were heard, and the court ordered them discharged. The militia surrounded the courthouse and refused to discharge them and took them back and held them. Now, the working people feel that they should have a redress against the militia, just as rapidly as it would be the other way.

Dr. GOODNOW. You never can have that; I do not see how you can have it while the Government goes on; that is my opinion.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Weinstock has another question.

Commissioner WEINSTOCK. Would not this be the answer to Mr. O'Connell's question? What redress has the worker or the individual who has been mistreated at the hands of the authorities? Would not this concrete case answer his question: In the city of San Francisco a man was arrested, a chauffeur, for either outraging or attempting to outrage a girl in a park. A large amount of bail was fixed by one of the police judges, and some shyster lawyer having influence with another police judge, succeeded in getting some other police judge to reduce the bail to a trifling amount, which was put up, and the offender escaped and was not reached. This not being even the first case of the kind that occurred, it aroused a good deal of indignation, and the people arose in their might and exercised the recall, and the judge was very badly defeated at the recall, and it ended really in his dying of a broken heart. Is that not a remedy rather than lynch law?

Commissioner O'CONNELL. What became of the girl? Where did she get compensation for her trouble?

Commissioner WEINSTOCK. How could you compensate her?

Commissioner O'CONNELL. That is the question I want to know, that I want to have answered.

Commissioner WEINSTOCK. Can you make any law that will compensate a girl and bring back her virtue?

Commissioner O'CONNELL. Not a law perhaps, but she could be taken care of and helped in that way.

Commissioner WEINSTOCK. Is it not true that if groups of men having real or fancied grievances justified themselves in resisting authority, would it not mean practically a transplanting of the present Mexican conditions onto American soil?

Dr. GOODNOW. Yes; it would result in the destruction of our civilization.

Commissioner LENNON. I want to say that we agree to that, but there is something else.

Chairman WALSH. Commissioner Garretson has a question to ask.

Commissioner GARRETSON. Is this new legal right which you have asserted is the property of every American citizen a theoretical or actual right under the processes that obtain?

Mr. GOODNOW. I should say by and large it is an actual right. Of course, there are certain conditions you always have where it is difficult, if not impossible, to enforce it.

Commissioner GARRETSON. Have you ever heard or known of an instance where a layman, without legal aid, secured a writ of habeas corpus or have you ever heard remotely of such a case?

Dr. GOODNOW. No, I have not heard of any.

Commissioner GARRETSON. Take the men like they were in the Colorado district—the disturbed district—scores of men there with neither family nor any other ties, utterly incapable of getting money through any channel; if one of these men were under arrest, what remedy—is it remotely possible to have such action in his favor?

Dr. GOODNOW. You simply suppose he had no associates—no one outside?

Commissioner GARRETSON. He had no one; he was an alien.

Dr. GOODNOW. Under those conditions, of course, it would be——

Commissioner GARRETSON (interrupting). A theoretical right, Doctor?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Now, as justice is applied—I saw the other day an incident which very nicely illustrates the assertion that has been made here by a large number of men who are themselves connected in one capacity or another with the administration of justice—looking from my office window to a corner in the city streets, where a policeman occupied the center of the intersection, a teamster cut the corner; the copper climbed up on the seat of his wagon and arrested him and drove him to the station house. Less than two hours after that the owner of an automobile cut the corner and was arrested, and the copper took his number and told him to report. Both were equally identified; do you call that justice?

Dr. GOODNOW. Well, you have got to remember that the number on the automobile is a matter of register, and there is no method by means of which, in the case of a teamster, you could be sure of identification.

Commissioner GARRETSON. Every wagon in that city engaged in traffic has a number on it which is issued by the city, just as the automobile had a number on it issued by the State, and the copper knew both men individually, and that

is no isolated case. One man had a social and political pull; the other had not.

Dr. GOODNOW. How are you going to help it?

Commissioner GARRETSON. You mean without depriving the other one of the pull?

Dr. GOODNOW. I do not know how you are going to prevent those things.

Commissioner GARRETSON. Is that even-handed justice?

Dr. GOODNOW. No. You never had even-handed justice since the world began.

Commissioner GARRETSON. Do you believe that since the world began there has been a considerable number of individuals striving toward it, and who hold it as an ideal?

Dr. GOODNOW. Yes; and we are making progress.

Commissioner GARRETSON. But we have not got to that stage yet?

Dr. GOODNOW. We have not got quite there yet.

Commissioner GARRETSON. What legal view do you hold of this condition; this is actual, as testified to before this commission? It was testified by the legal adviser of the adjutant general of a State that simply the presence of the militia in the field in itself creates modified martial law, without any proclamation by the properly constituted authorities.

Dr. GOODNOW. That depends on the law of the State; you have to look that up.

Commissioner GARRETSON. It was asserted by him that the decision of the supreme court of the State so held; you would hold in that case that it became good law?

Dr. GOODNOW. Well, if the supreme court said so, yes; it is the law.

Commissioner GARRETSON. That dictum will make good law?

Dr. GOODNOW. Well, no; it won't; it all depends on what the constitution of the State says, or the laws of the State say; that is a question you can not answer in a general way.

Commissioner GARRETSON. You would not hold that a dictum of the courts would make the law, notwithstanding what the Constitution was?

Dr. GOODNOW. It would if it was in accord with the constitution of the State.

Commissioner GARRETSON. If it was not appealed to another tribunal?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Now, your opinion in regard to the adoption of revolutionary methods—that is, opposing force to the lawfully constituted authority—would that opinion depend in any degree, your opinion as to whether it was proper or improper, depend in any degree upon the universality of the injustice complained of?

Dr. GOODNOW. No.

Commissioner GARRETSON. Whether it was in one State or in 48 States?

Dr. GOODNOW. No; that is, I don't see—if you are going to justify violence as a policy, why, then our civilization is gone. I do not mean to say there may not be extenuating circumstances for the violence at a given time, and you can look back through history, and it is perfectly evident that violence has sometimes been of value under exceptional circumstances, but when you try to set up a general policy of violence you are upsetting civilization.

Commissioner GARRETSON. It depends purely on a question of justification?

Dr. GOODNOW. No.

Commissioner GARRETSON. Has humanity advanced; has it ever made a great stride, spiritually or temporally, without a revolution?

Dr. GOODNOW. Yes; most of it has been in the absence of revolution.

Commissioner GARRETSON. What was the birth of this Republic founded in?

Dr. GOODNOW. Revolution.

Commissioner GARRETSON. Was it justified?

Dr. GOODNOW. We think so.

Commissioner GARRETSON. England does not.

Dr. GOODNOW. I do not know whether she does now or not.

Commissioner GARRETSON. They expressed quite forcibly their opinion on it at the time?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Bear in mind, I have not carried any guns myself. Has there been any instance—the opinion was expressed here to this body by men holding high legal positions that the power was not vested under the Constitution of the United States in the Supreme Court to pass upon the constitutionality of acts of Congress. Do you agree with or dissent from that view?

Dr. GOODNOW. I answered that question, I think, for Mr. O'Connell.

Commissioner GARRETSON. I overlooked it then.

Dr. GOODNOW. I am willing to answer it again; but what I said then was that, whether you considered that there had been originally a usurpation of constitutional power or not, the universal acquiescence in the exercise of that power by the American people for more than a hundred years has cured any usurpation that has existed; and in saying that I do not wish to be understood as admitting there was usurpation.

Commissioner GARRETSON. Have you any knowledge as to whether or not Congress did pass an act in 1865 or 1866 distinctly notifying the Supreme Court to keep its hands off of the act?

Dr. GOODNOW. I do not think that would be exactly a correct statement of the action of Congress.

Commissioner GARRETSON. That is probably a crude way of stating it.

Dr. GOODNOW. The only case I can remember was where there was a case that was at that time on appeal before the Supreme Court with regard to the constitutionality of certain legislation that was incident to the reconstruction subsequent to the war.

Commissioner GARRETSON. The Blind case was on appeal.

Dr. GOODNOW. I do not remember the name of the case, but I could find it if you desire. And while that case was pending before the Supreme Court Congress passed a law limiting the appellate jurisdiction of the court, which is under the control of Congress, and the Supreme Court, as a result of the passage of that law, said that it had no jurisdiction and did not proceed with the decision of the case.

Commissioner GARRETSON. In other words, it recognized the will of Congress in that direction, regardless of how that will was expressed?

Dr. GOODNOW. Yes; in that particular instance.

Commissioner GARRETSON. Well, then, could it reasonably be held that the American people had acquiesced in the usurpation for a hundred years?

Dr. GOODNOW. I think it could be. That did not involve exactly that question. It involved merely the question as to the appellate jurisdiction of the Supreme Court, which, by the Constitution, is to be determined by Congress, and Congress simply limits the appellate jurisdiction of the court in that class of cases, and that being the case the Supreme Court refused to proceed further with that decision.

Commissioner GARRETSON. From that conclusion that the power is absolutely vested in Congress to declare that the Supreme Court does not possess the power of passing upon the constitutionality of acts of Congress?

Dr. GOODNOW. I do not think that any lawyer would regard that was within the power of Congress; I think they would consider that the power the court has is based on the Constitution, and until the Constitution is amended Congress would not have the right to deprive the Supreme Court of the right of considering that class of cases coming under their jurisdiction.

Commissioner GARRETSON. Your idea is that it can only be done by amendment of the Constitution?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. I want to ask you a question, and I do not want to press for an answer if you do not feel free to answer it. There are countries where judicial schools are conducted—they may not be described in that way—where judges are educated

Dr. GOODNOW. In Germany the judges, as I understand, as a general thing are not chosen from the members of the bar.

Commissioner GARRETSON. They are subjected to a course of instruction, in a greater or less degree, to fit them for judicial positions?

Dr. GOODNOW. They have the same education which members of the bar have, but after having passed a certain examination they are associated with the courts in subordinate capacities, and as they show that they are capable then they are promoted until they become full members of the court, so that the members of the court, as I understand it, are not ordinarily chosen from members of the bar in active practice.

Commissioner GARRETSON. I judge that as a teacher of law, no matter what branch it may be, that you have followed with much interest the career of men in that position, and the question is this, if you feel free to answer it: Do you believe that the practice of civil or criminal law is a school that fits a man for the judgeship in the greatest degree?

Dr. GOODNOW. I think one of the troubles, as I have looked at it, in the selection of the judges from the members of the bar, is that you get men whose main work has been the attempt to protect private rights, and who do not

have as fully before them, as they otherwise might, the public interest; that is, we will assume they are absolutely incorruptible and intend to do all that is right.

Commissioner GARRETSON. Certainly.

Dr. GOODNOW. But they are biased as a result of having been engaged in the defense of the private rights of their clients; their bias is rather in favor of private rights than in favor of the public interests, and it is only as judges have been a considerable period upon the bench as they get these questions involving the public interest before them, that they are emancipated from this one-sided, this one angle of vision. That is the way I look at it; just as a private opinion.

Commissioner GARRETSON. That is what I am asking for, because it was reasonably supposed you had a very accurate knowledge of law and a mind developed along that certain line. Can any man follow a pursuit to a mature age without being influenced in a degree by that pursuit itself?

Dr. GOODNOW. I suppose that would be always inevitable.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. I have a couple of questions which I have been asked to put to you. This is one [reads]:

"If a defendant acquitted by a military court and again arrested in the criminal court on the same charge, failed to plead former jeopardy and only entered a plea of not guilty and offered the evidence of former acquittal as res adjudicata, what instruction would or should be given to the jury?"

An attorney has asked me to ask you that question.

Dr. GOODNOW. As I understand the proceedings in a court-martial, it would have no effect at all; it is another system of court.

Chairman WALSH. And if there is a military law and court, the practice of that court is determined by the code or rules of practice and the decisions respecting it?

Dr. GOODNOW. Yes.

Chairman WALSH. And the question of former jeopardy has to be pleaded separately and heard separately?

Dr. GOODNOW. Yes.

Chairman WALSH. And in most of the States that plea has to be decided before that trial takes place?

Dr. GOODNOW. I don't know about that.

Chairman WALSH. I don't either.

One other question, and this is an economic question [reads]:

"Can you conceive of a condition in which the economic or industrial organizations should become so dominating, industry become organized to such a high degree, that it would be desirable to have persons for judges who were not learned in the law?"

Dr. GOODNOW. That method is adopted, for instance, in France; that is, all these questions between employer and employee come up before a special tribunal, which consists of judges not chosen from among those learned in the law, but chosen from among employees and employers.

Chairman WALSH. Have you an opinion on the subject?

Dr. GOODNOW. I understand that works pretty well in France.

Chairman WALSH. I have been asked to ask this question, also [reads]:

"Do you not fear that to raise the educational requirements for the bar would, by placing the legal and judicial profession beyond the reach of any but the rich, make for a more decided bias in the administration of justice?"

Dr. GOODNOW. Well, of course, that is a question; it would undoubtedly make it more difficult for the poor classes of people.

Chairman WALSH. More expensive?

Dr. GOODNOW. Yes; it would make it more difficult for them to be admitted to the bar, but, of course, you have to offset against that the advantages which might be derived from their education, and at the present time I think we must admit, as I have said, there is no attempt made whatever in our qualifications for entrance to the bar to secure men who have any knowledge of economic questions.

Chairman WALSH. That is all, thank you, Doctor, you will be excused permanently.

The commission will now stand adjourned until 2 o'clock this afternoon.

(Thereupon, an adjournment was taken at 12.30 o'clock May 13, 1915, until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Cyphers.

TESTIMONY OF MR. HARRY A. CYPHERS.

Chairman WALSH. I am sorry to have had to keep you this long, and another thing is we will have to be quite brief, because we have been pretty fully over those particular questions, but some other little information that we desired to secure from you, though the subject was pretty well covered the other day.

What is your name, please?

Mr. CYPHERS. Harry A. Cyphers.

Chairman WALSH. And where do you reside?

Mr. CYPHERS. South Bethlehem.

Chairman WALSH. And your profession?

Mr. CYPHERS. Lawyer.

Chairman WALSH. How long have you lived in South Bethlehem?

Mr. CYPHERS. Twenty-three years.

Chairman WALSH. Are you familiar with the conditions that prevail in South Bethlehem with particular reference to the steel industry, prior to February 4, 1910?

Mr. CYPHERS. Fairly so; as well as could be with the observation and association on the street.

Chairman WALSH. Briefly, what caused the strike?

Mr. CYPHERS. The real cause of the strike, I think, was the illtreatment or unjust adjustment of the differences that arose between the various employees and their underbosses.

Chairman WALSH. And the main grievances were what?

Mr. CYPHERS. The main grievances were the fact that they got no fair adjustment of any differences that arose. For instance, if a man would complain about some work that he had done, that he didn't get paid for, why it would be waived aside without consideration and brushed aside, and any complaint never reached any further than such dismissal.

Chairman WALSH. But there was a definite feeling of unrest among the men at the time?

Mr. CYPHERS. All over the whole city.

Chairman WALSH. How long were those men on strike prior to the arrival of the constabulary?

Mr. CYPHERS. From February 4 to the 25th of February.

Chairman WALSH. Under that condition what was the condition of South Bethlehem with reference to peace and order?

Mr. CYPHERS. About like an ordinary Sunday morning—quiet.

Chairman WALSH. Was it perfectly safe for citizens and officials of the steel company and others to move about the city of South Bethlehem?

Mr. CYPHERS. Yes, sir; without question.

Chairman WALSH. When did the constabulary arrive?

Mr. CYPHERS. I think it was Friday morning the 25th.

Chairman WALSH. Please describe briefly what was the condition following their arrival.

Mr. CYPHERS. The first excitement arose as soon as it was learned the constabulary had come to town. Everybody wanted to see them, and necessarily the excitement began to increase until they came out onto the street and attempted to drive the spectators off the street, which created discord at once. There was some 25 of them, and they marched up through the middle of the street, and every man that said anything about them, why they made a dive for him. Of course, the people ran wherever they could, and some arrests were made, and they took them down to the old Bethlehem Steel Company's office in the building and locked them up over Sunday. No hearings—disregarded everybody that was in authority, police officers, mayor, and burgesses, and all were disregarded; and they simply went on and locked up people without any consideration, whether they had done anything, or what the cases were; nobody could reach them.

Chairman WALSH. Were you engaged as attorney to represent any persons placed under arrest?

Mr. CYPHERS. I was on a Saturday, I think, my recollection is.

Chairman WALSH. Upon what date was Mr. Zambo killed?

Mr. CYPHERS. On Saturday morning.

Chairman WALSH. What date?

Mr. CYPHERS. The 26th.

Chairman WALSH. The 26th of February?

Mr. CYPHERS. I think it was that; I am not sure whether it was the 25th or the 26th, but I think it was the 26th.

Chairman WALSH. Where were the hearings held for those arrested by the State police?

Mr. CYPHERS. The first lot, amounting to some 80-odd cases, were heard in Mr. Schwab's office, in the office of the Bethlehem Steel Co.'s building.

Chairman WALSH. Was Mr. Schwab present?

Mr. CYPHERS. Yes, sir.

Chairman WALSH. Anybody else?

Mr. CYPHERS. Four or five, or six or eight——

Chairman WALSH (interrupting). I mean, anyone else of the company there?

Mr. CYPHERS. Yes; all the officials.

Chairman WALSH. Who was there representing the men on strike?

Mr. CYPHERS. I was.

Chairman WALSH. Anyone else?

Mr. CYPHERS. No.

Chairman WALSH. Were the trials public? Could anyone come in that desired?

Mr. CYPHERS. No; they didn't have room for them all. By the time they got the State constabulary in and the justice and the district attorney and the steel company officials, there wasn't much room left. We were crowded——

Chairman WALSH. Could the men on strike that wanted to get in get into the room?

Mr. CYPHERS. Nobody attempted to come in. They were held clear in the middle of the building, and the entrance to it was barred by the officials, and you had to go through the hall and——

Chairman WALSH. Is there a requirement in the State constitution of Pennsylvania that a man charged with crime shall have a speedy and public trial?

Mr. CYPHERS. I understand so.

Chairman WALSH. Have you the original notes taken by you at the time with reference to the charges and the amount of bail required?

Mr. CYPHERS. Yes, sir; I have. I made a memorandum of each case at the time, and I looked the other day and found it. The charges were mostly throwing stones; the bail required in all of the cases was $1,000, except one or two. During the first two or three cases that were called and were testified to by the State constabulary——

Commissioner GARRETSON. Was that $1,000 in each individual case?

Mr. CYPHERS. Yes, sir. For instance, the first person I have on my list was Serminski, charged with throwing stones and rioting. The bail required was $1,000.

Chairman WALSH. How many men were arrested on charges of that sort?

Mr. CYPHERS. My recollection is that there were some 26 or 28 in the office when I first went down to the steel company's office to see them.

Chairman WALSH. Could you please offer that into our record here, and we will copy it and return the original?

Mr. CYPHERS. You don't need to return them. I have no use for them. They are merely old files.

(See Cyphers Exhibit at end of this subject.)

Chairman WALSH. Did you offer your services to assist in prosecution of the men accused of killing Zambo?

Mr. CYPHERS. I did, and it was refused.

Chairman WALSH. Who had the prosecuting in all of these cases?

Mr. CYPHERS. The district attorney.

Chairman WALSH. Was there special counsel on either side?

Mr. CYPHERS. Yes, sir; one of the principal attorneys representing some of the cases for the Commonwealth, and I raised the question at the time that if they were permitted private counsel for the Commonwealth in a case in which the strikers were arrested, I wanted to appear for the Commonwealth when it came to the trial of the State constabulary.

Chairman WALSH. What was the reply to that?

Mr. CYPHERS. The district attorney told me all right, and I raised the question before the court, and the court said there was no occasion to appear for the Commonwealth, and that I could appear for the defendants, and I did, and at the trial of them for two days, I came in the court on the morning of the third day, and I told the court I had changed my plea, or would change it, and

submit a plea of non vult, if he would tell me they would be disposed of, and the court agreed to it.

Chairman WALSH. What were they sentenced to?

Mr. CYPHERS. From six to nine months.

Chairman WALSH. What was that plea?

Mr. CYPHERS. Non vult; in other words, don't care to contest the issue. The Zambo case was called for trial, or the trooper, rather, who did the shooting, and when it was called for trial at the next term of court I think I was told by the district attorney he had discussed the matter with the court and to see if he would consent to my appearing for the Commonwealth. They called some one else to testify and would not do it.

Chairman WALSH. Did you defend the strikers for unlawful arrest?

Mr. CYPHERS. I did.

Chairman WALSH. How many?

Mr. CYPHERS. Four.

Chairman WALSH. How were the suits disposed of?

Mr. CYPHERS. They were; in the last week one of the boys came to me one day and asked me whether it made any difference to me if he dropped it, and I said, "No"; and a day or two afterwards there came to my office by mail three letters, which I have in my hand, from the other three directing me to drop the case. They read, addressed to me, "Owing to the fact we do not think the cases now before the court against Wilson and Robinson are of any consequence, we withdraw from the case." The first one is signed Stephen Ganzer.

Chairman WALSH. Who was he?

Mr. CYPHERS. The plaintiff in the case, and the other was John Setzler and Joseph Belt.

Chairman WALSH. Did the plaintiffs remain in the city?

Mr. CYPHERS. Yes, sir; they got their jobs back at the steel company; that was what ended the suits I learned afterwards.

Chairman WALSH. What were the amounts of the suits that were filed?

Mr. CYPHERS. Five thousand dollars, $10,000, and various amounts. The cases grew out of picketing, and they were discharged before the squire.

Chairman WALSH. Are there many injuries of employees, or were there prior to that time, and were there many injuries to employees in the Bethlehem Steel Co.?

Mr. CYPHERS. Yes, sir; we see the ambulance go three or four or five times a day, and sometimes six or eight, to and from the hospital; it passes my office.

Chairman WALSH. As a usual thing are the persons injured recompensed for their injury?

Mr. CYPHERS. We never hear anything about it.

Chairman WALSH. Are there any suits filed against the Bethlehem Steel Co. for injuries?

Mr. CYPHERS. Not to any amount. In the 18 years I have practiced law I have had two. Both were settled before trial; one for a thousand dollars for a man that fell over a mold into a pit, and the other for $600, where a man shoved a train over him and bumped his head off. I don't recall which was for $600 and which for a thousand, but one was $600 and the other a thousand dollars.

Chairman WALSH. What is your idea; why are not more suits brought; you say the ambulance goes three or four times a day?

Mr. CYPHERS. The reason for it is very simple; the steel company is the only industry in the town, and whenever anyone is hurt the members of the family—the brother and sisters, aunts and uncles—work for the steel company, and if some of them wanted to bring suit the influence is enough to quash them. That is the way it is done; it is a mere question of influence.

Commissioner O'CONNELL. I understand you to say there was no rioting before the constabulary was brought in?

Mr. CYPHERS. There was no rioting. It was quiet, generally speaking, as it could be on a Sunday morning. Anyone could go where they wished. There had been a couple of parades, but no rioting, except I heard of a little incident taking place, a little difficulty down at the steel company's office about their pay, and I didn't see that at all. The police officers were in charge, and it might have been a little rough at the time, but it was nothing serious.

Chairman WALSH. On whose request were they brought there?

Mr. CYPHERS. The State constabulary? On the information that came to me it was through the sheriff. The sheriff testified in the suit before the court,

when we tried those people that were arrested; he testified that he brought the State troops to town, and the only evidence of violence that he could testify to was that some boy had thrown a stone and broken a window right in the steel company's office, and they had taken the boy into the office, and they refused to prosecute him. That was his testimony before the court.

Commissioner O'CONNELL. Did the city officers—the mayor or chief of police—make any request?

Mr. CYPHERS. I think not. They refused to is my recollection of the fact.

Commissioner O'CONNELL. They refused to indorse the request for the State constabulary?

Mr. CYPHERS. There was, I think, the sheriff and the burgess that were in conference with the steel company officials for some little time, about the time it happened. I was not present and don't know what it was; all I get is from the talk on the street.

Commissioner O'CONNELL. Were there any arrests made by the city police prior to the State constabulary coming there?

Mr. CYPHERS. Not that I know of.

Commissioner O'CONNELL. Not out of the ordinary, that might occur at any time?

Mr. CYPHERS. No, sir.

Commissioner O'CONNELL. Immediately upon the arrival of the State constabulary there was some trouble?

Mr. CYPHERS. That was what started it up. Before they left the train at the station—they had not gone two blocks before they picked up a man that was half drunk; he was a painter, and had nothing to do with the steel works, and they took him to the market house and locked him up. The town then became very much excited, and everybody was in fever heat for a while until they got their bearings.

Commissioner O'CONNELL. The State constabulary was housed in the buildings of the steel company?

Mr. CYPHERS. The horses were in the steel company's stable, and the men were in the basement of the general offices on Third Street.

Commissioner O'CONNELL. Have you seen anything of the published statement, the financial statement of the Bethlehem Steel Co., showing that there had been compensation in any way for the keeping of the soldiers and policemen and horses?

Mr. CYPHERS. I have not.

Commissioner O'CONNELL. What was the general impression in Bethlehem—that the steel company furnished housing and food and places for their horses?

Mr. CYPHERS. That is the general idea, but we don't know for certain. They furnished everything; everything was free and plenty around there. In the sheriff's office—I was there several times—I was free to go anywhere in the office and about the works. I had on Sunday morning, when this excitement was on, I went down to the works, down to see the men in the building.

Commissioner O'CONNELL. What was the impression of the better—not the impression of the men on strike, but the citizens generally, the business men, as to the conduct of the State constabulary while at Bethlehem?

Mr. CYPHERS. Well, answering that, the business men, it was drawn into an issue between the business interests on the one end and the employees on the other before it had gotten very far, and so the business interests had all lined up with the steel company's side of it as against the employees on the other. That was the turn that the situation took, so that before the State constabulary came the impression of all business interests was with the men, and after they came and the excitement grew more intense it went the other way; and to illustrate how well the people were reposed and how peaceful, when the man Zambo was buried—the day he was buried—one of the priests who had charge of taking care of the interests of the striking employees went down to the steel company's office and told them if they would keep the constabulary in the steel company's fence and not let them out on the street that he would take care of the crowd. There were 5,000 men marched to that funeral and not a word from anybody.

Chairman WALSH. Were they kept in the inclosure?

Mr. CYPHERS. Yes.

Chairman WALSH. I think that was testified to by some one that an understanding was reached that they would not be out that day.

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. You spoke about the courts being held in the office of the company in which these 26 or 28 men were tried. Who held that court?

Mr. CYPHERS. Enright, the justice of the peace. He had his office in the market house, and they asked him to come down to the steel company's office and hold the hearing there.

Commissioner O'CONNELL. Who asked him to come down?

Mr. CYPHERS. The district attorney, or some one; I don't know how it was arranged. I was not consulted.

Commissioner O'CONNELL. Why could he not have held court in his own office?

Mr. CYPHERS. The other justices refused to go; some were asked. He was an old man.

Commissioner O'CONNELL. What impression did that state of affairs create in South Bethlehem when the court was moved into the company's office?

Mr. CYPHERS. It was all over before they found it out.

Commissioner O'CONNELL. After it was over and the matter was found out, what was the impression?

Mr. CYPHERS. The impression was that there had been simply a frame-up to send these men down.

Commissioner O'CONNELL. Did the business men who had gone over to the side of the company feel that was a just way to transact business?

Mr. CYPHERS. I do not think they expressed any opinion; they did not take any interest in it.

Commissioner O'CONNELL. Why didn't they?

Mr. CYPHERS. I never have heard thus far.

Commissioner O'CONNELL. Were they fearful of being forced out of business in South Bethlehem?

Mr. CYPHERS. No; I do not think that entered into the case; it was simply a choice of interests. Their interests laid more with the steel company than with the others. Most everyone in town depends on it for existence.

Commissioner O'CONNELL. What is your idea of the conduct of the State constabulary in Bethlehem?

Mr. CYPHERS. Theoretically they are all right, but practically they are dead wrong. The State constabulary would be all right if they would encamp somewhere in the town simply to preserve order and have nothing to do with the interests of the steel company and stay away from there.

Commissioner O'CONNELL. If they were to occupy simply a neutral position?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. Did they occupy a neutral position?

Mr. CYPHERS. Theoretically, yes; but practically, no.

Commissioner O'CONNELL. Under the law by which they are created they are supposed to occupy a neutral position?

Mr. CYPHERS. Yes; but they do not.

Commissioner O'CONNELL. They could hardly be expected to under the circumstances?

Mr. CYPHERS. No; and then they were fed and their horses were fed and kept on the company's property, and they had drink and refreshments in the company's office, and, of course, you could not expect them to be neutral under those circumstances.

Commissioner O'CONNELL. Were they furnished drink inside?

Mr. CYPHERS. I never saw them drinking, but I saw the bottles around.

Commissioner O'CONNELL. Did you ever see any of them under the influence of liquor?

Mr. CYPHERS. No; I can not say that I did. At the hearing before the squire they were standing around the doors, and if people would gather they would chase them off with clubs, without considering their interests, whether they were friends or relatives of the parties or just lookers-on. When I got into the matter and found the lay of the land I did not have much trouble straightening things out, because I could handle the men and the officers.

Commissioner O'CONNELL. One of the causes of the strike up there was that the men were working 12 hours or more per day 7 days a week?

Mr. CYPHERS. That was one of the elements that entered into it.

Commissioner O'CONNELL. A man would ask to be off on Sunday, "I have worked six days or a year straight ahead without a day off," and they would say, "You can not lay off," and if he laid off he would probably be laid off for good?

Mr. CYPHERS. That is the way I gather it.

Commissioner O'CONNELL. As you gathered the conditions at the steel mill, it was a condition of the men being compelled to work 12 hours per day or more, and 7 days a week?

Mr. CYPHERS. Some of them. I think the statement contained in the report as to the condition there is fairly correct; but the element that really entered into it more was not so much the wage and hours of labor, but the course of treatment the men got when they asked for a concession.

Commissioner O'CONNELL. As I get the causes of the trouble, there was at least that of long hours a day?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the men working Sundays, without one day of rest in the week?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the question of discrimination against them?

Mr. CYPHERS. Yes; the discrimination in favor of men that came from the outside; itinerants from the outside would be put alongside of the skilled mechanics and given practically one-third more wages, and if those who lived in town complained, they would say, "You can quit if you don't like it." And, of course, those men had families and could not leave. They were tied up, and as a result the better mechanics would drift along. I have in mind a skilled mechanic working for $3 a day, 30 cents an hour——

Commissioner O'CONNELL (interrupting). I want to get this in sequence, if I can. There were the hours of labor?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And Sunday labor?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. Persistent discrimination against the men for a number of reasons?

Mr. CYPHERS. Yes; various reasons.

Commissioner O'CONNELL. Lack of opportunity for the men to adjust their grievances with the officials of the company?

Mr. CYPHERS. That was a serious question.

Commissioner O'CONNELL. They could not get to the higher officials of the company?

Mr. CYPHERS. No; the higher officials of the company I have the utmost confidence in, and I think they would be fair in any case if it reached them.

Commissioner O'CONNELL. And the pot sort of boiled over, as it were?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. There was no organization among the men?

Mr. CYPHERS. No; two or three men would go around the shop and discuss the case of the men.

Commissioner O'CONNELL. And the pot boiled over, and there was a strike which grew day after day?

Mr. CYPHERS. The way I got the facts at the time it started out with one or two men having some little difference as to whether they should go to work or do some little job of some sort, and some of the men walked out.

Commissioner O'CONNELL. A few hundred one day and a few hundred another day until it was five or six thousand?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And that boiling over of the pot, as I put it, was a very great surprise to those in charge. They thought nothing of the kind could occur, because they had succeeded in preventing organization?

Mr. CYPHERS. Yes; they would not allow the employment of union men. I know of several instances where men, strangers in the town, were employed, and after they had worked two or three months they would attend a union meeting at Easton several miles away, and the next day they would be discharged.

Commissioner O'CONNELL. And this boiling over of the pot and the men being out on the street, from all that I have heard, with the exception of the sheriff, who says there was some rioting, was peaceable and peace existed in the community?

Mr. CYPHERS. Yes; we have a peaceable population.

Commissioner O'CONNELL. And peace existed in the community where there was this large plant with several thousand people on strike, it was evident that testimony had to be obtained, or that the strike might result in some credit to the men, some victory might come to them, and that might force some change in Sunday labor, or hours of labor, or treatment of their grievances?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And then something seemed to be necessary to be done to bring some one in there to start something up?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the result was that the State constabulary was brought in, no one seemed to know why it was done so far.

Mr. CYPHERS. I do not think there was any reason.

Commissioner O'CONNELL. And they were encamped in the office of the steel company, where they were fed and housed and their horses were fed and taken care of inside of the company's works, and that had a tendency to get inside of the minds of the men that these people were brought there for the purpose of breaking the strike?

Mr. CYPHERS. That was the impression.

Commissioner O'CONNELL. And that was the only impression that could be taken from it; they were not neutral?

Mr. CYPHERS. No; if those men that came had been encamped at the other end of town on the common instead of where they were, there would probably have been no question of good faith and no arrests, except for actual violation of the peace.

Commissioner O'CONNELL. Is it your impression that the State constabulary was brought in there for the purpose of starting trouble that might result in rioting and arrest, or were brought in there to intimidate and break the strike?

Mr. CYPHERS. My impression of the matter, from what I have gathered as to the course of conduct they pursued from the time they were brought into the town until the local authorities got their bearings, was to browbeat and abuse everybody until they found out there was some one in the town that had enough influence to preserve order, apparently treating the matter as if the people were a lot of cattle to be driven. I ran myself against Capt. Robinson, and I said, "Captain, now, if you stop this business of beating and abusing we can stop this trouble, and there is no question about it." And there was trouble after the first day, and the people understood the situation—after they had killed those men; and from the information I gathered it is my opinion that it was deliberately planned from headquarters.

Commissioner O'CONNELL. The further arrests that were made by the State constabulary—where did they take their parties to that were arrested?

Mr. CYPHERS. In all cases they were confined in the first instance at the old Bethlehem Steel Co.'s office, down in the center of the works, and from there were taken to the squire for hearing. After the first day the hearing was held on Third Street, about a block from the office, in the town; and from there they were disposed of in one way or another or committed or——

Commissioner O'CONNELL. Well, when they were arrested would they take them right to the squire?

Mr. CYPHERS. No. I say they would confine them in the first instance—the arrests were almost always made——

Commissioner O'CONNELL. Without making a charge?

Mr. CYPHERS. Without making a charge. As soon as I was retained by them I insisted on a charge being made by somebody and sworn to in each case. Of course, they then had to confine themselves to something or hold them until they got ready. So, I say, after a day or two following that course they did file formal charges.

Commissioner O'CONNELL. I gather from your testimony, then, that the cause of any trouble that did occur in South Bethlehem in the way of charged rioting or fighting or arrest or killing, all was the result of the State constabulary coming into South Bethlehem without cause?

Mr. CYPHERS. I have always believed that it was deliberately planned. That is my own opinion.

Chairman WALSH. That is all. Thank you, Mr. Cyphers. You will be permanently excused.

Mrs. Jones, please.

TESTIMONY OF MRS. MARY JONES.

Chairman WALSH. What is your name?

Mother JONES. Mary Jones.

Chairman WALSH. Where do you reside?

Mother JONES. Well, I reside wherever there is a good fight against wrong—all over the country.

Chairman WALSH. Do you claim a residence in any particular State?

Mother JONES. No. Wherever the workers are fighting the robbers I go there.

Chairman WALSH. Now, it may seem unnecessary, but you are the lady that is known to the country as "Mother Jones," are you?

Mother JONES. I suppose so, Mr. Walsh.

Chairman WALSH. I will go right to the cause of the inquiry. You have listened to a great deal of it here, I notice. It is the administration or the lack of administration of law in industrial disputes. So I am going to ask you first, Mrs. Jones, were you in the Pittsburgh railroad strike of 1877?

Mother JONES. Yes.

Chairman WALSH. At what point in the country were you, Mrs. Jones?

Mother JONES. At Pittsburgh.

Chairman WALSH. I would like you to give your experience in that strike, so far as the administration of the law or the conduct of the officials was concerned.

Mother JONES. Well, the strike began in Martinsburg, Ohio. It started with the Baltimore & Ohio Railroad employees, and it reached down to Pittsburgh and east to Scranton. I was in New York. I came down. I was a member of the Knights of Labor at that time, and some of the boys met me and asked me to stay over with them, and I did. So the traffic was stopped and a lawless element that had got into Pittsburgh during the panic of 1873, they had gathered in from the eastern part of the country and, of course, began to revolt and started to rioting. The employees of the railroad and others went to the mayor of the city and asked him if he would not swear them in as deputies to preserve the property and have the law enforced. While this was going on the sheriff of the county telegraphed to the governor, and the governor sent the militia.

Now, at that time I believe the troops went to Pittsburgh, but the fight turned onto the Pennsylvania Railroad; it concentrated on the Pennsylvania Railroad mostly, and some of the militia was quartered in the roundhouse. The business men of Pittsburgh, who for years had complained of discrimination by the railroad company against the city, were free in their expression of enmity against the company. Some of them connected with this committed acts of violence and actually participated in the riots that followed. Cars were set on fire and run down the tracks to the roundhouse, which was destroyed, together with over 100 locomotives belonging to the Pennsylvania Railroad Co. The feeling at that time of many workers and sympathizers was one of distrust, and in many instances amounted to hatred, because the corporations of that day were open and successful in passing antilabor legislation, tramp laws, and other legislation, which caused the workers to feel that they were being discriminated against. The corporations succeeded in the passing of the law which required that in case of a strike the train crew should bring in a locomotive to the starting place before the strike would begin. It was because of that legislation that so many locomotives were housed at Pittsburgh and became the prey to the flames by an outraged populace and not by the workers and not by strikers. I know most of the strikers; all had done everything they could to keep order. Not but what they felt the sting of the lash, the injustice that was done, but nevertheless they wanted to keep order and be steady otherwise. But the business men were the men who perpetrated the wrongs, because they felt that the railroad company had discriminated against them so much. That is about as much as I remember of that. I haven't the notes. I have them laid away, Mr. Walsh, but I am over all the country, and I don't know where to lay hands on things.

Chairman WALSH. You made notes of all these strikes at the time?

Mother JONES. Mostly; I have made notes of them all.

Chairman WALSH. Were you in the anthracite strike in Pennsylvania in 1900?

Mother JONES. Yes.

Chairman WALSH. I wish you would give us whatever comment you have on that as to violence and administration of the law and the action of the authorities in it.

Mother JONES. I had been down in Arnot, Pa. We had a strike there for six months, but there were no deputies and no gunmen and no militia brought in there, and there was no violence. That is the home of the Secretary of Labor.

During the whole six months, it was a nine months' strike, but it was six months after I went there; but the men were orderly and they themselves took

care of the property. The superintendent and the officials of that company could come up 4 miles from Blossburg at any hour of the night they wanted to alone, and they were not afraid and had no reason to be. That strike was settled very peacefully. The Erie Co. conceded to the men most of what they asked for, and there was no violence during the whole nine months.

Then I went into Maryland. I was not in Maryland very long until I was sent for to come into the anthracite region.

Chairman WALSH. When was that, Mrs. Jones, in 1902?

Mother JONES. No; in 1900.

Chairman WALSH. Oh, yes.

Mother JONES. And in that—there were only 7,000 men organized out of 100,000, and I addressed the convention the day that I got in from Maryland and they called the strike right afterwards. Well, of course, we had to go over all the district—three districts—to rally them together. There was no violence up in either Scranton or around Hazelton, and very little of it down in a town named Shamokin—scarcely any violence there, but the militia was brought in. First the company would guard the mines so that the men could not get out, or that we could not get near them; and if we billed a meeting, why the company would always attend the meeting and the men could not; it was the force of the company entirely that attended the meeting, and I concluded that these men had suffered long enough.

I want to say, Mr. Walsh, that I do not take any orders from any officials. I belong to a class who have been robbed, exploited, and plundered down through many long centuries, and because I belong to that class I have an instinct to go and help break the chains; and so I concluded some moves had to be made to bring the men all out; and I organized the men and women, the women particularly, and I made raids every night; we marched and pulled out those mines—the men. There was no violence. The sheriff in Hazelton was a very fine man. He understood the law, and he knew he could manage the affair without bringing the military there. But I went down to Panther Creek. There were 5,000 men there that could not be reached, and I knew they had to be got out in order to get more bread for the children that were coming, so one night, without saying anything to anyone, I gathered up 2,000 or 3,000 women, and naturally the men followed. That is their natural instinct—to know what we were going to do. We started. I had to go into the saloons and tell them to close up and not give any liquor to the boys. I knew the women did not go near the saloons; I was the only one that did. We marched, and about 2 or 3 o'clock in the morning we met the militia. There was a poor little sheriff, not to be condemned at all, but he was unable to grasp the thing, and he yelled like a mad dog in the night to send the guns to him, the governor. I did not know it, or I would have telegraphed the governor, to keep the guns at home and there would be no trouble. Then we marched 15 miles over the mountains from Hazelton to Panther Creek, and there we met the militia in the middle of the night. The militia did not know what kind of an army I had with me. He thought it was just a few strikers; he told us to go back. I told him that the American workingman never goes backward; we go forward, and we did not go out to go back; and he said he would charge bayonets. Well, he didn't do it anyway; but it took us three hours to go back 2 miles. I don't like to resist officers and create any trouble, but I saw he was a sort of a Sunday-school fellow and there wasn't very much to him, and I concluded to just pat him on the back a little, and I pulled out the 5,000 men.

Chairman WALSH. You mean by that that you induced the 5,000 men to go out on strike?

Mother JONES. Yes; I wanted them to win the fight. I had a large army with me and I wanted them all, and so I had to get these miners out, because they were furnishing the coal. I brought out the 5,000 men. We held up the street cars and did not hurt anybody, and the men—oh, once in awhile when a boss wanted to jump over us we picked him up and threw him over the fence to his wife, and told her to take care of him. We did not hurt him, but we wanted him out of our way; so that thing continued until 10 o'clock in the morning; and we had the 5,000 men out and that ended it, and that part of the strike was ended peacefully.

The women had nothing but brooms and mops and they were very hungry, and the militia had ordered breakfast at some hotel and I told the women go in and eat their breakfast and let the State pay for it; and it was our breakfast anyhow. So they did. We ate the breakfast. We had more strength to get back.

Mr. Mitchell, then president of the miners, did not know anything about these moves, but I saw him in the morning, and I told him I was up against the militia, and he was a little nervous. But I never get nervous when I face bayonets. I think they are human beings like all the rest of us, and I go in a fight and I am not afraid of bayonets when it comes to a struggle for our rights. One day I got my army together of little boys. I was training them for the future. And when we got everything straightened out the mines closed, and we went back to Hazelton, and Mr. Mitchell asked me what we had done. I told him nothing in the world—just pulled out the 5,000 men and told the militia to take a rest. The militia did not follow us, did not interfere with us otherwise at all. And they treated us with a great deal of courtesy, looking at it from their point of view.

At this time the winter was coming, and I knew that the people would need coal and that the strike would have to come somewhat to a climax. So in Lattimer—I happened to be in Tennessee when the 23 men happened to be shot in the back by the sheriff and the deputies. I did not come East right away, because I had other work to do. I concluded I would have to take the matter up, and the general manager sent word that if I came in there I was going to get killed. Well, it does not make any difference to me when I die, if I am dying for a good cause. I concluded I would go in there, and the newspaper men, while I am always friendly to them, I know they have to make their living just as the balance have, they were in the habit of going to the barns to get buggies to take them out, and the barn fellow would tell ahead of time what I was doing. So this night I told the clerk at the hotel, "Don't notify the newspaper men that I am going out." In that evening I had got one man from each mining department; the others did not know that I had seen anyone but themselves, and I arranged with them to bring their army and meet me.

I got the women—I got about 1,500 women lined up, and we walked into Lattimer. It was dark, and we knocked at every door and told them there was no work to do; that they would have to rest. The general manager didn't know, neither did the sheriff, so they began telephoning. The manager and the sheriff came, and he said, "What are you going to do, Mother?" And I said, "I am going to close up this mine." And he said, "Are the women going to close it up?" And I said, "Yes; we are going to close it up." So the drivers came along to take the mules to the mines, and I had all of the women centered in front of the company's store, and we had 3,000 men down at the mines that the company or the sheriff or nobody knew anything about—they had come in on different roads—and I said, when he ordered the boys to take the mules to the drivers, that the mules would not scab, he had just as well leave them at home in the barns, because the mules remembered that Patrick Henry had passed a Declaration of Independence, and that the mules were conscious of that, and he had just as well leave them in the barns. But the drivers were ordered to take them away, and I didn't worry then, because I knew they would come back pretty soon. I kept entertaining the sheriff and general manager and deputies, and the mules came back directly without the drivers. Of course, we cheered the mules. The men down at the mines were driving the miners back that were going to work. We closed those mines in the anthracite, and that really was the key to the situation. They had shot 23 men in the back, just three years before. I served notice on the sheriff that no 23 men—no 23 workers—would be shot that day; that he had just as well make up his mind that those mines were going to be closed, and we had no pistols or guns, nothing but just our hands, because I don't believe in those instruments and I don't travel with any organizer who carries them. We closed up the mines. The reporters heard of it later in the morning and they came down, but we had our work done by the time they came, so we went back, went home; that really was the key to the situation; that settled the first anthracite strike.

The militia didn't commit any brutal acts, nor did they undertake to force us in any way. I must give Col. O'Neal credit for that. He was the colonel of that militia; that was the crack Fourteenth of Pennsylvania, but it was not very crack that day, I assure you. We carried on our work and finished. That was the first anthracite strike in 1900, and at the close the men called a convention and the strike was called off, and I think Mark Hanna had something to do with settling it. Then I was sent into West Virginia——

Chairman WALSH. That was in 1902?

Mother JONES. In 1900. The strike in Pennsylvania, I think, had closed in November; that strike, it didn't last very long, only six or seven weeks was all

that it lasted, and the men got some concessions; not all they wanted, but they got some to satisfy them. There was no rioting; no bloodshed. The sheriff at Hazelton, Sheriff Harvey, was a very sensible, clear, level-headed man. He came to me that morning and asked me to take them home, and I said, "No; no one is going to get hurt." And he said, "They want me to call for the militia." And I said, "Don't obey them; there is no need for them," and there was no one hurt that morning.

I went into West Virginia; the organization sent me there. I surveyed the situation there. I was mostly in the Kenowa and Norfolk & Western, in the New River country, and I was also in the Fairmount region. I never in my life was arrested until I was arrested in the Fairmount region under a Federal injunction. I was arrested while I was speaking to a large crowd in Clarksburg, and some one sent me work that we were all under arrest, and I said to the audience, composed a great deal of strikers, "Don't you undertake to surrender; I am under arrest, but you keep up the fight; it is a fight for more bread." The United States marshal, Elliott, he didn't come up to me; he sent one of the deputies to send one of our own men to tell me I was under arrest. I had never been in court before then in my life, and we were carried 84 miles, to Parkersburg, to prison, but the marshal sent his nephew with me. He sent five of the deputy marshals with the boys. There were nine of us altogether. The young man said to me, "Mother, my uncle told me to take you to the hotel; he has engaged a room there." I didn't say anything until I got off of the train, and so when I got off of the train the deputies were taking my boys that way and I was going this way, and I said, "Boy, we are going the wrong way." And he said, "Oh, no." And I said, "The boys are going the wrong way, then." And he said, "No; they are going to jail; you are going to the hotel." And I said, "If the boys go to jail, I go to jail, too." And so I turned around and went to jail.

The jailer and his wife were very nice and courteous to me; they didn't lock me up in a cell; they just took me in as a member of the family; but they locked my boys up; and then we were all taken into the Federal court and tried. The judge gave the boys from 60 to 90 days. I did think I was going to be hung, because in the close of that meeting we had I said to the audience, "We are all arrested, but you keep the strike up; don't pay any attention to that injunction machine in Parkersburg, he scabbed on his father." That was the Federal judge. I didn't know much about courts at that time; I had never been there; and so when I was taken into court the prosecuting attorney played that up very much, indeed. He said, "She even insulted your honor." And I didn't know where the insult came in, and he said, "She called you a scab." And the judge said, "Did you call me a scab, Mother Jones?" "I certainly did, Judge." He said, "Who did I scab on? How came you to say that?" "Why, when you ordered my arrest, it just struck me that when the immortal Lincoln—I made a point to read the newspapers—that when the President had sent the commission of appointment that he didn't distinguish senior or junior, that you bore the same initials that your father did, and he was away and you appointed yourself. You took the appointment, and you appointed yourself, and that was scabbing on your father, Judge." He said, "I never heard that before."; I said, "I think if you will run up the files of the papers when the President appointed you that you will find it in the press of either Boston, Philadelphia, or New York, perhaps in all of them." And he said, "You must have a wonderful memory." And I said, "No; I did not, but I didn't have anything else to hit you with when you arrested me, and I thought I would hit you with that."

The prosecuting attorney recommended me to the mercy of the court. I don't want any mercy from any court. I don't do anything but what is my duty to do as a citizen of this Nation, and I don't ask you for mercy. I am asking for justice, and not mercy, and I told the judge not to have any mercy on me. The prosecuting attorney said, "If I would leave the State"; "No; I won't leave the State." And so I was turned loose, but the boys were put in jail. There was one of our boys that was rather in poor health, Mr. Walsh. I want to show you the good points in men, if they are reached, no matter where they are or what position they are in; there is a human side, I believe, to all of them. That judge was looked upon as a terrible fellow by the whole labor world, and most of the other people, and this young man said to me, "I am sorry you are going, Mother." I said, "I am sorry, too, because I should have been put in jail with the boys, but the only one I feel sorry for is old Barney Rice; his wife is very frail, and he has some little children," and he

said, "If you go out to see the judge, I think he would pardon Barney." And I said, "I don't think he would." And he said, "Yes; I think he would." I said, "All right, all he can do is to tell me to get out and not come back again"; and so I went out and saw the judge and pleaded with him, and he asked me to come to dinner. His wife was a kindly, good, Christian woman—that is, as Christianity is considered to-day, and as soon as the dinner was over, the judge came in and I said, "I came to see you about Barney Rice." And he said, "What is the matter?" And I said, "Barney is in awful poor health; I don't think you would have sentenced him to 60 days in jail if you knew the condition of his health." And he said, "What is the matter with him?" And I said, "He has heart disease." And he said, "Has he?" And I said, "Yes; I am afraid it is going to prove fatal. He has a very nervous wife, Judge, and she might collapse when she hears of this." And he said, "I don't want that." And I said, "I know you don't." He called up the jail and asked for Rice to come to the phone, and he came and he asked him how his heart was, and Barney didn't use very religious language to the judge over the phone; he didn't know he was a judge, but he used some classical French to him, and the judge said, "What is the matter with your heart?" And he said, "There is nothing the matter with my heart, it is that old judge." And he said, "Have you heart disease?" And he said, "No; I have not." And the judge repeated to me what he said and I said, "Judge, that man don't know his heart from his liver; I have been out with him, and I think you had better let him out." He called up the jail doctor, and I told this young man, I asked him if he knew that man and he said that he did; and I said, "You get hold of that doctor and have him examine that fellow's heart, and show that there is a disease of the arteries, and so forth; I want to get the man out." This young fellow did; he was a very close friend of the doctor's, and old Barney got out the next day.

The judge had very many fine qualities, and I have a very kindly feeling toward him, no matter what anybody else might say about him.

We had another judge in the New River country, Judge Keller. He issued an injunction that we should not feed the miners, and food that was bought in Cincinnati by the miners' representatives for the miners was switched down into Kentucky and kept there, and he arrested a lot of our men for violating his injunction. There is no injunction on earth that would keep me from feeding hungry people if I was rich enough to get it, because there is enough in the world for all. I was not arrested; that was the only time that I was ever arrested by the civil authorities in my life. I never was arrested by a policeman or sheriff; I have always had the militia, outside of the one time, to deal with.

Now, then, I am coming to that part of it—the strike of 1902 in West Virginia. There is a very sad, sad story to be told about that. They were pretty peaceful boys down there as a rule, and we kept them in line, and there was one mountain, Standford Mountain, and they had issued this injunction, that men could not look at the mines. That injunction was always issued on me, and the boys went one day to take a walk along the highway and came back and went home peacefully and quietly, interfering with nobody nor anything. They had never been in court in their lives, none of those boys; they were law-abiding, good men, living quietly up there in the mountains. The United States deputy marshal came in the next morning with a warrant for 33 of them. They were holding a meeting in their hall, quietly, and he read the warrant, and some said, "You can't arrest us; we have broken no law; we have hurt nobody; and you will have to leave the town." I think his brother was a company doctor, and they asked him to come, and he did come down and take him away. Anyhow, the next night they went up that mountain, and they shot seven men while they slept. There were about 100 of those gunmen and their deputies and these mine owners and their sons, and they went up that mountain, and while those men slept they shot them; they riddled their little shacks with bullets and wounded 23 as they were sleeping. I was going to a meeting the next morning very early, and I was told what happened, and I went and called a couple of boys and told them that they had had some trouble on Standford Mountain, and let's go up. We went up, and the picture I shall never forget. The mattresses were all seeping with blood, and the bodies were lying there. It was sad, and I shudder at the picture, and the women were screaming, and the babies were running to me to call back their papas. It was a sad, sad picture. I knew those men had violated no law outside of walking on the highway and that supposed injunction. They got a coroner, and he held an inquest over them. A few were arrested, but no one was ever convicted for the crime.

Five or six days after this I went back up that mountain; there was a grave out in the field, and a woman was over it and a little baby, and the little baby, when she saw me she screamed, and she said, "Oh, Mother Jones, come and pick up my papa!" And she was scraping the clay with her little, tender hands, and the wife was watering with her tears. That young man was as law-abiding a young man, I think, as you could find in the country. I don't think he ever thought of such thing, but he was shot while standing up on the mountains.

Now, these men did not realize what they were doing.

I left West Virginia; I was called for to go to Illinois for a meeting there, a memorial meeting over the mutilated bodies of the men that were killed in a battle in Illinois—97—and I was to speak on that day, and I went. On my way back—Secretary Wilson was secretary of the miners—and I stopped off at the office, and he said, "You will have to go right into Colorado at once. The governor has sent the labor commissioner here and a board member to see the board and convince them there that there should not be a strike called." I went into Colorado; I examined the situation; I went around the camps; and the men and women told me their sad stories. I called a meeting of the men that night, the officers, and I related to them that the metal miners were in revolt at that time, on a strike, and so we discussed the matter until morning. I was sent back to Indianapolis. I reported in Indianapolis that the fever was there, and at fever heat. The men were almost wild to come out, and I discussed it with three or four of the officers. So I was sent back immediately to Colorado, and I went back. The governor sent for me when he heard I was down at Trinidad, and he sent for me, and I came up to Denver.

Chairman WALSH. That was when, Mrs. Jones, in 1903?

Mother JONES. In 1903. That was the first strike. The governor sent for me, and I never go to see those officers alone; I generally take some of our officials with me when I go. I know them pretty well. He said, "Are you going to have a strike in the southern coal fields, Mother Jones?" I said, "I don't know, Governor; that is up to you. If you can bring the conflicting parties together, I think we can ward off the strike, and both sides concede." He said, "I don't want a strike." "Neither do I, but we will strike rather than slavery." I said, "I suppose you are very anxious to know, Governor?" And he said, "Yes, I am; why do you think so?" And I said, "I suppose you want to get your militia ready to go out." He said that he had them already in another district in Colorado to open a mine. I was not aware that the State owned the mines. I thought they were private property, belonging to a combination of private individuals, and he said, "So they are, but we have to get the militia after that lawbreaking organization." "Who are you talking about, the Western Federation of Miners?" "Yes." And I said, "It is strange that they have become lawless and lawbreakers since you got in. They have developed this State and have their families here, and I think they would hardly become rioters at once." He said, "I won't discuss it." And I said, "What did you send for me for?" And he said, "I want to know if you are going to have a strike." And I said, "Yes, we are, and you had just as well know it now as any time."

And I went back, and the strike order went out. I went around holding meetings of the men, women, and children. We didn't have as large a tent colony then as afterwards. From the miners themselves there was little violence at that time, but the militia was brought in there. The sheriff came to me Saturday night and said, "Mother Jones, I heard the miners are going to organize and make a raid down on some camp" he told me about, and I said, "Sheriff, you are sheriff of the county, and you ought to know that these miners are not going to do anything of the kind. If they do, I would know it the first one." He said, "The governor has a representative here." "Of course, that is perfectly natural that he would have a representative here, but there is no need of the governor sending any troops here. You and your officers of the law here can take care of this situation. There has been no trouble that amounts to anything, and let me guaranty to you that if there is to be any trouble I will give you the first news. Is there any trouble in the county?" "Not that I know of," he said. And I said, "If there is, you get your buggy right out." It was 11 o'clock at night, but I says, "I will go with you to any part of the county, and I will guaranty to you that if there is any trouble we will stop it immediately." "There is none, Mother," he said. I said, "Very well, why don't you go home and to bed and don't bother about this?"

The militia came on Monday. They gambled all night. The representative of the C. F. & I.—I have forgotten his name—and the sheriff and this militiaman; one of them lost, I heard, $700, but that didn't bother me, because it didn't concern me how much it was; it was among themselves. However, Monday the militia came in, and we didn't know anything about it until I got a telephone message from Denver early in the morning, and they said they are mobilizing the militia here, and I think they are going to Trinidad; you had better watch yourself; and I said, "Let them come," and that afternoon the militia came in, and I told one of our officers that I had just got a telephone from Denver that they were mobilizing the militia, and that he had better see the boys and tell them to keep quiet, and he did, and the militia came. I went out to the camp several days, talking to the women and children, and Saturday evening I came in; I had been out all day. But before that we went out to a meeting, and coming back from that meeting I met a wagon loaded with guns that were going to Bowen, I think, and I said to the party with me, "There has been something doing; if those fellows belong to Bowen, they are the gunmen," and I think the superintendent was with them; I am not certain. But when we came back to Bowen a young woman came out screaming. She said, "Stop, oh, stop," and I said to the party with me, "I guess they are drinking in there; keep away, don't mix in it," and she pleaded and pleaded and pulled and pulled; she was an Italian; and so we finally went in. I went into the house, and old man Farley sat there with his head all tied up, and a young man named Rooney was lying in bed all covered with blood. You could have put your finger down through him. They had been at a meeting and were coming home when those fellows attacked them from ambush and almost beat them to death.

There was not very much violence during that strike until the militia came. Then one Saturday night I was going to bed when a knock came on the door, and I said, Come in," and the militiaman opened the door and he said, "Come on;" and, of course, I had to go; there was the bayonets, and I said, "Just wait a moment, will you please, until I dress?" And so I went up to the militia headquarters, and the major asked me where I lived, and I told him I lived wherever there was a fight, and so he called the militia, seven of them, and told me to get my things, and I got a few little things I had, and there was such a hurry—there were seven militiamen, two at my back and two at each side and one in front of me—and they took me down the street and put me on the train and went with me to La Junta, Colo., and left me at the depot at La Junta. I had only 5 cents in my pocket. And a railroad man came, and an Associated Press man, and he said, "Are you Mother Jones?" And I said, "Yes," and he said, "I thought so, because I saw the militia going." And I followed the militia when I saw they were leaving me there, and I said, "I want to say to you fellows that there is not money enough in the United States Treasury to hire me to acknowledge I was the mother of one of you." They didn't say anything, and they went away. This Associated Press man and the railroad man came and asked me what I was going to do, and I said I didn't know, I didn't have time to decide. And I found out there was two of our men there, but the railroad man gave me money. They did not go back, but went to Indianapolis. I went back. I had orders not to come back, but no governor owns the State and no President owns the United States, and I happened to be in this country before any of them, and I had a share of stock in there, and I said I was going back the next morning, and I went back the next morning.

Well, I sent the governor a note, which was not a very polite one, either, because when I get worked up I am not a very polite character, Mr. Walsh.

Then I went down to the western slope, and came back after I held two or three meetings. I was going to speak at Glenwood Springs, and a railroad conductor told me that there was a company of militia coming, and I said, "Let them come;" and I held three meetings, and I went then to Helper, Utah. And I went to the hotel at midnight and got a room, and the next morning I got my breakfast and went to the post office in the morning and got my mail, and I saw I was watched; they went to the post office to find out when I got my mail, and I went to an Italian family and got a room in that house, and I took my things over there and didn't see anything more until the next day, when we were going to have a meeting. The next day was Sunday, and the miners all came up. There was a vacant lot in front of the house where I was staying, and the miners all came along and we were going to hold the meeting there, and the company doctor came and said, you know he didn't

think it was right to hold the meeting, and the marshal said, "I don't think it is right for you to hold the meeting here, and I don't think you ought to do it." I said, "How far does your jurisdiction extend?" And he told me, and I said, "Well, we will go outside of your jurisdiction." And I took the miners and went 2½ miles down farther. I held the meeting. They had notified the railroad men not to come to my meeting, but the men all came, and I held the meeting and went back and went to my room. Quite a number of the boys came up town again, and I had not been in the room 10 minutes until the company's doctor and the marshal came in and said, "You are quarantined, Mother Jones, for 16 days." I said, "What is the matter?" And they said, "Why, you might have had the smallpox." Well, I said, "Maybe I have, but why don't you quarantine the whole train?" They said, "You know you mingle about a great deal." I never have an argument, because it don't do any good and it causes trouble, and I was afraid the men would get excited, and I said, "Boys, you go on down town." And he came along Monday and put a yellow flag on the door, "Smallpox in here." He brought me some books and magazines, and I put them in the stove, because I thought the poor little stove would do anything for his corporation and I put the books in the stove, and the next day, Tuesday, the secretary for the miners came and he was sitting there and I was discussing things with him what they should do, so along came this doctor, and he said, "My, my, my, didn't I tell you not to let anybody inside that gate?" And I said, "You did not; I am a patient, and if you want to keep anybody outside that gate you put a picket at the gate and keep people out; I am a patient and I am not going to do picket work also." And he took hold of this fellow and he got scared, and I said, "Mike, don't get scared, he is only going to inject something into you; don't get afraid; let him inject it."

And they took me down and I was put in the back of an old store. There was no violence, for these miners were as lawabiding as this audience is; there was not a single one of them doing anything, only just striking. They were singing a little down in their tents. I was in the back of an old store, and on Saturday night I learned that they were coming in Sunday morning and going to arrest all of the boys; so I sent for them and I said, "Have you got any guns?" And they said, "Yes." And I said, "You take them up and bury them under the range," because I thought if the boys that had their guns and those men came in suddenly there would be some trouble; and I said, "Boys, you go and bury your guns and you go back; I am going to stay up all night," and they said "No" and I said "Yes," and to-morrow we will talk things over.

At 4 o'clock in the morning the sheriff and 45 deputies came up. I heard them whooping, and so I put my head out of the window and said, "What is the matter?" The sheriff was the first one, and he said, "We are going to arrest all these fellows." I said, "What have they done?" He said, "They are striking." I said, "They have a right to strike; this Nation was founded on a strike, and they have the right to strike; and we have a right to strike; Washington struck against King George, and we will strike against King Gould." But they took them all; they were not allowed to put on their clothes, and they shook like aspen leaves. They took them up several miles and held them there until night and got a box car and took them down to Price.

After they were gone a woman came to me with her babe, weeping bitterly, and said, "You see my Johnnie?" I said, "Yes," and she said, "Let me tell you, Mother, this baby was born at 11 o'clock at night, and I got up in the morning and got breakfast for 11 men to go into the mines." And she was watering the baby with her tears. "Now," she said, "tell me what to do; they have got my John; they have got my house; we rented a little piece of land from the company, and I took in boarders and I put up a little piece of land from the company, and I took in boarders and I put up a little house on it, and I want to give my children a chance; but now they have got my house, they have my health, and they have got my John, and what will I do?"

Now, I want to say to this commission and to this audience that are listening here, on the quivering heart and the aching breast and blasted hopes of this mother, and of thousands like her, Miss Gould and her class carries on her philanthropy in the Scofield mines, where 400 men were roasted to death; their bones are rotting out there, and their wives and children are carrying on life's struggle as best they can, and, my friends, we can have no civilization until such things are abolished.

That woman with her babe and four children was sad to look at, but she is only one of many thousands I know of in this terrific struggle for industrial freedom. It touches a human cord in most anyone. I brought that up before Mr. Rockefeller when I had the meeting with him. I feel that men in that posi-

tion do not grasp these things as they are, nor do the people outside, nor do our officials who live in offices, nor do our newspaper men; it takes those who are down with them to see the horrors of this industrial tragedy that is going on in our Nation to-day.

I then resigned from the miners for a while; there was other work I had to do, and I took up the Mexican refugee cases; they were going to shoot and murder the men, and I raised the money to save their lives. And I came back and the boys sent me to Colorado again.

A judge had sent 15 of them to jail, and they were holding a big protest meeting, and I went there. As I said before, judges are human, like everyone else. I went to see my boys and then went to see the sheriff, and I asked the sheriff to let my boys out on the ground every day, and I said that if any of them went away they could arrest me and put me in their place. So the next morning he went up to the jail and let the boys all go out on the ground, and they could stay out until 10 o'clock every night; and then I went to see the judge himself and had a talk with him, and finally the boys got out of jail.

I then came back and was sent into Westmoreland County, where the strike was. There is where I came up with the constabulary—the mounted constabulary.

Commissioner LENNON. Was that the strike of about five years ago, Mother Jones?

Mother JONES. Yes.

Chairman WALSH. Of 1910?

Mother JONES. Yes. I went into that Westmoreland strike, and I did not have any conflict with the constabulary. The only time I came against them at all was when 12 or 13 women were arrested one day and carried into a squire's office; and he, poor wretch, you could see he was a narrow creature; and I went with the women, and I told them to take their babes along. I said, "Wherever you go, take the children, they are yours"; and so the women took all their little ones and babes; and when the people gave their evidence about them, which did not amount to anything, the judge said he would fine them $30 apiece. I said to the women, "Tell him you are not going to pay it," and he said, "Then you will get 30 days in jail." I said, "Tell him all right, they will go to jail." And the women asked for some one who could take the babies, and I said, "No; God Almighty gave you the babies, and you keep them until they are taken away from you."

Two of the constabulary went with the women, and the women ran across some scabs on the way and they licked them, and I took care of the babies until they licked the scabs.

On the way to Greensburg the motorman wanted to stop the car, and I said, "You can't stop this car, it is contrary to law; you must obey the law until you get to the station." They said, "These fellows want to get off," and I said, "You won't let us off, and you won't let them off."

Well, the women were singing all the way to Greensburg, and the two constabulary turned them over to the sheriff, and the sheriff said, "Mother Jones, I would rather you had brought me a hundred men than these women"; and I said, "I didn't bring them, the old squire sent them up; you hold him responsible." He said, "I don't know how to manage them"; and I said, "What did you get married for if you can't manage women; these women are peaceable, you can manage them." And they were sent up to the room, and I sent them food, and milk for the babies; and I said to the women, "You sing all night, sing all day if you want to, but sing all night and don't stop for anybody." And they didn't; they sang the whole night, and the people complained about the singing, and the women would not shut up, and the babies would not shut up, and nobody would shut up, and they turned them all out.

And then I went out West to do some work for the Harriman shopmen; and while I was in Butte, Mont., one day I picked up a paper, and it said the Payne Creek Colliery Co. would not settle with the miners again, and renew its contract again. I said, "This means that every sort of organization is to be driven out"; and I said, "I will go into the fight and make it cost that company something before I get through." I telegraphed to San Francisco to cancel the dates with the officers of the shopmen, and took the train and went in. I went down to Payne Creek, and a little boy came running to me and said, "Mother Jones, did you come to stay?" and I said, "Yes; I came to stay." The child was crying, and said, "Mother, do you know what they have done to me and my mamma?" I said, "No"; and he said, "They beat my mamma up,

and they beat my little brothers and sisters, and beat me, and if I live to be a man I am going to kill 20 of them for that."

I went up and held a meeting with them and found out—got inside information; and the gunmen were all around, and some of the military in plain clothes in the meeting we had; and I went down the Kanawha River and held a meeting with the miners already organized.

One night two of the miners came to me at about 2 o'clock at night, at Montgomery, and they said, "We have been down to Charleston, and no one will go up Cabin Creek; will you come?" I said, "Yes." For nine years no organizer had dared to go up that creek, and if he did, he came out on a stretcher, or a corpse. The boys said, "They will kill you, Mother"; and I said, "It don't make any difference to me when I get killed; there is a duty to be performed, and I am going." I said, "Is it billed?" And they said, "No"; and I said, "I will attend to that," and the railroad men circulated the bills.

I went up on Tuesday, and the governor heard I was going and sent a company of the militia; and those men came down over those mountains, and their toes were out through their shoes; they walked 12 miles, some of them. They stood there and looked up as much as to say, "Have you brought us any message of hope?" I talked to them with the militia there, and the company's representatives, and I said, "Boys, freedom is not dead," and some poor wretch hollowed, "Where is she?" "She is gently sleeping, and when you call her she will awake." Those men screamed, and they said, "Will you organize us, Mother?" I said, "Yes." They said, "Into what?" I said, "Into the mine workers," and I said, "If you get organized, will you stay organized? I left you all organized 10 years ago when I went away," and they said, "We will, Mother." I took them over by the church; I don't go to church; I am waiting outside for the fellows in the church to come out and fight with me, and then I will go in. Outside of the church I stood up on a bench and organized the men, and I said for everyone to take out their mine clothes in the morning and to take their picks and shovels and dig coal, and I said, "To-morrow you go to work and don't say anything about this meeting." And then I went home. And then they came after me again, and one day I was going to Red Warrior, and I had perhaps 20 men with me. There was not a stick among those men. One old darkey had a battered-up gun, he was carrying along for fun, and up above that tipple there was a machine gun with a company, and the machine gun was turned on the men.

I was in a buggy, and one or two ahead of the crowd, and they turned back; they got scared to death and turned back, and I jumped out of the buggy and ran up, and they said, "For God's sake, Mother, don't go up there," and I beckoned them to step back, and I went up and put my hand on the machine gun, and I said, "Boys, you can't send one bullet out of this gun." One of the men with his lips quivering—he was thirsty for blood—he said, "You take your hands off," and I said, "No; I won't take my hands off, and you won't shoot a bullet out of that gun," and my poor boys were trembling. They were in their shirt sleeves going home.

I was going to hold a meeting up there, and some one said, "What are those fellows up there for? Have they got guns?" I said, "No one has a gun. That old darkey had a battered one that wouldn't shoot a cat; he is just carrying it for fun." One gunman stood behind a tree with his sharpshooter, and I said, "You get out in the open and don't dare shoot a bullet out of that gun; you have yourselves mothers and wives and children probably, and I don't want to hear their groans; and I don't want to hear the groans of the mothers and wives and children of my boys; don't you hurt them." One of them said, "Why don't you stay up on the creek?" And I said, "I have something to do besides staying up on the creek." Then they came down like rats, and the whole army gathered there. I said, "Let us stop that, let my boys pass up to their homes, and let us have peace and not tears," and I shook hands with all of the gunmen. I said, "Let us have peace on this creek; you take care of the mines up there, and the boys won't trouble you."

Chairman WALSH. What year was that?

Mother JONES. That was in 1913. And then I went up soon after that—I was going up to Berwind, and there was a reporter from the Baltimore Sun with me that met me in the depot at Charleston, and he said to me, "Mother Jones, where are you going?" And I said, "I am going up to Cabin Creek." He said, "Can I go with you," and I said, "You certainly can go," and we went and we got off of the train and came down over the tipple; they didn't see us coming down, or they would have stopped us, but when we got by the

company's store where there was a pathway, there was a creek, and the C. & O. Railroad here [indicating], and everybody walked on the road, and I started to go up on this side when a fellow hollered at me, "You get down," and the reporter said, "That creek is there; she will get all wet"; he said "I don't care a damn, she ought to be wet; if she wasn't here, there would be no trouble." He said, "You don't mean to say you are going to make her walk in that creek?" And he said, "Yes." No creek or anything else will bluff me; and I was pretty wet up to my hips, and the general manager and superintendent came, and I sat there and my dress was all wet, and I was dripping; and I was talking, and I threw it into them; I gave it to the general manager and everyone else; I don't say anything to the miners that I would not say to them. It is a fight for human freedom and liberty.

I held my meeting, but the road was only that wide [indicating], and if you step a foot east or west it was private property. One miner said to me to come up and get a cup of tea, and they said, "You can't go up." The man was paying rent for his home, but he couldn't give me a cup of tea. And the reporter for the Baltimore American came along, and I didn't get anything to eat or drink or get a chance to dry my clothes until I got to Charleston at 6 o'clock that evening.

I carried the fight on—I knew the boys would—only this is a spectacular age. They have no conception of freedom or justice; until it hits them they don't care. I thought, "I will make a move that will stir the State and draw the attention of the people to this"; and I went out, and at that time I got 3,000 or 4,000 miners and came up to the capitol with a banner which said, "Nero fiddled while Rome burned"; that is what the governor of West Virginia did. And we went into the Statehouse grounds, and I read the document to the governor asking him to do away with the Baldwin guards; that this Nation was not founded to be governed by gunmen; and I read the document on the steps of the statehouse to about 5,000 people. The governor was at my right, and I said that if the Government would not do business that we would by 8 o'clock to-morrow night. So we sent the document in, and the governor still remained there, and they said, "We will wait, Mother, for him to answer"; and I said, "No; you go back."

Chairman WALSH. That was still in the strike of 1913?

Mother JONES. Yes. So I said to the crowd, "This governor is not going to do anything for you." Some one said, "Why?" I said, "Because the biggest political crook that ever cursed a nation elected him—Senator Elkins," and when he says "Bark," he does it.

I talked for an hour and a half, and there is an inscription on the steps of the capitol that mountaineers are always free, and I called attention to that inscription and I said, "Now, I want to state right here to this audience that we are going to make that good or we will tear up the inscription," and the governor stood there; and so when the meeting was over I went away. I was tired and worn out, for I had been preparing for that for some days; and some one got up and began to blow off a lot of locomotive hot air, and the boys came up to me to stop it, and I took him by the shoulder and told him to get down, and I got up and said, "This meeting stands adjourned until I need you again. And I want you to stay away from the saloons and save your money, because you will need it." Somebody in the audience hollowed, "Well, what will we do with it, Mother?" "Buy a gun," said I; and they bought the guns; they went to every store in town and bought the guns and put them on their shoulders and went off with them.

Well, I went to Washington to see if I could get an investigation, because I believe the longer those things go the more bitter both sides get; and I worked here for a day or two and came back, and the Bull Moose charged again up in Paint Creek in the night and shot the women and shot the men and shot their legs off, and so on the 15th, I think it was, there was a great deal of excitement down in Hansford, and I went down to see what the trouble was, and came back. Well, that night the militia came and arrested a lot of our men—over 200 of them—and I heard the boys on the Kanawha side of the river was lining up to protest against the arrests, and I was afraid there was going to be some trouble. I took the train and went down, and the boys was all at the station and each group began to catch me and said, "Come with me, Mother." "Where have you been," said I. "We have been holding a meeting." And so I went down to Boomer with them; and the conductor held the train, because they were appealing to me. And I went out and held the meeting that night, and I says, "Now, everybody goes home and to-morrow at 10

o'clock come up to Longacre, and there we will discuss it." And so to-morrow at 10 o'clock I was there, and the whole mob got there, and I talked with them, and I says, "Now, boys, you go, each union, and you elect a sober, good, clear-headed man. I want to take him up to the governor, so as to have a talk with the governor to stop arresting our men until we find out what they are being arrested for." Military arrested them. So they did come, and I took them into the church and instructed them what to do and what to say to the governor, and I paid their fare, because they didn't come in the meeting with any money, and I paid their fare up; and when we got up and got off the train—now, I suppose there were 500 persons can swear to my side of it, and how I got that committee and took them up to take them to the governor peacefully and quietly, because these men were getting enraged—there were a good many foreigners among them.

I knew if I kept them quiet for a day or two that they would cool off and nothing would happen until we would straighten things out. So I was arrested as soon as I got off the train and thrown into an automobile and carried down to the Robber's Roost, a hotel near the bridge, which I call the Robber's Roost, because the pirates used always to put up there. So there was no warrant that I saw, and so I was taken to the C. & O. train and put on the C. & O. train and carried down and handed over to the military 25 miles from where I was arrested.

And I was handed over to the military while the civil court was open. Well, I was held there for three months, and they established a drumhead court and the court appointed two lawyers, and they came to see me, and they said that the court appointed them to defend me. I said, "Gentlemen, personally I have nothing in the world against you; but there is no lawyer in the United States that will defend me in that court." Well, some civilian lawyers came down, and they wanted to defend me—not to cost anything, and I said, "No, sir; there is no lawyer will ever go into that court to defend me." And so we were taken into court. I think we were five days there and some nights until 11 o'clock at night. There were about 30 of the men that consented to take a lawyer, but there were six or seven of us that would not have a lawyer to defend us, and we were sent over to the bull pen and the boys were held in their bull pen and I was held in mine, and we saw the military on each side of the bull pen day and night watching. And it was great fun for me. I used to see the poor kids dressed up in that uniform, and I wondered what their mothers thought of them; and I used to feel sorry for them, and I used to give them an apple once in a while. There was a break in the floor and they used to send things up to me out of the cellar; and I felt sorry for them because they were carrying guns to shoot people, and I used to give them an apple; and several nights the Bull Moose came down——

Commissioner LENNON (interrupting). Explain what the "Bull Moose" means.

Mother JONES. The "Bull Moose?" The train the military used. And they came down several nights; and a party in it wanted me to go to Ohio; said my health would break down there. "Well, let it break. I have only one death to meet. I am going to Ohio." Well, the attorney general, I think it was, that came down, and I said to the attorney general, "Now, I want to make a statement right here. This thing has got to end. I want to tell the governor of the State that he can chain me to that tree outside there and he can get his dogs of war to riddle this body with bullets, but I will not surrender my constitutional rights to him. I happen to be one of the women who tramped the highways where the blood of the revolutionists watered it that I might have a trial by jury. The civil courts are open, and I demand that the law be enforced." And so I did not; we were tried, anyhow. We were kept in that bull pen, but I would not surrender.

And one day these boys were taken away from there, and I listened to their babies screaming on the depot when they were taken. I did not know where they were going. I was the lone person in that jail—in that military prison—for five weeks. The others were all taken away; they carried them to Clarksburg, but I was the lone person there, and the editor of the San Francisco Bulletin sent his wife across the continent to find out what was happening to me, and she came up there and got hold of the whole information, and she went up to the United States Senate and saw Senator Kern, and went to Collier's Weekly; the other magazines would not publish it, but Collier's did after it was tamed down. And she saw Senator Kern and it was discussed on the floor of the Senate, and some one going by threw a Cincinnati Post in and I

picked it up and the first thing that attracted my attention was, "Wall Street telephoned Senator Kern to withdraw that resolution and they would make it an object for him." And it said that they did not telegraph nor send anyone nor write. They took the quickest way of reaching him. "Heavens," said I. "Those officials will never understand what that means to the industrial world." And I had no writing material, but there was a book there, and I thought I would send a note to Senator Kern; and then I thought "Well, he won't pay any attention to that. They are tired of those things." And I got a telegram blank and made up a telegram, and this is about what it stated:

"Senator KERN, *Washington, D. C.:*

"From out the military prison at Piat, W. Va., I send to you the groans and heartbreaks and tears of men, women, and children, as I have heard them in this State, pleading with you in their behalf for the honor of the nation to push that investigation, and children yet unborn will rise and call you blessed."

And I had two bottles and I rang them together, and a fellow came down in the cellar, and he came, and I says, "You take that up as quick as you can to that telegraph office. Don't go to this one here, but go 3 miles up the road, and tell him to send that telegram to Washington for me"; and the fellow says, "This is fine stuff; tell Mother Jones it will be in Washington before you get home." And so I slept good that night, when I knew that telegram had gone to Washington, and I had bluffed the gang in Wall Street for once; and I had a good sleep. And the thing came up in the Senate, and old Judge Goff—he is not a bad fellow at all, but he has been dead for 40 years and doesn't know it. The old judge had a telegram from the governor stating that I was not at all incarcerated; that I was in a very pleasant boarding house; and he went on about outside agitators, and who they were and what they were. Well, this Nation was founded on agitation. The chattel slavery was abolished through agitation, and God grant the agitation keeps up until the last chain of slavery is broken. And he said, "That is old Mother Jones, and I want to tell you that if you listen to her as I did you will find out she will convince you." But I never convinced him; but he should never have been in the United States Senate at all. The old fellow was not a bad fellow, but he is dead and the world has run beyond him. Senator Kern pulled out his telegram and read, and the Senators in Washington told me that in 50 years nothing had ever struck the Senate like that telegram. I says, "Well, thank God, something struck them; they needed a cyclone once in a while, and if the telegram stirred them up, so much the better." Then—I hope I am not tiring you, but there is a great deal of history connected with this, Mr. Walsh.

Chairman WALSH. Just go ahead. A little matter came up which I had to answer.

Mother JONES. So the governor sent for me the next day, and I was taken up to Charleston, and he told me that I could go to the hotel and he would see me to-morrow. Well, he did not see me to-morrow, or the next day, either; but I went up to Washington then and saw Senator Kern in the United States Senate, and I worked until we got an investigation. And now I want to show before I close this West Virginia affair—I came down that creek one day—that Cabin Creek—and when I got down to the foot of the creek there was a miner, a colored fellow, and they were hammering him—the colored fellow. I watched them; it was on the platform. They rushed into the station, and the whole mob went in, and I went in to see what was the matter, and when I went in there they had him up in the corner, and this poor fellow was hollering, and I felt sorry for him, and I went over and I pushed the whole mob away, and I says, "You come here." "Oh, Mother," he says, "you take me." I says, "What did you do?" He says, "I was after scabs," he says, "over in North Carolina." "Well, you deserved all you got; but I don't want your mother crying. Now, come out here, and I want you to go down to the C. & O. Come on and get out." Now, the military, in plain clothes, were in that depot, and they never interfered; so I took the fellow out and took care of him and took him away from the crowd, and the crowd dispersed, and I put him on the train, and I says to the conductor, "Here is money for that fellow's fare; take him away." So he did.

Now, this man, Nance, was going by on the platform, and a military officer in plain clothes went to arrest this Italian, and Nance says to him, "You can't arrest him," and he says, "Well, I am going to." "Well, you can't without a warrant." He says, "You get a warrant. I have no more respect for you than I have for a Baldwin thug." So Nance went away. Now, he came back 10 days

after that, and he was arrested by the military and tried in court, and got five years in the penitentiary; and that is all there was to that, because I was there, and I was the one that broke the thing up before it ended; and that was the only crime—the only charge—and they held a drumhead court and sentenced that man to five years in Moundsville.

Well, another day I came down, and here was a railroad man and another one of the Baldwin train men, and the man says, "Don't go up the creek; they are on a strike," to some scabs. So he says—this fellow says—"You can't stop him," and he says, "Well, I am going to," he says. "They are going to take the bread out of my brother's mouth"; and they were in a squabble, and I walked up to see what it was about. Now, there was a militiaman there in plain clothes, and I went up and I took hold of this man and I says, "That train man is right; he was put there to do his duty, so let him do it, and you come with me," and I took him away. Now, that man was arrested, and he got two years in Moundsville, and that was all there was to that; I want to say to this commission, I can go before the world and swear to it if I were dying the next moment. That was the sum total of the crimes, and he was put two years in Moundsville.

There were 15 men for similar reasons put into Moundsville for from 1 to 7 or 10 years, I think; and so I concluded now we will make a job of this; these men are not guilty of any crime. And I started out and borrowed the money, and billed meetings, and came to Washington, and I had a large gathering in the armory that night in Washington, and we put the matter up; and the next morning the door of the penitentiary opened, and they signed their names, and every single one of them was let loose. They went up to Wheeling, and nobody knew but the administration that they were freed. After the meeting was held in Washington, and Congressmen and Senators were at that meeting, and when the matter was put up to them there the doors of the prison opened, and they were turned loose. Now, if that is law, I think there is something wrong.

Now, I am coming back to the Colorado situation, and that will wind up. I don't know how long it is going to wind up. But after I was turned loose in Charleston by the governor—now, mind, I was not taken into any civil court nor no charges brought against me, only one, and it was the stealing of a machine gun. Well, I don't know what I did with it, whether I hid it or what I did with it; but I was accused of stealing a machine gun. However, the machine gun was lost; that is true. It was an $1,800 machine gun, but I didn't steal it; I didn't happen to be around at that time. But I want to show you the rotteness of the thing; and then you wonder that men rebel, and won't work.

I went to Texas to speak on Labor Day. The general manager invited me as their guest—him and his wife both. I declined to go for this reason—that I never do go to persons in that position. I may have to fight them, and it would not be a very pleasant thing after I had taken their hospitality; and so I declined to go, and I said to the boys, "I prefer to go to a hotel." And we held a Labor Day meeting there, and I left that day and took the train and came into Trinidad, and when I left the train the boys met me at the depot, and they said, "We are going to have a convention here." I did not know they were going to, because I was on the go all the time. "What for?" I said. The boys were all up in the air; they wanted to strike. "Well, can't you settle it without?" I said. "Well, we are going to try.". So they sent propositions after propositions I learned, and the convention came and the strike was called. Now, I don't know whether you gentlemen in Colorado read the statements at that convention, but they were very deplorable and very condemnatory to the employers without a doubt; and so the sad story of these boys appealed to me. The papers, because they all represented the C. F. & I., they had to write as they were dictated to, and they charged my speech up with calling the strike. Well, I don't care for that; I don't care what charges they make against me. So the strike came, and the tent colony was established. The day of the strike came on the 25th, I think it was, of September, 1913.

I went out to the colony because it was rainy and drizzly, and I wanted to see that the little children were cared for, if there were any there; and I went to carry some clothing to them. In that 14 miles between Trinidad and the tent colony I met 28 wagons; mothers with babies in their arms were walking. It was a cold, drizzling rain. I want to say to this commission that it was the earthly belongings of those people, it was their earthly savings that were in those wagons. There is not a second-hand man in the United States that would have given $30 for the contents of the 28 wagons, yet it was all

those people had. When I came to the tents, the mattresses were wet, and I said to the women, "You didn't sleep there all night?" "Yes; and the baby slept, too." And an Italian said—I said, "Joe, where did you sleep?" And he says, "Out on the ground." "Why, it was raining and the ground was wet." "Sure, mother," he said, "but I no like the company; like better than sleep in company house." Now, this was the sentiment, and nobody can understand this unless they live with those people. I know their lives, and it was on the blood of those people that we carry on our charity institutions and everything else. And that tent colony went on, and we fed them, and then the scabs were coming—there was a convention called in Denver—and I like to put fellows up against it sometimes; and that convention was not a miners' convention; it was the State convention of the Federation of Labor. And we had an old man, that I had brought in from the camps, that they made him dig his own grave—the military did. They made him dig his own grave, and they stood over it telling him to dig 2 feet more. He was going to the post office, and they would not let him go. And he says, as he dug the grave, "Let me kiss my wife and babies." "Dig that grave; go on." That was the reply. So he dug the grave. So when this convention took place, I says, "Bring him in; let him tell it on the platform here." And so I had him put on the platform. And I got up, and I asked the convention to rise as a unit and to go up to the Statehouse and demand of that governor where he stood—whether for the honor of the State and the uplift of her children or for the interest of 26 Broadway, and make him tell it right there, because he won't have time to organize his machine, and he would have to tell the truth.

I had a number of mothers, also, with their babies, to put them up to him, and ask him if they were going to deprive those babies—we had star orators, but star orators they say never get frightened, but they do get scared when they get up against it. Those people are not going to hurt anybody; they were merely going after information that they had a right to get from the governor. The next day the governor had time for his machinery to get to work, and he had two secret-service men walking into the capital with him, and any time that I have to have a secret-service man escorting me I will get down and out. If my own actions and honor don't protect me I won't ask any sleuth to do so.

Well, then, the scabbers were coming in from Mexico; I had been to Mexico a few years before that, down to see Madero and De la Barra and other men; and I was going to El Paso to stop the scabs coming in, and I went down. I was there a week and held some meetings, and I wanted to see the revolutionists and have a talk with them. The morning I came back was the 4th of January, 1914. When I got off of the train here was the bunch. I got off of the Santa Fe. They ran and said, "Here she comes," and I looked around. "Take her back." I said, "What is the matter?" "We have got you." "Here I am, take me, I am going to Denver." "Get on that train." "I am not going on that train." "Get in here and get your ticket." "They don't sell the C. & S. tickets in that office." He went and asked the telephone, and they said there would not be a train for an hour and a quarter yet, so I was put in an automobile and taken to the Columbia Hotel, and I was taken to a room. On the way to the room I said that I had not had any breakfast; I would like to have some breakfast. They said, "Take her in to breakfast," and I asked the captain who was escorting me, I said, "Who is going to pay for this?" And he said, "The State will pay for it." And I said, "All right, if the State pays for it I will get a good breakfast." I don't often have an opportunity to do that, but the State was paying for it and I got a good breakfast. I was taken to the room, and a half a dozen were there to take care of me. The train came and the automobile came, and with three bayonets, one at my back and one at my left, and this fellow that had arrested me was at my right, and there were two others in front. When I got to the depot there were the cavalry and the infantry and the gunmen after one old woman 80 years old. I said, "You are awful brave fellows, your mothers ought to put you in a nursery and give you a nursing bottle for 10 years."

I got on the train and the captain came along and said that he was going to Denver. I told him I was glad to have him. He came along and said, "Don't come back," and I said, "If I don't feel like it, I won't," and so I went on into Denver. While I was here in Washington I picked up a paper and saw where the governor would have me arrested if I came back, and I won't let any governor run a State that I have an interest in; I have one share of stock, and so I went back, and he put two detectives in the hotel to watch me. He put one at the gate watching the trains, and I thought that I would fix

him right there, and I would let the world see that you are not such a wonderful governor after all. The militia was there, and a man, I think he called himself a humane man, I don't know whether he was taking care of dogs or human beings, but he came up Sunday and said, "Are you going down to Trinidad, Mother?" And I said, "Yes." And he said, "When?" And I said, "The last of the week." And he said, "I want to know because I want to go on the train with you." I told him I would be glad to have him, I knew he was a Baldwin rat, and I wanted to go along. He said, "Where are you going this afternoon?" And I said, "Trade and labor." And he said, "May I go with you?" And he escorted me up the street so no one would hurt me, and I said, "I told the boys that the governor said I could not go to Trinidad, but that he didn't own it; I had a share of stock in it, but that I was not going until the last of the week; that I had some matters coming from Washington." I went to my room, and the fellow went home contented; he said there were two other fellows in a house across the street in a room watching me.

I had my sleeper all bought on Saturday, and I got into the sleeper and went to sleep, and when the train pulled out I was asleep, and I told the conductor when he got there to stop the train before it got to the depot. He held up the train, and I got down and walked up the street and into the hotel and sent out and got my breakfast, and was in the hotel three hours before they found out I was there. I sent for the boys, and they came up and I said to the boys that they were liable to arrest me, but don't you fellows make any fuss or move; just let them arrest me; don't say a word and make a move, and keep the boys all quiet and off of the streets, because you can not do that, because the curiosity of an animal is aroused whenever anything is going on. So I had my breakfast, and presently along came the troopers—tramp, tramp, tramp—after three hours. The governor had telephoned and telegraphed, "Arrest her at once," and the general said, "Get her," so they did. I said, "You come after me," and they said, "Yes." I said, "Wait until I get my few duds." I got into an automobile, with a bunch of guns and bayonets behind me and in front, and the poor fellow that was running the automobile was scared to death, but I told him to keep that machine going straight, that they wouldn't hurt him. There was 150 cavalry, 150 infantry, 150 horses with their heads poked at me, 150 gunmen of the Standard Oil Co., and the old woman, and I shook my hands to the boys good-by. I was taken to the hospital and put in a room, and I was kept there for nine weeks and didn't see a human being except Attorney Hawkins. But there was a thing that they called a colonel that came along once in a while that wanted me to go to Denver. But I said, "No; I will stay here." He would come strutting about every now and then, and there were a lot of poor boys there. They had stationed three of the militiamen—three on the outside of the door and two in that room and one outside of the window. I couldn't eat. I didn't have much appetite locked up in a room, and so I gave my food to the militia boys. They are good boys when you get at them right, and I gave my fruit to them to eat and got on the right side of those fellows, and they told me they had not gotten any money for several weeks, and I said, "I have five or six dollars. I will give it to you boys, and you can go to the show to-night." I gave it to them, and they went, and I got them with me, and they said, "I will tell you, Mother, we will never take up a gun again to shoot a worker," and I said, "That is what you should have done before."

Chairman WALSH. At this point, Mother Jones, we will stand adjourned until to-morrow morning.

Mother JONES. I have a good deal to tell you yet, Mr. Chairman.

Chairman WALSH. All right.

(Whereupon, the hour for adjournment having arrived, the commission here adjourned until Friday, May 14, 1915, at 10 a. m.)

WASHINGTON, D. C., *Friday, May 14, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Weinstock, Lennon, O'Connell, Aishton, and Harriman.

Chairman WALSH. Call Mrs. Jones, please.

TESTIMONY OF MRS. MARY JONES—Recalled.

Chairman WALSH. I think last night when we adjourned, Mrs. Jones, you had just detailed your arrest in Colorado, and if you would, please, I wish you

would continue and put in the whole Colorado incident down to the end, so far as it has to do with you.

Mother JONES. I think I closed about where I was arrested.

Chairman WALSH. You were arrested at Trinidad?

Mother JONES. And taken to the Sisters of Mercy Hospital. They turned it into a prison, a portion of it, and I was incarcerated there with three military men, one in front of the door, and one at each side of the door, and one outside of the window, and the whole military camp across the way from the hospital, and then the headquarters of the military was in the next room to me. And I didn't see anyone for the nine weeks that I was incarcerated there but my attorney——

Chairman WALSH. That was Mr. Hawkins, I believe?

Mother JONES. Mr. Hawkins and Mr. Clark, who represented him. He came once to see me to get me to sign some documents for writ of habeas corpus, and Maj. Boughton came with him; and I made some remarks with regard to they wouldn't get the writ of habeas corpus granted from the judge there. I knew very well they would not, because he represented the interests there, and I did not want our people to spend any money, because they had none to spend. So, however, they applied for the habeas corpus and it was not granted.

The superioress came and told me—I think the colonel got her to do so, thinking I would succumb and surrender—that it was turned down. I said, "All right," and she says, "You ought to go to Denver." "I will go when I get ready; when my hands are free. I don't need any instructions or advice on that at all." And so she went away and I was kept there; I never got any mail, not a newspaper or a postal card or a single thing for nine long weeks that I was alone in that room. But the colonel used to come every once in a while to see me to see if I was getting ready to surrender, and I said, "Colonel, I will not surrender," or "captain." He says, "I am not a captain; you are pulling me down." I says, "What are you?" He says, "A colonel." He was a strutting jack to tell me what his title was, and so on. I says, "All right, sir." And so he went away and didn't come back for a day or two. And I never saw Gen. Chase at all until the morning I was taken to Denver, at the close of the nine weeks, when they were going into the supreme court in Denver for writ of habeas corpus. He came to me on Sunday and he said, "Would you go up and see the governor if he wishes to see you?" I waited a moment and I said, "Well, yes; I will go up and see the governor if he wishes to see me. While I have no respect for the governor personally, I have a great deal for the office he holds, and out of respect I hold for the office he holds I shall comply with his request." And so that is all I heard of it. And he came that evening eight minutes before the Santa Fe train was to go out, in an automobile, and said, "Are you ready?" "Why," I said, "No; I am just getting ready to retire." He says, "Get ready; they are going in eight minutes." He said, "Jump, jump, jump." Well, I had a little valise there, and I got it and I handed it out to the guard at the door to put the straps on it, and he took the valise and threw it out in the automobile, and they locked the guard up in his room and cleared the whole hall, and so I was taken down the back way—not the front way at all, but the back way—and was put into an automobile in the dark.

The automobile ran away. I had the fellow that was running it—he was running it down by the C. & S. road—to make a short cut to the Santa Fe; and he made him go around some dark alleys. I want to say, Mr. Walsh, it was the first time in my life that I made up my mind I was going to die; I concluded that they were going to kill me, and I was preparing to make a fight before I left. However, after a while we struck the Santa Fe train, pulled away, out entirely away from the depot. That was switched away from the depot, and I was put on. I got a little relief when I was up in the Pullman, and so I went to bed. There were two of the military officers there, this man colonel that used to come all of the time, and another one, a doctor, and we went into Denver. In the morning the general met me at the train. He introduced me to the general, and I didn't catch his first name, and I said to the colonel, "Who is that?" (he was in his civilian clothes), and he said, "It is Gen. Chase." "Oh," I said, "that is Gen. Chase?" "Yes. We will go to the Adams Hotel." "General, if you would, concede to me the right to go to the Oxford; I have been going there for years and know them all, and I don't care to go to the Adams." It was rather aristocratic and was out of my line, and I didn't care to go there, and so we went to the Oxford, and he said, "We will come after you at 9 o'clock to go to the governor." "I think you had better put it off until 10; I want Mr.

Hawkins to go with me," and he said, "You don't need him; the governor will treat you courteous," and I said, "That is not the question involved; I want my attorney to go with me to the governor, and I won't go unless he says go," and he said "All right."

They went away and left me, and I immediately went to the phone and called Mr. Hawkins, and Mr. Hawkins was not yet out of bed, and he said, "Is this you, Mother?" and I said, "Yes; they brought me in, but I don't know what they are going to do with me." And he said, "Who is with you?" and I said, "Nobody." "What did they say?" he said. I said, "They said they were coming after me at 9 o'clock, but I got them to postpone it until 10 o'clock." Mr. Hawkins came down, and Mr. Lawson with him, and I told him the whole story, and he said, "They have kidnapped you, Mother." I said, "I don't know what they have done." But he called the Adams Hotel and asked Gen. Chase what they had done with me, and he said, "She is turned loose; she is free." But we went to see the governor. He says, "I didn't send for you." And I said, "Your colonel said you did. Somebody must be telling something that is untrue, either you or him." Mr. Hawkins and he talked for a long time, and Mr. Lawson.

I said, "Governor, I will tell you something; you don't own this State, nor you don't own Trinidad. I have broken no law; I have never in my life been in a police court or district court, and I am going back to Trinidad." He said, "If anybody told me it was not the thing to do, I would not do it." "If Washington took that advice we would be under King George the Third; if Lincoln took it, Grant never would have gone to Gettysburg." I didn't tell him just when I was going, but some newspaper men came around and wrote the matter up. I stayed at the hotel for a few days, and I said to Mr. Hawkins, "I have no use for a despot in this country; it was not founded on despotism; and I am going back to Trinidad." And he said, "Do you feel able to, Mother?" And I said, "Yes; I feel able to." "Very well," said he; "when you get ready, you can go back."

I openly got my ticket and went to the train and into the sleeper, and Reno, the C. & F. detective was right across the berth from me. My ticket was registered for Trinidad, and my sleeper also. When I got to Walsenberg, before I got in there the military man called me. I let on I knew it was the military, but I didn't undress at all that night, and he said, "You have to get up." I said, "No; I am going to Trinidad." "But we want you." "Who are you?" "Oh, I am the military," he said. "Oh," I said, "all right; I will be with you." I got up and went into the dressing room and combed my hair back and came back. I was taken off of the train by the militia, and the train crew got a little excited; the engineer jumped down and came back and shook hands with me, and the conductor, and I said, "Boys, keep quiet; let this go." We started off with the military, Mr. Brown, an organizer of the United Mine Workers, who happened to be with me on that train. I said to this young fellow, "Where are you going to take me?" He said, "To jail." I said, "Where is the jail?" "In the cellar under the courthouse." I said, "All right. Is there a fireplace in it or a chimney there?" And he said, "I don't know; do you want a fire?" "I am not so particular about the fire, as having the chimney." And he said. "What do you want the chimney for, and not the fire?" And I said, "I will tell you about that; I have a pigeon that I have trained, and it goes to Washington, and there is a new wireless invention around its neck, and every week he comes back from Washington, gets on top of the chimney and unwinds that message and sends it down to me." He said, "Did he come when you were at the hospital?" And I said, "Yes; he came every week." And he said, "They never found it out?" I said, "No; I am telling you that now." Imagine an educated woman that raised a thing like that; imagine a State that put a belt full of bullets around his stomach; imagine the Nation that stands for such insults to the intelligence of the people. And so I was put in the cellar.

It was cold, it was a horrible place, and they thought it would sicken me, but I concluded to stay in that cellar and fight them out. I had sewer rats that long every night to fight, and all I had was a beer bottle; I would get one rat, and another would run across the cellar at me. I fought the rats inside and out just alike. I was there 26 days, but one thing I have to say, the colonel that had charge of that, Col. Berdiker, came to me that morning and said, "Mother, I have never been placed in a position as painful as this; won't you go to Denver?" I said, "No, Colonel, I will not." He said—my breakfast came in, two spoonsful of black coffee and some dry bread, and he said, "Don't eat that breakfast; I will send you some." He sent me my meals all the time I

was there; at least, he got the miners to do it. He was very kind and did everything in the world that his officers would let him do; he had to obey orders, of course, but he was a man in every sense of the word. So I was there 26 days, and during the 26 days I never slept a night; I used to sleep some daytime. At the end of the 26 days the habeas corpus—the Supreme Court had notified the militia to deliver me in person to the Supreme Court, and they had to turn the militia loose before they could deliver me; before they could turn me loose. And so one morning the colonel said, "Mother, I have some good news for you; I don't know that you will consider it good news, but the general has just telephned to me that you are free." I said, "No; I don't consider that good news; I consider it a very dirty, contemptible way of doing business, Colonel; it is not the method I admire at all in a person in the general's position." He said, "You can have transportation wherever you wish to go," and I said, "You tell the general I never have taken any favor from the enemies of my class and I shall accept none from him; I shall transport myself wherever I wish to go, and if I don't have the money to do so, I will walk." And so the colonel shook hands and went away, and the boys came and got my valise and I went to Denver.

Then my attorney knew, of course, the habeas corpus business was turned over, and they sent me to Washington, to Congress.

Now, I do not want to take up the time of the commission, because you are worn out, and there are a great many, many things said here that have no bearing whatever upon the discontent and unrest of the Nation, and if the commission will just bear with me for a moment or two I shall read this. This is the Pennsylvania strike, and I shall turn this over to the commission. This is simply an outline of it. I shall get through just as quickly as I can, Mr. Walsh. [Reads:]

"There is gradually creeping into the decisions of the courts a most dangerous doctrine to liberty, and that is that the militia, under the orders of a governor, may deprive people of their liberty at the will and pleasure of the governor. Such a doctrine has not existed in England for hundreds of years, and it was not supposed to have any foundation in law in the United States until within very recent years. In my judgment, this attempt on the part of some of the courts to sanction deprivations of liberty, if not checked, threatens not only the liberty of all the citizens but threatens the very existence of government itself. It is being recently held in a number of courts that where a strike exists the governor has power to imprison the strikers at his pleasure. We all know that the courts of the country would not stand for any such doctrine if a governor sought to imprison bankers, lawyers, clergymen, doctors, and merchants, and if the courts are going to hold that strikers can be imprisoned without any charge against them, when we know that the courts would not hold the same thing as to bankers, lawyers, clergymen, doctors, and merchants, there is the greatest danger of working people refusing to submit to such a government.

"Magna Charta, that great charter of human liberty, which was adopted in 1215, was a protest against military encroachment. The king, with his soldiers, had imprisoned people to such an extent that it was necessary to declare in Magna Charta that no freeman should be seized or imprisoned or condemned or committed to prison except by the laws of the land.

In the fourteenth century, during the reign of Edward III, Parliament, for the still greater protection of the rights of our English forefathers, provided that the king should have no power to seize the citizen, and that no citizen could be arrested except by indictment or presentment in court.

"Charles I attempted to deprive the people of England of this right, but he paid for it with his head. King George III attempted to force a condition of military rule on the American Colonies, and in 1774 Benjamin Franklin went to Great Britain and entered a protest in the name of the American people. The prime minister laughed in his face, and Lexington, Concord, and Bunker Hill was the answer to that laughter.

"American history affords but four attempts to set aside the writ of habeas corpus and trial by jury, prior to 1899, and each case met with a severe rebuke from the law courts north and south alike.

"Citing these cases as they appear in historical record, the first attempt was made in 1815 when Andrew Jackson, puffed up with military pride, declared himself the military despot of New Orleans. He arrested and imprisoned an editor, and refused to obey the writ of habeas corpus. The courts of Louisiana arrested Gen. Jackson and forced him to pay a fine of $1,000.

"In 1861 President Lincoln undertook to suspend the writ of habeas corpus, but the courts all over the North with great unanimity declared that President Lincoln could not exercise such despotic power. At the same time in the Southern States the military power was making the same claims as to their power that Mr. Lincoln was making in the North, but with clarion voice the courts of the South declared the same as did the courts of the North, that the military commanders had no such power.

"The most conspicuous case in all American history is known as the Milligan case. In Indiana, about the close of the war, a military commission seized a civilian by the name of Milligan and condemned him to death because he sympathized with the South, and the President of the United States approved the death sentence, but the Supreme Court of the United States promptly held that no civilian, where the courts were open, could be tried or condemned by a military commission.

"For 34 years after this no attempt was made to claim that a writ of habeas corpus did not have full force and effect in America; but in 1890 there was again a series of decisions against striking workingmen, which decisions exalt the militia above the civil authorities, and which decisions, in my judgment, if not checked, will result in the destruction, not only of liberty, but of government itself. The Idaho Supreme Court held in the case of Boyle, a striking miner, that the court would not inquire into the cause of his detention, but would allow the governor and his soldiers to work their will. The opinion states no authorities, and in no way attempts to review glorious decisions delivered in favor of liberty which had been rendered for over 100 years. The court simply refused the miner his release. This was followed by a somewhat similar decision in Pennsylvania in 1902, known as the Shortall case. Then came the Moyer decision in Colorado in 1904, where it was held by a divided court that the governor could hold Mr. Moyer in jail at his pleasure. Then came the West Virginia decisions of 1912, in which the West Virginia court held that strikers could be tried and sent to the penitentiary by military commission, and were sent to the penitentiary for terms ranging from 2½ to 7½ years.

"A perusal of the details of these cases just cited from 1890 to 1914 shows an ever-increasing encroachment with each succeeding case upon the civil rights and liberties of the people by the military power. In 1890 the writ of habeas corpus was first suspended in a case growing out of labor disputes; in 1904 it was no longer considered an offense by the Supreme Court of the United States for the governor of a State, acting as the commander in chief of the military forces, to imprison civilians and hold them indefinitely; in 1912 in West Virginia we find the encroachment extending still farther. Here a definite "war zone" was established and proclaimed to be such by a declaration of martial law, yet the military power went outside of that prescribed "war zone," and placed under arrest civilians under warrants made out and returnable to the civil courts, and tried them before the military commission. That this commission may not overlook the significance of this issue, I here quote this military edict issued by the governor of the State of West Virginia in full:

STATE CAPITOL, *Charleston, November 16, 1912.*

"GENERAL ORDERS, NO. 23.

"The following is published for the guidance of the military commission, organized under General Orders No. 22, of this office, dated November 16, 1912:

"1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law and as a punishment therefor, the military commission can impose such sentences either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

"2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished, will be taken by military commission.

"3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

"By command of the governor.

"C. D. ELLIOTT,
"*Adjutant General.*

"Passing from West Virginia in 1912 to Colorado in 1913 we see the military despot still advancing. Here the militia comes onto the scene without even the excuse of a declaration of martial law, the civil courts are set aside, men and women are placed under arrest promiscuously and held indefinitely and incommunicado.

"This militia, acting under orders from its commander in chief, has committed the most barbaric of crimes culminating in the destruction of the tent colony of Ludlow, the only home these poor wretches could ever boast of, and the massacre of the men, women, and children on April 20, 1914.

"The perpetrators of these fiendish crimes were tried by a court-martial presided over by the very men who gave the orders to shoot down the citizens, and notwithstanding that these militiamen charged with the crime, confessed as to their individual acts, and in fact proudly boasted that they broke their rifles over the heads of their defenseless prisoners, yet they were exonerated by this military commission and given a clean bill of citizenship.

"Contrast this case with the case of John R. Lawson; Mr. Lawson is the international board member of the United Mine Workers of America and a citizen of Colorado. For years practically every law on the statute books of that State for the protection of life and limb, and the sanitation of mines, has been violated by the operators. Driven to desperation by the nonenforcement of the law, and the ceaseless, relentless oppression of the big corporations, the miners on September 23, 1913, went on strike.

"No sooner had they gone on strike, in fact, for weeks before the strike was called, the operators were scouring the country for gunmen, whose profession is that of shooting the miners back into submission. They engaged the services of the notorious Baldwin-Felts strike-breaking agency. These people were brought into the State by the hundreds, bringing with them their artillery, including rapid-fire guns and armored automobiles, in violation of the law. The logical results followed. Men who have the courage to strike and pit their empty stomachs against modern corporate greed are not going to be shot down like dogs without a protest. A fight took place between the miners and the hired assassins of the operators, in which one of the hirelings was killed. Lawson was charged with the murder, tried before a jury that was 'hand picked' to convict contrary to the laws of the State, and sentenced to life imprisonment by a corporation judge who was created for that very purpose.

"Last Monday I sat in this room and listened to a discussion between this commission and Mr. Gilbert Roe on the question of the existence of some mysterious thing which neither side made out to establish, namely, a condition of equality before the law as between capital and labor.

"I want to go on record before this commission by saying that there is no such a thing as equality before the law in disputes arising between labor and capital. Before we can have equality before the law, labor must possess some rights that are recognized by law. To-day the wageworkers of this country have no economic rights that are recognized by law.

"Take the case of a man out of work. He had no right to a job. The law does not say that as a citizen he shall have a right to work and earn a living. As a rule, he lives about two weeks from the bread line. If he gets out of work, he is out of money and out of home. According to the law, he becomes a vagrant. If he begs, he is put in jail; if he steals, he is sent to the penitentiary; and if he attempts to commit suicide and is caught at it, he is sent to the insane asylum.

"In Colorado they organized and went on a strike. The operators, who own the courts of law, turned their hirelings loose on them, clothed in the majesty of the law. These hirelings plundered and murdered these strikers with impunity, as the testimony taken by this commission will prove, and what has the law done?

"A grand jury indicted 150 miners, but the same grand jury found no indictments against the coal operators or any member of the Colorado Fuel & Iron Co., though the facts were established that these operators imported gunmen and machine guns, both in violation of the law, and that strikers were killed and even women and babies were suffocated in the fire at Ludlow. Rotten and one-sided as the law is in Colorado, it was still a question whether or not a conviction of the miners could be secured, but our modern industrial pirates never overlook a chance. During the last session of the legislature Senator Hoyden, an attorney for the Colorado Fuel & Iron Co., who represents in the legislature a district known as the Kingdom of Standard Oil, introduced a bill to establish a new judgeship. The bill became a law, and one Granby

Hillyer, another corporation attorney, who was engaged, with Jessie E. Northcutt, the salaried attorney of the C. F. & I. to prosecute the miners, was elevated to the bench, and although outskopen in his prejudice against the miners, refused to vacate his seat and allow the cases to be tried by an unbiased judge. During this trial it was brought out that John Lawson was not within 12 miles of where the fight took place between the miners and the Baldwin gunmen in which he is accused of killing one of the hirelings, yet the hand-picked jury that was established in violation of the law, and the judge who is but a creature of the Colorado Fuel & Iron Co., have found him guilty of murder in the first degree and sentenced him to imprisonment for life.

"Referring again to the tendencies toward militarism, what, I ask, do all these recent decisions mean? The answer is perfectly clear and plain. The American people are just like their Revolutionary and Colonial forefathers. They would have the same hatred against military rule as existed in the days of '76 or '61, but the military rule that has existed since 1899 is military rule against one class of people, and one alone, namely, strikers, and hence the great body of American people outside of the workingmen have not felt the oppression and have not been aroused to the fury that is being aroused among the working classes. If former Gov. Ammons in Colorado had treated a dozen lawyers, clergymen, doctors, bankers, and merchants the way he treated the miners in Las Animas and Huerfano Counties we know that a terrible storm of indignation would have been aroused that would have been identically the same state of feeling that existed among the colonists in 1776. The citizen of Great Britain was not oppressed by the military, and he looked with some indifference upon the struggle of his kinsman across the Atlantic to throw off military oppression. If a governor, who is the representative of capital can use the soldiers to put the workers in prison and keep them there, then a workingmen's governor may do the same thing to a capitalist. Every workingman feels that this would not be permitted by the courts. He knows it would not, and hence he is aroused to indignation against the courts permitting the governor to so act as against the worker.

"It is this feeling which is rising throughout the United States, and which, in my judgment, if not checked, will result in terrible consequences. In my judgment the working people will not stand for any such treatment at the hands of governors or at the hands of courts, and it behooves the courts, if they do not want anarchists made out of workingmen to hark back to the principles of our forefathers, and to declare that the great writ of habeas corpus is now, as it was in ancient days, a sacred writ, and one that no governor and no military commander can refuse to obey. It behooves the courts to hold, just as did the courts in the days of Lincoln, that military power can not imprison men without a charge where the courts are open and unobstructed in the transaction of business. Unless we do get back to this principle, consequences, similar to those which have occurred throughout the history of all the past will result. Charles I was not the only King to lose his head because of an attempt to hold people by the use of soldiers and bayonets. Louis XVI and Marie Antoinette lost their throne and their heads because the crown claimed the right to imprison people at the pleasure of the crown.

"I have only to add that in my own case, I was held in West Virginia for three months, in 1913, and Colorado in 1914 for three months more practically incommunicado, without the slightest charge being made against me and with the courts open and unobstructed in the transaction of business in the counties where I was confined. No one has dared to file any charge against me in court, or made any claim against me that in thought, word, or action I have done wrong."

I have this, I have Mr. Hawkins, I am not sufficiently educated and never had time enough to go down through history, but I requested Mr. Hawkins to help me to prepare that to use in my addresses to the people and awaken the American people to the dangers that were approaching us.

Before I close I would like to ask the permission of the commission, the Child Labor Federal Commission that is here, I am more or less responsible for it. I was called to the strike of the textile workers in Philadelphia. I saw the little boys who had not seen their eleventh year with their hands off here [indicating]; their wrists, taken off from their wrists. I saw their fingers, and I saw those children maimed for life. I asked the reporters; I asked the children first, "Do you work in the mills?" "Yes." "How old are you?" "I am just a little over 10, Mother." And so it went with boys and girls.

I said to the reporters, "Why don't you publish this and make comment on it?" And they showed me the advertisements, and said that they would be only too willing to, but that they didn't dare. I concluded I would have to wake up the people of this Nation, and I went to work and organized some 6,000 or 7,000 children, many of them with their hands off. I telegraphed to the papers in New York to send me down reporters, feeling that the Philadelphia papers would not take any notice of it, and so the New York papers sent down the reporters. I had those children in Independence Park; the police didn't know that we were coming until we were down there. We had our banner, and I marched them to the business part of the city and the newspaper district. I had a table in front of the city hall. I put those children up there. There were 50,000 people at that meeting; the biggest gathering that ever assembled in Philadelphia in their history, they said. I showed them children with their hands off, a sacrifice on the altar of profit, giving to this Nation maimed and useless citizens. I spoke to the ministers, and asked them if they were not carrying out Christ's doctrine, suffer little children to come unto me, they are all that is pure and holy, and you say, "Suffer the little ones to go into the slave pens, and we will grind them into profit." And that is what is done. They closed up; the New York papers and the Philadelphia papers got to fighting one another, and that was all I wanted when I can get those fellows to fight one another, I am all right. It was given publicity, and was discussed in the universities and colleges, and finally got quieted down, and I asked the parents to let me have the little boys, and they said, "Yes." I got 75 little boys; some with their fingers off and their hands off, and I said, "I am going to see the President and have a bill passed to prohibit the murder of children for profit." I was only going 30 miles, but the children were so happy, and the agitation was so great; they never had had the sunshine or the grass before, and now they were bathing in the rivers, and the people were feeding them.

They had their little tincups and knapsacks, and were marching, and were having the finest time they had ever had, and the newspapers were hammering me, and the priests and ministers were hammering me, but I am alive yet. I am still here, hammering them, and so I marched them along until I got them in Jersey City.

I sent some one over to New York to ask the chief of police if he would give me protection for the children, and he was a military fellow, the commissioner, and the chief was away, and he said, "No; you can't come into New York." Well, I concluded I would show him whether I could or not, and I went over myself and asked him if he had any reason, and he said, "Yes"; but he would not give it to me. "Very well," I said, "I will take it to the mayor." And Low was mayor of New York at that time. He evidently knew I was coming, because the usher said that the mayor would see me directly. I said, "All right." In a few minutes the mayor came in, and I told him my business, and he said, "Mother Jones, I had to sustain the commissioner's decision." "Do you have to, mayor?" "Yes." And I said, "I don't see why New York pays an understrapper, if the other man does the business." He just kind of looked down and said nothing.

I said, "Mayor Low, have you a reason?" And he said, "Yes." "You won't object to giving it to me?" And he said, "No;" and I said, "Perhaps we can clear it up."

The reason was, I was not a citizen of New York, nor neither were those children. "Is that your chief reason?" He said, "Yes." "Well, I think I can clear that up, Mayor Low. I think we will straighten that out immediately. Some time last summer there came over here a piece of royalty from Germany, and the United States voted $45,000 to fill that fellow's stomach for three weeks. And President Roosevelt hired a massage doctor to rub him down so he could get back. Was he a citizen of New York," I says. "No," he says, "he was not." "Did he ever create any wealth for this Nation?" "Well, no," he said. And I says, "We did. Don't I have the same right to come in here that he had?" He says, "Yes." So I went in and I got my children all in, and we had a big meeting that night and the police took care of us, and the captain says, "Mother," he says, "you need never go to the chief or the mayor or to anybody else when you want to come in; you come to me and it will be all right."

So my children did have a meeting and we raised $3,000 or $4,000 or $5,000 for the strikers; and I took my children down and took them down to Boston Bay, and Boston came and took them children and showed them the elephants and everything; and they never had seen anything like it.

Now, the reporters were all going to Oyster Bay, and they blocked my job, and I wanted to see the President, so I telephoned Senator Platt to give me

assistant; and he said, "All right, Mother." And I went down. Well, you know this Oriental Hotel, and that is where the robbers of Wall Street go to roost through the summer. So I took the children and went down there, and I had my little band, and they had every place blockaded. You can't step on that sacred ground without there is an officer after you. And I went to a section man, and I says, "How am I going to get in to them fellows?" He says, "I don't know. You can't go in at the door?" "Well, no; the thing is so guarded I can't get in." He says, "Well, I don't know, Mother." "Well, I want to go in with these children, and I want breakfast." And he says, "There is only one way to get in there, and that is through the saloon. And if the saloon keeper lets you in there, you can get in." "Do you know him?" "Yes," he said "I know him; yes." "Well," I says, "come on down with me, and I will get you a drink." And you can always buy an Irishman a drink. And so we went to the saloon and went in, and I says to the saloon keeper, I says, "Can I go in to see them pirates to-day with these children?" And he says, "Yes." And so I took the children and went in, and the children had a little band, and so they sang, "Hail, hail, the gang's all here." Well, that bunch all got up and ran away and went upstairs; the men and women; and the hotel gave us our breakfast, and we all had good things, and the children had never had any such breakfast. The cook fixed it up. You know, he was a miner cook, and he fixed up everything; and the little ones went off happy.

Well, I went down to Oyster Bay, and the reporters didn't know where I was going, and I got in and didn't see no one of the secret-service men; and I thought I would go up and see President Roosevelt about having passed that bill; and when I got up to go there, he put secret-service men all the way from his house down to Oyster Bay to prevent the children coming up there. He had a lot of secret-service men watching an old woman and an army of children. You fellows do elect wonderful Presidents. The best thing you can do is to put a woman in the next time, and she will do it.

Well, that ends that now, and I will not take up any more time; but before I close I have got a letter here. I will have to look it over carefully. It relates to the murder of one of the deputies in Utah. The morning after they had arrested all the men these fellows came along, three of them, and I only had a stone to fasten my door, and I heard the footsteps coming, and I jumped to my feet, and this fellow opened the door and pushed the stone in, and he came in, and he put his gun under my jaw and his finger on the gun, and he says, "Now, if you don't tell me where I will get $3,000 of the miners' money I will blow your brains out." He was one of the sworn deputies that arrested the miners the day before. And I said, "Well, wait a while; I will tell you about these brains; let's talk that over first. You need not waste a lot of powder on these brains. If you blow my brains out yours and mine will not mix. So, save your powder." "Now, where is it? Give it to me. I don't want any talk; and," says he, "I won't have it." And I says, "There are one or two good fellows up in Indianapolis that have the money in the bank." And he says, "Hasn't the secretary got any money?" And I says, "Yes; but he pays every bill with checks." "Haven't you got any money?" "Yes." "Get it out," he says. "I want it." So I took out 50 cents. That is all I had. And he says, "Is this all the money you have got?" "That is all I have here, and I am not going to give it to you." He says, "You won't give it to me?" I says, "No; I want it myself, because I have got the Gould smallpox, and when I get out I want to get a jag on and boil it out of my system, so I won't inoculate the Nation." So the fellow finally went off. And he was killed afterwards for bank wrecking in Utah. Now, that is——

Chairman WALSH (interrupting). Let me suggest, Mrs. Jones, that you submit that into the record.

Mother JONES. All right.

Chairman WALSH. I don't want to hurry you, but Mr. Weinstock said he had a question.

Mother JONES. Well, all right, Mr. Weinstock; go to it, now. But I want you to understand now, Mr. Weinstock, before you go to it, I am not an educated woman; you are, and I am not.

(The matter referred to will be found among the exhibits printed at the end of this subject as "Jones Exhibit.")

Commissioner WEINSTOCK. In your statement yesterday, among other things you told about the experiences you had, I think, in the vicinity of Greensburg.

Mother JONES. Yes, Pennsylvania.

Commissioner WEINSTOCK. And there was some one with you on a street car or a railroad car, and you wanted to get off?

Mother JONES. A street car.

Commissioner WEINSTOCK. And the conductor refused to let you off?

Mother JONES. No; you have that wrong, Mr. Weinstock. The conductor never refused to let me off; it was the women and the babies. The judge had sentenced them to 30 days in jail. I would not let the women leave their babies behind, so they got on the street car, and when we got to a station there were three or four scabs got on the car, and the women were going to jail, and they had a certain resentment against those scabs because they go in and take their bread.

Now, Mr. Weinstock, remember we strikers are striking for a better condition for all, whether they are union men and women or nonunion; they are all workers anyhow; but they make the fight and they raise the wages of the nonunion mother as well as the union one. We are in a conference, you know.

So these women were a little irritated when they saw those scabs get on, and they gave me the babies, and I took the babies; I think I had four or five of them in my arms and another bunch of them around me, and they went and lampooned those scabs, and the scabs began to holler. There were two of the constabulary there, but they were nice boys and they didn't meddle; I think they were a little leery of what was going to happen; and I would not let the street car motorman stop to let those men off until he got to a regular station. They were hollering, "Stop the car," and the motorman got a little nervous, too, and I said, "Now, you don't stop that car; it is against the law, and you must obey the law."

Commissioner WEINSTOCK. That is the point I wanted you to refresh my memory on. You called attention to the fact that they must obey and respect the law.

Mother JONES. Yes, the motorman; he had no right to stop the car there; it was an interurban car.

Commissioner WEINSTOCK. I take it from that, Mother Jones, that you are an advocate of law and order and would insist on people obeying the law and respecting it?

Mother JONES. I certainly do, but when the law jumps all over my class and there is no law for my class, and it is only for the other fellow, then I want to educate my people so as to put my people on the bench. I don't know whether you are a lawyer or not?

Commissioner WEINSTOCK. I am not, Mother Jones; I am glad of it. I am a plain, everyday business man.

Mother JONES. I am glad of it.

Commissioner WEINSTOCK. From what you have explained, Mother Jones, it is evident that some explanation is needed. There appears in the record of the congressional committee a copy of which I have here, setting forth a hearing before a subcommittee of the Committee on Mines and Mining of the House of Representatives, a statement attributed to you, which evidently is a mistake, and does you a grave injustice, and I think you should be afforded an opportunity at this hearing for the purposes of our record to correct it.

(This is entered here as Operators' Exhibit No. 105, "Address made by Mother Jones, delivered before the convention in Trinidad, Colo., on Tuesday, the 16th day of September, 1913.")

Among other things you are alleged to have said, speaking, I think, of some labor trouble in West Virginia:

"We told him we lived in America beneath the flag for which our fathers fought; that we lived in the United States, and we had a right and had a ground to fight on; and we asked the governor to abolish the Baldwin guards. That was the chief thing I was after, and I tell you the truth, because I knew when we cleaned them out other things would come with it.

"So I said in the article we will give the governor until 8 o'clock to-morrow evening to get rid of the Baldwin guards, and if he don't do business we will do business. I called the committee, and I said, 'Here, take this document and go into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees; we have no kings in America; stand on both feet, with your heads erect, and present that document to the governor.' And they said, 'Will we wait?' I said, 'No, don't wait, and don't say, "your honor," said I, because few of those fellows have any honor and don't know what it is.

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves and buy every gun in Charleston.'

There was not a gun left in Charleston; and we did it openly, no underhanded business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camps, and the fight began."

Now, as one who believes in law and order and obeying the law, there must be some mistake, or you were misquoted, and this is an opportunity for you to correct it.

Mother JONES. I am going to tell you about that. I made that speech, not in Trinidad, but on the steps of the statehouse in Charleston. The strike was not on very long—three or four months, I think three months—and I did so, and the governor stood there, and the whole statehouse administration was there. When I said, "We demand of the governor to abolish the Baldwin guards," I did so; I don't deny it. I don't believe in any such brutal combination; they are a disgrace to our Nation; they violate every law; they teach the coming children to be lawbreakers, brutes, and murderers, and for that I am strictly opposed to those armies. And I would say, Mr. Weinstock, that I would ask this Government and ask this commission to demand of Congress that she pass a bill that the Government take over all of those detective agencies and run them on an honorable basis.

I don't believe—I have had more experience with those people than any other one person in America and I have never seen one of them hurt. I could have had all those deputies and sheriffs murdered that morning down at Half Way, in Utah, if I had just said one word to those men the night before, but that would not settle the disease; the disease still remained. The disease lies in the private ownership of my bread, and one class of men can say how much I shall eat and how much my children shall eat. I stand for a better citizenship, and I stand for law and have stood for law, and in all my career it can be proven, the records of the courts, police and county, and everywhere can be searched, and there has never been a charge against me; I am always in favor of obeying the law; but if the high-class burglar breaks the law and defies it, then I say we will have a law that will defend the Nation and our people, for whenever a nation undertakes to crush her producers and to debase and dehumanize them, that nation is going over the breakers; it is the history of all nations down the stairway of time. In 50 years we have created more wealth than any other nation in the world has done in 700 years, and one group owns that wealth and the masses of people are impoverished.

I am for schools. I said to the governor of West Virginia, "If you had taken that $700,000 that you spent to crush my class, the miners, and put it into the schoolrooms of the State, and given to the Nation a more highly developed citizenship, morally, physically, and mentally, it would have been more valuable to the Nation. I saw the schooldoors closed on the children, and for many of them never to open again. Many of them had to go out and struggle for bread, and many were made criminals and idiots, and if that money, that $700,000 that was put into the militia, to crush my class, had been put into the schoolrooms we would have had less use for law.

Commissioner WEINSTOCK. There is no change to be made in that statement?

Mother JONES. No; that can stay. I will tell you how that came to be put into the record. They had a little two-by-four lawyer in Charleston, and he made up a job with the coal company's lawyer to run that in, so that he could get it on me, and the miners are paying him $7,500 a year for doing nothing, only incarcerating them, and I am going to put a stop to that thing.

Am I through? I am tired.

Commissioner WEINSTOCK. You know the purposes that this commission is created for, Mother Jones—that is, that Congress expects this commission to come back to it with recommendations for remedial legislation. Now, if you were a member of the commission, Mother Jones, what would you recommend to Congress to remedy the condition that you complain of?

Mother JONES. I will tell you, as I stated before we got to discussing this question, you and I, I was not an educated woman; I belong to the classes. I should recommend to Congress that they should do away with all of these arms and detective agencies, because they create crime. They are criminals.

Commissioner WEINSTOCK. That is, to do away with the gunmen?

Mother JONES. And these detective agencies; let the Government run their agencies, and you will have less trouble, less crime, less penitentiary subjects, and you will have better manhood and better womanhood. I have a great deal to tell the commission, but it is unnecessary; but you see, Mr. Weinstock, we have spent years in the past, we are an infant in the history of nations yet, practically speaking. Now, we have spent our years following our birth invent-

ing machinery, building railroads, telephones, telegraphs, and everything else, and we are reaching a stage where these inventions are taking the place of labor. There must be something done by the National Government to relieve this discontent, because we have armies of unemployed. Last Sunday I addressed a large meeting down here in Pennsylvania. It was the glass industry, where a thousand men were employed. The machine came in and threw the whole thousand of skilled mechanics out—10 men are doing the work of 1,000, and it is so in so many other industries.

Now, Mr. Weinstock, we had a Federal commission 15 years ago. I think Mr. O'Connell remembers that. That commission went through this Nation; it made some of the finest recommendations that could be made to Congress. Those recommendations lie up in the archives of this Nation, and I venture to say in the last 15 years not 12 Congressmen have read them. Now, you see, you had an investigation in Colorado; one whole year passed away, and two days before Congress closed they brought that up on the floor of the House. They had an investigation in Michigan that they never brought up at all. What good are the investigations if the public don't know what is happening in the country? My advice, and I give it to the workers when I speak to them is, when you send a man to the Senate or Congress or to the legislature, when he comes home have a platform at the depot, and make that representative tell you what he has done for the best interests of the Nation, and render an account of himself right then and there, and then you will not have so many Congressmen fighting for bills for the protection of 26 Broadway and other institutions like that.

Am I through?

Commissioner WEINSTOCK. Your recommendation, then, briefly, is this—I want to make sure that I understand it thoroughly—that the remedy for industrial unrest would be to wipe out the detective agencies?

Mother JONES. That is only one step. Now, I believe in taking over the mines, Mr. Weinstock. They are mineral, and no operator, no coal company on the face of the earth made that coal. It is a mineral; it belongs to the Nation; it was there down the ages, and it belongs to every generation that comes along, and no set of men should be permitted to use that which is nature's. It should be given to all of nature's children in other nations.

Commissioner WEINSTOCK. Then your remedy would be public ownership of the mines?

Mother JONES. All other industries, and then we can get the hours of labor down and put men to work. I also believe in the ownership of the transportation lines. I don't want to put you out of a job, Mr. Aishton.

Chairman WALSH. We thank you, Mrs. Jones; and you will be excused permanently.

TESTIMONY OF MR. DANIEL DAVENPORT.

Chairman WALSH. What is your name, please?

Mr. DAVENPORT. Daniel Davenport.

Chairman WALSH. And where do you reside, Mr. Davenport?

Mr. DAVENPORT. Bridgeport, Conn.

Chairman WALSH. And what is your profession?

Mr. DAVENPORT. Lawyer. I have been practicing almost 40 years.

Chairman WALSH. Are you counsel for the American Anti-Boycott Association, Mr. Davenport?

Mr. DAVENPORT. General counsel; yes, sir.

Chairman WALSH. Who are or have been in part your associate counsel for the association?

Mr. DAVENPORT. Mr. James N. Beck preceded me as general counsel and Mr. Walter Gordon Merritt as associate counsel.

Chairman WALSH. I think Mr. Merritt submitted some recommendations to this commission in New York.

Mr. DAVENPORT. I have seen a pamphlet.

Chairman WALSH. When was the American Anti-Boycott Association started, Mr. Davenport? We must have better order in the room, please.

Mr. DAVENPORT. It was along in July, 1902, that the movement first began. I believe it was organized along in 1903, in May, I think.

Chairman WALSH. Why was it started and by whom?

Mr. DAVENPORT. Well, the purpose of the organization is set forth in the constitution, which I don't happen to have a copy of. It was primarily——

Chairman WALSH. I have marked some sections of it, Mr. Davenport, to which I will direct your attention.

Mr. DAVENPORT. It was primarily started for the purpose of enabling the members to protect themselves from unlawful boycotts.

Chairman WALSH. Did the association have some connection with the Danbury Hatters' case that we have head so much about?

Mr. DAVENPORT. Yes, sir, Mr. Walsh. It financed the case. That is to say, it supplied the attorneys who conducted it.

Chairman WALSH. On behalf of the plaintiffs?

Mr. DAVENPORT. On behalf of D. E. Lloyd & Co., who are members.

Chairman WALSH. In article 2, please refer to there, of this constitution, it is stated that one of its objects is to protect its members and their employees and promote the public welfare by proper and legal resistance to boycotts, unlawful strikes, and other labor conspiracies, and cooperate with the public authorities in the suppression thereof.

Mr. DAVENPORT. That is section 1.

Chairman WALSH. Yes; that is right; it is section 1.

Is it the position of the association that all boycotts are now or should be made illegal?

Mr. DAVENPORT. That is opening up a pretty large question, Mr. Walsh. It depends altogether on what you mean by the word "boycott."

Chairman WALSH. That is one of the things that we are trying to define.

Mr. DAVENPORT. It has been pretty well defined, so far as the Federal jurisprudence is concerned, by a decision of the Supreme Court of the United States. The first declaration against a boycott made by the Supreme Court of the United States was made at the instance of the labor unions in the case of Calvin-Wilson (137 U. S.), which arose here in the District of Columbia.

I happened to have here with me that, and I see a statement here which is the foundation case, in regard to that matter. This sort of a combination was by the Supreme Court of the United States, at the instance of the labor unions established. Certain gentlemen were indicted in the police courts here in the District of Columbia for conspiracy, and they were tried in the police court without a jury, on the ground that the offense that they were charged with was a petty offense and under the law they were not entitled to a jury trial. They were found guilty, and Mr. Calvin was put in the custody of the marshal, and the attorney of the union, Mr. Ralston, brought a petition for habeas corpus for the discharge of his client on the ground that the offense charged was a heinous offense, for which he was entitled to a jury trial under the Constitution. The matter was brought to the Supreme Court of the United States.

Now, this is the arrangement that was made among those men, which was subjected to the condemnation of the Supreme Court, at the instance and request of the unions. And you will observe what is the nature of it: By refusing "to work as musicians, or in any other capacity, with or for the persons first above named, or with or for any person, firm, or corporation working with or employing them; to request and procure all other members of said organizations, and all other workmen and tradesmen, not to work as musicians, or in any capacity, with or for them, or either of them; or for any persons, firm, or corporation that employed or worked with them, or either of them, and to warn and threaten every person, firm, or corporation that employed or worked with them or either of them, and to warn and threaten every person, firm, or corporation that employed or proposed to employ the said persons, or either of them, and that if they did not forthwith cease to so employ them and refuse to employ them, and each of them, such person, firm, or corporation so warned and threatened would be deprived of any custom or patronage, as well from the persons so combining and conspiring as from all other members of said organization in and out of the district."

Now, the court held, in other words [reads]:

"This is an offense of a grave character, affecting the public at large, and we are unable to hold that a person charged with having committed it in this District is not entitled to a jury when put upon his trial."

Now, that is probably the foundation case in this country on the subject of illegal boycotts at common law. There might be some doubt that where men combine together to oppose anybody it is an illegal thing. Of course, this subject of boycotts varies under the law as to the jurisdiction. If you care to look it up in the recent case of Gompers *v.* The Bucks Stove & Range Co., Mr. Justice Lamar, giving the opinion of the court, refers in a general way to the different views of different courts in this country as to what constitutes an illegal boycott. Some were there must be violence used, some that it must be this, that, and the other. I wish I had the notations from it here.

Chairman WALSH. Maybe we could get a shorter route by having you suggest what might be defined as a legal boycott.

Mr. DAVENPORT. I doubt very much whether that process of elimination would answer. But that is the law so far as the common law is concerned, but under the Federal law, under the Sherman Act, as has been established by the Supreme Court in the Lawler case, the principles are quite different. Any combination whose purpose is directly to affect or directly restrains trade among States is illegal, and I would say, for instance, that this combination set forth in the proceedings of the American Federation of Labor would be directly in point.

In the proceedings of the American Federation of Labor, at its convention held in 1905, the committee on boycotts reported, and it was unanimously adopted by the convention, as follows [reads]:

"We must recognize the fact that a boycott means war, and to successfully carry on a war we must adopt the tactics, as history has shown, that are most successful in war. The greatest master of war has said that war was a trade of the barbarians, and the secret to success was to concentrate all of your force upon one point of the enemy, the weakest if possible. In view of these facts the committee recommends that the State federations and the central bodies lay aside minor grievances and concentrate their efforts and intelligence upon the least number of unfair parts or places in their jurisdiction. One would be preferable. If every available means of the central bodies and State federations was centered on one point and kept up until successful, the next on the list would be more readily brought to terms, and in a reasonable time anyone opposed to unfair conditions or wages or hours would be brought to their senses and submit to the inevitable."

Commissioner WEINSTOCK. Whose sentiments are those?

Mr. DAVENPORT. The American Federation of Labor. That is the report of the committee on boycotts to the convention in 1905, and unanimously adopted.

Commissioner WEINSTOCK. Does it give the names of the committee?

Mr. DAVENPORT. It can be found in their proceedings. This was taken from that.

* * * * * * *

Now, what kind of a thing is an illegal boycott? If I were obliged to distinguish in my own mind between combinations that are illegal in the sense of a boycott, I would say that they are those that are illegal which seek to oppress the victim. Now, you know the distinction between secondary and primary boycotts. That, to my mind, don't impart any distinction. There is no difference in my mind as to the character of the boycott, providing the purpose and necessary effect is the same.

Chairman WALSH. A very marked distinction has been drawn between secondary and primary boycotts by expert witnesses.

Mr. DAVENPORT. Certainly. Ex-President Taft when a judge of the circuit court originated that expression, I think, and he has expounded it on a great many occasions. Mr. Gompers has never recognized any such distinction or principle in his editorials in the A. F. of L. But it is all put at rest, as far as interstate boycotts is concerned, by a recent decision of the Supreme Court in the Eastern Retail Lumber Dealers' Association against the United States, and if you care to run down that matter you can find it in that case. I can give you the notation of the case.

Chairman WALSH. Just submit it into the record, please.

Mr. DAVENPORT. It is Eastern Retail Lumber Dealers' Association v. The United States (234 U. S., 600).

Chairman WALSH. Now, in that same section, Mr. Davenport, the language is used, "Legal restraint of unlawful strikes." What strikes are considered by your association to be unlawful?

Mr. DAVENPORT. I don't know that I can say what the association considers unlawful, but I as an attorney consider any strike unlawful which has for its purpose to coerce. Of course, you differentiate and ramify those things. For instance, in a railway strike an entirely different principle comes in there because of the provisions of the interstate-commerce act. This is the general principle of law, as I understand it, that any combination of men to accomplish an unlawful purpose by lawful means and enter a combination to accomplish a lawful purpose by unlawful means is an unlawful conspiracy. You must recognize the fact that there is a great system of laws that govern the interstate carriers—interstate commerce—which make combinations between the employers in many respects, unless perhaps it has been changed by the Clayton Act, unlawful.

In a case—one of the cases before Judge Taft 20 years ago he pointed out a combination then under consideration violated the interstate-commerce act and the Sherman Antitrust Act, as well as it was in that particular instance an unlawful boycott, which he attempted to define. But wheresoever there is a law of the United States that requires a man to do a thing, as, for instance, the employee of the railroad, you know every agent, employee, and officer of that railroad company is required to do certain things. Now, any combination for the purpose of inducing that person not to perform that duty, or any combination which prevents his doing it, is a violation of the criminal statutes of the United States, and therefore, of course, any such combination is unlawful. That has been the basis of very many decisions by the courts. If it would save time at all for the commission, or if it has the time to spare, I could call your attention to some particular cases.

Chairman WALSH. I wish you would give us reference to the cases, if you have them; or, if not, you can put them in the record afterwards.

Mr. DAVENPORT. Well, will what I say here be submitted to me for correction?

Chairman WALSH. Yes, sir.

Mr. DAVENPORT. Then, I will take the pains to insert those cases, with possibly quotations from them.

Chairman WALSH. Now, in section 2 of article 1 one of the objects of your association is stated to oppose State and Federal legislation injurious to the public good which would impair the rights and remedies of members in the employment of labor or destroy industrial freedom. Upon what basis does your association determine what is or is not injurious to public good?

Mr. DAVENPORT. That is the class of legislation to which we have given attention. All attempts to strip the Federal courts of power to protect persons and property by the use of the writ of injunction. All such things have been opposed; also every attempt to weaken the power of the Federal court to enforce their injunctions. In one particular instance—I think that was all—is where we had the eight-hour law agitation here. When we thought men were boycotted or supposed to be by the Federal court who worked in a shop more than eight hours. That is the only kind of legislation that I know anything about that we have been interested in.

Chairman WALSH. Well, now, suppose that the other great societies of the people believed that legislation that is a diminution of hours as is cognizant with the public welfare, or for the public welfare, do you assume to speak for them also, or do you limit it to members of your organization?

Mr. DAVENPORT. It came up in this way. Mr. Commissioner O'Connell will remember it. Many years before the House Committee on Labor and before the Senate Committee on Labor legislation, there was effort to take out of the field of Government employment those men that did not run shops on the eight-hour basis. In opposition to that proposition I appeared before both the Senate and House committees, in opposition to Mr. O'Connell and those who believed otherwise. As far as I know, that is the only way in which it ever came up.

Chairman WALSH. Well, have you an example of any other sort of legislation which you have promoted or opposed purely from the standpoint of the public good, as expressed in section 2 of article 2?

Mr. DAVENPORT. I don't recall any.

Chairman WALSH. Just on the eight-hour law?

Mr. DAVENPORT. Not the eight-hour law, but the rights and remedies of people. You know society would not exist without a court of equity to enjoin things that would cause irreparable injury to persons. Now, courts of equity exist only to give orders forbidding things to be done, or commanding; and the only way by which they can be made effective is for the court to have the power to punish those that disobey them, and long-continued efforts have been made to take away from the courts their power. Both the power to issue injunctions in certain classes of cases and also the power to punish for contempt without the interposition of a jury, and in a certain way to take away the power to issue injunctions without previous notice.

Now, all such kind of legislation is what has been my business to, as far as I could, before committees, oppose; but that is all I know about anything else, other than the particular instance or feature of the eight-hour law.

Chairman WALSH. Were you in the organization from its inception, Mr. Davenport?

Mr. DAVENPORT. I might say yes.

Chairman WALSH. Who drew the constitution and by-laws?

Mr. DAVENPORT. Well, I don't know but what I did; I can not say; I helped, at any rate.

Chairman WALSH. What is meant in that section by industrial freedom, and for whom?

Mr. DAVENPORT. If you will tell me what that means—I suppose it is industrial freedom for everybody, employer or employee.

Chairman WALSH. In what instance has the organization sought to promote or impede legislation or affect the freedom of employees?

Mr. DAVENPORT. It is in regard to those things I spoke of—injunctions, maintaining the power of the Federal court unimpaired—to protect the freedom of employer and employee.

Chairman WALSH. In the article, referring to section 1, article 3, in which it is stated that no membership shall be made public without the consent of the member; what is the reason for that provision, please?

Mr. DAVENPORT. The reason for that was that members were timid for fear they would incur the hostility of organized labor.

Chairman WALSH. Do you consider it desirable socially that any large organization should keep its membership secret; that is, engage in a business which affects legislation or affects the Government so closely?

Mr. DAVENPORT. You will notice this does not say secret, but it shall not be made public without his consent.

Chairman WALSH. Maybe I don't see the distinction.

Mr. DAVENPORT. There is a great distinction.

Chairman WALSH. Just state it in your own way.

Mr. DAVENPORT. The distinction is this, that probably one-half of the membership would state that they were connected with it. But it shall not be published.

Chairman WALSH. It just means that it shall not be published in the newspapers?

Mr. DAVENPORT. Published generally.

Chairman WALSH. I will ask you to submit to Mr. Manly, in charge of our department of research, a list of the membership.

Mr. DAVENPORT. I would have to decline to do that. In the first place I don't know it myself, and in the second place——

Chairman WALSH. That first one is an awful good reason.

Mr. DAVENPORT. A sufficient reason.

Chairman WALSH. Is there any place we could get a list?

Mr. DAVENPORT. I can tell you who would know about it, but I don't suppose they would want to break faith with their members. The secretary of the association is Mr. H. F. Lee, of 27 Williams Street, New York City, where the offices are.

Chairman WALSH. Is Mr. Lee an attorney?

Mr. DAVENPORT. No, sir; secretary of the association. The treasurer is Mr. Henry A. Potter, and he is at 25 Madison Avenue, New York City.

Chairman WALSH. If this is not secret, would you indicate who you would be willing to tell it to or what body or what persons?

Mr. DAVENPORT. I don't suppose they would be willing to give a list of it to anybody, but I have no doubt but what a very great number of the members would be perfectly willing to have their connection with it known.

Chairman WALSH. Now, then, why is it not secret, if you are not willing to tell anyone—if the organization itself is not willing to tell anyone or any Government body?

Mr. DAVENPORT. As far as a Government body is concerned, I think very likely that a Government body, if it was strictly necessary for the purpose—but I would suppose this is going a little too far.

Chairman WALSH. Well, who would determine that for the Government, whether or not it was strictly necessary?

Mr. DAVENPORT. Well, I suppose that perhaps the courts; I don't know. But that, I suppose, is entirely irrelevant to the purposes of this hearing; I don't know.

Chairman WALSH. What is the initial membership fee?

Mr. DAVENPORT. $25.

Chairman WALSH. Will you describe the methods of assessment which the executive board may authorize the treasurer to levy?

Mr. DAVENPORT. The assessment shall be at the rate of $1 on each $1,000 of the pay roll——

Chairman WALSH (interrupting). Say, I have been asked—Commissioner Weinstock has submitted a question here [reading]: "Can we insist on the names any more than we could insist on Lawson and Doyle telling us whether they spent money for arms?" Let me say that Lawson and Doyle were two members of the United Mine Workers of America, involved in the Colorado Fuel & Iron Co. strike in Colorado; and when we asked them this question they declined to answer, because there were certain indictments pending against them in the State courts of Colorado. Do you refuse to answer this on the ground that it might tend to incriminate you?

Mr. DAVENPORT. Oh, no.

Chairman WALSH. Or furnish the link in a chain of evidence that might lead——

Mr. DAVENPORT (interrupting). Oh, no; not at all.

Chairman WALSH. What ground do you place it upon?

Mr. DAVENPORT. I tell you, in the first place, I am not familiar with the membership; I am an attorney, but aside from that I suppose that the actual membership is irrelevant to the subject.

Chairman WALSH. And you do not place it, then, on the ground, either, that it is a confidential communication between attorney and client?

Mr. DAVENPORT. So far as I am concerned?

Chairman WALSH. Yes.

Mr. DAVENPORT. No.

Chairman WALSH. Just simply for purposes or for your own purposes you do not want us to know it?

Mr. DAVENPORT. Why, I do not want to have it made public, not because I do not want you to know it, so much, as it might—in the estimation of some of the members—precipitate the very evil against them that they are seeking to avoid; and upon that ground I should suppose that they would decline, so far as they could legitimately, to disclose the membership.

Chairman WALSH. Well, we will go back to the question of assessments. I asked you, please, to describe the methods of assessment which the executive board can authorize the treasurer to issue.

Mr. DAVENPORT. Well, at the rate of $1 on a thousand of the pay roll, no member having to pay more than $500.

Chairman WALSH. For what purpose is the fund thus collected used?

Mr. DAVENPORT. Oh, it is for the purpose of carrying on the association, paying the salaries of the officers, and I suppose paying the attorney's fees.

Chairman WALSH. Well, who is on the general executive board at the present time?

Mr. DAVENPORT. Well, Charles H. Merritt, of Danbury, is the chairman, and really I couldn't give you the others. Oh, I think Mr. Potter and Mr. Lee, by reason of their membership—I think the secretary and the treasurer are also members; but I won't be sure about that.

Chairman WALSH. Please refer to section 5, article 5, in which it is stated that it shall be the duty of the board to classify the members of the association in such groups as will give reasonable representation on the board to the different classes of industry.

Mr. DAVENPORT. Well, I should think that sufficiently indicates——

Chairman WALSH (interrupting). Well, I was going to ask you a question on it, and was just going to call your attention to that. What is your present method of classification?

Mr. DAVENPORT. Why, for instance, in the metal industries, hat industries, carpet industries, and so on. That is the way they are classified.

Chairman WALSH. Are any of the records of your association kept in the city of Washington——

Mr. DAVENPORT (interrupting). Oh, no.

Chairman WALSH (continuing). Or the District of Columbia?

Mr. DAVENPORT. No.

Chairman WALSH. Where is your roll of membership?

Mr. DAVENPORT. Well, I suppose that the secretary treasurer in New York would have it.

Chairman WALSH. That is the gentleman——

Mr. DAVENPORT (interrupting). Whom I have mentioned.

Chairman WALSH. Do you remember approximately how many industrial groups are now so classified?

Mr. DAVENPORT. No; I could not. Probably—I should imagine 25 or 30.

Chairman WALSH. Could you give the industries?

Mr. DAVENPORT. I could not with any—I know, of course——
Chairman WALSH (interrupting). The coal industry?
Mr. DAVENPORT. I don't know whether there is any such group.
Chairman WALSH. The steel industry?
Mr. DAVENPORT. I don't think there is any such group as that.
Chairman WALSH. Boot-and-shoe industry?
Mr. DAVENPORT. I doubt—I couldn't tell you.
Chairman WALSH. The railroads?
Mr. DAVENPORT. Oh, I guess there aren't any railroads.
Chairman WALSH. The oil industry?
Mr. DAVENPORT. No.
Chairman WALSH. The Metal Trades Association?
Mr. DAVENPORT. The what?
Chairman WALSH. The Metal Trades Association?
Mr. DAVENPORT. No; but I think there are different classes or branches of the metal industry.
Commissioner O'CONNELL. National Metal Trades Association?
Mr. DAVENPORT. Oh that has nothing to do with it. These associations are entirely distinct from that. Nothing to do with it.
Chairman WALSH. Who could supply this information to the commission?
Mr. DAVENPORT. I could not think of anyone except Mr. Lee, the secretary, and Mr. Potter, the treasurer.
Chairman WALSH. Now, in regard to Mr. Merritt's recommendations which were given to us in writing, we would like to get some of your views. It states in the recommendation that organizations of workmen have been fostered and encouraged in this country, and the right to strike is recognized as a necessary defense against oppression. By whom is it your understanding that the workmen have been encouraged to form organizations?
Mr. DAVENPORT. No better answer could be made to that, Mr. Walsh, than the following from the decision of the Supreme Court in the Gompers case, the case of Gompers *v.* the Buck Stove & Range Co. (221 U. S., 289). The court said, speaking by Mr. Justice Lamar: "Society itself is an organization and does not object to organizations for social, religious, business, and all legal purposes. The law therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized. But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power in the presence of which the individual may be helpless. This power, when unlawfully used against one can not be met except by his purchasing peace as the cost of submitting to terms which involve the sacrifice of rights protected by the Constitution, or by standing on such rights and appealing to the preventive powers of a court of equity. When such an appeal is made it is the duty of Government to protect the one against the many, as well as the many against the one."
But perhaps equally good is the statement by the Supreme Court of the United States in the case of Adair *v.* The United States (208, U. S., 178), where they were putting at rest the notion that Congress could deny the right of labor unions to organize [reads]:
"Manifestly any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can not have in itself, in the eye of the law, any bearing upon the commerce with which the employee is connected by his labor and services. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of their members as wage earners, an object entirely legitimate and to be commended rather than condemned. But surely those associations as labor organizations have nothing to do with interstate commerce as such. One who engages in the service of an interstate carrier will, it must be assumed, faithfully perform his duty, whether he be a member or not a member of the labor organization. His fitness for the position in which he labors and his diligence in the discharge of his duties can not in law or sound reason depend in any degree upon his being or not being a member of a labor organization. It can not be assumed that his fitness is

assured or his diligence increased by such membership, or that he is less fit or less diligent because of his not being a member of such an organization. It is the employee as a man and not as a member of a labor organization who labors in the service of an interstate carrier."

Not only is such the doctrine of the Supreme Court of the United States, but of every other court that I know anything about. The right of a man to join a union is inherent in his personal liberty, as well as the right of a man to refuse to join. In the recent case of Coppage *v.* Kansas (236 U. S.) this doctrine is reaffirmed. They not only have the right to form these associations, as long as they keep within the law and confine their operations to lawful purposes and by lawful means, but those rights are guaranteed by various constitutional provisions.

Commissioner LENNON. What value is that right in the Kansas case if the employer, for no reason except membership, can discharge the man?

Mr. DAVENPORT. In a union?

Commissioner LENNON. Yes.

Mr. DAVENPORT. Well, because the right of the employer, of course, is equal with that of the employee.

Chairman WALSH. Another recommendation: In the first list of recommendations we find that emphasis is placed on the necessity for defining the rights of those engaged in business and giving them adequate protection. In what manner would you advise that the rights of both parties to a dispute can be more clearly defined?

Mr. DAVENPORT. Well, now, Mr. Walsh, this is not my production, and I would be unable to answer that question satisfactorily at this time to anybody. I would suggest that the man who drafted this is a very intelligent man. I think he has appeared before you——

Chairman WALSH (interrupting). He has appeared before us, and this is his testimony, and it contained many suggestions, and some of them, to my mind, of very great value; and, inasmuch as you were the head of the legal organization, I thought—one of the objects of having you here was to get you to amplify and make it a little more definite in regard to the machinery.

Mr. DAVENPORT. Well, Mr. Walsh, my relations with that association are those rather of a man who takes the law as it is and advises as to what the legal rights of his people are, and we do what we can to enforce them. Now, I have never given any attention to these broad recommendations made there and I should—with all respect to the commission, I think my opinion on that subject would not be worth taking your time on. I know of nothing else that is useful except the fact that every person in this country has the right to work. He has a right to buy and sell his labor, and the Constitution of the United States, according to the decisions of the United States Supreme Court, absolutely protects that right from any invasion by the legislature. That is the doctrine laid down in the Adair case. Now, any sort of legislation that impairs this right is null and void, of course, being beyond the power of Congress or of the State legislature, and anything that would deprive the courts of the power to protect those rights is for obvious reasons a nullity. Now, specific pieces of legislation here relating to those matters, like the Clayton Antitrust Act or the Sherman Act or the Ferree bill, so called, that has been adopted in several States, but I am quite willing to give such views as I might have on those subjects.

Chairman WALSH. That is the explanation I was going to make. Now, here is an organization formed for specific purposes, as laid down in the by-laws, and you are their representatives here, and you have stated that you go before committees of Congress and promote or oppose legislation.

Mr. DAVENPORT. I don't say that I promote any legislation. My entire activity has been directed and confined to opposing, as far as I could, legislation which would dismantle the courts or strip the citizen of his rights to legal protection.

Chairman WALSH. If there was a law passed, or if there was a law sought to be introduced or an amendment to the Constitution submitted making it a misdemeanor for an employer to oppose the formation of labor organizations by discharging any man that joined one, would you feel it a part of your duty, under your general instructions from your organization, to oppose that law?

Mr. DAVENPORT. Well, I don't know as I would.

Chairman WALSH. What sort of regulation of labor organizations would you suggest, if you have any suggestions?

Mr. DAVENPORT. Nothing but that they submit to the laws. The fact of the business is I would not recommend any change in any law. I am that fos-

silized gentleman who thinks that existing laws are sufficient to deal with all these matters.

Chairman WALSH. Do you think labor organizations should be regulated by statute law?

Mr. DAVENPORT. Well, to a very limited extent; that is my own individual opinion.

Chairman WALSH. Do you think employers' associations should be regulated by statute law?

Mr. DAVENPORT. Further than they are?

Chairman WALSH. In any way?

Mr. DAVENPORT. Oh, you know, all organizations are under a general law.

Chairman WALSH. Well, I am asking you now——

Mr. DAVENPORT (interrupting). No; not specifically, no.

Chairman WALSH. Well, you said you thought labor organizations might, to a limited extent?

Mr. DAVENPORT. Well, I don't know that—I don't know but I would qualify that, and perhaps retract it. I would let them be just as they are under the laws to-day.

Chairman WALSH. Do you favor incorporation of labor unions?

Mr. DAVENPORT. From the standpoint of the laboring man?

Chairman WALSH. From the standpoint of the public good, we will say, first.

Mr. DAVENPORT. Well, now, you know the American Federation of Labor—you may not know it, but for many years one of their planks was in favor of the incorporation of labor unions. Mr. Lennon will remember that. But for a good many years they have abandoned that idea. Now, if I was a member of a labor union perhaps I would favor the incorporation of it for the reason, as at present voluntary associations, the individual members, are responsible personally for the acts of the officers done within the scope of their employment and the business of the association, the same as any other. That is the principle, you know, that underlies the decision in the Danbury hatters' case. If a labor union was incorporated, the officers of the labor union would not be, in the sense that they are to-day, the officers of the members; but, speaking broadly, I don't believe I would favor, myself, personally, a law requiring incorporation of labor unions. I would come around to the same view that Mr. Gompers and others contend for on that ground.

Chairman WALSH. Personally, you say you would not favor it?

Mr. DAVENPORT. I don't think I would.

Chairman WALSH. As a member of a labor union?

Mr. DAVENPORT. If I was a member of a labor union, I would favor it for personal protection against the unlawful acts of my own officers.

Chairman WALSH. Well, now, as an employer, or from the employer's standpoint, would you favor the incorporation of labor unions?

Mr. DAVENPORT. Well, for the same reason, the rights and privileges of an employer against the unlawful acts of the members of the labor union are much greater now than they would be if they were incorporated; and it would confine its redress substantially to the means and property of the union, the same as against that of a corporation. To-day every one of the 2,000,000 members of the American Federation of Labor who owns a piece of property is responsible to any person injured by the officers of that organization in and about the business of the association, just the same as any other person.

The only distinction between the liability of the members of a voluntary association and the members of a partnership is this, that the members constitute the officers of the association their agents to act in and about their business; that is the only distinction. Now, we will suppose with a labor union that a person is injured by the officers of the American Federation of Labor in something done in and about the business of the association, every individual member is liable in damages for that. If you care to have me give you the cases, I will do so.

But that, of course, was the principle established or recognized in the case of Loewe v. Lawler, the Danbury hatters' case. Now, here is exactly what was done in that case. I brought that suit.

Mr. Loewe's business had been injured and substantially destroyed by the acts of the officers of the United Hatters. Upon the principle that every principal is responsible for the acts of his agent done within the scope of his employment, and in and about the business of his employer, why, I claimed that the individual members of the union are responsible, and that their property could be taken to respond. So I picked out 250 members of the union who

had property and brought suit directly against them on the seventh section of the Sherman Antitrust Act. That was contested throughout until it was finally decided by the Supreme Court. Under the circumstances of that case, the individual members were responsible for the acts of their officers, and any organization—labor organization—which has in its constitution a provision for boycotting, every member is responsible for the acts of the officers, not for what some other member may have done, but for the acts of the officers.

Chairman WALSH. Do you think, Mr. Davenport, that it was intended that the Sherman antitrust law should apply to labor organizations at the time of its passage?

Mr. DAVENPORT. Surely; it is so expressly decided by the Supreme Court. Anyone that ever examined the history of those debates, and there is a volume accessible to the commission, will see that.

Commissioner LENNON. I had the pleasure of interviewing Senator Sherman and Senator Plumb and a large number of gentlemen in the Senate at the time, and they did not look upon it that way.

Mr. DAVENPORT. Which one did you interview Mr. Sherman about, the one he introduced?

Commissioner LENNON. Yes.

Mr. DAVENPORT. That is not the one that was passed, although it bears his name.

If you want to see the history of that matter, you have only to refer to the case of Loewe *v.* Lawler (208 U. S.) where, in that case in the Supreme Court, we debated this question, and we produced the records, and the other side made their contentions; and the Supreme Court, after careful consideration, said that the history showed it was the intention, and indeed you could not—it would not be a workable statute unless it was so intended.

Commissioner LENNON. I do not want to set aside their view, but I have my own view of that.

Mr. DAVENPORT. Sure; but in our church, however, whenever the highest authority speaks we acquiesce.

Chairman WALSH. We have asked many of the legal gentlemen and legal educators who have been before us this question, which I would like to ask you, "What do you think the attitude of the courts of this country is toward labor disputes? Do they show, as a whole, bias one way or the other?"

Mr. DAVENPORT. Not a particle, as far as I know.

Chairman WALSH. You have found them, so far as you have observed, to be perfectly fair?

Mr. DAVENPORT. Yes. I have known more or less about the legislation in courts for 15 years. The first case I ever had, Mr. O'Connell, followed the strike of the machinists—was it in 1901 or 1900—for the nine-hour day?

Commissioner O'CONNELL. 1901.

Mr. DAVENPORT. From that time on I have had occasion to follow that, and as far as I know, Mr. Walsh, they are absolutely impartial, as their oath requires them to be.

Chairman WALSH. Do you consider the boycott should in any way be restrained by statute law?

Mr. DAVENPORT. Further than it is now?

Chairman WALSH. Yes.

Mr. DAVENPORT. It is restrained by statute law now.

Chairman WALSH. Give me a typical example.

Mr. DAVENPORT. The Danbury hatters' case is one.

Chairman WALSH. Outside of the Sherman Act?

Mr. DAVENPORT. Oh, there are several statutes—antiboycott statutes—in force in States, but the common law is enough for that.

Chairman WALSH. You would not suggest any legislation along that line, then?

Mr. DAVENPORT. Oh, no.

Chairman WALSH. What is the position of your association in regard to the legality of what is called by the employers the "closed shop"?

Mr. DAVENPORT. It would be impossible for me to say what the position of the association is.

Chairman WALSH. What is your own opinion?

Mr. DAVENPORT. My own opinion is that as illustrated by the last decision of the Supreme Court of the United States in Coppage *v.* Kansas (236 U. S., ——). Apart from all questions of monopoly, and apart from all questions that affect the public, a man has a right to hire anybody but union men, and a union man

has a right to refuse to work for anybody but union men, and the closed shop is absolutely verified, so far as that phase of it is concerned, by the Constitution of the United States. That is the sum and substance of the opinion of Mr. Justice Pitney in the case of Coppage *v.* Kansas. But when you come to questions outside of that, where you have got a monopoly, other questions come in; but, as a general proposition, men have the right to refuse to work for an employer that employs other than union men, and likewise the employer has a right to say, "I will employ no one but union men," or "I will employ no one but nonunion men."

It is so fundamentally buttressed in the Constitution that I am surprised that anybody takes any different view about it.

Chairman WALSH. Any different view than what?

Mr. DAVENPORT. That the closed shop is strictly legal. Now, we can not, on these subjects, have any better authority than the Supreme Court, because they are the last word on the subject. In this case of Coppage *v.* Kansas Mr. Justice Pitney said:

"Can it be doubted that a labor organization—a voluntary association of working men—has the inherent and constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men? Or that a union man has the constitutional right to decline proffered employment unless the employer will agree not to employ any nonunion men? We refer, of course, to agreements made voluntarily and without coercion or duress as between the parties. And we have no reference to questions of monopoly or interference with the rights of third parties or the general public. These involve other considerations respecting which we intend to intimate no opinion."

But in a free country a man has the right to say who he will work for, and state the terms on which he will work, and the employer has a right to say who he will employ, and state the terms, and no legislation is possible that interferes with that right.

Of course there are other phases of the matter where there might, as for instance in the case of Connors *v.* Connoly—where the principle of monopoly comes in, decided by the supreme court of Connecticut, and perhaps you will permit me to refer to that; it is the case of Connors *v.* Connoly (86 Conn., 600). That is where the closed shop had gone so far it had monopoly of the industry in that community. The court said:

"Where the agreement is one that takes in an entire industry of any considerable proportion in a community so that it operates generally in that community to prevent or to seriously deter craftsmen from working at their craft or workingmen obtaining employment under favorable conditions without joining a union, it is contrary to public policy."

And the whole matter is elaborated.

Those are collateral, of course, to the question the chairman puts to me.

I say if there is anything established by the decisions of the Supreme Court of the United States and of every other court I know anything about, the right of a man to work—the right of a man to accept or decline employment—the right of a man to employ or not employ any person can not possibly be invaded by any legislation that the commission could recommend, either State or Federal. The right of the closed shop entered into freely between the employer and the employee is as secure as the Government itself.

Chairman WALSH. Are you familiar with the general purpose and nature of the British trades disputes act?

Mr. DAVENPORT. Not particularly. I have heard it read, as far as that is concerned. I do not think your commission could go very far in recommendations along that line, because of constitutional difficulties.

Chairman WALSH. I was going to ask you to make whatever comment you have in mind, Mr. Davenprt, with regard to both the desirability or constitutionality of similar legislation in the United States.

Mr. DAVENPORT. Speaking generally, we have a written constitution, both State and Federal. The Federal Constitution says that no man shall be deprived of his liberty or property without due process of law. The same provision is inserted in the fourteenth amendment, so far as the States are concerned, that fourteenth amendment providing, "Nor deny to any person equal protection of the law."

Now, any legislation which conflicts with those provisions is, of course, a nullity. Not until the Constitution is amended and those provisions stricken out would any legislation which had that effect be valid in this country, whereas

in England they have no constitution and the will of Parliament is supreme, and those provisions of the trades disputes act, which remove the protection that property of the individual has in this country, which they would have over there, would not be of any avail here; and I think when your honorable commission comes to report on this matter and you look into the matter you will find that for the same reason the Clayton Antitrust Act will not be worth the paper it is written on if that contention is made in behalf of it by the friends or supporters of the measure. So that legislation along these lines is a waste of time unless you can recommend some constitutional amendment which shall take out of the Constitution the provision that no person shall be deprived of his life, liberty, or property without due process of law. If you take that out, you will be in the same situation. Now, if you take that out, you will be in the same situation that they are in England.

Now, I do not know exactly that what I would like to say to the commission on this subject would be pertinent. Of course, I am nothing but a practicing lawyer, and my business is to try cases, and, as I have said, so far as I represent this association, to oppose the legislation such as I have described; but, upon my word, if I was in your position and was called upon to make some practical recommendation as to changes in the existing law, I would not know what to recommend.

Take, for instance, the law as it is left by the Clayton antitrust bill—am I going over the time?

Chairman WALSH. No; you may proceed.

Mr. DAVENPORT. For 10 years I have appeared before committees——

Chairman WALSH (interrupting). It is close to the time of adjournment, and I think we had better adjourn at this point, as some of the commissioners will have some questions to ask you. Please resume the stand at 2 o'clock.

The commission will now stand adjourned until 2 o'clock this afternoon.

(Whereupon, at 12.30 o'clock, Friday, May 14, 1915, a recess was taken until 2 o'clock.)

AFTER RECESS—2 P. M.

Chairman WALSH. I guess we may proceed now, Mr. Davenport.

Mr. DAVENPORT. There is a question propounded, or sent to me, as to what I think about the social and economic effect of injunctions. Well, I suppose that is impliedly confined to labor.

Chairman WALSH. Yes, sir; it is intended to be confined to that.

Mr. DAVENPORT. Now, personally, and from my experience in matters, I think they are of the greatest good socially and economically, and I only regret that any kind of limitation of the jurisdiction of the Supreme Court with injunction processes is available. Of course, it is idle to talk about taking away the right to issue injunctions and to protect the rights of a man to work, or the right of a man to sell his labor, or the right of a man to buy it. The Supreme Court in the Adair case says that is a property right, as well as a right of liberty, that is protected in the Constitution from invasion by any legislative authority, and so in regard to a right of a party to go into a court of equity, when the court is clothed with general equity powers to protect his property or his property rights. It is invulnerably protected by the Constitution, but there is another aspect about the thing, from my experience, that leads me to think that if in some way that process could be extended it would be very beneficial.

I want to tell you a little bit about what is called the Danbury hatters' case. You know the labor unions, particularly the American Federation of Labor, have always upheld the right to boycott; that it is a fundamental constitutional right of a man to boycott, and what any man may do, or a number of men may do; for a great many years, ever since the organization of the American Federation of Labor, and of course, I suppose, for a great many years before that, the practice of the boycott has been, you might say, fundamental with unionism; that a man had a right to work for another, that he had a right to trade with him, and that what one could do a great many could do, and so forth. The consequence was that the laboring people of this country, especially those that were associated in what is called organized labor, believed religiously that they had a right to boycott. Now, the union hatters of North America have been for a great many years engaged in a campaign to unionize all hatters' shops, make them closed shops, and they have very largely succeeded, and they had used the boycott as an instrument to do it—both the primary and what is called the secondary boycott. Well, in the campaign they came to Mr. Loewe. Mr. Loewe was a small manufacturer of hats in Danville, and ran an open shop. The ma-

jority of his employees belonged to the union hatters' union, but the others did not, and they had worked for him a great many years. The officers of the union went to Mr. Loewe and said, "Here, we want to have you unionize your shop; all men in the making and finishing department belong to the union." And Mr. Loewe declined.

Now, so far as I know, from the beginning to the end of that long contest, which was in the courts for 13 years, there was not a particle of animosity on the part of the members of the union toward Mr. Loewe, nor a particle of animosity or feeling on the part of Mr. Loewe toward the union. Here seemed to be the collision: Mr. Loewe said, "I will not discharge those men, because they work for me, and I claim the right to run an open shop." And they said, "If you don't, we will make you, and we will make you by the use of the boycott." And with the result that they pulled out the union men, and then the nonunion men were prevented from manufacturing hats, and they sent out their men throughout the country with a view to stopping the sale of his hats, and with the result that they closed up his business practically, and he sustained a damage of perhaps $200,000. After it had been running a little while, Mr. Loewe put a notice in the papers informing the unions and sent it to every hatter in Danville that he would hold them responsible for damages if they continued for anything they did in the way of injuring his business. They paid no attention to it, evidently believing that they had a right to do what they did, and it ended finally after the thing had been going on for a year, Mr. Loewe had sustained a loss at that time of perhaps in the neighborhood of $50,000——

Commissioner WEINSTOCK. How much?

Mr. DAVENPORT. Fifty thousand dollars, I think. But it became necessary for him to seek the aid of the courts for protection or be ruined. Now, if the state of law such, and there was no limit on the jurisdiction of the Federal court to have interfered in that matter, these parties could have been brought into court, a hearing could have been had, the right or wrong of the matter determined, and a decree of the court been had. We did ultimately go into the circuit court of California and obtain an injunction there, and so far as I know the unions observed it. But that was too late.

Now, what is the consequence? These men went on, and in what condition were they placed? In the unfortunate condition that they are individually and personally responsible for the amount of the judgment that was rendered, $252,000 with interest.

Had the court had the power to have brought that matter to a head by injunctive process, these people would have been free, absolutely, from all this heavy expense and burden. Now, I can not help but believe that if the injunctive process had been effectively available in that case the result would have been in every way desirable, and that these people who are now confronted with the loss of their property unless the union takes care of them, which it agreed to do when the suit was commenced—all that would have been avoided. Now, so much for a particular private case.

Now, I must say I think the doctrine is——

Commissioner O'CONNELL. Are you not in error when you say that the union agreed to it? Are you sure of that?

Mr. DAVENPORT. Oh, yes.

Commissioner O'CONNELL. Have you anything you could file with the commission——

Mr. DAVENPORT (interrupting). This is the way it was, Mr. Commissioner: When the suit was brought and returned to court we had garnisheed about $80,000 of bank deposits and had attached the homes of 250 men. The officers of the union sent to each defendant a letter in which they agreed that if they would turn over the management of the suit to them they would conduct the suit and pay all expenses and pay any judgment that might be rendered in the case. That was accepted by the people. Now, of course, those people have a legal and enforceable contract against the United Hatters to protect them.

Commissioner O'CONNELL. I thought you were referring to the American Federation of Labor.

Mr. DAVENPORT. Well, the American Federation of Labor came into it later, and in this way: After the decision by the Supreme Court in February, 1908, that if we could sustain the allegations of the complaint in the Danbury hatters' case, we would be entitled to damages. At the Denver convention in November, 1908, a resolution was passed reciting the fact that the Supreme Court had so held and pledging the union and these 250 men such moral and

financial support as was necessary, and instructing the executive council to carry it out when the time came. After 1909 the American Federation of Labor conducted the defense. These individual defendants never have had to pay a dollar. Their expenses when they were testifying in their own behalf were paid by the union—first by the hatters and then by the American Federation of Labor—their own legal expenses were paid. Well, as I say, they have a binding legal agreement against the United Hatters. But, I suppose, as against the American Federation of Labor that would be hardly true. But if any of these defendants have to pay, or have their property taken, they can fall back upon the union by reason of their written agreement with the union.

So much for a particular and private case.

Well, now, we all know what situation arose at the time of the great railroad strikes in 1893, and how the matter came to the Supreme Court; and I want to read what the Supreme Court said about the advisability and the advantage of proceeding by way of injunction. In re Debs (158 U. S. Appeal, 597) Mr. Justice Brewer, in giving the opinion of the court, said [reading]:

"We find in the opinion of the Supreme Court a quotation from the testimony given by one of the defendants before this strike commission, which is a sufficient answer to this suggestion"—

That is, that it was inadvisable to resort to the injunctive process in that situation. [Continues reading:]

"As soon as the employees found we were arrested and taken from the scene of action, they became demoralized, and that ended the strike. It was not the soldiers that ended the strike; it was not the old brotherhoods that ended the strike; it was simply the United States courts that ended the strike. Our men were in a position that never would have been shaken under any circumstances if we had been permitted to remain on the field among them. Once we were taken from the scene of action and restrained from sending telegrams or issuing orders or answering questions, then the minions of the corporation would be put to work.

"Our headquarters were temporarily demoralized and abandoned, and we could not answer any messages. The men went back to work, and the ranks were broken, and the strike was broken up, not by the Army, and not by any other power, but simply and solely by the action of the United States courts restraining us from discharging our duties as officers and representatives of our employees."

Now, the court had pointed out the illegal nature of the conspiracy in which they were engaged. Now, they proceed in this way——

Commissioner WEINSTOCK (interrupting). Pardon me. When you say, "They were engaged," whom do you have reference to when you say "they"?

Mr. DAVENPORT. The officers of the railroad union.

Commissioner GARRETSON. Don't you mean the old American Railway Union?

Mr. DAVENPORT. Yes; not the brotherhood, but the old American Railway Union.

Commissioner AISHTON. Debs and his party?

Mr. DAVENPORT. Yes. Justice Brewer proceeds [reading]:

"Whatever single individuals may have thought or planned, the great body of those who were engaged in these transactions contemplated neither rebellion nor revolution, and when, in the due order of legal proceedings, the question of right and wrong was submitted to the courts, and by them decided, they unhesitatingly yielded to their decisions. The outcome, by the very testimony of the defendants, attests the wisdom of the course pursued by the Government, and that it was well not to oppose force simply by force, but to invoke the jurisdiction and judgment of those tribunals to whom by the Constitution and in accordance with the settled conviction of all citizens is committed the determination of questions of right and wrong between individuals, masses, and States.

"It must be borne in mind that this bill was not simply to enjoin a mob and mob violence. It was not a bill to command a keeping of the peace, much less was its purport to restrain the defendants from abandoning whatever employment they were engaged in. The right of any laborer, or of any number of laborers, to quit work was not challenged. The scope and purpose of the bill was only to restrain forcible obstructions of the highways along which interstate commerce travels and mails are carried. And the facts set forth at length are only those facts which tended to show that the defendants were such obstructions."

Now, the point as to that is this: How much better it is to have resort to a court of equity to hear and pass upon the rights of the parties than to force them either into a contest with the civil authority in the shape of the police, and, if necessary, the military resources, or to fall back upon a suit in damages, which can only be heard after a long time, and then ultimately result in a great loss to the defendants if they are successful. So it seems to me, in my personal opinion, if I was the lawmaker and I could do it, I would say, as Mr. Justice Brewer has said in some address once, that it would be wise and beneficial socially, economically, and in every way to extend the powers of courts of equity rather than to restrict them.

Well, now, there is another aspect of this matter that I thought would be well to speak of, in view of some of the questions that have been asked, and that is in regard to the existing procedure in the Federal courts, in the matter of injunctions, and in the matter of contempt proceedings, and it was about that that I was about to talk when the adjournment was had. Perhaps you gentlemen have not followed or had particular occasion to know what is the precise situation in which those matters are left by the existing Federal legislation.

You know, at the time of the Debs case it was claimed by the unions that a man was entitled to trial by jury in contempt cases, and Mr. Debs asked for trial by jury in that case, which was denied, and the Supreme Court sustained that action.

For 10 years I was before committees of the House and Senate, resisting the enactment of laws which would attempt to change the method of trial by jury in contempt cases, and it was the contention of Mr. Gompers and those associated with him that it was a constitutional right for a man to have a trial by a jury in a proceeding of that kind, and they steadily took that position until about a year ago.

In the next place it was the contention of the unions there that there should be—that an injunction should not be issued to restrain an act which was a crime, because that was an invasion of the right of trial by jury, too; and they steadily adhered to that position until a year or two ago, when, to my surprise, they abandoned all those positions and took up the position that a court had a right to enjoin the commission of a crime, and that in Government cases like the Debs case that there should be no trial by jury in contempt cases. And it finally took shape in what is known as the Clayton antitrust bill, in some of its provisions. Now, that bill explicitly recognizes the right of the courts to issue injunctions to restrain acts which are crimes, provided they affect the right of property, etc., and that expressly grants to the Federal court, in cases like the Debs case, the right to have a trial by jury in contempt cases. It is an absolute abandonment by those gentlemen of the position for which they had always contended.

Now, so far as I can understand that bill, it has not made any change in the law—the substantive provisions of the law—in regard to the right to issue injunctions or the right to proceed to try cases—contempt cases—without a jury. There are, as I say, these specific exemptions in regard to the Government cases like the Debs case; but they put in that bill something that I think ought not to have been put in any bill yet. Mr. Gompers clamored for the passage of that bill, and I understood he had the support of the labor unions in this country, and that is this: That when a man is brought up for the violation of an injunction, the court having tried him, can not only sentence him to jail, and not only fine him a fine as a punishment, but can also fine him the amount of the damage he has done the party complaining or any other party. Any person who violates an injunction under the Clayton bill—for instance, if he were to burn up a railroad car that had $50,000 worth of property in it—he can be fined $50,000 in addition to the other fine, and he can be sent to jail to pay that fine—until that is paid—for the benefit of the party; and under the pardoning of the President there is no power to pardon for such an offense.

Now, that is a provision in the existing law which I think is so drastic and cruel, whether you apply it to labor men or to anybody else, that it ought not to be retained in the law.

Well, I guess I have said about all there is to say.

Chairman WALSH. Commissioner O'Connell wishes to ask you some questions.

Commissioner O'CONNELL. Of course, what you are telling us is your own construction of the Clayton law?

Mr. DAVENPORT. Yes, of course——

Commissioner O'CONNELL (interrupting). There are no decisions on it?

Mr. DAVENPORT. No.

Commissioner O'CONNELL. Then it is your own construction of the law?

Mr. DAVENPORT. There can be no question about it, because it reads only one way.

Commissioner O'CONNELL. But it is your construction of the law?

Mr. DAVENPORT. Yes; but let me show you about that [reads]:

"If the accused shall be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct; but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of one thousand dollars, nor shall such punishment exceed a term of six months."

Now, in case of a fine payable to the United States of $1,000 there is a further fine of $50,000 for burning the car or blowing up a building or anything of that kind, and that is the property of the complainant, and the pardoning power of the President does not extend to that phase of it.

Commissioner O'CONNELL. I understand, when you were discussing the question of possible extension of the right of injunction—I am not sure that I get your meaning right; do I understand that you hold that the employer has the property right in the workman?

Mr. DAVENPORT. No; but he has a property right in his business; he has a property right in his contracts with his workmen. That is the doctrine, you know, in the Adair case.

Commissioner O'CONNELL. His contract, then, would be on the so-called open shop, that he agreed to pay a man so much money for so many hours of labor?

Mr. DAVENPORT. But, here, suppose I have a contract with a man to work for me for a month, we will say. That is a contract right in him and in me. That is the same in its relation to the law and the Constitution as if it was a horse. And Congress can not take away from the courts the power to issue an injunction to preserve those rights. And if you care to have me do so, I will insert in my revised remarks the authority that established that.

Commissioner O'CONNELL. We would be glad to have them.

Mr. DAVENPORT. It is not a contract right in the man, but it is the sacred right of everybody. I would like to read what the Supreme Court of the United States said.

Chairman WALSH. Well, it is better just to give the gist of it.

Mr. DAVENPORT. I will stick it in.

Commissioner O'CONNELL. You say a man has a contract if he works for you a month?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. Supposing the 250,000 workers in the United States Steel Co. were employed on a day, or so much a month, or so much an hour?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. There is no written contract?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. Do you mean to say that that employer has a property right in those men to prevent them from going on strike, by injunction?

Mr. DAVENPORT. No, sir; he could not prevent them from striking unless he had a contract with them, but he can go into a court of equity and get a restraining order prohibiting outsiders from interfering with their relations, on the basis of the property right or rights of a pecuniary nature.

Commissioner O'CONNELL. Did I understand you to say that there was no strike—all strikes were illegal where there was a coercive attachment with them? In other words, where it meant to coerce the employer into doing something?

Mr. DAVENPORT. In substance, something that he had the right, the legal right to do. Now, not where they merely quit and leave, but where they do the other things. In other words, the right to strike is not an absolute right.

Commissioner O'CONNELL. Can you conceive of a strike of any character that has not for its purpose the coercion of an employer to do something?

Mr. DAVENPORT. I can conceive of it.

Commissioner O'CONNELL. I would be glad if you would enlighten us.

Mr. DAVENPORT. A man who don't want to work for another man—or men—can quit collectively or separately.

Commissioner O'CONNELL. That would not necessarily take a strike to quit?

Mr. DAVENPORT. That would be a strike, would it not?

Commissioner O'CONNELL. Would you consider the question of a man asking them for an increase of wages a strike?

Mr. DAVENPORT. No, sir; not unless he didn't want to do it.

Commissioner O'CONNELL. If they strike to compel him to do it——

Mr. DAVENPORT. Then you put another phase of the matter in. It is well illustrated by Mr. Justice Harlan in the case of Thomas *v.* Oakes. Take railroad employees. Those men now under contract, of course, and every man not in such a situation that by ceasing to do work he endangers life, or something like that, has a right to quit. And they have a right to quit together, but if their purpose is to tie up the road——

Commissioner GARRETSON. That is the Northern Pacific case?

Mr. DAVENPORT. Yes, sir—why, it is an unlawful combination. Of course, when we are talking about enjoining a man from striking, we have to remember also that under the thirteenth amendment involuntary servitude is prohibited in this country. All the horses and the king's men can't compel a man to work for an employer, yet the courts can enjoin men from persuading men to quit, or ordering men to quit, or doing anything involved in the carrying out of an illegal combination. Perhaps I am not answering the question.

Commissioner O'CONNELL. Yes; it is very interesting.

Now, Mr. Davenport, this commission, among other things, is authorized under the law which has created it, to make investigations into a number of things, and among them is the growth of associations of employers of wage earners, and the effect of such associations upon the relations between employer and employee. It take it that your association, the Anti-Boycott Association, is an association of employers?

Mr. DAVENPORT. Well, I suppose so.

Commissioner O'CONNELL. And it comes within the scope of what is meant here by associations of employers?

Mr. DAVENPORT. I think probably it would.

Commissioner O'CONNELL. And because of such I will ask you some questions along that line.

You said you could not give us the names of the members. Can you give us the number of the members of your association?

Mr. DAVENPORT. What, with definiteness?

Commissioner O'CONNELL. No; approximately.

Mr. DAVENPORT. I would imagine 500.

Commissioner O'CONNELL. Does the Anti-Boycott Association have relations with other associations, such as the National Manufacturers' Association?

Mr. DAVENPORT. None whatever. What do you mean by relations? There is no connection whatever.

Commissioner O'CONNELL. I will ask the question, do you exchange information with them?

Mr. DAVENPORT. Well, I guess the bulletins.

Commissioner O'CONNELL. For instance, I understand the National Manufacturers' Association maintain a legal department the same as your association?

Mr. DAVENPORT. I think they do.

Commissioner O'CONNELL. Does your legal department exchange as to what you are doing, and how you are doing it, with the legal department of the National Manufacturers' Association?

Mr. DAVENPORT. I don't think so.

Commissioner O'CONNELL. Do you keep in the affairs of your office, or of the association that you represent, files or indices of any kind that would indicate the type and character of organizations, or labor, and the men with whom you may or may not have legal controversies?

Mr. DAVENPORT. I could not give you any information on that, you would have to ask the secretary.

Commissioner O'CONNELL. You as counsel for the Anti-Boycott Association, do you keep a record of any kind of individuals and associations?

Mr. DAVENPORT. No; all that I ever had to do with the association, a case comes up, and a member is threatened with labor troubles, and the question is whether he has legal redress—whether it is a case that calls for it. That would be passed on by me probably, and I have had charge in a general way with litigation. For instance, the Buck Stove & Range case, I drew the complaint in that case, and did so in the Danbury Hatters' case, I drew the complaint; and I conducted the litigation, I conducted the litigation, of course with the

assistance of others, or I assisted them in conducting it in court, in these cases, but I have no such facts as you perhaps would like to know of.

Commissioner O'CONNELL. Well, I am interested in knowing whether your association maintains any sort of a bureau that has for its purpose the collection of information that might be used, or would be valuable in the future for any imaginary case.

Mr. DAVENPORT. You mean law cases or decisions?

Commissioner O'CONNELL. Decisions, records of men who are alleged to be active in movements——

Mr. DAVENPORT. Never, never. You perhaps have a mistaken idea about the association.

Commissioner O'CONNELL. I am trying to get it.

Mr. DAVENPORT. It is nothing along the line that you think of. The most that could be said about it, perhaps, would be, I think Mr. Merritt made a very careful collection of all decisions pertaining to labor, has collected the briefs in those cases, and all that, but nothing along the line you suggest.

Commissioner O'CONNELL. Does your legal department furnish, for instance, to State manufacturers' associations, or if they have local antiboycott associations in various States, prepared information in cases to go ahead without probably having to go to the expense of having to gather the information?

Mr. DAVENPORT. On law points?

Commissioner O'CONNELL. Yes, sir.

Mr. DAVENPORT. I could not say, but I think very likely.

Commissioner O'CONNELL. Do you defend the members of the Anti-Boycott Association in individual cases that may be brought against them, say, for instance, damage cases, or alleged damage cases they may have against somebody or some firm?

Mr. DAVENPORT. I never have had any such case as that that has been brought against any of them.

Commissioner O'CONNELL. The individual members, not the association?

Mr. DAVENPORT. Oh, no; I never have heard of any such case.

Commissioner O'CONNELL. What was the cost to the Anti-Boycott Association in conducting the so-called hatters' case?

Mr. DAVENPORT. I couldn't tell you. It was 13 years in court. The aggregate amount?

Commissioner O'CONNELL. Approximately the aggregate amount.

Mr. DAVENPORT. Well, now, I would give a guess of twenty or thirty thousand dollars.

Commissioner O'CONNELL. And in the case of the Buck Stove & Range Co.?

Mr. DAVENPORT. Well, I would think about eight or ten thousand dollars. I would think so. You see, the distinguished counsel that represents that association, he is under a general retainer. He gets paid whether he works or not, and he don't get any more pay when he works than when he doesn't work.

Commissioner O'CONNELL. Are you speaking of yourself now?

Mr. DAVENPORT. Yes, sir; and that is the same way, I guess, with Mr. Merritt.

Commissioner O'CONNELL. Now, since you bring the point up, are you retained at an annual salary by the Anti-Boycott Association?

Mr. DAVENPORT. I have an annual retainer.

Commissioner O'CONNELL. What is that?

Mr. DAVENPORT. Well, now, I must decline to answer; it is too small.

Commissioner O'CONNELL. Do you get a commission upon judgments secured on behalf of the Anti-Boycott Association?

Mr. DAVENPORT. Never a cent, and nobody else.

Commissioner O'CONNELL. What was your fee to the Anti-Boycott Association when you take charge of cases for them?

Mr. DAVENPORT. Nothing. These men club together and hire a lawyer at a stated retainer, and he does the work.

Commissioner O'CONNELL. For that retainer?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. Is your entire time occupied in the affairs of the Anti-Boycott Association?

Mr. DAVENPORT. Pretty nearly, mine.

Commissioner O'CONNELL. Do you practice otherwise than for them?

Mr. DAVENPORT. Oh, yes; I have an office in Bridgeport, and wish that the labor attending the service for the association were not such that it would keep me so busy.

Commissioner O'CONNELL. When you appear in your capacity on behalf of the organization, as I understand you to say you do, when you appear before a committee of Congress——

Mr. DAVENPORT. Or something.

Commissioner O'CONNELL. You are there under a regular retainer?

Mr. DAVENPORT. That is all.

Commissioner O'CONNELL. Do I understand you to say that you only appeared before Congress in those matters that directly or indirectly affected the Anti-Boycott Association or the members of that association?

Mr. DAVENPORT. Sure; that is to say, in the respect I testified to. By the way, I was thinking since then there was one occasion when a matter came up before the House Committee on Labor, and that was when the question of having compulsory arbitration, and I did volunteer the position on that to be unconstitutional, but that was the single exception.

Commissioner O'CONNELL. Do you consider the question of the hours of labor to affect the Anti-Boycott Association members?

Mr. DAVENPORT. In this way: Any concern that is running a 9- or 10 hour shop is precluded from competing for the work which is to be let to 8 hour and 9-hour shops. And in that way, of course, the Government is one of the greatest purchasing agents in the country—purchases—and that proposed action was a boycott on all these concerns. At any rate, that is the way it struck me.

Commissioner O'CONNELL. It did not prohibit them from bidding; but I take it from what you mean they bid at a disadvantage.

Mr. DAVENPORT. These eight-hour laws prohibit the Government from buying from such concerns.

Commissioner O'CONNELL. Unless they were brought under the eight-hour law?

Mr. DAVENPORT. Yes, sir; and you appeared there for it and I in opposition. But you ask why the Anti-Boycott Association was concerned in that. It was a boycott, I think, on all of thos concerns that wanted to engage in Government work.

Commissioner O'CONNELL. How far back, did I understand you to say, since you first appeared in Congress in the interest of these matters?

Mr. DAVENPORT. The first time I appeared was in the winter of 1903 and 1904, when I had the pleasure of forming your acquaintance.

Commissioner O'CONNELL. And the Anti-Boycott Association was formed when?

Mr. DAVENPORT. In 1903; it was formally organized along about May, and steps were taken to interest people in it commencing perhaps in July, 1902.

Commissioner O'CONNELL. Do you consider if a Government in its appropriation makes a certain requirement for the standard of work, requires the employer shall build an engine at a certain standard, and that it also adds to that that certain conditions shall prevail in the manufacture of that article, that the latter part of that provision affects your association?

Mr. DAVENPORT. The way it strikes us or struck me was that to say that John Smith is manufacturing an engine, for instance, that the Government would want; to say he could not sell his articles to the Government because he worked his men 9 or 10 hours, and that the man who worked 8 hours only could, was to boycott the other fellow. That is my idea about it.

Commissioner O'CONNELL. But the present law says, or the present riders that were put in the appropriation bills the last couple of years provide, that the work shall be done on an eight-hour basis?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. It doesn't say that any man can not bid for it, but all he has to do is to comply with the requirements of the law.

Mr. DAVENPORT. That is true. Of course, this eight-hour business passed out of the realm of anything that I was interested in years ago. When they adopted the practice of putting these riders on, of course.

Commissioner O'CONNELL. They got around your opposition in another way?

Mr. DAVENPORT. They knocked it out. But as far as that is concerned—well, I forget exactly the question you asked awhile ago.

Commissioner O'CONNELL. It is answered, I think.

Now, the question that we are directly interested in just now is the conduct of courts in connection with industries, and so on, and we have had some very learned legal minds before us here. Do you believe that the poor man or laboring man, who is the poor man as a rule, has equal opportunity before the law with the rich man and the employer?

Mr. DAVENPORT. I think so. As far as my observation goes and in any case that I ever had—the fact of the business is, you know, in these labor cases the laboring man has altogether the advantage so far as resources are concerned.

For instance, now, in the Loewe case. The American Federation of Labor would levy a 1 cent assessment on each of its members, and that would raise $20,000, and they were able to pay counsel that charged $2,500 a day for every day they appeared in court. The price of a poor cigar, 5 cents, would raise $100,000. There is not so powerful a financial institution in the country in the way of raising money than the American Federation of Labor, and it is the same way in regard to the Union Hatters. They had 9,000 members, and an assessment of $1 would raise $9,000, and they used to raise it.

On that point, Mr. O'Connell, if you would look among the statements of the American Federation of Labor as to what moneys they have collected and what moneys they have disbursed in the conduct of the Gompers case, the Buck case, the hatters' case, you would be staggered at the amount of it. Lawyers get $50,000 out of a case. That is doing pretty well. And yet without any burden at all, either upon the defendants or upon the member, because an assessment on an individual, of course, is automatically collected. The executive committee calls for a penny assessment. Thereupon each national union has to pay over the amount of that penny assessment, according to their numbers. If it is the miners' union or a carpenters' union, which is their largest, about, they pay that sum right into the treasury, and they then in turn get it out of the local, and they in turn get it out of the individual member. And that is one of the things in regard to organized labor, the command they have got for pecuniary resources—of pecuniary resources—is a matter that should be considered.

Commissioner O'CONNELL. Yes; but, now, I think I have heard you say on different occasions, in court, I think once, that the American Federation of Labor represented a very small percentage of the workmen in the country.

Mr. DAVENPORT. Sure; yes.

Commissioner O'CONNELL. How about the thousands and millions of workmen who have not these means of collecting funds? What position do they occupy, compared with the rich man?

Mr. DAVENPORT. In what kind of a case?

Commissioner O'CONNELL. Any kind of a case. Say that a man sues his employer for losing his leg?

Mr. DAVENPORT. Oh, I should say that the poor man in that case would be at a disadvantage with his wealthy defendant. That is the reason why I have reconciled my old-fogy mind to the idea of these workmen's compensation laws. But in any case where the war is between organized labor and, as you call it, organized capital, so far as pecuniary resources are concerned, and the ability to command eminent counsel, the labor union gets more money and is able to use it more than any employer that I know anything about or any combination of employers.

Commissioner O'CONNELL. But, so far as the individual workman is concerned, who has not the association, probably has not seen the advisability for a number of reasons for joining his fellow men in an association, the so-called hearse chaser, the ambulance chaser, is the man who gets it, if there is any money, gets the largest portion of it?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. And the poor man either is driven from court for want of funds to carry his case on——

Mr. DAVENPORT (interrupting). That is true.

Commissioner O'CONNELL. His leg is gone?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. There is no remuneration for him?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. He is a fit subject for the scrap heap?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. That is the inevitable result?

Mr. DAVENPORT. And it is for that reason, as I say, that I think the movement for workmen's compensation laws is a very excellent one.

Is it implied in your question, any suggestion that it has been stated by me, that it is not an excellent thing for men to form unions?

Commissioner O'CONNELL. Oh, no. I give you credit——

Mr. DAVENPORT (interrupting). And it is so laid down by the Supreme Court.

Commissioner O'CONNELL. I give all men of this enlightened age credit for intelligence enough to know that they ought to associate.

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. We are living in that age.

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. Now, I want to discuss with you a second the incorporation of labor unions. I understood you to say, in answer to a question of the chairman, you believed organized labor should not incorporate, but that probably it would be best for the individual if they did?

Mr. DAVENPORT. Well, I thought I explained my——

Commissioner O'CONNELL (interrupting). Yes; I think I understand; but I just want to catch if that is the outline.

Mr. DAVENPORT. This is the idea, as I said this morning. Originally the idea of incorporation of labor unions was very popular with the active men in what is called the labor movement; and if you will look back into your proceedings, you will find that for many, many years it was one of the planks in organized labor's doctrine. I think Mr. Lennon, perhaps, can remember it better, because I know Mr. Lennon was there at the beginning.

Commissioner O'CONNELL. He is a good deal older man than I am.

Mr. DAVENPORT. Well, he was there at the beginning.

Commissioner LENNON. Forty-three years is all.

Mr. DAVENPORT. How many?

Commissioner LENNON. Forty-three.

Mr. DAVENPORT. Well, the idea was that it would be a good thing for labor unions to incorporate. And in accord with that ultimately there was passed through Congress an act providing for the incorporation of labor unions here in the District of Columbia. But subsequent reflection has evidently induced the leaders in the labor movement, so called, the organized labor movement, to change their position in regard to that, and for the last 10 or 15 years they have been very bitterly opposed to it. I should think, from the trend of their views as expressed, that the reason was that they thought they would bring themselves under governmental supervision, the same as any other corporation, and that that was an obnoxious interference with private rights of the individual workingman; that their funds as union funds could be got at and appropriated in that way. That is unquestionably true. But the trouble is this: That unless you are incorporated the individual member stands the same as the member of any other voluntary association and is responsible personally and individually on the principles of agency for the acts of their officers and not like a stockholder. A stockholder in a corporation is liable—his liability is confined to his subscription to the stock—to the amount he has paid in; possibly in the case of Government banks, national banks, it is double; but the individual stockholder is not responsible for the acts of the officers of the bank, though done within the scope of their employment as officers of the bank and in and about the business of the bank, to avoid which incorporation has been resorted to. The principle is that the individual members of the association—of a voluntary association—are responsible for the acts of the agents of the association done in pursuance of or within the scope of their employment and in and about the business, even though they forbade the act to be done, on the same principle that if your chauffeur takes your auto out and you tell him, "Be careful, now; don't you run into anybody," and he does, and in spite of what you told him he runs into somebody, why, you are responsible. That principle of agency exists, and it is the same way in regard to every kind of voluntary association. And, moreover, you know that in some States disputes are permitted against the voluntary association, and you can go after its funds and you can also reach, through proper process, the property of the individual member of the association; but you can also proceed directly, as we did in the hatters' case, against the individual member.

Now, the effect of incorporation would be to relieve the individual members from responsibility, but in doing that, of course, they would have to come under Government supervision.

Now, I know what is stated in this little pamphlet by Mr. Merritt; those are his views. If I was a Senator or Member of Congress and I was called upon on my individual responsibility to decide whether, as a whole, I would vote for the compulsory incorporation of labor unions, if such a thing is possible—I doubt if it is possible—but whether I should vote that all unions should be incorporated, I think I should vote against it on the general grounds of public policy. I should as soon think of requiring all partnerships to be incorporated

and requiring all people to do business as partners as requiring all workingmen to incorporate, and force them to do so, for the various reasons I have stated.

Commissioner O'CONNELL. The purpose I had in asking that question was to get clear your position. As I understand, you would advise that labor unions do not incorporate, and if you were in a position to legislate you would not legislate for the incorporation of laboring men?

Mr. DAVENPORT. I would not.

Commissioner O'CONNELL. But you feel, on the other hand, that the employer has a greater advantage against the individual, when he is not incorporated, for damages?

Mr. DAVENPORT. I think so.

Commissioner O'CONNELL. We have had before us a great number of employers, large and small, legal minds, and I think probably you are the first one I ever heard representing organized employers in any capacity who has said that you would not favor the incorporation of labor organizations. Others say that one of their complaints against organized labor is that they have no remedy, because the unions are not incorporated, and that they should be incorporated, so that they could be held legally and be on a level in that respect with the employers; that is the sort of argument we have had.

Mr. DAVENPORT. I repudiate that argument; I say it has not any foundation in law. I point to the Loewe case and a hundred other cases. The very object of incorporation is to limit the liability of the men that compose it; that is the very object of it. A voluntary association is in its form, and so forth, the same as an unincorporated society. The very object of incorporation is to limit the liability.

Of course, I do not say that if a member of a labor union says to another man that he shan't do a certain thing that he is liable. The distinction, as I tried to point out this morning in my imperfect way, between a voluntary association, like a labor union, and a partnership is as follows: Anyone of the members of the partnership acting within the reasonable scope of—of the work of the partnership can bind his partners and by his contract bind every member of it. It is not so in voluntary associations. They are bound only by the officers that they select to conduct their business; otherwise there is no distinction whatever.

Commissioner O'CONNELL. Do you believe, Mr. Davenport, that if labor has the right to boycott that the employer should also have the right to blacklist; that that would be a case of equity?

Mr. DAVENPORT. I don't think either of them should have that right; neither has that right in spite of the Clayton Antitrust Bill.

Commissioner O'CONNELL. Say they have not; in the case of the labor man, if he boycotts, he must do it in such an open way that it must necessarily be known. If I go to you and ask you not to buy a hat from John Brown, why it is publicly done. How are we to discover whether blacklisting is going on or not?

Mr. DAVENPORT. Well, I don't know.

Commissioner O'CONNELL. Is there any equity between the two?

Mr. DAVENPORT. Of course the basis of a boycott is combination. I or any individual person, not associated with others, has got the right to go to everybody and ask them not to trade with a certain person.

Commissioner O'CONNELL. Well, one employer who blacklists must do it in conjunction with another?

Mr. DAVENPORT. Now, then, to bring it in condemnation of the law it has got to be a combination of employers, respectively. To illustrate it in this way, Mr. O'Connell: Suppose there are half a dozen bakers in my town and I go to one of them and I say, "I would like a loaf of bread and here is the money"; that man has a perfect right to say to me, "Do you belong to the Methodist Church?" And I say, "No"; and he can say, "Well, if you don't I won't sell you any bread." And then I can go to the next one and he can say the same thing, and so I can go to all of them and they can each one say it; but if they combine together not to sell the bread in order to make me join the Methodist Church they are guilty of conspiracy. Now, as I say, it is the combination to oppress.

Now, if the employers unite for the purpose of blacklisting a man, as I understand it is claimed they may do under the Clayton bill, just the same as the unions it is claimed may do it, it is an outrageous wrong, and no laws like that should be permitted to stand.

Commissioner O'CONNELL. Well, if the workmen, as you say, combine, as the bakers did, because the man did not belong to their church; on the other hand, the employers generally in the different trades combine and they maintain employment bureaus or offices and they maintain the index-card system of all their employees, and if a man is discharged or leaves the employment of one of them, or he quits one of them and goes to another for employment—he has been an agitator, or a union man, or he has done a thousand and one things which are charged against him; and that information is held and when he goes to another employer in search of work they will call up the one for whom he has been working and ask for his record, and they send his card over to the other shop, and for no reason the other employer says, "We have no work for you to-day." He might as well say, "We have no work for you because you don't belong to our church."

Mr. DAVENPORT. Do you observe the recognized distinctions in things?

Commissioner O'CONNELL. Oh, yes.

Mr. DAVENPORT. Suppose my wife wanted to employ a servant and a servant applied to her for employment, and she learned she had worked for Mrs. Harriman. So she called Mrs. Harriman up on the phone and asked her all about this servant and as to her habits, as to her honesty and as to her skill and one thing and another; and she told my wife about her—that is a privileged communication under the law, she could not be sued as long as she acted in good faith. Now, so far as this bureau you speak of is devoted to legitimate purposes—and every sensible man knows what it is—diffusion of the character of the man, it is entirely legitimate, and I should suppose commendable.

Commissioner O'CONNELL. Where, then, would the line be drawn?

Mr. DAVENPORT. Oh, if it is used for the purpose of preventing that man from getting employment because of his activities as a union or as a nonunion man, why the books are full of cases where men have brought suit and recovered damages, not only against his employers, but against officers of unions for getting men discharged. It is where the purpose is to injure; and I can see that the fate of the case you quote would depend in a large degree upon the circumstances; but any combination of anybody—two or more persons—with intent to oppress or injure anybody—to deprive a man of his opportunities of earning a living—is an actionable conspiracy and in a court of equity its execution can be restrained where the damage will be irremediable.

Chairman WALSH. Would it be convenient, Mr. Davenport, for you to remain over until to-morrow?

Mr. DAVENPORT. Yes, sir.

Chairman WALSH. Then, if there is no objection, I will ask you to leave the stand at this time; there is a witness that we have promised to let go to Chicago, and Mr. Weinstock has some questions to ask of you, and also Mr. Lennon.

We might get through with the other witness this afternoon, if you will remain in attendance.

Mr. DAVENPORT. I will; but I can stay until to-morrow.

Chairman WALSH. Would it be more convenient for you to leave now with the assurance that you will not be needed until to-morrow morning?

Mr. DAVENPORT. I am getting used to the atmosphere, and I believe I will stay. I have had the pleasure of examining Mr. Lennon and Mr. O'Connell in court, and I want to see how it seems for them to have the power of questioning.

Chairman WALSH. Mr. Johannsen.

TESTIMONY OF MR. ANTON JOHANNSEN.

Chairman WALSH. State your name, please.

Mr. JOHANNSEN. A. Johannsen.

Chairman WALSH. What does the "A" stand for, Mr. Johannsen?

Mr. JOHANNSEN. Anton.

Chairman WALSH. What is your age?

Mr. JOHANSENN. Forty-three.

Chairman WALSH. Where do you reside?

Mr. JOHANNSEN. California.

Chairman WALSH. What place in California?

Mr. JOHANNSEN. Corte Madera.

Chairman WALSH. How long have you resided in California, Mr. Johannsen?

Mr. JOHANNSEN. About eight years.

Chairman WALSH. Prior to that time where did you live?

Mr. JOHANNSEN. In Chicago.

Chairman WALSH. Have you, during your life, been in any official position with labor organizations?

Mr. JOHANNSEN. I was business agent for the Amalgamated Wood Workers a couple of years in Chicago, and was State organizer for the Building Trades Council of California, and at present I am general organizer for the United Brotherhood of Carpenters.

Chairman WALSH. Please sketch, as concisely as you can but still completely, your history in industry, when you started to work and what at, give us a brief story of your life in industry down to the present time.

Mr. JOHANNSEN. It is a long story. I started to work in the mill business in Clinton, Iowa, for Curtiss Bros., a good nonunion shop.

Chairman WALSH. At what age?

Mr. JOHANNSEN. No—I worked the first thing when I came here in a brickyard.

Chairman WALSH. Were you born in this country?

Mr. JOHANNSEN. No; in Germany, in that portion where they have no "Kultur," but a lot of black bread. I don't want anyone to be prejudiced against me because I was born in Germany; that is a pretty bad statement in Washington at this time.

I worked in the brickyard for a year and a half, and worked for Curtiss Bros. after that.

Chairman WALSH. How long—how old were you when you came from Germany?

Mr. JOHANNSEN. Between 9 and 10.

Chairman WALSH. Did you go to school in Germany?

Mr. JOHANNSEN. I went to school about two and one-half years in Germany. I did not get any chance to go to school here.

I worked for Curtiss Bros. until I was 19, and I was always threatened by father that he would give me a beating if I lost my job, and I lost my job, and so I skipped out and got my experience on the road three or four years, and then I came back, and my mother was kind and considerate, and she saw to it that I got married, and I married well; I got a good wife; I got the best of the bargain.

After working for Curtiss Bros. about four or five years I moved to Chicago, and there I became interested in the Amalgamated Wood Workers' International Union and became a member of that organization and was more or less active, and was its business agent for a period of about two years, and then I moved to California. There I became a member of the United Brotherhood of Carpenters, and after being in California for about a year became the general organizer for the State Building Trades Council of California. My place of employment as organizer was in Oakland, seven or eight months, after which I was sent to Los Angeles, as a general campaign was anticipated in Los Angeles to organize that State. With that object in view, several general organizers were sent to Los Angeles to make an attempt to organize Los Angeles, and I was sent there as a representative of the State Building Trades Council. That was in 1910.

I have made a few notes, and I suppose there is no objection to referring to them?

Chairman WALSH. No. You know the general topic we are on, and if you have had any connection with any of the events out of which charges of violence have grown, I wish you would tell about them.

Mr. JOHANNSEN. I would like to speak about the ironworkers.

Chairman WALSH. What connection did you have with the ironworkers?

Mr. JOHANNSEN. Only as I was State organizer of the Building Trades Council. And that trouble was in 1910, when the Times Building in Los Angeles was blown up, and I was quite intimately identified with the defendants of that trial in Los Angeles.

Chairman WALSH. The McNamaras?

Mr. JOHANNSEN. Yes, sir; and also the ironworkers in Indianapolis; and I was on the road soliciting funds for the defense of the ironworkers while they were on trial in Indianapolis.

Chairman WALSH. Were you acquainted with the McNamaras?

Mr. JOHANNSEN. I got acquainted with J. J. McNamara before he went to the coast, and I got acquainted with J. B. in the Los Angeles County jail and have interview him several times since at the San Quentin prison. I hope that the commission will take into consideration that I am under indictment at the pres-

ent time and have been. I am charged with the transportation of dynamite from State to State. I have not seen a stick of dynamite, although I might be able to recognize one because I have read and heard so much about it. I am under indictment, although I have demanded trial every six months, periodically, but I have failed to get a trial in Los Angeles on Federal indictment, and I am out on bail of $1,000.

Chairman WALSH. Were you indicted in connection with the McNamara incident?

Mr. JOHANNSEN. I was indicted on the 30th of December immediately preceding the trial of the McNamaras. The men in Indianapolis were indicted in the month of January following. O. A. Tveitmor, Mune, and Clancey were indicted in both Indianapolis and Los Angeles. I was indicted in Los Angeles only. But that is about enough of that.

I want to read a brief if I can, if you are interested in the fight between the Erectors' Association and the ironworkers [reads]:

"Since the great strike of 1892, known as the Homestead strike, which failed, every effort has been put forth by the owners and proprietors and directors of the United States Steel Corporation to discourage and annihilate unionism in their industry.

"Directly after the Steel Trust was organized it began the business of issuing stocks and bonds, and within a short time the common and preferred stock and the interlying bonds of this company amounted to $1,500,000,000. On all of these bonds and preferred stock have constantly been paid interest since that time, and most of the common stock has paid dividends at the rate of from 4 to 5 per cent.

"In addition to that, an enormous amount of property has been accumulated to the earnings of this company.

"This property originally capitalized at $1,500,000,000 was not worth more than $300,000,000. It was therefore stocked and bonded at the rate of $5 per $1.

"The Steel Trust must provide a way to pay interest and dividends upon this vast amount of water. There was nothing to do but to take it from the workingman.

"According to a statement made by Louis Brandeis, of Boston (and Brandeis is considered, I believe, an authority on economics), a meeting was held in J. Pierpont Morgan's office in New York June, 1901, by the board of directors of the United States Steel Corporation. At this meeting a resolution was passed to prevent any further extension of unionism in the steel industry.

"As an indication of what has happened since that time, the American Federation of Labor at their Atlanta convention in 1911 points out in one of their official documents that every labor union in the steel industry has been exterminated, with the single except of the Iron Workers' International Association.

"At the Philadelphia convention of the Iron Workers in 1905, a declaration of unfairness was declared against the National Erectors' Association and the American Bridge Co., two subsidiary organizations in the steel industry.

"Since that time a bitter and relentless industrial war has raged from coast to coast between these two contending forces.

"In the course of this war the Steel Trust stood for profits and greed. The ironworkers fought for a shorter workday, a living wage, against the 12-hour day 7 days per week which had been in vogue in the steel industry for many years.

"On the side of the Steel Trust were allied the following forces: Enormous wealth, Government, great newspapers, the police powers of the State, and the greatest of all powers—starvation.

"On the side of the ironworkers were men, women, and children fired with social courage to fight as best they could against this antisocial institution. They were afforded very little or no opportunity of protection from any source outside of that which they were able to develop within themselves. The very nature of their work, being as it is exceptionally hazardous, tends to develop physical courage as well as a social instinct for collective self-help.

"It should be evident to any reasonable human being that the policy of the Iron Workers' International Union gave better protection to their organization and members than that which was adopted by other labor unions in the steel industry, which have long since been annihilated and subjected to a 12-hour day 7 days per week, with an average wage of $400 per year.

"I got this data from the Stanley committee several years ago that investigated the steel industry: Average wage $400 a year, 12 hours a day, and 7 days a week.

"Whatever may be said for or against the iron workers, the bold fact remains that they had little or nothing to choose from. Either they must surrender to this power and be subject to its economic and social tyranny and suffer long hours' toil with short pay, such as is now in vogue in all other departments of this industry, or do just what was done until the public conscience could be aroused against the Government's indifference to the social needs of labor.

"If a man represented the ironworkers in the capacity of an organizer and approached a contractor who was building steel bridges, or buildings, on the question of organizing his men, establishing the eight-hour day, and paying the union rate of wages, it was not an unusual thing to have the contractor acknowledge the social justice of labor's demand. But invariably it would be pointed out that the National Erectors' Association and the American Bridge Co. had such control over the output of steel that any contractor who should in any way antagonize the Steel Trust's labor policy would be confronted with the possibility of financial ruin. And so it came that this great comporation, with its allied corporations, like the Standard Oil, exercised a power and force that even the Government itself seemed unable to control.

"The United States steel industry is protected by a high tariff, which makes it possible for them to escape competition abroad. But the labor market has little or no protection from the Government, and therefore is compelled to compete with the cheap markets of the world.

"J. J. McNamara informs me that during his administration as secretary of the iron workers that the erectors' association filled their organizations of labor with spies in all the large cities. But in spite of all the opposition the membership of the iron workers constantly grew until they reached nearly 14,000 members, as compared with a little over 6,000 when he took office. The 8-hour day was established from coast to coast as against the 9 and 10 hour day which prevailed in many localities prior to his administration. An average rate of wage of $4.30 now prevails for an 8-hour day, as compared with an average wage of $2.30 for 9 hours 10 years ago."

For fear I forget at this time, before I get to Stockton, I might call your attenton, especially of my friend Mr. Weinstock, that in the lockout in Stockton that was brought against us last year and lasted over six months. During the course of that lockout they put up a building known as the—I forget the name of the building now, but it was a five-story, Class C building. They were very careful before they declared the open shop on that building. They waited until iron workers were through erecting the steel. It is absolutely impossible in any city, outside of Los Angeles, to erect a steel building without the assistance of the organization of iron workers. They have a good organization. Drew knows that.

Some three years ago the American Federation of Labor made an earnest effort to organize the unorganized in the United States Steel industry. With this object in view a circular was issued in 13 different languages for distribution amongst the men working 12 hours a day for this corporation.

I was present with the officers of the Chicago Federation of Labor that went to Gary, Ind., for the purpose of distributing these circulars in the hope of interesting these workers to form labor unions that might afford some opportunity to alleviate this colossal social injustice.

When we arrived at the plant we found a large wall barring out all visitors, and private police protecting each entrance against interlopers. Over 10,000 men are employed at Gary, a small city named after the head of the United States Steel Corporation. When the men came out of the gates one could read on their faces despair, lack of faith, and no hope, completely dominated by fear that this antisocial beast, the United States Steel Corporation, would dismiss them from service if they should exercise the ordinary right of reading our message. Hence they refused to take our handbills and, in nearly every case, were afraid to look at us, to say nothing about the possibility of social intercourse as freemen.

Any institution that is responsible, as this corporation is, for driving the last bit of hope from the human heart and soul of over 700,000 men, women, and children, is infinitely more criminal and dangerous to a higher civilization and a better society than all the charges made against the McNamaras and other union men, even if they should all be true, which labor denies.

The McNamara brothers are in prison, and so are many of the members of the Iron Workers' Union and many other unions. But little effort has been set forth to ascertain the cause of this social disease that is responsible for the eternal conflict between the house of want and the house of have.

The McNamaras, so far as I have been able to learn, had great hopes to make the world listen to labor's suffering. It is their belief, as well as the opinion of thousands of others, that this very commission is in a large measure the response to their activities. If this be true, then they are not suffering in vain, for the men, women, and children, not only in the ranks of labor, but in many other walks of life, are hopeful that through this commission the lights will be turned on, and industrialism will be shown as it is. Labor has nothing to fear from the full truth. We believe this would help to bring about a greater intelligence, and a more humane understanding could be obtained by the public of the real economic and social condition of our industries.

During the course of this industrial war it is common knowledge that the employing class have not only used every effort to control the courts by legitimate or other means, but they have invariably imported professional strike breakers and thugs to commit acts of violence, in the hope of crystallizing a public opinion against labor.

These large corporations have such a distinct advantage over labor by reason of their control of the press which makes the fight so much more difficult and tends to embitter men and women in the ranks of labor who feel the suffering of our class the keenest.

It is common knowledge that in every large industrial strike the newspapers of the country so arrange the information for the public, giving it a color that is intended to be favorable for the employers, regardless of the mere little thing called the truth.

An organization called the Associated Charities of Pittsburgh made an investigation of the conditions of labor in the steel industries, and they report in their findings that the rate of wages paid is far below what is necessary for an ordinary family to sustain themselves on.

I was at the trial in Indianapolis for some time. Now, if I had not learned to read and had no social intercourse with anybody, and didn't know anything, had never met anybody, I would have sworn that that trial was a meeting of the board of directors of the United States Steel Corporation. If I didn't know Drew and had not seen him, I would have imagined that Judge Anderson was Walter Drew. A fair trial? Heavens! I would not begin to consider it a fair trial. The jury retired on Thursday night, and according to their own statement this jury that was considering a blanket indictment against 40 men, there were originally 54 men indicted, but when the case came up for consideration it was set for the 1st of October, and when it came up for trial there were six or seven of them dismissed, although this indictment had hung over them for six or seven months. That is unimportant, of course, they are only workingmen; but when the trial started, gradually the number of defendants dwindled down, were dismissed, until the case finally went to the jury, and when it finally went to the jury there were 40 defendants to which the jury had to give consideration, which would mean their life and their liberty. The jury retired on Thursday, and acknowledged, according to their own statements, that they did not begin to give consideration to the testimony until Friday morning at 10 o'clock, and admitted that they had reached a conclusion before 5.30 on Friday night, and did not report until Saturday morning. I will tell you why. If you will go back a little bit you will find that every time the M. & M., or Manufacturers' Association, or Burns Detective Agency, or any other detective agency, or enemy of labor, when they thought they had a good story against labor they arranged so that it happened on Saturday. You will find that Haywood was kidnapped on Saturday, the McNamaras on Saturday, the grand jury brought in their verdict on Saturday; everything on Saturday. They have a fine publicity agent; they pay for it the same as Rockefeller. That is not force or violence, that is just money.

They have figured out, and I have had it reliably from newspaper men from this city, from New York, from Chicago, from San Francisco, in fact I have never yet met a newspaper man who was inclined to deny it, at least, those that they could occasionally, on the q. t. tell the truth and they are not many, but they tell me that it is figured out that about 10,000,000 more human beings read the Sunday papers than any other paper, and so a message that shall have for its purpose sending out some more poison against the social hopes of labor must happen on Saturday, so it can be put in on Sunday. They don't believe in violence, that is a mistake; they believe in law and order.

During that trial there is positive evidence that the train was ordered by the Government officials on the 19th day of November, 40 days before the trial closed. They ordered a special train to convey 90 people to the Leavenworth Penitentiary. I will show you how close they guessed—an ordinary person, if you were next to the game you would not be surprised, but to show you that they guess pretty close, there were 93 or 96, maybe 99. But anyway, the jury were all farmers. I have nothing against the farmer, but after all a man who is so far removed from the industrial whirlpool, it is difficult for him to get the point of view of labor at industrial centers, and when a person does not get your point of view, don't blame them for convicting you, if they have the power. They can not give you any consideration, and don't understand you; they don't know your language. That was the trouble with those poor farmers.

I don't say that the jury was fixed, but I do say if you had fixed it, Mr. National Erectors' Association, you could not have done it better, with the single exception they were too anxious, they brought in a blanket verdict, a blanket indictment covering 38 men, finding them equally guilty on a blanket indictment, and it was so wrong that even Judge Anderson couldn't stand for it, and he dismissed 5 of them. There was one man dismissed after he was examined by Judge Anderson. It seems that some one got word to Judge Anderson to this effect—I can't think of his name now, but I can get it if necessary—but there was some man, a member of the executive board of the International Iron Workers' Association at the time they declared the National Erectors' Association unfair, he voted against the closed shop, and Judge Anderson found it out somehow and he asked him about it, and when he found out he voted against the closed shop he was acquitted, there was no evidence against him; he was all right. He was for the open shop. There were men who were indicted that it was found had not been members of the organization for some time and were not taking active part any more, and they were dismissed also, everything was all right; but when the jury came out and convicted 38, 33 of them finally went to the penitentiary.

Everything was so staged; I don't know whether the Government did it or not, but somebody did it, and I am inclined to think that it is not unreasonable to think that the National Erectors' Association, who were interested in making this as spectacular as possible; anyway, those men were chained alongside of deputies and taken down the principal street for exposé to the county jail. I am very glad to say that their relatives and their friends had sufficient courage to stand by them. I can not help but say for the women, at least, not one woman in that whole fight of the ironworkers, either in Indianapolis or Los Angeles, showed any yellow streak. They all stood pat, every one of them.

Mrs. Painter, the wife of one of the men convicted from Omaha, Nebr., lined up all of the women in the hall after the conviction and went to them with clenched fists and said to them: "Don't you cry; don't you give the erectors' association the satisfaction; put your tears in your muscles; and if our men go to prison, we will have to make the fight. Some day labor will understand."

God! If they ever do, there will be something doing, believe me! That is all. I understand labor; you don't; and the other fellow can't understand; you can tell that by the last witness.

I was in California when the conviction came. I went to Santa Cruz to tell Tveitmoe's wife and children all about the trial, and tried to give them some encouragement and some hope.

Chairman WALSH. Was that Tveitmoe from San Francisco one of the defendants?

Mr. JOHANNSEN. O. A. Tveitmoe, from San Francisco, one of the men convicted, and his case was appealed, and he got the Supreme Court, or the higher court, to throw his case out on account of lack of evidence. A man had a right to send a Christmas card from California to Indianapolis, so the higher court said, but they were mistaken according to the erectors' association, but we won't go into that. When Mrs. Tveitmoe was interviewed by the Examiner, I thought she gave a very unique interview. She said: "I don't know nothing about his union affairs. He is good to his family and true to his friends, and they had better not make him mad." She was a Viking Norwegian woman.

I am glad to say that every union of ironworkers had sufficient social courage and loyalty to reelect every man that was convicted. When they went to prison they took care of the families, and those that are in prison now, including old lady McNamara. When they went to prison the first thing we did in our State convention in Los Angeles we suspended all rules and order of business, and took up the first thing, the reelection of general secretary and

treasurer, and executive board members, and elected Tveitmoe and Clancey by acclamation, and it was the first time this proceeding ever took place in our convention.

Now, about Los Angeles. The organizers went there in the early part of January, 1910, and I don't know of anywhere where the Merchants & Manufacturers are so well organized and have so much power and so much influence as in Los Angeles. There was a time in Los Angeles when we could not engage a lawyer for love or money, except a few socialists. They had not much to lose, anyway, you know, and you could not get any other lawyer; you had to get them from San Francisco.

Los Angeles was recognized by the labor movement, at least on the Pacific coast, and I am satisfied in most of the East, as a city of slaves, where labor had scarcely any power whatsoever. The full strength of the Merchants & Manufacturers' Association was in every instance directed against any individual or against any individual union at any given time they showed any signs of strength, in order to keep them squelched. We have always been told that whatsoever ye sow, that shall ye also reap. I wonder if Otis believes that? We always reap what we sow. In 1910 a general strike was organized in the metal trades. Although not an act of viloence occurred, the city council, four weeks after the strike had been inaugurated, passed an ordinance drafted by Earl Rogers, chief council for the Merchants & Manufacturers' Association, making it unlawful for any union picket to speak to a nonunion man. You would hardly believe that if you were not there. Well, I happened to be at the city council when this ordinance was passed. Now, this city council is comprised of what we call "Goo-goo's." The Goo-goos are reformed Republicans and Democrats, whatever that may mean. The city council was, of course, elected as an anticorporation council. They were against corporations, and against the Southern Pacific particularly, and against corporate interests that were controlled by the crooks, and such men as Otis, Fredericks, and that gang. And when the strike came on and this respectable democratic anticorporation city council had to choose between taking the dope, as it were, from Earl Rogers, whom they hated and looked upon as vicious and crooked, for years active in California rotten politics and connected with the corporation interests, Earl Rogers dictated that, wrote it, read it to the council, and made an argument. Do you know what the argument was? Oh, I wish every one of you men could have heard that. It was rich. Earl Rogers argued before this city council as follows [reads]:

"About five years ago a great strike took place in a city not over 500 miles from Los Angeles"——

He didn't want to name San Francisco. There is an awful feeling between those two cities, you know. [Continues reading:]

"And in that strike some bricks were thrown and some men were hurt and some men were nearly killed; and therefore I advise you to pass this ordinance."

Well, if you can see any logic in that—maybe a lawyer would, but a shoemaker would not. Because there was a strike in San Francisco five years previous to this—that was the famous street car men's strike—therefore the city council of Los Angeles should pass that ordinance prohibiting all kinds of picketing, and they voted for it unanimously, and the old mayor signed it immediately, and it got into a journal right away and became a law. Well, we consulted the peacemakers, as we always do, and so we called a meeting of the representatives of all the unions in Los Angeles, two or three men from each union, and called in the only two lawyers we could get, Job Harriman and Fred Spring, because the others knew they would be boycotted by the M. & M.; and the M. & M. do it on the "q. t.," but it is very effective. But these lawyers pointed out to us that the city of Los Angeles had a democratic charter, and that this charter provided that when this council passed an ordinance, why, such an ordinance would lie on the table 30 days, and if within that 30 days 15 per cent of the voters should send in a petition asking that the ordinance be submitted to a referendum vote it would be submitted to referendum vote. Then there was something else in the charter. Oh, my! They always get that in. "Except an ordinance to preserve the peace of Los Angeles."

They can always get you on that. They can get almost all the working people. Now, when the politicians come around the camp they say they want this, because this means peace. And nobody can get up and say, "I am not for peace. I want to fight." You can't get elected to office if you do that. So they had this joker in the charter: "Except an ordinance to preserve the peace of Los Angeles." So it was written up, and so it was worded accordingly. And Earl

Rogers personally, when he became the chief counsel for Darrow subsequently, he did not hesitate in telling me personally, he said, "This was a joke on the Goo-goos; I put it over on them." So they passed the ordinance. We couldn't do nothing at all—had to do one of two things, either be cowards and call the strike off, or else tell the city council to go to hell; and we did the latter. You will excuse me, Mrs. Harriman, if you please.

Commissioner HARRIMAN. Certainly.

Chairman WALSH. We will leave that out, please, Mr. Johannsen.

Mr. JOHANNSEN. Very well, Mr. Chairman.

So we advised these men against calling this strike off. We have a right to speak to men. This is a rank invasion of the worst kind. And we called a meeting of the men who were affected, about 1,200 of them, and put it to them plain and straight.

The union men and women of California had pledged themselves to pay 25 cents a week out of their wages for an indefinite period until Los Angeles should become organized, and they were sending that pledge, about $6,500 a week, for the Los Angeles strikers from San Francisco to finance the strike with, together with what we were getting from the international organization. We called the men together and described the situation briefly and without any exaggeration, and told them what it would mean; told them we could not afford to hire expensive lawyers; we could not afford to pay fines; we could not afford to bail anybody out. But they ought to resist this ordinance, and if they were willing to we were willing to. We took a secret vote—a secret ballot—after the explanation, after everybody was informed that if you go on the picket line and get arrested you will not be bailed out. If you are found guilty, your fine won't be paid. You will have to suffer. We wanted to go to jail as a protest against this rank injustice. And so we put it to a vote, and the vote was unanimous on the secret ballot that the men would rather go to jail than surrender to such a rank piece of favoritism in legislation.

The passage of this ordinance more than anything else instilled a feeling of hatred and bitterness and resentment in the working people of Los Angeles against the Government. The result was that every man engaged in it unanimously voted on the secret ballot that he preferred to go to jail, and so forth, and so on.

During this year 1910, in the month of August——

Chairman WALSH (interrupting). What was the "so forth and so on?"

Mr. JOHANNSEN. Well, I have already repeated that to you.

Chairman WALSH. Oh, you have?

Mr. JOHANNSEN. During this year the now governor of California, Gov. Johnson, made a speech in Los Angeles in Simpson's Auditorium when he was a candidate for governor, denouncing Harrison Gray Otis in the following language:

"In the city from which I have come we have drunk to the very dregs the cup of infamy. We have had vile officials, we have had rotten newspapers, we have had men who sold their birthright, we have dipped into every infamy, every form of wickedness has been ours in the past, every debased passion and every sin has flourished. But we have nothing so vile, nothing so low, nothing so debased, nothing so infamous in San Francisco, nor did we ever have, as Harrison Gray Otis. This man has attacked me on the only side to which I will not respond, concerning which, rather than respond, I will lose the governorship of the State of California. He sits there in senile dementia with gangrened heart and rotten brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy. This man Otis is the one blot on the banner of southern California; he is the bar sinister upon your escutcheon. My friends, he is the one thing that all California looks at when in looking at southern California they see anything that is disgraceful, depraved, corrupt, crooked, and putrescent—that is Harrison Gray Otis."

It is reasonable to presume that had Samuel Gompers made this speech at this time he would have undoubtedly been indicted by the grand jury, charged with being an accomplice in blowing up the Times.

It was common to hear people on the streets in every city on the Pacific coast give vent to the sentiment "Why didn't they get Otis?" I have heard it all over the country, "Why didn't they kill Otis? It would have been all right."

I am informed that a statement of this character was made by William J. Burns, the great detective, to some of the newspaper men in San Francisco.

The demands of labor in Los Angeles were very nominal and only that which they were already receiving in San Francisco and other coast cities, the metal trades employers in San Francisco contending that unless labor could raise the standard in Los Angeles the employers would be forced to lower the standard in San Francisco.

The Merchants & Manufacturers compelled their members to deposit a cash bond of $5,000 as a guarantee that the employers would not deal with the unions and would insist upon the so-called "open shop," which is open only to a working class that is docile and sufficiently browbeaten to accept whatever terms the employer may insist upon. All men and women who make an intelligent and militant effort toward a better social life are boycotted and penalized with all the power that the M. & M. can rally against them.

I submit for the commission's information a copy of the San Francisco Bulletin, under date of January 10, 1911, which contains the M. & M.'s attitude toward employers that are inclined to be fair, which will show the viciousness of the employers' association, quite regardless of law, order, civilization, or anything else.

(Witness submitted a copy of the San Francisco Bulletin of January 10, 1911, containing an article entitled "Los Angeles boycotts all workingmen who are members of union. Merchants & Manufacturers enforce black list and use methods that are 'un-American' when employed by organized labor.")

This concerned the McCann Iron Works, who signed up with the union, and we compromised with them. They came down to the strikers and made this suggestion. The demand was for an eight-hour day and a minimum wage of $4, the same as in San Francisco in the iron trades, comprising the iron molders, the machinists, the boiler makers, the blacksmiths, the patternmakers, and their respective helpers, and finally it involved the structural-iron workers, who were not organized at that time, but they came off the building like flies, but they were not organized at that time. And this man who was boycotted by the M. & M. came down and signed up an agreement with us, providing that the men might work nine hours a day at a $4 rate until the first of January, 1911, which we agreed to, and he went on and employed 250 men. But the M. & M. put him out of business. He had finally to quit and go back to the open shop. They did not do it with violence, and so we could not do anything with them. They do a lot of violence, but they cover it up with money. If you gentlemen don't believe that, ask the erectors' association, and they will develop that.

I recall an instance where some of the strikebreakers were hurt on a building, and when union men went to the coronor's inquest in the hope that some of our people would be chosen as jurors, only to be disappointed.

You understand under the charter there if anybody is hurt and is taken down to the coroner's office to the inquest, why the jury is generally picked from men who are in close proximity. We knew, of course, that that was the law, and were all law-abiding citizens. So we did not want to give them an opportunity to know we were there, and we sent 200 men down there, and while we were waiting an automobile came along, and in that automobile was the jury, of course. Oh, it was a fine game! In every case the M. & M. dictated supreme, and the juries were selected that were considered safe. Now, of course, there is going to be another trial in Los Angeles on the 1st of September, 1915; M. A. Schmidt and David Caplan. Otherwise I should present to this commission the document which we have in our possession, but which the commission can obtain, I am satisfied, within the next two or three weeks; but we have the documentary evidence that the Merchants & Manufacturers' Association personally and absolutely dictated the character and names of the grand jurors. We have documentary evidence of that, signed by Mr. Zeehandelaar.

Commissioner O'CONNELL. He is secretary——

Mr. JOHANNSEN (interrupting). He is secretary of the Merchants & Manufacturers' Association. Oh, they believe in law and order! You bet your life!

In this they O. K'd Bill Jones, for instance; marked him "hates the union." Samuel Brown, "friend of the Manufacturers," and some other man, "friend—personal friend—of mine—O. K." Oh, it is fine! If we ever wrote a letter like that we would all go to prison, if we represented labor. That is the reason the executive officers of the A. F. of L. have to be pretty careful—have to be, because they can get after them much easier.

My experience in strikes and lockouts has been that labor is by far more law-abiding and less vicious than the employers.

Whatever our sins may be, what little we know we have learned from observing the tactics of the manufacturers' associations.

It was no surprise to the average working man when news came out about Mulhall and his million and a half corruption fund to be used in Congress to influence men against the proposed remedial labor legislation.

Say, if Gompers had done that! Good night! The papers wouldn't have stopped yet.

In the city of Stockton, Cal., we have just emerged from a general lockout brought about by the Merchants, Manufacturers & Employers' Association, in which it was conclusively proven, not alone that they employed 20 professional gunmen and sluggers, but that they actually had a list containing the names of union officials and active men, with a price attached, ranging from $25 to $75, if they were slugged. I was worth $75. I was worth more than the rest of them. I was kind of proud of that.

These union men were to be beaten up and waylaid. Affidavits sustaining this fact can be obtained in San Francisco.

One man by the name of Emerson was caught with a suit case of dynamite and arrested.

Commissioner WEINSTOCK. Is that Stockton or Los Angeles?

Mr. JOHANNSEN. Stockton.

When it was discovered that he was employed by the Merchants & Manufacturers Association he was promtly released, but a week later rearrested. He has been tried twice in Contra Costa County and once in Stockton and finally dismissed. In all his trials the Merchants & Manufacturers employed counsel for his defense openly and defiantly, notwithstanding the fact that he had made a confession involving active officials in the Merchants & Manufacturers' Association, which afterwards he modified and changed to suit the convenience of the M. & M.

Now, this man Emerson told me personally from his own lips the program. He was sent to Contra Costa County to steal dynamite—break into a box car and steal five or six hundred sticks of dynamite—and then he was to put some of it at Tottens & Brant's planing mill. I am a member of the millmen's union and general organizer of the carpenters, so that would directly connect me with it. And he was to put one plant under one part of the Sperry flour mill and thereby directly connect the State Federation of Labor with that, which had had an active boycott against this institution for some time; and also place a plant under the Sampson ironworks, which could connect up the metal-trades department in that locality. And then he was to fill my suit case full of dynamite in the room at the Clark Hotel, and he was to take another suit case full of dynamite and check it at the Santa Fe Station and place the check in Tveitmoe's pocket during the meeting of the State Federation and then arrest Tveitmoe and me, and then the rest would follow. Nine out of ten of the men would have believed it, and if it had been pulled off everyone would say, "Gee! Johannsen and Tveitmoe should have had better sense." Oh, it is fine! If you have the price you don't need to use so much violence. You can make the other fellow do it. That was the program.

Of course he got caught at it. He got caught with his suit case of dynamite; and, of course, he was a coward and a crook all the time, and he would work for three sides, if there were three sides. He would work for anybody for that matter. I really felt sorry for the fellow. He told me; and I told those fellows I would not prosecute him; I would treat him like Christ treated the prostitute, Go away and sin no more. I didn't want to prosecute him. It was a good thing, to tell the truth about it. I am only sorry for him. He was a poor devil and had a wife and children, and she felt awful bad about it; and he told me that he would never go into that kind of a game again; and I don't suppose he will.

But Brokaw was indicted also. Brokaw was in charge of the fighting forces of the Merchants & Manufacturers in Stockton. One thing I admire about those men, they were bold about it and fresh about it. They took their gunmen and brought them down there and took them in an automobile. They didn't know, of course, that we had women in Stockton that had some spirit. We organized 30 militant women in that city of Stockton, and those women—oh, they were fine! They were not handicapped with any philosophy. They didn't have any program to save the world. If they thought that they could see something good in the A. F. L. or in the I. W. W. they were glad to accept it. I suppose they would accept it even in the Republican or Democratic Party if they could have found it; and they may find it some day if they look long

enough. I don't know. Of course we had to instruct them, and I had to get them out, and I had an awful time with them. They didn't know anything about discipline and obeying orders. They just wanted to know what we wanted done. We told them we would like to see them go out on the picket line and not to use the word "scab," and those words which were considered vulgar and bad form and liable to suit; and we told them it was much better to punch a man in the nose first and explain it afterwards than it was to tell him beforehand; there was no use getting arrested for just threatening a fellow. So they were all right, though.

The biggest bunch of scabs was down on what we call the West Side School Building. So I took those women down with me—or rather I meant I went down with them. I had four men who volunteered their machines. They gave me their cars, seven-passenger cars, every day from 4.15 until 6 o'clock. I had charge of all the pickets. I was the captain of all the pickets of all the unions. I got these machines and took these women down in front of this building. I told them that they were to stay there but they were not to call them scabs; and it is awful hard to keep a woman's tongue still, but they done fine. And so there were about 30 men around there and about 20 women, and pretty soon along comes the patrol, and the chief of police was a very decent sort of a fellow. They say he was a poet. I don't know how he became chief of police if he was a poet, but he was really a decent sort of fellow; but I knew if there was any demonstration on the part of our people in his favor it would not be a very good thing to do; and I also appreciated that it would be very easy to start something—start a fight—and I did not want to have that done. So, after the patrol wagon came and stopped about a hundred feet away from where the pickets were, along comes an automobile with six of these gunmen in it. Oh, that was fine! Well, they stopped right in the middle of the crowd of pickets; and these women—I couldn't hold them any longer. These women just went after the automobile, three or four on each side of their machine, and they went for them; and they would say, "Look! Don't he look like a gunman?" "Now, how would he like for his mother to see him now?". "Wouldn't he be ashamed for his mother to see him?" "And wouldn't he be ashamed when he went back to meet his sister?" And all that kind of thing. And it was too much for them. They couldn't stand it. They ran down to the next corner, and ran to that corner and this corner, and the women after them. Oh, it was fine!

Well, finally we discovered that there was no number on the automobile, and undoubtedly they were expecting to start something, and it would not be easy to follow them. The women noticed that and insisted on arresting them. There was a policeman on the corner, and they got hold of him and had them arrested, and when they came to jail they searched the machine and found 12 pick handles about that long [indicating] and 12 blackjacks and a six-shooter about that long [indicating] on each one of them. They all admitted that they were hired by the Merchants & Manufacturers' Association, and I understand that the officers admitted before the commission that they had hired those men. There were 12 pick handles, 12 blackjacks, and 6 big guns. Those men have never been tried, the cases were never called, they were out on bail of $100, and, of course, they disappeared. The women handicapped them. The women were all right. They horsewhipped the president of the chamber of commerce on the street. Of course, that was fine. I didn't know anything about it, neither did the strike committee, when, all of sudden, four women came up the street with horsewhips and were going by the office, and the strike committee said, "You will have to go out there; they must cut that out; they can't walk in front of here with horsewhips;" and I went out and told them, and they wouldn't listen to me, and then Woods, one of the strike committee, went out, and one of the little women came up to him and said, "I suppose you are a Sunday-school man." That got him, and he went back.

They got their man, though, Mantley, the president of the chamber of commerce, and the next day the women were arrested, and the man was arrested, and here is what they finally settled on: The attorney for the Merchants & Manufacturers' Association and the attorney for our side came in and got this agreement, that Mrs. Palmer and Mrs. Hines should be dismissed, and Mrs. Cotte should plead guilty, she was an I. W. W., or at least she thought she was. She was red-headed, and had a lot of fire, but she wore the I. W. W. button, and the Merchants & Manufacturers employers thought they would have to convict her, and she had to agree to plead guilty with the understanding that the man that got horsewhipped would have to pay the fine. So that was

agreed to. Well, after that was done, of course, these women felt that they could do anything and get away with it. I had quite a time to manage them after that, but we kept them pretty well. The fight was finally settled, and things are going along very well there. The union has agreed to withdraw the boycott, and the Merchants & Manufacturers and employers agreed to retract, or rather to rescind their resolution adopted on the 26th of June, declaring for an open shop, so that things are peaceful in Stockton now.

Commissioner WEINSTOCK. In Stockton.

Mr. JOHANNSEN. In Stockton. I don't know what the newspapers would have done if a laboring man, such as me or Tveitmoe, had been arrested under similar circumstances as Emerson, and made a confession, but I imagine, without being prejudiced or anything, that they would have given more publicity to that than they did to Emerson. I don't know how you are going to correct those newspapers; they are hard people to deal with.

I know of no instance where professional strike breakers having deliberately waylaid and murdered active members of labor unions, where they have not been defended to the very last by the Merchants & Manufacturers' Association. I am not saying that in criticism, I think they should defend them, especially if the enemy is the Merchants & Manufacturers or National Erectors' Associations.

No intelligent man or woman who has a strong sense of social justice will be satisfied with the manner in which labor has always been treated, so long as the poor go to jail and the rich go free. There is no equality before the law. It is unreasonable to conceive of a situation where a man without means and few friends will attain the same consideration in a court of justice as a man with plenty of means and plenty of friends.

During the Darrow trial in Los Angeles for jury bribery, 11 different people were given immunity by the State in the hope of convicting Darrow. It would be an insult to human intelligence to draw any other deduction than this: The question of law and order and so-called justice was secondary in the consideration of the public officials of that county as compared with the mad desire to blacken the character of men who had made at least some effort to relieve the weak from the constant oppression of the strong.

In the Ford and Suhr cases in California, these men are at present imprisoned in the penitentiary convicted on a charge of murder, notwithstanding the fact that the conditions of the hop fields—and I want to say in connection with that matter, the Ford and Suhr case, there were four men on trial. If they had been anybody else except hoboes or I. W. W., if you will, they would have had immediately competent counsel, and would have in all probability been able to have separate trials, and the public would have had an opportunity to make some investigation before those men were convicted. Those who attended the trial seemed to be so optimistic, seemed to think that the evidence in that case was so meager and so far from anything like a charge of murder, that there could not be anything else except an acquittal. The judge that tried that case, his son is a member of the carpenter's union in Marysville. I am a member of the carpenter's union, and general organizer of that organization, and work almost entirely in California. That union was requested by the son of the judge that tried the case to pass a resolution prior to the trial that these men, in the judgment of the carpenter's union, would get a fair trial. After the conviction this same son of the judge came to the union and asked them to pass a resolution that they had had a fair trial, and the carpenters' union, I am glad to say, refused to acknowledge that Ford and Suhr had had a fair trial.

In San Francisco five or six women were organizing defense committees. Of course, they were in a sense not directly associated with the labor movement, but they were sympathizers. Some have means; they all had good clothes, and most of them were good looking, and they were in a very sympathetic attitude in all instances, and believed in the social war that is being waged everywhere, and so they came in to see what could be done, what we could do to help. I was with them and also with the attorney, chief counsel for the defense. I told those women I thought that labor would be interested in them if they had the time and inclination to make a canvass. They canvassed every union in San Francisco and in Oakland, and most of the women's clubs and churches, and not a one that I have been able to learn, not in a single instance were they met with opposition, and they raised in a period of six weeks in those cities $4,000 for the purpose of investigating these cases, and taking an appeal and so forth, and the matter is now before the governor, and I

hope and believe that the governor will pardon those men on the ground that they were railroaded by the hop owners.

It is my opinion that the employers should be held at least as much responsible as so-called labor leaders are for the social unrest which is rampant throughout the country seeking and waiting for expression. Failing to find it in one form, it invariably takes another.

It is not always the question of what we like or dislike. It is in many instances our prejudice and lack of understanding which prevent an opportunity to find the real source of corruption, which, after all, should be found and removed if we desire to eliminate the social disease commonly called poverty.

That is all that is the matter. If people have plenty to eat they can smile. I know I can; I don't know how you fellows feel about that.

The manufacturers' association don't want labor to strike; it don't want them to organize; it does not want them to become Socialists. Of course, they don't want us to strike except a nice, little strike, a sort of Salvation Army strike. They don't want us to organize and don't want us to become Socialists. We would not be good citizens then; and they don't want us to be anarchists. Some people think that they are anarchists; if they are, I don't suppose we want to be. They don't want them to be single taxers, and they don't even want the working class to get scientific information on the limitation of families. That is against the law, too. And just at present, just the same as it was 8 or 12 years ago, I venture to say that between now and a year from now that the American people, and especially the working class, will be threatened by Wall Street if they vote the Democratic ticket.

You know when Wall Street locks out the American people, which they do occasionally, the newspapers call it a panic. It is nothing at all but a lockout; you are locked out, and the newspapers want you to say it is a panic, but the real fact is the American people are locked out for selecting a national administration that Wall Street objects to.

I don't know whether I have anything else to say or not.

Chairman WALSH. We may have to ask you to stay over to-night.

Mr. JOHANNSEN. I don't like this town; I don't like the atmosphere of this city.

Chairman WALSH. Commissioner Weinstock has some questions to ask you. We will proceed a while and see how we get along.

Commissioner WEINSTOCK. I have in my hand here, Mr. Johannsen, a pamphlet entitled "Some Recommendations Submitted to the United States Commission on Industrial Relations by the American Anti-Boycott Association, prepared by Walter Gordon Merritt, associate counsel." In it I find certain indictments and certain charges——

Mr. JOHANNSEN. Was that the man that testified here just previous to me?

Commissioner WEINSTOCK. No. Certain indictments and certain charges against organized labor and I feel you should be accorded an opportunity to answer. The first statement that was made is the following [reads]:

"Organizations of workmen have been welcomed and encouraged in this country, and the right to strike is recognized as a necessary defense against oppression. 'Thank God, we have a system of law where men may strike,' said Abraham Lincoln, and our people say amen. But these bulwarks against oppression have become oppressors, and have written into our history in recent years a manifestation of oppressive power so recklessly and inhumanely exercised, and industrial crimes of so grave a character that even their true friends see the necessity for the firmer hand of government. Lawlessness and discontent have been encouraged until there has grown up in our midst, within the circles of organized labor, a group of lawbreakers who, with pernicious sophistry, too often repudiate the ordinary claims of decency and humanity. 'I did what I did for a principle,' said J. B. McNamara. To deprive a nonconformist worker of his job and drive him from his trade; to destroy the property of those who employ any nonunion men; to recklessly attack the business of neutral and noncombatant merchants and manufacturers; to dynamite, maim, and murder—these practices, opposed to all standards of civilization and humanity, are prominent features of labor-union activities at the present. But with few exceptions, no hand of organized labor has been raised to deter or discipline the wrongdoers. Leaders make bold to publicly assert that the sacredness of their cause justifies the support and retention of criminal officers. When serious books in defense of such a position are plausibly written by intimate observers, published by reputable houses and issued as serious reading; when organized labor arrays itself in argument and act against State con-

stabulary and militia, police and guards, injunctions, financial responsibility, enforceable contracts, and scientific management, what are we to conclude? 'This bodes some strange eruption to our State,' unless forces arise to cure and control."

Now, what comment, if any, do you care to make on that indictment?

Mr. JOHANNSEN. In the first place, the whole thing is all right excepting one thing, it is not true. That is the only thing that is the matter with it.

Commissioner WEINSTOCK. That is, specifically, you would deny as a representative of a labor organization that "lawlessness and discontent have been encouraged until there has grown up in our midst within the circles of organized labor a group of lawbreakers who, with pernicious sophistry, too often repudiate the ordinary claims of decency and humanity." You would deny that "to deprive a nonconformist worker of his job and drive him from his trade, to destroy the property of those who employ any nonunion men"——

Mr. JOHANNSEN. You had better separate that.

Commissioner WEINSTOCK. Very well, we will take it up seriatim.

Mr. JOHANNSEN. What do you mean, do I believe in discriminating against a nonunion man? If you do, I say, absolutely.

Commissioner WEINSTOCK. The charge made here is that you deprive a nonconformist worker of his job and drive him from his trade.

Mr. JOHANNSEN. Certainly. What do you mean by nonconformist worker?

Commissioner WEINSTOCK. A nonunion man.

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. And to destroy the property of those that employ any nonunion men. In other words, the charges made are that as an organization labor does not hesitate to destroy the property of those that employ nonunion men.

Mr. JOHANNSEN. That can not be answered without the specific situation. Suppose there was a certain house burns down in a certain place, at a certain time, and they would say, "Did union labor do that?" and I couldn't answer it.

Commissioner WEINSTOCK. You brought up the McNamara case?

Mr. JOHANNSEN. What I meant to do was to compare the sins of the organized workers with the employers.

Commissioner WEINSTOCK. Suppose both are guilty?

Mr. JOHANNSEN. They ought to both go to prison.

Commissioner WEINSTOCK. Do you believe in destroying the property of those who employ nonunion men?

Mr. JOHANNSEN. That depends on circumstances.

Commissioner WEINSTOCK. Do you in the McNamara case?

Mr. JOHANNSEN. I don't care to justify them; it is up to them. I don't know what I would do until I got up against it.

Commissioner WEINSTOCK. But tell us what you understand is the attitude of organized labor in this sort of a fight. Do they justify such acts?

Mr. JOHANNSEN. I can tell you what I do, the places where I talk to organized labor, and what my judgment is as to how I find the membership; that is the only thing I have to go by.

Commissioner WEINSTOCK. Yes, sir; I think that would be of interest.

Mr. JOHANNSEN. Well, when I got into Butte, Mont., I spoke to every union there, including the miners' union; that was prior to the eruption in Butte. The miners' union a very peculiarly constituted organization there; they had about 8,000 different members in what you might call four different groups; about 2,000 are Irish Catholics and work at it; about 2,000 Socialists; their chief aim is in the capture of the ballot, and they work at that; and about 2,000 were I. W. W.'s; of course, they work at that; and the rest of them are what they call "Cousin Jacks," I think—Cornish miners—and those four factions were all interested in that union to shape its policy at different times, with the result that there was considerable interest in that union; more than the ordinary interest, and at election time a good deal of interest. When I spoke there I outlined what the iron workers were up against, the social background of it, how hard it was to fight the Steel Trust, how they used the other industries, how the carpenters and the longshoremen, the sailors, the other workers in that field advised, "Wait, wait, wait." They worked 12 hours a day, 7 days a week, for an average of $8 or $9 a week. I found out that the iron workers voted to fight, and that that was the only thing left for them to do.

Commissioner WEINSTOCK. What was that?

Mr. JOHANNSEN. Solidarity, or dynamite, or anything you want to call it. I don't care what you call it.

Commissioner WEINSTOCK. Are we to understand from what you just said that grievances——

Mr. JOHANNSEN. Let me finish this.

Commissioner WEINSTOCK. Let me finish my question. That the real or imaginary grievances of the iron workers justified them to dynamite——

Mr. JOHANNSEN. That is the way they felt about it; I couldn't say as to that. You might feel that way if you had been an iron worker.

Commissioner WEINSTOCK. Do you think they were justified?

Mr. JOHANNSEN. I was not there.

Commissioner WEINSTOCK. You don't have to answer that question unless you want to.

Mr. JOHANNSEN. You know I am under indictment myself, and I don't care to answer it. I don't think I am competent to answer it. I have a pretty good job, and don't suffer personally. I think McGillicuddy, of Maine, in the House of Congress, a number of years ago, said, "If I was an iron worker I would have done like they did." That was right in the Congress. I say this to the union men, to our friends, to the enemies; they talk about the 21 lives that were taken in Los Angeles. I don't hesitate to say that no man has a right to take another man's life; he can't take something that he can not give back; but I do say this 21, 21, 21 lives lost is not all. Why don't they say something about the 300 or 400 or 5,000 or 10,000, compare their sins with the iron workers; put on the searchlight, let the whole truth be told, send them all to prison, that is satisfactory. We object to your justice on the ground that the rich go free and the poor go to jail.

Commissioner WEINSTOCK. The next charge is that organized labor recklessly attacks the business of neutral and noncombatant merchants and manufacturers.

Mr. JOHANNSEN. That is not true.

Commissioner WEINSTOCK. You deny that?

Mr. JOHANNSEN. Those fellows are as "buggy" as an I. W. W.

Commissioner WEINSTOCK. Are we to understand, then, that you deny that the noncombatant merchants and manufacturers——

Mr. JOHANNSEN. What do you mean by noncombatant? Men that don't fight you? Do you suppose we fight a man that don't fight us?

Commissioner WEINSTOCK. Here is a merchant that advertises in a paper, and the printers are on strike on that paper, and they come to the merchant and say, "You take your advertisement out of that or we will ruin your business."

Mr. JOHANNSEN. I wish we were that well organized.

Commissioner WEINSTOCK. He has done no wrong in this case? You deny that is done?

Mr. JOHANNSEN. Of course, it is not done; I wish it were done.

Commissioner WEINSTOCK. The next charge is they resort to dynamite, maim, and murder; that these practices are opposed to all standards of civilization and humanity, and are prominent features of labor-union activity at the present time; but, with few exceptions, no hand of organized labor has been raised to deter or discipline the wrongdoers. Is that denied?

Mr. JOHANNSEN. No; nothing has been done to discipline the wrongdoers; we always do, but we don't take the Anti-Boycott Association for a judge.

Commissioner WEINSTOCK. Can you cite any instance where a member of your organization, or labor organization, has been expelled for resorting to violence in labor trouble or breaking laws?

Mr. JOHANNSEN. So far we have not decided to try that; the Manufacturers & Merchants' association and other associations have control of all of the police departments.

Commissioner WEINSTOCK. You have no case that you could cite?

Mr. JOHANNSEN. No, sir; I would be ashamed of them if I had.

Commissioner WEINSTOCK. Leaders make bold to publicly assert that the sacredness of their cause justifies the support and retention of criminal officers.

Mr. JOHANNSEN. That is not true.

Commissioner WEINSTOCK. Criminal officers have been rejected and have been thrown out of the organization?

Mr. JOHANNSEN. What do you call criminals? Let them show the case and I can answer.

Commissioner WEINSTOCK. Men that were convicted of crime?

Mr. JOHANNSEN. Let them show the case.

Commissioner WEINSTOCK. Take this very case, this dynamite case. Mr. Frank Ryan, president of the union; he was convicted and sentenced——

Mr. JOHANNSEN. He was reelected up until the last convention. Thank the Lord for that; they had that much courage.

Commissioner WEINSTOCK. That would corroborate the charge made here?

Mr. JOHANNSEN. That is up to the iron workers to answer why they reelected him. If you had suffered like they have, you might be able to answer.

Commissioner WEINSTOCK. The next statement is this: "It seems needless to array facts—a parade for Sam Parks on his way from Sing Sing; the dynamiters defended by the American Federation of Labor, reelected to office by the iron workers, officially recognized by the federation without protest after conviction, met by a public procession of applause at Fort Leavenworth when on their way to prison. In that prison President Ryan performs his official duties and renders his official reports as president of a union of 10,000 members, and a part of the federation."

Mr. JOHANNSEN. I don't know whether it is true, but I hope it is true.

Commissioner WEINSTOCK. Then, it is not disputed, is it?

Mr. JOHANNSEN. I want to say before you go any further, if you want to be fair in this matter, I think the only way for me to answer that question is for you to give me that book and let me write a book in answer to it, and that would take two weeks.

Commissioner WEINSTOCK. You are sufficiently conversant with the facts?

Mr. JOHANNSEN. You want to compare our sins with their sins, and I want to show you their sins.

Commissioner WEINSTOCK. You have already pointed out their sins, and they state your sins here, and here is an opportunity for you to answer for the record; otherwise this would appear in our record uncontradicted.

Mr. JOHANNSEN. I see; oh, that is your purpose?

Commissioner WEINSTOCK. Another statement here reads as follows:

"Though there are cities where markets are monopolized for union products, and this fact is well known, prosecuting attorneys remain inert. 'Do you want to embarrass the administration?' inquired one district attorney. A strange commentary is it that men who entered into a nation-wide conspiracy to dynamite buildings and thereby destroy human life should only be tried and punished for transporting dynamite. Would you punish a murderer for carrying concealed weapons?"

Do you care to comment on that?

Mr. JOHANNSEN. I don't care to pass any judgment on anybody, not even on Drew; I don't care to pass judgment on people; I am not a judge.

Commissioner WEINSTOCK. We have heard a good deal in this commission, Mr. Johannsen, of the courts failing to give the workers justice. Now, here we get the other side of the story. The writer of this pamphlet goes on to make this statement:

"In a recent case against John Mitchell and the United Mine Workers a permanent injunction was dismissed on appeal by three Federal judges, who held that in cases of this character 'a reasonable delay in the issuance of the writ would have a tendency to bring about a settlement between the parties.' To escape the displeasure of organized labor, this court recommends that relief be temporarily withheld from the persons injured, in the belief and hope that the delay will compel the injured person to surrender his rights and accept the terms of the lawbreakers. A Federal judge in New York, acting upon a similar conception of his duties, denied a preliminary injunction against boycotting, while admitting that authority would probably compel the issuance of a permanent injunction when the case was reached for trial. The plaintiff, unable to survive the delay, was compelled to unionize, and delay 'had the tendency to bring about a settlement.' There is something more ominous than coincidence in this same abnormal conclusion of different judges in different parts of the country, and it illustrates the fact that even in Federal court the wind blows from a different quarter than popularly believed.

"The emergency which led to the invention of preliminary injunctions and the reasons which support their issuance in behalf of all litigants when delays can not be endured are forgotten and the remedy summarily ended by legislation. With such decisions, those who can not survive until final hearing—and they are many—are lost. Courts also show a notable aptitude and inclination to avoid the issues in important and well-presented cases, thereby leaving present and future litigants in a state of uncertainty. One judge continued an

injunction on condition that no attempts would be made to enforce it, and communicated that condition to the defendants. Is that the way to cultivate respect for court decrees? Doesn't that explain why Gompers publicly proclaims, 'Go to hell with your injunctions'? Other judges make strange efforts to settle such cases or try to pass the responsibility over to some associate. Is this the question that men are afraid of?"

Do you care to make any comment on that?

Mr. JOHANNSEN. Except to say that I don't recognize any right under any circumstances of a judge to issue any injunction against a laboring man on strike, if such injunction was issued.

Commissioner WEINSTOCK. Would you respect it?

Mr. JOHANNSEN. I got four or five of those things against me in Stockton; they were served on me, and the strike committee said we would have to be careful and not break into jail. I don't think the power of an injunction goes much beyond the courage of those who are enjoined. I think that if a person is convinced in his own mind and in his own feelings that his cause is just, that his demands for an increase in wages, or whatever the fight may be—in Stockton it was against the breaking of our unions—if you think and feel you are right, why, then go ahead, and never mind about those pieces of paper. We didn't pay any attention to them, except this: The attorney advised us not to make any comment to the public, which we didn't; but I went and got 75 strikers, and there was a special house which was designated—I think the Sutter Hotel—and I instructed the pickets, and they all obeyed instructions; they were served with injunctions and they left, and then they served them again and they left, and kept that up until they didn't have any more paper, and then there wasn't any more trouble.

Commissioner WEINSTOCK. Are we to infer from what you say, Mr. Johannsen, that if a man or group of men have any real or fancied grievances they are justified in defying the law?

Mr. JOHANNSEN. Oh, real or fancied?

Commissioner WEINSTOCK. Yes.

Mr. JOHANNSEN. Real or fancied; I don't know what you mean. That is so indefinite.

Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

Mr. JOHANNSEN. After you prove it to us we change our opinion; see?

Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man or group of men that have any real grievance is justified in taking the law into his own hands or ignoring it?

Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump—if you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences. Don't engage any attorneys or anybody else.

By the way, this policy was recommended by the President of the American Federation of Labor at the Denver convention. If my memory is right, and the committee brought in a report at that convention for labor to take that attitude, not so much because of contempt of the judges, but because we found that the policy of the National Manufacturers' Association was to use this thing to drain our treasury by making us employ high-salaried counsel, and spending our money for lawyers instead of bread.

Commissioner WEINSTOCK. You were telling us, Mr. Johannsen, about the numerous instances where the employers had employed gunmen?

Mr. JOHANNSEN. Numerous? Why, every place.

Commissioner WEINSTOCK. Well, let us call it every place.

Mr. JOHANNSEN. Sure.

Commissioner WEINSTOCK. Do you know of any instances where organized labor has employed gunmen?

Mr. JOHANNSEN. No.

Commissioner WEINSTOCK. Were you here the other morning when the police commissioner of New York City, Mr. Woods, testified?

Mr. JOHANNSEN. Yes; I heard him testify.

Commissioner WEINSTOCK. Let me refresh your memory by reading the testimony given by Mr. Woods before this commission [reads]:

"Commissioner WEINSTOCK. As a result of your investigation, what have you found to be the method of procedure in industrial troubles; do these gangsters offer their services to both sides and take the highest bidder, or do they confine their operations and offer their services to one side of the labor trouble?

"Mr. WOODS. I should not say it was 'offering their services,' but the result of our investigation shows a course of procedure like this: There would be a strike, and the strikers would retain some gunmen to do whatever forcible or violent work they needed. The employer, to meet this violence, would, in a comparatively small percentage of cases, and not as many cases as the gunmen were employed on the other side, would hire a private detective agency.

"Commissioner WEINSTOCK. Now, when the unions employed these gunmen, what function were the gunmen expected to perform?

"Mr. WOODS. To intimidate workers that were hired to take the place of the strikers.

"Commissioner WEINSTOCK. That is, so-called scabs?

"Mr. WOODS. Yes, sir; so-called scabs.

"Commissioner WEINSTOCK. Have there been instances where there has been violence against the so-called scabs?

"Mr. WOODS. Yes, sir.

"Commissioner WEINSTOCK. To what degree?

"Mr. WOODS. Oh, very strong violence.

"Commissioner WEINSTOCK. Have they committed murder?

"Mr. WOODS. Yes, sir; I think that is being brought out now. As I remember it, last night in the newspaper article there were three indictments for murder in the first degree.

"Commissioner WEINSTOCK. There is no limit, then, to what degree they will go to intimidate the so-called scabs?

"Mr. WOODS. No. Now, there was an innocent man who was noticed a good deal in the newspapers a while ago by the name of Straus, who was shot and killed on the east side, and the Dopey Benny gang was employed by the strikers, and some other gangsters were employed by the employers; I can not remember which particular gang it was. One of the Dopey Benny gang had been killed by one of the other gang.

"Commissioner WEINSTOCK. Competing gangs?

"Mr. WOODS. Yes; one gang employed by one side, and one gang by the other side. I may have my things a little twisted here, but the gang that killed the member of the other gang was holding a ball, and the other gang came up to get revenge for the killing, and the man that they tried to shoot jumped behind this perfectly innocent citizen, Straus, and Straus was killed.

"Commissioner WEINSTOCK. Now, are the so-called gangs of gunmen confined to the East Side of New York, or are there other gangs in other parts of the city?

"Mr. WOODS. There are gangs in other parts of the city.

"Commissioner WEINSTOCK. In what other parts of the city, for example?

"Mr. WOODS. There are gangs on the West Side. The gang—I think I am justified in saying that the number and virulence of gangs has been very much reduced in the past 12 months. The situation we found was a bad situation. The policy under the former administration had been to use mild methods; the whole thing has been very much reduced in the last 12 months, but you will find headquarters of gangs and places they hold out in the lower East Side, and the middle West Side, and in some parts of Brooklyn, on the upper East Side.

"Commissioner WEINSTOCK. Is every member of the gang of one nationality usually, or are they composed of mixed groups? For instance, on the East Side, are they all Jews?

"Mr. WOODS. No; they would be mixed groups.

"Commissioner WEINSTOCK. Of different nationalities?

"Mr. WOODS. Yes. Of course people are naturally nationally clannish, more or less, and you naturally have a predominance of one nationality in one group."

This testimony makes it clear that the unions employed gunmen and gangsters.

Mr. JOHANNSEN. That is, if it is true.

Commissioner WEINSTOCK. As an evidence of that, we have this testimony [reads]:

"In how far have your investigations warranted this statement that appears in the New York Herald of this date," quoting from the New York Herald:

"'Several of the indictments mention assaults upon members of the union, and in this connection District Attorney Perkins said last night that the reign of lawlessness was caused by union leaders who wished to perpetuate themselves in power, who hired assassins to assault contenders in their own union for their places, and who used their union offices to extort blackmail under threats from employers.

"'Seven men are indicted for assault in a riot for control of a union. Four men are indicted for hiring Dopey Benny's band to go to a nonunion factory and "rough house" the employees as they left and "wreck" the plant. A dozen workers were wounded in that fight.

"'Six union men are accused of extortion and assault in using violence to collect a fine of $100 upon an employer. Four others are accused of hiring the Dopey Benny band to shoot up a nonunion factory. Many shots were fired, the factory suffered a damage of $1,000, and several persons were injured. Other indictments mention cases where the band was employed by union leaders to attack nonunion workers, to wreck factories, and even to assault union men who opposed the leaders.'" That is the end of quotation from the New York Herald.

"Does your investigation substantiate those statements here?

"Mr. WOODS. Yes, sir; that is the general line of things that we found. All that sort of thing.

"Commissioner WEINSTOCK. So that this is not mere newspaper exaggeration, to your knowledge?

"Mr. WOODS. No, sir."

Mr. JOHANNSEN. Well, I don't know anything about this case in New York, but I know something about common sense and what the process of reasoning is, the ordinary process of reasoning. I know that every man who places any confidence or any trust of any kind or description in another man who is willing to hire himself to beat some one up, to murder some one, or to slug some one, without any other consideration than money, he certainly is an awful chump who will take that chance.

Commissioner GARRETSON. Did you see in to-day's paper an article ascribed to the district attorney of New York about Dopey Benny's further testimony to the effect that he was bragging on himself because he refused an offer of $7,500 from the same employers to double-cross the labor-union men for shooting them up?

Mr. JOHANNSEN. No, I didn't see that; I wouldn't have anything to do with a man that would hire himself for a purpose like that.

Commissioner WEINSTOCK. I have one question here which I am not sure you are in a position to answer, but if you are I am sure it will be of interest to us. Do you know about the wages in the Steel Trust paid at the present time; do you know how the wages in the Steel Trust paid at the present time compare with the current wages paid before the Steel Trust was brought into life?

Mr. JOHANNSEN. No; I could not say as to that, except this: From what information I have been able to obtain from the report of the committee in Congress, and also from Mr. Brandeis's investigation, and Fitz—whatever it may be; from all of the investigations made, I am convinced and led to believe that in only one other tariff-protective industry outside of the steel industry that pays lower wages, and that is the woolen industry, and then the steel industry.

Commissioner WEINSTOCK. That is, the steel industry to-day pays the lowest wage?

Mr. JOHANNSEN. Yes; and has the highest protective tariff.

Commissioner WEINSTOCK. But you don't know whether the wages to-day are higher or lower than before the Steel Trust was brought into life?

Mr. JOHANNSEN. No; I could not say.

Commissioner WEINSTOCK. I think it would be well to make a note of that and try to get that information.

Mr. JOHANNSEN. Do you want to adjourn?

Chairman WALSH. Commissioner Aishton has some questions he wanted to ask.

Commissioner AISHTON. I will forego my question.

Mr. JOHANNSEN. I can come back in the morning, and go down to-morrow at noon.

Commissioner AISHTON. I want to ask only one question.

Mr. JOHANNSEN. I want to make one more statement myself.

Chairman WALSH. Very well, then, you may return in the morning.

The commission will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon the commission adjourned at 5 p. m. Friday, May 14, 1914, until Saturday, May 15, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Saturday, May 15, 1915—10 a. m.*

Present, Chairman Walsh, Commissioners O'Connell, Lennon, Aishton, Weinstock, and Harriman.

Chairman WALSH. We will please be in order.

Mr. Johannsen, please resume the stand.

TESTIMONY OF MR. ANTON JOHANNSEN—Continued.

Chairman WALSH. Mr. Aishton would like to ask you some questions, Mr. Johannsen.

Commissioner AISHTON. I believe I understood you, in giving your testimony yesterday, to say that you were unwilling to permit the Anti-Boycott Association to take their interpretation of the law, or to interpret for your people, I think you said?

Mr. JOHANNSEN. That is correct.

Commissioner AISHTON. In reply to Commissioner Weinstock yesterday, in regard to the obeying of the law by the workers, in cases where injunctions were served, I think you said that you instructed the workers to interpret the law and obey the injunction according to their own judgment; is that also correct?

Mr. JOHANNSEN. I said that would be my advice; it would depend on circumstances; if I thought we could get away with it, it would be my advice.

Commissioner AISHTON. In the particular case in Stockton?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. That was your attitude?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. So that, in that particular case at Stockton you advised and directed the workers to interpret the law according to what they thought was right?

Mr. JOHANNSEN. Oh, no; not the law.

Commissioner AISHTON. Well, the injunctions?

Mr. JOHANNSEN. The injunctions.

Commissioner AISHTON. Which was the law, as interpreted by the court, I believe; that was correct, was it?

Mr. JOHANNSEN. Yes; that was correct.

Commissioner AISHTON. Mr. Johannsen, this commission has been seeking the causes of industrial unrest. It would be rather interesting if we were to analyze the cause of industrial unrest in the individual. I didn't quite catch your testimony, but I think you said your first employment was as a worker in the Curtis Bros. Sash, Door, & Blind Co., at Clinton, Iowa?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. And that you worked there for two or three years?

Mr. JOHANNSEN. Five or six years.

Commissioner AISHTON. Five or six years you worked for Curtis Bros.?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. That is, George and Charley Curtis?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. One was a Senator for a number of years.

Mr. JOHANNSEN. He was a Congressman.

Commissioner AISHTON. My reason for making the inquiry was that I personally worked in the carpenter shop myself of the Curtis Bro.'s plant in Clinton, Iowa.

Mr. JOHANNSEN. Is that so?

Commissioner AISHTON. Probably about the time you worked there, about 1898 or 1899, I think it was.

Mr. JOHANNSEN. I left there in 1899.

Commissioner AISHTON. You worked in the plant at the corner of Second Street and Eleventh Avenue, the Sash, Door & Blind Works?

Mr. JOHANNSEN. Between Twelfth and Thirteenth Avenues on Second Street.

Commissioner AISHTON. I was rather curious—you seem to have this unrest the commission has been trying to probe into, and I thought it would be rather interesting for the commission to know what first started that with you. You worked for the Curtis people, and they were fairly good people to work for, were they not?

Mr. JOHANNSEN. If you were willing to work cheap enough and long enough it was all right.

Commissioner AISHTON. It was a question of wages and hours that started your unrest?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. What form did that take when you ceased connection with them?

Mr. JOHANNSEN. For instance, to give you an illustration of what I mean by the unrest, what I believe has largely contributed to the causes of unrest is the utter inability of the average employer to conceive anything like a human point of view, a social point of view. For instance, when Curtis ran for Congress I was just a boy and had a good deal more enthusiasm than judgment, and perhaps I have yet; but at any rate I made the statement that he ought at least to furnish the employees in that factory with ice water in the summer time. I made that statement and made it very unguardedly, and I got discharged. He had an arbitrary power which one was unable to meet, except through organization, and organization could only be fostered by a larger social vision. The lack of social vision—you take the average employer and you find he can talk about wood and coal and iron and railroads and land and trees and ships and war, and everything except humanity; that is just a side issue with him.

Commissioner AISHTON. In that particular case, Mr. Johannsen, the unrest ferment or idea started in the difference of opinion between yourself and Mr. Curtis as to whether or not ice water should be furnished in the sash and door company's plant?

Mr. JOHANNSEN. If you want to put it that way.

Commissioner AISHTON. We want to get down to the facts as to what started it. We have heard a great many statements in a mass of generality about unrest and the oppression of employers and the state of the employee; all that sort of thing. And there is probably a good deal of truth on both sides; but the only way we can determine is by analyzing the individual cases, and you seem to be quite an advocate of unrest by your testimony, and I think it would be interesting to know what led up to it. The statement about Mr. Curtis and his lack of appreciation of the needs of the employees, that might be further enlarged on by calling on Mr. Curtis to give his side of the story; and from my knowledge of Clinton in those days, it was not considered healthy to drink ice water. There were a number of artesian wells there, and artesian water was pumped through the mains——

Mr. JOHANNSEN. Well, we put oatmeal into it. It was considered safe then.

Commissioner AISHTON. That is a common practice, I believe, so there must have been something else rather than the ice water.

Mr. JOHANNSEN. That is just an illustration. I don't mean to consider that of any great importance.

Commissioner AISHTON. Of course, that didn't create any great, tremendous amount of unrest. I think you said you quit there and went on the road?

Mr. JOHANNSEN. No; I was on the road before I was married.

Commissioner AISHTON. Selling goods?

Mr. JOHANNSEN. No; hoboing.

Commissioner AISHTON. Oh, hoboing? I thought there possibly might have been something about your work on the road that caused unrest, but it was hoboing and association with hoboes. I think you stated, Mr. Johannsen, in your testimony yesterday, that the United States Steel Corporation and American Bridge Co., which I believe are the constituents of the Steel Corporation, wielded tremendous power with all other steel companies and structural companies, in that they controlled the material that was manufactured, and refused to furnish it unless certain things were done. I judge from your testimony they are in a position to refuse to furnish material to people. What actual knowledge have you of that?

Mr. JOHANNSEN. I said it was not an unusual experience for an organizer of ironworkers, when he came in contact with a contractor who was erecting a steel bridge or a building, that invariably you would meet men who agreed with your position as to the hours and wages and had no objection to unionists, but who would inform you or advise you that if they should comply with your demands and employ all union men and observe the union rules that the erectors' association had sufficient power and influence to bring about a financial ruin of that individual.

Commissioner AISHTON. Then the testimony as it shows in the record regarding the steel corporation and the American Bridge Co. controlling the output is hardly correct? You mean to say that the—I forget the name.

Mr. JOHANNSEN. The erectors' association.

Commissioner AISHTON. The erectors' association are the people that control this. Is that the way the record should read according to your last testimony?

Mr. JOHANNSEN. I think the record—I suppose what I said yesterday was correct; I am giving it as near as my memory serves me.

Commissioner AISHTON. Yesterday you specifically stated that the United States Steel Corporation and the American Bridge Co., and I think you also mentioned the erectors' association.

Mr. JOHANNSEN. I said the United States Steel Corporation with its allied companies, such as the Standard Oil Co., controlled or exercised power that the Government itself seemed unable to cope with.

Commissioner AISHTON. Yesterday you didn't mention the Standard Oil Co. Are we to understand that the United States Steel Co. and the Standard Oil Co.——

Mr. JOHANNSEN. Its influence on the Government and on the press and public opinion.

Commissioner AISHTON. What has that to do with material furnished to outside concerns?

Mr. JOHANNSEN. It has a great deal to do with it.

Commissioner AISHTON. Please say how?

Mr. JOHANNSEN. For illustration, suppose you come into a city like San Francisco or Chicago, if the ironworkers' union, for illustration, would have to make their own fight in any given large city without any allied interest to help them, it would be difficult for them to do anything. It is equally true of the National Erectors' Association. It is perfectly reasonable, it seems to me, to presume that wherever the National Erectors' Association or the American Bridge Co. or any other institution which has for its purpose the maintenance and establishment of what they term the open shop, each has the moral support and financial support of these other institutions and individuals that stand for that.

Commissioner AISHTON. That is largely a matter of assumption, isn't it, Mr. Johannsen?

Mr. JOHANNSEN. No, sir; that is my experience.

Commissioner AISHTON. Coming back to this matter of control of material and the furnishing of material, is your statement made yesterday that the steel company and the American Erectors' Association controlled the erecting and controlled the furnishing of material correct?

Mr. JOHANNSEN. So far as I know that is correct.

Commissioner AISHTON. Your knowledge does not go other than as a matter of general report among your people?

Mr. JOHANNSEN. That is quite generally accepted by our people.

Commissioner AISHTON. You made a statement as to the attitude of the employees at Gary. Is that a matter of report about the downtrodden look and that they did not dare to take a paper?

Mr. JOHANNSEN. That is my personal experience. I went, together with Mr. Nockels and John Fitzpatrick and with the general organizer, a fellow by the name of Flood.

Commissioner AISHTON. When was that?

Mr. JOHANNSEN. About two years ago, I think.

Commissioner AISHTON. How long were you there?

Mr. JOHANNSEN. I was in Chicago then about five or six weeks.

Commissioner AISHTON. How often were you at Gary?

Mr. JOHANNSEN. Once.

Commissioner AISHTON. Just once?

Mr. JOHANNSEN. Isn't that enough?

Commissioner AISHTON. I didn't ask you whether it was enough or not.

Mr. JOHANNSEN. I meant that the experience there was hopeless.

Commissioner AISHTON. You were there once?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. And Gary is quite a large plant, is it?

Mr. JOHANNSEN. Yes, sir; quite a large plant.

Commissioner AISHTON. And what particular part of the plant were you in or gate were you at?

Mr. JOHANNSEN. I have forgotten the name of the street. There are two or three entrances there.

Commissioner AISHTON. And your personal observation, together with what you saw at that time——

Mr. JOHANNSEN. Why, certainly.

Commissioner AISHTON. Mr. Johannsen, you have stated in your evidence yesterday that the employers largely controlled the courts, and you were referring then to this court at Indianapolis, were you?

Mr. JOHANNSEN. No; I was referring to——

Commissioner AISHTON (interrupting). Generally?

Mr. JOHANNSEN. Generally. Well, of course, it is a matter of comparison, you understand.

Commissioner AISHTON. Yes; you made some definite statements about the control of juries and judges and other things, I believe, at Indianapolis.

Mr. JOHANNSEN. Well, I don't know about the control of the juries, but it left that inference.

Commissioner AISHTON. It left that inference?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. Your knowledge is not definite on that, only from inference?

Mr. JOHANNSEN. I am assuming, if you want me to correct my statement.

Commissioner AISHTON. Well, what records have you to show about that?

Mr. JOHANNSEN. Well, for instance, it is a positive fact from documentary evidence that a train was ordered by the agents of the Government on the 19th day of November, 40 days before the trial closed, to carry 93 passengers from Indianapolis to the penitentiary at Leavenworth. I believe or assume, from the fact that the man who could order that train and make such a close guess as to the number of passengers, must have had some reasonable fact to base his estimate on, as to how many men would go. It is probable that they were very close to the jury. I don't know that they were:

Commissioner AISHTON. So, so far as the record is concerned, whatever you stated yesterday may be, some of that is from inference, and the one fact you have that you can produce proof of, that that train was ordered for 93 men?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. You were at Indianapolis during this trial, were you, Mr. Johannsen?

Mr. JOHANNSEN. Yes; part of the time.

Commissioner AISHTON. What part of the time during this trial?

Mr. JOHANNSEN. I was there six days at one time, and three days another, and two days another, I think, or such a matter.

Commissioner AISHTON. You, at this time, were the organizer of Brotherhood of Carpenters?

Mr. JOHANNSEN. No; at that time I was organizer of the State Building Trades Council of California.

Commissioner AISHTON. That is something similar to the State Federation of Labor that they have in some States, is it, or is it another organization?

Mr. JOHANNSEN. Well, it has some similarity; only difference in it, in the building trades and the State organization, our business is confined largely to the question of industry. The State federation is confined more to the question of advising social legislation.

Commissioner AISHTON. This is another organization outside of the State federation?

Mr. JOHANNSEN. Yes; it is an independent organization.

Commissioner AISHTON. And don't take in all the trades?

Mr. JOHANNSEN. Only takes in the building trades.

Commissioner AISHTON. I see. The building trades are members of the federation largely——

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. As well as members of this other?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. What attracted you to Indianapolis; you were representing whom?

Mr. JOHANNSEN. I attended a convention of the Brotherhood of Carpenters in this city, Washington, in September, 1912, and on my return, going back to the coast, I stopped off at Indianapolis; and at that time the executive officers of the ironworkers who were on trial held a meeting and requested me—wanted to know if I had the time and was willing to go out in the larger cities in the East and to tell their story, and incidentally to raise some funds to help, to assist the defense. I got permission from the Building Trades Council of California and so I went to the different cities in the East.

Commissioner AISHTON. That is, you went to the different cities in the East, speaking in the cause of the ironworkers and raising funds for their defense?

Mr. JOHANNSEN. That is correct.

Commissioner AISHTON. And you stopped, you say, three weeks in Indianapolis?

Mr. JOHANNSEN. Well, I should judge, altogether about 10 days.

Commissioner AISHTON. Were you engaged in soliciting funds in Indianapolis?

Mr. JOHANNSEN. Oh, no; you couldn't raise any funds there.

Commissioner AISHTON. You couldn't raise any funds there?

Mr. JOHANNSEN. No.

Commissioner AISHTON. What were you doing at Indianapolis?

Mr. JOHANNSEN. Oh, consulting with the defendants and watching the trial.

Commissioner AISHTON. And you represented nobody but the building trades council, and by their permission you were there helping the ironworkers in their case?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. Were funds furnished you for that purpose?

Mr. JOHANNSEN. I should say—to me personally, you mean?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. To pay my expenses?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. Why, the State Building Trades Council took care of the expenses of my family while I was in the East, and the ironworkers paid my railroad fare and hotel bill.

Commissioner AISHTON. Who employed counsel for the ironworkers? Did you do that?

Mr. JOHANNSEN. No; that was all arranged before I got there.

Commissioner AISHTON. That was all arranged before you came, and you did not have anything to do with that?

Mr. JOHANNSEN. No.

Commissioner AISHTON. And there was no attempt made to influence the courts or anything of that kind by you or any of your associates?

Mr. JOHANNSEN. By me?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. Of course not. I couldn't influence no court.

Commissioner AISHTON. You spoke about the control of the press. What makes you think the press was controlled, Mr. Johannsen, at Indianapolis? Take Indianapolis, for example; they have four or five newspapers.

Mr. JOHANNSEN. I can tell you that; but before that let me give you a little illustration.

Commissioner AISHTON. All right; go ahead.

Mr. JOHANNSEN. When I was at the Darrow trial at Los Angeles—the first trial—I met "Golden Rule." What I call "Golden Rule" was Lincoln Steffens. We called him "Golden Rule." He took me out to dinner one evening, and I discussed with him everything and nothing, and we came to the same conclusion on both. And all of a sudden he said to me, "Joe, I wish you would be indicted for murder." I was somewhat flabbergasted. I asked him what he meant by that. He says, "Well, if you were indicted for murder and permitted me to advise the defense, I would have engaged for your defense some of the best criminal lawyers in the country—not philosophers or poets, but real criminal lawyers. You would plead not guilty, and we would have to agree that the attorneys would defend you on the ground of emotional insanity. Of course I know you are crazy, but everybody doesn't, and of course you are insane on the labor question. Under that theory the defense would be permitted to introduce any testimony which would be considered as contributory to your insanity, and in that event, in such a trial, every injustice that labor has suffered under the present social and economic system could be introduced as testimony on the grounds of its being contributory—all about the Cherry mine disaster and the Triangle Shirt disaster, and all these different lockouts and things, and hunger and starvation and oppression, and all the system could be exposed at the trial. Of course it would all come out; but you know civilization couldn't stand it. Of course you might get hung, but it would make a hell of a fine story."

Commissioner AISHTON. That was the opinion of Steffens?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. You said Steffens said——

Mr. JOHANNSEN (interrupting). I said that was his story. And it strikes me that while that might be somewhat extreme, it strikes me that that is a very good picture of the psychology and state of mind of the average newspaper man.

That anything that has any real social value can get little notice in the papers, unless it comes in such an exceptional or extraordinary way that it is real good news. Our suffering is very seldom good news.

Commissioner AISHTON. Coming back to the concrete case of the press at Indianapolis, I did not see the Indianapolis papers, but don't you think, Mr. Johannsen, that the dastardly nature of the crimes that these men were accused of had something to do with the publicity, with the papers' side?

Mr. JOHANNSEN. The point of view of the men who write the story certainly has something to do with it; that is what I mean. They can not get our point of view, and I am not condemning them for it.

Commissioner AISHTON. You think that a man who is a newspaper man and engaged in writing news that his point of view is such that he can not give your side a fair deal. Now, he is not an employer ordinarily; he is an employee; and is it not fair to assume that if he could not give the point of view for the other side as well as of the worker?

Mr. JOHANNSEN. No, sir. For instance, let me give you a specific instance in Indianapolis. A man by the name of John Lofthaus, a member of the Millmen's Union, No. 42, of San Francisco, was subpœnaed by the Government as a witness and came to Indianapolis and was taken into a private room of the district attorney's office to be sweated, the same as all other witnesses, or nearly all other witnesses. He was taken into that private room, and there were present two Burns detectives, or detectives for the erectors' association, I am not sure which, but at any rate two detectives, and they are all alike, it don't make much difference who hires them; and in that room Lofthaus was asked—was told what he knew. "You know, Mr. Lofthaus, that Tveidmoe, secretary of the Building Trades Union, paid money out of the treasury to hire dynamiters." Lofthaus said, "I don't know anything of the kind." They said, "You know it, and unless you testify to that you will be charged with perjury." Lofthaus had the courage to call their bluff, which he did, and they never put him on the witness stand, and they paid him $300 to get him out of town. That was not published in the papers. You could not get it in.

In another case the business agent of the carpenters' union of Detroit, Mich., was on the witness stand for the defense, and the district attorney, Miller, made a charge in open court while this man was on the stand, "This man, your honor, is guilty of perjury, and we want him held." He was held on a charge of perjury, and he was dismissed without a trial or a hearing immediately after the court had adjourned, after the trial was over. The whole thing was simply a scheme of publicity, in my opinion, to create an unfavorable atmosphere in public opinion against our men.

Commissioner AISHTON. I think you said that the attitude of the press was largely, in these matters, determined by their lack of ability to get the point of view on social questions. That is correct, is it?

Mr. JOHANNSEN. That is one phase of it.

Commissioner AISHTON. I do not want to take up too much time, Mr. Chairman.

Chairman WALSH. Go ahead.

Commissioner AISHTON. On this matter of peaceable picketing, this commission has heard a good deal of testimony about peaceable picketing. We have heard some agent of an organization in Pennsylvania tell about peaceable picketing, and that really was a very pretty picture; but I understand your idea of peaceable picketing in California is, according to the advice that was given these ladies, to punch them in the nose. Isn't that it?

Mr. JOHANNSEN. Oh, no; I want you to get my spirit.

Commissioner AISHTON. That is what we want to get. The record shows that, however, the way I stated it; and if that is incorrect I would like to have it corrected.

Mr. JOHANNSEN. You can not get much feeling in a record.

Commissioner AISHTON. I wish we could.

Mr. JOHANNSEN. What I intended to convey was this: That these women, by reason of their lack of experience—they were very anxious to make some threats to the scabs or strike breakers, and I tried to point out to them that it was much better to be arrested for punching a scab than threatening a scab. Of course, I advised them against punching the scabs or attacking them. I tried to persuade them in that way, or to show them that the mere threatening of a scab did not get any results. "That gets you nowhere; you can be punished for threatening as well as punching them in the nose."

Commissioner AISHTON. Naturally, the thing that would get the most results would be to punch them in the nose?

Mr. JOHANNSEN. That does not logically follow. It means that if I was going to do one of two things I would rather punch them in the nose than threaten them and have the same penalty assessed against me for doing it.

Commissioner AISHTON. I think that creates the same impression that was created by your testimony of yesterday.

I think that is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock wishes to ask some other questions.

Commissioner WEINSTOCK. I want to call your attention, Mr. Johannsen, to the fact that the record that is being kept here will, of course, become public property, and that it will be a source of information to students all over the country on both sides of the problem, and therefore whatever is said here will tend to make character in the minds of the students and the readers of the output of these students for the witness and the sides they represent and the issues that are at stake. In looking over this testimony of yesterday I notice you make some pretty sweeping statements here, and I felt it was only fair to you to give you an opportunity, if you cared to exercise it, to amend or modify or correct the statements made. Let me read this one to you [reads]:

"Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

"Mr. JOHANNSEN. After you prove it to us we change our opinion; see?

"Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man, or group of men, that has any real grievance is justified in taking the law into his own hands or ignoring it?

"Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump: 'If you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences.'"

Of course, in plain language, this seems to defy the authorities. Now, I think you ought to be afforded an opportunity to modify or change this, if you care to do so.

Mr. JOHANNSEN. That is all right as it stands.

Commissioner WEINSTOCK. You prefer to leave it the way it is?

Mr. JOHANNSEN. Sure.

Commissioner WEINSTOCK. Toward the close of the hearing here last evening Commissioner Garretson and you were discussing a situation in New York, and in going over the testimony of Commissioner Woods, Police Commissioner Woods, Commissioner Garretson asked you if you had read yesterday morning's Sun, in which Dopey Benny, the head of the New York gangsters, in his confession had made the statement that he had refused an offer of $7,500 from the employers' association in New York to work on their side, and you said you had not seen that. I also had not seen it, so last evening I got a copy of yesterday's Sun, and I was unable to find the statement that Commissioner Garretson referred to, but I did find this. Let me read it to you and for the record. This is the Sun of Friday, May 14, 1915, under the heading "Inquiry shows labor ring as bloody assizes;" I will just take extracts from it, because the article itself is rather lengthy. [Reads:]

"The deeper Assistant District Attorney Breckenridge delves into the alliance between union men and gangsters the more starting becomes his discoveries. He has found and expects to prove that the despotic ring which ruled by force in the garment workers' unions resolved itself in a secret tribunal and dealt out punishment to nonunion men and recalcitrant union members; to be called before that body meant a beating, maiming, and in some cases death. * * *

"These mock courts termed 'bloody assizes' by their victims sat after strike meetings of business sessions in halls that the union leaders hired in many parts of the city and sometimes in local headquarters. After the ordinary business was finished a few officials with some of their strong-armed men would form around a table with one man sitting as judge. They had what was known as a bailiff, and the man accused was addressed as the defendant. * * *

"Generally one or two men were tolled off to do the actual slugging. If a man protested that he was not nonunion he was knocked down. If he became so infuriated as to call his accuser a liar he was beaten into insensibility. Mr. Breckenridge knows of three men who had ears cut off, and charges at least one murder as the result of one of these trials. * * *

"There are no indictments against the employers, Mr. Breckenridge said yesterday, because there has been nothing brought out in the investigation to show that the employers did more than try to defend themselves against assault. * * *

"'We have got the gangsters and the labor men working against each other,' he said, 'and they are giving each other up. They are running for cover, so deep into the system as the investigation gone, and they are cutting each other's throats in the effort to gain protection for themselves. There has never been such a revelation.'"

Now, if the statement that you made in your testimony wherein you went on to show that the employers hired gunmen and detectives is true, and if the statement made by Police Commissioner Woods of New York contained in the press is also true, it would make it clear that you were in error yesterday when the question was put to you, "Do you know of any instance where organized labor has employed gunmen, and you answered no." It would indicate that neither side, if both sides are correct in their charges, that neither side can come into court with clean hands; that both sides evidently resort to the employment of gunmen and sluggers?

Commissioner O'CONNELL. Will you allow me to read into the record an article in order to verify Mr. Garretson's statement of last night? This is from the Washington Times of yesterday. [Reads:]

"NEW YORK, *May 14*.—Dopey Benny Fein, gang leader, whose confession lead to the indictment by the grand jury of 34 labor leaders and gunmen on charges ranging from assault to murder, refused offers of $7,500 to double-cross the men who hired him.

"This statement was made to-day by Assistant District Attorney Breckenridge, who has charge of the case.

"Fein declared manufacturers approached him and offered him $7,500 more than he was receiving to use his gunmen against the unions that were employing him. Fein turned these offers down flatly. Breckenridge declared he had substantiated Fein's statements by talking to different manufacturers."

Now, in this morning's Post, I read it coming down in the car. I can't lay my hand on it just now——

Commissioner WEINSTOCK. Then Mr. Garretson must have been mistaken in the paper that he read; he said it was the Sun instead of the Times.

However, admitting that that is so, the facts would indicate that both sides are guilty, or that neither side can come into court with clean hands.

Mr. JOHANNSEN. The statement that you read in the paper, the fact that those men have been indicted, or the statement made by Commissioner Woods, does not convince me that it is true. I refuse to pass judgment on any man, no matter where he is from or who he is on the mere indictment against him. That doesn't mean that he is guilty; neither does his conviction necessarily mean that he is guilty. I would not want to pass any opinion, except what I passed yesterday, that it does not seem reasonable to me that a union man, especially an officer with any experience, would be so lacking in judgment and in his information as to trust any man who was willing to slug another man with no other consideration except money.

Commissioner WEINSTOCK. Then all that you say, Mr. Johannsen, on the one side, could also be said with equal force on the other side; the charges made by the unions against employers hiring sluggers?

Mr. JOHANNSEN. With this exception. I don't think the other side are as wise to that as we are. They have too much faith in gold.

Commissioner WEINSTOCK. What has that to do with it?

Mr. JOHANNSEN. That has a lot to do with it.

Commissioner WEINSTOCK. I don't get your point.

Mr. JOHANNSEN. Everthing. If a man is paid, they think, he will do it and not betray them.

Commissioner WEINSTOCK. If you say that the indictment of sluggers hired by organized labor and their convictions before courts and juries are not to be accepted, then why can not that same thing be said on the other side? What if sluggers and gunmen are convicted as employees of employers, what then; would they still be innocent of the charges?

Mr. JOHANNSEN. I presume they do say it, don't they? Did you ever meet a member of the manufacturers' association that told you they hired sluggers?

Commissioner WEINSTOCK. Yes, sir; you and I heard it in the city of San Francisco, where they admitted it very frankly. You will remember that question came up, that Commissioner Garretson asked Mr. Totten, a member of

the association, "Why do you men hire gunmen?" and he answered by saying, "Were you ever in a mob?" And Mr. Garretson said, "I was"; and he said, "Did you ever have half a dozen strikers or representatives of strikers jump on you?" And Mr. Garretson said, "I am too smooth." And Mr. Totten said, "If I was as smooth an article as you are, I would not need them, either." There they frankly admitted employing gunmen.

Mr. JOHANNSEN. He said in self-defense. They could not very well deny it there, because we found the pick handles.

Commissioner O'CONNELL. Can I read the Post in here, an article from New York of the 14th [reads]:

"EVEN LAWYERS IN THE NET.

"Dopey Benny's story involves, according to those in the district attorney's office, not only labor leaders, cloak and suit manufacturers, but lawyers and those who have to do with the conduct of justice in this city."

Commissioner WEINSTOCK. In your statement yesterday, Mr. Johannsen, you brought up the McNamara case. May I ask whether you attended the Los Angeles hearing?

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. You probably then will recall—were you present when Job Harriman was on the stand?

Mr. JOHANNSEN. In the Darrow trial?

Commissioner WEINSTOCK. No; before our commission?

Mr. JOHANNSEN. No; I was not present there.

Commissioner WEINSTOCK. For your information, let me recite an incident when Mr. Job Harriman was on the stand, and I was questioning him and I said, "You have been interested in labor organizations for years?" "Yes, sir." "You are familiar with their spirit and aims and purposes?" "Yes, sir." "Does organized labor stand for law and order?" "Yes, sir." "Do you know of any instances where organized labor standing, as it claims to stand, for law and order, has disciplined or expelled unionists who have violated law and order by having resorted to violence in labor trouble?" 'No." "What then, Mr. Harriman, is the answer to the charge made by organized labor against its opponents that it does not stand for law and order as evidenced by the fact that it retains in high offices of trust and honor and responsibility men who have been convicted of crime?" He said, "Well, you must give me some specific or concrete case." I said, "Let us take the case of Frank Ryan, president of the Structural Iron Workers, who, after being convicted, was retained in his position of international president." Mr. Harriman said, "Did you read the testimony in that case?" I said, "No; I did not." He said, "If you will take the trouble to read that testimony, you will find that Ryan and his associates were innocent men railroaded into prison."

When I came to inquire about the testimony I discovered that it contained only 25,000 pages of type matter, and life being short and I, living under pressure, found it inconvenient to read 25,000 pages of type of testimony in order to determine the guilt or innocence of Frank Ryan and his associates. Last evening, however, there was placed in my possession a copy of the decision rendered by the United States Circuit Court of Appeals for the Seventh Circuit, October term and session, 1913, in the case of Frank M. Ryan et al., plaintiffs in error, *v.* the United States of America. I find in this decision those 25,000 pages of testimony were epitomized and condensed into a brief form, and I want to read it into the record, and then I want to ask you a question about it after I finish reading it.

Commissioner O'CONNELL. The whole book?

Commissioner WEINSTOCK. No; just a page or two. Before I start to read it, I want to ask you this question: Do you, in common with Mr. Harriman, believe that Mr. Frank Ryan and his associates were innocent men railroaded into prison?

Mr. JOHANNSEN. What do you mean by innocent?

Commissioner WEINSTOCK. That they were not guilty of the crimes charged and of which they were convicted?

Mr. JOHANNSEN. Of course I do.

Commissioner WEINSTOCK. You believe they were innocent men, railroaded into prison?

Mr. JOHANNSEN. I wouldn't want to put it that way exactly—railroaded.

Commissioner WEINSTOCK. Put it your own way.

Mr. JOHANNSEN. I am satisfied they never committed any crime against labor or a better society.

Commissioner WEINSTOCK. And therefore were unjustly convicted?

Mr. JOHANNSEN. Yes, sir.

Commissioner WEINSTOCK. Now, this is a decision, not of the trial judge, Anderson, whom you say was unfair——

Mr. JOHANNSEN. I have read that very carefully.

Commissioner WEINSTOCK (continuing). Who you say was unfair in the trial; but this is an opinion and decision of the circuit court of appeals, including Judges Baker, Seaman, and Kohlsat, against whose integrity I have never heard a word, and who seemingly went into the evidence most exhaustively and most carefully. That will be demonstrated from the fact that they released Mr. Tveitmoe and others, that the testimony in their judgment did not justify a conviction. If they had not gone into it exhaustively in their review, they would not have made those exceptions. This is a decision by the court [reads]:

"The facts thus recited, as proven by the Government on the trial, may be mentioned in part as follows:

"The nature of the contest between the International Association of Bridge and Structural Iron Workers, of which 'all of the defendants except two that were convicted were members,' and the American Bridge Co., and of the ensuing general strike declared and supported by the association 'throughout the United States,' extending from 1905 continuously down to 'the time of the trial' is described. In the early months it was attended by 'numerous acts of violence' in various places, and commencing in 1906 dynamite was brought into use 'to blow up and destroy buildings and bridges that were being erected by "open-shop" concerns,' and such explosions started in the eastern part of the country and 'extended from the Atlantic to the Pacific' in many places. This course continued 'until the arrest of the McNamaras and McManigal in April, 1911.' Almost 100 explosions thus occurred, 'damaging and destroying buildings and bridges in process of erection where the work was being done by "open-shop" concerns.' And 'no explosions took place in connection with work of a similar character that was being done by "closed-shop" concerns.' From February 17, 1908, until April 22, 1911, 70 of such explosions occurred, 43 of which were in connection with work either of the National Erectors' Association or American Bridge Co. and affiliated concerns, and 27 of the explosions occurred in connection with the work of independent concerns in no way connected with either thereof. Dynamite was first used together with fuse and fulminating caps, the fuse being generally about 50 feet in length, 'and when lighted the explosion would occur in about half an hour.' Nitroglycerin was next brought into use provided with a clock and battery and attachments to be used together with dynamite and nitroglycerin, constituting what was termed an infernal machine, to be used in connection with the dynamite and nitroglycerin in the destruction of buildings and bridges of 'open-shop concerns'; and 'from this time forward the clock and battery was used in connection with charges of dynamite and nitroglycerin in the destruction of life and property.'

"These infernal machines 'were so made and arranged that they could be and were set to cause the explosion to take place several hours after it was set, so that the person setting the explosion could be hundreds of miles away when the explosion took place.' The headquarters of the international association was at the outset in Cleveland, Ohio, but was removed to Indianapolis, Ind., early in 1906, and there remained. The various places in which the several defendants were located are mentioned in various States. The dynamite and nitroglycerin which were used for the explosions mentioned 'were transported in passenger cars on passenger trains of common carriers engaged in the transportation of passengers for hire into and over and across' various States named. Explosions took place 'in all of the States named, and a number of times in some of them and were planned to be made in other States named.' In connection with this work of destruction, 'dynamite and nitroglycerin was purchased and stolen and various storage places arranged to conveniently store such explosives that were to be used in the destruction of property in the various States' referred to; and 'such explosives were carried and taken on passenger trains from such storage places in the various States to various places in the other States where structural ironwork was in process of erection,' and the various locations are named.

"'Large quantities of dynamite and nitroglycerin were at various times stored in vaults of the association' in Indianapolis and also in the basement of the building. These storage places 'were so arranged that dynamite and nitroglycerin could be readily obtained and transported from such place of storage' to other places for their use in destruction or property, also clocks and batteries, as described, and fuse and fulminating caps, as well, in large quantities, 'all to be used in connection with the dynamite and nitroglycerin for the destruction of property'; and some thereof were stored in the vaults of the association at Indianapolis, 'so that the same would be accessible for immediate use in connection with any explosion desired at any other place in the United States.' For the purpose of carrying such explosives, 'suit cases and carrying cases were obtained and purchased, in which such dynamite and nitroglycerin, clocks, batteries, fuses, caps, and attachments could be conveniently placed and carried by persons going from a place of storage to a place in another State on passenger trains of common carriers, etc.' All the explosions mentioned 'were accomplished with the materials, including nitroglycerin and dynamite' so stored, and were transported 'from said storage place to the various places throughout the United States where such explosions occurred in suit cases and carrying cases by persons traveling upon the passenger trains of common carriers,' etc.

"'Four explosions occurred in one night at the same hour in Indianapolis,' and 'explosions were planned to take place on the same night two hours apart at Omaha, Nebr., and Columbus, Ind., and the explosions so planned did occur on the same night at about the same time, instead of two hours apart, owing to the fact that one clock was defective. The explosions referred to at Omaha and Columbus were all 'open-shop concerns,' and the infernal machines used therein were taken from the storage places of said materials above set forth. The 'Times Building at Los Angeles was destroyed by the use of dynamite' on October 1, 1910, and 21 persons killed, 'and immediately after the happening of this event arrangements were made to have an explosion in the eastern part of the United States, as an echo in the East of what had occurred at Los Angeles.' Prior to 'the arrest of the McNamaras and McManigal,' seven or eight explosions were planned 'to take place in different parts of the country widely separated on the same night.' All the dynamite and nitroglycerin, 'except the dynamite that was stolen, the batteries, clocks, caps, fuse and attachments, suit cases and carrying cases, as well as the expense and work of carrying the explosives and articles to be used in connection therewith, including the expense incident to the stealing of dynamite, were paid out of the funds of the international association, and these funds were drawn from the association upon checks signed by the secretary-treasurer, John J. McNamara, and by the president, Frank M. Ryan,' plaintiff in error. * * *

"These basic facts directly bearing upon the issues are followed up with connecting evidence of the following nature: Written correspondence on the part of many of the plaintiffs in error, both between one and another thereof and with other defendants, inclusive of the above-mentioned conspirators, together with letters from one and another of such conceded conspirators to one of the plaintiffs in error and to other defendants, properly identified, constitute one volume of printed record; and these letters furnish manifold evidence, not only of understanding between the correspondents of the purposes of the primary conspiracy, but many thereof convey information or directions for use of the explosives, while others advise of destruction which has occurred, and each points unerringly not only to the understanding that the agency therein was that of the conspirators, but as well to the necessary step in its performance of transporting the explosives held for such use. This line of evidence clearly tends to prove and may well be deemed convincing of the fact of conspiracy on the part of many, if not all, of the correspondents; and many, if not all, of the uses of explosives therein referred to are established by other evidence to have occurred, together with direct evidence of carriage of explosives for such use, as charged. * * *

"One feature of circumstantial evidence is brought out by the testimony and justly pressed for consideration, as tending to prove the conspiracy in all its phases, namely: That use of explosives for destruction of property as described embraced exclusively 'open-shop concerns' and was continuous and systematic from the commencement of such course up to the time of the above-mentioned arrest of the McNamaras and McManigal, and then ceased throughout the country. * * *

"We are of opinion, therefore, that the general challenge for insufficiency of evidence must be overruled; that support for the charge of conspiracy, to say the least, by no means rests on the testimony of McManigal; and that no error appears in submission of his testimony for consideration by the jury. * * *

"1. Plaintiff in error, Frank M. Ryan. This plaintiff in error was president of the association and of its executive board and was active manager and leader of the contest and policies carried on throughout the years of the strike and destructive explosions in evidence. Letters written and received by him at various stages of the contest clearly tend to prove his familiarity with and management of the long course of destroying 'open-shop' structures, however guarded in expression. He was at the headquarters of the association for supervision of operations periodically, usually two or three days each month, uniformly attended the meetings there of the executive board, and made frequent visits to the field of activities. As previously stated, Ryan wrote the letter suggesting that reports of expenditures be discontinued while 'our trouble is on,' and presided at the board meeting adopting such course; and presided as well at all subsequent meetings referred to wherein all expenditures for allowance out of association funds 'were of necessity presented.' He signed all of the checks in evidence (as recited) for payments of expenditures for purchase, storage, and conveyance of explosives. One of Ryan's letters (Jan. 20, 1908) to McNamara in reference to obnoxious work in course of erection at Clinton, Iowa, was followed up by destruction of the bridge (Feb. 17, 1908) by explosives carried there and applied by McManigal (under direction of plaintiff in error Hockin), and the expense was paid through a check signed by Ryan. Letters received by Ryan from the defendant Edward Clark, who resided at Cincinnati, one of the places of bitter contest, and was an active manager in that field, bring home to the former plain information of 'needs' for 'other kinds of methods,' which were carried out in explosions; and many other letters in evidence, both from and to him, however disguised in terms, may well authorize an inference of his complete understanding of and complicity in the explosions, both in plans and execution. Edward Clark testifies of a meeting with Ryan in Cincinnati to examine the work of 'open-shop' concerns, and that Ryan called his attention to a location where a 'shot could be placed to advantage.' McManigal testifies of meetings and conversations with him in reference to explosions caused by the witness, on two occasions, at least, and corroborative testimony appears for one of these interviews. Ryan's own testimony admits visits and conferences tending to confirm the foregoing inferences of complicity.

"The assignments on behalf of plaintiff in error Ryan are overruled, and the judgment against him must be affirmed."

In view of this epitomizing of testimony and the decision of this higher court, whose integrity has not been doubted in any way, as far as I know, will you still say that Ryan is an innocent man, falsely accused and unjustly convicted?

Mr. JOHANNSEN. I would still say that Ryan and his associates failed to get all of the benefits the law prescribed and that the law generally gives to the rich. I want to call your attention——

Commissioner WEINSTOCK (interrupting). You say, "To the rich"; what do you mean by that?

Mr. JOHANNSEN. The man that has plenty of money and friends.

Commissioner WEINSTOCK. How many attorneys were employed in this case to defend Ryan?

Mr. JOHANNSEN. Only 1, and 14 helpers.

Commissioner WEINSTOCK. What was the name of that lawyer.

Mr. JOHANNSEN. Senator Kern.

Commissioner WEINSTOCK. He is not a cheap lawyer.

Mr. JOHANNSEN. No; but he came into the case too late; he came in after the trial had started.

Commissioner WEINSTOCK. Do you know how much money was expended by the structural ironworkers in defending Ryan and his associates?

Mr. JOHANNSEN. I am willing to admit that, but that is not so important. This case was taken to the Supreme Court of the United States, and the United States Supreme Court refused to review the case. Now, on March 2, 1913, the United States Supreme Court handed down a decision on a case of a man whose name I have forgotten, but he is in the Kansas City district; I can get his name. He was charged with fraudulently using the mails. The Supreme Court decided that the principal evidence used against the defendants had been taken from him by forcible means, by agents of the Government and detectives,

something like 600 letters, and the letters used against him as evidence, and therefore the court sustained the defendant and overruled the other court, and ordered a new trial, and further ordered that these letters stolen from him by the Government agents could not be used against him.

It is my deduction, and a reasonable one, had the United States Supreme Court considered the ironworkers' cases and made the same decision, that the documents stolen from the ironworkers by the National Erectors' Association or by Burns and his detectives and by the officers of the Government—if they could not be used against the defendants, they naturally would have been up against it.

Commissioner WEINSTOCK. Would that have changed the fact of their guilt in any way?

Mr. JOHANNSEN. It would have given them the benefit of the law.

Commissioner WEINSTOCK. Would it have altered the fact that those letters had been written and the crimes committed?

Mr. JOHANNSEN. I am not the one to judge of the defendant's guilt; that is not up to me. I say, that, so far as the law is concerned, these men did not get the same process, the same consideration, that other men get in other circumstances.

Commissioner WEINSTOCK. And therefore your conclusion is that they were innocent men?

Mr. JOHANNSEN. My conviction is that they did not get the benefit of the law; that the law that is made by the other class—the lawyers—that the rules of the game were ignored as against the defendant.

Commissioner WEINSTOCK. I did not follow the thing as closely as you did; but may I ask—I have an indistinct recollection of a petition presented to President Wilson, asking him to pardon Ryan and his associates—is that so or not?

Mr. JOHANNSEN. You know there is also a petition presented for the pardon of Hawkins, presented by William J. Burns, I understand.

Commissioner WEINSTOCK. That is not answering my question.

Mr. JHANNSEN. Yes; I think there is such a petition.

Commissioner WEISTOCK. Can you tell us the result of that petition?

Mr. JOHANNSEN. As near as I can remember, I think four or five were pardoned.

Commissioner WEINSTOCK. But Ryan and his associates were not pardoned?

Mr. JOHANNSEN. No.

Commissioner WEINSTOCK. Is it reasonable to assume that the President, whom we all respect and whom we all believe is fair-minded and high-minded and disinterested, could have refrained from pardoning Ryan and his associates, if, as a result of the facts as represented to him, he regarded them as innocent men?

Mr. JOHANNSEN. I am willing to concede the President's honesty, and that if he has not pardoned these men that he assumes, from his information, that they are guilty under the law. I don't know that that is his presumption. I have great faith in his integrity, and that he has a more sincere humanitarian point of view than most of the employers, I can tell you that. I wish we had more like him.

Commissioner LENNON. Mr. Johannsen, I can not use your words, but you practically made the statement that where the law or decisions of the courts invades the personal rights or human rights of the individual you would disobey the law or decision of the court and take the consequences?

Mr. JOHANNSEN. Well, I meant in connection with injunctions.

Commissioner LENNON. Yes. Prior to the Revolutionary War, Great Britain passed what was known as the Stamp Act. The people of the Colonies, feeling that it was an invasion of their rights as subjects of Great Britain, refused to obey the law, and many things happened which can be, some of them, ascertained in the History of the American People, by President Wilson. Has history vindicated the actions of the colonists in refusing to obey that law?

Mr. JOHANNSEN. I should say it has.

Commissioner LENNON. Perhaps it may be out of place to use personalities, but prior to the war of 1861 to 1865, in the fifties my father lived in a slave State and operated a system of underground railway and helped slaves to escape, contrary to the fugitive-slave law. Has history vindicated a position of that kind?

Mr. JOHANNSEN. History and everything else has vindicated it.

Commissioner LENNON. And it always will?

Mr. JOHANNSEN. Criminals of one generation become the saints of the next, socially speaking.

Commissioner LENNON. Are you at all familiar with the starting of the strike of the tailors in Los Angeles, which was one of the first great strikes there—that the members of the union were called into the shops, and they were called in at different times—that is to say, one shop would call them at 10 o'clock and another shop would call them at 11 o'clock and another at 2 o'clock, and so on—and the employer notified them that if they wanted to go to work the following week they would have to turn in their books as members of the tailors' international union and sign an agreement not to become members again while working for these firms?

Did you ever hear of it being done in that strike in Los Angeles?

Mr. JOHANNSEN. Yes, I have heard it; but just in a general way. But the tailors' strike in Los Angeles was before I came to the city.

Commissioner LENNON. The strike lasted 14 months?

Mr. JOHANNSEN. And they won.

Commissioner LENNON. Of course they won.

Mr. JOHANNSEN. Which was very important.

Commissioner LENNON. In the matter of the employment of gunmen, not only did Mr. Totten testify to the employment of gunmen, but while not so direct, it was practically admitted by the president of one of the banks who testified in San Francisco, whose name I have forgotten, he was a contributor, and that it was known such things were done. This was certainly contrary to the law, which was complained of quite often, and rightfully so in many instances. Have these men been indicted or punished or in any way brought to task under the provisions of the law in California or of the United States in these instances?

Mr. JOHANNSEN. No; they are still staying in the same gambling house in San Francisco, waiting for the next job.

Commissioner LENNON. You have been associated with the trade-union movement for quite a long while and have seen much of it in many cities. What is your observation as to the general compliance with the laws of good citizenship by trade-unionists in the cities where you have been as compared with men of the same class, or women of the same class, who are not members of the union? How do they stand as to taking care of their families, as to wife beating, as to drunkenness, as to the general run of crimes that make up the great bulk of the charges that come before the minor courts?

Mr. JOHANNSEN. Well, I will tell you: I have been so awful busy with the union end of it I really have not had much time to draw the comparison between union and nonunion, in addition to being a little bit prejudiced against the nonunion. I think that the workingmen—certainly if the workingmen were not law-abiding citizens there would be something doing. Why, sure there would. The average business man likes the law as long as the law favors him. As soon as he thinks the law does not favor him, then he takes the law into his own hands, the same as he did in San Diego.

Commissioner LENNON. The fact of the matter is that with the belief in the minds of so many workingmen that their personal rights and constitutional rights are invaded by the courts at times, that is the reason, if there is any violation of law on their part, it is because of that feeling of invasion?

Mr. JOHANNSEN. Certainly; decidedly.

Commissioner LENNON. I think that is all I care to ask you.

Chairman WALSH. Mrs. Harriman would like to ask you a question.

Commissioner HARRIMAN. Mr. Johannsen, you speak of an inhuman point of view amongst employers. Do you think this point of view is a willful one, or the result of conditions?

Mr. JOHANNSEN. Why, of course, it is not a willful one. No one has a willful point of view, neither our side nor their side.

Commissioner HARRIMAN. Do you think it is the result of their environment and conditions?

Mr. JOHANNSEN. Of course. Let me give you a little story, if you would not mind, just on that line.

Shortly after the arrest of the McNamaras, Mr. and Mrs. Fremont Older, editor of the San Francisco Bulletin, were about to take a vacation in the country, and they asked my little girl Loretta, who has since died, to go with them; and she went to the country with them, and while in the country they stopped at a country hotel, and there was a rich man and his wife and their son from Los Angeles stopping there, and they were very bitter in their an-

tagonism and arguments, and talked to Older about the condition of things in Los Angeles, especially about agitators, and claimed that the working people were all satisfied and would be if it had not been for Johannsen and Tveitmoe and McCarthy, these agitators that came down there talking to their working people and stirring up trouble; but that they were going to put them all in jail; that they were going to hang the McNamaras. My little girl sat and listened to all that. So the next morning this millionaire—I have forgotten his name—came around to my little girl to get her to go around back of the hotel and see where his son had shot a big deer. My little girl had been taught by her mother not to hurt animals, and so she refused to go and said, "No; I don't want to go." So on the way back from the hotel Mrs. Older asked her, "What did you think about those people, Loretta? Didn't you think they were awful bad when they talked about agitators and about your father?" "No; they can't help it. They have always lived at the finest hotels and never heard anything else." So even she could see that, you know. It was perfectly clear to her.

Commissioner HARRIMAN. Well, the statement has been made before us that the ignorance on the part of the employer is part of the system, and that they do not wish to be enlightened and think about these things.

Mr. JOHANNSEN. Well, I think we are all very much handicapped in getting enlightenment. Of course those of us who are more fortunate in our opportunities to travel and have time to read and to observe and to draw comparison and to meet different kinds of people—why, just now when I met Mr. Drew right here, I felt like really he was not quite so bad as I thought. I hope he did the same as to me. I don't know——

Chairman WALSH (interrupting). I think you ought—you keep referring to "Drew," which is Mr. Walter Drew, whom you speak of meeting here. Now, you keep assuming——

Mr. JOHANNSEN. Oh, yes; I am assuming everybody knows who he is.

Chairman WALSH. Mr. Drew was the attorney at Indianapolis for the erectors' association?

Mr. JOHANNSEN. Yes; he is chief counsel, of course. I don't mean to reflect on him, but——

Chairman WALSH. I didn't mean to criticize you, but you might leave some wrong impression, you understand.

Mr. JOHANNSEN. I think that the question of communication is an all-important question, so far as education and understanding are concerned, or getting the point of view; and so I believe—I have felt that if the people could get the whole story of every strike and every fight and a real character sketch of both contending parties, no matter what they did or how they did it, so they could try and find out what was back of them, and why their attitude, and would they have tried to have done differently under different circumstances. If we could all get that, I think we would have a much better society.

Commissioner AISHTON. Yes; but how——

Commissioner HARRIMAN. Yes; that is it.

Commissioner AISHTON. How, through what channel?

Commissioner HARRIMAN. Yes. Have you any plan?

Mr. JOHANNSEN. Well, I am in hopes that the Associated Press and the journalists will become a little more Christlike in the future; I hope so.

Commissioner HARRIMAN. Mr. Johannsen, do you believe that the workers, when they feel that they are not getting justice at the hands of others, should take the short cut and take the law in their own hands or depend on the ballot for correcting their evils?

Mr. JOHANNSEN. Well, I have not much faith in the ballot. I am glad you asked that question, Mrs. Harriman. Several years ago, in England, when there was a great agitation on for to elect laboring men to the Parliament, they elected several men, and amongst others they asked John Turner to accept the nomination. John Turner was the general organizer of what they call "shop assistants" over there, and what we would call "retail clerks." John Turner is a very intelligent man, well read, well versed, and has a very exceptionally pleasing personality. He refused to accept any nomination. He made this statement: That it was his judgment, from his experience, that the Government only reflected in its legislation the social needs of the people in proportion to the crystallized public sentiment in a given direction from time to time; that that being true, whatever intelligence he might have, whatever ability he might have, he thought he could serve the interests of labor and the interests of the people outside of Parliament better than inside of Parliament.

And that is exactly my opinion, and I take the same attitude toward Gompers or any man in such circumstances.

Commissioner HARRIMAN. How are you going to improve the Government, from your point of view, for your people whom you represent if you do not——

Mr. JOHANNSEN. Oh, the average politician is not so bad. If you can get a public opinion strong enough, even the politicians will pass a social law. Sure they will.

Commissioner HARRIMAN. Well, do you believe in taking the law into your own hands if you have not much faith in the ballot?

Mr. JOHANNSEN. If you mean to ask me that question personally, you understand, I don't want to break into jail. I don't want to help make a case against myself. If I have to go, all right; but I would have to be confronted with the circumstances and the situation. It would depend on how rotten the court might be or how unjust the administration might be in any given city in any given time or under any given circumstances. The police commissioner, for instance, in Stockton, came to me and asked me to take the women off the street and not let them do picketing; that they could not do picketing. I finally convinced him that I knew more about picketing than he did; and I am very glad we finally agreed, because we got along much better.

Commissioner O'CONNELL. Mr. Johannsen, following up the idea expressed by Mrs. Harriman, as to whether you would take the law in your own hands, you believe, I think, that the wageworkers of this country could more successfully, if they agreed to do it, put into effect the shorter workday than they could do it by legislation.

Mr. JOHANNSEN. Why, certainly.

Commissioner O'CONNELL. They could more forcibly put into effect a minimum wage or an average wage or a maximum wage than they could do it by legislation.

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. They could correct the employment of children or of women or compel the proper sanitation of workshops if they would agree to do it unanimously among themselves than they could do it by legislation.

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. So in that direction of affairs the wageworkers of this country have it within their own hands to establish within 24 hours any rule of employment that they can agree upon, if they can only agree upon it? They don't need to wait for legislation.

Mr. JOHANNSEN. Not quite that quick, Mr. O'Connell. Twenty-four hours is a very short time.

Commissioner O'CONNELL. I would like to have the opportunity of saying for them that Monday morning a certain thing would prevail, and if they stood by what I said it would prevail in 24 hours; as I understand it, it is largely a question of education and understanding of the point of view.

Commissioner LENNON. The question that is causing this unrest, of which you were asked, is it not largely because of misrepresentation, as, for instance, in the locality where you came from, which is Los Angeles, which has been in the public eye for several years. It is known as the home of the "open shop." This commission held a hearing in San Francisco and in Los Angeles, and we had before our commission in Los Angeles Gen. Otis, of the Times, and the secretary of the Merchants & Manufacturers' Association—the M. & M.—and the president of it, and a number of manufacturers and Los Angeles business men; and practically all of the witnesses who appeared before our commission gave evidence to the effect that the so-called "open shop" in Los Angeles was open only to nonunion men and that it really was not available to union men. Gen. Otis said upon the stand—I don't venture to quote his language, it is so long ago, but I am sure I am right, in so far as the sentiment was—that the new Times Building or any other Times building that might come in the future would rot before he would ever permit a union printer to enter his establishment, and yet he was the advocate and his paper was the leading advocate in that part of the country for the so-called "open shop." Other manufacturers in the metal trades and in the building trades—I won't say in the building trades, but in the metal trades and in other industries there—made practically the same statement, that they would not permit a union man to be employed in their plants, and that they maintained an employment agency and office in the town and kept a secretary there, and that all workmen making application for employment in any of the plants must make the application at

this one office, and that the specific question asked him was whether he was a member of a labor organization. If he was, he could get no employment.

Now, it is the general impression that Los Angeles has been standing for the so-called "open shop," and the evidence before this commission is absolutely to the contrary; that it is standing absolutely for a nonunion shop in the sense that union men will not be employed. Is that not the real cause of this industrial unrest and war in Los Angeles and vicinity?

Mr. JOHANNSEN. Certainly; only it is worse than what you put it.

Commissioner O'CONNELL. What is your impression?

Mr. JOHANNSEN. For instance, in the millmen—I am a millman by trade, planing mill. The agent for the Southern California Mill Owners' Association there, every millman knows him on the Pacific Coast. They not only insist on dealing with the workman individually, but suppose you are a millman, and you go to Los Angeles, whether you are a member of the union or not, the rule applies just the same. You go to Flannagan's office, in the Bryson Building, at Second and Spring. Well, Mr. Flannagan examines you just the same as you were going to join the Army, or something else; there is a blank sheet—I suppose you got that in Los Angeles. After he examines you and sends you to a mill—to Jones, for instance, and you work for Jones—now, understand you can not get a job if you are a union man; not if they know it; only they have to have, once in a while, a man—can't get anybody else and can't help it—once in a while they might take a union man. But you work for Jones, and you have a neighbor who is working at another plant, and he says to you, "You could get a job over here, and the other fellow wants a 'sticker,' and you can get 50 cents more." So, then, I quit with Jones and go to work for the other man, and Jones, if he wants me back, all he has to do is to telephone Flannagan that "Johannsen has quit me, and now he is working for Squire, and I want him back." I have got to go back or else leave town. That is as sure as I am sitting here on this chair.

Commissioner O'CONNELL. The fact is that the employment agent of the manufacturers of Los Angeles—the one individual—has the power of saying to any human being in Los Angeles you can work in Los Angeles or you can not work in Los Angeles.

Mr. JOHANNSEN. Correct.

Commissioner O'CONNELL. And he can drive him and his family away and break up his home and compel him to leave Los Angeles?

Mr. JOHANNSEN. Correct.

Commissioner O'CONNELL. Is that not one of the underlying causes of industrial unrest?

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. And that makes for hatred among men?

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. That that power should be placed in the hands of one individual or any number of individuals, that a man whose life may have been spent in Los Angeles, his life's little savings, whatever they may be, whatever they may have been invested in, in the home or a little piece of land, and he may have raised his children there, and that he must be compelled to sacrifice all of that thing to what they are pleased to call a so-called "open-shop" condition in Los Angeles, which, before this commission, was proven to be absolutely nonemployment of union men in favor of nonunion men. If that, then, is the evidence of what is meant by the open shop by the employers of this country, that it means the absolute elimination of the union man from their employment, then the so-called right of men to seek employment, or of a man to give employment, or of the equity between union and nonunion men, and the right of citizenship for the employees of our country, is not truly represented by these associations, nor is not being carried out by them?

Mr. JOHANNSEN. Of course not. I don't think anybody believes that very seriously.

Chairman WALSH. That is all, Mr. Johannsen, unless there is some further statement you wish to make.

Mr. JOHANNSEN. I would like to make an explanation in regard to a certain matter to indicate how difficult it is for labor to obtain anything in the way of legislation from the Federal Government, especially, in many States. I have in mind a specific case——

Commissioner O'CONNELL (interrupting). If you will permit me, I wish to put this in the record before you speak of the Federal Government. I meant to say this when I first started to question you. Several years ago myself and

several others—and this statement can be verified by others who are living—called upon the late Senator Hanna, who was then in the United States Senate, in connection with the Federal eight-hour legislation, at which time one of the witnesses who just preceded you, Mr. Davenport, was also interested in the prevention of the passage of that legislation. We met Senator Hanna in the Senate Chamber, and discussed with him the advisability of assisting us in securing the passage of that legislation. Senator Hanna made this remarkable statement to us. He said, "Gentlemen, if you want the eight-hour day, why don't you go out and take it." That is the thought I want to bring to you in the question of labor and the law, and securing an eight-hour day and other things industrially.

Mr. JOHANNSEN. I think that was good advice, Mr. O'Connell. The seamen's bill recently passed both Houses and was signed by the President. The leading man who went through the high seas, politically and socially, as an advocate of the passage of that bill, was Andrew Furuseth, whom I knew personally for many years. I believe a typical incident of his character may be shown, and I would like to tell a little story briefly.

Some time ago Mr. Furuseth was cited for violating an injunction, in contempt of court, in San Francisco; and from newspaper reports there appeared to be a possibility of him being sent to jail. The editor of the San Francisco Bulletin, Mr. Older, called him into his office, and he sat down, and Older said to him, "Andy, it looks as though they were going to put you in jail." Furuseth looked over at him and said, "I don't know and I don't care; they can not put me in a smaller place than I have always lived in. They can not give me simpler food than I have always been accustomed to. They can't make me any more lonely than I have always been."

I was at a loss to understand how a man with such a character, and that is very characteristic of him, whose sincerity and devotion to his people can not be questioned, whose termendous unselfishness and his simplicity in life, how such a man had to sit on the doorsteps of Uncle Sam's palace 21 years, notwithstanding the fact that he had all the moral influence of all of the unions from coast to coast unanimously. He had to wait 21 years for what? To get the Government to agree, by the passage of this bill, to take the shackles off of the seamen, so that they would be afforded an opportunity to work out their own salvation; not to give them anything, but to allow them the same opportunity other workingmen had, so that they could quit individually without going to jail. That is all this means. And when labor has to wait, notwithstanding it has a champion of this character, and notwithstanding the fact that it is a unit from coast to coast—when, as I say, it has to wait 21 years, then I think it is all wrong.

Commissioner LENNON. And that only gives them a right to quit in a safe port?

Mr. JOHANNSEN. Yes.

Commissioner WEINSTOCK. I want to ask a question in connection with the seamen's bill. I want to say frankly that I telegraphed President Wilson, asking him to sign that bill.

Mr. JOHANNSEN. Good, fine; I like you much better, Mr. Weinstock.

Commissioner WEINSTOCK. But I want to say to you, also, that since I did that I have great doubt as to whether I did the wise thing.

Mr. JOHANNSEN. That shows there is a chance for mental improvement.

Commissioner WEINSTOCK. And I want enlightenment from you. The question has occurred to me since, whether the passage of that bill will not absolutely work to the advantage of the oriental sailors and the displacement of the white sailors, at least on the Pacific coast, and give the oriental sailors a monopoly of that industry.

Mr. JOHANNSEN. I have such a supreme confidence in the ability and the knowledge and the wisdom and the integrity of Andrew Furuseth when he says that it will not that I am satisfied it won't.

Commissioner WEINSTOCK. You are simply banking on his judgment?

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. I am frank to confess that I also banked largely on that.

Mr. JOHANNSEN. And his courage; I have the greatest respect for his courage.

Commissioner O'CONNELL. Can you give us an idea of who has been working to prevent the passage of this legislation to break the shackles of the sailors for the last 21 years?

Mr. JOHANNSEN. The great Shipping Trust and all of the other interests commonly considered antagonistic to organized labor.

Commissioner O'CONNELL. A general lobby of all interests, and that lobby has been before Congress for 21 years interesting themselves in the prevention of the passage of this legislation?

Mr. JOHANNSEN. Certainly.

Commissioner AISHTON. We have heard a good deal about the "verdict of history," and it would be idle for any of us to express any definite opinion as to the wisdom of that bill; you have your viewpoint, and some of us have ours. I agree with Mr. Weinstock, and I think history will indicate that the legislation possibly has not been for the best interests of the country as a whole. You agree, do you not, that history—that the verdict of history—is really the true verdict?

Mr. JOHANNSEN. Well, in a large sense.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. That is all, thank you, Mr. Johannsen; you will be excused.

TESTIMONY OF MR. DANIEL DAVENPORT—Recalled.

Chairman WALSH. Now, at what point——

Mr. DAVENPORT (interrupting). Mr. Chairman, sitting here and listening to the statements of Mr. Johannsen, and hearing some of the views expressed by some of the members of the commission on certain points, I think that, as far as my specialty is concerned, I would like to call the attention of the commission to certain, you might say, legal aspects of this matter.

I heard Commissioner O'Connell graphically describe the condition of affairs in the city of Los Angeles, which was this, that a combination exists between the employers in Los Angeles which excludes from the ordinary avocation of life anybody who belongs to a union; that that is what is called in Los Angeles the open shop. Now, I don't know anything about the situation there myself; but if his position is correct, if that condition is correctly described, then that is an unlawful combination existing between the employers and it can be condemned by law, and is condemned by the court, exactly the same as if the reverse condition existed; and I thought I would call the attention of the commission to a very recent decision which has been rendered which briefly indicates the law and vindicates that right to every man to be free from the opposition of such a monopolistic condition.

Chairman WALSH. Now, unless Mr. O'Connell wants it in, I will ask you to submit it by title and page.

Mr. DAVENPORT. I was about to indicate it to the commission. I suppose the commission is expected to render some report and give—and, as Commissioner Walsh suggests, perhaps it would be as well or sufficient to just call attention to the authorities. This was a unanimous decision of the higher court of Connecticut in the case of Conner *v.* Connell, Eighty-sixth Connecticut, 641, and is found in the Eighty-sixth Atlanta Reporter, at page 600. I would indicate notations in it which are directly on that point, and it commences with the words "Where the agreement is one which takes in an entire industry of any considerable proportion in a community, so that it operates generally in that community to prevent or to seriously deter craftsmen from working at their craft or workingmen obtaining employment under favorable conditions without joining a union, it is contrary to public policy," citing authorities, then down to the words, "The monopoly need not be complete to come under the ban of the law. It is sufficient if the agreement tends to that end and deprives the public of the advantages which flow from free competition."

So much as to that aspect of the matter.

Now, something has been said which would indicate that in the opinion of some, and, I think, from what I saw in the newspapers it was expressed by the distinguished lawyer, notable Justice Clark, of the Supreme Court of North Carolina, and by Mr. Gregory, if he was properly reported, that the attitude of the court toward labor, and toward organized labor particularly, is unjust. Now, I thought that I would call attention to the real facts about the matter. They are blanket charges; they are generalities. What specific case do they name as indicative of that? Take the Supreme Court of the United States, to which reference was made. I want to call the attention of the commission to the fact that in the first place the decisions of the Supreme

Court of the United States as established absolutely protect the rights of all labor, in the first place, and, in the second, that the rights of organized labor are supported and sustained by that body, and on that point I wish, on the first point, I want to call the attention of the commission to one or two authorities, quotations from the decisions of the Supreme Court of the United States; and the first is in the case of Live Stock Association against—in the slaughterhouse cases, in 83 U. S., page 36: "It is one of the privileges of every American citizen to adopt and follow such lawful industrial pursuits, not injurious to the community, as he may see fit, without unreasonable regulation or molestation, and without being restricted by any of those unjust, oppressive, and odious monopolies or exclusive privileges which have been condemned by all free governments. * * * There is no more sacred right of citizenship than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor."

That was by Mr. Justice Field, and in the same volume, 83 U. S., page 366, it was said by Mr. Justice Miller:

"For the preservation, exercise, and enjoyment of these rights the individual citizen as a necessity must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a free man. This right to choose one's calling is an essential part of that liberty which it is the object to protect; and a calling when chosen is a man's property and right. Liberty and property are not protected where these righs are arbitrarily assailed."

And in the case of the Butchers' Union *v.* Crescent City, 111 U. S., 757, the court says:

"The common business and callings of life, the ordinary trades and pursuits which are innocuous in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same conditions. The right to pursue them without let or hindrance, except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright."

Now, so much for the general attitude, the attitude of the Supreme Court, toward the right of labor in general.

Now, in regard to organized labor. Has it been suggested by anyone that there is any decision of the Supreme Court that is antagonistic to that right? On the contrary, as I pointed out yesterday, in the first place, the Supreme Court of the United States has decided, in the case of Adair against the United States, 208 U. S., that it is beyond the power of Congress to interfere with rights of men to form unions in interstate trade. That power to regulate interstate trade did not embrace the right to say whether or not a man shall or shall not belong to a union. But they have gone further. Has it not been for years the contention of labor that it is in the power of the legislatures of the States and Congress to exempt labor unions from the operation of these laws which prohibit, as against the producer and seller and dealer in commodities. That contention of the Supreme Court is upheld in the case of Coppage *v.* Kansas in the 236 U. S.

Commissioner O'CONNELL. You mean an organization for profit or not for profit?

Mr. DAVENPORT. No, sir; between the vendors for service and the vendor of the product of their service. That distinction is written into the law of this country, and in the institutions of this country, by the action of the Supreme Court only last winter. So much for that.

Now, in the next place, no decision of the Supreme Court has been made in regard to the right to boycott that has not been made at the instance of the labor unions. The first decision of any consequence in this country to the effect that a boycott was not only illegal but criminal and heinously criminal was made by the Supreme Court of the United States upon the demand and upon the request of the labor unions. That principle was written into the law, not upon the argument of any representative of any plutocrat, but upon the representation and arguments of the labor unions, and when any man, be he the former president of the American Bar Association or the justice of the Supreme Court of North Carolina, comes here and tells you that the decisions of the Supreme Court as to the legality or illegality of boycotts by labor unions is an indication of any partiality on the part of the courts to the employers, he is utterly at sea and ignorant in regard to the history of the law.

Commissioner O'CONNELL. Have you in mind the case you referred to where the labor asked the Supreme Court——

Mr. DAVENPORT. The case of Callan *v.* Wilson, 127 U. S.

Commissioner O'CONNELL. What was the organization?

Mr. DAVENPORT. The Knights of Labor and the musicians' union.

Chairman WALSH. You cited that yesterday?

Mr. DAVENPORT. And it was done on the demand of Mr. Ralston, who represented those men, that such an offense as that was no petty offense for which a man could be held without a jury, but a most heinous crime against society, to boycott, and the Supreme Court accepted his argument, and adopted his principle, and wrote it into the jurisprudence of the United States, not upon the demand of any employer, but upon the demand of the unions, just and proper. But whenever we hear it said that the rights of labor are invaded by the courts, either the Supreme Court or any inferior court, when they hold men there responsible either in damages or criminally, or enjoin them for boycotting, remember that that was obtained by the unions, and for the protection of the unions against the action of the Government.

Well, now, that is the other case. Why, in my time there have been three noted cases in the Supreme Court of the United States bearing upon these matters; the first was the case in re Debs, 158 U. S., which followed along after, about 30 volumes later than the case to which I refer. The second is the great case of Loewe *v.* Lawler, 208 U. S., and the case of Gompers *v.* The United States.

Now, I want to call the attention of this commission to the fact that every principle laid down in the Debs case has been approved of and has been clamored for by the labor unions, and by their action they have secured the enactment of legislation which has crystallized in the form of a statute every proposition laid down in that case.

Now, of course, we all know how that case originated. The United States Government went into a United States court of equity and secured an injunction against the American Railway Union, and other unions, against obstructing the commerce and the passage of the mails by these gentlemen. The injunction was granted, and Mr. Debs violated it, and Mr. Debs was brought up in court to show cause why he should not be punished for contempt, for violating the injunction which had been issued by Chief Justice Fuller. On the trial he made the claim that he was constitutionally entitled to a trial by jury, and that claim was overruled. He claimed further that injunction was void because it interfered with personal rights of the employees. He claimed, also, that it was—the acts, that they sought to enjoin, were criminal acts, and that an injunction for that purpose was prohibited for constitutional reasons. That case went to the Supreme Court, and the court held these things: First, that the injunction was properly issued; a familiar exercise of equity power. Second, that when charged with a violation of it Mr. Debs was not entitled constitutionally to trial by jury. The third was that the acts which he did, either they were crimes for which he was tried, and he was not entitled to a trial by jury. Every principle that is there established is written down literally in the Clayton bill, at the request and at the demand of the labor unions.

We know that for a long time there was a great clamor against Government by injunction. That was the cry, and 10 years after, this was in 1904, in 1914 the Democratic Party, having control of both Houses and the President, put through that bill. Now, that bill expressly recognizes the right of the Federal Government to go into court and get an injunction against the commission of crimes, where the consequence is the injury of property. In the second place, it recognizes absolutely the right of the courts to proceed and try that person without a jury, and forbids the use of jury upon the application of the accused in that class of cases. And in addition to that it expressly provides that that injunction—that the fact that the things involve a trial, that they were acts of crime, is no objection to the issuing of the injunction, or to the punishment of that person by a trial where there is no jury had.

Then, another thing, they go further than that, and they add to the propositions laid down by the Supreme Court in that case, the one that, in addition to punishment by imprisonment for his act against the public, they may fine him in the amount that his act has done injury to a party, and cause him to be incarcerated, be it $50,000 or $100,000, or any amount, until such time as the complainant may let him out of jail.

Commissioner LENNON. We are in hopes that the court will overrule your opinion of what the Clayton bill means.

Mr. DAVENPORT. There can not be any question about these things I am talking about.

Chairman WALSH. It has been suggested by one of the commissioners, inasmuch as this matter is largely technical, it deals with concrete propositions of law, that you would be kind enough to give us a brief, that we would be obliged to you.

Mr. DAVENPORT. I will do so. I think it is a good suggestion. I was about to take up the Gompers case and the Loewe case. The fact about it is, it is a little difficult for a lazy man and a busy man together, to get down unless he is pretty well paid for it, to write out his ideas about these matters, but I know that the commission is pressed for time.

Chairman WALSH. I was going to make this suggestion; we have gathered, I think the commission has gathered, a splendid first-hand idea of these cases as you have gone along; I am sure I have. Anything that you would say about the Gompers case, or the Loewe case, would be an amplification of what you have already said. I think it would pass over the heads of the commissioners, because I happen to be the only one on this commission practicing law, and I think that anything that you might have to say would be better in a concrete form.

Mr. DAVENPORT. Of course, my idea was to point out to you, if I could, that the courts of the United States, particularly the Supreme Court, should not receive any such condemnation as is made in this way, that it is made here. I could show you how the unions have, under the Supreme Court, the only very cruel thing that the Supreme Court may be said to have done is that it makes every poor workingman that violates an injunction a criminal. Makes him an infamous criminal.

Chairman WALSH. Who got that decision? According to your statement, it was the attorney for the unions?

Mr. DAVENPORT. Yes, sir.

Chairman WALSH. We have been over that?

Mr. DAVENPORT. Not that. They went before the Supreme Court, Mr. Gompers, Morrison, and Mitchell, and said, we are infamous criminals. You know that in law a man is liable to imprisonment in jail for a crime, and three years have passed in which we could have been prosecuted, and we want to be liberated. And the Supreme Court of the United States laid down the doctrine as they requested it, that a man who violates an injunction is an infamous criminal, and if he is not prosecuted within three years he is outlawed, and then when we said, that is not the law, when we said, why, if that is the law, a man is entitled to trial by jury, the representatives of the unions, or the lawyers for the unions said, "No; it is a crime, it is an infamous crime, but the law is not so that a man has a constitutional right to be tried by a jury in that kind of a case."

Chairman WALSH. Is there any contention that the court in that particular case, or in the Buck Stove case, in upholding that case, followed a precedent and declared the law?

Mr. DAVENPORT. They upheld the law.

Chairman WALSH. Did they follow any established precedent, or did you concur in their opinion?

Mr. DAVENPORT. We fought it tooth and nail, and when the court decided it, I say it is my business to accept the law.

Chairman WALSH. We are trying to get your state of mind, if you get that into Johannsen's mind, for instance, then we could probably get along better. You thought that the law was not declared in accordance with the established principles which you have enumerated?

Mr. DAVENPORT. Yes, sir; I contended that when a man violates an injunction and goes to jail he is not a criminal.

Chairman WALSH. According to your opinion the Supreme Court was wrong, but as a good citizen, and a practitioner, you abided by it, and say that is the law?

Mr. DAVENPORT. No. The Government of this country and the constitutions say that we have tribunals to decide those matters, and just if I was a Catholic, I would accept the decree of the Pope, so I accept the decree of the court.

Chairman WALSH. Notwithstanding, you do not believe it was correct or in accordance with established principles of law?

Mr. DAVENPORT. According to my theory of it, but the contention of Mr. Ralston was more persuasive and more convincing.

Commissioner O'CONNELL. The court did not agree with your opinion in the matter?

Mr. DAVENPORT. No; they did not.

Commissioner O'CONNELL. I understand in your testimony yesterday that you said that no citizen could be deprived of his liberty without due process of law?

Mr. DAVENPORT. It is in the amendment to the Constitution, nor can any State deprive any citizen of life, liberty, or property without due process of law, securing to him equal protection of the law.

Commissioner O'CONNELL. Do you think that there are any citizens who have been deprived of their liberty without process of law in recent days?

Mr. DAVENPORT. Undoubtedly they have, and they are entitled to habeas corpus. That is what the habeas corpus writ is provided for.

Commissioner O'CONNELL. What, in the case recited before us by Mother Jones, in connection with the Colorado situation, where she was for months locked in the basement of some courthouse, or something—I don't remember the place—and in another case locked in a room in charge of the militia, when the courts in the district were then in operation, ready to perform their business, habeas corpus was denied, and she was held in spite of the very fact when the court said, "You are free," the military officers said, "No; you are our prisoner"?

Mr. DAVENPORT. Well, now, Commissioner O'Connell, I could not take the law for that matter from Mother Jones.

Commissioner O'CONNELL. No; I would not want you to.

Mr. DAVENPORT. I could not take the statement of facts from her. I have never read those cases, the decision by the supreme court of that State, as to precisely what relation under the constitution of that State the military authorities, under such a condition as existed there, possibly bear to civil tribunals. But I know this, that if she was incarcerated in violation of the fourteenth amendment of the Constitution that the process of the Federal court is open for her relief. Now, I should guess—I don't know anything about it—but I would surmise that the difficulty with her case probably lay in the supremacy in that particular situation of the military tribunal over the civil. Now, you know that a state of war exists. It is in the power of the President to say to-morrow that a state of war exists, and then in certain sections of the country there comes into play under the Constitution the military law, and the same power must be granted and conceded to the governor of the State; and while I never have examined those cases I suppose that the highest tribunal of that State, charged under their oath to enforce the Constitution and the laws not only of the United States but their State, that there was some reason why his lady was kept in custody that was not inconsistent with the requirement that due process of law shall exist in every case.

Commissioner O'CONNELL. Well, supposing—I don't think, Mr. Davenport, the question of whether that was so or not is necessary. I think you will agree with me that cases of that character do occur in our country.

Mr. DAVENPORT. I have no doubt in the history of this country in the last 125 years there have been hundreds of instances of men who have been——

Commissioner O'CONNELL. They have been deprived of their liberty?

Mr. DAVENPORT. Illegally deprived of their liberty, and that the writ of habeas corpus properly applied for would have granted their discharge.

Commissioner O'CONNELL. Now, the point I want to get at is this: Conceding that there have been and are and will be cases of that kind, men will be deprived of their liberty without due process of law, what opportunity has the poor man to avail himself of the habeas corpus process?

Mr. DAVENPORT. Oh, I think he has every.

Commissioner O'CONNELL. What opportunity has he? Supposing, in the case you just cited, of Gompers, Morrison, and Mitchell—supposing they had not behind them the influence of organized labor and the possibility of organized labor carrying their cases on, you would have them in jail?

Mr. DAVENPORT. I don't know about that. It is not so easy to get them. At first they said they wanted to go to jail.

Commissioner O'CONNELL. That is not the question.

Mr. DAVENPORT. And all of a sudden they switched around and said, "Get us out, even if they brand us for all time as criminals."

Commissioner O'CONNELL. That is your impression of it?

Mr. DAVENPORT. No, sir; that is what their attorney said in court. The Supreme Court said the only defense is they have committed a crime, and it is outlawed.

Commissioner O'CONNELL. If they were poor men—and they are poor men personally—but that they had no association behind them, on one to assist them financially to carry their case from court to court, you would have had them serving their time?

Mr. DAVENPORT. I don't know about that.

Commissioner O'CONNELL. What opportunity would they have had to carry their cases up until the Supreme Court of the United States finally decreed as to their guilt or innocence?

Mr. DAVENPORT. You mean they would be unable to employ an attorney?

Commissioner O'CONNELL. Yes, sir; to pay the expenses necessary for carrying their cases up.

Mr. DAVENPORT. There are in the statutes of the United States a provision where a man is hard up and can not get justice he can apply for aid from the court.

Commissioner O'CONNELL. And the court would assign, I suppose, him the best talent in the city?

Mr. DAVENPORT. They would have assigned him Mr. Ranston, especially familiar with that kind of law, and an excellent lawyer.

Commissioner O'CONNELL. I think the impression was created here, it was on my mind, by Mr. Gregory and Judge Clark and others, as to laborers and the poor man getting his right before the court, that it was based upon the impossibility of a poor man——

Mr. DAVENPORT. Without the union?

Commissioner O'CONNELL. Yes, sir; getting his right with the court?

Mr. DAVENPORT. I concede that, and that is the very situation of these poor devils in the American Anti-Boycott Association, those that belong to it. Take poor Loewe, ruined and helplessly involved, unless he belonged to an organization that would provide lawyers and pay the expenses. Why, he would have to lay down, and the same reason exists for unions. I don't think that I questioned the right or the wisdom of men to join unions. If I was a workingman I would belong to a union provided the union abided by the law.

Commissioner O'CONNELL. And as I catch your remarks, Mr. Davenport, and your construction of the right to strike, your union would be as ineffective as——

Mr. DAVENPORT. Is it so, for a union to be effective they must break the law?

Mr. O'CONNELL. No; but they must have the right to strike.

Mr. DAVENPORT. I say you have the right to quit, to strike, but you have not the right to use that power for the purpose of pursuing anybody.

Commissioner O'CONNELL. Of compelling a person to pay more wages, to shorten hours, or to improve conditions of living, and not employ generally?

Mr. DAVENPORT. It is the way you get at it. A man can retire and say, "I won't work for you because you don't pay me enough wages," or I can say, "I won't work for you because you hire fellows that don't belong with us." You have a perfect right to do that, but where they use their power for the purpose of coercing an employer to do something that he has got a legal right to refuse to do, then it is an illegal conspiracy, and I would not belong to a union that did that. I belong to a sort of union, the lawyers' union; all the lawyers in my county belong to it.

Commissioner O'CONNELL. That is a closed shop.

Mr. DAVENPORT. It is closed by outsiders. I also belong to the American Bar Association, but if those men—there is a distinction that I am sure, Mr. Commissioner, with your acuteness of mind you can see.

Commissioner O'CONNELL. The employer has a right to refuse to raise wages?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. There is no law which says that he must pay more wages?

Mr. DAVENPORT. No.

Commissioner O'CONNELL. And if a union says that he must pay more wages, are they not coercing him?

Mr. DAVENPORT. Not in the sense I mean; it is entirely within the privilege of men to say, "I don't pay more than 10 cents a day, or I will pay $5 a day, to a man," and you can say, "I won't work for you for $5 a day or for $10 a day," and if I have to have help and I come to a bargain with him, that is one proposition; that is entirely within the rights of the contracting parties, but

it that fellow says to me, "You have got to employ me, or you shan't employ anybody else, and we will shut up your shop, and we will prevent you from running it," that is a combination and conspiracy that the law condemns.

Not every strike is unlawful, but any strike that is carried on for the purpose of carrying out an unlawful combination or conspiracy is condemned by the law.

But what is the use of you and me, Mr. Commissioner, arguing about these things; we can never settle our respective views about that. I am with you on the subject of unions to this extent——

Commissioner O'CONNELL. When they do not do anything?

Mr. DAVENPORT. When they do not do anything that is unlawful; but I am against them if they do it.

Commissioner O'CONNELL. Your union would be absolutely ineffective, because it would not do anything.

Mr. DAVENPORT. Would not do anything unlawful.

Commissioner LENNON. I suppose, Mr. Davenport, you recognize the right of union men and all men, if they are not satisfied with the decisions of the courts, and if they are satisfied that the laws are not conducive to the interests of labor, they have a right as citizens to says so?

Mr. DAVENPORT. Yes; sure.

Commissioner LENNON. That is what we are doing.

Mr. DAVENPORT. The trouble, as I was going to suggest to the commission, is this: In any recommendation this commission may have, if I can be of assistance to them I would be glad to do it. Here is the point, I think, before you can do anything in the lines that have been suggested by some, you have got to commence and amend the Constitution. The first thing you have got to do——

Chairman WALSH (interrupting). The Federal Constitution.

Mr. DAVENPORT. Yes; the Federal Constitution. You have got to wipe out this provision: "The judicial power of the United States is vested in one Supreme Court and such inferior courts as the Congress shall from time to time ordain and establish, and the judicial power shall extend to all cases arising under the Constitution and laws of the United States, and to controversies between the citizens of the different States."

When you have gone that far you have got another step to take, you have to wipe out this provision in the fifth amendment: "No person shall be deprived of life, liberty, or property without due process of law"; and then you have to go another step and go to the fourteenth amendment and wipe out this provision: "No State shall deprive any person of life, liberty, or property without due process of law, or deny to any person equal protection of the law."

Now, when you have done that you have got a clean slate; you have got the privilege of doing those things which the Parliament of England can do; you can do those things which these gentlemen come before you and say ought to be done toward crippling the courts, toward stripping men of their constitutional remedies, by injunction or otherwise. You can do all of those things, but not until that is done, and I would suggest to the commission that they say to the court that until this is done it is a mere waste of breath, a mere expenditure of energy, fruitless, and wholly inoperative, because the scheme—the propositions that are aired before such a commission as this, and you have to sit and listen to them, of course, and you will hear them—involves—they are up against these propositions; and I say to them that probably the people of the United States will never consent to the elimination from the Constitution of those provisions, especially never will the union men do it, because they are the bulwark of the Union, as they are of everybody else.

Now, Mr. Chairman, another thing: I have the utmost respect for this commission and I would like to do everything I can to facilitate its labors. The question was asked me yesterday about the membership of our organization, and to give a list of its members. I have thought the matter all over, and I do not believe it would be of the slightest assistance to you gentlemen, and I do not believe it is proper for you gentlemen to insist upon it. If you think, if you have any idea that seems to be implied in these questions, that some of the great trusts are among its membership, that is not correct. I do not take this stand in any disrespect to the commission, but I do not think I would be justified in giving that information.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock.

(Thereupon, at 12.30 p. m., Saturday, May 15, 1915, the commission adjourned until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The commission will now be in order, please.

TESTIMONY OF MR. DANIEL DAVENPORT—Continued.

Chairman WALSH. Commissioner Weinstock has some questions he wants to ask you.

Commissioner WEINSTOCK. I have been asked, Mr. Davenport, to put these questions to you, if you will be good enough to answer. How do you distinguish between the terms "in concert," on the one hand, and the term "in combination or pursuant to an understanding," on the other hand?

Mr. DAVENPORT. Well, that is the question. I presume there is a distinction. I would suppose "in concert" might be like the result of common impulse, acting together. A combination rather implies an agreement among the people to get together. Perhaps this illustration that I gave yesterday expresses it. In case I went to every one of a half dozen bakers in a town and ask them to sell me bread, and one after another refused, and gave as their reason why that I did not belong to the Methodist Church. Now, each, I think, would be perhaps impelled by the notorious fact that I did not belong to that church; but if they had agreed together not to sell me bread in order to make me join church, that is a combination.

Commissioner WEINSTOCK. Which of the two terms is used in the Clayton bill; can you recall it?

Mr. DAVENPORT. In one section the word "concert" is used, either singly or in concert, ceasing to work. In other places, I think, is combination.

Commissioner WEINSTOCK. Well, in the legislation that preceded the Clayton Act, I take it the word "combination" is used?

Mr. DAVENPORT. Now, to start into a history of attempted legislation, that covers a period of many years. As long ago as the winter of 1903 and 1904, when I was first obliged to come down here because of the effect of intended legislation upon our hatters' suit, there was a bill that used to be known as the Grosvenor bill, and that remained there until in 1906 without a report. The labor organizations made up their mind they were on the wrong tack, so they enlisted the services of Mr. Spelling, who is a distinguished writer on legal subjects, and has written several important textbooks on the subject of injunctions, and, as I recall it, prepared that bill. It was introduced in the House and referred to the Judiciary Committee by Mr. Pearce, a Member of Congress from Maryland, and it took the name of the introducer of it. I think he stated that it was introduced by request. Now, that was the Pearre bill. It led to a very sharp contest before the House Judiciary Committee, in which one of the subcommittee, Mr. John Littlefield, of Maine, presided, or at least was a very prominent member. We had a long series of fights over that, session after session, without any report until later; and I would imagine it was after the Democrats got possession of the House a bill was introduced by Congressman Wilson, then of Pennsylvania, now the present Secretary of Labor, who took the Pearre bill and modified it somewhat, and after that it went by the name of the Wilson bill. Until in the summer, or coming in of Congress, of 1911, several bills were introduced on the subject of injunctions and on the subject of contempts and combinations, etc.; and finally the House Judiciary Committee, of which Mr. Clayton was then chairman, reported two bills—one the Clayton anti-injunction bill, as it was called, and the other the Clayton contempt bill—both of which passed the House of Representatives and were referred to the Senate Judiciary Committee and referred to a subcommittee of which Senator Root was chairman. That committee did not report. We had hearings in the summer of 1912, and then after the election in 1912, and getting control of both the Senate and House and the Presidency in 1913, those bills were again introduced and referred and mauled over, and no discussion was had upon them before the committee—that is, as far as those that opposed them were concerned—and finally the bill, known as the Clayton bill, was reported, which bill contained and embodied both the Clayton anti-injunction bill and the Clayton contempt bill.

Now, that bill, thus reported, was amended in the House and passed the House, and was then referred to committee in the Senate, and reported with amendments and passed both Houses and was approved by the President. That is the history of the struggle that we have had before Congress in regard to those matters; that is the history of the Pearre bill.

Commissioner WEINSTOCK. Now, Mr. Davenport, speaking for myself, my mind is confused on the merit and the sphere of the Clayton Act, for this reason: On the one hand I have had the representatives of organized labor declare it is the modern Magna Charta of labor; on the other hand, I have heard it said that it has practically brought nothing to labor, that it is a delusion and a snare, so far as granting labor any advantages that it did not previously enjoy. Now, you, as an authority on the subject, will you be kind enough to let me have, for my information and the rest of us, an explanation of what are the advantages and disadvantages under the Clayton Act to organized labor?

Mr. SPELLING. Can I hand you one more question?

Commissioner WEINSTOCK. Yes.

Mr. DAVENPORT. Well——

Mr. SPELLING (interrupting). Just wait a moment.

Commissioner WEINSTOCK. The question Mr. Spelling put, Mr. Davenport, is this: "Do you remember that Mr. Bartlett introduced in the Sixty-third Congress a bill containing the essentials of the Pearre Act, and that Mr. Gompers made an argument in favor of it in December, 1913?"

Mr. DAVENPORT. Yes; 1913. I know that the Bacon-Bartlett bill was introduced simultaneously in the House and Senate by Senator Bacon and Mr. Bartlett, and those were introduced in the spring of 1912, and instead of being sent to the Judiciary Committee, was sent to the Labor Committee in the House and to the Committee on Education and Labor in the Senate. A pressure was brought to bear by these two gentlemen to get a report from the Judiciary Committee, which led to the reporting of these bills I have mentioned.

Now, when it comes to 1913, in the fall, I do not think I was present when Mr. Gompers made an argument on that subject. I think that was rather in camera, and it may be I was there, but I do not recall that.

Well, now, taking up the subject you speak of, there are various provisions in the Clayton antitrust bill which clear up the situations which have heretofore been troublesome to us. I speak representing the parties who have had occasion heretofore to resort to the law—which are now cleared up and obviated entirely by the Clayton antitrust law. I refer to the section which provides that a private party may maintain an action for an injunction for violation of the antitrust law, including certain sections of that law, the same as parties in equity—parties could according to the usual procedure in equity resort to those proceedings. That cleared up a difficulty that existed on account of difference of opinion between the judges of the inferior courts whether, under the Sherman Antitrust Act, a private party could maintain a suit in the Federal court in equity to enjoin the commission of acts which violated the Sherman Antitrust Act, to the injury of his property or business.

In Ohio, Michigan, Kentucky, and Tennessee, that great circuit, they held they could. Judge Taft, Judge Lurton, Justice Harlan, and Judge Knappen held you could maintain that. Whereas in the second circuit, which comprises Vermont, New York, and Connecticut, the decision was directly the other way. In behalf of the Payne Lumber Co., which is one of the members of the American Anti-Boycott Association, and others, we brought a suit against the Carpenters' Union in the city of New York and the building contractors there, and the manufacturers of woodwork, to restrain the carrying out of the combination between the unions and the employers and the manufacturers whereby the product of these men, the western concerns, which was made in open shops, was entirely excluded from the New York market. And the lower court having held all the points in our favor, held that because of this decision we could not maintain that suit. We went to the court of appeals, and the court of appeals stood by its former decision. Then we came up to the Supreme Court, and that case has been argued and is now submitted to the Supreme Court.

Now, that difficulty of proceeding against the unions, and every other combination in restraint of trade, is entirely obliterated by this provision——

Commissioner WEINSTOCK (interrupting). By the Clayton Act?

Mr. DAVENPORT. By the Clayton Act. That is sections——

Commissioner WEINSTOCK (interrupting). Well, is the change one that is favorable or unfavorable to organized labor, as you see it?

Mr. DAVENPORT. Why, it gives to the people that are trying to enjoin the strikers and to protect their business from their actions greater certainty. I contend that the law is also—and so contended in the Supreme Court—that it clears up that. And it was objected in that case by the attorneys of the union that it prevented our maintaining such suits. In that respect I should say that it would be unfavorable to the unions. I will give you the section in a moment—it is very short. It is section 16 [reading]:

"That any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief in any court of the United States having jurisdiction over the parties against threatened loss or damage by violation of the antitrust law, including sections 2, 3, 7, and 8 of this act, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss and damage is granted by courts of equity under the rules governing such proceedings."

So much for that section.

Commissioner WEINSTOCK. You take it, then, that that section, so to speak, takes away from organized labor certain advantages which it had previously enjoyed?

Mr. DAVENPORT. Well, which they claimed to have enjoyed and which several courts held that they did enjoy.

Commisioner WEINSTOCK. Now, to that extent, at least, the Clayton antitrust law will be to them a disadvantage. Now, what advantages it did not previously enjoy will it enjoy now under this law?

Mr. DAVENPORT. Well, my view about that is that it would not enjoy any.

Commissioner WEINSTOCK. Well, then, if you strike a ballot the act is really a disadvantage to organized labor instead of an advantage?

Mr. DAVENPORT. Well, it is if you view it in that way. As far as my judgment is concerned, the legal situation is unchanged, that the various provisions in the act do not alter at all the law that existed at the time of this passage, with the single exception that I spoke of this morning, that a party brought up for a contempt proceeding is liable to be punished not only by imprisonment to the extent of six months and fine payable to the Government to the extent of $1,000, but for any damage to that citizen, to the complainants, or any other party, and that sum is payable to the complainant.

Now, you understand my construction of this act is not acquiesced in by the gentlemen who see great benefits from it, and it would require considerable analysis of the act to point out what these various sections mean.

In the first place, as was stated here, I think by Mr. Commissioner Lennon, it was claimed that the Sherman Antitrust Act, as it was enacted, did not apply to labor unions and farmers' organizations; that it was so represented to the advocates or to the representatives of the unions, and that their fears in regard to that matter were groundless, and so they neglected to vigorously oppose it. Well, of course, in the first Loewe case in the Supreme Court we fought that all out before the Supreme Court, the representatives of the unions and Hon. James M. Beck and myself, who argued the case for Loewe; and the Supreme Court held that was not so, that the history of the act showed that it was not intended to exempt them, and that, on the contrary, repeated efforts had been made in Congress to amend the act at that time and subsequently so that it should not apply to labor unions, and that they had always been refused. So that the act stands, as Justice Fuller said, as we have it before us to-day.

Well, now, for a great many sessions of Congress the representatives of organized labor have been there pressing an amendment, stating that the Sherman Antitrust Act will not apply or be construed to apply to labor unions and farmers' organizations for the purpose of taking them out from under the Sherman antitrust law. Well, now, the Clayton Act don't do anything of the kind. On the contrary, repeated efforts were made in Congress to have such a provision put in and they were voted down by Congress in the House of Representatives. But, on the other hand, the act is so worded as to accomplish precisely what it ought to accomplish, to wit, this, that it shall not be construed to forbid the existence of labor unions or other activities for lawful purposes. That was carefully considered, evidently, and adopted; and the construction that the court, I think, should and will put upon it—and that is one of the matters that we discussed before the Supreme Court the other day of this case that I speak of—that it leaves the Sherman Antitrust Act exactly where it was before, as the same has been construed by the Supreme Court.

But further than that the Loewe case, the Danbury Hatters' case, was brought under section 7 of the Sherman Antitrust Act, and that the Supreme Court held covered this kind of a case, to wit, the Loewe case. The Clayton Act reenacts, word for word, the seventh section of the Sherman Antitrust Act, including other antitrust laws, to wit, these two or three sections in this law. Now we, upon familiar principles of construction adopt the construction that the Supreme Court put upon that act, so that I think—of course, I am speaking my own opinion about these things—I think the Supreme Court will hold that section—that the Sherman Antitrust Act is not altered in the

slightest degree by the Clayton bill, and instead of exempting labor unions from its operation, it clears up any doubt whatever that those acts in violation of the Sherman Antitrust Act are forbidden, and they are responsible for it. In other words, if anybody thinks that the Clayton Act has changed the legal situation at all, so far as the Sherman Act is concerned, I think they are mistaken.

Commissioner WEINSTOCK. I take it that the purpose of organized labor having this law passed was to cure certain spots in the Sherman Antitrust Act that was granted organized labor?

Mr. DAVENPORT. That is a very peculiar thing. When Mr. Gompers was before the House Judiciary Committee the question was put to him, "What is it now you want done to the Clayton Antitrust Act? Tell us what you are after." And he stated to the committee that all they wanted was to be assured that their existence as unions was not imperiled by the Sherman Antitrust Act, and when the committee reported on the bill this is what the Senate Judiciary Committee, who is the interpreter of the bill, said: "It is well at the outset to state the theory of the bill, both as it passed the House of Representatives and as it is proposed to be amended, for the general scope of the House measure is unchanged. It is not proposed by the bill or amendments to alter, amend, or change in any respect the original Sherman Antitrust Act of July 7, 1890. The purpose is only to supplement that act and the other antitrust acts referred to in section 1 of the bill."

They also quoted in that same report from the House committee's report the following:

"The bill does not interfere with the Sherman Antitrust Act at all. It leaves the law of conspiracy untouched, and it is not open to effective criticism on any constitutional ground."

So it is my judgment that as far as the Sherman antitrust law relates to the activities of labor unions in restraint of interstate trade or in the District of Columbia the law is now as it was before.

Now you come to the twentieth section, which was an attempt or is an attempt to regulate the issuance of injunctions, and in that respect my judgment is that the only construction that will save the law or those provisions from utter destruction by the courts is the construction that the law is left just as it was before. Now, on that subject I want to call the attention of the commission to the difference between the Clayton and the Pearre bill. This Pearre bill is very short, and they drive right straight to the mark. I don't believe it is constitutional. I opposed it on the ground of its invalidity, but the scope of it is what I want to call attention to, and to show you how in the Clayton bill the provisions are so narrow from the Pearre bill that it almost requires a microscope to find the class of cases or a case which comes within the purview of it. Now, the Pearre bill, to which we have referred, reads this way:

"SECTION 1. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment," etc.

Now, that is the scope in all of the cases mentioned, and any case growing out of or involving or growing out of a dispute concerning terms and conditions of employment, which would cover all of those boycott cases. For instance, the Loewe case, that was not a suit between employer and employee or employees, but it was between Mr. Loewe and the unions and the members of the unions. There were not but two of those defendants that ever worked for Mr. Loewe. Now, that was covered by this provision. In the Clayton bill this is the way it is worded, so you will see how it narrows it down:

"That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment involving or growing out of a dispute concerning terms or conditions of employment."

In other words, the provisions of section 20, which we were talking about, is confined by the terms of it to this class of cases. It must be a case between an employer and employee, or employers or employees, or between employees or persons seeking employment and those employed, which involve or grow out of a dispute between them; and it must be by those with whom that relation

exists when the suit is brought; it does not touch cases where men have struck and left their employment, where the relation is terminated, where they have been discharged. That relation specified here must exist at the time the suit is brought or this provision does not relate.

Now, you know that the great majority of cases—it is hard to find a case that comes within it except possibly some of these I. W. W. cases, where men remaining in the employ, by their acts of sabotage or some of the other things they do, injure the property and remain there—and there was a dispute in that class of cases; but except those classes of cases, and it must necessarily be a limited class, section 20 has no application; it does not affect the ordinary boycott, because it does not affect a case like those between combinations of laboring men and combinations of employers in cities like New York, Boston, Chicago, and other places; they are excluded from it. And it is narrowed down so, and purposely narrowed down so, that the scope of the act is, in those provisions, extremely limited. It would not touch, for instance, a case like the Debs case. There the United States brought a suit against the union, the officers, the members of the union; it would not touch those cases, because it is not between them and the employee, nor is it between employees, the relation does not exist.

So you can run through the entire category. In the next place——

Mr. SPELLING (interrupting). May I call your attention to one case?

Chairman WALSH. Please excuse me, but you can not do it.

Mr. SPELLING. I can not do it, unless I ask a question.

Chairman WALSH. You can not do it. It is in accordance with a fixed rule of the commission, established since our inception; any question you care to hand up will be asked.

Commissioner WEINSTOCK. Mr. Spelling has asked me to submit this question. It is a source of great satisfaction to me to find a man whose penmanship is more wretched than mine.

Mr. DAVENPORT. It is not mine.

Commissioner WEINSTOCK. With the permission of the chair I will ask Mr. Spelling to read it.

Chairman WALSH. I will ask Mr. Spelling not to read it, with all due respect to the commissioner. Please take your seat, Mr. Spelling.

Commissioner WEINSTOCK. Perhaps you can read it, Mr. Chairman.

Chairman WALSH (reading): "You said instead of exempting labor, it leaves them, as it were; no; would not the enactment of section 6, containing negative and prohibitive provisions, have the effect of sanctioning, by implication, the prior judical views applying the antitrust act to all conduct not legalized by the terms of section 6?"

Mr. DAVENPORT. Well, I think I will have to pass that question. Perhaps I can take it and by reading it grasp the meaning of it, but I think I had better go on with what I am talking about now.

Commissioner O'CONNELL. I wish to straighten out one matter. You said, speaking of the section applying to differences between employer and employee and all that—did I catch your idea right that if the employees were on strike and therefore not in the employ of the employer that the law would not apply?

Mr. DAVENPORT. No; it would not apply.

Commissioner O'CONNELL. That would not be considered a difference between employer and employee?

Mr. DAVENPORT. It would not be a case between them.

Commissioner O'CONNELL. Your idea is that the moment a strike takes place they are out of employment and it does not apply?

Mr. DAVENPORT. When they strike or quit, it does not apply.

Now, these are the interesting features of this bill or this act, to which your attention could be given with a good deal of profit, and, having it narrowed down in the class of cases as I have described, they go on: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any contract of employment or from seeking to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do, or from attempting at any such place where any such person or persons may lawfully be for the purpose of peacefully obtaining or communicating information, or from peaceably persuading any person to work or abstain from working or from ceasing to patronize or employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits

or other moneys or things of value, or from peacefully assembling in a lawful manner or for a lawful purpose, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States."

Now, it is contended by the gentleman who framed this law and procured its passage that the effect of that law is to strip the courts of the United States of the power under any and all circumstances in the class of cases to which it refers, or all power to protect the business or the property rights, as defined by the Supreme Court—all power to protect them—and that it goes further and it makes lawful under all circumstances all acts specified in this.

Now, if that construction were adopted, then this section would not be worth the paper it is written on, because of two things. The last section says that they shall not be held or considered to be in violation of any act or any law of the United States. That would repeal probably 20; it must be construed in one of two ways: Either it is a direction to the Federal court not to hold acts which are violations of the laws of the United States to be such violations, in which event, with such a construction, that is a direct invasion, would be a direct invasion by the legislative body of the judicial power and function and would be void on that account. On the other hand, if you take it as a comprehensive repeal and amendment and alteration of all of the laws of the United States, why, you are presented with this difficulty: That it repeals absolutely the civil-service laws of the United States; that it would repeal absolutely the interstate commerce act, both as to the carriers and as to the employees; it would repeal the great laws under which the great post-office system of the Government is conducted.

Now, of course, the Supreme Court or any other court in construing that law would never take such a construction as that, and they would not take the other construction if they could avoid it, because it would be a violation of the Constitution; it would be void law.

In the next place, take the first section of the first clause: "No such restraining order or injunction shall prohibit any person from refusing to perform work," and so forth.

What would be the necessary effect of that? It would strip the individual who had this property absolutely of his rights. Not only in the District of Columbia, in which the doors of the courts are barred by this law, but every other Federal court, of the right to go to court to protect the people in these constitutional rights, and it would be void on that account.

Now, the true construction of this act is this: That wheresoever any of the acts specified in this section, in this paragraph, are lawful, no injunction shall be issued to restrain their performance of those acts. The words "Nor shall any of the acts specified in this act be held to be violations of any laws of the United States"—the construction which I think is the correct construction is this: That wherever any of these acts mentioned here can lawfully be done, they shall not be enjoined, nor shall they be held to be violations of any law of the United States, and the history of the times leads up to that construction, so that I conclude that, so far as that section is concerned, the law is left exactly as it is now, or was at the time of the passage of the act.

Now, we come to this provision of the act that relates to contempt proceedings. As I have explained this morning and the other day, the provisions in regard to a trial of contempt cases are limited, so that it is almost impossible, without a microscope, to find a case in which they apply. In the first place, section 24 says that nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice. Now, the courts have held that any violation of an injunction wherever it is committed obstructs the administration of justice, because it interferes with and hampers it, and that exception, "so near to as to obstruct the administration of justice," would take out from under its provisions all contempts that are in the nature of violations of an injuncion. [Continues reading:]

"Nor to contempts committed in the disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 21 of this act may be punished in conformity with the uses of law and equity now prevailing."

Now, the Debs case, for instance; there was a suit brought by the United States, and an injunction was obtained and Debs violated it, and he was tried without a jury. The provisions of this section exempt such cases as the Debs case. In short, all those cases which gave rise to the cry of no government by injunction are covered—are excepted from this law.

Commissioner WEINSTOCK. And the violation such as Debs was charged with, in what way would it be treated differently now from what it was treated prior——

Mr. DAVENPORT. Not a bit. Why, it is excepted. You remember the origination—Mr. Lennon will remember it—of the cry of "no government by injunction." The United States went into a court in Chicago and got this injunction, and then when the order was not complied with brought the troops there to enforce the decree of the court, and Gov. Altgeld claimed that that was an invasion of the State of Illinois; that the act of the court issuing an injunction and then hauling men up under it and punishing them for contempt and sending them to prison without trial by jury was an invasion both of the powers of the State and of the rights of the individual. In other words, that it was using the equity power for the purpose of enforcing the criminal law. And so arose the cry of "government by injunction." And it was made the slogan, as you will remember, of many Democratic platforms.

And in 1896—it was in 1894 that I have been talking about—but in 1896 Mr. Bryan made his campaign not only upon the silver question, but upon this question of "no government by injunction." This Clayton Act throws all that to the winds. This Clayton Act rejects all that. This Clayton Act affirmatively approves of, ratifies, and enacts as a statute the thing that the Supreme Court in the Debs case declared to be the law.

Not only that, but in what class of cases is the right of trial by jury given to anybody? We are talking now, for instance, about the laboring man, as that is more intimately connected with the subject that the commission has uppermost in mind. Now, observe what it is, section 21 [reading]: "Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein or thereby forbidden to be done by him"——

"Only the acts that are forbidden are the matters that come within the scope of the provision, if the act or thing so done by him be of such a character as to constitute also a criminal offense under any statute of the United States or of the laws in any of the States in which the act was committed, shall be proceeded against for his said contempt as herein provided."

That is to say, anything forbidden to be done is a criminal act against the statutes of the United States or the laws of any State where the act is committed, the violation of that injunction shall be proceeded with in this way. In other words, it specifically and in terms authorizes the issuance of injunctions to restrain the commission of crimes, which was precisely the thing the labor union fought against so strongly in the Debs case, contending—they employed that great lawyer, Lyman Trumbull, to argue the case for them, and he argued it with consummate skill, and he contended that this was a misuse of the equity power of the court; that it was a use of it to execute the criminal law. The Supreme Court said not so. It is true these acts are crimes, but those crimes, when they injure a party, are torts also, and that injury can be restrained by the power of a court of equity. This statute expressly confers upon the court the power to do the very thing that the unions contended against, and which the Supreme Court was, for a time, until they accepted this doctrine, as they have done, because they asked for the passage of this bill, which they have denounced the Supreme Court for having done.

Well, the next thing is section 22. It provides [reading]:

"When there is reason to believe that there has been a violation of the order for which the party can be brought into court," which does not materially change the existing law in any way.

Now, then, comes this provision about trial by jury (reading): "In all cases within the purview of this act such trial may be by the court or, upon the demand of the accused, by the jury." It must be a case within the purview of this act. What does that mean? What class of cases are within the purview of this act? Well, the trust cases not relating to labor are within the purview of this act. This provision inserted in this act, so far as it applies to such cases, makes applicable to them the provision of trial by jury. But are the other classes of cases embraced in this act still included? What are they? Those are the cases where the courts are prohibited from issuing injunc-

tions. "No restraining order or injunction shall be issued by any court or any judge thereof in a case between any employer," and so forth. No such injunction shall be issued. You can not try a man for violation of an injunction when no injunction is or can be issued. So that class of cases, the very class of cases it was sought apparently to include are excepted from this law.

Well, now, when you come to the question of trial by jury—if you can find a case that will come within this purview; that is to say, if you can find some case where an injunction is issued forbidding the doing of an act which is a crime either under the laws of the United States or of the State, and you can find a case where it is within the purview of this act—then the following procedure shall be had:

"In all cases within the purview of the act such trial may be by the court or, upon demand of the accused, by a jury, in which latter case the court may impanel a jury from the jurors then in attendance before the court or judge thereof."

In all cases within the purview of the act such trial may be by the court or, upon demand of the accused, by a jury. In which latter case the court may impanel a jury from the jurors then in attendance on the court or the judge thereof.

Commissioner WEINSTOCK. Does that mean it is not mandatory but discretionary?

Mr. DAVENPORT. I say it is discretionary.

Commissioner WEINSTOCK. Discretionary on the part of the court?

Mr. DAVENPORT. Surely; as it always has been.

Commissioner WEINSTOCK. Not on the part of the defendant?

Mr. DAVENPORT. No. That was put in there deliberately. There were 11 or 12 statutes introduced relating to trials by juries at that session of Congress, and everyone had the word "shall" impanel a jury. The word "shall" was stricken out and the word "may" inserted. Why was that done? For the very reason, if you put the word "shall" in there, it would undoubtedly be declared unconstitutional by the Supreme Court of the United States, because all during this time the Supreme Court has been pointing out case after case that any such law as that would be unconstitutional. It was put in there for the purpose of obviating any such difficulty, with the effect that the law is left as it is. I could go on with these features, but it would amount to this, that this act regulates and controls the class of cases to which it is related in a way substantially, as it does now, so far as procedure in contempt cases is concerned at the present or before the passage of this law. It was always within the power of a court to call a jury in, and then proceed to find the facts—such facts as the court submitted to them. They didn't find a general verdict of guilty or not guilty. That was from long and familiar practice, and in the Gompers case the Supreme Court said they might do that, because Gompers had asked for a jury trial, and then withdrew it in the lower court on the ground that he was not entitled to it.

Now, if I were to sum up the whole situation, I should say that the application of this law is by its terms so confined to such a limited class of cases that it is almost impossible to find any that come within the scope of it, and then it is not changed in any material effect, but there is this awful provision which makes me shudder when I think of what condition the unfortunate inhabitants of this country are liable to. We are liable to violate injunctions, not only in labor cases, and then look at it. If the accused shall be found guilty judgment shall be entered accordingly prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States, or to the complainant, or other party injured by the act, in contempt, or may, when more than one is so damaged, be divided proportionately among them, as the court may direct, but in no case shall the fine be paid to the United States in case the accused is the natural person, exceed the sum of $1,000, or such imprisonment exceed the term of six months. Now, an injunction may be issued in any kind of a suit, and if this provision relates to any other kind of a suit than the possible imaginary one under this, any citizen is liable without a trial by jury to have assessed against him damages to an extremely large amount; it might be $100,000 or $200,000, and upon the order of the court he has to be incarcerated until when? Who can get him out? Then Attorney General long since decided that it is not in the power of the President to pardon or remit a fine or damages that is assessed for the benefit of a party, and he has to stay there. Now, that in brief is the outcome of it. But there are

other features of it. Take Mr. O'Connell's condition; he lives here in the District of Columbia, and he is a machinist by trade——.

Commissioner O'CONNELL. That is questionable.

Mr. DAVENPORT. I think he must have been a good one, and I don't believe he has lost the skill. That man stands in and upon the soil of his country in the District of Columbia stripped of every right for which our fathers fought and died. If the construction is put upon it then that I have explained, the door of every court in the District of Columbia, including the Supreme Court of the United States, is closed to him. His skill, his strength, his time are his own, which he can sell. That contract that he makes is a property right. His employer can discharge him without a minute's notice under the statute and not commit an unlawful act, or anybody could go to his employer and say, "Don't employ O'Connell," and persuade him to discharge him, and the party would not be liable to him for the wrong that he has done him, and so in all other respects. Take the employees in the Government Printing Office here, 3,000 or 4,000 of them; they are under the civil-service laws; the Government officers are prohibited from discharging those men without cause. Under the terms of that act, as some people contend for, they can be discharged without a moment's notice, and without any cause, or for any cause further than belonging to a union, or not, or without any reason given, and the officers of the Government Printing Office have full sway; and so of all the 300,000 employees of the Government. I could expatiate on this to an unlimited extent.

Commissioner O'CONNELL. We have an unwritten law in the District of Columbia under the civil service, "For the good of the service."

Mr. DAVENPORT. Suppose it is not for the good of the service?

Commissioner O'CONNELL. It is unquestionable. When the highest authority of the Government says it is for the good of the service there is no appeal.

Mr. DAVENPORT. But suppose he says, "I don't care if it is for the good of the service, I will discharge him because he belongs to a union."

Commissioner O'CONNELL. For the good of the service. The President can issue an order for the good of the service, and any civil-service officer can be discharged.

Mr. DAVENPORT. But I am talking about where he has not done it. You have legal rights here.

Commissioner O'CONNELL. But the rights I have now, I have not the political right to protect myself, which is very unfortunate.

Mr. DAVENPORT. I would move out of this district, if this law is as the friends of it contend it to be. I want to contrast the situation, a man like Mr. O'Connell, and other inhabitants of this city, the Capital of the greatest country of the world, I want to contrast it with the condition of the inhabitants, if this construction of the law is true, the inhabitants of Brussels, in Belgium, where that invading army came into that country, and finally occupied the city of Brussels, but the military commander proclaimed that the rights of private property would be protected, and invariably it is the same; it is done by every military commander wherever he goes, and they are protected, and the whole power of the Imperial Government of Germany is behind it, but by acts of Congress it is claimed that inhabitants of the District of Columbia are stripped of their property rights, and the courts of the United States have nailed them up so they can not go in there for protection. Now, the Supreme Court, in my opinion, I think, will hold the act to be susceptible of another construction, such as I have given, and not objectionable on the ground of its invalidity.

Commissioner WEINSTOCK. Your judgment, then, is in accord with that of Mr. Walter Drew, counsel for the National Erectors' Association, who says it may be said that the Clayton law does not make lawful any conduct of a labor union that was previously unlawful? For years Mr. Gompers and his associates tried to secure legislation which would exempt unions from the rule that governs other combinations. The Clayton law does not confer any such exemption. It is possibly better from Mr. Gompers's point of view to believe that it does, than to admit the failure of his long campaign in that behalf.

Mr. DAVENPORT. There is a criticism upon Mr. Gompers, which I don't feel called upon to join in. I agree with the legal effect of it. Now, Mr. Gompers was probably in very much the condition in regard to that act that Commissioner Weinstock said he was; that he was confused about it. I can not believe that Mr. Gompers ever intentionally forsook all of the positions he has taken in fact, and turned about face and came and occupied the position that we had occupied, but he has done it, and I think it is a very good thing that he did. I think that no harm was done by the act, but when you come—now, we

all have our ideas about these things, but there is only one place left yet in this country where they can be settled, and that is in the courts. Many of the things I have been talking about are involved in the decision of Payne Lumber case now submitted to the court.

Commissioner WEINSTOCK. Any further questions?

Mr. DAVENPORT. If there are none, I would like to inquire, I stated to the chairman, I asked him if I could revise what I have said. I would like to have that opportunity, I would like to make some corrections, and would like to shape it up somewhat. Would I be allowed the privilege of so correcting it?

(Chairman Walsh having retired, Commissioner Weinstock acted as temporary chairman.)

Acting Chairman WEINSTOCK. There can be no objection to your correcting your testimony, so far as the construction is concerned, but it has been a rule of the commission not to permit witnesses to change their testimony.

Mr. DAVENPORT. I will stick to what was said. This is the idea, I want to stick in some cases and shape it up so that I shall not be ashamed to read it myself, and with the permission of the commission I will now retire.

Acting Chairman WEINSTOCK. Mr. Spelling.

TESTIMONY OF MR. THOMAS E. SPELLING.

Acting Chairman WEINSTOCK. Will you please state your full name and residence to the stenographer?

Mr. SPELLING. Thomas E. Spelling; I reside in New York City, 215 Broadway.

Acting Chairman WEINSTOCK. Your profession?

Mr. SPELLING. An attorney at law. I have some other professions that I need not mention.

Acting Chairman WEINSTOCK. Will you state for the commission whom you have generally represented in the matter that you have up to discuss before the commission?

Mr. SPELLING. The only party I ever represented was the American Federation of Labor two years, or a little more, in two cases in the courts, and on several occasions before congressional committees. Especially, and I believe solely, in the advocacies of anti-injunction legislation.

Acting Chairman WEINSTOCK. Will you please state in your own way for the information of the commission such matters as you think will be of interest in this connection?

Mr. SPELLING. I would like to ask Mr. Davenport a few questions. I couldn't do that when he was on the stand. I think I can throw more light on the subject in that way than to go ahead and say what I have to say.

Acting Chairman WEINSTOCK. It has not been the practice of the commission.

Mr. SPELLING. I got the permission from the chairman this morning. It is a part of my own statement, if he is willing to answer.

Acting Chairman WEINSTOCK. Are there any objections on the part of any members of the commission to allowing him to do that?

Commissioner LENNON. I have no objection; it is a question of whether it is agreeable to Mr. Davenport.

Acting Chairman WEINSTOCK. If it is agreeable to Mr. Davenport.

Mr. DAVENPORT. If they are questions I can answer.

Acting Chairman WEINSTOCK. You may proceed, if Mr. Davenport has no objection.

Mr. SPELLING. Mr. Davenport, I want to ask you—you can keep your seat. You said that courts had uniformly and consistently held that labor unions were within the antitrust act. Now, did any court ever hold that a labor union as such was within the act?

Mr. DAVENPORT. No, sir.

Mr. SPELLING. Then, we are not in conflict on that.

Mr. DAVENPORT. But that is expressly held by the Supreme Court that they are not.

Mr. SPELLING. Do they not simply hold that when members of unions conspire or combine together and violate the antitrust act that they were held to acountability just like anybody else?

Mr. DAVENPORT. The same as the members of a church, I suppose.

Mr. SPELLING. And in that sense they were within the antitrust act, prior to the Clayton bill?

Mr. DAVENPORT. Yes, sir.

Mr. SPELLING. And are within it yet, according to your view of it?
Mr. DAVENPORT. Yes, sir.
Mr. SPELLING. Now, you spoke of the case of Connor v. Connolly?
Mr. DAVENPORT. Yes, sir.
Mr. SPELLING. What town was that?
Mr. DAVENPORT. Danbury.
Mr. SPELLING. That town has figured in the litigation that you have been connected with very prominently. However, that is no part of my question.
Mr. DAVENPORT. I was not in the Connor-Connolly case.
Mr. SPELLING. The court denied the union men the privilege of uniting and combining together to exclude the nonunion men. Is that not about it?
Mr. DAVENPORT. It was an agreement between the union manufacturers of the town and the unions by which they would not employ anybody but a union man.
Mr. SPELLING. Yes, sir.
Mr. DAVENPORT. And Mr. Connor was a member of the union?
Mr. SPELLING. Yes, sir.
Mr. DAVENPORT. And they had a great strike on, and they were out for several months with the result that the union owed him quite an amount of money for strike benefits. Then they called upon Mr. Connors for his dues, and before he could go to work again, and Mr. Connors said that he wouldn't pay it; that he had this coming; and that was contrary to the rules of the union and he was in bad order.
Mr. SPELLING. I beg your pardon, I didn't ask you——
Mr. DAVENPORT (interrupting). I want to come to this. Then Mr. Connolly, representing the union, in pursuance of the agreement that they had with the unionized hat manufacturers, went around and said, "This man is in bad order with the union," and got his discharge.
Wel, he sued the union and the officers of the union, and it was tried before a jury, and he recovered a verdict of $1,100, and it went to the Supreme Court, and they sustained it.
Now, the claim was that the agreement between the union manufacturers of Danbury and the union was a valid agreement, and the supreme court of the State held, relying upon decisions of the Supreme Court of the United States, that that was a contract for a monopoly in violation or contrary to public policy and void.
Mr. SPELLING. Is there any statute in Connecticut that covers that case?
Mr. DAVENPORT. No, sir.
Mr. SPELLING. Suppose all of the men engaged in the jewelry trade in that town had formed a copartnership, or had gotten together and had a monopoly, would there be any law covering that case?
Mr. DAVENPORT. I guess not.
Mr. SPELLING. We don't want to get into any argument, we want to hasten along and not prolong the discussion. Now, you know the courts have made a distinction between primary and secondary boycotts?
Mr. DAVENPORT. Yes, sir.
Mr. SPELLING. Do you think there is any legal distinction?
Mr. DAVENPORT. There is none, and it was expressly decided so in the Supreme Court of the United States on the Sherman Act, in the Eastern Lumber Dealers' Association v. The United States.
Mr. SPELLING. I had a little book; I guess I must have dropped it. Now, in a boycott, the clause says, no court shall enjoin or restrain any person, singly or in concert—hand me that, please. That little book. I guess it isn't there. No court shall issue any restraining order or injunction restraining any persons, singly or in concert, from, and then we can skip a few clauses, and come to the boycott clause, from ceasing to patronize or peaceably persuading others from ceasing to patronize any party to such dispute.
Now, what is the effect of the use of those words, "any such dispute," when you consider it in connection with the limitations of the first paragraph of section 20?
Mr. DAVENPORT. Have I not said all I can possibly say on that subject to the commission?
Mr. SPELLING. Does it not limit it to the particular realms which are specified in the first paragraph?
Mr. DAVENPORT. I don't know but what you are right about that; I have not considered that. That would narrow it still more.
Mr. SPELLING. Did you ever hear of a boycott between employees?
Mr. DAVENPORT. No.

Mr. SPELLING. Did you ever hear of a boycott between employer and employees?

Mr. DAVENPORT. No; I don't know that, unless the I. W. W.'s——

Mr. SPELLING. I don't think we care to get into that.

Mr. DAVENPORT. No; I never did.

Mr. SPELLING. Now, did you ever hear of a strike between persons seeking employment, I mean a boycott?

Mr. DAVENPORT. No.

Mr. SPELLING. Now, if that connection were broken and in place of the words, "any party to such dispute," were inserted the words "any persons whatever," wipe out the first paragraph and read it that way, it would cover all kinds of boycotts?

Mr. DAVENPORT. Yes; sure.

Mr. SPELLING. The Clayton bill don't do that, by a long sight?

Mr. DAVENPORT. I don't think it does. Now, you are punching holes in that bill; there are so many in it, it is not worth while to talk about other additional ones. It is shot full of holes now.

Mr. SPELLING. I am not going to take up those things. The strike provision, however, you have very well explained, and I agree with you that the words "lawful and peaceable" clear the whole thing, and when you consider it in connection with the first paragraph it is worse than no legislation; for this reason I want to see if you agree with me on that; it confirms to the courts all acts and all conduct by any party which is not—I mean jurisdiction to enjoin the conduct and all acts which are not lawful?

Mr. DAVENPORT. Yes, sir; anything that is not lawful can be enjoined.

Mr. SPELLING. If the parties to a strike should violate, should commit a misdemeanor and violate some town ordinance or some State statute which did not injure property heretofore, you would have trouble defending or maintaining an injunction in a case like that, would you?

Mr. DAVENPORT. Well, I don't know. It depends on what you consider property. I regard property as any right of a pecuniary nature.

Mr. SPELLING. We will not debate the question of what is property. I said it did not injure property that you had trouble heretofore in maintaining an injunction against that conduct which is unlawful?

Mr. DAVENPORT. Yes, sir; in the Debs case the Supreme Court said it must be property or right of a pecuniary nature, but there have been injunctions issued to protect some personal rights.

Mr. SPELLING. Here is a clause which forbids a court from restraining lawful conduct. Does that not, by essential implication, give the court authority to restrain illegal conduct?

Mr. DAVENPORT. Yes, sir; sure.

Mr. SPILLING. You said something about this Kansas case.

Mr. DAVENPORT. About what?

Mr. SPELLING. About this Kansas case, Coppage v. Kansas.

Mr. DAVENPORT. Yes.

Mr. SPELLING. The Supreme Court in effect held that an employer could refuse to employ a man or discharge him because he belonged to a union. Was not that the gist of it?

Mr. DAVENPORT. Sure.

Mr. SPELLING. Couldn't he discharge him or refuse to employ him for any reason?

Mr. DAVENPORT. Sure; good or bad.

Mr. SPELLING. But if those employers formed a combination, you do not think that is exempted by the Clayton Act, do you?

Mr. DAVENPORT. Surely not.

Mr. SPELLING. And another can cease to serve another; he can relinquish employment and persuade others to do so, and strike in concert. What do you understand "singly or in concert" to mean?

Mr. DAVENPORT. I understand that to mean all.

Mr. SPELLING. You mean to act by common impulse?

Mr. DAVENPORT. Rather.

Mr. SPELLING. Suppose that same man went down the street in an automobile and ran over a child or something, and a hundred people rushed at him and beat him up and tore up his automobile. Wouldn't that be acting in concert?

Mr. DAVENPORT. Yes; in a sense it would.

Mr. SPELLING. Well, if they acted together and agreed to do that thing it would be a combination, wouldn't it?

Mr. DAVENPORT. Yes.

Mr. SPELLING. Do any of these things exempt a case of that kind from injunction?

Mr. DAVENPORT. I don't think it does at all, as I have explained.

Mr. SPELLING. So that people are only protected from the use of injunctions in cases where they act in concert, or by a common impulse, without an understanding to do that very thing?

Mr. DAVENPORT. According to my idea of the Clayton Act, it is like a treaty of neutrality with Belgium; it is a "worthless scrap of paper."

Mr. SPELLING. Now, you said, in regard to section 6, that it left the unions just as they are now, in their relation to the Sherman Antitrust Act. Now, then, is not the language, the negative and prohibitive language which makes concerted conduct and certain relations of men lawful—don't that sanction and confirm to the courts to decide as violative of the Sherman Antitrust Act and place the stigma of illegality on it?

Mr. DAVENPORT. I think what was illegal before is illegal now, and I do not think that anything that was illegal before is legal by the act.

Commissioner LENNON. Mr. Chairman, I do not think this procedure is really valuable to this commission; it may be a matter of value to Mr. Spelling, but I do not think it brings out anything from Mr. Davenport up to this time that he has not already put in the record.

Acting Chairman WEINSTOCK. If there is any objection on the part of any member of the commission——

Mr. SPELLING (interrupting). I wish to say a word about section 16.

Commissioner AISHTON. I wish to object to this questioning; it does not get us anywhere, and, as Mr. Lennon says, it is of no value to the commission. It is simply a matter of difference of opinion between attorneys.

Acting Chairman WEINSTOCK. Mr. Spelling asked permission to ask some questions of Mr. Davenport, and permission was granted; but if there is any objection I will ask him to desist and proceed in the usual way.

Mr. SPELLING. I wish to get something in the record of a formal, concise, and logical nature, as my own statement, in regard to the status of unions and the laws governing labor organizations; it will take about 15 minutes, and then I will be ready to yield to the wishes of the commission.

Commissioner AISHTON. I suggest that the witness proceed with his statement.

Mr. SPELLING. I am ready.

Acting Chairman WEINSTOCK. The witness will proceed.

Mr. SPELLING (reading). "There is undoubtedly a disposition or tendency of labor to attach undue importance to legislation already enacted, or which is desired at the hands of legislative bodies. If labor as organized had immunity from legislation enacted by the courts, it could take care of itself, and need only guard against discriminatory statutes. But rules and customs have grown up among business men, and especially among business corporations, which, while appearing to be merely salutary and protective, yet in reality place the public, and especially that part of the public dependent upon the employment of capital by others, at a great disadvantage. These rules and customs come at length to be acquiesced in by all, and become, for all practical purposes, new rules of jurisprudence."

Now, we find in the Clayton Act conclusive proof of a part of the general fact which I have just stated. Instead of its being a new chart of liberty for labor as has been claimed and extensively proclaimed, I see in it nothing but admissions at the hands of Congress, in the form of concessions, of unjust and prejudicial limitations upon the individual and collective rights of labor.

Let's now examine one or two of the clauses of section 20 of the act. There is found here legislation on the subject of strikes. It says here "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do." Is it possible that any legislative sanction was needed to exclude the courts from interfering within so limited a domain?

When Congress was requested to protect labor from unwarranted interference by the courts therein, it improved the opportunity to insert a qualifying term which by essential implication recognizes a jurisdiction heretofore always denied to the courts and contested. Congress says here, in what purports to be a codification of injunction law in labor cases, that the courts must not interfere

with strikers proceeding peacefully, and the idea that they may interfere with strikes that are conducted by means not peaceful is included. I think this conclusion is warranted by the language of section 20 alone without reference to other parts of the act. The result is to confirm to courts exercising equitable jurisdiction powers similar in some respects to those exercised by the chief of police in a city, or more nearly resembling those of a military governor in a district wherein martial law has been declared. But the power which the judge can exercise is much more far reaching than that of either. The policeman must proceed according to existing laws and the military commander according to established rules. But the judge initiates the repressive proceeding by making a law to suit himself, after which he proceeds to apply it to a case already before him, and consummates the procedure by executive action, because he measures the penalty for a violation and enforces it. I do not lose sight of the fact that courts are legitimately vested with all these powers in proper cases, but until this enactment labor insisted with ample legal reason that if in the initiation and conduct of a strike violence was resorted to or a state of disorder created, a case arose to be dealt with only by the police authorities and the law courts.

But so vague and comprehensive a word as "peaceful" ought never to be used in an act of legislation without specifications as to its meaning, and no one could describe the result of even the most intelligent attempt to paint its proper application and limitations. As this provision now stands, and strike so conducted as to disturb the equanimity or shock the nervous systems of any considerable number of persons is liable to be held to be outside the immunity attempted to be given by it; and under present industrial conditions and owing to the magnitude of enterprises, a strike which does not cause considerable local inconveniences and disturbance is hardly worth winning. And there is some truth in the assertion so often heard that there is no such thing as a peaceful strike. Ample judicial precedent can be found for enjoining strikes by employees of public-service corporations on the sole ground of improper motives in instituting them, coupled with considerations of disturbance of social and business conditions.

But collateral to and yet outside the scope of this narrowly restricted limitation upon the jurisdiction—accepting now the theory that it restricts instead of enlarging jurisdiction—lies the vast, practically unlimited law of conspiracy. The Judiciary Committee of the House in reporting the bill explicitly and truthfully stated that the bill if passed would leave the law of conspiracy untouched. When these provisions come before the courts they will attend to the exact legal import of the words used. That is one important function of the courts, and they will hold that the words "in concert" are not synonymous with and have not the same legal import as acting pursuant to a preconcerted plan or common understanding. Persons oftener than otherwise act in concert from a common impulse without an agreement or mutual understanding, as where they rush simultaneously to a place of safety in case of fire or flood or to the rescue of their fellows in distress. But let it not be forgotten that where laborers deliberate and agree among themselves to strike, the courts have in some cases held that that goes beyond merely acting concertedly for the promotion of a lawful object, and have asserted and exercised the power of inquisition as to the legality or illegality of their motives and purposes; and if they disapproved them the case fell within the legal meaning of conspiracy and might be enjoined as such; and it was this domain of jurisdiction which the Judiciary Committee meant to preserve intact, and which it did preserve, as conclusively shown in its report.

It is the wish of the commission that testimony be not loaded up with authorities; I will cite only one case illustrative of my last statement. In Payne Lumber Co. *v.* Neal, a Federal court case, it was held that although a course of conduct by organized labor was termed a "strike" and had the form and all the characteristics of a strike, yet the court could inquire as to the inner motives of the strikers; and upon making such inquisition in that case, the court held that though started and carried on as a strike, it was in fact a boycott. I submit that such a ruling completely upsets the theory and nullifies the doctrine that the unions may strike for any reason satisfactory to themselves or for a variety of reasons, and that in all their deliberations on a question of striking or not striking the judiciary participates at the council board; and a judge having stamped the movement as in fact a conspiracy, to wit, a boycott and not a strike, of course the clause I have quoted from this act does not apply, and the movement would be tested by another provision which I now quote with its

context: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from ceasing to patronize any party to such dispute."

A comprehensive discussion of the boycott and of the bearing of this provision upon it would occupy considerable space. I must therefore content myself with a presentation of a few pertinent suggestions, ample at any rate to correct certain erroneous views which have been promulgated concerning its legal effect.

That the boycott is morally wrong no one with my mental attitude on the subject need deny. I had as soon deny that the spirit of the boycott is evil as to defend ingratitude. But does it follow that because a thing is morally wrong it should be enjoined by the courts? As a matter of mere expediency, I would treat the boycott as a sort of safety valve for human passion, safeguarding individuals and to some extent the whole community from greater evils, and from manifestations of malignity more difficult to deal with or endure. In short, I would leave it severely alone. In fact, all but an infinitesimal fraction of the boycotts intertwined with every thread of the social fabric are let alone. An occasional tradesman or manufacturer may be ruined by a boycott, but many more may be ruined in business by the neglect, or aggressive competition, or malignant conduct of others engaged in trade. In no such instance would any court of equity entertain a complaint for injunctive relief, notwithstanding that in many such cases the injury results from combinations of individuals. Every form of social hate or vindictiveness is, in effect, a boycott.

In view of the constitutional guaranties of free speech, a free press, and of the right of free assemblage, I look upon the use by a Federal court of the injunctive process or other remedy against a labor organization not amounting to a conspiracy in restraint of interstate commerce as a denial of rights protected by the Federal Constitution and a stark usurpation of jurisdiction. I except the jurisdiction to enjoin boycott of interstate commerce only because an injunctive remedy is given in the antitrust act without regard to general principles governing equitable jurisdiction; and of course I limit this denunciation to what enters into what is, properly speaking, the boycott itself. I do not deny liability for damages and criminal prosecutions where illegal acts are done in carrying on a boycott; but such liability would not justify an injunction. The boycott itself consists entirely of an interchange of information and opinion which, however erroneous, should not be interfered with by injunction, and the courts can not interfere with them in any other capacity than as high priests of morality. Of course, this contravenes the judicial and prevailing legal view. But should I concede its unsoundness, yet I would not know of any property or property right which, according to legal definition, could ever be injured or menaced by a boycott. On other occasions I have gone into this topic at length and deem it unnecessary to reiterate the arguments.

Returning now to the above-quoted provisions of section 20 of the Clayton Act, I premise that it is based on an understanding that injunctive jurisdiction in boycott cases is well established, and it has been widely, and I dare say, recklessly claimed that this provision lops off the jurisdiction and renders the boycott immune, especially the primary boycott. Various statements have been made to the effect that this provision "legalizes the primary and probably also the secondary boycott." Those who made them have never analyzed the language of the act nor compared its various provisions, nor is it usually necessary that this be done in order to reach the public through the press and to falsely impress and mislead a large number of credulous readers. The statement contains the erroneous absurdity first promulgated in the Phelan case that there is any such thing as a secondary boycott differing substantially from a fanciful primary boycott. Bearing in mind that the illegality of all boycotts is grounded in the general law of conspiracy, which, as the Judiciary Committee correctly said, remains untouched, such statements need be given no further notice. The question before us, however, is as to what this legislation accomplishes, and the immediate question relates to the legal effect of this particular provision.

The first thing to notice is that this clause differs from the preceding in the respect that the right here exempted from injunctive process is unquestionably limited by the provisions of the first paragraph of the section, because the party against whom the effort to deprive of patronage is directed must be a "party to such dispute," and the term "dispute" is not used in any preceding part of this paragraph, though it is used in the first. Hence the exemption is inap-

plicable generally and is to exist only where a dispute has arisen; that is to say, "involving or growing out of a dispute concerning terms or conditions of employment." And no one can be recognized or given status as a party to such dispute unless he holds a relation to another party either of employer or employee or be at the same time seeking employment.

Let us notive the effect of the use in the boycott clause of the words "any party to such dispute" in connection with the use of the same words in the first paragraph. The right to boycott because of such connection is restricted and the exemption narrowed not only to cases in which a dispute has arisen, but to cases in which a dispute has arisen between persons holding the particular relations specified in the first section, and parties holding such relations never boycott each other or strike against each other.

The exact and full effect of this limitation is not very clear, but certainly there remains not even the right of what is termed the primary boycott until a dispute has arisen, nor is any character of boycott exempted from injunctive process unless conducted by "peaceful and lawful means." The use of these qualifying words excludes from the exemption and sanctions and preserves to the courts unrestrained and arbitrary police powers previously mentioned under the strike provision, to be exercised and enforced injunctively. The primary right to withhold patronage and to induce others to withhold it from a party against whom a boycott is immediately directed, and without waiting for a dispute to arise between him and his employees, or between him and persons seeking to enter his employ, fancifully differentiated as a primary boycott, has been heretofore generally conceded by the courts. Only what were differentiated as secondary boycotts were under the ban. That right no longer exists. This clause takes it away. Suppose that deplorable or intolerable conditions existed between a manufacturer of stoves and his employees, but dissatisfaction had not gone so far as a strike or resolution or agreement to strike; in other words, that no dispute in legal sense had been evolved. In that case and until such dispute arises there can not be in the presence of this legistion inaugurated any kind of boycott against that employer.

But a pretense of making an exemption, and only exempting such acts as are done "by peaceful and lawful means" is so farcical and absurd as to insult the commonest intelligence, because an illegal act can not be done by lawful means. This provision, like the others, merely forbids the issuance of an injunction against lawful conduct, and no court ever held, nor any intelligent lawyer ever asserted, that any lawful act could be enjoined.

There are other so-called exemptions in the same paragraph of section 20, to each of which all I have said about the two that I have discussed is equally applicable. But those defending and seeking to capitalize for political purposes the so-called labor provisions of the Clayton Act have called attention to and emphasized two closing clauses of this second paragraph of section 20. One of them, when connected with its context, reads: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto." The most general statement that I can make about this clause is that it is totally abortive, so far as I can see. I have given it much thought, turning it this way and that, and it still appears to me wholly meaningless and innocuous. I could not truly say this were it not for the presence here of that constantly recurring word "lawfully." That completely thwarts any such construction as would relieve laborers from the menace of injunction against them otherwise referable to that clause. Its use throws the question back to the domain of judicial decisions heretofore rendered; and it remains for the courts to determine what any person or persons may "lawfully" do "in the absence of such dispute by any party thereto."

I have likewise given considerable thought to the last clause, "nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States." This has been broadly claimed to contain preservative values, but no one has thought it worth while to specify what such values are. Even if it made any change in existing laws, the courts would be very reluctant to give effect to amendments attempted in a form so slovenly and inept. Under the Constitution Congress can not, of course, tell the courts how they shall construe and apply existing laws to a given fact. But I may pass that by. What act "specified in this paragraph" is now violative of any law of the United States? Not one. There is not a line of Federal statutory law applicable to one of them per se. What law there is consists of precedents founded on general principles of jurisprudence

analogous to the common law. Not one of these subjects is mentioned or comprehended in any "law of the United States." I might ask how any act which must be lawful and peaceable could be violative of any law. But the question furnishes its own answer.

Before dismissing section 20 I will give brief attention to its first paragraph preliminary to comments on section 17. It provides in substance that in cases arising between persons holding certain relations, and which involve disputes concerning terms or conditions of employment, no injunction shall be granted by any Federal court or judge "unless to prevent irreparable injury to property or to property right of the party making the application."

This has been proclaimed by politicians as a substantial compliance with the demand by organized labor, persisted in for several years, for the enactment of the Pearre bill, having particular reference to the first section thereof. But only a little attention to the respective wordings of this act and that bill is required to see the fraudulent and makeshift character of this provision when viewed in that light. This provision is substantially a copy of section 1 of the Pearre bill, except that the word "or" is so omitted that the provision is rendered wholly abortive, or thereby completely "queered." The first section of the Pearre bill began thus: "That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers, or between employees, or between persons employed to labor and persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment" and so forth. Now the effect of the omission of the word "or" here found before the word "inviving" is apparent at a glance. It eliminates an almost unlimited class of cases covered by the phrase "involving or growing out of" and so forth, and turns the phrase into words of limitation. In fact, nothing worth considering is left. A scrutiny of the language should be convincing to the effect that cases within the description so limited could rarely if ever arise.

But still more important comment relates to the mutual bearing on each other of this provision of section 20 and one found in section 17 of the Clayton Act. Ignoring, however, for the moment, section 17, Congress has here declared that in certain cases an injunctive process shall not issue unless to prevent irreparable injury to property or a property right; if a legislative body enacts that street cars must not stop until they have reached the far side of street crossings on which there is no other street car track, thi obviously permits them to stop on either side or both sides where there are such tracks. And so the natural import of such a prohibition as this part of section 20 is to authorize the issuance of injunctions in all cases not so exempted regardless of any question of property or property right. So it is in order here to ask what cases in which labor may be interested are thus safeguarded. Still bearing in mind the fact that the specific exemptions in the second paragraph are mere drivel or persiflage, as I have already explained, it is difficult to conceive of a case ever arising to which this first paragraph would apply. There is no strike while the relation of employer and employee exists, nor do those in another's employ ever institute a boycott against him. And permit me to inquire if anyone ever heard of employees or persons seeking employment boycotting or striking against each other? Yet the fantastic legislative theory that there might arise some such case serves as a sufficient peg upon which to hang this prohibition, the only real effect of which is to charter, not the liberty that is claimed for it, but infinite mischief to labor's rights and interests.

If any confirmation of this view were needed, we have only to turn to section 17 to find it. This act is an entire body of legislation, and, unquestionably, all the parts must be construed together.

All of section 17 which seems necessary to quote is in these words:

"SEC. 17. That no preliminary injunction shall be issued without notice to the opposite party.

"No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by verified bill that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon."

The first sentence was inserted either because the constructor of the provision knew little of the subject of injunctions or because he intended to deceive. I prefer the latter construction because of the high degree of cunning displayed in the whole performance. In fact, I think the men who controlled this situation knew exactly the effect which they wished to produce and how to produce

it. This first sentence is completely nullified by what follows it, and is as completely functus officio as if the space it occupies had been left blank. While there is a technical distinction between a preliminary injunction and restraining order, there is none in legal effect.

Either the part of section 20 which I have been discussing or the provision just quoted is alone sufficient to confirm to the courts jurisdiction so arbitrary, absolute, and boundless that not even the most zealous employing interest ever dared insist upon it before a congressional committee or elsewhere. But both together confirm such extraordinary powers beyond peradventure, with a total indifference to the fundamental restriction of injunctive process to the protection of property and property rights, and to the complete discomfiture of labor with respect to its persistent demands.

Section 17, as here quoted, has the form of a regulation in the matter of notice in injunction cases. But care is taken to preserve to the courts the power to restrain and enjoin without notice in every conceivable case where a court was heretofore authorized to issue an injunction or restraining order at all, and in an illimitable class of cases in addition. But this ripper act does not stop at this. There is the essential implication, as much a part of the law as the part that is expressed, which gives the courts the power to enjoin for any cause, or for the accomplishment of any object whatever, for the protection of any personal right or privilege that may be claimed, subject only to the condition that notice be given.

Having a rather intimate knowledge of the situation in and around Congress with reference to efforts to obtain for labor relief from judicial abuses, I dare say that no one was deeply concerned on the subject of notices in such cases. It has been usually conceded by organized labor that where a party was entitled to an injunction at all he was entitled to as speedy protection against the threatened wrong as could be extended by the courts. Labor's grievance concerned judicial transgression of constitutional limitations in entertaining and acting injunctively on complaints which properly should have been taken jurisdiction of only in civil and criminal courts of law. And this legislative pretense or bluff of regulating notices is but another peg upon which Congress has hung augmentations of judicial power.

As the Clayton bill went from the House to the Senate, it contained between the words "to" and "the" where they occur a second time in the part above quoted, the words, "property or a property right of." The provision, though containing these words, was almost as objectionable as after their elimination, because of its other parts. But the Senate pruned out these words and left the provision as above quoted.

This matter of limiting injunctive jurisdiction to the protection of property and property rights is somewhat technical, and it has ever seemed difficult for the lay mind to become interested in its discussion, or realize its importance. But if ever the organized-labor movement should fail or should stop short of substantially improving conditions, it will be attributable to the power exercised by the courts, and thus confirmed by Congress, to check and restrain united and aggressive action. In the committee report on the injunction bill in the Sixty-second Congress, in May, 1912, it was said that the time had come when labor could be trusted with liberty. But it seems that the Sixty-third Congress, in September, 1914, by the Clayton Act, barred the way to liberty.

The importance of the limitation to property and property rights where judicial usurpation in labor cases is being considered can not be overestimated.

However much I would like to further develop this line of thought, I must refrain, owing to limitations of time. But this provision has the same inclusive and exclusive aspect as have those provisions of section 20, already noticed. This provision forbids the issuance of restraining orders and injunctions without notice except where the facts are so and so, thereby leaving power in the hands of the judges to issue them without limit or restriction where the facts are otherwise, provided that they cause notice to be given.

Another of these so-called labor provisions of the act to be noticed is section 6, which has been supposed to exempt labor organizations from the remedial provisions of the antitrust act. As a literary production it is unique, and reads as follows:

"SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such

organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

I want to say, in regard to what Mr. Davenport said to the effect that unions could become incorporated and escape individual liability, that no labor union can incorporate unless they go into business for profit. Take the laws of his own State. They authorize two classes of corporations—corporations for profit and corporations not for profit. The labor unions would come under the latter designation and can not be authorized with capital stock, consequently they can not limit their liability.

Also, as a consequence of going through the form of incorporation, it would give them merely perpetual existence and the right to carry on an organization in a corporate form; but it would have not the slightest effect upon the relations of the members to each other, nor upon their individual relations to the law, nor to judicial remedies.

Mr. DAVENPORT. Well, but, Mr. Spelling——

Chairman WALSH. Just a moment, Mr. Davenport.

Mr. SPELLING. I am perfectly willing——

Chairman WALSH. Just one moment. Just proceed, please, Mr. Spelling.

Mr. SPELLING. On no subject has there been more deception, some of it no doubt deliberate. In other instances ignorance or lack of proper study of the matter was responsible for it. It is my individual belief that no legislation has ever been needed to exempt labor organizations from the provisions, civil or criminal, of the antitrust act, and that even if such legislation were needed this so-called exemption accomplishes no such purpose. As my view may not be immediately and universally accepted—I would be surprised indeed if they were—I will briefly give my views on section 6 and my reasons for entertaining them:

In the first place, we observe that the declaratory or substantive part of the antitrust act, according to recent constructions, is merely an embodiment of common law and, except for the fact that there are no Federal common-law crimes, creates no new legal liabilities. Then we come to the remedial part and observe that it is directed against personal conduct exclusively. It is not a statute affecting the ownership or title or corpus of property, notwithstanding that in its enforcement property rights and interests are often seriously affected. Now I come to the statement of a proposition which might provoke conflict were it not so firmly founded on legal principle. No labor organization has ever violated nor ever can violate the act, as such, and if any court ever held to the contrary it was merely because of the neglect of counsel to call attention to the legal status of such organization, or the neglect of the court by which such status was overlooked. It legally is as impossible for a labor union, as such, and in the pursuit of the objects for which they are organized to violate the antitrust act as it would be for this commission, under the act creating it, to violate it; but, of course, it is conceivable that its members might conspire together to violate it and might misuse or pervert the name of the commission in carrying out an illegal purpose. That would not, however, involve or in any way affect the legal status of the commission or render it liable to a proceeding against it in any form as a defendant. If it were dragged in by parties complaining of such violation it might be dismissed from the record on motion, or by the court of its own volition; or if no such action were taken and its name were continued in the record as a defendant, notwithstanding that the court should render a judgment against it, which is an unreasonable supposition, such judgment would be, so far as concerned the commission, simply null and void and have no legal effect upon it. But, of course, the proceeding would be legal and the judgment valid as against the individual members of the commission, as individuals, but not as commissioners in the suppositious case.

Prosecutions and other proceedings against labor organizations and their officers are of the same legal aspect. Of course, a body of workingmen might frame a constitution or adopt by-laws embodying a scheme of illegality, but such scheme would stamp it as an illegal body and not a labor union in any legal sense. But if we concede that the fact that proceedings against unions by name have been in some instances ignorantly tolerated constitutes sufficient reason for demanding an exempting statute, our next inquiry is as to whether the demand has been responded to substantially or in any degree by the enactment of this section?

The first sentence, declaring that "The labor of a human being is not a commodity or article of commerce," has no logical connection with or bearing upon what follows or upon any other part of this or any other statute. It is a

mere abstraction and truism. No one after examining the definitions of the terms "commodity" and "article of commerce" can find where anybody ever claimed that the "labor of a human being" was within either definition. If the sentence had been so constructed as to exclude as property or a property right the right to do or continue business and the incidental right, often made the basis of equitable protection by employers seeking injunctions, of going into the labor market and hiring labor, as in the Pearre bill, then there would be some basis for the claim that it accomplishes some desirable end; but as meeting any demand for relief that labor has presented to Congress it is utterly vain.

The balance of section 6 covers a topic which has been the subject of endless discussion, both in and out of Congress. But to what I have already said with reference to the relation of labor organizations to the antitrust act I need add but a few words.

Congress here attempts to construe a prior act of Congress which is clearly a function of the courts; but waiving that defect I may inquire as to the net result. I do not deem it necessary to do more than call attention to the effect of one or two words. The language is that the antitrust act shall not be construed "to forbid" the existence and operation of certain organizations, instituted so and so, or to forbid or restrain individual members of such organizations from "lawfully" carrying out the "legitimate" objects thereof. The concluding clause, "Nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws," are merely surplusage. They add nothing to what precedes. But an act of legislation which merely authorizes men or a body of men to "lawfully" carry out their "legitimate" purposes is a waste of words. To what test or standard will the courts resort when, if ever, called upon to apply this language? Obviously they must look to their own prior decisions, and to these alone, in order to learn what purposes are "legitimate" and how such purposes can be "lawfully" attained.

There are in the act provisions on the subject of jury trials in contempt cases, but as they can not be properly designated as labor provisions I shall refrain from any lengthy criticism of them. I will remark, however, that in the vital provision, which is contained in section 24, the whole scheme is thwarted by an exception exactly as wide as the right, rendering nugatory the whole scheme.

The section reads:

"SEC. 24. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice nor to contempts committed in disobedience of any law, writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States; but the same and all other cases of contempt not specifically embraced within section 21 of this act may be punished in conformity to the usages at law and in equity now prevailing."

Without dwelling upon the exception of all cases to which the Government is a party, I call attention to the established law which extends the "presence" of the court to every point in the country which its process can reach; and an act of disobedience in Oregon of an order made in Maine is constructively committed so near the court as to obstruct the administration of justice, and thus an exception to the rule is made just exactly as broad as the rule itself.

Upon a full consideration of the fact and in anticipation of the consequences of its removal of all judicial limitations I do not wonder at the sore discomfiture of those who have striven so long and earnestly for remedial legislation.

Chairman WALSH. Mr. Weinstock has some questions.

Commissioner WEINSTOCK. The situation is not altogether clear to me, Mr. Spelling. You have represented the American Federation of Labor in legislative matters?

Mr. SPELLING. Yes, sir.

Commissioner WEINSTOCK. They take the position that the Clayton Act is the Magna Charta of labor, and yet you seem to agree with Mr. Davenport that it brings no advantages, but, on the contrary, a disadvantage to labor.

Mr. SPELLING. I don't know about such representations; they may have been made by the officers of the A. F. of L. You will have to inquire as to their present state of mind; it may have changed very materially.

Commissioner WEINSTOCK. Then from your point of view labor has gained practically nothing by the Clayton Act, and labor is under a disadvantage greater than it labored under before?

Mr. SPELLING. I may exaggerate a little and put it too strong; but I think they have not only a lemon but dynamite in this act.

Commissioner WEINSTOCK. You are in accord with Mr. Davenport?

Mr. SPELLING. In matters pertaining to this act we don't disagree in any particular, except in regard to a part of section 6. He seems to think it leaves the unions about as they were before. I think it prejudiced them, because of the essential implication which covers a part of the act, and not being exempt, and matters which are not satisfactory in the language of the act. I can not make it any plainer. I think these lawyers know what I mean, and possibly the members of the commission.

Chairman WALSH. That is all, Mr. Spelling; thank you.

We will now stand adjourned until Monday morning at 10 o'clock.

(Thereupon, at 4.30 p. m. Saturday, May 15, 1915, the commission adjourned until the following Monday, May 17, 1915, at 10 a. m.)

WASHINGTON, D. C., *Monday, May 17, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Aishton, Lennon, Weinstock, and Harriman.

Chairman WALSH. We will please be in order.

Mr. Drew.

TESTIMONY OF MR. WALTER DREW.

Chairman WALSH. Will you please state your name?

Mr. DREW. Walter Drew.

Chairman WALSH. Please state your place of residence, Mr. Drew.

Mr. DREW. New York City.

Chairman WALSH. What is your profession?

Mr. DREW. Attorney at law.

Chairman WALSH. Please describe, Mr. Drew, concisely but as exhaustively as the facts warrant, your connection with what might be called industrial affairs as an attorney.

Mr. DREW. You mean a complete history, down to date?

Chairman WALSH. Yes; a complete history of what your profession has been or your connection in general with such matters?

Mr. DREW. Well, my former residence was Grand Rapids, Mich., and there I was a member of the law firm of Crane, Norris & Drew. We had some cases come into the office involving labor matters, and later I disconnected myself from that firm and practiced law by myself. During that time I became the attorney for the Citizens' Alliance of Grand Rapids, Mich., and the Employers' Association of Grand Rapids, Mich., both of which were organized chiefly for the purpose of taking part in industrial matters.

In the spring of 1906 I was asked by the National Association of Manufacturers to go to Washington to make an argument before the Judiciary Committee of the House of Representatives against the antiinjunction measures then being proposed by the American Federation of Labor—that is, the old Pearre bill that you have heard mentioned here. At that time, during that visit in Washington, I came in touch with the gentlemen who later composed the National Erectors' Association.

Chairman WALSH. Briefly, that is what—the National Erectors' Association?

Mr. DREW. An organization composed of people who fabricate and erect structural iron and steel. From that acquaintance I was asked to become counsel for the National Erectors' Association, when it was organized, and I have occupied that position as counsel and executive officer of that association from April, 1906, to the present time, and still occupy it. I was also called in, I think it was in 1907 or 1908, as counsel for the Employers' Association of the City of Washington. At that time there were some industrial troubles here, in the nature of a general strike, largely over the open-shop issue. I have been counsel for different associations at different times. At the present time I am counsel for a group of plate contractors organized under the name of the American Erectors' Association. In connection with the particular work of this commission, I am special counsel for the National Association of Manufacturers, National Founders' Association, the National Metal Trades Association, and the National Council for Industrial Defense.

Chairman WALSH. You became a member of the New York bar at what time?

Mr. DREW. I never have been a member of the New York bar; I never had a case in the New York courts.

Chairman WALSH. Is your time usually devoted now to those classes of cases—this class of work you have mentioned here?

Mr. DREW. I have had a few private matters, Mr. Walsh, which are remnants of my old law practice in Grand Rapids. Aside from that, all my time is taken up with the industrial questions.

Chairman WALSH. You were furnished with a general outline of the industrial matters undertaken by the commission last week, as to the application of the law to industrial matters?

Mr. DREW. Yes.

Chairman WALSH. And I believe you have been kind enough to prepare something in advance?

Mr. DREW. You were kind enough to furnish me the questions early enough so that I have prepared a reply in advance.

Chairman WALSH. All right, you may read it, and we will then ask you any further questions.

Mr. DREW (reading). "Mr. Chairman and gentlemen of the commissioin: The letter of Mr. Manly, the director, requesting me to apepar before your body, asks me to 'be prepared to discuss along broad lines the question of the law and the courts in relation to the development of what is generally known as the labor movement.' The three first specific subjects assigned me are (1) Attitude of the courts in labor cases; (2) attitude of labor toward the law; (3) protection of constitutionally guaranteed rights.

"These three questions are closely related to one another, and all of them are different parts or aspects of the original and general question. A union, legally speaking, is a voluntary, unincorporated association. There have been a few instances in this country where organizations of workmen have incorporated under local State laws. Such cases are rare, and I believe none of the unions affiliated with the American Federation of Labor or with the railroad brotherhoods have incorporated, although there are statutes permitting such incorporation, in different States and also a Federal law which permits the incorporation of a trade-union national in scope.

"The first great legal fact in connection with the trade-union, because of its being a voluntary, unincorporated association, is that it is not legally responsible in a suit at law for injuries which it may unlawfully inflict upon others. A great national trade-union may develop the most compact form of organization and government. Its thousands of members and hundreds of locals scattered all over the country may be knit together by the most effective machinery for purposes of promoting the interests and purposes of its membership. It may collect vast sums and gather them into its treasury. This vast power of compact organization, aided by equally vast financial resources, may be used by its properly delegated officers in ways which are, under accepted principles of law, contrary to the rights of other members of society. It is the power of the organization, the money of the organization, the common purpose of the organization as distinct from the individual purposes of its members, and the directing intelligence of the organization which may inflict this unlawful injury upon some third person, and yet the injured person has no action at law against this same organization for the damages he may suffer. He is left, if he so choose, to seek out the hundreds or thousands of individual members of the organization and to begin action against them as individuals. The mere description of such a legal remedy indicates that for practical purposes it is no remedy at all.

"As an example, those contractors and owners whose work was destroyed by the hundred or more dynamite explosions, caused by the Structural Iron Workers' Union, can not recover a dollar in damages from that union. The evidence is full and clear that these explosions were planned by the executive officers of the union, that the moneys to carry them on were voted by the executive board of the union and drawn from the union treasury and expended under the direction of members of the same executive board. Yet that same treasury can not be reached by any known action at law to recover damages for the injury inflicted.

"In the famous Danbury hatters' case, so widely heralded as a new and unprecedented advance in trade-union liability, it seems not to be generally known that the original action was begun against hundreds of the individual members of the hatters' union. The judgment obtained is not against the union, but against individual members thereof, and unless the judgment is paid by the unions in order to protect these individual members, or is paid by Congress, in accordance with the request in that behalf made, it will devolve upon the

plaintiff in the Danbury hatters' case to collect his judgment from these hundreds of individual defendants as best he may; and proceedings for that purpose have been recently instituted.

"While, therefore, the labor organization may develop an immense power for inflicting injury and ruin upon others, it occupies a unique position of possessing absolute legal immunity for the injury thus inflicted. Power without corresponding responsibility—this fact is, in my judgment, the one most important fundamental fact connected with the legal status of the union. What human institution can successfully endure possession of power without responsibility? What more dangerous millstone to be hung about the neck of a labor organization in its upward climb to its proper place in society and in industry? In recent history, what one thing has retarded the growth and development of trade-unionism along right and proper lines so much as the reckless and lawless conduct of those who have achieved its leadership, and why is not the possession of immense power without corresponding responsibility the direct cause of reckless leadership?

"Much has been said about the obsolete doctrines of the common law in their relation to the labor movement, and also about the failure of our courts to keep pace with the progressive development of modern social and industrial thought. Yet what principle of our industrial law can be considered as so unfitted to our present industrial system, so obsolete from every standpoint of social and industrial ethics at the present time, as this same ancient rule that a voluntary association, no matter what its power or its resources or its aims and purposes, or its actual invasion of the rights of the rest of society, shall be permitted to do what injury it pleases, lawfully or unlawfully, without any legal responsibility? In the old days the principles of the law of conspiracy were so strict and so rigidly enforced that any combination for trade purposes of either masters or workmen was held illegal and even criminal. No necessity, therefore, existed for the possession by third parties of any right of action against industrial associations. Now, with the old common law of conspiracy so modified as to permit the widest latitude in combination, and with the great increase in the power of industrial organizations, with consequent greater ability to inflict injury, distinctly new conditions have come about and a need has been created on the part of the rest of society for protection which did not before exist in such character or degree.

"The establishment of the trade-union upon a proper basis of legal responsibility is a simple matter. It could be accomplished either by incorporation of the union through its own initiative under the Federal or State acts permitting such incorporation, or it could be accomplished by the passage of laws permitting actions for damages for either tort or breach of contract to be brought against trade organizations in their own names, and making any judgment secured collectible out of the funds of the association. In a few States statutes permitting voluntary associations to sue and be sued in the association name have been enacted, but it is very questionable if under such statutes any action is possible except against an association domiciled in a particular State. Whether a national organization extending over many States could be held under such a local statute is exceedingly doubtful, and it is interesting to note that the headquarters of different national unions are located in States where no such statutes exist."

Chairman WALSH. Does that apply to all unions; are their headquarters generally in States where no such statutes exist?

Mr. DREW. I have not investigated that, but I know a great many of them are. [Reading:] "So far as present statute law is concerned, therefore, it remains the general fact that trade-unions are practically immune from civil responsibility in this country."

Right here I want to say that some question has been raised as to the application of the eighth section of the Sherman Antitrust Act. The eighth section of that act says that the term "person" as named in the act shall be held to include associations existing under or by the authority of any State or Federal law. And some of my good legal friends think that an action could be maintained against a labor union in its own name as an association under this Sherman Act; but no known cases of that kind have been brought or have been decided, so that it still remains true that the trade-unions are practically immune from civil responsibility. [Reading:]

"The other course open for placing the union upon the plane of legal responsibility—that of voluntary incorporation—does not seem from the attitude of the leaders of organized labor to be in any near prospect of accomplishment.

This fact of legal irresponsibility, which seems to be so little understood by the general public, is evidently keenly appreciated and understood by the union leaders, who have no intention of relinquishing its obvious advantages. The suggestion that the unions incorporate has been made at different times and indorsed by friends of organized labor. In this connection I refer to and offer in evidence the able article by Mr. Louis Brandeis entitled 'The incorporation of trades-unions,' in which he advocates union incorporation as a benefit to the unions. The article is published in Mr. Brandeis's book, Business a Profession.

"Of such suggestions, Mr. Gompers, in his report as president to the convention of the American Federation of Labor in November, 1904, says: 'We still frequently hear the proposition urged for the incorporation of trade-unions, the evident purpose of many advocates being honorable and sympathetic, notwithstanding how unwise and injurious the results would unquestionably be to labor. Others, again, who advocate and insist upon the incorporation of the trade-unions know full well the purpose they have in view and the schemes they could then hatch to harass organized labor still more with suits at law, regardless of the flimsiness of the cause or the pretext for civil suits. They would not only divert our attention from the effort at economic improvement to a defense against every species of civil suits brought by our opponents against any officer of organized labor, but they would make every effort 'under the forms of law' to mulct our unions in damages for supposed injurious results from trade-union action.

"Mr. Gompers then points out that the chief argument for union incorporation is that it would bring about equality of responsibility between the union and the employers in cases of breach of contract, and he insists that such a claim has no foundation, because, as a matter of fact, employers, in spite of their many violations of trade agreements, have not been held in damages for such violations. In the hearing before this commission at New York Mr. Gompers reaffirmed his opposition to any incorporation of the unions, his reason there being that legal responsibility on the part of the union would be made use of by the employer to harass and to oppress with unfounded suits.

"Such reasons for preserving a condition of legal irresponsibility are, of course, no reasons at all. Equally well might it be said that no action for damages should exist against any of us because, forsooth, our enemies may subject us to unwarranted litigation. Neither is it true that the chief reason for trade-union responsibility is to secure equality with the employer in the making of contracts. That, of course, is one reason, and a most important one, and it would seem that no one more than the unions themselves should be interested in taking every step possible to put organized labor in the position of being able to make a business contract to which there should be two responsible contracting parties and the basis of which should be mutual interest, mutual respect, and mutual responsibility. Such condition would do more than any other one thing I can think of to extend collective bargaining and to place it upon a stable and firm foundation.

"But aside from all questions of contract, why, in all fairness, should not a labor organization be responsible in damages to others whose rights it unlawfully invades? It has been suggested during the hearing of this commission that civil responsibility on the part of unions would interfere with their democratic development, the inference being that the working out of the democratic principle in a trade-union is too important to be jeopardized by any such harsh principle as legal responsibility to the other members of society. The application of such a principle to an industrial organization, the basic essentials of which should be economic and not political, is scarcely deserving discussion; yet even from the standpoint and in the spirit such suggestion is advanced it falls before the first commonplace observation. Our cities are organized and administered on a democratic basis. In them society at large is working out the experiment of democracy, yet for that reason no immunity is granted the city from liability on its bonds or its contracts; and if a city unlawfully infringes your rights or mine, we can maintain an action at law and recover damages therefor. Why, then, should not a labor organization, which is organized for the primary purpose of promoting the interests of its members as opposed to the interests of other classes of society, be legally responsible for its conduct, and is not such absence of responsibility one of the most retarding influences in the growth and development of the union toward its true and proper place as a permanent industrial institution?

"In passing from the remedies, or lack of remedies, afforded by courts of law in connection with trade-union activity to the remedies afforded by courts

of equity, it may be well to consider for a moment such of the aims and purposes of the present-day union as most frequently bring it into conflict with the rest of society. That the individual by himself or in combination with others should use every legitimate effort to increase the rewards for his service is recognized as just and proper. The advantages of combination of workers for this general purpose are obvious. Under the early statutes and common-law rules affecting combinations, whether of masters or men, there was little that the guild or labor union could lawfully do, except to assist its members to develop skill and craftsmanship. The use of the power of combination for any purpose of changing conditions of labor was in that early day unlawful and even criminal.

"But these old restrictions upon the right to act in combination have long passed. In this country the right of workmen to act in combination in matters affecting conditions of labor was recognized by our courts long before such rights were admitted in England. As early as 1842 Mr. Chief Justice Shaw, of Massachusetts, in a leading case of Commonwealth *v.* Hunt (4 Metcalf, 111), held that it was neither illegal nor criminal for a union of workmen to bind themselves under their by-laws not to work for any person who should employ nonmembers of the union after he had been given notice to discharge such nonmembers. In reference to the by-law, he says: 'It is simply an averment of an agreement amongst themselves not to work for any person who should employ any person not a member of a certain association. It sets forth no illegal or criminal purpose to be accomplished, nor any illegal or criminal means to be adopted for the accomplishment of any purpose. It was an agreement as to the manner in which they would exercise an acknowledged right to contract with others for their labor.'

"This same principle of law was announced in almost exactly the same terms in the case of Coppage *v.* Kansas, of which you have heard here.

"This was in 1842, and this interpretation of the rights of unions at common law has been a leading case in American jurisprudence since that time. In England, however, in 1858, in the case of Hilton *v.* Eckersley (88 E. C. L., 47) the agreement of a manufacturers' association that each member would abide by the will of the majority as to whether he should carry on or suspend the work in his establishment was held to be unlawful and the bond to enforce such agreement was held void. Justice Crompton said: 'I am of the opinion that the bond is void as against public policy. I think that combinations like that disclosed in the pleadings in this case were illegal and indictable at common law as tending directly to impede and interfere with the free course of trade and manufacture. Combinations of this nature, whether on the part of the workmen to increase or of the masters to lower wages were equally illegal.'

"In the later English case of Hornby *v.* Close (2 Q. B., 153), decided in 1867, a trade-union was held an illegal combination with no standing in court, even to sue one of its own members for unlawfully withholding its moneys."

Chairman WALSH. What is the date of that?

Mr. DREW. 1867. [Continues reading:] "Chief Justice Cockburn said: 'Here we find the very purposes of the existence of the society not merely those of a friendly society, but to carry out the objects of a trades-union. Under that term may be included every combination by which men bind themselves not to work except under certain conditions, and to support one another in the event of being thrown out of employment in carrying out the views of the majority. I am very far from saying that the members of a trades-union constituted for such purposes would bring themselves within the criminal law; but the rules of such a society would certainly operate in restraint of trade, and would, therefore, in that sense be unlawful.'

"The right to organize, in England, for offensive and defensive purposes and to strike was later conferred by acts of Parliament in the trade-union act of 1871, as amended by the later acts of 1875 and 1906. The right to act in combination in industrial matters is, therefore, seen to have been recognized by our courts without the compulsion of any statute long before such right was obtained in England by acts of Parliament, and it is also clear that the restrictive principles of the law of conspiracy as affecting industrial combinations applied as well to combinations of masters as to combinations of workmen. Now, no legal restriction or disability attends the acts of industrial combinations that does not affect the acts of any other kind of combinations.

"This increased freedom of action has resulted not only in greater extension of trade-unionism, but also in a radical change in its policies and methods. Now, the power of the combination, rather than the merit or skill of the indi-

vidual, is relied upon to secure the advancement of the interest of the members. Everywhere emphasis is laid upon the development of the power of the union as an aggressive and militant institution. The individual is taught to rely upon the strong arm of his organization. The law of supply and demand as a determining factor in wages is recognized, but in much different fashion. The union policy now is not to increase the quality of the service and so increase the demand, but by use of the power of combination to limit the supply.

"Here, then, is the genesis of the closed-shop idea—the arbitrary control of the law of supply and demand, through a monopoly of the supply secured and maintained by the strong arm of combination. So important in the minds of the union leaders is the establishment of the artificial monopoly known as the closed shop, that it has become its one most vital and important principle. The chief, primary aim of all the great national unions affiliated with the American Federation of Labor is the establishment of the closed shop, and the question of the closed shop is the one question that these unions will refuse to arbitrate or to have brought in issue. A closed shop, wherever it can be obtained, is the one fundamental prerequisite to collective bargaining with these unions. Many of the most costly and bitter strikes of recent years have been waged for the chief purpose of compelling the acceptance of the closed shop, and many great industries of this country to-day are either partially or wholly under closed-shop control. And the closed shop as a purpose leads naturally to force as a method, for it is an artificial, not a natural, monopoly of labor, and rests upon the ability of the union to check the free working of the law of supply and demand.

"The strike—that is, the organized refusal of men to work—is the universal and natural weapon of the union. In its simplest form it is not an appeal to force, but to the law of supply and demand. If the labor market does not contain a supply of suitable labor outside the ranks of the strikers, which the employer can secure on the desired terms, then he must do what he can toward coming to an agreement with the strikers. To the strike in its simple form, the modern union with its ideal of closed-shop monopoly, its militant spirit, and its tremendous increase in power and wealth, has added a greater and increasing use of the power of the combination in different forms of force and coercion.

"Force is brought to bear upon the outside supply of labor through the intimidation and violence of the picket line to keep it from filling the places of those on strike. Sympathetic strikes are called by other unions against the employer or against those with whom he has business relations. Through the boycott, pressure to the point of ruin is brought to bear against those who sell the employer his material, or who handle or buy his product, or who deal with him in any way, in order to compel them to cease all business relations with him until he accedes to the demand of the combination.

"And let it not be supposed that the attack of the union upon others always grows out of the effort to secure from the employers better terms and conditions for its members. The closed shop in operation develops naturally into the conspiracy between the closed-shop union on the one hand, and a combination of employers upon the other, whereby they work together to prevent outside competition in the particular locality or industry, to fix such wages and prices as they choose, and to assess the cost of their common monopoly upon the general public. Many such combinations exist in this country. Certain trades in some of our great cities are absolutely controlled by them. Their power rests upon the closed shop of the union which is in a position to prevent any outsider who attempts to break into the prohibited field from securing labor to fulfill his contracts or to produce or handle his product. To perfect and maintain such combinations, many bitter labor wars have been carried on and the rights of innocent third parties ignored and invaded. The conspiracy itself, when perfected, is, of course, a legal and moral wrong as against the rest of society."

I would like to quote from the pamphlet issued in the Johns Hopkins University Study on History and Political Science, by Dr. Frank B. Stockton, at page 61, where he speaks of these combinations as "exclusive agreements," which he calls "An agreement under which a union does not allow its members to work for any employer who is not a member of the employers' association with which the agreement is made." That is what I call the combination between the closed-shop unions and the employers' organization. At page 174, Dr. Stockton says:

"Neither employers nor unions have much to say concerning the advantages of exclusive agreements. This is explained by the fact that such agreements

are generally condemned as being in restraint of trade, and therefore against public policy. Employers who are parties to them obtain a great advantage over competitors in localities where the unions are strong, since they secure virtually a monopoly of labor supplied. Consequently the employer outside of the association is nearly always desirous to enter. He complains of the losses that come from having to employ nonunion men, and is eager to hire union men exclusively. But while the closed shop, under such conditions may be an advantage to those employers with whom unions agree to deal exclusively, the public interests suffer, inasmuch as competition is effectively stifled."

Again, in the wars over questions of jurisdiction, the unions violate every legal and moral obligation to innocent outsiders. The closed-shop union controlling all the labor in its own trade, but desiring to increase its power and monopoly, arbitrarily extends its jurisdiction to cover work claimed by some other union. New tools and new methods may develop new classes of work, which may be claimed by several different unions in jurisdictional quarrels. Each of the contending unions is usually supported by allies among the other unions, with the result that the work of the owner or contractor is completely tied up by strike and counterstrike on the part of the warring unions, and over questions in which the employer has no control and in the settlement of which he has no voice.

The following extracts are quoted from the report of Mr. Gompers, president of the American Federation of Labor, to its convention in 1902:

"Beyond doubt the greatest problem, the danger, which above all others most threatens not only the success but the very existence of the American Federation of Labor is the question of jurisdiction. Unless our affiliated national and international unions radically and soon change their course, we shall at no distant day be in the midst of an internecine contest unparalleled in any era of the industrial world, aye, not even when workmen of different trades were arrayed against each other behind barricades in the streets over the question of trade against trade. They mutually regarded each other with hatred and treated each others as mortal enemies.

"There is scarcely an affiliated organization which is not engaged in a dispute with another organization (and in some cases with several organizations) upon the question of jurisdiction. It is not an uncommon occurrence for an organization, and several have done so quite recently, to so change their laws and claims to jurisdiction as to cover trades never contemplated by the organization's officers or members; never comprehended by their title; trades of which there is already in existence a national union. And this without a word of advice, counsel, or warning.

"I submit that it is untenable and intolerable for an organization to attempt to ride roughshod over and trample under foot the rights and jurisdiction of a trade, the jurisdiction of which is already covered by an existing organization. This contention for jurisdiction has grown into such proportions and is fought with such intensity as to arouse the most bitter feuds and trade wars. In many instances employers fairly inclined toward organized labor have been made innocently to suffer from causes entirely beyond their control."

Mr. Gompers said all that.

Mr. Commissioner Lennon said in his report, as treasurer, to the federation convention in 1903: "One question in particular has been forced strikingly upon my attention during the past year in connection with our trade-union movement. The subject is the one involving jurisdiction of different organizations and the claims made by different unions for jurisdiction over the same people. To me the danger to our movement lies in the divisions existing in the trade-unions themselves, and those divisions are very largely over the question of jurisdiction."

[Continues reading:] "Dr. Nathaniel Whitney, of Johns Hopkins University, has published a pamphlet entitled 'Jurisdiction in American Building Trades-Unions.' The following is quoted: 'In spite of the exhortations of President Gompers and the warnings of the executive council, disputes continued to arise with unabated frequency. In 1908, during the 11 days in which the convention of the federation was in session, there were 19 cases of jurisdictional disputes under consideration. To each of these disputes there were at least two parties. This makes the number of unions involved at least 38, and when one further thinks of the number of members in these 38 unions some idea will be afforded of the extent to which the labor world is disrupted and agitated by such disputes. In addition, it should be kept in mind that the jurisdiction disputes considered by the convention or by the executive council

of the American Federation of Labor do not represent more than a fractional part of such difficulties, for only those disputes which have attained the dignity of national importance—that is, of being discussed by the national officials of the two contending unions—are considered by federation. Besides these there are almost countless controversies over jurisdiction. Each national union has from a dozen to several hundred local unions under its authority; each one of these thousands of subordinate unions is likely at some time to have its trade infringed upon by a branch of another national union, and these disputes may be and frequently are settled locally, and so do not become an issue between the national unions. Moreover, there are many jurisdictional disputes between branches of the same national union which are settled without recourse to the American Federation of Labor.'

"Said the secretary of the bricklayers' union in 1910: 'Our disputes with the operative plasterers' union during the past year have taken thousands of dollars out of our international treasury for the purpose of protecting our interests. The loss in wages to our own members has amounted to at least $300,000. The losses to our employers have been up in the thousands also. In several instances the writ of injunction has been brought into play for the purpose of restraining unions involved in trade disputes, and unless the unions provide some means of eliminating jurisdictional warfare it is only a question of time when the legislatures of our country will be called upon to pass laws that will penalize labor unionists who indulge in such struggles.'

"Secretary Duffy, of the Brotherhood of Carpenters, said, in 1911: 'It is a shame when we have good friendly owners, builders, and architects, who are willing to place in their contracts a provision that union labor only must be employed, and when the building is only half completed have the workers go out and strike. The public does not understand it, and it seems nobody understands it but ourselves.'

"Speaking of an agreement over jurisdictional matters between the bricklayers and plasterers, the editor of the Bricklayers and Masons' Journal, November, 1906, said: 'The agreement removes from the trade-union movement a jurisdictional dispute that has involved the building industry for over 30 years, and which has not only been a source of great loss to the journeymen financially, but has caused most vexatious delays in building operations, and consequent financial loss to employers and to the building public, the latter being innocent parties to the trouble and perfectly helpless in providing a remedy for its correction.'

"Prof. Commons, in a study of the New York building industry, has this to say: 'Building construction was continually interrupted, not on account of lockouts, low wages, or even employment of nonunion men, but on account of fights between the unions. The friendly employer who hired only union men, along with the unfriendly employer, was used as a club to hit the opposing union.'

"In 1911, in the city of Chicago, the grim prophecy of President Gompers was actually fulfilled in the bitter jurisdictional wars fought by rival unions in that city, in which paid thugs and gunmen turned the streets of Chicago into a condition of anarchy, and in which, as a mere incident from the union standpoint, millions of dollars of construction work remained idle, with a resultant loss to owners, contractors, and the business interests of the city beyond possibility of measurement.

"It remains to say that in spite of the efforts of union leaders jurisdictional disputes have increased rather than diminished. Twenty-two disputes, involving great international unions with their thousands of locals, came before the executive committee of the American Federation of Labor in 1914, as against the 19 mentioned by Dr. Whitney in 1908. Perhaps it is not too much to say that the chief concern of the labor leader in this matter has been over the danger to the organization itself, rather than the injury and damage done to others. However this may be, it remains true that these wars among the unions, in the carrying on of which every obligation to outside parties is ignored and violated, have increased with the increase in the extension and power of the closed shop. It is the desire of the particular union to increase its spoils under the closed shop, which furnishes the reason for the dispute, and it is the power of the union under the closed shop which enables it to thus ignore the rights of the rest of society with so little fear of reprisal or punishment."

I quote again from Dr. Stockton's pamphlet.

Chairman WALSH. I won't ask you to do it now, but have you some of Dr. Stockton's conclusions drawn?

Mr. DREW. They are here, and I will submit the whole pamphlet in evidence, if you wish.

Chairman WALSH. I have not read them; I tried to quickly, and could not do it and listen to you at the same time, but at the end please epitomize them, but not now.

Mr. DREW (continues reading). "Dr. Stockton says: 'More than the closed shop is involved—employers in wasteful jurisdictional disputes in which they have no concern. Where there are no closed shops such disputes would be robbed of all their bitterness.'

"The closed shop, when established, also leads to arbitrary and reckless conduct on the part of labor leaders, and disregard for the rights of others.

"I quote from a pamphlet in the same Johns Hopkins University series, Dr. F. E. Wolfe, entitled 'Admission to American Trades Unions,' on page 173: 'When a trade-union by a thorough organization obtains complete control of the workmen within its jurisdiction, its position may become dangerously powerful. Such a union would be enabled, through the enforcement of the closed shop and prohibitive requirements for admission, to restrict the freedom of labor and capital in the industry. The wisdom of intrusting such great power to unregulated private associations is questioned because of the liability of its abuse by short-sighted leaders.'

"If the necessity for some protection on the part of the rest of society against the aggression of powerful industrial combinations pursuing these militant practices and policies has been made clear, and if the courts of law afford no adequate remedy, we come to the point of inquiry as to what courts and what rules of law furnish any such protection. Such courts we find to be the courts of equity, and the principles of law in which are found the limits and restrictions upon the conduct of men acting in combination are found to have their basis in the common law of conspiracy.

"It is the primary function of a court of equity to take cognizance of cases in which there is no adequate remedy in a court of law. The court of equity looks forward rather than backward. When unlawful injury is threatened, for which, if inflicted, the injured party would have no remedy at law which would compensate him properly, the court of equity will interfere by its writ of injunction to prevent the infliction of that injury. Another most vital distinction between law and equity practice is that the court of equity deals with the individual rather than his property. Its decrees are in the form of mandates directed to the individual persons and directing them to do or to refrain from doing certain specific things; while the judgment of a court of law on the other hand calls for the payment of money and is enforced by levy upon property. It is the natural and proper function, therefore, of the court of equity, in accordance with the purpose of its creation, to interpose its protecting arm between men who combine to unlawfully injure others and those who are threatened with such injury. No new function or authority needed to be claimed by the court for this purpose.

"It is also clear that a greater and increasing use on the part of courts of equity of this power of protection would indicate, not the development of any new functions, but rather the increase in the need for such protection. Still further is it clear that the entire power and authority of courts of equity rest upon their ability to secure obedience from the persons to whom their decrees are directed. If such obedience can not be secured or enforced, the decrees of a court of equity become so much waste paper, and its power and jurisdiction are meaningless terms.

"The law of conspiracy, by which the acts of combinations are limited, is exceedingly simple. A conspiracy is a combination having an unlawful purpose or using unlawful means. A combination whose purposes or conduct comes within either branch of this definition comes under the ban of the law. Outside of this simple formula there is practically no limit to what men in combination may do.

"So far as the methods or means employed are concerned, any conduct on the part of a combination which would be unlawful for an individual would likewise be unlawful for the combination, even though it were pursuing a lawful and even laudable purpose. In general, also, it may be said that what would be an unlawful purpose on the part of an individual would likewise be an unlawful purpose on the part of a combination. The law, however, goes

further than this and makes unlawful on the part of combinations purposes which would not be unlawful on the part of an individual, and it may be noted that herein lies the basis of all the objections of organized labor to the law as it affects its activities.

"In the eye of the law a combination is a separate and distinct thing from the individual. It has purposes that are not those of any one individual but the common purposes of the combination. Its individual members in carrying out the common purpose do not act on their individual judgment and initiative, but in accordance with a common plan—the plan of the combination. The combination has much greater power than is represented even by the sum total of the powers of the individuals that compose it. For instance, the 11 members of a football team, each acting individually and all filled with the common purpose of advancing the ball, would not accomplish much, but when they act together as a trained football team, obeying certain signals and following certain formations, they gain irresistible power. And this simple rule applies equally well to industrial combinations or to any other group of men acting together for a common purpose.

"This immense increase of power which comes with combined action brings with it greater responsibilities and in law is the basis of the principle that men may not do in combination all the things they may do as individuals.

"Said the Anthracite Coal Strike Commission in its report: 'Combinations are more than mere aggregations of the rights and powers of the individuals composing them. They become new and powerful entities and factors for good or ill.'

"Said Mr. Chief Justice Harlan, in the case of Arthur *v.* Oakes: 'An intent on the part of a single person to injure the rights of others or of the public is not in itself a wrong of which the law will take cognizance, unless some injurious act be done in the execution of the unlawful intent. But a combination of two or more persons with such an intent and under circumstances that give them when so combined a power to do an injury they would not possess as individuals acting jointly has always been recognized as in itself wrongful and illegal.'

"It follows naturally from the fact that the action of men in combination is in accordance with the plan and purpose of the combination that their conduct as individuals becomes colored and impressed with the character of the common purpose. If the purpose of the combination be unlawful, the action of the individuals in carrying out that purpose becomes unlawful, even though ordinarily the things each one may do, if done for an individual purpose, would be innocent. Much fallacy of reasoning comes from the refusal to recognize this principle. It is a common defense on the part of a combination, when called to account, to point to the single, isolated acts of its individual members and to say, 'These things are lawful.' It is the familiar complaint of organized labor that the writ of injunction is used to deprive workmen of the right of free speech, free press, and other constitutionally guaranteed rights. They complain that men are prohibited from walking the streets, from accosting others, and from doing other ordinarily legal and innocent acts. All such claims in actions against combinations are, of course, based on the refusal to recognize the principle we have noted, namely, that what a man does in carrying out the plan and purpose of a combination is judged by the character of that plan and purpose. The effort, of course, is to free men acting in combination from the responsibility that comes with combined as distinct from individual action.

"Of such an argument Mr. Justice Holmes, in the case of Aiken *v.* Wisconsin (195 U. S., 194), said: 'No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot; and if it is a step in a plot, neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law.'

"In the famous Danbury Hatters' case Mr. Justice Holmes said of this same argument urged in defense of a national boycott: 'It is suggested that the several acts charged are lawful and that intent can make no difference, but they are bound together as parts of a single plan. The plan may make the parts unlawful.'

"Such an argument was likewise urged in the Northern Securities case—the case of a combination of capital rather than of labor. The Northern Securities Co. was lawfully organized under the laws of New Jersey. It began the purchase of stock in the Great Northern and Northern Pacific Railway Cos., buying the stock in the open market and in accordance with all the forms of law. In

proceedings begun under the Sherman Act this company, the Northern Securities Co., was dissolved by injunction. The injunction prohibited the company from acquiring any more stock in the Great Northern and Northern Pacific Cos, and from voting the stock it already owned in those companies. It prohibited the Great Northern and the Northern Pacific Cos. from paying any dividends on their stock held by the Northern Securities Co.; but, as stated by counsel, each one of these things prohibited by the injunction was in itself absolutely innocent and lawful, and for that reason counsel urged that the combination was lawful and that such acts could not be enjoined.

"Said Mr. Justice Harlan: 'If there was a combination or conspiracy in violation of the act of Congress between the stockholders of the Great Northern and the Northern Pacific Co., whereby the Northern Securities Co. was formed as a holding corporation, and whereby interstate commerce over the lines of the constituent companies was retstrained, it must follow that the court, in execution of that act, and to defeat the efforts to evade it, could prohibit the parties to the combination from doing the specific things which, being done, would affect the result denounced by the act. To say that the court could not go so far is to say that it is powerless to enforce the act or to suppress the illegal combination.'

"Said Mr. Justice Brewer: 'The prohibition of such a combination is not at all inconsistent with the right of an individual to purchase stock. The transfer of the stock to the Securities Co. was a mere incident, the manner in which the combination to destroy competition and thus unlawfully restrain trade was carried out.'

"It is thus clear that the acts of an individual in carrying out the unlawful purposes of a combination can not be judged as standing alone, but must be considered in relation to the common plan and must become colored with the purpose of the combination. It is likewise clear that this principle of law has not been called into being for the special purpose of restricting or oppressing combinations of labor in their activities, but that it applies equally to all combinations, whether of workmen or capitalists. The mere statement of the rule in the strong and clear terms above quoted should be sufficient to answer any questions as to its propriety, its fairness, and its absolute necessity.

"In further consideration of the standard applied by law to the purposes of combinations we come to the distinction drawn by the courts between the combination and the individual so far as the lawfulness of purpose is concerned. As a general rule, the purpose of an individual does not affect the legal quality of his act. He may inflict malicious injury upon others without incurring any legal liability so long as he carefully stays upon his own side of the legal fence. The greater power of the combination for injury and evil over that possessed by the individual is the basis for a distinction between them, and it is a fundamental principle that malice on the part of a combination constitutes an unlawful purpose, and that a combination inflicting malicious injury upon others is unlawful and a conspiracy. The conduct of a combination which results in damage to others must have some proper motive, some legal excuse or justification, else it is deemed malicious and unlawful.

"Said Mr. Justice Holmes, as a member of the Massachusetts Supreme Court, in the case of Vegelahn *v.* Gunther: 'I agree, whatever may be the law in the case of a single defendant, that when a plaintiff proves that several persons have combined and conspired to injure his business, and have done acts producing that effect, he shows temporal damage and a cause of action, unless the facts disclose or the defendants prove some ground of excuse or justification. And I take it to be settled, and rightfully settled, that doing that damage by combined persuasion is actionable, as well as doing it by falsehood or by force.'

"In other words, Mr. Justice Holmes holds that a combination using even the innocent methods of persuasion may be unlawful, if its conduct is without some legal excuse or justification."

And I might say at this point that Mr. Gregory, in his testimony the other day, rather ignored this particular principle in speaking of the boycott. Of course, "boycott" is just a name or a descriptive term. If the boycott is a combination to injure in a particular case, then it comes within this principle of the law that has been so clearly set forth—if it is a combination to injure. If the boycott in some other case is not a combination to injure, the mere fact of its being a boycott would not make it illegal. [Continues reading:] "On the same point Mr. Judge Taft, in the famous"——

Commissioner O'CONNELL. Have you something in mind where a boycott would not injure anyone?

Mr. DREW. I do not think, Mr. O'Connell, that simply withdrawing patronage, although it is clearly a boycott, is unlawfully a boycott. I think I have a right not to trade with anyone. I think all the people in this room could have some cause of grievances against a storekeeper and agree not to trade with him; and I do not think there would be the slightest legal wrong.

Commissioner O'CONNELL. Would it not have a tendency to injure the storekeeper?

Mr. DREW. Of course. Lots of things all of us do every day in pursuance of our personal aims injure others, though they do not give rise to causes of action. [Reading:]

"On the same point Mr. Judge Taft, in the famous Toledo and Ann Arbor case, said: 'Ordinarily when such a combination of persons does not use violence, actual or threatened, to accomplish their purpose, it is difficult to point out with clearness the illegal means or end which makes the combination an unlawful conspiracy, for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person'"—

That covers the point you just raised, Mr. O'Connell. [Continues reading:]

"'for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person, and to announce their intention of doing so; and it is generally lawful for the others, of their own motion, to do that which the combiners seek to compel them to do. Such combinations are said to be unlawful conspiracies, though the acts in themselves and considered singly are innocent when the acts are done with malice, i. e., with the intention to injure another without lawful excuse.'

"What constitutes lawful excuse or justification for the infliction of injury by a combination of men? The courts, under different phraseology, have one general answer, and that is legitimate self-interest. So long as the acts of a combination are prompted by a desire to secure benefits for its members and not merely to injure others, they are held lawful, even though incidentally such acts may cause great injury to others. When, however, the infliction of injury is a direct and primary purpose, such purpose is held in the law to be malicious and the conduct of the combination to be unlawful. To afford justification there must be a reasonable connection between the means adopted and the benefits to result. A remote or intangible benefit sought for the combination will not justify the infliction of great and immediate injury upon others.

"The boycott is the chief weapon of modern unionism and also characteristic generally of its spirit and methods. The discussion of the boycott as a mere withdrawal of patronage is idle and academic. When that is the extent of the boycott in any particular case, the patronage is simply withdrawn and nothing more is heard about it. From such simple procedure the modern boycott has been developed into a very different thing. Said Judge Taft, in an early case (1893): 'The boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse from threats that unless those others do so the many will cause serious loss to them.'

"Said the Anthracite Coal Strike Commission in its report: 'What is popularly known as the boycott (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seeks to work their will upon a single person or upon a few persons by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practiced in aid of a strike, and as was in some instances practiced in connection with the late antharcite strike, it is a cruel weapon of aggression, and its use immoral and antisocial.'

"It is clear, then, that the boycott is a war measure; that its plain and avowed purpose is to injure and destroy.

"From the standpoint of purpose what is its excuse or justification? A number of defenses in this connection have been urged. I am speaking of legal defenses and not economic. It has been said that the business competition between the union and the employer was sufficient to justify the boycott as a competitive measure. It has also been urged that a larger competition between labor and capital in general existed, each striving for a greater share of the product of industry; that between them there is a natural conflict of interest; and that the union, in promoting the interests of its members in this larger class competition, is justified in using such weapons as the boycott. It is said that by the use of the boycott the union gains greater power and instills fear and respect for itself in the community, so that it is put in a position where it can better assert and maintain its demands for its own

members as against the interests of the rest of society. Since, therefore, the ultimate purpose is to benefit the union, the injury inflicted by the boycott is claimed to be justified.

"Said Judge Taft of this claim, in the case of Moore *v.* the Bricklayers' Union of this point: 'The right of the plaintiffs to sell their material was not one which, in its exercise, brought them into legitimate conflict with the rights of the defendants to dispose of their labor as they chose. The conflict was brought about by the effort of defendants to use plaintiffs' right of trade to injure Parker Bros., and upon failure of this, to use plaintiffs' customers' rights of trade to injure plaintiffs. Such effort can not be in the bona fide exercise of trade, is without just cause, and is therefore malicious. The immediate motive of defendants here was to show to the building world what punishment and disaster necessarily followed a defiance of their demands. The remote motive of wishing to better their condition by the power so acquired will not, as we think we have shown, make any legal justification for defendants' acts. We are of the opinion that even if acts of this character and with the intent shown in this case are not actionable when done by individuals, they become so when they are the result of combination, because it is clear that the terrorizing of a community by threats of exclusive dealing in order to deprive one obnoxious member of means of sustenance will become both dangerous and oppressive.'

"Said the Anthracite Coal Strike Commission, in its report: 'It was attempted to defend the boycott by calling the contest between employers and employees a war between capital and labor and pursuing the analogies of the word, to justify thereby the cruelty and illegality of conduct on the part of those conducting a strike. The analogy is not apt, and the argument founded upon it is fallacious. There is only one war-making power recognized by our institutions, and that is the Government of the United States and of the States in subordination thereto when repelling invasion or suppressing domestic violence. War between citizens is not to be tolerated, and can not, in the proper sense, exist. If attempted, it is unlawful, and is to be put down by the sovereign power of the State and Nation. The practices which we are condemning would be outside the pale of civilized war. In civilized warfare women and children and the defenseless are safe from attack, and a code of honor controls the parties to such warfare which cries out against the boycott we have in view. "Cruel" and "cowardly" are terms not too severe by which to characterize it.'

"In accordance with the broad principles noted, courts of equity have interposed the protection of the writ of injunction against the boycott and its twin, the sympathetic strike, and also against the organized intimidation and violence of the picket line and other familiar forms of coercion common to union warfare when used in particular cases for unjustified attack upon others. With the growth in the power of the militant union and with the increasing use of these war measures has naturally come a greater need for the exercise of this power of protection. There has come also a determined and systematic effort on the part of closed-shop unionism to break down this protective power of the courts of equity.

"This effort has taken two general forms: An attack upon the courts of equity and a political campaign to secure by statute immunity of labor combinations from the operation of the principles of the law of conspiracy. The attack upon the courts has been bitter and personal, alleging discrimination, partisanship, venality, and usurpation of legislative authority. The obvious design of the attack is to arouse general contempt and distrust for the dignity and authority of courts of equity, and it has been accompanied not only by every form of vituperation and abuse, but by open defiance.

"Said Mr. Spelling, then general counsel of the American Federation of Labor, speaking before the House Judiciary Committee of Congress, upon an anti-injunction measure urged by the federation: 'Now, I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called special legislation—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress has given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing, and overwhelming advantage against what, despite its numbers, is the weaker adversary.'

"Said Mr. John Mitchell, at an annual meeting of the National Civil Federation: 'It has been the proud boast of the people of our country, at least that no

citizen might be deprived of his liberty except upon the verdict of a jury of his peers. As the result of the indiscriminate issuance of injunctions, this feeling of security has lately been dissipated, and the American workmen now feel that their security has been jeopardized. * * * I wish to say for myself, and I yield to no one living in loyalty to this country, that if a judge were to enjoin me from doing something that I had a legal, a constitutional, and a moral right to do, that I would violate the injunction. I shall, as one American, preserve my liberty and the liberties of my people, even against the usurpation of the Federal judiciary, and in doing this I shall feel that I am best serving the interests of my country.'

"Said Mr. Mitchell in his book called 'Organized Labor,' published in 1903: 'Moreover, when an injunction, whether temporary or permanent, forbids the doing of a thing which is lawful, I believe that it is the duty of all patriotic and law-abiding citizens to resist, or at least to disregard the injunction. It is better that half the workingmen of the country remain constantly in jail than that trial by jury and other inalienable and essential rights of the citizens of the United States be abridged, impaired, or nullified by injunctions of the courts.'

"Mr. Mitchell says practically the same thing in his book on organized labor.

"Mr. Samuel Gompers, president of the American Federation of Labor, in connection with the injunction sought in the Buck's Stove & Range case, in a Labor Day speech at the Jamestown Exposition, said: 'An injunction is now being sought from the Supreme Court of the District of Columbia against myself and my colleagues of the executive council of the American Federation of Labor. It seeks to enjoin us from doing perfectly lawful acts; to deprive us of our lawful and constitutional rights. So far as I am concerned, let me say that never have I, nor never will I, violate a law. I desire to be clearly understood, that when any court undertakes, without warrant of law, by the injunction process, to deprive me of my personal rights and my personal liberty guaranteed by the Constitution, I shall have no hesitancy in asserting and exercising those rights.'

"This personal defiance, issued even before there had been any action of the court, was repeated by Mr. Gompers in a public interview, in which he said: 'When it comes to a choice between the surrender of my rights as a free American citizen and violating the injunctions of the courts, I do not hesitate to say that I shall exercise my right as between the two.'

"After the injunction was issued, Mr. Gompers, writing officially as president of the Federationist, the official organ of the American Federation of Labor, said as to the rights of laboring men: 'They have a lawful right to do as they wish, all the Van Cleaves, all the injunctions, all the fool or vicious opponents to the contrary notwithstanding. * * * Until a law is passed making it compulsory upon labor men to buy Van Cleave's stoves we need not buy them, we won't buy them, and we will persuade other fair-minded, sympathetic friends to cooperate with us, and leave the blamed things alone. Go to —— with your injunctions!'".

This sounds a great deal like the statement of Mr. Anton Johannsen, organizer for the unions affiliated with the American Federation of Labor, made upon the stand here a few days ago. In fact, you can not distinguish between the two. Mr. Johannsen frankly stated that if he was enjoined from doing what he thought he had a legal right to do, he would violate the injunction.

As far as Mr. Johannsen is concerned, I consider the chief significance of what he had to say lies in the fact that he spoke as representative of organized labor, occupying an official position with the unions affiliated with the American Federation of Labor, and sent out by their authority as their official spokesman, speaking to different bodies of workmen in this country, as an organizer affiliated with the American Federation of Labor, and part of his official duties is to organize other unions into the unions affiliated with the American Federation of Labor. In other words, Mr. Johannsen spoke as the official spokesman of the American Federattion of Labor.

Commissioner O'CONNELL. Before this commission?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. Sent here to do so?

Mr. DREW. I suppose he was subpœnaed, but at the present time he is an organizer for unions affiliated with the American Federation of Labor. Do you want to repudiate that?

Chairman WALSH. You must not ask questions of the commissioners.

Mr. DREW. Then I will withdraw that question.

Chairman WALSH. I will say here that Mr. Johannsen was subpœnaed as a witness, covering the general phase that you are subpœnaed on. You are a member of the American Bar Association, and we do not ask you to speak for them. We don't want any false impression created here.

Mr. DREW (continues reading). "The character and tendency of these utterances of these leaders of organized labor require no comment in a community which rests upon a democratic government and in which the rights and liberties of each of us are vouchsafed to us only by the correlative observance of the rights and liberties of others. Such a community, of course, can not continue to exist as a democracy when one group of its members can successfully defy the rules and obligations common to all. It may be observed, however, that when such a group has reached a position of such power that its spokesmen and leaders feel able to defy and refuse obedience to the courts charged with the common defense of our rights and liberties, there is indicated not a diminished but an increased need on the part of the rest of us for protection. It is to be also observed that these men are the responsible leaders and teachers of millions of organized workmen, that their defiance and abuse of our courts has been systematically continued for years, and that if the 'attitude of labor toward the law' is at the moment charged with hostility, distrust, and contempt, there is no need to seek further afield for the reason therefor.

"The entrance of the American Federation of Labor into politics had for its chief cause this desire to break down and remove the protection of the rest of society against the acts of industrial combinations. The unions, of course, have asked for sanitary laws, child-labor laws, and other measures in the category of social and remedial legislation, but no measure of this kind was important enough to bring about a concerted labor movement in politics. The desire, however, to free labor combinations from any restrictions upon the unlimited use of their power was considered vital and important enough to warrant the systematic development of the political power of organized labor in city, State, and Nation.

"The changes asked have taken many different forms, but all of them upon analysis disclose the one fundamental purpose of freeing labor combinations from the operation of legal rules and principles by which the conduct of other men in combination is measured. The chief effort has been to destroy or cripple the use of the writ of injunction in labor cases. The demand for jury trial in cases of contempt of court has this underlying purpose, for if a court of equity may not punish for disobedience of its decrees except after jury trial, its whole power and authority is made dependent upon the action of a jury, and 1 juryman out of 12 would be in a position to nullify the decree of the court. The demand that in labor cases any conduct on the part of combination shall not be unlawful unless the same conduct on the part of an individual would be unlawful, is readily seen in the light of our previous discussion to destroy the foundation principle of the law of conspiracy.

"The Sherman Act, of which so much has been heard, added the attempt to restrain interstate commerce to the things it was unlawful for a combination of men to do, and it is this provision which brought the union into conflict with this law. The Sherman Act gave no injunctive remedy to the employer against the union; it gave him no action at law against the union itself. Under it, however, such damages as he could recover against the individual members of the union for injury suffered through its violation were trebled. The effort to take labor combinations from under the operation of the Sherman Act is a natural part of the plan to secure their immunity from all the legal rules which apply to other men.

"The many legislative proposals designed to secure privilege and immunity for labor combinations need not be further gone into. The recent Clayton law seems of doubtful meaning, although it was supposed and intended to realize to some extent the demands of organized labor. Should it prove disappointing, we are already advised that a more determined campaign than ever will be carried on to secure laws which will accomplish the ends sought.

"One legislative victory, however, has been gained of clear and unequivocal import, namely, the provision in the sundry civil appropriation bill that none of the moneys appropriated shall be used in the prosecution of labor and farmer unions. This victory was the greater inasmuch as such a provision in previous measures called forth the exercise of the power of veto by President Taft and a statement by President Wilson condemning the provision in principle. Such provision is significant in that it defines unmistakably the political purpose of

organized labor to be the securing of special legal immunity and a license to do things which other men can not lawfully do. It is significant also as an acceptance by our national administration of the principle of arbitrary class legislation.

"And it is important to remember in any discussion of this demand for special legal immunity that those who make it speak in behalf not only of such unions as may be orderly in conduct and wise in leadership—and which, by the way, have no need for license to do what other men may not do—but they speak also in behalf of such organizations as the Structural Iron Workers' Union, which retains its national officers in power even after their conviction of the greatest criminal conspiracy of the age, and in whose different locals at the present time may be found thugs and ex-convicts as duly elected officers. They speak in behalf of those unions which waged civil war in the streets of Chicago without regard to the rights of others, and in behalf of that final conspiracy between the closed-shop union and the employers' organization against the rights and interest of the general public. The Structural Iron Workers' Union, the unions chiefly engaged in jurisdictional warfare, and the unions generally to be found as parties to these combinations with employers, are members of the American Federation of Labor, and the representatives of that organization in demanding this legislation speak not only in behalf of these unions but in behalf of an extension of their power to do the things they are doing.

"What guaranties are offered that such legal immunity and special privilege will be well and wisely used? The recent history of the activities of the militant closed-shop union under the present status of the law affords no comfort on this score. Mr. Gompers has testified before this commission that the American Federation of Labor has no power of control over its affiliated unions. We have noted the inability of the federation to adjust or control jurisdictional wars. Mr. Gompers's own great personal influence has been brought to bear in many such cases without results. Even the power of expulsion from the federation is not used in cases where unions exceed all rules of legal conduct, for after the conviction of the executive board of the ironworkers' union, Mr. Gompers announced that that union would be retained as a member of the federation and would be sustained and strengthened. Forgetting some of the unwise utterances of the national labor leaders who seek this legislation and granting them possessed of wisdom and prudence and respect for law, still under the loose character of the organization of the federation, and with its lack of control over affiliated unions an accepted fact, what is the conclusion? Simply that reckless and lawless organizations, under reckless and lawless leaders, will, through the legislation demanded, be given greatly increased ability to use the immense power of their combinations for purposes of oppression, selfish ambition, civil war, and plunder of the public. Should not increased rather than diminished legal responsibility be sought by the labor leader who is really wise and farseeing?

"The first of the special topics assigned to me under the general heading is 'The attitude of the courts in labor cases.' It has been placed at this point in discussion because all that has been said on the other topics seems logically to be preliminary to its proper consideration. The principle and remedies which apply to labor combinations and their conduct and the functions of the courts in their administration are found to be precisely the same with respect to combinations of labor as to combinations of other classes of men. In the administration of the law, it is the fundamental duty of the court to look with impartial eye upon the litigants before it. It has, properly speaking, no attitude, for the very term 'attitude' implies discrimination. It is a tribute to the success of the organized attack upon our courts which we have noted that such a phrase as 'attitude of the courts in labor cases' could have been formed, or such a topic be considered of enough seriousness to warrant its being embodied in the official program of this commission.

"The charge that our courts have unfairly and in a partisan manner administered the laws of the country in labor cases rests only upon the constant statement and restatement of those whose effort is to avoid the equal enforcement of law. Such statements have been challenged time and time again in the halls of Congress and elsewhere, and never has anything in the nature of substantial evidence been offered to sustain them. To enter upon a defense of our courts against such reckless, vague, and unsubstantiated charges is belittling to the courts themselves. That the thousands of our judges, Federal and State, scattered over this country from one end to the other, unknown to one another personally, should by some hidden and occult process arrive at a

mutual understanding and purpose to discriminate against organized labor in the administration of law is a self-evident absurdity, and yet the great bulk of our decisions, both National and State, show a general uniformity in the interpretation and application of the principles of the law of conspiracy as applied to all combinations, whether of labor or of capital. The fearless enforcement of law and the denial of special and unequal consideration to labor combinations as compared with other combinations constitutes the 'attitude of the courts,' which is the real basis of complaint.

"A brief study of that much-used union term 'unfair' will be illuminating in this connection. Any person or company or political party or legislative body which refuses to grant any demand of organized labor is called 'unfair,' no matter what the nature or character of the demand. My first experience with this phase of unionism was as counsel for an undertaker who refused the demand of the teamsters' union to cease from patronizing a certain team owner, who, by the way, happened to be a widow. In order to compel the undertaker to cease from securing carriages from the widow for his funerals he was subjected to a bitter boycott and his funerals were stoned and in some instances stopped by union pickets. The local president of the teamsters' union assured me that the undertaker had been put upon the 'unfair list,' and that the war against him would continue until he ceased to deal with the objectionable widow. So, also, the storekeepers who furnished provisions to families who were under the ban of the union in the coal fields during the anthracite strike were placed upon the unfair list of the union and themselves subjected to a boycott described by the coal strike commission as 'antisocial, cruel, and cowardly.' In the city of San Francisco, the bricklayers' union has a rule providing that contractors shall pay into the union treasury one-half of 1 per cent of the contract price of work where brick is used. The contractor who refuses payment becomes unfair and subjected to all the coercion of strikes and boycotts until the payment is made. I have in mind the case of a man who was expelled from one of the great national unions because his wife unknowingly took in as boarders some open-shop workmen. His miserable and abject letter to the national executive board of the union asking for reinstatement on the ground that he could not get employment and was in desperate circumstances was rejected. The man was 'unfair' to organized labor.

"The legislator who refuses to pledge himself in advance of election to the legislative program of organized labor is unfair; the alderman or supervisor who refuses to assist in the giving of all public work to establishments favored by the union is unfair. The word 'unfair' in union parlance has gained a new meaning. The closed-shop union knows no neutrals. It classes as unfair and as enemies all who refuse unquestioning obedience to its demands without regard to how vicious, unreasonable, unsocial, or uneconomic those demands may be. If a business man having no dealings or dispute with organized labor becomes unfair because he will not at its demand engage in a boycott of some one who has come under its ban, and if a public officer or legislator becomes unfair when he will not violate his oath of office by administering that office in the special interest of organized labor, it can readily be seen what is the real meaning of the charge of unfairness as applied to our courts. It is obvious that a fearless court in labor cases would almost inevitably be called unfair, for the even holding of the scales of justice is 'unfair' in the opinion of litigants who cherish such views and conceptions.

"In the discussion thus far civil courts and civil remedies have been the only ones considered, but much that has been said as to the attitude of organized labor toward the rest of society and toward the law finds equal application in the administration of the criminal laws in cases growing out of labor matters. Here, also, in cases of convictions for crimes committed in the interests of organized labor we find the same charges of unfairness against the prosecuting officers and the courts. The fact that the trials of such cases are always jury trials and that one of the insistent objections by organized labor to courts of equity has been the lack of jury trial seems to make no difference. A result unsatisfactory to organized labor in any court appears to be all that is necessary to bring forth the claim of discrimination, unfairness, and persecution.

"It is natural that the minor courts and local police and prosecuting officials should be more or less sensitive to this attitude of organized labor, especially in view of its political activities. Such local officials and courts, generally with short tenure of office and desiring reelection, would, even with the best of intentions, be careful not to incur the displeasure of a strongly organized po-

litical group of the community. When such local officials, however, are not governed by the best of intentions, as sometimes happens, cases may be found of an actual breakdown in the administration of the criminal law, so far as cases involving labor matters are concerned. A union business agent, writing in to the national headquarters of his union during a period of strenuous picketing on the part of the union, says: 'Some of our members had been arrested once or twice for a little skirmish, which we succeeded in getting them out of. * * * The police court judge said, "For God's sake, don't come around again with the bunch, or I will have to do something," but at the same time he is in our favor.'

"A member of the national executive board of one of the national unions affiliated with the American Federation of Labor writes to a brother member as follows: 'I met this Miller on the street last night and had some words with him, which brought it to blows, and I hit him, knocked him down, and his head hit a post. I was arrested and charged with assault and battery.'

"In a later letter he says: 'I have hired a couple of witnesses to testify that Miller struck me first. Trusting I will be able to get out of it without a jail sentence, and with kind personal regards,' and so forth. He again writes: 'I arrived here this morning and went to court. A friend of mine had already seen the judge in the case, and the judge told my friend to have me plead guilty to simple assault and he would defer the sentence until Monday, as this Miller and Wilson leave here Saturday, and they won't know what the judge sentences me. It is all fixed so I will not receive a jail sentence.' And finally he writes: 'I was sentenced yesterday for the sum of $25 or 30 days. This was the best my friend could do in the case. I had very near the whole city hall behind me, as this Wilson was certainly trying to get me the limit. Miller had a silver plate put in his head. I don't think he will scab for a while.'

"Cases, too, may be cited where the regular strong-arm men of certain unions, in spite of criminal records and after a long series of assaults, have been let off on conviction by local magistrates with either a suspended sentence or a small fine. After the arrest of the McNamaras at Indianapolis there fell into the hands of the local State prosecuting attorney a mass of documentary and other evidence involving the other national officers of the union, as well as being of great importance in the trial of the McNamara cases at Los Angeles."

I would like to state to the commission at this point that that evidence was found in a vault of the ironworkers' union in the basement of the American Life Building, which vault was opened under search warrant primarily issued for the purpose of searching for dynamite. It was not seized from the officers, but taken under due process of law upon search warrant. That is in answer to a statement Mr. Johannsen made. [Continues reading:]

"This State prosecutor, however, not only neglected and refused to take any action toward the prosecution in the State courts of the parties involved, but successfully opposed the request of the Los Angeles court that important evidence be turned over to that court for use in the McNamara trials. He even went so far as to announce publicly that the letters and records of the iron workers' union would be returned, and only the intervention of the Federal court prevented this disposition of this mass of criminal evidence which later formed the basis of the Federal prosecution and trials. This prosecutor's 'fairness' to organized labor resulted in his return to office at the next election. In cities where the closed-shop union is powerful, the frequent breakdown of criminal law in labor cases is notorious and of common knowledge. It is part of the accepted industrial conditions of the locality, for the inability to punish lawlessness committed in labor disturbances becomes a fact of serious importance in the consideration of labor questions, and so is properly termed 'an industrial condition.'

"If the basic elements and influences in the general question of the relation of organized labor to our laws, civil and criminal, have been made at all clear, little more need be said in the discussion of the next subject assigned to me; that is, 'Protection of life and property during industrial disputes.' That life and property will be endangered either by organized effort or by the individual acts of men in the heat and frenzy of industrial conflict goes without saying. That it is the primary duty of Government to preserve the peace under such conditions, without respect to any other or further consideration, also goes without saying. That local officials charged with that duty under the influences we have noted will often evade or willfully refuse its performance is also clear.

"Said a business agent, writing to the officers of his national union: 'There are 9 scabs working and 21 deputies watching them all the time, sworn in by the marshal. * * * Sheriff Carey * * * refused to give them any support, and told them he was a card man himself (which he is). I was up to see him to-day and he told me to tell the fellows if they got into any trouble to have their buttons on and he'd pinch the other fellow.'

"Aside from the influence of political pressure and fear, there are a surprising number of policemen, sheriffs, and even chiefs of police in this country who are members of unions and who have a direct personal sympathy in such cases. It is fair to state, however, that there are chiefs of police holding union cards who have been fair and fearless in the enforcement of law and order in troubles growing out of labor disputes.

"When the employer in time of labor trouble is unable to secure adequate protection from the regular authorities, it becomes not only a necessity but a duty for him to take such measures as may be at hand for such protection. Such necessary course is to be deeply regretted, but the responsibility for it rests solely upon those who fail in the performance of their duties as public officers. The employer in such cases must rely upon such hired mercenaries as he can find in the market for such men, and with the greatest of care there may become included among these hired agents vicious and even criminal types of men. The successful opposition of organized labor to such State bodies as the Pennsylvania State Constabulary and to the State Militia generally, and to the use of the police authorities of our cities for protection in time of labor trouble, will, of course, directly tend to increase the evils which have grown out of the hiring of the armed guard by the employer.

"The attitude of the plumbers used is shown by this quotation from Mr. Wolfe's pamphlet, at page 147: 'Since 1903 the plumbers have forbidden any members to enlist in any military organization under penalty of expulsion.'

"The whole interest of the employer lies in the maintenance of peace and not in the provoking of violence. So far as he can, he will put men in charge of his property upon whose character and discretion he can rely."

That is a matter of common sense. Perhaps you will remember that Mr. Johannsen said that a man who would hire a gunman, or criminal type of man, for the purpose of inciting violence or doing any other criminal act, was a "chump," as he expressed it; in other words, he was foolish to put himself in the power of such an individual. [Continues reading:]

"From every point of view, the logic of the situation as well as the history of actual fact must acquit the employer for the chief responsibility for such unfortunate results as come in some cases from the use of private guards.

"The last of the special topics assigned me is 'State and Federal action in labor disputes.' I shall not attempt to go extensively into the wide field opened up by this question, but will confine myself to one or two matters which have come within the range of my personal experience and observation. The action or nonaction of the State authorities at Indianapolis in the dynamite cases, so-called, has already been mentioned. It must be said of the Department of Justice at Washington that at different times and under different administrations it has also shown exceeding reluctance to institute action against labor combinations charged with the violation of Federal law. In the writer's personal experience several requests for the institution of such action, based upon evidence which later proved sufficient to secure decrees in actions instituted by private litigants, have been refused. Likewise a formal request to the Department of Justice, made long before the arrest of the McNamara brothers, and asking that the investigating machinery of the Government be employed to secure evidence for the prosecution of the criminal conspiracy against the companies whose work was being constantly dynamited, was refused, although even at that time there was ample evidence that the activities of the officers of the ironworkers' union were such as to make that organization an unlawful combination under the Sherman Act. In all fairness, however, it must be added that the Department of Justice under Mr. Wickersham, although at first reluctant to take action in the dynamite cases on the ground that State action in those cases had already been instituted, still when convinced by the evidence produced that Federal crimes had been committed and further convinced that the action of no single State, even if undertaken and prosecuted in good faith, would be able to deal effectively with all the ramifications of a great national conspiracy, moved promptly and effectively. From that time there can be nothing but the highest praise for the thorough, able, and unpartisan action of the

Government authorities in these cases, both under Mr. Wickersham's direction and under the direction of his successors in office.

"The action of another arm of the Government—the Department of Labor—in the case of a recent strike of the boiler makers' union in Oklahoma, hardly measures up to this standard. A group of companies engaged in the erection of oil and gas tanks were conducting their work under a closed-shop agreement with the boiler makers' union. In the Oklahoma field the question of work was such that the union could not supply sufficient workmen. Recognizing the value of its closed-shop monopoly, it refused to admit new members to the union, but instead adopted a permit system by which permits to work were issued to nonunion men on condition that the man receiving such permit should pay 10 per cent of his wages into the union treasury, and payment of this 10 per cent was enforced by the simple method of compelling the contractor to deduct it from the wages of the permit men and to turn it over to the union. This tax did not even secure the permit man in his job, for if a union man at any time became out of work, the rules of the union provided that a permit man must be discharged to make a place for him. In other sections, also, the individual members of this group of contractors were subjected to strikes and all sorts of high-handed and arbitrary conduct on the part of the union agents, in violation of the trade agreement. As a result of all this a number of these contractors allied themselves together and formed the American Erectors' Association, and placed their work in the Oklahoma field and elsewhere upon an open-shop basis, making no change in wages or hours or other conditions, but simply refusing to acquiesce longer in the closed-shop control of the union. The permit men were employed direct and paid their full wages, without any 10 per cent deduction, and there were so many of them that the work of the contractors was well manned from the beginning. The union called a strike, resorting to picketing and violence, and when in a few weeks it was apparent that the strike was a failure, recourse was had to the Department of Labor.

"Mr. John Moffitt, former president of the hatters' union, as the representative of Secretary Wilson, met with the members of the American Erectors' Association at Pittsburgh on March 9, 1915. He stated that as a representative of the Department of Labor he had investigated the situation and found that the charge of the contractors of breach of contract, the unfair action of the union agents, and the maintenance of the vicious permit system were all correct. He said that the union itself had admitted these things. The remedy which, as a representative of the Department of Labor, he suggested to the contractors for this condition of affairs, was that instead of individual agreements between the contractors and the union, the American Erectors' Association should enter into a closed-shop agreement with the union, involving, of course, the placing of the union back in the same position of power and control as it previously occupied and involving also the discharge of such of the employees of the contractors as could not or would not secure membership in the union.

"No question of wages or hours was involved in this matter; no grievances presented for adjustment. The only question at issue was whether the contractors should renew their closed-shop agreement with the boiler makers' union after that union had admittedly made a most unfair and vicious use of such an agreement and had shown disregard of it by frequent violations. I believe it to be a fair subject of inquiry on the part of this commission whether it is a proper function of the Department of Labor to exert its power and its influence in the assistance of trade unions to secure closed-shop contracts, especially under such circumstances. The permit men who, under the open shop, were relieved of the extortion of 10 per cent of their earnings for the benefit of the union, were eager and willing to go to work directly for the employer. What moral, or legal, or economic justification is there for the interposition of any of the machinery of a democratic government to prevent their doing this? Are not they, as well as the members of the unions, entitled to the protection of every department of the Government? Should not the Department of Labor in the proper exercise of its functions seek out such instances as this in behalf of men oppressed by such vicious misuse of union power and relieve them therefrom, rather than to take the part of the oppressors when relief has been obtained by force of other circumstances? This case has been cited because there is and can be no dispute as to the facts, and it is to be regretted that it is typical of the general conduct of the Department of Labor in its attitude in labor controversies."

Commissioner O'CONNELL. May I have that last page, please?

Mr. DREW. I have a stenographic report of Mr. Moffitt's remarks to the American Erectors' Association, if you wish it offered in evidence.

(The matter referred to above will be found among the exhibits at the end of this subject as Drew Exhibit No. 1.)

[Continues reading:] "In conclusion and with special reference to the demand of organized labor that it shall be the beneficiary of special legislation exempting its conduct from the limitations of legal rules which apply to the actions of other men, may I briefly refer to the attitude of organized labor toward unorganized labor? This question becomes material because underlying all other justifications urged by organized labor for special consideration is its more or less tangible claim that it is charged with the divine mission of uplifting the laboring class as a whole, whether within or without its ranks, and that in what it does it is endeavoring to realize the high ideals involved in the performance of this mission. It is the credit extended to this claim by the public which secures for organized labor a large measure of sympathy for its efforts and pardon for its mistakes and offenses. It is the spirit of our age that large social and ethical considerations shall overrule oftentimes the strict application of legal limitations and restrictions.

"But aside from all rhetoric, all pretentions, and all romantic conceptions, what is the real and actual attitude of the closed-shop union man to the outsider?"

Let us call Mr. Johannsen as a witness. He was at least frank and without hypocrisy. He said that the attitude of organized labor was uncompromisingly hostile and bitter toward unorganized labor. [Continues reading:]

"We have also noted the attitude of the boiler makers' union in Oklahoma to be that of plain, every-day plunder. Not only might the nonunion man work only by the payment of a tax to the union, but he might not work at all if some union man wanted the job. There is much evidence before this commission showing a similar use of the permit system in other trades and other localities. More than this, the closed-shop union not only prevents the nonunion man from working at his trade, but through its limitation of apprentices it prevents him from learning the trade at all in the first instance, thus practically sentencing him for life to the ranks of common, unskilled, unorganized, and unorganizable labor.

"These things the union man does, but one final fact is necessary to crown his attitude toward his brother workers. He reserves the right to compete with the outsider in the field of common labor, while denying the outsider the like right to compete with him in his trade.

"If the closed-shop man finds himself out of work in his trade for any reason, does he, in return for the prohibition he has placed against the outsider, consider himself morally bound to wait until he can secure work at his own trade? Not at all. He promptly takes other work where he can get it and thereby enters into competition with the common laborer. Here, then, we have the worker who is really exploited—the common laborer. Every one of us is his potential competitor, for if the lawyer, or the doctor, or the merchant fail in his particular calling, he finds the ranks of common labor always open to him. In turn, however, we find all avenues of progress to higher callings open to the common laborer except those barred by the closed-shop union. It remained for organized labor, asserting the guardianship and protection of the common laborer as a reason for special privilege and license, to be the one institution in modern society which closes the door to its progress and at the same time retains for itself the right to remain in active competition with him in his own field.

"Let us look at these questions sanely without pretense or hypocrisy. Workers have a right to organize for their selfish interests just as any other group of society has such right. They have the right to push those selfish interests as against the interests of the rest of society, but by legitimate and lawful means. It is no reason for condemnation of a union that it seeks the advancement of its members as against the interest of outside workers. In considering, however, the application of principles of law to organized labor let it be frankly admitted that combinations of labor, combinations of capital and business, and industrial combinations generally are actuated fundamentally by self-interest and may be expected always to do the things dictated by self-interest even though that self-interest may conflict with the interest of other classes of society. Labor combinations, with the great power and wealth they have achieved and under clever and able leaders, have no need and no justification in the pursuit of their special and selfish aims and purposes for a special privilege or dispensation not accorded to other combinations of men."

Chairman WALSH. Commissioner O'Connell has some questions he would like to ask you.

Commissioner O'CONNELL. If you had to say, Mr. Drew, whether organized labor in its present capacity, with all the faults that you have alleged against it, with all its weaknesses and ramifications, would you have it wiped out of existence?

Mr. DREW. Not at all, Mr. O'Connell; I think that would be a very foolish thing to do. You may plant a tree out in your back yard, and because of its location or the lack of proper training it may grow to be crooked. That don't mean that you have got to tear the tree up and throw it away.

Commissioner O'CONNELL. I take it that the general thought you have given to bring your mind to its general criticism of organized labor that you must have given some thought as to what organized labor might be and how it should conduct itself and how it should be organized. I am sure this commission would and I would be intensely interested to have your opinion, because of the specialty you apparently have made of one side of the question, as to whether you have given thought to the other side.

Mr. DREW. Mr. O'Connell, I am a firm believer in the organization of workers. I am a firm believer in collective bargaining. I think that nothing more effective could be done in the direction of realizing both of those things than to get the union movement of to-day back to bedrock—a sound economic foundation; to think a little more of the plowshare and perhaps a little less of the sword. There isn't any fair argument against a laboring man using this power, even in militant methods, using your people when they are organized with all the discipline of soldiers in war. But the trouble with that is that you develop class consciousness, according to my mind, along the line of organization; you emphasize the strong arm of the organization so much that the man forgets his own duties and responsibilities and strength as a productive factor in industry.

Now, I have read through the different trade magazines of the country, including the Federationist, and I do not find a word from cover to cover advising the workingmen to increase their efficiency or capacity or to cooperate with the employer in securing as great an output as possible for the common result of his capital and their labor.

Commissioner O'CONNELL. Probably the laborer believes there are now enough engaged in that work——

Mr. DREW (interrupting). Well, I don't know; labor is the one great essential to production; and if the laborer limits production or takes a stand that limits production there is just that much less in the pot for him to fight for a share of.

Commissioner O'CONNELL. I understand you to say, Mr. Drew, that you are a firm believer in organization, and with that in the right of bargaining?

Mr. DREW. No sane, sensible person nowadays objects to those conceptions.

Commissioner O'CONNELL. And you agree that we can not have collective bargaining without organization?

Mr. DREW. Exactly; exactly. Therefore, I think it is a greater pity that the ability of organized labor to realize its proper functions as a party to collective agreements should be so handicapped by a lot of these things that they do.

Commissioner O'CONNELL. Well, first, how are we going to have organization with the opposition of employers, who employ the workmen, against organization? How, then, can we have collective bargaining?

Mr. DREW. Mr. O'Connell, if you will go through the great national industries of to-day that are upon the open-shop basis, you will find that they were once upon a closed-shop basis. Organized labor has collective agreements; had collective agreements with our people; they had collective agreements with the metal trades and founders. They developed the strength to secure them and to have them in actual operation. Why have they lost them? I think that is a very pertinent inquiry. Why are industries that were once closed shop to-day open shop?

Commissioner O'CONNELL. I think the answer is that employers have combined for the purpose of declaring for what they called the open shop.

Mr. DREW. But why did they do that if the agreement with oragnized labor was desirable, was right, was good for the industry, brought about an increase of output, brought about peace in the trade? There were no questions of competition among these men, because the great mass of employers in these industries were parties to those agreements, so that each manufacturer was competing on the same basis with others. Why did they get together to throw off the control of the closed shop? I can tell you why they did it with the structural-iron workers.

Commissioner O'CONNELL. I think you were with us in Los Angeles during our hearing?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. And heard the witnesses of the manufacturers of that city who came before our commission?

Mr. DREW. I did.

Commissioner WEINSTOCK. And who declared they were running open shops?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. And that they had agreed not to employ union men?

Mr. DREW. Yes. I want to say to you right now, and I want to say it publicly, as I have said it privately, that I am not at all proud of the particular use which has been made of the open shop in Los Angeles. It is simply evidence that we are all human; that no class can stand power without some responsibility. The excesses that we complain of on the part of the closed shop when it gets control, we find exemplified there in the open shops when our employers got control. It all goes to show that no one of us, being human, can stand too much power without responsibility.

Commissioner O'CONNELL. You heard Mr. Davenport, I think, Saturday, in his opinion as to whether it would be beneficial either to the employee or to the employer for organizations of labor to incorporate, and his statement that he was unalterably opposed—those are not his words, but the intent, I think—that if he was in the position of a legislator to do it, he would not vote in favor of it, nor if he was in a position to say so, would he say to them to incorporate?

Mr. DREW. We do not present a united front on that.

Commissioner O'CONNELL. Lawyers are not all agreed?

Mr. DREW. No, in the first place; and in the second place, Mr. Davenport happened to bring an action up in Connecticut where the Connecticut laws permit an attachment before suit, and also against a union where there was a large number of individual members owning their own homes and some of this world's goods. That made his action against the individual members of the union a good and valuable asset. Generally speaking, that does not hold. Certainly it does not hold with the structural-iron workers, many of whom are a roving class, and do not own their homes and are scattered all over the country.

Commissioner O'CONNELL. Then you do not agree with Mr. Davenport's opinion on the matter of incorporation?

Mr. DREW. No, sir; not at all.

Commissioner O'CONNELL. Mr. Davenport expressed a new view to me in regard to the legality of strikes, or the illegality of them; whether you heard it or not, I don't know, but it struck me as a rather peculiar construction—as to strikes that might be considered coercive, that would be illegal; and I can not bring myself to an understanding of what strike would not be coercive. Have you given that any thought?

Mr. DREW. Well, I touched upon that in my statement by saying that a strike—a simple strike—just the withdrawal of the members from employment was just an appeal to the law of supply and demand and not an appeal to force and coercion.

Commissioner O'CONNELL. Well, that would not be a strike in the sense of a strike—just the withdrawal from employment?

Mr. DREW. Oh, yes; that is a strike. If the men in my employ come to me and say, "We want $5 a day instead of $4," and I say, "I will not pay it," and they say, "Well, all of us will quit," and they do quit, that is a strike.

Now, if that is all they do, just to go away and cease employment, and I can not fill their places, I have to go back to them and dicker with them and give them $5 a day if I can afford it. That is a strike in its simplest terms; and in the light of what we mean legally by "coercion," there is no coercion in it. If you come to me and say, "I want to buy your house," and I say, "I want $10,000 for it," and you say, "I can only give you $5,000," and I say, "You can not have it until you come to my terms," just so 100 men may collectively bargain with an employer, and the law of supply and demand, if there is no coercion, determines the final terms of the bargain; but if men quit, and in addition to quitting they say to others who come to take their places, "You can not work there," and intimidate them from working, then the strike takes another step forward; and the law even permits the use of fair argument with the outsider. But when they go still further and say to the

outsider, "Here, this injury will happen to you if you take our places," social ostracism or violence, or whatever it may be, then there is the further step that takes them over the line of the law.

Commissioner O'CONNELL. I am yet in doubt as to the course; if you say to a man, "You have got to pay me $5," and he can not get anyone for less, and you still demand $5, you would not be coercing him into paying you $5 a day?

Mr. DREW. Not legally coercing. When you come to terms that apply from a legal point of view it would not be coercion.

Commissioner O'CONNELL. And then I combine myself with others and do the same thing?

Mr. DREW. You had a perfect right to do it so long as you don't combine to do injury. A strike can become unlawful if it becomes a combination to injure. A business agent goes to an employer and says, "I want $100," and the employer says, "I won't pay it; it is graft," and the business agent says, "I will call your men out," and he does it. That is a strike for the purpose of injuring that employer until he pays $100 in graft to the business agent, and such a strike is illegal. It has no legitimate purpose or excuse, but it is a combination to injure, pure and simple.

Commissioner O'CONNELL. I would agree with you upon that.

Now, supposing the men are working 10 hours a day and the business agent comes along and says, "Unless you reduce your hours to 8 I will call your men out and won't let you get other men if I can prevent"?

Mr. DREW. There is nothing unlawful about that.

Commissioner O'CONNELL. In the paper you read you discussed the question of jurisdictional disputes, and quoted from a number of persons, President Gompers and others, as to this being one of the greatest causes of friction between employers and employees, and friction between employees themselves in their organizations; that the federation itself was unable to cope with this jurisdictional question; that instead of being able to reduce the number of them they showed an increase; I think that is the sense of what you said. I think I can speak rather intelligently on this subject. For more than 15 years I have been chairman of the committee during that time that has had to do with jurisdictional disputes; all of them have come before me as chairman of the committee, and other committees of which I was a member, I think for at least 15 years, and maybe a few years longer. At the last convention held in Philadelphia, held last November, I think there were somewhere around 25 cases before this committee; I think you said 24.

Mr. DREW. Twenty-two, I said.

Commissioner O'CONNELL. I think probably it was greater than that.

Mr. DREW. One or two I was not certain of; I did not count them.

Commissioner O'CONNELL. But here is the situation: Two or three organizations maybe have a dozen of these cases interwound in various ways among themselves, as, for instance, the stationary engineers' organization, I think was involved in six or seven of them. Now, there is not at the present time before the American Federation of Labor or in the labor movement but one case of undecided jurisdiction, or unsettled jurisdiction of any great import, and that is a dispute between the carpenters and sheet-metal workers; the others are minor. And in the years gone by some of the greatest difficulties have been to straighten out by the federation in convention and by its committees and mediation, methods for the adjustment of these disputes. But here is the difficulty: Over night the industry changes sometimes; the entire method of manufacture, or of material used in the construction of something, is changed in its form, and we have never discovered—it has never been my experience in all these years that the employer attempts ever to give this changed method of work to a trade that is receiving a higher wage than the trade that was formerly doing it, but always trying to pass the new method of performing the work, or new work, to a trade receiving the lower wage, and this causes the great friction between the organizations and the fight that has, as we all recognize, been most disastrous to all parties concerned, but in numbers and numbers of cases the employers themselves are wholly responsible for it.

Mr. DREW. That is true in some cases, Mr. O'Connell, but not in all, and that is the reason why I cited the whole question of jurisdictional disputes, and there is nothing that will justify in law or morals two unions in making war upon each other, and thereby doing injury, not to the immediate employer perhaps, but to the owner and the general public and to third parties generally who have no voice or interest in the disputes. If organized labor can prevent a united front for the purpose of carrying on an offensive warfare and enforcing its

agreements, it certainly has a right to do so, but it ought to settle its own quarrels within its own ranks and not invade the rights of the innocent public in this settlement; there is no question about that.

Commissioner O'CONNELL. But the public, in as far as the employer is concerned, is not always the innocent party. We have discovered in a great many instances that he is the guilty party, and that some judgment on his part or cooperation on his part with that, the dispute might have been avoided and the jurisdiction adjusted. Now, you cited a case in San Francisco where the bricklayers entered into an agreement with the brick employers' association whereby the brick employers' association were contributing a certain per cent of the profits of their business to the bricklayers' union. I think one-half of 1 per cent, something like that. Now, the fact is in that case that the brick manufacturers entered into an arrangement with the union to prevent the terra-cotta manufacturers from getting their material in to displace the brick manufacturers' material?

Mr. DREW. It was part of the combination to control the whole market.

Commissioner O'CONNELL. And they did contribute some money to the bricklayers' union, and I believe when our hearing was there, there was testimony that they were still doing it to prevent the terra-cotta manufacturers' from getting in.

Mr. DREW. The way the bricklayers' union did was to pass a rule and make it a part of their rules that every brick contractor should, whether he wished to or not, pay one-half of 1 per cent to the bricklayers' union, and there was placed in evidence before your commission a number of receipts where such payment was enforced by strike.

Commissioner O'CONNELL. The receipts that I saw were receipts through the secretary of the brick manufacturers' association.

Mr. DREW. No, sir; the bricklayers' union.

Commissioner O'CONNELL. The receipt from the bricklayers' union to the manufacturer?

Mr. DREW. No, sir; I have in mind a receipt from the bricklayers' union for $40 from Brandt & Stevens, contractors, after strike had been called to enforce payment.

Commissioner O'CONNELL. But the fact is there was no strike, no coercion shown, that the bricklayers compelled the brick manufacturers to pay them this money?

Mr. DREW. If brick manufacturers were a part of this illegal combination, they are as much to blame as the unions.

Commissioner O'CONNELL. But the paper that you read before us, there was nothing to indicate that the bricklayers were compelling the brick manufacturers to pay to them a certain per cent every month, without any qualification.

Mr. DREW. They were compelling the men that erected the brick in the buildings. This was forced from the brick contractor, who didn't care about it, but was willing to buy his brick anywhere he could get it, and if it was an attempt between the unions and the manufacturers to control the market in San Francisco it makes it all the more reprehensible.

Commissioner O'CONNELL. It was a fight between the brick manufacturers and the terra-cotta people as to whose material would go into the buildings.

Commissioner WEINSTOCK. Terra cotta or the concrete people?

Commissioner O'CONNELL. Both.

Mr. DREW. I say for the bricklayers' union to lend themselves to such a thing is all the more reprehensible.

Commissioner O'CONNELL. It doesn't relieve the employer?

Mr. DREW. Bless your heart, the employers are the worst part of the combination. They oftentimes are the ones that get them together. They use the closed shop of the union to swindle the general public. The bricklaying industry in New York is practically closed—in New York and San Francisco and Chicago—by deals between the employers and the unions, and the power of that rests upon the closed shop as the power of the union and the ability of the union to prevent any outsider from getting labor in that particular market. I say that is a misuse of the closed-shop power of the union against the rights of the general public.

Commissioner O'CONNELL. Do we see any general criticism offered or published against the employers in their associations for entering into these illegal combinations?

Mr. DREW. You will find our people criticizing them wherever they come together, and there are two court proceedings to dissolve such combinations now pending. We don't approve of it. We say that is the ultimate crime of the closed shop, and it is the logical development of the closed shop.

Commissioner O'CONNELL. You cited or read from a communication that apparently had come to you, and I take it during the ironworkers' case the business agents, writing to their officers——

Mr. DREW. I have photographic copies of those letters if you want them.

Commissioner O'CONNELL. No; I don't want them. I just want to bring it to your attention. Did you hear the ex-mayor of Altoona's testimony before this commission last week?

Mr. DREW. No, sir; I did not.

Commissioner O'CONNELL. In the case of detectives or police officers—I think it was a constable he was called in Pennsylvania—beating up a business agent of the organization in Altoona very severely, and he was sent to the hospital, and after he got out of the hospital he went home and died. A man by the name of Gallagher; the gentleman that appeared was mayor of the city of Altoona at that time; during some strike of the shopmen on the Pennsylvania Railroad. This man went away, and warrant was issued, but they never caught him; and after the strike was over it was all settled, and an official of the Pennsylvania Railroad, the master mechanic at the Altoona shops—I don't recall his name just now—called upon the mayor, with others present, and said he wanted to have him come off of any further attempt to punish this man who had run away from the court; and said that they had fixed the judge, fixed the district attorney, and fixed somebody else. Everybody was fixed but the mayor, and if he would come off the man could come back there, as his home was in Altoona, or in the country there some place, and everything would be all right; and the mayor said, "Very well; if everybody else is agreeable, I am." And the man immediately showed up; he was there the next morning on the street. Does that not show that others have influence, or try to have, with the courts?

Mr. DREW. There is no question about that at all. I would not attempt to defend the acts of all the employers of this country, because they are human just as the rest of us, and are going to fight their fights under the circumstances in which they find themselves at the particular times. And I would like to see some of the labor unions' funds to back up, if they have evidence, such a charge of fixing courts; I would like to see some of your funds used in prosecution of cases of that kind.

Furthermore, I would like to say now that I have been counsel before this commission, as you all know, for nearly a year for the open-shop employer, and I have never offered before this commission a line of evidence on the subject of violence. I am not particularly concerned with the features and incidents of war after war starts. War is brutual business; you must expect that you will have brutality and hatred and bitterness. My chief concern is with the cause that leads up to war before it begins, and not with the way they carry it on after it starts.

Commissioner O'CONNELL. In that direction, I don't think you were with us when—in some of the western places, like Lead and Butte. However, the question that came up before us was in various ways and is quoted, that men should not be deprived of their liberty without due process of law and all that. It is alleged here before this commission every place we have been that citizens are deprived of their liberty without due process of law and where courts are in operation ready to perform the functions of the courts and in disregard for the courts men are deprived of their liberty. Now, what is your opinion, Mr. Drew, of that sort of conduct?

Mr. DREW. There is no excuse for either party to an industrial dispute violating the laws of the land, of course. There are no two ways about that.

Commissioner O'CONNELL. Now, where is the equity in the proposition? That is what I want to get at. Where is the poor man's equity?

Mr. DREW. I don't think it concerns the genesis of our discussion if we can not find equity in every case. Some people are born to the world cripples. What compensation can there be for that? Some are feeble-minded. What compensation can there be for that?

Commissioner O'CONNELL. In the case of men born into the world cripples we train or educate; great surgeons grow up, and thousands of cases have been successful.

Mr. DREW. Sometimes the law of compensation seems to operate, does it not?

Commissioner O'CONNELL. It cures these ills in nature; but there does not seem to be a unanimous opinion of the legal minds in our times. There don't seem to be any unanimity of construction. I asked Mr. Davenport the other day what he would suggest as a remedy for all these things that he was talking about, and he seemed to be a standpatter; he said nothing.

Mr. DREW. Here is the general proposition: The minute you have a law of universal application you will have individual instances where what appears to be injustice comes from the application of that law. The minute you try, however, to make a law to apply to each individual case as it arises you have need of all the functions of a court of equity. Furthermore, if you try to apply that law outside of some judicial action you have chaos. You have each man a law to himself. Now, you have to take your choice between the two. It is one of the prices we pay for not being perfect people and living in a perfect age, that the minute we make rules to govern ourselves of universal and general application there will be individual instances in which they seem to work out unfairly. That applies to the shopkeeper, the real estate dealer, the laboring man, and all the others.

Commissioner O'CONNELL. The laboring man seems to be the most helpless of all. The shopman, he has his shop and his goods in his shop; they stand as a sort of guaranty for him—guaranty that his attorney's fees will be paid—but the laboring man, he has nothing. He seems to be helpless.

Mr. DREW. You show a regard for the laboring man outside of the ranks of organized labor that Mr. Johannsen does not seem to feel; and as to the laboring man inside of the ranks of organized labor, he has ample protection.

Commissioner O'CONNELL. I am not speaking of that man, because I think we have heard you say that there are millions of men outside of organized labor?

Mr. DREW. Yes. What are we going to do with them? That is our problem.

Commissioner O'CONNELL. I am asking you now. What would you suggest?

Mr. DREW. You people keep them from learning trades and oppose them in different ways wherever your interest clashes with them. You don't go out maliciously and attack a man; but where your interests conflict with the outsider in any way you fight him. Where your interests don't conflict you are perfectly willing his conditions should be improved, the same as are all of the rest of us. But what are we going to do with him? Why should we fight or you fight for an increase in union power from the Government to get a man who may be getting 70 cents an hour, 75 cents an hour, and for an eight-hour day, when some of these poor fellows have not even got a job at a dollar and a quarter a day? There is the problem. The employers and leaders of labor organizations and social reformers—all of them should get together and do something for these masses of people, because, after all, the progress of society is to be measured by the upward lift of the masses below. You don't get any appreciable progress by giving a 70-cent bricklayer 75 or 80 cents an hour, but you do by getting the man at the bottom of the pile a little higher up.

Commissioner O'CONNELL. Suppose we all start out to get an increase in wages and decrease in hours——

Mr. DREW. One of the first things, Mr. O'Connell, that would make possible a reduction in the hours of labor would be a general teaching on the part of labor of increase in efficiency, so that they could do in 5 or 6 hours what they now do in 8, 10, or 12 hours.

Commissioner O'CONNELL. I think we have so many people teaching that they have got things all mixed up.

Mr. DREW. You people that reach the ear of the workers don't agree with them.

Commissioner O'CONNELL. There are so many taskmasters and teachers we can not agree; they are like lawyers somewhat. I want to ask you a few questions in regard to the erectors' association. What connection have the erectors' association with other associations, for instance, the National Manufacturers' Association?

Mr. DREW. Absolutely none. At the present time we are a member of this joint committee that was organized solely to work with this commission. We call it the Joint Committee of Associated Employers, and I am counsel of it. That was organized last June, and that is the only connection we have ever had.

Commissioner O'CONNELL. Is there a change or exchange of anything between your association and the National Manufacturers' Association that would be a record of the acts of organized labor?

Mr. DREW. Absolutely none, and here is the general conception about the National Association of Manufacturers that I would like to correct. The National Association of Manufacturers takes no part whatever in industrial disturbances. If one of its members is under strike, he does not even notify headquarters of it. He gets no assistance from the association; they furnish no men, no money, or assistance of any kind. Its general functions, so far as trade is concerned, are entirely along different lines.

Commissioner O'CONNELL. I know it, but it was originally organized——

Mr. DREW (interrupting). It speaks a great deal about the open shop, and its leaders make speeches about it, but it is not a fighting or defensive organization as ours is.

Commissioner O'CONNELL. How is it, then, that the legal talent representative of the National Manufacturers' Association can always be found in the State capitals and other places where legislation is going on, speaking for that association as against legislation sought by organized labor?

Mr. DREW. Mr. Emery, if he is the one you refer to, is not the counsel of the National Manufacturers' Association. He is counsel of the National Council for Industrial Defense, composed of about 250 employers' associations, including the National Association of Manufacturers and the National Erectors' Association and others. He has no official connection with the National Manufacturers' Association.

Commissioner O'CONNELL. But in that degree, and in that sense, speaks for the national manufacturers?

Mr. DREW. As a party to the National Council for Industrial Defense.

Commissioner O'CONNELL. And cites that as one of the organizations that don't believe this or that legislation in favor of organized labor should be passed?

Mr. DREW. The National Manufacturers' Association has overcome some of the criticism to the effect that they take no interest in these new social and remedial measures by taking a very important interest in such measures, chiefly such as workmen's compensation laws.

Commissioner LENNON. Did you read in yesterday's paper, I think it was, the statement of the president of the Pennsylvania State Manufacturers' Association, which, I take it, is associated with the National Manufacturers' Association, the same as other associations——

Mr. DREW. It is not.

Commissioner O'CONNELL. As to its position on the child-labor bill just passed?

Mr. DREW. No, sir.

Commissioner O'CONNELL. And its general criticism of everybody connected with it?

Mr. DREW. No; but we have no connection with it, or the National Association of Manufacturers.

Commissioner O'CONNELL. What number of members in the National Erectors' Association?

Mr. DREW. I would say about 40.

Commissioner O'CONNELL. What are the dues and expenses?

Mr. DREW. Our dues are based upon the number of tons that each concern erects. I think it is 3 cents a ton on material.

Commissioner O'CONNELL. Would you give us the names of some large concerns and cite what it would cost them?

Mr. DREW. Post-McCord, of New York, comes to my mind now; its dues are sometimes $25 a month, or sometimes $125 a month, depending upon the amount of material that they are handling at that particular time. At the present time I am frank to say that our dues are pretty slim.

Commissioner O'CONNELL. Is there a publication of any kind showing the receipts and expenditures of the association?

Mr. DREW. No; but our general income, if you want that, is about $2,500 a month—about $30,000 a year.

Commissioner O'CONNELL. Can you furnish this commission the documents, or have proper officers do it, showing the receipts and expenditures of the association for the past several years? I suppose they are published annually to the officers or members, or something, if not publicly; and the membership and the cost of membership?

Mr. DREW. Well, I will furnish you with the membership and the cost of membership, but I will have to consult our executive committee about our

expenditures for the last several years, but I don't think there will be any question about that.

Chairman WALSH. Commissioner Weinstock has some questions he wants to ask you.

Commissioner WEINSTOCK. You went on in your statement, Mr. Drew, to point out that unions are not legally responsible. In view of that, will you explain how damages were collected against the Danbury hatters?

Mr. DREW. They were sued individually, as individual members of the hatters' union. The judgment lies against several hundred individual men.

Commissioner WEINSTOCK. Can that be done in the case of any union?

Mr. DREW. Yes, sir; if you can hunt up all of the men and they are financially responsible.

Commissioner WEINSTOCK. Do you now recall the other day, as we were walking out after adjournment, a conversation between yourself and Mr. Davenport on this very point?

Mr. DREW. Yes, sir.

Commissioner WEINSTOCK. And I was unable to remain to hear the discussion to the end, but I recall your saying to Mr. Davenport, What redress have you with a lot of union members who individually are financially irresponsible?

Mr. DREW. And badly scattered.

Commissioner WEINSTOCK. Yes, sir; despite the fact the union may have $100,000 in its funds. And if I remember rightly, I heard Mr. Davenport say as I walked along there is no difficulty about reaching that $100,000.

Mr. DREW. Mr. Davenport thinks, under the eighth section of the Sherman Act, that the association is a person, so it can be sued and damages recovered from its treasury. No case of that kind has ever been brought under that section, and it is a question whether that language of the Sherman Act makes a voluntary association a responsible entity, so it can be sued as such. I doubt very much whether it does, but that is what he meant. We have had previous discussions on that.

Commissioner WEINSTOCK. Then you are not sure that Mr. Davenport is right?

Mr. DREW. I am not sure that I am right. If an association can be sued as a person under the Sherman Act, still all the action that we would have against the association as such would be for a violation of the Sherman Act, and a great mass of our boycotts over the country would still be untouched. Where you had a case violating the Sherman Act you might get it through, but the general fact of civil immunity of the labor organizations in the mass of cases would still remain unaffected.

Commissioner WEINSTOCK. If a boycott is levied against a concern doing interstate business, would that or not be a violation of the Sherman Act?

Mr. DREW. It depends entirely upon whether it restrains the interstate commerce of that concern. The mere fact that it did an interstate-commerce business would not be controlling, unless you can show that it took steps that actually restrained interstate commerce.

Commissioner WEINSTOCK. Take the breweries of Washington, D. C.; I notice at this time that they are almost on strike, and assuming that they do an interstate business, the unions are sending out bulletins to other organizations to refrain from buying that kind of beer; would that be in restraint of trade?

Mr. DREW. I think under the Danbury hatters' case it probably would.

Commissioner WEINSTOCK. And that would be in violation of the antitrust act?

Mr. DREW. I think it would.

Commissioner WEINSTOCK. And would those unions, if they had funds, be liable, for that matter?

Mr. DREW. Yes; being located in the District, you would not have to restrain their interstate commerce; but the very fact of their being located in the District brings them under the Sherman Antitrust Act, because this is United States territory.

Commissioner WEINSTOCK. Well, if those unions have funds and are issuing bulletins or letters or communications to unions outside of the District, then the brewers would have an action, according to Mr. Davenport's view?

Mr. DREW. According to Mr. Davenport, they would.

Commissioner WEINSTOCK. Well, now, admitting that the unions are not held legally responsible, is that situation, then, any worse in the United States

than in Great Britain? As you doubtless are aware, in Great Britain the funds of a union are absolutely exempt from court judgments.

Mr. DREW. No; I think that by a law expressly passed, you can not sue a union, agent, or the union in Great Britain for any damages which grow out of their conduct in furtherance of a trade dispute; that if you sue a union or its agents, and it comes into court and pleads that what it did was in the furtherance of a trades dispute, then you may not maintain your suit. That, I think, is the law by an express act of Parliament.

Commissioner WEINSTOCK. Well, that being the law, and I happen to know that it is the law unless it has been recently changed, the employers of Great Britain are even worse off than the United States employers?

Mr. DREW. Of course, there is this, Mr. Weinstock: Parliament has also passed laws in England which specifically and in precise terms made criminal on the part of a union a great deal of the conduct that over here we can reach only through injunction—picketing, accosting, watching, and besetting. They are all criminal acts by express act of Parliament in Great Britain. I don't think the unions would accept in this country the conditions of the English law as it stands to-day, as regarding their activities. I don't think they would accept it for a moment—the whole English system of law on that. I am sure they would not.

Commissioner WEINSTOCK. Despite the exemption?

Mr. DREW. Despite the exemption; I don't think they would accept it.

Commissioner LENNON. We would, some of it?

Mr. DREW. Well, You would not accept it all.

Commissioner WEINSTOCK. In saying what you have said about your ideas on the questions of collective bargaining and organized labor, which, in brief, I gather in substance to be the following: That you believe that the worker not only has the legal and moral right to organize, but that he should organize for his own protection; that you are not opposed to the closed shop when it is established in the proper way. Now, in that are you simply speaking for yourself, or are you voicing the sentiments of the employers of the association which you represent?

Mr. DREW. Well, I am speaking for myself in the opinions which go beyond our activities, Mr. Weinstock; but I know that is the general feeling among intelligent employers.

Commissioner WEINSTOCK. That they are not opposed to collective bargaining?

Mr. DREW. Why, no. But the collective bargain is the same as any other bargain. It should have two contracting parties, both of whom should stand upon an equal footing and possess mutual respect for each other and mutual responsibilities. How can you have any bargains, collective or otherwise, without those factors and those elements? Now, if a closed union shop is so powerful that is absolutely controls the situation, you have no collective bargain. You have a demand and a surrender.

Chairman WALSH. At this point, will you please resume the stand at 2 o'clock?

We will adjourn until 2 o'clock.

(Thereupon, at 12.30 p. m., Monday, May 17, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Acting Chairman LENNON. We will please be in order. Chairman Walsh can not be here for a few minutes.

Mr. Drew, will you take the stand, please?

TESTIMONY OF MR. WALTER DREW—Continued.

Acting Chairman LENNON. Mr. Weinstock desires to ask some further questions.

Commissioner WEINSTOCK. How long have you been connected with these labor questions, Mr. Drew?

Mr. DREW. Well, I suppose, since 1905.

Commissioner WEINSTOCK. For a period of about 10 years?

Mr. DREW. Yes.

Commissioner WEINSTOCK. During that time have you had opportunities of coming into personal touch with labor representatives and labor leaders?

Mr. DREW. Why, to a certain extent, yes, Mr. Weinstock.

Commissioner WEINSTOCK. Are you familiar—fairly familiar with the attitude of mind and the sentiment of labor representatives and labor leaders?

Mr. DREW. Well, so far as that attitude of mind has been expressed in their conduct, I think perhaps I am. I have been a student of industrial questions, more particularly as applied to my own activities.

Commissioner WEINSTOCK. I see. Well, it would seem to me, Mr. Drew, that in justice to Mother Jones, and in justice to Mr. Johannsen, and in justice also to organized labor we must assume that when Mother Jones spoke as she did, and when Mr. Johannsen spoke as he did, they were simply voicing their own sentiment, that they were not officially representing organized labor, and what they said should be permitted to carry only such weight as an individual's judgment would carry who did more or less official work for an organization. Now, this question I was to put to you in view of that situation is this: I want to read to you the expression of sentiment on the part of Mother Jones, and on the part of Mr. Johannsen, and to ask you whether, as the result of your broad experience in the study of these problems and in your personal contact with labor leaders and with labor representatives, whether you think they are voicing the sentiments of labor leaders and labor representatives, generally speaking.

Let me read to you the paragraphs I have in mind.

Mr. DREW. You mean their attitude toward violence?

Commissioner WEINSTOCK. Just a moment; let me read the precise language [reading]:

"Commissioner WEINSTOCK. From what you have explained, Mother Jones, it is evident that some explanation is needed. There appears in the record of the congressioial committee, a copy of which I have here, setting forth a hearing before a subcommittee of the House, on Mines and Mining, of the House of Representatives, a statement attributing to you, which evidently is a mistake, and does you a grave injustice, and I think you should be afforded an opportunty at this hearing for the purpose of correcting the record."

This was the statement attributed to Mother Jones said to have been made at a convention of labor unionists in Trinidad, Colo.; she goes on to say [continues reading]:

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves, and buy every gun in Charleston; there was not a gun left in Charleston. And we did it openly; no underhand business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camp and the fight began.'"

(At this point Chairman Walsh takes the chair.)

Commissioner WEINSTOCK (reading): "There is no change to be made in that statement?

"Mother JONES. No; that can stay."

Now, in the examination of Mr. Johannsen, this appears; in questioning Mr. Johannsen I said:

"In looking over this testimony of yesterday I noticed you make some pretty sweeping statements here, and I felt it was only fair to you to give you an opportunity, if you care to exercise it, to amend or modify or correct the statements made. Let me read this one to you:

"Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

"Mr. JOHANNSEN. After you prove it to us we change our opinion. See.

"Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man, or group of men, that have any real grievance, is justified in taking the law into his own hands, or ignoring it?

"Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump—if you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences.

"Of course, in plain language this seems to defy the authorities. Now, I think you ought to be afforded an opportunity to modify or change this, if you care to do so.

"Mr. JOHANNSEN. That is all right as it stands."

Now, how far, so far as you have been able to judge, does Mother Jones and Mr. Johannsen, in speaking as they did, and taking the position they did, reflect the sentiments of labor representatitves and of labor leaders?

Mr. DREW. Mr. Weinstock, you can not draw a blanket indictment of a class. It is just as unfair to attribute lawless sentiments to organized labor because

one or two make statements of that kind, as to say that every employer in this county is unfair and unscrupulous because you find some employers that way. Now, this is my understanding of the sentiment of organized labor on these matters, so far as actual crude lawless violation is concerned. I am not speaking now of violence of injunctions, because the laboring people have their ideas about injunctions, and from their point of view they think the injunction is a lawless thing, but I am referring now to just these matters of brute violence. The better thought in the circles of organized labor is against the idea of its employment. A union is just like the rest of us, an aggregation of individuals—like a city, if you please. Sometimes the administration of a city gets into the hands of corrupt people and then a rotten administration with all sorts of corruption exists. So labor unions, under their democratic form of government, get into the hands of corrupt and unscrupulous men, and you have all sorts of such cases. My objection to the closed shop is that it encourages those cases and that it furnishes that kind of a leader the power of misusing the strength of the union; that is one of the objections to the closed shop.

You take a street car company with a hundred stockholders. The managers of that company will bribe a city council and get a charter, and the company has no objection to getting it by bribery or corruption. The stockholders of that company may know perfectly well that that has been done. They would not do it themselves, the most of them, yet they will take the dividends that come from the corrupt action of the managers of their company. They will wink at the action of their leaders. So the rank and file of organized labor know that oftentimes methods which they themselves would not use are used in their behalf by their leaders. They do just what the stockholders did; they wink at it and take the benefits that come from the employment of such methods. The two are exactly on a par.

Commissioner WEINSTOCK. Now, is the stockholder or is he not liable morally and otherwise if, knowing the methods of his representative, he condones them?

Mr. DREW. Why, of course he is.

Commissioner WEINSTOCK. Would that rule work both ways?

Mr. DREW. Exactly; there is no rule that don't work each way.

Commissioner WEINSTOCK. And if the rank and file of the labor organization do know what their leaders do is unrighteous and unlawful, though it is believed to be in the interest of the rank and file, and they condone it, and do not take exceptions to it, they really assume the responsibility?

Mr. DREW. Well, not entirely; because that leader is a forceful, able man generally. He builds up an organization that safeguards him in his position. He gets himself beyond the reach of the better element in his organization. It is just the same as a city administration which can bulwark itself against the effort of decent citizens to get hold of it. That holds good all along the line. You can not always hold the organization for what the leaders do. You take the better class of labor organizations, the things that they deplore most in their own councils and try to get rid of are the excesses on the part of the leaders. And I think they would add a great deal to their efforts in that direction if they would encourage greater responsibility on the part of the organization. Then the labor leader misusing the power of his organization would know that the organization was held to account, and the members would be more careful who they elect to office. I think that would be a good thing to help men like Mr. Lennon and Mr. O'Connell and Mr. Gompers to get a better condition of affairs.

Commissioner WEINSTOCK. What would be your remedy of raising the standard of labor?

Mr. DREW. There is no one remedy. We can not any of us sustain power without responsibility.

Commissioner WEINSTOCK. In the course of your argument you referred to-day at considerable length to the structural ironworkers' case. Did you follow that? I suppose, being the counsel, you followed it from start to finish?

Mr. DREW. I did.

Commissioner WEINSTOCK. And you are familiar with every phase and angle of the case?

Mr. DREW. I think I am.

Commissioner WEINSTOCK. You probably heard the statement, if you did not hear it, perhaps you read it, by Mr. Job Harriman in Los Angeles?

Mr. DREW. I heard it; I was present.

Commissioner WEINSTOCK. And among other things, you may recall the statement that he made, that F. D. Ryan was an innocent man, railroaded into jail?

Mr. DREW. He didn't say just that, but that was the substance of it.

Commissioner WEINSTOCK. And you also heard the statement of Mr. Johannsen here the other day when he said he thought Ryan had been unjustly convicted; that he didn't get the full benefit of a trial, and if he had he would not have been convicted?

Mr. DREW. I heard that.

Commissioner WEINSTOCK. Will you give your point of view as an authority on the subject and familiar with it?

Mr. DREW. I don't pose as an authority on the question of judicial procedure. Every man that loses a case in court thinks that the court was biased against him. He would not have been in court in the first place if he had not thought he was right, and when the court holds that he is not right then the court is wrong. That is the commomn thought of litigants.

I was present at the Indianapolis trial, and from my point of view I think that the trial was absolutely fair. So far as some of the substantial statements that Mr. Johannsen made, I know they have no basis in fact. The statement as to seizure of evidence and papers, the first bunch of correspondence and papers were seized under a search warrant by the State authorities from the vault of the ironworkers. The second mass of evidence later was taken from the office of the ironworkers themselves, which was entered with a key furnished by Mr. Hockin. And he was present, and he was at that time the acting secretary of the union, and the entry was absolutely lawful, and the papers were delivered by the acting secretary of the union.

As to the fact that a United States marshal on December 19, after the trial had been in progress nearly three months, and the evidence was all in and the case ready for argument before the jury, saw fit to order a train, if he did so order it, to take the men to Leavenworth in case of conviction, I can only say that if there is anything out of the way in that procedure, the United States marshal should be called upon to explain it. That the United States marshal was advised by Judge Anderson or the jury that they intended to convict those people I don't think for a moment.

Commissioner WEINSTOCK. You heard the statement made by a witness on this stand, and at other hearings, that labor can not get a fair deal in the courts. How about the employers getting a fair deal in courts?

Mr. DREW. Mr. Weinstock, I never have begun for our people an injunction proceeding.

Commissioner WEINSTOCK. Why?

Mr. DREW. Because it would be pretty hard to enjoin the particular things that we had to contend with, unless you had evidence that would be sufficient to start criminal prosecution, and when we got that the criminal prosecution was instituted.

Commissioner WEINSTOCK. You have represented employers in courts, have you, at different times?

Mr. DREW. In the old days, yes; not in recent years.

Commissioner WEINSTOCK. Did you have any grievance against the courts from the times when you felt that your clients were not getting what is called a square deal?

Mr. DREW. I tried to get an injunction against the printers in Grand Rapids in 1906, and the court didn't give me all I thought I was entitled to.

Commissioner WEINSTOCK. Then, from your knowledge and observation and experience, would you admit the charge, made by labor representatives, that capital or employers always get a square deal in court, and labor does not?

Mr. DREW. I don't think you can draw a blanket indictment there. Courts are human beings, with different training, and to some extent different points of view, even in judicial matters, and one court goes a bit further than the other, or not quite so far. You can not say it is due to partisanship, or due to preconceived opinions or bias. Personally, I like to feel that our judiciary in this country is above charges of that kind, and if it is not, we are certainly in a sad way. I do know there is a general uniformity both in National and State decisions on the fundamental principles applying to combinations of labor and other combinations. Even in the famous McQueed case, where Chief Justice Parker held there was no action, it was not a difference on the law, but on the facts. Chief Justice Parker held in that case, which was a strike to compel the discharge of a nonunion man, that the evidence failed to show any malice on the part of the combination. He held that they were trying

to get the job for themselves, and that the particular case did not show any malice. It is true that Mr. Justice Mann and one or two others in a dissenting opinion held that it did show malice. The majority, though, decided that the facts did not show malice, and no injunction was issued. The difference was on the facts of that particular case, not on the general principle of law.

Commissioner WEINSTOCK. In your statement this morning, among other things, you more or less criticized the Secretary of Labor, because of certain things that he had done in connection with labor disputes. What, in your opinion, should be the qualification of the Secretary of Labor?

Mr. DREW. I think he should represent the laborers of this country, not any one class. Say we had a Department of Commerce that represented the Standard Oil Co. and the Steel Trust and other large corporations and refused to take cognizance of these little manufacturers over the country. What kind of a Department of Commerce would you call that? The organized laborer, through the strength of his organization, less needs the protection of an arm of Government than the unorganized man.

Commissioner WEINSTOCK. What is the attitude of the Secretary of Labor, as you have come to know it in your experience?

Mr. DREW. I have recited the one instance in which I came in personal contact with that attitude, and I have stated it here. The rest that I know concerning his activities is gained from general reading, and I presume this commission has as good access to that as I have.

Commissioner WEINSTOCK. As a student of the problem, Mr. Drew, what is your remedy for industrial unrest?

Mr. DREW. Well, I can not give any remedy, Mr. Weinstock, that would be worth your consideration.

Commissioner WEINSTOCK. If a man who has given the thought and time and energy to the problem that you have has no remedy, where are we at? It would appear it is a hopeless situation?

Mr. DREW. No, sir; I am rather of an optimist. I think we are making headway, in the general education of our people. I think all this talk that we get from people like Johannsen and Mother Jones is good. It sets people to thinking, and if we tell a thing to a man, even if it don't agree with our ideas, as to the kind of mental food that we ought to feed him, still, if he is a thinking animal, he will turn it over in his mind and reject it if it is not right, and will accept it if it is according to his standard. But if we can make him think, that is the important thing. As I have said to Mr. O'Connell a while ago, we can not make any general social progress unless it comes from the bottom of the mass, and the more we can make those people think about themselves and their relation to the industrial problem and social problem, the nearer we are to their expression, their self-expression in some effective way. Such expression would be most effective through organization. Where you can get a lot of them together and exert their force, that, of course, is a greater advantage. But the individual has got to understand fundamentally his relations to industry and to society; and educating and stirring him up and making him think, all these things are helpful. There is no general panacea; there is no one rule of growth. The moment an institution becomes established, some philosopher has said, it becomes obsolete, because the things out of which it grew—the conditions out of which it arose—have changed, so that it is obsolete. You can not force any hard and fast rule upon society.

Commissioner WEINSTOCK. You doubtless have heard more or less discussion, Mr. Drew, in the commission and out of the commission, of the proposed recommendation or suggested recommendation to be made by this commission to Congress for the creation of a permanent board of mediation and conciliation to deal with the interest of labor disputes. What is your judgment of such a proposed body?

Mr. DREW. Well, I can not speak for all the people I represent on matters of that kind. Personally, I think it is a good thing to get big industrial issues national in character into the hands of the Federal Government as far as possible. I think one of our troubles now is having a multiplicity of laws in different States dealing with these questions—different laws, different provisions, and different ways of administration. It make industrial chaos, not only for the worker but for the employer who seeks to do business. I think the more we can simplify and concentrate our legal rules and our administration of those rules, the better it will be for all of us.

So far as mediation and conciliation is concerned. I believe in two people sitting down and talking things over across the table. They will find things

in common that they did not dream of, and they will certainly find that they are human beings, which they have a tendency to deny now.

Commissioner WEINSTOCK. Well, then, you, for one, would not look with unfriendly eyes on such a proposed board of mediation or conciliation?

Mr. DREW. I would not look with unfriendly eyes upon any experiment, Mr. Weinstock, because that is the whole spirit of modern society. We have to try out things—even if a thing is wrong we have tried it and discarded it. We have made some progress.

Commissioner WEINSTOCK. There will be some things, of course, from your experience, that you know in advance would fail?

Mr. DREW. I might think they would fail, and yet sometimes we get surprised at the way things turn out.

Commissioner WEINSTOCK. Could you express an opinion for those whom you represent in this connection?

Mr. DREW. You mean as to what—to a remedy?

Commissioner WEINSTOCK. As to a proposed board of mediation and conciliation, yes.

Mr. DREW. No; I would a little bit rather not do that. Some employers believe in compulsory arbitration, especially for people in the railroad service and other forms of public service. Our people I don't think would oppose any such suggestion as that you mention.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Lennon has a question or two.

Commissioner LENNON. Mr. Drew, is there any opportunity for unorganized labor to express themselves as to their desires for betterment and human uplift except through the voice of organized labor?

Mr. DREW. Well, you assume that they are so expressing themselves, and I would have to debate, of course, the hypothesis before we discussed the conclusion.

Commissioner LENNON. Well, suppose they are discontented; what method of expression have they of themselves?

Mr. DREW. Mr. Johannsen, of San Francisco, is part of the organization which absolutely controls the industries in San Francisco. You have heard him state that their attitude toward unorganized labor is absolutely and uncomprisingly hostile. Now, he does not speak for the average man in San Francisco, but speaks for those whom he represents directly.

Commissioner LENNON. The ends for which organized labor is striving touch all our people; doesn't organized labor speak for those who are unorganized as well as for those who are organized?

Mr. DREW. Mr. Lennon, a while ago I said that whenever in any particular matter the interest of organized labor was not in conflict with that of the unorganized man, then it was perfectly willing to include him in its representation. That, I believe, is true. I believe you, just as any other good citizen, will try to get child-labor laws and other reforms of remedial and social legislation which would include all labor. But wherever any question of legislation comes up, where the interest of organized labor is in conflict with that of the outsider, then I believe the attitude of organized labor would be absolutely different.

Commissioner LENNON. You believe those instances where there is a conflict of interest of laborers do occur?

Mr. DREW. Oh, no question about it. They are competitors for a job.

Commissioner LENNON. Did you express in your paper a seeming belief that there was a hatred and hostility toward unorganized labor by the union men?

Mr. DREW. No question about it. I can read you extract after extract from the official labor magazines expressing that hatred. The very terms of "scab" and "rat" for the unorganized man expresses hatred.

Commissioner LENNON. As to evidences of hostility, are you aware of the fact that a large part of the income of the unions is expended to organize the unorganized workmen?

Mr. DREW. Wherever the unorganized worker, by reason of furnishing a market for the employer, or for some other reason, becomes a menace to organized labor, then organized labor goes out to organize him for its own interests as well as those of the man; and I can demonstrate that from your periodicals.

Commissioner LENNON. I said he did it for his own interest, but primarily for the interest of unorganized labor.

Mr. DREW. Incidentally, but not primarily. May I read right here an extract from the Bridgemen's Magazine bearing directly upon that point?

Commissioner LENNON. Why, I can't stop you.

Mr. DREW. It is not very long. Well, I do not find it; I have mislaid it. I will state the substance of it and file it in the record later.

(The matter referred to will be found among the exhibits at the end of this subject printed as "Drew Exhibit No. 2.")

The substance of it was that reports were coming to the international organization that competent men were being secured in the outlying districts in the South and in Canada to work open shop for the members of the erectors' association; and the proposition was that in view of that a determined effort must be made to organize these outside men so that they would cease to furnish a supply of labor to the open shop work, to the open shop employers. Before that they had made no effort toward organization in those districts.

Commissioner LENNON. Doesn't that justify the conclusion that their interest was to maintain wages and conditions of labor for the unorganized man as well as themselves?

Mr. DREW. There has never been any question about wages or conditions or hours between the International Association of Bridge and Structural Iron Workers and the members of the National Erectors' Association since the open-shop fight. The fight was not over wages or conditions or hours. There has never been any question between them on that score. Our people have increased the wages under the open shop.

Commissioner LENNON. More than they have been increased in the union shop?

Mr. DREW. I made a compilation about three years ago which showed that our people had increased wages on an average of about 11.2 per cent, while the general average of increase in the closed shop trades, taken the country over, was something like 10 per cent during the same period.

Commissioner LENNON. Well, I can not—or have not those figures, but that is not in accord with my experience.

Mr. DREW. Well, on that point may I read a letter from Mr. McClory, president of the International Bridge & Iron Workers, which I received just a few days ago? Mr. McClory wrote and asked for a conference. I wrote and told him that I did not think such a conference would be granted. In my letter to Mr. McClory, which is dated May 4, 1915, I used this language:

"None of the dire evils prophesied from the open shop regarding the exploiting of labor or the oppression of the workmen have come to pass. You allege no grievances or conditions which call for adjustment. The fundamental purpose of trade agreements is to secure proper wages and conditions for the men, not to secure arbitrary unchecked power over the industry. You will find both this association and its individual members not only willing but anxious to take up at any time any question which concerns the well-being of its workmen. We do not consider it a necessary prerequisite to the discussion of labor conditions that your organization or any other be given an unlimited and arbitrary closed-shop control."

In answer to that Mr. McClory says, in part:

"In paragraph 4 you state that none of the dire evils prophesied to follow from the open shop regarding the exploiting of labor or the oppression of the workmen have come to pass. To this I will say that the reason these evils prophesied have not come to pass is because organized labor stands as a barrier between the open-shop employers and the realization of the fruitfulness of that beautiful dream known as the open shop; but the evil of this plan is apparent where it is completely established. I refer you to some of the large cities in the South, where there is no semblance of organized labor and where the conditions of the working people are most deplorable; and it is such conditions as those of the South that the apostles of the open shop would like to establish in the industries of our northern and western cities, and they undoubtedly would but for the opposition of organized labor."

So Mr. McClory admits that in our case at least the exploiting of labor has not come to pass.

Commissioner LENNON. I was just going to ask you, was it not probably a fact that the existence of the ironworkers' organization has been a deterrent against any effort to reduce wages?

Mr. DREW. I think it has, Mr. Lennon, to a certain extent. I think undoubtedly it has, in the first place; and in the second place we are only a small group of people, and we can exercise a general control over the industry which a larger group would not be able to do. Therefore, if our large open-shop concerns desire to adopt a fair and liberal policy in regard to wages, they are in a better position to carry it out than perhaps a larger number of people would be. I think there is something in that.

Now, we have increased the wages, maintained the same hours, and paid the cost of all these dynamitings and all these assaults—hundreds of them—and yet our people can erect steel from 20 to 30 per cent cheaper than they could under the old closed-shop system, and it is something which the public gets the direct benefit of in that decreased cost. Labor has the increased wages, the cost of erection has been lessened, and I see nothing but an economic advantage from the open-shop in the iron-erection industry.

Commissioner LENNON. Then, if you feel that way, you believe that the situation would be better if there were no unions in industry?

Mr. DREW. I believe—I have no objections to unions. No; I do not believe that. I don't see why, Mr. Lennon, a union has got to have absolute power of life and death over an industry in order to exist and to be done business with. I don't see why you can't go to any dry goods store down town and patronize it without patronizing it exclusively.

Commissioner LENNON. Well, if they do not continue the struggle they will soon give away their wages, their hours, and their conditions.

Mr. DREW. It has not been so in our industry. It has not been so with the metal trades.

Commissioner LENNON. Maybe; but I want to say, though, as a union man, for the record, instead of there being hatred and hostility toward the nonunion man, more than half of my time since I have been a union man, which is more than 40 years, has been devoted to trying to promote the interest of the nonunion man; although I have been an official a great many years of my life, my experience is that that is true of nearly all the union men with whom I have been associated.

I want to ask a question: You spoke regarding the legal responsibility or irresponsibility because of not being incorporated, rather intimating that because of the lack of incorporation the unions were not legally responsible in any direction. Is it not true that members are guaranteed benefits, and all the other things guaranteed by the unions, and that they can bring suit and recover, and have done so?

Mr. DREW. In the States that provide that a voluntary association can sue and be sued in its own name; in other States, no.

Commissioner LENNON. I want to ask you one question in connection with a matter pertaining to the ironworkers' case that I think has not come directly before the commission while I have been present. I want to say that it is a cause of tremendous unrest among the workers of this country who believe that John J. McNamara was extradicted from Indianapolis and taken to California, not in accord with the law but the very opposite.

Mr. DREW. Do you want me to explain that?

Commissioner LENNON. What have you to say to that?

Mr. DREW. I was advised by long-distance telephone from Mr. Burns's office in Chicago that McManigal and J. B. McNamara were under arrest in Chicago. I went to Chicago. In Mr. Burns's office I met Mr. Ford, assistant prosecuting attorney of Los Angeles County. Mr. Ford had with him extradition papers signed by the governor of California for the extradition of J. B. McNamara and McManigal and J. J. McNamara. The extradition arrangements were made with the governor of Illinois. With that I had nothing to do. I went to Indianapolis with Mr. Ford and Mr. Burns. Mr. Burns was detailed to get in touch with the superintendent of police and make arrangements for the actual arrest of McNamara, after the proper warrant was secured from the governor of Indiana. Mr. Ford and myself called upon Gov. Marshall, stated the situation to him, showed him the extradition papers properly made out and signed by the governor of California. Gov. Marshall signed a warrant directing the arrest of J. J. McNamara. We took that warrant back to the superintendent of police and turned it over to him. J. J. McNamara was arrested under that warrant.

Under the extradition laws of the country, as I understand them, that was all that was necessary to constitute a legal extradition. The man appointed by the sheriff of Los Angeles County was present to take possession of Mr. McNamara after his arrest. The statute of Indiana provides that in extradition cases the man to be extradited, after arrest, shall be taken before a court and a hearing conducted for the purpose of determining whether he is the man described in the warrant. The superintendent of police said that the judge who usually took care of extradition cases was the police-court judge. On his own initiative he called up the police judge, who came down town and held court after the arrest of Mr. McNamara. Mr. McNamara was taken before this

judge, and he was asked if he was the J. J. McNamara mentioned in the extradition warrant, and he said he was. Thereupon the police-court judge turned Mr. McNamara over to the State officer of California. Mr. McNamara asked for the privilege of a day or two to get affairs in order before being taken out of the State. The judge replied that so far as the State of Indiana was concerned the matter was now beyond its jurisdiction; that he had been arrested under a warrant of the governor and had been turned over to the officer of the State of California; and that the court had no further jurisdiction in the premises.

Commissioner LENNON. Had the court——

Mr. DREW (interrupting). Now, Mr. Burns and myself and a number of the rest of us were thereafter arrested for kidnapping Mr. McNamara, and the ground of our arrest was this, that Mr. McNamara should have been taken before a circuit court and not a police court for purposes of identification. There was no question but what he was the J. J. McNamara; no question but what the extradition papers were all right; no question but what the governor of Indiana had signed a warrant for his arrest. Only the incidental fact of identifying him as the man desired, which he admitted, was involved in that matter, and finally this whole Indiana statute was held void by the Federal court at Indianapolis.

Commissioner LENNON. At the time that the deportation took place under the law to which you refer, was that a court of competent jurisdiction to pass upon the question?

Mr. DREW. Mr. Lennon, we were in a hurry——

Commissioner LENNON. That is evident——

Mr. DREW. We said to the superintendent of police, "What is the court before whom extradition cases are taken?" and he said, "The police judge always handles them, and I will call him up over the phone." And he called him up, and that is all the discussion there was as to what court should handle the matter, or that Mr. McNamara should be taken before. And it developed afterwards that the police court generally and almost universally had assured jurisdiction of cases of extradition, and that no other court did generally do so.

Commissioner LENNON. Have you any knowledge of any other similar case in Indiana where the same judge passed upon the question of deportation and where, after the usual court hours, the judge went out of the usual order to come down town and open court for a specific case of this character?

Mr. DREW. No; I do not; and I will say to you frankly that this was Saturday, that by the time we got the warrant signed by the governor it was noon, and the courts closed at noon in Indianapolis, on Saturday, and whatever court come down would have had to be summoned for that special purpose.

Commissioner LENNON. The cause of unrest lies in this, Mr. Drew, that it is alleged that, and labor believes properly alleged, the undue haste and the way it was conducted deprived Mr. McNamara of rights that he was entitled to exercise through the courts.

Mr. DREW. Well, admitting the deprivation of the technical right, which I don't admit, Mr. McNamara later confessed that he was guilty of the crime of which he was charged. Does organized labor stand in the position of setting up mere technical defenses in the defense of men confessing themselves guilty?

Commissioner LENNON. No; they do not.

Mr. DREW. What is there to all of this argument but that?

Commissioner LENNON. They do contend that any legal right a man has the court could not deprive him of.

Mr. DREW. But legal rights are for the purpose of securing justice, and it would have been an injustice for Mr. McNamara to have asserted a technicality in Indiana, and thereby have escaped a trial in Los Angeles, and if organized labor had had its way and asserted that technicality successfully, it would have been a party to the escaping of Mr. McNamara from just prosecution and punishment.

Commissioner LENNON. That is not the way we see it.

Mr. DREW. It seems to me a pretty fundamental proposition, if organized labor wants to put itself in a position of fighting by technicalities in defense of men they know are guilty.

Commissioner LENNON. Then, there must have been technicalities used in order to prevent his having the opportunity of having technicalities, as far as he was concerned?

Mr. DREW. I have explained exactly what we did, and the governor of Indiana, and the former superintendent of police, and the judge, and all, will

bear me out. There was no choice of this particular court, for any particular purpose. We simply followed out the regular procedure, and after it was all over, it developed that there was a technical question as to whether a police court judge in Indiana was a court of general jurisdiction, or something of that kind.

Commissioner LENNON. That is the kind of thing that causes labor to believe that they do not get a fair show in court. That all their rights can not be exercised, exactly the same as it could have been done if these men had been——

Mr. DREW (interrupting). I don't see much point to be made out of the McNamara case, for the reason that the police court judge was the one that generally took charge of extradition cases. The police always take them to him as a matter of course; the other courts have not been called upon to do that; his authority to do that has been unquestioned.

Commissioner LENNON. I have a different understanding of it.

Mr. DREW. No; that is a fact, Mr. Lennon; and if you will look the matter up in Indiana you will find it to be the fact.

Commissioner O'CONNELL. Mr. Drew, you said you had in your papers the report made by Mr. Moffitt, the representative of the Department of Labor, in connection with the strike of the boiler makers?

Mr. DREW. Yes, sir; I have.

Commissioner O'CONNELL. I wish you would file that, for the reason I have sent a verbatim copy of your testimony this morning to the Secretary of Labor.

Mr. DREW. I will say that I wrote a circular letter to our people some time ago, which was forwarded to the Secretary of Labor, stating exactly what I have said here, so he is familiar with all that I have said here.

Commissioner O'CONNELL. I sent a copy of your statement to him this morning.

Mr. DREW. Shall I read this, or do you wish it in the record?

Commissioner O'CONNELL. Just file it.

Mr. DREW. He states specifically that the charges made are true.

(The document referred to and offered by the witness is printed among the exhibits at the end of this subject as "Drew Exhibit No. 1.")

TESTIMONY OF MR. CLARENCE S. DARROW.

Chairman WALSH. Please state your name.

Mr. DARROW. Clarence Darrow.

Chairman WALSH. And where do you reside?

Mr. DARROW. Chicago.

Chairman WALSH. What is your profession, please?

Mr. DARROW. Lawyer.

Chairman WALSH. How long have you practiced law?

Mr. DARROW. About 37 years.

Chairman WALSH. How long in the city of Chicago?

Mr. DARROW. Twenty-eight or thirty years.

Chairman WALSH. Have you during the course of your professional career had to do specially with labor cases or with cases growing out of industrial disputes?

Mr. DARROW. I have had a good many of them.

Chairman WALSH. You might state, if you can, the professional connection you had with any labor organizations.

Mr. DARROW. I have never represented them only on occasions. I have never been the general attorney of any of them.

Chairman WALSH. You got the general outline of this hearing; that is, the application of the law in labor matters and the attitude of courts in industrial disputes and the fundamental underlying question has been couched differently, and different phases, and do you think that the laws are equally administered between the rich and the poor?

Mr. DARROW. I think they are not.

Chairman WALSH. Now, can you give your own comment and illustration to back up that statement?

Mr. DARROW. To my own satisfaction; yes.

Chairman WALSH. Try it on Commissioner Weinstock and myself.

Mr. DARROW. I might not convince him; I might have a little better luck with you. The law is made by the acts of legislatures and Congress and decisions of courts. Most all the law is made from court decisions. Legislation is a small part of it. The first trouble is that all the men that make the laws are

lawyers, and they are what we call good lawyers—that is, lawyers who get good fees—who have no sympathy with any union except the lawyers' union. Their associations are all with the rich. Their clients are all on that side; they have no knowledge of the questions that confront the poor. If they ever knew anything about them, they have forgotten them, and on any question that arises their whole feeling and whole life is on the other side. Members of Congress and legislatures are pretty nearly all lawyers who have had good practices. If they have not had, they expect to have, and good practice for a lawyer means working for the rich. Judges are all lawyers, and lawyers of standing in their profession. Most of them have been corporation lawyers, and those that have not been hope to be, and their opinions are governed by their views of life.

Men do not act from logic and reason but from impulse. Any man with good intellect can give a good reason for anything he wants to say, and his opinion on either side of the case he is on is always logical if the court is an able man. He first makes up his mind what he wants to do and then gives a good reason for doing it, and if the law had been made by carpenters and shoemakers and day laborers it would have been different from what it is. It would have represented their side of it, perhaps, not any more fairly, but their side. The whole law has been made and administered by the controlling force of society, like everything else in this world, and it could not be any other way. I could give illustrations of it now.

Chairman WALSH. Now, we have called you in, Mr. Darrow, as one from the field of life, as it were, who has had much to do with actual contact with courts and juries and the administration of law, and we have had academic gentlemen here, law writers and students, and people that have given it a great deal of thought, and we are drawing them now from the field of conflict, as it were, and we would like to have you give us any comment that you can that will enlighten us on this subject, and do it in your own way. Give us any illustrations that you can that are pertinent growing out of your actual experience.

Mr. DARROW. Why, here are some as I have observed them, and I think they are.

Reference has been made here to the Debs case, for instance, by Mr. Davenport, I believe, who represented the other side of these questions. First, he did not state his facts right, and next he does not state the law right. The witness who just left the stand referred to the McNamara case, and in that he said that McNamara, by whom he means J. J. McNamara, the secretary of the Bridge and Structural Iron Workers, was arrested in Indianapolis, and it did not make any difference whether he was legally transported or not, that he afterwards pleaded guilty; which is not true. Mr. McNamara was arrested on a warrant charging him with murder, for the blowing up, or setting a bomb in the Times Building, and a fire resulted from that causing the death of a number of people. He did not plead guilty to that charge. He did afterwards plead guilty to a charge of having placed dynamite under the Llewellyn Iron Co.'s Works, for which he had not been indicted until he reached California. Neither does he state the legal proposition right. Whether they had a technical right, whether it was simply a technical right as to whether or not McNamara was to be taken 2,000 miles away to be tried or not, it was a right, and it was a substantial right to anybody, for instance, that lives in Washington, whether he is going to be tried here at home, or taken to Germany or France or Lower California. It is a technical right, but a legal right, but perhaps involves his whole case. Mr. McNamara was arrested and kidnapped. A police judge was called at a late hour on Saturday night, a police judge who had no jurisdiction in his case, and, of course, the courts would have been opened Monday, there is no question about that. He was arrested in that way and taken in that way, so he could not resort to the courts, nothing else. It is not a correct statement of law that the only thing the court had to do was to inquire if he was the right man and there was a requisition. The court had the right to pass on the primary question, whether he was a fugitive from justice and he was not a fugitive from justice. A fugitive from justice is one that commits a crime and runs away, and J. J. McNamara had never been in California.

Chairman WALSH. Is that the legal test, that at the time of the commission of the alleged crime he was in the State?

Mr. DARROW. He must be in the State at the time of the commission of the crime, or he can not be extradited under the law. He may be kidnaped. If there was ever a charge of murder against J. J. McNamara, or a charge such

as he pleaded guilty to, as having planted dynamite at the Llewellyn Iron Works, if that charge was one which could be prosecuted at all, it could only have been prosecuted in Indianapolis, Ind., where he lived. Whether it could or could not, I can not give an opinion, because I am not certain about it.

But if the State or Government were entitled to try him they were bound to try him where he lived and not take him 2,000 miles away from home, and that is a substantial right. He was taken to California. That was not the first time it was done. Moyer, Haywood, and Pettibone were arrested in Colorado charged with the crime of murder in Idaho; they were arrested on Saturday night also, which is a favored time of arresting labor men, long after dark, and long after the courts were closed. They were loaded on a train and taken to Idaho. Under the law they could not have been taken to Idaho, and if they were guilty they should have been tried where they lived, and there is a mighty sight of difference between trying a man at home and in a hostile country. They were taken to Idaho, and the question was raised that the State of Idaho had no right to try them because they had been kidnapped, and did not get there by due process of law. That case was taken to the Supreme Court of the United States by writ of habeas corpus, and the Supreme Court of the United States held that they had no right to take them, and that they were kidnapped, but they were there, and since they were there it was none of the business of the Supreme Court to inquire how they got there. And in that opinion Justic McKenna dissented, but no judge, as far as I know, and I think I am familiar with the cases, has ever held that you had a right to extradite a man unless he was present in the State when the crime was committed, bodily present. Both these cases were entirely different, and still they were tried.

Commissioner LENNON. Before leaving those cases, please tell us how they are a cause of social unrest.

Mr. DARROW. Why, I think pretty much all working people think that they do not get a fair show in the courts of the land, and these cases are common cases that are pointed to as examples of it.

The Debs case, which in a measure was discussed the other day, is another case in which I happened to take a part. Eugene V. Debs was the president of the American Railway Union, and a strike was called by that organization, I think, some time in 1893—I am not sure of the date. It tied up the railroads of the country, especially of the West. The strikers stated various grievances. The American Railway Union consisted of members in all lines of railway employment, and, of course, the railway service was pretty well paralyzed because of it. Anticipating this kind of action, the railroad companies had formed a general managers' association, which consisted of one member from each of the great railroads of the West, and perhaps of the East, whose business it was to deal with labor difficulties.

I am not criticizing their purpose at all. They anticipated this and got ready for it and opened headquarters as soon as the strike came on.

Their attorney was Edwin Walker, one of the ablest lawyers we ever had in Chicago, who for years had been general counsel of the Chicago, Milwaukee & St. Paul Railroad Co. When the strike occurred Mr. Walker went to what is called the Department of Justice and laid his troubles before them, and the Department of Justice immediately appointed him to represent the Department of Justice. It is hardly conceivable that they would have appointed Mr. Debs's attorney to represent the Department of Justice, but they did appoint Edwin Walker, and he filed the bill against Mr. Debs and his associates, signing it as "Assistant Attorney General," which he was, although he never represented anything but the railroads and represented them all through the case.

He filed a bill to enjoin the strikers, and he likewise went into the court and had them indicted for the very same act. That injunction was granted, not by Judge Fuller, as Mr. Davenport stated, but by Judge Woods, of Indiana. The case came on for trial, and Justice Woods sent Mr. Debs to jail for violating the injunction, and the facts he found was that he violated the injunction because violence and force had been used in the strike and that Mr. Debs was responsible for the violence and force, although there was not a scrap of evidence in the case that Mr. Debs ever raised his hand in any way or gave any orders or directions excepting that the men conduct themselves peaceably and not destroy property or interfere with the law. But he did hold that Mr. Debs had started it, and therefore he was responsible for the consequences.

Afterwards the case came on for trial in the Federal court, under the indictment, where the exact facts were applied on trial before a jury, and after fighting that case for six weeks or more we were told that a juror was taken ill—I never knew whether he was or not—but, anyway, we offered to go on with 11 jurors, and they refused, and the case was continued because the juror was taken ill. We demanded a trial again, and rather than try the case the Government dismissed the criminal case on exactly the same facts.

We went to the Supreme Court of the United States for a writ of habeas corpus on the civil case, in the Debs case, and the Supreme Court of the United States did not pass on the question of whether Debs had been guilty of the act—but, as the chairman here understands at least, it was a question of purely of jurisdiction as to whether a bill had been filed before the Federal judge, which gave him jurisdiction of the case, and they held that it had. Mr. Debs was sent to jail for six months—the first time the courts had found a case where the Sherman antitrust law would operate. It would not operate on any of the various corporation cases that had been before the courts before, but here it did.

After it was amended—after many years of agitation, they pronounced the Standard Oil Co. an illegal combination and a violator of the same act, and they gave them six months, not in jail, but six months to amend their charter, so they could do the same things over again, and their stock is worth more and they get more money out of the people than they ever did before the Supreme Court declared them an illegal combination.

Those are some of the facts that every intelligent workingman knows, and what is true of the Standard Oil Co. is also true of the Tobacco Trust and pretty much every combination that has been prosecuted.

The whole business of injunction in labor matters has grown up in a few years; within the memory of all of us. I think perhaps in the railroad strike of 1893 about the first one was issued; possibly one somewhat before that against Arthur. Before that time the courts of chancery had universally held they were only interested in property, and that they would not use a court of chancery to interfere with personal relations, or that they would not use a court of chancery where a court of law could be used, or to interfere where the charge was the commission of what amounted to a crime; but gradually during these labor strikes they have enlarged the powers of the courts of chancery in that direction until they have held that an injunction may be issued against strikers, making service by publication in newspapers, and by posting it upon telegraph poles, or anywhere else, binding everybody, whether they are parties to it or not; and that a man may be tried without a jury; he may be sentenced to prison without any hearing, if necessary, upon affidavit. We have had them sentenced in Chicago where no witnesses appeared on either side, simply on affidavit, and they were sent to jail. Everybody that knows anything about affidavits know that they are easy to get, and under that power the courts have enjoined strikers from quitting collectively on the ground that that was a boycott or use of force; they have enjoined them from committing acts of violence; they have enjoined them from sympathetic strikes where one body of men goes out to help another; they have enjoined them from levying assessments to get money to feed the wives and children of those who are on strike, and they have practically said that they must work unless the courts gave them permission to stop.

And that whole law as to injunctions has grown up—oh, in 20 years at least—until there is not a well-informed lawyer to-day who dares advise anybody as to what the law is on injunction. You do not know. It depends on what the judge is going to say, and the reason for it all is that judges act from their feelings, as all of us do. I am on the one side, some other man is on the other side; it is no use to try to convert you by argument; no one cares anything about that. The instincts and intuition are the moving power with all of us, and that is the way the law has grown up.

If we could get the people on the other side of these questions to make the law a while it would be different, but that is out of the question; the rules of our lawyers' union are too strict for that. Before a man can be a lawyer he must have had at least a high-school education, which carries him along toward 20 years of age; then he has to study law three years after that, which carries him along so that after that most of the poor people are barred; and it is quite a while after that before he can get on the bench, and it is simply natural gravitation which no one can help.

Take another branch of the law that has borne as hard upon the working people as anything else—take personal injury cases. Switchmen perhaps have a chance to live six or seven years and keep all of their more important members intact; ironworkers perhaps the same time; I would not be sure about the figures. When one of them gets hurt, he may have been careless at the time he got hurt; but when we lawyers are careless we do not fall down from the top of a 20-story building, we stumble over and get up again; but it is death to the switchman or the man on top of the building. Sooner or later everybody is careless. A man is careless and he gets hurt, or he is not careless and he gets hurt; he gets a leg cut off by a steam engine and is brought into court. The judges say, "No; you can not recover; you assumed the risk. If you had had any sense you would not have been a switchman, you would have been a banker.

Commissioner WEINSTOCK. Does that hold equally when workmen's compensation laws are in force?

Mr. DARROW. I am going to get to that in a minute; I will cover that.

They will say: "True, you got hurt, but it was not the railroad corporation that was to blame; it was the train dispatcher who gave the wrong order 500 miles away; and if he had given the right order you would have got through, so you can not recover; it is the act of a fellow servant."

We always go back to find out the law, and when we go back we find that in 1815, which is the date of the Battle of Waterloo, which is the only way I remember it, two men were employed driving a butcher's cart in England; the butcher had two men going out to sell meat on the road. In the morning one of the fellows greased up the axle of the wagon, and in putting the wheels back on forgot to put on the nut, and they got on the wagon and started off, and after they had driven a ways the wheel ran off, and the fellow that did not know anything about it got hurt and sued his employer. The case came on for trial, and the employer no doubt had the best lawyer; the case was argued, and the judges decided that where two men worked together for a common master public policy required that they shall know each others habits, and if one of them is not a safe man the other fellow ought to tell the master and have him fired, or else quit himself and open a law office or something like that.

And that law has been repeated and enforced by the decisions of courts for a hundred years, until it is the law that if a train dispatcher in Pittsburgh gives the wrong order which causes a train to go wrong and kill a trackman in Washington, that that is the act of a fellow servant; and in the case of a company like the Pennsylvania Railroad that employs 200,000 men, every employee ought to know all about the character of every other employee, which would not leave him much time for his work.

The reason for the law has entirely disappeared in a hundred years. There were no railroads in existence then and there were no factories in existence such as we speak of now, and no one knew about the application of steam.

The modern world has been made over, but lawyers still apply the old precedent until people outside of the law take a hand; all of the reforms in the law have come from the people outside, the same as all reforms in medicine have come from others than doctors. And they finally became so shocked over it that in many States within the last few years, probably within five or six years, they have changed the law of fellow servants and the law of assumed risk; and in many States they are getting an employers' liability act which gives a man in most of the States for a leg something like, oh, I should say, $1,000; the workmen's compensation law fixes a regular table—so much for the phalangeal of a finger, so much for the second, and so much for the third; and while it is very inadequate I think it is a law along the right line and will probably be worked out. That is quite common in many States, but through all these years, by these decisions and others, the employer has had all the best of it.

If the lawyers had been lined up right in 1815, the court might have said that an employer who hires a man ought to be responsible for the kind of man he hires, rather than the other fellow, who did not have anything to do with hiring him; but they did not decide it that way. They decided it the other way, and this is the natural evolution of the law.

Then, it takes lawyers to get legal rights. For instance, a bill of rights in Illinois says every man shall have redress for every grievance that he suffers, and then he goes on with another clause which says—but no one pays any attention to it—it says he must have it immediately and without expense. That is in the constitution of Illinois and the constitution of most of the

States; but if a man loses a leg by the negligence of a steam railroad and brings suit in Chicago it is two years before he gets a trial; and then, if he happens to win, which he probably wont, then it is appealed to the appellate or supreme court. If he loses, he can not go any further himself, because he can not afford it; but if he wins, it goes there and takes two years more. That is four years. Then, if he and his family are alive they spend half of it for lawyers and court expenses, while the constitution says he shall have a remedy immediately and without cost. And that is true everywhere; the poor man can not get into court with any kind of safety.

Chairman WALSH. Are judges usually qualified by education and experience to decide upon economic and social questions brought before them in labor cases?

Mr. DARROW. Well, they do not pass any examination in that; they are just examined in the law; they are qualified to look up decisions of courts to see what the decisions are; but as to economics, they have not got time to do that; they are studying law.

Chairman WALSH. How is the institution of law meeting the present economic and social questions that seem to be predominant at this day?

Mr. DARROW. Holding them back as hard as it can, and it always has. The law essentially goes back to the old things; it is a creature of precedent. If they want to know what the law is, they want to see what some other judge has done a long ways back; and that applies now. The industrial world is made over; the world of medicine is made over. A doctor who would take a prescription book of 25 years ago and go out and practice on his patient under that authority would be tried for murder; but the farther a lawyer goes back for precedents the better he finds it established.

Chairman WALSH. Dr. Goodnow suggested the other day that perhaps the time for legal study should be extended and instruction taken by applicants or intending practitioners along economic and social lines. What would you say about that? Dr. Goodnow, you know, is a constitutional lawyer and president of the Johns Hopkins University?

Mr. DARROW. Yes; he is an able man. I know about him. Why, if you could extend the course and have them belong to a labor union and work as a switchman for several years and work in a structural iron works, then, if they were alive and got through, that would help; but to extend the course for them to study law would simply make them worse.

Chairman WALSH. Dr. Goodnow, in answer to a question asked by Mr. Lennon, said that it would not be desirable to have them work in workshops.

Mr. DARROW. Well, he must be a lawyer.

Chairman WALSH. Do you think of any plan by which economical and social advice could be given to judges who are not otherwise equipped for the settlement of these questions that are constantly coming up now, like minimum-wage laws and laws limiting the hours of labor, and so forth? I ask that question growing out of the suggestion made in the Oregon and other questions where outside lawyers intervened and who had also given study to such subjects and gathered data for judges?

Mr. DARROW. Why, these questions we are discussing are the most important questions of the day, and any man who has any feeling or imagination is interested in them and will know something about them. But the trouble with lawyers is, that, like everybody else, it is a profession, a business, and they want to make money out of it, or get in office, and they have to stick close to the ordained thing, and they have to make money where there is money. We really haven't any system for the establishment of justice, we have courts but all the courts do is to give a forum for lawyers to try cases, that is all. Courts do not look up the law, they take no hand in the trial, and the different lawyers on the different sides enter into a combat to see who can win, and in the combat, of course, the man who has been able to get the best lawyers, going on down through the ages, consistently prevails, the decision in one case being the starting point in another case, and all the time the strong force pressing against the weaker force until it has made the law entirely lopsided.

I do not know any way under that system, which is the system of the common law of America—I do not know any way that it can be changed. If we had courts to inquire into matters, to settle things without lawyers, to examine facts, and examine law so as to get at justice, something might be done.

But you take an ordinary case, and two lawyers go in, the corporation generally having the most successful lawyer, and the best talent that they can, against the poor fellow with a leg off, having an inferior lawyer, perhaps his

first case. They fight it out. If that occurred in the prize ring, and you led out a dwarf to fight a man like Jack Johnson, the crowd would not stand for it, and yet it occurs every day in court—a constant pressure. One thing furnishes the basis for another until property rights have become nearly the whole thing.

Chairman WALSH. To what extent, if any, are the interests of poor persons prejudiced by the selection of jurors, or have you given any attention to that?

Mr. DARROW. Yes, sir. Of course, the different States have different laws as to that. Federal courts—they are only chosen from the well known in the community—politicians and people who have some standing, some class about them. Not the people who work. Then, of course, in our Federal courts the judge is the whole thing, anyway. The jurors, they very readily find out what the judge thinks about a case, and most all of them unload it on the judge, and say, "I couldn't do anything else under the instructions they gave us." You never yet got beaten in the Federal court but what the jurors came and told you that they wanted to find your way, but they couldn't do it because the judge said so and so.

In the State courts—there are some States where every juror's name as it appears on the poll books, or every person's name as it appears on the poll books goes in, and from the whole the juror is drawn indiscriminately. That gives a workingman a jury not prejudiced against him, sometimes prejudiced for him. In our State we have a jury commissioner who picks out the jurors, in Chicago at least, and very carefully examines the list and looks over their occupation, and we find as a rule a large number of foremen and clerks and very few working people. It is a good deal safer to try a case before an employer than his clerk. In many States there is a property qualification for jury service, which, of course, makes it more or less a class proposition, but so far as it can be done every citizen ought to be drawn impartially for jury service. This helps the workingman and he gets a fair standing in court.

Chairman WALSH. What would be your suggestion with regard to that; that is, the man that possibly insists on the administration of justice should disturb themselves?

Mr. DARROW. Yes, sir.

Chairman WALSH. Has it not been taken up by workers generally, the fact that they are, if it is true as you stated, discriminated against in the selection of jurors. Is it not a sort of basis where justice or triers of facts is concerned?

Mr. DARROW. It has not been taken up very much, but in some cases. Sometimes the better-paid workingmen, as we call them, are in a way to blame for it. The workingman gets from three to four or five dollars a day, always poor at that, can not afford to do the jury service for $2 a day. It is a very serious handicap to them, and they often get excused, where they might otherwise serve. And the lower paid workingman seldom gets on a jury, although they sometimes do. It could be remedied somewhat by paying more to jurors, but it is an important question, I think, in the administration of justice.

Chairman WALSH. Do you find a reluctance in everyday practice and everyday observation on the part of labor organizations, as well as individual workers, to present their grievances to the courts of the country for judicial determination?

Mr. DARROW. I never knew anybody that wanted to get into a court but lawyers. Farmers are taught to stay out or lose their property; mechanics and business men and everybody are taught to stay out. It is regarded as cumbersome and expensive and a wholly unsatisfactory tribunal. Workingmen, of course, in their labor disputes feel that they have no chance as a rule; not before juries, however, because many times they have the best of it before juries. Take a criminal case, where it is a question of a labor organization, and you get a jury of trade-unionists, they will probably stand by him, and the other fellow would go the other way, neither paying much attention to the facts, but each going for their side. That is human nature.

Chairman WALSH. I am calling your attention to what might be called guaranteed constitutional personal rights and ask you to make whatever comment you might have to make on the conservation of these rights by law or the lack of it. For instance, first, the trial by jury. Is it being observed?

Mr. DARROW. Well, in labor cases constitutional provisions have been absolutely nullified. For instance, a court can issue an injunction against a strike or anybody engaged in it, which would only enjoin them from committing unlawful acts, and if they do the act it is a crime, but in order to

escape the right of the defendant to have a jury determine whether he commits a crime or not, the court won't try him for the committing of the crime but try him for disobeying his order not to commit it, which amounts to the same thing if a man is in jail, but it is legal under the law.

I noticed Mr. Davenport's statement of the proposition, which, of course, he did not state correctly, the other day in reference to the Debs case and Mr. Gompers's case. They went into the court defending an injunction on the ground that the court of chancery had no jurisdiction and thereby confessed that they were criminals. I believe he said infamous criminals, a different kind, perhaps. But no such thing ever happened. What they did say was, "You charge me with being a criminal and therefore I want a jury to pass on it," rather than you. They didn't admit it in either case.

Chairman WALSH. As to the personal right to the writ of habeas corpus, is that being conserved, from your observation, or not?

Mr. DARROW. Courts have great reluctance to grant a writ of habeas corpus. Once in a while they do it. The trouble with the writ of habeas corpus, like everything else, is it is such an easy matter to get around it if you want to. It is not hard for a court, any more than for you and me, to decide a thing the way we want to decide it. It is perfectly easy, and we give excellent reasons for it, just as I do for my views of the law, but if a court thinks that a writ of habeas corpus should not be granted in a particular case, it is easy to conjure up any number of technical reasons against it, and then it is impossible for the poor man to get into court. The ordinary man that is in jail has no money or he would not be there. He is poor. You go through the jails in this country and you can hardly find money enough to hire a lawyer, and he can not get into court with a writ of habeas corpus or anything else. No jailer comes around and tells him, "I think I could get you a writ and I will get it for you"; but he sits there, and if he does get a lawyer it is somebody that has been looking him up, and he is generally better off without him.

It is the administration of the law which is all on the other side.

Chairman WALSH. Has your attention been called to the specific violation of that alleged—or specific alleged violations of that writ in cases where the military was called into the district?

Mr. DARROW. Of course there is no such writ when there is the militia. As a witness said the other day, "The Constitution provides for it, but that don't help the fellow any." Any governor can declare martial law when he wants to, or the President of the United States. I believe the court issued a writ of habeas corpus for Mrs. Surratt before she was executed in Washington, but he couldn't deliver it—the military authorities took her away and tried her before court-martial. In West Virginia the courts are all right perhaps, but the governor declared military law, and there were no courts. In Colorado, not also recently but in the strike of the Western Federation of Miners, they at once declared martial law.

Chairman WALSH. What became of the constitutional provision, for instance, in Colorado and perhaps in West Virginia, I am not so familiar with that, which provides that the military law shall always be subordinate to the civil power, and in the case of Colorado the governor issued no proclamation of martial law.

Mr. DARROW. As I recall the Moyer case, I am not very clear on it, they held that while they had not really declared martial law that in effect they had. It was simply a way of getting away from it.

Chairman WALSH. In everyday practice of a man that is deprived of his liberty rightfully or wrongfully, has he access to a writ of habeas corpus, and is it generally used?

Mr. DARROW. It is almost impossible to use the writ of habeas corpus. In the first place, a court, under writ of habeas corpus, takes notice only of the record. The thing is, have you made a paper case against the man. He takes no note of the fact, and any lawyer of fair attainment can write a paper or file an information or draw an indictment that is good on its face. It goes to the face of the case, whether the papers are true, barring the case of extradition that I mentioned a while ago.

Chairman WALSH. I was going to ask you was Joseph McNamara entitled by right, or under the Constitution, to the writ of habeas corpus?

Mr. DARROW. There can be no kind of question about it. The reason he was taken out of Indianapolis on Saturday night was so he could not get to the courts. He asked for a lawyer and they would not give him one.

Chairman WALSH. I have left the subject I was discussing to ask you that question, but now, going back: What is the basis and reason for the right of trial in the district, or in a man's own community? Where does it come from, the right to be tried in his own community, or what is the basis of it?

Mr. DARROW. That is as old as the common law; it comes from England, and I don't know but from way back in Germany. A man has some friends, some standing, perhaps his reputation, if he has any, in that community. It is a community where he can defend himself, his witnesses may all be there and he can't get them some place else; he can't take them 2,000 miles if he is poor, and for that reason a man is entitled to a trial in the vicinity where he lives.

Chairman WALSH. Ought it to be looked upon as a mere technical right?

Mr. DARROW. It is about the most substantial right.

Chairman WALSH. Going back to this question of guaranteed personal rights, I wish you would say from experience in courts generally, the class of cases that you have been in and observed, whether the constitutional right of free speech and free press is carefully conserved by the law and the courts?

Mr. DARROW. Every provision means nothing, when you come to have them interpreted. For instance, the Constitution says every man may bear arms, but a city ordinance in a town of 2,000 people can pass a law sending a man to jail for having a pistol. The Constitution of the United States says he may have them. The right of free speech is hemmed in, and legislated in by every village council, and by every State legislature, and by the Federal Government, until it simply means you have a right to speak if you say what we want you to say, and the right to publish comes to about the same thing. Whether a piece of literature is obscene depends on Anthony Comstock; whether it is revolutionary depends upon the courts that have been educated along the line, believing that almost any kind of talk against existing things is revolutionary. Nobody can tell what they will hold on the question. It is out of the question to tell. The constitutional guaranties, where you do find them working, is when it reaches property.

Chairman WALSH. I was just going to come to that. Could this not be worked out under a proper administration of the law so that due process of law would mean that a man could not be deprived of his right to speak, or right to trial by jury, and other rights? In other words, could that guaranty of right of due process of law be extended to personal rights to be invaded?

Mr. DARROW. It could if the courts and lawyers didn't find some way to get around it after a while. Legislatures could do it and Congress could do it. They have done it, but we find it easy to get around it, and while they are constantly limiting the constitutional provisions that protect the individual, they are constantly increasing those that protect property. For instance, we have a constitutional provision that where a person sues a citizen of another State, he can go into the United States court, because they are citizens of different States. The theory of that is perfectly plain. That was done because a man who would be at home amongst his friends would be supposed to have a better chance, and if citizens of two different States are involved, they go into the Federal court where they stand equally. But the courts have held that the word "citizen" applies to corporations. Of course, a corporation is nothing but an intangible business created by the law, but they say a corporation is a citizen within that amendment, and a body of high-finance men in Chicago get an organization to run the street cars in the city of Chicago, every one living in Chicago, and organize under the laws of New Jersey, which issues letters of marque and reprisal in commerce and calls them charters, and a man sues the street car company in Chicago, it is a foreign corporation and you immediately go to the Federal court.

Chairman WALSH. What does he want to go before the Federal court for?

Mr. DARROW. Because judges in Federal courts are appointed for life or during good behavior, and they always behave and never die. The idea of the Federal court does not depend on lawyers like me, whose sympathies are with the working people, but there is not a corporation lawyer in the United States that doesn't go there when he can; not one. You never heard of a corporation lawyer that didn't move a case to the Federal court the first chance he gets, invariably, because they are sure that their chances to win are greater.

Chairman WALSH. To what extent are boycotts legal?

Mr. DARROW. I don't think anybody knows; you have to get at your boycott, and then get a decision of the court on it to define it, whether it is legal or not, but boycotts ought to be legal; there is no reason why a man can refuse

to trade with any man because he doesn't like his religion, or why he need not work with another man because he don't like the color of his hair, or due to a mere whim; if he is going to be free, he can and should. Of course, the boycott has fallen into disrepute because it has been used by working people, but it has a very distinguished and respectable history. In this country, at the time of the Revolutionary War, the revolutionists got together and boycotted every Tory there was in the country, not only boycotted them, but hanged them, drove them out of the country and settled Nova Scotia with bankers and preachers and lawyers. They refused to buy goods made in England, and refused to associate with anybody that bought goods made in England, and now, of course, the great-grandsons and great-granddaughters of the American Revolution are sending people to jail for boycotts. The boycott has been used in good causes and was respectable until the common people came to use it. It may be a drastic means, but we use it in society. Everybody is boycotted, some for being good citizens and some for being bad, but it simply means that people in this world choose their kind, and they do it unjustly many times, but they have a right to do it, or should have a right to do it. I think in the main—I don't know what I do think about it. They have said everything about it. A fellow that starts a boycott, he has to take a chance; maybe the court will say it is legal, maybe they won't.

I don't hear of many of the other people being prosecuted. There is not a corporation of any great strength scarcely but that will refuse to sell goods if a little merchant buys some goods of its rival. Over and over again they do that and nobody pays any attention to that. "Take our goods or leave them alone. You can't take part unless you take all." All of us are in the boycott business.

Chairman WALSH. Have you observed to what extent private guards and detectives are used in the industrial disturbances?

Mr. DARROW. Yes; I have observed a good many of them.

Chairman WASH. I would like you to give us an idea, if you can, of the extent and method of such uses?

Mr. DARROW. Well, it is safe to say that there is no great labor organization in the country that is not full of detectives—full of them. There are employment agencies whose whole business is to furnish union men to work in labor organizations. There are over and over again officers of unions, secretaries, treasurers, presidents, who are detectives. There is hardly anybody who dares speak to his neighbor, no matter how closely he is associated with him, without fearing that he might be turned up, whatever he says, and that his statements might be lied about. I know in the trial of the Haywood case in Idaho we had one man closely associated with us who at the last minute developed to be a detective who was in the employ of the other side all the while. We had a number of detectives in the office; have them in every great trial; and we use them when we can on the other fellow, but they have the best chance.

Of course, the private gunmen, everybody, I think, knows about that. There is a firm down here in New Jersey that is a common example of it. I had occasion to go over a lot of affidavits made by people in Michigan during the copper strike—affidavits of men who were appointed as guards or officers in Michigan and must be citizens of that State. Those men had been appointed first in West Virginia, then in Kansas City, then in Chicago, and then in Michigan; going right around all the way wherever they were used, where they were wanted, sent here and there.

Chairman WALSH. Have you observed any feeling or unrest on the part of workers on account of delay in securing legislative enactments for their own relief? A question arose here the other day on a statement made by Mr. Johannsen to the effect that efforts had been made for 21 years to secure a seamen's bill before there was one secured. I am not familiar with the provisions, but the general provisions, he said, were simply to release the seaman from what might be termed a condition of slavery, and to give him an opportunity to express himself, to work out his own salvation, I believe he said.

Mr. DARROW. Yes; I understand that bill. I am not very familiar with it, but I understood from what Mr. Johannsen said and what I have heard of it and what Mr. Weinstock here said in asking him the questions, that it was a bill which permitted seamen to leave their job whenever they wanted to do so—that is, in a port; simply leaving them free. And I know they have been working some generations to get that bill—just to have a right to freedom.

Chairman WALSH. Is there a history connected with efforts to get other legislation of a similar nature?

Mr. DARROW. I used to know a good deal of details of it and have forgotten a good deal of what I did know about it and some of the rest is vague. But I think it took 16 years to get a safety-appliance bill for the railroads, so as to get rid of the man-killer coupling and couple cars automatically. Then it took about as long to get it enforced afterwards.

Chairman WALSH. What causes this delay?

Mr. DARROW. Why the vested interests—the people making money out of it. Of course, in some instances no doubt it takes time to equip and get ready, but everybody opposes everything that will cut down profits. That is the first thing. One of the commissioners said they had a doubt as to whether that seamen's bill should have gone through, because it might interfere with our competing with Japan. Now, I don't know. I would not examine that question at all. I should say if the American merchant marine could not live without making slaves out of the sailors, better let all of the ships rot in the harbor or be sent to the bottom of the ocean. There is not a single move made along this line that they do not say, "You can't do it. You can't shorten the hours of labor. You can't keep children out of the factories, because otherwise it will interfere with the profits," as it will. But that's not a matter of any importance.

Chairman WALSH. In your observation is there a general feeling of industrial unrest in the country?

Mr. DARROW. Oh, I think there is no doubt about that.

Chairman WALSH. Among the workers?

Mr. DARROW. No doubt about it at all; about that at all.

Chairman WALSH. What are the principal causes of it?

Mr. DARROW. Well, of course, life is unrest. It is idle to talk about curing unrest, because when you get it cured you are dead. It is the aspiration of people for power and to live; that is the cause. And you can not cure anything in this world. You can only help along to new adjustments and better adjustments. Of course, the great mass of people who are interested in a social question will not stop to analyze accurately. They see a few facts, just enough that they know, for instance, here is all the oil there is in the earth owned by one great corporation; they know that 8 or 10 railroad lines exist between Chicago and New York, but the rate of fare is the same on each except they permit a differential among themselves on passengers. And they know that perhaps a dozen men in the United States are influential enough to shut down the wheels of industry when they want to; and they know the coal mines are owned by a few people; and they know if you get a job you have got to get it from the fellows who have things, and that the great mass of men are poor and struggling along, in debt, hard up, can't get their teeth filled, and can't get anything that the rest of us get; that's about all they do know; and that's enough to know. And there will always be unrest as long as that exists, and if you cure it why they will get restless about something else, of course.

Chairman WALSH. What would be your suggested remedy to relieve the situation? But before you leave that do you think the wage question bears upon it in any way?

Mr. DARROW. Certainly; certainly. The men who see that others get so much more than they do are not satisfied with their wages. They don't live as well. So long as the fellows who do the work of the world live the poorest and the fellows who don't do it get all the good things of the world they are not satisfied, and they would not be if they were fit to live at all. And there is a constant effort to increase wages.

Of course, what you are going to do for it, that is harder. That is what this commission is for—to find out. I presume we will know after you get through, but it's hard to know what to do.

So far as any help for this generation or the next generation, the most substantial things are the organizations of labor. There have never been anything else that I know anything about which has stood back of the working people, excepting their organizations. Otherwise, they stand alone and have no power whatever to make a bargain. Talk about collective bargaining, there is no use for the individual to bargain any more. The Pennsylvania Railroad employs 200,000 men. Suppose they are not organized and one man should go there and say, "I think it is about time for you to raise my wages as a switchman." What do you suppose he would hear? They would say, "I think it is about time for you to quit your job." If there is no organization there is no bargaining at all. They simply post their schedule up there on the wall and say we will give you so much an hour and so much a month. Take it or let it alone as you please and go on about your business. But the railroad men have got to

get together as the railroads get together. But if they are organized and say, "If we can't have this or that there won't any of us work," then there is a chance to bargain. Of course, they might do something by law, but there is not much chance to effect anything by law. Our Government is so medieval in its construction and its institutions that there isn't any chance for the people to be heard from.

It does not seem like a system of Government like ours could be got up by design. It is a lot of stupendous blunders. Suppose the working people wanted to get some law that really substantially affected things. How are they going to get it? Well, you have first got to get it through Congress perhaps. Congress is made up of a body of men from all over the country, elected for two years, and taking seat a year after they are elected and have had time to forget everything; and then if you win there you have got to get it through the Senate, and that is made up of fellows who have their seats for six years, two-thirds of them elected on some other issue entirely. And if you get it through the Senate, then it has got to be signed by the President, and he is elected for four years on some other question, and you have got to get all three, and get all three at once, or else you are lost. You can't get all three by getting one this year and then one the next year, and so on. You have got to get it all at the same time. Then if you have been able to get it through Congress and signed by the President—which you won't—then there is the Constitution. Then you have got to inquire whether John Hancock or some of the rest of them told us whether we could do it a hundred years ago, and, if not, it is all off. And the only way you can tell what the Constitution says—you can't read it and tell; nobody can tell—you have got to ask the Supreme Court, and there are nine judges there for life, and most of them old men who are clear out of this generation; and you have got to do it all and get it all at once and—well, the only way you can get along with it is to not think about it.

Commissioner LENNON. What is your view as to the authority of courts under the Constitution or under legal enactment to pass upon the unconstitutionality of laws?

Mr. DARROW. Why, it is not given to them anywhere; it is not necessary; they have got it.

Commissioner LENNON. It is a usurped power?

Mr. DARROW. Oh, well, lawyers have all kinds of theories. They say that the Constitution is part of the organic law of the land, and the judges have to decide what the organic law is, and therefore they take it into consideration. But I don't think it was ever meant to be used by them, but it is. Yes; there is no constitutional provision requiring it. Take the English Government, for instance, and compare it with ours and you will find that you can do something in England. There is a House of Commons. The House of Lords is about out of it. And the House of Commons is elected directly by the people and goes immediately to work. And the King can not pay any attention to it. He has no power, only sort of to fix the table manners for the people. He has no political power at all. And the House of Lords can not affect it, and they have no constitution. So if the English people want something and pass it through the House of Commons, they have got it. But we can not do it in the life of any generation, and few people have an imagination running beyond their generation.

Chairman WALSH. It will be impossible to finish with you this afternoon, Mr. Darrow, and there are a lot of the commissioners have said they have something to ask you, and so I am going to excuse you and put on a witness that has to leave and whom we call in this 25 minutes that we have left. I am sorry, but——

Mr. DARROW. I will stay over until I can get away to-morrow.

Chairman WALSH. All right.

Mrs. Benedict.

TESTIMONY OF MRS. CRYSTAL EASTMAN BENEDICT.

Chairman WALSH. State your name, please.

Mrs. BENEDICT. Crystal Eastman Benedict.

Chairman WALSH. Where do you reside?

Mrs. BENEDICT. New York City.

Chairman WALSH. What is your profession?

Mrs. BENEDICT. Well, I am—I have been an industrial investigator, writer, lawyer, organizer of one kind and another.

Chairman WALSH. Have you made a special study or given special consideration to the question of women in industry, and women in industry particularly so far as the administration of law is concerned?

Mrs. BENEDICT. I can not say that I have made a special study of women in industry except as a person interested in labor problems as a whole. I have studied the works of others in this connection and associated very closely with people who have made these individual studies. But my own labor investigations have not been with reference to women in industry.

Chairman WALSH. Have been in industry generally?

Mrs. BENEDICT. Yes, sir.

Chairman WALSH. What, in a general way, are the statistics as to women wage earners in America to-day as compared with, say, 10 years ago?

Mrs. BENEDICT. Well, Mr. Chirman, I have some facts in regard to that from the census. In 1910, 23.45 per cent of the females over 10 years of age were wageworkers. In 1900 this was 18.8. Without going into the figures from 1880 up, which I have here, if the increase continues at the present rate, by 1920, five years from now, 50 per cent of the women over 10 years of age will be wageworkers. By "wageworkers" I mean paid workers, excluding women who work in their homes without definite recognized economic reward.

Chairman WALSH. Do you know of any cases where women doing the same work as men are receiving currently lower wages for their labor?

Mrs. BENEDICT. I should say that generally speaking it is a matter of common knowledge that both in public employment—Government employment, city, and State, and municipal work, and in private industry, women, generally speaking, receive less for their work than men. At least this is true in the nonsuffrage States. I have a few figures in regard to that also. And many figures can be submitted to the commission afterwards.

In the first place, the general average of women workers throughout the country get one-half of what the general average of men workers get. This, of course means little. It is simply an indication.

Chairman WALSH. I did not get that. What are those figures?

Mrs. BENEDICT. The wages of the women who are income-producing women, definite recognized income-producing women, average a rate of one-half of what the wages of income-producing men are.

Commissioner LENNON. Do you make an application of that to where women are employed in the trades that are organized as, for instance, in the printing industry?

Mrs. BENEDICT. Now, there, when it comes to the question of organization, I want to get back to the special point of view which I am presenting to-day, and I think if I may state that, Mr. Chairman——

Chairman WALSH. Why, you may; we will be very glad if you will do so.

Mrs. BENEDICT. As a preliminary statement, I am here representing the Congressional Union for Woman's Suffrage. I am a member of the executive board of that body and have asked for a hearing by the commission—a brief hearing on the question of the disenfranchisement of women as one of the causes of social and industrial unrest. I just want to get that stated so that these figures in regard to women in industry may be listened to and regarded in relation to this point of view.

We do feel—I personally feel that the continued disfranchisement of women is one of the causes of social unrest to-day both because there goes with it a growing deep resentment and sense of injustice that this fundamental right has been denied after so much of a struggle and, in addition, because we feel that denial of political rights to women is an actual and practical handicap to them in economic advancement.

The organized women workers have been mentioned, but before I go into that I should like to take up the chairman's question in regard to whether women are paid less than men for similar work. Take, first, Government employees. The advertisements for Government clerks right here in the Federal Government at Washington recite that women start in at $720 per year, and men start in at $900 per year. These women pass the same examinations as the men and their general average is higher, yet they start in at $720, and the men start in at $900. We know of many, many cases where many women earning $1,400 a year after years of service are instructing men clerks at $1,800 per year in the duties of their offices, and the men clerks as soon as instructed will, of course, be passed on further. These women are instructing men who are getting more money than they are getting.

There is actually a statute which provides that the head of any department may, at any time when he finds that he can, substitute a "lower-class" clerk

or a "female" clerk. That mere phrase, I think, makes it very clear that the women are considered lower paid, regardless of the value and efficiency of their work.

So much, then, for the Government clerks. It is a matter of common knowledge that teachers of public schools, who are women, except where vigorous campaigns have been conducted in their interest, receive lower pay for exactly the same class of work than men; this is true, then, not only of Federal work, but State and municipal work and all kinds of public work.

Now, that is comparatively a small group of women; but it is small only in the face of the enormous number of people involved in the problem of industrial unrest, and it is growing. It is a growing group. And as the Government takes over more and more social activities a greater number of women will be employed by the Government. In regard to these Government positions, the disfranchisement of women is an actual handicap, which no one could deny, in securing equality of opportunities and wages. And in addition, I would say that with the Government setting a standard which declares women to be of less value than men, it is no wonder that private industry follows that standard.

Now, let us take the position of women in private industry as a whole. There are about 8,000,000 women wageworkers in this country to-day. This 8,000,000 is about 24 per cent of the women over 10 years old. If the rate of increase continues, there will be 50 per cent of the women over 10 years of age gainfully employed in 1920.

The question of whether these women are getting wages that they can live on as a whole need hardly be brought before this commission. I know that your own investigations have brought out the fact again and again, no matter how low the wages of men are, the wages of women are lower, and that, I think, is a matter which needs no proof.

But let me give you a few facts from a most recent exhaustive inquiry made in New York covering four trades, the confectionary trade, the paper box-making trade, shirt factories, and retail stores. In the first, of over 90,000 persons for which weekly rates were given, more than three-fifths of the male workers received less than $15 per week, while more than three-fourths of the women received less than $10 a week. In the stores half the males get less than $14 a week, and half the females get less than $7.50 a week. In the shirt factories half the men get less than $12 a week and half the women less than $6.50.

Mr. Chairman, I know you are better educated on these matters, after two years of this kind of work, on all these facts, than I am, or anyone else is. I merely want to call your attention to these facts about women. In facing this tremendous industrial question which you have before you do not forget the women; do not forget that whatever you can say about the wages of men, the wages of women are less.

Now, then, the question is, has this thing any relation to the vote? If it has not, then I, as a representative of a suffrage organization, have no logical reason to be here before the commission; but I think it has. Women can not raise their wages directly by the vote, except in Government employ. They must raise their wages as men have raised their wages, by organization. But I think even Mr. Johannsen would admit that the vote has been essential to labor in winning what it has won. It is not always the actual casting of the ballot; it is not always the immediate control over legislators whom you have put in office that counts, but it is the fact that the vote makes a person a little less defenseless in the face of power than he would be if he did not have the vote.

I just want to give one historic illustration of this.

The greatest strike of women, I guess, in the world was the shirt-waist strike in New York. During that strike the women pickets were subjected to probably as crude a line of police abuse as any strikers ever have been subjected to. During that strike some 5,000 of those women strikers marched down through the streets of New York with their women supporters to see the mayor and appeal to him, not in the interest of their demands, but in the interest of police protection and fair treatment from the administration, and the mayor refused to see them. He said he was not interested. Now, regardless of how powerless the men workers of to-day are, and we have many instances before us of that, I doubt if it would be possible to find in history of the United States any instance in which 5,000 voters, no matter how poor and downtrodden, have gone to see an elected official and been refused admission—refused an interview. I think that epitomizes the situation of women workers.

Commissioner O'CONNELL. So that there may not be a wrong impression from the record, you might state the time that was so that some person might not be held responsible for it that should not be.

Mrs. HARRIMAN. Just what mayor was in office at that time?

Mrs. BENEDICT. I think it was Mayor McClellan.

Commissioner HARRIMAN. Wasn't it Mayor Gaynor?

Commissioner LENNON. No; the big strike was under—at the time of Mayor McClellan.

Commissioner O'CONNELL. I will ask, then, that you supply for the record the exact data on that.

Mrs. BENEDICT. Yes.

I would state that this opportunity has come to us very recently, and that my preparation has been brief, and that the Congressional Union will be very glad to furnish an authoritative statement in regard to this whole proposition and our claim.

Now, Mr. Chairman, I also want to mention another great class of workers. After all, I can only say that 24 per cent of the women of this country are wage earners. That leaves us the vast majority who, you might say, have no economic responsibility, and after all perhaps you might say that my plea is in the interest of a very small proportion.

However, it is not true that the vast majority of women who do not work for wages do not work. It is not true that they have no economic responsibility; it is true they have no economic reward of any definite character. They are relieved of economic reward but not of economic responsibility. These women, especially the poor ones—because I am not now speaking of the very few who actually are supported by men, but of women who work in homes, who work on farms, who cook and wash and sew, who produce children and train them and keep them clean, perhaps more continuously than any other class of workers we have, these are the women who have no recognized economic reward. They have the right in law to support from their husbands. That is all. If the husband goes away or is irresponsible, this right is practically nonenforceable.

Now, some solution of the problem of those women must be worked out by this commission, if this great cause of social unrest is to be removed, and I can not see any way it can be done except through legislation, and I can not see how legislation can be achieved until that great mass of women have some representation in legislation. So, I think, it is perhaps even more important for them to have the vote, than it is for the wage-earning women, certainly equally as important.

Now, Mr. Chairman, I have, so far as I feel prepared, stated why I believe there is a connection between economic power and the ballot, lessening as the years go on, but still in existence.

Would the commission care to hear what I wish they would recommend in regard to that?

Chairman WALSH. Yes; just make any recommendation you please, Mrs. Benedict.

Mrs. BENEDICT. I should like to see this Industrial Relations Commission recommend the passing of a Federal women's suffrage amendment (of the bill) of a bill which would prohibit the States from denying the right of suffrage on the ground of sex. And I should like the commission to make that report now, not wait until it makes its regular report. I should like to see you make it now, and this is my reason: This reform I am talking about, granting suffrage to women, has no business in the twentieth century; it is an eighteenth-century question we are talking about. Now, I think it would be a great thing if you could clear the decks of this whole question of giving women political rights for what they amount to. Get that out of the way; make this great body of courageous, devoted, intelligent women in this country, free to help in working out the big industrial-labor problems of the future; free from this irritating, humiliating, continuous demand for political rights, which they will not cease to make until they win. That is why I should even ask that the commission make a report on this question at once, remove it from their minds, go on record on it, and then go on. It does not belong in the twentieth century.

Commissioner O'CONNELL. The body to which this commission reports does not meet until next December.

Mrs. BENEDICT. I have thought of that, and I think it would be a great thing for you to make your report on that to President Wilson. He can bring

about this reform. If you could convince President Wilson during the summer that the success of the Democratic Party depends on taking a stand on this question you will have done a great thing.

Commissioner O'CONNELL. But the law says that we shall report to Congress.

Mrs. BENEDICT. There would be ways of getting that expression of opinion into the public press.

Commissioner WEINSTOCK. Just one question, please. Do you think that a legal minimum wage for women and minors would be of advantage to women and would help equalize the wage problem?

Mrs. BENEDICT. Mr. Weinstock, I have never fully made up my mind about the minimum wage; I don't know.

Commissioner WEINSTOCK. You have no opinion on it?

Mrs. BENEDICT. I have no final opinion; no.

Commissioner O'CONNELL. You are not alone in that opinion then.

Mrs. BENEDICT. No.

Commissioner LENNON. There is one member of the commission who could report on the women's suffrage question years ago.

Chairman WALSH. That is all, thank you, Mrs. Benedict.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 p. m., Monday, May 17, 1915, the commission adjourned until 10 o'clock Tuesday, May 18, 1915.)

WASHINGTON, D. C., *Tuesday, May 18, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners O'Connell, Harriman, Weinstock, Lennon.

Chairman WALSH. We will please be in order.

Mr. Darrow, please resume the stand.

TESTIMONY OF MR. CLARENCE S. DARROW—Recalled.

Chairman WALSH. I had finished your examination, Mr. Darrow, as far as I am concerned, and I think Mr. Weinstock has some questions he would like to ask you. Had you finished your answers last night?

Mr. DARROW. I ran onto this [indicating]. A friend handed me this magazine; this is a copy of an old boycott bill, which would be considered respectable now; the Sons and Daughters of Liberty, in the days of Revolution. This is a placard that was put up:

"William Jackson, an importer at the Brasen Head, at the north side of the townhouse, in Corn Hill, Boston.

"It is desired that the Sons & Daughters of Liberty would not buy any one thing of him, for in so doing they will bring disgrace upon themselves and their posterity forever and ever, amen."

The modern boycott does not generally use that word at the end, but it is the same thing.

Commissioner WEINSTOCK. The name of Dr. Goodnow, the president of the Johns Hopkins University, was brought in during your testimony yesterday?

Mr. DARROW. Yes, Mr. Weinstock.

Commissioner WEINSTOCK. I would like to read some statements which were made by Dr. Goodnow, and invite your opinion thereon with a view of seeing how far you concur with Dr. Goodnow in his attitude; this is how it reads:

"Taking a concrete case, doctor, taking the case, for example, of the Colorado situation, and analyzing it, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense; that they were first attacked by the strikers. The strikers deny that and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement and that the militia did take the initiative and did abuse their power and did harass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is, take the result? Yield for the time being; do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand? Let your remedy

come by use of the ballot, see to it that the commander in chief that is responsible for this is either recalled, under your recall law, or is condemned by public sentiment and not reelected? Do I follow you?

"Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognise any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilised men adopt that idea, or else there is no peace for our Government.

"Commissioner WEINSTOCK. In other words, the short cut to the remedy must be condemned?

"Dr. GOODNOW. Yes, sir; as I look at it.

"Commissioner WEINSTOCK. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organised violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

Now, will you please, Mr. Darrow, state how far you are in accord with Dr. Goodnow's attitude and position in the matter?

Mr. DARROW. Not very far. The officers of the law have the least right of anybody to violate the law. If a constable seeks to arrest a man without having legal authority to do it the man not only has the right to resist, but ought to. If the militia attacks people brutally and without authority they should be resisted if there is a chance to resist them and win. Of course, if they can not, safety might dictate something else; but because a man is a militiaman that does not give him the right to make the law or violatee it so far as it is made, or outrage conscience and decency. The idea that a man who is an officer can do anything is only fit for slaves to harbor.

Commissioner WEINSTOCK. Well, are we to gather from that, Mr. Darrow, that if the governor of the State should order out troops, and do it in accordance with the law, and those troops under their command should exercise their very best judgment, and do what they believed was necessary to be done, in order to preserve law and order; that if in the judgment of the strikers the troops were exceeding their authority, would you justify the strikers in resisting and restorting to violence?

Mr. DARROW. As a plain question of law, whether the troops thought they were right or not cuts no figure, the question is, were they.

Commissioner WEINSTOCK. The strikers then would be the judge, whether they were or not?

Mr. DARROW. No; afterwards, I suppose, it would be submitted to some tribunal, and if nothing else, to the people, as to whether they were; but neither one are the judges, each one acts for himself as far as he can.

Commissioner WEINSTOCK. Then, if in the judgment of the strikers they were warranted in resisting the constituted authorities, and did resist, and bloodshed followed and lives were lost and property was destroyed, would you say the strikers should or should not be punished, under the law, for such resistance?

Mr. DARROW. Well, suppose blood was shed and property destroyed, but liberty was saved, then what? There are other things to consider besides property and other things to consider besides bloodshed. The liberty of the man, which is the one thing worth defending, and it is to be judged by history, in the light of all that has happened, and the consequences and result of it. There has been very little improvement in the world that has not, at least, been accompanied with bloodshed. It seems to be the law of nature. The scriptures put it, "Without the shedding of blood, there can be no remission of sins."

Commissioner WEINSTOCK. Are you a believer in bloodshed?

Mr. DARROW. Neither a believer nor disbeliever in it. It is in the course of nature, and we have nothing to do with it. To say that I believe a thing, do I believe it exists, or approve of it, or disapprove of it? There are times when it is absolutely necessary. We would not have any Government here except for bloodshed. The slaves would be slaves yet except for bloodshed. Lots of good has come of it. You take from the world everything that is gained in that way, and we would still be living in caves and clothed with hair instead of wool.

Commissioner WEINSTOCK. You have heard it said, Mr. Darrow, I think it was brought out here at different times before the commission, that the attitude

of—I won't say all organizations, but the attitude of some labor representatives and some labor leaders is that a strike is war, and that everything, so to speak, is justifiable in war. Are you in sympathy with that point of view?

Mr. DARROW. I don't think that everything is justifiable in war, to start with. I think there are many things in the present war in Europe that are not justified under the laws of humanity, and I think it is a mistake to say everything is justified in war. One ought not to forget their human instincts in time of war, although they are often swept away. But a strike is in the nature of war, and conflict between capital and labor to-day are in the nature of war, so regarded by both sides, each side trying to win, and using such power as they have to win, but I think employers do many things they should not do, and the working men do many things they should not do. They are cruel and unnecessary.

Commissioner WEINSTOCK. Do you think, living in a Republic, enjoying, as we are permitted to enjoy, our political and civil rights and liberty, do you think anybody has a right to declare war except the Government itself?

Mr. DARROW. I don't think we live in a free country or enjoy civil liberties. Of course, it is almost impossible to get at whether you have a right to do a thing; there is no way of fixing what you mean by that word. Things happen in this world, and the happening is a justification of it alone. I don't know that the San Francisco earthquake was right, but it came. What are you going to say about it; was it wrong? It don't make any difference whether it was or not, it was in the order of nature. Whatever is is right, according to philosophers, as Pope said it is in the order of nature. There is no use quarreling with it.

Commissioner WEINSTOCK. I want to make sure that I follow your reasoning and get your point of view. I should infer from what you said, reading between the lines perhaps——

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK (continuing). More than what you say, that we are living under a delusion and a snare, and we imagine we are living in a free country and enjoying political and civil rights, and since we are not living in a free country and are not enjoying civil and political liberties, we are practically as much warranted in resisting authority as in Russia, where there are no civil and political rights, and any group of us that have wrongs, or think we have wrongs, are justified in resisting the authorities?

Mr. DARROW. I don't think I stated it that way or meant to put it as strongly as that. I want to be perfectly frank with you about it, and although the subject that we are discussing is apt to be wrongly quoted, and we are apt to be misunderstood, still I will attempt to tell you fairly. Freedom, of course, is a relative term. People of the United States are freer probably than the people of Russia or Germany; they are not as free as the people of England. They are nowhere near as free as they were 75 or 100 years ago. Everybody, I think, must, who has any vision, know that they are not as free as they should sometime be, when they are ready for it. It is all relative.

As to protecting it by the courts and statutes, they are invoked by the strong and can not be invoked by the weak, as I tried to show yesterday. It takes money; it takes education; it takes opportunity to resort to such safeguards as the law gives us; and the weak are without them. Pretty much everybody in jail are poor people, and in all the prisons all over the world.

Now, the constant struggle of every individual, as of every animal and plant, is for liberty, reaching out for it in all directions, and struggling for it. When the masses struggle for it and the strain gets too great it breaks. Of course, the individual who alone takes up arms against the constituted authority must die. It is the law of nature. A few individuals must die. If I had any power over it, and men should ask us, Shall we do it, I should say "no," probably almost in every instance. I do not know of a time that I should not say "no," because I think the unrest has not reached that point where the change of system should come. The revolutionists in America were against the same proposition. The English Government was fairly free—the English Government that controlled the United States. There were many matters of injustice, practically the same as exist to-day, and a few of them started the revolution, and it went on until it grew and they resisted against the law and won. John Brown got 19 men to wage war on the United States Government; and the movement he started won in the end, because people were ready for it. The injustice was so great and the imaginations of men worked and it made a new system. If it succeeds, it is all right; if it fails, you have to take the consequences. That is all. I don't know whether I have made it any clearer or not.

Commissioner WEINSTOCK. Well, your attitude is, as I understand it, that while, so to speak, on paper we enjoy a free government, as a matter of fact we do not enjoy free government. Now, can you conceive of any more effective way of securing for the big body of the people their civil liberty and their political rights than by manhood suffrage; or, let's go a step further and say in the States, where it has been carried out—universal suffrage plus the referendum, plus the initiative, plus the recall.

Mr. DARROW. Why, I don't know. Now, I don't see anything else; some time we may be discontented with it. Of course, I can conceive of better ways. For instance, if every coal miner in the United States refused to dig coal until the coal mines became public property, they would get at it a thousand years ahead of the ballot.

Commissioner WEINSTOCK. Well, do you know of any better way of the coal mines becoming public property than by giving not only the coal miner but every other worker the ballot plus the referendum, plus the initiative, plus the recall? Supposing—I am sure you will not dispute the fact—that the great body of the voters of every Commonwealth in the Republic, and the great body of the voters of the Nation as well, are not wage payers, they are wage receivers.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Now, suppose that the great body of the wage receivers of the Nation felt that the time was ripe for the Government to take over the coal mines, for example, as you have suggested. What would prevent it?

Mr. DARROW. Congress, the Senate, the President, the Constitution, and the Supreme Court.

Commissioner WEINSTOCK. Who elects the Members of Congress?

Mr. DARROW. The people.

Commissioner WEINSTOCK. Who elects the President?

Mr. DARROW. In a round-about way, the people.

Commissioner WEINSTOCK. Exactly. Now, if the people wanted—and who appoints the Supreme Court?

Mr. DARROW. The President.

Commissioner WEINSTOCK. Exactly. Now, if the great body of this Nation wanted to own the coal mines, and said so through their ballot, how could it be stopped?

Mr. DARROW. Well, we will assume that there is an election next year, and assume that we could get that issue; of course our country is so spread out and diversified that it would be hard to make an issue in Kansas or Oklahoma or Nebraska on the coal mines in Pennsylvania; but assuming you could—you go to work and elect a Congress that does not take their seats for a year—don't begin working. In the meantime they take their places with the Senators who have been there some four years, and some near six years; two-thirds of them have been elected two years sooner on some other issue. Then you have a President who comes from a different place in society; and then you have the Constitution, which was made 125 years ago and which told us we could not take private property without due process of law; and you have a Supreme Court, the majority of whom have been in their offices for 25 years, and who, I would say, would average 65 or 70 years old, and who, from the natural order of things, could not be seized with any new emotion, if any; and it is out of the question to get them all to say this thing together; never has been done in any very substantial way. You have got to get them all, and have got to get them all at once. It is too clumsy.

Commissioner WEINSTOCK. Well, may I call your attention to this fact, then, Mr. Darrow, as an evidence of the possibilities along the lines of achieving desired results in legal ways. A decade or more ago such a thing in this country as workmen's compensation, the eight-hour day for miners, and the eight-hour day for women and minors, the minimum wage, child-labor laws, public ownership of street railways, State insurance, and women's suffrage were practically unknown. Now, doubtless there were hot-heads and zealots who, feeling that the public weal and the public welfare and individual liberty and individual rights depended on some or all of these things, might have been ready to take up a gun and fight for them, but time has shown that that would have been a very unwise thing to do. Absolutely by virtue of the ballot, and, in some Commonwealths, aided by the initaitive, referendum, and recall, which, likewise, were unknown in this country a decade or more ago, every one of these things has been brought about peacefully.

Mr. DARROW. And all of them are not worth a pinch of snuff.

Commissioner WEINSTOCK. Will you tell us why?

Mr. DARROW. Because they are insignificant. Minimum wage of $6 or $8 a week when the unions can get one much higher, and an 8-hour day for women and a 16-hours day for railroad men and a compensation act, which leaves them no better off than before. They are little bit of trifling things that do not go to the root of the question. I do not say they are entirely useless, but they are so near it that they are not worth the effort that has been taken. Instead of trying to find out whether there are any fundamental causes that tend to the great inequality between men to-day we are tinkering at little fool symptoms and spending the time and life of a whole generation curing some little symptom and leaving the world no better off than it was before.

Commissioner WEINSTOCK. You regard women's suffrage as a little fool symptom?

Mr. DARROW. Well, I have some friends here that believe in it, and I do not like to talk about it. I think it does not touch the industrial question at all. If you would cut out three-fourths of the men's votes, it would not make any difference on the industrial question; it is not how many votes, but how they vote.

Commissioner WEINSTOCK. The point I want to get at, Mr. Darrow, is this: Regardless of how much these things may be worth, which is only a question of opinion, you in your judgment may belittle them and think they are of little value, and others of us may regard them as of great value?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. But let us forget their value and ignore whether their value is great or small. I think we will have to admit, and I am sure you will be frank enough to admit it, that every one of these measures was fought and fought bitterly by the so-called interests.

Mr. DARROW. That is true.

Commissioner WEINSTOCK. And that, despite the alleged tremendous power of the interests in the Nation, a power believed by some to be great enough to stifle the things wanted by the many, despite that power all these steps in the direction of progress have been made, and if these steps have been taken before, why can not still broader steps be taken and made in the same manner without resort to resistance and violence?

Mr. DARROW. I do not want to minimize those things; I believe in them and I am glad to see them; I think it does show some progress. Complaints have gone on for years and years and these things have resulted. Of course, I know they were all fought by the strong and the rich; they instinctively fight anything that is new; I do not blame them; they are like the rest of us; they feel their own interests and they are on that side, but the things themselves are so insignificant; people are not richer on account of them, or very much richer; and you take the workmen's compensation law, which I know something about and I know you do, too; in pretty nearly every State in the Union this law has been framed by the employers and made by them. They did not want it, but when it was forced on them they say, "We will do this much; we will stand for this much." Now, that is something, but it is almost ineffectual. Poor people come to my office day after day injured and apply for relief under it, go away with next to nothing; they do get something, but it is so trifling and inadequate it is not worth the fuss made over it, instead of getting down to the simple fundamentals that would bring about relief. I do not like the attitude of saying, if you will pardon me, that these are legal ways and any other way I suggest is unlawful. I do not care much about ways or the laws to provide ways, but the thing is whether you get it. But if the coal miners say they won't dig any more coal as long as they are digging it for other people, it would be lawful, just the same as if they say they won't work more than eight hours a day or for less than $5 a day; and if the people cutting lumber say, "We won't cut any more trees until the Government owns them," that is perfectly legal so far; and if it is not legal it corresponds with all of our conceptions of right, and many times in the history of the world we reach those things by going cross-lots, and pretty nearly all that labor has gotten has been gotten that way.

Commissioner WEINSTOCK. Two points you have made, Mr. Darrow, that I want to spend a few moments on, so as to equalize our viewpoint more sharply. The first is your criticism of the workmen's compensation act. If what you say is true, then the workmen's compensation act is a sort of delusion and a snare;

it gives the worker a stone when he asks for bread; and I think perhaps in some Commonwealths it may come pretty near being true, but it will not apply to all Commonwealths, and it will not apply to the tendency that is going on every hour of the day?

Mr. DARROW. No.

Commissioner WEINSTOCK. Now, to point out to you the merit of workmen's compensation and to show you how it is a very great one of the great remedies to remove industrial unrest, let me give you a leaf out of my own experience as a member of the Workmen's Compensation Commission of California.

I was called on recently by a little widow; her husband had been an elevator operator and he had been earning $75 a month. He met with an accident in the elevator and was instantly killed. He left his wife and baby with just 15 cents in the world; that is all she had between herself and starvation for herself and babe. Without workmen's compensation the little woman, not being a breadwinner, the first thing in all likelihood that would have happened, she would have been separated from her baby, the baby would probably have been sent to some asylum, and the mother would have to shift some way for herself, and the chances are that she might have gone downward instead of upward. Under the workmen's compensation she was entitled to a reward equal to three years of her husband's wages; her husband received $75 a month, $900 a year, or $2,700 for the three years, payable in weekly installments spread over about four years and one-half.

Mr. DARROW. Without interest?

Commissioner WEINSTOCK. Without interest; her income was about $50 a month for four years and a half. She was saved from immediate distress to begin with; she was made indepepdent; she was put in a position where she could take care of herself and baby for four years and one-half, and in the meanwhile she could qualify herself to become a breadwinner; and therefore she and her baby were saved from falling below the poverty line and becoming a burden on society, and she was able to become self-respecting and self-supporting. I simply state this as one of the thousands of cases that come under our observation?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Now, it is true that all of the States do not treat their injured workers as generously as some of the other States; but those things are naturally a matter of growth, and with the ballot in the hands of the workers and their sympathizers it is not difficult to foresee the day when the highest possible degree of equity will be exercised in practically every State in the Nation toward their injured workers.

So much for workmen's compensation.

You take the ground that the coal miners, if they act as a unit and simply follow the I. W. W. preachment of sitting down with folded arms and paralyzing industry and refusing to dig out a pound of coal until the State or Government take over the mines, that the best possible results would be achieved.

It seems to me that could be hoped for only if the coal miners not only could get within their ranks every able-bodied man who could be taught how to mine coal and were in a position, either by force or coercion or intimidation, to prevent other men from taking their places. As long as it was possible for other men to take their places they could not monopolize the world of labor, and little if anything could be accomplished along those lines. Now, I would be glad to get your answer to that. What has been accomplished in the matter of better condition of the worker in the way of legislation?

I happen to know in my own Commonwealth, and I take it the situation is very much the same in other Commonwealths, organized labor, for which I have the greatest respect, and to which I give the fullest possible credit for having rendered labor heroic service, but for decades in my own Commonwealth organized labor endeavored to secure for women and minors an eight-hour day, and failed, except in some isolated spots. Here and there there was a union of women that managed to get an eight-hour day, but the number of women who had secured, through organized labor, an eight-hour day were infinitesimal. Through legislation, so to speak, overnight, with a wave of the hand, all the people collectively established for all the women workers and minors an eight-hour day. In other words, it was accomplished by legislation, so to speak, at the drop of the hat, what organized labor had not been able to accomplish in decades and would not have been able to accomplish for many, many more decades. The same thing will apply to the question of the minimum wage for the female worker and the minor. Organized labor has tried very earnestly and very

energetically to secure that minimum wage. In isolated cases it has been able to do so for women and for minors, but on the whole up to to-day it has failed. Again, so to speak, overnight and with a wave of the hand and at the drop of the hat, through legislation, the minimum-wage commissions have been appointed in Western States, and while those wage commissions may not have established the minimum wage that you and I and some others think is right, they made a tremendous stride along those lines, and they have succeeded in securing a living wage as a minimum, not as the maximum, and again they have accomplished overnight what organized labor has not been able to accomplish up to this time and is not likely to be able to accomplish for an indefinite period yet to come. In the face of these facts, will you still belittle the achievements that can be brought about by legislation?

Mr. DARROW. To go back to your statement, I don't want to be in the attitude of unduly belittling it, because I think the workingmen, and everyone sympathizing with them, should use every means they have, and the ballot is one, but at least stand up and be counted, whether it means much or not, and I don't want to say that your workmen's compensation act has not been of some value, or that it is a snare and delusion. The reason it is of some value is because the law before that had been a delusion and snare. That is because a man killed in the line of his duty and leaving a family had been left by the courts of this country in such a position that a family was destitute after his death, and therefore this law is of some little value. Take your elevator men for instance. That family you say got in the neighborhood of $2,300?

Commissioner WEINSTOCK. Two thousand, seven hundred dollars.

Mr. DARROW. Four years interest was deducted out of it?

Commissioner WEINSTOCK. No; there was no deduction of interest. I probably misunderstood your question.

Mr. DARROW. No; I think we understand each other. This was payable weekly?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. The gross amount of $2,700 was paid in four years?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. And the present worth would be less than $2,300?

Commissioner WEINSTOCK. From that point of view, you are right.

Mr. DARROW. Under that statute the stingy States, and Illinois is one of the many, you can recover, or could before that statute, for a death $5,000 as a minimum.

Commissioner WEINSTOCK. That was before the law, at common law?

Mr. DARROW. Yes. If the courts had not cut to pieces all of the rights of the poor, that widow would have been entitled, in any State of the Union, to $5,000 or possibly $10,000.

Commissioner WEINSTOCK. May I make a statement at this point on that issue? What you say is true, but this I think you will admit is also true, that under the common law the records show that the average time from start to finish under the common law in a damage suit is six years?

Mr. DARROW. Probably you are right; I don't know, but I presume you are right.

Commissioner WEINSTOCK. And the records further show that under the common law for every dollar that is paid out of the pockets of the employer in a damage suit the injured worker only got about 20 cents, the other 80 cents going——

Mr. DARROW (interrupting). I have no doubt you are right about that.

Commissioner WEINSTOCK. Those are the records. Now, under which of the two circumstances do you think the dependent is better off?

Mr. DARROW. I think under your compensation act, and I have always said for it, and do now, although it is very inadequate, and has been passed as a last resort in all of these States by the consent of the employers for fear they would get something worse. I won't say in all, but as a rule. We are trying to amend it in Illinois. It is almost out of the question. It may be, after long years, we will get something more, but it is very inadequate; but still I am glad to see that much, and I want to see people support it.

Now, as to your second proposition, which relates to the minimum wage and the ownership of coal mines and the like, I would disagree with you in saying that the law has first obtained the minimum wage, or the shorter hours. I think the labor organizations got shorter hours and minimum wages 25 years ahead of the law.

Commissioner WEINSTOCK. For women and children?

Mr. DARROW. Yes; not universally, but in most lines of work the law at the first did only what the organizations had accomplished before, and did not do that as completely. If they had—now in most building trades of the United States they have eight-hour days, and in most of the organized lines they have constantly reduced the hours of labor and raised the price. In unorganized lines of labor the hours have been longer and the price lower, depending on everything else in this world, on the amount of force back of the demand. But I think it has been the 30 or 40 years since they began reducing the hours of labor to eight hours. The general law has not added anything to it, except possibly in a few cases. For the coal miners it has added nothing; they have had an eight-hour day for 25 years; no longer than eight-hour day, when you take it on the average. They work less than that; they probably work less than that in any one day, or any one week. They already had that. There has been some lack of uniformity in it. Sometimes they work too long, and for a long time they do not have any work at all. I think I am pretty safe in saying that the working women of California, of the stores and shops, are not better off since that law has theoretically reduced their hours and fixed a minimum wage at $7 or $8 a week, which is below what life fixes—you can not get it much below life. It does one thing, in my opinion, and that is pretty near all it does; it interferes with what is supposed to be a sacred right of the employer to buy labor as cheap as he can buy it, and it says that the State has some right to say what the price shall be. That is about as far as it has gone, but I am glad it has done that much, although I think it could be done quicker. I admit the difficulty that you speak of with reference to taking the coal mines in the way I say. It is a terrible hard thing to get working men to stand together. It is easy for me, a lawyer, who had always more than I deserve, and the plain workman getting a fair living, to criticize because they don't stand together. Men like you or me have no right to judge of that matter. If we were living along the life line we would probably grasp the first crust of bread that we could get hold of and let the rest go. That is about what we are doing, anyhow. If they do stand together to a considerable degree, it does look like an almost impossible thing to say that all of the coal miners would refuse to dig coal until the coal mines became public property. It would not require them all. It would require 50 or 60 per cent, but you have the same difficulty with the balance. You have to get them together, and you can not get them any easier, and the man who is what the unionists call a scab in the mines, is a scab in the election, too. That is, he votes for the interests of his employer as against the interests of his class, and it is just about as hard to bring them together in one place as it is in another. They never can be brought together as a matter of reason; nobody acts from it. They are brought together through some great emotion that sweeps them along, and it is hard to get it focused on the election; you can generally get it focused on a general strike. Men don't think anything about it, they just do it. In that way some of these things come to pass by a general movement, and when it comes to pass it will come that way.

Commissioner WEINSTOCK. Let us see where your line of reasoning leads us to. On the one hand you admit it is almost an impossible task to get all the coal miners to act as a unit along the line of securing public ownership of coal mines, and on the other hand you admit that it is almost a hopeless task to get the workers to work together with the ballot. If that is true, what is the remedy? If it can not be done through the ballot or collective action, where does your remedy come from?

Mr. DARROW. I don't know whether my philosophy is helpful or cheerful. I don't believe there is any remedy for anything in this world. I am not an optimist, and don't think life is worth while. We are here because of the will to live. You can not prove we get pleasure out of it or it is worth anything. We are here working out our instincts and emotions. You can not prove that the future is going to be better than the past. We are just living it, and we can not get out of living it.

Commissioner WEINSTOCK. Admitting all of that to be true, is it not better to look at the doughnut than the hole?

Mr. DARROW. We differ in our temperaments. It might be better for me to be constituted like you, or the chairman, but I was not, and I can not help it. The forces that mixed up the clay mixed them in a certain way. May be they didn't do right by me, but I can't help it. It is so with you and everybody else. My inclinations drive me to be on the side of the poor man. My emotions are

quickly reached, and my sympathy is quickly touched, and I have a lot of imagination which has caused me a lot of trouble, but I can not help it.

Commissioner WEINSTOCK. You heard the comparison made before this commission in the last few days, and if I mistake not I think you yourself made use of it, along the lines of justifying the boycott?

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK. By quoting the action of the American colonists during the Revolution. That was practically a boycott on England?

Mr. DARROW. Yes, sir

Commissioner WEINSTOCK. And was resistance to constituted authorities, and that has been used possibly by yourself?

Mr. DARROW. Yes, sir; I did use it, Mr. Weinstock.

Commissioner WEINSTOCK. I know it has been used by other witnesses as a justification for boycott and for resistance, but is that a fair comparison, Mr. Darrow? Are the conditions parallel? Is it not a fact that the Revolution was brought about and there was resistance to the constituted authorities on the part of the colonists because they had taxation without representation? That was the issue? Can it be said to-day that you and I and the rest of us have taxation without representation? Have we not the fullest representation?

Mr. DARROW. Women say they have not.

Commissioner WEINSTOCK. Admitting that it is so, as far as the women are concerned, in the States that do not have women suffrage, can you and I say that as citizens, as voters?

Mr. DARROW. No; but that is only a small thing. The idea is that the boycott is a natural weapon which is resorted to for good and evil which comes from the philosophy of life. I have been boycotted all my life, sometimes because I ought to be, and sometimes I ought not to be, and sometimes because I was too good for the bunch I was living with, and sometimes perhaps because I was too bad for them. A man gets out of line of the common life and he is boycotted. It does not make any difference whether he is ahead or behind. He has got to keep step. There is no man here who has not been boycotted, or does not boycott. I boycott people because I do not like them. I know they are just as good as I am and just as bad, but they don't mix with my chemistry. There is no chemical affinity with me. Everybody boycotts what he don't like. You can't mix a scab and a trade unionist, because the trade unionist believes the class should stand together, and you bring in a workingman that won't stand with his class, they don't like him and won't associate with him. I don't want to be personal, but I can take a man like yourself who has been really and honestly interested in the labor movement, as doubtless you have, and you have doubtless found a good many of your employing class, your associates, who look upon you with considerable doubt. You let an employer be interested in the cause of the poor and the employer thinks he is a traitor, and don't like him. You let the poor be used by the employer, and the poor thinks he is a traitor and don't like him. We are boycotted for our religion and politics, and social views and conduct, and everything else good and bad; and it is a natural thing and you can not help it, and the law is idle to try to help it.

Commissioner WEINSTOCK. Were you present yesterday, Mr. Darrow, when Mr. Drew gave his testimony?

Mr. DARROW. I heard some of it.

Commissioner WEINSTOCK. Well, possibly you may have heard his explanation of where he draws the line between a legal and illegal boycott. Let me see if I can present his thought clearly. He took the ground that the mere refraining from buying things or patronizing other people, individually or collectively, is not illegal. That this group, for example, would have every moral and legal right to say that for any reason, or for no reason, we won't patronize this hotel or that hotel or some other hotel. Nobody could find fault with that or take exception to that. But that the moment that we went beyond that and intimidated or coerced other people because they did what we did not want them to do, then we went beyond the limit and committed wrong, moral and legal wrong, and are subject to punishment.

Mr. DARROW. Those fellows are always strong for the law; they make it. Now, let us see how that question really works out. Under the law, as it is fairly well understood, I think, or has been, to constitute crime, there must be an association of act and intent. Well, what it might be in mental philosophy I won't discuss, because it is outside of the realm of law and lawyers; but there must be a combination of act and intent. A prayer meeting is a perfectly legal thing, but if a combination of men, for the sake of breaking up

the business of John Smith, would arrange to hold a prayer meeting at 12 o'clock every day in front of his store or saloon it would be an illegal combination, because the purpose is bad. The purpose is malicious and born of spite against the man. A boycott should be—I don't know what it is any more in the law, because nobody knows. These fellows all talk learnedly about it, but they do not, any of them, know, because these judges are guessing all the while, and there are so many judges that they can't all guess together. But under the law as it was fairly well laid down, if a combination of men should say, out of pure malice, to me "I won't trade with you," and should go around amongst neighbors and say, "You must not trade with him," through a desire just to work havoc and destruction to me, that is illegal; but if a body of union men or a body of any other men would say, "Here is Darrow running a store; he pays low wages and he hires children, and he cuts prices and we want to make him come into line with the rest of us and pay decent wages; and we are not going to trade with him until he does, and we go around amongst our neighbors and everywhere else and say 'Don't trade with him until he conforms with what we think is right.'" That is not illegal. The purpose is high.

Now, I won't say that some court has not said it was, but the courts make a good deal of illegal law; that is, law that does no correspond with the principles of justice and equity, or to many of the other decisions of courts, which I think are more in line. But that is the line at least. Any body of men ought to have the right to say where they will trade, and where they will buy, and where they will sell. Now, of course, the boycott lots of times works a good deal of injustice. I remember as a boy at district school the boycotts of us children were terribly hard and unjust; we couldn't get out of it; we stood and had to stand them, and everybody else did. But you can't help it until human nature is good, and that probably will never be. But it is a weapon which is an important one, and which has always been resorted to, and everybody else resorts to it, and the workingman has a right to resort to it.

Commissioner WEINSTOCK. Then you are a believer in the justice and moral and legal right, whatever the law may be, of the worker to collectively resort to the boycott to the very limit to gain his ends?

Mr. DARROW. Well, I don't know what you mean by "the very limit." As far as I have indicated I think they should have the right not to trade with anybody, or not to trade with anybody who traded with anybody, or to buy or not to buy of anybody, or to associate with anybody who bought of anybody.

Commissioner WEINSTOCK. You think they are justified in doing this. Mr. Darrow, as has been brought out in the evidence here. I haven't it at hand, but I think I can remember it. Do you think the workers would be justified in carrying the boycott to the limit which they are said to have carried it in Pennsylvania, where they compelled—I think it was a district school—to discharge a teacher against whom there was no complaint of any character, who stood very high, but they insisted she must be discharged because she had a brother who was a so-called scab?

Another instance, which I think a lad was employed in a baker shop, and either his brother or his father was a so-called scab, and he was driven out of his job by the workers, who insisted that unless the baker dismissed him they would boycott him. Do you think it is justifiable to carry the boycott to that extreme and to punish innocent people?

Mr. DARROW. I was the attorney in the coal strike case—arbitration case—and your statements of fact are substantially correct. One of the most striking illustrations of a boycott was at a Catholic mass one morning, when some man got up and said, "There is an unfair man in the house," and everybody left, except the man and the priest. Now, the cleavage in Pennsylvania was absolute and complete. I don't want to leave the impression with you that I am a hard-hearted fellow, for I am not. I am sorry for anybody that suffers under these things; but the innocent and the guilty suffer alike. Natural law knows no such thing as innocence and guilt. A saint is just as likely to be struck by lightning as a sinner, and even more so, because he don't know where to go so well.

I know when I was a boy my father's family was boycotted because my father was not a Christian—that is, because he was, but did not belong to church—and it was kind of tough on us children, but we could not help it.

The anthracite region was in a state of war. There was an absolute cleavage between the one side and the other. The employers were bringing scabs from the four quarters of the earth to defeat the miners in what they thought was a just fight—and what was. The miners, of course, were busy, too. The employers brought gunmen indiscriminately from every big city in the country,

who handled their guns without mercy, and it was a fight to the death. Women and children were on the verge of starvation. The strike lasted for months. You asked me whether they should have said to the teacher, "You can't teach school because your brother is a scab." They hated the brother, and that was reflected to the teacher. You might ask me whether I think the English are justified in the mobs in Liverpool against the Germans. Sitting here, no. Being there, with the *Lusitania* in sight, I can not criticize them. It simply means the emotions of life uttered themselves, and when they do, reason and judgment have to step aside while the emotions are working. That is all it amounts to. I don't know as I have answered your question. I don't know; it is true, that is all.

Commissioner WEINSTOCK. Well, do you say, Mr. Darrow, that you think the law should permit men to exercise the hate within them and the spirit of ill will within them to do what was done to this school-teacher, or would you have the law forbid it and draw the line at hate?

Mr. DARROW. Mr. Weinstock, if you were a lawyer and broad-minded, you would not have such unlimited confidence in the law. The law can not forbid any of the passions in the human heart, and if it did it could not affect them. The human heart does not take any account of statutes at all. It just acts. As the heart drives the blood around through the system, it does not take any kind of law. Now, you may pass a law that every man that does thus and so shall be hung by the neck until dead, but that does not control his emotions. It is just simply to annoy somebody after the trouble is over with.

Commissioner WEINSTOCK. It is a fact that the law itself can not prevent me from committing murder, but it can punish me if I do commit it, and that punishment may be some restraining influence to prevent the commission of such an act by others?

Mr. DARROW. To prevent the next fellow, perhaps.

Commissioner WEINSTOCK. Now, if a law were passed to prohibit strikers from doing what they did to that school-teacher, it might not prevent their doing it, but it would punish them for doing it, and that punishment would act as a restraining influence on others from repeating that act?

Mr. DARROW. Well, isn't that all theoretical? Does it act so?

Commissioner WEINSTOCK. That is the history of civilization?

Mr. DARROW. No; it is not.

Commissioner WEINSTOCK. Our civilization is thousands and thousands of years old, and up to date that has been the best method we have been able to devise—the best method the human mind has been able to conceive of.

Mr. DARROW. I think the ablest people who are studying criminology doubt the whole idea of whether the punishment of one man affects another; but be that as it may, if you punish the people who acted from a perfectly natural impulse to boycott a teacher, punished them long after it was all over with, and the passions had subsided, it would only work cruelty in that case; and when you work up the same feeling again the human heart once more would do the same thing. I think so anyway. We may differ about that, but that is the way I think of it.

Commissioner WEINSTOCK. But don't you know that the reason for punishment is because we believe it has the effect of restraining others——

Mr. DARROW. I think punishment is barbarism, and vengeance.

Commissioner WEINSTOCK. Very well, then; how would you protect life and property against the vicious and criminal?

Mr. DARROW. Well, the vicious and the criminal have the property and should protect it themselves. But to answer your question: I think it is somewhat aside, but I am always glad to discuss it, because I think perhaps I know about this subject more than others which have—which I have been talking about. The idea of punishment is formed on the theory that a man knows right and knows wrong and willfully and wickedly chooses the wrong. It has no foundation in logic or philosophy. A man is a creature of circumstances. He acts from motives. He goes where he must. Nobody is entitled to either credit or blame for what he does; they do it; that is all. Now, to consider the matter a moment, let us assume that it is true. If I punish you for doing something, why it keeps somebody else straight. That is all theoretical. The origin of punishment is not that at all. The original of punishment is vengeance. You hit a dog with a stick, and the dog will bite the stick because he is mad at it, and in that way punishments have grown up. You are mad at somebody and want to harm them, and you punish them and hurt them, hang them, put them in jail, burn them in oil, start a fire around them—something so they will

suffer. That is penalty. That is what the brutal parent does to his child—whips it when it does something that the parent used to do when he was the child's age.

But people have got ashamed of it, and so they accordingly say: "We are not doing that because we think the fellow is bad, but to serve as an example to some one else." To start with, it is not fair to punish me to keep you straight; to hang me to make a good citizen. That is all theoretical; no one knows whether you will or not. You have been doing it for a long while, and there are just as many murderers; and intelligent people are beginning to find out that there is a cause for crime, the same as there is for typhoid fever. Lawyers are the most ignorant people in the world; that is the trouble about these things. They think we can cure a condition by hanging some one.

Now, suppose a doctor was called to treat a case of typhoid. He would go and examine the well or find out about the milk supply and find out whether there were any poisonous germs around, and then have the well cleaned; but if a lawyer came along to treat it, he would give the patient six months in jail, thinking he could cure the typhoid, and at the end of six months he would let the patient out whether he was cured or not; and if he got well in six days, he would keep him until the whole six months was up. That is the whole theory of punishment. There is a cause for burglary and a cause for robbery, just as there is a cause for going to church.

You may take all of the murderers and all of the robbers, and as a rule they come from a certain section of a town or city; they come from the slums or the poverty district, where boys have no place to play but on the railroad tracks and the streets; and they come, in the main, from among adolescent boys, boys between the ages of 15 and 25 years, who may do anything. You can not tell anything about a boy between those ages, and it is just as natural for them as for other boys to work on the farm. Sometimes we will try to find the cause and get somewhere with it. Now, we are simply brutal. We say, "You have done this and should suffer thus"—no relation at all. "If you do that, we will send you to jail for 30 days, and next after that for 60 days," You do not think of 40 or 45 days, but 30, and then after that 60, and after you pass 60 it is 90 days and not 70, and then after you pass 90 days it is a year. It is not 7 or 8 months; it is just purely a matter of guesswork and vengeance and ignorance; that is just what it is.

Commissioner WEINSTOCK. It is not to be denied, Mr. Darrow, that you have an uncommon knowledge of human nature.

Mr. DARROW. I don't know; I have been fooled a good many times.

Commissioner WEINSTOCK. You have a knowledge of human nature that I envy you.

Mr. DARROW. Thank you.

Commissioner WEINSTOCK. And I think you have diagnosed the case quite correctly when you point out that when you or I or the rest of us are wronged we are filled by hate and revenge, and I think that if, as in prehistoric times, the remedy was to be left to us as individuals, we would be very cruel and unjust. I know I have been filled at times toward individuals who have done me what I thought was a wrong with such feeling; I have had murder in my heart, and if I had had my way I suppose I would have used the big stick.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And you and the rest of us are no different, but that is not the legal way of dealing with conditions. While I, as an individual, may feel that feeling of hate, bitterness, and revenge against my enemy, it is not true as a rule—there may be exceptional cases—that a court and jury are filled with the same feeling of hate, bitterness, and ill will, and therefore, except in exceptional cases, I should gravely doubt the statement that the average criminal who is brought before the court for having violated a law or having committed some crime, that he is dealt with in a spirit of revenge, hatred, and ill will.

Mr. DARROW. May I just—I do not want to be philosophizing here and using up your time, but you are kind of suggesting this. I guess I have lived in the courts for 37 years. I ought to know better; ought to have better sense, but I have not. I do know how courts and juries—I think I do, anyway—know how courts and juries act. If not, I have not made much of my opportunities. Juries do hate and courts hate, and they love, too. I think you do not mean personal criticism, because you think what others do; you think too much of the words "criminal" and the "law." Most people have an idea that a man who is a criminal is different from a man who is not a criminal. There is no

difference; we are all partly criminal and partly conventional; put it that way. It is a question of degree, and that is all there is of it. And some of the fellows who have done what society thinks are the worst things have also done some of the best things, as everybody knows who takes any pains to find out; that is, we are creatures of all kinds of emotions, sometimes one kind predominating and sometimes another.

Now, a practicing lawyer, if he has any sense, knows that a jury does love and does hate, and a lawyer prosecuting a man tries to arraign a whole lot of things to make the jury hate the victim; it does not appeal to his judgment or logic; that does not appeal to anybody; but they stir up the feelings. On the other hand, if you are defending a man, you try to throw around the case a feeling of pity, of love, if possible, for the fellow who is on trial. If you can do that, the jury thinks, "Well, I am on trial;" through their imagination they feel the other fellow's pain and position and they act to satisfy themselves. We all do that; we can not act from any other motive, and it is the real feeling of the jury, and a juror can give a good reason for anything he wants to do. If a man wants to do something, and he is intelligent, he can give a reason for it, but you have got to get him to want to do it; you can lead a horse to water, but you can not make him drink; but if you can get a man to want to do an act, he can find a reason for doing it. That is the way the mind acts, I think.

Commissioner WEINSTOCK. You were saying a little while ago, Mr. Darrow, that under our modern system, the poor man has little or no chance in the courts, and you pointed to the statement that the jails were filled, as a rule, with poor men. Do you think that holds good as applied to men brought into court in connection with labor trubles?

Mr. DARROW. Why, no; I did not refer to that. The labor leaders who are brought into court are able to defend themselves generally; but they are a very small number of the people who are in jail. Of course there are often a good many that are very helpless fellows who are arrested. I refer to the ordinary run of people in jail.

Commissioner WEINSTOCK. Yes. Of course the theme that is of prime interest to us here, and the theme to which we are directing our thought, is the labor problem, the industrial situation.

Mr. DARROW. It does hold good that injunctions and the processes of the courts, and all those things that involve labor unions, that they are poor and can not do it.

Commissioner WEINSTOCK. You defended the McNamaras in California?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And I take it that the McNamaras as individuals are poor men?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. I would hesitate to ask you this question, Mr. Darrow, had not my friends on the commission who represent organized labor established a precedent.

Mr. DARROW. You may ask me anything; perhaps I will answer it.

Commissioner WEINSTOCK. They asked Mr. Davenport, who represented the employers, what compensation he received; may I ask you what compensation you received for defending the McNamaras?

Commissioner O'CONNELL. Mr. Davenport declined to answer.

Mr. DARROW. I will not take advantage of him, Mr. O'Connell; I would just as soon tell.

Commissioner O'CONNELL. I thought you ought to know that Mr. Davenport declined to answer.

Mr. DARROW. May I preface that with a little sketch about it?

Commissioner WEINSTOCK. Yes.

Mr. DARROW. I presume I have been working for 25 years on labor cases. I have managed to make enough out of the rich to help the poor now and then for nothing, and I presume that I have given—well, I think I am safe to say one-third, and I think one-half of my time, in my office in the defending of poor people without any pay at all, and I think three-fourths of the labor cases I have tried for nothing. I have tried—I have been employed in three cases where I got something like a fee from labor. Now, that is not the fault of labor at all. It has always meant to treat me generously, but I know their situation. It is an organization on a strike, and I do not care how rich they are, they have to feed their women and children, and they do not have much left for the courts.

In the coal-strike case—I had just as soon state the three at once, if you do not mind—I spent four months' time; I was the chief attorney for the strikers. We got an award which I think in the course of years amounted to ten or fifteen million dollars and about a half million dollars back pay. For the four months' time I charged them $10,000 and got it. I have no doubt that any corporation lawyer would have charged them ten or fifteen times as much and got it, as I would have, if I had asked them, and they would not have thought anything about it. That is the only case in which I ever made anything.

In the Moyer, Haywood, and Pettibone case—I have a large office in Chicago, and, like every other lawyer, his business is his income, and it takes a long time to build up a business, I left my office and went to Idaho, and spent a year and a half, and not only ruined my business, but my health. I was operated on afterwards, and it was six months more before I could go to work, and I got $35,000 and I came back and my practice was gone. But that was all right, I got what I asked.

In the McNamara case—of course I dissolved my firm and closed out my business, hoping that after that case I would not have to practice law any more. I spent six months and a little over on the work in that case, and I got about $48,000. I spent a year and one-half after that defending myself, and that took it all, practically all, and I have gone back to work; but I got my pay as I went along.

Commissioner WEINSTOCK. Well, you have the reputation, Mr. Darrow, and I think you thoroughly deserve it, as being one of the ablest attorneys in America, on these questions especially. Then it is clear that despite the fact that the McNamaras are poor men, that they had the benefit of the ablest lawyer money could employ?

Mr. DARROW. Well, I am too modest to admit that. I did the best I could for them; I know that. I am sorry I could not do more.

Commissioner WEINSTOCK. So it is clear, then, that so far as poor men who are brought into court in connection with labor troubles are concerned, it can not be said they are not properly defended.

Mr. DARROW. Well, that case and the Moyer, Haywood, and Pettibone case were two striking examples of there having been money raised sufficient to give them a good defense, as good as they could get; but as a rule that does not hold good, Mr. Weinstock. I defend many of them for nothing.

Commissioner WEINSTOCK. I take it in that connection you are very much in the position of the physician who was obliged to treat a great many charity cases?

Mr. DARROW. Yes, sir; I am; but I am sorry to say that most lawyers are not. A lawyer will let a man die on the gallows, because he has no money to pay him. A physician will see that the poorest man has an operation by the best physician, to save his life. Their profession is ahead of ours.

Commissioner WEINSTOCK. May I ask, Mr. Darrow, whether you regard public opinion as of any value to organized labor in striving for its objectives?

Mr. DARROW. I think it is the greatest force and value.

Commissioner WEINSTOCK. You believe then that organized labor can not hope to achieve its ends, and can not hope to go on striving to secure a higher wage, shorter working day, and better working conditions unless it can bring public opinion up behind it to aid it?

Mr. DARROW. It is very important, Mr. Weinstock, and probably I will go pretty near as far as you will, even if I see what you are leading to.

Commissioner WEINSTOCK. Now, if that is true, and public opinion is of value, and of course you can not hope to have public opinion behind us unless we can win the good will and the respect and the confidence of the public generally?

Mr. DARROW. Now, you are putting in some things I can not stand for.

Commissioner WEINSTOCK. You mean that it is not necessary to win the respect——

Mr. DARROW. No at all.

Commissioner WEINSTOCK. Of the public?

Mr. DARROW. Not at all. Capture their imaginations, that is all. Nothing else in the world, especially public opinion. You have to strike while the iron is hot.

Commissioner WEINSTOCK. But then we know that organized labor's objectives are not things that can be achieved; things that organized labor has in mind must necessarily take time to bring about, and perhaps a very long time. Now, do you think it is possible to so blind public opinion that it can be held

and restrained indefinitely, despite unfitness and unworthiness of the object that they are striving to get the benefit of public opinion on?

Mr. DARROW. You can not hold public opinion to anything indefinitely. Everybody, you take any person in the public eye, good or bad, if we can classify it, they have a season of popularity, and then they throw stones at them, or vice versa. I have had my day of it both ways, and the public was wrong at both times. I did not deserve their praise, and I did not deserve their stones. Every public or quasi-public man has been through the same mill, more or less. It does not make any difference whether a man is good or bad, as far as public judgment goes. You take all the heroes and martyrs in history, and wherever you go it is the same thing. Nothing so changes and shifts as public opinion, and nothing is so powerful. We are just victims in its hands.

Commissioner WEINSTOCK. Admitting for the sake of the argument all that you have said, is it not a fact, as far as you know, whether the American people deserve it or not, they at least have the reputation of standing up for what is right and condemning what is wrong?

Mr. DARROW. If they had that reputation, I never heard it. I think they are about the poorest class there are on earth, as far as that goes.

Commissioner WEINSTOCK. The American people as a unit?

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK. Are the poorest class for what?

Mr. DARROW. As to standing up for what is right and going back on what is wrong. In the first place, we are not a Nation at all, we are a conglomeration of everything from everywhere. We have no nationality. You could depend pretty well on what an Englishman would do, because they are one people; or what the Frenchmen would do, because they are one people; or what the Germans would do; but you can not tell what Americans would do. It will take hundreds of years for them to get welded into a country, and they veer around, and one day Mr. Roosevelt is the idol of the American people and the next day they are busy to see who can throw the most stones at him; because he is conspicuous and spectacular, and those things about him. Look at Dewey. Let me give you one simple illustration. There is a man—captured the imagination of the people because he battered to pieces a few old tubs in the harbor of Manila, without heroism or anything else; but the whole country went mad over him. People got up excursions from the remotest points in America to go to New York to greet him. They got up a donation for him and bought him a house and lot, and he deeded it to his wife and they all went back on him in a minute.

Commissioner WEINSTOCK. Are we to understand from what you say, Mr. Darrow, that the American people, you believe, stand up for the wrong and condemn the right?

Mr. DARROW. Right or wrong cuts no figure. People like it because it is a spectacular thing; it is imagination that moves people. Something captures them. Right or wrong cuts no figure in the world anywhere as to moving people. A great warrior will go out and kill thousands of men without what we would call moral excuse. Napoleon is possibly the most popular idol of the world; maybe he had good qualities, but he was popular because of the great many people he killed, and his dash and brilliancy. Morals had nothing to do with it; just the spectacular part.

Commissioner WEINSTOCK. If you were advising organized labor, who stood before you as a unit and invited your counsel and advice and would say to you, "Mr. Darrow, we want to get public opinion in our favor," I take it you say to them, "First capture the imagination of the American people, regardless of what you do, whether it is right or wrong. Capture their imagination and you will have public opinion behind you, whether right or wrong, and you will have it permanently."

Mr. DARROW. Yes, sir; but the trouble is you have to capture the newspapers, because the great mass of people only know what they read in the newspapers. Of course what you say is right. Capture the imagination of men and then you can do something, because popular opinion is irresistible; no human being can stand up against it and live. They may duck a while until the waves go by and get up in a kind of dazed way, but you can not live against it.

Commissioner WEINSTOCK. The first thing to do along those lines, if organized labor believes as you believe—that public opinion is of great value to it, and that public opinion is influenced primarily by the imagination, whether right or wrong, the first step is to capture the press, and your advice would be, "Boys, go out and capture the press." How could they do it?

Mr. DARROW. It is a hard job; I don't know that they can do it at all. It is pretty nearly necessary to get public opinion to get the press. I don't know how they could do it, Mr. Weinstock. I wish I did.

Commissioner WEINSTOCK. That would be in the nature of a circle. To get public opinion you have to get the press; and to get the press you have to get public opinion?

Mr. DARROW. I don't believe I said that; but that is what it would result in. Capturing the press is a hard job. Mr. Scripps has been trying to establish a newspaper in this country that would not take advertising—he has one in Chicago—and he says he thinks he can do it all over the country. If he can do that, it might go some distance; but to run a big newspaper you have to be very rich, and the owner feels what Grover Cleveland once called communism of combined capital. You can not help it. It is a tough job, and I don't know how we can do it. I would rather raise problems than settle them; it is easier.

Commissioner WEINSTOCK. I have been asked to put this question to you, if you will be good enough to answer it: Will Mr. Darrow point out what principles, if any, have been applied to the issuance of injunctions in labor cases which have not been generally applied to all combinations, irrespective of the character of the persons forming the combination?

Mr. DARROW. I will answer that as near as I can, Mr. Weinstock, but the trouble with that and this whole discussion about the poor and the law is the impossibility of the weak to use the machinery and the ease with which power can use it against the weak. Now, you make a statute which on its face looks like it hits every man alike, but it doesn't hit every man alike. I remember Anatole France in speaking of this question said: Of course, the law is perfectly equal; it provides that it is a crime for anybody to sleep under a bridge, whether he is a millionaire or pauper. But the millionaire don't sleep under bridges. The law is equal, all right, but it catches the poor man only. You take the constitutions of the States, which provide that legislation shall be uniform all over the State, that you can not make it for one section and not the other. Thereupon the legislature will say it applies to all cities over 1,000,000 population where there is only one in the State. You can not make it apply to the city of Chicago, but you can make it apply to any city of over 1,000,000 population. Indirectly they accomplish the same thing.

Now, this particular question. If you can imagine any combination of men outside of the labor unions that would be injured by these injunction cases, it would cover them. You can imagine some acts that would be covered by them like boycotts, which are common in mercantile business, as I am informed, but I never heard of it being applied. I never heard of it. You could imagine that it might be applied to a great mine, where its owners have determined that they would lock out their men, which often happens. Can a workman go into the court and ask for an injunction against their closing down the mine? The theory would be the same thing, but it has never been done, and I don't apprehend you could find a court that would grant it. For instance, in Pennsylvania they hold, and I think very properly, that an employer may refuse to hire any union man simply because he is a union man, but these and other courts have held that a workingman can not say that he will not work with a nonunion man; that is illegal. It depends on the force back of it, and the application you want to make of it and the facility you have for making it. On the face it might look the same, but this whole thing has been built up on labor unions, and has not been applied otherwise as a rule.

Commissioner WEINSTOCK. Now, Mr. Darrow, summing up, may I review the different points that have been touched upon by you and see what we can take away as the result of this most interesting statement on your part?

Mr. DARROW. Thank you.

Commissioner WEINSTOCK. Speaking for myself at least, I wish to make sure that I understand your philosophy correctly. If I misunderstand you, I wish you would correct me as I go along.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. The frame of mind that you have left me in is this: First, that while theoretically we are a free country, practically we are not; that while theoretically you and I and the rest of us have our civil and political rights, practically we have not.

Mr. DARROW. That applies to the weaker.

Commissioner WEINSTOCK. That applies to the weaker?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. That the English, for example, are much freer than we Americans are?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. That they have rights and privileges that we do not enjoy?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Second, that all the progressive laws that have been passed in this country and in the various Commonwealths in the last decade or two, including such laws as workmen's compensation acts, maximum and minimum wage acts, eight-hour day for women, and safety acts, and the initiative, referendum, and recall, are mere patches, are mere makeshifts, that they don't touch fundamentals, and therefore are of little value?

Mr. DARROW. That is about the way I put that.

Commissioner WEINSTOCK. That in the matter of violence you would justify resistance on the part of strikers, for example, if in their opinion the authorities were not giving them a square deal?

Mr. DARROW. Well, now, I will just have to explain that. I justify any man in doing whatever is right, whether rich or poor. The highest thing a man can do is to follow his conscience, no matter where it leads him, and the harder it is the higher credit the man deserves. I think that it would be poor wisdom to resort to violence when there is no chance. I would not advise it or urge it. I recognize it in the scheme of things as one of the inevitable things that go along with human development, but as to saying here I think you ought to go and do this or that, I never do it, and would not take the responsibility. If it is done, I understand it, and I don't blame the man. Remember Victor Hugo's Les Miserables, where he takes the old priest up on the mountain to see the revolutionist, and after the revolutionist has converted him on everything else, he said, "You remember the cruelty and bloodshed of the revolutionists," and he looked at him and said, "Yes; a storm had been gathering for thousands of years; it burst; you blame the thunderbolt." That is the attitude of the people that blame the men for the consequences of those things that have gone before. I don't think I gave any opinion one way or the other. It is not a question of opinion, but of fact and natural law.

Commissioner WEINSTOCK. Well, you say you would not blame the man; that while you would not justify him resorting to violence, if he did you would not blame him? Would you punish him?

Mr. DARROW. No, sir; I would not punish anybody for anything.

Commissioner WEINSTOCK. You think it is a delusion and a snare?

Mr. DARROW. I think it is barbarism. I don't think that anybody should be confined. I think there are people that are antisocial in their nature, and for many years to come there will be people that need confinement. It is not because of any wrong they have done, but a wrong that has been done to them, and they should be treated like hospital patients and kept until they recover or never turned loose.

Commissioner WEINSTOCK. You only leave us this inference that if you had your way you would wipe out all penitentiaries and prisons and establish hospitals?

Mr. DARROW. I would, but I would try to get at the cause of what we call crime and cure it, so there would be only a very small portion of it. But while it might look to you for the moment—and I guess I am carrying you away from what you were asking—it would not make much difference whether you called them jails or hospitals, but it makes all the difference in the world. You say to me you need to be restrained, but it is because you have an evil heart, then you punish me. Then you say to me you are ill and society has not treated you right or nature has not, and I am sorry for you and want to help you, and I must keep you here until you are well; that is another question entirely. It is the attitude of the world toward what we call criminals that I complain most about. If we get them we can cure it.

Commissioner WEINSTOCK. Admitting when we reach that ideal day, when Utopia is here and we wipe out jails and penitentiaries and substitute hospitals, what are we to do in the meantime? What will we do with our criminals?

Mr. DARROW. What we will do is to abuse them and misjudge them and practice all kinds of mistreatment. It is not so far away. I can see a great change in the attitude of the world in the last 10 years. Can't you?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. It was called at once a crazy idea to say what I have said about crime. Probably half of you people on the commission believe it; maybe all of you. Ten years ago very few believed it. Most of the criminologists of to-day have accepted it. We find people going at it as the warden in New York, in Sing Sing, is doing. We have very much the same attitude on the part of the warden in the penitentiaries in Illinois and Colorado. The attitude is growing very fast. I don't belive it will be 25 years until there will be no more prisons, practically. We will be looked on as barbarians for doing those things. There will be people confined, but not in that attitude. I think that is coming faster than a lot of these things, but maybe I am wrong.

Commissioner WEINSTOCK. Now, continuing as to the frame of mind I have been left in. On the question of boycott. I take it you feel it is morally and ought to be legally right; that the boycott be carried to the limit, no matter how many innocent people are injured or hurt?

Mr. DARROW. Of course I kind of shrink from the idea of injuring innocent people, and I don't suppose I could boycott anybody myself. I can justify other people who do it. But everybody is innocent. Mr. Rockefeller, of the Standard Oil Co., who represents, to my mind, what is the most antisocial thing in the world of business to-day, is doubtless as innocent as anybody who looks at it in any other way and justifies himself to himself, the same as the rest of us. Everybody is innocent. You might think there are degrees of it, but hardly that. These things happen. Putting it as you say, I would say that I would justify it, whether it affected the innocent or guilty. I would be sorry for it. But it is not only right, but necessary. For instance, you might take the same causes in the war in Europe. To destroy the German power England has thought it necessary to keep bread from Germany, although the wives and children and noncombatants suffer. It is absolutely justifiable and necessary from their standpoint.

Commissioner WEINSTOCK. You would then regard a strike as war?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. You believe that there is power other than the Government itself, then, that has a right, so to speak, to declare war?

Mr. DARROW. Well, of course, legally, under the laws of the country, to declare what we call war must be done, if I remember it, by Congress. I have not read the Constitution for some time. That and the Book of Genesis I have kind of passed up. But the Constitution does not apply to industrial war, and if it did I would say they had the right to do it, or should do it. I don't like the word right; there is nothing to base a right on. Everybody has their own conception of right and wrong.

Commissioner WEINSTOCK. And finally, your view is that public opinion is very important to organized labor to aid it in carrying out its desired ends, and that to get this public opinion it is not necessary to be right, but it is very necessary to capture the imagination of the public?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Either right or wrong, you are likely to win?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. But you think that the question of right or wrong would enter into an industrial trouble, or do you believe, as our friends the I. W. W. believe, that whatever is good for labor is right, and whatever is bad for labor is wrong?

Mr. DARROW. Well, those are kind of hard questions; questions that a man does not always like to answer, and questions that are not easy to answer, but I will be as frank with you as I can about it. Of course, right and wrong are purely relative terms. You say a thing is wrong, if it sort of shocks your sense of justice and fitness, and it is right if it does not. There is no way to base it. There is no foundation for right or wrong, so nobody can tell. Now, perhaps it is not hardly fair to say that right and wrong in that way have nothing to do with catching the imagination. If you could classify the emotions of men as between hate and fear and revenge, which are some of the emotions that move all of us, and love and pity and sympathy, which are emotions which move all of us, you might call them the higher and lower and the conflicting emotions. Now, we call the one class the higher. I think that on the whole the tendency is that gradually they will survive. You might look for more, based on it, but we are always being ruled by hatred and by fear, and the imagination of the world is always being captured by it, but I think perhaps in the evolution of things it is better the other way and stronger the other way. I don't know whether that makes my position clear on that question or not.

Commissioner WEINSTOCK. You have a faculty of making yourself very clear.

Mr. DARROW. I don't want you to think I am dodging any of these, but they are some of the things that are rather embarrassing, and a man is liable to be misquoted.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon has a few questions he wants to ask you.

Commissioner LENNON. Mr. Darrow, this thing you call imagination, and the higher ideals of it that have been expressed by man, is the world making progress toward those higher ideals, or are we going backward?

Mr. DARROW. Well, Mr. Lennon, that is a hard question to tell. I have sometimes thought that we were going forward. I think, on the whole, we are, but in science or in philosophy I doubt whether there is any foundation for the theory that man is going forward. All we know about life is that there is constant activity and change. Out of that it may for a time go forward or backward, but I believe on the whole it is going forward at this time.

Commissioner LENNON. As to our conception as to what is freedom under government, and what are human rights in society, are we making progress as to those things?

Mr. DARROW. I think we are getting higher ideals and seeing further.

Commissioner LENNON. What force in the history of mankind has been the most potent in that direction has it been the struggle of the laboring class for better conditions, or the advocates of the policy to let things remain as they are?

Mr. DARROW. Oh, whatever position they may take there is no doubt but what the future is to have labor socialism. Whether you call it socialism, or labor, or any of the progressive ideas, the fact is that the imagination of men is working that way. Whether you do a thing to-day or to-morrow or some other time, they have everything to win and nothing to lose, and it is going that way.

Commissioner LENNON. You have been asked some questions regarding the violations of law by individuals and the consequences arising therefrom. Is it not a generally recognized principle that if men believe the law is wrong, and are perefectly willing to take the consequences of violation, that that is a right that they may exercise?

Mr. DARROW. Well, there are lots of people believe it. Who was the great statesman, or something, I don't remember his name, a lot of you recall it, who said that resistance to tyranny is obedience to God. I don't know his name, but his name ought to give it some weight beyond his words.

Commissioner LENNON. A fact was mentioned here the other day that had close connection to myself. My father operated a station on the underground railway before the War of '61-65, and lived in a slave State and did it. Has history justified that resistance to the laws as being right or wrong?

Mr. DARROW. I don't believe you could find many people, either North or South, to-day who would not justify it; there might be some; but events have justified it; as long as it happened that way, it could not have happened any other, although it was a terrible price.

Commissioner LENNON. You expressed at one point something of the hostility of the labor unions toward the scab, as you said?

Mr. DARROW. Yes.

Commissioner LENNON. Do you believe that there is a general hostility, industrially, to the nonunion man on the part of organized labor?

Mr. DARROW. Well, I think that you will disagree with me, but I think organized labor distinctly dislikes the man who would not join the union, and I don't see how they could help it. Whatever labor has now is practically through the labor organizations, and the nonunion man or the scab, as he is called, is the first to take advantage of it, and he is always used for the destruction of unions and the destruction of all their efforts, and I think the attitude of the union man is unfriendly to the man who refuses to come in. Of course, he does not hate the scab as a man, or does not hate him if he has no chance to get in, or is working where he can not be a member of the union, but in the great industrial strife a nonunion man lends himself to the employer to defeat the objects of the union man, which is really the situation, I think he is not liked; he is hated. Every effort is made by the unions to get them in. They spend their money and time trying to convince them they ought to come in, but a lot of men stayed out through selfishness, some through cowardice, and a lot that think they really ought to stay out.

Commissioner LENNON. Now, in the discussion of rights under the law, certain rights, this commission heard testimony regarding the situation in

Colorado of this character, that the civil courts were in operation. Upon a certain writ of habeas corpus two men were brought into court, and the militia were also in the field at the same time. Two men were brought into court on a writ, and after hearing the case the justice ordered them discharged, and the militia, however, took them and held them. Has the militia such a right to exercise such power when the courts are in operation?

Mr. DARROW. Not unless martial law has been declared; and as I remember it was not formally declared out there. The law is plain on the subject. Courts have jurisdiction everywhere except where it is declared.

Commissioner LENNON. Well, it seems almost like a farce that they should have been permitted to go before the court and their case be heard and their release ordered and that they should then have been detained in captivity. It would seem the legitimate thing for the militia to have done would have been to tell the court to go on and mind its own business and held them from the start.

Mr. DARROW. Well, that is what they generally do, surely. Of course, in the last analysis, the fellow that has got the most power has got the most right. The judge can not take a man away from the Army; he can take him away from the strikers because he has got an army back of him; but he can't take him from the Army.

Chairman WALSH. Mrs. Harriman has a question to ask you.

Commissioner HARRIMAN. You spoke, Mr. Darrow of a fair social system. I think you used that phrase?

Mr. DARROW. Yes.

Commissioner HARRIMAN. Will you give us your definition of a fair social system?

Mr. DARROW. Well, I don't know as I could. I think a state of society where everybody who is able to work and is willing to work, where one can find opportunity to employ his labor, and where people practically get the same reward for the same amount of time, would come about as near being a fair industrial system as you could get. I think you would have to abolish the private ownership of mines and forests and railroads and perhaps land, and possibly more, before you could ever reach it. We can approximate it—go toward it.

Commissioner HARRIMAN. Does that differ from the popular conception of socialism?

Mr. DARROW. Well, socialism says that you have got to abolish rent, capital, and interest, and have a cooperative Commonwealth where all production is done by the State—for the people collectively. Now, it may be they are right. The trouble is there is no way to determine exactly how anything will work out; and there is no certainty that any one road is the only road. Of course, I am sympathetic with socialism, sympathetic with single tax and labor unions, and pretty nearly any new thing that comes along; though I do discriminate a little I like to see the disturbance going on and giving them all a chance. If I was laying out a scheme I would say let's get the land monopolies first; let us take the mines and the forests and the railroads and see how they come out, and if that don't work let's get busy and do some more. We won't rest. I don't think anybody can tell in advance the absolutely necessary way or the easiest way; at the present time to feed the present generation and the next, while we are getting all these things, labor unions—organized labor—takes care of a number of these wants that none of these other things can do or have done at least.

Commissioner HARRIMAN. Mr. Darrow, do you think this commission has done or can can do any good?

Mr. DARROW. Yes; I think both.

Commissioner HARRIMAN. How?

Mr. DARROW. Well, my answer to Mr. Weinstock as to public opinion—that is the greatest force there is in the country, and always has been; and so far as you reach public opinion, if it is nothing but talking about it, it has its effect. The recommendations that this commission will send out will have some effect on public opinion; whether you get it into laws nobody knows, or how effective they would be if they got into laws nobody knows. But from my standpoint the more fundamental and radical your recommendations are the more good they will do; and the more you recognize the division of classes and the injustice of it, the more good it will do; but it does good at least.

Commissioner HARRIMAN. That is to give it daylight?

Mr. DARROW. Yes, it attracts the attention of the public.

Commissioner HARRIMAN. That would be your remedy then for industrial unrest; or do you think there is no final remedy?

Mr. DARROW. There is no final remedy for unrest excepting the grave. We are all the time—society is all the time—in a state of unrest. You may take a piece of glass and every atom is revolving around another. You may melt it, and it takes new relations. Society, in the same way, is operating around certain orbits, and some great thing comes along and changes the orbits, and perhaps the resistance is less or perhaps it is greater. We can change only the immediate things. If we all get rich, we will have cancer or tuberculosis, or a tumor or corns, or something to bother us.

Commissioner HARRIMAN. Do you believe in arbitration of labor disputes?

Mr. DARROW. I think in many instances they have done good. I believe in everything that works at the job. I don't believe in compulsory arbitration. I think people should have more freedom instead of less, as a general proposition, in all lines of life.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Commissioner WALSH. Commissioner O'Connell has some questions he would like to propound.

Commissioner O'CONNELL. Some writer said, Mr. Darrow, that I have read somewhere, that the real agitator was injustice, or that injustice was the real agitator, one way or the other. Since I have been on this commission and have heard approximately a thousand witnesses, the impression of a great number of those that have appeared before us seems to be that a great proportion, at least, of the so-called unrest is caused by the agitator, implying, I take it, that the agitator that he had in mind is the so-called labor leader—not necessarily the president of an international organization or the president of the American Federation of Labor, but the men who were in office locally, and by State and by national and international organization, and all that?

Mr. DARROW. Yes.

Commissioner O'CONNELL. Implying that all these men were the agitators, my observation of some 30 years or more of injustice being the agitator, the fact that a man or woman or child has to work under conditions that they feel unjust to them; low wages, long hours, and insanitary conditions; in days gone by terribly insanitary conditions; a total disregard for life and limb; the whole object of the employer being to get production out of his employees; what is your opinion as to the real cause, the real agitator?

Mr. DARROW. Well, I think it is largely an injustice, of course. My experience in 25 years of pretty close relation with labor unions and leaders is that the last man to encourage a strike is the labor leader. Of course that might not always hold true, but the man who is charged with the responsibility—like we call the walking delegate or business agent—is almost always most conservative, because he feels the weight of the thing. Of course, there is a large pressure behind him of people who want their conditions bettered, and then there is the terrible grinding down against men on the other side, and it places him in a hard position. But as a rule, and I think almost universally, the so-called walking delegate is the most conservative man in the whole body, no matter what he might have been before he got his position. I don't believe I ever saw an exception.

Commissioner O'CONNELL. As one having to do with courts—and I think you said when it came to speaking about the criminal law that you felt at home in dealing with that?

Mr. DARROW. Yes; very much at home.

Commissioner O'CONNELL. You must of necessity have given very much thought and study or made some comparison as to the class of people that are in the jails and prisons. I want to ask you if you have made a comparison or given thought as to the comparative number of so-called labor agitators, labor leaders, labor representatives, that are in jail as compared with the number of bankers, doctors, lawyers, and professional men?

Mr. DARROW. No; I never did. If there were more, I would not know whether it would be to their credit or discredit. I guess the labor leaders keep out of jail about as well as the rest of us, and better than the poor.

Commissioner O'CONNELL. I have been informed, and I don't know that I can give the figures exactly—I think it was in connection with Sing Sing, N. Y., as to the occupations that had been followed by the men who were in prison—I won't venture to quote the figures, but I know the comparison was not favorable to the professional man.

Mr. DARROW. Well, there are very few, comparatively, outside of poor people. There are some bankers and some lawyers. It is pretty hard for a banker to defend himself when you get him into court, and they presume he is guilty anyway of something; and also the same way with a lawyer. They are not far wrong, either. Might catch them on something. But, as a rule, they do not get into court much; but I would say 99 per cent of the people in all the prisons are poor. Their crime has been that they have tried to get something.

Commissioner LENNON. The poor, of course, are excepted in this case. I have reference to another matter.

Mr. DARROW. Yes.

Commissioner O'CONNELL. They can not help it when they get in jail—they simply break in. The circumstances compel them to break in?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. I am talking now of the learned man. The labor agitator is held up to the police as a horrible example of a brute and a man with instincts of brute force, who cares little for life and less for the property of some one else and less for the rights of some one else, and seek to compare him with the learned man—the college man, the doctor, the lawyer, and the preacher, if you will——

Mr. DARROW (interrupting). Yes.

Commissioner O'CONNELL (continuing). Compare the number of these men that have been convicted and are in jail with their class——

Mr. DARROW (interrupting). I have no doubt there are fewer of them, but, of course, the people do not understand. They might view a surgeon as a brutal man because he cuts off a man's leg and makes the blood run. Lots of people thought that John Brown was a cruel man; but what he did he did because he loved the world and not because he hated it. Most of the labor leaders who have been imprisoned, wherever they have done the things they were charged with did them not for their personal benefit at all, but because they saw the sufferings of thousands and tens of thousands of poor and weak and out of sympathy for them; and the motives of men are everything when you come to judge them.

Commissioner O'CONNELL. Commissioner Weinstock was discussing the question of abolition or dissolution of jails and penitentiaries, and your suggestion that they be turned into hospitals. May I ascertain what could be done to reduce the crime necessary to keep these institutions for the home of criminals? Is not the greatest preventive of crime to do away with the things that result in crime, that cultivate crime? For instance, like lack of people having an opportunity for a fair livelihood—not even a respectable so-called livelihood, but a living opportunity?

Mr. DARROW. I believe you would get rid of nine-tenths of all the things we call crime in one generation if people had a fair chance to live. At least nine-tenths in one generation.

Commissioner O'CONNELL. As, for instance, we had brought before us the other day by the police commissioner of New York, evidence regarding a condition of crime in the city of New York; and we find that the trouble when we look into it is that those people, a considerable body of people who are committing these crimes, come from the terribly dense district in New York, the east side of New York City, where people live by thousands in single buildings and in single rooms; where there are dozens that are living, working, cohabiting in every way in a single room. Is that not in itself a condition begetting crime?

Mr. DARROW. You can not prevent it by punishing as long as those conditions are there. No one who had a choice would dream of letting their own children be raised under those conditions. Still they punish the children of other people for what they can not help.

Commissioner O'CONNELL. One of these subjects that has been before this commission more or less, and at this hearing particularly—two or three gentlemen have called it everything but a respectable name, and that is the so-called union shop, known by the employers as the open and closed shop and by the union men as a union shop or a nonunion shop. The employers charge criminality of purpose, depriving the American citizen of his right to work and the American employer of his right to employ whoever he pleases and under whatever conditions he pleases, and all that. I know you have spoken and written on this subject, and I am sure the commission would be glad to know, and I would, your opinion of the so-called open shop.

Mr. DARROW. I would be glad to say just a few words about that.

Commissioner O'CONNELL. I would be glad if you would take your own time about it.

Commissioner WEINSTOCK. Take considerable time, and I would be glad to have your opinion on the subject.

Mr. DARROW. Of course, there is a lot of nonsense talked about it. They talk about the inalienable right of a man to work; he has no such right; no one has a right to work, and the man who stands for the open shop does not care for anybody's rights to work, except the nonunion man, and they only care for him because they can use him. If a man has any constitutional right to work he ought to have some legal way of getting work. If the Constitution is going to guarantee the right to work, it ought to guarantee some place to work, and there is no such thing. A man can only work if there is a job; he can only work for a man who wants some man to work for him.

The workingman spends a good share of his waking moments in a shop. He does not need to invite a nonunion man into his house if he does not want to, and probably won't, and he is under no more obligation to work with him in a factory if he does not want to. If a Presbyterian does not want to work with a Catholic, he may be narrow and bigoted, but he does not have to. Of course, a union man has a direct reason for it; he believes and he understands and feels that the nonunion man is working against the interests of his class; that the only way a workingman can get anything is by collective bargaining, and by saying, "If you don't give us a raise, not only I will quit but we will all quit and tie up your business"; that is the only way he can do it. One man quitting out of 50,000 is nothing, or even 10 men or 100 men, but if they all quit, so they can do with the employer what the employer does with you, when he discharges you, then they can bargain and there is no other kind of bargaining but collective bargaining.

The nonunion man comes along and says, "I will take your place." He is not loyal to the union, and the union man regards him as a traitor to his class, and he won't work with him, and he has a perfect right to refuse to work with him.

There is no such thing as the open shop, really. There is a union shop and a nonunion shop. Everybody that believes in the open shop disbelieves in the union shop, whatever they say; and I do not say that unions are perfect, they are not. The people that work with them know that better than anybody else. They are just doing the best they can with the job they have, which is a hard one, and with the material they have, which is not perfect. In many instances they are brutal, and have to be, and it is generally like the law, and works individual hardship here and there, but it is one of the necessary things in the industrial world, and the fight is between those who believe in unions and those who disbelieve in them. Those who disbelieve in them say they believe in the open shop; but the open shop is simply a back door to put the union man out.

Commissioner O'CONNELL. You think, then, the employer is not sincere in the open-shop idea?

Mr. DARROW. No; I think he is not sincere.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon at 12.30 p. m., Tuesday, May 18, 1915, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Will you take the stand, please, Mr. Darrow. I think we can just proceed.

Commissioner O'CONNELL. Mr. Darrow, we were discussing when we took a recess the question of so-called and closed shops, from the employers' standpoint. The last question I asked you just before we adjourned was, if you believed the so-called open shop was a subterfuge?

Mr. DARROW. Yes.

Commissioner O'CONNELL. It is therefore a snare, in a term, to induce men to believe that the employer, on his theory of the so-called open shop, is behind it, the real right of the citizenship, workmen?

Mr. DARROW. Yes; I have more respect for the integrity of the fellow that says, "I don't believe in unions and will have nothing to do with them," than the fellow that says, "I do believe in them, but want an open shop."

Commissioner O'CONNELL. The practice of having contractual relations between employer and employee is only successfully possible where there is organization of workmen?

Mr. DARROW. You can not have a contract with any large number of employees only through organized labor, organizations. One man can not do anything. There are too many men in the world and too few jobs.

Commissioner O'CONNELL. The question of the right of the citizen to individually bargain for his own employment, in our present-day industrial affairs, is rather a joke, is it not?

Mr. DARROW. It doesn't mean anything. Under ideal life, which all of us fellows would like to see come, but which does not exist. I suppose there would be no unions, but that is so far ahead it is hardly worth speculating on.

Commissioner O'CONNELL. If we had not had the activity of the last 25 or 30 years of organized labor in this country, what position do you think the wage-workers of this country would be occupying at the present time?

Mr. DARROW. Unless it had taken some other form, they would have been like the wageworkers of China or any other country, where there is no organization, they would simply have gradually reduced the standard of living. Competition of workmen would have prevented better working conditions and lowered the standard of living.

Commissioner O'CONNELL. In a debate at Boston some years ago between President Eliot, then president of Harvard University, and Frank K. Foster, a union man, now dead, the question under debate was the following: "Has the nonunionist a moral right to work how, when, and where he pleases?" Mr. Foster had the negative side of this debate with President Eliot. Do you believe that the nonunionist has the right to work how, when, and where he pleases?

Mr. DARROW. No; I do not. I don't think anybody has that right.

Commissioner O'CONNELL. If he exercised that right in what is expressed by the open shop, I take it that that is what it expresses; at least, that is what they intend to express to the workman?

Mr. DARROW. Yes.

Commissioner O'CONNELL. If that expresses the opinion of the advocates of the so-called open shop, but is not practiced by them, what is to be the inevitable result if the wageworkers are led to believe they have this moral right under the so-called open shop, and in actuality it does not exist? Where will they be led to?

Mr. DARROW. They will be led gradually back to taking whatever they can get, reducing the standard of living, being the subject of charity, etc. That whole idea comes from the thought that a man has a right to work. He has not a right to anything unless he can get it, that is the only way you can determine rights, whether a fellow can get it or not. He has a right to work if he can get a job, is all there is to it.

Commissioner O'CONNELL. In your observation of the affairs of organized society, in its present form, what I mean is to say of people that come together in the form of organiaztion, for instance, laboring people and their organizations of employers, as a rule from your general observation and legal point of view, which form of organization gives the greatest obedience to the law, as such?

Mr. DARROW. Well, I don't know; I might disagree with you somewhat on that. The rich have no trouble obeying the law, because they make it. They would be fools to break it; they simply need to change it the way they want it. It rests on the poor and the weaker class of society, who sometimes have to break it. I don't think obedience to law is necessarily one of the prime virtues. It may show servility rather than heroism or nobility.

Commissioner O'CONNELL. Commissioner Weinstock asked you this morning regarding the compensation received by you in various labor cases. He stated that he would not have asked the question had not other commissioners asked similar questions of others that had been on the stand, and I said the one whom I had asked at least had declined to answer it. The impression prevails that the American Federation of Labor employed you and others to defend the McNamara brothers. Is that true?

Mr. DARROW. No; not as an organization. Certain members of it were instrumental in enlisting me, and in raising money.

Commissioner O'CONNELL. Do you know whether the funds that were raised were the funds of union men or funds from other sources?

Mr. DARROW. They were taken from anybody that wanted to give. I think probably the majority came from union men, I assume it did, but I don't know; but they were taken from anybody that wanted to contribute.

Commissioner O'CONNELL. And there were undoubtedly other contributions?

Mr. DARROW. I know there were.

Commissioner O'CONNELL. I have here a complete statement of the receipts and expenditures in the McNamara defense fund, and these receipts show that a large volume of money was contributed from various sources, even the now popular moving-picture show was used?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. And of one donation I see about $25 was from one picture house in Indianapolis, and a number of other large contributions are here that indicate that it came from the public indiscriminately. That the defense fund was not raised entirely by the trade-unionists, but that they were intensely interested to the extent of contributing some finance toward this defense. I want to put this in the record, because of what I believe to be a misconceived idea on the part of the public, probably on the part of some of our commissioners, that you were employed by the American Federation of Labor to defend the McNamara brothers, and the American Federation of Labor raised the funds to carry on that defense. This will show that that is not true, with which I think you will agree.

Mr. DARROW. Yes, sir; as an organization they did not do it. Some members were instrumental in doing it.

(The document referred to by the witness, entitled "Financial Report of the McNamara Defense Fund," dated Aug. 9, 1912, was submitted in printed form.)

Commissioner O'CONNELL. In addition to the question as to whether the non-unionist has a moral right to work how and when and where they please, to which I think you said you agreed, I want to file for the benefit of the record this part of the debate, taken by Mr. Foster, who is well known in trade-union matters, and a speaker of great force and a writer of force on subjects with which the trade-unionists are thoroughly familiar and are in accord.

Mr. DARROW. He is dead now?

Commissioner O'CONNELL. He is dead.

(The document referred to, entitled "Has the Non-Unionist a Moral Right to Work, How, When, and Where he Pleases," by Frank K. Foster, issued by the American Federation of Labor, and dated Washington, D. C., 1912, was submitted in printed form.)

Commissioner O'CONNELL. The position of the American Federation of Labor in connection with the McNamara case is fully set forth in a pamphlet prepared by President Gompers, which shows that the American Federation of Labor, as such, took no part in the defense of the so-called McNamara case, and that the means to carry on that defense was raised by a committee of gentlemen that came together without any particular person calling them together, but being interested in seeing that the McNamara brothers got what they believed they were not getting, a fair trial, and that they would take it upon themselves to raise sufficient funds to guarantee what they believed to be a fair trial for the McNamara brothers and those involved with them. These gentlemen proceeded by different ways and activities to appeal to the trade-unionists and their sympathizers to raise the funds, and the expenditure of the funds in connection with the conduct of the case was left entirely in the hands of those who were engaged to look after it legally, were they not?

Mr. DARROW. I think so. Mainly, anyway.

Commissioner O'CONNELL. There was no direction on the part of the men that raised the funds to the counsel how they should conduct the case?

Mr. DARROW. Not to me.

Commissioner O'CONNELL. And you were recognized as chief counsel in the case?

Mr. DARROW. So far as the Los Angeles end of it was concerned, I was. There were other people in Indianapolis.

Commissioner O'CONNELL. But the American Federation of Labor, or the gentlemen who raised the funds to carry on the defense, in no way indicated to you what you should or should not do, or those that were associated with you, in the direction of the case?

Mr. DARROW. It was left to us to manage.

Commissioner O'CONNELL. The funds were sent to you without question as to how they should be used or suggesting any method as to how they should be used?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. The American Federation of Labor, therefore, and the trade-unionists of the country took no part in the direction of how the case

should proceed other than raising what they believed to be sufficient funds to conduct the case and see that the McNamara brothers got what they wanted them to have, a fair trial?

Mr. DARROW. Naturally, over 3,000 miles away, they could not and did not.

Commissioner O'CONNELL. So that impression that prevails among some that the American Federation of Labor or the trade-unionists of this country, whether affiliated or nonaffiliated with the American Federation of Labor, because the record shows that many organizations not affiliated with the American Federation of Labor contributed very largely toward this defense fund—that organization did not indicate to you or to those associated with you in conducting the case how this case should be tried, or intimate whether these men were innocent or guilty, but looked upon you to see, as the leading counsel, that they would receive, so far as you could bring it about, a fair and impartial trial?

Mr. DARROW. None of them ever told me whether they were guilty or innocent.

Commissioner O'CONNELL. And that when the McNamaras confessed to the guilt, which I understand you to say was not the case on which they had been originally indicted——

Mr. DARROW. J. B. was the case; J. J. was not.

Commissioner O'CONNELL. When they did confess and acknowledge to their guilt along certain lines, that then the people who were interested in raising these funds ceased raising further funds in connection with that case and directed you accordingly, or notified you accordingly?

Mr. DARROW. There were no funds raised after that time that I know of. They did not confess; they pleaded guilty.

Commissioner O'CONNELL. But when they pleaded guilty the gentlemen that were interested in raising the funds for the purpose of having these men get a fair trial, believing, as they had some reason to believe, that in the first instance they were kidnapped from the the State of Indiana, and were not receiving fair treatment in accordance with the law of that State, and had not received fair treatment, that after this confession took place, or whatever it was, these men ceased their efforts in raising further funds?

Mr. DARROW. The case was over at that time.

Commissioner O'CONNELL. But so far as the McNamara case was concerned, in itself, the American Federation of Labor, as such, had nothing to do with the raising of funds, and had nothing to do with the McNamara case?

Mr. DARROW. I think various unions contributed of their funds, and I have no doubt that the bulk of the money received was by the unions, and I think the purpose, they thought their men were attacked, and they felt it their duty to defend them, but the organization did not undertake to do it.

Commissioner O'CONNELL. None of the organizations, as organizations, undertook to raise this money?

Mr. DARROW. No.

Commissioner O'CONNELL. All the money that you received in defense of the McNamaras came through committees self appointed for the purpose of raising these funds?

Mr. DARROW. I think they were self appointed.

Commissioner O'CONNELL. I happen to know, because I was one of the members of that committee.

Mr. DARROW. I know you were.

Commissioner O'CONNELL. And I know of every method and means that was put forth to raise money in that case. I wish to put this pamphlet in evidence.

(The document referred to, entitled "The McNamara Case," by Samuel Gompers, issued by he American Federation of Labor in 1911, was submitted in printed form.)

Chairman WALSH. Commissioner Weinstock says he has some questions.

Commissioner WEINSTOCK. You were discussing the question of public opinion this morning, and the value of public opinion to organized labor, Mr. Darrow, and you expressed your views freely on what you thought public opinion amounted to, and how it was to be gotten. I want to make sure, in my mind, that I got your point of view correctly. I gather from the opinion that you expressed the fact that right or wrong did not enter into the capture of public opinion, but that public opinion was largely a question of capturing the imagination of the people, no matter what the objects in the case were. In that you seemingly differ from Abraham Lincoln, who said, as I recall the statement, "You can fool all of the people some of the time, and some of the people all the time, but you can not fool all the people all the time."

Mr. DARROW. Well, I want to say we pretty much agree on that.

Commissioner WEINSTOCK. Well, if that is true, hen public opinion can not be retained unless the basis for such retention is along the lines of right doing.

Mr. DARROW. You can not retain it, then.

Commission WEINSTOCK. You can not retain it?

Mr. DARROW. No, no. The righteous man suffers the same as the unrighteous. The good is crucified as often as the evil, and evil triumps as often as the good. There is no moral purpose in the universe that we can see.

Commissioner WEINSTOCK. Then, you do not believe that in the end righteousness prevails?

Mr. DARROW. Not at all. There is no end, and nothing that prevails. The preacher is just as apt to get a cancer as a labor agitator.

Commissioner WEINSTOCK. That is in the physical world, and you believe the same holds in the moral or ethical world?

Mr. DARROW. Well, the moral world is a question of opinions of the people who make up the world at the present time, and is constantly changing. The physical world is all we know anything about.

Commissioner WEINSTOCK. Mrs. Commissioner Harriman asked you this morning whether, in your opinion, you thought that arbitration was of value and importance. And will you be good enough to refresh my memory with your answer?

Mr. DARROW. I said I thought in many instances it was, and I believed in it, but did not believe in compulsory arbitration.

Commissioner WEINSTOCK. I see. You do believe, then, in arbitration?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Well, then, evidently, I take it, that your views must have undergone a change in the last three or four years on the question of arbitration?

Mr. DARROW. Well, that is entirely possible. However, I do not recall that I said otherwise, but I may have. I have said a lot of things, and a lot of foolish things.

Commissioner WEINSTOCK. May I refresh your memory on the point?

Mr. DARROW. Certainly.

Commissioner WEINSTOCK. You probably have forgotten the incident, though I have not. Several years ago, I think it was either the fall of 1910 or the spring of 1911——

Mr. DARROW. Oh, yes; I think——

Commissioner WEINSTOCK (interrupting). When you were in San Francisco.

Mr. DARROW. I think I remember the circumstance.

Commissioner WEINSTOCK. May I refresh your memory on your attitude at that time?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. I was invited to appear before the labor council in San Francisco and explain to them a plan of mediation and conciliation that I had advocated—a plan that called for the chamber of commerce appointing 12 representing employers as a panel and the labor council a panel of 12 labor representatives, making a joint panel of 24, out of which, in the event of a labor dispute arising in the community, an equal number could be chosen from each panel to sit as conciliators and mediators; and I was invited, being the father of the idea, to appear before the labor council and explain the plan with a view of getting the council to approve it and to appoint 12 representatives to act on that panel. I did appear before the council and did explain it. By a coincidence you happened to be present that evening, and you were called upon to make some remarks immediately upon my having finished. As nearly as I can now recall your attitude, you said, "I have been sitting here for half an hour listening to one of your local lawyers." You paid me the honor of assuming I was a lawyer. "And he has been making an appeal to you in behalf of arbitration." I can not quote you literally now, Mr. Darrow. I can give you only the substance as I recall it. You said, "You have nothing to gain from arbitration. Arbitration is a delusion and a snare from the workers' point of view. You have tried arbitration all over the country, and what have you gotten out of it? Always the small end. Your remedy does not lie along the lines of arbitration. Your remedy lies in getting possession of the machinery for production and distribution, and getting into your own hands political machinery of the country. Don't waste your ideas in striving for arbitration. Get at the fundamentals and control those, and you will get what is coming to you." Now, I am not quoting you literally.

Mr. DARROW. No.

Commissioner WEINSTOCK. But giving the substance as near as I recall it.

Mr. DARROW. Probably you have given it about right, as I have said.

Commissioner WEINSTOCK. Now, taking the position you take to-day, it would indicate your mind had become modified on the question of arbitration, and that you have a higher regard for its merit and value to-day than you had at that time.

Mr. DARROW. Well, it is possible that I have. It is also possible that I might not have agreed with some special things you said and made statements too general. I do believe, however, that arbitration is not a solution of the labor question at all, and I do believe that the employer gets the best end of it, although the working man often improves his condition, and I think I may say generally; but it is small, and I do believe that the other things are the big things. If I left the inference that I thought it was of no value, why I have either changed my mind, or else you were entirely right, and I was entirely wrong in that matter, because I do think it is of value—some. I think it ought to be tried in many instances, and I have in many instances had to do with it. I have acted as an arbitrator in industrial cases, and I have represented the railroad unions of the United States in that way and the coal miners and many large organizations and some small ones; and I think sometimes they have done some good; and I think everything does good if it is nothing but agitation.

Commissioner WEINSTOCK. You believe, then, from your position as it comes to my mind, then, Mr. Darrow, that it is thoroughly worth the while of this commission to do what it can in aiding the spirit of mediation, conciliation, and arbitration?

Mr. DARROW. I feel that; I think this National Commission—I don't mean your commission, but the Arbitration Commission——

Commissioner WEINSTOCK. The United States Mediation Board?

Mr. DARROW. Has in many instances done some good; but I do not believe that you ought to carry with it the recommendation of compulsory arbitration.

Commissioner WEINSTOCK. Well, I don't think there is any such thought in the mind of any member of the commission.

Mr. DARROW. Well, then, that would be about my view of it; about as you seem to hold.

Commissioner WEINSTOCK. Among other things, in your statement this morning, Mr. Darrow, you said that—I don't know as I can frame it just exactly—but in substance I think you said that there are many men who commit acts of violence in connection with labor disputes who do not do it for selfish purposes, but do it in the interest of the common good—do it for a cause—and therefore ought to be treated accordingly?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Well, now, that, I take it, would apply to a case such as the McNamaras, for example?

Mr. DARROW. I said that.

Commissioner WEINSTOCK. Would you regard the McNamaras then as criminals, or martyrs to a cause?

Mr. DARROW. I said they did it in what they regarded as the interest of the public good; and I am glad to answer that.

Commissioner WEINSTOCK. Well, then, how would you look upon them? How would you regard them? As criminals deserving punishment for their crimes, or would you look upon them as martyrs?

Mr. DARROW. There was no element that goes to make up what the world calls a criminal act, which is an act coupled with a selfish criminal motive. J. B. McNamara, an obscure printer, in a great labor fight in Los Angeles, took 16 sticks of dynamite, I think it was—about a quarter of a pound each—and went in the nighttime and deposited them in an archway of the Times Building, of course, without any intention of killing anybody, as he did not by that. It was done in the nighttime. Unfortunately it was deposited close to some barrels of ink, and they exploded. The barrels of ink became vapor and scattered through the building and set the building on fire, and there were no facilities for escape and they died. Now, let's look at it from his standpoint. That is the only way you can get at it.

If he succeeded and escaped he could get neither money nor glory; he could tell nobody he did it. If he failed, it meant a long term of imprisonment and perhaps death; what did he do it for? He did not do it for money; he did not do it for malice. He was a union man in a great industrial struggle run-

ning over the years. He believed in it, and believed it was necessary to the welfare of his class; he was thinking of the structural iron workers, of the men, women, and children living in poverty and want, and of the wonderful riches on the other hand, and in his mind he thought he was serving his class, and taking his life in his hands without reward. Now, if anyone can condemn him for it, they reason differently from myself, and they feel differently from what I do; I can not.

Commissioner WEINSTOCK. Would you say, then, Mr. Darrow, that under those circumstances, he was a criminal or a martyr?

Mr. DARROW. A criminal, as we understand the word, is one who does a thing for a low personal purpose, and he did not, and could not properly be classified that way. Under some other definitions a criminal is one who violates the law; under that definition he was like John Brown; under that definition he was a criminal; John Brown was a criminal. They were likewise martyrs; very likely Socrates had a fair trial, possibly Christ had a fair trial. Nobody disputes their motives, because they were so far away in point of time. Nobody much disputes John Brown's motives now. Some time they will not dispute the motives of any man who may unselfishly move, whether misguided or not. Everybody has not got the same brain that you have or I have; they do not see things the same way; they are more impetuous and enthusiastic and feel deeper, and you have to put yourself in another man's place, in order to judge him, and when you do that you judge him the way you judge yourself, and you excuse everything. You might say, for the safety of society, that such and such a man ought to be confined, because of the harm he might possibly do his fellow man, but to punish him for the sake of causing him suffering, no.

Commissioner WEINSTOCK. Then, from your point of view, you don't regard him as a criminal?

Mr. DARROW. No.

Commissioner WEINSTOCK. You would then regard him as a martyr?

Mr. DARROW. Well, he was risking his life in a case he believed in; I would not have done it; I would not have advised it; but looking at it from his standpoint, he was a martyr.

Commissioner WEINSTOCK. Do you so regard it?

Mr. DARROW. I can only judge from his standpoint. If I had done it I would not have been, because I would think it would be futile, and I might consider that the evil that might be accomplished would be equal to the good that might be accomplished, or would be.

Commissioner WEINSTOCK. If you had the power, would you or would you not punish him for what he did?

Mr. DARROW. I would not punish anybody for anything.

Commissioner WEINSTOCK. You would permit him to go free, then?

Mr. DARROW. I did not say that. I explained very carefully that I might believe in the confinement and restraint of all kinds of people, but not that I would punish them.

Commissioner WEINSTOCK. But if the power was vested in you, what would you do with a man like McNamara, living as we are in our present conditions?

Mr. DARROW. I do not know what I would do at this time. I want to see him pardoned some of these days, and I think it is pretty near time.

Commissioner WEINSTOCK. You doubtless are more familiar with all of the details of the method of procedure on the part of the structural iron workers than I. Will you tell us what was the fee paid by the structural iron workers to these dynamiters; how much did they get for every case of dynamiting in which they were engaged?

Mr. DARROW. I never saw any schedule; I did not know that there was any.

Commissioner WEINSTOCK. I can not say this authoritively, but my impression is, from what I heard of the testimony, that they were to receive $200 for every successful case of dynamiting.

Mr. DARROW. I do not remember about that. I do not believe there was anybody, or almost nobody, that did it for money; I have no idea there was. They were all intense, fanatical union men, and everyone is a fanatic if he believes a thing strongly enough, whether he be a Christian or a union man, or whatever he may be; and they did not need anything, except they had to live, I suppose. I do not know, however, Mr. Weinstock.

Mr. WEINSTOCK. The testimony, as I recall it—I am open for correction, because I did not study it carefully—is that McManigal and every one of the men engaged in dynamiting received somewhere around $200 a case?

Mr. DARROW. I do not know that, because I do not remember to have heard any such thing.

Commissioner WEINSTOCK. If that testimony is true, and these men did receive at the rate of $200 a case, who were engaged in work where they were only able to earn $3 or $4 or $5 a day as mechanics, it would indicate there was a profit for them?

Mr. DARROW. No; it did not indicate that they made any more money than they would in their own business, and they incurred very much more danger. Of course, the number of cases was comparatively limited as compared with their daily work. I do not think that even McManigal or any of the rest of them was in the business for profit. I think they were fighting the United States Steel Co., and had to do it.

Commissioner WEINSTOCK. The fight, as I understand it, was for the union shop, was it not?

Mr. DARROW. I think so.

Commissioner WEINSTOCK. That is, the employers refused to confine themselves to union men——

Mr. DARROW (interrupting). As I recall it—I don't know whether there was any question of wages or hours involved, or in how many cases they called strikes for the purpose of enforcing the law to put up the floors of buildings as the scaffold went up, so that they would not have quite so far to fall.

Commissioner WEINSTOCK. But the circumstances in this case—the fight was for the union shop; the employers had refused to recognize or deal with the unions, and the unions were making every effort at their command to have unionism recognized and dealt with, and to have the shops unionized, and that seemed to be the issue?

Mr. DARROW. That is my impression.

Commissioner WEINSTOCK. Now, under those circumstances, do you believe that the structural iron workers were justified in resulting to violence? In dynamiting properties and imperiling human life and destroying human life in order to establish the union shop?

Mr. DARROW. Well, I do not know; I think the other side did much worse. I would have to be a structural-iron worker and know the dangers and the surroundings and the fight to pass judgment on it. I would want, before I took any responsibility, to know; I would have to know. I know that everybody on both sides regards it as industrial strife, and a man who would not think of commiting violence in the daily walks of life will do it; employers who would go out of their way to feed women and babies, will starve women and babies for the sake of winning their point, and no rules govern. You ask me about a theory; I do not know; that is, I do not know just what provocation it would take if I were in their place.

Commissioner WEINSTOCK. So you are not in a position to say clearly and definitely that you think they were not justified?

Mr. DARROW. No; I am not; I am not in a position to say that either side were not justified or that they were.

Commissioner WEINSTOCK. You just made the statement a few moments ago, Mr. Darrow, I have forgotten the initial, whether it was Joe or Jim McNamara, was the principal?

Mr. DARROW. J. B. McNamara.

Commissioner WEINSTOCK. Is that Joe or Jim?

Mr. DARROW. Jim.

Commissioner WEINSTOCK. He was the one who put the dynamite under the Times Building?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. You said he did not mean to kill anybody?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. He was a printer, was he not?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And he knew that the Times was a morning paper and the printers worked all night?

Mr. DARROW. No doubt.

Commissioner WEINSTOCK. Then, how could he be ignorant of the fact that the explosion of that building would, in all likelihood, mean the death of the inmates of the building?

Mr. DARROW. There was not a chance in a thousand of it killing anybody; the explosion did kill nobody; it did not stop the machinery. Unfortunately, in setting it down, it was set down in an open alley where there was not a

chance in a thousand that it would do any damage beyond scaring some one; but that day there had been a number of barrels of ink rolled in there, and, of course, the violence of the explosion made vapor of the ink and scattered it throughout the building, and it caught fire and burned. He might have thought it possible that such a thing might happen, but the chances are that he never contemplated that, and it certainly did not happen from this. There is no question about that, Mr. Weinstock; nobody, I think, disputes that.

Commissioner WEINSTOCK. And, therefore, from your point of view, then, he was not guilty of murder.

Mr. DARROW. Are you talking about legal or moral guilt; or do you think they are the same?

Commissioner WEINSTOCK. I think they ought to be the same, whether they are or not.

Mr. DARROW. Well, if they are not, is it the fault of the moral or legal law? Legal and moral guilt are not the same, in my opinion, and that is all I have to go by. Under the law one who, in the commission of an offense, causes the death of another accidentally is guilty of murder. It has been carried so far that even a trifling misdemeanor that causes death, and the man has no idea of doing it; I disagree with the law utterly; but it is the law. One should be judged only by what he intends to do, but the law is that the criminal intent is made up from the result, whatever it is, and if a larger one holds the legal responsibility is there. So, legally, he was guilty of murder.

Commissioner WEINSTOCK. Let us see whether or no he was merely guilty of murder. The statement came to me yesterday from a man who knows; he was on the situation; that this bomb was placed directly under the desk of Mr. Chandler, the son-in-law of Gen. Otis, and that by a miracle Mr. Chandler was called away at the precise moment, and his secretary occupied that desk, and the bomb shot up through the desk and forced a typewriter into the chest of the secretary.

Mr. DARROW. I do not think he told the truth.

Commissioner WEINSTOCK. And that it was placed there with design?

Mr. DARROW. He did not tell the truth. No such thing happened, in my opinion. The bomb was placed in an alley; it did not go in the building at all, and if there was any office above it, it was certainly unknown, and the general offices were far away, and no such result followed, and nobody knows, because the whole building was in ruins after the fire. I do not think anyone honestly doubts what I have stated here as to the purpose. I know those who drew the indictment did not doubt it, and that was the statement accepted by the State's attorney on the plea.

Commissioner WEINSTOCK. That is all.

Commissioner O'CONNELL. I want to ask one question. Now, Commissioner Weinstock was asking about your agreeing to arbitration of industrial disputes, in which you agree with him; I take it, in your agreement with Mr. Weinstock on the question of arbitration, you have in mind that arbitration is only fair and can be successful only when the wage earners are organized on the one side?

Mr. DARROW. No one will bother to arbitrate with one man.

Commissioner O'CONNELL. I do not know what Mr. Weinstock had in mind. In speaking of railroad questions, the fact that it has been successful at all is because the railroad men have been organized; they have been able to gather and expend large sums of money in gathering statistics and to go into arbitration with the employers as an organization. As unorganized men they would be utterly unable to go into arbitration on an equal basis under those conditions.

Mr. DARROW. You can not arbitrate without organization.

Commissioner O'CONNELL. As, for instance, the brotherhoods. Mr. Garretson was a member of a commission that gave assent to the statement made by me the other day that the arbitration in the Eastern railroads, which occurred recently, and of which Seth Low was chairman, that it cost the brotherhoods in that case over a quarter of a million dollars to gather statistics and prepare to go into arbitration?

Mr. DARROW. Yes.

Commissioner O'CONNELL. And the Western case, just closed—in that matter it cost nearly a million dollars on the side of labor, and no one can tell what it cost the other side in preparing to go into arbitration. If arbitration is going to be as expensive as that, then in no manner could it be successful unless the men on the one side were organized and prepared to gather the proper statistics and information to go into arbitration successfully.

Mr. DARROW. You can not do without it.

Commissioner O'CONNELL. Therefore if we are going to recommend arbitration we must also recommend organization with it on both sides?

Mr. DARROW. I suppose that was assumed. There is no one to arbitrate with unless there is a union, and I suppose Mr. Weinstock assumes that.

Commissioner WEINSTOCK. Yes.

Commissioner O'CONNELL. There could not be successful arbitration without it?

Mr. DARROW. No.

Commissioner O'CONNELL. And when an employer suggests arbitration and connects it with the open shop, then there is no sincerity of purpose on his part, or he does not know what arbitration means?

Mr. DARROW. There must be organization to have it.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, Mr. Darrow; you will be excused.

TESTIMONY OF MR. JAMES A. EMERY.

Chairman WALSH. Will you please state your name?

Mr. EMERY. James A. Emery.

Chairman WALSH. What is your profession?

Mr. EMERY. Lawyer.

Chairman WALSH. Where do you practice, or where is your place of residence, rather?

Mr. EMERY. It is in Maryland; I have offices here and in New York.

Chairman WALSH. Please briefly sketch your professional career; you understand what we have asked of the other witnesses, to get your viewpoint or angle.

Mr. EMERY. I began the practice of law in San Francisco in 1899, and some three years afterwards became counsel for the local association of employers, associate counsel.

Chairman WALSH. In San Francisco?

Mr. EMERY. Yes; and thus became interested, through intimate contact with questions arising out of industrial disputes that led to litigation.

I came east on private business in 1904 and 1905, and in the course of my eastern visits I became acquainted with officials of employers and manufacturers' organizations in the East, because of my contact with similar matters in the West, and afterwards became associated with the employers' movement in the East. Since that time I have become counsel for a large number of associations of employers and manufacturers, practically confining my work in recent years to work as counsel and interesting myself in both phases of litigation and proposed legislation, together with a great deal of work that had nothing whatever to do with labor matters, but was confined particularly to the conduct of business in interstate commerce.

Chairman WALSH. Will you please indicate the organizations with which you have been connected professionally?

Mr. EMERY. Why, the National Association of Manufacturers is the largest and best known, and I have been also counsel, and am now, for some 250 organizations of employers and manufacturers in different parts of the United States.

Chairman WALSH. Mr. Emery, you understand the matter we are considering is the relation of the law to labor.

Mr. EMERY. Yes, sir.

Chairman WALSH. The attitude of the courts, the trend of decisions, and the light on industrial disputes, and I understand that you have been kind enough to prepare a paper covering some points that you think are significant, and asked for in our outlines, and will you be kind enough to give it to us without specific questioning?

Mr. EMERY. I have not prepared a paper because of the fact that I found that those that did necessarily covered much ground covered by others, and to save the time of the commission and to avoid the repetition of statements I would rather follow the suggestions that the commission have given me for consideration, and so far as any inquiry, the commission can assist me by contributing any fact that you regard as valuable to this matter.

Chairman WALSH. Will you take those parts of the outline that you deem have not been covered, and give your idea, without specific questioning from the commission? We may have some questions to ask you afterwards.

Mr. EMERY. I would like to preface this statement with this observation, that the point of view of any individual who looks at any of these highly important questions, not merely as lawyers, but as men, is necessarily influenced by the fundamental concepts with which to prejudice the discussion. The gentleman that preceded me has discussed these matters and their important relations from the standpoint of his philosophy of life and law, and I must necessarily do the same. Perhaps with that statement and the fact that as a lawyer I accept as binding upon me in construing the law the decisions of the highest courts, that as a man I recognize the individuals making up the universe as having moral responsibility. I can not conceive them as automatons, who are merely acting in obedience to the human machinery installed by the unknown Hand, and consequently can act without responsibility, because they necessarily obey the law of their being. I can not concede that to be the philosophy upon which individuals or society can work out a safe existence, so I preface whatever I may say in regard to these things, predicating the discussion upon the fundamental idea of moral responsibility. Of course, it is utterly impossible for two men to discuss any matter in which they fundamentally differ, especially such matters as are treated here, without that consideration. It is impossible for two men to discuss moral responsibility one of whom believes that individuals have free will and the other who believes they have not and are creatures of circumstances, controlled by minds of passion, and are as irresponsible as the breezes that blow the trees.

The commission has inquired in one of the questions whether I have formed any opinion as to what may be called the attitude of the courts in labor cases, and if so, to please outline it. I assume the commission to mean "in labor cases" to mean not only in labor disputes but cases involving social disputes, such as hours and wages and working conditions?

Chairman WALSH. The word probably should have been industrial causes.

Mr. EMERY. I assume, too, that by "attitude" you mean attitude of mind on the part of officers of the courts?

Chairman WALSH. Yes, sir; or any particular trend of decisions, if you have observed such.

Mr. EMERY. Well, I think there is a very obvious change in the public attitude toward social legislation, which is reflected in the much more greater investigation of the facts upon which social legislation is now being predicated, with the result that cases presented to courts are more carefully prepared in the first instance, and where they are test cases, they are more carefully selected, so that the test may decide the real issue of law, and finally that the investigations of facts are more thorough and more comprehensive and more frequently in the hands of those that are best qualified to make that investigation. I say that is particularly true with what we might call social legislation, which is frequently before the courts where it involves the regulation of hours, wages, and working conditions; and which was confronted always with the limitations that are necessarily placed upon the acts of legislatures by the guaranties of our Constitution, which undertake to protect the freedom of contract of the individual and which do not permit property to be taken without due process of law or persons deprived of liberty. That, of course, is subject to the right of the States to protect the health, morals, and welfare of its citizens, and having once chosen a policy to be the sole judge of the policy involved, into which I understand no court inquires, but it is bound to do when legislative power is concerned with a subject that it has in hand.

I think that most of the criticism of the courts in these matters in labor cases is due to the fact that the cases are not adequately presented to the court, and the legislation is often loosely and badly drawn so that it does not affect its purpose directly. The courts are naturally, I think, from their very nature conservative institutions. It is their purpose to interpret the law, not to make it. These people during the early period of our own generation, particularly coming from the stock we do, we set perhaps an almost undue value upon the preservation of the fundamental liberties which the Government has been founded on to practically safeguard and establish, and to which end not only have powers been granted to legislatures but very significant and serious limitations have been placed upon their acts. Of course, everyone or no one can fully discuss the attitude of our courts without realizing that our form of government is not a mere matter of chance, but it has reflected in every phase of its constitutional provisions a thousand years of English government, and that everything that was put in there was with due regard to the protection of rights

that represented the slow process of the English people through five or six hundred years of continued effort to protect themselves against continued power.

So far as I have been able to see, there is no prevalent attitude or prejudice or antagonism to social legislation as such, but it has been the evident desire of courts to have clearly shown in them, where the question is raised for their adjudication, that the exercise of the power in question is within the authority of the body exercising it, and the presumption of whose lawful exercise is naturally in their favor. The power is not arbitrary, because for every single case we have it, while there has been public discussion over the exercise of legislative power, I think the courts, over a long period of time show that again and again and again there have been sometimes groups in the minority, sometimes in an organized majority that has been the victim of arbitrary exercise of power. I had this thought practically forced home upon me recently by the necessity of examining cases that arose after the Civil War. When we find that the States after the Rebellion were placing all sorts of the severest form of restrictions of civil rights on those that had participated in the civil struggle, and there was no relief for them except in the courts, and the effort to pass bills of attainder were constant. You recollect in your own State the priest that was unable to take the ironclad oath was also kept from giving the last sacrament to a dying man. Such incidents were common, and the people that have suffered much from it have realized its meaning, and have been proud and emphatic in the assertion of their powers, and when we run into a case of that kind there is a strong instinct to get to those happy illustrations of Mr. Darrow—a spectacular creation of public sentiment for a movement, and if the court does not readily respond it is immediately condemned as prejudiced.

I think, moreover, Mr. Chairman, that if any gentlemen will examine the cases which have brought social legislation to the eye of the Supreme Court most recently and most effectively—I refer to the Lockner case, which has been very much criticized, in which the New York baker's law was involved, and the Muller case, in which the Supreme Court sustained the Oregon law, making a distinction between the hours of labor for women and for men; and the recent supreme court decision in the State of New York on the subject of night work for women, as well as the decision of the Supreme Court of the United States on the Ohio law, with respect to the compensation act—that he must appreciate the fact that there is no lack of economic discussion between the justices either of the Supreme Court or of the appellate courts when the facts are presented to them for consideration. Anyone who reads the argument of Mr. Louis Brandeis on the minimum-wage law, recently submitted, will find the economic necessity for the legislation and the basis for it as an evidence that the power is not necessarily exercised is the chief subject of his discussion throughout the entire time before the court; and if you read the dissenting opinions as well as the assenting opinions of the judges in the Lockner case or in the Muller case you will find that they are devoted very largely to the discussions of statistical information and as to the economic views of the position of women in industry. Thus, for instance—and I merely take this as typical—I call your attention to the court's decision in the Muller case, as to the care with which the court considers these matters in its decisions.

The court said:

"In patent cases counsel are apt to open the argument with a discussion of the state of the art. It may not be amiss in the present case, before examining the constitutional question, to notice the course of legislaion as well as expressions of opinion from other than judicial sources."

Now the court said again:

"In the brief filed by Mr. Louis D. Brandeis for the defendant in error is a very copious collection of all these matters, an epitome of which is found in the margin. * * *

"That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and, as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. * * *

"Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life she is not upon an

equality. Differentiated by these matters from the other sex she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal, and contractural rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical strucure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractural powers, upon her right to agree with her employer as to the time she shall labor are not imposed solely for her benefit, but also largely for the benefit of all. Many words can not make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation, and upholds that which is designed to compensate for some of the burdens which rest upon her."

I merely point that out as evidence of the fact that economic considerations receive continuous care from the courts.

Chairman WALSH. At that point I am going to ask you, Mr. Emery, have you observed any difference in the trend of decisions so far as upholding personal rights is concerned, where the cases are political, like the Cummings case, this case of that priest—that is, where it affected a whole closs in their political rights—do you see any line of demarcation in the tendency of the decisions in political cases and of those in cases with an economic base?

Mr. EMERY. Yes; because I think that there is less difference of opinion over the protection of political rights than there is with reference to the nature as well as the protection of economic rights.

For instance, I think I may refer to the time of the minimum-wage discussion. When that first came up there was a wave of feeling sprung up over the country to the effect that perhaps the minimum wage (low wages) was perhaps the chief cause of immorality among women. Now, later researches of those who have been especially interested in the sending and propagating the minimum-wage idea have apparently relegated the minimum wage as a cause of immorality to the rear. However, I think if it had been——

Commissioner WEINSTOCK. You said the minimum wage or the low wages?

Mr. EMERY. The low wage. I speek of the minimum wage as the expression of the movement to protect against the low wage.

Now, at the time that discussion first came up and during the time it was attracting great attention in the press, the tendency was to believe that that was the chief cause—the economic cause, and perhaps if not the chief cause, one of the great primary causes of immorality. I say that idea economically has been abandoned by people most strong to advance it. Now, to say the court was not immediately responsive to the first statement of that proposition would simply mean that the court was waiting for the crystallization of opinion. It seems to me that wherever an economic opinion is sustained by inquiry, until it may be said to be the fixed, calm judgment of the public, or of that portion of it that are interested in these questions sufficiently to express themselves, that there is little difficulty in translating into law a dominant, well thought, and considered public opinion. But during that period of crystallization it is very easy for those who are strongly attached to the necessity for a change to accuse those who do not act as speedily as they do with a lack of sympathy or with a prejudice against the cause.

Now, the minimum-wage law has been argued before the Supreme Court, and argued with great elaboration as to economic conditions. Moreover, I would like to call the commission's attention to the fact that when we discussed whether or not these economic questions are passed upon by a court in accordance with sound, economic views, or by a court which is well informed on economic questions, we may very well ask to what school of economics we refer. You can take a number of professors of economics and put them on this stand, and you will find a great variety of opinion among them on economic questions. Here is one man who believes in the economics of Adam Smith;

here is another who is an adherent of the doctrines of John Stuart Mill, and here is one that is an advocate of the more modern school; and among others you will find those having doubts about the correctness of anything, which merely calls itself pragmatic. To which school is the judge to be sent for his necessary economic information? Is he to accept the composite of all of these, or the doctrines of any one of them? Is he to attend the economic school of those who would concur entirely with the preceding witness on his fundamental concept of life, or to join that school which entirely disagrees with him? So that in selecting a university for the education of judges on economic subjects, there would be quite a diversity of opinion as to which school they ought to attend.

As to the use of the law for the purpose of bringing social benefit and protection to the health or morals of our workers, the courts have sustained with, it seems to me, increasing progress the tendency toward that as rapidly as modern economic science has ceased to be as much of a pseudo-science and become fixed principles. So I think that much of the judicial diffidence on this subject is due not to lack of progress among judges but the lack of agreement of opinion among economists.

Chairman WALSH. Has it been your experience that labor organizations and that individual workers are reluctant to present their cases for judicial determination?

Mr. EMERY. It has been my experience as a lawyer that everybody is reluctant to get into court. That question is a somewhat difficult one to answer directly, Mr. Chairman. It involves the expression of opinion.

Chairman WALSH. I think, however, Mr. Emery, you can catch the drift of it. You have heard a great deal of testimony, you understand.

Mr. EMERY. Yes.

Chairman WALSH. And when I say that, I am adopting the language in this instance of those who claim to have been reluctant. You have heard them on the witness stand here.

Mr. EMERY. Why, I have heard many representatives of organized labor discuss the reluctance of labor organizations to appeal to the courts——

Chairman WALSH (interrupting). You have heard the expression here about their not getting a square deal in personal-injury cases, and heard the expression of some men that I have considered heretofore rather conservative, saying to pay no attention to injunctions, and all that sort of thing?

Mr. EMERY. Yes.

Chairman WALSH. That is what I am directing your attention to.

Mr. EMERY. Yes. I think there is no department of law in which the worker has had so much just cause for impatience with his treatment, and one that has produced such a sense of injustice as in connection with personal injuries. The law has been very slow, indeed, in conforming the protection of personal rights to the changing conditions in industry. But our civilization has been modified so fast that perhaps while it is not an excuse, it is an explanation of the omission; that in many departments of government the machinery of the Government has not kept up with the rapid change in human life. And the courts are naturally slow by their very nature. They are not leaders. They follow the course of thought, because taking its basis in the common law, the law grew up out of the habits and expressions of its opinions.

As Mr. Justice Holmes, in his remarkable volume on the History of the Common Law, calls to our attention, it is merely the experience of mankind, or the experience of the English-speaking people, and the common law expressed their historical development. And these views and rules which grew up under very simple conditions and were very fair and just with respect to those conditions did not change as rapidly as the conditions themselves have, and thus, while fair as to the conditions out of which they grew, they became unfair and incapable of doing exact justice, or even approximate justice, under the conditions which rapidly grew up.

Chairman WALSH. Have you any suggestions to make with reference to the methods of present social and economic questions?

Mr. EMERY. Yes, sir.

Chairman WALSH. Then, though I deem it to be pretty well answered by what you have said, have you any suggestion along the line of perhaps any more definite or specific rule of practice that might be adopted to get such questions into the case or to get such information into the case? How could it be done—just by the introduction of testimony?

Mr. EMERY. I can not see any difficulty in presenting that point of view to the court. The Supreme Court of the United States finds no difficulty in hearing the economic side of the minimum-wage question. The New York Court of Appeals has, as part of its opinion on the recent female labor law limiting night work for women, paid a special tribute to the character of the investigation which presented the economic phases of the subject to the courts.

Chairman WALSH. Your idea would be just to present it as testimony by calling experts or by what other means of information you might have at hand and putting it in the record and let the court pass on it?

Mr. EMERY. Now, I suppose, Mr. Chairman, that when a State presents a case of police enactment it will present to the court, so far as it may, the evidence as to the facts and conditions on which the police power is predicated, and I say I think very frequently the cause of the failure of our courts to respond as quickly to what may be termed the reform social legislation is the failure to adequately present the case. Now, that occurs in other departments of law with great frequency. You will recollect the nature of the first decision under the Sherman Act, which is said to have caused us twenty-four or twenty-five years of fruitless litigation. That was the Sugar case, and Senator Edmunds criticized it years afterwards as a case that had been inadequately and improperly presented to the Supreme Court, and it resulted in a decision which has been a plague to the profession and business ever since.

Chairman WALSH. What is your attitude toward the existing legal liability of trades-unions, for acts committed as organizations?

Mr. EMERY. Do you mean, do I believe that they ought to be liable?

Chairman WALSH. Yes. First, should they be liable; and if they should, then how can it thus be enforced—that liability? That would involve the question as to whether or not they should be incorporated, and all that you have heard?

Mr. EMERY. Yes. I believe that every organization should be liable for its acts. It is axiomatic to say that there should be no power without corresponding responsibility, no matter who exercises it or what class in society exercises it.

The present state of the law is of course that voluntary associations can not be sued in State courts where they have not been given legal personality for the purpose of suit. Neither can they sue. On the other hand, the individual members of the labor organization become liable for the acts of their members within the scope of their employment. That state of the law of course results in this that a few individuals who have been fortunate enough or provident or frugal enough to get some of this world's goods and make a saving, become responsible, as a matter of law, for the more reckless or criminal of their fellow members—the condition of course which they recognize in associating themselves with them. Perhaps, socially speaking, it may have the effect of causing the more responsible in the material sense of the word of an organization to exert their influence more in the conduct of affairs in the organization; but it has never seemed to me an entirely just matter, but one that is difficult to avoid because of the lack of pecuniary responsibility of those composing the labor organizations.

The incorporation of trades-unions is a matter upon which I must confess that I have had a divided opinion because of the naked difficulty of the incorporation—the difficulty of limiting the liability with due regard for the rights of those who may be injured by the acts of the combination. It is easy to incorporate them to such a point that, not having of course capital stock or share capital, they might dispose of their funds in such a manner that a suit is vain. And predicating my conclusion on the proposition that no organization should be permitted to exert power that will not be responsible for the injury that it may do to others when the exertion of that power is injurious, it seems to me that an incorporation in the ordinary acceptance of the term "incorporate" is not sufficient; but that the State should probably give labor organizations a legal status—I am speaking of the organization as such irrespective of its members—so that it can sue and be sued as voluntary associations may be, and assume such control or provide for such control of its funds as will make it responsible within its limit for such injuries as it does. I say this with respect to labor organizations, but it has reference also to organizations of employers, or to any organization that can be party to labor disputes resulting in injury to others. I do not care whether it is the immediate parties to the dispute, or the innocent bystander that gets shot in the course of the conflict, he is entitled to reparation for that injury.

Chairman WALSH. What do you consider has been the great effect of injunctions upon the outcome of individual disputes? Have they served a purpose one way or the other?

Mr. EMERY. I think they have served a very important purpose. Injunctions issued in labor disputes, despite a good deal of wild talk, are generally obeyed. The great body of the working people of the country are law-abiding men, and whether they agree or disagree with the view which the court takes, they generally obey its order. And I think the injunction has been a tremendous conserver not only of property but of life; and it seems to me that you can not have a more striking illustration of it as a social remedy for these condition which too frequently, unhappily, exist in a labor dispute—you can not have a better illustration than is presented in the two West Virginia cases, one of which will immediately arouse the critics of the injunction; but the other of which admits of but little dispute. I referred to the recent strike in West Virginia, accompanied by the use of the military, and much bloodshed on both sides. Prior to that you had the case of the Hickman Coal Co. *v.* Mitchell, in which case an injunction was issued by the lower court against a number of members of the coal miners' organization and their officers, and which injunction was substantially obeyed. So that the acts of violence and intimidation and interference with personal rights ceased, and a condition in which there had been much disorder and threats of life and destruction of property stopped. On the other hand, you had the military called out against the same organization, under exactly the same conditions, and you had wholesale riot, bloodshed, and destruction of property. In the one case you had the peaceful process of the law, which was generally obeyed; on the other hand you had the military force undertaking to put down disorder with the bayonet.

Now, it seems to me, Mr. Chairman, that there is no chance for difference of opinion as to the comparison between the peaceful order of a court issued in a proper case and a bayonet control, because society, quite apart from the employer or the employee, will not submit to a condition of insurrection or disturbance or disorder that interferes with all the functions and duties upon which modern society is dependent for its continued existence, because one of the first features of all these cases is the interference with and injury which they do not only to the employer and employee, but to the great number of people who are not parties to the conflict, and in which disturbances the property of innocent parties is not only injured but destroyed. And you have cases, such as the Debs case, where it is the Government that intervenes for protection of its own functions, so that the carriage of mail and the performance of the duties of the Government itself can be carried on without interference by private parties determined to stop operations even of the Government itself in order to accomplish their purpose.

Now, no matter what form of government you have, you can not have a condition like that. And as society moves on and as material civilization develops and becomes more complex, it becomes more interdependent, one part on another; and you can to-day starve a great city by cutting off transportation; and you can accomplish the same purpose, not only by cutting off the things necessary for daily food but for the production of those things for which their daily activities are exerted. And if they do not obey the orders of the court where the court's orders are issued in a proper case—quite apart from the testimony as to this or that case, but assuming the proper exercise of that power—then if they do not obey, if they do not obey the equity power, there is nothing left for the protection of life or property except force.

Chairman WALSH. Might there be any modification of the mode of procedure in individual cases that might reduce friction in regard to the application of the practice

Mr. EMERY. Well, what particular method of procedure do you allude to?

Chairman WALSH. Well, any feature. There are claims, for instance, made that injunctions are issued without notice or without proper notice; that restraining orders are issued returnable at remote periods which may affect the outcome of the strike, the persons upon whom they are served not understanding them thoroughly, and so forth. You know the common——

Mr. EMERY (interrupting). Yes; so far as the issuance of injunctions without notice is concerned, there are cases in which the issuance of such orders may be absolutely indispensable. And in no legislation that has been offered to Congress by the American Federation of Labor itself has there ever been a line that questioned the propriety of the issuance of injunctions without

notice under proper circumstances. In fact, when Mr. Karl Spelling was counsel for the American Federation of Labor I remember very well his argument before the Judiciary Committee of the House, in which I participated, that he made that very statement, and made it clearly that they were not objecting to the proper issuance of injunctions without notice.

Now, it is a fact that injunctions are sometimes issued and made returnable at a remote time. I have seen cases where I thought there was a considerable lapse of time between the injunction and the hearing; but on examination of the record it was discovered that the judge sitting for a very large circuit was under the necessity of appearing in another part of the circuit, and issued the injunction and put it over for a week or 10 days until he could return to that point. But of course the fact must not be overlooked that the statute affecting Federal injunctions provides that the party against whom the injunction is issued has the unquestioned right to make a motion for dissolution immediately where the injunction is issued without notice to the opposite party. And in addition to that, in our practice in the appeal of orders granting injunctions to the circuit court of appeals, appeals from the order issuing the injunction of that kind have precedent under the practice act at the present time. And under the equity rules adopted by the Supreme Court of the United States, which are binding upon all Federal courts, every effort has been made by that court itself to expedite the hearing of injunction cases.

Now, of course, I insist, Mr. Chairman, and I should be glad to be presented with a case which disputes that conclusion, that there is no different rule and no different principle involved in the issuance of injunctions in labor cases than is involved in the issuance of injunctions in other disputes that have nothing to do with conflicts of that character. And I do not see, as Mr. Darrow has aptly put it, that that is a mere abstraction. I say that there are a number of concrete cases that illustrates that precisely the same thing to which laboring men object in connection with the issuance of injunctions in labor disputes is applied to other combinations in other disputes; and they are forbidden to do the same things without any question on the part of the public or anybody else. I can not use an illustration that will bring that home better perhaps. I will say let us take a case as to which we hear much criticism that the fact that the court enjoins a man from the freedom of locomotion. He is enjoined from going to a particular place to do a particular thing. Well, in all cases in which an injunction is issued against the doing of an unlawful act or a carrying out of an unlawful purpose, or the interfering with some established right, the moment that the combination is formed or undertakes to do an unlawful or criminal thing, then, of course, every act of the combination, however innocent in itself, is made unlawful by the purpose for which it is accomplished. That seems to be a proposition that is often in dispute in these cases; so that if you will permit me I will simply call attention to the fact that in the everyday affairs of life, without any contention as to the law, that condition is recognized by every one of us everywhere.

In the famous White murder case, the case in which Daniel Webster made his famous speech, which has been recited, I suppose, by every schoolboy, a citizen exercised the right of free locomotion walking up and down the streets of a New England village at the midnight hour, and he was tried and convicted and hung for a crime, because the purpose for which he walked up and down the village streets was to warn his accomplice who was at that time engaged in killing an old man in the first sleep at night. The walking up and down on that street was not an absolute crime. He had the right of free locomotion on the village streets for lawful purposes. But when he walked there in order that he might inform his accomplice of the approach of the police, in order that he might accomplish his crime, the innocent act of walking up and down that street became in itself a crime.

That is true of all these acts which are the subject of dispute in these cases. We speak of free speech. We say that men are enjoined from persuading a person to quit, and from persuading him to break a contract, persuading him to do this or that thing. Well, now, of course, the mere persuading by itself can not be an unlawful act. The purpose of the act—of the persuading—is what makes it good or bad. If I persuade you to do a lawful thing, no one, of course, can object to that, unless we happen to be persuading each other in a place where we interfere with traffic, or undertake to prevent others from their accustomed use of the sidewalk. But to say that the use of an injunction issued against the use of the tongue, with which to perform an unlawful act, is an interference with free speech, merely points out the fact that the tongue has

no privilege over the other members of the body, and as a man commits crimes with his hands and his feet, or his head, and as it is possible to enjoin the use of his hands or his feet or his head to do some unlawful thing, the other conditions being proper, it is also proper to use the injunction in connection with the use of the tongue.

Now, to illustrate that, if you will turn at any time, any of you gentlemen, to a very familiar case, that of the Louisville & Nashville Railroad *v.* Bitterman, you will find a case in which round-trip tickets to a fair or some place of popular assemblage were sold at a special round-trip rate, and where this process was used by the railroad for the purpose of preventing their resale. The person buys that ticket and goes to that destination and only uses one-half of the ticket, and then a scalper comes along and offers him so much for his ticket, and he sells it, and the scalper buys it, and the person has made as much out of the ticket as the cost of the ride. Now, the railroads suffered very much from activities of the combined scalpers in many of our large cities; you would see these scalpers' officers on the side streets and would see advertisements in the papers offering to buy return tickets of certain kinds and railroads, and offering so much. Now, to get at the scalpers, the railroads went into court under the general equity powers to enjoin the scalpers from undertaking to produce a breach of the contract between the railroads and customers to whom they had sold the tickets, because they had sold the tickets under an express agreement printed on it that it would be used by the person who purchased it, and that he would not—that he would use it himself and not dispose of it to another. The scalpers induced him to sell the ticket to them, and in this particular case they even advertised in the newspapers of the city of Louisville, Ky., that they would buy tickets to or from such a place, and even that they would pay so much for them. In this case the Supreme Court enjoined the scalpers from persuading the individual passenger to breach his contract with the railroad company that he would not sell his ticket, but use it himself or not at all, and to enjoin the scalpers from advertising that they would buy these tickets, which they regarded as a method of inducing a breach of contract.

Now, of course, the term "breach of contract" need not astound anybody as a technical term. It is nothing more nor less than a breach of an agreement between men that one shall do something for the other for a consideration. A man can not sell or buy or secure a service unless by agreement with someone by which he is to get or give something; and ever since we have had a society among the English-speaking people we have protected that agreement between two people to do something, and have protected it from interference by outside parties who have tried to step in and make one man refuse to do what he had agreed to do for a consideration. Now, there were no public meetings held in the United States when the Louisville & Nashville decision came out in the Bitterman case. There was no organization of scalpers over this country who came down and petitioned to Congress that they had been deprived of their constitutional right of free speech, having been deprived of the opportunity to buy these tickets from the passengers; and the passengers did not even hold an indignation meeting.

Chairman WALSH. Are injunctions issued fewer at the present time than formerly in labor disputes?

Mr. EMERY. I should say on the whole that the courts are much more careful in the issuance of injunctions in labor disputes than they have been, because, naturally, of the criticism that has been directed to the issuance of injunctions in labor cases. So that courts, as a general rule, have got to be satisfied of a very strong case before issuing an injunction. I think, for instance, in the District of Columbia, here, and I take it as an example of the care which surrounds many of the Federal courts—I have not seen the record certainly for many years of the issuance of a restraining order. I don't know that there has been any injunction issued outside of those issued in labor disputes here, and there have been only four or five issued that I know of in the last four or five years; but in all those cases the application for a restraining order was refused and an injunction issued only after hearing.

Chairman WALSH. Do you know whether there is any relation between the efficiency of the local police and the necessity for injunction?

Mr. EMERY. How is that?

Chairman WALSH. I have been asked to ask you, do you think there is any relation between the efficiency of the local police and the necessity for injunction?

Mr. EMERY. I think there is a very intimate relation between the proper administration of law by executive authority and the issuance of injunctions. It would often not be necessary, if the local police would perform their duty in the matter of protecting people against intimidations.

Chairman WALSH. What is the position of the National Association of Manufacturers with regard to the practice of boycotting? What has been the position?

Mr. EMERY. The National Association of Manufacturers adopted an expression on that subject some years ago, and if you will permit me, I will read this. It is very brief, but expresses the platform adopted by them, because it relates to all of the subjects you wished to inquire. It was adopted at the New Orleans convention of the National Association of Manufacturers in 1903 [reading]:

"(1) Fair dealing is the fundamental and basic principle on which relations between employees and employers should rest.

"(2) The National Association of Manufacturers is not opposed to organizations of labor, as such, but it is unalterably opposed to boycotts, black lists, and other illegal acts of interference with the personal liberty of employer or employee.

"(3) No person should be refused employment or in any way be discriminated against on account of membership or nonmembership in any labor organization, and there should be no discrimination against or interference with any employee who is not a member of a labor organization by members of such organization.

"(4) With due regard to contracts, it is the right of the employee to leave his employment whenever he sees fit, and it is the right of the employer to discharge any employee when he sees fit.

"(5) Employers must be free to employ their workpeople at wages mutually satisfactory without interference or dictation on the part of individuals or organizations not directly parties to such contracts.

"(6) Employers must be unmolested and unhampered in the management of their business, in determining the amount and quality of their product, and in the use of any methods or systems of pay which are just and equitable.

"(7) In the interest of the employees and employers of the country no limitation should be placed upon the opportunities of any person to learn any trade in which he or she may be adapted.

"(8) The National Association of Manufacturers disapproves absolutely of strikes and lockouts, and favors an equitable adjustment of all differences between employers and employees by an amicable method that will preserve the rights of both parties.

"(9) The National Association of Manufacturers pledges itself to oppose any and all legislation not in accord with the foregoing declaration."

Chairman WALSH. To what extent to you consider that it is desirable that Federal action should be extended in connection with labor disputes and in the regulation of labor conditions generally? I would like to have you discuss the proposition that we have heard from time to time with reference to the extension of the principles of the Erdman Act.

Mr. EMERY. Of course, the Erdman Act is a method of bringing employer and employee together for the discussion of their differences, and it is applied to corporations which, while private in their nature, are dedicated to the public service. And I think that the principle of investigation into labor disputes, within the Federal jurisdiction, that are of the nature that affect the commerce between the States, is a principle to be encouraged in a way, I believe. I do not believe in compulsory arbitration. It is not possible in this country. I think that these experiments within reasonable limits would better conditions and the relatons between employer and employee, with due regard to the rights of each and of the public, and it should be given a fair trial.

Chairman WALSH. What do manufacturers in this country think in regard to uniformity in the application of labor laws throughout the United States, if you can gather any consensus from them?

Mr. EMERY. I think manufacturers as a whole are, I know them to be, very much concerned, indeed, about uniformity in legislation on any subject that relates or is in relation to employer and employee, or relates to the doing of business by combinations. They suffer very greatly from a lack of uniformity. A man has to do business in 48 sovereignties under 48 types of law, and he finds himself very frequently in difficulty, not only great inconvenience, but put to enormous expense, if not the real violation of some law of the State. I speak

of those engaged in interstate commerce, and that constitutes about 90 per cent of the business of this country, and what we may call interstate business. About 90 per cent of commodities produced in this country are consumed outside of the State of their production.

Chairman WALSH. I will not ask you for any suggestive remedies, because I believe you have been asked in a more formal way. I understand that we will have your advice on some proposed laws to be gotten up?

Mr. EMERY. Yes, sir.

Chairman WALSH. I know you would want to give them consideration anyway after they are drafted?

Mr. EMERY. Yes, sir.

Chairman WALSH. Commissioner Weinstock has some questions he wishes to ask you.

Commissioner WEINSTOCK. You were present, Mr. Emery, when Mr. Darrow was on the witness stand?

Mr. EMERY. Most of the time.

Commissioner WEINSTOCK. I take it that your views on the questions that were discussed while Mr. Darrow was on the stand come from a different angle, an angle that to this commission would be important. I would like to get your opinion.

Mr. EMERY. We probably would disagree also as to facts in some of the instances stated.

Commissioner WEINSTOCK. I would like to get your judgment on some of the points on which Mr. Darrow expressed himself very fully. You may recall that in the case of the McNamaras the question was put to Mr. Darrow, "Do you regard the McNamaras as criminals or martyrs?" And as near as I can epitomize his answer, it was of some length, he left in my mind that looking at the situation through the eyes of the McNamaras he would not regard them as criminals. His distinction between a criminal and a martyr is that the criminal commits a crime for a selfish act; the martyr does things that are unlawful for the common good; that what he believes to be a common good. Now, if we are to take Mr. Darrow's definition, and if the point of differentiation between the criminal and the martyr rests where he places it, is it or is it not a fact then that men like Booth and Guiteau and Czolgosz, who assassinated three Presidents of the United States, from unselfish motives and had nothing to gain by it individually, but were doing it, as they believed, for the common good—was it then not a national crime to treat those assassins as criminals, and should they not have been canonized and lauded and held up as martyrs?

Mr. EMERY. They have been in some instances. You recollect for many years they had an annual celebration in Chicago in honor of the martyrs, so called, in the Haymarket Square trouble. Mr. Darrow very properly says that martyrdom depends upon one's part of view. Very few people regarded Mr. Czolgosz, or whatever his name was, as a martyr. There were undoubtedly a few that did. There were men that wrote letters at the time of Guiteau's trial that indicated that they believed that Guiteau was performing what he believed to be an act of self-sacrifice. And certainly he did more than McNamara did; he risked his life to kill the President of the Nation; and if one is to be canonized for risking his life, he should be. But I take it that Mr. McNamara's thought in placing explosives in industrial disputes was "safety first."

Commissioner WEINSTOCK. In other words, you say they took good care to be as far away as they possibly could when the explosion occurred?

Mr. EMERY. In that particular case there are one or two facts worth noting. Assume that Mr. McNamara believed that he was performing a social service in registering protest, through murder, against a condition existing in the industry that he wanted to free, yet McNamara was not a structural ironworker; he was a printer. The Los Angeles Times had nothing to do with the struggle between the structural ironworkers and their employees. I don't know that it ever had a line about the strike. The destruction of the Los Angeles Times was a mere friendly act, from the testimony at Indianapolis, done by one familiar with the use of dynamite, for the purpose of working a revenge on a man who had been, so they deemed him, a bitter and uncompromising antagonist of labor organizations in California. The conviction of one of the men at Indianapolis was predicated upon the fact that he had written letters referring to conversations evidently had in the East, at some time or other, with respect to some one coming West that was familiar with the use of explosives, to throw a scare into Otis. Now, the Los Angeles Times had nothing to do in relation to the structural ironworkers, and it was not the organ of the erectors' association, and Mr.

McNamara himself was a printer and not a structural ironworker, and he received his scale for every job pulled off.

Commissioner WEINSTOCK. Do you know how much it was?

Mr. EMERY. I don't know in that particular case, but the price ran from $75 to $225 a job, and there were about 106 jobs pulled off, of which there were records in the Indianapolis case. Now, all of them, of course, were the work of McNamara. McManigal and the younger McNamara did the most of this work, but there were others that were permitted to participate. In fact, McManigal testified that the man who paid him what he received for taking a load of these explosives knocked down on him to the extent of $50 on a number of explosives, and I am speaking of his testimony now, when he says that some time later in conversation with the younger McNamara he learned that he was not getting the scale that other men were receiving for the same work.

Commissioner WEINSTOCK. Was it known whether this knockdown was for the good of the cause or for the individual that was knocking down?

Mr. EMERY. I suppose even the martyr has to have his perquisite.

Commissioner WEINSTOCK. You heard Mr. Darrow say that public opinion was of value in aiding organized labor to secure its objective. You also probably heard him say that the American public opinion is based upon emotion and feeling and imagination and not upon the right or wrong involved, as we understand right and wrong. Do you agree with Mr. Darrow in that opinion?

Mr. EMERY. I am more inclined to believe that personal feeling of individuals is often predicated upon spectacular appeals of an interesting personality rather than opinion in any true sense of the word. It is predicated upon mere spectacular performance. I may use the word "opinion" in a different sense from what he does. We have many public men that attract a following by their activity for spectacular publicity, and we have had many interesting examples of that in the course of our political life, but as a rule the opinions, I think, of our people, that have been registered in law or expressed themselves at the ballot box—I speak now of opinions on subjects rather than mere opinions of men, because they are generally two quite different things—I think an opinion in that sense of the word has been very slow of formation.

Commissioner WEINSTOCK. We, of course, know that organized labor is here and here to stay; that it is a permanent institution.

Mr. EMERY. Yes, sir.

Commissioner WEINSTOCK. And we can no more hope to wipe it out than we can hope to keep back the waves of the ocean by the use of a broom? Now, if organized labor is a premanent institution and is here because it ought to be here, and I for one believe it ought to be here, then for them any ephemeral public opinion would be of little value. I take it you agree there is such a thing as ephemeral public opinion and permanent public opinion. Organized labor could get little use out of ephermeral public opinion, and if it is to be of value to it it must be the permanent opinion. How can it get permanent public opinion best?

Mr. EMERY. I suppose like all movements that attract or repel public sympathies, it gets it by its purposes, by its methods, and by its conduct. Organizations, ever since men have had them, have been judged by what they undertake to do, and also by the manner in which they undertake to do it, so it is not only the end which we seek, but the ends by which we accomplish them that seems to give to us the good will of our fellow man permanently.

Commissioner WEINSTOCK. Well, if we assume that public opinion is of value to organized labor in its fight for betterment, and if we assume that permanent public opinion can be retained only by commanding this respect and this good will and sympathy, do you think that organized labor is pursuing the right course to win that permanent public opinion when it retains in its high places and reelects to high offices men convicted of crime?

Mr. EMERY. No; I do not. I think it is condonation of the offense. I can readily see that men would feel bitter, and would feel keenly, and would condone the acts of fellows done in their interest, but I can not see how the cool second thought of a great body of men can permit them to approve, by their conduct, acts which I am sure a great body of them in sober mind would condemn. I don't say that particularly of them, but of any body of organized men.

Commissioner WEINSTOCK. Another point that has been brought out frequently in the hearings here, Mr. Emery, and upon which I would be glad to get your point of view is this: You heard boycotts justified on the witness stand and compared with the attitude of the colonists during the Revolution?

Mr. EMERY. Yes, sir.

Commissioner WEINSTOCK. And it was said time and again that if the American colonists had not applied the so-called boycott to England, and had not rebelled and resisted England, that we still would have been slaves, so to speak, of George the Third. What is your view on that justification of boycotts?

Mr. EMERY. Of course, in the first place that is a very loose use of the term boycott. It often happens, and I think it has in the course of this discussion, men use the same words without thinking the same thought. To discuss boycotts in a legal and moral sense, we refer, I assume, to the act of a combination to prevent another from being benefited in business or social intercourse with one or more of his fellows, until he grants some demand of those engaging in the boycott. Now, of course, the use of the term of the word boycott in the sense of the Boston Tea Party and the refusal of the colonists after the declaration of war to purchase or wear British-made clothes as an expression of antagonism of the people in rebellion and at war with one another socially. If the parallel is perfect, then the boycott which is thus vindicated expresses the permanent and determined hostility and warlike attitude of those engaged in it against the society of which they are a part. If it is an act in war it is defended on the ground that those engaged in it are at war against society or the individual. The word "boycott" in its origin referred to acts which were part of an agitation against landlordism in Ireland at a very acute period in the history of that unhappy land, when a peasant boycotted a landowner, cut him off from all food supply and from all intercourse with the world as far as it was possible, and the person that first did this was a Capt. Boycott, from which it takes its name. When I refer to it I speak of it in the sense in which I have found it.

Commissioner WEINSTOCK. Do you regard the conditions parallel to what existed between the American colonists and Great Britain and between the conditions to-day between a lot of strikers and the employer?

Mr. EMERY. I hope not.

Commissioner WEINSTOCK. Where is the difference?

Mr. EMERY. It depends on the cause of the strike. It may be a mere economic difference of 5 cents or 3 cents a day. One may say on the one side that to those engaging in that strike it may mean life or death in their economic relation. It is equally true, of course, that that may be the situation of those that desire to remain there at work, or take the places of those that quit, and, of course, we can not make the righteousness or regulate the conduct of the individual, in which he interferes with the rights of another, depend upon his belief in the rectitude of himself. If we do that each man in society becomes his own final judge; we have a state of anarchy, in which each man is his own law and own supreme court. We can not have civil society protected under the right of each man to be his own judge of the law.

Commissioner WEINSTOCK. Let us assume that the issue is not a question of wages in the strike.

Mr. EMERY. It very frequently is not. I think in fact that the figures given by the Department of Labor indicate that the greater percentage are not over matters of wages.

Commissioner WEINSTOCK. But let us assume that the question at issue is the open shop. Is it parallel with the case of the colonists?

Mr. EMERY. No, sir.

Commissioner WEINSTOCK. Wherein does it differentiate?

Mr. EMERY. Of course, in the case of the colonists you have people who were engaged in a life and death struggle with a public enemy, and they did not intend to give it aid and support by buying from it, and they wanted also to make themselves self-supporting, as is the occasion in many of the American boycotts, which is always accompanied by the purchase of homespun or home-made goods. It was defended as a hostile act, and excused as an act of war, not of peace.

Commissioner WEINSTOCK. Wasn't the issue there, Mr. Emery, the one I pointed out to Mr. Darrow, the cry that they were taxed without representation?

Mr. EMERY. There were many conditions named in the declaration of the independence of the Colonies; that was one, and another was that they were taken to England without an opportunity to be heard—without the right of local trial. There were many, many things enumerated in there, but that was one of the popular cries of the hour—"taxation without representation." In

other words, they were deprived of their civil rights, and they were in rebellion against those who had deprived them of those rights.

When you speak of boycotts, you have not only primary and secondary but you have also tertiary and quaternary; you can go as far as you like. I remember the Hall case in Michigan, where an employer ws boycotted because he bought his milk from a milk dealer who had the tips put on his cows' horns by a nonunion tinner. This case merely illustrates the length to which you can go on piling one boycott on another. In this case the local tinsmiths were organized, and this dairyman had simply had a wandering tinker put some tips on his cows' horns, and that started a boycott against him, and the local union took it up. The man who was boycotted was a department-store employer, and he was boycotted because he bought milk from this man who had the tips put on his cows' horns by this tinker.

I can remember, and perhaps you can, 10 years ago in San Francisco, when men were engaged in carrying sandwich boards before the places of those who were boycotted; and in the case of the cooks and waiters' strike, I think in 1904, the sandwich men struck for an increase in wages, and the members of the Cooks and Waiters' Union were hard-hearted and refused to increase the wages of the sandwich men, and these other sandwich men got other sandwich men to march up and down the street with placards stating that the Cooks and Waiters' Union, who were boycotting a restaurant picketed by them because they declared the restaurant unfair, were themselves unfair in so declaring the restaurant unfair.

Commissioner WEINSTOCK. Mr. Darrow pointed out that the liberty of Great Britain was far greater than the liberty of this country; that our liberties are on paper and are not liberties as a matter of fact; that organized labor, for example, is much better treated in Great Britain by legislative enactments than in this country. Have you studied that issue at all, and can you enlighten us on it?

Mr. EMERY. I have. I have been very much interested in it. I am sure that Mr. Darrow did not recall the very many distinct instances in which not only organized labor but any citizen is subject to the purely arbitrary will of Parliament.

The distinction between our two Governments is this, that we live under a written constitution, which is our permanent law, and it expresses the restrictions which a free people have imposed upon themselves for the protection of their liberty, and have granted to the different departments of their Government those rights and duties which they consider necessary to protect the rights which they desire to have guarded; and all the rights thus not granted are still held by the people or held by the States.

Parliament is the repository of all of the law-making power of Great Britain. Parliament, with the King's consent nominally, can enact a condition of slavery in Great Britain to-morrow morning; it can take away any right, not only that the people of Great Britain have, but can take away the right of any individual by name or any class of individuals.

Gentlemen interested in the home-rule movement may recall that in 1881 or 1882, it was about 1880 or 1881 that the Irish Nationalists held a famous meeting at Sligo, in which they bitterly denounced the Government of Great Britain, and language most seditious was indulged in. The Government had no law in existence at that time on which it could rely for their suppression, but the agitation was spreading, and the expressions were bitter, and the feeling was so great that Parliament enacted a law two and one-half months after the committing of those acts in Sligo, which not only made them criminal but led to the arrest and imprisonment of those who took part in them two and one-half months before the law was enacted and did things at that time perfectly lawful. There is there no prohibition against the passage of an ex post facto law; Parliament can enact a statute to-morrow and make it apply to a condition of affairs that existed last year. Parliament can enact legislation with reference to any particular class or individual in the community which it desires. Parliament can do anything except turn a woman into a man or a man into a woman. They have done all sorts of things with respect to labor legislation.

My attention was called in your questionnaire to the British trade-disputes act, and I think many of my labor friends firmly believe that the British trade-disputes act, if enacted into law in this country, would be a very distinct advantage to American trade-unions, chiefly because it relieves them of any liability, any authority, for acts of their agents; that is the particular phase of it to which they have directed attention. But very few of them pause to consider the disabilities which accompany the same act.

The trade-disputes act of Great Britain is an amendment in part of the conspiracy and protection of property act of 1875, which succeeded the criminal amendment act of 1872, and is to be read in connection with the English registration act of 1871 and 1876, and in these acts trades-unions were given a limited right of legal existence. And to-day, when a trades-union desires to register, it files a copy of its constitution and by-laws with the registrar, and he has the power to reject or approve the registration of that trades-union. That condition was brought about by the condition in which trade combinations found themselves under the common law and under the so-called combination acts, many of which were passed between 1800 and 1825, so that it had been held, under the common law, that a combination of workmen to raise wages, or a combination of employers to depress wages, were equally unlawful under the common law as being in restraint of trade. So the combinations of either masters or of men, for these purposes or for purposes for which union men in this country get together, are held practically outlaws, and of course the incidents that accompany these things, the strike to raise wages or the lockout to depress wages, are illegal over there.

The trade-disputes act of 1906 grew out of the Taff-Vail decision, in which the Amalgamated Society of Railway Servants were held liable in the sum of £21,000 for damages inflicted through conspiracy upon the Taff-Vail railroad and the destruction of property and stoppage of traffic incident to that strike.

The act of 1906 amended this conspiracy and protection of property act of 1875, and while it did these two things it relieved the unions of liability for the acts of their agents, and it also authorized what is called peaceable picketing to no greater extent than it is recognized to-day, because it is substantially the law of all jurisdictions, State and Federal, that I know of, that picketing for the purpose of information or persuasion, unaccompanied with intimidation, is lawful; but the protection of property act of 1875, to which that is an amendment, and which is unaltered, remains in force with it, and it carries conditions which not only no trade-union but no worker or employer in this country would support.

For instance, in the first place, public conspiracy or unlawful assemblage made an offense under any act of Parliament is still unlawful and criminal. Then there are a whole series of acts which are enumerated. I have a copy of the trade-disputes act and also of the protection of property act.

In the first place nothing in the trade-disputes act or in the protection of property act exempts any person from punishment who is guilty of conspiracy, or for which a punishment is awarded by act of Parliament. Nor does it affect the law relating to riot, unlawful assemblage, breach of peace, or sedition. And, further, you will observe that in section 7 it is provided: "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do, or abstain from doing, wrongfully and without legal authority—

"One, uses violence to or intimidates such other person or his wife or children, or injures his property; or

"Two, persistently follows such other person about from place to place; or

"Three, hides any tools, clothes, or other property owned or used by such other person, or deprives him of or injures him in the use thereof; or

"Four, watches or besets the house or other place where such other person resides or works or carries on business, or happens to be, or the approach to such house or place; or

"Five, follows such other person with two or more other persons in a disorderly manner in or through any street or road may be imprisoned for a term not exceeding three months at hard labor, or a fine not exceeding twenty pounds" (or $100).

Now, the trade-disputes act of 1906 amended this fifth section of the act so that the section was to be construed:

"It shall be lawful for one or more persons, acting in their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working."

That is the amendment. Now, under this amendment there have been a number of criminal prosecutions for intimidation, and the courts in construing the act have held further that while that permits peaceful picketing, that if a

body of men surround a house or place of work, or a number of men silently follow an individual workman, this section affords no defense for criminal prosecution.

Furthermore, it is the law of England to-day, and has been since 1875 the statute law in effect, by the trade-disputes act of 1896, that if a man, by himself or in combination with others, breaks his contract of service alone or with others while working for a gas or a water company, if he has reasonable cause to believe that by so quitting, by himself or in combination with others, he will deprive the community, in whole or in part, of water or gas, he is guilty of a misdemeanor, for which there is punishment by imprisonment for three months at hard labor or a fine of £20.

Furthermore, the fifth section of the same act provides that if any person, in any employ, either by himself or in combination with others, willfully breaks his contract of employment, having reasonable cause to believe that his doing so will endanger human life or cause serious bodily injury, or expose valuable real or personal property to destruction or serious injury, he is punishable by a fine of £20 or 3 months at hard labor, and there have been many prosecutions under this act.

That last section would prevent a strike on a steam railroad or a street railway, and the section would make any man liable where he quit, either by himself or with others, in such a manner as to expose valuable property to destruction.

And in the case of Arthur *v.* Oakes Mr. Justice Harlan pointed out that under the law you could not enjoin a man from quitting where, if he quits, he exposed life to danger or any amount of property to destruction; you could not keep him to work by injunction. If there was some positive duty that required a man to keep at work, like a signal man in a tower, it might be done in a case like that, but ordinarily his quitting could not be prevented by injunction.

That is the criminal law of England, and still is the law of the land, and it is a condition to which no laboring man in this country would submit, and that accompanies the trade-disputes act, and it has to be considered with those disabilities connected with it, and consequently the terms of the act apply absolutely to combinations of workmen or of employers.

Now, in the State of Massachusetts a section of the trade-disputes act of 1906 was offered as a legislative bill, and in the State of Massachusetts the supreme court of that State is authorized to give advisory information, so that the legislature, if it is in doubt as to whether or not it has power to enact particular legislation, can ask for the advice of the supreme court; and in this case this bill provided that in the language of the trade-disputes act of 1906 no trade-union should be liable in tort for acts of its agents when done in furtherance of a trade dispute. The words "organization of masters" in the act of 1906 were not in this bill, and the Supreme Court of Massachusetts advised the legislature that such legislation was invalid under the Massachusetts constitution. The supreme court said:

"It deprives all individuals or associations other than those named of the protection to safety, liberty, and property which any free government must secure to its subjects. It takes from them the unhampered right to assert in the courts claims against all which tortiously assail their person and property and to recover judgment for the injuries done. It would prevent all persons from having recourse to law for vindication of rights or reparation for wrongs against a privileged few therein designated, and imposes upon some burdens of which others in like situation are relieved. It throws obstacles in the pathway of those outside unions or associations in the pursuit of their livelihood and in the prosecution of their business not interposed in the way of members of such organizations. * * * In short, it destroys equality and creates special privilege."

So the Massachusetts Legislature found itself unable to enact such legislation, and that is the general condition in this country.

Commissioner WEINSTOCK. Then, summing up and giving them the same wage and the same working hours and the same working conditions, if you were a wage earner or unionist, would you rather live in England with such laws or in America?

Mr. EMERY. In America, by all means. But as you know in the celebrated Osborne case over there, the unions were forbidden in that case to assess their members for the support of a member in Parliament. In England members in Parliament do not receive a salary, and the labor members are supported by funds raised by their unions. This particular member objected to that, and they

expelled him, and the case went to the House of Lords, and they decided that it was against public policy to permit any class in the community to pay the salary of a member of Parliament who was devoted to their exclusive interests. The same principle was applied to the political activity of trade-unions in much more minor offices.

Under that rule over there a case came up along about 1909 which illustrates as powerfully as anything can not only the great injustice that such a condition of law brings about, but the difference between the fundamental law of Great Britain and ours. It is the case of Conway *v.* Wade. In this case a laborer brought an action against a trade-union official for maliciously procuring his discharge. The court said:

"The facts are simple. For 18 years the plaintiff has been a member of the laborers' union intermittently. Seven years ago he was fined 10 shillings, but did not pay, and no action was ever taken against him for such default.

"In September, 1907, he rejoined the union and got his card of membership, and showed his receipt to the defendant on September 25, who told him it was all right, and that he could go to work. On October 1 he was given higher wages as charge man. On October 2 the defendant told Baines, the foreman, that he had better stop the plaintiff or there would be trouble with the men, and he did so. The defendant is a district delegate of the laborers' union; he is not a laborer. It was not part of his duty to inflict a fine or to stop any man from working. He had not authority to call out the men without the sanction of the executive, and he had no such sanction. He gave no notice to the plaintiff, nor did he suggest that he pay the seven-year-old fine."

Then he goes on to say that the plaintiff saw the defendant and remonstrated with him and asked him if he would stop him wherever he went. The defendant said, "Certainly, I will," and the plaintiff said, "Have I got to starve? What shall I do?" And the defendant replied, "Do what you like."

The jury found in this case that the defendant did by his threats procure this man's discharge, the employer being under coercion by threat of strike of the men if he did not discharge him. He recovered judgment in the sum of £50. The case went to the court of appeals on appeal from the judgment of the lower court and the finding of this jury awarding damages. The court of appeals held, under the trade-disputes act, that this being an act done in furtherance of a trade dispute that it was not actionable. The case then went to the House of Lords, and the House of Lords held that it was actionable with regard to this individual because there was no evidence that when he procured this man's discharge he had been authorized to do so by the union; but that if the union had directed him in the furtherance of a trade dispute to cause this man's discharge, and he had done so under those circumstances, neither the union nor he would be liable. So the condition was precisely what that case predicates, that a man could be maliciously injured, that a man's discharge could be procured for any purpose by a combination and any injury done to him.

A man was prosecuted for malicious arrest in which the officers of a union were relieved from tort liability because of the trade-disputes act of 1906, the court holding that because the malicious prosecution was in furtherance of a trade dispute, this writer having attacked them in a newspaper, and they procured his arrest, they were not liable. The court in pointing out the lack of remedy made this remarkable statement: "It is said there was not a time and has not been for centuries in which an Englishman did not have redress against an act injuring himself in the courts of his country, but this court is powerless. Parliament can not make evil good, but Parliament can say that evil shall not be actionable, and you are the victim of the act of Parliament."

Now, that case could not occur in this country because, for the reason laid down by the Supreme Court of Massachusetts, they could not say that any combination of employers shall not be liable for an injury they shall do another, but everyone else shall be liable under the same circumstances. That is precisely the course of the law to which objection has been taken most of the time.

Commissioner WEINSTOCK. Then you do not agree with Mr. Darrow that the English workman enjoys labor legislation that the American workman does not enjoy?

Mr. EMERY. If the condition that Mr. Darrow pictures here were true in England, and as he says that the people have the power are running everything in the Government, if that were true in England and the employer was master of Parliament they could press them to anything they wanted in the way of special legislation. No Englishman has the right to a speedy trial.

Men have been thrown into prison, especially during the Irish agitation, have been thrown into jail for three or four years without trial.

Commissioner WEINSTOCK. Is there any other industrial country in the world that you know anything about where the worker is better protected than in this country by legislation?

Mr. EMERY. None. I think the whole tendency of the time is to give more and more protection to the industrial worker. I think in fact it can be almost demonstrated that the industrial worker in this country at the present time is privileged under the law. If I may call your attention to a few things here——

Chairman WALSH. We will have to excuse you and ask you to come back in the morning. Commissioner O'Connell has some questions he wishes to ask you.

Commissioner O'CONNELL. I have no questions.

Commissioner WEINSTOCK. This is my last question.

Commissioner O'CONNELL. That is what you said before.

Chairman WALSH. Proceed; we will try to get through. I suppose you are anxious to get away.

Mr. EMERY. I don't want to be misunderstood when I say that industrial labor is a privileged class in a sense that is improper or unduly protected by the law. It should be. All labor, not merely industrial labor, but many things that I can call your attention to in regard to industrial labor is not true of agricultural labor or household labor. The protection of the wages of laborers which is thrown around every industrial laborer—the mechanic's lien and all legislation of that character—are examples of the matter; the protection against all acts of that kind. I want to show you that the law has taken particular notice of the interest of industrial laborers in protecting their property and rights. Furthermore, the law of 12 States in the Union to-day makes it a criminal offense for an employer to advertise for labor without stating whether or not a strike exists in that industry. And in most of these States there is some industrial board that has to have the final word and say when a strike is there.

Now, in many of these States, particularly the States of Minnesota and Texas, as typical examples, the employer may, according to the statutes of the State, not discriminate against an employee or applicant for employment on account of his participation in a strike. He may not ask another employer, nor may that other employer tell him—whether he be an individual or corporation—whether or not the applicant for position is engaged in a strike. At the same time, the legislatures in other States—in Texas it is very severe, and even goes so far as to say that a corporation that violated that act can not do business in the State while in Minnesota it is punishable by fine or imprisonment; but at the same time the employer is required to advertise all the facts with respect to his strike yet the law says that the workman shall not tell any facts in regard to the strike that he has been engaged in. It is criminal for the employer to ask a man to go to work for him unless he says he has had a strike, but it is criminal for him to ask the laborer if he has been on a strike.

Now, organized labor says that these injunctions commit great wrongs because they prevent a man from discussing with another things that are about to take place in a strike or about to take the place of a striker, we will say, whether or not he is given the facts in the strike, and induce him to quit employment. In other words, he tells you about the strike. That is precisely what the employer has been forbidden from doing in many States. In other words, the law is making it criminal for the employer to conceal any fact about the strike, and at the same time making it criminal for him to ask an applicant anything about a strike in which he has been engaged. These acts have been sustained in some of these States. That is manifestly a very great consideration on the part of a State for the protection of persons engaging in strikes and for the persons for whom they are to be employed the right to get information respecting them. That discrimination is made and not a word is said against it. When I refer to a strike, I don't refer to a mere quitting of employment. I believe a strike to be a systematic quitting of employment for the purpose of inducing the employer to grant some demand of the striker, accompanied by an effort to prevent others from taking the places of those that quit.

Commissioner HARRIMAN. Going back to Mr. Weinstock's question about Booth and Guiteau, do you happen to know the number or per cent of criminals sent to the penitentiary that test way below the normal mentally?

Mr. EMERY. No, ma'am.

Commissioner HARRIMAN. You never have heard of it?

Mr. EMERY. No.

Commissioner HARRIMAN. I would like to quote from my memory, but I might not get it right, and I would be glad to send you some figures on that.

Mr. EMERY. I would not question that. Insanity is always a defense—or feeble-mindedness, or imbecility, or the failure of a person to understand the act that they do.

Commissioner HARRIMAN. I am not referring to the insane, but——

Mr. EMERY. I would join very cordially in the comment of Mr. Darrow on the question of our criminals. I do not refer to responsible criminals; but still I think it is in the power of the State to better crime under the conditions. Of course we have to realize, whether we believe in the particular form of organization in which we live or not, a condition in which any individual can be judged, is to how he shall disturb property in which he is not interested however willing we may be to see the man succeed.

Chairman WALSH. Mr. Commissioner O'Connell desires to read a letter into the record.

STATEMENT OF MR. W. B. WILSON.

Commissioner O'CONNELL. During the testimony of Mr. Walter Drew he made a charge that the Department of Labor was being unjustly—its application was being unjustly made, and charged that the Secretary of Labor and his representatives in the field were not giving the employers a fair opportunity, and that the department was being used to force the so-called closed shop. I sent a copy of Mr. Drew's statement to Secretary Wilson day before yesterday and asked him to reply to it. I have received this evening a communication from Secretary Wilson which I wish to read. I also wish to file this letter and a letter from Mr. George Reeves to the Secretary, in which he inclosed a letter addressed to him by Mr. Drew, of the erectors' association, a copy of that letter, a copy of Secretary Wilson's reply, and a copy of the decision reached by the commissioner on the conciliation which provided for the open shop. I wish to read this letter into the record (reading):

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 18, 1915.

Hon. JAMES O'CONNELL,
Commission on Industrial Relations, Washington, D. C.

MY DEAR MR. O'CONNELL: Your note inclosing copy of statement made by Mr. Walter Drew before the Industrial Relations Commission, asserting that the Department of Labor is using its influence for the "closed shop," is at hand.

The Department of Labor is not authorized by law to either promote or oppose the "closed shop." Its functions in labor disputes are those of a mediator, whose duty it is to endeavor to find a common ground which will be acceptable to both sides.

I assume that the particular case that Mr. Drew had in mind was the strike of the boiler makers in the oil fields of Oklahoma and Texas. On February 27, 1915, I was informed by representatives of the boiler makers' union that a number of companies operating in Oklahoma and Texas oil fields had declared for the "open shop," which had resulted in a strike of the workmen and the good offices of the Department of Labor were requested in an effort to bring about an adjustment. On March 2, 1915, Mr. John A. Moffitt was detailed as commissioner of conciliation in connection with the dispute. On March 12, Mr. Moffitt made a report, a copy of which is herewith inclosed. On March 20, 1915, I received a communication from Mr. George Reeves, president of the Reeves Bros. Co., of Alliance, Ohio, inclosing copy of a communication under date of March 16 from Mr. Walter Drew, counsel for the American Erectors' Association, copies of which are also inclosed. I am also sending you a copy of my reply to Mr. Reeves, under date of March 26, 1915. My reply concisely sets forth the policy of the department in such matters.

As a matter of fact, the department has handled cases where the so-called "closed shop" has existed. It has handled cases where no organization has existed amongst the workmen. It is directed by the organic act "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." In carrying out that purpose it is utilizing every element available, whether the workmen are organized, partly organized, or unorganized. You will observe that in the case in question Commissioner Moffitt advised the union officials to accept the "open-shop" proposition made by the American

Erectors' Association. In doing so the department was not committing itself to the "open shop" any more than it would be committing itself to the "closed shop" if it had advised the employers to grant "closed-shop" conditions.

Each trade dispute, as it arises, has its own problems and is dealt with in accordance with the circumstances surrounding it. During negotiations innumerable suggestions may be made to either side, no one of which in any manner commits the department to the support of the principles involved in them. They simply represent the efforts of the conciliator to find a basis of an agreement that will be mutually satisfactory.

Respectfully, yours, W. B. WILSON, *Secretary.*

(The documents referred to by Secretary Wilson will be found among the exhibits at the end of this subject, marked "Wilson Exhibit.")

Chairman WALSH. We will now adjourn until to-morrow morning.

(Thereupon the commission adjourned on Tuesday, May 18, 1915, until Wednesday, May 19, 1915, at 10 a. m.)

WASHINGTON, D. C., *Wednesday, May 19, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Harriman, Weinstock, Lennon, and O'Connell.

Chairman WALSH. We will please be in order.

Mr. Weinstock has a letter he desires to read into the record.

ADDITIONAL STATEMENT OF MR. WALTER DREW.

Commissioner WEINSTOCK. I am in receipt of a letter this morning, Mr. Chairman, signed by Mr. Walter Drew, counsel for the National Erectors' Association, which he asks to be made a part of our record. It reads as follows:

[National Erectors' Association, 286 Fifth Avenue, New York.]

NEW YORK CITY, *May 18, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: Yesterday I heard only a part of what Mr. Darrow had to say, but I did hear him state that Mr. McNamara had been deprived of a substantial right and that, in effect, he had been kidnapped. These charges are both untrue.

The fact that the original indictment against McNamara was for murder in connection with the Times explosion, and that after he arrived in California this indictment was dismissed and another one issued charging him with the Llewellyn explosion is absolutely immaterial, so far as the question of extradition is concerned. Formal extradition papers, conforming in all respects to the requirements of law, were presented to the governor of Indiana, and a warrant for the arrest of McNamara was signed by him. In most States of the Union, this comprises all that is necessary to authorize the arrest of the men charged and his removal to another State. It is all that is required by the Federal laws. The fact that after removal to such other State one charge is dismissed and another made can have no effect upon the situation as it existed at the time of the extradition proceedings, nor affect their validity in any manner.

In the State of Indiana, however, a statute existed providing for a court hearing to determine the identity of the man described in the governor's warrant. As Mr. McNamara admitted his identity, I still think, so far as this question is concerned, that whether he was taken before a police court or a circuit court was a technicality. However, all the claims based on this matter of court procedure fall absolutely to the ground, as Mr. Darrow must be well aware, from the fact that this statute was held unconstitutional by the United States court in the proceedings begun in that court by Mr. Burns, who was under indictment for this alleged kidnapping. The whole legal status of extradition matters is one primarily within the jurisdiction of the United States and not of the individual States, as any lawyer well knows, and no State has the right to throw such restrictions or limitations about the procedure of extradition as will abridge the general right of one State to demand and receive persons charged with crime who may be in some other State.

Had no court procedure been had at all, the taking of McNamara under the governor's warrant would have still been absolutely legal, since the statute pro-

viding court procedure was held unconstitutional. Mr. Darrow must know, as a lawyer, that his charge that Mr. McNamara was deprived of any right whatever, substantive or technical, is absolutely unfounded.

I would appreciate it if this letter could be filed as an answer to such a charge.

Yours, truly,

WALTER DREW, *Counsel.*

AFTERNOON SESSION—2 P. M.

Chairman WALSH. If the house will please be in perfect order, we will proceed. I understand that Commissioner Weinstock has some letters he desires to read.

Commissioner WEINSTOCK. I am in receipt of a communication from Mr. Walter Drew, counsel of the Erectors' Association, in New York, requesting that this exhibit be made a part of the record. His letter reads as follows:

NEW YORK CITY, *May 18, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: I inclose copy of the Chicago Herald of April 28, 1915, containing article upon the indictment of Chicago labor leaders and contractors. The Chicago situation, as outlined in the article, is exactly in line with my statement that the ultimate result of a closed shop in the union was a conspiracy between the union and a combination of employers against the general public. I would be glad if this article could be filed as part of the record.

I also call your attention to the article on page 4, in which the Herald refers to its campaign for the exposure of graft in union labor circles of Chicago. It seems to me that valuable data as to this use of the power of the closed shop by corrupt labor leaders could be obtained from the files of the Herald authenticated, if necessary, by a statement of the editor.

All the evidence of excesses on the part of union agents is valuable, not so much as an indictment of the persons involved, as evidence of the tendency and results of a system which confers immense power upon labor organizations without corresponding responsibility. When the millenium is reached and all men are perfect then, of course, our cities and our unions will be wisely and honestly run, if, indeed, we need any such institutions at all. Until that time comes, and human nature remains frail, we must admit that all possible safeguards must be thrown about the administration not only of our cities but of our unions and other organizations of men in order to prevent them from failing to accomplish their true missions, because of the ignorance or the selfishness or the corruption or the mistaken zeal of men intrusted with leadership. It is the system that permits graft and corruption rather than the men involved that is to be condemned, for where conditions favorable to misuse of power come into existence it must be expected that sooner or later men will achieve leadership who will devote such power to its most vicious uses.

Yours, truly,

WALTER DREW, *Counsel.*

(The articles referred to by Mr. Drew are entitled "Chiefs of unions and employees in Federal net," and "How Herald exposed grafting labor men." They appeared in the Chicago Herald of Apr. 28, 1915.)

Commissioner LENNON. I desire to give notice that I will file a letter in reply to that at the first opportunity.

ADDITIONAL STATEMENT OF MR. JAMES A. EMERY.

Commissioner WEINSTOCK. I am also in receipt of a request from Mr. Emery, who testified before the commission yesterday, to make a part of the record the following statement published in a congressional document, in a hearing before a subcommittee of the Committee on the Judiciary, United States Senate, Sixty-second Congress, second session, at page 263. Mr. Emery also asks that this communication be read into the record in rebuttal of a statement made yesterday by Commissioner O'Connell, in which Commissioner O'Connell said as follows:

"'In one donation I see about $25 was from one picture house in Indianapolis, and a number of other large contributions are here that indicate that it came from the public indiscriminately. That the defense fund was not raised entirely

by the trade-unionists, but that they were intensely interested to the extent of contributing some finance toward this defense. I want to put this in the record, because of what I believe to be a misconceived idea on the part of the public, probably on the part of some of our commissioners, that you were employed by the American Federation of Labor (referring to Mr. Darrow) to defend the McNamara brothers, and the American Federation of Labor raised the funds to carry on that defense. This will show that that is not true, with which I think you will agree.'

"Continuing, Commissioner O'Connell said:

"'The American Federation of Labor, therefore, and the trade-unionists of the country took no part in the direction of how the case should proceed other than raising what they believed to be sufficient funds to conduct the case and see that the McNamara brothers got what they wanted them to have—a fair trial.'

"And again he says:

"'The American Federation of Labor, or the gentlemen who raised the funds to carry on the defense, in no way indicated to you what you should or should not do, or those that were associated with you, in the direction of the case, and the funds were sent to you without question as to how they should be used or suggesting any method as to how they should be used.'"

The article contained in this Congressional Record, which Mr. Emery desires to have placed on file in rebuttal, reads as follows:

"WASHINGTON, D. C., *July 27, 1911.*

"To all workers:

For right is right, since God is God,
And right the day must win;
To doubt would be disloyalty,
To falter would be sin.—Faber.

"From Los Angeles last October came the news that a terrible catastrophe had occurred in that city; that the Los Angeles Times Building had been destroyed, with the loss of a number of lives. The first word spoken, even before the flames had completed their destruction, by the emissaries of the Times contained positive declarations that organized labor was responsible for the disaster. Qualifying statements were conspicuous by their absence. Wide publicity was given; warped and unsupported allegations against the organized workmen of the entire country were featured. Vast sums of money were dangled in the faces of unscrupulous men to fasten the crime upon some member or members of the trades-unions. The National Manufacturers' Association, backed by the Erectors' Association, citizens' alliances, detective agencies, and a hostile press, brought their every influence to bear and appropriated every available circumstance to bulwark and fix in the public mind a mental attitude that the charges against organized labor had been proven beyond the peradventure of a doubt.

"The authors of the charge, after months of intrigue and searching investigation, utterly failed to substantiate the flambouyant and positive accusations that had been made. The public mind was slowly emerging from the hypnotic spell in which it had been developed, and mutterings of suspicion began to be heard against the originators of the indictments against labor men. The position of the hostile employers' associations became exceedingly desperate. The Times management, with its years of relentless warfare against humanity, fearing that its Belshazzar feast of organized labor's blood was about to be denied, redoubled its efforts and demanded that a sacrifice must be furnished that its unholy appetite might be appeased, specifying that some union workman or workmen must be supplied to assuage its unnatural and abnormal hunger.

"The record of events is too well known to make it necessary to recount them in detail. That "the end justifies the means" became the slogan is patent. With all the forces of greed compactly joined there began a campaign of vandalism the like of which has never before found lodgment in the pages of our American Republic's history. A prominent member of union labor was selected, J. J. McNamara, and one at whom the finger of suspicion had never before pointed, whose life had been characterized by an uprightness of purpose and loyalty to the cause of labor, and whose activities in every walk had drawn to him the commendation of his fellows. To give the stage the proper setting and to involve other trades than the ironworkers, J. B. McNamara, the brother, was selected for the sacrifice.

"With intrigue, falsehood, and an utter disregard for all forms of law, applying individual force, conniving with faithless officials, the two McNamaras were

rushed in feverish haste to the scene of the alleged crime. The rights of these two men have been trampled upon willfully, flagrantly, and wantonly.

"Every man, even the meanest, under the constitutional guaranties of our country is entitled to a trial by a jury of his peers, and every man is presumed to be innocent until proven guilty. Thus far the proceedings have been outside the pale of those guaranties. The charge has been lodged against organized labor, and two of its members are now before the bar to answer these charges. What is the duty of the organized-labor movement? What shall be our course? What effort shall we put forth to see to it that justice shall finally obtain?

"The intellect, heart, and soul of the men of labor yield to no body or class of citizens in their fidelity in obedience to the law, and their history is replete with instances of sacrifice that humanity may be protected. If within the ranks of labor there are those who permit infractions of the law, then they should be punished, but there should not be instituted a double standard of justice, one for the wealthy malefactor and another for the workman.

"The organized-labor movement believes that the McNamaras are innocent. Upon that belief there devolves upon us another duty. The accused men are workmen, without means of their own to provide a proper defense. The assault is made against organized labor equally with the McNamaras. If we are true to the obligations we have assumed, if it is hoped to forever settle this system of malicious prosecution of the men of labor, our duty is plain.

"Funds must be provided to insure a fair and impartial trial. Eminent counsel has been engaged. Arrangements are proceeding that a proper defense may be made. The great need of the hour is money with which to meet the heavy drain incident to the collection of evidence and other necessary expense.

"Every man who was connected with the kidnapping of the McNamaras will be prosecutetd to the full limit of the law. It is proposed that the interests of organized labor shall be fully protected and punishment meted out to detective agencies that assume to be superior to the law. The rights of the men of labor must, shall, be preserved.

"The men of labor, unlike the hostile organizations arrayed against us, have not the vast sums of wealth to call upon, but they are imbued with the spirit of justice and are ever ready to make sacrifice for principle.

"The trial of the McNamaras is set to commence on October 11. In the name of justice and humanity, all members of our organizations are urgently requested to contribute as liberally as their ability will permit. All contributions toward the legal defense of the McNamara cases and for the prosecution of the kidnappers should be transmitted as soon as collected to Frank Morrison, 801-809 G Street NW., Washington, D. C., who will forward a receipt for every contribution received by him, and after the trial a printed copy of the contributions received, together with the expense incurred, will be mailed to each contributor.

"Fraternally,

"SAMUEL GOMPERS,
President American Federation of Labor.

Attest:

"FRANK MORRISON,
Secretary."

Mr. GOMPERS. As the party whose name has been read here as signing this circular, I ask that I may have an opportunity to make a statement to the commission on this subject and upon all its phases.

Chairman WALSH. Thank you, Mr. Gompers, we will call on you later.

Commissioner WEINSTOCK. The chairman asked me to call attention to the fact that Mr. Manly, who has charge of our investigating bureau, has made a thorough investigation of the Chicago alleged graft, and that all the documents mentioned are in our possession and in our files.

AFTERNOON SESSION.

WASHINGTON, D. C., *May 26, 1915.*

TESTIMONY OF MR. DAVID CLARK.

Chairman WALSH. What is your name, please?
Mr. CLARK. David Clark.
Chairman WALSH. Where do you reside?

Mr. CLARK. Charlotte, N. C.

Chairman WALSH. And I believe you wired the commission you desired to make a statement in regard to some statement that had already been offered in evidence?

Mr. CLARK. Yes, sir.

Chairman WALSH. And you came here for that purpose, Mr. Clark?

Mr. CLARK. Yes.

Chairman WALSH. Now, in accordance with your suggestion, you would like to get away, we have put you on out of place, with the idea that you could present your statement in a very short space of time.

Mr. CLARK. I will be very brief. I want to read one statement and present the others into the record, if I can.

Chairman WALSH. Very well, we would be glad to have you do it.

Mr. CLARK. I am here for the purpose of answering testimony given by Dr. A. J. McKelway, May 10. I am glad he is in the room, because I don't like to talk about a man behind his back.

The testimony given by Dr. A. J. McKelway on May 10 was very largely false; and where not exactly false, much of it was so shaped as to carry a false impression.

He testified that a large number of employees in southern cotton mills, including 1,085 adults, were making less than $2 per week. Pressed by Chairman Walsh he dodged through four pages of testimony, and when finally cornered said to divide the $2 or less amount by six in order to get the daily wage. McKelway has lived in the South and knows that no wage schedule of 33⅓ cents per day has prevailed in the last 20 years. When McKelway made that statement he knew as I do that it was false. He could have taken data from the 1914 report of the Bureau of Labor, but he went back to the 1908 report, which was prepared under his friend, Labor Commissioner Neill, and it has been often said that Dr. McKelway had a considerable influence in the compilation of that report.

The 1908 report gives the wages of North Carolina mill operatives as varying from $3.87 to $6.56 per week, but there is in it a table of earnings for a specified week, and in summing up the earnings for the specified week it shows that in both northern and southern mills there were a number who, of course, working part time during that week, earned less than $2. In order that there might be no misunderstanding the report specifically stated that the summary is "for the week mentioned."

And it was from that page he got his figures and presented them here, and told you to divide them by six.

Chairman WALSH. I had better call your attention to the rule we have here, that while the witness may freely contradict any other witness by giving the facts, we have tried as far as possible to keep any witness from characterizing any other person, or the motives of any other person that appears before the commission, and if you will devote yourself to the giving of contrastatements as to the facts——

Mr. CLARK. I will do so as large as possible. This is just a continuation of Dr. McKelway's work, and we want some way of going into the record as contradicting it.

Chairman WALSH. Just give the contradiction of the testimony, as far as you can.

Mr. CLARK (reading):

"Dr. McKelway was not deceived when he went back seven years and obtained those figures. He thought that he would deceive you, and through your report deceive the people of the country. He thought he could get by without saying 'divide them by six,' but Chairman Walsh cornered him.

"In order to give you illiteracy figures he went back even farther and gave you the statistics of 1900, or 15 years ago, waving aside the 1910 statistics with the passing remark that they were slightly different. If he had given you the 1914 statistics he would have shown that 87 per cent of the mill operatives in North Carolina can read and write and that the per cent is higher in the other Southern States.

"Late statistics would not give you the false impression that he desired to create, and he therefore gave you ancient history.

"He complains in his evidence that the southern cotton manufacturers do not welcome the representatives of the National Child Labor Committee to their mills. In the first place, the cotton manufacturers regard the National Child Labor Committee as a band of parasites and grafters and, in the second

place, experience has shown that they take advantage of every courtesy to misrepresent and falsify conditions.

"The only case I have ever known where a representative of the National Child Labor Committee told the whole truth was the reply of Homer Folk to an address which I delivered before the National Child Labor Conference on January 5 last, and in which he admitted that the National Child Labor Committee did misrepresent conditions.

"I do not know who pays Dr. McKelway and his associates. Some think that it is the Rockefeller Foundation. If such information could be obtained, it would be very interesting."

I would like to put in evidence the reply of Homer Folk——

Chairman WALSH. Commissioner Harriman said she would like to hear Mr. Folk's reply.

Mr. CLARK. I made an address before the National Child Labor Conference at Washington, D. C., on December 5, 1911, and Homer Folk, vice president of the National Child Labor Committee replied to me as follows:

"Mr. Clark's plea for the southern mill owner was most interesting. It aroused a line of thought in my mind which has often occurred to me in the past. He complained of the ungracious statements made and asked for a square deal and that the facts should be dealt with always with strict accuracy. I wish I could encourage him to feel that the mill owners would get that sort of a square deal. But no such encouragement can be held out as a matter of fact. I would like to give warning that instead of getting more nearly a square deal in the sense of more nearly accurate statements, it is likely in the future to be less of a square deal, because that is the history of all active movements directed against serious evils."

I wish to file a statement showing the wages in the cotton mills in the South. These figures are taken from the books of the Exposition Cotton Mills at Atlanta, from 1894, 1904, and 1914. It also shows the income of a family of four or five workers, and I would like to file that.

(The statement referred to by the witness will be found among the exhibits at the end of this subject, marked "David Clark Exhibit No. 1.")

I wish also to file some statistics, which can be obtained from any of the State reports. It shows that 87 per cent of the cotton-mill operatives can read and write; in the woolen mills, 89 per cent; in the silk mills, 99.5 per cent; and in cordage mills, 98.3 per cent.

(See David Clark Exhibit No. 2.)

And I wish to say in North Carolina we don't feel that we have to apologize to the country for the education of our people. We are looking after the education of our people. After the Civil War we had a reconstruction period that we could not educate them, and we have some adults during that period that can not read and write, but outside of that we have no apology to make. We made the greatest increase between 1900 and 1910, and we don't apologize to anybody.

Now, Dr. McKelway made an attack on Mr. D. A. Tompkins, president of the High Shoals Co., sheeting and knitting yarns—he was president of that mill—and Dr. McKelway had a violent personal grudge against Mr. Tompkins, and for that reason attacked him.

I wish to file, to refute that evidence, a letter from the principal of the school, and also a letter from A. O. Kale, the superintendent.

(See David Clark Exhibit No. 3.)

I would like, if it is permissible, to file an address that I delivered before the National Child Labor Conference in Washington, D. C., January 6, 1915.

Chairman WALSH. Was that the one responded to by Mr. Folk?

Mr. CLARK. Yes.

Chairman WALSH. All right.

(The paper here referred to by the witness, entitled "A Demand for a Square Deal," by David Clark, editor of the Southern Textile Bulletin, Charlotte, N. C., was submitted in printed form.)

Mr. CLARK. I would like to file a copy of Our Monthly, a monthly magazine of Christian thought and work for the Lord. Dr. Jacobs, editor of this magazine, is recognized everywhere as one of the really great men in the church, and it is dealing with the question of child labor.

(The editorial referred to appears in Our Monthly, vol. 52, No. 4, Clinton, S. C., April, 1915. It has no caption.)

The day before I appeared in Washington, January 5, Mr. Hine, who was called their official photographer, came into the meeting and stated there were children 6 or 7 years old that were being employed in the North Carolina cot-

ton mills, and that went out to the press that it was a general condition. We finally made him give us the names of the children referred to, and I wish to file the true facts. They have now admitted that they were 8 or 10 years old instead of 6 or 7.

Chairman WALSH. What was the legal age?

Mr. CLARK. Twelve years old. If you are interested in that, I could give you incidents.

(See David Clark Exhibit No. 4.)

I wish to file with you—Dr. McKelway had something to say about feudalism in the South, and I would like to read a statement giving the commission the real facts. It is very short and I will read it. It is on welfare work, and is an address delivered before the manufacturers' committee of the North Carolina Legislature by Mr. W. B. Lynch, manager of the department of welfare and health of Spray, N. C., a mill town [reads]:

"It has been our aim to encourage cooperative community activities; the people united in service for the common good of all. We feel convinced from our observation and study of the experience of others that no form of welfare effort will attain its highest purpose without a cordial sympathetic cooperation on the part of those most affected by such effort; that any appearance of paternalism, dictation, or condescension may be regarded as benevolent despotism and looked upon with suspicion and disfavor. We believe that the ultimate hope for a contented people lies in that fundamental inborn desire for independence. We may encourage and direct activities which will develop this spirit. All successful welfare work must aim at and encourage democracy and avoid any appearance of despotism."

That is the position of the cotton manufacturers in the South in welfare work. It is frequently the case, the statement made by the National Child Labor Committee, that they refer to children being hurt in the southern cotton mills. As a matter of fact, there are very few accidents in the southern cotton mills. The machinery is very harmless, and as a rule passes over their head. The people that pay for insurance naturally base their rate on the amount of accidents that have occurred, and I want to file with you the rates showing that they start with street car conductor, $4.08, down to 68 cents for farm laborers, and 49½ cents for cotton-mill workers. They regard labor on the farm more dangerous than in the cotton mills. I wish to file this statement.

(See David Clark Exhibit No. 5.)

I would like to file with you a statement taken from an interview published in the New York American——

Chairman WALSH. Whose conclusion is that, that makes the difference in rates, that the rate shows it is less dangerous?

Mr. CLARK. The companies that make up the rate.

Chairman WALSH. Did they say that themselves?

Mr. CLARK. They give you the rate.

I wish to file with you a statement made by one in regard to certain action of Mr. Folk in the collection of $180,000, and also an extract from the Thompson's reservation, giving the salary drawn by Mr. Folk.

(See David Clark Exhibit No. 6.)

I think that is all.

Chairman WALSH. I believe you are the editor of a paper?

Mr. CLARK. I am editor and sole owner of the Southern Textile Bulletin.

Chairman WALSH. We would perhaps like to ask you some questions, but inasmuch as you are in a hurry to get away we will excuse you.

Mr. CLARK. Thank you.

Mr. MCKELWAY. May I have an opportunity to reply to this attack?

Chairman WALSH. Yes, sir.

Mr. CLARK. Will I be given a chance to reply to him?

Chairman WALSH. Yes, sir; it will be submitted to you.

AFTERNOON SESSION.

WASHINGTON, *May 27, 1915.*

TESTIMONY OF MR. THEODORE SCHROEDER.

Chairman WALSH. State your name, please.

Mr. SCHROEDER. Theodore Schroeder.

Chairman WALSH. Where do you reside?

Mr. SCHROEDER. New York City; lawyer without paying clients; attorney for the Free Speech League for the past 12 years. I have some familiarity, I think, with the problems of agitation in relation to freedom of speech and assemblage in general and especially with courts and the police in connection with the problems of free speech in New York City, Philadelphia, New Haven, and so forth.

Commissioner O'CONNELL. You say you are a lawyer without paying clients. Do you mean that you do not practice law?

Mr. SCHROEDER. I do not practice in court. I am working at law problems all the time, but accept no pay for my work.

Chairman WALSH. Commissioner Weinstock says that we owe you an apology for keeping you so long here, and you have been very patient. I wish you would direct yourself to those points you think are the important points, and Mr. Manly, who is trying to order the time around and deal it out, says that if you could say what you have to say in 30 minutes with your direct statement we would be obliged, and Mr. Weinstock may have some questions to ask. I will not ask you any.

Mr. SCHROEDER. It is pretty hard to attempt the process of selecting. I think I am loaded for two days.

Chairman WALSH. Have you your material in such shape that you can give it to us?

Mr. SCHROEDER. I have already dictated to a stenographer at the office the concrete instances of invasion of free speech which seem to me to illustrate the larger proposition as related to the agitation for industrial improvement.

(The matter referred to will be found as an additional statement by Mr. Theodore Schroeder at the end of this subject.)

The larger propositions, so far as the courts are concerned, seem to me to be two—first, the absolute incapacity of any judge in the United States to understand what free speech means in the light of the historical controversy which resulted in the adoption of our free-speech clauses of the Constitution. Likewise, there is an utter incapacity on the part of the courts, except when dealing with problems of property, to understand what law and the due process of law clause of the Federal and State Constitutions means as indicated in the definition of what may be done or is prohibited.

By ignoring those two provisions of the Constitutions in relation to the freedom of speech and of the press we have gotten into a situation where, in my opinion, after studying the statutes and session laws of all of the States in the Union, after reading all of the reported decisions in the United States and some in England and in Canada, and consulting with people that know about other countries, such as Germany and Russia, it is my opinion that we have to-day, in spite of our Constitution, more varieties of penalized opinions than any other country in the world.

Commissioner WEINSTOCK. Explain what you mean by more varieties of penalized opinions.

Mr. SCHROEDER. I mean opinions that can be punished under the forms and letter of the law as criminal offenses. In other words, we have less conceded and protected freedom of speech and of the press in the United States than in any country in the world at any time in the history of the world.

Commissioner WEINSTOCK. Less than Russia?

Mr. SCHROEDER. I think so. In Russia and in Germany the penalties are more severe, but the ideas which are penalized for which you may receive a penalty are more numerous here.

Commissioner WEINSTOCK. Could you briefly enumerate the ones for which you can be penalized here for speaking?

Mr. SCHROEDER. Not briefly. I can indicate some things.

Commissioner WEINSTOCK. Please do so. Will you indicate them briefly, then?

Mr. SCHROEDER. I will give a few by way of sample. For instance, in some of the States of the Union it is a crime to say anything which tends to create disrespect for law, and the courts construe that to mean disrespect for one particular law and not law in general. That means that in such a State you are violating the penal law if you advocate the repeal of a law because there is no efficient advocacy for repealing a law except by creating disrespect for it.

Commissioner WEINSTOCK. In what State is that?

Mr. SCHROEDER. In the progressive State of Washington I recall that kind of a statute.

In the State of New York we have a statute entitling a man to 10 years in jail and a fine of $5,000 if he advocates the overthrow of the Czar of Russia, or overthrow of any organized government by unlawful means, even though no lawful means are provided.

In the State of New Jersey they have a very interesting kind of treason. I thought I had it all here, but perhaps I have left it over in the office. A man was indicted for having that picture in his window [indicating picture], because it represents a man in the uniform of the Italian army, supposedly ridiculing the King of Italy. That, I must suppose tended to create a state of war as between the United States and Italy, and he was indicted for that offense, and put under two thousand bail bond, and kept in jail for some four or five months before he could furnish a bail bond. He has been out about a year and one-half since, without being able to get a trial. Of course he was an agitator.

This kind of laws, I might add, are never enforced except against radical agitators. This inequality in the application of the law increases the evil of repression.

Now, those are some of the laws which I consider particularly outrageous. There are other laws against agitators, of which I gave some illustration in my statement this morning; laws that provide for a penalty for sending anything through the mail on the outside of the wrapper of which there is anything exposing a man to ridicule and contempt, for instance, such as asking a legislator how much he expected to get for calling laboring men bums that did not want to work. This was during a time of an agitation for the legislative reduction of hours of labor from 12 to 10.

Then, of course, there is the injunction with which you are familiar, which is used not only in cases of industrial disturbances, but in cases of agitation when there is no industrial disturbance.

Our postal censorship in the case of obscenity has been used to oppress and punish labor champions for a very simple sort of statement on the relation of economic situations and sex problems.

Of course there are a lot of more or less foolish laws which say you must not say anything that casts contempt on the flag. Another evil is illustrated in the case of one man, under Army regulation, who was given five years in the guardhouse for shaking hands and smiling at Emma Goldman, in spite of the fact that he had been through the Spanish War and had 15 years' good service.

If I were to elaborate on these things by concrete illustrations it would take pretty long. I have given a few illustrations, perhaps two, under several of the laws in my statement this morning.

Commissioner WEINSTOCK. Did you hear the statement of the preceding witness relative to free speech?

Mr. SCHROEDER. I did.

Commissioner WEINSTOCK. You remember he gave it as his opinion that no man ought to be prevented from expressing his ideas publicly, no matter what they were, but that he should be held responsible for them, and if they were vulgar or abusive or improper then he should be punished. Now, in how far do you agree with that witness?

Mr. SCHROEDER. Not at all.

Commissioner WEINSTOCK. Give us your conception of what constitutes free speech.

Mr. SCHROEDER. Free speech. That conception of free speech which he put over is the idea of free speech the English tyrants have had since 1696, after the repeal of the old censorship law. The new law provided for censorship after publication instead of before. This did not enlarge the liberty of free speech, but only to change the mode of suppression and punishment. If we are going to have free speech we ought to have it free. This means that no man should be punished for any expression of opinion on any subject so long as the consequences of that speech is nothing but the creation of a state of mind in some one else.

Commissioner WEINSTOCK. Let us analyze that a bit: If a man should get up on the public street and denounce a prominent citizen as a thief and a liar and a scoundrel and did it maliciously; what, if anything, would you do with him?

Mr. SCHROEDER. Not one thing.

Commissioner WEINSTOCK. Would you allow a man to defame another maliciously without subjecting him to punishment for it?

Mr. SCHROEDER. Yes; he ought to have the same right other men now have to hire professional liars to glorify them beyond their merit.

Commissioner WEINSTOCK. And if anyone did that to you, would you do anything about it?

Mr. SCHROEDER. Nothing except to try to correct him.

Commissioner WEINSTOCK. How?

Mr. SCHROEDER. By making the same kind of speech in my defense.

Commissioner WEINSTOCK. You would not call that slanderous or libelous?

Mr. SCHROEDER. I might call it slanderous or libelous, but not have it punishable by the State.

Commissioner WEINSTOCK. You would have no punishment for slander?

Mr. SCHROEDER. Not at all.

Commissioner WEINSTOCK. Or for libel?

Mr. SCHROEDER. Not at all. The whole theory of the libel law was never designed to protect property in an other's state of mind. It was enacted in England for the purpose of protecting the rich in the enjoyment of their privileges and prerogatives; it applied only to the lords and earls, the clergy, the kings, and the courts. It was not applied in the beginning, and was not intended to be applied for the protection of the common citizen. It is one of those things that came into being for the benefit of those that have the big end of the stick.

Commissioner WEINSTOCK. Then you are not a believer in the biblical injunction, "Thou shalt not bear false witness against thy neighbor"?

Mr. SCHROEDER. As a matter of advice, yes; but not as a criminal law.

Commissioner WEINSTOCK. You would not punish a man that bears false witness against his neighbor?

Mr. SCHROEDER. No.

Commissioner WEINSTOCK. Would you punish him for perjury?

Mr. SCHROEDER. That is a different proposition; that has nothing to do with free speech.

Commissioner WEINSTOCK. You would give every man the right to go out in the public and defame his neighbor maliciously and willfully without punishment?

Mr. SCHROEDER. So far as the physiological effect is the only element involved, he should have the equal right to tell an untruth even maliciously and whether it affects one favorably or unfavorably.

Commissioner WEINSTOCK. Suppose the public statements on the part of the public speaker would lead to violence, what would you do in that event?

Mr. SCHROEDER. If the speech results in violence, then the person who delivers the speech that creates the violence may become an accessory before the fact, and the speaker is punishable for his participation in the violence, but not for the speech as such.

Commissioner WEINSTOCK. If a man got up in public—in a public thoroughfare—and endeavored maliciously and willfufily to rob a woman of her good name, and accuse her of unchastity, would you punish him?

Mr. SCHROEDER. No; no more than I would a man for depriving me of my good name for chastity or unchastity; nor should such a one be punished so long as she is allowed to acquire a reputatioon for chastity which she did not deserve.

Commissioner O'CONNELL. That would apply to the press also?

Mr. SCHROEDER. Absolutely; and that is the only interpretation of free speech which you can possibly get; if you examine the historical controversy which led up to the adoption of the free-speech clauses of our Constitution, and the evil of our judicial system is that we have persistently ignored those historical controversies, and have adopted definitions of free speech which Blackstone gave and which were only declaratory as a matter of practice, not at all intended to declare a principle. In his time there were no constitutional principles of free speech involved. Our courts have blindly followed Blackstone and have upheld something that the Constitution of the United States was intended to destroy.

Commissioner WEINSTOCK. If a man got up in public and called some prominent citizen a liar and a scoundrel maliciously and the victim should assault him for doing so, would you punish the victim for the assault?

Mr. SCHROEDER. If you are having any punishment for assault he should be punished, because he should not be allowed private vengeance. Really all vengeance both public and private should cease.

Commissioner WEINSTOCK. How would he get redress if he was not allowed to punish the offender and the speaker's utterances were not to be punished by law; what redress would he have?

Mr. SCHROEDER. So long as people believe in free speech he is not entitled to redress.

Commissioner O'CONNELL. Simply take the stump against the other fellow and begin talking?

Commissioner WEINSTOCK. Call him another?

Mr. SCHROEDER. Any way he seemed to think was most efficient. I would recommend correcting the misstatements.

Commissioner WEINSTOCK. I am sorry to confess this is a new doctrine to me.

Mr. SCHROEDER. You will find a lot more things that are new or are interesting if you will probe it further.

Commissioner WEINSTOCK. That is what we have, the probe.

Mr. SCHROEDER. I have got——

Commissioner O'CONNELL. You have sort of thrown a monkey wrench into the gears here?

Mr. SCHROEDER. Now, I have got, and would be glad to leave with the commission some publications of mine for the free-speech league, in which I undertake to justify these things; justify them on the score of orthodox principles, of the established law. One is a thesis on "Free Speech for Radicals" and another is entitled "Methods of Constitutional Construction," which is one in which I go into the sympathetic method of interpretation.

There is another entitled "The Historical Interpretation of Unabridged Freedom of Speech," and another related to these on "Due Process of Law," in relation to statutory uncertainty and constructing offenses.

(The publications referred to by witness, entitled "The Historical Interpretation of Unabridged Freedom of Speech," by Theodore Schroeder, republished from Central Law Journal, March, 1910; "Free Speech for Radicals," by Theodore Schroeder, published by Free Speech League, in 1912; "Methods of Constitutional Construction," by Theodore Schroeder, published by Free Speech League, in New York City without date; and "Due Process of Law in Relation to Statutory Uncertainty, etc.," by Theodore Schroeder, published by Free Speech League, in New York City in 1908, were submitted in printed form.)

Mr. SCHROEDER. Let me show you a situation that arises out of your situation very logically.

Commissioner WEINSTOCK. What do you call my situation?

Mr. SCHROEDER. The one implied by your question, which is that the man ought to be punished for creating an undesirable state of mind. If a man is to be punished for creating an undesirable state of mind he ought to be punished for having one, and if he is punished for having one then we get back, to justify the precedents of Rome, where a man dreamed that he had killed the king, and the authorities said, and very logically, too, "You would not have dreamed this if you had not had the thought, and we will kill you."

Commissioner WEINSTOCK. How did the king know that he had the dream?

Mr. SCHROEDER. The dreamer had told neighbors.

Commissioner WEINSTOCK. He was punished for dreaming?

Mr. SCHROEDER. He had a state of mind, and would not have dreamed it unless he thought it in the daytime. I am opposed to punishing states of mind and free-speech defenders of unpopular states of mind.

Commissioner WEINSTOCK. You are not in harmony with the story about that judge who sentenced a prisoner before him. He gave him a rather stiff sentence, and the prisoner said, "Is it a crime to think?" And the judge said, "No; it is not a crime to think." "Then," he said, "I want to tell you I think you are an infernal scoundrel." And he said, "I will give you five years more, not for thinking but for expressing your thought."

Mr. SCHROEDER. I would suspicion that the man was right, and ought not to have been punished for expressing what he believed to be the truth.

I have some propositions with reference to our courts which you might care to examine me about. I have vaguely formulated a view, very briefly, because I did not want to dogmatically state my conclusions. First, I would say that there is as much reason for the belief entertained by many that our courts are the most pernicious part of our political institutions; second, a stop should be put to the occasional practice and general possibility of packing the court according to economic predisposition, which usually are known only to the few who expect to benefit by them, and occasionally to the appointing or nominating power; third, rules of evidence in criminal cases, where insanity is not pleaded as a defense, absolutely preclude the possibility of a square deal in determining the degree of so-called "moral turpitude" involved in the crime, and thus what is miscalled "law" precludes the possibility of even approximating to justice; four, existing intellectual methods in the arguemnt and decision of legal questions involves the use of memory more than intelligence, and almost preclude

any process toward more enlightened conceptions of justice; five, we should have the recall of all judges, and the recall of all judicial decisions on constitutional questions. It is of especial importance that this apply to the United States Supreme Court. If the people are credited with the right to make constitutions they should be allowed to say what they mean after being framed. Six, while in the act of legislating, no person should be allowed to serve interests conflicting with the public weal, because in such situation the private service is apt to be best rewarded by those seekng the greatest and most inequitable privileges.

All criminal-libel laws should be repealed. All postal censorship over ideas transmitted through the mails should be repealed, and especially such as prohibit information to adults as to the scientific sterilization of marriage. The equality of advantage should be secured to all in the use of postal facilities conducted at a public loss. Publishers should be compelled to accept all advertising at uniform rates.

We must quit sentimentalizing about living wage, and cease quibbling about such words as "martyrs" and "criminals," which quibblings obscure the real issue. We should soon begin a serious inquiry about the standards of judgment for determining relative approximations to a just wage.

No court or law should be too sacred to preclude any serious, pertinent, or efficient criticism. Our superstitious reverence for courts should be destroyed and the judges uncanonized. Contempt laws punishing criticism of courts, especially where the criticism is not made in the presence of the court, should be destroyed, and resistance to such power to punish for contempt should be made by force, if necessary, because courts persist in contempt of the people and their Constitution.

Commissioner WEINSTOCK. The question has been raised, What is your definition of force?

Mr. SCHROEDER. In that situation, remembering that our courts have said that it is unconstitutional for the legislatures to pass a law defending contempt, and saying that nobody shall be punished for contempt except such as is defined in that statute, I see no way of attacking or restraining the courts unless we follow the precedent in England, where, by an act of parliament, 40 judges were hung for their unrighteous judgment. I know no other remedy in a case of that kind, and can hardly consider this a remedy.

Furthermore, I have heard considerable talk here about responsibility as a country for the poor, especially as the same relates to labor organizations. I would like, if that doctrine is to be at all applied, to have it applied where there is more need for applying it, to wit, with reference to our courts, and also monopolists of the good things of the world.

Another thing: We have in New York State approximately 30,000 statutes. We have in New York City perhaps in the neighborhood of between 10,000 and 15,000 municipal ordinances. We have, in addition to that, I do not know how many thousand Federal statutes that are applicable. Every one of those statutes is enacted to defend property. We have constitutional guaranties of freedom of speech and freedom of press, but so far as I know there is not one law anywhere in the United States which even remotely squints at an attempt to protect by law that constitutional guaranty as to freedom of speech and press. If our Constitution and laws are going to be of any use at all, there ought to be some protection for these constitutional guaranties as well as the constitutional guaranty of property right.

Commissioner WEINSTOCK. Did I understand you to say that you would wipe out all the prohibitory postal laws?

Mr. SCHROEDER. I would all censorial postal laws.

Commissioner WEINSTOCK. You would wipe out the postal laws against mailing obscene literature?

Mr. SCHROEDER. Exactly. I have published a book of 250,000 words in defense of obscene literature, so called.

Commissioner WEINSTOCK. In defense of it, did I understand you to say?

Mr. SCHROEDER. Yes, sir.

Commissioner WEINSTOCK. That is, you do not think that anything ought to be put in the way of panderers whose purpose it is to gain through corrupt youths?

Mr. SCHROEDER. That involves the whole question of psychology which I have worked out very elaborately. I do not think that I can adequately condense it here, but it comes to this: You can not, by that literature, create a lascivious state of mind. You can bring to consciousness a thing that exists, and all of that legislation, in my judgment, is based upon psychological ignorance.

Commissioner WEINSTOCK. You do not think we are largely creatures of temptation, and that many of us are kept decent and respectable and virtuous, not because we would be otherwise, but because simply we are not tempted?

Mr. SCHROEDER. I do not know of any great temptation that the printed page would open to anybody's virtue.

Commissioner WEINSTOCK. Do you not think obscene literature and obscene, indecent pictures tend to arouse passions that would otherwise lie dormant?

Mr. SCHROEDER. Not that otherwise would lie dormant. They may bring to consciousness some that already exist. Right in that connection I want to emphasize one thing——

Commissioner WEINSTOCK (interrupting). For example, if you were the teacher of a school, would you forbid bringing into your classroom indecent literature and indecent pictures, or would you encourage it?

Mr. SCHROEDER. I would not do either. I would not forbid it and I would not encourage it. I am not sure that we would at all agree on what is meant by indecent literature.

Commissioner WEINSTOCK. You would not object to it if it was brought in?

Mr. SCHROEDER. Not especially, and I would not, if I had children of my own, object to it. I would undertake to so enlighten them that it could not possibly do any harm. The real evil in all that situation now is that we are denying, under our censorship, the enlightenment which would perhaps preclude any evil, if any evil can possibly come out of that kind of a situation. We are denying the crowd to have ordinary information about a subject that is really scientific. You can get at the theology of sex, but you can not talk sexual science through the mail.

There is one thing that has been emphasized by three witnesses already that I want to especially call to your attention.

Commissioner O'CONNELL. Let me call your attention to the question of the mail being used for purposes of deception, schemes of all kinds.

Mr. SCHROEDER. There, something else besides the psychological effect, is involved—the getting of property. There a property right might be involved, and that would not necessarily come under my definition of freedom of press.

Commissioner O'CONNELL. If you throw the mail open, if you throw the Postal Service open to anybody for any purpose they might desire, that deception could be practiced.

Mr. SCHROEDER. I would throw it open as against all censorship of opinion.

Commissioner O'CONNELL. Where it would not affect property?

Mr. SCHROEDER. It property is affected, then a different situation arises, with which I am not dealing. Three witnesses since I have been waiting here have expressed some concern about the industrial problems being related to the largeness of families of the poor. I think sufficient attention has not been given to the responsibility of the Government for the existence of those large families. We now make it a crime in both State and Federal laws to disseminate any information on the sterilization of marriage. That information, in my judgment, in a city like New York ought to be gratuitously imparted by the board of health, especially to the poor. The others get it any way. I think that would go a very long way toward solving the labor problem so far as large families at least have anything to do with it.

Commissioner O'CONNELL. You mean they should be trained scientifically in prevention?

Mr. SCHROEDER. Yes, sir; that is, they should have the information, should have access to the information just as much as the rich has access to it.

Commissioner WEINSTOCK. You are dealing with the psychologic condition.

Mr. SCHROEDER. Yes.

Commissioner WEINSTOCK. A condition of the mind?

Mr. SCHROEDER. Yes.

Commissioner WEINSTOCK. I gathered from your attitude that throwing the post office open to everything ought to be brought about, that you would not even endeavor to restrain quack doctors from scattering their literature through the mail and imposing on the ignorance of people and getting them to imagine they are the victims of all kinds of diseases, and thus exploiting them.

Mr. SCHROEDER. If you gathered that from my remarks, you did not listen to what I said to Commissioner O'Connell a minute ago.

Commissioner WEINSTOCK. Perhaps I did not catch it.

Mr. SCHROEDER. I said where fraud was involved—that is, fraud for the purpose of getting possession of a man's money—it should not be done, because there is something besides the condition of a man's mind involved.

Chairman WALSH. Is there a limitation on quack doctors sending out all sorts of things?

Mr. SCHROEDER. There is a limitation on their sending out misstatements of fact or fraud, and there is a limitation—whatever it may mean I do not know—to prevent them from sending out preventives through the mail. If the diseases with which they deal are sexual, and they deal with them in such way that somebody might call them obscene, then they are prohibited.

Chairman WALSH. Are not these quack medical institutions advertised all over the country?

Mr. SCHROEDER. Yes, they are; but the advertising must not be obscene in character, whatever that may mean, and there must be no fraudulent misrepresentations made through the mail.

Chairman WALSH. That is, a man describes himself as one of the most wonderful doctors in the world and having the greatest skill——

Mr. SCHROEDER (interrupting). "The most wonderful" I suppose the courts would say was a matter of opinion and not a question of fact. We may not misstate the fact as to his attainments or achievements. He may not say "I am a graduate of 17 colleges," when he is not; that would be a misstatement of fact. To say "I am a wonderful man" is an expression of opinion which may be very honest.

I do not know whether you care to go into any of these separate matters that I have spoken of here with reference to the courts or not.

Chairman WALSH. It would be very interesting, I think, to state the result of your researches a little more particularly with reference to interpretation of laws affecting the right of free speech where the same are not specific and definite. For instance, there were charges made against Mr. Iglesias, who is here, to the effect that he incited the multitude.

Mr. SCHROEDER. We have many laws similar to that that are enforced here. The situation there is this: They have some vague law which says something about disturbing the peace. The court construes that, as they did in the case of Upton Sinclair's Silence League, that merely walking silently up and down in front of a building with crêpe on your arm tends, in the imagination of the judge, speculatively and prospectively to disturb the peace, because Mr. Rockefeller's friends might want to go down and assault Mr. Sinclair in consequence. In my judgment all of that class of laws should be declared unconstitutional, because the statute itself does not define the criteria of guilt in such way that a man, by reading the law, can tell in advance what he may or may not do under it. The courts when dealing with property rihgts, as, for instance, with railroad rates, very uniformly say that such was, because of their uncertainty, are unconstitutional in that they do not constitute due process of law. In order that there may be due process of law there must first be a law, and law means a definite regulation, a definite rule of conduct. In property rights the courst always concede that when a railroad company is involved; but when personal liberty is involved they never once have seen that uncertainty in criteria of guilt ought to result in declaring a statute unconstitutional.

Chairman WALSH. What has been the trend of decisions with reference to declaring laws unconstitutional that undertake to place a limitation upon the right of free speech?

Mr. SCHROEDER. No court, so far as I can recall, ever has declared any law unconstitutional upon that ground. There again judge's minds work in an entirely different manner when they are dealing with property regulations from what they do when they are dealing with problems of personal liberty or free speech. Sometimes a court has said, when the judge believed a particular utterance ought to be permitted, when the judge believed it ought to be permitted, "This particular utterance is protected by the free-speech clause of the Constitution," without undertaking to define what constitutional freedom meant. They only make a concrete dogma, but they never say that the law, of which this is a part, and which by its terms, would cover this language, is unconstitutional. When they are dealing with property rights as, for instance, in the employer's liability law, they take a different view. They say the statute includes something which is beyond the power of Congress as well as something which is within the power of Congress, and then the court will say it is not for the judge to separate the constitutional part from the rest, and "We will declare the whole law unconstitutional." They can always say that when they are dealing with property rights of corporations, but somehow or other they never can say that nor assume that attitude of mind when they are deal-

ing with problems of free speech, with the right of assembly, the right to carry arms.

Commissioner WEINSTOCK. In private conversation, if I understood you correctly, you said you did not think this commission had as yet struck the fundamentals of the problem. Is this your conception of what constitutes the fundamentals—this absolute free speech and free press?

Mr. SCHROEDER. No; that is not what I meant.

Commissioner WEINSTOCK. Be good enough to give us your conception of what are the funadmentals.

Mr. SCHROEDER. The fundamentals of the economic question is the wage problem—of the wage problem—my thought at that time was this—I fear it will take some minutes to really get it over to you, to even approximate it, and I do not hope to succeed then.

The fundamental thing in the matter of the industrial problem, as I see it, is not to get a philanthropic attitude toward the laborer. The real thing is to find a general standard for determining justice of his wage and then to direct legislation up to attain a closer approximation to that ideal, assuming that possibly it can not be done. How are we going to get that kind of standard? Let me state to you a hypothetical situation, which seems to me involve all the aspects of the problem.

Suppose a man with an automobile has a wreck on a lonely road. He breaks his leg, and is thrown out, and is helpless. There comes along a man with another automobile, and the probabilities, we will assume for this hypothetical case, are that there is no other person likely to happen along that road in the next 48 hours, during which time blood poison may set in and the man may die. He appeals to the new man to take him to town to the hospital, and there a situation might arise where an inquiry is made as to what would be a just compensation for that service. Sentimentalism is to be barred.

One undertaking to decide the question presented might approach the problem first from the standpoint of the man who believes in scab labor, and he would say, "A just wage is what some neighboring farmer day after to-morrow, coming by here, will charge me to take me to town, $2."

Another man approaching the problem perhaps from the standpoint of the trade-unionist, who belongs to the Taxicab Drivers' Association, would say, "That is worth $5, because that is the union rate, and it ought to be $5."

But a man comes along with a new automobile, and he says, "But I am a professional man; I am an architect. If I take you to town to the hospital, I will lose an engagement over here, out of which I will earn $250; therefore I want $250. That is a just wage."

A fourth man comes along and says, "You are not worth $250 at the other job; you are robbing the other fellow; you are only worth $125; therefore you ought not to ask more than $125 as a just substitute for what you are losing."

Another man deciding that problem might find out that the injured man has a house and lot worth $1,000, and, believing in Jim Hill's theory, would say, "You must take what the traffic will bear; your life is worth more than your home. I want your house and lot or else you will die."

Which of these five standards are you going to consider as the just wage; and if none of them, how are you going to get at what is a just compensation in that situation? Manifestly justice is not to be achieved by adopting the personal view of the scab, the trade-unionist, the architect, or the equitist, or even Jim Hill. In that situation you have got to get, if possible, an impersonal standard, and in order to get an impersonal standard you have first of all, got to rid your mind, so far as possible, of all the preconceptions which are founded upon personal interests or ambitions built upon present-day standards. With a view to aiding that state of mind, I want to read a short paragraph here from a very conservative man, Mr. Paley (?), who wrote over a century ago. Then I am going to lead up to a social standard for the solving of this problem:

"If you should see a flock of pigeons in a field of corn, and if, instead of each picking where and what it likes, taking so much as it wanted and no more, you should see 99 of them gathering all they could into a heap, reserving nothing for themselves but the chaff and refuse, keeping this heap for one, and that the weakest, perhaps the worst, pigeon in the flock, sitting around and looking on all the winter whilst this one was devouring, throwing about, and wasting it. If a pigeon more hungry than the rest touch a grain in the hoard, all the others instantly fly down upon it and tear it to pieces. If you saw this, you would see nothing more than what is an everyday practice established among men."

Now, suppose you start to think about this problem from the attitude of mind of a pigeon society, and then seek a solution by the aid of the historical viewpoint. If you analyzed the demand in behind the words and seek the substance of justice, not getting lost in forms by which slavery was made effective, by such methods let us consider the peasants' wars, the abolition of fuedal slavery, and the controversy over chattel slavery. As you get away from the forms and symbols and processes by which chattel slavery was affected and through which it was opposed, and so discover the real gist of the controversy, it must be this, that in behind the forms, behind which slavery was maintained, there was a half conscious desire that the laborer should get the full product of his labor. If we can not show this demand to be unjust, we should seek to satisfy it.

Now, as far as I can see, from the few days I have heard the inquiry of this commission, the inquiry has not been directed, as far as the questions are concerned, toward anything which would squint at the realization of that ideal or that urge in the laborer toward the demanding and securing the full product of his labor. That is a standard of social justice which ignores the personal viewpoint. Now, then, let's go back to our problem of the fellow with the broken leg and the automobile and see whether we can find a social standard for determining which, if any, of the five attitudes of mind should be the basis of his compensation for taking the injured man to the hospital, and we come to the conclusion that the rescuer is deprived only so much as during an equal length of time he would create in actual social values or accept of others what was necessary to the maintenance of life. Then we have abolished exploitation and gotten rid of the exploiter, and each receives what he really could produce of necessities of life during the same length of time that it would take to carry the afflicted one to the hospital.

Commissioner WEINSTOCK. You being the judge, how much would you reward the man?

Mr. SCHROEDER. If he was a good man at hoeing potatoes, I would try to estimate what share of his time—suppose it took him a half a day, what share he contributes toward the establishment of the value of foods which he creates.

Commissioner WEINSTOCK. And if he were an architect, making $250 a day?

Mr. SCHROEDER. My conception is that decent society would not pay him $250 a day; he gets that because he has a little special monopoly; he has an education that was denied others, and the estimate of his service is estimated on the value of his monopoly.

Commissioner WEINSTOCK. And your idea would be to pay the architect the same, regardless of their ability?

Mr. SCHROEDER. Regardless of their efficiency. The social value of the product of his labor might take into consideration the value of his life to society.

Commissioner WEINSTOCK. How would you compensate him?

Mr. SCHROEDER. By giving him a living as good as others get.

Commissioner WEINSTOCK. Suppose you were an architect, and that I came to you, and you were busy, but I wanted you, and you said, "I have not the time," and I would ask you how much you are earning, and you would say $10 or $15 or $20 a day, and I would tell you that I would pay you twice that——

Mr. SCHROEDER. I have not gotten you away from your viewpoint. I tried to get you to the attitude of the pigeons, that were dividing that corn, according to their necessities, not according to greed. If I could get you to think in terms of our pigeon society, we could easily see a method of getting at the situation.

Commissioner WEINSTOCK. Let's take this concrete case. You are an architect?

Mr. SCHROEDER. Pigeons are architects; they gather corn and build it in piles.

Commissioner WEINSTOCK. I would rather confine it to yourself. You, we say, are an architect, and have your hands full, and I value your skill, and think that you can do my work better than any other architect, that nobody else can do my work, and I am willing to pay you a premium in order to have you take my work in preference to other people's work, that I am willing to give you double the fee, is it wrong for me to offer it and for you to take it?

Mr. SCHROEDER. Both propositions would be foolish, if we had the kind of personal standards of judgment that I described to you. You don't get away from these old modes of thinking. You must view the problem from the standpoint of the social value of the service.

Commissioner WEINSTOCK. In the place of you being an architect, say, you were a physician, and that I felt that the life of my wife or baby was in danger, and I had the greatest confidence in you, more than in anybody else, and I thought that you could save the life of my wife or child, and I had no confidence in the other physicians. You have your hands full, but I want you to come a great distance to perform the service, and I am ready to offer you a premium so you will not be a loser by so doing, is that wrong for me to offer it, and is it wrong for you to accept it?

Mr. SCHROEDER. Not under present conditions, but under decent society it is wrong for me to accept it, and impossible for you to offer it, because you would not be richer than the most. This woman that you assume can not pay me anything may be worth more to society than your wife, and this should determine my choice as to whom I will serve.

Commissioner WEINSTOCK. That is true. Then, I take it, you condemn in toto the present method of compensation?

Mr. SCHROEDER. I say that it is not a just method at all.

Commissioner WEINSTOCK. What is a just method?

Mr. SCHROEDER. The one that I have explained, that makes compensation depend on the social value of the service.

Commissioner WEINSTOCK. Who ought to be judge?

Mr. SCHROEDER. Society, when it gets civilized, will be.

Commissioner WEINSTOCK. What form will you have to determine? Society is a very indefinite thing.

Mr. SCHROEDER. It might be determined approximately; as I stated, an ideal never can be realized to the full. It might be determined approximately, if Bill Haywood's dream was realized, and all of the workmen got into one union. You could keep your paper title to the factories, all they wanted was the entire product of the factory, if they did the work. That would come nearer a solution of it than anything.

Commissioner WEINSTOCK. Is there a name to your philosophy?

Mr. SCHROEDER. I don't know of anybody that believes it, as I do, and I have no name for it myself.

Commissioner WEINSTOCK. Do you call it Socialist?

Mr. SCHROEDER. I do not.

Commissioner WEINSTOCK. Or I. W. W.?

Mr. SCHROEDER. No; I don't think so.

Commissioner WEINSTOCK. It has not been christened yet?

Mr. SCHROEDER. It has not been christened, but I rather deplore a state of mind that fails to understand principles without familiar labels. Now, after all, it is a simple proposition we are trying to get at, namely, the social value of a man's service, and give him as near as we may the social value in return. It does not matter what labor is assigned to it, and perhaps I differ from other radicals only as to the most efficient methods for reaching this end.

Commissioner WEINSTOCK. This commission has invited constructive suggestions, and that are practical in character, and that can be applied to the conditions by which we are surrounded. We are very grateful to you, as to others, if you can give us an idea, not under conditions as Haywood described——

Mr. SCHROEDER. There is no practical remedy for any of these things. There is only an evolutionary growth toward the ideal, and if we see the ideal clearly we shall gradually adjust ourselves to it. First of all there must be freedom of speech, for Haywood and the rest, to defend their dreams. We have not gotten to a stage where a man can advocate free speech. I have been twice suppressed by the police in New York City for attempting to advocate free speech. It is foolish to talk about any practical result. The Members of Congress don't want it, or they might do something like this: First, the land value, the tax, and the income tax which confiscates all above $5,000 a year for each family, and repeal all of the patent laws, by virtue of which a few men have a monopoly on all of the tools of a trade, that might help a little, and in order to protect ourselves against a lawless judiciary, and make it possible to have at least a little new thought getting into the judicial mind, and we ought to prohibit lawyers from reading judicial precedents in their arguments before the court, and the court from citing those other adjudications for their justification. Sir Edward Coke said that a man that knows no reason for the law knows no law. I quote from memory. And by that standard a great many judges would be disqualified for their position. If men were studying judicial decisions to discover the reasons for the law, and they come into a court to enlarge the understanding of the judge instead of trying to pile up

dogmas, we might get a little reform. That is not as foolish as it may seem, because I am told that in France and Germany this method exists, and in one State or Territory in this Nation the reading of decisions were once prohibited by statute, but for different reasons, though—I refer to Utah.

Chairman WALSH. What do you think produces the two distinct mental attitudes of the judges, with reference to property right and free speech?

Mr. SCHROEDER. I think it is largely a trick of psychology that the judge is unconscious of. Certainly in any situation of that sort men naturally can be classified into two groups, the people with conflicting tendencies in their attitude of mind, one is that tendency which when it becomes conscious and expresses itself in definite formula means government from above the people. That is the theory of the aristocrats and royalists' thought. The other, if it becomes conscious and expresses itself, is a scheme of government from out of the people. Now, to judge by his habitual attitude toward things above him, by a consistent habit of harking back to ancients precedent, which always means to go back to England, where the decisions all are dominated practically without exception by those who believe in government from above the people, and that always means government by the rich and for the rich. Now, then, he distrusts instantly, without expressing it, and probably if questioned about it verbally would deny it, he distrusts the action of the common people, and those that come up out of the people, and he has an aversion to the criticism that comes from them that are down and out, and this attitude of aversion compels him to read into the Constitution things that never were intended to be there by men like Jefferson, and likewise it creates that attitude that predisposition to do the thing which promotes the interest of the rich. Psychologically he identifies himself emotionally with them and their rules of the game of life, unconscious as to the process naturally of this thing, abiding by it, not because it is there, but abiding by it because he is in an emotional state, and he gets sympathetic with others.

Now, take Tannebaum; he comes into court, heralded in advance as an anarchist or I. W. W. His hair is a bit long, he has a fluffy tie, he looks different from other people and talks different, and has not the pomp and scraping attitude to the judge, and asserts his indifference, and also asserts that he has not done anything wrong, but he is a dangerous citizen, and the judge takes the emotional attitude toward him that he would take toward a wild animal, a thing that is feared, because he didn't know what he was going to do, how he was going to act. There is no sympathetic understanding in that case. The judge that punished Tannenbaum was elected as a progressive, and to be a progressive in New York is itself a suspicious circumstance; and in view of that fact it is fair to infer, even though not conscious of the fact, or even if he was the emotional reaction would be the same, that if he showed any sympathy that he would be suspicioned as being unduly sympathetic with his theories, and as a sort of action in self-defense, against suspicion of such radicalism, he gives him the limit. I think I know more about psychology than he does himself, and that is the way those things work, and that is why all of this talk we hear of equality before the law is absolutely absurd. There is not now and never has been and, in my judgment there never will be what is called equality before the law, and it arises out of just this sort of a situation.

Again, in criminal cases, and, of course, these agitators get into court on criminal cases often, the laws almost preclude the possibility of justice, unless the plea of insanity is entered. Then, if that plea is made, you can introduce the state of mind that resulted in the crime, and if it is not, the judge refuses to take into account and the rules of evidence preclude those facts, and they can not introduce in evidence the state of mind that caused it. Now, I say that you can not even approximate justice as to these things, unless you get a sympathetic understanding of things, and unless you know the circumstances which induced the particular state of mind which resulted in the so-called criminal act, whether it is violence in a strike situation or what not.

Commissioner WEINSTOCK. If you had been the judge in both of those cases, what sentences would you have given; take, for instance, in the Tannebaum case?

Mr. SCHROEDER. I would not have given Tannebaum any sentence whatever, because he did no injury to anybody, and was simply exercising his right of free speech. He went to a church and asked permission to sleep there, along with others, and they offered to clean up the church afterwards, and he was told he would have to consult the pastor of the church.

Let me illustrate that in a particular concrete case. This is the kind of complaints I find are against the court. A young man by the name of Tannebaum in New York was found guilty of constructive breach of the peace. He was a little boy about 21 years old, who was conspicuous in the disemployment movement in New York. For his constructive offense he received a punishment of one year in jail with a fine of $500, which at the usual rate meant two years and five months in jail, because he had no money. The distinguished gentleman who is the employee of the Sugar Trust robbed the Government of $11,000,000 on import duties, etc., received two years in jail. Now, that is the kind of thing that sticks in their memory, and causes their criticism of courts. The judge who got these Sugar Trust fellows before him, and gave them two years in jail, had before him nice gentlemen, wearing good clothes; they were the kind of people that he meets in his clubs and social life; he could understand their ambition to serve well the corporations that can award high. Perhaps he had in his younger days an ambition to serve them himself. He acts as a sympathetic understanding of that man and judged the penalty accordingly.

Commissioner HARRIMAN. Did he not go in during the services and make a disturbance?

Mr. SCHROEDER. No, ma'am.

Commissioner HARRIMAN. Who was that?

Mr. SCHROEDER. Bouck White. Tannebaum came back, and there is a dispute whether he went in of his own volition, or whether the policeman coaxed him in, and he says they did coax him in, and when he got inside they said that everybody inside was under arrest, and for that he got two years and five months.

Commissioner WEINSTOCK. And the other man?

Mr. SCHROEDER. I don't know, I hate to judge anybody. I think I would probably rather discharge him. Certainly these men should not be punished so long as men like old man Havemeyer escaped the penalty. If anyone is to be punished, it should be the men higher up.

Commissioner HARRIMAN. Mr. Schroeder, evidently you don't approve of people that are rich?

Mr. SCHROEDER. I don't approve of rich people that got rich by exploitation, and there are few that get rich any other way. I have no grudge against the people as people.

Commissioner HARRIMAN. I understand you to say that you are a lawyer and work without pay?

Mr. SCHROEDER. I am a parasite, about as far as the lawyer gets.

Commissioner HARRIMAN. But to the man who is down and out you are a rich man?

Mr. SCHROEDER. Certainly; I am a parasite and ought to be abolished.

Commissioner HARRIMAN. Do you think that the man that is down and out ought to condemn you as a parasite?

Mr. SCHROEDER. I don't think anybody has a right to condemn anybody else.

Commissioner HARRIMAN. You would let him do it?

Mr. SCHROEDER. Certainly; they have done it.

Commissioner HARRIMAN. Is he just as much justified as you in saying what you have about Mr. Havemeyer or anybody else?

Mr. SCHROEDER. Certainly; they have done it often.

Commissioner WEINSTOCK. You have not denied it?

Mr. SCHROEDER. I have not; I plead guilty.

Commissioner HARRIMAN. I want to say it is ony a question of comparison——

Mr. SCHROEDER. I don't think it is a question of what you happen to have, but how you get it, and the system that creates it for you. I think the present system that creates it for you ought not to be, and it seems to me that all our legislation ought to be shaped up to a point of its ultimate abolition, it can not be done at once, of course. It seems to me that the ideal toward which we should strive ought to be the one that gives the laborer the full product of his labor.

TESTIMONY OF MR. SAMUEL GOMPERS.

Chairman WALSH. You are Mr. Samuel Gompers, president of the American Federation of Labor, and you have appeared before our commission before. I am merely making that statement for the record. Now, I understand, Mr. Gompers, that you would like to make with reference to some matters that have gone in here, and supplemental to some others perhaps that you have already

said. You may proceed in your own way, because I do not know exactly what it is.

Mr. GOMPERS. Mr. Chairman, before I proceed to make the statement that I had in mind to make, may I say that in connection with the question asked by Commissioner O'Connell of the witness representative of the Governor of Porto Rico, regarding the advice given by the Governor of Porto Rico to the cigar makers on strike, he advised them to return to work upon the conditions set forth by the employers. I was in Porto Rico at the time, after the governor had given that advice. I had two conferences with the governor and he repeated that advice to me. The cigar makers belonged to the same international organization of which I am a member and an office in addition to being president of the American Federation of Labor. In conference with the striking cigar makers, in public mass meeting, I advised them not to accept the governor's advice; that they could return to work on the employers' terms when they were more hungry than they were then.

They held out. The Cigar Makers' International Union came to their financial support, and as a result of their holding out they reached an agreement with their employers on much better terms and conditions.

A word with regard to the subject of free speech and free press. I have been, with a number of my associates, the victims of attempts of courts to interfere with my right—the exercise of my right as a citizen of the country—the exercise of the right of free speech and free press. Much has been made by witnesses before the commission, witnesses generally in the employ of the intrests against labor, that I have defied the courts. I have had no desire to defy the courts, but I had a very great desire to exercise my constitutional guaranteed rights, when occasion required that I should so exercise these rights in the interest of my fellows. One was, for instance, when, in the bituminous coal strike of 1897, Judge Jackson issued his injunction forbidding public meetings in West Virginia and throughout his jurisdiction, and forbade the freedom of speech. I went to West Virginia and held meetings and spoke. It was then I declared, and I have adhered to it ever since—it was at Thurmond, W. Va.; my memory does not serve me as to the exact terms, but this is it in substance, that when any court shall undertake, by a writ of injunction, to deny me of the right of free speech and free press, as guaranteed to me by the Constitution of my country, I propose to exercise my constitutional rights, the injunction to the contrary notwithstanding.

During the contempt proceedings before Justice Wright of the District Supreme Court of the District of Columbia for alleged violation of the terms of the injunction issued by Judge Gould, his associate, in which I and my associates, and other numerous persons unnamed, were enjoined from discussing either orally or in print or in circular form, or in writing, or in any manner directly or indirectly, referring to the concern with which a large part of the organized workmen were in controversy, I proceeded to discuss that question, both in the American Federationist, the official journal of the American Federation of Labor, of which I was and am editor, through circulars, and upon the public platform.

In 1908, during the presidential campaign of that year, the Republican Party refused to take cognizance of any request which we had made in regard to incorporating in the platform of that party the relief which we asked. We then went to the Democratic Party, and the Democratic Party incorporated in its platform the declarations which we sought. As a result, not because we are Democrats—because, as a matter of fact, we are not, in a partisan sense—but, using the Democratic Party as one of the greatest instruments by which we had hoped to accomplish our purpose to relieve the situation and conditions which arise under such circumstances, to relieve it, first, by the declaration in the party platform, and, secondly, in the hope that if it was successful Congress would enact a law covering just such a complaint and securing the relief.

During that campaign I took the platform in advocacy of the defeat of the Republican candidate upon the platform which ignored the demands of labor and advocated the election of the candidate of the Democratic Party, because the platform of that party contained the declarations of relief which we asked. During my advocacy of the defeat of the one candidate and the election of the other, I used the state of facts as they existed in our controversy between us and that company—which I prefer for the record not to name, because we have come to an amicable agreement with the company, and we do not want to keep alive any feeling which at that time may have been engendered—but,

as I say, in the course of my addresses upon the public platform during a political campaign, advocating the defeat of one candidate and the election of another candidate for the Presidency of the United States, I used the state of facts which existed in the then pending trial, and used it as an illustration for the necessity for the legislative relief promised in the platform of the Democratic Party. Because I used the state of facts, the argument I made upon the platform was used as evidence against me that I violated the terms of the injunction and therefore was guilty of contempt of court. I may say that in the decision which Judge Wright rendered in the first case he used the statement that the constitutional provision by which Congress is inhibited from curtailing the right of free speech, or abridging the right of a free press and free assemblage, was applicable to Congress and had no effect or influence as far as the courts are concerned.

I will say that the judge on that trial sentenced John Mitchell to 9 months in prison, and sentenced Frank Morrison to 6 months, and me to 12 months, because we dared to discuss the merits of a controversy between human rights and a stove. His decision was reversed, and upon another trial he again imposed the same sentences. The sentence was again reversed. We have not been in prison, and Mr. Wright is no longer judge.

Mr. Chairman, having had the opportunity of appearing before the commission on two occasions, I would not have asked to be heard again were it not for the fact that certain matters were introduced here and strenuously presented: First, in regard to the provision of the Clayton antitrust law, which became a law October 1, 1914; second, in regard to the culpability of myself and associates of mine in regard to the McNamara case; third, in regard to the question of the trades-unionists having themselves and their own selfish motives alone in mind and of the declared statements by attorneys for interests hostile to labor and from the mouth of a witness, whom I did not hear, but it was repeated by another in my presence and in hearing of the commission—the statement of "the uncompromising hostility of organized labor to non-unionists."

I realize that you are not only crowded but really jammed for time, and I will try to just meet a few of these things as briefly as it is possible for me to do.

There are some men who, out of their "zeal and friendship for labor," will have very little consideration of what labor really desires and aims to accomplish. I read and I was otherwise authoritatively informed that Mr. Daniel Davenport, the attorney for the so-called American Anti-Boycott Association, delivered himself of a philippic against the provisions of the Clayton antitrust law and declaring that under the same circumstances under which the Hatters' case arose a case would be maintained, and that the powers of the courts, in so far as curtailing the rights and liberties of America's workers, are greater now than before the Clayton antitrust law was enacted; and, further, I am informed that a lawyer by the name of Spelling, a supposed friend, in a carefully prepared paper took the same position—that many of the rights before the enactment of the law were now taken away by the enactment of the Clayton antitrust law.

I do not want to take up your time in arguing this proposition at this time, but I want to submit for the record this document, which I trust may appear if the record is printed in type, equally conspicuous with the type in which Mr. Davenport's statement or Mr. Spelling's paper may appear.

(The document referred to by the witness, entitled "Labor Legislation in the Clayton Act," by Hon. George W. Wickersham, reprinted from the Alumni Register of the University of Pennsylvania, dated December, 1914, was submitted in printed form.)

It is a paper by the Hon. George W. Wickersham, former Attorney General of the United States, on "Labor legislation in the Clayton Act." The copy which I have is a reprint from the Alumni Register of the University of Pennsylvania, December, 1914. I wish to read only a sentence taken from the pamphlet on page 132 of the reprint, as follows:

"The court dismissed the contention that the statute was not violated by those methods of coercion because physical obstruction was not alleged. Had the Clayon law been then in force, it seems clear that the defendants' acts would not have been illegal."

I read the entire paragraph, but I want to read the last sentence by itself, where, speaking of the Hatters' case, he said:

"Had the Clayton Act been then in force, it seems clear that the defendants' acts would not have been illegal."

Commissioner WEINSTOCK. Whose opinion is that?

Mr. GOMPERS. Hon. George W. Wickersham, former Attorney General of the United States under President Taft.

Commissioner WEINSTOCK. And under what circumstances did he write that opinion?

Mr. GOMPERS. He wrote that as his opinion upon the effect of the labor provisions of the Clayton antitrust law of 1914 and its protective features, in so far as the associations of labor are concerned.

Commissioner WEINSTOCK. That is, he gave a public address in which he reviewed the law and its effect?

Mr. GOMPERS. This is a paper contributed to the Alumni Register of the University of Pennsylvania, and in this form it is a reprint from that Alumni Register.

I desire to make this personal expression of opinion, that no one has yet accused Mr. Wickersham of being overfriendly toward organized labor. As a matter of fact, in that opinion which I have just submitted, and from which I quoted that sentence, he takes me very severely to task and criticizes me severely. But I am less concerned for his adverse criticism of me than I am for his indorsement of my position and the position of the American Federation of Labor, that the labor provisions of the Clayton antitrust law do take the voluntary associations out of the Sherman antitrust law, where they were improperly placed by what we held and hold to be the misinterpretation of that law by the courts in our country; and I am willing that the opinion of Mr. Wickersham as a lawyer shall stand as against the opinion of either Mr. Spelling or Mr. Davenport.

Commissioner WEINSTOCK. Was Mr. Spelling employed by organized labor in connection with the Clayton Act?

Mr. GOMPERS. No, sir.

Commissioner WEINSTOCK. He was not?

Mr. GOMPERS. He was not.

Commissioner WEINSTOCK. I understood him to say while he was on the stand that he had been employed by organized labor. I do not recall in just what connection it was.

Mr. GOMPERS. He had been employed by organized labor, at his request, and to which we consented, and he represented us in several hearings——

Commissioner WEINSTOCK (interrupting). In connection with the Clayton Act?

Mr. GOMPERS. No, sir; in the amendment of the Sherman antitrust law, or the supplementary legislation which we sought and which was then known as the Pearre bill. But, in consequence of a statement made by him during one of the hearings before the Judiciary Committee of either the House or the Senate, we preferred that he would no longer represent us. I am not, nor do I wish to be understood, or wish it to be inferred from what I said, that I asperse the motives of Mr. Spelling, simply that he does not represent in the slightest degree the organized labor movement of America.

Commissioner WEINSTOCK. Up to this time, I take it, Mr. Gompers, the test has not been made in the court as to what the Clayton Act really stands for and really means?

Mr. GOMPERS. You are right.

Commissioner WEINSTOCK. It has not been tested yet?

Mr. GOMPERS. It has not; and because of that, sir, I hold that a man who has proclaimed himself as a friend of labor's contention and who still insists that he is, ought not to apply adversely construction upon a law which he says he favors—at least until after the courts shall have adversely determined the question. I have here, Mr. Chairman, an article which I have written and published in the November, 1914, issue of the American Federationist, under the title of "The charter of industrial freedom—Labor provisions of the Clayton antitrust law." If I may have the privilege, I should like to submit that as part of the record.

(The document referred to by the witness, entitled "The charter of industrial freedom—Labor provisions of the Clayton antitrust law," by Samuel Gompers, published in Washington, D. C., in the American Federationist, November, 1914, was submitted in printed form.)

I want to call attention to the first sentence of section 6, of the Clayton antitrust law:

"That the labor of a human being is not a commodity or article of commerce."

That declaration is now the law of the United States—

"The labor of a human being is not a commodity or article of commerce."

Commissioner WEINSTOCK. Is that a new dictum? If I remember rightly, I have forgotten whether it was Mr. Davenport or Mr. Spelling, who, on the witness stand, claimed that that was not new; that that had always been the attitude of the courts not to treat labor as a commodity.

Mr. GOMPERS. The very opposite is the truth, Mr. Weinstock. The whole basis of judicial decisions is founded upon the concept that labor is a commodity, an article of commerce. Indeed, the courts, even in the hatters' case, speak of a free flow of labor between the States. The courts in Massachusetts, and elsewhere, too, but I refer to this particularly, as it comes to me in regard to Massachusetts, the injunctions have all been issued upon the concept that the employer is entitled to a free flow of labor. There can not be a free flow of labor unless labor is a commodity or an article of commerce. It is not like that you can have free flow of labor unless you can have the same free flow of laborers who have the labor power. You can not distinguish between labor and the laborer. It is not as if it were a ton of coal, or a side of pork. It is the first time that any legislative authority of equal power, or perhaps of any power in any country or any State, has made a declaration of this character, and quite apart from the other labor provisions and remedial provisions in so far as injunctions, etc., are concerned in the Clayton antitrust law, that declaration in itself justified me in declaring that it was a charter of industrial freedom, for no court can depart from that declaration.

May I submit, too, here, a report which the executive council of the American Federation of Labor presented to the Philadelphia convention of the federation in 1914, at Philadelphia, Pa., on the Clayton antitrust law, and its understanding of that law; and also a circular which I issued to the workers of the United States to dissipate the false impressions which Mr. Davenport and some of his conferees tried to create among the workers of our country as to what he declared to be the insufficiency of the law in so far as laborers were concerned, and that it was worse than the Sherman antitrust law itself in so far as the laborers were concerned.

(The document referred to by the witness entitled "Report of the executive council of the American Federation of Labor to the thirty-fourth annual convention of the American Federation of Labor, Philadelphia, Pa., November, 1914, upon the subject Clayton antitrust law," published by the American Federation of Labor, Washington, D. C., 1914, was submitted in printed form.)

With that I will leave that subject.

It is stated that the trade-unionists are "uncompromisingly hostile to the nonunionists." If that statement is not correct, I would like to be corrected, as I understand that is a statement made by a witness before this commission.

Commissioner WEINSTOCK. Will you please repeat it?

Mr. GOMPERS. I say it has been asserted before this commission that the attitude of organized labor is one of "uncompromising hostility to nonunionists."

Commissioner WEINSTOCK. I think something to that effect was said, Mr. Gompers, but I do not recall the precise language.

Mr. GOMPERS. I heard it repeated, and it was not modified.

Chairman WALSH. I think that is substantially the statement.

Commissioner WEINSTOCK. I do not remember the exact words, but it was to that effect.

Mr. GOMPERS. The American Federation of Labor has been in existence since November 9, 1881. It has held conventions every year since. The objects of our federation have not been changed in phraseology, so far as my memory serves, from the first declaration at Pittsburgh in 1881. Article II of the constitution of the American Federation of Labor, setting forth its objects, reads as follows:

"SEC. 1. The object of this federation shall be the encouragement and formation of local trade and labor unions and the closer federation of such societies through the organization of central trade and labor unions in every city and the further combination of such bodies into State, Territorial, or provincial organizations to secure legislation in the interest of the working masses.

"SEC. 2. The establishment of national and international trade-unions, based upon a strict recognition of the autonomy of each trade, and the promotion and advancement of such bodies."

Section 3 is new; that is, about six or seven or eight years ago it was new.

"SEC. 3. The establishment of departments composed of national or international unions affiliated with the American Federation of Labor of the same

industry, and which departments shall be governed in conformity with the laws of the American Federation of Labor.

"SEC. 4. An American federation of all national and international trade-unions to aid and assist each other; to aid and encourage the sale of union-label goods; and to secure legislation in the interest of th working people and influence public opinion, by peaceful and legal methods, in favor of organized labor.

"SEC. 5. To aid and encourage the labor press of America."

In that work of organizing nonunion workers we publish, and have published since and including 1894, an official monthly magazine, called the American Federation, in which the wrongs inflicted upon working people are criticized and condemned and the rights to which the workers are entitled are earnestly and zealously advocated, legislation in the interest of the workers particularly argued and urged.

In so far as laws are concerned, we have a legislative committee, and have had such a committee from the first formation of our federation, attending the sessions of Congress, attending upon committees. In every State in the Union there is a State federation, with its legislative committee performing the same duty before State legislatures. In nearly every city of the country we have central labor unions performing that same duty within their localities.

Within the past few years we have published a Weekly News Letter containing the news garnered from the industrial and legislative field affecting the workers generally. We have published circulars and pamphlets urging workers to organize. One of them is a small four-page pamphlet entitled "Aims, Purposes, Declarations of American Federation of Labor."

(The pamphlet referred to, entitled "Aims, Purposes, Declarations of American Federation of Labor," by Samuel Gompers and Frank Morrison, published by the American Federation of Labor, without date, was submitted in printed form.)

Let me read just this from it: "From the inception of the American Federation of Labor it has taken the stand that while unions for the various trades and callings must each and all be left entirely free to govern themselves within their own borders, yet between the members of all these unions there should be a bond as great as that between the members of the same organization."

Then, omitting some parts not germane: "It seeks to organize the yet unorganized workers, the skilled and the unskilled, the permanently located and the migratory."

It further declares the purposes of a similar character.

Here is another four-page pamphlet, "Hints to Unions, Organizers."

(The pamphlet referred to, entitled "Hints to Unions, Organizers, and Others," by Samuel Gompers, issued by the American Federation of Labor, without date, was submitted in printed form.)

Paragraph 17 declares as follows: "The unions should make it easy for applicants to become members."

I have here a small leaflet, entitled "Why We Unite," upon the same purpose.

(The pamphlet referred to, entitled "Why We Unite," by the organizing bureau of the American Federation of Labor, press of the Trades Unionist, Washington, D. C., without date, was submitted in printed form.)

I have here another leaflet, entitled "How to Form a Trade-Union or Federal Labor Union."

(The leaflet referred to, entitled "How to Form a Trade-Union or Federal Labor Union," by Frank Morrison and Samuel Gompers, and published by the American Federation of Labor, Washington, D. C., without date, was submitted in printed form.)

A Federal labor union, I might explain, is simply the organization in small localities, where there are not a sufficient number of workers in any one trade or calling to form a union, so that they may have an opportunity for united or associated action, unions called Federal labor unions having been encouraged by the American Federation of Labor and many of them organized by it.

Here is another pamphlet, entitled "Trade-Unions." It is very brief, and I would like to read it. Each of the statements occupies but a line:

"Foster education and uproot ignorance.

"Shorten hours and lengthen life.

"Raise wages and lower usury.

"Increase independence and decrease dependence.

"Develop manhood and balk tyranny.

"Establish fraternity and discourage selfishness.
"Reduce prejudice and induce liberality.
"Enlarge society and eliminate classes.
"Create rights and abolish wrongs.
"Lighten toil and brighten man.
"Cheer the home and fireside and make the world better.
"All wageworkers should be union men. Their progress is limited only by them who hold aloof. Get together, agitate, educate, and do.
"Don't wait until to-morrow; to-morrow never comes.
"Don't wait for some one else to start; start it yourself.
"Don't hearken to the indifferent; wake them up.
"Don't think it is impossible; 2,000,000 organized workers prove different.
"Don't weaken; persistence wins.
"Organizing bureau American Federation of Labor, Washington, D. C."

I have here another leaflet, "Why Central Labor Unions Should be a Part of the American Federation of Labor," and then providing how it should be done, and then how to form a central body.

(The leaflet referred to, entitled "Why Central Labor Unions Should be a Part of the American Federation of Labor," by Frank Morrison and Samuel Gompers, published by the American Federation of Labor, Washington, D. C., without date, was submitted in printed form.)

I have also a leaflet entitled "The American Federation of Labor," which is of a similar import.

(The leaflet referred to, entitled "The American Federation of Labor," by the Organizing Bureau of the American Federation of Labor, published without date, was submitted in printed form.)

Then I have a leaflet entitled "Labor Omnia Vincit, American Federation of Labor," addressed to all wage workers of America.

(The leaflet referred to entitled "Labor Omnia Vincit, American Federation of Labor," by Samuel Gompers and Frank Morrison, and published by the A. F. of L., at Washington, D. C., without date, was submitted in printed form.)

I will read the first paragraph only: "It is now generally admitted by all really educated and honest men that a thorough organization of the entire working class, to render employment and the means of subsistence less precarious by securing an equitable share of the fruits of their toil, is the most vital necessity of the present day."

And then it proceeds to urge organization all the way through—let me read this: "We unhesitatingly declare the organization of the working people by the working people for the working people—that is, the trade-unions."

I have here a leaflet entitled "American Federation of Labor endeavors to unite all classes of wage workers under one head through their several organizations to the end," etc., the ends being stated.

(The leaflet referred to entitled "The American Federation of Labor endeavors to unite all classes of wage workers under one head," etc., by Samuel Gompers and Frank Morrison, published by the A. F. of L., at Washington, D. C., without date, was submitted in printed form.)

Here I have another pamphlet which is entitled "Hail to Labor! Organize and Stand Together," a quotation from Wendell Phillips. "Wiseacre findings; candid thoughts of experienced men on the trade-union," and then a quotation on the title-page:

"Thank God we have a system of labor where there can be a strike. Whatever the pressure there is a point where the workingman may stop."

That being a quotation from President Lincoln in a speech at Hartford, Conn., in 1860, referring to the New England shoeworkers' great strike.

(The leaflet referred to entitled "Hail to Labor! Organize and Stand Together," published by the American Federation of Labor, at Washington, D. C., without date, was submitted in printed form.)

Commissioner WEINSTOCK. If I may interject at this point, as I recall it—I really do not remember who the witness was—a witness raised the point that the attitude of the American Federation of Labor toward the nonunionist was—do you remember the words used, the quotation that you gave us a little while ago?

Mr. GOMPERS. A witness was asked, "What is the attitude of organized labor toward the nonunionists?" He was quoted by someone in my hearing before this commission as having answered, "One of uncompromising hostility."

Commissioner WEINSTOCK. The spirit in which I understood that to be, Mr. Gompers, was not that the American Federation of Labor, for example, did not

make every possible effort to unionize; that that was not the attitude of the man who unionized, but I gathered from the tone and spirit in which it was said that he meant that that was the attitude of organized labor against the man who did not organize or would not organize. I did not understand him to bring a charge against the association that it was not making efforts to do missionary work, that it was not trying to increase its membership. This, of course, all goes on to show that the efforts of the American Federation of Labor are along the lines of doing missionary work and broadening its usefulness; but his criticism, as I understand it, was not along those lines.

Mr. GOMPERS. I may say that people do not undertake to bring others within their fold for whom they have an uncompromising hostility. If I may, I can conclude with this part in a few minutes and then take up that feature.

Commissioner WEINSTOCK. Very well.

Mr. GOMPERS. I have here in my hand a copy of the American Federation of Labor Weekly News Letter of Saturday, February 1, 1913, and another copy of the same publication of February 8, 1913. You will observe that they contain circulars issued by the American Federation of Labor officials and printed in English and about 10 other languages.

(The letters above referred to entitled "American Federation of Labor Weekly News Letter," by Samuel Gompers and Frank Morrison, published by the American Federation of Labor at Washington, D. C., and dated Feb. 1, 1913, and Feb. 8, 1913, respectively, were submitted in printed form.)

It is an effort to organize the employees of the United States Steel Corporation. I have here documents which are too long to read, in view of the very brief time that the commission has at its disposal, but they are letters sent to my office during the period of 1913, when we were undertaking to organize the working people, and I should say this, that we had made many efforts before and failed, but we had information from a few of the workers that the impositions and tyranny had become so irksome that the men wanted some opportunity to organize in order that they might protest in some way, and we sent our organizer in there. These documents, these letters, and some newspaper clippings disclose the work of the steel corporation, the United States Steel Corporation, of its own—its own men, gangsters, sluggers, detectives, strike breakers, in cahoots with the officers preventing the men having the opportunity to come to the meeting. That system of espionage, by which men that were known to come to the meeting were reported to the company and discharged, and in one instance simply brought about a strike or revolt of them. The halls in the towns were all of them hired by the corporation so that no meeting could be held, they could not meet in the open. The wives of some of the men who could not attend the meeting went to the meeting to inform their husbands, and the husbands were discharged because their wives went to the meeting. Men were slugged and beaten up, and one of them, J. T. Pierce, an organizer, who we sent in there to work and never violated a law in his life, was slugged and beaten by the corporation thug men to such an extent that he was taken to the hospital, and in about seven weeks died from the result of his injuries. In 1910, Mr. Ballard, an attorney of Gary, Ind., now of Chicago, and the former attorney general of Ohio, Frank Monett, we had the evidence obtained and collated of the depredation of the United States Steel Corporation, and presented it to the President of the United States, Mr. Taft, and the presentation is "Statement of evidence in support of petition and charges presented to President of the United States against the United States Steel Corporation by the American Federation of Labor." It was directly presented to the President and was presented by him to the Hon. George W. Wickersham, Attorney General, Washington, D. C., March 22, 1910. We were in hopes that the Department of Justice would begin proceedings upon the statement and the evidence, but it did not.

(Pamphlet with the foregoing title submitted in printed form.)

Realizing that the opportunity for the American workmen to protect even the standard of life now obtaining could only be maintained if there were some means by which the immigration which is practically unrestricted immigration would be a bit more restricted and regulated, and to afford the opportunity for the betterment of the men employed by the United States Steel Corporation and similar corporations, because they had been for years carrying on advertising and stimulating immigration—advertising for immigrants and sending their agents in concert with the shipping company—we met to secure a bill that would restrict and limit immigration. The bill was introduced and passed by Congress. This is the Weekly News Letter, containing the bill and speech by

Mr. Burnett, a discussion of the subject, the votes on the roll call of the House, and several other matters in connection with that subject.

(Witness submits American Federation of Labor Weekly News Letter of Feb. 13, 1915.)

Mr. GOMPERS. This is a copy of the American Federation of Labor Weekly News Letter of January 31, 1915, containing an exposé which I made of those who were really behind the opposition and who were financing the campaign for the defeat of that bill.

(Copy of the foregoing newspaper submitted by witness.)

And they showed that the shipping interests, the steel and mining corportations, were behind it and financed the opposition. This is a reprint of the document which I have in the office of the American Federation of Labor and which, if desired, can be submitted to the commission for verification. I have the correspondence with the president and other officers of the National Liberal Immigration League and the officers of the shipping companies and the payment of money by the shipping companies to finance the work of the National Liberal Immigration League, the contribution made by the United States Steel Corporation and other coal companies to defeat this legislation.

(Witness at this point submitted a copy of the American Federationist for July, 1912.)

Coming to the question of whether or not the trade-unionists have an uncompromising attitude toward nonunionists, which Commissioner Weinstock has suggested, as a matter of fact, there are no such creatures in the country. There are no such workers. When workers do not organize it is due either to their own ignorance of what the purpose we aim to accomplish is or what organization aims to accomplish, or they believe they can curry favor with the employer or foreman or are coerced against organization. If any one group of workers, employed anywhere and in any occupation at any time, manifest a disposition to make a protest against the conditions imposed upon them by their employers, they know where to come. They don't go to the employer's office, they don't go to the attorney for the National Erectors' Association, and they don't go to Davenport. They come to us. They know intuitively who are their friends. They come to us or they send for us, and we go to them, day or night—no night too dark or day too holy.

If you want proof of that, go to the miners in the bituminous regions, who now stand erect as men are and organized; who organized them, and who stood for them, and who fought for them, and who pleaded their cause while they were nonunionists, and they will tell you that it was the trade-unionists. Go to the sweatshop industries in and around New York and Boston and St. Louis—the unorganized sweatshop workers—and ask them whether or not the trade-unionists have manifested an attitude of uncompromising hostility toward them or any hostility at all. It is rather a recognition of the fundamental principle that it is the mission of the organized worker to see to it that the unorganized are organized.

Chairman WALSH. I am very sorry to limit your time, Mr. Gompers, but we were compelled to agree on an hour for adjournment, and it is about a half hour away.

Mr. GOMPERS. May I have five minutes more?

Chairman WALSH. Yes, sir. I let it run 15 minutes, and did not want to interrupt you, but now we have got to close up.

Mr. GOMPERS. I realize your condition, and I can not tell you, Mr. Chairman and Commissioners, how grateful I am for the opportunity.

Chairman WALSH. You may have five minutes to close.

Mr. GOMPERS. I just want to call your attention; I must hurry along. I have here the circular issued by the American Federation of Labor in regard to the McNamara fund. We believed those men innocent. So long as we believed them innocent, we believed that a grave outrage had been committed against them, and the rank and file took that view, and I venture to say eight or nine tenths of the American people believed that; but at the time when they pleaded guilty we had nothing to do, nothing else to do, but to believe them again, that they were guilty. We raised the funds, because the American workers and sympathizers contributed. Not only workingmen, but many others. And let me say, the American Federation of Labor, as such, did not collect that money. A conference was held at Indianapolis, to which I was called, to create a defense-fund committee, of which I, because I was president of the American Federation

of Labor, or because they had some confidence in me, was made chairman, and Frank Morrison, because they had confidence in him, was made secretary of the defense-fund committee, and that defense-fund committee raised that fund, with the assistance of all others, and I may say this, that Mr. Morrison as secretary of the American Federation of Labor, was summoned to appear before the Federal grand jury in Indianapolis, and every book and scrap of paper that could be wanted, and some he had brought which was not asked for, every scrap of paper, every book, every memorandum, were brought there before the grand jury and subjected to investigation by expert accountants and the United States district attorney, and not a thing—not a thing was found that reflected upon organized labor; not a thing that reflected upon any one of us.

As a matter of fact, they publicly declared there was nothing that held us, that connected us in any way, though it is a fact that we raised this money. It was the second time in the history of the American Federation of Labor where we raised great amounts of money. One was during the anthracite coal strike, when we raised large sums of money, because the heart and conscience of the people had been touched, as well as of the union workers, members of the union, of the federation, and in the McNamara case. I did not believe, and those that were working with me did not believe, that it could be in the human heart to do and commit the crimes with which these men were charged, and the manner of their being taken away from their homes to California convinced every one of us—say that we were mistaken—but it convinced us at any rate for the time being that it was a crime of which this villainous detective Burns was guilty and the chief concocter. If you want to have any proof of this, together with his characteristics, read the letter of Attorney General Wickersham to President Taft, upon which President Taft pardoned the men who were convicted in Oregon for the so-called wood and land scandals. Read that letter. I have a copy of it here; I published it in the July, 1912, Federationist; here it is, July, 1912; page 537 of the July, 1912, American Federationist—"Detective Burns Unmasked." If publishing that letter from Attorney General Wickersham to President Taft was libelous, no doubt Mr. Burns would have prosecuted me, because he wanted me above any man in the country.

I have challenged him and defied him. There is nothing about this of which the organized-labor movement needs to have any apprehension.

Just one word, and I am through. I realize I have gone beyond the five minutes already. I just want to take cognizance of this one condition of Colorado. There have been considerable diverse views expressed as to conditions there.

I am not going into the merits of it at all, but I just want to call your attention to this fact, that in Colorado there was political democracy, but industrial servitude, and though we may have established democracy in religion as well as in the political affairs of our country, the industrial and economic dominates the political and the religious democracy.

What is needed is the exercise of the economic power of the working people that can compel religious tolerance and the enforcement of the fundamental principles of political democracy.

Until the working people exercise their economic power, so long will religious freedom and political equality be a mockery.

Chairman WALSH. That is all. Thank you, Mr. Gompers.

Doctor McKelway, I understood you had some statement you desired to make.

TESTIMONY OF MR. A. J. M'KELWAY—Recalled.

Dr. MCKELWAY. Mr. Chairman, I ordinarily would not take up the time of this commission to attempt to reply to Mr. Clark in his attack of yesterday, but I want this to be borne in mind, that our National Child Labor Commission is the only organization in this country that is solely organized for the purpose of securing legislation for the protection of working children, and any attack made upon the credibility of its employees or agents injures our work to that extent, and it is immediately quoted in papers hostile to our cause and finally does harm to the children, and that is my sole reason for taking up this matter at all.

Mr. Clark said I testified that a large number of employees in the southern cotton mills, including 1,085 adults, were making less than $2 per week. My testimony in regard to that matter is found at page 211 of my former testimony. Mr. Clark totally misapprehended the purpose of my statement about

the wages. It was not to give the wages of adults, but to give a comparison between the wages of adults and the wages of children. I testified that 251 children under 12 years of age earned less than $2 per week; 731 children of 12 and 13 earned less than $2 per week; 1,700 workers from 14 to 20 years of age who earned less than $2 per week; and only 1,085 operatives 21 years of age and over who earned less than $2 per week. There were more girls from 18 to 20 years of age earning less than $2 per week than there were girls of from 14 to 15 earning less than $2 per week. There were 1,733 children under 16 who made from $2 to $3 per week, and almost an equal number, 1,712 workers, 16 and over, who earned the same wages.

The whole purpose of that was to show that child labor reduced wages to the child standard; but I started out by saying the wages of children in cotton mills was comparatively high. He said that I could have taken data from the 1914 report of the Bureau of Labor; I suppose he meant the bureau report of North Carolina.

Now, the wages are given out by the cotton manufacturers in a perfunctory way; the president of a company gets a request for a statement, and he asks one of his men—his superintendent or manager—to make it out. I do not regard that as good statistics.

He says I went back to the 1908 report. This 1908 report is the only one of the kind in existence where a comparison is made between the wages of children and the wages of adults. He says this report was prepared under my friend, Labor Commissioner Neill, and that it had been often said that I, Dr. McKelway, had a considerable influence in the compilation of that report. I suppose I ought to feel flattered that I could influence a Government official to do that. There are a good many hallucinations about my influence, but I never saw a line of the report when it was being prepared. Senator Beveridge showed me a copy of it in manuscript form, which I glanced at, but had nothing to do with the preparation of it.

I went back seven years and obtained those photographs, which will be good a thousand years from now. He says I went back 15 years to get illiteracy figures. The statistics for illiteracy as shown by the census of 1910 have not been published, but I called at the Census Office since I testified before and found they had not been given, and so those I gave were the last on the subject.

The 1913 statistics given in the report of the Bureau of Labor of North Carolina are not worth the paper they are written on. There is a careful analysis of it given by one of the professors in the university showing that is a fact, but the report shows some astonishing statistics as to illiteracy of the cotton mill people.

He said I complained in my evidence that the southern cotton manufacturers do not welcome the representatives of the National Child Labor Committee to their mills. I said the three large interests were hostile; and then he quotes from Homer Folks. He went on to say that child-labor exploiters might expect to be misrepresented, like some of his friends, and that many false statistics were published about that.

He put in another reference to Mr. Folks, and quoted a statement that he was a salaried agent of the National Child Labor Commission. Mr. Folks has never drawn one dollar from the commission, of course. He refers to us as a band of parasites and grafters, and that experience has shown that we take advantage of every courtesy to misrepresent and falsify conditions. I would like to put into the record just who the board of trustees are. The three honorary members are Woodrow Wilson, W. H. Taft, and Theodore Roosevelt. The board of trustees is composed of Felix Adler (chairman), Jane Addams, Mrs. Caroline B. Alexander, Francis G. Caffey, Edward T. Devine, Homer Folks, William E. Harmon, Mrs. Florence Kelley, Adolph Lewisohn, Samuel McCune Lindsay, V. Everit Macy, Charles P. Neill, Isaac N. Seligman, Lillian D. Wald, Paul M. Warburg, Stephen S. Wise, and John H. Wood. And I find among the names of our advisory committee that of Mr. John R. Commons, of this commission, and I hope you will advise him not to associate any more with these "grafters."

He says, "I do not know who pays Dr. McKelway and his associates; some think that it is the Rockefeller Foundation. If such information could be obtained, it would be very interesting."

It would be interesting. We have never received a dollar from the Rockefeller Foundation, though I think we could use it wisely. I think we would

make 14 years the age limit for the employment of boys in the mines of Colorado, as some States have it.

I remember, a few years ago, when I went to New Mexico, soon after I got to Santa Fe there was a dust explosion in the mills of Trinidad in which 60 people were killed. A man from Trinidad told me that the cause of the explosion was a boy striking a match to light a cigarette, and he said they had been trying to get 16 years fixed as the age limit for boys that worked in the mines, because a boy under that age is a menace to the whole mass of miners.

Here is a little personal matter he refers to, which, I suppose, I ought to take up. He says I made an attack on Mr. D. A. Tompkins, president of the High Shoals Co., and he said that I had a violent personal grudge against Mr. Tompkins, and that was the reason I attacked him. This was entirely inexcusable on the part of Mr. Clark, because I did not mention Mr. Tompkins's name. I met Mr. Tompkins last summer in the mountains, and he asked me to come and see him at his house; and if I had known it was the last time I was going to see him I would have done so. Our relations were very pleasant.

I have a lot of photographs and will have to pass them up to the commission to decide how young those two smallest children in that group are.

The story about that is that these two children were said to be 6 and 7 years of age by the testimony of their grandmother. The manufacturer had quite a row about it and said the old lady was feeble-minded and did not know the facts; but when our agent took the matter up he found from the mother that they were 8 and 10 years of age. They were both at work in the mills, but only one of them was on the pay roll; we have affidavits to support our statements.

He quotes in his testimony from a statement of welfare work, in an address delivered before the manufacturers' committee of the North Carolina legislature by Mr. W. B. Lynch, manager of the department of welfare.

He also filed a statement taken from an interview published in the New York American, which I had forgotten about since last year.

Mr. Chairman, I would like to say that our organization is one of the most important in America of this kind.

I have here the annual report we filed last year, showing 73 donors giving $16,000 a year; 487 sustaining members who give over $25, and some contributing members who give $7,000, and associate members who are the largest contributors. Our budget is about $63,000 a year, and we have about 85,000 contributing members scattered through every State in the Union.

(Printed pamphlet submitted, entitled "Tenth Annual Report of the General Secretary of the National Child Labor Committee for the Fiscal Year Ending Sept. 30, 1914." National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City.)

I want to put into the record some statistics prepared by Mr. Swift, showing the difference between school attendance.

(See McKelway Exhibit No. 5.)

And in answer to something put in the record yesterday I want to put in this address of Mr. Clark, "A Demand for a Square Deal."

(Printed pamphlet of the foregoing title, by David Clark, editor of the Southern Textile Bulletin, Charlotte, N. C., submitted by witness.)

Chairman WALSH. That is all, Doctor, you may be excused.

STATEMENT OF MR. H. E. HILLARD.

Chairman WALSH. I have been asked to read into the record, and I will do it now, some correspondence between this commission and the United States Coal Co.

The following inquiry was sent out:

MAY 13, 1915.

UNITED STATES COAL CO.,
Citizens' Building, Cleveland, Ohio.

GENTLEMEN: I am directed by the commission to forward to you the typewritten transcript of the testimony given before this commission at its public hearing on May 11, 1915, by Joseph Kobylak, of Dillonvale, Ohio, and to invite any statement you have to make by way of comment or reply thereto.

I am inclosing herewith the transcript of the testimony, which you will find in the inclosed booklet, starting at page 253.

Please let us have your reply within the next few days, acknowledging receipt of this communication and returning the inclosed typewritten transcript of testimony, stating any remarks you may desire to submit.

Very truly, yours, REDMOND S. BRENNAN.

To which Mr. Brennan received the following reply:

THE UNITED STATES COAL CO.,
Cleveland, Ohio, May 25, 1915.

Mr. REDMOND S. BRENNAN,
United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: In reply to yours of May 13, inclosing a transcript of testimony given by Joseph Kobylak, I have carefully read the testimony of Mr. Kobylak as given to the commission. I am unable to certify the statements of Mr. Kobylak, except the one that he has been arrested many times by the authorities of the State of Ohio. In the last few years Mr. Kobylak has been known to us as an agitator of the most vicious character, and was sometime past in the employ of our company. During the term of his employment our company was unable, most of the time, to operate its business where he was located. Mr. Kobylak became such a nuisance in the community that the authorities, in response to public sentiment, have had Mr. Kobylak in jail many times. As to his being arrested for treason, that was an act of the State of Ohio against Mr. Kobylak, and I know of no coal operator who had anything to do with it, or were called upon by the State to make any affidavits against him.

As a miner, Mr. Kobylak, to my mind, has not worked inside the mines or produced a pound of coal for some years, and has been able to support himself entirely by agitation, and gets his support by contributions from the men who did work.

I do not think that Mr. Kobylak represents the miners of the district in which our mines are located nor of the State of Ohio.

I am inclosing a copy of an editorial in the Steubenville (Ohio) Gazette, with reference to Kobylak being before your commission. Under separate cover I am returning to you the transcript sent me.

Yours, very truly,

H. E. HILLARD.

The following is the editorial:

"Kobylak, the Dillonvale I. W. W. anarchist who spent some time in Steubenville jail has been ventilating himself before the Industrial Relations Committee. If this pestiferous individual had his just 'rights' he would now be serving time in the Ohio Penitentiary for inciting to riot, or in a national penitentiary for treason. Meanwhile, according to the action of the mine workers on Wednesday, he will have to either get out of their union or cease to be an I. W. W., and maybe that will stop his power for disturbance in this part of the country.—Steubenville Gazette, Wednesday, May 12, 1915."

STATEMENT OF JUDGE R. M. WANAMAKER.

Chairman WALSH. I now read into the record, by request, a letter from R. M. Wanamaker, justice of the Supreme Court of Ohio, as follows:

"To my mind the most serious blow that the working world has sustained for many a year is the recent decision of the Supreme Court of the United States in the case of Coppage *v.* The State of Kansas. We had the same question up in Ohio under an identical statute. The majority, of course, followed the Supreme Court, but I prepared a dissenting opinion, a copy of which I am forwarding you under separate cover. Along legal lines, you may also be interested in knowing that I prepared two articles for the Saturday Evening Post, published September 19 and 26, entitled 'The man on the bench.' It was my chief purpose in these articles to hold the 'man on the bench' entirely responsible for the kind of law administered and the manner in which it was administered, with all its delay, technicality, and expense.

"Permit me to call your especial attention to Article III, section 2, of the Constitution of the United States, defining the jurisdiction of the Federal Supreme Court:

"'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. IN ALL THE OTHER CASES BEFORE MENTIONED THE SUPREME COURT SHALL HAVE APPELLATE JURISDICTION, BOTH AS TO LAW AND FACT, WITH SUCH EXCEPTIONS AND UNDER SUCH REGULATIONS AS THE CONGRESS SHALL MAKE.'

"The capitalized portion of this quotation suggests the question as to whether or not in passing upon the constitutionality or unconstitutionality of State and Federal statutes there should not be certain regulations imposed

upon the Federal Supreme Court whereby a mere majority should not be allowed to declare State and Federal acts contrary to the Federal Constitution, as in the Coppage case. Courts universally hold that before any such statute may be declared unconstitutional it shall be clearly so, and the Supreme Court of the United States has again and again held that it must be unconstitutional beyond all reasonable doubt. Now, how can a statute be held to be *clearly* in conflict with the Federal Constitution when five or six judges hold that it is unconstitutional, and four or three, respectively, hold that it is not unconstitutional? We have a provision in our Ohio Constitution which, in certain cases, requires the concurrence of all the judges save one (we have seven judges) to hold an act unconstitutional.

"It seems to me that in this enlightened age, when, in the exertion of wholesome and progressive police power, State legislatures and Federal Congress are endeavoring to elevate the condition of men, provide additional safeguards for their health, their life and limb, etc., such legislation should be further protected by preventing supreme courts from nullifying the same with the reckless abandon heretofore indulged.

"The above section of the Federal Constitution unquestionably provides ample power for the Congress of the United States to place such limitation upon the Supreme Court, for all these questions arise under their appellate jurisdiction."

And I also read in evidence in connection with that letter the dissenting opinion of Judge R. M. Wanamaker and read this portion thereof:

"Too many judges know as men what they refuse to know as judges. It is a matter of common knowledge, of which all courts should take judicial notice, that there is constant conflict in some sections of the industrial world between capital and labor; no matter what the cause, whether it be bad leadership and advice on the part of labor, or bad leadership and advice on the part of capital, or both. Those conflicts are of such frequent occurrence and at times so serious in their nature as to shake the very foundations of popular government. We can not forget the Homestead strike of 1892, the Chicago railroad strike of 1894, the great anthracite coal strike of 1902, the Colorado fuel and iron strike of 1914, and many others might be named, as showing how the stability and security of the very foundations of government are seriously menaced.

"Can it be said that a State legislature having these industrial conditions in mind might not legislate in a manner to reduce or minimize the conflict between capital organized on the one side and labor organized on the other by denying to either the right to destroy the other? Indeed, what can be more important than domestic peace and safety?

"The Fathers so recognized it in the preamble of the Federal Constitution, in which they announced that one of the great purposes of government was 'to insure domestic tranquillity' and evidently the Legislature of Kansas, as well as Ohio, whose motives can not be questioned in the enactment of this legislation, may have their acts fairly reconciled with this high purpose of preserving domestic tranquillity by preventing the exercise of coercion by the employer upon the employee.

"Suppose the Legislature of Kansas, or of Ohio, had passed an act providing that 'no employer by himself or his agent shall coerce any of his employees into voting any ticket, or for any officer that he desires to vote for' or 'that no employer by himself or his agent shall coerce any employee into joining or attending any church or lodge' or providing that 'no employer by himself or his agent shall coerce any employee into buying at the company's store,' would it be seriously contended that such statutes were in violation of the liberty of contract, even as construed by those courts that have seemed more eager to protect property rights than personal rights?

"Again the opinion says:

"'Can it be doubted that a labor organization—a voluntary association of workingmen—has the inherent and constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men? Or that a union man has the constitutional right to decline proffered employment unless the employer will agree not to employ any nonunion men? (In all cases we refer, of course, to agreements made voluntarily, and without coercion or duress, as between the parties.)'

"Again we see the insidious and strained effort to get away from the 'coercion' of the statute.

"The illustration is not apropos or analogous. In order to be so you must add the element of coercion. You would then have an instance of where an employee was using coercion to induce a nonunion man to join the labor union or to quit the employment. You would then have the same coercion by employee as is prohibited by the statute to the employer. Coercion upon the part of one should be as unlawful as coercion upon the part of the other.

"This coercion is in the nature of a secondary boycott. Employers for years have sought, and finally obtained, the support of courts in enjoining what is known as the 'secondary boycott' upon business. In effect, this is a 'secondary boycott' upon labor for it is directed not against the individual employee but against the labor union.

"This opinion goes much further, and is much more drastic, than anything heretofore pronounced by a court, or even demanded by the National Association of Manufacturers, of which John Kirby, jr., is president, as appears from their fundamental principles touching labor unions. These planks are as follows:

"'1. Fair dealing is the fundamental and basic principle upon which relations between employees and employers should rest.

"'2. The National Association of Manufacturers is not opposed to organizations of labor as such, but it is unalterably opposed to boycotts, blacklists, and other illegal acts of interference with the personal liberty of employer or employee.

"'3. No person should be refused employment or in any way discriminated against on account of membership or nonmembership in any labor organization,' etc.

"There is a substantial and well-grounded public opinion that courts of last resort, and particularly the Federal courts, are too eager to nullify remedial and regulatory legislation enacted by State legislatures under their police power in the interest of the public peace, safety, life, limb, health, and morals. The law is not a mummy nor a straightjacket. It is presumably a live, elastic thing, adjusting itself to the changed and changing conditions of our social, political, industrial, and commercial life. It must of necessity, therefore, be a growth, an evolution, keeping pace with the advancement of our twentieth century civilization.

"This attitude of our courts toward the legislative exercise of police power by the States, in matters that are purely State affairs, has caused a substantial loss of public confidence in courts that is too patent to be denied. While courts are unanimous in holding that such statutes should not be declared unconstitutional unless there is an 'obvious repugnance' between the statute and the Constitution, or unless the statute is unconstitutional 'beyond all reasonable doubt'; yet an analysis of too many decisions of our courts would seem to indicate that the statute was declared unconstitutional, not upon such clear conflict, but upon some whim, caprice, or predilection of the court rather than by sound reason or the laws of logic.

"The decision in the Coppage case is peculiarly unfortunate, not only because it nullifies the Kansas statute and the Ohio statute, but in a large number of other States similar statutes that have been in force for years are also nullified.

"Millions of workingmen and working women, and even working children, not only those who are now members of some labor organization, local, State, or national, but those who may hereafter desire to become such, are all most intimately, seriously, and prejudicially affected by this decision.

"In the hope that the law made by the Supreme Court of the United States in this case may not become the fixed and settled policy of our courts, but that the same may in due course be reversed and labor be given its equal rights with capital, this dissenting opinion is respectfully submitted.

"It would be impossible to indorse too favorably the very able dissenting opinions of Justices Day, Holmes, and Hughes."

This case was the case of William H. Jackson, chief of police of Cincinnati, against Saul Berger; dissenting opinion by Judge R. M. Wanamaker.

ADDITIONAL STATEMENT OF MR. THEODORE SCHROEDER.

My name is Theodore Schroeder. I reside in New York City, and I am a lawyer without paying clients. For the greater part of the past 13 years I have devoted my time to the constitutional, legal, and social aspects of the problem of freedom of speech and of the press.

The purposes of the Free Speech League, as stated in its articles of incorporation, are:

"The principal object for which said corporation is formed is as follows, namely, by all lawful means to promote such judicial construction of the Constitution of the United States and of the several States and of the statutes passed in conformity therewith as will secure to every person the greatest liberty consistent with the equal liberty of all others and especially to preclude the punishment of any mere psychological offense, and to that end, by all lawful means to oppose every form of governmental censorship of any methods for the expression, communication, or transmission of ideas either by use of previous inhibition or subsequent punishment; and to promote such legislative enactments and constitutional amendments, State and national, as will secure these ends."

In addition to this I have had a great opportunity of knowing the sentiments of various classes of radical agitators with whom I have come in contact because of my work for freedom of speech, and also by frequent attendance as a lecturer and in the audience of radical clubs composed of Socialists, Anarchists, Single Taxers, settlement workers, and other social uplifters.

I assume that, primarily, I am to speak upon the problem of freedom of speech and assembly as these may relate to the agitator who concerns himself with economic and industrial problems. My immediate purpose will be to furnish illustrations of the various means by which the agitator is being suppressed and to give such information as I can as to the attitude of the agitator and workingman toward the courts, and to indicate how far judicial lawlessness, and under the forms of law, may contribute to the popular unrest and distrust of courts.

A Conservative Complaint Against Courts.

It may be worth while at the outset to quote some characteristic attitudes toward the courts. The first opinion which I will offer is a very brief one from James C. Carter, for many years the recognized leader of the New York bar. These words were uttered in a lecture delivered at the Harvard Law School and subsequently published in book form. Mr. Carter says:

"The written law is victorious on paper and powerless elsewhere. The Attorney General is sensible of the feebleness of the command resting upon him to enforce a law the enforcement of which would send a hundred of the most eminent citizens to jail and throw the country into confusion." (Law, Its Origin and Functions, p. 213.)

Next, I am going to offer some opinions from agitators. Those opinions are not so remarkable in themselves, but are important because of the circumstances under which they were uttered and because of the fact that they have been many times republished since and seem to respond to a popular demand.

The first of these opinions is one expressed by Jack Whyte before the court in San Diego, Cal., when he was called up for sentence resulting from his activities in the free-speech war which occurred in that city. Jack Whyte said:

"To Hell with Your Courts!

"There are only a few words that I care to say, and this court will not mistake them for a legal argument, for I am not acquainted with the phraseology of the bar nor the language common to the court room.

"There are two points which I want to touch upon—the indictment itself and the misstatement of the prosecuting attorney. The indictment reads: 'The People of the State of California *v.* J. W. Whyte and others.' It's a hideous lie. The people in this court room know that it is a lie; the court itself knows that it is a lie. If the people of the State are to blame for this persecution, then the people are to blame for the murder of Michael Hody and the assassination of Joseph Mikolasek. They are to blame and responsible for every bruise, every insult and injury inflicted upon the members of the working class by the vigilantes of this city. The people deny it, and have so emphatically denied it that Gov. Johnson sent Harris Weinstock down here to make an investigation and clear the reputation of the people of the State of California from the odor that you would attach to it. You cowards throw the blame upon the people, but I know who is to blame, and I name them; it is Spreckles and his partners in business, and this court is the lackey and lickspittle of that class, defending the property of that class against the advancing horde of starving American workers.

"The prosecuting attorney in his plea to the jury accused me of saying on a public platform at a public meeting, 'To hell with the courts; we know what justice is.' He told a great truth when he lied, for if he had searched the innermost recesses of my mind he could have found that thought, never expressed by me before, but which I express now. 'To hell with your courts; I know what justice is,' for I have sat in your court room day after day and have seen members of my class pass before this, the so-called bar of justice. I have seen you, Judge Sloan, and others of your kind, send them to prison because they dared to infringe upon the sacred rights of property. You have become blind and deaf to the rights of man to pursue life and happiness, and you have crushed those rights so that the sacred rights of property should be preserved. Then you tell me to respect the law. I don't. I did violate the law, and I will violate every one of your laws and still come before you and say, 'To hell with the courts,' because I believe that my right to live is far more sacred than the sacred right of property that you and your kind so ably defend.

"I don't tell you this with the expectation of getting justice, but to show my contempt for the whole machinery of law and justice as represented by this and every other court. The prosecutor lied, but I will accept it as a truth and say again, so that you, Judge Sloan, may not be mistaken as to my attitude, 'To hell with your courts; I know what justice is.'"

The second opinion I wish to present is a speech made by Frank Tanenbaum before a court in the city of New York, where he was about to be sentenced for a constructive disorderly conduct arising out of his connection with the disemployment agitation in New York City, which took place a little over a year ago.

This speech was published from the court record in several radical periodicals. The following is the report which appeared in The Masses for May, 1914:

"FRANK TANENBAUM'S SPEECH.

"The CLERK. Frank Tanenbaum, what have you now to say why judgment should not be pronounced against you according to law?

"The DEFENDANT. I would like to make a statement, I think.

"The COURT. You are at liberty to make any statement you desire.

"The DEFENDANT. I suppose if I make a statement that the press to-morrow will say I wanted to make myself out a hero or a martyr. I don't know who it was who said—some well-known preacher—that society would forgive a man for murder, theft, rape, or almost any crime except that of preaching a new gospel. That is my crime. There are in reality three distinct things I am accused of.

"One is unlawful assembly. I don't know of any circumstance in the world's history where the struggles of the slave class have appeared either legal or respectable or religious in the eyes of the master class. I am a member of the slave class. I am a member of the working class, and I know that our struggles to overcome our present condition are illegal in the eyes of the master class and its representatives. Of course, it was unlawful. I don't doubt that.

"Another very serious objection against me was that I answered 'Yes' to the statement about bloodshed. Why make all this nonsense about bloodshed? Capital sheds more blood in one year than we would in five. We are being killed every day. We are being killed in the mines, in the buildings, killed everywhere—killed in the battlefield fighting the wars of the capital class. No wars in recent times have been fought in the interests of the workers, and yet everywhere it was the workers who died. We don't fear bloodshed. We have nothing to lose except our miserable lives.

"That district attorney hasn't got heart enough to be a dog catcher. He said I took graft, $25. That isn't true. I did not take $25. It wasn't turned over to me. I didn't want it. It was given to Mr. Martin, the sexton of the old Presbyterian Church, Eleventh Street and Fifth Avenue. He came along with us. It was a very miserable, windy night, the snow blowing and sleet, and we took the men—83 in number—homeless, shelterless, naked, and starving men—took them to a restaurant on the Bowery and fed them.

"How about religion and praying to God? Why, there is no more religious thing I have ever witnessed than that lot of homeless, half-fed, half-dressed, ill y clad men sitting over a long table enjoying a clean, warm meal, laughing and talking. That is the most religious thing I ever saw. And this man, Mr. Martin, paid for that out of his own pocket, out of the $25 which he, and not I, held. Then we took these men to a Bowery hotel on Third Avenue and put

them to bed, and there was 10 cents left after the men were put to bed, which I will turn over to the district attorney if he wants it.

"Another far more serious act upon my part—unlawful, illegal, unrespectable—was my attitude toward the priests. Now, I don't know of anyone I was ever impolite to. I am polite to everybody, even to my enemies, because I can afford to be. But I want to tell you that Dr. Schneider is supposed to represent the Gospel of Christ; he is supposed to preach and practice the Gospel of the Man who came down and who died on the cross because the poor, common people listened to Him. One of the indictments against Jesus Christ was that the common people listened to Him gladly. And I want to tell you that if He came down upon the earth now Father Schneider would be the first one to crucify Him.

"There are a few other things I want to say. When I was arrested that was the first time I had ever been in court, first time I had ever been in the police station, or had anything to do with the police. I was so ignorant of these things that when I was first called into the magistrate's court I saw the clerk, and I asked the lieutenant if that wasn't the judge. I didn't know then anything about courts and judges, which means the law, the present system, and from what I have learned now I have very little respect for them, I must admit, very little respect for them. I feel after having lived with those boys three weeks in the Tombs prison, every one of them, if they would have been able to go to school, if they had a decent place to live and a decent job, and if they had not been kicked about and driven from place to place, as most of them were, they would have been just as good as anybody else, just as good as anybody else, even the district attorney.

"I think now, your honor—and I am going to say what I think—that when the first man was convicted in this court, justice flew out the window and never returned and never will. You never know, and the law does not take into consideration, anything about human wants or the circumstances impelling a human being to so-called crime. They are not responsible for what they do, their drifting into crimes. You don't know their life. I believe from my impressions and associations with these boys that they are more normal and more spontaneous than others, and that is why they can not adapt themselves to this rotten society. They feel that as human beings for the sake of a piece of bread it is not worth while to work 12 long hours in a factory.

"There is little more I have to say. This trial for me was arranged by my friends in spite of my protest. I didn't want it. I knew what I was going to get, because I am not one of your class. But they prevailed upon me. They said, 'Give them a chance; they will not find you guilty, because you are not guilty of any crime. There is no damage done, no property destroyed.' There was no property destroyed and no injury, and I knew there was absolutely no violence, and they said 'You will be freed.' So I agreed to it. But, of course, I am convicted. It is not a surprise to me. I expected it.

"But I must say that although Lieut. Gegan treated me very nicely always, during the trial he lied absolutely when he said he didn't call me up the steps. That is an absolute lie. I was on those steps, and he told me to come in. He lied. When I took the stand I didn't have to plead my case; just tell the truth exactly as I knew it. I didn't want a trial, but I have got it. I will never, if arrested in labor troubles, submit to a trial again. No more trials for me. The members of the jury, while they may be fair-minded, are not workmen. They don't know the life of a workingman. There is no jury—you could not get a jury of 12 workmen, structural iron workers for instance, to convict me; absolutely no. These gentlemen are members of your class, in a way. They are capitalists. They would like to be. They would like to be rich. That's all right; but they are capitalists. Now, that is all I have to say. I consider my conviction absolutely unjust. You have tried to question the right of hungry men to get their bread. That is the crime, and I am willing to take the consequences, whatever they may be."

I next offer the speech of Fred Warren before the United States Circuit Court of Appeals at Minneapolis, where he had taken an appeal from his conviction for sending through the mails some papers, on the outside wrappers of which there appeared some "scurrilous and defamatory" matter:

FRED WARREN'S ST. PAUL SPEECH.

"I appear before this court in my own defense because my attorneys are unwilling to say what I think should be said. I desire to waive all that counsel for the defense has said with reference to the Government's inability

to prove that this envelope was mailed from the office of the Appeal to Reason, of which I am editor. I wish to waive all the objections interposed by my attorneys and the arguments advanced by them why I should be given a new trial. I do not want a new trial. This case has cost the defense $20,000. A new trial, before a jury of my political opponents, selected by the district attorney's office from among Government employees, or those who hope to get a Federal job, before a judge prejudiced against my cause, could result only in another miscarriage of justice.

"In waiving the arguments of my attorneys on these points (and I wish to say here in justification of my course at this time that the theory on which this case was conducted in the lower court was over my vigorous protest) I do so to put the issue squarely before this court: Is the mailing of this envelope with its offer of a reward printed in red for the capture and return to Kentucky authorities of ex-Gov. William Taylor, under indictment at that time for murder, a violation of the Federal statutes? Stripped of all legal verbiage and technicality, that is the issue here, and no other.

"My attorneys argue in the brief submitted that the indictment is defective. I do not pretend to know about this. I will say, however, that I have no desire to have my sentence set aside on a mere technical defect in the indictment, and I would regret to see the issue involved disposed of in this unsatisfactory manner. It would still leave the question in doubt as to whether the mailing of a reward, printed in red, for the capture of a fugitive Republican politician is a violation of the Federal statutes.

"I call the attention of the court to the testimony introduced by the Government, showing that I submitted a draft of the alleged defamatory envelope to the postmaster at Girard and asked his opinion as to its mailability. The postmaster, the representative of the Government, informed me that in his judgment there was nothing in the postal laws that would prevent the mailing of this reward offer, as hundreds of similar cards and envelopes were mailed in the course of a year at the Girard post office. This certainly establishes my good faith. No man with criminal intent would voluntarily submit the evidence of his contemplated crime to the agent of the institution against which the crime was directed.

"In this connection I wish to call the court's attention to the statement made from the bench by the trial judge that, when this matter was first submitted to him, he himself was in doubt as to whether the mailing of this envelope was a violation of the Federal statutes. If the law is so indefinite that even the trial judge is unable to determine whether a crime has been committed, until after he "had consulted higher authority," how is the layman to determine what is lawful and what is not. In the lower court's decision on our demurrer Judge Pollock stated that the language was not scurrilous and threatening, as charged in the indictment, but that it was defamatory, inasmuch as it was calculated to impress the reader thereof with the thought that ex-Gov. W. S. Taylor was wanted in Kentucky by the authorities of that State for some alleged crime. Under this decision every offer of a reward for a man charged with crime, mailed by a private individual or a civil officer, is a violation of the Federal statute under which this indictment was returned against me. In order to prevent this construction and its far-reaching consequences, Judge Pollock, in his final summing up of the case, decided that it was not defamatory nor scurrilous but threatening. It is hard for the average man to follow such judicial reasoning, and I sincerely trust that this court's opinion will be written in such clear and unmistakable terms that there will be no question as to this law in the future.

"It will be argued by counsel for the Government that kidnapping is a crime, and, therefore, an offer of a reward to kidnap ex-Gov. Taylor is a threat against that gentleman. I will ask the counsel for the Government to cite the Federal law constituting kidnapping a crime. He can not do this. On the other hand, the United States Supreme Court, in an exhaustive opinion, handed down in the case of the three workingmen who had been kidnapped in Colorado and taken to Idaho, plainly states that it is no violation of the Federal statutes to forcibly abduct a man and take him from one State to another. In its opinion the Supreme Court says:

"'Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioner and his deportation from that State, we do not perceive that anything done there, however hastily or inconsiderately done, can be adjudged to be in violation of the Constitution or laws of the United States.

Even if it be true that the arrest and deportation of Pettibone, Moyer, and Haywood from Colorado was by fraud and connivance, to which the governor of Colorado was a party, this does not make out a case of violation of the rights of the appellants under the Constitution and laws of the United States.'"

"Under this decision I do not see what weight this court can give to the argument of the Government's counsel, that to offer a reward to do what the Supreme Court has explicitly declared is not a crime is in violation of the law.

"What I did, in fact, was to offer a reward to any one who would capture, forcibly abduct if you please, a man under indictment for murder and return him to the Kentucky authorities. To kidnap means not only forcible abduction, but hiding from friends and the proper authorities. Under this view how can it be maintained that it is unlawful to offer a reward for the capture of ex-Gov. William S. Taylor and his return to the authorities of Kentucky?

"Let me state a hypothetical case: Suppose the Socialists capture the political powers of Kansas, as we shall. We find that Mr. Armour is violating the antitrust laws of our State. He lives in Illinois. The governor of Illinois, being a Republican, refuses to grant a requisition. Suppose our Socialist State officials, who would be private citizens in Illinois, should quietly go at midnight, surround Mr. Armour's house in Chicago, capture him, carry him into Kansas, and there place him on trial before a Socialist judge and a Socialist jury. Would the men that kidnapped Armour violate any Federal statute? Would they not be immune from prosecution under the Supreme Court's ruling?

"The question involved in this case is whether there is one law for the workingman and another for the rich employer. The Supreme Court's decision in the famous kidnapping conspiracy in Colorado and the action of high Government and State officials in protecting a fugitive Republican politician charged with murder lends color to my contention that there is one interpretation of the law for the poor and another one for the rich. The action of the governor of New Jersey in refusing to issue requisition papers for Armour, the Chicago meat packer, who was charged by the New Jersey prosecutors with violating the antitrust laws of that State is a convincing argument that there is one law for the poor and none for the rich. The methods adopted by the Government's attorney in his prosecution of me and his refusal to take cognizance of similar acts on the part of bankers and others strengthens our argument that there are two wholly different kinds of law in this country; and your decision will, if that decision upholds the action of the lower court, add to this belief in the public mind.

"The Government's attorney emphasizes the fact that this reward offer is printed red. Out of curiosity I asked a number of the leading ink manufacturers in the United States for what color of printing ink they had the greatest demand, and they replied, without a single exception, that they sold more red ink than all others combined, save one—black. Black is the emblem of piracy and has been since long before the days of Capt. Kidd. Under its sable folds march the land thief, the predatory rich, the employer of little children, those who barter justice, the Wall-Street speculator, the petty gambler and grafter, and all those who plunder labor and oppress the poor. Black is the color of death. Red on the other hand is the color of life; it glows with vitality; it is the badge of universal kinship. It has been from the days of Spartacus, down through the ages, the emblem of revolt against tyranny. Under the crimson banner the revolutionary patriots of 1776 fought and won their battles against the English King. Longfellow's inspiring poem of Pulaski, the Polish patriot who gave his life for American independence, immortalizes the red banner:

"'Where, before the altar, hung
The blood-red banner, that with prayer
Had been consecrated there—
Take thy banner—and if e'er
Thou shouldst press the soldier's bier,
And the muffled drum should beat
To the tread of mournful feet,
Then this crimson flag shall be
Martial cloak and shroud for thee.
The warrior took that banner proud,
And it was his martial cloak and shroud!'

"The original flag of the American Revolution was red. The stars and stripes were added later by our rebel forefathers to distinguish it from the national emblems of other countries. It is a significant historical fact that red predominates in the flags of all countries with one exception—Russia. It is not surprising, therefore, that the Government attorney who sails under the black flag should seek to cast aspersions on the red banner.

"If the liberties bought with the blood of our forefathers, who fought under the red flag, are to be preserved it will be done by the men who to-day march under the crimson banner.

"The theory of law that a man is presumed to be innocent until proven guilty was wholly overlooked in my trial at Fort Scott. I was convicted and sentenced before I entered the court room. I was not prosecuted as a presumable innocent man charged with an alleged violation of the law. I was prosecuted by partisan politicians, before a partisan judge, and on perjured testimony. But this is not the first time in the history of the world that this same farce has been enacted. When the ruling class of any epoch is forced to use such means to bring about the imprisonment of a man advocating revolutionary doctrines, it has always foreshadowed the dawn of a new era.

"Several million men and women in the United States to-day believe that I have been prosecuted in the Federal courts because of my political beliefs. It is true I am in revolt against the present capitalistic régime of graft and boodle, and I have dedicated my life to the Revolution of To-morrow. Our cause will triumph in America just as it is winning in Germany, France, and England. The Milwaukee Socialist victory is a prophecy of what will happen throughout the Nation at no distant day.

"By environment, training, and economic interests the judges who compose this court are opposed to me. You can no more impartially consider the questions involved in this case than could the judges appointed by the English King to consider impartially the questions which arose between that monarch and his American subjects.

"In all controversies that arose between the master and his slave prior to the revolution of 1860, the Federal courts made their decisions conform to the interests of the masters. It was from the slave owners that they derived their powers and held their positions. No man openly antagonistic to the slave power could hold a position on the Federal bench.

"An examination of the decisions of this court—and your decisions are similar to those of all other Federal courts—wherein the interests of the workingman conflict with the interests of the employers, is ample proof of the class character of the Federal judiciary. Dissenting from the opinion of this very court, in a case wherein a working girl was pitted against a great corporation, Judge Thayer said: 'I dissent from these doctrines which seem to have been formulated with an eye mainly to the protection of the employers and with too little regard for the situation and rights of the employees.'

"As a militant member of the working class I frankly confess that I expect nothing from this court. A court of justice, so-called, which turns away a mangled working child empty handed in defense of capitalist-class property against working-class life and limb, is not apt to look with favor upon one in revolt against such shocking inhumanity and the system responsible for it.

"I know that this is the settled policy of this court. I understand why its decisions are in the interest of the employer and against the workingman and working women.

"You are serving those to whom you are indebted for your position and responsible for your power. I am simply trying to show to the working class of of the world which embraces a great majority of the population, the character of the Federal court to which must be submitted their liberties and their lives. The Federal court under capitalist misrule is essentially capitalistic in its sympathies, its interests, and decisions.

"In this important work of educating the working class as to the true character of the courts you are helping me. It was the Dred Scott decision that hastened the overthrow of chattel slavery, and, as history repeats itself, we may confidently expect that the decision of the Supreme Court in the now famous kidnapping conspiracy, backed by the Federal court's decisions in all other labor cases, will precipitate the downfall of wage slavery. When the toilers of the mill, factory, mine, and farm once understand the true situation, they will realize that there can be no relief from judicial despotism until they use the power latent in themselves to abolish the present iniquitous system, based upon the legalized robbery of the Nation's toilers and producers, in

which the courts are mere creatures of capitalist-class rule and instruments of working-class subjection. These workingmen will one day learn to choose their own judges, and while these judges may know little of the intricacies of law and the chicanery of technicality, they will have an inherent sense of justice and they may be depended upon to serve their brothers.

"Personally, it is a matter of no consequence to me what this court may decide in this case. If this court concludes to sanction the scandalous methods employed to secure my conviction and the outrageous sentence imposed upon me for the commission of what Judge Pollock termed 'a mere misdemeanor,' I shall consider it the proudest day of my life when I enter the jail at Fort Scott, imprisoned because of my defense of the poor and oppressed. You will by that act increase my power a thousandfold and carry my message to the toiling millions from sea to sea. Gladly will I make this small sacrifice in a cause to which I would willingly give my life."

LIMITING FREE SPEECH BY INJUNCTION.

This brings me to the matter of furnishing some illustrative cases in the suppression of freedom of speech and press as used by industrial agitators which seem to explain in part this hostility toward the courts, as far as agitators and workers are concerned.

The first case I wish to call your attention to is in the matter of the —— Amusement Co. *v.* Millard, Price, et al., in which Judge John E. Humphries, of Seattle, Wash., issued a temporary restraining order against street agitators. There was at that time no question of strikes or lockouts involved. In the preliminary restraining order, the defendants are "prohibited from using in any way any language tending to incite the defendant's auditors, or the public, to lawlessness, or tending in any way to arouse the anger and incite the antagonism or wrath of the citizens; and also from using any violence or abusive language of any kind toward the United States Government, the State of Washington, or the city of Seattle, or its public officials, and from using language ridiculing the institutions of this country and holding them up to ridicule and scorn." Under this order some 18 persons were arrested for contempt of court and a great deal of agitation resulted. On the final hearing the restraining order was somewhat modified.

I entered into a newspaper controversy over this situation with the defendants of the judge, upon which it finally developed that the judge signed this preliminary order containing the quoted language without even having read it or knowing its contents. Let us assume that the situation was reversed and that Socialists, owning a hall, had sought an injunction against well-to-do citizens of Seattle to restrain them from employing persons who appeared before the Socialists' headquarters to make anti-Socialistic speeches. It is not thinkable that under such circumstances the wealthy citizens would have been thus restrained. The unconscious attitude of mind behind such conduct on the part of this judge, though never formulated, is of the kind which might be expressed in the words that the rich can do no wrong. It is these often unconscious attitudes which in part explain most of the evils of our courts.

Next I come to present the final order in the case of the American Manufacturing Co. *v.* Edward Lindgren et al., where I offer in evidence the following extract from the final decree:

"Ordered and adjudged, that the defendants and each of them, their agents and servants and that the Socialist Party and its members, and all persons, agents, employees, connected with or associated therewith be permanently prohibited and enjoined and restrained from causing, ordering, committing, participating, engaging in, inducing, or assisting in any of the aforesaid meetings and public and private nuisance in and upon the highways adjacent to the mills of the plaintiff or so as to interfere with the free and unobstructed passage and repassage by plaintiff, its agents and employees over the said highways on foot or with horses, wagons, or other vehicles, or so as to interfere with the free and unobstructed ingress to and egress from said premises and the buildings and structures thereon.

"And it is further adjudged and decreed that the plaintiff above named, American Manufacturing Company, have judgment against the defendants above named, Edward Lindgren, Harry Answald, Thomas A. Hopkins, Albert Pauly, T. N. Fall, John Lyons, William Hudson, H. B. Pratt, William Shapiro, A. J. Piltnik, Harry Slaven, J. C. Lippes, and Harry Pepper, individually, and as the executive committee of the Socialist Party in Kings County, New York,

for the sum of one hundred and eighty one & 33/100 ($181.33) dollars, the costs and the disbursements of this action, to be taxed by the clerk of this court, and that it have execution therefor.

"Dated, July 11, 1913.

"GARRETT J. GARRETSON, *J. S. C.*"

Here it is unthinkable again that, if the Democratic or Republican Party had been involved, a perpetual restraining order would have been issued to prohibit all members of such a party from using the public highways, especialy when the political party as such was not a party to the action.

My next illustration is from the decision of the court in the case of the People of the State of New York *v.* Upton Sinclair, as published in the New York Law Journal of July 10, 1914, and which within the past couple of weeks has been affirmed, without an opinion, by the appellate division of the supreme court:

THE PEOPLE V. UPTON SINCLAIR.

"A merited rebuke may under some circumstances constitute insulting behavior. The defendant intended by his conduct in the presence of others on the occasion in question to rebuke and influence by rebuke the conduct of a Mr. Rockefeller. Where one has publicly announced that because of the alleged misconduct of another he is going to do a given thing with a view to rebuking and affecting the conduct of such other, and thereupon does the thing which he has previously announced that he will do, and does this thing in the presence of others, his behavior is, within the language of the statute, abusive or insulting—abusive because it is injurious and improper; insulting because it is derogatory to the one whose conduct is referred to; and the insult lies in part in the subject matter of the rebuke and in part in the publicity of its infliction.

"The defendant said by his conduct, as interpreted by his language of a named individual, 'I believe you have caused to be done certain abhorrent and criminal acts, and to stir your conscience and change your conduct I and those with me walk in processional form in front of an office building believing that the meaning of what we do having been explained will be understood by many.' Can it be seriously urged that his behavior is not insulting to the one upon whose conduct he thus animadverts?

"If it was abusive and insulting behavior within the meaning of the statute, did the defendant do what he did with intent to provoke a breach of the peace? One of the purposes of an insult is to provoke resentment, and the defendant is presumed to have intended the ordinary and natural consequences of his act. But even if the defendant did not intend to provoke a breach of the peace, it is sufficient, as we have seen, to bring him within the statute if his behavior was such that by it a breach of the peace might be occasioned. It endangered the peace in different ways. Those rightfully passing to and fro impeded by the crowd purposely brought there by the defendant were not unlikely to resent the defendant's conduct, while persons holding contrary views to those of the defendant respecting the conduct of the one who was being made the subject of the defendant's criticism, were not unlikely to resent what the defendant did. The defendant concedes that he anticipated the possibility, if not the probability, of trouble occurring from his behavior.

"A recital of the defendant's apprehensions shows that he realized that trouble might result from what he was about to do and subsequently did. His apologies and admissions form a considerable part of his alleged defense. He anticipated that some of his companions at least might lose their self-control. He anticipated that they might be subject to insults. He anticipated that they might be attacked. He anticipated that there might be interference by the police, and he proceeded to do that which brought about his arrest despite such anticipations. He was apprehensive of himself, of the feelings caused within himself by that which he says he heard at the Carnegie Hall meeting. He was apprehensive of his associates. He recognized the seriousness of the situation by which his address at the called meeting placed him, and he was apprehensive of the consequences of himself, his associates, and others from what he did, and he was justly apprehensive, both because of the wrongfulness and the danger of his conduct.

"The law applicable to the case at bar is that where, as in the present case, one occupying no relation toward another which gives him the right to reprobate the conduct of such other, does by public behavior reprobate the conduct of such other not for the purpose of the enforcement of a private right or the setting in motion of legal process against such other, or the enactment of

legislation, and the one to be reprobated is in private and not in public life, and is so reprobated with respect to a matter of conduct in private life, and the reprobation consists in part of taunting conduct toward such other in a public place, and is therefore liable in such place to be resented by the one so reprobated or by others in sympathy with him or acting in his behalf, the behavior evidencing such reprobation is unlawful as tending to a breach of the peace, although the immediate acts done may intentionally be peaceable and the immediate deportment courteous to those in whose presence it takes place. In such a case the circumstance, if it exists, that the conduct reprobated was reprehensible, does not legalize the act. This view does not militate against the right of free speech or against the right of assembly; nor is it primarily for the protection of the one reprobated. Its sanction is the public interest in the enforcement of law and the preservation of order."

In this opinion are many remarkable assumptions. One is that the killing in the Battle of Ludlow, during the strike of the workers of the Colorado Fuel & Iron Co., for which Sinclair thought Rockefeller to be morally responsible, was a purely private matter, as to which Mr. Rockefeller could not properly be rebuked. The opinion also holds "that a merited rebuke may under some circumstances constitute insulting behavior," and insulting behavior is disorderly conduct under the statutes of New York. Another vicious feature of the court's argument lies in this that it punishes Sinclair for silently walking on the public highways in front of the offices of Mr. Rockefeller upon the ground that such walking might provoke Rockefeller and his friends to a breach of the peace. It seems to me that the function of the Government, if it has any function in this connection, should be to suppress the impending breach of the peace and not the agitation, which in the mind of the judge bears only an imaginative prospective and problematical tendency toward such a breach of the peace by its influence in the mind of some future hypothetical person. In this class of cases and all those involving street speaking the unconscious assumption of courts and policemen always is that the purpose of their existence are the maintenance of peace at the expense of freedom of speech and press rather than the maintenance of peace in spite of such freedom. It might also be said that there is an equally plain, though often unconscious, assumption that we must have peace of mind for the beneficiaries of legalized injustice rather than to protect the constitutional right of their victims to complain of economic injustice.

Censorship of Postal Wrappers.

The next class of invasions of speech which have been used against the agitator are those which arise under a Federal statute which prohibits the sending of anything through the mails on the outside wrapper of which there is anything which is scurrilous or defamatory.

Some years ago the New York Evening Sun contained this item:

"Col. Quigley's bill to make 10 hours a day's work on all surface and elevated railways in all cities of 75,000 inhabitants except New York came up in the senate. The majority of the senators showed no aversion to voting on the bill. Only 13 votes were cast, 12 for and 1 against the bill, and it was laid over. Senator McClelland said that the bill came from labor tramps who do not want to work. Senator Goggeshall said that 'bills like this would pass were it not that corporations can afford to pay their attorneys thousands of dollars while workingmen can not afford to pay anything.'"

A workingman by the name of William McNair pasted this clipping on a postal card and underneath it wrote these words:

"Senator McClelland: Attached is a newspaper clipping of the 13th instant, and as an American citizen and honest workingman, which I can prove, permit me to ask you in reply whether you ever earned an honest dollar in your life by honest labor. If you have, you should be ashamed of yourself as a public servant to make use of such language against the unfortunate and honest New York employees whose interest is centered in this bill. May I ask how much the railroads promised you for this action? No doubt you will reply and say 'it is none of my business,' but later on it will be my business.

"William McNair."

This postal card was addressed to Senator McClelland and probably read by no one except himself. For this "crime" McNair was indicted, found guilty, sentenced to four months in jail, and to pay a fine of $500. The evil of this kind of legislation, like most of the other that I shall call attention to, is

twofold. First, its invasion of freedom of the press, and, second, that this law, and most of the others to which I shall call attention, and which are destructive to intellectual freedom, are a violation of the guarantee of the "due-process law," which, among other things, I conceive to include a guarantee that the criteria of guilt shall be so certain that no man of ordinary intelligence can err as to what he may or may not do under the law.

The Wrapper of the Melting Pot.

A similar case is the case of the United States *v.* Tichenor and Wagoner, who conduct a Socialist magazine called the Melting Pot, published at St. Louis, Mo.

In its issue of August, 1914, on the front page, was a cartoon representing the evangelist, Billy Sunday, behind a pulpit, the altar cloth of which had a dollar sign upon the front of it, and out of the evangelist's pockets were sticking many dollar bills. Above he was represented as saying, "Charles Darwin is in hell. Everybody will go to hell that doesn't renounce their reason and believe in me. Souls saved at $500 apiece. Come on sinners." Underneath this and in the background was a person labeled "saved" and marked "Big biz," and a sack, as if of money, marked "swag."

Papers of this sort are sent out by the publishers in bundle lots, each bundle being addressed to the city for which it is designed. When it arrives at the post offices of its destination the outer wrapper is removed and the papers within them have each upon them the address of the person for whom it is designed.

In this case the contention of the Government was that when this outer wrapper was removed by the postmaster at the delivery office then the cartoon which was on the front page of this paper, became a wrapper. Since now this cartoon was on the wrapper of the papers sent through the mail, therefore these parties are guilty of violating the postal law. A compromise was reached by which they pleaded guilty and were fined a small sum for their offense. They might have received five years in jail and a fine besides for not knowing the meaning of a statute which fails to furnish decisive criteria of guilt.

While in the office of these gentlemen within the past few months I was shown numerous other publications, among them daily papers of prominence, which likewise had upon their front page cartoons that might as well be called scurrilous and defamatory of somebody. However, such papers and their publishers are never suppressed under these laws. By virtue of the uncertainty of this statute it lends itself for easy application to all radical persons against whom there is popular ill will, and they are never applied to those who support the present system.

Scurrilous Wrapper of the Appeal to Reason.

Another illustration of this kind is the arrest of the editor of the Appeal to Reason, Fred Warren. After the kidnapping of Moyer, Haywood, and Pettibone he conceived the idea of proving to his readers that there was one law for the rich and another for the poor. In sending the Appeal to Reason he therefore put upon the outside wrapper an offer of a reward of $1,000 for the kidnapping of ex-Gov. Taylor and his return to Kentucky, where he had been indicted for murder. Current history indicated that Gov. Taylor was being protected in another State by the refusal of the governor of that other State to honor a request for extradition.

Mr. Warren made inquiry of the local postmaster for information as to whether or not such a wrapper would violate any postal regulation and was informed that it would not. Later he was arrested and convicted, and if my memory serves me, he was given a jail sentence of a year in addition to a fine. A tremendous agitation resulted from this, in consequence of which the Socialists were making great additions to their ranks. To put an end to this, President Taft pardoned Warren without Warren's request, consent, or approval and against his protest.

Agitators Suppressed by Criminal Libel Laws.

Another of the laws which are being used to suppress agitators is the criminal libel law. Here the situation is deplorable because of the uncertainty of the law as to the evidence, presumption, and burden of proof in relation to malice in the act of publication. This situation is described in the following language by the Supreme Court of Michigan:

"No question in modern times has perhaps given rise to a greater amount of judicial controversy. The conflict in the decision is absolutely appalling and the attempt to trace the line of mere authority through the maze of hostile decisions would be calculated only to confuse and lead the mind astray from the real principles of justice involved in it and could serve no useful end. A careful review of the decision would require volumes and I shall not attempt it." (Hudson *v.* Dale, 19 Mich., 17–28 to American Rept. 66.)

A similar opinion is expressed by the Hon. William J. Gaynor in 1904 in the case of Hume *v.* Kusche (43 Misc. Repts., N. Y. 414–417).

Not long ago the editors of a Socialist magazine known as The Masses were arrested for a criminal libel against the Associated Press. The libel consisted in a cartoon which represented a man, labeled as the Associated Press, pouring something from a bottle labeled "poison" into a spring labeled "the news." Underneath was this inscription: "Poisoning the news at its source." There was also an editorial charging the Associated Press with having misrepresented the facts in the Virginia coal strike.

Many other periodicals of various kinds had made similar accusations against the Associated Press, but none of these were ever indicted. A Socialist periodical without apparent financial resources and of not much importance was selected for the purpose of establishing the purity of the Associated Press and working vengeance upon the agitators. Much to the surprise of everyone there were found friends to finance the defense. The proposition was then made to them that if they would apologize the officers of the Associated Press would use their good influences to have the indictment dismissed. The editors refused to apologize, threatened to justify their publication, and expressed a willingness to go to jail if they could not do this. Thereupon a second indictment was found against them for the same libel, it being claimed that the picture of the man in the cartoon was a picture of Mr. Noyes, the president of the Associated Press.

The evident purpose of this second indictment was to exclude the possibility of a justification upon the theory that actual misrepresentation made by the Associated Press, even though intentional as to its inferiors, would be no justification of the libel against Noyes, unless it could be shown that he personally had directed the misrepresentation to be made.

The friends of the editors of The Masses now began a vigorous campaign of publicity both by public meetings and in such magazines as could be induced to accept criticisms of the Associated Press. Depositions were also taken to prove justification as to misrepresentations in the Associated Press news concerning the coal strike in Virginia and other matters. Recently the defendants have been allowed to go free on their own recognizance, bail bond was discharged, and in due time, no doubt, the case will be dismissed.

This again illustrates the vicious use of the laws gagging the press, as a means of persecuting agitators. It also shows the power of a free public opinion in producing a cessation of such persecution when it was found that it was going to be the means of publicity as to the truth of what the radicals were claiming.

Obscenity by Hon. Freeman Knowles.

Next I come to the use of the statutes against obscene and indecent literature as a means of harassing agitators. The first case is that of the United States against Freeman Knowles. Mr. Knowles had been a Populist Member of Congress and later had been a Socialist candidate for Congress in South Dakota. He was editor of a paper called the Lantern, which was devoted to Socialist propaganda and which had severely criticised President Roosevelt. Besides this, he was the source of a great deal of annoyance to the mining operators in the Black Hills. Knowles was arrested and convicted in the Federal court of 1908 for sending alleged obscene literature through the mails. After his conviction, in an issue of his paper dated March 28, 1908, he told his story. I quote from an article in that issue:

"I have it upon good authority that this is not the real article that gave offense to the Government, but some other articles which severely criticized President Roosevelt during the Moyer-Haywood trial. An agent of the Government was recently out here gathering up those articles on Teddy, and after consulting with the district attorney, they concluded they could not convict me on any of those, so hunted up this pretended obscene article.

"Under Roosevelt's administration the Federal courts, or that portion of them controlled by the administration, have been made a huge political ma-

chine to punish all protests against present social conditions. The recent indictment against Fred Warren of the Appeal to Reason is a case in point. In my case the hand of the Government at Washington was clearly apparent. The district attorney and his assistant had their parts committed to memory or read them from manuscript. They never do this unless they have been coached from the Department of Justice at Washington. The jury, drawn entirely from the eastern part of the State, were given an excursion to the Black Hills on an evident understanding that they were to support the Government in whatever suits were tried. The United States marshal, a personal friend of Roosevelt, has ways of 'fixing' juries not known to the public." * * *

Then he republishes the criminal article as follows:

"A good illustration of the beauties of our social system was recently given when society in Lead and Deadwood was convulsed by the news that a most sweet and amiable young woman had died at Denver from the effects of an operation performed upon her to hide what society calls 'her shame.' And what was this thing which society blashpemously brand as 'shame'? Why, simply that an unmarried girl, having disregarded the sanctions of some priest or magistrate had made the discovery that God had worked in her the wonderful miracle of motherhood. So this poor girl, having been taught from infancy that such a thing constituted 'shame' kills her unborn child and in so doing kills herself. That the father and mother of this murdered child were designated by nature for each other is proven by the fact that they could not resist their mutual attraction, even in the face of great social peril. Love had its way, and God blessed the union with the most stupendous fruit of the universe—a human child—and 'society' steps in and cries 'shame' and causes the mother to kill both herself and her child. It is a well-established fact in physics, as well as in history, that there are no children so likely to be healthy, robust, so mentally and bodily fit to survive as those very 'love children' who are killed in the wombs of foolish mothers, driven to do the fiendish deed by 'society' and public opinion. Since the dawn of history, the great army of genius has been largely recruited from the ranks of illegitimates. Love's offerings have filled the world with art, music, poetry, and wisdom, as if putting to shame those very ones who cry 'shame,' and as taunting them with their own inferiority. Society is as guilty of the murder of this girl as though she had been put to death by the public hangman."

The editor then thus comments on the offending article:

"Will some one point out what is lewd, obscene, or lascivious in that article? I am aware that few agree with me in my views of our social and marriage system, but I never wrote a more conscientious article in my life than the above. These are my honest and conscientious opinions, for the expression of which I am to be sent to the penitentiary."

For this offense Knowles was given sentence, if my memory serves me correctly, of one year in jail, and this was affirmed by the United States Court of Appeals. (See 170 Fed. Rep., 409–95; C. C. A., 579.)

THE CASE OF UP THE DIVIDE.

Next I call attention to the case of a little magazine called Up the Divide. It is devoted to socialism and published at Denver, Colo. Its issue of June, 1911, was arbitrarily suppressed by the Post Office Department, because of an article, beginning at page 326, and entitled "The Market of Women," and ending at page 337. The article is signed by James Lugg.

No prosecution ever resulted, but the magazine was denied carriage through the mails. I consider this article as one evidencing a very high degree of sympathetic understanding with the unfortunates of the world, and it seems to me that no one could find anything really obscene in it, except those who were really offended by that part of the article which charges responsibility for prostitution upon the rich. The article is as follows:

"THE MARKET OF WOMEN.

"Reflections from an original investigation.

"'Sing of the maiden, thy sister, whom men, thy brothers, have sold,
"'Cast on the merciless world, on the tide of the ravening years,
"'Bought with a price in the market and paid with dishonor and gold,
"'Courted and loved and betrayed and deserted to desolate tears.'

"GRANT ALLEN, in the Night Watches.

"In the heart of the great city of Denver is an ill-smelling district where thousands of Chinese are huddled in grimy, greasy tenement; mansions formerly or leading hotels and mercantile establishments, but now given over to decay—and the Orientals! These thrifty people have divided and subdivided the apartments into tiny rooms and cubby holes, creating two stories out of one, burrowed underground in the dark cellars, and herded more bodies in a single little reeking den than formerly occupied a suite in the old-time mansions.

"*Shameless rows.*—In this same district is located 'The Market of Women,' a thoroughfare which, from the number of men and young women passing, is evidently very popular.

"On each side of this street for several blocks are one, two, and even three-story houses, divided into little rooms. Each little room has one door and one window opening on the street or hallway, and each door has its number in large, staring numerals, also the first name (fictitious) of the occupant.

"These rooms are rented to girls and women at $2.50 to $10 per night. This must be paid in advance every 24 hours, otherwise they are made to vacate by having their belongings packed into the street.

"*Inside woes.*—The atmosphere is heavy with tobacco smoke; the walls echo to the unceasing tramp, tramp, tramp of the crowd and the slamming of doors, and occasionally a shrill laugh. For these numbered doors are continually being thrust open by the passing men, who pause, peer inside for a moment, slam the door, and pass on. As you glance into such an opened room you see a woman clad in a light wrapper of kimono. She smiles at all men alike as they look in, stare, leer, and slam the door in her face.

"The face may be a worn, tired one, with a smile that has become hard and glassy, with wrinkles which no enamel can fill and a pallor which no rouge and powder can enliven. In such case the door slams quickly back upon her, be she ever so wheedling with soft words. Or it may be the face of a young girl, not needing the dash of rouge which seems the fashion here. The eyes may be very bright and full of life, the expression may be vivacious or sometimes even girlish, almost maidenly, but the words with which she greets all comers are anything but a maiden's. On such a face the door is not so quickly slammed; men stand before her, four or five at a time, exchanging barroom jokes and profanity, commenting on her appearance, and puffing smoke in her face while she employs her primitive art method of seduction. Her words are honeyed; the draught that blows from her room is sickly warm and sickly sweet in odor.

"*The mongrel customers.*—At her door a man stops when the crowd has passed. He is an immigrant—an Italian. She has a smile for him—as for all—and a sweet or a saucy word. Her hand finds his; she urges; his slight resistance is overcome; the door closes upon him; her white, slender hand appears at the window and the shade is whisked down.

"She has a sweet face, like a girl I knew long ago—a good pure girl, now, thank God, happily married—safe. But this one wrecked!

"And thus these girls are bought and sold and hired in this Market of Women.

"There is no lack of customers, for along the street shuffles a crowd of men and youths from afternoon until early morning. Some are sober and some are drunk; some are dapper; some flashy; some dirty and careless in dress; some of good, clean parentage. Here, for instance, is one fresh from the plow, an easy victim. Others are spawned from the slums of the Old World cities, ill born, ill nourished, degenerate; but all are solicited alike by the girls at the doors and windows.

"*Traces of better days.*—And I am haunted by the resemblance of some of these girls to virtuous women I know; happy, sheltered, beloved wives of mothers living not many miles from this inferno, in God's good world outside. Almost enough alike to be sisters! And are they not sisters? Unloved, but longing for love. Poor relations, if you will—poor in virtue, but not devoid of all virtues. Ah, we who are "rich in virtue" do not know how much or how little of that wealth is ours, never having been sorely tempted. Yet we disclaim all relationship!

"One there was who received Mary Magdalene as a sister and yet if we would claim him as our brother can we disclaim her?

"Like flowers, crushed and bedraggled in the gutter, but still recognizable as violets, roses, or mignonette, I can see in each of these women some trace of her own peculiar girlish charm; the innocent coquetry, so dainty in a maiden, here becomes the gross, artificial spurring of desire; the boyish freedom with which a girl of many brothers faces the world here coarsens into brazen good-

fellowship with thieves and thugs; here woman's passion has degenerated into mere bestiality, and woman's modesty is caricatured with downcast eyes under penciled brows.

"*Displaying the merchandise.*—Each girl strives to attract by means of her own formula of seduction. This one pretends to be desirous of each passer, showers him with love words, grasps his hand and strokes it; but if he, with an oath, wrenches himself free in the middle of a sentence, she finishes it in the face of his successor, declaring that he is the only man whoever attracted her.

"The girl at the next door affects absolute indifference. She reads a paper-covered novel, from which she will not raise her eyes, but her wrapper is cut in such a way as to display generously her dazzling shoulders. A third girl has an indecent gesture and a leer for every chance comer. Is it because she and her sort are a shade worse than the others? Who knows? Their jokes do not indicate humor, nor their laughter mirth; surely their obscenity does not indicate desire. And so the smile on some of these moon faces reminds me of nothing happy, but of that poor misshapen wretch in Hugo's tale who was so mutilated in the face as to stretch his mouth into a perpetual caricature of a smile. It was done for the pleasure of his master, who to make a buffoon marred a man. These women, too, serve a cruel master. The public demands that they submit themselves, no matter what their loathing—with a smile.

"A fourth girl is seated, not in the tiny receiving room, but far back in her bed chamber, and whenever the door opens she merely gazes at one with mournful brown eyes like those of a lost dog in a crowded street.

"Another, who sits with her feet against the doorpost and her chair tilted back, is dressed in bright scarlet. She is 'hail fellow well met' with everyone who opens her door. She puffs her cigarette smoke in every face and has a retort for every smutty witticism, knows the names of all the regular patrons, and addresses them as Harry or Gus and the strangers as 'Sport' or 'Pal' or 'Kiddo'; or if he be a partly bearded man as 'Papa.' Such is her devil-may-care pose, the typical 'scarlet woman' of the gay life; but she has been overheard to say: 'I'd like to be decent for once. I'm sick of being a sport. I'm sick of earning a living this way.' And some day when she is heartily sick of her life she will end it. But suicide in the underworld is such a frequent occurrence that it does not attract the attention of the public unless there happens to be something sensational about it. Perhaps to-night she will make her demise. Who knows? Perhaps in the morning gray when she is exhausted and alone, when there is no one to laugh about, when existence seems a stale, pointless, dirty joke, when she realizes more than ever that not one human being loves her. Meanwhile she laughs.

"*The market keeper.*—Sickening, is it not, the mere description of the lives these girls lead? Still more sickening is it to observe the creature, with the girth and facial expression of a swine, who is constantly to be seen in the street, not as a master, merely as overseer and profit taker in the market of women. He is only one of the many who fatten upon them, for they bring large profits. Each girl pays the landlord $15 to $30 a week rent. Aside from that, she orders meals from his chophouse, fancy drinks from his bar, cigarettes, candy, and notions from his store, and her laundry work passes through his commission. What wonder the swine thrives and waxes fat! His monthly income from this horrible traffic is several thousand dollars. He has become wealthy from the pitiful earnings of human debauchery. There are a number of influential men who own the land upon which these 'cribs' are built and who own the more stylish big houses in the underworld. They can see no other choice. This he brute lives in a palace in the best part of the city. Each brick in his magnificent home represents a lost soul, yet he and his household pass as respected members of society.

"*Keeping the market up.*—And it is for him and his kind that somebody's daughters, sisters—scores of them in his house alone—sell themselves time and again each night, smile into ruffianly faces, receive countless filthy insults, submit to outrage, loathsome disease, and early death. And these women have faces like those we know and love in the greater world.

"It is early when we leave—between 10 and 11 o'clock. Until 2 or 3 in the morning some of these girls will listen to the unceasing tramp of heavy feet in the streets, the slamming of doors, the heartless laughter, the old and obscene jest, and ever the unceasing tramp, tramp, tramp, through the long night until the noise of this great treadmill benumbs the brain.

"*The bottom of the underworld.*—At the bottom of this stratum can be found the lowest types of poverty and stricken humanity. It is composed of all

shades, grades, and colors huddled ogether. Its lairs of iniquity are more base and undisguised. These hell holes catch all kinds of girls, the drift of untoward circumstances. They do not realize their fate until too late. Once in these dens they add thievery to shame. When money is scarce and customers few robbery is most frequent.

"*The obscene show.*—Men are always the proprietors of these shows, and the more vilely and unhumanely they are conducted the more profitable the business. The proprietors usually become rich, while the performers eke out a mere existence. These establishments are maintained by patronage from the well-to-do society world. The bon ton pay big admission fees to see sights too revolting to mention. Our 'best citizens' give as a reason for being there that they are 'curious to know how low a woman can descend.'

"*The fashionable house.*—Besides these lowest dens and common cribs, there are houses in which are seen, on both patrons and occupants, the glitter and the sparkle of diamonds. Grandeur of furnishings is the rule of these places, from exquisite dining room to remotest nook.

"Liveried servants answer the door, escort parties to separate rooms, and order the beer or wine, which is served on silver trays by colored maids.

"But here, too, the white slave pays the awful price. Surrounded by all this grandeur and beneath all its gaudy exterior her life is a tale of untold sorrow and misery.

"Before her arrival she imagines that her troubles will vanish when she becomes acquainted with the rich. But there is no class less generous than the rich man when he is sober. Besides, the girls are required to take part in the lowest debaucheries for his amusement.

"After a girl has been through one of these rich man's orgies there is nothing left of vice that is not familiar to her. She might live in some parts of the underworld for years and not have the knowledge or experience in vice that these girls have learned under the direction of one rich man in a week or a month of his pornographic revelry.

"Hundreds of rich men are entertained in this way daily in these houses. Men from the Christian world come to make the girls their slaves. They come to tell filthy stories and sing filthy songs and to require the daughters and sisters of other men to join in the chorus. They come to demand these daughters and sisters of other men to appear in richest, daring gowns or in the nude and to dance and jest as their tastes may demand.

"The libidinous language these girls hear from such men is revolting and degrading beyond description.

"When woman is so debased and hardened she is what men and conditions have made her.

"*The source and the cause.*—How did these girls get there, and why? Of their own choice? Very few. In the books Traffic in Girls, Soundings of Hell, The Queen of the Red Light, and The Underworld Sewer the snares, frauds, even forcible means, by which men bring good girls to this life are detailed. The facts seem incredible when read in these books. But the whole truth may not be read; it is unprintable.

"An eminent editor of a great reform paper recently wrote: 'Disinherited classes who earn wealth without getting it will have their daughters dragged into prostitution as victims so long as privileged classes, getting wealth without earning it, furnish sons to be seducers and brothel patrons. Privilege in power can not be deprived of its awful toll of woman's virtue any more than of its ghastly toll of human lives. As it is no respecter of "lower-class" age nor sex nor infancy in its industries, neither does it respect the virtue of "lower-class" women in its play.'

"They are called 'sporting women,' with about of much truth as caged pigeons which are shot to pieces by sportsmen at the opening of the doors might be called 'sporting pigeons.' 'Tis true they afford sport to those who have a fancy for such pleasures, but never imagine that it is sport for the caged pigeons or the white slaves.

"*What can we do.*—What are you going to do about it? Many remedies are suggested, ranging from the direct work of reclamation attempted by self-sacrificing rescue workers to the socialists' proposition that the whole social system must be reconstructed before the evil can be abolished. But let the facts be known. Let the diabolical male side of the evil be exposed. Then may parents protect their daughters and girls not fall through ignorance. In the first place, read the literature which treats of this evil and then circulate it. We can all warn some one whom no one else can reach.

"JAMES LUCE."

CENSORSHIP OF THE NEW YORK CALL.

Another instance, of much the same sort, occurred in relation to the New York Daily Call, a Socialist paper. The post-office censorship refused to carry that paper unless they would abstain from the further publication of a series of articles entitled "What a young woman should know." In consequence of this order one issue of the paper appeared with a blank column for which this article in question had been prepared. I can not reproduce the article, because I have not a copy of it, but this indicates duplication here of the Prussian method, where all matters are subjected to prior censorship and excluded if the censors disapprove of any sentiments expressed.

THE CASE OF THE SOCIAL DEMOCRAT.

Next I come to the case of the United States *v.* Coomer, the editor of a Socialist paper published in Oklahoma and called the Social Democrat. This paper in some issues during July, I think, 1912 or 1913, contained the following announcement:

"Free-love edition of Social Democrat, July 10. Order a bundle now. $2 per hundred. Advertisers get your copy in now. 5,000 copies of this edition will be circulated.

"The master class has always taught and paid their hireling teachers, preachers, authors (editors), and other able idiots to teach that woman is merely a multiplication table for the human species; that her only business on God's green footstool is to fry steak and onions and borning soldiers and politicians.

"The master class has even paid poets, and paid them well, to write that woman was nothing but a 'rag, a bone, and a hank of hair,' the 'weaker vessel,' etc. They never considered that woman had any rights to life, liberty, and the pursuit of happiness. They never until recently allowed her to exercise anything but her sexual apparatus.

"The Socialists have made a great discovery. They have discovered that women are human beings. They are getting paid for this great discovery by having 'free love' and many other stupid hee-haws brayed in their ears.

"We are going to tell you in the free-love edition why the Socialists believe women are human beings. Watch for it, and read it when you get it."

For publishing this notice he was given a jail sentence, which was also affirmed by the United States Circuit Court of Appeals. (See 213 Fed. Rep., 1.)

I want to emphasize again that the evil of all this is not only in the suppression of the liberty of the press, but in the uncertainty in all of these statutes, none of which prescribe the criteria of guilt, and leave it to the whim and caprice of courts to determine guilt by post facto standards. (For further discussion of this point refer to my book on "Obscene Literature and Constitutional Law," and especially chapters 13 to 22.)

SEDITIOUS LIBEL REVIVED.

Next I come to a discussion of the prosecution of the agitators for the crime of seditious libel. Here, again, the complaint of the workers arises out of discriminations to which they are subjected, not only under uncertain statutes but also under laws of judicial creation.

Before proceeding to the statement of the troubles of the agitator, I desire to call attention to a few things of a very similar character to that for which agitators are arrested, but coming from entirely orthodox sources, and which have never been made the basis of any prosecution or executive action. The first of these is a publication by Prof. George Gunton in the Bulletin of the New York Institute for Social Economics, I think, under date of March, 1908. I had slight acquaintance with Mr. Gunton and knew some of his intimate friends, and was told by them that his work in the field of economics was being subsidized by the Standard Oil interests. A few years ago—I think it was in the exposé made by Mr. Hearst through the publication of Mr. Archbold's letters—it appeared publicly that Prof. Gunton was subsidized by the Standard Oil interests. This particular bulletin of the Institute of Social Economics was devoted to justify the proposition that might was the only true arbiter of right. These bulletins were sent to debating societies connected with universities, Y. M. C. A.'s, and other literary associations and public libraries. No exception was ever publicly made to that publication or its transmission through the mails.

Another similar illustration is found in a paper called the Nativity Mentor in its issue of April, 1912. In that issue some clergyman became unduly ex-

cited about Socialists and published this: "The Socialist is busy; he follows his red flag and openly preaches his doctrines; his great point of attack is his imagination; his power is an actual menace in our city. There seems to be no law to suppress or control him. He is more dangerous than cholera or smallpox—yes; he is the mad dog of society and should be silenced, even if it be by a bullet." I am informed that effort was made to have this editor indicted by the Federal statutes, but that no action could be secured.

Still another illustration is an article in the Los Angeles Times, dated November 2, 1911. On page 4 is found a lengthy article entitled "The great combine." From that article I quote the following:

"And soon—it has begun to happen already—the plain citizen from every country will form a combine. Its object will be the suppression of sedition and anarchy in the persons of the professional agitators. Theirs will be a big, powerful, effective but very unostentatious revolt. It will work quickly, surely, silently. * * *

"The first thing the plain-citizen combine will accomplish will be the quiet removal of these gentlemen. They won't be blown up; they will just quietly disappear from human ken. There will be a little inquiry at first, but it will die down ever so quickly, for of all people in the world, the professional agitator depends entirely upon his presence and his glib tongue to maintain any sort of interest or influence in his followers. * * *

"The idea of the plain-citizen combine is not being mouthed abroad and it is not seeking members or subscriptions, but it is growing rapidly nevertheless, and it is a very real and tangible thing.

"With the itch removed, the great disease of unrest will soon be cured and the world will settle down for another half century."

In the omitted portion of that article the editor makes it plain that the kind of people he would have quietly killed are men like Mr. Kier Hardie, of England. Mr. Harrison Gray Otis, of the Los Angeles Times, was never arrested for such publications.

The Appeal to Reason has from time to time published other similar articles suggesting violation against Socialists. These articles, of course, come from entirely orthodox sources, and were never prosecuted.

I shall now call attention to the very different way in which radical agitators are treated when their enthusiasm exceeds the boundary of calm, dispassionate discussion. I will first call attention to the case of one Ludobico Comminita. Sometime during the close of President Roosevelt's administration this man was publishing a radical paper at Paterson, N. J. He is an anarchist in his social theories, and, of course, was much of a thorn in the flesh of the operators of silk mills in Paterson. At the time in question he published in his Italian paper an article which it was charged justified arson and murder. I have never seen the article nor a translation of it. At that time there was no statute prohibiting the sending of such matters by mail. The postmaster excluded it and referred the matter to Washington. The Attorney General furnished a written opinion to the President of the United States declaring that no statute justified the exclusion of that paper from the mail, but expressed the opinion that no court of equity would give the publisher any relief, even if his paper were excluded without warrant of law. Thereupon President Roosevelt concluded that he had both power and authority for excluding it, and it was excluded from the mail. Subsequently he asked and received from Congress legislation which would legalize such exclusion in the future. It was under this legislation that the Socialists have endeavored in vain to secure the prosecution of those who advocate violence against them.

Still later Mr. Comminita was arrested under a State statute for the publication of the article above referred to. I am not informed as to what the result of that prosecution has been. My impression is that it has not yet terminated. He was not arrested under that warrant until a couple of years after the occurrence. Another of Mr. Comminita's difficulties arose out of a picture which was exhibited in his shop widow and published by him. The indictment in that case was truly amusing, and I herewith present it in the record:

"Court of Oyer and Terminer in and for the county of Passaic. September term, A. D. nineteen hundred and twelve.

"Passaic County, to wit: The jurors of the State of New Jersey in and for the body of the county of Passaic, upon their oath, present, that Ludobico Comminita & Firmino Gallo, late of the city of Paterson, in the county of Passaic aforesaid, on the nineteenth day of September, in the year of our Lord nineteen hundred and twelve, with force and arms, at the city aforesaid, in the

county aforesaid, and within the jurisdiction of this court, being wicked, malicious, and evil-disposed persons, and contriving and intending the peace of the State to disturb and to bring the Government of the Kingdom of Italy into great hatred and contempt and to incite and move the citizens of this State into hostility and hatred toward the said Government of the Kingdom of Italy and the law and constitution thereof, did at the city aforesaid and county aforesaid, bring and introduce and exhibit in public and circulate and aid and assist in bringing, introducing, exhibiting, and circulating a certain sketch or picture on paper, whereon was drawn and delineated certain structures partly in the form of and suggesting a gallows, and hanging from the cross beams thereof the habiliments of soldiers of the Turkish Army of Tripoli, and having around the neck of each of said forms and figures a rope by which the said forms and figures were suspended from said cross beams projecting out at right angles from the tops of said structures in the posture of convicted men undergoing capital punishment for crime; and the foot of two of said structures suggesting the gallows is drawn and delineated a picture in the form of a woman bowed down with grief and sorrow; and that also thereon was drawn and sketched two certain other figures resembling and portraying a male and female, the male figure being in likeness similitude of the King of Italy, and the female figure having the dress and marks thereon of the Red Cross nurse, and said figures being represented in the attitude of friendliness and intimacy and joyfully promenading together about the field where the said forms of men were hanging from said structures wholly indifferent to the pain and suffering to which said men in the grief and sorrow that is suggested by the forms of the women weeping at the foot of the said two structures on either side of said picture or sketch, and that was also written on a paper attached to the said picture or sketch the words 'Civitia Italina in Tripolitania,' meaning 'Italian civility in Tripoli,' and meaning that the said forms of men that were exhibited as hanging from said structures were prisoners of war captured by the army of the Italian Government in the war with the Turkish Government in Tripoli, and indicating the cruel and inhuman treatment of the Italian Government toward soldiers of the enemy taken captive and held as prisoners of war, with intent to incite, promote, and encourage hostility and opposition and the destruction and extermination of the Government of the Kingdom of Italy, contrary to the form of the statute in such case made and provided, and against the peace of their State of government and dignity of the same.

"MARSHALL DUNN,
"*Prosecutor for the Pleas.*

"Witness:
"CARLO IMPARTO."

For this offense Comminita was required to furnish a bail bond of $2,000, in default of which he remained many months in jail. A speedy trial was then denied him unless he would waive a jury trial. Later a bail bond was furnished, and the last information I had upon the subject the case had not yet been brought to trial. Evidently this indictment and the other were designed only to drive him out of Paterson—at least that is the impression among his friends and others in that city. This last prosecution of Comminita finds a seeming justification under the following statute:

"Laws of New Jersey, 1902 act, page 405, chapter 133.

"A supplement to an act entitled 'An act for the punishment of crimes' (revision of 1898), approved June fourteenth, one thousand and eight hundred and ninety-eight.

"*Be it enacted by the senate and general assembly of the State of New Jersey:* 1. Any person who shall, in public or private, by speech, writing, printing, or by any other mode or means advocate the subversion and destruction by force of any and all government, or attempt by speech, writing, printing, or in any other way whatsoever to incite or abet, promote, or encourage hostility or opposition to any and all government, shall be guilty of a high misdemeanor, and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both."

Next I come to a case of seditious libel in which the Pennsylvania court held that, although no statute of Pennsylvania covered the case at issue, yet, in spite of the constitutional provisions guaranteeing freedom of speech and press, the old common-law crime of seditious libel was in force in the State of Pennsylvania. In this matter the court followed a precendent made in 1808 where a royalist was convicted for an extreme vituperative denunciation of

the American form of government. The decision in that case is given in Republica *v.* Joseph Denny (4 Yeates, p. 267). This case has never been followed since 1803, and was resurrected only because of the case of the Steel Trust in Pennsylvania. Here I offer in evidence a copy of the indictment in the case of the Commonwealth *v.* McCarty and others, contained in a pamphlet called The Free-Press Persecution, and beginning at page 9 of that pamphlet and ending at page 24:

"Commonwealth of Pennsylvania *v.* C. H. McCarty, F. M. Hartman, Charles McKeever, Evan Evans, William J. White.

"COMMONWEALTH OF PENNSYLVANIA,

"*County of Lawrence, city of New Castle, ss:*

"Before me, the subscriber, O. H. P. Green, alderman in said city and ex officio justice of the peace in said county, personally came Joseph Gilmore, chief of police of said city, who being duly sworn according to law on his oath says that on and continuously since the first day of July, A. D. 1900, and to the present time, a large number of former workmen and employees of the American Sheet and Tin Plate Company have been on strike in said county, and strike conditions have prevailed during such period of time in said county and in the vicinity of the mills and manufacturing plants of said company situate in said city of New Castle, in that among other things the said American Sheet and Tin Plate Company undertook and proceeded during said period to run and operate said mills and plants, and for that purpose hired, employed, and placed therein other employees and workmen, and many of the former employees and workmen of said company and their associates then on strike, by individual and organized action, undertook and proceeded to interfere with, obstruct, and prevent such operation of said mills and plants by intimidation, menaces, and personal violence to such new employees and workmen in said mills; so that in the vicinity of said mills and in the district and territory wherein said former employees frequented and resided, the personal safety of men and women was continuously imperiled and threatened, and the public peace and general tranquillity of the people was constantly threatened and often disturbed and broken; and during said time the men so on strike established picket stations at or near the entrance to the respective mills of said company and guarded and patrolled certain streets and sections of the city in the vicinity of said mills with intent and purpose to deter and prevent other persons from going to and from said mills and from accepting or continuing employment therein.

"That during the period aforesaid the persons continuing to work in said mills or plants, and going to work therein after such strike begun, were frequently shot, stabbed, beaten, assaulted, spat upon, and insulted on the streets and highways in said city and county, were followed to their dwelling houses by hooting, jeering mobs, and their dwelling houses were frequently struck by stones and other missiles by persons so on strike and their associates, aiders, abettors, and confederates, and by words, taunts, and jeers were incited to anger and resentment and to personal resistance and redress by the persons remaining on strike, their aiders, abettors, and confederates, to the great and imminent danger of riots, uprising, and general defiance of the law and breach of the peace, and to the large destruction of life and property.

"Wherefore it became and was necessary for the officers charged with the duty of maintaining and preserving peace and good order in the community and in the neighborhood and vicinity of said mills and plants to use unusual and extraordinary means and methods in discharging their duties, and necessary reinforcements were procured by the appointment of deputy sheriffs and special police officers and by the presence of members of the State police constabulary; and it further became and was necessary to procure an order from the court of common pleas of said county, dated October 6, 1900, restraining persons so on strike and their associates, aiders, abettors, and confederates from calling persons at work in said mills or seeking employment therein scabs and other vile and opprobrious names, from jeering, taunting, and insulting them, from carrying and exhibiting clubs, firearms, and knives; making demonstrations or doing any matter or thing tending to excite, scare, frighten, or intimidate persons employed or seeking employment in said mills and plants, and from otherwise interfering with or disturbing the peace and order of said community to the end that the rights of persons and property therein should be preserved and protected, which said injunction has been continued in force to this present date.

"That John W. Waddington was sheriff of the said county of Lawrence from the first day of July, 1909, to the 3rd day of January, 1910, when his term of office expired. Since the date last mentioned Robert H. Whaley has been and is the sheriff of said county.

"That Harry J. Lusk was mayor of said city of New Castle on the first day of July, 1909, and since that date has been and now is mayor of said city.

"That Joseph Gilmore was chief of police of said city of New Castle in said county on the first day of July, A. D. 1909, and since that date has been and now is chief of police of said city.

"That from the first day of July, 1909, it was and has continued to be the duty of the said several officers to preserve and maintain peace and good order within the said city and county and in the vicinity of said mills and plants and prevent and suppress the commission of crimes, violations of the law, breaches of the peace, and violations of the ordinances of said city, upon the streets, highways, and public places therein, and leading to and from the vicinity of said mills and plants, and in the discharge of said duty a large number of special police officers were duly appointed by the proper authorities and were present to assist therein, and it became and was the duty of all persons to whom said writ of injunction was directed to respect and obey the same, and the duty of all persons to respect and obey the authority of all said officers and their deputies engaged in keeping and maintaining public peace and good order in said community, and at all times to respect and obey the law and its duly constituted authorities, yet so it is that from July 1, 1909, continuously to the present time many persons in said city and county and particularly in the vicinity of said mills and plants have continued to disregard and violate the laws of this Commonwealth, the ordinances of said city of New Castle, and the injunction issued by our said court; that there have been frequent breaches of the peace, rioting, unlawful assemblage of the streets and highways, and open resistance to law of government as well as the courts.

"That C. H. McCarty, F. M. Hartman, Charles McKeever, Evan Evans, and William J. White, all of the county aforesaid, being wicked, malicious, seditious, and evil-disposed persons and greatly disaffected toward the Constitution and Government and laws of the United States and of the Commonwealth of Pennsylvania, and the several officers hereinbefore named, who were and are charged with the administration and execution of the laws and the maintenance of the peace in said city and county and most unlawfully, wicked, and malicious devising, designing, and intending, as much as in them lay, to bring our said Constitution and Government and the administration of the laws and the duly constituted officers thereof, employed in the enforcement and execution of said laws, into great public hatred and contempt among the residents and citizens thereof, and to alienate and withdraw from our said Government and its officials the love and affection, true and due obedience, fidelity and allegiance of the citizens thereof; deliberately designing to unloosen the sacred bond of union, to unhinge the minds of citizens, and to produce popular discontent with the exercise of power by the known constituted authorities; and wickedly and seditiously to disturb the peace and tranquillity of our said Government and this Commonwealth, to stir up and incite discontent and sedition among the citizens thereof, and to wickedly seduce and encourage the citizens of our said Commonwealth to resist and oppose the government thereof, the administration and execution of its laws, and the orders and decrees of its courts.

"At the city of New Castle in said county of Lawrence and State of Pennsylvania with force and arms unlawfully, falsely, wickedly, maliciously, and seditiously did write and publish and cause and procure to be written and published certain scandalous, false, malicious, inflammable, and seditious matter of and concerning the Constitution and laws of the United States and of this Commonwealth and of and concerning the duly constituted officers and agents of the government employed in the administration of said government and its laws, and engaged in an effort to preserve the peace and to enforce and execute the laws and the decrees of the court, in a certain paper entitled The Free Press, published and distributed in the city and county aforesaid, between the respective dates hereinafter set forth, according to the tenor and effect following; that is to say, to wit:

"On the 31st day of July, A. D. 1909, in a part of a certain article entitled 'Who are these scabs?' the following:

"'From this the working class should take a lesson. Here it is: Let us make our own laws. Make them right from the shop. Never mind whether or not they will conflict with the laws of the political State of to-day. If we are strong

enough in the shop—in other words, if we are organized into one big union—we are able to defy all the capitalists' laws and paralyze the industry of the country to such an extent that they will not be able to send their armed men to shoot us down; moreover, until we are organized into that kind of an organization our condition will continue to become more and more intolerable.'

"And in a part of a certain article entitled 'Call out the independent mills,' the following:

"'But they may say that the contracts agreed upon at the last convention interferes. Contracts, hell! Is the "sacredness of contract" of more importance than the welfare of the tin workers and their wives and children? Must we remain out and starve, pitting our empty stomachs up against the millions of the mill owners, and perhaps go back defeated, as we have done time and again, because of a miserable agreement?

"'Damn the contracts! Contracts are no good, anyway. The capitalist class only stand by them when it is convenient to do so. They don't care for laws of any kind when laws interfere with their bloodthirsty hunger for profits.'

"On the 28th day of August, A. D. 1909, in a part of a certain article entitled 'Call 'em out,' the following:

"'Again the Free Press says: "Call out the independent (?) mills!" The chances of victory and the welfare of the tin workers and their families are of more concern than the honor (?) there is in keeping the most sacred agreement ever signed by commanders of two opposing forces.

"'Break the contract! Do as they have done in Sweden. Break any written instrument that interferes with the workers gaining a point of vantage for their class!

"'Listen, boys: "Any line of action that will advance the interests of the working class is right; and any line of action that will not advance the interests of the working class is wrong."'

"'Read it again and think it over!

"'Therefore, break the contracts! Call out the independent(?) mills! Then your entreaties to the nonunion mills will not be in vain. They will then see the tremendous power of the workers and, being already imbued with discontent, they will heed the war cry for united action.

"'We must recognize that this is a class war between the class that owns the mills and the class that works in the mills, and the earlier we learn that the sooner we will become class conscious and act as our material interests direct.

"'Swing into battle all the reserve forces! Stop the entire sheet production of every mill! Make the buyers on one side of the employers clamor for their orders to be filled and the men on the other side of the employers, the workers, ready to work when they have an equal right to organize for their protection as well as the trust masters.'

"And in a part of a certain article entitled 'Conservative or radical? A wage slave's meditation,' the following:

"'With me it is a war—"war to the knife; knife to the hilt." I may go down, but what of it? Haven't millions whose blood was just as warm, whose flesh was just as pulsating, and whose instincts were just as acute as mine gone down in the struggle?

"'Yes; I believe in force. I believe that, under the present insane system, might is right and weakness the only wrong. I believe that this has been the case since my hairy ancestors left their dwellings in the trees and came out into the open field with club or rock in hand, or paw, to attack and struggle with and conquer the big beasts of the plains and prairies. I believe that the motor power of civilization has been that of force—blind, cruel, and barbaric force so far.'

"On the 11th day of September, A. D. 1909, in a part of a certain article entitled 'This is a big fight,' the following:

"'We notice, too, that several old independent mills that have been idle for years have started up. What does that mean? It means that they are going to make more tin. Union men are going there to work, too, and that will be all right, the heads of the organizations will say. Damn it! I often sit and wonder how the poor "work ox" can be so thickheaded.

"'This is a big fight, and every weapon at our disposal should be used. There is no mercy on the part of the masters. They will grind us down and are doing it. They believe in force, and they apply it at every turn.

"'We have the force, and we have the numbers. We are able to win this strike to-morrow if we would only get together in the right kind of an organization. Until we do that we will be at their mercy.'

"On the 25th day of September, A. D. 1909, in a part of a certain article entitled 'Obey the law,' the following:

"'Damn the laws that must be backed up by guns and clubs and thugs.

"'At any rate, law is the rope with which the working class has been tied by king, priest, and parasite down the centuries. Time was when the poor workingman was driven to his task with lash and club and forced to toil from sunrise until dark for a merciless master, and if they uttered their discontent they were tortured and damned. And this was law! The laborer was despised and spat upon by the very ones who fattened on his misery, and it was called law and must be sacredly obeyed.

"'Throughout the ages the owner of the bent back and the knotty hands has forced his weary way with one hope and one privilege, and that was that some day his burden would be lightened. So far it has been, but that is when he is under the dandelions.

"'The working class has had one privilege, however, and that is the privilege of reproducing their kind, and often that privilege has been violated by the lustful idle class in pursuit of pleasure, to the shame and degradation of the toiling mass of workers.

"'This, too, was law.

"'The working class has struggled to what little liberty it has against tremendous odds. It has always had the numbers and the power, but that power has been divided. Moreover, all that it has gained so far it has gained in contradiction to the law of the masters. And all laws are the masters' laws under the rulership of the political state.

"'Throughout the centuries the workers have been crying out to you who have had all the advantages of education to help them get a few of the good things that their own labor made possible. And you have always given them a ghoulish grin and the advice to obey the law—the master's law.

"'No laws were ever intended to protect labor and never will be so long as the workers are not the absolute dictators of them.

"'If the working class waits to win industrial freedom by obeying capitalists' laws they will be working twelve hours a day in hell a million years from now.'

"On the 18th day of December, A. D. 1909, in a certain article, entitled 'Unspeakable outrage—Strikers jailed for simply walking the streets,' the following:

"'Twenty-four of the most substantial and useful of the citizens of New Castle are lying in jail in default of a $25 fine because they wouldn't be ordered off the streets like dogs by the acting lackeys of the Steel Trust; that is, the police and the company bulls, including the unspeakable "Big Liz."

"'These men have lived here, some of them, nearly all their lives; they have built homes, some of them have reared families; they have paid taxes; they have built the very streets which they are ordered to keep off like so many slaves under a taskmaster's whip.

"'Now, they are in jail because they didn't jump when they were spoken to, and sneak away to their homes as though they were felons guilty of some crime for which they dare not stand erect or walk the streets of their home town in sight of all men.

"'Is liberty dead? Is America Russia? Have Bunker Hill and Gettysburg been fought in vain? Are we to be henceforth the bound and gagged slaves of the Steel Trust, driven at will like cattle off the public streets? Is life so dear or peace so sweet as to be purchased at the price of these insults and indignities? Are all the traditions of the English-speaking world to be flouted, spit upon, and dragged in the mire? If not, action, immediate action, direct action, drastic action, at once, is necessary.

"'The offense for which these 24 strikers were jailed by the unspeakable incubus who now infest the mayor's chair on Tuesday last was this: A number of them were walking on the street, not so far from the Shenango mill, where they had formerly worked. They were walking there, peaceably, talking quietly, minding their own business. Most natural thing in the world for striking workmen to drift toward the scene of their former employment. Any man naturally has a tendency when not otherwise engaged to revisit the place where he has formerly worked, or at least the neighborhood. The power of association and former habits naturally draw him. But these men weren't even trespassing. They weren't on the company's property. They were on the streets—the streets that had been built and improved with their own tax money.

"'Along came the police. "Move on. Get out of here. Shoo, fly. Strikers not allowed to stand on the streets. Sheriff's orders." Just as one might order a troublesome cat or dog out of the way.

"'Back of this action of the police are the orders of Waddington, and back of Waddington Mayor Lusk's court, and back of Mayor Lusk the legislature and judicial machinery of this capitalist-cursed Government, and back of it all the power of the gouty plutocracy who have thieved and continue to thieve the earnings of the common people.

"'What rights has a workingman in law courts? Absolutely none. Why should he have any respect for them or any trust in them? Not a ghost of a reason for it. They talk about equality and justice and patriotism, and all that, but they exist for only one purpose, to help the robber class go through the pockets of the wage earner and make a cleaner and a better job of it. "The voice is the voice of Jacob, but the hands are the hands of Esau."

"'The working class must take matters into their own hands. In New Castle there is only one line of tactics that will save the day now, and that is the tactics that are now winning out in Spokane. Openly resist the despotic orders of this barbarous sheriff and go to jail not by the dozens merely, nor by the scores, but by the hundreds. Don't be cowards and pay fines or let others pay them for you. Be a man and go to jail. As fast as one batch are run in let another crew take their places. Fill the jails to overflowing. Make them improvise new jails. Make the ruling class feed you while you are on strike. Let the wives and children of the jailed strikers march in a body to the office of the poor commissioner and demand relief. Demand it in tones so loud as to be heard. See that you get it. Make the ruling class feed you.

"'Don't hire lawyers. Damn them; they stink of blood money—the most of them. Don't bother about having witnesses called and going through the stupid and dreary formalities of examination and cross-examination, and all that truck. The power is in your own hands when you act. And the line of action just now is simply to line up, defy the sheriff's orders, go to jail, make the ruling class feed you till they're sick of it. Hit them in the pocketbook. That's where their heart lies.

"'In such a fight as this it is no time to ask whether a man belongs to this labor organization or that. It is a working-class fight. For a workingman who has a drop of red blood in his veins there is only one place where he can be found, and that is standing shoulder to shoulder with the strikers in resisting as insolent, as autocratic, as despotic, as corrupt, as conscienceless a municipal despotism as ever cursed the earth.

"'Come on; let's be men.'

"On the 1st day of January, A. D. 1910, in a certain article, entitled 'Bishton in jail for debt—Revival of ancient custom,' the following:

"'At this very moment two workingmen, Edward Vaughn and John Bishton, are lying in jail for no offense whatever and with no charge against them but for being beaten up and assaulted by bulls and scabs.

"'Civil wars have been fought and violent revolutions have been precipitated for a great deal less than this. It is difficult to write this matter up for the press. One's blood so boils at the mere recital of the facts. But here they are:

"'Take the case of Edward Vaughn. He had been sick for six weeks during the latter part of the summer, and feeling a little better one Sunday in August strolled out with two companions to get a breath of fresh air, hoping it would do him good. While walking down Mahoning Avenue they were suddenly confronted by one Arthur Davis, one of the company's bulls, who drew two revolvers and ordered them back.

"'One would naturally think there was some remedy at law for an outrage of this kind, and that was what Vaughn thought, too. Thought he was living in a free and civilized country. Thought the laws and Constitution of Pennsylvania and the United States were something more than a hollow lie. He found out differently. He brought action in law against the ruffian who ordered him off the street at the point of a drawn revolver, only to have his case thrown out by the grand jury and himself assessed $27.54 in costs, for default of which he is lying in jail now. His case wasn't even allowed to come before the judge, and he is slammed in jail for opening his mouth so much as to find fault. He can be kept there three months, and then it will require insolvent proceedings on his part to gain his freedom. If he has any property that can be seized to pay those costs even then after he has laid in jail.

"'That's law. That's law courts. Is there anything for the workingman in either? Answer: Yes or no.

"'The grand jury that threw Vaughn's case out of court was mainly composed of farmers, and it is farmer's sons and relatives (damn them) who to a great extent are scabbing at the mills. It would be interesting to know if

the members of this grand jury had any relatives scabbing, and the Free Press intends to find out later on.

"'The case of John Bishton is, if it were possible, more outrageous still. Bishton was assaulted on Long Avenue during the month of September by two company bulls, Pelton and Smith, and his head so badly beaten in that he had to be taken home in a buggy. This Smith is the same fellow who shot Theodore Otto in the breast, practically crippling him for life, and is now in jail himself for jumping his bail in the Bishton case. Bishton's brother brought action against these two ruffians, with result that the case went against him, of course. And the costs, over $74, were placed on John Bishton, the wounded man. He, too, is now lying in jail, and can be kept there for three months, or, for that matter, indefinitely, unless he institutes insolvency proceedings. So also his property can be distressed to pay the costs awarded against him because his brother complained in law courts on his behalf.

"The Vaughn case stands for the proposition that a workingman on strike dare not complain in law courts of any treatment that he receives at the hands of the bulls and thugs of the employing class. The Bishton case stands for the proposition that his relatives dare not open their mouths, either. In either case he can be slammed into jail and kept there indefinitely.

"'Workingmen of New Castle! These are not things that are happening in Russia; they are happening here. Vaughn and Bishton are lying in jail up on the hill now. No relief is to be had from law courts or from any other of the institutions of the capitalist class. Labor must take power into its own hands.

"'We are engaged in a class struggle bitter as death. It's war; war to the knife; knife to the hilt. We must have done with paltering and with compromises. The working class must get together in one big union that will take the whole wage-earning class and so be competent to give battle to the industrially organized employing class and the pliant tools of the law-making and law-executing officials from the President down. They are all our enemies—all of them. Their country is not our country; their laws are not our laws; their servants are our oppressors. Our hope is not in their institutions, but in the industrial organization of the working class, which we ourselves must build.'

"On the 15th day of January, A. D. 1910, in a part of a certain article entitled 'Use the ballot,' the following:

"'To the end of informing the workers of the position we take on this most vital of all questions to our professed constituency, let the Socialist Party definitely specify that its administrative officers wherever elected will use the police power in their control to do two things:

"'Preserve order, prevent violence of all kinds, guaranteeing protection to the property involved by a thorough patrol of it inside and out.

"'2. Arresting of all strike breakers and private police during any strike, and the prohibition of any person going upon a job to work while a strike is pending between an employer and his employees.'

"On the 29th day of January, A. D. 1910, in a certain article entitled 'War on women,' the following:

"'Our brave officials, having waged successful war on unoffending workingmen, are now showing their mettle by attacking women. Twenty-four wives, mothers, and sisters of strikers were served with writs to show cause why they should not be brought into court for violating the sacred injunction.

"'The A. S. & T. P. Co. accuses the women of throwing epithets, snowballs, stones, bricks, and other missiles at the scabs employed by this company.

"'Whether the women are guilty we can not say; but we know they ought to be. Women who stay in their "proper sphere" and maintain a ladylike demeanor while their helpmates are in the thick of a bitter fight for bread are unworthy the name of woman. Let those who will admire the females whose highest ambition is to ape the 'eminently respectable and conventionally proper' ladies of the ruling class; but we have much more respect for the class-conscious women who use every weapon in their power—even such feeble and ineffective weapons as snowballs and epithets—in defense of their class.'

"In contempt of the Constitution and laws of the United States and this Commonwealth, and its institutions, agents, officers, and courts constituted, employed, or appointed for the administration of said Government to the evil example of all others and against the peace and dignity of this Commonwealth.

"Complainant therefore prays and desires that a warrant may issue and the aforesaid defendants, C. H. McCarty, F. M. Hartman, Charles McKeever,

Evan Evans, William J. White, may be arrested and held to answer the charge of libel, and further deponent saith not.

"JOSEPH GILMORE,
"*Chief of Police.*

"Sworn to and subscribed before me this 5th day of March, A. D. 1910.

"O. H. P. GREEN, *Alderman.*"

My recollection is that in that case there were several trials, in the first of which the jury disagreed. At the last trial the jury found the defendants not guilty, and penalized them to the extent of the cost of several prosecutions for being not guilty. It seems that such anomalous procedure by which an innocent man may be punished is justified in the statutes of Pennsylvania. In the meantime these defendants continued their criticism of the court, and in consequence were indicted for criminal contempt of court. Here again a precedent was made. This was the first prosecution of the kind that had ever occurred in the State of Pennsylvania—at least so it was claimed. On this indictment the defendants were fined. In the meantime their financial resources had been exhausted, and their agitation had resulted in carrying the election in New Castle, Pa., for the Socialist Party, and this they felt was a sufficient vindication. In the meantime, however, they made very bitter complaint over the fact that the New Castle Republican, one of their rival papers, had published an article entitled "A call to arms," which very plainly was designed to incite to violence against the Socialists, but no prosecution for that article was ever had either under the precedent establishing seditious libel or under the postal laws which penalized the advocacy of some crimes through the mails.

Another case of The United States *v.* Margaret H. Sanger. Margaret Sanger was the author of the articles in the New York Call, to which I have already referred, and which were excluded from the mails. After she became the editor of a little paper called the Woman Rebel, No Gods, No Masters, in its issue for July, 1914, she published an article entitled "A defense of assassination," by Herbert A. Thorpe. This article reads as follows:

"It is generally agreed that lower forms of life must give place to higher types, and when the pioneer of civilization makes his way into the forest, he must of necessity destroy the man-killing animals living therein. Exterminating warefare is also waged against the savage members of the human race wherever they oppose the establishment of conditions necessary for the development of the more highly organized types. Of course, where improvement by instruction and subsequent cooperation is possible, this extreme of annihilation need not be practiced, but unless it can be shown that there is room enough on earth for both savage and civilized, the savage must go.

"Having thus indicated the operation of the law of the survival of the fittest, it would seem that we should apply the same treatment accorded to wild animals and savages to those men in civilized countries whose natures still display traits characteristic of the tiger and wolf, and who, owing to the nature of our social fabric, are beyond the reach of correction.

"It is immaterial whether such men are conscious or unconscious of their true natures and the effect of their actions on others. If their position in modern life is an entirely false one, as in the case of the czar or king, this is their misfortune, but, like the savage or wild animal, they should not be permitted to live upon or block the march of the many toward better conditions.

"There is no different, ethically, between killing a man instantly or slowly, overworking or starving him to death, yet those are the conditions imposed upon millions of workers throughout the world to-day, owing to the brutality of the employing and official classes, and their ability to control large armies of ignorant police and soldiers to intimidate the workers whenever a clash occurs between capital and labor.

"Another weapon used by these undeveloped czars of industry, whose egoism runs riot, is to dictate to their legislative hirelings what laws shall be enacted, or, if any exist that balk their selfish desires, to coerce their judicial puppets so to interpret them as to nullify the beneficial effect sometimes intended.

"The point I wish to bring out is this: That since the great mass of people are by force of circumstances unable to use the same weapons employed by the better educated and privileged class they are justified in using whatever other means of defense may be at their disposal, such as the strikes, boycott, or assassination.

"The assassination of tyrants has been practiced throughout history in all parts of the world, and in regard to nihilism in Russia, Wendell Phillips has this to say: 'Nihilism is the righteous and honorable resistnace of a people crushed under an iron rule. Nihilism is evidence of life. Nihilism is the last weapon of victims choked and manacled beyond all other means of making the oppressor tremble. God means that the unjust power shall be insecure—and every move of the giant prostrate in chains, whether it be to lift a single dagger or stir a city's revolts, is a lesson in justice. One might well tremble for the future of the race if such despotism could exist without provoking the bloodiest resistance. Honor nihilism, since it redeems human nature from the suspicion of being utterly vile, made up only of the heartless oppressors and contented slaves. Every line of our history, every interest of civilization bids us rejoice when the tyrant grows pale and the slave rebellious. We can not but pity the suffering of any human being, however, richly deserved, but such pity must not confuse our moral sense. Humanity gains!'

"The attention of our editors and judges called particularly to the following from the same speech:

"'I know what reform needs, and all it needs, in a land where discussion is free, the press untrammeled, and where public halls protect debate. In such a land he is doubly and trebly guilty, who, except in some most extreme cases, disturbs the sober rule of law and order.'

"History shows that individuals can be so highly organized and so sensitive to human suffering as to be irresistably impelled to seek relief by killing the person responsible, directly or indirectly, for the suffering imposed, and when the assassin merely obeys an uncontrollable natural impulse to eliminate destructive oppression, it seems to me that such killing is a high expression of the individual's outraged better nature.

"Governments, of course, exercise their power to restrain and punish common criminals by imprisonment and death, but since the average intelligence does not perceive that there are many more ways through which scores of less apparent and more insidious crimes go unpunished, stealing and murdering other than by pocket picking and throat cutting, and it is left to the more discerning to denounce the greedy commercial and official octopuses that prey upon society from behind legal barricades.

"There is no reason why those members of society possessing highly social and sympathetic qualities should not attempt to create an environment suitable to their natures, and if the removal of the tiger, the savage, the political or industrial tyrant, conduces to that end, such removal becomes a necessary duty.

"If assassination has failed to achieve very much in the way of reform, it may be not because the method is wrong, but because it has not been practiced persistently enough. Where physical force is employed, numbers mean strength; and while one may fail to produce substantial results, one hundred will succeed. The American Revolution is a case in point. If we concede the right to a group to resist tyranny or injustices by violence, we must also concede the same right to the individual.

"It must not be supposed from the foregoing that I have any scheme of wholesale slaughter in mind. My idea is that if during an industrial crisis, such as a strike or lockout, where sometimes the way to a settlement is blocked by the stubborn selfishness of a single man, it might prove a good lesson to the employing class if such an obstacle were promptly and effectively removed."

For this she was indicated under the Federal postal laws and her case is still pending. The argument in this article was not very unlike the article of Prof. Gunton on "Might in the true arbiter of right."

Another interesting case under a State statute which penalizes all publications tending to create disrespect for law is the case of the State of Washington *v.* Jay Fox. This man received a jail sentence for publishing the following editorial:

"THE NUDE AND THE PRUDES.

"Clothing was made to protect the body, not to hide it. The mind that associates impurity with the human body is itself impure. To the humanitarian, the idealist, the human body is divine, 'the dwelling place of the soul,' as the old poets sang.

"To the coarse, half-civilized barbarian, steeped in a mixture of superstition and sensualism, the sight of a nude body suggests no higher thoughts, no nobler

feelings, than those which the sight of one animal of the lower order of creation produces in another.

"The vulgar mind sees its own reflection in everything it views. Pollution can not escape from pollution, and the polluted mind that sees its own reflection in the nude body of a fellow being, and arises in early morning to enjoy the vulgar feast, and then calls on the law to punish the innocent victims whose clean bodies aroused the savage instincts, is not fit company for civilized people and should be avoided.

"These reflections are based on an unfortunate occurrence that took place recently in Home.

"Home is a community of free spirits, who came out into the woods to escape the polluted atmosphere of priest-ridden, conventional society. One of the liberties enjoyed by homeites was the privilege to bathe in evening dress, or with merely the clothes nature gave them, just as those chose.

"No one went rubbernecking to see which suit a person wore who sought the purifying waters of the bay. Surely it was nobody's business. All were sufficiently pure minded to see no vulgarity, no suggestion of anything vile or indecent, in the thought or the sight of nature's masterpiece uncovered.

"But eventually a few prudes got into the community and proceeded in the brutal, unneighborly way of the outside world to suppress the people's freedom. They had four persons arrested on the charge of "indecent exposure." One woman, the mother of two small children, was sent to jail. The one man arrested will also serve a term in prison. And the perpetrators of this vile action wonder why they are being boycotted.

"The well-merited indignation of the people has been aroused. Their liberty has been attacked. The first step in the way of subjecting the community to all the persecution of the outside has been taken. If this was let go without resistance, the progress of the prudes would be easy.

"But the foolish people who came to live among us only because they found they could take advantage of our cooperation and buy goods cheaper here than elsewhere have found they got into a hornet's nest.

"Two of the stores have refused to trade with them, and the members avoid them in every way.

"To be sure, not all have been brought to see the importance of the situation. But the propaganda of those who do will go on, and the matter of avoiding these enemies in our midst will be pushed to the end.

"The lines will be drawn, and those who profess to believe in freedom will be put to the test of practice.

"There is no possible ground on which a libertarian can escape taking part in this effort to protect the freedom of home. There is no halfway. Those who refuse to aid the defense are aiding the other side. For those who want liberty and will not fight for it are parasites and do not deserve freedom. Those who are indifferent to the invasion, who can see an innocent woman torn from the side of her children and packed off to jail and are not moved to action, can not be counted among the rebels of authority. Their place is with the enemy.

"The boycott will be pushed until these invaders will come to see the brutal mistake of their action and so inform the people."

Other circumstances in which the forms of law are being used to suppress agitators are illustrated by the case of one Prashner. This man was in the free-speech fight at San Diego, Cal. While there with several others he was arrested for deportation, and was the only one who was to be deported from the port of New York. While there the matter came to the attention of Simon O. Pollock, the attorney for the Political Refugees' Defense League. He applied for a writ of habeas corpus, in spite of much discouragement from Federal authorities. Prashner's case had no evidence whatever to support a deportation; in fact, it was so devoid of evidence that the district attorney and the authorities at Washington flatly refused to advocate the deportation in court. Prashner was released under writ of habeas corpus.

Another kind of complaint which is made against the Federal courts is illustrated in the trial and conviction of a number of men for conspiracy to interfere with the carrying of the mails. These men, 18 in number, were drivers of mail wagons employed by private contractors who performed this work for the Government. They were all tried together and all convicted of the same offense. They were organized in a union. Four of the 18 were officers of the union. When sentence was passed these four officers, instead of being commended for their superior intelligence and class interest, were given an additional pen-

alty, with a lecture from the judge to the effect that there was no place for labor unions in any work that might interfere with the performance of public functions.

I have now exhibited some of the ways in which our courts lawlessly invade freedom of speech and press when prompted by a desire to suppress an agitator. The penalties are not so severe as formerly, but the jail hazard of the occupation of being an agitator is much greater than ever. Our courts have held that the old intellectual crimes existing at the time of the American Revolution are still in force in spite of our guaranties of freedom of speech and of the press.

In addition to this, the judges have drawn upon their imagination to assert the existence at common law of the intellectual crime of "obscene libel." (See Obscene Literature and Constitutional Law, chap. 8.) In addition, there is an abundance of legislation in vast extensions of the common-law intellectual crimes. Besides all this, the uncertainty in the criteria of guilt has also been much increased by permitting unlimited speculations about psychologic tendencies.

Quite beyond all this we have the lawless police force, making unlimited arrests of agitators without even the pretense of an unconstitutional statute to support the act. In this wise, Emma Goldman has been arrested and had her meetings stopped about 100 times without pretense of having violated a law. The courts justify such interference solely upon the sensitiveness of a policeman's feverish imagination. (See Goldman, Reyborn, et al., 28 Penn. Dist. Repts., p. 883, and numerous other instances shown before U. S. Commission on Industrial Relations.) Sometimes this police and judicial lawlessness has almost assumed the proportions of an insurrection, when resistance has been offered by the friends of the agitator. Here I refer to the free-speech fights in Spokane and San Diego. The latter I have described with considerable detail in the New York Call, for March 15, 20, 29, and April 5, 1914. This was sent to a former secretary of this commission. Slightly corrected, another copy will shortly be furnished from an enlarged edition of Free Speech for Radicals.

The Spokane free-speech fight assumed even greater proportions and greater violence than that at San Diego. Less important disturbances of similar character have taken place in Missoula, Duluth, Fresno, Aberdeen (Wash.), Kansas City, Los Angeles, Salt Lake City, Palisade (Colo.), Grand Junction, Philadelphia, Minneapolis, Minot (N. Dak.), Tarrytown, New York City, and doubtless other places. In all these cases lawless violence was committed on the pretense of supporting law and order. In every case the police authorities more or less openly aided the lawless element in supporting "law and order" by physical violence directed against the agitator with unwelcome ideas.

In all such cases the courts have been either helplessly inactive or they have given the sanction of legal forms and judgment to the lawless proceedings. Of thousands of men who have thus been wrongfully deprived of their constitutional liberties I do not know of one who has ever secured any redress through the courts. Had there been one I believe I would have heard of it, because I have been watching many, if not most, of the sources of such information.

The official and judicial predisposition is always the same and always favors the suppression of new ideals and unpopular allegations of truth. First, it is falsely assumed that streets and parks can not be used so as to permit both public speaking and commercial traffic. Secondly, in the constructive conflict between the transmission of merchandise and the transmission of ideas, the latter always get the worst of it.

It has never yet occurred to a policeman or judge that the transporter of merchandise should be compelled to go around the block in order that public speaking might be uninterrupted. Complaining ideas must always be suppressed rather than have commerce even slightly inconvenienced. No official ever shows any respect for the constitutional guaranty for free speech. The complaining poor have no such right to voice their complaint, that a policeman must respect or which the courts will protect.

The poor are not even allowed to do their own begging. If they ignore the charity-organization monopoly, they are arrested. So sacred is business that even the business of the professional philanthropist must be protected for the sake of his rake-off, even though the hungry suffer while they wait. I am informed that some charitable organizations even insist that a striker's chil-

dren shall starve unless the striker is willing to submit to the demands of his exploiter.

There is still another way in which this persistent and pernicious official and judicial bias always manifests itself in favor of the privileged ones.

In every incitation to a breach of the peace there are two parties, the person who, intentionally or otherwise, actually or constructively, incites another to a breach of the peace. In this situation if we ignore the guaranties of freedom of speech, the judge, under uncertain laws, may arbitrarily determine whether he will impose the criminal responsibility upon the agitator or upon the person who in consequence actually resorts to a breach of the peace.

If the agitator is a radical, then the police and courts always agree that the speaker is criminally liable for any speech which even, speculatively and prospectively, may irritate any hypothetical future person to a breach of the peace, even though no crime or overt act actually results. Such a constructive breach of the peace exists only in an hysterical apprehension in the mind of the policeman or of the magistrate.

If, however, the speaker or publisher is defending the legalized injustices and vested wrongs by which our privileged classes prosper, then no matter how violent the language used against the radicals, or how much it tends to incite them to disorder, the speaker or publisher is never arrested. In such a situation if any radicals in the audience are provoked to a violent remonstrance, of course they will be arrested instead of the speaker. If the speaker is a radical and his conservative auditors are provoked to a violent resentment, then the speaker and not his excitable hearers are made the criminals.

Through personal observation and from the testimony of many others I have an extensive acquaintance with facts which justify this generalization. And so, in spite of our guaranties of liberty, a lawless police force, with the assistance of a lawless judiciary, succeeds quite thoroughly in making the criminal law a mere gambling device in which the other fellow can always say to the agitator with certainty, "Heads, I win; tails, you lose."

Whenever it can be made to appear that a choice exists between suppressing an agitator's freedom of speech and the suppression of a possible resultant disturbance of the peace, then it is always freedom of speech that is destroyed. It is as if peace of mind for the exploiting and privileged part of the community was the end and aim of government; peace of mind for them at any cost in empty stomachs for the exploited.

Again, when it is a conflict between the victims and beneficiaries of injustice, and it appears that the situation involves a choice between free speech for vigorous and protesting complaint against economic and industrial injustice on the one hand, and freedom from irritating acquaintance with unpleasant facts and disagreeable remedies, then the police and the courts quite uniformly decide against such freedom to demand justice for the afflicted, and act in favor of the emotionally undisturbed enjoyment of those who can indulge in ostentatious waste.

In the days of chattel slavery we made it a statutory crime to teach the negro to read or write, lest he should become discontented with his lot. Then, as always, the underlying unconscious assumption was that the exploiters of the poor have an inalienable property right in the slavish mental attitude of the exploited ones.

In our present wage slavery a lawless police force and a lawless judiciary accomplish approximately the same end by suppressing the agitator who is bent on intensifying or rationalizing the discontent with the view of promoting a better social order.

The Discussion of Remedies.

The ordinary man of the street, if free from an obsessing reverence for the courts, will ascribe to graft nearly all judicial actions which he disapproves or fails to understand. Personally, I take no stock in such an explanation, but believe the situation even worse. In saying this I do not mean to pass a moral judgment on the judges. I am thinking only of the consequences. Even if our judges were inclined to be corrupt, the risks are such that the corrupt motive would be operative in only a very few cases. On the other hand, a persistent, conscientious bias will be unconsciously and automatically operative in every case.

The more intelligent workers explain the practical uniformity of judicial decisions in favor of the economically dominant class by attributing them to an unconscious economic determinism, controlling the judicial intelligence. This explanation also lacks adequate breadth. Those who are familiar with recent developments in genetic psychology will be more inclined to explain the judicial prejudices on the basis of infantile intellectual methods. According to this view the prejudices of a judge are largely controlled by emotional associations established during youth and transferred to new situations in which they have little or no application. Here the economic factor becomes one of many determining influences. As to the mental mechanism of these emotional transferances the judges usually are as ignorant as they are of the scientific method. The check of these infantile processes is, therefore, almost impossible for the average judge. Unfortunately these missing factors of intellectual maturity are quite indispensable to an intelligent and impartial judgment and can not be supplied by legislation.

Another group of radical agitators who see the root of all evil in our economic system and the inefficiency of mere voting, have reached the conclusion that the remedy for all our industrial ills lies in organising the economic might of the workers through one big union. Such persons are already discussing the question of a "law strike," by which they expect to bring such economic pressure to bear upon the beneficiaries and masters of judicial action as will insure justice. Enough experience already exists to give apparent color to the claim that a lawless "judicial discretion" can be controlled through the purse strings of the employing class. In illustration of this "law strike" I quote the following from Syndicalist paper of recent date:

"THE LAW STRIKE.

"The law strike is crude, uncouth, and primitive. As a means to an end for stiffening the ranks of militant labor it has about run its course. What is the law strike? A law strike is a defense of labor in a capitalist court, a case wherein Labor has hired counsel to defend prisoners accused of labor 'crimes.' This is the labor strike in the law courts.

"We have been watching for several years a cool, calculating systematic plan of action on the part of Capital to drag Labor to death through Labor's pocketbook. The amount of money that Labor is enabled to accumulate is pathetically small compared to the enormous sums showered upon judiciary and jury by Capital. Though a case reach national importance, and whole industries and a swarm of friends contribute each according to the limit of its means, a mere handful of capitalists stack mountains of gold by the side of molehills of silver contributed by Labor. This merry game has been going on so long that Labor has become desperately tired with the cards stacked against him.

"The working class has been so thoroughly saturated with bourgeois conceptions of morality, theological conceptions of justice, legalisms, and veneration for law and 'order,' it believes that a question of mythical rights and wrongs can be thrashed out by the keenest and highest-priced lawyers. Each workingman who contributes his little piece of silver thrills with the joy of adding one more stone to batter the hide of Capital.

"So many labor cases have been dragged into the courts, so many calls have been made upon the pocketbooks of the proletaire, that the supply has begun to drip like the running stream drying up in the heat of the sun. Of late years Labor has supplemented the law strike by purely economic tactics. Later we shall see economic pressure also applied. As the law strike wages we shall hear Labor saying, 'Yes; I did it. To hell with justice! No longer, then, shall the militant man become suddenly nonresistant in the presence of the court.

"The law strike, like unto a craft-union strike, shall merge in an economic solidarity. Sabotage shall be applied on the industries, and pressure brought to bear upon fat pocketbooks of plutocracy. Labor shall but need to say, 'Come out of your cell, fellow worker. Not one of ours shall needlessly suffer.' When Labor shall have strongly organized on an industrial basis, free from parliamentary law, legal claptrap, judicial fakery, and capitalistic confidence methods there will be no need of hiring lawyers. That sort of tomfoolery and bourgeois luxury shall be consigned to limbo."

STATEMENT OF MRS. JOHN JEROME ROONEY.

[The Guilon Club, opposed to woman suffrage; founder and honorary president, Mrs. Rossiter Johnson. 45 East Thirty-fourth Street.]

NEW YORK, *May 19, 1915.*

Hon. FRANK P. WALSH,
Chairman Industrial Commission, Washington, D. C.

DEAR SIR: There are two objections to the suggestion of Mrs. Benedict, representing the Congressional Union, made to the Industrial Commission on Monday, May 17, that you make recommendation to Congress in favor of woman suffrage. The first is that this matter is not properly a national, congressional question; it belongs to the States.

Second. We hold that the argument is against woman suffrage on the merits. These merits should be thrashed out between the citizens, men and women, favorable to and opposed to woman suffrage.

The only forum in which this can be done practically and thoroughly is the States. Why should citizens of the States have woman suffrage forced upon them by Congress if a majority of the citizens in these States are opposed? Again, the way to settle that point is by election in the States.

The law, as a general rule, is the expression of the social consciousness at any given time. It may not be a perfect expression, but that means that it is only a human expression; a change of social conscience or sense inevitably works a change in the law, or, to the same effect, the law becomes obsolete and unenforceable.

Women are more effective as nonpartisans in forming this social sense, and also are more powerful as nonpartisans in framing it into law. Partisanship will weaken and divide this great social force of women. Instead of being divided into antagonistic politic classes women should guard their nonpartisan attitude and work together on necessary social reform.

This is woman's best and most influential public function because it is the one in which all her forces are at the maximum. Fighting with man and her fellow woman in political division and recrimination places woman at the minimum of her strength for social betterment; at the worst, for her personal happiness and elevation of character. At the last it becomes a question of the conservation and direction of energy, the adoption of the best means to the highest ends.

Yours, sincerely,

MARIE COLLINS ROONEY,
President.

STATEMENT OF GEORGE W. ALGER.

[Law offices of Alger & Simpson, Lord's Court, 27 William Street.]

NEW YORK, *May 26, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Transportation Building, Chicago.

GENTLEMEN: I inclose herewith my answers to the questions which you submitted with yours of May 13. I am sorry I could not have attended to the matter sooner, but I was unable to do so.

I remain, yours, very truly,

GEO. W. ALGER.

1. Have you as an attorney, or as a student, devoted any considerable attention to the decisions of courts in what are commonly known as labor cases?

Answer. Yes. I have for 20 years been interested in such matters, more especially, however, with decisions involving construction of industrial statutes and the general economic rights of employees other than questions of strikes and boycotts, to which I have paid comparatively little attention.

2. Will you please outline for the commission as definitely as possible your opinion regarding prevalent attitude of courts in labor cases and the social and legal aspects of this attitude?

Answer. It is very difficult to answer this question with any definite statement. We find in the courts of one State advanced views and in another entirely reactionary views. A general statement covering the courts of the

country as a whole would be necessarily inaccurate. I should state, however, generally, that the courts are slowly but surely for the most part accepting the necessity for greater legislative freedom to enable laws to be passed for the economic betterment of working people. The process is slow and uneven. Some States are still very primitive and follow precedents which, however applicable they may have been to an agricultural state of society, are largely out of date, due to changed conditions. We have numerous reactionary decisions, but I think the tendency on the whole is toward a more enlightened judicial opinion on (1) legislation on the hours of labor; (2) the physical condition of labor, sanitary requirements, etc.; (3) industrial accidents. This forward tendency seems greatest in States where economic pressure is greatest. In agricultural States, where economic and social legislation is less necessary, the courts seem more likely to follow old precedents instead of adapting themselves to changes going on in the courts in other States; in other words, not being conscious of changed conditions they keep to precedents of the past.

Fifteen or twenty years ago the courts were a dangerous handicap upon American industrial growth. They stood in the way of progress and of necessary legislation far more than at present. Public opinion and social necessity are both making themselves felt. The sharp criticism with which many decisions have been met which have hampered the development of industrial legislation has been felt keenly by the courts themselves. While the law is still behind our industrial evolution, it is not so far behind as it was only a few years ago.

Public investigating bodies like this commission, where they have in a scientific way investigated and assembled facts, have helped the enactment of social legislation, and still more have helped in the passage of these laws through the criticisms of the courts. An interesting example of this is two cases in the New York Court of Appeals involving the constitutionality of laws forbidding night work for women. The first case, People *v.* Williams (189 N. Y., 131), was couched in a somewhat supercilious tone, and, with even a show of indignation, declared such a law unconstitutional. The court says:

"When it is sought under the guise of a labor law arbitrarily, as here, to prevent an adult female citizen from working at any time of the day that suits her I think it is time to call a halt. It arbitrarily deprives citizens of their right to contract with each other. The tendency of legislation in the form of regulating measures to interfere with the lawful pursuits of citizens is becoming a marked one in this country, and it behooves the courts firmly and fearlessly to interpose barriers of their judgments when invoked to protect against legislative acts plainly transcending the powers conferred by the Constitution upon the legislative body."

It expressly declared that the statute could not be justified as police legislation for the health of women. Later on came the factory-investigation commission which collected facts. Then, with a very slight amendment, the condemned statute was reenacted, the amendment simply affirming that it was passed "to protect the health and morals of females employed in factories by providing an adequate period of rest at night." This statute was declared constitutional without a dissenting vote a few months ago (People *v.* Charles Schweinler Press, 214 N. Y., 395), just as the former statute, without a dissenting vote, had been declared void seven years before. The report of the factory investigating commission was largely responsible for this changed view. My general impression, therefore, is this: Whenever legislation has been preceded by investigation by commissions or public bodies and the necessity or propriety for such legislation has been shown by facts collected thereby, the courts are inclined to accept the legislation. The much-criticized Ives case in New York is, I think, an exception to this general tendency. The best work done in the way of investigating industrial accidents was done by the New York commission, whose report preceded the quite mild compensation law, which the court of appeals declared violative of both State and National Constitution. If there was any objection to the old law under the Federal Constitution, it still remains as against the new law. It is a curious fact that so generally satisfatcory has been the much broader law passed in New York after her constitution was amended that no case has been made attacking its constitutionality until within the past two or three weeks. The law thus far has been a victor by default.

The general success of social legislation is largely due, I think, also to a new method of presentation of these cases in the courts. Mr. Brandeis and his very

able assistant, Miss Josephine Goldmark, of the National Consumers' League, evolved in the Curt Muller *v.* Oregon case in the United States Supreme Court a new kind of brief. It contains about four pages of law precedents and a hundred or so pages of extracts from reports of investigating committees, factory reports, medical authorities, foreign statutes, and the like, on the effect of overwork on women. Its logical basis was simply a statement to the august court. "You may say that this Oregon law is not within the police power, but if you do you will find here the experience of the whole civilized world is against you on the facts." It is a new but highly desirable form of brief making in these cases. The courts are taking judicial notice of a good many things which they would not have taken judicial notice of 10 years ago. The body of social facts resulting from investigations has greatly increased, and the material which may be used in support of social legislation is much greater. It is very difficult for the courts to be blind when the legislature is able to see.

8. Do you consider it desirable that the courts in their consideration of labor cases should take into consideration the social and economic facts which have a bearing upon the case under consideration?

A. Most certainly; yes. It is not only the right but the duty of the courts in the great majority of these cases to consider social and economic facts. My line of reasoning is this: The police power is a branch of law which is not static. The police power is outside the Constitution. It is the reserve power of the State to meet necessity by law. A true police-power measure has to be tested by social facts and social necessities. A good part of our present social legislation might properly have been considered a hundred years ago as a series of gross outrages upon personal freedom. These measures, then, would not have social necessity to justify them. The thing which makes them proper and desirable now and which justifies the courts now in sustaining them is the existence of economic conditions new to our own time. If the courts do not consider these facts, they are not only obstructions to progress, but fail to perform the judicial function itself. There are, to be sure, some courts which render at times blind decisions, but the law does not require the judges to be blind. It is not part of the judicial function to refuse to see economic and social fact in decisions involving police-power statutes. Quite the contrary, is not only the rule of sense, but the rule of law.

4. Have you any suggestions in regard to methods by which the courts can be brought to take cognizance of such social and economic facts, or with regard to the machinery by which such facts can best be brought to the attention of the court?

A. I have no definite proposal to make except the following generality. The more study which is made of social conditions in America the better basis there is for legislation. The courts can not be expected to make such investigations. That properly falls upon the legislatures and Congress. The courts will be far less likely to hamper or frustrate legislation if they can be convinced that the lawmakers knew what they were about when they passed the law which is being attacked. No machinery is necessary, or should be necessary, to bring social facts before the courts. The machinery needed, and which is sadly lacking, is machinery adjunct to the law-making body. The labor departments of our State government are, for the most part, crude, inefficient, wasteful, and practically useless, and especially useless as investigating departments for social facts. They seem to exist mainly to afford temporary political jobs for "labor" hacks of one party or the other. These departments should be performing regularly, continuously, and relatively, inexpensively the work which commissions perform occasionally and expensively. It is the sheer lack of ability, coupled too often with lack of appropriation, which makes our labor departments useless when they should be vitally important. The labor departments of our American States ought to be far stronger than they are, especially on the investigating side. When they are adequately and intelligently equipped the difficulties with the courts will be very greatly reduced.

5. Have you in the course of your studies devoted any particular attention to the attitude of the court toward what are commonly known as personal rights? Such, for example, as the right to trial by jury, the right to a writ of habeas corpus, and the right of free speech.

A. I have given considerable attention in recent years to this question. The way in which West Virginia courts sustained their lawless governor in overthrowing their constitution in its plainest provisions against martial law, the

way in which Colorado and New Jersey courts have in recent times permitted the Bill of Rights to be disregarded by police authorities, the way in which the writ of habeas corpus has been whittled down in some States so that it is a tombstone for a dead liberty and a hundred legal lawlessnesses in a dozen States, from Massachusetts to California, are disquieting and alarming. Whenever there comes a conflict between lawless workers and lawless employers the two acting together seem to generate lawless courts. I think the commission should do as much as it can to collect together the specific data on a series of these outrages, so that they may be presented in a concrete form to the people. These old liberties which the Bill of Rights guarantees can not exist for one class to the exclusion of another, and it is time we had public opinion thoroughly aroused on the subject.

Yet, after all, I do not believe that the reestablishment of the Bill of Rights, the restoration of free speech and habeas corpus and all the old individual rights will take us very far toward establishing industrial peace. When you get a condition of war at Lawrence, Paterson, or in the West Virginia or Colorado mine regions law seems to break down, passion on one side meets passion on the other, and the lawlessness of both side is met by the lawlessness of the authorities in an attempt to restore what is called order. Nothing is finally accomplished by order restored in this way. There is nothing fundamental finally accomplished by the restoration of all these individual liberties. The fundamental thing is this: The existence of conditions which beget disorder is largely due to the blindness of the State or Nation to responsibilities which it should have recognized long before discontent had reached the boiling point. Those who rely upon freedom of speech, the right to assemble, habeas corpus, and jury trial, to help greatly in producing social justice, are, I think, expecting too much. Not that I underestimate their value. I am more interested in industrial peace and how to obtain it than in industrial war and the rules or fragments of legal rules which are broken in waging it. The main thing which all law-abiding citizens are interested in is getting rid of industrial conditions which inevitably tend to produce war. This is a much more difficult, a much more important problem, requires legislative intelligence based upon legislative fact, and investigations of industrial conditions which will enable laws to be passed in advance of and to prevent industrial war. When we get this idea firmly fixed in our minds we will begin to make progress, and not until that time is reached.

6. What criticisms, if any, would you care to make with regard to the decisions of the courts in connection with these questions of social rights?

A. I have no detailed criticism of decisions of the courts with these questions of social rights. Doubtless your record is full of illustrations of lawlessness supported by the courts in various Mexicanized States, such as Colorado and West Virginia. These two States are only recently conspicuous in that regard. There are many other States where the same lawlessness has been perpetrated in years past. If your body will collect together, as I have suggested, the specific cases where the law has broken down on this subject, it should be an impressive and valuable contribution to the work for which the commission is organized, and this will have a good deal of effect upon the attitude of the courts.

7. Have you in mind any methods by which such personal rights can be enforced, or by which the attitude of the court can be modified to meet your idea?

A. My last answer covers this question as far as I am at present prepared to answer it.

8. Have you devoted any particular attention to the relative desirability of State and Federal action in the regulation of industrial conditions, and in connection with labor disputes?

A. I think both the State and the Federal Government have distinct spheres in which they have failed to take action to prevent industrial war or to obviate by appropriate legislation injustice to working people. I am not referring now to labor disputes. Take, for example, this: Your commission has been investigating the Pullman Co. Do you know that the Pullman companies and the express companies make their employees sign contracts exempting railroad corporations from any responsibility for negligence in case the Pullman employee or the express employee gets killed? Do you know that these contracts have been sustained by the United States Supreme Court? That we have this great body of outlaws in the sense that they have no rights traveling around thou-

sands of miles on our American railroads? This, I take it, is obviously a matter for Federal legislation. It doesn't seem to be anybody's business to enact such legislation. The United States has the worst workmen's compensation act now in force in this country, purporting to cover Federal employees. Why does Congress fail to take action on this important subject? There has been an adequate law before Congress for several sessions, but it has failed to be enacted. What is the Federal Department of Labor doing about it? The notion that all industrial legislation can be left to private initiative I think is fundamentally unsound. To expect the labor unions to confer any lasting benefit upon the whole body of workers through legislation is to expect too much. Such legislation should not come from any one class. It should come from the public authorities interested in the well-being of the people as a whole. Such is not the case at present.

9. To what extent do you consider that it is socially desirable that the Federal Government should attempt to take action with regard to labor conditions?

Answer. I think it is time that the Federal Government passed a workmen's compensation act, for example, covering Federal employees. The trouble is that just now when we should be doing the most to organize industry, owing to war conditions, and what will inevitably follow from it, we are doing nothing. We have a conservative panic on us when we ought to be preparing ourselves for the future. The whole relation of the Federal Government to the immigration problem should be receiving close attention at this time. There is nothing I have seen as yet which indicates that this is being done. The Federal Government should be in a position to regulate the immigrant, determine where he shall be sent, prevent the congestion of immigrants in one section where they are not wanted. It should have a bureau of employment which should perform the function of spreading immigrants where they are wanted. Immigrants who come to this country should come under conditions which will make them desirable as citizens. They should come on our terms and not on theirs. We could readily afford as a Nation to spend five times as much money as we do in making an immigrant an asset instead of a liability. Now is the time to do it, when our immigration department is not paralyzed with the flood of newcomers.

10. From your knowledge of the past decisions of the Supreme Court, to what extent do you consider that they are likely to approve the extension of Federal action with regard to labor conditions?

Answer. The question is too general for a concrete answer. I think the Supreme Court has been very liberal in its construction of interstate commerce in bringing employees under Federal laws, where contrary decisions would be equally possible, placing large classes of employees outside the scope of Federal law. The interstate commerce clause is cutting a wider sweep every year. Through the decisions of the Supreme Court State lines on commerce are disappearing; State lines on labor as a part of commerce are nowhere as nearly as strictly drawn as was the case 15 years ago.

11. In your opinion, to what extent may the section of the Constitution which provides that Congress shall have "power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and welfare of the United States" to invoke as a basis for the extension of Federal control over labor conditions?

Answer. I think this clause has been absurdly misconstrued. All that Congress is given power to do under it is not in the wide sense to provide for the common defense and welfare of the United States, but simply to collect taxes, etc., which are necessary to pay the debts, and which taxes are necessary to provide for the common defense, etc. In other words, the common defense and welfare of the United States, as used in this section, are clearly limited to taxes imposed for that purpose. I can not see that the clause has any substantial basis for the extension of Federal control over labor conditions. The Federal Government has not been given authority except as otherwise expressly stated in the Constitution, to provide for the common defense and welfare of the United States. It is by this section simply authorized to collect such taxes as may be necessary to meet the obligations properly incurred by the Federal Government under powers elsewhere conferred in providing for the defense and welfare of the people.

12. To what extent do you consider that the Supreme Court is likely to uphold the extension of Federal action in labor matters under the interstate commerce clause?

Answer. As I have said before, I think the Supreme Court has been liberal in the extension of Federal action under the interstate commerce clause. I believe

that it is prepared to go somewhat further. Whether it will go to the extent of supporting the bill which the National Child Labor Committee, for example, has been urging for many years with reference to interstate traffic in the products of child labor I am somewhat doubtful. I am so much in sympathy with the objects sought to be obtained by this bill that I would prefer not to express here any such doubts as I have on this matter. Personally I have always felt that the Federal tax power could be used much more than it has been to accomplish social reconstruction. I think Congress could properly tax, as a part of its internal-revenue law, products of child labor, for example, so as to substantially destroy the value of child labor when in competition with adult-made goods. It will be a simpler method of accomplishing the result desired than the only measure which has heretofore been considered by Congress. Congress now imposes a tax, for example, on the manufacturers of adulterated butter. It requires a license to manufacture adulterated butter, and so much a pound on each pound sold. The license and the tax are so high that the effect of the law is to prohibit the sale of such commodities. Why not apply the same principle to goods made by child labor? This is perhaps a digression, but the suggestion may be worth making at this time.

EXHIBITS.

WALTER CLARK EXHIBIT.

STATE OF NORTH CAROLINA SUPREME COURT,
Raleigh, June 2, 1915.

SECRETARY COMMISSION ON INDUSTRIAL RELATIONS.

DEAR SIR: Your letter received. References to the decisions mentioned were made in the corrected copy of my evidence which, at your instance I returned to you, addressed to Chicago.

The two speeches on the Constitution were: (1) Before University of Pennsylvania, April 27, 1906, "Some Defects in the Constitution," reprinted as Senate Document No. 87, Sixty-second Congress, first session, and (2) "Government by Judges," at Cooper Union, January 27, 1914, reprinted as Senate Document No. 610, Sixty-third Congress, second session.

The other cases referred to are Nelson *v.* R. R., 167 N. C., dissenting opinion at p. 189–191; Penny *v.* R. R., 161 N. C., 530; Mott *v.* R. R., 164 N. C., 367; also Fitzgerald *v.* Furniture Co., 131 N. C., 636 to 644; and Ward *v.* Odell, 126 N. C., read pages 947 and 948; and same case, 123 N. C., 248.

Most truly, yours,

WALTER CLARK.

McKELWAY EXHIBIT NO. 1.

REPORT OF REV. A. E. SEDDON.

COVINGTON MILLS.

APRIL 29, 1908.

I had been recommended by Rev. R. E. Pendleton, Baptist minister at Covington, to seek an interview with Mr. N. S. Turner, president of the Covington Mills, with the assurance that I would be cordially received and helped; but this morning, quite early, Mr. Pendleton called at the hotel, being evidently somewhat disturbed in his mind, and urged me not to see Mr. Turner, nor to attempt to visit the Covington Mill. He had just spoken to Mr. Turner, who is a prominent member of his church, and found Mr. Turner so emphatically hostile to the child-labor committee that he feared harm, and not good, would result from the interview. Whilst thanking Mr. Pendleton for his interest and advice, I told him I felt it my duty to try, at any rate, to see both Mr. Turner and his mill.

The mill is situated outside the Covington city limits. I walked out and came first to the schoolhouse. I inquired if any others who were standing around knew anything of the boy or of P. H. Sommers or G. H. McCullum (alias and real name of Charlie's uncle). I next went to the schoolhouse close by and inquired there. Neither the teachers nor scholars knew anything about Charlie Knapp or his uncle. I then asked the teacher's permission to speak to the children. I told her that I represented the National Child Labor Committee and that I was visiting cotton mills in the South to study conditions with a view to securing adequate legislation. She was very glad to know such work was being done and said it was needed right there. I asked her if there were any children in the mills who ought to be in school. She replied, "Lots of them."

Miss Annie Corvan is the principal of the school and her sister Ruth assists her. She teaches the first and second grades whilst Miss Annie teaches the

third, fourth, and fifth grades. Fifth grade is the highest taught in the school.

The Porterdale school has a nine months' term. The county pays for five months, the parents for two months, and the mill pays for two months.

With the teacher's consent I enquired if any of the children present had worked in the mill. I interview every one who held up the hand. None of them had worked in the mill since the beginning of the present year.

I have autographs of the following: Tom Speer, aged 11, fourth reader; Willie B. Mills, aged 11, fourth reader; Louis Burnham, aged 10, third reader; Tet Lummus, aged 10, fourth reader; Annie Smith, aged 10, third reader; Annie Brightwell, aged 10, third reader; Ophelia Kirkes, aged 13, third reader; Dora Lummus, aged 13, fifth reader; Emma Williams, aged 10, first reader (this child's writing is indecipherable; she began to learn only at the beginning of this year; John Williams, brother of the above, aged 12, now working in mill); May Alexander, aged 15, first reader.

The number on the school roll is 89; present at time of my visit, 35. The disparity was accounted for by the teacher as due to removals and sickness and, but to a very limited extent, to being at work in the mill.

* * * * * * *

[Part omitted was read by Mr. McKelway in his testimony given on May 11, 1915.]

McKELWAY EXHIBIT NO. 2.

[National Child Labor Committee, 105 East Twenty-second Street, New York City.]

MAY 12, 1915.

Mr. BASIL M. MANLY,
U. S. Commission on Industrial Relations, Washington, D. C.

DEAR MR. MANLY: I have looked over and edited the carbon copy of my testimony before the commission yesterday. You will note that I have eliminated the paragraph relating to a stockholder in the pencil factory in Atlanta in which Mary Phagan was murdered. I regret very much that I made an error about this. In the year 1908, I had a newspaper controversy, as the clippings which I handed in will show, with Mr. S. F. Parrott, a capitalist of Atlanta, interested in many enterprises. It is possible that he may have been a stockholder in the pencil factory, but I have no means of knowing this. This Mr. Parrott died about two years ago, I am informed. His brother, Mr. George Parrott, was a large stockholder in the pencil factory, and during the newspaper criticism of sanitary and moral conditions in this factory he issued a statement which I remembered, but did not look up before my testimony. I confounded him with the Mr. S. F. Parrott, his brother, with whom I had had the former controversy. Thinking about the matter yesterday afternoon, I went over to the Congressional Library and found in a copy of the Atlanta Constitution a letter from Mr. George W. Parrott instead of Mr. S. F. Parrott, as I had thought, defending the conditions of the pencil factory. So I ask that the whole reference to the stockholder in the pencil factory, together with the clipping containing Mr. S. F. Parrott's name, be eliminated from the record. The main point I wished to make was that if the people of Georgia had passed the child-labor law earlier, which they did enact in 1915, they would have been saved the whole trouble and expense of the Mary Phagan case.

On April 29, at a meeting of the Southern Sociological Congress in Atlanta, at which I presided, three days after the murder of Mary Phagan, I said, in closing the session of the congress:

"If social conditions in Atlanta were of the best, if conditions in factories were of the best, and lastly if children of such tender years were not forced to work, little Mary Phagan would probably never have been murdered." * * * I find this in the Atlanta Constitution of April 30.

I am asking my secretary in my absence to bring you another copy of the arguments before the Georgia committee, at which representatives of the Western Union and Postal Telegraph Co.'s were present in opposition to a bill providing for the protection of telegraph messengers. The bill as finally passed made a 14-year age limit for day work and a 16-year age limit for night work. You will find that this information is to be inserted in the testimony. I am also sending you, as Mr. Walsh asked me to do, a table concerning the wages of some 31,00 operatives in southern cotton mills. Mr. Walsh raised the point

as to how long a period these wages had been studied. You will find on pages 304 and 305 of volume 1 of the Federal Bureau of Labor Reports on Conditions of Woman and Child Wage Earners in the United States, the statement that the earnings of all these employees in a representative week with the average hours worked by the employees was taken. The average hours for all the Southern States were 50.6 a week, which is about 10 hours less than if they all had been employed for the whole time.

And I am sending you the table giving the number of these employees of diffrent ages with different wage scales.

I am also sending you my correspondence with Mr. Belvidere Brooks. Hon. F. M. Hudson was a member of the Florida Senate.

Cordially, yours,

A. J. McKELWAY.

P. S.—I note that I referred to volume 6 regarding the history of child-labor legislation in the South in the same report on the Condition of Woman and Child Wage Earners in the United States. I have only one copy of this and so shall not be able to file it with the commission, but I suggest that the whole 19 volumes should be purchased and studied by some expert in making up the report.

A. J. McK.

Number of employees earning classified amounts in a representative week in southern cotton mills, by sex and age.

	Under 12 years.		12 and 13 years.		14 and 15 years.		16 and 17 years.		18 to 20 years.		21 years and over.		Total.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Under $2.....	145	106	368	363	394	361	159	263	177	336	483	602	1,726	2,041
$2 to $2.99....	133	80	395	341	383	401	143	285	113	322	297	553	1,464	1,981
$3 to $3.99.....	129	53	380	334	708	604	268	458	155	496	419	799	2,257	2,708
$4 to $4.99.....	52	34	280	254	647	560	394	574	257	686	541	985	2,211	3,093
$5 to $5.99.....	5	14	64	111	285	374	242	526	242	657	743	1,063	1,559	2,747
$6 to $6.99.....	5	1	25	51	146	228	103	336	271	491	884	961	1,534	2,093
$7 to $7.99.....	.....	1	7	15	44	74	74	129	214	280	791	704	1,130	1,173
$8 to $8.99.....	1	1	.....	1	19	29	33	48	110	114	663	422	835	609
$9 to $9.99.....	.....	.....	.....	2	5	7	26	17	80	61	584	250	695	337
$10 to $10.99 ..	.....	.....	1	.....	1	2	4	5	48	18	381	131	435	159
$11 to $11.99..	.....	.....	.....	.....	1	1	4	1	34	8	212	44	241	54
$12 and over..	.....	.....	.....	.....	.....	.....	1	1	15	7	245	23	261	31
Total...	470	290	1,520	1,492	2,609	2,630	1,481	2,666	1,715	3,490	6,243	6,536	14,288	17,006

CORRESPONDENCE WITH MR. BELVIDERE BROOKS.

[The Western Union Telegraph Co. Received at Tallahassee, Fla. 42–J F. 184 DH CO. 2 extra.]

NEW YORK, N. Y., *April 29, 1913.*

Hon. F. M. HUDSON, *Tallahassee, Fla.:*

I understand you have been informed that I read and approved your child-labor bill, No. 160. This is incorrect. I never saw the bill until in New York to-day. We are in sympathy with reasonable child-labor regulations and have cooperated in that direction and in cities of considerable size. Have no objection to limiting the age of messengers between certain hours of the night of 18 years. I do not think the hours of labor should be limited to 54 hours per week, particularly in small places where telegraph companies can only afford to employ one messenger who under our rules is required to be on duty from 8 a. m. to 8 p. m., less two hours for meals, and on Sunday two hours before noon and two hours after noon. The child-labor representatives informed me while in Tallahassee that the bill would provide that boys of 12 or 14 years of age could be employed in the smaller cities, and nothing was said about limiting the hours of labor to 50 hours per week.

B. BROOKS,
Vice President.

COPY OF TELEGRAM TO BELVIDERE BROOKS.

Mr. BELVIDERE BROOKS,
General Manager and Vice President
Western Union Telegraph Co., New York City:

Am astonished at contents of your telegram to Senator Hudson and of State Manager Maxwell's letter to legislators. Our general secretary, Mr. Lovejoy, told you in my presence that Florida child-labor bill regulated messenger service. You asked what the age limits were and were told 12 for day work, 18 for night work, whereupon you agreed not to oppose measure and said you would accept 14 for day work. You asked nothing about hours of labor for children under 16, and hours specified in bill are one more a day than are lawful for children in numerous occupations in New York and many other States and prescribed in uniform child-labor law indorsed by American Bar Association. Certainly, we did not dream that you wished to employ 12 or 14 year old boys 12 hours a day, as per your telegram, with four hours on Sunday. Nothing was said in our interview about employment in cities only. I understand Mr. Maxwell is denying facts of interview, and his letter to legislators advocates employment of boys under 14 even in school hours, opposes the only practicable plan for ascertaining ages of children so as to observe the law, misquotes its provisions and makes other incorrect statements. For example, I happen to know that your representative here was notified of senate committee hearing and was present at hearing. Age limit in Florida bill was reduced from 21 to 18 for night messenger service to avoid opposition from your company, which helped to defeat bill last session, and not because those acquainted with conditions of night messenger service do not wish all minors protected from well-known evils. I have just suggested to our agent in Georgia to pursue same course, and had expected to try that plan in other Southern States for the present; but if our understanding amounts to nothing, and State managers are not controlled by agreement of general manager, fight may as well begin here and everywhere for proper age limit. Have thus far avoided giving out reports of investigations made, with corroborative photographs, in Florida cities. Another bill has been favorably reported in house prohibiting minors from employment in pool rooms, whereas general child-labor bill prescribes 16 only. You are bound to know that night messenger service is more demoralizing. I await reply.

A. J. MCKELWAY,
Secretary for Southern States, National Child Labor Committee.

A. J. MCKELWAY,
% of L. J. Maxwell, Tallahassee, Fla.:

You are evidently laboring under a misapprehension as to the contents of my telegram to Senator Hudson. Would suggest that you read the telegram, and if it does not state exact facts advise me in what particular it does not do so. This company has issued positive instructions that its messenger boys should not be permitted to render service of any kind to disreputable house, and should be allowed to go to such places only for the purpose of delivering telegrams, which is under the law unavoidable. We are not seeking business from that class of people, and if you have information that the instructions above referred to are being violated, I would be very glad to advise you of specific instances, so that immediate steps may be taken as to remedy. As stated to Mr. Lovejoy and yourself, as well as Senator Hudson in my telegram, we are in absolute sympathy with your movement, but in small towns where there are (not) any bad influences which younger boys can come in contact with, we do not see the necessity or justice of your endeavoring to have such drastic laws passed as you propose. The work of a messenger boy in a small town is very different from any other employment, the actual labor performed in many cases amounting to very little. The proposition to limit the hours of labor to 54 a week would compel us in a great many small places in Florida to employ two messengers instead of one, or curtail the operating hours of such offices. The latter course would prove a hardship to the community, and we could not afford to go to the expense of employing an additional messenger to do practically nothing. I am not advised as to what action Mr. Maxwell is taking in regard to this bill, but I am quite sure that he will act entirely in line with my message to Senator Hudson and this message to you.

B. BROOKS.

[Night letter. The Western Union Telegraph Co.]

To BELVIDERE BROOKS,
General Manager Western Union Telegraph Co., New York City:

Yours received. I presume all the harm that Mr. Maxwell was capable of accomplishing has already been done. Am writing more fully, but meanwhile suggest that, as only his opposition is apparent here, best proof of good faith would be passage of bill unamended. Other matters can be settled afterwards.

A. J. MCKELWAY.

LEGISLATURE, STATE OF FLORIDA,
HOUSE OF REPRESENTATIVES,
Tallahassee, May 5, 1913.

Mr. BELVIDERE BROOKS,
General Manager Western Union Telegraph Co., New York City.

DEAR MR. BROOKS: This is the first opportunity I have had of writing you in full concerning your telegram of May 1. It was not so much that the telegram to Senator Hudson misstated the facts as that, in connection with the letter of State Superintendent Maxwell, it made a thoroughly wrong impression. I am informed that State Superintendent Maxwell, after my leaving the city for Atlanta, with no one here as a witness to our interview at the Leon Hotel, went around denying the fact of an interview altogether, and, in fact, questioned my veracity so that some of my friends had to vouch for my character.

This letter to Senator Hudson, enclosing copies of his letter to President Drane and Speaker Farris, contains a good many errors of fact. I presume that you have a copy of this letter. He objects to section 4 of the bill, which provides that no child under 14 can be employed during school hours; to section 7, which requires the securing of an employment certificate in order that the age of the child may be ascertained; he mentions two subsections, which were written in to secure some proof as to age, as if there were no alternates, when one is the simple affidavit of the parent as to the age of the child; he objects to section 12 of the bill, requiring that the child appear personally before the officer issuing the certificate; he also objects to the nine-hour a day law section, the section prohibiting the employment of children under 18 after 10 o'clock at night, and to the penalty clause for the violation of the bill. I quote the following sentence:

"As stated, the bill starts our very fairly, but as it proceeds, by other limitations, the first portion is destroyed."

I feel sure that Superintendent Maxwell is too intelligent a man not to have recognized that the bill is consistent with itself; and as we have the endorsement of the American Bar Association for it, with the exception that we have minimized the age limit in some sections, I am not concerned about the destruction of the bill. The letter ends with the threat that it would be impossible for the company to give the service required if this bill becomes law.

Now, your telegram to Senator Hudson started out by saying: "I understand you have been informed that I read and approved your child-labor bill No. 160. This is incorrect. I never saw the bill until in New York to-day." This seemed to corroborate Superintendent Maxwell's unwarranted statements as to the facts of our interview. You are right in saying that the 54 hours a week was not mentioned to you. You did not ask concerning the hours of labor and we did not think of this, as they did not apply to messenger boys alone. You say further "the child-labor representatives informed me while in Tallahassee that the bill would provide that boys of 12 or 14 years of age could be employed in the smaller cities." I am sure that when you refresh your memory you will recall that nothing was said about the bill applying to the smaller cities only. What you agreed to was the 12-year age limit for day work, or 14, if we preferred, and 18-year age limit for night work.

As to your instructions in regard to delivery of messages in certain parts of cities: Our investigations have conclusively proved that such instructions are not followed; and, even though forbidden, this is inefficient, the only remedy being the prohibition of boys of certain age working certain hours at night. When the fight is over I shall be glad to give you facts I have in my possession, which can be sworn to by three reputable witnesses, as to the employment of boys in two Florida cities in violation of these instructions. But the fight is on here now with a view to securing a better child-labor bill for Florida, and the question is, "What are you going to do about it?"

As I wired you, Superintendent Maxwell has done about all the harm he is capable of. I am too old a man at this business not to recognize the echoes of his letters in my talks with the representatives. In his letter he has objected to everything that you agreed to, and in addition to this, as I am informed, he has denied that you ever made any agreement at all.

To my knowledge no one ever claimed that you agreed to the bill; it was only the sections concerning the employment of messenger service.

If the bill is defeated Mr. Maxwell and the Western Union will inevitably be held responsible for it, as they were in part two years ago; and, frankly speaking, with the sentiment of the people of Florida, now rather evident, it does not seem to me that the company can afford to carry the burden of that odium.

I shall not attempt at this late day to revise the bill by making the age limit for night messenger service 21 years instead of 18, unless I find that the bill is weakened by other amendments in line with those Mr. Maxwell has proposed. We can let our controversy as to other States rest until the matter is decided here.

Sincerely, yours,

A. J. McKELWAY.

[The Western Union Telegraph Co., 195 Broadway.]

NEW YORK, *May 12, 1913.*

Mr. A. J. McKELWAY,
Secretary for the Southern States,
204 Bond Building, Washington, D. C.

DEAR SIR: This is to acknowledge receipt of your esteemed favor of the 5th instant. I hardly know what I can add to my conversation with you at Tallahassee and communication by telegraph. It was reported to me Senators Drane and Hudson had been informed by some one, I don't know who, that the child-labor bill introduced in the Florida Legislature had been inspected and approved by me. This, you know, was not the case, as I never saw the bill until my attention was called to this statement, and as it contained provisions which I was not aware of and did not discuss with Mr. Lovejoy or yourself, I could not have approved it.

I am perfectly sincere in the statements I have made that the Western Union Telegraph Co., as well as myself individually, is in sympathy with your movement, and I only regret that your people seem inclined to include in bills to be enacted into laws conditions that are unnecessarily burdensome and force us to resist instead of cooperate with you to secure their passage. I also regret that you evidently do not see your way clear to give me definite information as to points in Florida where our instructions regarding messenger service to disorderly or disreputable houses or persons are being violated. I have, however, directed that an investigation be made at once with a view to ascertaining the facts and correcting the matter if it exists in our service.

Yours, truly,

B. BROOKS, *Vice President.*

McKELWAY EXHIBIT NO. 8.

FIELD NOTES OF LEWIS W. HINE, CHILD-LABOR CONDITIONS IN TEXAS.

I. Visited the Denison Cotton Mills in Denison, Tex., in the afternoon of September 22 and during the noon hour September 23. Watched the workers coming and going and made careful inquiry among the school children and the school principal. Found no evidences of children under 15 years. The school principal told me the absences of children was due to the child-labor inspector, who is a good one. Principal said that the children are in school the required time and are not in the mill until the proper age.

II. Visited the Bonham Cotton Mills, Bonham, Tex., September 24 and found none under 15, but I did not see all that came out. Talking with the boys of the neighborhood, I could get no evidence of violation.

III. Visited the Sherman Manufacturing Co., Sherman, Tex., September 24. Spent the noon hour and went through the mill as work was resumed. Saw only two that might be under 15. They are building a small school, which is not yet finished. Housing conditions are average, but the outdoor toilets and surface drains are bad, and probably much worse in bad weather.

IV. Visited the Itasca Cotton Mills, Itasca, Tex., September 29. Went all through the mill; found none under 15 years of age except one boy, who seemed to be under, but the overseer says he has mother's affidavit that he is 15. The spinning-room overseer said that while it was better for the children to be kept out of the mills, as it is dangerous and hinders schooling, yet it is hard on the mills to get enough hands over 15 years of age.

V. Waco, Tex., September 30; visited the overall factory, mattress factory, and broom factory. Found none under 16 years. At the broom factory I was told that one schoolboy works outside of school hours, but his age was not given.

VI. Visited the Pittman Handle Factory, Denison, Tex., September 23 and 24. Found boy who said he was 15 running a dangerous machine which bores large holes in the spade handles. He said that another boy had half of his hand bored off a while ago. There is no doubt that it is a very dangerous machine for a boy to run.

VII. I talked with School Superintendent Hughes, Denison, Tex. He said the mill owners were living up to the law because they are conscientious men. There is no inspector that he knows of, and he has heard no talk about child labor. Had no copy of the child-labor law. He says compulsory education will be delayed in Texas on account of families who depend upon the cotton crop and need the children to pick. "I think I voice the feelings of school people all over the State when I say I wish the boll weevil or something would make the people raise other things. Cotton is a curse to these children."

VIII. Visited shaft 3 of the Thurber mines September 26 and 27. Found no boys. Talked with Superintendent Windle. He said he was sure some boys went into the mines at 16 (parents swearing that they were 17), but he did not believe that they went in much below 16. A worker in the mines, staying at the hotel, said they employed old men as "trappers" because a 17-year-old boy wants to earn more than $1.60 a day. The sisters in charge of the Catholic school said that none of their children went to the mines.

IX. Visited the Mount Marion mine at Strawn, Tex., September 17 and 18. Saw them all come out of the mine and saw none under 17, except one boy who was working on the tipple outside as check boy, who said he was 16 years; name, Lindsey; son of the engineer.

COTTON PICKING NEAR DENISON, SEPTEMBER 22.

I drove out to a number of the farms near Denison and found many very young white children working all day in the hot sun picking and dragging sacks of cotton. In one field the labor corps consisted of one woman and six children, one of them 5 years, one 6 years, one 7 years, one 9 years, and two about 11. The father was plowing. The 5 and 6 year olds worked all day as did the rest. The 7-year-old said he picked 50 pounds a day, and the 9-year-old 75 pounds. (A good picker averages several hundred a day.) School begins late on account of the cotton picking, but the children nearly all prefer school to the picking. Picking hours are long, hot, and deadly monotonous. While the very young children seem to enjoy it, very soon their distaste for it grows into all-absorbing hatred for all work.

Near Corsicana, cotton nearly all picked. Only 40 per cent of school children were at school. Other schools not opened yet on account of cotton picking.

COTTON PICKING ON FARMS NEAR HOUSTON AND NEAR M'KINNEY.

On most of the farms that I visited in these sections the high percentage of child labor was appalling. It was exceedingly difficult to get enough statistics on these visits on account of the weather and the fact that the farms are often widely separated; but wherever they were working in the cotton the children were nearly always in evidence.

The wages for cotton picking have recently gone up above $1 a hundred pounds, plus board—due to scarcity of pickers.

GUADALUPE VALLEY COTTON MILLS, CUERO, TEX., OCT. 16, 1913.

These mills were not running this week on account of the floods. I spent the morning around the homes getting acquainted with the children. Two boys took me around. They said they were only 14 years old, and that it was easy to get a job here. They were the only ones under age that I could find here.

THE LIGNITE MINES NEAR ROCKDALE.

I spent part of two days in this region—October 17 and 18, 1913—and drove out to the following shafts: The International Coal Co., employing 50 men; Big Square mine, 20 men; the Texas Coal Co., 75 men; Big Lumb Shaft No. 5, 150 men. While I did not see many miners, yet I talked with workers and bosses around the mines, with women and boys around the homes, and with men and boys in Rockdale. Everybody agreed that there were no boys at work now under 17. One boss said, "Sometimes they'll slip in, but we run them out. It's dangerous, and the law is strict." The workers are mostly Mexicans.

MISCELLANEOUS INDUSTRIES.

I. *Walker Packing Co., Austin, Tex.*—Went through the whole place, but saw no children. Only part of the force was working, however. Sanitary conditions in parts of it, however, were bad.

II. *Model Laundry, Galveston, Tex.*—I saw part of this place and found no children, October 11, 1913.

III. *Miller & Brothers, overall factory, Dallas.*—October 27, 1913, could find none under 29 years here.

IV. *Brown Cracker & Candy Co., Dallas.*—October 29, 1913, watched the workers coming out at 5.30 p. m. Counted ten girls any or all of whom might be from 12 to 15 years.

V. *Hughes Brothers Mfg. Co. (candy makers), 1401 S. Ervey St., Dallas.*—I counted five boys and girls coming and going at noon and night, October 27 and 28, 1913, all of them workers, and ages ranging, apparently, from 12 to 15 years. One girl told me that she is 13 years old, runs a chocolate machine, "But we have to tell 'em we're 15."

VI. *Silvers Box Factory, Dallas, Tex.*—October 27, 1913, made several trips through this place. There is plenty of dangerous machinery, but I found no boy under 20 years.

VII. According to the testimony of Mr. Sam Callaway, formerly county superintendent of schools at Fort Worth, the King Candy Co. managers are very particular about looking up school records to find actual ages of their workers. He said the Hub Furniture Co. may use a few children, not many.

VIII. The work of the elevator boys in the hotels of Texas will bear careful investigation. Boys from 16 to 20 years told me repeatedly that they put in 16 hours a day, and in rush times more. At such times the work is particularly fatiguing, physically and nervously, and such long hours are very harmful. Data are difficult to get from the boys, but the strain of the work can be easily overlooked. At the same time the safety of the passengers is to be considered.

IX. *Lumber mills.*—November 6 to 10, 1913, in the lumber mills at Doucette and Nacogdoches—Frost-Johnson Lumber Co. (large mills), and Millard Lumber Co. I found no young boys. Then I went through the following mills in Beaumont and found no young boys: Kirby Lumber Co., Neches Lumber Co., Beaumont Shingle & Lumber Co., Georges Lumber Co. I talked with the superintendent of the Beaumont Shingle & Lumber Co., who said, "We used to use some young boys in the shingle mill, but a Government inspector came along and said that, while he wouldn't do anything this time, he would advise us to get those boys out of the mill just as fast as we could. It cost us a hundred dollars a day, I think. Boys don't pay around this work anyway."

After finding all these good conditions I was greatly surprised to find three violations of the law in the Miller & Vidor Lumber Co., one of 12 years, and two of 14 years, all working more or less around dangerous machinery. This mill is located some distance from town, and that may account for the liberties they take with the law.

At Orange I found one boy who said he was 13, and one boy who appeared to be 14, working in the Miller-Link Lumber Co., and a 14-year old boy at the Lutcher, Moore Lumber Co., and several who might be under 15.

In other mills more remotely situated there are surely other violations of the law to be found. Fifteen years is too young for such boys to be working near and at dangerous machinery. Age should be raised.

DEPARTMENT STORES.

I. In Houston investigated the following October 13 to 16:

(1) Munn Dry Goods Co., and also their Men & Boys' Store.—Found only one youngster, a wrapper about 13 years.

(2) Levy Brothers Dry Goods Co.—Found one girl bundle carrier who said she is 11 years old and gets $2.50 a week. Her sister, 13 years, works too. Counted half a dozen others that are probably 11 or 12.

(3) Kiams and Mistrot—Curtis Stores.—Found none under 15.

(4) Alkemeyer Department Store.—One cash boy said 10 years old, $2.50 a week, works 9 hours a day, 13 hours on Saturday. Another cash boy said 11 years old. Saw several others apparently 11 or 12 years.

(5) Foleys.—Saw several about 11 or 12 years old.

(6) Columbia Dry Goods Store.—None under 15.

II. Found no children under 15 years, but stores were closed, many of them.

III. Dallas. Investigated the following:

(1) Sanger Brothers.—I saw and talked with several cash boys who said they are 11 and 12 years old. Saw others about the same age. The boys seem to get good treatment here, but this is too young to begin such work.

(2) A. Harris Department Store.—Found only one girl, about 10 years old. They are said to employ many youngsters.

(3) Tiche-Goettinger Co.—Saw none under 15, but others have told me that they do employ some very young.

(4) W. A. Green Department Store.—Saw none under 15.

IV. Waco, November 3, 1913:

(1) Sanger Brothers.—Saw seven boys and girls working here whose ages ranged from 10 years of age (one said he was) to about 12 years.

(2) Goldstein-Migel Co.—Counted twelve whose ages were apparently from 10 to 13 years. One said 11 years old; one said 12.

V. Fort Worth, November 5, 1913. I went all through the two largest department stores here, Stripling's and Monnings, and saw no children who seemed to be under 14 years.

ORIENTAL TEXTILE MILLS, HOUSTON, TEX.

This is a small mill, but it has been the center of a great deal of discussion, pro and con, relative to child-labor and other conditions. When I visited it the mill was running only a small part of the force, and I saw no indications of their using children. However, I did not get into the mill. I can not give any real evidence either way. From the evidence of various persons, from those in the labor department, to friends and enemies of the corporation, I think that in the past they probably have been too independent in the matter of running their mill to suit themselves. October 13, 1913.

DALLAS COTTON MILL, DALLAS, TEX., OCTOBER 20, 1913.

I spent the noon hour at the mill, and found the average age of the workers rather high, but found one boy of 12 years, who said: "I can't get a steady job in the mill, but I can help my sister all I want to." He helps his 15-year-old sister on Saturdays and out of school hours.

WAXAHACHIE COTTON MILL, WAXAHACHIE, TEX., OCTOBER 21, 1913.

Spent the noon hour here, and found only one boy that seemed to be under 15 years, and he refused to tell his age.

TEXAS COTTON MILLS, M'KINNEY, TEX., OCTOBER 27, 1913.

I photographed one typical group coming out at noon, but saw none under 15. The housing conditions here are exceptionally good.

CORSICANA COTTON MILLS, CORSICANA, TEX., OCTOBER 31, 1913.

I met Frank Crow near the mill. He said he is 13 years old now, and that he spent about three months last summer doffing in these mills. "They let me work because my mother is a widow and only one of my sisters to work beside my mother." He took me all through the mill at 4. I saw one doffer who appeared to be 12 years old.

THE NEWSBOYS OF TEXAS.

In all the larger cities of the State the little newsies abound. Their ages range from 5 to 6 years and upward, and many of the little ones start out at

4 and 5 every morning. I want to appeal for strong efforts to raise the age limit, as they are doing in other large cities, notably New Orleans, and at the same time these youngsters must have competent and persistent supervision. In Houston these efforts are being made, and the work of the probation officers, under the direction of Judge Ward, juvenile court, deserves special mention.

The street trades, after they have been divested of the false sentimentalism that has surrounded them for so long, stand before us as dangerous occupations if the boys are not properly supervised and directed in their work.

THE MESSENGER AND DELIVERY BOYS.

By far the most dangerous phase of the work of the street traders is that which sends the boys at all hours of the day and night into the red-light districts of our cities. The popular excuse that the boys are sent to the door of the house only fails when one finds that the boys do not stop there, or, if they do, their information about the life of the underworld, gained at first hand and from the tales of the other boys, gets a start that often ends in their own moral downfall. Judge Ward, of juvenile court, Houston, told me that 20 per cent of juvenile arrests are messenger or delivery boys at the time of the arrest. I examined 50 cases (for the month just passed), 9 of them were messenger and delivery boys (from 14 to 16 years of age); 3 were newsboys; 5 were shine boys. Mr. Ingraham, probation officer at Waco, said that a large percentage of delinquency of boys was due to the influences of the street, and especially of the red-light district. Mr. Sam Callaway, probation officer at Fort Worth, was very vehement over the bad influences of "The Acre" (red light), especially those whose business sends them into that district.

Dr. W. C. Rountree, a specialist, who has a sanitarium for those who are addicted to the use of narcotics, told me he has found a number of children at Fort Worth who use cocaine. Cited the case of a 15-year-old messenger, Chester Robinson, who, while delivering messages to The Acre and working nights and with bad associates, acquired the cocaine habit. The doctor cured him, and he is now on a farm, in good shape. His wreck was due to his work and associations with the red light.

Dr. Smith, house physician in a house of refuge for young girls, has had occasion to investigate the reservation in Dallas. While there she found many cases of harm that came to young messenger and delivery boys through their work in that district. She found a 13-year-old drug messenger this year in a notorious resort so much under the influence of morphine that he couldn't remember his name. Found a 15-year-old messenger on the second floor of a mulatto resort there. Saw delivery boys for department stores going into the rooms of various women in these resorts.

McKELWAY EXHIBIT NO. 4.

SENATE BILL No. —. By WILLIAMS.

A BILL Entitled, "An act to provide for compulsory school attendance, the appointment of truant officers and prescribing their duties; to require school officers and teachers to make such reports as may be required by the county superintendent; to provide for the furnishing of necessary books for children and issuing scholarships to children of dependent parents; and to prescribe penalties for violations of this act and declaring an emergency."

Be it enacted by the people of the State of Oklahoma: SEC. 1. That every parent, guardian, or other person in the State of Oklahoma, having control or charge of any child or children between the ages of eight (8) and sixteen (16) years, inclusive, shall be required to send such child or children to a public, or other school, each year, for a term or period not less than that of the public schools of the school district where the child or children reside.

SEC. 2. The county superintendent of public instruction of each county shall appoint at least one truant officer in each county upon the passage and approval of this act, or as soon thereafter as he may deem advisable in order to carry out the purposes of this act, who shall hold office for the term of one year unless sooner removed for cause. The truant officer shall see that the provisions of this act are complied with, and it shall be his duty to visit all establishments where children under sixteen (16) years are employed to ascertain whether the provisions of this act are complied with, and when, from personal knowledge

or by report or complaint from any resident or teacher of the township under his supervision, he believes that any child subject to the provisions of this act is habitually tardy or absent from school, he shall immediately give written notice to the parent, guardian, or custodian of such child that the attendance of such child at school is required, and if within five (5) days such parent, guardian, or custodian of said child does not comply with the provisions of this section, then such truant officer shall make complaint against such parent, guardian, or custodian of such child in any county court for violation of the provisions of this act: *Provided*, That only one notice shall be required for any child in any one year. Any such parent, guardian, or custodian of child who shall violate the provisions of this act shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars ($5) nor more than twenty-five ($25), to which may be added, in the discretion of the court, imprisonment in the county jail not less than two nor more than thirty days.

All funds collected as aforesaid shall be deposited in the county treasury and be designated the "Truancy fund," and shall only be used in carrying out the provisions of this act.

SEC. 3. The truant officers provided for in this act, except county officers acting ex officio as truant officers, shall receive from the truancy fund of the county treasury not exceeding two dollars ($2) for each day of actual service, to be paid by the county treasurer upon warrant signed by the county superintendent of public instruction: *Provided*, That no warrant shall be issued on the county treasury for such services until the truant officer shall have filed an itemized statement of time employed in such service, and such statement shall have been certified to by the superintendent of public instruction of the county in which such truant officer is employed and such claim shall have been allowed by the board of county commissioners: *Provided further*, That no truant officer shall receive pay for more days than the average length of school term in the county, cities, or towns under his supervision.

SEC. 4. All school officers and teachers are hereby required to make and furnish all reports that may be required by the county superintendent of public instructions or the truant officer, with reference to the workings of this act.

SEC. 5. If any parent, guardian, or custodian of any child or children is too poor to furnish such child or children with the necessary books with which to attend school, then the county superintendent of public instruction of the county where such parent, guardian, or custodian resides shall furnish temporary aid for such purpose to such child or children, which aid shall be allowed and paid upon the certificate of such officer by the board of county commissioners of said county.

SEC. 5. If any widowed mother or disabled father shall make affidavit to the effect that the wages of his or her child or children under sixteen years of age are necessary to the support of such widowed mother or disabled father, then the county superintendent of public instruction may, after careful investigation, in his discretion furnish such child or children a certificate called a "scholarship," stating the amount of the wages such child or children are receiving, or so much of such wages as shall be deemed necessary to the support of such widowed mother or disabled father, so long as such child or children shall attend the public school in accordance with the provisions of this statute, which aid shall be allowed and paid upon the certificate of such county superintendent of public instruction to the child or children holding such scholarship by the board of county commissioners of the county in which such child or children reside.

SEC. 7. Any child who absents itself from school habitually may be adjudged a confirmed truant by the truant officer, the county superintendent of public instruction, and the superintendent of the schools of the city. Such confirmed truant shall be brought before the judge of the county court for such disposition as may be deemed best, in his discretion, and may be turned over to the probation officer of the juvenile court or be sentenced to such reformatory institution as may be designated.

SEC. 8. In order that the provisions of this act may be more definitely enforced it is hereby provided that the enumerators of school children, in taking the school census, shall ascertain and record the place and date of birth of every child enumerated, and the parent, guardian, or custodian of such child shall subscribe and take oath or affirmation that such record is true. The enumerator is hereby empowered to administer such oath or affirmation, and any parent, guardian, or custodian, or any child who shall refuse to take such

oath or affirmation shall be adjudged guilty of a misdemeanor, and upon co
viction thereof shall be fined any sum not less than one dollar ($1).

SEC. 9. On the first day of school the trustees, boards of trustees, or commi
sioners of school corporations shall furnish the truant officer with the names o
the children of compulsory age who are enumerated on the regular enumera
tion lists. These names shall be alphabetically arranged and shall give al
the information contained in the regular enumeration returns. The count
commissioners shall provide necessary postage and such blanks as may be re
quired by the State superintendent of public instruction.

SEC. 10. It shall be the duty of truant officers, in visiting factories and othe
establishments where children under sixteen years of age are employed, t
report to the commissioner of labor any cases they may discover of the viola
tion of the laws relating to the employment of children.

SEC. 11. All laws and parts of laws in conflict with the provisions of this ac
are hereby repealed.

SEC. 12. For the preservation of the public health and safety an emergency i
hereby declared, by reason whereof this act shall take effect and be in force
from and after its passage and approval.

McKELWAY EXHIBIT NO. 5.

INSTRUCTIONS FOR READING REPORTS HEREUNTO ATTACHED.

This report contains the census of the school districts, the enrollment, and
the attendance.

The percentage of enrollment and attendance is obtained by deducting the
census for the actual enrollment average attendance; the same is true when
number of districts are added up at the end of each report.

Here is an example for comparison of mill districts with rural districts and
like, whereas a report for the year 1911 and 1912 for the entire rural schoo
population.

The State reports for 1912–13 are not available.

School reports 1912–13—White.

CALDWELL COUNTY, N. C.

	Census.	Enroll.	Attend.	Per c. en.	Per c. at.
4 cotton mill districts.					
Whitnel Mills, Lenoir, 6	250	165	62	66	
Hudson Mills, Hudson, 1	242	187	152	77	
Dudley Shoals Mill, Little River, 6	181	83	47	45	
Valmeade, Moore Mills, Lower Creek, 4	196	127	52	64	
Average per cent of en. and at., 4 cotton mill dist	869	562	313	64	
8 rural districts.					
Lovelady, 8	64	60	53	93	
Lower Creek, 1	78	68	38	87	
Lower Creek, 2	67	58	38	86	
Globe, 4	46	28	24	60	
Little River, 1	41	40	22	97	
Patterson, 4	44	41	26	93	
Yadkin Valley, 1	48	46	23	95	
Wilsons Creek	27	27	23	100	
Average per c. of en. and at., 8 rural dists	415	368	247	88	
SUMMARY.					
Mill districts.					
Average, 4 mill districts	869	562	313	64	
Rural districts.					
Average for 8 rural districts	415	368	247	88	
Rural report, Caldwell County, State Reports, 1911–12	4,831	3,210	2,149	66	

At none of the four mills has any schoolhouse been built by the mill.

At Whitnel the mill contributed $140 to pay teachers. I learned that the
mill owners had helped to defeat a school tax.

School reports 1912–13—White—Continued.

CATAWBA COUNTY, N. C.

	Census.	Enrol.	Attend.	Per cent of en.	Perc. of att.
4 cotton mill districts, Hickory Township.					
Ivey Mills, Hickory, 14	96	57	31	59	33
Shuford Mills, Hickory, 17	225	144	100	64	44
Brookford Mills, Hickory, 15	248	127	78	51	31
Ivey Mills, Hickory, 16	265	190	112	71	42
Average per of en. and at. 4 cotton mill districts	834	518	321	62	38
12 rural districts, Hickory Township.					
Hickory, 11	50	33	20	66	40
Hickory, 12	79	55	35	69	44
Hickory, 6	79	70	55	88	69
Hickory, 5	72	54	34	75	47
Hickory, 4	108	76	55	70	50
Hickory, 2	67	57	36	85	53
Hickory, 3	75	58	41	76	54
Hickory, 13	131	93	58	70	44
Hickory, 1	46	40	25	86	54
Hickory, 10	49	45	30	90	61
Hickory, 7 (part mill P)	150	108	60	68	40
Hickory, 9	76	65	48	85	63
Av. per of en. and at., 12 rural districts	982	749	497	76	50
Cotton mill districts.					
Long Island Mill, Catawba district, 4	190	156	113	82	59
Providence and Maiden Mills, Newton district, 4 and 6	299	178	139	59	46
Town of Newton, State report 1911–12 (Newton is a mill town).	828	458	311	55	37
Average per mill district above	1,317	794	563	60	43
6 rural districts.					
3 rural districts, Catawba Township:					
Catawba, 3	51	48	36	94	70
Catawba, 8	58	52	37	89	63
Catawba, 1	64	54	43	84	67
3 rural districts, Newton Township:					
Newton, 3	64	61	53	95	81
Newton, 8	79	66	50	83	63
Newton, 11	88	62	46	70	53
Average 6 rural districts	404	343	264	84	65
SUMMARY.					
Mill districts.					
Average for 7 mill districts, including Newton	2,151	1,312	884	60	41
Rural districts.					
Average, 18 rural districts, Catawba County	1,386	1,092	761	79	55
Rural report, Catawba County, State report, 1911–12	7,237	4,983	3,651	68	54

Ivey Mill population lives in two districts.
Brookford Mill contributed $1,600 in schoolhouses.

GUILFORD COUNTY, N. C.

	Census.	Enroll.	Attend.	Perc. of en.	Perc. of att.
Mill districts.					
White Oak	920	354	218	38	23
Proximity	576	188	158	32	27
Revolution	305	159	89	52	29
Average, 3 mills	1,801	701	465	38	25
Gibsonville District:					
2 mills, pt. rural	390	273	190	70	48
Pomona Mills	119	55	26	46	21
Average, 5 mill districts	2,310	1,031	681	44	29

School reports 1912–13—White—Continued.

GUILFORD COUNTY, N. C.—Continued.

	Census.	Enroll.	Attend.	Perc. of en.	Perc. of att.
11 rural districts.					
South Buffalo	131	117	85	89	64
Bessemere	158	155	102	97	64
McAdoo Heights (fact. mill pop.)	105	67	43	63	40
Tucker	47	31	24	66	51
Gethsemane	67	47	40	70	59
McIver	124	80	57	64	45
Deep River	74	43	30	58	40
Oak Ridge	130	122	69	93	53
Friendship	71	44	30	62	42
Whitsett	81	68	54	81	66
McLeansville	116	95	71	81	61
Average for 11 rural districts	1,104	867	605	78	54
10 rural townships.					
Madison Township	226	197	130	.....	.....
Jefferson Township	374	296	226	.....	.....
Monroe Township	323	228	140	.....	.....
Morehead Township	934	775	505	.....	.....
Sumner Township	362	272	168	.....	.....
Bruce Township	364	277	162	.....	.....
Oak Ridge Township	410	373	250	.....	.....
Friendship Township	477	386	246	.....	.....
High Point Township	1,072	792	483	.....	.....
	4,542	3,594	2,310	79	50
SUMMARY.					
5 mill districts	2,310	1,031	681	44	29
3 leading mills—White Oak, Revolution, Proximity	1,801	701	465	38	25
11 rural districts	1,104	867	605	78	54
9 rural townships	4,542	3,594	2,310	79	50
Rural report, Guilford County, 1911–12	9,702	6,818	4,402	67	46

Found report for only two months for Proximity.

Gibsonville is in part rural.

Four good county high schools, but none at mills.

DAVIDSON COUNTY, N. C.

	Census.	Enrollment.	Attend.	Per cent of en.	Per cent of attend.
2 cotton mill districts, Lexington Township.					
Nokomis Mill, Lexington, 1	156	125	58	80	37
Dokatok Mill, Lexington, 3	155	103	52	66	33
Total for 2 mill districts	311	228	110	73	35
9 rural districts.					
Lexington, 2	72	51	35	.....	.....
Lexington, 4	97	90	74	.....	.....
Lexington, 5	92	80	52	.....	.....
Lexington, 6	101	83	55	.....	.....
Lexington, 7	96	92	61	.....	.....
Lexington, 8	63	55	31	.....	.....
Lexington, 9	80	63	40	.....	.....
Lexington, 10	15	11	9	.....	.....
Lexington, 11	40	36	27	.....	.....
Total	656	561	384	85	58
Rural report for entire county, including mill districts, 1912–13	7,087	5,271	3,753	74	53
Report for Thomasville, Davidson County, 1912–13: Thomasville has 2 cotton mills.					
Johnsonville	907	528	417	58	45
Johnsonville (Negro)	268	161	100	60	37

NOTE.—Per cent of enrollment, rural districts better by 12; per cent of attendance, rural districts better by 23; in rural districts enrollment better than in Thomasville two mills by 27; in rural districts attendance better than in Thomasville two mills by 13.

Negro enrollment and attendance nearly as good as for white children in Thomasville.

Entire county rural, including mill districts, better in both enrollment and attendance than mill districts.

WOODS EXHIBIT.

[City of New York police department. Office of the commissioner.]

MAY 28, 1915.

INDUSTRIAL RELATIONS COMMITTEE,
Washington, D. C.

GENTLEMEN: In compliance with your request I send you the following information.

1. Names of private detective agencies which have been used in connection with industrial disturbances: William J. Burns; Pinkerton National Detective Agency; Dougherty Military Police and Detective Agency; Berger Bros.; Empire Secret Service Bureau (Fitzpatrick and Baum); Luxemberg Agency; Schmittberger Agency; Long Acre Agency; United Secret Service Agency (Max Schlansky and Louis Schultz); Ike Silverman (Fidelity Secret Service Bureau); Kelly Agency (formerly known as the Jackson Agency); Kenmore Detective Agency; and Waddell-Mahon Agency.

2. Names of persons or agencies by whom gangsters were sent to other cities: Max Sigmund, Abe Mitchell, Max Schlansky, and Lawrence Agency.

As to whether or not guards, strike breakers, or other people were sent from New York to Calumet and West Virginia, I am unable to say. There is at the present time no available evidence upon which I could predicate an answer.

Yours, very truly,

ARTHUR WOODS,
Police Commissioner

CYPHERS EXHIBIT.

Slav. Commonwealth *v.* Thomas Stevenic and Frank Haska. Denied charge. Riot. 530. Rock in pocket. Throwing stones. Mechanics. Bail, $1,000. Arrested in house. John Gallagher and Chas. Rose.

Commonwealth *v.* John Collins. Charge, riot. $1,000. Trenton, N. J.

Commonwealth *v.* John Sesminski. Riot. Bail, $1,000. Throwing stones. No. 606 Oak Street. Father and mother. Poplars Crossing.

John Misko. Riot. Throwing stone. 411 6th. 4 years. Throwing stones. Bail, $1,000.

Andrew Kunack. Riot. Calling scab. Work, blast furnace. 540 Thomas St. 4 years. Bail, $1,000. Steven Tomas. Chas. Gould, witness. Did not see.

Lorence Gesesto. 3d. Discharged. Carrying knife. 937 5th. 4 years. Bail, $500. Knife open up arm sleeve.

Geo. Nogs. Arrest. Threw stone. Knife opened. 1. Riot, $1,000. 2. Carrying knife. Chapman's quarries. Paul Tonshist. Worked stone quarry.

Steve Dun. Riot. Thomas St., No. 524. Steel wire. 3 years. $1,000. Saw him throw stones. Arrest in house.

John Gardner. Throwing stone. Riot. $1,000. Had stones in hands. 817 Laufer Ave. Jos. Mayer, R. R. Jos. Gardner, Passaic.

John Tuks. Throwing stones. Riot. $1,000. No. 616 School Alley. Many Conell. Brother lives 738 Butternut. One stone in pocket. $1,000.

Lewis Kalman. Throwing stones. Riot. 748 School Alley. Millie Railr. $1,000. Wife 3 children. Rock in hand. Knocked off helmet.

Stanley Bromkosky. Throwing stones. Revolver. 808 Center St.

Albert Border. Old mill. $500. Poplar and 4th St. Big revolver.

Frank Fakas. Riot. Chapman's quarries. Paul ———, Hungarian. Bail, $1,000. 1 mo. 3 years. Got 3d St. barber shop. Saw him throw stone that broke picture frame at John Kiss.

Tony Connoll. No. 7 School Alley. Wife and 5 children. Zeigenfus. A. L. Cope.

Sunch & Steven. 3d St. To-day, Feby. 28, 1910. Forenoon.

Swore. John Shievley. Monroe Hieght. 2d Poplar St. Disorderly conduct.

Jos. Pass. 208 Birch St. Puddle mill. 7 mo. Kleige. Came Hazzard.

Suits: Commonwealth *v.* John.

JONES EXHIBIT.

Sketch of life of C. L. Maxwell, better known as "Gunplay" Maxwell, outlaw, ex-convict, deputy sheriff, and mine guard for Utah Fuel Co. Killed at Price, Utah, August 25, 1909.

In June, 1900, Maxwell and two of his gang held up and robbed the bank at Springville, Utah, killing the cashier. In the pursuit that followed one of the bank robbers was killed, and Maxwell and a companion named Warner were captured. They were sentenced to a term in prison at Salt Lake City.

Maxwell, being of good address and having a good education, soon gained the confidence and good will of the warden, who gave Maxwell unusual liberties.

On account of the liberties afforded him Maxwell had opportunities to communicate with other prisoners, and he planned to break jail and take a number of the most desperate ones with him, among them being Warner, his pal. The governor of Utah and the prison trustees had arranged to visit the prison on a tour of inspection, and Maxwell, knowing this, planned the break for that day. Now, here is where Maxwell's true character is shown. He went to the warden of the prison and told him that the prisoners were plotting to escape, and that his old pal, Warner, was the leader of the gang. After giving the warden the details of the plot as he had planned it, the warden concluded to let the plan go on, as if he was not aware of it, but he took extra precaution to prevent the plan from succeeding.

The governor and the board arrived as per their program, and when Warner and the others made their break for freedom they were promptly overpowered. Maxwell was brought before the governor, and for his loyalty and good conduct in exposing the plot he was pardoned. Maxwell then went to Helper, where he engaged in gambling, and being a bad man in general, in 1903 and 1904 he was hired by the Utah Fuel Co. as a mine guard and held a commission as a deputy sheriff for some time.

In 1907 he shot L. C. Reidel, a coal miner, at Helper. He was never prosecuted for this.

In 1906 Tom Kelter, a conductor on the Denver & Rio Grande Railroad, was elected sheriff of Carbon County, and he made up his mind to get rid of "Gunplay" Maxwell. Maxwell had organized a gang and was hanging around Helper. Sheriff Kelter learned of a plan of Maxwell's to rob the bank at Green River on July 9, and work on his counterplot began at once. He came to Salt Lake and engaged Ed Johnson as deputy, and also engaged John MacQuarrie, another deputy, of unquestioned courage and skillful with a gun.

In his plan to rob the bank Maxwell had enlisted the aid of five men, four of whom were known to the officers.

The plans of Sheriff Kelter and his deputies to capture the gang were spoiled by an accomplice of Maxwell's now living in Green River, who warned Maxwell that a close watch was being kept, and that their plans were probably known.

Maxwell left for Ogden, where he remained with his second wife, Mrs. W. H. Seman, as she calls herself. Funds were apparently low, as Maxwell pawned the woman's jewels, on which he realized nearly $400, before starting for Carbon County again. This time he planned to hold up the paymaster of the Kenilworth mine.

On Saturday afternoon, when the paymaster rode through Spring Glen on his way to Kenilworth, he was accompanied by a strong guard under the leadership of MacQuarrie and Johnson. Maxwell and a partner were provided with horses and hidden behind a shack along the road near the water tank halfway to Kenilworth when the paymaster and his guards passed. They sized up the party and evidently concluded that it was too big for them, allowing the men to pass, believing they had not been seen. Maxwell's partner on this occasion was a heavy built man who is not known in the vicinity of Price.

About ten days ago C. E. Davies, who has been implicated with Maxwell in a number of "expeditions," and who was ordered to leave the country for his connection with Maxwell when the bandit shot L. C. Reidel at Helper two years ago, appeared at Price and began making inquiries concerning Sheriff Kelter and his "gunmen" deputies, naming MacQuarrie and Johnson. Davies remarked that he had heard that both MacQuarrie and Johnson were bad men with guns, but that Maxwell would be in Price on Thursday and make short work of Kelter and his gunmen.

On Monday morning, the day he met his death, Maxwell appeared in Price, saying he had walked in from a sheep camp. He immediately began to load up on Price whisky, telling what a bad man he was with a gun. To demonstrate his fierceness, he accosted two traveling men, and at the point of his revolver he compelled them to enter a saloon and buy drinks. Sheriff Kelter ordered his deputies to arrest Maxwell, and when the deputies approached him Maxwell said to Johnson: "You are the ——— ——— I'm after," at the same time pulling his gun.

Johnson and MacQuarrie fired at the same time, the balls from their guns entering Maxwell's breast and going clear through his body. The ball from Maxwell's gun went through the lapel of Johnson's coat. Men who were watching the affair from across the railroad track saw the dust fly from his coat and saw the tear in his back as the bullets passed through his body, and also the spatter of dust as the spent balls were embedded in the ground.

DREW EXHIBIT NO. 1.

ADDRESS BY JOHN A. MOFFITT, COMMISSIONER OF CONCILIATION, UNITED STATES DEPARTMENT OF LABOR, BEFORE THE AMERICAN ERECTORS' ASSOCIATION, AT PITTSBURGH, PA., ON MARCH 9, 1915.

MR. CHAIRMAN AND MEMBERS OF THE AMERICAN ERECTORS' ASSOCIATION:

As my card would indicate, I am representing the United States Department of Labor. On or about the 27th day of February, Mr. Secretary Wilson of the department was advised that a strike in the oil fields of Oklahoma and Texas, involving approximately 1,000 men, was in vogue, and he was petitioned by the officials of the Brotherhood of Boiler Makers and Iron Ship Builders, requesting that he use the good offices of his department to bring about an adjustment, if possible, of the strike.

The Secretary was advised that the members of the American Erectors' Association met frequently in the city of Pittsburgh, at the Fort Pitt Hotel, and he directed me to come here and take this matter up with you gentlemen, to see if something could not be done; and if there was not some general grounds upon which you could meet the representatives of the boiler makers, looking toward an amicable adjustment of this strike.

I may say in passing, that upon my arrival here I discovered that no such an association was meeting at the Fort Pitt Hotel, and then I ferreted out one of the local representatives of the boiler makers, and requested that he furnish me with a list of the names of the members of the association. Among others, he gave me the name of Mr. Hughes, of Warren City. I think it fair to Mr. Hughes to state that I wired him on last Friday. The contents of the telegram, as near as I can remember, was where and when, at the convenience of Mr. Hughes, I could converse with him on matters in connection with this strike. Having received no reply from Mr. Hughes, I called him by phone. Mr. Hughes informed me over the phone that he had received my telegram, but was rather embarrassed upon its receipt, because there was an understanding with the members of your organization that matters pertaining to the strike of the boiler makers could be taken up only by the general membership of your organization and not by an individual member; and in order to live up to the understanding of the organization he did not care to discuss with me the merits or demerits of the case. I told Mr. Hughes that I appreciated his position, and that he was justified in the position he was taking. He gave me the names of the officers of the organization, and I went to the Petroleum Iron Works and met Mr. Todd. Mr. Todd advised me of this meeting to-day.

I do not know that I have anything to say other than that the general officers of the boiler makers have informed Secretary Wilson, and the Secretary has so informed me, that they are willing to make any honorable settlement that will be beneficial to both sides, if a conference can be brought about between representatives of your organization and a committee of their organization.

I understand that the members of your organization made contracts with their men who work in the field, and they agree that these contracts from time to time are violated, and by their men. They said that the only way they could obviate difficulties of that kind in the future would be to have an agreement with your association and their national organization, instead of with the men in the field; they had in mind when they made this suggestion that in the past they had agreements with the members of your organization and that the agreements had been violated, and by the men that made the agreements; that is, their own men; they admit that they are guilty of violating these agreements, but they said that the only way that such violations could be obviated in the future would be to have an agreement with your organization and their organization, and not with the men in the field at all; they said that in making an agreement with their organization that would be mutually beneficial, in the event of men in the field violating any of the provisions of

such agreement, they would, by their own act, deprive themselves of membership in their organization. These were some of the suggestions they made to get a conference.

They further agreed that a man in New York by the name of McCarthy, business agent of the boiler makers, raised considerable trouble between the boiler makers and their employers, and did many nasty things that were very displeasing to the manufacturers, and that the manufacturers were right in being displeased with the attitude of this McCarthy; that this McCarthy has been disciplined to the extent of putting him out of their organization altogether. Other matters, minor in detail, were spoken of in connection with the system that was in vogue in the oil fields of Oklahoma, some of which the Department of Labor did not approve of, because they believed them to be against public policy, such as to tax a man for the privilege of working, commonly known as permits. I questioned the men to some extent on this proposition, and they agreed that I was perfectly right about this, and if they can have an agreement with your organization instead of the men in the field, that this system will be entirely eliminated.

In a general way this is their proposition, made to the Secretary, and the Secretary directed me to come here and repeat it, and see if something could not be done to bring about a settlement of the strike in the oil fields, which must be distressing to women and children.

In talking with Mr. Todd, he has his grievance, and justly so, I believe, I want to tell you, gentlemen, that I met some of the boiler makers last night, and I went over some of the matters Mr. Todd discussed with me, and they plead guilty. There is no argument they could advance to justify them in the matter.

I learned that they have somebody furnishing them with what they call "bootleg whisky" in the camps. This proposition, it seems to me, would be a means of inciting the minds of the very best-balanced men, if the character of the stuff is as it was described to me. An elimination of this "bootleg whisky," as they call it, I think would bring about peace in the family of manufacturers and boiler makers.

But these are all matters that, if you can see your way clear to meet a committee of the boiler makers, can be taken up and satisfactorily adjusted. They did not volunteer all this information; it was brought out by questioning them. This, gentlemen in summary, is my purpose here. If there are any questions you desire to ask, I am here to answer.

DREW EXHIBIT NO. 2.

[National Erectors' Association, [illegible] Fifth Avenue, New York.]

NEW YORK CITY, *May 20, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: I inclose you page 343[1] of the Bridgemen's Magazine for May, 1915. The article entitled "Unionist compares wages" contains a comparative statement of wages in the different building trades in the year 1898 and in the year 1915. It is interesting in connection with the statement of Mr. Johannsen that the wages of the ironworker before the union was organized was only $2.50 a day and that the union had brought about the subsequent increases, the inference being that the $2.50 rate, being under open-shop conditions, was unduly low.

This statement shows that Mr. Johannsen was correct in saying that the rate in the early days was $2.50 a day (or $15 a week). It also shows, however, that this rate of $15 was equal to the wage paid in 1898 to the carpenter, the hoisting engineer, the lather, and the electrician, and was in excess of the wage paid the building excavator, the hod carrier, the cement worker, the elevator worker, and the painter. Nearly all of these were, of course, strongly organized long previous to that time.

It thus appears that the open-shop ironworker in that early day was receiving a wage equal to the union man in other building trades, and that his wages of

[1] Submitted in printed form.

to-day, after eight years of the open shop, have, as stated in the article ($27.50 a week) maintained the same proportion of increase as the rates in the trades that have been upon a continuous closed-shop basis. As this statement is published in the last issue of the official organ of the ironworkers' union, I consider it fair evidence.

Yours, truly,

WALTER DREW, *Counsel.*

WILSON EXHIBIT.

[Department of Labor. Office of the Secretary. Washington.]

PRELIMINARY REPORT OF COMMISSIONER OF CONCILIATION.

MARCH 12, 1915.

Re Boiler Makers *v.* American Erectors' Association. Mediation requested by boiler makers. Commissioner, John A. Moffitt. Date of assignment, March 2, 1915.

To the honorable the Secretary of Labor:

For your information I have the honor herewith to submit a preliminary report of my efforts as commissioner of conciliation in the strike affecting one thousand (1,000) boiler makers in the oil fields of Oklahoma and Texas.

Questions involved: American Erectors' Association declared for the "open shop" January 18, 1915.

Number of employees directly affected, one thousand (1,000).

Status of negotiations prior to arrival: Officers of Brotherhood of Boiler Makers requested a conference with American Erectors' Association, which was refused.

Conferences held at Pittsburgh, Pa.; Youngstown, Ohio.; Sharon, Pa., with Joe Franklin, representing boiler makers, March 3, 4, 7, 1915; James Sause, representing boiler makers, March 3, 4, 7, 1915; Mr. Todd, representing American Erectors' Association, March 5, 6, 7, 1915; Mr. Hughes, representing American Erectors' Association, March 5, 6, 7, 1915; and meeting of erectors' association at Pittsburgh March 7, 1915.

Status of conciliatory efforts, briefly stated: Erectors' association will employ the men on strike if they wish to return to work and under the same conditions that prevailed anterior to the strike; i. e., union wages and hours, and will not question their trade-union affiliations.

Remarks: Your representative recommended the acceptance of the above to the officers of the union, and the same was taken under advisement by them.

Respectfully submitted.

JOHN A. MOFFITT,
Commissioner of Conciliation.

[The Reeves Brothers Co.]

ALLIANCE, OHIO, *March 20, 1915.*

Hon. W. B. WILSON,
Secretary of Labor, Washington, D. C.

DEAR SIR: We inclose herewith a letter from Mr. Walter Drew, counsel for the American Erectors' Association, o fwhich we are a member. We indorse what Mr. Drew says as covering the situation quite fully.

Yours, very truly,

THE REEVES BROTHERS CO.
By GEORGE REEVES,
President.

[National Erectors' Association.]

286 FIFTH AVENUE,
New York City, March 16, 1915.

To the members of the American Erectors' Association.

GENTLEMEN: I have received a copy of the remarks of Mr. John A. Moffitt, of the United States Department of Labor, made to the association members on March 9. It is my judgment that Mr. Moffitt has greatly strengthened your position, and in fact made it practically indefensible. He states that he has

investigated the situation personally, has heard the union's side from its own members, and that the charges made against the conduct of the union are admittedly true. He points out no grievance arising out of wages, hours, or other labor conditions which require adjustment or any mediation or conciliation. His sole purpose as the representative of the Department of Labor is to induce you to enter into contract relations upon a closed-shop basis with an organization which has proved itself unfit to be a party to a collective bargain. I do not believe that in making such an effort the Department of Labor is exercising its proper functions. It might well interject itself into any situation where serious grievances and unfair conditions existed. Lacking even the claim of anything that is unjust or unfair, it does not seem the proper function of an impartial Government to endeavor to force any citizen or group of citizens into entering into contract relations with any particular organization, especially when the organization demands that the agreement shall constitute practically a monopoly in its favor.

A large percentage of the men now employed by your people held permits from this same union before the open shop was established, and no objection, therefore, could lie to them from the standpoint of the union. The vicious permit system, with its levy of 10 per cent of the wages of the permit men for the benefit of the union treasury, was made possible by the refusal of the union to admit these men to membership. To enter into an agreement with the union at this time would mean the discharge of these men or their compulsory membership in the union, if the agreement were not upon an open-shop basis. If the union is willing to permit its members to work open-shop, no agreement is necessary at this time and the work is open to them. There are no grievances to be redressed and nothing in the actual labor conditions themselves to be discussed or mediated. Should such conditions later develop, there will then be something of which it will be proper for the Department of Labor to take cognizance.

In conclusion, it seems too clear for argument that the present employees of your people are entitled to the consideration and protection of the Department of Labor just as much as are the members of the union, if the functions of a democratic government are to be equally and impartially administered. They are working under conditions admittedly fair from the union standpoint. They are working, not as strike breakers, but as regular and permanent employees. Members of the union have worked side by side with many of them when they held cards as permit men. That they could not work as members of the union was due to the act of the union and not to their own inclination. That they should continue to surrender 10 per cent of their wages to the union treasury for the privilege of working, nobody now justifies. If the union had no objection to its members working side by side with nonmembers, so long as such nonmembers could be taxed, it certainly should raise no objection now to its members continuing to work side by side with nonmembers when such tax, admittedly iniquitous, has been removed. But aside from this, should not the Department of Labor exercise its influence to protect these present employees rather than to lend itself to the effort of the organization which has exploited them to restore itself to a position of power and control over them?

I can only say again that the remarks of Mr. Moffitt have not only strengthened your position, but they should strengthen your determination to continue your present policy. If collective agreements are to be entered into, they should have two responsible contracting parties who have shown some respect for the obligation of contracts and who can give proper guarantees for full and faithful performance. The time is fast passing when irresponsible organizations, under reckless and sometimes corrupt leadership, can command the support of public opinion in forcing closed-shop agreements upon employers. Mere promises to reform and do better—and even such promises are made only in case of defeat—are no longer sufficient. A trade agreement is a business contract and the unions must shape themselves into such responsible and businesslike form that they can make agreements upon the same basis of integrity and responsibility as other business contracts are made.

It may be again remarked that for any of the forces of Government to be employed to compel or influence collective bargaining upon any other basis is a partisan and perverted misuse of the functions of government, which will in the end react to the detriment of the class who seek thus to misuse government for its own ends.

Yours, truly,

WALTER DREW,
Counsel, American Erectors' Association.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 26, 1915.

Mr. GEORGE REEVES,
President Reeves Brothers Co., Alliance, Ohio.

DEAR SIR: I have your favor of the 20th instant, inclosing letter from Mr. Walter Drew, counsel of the American Erectors' Association, relative to the remarks of Mr. John A. Moffitt, of the United States Department of Labor, made to your association members on March 9, while he was endeavoring to adjust a labor dispute existing between you and your employees.

I have no desire to enter into any discussion of the merits or demerits of the controversy with Mr. Drew, but when he asserts that "his (Moffitt's) sole purpose as a representative of the Department of Labor is to induce you to enter into contract on a closed-shop basis with an organization which has proven itself unfit to be a party to a collective bargain" he completely fails to grasp the purposes and policies of this department. Mr. Moffitt's sole purpose was to find, if possible, a common ground that would be acceptable to both parties as a basis of settlement of the dispute. In this particular case our representative found that the dispute centered around a question of the so-called "open" or "closed" shop. That, then, became the important question he had to deal with. If in handling it he found it advisable to suggest to the employers a so-called "closed-shop" arrangement, or to suggest to the workmen a so-called "open-shop" arrangement, it did not and could not mean his indorsement of either policy. Its sole significance was that he was seeking a common ground that would be acceptable to both. The right to accept or reject remained with the parties to whom the suggestions were made, and the statement of Mr. Drew that such a process is an "endeavor to force any citizen or group of citizens into entering into contract relations with any particular organization" is, therefore, unfounded.

I may add that in dealing with these problems the question with the department is not "Are the workmen organized or unorganized"? The question is "Does a labor dispute exist, and can we be of any assistance in adjusting it"?

I trust that this brief statement may result in clarifying the situation so far as the policy and purpose of this department is concerned.

Respectfully, yours,

W. B. WILSON, *Secretary.*

DAVID CLARK EXHIBIT NO. 1.

COTTON-MILL WAGES.

On May 11 Dr. McKelway gave evidence to the effect that 1,085 adults and a large number of children in southern cotton mills earn less than $2 per week, and after floundering through four pages of testimony he was finally cornered and told you to divide the $2 by six in order to obtain the daily average of 33⅓ cents.

Questioned still further by Mr. Walsh he stated that a fair study of the subject had been made, and that 33⅓ cents was the correct figure.

Through that testimony Dr. McKelway has been able to create over this country the false impression that many adults and children in southern cotton mills receive 33⅓ cents per day.

Dr. McKelway has lived in the South and knows absolutely that no such scale of wages has existed during the last 20 years.

It is his custom to quote antiquated figures wherever they will answer his purpose, and in this case he gave you figures compiled in 1908 or seven years ago.

These figures were compiled under a labor commissioner whose name, I think, was Niell; and it was openly charged at the time that Mr. Niell was unduly influenced by Dr. McKelway, and that the forms of reports and instructions to field agents were doctored to suit McKelway's wishes.

In the 1908 report is a table of earnings for one special week, and it specifically states that the figures for those earning less than $2 are for that specified week and are for those who worked less than full time.

Dr. McKelway is an intelligent man, and he knows these facts as well as I do, but it is a fixed policy of the National Child Labor Committee, and admitted by their vice chairman, Homer Folks, to misrepresent facts wherever it suits their purpose.

The December, 1914, report of M. L. Shipman, commissioner of labor for North Carolina, gives the wages paid in North Carolina cotton mills as follows: High average daily wage for males, $2.80; low average, 97 cents. High average daily wage for females, $1.48; low average, 82 cents. The report does not distinguish between children and adults.

The report of the United States Department of Commerce, issued under date of May 11, 1914, gives in detail the wages paid in southern cotton mills, and I take the following figures for North Carolina from same:

	Per day.		
Spinners	$0.95	Speeder hands	1.50
Slasher tenders	1.50	Loom fixers	1.68
Drawing-frame hands	.99	Weavers	1.46
Card hands	1.17		

The report of the tariff board, issued in 1912, gives the average wages of operatives in the southern cotton mills, from which they compiled data, as follows (see p. 647):

	Per day.		
Picker hands	$0.998	Spinners	1.04
Card hands	1.028	Doffers (time workers)	.836
Drawing-frame hands	.925	Doffers (pieceworkers)	1.159
Slubber tenders	1.374	Weavers	1.469
Speeder tenders	1.38	Loom fixers	1.692

The Exposition Cotton Mills, Atlanta, Ga., have furnished me a comparison of the actual weekly earning of operatives that worked full time in 1894, 1904, and 1914. It is a table of much value, as it shows that mill operatives' wages have more than doubled in the last 20 years.

Comparative wages and percentages for the first week in May, 1894, 1904, and 1914, as shown by pay roll of Exposition Cotton Mill.

Operation.	1894	1904	1914	Percentage of increase from—		
				1894 to 1904	1904 to 1914	1894 to 1914
CARDING.						
Overseer	$15.00	$24.00	$30.00	60	25	100
Second hand	6.60	9.60	13.50	45	40	105
Grinders	6.00	7.50	10.50	25	40	75
Card hands	2.40	4.50	7.50	87	66	213
Drawing	2.40	3.60	6.00	25	100	150
Slubbers	5.10	6.00	8.10	17	35	59
Speeders	4.45	6.00	9.90	34	65	122
Picker hands	3.30	4.80	7.50	45	57	127
Strippers	3.30	4.50	7.50	36	66	127
SPINNING.						
Overseer	15.00	18.00	30.00	20	66	100
Second hand	9.00	9.00	13.50	00	50	50
Spinners	1.60	2.40	6.00	33	150	277
Doffers	1.80	3.00	9.00	66	220	433
Sweepers	1.20	2.00	5.25	150	75	337
Section hands	6.00	7.50	10.50	25	40	75
WEAVING.						
Overseer	15.00	21.00	36.00	40	71	140
Second hand	9.00	10.50	15.00	16	43	66
Loom fixers	9.00	9.00	12.00	00	33	33
Piece weavers	4.30	6.40	12.00	49	87	179
Day weavers	3.60	5.10	9.00	41	76	150
Yard hands	3.30	6.00	7.50	92	25	127
Average				34	57	109

FAMILY WAGES.

Realizing that the total income of mill families would have a considerable bearing on the wage question, I went on last Saturday to the Chadwick-Hoskins Mills, near Charlotte, N. C., and obtained data relative to several of their best families. I secured the wage figures from the pay roll of the previous week.

MINGER FAMILY (FOUR WORKERS).

Three boys between ages of 14 and 22; one girl of 17. Father runs a truck garden. Mother keeps house. Boys work in weaving and slashing rooms and make $1, $2, and $2.50 per day, respectively. Girl works in the spinning room and makes $1.63 per day. Total weekly income of family, not including profit of father's truck garden, which also helps to feed them, is $42.78.

DELLINGER FAMILY (FIVE WORKERS.)

Four girls between the ages of 14 and 20 and one doffer boy. Father works as roving hauler. Mother does not work. Three of the girls work in the spinning room, and two of them make $1.50 per day, while the other makes $1.46 per day. The other girl in the spooler room makes $1.63 per day. Doffer boy makes 90 cents and the father $1 per day. Total weekly family income, $47.94.

PADGETT FAMILY (FOUR WORKERS).

Two girls between 14 and 19 years of age, a boy 17, and the father. Mother does not work. The three children are weavers paid by piecework and average slightly over $10 per week each. The father is a loom fixer and makes $10.50. Total weekly family income, $40.50.

These are what might be called "top-notch" incomes, but there are many families making the same, and they are in reach of most of the other families of equal size, as wages are largely based on piecework.

A Georgia mill has taken from their pay roll the earnings of families of three workers only and find the average to be $25.50 per week. This is more than $100 per month for small families and is better than in most of the other lines of work.

DAVID CLARK EXHIBIT NO. 2.

ILLITERACY.

The 1910 census gives the illiteracy among the white population of North Carolina as 12.3 per cent, as compared with 19.5 per cent as in 1900, and shows that North Carolina made the greatest decrease during the decade of any State in the Union.

It can not be denied that this increase was to a considerable extent due to the educational work of the cotton mills and to the schools that they have established and maintained. For years the cotton manufacturers have led the fight for compulsory education.

The report of M. L. Shipman, commissioner of labor for North Carolina, issued on December 1, 1914, shows that 87 per cent of the cotton-mill operatives can read and write. In the woolen mills 89 per cent, silk mills 99.5 per cent, and cordage mills 98.3 per cent.

Dr. McKelway, as is typical of his efforts, gave you statistics of 1900, or 15 years ago, and endeavored to create the impression of extreme illiteracy.

In considering illiteracy figures it is unfair to North Carolina not to take into account the fact that we have a large crop of adult illiterates as an inheritance of the Civil War and the period of poverty and desolation that followed same. It should also be taken into account that we have a large mountain section and that it is extremely difficult to furnish schools for people living in the isolated sections. Our education is a matter that concerns North Carolina alone, and we fail to see why it is so great a concern to people of other States.

The 1913 report of the State superintendent of schools for Georgia shows only 8.6 per cent illiterate white, and yet Dr. McKelway's figures for 1900 show 44

DAVID CLARK EXHIBIT NO. 3.

[High Shoals Co. Sheetings and knitting yarns. Factory: High Shoals, N. C.]

HIGH SHOALS, N. C., *May 15, 1915.*

This is to certify that I have been principal of the High Shoals school for the last 10 or 11 years.

About the year of 1908 Miss Lillian Charles was secured as assistant teacher in our school. I am mighty sorry to say that Miss Charles was the most disagree-

able assistant that I have ever worked with. She not only gave me trouble at High Shoals, but I have learned that she gave trouble at Cherryville, N. C., and at Greensboro, N. C., and some other places that I do not remember just now. She got to the point where we could not agree on anything, and it was almost impossible for our school to succeed in the face of so many difficulties such as she was continuously bringing up. I went so far as to make application for another job as teacher of the school at Lucia, Gaston County, N. C. When I went to put in my resignation, or talking the matter over, the committee advised me to stay. And the committee and all of us agreed that we would do everything possible to get Miss Charles to settle down to business and keep out of any disagreement, but later we found that we were not able to continue her service as assistant teacher. Therefore her resignation was called for. Miss Charles came to the school after this and wanted me to tell her that our relations had been entirely agreeable in every respect. I explained to her that some of our work was satisfactory, but on the whole it had been unsatisfactory.

W. R. RHYNE,
Principal High Shoals School.

[High Shoals Co. Sheetings and knitting yarns. Factory: High Shoals, N. C.]

HIGH SHOALS, N. C., *May 15, 1915.*

Mr. DAVID CLARK,
Charlotte, N. C.

MY DEAR SIR: A copy of Mr. McKelway's report received.

I am mighty sorry that such a report has ever been made. I can safely say that I do not know of a single instance in this report which I can say is true.

In regard to Miss Lillian Charles, we hired Miss Charles as assistant teacher in our schools at High Shoals. At this time we only had two teachers. Mr. W. R. Rhyne was principal and Miss Charles was employed as assistant. We also paid Miss Charles something extra on her salary to do visiting around the village, and to keep us posted as to the condition of the ladies and girls of this place. We also explained to her that we wanted to build up our young girls and women, and if there was anything that she could help us do we would be glad to cooperate with her. Everything went well, and Miss Charles made golden reports to us about what a nice village we had and how well the people fared, and she often explained to us that we had a grand and noble set of operatives. The first thing that we knew she took up with our school committee, A. Q. Kale, J. C. McBrayer, and D. A. Medlin, and impressed upon us that Mr. W. R. Rhyne, the principal, was an old fogy and a man wholly incompetent to be principal of a school of this kind. And the second or third time she came to us making complaints and reports on Mr. Rhyne we told her that we thought it was our duty to stand by Mr. Rhyne as he had been teaching for us some time and had always been satisfactory and had always been satisfactory to the superintendent of public schools, Mr. F. P. Hall.

We learned after Miss Charles got into trouble with Mr. Rhyne that she had had trouble with the principal at Cherryville; also that she had trouble at two or three other places. I think we could possibly locate the places where she had this trouble if it should be necessary.

After Miss Charles had the little trouble with Mr. Rhyne, our principal, she secured a place as teacher in a shorthand school somewhere in Georgia. She explained to Mrs. Henderson, the lady who kept the hotel at that time, that she had secured this position in Georgia and had packed her trunk when she left High Shoals for her Christmas vacation, and made arrangements with Mrs. Henderson to forward her trunk on receipt of a letter which she would write Mrs. Henderson when she got home. She also notified our school committee (by letter) that she had accepted this place and was sorry that she was not able to give us a longer notice. On the face of this letter we employed another teacher, but in the meantime she was notified by the people in Georgia that they could not employ her. So she was back here when the school started after the Christmas vacation. The committee explained to her that we had received her resignation and had also hired a teacher to fill her place. But she prevailed on us that she was a poor working girl and that it would be a hardship on her to be without a job, and we went ahead and discharged the new teacher we had employed and put Miss Charles back to work. She continued to give Mr. Rhyne trouble and we did ask her to resign.

In regard to Mr. Hines' report about the pictures: Mr. Hines came to High Shoals one day and explained to me that he had lung trouble and was using his camera trying to make his expenses from some point in the North to some place in the West where consumptive people were treated. He asked me to have our people lined up by the mill, so he could make a pohtograph of the operatives to sell and help pay his way to some tuberculosis camp in the West. We explained to him that our girls and boys were becoming very sensitive about having their pictures made in their everyday clothes. Mr. Hine left me at the end of this conversation and went to the schoolhouse and told the principal, Mr. Rhyne, that I had sent him up there to make a photograph of the school. Mr. Rhyne explained to him that the children were not dressed for a picture and would rather not have it made at that time, but he told Mr. Rhyne about the condition of his health and Mr. Rhyne consented to having the pictures made. We have not been able to see one of these pictures or any report which Mr. Hine made.

I want to tell you very frankly that we had no disagreement with Mr. Hine and our meeting and talk was very agreeable in every respect. Mr. Hine left the High Shoals Hotel about 9 o'clock in the night, secured a team from the High Shoals liveryman, and drove to Cherryville, N. C., a distance of 12 miles.

Yours, very truly,

A. O. KALE, *Superintendent High Shoals Co.*

DAVID CLARK EXHIBIT NO. 4.

THE LUMBERTON INCIDENT.

Frank Britt, a tenant farmer of Columbus County, N. C., hurt his foot while plowing and a bad case of blood poisoning was the result. Being absolutely without means and having a wife, three children, and a feeble-minded mother-in-law to support, he had to appeal to his two brothers, one of whom, Oliver Britt, was employed at the Lumberton Cotton Mills, Lumberton, N. C. Neither of his brothers were in good financial condition, but they did the best they could and contributed a considerable amount for doctor's bills and for having his leg amputated. The Lumberton Cotton Mills had some vacant houses at that time and at the request of Oliver Britt and as an act of charity they allowed the sick man and his family to be moved from his farm into one of the mill houses and to use the same without paying any rent.

Also as an act of charity, for Mrs. Frank Britt was a green hand and skilled hands were plentiful, they gave her work in the mill. Mrs. Britt could not make enough to feed the family and brought her oldest daughter, Lonie Britt, to the mill and, alleging that she was 12 years of age, secured work for her.

The superintendent, seeing her in the mill and noting her size, ordered that she be sent out; but the overseer, realizing the desperate straits of the family, allowed Mrs. Britt to persuade him Lonie was 12 years of age and she worked in the mill for 25 days. The second daughter, Flossie Britt, said by her mother to be 9 years old, never worked in the mill a single day.

The condition of Frank Britt, in spite of the amputation of his foot, became rapidly worse and he finally died. The wife, three children, and mother-in-law immediately left the mill, as the women's labor alone could not support the family, and moved back to the country where it is legal for even a boy of 7 to toil from sunrise to sunset and under the heat of noontime sun. They are now living there in a miserable hut and in almost destitute circumstances and were recently seen by a person who has been investigating this incident. The mill records show that Flossie Britt never worked a single day. They show that Lonie Britt worked in the mill for only 25 days. Her mother has now filed a statement to the effect that she was born on March 6, 1902, and her uncle, Oliver Britt, a very intelligent man, says that she is about 12 years of age.

The day before Frank Britt died, and while he was suffering agony from his blood poisoning, Photographer Hine, of the National Child Labor Committee, sneaking around among the cotton mills, came upon the scene. He did not do anything to relieve the suffering of the dying man or give money or aid to his wife or children. All he did was to back the two little girls up against the house and take their photograph, get a statement from the half-witted mother-in-law, and go his way.

He presented the photograph at the National Child Labor Conference on January 4, as girls of 6 and 7 years of age who were working regularly in a

cotton mill. Since that time the National Child Labor Committee have been repeating the story over the country. I heard Owen Lovejoy tell a Boston audience of the photograph and intimate that it was one of a large number that he had.

The Lumberton incident is typical of the work of the National Child Labor Committee.

They have referred in some of their papers to a mill boy who had all of his fingers cut off as an illustration of the brutality of cotton mill work. As a matter of fact, the boy to whom they refer had his fingers cut off in some farm machinery while visiting his grandfather on his farm. They were about as near the truth as usual.

DAVID CLARK EXHIBIT NO. 5.

ACCIDENTS IN THE COTTON MILLS.

For several years there has been a persistent and studied effort on the part of the National Child Labor Committee to create the impression that work in southern cotton mills was dangerous and that children were almost daily being killed or maimed.

As a matter of fact very few people are hurt in cotton mills, and the machinery in the departments where women and children work is entirely harmless, and except through extreme carelessness it is almost impossible for anyone to be injured.

Companies that write employment liabilities naturally base their rates upon liability of accidents as found from the records of the past.

The following are the rates charged in North Carolina for a policy covering $5,000 for injury to one person, or $10,000 to several injured at the same time. The rate includes first medical aid and is the price charged per $100 of pay roll: Street car conductors, $4.08; planing mill, $2.47½; foundry and machine shops, $1.36; laundry work, $1.22; furniture factories, $1.09; farm laborers, $0.68; and cotton mills, $0.49½.

The evidence, therefore, of the people that pay money for accidents is that there are fewer accidents and less risks in cotton mills than in any other line of work. They show the remarkable fact that there is more risk in working on a farm than there is in a cotton mill.

DAVID CLARK EXHIBIT NO. 6.

CHARITY TRUST.

Republican Leader Hinman, of the New York Legislature, said in an interview published in the New York American of about March 10, 1915:

"I have been informed that Mr. Folks or his fellow officers collected about $180,000 last year, and that a large percentage was not disbursed for charitable purposes. Inasmuch as the Charities Aid Society owes its existence to the State, the State should know to a cent just how this large sum of money has been expended.

"Mr. Folks recently requested me to advocate a bill to make him the head of the State Charities Board. As such he would be compelled to make an accounting to the people for all moneys appropriated and disbursed. I assume, of course, he will be willing to furnish us with an account of his stewardship as an officer of the Charities Aid Society.

"I am told a bill has been introduced already compelling all private organizations to report annually to the secretary of state. It seems to me, however, that the legislature should know directly all about their financial dealings; hence my bill."

It was brought out at a hearing on the Thompson-Maier resolutions at Albany, N. Y., in February that Homer Folks draws a salary of $100 per day and expenses when acting as a member of the New York Public Health Council, and in addition receives a salary of $8,000 a year from the State Charities Aid Association. It is also said that he receives salaries from five other so-called charity organizations, including the National Child Labor Committee.

PENNSYLVANIA STATE POLICE.

(For exhibits under this subject see pages 11001 to 11025.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *May 6, 1915.*

TESTIMONY OF MR. JAMES H. MAURER.

Chairman WALSH. Please state your name, your residence, and your occupation.

Mr. MAURER. My name is James H. Maurer, occupation, machinist; at the present time president of the Pennsylvania State Federation of Labor.

Chairman WALSH. Have you made a special study of the Pennsylvania State police, Mr. Maurer?

Mr. MAURER. Yes, sir.

Chairman WALSH. When was that department of the State police of Pennsylvania created?

Mr. MAURER. In 1905.

Chairman WALSH. How many men composed the constabulary, and how are they divided?

Mr. MAURER. The entire force consists of 232 men, four of whom—one the superintendent of police, and deputy superintendent, clerk, and stenographer—the rest are officers and men.

Chairman WALSH. Prior to the institution of the constabulary, what sort of a State police force was there in Pennsylvania?

Mr. MAURER. Why, the police we had prior to that time were known as coal and iron police—deputy sheriffs before the creation of the State police.

Chairman WALSH. Were those police in the employment of private corporations?

Mr. MAURER. Yes.

Chairman WALSH. They were not officers of the State?

Mr. MAURER. Only to the extent that they received their authority—their right to be police—from the governor.

Chairman WALSH. And they were paid by whom?

Mr. MAURER. By the corporations whom they served.

Chairman WALSH. Could you approximate how many State police officers there were on duty at the time of the passage of this State constabulary law?

Mr. MAURER. No. Each corporation of any importance had a great many of these coal and iron police and private detectives.

Chairman WALSH. Well, now, were those laws repealed when the State constabulary was instituted?

Mr. MAURER. They promised—the general agitation in the assembly at the time, at the time they tried to pass or did pass the constabulary law, was that they were to take the place of the coal and iron police, and the bill itself, which I have here, creating the department made that provision, or made no such provision; but it did provide what it was to be used for. I notice here in one part it says, defining their duties, and says they are intended, so far as possible, to take the place of the police now appointed at the behest of various corporations. This is part of the act creating the department of State police in 1905, when Samuel W. Pennypacker was governor, and to answer your question, the law creating the department—the coal and iron department—this is a copy of the act creating that department, and this act was passed in 1865, and was supplemented by an act in 1866. The supplement provides that any corporation can have the same power that railroad corporations have. And I will offer these in evidence [handing same to the reporter].

Chairman WALSH. Very good.

(The papers referred to are copies from the "Laws of Pennsylvania," entitled "An act empowering railroad companies to employ police force," dated

February 27, 1865 (p. 225) and "a supplement to an act approved the 27th day of February, anno Domini 1865, entitled "An act empowering railroad companies to employ police force," dated April 11, 1866 (p. 99); also a copy of a law of the State of Pennsylvania, entitled "An act creating the department of State police, etc.," approved May 2, 1905, which was submitted in printed form.)

Chairman WALSH. Now, as a matter of fact, were the coal and iron police dropped on the institution of the State constabulary?

Mr. MAURER. No, they were not. We still have the coal and iron police as we had before the institution of the State constabulary.

Chairman WALSH. From what forces are the State constabulary recruited—from the police force of the State or——

Mr. MAURER. No. The men are recruited from the ranks of ex-United States soldiers, and again many of them are recruited from the ranks or from the degenerate descendants of the middle classes, young men who are educated, but never amount to anything and no good for anything and generally hunt a job in the State police force.

Chairman WALSH. How many men altogether do you say? What is the total force.

Mr. MAURER. Forty-two.

Chairman WALSH. Have there been any labor disturbances in which the State police were called since the institution of this force?

Mr. MAURER. Oh, yes; a great many.

Chairman WALSH. Could you briefly state what they were, and the use and operation of the State police?

Mr. MAURER. Yes. They are used in various ways. It depends entirely on the nature of the trouble. If the strike is a very large one, say like we had in Westmoreland County, or in a big coal center, then they are used differently than they would be in a local situation, such as a trolley strike where the street car men go on a strike, or perhaps differently from what they would be on a railroad. I will have to recite—I will give you perhaps two illustrations.

Commissioner O'CONNELL. Could you give the Bethlehem Steel Co., for instance; they were in that?

Mr. MAURER. I will give that; I can touch on that, too, but there is another witness here whom I believe will go into that more in detail. Take the Westmoreland coal strike as an example of a large strike. Then in a situation of that kind the deputy sheriffs provide thugs imported there from wherever they can get them, usually from the slums of the great cities, not natives; in very few cases are they natives. These men are clothed with the power and authority of deputies, and are therefore armed, with the right to arrest. Now, the coal and iron police are a little different. He is really more like a detective. He is a gum-shoe man, as it were, in the situation. And word may come to picket men saying that a train is bringing a carload of strike breakers in, to meet at a certain time at the station, and the thugs will gather, and when the train unloads its passengers, these pickets call out to them and say, "There is a strike on." "Don't go out, don't take our jobs." And sometimes they reach them—sometimes they get in close communication with them and sometimes not. That is when the imported thug comes in. He starts something. The coal and iron police, most of the time, are on the scene, and when they start something it is because the thugs and the coal and iron police are armed and the strikers are not armed, and are not permitted to be armed; and they are beaten up by the thugs, and that is about the time the constabulary appear on the scene, and they come around, mounted like cavalry, and they come around and see the disturbance, and they always take good care to arrest only the strikers. That is the part they play in that, and when they had this Westmoreland strike, which extended over a very considerable time in Westmoreland County, and not in one instance did we get any aid from the constabulary. We had men who wished to go home, and tried to go home, and the thugs would waylay them and would beat them up, and the constabulary—we telephoned and asked for protection and never got it.

I have a letter here from one man which was just received day before yesterday, and if you will pardon me I will read it, as it will enlighten you on the various subjects I am speaking about. He says:

"In 1906 I had occasion to visit Sagamore. While walking on the township road with others, two Italians came from the shanty, erected for the convenience of the coal company near the mines, in Sagamore, and came over to the

road, pointed their guns at me, and ordered me off of the township road. I refused to go, and those Italians turned and went to the shanty, which was about 100 feet from the township road, and two members of the State constabulary came along. I stopped them, told them what those fellows had done, and requested them to arrest them. They refused and said they would take it up with the superintendent.

"I am not sure whether those men were disarmed or not, but I was never called to appear against them in court.

"JAMES PURCELL."

This Mr. Purcell is president of District 2 of the United Mine Workers, and I merely mention that to illustrate the method by which they protect; they protect the company and not the strikers. They are strictly partial in their conduct, and never yet have I had one case reported to me or come to my knowledge where they protected the strikers. I can cite you other cases in the trolley or small strikes where no private gunmen were employed; then they played the dual rôle of secret-service men, as it were, or thugs, and mingling with crowds in citizens' clothes and trying to create disorder or incite the men to violence, and then after the men beat up others, had them arrested, and the press came out in glaring headlines and said what an efficient force it was.

Chairman WALSH. Have you ever made charges against the constabulary to the superiors?

Mr. MAURER. Yes.

Chairman WALSH. When?

Mr. MAURER. Last year we had a strike of the trolley men at Hazleton which lasted three months, and the company did not operate a car during the three months. When April came the weather opened, and they commenced operating cars with strike breakers, but no one rode on the cars; therefore the strike was very orderly and well conducted, and the strike lasted only three months. While, of course, it was a losing proposition to operate cars without people riding on them, they got busses and jitneys and one thing or another and commenced to handle the passengers in that way, and finally word came to me at Harrisburg that I should come to Hazleton, that there was trouble brewing, and I went there and investigated the situation, and I found only one trooper in my first two days in Hazleton in uniform; the rest of them, I had learned through other agencies, and I found they were operating in citizens' clothes. The method by which they worked was to mingle in crowds on the street corners where the trolley cars came in and then incite the men by calling the strike breakers vile names and cursing, and so forth. The local police, however, were instructed by the mayor to disperse all crowds.

Chairman WALSH. Mr. Maurer, you say the State constabulary did that themselves?

Mr. MAURER. Oh, yes.

Chairman WALSH. Do you have the names of them?

Mr. MAURER. Yes; we can prove all of that. I have that in this book here [indicating]. That was proven.

I want to answer the question you asked me. The local police finally tried to disperse the crowd, and that is how we discovered who they were. We did not know who these men were, and the crowd would be dispersed. They did not obey the instructions of the officer and moved, but the State policeman refused to move several times and finally admitted to the officer that they were State policemen, and that is how we discovered who they were. The local police, however, said they did not care whether they were State police or not; that they had to move just the same; and they did move, and we in that way prevented the plan that was carried out before to incite the men to violence.

We found in a place named McAdoo, a few miles west of Hazleton, a suburb of Hazleton, where strike breakers used vile and indecent language toward citizens, and the burgess was there and ordered the chief of police to arrest the man that used such language. Four State troopers were in the crowd and heard all this indecent talk on the part of the strike breaker, but made no attempt to arrest him. A burgess then arrested the strike breaker, and he was found guilty and given the option of serving 24 hours or paying a $10 fine, and that is when the State police came forward and offered to pay the fine for the strike breaker, and did pay it.

Another case where a strike breaker shot into a crowd of boys and shot three of them the local police arrested the strike breaker, and at a hearing the State police were there acting as attorney in defense of the strike breaker. The State police also made the offices of the Lehigh Coal or Traction Co. their

headquarters. After we gathered that evidence and other evidence I went to Harrisburg and went to see Gov. Tener and presented the charges, much in the order I have explained to you, to the governor. The governor was highly indignant and refused to believe anything I said about the constabulary, saying that they were not partial, were strictly impartial, and refused to believe it and questioned that I had truthfully laid the matter before him. I told him that I was sorry that he said that and to give me a chance to prove that what I had told him was the truth and to investigate the charges, and they then called into his office a deputy, and I repeated the charges as I had told them to the governor, and the governor instructed him to investigate, and three days after that the deputy and I went to Hazleton, and with the aid of the district miners' officials we gathered our witnesses, and the witnesses were kept in the hotel lobby while we were in the parlor, and we had a notary public there, and no witness knew what the other had testified to before he testified. We had about 15 witnesses and about 30 more waiting to be called within the burgess of McAdoo—the chief of police and attorneys and other citizens—in fact, the best citizens of Hazleton and vicinity—and every charge I made was proven at this hearing, and other evidence submitted that I had not charged. One of them was drunkenness and disorderly conduct.

Chairman WALSH. Before whom was this held?

Mr. MAURER. Before the superintendent (Groomes) of the State police. The State police had a stenographer there, and we had one there, and State policemen were there, and we had a stenographic record of the proceedings, which are in my possession and the governor's at the present time. In this book I published just abstracts of that hearing.

Chairman WALSH. What is that?

Mr. MAURER. The American Cossack. You can have it. It is a book that I compiled myself. So that proved that they were used; that they were partial in their conduct and used to break strikes, and used by the Lehigh Traction Co. as guards, and as attorneys for the strike breakers; paid strike breakers' fines and arrested men on trumped-up charges, and railroaded them from Hazleton to Pottsville, a distance of 28 miles, and would not give them a hearing, notwithstanding there were justices and courts there, in order to railroad them to jail. All of this is a fact, and all of this we have proven, not by one witness but by a number of witnesses.

The governor has that report, and he took no action other than some of the State policemen, one of them I know sure, and two that I think have been relieved from duty; one man's name was Haney, the man that we proved to have been beastly drunk and very officious in his conduct. As to the strike situation in Bethlehem, I was there during part of the strike, and I can say this, at no time was there any necessity for calling out the constabulary. The men there were peaceful in every way. A committee of strangers went to see the governor and the President of the United States, and asked them to use their good offices to settle the strike, and the governor and President both regarded that the law did not give them such power; but as soon as Mr. Schwab called for the constabulary, they had the power to act. There was hardly any disorder, and within one hour after the constabulary arrived there was bloodshed and riot and disorder. They invaded the homes of foreigners and searched their homes under the pretext of looking for firearms; and I was informed and believed my informant that they robbed some of these people under the pretense of looking for firearms. They arrested them and took them to the steel company's property and locked them up and held their court there. They paraded the streets, beat men right and left, trampled old people down, and rode to the Majestic Hotel and shot through the door, and shot one man to death and other men down, and trampled people down with their horses, and did everything possible to incite and create a reign of terror and fear, and thereby break the strike.

I am sorry, Mr. Commissioner, that the time does not permit me to go into detail and work out my evidence more logically and at greater length, but as I have only a very short time to stay, I have to speak against time, and perhaps it doesn't make as good sense as it would if we could work out what I have to say in proper order.

I might add that so unpopular has this department become in the State that, notwithstanding the fact that the press of other States have been trying to laud it and eulogize this department to the extent that the other States would adopt it, to show you that it is not as popular as the press would have you believe, for the past four years they have tried to increase this department,

and I happened to be a member of the Pennsylvania Legislature for the past three sessions myself, and know whereof I speak.

Here is the legislative journal of this month, on the two days when the constabulary question was before the legislature of Pennsylvania. They proposed in this session, as in the last session and previous sessions, to increase it by adding 116 more men to it, and increase the salary of the different officers, and proposed increase of salary of Capt. Groomes from $3,000 to $6,000 a year. Now, Capt. Groomes is only a figurehead; he is in the liquor business in Philadelphia, and his salary is merely a plumb. All he has to do is to draw his breath and salary. Capt. "Loon" is the head of the department, not Groomes. They proposed increasing the salaries of all of the troopers from $3 to $5; they get now $900 a year. We fought that bill, and lost part of it four years ago, and two years ago we fought it and won all of it. I led the fight against it this time, and this time we defeated that constabulary bill 2 to 1. They only got 61 votes out of the lower house and 125 against it. Now, if the department of State police is such a fine institution, I think that the people in Pennsylvania should know it. Gentlemen, there is a few minutes still left me, and I want to say this:

To-morrow you will have a witness from Allentown, Mr. Williams, and when you hear him he will give you the Bethlehem strike situation in detail, and what is true in Bethlehem is true in every other part of the State they went to, with the exception of one, and that one is the Westinghouse Air Brake strike. They were very gentlemanly there, and I attributed that to the fact that it was close to a legislative session, and they knew to make any break there would threaten this particular legislation that I just spoke about. But I have been with them in practically every city that they have operated in, and one I remember in Erie, when they were there. I interviewed the people who suffered through their brutality. I saw a case where they struck down an old man, and he don't know yet whether he was struck down or they dragged him along from the horn of the saddle, and those are facts. Why they do such things to an old man I don't know, unless it is to create a reign of awe and terror wherever they are present that will strike awe and terror into the hearts of the strikers and their families.

Commissioner O'CONNELL. What are they doing when not engaged in the strike business?

Mr. MAURER. I am very glad, indeed, that you asked that question. They are patrolling the rural districts in the immediate vicinity of the barracks. It leads the farmer to believe that he has police protection. They see this mounted officer. Those of you who never saw him, I wish to state, gentlemen, Capt. Groomes, you will pardon the question, but you will appreciate the answer, but when he was appointed as chief of this department he went to Europe to study the police there, he went to Russia and studied the Cossacks, and through Germany and Europe—this is also part of the record in here—and then to Ireland and studied it there, and came back and recommended that the constabulary of Pennsylvania pattern after the Irish constabulary, and they look for all the world, not exactly like the Irish constabulary, they are a cross between the Russian Cossacks and Irish constabulary. Its duties between strikes is to patrol the rural districts. It is remarkable the work they do. They have maps of every little locality. You can go through the rural districts within 50 miles of the barracks, and you find at every crossroad a mark on the post, and on every bridge, it will be 1-2-0 and x or v or w, any old letter on the bridge, every bridge you pass you will find that mark. They are all laid out on the map, they can tell in a minute, when trouble occurs, and they call for help, they can locate all these byways and highways. That is what they are doing, familiarising themselves with that part of the State, and after those troopers have been there for a while they move them and bring them on down to the other part, so that the troopers are familiar with both ends of the State. They are located two at the western end and two at the eastern end, but not in the farmers' district where they are used for protection of the farmer.

Chairman WALSH. Do they make arrests at these other times of trespassers or thieves that prey upon the inhabitants?

Mr. MAURER. Oh, yes; when there is no strike duty to perform, they do arrest and apprehend real criminals, but not as many. Here is Capt. Groomes's report for 1912; he doesn't give any report this time. This will give an idea of how many he made, but if you look over it very carefully, you will find most of the arrests were made on vagrancy, drunkenness, and disorderly conduct charges, which are usually the charges lodge against a man on strike.

Commissioner O'CONNELL. What is the procedure, or who is authorized to call upon the governor for the services of these troops?

Mr. MAURER. The sheriff. The sheriff has the power. If anyone wants them, they apply to the sheriff and he calls on the governor. I wish to state here that the State constabulary of Pennsylvania has absolute power when they enter a strike zone, martial law exists not by official declaration but by the very nature of things for every purpose martial law does exist. Then they override the civil authority; they take charge of the situation and arrest without warrant, invade your home without warrant; they are the greatest power in the State, greater than any civil power, the only power greater is the legislature when it is in session or the governor when it is not in session.

Commissioner AISHTON. Mr. Maurer, what is the membership of the State constabulary?

Mr. MAURER. Two hundred and thirty-two, including the office force of two men.

Commissioner AISHTON. You have a knowledge of their membership; you are a State officer and member of the legislature, and you have a general knowledge of the composition of that force?

Mr. MAURER. Oh, yes, sir.

Commissioner AISHTON. You stated, I believe, that they were made up from two classes of men?

Mr. MAURER. In the main, I qualified it.

Commissioner AISHTON. I did not understand it was qualified. I would like to have the record show that qualification, however.

Mr. MAURER. Oh, yes; I hope it will be; I did not want it otherwise.

Commissioner AISHTON. I did not assume that you wanted to intimate to this commission that ex-soldiers and the degenerate sons of the middle class——

Mr. MAURER. No; not sons. They don't amount to anything; sons the old man is glad to unload, and he will unload them into the constabulary.

Commissioner AISHTON. How many do you imagine the constabulary holds of that class?

Mr. MAURER. The greater part of it.

Commissioner AISHTON. Are degenerates?

Mr. MAURER. Oh, no; I would not say it so broad as that.

Commissioner AISHTON. Will you please correct the record; I think it so states.

Mr. MAURER. They are ex-United States soldiers that find it more profitable to be in the State constabulary than in the Army, the Army don't pay the wages they do in Pennsylvania. And then there are men that are no account, could not make their own living, but were educated, some of them with a college education, and were simply incompetent, and sort of a nuisance around the town. The whole community breathed easy when they found something to do, even if it was cracking men's heads.

Commissioner AISHTON. If the record will state as you read it, I don't know that any further questions are necessary, but you dwelt upon the fact that they were degenerate, as sons of the middle class. I wrote that down and didn't quite understand it.

Mr. MAURER. I thank you for the correction.

Commissioner AISHTON. I don't want to take up the time, and will ask one question: There has a good deal been said about legislation and fighting legislation and you used the term that you fought two years in the legislature and got a certain result, and this year you fought it again and beat it altogether.

Mr. MAURER. This year I led the fight. The organization which I have the honor to represent, the State Federation of Labor, has always been opposed to the constabulary.

Commissioner AISHTON. On the basis you mention?

Mr. MAURER. On the floor of the house, as a member of the house.

Commissioner AISHTON. The record will be safe in saying, in your capacity as an officer of the Pennsylvania State Federation of Labor, you fought it?

Mr. MAURER. In the dual position, as an official, and I carried out the orders of my organization.

Commissioner HARRIMAN. What I would like to know, would you approve of this State constabulary if it was a different character from the Pennsylvania constabulary or would you disapprove of any under any condition?

Mr. MAURER. I myself introduced a bill four years ago to abolish the State constabulary. That bill never got out of the committee. Two years ago the Pennsylvania State Federation of Labor, realizing that we could not hope to

abolish it, had a bill introduced defining the duties of the State constabulary, and we provided that they should be used as fire wardens and fish wardens, and be used in time of floods to save and protect life and property, and to apprehend real criminals, etc. The bill is in that book; there is a copy of it, but under no circumstances, at least, as the last section says, shall they be used in strikes or lockouts or in any disputes between employer and employees. We introduced that, and was quite anxious to have it enacted into a law, but it never got beyond second reading in the lower house, and this year we realized that that could not be enacted into a law, and we tried to prevent it from growing anyway.

Commissioner HARRIMAN. If you could do away with it, what would you put in its place?

Mr. MAURER. I don't think we need anything. I think the mayor from Altoona gave us a good lesson here. He had the strike situation at Altoona under control, there was no need for cracking heads. A little story is told about the men on the bridge. I was just thinking when I heard him explain that story how his two officers went in there and made a few arrests, and that was all there was to it. There was an accident, I believe, a rail broke away, and some men were hurt. If the State police had been there there would have been a different story to tell; they would have rode in and cracked skulls and beat them up and dragged them around. That is their method. There is the difference. The employers of labor when they go in a strike situation and know that the State is going to defend them and help them, they are more arrogant and less considerate of the demands of their employees. If we take away that kind of a system, then we will commence to reason logically and intelligently and cease to use that arrogant, overbearing method that they do resort to when they know they have us by the throat by using the State and Commonwealth against us, and they would then commence to talk sensibly, and reason it out sensibly, instead of having them beaten and murdered and robbed and assaulted. I hold that the State has no right to take part in the interests of the employer any more than it has a right to take part in the interests of the employee.

We are quite willing, and at the last convention of the federation I recommended, and I shall insist in the convention next week again, that we learn the art, or we become trained in the science of militaryism ourselves. I am sick and tired of having our men constantly stand up to be shot at. If we must fight, I would rather fight intelligently than empty handed, than always being the fellow without any protection whatever. They have to stop this method of fighting, or there will be more trouble. We will not stand for it much longer. We got along for a century in Pennsylvania without this police. It is military despotism. Every State in the Union has been talking about establishing them. This book has been sent out by the thousands, and every word is true. Here is a book that Col. Groome wrote in answer to that book, and it is lame and flabby and untruthful, and shows the character of the man himself who is at the head of these police. Then the book follows with 11 letters written to James H. Maurer, at his request, in 1910 and 1911, just after he had been elected to the State legislature on the Socialist ticket. Although these rambling letter contain unsubstantiated and absurd charges against the State-police force, they are signed by such well-known American citizens as F. Fagan, and some other foreign names that are hard to pronounce, and show that he is prejudiced against foreigners, because the book is full of other names of congressmen and legislators and American names, Irish names, and he don't mention any of them, but he picks these few, these names who are all foreigners. There is nothing else written there. Those are the poor fellows that are brought in by the coal company to undermine the German and Irish and Americans, and casts that kind of a reflection upon them. He says:

"I presume when the author of The American Cossack wishes Pennsylvania may return to the old peaceful conditions he is referring to the Molly Maguire reign of terror in the seventies."

It is very evident he doesn't understand the history of Molly Maguire.

Commissioner WEINSTOCK. You said, Mr. Maurer, that the State police received $75 a month?

Mr. MAURER. It is probable; yes, sir.

Commissioner WEINSTOCK. Does that include his uniform and his living, or must that all come out?

Mr. MAURER. He gets his uniform and he has a horse and horse feed, his equipment complete, but he has to furnish his own food.

Commissioner WEINSTOCK. Do you know whether many of them are married men?

Mr. MAURER. At the present time not; they have discriminated against the married men, but there was a bill in the senate, introduced by Senator Snyder; the Senate passed it, and it was in the house, providing there shall be no discrimination against a trooper as far as a married man applying for a job.

Commissioner WEINSTOCK. You say that you and the State federation of labor are opposed to the State constabulary?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. Are you also opposed to the National Guards?

Mr. MAURER. Well, to tell you the truth, all organized labor is opposed to the National Guards in the past. It has been opposed.

Commissioner WEINSTOCK. Now, are we to understand that as you know the situation that if organized labor had its way it would wipe out the National Guards?

Mr. MAURER. There is not much to wipe out any more—poor little tin soldiers that they are—I can not help but pity them when I look at them.

Commissioner WEINSTOCK. May I ask you to answer my question?

Mr. MAURER. Yes, sir; if I had my way about it, my dear sir, there would not be a soldier on earth. I think it is a disgrace to our twentieth century civilization that we are still at each others throats murdering each other.

Commissioner WEINSTOCK. How would you protect life and property from the lawless?

Mr. MAURER. Quit pursuing people and they will be peaceful. People that are not robbed never revolt.

Commissioner WEINSTOCK. Then you don't believe there are such things as criminals?

Mr. MAURER. Oh, yes; sure.

Commissioner WEINSTOCK. How would you protect yourself against the criminal?

Mr. MAURER. Oh, the criminal? The criminal that we don't find is all right; we can not bother with him because we can not catch him; but the fellow we catch he is too dumb to be a criminal, and that is why we catch him; he don't have the qualifications of a criminal.

Commissioner WEINSTOCK. I don't suppose you profess ignorance of the fact that in labor troubles labor representatives do violate law and resort to crime and blow up houses and bridges, and how would you protect the employer and his property against conditions of that sort?

Mr. MAURER. You have reference to the structural iron workers?

Commissioner WEINSTOCK. Yes, sir.

Mr. MAURER. That is a condition entirely. The one responsible for that condition was the employer or those who exploit labor themselves. They advocate to-day—we heard it here, we always hear it—no organization; that they believe in dealing with the individual, and they teach people that way; that is the theory of the individual—that he can work out his own destiny. The McNamaras were strict individualists, in as far as they believed in individualism, but not in political action, and they believed they could do as they pleased. The power was used against them and they used the same weapons.

Commissioner WEINSTOCK. If you were an employer, how would you protect yourself against the McNamaras?

Mr. MAURER. If I was an employer, I would be like any other if I expected to succeed in business.

Commissioner WEINSTOCK. Please answer my question. If you were an employer, how would you protect yourself against the McNamaras?

Mr. MAURER. I told you I would be like most any other employer.

Commissioner WEINSTOCK. How would you protect yourself if they come and blew up your property?

Mr. MAURER. They would blow it up; I couldn't stop it. I don't know that I would do anything else than what the other men are doing now; I would try to protect my own interests. The individual is not to be blamed, you must get the system and not the individual.

Commissioner WEINSTOCK. If you were an employer, and you had a dispute with your workers and you would not agree with them and they blew up your premises and killed a lot of innocent people, or try to prevent a repetition of those circumstances?

Mr. MAURER. I might answer you if I cared to be untruthful that if I was an employer I would not have such conditions.

Commissioner WEINSTOCK. Suppose the workers asked what you felt was an unjust demand, and a thing that you could not meet at all; you know that workers are sometimes human and are made out of the same sort of clay as the rest of us, and they are as likely to be unreasonable as employers; suppose the employee asked what you thought was an impossibility, an unfair and unjust position, would you submit or not?

Mr. MAURER. If I thought it was impossible, I would not do it.

Commissioner WEINSTOCK. You could not agree with your worker then?

Mr. MAURER. No, sir.

Commissioner WEINSTOCK. Suppose they resorted to violence?

Mr. MAURER. I never knew of one yet that did, unless they were goaded on by the men that wanted them to do violence.

Commissioner WEINSTOCK. You yourself cited the McNamara case.

Mr. MAURER. I am not satisfied yet, and no one can convince me but what there is a story yet to be told in that case.

Commissioner WEINSTOCK. If the story is yet to be told, then all the facts brought out in the court, that these men were trying to establish the closed shop, and failing to do it they resorted to violence?

Mr. MAURER. If you belonged to any organization long enough you would know what you had to contend with. There is not a union organized without spies of the employer of some kind, to spy on them. You were told how they got their spies and Pinkertons, with their pay roll, as they told you that. What do you think they are doing, sitting around hotels? They are in our unions, doing what you are charging against the McNamaras.

Commissioner WEINSTOCK. Blowing up houses and killing innocent people?

Mr. MAURER. Just as I told you, that they were over at Hazleton trying to incite men to riot. The strikers themselves, or no labor union I ever knew, tried to incite men to violence or disorder, because that is just what we do not want to do. We want order; therein lies our strength.

Commissioner WEINSTOCK. Your position is that labor never resorts to violence?

Mr. MAURER. No, sir; I do not say never——

Commissioner WEINSTOCK. Perhaps I misunderstood you. I wish you would read the last question.

[Question read by reporter.]

Commissioner WEINSTOCK. You take the position that they do not resort to violence, or do not incite violence?

Mr. MAURER. I did not say never. I mean, we do not. I did not say we never do. That is, to incite men to violence; that is the aggressive side of it. Assuming that we were situated like out in Colorado, where they shot down families and burned down our homes and smothered our women and babies, would I recommend that they fight? I guess I would, fight to the last ditch; indeed, I would. And I would feel inclined to shoot all men that would not fight; that is my idea, and you have my idea exactly.

Commissioner WEINSTOCK. Now, in summing up your position, then it is substantially this, that speaking, as I take it you do speak, for organized labor in your State, you would be opposed to the State constabulary, you would be opposed to the State militia; you would afford the employer practically no protection against violence on the part of strikers, and you would simply force him to work out his own destiny in his own way?

Mr. MAURER. I would force him to be decent. In New York they don't have the constabulary, or in Jersey.

Commissioner HARRIMAN. They are trying to get it.

Mr. MAURER. I know they are, and in Virginia they want it, and in every other State. Why? Because they have more violence in those States or more disorder or bloodshed? No; they have less.

Commissioner WEINSTOCK. What is your attitude when the Federal troops are called into a situation like in Colorado?

Mr. MAURER. We had them in Reading one time, in '87, the Federal troops are a different proposition in our case. They simply come and maintain law and order, and that is all there was to it; we have no objection to that; that is what we want, law and order.

Commissioner O'CONNELL. They were not used as strike breakers?

Mr. MAURER. No, sir; in 1902 in our coal strike the State militia was there, and that was the last time they served on strike duty. The greater part of the State militia were composed of workingmen, who when it was over had to go back to the factories and to their work again. The strike lasted six months; it was too long, and the militia was there by the thousands, and there

was no one shot or killed or beaten. That was the trouble. The militia and the strikers got on good terms and played ball together and cards together in the park under the shade trees. I have, myself, gone out early in the morning to the picket. The soldiers were complaining they were starving and could get nothing to eat, and the folks at home were reading the newspapers and noticed where their boys were starving and packed up big cases of angel food and sent it to the soldiers at the front; and the soldiers packed up their other rations, that the State paid for, and put it in boxes, and then ate the good food; and if there was any left over they put it in the box, and in the morning you could see the miners and their wives and children going to the soldiers' camp, and the men would stay outside for fear some officer might catch them; and the women and children would go in there, thinking they would be more lenient if they caught the women and children, and they would come out with these boxes and food, and they found out that the soldiers were feeding the strikers, and that was an awful way to break a strike. There was not any disorder, and we had no fault to find with them.

Commissioner WEINSTOCK. They were National Guard men?

Mr. MAURER. They were State guards. That was the first time they behaved that way. The organized unions have for years in Pennsylvania not allowed a member of a National Guard to join, but the criticism that was heaped upon them has had its effect in time, and they have become decent. We don't object to order, and no organized working force does. That is what instilled the idea of the constabulary into the minds of the operators, and the next legislature following that they came in with this bill that I just gave you. They wanted a militia that could be used the way they wanted it used. This constabulary does that work. They don't know our sufferings and our ills and ailments like the State troopers do. They are excellent shots and horsemen; they can ride the wildest kind of horses; they are splendid horsemen, and physically I dare say they are the best men we have in the country. They are the choice of the country, physically, and many are mentally splendid fellows, and we have nothing against them personally; but some are renegades of the worst type also; but I don't hold that against them.

Commissioner WEINSTOCK. The question has been suggested, How do you reconcile your last statement with your first statement that they were sons of degenerates?

Mr. MAURER. I didn't say sons of degenerates; but they are degenerates in a great measure, in their drinking and carousing and their low-down character, foul-mouthed; they are the kind of men that you would not want to associate with, and neither would I.

Commissioner O'CONNELL. Is the constabulary looked upon in the State as being an organization for breaking strikes?

Mr. MAURER. They don't admit that.

Commissioner O'CONNELL. Is that the general impression in the State?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. Is it not the opinion of these men that they are employed for that purpose, and that this country patrolling that they do, or policing that they do, is merely incidental to their employment?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. That they are only in active service when on a strike?

Mr. MAURER. That is practically correct, but they really do patrolling duty in rural districts. They get acquainted with the immediate country surrounding the barracks at an industrial center.

Commissioner O'CONNELL. That is incidental to what they imagine they are when they are in the regular service?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. Their real active work is breaking strikes?

Mr. MAURER. I was in the barracks one day and they were practicing; they came down a company front, about 40 horsemen, and they would stop suddenly and the horses would rear up, and I asked what was the nature of that drill and they said "that is to stampede a mob." I said, "What do you mean by a mob?" and they said, "A riot of men assembled or a strike," and that they would want to come down all at once and scare them and they would run away, and I said they might run into them, and they said, "What of that?"

Commissioner GARRETSON. You expressed part of an opinion a while ago, and I would like to have the rest of it. It was put up to you as a deadly sin to dynamite a house or destroy it. Do you believe it is a more deadly sin to destroy a house than to destroy a man's future?

Mr. MAURER. I would rather destroy a good many houses before I destroy a man's future. With me life come first and property second.

Commissioner GARRETSON. It has been suggested that in destroying houses you might destroy innocent people; in destroying a future, don't you destroy other innocent lives that are connected with that life—blight the future of other lives?

Mr. MAURER. I can't say that I just grasp your meaning.

Commissioner GARRETSON. Can you destroy a man without destroying those dependent upon him to a large degree?

Mr. MAURER. You can destroy the man without destroying——

Commissioner GARRETSON (interrupting). I mean the future of a man. I am talking about in the moral sense. Is it a moral crime to blight a man's future?

Mr. MAURER. Well, I should think it was.

Commissioner GARRETSON. And at the same time would you not blight unfortunate innocent people that were dependent upon him to a certain degree?

Mr. MAURER. You would.

Commissioner WEINSTOCK. You stated that you believed, and organized labor likewise believed, in law and order?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. Do you and I understand what that means alike, I wonder? My conception of being and desiring law and order is, first of all, to be a law-abiding citizen. Have you the same conception of what law and order stands for?

Mr. MAURER. Law-abiding? If you can see the laws that we are making in Pennsylvania you would not know when you were law-abiding.

Commissioner WEINSTOCK. What do you mean by law and order, then? Please explain to us what you mean by desiring law and order?

Mr. MAURER. Law and order is—the general understanding is what a man knows of law without requiring a statute book to tell him. The moral law, as the average man understands it—and when I say man I mean men and women—is to do right toward a fellow man; is to do unto the other fellow as you feel he should do to you; to do no one harm; to do no wrong; to do otherwise would be unlawful.

Commissioner WEINSTOCK. Would you consider me a law-abiding citizen if I was guided by my own interpretation of the law and would do what I thought was right, regardless of the law?

Mr. MAURER. Yes, sir; provided you did not work an injury to anyone else.

Commissioner WEINSTOCK. Supposing it did work an injury to some one else?

Mr. MAURER. Then you would be breaking a moral law by taking advantage of another man's right.

Commissioner WEINSTOCK. Then I gather that the proper machinery to determine whether or not I am invading some other man's right are our courts—the machinery established by you and me and the rest of us to determine those points?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. If I take that law into my own hands and say I propose to be the sole judge of what is right and wrong to my fellows I become a lawbreaker?

Mr. MAURER. You certainly do.

Commissioner WEINSTOCK. In answer to Mr. Garretson's question as to whether you considered a house of more value than a man's future, and you said, I think correctly, that you considered a man's future as of more value than the house; but if that house contained a lot of innocent people——

Mr. MAURER. That is a different kind of a house now.

Commissioner WEINSTOCK. And that is the kind of a house I had in mind. If I then saw fit, acting on my own judgment, and doing what I thought was right, regardless of the law, and blew up the house, I would not longer be a law-abiding citizen?

Mr. MAURER. You certainly would not, but you have taken a right that belonged to another, which would not be right.

Commissioner GARRETSON. Was one G. Washington in 1776 a law-abiding citizen?

Mr. MAURER. George Washington? The only way to explain that—if the Revolution was a success, he was strictly a law-abiding citizen; but if it was a failure, he would not be.

Commissioner GARRETSON. He abided by law that did not exist and broke a law that did exist?

Mr. MAURER. Yes, sir.

(The two pamphlets referred to by the witness entitled "The American Cossack," published by the Pennsylvania Federation of Labor, 1914, and "A Reply to 'The American Cossack,'" by John C. Groome, superintendent of Pennsylvania State police, 1914, were submitted in printed form.)

Chairman WALSH. We will now adjourn until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 p. m. Thursday, May 6, 1915, these proceedings were adjourned until the following Friday, May 7, 1915, at 10 a. m.)

WASHINGTON, *D. C., Saturday, May 8, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Harriman, Garretson, Lennon, and Weinstock.

Chairman WALSH. We will please be in order.

Mr. Williams, please take the stand.

TESTIMONY OF MR. DAVID WILLIAMS.

Chairman WALSH. Please state your name.

Mr. WILLIAMS. David Williams.

Chairman WALSH. What is your business?

Mr. WILLIAMS. I am now editor and manager of the Allentown Labor Herald.

Chairman WALSH. Where do you reside?

Mr. WILLIAMS. At Allentown, Pa.

Chairman WALSH. What was your business prior to going into the publishing business?

Mr. WILLIAMS. I was a machinist in the steel works from the fall of 1907, until the strike started, February 4, 1910. I am a machinist by trade.

Chairman WALSH. You have some matter, I believe, on the question of the department of State police of the Commonwealth of Pennsylvania?

Mr. WILLIAMS. Yes. They were used against us in the strike.

Chairman WALSH. I will ask you first, how was the department of the State Police of the Commonwealth of Pennsylvania organized?

Mr. WILLIAMS. It was organized in 1905 by an act of the legislature; it is the act of May 2, 1905, and the act was amended June 1, 1911.

Chairman WALSH. What was the June 1, 1911, amendment?

Mr. WILLIAMS. To raise the pay.

Chairman WALSH. Anything else?

Mr. WILLIAMS. Well, that I—the only part I took out of that amendment, and the only part that we fought in 1911, was the raising of the pay. It not only raised the pay but increased the officers, and it was a graduated proposition; it increased the pay from $60 to $75 a month, and it also had a provision providing that a man should get an extra $5 for his second enlistment and an extra $5 for his third enlistment, making a total of $85 a month he could get. And they were used against us in the strike, and naturally we have tried to kill them off ever since.

Chairman WALSH. How is the force controlled and distributed over the State under ordinary conditions?

Mr. WILLIAMS. As I understand, they have barracks in different towns.

Chairman WALSH. For what term are the men enlisted?

Mr. WILLIAMS. I do not know, but I believe it is two years; I am not familiar with that part of it.

Chairman WALSH. Just state, if you know, how the force is controlled and distributed over the State, under ordinary conditions?

Mr. WILLIAMS. As I understand, there are barracks at Pottsville, Wyoming Falls, and Greensburg. I used to go up there quite often; I lived for a couple of months at West Pitson, and I had a chance to watch them closely. I would not say anything against the State police at any time only during strikes. I would not say anything against them being used to run down criminals; I believe they are a very good thing at times, in running down criminals; but our kick is when they are being used as strike breakers.

Chairman WALSH. I wish you would just go ahead, in your own way, Mr. Williams, and describe your experience with the State police force and the grounds you have for objecting to them.

Mr. WILLIAMS. This is all. I believe the members of the commission are familiar with the way the strike was called in the Bethlehem steel works.

Chairman WALSH. If you can state it briefly, I wish you would do so.

Mr. WILLIAMS. There was no organization in the Bethlehem steel works of any kind, the men were compelled to work Saturday, Saturday afternoon, and Sunday, and until 8.30 at night during the week in the shops that went on strike. These men were working on Government work, and they were compelled to have their work done almost perfect, and naturally that work was very expensive and very straining, and time after time those men would try to get off on Sunday, and they were told if they did not work on Sunday they could not work on Monday. Then the crisis came when one man laid off Saturday, and when he came back he was discharged, and the men called a committee together and sent him to the superintendent to have him reinstated.

Chairman WALSH. Were you in the shops at that time?

Mr. WILLIAMS. Yes, sir; and had worked in that shop from the fall of 1907 to 1910. I had a position that took me all over the shops. This committee went to the superintendent on Monday morning, and on Thursday afternoon the committee was discharged by the superintendent.

Chairman WALSH. How many men were on the committee?

Mr. WILLIAMS. Three; and those men on that floor stopped working that night from 4.30 to 5 o'clock; they didn't leave the plant, they stayed right there, but they stopped working and stayed there.

Chairman WALSH. Had there been any organizer in the field trying to organize them prior to that time?

Mr. WILLIAMS. No organizer of any kind at all. The next morning the men came to work again, and came in the shop and went to their positions but didn't do any work, but just stayed there. The general superintendent, Mr. Herbeck, came into the shop and went to one of the departments where he knew some of the men quite well and asked some of them to start to work, and at that time I came down from the upper floor, my line of work put me in touch with the superintendent quite often, and I said "If you want to stop a strike you had better take those three men back," and he said, "Williams, the company don't want those three men," and I said, "You will have to submit to have them come back," because I don't believe the officers realized the feeling of the men due to the oppression they had to submit to. The wages had been cut, and time and a half had been taken off for overtime, and the restaurant in the shops, where we could get five meals for a dollar, had been closed and a restaurant opened up for the officers in the company's office, and the men were being crushed continually.

When Mr. Herbeck said that the company would not take them back, the men commenced to leave the works, and it spread from one shop to another, and the first thing we knew 4 and 6 shops were on strike, probably 800 men were on strike. The general sueprintendent came along and said, "Williams, get back to work, the three men can go back to work," and I said, "It is too late now, you have started something," and he said that all that the men needed was a leader, and I said, "You be the leader." I didn't want to take any chance after he had forced them out on strike, and afterwards the men held a meeting in a big field outside of the plant, and they sent a committee to Mr. Schwab, he had just come back from Washington that day, and he would not listen to them. There is a big hall there, I think it is called the municipal hall, something like the market here, but there was no market there at that time, and the men held a meeting there to see what they could do. There was no preparation, the strike came like a flash, and my position around the plant—I was known to everybody, I was also known to take an active part in civil affairs in the city—that is, Allentown. I never lived in South Bethlehem. There is a work train of 10 or 12 cars goes from Allentown down to South Bethlehem, 6 miles, every morning.

Somebody asked me to address the fellows, and I told them what they had come out for, and said, you fellows stick to it, and if I could get a committee to come along, I would go to see Mr. Schwab. We got that committee, one of the men that was discharged, and one from South Bethlehem, and one from a little town above Allentown, and we went to see Mr. Schwab, and the colored servant said he would not see us, and I told him to tell Mr. Schwab that we would plant right there until he did see us, and pretty soon he came out and saw us, and we had about an hour and forty-five minutes with him, and I asked him to come out to the meeting in the afternoon and explain his position to the men. He talked very nice, and I told him that the men could not work on close work like we had and work the way we had to, 10 hours and 25 minutes was the regular working day, and at 5.30 they would order us to work until 8.30, and Saturday at noon they would say to work this afternoon,

and then in the evening they would tell us to come back on Sunday. That was the way the men were treated.

Chairman WALSH. Well, had there been any agitation prior to this time about working on Sunday?

Mr. WILLIAMS. Only in that agitation; that is, the men did not want to work themselves; that is, there was no organization at all. When the organizations came later, we finally found two or three men in the machine shops working under cover. I myself was not in good standing with the machinists' union at that time, although I had been a member a good many years before.

Well, Schwab positively refused to come to the meeting of the men, to me, although that was the last thing I said coming out of the office. I begged the committee not to say anything what he had said, because I believed in my heart he would come anyhow. My wife was confined at the time, and I had to go home; and I got back to the meeting in the afternoon about half past 2, and Schwab was there before I got in; but he couldn't do anything with the men. The rumor had gone out that he would not deal with the men, and they would not come back. They could not trust him; that was the trouble. Had they known Schwab was on the level they would have gone back. But right at this time—this was on Friday—we were working to settle that strike on overtime. You know no strike can exist unless the men are prepared—very, very seldom, unless you can keep the men all out and take a chance.

Then we holds another meeting Sunday, and right here is where I want to follow through my different newspaper accounts. I don't want to give you my opinion; what I am going to quote you is from the Allentown Morning Call, the Allentown Democrat, and the South Bethlehem Globe, from day to day, showing the kind of a peaceful strike it was, and the advice given to the men, and the way we handled it up until the time the State police were brought there. Then I am going to read you the statements of Mr. Kelly, chief of police, and also Mr. Lynch, who was elected chief of police when Mr. Kelly resigned.

At a meeting of the strikers held Sunday, February 6, two days after the strike started, the chairman of the strikers advised the men in this manner, quoting from the Allentown Democrat of February 7, 1910:

"You have now started a serious proposition, and whatever you do be orderly. Stop all you can from going to work but harm no one. Show Mr. Schwab we are orderly citizens. We are now on strike and will be until we accomplish our object."

Quoting from the same issue of the Democrat we find Mr. Edward Keenan, business agent of the machinists' union, of Philadelphia, advising the men in this manner:

"Keep within the bounds of the law. Violence don't pay. You can conduct this fight legally and successfully. Any disorder injures your chances of winning."

The committee appointed from the different machine shops on strike submitted the following list of "don'ts" to the strikers at the same meeting, which are taken from the Allentown Morning Call of February 7:

"Acting under advice we submit the following list of 'don'ts':

"Don't congregate in groups on the street corners, to the disadvantage of the general public.

"Don't enter discussion which will bring you within the pale of the law.

"Don't participate in any fight or any acts of rowdyism; remain law-abiding.

"Don't congregate in saloons and discuss your grievances. Keep sober. Above all, keep faith with your committee and render them every possible assistance.

"Assuring you we are working in your interests, we subscribe ourselves,

"Respectfully,

"THE COMMITTEE."

That was a list of "don'ts" that we filed and gave to the men to follow out carefully.

How easily the strike could have been settled at this time can be judged from the following letter presented to Mr. Schwab by the committe.

I wish you would pay particular notice to this communication sent to Mr. Schwab at that time:

Mr. SCHWAB,

President of the Bethlehem Steel Co.

DEAR SIR: The striking employees of your plant submit for your kind consideration terms under which we shall be pleased to return to work.

The overtime feature of employment having been a detriment to our health, our homes, and families, we ask for its abolition. If it must be a feature of future employment, we ask for an additional compensation in the plant of time and one-half for overtime, so as we may procure additional nutriment to give strength to our bodies to perform our tasks. We request that discharged employees, who acted as a committee to present our grievances, be reinstated and apprentices be taken back without the loss of time or hours. To this end we respectfully request that you treat with our committee representing Nos. 2, 4, and 6 shops.

Respectfully, yours,

WM. DUFFY,
Chairman of Committee.

This letter is taken from the Allentown Call of February 7, and shows how the men were only fighting for better working conditions, and that there was no attempt at this time to force the company to raise wages or recognize the unions.

A meeting of the strikers was held on February 7, at which time the men were advised by Business Agent Keenan of the machinists in this manner, quoting from the Allentown Democrat of February 8:

"I want to warn you against some people who may join your ranks, and who advise you to do violence, be careful, I plead with you, be careful, be orderly, and disregard all advice tending to violence and disorder. Your success depends upon this. Act the gentleman, and you will win.

"I have had a great deal of experience in strikes, and I know that corporations hire men to advocate violence. These hirelings escape. Remember this; but the men whom they have deluded into committing violence suffer and often go to prison.

"Men avoid drunkenness. Your strike is in excellent shape. The officers of the steel company will only be too glad if you do not keep within the law, in order that they may appeal to the public for their support. Be careful; this support and confidence of the public is of vital importance to your cause."

Chairman WALSH. What was the date of that letter?

Mr. WILLIAMS. That is not a letter; but that is part of——

Chairman WALSH (interrupting). The letter that you read before that.

Mr. WILLIAMS. It is published in the Allentown Morning Call of February 7.

Chairman WALSH. And what was the date of the calling of the strike?

Mr. WILLIAMS. February 4.

Chairman WALSH. February 4, and that was February 7?

Mr. WILLIAMS. This very article was issued on the 6th.

Chairman WALSH. Who made that last statement that you read?

Mr. WILLIAMS. Business Agent Keenan, of the machinists of Philadelphia. He made it very likely on the 6th, and we quoted it in the paper on the 7th. The 6th was on Sunday.

This policy of suppressing all tendency toward violence was followed rigidly by the executive committee of which I was chairman. Notice was served on the men by the chairman that if necessary he would appoint police to make them preserve order.

Time and again I told the men if we caught any of them breaking the law or fighting we would handle them ourselves. We had plenty of big men on the committee and would have done it.

On February 11, one week after the strike started, the Allentown Democrat came out with this statement:

"Without showing any signs of abating, and with men joining the ranks of the strikers each hour, the strike of the Bethlehem Steel Co. is being marked as one of the largest and most orderly labor struggles in the history of the country."

In referring to a malicious lie printed about the strike in the Philadelphia Record the chairman said:

"You have behaved well, men, but there is a man in South Bethlehem who is trying to make trouble. Never in the history of organized labor has there been such a peaceful demonstration as this one."

The reporter for the Philadelphia Record had sent in a report which misrepresented the men.

On February 14, the tenth day of the strike, the Allentown Democrat printed an open letter to Charles M. Schwab, from which we take the following:

"You are aware of certain facts, one of these is that the strike began among unorganized, not organized, men. They had no hope of either leadership, or direction, of financial support when they walked out. That is the usual practice when strikes occur, you will admit. You are also aware that a large part of your men consist of molders and machinists, a high class of workmen—men of

brains, or they would not be members of their respective trades. It is not a set of hudlums who have struck, but men who have brains and used them in their present needs. Still another fact is that they did not, in the first instance, strike for higher wages but for payment for the time they were employed. That is the second characteristic of this strike. And a third one is that it is one of the most orderly in the history of labor troubles as far as it has come, for the men are guilty of no acts of violence or disorder of any kind whatever. It is a peaceful battle for right and justice. It is unfortunate, indeed, that you called in the State constabulary. That is an inflammatory provocation. It was not necessary, but we are sure the occasion will be used by the men only to emphasize their own personal worth and the burdens against which they are contending. They will shine all the more because of the implied reflection you have cast upon them by calling in the guardians of the peace without cause. Nor can it escape your notice that the community sympathizes very generally with your men. In truth, everyone does who knows the facts in the case."

I am quoting freely from the newspaper articles in order to show beyond any doubt that the tactics we were using were peaceful and that the State police were really the cause of the trouble which came later.

Immediately upon the publishing of that letter the officials of the steel company got busy.

The officials of the steel company made an effort to influence the policy of the Allentown Democrat in putting things as they really existed in the columns of that paper, and this brought the following editorial in the Democrat on February 16:

"TIMES HAVE CHANGED.

"The officials of the Bethlehem Steel Co. and their friends are mystified because they have found it impossible to whip this newspaper into supporting the company against the men who are out on strike. They simply can't understand it. It is so unusual to find a newspaper, especially in a small city, that can't be made to see things as the trust sees them.

"It has always been such an easy matter to make the newspapers do this, particularly in Allentown, which, until the rejuvenation of the Democrat, was notorious for the spineless daily newspapers. When the strike at the South Bethlehem plant was inaugurated the officials of the company naturally imagined that the newspapers of the Lehigh Valley, particularly those published in the Bethlehems and Allentown, would take sides with the company and thus end the strike before it could gain much headway. All the local papers did this with the exception of the Democrat.

"This newspaper could not take such a position after it became familiar with conditions at the steel mills and learned of the unfair treatment the workers were subjected to. It gave the strikers its cordial support and consequently, it has been a thorn in the side of the steel trust—a thorn which Mr. Schwab has made desperate efforts to remove, but to no avail. The emissaries he or other officials sent came with an air of self-assurance and departed with the knowledge that there is at least one newspaper in Allentown that is not craven and which will not recede from a position once taken when it is satisfied that said position is right."

The strike continued in a peaceful manner until February 20, when a meeting under the auspices of the Industrial Workers of the World was held in the Municipal hall and addressed by Joseph Ettor and Joseph Schmidt. The hall was given to these speakers with the understanding that they would follow the policy of the other organizations interested and not agitate to violence. Statements and remarks made by Ettor forced the executive committee to take means to stop further meeting of this kind, which we did and which is quoted in the South Bethlehem Globe of February 21 as follows:

"NOT ALLOWED TO SPEAK.

"The Industrial Workers of the World organizers to-day were refused the privilege of addressing audiences in Municipal Hall, because of objections to their aims and ideas by Chief of Police Kelly, who fears the necessity of arresting the leaders and those who may be affected by their speeches. Chief Kelly states that the strike of the Bethlehem Steel Works' employees has been without any disorder or destruction of property so far, and intends that no person or persons shall remain long in South Bethlehem to incite anyone to disregard the law or riot. Two of the disciples of the Workers have arranged for a meeting to-night in Strauss's Hall."

I might say, in explanation, also, that while our strike for over two weeks had been very peaceful, still we had active committees at work in the various shops awaiting the signal to all come out in a body.

We were following out a well defined plan and the tactics proposed by the representatives of the I. W. W. would have disrupted everything we had planned, consequently we were forced to object to their coming on the ground when the strike was about three weeks old and killing what chances we had of winning.

So the entire plant closed up. They ran it from 800 men in the first lap to over 9,000 men in three weeks without a single arrest.

Our plans called for a parade of the strikers on Wednesday, February 23. We changed this date to Thursday, 24, and this is what the South Bethlehem Globe of the 25th said of the parade:

"The parade formed on Birch Street and proceeded to Fourth Street, and thence over the principal thoroughfares of the borough, back to Third Street again, moving eastward to and beyond the steel works' offices at Third and Poplar Streets, with a countermarch in front of the office building, to which place many workmen from the mills shops and furnaces, after a hard day's toil, hurried to secure a good view of the strikers' ranks, which extended the length of four blocks. At Third and Poplar Streets Chief of Police Kelly, with a large squad of policemen, were stationed to see that no clash should ensue between the strikers and the men who have remained at work. There was no attempt at disorder. The parade was headed by a striker carrying aloft a large United States flag, and was followed by the First Hungarian Band, which played a repertoire of airs."

This parade was the climax of a successful campaign, and the next morning, Friday, just three weeks from the time the first men went out, saw the entire plant closed up. This is the reason the steel company immediately called Sheriff Person into consultation and asked him to send for the State police. The governor refused to send the State police upon receipt of the first telegram; asked that he be advised what the sheriff had done in the way of exercising his powers in preserving the peace, and saying that the information before him did not show that the situation could not be controlled without the State police.

The governor refused to send the State police. Now, I want you to get this carefully: To this telegram the sheriff replied:

"It is impossible for me to handle and control the situation in South Bethlehem. It is impossible to get sufficient deputies from this community to act should serious riot and bloodshed and shooting occur. It is absolutely impossible for me to protect men desiring to work, and further riot and bloodshed is imminent with morning."

That statement is not correct, because it would lead you to believe that they had bloodshed.

Chairman WALSH. Is that the sheriff?

Mr. WILLIAMS. Yes. [Reading:] "The whole town is in a lawless state, and I must have help to preserve the peace, since I have exhausted all my resources. Have personally been in the works several hours this afternoon and found it impossible, on account of mobs, to get out. I am supported in the foregoing by the burgess and chief of police of South Bethlehem."

This telegram to the governr brought a troop of about 25 State police to South Bethlehem on February 26. The sheriff of the county had already established headquarters in the office of the Bethlehem Steel Co. The State police began to start trouble as soon as they arrived in the town. Let me read you the account of their brutality from the Democrat of February 28.

"As the result of bringing in 95 members of the State constabulary into South Bethlehem Saturday, conditions have been just reversed, and that little town is now in the midst of a reign of terror."

There were 25 came Saturday morning, and more in the afternoon, and probably by Saturady night there were 95 there as a result of bringing them in.

Their presence was not entirely known in the town until they had killed one man and seriously shot another one through the face, while dozens are nursing battered heads as the result of the cruel wielding of the troopers long riot clubs.

It was shortly before 9 o'clock when the first real trouble came, and a sad incident occurred which will be a blot on the history of South Bethlehem for years to come.

A crowd of about 200 Americans and foreigners had congregated about the front of the Majestic Hotel, corner Third and Linden Streets. The troopers were trying to disperse the crowd, which, owing to its large numbers, could not give way very fast. While the troopers were prodding the men with their riot sticks and driving them off the pavement some one in the mob on the opposite corner flung a large piece of ice, which struck Trooper McGarry in the mouth and ear, partly stunning him. Without waiting to see where the missile had come from one of the troopers charged the crowd, which was rapidly backing into the barroom of the hotel, and drawing his revolver fired two shots into the mass of humanity going through the door.

The first shot struck John Zambo, of 875 Sixth Street, who was drinking a glass of beer at the bar. He fell to the floor with a bullet through his brain, while the second shot struck Tony Costovas, a baker, of 631 Fifth Street, who was also in the barroom. He had a miraculous escape from death, the heavy bullet passing in the left side of his jaw and out the other without striking his teeth.

After the shooting the trooper jumped from his horse and rushing in grabbed Costovas, from whom the blood was flowing in streams, and dragging him over the prostrate form of Zambo, whose brains were oozing out on the floor, pulled him out to the corner and turned him loose.

Why did they not arrest him?

Costovas was then taken in charge by several of his fellow countrymen and taken to the office of Dr. Boyle, where the injury was dressed.

Zambo, whose life blood was fast ebbing away, was picked up and the ambulance called. He was placed in it, and on the way to the hospital Father J. F. X. Walsh administered the last rites of the Catholic Church to the dying man. He died soon after being brought to the hospital, without recovering consciousness.

Following the shooting the bar of the Majestic was immediately closed. The shooting was entirely unprovoked and caused great indignation throughout the town, while groups of foreigners gathered on the corners and muttered ominously in their native tongues.

Two things I wish to bring to your attention from this shooting. The first is that the Majestic Hotel, which was shot into, was the headquarters of the organizers of the American Federation of Labor, and we believe was singled out for this shooting to intimidate the men in charge of the strike. The other is that no attempt was made to arrest anyone for breaking the peace. Even the man who was shot through the face was turned loose.

Quoting further from the same paper [reading]:

"The most serious act of the troopers occurred shortly before noon, when one struck George Kosvas, of 921 Fifth Street, on the head a number of times with his riot stick, inflicting serious injury. Kosvas alleged that he was waiting for a car to get a doctor for his wife, who is in confinement, when the trooper came along and ordered him to move. His injuries required a number of stitches and were dressed by Dr. A. S. Bender."

Here is a photograph of this [indicating]. You can see he was not arrested, and there was no crowd or riot.

I had a number of photographs of the State police sitting in front of the steel works office, making it their headquarters, and recently when there was a movement on foot in New York and New Jersey to establish State police I made a trip to the office of the New York Call, and there are several photographs which I loaned to the State Federation of Labor to get out a special Cossack edition. They used those photographs with the understanding that they were to be returned, but unfortunately they were lost, and all I have is the front page of the sections. You can see the State police sitting in front of the steel works office.

I also have a collection here which shows the State police in action during the strike at different times. It shows the military feature of them and shows them quartered in front of the steel works office.

I have a photo of this man immediately after he was clubbed, and also several postal cards which we distributed at that time. Please keep in mind that he was not arrested and that the policy of the State police was not to arrest men who were breaking the peace, but to club men who refused to be bullied by them. The State police also were quartered in the steel works office, keeping their horses in the barns of the Bethlehem Steel Co.

About 9 o'clock on the same day of the shooting this incident occurred [reading]:

"Another incident which brought mutterings from the crowd was when one of the troopers ordered a man with a baby to move. The man started to walk, but the trooper thought he was not walking fast enough and struck him with his club, almost knocking him down. * * *

"Upon being questioned by a reporter, one of the troopers stated that their motto was 'There is no innocent bystander,' and when the order comes 'Get your man,' you pick anybody. * * *"

These quotations are also from the Allentown Democrat, which stated the conditions of the dead man's family in this way.

You may think I am making a lot of this up, but I have the newspaper clippings of every day of the strike, and I will leave them with the commission, and you can verify everything I say. I took the precaution to get that so that you would not say I had made up the statement; I have the newspaper clippings right here; I will turn them over to the commission.

Mr. WILLIAMS (reading). "The wife of the dead man is in a serious condition. She is about to become a mother, and this together with her grief-stricken condition has made her seriously ill. The family, which consists of the mother and one boy, 6 years of age, is sorely in need of food and clothing."

The Allentown Morning Call gives us additional accounts of the brutality of the State police in this manner: "One foreigner, it is said, was rolling a cigarette when he heard the regulation 'move on.' The man replied, 'I will when I roll my cigarette'; whereupon he was knocked down, one of the troopers planting his heels in the pit of the man's stomach.

"In several skirmishes, a lot of women and children were trampled into the mud and their clothing torn. Among these was Chief of Police Kelly's wife. Frank Fitzpatrick received a badly lacerated scalp.

"A constable of South Bethlehem, elected by the citizens, James Cullen by name, was attempting to protect the residents against the attack of the State police, and he was arrested by Capt. Robinson and five men for 'calling names' and threatening to shoot, as the troopers claimed."

This is recorded in the Democrat of February 28.

On March 1 the Allentown Call contained this article:

"The South Bethlehem police hold a warrant against Andrew Sheltar, one of the troopers, for stealing brass from the Bethlehem Steel Co. more than two years ago. The warrant has gone beyond the time limit. His home is on Second Street, South Bethlehem."

Here we find a fugitive from justice being brought back to South Bethlehem in the person of a State policeman to club and abuse the decent citizens of the borough. Several men had been arrested by the State police during the first two or three days of their visit to South Bethlehem, and this is the way the men were treated: They were taken to the property of the Bethlehem Steel Co. and locked up in one of the buildings of the steel company. Please keep in mind that the headquarters of the State police were in the main office of the steel company and that the sheriff of the county had also made this office his headquarters. The company appeared to have become the dictator as to what was to be done to the men arrested. See where the hearings were held. I am now quoting from the Allentown Morning Call of March 1, 1910.

This will bear out what was said the other day, that there were members of the State police fugitives from justice, or undesirable characters. I would suggest that the commission get a copy of the legislative record of April 20, which has some more accounts of the troopers being arrested from a little town of Hamburg. [Reading:]

"The hearings of the men who were arrested by the State constabulary in the riots at South Bthlehem Steel Works Saturday and Saturday night were held yesterday in the offices of General Manager Grace at the steel plant. With one or two exceptions the men were not strikers but sympathizers who came to South Bethlehem and resented the Cossack invasion.

"While the testimony against some of the men was damaging, the majority of them appeared not to comprehend what they had done.

"While the warrants were being made out, Charles M. Schwab, president of the steel company, appeared. He remained only a minute, going out of the door with the remark that 'this was a very unpleasant duty to perform.' Justice J. M. Enright conducted the hearings, and most of the men were held under $1,000 bail for court. They will be taken to the Easton jail by Detective Dorne."

This to us was a travesty on justice. The State police were brought to South Bethlehem to protect the property of the steel company. Men were arrested in all parts of the town and then taken to the steel company's property.

I want you to get this, too. They arrested men out of town, and they were taken to the property of the Bethlehem Steel Co., "tried in the office of the steel company, and taunted by the president, Charles M. Schwab, while they were being tried."

The inquest in the death of Zambo, killed by the State police, was held at McGettigan's Hotel, Fountain Hill, on March 1. Through some neglect no post mortem examination of the body had been held, so this is what happened at the inquest, quoting from the Allentown Call of March 2:

"The inquest into the death of Joseph Zambo, the striker who was shot and killed by Trooper Moughan, was held last evening at McGettigan's Hotel, on Fountain Hill. It was suddenly discovered, while Dr. Marker, a physician at St. Luke's Hospital was testifying, that no post mortem had been held. This immediately put a stop to the proceedings.

"After some discussion it was decided to take the body out of the casket and convey it to St. Luke's Hospital, where a post mortem will be made. Undertaker Kinney removed the body to the institution at midnight last night, where the post mortem was made by Dr. S. A. Brunner, the senior surgeon of pathology at the hospital. The body was again removed to the man's home and the inquest will be continued this evening."

I want to add the grief of this man's widow, about to become a mother, was something terrible to witness as these men took the body from the casket at midnight, she not realizing what it all meant. The men on strike decided to turn out in a body at the funeral of this man. A committee of which I was a member tried to interview the sheriff so that arrangements could be made to bury our dead peacefully and with no invitation to fight by the State police. In order to get to the office of the sheriff I had to go to the office of the steel company, get permission to go inside from a State policeman, and there I found a deputy sheriff in charge who would give us no satisfaction as to what attitude would be taken if we attempted to parade at Zambo's funeral.

I finally got to the point where I met determined opposition with the same kind of medicine and served notice on the deputy sheriff that we were going to bury Zambo the next day and to keep the State police entirely off the streets of the town. I also told him I had did all I could to control the men when they wanted to clean up the first lot of State police the Saturday before, but if the State police insisted on looking for trouble, there was no alternative open to us but fight, and it would be fight to a finish. I left him with that ultimatum and that afternoon received word from the sheriff's office that we should go on with the funeral and there would be no State police on the streets that day. We held a peaceful funeral and there was not a policeman in sight.

The inquest into the death of this man was held the evening following the post mortem and resulted in this verdict:

"We, the jury appointed to sit on this case, do say that Joseph Zambo came to his death at St. Luke's Hospital, Fountain Hill, Saturday, February 26, 1910, and that the cause of his death was a bullet wound in the left side of his head inflicted by a Pennsylvania State constable by the name of John Moughan at the southeast corner of East Third and Linden Streets on Saturday, February 26."

The troopers continued to bulldoze everyone and continually tried to get the men to return to work.

The Democrat of March 4 reports this:

"It was reported on good authority that late last night squads of the State police were entering the houses of the foreigners near the works and dragging them to work in the mills. One man reports seeing two troopers dragging a Hungarian along the street late last night. The man was struggling wildly and exclaiming, 'Me no want to work; me a striker.' Such actions on the part of these 'guardians of the peace' will be investigated by the committee, and if found true the guilty ones will be punished."

The Democrat of March 5 reports this:

"Boasting that he would show the authorities of South Bethlehem how to run things, John Eastburn, a brother of State Trooper William Eastburn, was arrested yesterday morning at 8 o'clock by Officer Lynch, charged with disorderly conduct. Later on four troopers, including the prisoner's brother, and Attorney James Scarlet, it is asserted, appeared and, after trying to intimidate the chief, offered bail, but the chief refused to grant his release, and after a hearing yesterday afternoon he paid a fine and costs."

The State constabulary continuing to do picket duty for the steel company, the men were warned continually at the various meetings to be on the watch

for them. J. J. Keppler, vice president of the machinists union, finally was forced to issue this advice to the men, as reported in the Democrat of March 8:

"Great excitement was created yesterday at the meeting of the strikers by the announcement of a warning by J. J. Keppler, vice president of the machinists"——

Commissioner WEINSTOCK. Who said that?

Mr. WILLIAMS. J. J. Keppler, vice president of the machinists. I want you to get it correct. [Continues reading:]

"Telling the men to arm themselves and shoot to kill on the occasion of forcible entry into their houses by any of the State police."

It was a matter of defense. [Reading:]

"The statement was the outcome of the action of the troopers in pulling Jack Ringhoffer, a young German, out of bed at 5 o'clock yesterday morning and arresting him, charging him with enjoining men from going to work. It is said the trooper gave him the alternative of either returning to work or submitting to arrest. He took the latter. This action on the part of the State troopers caused much indignation among the men, and the words of Mr. Keppler were received with loud cheers."

The actions of the State police also forced the executive committee of the strikers to send the following appeal to Gov. Stuart, of Pennsylvania, which was dated March 4, 1910:

"My country, 'tis of thee, sweet land of liberty."

APPEAL TO HIS EXCELLENCY, THE GOVERNOR OF PENNSYLVANIA, IN BEHALF OF THE WORKINGMEN EMPLOYED AT THE BETHLEHEM STEEL WORKS, SOUTH BETHLEHEM, PA.

SOUTH BETHLEHEM, PA., *March 4, 1910.*

To His Excellency, the Governor of Pennsylvania.

DEAR SIR: The borough of South Bethlehem, Pa., has been forced into a most deplorable situation through your assistance in complying with the request of Sheriff Robert Person, of Easton, Pa., in sending the State constabulary into this borough, based upon information wired to you by him on February 25 or 26 (as per newspaper reports).

These statements are positively false, practically untrue and misleading in every respect, and have forced a libel against good citizens of this borough; and regardless of the consequences which the State may suffer in the matter of suits for indemnity, resulting from assaults committed, false arrests and imprisonment, and murder, you should thoroughly investigate the conduct of the sheriff and the State law permitting removal from the office which he has disgraced and prostituted should be applied.

A cold-blooded murder has been committed by those thugs for which the State and county is held responsible; residents have been brutally assaulted and denied their liberty, for which the sheriff of this county is directly responsible, and you, as governor, indirectly for complying with his request, without thoroughly investigating the necessity of sending the State constabulary to this city, before taking action.

The borough of South Bethlehem has been terrorized, its citizens driven to despair, and in fear of murder, arrest, and riot, people were compelled to arm themselves, not against a mob or an organized body of men who had made threats or had done illegal or unlawful acts, but to protect their lives, their homes, and their children against the State constabulary, which you caused to be brought here in a community where peace reigned and not a single overt act had been committed and not over a complaint received from any citizens during the three weeks in which a large number of men were idle, due to a cessation of work.

No overt act had been committed or the peace disturbed, until the hired strike breakers, known as the State constabulary, appeared on the scene and immediately upon their arrival began a campaign of slugging, arrests, murder, assault, and riot with cause. The viciousness and brutality of which beggars description, and that under the authority of this great Commonwealth, done by your subordinates.

So terror stricken have become the citizens that borough officials and aldermen congregated in the office of the chief of police giving voice to their indignation and condemnation, demanding and persisting that these men known as the State constabulary committing these riotous acts in the name of the State of Pennsylvania be immediately ordered to cease their campaign of

terrorism, which the civil borough authorities, out of fear for their lives, were unable or unwilling to comply with. Police officers of the borough came to the office of the chief of police surrendering their badge, uniforms, and other regalia, resigning their commissions rather than serve this borough as officers of the peace under such humiliating and most revolting conditions, forced upon this community by false statements of the sheriff and assistance rendered by you as governor. And what can be the purpose of all this? The answer is easy. To stampede the men back to work, to break a peaceful and orderly strike and compel men to accept the present wages and conditions, thereby assisting the Bethlehem Steel Co., regardless of the most damnable outrageous falsehood told by Sheriff Person, of Northampton County, and the bringing of the official strike breakers, known as the State constabulary, by you as governor of this State, presumably in the interest of Mr. C. M. Schwab, they riding rough shod over peaceful citizens, terrorizing the entire population, murdering and assaulting innocent men, and imprisoning a number of them, the men remained loyal and did not stampede back to work and are still out, no one knowing who may next be assaulted or murdered.

Through your assistance and the false information furnished you by the sheriff of Northampton County, 17 men were arrested upon charges made by these men, the State constabulary, one of whom is already charged with manslaughter.

Seventeen men are held as prisoners upon what we believe to be trumped-up charges by the constabulary, for the purpose of covering up their disgraceful acts, their misconduct, their terrorism, which, as herein stated, resulted in murder, murderous assault, and false imprisonment.

Incarcerated upon the steel company property, denied the right of counsel, finally tried under the direct supervision of Mr. C. M. Schwab's agents, these men were finally held under excessive bail, and removed to the county prison at Easton, and all this in the year 1910, in the State of Pennsylvania.

Respectfully submitted,

David Williams, chairman, Arthur Mellin, Peter Coyle, J. C. McIntyre, W. F. Smith, Walter Edgar, Thomas Doyle, John Coulter, Theodore Kepper, C. H. Steven, F. J. Gillispie, John F. Forging, Peter Form, L. J. Thomas, John Maley, Elmer Werkheiser, John Boyle, Thomas Bender, Patrick Courtney, George Benker, Charles Watts, Allen Steager, Eugene Doyle, George Sheets, Ed. P. Lucas, Williams C. Duffy, George Becker, James Bellow, Thomas McGunness, Aug. Sheetz, Oscar Victor DeGaigne, Carl Ehrgott, Hamilton Harrison.

ROOM 8, MUNICIPAL BUILDING, SOUTH BETHLEHEM, PA.

The most brutal act committed by the State police which was witnessed by myself occurred on March 17 (St. Patrick's Day.) The Allentown Democrat of March 18 gives the details as follows:

"One of the most brutal scenes since the memorable bloody Saturday was enactel last evening at 5 o'clock at Third and Elm Streets, when James Gallagher, of Fifth and Locust Streets, a 70-year-old man, who refused to move on, was beaten into insensibility while the blood streamed from his head to the pavement.

"According to bystanders Gallagher was standing on the corner, when one of the troopers, whose name is known, ordered the old man to move on. He refused, saying: 'I am an American citizen and a taxpayer and a citizen here for over 50 years, and I don't see why I should move on. I'm not doing anything.'

"Without waiting for anything further the trooper spurred his horse forward, and, seizing Gallagher, beat him so badly with a long riot stick that he had to be taken to a doctor. A large crowd witnessed this act, and they snarled and ground their teeth in rage at the action."

I was 30 years of age when this occurred, and never before had a thought enter my brain to desire to kill anyone, but when I saw this brutal beating up of Gallagher I want to say the only thing that stopped the killing of a State policeman was that we were not prepared.

There is a breaking point between conservatism and radicalism.

If the State of Pennsylvania continues to send men out to club citizens, and old men at that, there will finally have to come the preparation for defense by the working class. When we held out next meeting after the clubbing of this man we advised all men who had guns to strap them on their backs, a right

guaranteed them under the Constitution of both the United States and also the State of Pennsylvania.

In fact, in Pennsylvania we have come to the conclusion that since this organization known as the State police are housed, wined, dined, and controlled by the corporations, we must prepare to protect ourselves from their brutality in times of labor troubles. We had a peaceful strike in South Bethlehem until these men came. Let me read you the statement of Chief of Police Kelly, which is taken from Senate Document 521, Sixty-first Congress, second session.

This statement from Chief Kelly shows beyond any doubt the manner in which the corporations control these men. This same Senate document, which is a report of an investigation made of the working conditions in the plant, as a result of a request made by the committee and signed by myself, shows the working conditions under which the men on strike were forced to submit were deplorable, and that during 1909, 10 per cent of all the men employed had met with some kind of an accident which placed them upon the relief association of the company, as high as 2 per cent of the men employed in two different departments being injured.

The committee investigating the conditions in the steel mill were furnished with statements of working conditions by me and signed by men from the different departments, but all statements from the men, except the general statement covering the cause of the strike, was suppressed from the report by the Department of Commerce and Labor. I have copies of the statements suppressed, if the commission desires to hear them, as two of them in particular deal with some interesting subjects.

I might say a little more in detail that this is a report of the Bethlehem strike gotten out by the Department of Commerce and Labor, for which I sent a telegram, signed by myself and Attorney Cyphers, for the men, who is not here, but will be here next week. I want to say in connection with that that the next important statement furnished the Government in permitting the steel company in frauds affecting the United States Government and the railroad companies, were kept out of that report. I furnished the committee with statements from men in different parts of the plant. I furnished the committee of the Department of Commerce and Labor the statements, with this understanding "I will give you these statements, signed by the men, providing you give me copies. I do not believe you will ever use them. I believe the steel company is too powerful to permit you to use these statements."

Mr. Stewart and Mr. Sullivan said, "Oh, yes; we will use them." But before I gave them to the committee I made copies, to be sure I had copies. They did not use them in the report and I could not get copies of them from the department until I finally notified Mr. Neill that if he did not give me copies I would publish the copies I had made from the original. Then I got copies from Mr. Neill, which I furnished to Congressman Rainey. The copies which Congressman Rainey used came from me.

Commissioner WEINSTOCK. Who is Mr. Neill?

Mr. WILLIAMS. Mr. Neill at that time was the Commissioner of Labor, under Secretary Nagle.

Commissioner WEINSTOCK. Dr. Neill?

Mr. WILLIAMS. Dr. Neill, and there was another statement furnished.

Chairman WALSH. Are those statements in that report which you hold in your hand?

Mr. WILLIAMS. No; they were repressed in this.

Chairman WALSH. Let me see that report. What was the general tenor of those statements?

Mr. WILLIAMS. Well, one of them was a statement from a man who was supposed to put good test pieces with rotten rails so the inspector would pass them, and the railroad company would think they were buying good rails when they were buying rotten rails; and an accident occurred up in New York State a couple of years ago which killed 17 old soldiers because of the bursting of a Bethlehem steel rail. That shows the danger.

Chairman WALSH. Was there only one affidavit to that effect?

Mr. WILLIAMS. Yes. It was his job to put the good test pieces with the rotten rails. It was not an affidavit, it was a signed statement. I have an affidavit here, one by myself, and one by a man in the treating room, as to how they used to doctor the propeller shafts and one thing and another. That is a sworn statement.

Chairman WALSH. What do you mean by "doctoring propeller shafts"?

Mr. WILLIAMS. For instance, you take a shaft; it might have to be of a certain degree of hardness—temper, we call it—and if it was that hard it would

be very difficult to machine; and the steel company, of course, could not machine it in a very short time and would not make much money in machining it; that is, would not save much money in doing it. So, of course, at night when this inspector was at home they would stick it there in some—put it through a heating process which would make it softer, and allow them to machine it quicker, after the inspector had passed it at a certain degree of temperature, or, rather, a certain degree of hardness. That is what I mean by being "doctored." I will read an affidavit after while, and it will explain that.

I want to say that when we furnished Mr. Rainey these statements, which have been suppressed by the Department of Commerce and Labor, Mr. Rainey wanted something further; but some of these men had been driven out of town, and some we did not want to ask them to sign anything or swear to anything, because they have large families, and to do so it was practically a starvation proposition if we would get them to swear to statements. But they had thrown their hooks into me, and they couldn't do any more; so I was absolutely frank with what I knew, and gave them a list of witnesses to call; and the three statements which we added to those already in the Department of Commerce and Labor were sworn to. Now, I don't want to get away from this Kelly proposition for awhile. We are on the State police. If we would get into this detective-work proposition it might get us off of what I want to prove against the State police.

This is from Mr. Hugh Kelly, chief of police. This is a statement which he furnished the Government, and I want you to take particular notice to what Mr. Kelly said. [Reading:]

"When the constabulary arrived here, February 26, within two blocks of the point where they got off the cars, without any notice to the burgess or chief of police of their presence in the town, but in charge of the sheriff, about two blocks, as I say, from where they got off the cars—at Third and New Streets—one of the troopers jumped off his horse, caught a man by the throat, pulled his collar and tie off, without any reason, as I have been told, and he turned him over as a prisoner to one of the police officers who had been doing night duty, and had him locked up in our station house. No charge has been preferred against this man up to this date (Mar. 24). I kept this man until afternoon and released him on a cash bail of $25 to appear when wanted.

"On their way down to the steel company's office they assaulted a number of other people standing on the corners of the streets. In one instance, one of the local police officers who witnessed this assault protested against it, but he had no weight whatever; and between Third and Linden Streets, going to the office, they beat people standing peaceably on the street. Men were arrested, taken to the plant of the steel company, and there confined. They gave them a hearing on Monday.

"I was very indignant at the manner in which the sheriff handled the troopers, in view of the fact that the burgess, myself, and the chairman of the police committee and officials of the steel company were parties to the bringing of the constabulary here for the preservation of the peace and the protection of the steel company's plant. Had the sheriff notified our burgess and chief of police that the constabulary were here, and my claim is we should have been so notified, the riot that occurred afterwards, I believe, never would have occurred."

I want you to get that. It says if they had been notified the riot never would have occurred. [Continues reading:]

"I claim that the sheriff and captain of troopers should have notified our burgess that they were here on the ground ready to give whatever assistance was required by the local authorities. The burgess was never notified officially that the troopers were on the ground by the sheriff. The sheriff took the men to the steel company's plant, and makes his headquarters at the steel company's plant. He has never notified the chief of police that those men were here, nor consulted with him as to what should be done.

"They start out on our streets, beat down our people without any reason whatever, and they shot down an innocent man—Joseph Szambo—who was not on the street, but who was in the Majestic Hotel, when one of the troopers rode up on the pavement at the hotel door and fired two shots into the barroom, shooting one man through the mouth, another (Szambo) through the head, who died that afternoon in the hospital.

"The name of the trooper who shot Szambo is said to be Moughan. Moughan has been delivered up to the office of the district attorney by Capt. Robinson. The district attorney has preferred a charge of manslaughter against Moughan

and he is held in $5,000 bond to the next term of court, which will be held April 11. From all the information I gather there was no warrant for this murder. There was no disturbance of any kind at this hotel. No reason whatever for him to shoot into this hotel. To an outsider it would appear that it was premeditated; the Majestic being the headquarters of the leaders that were conducting the strike. There is no other known reason for it. While this may not be so, it looks so to me, and to many with whom I have talked. It is one of the best hotels in the town and one of the most peaceable. The bartender might just as well have been killed as this man Szambo, as one of the shots was directly over his head, about 6 inches.

"Deputy sheriffs, the number I do not know, appointed by the sheriff to preserve the peace of the borough against mob, riot, and violence have been kept in the plant of the steel company. The troopers he sent out through the town, and whatever riot or troubles have occurred in our town since their arrival is due entirely to their high-handed and cowardly attacks upon innocent people.

"We had 18 special borough police appointed as a result of the strike. The borough authorities on the 15th of March released from duty all but nine of these. There are nine specials on duty now.

"We can point to the fact that notwithstanding the number of citizens who have been cruelly beaten and others thrown into jail, the citizens of our town have not committed any outrage on the State constabulary. If they were not a peaceful and law-abiding community there would be some other tales to tell. Troopers went into the houses of people without warrant and searched the inmates; drove people from their own doorsteps. They beat an old man at least 60 years old, and I believe he is older—a peaceable old fellow named Joseph ———."

He has the last name taken out of the report here. [Continues reading:]

"He was hauled before Justice Bloom. The complaint of the trooper was that the old man was drunk and had made some sarcastic remark to him while on his horse. He struck him with his riot stick, knocked him down on the street, and left him in a very bad condition. The justice made the old man pay the costs of the case and assessed no fine.

"This is only one of a dozen similar cases. Another case was called to my attention by the brother of the man arrested. He came here and made complaint to me that his brother, while on the way to the station with his mother to take a train to New York, was struck down by one of the troopers and thrown into prison. His brother is in prison yet, so far as I know.

"I don't know as you care for a report of a conversation over the telephone, but after the constabulary had been here several days Mr. R. S. Taylor, attorney for the steel company, called me up on the phone, wanting to know before what justice the prisoners arrested by the troopers would be tried. I answered Mr. Taylor that the constabulary had made these arrests; confined these men in the plant of the steel company without notifying the burgess or myself; that I did not care a ——— what justice he had them brought before; that there were four justices in the town. About a minute afterwards Capt. Robinson called me over the phone, introducing himself and asked why I felt so indignant about the arrests. I then called his attention to the high-handed manner in which his troopers beat down our citizens without any just cause, as I understood it. I called his attention to the arrest of a man at Third and New Streets that was assaulted by one of the troopers without any reason, as shown by the information given to me by people who were eyewitnesses. I asked Capt. Robinson what were the powers of the troopers in regard to arrests. He answered, The same as any constable or police officer—the only difference being that their authority was State wide while the local police and local constable was confined to your county or borough, that he was answerable to the sheriff.

"Only one arrest was made by borough authorities, that of Harman Garabrandt, made on complaint of some of his neighbors, to the effect that he carried a revolver. He was reported as having been shooting at targets around in his yard and as having made remarks that anyone trying to stop him from going to work would find out that he could take care of himself. The man was working. When arrested and searched, a loaded revolver was found. He was held to $500 bail to appear before the court (April 11) on a charge of carrying concealed weapons."

Chairman WALSH. I don't want to interrupt you, but in line of our talk before the session, and the time being a little limited, I have thought perhaps that the matter that you have printed in detail might be submitted in our record, and taken up by the whole commission.

Mr. WILLIAMS. Yes.

Chairman WALSH. Now, if you will touch upon what might be called the larger phases of your complaint, why, we will take every bit of that into consideration.

Mr. WILLIAMS. Well, I am practically through.

Chairman WALSH. I know; but when you get to reading that way you run past your time; and we have been on it now quite a little over the estimated time. If you could finish up briefly, I want to ask you some questions.

Mr. WILLIAMS. Yes; I can finish this in two minutes. I should just like to finish this, because it is a very important part and is just a very brief statement that is included. This is what Kelly said, finishing up his statement. [Reading:]

"I have been chief of police here nine years, but refused to be a candidate after March 14, partly on account of the manner of treatment accorded the burgess and myself by the sheriff and the constabulary."

Now, here is a short statement by Michael Lynch, chief of police: "Chief Lynch stated that he had been chief only since March 15, 1910; that on the 15th of March 9 of the 18 special policemen had bfieen relieved of duty; that the force now consists of the chief, nine regular and nine special officers.

"Chief Lynch was present throughout the interview with ex-Chief Hugh Kelly. When asked if he had any report to make as to what had happened since March 15, Chief Lynch said:

"March 22 two troopers, names unknown, at Fourth Street and Linden, rode up to and one of them struck Peter ——— with a riot stick and knocked him down; they rode their horses onto him, and then these two troopers rode off and let the man lay there. Afterwards two other troopers rode up and picked Martin up and carried him to the office of Dr. Leibert and had his wounds dressed, and then let him go home. I sent a patrolman up there to look after Martin. He found him in a dazed condition; the doctor said the worst hurt was over his eye and looked like the print of a horse's shoe."

It says there, print of the horse's shoe. The man had run on him.

"On Tuesday evening, March 22, the men out on strike were walking on the sidewalk up near the company's offices, but on the opposite side of the street—"

I want to read this to show the way they got in amongst our men and started the trouble themselves—

"at the time the troopers rode out of the company's yards onto the street. There were troopers dressed in plain clothes walking in this parade—or whatever it could be called—walking with and among these men on the sidewalk. As near as I can find out it was one of these plain-clothes men who called out 'scab' to the troppers as they rode out on the street, although it is claimed that a foreigner called 'scab.' Anyway, the plain-clothes man struck a man with his blackjack and troopers rode into the crowd and arrested three men. Business men were ordered off their own doorsteps. Troopers rode for half a block on the sidewalks swinging their clubs and ordering people off their own doorsteps. They followed one young fellow into a store. Citizens told me that he had done nothing; that he ran into the store to get out of the way of the troopers. A trooper got off his horse, followed him into the store and arrested him."

I have got a photograph of that. This practically concludes what I have to say; that is, in regard to the direct action of the State police.

Chairman WALSH. Were you here yesterday, Mr. Williams?

Mr. WILLIAMS. I was part of the time.

Chairman WALSH. Did you hear the testimony on both sides with reference to the attempt, through the business men of the city and the chamber of commerce, to create the public sentiment and the denial of that fact? You heard that issue discussed here, did you?

Mr. WILLIAMS. Yes.

Chairman WALSH. What was the situation in regard to that at Bethlehem? What part did the citizens and business men generally take in the matter?

Mr. WILLIAMS. Well, for the first two months—I will say up until about the 1st of April—we had the business men with us.

Chairman WALSH. Until the 1st of April?

Mr. WILLIAMS. Yes; about that time. I can verify that. I will say about the 1st of April. Mr. Schwab called the business men into his office, and he was wild. We had got his goat by sending statements around the country to different architects and different firms that bought material, telling them it would be

advisable for them to get their work, and we told them how their work was being done; and he got considerably up in the air because he could not break the strike. And he called the business men in and gave them to understand that he would move his plant out of South Bethlehem if they did not come across and line up with him.

They appointed a committee. They had arranged a meeting there at the chamber of commerce the next night, and they appointed a committee of business men to come down to Washington and get Congressman Palmer, who represented our district, to come to this meeting and deliver a speech. We found out that this committee had arranged to meet Congressman Palmer at half post 7 in the evening, and we immediately got in touch with the Congressman and asked him not to meet the committee unil our committee came down. And I was one of the committee that came here, and we met in the office of Congressman Palmer, the committee of business men from South Bethlehem, and they pleaded the cause of the company to Congressman Palmer, and we pleaded the cause of the men, and Congressman Palmer refused to attend that meeting, and he did not go up.

They held the meeting and talked resolutions, denouncing the representatives of organized labor and calling for their dismissal from the town, all at the request of Mr. Schwab, who was there and made a short speech.

I have a copy of the resolution here with me and the names of the men who signed it. And from that time on we had to fight the business men as hard as we had to fight Schwab.

Our men were ordered out of the steel company's houses; they tried to order them out on five days' notice, and we got an opinion from our attorney to pay no attention to the company's threats, or bluffs; no tenant can be put out of a house in less than 55 days. They gave us an opinion on the law, and that was passed among the strikers so they would not be scared out of their houses. But the business men refused men credit who had dealt with them for years, and they made the struggle to obtain something to eat and to obtain an existence so much more keen. We could not feed all the men; we had 9,000 out at one time. We were not organized, and in the whole strike of 104 days we got only $6,700, which was not equal to one dollar a month a man, and we kept the strike on for 104 days before it was finally called off.

Commissioner WEINSTOCK. What was the end of the strike?

Mr. WILLIAMS. The 18th of May.

Commissioner WEINSTOCK. I mean, how did it end?

Mr. WILLIAMS. The strike was called off by a committee of nine; it was called off when the chairman of the strikers, myself, was in Washington, and the representative of the American Federation of Labor was with me. We were in Mr. Neill's office fighting for arbitration for the men, and the company went to the committee and told them—promised them their jobs back if they would call the strike off, and they did, and they gave them their jobs back for a few days and then fired them, and that was just what they deserved.

Commissioner WEINSTOCK. How many were taken back?

Mr. WILLIAMS. Just whoever the company wished.

Commissioner WEINSTOCK. How many were there?

Mr. WILLIAMS. There were 500 men discriminated against. No man that had taken an active part in the strike was taken back, with the exception of four men that had issued suits against four of the State police for faulty arrest, and just about the time the case was to come up in the court at Easton, one of these men came to our attorney and said, "I have been offered my job back in the steel works if I drop this case against the State police; what would you do about it?" Our attorney said, "Suit yourself, you have to support your family and if the case goes like the case of the trooper, you would not get anything."

Chairman WALSH. How did that case go?

Mr. WILLIAMS. They would not let our attorney have anything to do with it——

Chairman WALSH (interrupting). What was the result of the trial?

Mr. WILLIAMS. He was acquitted, because they could not identify him.

Chairman WALSH. How are juries chosen?

Mr. WILLIAMS. We have jury commissioners, and they take the names of citizens and put them in a large wheel.

Chairman WALSH. How many are put in the wheel?

Mr. WILLIAMS. That I do not know, but they are taken from all the members of the community. But when they come to select a jury it is like every other place; they are very careful to get a jury not unfavorable to them.

Chairman WALSH. But if a sufficient number of names are put in the wheel how could they get a favorable jury?

Mr. WILLIAMS If a man's name was pulled out who was a member of organized labor they would disqualify him because of the fact that he was biased.

Chairman WALSH. Was there any complaint made about the personnel of this jury?

Mr. WILLIAMS. I do not know; at that time I was moving from town to town, looking for a job. I suggest you take the incidents of that trial up with Mr. Cypher, who will be here.

Chairman WALSH. You say part of the objection was to working on Sundays?

Mr. WILLIAMS. Yes.

Chairman WALSH. Did the church people take part in that and undertake to straighten it out in some way, or did they take any action on it?

Mr. WILLIAMS Yes; about the second or third Sunday several priests in the town and a couple of ministers notified the men to go back to work, and there is a statement from the chairman representing the American Federation of Labor there, in which he condemned the clergy in very harsh tones for standing for and lining up with the steel company, and he addressed the statement to Mr. Charles Spelzy.

Chairman WALSH. On that particular point I was trying to inquire—on the point of working on Sunday, outside of the general proposition.

Mr. WILLIAMS. That is what I want to lead up to. When we assailed the ministers for not taking the part of the men, because these men had been forced to work on Sunday, some of them got busy. A committee of ministers—Protestant ministers—came to us and they said they had been to Mr. Schwab. They said Mr. Schwab was an awful man. Of course, I said, "If you think we are going to submit to Mr. Schwab, or surrender to Mr. Schwab because he is an awful man, you are going to get fooled." And I, of course, went for the ministers, because I believed it was their solemn duty to protect the man who was trying to evade Sunday work. The Rev. Father Fretz, of the German Catholic Church, came to one of our meetings, and he said he knew it was a human slaughterhouse. And, of course, he went after the steel company very harshly. We heard that Mr. Schwab sent for him and said to the Rev. Father Fretz, who was at that time president of the Catholic society in that valley which fights socialism—the socialistic movement very keenly—he said to Fretz, "Do you know that is a Socialist strike up there and this man Simon is a Hungarian Socialist and that others are Socialists?" And the Father said, "No." Schwab said, "They are, and you have been helping this Socialist movement."

This statement was given to me by a reporter who got it from the company, and the only thing I can verify it by is what Father Fretz says. He said to me, "What shall I do?" I said, "Keep your mouth shut and let them alone." But he came back again and wanted to make another statement before the men; he came to me as chairman and told me what he was going to do, and I said to him, "We have out there Republicans, Democrats, and Socialists; and we have Catholics and Protestants, and some men that do not go to church at all; and we are trying to weld them into one labor union generally; so don't go out there and try to divide them along political or religious lines"; but he went out, and we gave him permission to speak, and all he did was to slam the Socialist movement. As quick as he got done I, as chairman, had to smooth it over by trying to defend the Socialist movement, and he took his coat and went out.

But I will say this for him, that while the other Catholic churches had collected the men's church dues through the steel company's office, he never did. It was a common practice, if you were a member of a Catholic church there and gave a dollar to the church, they gave, you did not give; it was taken off your pay; if you only worked a day it was taken off, and the steel company paid the clerks.

Chairman WALSH. Were there any other deductions taken from the pay roll, like hospital dues, or for dues for labor unions?

Mr. WILLIAMS. Not for a labor union, but for their own steel company relief. I don't know of anything else.

Chairman WALSH. Were orders given to do this, or was it on the same plan as what is called the check-off system?

Mr. WILLIAMS. Yes, sir; I believed so. I believe it is the same as used in the mining districts, where they have to check off dues. It was not compulsory on the part of the men, but you know how it is, if a priest or a preacher comes and

say, we will take this off your pay at the end of the month, that is the way it is worked.

Chairman WALSH. Now, getting back to the ministers——

Mr. WILLIAMS. Yes, sir; along about the middle of April the ministers' association of South Bethlehem issued a public statement, in which they said that a committee from the Department of Commerce and Labor had come to them and asked them for information about Sunday work, and in that public statement they said this, that before they gave them any statement they went and saw the honorable president of the Bethlehem Steel Co., and he assured them it was only necessary work accomplished on Sunday, and it was quite a lengthy statement and ended up like this, that they believed that we should work in harmony with the business interests and officers of the steel company in order that business might prevail. I have a copy of that, if you wish it.

Chairman WALSH. How frequently was this Sunday work done up to the time of the strike; how many Sundays did they work?

Mr. WILLIAMS. In the neighborhood of 25 or 30 per cent worked every Sunday.

Chairman WALSH. For how long a period of time?

Mr. WILLIAMS. All the time.

Chairman WALSH. Extending back for what period, a year?

Mr. WILLIAMS. As long as they have been there. It run about 43 per cent.

Chairman WALSH. After the strike, did they quit working on Sundays?

Mr. WILLIAMS. Oh, no, sir; they are working every Sunday; and if they don't work on Sunday to make shells to kill off the Germans, they can't work there.

Chairman WALSH. Is there any protest against working on Sunday?

Mr. WILLIAMS. Individual protests; yes, sir.

Chairman WALSH. I will have to bring this down to a close, Mr. Williams. Now, you have passed a very severe criticism on the State police, are you likewise opposed to the State militia?

Mr. WILLIAMS. I am not. I just want to show you what our State federation of labor did last year in a resolution. I have this with me.

Chairman WALSH. Has the State federation publicly taken official action about the State police?

Mr. WILLIAMS. Yes, sir; this resolution was introduced last year——

Chairman WALSH. Is that what you are going to read now?

Mr. WILLIAMS. Yes, sir; this was passed officially in our State federation convention last year. Resolution No. 1, introduced by R. W. Tillotson, representing the metal polishers——

Chairman WALSH (interrupting). Is it very long? If it is, just give the gist of it.

Mr. WILLIAMS. No, it is not long, and I would like to read it, because I took the floor against it and opposed it, and a substitute was finally passed.

Commissioner WEINSTOCK. Why not read the substitute?

Chairman WALSH. I think we will get a better understanding if you will state the substance of the resolution planned, then the substitute, all together.

Mr. WILLIAMS. This one goes into the question elaborately with the militia, constabulary, and national organizations of the Army and Navy; that they are used by one side of the working class to shoot down the other, and they condemn the whole business. It was an attack on our Regular Army. We took the stand differently; it was right at that time that out in Colorado they were shooting the women and children down, and we were beginning to realize we had to meet force with force, and it was a question in our minds whether we would not send our members of the labor unions into the militia of Pennsylvania, so so when the State constabulary shot down our men that we would be armed to protect our homes, which is guaranteed us under the Constitution of the United States and the constitution of Pennsylvania. The Constitution of the United States is here, also the constitution of the State of Pennsylvania, and section 1 of article 1 is the section I refer to. The question in our minds was how to get these arms, and get them legally, when we were put up against a war, to fight. This was offered as a substitute.

Chairman WALSH. Now, in case both of them were abolished, Mr. Williams, would you have any effective force to maintain law and order in the State?

Mr. WILLIAMS. We provided for that with this resolution—resolution No. 4. I have three here; this is one of them, and it will answer your question. It is introduced by Thomas Kennedy, representing the United Mine Workers:

I might state there was another resolution passed that the executive council investigate the matter of forming semimilitary organizations within the labor

unions. Did you get that? That is, that the executive council of the State Federation of Labor were instructed to investigate the forming of a semi-military organization for the purpose of protecting ourselves at a time when the State constabulary came in, and the executive council will report on that at the convention held next week. We are not going to see our people shot down by these official strikebreakers and remain helpless. We want peace, but if it comes to fighting, we wont go against a machine gun with a brick.

Chairman WALSH. I don't exactly get your meaning.

Mr. WILLIAMS. What I mean is this: When the time comes that we find out that the State only exists for us theoretically and hypocritically—in the Bethlehem Steel Works, in 1909, out of 9,000 working, 927 had been killed or injured in 1909. In 1910 the United States Steel Corporation reports show that 246 out of 1,000 were injured in the plant in one year, and in one mill 500 men out of 1,000 were injured in that plant. Now, men that are forced to work under conditions like that some time are going to revolt. We try every peaceable means we can to remedy these conditions, and certainly if we are forced to the point where we must fight, nobody is to blame. If that man that has had his leg broke or his father has had his back broke in the steel mill and he is forced into a state of militarism, he is not to blame; it is not his fault; it is the man who sits in New York and allows women and children to be burned; it is his fault. We whose ancestors fought in the Civil War, and some of us have ancestors who fought in the Revolutionary War, it is not the spirit of anarchy that wants us to educate our children; but it is the same spirit that forced the men in 1776 to struggle for liberty, and if we fight for it and get it, we will make history to teach our children that John D. Rockefeller and those men were oppressive, and the men that led the move to throw them off were patriots. We will teach them just that, as our forefathers were the men that threw off the yoke of England in 1776 were patriots. If we are beaten, we will be put down as rebels, and for that reason we are going to connect education and intelligence with the struggle and be prepared when it comes. I believe in political action, backed up by an economic organization. Political action without the backing of an economic organization don't amount to that. Two years ago we got an act, although the railroads running 75 cars where they used to run 30, we have a law which compels them to put on an extra man on over 29——

Chairman WALSH. I don't want to bring that subject in, and I feel that my question has been fully answered.

Commissioner Weinstock wishes to ask you some questions.

Commissioner WEINSTOCK. You were comparing, Mr. Williams, the present industrial situation, and you are justifying the strikers in a labor trouble for arming themselves by calling attention to the American Revolution?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Are the cases parallel? Is it not a fact that at the time of the American Revolution the cry was "taxation without representation"?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Is it not a fact that to-day you and I and the rest of us have representation? Is it not a fact that you and I can elect to our legislative bodies the men who represent our ideas? Doesn't organized labor have in our legislative halls their representatives who can voice their sentiments and do what they can do to secure such legislation as the workers desire? In the face of that, with the ballot in the hands of the workers, and the workers in the majority in every State in the Union, what justification is there to talk as you talk about arming the men and defying the law?

Mr. WILLIAMS. This justification: Only a small per cent of the male population of the United States have a right to vote. None of the women have it in our State. In a few States the women have the right of ballot, and female labor and child labor is fast taking the place of male labor. Over in New York City, where there is something like 150,000 to 175,000 population in one congressional district, that only voted about 15,000 men and elected Meyer London, a Socialist Congressman.

Commissioner WEINSTOCK. Is it or not a fact that wage earners in Pennsylvania, in common with the rest of the States, are largely in the majority?

Mr. WILLIAMS. Yes, sir; the wageworkers, but not the voters.

Commmissioner WEINSTOCK. The wage earners are in the majority of voters, are they not?

Mr. WILLIAMS. Yes, sir; the wage earners.

Commissioner WEINSTOCK. Let me make it clear. If you could take an analysis of the voters of Pennsylvania, is it not a fact that a majority of them are wage earners, or those that sympathize with wage earners?

Mr. WILLIAMS. The majority of them, we will say, work for wages, because they are all in some line of industry.

Commissioner WEINSTOCK. Now, the majority rules, doesn't it, in Pennsylvania the same as in every other State in the union?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. If the majority of these wage earners wanted the women to vote, can not they by their ballot give them the right by voting for woman suffrege?

Mr. WILLIAMS. Yes, sir; but the women that want to vote won't get it until the men say they can have it. It is the ones that don't get it that are entitled to it.

Commissioner WEINSTOCK. All right. If the majority of the wage earners of the State of Pennsylvania believe it is to the economic and political interest to have the women vote, they can have them vote? The power is absolutely within their own political hands? What need they to rise up in arms against the authorities?

Mr. WILLIAMS. Your actions are judged by the conditions you are forced to submit to. It is all very well for the manufacturer who has been getting a large amount of the wealth that has been produced to say protect my property. This is only a proof of the doctrine of economic determination. The way he gets his living determines his attitude and action. If he was bound by the present system of production and distribution you are satisfied with, but when it makes one Star of Bethlehem, like we have Charles Schwab, then I say the system ought to be changed.

Commissioner WEINSTOCK. How many men work at Bethlehem?

Mr. WILLIAMS. Nine thousand.

Commissioner WEINSTOCK. There were 9,000 men against one Schwab?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Nine thousand possible votes against one vote?

Mr. WILLIAMS. Yes, sir; and we beat his man for Congress.

Commissioner WEINSTOCK. What greater power can you put into the hands of the worker than the ballot?

Mr. WILLIAMS. I will show you how it works now. He had a candidate, J. Davis, and we defeated him, but when Judge Scott died the Republican governor made this fellow judge in our county that we had defeated.

Commissioner WEINSTOCK. Very well, if that did not suit the wishes of the workers at the next election they could show their displeasure?

Mr. WILLIAMS. Yes, sir; and we will do it.

Commissioner WEINSTOCK. Then you have all the remedy that any reasonable man could ask for when it is placed in your own hands?

Mr. WILLIAMS. Yes, sir; but there is the stump. The railroad unions in our State last year, or two years ago, I guess it was last year, worked for certain men for the legislature, believing they stood for our interests, and when they got them there you don't see the money pass, but they pass corrupt legislation against the workers that sent them there. They serve the interests of these men who live off of the toil of the working man.

Commissioner WEINSTOCK. Are all workers bribe takers?

Mr. WILLIAMS. I didn't say that.

Commissioner WEINSTOCK. Then it is the duty of the workers that have the power in their community to elect representatives that are proof against bribe taking?

Mr. WILLIAMS. How are you going to get the proof? We have been thinking of that for a long time until finally we have a certain number of them in our political labor organizations.

Commissioner WEINSTOCK. Then you can't blame anybody else.

Mr. WILLIAMS. We have never had a working class party in control in any State or in control in the United States. We have parties in control that pass one set, and they do something that the other side doesn't like, and the people throw them out, and we get another bunch in, and they will sit down there and pass something that they don't like, and there is a change again. While there are changes going on all the time the people are getting the same thing all the time with the high cost of living and wages dropping down. The introduction of automatic and semiautomatic machinery by the manufacturer is proving

something that will make a change in the methods of production and distribution of our commodities.

Commissioner WEINSTOCK. You are drifting away from my question. What justification is there for you to incite men to arms, for you to incite men to go against your own government when you and the rest of your fellow workers have the power absolutely in your hands by the ballot?

Mr. WILLIAMS. The justification of carrying on peaceful strikes, of having control of the situation, and the State sending in a bunch of men that spill our life-blood out in the street. The State don't exist for us only theoretically and hypocritically.

Commissioner WEINSTOCK. Then, because the men that you have elected to office have not carried out what you believe is the proper course for them to pursue, you propose to start an open rebellion?

Mr. WILLIAMS. No; I didn't say that; I said in defense of our homes at any time that it means annihilation or fight. I am known in my own town as a man that is one of the yellowist, a fellow that don't go out and want to fight, you can take this book at your convenience and go through here and see where on every page I advocated peace, but I want to tell you that when men have to submit to certain conditions, it is a study of psychology. You can sit in your office and philosophize on the conditions of the working class. When I was a young fellow I stood at a mine where 59 had been killed, and heard the women moaning and crying. Somebody else read that in the newspapers and didn't sympathize with the poor women and children like I did. If that mine owner was satisfied with less profit, we would have had 59 more fathers and brothers, but in order to make profit he took those fellows' lives. That is why the men get that idea. It is not profit with us, it is life and death. We want peace, and the manufacturer brings in the State police and says, you will submit or we will starve you, or you will be clubbed and shot. It is the spirit of your forefathers that makes you fight. I want to tell you now, force to-day is the most respected thing there is in this world.

Commissioner WEINSTOCK. You are an advocate of force, are you?

Mr. WILLIAMS. No, no; I am not an advocate of force. I am against militarism, but what have you got going on in Europe? And to-day the United States Government insists on furnishing shells to blow the Germans to pieces.

Commissioner WEINSTOCK. Are we to understand from the expressions you have given here that you are giving expression to your own views or those of your fellow workers?

Mr. WILLIAMS. No; they are my individual views which have come to me from close study of the labor movement; but I know they are held by the most conservative members of labor organizations in our State and as a result of what the State police have been doing to the men who try to be peaceable.

Commissioner LENNON. I just want to ask you, to see whether I understood your reply to the basis of all Mr. Weinstock's questions: Do you believe that the voting wageworkers of Pennsylvania—and it is the greatest industrial State proportionally in the Union—that the wageworkers have a majority in the State of Pennsylvania?

Mr. WILLIAMS. Well, they have not got a majority of the working class.

Commissioner LENNON. Oh, of all the people in the State.

Mr. WILLIAMS. No, no; not the voter.

Commissioner LENNON. Do the voters that work for wages constitute a majority in the State of Pennsylvania, Mr. Williams?

Mr. WILLIAMS. Not the voters; no; not by far.

Commissioner LENNON. Have they a majority in the United States?

Mr. WILLIAMS. I don't believe so. Why, pretty near half the people in Pennsylvania are foreigners or of foreign descent—or most one-half—according to the last document issued. They have no vote, and those that have no vote are the ones that have to work under the worst conditions. Those are the 12½-cents-an-hour men.

Chairman WALSH. Mr. Garretson has a question he would like to ask you.

Commissioner GARRETSON. Now, you made the statement that your view was that the man should arm himself for the purpose of protecting himself against the invasion of his own home?

Mr. WILLIAMS. Yes, sir.

Commissioner GARRETSON. What is the difference morally between the man protecting his own home with arms and a corporation hiring a body of thugs to protect its property—legal rights?

Mr. WILLIAMS. Well, I should say a man has more right to protect his home than a corporation has to protect its property.

Commissioner GARRETSON. He would have at least as much, anyway, wouldn't he?

Mr. WILLIAMS. Yes, sir.

Commissioner GARRETSON. To risk his own skin instead of hiring skin?

Mr. WILLIAMS. Yes, sir; I want to say in regard to that statement made by Keppler, I had occasion to go to one justice's office with a man who was arrested and was quite severely called to account for that statement by Sergt. Smith, I think the name was; and I asked him then, "Have you got a right to come into my house without a warrant and arrest me," and he says, "No." I says, that is the reason we made that statement. You get a warrant and you can arrest any of us. But we did not want anybody coming in there nights without a warrant and taking us.

Chairman WALSH. That is all; thank you. That matter that you have there, that I interrupted you in reading, if you will just submit that we will consider it with the balance.

Mr. WILLIAMS. What matter do you mean?

Chairman WALSH. You had some material—a report made, in which the testimony of Mr. Kelly appeared, or from which the testimony of Mr. Kelly was read—the chief of police?

Mr. WILLIAMS. Yes, sir.

Chairman WALSH. And you had some other documents you said you wanted to offer in evidence?

Mr. WILLIAMS. That is on defective work and one thing another?

Chairman WALSH. Yes, sir.

Commissioner LENNON. Have you a copy of the report made by the Federal Council of Churches?

Mr. WILLIAMS. Yes.

Commissioner LENNON. Will you file that with the commission?

Mr. WILLIAMS. Yes, sir.

Chairman WALSH. Can you give us the substance of what they say about Sunday work?

Mr. WILLIAMS. It begins and gives you a tabulation of how many men worked on Sunday—the percentage that work on Sunday, and——

Chairman WALSH (interrupting). Did they take a position against it or make any request to the company or the men not to do it, or what did they do?

Mr. WILLIAMS. Why, the suggestion is made by the ministers to the—they made a suggestion to the ministers——

Chairman WALSH. The part I want to get at is that would seem to be a strict conflict now between economics and the moral law. What did they do? Did they tell the men, "Don't work on Sunday; it is against divine law?" Or what did they say?

Mr. WILLIAMS. Well, they suggested certain recommendations. They go on to try to defend the ministers first; but they make the same recommendations——

Chairman WALSH. Well, just submit it. I guess it is a little too long to read.

Mr. WILLIAMS. Oh, it is a long proposition to read. Do you want these photographs?

Chairman WALSH. Yes. Leave those photographs. I understood all these documents were submitted here, including this scrapbook that you offered.

Mr. WILLIAMS. I would like to get this all back again, after you are through with them.

Chairman WALSH. All right; just put that in the record here, that you can have all of it after temporary use. There was one question I omitted to ask you. You say that this trooper was tried and acquitted. Now, was the trooper that assaulted Mr. Gallagher tried?

Mr. WILLIAMS. No; I don't believe so. I don't believe he was ever brought to trial.

Chairman WALSH. Well, was any effort made to prosecute him, that you know of?

Mr. WILLIAMS. Why, in one of my newspaper accounts there it said a warrant had been issued for him; but I don't believe it was ever served. I tell you it was impossible—we used to think we had it on them, and we would recognize the man and would do something——

Chairman WALSH. Well, so far as you are concerned, you did not?

Mr. WILLIAMS. No. They would change the numbers on the men, and the numbers they had would not correspond with the features of the men, and then you could not get after them.

Chairman WALSH. Maj. Groome.

STATEMENT OF MR. J. E. B. CUNNINGHAM.

Mr. J. E. B. CUNNINGHAM (arising from the audience and addressing the commission). Mr. Chariman and Members of the Commission, I desire to present and file at this stage of the proceedings, with your honorable body, my credentials as special deputy attorney general representing the Commonwealth of Pennsylvania, and to have my appearance noted as appearing for the Commonwealth. And I am directed, Mr. Chairmen and Members of this Commission, by the governor and by the attorney general of Pennsylvania to say to you that although they naturally have some question as to the power of this commission, or of any similar commission, to compel the attendance and testimony of officers of the executive department of a State, at the same time they are too proud of the character of the State police of the Commonwealth of Pennsylvania and of the fact that in every instance of industrial disturbance the Commonwealth and its officers have endeavored to maintain, and we think have succeeded in maintaining, a position of strictest neutrality, and because we want to assist you in every way in the performance of your duty, they have directed the superintendent of the department of State police and the special deputy attorney general to come here and give you every fact within their knowledge, and if you want it, a certified copy of every record within their possession.

Now, at the same time, Mr. Chairman, in order that this action on the part of our State authorities may not be treated as a precedent, I desire merely to file with the stenographer a formal protest with reference to the jurisdiction of the commission to compel these things in order that the record may protect us from ever being used as a precedent in case we should at some future time refuse to obey subpœnas by congressional committees.

With your permission, then, I will just submit these for the record and ask you to proceed with your investigation as you may wish.

Chairman WALSH. Very good; and we also appreciate the courtesy of the governor and of the State government and of yourself in attendance here.

Mr. CUNNINGHAM. We are very anxious to give you any facts within our knowledge.

(For documents submitted by witness see Cunningham Exhibits Nos. 1 and 2 at end of this subject.)

STATEMENT OF MR. S. C. LONG.

Chairman WALSH. Now, I have been requested by the commission to read publicly into the record a communication from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co., addressed to the chairman of this commission (reading):

"DEAR SIR: Referring to the statement made to-day before your body by Mr. W. H. Pierce, that Mr. J. C. Johnson, superintendent of telegraph of the Pennsylvania Railroad had paid $300 to certain men connected with the train organizations of the Pennsylvania Railroad, we desire to submit the following so there shall be no misunderstanding in this matter:

"When the strike was called at Pittsburgh in May, 1911, the company was fearful that some of the members of the transportation brotherhood might join the strikers. Accordingly the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman of the B. L. F. & E.; William Park, general chairman of the B. of L. E.; John B. Hendricks, general chairman of the O. R. C.; and E. V. Kapp, general chairman of the B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements they had with the company and remained at work, with the distinct understanding that they should not be asked to do any work other than that they always had performed in the positions they held.

"These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over, as each of these general chairman had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairman, he thanked

them for the very efficient services they had rendered the company, and the organizations, and told them that the company desired to show some appreciation of their work, and accordingly they were each given $300, which they were told could be used toward defraying their expenses or any other purpose that they might choose. Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the History of Labor Troubles on the Pennsylvania Railroad, a copy of which has been filed with your commission.

"Yours, very truly, "S. C. LONG,

"*General Manager, Pennsylvania Railroad Co.*"

TESTIMONY OF MAJ. JOHN C. GROOME.

Chairman WALSH. Will you please state your name?

Maj. GROOME. John C. Groome.

Chairman WALSH. Are you connected with the Pennsylvania State Police? If so, what is your position?

Maj. GROOME. Superintendent.

Chairman WALSH. Have you any profession or business aside from that?

Maj. GROOME. Member of the firm of Groome & Co., importers and wine merchants.

Chairman WALSH. And have you taken any interest in that firm for the last four or five years?

Maj. GROOME. I have been unable to take any active interest in the firm on account of police duty.

Chairman WALSH. Is that a corporation or a partnership?

Maj. GROOME. A partnership.

Chairman WALSH. Engaged in mercantile business?

Maj. GROOME. Yes, sir.

Chairman WALSH. And not manufacturers?

Maj. GROOME. Not at all.

Chairman WALSH. And you are a member of the organization?

Maj. GROOME. I am.

Chairman WALSH. And what is your title, may I ask. You are referred to here as "Maj. Groome." I believe that comes from another militia title?

Maj. GROOME. That comes from the highest rank I had in the National Guard, and as a member of which I served in Porto Rico during the Spanish War. I was in Porto Rico with a squadron of cavalry. I had been in the National Guard for many years.

Chairman WALSH. When was the State Police of Pennsylvania organised?

Maj. GROOME. In May, 1905.

Chairman WALSH. How many members has it?

Maj. GROOME. Two hundred and twenty-eight.

Chairman WALSH. Kindly state their rank, so far as their duty is concerned.

Maj. GROOME. Well, according to the act, there is a department of State police, which consists of a superintendent, deputy, and two clerks. Then there is the police force which consists of 228 officers and men. According to the act, it is divided into four troops, a captain, lieutenant, four sergeants, four corporals, and the balance are privates.

Chairman WALSH. What is the provision of the law with reference to increasing or diminishing your forces, Major?

Maj. GROOME. There is no provision whatever. It can be increased only by act of the legislature, and likewise it could not be decreased except by act; that is, the number is fixed by law, and the act which originally created the forces has never been changed. It has been amended to increase the salaries and make some noncommissioned officers of privates, but the original number of 228 has never been changed since the force was first organized; can not be changed except by act of the legislature.

Chairman WALSH. Please indicate where the force is quartered, and in what manner.

Maj. GROOME. Well, the force is divided, as I say, into 4 troops, 2 officers, and 55 noncommissioned officers and men. They are designated as Troops A, B, C, and D. They are in barracks. A troop is located at Pottsville, a troop at Wyoming, in the eastern part of the State, a troop at Greensburg, and a troop at Butler, in the western part of the State.

Chairman WALSH. Is the location made with reference to industrial centers, or agricultural centers, or how? Or is there any design in the location?

Maj. GROOME. Well, I don't wish to take up any more of your time than necessary, and not as much as some of your recent witnesses have, but I would like to explain, if you have the time, the way the force is organized and distributed.

Chairman WALSH. Major, if you prefer to make a statement in a general way prior to being asked any questions, we will be very glad to have you do so, and it may do away with the necessity of asking many questions. You know the subject.

Maj. GROOME. I think I can save your time.

Chairman WALSH. Very good. We will be glad to do it.

Maj. GROOME. When the act was passed creating this department—a State police force—of course it was a new departure. There was nothing like it in this country, and no precedent and nothing to pattern it after and go on. If you have seen the act it is very short and simply provides the number of men and the amount of their salary, their duties as far as cooperating with the local police, and leaves everything else to the superintendent; that is, it spares the distribution of the troops, the rules and regulations controlling the affairs, whether they shall be married or not, their uniforms, and how they shall be armed—everything is left to the superintendent, in the original act. After I accepted this position I went very carefully—it was absolutely new to me, as well as everyone else. I went over the records, the records of crime and disturbances throughout the State and consulted officials living in the various parts of the State, and found that in four districts where the troops were established, were the districts in which there had been the most disorder in the 5 or 10 years prior to 1905; and with the approval of the government I established a troop in each of these localities.

Now, there is some reference to the selection of men, and a few other comments. I should like to say that the greatest care has always been exercised in the selection of the men as to their past records, their moral character, and their physical condition. When the force was first organized I had 1,010 applications for the 228 positions; men that I had never seen or never had heard of. Every one of those men was examined according to the civil-service rules, some at Pittsburgh and some at Philadelphia. The law prescribes that a man shall be between the ages of 21 and 45, a citizen of the United States, of good moral character, and able to read. Those are the only restrictions. From the list of applicants who were examined mentally I may say I selected about 300 of those men who were examined physically, and subjected to a physical examination which was more strict than the Army—the present United States Army—examination; more strict in the eyesight test; and much more strict in some other respects. That was the starting point; and the men who passed those examinations were then appointed on the State police force. Of course, there were no rules, no regulations, and nothing to go by; and these men were divided into four troops. They were sent to the barracks. I designed the uniforms, decided how they should be armed, and decided that it would be necessary for each man to be mounted, and purchased the horses and drilled the men and gave them as much instruction——

Chairman WALSH. Did you make those regulations and instructions yourself?

Maj. GROOME. Absolutely. Nobody else could.

Chairman WALSH. Did you have any prototype in the country on which you planned that?

Maj. GROOME. I have the reports of the Texas Rangers, which was the only organization of any sort in the country, and also I got the reports of the operations of members of the police forces throughout the civilized world. I got the Italians, the Germans, the Royal Northwestern Police, and the Irish police; and from going over their reports and the duties which they performed I came to the conclusion that the conditions in Ireland were more similar to those in Pennsylvania, so far as the industrial and agricultural conditions and the character of the population was concerned.

Chairman WALSH. Did you make any personal investigation of European countries?

Maj. GROOME. Yes; I went to Ireland with a letter from our secretary of state, and spent three weeks in the barracks studying their methods, organization, and rules and regulations of their constabulary.

Chairman WALSH. What are they called?

Maj. GROOME. The Royal Irish Constabulary.

Chairman WALSH. How is that organized? Is there a superintendent, a local superintendent in Ireland in charge?

Maj. GROOME. Yes; he is appointed by the Crown. They have 10,000 men in Ireland.

Chairman WALSH. Is there a superior officer—has he a superior officer in England?

Maj. GROOME. No, sir; he is at the head of it.

Chairman WALSH. The man on the ground in Ireland is the absolute head of the organization?

Maj. GROOME. Yes.

Chairman WALSH. Under the law has he like authority with you say to saying how many there shall be, and the location of the barracks, and the movement of the men from time to time?

Maj. GROOME. I do not think he has at the present time, for the Irish Constabulary has been in existence over 25 years. I imagine the original superintendent must have had that authority. Ireland, as you know, is about the same size as the State of Pennsylvania with 45,000 square miles; and they have 10,000.

Chairman WALSH. How does Ireland compare with the State of Pennsylvania as to population?

Maj. GROOME. It is not so large; I am not familiar with the exact population of Ireland.

Chairman WALSH. Does the constabulary in Ireland have authority in the large cities like Glasgow and Dublin?

Maj. GROOME. They police all of the cities except Dublin.

Chairman WALSH. Does Dublin have a separate arrangement?

Maj. GROOME. They have a municipal force; the balance of the cities are under the constabulary.

Chairman WALSH. You spent, you say, three weeks at the barracks?

Maj. GROOME. Yes; and got their ideas and their rules and regulations.

Chairman WALSH. Did you get a copy of the printed rules and regulations?

Maj. GROOME. Yes, sir. They are very elaborate and not at all useful to us; there are conditions there which we can not touch.

Now, when there is a vacancy on the force at the present time, in order to show you the character of the selection of the men, a man makes his application and it is placed on file, and in his application he states his past experience and recommendations. When his turn is reached his past record is very carefully looked into, and if it is not good he is not considered. If his past record and recommendations are sufficient he comes to Harrisburg or Philadelphia and is put through a strict physical examination by the man who performs the duty of looking them over when they are presented.

Chairman WALSH. Who does that?

Maj. GROOME. The deputy does at Harrisburg, and I should say 50 per cent of the men stop in Harrisburg or Philadelphia, and either the deputy or myself sees them.

Chairman WALSH. Under the Pennsylvania law, with which I am not familiar, if a man is rejected for any reason then you go back to the list for another man, do you?

Maj. GROOME. Yes; take another man.

Chairman WALSH. Is there any limitation upon the continuance of that; that is, can you call for as many as you please until you get the proper one?

Maj. GROOME. We have a list of over a hundred men who have seen service in the Regular Army waiting for positions, and we have hundreds of others besides. I can take the last man on the list if I think it is fair, but we usually take them in turn.

After they pass a physical examination they have a mental examination, written, to show their ability to make reports and keep a proper account of things.

If the applicant is found satisfactory the man is enlisted and sent to the training barracks at Pottsville, where he spends four months in probationary service. He is not allowed to go on duty or go on the road or make arrests until he has been in the service four months. Then during that four months they have daily schooling in the criminal, forestry, and game laws of the State of Pennsylvania and have mounted drills and dismounted drills, and are taught the care of horses and their arms and equipment and the different duties of the police.

At the end of the four months if the man is satisfactory to the officer in charge of the recruiting barracks he is then assigned to one of the four troops and is put on regular patrol duty. That is the way we get our men.

The promotions in the force are all made from the ranks. I have not got a captain to-day who was a captain when the force started. When the force first started it was necessary to select what I considered the best-trained men who

came before me. Those men in the course of time did not prove all I wanted of them; they were not able to handle the position of a captain or lieutenant, and promotions were made from men in the ranks. I have never started a man on the force in any other position than as a private.

If vacancies occur, through resignation or discharge by summary court, promotions are made from the ranks.

The punishment is entirely by summary court, or what is known as court-martial. The punishment is ordinarily fine, or, if the offense is serious enough, dismissal. I have never punished a man to the extent of a fine of 25 cents since the force was organized without a fair and impartial trial before a summary court, conducted by his officer, at which this man can produce his witnesses to prove his innocence, if possible. If he proves that the charge is not correct the man is excused and no record is made of it; if he is found guilty of the charge the evidence and the sentence of the summary court is submitted to me. If I approve of it the man is fined, and the man is discharged. There has never been a punishment without that since the force was organized. The men know that; they know that if they behave properly they can remain on the force, and if they do not behave they will be fined or dismissed, and they know that if once they are dismissed from the force no power on earth can get them back again, and they know that if they behave themselves and do their duty no power can get them off. That has established the esprit de corps necessary for so small a force of men to maintain law and order in such a large State as Pennsylvania, with between 7,000,000 and 8,000,000 of inhabitants; and I think I have got that result.

One of the reasons—well, I may say the force is regulated or controlled by general orders. We have no printed manual. As I say, when the force was organized it was an experiment, and I considered it was a mistake to make rules and regulations; but I saw what was necessary, and as circumstances arose I issued what is known in the service as "general orders," and I suppose there are probably 300 or 400 general orders, some not necessary now, but that number have been issued to guide the men, and my rules and regulations have governed the force.

I have been accused of being influenced by politics in making appointments, and, of course, you can see from what I tell you, that politics do not enter into the appointment of the men in any way.

Of the 230 officers and men on the force to-day, 225 have seen service in the Regular Army. I have got but five men who have not been in the United States service and who came to me with honorable discharges, and the majority of them have character "excellent" on their discharge. If you are familiar with a discharge from the United States Army you will know that there are four grades of character; there is fair, good, very good, and excellent. Excellent is the highest character that a discharged soldier can get; and when I tell you that 225 of my 230 men that have been in the service all have an honorable discharge, and over 50 per cent of them with excellent character, you can recognize that they are not the degenerate sons of the degenerate middle class that some of our friends have claimed. You can also readily understand that the recommendation or record of a discharged soldier is much more complete than any recommendation made by a civilian. If you should send me a clerk from your office, for instance, or a young man from the farm, you could probably vouch for him during the hours of from 9 o'clock in the morning until 5 o'clock at night, but what he does between 5 o'clock in the evening and 9 o'clock the next morning you have no means of knowing, and those are usually the hours that some of those young men get into mischief; but when you get the discharge of a man from an officer of a troop in which that man has served for three or six or nine years, as some of our men have, that officer has seen and knows what that man's conduct has been for every hour of the day and for every day of the year; he can give you a recommendation for that man covering his time from 6 o'clock in the morning until 6 o'clock the following morning, and I consider from experience that the recommendation of an honorably discharged soldier from the United States Army with excellent character is the strongest recommendation and guaranty of a man that you can get in this country; and when we take the greatest possible pains and get men with the best of records and whom we find are fit physically, and then instruct them, we have done all that is possible for human nature to do to provide against mistakes. We can not guarantee the future of the individual, and while we select men with the greatest possible care, some of our men out of the 225 in the last 10 years have turned out badly. When that

occurs we get rid of them, but I think our system of taking the greatest possible care to select the proper kind of men is about the best that can be devised.

Now, after the men are sent to their barracks and have had this four months' schooling at Pottsville, their training does not stop there, but there is a school held once a week in every one of the barracks, and it does not make any difference whether a man has been on the force 10 years, he attends that school, where they are instructed in the advance work of police. There is not a man on the force, I do not think, who has been on over a year, who is not thoroughly familiar with all of the game laws of the State——

Chairman WALSH (interrupting). Is that what is meant by advance work, the study of those laws?

Maj. GROOME. Yes; the game laws of the State and forestry laws and detective work is taken up, and criminal laws. I will say that we have not a man on the force who has been on for two years that can not present a case before a justice of the peace and present the proper evidence, and for that reason our total number of convictions in proportion to the total number of arrests is very large; we have averaged about 80 or 90 per cent of convictions to the arrests made, and that is only made possible by the men knowing when to make arrests, when they have a right to make arrests, and when a crime has been committed, and to have the proper evidence when they bring the case before the justice.

Chairman WALSH. In the inferior courts in Pennsylvania is it usual for the police officer to present the case?

Maj. GROOME. It is, if the police officer has intelligence enough to get it; some police officers have not.

Commissioner O'CONNELL. In the training school, do you train the men as to their duties in connection with strikes and labor disputes? Do you train them as to the rights of citizens?

Maj. GROOME. Certainly.

Commissioner O'CONNELL. How do you train them in connection with labor disputes, for instance, if they are sent to a place like at Bethlehem?

Maj. GROOME. Officially we know nothing about labor disputes.

Commissioner O'CONNELL. That is one of your duties, is it not, to call them out in such times?

Maj. GROOME. We are called out by the sheriff or the local peace officer, and never respond to a request without finding out why we are called. Say, the disturbance is like it was at Bethlehem, where a great many men were collecting, and the sheriff at Bethlehem should telegraph me and telegraph the governor, and his statement to me was that there were from nine to fifteen thousand men in a mob that had done a certain amount of damage and were likely to do more, I would not recognize that as a labor disturbance, because I have no knowledge of the conditions. I don't know to-day and didn't know at the time why there was a strike, nor is it possible for us to tell a so-called striker from the tough or hired thug or anything else.

When we respond to the request from the local authorities to assist them in obtaining law and order, which is provided in the act and which says it shall be our duty, if I go myself, and I go when the entire squad goes out, and if not I send a detachment under an officer who goes, he goes with simply an order to maintain law and order. Those are his only instructions in the case.

Commissioner O'CONNELL. And when is he relieved?

Maj. GROOME. When the sheriff or local authorities who asked for our assistance informs me that the situation has ceased to be serious and he can handle the case himself.

Commissioner O'CONNELL. Did you do personal service at Bethlehem?

Maj. GROOME. No; there was only a troop and one-half there.

Commissioner O'CONNELL. Have you ever done any personal service in labor troubles such as that?

Maj. GROOME. I was out at one time—the men were sent to Bethlehem and were on duty at Philadelphia six days and nights when the call came from the sheriff at Bethlehem.

Chairman WALSH. Mr. O'Connell, will you please let Mr. Groome finish his statement without interruption and then we will take up the question you are asking about?

Commissioner O'CONNELL. I was just asking him about this while he was on the subject of instruction in the school.

Maj. GROOME. I was just saying that never since the force has been in existence have we sent assistance to any locality at the request of any organization or corporation or private citizen. We have sent detached men, one or two, to a

district attorney or to a mayor or to a justice of the peace; but we have never sent a large detail where there is rioting without a written or telegraphic request therefor on the part of the local authorities, and frequently we have refused to send assistance on that request because on investigation I found that it was not necessary and that the sheriff was laying down on his job and wanted someone else to do his work. And in my answer to your question—written answer—I gave the number of riots in which we have been called on and the sheriff's name, and we have the telegrams or written letters from them showing it was after their urgent request that we sent men at all, but never sent them without a request from the local authorities or the sheriff.

I may say during the 10 years we have been in existence we have had 9 men killed by rioters in the line of duty and 17 men hopelessly crippled for life. We have never yet killed a man; it has never been proven that we have killed a man illegally or unlawfully. We have killed murderers, committing murder when we have seen the murder committed; we have killed men attacking a hall, as the Italians did at New Florence when they attacked a house, but on mob duty it has never yet been proven that we have killed a man.

I would suggest, as it was intimated to me in a letter from your commission, that it is my humble opinion the effect and result of the State police force of Pennsylvania is very excellent, both in apprehending criminals and in the prevention of crime. Now, the statement which has been made, that the State police force is essentially a strike-breaking organization, and when not engaged in strikes they may make arrests or do a little patrolling is very easily contradicted by the fact that each year since the force has been organized the 200 men—it is possible for more than 200 men to be used, but I practically have a working force of 200 men—these 200 men have patrolled over 500,000 miles each year since the force was organized. Last year they visited 2,364 towns in 66 counties during their patrolling; they made 2,198 arrests for 75 different crimes, and of those arrests 80 per cent resulted in conviction. And on that line I would like to say from the records which I have submitted to you, and which you can verify, in reference to being a strike-breaking organization the average time that each man on the force has spent in riot duty since the force was organized has been one day per year per man; the other 364 days in the year this strike-breaking organization is patrolling the State of Pennsylvania, covering over 500,000 miles and making two to three thousand arrests a year. We have made in 10 years over 24,000 arrests, of which I am sure 90 per cent would not have been made if it had not been for the force, because the sheriffs would be rather indifferent about pursuing them after they had gone beyond their jurisdiction. We have gone as far as South Carolina and over into Virginia and other places and brought back criminals who we have pursued. Three hundred and sixty-four days in the year they are patrolling the State and protecting the lives and property of the citizens, and one day each year they are on riot duty; some of it is not due to labor disturbances and some of it is.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock, and you will kindly resume the stand at that time.

(Whereupon, at 12.30 p. m., on Saturday, May 8, 1915, an adjournment was taken until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. You may proceed now, Major.

Maj. GROOME. Mr. Chairman, I was not exactly sure of the information that the commission might require, so I did not prepare a written brief, I simply made notes, and am trying to give you as best I can a history of the organization, and anything that I omit, I would be glad to have my attention called to it.

Chairman WALSH. It has its advantages, Major, not to have done so.

Maj. GROOME. I saw that. With reference to the number of miles covered and arrests made during the year I may say during the nine years the force has been in active duty the members have patrolled 3,813,512 miles of territory and made 24,633 arrests. A great many of these arrests have been made after rendering assistance to the district attorneys, judges, chiefs of police, or mayors at their request, and to give you an ideau of the number of these requests, I may say in the last five years I have received 17,486 requests for assistance from judges, district attorneys, sheriffs, chiefs of police, mayors, and private citizens. That would be 10 requests a day, every day in the year for five years, which gives you an idea of the general scope of the work and the demand there is from the State officers and the law-abiding citizens of Pennsylvania for this force. Now, referring again to the charge of strike breaking—or before I

get to that I will say, as you probably know, we are authorized under the act to act as game, fire, and fish wardens, to give them every assistance in our power, and in the past we have rendered valuable assistance to the game warden in enforcing the game laws, and to the fire warden in suppressing forest fires and saving millions of dollars in property which would have been destroyed if the fires had continued, and valuable assistance to the department of health, which is incorporated in their annual report, in villages during contagious diseases, where the local authorities are unable to confine the ignorant or foreign classes in their localities where the disease occurred. We have been of great assistance to the State live-stock sanitary board in keeping them quarantined in the foot-and-mouth disease and destroying cattle under their order.

During the Austin flood, which you will remember was serious, and a great many lives lost and property destroyed, that situation was taken charge of by the department of health, and after they had been there 24 hours we sent a detail there at their request, and they found that their organization was unable to handle the feeding, housing, and policing of the homeless citizens, and that department entirely was turned over to Capt. Robinson, who was there in charge of the detail. We fed and housed and kept criminals out of that district for 10 days or 2 weeks. The Sharon flood, we also rendered the same service, at the instance of the department of health. I have given you the number of miles, they run about the same, the number of arrests are about the same. For instance, the arrests in 1911 were 2,425, and the convictions 1,799. The arrests in 1913 were 1,960, convictions 1,744. That is to say, 90 per cent of convictions, and in addition to that there were 128 awaiting trial, taking only those that were convicted it is nearly 90 per cent of the arrests that resulted in convictions. In 1914 we made 2,098 arrests with 1,586 convictions. Those arrests were made and were tabulated in my annual report under various headings.

Chairman WALSH. You have submitted two annual reports, have you, 1913 and 1914?

Maj. GROOME. 1914 has not been printed. The report has been made to the governor, and for economic purposes we thought it was better that the report would be coterminous with the legislative term which is from June 1, 1913, to 1915, the data and statistics of the report are here, but have not been published. I can give you a carbon copy of that.

Chairman WALSH. Have you a typewritten carbon copy?

Maj. GROOME. Yes, sir; a typewritten carbon copy. Now, to give you an idea of the arrests, and a few of the headings under which the arrests are classified, I will take 1914. There were 218 arrests for assault and battery; 157 convictions; there were 311 for drinking and disorderly conduct, with 296 convictions; 40 for murder and 13 convictions. Since the force has been organized we have convicted 109 murderers. We have arrested, I imagine, 140 or 150, but we have convictions of 109, the majority of them in the first degree and the men have been executed. In 1914 there were 22 arrests for rape made, 19 for highway robbery, 43 for robbery, 109 for a violation of the fish-and-game laws. In the eight years and in 1914 there were 19 for rioting. In nine years that the force has been in existence we have made 353 arrests for murder, we have made 167 for rape, we have 121 for highway robbery, 270 for robbery, and 873 for violations of the game law. Those are a few. They are all in the reports, but here are a few of the headings that I have picked out that I thought might interest the commissoin.

Now, in addition to this duty of patrolling the State each year, we have to secure evidence and locate criminals who have escaped from the State of Pennsylvania, and nine times out of ten those criminals would be allowed to remain at large if it was dependent upon the local or county authorities. As, for example, in 1912 a man by the name of John Johnson, wanted for burglary in Chester County in May, 1911, was arrested in New Jersey and tried, and he was convicted and sentenced to 30 years in the Eastern Penitentiary.

A man by the name of Barosa, wanted for murder November 24, 1908, was arrested in New York December 1, 1912, and he was brought back and tried and convicted.

A man by the name of ———, wanted for murder in 1910, was arrested November 17, 1910, in Birmingham, Ala., and was brought back and was sentenced to 20 years in the Western Penitentiary.

A man by the name of Seeny, wanted for murder in Snydertown, committed December 5, 1910, was arrested February 15, 1911, at La Salle, Ill., and tried

and found guilty of manslaughter and sentenced to six years in the Western Penitentiary.

A man by the name of Mandenor, wanted for murder July 9, 1912, in Vandergriff, was arrested November 30, 1913, in Syracuse.

Those are only a few to which I have just referred, but I think they will give you some idea of the work that was done by the force.

I don't know that there is anything further in my statement, except I should like to refer to a statement made by Mr. Maurer the other day when I was not here. I understand he presented you with a copy of a book of his, in which he said every statement in it was true and had been verified. I simply want to call attention to two statements in that book. This is in quotation marks from Mr. Maurer's book. It is headed "Judge Sadler's opinion."

"Taken from the evidence produced in Judge Sadler, of Cumberland County, Pa., impeachment proceedings:

"Affidavit No. 3, page 2.

"In the matter of asking the court for a State police he (Judge Sadler) replied that the State constabulary was all right in case of a riot, but that they could not do detective work; that their epaulettes and their regalia savored too much of display of authority to enable them to ferret out a crime. Then I, deponent, George M. Miller, suggested a man locally who I thought could do the work, but I remarked he was an ex-convict. To this his honor replied that it was no different in that way, as the State police were made up of ex-convicts. I said it was my information they were ex-United States soldiers. Again the court replied: 'More than half of them are ex-convicts.'"

I wrote to Judge Sadler and inclosed this and asked him if the statement quoted him right, and this is his reply:

"JUDGES' CHAMBERS, NINTH DISTRICT, CARLISLE, PA.

"MY DEAR SIR: The statement attributed to me as having been made to George M. Miller, that it was no difference in that way, as the State police were made up of ex-convicts, or that more than half of them are ex-convicts, is utterly false.

"Yours, truly,

"W. T. SADLER."

That is one of the numerous statements in Mr. Maurer's book which are not true.

Chairman WALSH. Does the roll of membership give the previous employment of these men?

Maj. GROOME. No; the roll does not give that. The roll simply shows their military record.

Chairman WALSH. Does the roll show some place that there was a civil-service examination?

Maj. GROOME. All their examinations are on file at Harrisburg. The civil-service examination is not very strict. Personally I do not think very much of the civil-service examination.

Chairman WALSH. That gives the antecedent of the men and their previous occupation and the like of that?

Maj. GROOME. The Army discharge gives their occupation before they joined the Army. My record is the Army discharge.

Chairman WALSH. To your knowledge, has anyone of the men on the force had any criminal record?

Maj. GROOME. Certainly not.

Chairman WALSH. So far as your record goes, then, there is no truth in the statement to that effect?

Maj. GROOME. No; none whatever. I would be glad if some of the men who make these statements would give the names and dates. Anybody can make suggestions or accusations, and I notice that in giving their so-called testimony here no names are submitted, with very few exceptions. If they will give the names of the men or the dates, we can answer, and there is no excuse at any time for any citizen, or anybody else, to claim that he can not tell who the State police officer was he preferred charges against. Every officer has on his collar a seven-eighths inch nickel letter designating his troop. He also has his personal number, not his troop number, but his personal number, in nickel-plate seven-eighths inch long in figures. This method of identifying the numbers of the force is an idea of mine.

Chairman WALSH. Is the number on the other side of his collar?

Maj. GROOME. It is on both sides, one-quarter of an inch from the number of the troop on either side. These numbers are not pinned on, but riveted on by the tailor, and it is impossible for a State police officer to change the number on his collar without destroying his coat. Those letters can be read 70 or 80 yards away, as I know by tests. The number of every man is recorded in his troop and in my office at Harrisburg, and there is no excuse on the part of anyone for not identifying them.

Chairman WALSH. I would be very glad if you would make what comment you wish to make on the affair in the State legislature referred to, by Mr. Maurer, the attempt to amend the law in regard to salary, as to how it was conducted; who favored it and who objected to it. The inference from Mr. Maurer's remarks was that the manufacturing associations and the large industrial establishments favored and the labor unions almost to a man opposed it.

Maj. GROOME. Well, I am not a politician, and I do not think in the 10 years I have been in command of this force in Harrisburg I have been on the floor of the legislature three times, so I am not qualified. I have heard the remarks; but it is impossible for me to say absolutely the reason. I would say offhand that it was a combination of ignorance and want of courage of their own convictions that caused the legislature to pass this. I have had men in the senate and in the house—speakers of one of these bodies, come to me recently when my bill was up and say they considered my force was a fine one, the finest one, not only in Pennsylvania, but in the United States, and one of the most important things in the State; that "I am strongly in favor of it and have seen it operate in my district, and I am in favor of it, but I am going to vote against it because my constituents demand it."

Chairman WALSH. I believe you said you had a great deal of experience prior to the formation of this organization?

Maj. GROOME. Yes.

Chairman WALSH. What advantage do you claim there is, so far as maintaining law and order is concerned, with your present organization as against the old-style military organization?

Maj. GROOME. You are referring to the National Guard?

Chairman WALSH. Yes.

Maj. GROOME. The principal advantage is their experience and training; I have had experience in both. Experience and training is very essential. I had the honor to be in command of the First Troop of Philadelphia City Cavalry, which is a fairly well-known organization, having been in existence 140 years, and is composed entirely of your friends, that class of men who can afford it, and who are absolutely fearless and willing. I commanded it for 16 years, so I think I had their confidence, and I am convinced that those men, in case of trouble, would have gone anywhere I told them; they would have gone anywhere I went. I have been out in command of squads with those troops, and when you take a man of that sort, no matter how able they are physically and mentally and morally, into a town where there are six or eight thousand people in a mob, a lawless mob, it is not only impossible for them to know just what to do, but almost impossible for an officer in the National Guard to know just what to do. It takes a certain amount of experience to show how many bricks to let a man throw before you attempt to defend yourself, just how many shots to fire, and just how much abuse you will stand before you make a move.

The National Guard have had very little experience in that respect even, and the State police had little; they would be out on strike duty, but since that time they have had no experience. The men I have, 154 of them have been on the force from 3 to 5 years, or 10 years some of them, and they have had training, and they are men trained to self-restraint before they came to my force by their military training in the service; they are trained to obey orders, and are fearless and do not lose their heads, and they have had enough experience to know that if four or five men out of a crowd of one or two thousand start to throw bricks they are not going to be killed, that they do not have to shoot them; that one man can ride in and arrest three or four and take them out of the crowd, as we have done many times.

Chairman WALSH. What was the situation at the hotel where the man was killed, and the trooper tried for it and acquitted?

Maj. GROOME. I was not at South Bethlehem.

Chairman WALSH. Was there any investigation made of it by you?

Maj. GROOME. Yes; a thorough investigation. At that time the entire squadron had been ordered to Philadelphia by the governor. You may remember there was a street-car strike in Philadelphia and considerable disorder,

and it had been going on for four or five weeks, and they had not been able to run cars; and they have 3,800 policemen in Philadelphia, but they apparently did not know how to handle the situation, and the director of public safety and the superintendent of police called on Gov. Stuart for the National Guard, and he refused to send it, but offered the State police. They naturally, having 3,800 of their own police, did not think much of getting 178 men of another police force, and the governor refused to send the National Guard, saying it was expensive and unnecessary, and finally they asked for our assistance. I went there with four troops, 178 men, And we were assigned to the troublesome district of Kensington.

Chairman WALSH. Did you take charge yourself?

Maj. GROOME. Yes; I took charge myself, and I had headquarters in the car barns. They did not run any cars until we arrived there. The men went on at 5 in the morning and the last car came in at 12.30. After we had been there three or four days telegrams commenced to come from the sheriff of Northampton County with reference to the matter.

Chairman WALSH. Did you keep the street cars running in Philadelphia?

Maj. GROOME. We got them running the next day after we got there, and they continued to run, we didn't fire a shot during that time, and we made numerous arrests for throwing cobblestones and bricks, not through the cars, but we were telling the crowd that all we wanted was law and order and preventing them from creating any, and mobs forming; and after we had been there five days the director of public safety had enlisted 200 or 300 extra policemen and had mounts for them and saw how to handle the crowd. That is another point, the State police have no experience in handling mobs, and they are about as helpless as the National Guards. The sheriff had telephoned and was telephoning that the conditions in South Bethlehem were beyond his control, and trouble had occurred and would occur, and I consulted with the governor and told the sheriff the first three times that it was impossible to send him assistance, that my men had been on duty for 5 or 6 days for 18 hours a day, and I have seen them so tired when they came into the barn that they just threw themselves down out of the saddle, and I thought they could spare them better from Philadelphia than from South Bethlehem, and after repeated appeals and being confident that the men were needed, I sent 24 men. I let Capt. Robinson go with the detail, and he slept until 3 o'clock Saturday morning, when I awoke him and the other men and sent them on a special train to South Bethlehem, and they got there at 6 o'clock, and at the request of the sheriff, written and telephoned. Robinson called me, after I told him to report the condition, at about 8 o'clock and told me it was one of the most serious troubles he had been in. A large crowd of excited people were on the street, the State police had been shot at, bricks had been thrown, and there were 9,000 men out, according to the statement, out of the mill, and how many more men from the surrounding country I don't know. At 12 o'clock that day I sent 24 more men. We had 48 men at Bethlehem to keep a mob of ten or fifteen thousand men in order, and the next day, or the day after, I sent him 40 more men. We had all told about 80 men that were there for 4 or 5 weeks, and the number of men in the crowd was anywhere from eight to ten thousand.

Up to the time of that shooting, as I said, I was not there, but I got a detailed report from each troop; I get a detailed report from each troop whether they are out on duty, riot duty, or anything else. The report from Capt. Robinson show that these men, my men, were mounted and in the streets, I am not sure of the width of the street, but it came out in the trial, I think it was an ordinarily wide street, and they were being shot at from both sides of the street by the rioters. Two of our horses was badly shot, two or three men were hit with bricks, but at that time our men had not replied. They had orders from Robinson not to fire. When this man was killed he was in this hotel across the street, he was killed by a shot, as I remember, which went through the window or door. There were several, nine shots in the side of the hotel across the street, and several in the side of a house on the opposite side of the street. The mob were firing from both sides of the street, and why more of our men were not killed I don't know, unless they were very bad shots. As a result of this Private Moughan was arrested and held for murder and tried and acquitted, and it was proved that our men had .38-caliber Colts revolvers, and he was killed with a shot from a .45 caliber.

Chairman WALSH. It was a dispute that any trooper shot the man at all?

Maj. GROOME. It was disputed until it got to the court, and then it was decided that he could not have done it, because it was not a bullet that he had, and he was acquitted.

I would suggest in that connection, if you will allow me to, not having been there, I have the records in our office and it was impossible to bring all of the records, but if the commission is interested I would be very glad——

Chairman WALSH. We are interested, but I know I speak for the commission when I say that we would not care to retry the matter. The man was charged with murder and pleaded not guilty, and was tried before a court and jury and was acquitted?

Maj. GROOME. But this charge of brutality and other things, that they were quiet and peaceable when we arrived there, you have my oath and the deputy superintendent, but if you will subpœna the captain that was on duty and knows what the conditions are, and that spent his time there, and two or three of the sergeants there, they can tell you exactly the conditions.

Chairman WALSH. What was the captain?

Maj. GROOME. John F. Robinson.

Chairman WALSH. Where is he?

Maj. GROOME. He has resigned and accepted a position as editor of some paper in Chicago.

Chairman WALSH. We can probably get a statement from him.

Maj. GROOME. And from the men that were on duty there with him.

Chairman WALSH. Anything else you care to submit, yourself, Major?

Maj. GROOME. I don't think of anything else, sir.

Chairman WALSH. The investigation you made into the killing of Mr. Zambo, what was the result of that?

Maj. GROOME. That was the man that was shot.

Chairman WALSH. But you say you made an investigation independent of the court proceedings?

Maj. GROOME. The statement of Robinson was at that time we had not fired any shots, it was a criss-cross fire that went through the window and killed this man.

Chairman WALSH. You were satisfied from this investigation that your trooper did not shoot him, or any other trooper?

Maj. GROOME. Yes, sir. I would like to read one letter; it is very short.

Chairman WALSH. Very good.

Maj. GROOME. It is an incident that was spoken of in Maurer's book, in which he said everything was true. I have given you Judge Sadler's letter, and this is from a man named Panizzi, who has signed a letter in Maurer's book, as I saw the letter published on page 18:

GREENSBURG, PA., *March 22, 1915.*

Maj. JOHN C. GROOME,
Philadelphia, Pa.

DEAR SIR: I saw a letter published on page 18 of a certain book entitled, "The American Cossack," which said letter is dated, Latrobe, February 13, 1911, and purports to have been signed by me and others. I wish to say that I never signed such a letter, and never signed any letter attacking or criticising the State constabulary.

As a matter of fact, I do not know anything about the conditions upon the arrival of the State constabulary at Bradenville on the morning of April 22, 1910. I do know that there was trouble in and about Superior and Bradenville before their arrival, and at this date I do not know whether there was any lives lost prior to their arrival or not.

As to the reference to certain lives that were lost, set forth in this letter under "Question No. 4," I wish to say that I have no knowledge of the conditions in relation thereto, but understand that the State constabulary were not responsible in any manner for any of the lives that were lost, as referred to therein.

If the letter had been submitted to me at the time, I would have refused to sign it, and wish to say that I did not sign it and have no knowledge of the things referred to therein.

I wish to say further that I saw the constabulary almost daily during the period referred to in said letter and during the time of the strike at Bradenville and Superior and know that they acted in a quiet and lawful manner and conducted themselves as gentlemen, and the only times that persons were ordered from the streets were for the purpose of breaking up unlawful assemblies and maintaining order. I had no knowledge that my name had been used in such a connection prior to this date and never saw the letter referred to until to-day, or I would have written you sooner.

Very truly, yours,

NOE PANIZZI.

That book of his is so ridiculous it is hardly worth while to go into it in detail, but I wanted to call your attention to two things that happened to catch my eyes that were not quite as accurate as the rest. I don't know of any other information I can give you further than this.

Chairman WALSH. Did you answer the question that your troop has never been detailed except at the request of the man in authority, where they were requested?

Maj. GROOME. No, sir; never. Even after the request, I don't send a detail until I have sent one of my own officers to investigate the condition. I have refused many requests of sheriffs because my men were not necessary.

Commissioner O'CONNELL. Just a moment ago you spoke of the possibility of the officers changing their numbers in order to avoid, as was charged, being known. Would it be possible for them to change coats with each other?

Maj. GROOME. I don't suppose it would.

Commissioner O'CONNELL. That could be readily done, could it?

Maj. GROOME. It probably could be done in the morning when they started to dress; it could not very well be done without taking off their belts and revolvers, and certainly it could not be done in a hurry as you and I would change our coats.

Commissioner O'CONNELL. It could be done, however?

Maj. GROOME. Yes, sir; if they saw fit.

Commissioner O'CONNELL. Well, where did I understand you to say their camps are located?

Maj. GROOME. They are not camps, but are barracks. They accommodate 55 men and stable 55 horses. One is at Pottsville, one at Wyoming, one at Greensburg, and one is at Butler. They are all published on the first page of that report.

Commissioner O'CONNELL. Now, you say those locations were not particularly selected because of the industrial situation of the State?

Maj. GROOME. They were selected because I got them from the records, as there was more disturbance, more murders, more robberies, more lawlessness in those localities than in the center or southern part of the State. They were also selected because it divided the State into four districts. It was necessary to locate them at four different localities, and I thought the logical distribution would be two in the eastern and two in the western. You will find they are about centrally located north and south in both places and about the center part of the eastern and western division of the State. The center of our State is a large farming district with such a small population that hardly necessitated locating them there. In addition to that location each year I establish what we call substations, from 30 to 40 or up to 60, depending on the amount of the appropriation of the legislature. They consist of three men. They get lodging at a farm house or a small hotel, and are scattered through 30 or 40 counties. There is a sufficient number of men, and two men from each substation patrol each day, and the other man remains in the station for any call that might come in. In that way there is a network of substations throughout the State that constantly patrol it within 25 or 30 miles. If the appropriation was large enough these substations would be out all of the year round, and I would have about 40 substations throughout the State and keep about 10 or 12 men in the barracks for an emergency, and it would give me a substation connected by telephone with the barracks and we could maintain law and order in the rural districts and help to prevent the escape of criminals. I carry that plan out as long as the money lasts, as long as the appropriation holds out.

Commissioner O'CONNELL. It seems that from the location they are largely situated with large industrial centers of the State. Pottsville—that is a coal center and near Philadelphia—that is a large industrial center. Now, Butler, that is near Pittsburgh, and that is one of the great industrial centers, and in the center of the State in Westmoreland, there are coal fields there. Assuming that the coal territory of Westmoreland field, there had been many strikes there, and in the last year I think it has been a continual run of strikes; there is one located in that field. Whether the location of these may seem to be divided into portions of the State, it would seem that they are in close proximity to the real industrial centers of the State?

Maj. GROOME. Because the real industrial centers of the State is where the large number of foreigners, who I think are the most lawless element we have, are located.

Commissioner O'CONNELL. You would not call the Butler section a farmer's section?

Maj. GROOME. No; foreigners, I said.

Commissioner O'CONNELL. I beg your pardon.

Maj. GROOME. No; the farmers are pretty tame.

Commissioner O'CONNELL. In Butler proper, it is not an industrial section. There are no large number of foreigners in there?

Maj. GROOME. There are car shops there.

Commissioner O'CONNELL. Yes, sir; but they are small car shops; I know Butler very well.

Maj. GROOME. The location is somewhat influenced by accommodations; that particular Butler troop used to be at Punxsutawney for a number of years. They were located in the exhibition building at the old world's fair ground, and were sleeping on the first floor with the rain leaking through the roof, and it was impossible to get a building at Punxsutawney and I was compelled to go to Butler to accommodate them. I was rather limited in my appropriation and was not allowed to buy property, but was compelled to rent, and in small towns it is a rather difficult proposition to rent a house that will hold 55 men and also stable 55 horses.

Commissioner O'CONNELL. Any examinations that are given the applicant for a position on the force, are they allowed any marks as to previous military experience?

Maj. GROOME. As to their character?

Commissioner O'CONNELL. What number of marks?

Maj. GROOME. It is not divided on marks.

Commissioner O'CONNELL. Per cent on the 100?

Maj. GROOME. No, sir; it is divided into three examinations—moral, physical, and mental. If their moral characted is vouched for by an excellent discharge by an officer we are very glad to get them.

Commissioner O'CONNELL. Would their discharge card from the United States Army be taken as a better per cent, perhaps because of their military experience, than private citizens who would have a recommendation of high moral character from other sources?

Maj. GROOME. Their moral character would not be considered better, but they would be more desirable because they had the training in riding and self-restraint and discipline, which the private citizen can not get, and in getting the force we have found that private citizens do not like the life, and like to get up at 6 o'clock and clean their horse and be required to go to bed at 10 o'clock at night.

Commissioner O'CONNELL. They would be granted the preference because of their military experience?

Maj. GROOME. It is more desirable and saves time and money to the State in training them.

Commissioner O'CONNELL. And probably having been subject to a better discipline, and they have all had training in carrying out orders regardless of what they might be? It is charged that these companies when they are in localities where strikes are in existence, as for instance at Bethlehem, that their headquarters are made in the plant of the offices of the corporation. Is that the policy followed?

Maj. GROOME. No, sir; it is not followed; and in certain instances it is impossible to get accommodations for them anywhere else. At Bethlehem the hotels and lodging houses expressly refused to accommodate them, and at the instructions of the sheriff the men were housed, and the horses on the property of the Bethlehem steel plant, because there was no other accommodations for them. I may say during that time orders were issued, and which are distinctly understood, that the men were not watchmen for the Bethlehem Steel Co. and were not allowed to patrol or to protect inside of the property of the steel company, to let their own railroad officers do that, that we were not watchmen for the corporation, and the sheriff understood that and understood that we were to patrol the street and keep law and order on the streets.

Commissioner O'CONNELL. Are the policemen required to wear their uniforms at all times?

Maj. GROOME. Except when they are in—they get 14 days a year vacation.

Commissioner O'CONNELL. For instance, as in the case of Bethlehem, it is charged that they were circulating among the rioters, as you call them, and strikers I will call them, in civilian clothing?

Maj. GROOME. That I am not positive of.

Commissioner HARRIMAN. That was at Hazelton.

Commissioner O'CONNELL. The same charge was made in Bethlehem.

Maj. GROOME. We have found that there was a great demand from district attorneys and judges for men to operate in plain clothes, and at the present time the district attorneys have not the authority to hire a detective, but they have one detective in the county who is probably an intimate friend of everybody else in the county, and we have had so many calls for assistance of men in plain clothes for murders and similar crimes by the district attorneys that we have used plain-clothes men very frequently in the last six or seven years, and I think we had developed probably five or six men who are very excellent detectives. Beyond that, if we get a complaint from a locality that there have been chicken houses robbed four or five nights in succession, and the police is known, we will send a man around in plain clothes to investigate.

Commissioner O'CONNELL. The ordinary method of catching a thief?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. But in the matter of charging a riot is going on, and the streets are crowded in a city where these places are located, are they permitted there to don citizens' uniforms and go in among the crowd to gather information?

Maj. GROOME. They might be permitted; I don't think it is ordered. At Hazelton we had one man in plain clothes who was sent there. I sent him there probably two weeks before the detail was asked to find out for me whether the force was needed or whether the chief of police and burgesses were lying down on their jobs. He was there for two weeks and remained in plain clothes for some time after the detail arrived, and at the same time the railroad company had 20 Pinkerton detectives there in plain clothes. I know that; I have seen the report and know the men were there; the Pinkerton detective is something I know nothing about.

Commissioner O'CONNELL. Did you make an investigation or have one made when the request came in to send the troop to Bethlehem before they were sent?

Maj. GROOME. I could not make one, the telegrams started coming in Thursday morning and continued about the serious conditions, and they kept up until Friday night, and I was tired out, and so was every available man I had, keeping the city of Philadelphia quiet.

Commissioner O'CONNELL. I thought you said in all cases before they were sent you had an investigation made?

Maj. GROOME. I do when it is possible.

Commissioner O'CONNELL. But in this case at Bethlehem?

Maj. GROOME. I did not.

Commissioner O'CONNELL. Was there any request made to you from any other officer of the law in that vicinity except the sheriff, such as the mayor?

Maj. GROOME. The sheriff and the mayor, if I recall correctly. The only record I have here is the sheriff of Northampton County. Some local authority had taken the matter up with the governor, and I think Mr. Cunningham, who is present here now, in conference with the governor went so far as to take it up with the adjutant general to see if they would order out the National Guard. I was not present, but Mr. Cunningham was there and was present, and he knows about the trouble and the personal requests from the local authorities, and my information was from him, and my request.

Commissioner O'CONNELL. Is the organization now, as you have perfected it, keeping up with the requirements of that special police service in the State? Is it filling all the requirements of the case? Is it sufficiently large to cover all the requirements of the State?

Maj. GROOME. No; it can not be when we have 10 requests a day and can only reply to about 1.

Commissioner O'CONNELL. Is that the reason you asked the legislature to increase the number?

Maj. GROOME. And give us a sufficient number of men. We have 200 men and 45,000 square miles of territory.

Commissioner O'CONNELL. What was the increase asked for?

Maj. GROOME. One hundred and ten men—25 or 30 men added to each troop. It would have given us about 310 men.

Commissioner O'CONNELL. How many cases in 1913 and 1914 were you called upon to look after, what you call riots, and what I call strikes, industrial disputes?

Maj. GROOME. I think I have a copy of that with me.

Commissioner O'CONNELL. You have that.

Mr. CUNNINGHAM. I just want to refresh his recollection of where he can find it in his original report.

Commissioner O'CONNELL. We have that then in the report. Now, what proportion of arrests made of the total number of arrests made that you gave us there were arrests made during times when labor disputes were in existence?

Maj. GROOME. Well, that is very hard to arrive at, but out of the total number of 24,000 there were 530 for rioting itself.

Commissioner O'CONNELL. And that would be where there was no other rioting except in a case where you term it a strike?

Maj. GROOME. Oh, yes. I am not familiar with that particular fact; there are several different riots, but that is for rioting where a number of men gather together and are violating the law.

Commissioner O'CONNELL. I asked you a while ago when another point was up and the chairman asked to discontinue at that time, whether at this school where you train these policemen that you taught them the rights of citizenship. Do you teach them what the laws of the State are? Do you drill into a man, for instance, what a violation of a law is and what the laws are? Now, do you teach them what the rights of a citizen is in a conservative way, advise them how to act. A man standing on a street corner might be a violation of a city ordinance. I think in the District of Columbia, where we are now, one standing on a street corner or crossing in the middle of the street is a violation of the city ordinance—that we should cross where the crossings are. Taking the laws as a man should carry them out, are they instructed to overlook some things that are real and technical violations of the law?

Maj. GROOME. I don't know that they are, but they are instructed as to how to treat all of the citizens. They know the law, they know what a man can not do, and what is legal without having to be taught. I remember telling them originally, when the force was first organized, that I considered a man should be a gentleman as well as a policeman, and I expected them to treat elderly people and women and children with the greatest consideration at all times. I think they took that to heart, and I am perfectly free to say that I think my men are nearer gentlemen in their conduct than any police force in this country. We have never had a complaint from a law-abiding citizen as to their conduct. I think I had one about a man when a Congressman was arrested for speeding his automobile, and he thought he had special privileges, and aside from that I can not remember a complaint from a law-abiding citizen as to any infringement of their rights. The other members of the community, if they do infringe their rights, let us know by having our men arrested and held without warrant for assault and battery and various things, but we have never yet had a man complain of a man convicted on a trumped-up charge preferred against the force.

Commissioner O'CONNELL. Have you had any occasions in which you have had to bring the members of your force before your own board or court, as you call it?

Maj. GROOME. Yes, sir; I have dismissed 155 men, I think, in the 10 years, for violations of orders—156. No; 166, I have discharged in 10 years.

Commissioner O'CONNELL. For violation of your orders?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. Have there been any of them dismissed for impositions upon citizens? Have any of them been convicted in the courts for breaking of the laws in the way of taking it into their own hands?

Maj. GROOME. No, sir.

Commissioner O'CONNELL. Were any of these cases of discharge where they beat old men and knocked them down in the streets, with their police clubs; were any of them investigated by you?

Maj. GROOME. It was investigated by me in so far—well, where the charge was pressed and the men were arrested they were investigated, and where it was probed, it was reported in the morning report from our commanding officer. I see those reports, and the length of them depends on the activity. They are six or eight pages long, and I get one every day from each commanding officer.

Commissioner O'CONNELL. The troops that were camped in the Bethlehem yards during their stay there, they were fed in the yards of the shop of the company or the shop of company?

Maj. GROOME. In the company's building.

Commissioner O'CONNELL. Did the State pay for their feeding?

Maj. GROOME. No, sir; the men pay for it themselves.

Commissioner O'CONNELL. Who did they pay for it?

Maj. GROOME. I think they had a commissary there, and that was the way it was done.

Commissioner O'CONNELL. Was that paid through the Bethlehem Steel Co.?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. Does your record show how that was managed and straightened out?

Maj. GROOME. Yes, sir. The act provides that the men shall board and lodge themselves. The men have a mess committee to buy their food. They can make their meals cost what they want—$65 or $70 a month or less. It figures out the way they have it about 55 cents a day. At the end of the month they may pay 55 cents a day to the troop treasurer, who pays their meat bills or bread bills or whatever it may be. That is the way they pay it. When they are in the substation work or detached work they still pay 55 cents a day to the troop treasurer, and the bills for their food is sent to the treasurer and he pays it. I think at the Bethlehem they came from the Bethlehem commissary, but it is all on record as to who paid it and what was done.

Commissioner GARRETSON. Major, a moment ago you said that no law-abiding citizen had filed a complaint against members of the constabulary, but that others did.

Maj. GROOME. No, sir; I didn't say that.

Commissioner GARRETSON. How was it, or had them arrested?

Maj. GROOME. I said that they had been arrested, but to my personal knowledge there had been no complaints, not to me personally.

Commissioner GARRETSON. Is that your test for a law-abiding citizen, whether or not he has filed charges against the constabulary?

Maj. GROOME. No, sir; and I didn't say so.

Commissioner GARRETSON. I want to know whether it was or not?

Maj. GROOME. Certainly not.

Commissioner GROOME. You said no law-abiding citizen had done it?

Maj. GROOME. I can qualify that by saying no citizen has complained to me about their conduct. Naturally they complained, if some man in a small town had a man arrested, but that is not made to me, or comes to me. They might say this man is beating my dog or horse or something of that kind and have him arrested.

Commissioner GARRETSON. But you created the distinction between these men. You distinguished between a man that had him arrested as a nonlaw-abiding citizen, because you put him in the other class.

Maj. GROOME. That was not my meaning of the word. It was only to separate those people from some of the charges made in the mob at Bethlehem, which were proved in court to be absolutely untrue. Those men are considered not law abiding when they perjured themselves.

Commissioner O'CONNELL. Then you will admit that it is possible that some of the law-abiding citizens had them arrested?

Maj. GROOME. It is quite possible.

Commissioner GARRETSON. Now, you used the statement earlier on, or the language early in your statement, that it was difficult to distinguish between a striker, a rough, and a thug. From the standpoint of the State constabulary does a striker or a workingman, a thug and a rough, bear a marked comparison to each other?

Maj. GROOME. No, sir; I might go on and say that it is not possible in a mob to distinguish between a banker, a lawyer, a judge, an ironworker, a millionaire, or a professional gambler.

Commissioner GARRETSON. You might have, but you did not.

Maj. GROOME. I didn't want to take up so much time. I would like to correct my statement that in a crowd of eight or nine thousand people it is impossible for the State police to tell a man's profession by looking at him.

Commissioner GARRETSON. Have you ever had any difficulty with your men injuring any of these classes that you have named—I mean that you have added on?

Maj. GROOME. I am not sure whether we have or not. I am not familiar with the professions of the 25,000 men that have been arrested by the State police, although we have the records at Harrisburg.

Commissioner GARRETSON. I notice that you stated that your headquarters were in the car barns in Philadelphia.

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. It has been asserted that the headquarters of the constabulary at Bethlehem was inside the steel works?

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. And has the constabulary ever made its headquarters at strike headquarters.

Maj. GROOME. It has never been invited, and I don't think they could accommodate the men; they are not large enough.

Commissioner GARRETSON. When you make your headquarters, as they are accused, you make your headquarters in the domicile of one part of the contestants; is that method calculated to breed belief in your impartiality?

Maj. GROOME. That it is impossible for me to say, what it breeds. The only time the State police are housed, or the constabulary, on the property of a corporation has been occasions when it was impossible to get accommodations anywhere else. In Philadelphia the director of public safety, who I think thought we needed a little work, assigned me to the Kensington district and gave me a territory about 8 squares square, and took all of his police away and said that he would leave it to my force to maintain law and order in this territory and keep the cars moving. In that territory there were no buildings of any kind or character or description to put 178 men and horses in except the car barns. We went over there, much to the annoyance of the car officials, and made them take their cars out of there—they had something like 200 there—and we put up posts to tie the horses to and put hay on the floor, and I slept in the loft myself, because there was no other place for me to sleep.

Commissioner GARRETSON. Was that practice regularly followed?

Maj. GROOME. Not necessarily.

Commissioner GARRETSON. Do you believe it would have a good effect?

Maj. GROOME. What would you do, where would you stay if there was not any fitting accommodations there? Where would you put them?

Commissioner GARRETSON. I would not like to tell you, because I am not under examination. If there was any question, I certainly would not put them in the headquarters of either party in the contention.

Maj. GROOME. You have never been in command, and responsible for the lives of 200 men and horses.

Commissioner GARRETSON. I have been in command and responsible for the lives and welfare of a good many men under just such conditions.

Maj. GROOME. I will repeat, that it was not from choice that the few occasions in which the force has been in the buildings of corporations, but it is purely from necessity.

Commissioner GARRETSON. It is just then from the necessity that they permit a condition to arise that is calculated to build prejudice. Can it be fraud, that is the question?

Maj. GROOME. I don't know whether it can be or not. I think if you will take the activities of the force for 10 years, the disturbances there have been the number of arrests they have made, and the order they have maintained, you will find that upon only two occasions in all of their toil of duty they have been housed on the property of corporations, and upon those two occasions it was a question of necessity, and I don't think they could be accused of creating bad feeling or sentiment on either side.

Commissioner GARRETSON. Have you ever looked up the record of the Northwestern Mounted Police in matters of that kind?

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. Do you know what their policy is?

Maj. GROOME. They don't have barracks.

Commissioner GARRETSON. And they don't live in corporation quarters, either?

Maj. GROOME. They don't have to; they send out two men at a time. We have never quartered a paid policeman on corporation property where we had less than 10 or 15 men in the detail. When we have had 100 or 200 it was necessary once or twice.

Commissioner GARRETSON. Have the strikers ever won a case where the constabulary was called in in Pennsylvania?

Maj. GROOME. What kind of a strike?

Commissioner GARRETSON. Regardless of whether the merits are good, bad, or indifferent, have they ever won a strike when the constabulary was called in?

Maj. GROOME. I have no means of knowing.

Commissioner GARRETSON. What are the purposes underlying the formation of the Royal Irish Constabulary?

Maj. GROOME. I have no means of knowing.

Commissioner GARRETSON. Was it not purely political oppression?

Maj. GROOME. That was long before I was born.

Commissioner GARRETSON. You have not taken the trouble to read up? It would be very interesting to learn that they are similar not only in formation but in object.

Maj. GROOME. It probably would be, but I did not create the Royal Irish Constabulary. My only job is to try and maintain law and order, and I have not gone into the organization of the police forces throughout the world.

Commissioner GARRETSON. Do you believe that law and order cease to exist because there is a strike?

Maj. GROOME. I don't know anything about it.

Commissioner GARRETSON. That is all.

Maj. GROOME. May I read one letter. There seems to be a great deal of emphasis put on the strike. I happened to bring one of the morning reports, during the riot, from the commanding officer who was sent to East Pittsburgh at the request of the sheriff. You asked some time ago what orders were given. The only orders given to an officer taking a detail out is to maintain law and order, and he issues such orders as the circumstances necessitate when he arrives on the spot. This is the report, the first report from Capt. Adams [reading]:

JUNE 30, 1914.

THE SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to report conditions at East Pittsburgh and vicinity in connection with the strike of employees of the Westinghouse industries, which are comprised of the Westinghouse Electric, the Westinghouse Machine, the Westinghouse Air Brake, and the Westinghouse Meter Cos.; also the Union Switch & Signal Co. With the exception of the Westinghouse Air Brake Co. at Wilmerding and the Westinghouse Foundries at Trafford City the employees to the amount of about 90 per cent have been on strike for nearly a month. Up until yesterday it was reported that the strikers conducted themselves in an orderly manner, but on Monday morning a large crowd, amounting to about 2,500 people, massed about the electric and machine plants preventing a number of the office force and others employed about the plant from entering, compelling passengers on street cars to alight and to travel in directions opposite to that of the plants. No one was injured.

According to your instructions, upon receipt of a telegram from the sheriff of Allegheny County, which I herewith inclose, I proceeded to East Pittsburgh with 30 enlisted men, where I was later joined by Lieut. Marsh and 2 additional enlisted men. Upon arrival at East Pittsburgh at about 5.30 p. m. we were met by a large crowd of citizens from Turtle Creek, East Pittsburgh, and other surrounding small boroughs numbering, I should say, between 2,000 and 3,000. This crowd showed no disposition toward violence other than cheers mixed with hoots, jeers, and hisses. I proceeded to the Borough Building where I met the chief of police of East Pittsburgh, who expressed satisfaction at our arrival in the borough and promised the cooperation of his force. I then proceeded to the headquarters of the striking employees of the Westinghouse interests, where I met the members of the strike committee, and on which occasion I made plain to them that it would be absolutely necessary for them to maintain peace and good order in and about the streets surrounding the affected plants; that it would be necessary for their pickets to abstain from hoots, jeers, hisses, or laying their hands upon persons passing along the streets. This they promised to do.

At 5.45 this morning I posted the entire force along the streets which bound the Westinghouse plants, in such a manner that they coulud easily cooperate with each other. There were at least 3,000 persons on the streets in this vicinity at 6.30 a. m. and remained during the time that the employees, who have remained at work, assembled at the plant. It was not necessary for our men to make arrests except in one occasion in which a man slightly under the influence of liquor and inclined to be boisterous was detained for half an hour until his friends came and promised to conduct him to his home and vouched for his future good behavior when he was released. The men remained upon the streets until 9.30 a. m., and were again posted on the streets at 11.45 a. m. where they remained until 1.30 p. m.

The men and horses are quartered in a building, the property of the Westinghouse Electric Co., this being necessary because hotels capable of accommodating our men refused to grant us accommodations. In connection with this incident I wish to state that a hotel keeper arranged with me and showed me

rooms sufficient to accommodate 26 men and offered me a rate of $1.50 per day per man. Later in the day, however, he became alarmed on account of the fear of boycott and decided that he would not accommodate us. The men are being fed in the restaurant provided for the female employees of the Westinghouse Electric Co. previous to the strike.

I met the strike committee at noon to-day and told them that it would be necessary for them to reduce the number of pickets on a foot bridge which crosses the Westinghouse properties from the main thoroughfare of East Pittsburgh to the Pennsylvania Railroad, as during the morning there was a continuous parade of strikers, amounting to about 200, across this bridge, which is nearly 150 yards long, making it difficult for the large number of employees of the Westinghouse Co. to cross the same to their work. This they readily consented to do, and promised to send but 20 men to this bridge in the morning, and each was to bear a badge designating his authority from the union. They further promised that these men would be composed of their most reputable members, for whom they could vouch would do everything in their power to maintain peace and good order.

While there is a large number of employees involved in this strike and are made up of various classes of citizens, some of those of which are high-salaried workmen of the Westinghouse plants and others of the ordinary labor type of foreigner, I do not anticipate any trouble handling the situation so long as the present committee is in control.

There are, however, a few members of the I. W. W. who are circulating among the foreign element and counsel violence. At present, however, they have received scant attention. I believe that the presence of our men is quite likely to prevent serious disorder at this place.

There was a long conference between the strike committee and the authorities of the Westinghouse interests this afternoon, and considerable progress was made toward a settlement.

Very respectfully,

LYNN G. ADAMS,
Captain, State Police, Commanding Troop A.

Copy furnished Supt. Groome at Philadelphia.

That is simply to show you that in case of a strike, where the riot which is caused by the strike of laboring men, that they consult with them and arrange to maintain law and order, and that ordinarily it is very easy to do. This shows that the labor unions conferred and agreed with Capt. Adams as to the number of pickets they should have, and that they would put badges on them so that they could be easily picked out and not be mistaken for others, and in that way there was not a particle of trouble.

Commissioner LENNON. That is another case where they were taken care of in the company's property?

Maj. GROOME. That is a case where the horses were in the company's——

Chairman WALSH. Where was that?

Maj. GROOME. East Pittsburgh.

Commissioner LENNON. Would you kindly furnish us from your record—not now, but when you have the opportunity, and send it to headquarters—the record of the number of times the troop has been called to serve in strikes and the number of times the men or horses or provisions have been provided in or by the corporations or by the employers?

Maj. GROOME. Yes, sir. You have that information as to the number of strikes in the letter I sent in answer to the questions you gave me two weeks ago; and there are a number of other things that I will get for you.

(See Groome Exhibit at the end of this subject.)

Chairman WALSH. Where were the constabulary housed during the strike at New Castle during 1909 and 1910?

Maj. GROOME. I have not the 1909 and 1910 report. I will have to give you that. It is six or seven years ago, and I have not got all these details in my head as I would like to have. I will probably have to look through these annual reports a moment——

Chairman WALSH. Perhaps Mr. Cunningham or Capt. Longly can get it.

Mr. CUNNINGHAM. We will procure that.

Chairman WALSH. Were you present at the molders' strike, in 1912, at Erie?

Maj. GROOME. No, sir; I only take command when the entire force or squadron is out. When one troop or portion of troop is out the commanding officer

of that troop is with them; when all are out then I take command as the senior officer; but I do not interfere with them in their——

Chairman WALSH. That is all, then, Major; thank you.

Mr. J. G. Sebald.

Mr. CUNNINGHAM. There is the deputy superintendent, Mr. Chairman.

Chairman WALSH. Yes, thank you; I thought I would put Mr. Sebald on first, because I thought my question there might be something that you might wish to answer.

Mr. CUNNINGHAM. Very glad to have you do so, thank you. I was only afraid you might overlook——

Chairman WALSH. Very well. I will try to keep it in mind.

Mr. Sebald.

TESTIMONY OF MR. JOHN G. SEBALD.

Chairman WALSH. State your name.

Mr. SEBALD. John G. Sebald.

Chairman WALSH. Where is your residence?

Mr. SEBALD. Nine forty-five West Sixteenth Street, Erie, Pa.

Chairman WALSH. What is your occupation?

Mr. SEBALD. Cement worker and contractor.

Chairman WALSH. Were you in Erie during the molders' strike in 1912?

Mr. SEBALD. Yes, sir.

Chairman WALSH. Why was the strike called?

Mr. SEBALD. The strike was called for better conditions, more wages, and shorter hours.

Chairman WALSH. What were the hours and wages at the time the strike was called? What number of men were engaged in the strike, and what were their demands?

Mr. SEBALD. The demands were $3.25 a day; and in respect to the wages and rates involved—I did not come here prepared with my attorney or with any papers. I will have to speak just from my own knowledge. I was called away on short notice. I received—my work, I worked at the Erie foundry more than 15 years. The highest wages were $3, and three months before the strike I had to go to Walker's in order to get the $3. I was getting the highest wages—I was what they called an all-around man, what they called a skin-the-cat man, and could do anything—when any man laid off I would take his place. The lowest paid man was getting $1.60 a day, and we demanded nine hours' work. They worked at the Erie foundry until 9 o'clock without receiving any overtime. Whe we demanded overtime we did not demand time and a half or time and a quarter, but we demanded time. And the foreman told us if we don't like this job, git. There are a lot of men around Erie we can get.

Chairman WALSH. How many men were on the strike?

Mr. SEBALD. On the strike there we 856 men; that is, 800 with the molders and the machine operators, and 56 or 65 apprentice boys, if I am not mistaken.

Chairman WALSH. How long did the strike last?

Mr. SEBALD. The strike lasted—the first shop was taken out on the 25th or 27th of November, 1912, and it lasted up until some time in March, 1914.

Chairman WALSH. Now, was the strike a peaceable one or was there violence?

Mr. SEBALD. There was no violence in the strike whatever.

Chairman WALSH. How did the local authorities treat the strikers, and how did the strikers treat the local authorities?

Mr. SEBALD. As far as the local authorities treating the strikers, they treated them rotten—very rotten; because I know I went through the strike and took care of the men, and was instructed from the mayor and his office. He telephoned down to the police court, and the chief told them fellows not to lay their hands on "Baldy"—that is my nickname—and he wanted to give me special police paper to go out and take care of the men; and I told him I refused to take special police papers because the boys would think I was standing in with them, but I would go out and take care of the boys, and any man who got drunk on the line or around the street I would take care of him and see that he gets home safe and sound, and did not allow no man to carry no weapons, not even a pocketknife with a blade more than 2 inches long.

We had two Italians on the strike. I took their pocketknives away from them, and on the strike we did not carry knives, but I found that the men on the other side had the privilege of carrying knives and actually did, and slingshots were taken into police court from Hayes, so that they could not use it on

us, and they told me I was running great chances in going from Eighth and State Streets to Seventh and Pearl with that thing in my pocket, and yet the other fellow that I took it away from and induced to come over to us had been walking around with it three weeks and was not bothered, and the chief of police himself told me I was running a big chance. Now, I don't see where the city of Erie has any ordinance that a man can't stand on a street corner for any reason. They say that two is a couple and three a crowd, and four on the sidewalk, that's never allowed; but we did not dare to walk in pairs. We had to walk single file. Now picture yourself, if you go away with your wife, but you don't have to wait until after 7 o'clock or after supper to go, but my wife and I, when we would go away, we never was stopped, but I have seen a case where they stopped a fellow with girls coming home, and would make them walk single file, and the man refused and they took him down to police court and charged him with disorderly conduct. Now, I was in police court 54 separate times, and the mayor called me up and he says, "John, you will have to cut that out or I will have to put you back of the bars," and I told him I had as much right to be in the police court and as much right as he or the chief of police or anybody else, because I am a taxpayer. What business had the police to stop me from going there? I offered to watch our men, and I tried to avoid any disorder, and if a man was drunk I would see that he was taken care of and see that they did not land him in jail. I did that of my own personal wish.

Chairman WALSH. Now, Mr. Sebald, were the State constabulary called into that strike?

Mr. SEBALD. They were called in there. They were called in by the sheriff at request of the mayor.

Chairman WALSH. Now, had there been violence before they were called in?

Mr. SEBALD. No, sir.

Chairman WALSH. Had there been fights or rock throwing or anything of that sort?

Mr. SEBALD. No, sir.

Chairman WALSH. Well, were there charges for such—were men arrested for that?

Mr. SEBALD. Well, one charge was over in the Polish settlement. They upturned a van with the strike breakers in it. The strike breakers caused the trouble. They called one of the men—I don't want to use the words in the presence of the women here, and it was the men that started it, but the women folks in the neighborhood got so mad they went to work and helped turn up the van.

Chairman WALSH. Now, did you have criticism as to the way the constabulary acted after their arrival?

Mr. SEBALD. Did I?

Chairman WALSH. Yes. How did the constabulary act, Mr. Sebald?

Mr. SEBALD. Well, I had my own experiences. I had no time, as I said before, to write this out, but I will state my case as to the State constabulary. They arrived—they were all—the first day they arrived they were all gentlemen, they were nice. Every one of them that met me addressed me as "Good morning, Baldy." I never met the men before, never saw them before, but it had been tipped off to them by the manufacturers' association, "That is the big guy. That is the guy you want to get." So we didn't pay any more attention to it, and I answered the men until about—well, the second—or that night. They came in in the morning, I judge about 5 o'clock, over the Bessemer Road. That night they went to work and went over in this Polish settlement, and one of the Cossacks—which I was not over there, but by the experience of the men that told me—the Cossack insulted a woman and a child; and some old man about 60 years old was coming along home with a shovel—a long-handled shovel—and he heard the remarks, and he told the Cossack, "If I was as young as you are, I would smash your head," and the Cossack said, "It is not up to you to say anything, and if you do I will knock your block off." And the old fellow forgot himself and he landed with the shovel on the Cossack. And Mr. Cossack—we called them Cossacks. He was a member of the State constabulary, and he went to charge and ride at the old man, and the old man got into a saloon, and he takes his horse and rides into the saloon and gets off his mount and strikes the man and knocks him down, and his horse walks out back to the curb. Now, that is the first trouble we had in Erie. It was the first night the Cossacks arrived there. There wasn't any bloodshed at all outside of that. There was no trouble at all when I was there. We were called out

on the 13th day of December and we went through the strike peaceably and behaved; and also I have a recommendation that I am a peaceful citizen.

Chairman WALSH. How long were the constabulary there, Mr. Sebald?

Mr. SEBALD. Well, I have no diary of it, but I should judge they came there, if I am not mistaken, in April and left some time in March, 1914. I don't know which day.

Chairman WALSH. Please proceed and give us as concisely as possible your personal experiences.

Mr. SEBALD. There are no dates now.

Chairman WALSH. Never mind the dates.

Mr. SEBALD. And I can't give the number of the men, because they would have their hats turned around or would hide their number so we could not see it.

I was going up Walnut Street, from Twelfth to Sixteenth, over the Lake Shore tracks, when—near Walker's, between the Lake Shore track and Huron, and a foreman of the shop said to me, "John, you are getting pretty fat. Let's get a drink." And I was not drinking at the time, but he didn't know that. He said, "You are smoking cigarettes and the organizers are smoking 10-cent cigars." And I said that it was none of his business, and if he wanted a 10-cent cigar I would buy him one. There was an injunction hanging over my head. He asked me to go down as far as Twelfth Street, and I fell for it. That is two squares, and when I got there he walked over and said something to a constabulary, and the constabulary came up to me, and I said, "If you are looking for trouble, I will give it to you." And he used words something that I would not stand for my mother to call me. But he worked for the government, and I was scared of him, big as I am. He said to me that I would either have to move on or he would beat the head off of my shoulders, and I said, "Now, Jack, that is nothing to brag about; anybody can do that." And he said, "Never mind; you go about and mind your own business." And I was a peaceable man, and so I left.

I walked up as far as Huron Street, thinking this man had forgotten me. I walked up Walnut and he went up Cherry, and when I got up as far as Huron and Walnut, as far as the restaurant, there were five Italians there, and I asked one of them for a match; and he was looking for a match through his pockets when this constabulary came around Sixteenth Street, and when these boys saw that they beat it, and I said to them, "Come on back and give me a match." I said it in fun, and two of them came back, and one of them gave me a match. And I was standing on the sidewalk, and it was about 12 feet wide, and I was in the center, and this constabulary came down and reared his horse up on the sidewalk right at me. I knew I was up against it, and he said, "You are going to incite a riot, and I will riot. I will take that German block of yours and knock it off your shoulders." And I said, "If that is the case, I suppose my case is to beat it," and he said, "You beat it." So I beat it two squares up to Seventeenth Street and went into a saloon and restaurant there. This occurred about half past 4, and he kept me in there until about 6 o'clock, and I dared not come out until 6 o'clock to go over to my mother's. That is one of the incidents.

Another incident: I was down in the registry of my precinct, and I had worked around the house all day, and at about 2 o'clock I went to the precinct to register; I will say about half past 3 it was, and coming back from registering I crossed the subway at Liberty under the Lake Shore and the Pennsylvania tracks; and there is an old man there to flag the trains, and when I saw him he remarked to me—he said, "Baldy, are you next?" and I said, "What do you mean?" And he said, "Don't you see the Cossacks watching you?" And I said that I saw them but that I wasn't bothering them and I hoped they wouldn't bother me. And they were standing on Twelfth Street, three of them, facing me. And I stood there a few minutes and then went to Plum Street, three squares away, and I was talking to a conductor and brakeman there, and we talked about the labor trouble, and they asked me how things were, and I said, "Fine"; and I looked and I saw helmets coming up the street, and I said, "It is time for me to beat it; I see them coming and they will get me"; and the brakeman said, "You stick, Baldy, and we will show fight; there are four of us and you make a fifth, and we will clean them up." I said, "Nothing doing, for they have got guns 4 feet, or 2 feet long, and clubs 4 feet long, and there is nothing doing." I said, "Don't do anything; I will walk away peaceably, and give them no show, and I walked up as far as Sixteenth Street. I was on the east side of the road; I lived on Sixteenth between Plum and Cascade, and I had to cross Sixteenth Street to get home.

I was fixing my lawn and had to go up that way, and when the three came along I was standing there, and the little one in the center, I don't know his name or number, but he was an Italian, he reared his horse up and threw him over in front of me within a few inches of me, and the horse's jaw cut my face; and I didn't say, "What is the matter?" and I didn't care; to tell the truth, I was scared; I thought I didn't want to die; I am pretty young for that. He said to me, "Where are you going?" And I said I was going home, and he used vile language again and said, "We are onto you, now you go home and we are going to watch you." And I thought to myself, "If you watch me, all right." I knew I was going home, and I went.

And it was only three quarters of a square to my house, and there is a side entrance, and a side porch, and I went into the kitchen and my wife said, "What is the matter; you are pale; you look scared?" And I told her to look outside and she would see enough to scare a horse, and when she went and looked out there were those three Cossacks standing along the curb, and the three of them gave her the "ha ha"; what do you know about that? And I am afraid to say anything.

There is another incident, and I am only giving instances in my own experience, nothing I heard but my own experience. A woman lives next door to me, Mrs. Bennett, a French women, who married an Italian, and she has four boys, the smallest one 3 or 4 years old, and this State constabulary having their barn about 150 feet from my place, they had horses housed in the manufacturers' association foundry, and they used to come down there and throw down lumps of sugar and the horse would get down on his knees and pick up the lumps of sugar, and they thought that was cute—see? And these little boys took stones and threw the stones down in front of them, thinking the horse would fall for the stones, see? And the constabulary he gets off and walks into that house—he jumps off his horse and walks in, and told this woman, and the language he used was a shame, he says to her—I won't use the language, but he says to her, "If you can't train your children, we will train you and your old man as you were never trained before," and the woman was standing there trembling, and me as a citizen and taxpayer didn't dare to say anything. Why? Because if I had they would have lit into me for starting a disturbance, and they would have had me indicted for it. That is where the whole thing comes up.

There was another incident at my mother's place on Seventeenth Street, between Walnut and Cherry. I was called down to my mother's, my father is dead, and two brothers of mine dead, and I am the oldest boy and take care of my mother's repairing, and I went over there to fix up her gas stove, the bottom was rusted away, and I had done carpenter work on the side.

Getting through with the job, I judge about a quarter to 4, I walked out of the gate and as I walked out of the gate, a Cossack came up and asked me where I was going. I told him I was going home, and he said "You better stay where you are"; that is the proposition I was up against. I had to go back into my mother's and stay there from a quarter to 4 until 6 o'clock, until I saw him go away, at 6 o'clock he went away; they go back to their headquarters at Sixteenth and Cascade to the National Foundry; it is a foundry that has not been used for years, and they put their horses in there free gratis, I suppose, because they would have to pay to keep them at a livery stable, and that would cost too much.

Chairman WALSH. Have you other instances you complain of, of your own treatment?

Mr. SERALD. That is about all of my own.

Chairman WALSH. Did the striking molders——

Mr. SERALD (interrupting). Just a moment. I want to tell about one more incident. I don't want to forget this. It happened on Eighteenth near Liberty. I lived two and a half squares from there, and I was coming down Eighteenth Street at about 4 o'clock, and I met the president of the molders' union and the president of the C. L. U. getting donations for the liberty day celebration, and I met them between Liberty and Poplar going down Eighteenth Street, and they asked me to come back and have a drink, and I said: "No; I wasn't drinking," and they said to come back and have a cigar, and I said: "No; they won't let me go but one way, and if I go back they will pinch me," and I told the president of the molders' union, "There is no use throwing a red flag in a bull's face; they are waiting for me." And he said: "You imagine they are looking for you." And I said: "To show you, I will go back." And I went back to Spatt's saloon and restaurant across from the fire house to accommodate my

friends, and I proved to those fellows I had to go out of the back door to prevent being arrested.

Chairman WALSH. Can you give us the names or numbers of the troopers referred to by you?

Mr. SEBALD. That is something I can't do, because I never kept a diary of it, and there was a lot of times they put charges against troopers and you could not get their numbers. They put charges against them lots of times with the numbers, and when they were brought into the police court it seems they would have the same number and a different face. They could change the numbers, but they couldn't change their faces.

Chairman WALSH. Did the striking molders in Erie have any communication with Supt. Groome or any of the officers before the constabulary was sent into Erie?

Mr. SEBALD. That is a thing I would like to have corrected. We sent Dan Sholcalt to Harrisburg to Gov. Tener, but he had gone away somewhere—I think to Virginia—and the deputy sent a telegram to him, and he sent an answer and said the constabulary would not be in Erie until Gov. Tener returned. As I understand Maj. Groome, he said he was not in Erie, but I am pretty sure I saw him there. I don't think I am mistaken in the man's face. He promised Dan Sholcalt he would not send the State constabulary to Erie until the governor returned, but the next morning at 5 o'clock they were in Erie, and Shocalt got in at 8 o'clock and they were there then.

Chairman WALSH. Is there any other statement you want to make not covered by my questions?

Mr. SEBALD. There are some statements, if I don't take up too much of your time.

Chairman WALSH. We are trying to hurry through.

Mr. SEBALD. I would like, if Mr. Groome comes back on the stand, to ask him whether or not the citizens are paying the State constabulary to have benefit entertainments and dress the men up as women and do bareback riding. That is what I want to find out.

He was asked to come up to the C. L. U. Hall at seven hundred something State Street, and we waited there for him until 11 o'clock, and he never showed up. I might be mistaken, but I doubt it. Mr. Groome said he was not in Erie, but I saw him there. We waited for him until 11 o'clock to take this matter up with him. We didn't need the State constabulary, but they were brought in there. Mayor Stern—his finances were running low, and he wanted to make a showing, and I said to keep the constabulary out. I went to the police station and asked the mayor whether I could not get a police license, and the mayor said to me: "I offered you one and you would not take it." And I said: "Why not give me one now?" And he said: "No; you have 15 injunctions over your head." Every man working in the Erie shops as a strike breaker was sworn in as a special police, and before that came up Sheriff Mooney swore in every man as a deputy, and one man was arrested for pointing a gun at a man in a street car, and the man was never sent up or anything.

Chairman WALSH. That is all, thank you, Mr. Sebald.

Mr. LUMB. Mr. Chairman, Maj. Groome has just stepped out of the room, and I would be glad, when he comes back, to ask him to make any statement in reply to the witness.

Mr. SEBALD. I want to make some statement about the Burns men.

Chairman WALSH. Make it brief.

Mr. SEBALD. Those Burns men were brought in there. I want to show you that we didn't come here to frame anything up.

A few days after we got into the scab house, or Waldorf Astoria, a man by the name of McCann, an ex-saloon keeper, came to me and asked me where to buy union tobacco, and I said: "You are the boy; come with me." It was a bluff, but I was on, and he said to me: "You look honest." And I said: "You are the boy; go ahead." And he said: "If you want to fire a scab house you can get gasoline and a quart of oil." And I let him go on a few minutes, and after he got through I told him what I had to say, and it was a-plenty. He was trying to get me in wrong.

Another instance: A man came up to me at First and State—a man by the name of Berry—a stool pigeon for the Burns men. There was a man caught one night in a rooming house with another man's wife, and he was turned out—MacLeese—and they got Farrell in his place.

Chairman WALSH (interrupting). You said you wanted to make some statement about the Burns people.

Mr. SEBALD. That is how McLeese came in. On First and State I received a note. This man came to me and asked me to come into a restaurant and said, "I want to show something to you," and he showed me a note as follows: "We hereby agree to pay you $100 cash, or $100 a month, if you will leave town; if not, we will get you soon. Farrell." That is the Burns man.

Another instance, across the road in an arcade, Wilson, an organizer, sent me in there to see what they wanted. I went in there and they offered me the same thing, $100 cash or $100 a month to go down to New York State and work on divorce cases. I want to say this, that if men are dirty enough to lead a man to such things, such as this scab-house fire, they are pretty dirty.

I could furnish you testimony that would take two days to give it all. I am furnishing this from my own personal knowledge. Groome was here and he left, but I will wait until he comes back, and anything he wants to ask me, I will answer it.

Chairman WALSH. We do not permit any questions to be asked, except by the commission. You will be excused. We are obliged to you.

Mr. Lumb.

TESTIMONY OF MR. GEORGE F. LUMB.

Chairman WALSH. State your name, please.

Mr. LUMB. George F. Lumb.

Chairman WALSH. What is your business?

Mr. LUMB. I am the deputy superintendent of the department of State police of Pennsylvania.

Chairman WALSH. Where is your place of residence?

Mr. LUMB. Harrisburg, Pa.

Chairman WALSH. How long have you been connected with the Pennsylvania State Constabulary?

Mr. LUMB. It is the State police. Since its organization—if you will permit me, I would like to make a correction as to the use of the word "constabulary." That word has been used throughout the examination of the witnesses, but its proper name under the statutes of the State of Pennsylvania is the "State Police."

Chairman WALSH. Is it usually referred to as "State constabulary"?

Mr. LUMB. The newspapers adopted that name at the time of its organization for convenience, and that has been generally adhered to, but to make your record straight I make that suggestion. It is, however, generally referred to almost without exception as the State constabulary for the purpose of distinguishing it on the different police forces.

Chairman WALSH. What are your duties as assistant superintendent?

Mr. LUMB. My duties are mostly of a routine nature. The superintendent is the executive head of the department, and I prepare, with the assistance of two clerks, condensed reports from the four troops; I look after the preparation of vouchers for the expenditures of the various troops, coming through my hands, but they go up to the superintendent for final examination and for his signature, and he makes out checks for the disbursement of the funds.

I have charge of making of morning reports, showing the location of the force and the number of men on duty in the barracks, or on detached service; the location of the substations, and the whereabouts of the horses; the number of men sick in quarters, the number absent on leave; and any other matters pertaining to the men and the personnel of the troops. Those morning reports are accompanied by daily reports of operations which cover the route covered by the various patrols sent out from the barracks on special circumstances. It is also accompanied by special reports of men; for instance, a private is detailed to investigate a murder. On his return he writes out that report over his own signature, telling the time he left the barracks, the district attorney to whom he reported, or the county detective as the case may be, the name of the person murdered, the man suspected, and all of the result of his investigation in detail. That is signed by him, and after being read by the troop commander and a copy of it filed a copy is sent to headquarters where they are consolidated and then go to the superintendent. I am a sort of routine point for the four troops to get together and submit matters in orderly form to Maj. Groome.

I also have prepared monthly reports, and the monthly pay roll, and also the monthly deduction sheet showing deductions made from the pay of the men for any lost property or any leaves granted them without pay. If a man, for instance, has had his limit of allowance for absence, 14 days, in a year, and an

emergency arises, for instance some family circumstance, a wedding, or a funeral or sickness, and it is necessary for him to go home, then, under the regulations, he may have a leave of absence without pay, having already exhausted his allowance of 14 days for vacation purposes.

All those details I look after, but Maj. Groome has the entire matter in his hands.

I would like to take opportunity to say, at this point, with reference to Mr. Maurer's assertion that Maj. Groome is only a figurehead superintendent, that Mr. Maurer is either grossly ignorant of the operations of one of the executive departments of the State of Pennsylvania or that he has deliberately falsified his statements to this commission, and I am inclined to think that, inasmuch as he said he had spent a number of years practically studying this department, that the latter proposition is true. Maj. Groome, and I am not saying this because I am his immediate subordinate and have been since January 1, 1908, and it is not necessary for me at this stage to flatter him, but Maj. Groome is a man of great executive ability. He has a grasp of details which enables him to do in a short period of time much more than men of different temperament would be able to accomplish. In addition to that, his knowledge of military affairs and his knowledge of this organization from having been at the head of it since its organization peculiarly fit him for the position he has, and his work is done without much noise. Men who know nothing about the workings of the department, come to Harrisburg for information, and they are naturally referred to me for matters of detail, and they naturally get the idea that I am running the whole show, and while it is complimentary, I must admit it is not true.

Chairman WALSH. You have followed, I suppose, Captain, as I have noticed you here, the statements made by Mr. Maurer and Mr. Williams, in particular in regard to the State police force?

Mr. LUMB. Yes.

Chairman WALSH. Please, in your own way, take up any of those matters you desire to and make your own comment on them. I understand you have made some personal investigation as to some of these points there were complaints about.

Mr. LUMB. Yes; and I would like to first bring the attention of the commission to a state of affairs in Pennsylvania which will eliminate any question of veracity between Mr. Maurer and myself, and resolve itself into a proposition to be decided by your own reasoning, and it is this: Maurer, in his charges against the State police force, an organization that has been in existence now for 10 years, has indirectly indicted the members of the legislature, and the district attorneys, and the grand juries, and the county detectives of every county in Pennsylvania in which the State police have operated, of either gross or criminal negligence, because if there is a band of renegades or degenerates going through the State, riding men and women down, beating old gray-headed men over the head with shovels, and other acts he has referred to, those people are all grossly negligent and unmindful of their duty, because we are under their supervision and control.

The district attorney in Pennsylvania is the prosecuting criminal officer of his county, elected by the people, and his future legal career as a lawyer depends on the manner in which he conducts that office. Now, for anyone to presume for a moment that a detachment of State police could go out of Westmoreland County, or any other, into another county, where the district attorney is, and a grand jury sits, and do the overt acts referred to, you can plainly see that we are not to blame, but that the whole system of our government is at fault. It is not an attack on the State police, but it is an attack on the very fundamental principles of the government of the State, as it appears to us in Pennsylvania.

Various governors—Pennypacker, Stuart, Tener, and Brumbaugh—have seen fit to retain in office the present superintendent in spite of the bitter personal attacks upon the acts of the force.

In Pennsylvania we have the grand-jury system, whereby a citizen who thinks any wrong has been done in his community, of any magnitude, has three remedies; he can either himself personally make information and have the man arrested on warrant, or he can go to the district attorney and make his complaint, or he can appear before the grand jury and have a presentment made and have the man indicted through the grand jury. All of these remedies are open to the people who have made these hearsay statements and charges against members of the State police, but who have never been apparently specifically identified.

One of my duties is that of going through the State at various times and inspecting our substations, the substations operated in rural communities; and with reference to the statement of Mr. Maurer that the men only patroled the immediate vicinity of the barracks, that is another of his errors. The substations at the present time—I have a morning report here, if you care to have it submitted or refer to it, showing the location of men in Sullivan County, and others where there are a large number engaged in agricultural pursuits. In my duties I am personally responsible to the superintendent for the discipline of those substations to this extent: If complaints come in to Maj. Groome that those men were not properly performing their duty, it would reflect on me in not having discovered it at the time of my inspection when I called on the officer interested.

Now, the State Grange of Pennsylvania, at its last meeting, a few months ago, unanimously and without any move on our part, and entirely unexpected as far as we were concerned, passed a resolution asking the State legislature to increase the State police force and increase the appropriation for the benefit of the rural communities that had no protection from other sources of the police except the local township constable, who is usually a G. A. R., who has the confidence of the people, but who is seldom effective or aggressive. This is not intended as a reflection on the constable, but intended to show there is no organized police force to give the rural communities protection—adequate protection. A copy of that resolution, I am informed, was sent by the State Grange and at their expense to each member of the legislature. When the bill was brought up for consideration there were at least 50 labor organizers back of the rail separating the audience part of the house of representatives from the seats of the members of the legislature. Notes and pages were sent down to the different members at the last moment in order to influence them. That, of course, only indicates that the framers of the resolution, while it might have been effective at the time it was received, was later supplemented by these personal approaches.

Now, in addition to the State Grange, we have been very effective in cooperating with various departments of the Commonwealth. It frequently occurs in Pennsylvania that a smallpox epidemic break out in the community where the majority of the residents are foreigners or people of foreign birth. Dr. Dixon's State health department having met with violence and a great deal of resistance in enforcing the quarantine laws for the health of the community, by insisting on people in infected houses remaining within the limit prescribed by law. Dr. Dixon frequently has called on Supt. Groome for a detail of our men to present themselves in the community under his health officers to enforce the quarantine laws, and they assure us that it has resulted in the prevention of a great deal of disease.

With reference to the State game commission, I want to refer to our annual report of 1908, page 5, in which we have a quotation from the annual report of the secretary of the State game commission, for the same year, a part of which I will read into the record. [Reads:]

"The greatest assistance I had in enforcing the law came from the State constabulary. Every request from this office for help has been promptly met. In my report of last year I cited the fact that during the year 1906, 14 of our men were shot at, 7 shot, and 4 killed by foreigners, with not one of the perpetrators arrested. I do not know at this time of the wounding of one of our officers during the past year. This change in condition, in my opinion, is due to the creation of our State constabulary and the unhesitating, determined, and persistent pursuits of wrongdoers of all classes by members of that force."

There has been a good deal said here, Mr. Chairman, with reference to the men going upon company property at the time of strikes. In 1906, shortly after the force was organized, I was sent with a detachment of men to a place called Eleanor, in Jefferson County, where it was stated that about 2,000 men were threatening the destruction of the tipples and the company property, and they were threatening violence on every hand. Sheriff Shefander of Jefferson County had about 40 deputies, at that little place, and our detachment of about 16 men were met about a half mile down the road from the settlement by 2 men who said they represented the strikers and that we had better turn back, because they were laying for us and they would give us all we were looking for. We said we were sorry and that we were not looking for trouble, but had come to enforce the law and order, under the direction of the sheriff, and if they met us half way they would find us as human as they.

Shortly after we arrived in the town we attempted to find accommodations at the hotel, the only one in the place. The girls, at the persuasion of the men in the strike, vacated the building, the waitresses and cooks, and declined to serve us or make up the beds or anything of that kind; and I suggested to the proprietor that the men were hungry, and if he would permit us access to the kitchen we would detail a couple of men to cook and prepare something to eat until some other arrangements could be made; and when the girls saw that our men were proceeding to cook they decided to come back and do the cooking themselves.

We were there a week when the superintendent of the mine came to me and said the men were going down to a spring on the company's property to get water, which was the only place to get drinking water, and he said he wanted our men to stop them. I said to the superintendent that I understood the rural delivery carrier went down over that road, and that it was a public highway, and, although it ran over the company's property, he had no right to close it to the public. He resented that a little, and I saw from that time on these people went unmolested, and I advised the sheriff not to cut off their drinking-water supply.

They had notified previously a number of residents of the company's houses that if they refused to work they could vacate the houses or they would evict them.

When the proper time arrived Sheriff Shefander asked my aid in vacating those buildings. My orders from Supt. Groome was that there was to be absolutely no civil process, such as landlord-and-tenant issue served by our men, and we were not to go on the company property unless there was actual evidence of violence that it was necessary to suppress, and I said, "We can not assist you in evicting those people." And the sheriff had to get some additional men, either company employees or deputies, I can't say which; and those people were evicted; and I was very careful to see that our men remained the proper distance away, at least four or five hundred yards, at all times, even in making their patrols. The result of it was that in another week or so some of the younger men on the strike came up and invited the men to play baseball with them. And I felt that I could not allow that, because we were up there to keep the men on this patrol, and we were on duty, and the men could not be spared. I cite that early instance in 1906 to show the attitude under which we started out and to show you the opposition that we met with from the start. But we have been as careful—I say this without any reservation—to safeguard the interests and the rights of those men who are on strike as of the owners of the property whom they were striking against. Our issue has been the man that throws the brick, fires the gun, or burns the tipple. You referred to the Hazleton situation. I was sent up there by Gov. Tener to investigate the complaint of Mr. Maurer.

Chairman WALSH. When was that complaint lodged?

Mr. LUMB. It was lodged with Governor—with the governor, and Gov. Tener sent for me——

Chairman WALSH. That is the instance that Mr. Maurer testified to—that complaint to the governor——

Mr. CUNNINGHAM. You did not catch the question; the chairman asked you when that was.

Mr. LUMB. Well, my recollection of that, as to the exact date, is not very clear; but I have the full stenographic notes (transcript) if you permit me to refer to that, I can give it to you.

Chairman WALSH. Very well; if you will get that.

Mr. LUMB. The orders from the governor were about June 8, and the investigation was held on June 11, 1914. Shall I proceed?

Chairman WALSH. Yes; proceed.

Mr. LUMB. Gov. Tener having ordered me to proceed to Hazleton, and having advised the superintendent that I was to go up there, I went, and—not as Mr. Maurer says with him, but I met him at the Loughran Hotel—and I want to emphasize this incident, because there was a question of identity of our men arose up there who were operating in plain clothes.

Chairman WALSH. That is at Hazleton?

Mr. LUMB. At Hazleton; yes. When I arrived at the hotel, having——

Chairman WALSH. You may proceed.

Mr. LUMB. When I arrived at Hazleton, Mr. Maurer and some associates were standing in the lobby of the hotel, and Capt. ——— and Lieut. Mair were there, and I spoke to Mr. Maurer, and Mr. Maurer says, "You have got the

advantage of me," and I says, "This is Mr. Lumb, from Harrisburg, whom you talked with in the governor's office, and afterwards in the corridor of the capitol three days ago." And then he remembered me, and we went up into the parlor of the hotel where he had about 15 members of various unions, and 1 or 2 others that he referred to individually. The sum and substance of their charges against the police, and the complaints were that in six or eight weeks of the strike that the police in plain clothes had acted in behalf of the traction company, and that they had discriminated against the men on strike by driving them away with clubs when they were gathered together on the corner, and that one of our men had been in a drunken fight. That was Sergt. Hennig. The witnesses they introduced, without any exception, were either members of the miners' union or the trolleymen's union or men who had personal grievances, as was developed in the examination of the witnesses. For example, Andrew Marty, vice president of the local union, made some charges against Sergt. Hennig of the nature that he had railroaded him to Pottsville for trial, I believe, or perhaps it was Wilkes Barre (referring to memorandum). No; it was Pottsville. Now, Pottsville and McAdoo were in the same county; but the attitude of the burgesses had been made clear by the statements of our men. And I have here—which you may file with your records—a statement of the attitude of the aldermen of Hazleton, taken by Lieut. Mair in a personal interview.

He went to Alderman Moody and he said, "Have you any objections to hearing the cases brought before you by the State police?" and he said, "I don't care to try State police cases." Alderman O'Donnell said, "I don't want State police cases; to hell with them." F. P. Greenwald said, "I don't want State police cases. I am a sick man and about to retire. I don't want to be bothered with them." Alderman Facy: "Will do my duty. Sworn to try cases according to evidence." Heidenrich: "I don't care particularly about trying State police cases, but will try them if they are brought." Alderman Creilin said, "I don't want to handle State police cases." Fallen: "I will take the cases and render verdicts according to the evidence." Fierio: "I don't want to take any cases of the State police or anyone else, except those in the city of Hazleton, as I am police magistrate here." I might say that our men have the power of city policemen in addition to the power of fish and game wardens, and forestry wardens, and had a perfect right to take cases before this police magistrate. Andruzzi: "Owing to being an Italian, and the stand I have taken, I don't care to take the cases." Huth: "I don't want to try the cases, but if cases are brought before me I will try them fairly." John H. Shopp: "I am in sympathy with the strikers, but would try any case according to the evidence."

Now those were the conditions under which the men were endeavoring to cooperate with the sheriff of Lucerne County and the mayor.

At this investigation I found, and so reported, that they had combed Hazleton with a fine-toothed comb, to use a figure of speech, to get some act of immoral conduct or some act that would cast reflection upon the men. They did not have present at that investigation a representative business man or merchant. We did not have one member of the council. They did not have the mayor or the chief of police. They had a policeman. This policeman had ordered two of our men to go on—to move on about their business, and they said, "We are members of the State police force here on duty." He said, "It don't make any difference to me, you beat it or there will be trouble." That was a little clash. That man came and testified against our men. The mayor had no such authority or the chief of police to take any such nonprofessional action against other police. It was merely a little personal issue. He was one of their witnesses.

Another witness was a man by the name of Harris, from the Palace Hotel. This man testified he had seen Sergt. Hennig drunk and had helped to put him to bed. It developed on cross-examination that Sergt. Hennig had reported this man to the proprietor of the Palace Hotel for charging double prices for coffee and sandwiches because they were police; and the proprietor warned this man if he did it again he would discharge him. I asked Mr. Harris for the name of the person that assisted him in putting our sergeant to bed, and he could not recall it. I asked him for the name of any person to whom he had mentioned the fact at a time that might be so close to the time as to be worth something as evidence. He said "I don't recall who I mentioned it to."

Another example of the nature of the charges against these men was the statement that they had operated—15 of them, some said, and some 6 and

others 8—in plain clothes getting information as spies for the traction company.

Now, Sergt. Hennig did operate in plain clothes. Sergt. Hennig was in charge of the details there, and being in plain clothes at times he was able to get information as to the workings of his own men and as to acts of violence on the streets. He was also investigating two or three individual crimes which perhaps had no connection whatever with the strike of the traction employees but were matters of a personal nature.

It was stated that on one occasion, as I recall the evidence, that three or four State policemen in plain clothes ordered the crowd to move on, and the crowd referred to their side and said, "We don't know who you are, and you haven't any right, without showing any badge, which our men are required to wear and which badge they wear at all times when they are working in plain clothes, that these men drew their blackjacks and clubbed these men." I asked how they knew these men were State police, and the witness replied that he saw them three or four days afterward in uniform on horseback; and I held him down to the time a little bit, and then he admitted that it might possibly have been a week afterwards. I then invited the attention of the commissioners conducting this thing to the fact that Mr. Maurer had conversed with me in Harrisburg, in the governor's office, between half an hour and an hour and that I had also conversed with him in the corridor of the capitol, and a few days afterwards while I was wearing the same civilian clothes I had approached him in the lobby of the hotel in broad daylight, and he didn't know me. How then could these men—that was a part of the testimony they had—how could these men swear on their oath as to the identity of these men they saw in plain clothes and then a week after said they saw them on horseback in uniform. That is to show you the value of the evidence that they produced to sustain the serious charges they were able to raise against the State police force after six weeks of activity.

Chairman WALSH. What sort of a commission was this, please, Captain?

Mr. LUMB. Why, it was made up of Mr. Maurer——

Chairman WALSH. Legislative committee?

Mr. LUMB. Oh, no; no; purely a committee of strikers. It was an ex parte hearing. We had no witnesses there, or anything else. They simply made their charges and substantiated them to the best of their ability. I objected two or three times to Mr. Maurer putting words in the mouth of the witness who was testifying. And Mr. Roger Deever, one of their attorneys, saw and admitted the unfairness of it. Mr. Maurer would sit there and say, "Now, you tell us about that fight in the barroom," and the man probably never thought of such a thing; but then he could go on and relate about a fight in a barroom. And I objected to his leading the witnesses along in that way; and Mr. Deever admitted that it was certainly unfair to enter into that sort of procedure. So he restrained them to a certain extent.

Chairman WALSH. Well, did they make some finding?

Mr. LUMB. Well, the only finding you will ever see of that investigation is my report to Supt. Groome, and by him to the governor, and the book called "The American Cossack" by Mr. Maurer. My report is a full report, having taken a stenographer along with me. And Mr. Maurer's reply in the Cossack shows only such extracts of the testimony as he thought would best suit his purpose.

Chairman WALSH. What was the evidence in that case refuting the charges that you heard Mr. Maurer make on the stand—that is, about members of the constabulary being in the crowd and that they seemed to be desiring to create a disturbance when they were moving a car? Do you recall it? And that the local police dispersed the crowd, and there were two men, I think he said, and a lieutenant, and maybe more that said they were members of the State police?

Mr. LUMB. That was defective in two respects. In the first place, the identity of these two men in plain clothes was never properly established; and I might say in that connection that the traction company, being unable to obtain our men to operate in plain clothes, had men there who were either Pinkerton or Burns's men, but which I am unable to answer, because we did not associate with them, had nothing in common with them, and ignored them.

Chairman WALSH. Was your contention upon this mission and elsewhere that you did not have any men in plain clothes under those circumstances?

Mr. LUMB. Except Sergt. Hennig, and except where men were relieved from duty occasionally—a man gets worn out in that sort of duty, and he is allowed

a day's leave of absence occasionally from the barracks to get clean underwear and do other little things in the way of getting cleaned up. Of course, then he would go to his room and put on his civilian clothes and get on a street car and leave the barracks and would come back after a time and get on his uniform when he went on duty again. We have avoided plain-clothes duty as far as possible.

Chairman WALSH. Now, there is one other point that occurs to my mind. He said that the men of the State police also presented cases in police court and acted as attorney. What was there to that?

Mr. LUMB. Mr. Chairman, we have in Pennsylvania a system of subordinate courts in the cities known as magistrate courts, and in the smaller towns they are called aldermen, and in the counties they are known as justices of the peace, who hear and try small cases, summary convictions, without jury, or if the offense is sufficiently large, if it is of a nature covered by the statute, he has no alternative but to hold a man for court under bail, or to commit him.

Now, you can easily see that it would be an absurd proposition for any policeman to arrest a man for a crime that he had seen committed and simply walk into the justice of the peace and say "I have arrested this man for assault and battery," and then stand there mute himself——

Chairman WALSH (interrupting). I understood from some other testimony that it is the same custom as obtains in Massachusetts, and in some other States where the officer in these inferior courts presents the testimony of himself and has the right to examine his witnesses to sustain his charge and has a right to ask questions of the adverse witnesses.

Mr. LUMB. Well, it is just like this, the officer must make out what we call a prima facie case, or else the man would not be held and justice would be defeated. He has a right to tell his story, and if the adverse witness starts to tell a falsehood, if he can show it by two or three questions, he has that right. But the entire proceedings, however, Mr. Chairman, is under the supervision of the justice of the peace, and our man could not wrongfully conduct himself in that court without being in contempt of court. And it is another evidence that they are attacking the State police and attacking the system of State government.

Mr. CUNNINGHAM. Your description is exactly right, Mr. Chairman, with reference to this Commonwealth, and commonly professional men are not present at all—it is almost unheard of.

Chairman WALSH. Now, did you have any personal contact with the Bethlehem situation?

Mr. LUMB. I did not. I was not there. And, as Maj. Groome explains, he only went out when the entire force was ordered out—that either he or I got on the scene.

Chairman WALSH. Now, did the general nature of these criticisms come to the attention of the officials, the superiors of the State police, Maj. Groome and yourself?

Mr. LUMB. Well, no. I want to say to you, in that connection, in every session of the legislature there has been a certain element at work to have the State police force act repealed. Now, their sessions in the legislative hall have been the same as here, general talks, very seldom giving any dates or names, and always drawn very largely from imagination of one man and told to each other, and he, in turn, relates it always as hearsay evidence. Now, any member of the legislature living in that district or representing the people or the grand jury, as I explained, or the district attorney, or the judge can immediately take cognizance of any such conduct as that and bring our men to prosecution. And I want to say to you, gentlemen, that if any matter of that kind was brought to the attention of Maj. Groome or myself it would be sifted down to the bottom, and we can do it easily, for this reason: There is an order on our force issued in 1909 or 1910, a copy of which I have here, saying in just these words: "Any member of this force known to use outside influence for the furtherance of his own interests will be considered as acknowledging his own incompetency and dismissed from the force." Now, that being true, and all our finances being under the supervision of the auditor general of Pennsylvania, what possible advantage could there be to any of the officers of this force; and when I refer to the officers in this case I have reference to the superintendent, the deputy superintendent, or the captains in covering up or ignoring any act of misconduct on the part of the men. The entire force has to stand on its merit. We know that better than anything else.

Now, it is related to you in this way for the purpose of eliminating any presumption that may exist that men are held on the force by political influence. The first victim of this general order that was issued, on our force, was a lieutenant who got a senator and two or three other prominent men in Pennsylvania to endeavor to obtain for him a vacancy which then existed in the grade of captain. As soon as those letters came in, the lieutenant was given his walking papers. You can easily see, then, how absurd that opinion is that we deliberately cover up acts of misconduct on the part of the men.

Chairman WALSH. Did you personally take charge of the investigation, so far as your own department was concerned, in regard to the trouble with which Mr. Moughan was charged, in regard to Mr. Zambo and the case of the other man charged with an assault upon a man by the name of Gallagher?

Mr. LUMB. No; I did not personally take charge of it by going to the scene; but Capt. Robinson, the troop commander, was on the ground, and he dealt with me at Harrisburg, and in that way it came through proper channels to headquarters.

Chairman WALSH. And who is the captain at Hazleton?

Mr. LUMB. At Hazleton?

Chairman WALSH. Yes.

Mr. LUMB. Capt. Pitcher, of Wyoming, is captain in charge of the detail there.

Chairman WALSH. Still on the force?

Mr. LUMB. Oh, yes. He is captain of the troop at Wyoming now.

Chairman WALSH. Did you get the address of Capt. Robinson from Maj. Groome?

Mr. LUMB. No; but I will get it.

Chairman WALSH. Will you be kind enough to do so, and we will have our investigator take his statement?

Mr. LUMB. It is Capt. Joseph F. Robinson, editor of the Baseball World, Chicago, Ill.

Chairman WALSH. Now, I was going to suggest also that if there is anything else you desire to put into the record you may do so. You have gotten the range of this.

Mr. LUMB. Mr. Chairman, I will leave these minutes of the hearing at Hazleton.

(See Lumb Exhibit.)

Chairman WALSH. Have it confined, of course to first-hand facts.

Mr. LUMB. Yes. Well, I think with what Maj. Groome has put in the record and what I have said, you have got a pretty fair idea of both sides of this controversy, so far as our department is concerned. But I would be glad to file with your secretary this legislative journal, if you care to have it, because it has been referred to by the gentlemen who have raised this issue, and it contains remarks made by those from the rural districts who feel that the State police are an important part of our government.

(Witness submitted a copy of the Legislative Journal of the Commonwealth of Pennsylvania, session 1915, vol. 3, No. 45.)

Chairman WALSH. Now, I would like you to make just one statement. You stated, going back to 1906, where waitresses and others refused to serve the men, and coming down to the situation where they had to go to the steel company's property, how do you account for the prejudice or the lack of sympathy that seems to exist in these towns toward your force? What is the cause of that?

Mr. LUMB. Now, my answer to that, Mr. Chairman, would be more in the nature of a personal opinion than an official statement.

Chairman WALSH. Well, I thought perhaps you had inquired into it and discussed it?

Mr. LUMB. Yes; I will be glad to give you my opinion on the subject, but I would want to state before doing so that this department, in time of disorder, does not take any notice of the fact that a strike exists from that standpoint. It is with us purely a question of the man that throws the brick or fires the gun or burns the tipple; and we do not ask if he is a Republican or a Democrat or a union or nonunion man. It is a question of law or lawlessness on the public highways and the destruction of property.

Now, having cleared the air, so that you will not think this is an official expression of views of the department, I want to say this:

That my knowledge of the old English guilds and various earlier labor unions is that they were for the purpose of protecting the men and raising a

boycott, if necessary. They did not at that time seem to recognise the powerful importance of violence toward others who wanted to work. Perhaps it was due to the fact that the populations were not as dense at that time. Now, it has been held in Pennsylvania that if a man wants to go on a strike he has a perfect right to do so; but that he must not obstruct the highways to prevent other men who wish to work from going on to their work. The Supreme Court, in 1800 or 1861, held that there were no innocent bystanders in time of riot; that it was the duty of every law-abiding citizen, as soon as he hears or learns that there is any disorder on the public thoroughfare, to retire to his home. Those facts being true, and it also being true that the labor unions deny any responsibility for violence—they ordinarily, I believe, claim that most of the violence comes from the class of men who just enjoy such excitement, and that it is not officially recognized by the union as a proper thing. I think they are all agreed now that that is the attitude they generally take—that it is not done by one of "our men"; "he is a fellow that came here from Baltimore." They dynamited street cars in Chester, and cars were blown up, and the unions denied any responsibility for it, and perhaps justly so. I have personal knowledge of the fact that men did come there from Baltimore, and even Philadelphia, and some of them even wearing their conductors' caps, and performed these very acts. If this is true, I can not understand why the labor union, as such, should object to the presence of men who are sent there by the proper authority of the Commonwealth to enforce law and order. But I am greatly afraid, particularly from what I have heard from Mr. Maurer and Mr Pierce and Mr. Williams, that there is creeping into our labor unions a sort of spirit abroad of anarchy, and I don't believe they voiced the sentiments of labor unions at large. I don't believe they voice the general opinion; and their zeal against our institution is so far-reaching as to be sanctioned by the opinion of the majority of the labor unions of Pennsylvania. That is about as well as I can express it from my personal standpoint.

Chairman WALSH. Then you think this lack of sympathy which you discovered is through the influence of those persons which you have mentioned?

Mr. LUMB. Well, I think—no—every member of the commission must know that there has recently been injected into our country some people from Europe—some people who call themselves Industrial Workers of the World. About three or four years ago there was a strike on the B. & S. Railway, up in Potter County—the Buffalo & Susquehanna. And their attorney, Mr. Robinson, came down to Harrisburg and said, "Capt. Lumb, we have got to have some men." He said, "The sheriff up there, because of the scarcity of the population, except those who are on the strike, is such that he can not get enough deputies to protect us. And the men are putting sand in the journal boxes of the engines and putting soap in the boilers, and are doing everything possible to destroy the property and imperil life and our rolling stock, and the State must sent some State police up there." I said, "Mr. Robinson (or Roberts, whichever it was) it is impossible to send men under those conditions." "Why?" he says, "The Industrial Workers of the World are up there, and they are preaching treason and anarchy, and there is a reign of terror among us people, and we don't dare to go out after dark." I said, "That is a bad state of affairs in Pennsylvania, but you have got to go to your sheriff, and your sheriff can go to the governor or the superintendent of Pennsylvania and certify in writing that the situation is beyond his control before our men can go on the scene."

He stated that the sheriff was a high-strung man who had so much pride in his office that he would not concede that the situation was beyond his control, and that the only question was not being able to get enough men to serve as deputies. Now, as a matter of fact, we did not send any men up there, because the request came from the corporation and not from the proper authorities.

That, I think, is the menace to the labor unions themselves that this wrongful spirit is creeping in and undermining their proper attitude of mind toward law and order. But understand, Mr. Chairman, this is purely a personal opinion, based on purely personal observation.

The department of the State police keep no data of labor unions. We have no information about their workings. We never try to attend their meetings. We do not recognize in our official capacity that there is such a thing as a labor union. When we go into a place at the request of a sheriff we are under his directions. He says at this particular point there was bloodshed last night, or at this place they are going to dynamite property, or here is a mob; and

under his directions alone we go in and under his directions alone we go out, and the sheriff is the high peace officer of the county in Pennsylvania.

Commissioner GARRETSON. Was it not under the direction of the sheriff that the O'Brien gunmen in Roosevelt, N. J., did their work?

Mr. LUMB. Under the direction of the sheriff, who resorted to the employment of deputy sheriffs; and if you have read the editorials in the newspapers, the majority state that had there existed a State police force of men who could keep their heads under fire that series of shootings would not have occurred.

Commissioner GARRETSON. How about the State police force, or State militia under the direction of another company in Colorado?

Mr. LUMB. I am not familiar with that situation.

Commissioner GARRETSON. It was only a question of this: That what they were doing was done under the direction of the sheriff that formed them. If the sheriff is dominated by one or the other class, and he is in control when you are there, all the feelings of the domination are present?

Mr. LUMB. There you are getting back to the principles of whether our principles of government are correct, because the sheriff is an elective office.

Commissioner GARRETSON. Is there any indictment of the form of government, or is there an indictment of the way that it is administered by those who are in office?

Mr. LUMB. In this particular hearing you are referring to?

Commissioner GARRETSON. In any case.

Mr. LUMB. Mr. Garretson, I am not sufficiently educated or a sufficient student of social conditions to enter into any further discussion of this matter with you than the direct duties of the police force of Pennsylvania.

Commissioner GARRETSON. You made the statement that the statement was made by Mr. Maurer that it was more an indictment of the constabulary, it was an indictment of the whole system of government, and I desired to know why—whether it was an indictment of our system of government or an indictment of the methods employed in administering a system of government that if properly administered might be good?

Mr. LUMB. Under the statute laws of Pennsylvania there is only one way of any government; the only right to appoint the superintendent of the police force is with the governor; he appoints him. There is only one way to elect a governor, there is only one way to elect a member of the legislature, and there is only one way to elect a sheriff and impeach him.

Commissioner GARRETSON. Has it ever been whispered that the political methods in the State of Pennsylvania were faulty?

Mr. LUMB. I am not a politician, sir.

Commissioner GARRETSON. Two of us. I have wondered if there was suspicion of bosses.

Mr. LUMB. Pardon me for making the remark that I think should be made. When a man is enlisted in this force we make no inquiry into his politics, and Maj. Groome don't know how I vote my ballot, and I don't know how the sergeants and lieutenants under me vote their ballot, and I have a general order, which I have with me, if you wish to see, that prohibits our men from belonging to any political organization or actively engaging in any political fight, and they are prohibited from making political contributions to any party.

Commissioner GARRETSON. Is there an order in this city in regard to political activity of all sorts?

Mr. LUMB. I know nothing about this city.

Commissioner LENNON. Is it not a fact that nearly all the criticism against the State police originates from their work in strikes, labor troubles? I have not heard a bit of criticism of your course in all of the other duties you perform for anything else.

Mr. LUMB. Yes, sir; that is quite true; and perhaps I can throw a little light on that situation by this statement: Before the organization of the State police force the National Guards were under the fire that we are under now, and if you abolish the State police force you will see the attention of these same people directed toward the National Guards again.

Commissioner LENNON. I am not a citizen of the State of Pennsylvania and will not take any part in an attempt to abolish the force. Is it not possible that if the men in charge of the police force, when they go to a strike zone, will start giving the same attention to the representatives of the strikers as to the representatives of the employing company—certainly if that is done at all, in so far as conferring with them as to the necessary means of maintaining peace and good order, and not be on the property of one unless you divide your men

and put half on the property of the other—would not merely the doing of those things be self-evident and beyond question that the police have no favoritism of any kind, shape, or description to either side in a labor controversy; wouldn't that eliminate a good deal of this?

Mr. LUMB. I would like to say in answer to your question, in the first place when the State police go into a community under those conditions they go in under the direct orders of the sheriff, and you heard the report of Capt. Thomas, which was brought down here as a specimen, and there are hundreds of others on file along with it. In that particular instance Capt. Adams reports that he had a conference with a committee of the strikers, and they came to an agreement as to that bridge, and they were to have 20 pickets. A good deal depends upon the situation where the strike exists. For instance, if there is a strike in a soft-coal region, and if you will examine the census report of 1910 as to the per cent of foreign population of Pennsylvania, particularly with reference to that region, you will find that perhaps two-thirds of the men on strike are actually foreign-born men, either Italians or from south Europe. The minute our men arrive on the scene in their uniforms they are hissed at and jeered at and usually meet with a shower of stones. To reason with them is an absolute impossibility. With reference to distributing our men, as to the assignment of property, some going on the company's property——

Commissioner LENNON. I don't think they should go on either one.

Mr. LUMB. I will try to cover that in my limited way. The men in arriving at a town go to every place providing for public accommodation in hotels and livery stables; and they find that they have been preceded by organizers, who have notified those men that if they gave the State officers their accommodations they would be boycotted forevermore and they might as well go out of business, and the condition depends upon their attitude when we arrive. We would be glad to put up in places where the accommodation is better than on barn floors, and make them eat off of tin plates and drink out of tin cups. These men are men that first had to satisfy the Army recruiting officer that they were citizens of the United States and of good moral character. I speak from 12 years' experience in the Regular Army in peace and in war.

There are two classes of men—the Army makes or breaks a man. The man that is broke is what they call "bobtailed" or discharged without honor; and if the temptations of the new life are too great and he becomes in the habit of getting intoxicated, etc., and disgraces his uniform, after five or six summary offenses he is discharged without honor and can not be reenlisted. The other class are made. They learn self-restraint and self-control and patriotism and learn love of country in the post schools, one of which I had the honor to teach in Fort McHenry, Md. The American soldier of to-day, gentlemen, is no thug; he is a pretty well-trained young man, with a good head, or he won't get through with his enlistment. If he don't come up to the grammar-school education the troop commander finds it out and details him to attend school, which is during the summer months. They may, after they first establish the fact that they are men of employment and moral character, make application to attend that school. Look at the saving in economy to take such men in preference to citizens that we have to look up through various private sources, and then have to depend upon limited observation. A man comes in with an excellent discharge as a sergeant of the Fifteenth Cavalry, and that means that he is not only learned to command himself, but others, and that he is an American citizen above all, and knows the laws to a certain extent and knows the Constitution of the United States. He is detailed for four months of special duty as policeman. He is taught the fish, game, and forestry laws, and we have had cases where they have deceived us; that the man didn't seem to take any particular interest in the study; that he thought it was going to be an easy life, and he didn't want to study any more like he had had to in the Army, so he dropped at the end of his probation period; and on the other hand, if they satisfy us of their good moral conduct they remain on the force.

Commissioner GARRETSON. Is there not one qualification that you have not mentioned that is of greater importance for your purpose than anything; that the man who served as a regular soldier learned one further lesson, and that was when he received a command to fire he would obey, regardless of who stood in front, which is one of the things that the citizen soldier has not learned?

Mr. LUMB. That is true, and it is true also that the soldier has learned to shoot accurately and not to shoot the innocent man.

Commissioner GARRETSON. That is all.

Mr. CUNNINGHAM. Just one word on behalf of the Commonwealth. Maj. Groome had to leave to make a train, and he wanted me to say that he was not in Erie——

Chairman WALSH. I took his statement for that, and it will be so taken by the commission.

Mr. LUMB. Neither he or I were in Erie.

Mr. CUNNINGHAM. Now, accusations have been made by Mr. Williams, of South Bethlehem. It is charged that one of the State troopers beat a man over the head and dragged him around, and so forth. Accusations have also been made by the gentleman at Erie about misconduct of troopers in Erie. Speaking for the Commonwealth, I am not satisfied to leave the matter in that shape. If those things are true, we want to know it, and you want to know it, and I submit that it is only fair that the representatives of the Commonwealth be given an opportunity to produce the troopers who were on detail at South Bethlehem and at Erie for examination before you. It is true they are scattered over the State, and we could not have them here until some day next week or possibly later. I may be permitted to say I have engagements in court every day next week, but I understand you will probably be in session for several weeks, and if your commission will fix a time when we will be permitted to present those men to you who were on the detail, or the officers who were in charge of those details at Erie and Hazleton, or any other place that you desire to inquire about, it will be our privilege to do so.

Chairman WALSH. We will have Mr. Manly confer with you, and we thank you for this opportunity, and we likewise wish to send our thanks to the governor whose message you brought us.

We will now stand adjourned until Monday morning at 10 o'clock.

(Whereupon, on Saturday, May 8, 1915, an adjournment was taken until Monday, May 10, 1915, at 10 o'clock a. m.)

EXHIBITS.

CUNNINGHAM EXHIBIT NO. 1.

OFFICE OF THE ATTORNEY GENERAL,
Harrisburg, May 4, 1915.

Hon. FRANK P. WALSH,
Chairman, Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: I hereby certify that I have this day appointed J. E. B. Cunningham, Esq., a special deputy attorney general of the Commonwealth of Pennsylvania, to represent said Commonwealth, and particularly the department of State police thereof, before the Commission on Industrial Relations created by act of Congress approved August 23, 1912, entitled "An act to create a Commission on Industrial Relations," and in any State or Federal court in all matters arising out of or connected with any proceedings before said commission.

Respectfully, yours,

FRANCIS SHUNK BROWN,
Attorney General.

CUNNINGHAM EXHIBIT NO. 2.

[Office of the attorney general, Harrisburg.]

IN RE SUBPŒNA COMMANDING JOHN C. GROOME, SUPERINTENDET OF THE DEPARTMENT OF STATE POLICE OF THE COMMONWEALTH OF PENNSYLVANIA, TO APPEAR AND TESTIFY BEFORE THE COMMISSION ON INDUSTRIAL RELATIONS CREATED BY AN ACT OF CONGRESS APPROVED AUGUST 23, 1912.

To the HON. FRANK P. WALSH, CHAIRMAN, AND THE HONORABLE MEMBERS OF THE COMMISSION ON INDUSTRIAL RELATIONS:

The department of State police of the Commonwealth of Pennsylvania having been created by an act of assembly of the Commonwealth of Pennsylvania, approved May 2, 1905, Pamphlet Laws, 361, as a part of the executive branch of the government of said Commonwealth of Pennsylvania for the purpose, as stated in said act, of preserving the peace and preventing crime within the boundaries of said Commonwealth and for the purpose of cooperating with the local authorities in detecting crime and apprehending criminals and in order to take the place, as far as possible, of police theretofore appointed under the provisions of the laws of said Commonwealth authorizing the governor thereof to commission policemen upon the application of railroad, colliery, furnace, or rolling mill corporations, the Commonwealth of Pennsylvania, acting through her attorney general, respectfully denies the power and jurisdiction of the said Commission on Industrial Relations to summon and compel the attendance before it, as a witness, of the superintendent of said department of State police of the Commonwealth of Pennsylvania, or his deputy, and denies the power and jurisdiction of said Commission on Industrial Relations to compel said superintendent, or his deputy, to testify before it to any matters or things connected with or relating to the management, control, operations, or activities of said part of the executive branch of the government of the said Commonwealth of Pennsylvania, and denies the jurisdiction and power of said Commission on Industrial Relations to compel the production before it of any reports or papers on file in said department of State police of the said Commonwealth of Pennsylvania.

Assuming, however, that the proposed examination of the superintendent of said department of State police of the said Commonwealth of Pennsylvania is

for the purpose of obtaining such information with relation to the organization and operation of said department in the Commonwealth of Pennsylvania as may disclose whether it has served the purpose of its creation and as may throw light upon the propriety and advisability of the creation and maintenance of similar departments by other States of the Union, the governor and attorney general of the Commonwealth of Pennsylvania, without waiving any of her rights, and without conceding the right of your honorable commission to compel the proposed testimony, submit the superintendent of the said department of State police for proper examination before your honorable commission, reserving the right to her legal representatives to advise the said witness that in their opinion he is not bound to answer questions propounded by or on behalf of your honorable commission at any time during the course of said examination they may deem it proper so to do.

Respectfully submitted.

FRANCIS SHUNK BROWN,
Attorney General.

GROOME EXHIBIT.

HARRISBURG, PA., *June 1, 1915.*

Hon. FRANK P. WALSH,
Chairman Federal Commission on Industrial Relations,
643 Transportation Building, Chicago, Ill.

DEAR SIR: You will doubtless recall that at the time of the adjournment of your commission in Washington on May 10, 1915, you stated to Deputy Superintendent George F. Lumb, of the department of State police of the Commonwealth of Pennsylvania, and to me as a special deputy attorney general, that we would be afforded the courtesy and privilege of an opportunity to reply to the statements made by Messrs. Maurer, Williams, and Sebald, witnesses before the commission, criticising the conduct of members of the State police department at South Bethlehem, Pa., during the strike existing there in February, 1910, and at Erie, Pa., during the strike which occurred there in August, 1913.

It semed to me that the most satisfactory evidence to the commission would be copies of the telegrams, letters, and reports in the files of the department of State police, which were written at the time of the occurrence and without any idea of preparing an answer to charges against or criticisms of the conduct of the members of the force.

As I understood your statement to us we were to be permitted to mail you such evidence to the end that the same might be placed upon the record of the testimony taken before your commission.

Inclosed herewith please find—

First. Copies of telegrams, letters, and reports relating to conditions at South Bethlehem, Pa., in February, 1910; and

Second. Copies of telegrams, letters, and reports relating to conditions at Erie, Pa., in August, 1913.

I also herewith inclose a letter addressed to you by Maj. John C. Groome, superintendent of the department of State police, requesting that the evidence herewith inclosed be read into the testimony taken before your commission. If this plan meets with your approval I would be glad to have an acknowledgment of the receipt of these papers so that our files may be completed.

Yours, truly,

J. E. B. CUNNINGHAM,
Special Deputy Attorney General.

DEPARTMENT OF STATE POLICE,
Harrisburg, Pa., May 28, 1915.

Mr. FRANK P. WALSH,
Chairman, United States Commission on Industrial Relations,
643 Transportation Building, Chicago, Ill.

SIR: As requested by your commission when I appeared before it on May 8, 1915, I inclose herewith the data and reports of the operations of the State police force during the rioting at South Bethlehem in 1910 and Erie, Pa., in 1913, and respectfully request that these reports be written in the records of your commission.

Very respectfully,

JOHN C. GROOME, *Superintendent.*

COPIES OF LETTERS, TELEGRAMS, AND REPORTS ON FILE IN THE DEPARTMENT OF STATE POLICE OF THE COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE CONDITIONS EXISTING AT SOUTH BETHLEHEM, PA., FEBRUARY 25, 1910, AND THE DUTY PERFORMED BY THE STATE POLICE IN CONNECTION THEREWITH.

1. Telegram from Sheriff Robert Person, Northampton County, to Gov. Stuart, dated February 25, 1910.
2. Telegram from Gov. Stuart to Sheriff Robert Person, February 25, 1910.
3. Telegram from Sheriff Person to Gov. Stuart, February 25, 1910.
4. Statement of duties to be performed, signed by Robert Person, sheriff, and Capt. J. F. Robinson, February 26, 1910.
5. Report of Capt. Robinson to Supt. Groome on duty performed at South Bethlehem—arrest of Pvt. Moughan and disposition of case, June 16, 1910.
6. Report of Capt. Robinston to Supt. Groome, March 7, 1910.
7. Report of Capt. Robinson, in command, to Supt. Groome, March 10, 1910.
8. Report of Capt. Robinson, in command, to Supt. Groome, March 11, 1910.
9. Report of Capt. Robinson, in command, to Supt. Groome, March 15, 1910.
10. Report of Capt. Pitcher, commanding detachment, to superintendent, March 29, 1910.
11. Report of Capt. Robinson, commanding detachment, to superintendent, April 8, 1910.

[Copy of telegram received from sheriff of Northampton County, Pa.]

SOUTH BETHLEHEM, PA.,
February 25, 1910—10.55 p. m.

EDWIN S. STUART,
Governor of Pennsylvania, Harrisburg, Pa.:

It is impossible for me to handle and control the situation at South Bethlehem. It is impossible to get sufficient deputies from this community to act. Serious riots and bloodshed and shooting occurred this morning and evening.

Steel officials helped the situation by surreptitiously removing many of the men in box cars this afternoon. Works entirely suspended. It is absolutely impossible for me to protect men desiring to do necessary work. Further riot and bloodshed imminent in the morning. The whole town is in a lawless state, and I must have your help to preserve the peace, since I have exhausted all my resources. Have personally been in works several hours this afternoon and found it impossible on account of mobs to get out. I am supported in the foregoing view by the burgess and chief of police of South Bethlehem.

ROBERT PERSON,
Sheriff Northampton County.

[Copy of telegram sent to sheriff of Northampton County by the governor.]

Hon. ROBERT PERSON,
Sheriff Northampton County, South Bethlehem, Pa.:

Your telegram received. There are no facts or circumstances before me indicating that the existing conditions at South Bethlehem can not be controlled by you through the proper and vigorous exercise of your high powers as sheriff. Telegraph me immediately what you have done in the way of exercising your powers as sheriff in preserving the peace of your county.

EDWIN S. STUART.

[Copy of telegram received from sheriff of Northampton County, Pa.]

SOUTH BETHLEHEM, PA.,
February 25, 1910—12.40 p. m.

Hon. EDWIN S. STUART,
Governor of Pennsylvania, Harrisburg, Pa.:

Situation at South Bethlehem on account of strike at Bethlehem Steel Works is beyond my control. Employees of the works are mobbed and beaten both going to and coming from the works, and I am very much afraid that there will be increased violence to-night.

I would respectfully request and urge that 25 or 30 members of the State constabulary be sent us at once to assist in maintaining order, so that they will be here to-night. A large number of employees are desirous of working if they

can secure adequate protection to protect men who want to work. We will have to control about 3 miles of territory, including five congested parts.

ROBERT PERSON,
Sheriff Northampton County.

SOUTH BETHLEHEM, PA., *February 26, 1910.*

The following duties will be performed by the members of the State police while on duty in Northampton County, in consequence of the disorders attending the strike of employees of the Bethlehem Steel Co.: State police are to patrol streets and preserve order on same and prevent as far as possible all violations of the law. The State officers are to work in harmony with the sheriff and his forces.

The sheriff and his deputies will, as far as their powers and ability permit, guard the property of the Bethlehem Steel Co., the State police to do the street and road work outside the plant.

If necessary, both forces will combine and aid one another.

ROBERT PERSON,
Sheriff Northampton County.

J. F. ROBINSON,
Captain State Police.

WYOMING, PA., *June 16, 1910.*

The SUPERINTENDENT, DEPARTMENT STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to report that the case of Commonwealth *v.* Trooper John T. Moughan, for the killing of Joseph Szambo, was concluded at Easton, Pa., yesterday, June 15, resulting in the acquittal of the defendant.

This action, as you well know, resulted from the death of Joseph Szambo at South Bethlehem on February 26, 1910, incident to rioting of strikers of the Bethlehem Steel Co. on that date, which was the date of the arrival of troopers into South Bethlehem.

On request of Sheriff Robert Person, of Northampton County, and Burgess Peysert, of South Bethlehem, which action of the latter was supplemented by resolution of council of same borough, Capt. Robinson and detail of 24 men were sent to South Bethlehem to preserve the peace. The officials named above in their request stated that, owing to action of striking employees of the Bethlehem Steel Co., they were unable to control the situation, and that the assistance of the State police was required.

Capt. Robinson and detail left Philadelphia on special train about 5 o'clock a. m. February 26, 1910, and arrived at South Bethlehem about 6 a. m. Detail was met at depot by Sheriff Person, who requested that detail proceed at once to the works of the Bethlehem Steel Co. En route from depot to these works a moderate-sized crowd congregated and followed the troopers, jeering and hooting at the State officers, their action finally reaching such a state that it was deemed necessary to arrest the ringleaders, and three of the latter were placed in custody. After reaching the steel company's works and placing the horses within the inclosure or fence surrounding the company's property a mob of upward of 2,000 people congregated, the more bold of the strikers throwing stones, bottles, and missiles of various kinds at the inclosure, and scores of others yelling and jeering and shouting epithets of an unsavory nature at the officers. Capt. Robinson attempted to talk to these strikers and trouble makers, but, owing to the noise of those jeering and hooting, was unable to make any headway in that line, and he finally warned them to desist and go to their homes. Instead of desisting in their conduct, the strikers became more bold, and it finally came to a crisis where more decisive action was necessary.

In the meantime a conference was held between Sheriff Person and Capt. Robinson, at which the former stated that he was unable to control the situation, and that he did not believe the detail of 25 State policemen then at South Bethlehem was sufficient to cope with the existing conditions. He himself had been practically a prisoner within the company's works for two days. An agreement was made whereby the sheriff and his deputies were to protect the company property, guard the gateway, and prevent assaults being made within the inclosure and the State officers were to preserve the peace on the highways, streets, alleys, etc., preventing the congregation of strikers and other persons gathered together for unlawful purposes and to safeguard any

person who desired to either enter or leave the company property. At the conclusion of the conference the detail was mounted and left the company property.

Upon leaving the gate entering upon Poplar and Second Streets in South Bethlehem troopers were met with a volley of stones, bottles, etc., thrown by the strikers and sympathizers who had congregated in the immediate vicinity, numbering, as above enumerated, upward of 2,000 persons. This mob with considerable difficulty was dispersed by the detail, the strikers running in alleys and taking possession of houses other than their own in seeking refuge from the troopers.

The square embraced by Poplar, Linden, Second, and Third Streets was cleared and an effort made to keep back the mob from making an attack upon the main gate entering the company's works. At the corner of Third and Linden Streets a mob of upward of 300 had collected and refused to move. This mob had collected shortly after this thoroughfare had been cleared by the troopers. The troopers stationed in that vicinity numbered four men, and in their efforts to again clear the streets were met with open resistance. A number of shots were fired at the troopers from lower Linden Street and the vicinity of the Reading Railway tracks, and scores of rocks and bolts were thrown at the troopers.

In front of the Majestic Hotel, at the corner of Third and Linden Streets, upward of 100 persons had collected upon the steps of the hotel and on sidewalk immediately in front of same. Trooper John T. Moughan, who was stationed near that point, was endeavoring to drive them back when he was struck with a rock and nearly unhorsed. At this time two shots were fired at him presumably, shots being fired from lower Linden Street. He and Trooper Dugan rode into the crowd, and both saw a man attempting to draw a revolver. Moughan fired twice, one of the shots presumably hitting and killing Joseph Szambo, a striker, and the other bullet hit a Hungarian, making a slight wound in his cheek. During the mêlee in the vicinity of the Majestic Hotel, where Szambo was killed, six of the troopers were struck with stones, one of whom was quite seriously injured, and a dozen of the horses were hit. It is estimated that fully 20 shots were fired at the troopers, and hundreds of stones were thrown at them. Near this point the violence and the open opposition to law was so great that it was necessary to advise you by telephone for the purpose of requesting reenforcements for detail of 25 men then on duty. You sent the remainder of Troop B, consisting of 23 men, and 42 men of Troop D, under Capt. Pitcher. These reenforcements arrived in South Bethlehem during the afternoon and evening, and were entirely necessary to cope with the situation in the preservation of peace and the preserving of law and order. The town upon the arrival of the first detail of State police was practically in the hands of strikers, and mob violence ruled. The resistance to the State police was open, and was of such a nature that it exceeded the violence of any strike that has taken place within the past five years in which the State police has participated.

Shortly after the death of the striker Trooper John T. Moughan was placed under arrest on the charge of manslaughter. The trial took place at Easton during the week of June 13 and resulted in the acquittal of the trooper. The prosecution abandoned the case on June 15, after failing to show that the shooting was not justified and that mob violence did not prevail in South Bethlehem when the fatality occurred. No witnesses for the defense were heard, for, as above stated, the prosecution, after hearing about 12 witnesses, decided that the Commonwealth had no case and, with the consent and approval of Judge Scott, present judge of Northampton County, had the jury bring in a verdict of not guilty.

At the time there were on strike upward of 9,000 men, former employees of the Bethlehem Steel Co. A large majority of the strikers was composed of foreigners, and on the day of the arrival of the State police at South Bethlehem, February 26, 1910, hundreds of these strikers were drunk and maudlin and in excitable condition. They had practically been in control of South Bethlehem for several days and the overt acts committed with but slight attempts made on the part of the local police to make arrests. And to this fact, in connection with the drunken condition, I attribute the violent opposition shown to the State policemen and the score of overt acts committed on the day of the arrival of the State officers.

The members of Troop B who were in attendance at court at Easton returned to barracks at Wyoming on June 15.

Very respectfully,

J. F. ROBINSON,
Captain Troop B.

SOUTH BETHLEHEM, PA., *March 7, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D for the past 48 hours, as follows:

Patrols extend on highway outside of steel plant for a distance of 2 miles. Patrols are worked from 4 to 8 a. m., 11 to 1 midday, and 4 to 6.30 p. m. In addition, a regular guard is maintained over stables and quarters of troopers, the reserve being always prepared for emergency calls.

South Bethlehem police and borough officials are openly working against the State police, and they are to a large measure responsible for the continuance of feeling of animosity on part of strikers and sympathizers.

The strength of the State police on duty here is as follows: Troop B, 46 officers and men; Troop D, 40 officers and men. The two troops have a total of 93 horses on duty here, of which 9 are practically unfit for active service. None of the horses is seriously injured or disabled.

Many of the troopers have suffered with slight attacks of tonsilitis and sore throat, due mainly to work in early morning during inclement weather. None of the cases is of a serious nature.

Men and horses are comfortably quartered, the former in steel company offices and the latter in improvised stables on company property.

The territory patrolled by troopers will have to be extended, as the strikers are sending their pickets to outlying districts and this morning stopped two cars, firing on one car.

To-day upward of 4,000 men, not quite one-half of the total number formerly employed, were at work at the plant.

Very respectfully,

J. F. ROBINSON,
Captain, State Police, Commanding Detachment.

[Pennsylvania State police, Troop B.]

SOUTH BETHLEHEM, PA., *March 10, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D on detached service at South Bethlehem, for the past 48 hours.

It was necessary to extend patrols morning and evening to include practically all of the residential sections of the workers so as to protect them from molestation while going to and from work. The strikers have organized a very strong band of pickets, and last night after the patrols were withdrawn from the streets several of the workmen were attacked and beaten, and three houses were stoned.

It is estimated that upward of 5,000 men are now at work at the plant, leaving about 5,000 still on strike. The indications are that the strike will be broken within the next 10 days, and until it is I am of the opinion that the present detachment of State police should remain here on duty. The deputies in the employ of the sheriff are of the usual variety, afraid and inefficient, and if the State police were to leave here to-morrow the following day there would not be a man at work through fear of attack on the part of the strikers.

The executive committee of the strikers yesterday notified all of the storekeepers in South Bethlehem not to sell anything to State policemen under penalty of boycott, and the proprietors of the stores are strictly adhering to the admonition.

Two arrests were made yesterday, one on charge of rioting, the other on charge of disorderly conduct. The defendants will be given a hearing to-day before Justice Enright.

Sergt. Smith and a deputy sheriff have been sent to Pittsville to arrest one James Bocan, a rioter who left South Bethlehem following the issuing of a warrant for his arrest.

Men and horses of detachment on service here are in good condition.

Very respectfully,

J. F. ROBINSON,
Captain Commanding State Police Detachment.

SOUTH BETHLEHEM, PA., *March 11, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D on detached service at South Bethlehem for the past 24 hours.

Patrols have been extended to cover a distance of about 5 miles of streets adjoining the steel company plant and the homes of the workers. Numerous cases have been reported of intimidation and threats, and as the result we made two arrests yesterday on warrants issued upon information furnished by employees. Also rearrested one of the prisoners who escaped from the deputy sheriffs on February 26. The defendant was held for court under a thousand dollars bail on charge of rioting.

Men employed this morning total upward of 5,500.

Eight troopers are ill with slight attacks of grippe and many of the men are suffering with sore throats, due to the patrols in the early morning.

The strikers intend to parade with the women and children Saturday despite the fact that a permit for such a parade has been refused by the burgess and by the sheriff. We may experience some trouble, providing the strikers make good their threat and parade.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Detachment.

SOUTH BETHLEHEM, PA., *March 15, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations for the past 24 hours of Troops B and D on detached service at South Bethlehem.

Patrols were maintained as usual. Three arrests were made for rioting, assault and battery, and carrying concealed weapons. At hearings before justices of the peace defendants were held for court.

At meeting of South Bethlehem councils last night Chief of Police Kelly was discharged, owing to neglect of his duties and his open avowal of sympathy of strikers. During the entire strike not an arrest was made by the South Bethlehem police force for disorderly conduct on part of strikers, and the removal of the chief is somewhat in the nature of a reversal of the ill feeling against the steel company and the State police.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Troop B.

SOUTH BETHLEHEM, PA., *March 29, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to herein present report of operations of Troops B and D on detached service at South Bethlehem, Pa., March 25 to March 29, 4 p. m.

Patrols were sent out each morning and evening while the men were going to and from work—the patrols going out at 4.30 a. m. and remaining to 7.30 a. m., and again at 4.30 p. m. and remaining to 6.30 p. m. In addition to the above a reserve detail of 10 men is kept on duty at the office building at all times.

There have been no arrests and no disorder, with the exception of last night at about 11.30 p. m., when four shots were fired at Pvt. McGrath, who was on duty outside of the office building, two of the shots hitting the office building, within about 3 feet of where Pvt. McGrath was standing. The shots came from the rear of some old buildings across the street. A diligent search was made, but could not locate anybody.

Very respectfully,

LEON PITCHER,
Captain Commanding Troop D.

SOUTH BETHLEHEM, PA., *April 8, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations for the past 48 hours of Troops B and D on detached service at South Bethlehem.

Patrols were maintained as usual and no disorders occurred. Forty-four members of both troops have been subpœnaed to appear at court at Easton next week as witnesses in riot, assault and battery, and manslaughter cases.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Detachment.

COPIES OF LETTERS, TELEGRAMS, AND REPORTS ON FILE IN THE DEPARTMENT OF STATE POLICE, OF THE COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE CONDITIONS EXISTING AT ERIE, PA., AUGUST 23, 1913, AND THE DUTY PERFORMED BY THE STATE POLICE IN CONNECTION THEREWITH.

1. Report of Lieut. Thomas F. Wiechard to Supt. Groome, August 23, 1913.
2. Report of Capt. Lynn G. Adams to Supt. Groome on arrival of detachments from Troops A and D at Erie, August 24, 1913.
3. Report of Capt. Lynn G. Adams to Supt. Groome, August 31, 1913.
4. Report of Capt. Adams, commanding detachment on duty at Erie, to Supt. Groome, September 5, 1913.
5. Letter from Supt. Groome to the commanding officer, Troop A, instructing him to withdraw members of Troop A on duty at Erie, Pa., November 8, 1913.
6. Letter from Supt. Groome to Mayor W. J. Stern, Erie, Pa., informing latter of withdrawal of 20 men from duty at Erie, Pa., November 8, 1913.

ERIE, PA., *August 23, 1913.*

Superintendent JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to submit the following report of my investigation of the conditions as to law and order at Erie, Pa., where a strike of molders and foundrymen is in progress.

Arrived at Erie at 9 p. m. August 20, and visited the strike zone, and from inquiries made from men employed at the several foundries I learned that the strike was called in an effort to unionize the shops in Erie; that about 1,500 molders responded and were engaged in doing picket duty on the streets leading to the houses of the men still employed at the foundries; that the strike was inaugurated in November, 1912, and has continued since that time.

I next called on the sheriff of Erie County, arriving at his residence about 11.30 p. m., and found the sheriff in a state of nervous distress; so much so that he insisted on our conference being held in an unlighted room, and at the termination he escorted me from his residence by the rear door. The sheriff outlined the conditions to me as being absolutely beyond his control; that he had put forth every effort to handle the situation but was unable to do so; that he had advertised for deputy sheriffs and about 50 men responded to his advertisement but was able to select only 15 men of the right caliber, and some of those selected were doubtful. He told me emphatically that he was positively unable to cope with the situation; that the strikers had established a system of picketing in which violence was resorted to and in the past 10 days one man had been killed and several seriously wounded and that he was now appealing to the department of State police to assist him in putting down the disorder. At 10 a. m. on the 21st of August, I met in conference Mayor Stern of Erie, the sheriff, chief of police, and the county and city solicitors. The situation was gone over in detail, and the mayor told me that conditions had gotten so far beyond his control that he had placed the matter in the hands of the sheriff and that he (mayor) had heartily indorsed the sheriff's request for intervention by the State police. I next interviewed the secretary of the manufacturers' association, and he showed me a list of casualties and statistics substantiating the statement made by the mayor and the sheriff.

The foundries are located in two distinct sections of the city; one section on the east and one on the west side, and the territory covered by the 20 plants involved is so extensive that the Erie police and the extra deputy sheriffs, even though they were properly instructed, would be unable to handle these con-

ditions. I would therefore recommend that a troop of State police be sent to Erie, and they are assured of absolute cooperation from the local authorities. It is my opinion that sooner or later our department would be obliged to take this matter in hand as the disorders are multiplying each day, therefore intervention by a troop at this time will doubtless save serious trouble and the mobilization of the entire squadron.

Very respectfully,

THOMAS WIECHARD, *Lieutenant, State Police.*

ERIE, PA., *August 24, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that the detachments detailed from Troops A and D arrived Erie at 6 a. m., and were detrained successfully without more than a dozen inhabitants being aware of our presence. At 6.30 a. m. 20 men were on the streets in the affected districts doing regular patrol work, preventing the crowds from congregating and picketing, and there was no case of violence reported during the forenoon. The men on the streets were relieved by the other half of the detachment who remained on duty until 1 p. m., when they were relieved for dinner. It was not then found necessary for our men to go on duty until 4 p. m., when the men at work in the various factories begin to leave for their homes, when 20 men were detailed to patrol the streets as in the morning.

At about 4.30 p. m. a crowd of about 500 men congregated between Eleventh and Fourteenth Streets on Parade Street and refused to obey the traffic regulations, and resorted to violence, which in consequence caused the arrest of seven men, charging same with disorderly conduct. Two arrests were resisted, which necessitated the use of considerable force and the conveying of two men to the Hamot Hospital for repairs. The only injury sustained by the members of our detachment was the destruction of one summer helmet. After these arrests the crowd was dispersed, and at 7.30 there being no further necessity for our men to patrol the streets they were relieved.

Conditions on Sunday morning are very quiet, and chances of a general strike on account of our presence seems to be more and more remote as time passes.

In my next report I will inclose blue print locating the various affected factories, and a map of the method that I shall use to protect the workingmen to and from work in various parts of the city.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments A and D, Erie, Pa.

ERIE, PA., *August 31, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that the situation remains quiet in Erie. I have just had a conversation with Mayor Stern, and he believes the quietness of the situation here is entirely due to our presence, and would regret very much the withdrawal of our men while conditions remain as they are, because they would probably revert to the conditions that existed before our arrival.

The suppressed spirit of unrest was demonstrated last night by the stoning of houses occupied by those who had been on strike. This matter, however, was handled by the local authorities, who are taking precautionary measures to prevent a recurrence.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments Troops A and D, Erie, Pa.

ERIE, PA., *September 5, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that conditions are comparatively quiet in Erie in connection with the strike. There appears to be, however, some unrest in the ranks of the strikers inasmuch as some workmen were stoned last night

at a railroad crossing on Chestnut Street, south of Twelfth, but was discontinued upon the appearance of our men. The residence of a nonunion workman was burned at 3 a. m. yesterday morning, the fire being apparently of incendiary origin.

I am inclosing herewith copies of reports of Burns's detectives in the employ of the manufacturers' association.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments Troops A and D, Erie, Pa.

NOVEMBER 8, 1913.

Commanding Officer TROOP A, STATE POLICE,
Greensburg, Pa.

SIR: You are hereby instructed to relieve the men of your troop now on duty in Erie and order them to return to the barracks on or before Saturday, November 15.

When you leave you can turn over the command of the balance of the detail to Lieut. Wiechard of Troop D.

Very respectfully,

JOHN C. GROOME,
Superintendent.

NOVEMBER 8, 1913.

Hon. W. J. STERN,
Mayor, Erie, Pa.

SIR: The detail of State police now in Erie that was sent to your assistance August 20, after repeated requests from yourself and the sheriff, with your assurance that it was impossible for the local authorities to maintain law and order, has now been on duty in your city nearly three months, and this detail, with the assistance of your men, has been able to maintain law and order during that time, and I now feel that conditions are such that your police assisted by a small number of State police can continue to maintain law and order in the city, and I am therefore writing to notify you that I shall withdraw 20 men of the force now on duty in Erie on Saturday, November 15. I feel that the local authorities have had ample time to make arrangements that will enable them to successfully handle the situation without outside assistance; and should conditions remain as they are, I expect to withdraw the balance of the men within a short time.

Thanking you for the courtesy you have extended to the officers and men of the force and the assistance you have given us, I remain,

Very respectfully,

JOHN C. GROOME, *Superintendent.*

LUMB EXHIBIT.

STATEMENTS OF STRIKERS AND OTHERS GIVEN AT HEARING IN PARLOR OF THE LOUGHRAN HOTEL, HAZLETON, PA., JUNE 11, 1914.

Mr. MAURER. Your men in this district since they came here have not been acting impartial in this strike situation, between the employees of the Lehigh Traction Co. and the Lehigh Traction Co. Their conduct has been so as to favor the traction company and reflect against the employees and to harass the old employees. That they have been, on the other hand, partial and favorable to the Lehigh Traction Co. That charge I stand ready to prove.

Another charge was that they arrested men here and took them to Pottsville for trial, and they could have been tried right here. My assumption was that the purpose of taking them to Pottsville was in order to railroad them to jail.

Another was that their presence and action on the streets tended toward disorder, and that their presence was not in the interests of order but disorder, and stand ready to prove this charge.

Mr. Matti is the man who was arrested here and taken to Pottsville on a charge of disorderly conduct or attempting to incite riot. He had a trial in Pottsville and was discharged.

ANDREW MATTI, vice president, United Mine Workers, called to witness stand.

Q. What is your first name?—A. Andrew Matti.

Q. Do you hold any official position in the district?—A. A district superintendent of the ninth district, United Mine Workers.

Q. (By Mr. MAURER). What led up to your arrest?—A. On the 26th of May I went to McAdoo to attend a meeting of the local union of the United Mine Workers. Standing on the corner, I saw one of the——

By Mr. LUMB:

Q. What street were you standing on?—A. Prinn and Railroad. One of the mine workers, a brother miner got off the car, and when I seen him getting off I went to him and wanted to talk to him. He stopped. I put my hand on him and said, "Do you know these cars are unfair." He looked at me, and we started to walk and talk.

Q. But you did put your hand on him?—A. Yes. I told him that I was an official of the mine workers. While talking to him, three men came along; I know one of them, Mr. Hennig. I don't know these other two gentlemen—that is, I would know them if I would see them. I walked away with this man, and was talking quietly. Mr. Hennig walked up and said, "Don't listen to a damned fool." I says, "I know you; I know who you are." That is all that was done that night. I wasn't arrested or anything until the 28th.

Q. What time was that?—A. In the evening, between half past 5 and 6 o'clock. On the 28th of May, at 8 o'clock in the morning, I was in bed. The three gentlemen appeared again. One of the constabulary I know, Mr. Hennig. Two other gentlemen were with him. I was just getting the paper to read.

Q. Where were you then?—A. At home, Hazleton, 625 Arthur Street. They came up to me and said, "Matti, you're arrested." I says, "What for?" They says, "Never mind what for; just come along." I says, "Do you have the warrant?" They says, "Yes," and showed it to me. I says, "The name of the justice is not familiar in this city. I know them all."

Q. What was the name of the justice?—A. Freiler, I think. They took me to Pottsville. When he took me from home I come down here and asked them, "Could I get an attorney to defend me?" Hennig says, "Yes; you can, if you can get anybody." I phoned for Abner Smith, but he wasn't at home. Hennig says, "You have only five minutes' time; we are going to Pottsville." I says, "What are you going to Pottsville for?" Hennig says, "To take you to jail." He says here on the corner before we got on the train, "If you pay $10, it will cost you that anyhow," he says, "if you give me $10 I will let you go." He says "If you pay $10 to me you can go home." I says, "No, sir; I am not guilty." He says, "Now you can look for bail; you have ample time."

Q. Was Hennig alone?—A. He was with me all the time. Then when we got to Pottsville another officer took me up before the justice of the peace.

Q. (By Mr. MAURER.) Now tell about the saloon?

Mr. LUMB. Mr. Maurer, I object to your leading the witness, and request that he state his grievance in his own way.

Mr. MATTI. I am coming to the saloon later.

Q. (By Mr. MAURER). Did you go right from the train to the justice of the peace?—A. Yes, sir. I went in to the justice of the peace and I made a plea before the justice that I couldn't get my witnesses there. "Well," he says, "you have to get bail"; never told me how much the bail was in Schuylkill County. I says, "I want to see my lawyer," and he says, "It will do you no good anyhow to see him because the district attorney is on our side." "Well," I says, "he will give me a chance to get bail or something." Hennig says, "Now, you are going to jail, remember that." He says, "Now, you are going to jail, understand that." The other two gentlemen were there on the corner at a saloon.

By Mr. LUMB:

Q. What saloon was this?—A. Right at the corner as you come in from the station.

Q. Which station did you go in?—A. The Pennsylvania. We came from the squire's office and went in that saloon. He set 'em up. Hennig took a whisky and the other constabulary man took a beer and one took a ginger ale.

Q. There were three of them, State police, when they arrested you?—A. Yes, sir.

Q. How many appeared against you?—A. Hennig and another constabulary man and a man that used to be a constabulary. We came from the justice's

office and were on the corner of the street. Then we went into the saloon. He set 'em up; Hennig took a whisky and I took a whisky, the other fellow took a beer, and the other fellow took a ginger ale. He (Hennig) refused to pay for the drink I took. I says, "If you don't want to pay it, I'll pay it." He says, "No, ——— ——— you, you don't need to; I'll pay for that drink."

Q. How many of you were drinking?—A. Me and Hennig and the rest of the boys took a drink.

Q. What boys?—A. The constabularies. He says, "You come up and go to jail now." I says, "All right." He says, "Matti———

Q. Who says?—A. Hennig. The other gentlemen were left in the hotel. He says, "Matti, do you know what I have a notion to do? I have a notion to knock your damned block off." I says, "Take that badge off, and I'll take you down the alley." He says, "Come on, you damned fool, come on." We went to the hotel and I says, "Come on, Hennig, come on in here and we will have another drink." Hennig took a drink and I took a drink; took a glass of beer apiece. I seen a fellow I knew, the bartender, and I says to him, "I'm arrested by this constabulary man; would you go my bail?" He laughed and says, "Why, sure, I will go your bail, Matti." So in the meantime Hennig walked around the bar and went behind the bar. The bartender says, "What are you doing back there; what do you want?" Hennig says, "I want to read this bill here," and he says, "I'll read it anyhow." He says to the proprietor, "If you want to go his bail, you have got to go down right away." The proprietor can't walk; he has rheumatism.

Q. What was Hennig's reason for going behind the bar?—A. I don't know. I'm not going to say anything that I don't know. He says, "You've got to go on down now," and the proprietor says, "I'll phone down to the squire and tell him that I will go his bail."

Q. That was the squire that issued the warrant?—A. Yes, sir. So when we got through talking and we had another beer I went with Hennig and he says, "Do you want to see the district attorney?" He says, "You come up to the courthouse and I will show you how close you were to jail." I went up to the courthouse and he saw the district attorney, and I talked to the district attorney after he got through with him. I says, "Where can I get a good lawyer?" He said there were several lawyers around there, but didn't mention any names. We then went back to the squire's office, and Hennig says, "If your bail is not there I'll kick the ——— ——— out of you. Shut up," he says, and he jerked me again and took me down street to the squire's office, and when we got there the squire was there.

Q. Who furnished your bail, Mr. Matti?—A. The proprietor of the City Hotel. I says, "Pay my fare back." He says, "No; I am done with you now, but I will pay your fare in a Pullman if you want to ride."

Q. Who did pay your fare?—A. Hennig. I returned the fare when we got to Hazleton. He wanted the money back, so I gave it to him.

Q. You parted at Hazleton?—A. Yes, sir.

Q. Good friends or otherwise? There was no hard feeling when you separated?—A. Certainly we did. With that many men what could I do? I didn't want my block knocked off.

Q. (By Mr. MAURER.) Then what?—A. Then I got my hearing.

Q. When was the hearing?—A. The 26th.

Q. What day was it you were taken down that you just spoke about; I thought it was on the 28th that you were arrested? You know it was on the 26th that you touched the man on the sleeve and told him about the cars.

(Witness constantly refers to notebook.)

A. Twenty-eighth I was arrested and on the 29th I had the trial. On the 28th I was took down to Pottsville; on the 29th we had the trial. On the 29th I appeared before a squire, got my witnesses, and give my statement on the road that I did not raise any disorderly conduct and had two witnesses to swear to that. Mr. Hennig swore that I was going to knock his head in on the street, that I raised a disturbance on the street which was never done. I was discharged by the squire not guilty.

Q. (By Mr. KENNEDY.) Matti, who paid the costs?—A. I don't know. The costs were paid. So when we came home after the case went off Mr. Hennig says to me before we parted again, he says, "I'll get you yet." I says, "All right, if you want to get me. All right, if I am guilty." It was here at the station, coming back from Pottsville, on the 28th, I told Hennig, "I am going to get my witnesses ready for to-morrow." He says, "Don't you come up to

McAdoo." He says, "If you do, I'll arrest you again." He says, "If you come up to McAdoo, I will have you arrested again." My lawyer says, "You go to McAdoo and get your witnesses," and I did so.

Q. (By Mr. MAURER.) Mr. Matti was there any officers of the Lehigh Traction Co. along with the State constabluary to Pottsville?—A. Yes. An ex-constabulary man was to Pottsville with the other two men. He followed me up to Pottsville with the other two gentlemen.

(At this point Capt. Lumb reminded Maurer that he had promised to have all the witnesses sworn.)

Matti sworn by James A. Gorman, notary public.

By Mr. LUMB:

Q. Mr. Matti how many drinks did you and Hennig have together on your trip to Pottsville with him?—A. We had two whiskies apiece in that hotel while these two gentlemen were with us, and two beers apiece at the other hotel; that is, the City Hotel.

Q. What was that drink that cost 15 cents that Hennig balked about?—A. Oh, I took a drink of Overholt whisky.

Q. You changed the brand to 10-cent whisky on the second drink?—A. That's it.

W. F. WELSH, second vice president, Trolleymen's Union, sworn.

Mr. MAURER. Now, Mr. Welsh, Mr. Matti said something about you being by when he was arrested——

Mr. LUMB. May I suggest that these men be allowed to tell their own stories?

Mr. WELSH. On the morning of May 28 I was going up to our headquarters, which are in the Saeger Building, at the corner of Broad and Church Streets. At the corner of the intersected streets I met Mr. Matti and did not notice that there was any person with him. Matti says, "I'm arrested." And I says, "Who arrested you?" He said, "These three men here." He says, "They are going to take me to Pottsville on this 9.19 train." Evidently it was within a very few minutes of the train time, because one of the gentlemen that was with Mr. Matti kept pulling out his watch and looking at it, and he made the remark that the train was about due. Then he says, "Come on, we have to go." Matti says, "I want a little chance here." Hennig says, "The best thing you can do is to pay your fine of $10, for you know you are guilty and confessed your guilt, for —— —— you, you are guilty." Then they started down street for the station. I saw the secretary of the mine workers and come up the street with him, and told him that they were taking Matti to Pottsville. That is all I know about the case.

By Mr. LUMB:

Q. Did you know that Matti was under arrest when you first saw him?—A. No.

Q. They didn't have a hold of him; he wasn't handcuffed or anything like that?—A. Oh, no.

Q. Mr. Welsh, will you explain the action of the State police toward the trolleymen?—A. Well, their action from reports given me by the men who are out on strike have been simply intolerable and unbearable. They have on several occasions tried to raise disorder.

Q. When they were in uniform?—A. You don't know who the State police are; they are not in uniform. Several have been pointed out to me as being State police in plain clothes. From information received, I am led to believe that they are trying to stir up trouble.

Q. Capt. Pitcher, how many men are there in Hazleton?

Capt. PITCHER. Twelve men and 1 plain-clothes man.

Q. (By Mr. DEVERS.) Will you compel him to appear in uniform?—A. (Ignored.)

Mr. LUMB. We have had one plain-clothes man in Hazleton.

Mr. WELSH. I would say that if you have only got one man in plain clothes here, unless that is Hennig, there was no State police troopers arrested Mr. Matti.

Mr. LUMB. Private Slifer went along to Pottsville.

Mr. MAURER. I think that we will be able to show that there are more than one plain-clothes man here on duty.

NEIL J. FURRY, national committee, United Mine Workers, McAdoo, Pa., sworn.

By Mr. President KENNEDY, United Mine Workers:

Q. Mr. Furry, do you reside at McAdoo?—A. I do.

Q. Were you at Pottsville when the trial came off?—A. Yes; I was down there at Pottsville on the 29th of May.

Q. How many members of the State constabulary to your knowledge were down there that day?—A. How many members were there? There were two members there and a fellow who said he was an ex-State police, employed by the Lehigh Traction Co. There were two other fellows there, a fellow by the name of Koontz.

Q. The testimony of the State constabulary and the testimony of the gentleman who was a Lehigh Traction Co. police, did it differ in the morning?—A. Yes. The State police and the officers of the Lehigh Traction Co. differed—their testimony was somewhat different, considerable in fact. If you want to hear it I am willing to recite it.

Q. (By Mr. LUMB.) What is the idea, Mr. Kennedy?

Mr. KENNEDY. To show that their testimony was fixed-up evidence. Koontz, a witness for the State police, was fixed. He had fairly good English. I understand that he had been in this country for quite a few years. The testimony that he gave did not coincide with that of the State police. He was discharged. Both sides had submitted all the questions to him that they felt like. After dinner they recalled him to go over the testimony, and his testimony was like that of the State police. In the first place the State police testified that Andrew Matti had called them ——— of ———, skull crackers, and scabs. In the forenoon he said he didn't hear anything like that, but in the afternoon he said he did.

By Mr. LUMB:

Q. Do you know where Koontz lives?—A. Koontz lives out here in Hazle Heights. Those fellows took him down to McAdoo; they know where he lives, I suppose.

Q. Do you know his first name? I would like to find him.—A. No.

Q. Did Mr. Matti have an attorney there?—A. Yes.

Q. Did he make any exceptions to this testimony?—A. Yes; some. When we were coming back I was sitting in the smoking car, and Matti came in and sat beside me. Mr. Hennig came in and made the remark to Mr. Matti that he would "get him yet." Matti says, "Well, if you get me, I will be sure and get you." Hennig said that he would make an example of Matti.

Q. Hennig said, "I'll get you yet."—A. Yes, sir. I believe when the citizens of Pennsylvania pay men to work and look after the citizens who are paying them that they shouldn't be out after any individual, and they should carry out orders.

Q. Now, you are expressing an opinion Mr. Furry, and that is not evidence.

WILLIAM FOX, chief burgess, McAdoo, Pa., sworn.

By Mr. KENNEDY:

Q. What is your occupation?—A. Steam-shovel foreman.

Q. Official position?—A. Chief burgess of McAdoo.

Q. Mr. Fox, was there a trolleyman arrested previous to the Matti case on the record?—A. Yes, sir.

Q. What was the charge?—A. Well, disturbing the peace and the harmony of the borough and using unchaste language and insulting the person.

Q. What was the disposition of the case, so far as you were concerned? What was the verdict?—A. I found him guilty.

By Mr. LUMB:

Q. Where was the hearing held?—A. In the borough lockup.

Q. At what time?—A. Oh, I can't say. Just after the arrest.

Q. Is it not a fact that the hearing was held on the way to the lockup?—A. No; I didn't give no hearing on the outside. I give the man a hearing, and I invited the sergeant in charge or any of the State police to come in for the hearing.

Q. Under what conditions was the man arrested?—A. When the man was arrested the crowd was so thick that I thought there was going to be a riot.

Q. Afraid of getting mobbed?—A. No; they would have to mob me first. I give him a hearing. When we were going in, down into the town, I invited three of them—the sergeant and two other men—to attend.

Q. Where were the State police at this time?—A. The State police went right along, too, and I invited them down into the hearing, and they wouldn't go.

Q. Was there reason to fear that he would be mobbed?—A. Well, its hard to say what might have occurred?

By Mr. DEVERS:

Q. Did they offer any assistance?—A. A man in my position would be crazy to refuse protection. I would resign my office before I would do it. I says to the State police, "I can handle the crowd," and did handle it and proved to them that I could handle it.

Q. You say that there was, or thought that there was, some danger for that man from the mob?—A. I didn't know; but I handled the crowd and saw three State police in it.

Q. You say there was three State constabulary men over there?

Mr. LUMB. Over where?

A. I know there was three in uniform and three in plain dress, civilian dress. Either that or I was misinformed by the sergeant in charge.

By Mr. KENNEDY:

Q. Was there any of the men in the crowd carrying guns?—A. I was informed that some men had guns in the crowd, and when I mentioned it to the sergeant he says, "Those men belong to us. They are in plain dress," and said further, "I am not going to interfere with anything you people do at all."

Q. How many in plain clothes?—A. Three.

By Mr. LUMB:

Q. That was on the 6th of May, was it, Burgess?—A. Yes; that was on the 6th of May.

Q. Did you fine this man any money?—A. Yes; I fined him $10.

Q. Who paid the fine?—A. One of those parties that the sergeant represented to me as a State policeman.

Q. Who?—A. The man who paid the fine was one of the State police.

Q. Do you know what object one of the State police would have in paying a man's fine, Burgess?—A. No, sir; unless to help the Traction Co.

Q. When was the fine paid?—A. Fine was paid probably an hour later.

Q. How long was he in jail?—A. Well, after the fine was paid the troopers asked me if I would take him down, and I says, "Yes; I will take you down and assure you that nothing will happen." There was nobody at all around the lockup; they was all at the trolley car.

Q. (By Mr. MAURER.) Do you think that after the man was turned over to you that the State police were needed?

By Mr. LUMB:

Q. Do you think that there was any possibility of anything being done to the prisoner?—A. I can't say.

Q. Who arrested this man?—A. My officer.

Q. Where were the State police at that time?—A. On the car tracks, close to the sidewalk. The officer arrested him right on this corner.

Q. What did the State police do when he was arrested?—A. Went right along with the crowd.

Q. Did you hear any talk of violence?—A. No; I didn't hear anything at all.

Q. Burgess, when this man's fine was paid you accompanied him to a point where you saw two mounted State police, and then, thinking they could protect him, you turned back. Is that right?—A. Yes. I knew he wouldn't be hurt while I was with him.

Q. Now, gentlemen, you see why a State policeman paid the fine. This man had been sentenced to $10 and costs or 48 hourse in the lockup. Is that right, Burgess?—A. Yes.

Q. Yes. And the State police, knowing they could not stay the 48 hours, arranged to pay this man's fine so that he could escape with his life while they were there to protect him, just as they would have done if it had been the president of your union or any other human being.

Q. Mr. Fox, as burgess of McAdoo, what was your attitude toward the State police at McAdoo?—A. I give orders for the police to keep everybody on the move to prevent the injuring of anybody.

Q. When was that?—A. It was the same evening that Matti was arrested. This Hennig was along with a gray shirt on. He says to the officer "Why don't you go over and disperse that crowd over there?" The officer came to me and told me about it, and I says "Keep the sidewalk clear. We are not looking for trouble."

Q. What night was it that you ordered the State police to leave McAdoo?—A. The same evening. The State police and me never had no words after that, after ordering them away from McAdoo. Their advice was all right—they told me to see my lawyer.

Q. Burgess, you can tell us why the man was taken out of McAdoo for the hearing can't you?—A. No.

Q. Did our men make a request to keep the man in the lockup over night?—A. No, sir.

Q. Was any citizen of McAdoo assaulted by one of the State police?—A. Why, yes.

Q. Who was the citizen, Burgess?—A. He was a tender by the name of Philip Riley.

Q. When was this?—A. Maybe two or three weeks ago.

Q. What was he assaulted for?—A. I don't know.

Q. You just heard it?—A. Yes. I later sent for your men to come so that I could ask them about it, but they didn't come. I didn't see the assault.

Q. Were you at McAdoo the night Matti was there?—A. Yes, sir; I was there.

Q. Did he create any disturbance?—A. No; not that I saw.

STEPHEN POSTUPAK, chief of police, McAdoo, Pa., sworn.

By Mr. DEVERS:

Q. Mr. Postupak, were you at the scene when Matti was arrested?—A. Yes, sir; I was on duty that night.

Q. Did you see Matti create any trouble?—A. No, sir.

Q. As chief of police, what has been the action of the State police? Do they favor the Lehigh Traction Co. or prevent trouble?—A. Four men got after a car the night Matti was arrested and were fresh.

By Mr. LUMB:

Q. What do you mean, fresh?—A. The State police went right through the crowd with a rush. One of the men says, "Here, come on, come on," and I went over. It only happened about a minute; he only held that man about one minute, and afterwards I heard that he was at Pottsville. There was 15 State constabulary troopers in that crowd at that time, and the State police troopers at Pottsville was about 75.

Q. Now, what did you see the State police do that you thought was wrong, Mr. Postupak?—A. Well, I didn't see anything that anyone should be arrested for.

Q. When was this man arrested?—A. I think it was on the 20th that this man was arrested only 20 feet from me.

Q. When was Matti arrested?—A. The State police arrested Matti the next day.

Mr. MAURER. This is to substantiate Matti's testimony.

Q. You are a citizen of the United States are you, Chief?—A. Yes, sir.

WILLIAM GALLAGHER, sworn.

By Mr. DEVERS:

Q. Do you reside in South Side?—A. Yes, sir.

Q. Will you state what the State police done to you over there?—A. It was about the same night that this occurred at McAdoo that I had occasion to come here to town to get a prescription filled here in Hazleton, when two of these troopers came along and I was talking to two other fellows when one of the fellows I was talking to said "Those guys are members of the State police." By that time the State police rode up and they says "What are you doing here?" We wasn't doing a thing, but they chased us away from there and went up to the station where there was two girls.

By Mr. LUMB:

Q. What did they say to the girls?—A. I don't know.

Q. Did you see them speak to the girls?—A. No; but they went up pretty close to where the girls was and stopped. They must have wanted to talk to them after chasing us away.

Q. Why do you want to drag the names of women into this affair?—A. Well, those State police had no business to chase us; we wasn't doing anything.

Q. How did they chase you?—A. Well, they drove us up the road.

Q. Did they have a hold of you?—A. No.

Q. Well, how did they drive you?—A. Well, we kept moving and they kept behind us.

Q. As a matter of fact, Mr. Gallagher, you could have gone in any direction you wished to, could you not?—A. I suppose so. But what did they want to stop by those two girls for?

Q. Where were the girls?—A. They were in the trolley station. The State police might have had a date with them for all I know.

Q. Did the State police speak to them?—A. I didn't see them.

Q. As a matter of fact, these girls were where they properly belonged waiting for a trolley car, were they not?—A. Yes.

Q. And the State policemen were on the road where they properly belonged?—A. Well, what did they want to drive us for and not drive the two girls?

Q. As an American citizen, what is your object in trying to drag two decent girls into a controversy like this, when, by your own admissions, there was nothing either said or done to indicate the slightest misconduct on the part of the State police or the girls? I submit to you, gentlemen, that this line of precedure is unfair. When four or five men are gathered on the road in a time of disorder they are guilty of riot en route, and the police had a perfect right to disperse them. On what date was this?—A. On the 1st or 2d of May.

Q. Did cars run into McAdoo?—A. I don't know. Later the same evening five of us fellows were talking, and these two State police tried to chase us again. I wouldn't run and they got me between their horses. One of the State police then turned around, and whether he put his foot to me or his hand I couldn't say, but he says, "Get the hell out of here," and he pushed me clear out of the road entirely.

Q. How long were you between these horses?—A. Three or four minutes I was between these horses; I was trying to get out from between them, as I was afraid.

Q. (By Mr. DEVERS). What county was that in Mr. Gallagher?—A. Carbon County.

Q. These men were in uniform, were they?—A. Yes, sir.

Q. Did you notice the number on their collars?—A. No, sir.

Q. These men had no business to do anything to you?—A. No, sir.

Q. No sidewalk at that point?—A. No, sir.

Q. But there were five of you together in a crowd?—A. That's all.

CHARLES MCBRIDE sworn.

By Mr. DEVERS:

Q. What is your first name?—A. Charles McBride.

Q. Have you heard Mr. Gallagher testify?—A. Yes, sir.

Q. Will you give your views of the affair?—A. There were four of us together. We thought we would wait thhere to take a bus back to McAdoo. Then Gallagher came along and we began to talk with him, and two State police came up and asked what we were doing there. I did not say anything that I remember of.

By Mr. LUMB:

Q. You don't know whether you said anything to them or not?—A. I did not say anything. We walked over right on the public road. They rushed Gallagher across the road, and one of them says, "You won't go, won't you?" He then dragged Gallagher across the road, came back, and says, "You'd better get out of here." One fellow came right after us and made us hurry up the road. He says, "Don't let me catch you down here any more." So we went up there, or he took us up. He was on the horse and chased us.

Q. He didn't take you up; you went up that way and he followed you?—A. Yes, sir. When we came down to the station two girls were inside, looking out the window, and the two State constables were there, standing and talking to the girls.

Q. Were the State police mounted?—A. The State police were on the outside of their horses.

Q. Did they have any rights there?—A. I don't know.

Q. What do you want to drag the two girls into this for?—A. I didn't see any reason for chasing us away and leaving the girls there.

Q. You don't know why you were chased?—A. They chased us away because I thought they had a date with the girls.

Q. How many men were in your crowd?—A. There were five of us altogether. Five of us standing there talking.

Q. What is your occupation?—A. Carman. I run cars in the mine.

GORDON HARRIS, bartender-waiter, Hazleton, Pa., sworn.

By. Mr. DEVERS:

Q. Harris, what is your first name?—A. Gordon Harris.

Q. What are you employed at?—A. Waiter.

Q. Have you had any trouble with the State constabulary since they are in Hazleton?—A. Why, we had an argument between Hennig and me. Hennig was saying he didn't care where he died; was also under the influence of liquor.

By Mr. LUMB:

Q. What did he drink, Mr. Harris.?—A. Beer. Mr. Hennig was stationed here before the other troops were stationed here in plain clothes.

Q. Did you ever see him drunk?—A. Yes; on two occasions.

Q. When?—A. About two weeks before the troop went to Freeland; it was in the latter part of April, and once before that. The bellboy took him up to bed.

Q. Who drank with him?—A. He drank alone.

Q. Who saw him drunk?—A. Bartender McAdoo knew, too, Mr. Hennig was drunk. Several weeks after the State troopers were here there were four State troopers going up this side of the street, after having trouble with Officer Roman. Smith was with them in uniform. Hennig was in citizen's clothes; I never seen him in uniform. Two men were with them; heavy-built fellows, both.

Q. Were these men in uniform?—A. Smith was in uniform. Going up the other side of the street the four of them were telling about the other officer moving. Three came down, the three in citizen's clothes. Smith continued his walk up to the Majestic Hotel. Hennig called the proprietor outside of the hotel. One of the State troopers pushed Gaughan. The State trooper said, "You seem to be pretty fresh around here." Gaughan says, "Have you any right to be here; you have no uniform on, and have no license to come in here and mistreat our customers. You have no right of coming in here and interfering with our customers." Four were going up the other side talking; a train was passing.

Q. Do you know either of the officers of the troop—the captain or the lieutenant?—A. I know Hennig.

Q. Do you know either of these gentlemen here? [Capt. Pitcher and Lieut. Mair.]—A. No.

Q. The captain or lieutenant comes here once a week to find out their conduct. Do you ever report these men's conduct? Have you ever tried to report Hennig to his superior officers?—A. I thought Hennig was the superior officer.

Q. Didn't you know which troop Hennig was from?—A. No, sir.

Q. How did you know these plain-clothes men were State police?—A. I have seen them since in uniform.

Q. Why did you not report them to headquarters?—A. I thought at the time it was the business of the proprietor to report this. At another time he was advised to arrest them. The one guy that comes in here says, "There's no one here big enough to throw me out." He went behind the bar and comes down and raps on the lunch bar. I says to them when they come back again, "We are here to see that customers are treated right." "Well, you hain't throwed us out yet, and we don't see anyone in here big enough to throw us out." They told the proprietor that we had slurred them. We weren't saying a word to them. They were deliberately looking for trouble. One guy seemed intoxicated; the dark-complexioned fellow. The evening after that——

Q. When was this?—A. About three or four weeks after they came here. They appeared in the café; I was going home. Smith and Gaughan were talking. Smith says, "Well, I guess there weren't any guys in there that were big enough to throw him out." He said, "That is a hotbed for the strikers." The two fellows who came into the café were dark fellows.

Q. Did you ever say anything to the chief burgess of Hazleton about the conduct of these men?—A. No; no one but the proprietor.

Q. Did you ever know of anyone but yourself charging anyone more than any other person?—A. No, sir. I charged everybody the same.

Q. Did you ever charge members of this force more than any other customers?—A. No, sir. The proprietor asked me after it appeared that the State

police were overcharged, and I said, "No, sir." The other waiter overcharged the State police, and he said it was a mistake and refunded the money. The proprietor inquired if it was a mistake that the State police were overcharged.

ABNER SMITH, attorney, Hazleton, Pa., sworn

By Mr. LUMB:

Q. Mr. Smith, you have been attorney for the trolleymen?—A. I have been the attorney for the men themselves, just because I know the men.

Q. Explain your opinion as to the State police.—A. Some of them are good fellows, and others are mean and act fresh.

Q. Did you ever say anything to the chief burgess of Hazleton about the State police being drunk.

Q. What have you seen them do that was wrong?—A. The first instance I believe that came to my knowledge was that Mr. Gallagher was arrested in McAdoo without any warrant being issued; was brought over in this jail and in this county.

Q. Did you see the arrest?—A. No; I didn't see the arrest.

Q. What have you seen the State police do that you object to?—A. The State police are only acting as private detectives for the traction company. It is the fellows in authority that are responsible; they act as attorneys for the traction company.

Q. How can they act as attorneys, Mr. Smith?—A. They ask questions.

Q. Who do they represent?—A. The State police act as an attorney for defendants of the traction company.

Q. Can you site a specific instance?—A. Before the squire the other night, Saturday night, he appeared and asked for the discharge of these defendants.

Q. What were they charged with?—A. One was charged with carrying a pistol.

Q. Who asked for their discharge?—A. Hennig asked this. They took Matti down to Pottsville and put him under $500 bail. I told the squire $300 would be enough bail, but Hennig made him get $500. He tells the alderman what to do.

Q. Isn't it up to the justice to fix the bail?—A. Not in every instance. They arrest men and take them away to a county seat or take them miles away. They arrested a man at Freeland and tried to railroad him to Wilkes-Barre.

Q. What are we going to do if the local justices of the peace will not hear our cases?—A. What local justices will not hear State-police cases?

Q. Mr. Moody doesn't want to try State-police cases. Mr. O'Donnell doesn't want to hear State-police cases.

[General discussion, etc.]

A. A man not a citizen was arrested last Saturday, and last Monday night Squire Charles heard the case at Lattimer. Hennig asked for the discharge and acted as an attorney for the traction company.

Q. Doesn't the traction company have an attorney of their own?—A. Yes; they had. Hennig is not neutral. I have nothing to say of any of the other men; they are gentlemen. I have nothing against them, and think their conduct ought to be neutral. I have nothing against Hennig personally; he is smart and takes a lawyer's place at a hearing, I think he ought to be neutral.

Q. Were you ever mistreated by the State police?—A. I was on the corner myself; this is the only instance, and I can prove it. A deputy jostled me, and I told him I would hit him in the eye. It took four State police to arrest Mr. Burns. I think that is too many officers to arrest any man. Burns's father is worth about thirty or forty thousand dollars. They tried to railroad him to Wilkes-Barre, and I wanted him to have a chance to get bail. Hennig came around afterwards, and Hennig says, "Well, we'll take the bail."

Q. Was Hennig in uniform?—A. No.

Q. Did you ever see Hennig in uniform?—A. No.

Q. Mr. Smith, how many men have you seen here in plain clothes?—A. Eighteen or twenty.

Q. Capt. Pitcher, tell us how many men are working here in plain clothes.

Capt. PITCHER. One; Sergt. Hennig.

Mr. SMITH. When four men goes to get one man I think that is not proper.

Mr. LUMB. For one man to arrest Mr. Burns might precipitate a fight. Mr. Burns, you are a big man physically, an official of the union, and very popular about here. If one man arrested you, your friends might be tempted to rescue you, might they not? [Burns smiled.]

Mr. SMITH. They arrested six boys—three from Latimer and three from Jeddo. In the first place they took them down to the traction company's office and gave them a drilling. Then they took them to the alderman's office. I went up and said, "I want in," and Sergt. Smith says, "No; you can't be in." Sergt. Smith didn't want anybody in. When Burns was arrested I says, "I'll go this man's bail." Hennig says, "Anyhow we'll take him to jail."

Capt. PITCHER. The boys (State police) were called scabs.

Mr. SMITH. The State police make their brags on the street, "If I hear anyone call me a scab, I am going to arrest him."

Capt. PITCHER. They have called me a "damned scab" right outside here.

Mr. SMITH. The State police are trying to do more than they should do for the traction company.

LAWRENCE BURNS sworn.

By Mr. DEVERS:

Q. Mr. Burns, are you a citizen of Hazleton?—A. Yes, sir.

Q. (By Mr. LUMB). What is Mr. Burns's position?—A. A miner.

Q. Was any of the State constabulary at your hearing?—A. Some fellow representing the traction company.

By Mr. LUMB:

Q. What was his name?—A. I don't know what his name is. He asked for bail. At that time Hennig came along and this here fellow came along and said, "Say, this fellow wants to talk with you." He says, "We want you to get bail for this fellow," and Hennig says, "I want to pay $100 for this man to appear on Monday night for a hearing." Hennig took out a book and read there about committing murder. The squire asked when that law was passed, and Hennig said, "In 1878." He said he would accept $100 bail and give me a hearing Monday night.

Q. What were you arrested for?—A. I was arrested for carrying concealed weapons, and not being a witness, and disorderly conduct. I was arrested on three different charges.

Q. When were you arrested?—A. On Saturday night.

Q. When was the hearing?—A. The hearing was on Monday night. Hennig he went in and told the company's attorney what questions to ask.

Q. Who is the attorney for the traction company that was there that night?—A. The attorney for the traction company was Bolitski.

Q. How many State police were over at the hearing on Monday night?—A. Quite a crowd.

Q. Were they orderly?—A. Yes; and they didn't cause any trouble.

Q. If the State police did for once behave themselves, I would like to hear of it. Were the men in uniform?—A. There was two members of the State police in uniform at the hearing.

Q. Was Hennig there in uniform?—A. Hennig was there in citizen's clothes and asked for the release on Saturday night.

Q. Mennig asked for his release?—A. Yes; Hennig did ask for the release of this man. That there case that the Lattimer fellows were arrested in, we were all together. We all had our old clothes on, and we went to the Palace. I went and got Mr. Smith for counsel for this man. A mob was ready to take the man out. I was a little late in getting Mr. Smith there, and he had to push the way to get in the door. I asked Sergt. Smith would I be able to get into that hearing. He said, "I won't let you in." I told him that I had just as much right in there as he had. Mr. Smith says "This is a private office; anyone that wants to get in here can do so."

Q. How many people were there?—A. Hundreds of people were there.

Q. Wasn't there a great deal of surging and crowding around at this time?—A. Yes; some.

Q. When the crowd was largest, how many people were there?—A. About a hundred, at least.

Q. Were there 200?—I can't say.

Q. Now, Mr. Burns, if you had been an officer of the law at that time, would you not have tried to keep the crowd away?—A. I don't know.

Q. Don't you think that it was the proper thing to keep the office clear?—A. If you want the question answered by one word, I would say, "No." Mr. Smith, the lawyer, said, "This is a public house, and everybody can come in."

Q. Was there any disorder?—A. Everybody was peaceable.

Q. Was Mr. Smith of the State police?—A. Yes; Mr. Smith of the State police was there and Attorney Smith was there.
Q. Were the police in uniform?—A. No; they were in citizen's clothes.
Q. Were there any uniformed State police there?—A. Well, I don't know; can't say.

RALPH GIRARD, policeman, Hazleton, Pa., sworn.

By Mr. KENNEDY:

Q. Mr. Girard, you are a lieutenant officer in the city here, are you?—A. Yes, sir.
Q. Do you know of any trouble that occurred on the corner when the State police attempted to move the crowd?—A. When the trouble began I wasn't there; did not know at the time the trouble occurred; I wasn't there. I wasn't out on duty, and I was telephoned to to come immediately. The mayor ordered the corners cleared off, and we had them pretty well cleared off when some of the State police persisted in staying.

By Mr. LUMB:

Q. Were they in uniform?—A. They had no uniforms on.
Q. Did the State police object to these orders?—A. Well, they did for a minute, but they moved.
Q. Mr. Girard, was it necessary for you to disperse the officers as well as the crowd? Don't you recognize professional courtesy between police officers?—A. We wanted to break up the crowd. A remark made by one of them shortly before that was that he would sooner see bloodshed.
Q. Who made the remark?—A. Sergt. Smith said this.
Q. What induced him to make that remark?—A. I don't know.
Q. Where was it made?—A. It was down in the police station, and he had an argument.
Q. Did you hear him make the remark?—A. He didn't mention the bloodshed, but I thought that was what he meant.
Mr. KENNEDY. You know, Mr. Lumb, a fight in Hazleton usually means bloodshed.
Mr. LUMB. Well, I have often been here and have always had the opinion that Hazleton was a pretty clean town.

JOSEPH ROMAN, policeman, Hazleton, sworn.

By Mr. DEVERS:

Q. Mr. Roman, you are a police officer in Hazleton?—A. Yes, sir.
Q. Can you make any statement of the orders you received in regard to crowds on the corners, and when?—A. I can't bear in mind the exact date, but it was about four weeks ago. I had been given orders to come out in the daytime. Our orders were to keep the crowd moving. I had kept them moving and everything working nice. It was called to my attention that there was a crowd at the Palace Café. I had just come from that place.

By Mr. LUMB:

Q. Who was with you?—A. I was alone. That was on my side of the street. I bumped up against two men in citizen's clothes; didn't know whether they were dog catchers or who they were. One of them says: "I have a perfect right to stay right here." And I says: "Move on." I was at them for five minutes before they moved. The first thing I knew Sergt. Smith come down and he grabs a hold of these fellows and says: "Come on; that fellow is looking for trouble." I didn't say a word, because he dragged them up street.
Q. Did you move them?—A. No; I saw Sergt Smith grab a hold of these two men and take them away. The first thing I knew I saw Sergt. Smith going up with the two men.
Q. Up where?—A. He went up to the city hall and came back in a few minutes.
Q. Did you tell them your orders?—A. They knew the orders.
Q. You didn't want them on the streets, then?—A. No, sir. I, carrying out my orders, went up the road and told them kindly to remove and they moved to the Western Union telegraph station, and one says: "Well, we'll have to get them yet."
Q. Were the State police needed to handle the crowd?—A. Our superior officers sent enough men to cooperate with us.
Q. What were your orders on this occasion?—A. Our orders were to move every man in citizen's clothes along the line. I wish to state another thing

that occurred just a day or two ago. Hennig came down to me and says: "Seems to me he is trying to enforce some of his own orders." I said: "As long as you are in Hazleton I've failed to see you in uniform." That same Hennig every time he sees me he tries to bite at me.

Q. He did then show an intention to cooperate?—A. I says: "We have no orders to cooperate with you; and if I see you hanging around the corners or any other place, why, I have just as much right to tell you as anyone else to move."

HENRY ROTH, engineer, Beaver Brook, Pa., sworn.

By Mr. DEVERS:

Q. What is your occupation, Mr. Roth?—A. Engineer.
Q. Where?—A. Beaver Brook.
Mr. LUMB. Is Mr. Roth one of your officials?
Mr. KENNEDY. No.

By Mr. DEVERS:

Q. Mr. Roth, were you on the streets of Hazelton one day about two weeks ago to-day?—A. Yes, sir.

Q. What did you see?—A. Two men were standing across the street in citizen's clothes with two men in uniform. I saw a fellow I knew and got to asking him about his woman when a man put his hand on my shoulder and says: "I have a notion to run you fellows in." And then he says again: "I have a ——— ——— big notion to run yous in."

By Mr. LUMB:

Q. Was the man alone?—A. No; there were two of them.

Q. Do you know their names?—A. No; one was a short fellow and the other was a pretty gabby fellow.

Q. When did this occur?—A. Two weeks ago to-night or two weeks last night; I couldn't tell for sure.

Q. What did you do?—A. I turned around and walked down the road to avoid trouble.

HARRY MURPHY, striker, Hazleton, Pa., sworn.

By Mr. DEVERS:

Q. Mr. Murphy, are you one of the striking street car men?—A. Yes, sir.

Q. Are you a total abstainer?—A. I never drank in my life.

Q. Tell us what you know about the State constabulary.—A. Two weeks ago to-day I was on the other side of the crossing, standing on the corner. There was two men standing on the other corner at Fox's restaurant there. I started down the road and was going to talk to McDevitt and I hadn't a word out of my mouth when a fellow says: "What are you doing here?"

By Mr. LUMB:

Q. Was he an officer?—A. He wore a uniform.

Q. Did you notice the number on his collar?—A. No, sir.

Q. What did the officer do then?—A. He told me to beat it. I said: "I hain't interfering with anybody. I am talking about my own business." And he says: "Go ahead; beat it."

Q. What did you do?—A. I started out, and he says: "Hey, Jack, come back here. I want to talk to you." He says: "You are only a trouble maker." I says: "No; I am no trouble maker."

Q. Did he say anything else, Mr. Murphy?—A. No, sir.

Q. Who else was with you?—A. Lee Hop.

Q. Have you seen that man since in uniform?—A. Yes, sir.

Q. Did he say anything to you?—A. No, sir.

Q. Do you know his name?—A. I don't know their names, but have seen them talking around here on the streets.

CHRIST HOP sworn.

By Mr. DEVERS:

Mr. Hop, were you with Mr. Murphy?—A. Yes, sir.

Q. Testify on.—A. Why, I was standing on the street when Mr .Murphy come down to me and says, "What do you know about those two fellows up there?" I turned around to see who the two fellows were. We then walked down toward the corner and these two fellows came along, catching up with us.

By Mr. LUMB:

Q. Do you know these men?—A. No.

Q. Did any of these men follow you around the streets?—A. Not that I know of, unless it was when I didn't see them. They come up to me on the street and says, "Do you know what you are? You are a disturbance maker." Then as soon as I saw Mr. Murphy walk across the street I walked over, and they wanted to know what this was for.

WILLIAM BURNS, striker, sworn.

By Mr. DEVERS:

Q. Mr. Burns, you are one of the striking trolleymen?—A. Yes, sir.

By Mr. LUMB:

Q. What is your official capacity Mr. Burns?—A. On the grievance committee.

Q. Chairman of it?—A. No, sir.

Q. Where were you when the State troopers tried to arrest you in Freeland?—A. Saeger Building with another man, Bevans.

Q. Describe your arrest?—A. Two State police come up, one a pretty big, dark-complexioned fellow. Slifer says, "I have got a warrant for you, Burns." I says, "All right; let me see it."

Q. For what were you arrested?—A. A motorman made information against me for throwing a chew of tobacco at him, and the State police were serving the warrant.

Q. Where were you given a hearing?—A. Squire Ricketts, Wilkes-Barre, heard the case.

Q. When?—A. About the 10th of May.

Q. When?—A. I don't know whether it was before Decoration Day or after. I think it was before; I am not sure.

Q. Who served the warrant?—A. Slifer and another fellow. When I read the warrant and handed it back to him, Slifer says, "Our orders is to take him down to the traction company's office."

Q. Who gave him these orders?—A. I don't know; unless it was the traction company. I wanted to see Smith (Attorney Smith) and explain the situation to him. He says, "Call up your father." By that time there was two men went to the telephone, and I couldn't get my father right away. So Smith the attorney said he had sent a fellow up to get him.

Q. Which one of the officers had the warrant?—A. Slifer.

Q. Were you given a hearing?—A. No; Mr. Murphy went in to enter bail for court, and they said, "Our orders are to take him down to the traction office." The whole crowd jumped into me and they took me forcibly to the office. They said Smith (Abner Smith) was too ——— ——— smart, and they were going to show him up. Hennig says, "We'll give you a square deal, Burns, we'll let you get bail." They took me then to Heidenrich's office. He wasn't in; then they went out and got another alderman by the name of Frye. At the hearing Sergt. Smith says, "$500 bail," and attorney Smith said he thought $300 was enough. Hennig says, "500 will be all right."

Q. What was the charge?—A. The charge was assault and battery.

Q. Who furnished your bail?—A. I was sitting in there and Crosby went my bail. Hennig wanted to bet me the drinks the other day that he would get a true bill against me; and then said, "Burns, I am going to get you three months at the September term of court."

Q. Was any one with Hennig?—A. No one that I seen.

Q. Did you see any State police going around without a uniform on with the exception of Hennig?—A. Yes; I saw Smith and Freeman and another fellow.

Q. Have they been officious in any way?—A. No; only I was going down the street the other day, and James McDermott, captain of the street railway police, says, "There he goes," and Smith says, "Leave him go."

Q. Did you ever see Hennig in uniform?—A. No. Hennig was here in plain clothes before the others came and was always hanging down around the office of the Lehigh Traction Co. I asked Hennig if he was a State police, and he said "No." I saw he was a liar. He made a liar out of himself.

Q. Is this man in the habit of going to the Lehigh Traction office?—A. Yes. I see him go twice a day.

Q. How many times have you seen him in there?—A. I would say 20 times.

Q. Did you not see other men in that office?—A. Yes.

Q. He said that he has seen other men, possibly Hennig, in civilian clothes around here. What were they doing?—A. These men were mingling in the crowds. Last night there were four of them.

Q. Who were they?—A. Smith, Hennig, Freeman, and another.

Q. (By Mr. MAURER). Is your case settled now?—A. No. Hennig is going to give me three months.

STEPHEN POSTUPAK, chief of police, McAdoo, recalled and sworn.

By Mr. DEVERS:

Q. Were you in McAdoo the night that Andrew Matti had the conductor arrested?—A. Yes, sir.

Q. Did any of the troopers put up the fine?—A. Yes; Hennig.

Q. Will you explain what happened there that night?—A. Well, I know the time Mr. Matti had the conductor arrested. Squire says, "Bail is $300." The State trooper was looking after bail at the time.

By Mr. LUMB:

Q. Where did he look?—A. I don't know.

Q. The squire let the State police tell him his duty, did he?—A. Well, Sergt. Hennig came up and says, "Here is the bail." I says, "Here, I am entitled to a dollar."

Q. Did Sergt. Hennig get a dollar from you?—A. No. The dollar was due on the commitment.

Q. Did you get your dollar?—A. No. Hennig cheated me out of it. The squire would not pay me after what Hennig said.

Q. Hennig got the bail?—A. Yes.

Q. Was this a union man?—A. He was a nonunion man.

Q. Do you know his name?—A. Walters. He was arrested the 26th of May; the same day as Matti.

PART OF STATEMENT OF ROGER DEVERS, ATTORNEY FOR PLAINTIFFS, AT TERMINATION OF HEARING.

Now, Mr. Lumb, as man to man, don't you think that we have shown you that your men have discriminated against the union and favored the traction company?

Mr. LUMB. On the face of the evidence, that appears to be the case, but this is only one side of the story. The conduct of all the plain-clothes men in Hazelton has been blamed on the State police, the only identity being that your witnesses have seen them afterwards in uniform. Mr. Maurer here is a man of superior intelligence and close observation. He met me in the governor's office, where we conversed for about 20 minutes, three days before I came here and to-day when I addressed him in this hotel he did not know me, although on both occasions I was in civilian clothes. Isn't that true Mr. Maurer?

Mr. MAURER. Yes.

Mr. DEVERS. I will say again that you have some men of character, but some of your men are not what they should be. Should your men be in the adjoining counties to Luzerne when there is no disorder in those counties?

Mr. LUMB. Not without disorder, but you must remember that our men coming here to a scene of disorder have the powers of policemen of a city of the first class throughout the State, and have a right to follow the disorder to its source, no matter in what county it may be. These men are not corporation police, as you seem to believe, but they are looking for the man that throws the brick, sets off the dynamite, or in any way violates the law. They are also fish, game, and forestry wardens. Your union denies responsibility for these disorders, and that being the case why do you object to police being present to prevent them?

Mr. DEVERS. Now, there isn't any disorder, and the local authorities say they can handle the situation without the State police.

Mr. LUMB. But the sheriff has certified to us over his signature that the situation was beyond his control, and we are here by his orders.

Mr. DEVERS. Well, if the sheriff notifies you that your men are no longer needed, will they be withdrawn?

Mr. LUMB. They certainly will, if the superintendent is satisfied that conditions are normal.

Mr. KENNEDY. Why is it that the State police never visit the offices of the union men if they want to find out who is doing the dirty work?

Mr. DEVERS. If your men would come to us, we could tell them where the dynamiting comes from, and we could give them pretty good proof that the cutting down of the poles, and other things, would get pretty near to the traction company.

Mr. LUMB. Don't you see that if one of our men, under present conditions, was to attempt to visit your meeting that he would immediately be suspected of being a gum-shoe man and coming there with ulterior motives. They have not been invited to your office, and you know as well as I that they are not welcome, although I believe that the result of this hearing will be a more cordial understanding on the part of your union men as to the motives of the State police, and we may in the future be able to cooperate to prevent disorder in cases of this kind instead of conditions being as they are.

Mr. DEVERS. Well, we have shown you what we started out to prove, and the time is coming when the State police will be exposed and the man at the head of them will have to get——. (Confusion of voices.)

LABOR CONDITIONS IN PORTO RICO.

(For exhibits under this subject see pages 11181 to 11224.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Wednesday May 26, 1915—9.30 a. m.*

Present: Chairman Walsh; Commissioners Harriman, Weinstock, and O'Connell.

Chairman WALSH. Mr. Martinez.

TESTIMONY OF MR. P. RIVERA MARTINEZ.

Chairman WALSH. What is your name, please?

Mr. MARTINEZ. P. Rivera Martinez.

Chairman WALSH. And where do you live?

Mr. MARTINEZ. I live in San Juan, Porto Rico.

Chairman WALSH. And you are a native of that place, are you?

Mr. MARTINEZ. Yes.

Chairman WALSH. Now, you have a matter to submit to this commission, I believe, with reference to industrial conditions in the island of Porto Rico?

Mr. MARTINEZ. Yes, sir.

Chairman WALSH. Do you have it written out, Mr. Martinez?

Mr. MARTINEZ. Yes, sir.

Chairman WALSH. Will you please read it to us?

Mr. MARTINEZ. I will be very glad to do it. Mr. Chairman and members of the commission, I am not very familiar with your language, and perhaps you will excuse me for any fault I may commit while speaking or pronouncing your language.

Hon. Chairman and members of the commission: We feel that it is a great honor for us and our brothers, as well as for the working people of Porto Rico to have the opportunity granted us by the Commission on Industrial Relations of voicing our sentiments in presence of the American people, and also of giving expression to our grievances, the grievances of the Porto Rican producer of wealth as against the several wrongs prevailing in that island, and also to point out the economic, social, and political evils which includes the state of wretchedness the people have fallen into and which justifies the said people to keep up an incessant demand for the improvement of these conditions.

Before going further in the examination of the actual conditions prevailing in the island I deem proper and convenient to refer myself to some details regarding the social and political education of the people in the past, so that the commission may become familiar as much as possible with some of the antecedents which may be very important for your judgment in our case.

The island of Porto Rico is one of the West Indies which occupies an important place as to production. It has been a possession of the Spanish monarchy for more than 400 years and has had a governmental régime such as was absurdly brutalizing in its results, and the régime of this government has been deeply rooted in Porto Rico.

From and after 1898 Porto Rico became a possession of the United States of America.

As a logical consequence of the régime the leaders of the public opinion on the island, the representatives of the people, if they could be called such, those who always held the public offices where the greatest responsibility is required, before and after the occupation of the island by the United States, have and had no other training than that which was unfortunately acquired from the monarchy, of a semimilitaristic tendency, atavic in its principles and bearing the germ of reaction in its own being.

And the reactionary education that has held away over the island of Porto Rico as long as Spain was the mistress of our destinies is the same that domi-

nates the island to-day, for in spite of being under the American flag for more than 16 years the men who took the Spaniards' places—in the management of the local affairs—are descendants of our first governing classes; they are as ambitious as their fathers were, and as full of social and political vices as they, and as inimical to the rights and public liberty as the most hardened military official of the monarchy could be.

If we were to hold before the commission that the condition of the working classes in Porto Rico at the present time is absolutely the same as it was 25 years ago, we certainly would not be in the right.

It is true that the conditions of the toiling classes have improved somewhat, relatively speaking, though not in proportion to the vast wealth that this same class has produced, and much less in comparison with the great improvements made by the monopolists of commerce, industry, the political power, the financial power, and the masters of privileges and franchises.

But it must be borne in mind that if any change has been noticeable in the condition of the working classes and favorable to them, this change is due solely and exclusively to the great influence of the great organized American people, and in certain instances to the influence of the administration itself, but never to any initiative on the part of our political leaders or to any beneficial action on the legislature in behalf of the wealth-producing masses of Porto Rico.

Moreover, each time we have requested that some legislation beneficial to our class and people in general be enacted into law, each time we have suggested some economic plan that was bound to bring about a change in the island, raise the material standing of our people, discourage the going out to foreign countries of the wealth which we produce, provide for the stability of small industries, ascertain the whereabouts of the wealth produced on the island, obliging the corporations to pay the Government so that it may have the money it needs to meet the expenses of its budget and establish the necessary number of schools; each time we have made demands upon our legislature for some action with a tendency to perpetuate the economic life of Porto Rico, we have been made the object of derision; they have even intended to deny us the right to petition the legislature; we were insulted in the worst manner, and the legislature even included within its records that it did not see fit to do anything through the strange suggestion of labor or any other organization alike.

The self-styled patriotic leaders in our island, the descendants of reaction, who are both influential agitators in public, and men representing the opinion in the leadership of political parties, are also the representatives of the people in the house of delegates, are some of them attorneys of the biggest corporations, of the sugar, tobacco, and coffee trusts, of the railroads and street car companies, electric power and light companies; they are also in the banks, which reap fabulous profits and live off usury; some of them are also who in a like manner grant the franchises, and consider the workingmen as being inferior and unworthy to live like persons; they are who in their political business are creating an anti-American political feeling; they are at the same time who hold the Americans responsible for this condition of wretchedness and misery by casting discredit upon the American people and their institutions. But whenever it is a question of taking their stand with the Americans they are not a mite reluctant to do so whenever it suits their purposes better.

The undertaking of bettering the conditions of the laborers in Porto Rico must be very gradual, constant, and brought about through the introduction of democratic institutions that are advanced, through the agency of the school, the wise administration of the laws and justice, the general and social education encouraged by the labor organizations, and the cooperation which the Government can offer within the limitations of its powers to the working classes.

But the task of bettering the conditions of the laboring classes in Porto Rico while the whole political power is in the hands of a group of privileged persons must be very gradual, even more so than anywhere, and we may say it is almost impossible of being carried out.

Our affirmation is justified by facts that occur on that island frequently enough, and many of which are yet quite recent. All the present generation must die off, and possibly the grandchildren of this generation, before the working classes of Porto Rico feel that a favorable change has been brought about, unless the new organic act for Porto Rico pending in Congress provides in a true manner for the education of the people, for an inflexible sanitary system, a true department of agriculture and labor, and besides the necessary guaranties, rights, and liberties of the people, and the recognition of them as citizens of the United States.

It being the purpose of this honorable Commission on Industrial Relations to ascertain and investigate the causes which keep a state of industrial unrest throughout the different States and Territories of the Union, and though we have passed lightly over certain of the political evils that have been the cause of the industrial unrest in Porto Rico, let us now very briefly establish some facts, so that the reasons ascribed to the Porto Rican worker may be all the plainer understood by you.

Upon reaching this point we are prone to make the following questions: Was there ever any such thing as a frequent industrial unrest in Porto Rico under the Spanish régime? If such was not the case, why did affairs progress in that way as they did? If any industrial unrest is now evident, why should it be so? If any industrial unrest now arises, what is the cause for the same, or which are the causes for the same?

To these questions we shall endeavor to answer in the briefest possible manner, and we shall consider only such points as in our opinion are of the greatest importance.

In the first place, we wish to assert that, in our opinion, Porto Rico can not be called a people in the true sense of that term and that with the duties and rights that this name implies and should assume that name only since the year 1900, however much it may have been a possession of Spain for more than 400 years.

Porto Rico had but too few schools; this may be proved from the fact that there were, in 1890, about 1,000,000 inhabitants, but only 26,000 children whose names appeared as having entered the schools of the island. This alone is sufficient to show that the island lagged behind in the matter of education, and also that of misunderstanding the true conception of what real social struggles are, and it also shows that the toiling masses had no ambition on that account, and public rights and liberty were most totally unknown.

At that time about 85 per cent of the population could neither read nor write, and common-school education was a privilege not within the reach of the poor, inasmuch as the monopoly of these schools was meant to attend to the needs of the sons and daughters of the rich, but not those of the poor.

The toilers were made to believe that they lived like animals, and that their mission was determined by divine fate, and that as this was to be their lot they might as well work on patiently without any other ambition than that of serving the master until his death and turn over to him the total product of his labor. And the toilers were generally converted to this belief, and accordingly not able to stand up like men and fight exploitation.

Porto Rico never knew the meaning of liberty in any shape or form. It was not permitted to speak or spread political or religious ideas, except such as the Government authorized; nor were any writings allowed that did not praise the régime of the Government, and that, too, in the only paper in existence in Porto Rico, and which was managed and controlled by the same Government.

Neither prices, salary, nor contracts existed with respect to labor. Laborers were called upon to work for what the bosses wanted to pay, and under this generous paternalism they were paid whatever the employer saw fit to give them, and in pursuance with the system (truck system) the workers were required to buy their provisions at the store of their employer for whom he worked, and this employer would give him a ticket or brass check that could only be traded in for articles at his place of business.

The Porto Rican laborer had been working century after century under these same conditions without ever giving any thought to bettering himself, in the first place, because the means by which he could have exercised self-defense were not within his reach; nor was he ever able to learn what these means were, inasmuch as he was unable to read and write; and the cause of all may be traced to the upholders of that system of education, so pernicious in its consequences. In the second place, though they had known how to read and got familiarized with these means, they would have discovered that whatever meant a protest in the form of a document was put out of the way in Porto Rico; and, then, also no one was allowed to speak, write, censure, or criticise the acts of any public employee.

These are the most fundamental motives why these industrial unrests we see wherever the modern industries have taken a foothold did not take place in Porto Rico.

The fact that the lands were not cultivated as at present also cooperated in this state of things in Porto Rico. There was not so large a population, the industries had not developed and extended themselves to public and private

lands; there was not lack of work, and therefore, though being in an almost primitive state, it may be said that the laborers did not feel quite so directly the effects of the régime, because, though being considered as slaves or animals, preventing them of the privileges of speaking, protesting, of taking part in the making of the government, of exercising the right of voting or sharing in the public responsibilities, however they were permitted to subsist on, though only for the purpose of producing wealth under the best conditions.

Thus we have lived for centuries, and our history records not a protest from the laborers or an outcry of complaint against the exploitation of the adventurers which devastated the island.

But what had taken place? On May 12, 1898, quite early that morning, the guns of the squadron of American warships awoke the city of San Juan with the good news that a new era of liberty resounded in the whistling of those shells.

The war between the United States and Spain decided, in pursuance with the treaty of Paris, that Porto Rico was henceforth to be an American possession forever, and shortly after the bombardment of the city of San Juan Gen. Miles's troops took possession of the island and caused the Stars and Stripes to be raised over all the towns.

We know not why, but it is a fact that the people of Porto Rico felt and feel a sincere affection for the American people and its Government, and the music of those military bands in all the towns sounded like hymns of redemption for the people of Porto Rico, and the whole island felt an inspiration of liberty that was quickened by the powerful impulse of the American people.

Shortly before the coming of the Americans into Porto Rico, and while we were still under Spanish rule, some knowledge was gained in Porto Rico for the first time of those doctrines of labor which set forth "that all men are equal." A Spaniard had traveled to Porto Rico and came from Cuba. He was being persecuted by Gen. Weyler, Spanish governor in Cuba, for the crime of saying publicly "that all men are equal, and that nobody should live off the labor of another human being." And this doctrine was considered equally dangerous by the Spanish Government of Porto Rico, and persecution was at once brought to bear against that man and in the same spirit as it had been in Cuba. To tell the laborers of Porto Rico at that time that they were entitled to a higher standard of living, to have sufficient schools, to appoint the government by means of their votes, that they were equal to the bosses in the exercise of their human rights, the same as the enjoyment of divine rights—all of these things constituted a danger in Porto Rico for the reactionary element, and they did their level best to stifle the idea of instilling into the minds of the workers the spirit of self-defense.

With this object they imprisoned who for the first time dared to speak to us of economic liberty and political rights, and just when it was our good fortune to be bombarded by the American fleet, the man to whom I refer had been in prison for seven months. He had not been even accused; he had committed no crime; no trial had been held against him; he was simply waiting to see what action the masters of Porto Rico would take in his behalf.

Luckily, the American troops proved to be a God-send for him, and they forbade any more injustice should be imposed upon him.

A few months passed. The relations between the people of Porto Rico and the American people were established. Newspapers began to come, as also books and other literature from the States, and though the number of those who knew English was rather limited, still something was coming home to the people which was not easily forgotten and which was taken up as a sound advice from the American people.

When the civil government was established in 1900 several strikes and incidents occurred throughout the island from 1901 to 1904, precisely because those who were chosen to form the Government were the reactionaries, those whose education was a misfit, those very ones to whom the word "liberty" was something horrible, and those also who could not bear having a law that should place us all on the same level in the enjoyment of our rights and public liberties, and of those who supposed then and at present that the worker was born only to be a slave.

The necessary channels of solidarity between the American and Porto Rican workers having been established by means of this generous principle that moves the world, the man to which I refer having gotten a clear understanding of the meaning of American liberties endeavored to spread the principles of trade unionism under the auspices of the American Federation of Labor. But the

Porto Rican element, which was the direct offspring of reaction, would have nothing to do with meting out anything like justice and liberty; their aim was to put in practice the same system of persecution that was exercised against us during the Spanish Government. At this time persecution was not only directed against this man, for there was a small group of men who had to put up with this same thing; they stood by him in the contest, and he was with some others thrown into prison, and the first federation of workingmen was closed; then this was taken as an example to show the people what a horrible thing a labor organization was, and persecutions under the civil government was just as fierce as it had been under the old monarchial government.

Chairman WALSH. When was that; what date was that, Mr. Martinez?

Mr. MARTINEZ. From 1901 to 1904; when the civil government was established in Porto Rico by the American Government.

But the American Government soon discovered through the American Federation of Labor and the American press what was going on, and the Federal Government itself took action. The consequences were the setting free of the men who had been thrown in prison, the federation was reopened, the laws that prohibited peaceful and legal meetings were abolished, the corrupt office holders were separated, and a new era of peace and tranquility once more settled over the island, and the necessary guarantees for the labor organizations were secured.

The people have kept on educating themselves in the principles of organized labor movement as understood in America; schools have multiplied; merchants began to arrive, and new industries were soon created; corporations began to organize themselves and take up the lands, as well as the whole bulk of the natural wealth; franchises began to be granted; business went along on the increase, and in a short time the population increased from about 1,000,000 to 1,200,000 inhabitants, and we owe it to the initiative of the American people if the island has enjoyed the wonderful prosperity that it really has, but which unhappily has been used only to emphasize on the slavery of the people, because all the wealth that is produced does not remain on the island, to go back again into the business interests of that locality; it goes out and benefits the strangers and becomes dividends on he shares of their holders.

With the increase in population, the higher valuation of the land in towns and country, with the concentration of industry and business, with the formation of the trusts and the concession of some franchises, the worst of evils have come upon the island as a direct consequence of all this. I refer most particularly to the economic evil. The organization of speculative business established in Porto Rico the same régime we find in the States and also in the financial world, and as a consequence of this the laborers began to feel the direct burden of the industrial system in many different forms. Property increased wonderfully in value after it was in the hands of the corporations. The wage system asserted itself above everything, and all the small craftsmen and landholders were grouped under the same head within the meaning of this wage system, because the corporations had gulped everything to their advantage.

Living expenses increased 40 per cent, and had gotten to be a serious problem for the destitute.

The provisions increased 40 per cent from the moment the land no longer produced vegetables and some other products and fruits, the cause of this being the utilizing of the land by the corporations for planting sugar cane and tobacco.

The increase in population, brought on through constant reproduction and very powerfully by immigration that is frequent and unlimited, produced the scarcity of work which had never been seen so much before.

The inquisitorial method of placing men on the "black list" to make them starve to death, which is characteristic of the corporations, was put into practice.

The inhabitants of the island were required to comply with new obligations and greater social compromise as a direct result of the progress that came about; from the moment a man's home had to be remodeled to suit the best conditions, from the moment his sons and himself had to wear shoes and his whole family adopt a higher plane of living, he certainly could not be seen wearing in the towns old dilapidated clothing and shoes; all these necessarily brought on a marked increase in the expense of living.

Privileges in the application of the law were so taken advantage of in Porto Rico that no wealthy delinquent has ever been sent to the jail.

The great mass of wealth producers were left to shift for themselves, no attention whatever having been paid to their needs, and the wage scale is practically now what it was when the Americans began to occupy Porto Rico.

These were the first motives and facts that gave cause for the first protests of the working people of Porto Rico, for they were beginning to educate themselves in the practices and doctrines as established by the organized workers of America, and it was quite natural for them to desire better conditions, to eat better food, to have a more cheerful home, to participate directly in the public affairs of the island, and all this gave them the inspiration to contribute their share in correcting certain social evils through the channels of proper legislation. They being prompted by the desire to make their homes more comfortable, the laborers of Porto Rico initiated the first strike. But what came of it?

Chairman WALSH. The first strike—what was the date of it?

Mr. MARTINEZ. 1901. While we have been theorizing for years on ideas, spreading the principles of unification among the workers, insisting on the creation of a powerful organization for the laborers, neither the representatives of the country who are Porto Rican, nor the members of the corporations the bulk of whom are strangers, thought that the propagation of our doctrines would constitute a menace to them; but when we decided to join to the theory the practice of the same doctrines—in other words, when we reached the point where we offered resistance and initiated strikes because the capitalists did not choose to amicably yield to our demands—then we found other latent evils that had not manifested themselves because it was not the proper time for them to come out.

As soon as the laborers asked for more wages and left their work, their tools, the fields, or the shops, when the machines were paralyzed, and everything was at a standstill, we confronted, or constituted, a danger for the society and the capitalists, as they say, because our demands to them meant an onslaught against their capital and their holdings. And the same system employed by the strength of money in other parts of the world was also carried out in Porto Rico. Men were thrown in prison, beaten and clubbed in the streets of towns and country districts. They were killed by the policemen, and brought down through terror and reduced to absolute silence. The courts proceeded in pursuance to the dictates of the capitalistic system. The promoters of the strike who had been most active were convicted, and the power of the Government helped on in whatever way it could, to bring about the defeat of the aspirations of labor, giving as a pretext that it was anxious to protect public rights and the private property against the aggression of the strikers, when everybody knows the peaceful character of the laborers of Porto Rico, and when the same workers of the island have been described, not by ourselves, in the following terms:

"Its laboring classes are a contented and productive people, strong, of good build, temperate habits, good natured, and notably free from acts of malicious violence."

Upon realizing of the fact that we could not apply the practice of our theories and aspirations through the legal and peaceful means of strikes, we have also discovered that another great evil, which is, indeed, sufficient cause for protest from the mass of the toilers, was found in the action of the Government when it prevented the laborers from exercising the right to strike, and consequently this is another cause for the industrial unrest in Porto Rico, and perhaps the most important of them all.

Some executive orders that are issued from time to time as if they were "ukases" for the purpose of hindering the free emission or exchange of thought, to discourage the propaganda of the ideas, the peaceful manifestations, or to dissolve them violently by the use of force, trampling thus upon the constitutional rights of the people and giving access, as has been the case in many times, to irreparable incidents—right here is another evil that necessarily contributes to the realization of industrial unrest in Porto Rico.

Such commands of those of hindering the progress of public meetings, or to order the orators to get off from the speaker's stand and imprisoning them arbitrarily, as has occurred quite frequently, are in themselves an outrageous illegality which the workers can not put up with, and this, too, is another cause for the industrial unrest in Porto Rico.

The treatment which the workers receive in some of the courts, the insults of the judges and prosecuting attorneys (fiscals), the inquisitorial investigations practiced by officials of the Government, the proceedings held in secrecy, relic of the antiquated monarchy, is another evil which is affecting us in Porto Rico, and which certainly does not satisfy the aspirations of the working classes, which should be entitled to the same privilege within the law granted to the bosses of the island.

We have in this manner become familiar with the social, economic, and political evils and the causes that have led to constant warfare between capital and labor. Industry has kept on its same pace through several years, and in proportion as it has made progress, this very progress has been the direct cause why more pressure has been brought to bear each day upon the worker, whether he be found in the field or the workshop.

A very large number of men from the toiling masses of Porto Rico who have devoted themselves to the study of social and economic problems, and who have been so closely in touch with the labor organizations of America, have learned more and more each day, and they are always looking ahead to learn even more and thereby bettering the conditions of the workers in the island. Thus it is that we have been able to become familiarized with other phases of the social problem which were almost unknown to us.

The sincere relations that the organized labor of America has always had with us have very powerfully influenced our social, economic, and political education. By the other hand, the school. When about 10 years had elapsed since the occupation of the island by the Americans the number of persons among the workingmen who are able to read an English paper or book has very largely increased. The press of the island, which has gone on the increase, now translate articles from the American papers. The workers, up to this date, have had 8 of 10 exponents of the public teaching of the ideas, and the best desire to cultivate the union sentiment has been felt at this time throughout all the towns of Porto Rico.

These are the means which have given us the power to know that labor-saving machinery displaces work done by hand, and these effects are easily felt. How is it that work was not scarce in Porto Rico a few years ago, at a time when there were few industries and when little business was going on? Why is it, we again ask ourselves, that work was not scarce and the people did not feel the pinch of such hard times?

The answer is quite simple. The introduction of modern machinery in the larg centrals or sugar mills, in cigar and tobacco manufacturing, in the shoe shops, and wherever hand labor was used, the introduction of machinery, do we say, has thrown quite a number of working people out of employment in Porto Rico. To-day there are manufacturers who can do with 20 men the work done at a previous period with 100 men, in the sowing season, in the plowing of the ground, in the work about the plantations, machinery shops, sawmills, planing mills, sash and blind factories, railroad workshops, dredging of harbors, coffee mills, and in all lines of work which constitute in themselves the life of Porto Rico.

Then, too, the constant immigration in Porto Rico, as we stated before, is another cause why workers are more abundant.

Another great cause similar to this in its effects has been the employment of women and child labor for doing the same work that was done by men alone; and the wages paid to the women and children amount to less than one-half of that paid to a man. The Porto Rican woman is still more docile than the man; she has yet the same atavic education of several generations; there is no law that protects her sincerely against exploitation, and as a consequence she is preferred to man whenever possible, for then capital has the opportunity of doubling its money more rapidly.

The laborers of Porto Rico being, as they are, placed in this situation, our struggles could not possibly be limited to the bettering of our conditions as men, but to work for the defense and the liberty of womanhood and childhood.

Capitalistic ambition is responsible for taking men and women and children, as if herds, into the narrow rooms of the factory and workshop; the youth would frequently get sick; they breathed no good air; there was a scarcity of light, and everybody aged rapidly; the easy life of the past was no more to be seen; there was need of rising early in the morning to go to work, oftentimes from 12 to 14 hours per day, for 30, 40, 50, 60 cents per day out in the country places, under the command of a harsh boss, and for 60, 70, 80 cents or $1, the most for 10 and 12 hours' work in the shops of the towns and cities, where no air got in. Of course, our struggles must need be directed toward another legitimate aspiration. The limit of hours that should be worked in the day and the limit of days to be worked in the week; the better sanitary conditions, whether in the shops or in the field, occupied our attention.

How were we to secure any improvement in the conditions of labor and establish, too, the necessary defense for the women and children? Our experience has recognized only two means—the action of revolution, and the

action of evolution which can and must be brought into action by the legislative power of any country. We were always, as we are now, in favor of lawfulness. In whose power was it to offer these means of security and life, not only for the workers, but to the rest of the people of Porto Rico who were exposed to contract disease from a number of sickly laborers in these shops? We answer that this duty devolved upon the local Legislature of Porto Rico.

We were, besides, able to learn something else. There never had been in Porto Rico since many years any such thing as large pieces of machinery. Motor power was almost unknown. What about the railroads? A few miles of rail, that could be traveled over in no time with an insignificant engine, and accidents were seldom sustained by the workmen. But the island was apparently involved in a good deal of progress for a certain group of privileged persons. Many hundreds of miles of railroad track have been laid; the transportation service is relatively enormous; the sugar centrals have all big, modern machinery that have won the admiration of the world; electric car lines were built; several other means of transportation of production and of some other character were introduced, either operated by steam or by electricity, and accidents began to occur more and more frequently at the expense of the laborers themselves, their arms, their legs, any of their muscles, life itself, and there were a good many accidents in among the people. Thus did the workers bear along the progress of the island, and left their wives, children, and dearest ones alone in the world. And what must be done? Apply to the legislature. Provide the necessary means by the adoption of a law to protect the orphans of these soldiers of industry who fall in this battle for human progress. But our demands which were relatively insignificant were derided, and upon being derided we had no other course than that of recurring to the political action we had at our disposal, in order to obtain the protection we were entitled to in the bettering of the sanitary conditions in the workshops, to defend the lives of our fellows, and to cut down the working hours of the women and children at least. Since then our struggles in the country had to include the three aspects—the economical, the social, and the political or legislative aspect. We must also obtain the best possible legislation to defend ourselves while at work at dangerous occupations.

We had to fight for the abolition of judicial and police abusive power in our struggles.

We had to struggle against the concession of abusive franchises to exploit the people, and against the concession of privileges granted to certain parties.

We had to fight the granting of public land to private corporations and individuals for private gain, while the peasants of the island had no land on which to live or sow any crops.

We had to struggle to abolish the use of public force which was turned against us during the strikes, for this force always does the bidding of the employers.

We had to contend against the contempt we have always incurred on the part of the bosses and lords of the wealth and those who hold the monopoly of representation on the island.

When the employers saw that our strength merely consisted in the union of our will, the dues within the organizations, and in the strength which the laborer's organization of America has generously offered us, they decided to carry on a vigorous campaign against us, to break us up. They created organizations which they said were inspired by patriotic principles of regionalism, and these organizations rallied the same patriots of the island, some of which represent the Government at the legislature, in the courts, and executive power, and some of the so-called laborers' enemies of the trades-union movement.

They said we were anti-Porto Ricans and accused us to the rest of the island for maintaining a foreign organization in Porto Rico, for this is how they call the American Federation of Labor. They did all in their power to bring about intense hatred against the American Government and the American people and their institutions, because we represented for them an obstacle in their onward march to reaction, and because fortunately and in spite of our humility, the American people always gave us more credit than to the bosses of the island. And being as it is that in Porto Rico the partners, shareholders, lawyers of the corporations, political ringleaders, and some of the representatives of the Government are all one person, they have been all the time waging warfare on our organization, which we must naturally defend, this being also one among many reasons why industrial unrest is found in Porto Rico.

We being as always partial to legal means in the solution of our questions, have always applied to the Government to have our evils corrected, and in so

doing we asked for no privileges, but merely for justice, but the governmental organization of Porto Rico is such, and the power which the absurd representatives wield is such that we have never, never, since some time to the date, been able to obtain redress for the injustice that has been committed against us.

The natural disgust most manifested itself when years and years went by without having gotten any recognition. It is high time that a remedy be applied to the evils we complain against after so many years of petitioning, and it would have been right that those who did some clubbing on the people be brought to account, and the public officials guilty of corruption be removed, for they are a disgrace to the American people and to the workers of the island, and not having succeeded in getting any moral satisfaction and redress from the Government, this must necessarily be another reason for the clash in dissatisfaction.

We have also been able to recently discover a fundamental reason the wealthy element claim to have in order to combat us, and it is that they are afraid of losing their positions, and that would seem most too trying for them.

We have been able to ascertain from important declarations by men of the house that these people look with horror upon the fact that a laborer's son aspires to the study of law, medicine, or to be a representative at the legislature, or enter any other liberal profession. More yet has been said; these or similar words were said in the sessions of the Legislature of Porto Rico:

"Whither are we going at this rate? These laborers are bound to assault our positions; we shall no longer have anybody to work for us in the shops or in the fields; we are unable to find any woman cook or female servants; all of them are bound they want to be lawyers, and the women want to be stenographers or office employees. These workmen vie with us in the style of their dress, they want to dress the same as we do, in a word, they want to be our equals."

It will be easily inferred from this what idea the upper class has formed of the workers, and we may well understand why they are claiming for themselves the position of the master and lord for life. Here is the reason why they make such a strong resistance against us. Hence why they have clubbed us when they have failed in defeating labor through legal means, and we must necessarily in our defense include the defense of free speech, liberty of the press, of holding peaceful meetings, for even that has been supressed in Porto Rico to destroy the aspirations of the workers of the island.

The latest incidents that have occurred in Porto Rico justify all these statements.

The last strike in Porto Rico was brought about by the agricultural workers on the sugar-cane plantations. The maintenance of the protective tariff and destructive influence of the European war made the price of Porto Rican sugar soar in the world's market, and we naturally thought that the proper time for the workers' increase of their wages in proportion to the increase of the sugar had come, if we are to take in consideration that in the last year, and with the mere announcement that the protective tariff was to be abolished, the wages of the laborers were generally cut down in almost one-third. Accordingly, a general agitation was started in the island to increase wages and reduce the hours of labor. The commission got together in the various towns and petitioned the employers for a raise in wages, and these, as they always did, refused to come to any agreement with the men; had they done so, they would have avoided the strike. Consequently, about January 1 ultimo, the strike carried on by the agricultural workers was initiated in Bayamon, and then it spread to other towns of the island. Fortunately, the employers at Bayamon partly granted the request of the workers and promised to pay them more wages, and the Bayamon worker at last saw their conflict come to an end, no incidents having occurred there.

Other towns initiated strikes, and as soon as the sugar trust and growers association heard of this movement, which was now general, they got the authorities to turn their forces in its defense.

The Government did so, though it did not say so openly, and this was sufficient proof as may be understood from the proofs that came out afterwards. After more than 20 hours of discussion with the employers we agreed upon a signed contract or agreement with the representatives of a powerful corporation in the town of Fajardo. The workers signed it, and the representatives of the corporation, central, and the Government did the same, represented by one of the chiefs of an organization in Porto Rico called the Bureau of Labor of the

Government of Porto Rico. But what came of this? The Sugar Growers' Association, which in Porto Rico is the same as the National Association of Manufacturers in the United States in its policy, held a meeting of all the sugar growers of the island. They discussed the agreement arrived at at Fajardo, and upon learning that the agreement provided for a gradual increase in wages in proportion to the price that sugar was to be sold, the growers association passed a resolution to the effect that no contract or agreement should be collectively made with the workers, complicated the situation, and they, the growers, relied upon a plan to force the workers to work for the same wages. And so it came about, two days after the signing of the contract by the Fajardo corporation, the terms of the same were violated by the representatives of the corporation.

When we applied and appealed to the Government to bind them to their agreement we were able to realize that the Government, through its Bureau of Labor, was the most active of all in bringing about the nullification of the contract, and this decision was made known by telegram to the chief of the Bureau of Labor to the workers of Farjardo, though not very clearly expressed to them.

The representatives of the sugar corporations, with the Government's knowledge of the fact, armed dozens of men with revolvers and rifles to be used in their own behalf, when there is no law in Porto Rico granting that privilege to anybody. The insular police headquarters were established out in the country, in the sugar mills, the plantations, and the same masters of the sugar mills gave food, provided horses, bed, and lodging to the insular police that is paid by the people of Porto Rico, and the whole force was at the disposal of the bosses. Why should the employers want to do away with the idea of coming to terms with the laborers? Simply to scare them into subjection, to make them go back to work under the old conditions, they were thrown out of their huts, and their household goods were turned out of doors, and they were persecutetd in many ways. All public meetings were declared illegal by the police and dispersed with pistol shots and clubbing; the most peaceful meetings were disbanded by shooting; a number of five men were killed by the police in Vieguis and one in Ponce; a very considerable number of men was wounded; and the strike was weakened up just as the employers wanted it to be done, and more than 300 men were sent to jail in order to justify the brutalities of the police. Not a few families mourned the loss of some member dear to them, and desolation left an infamous stain of blood in the history of the island.

Thus is briefly stated what occurred recently. We have filed our protests against all these facts and against the onslaughts which jeopardized the rights of all men; we have protested to the governor against these things and begged them to offer the proper redress; we have insisted again on this score; we have persisted time and again and brought our grievances to the consideration of the proper authorities, those authorities which represent the American Government in Porto Rico, and we have always obtained the same answer; we were answered in the negative, and nothing more. We now have thee experience of two strikes that have taken place under the administration of the actual governor of Porto Rico, the police of which have been at the disposal of the employers, who have sought every available means to persecute the workers, and we have never been able to obtain anything like justice in any case for the workingmen of Porto Rico.

As this was not sufficient to force the workers into subjection, the governor of ths island, acting unnder the influence of the employers, issued an approbrious proclamation in pursuance of which the public peace was placed entirely into the hands of the police, so as to justify their brutalities. And the same proclamation made the statement that the laborers would not be permitted to hold parades bearing arms, when the governor should know very well that there never had been any laborers' parade bearing arms during the labor conflict in Porto Rico. He also forbade insidious meetings, when he should know there had never been any such kind of meetings in the island.

Such conflicts as these never occurred under the administration of ex-Governor George R. Colton, and yet there have been strikes in Porto Rico; but he never gave us any cause for complaint.

Now, honorable gentlemen of the commission, this is not the first instance in which we have the honor of coming before the American authorities in search of protection for the labor organizations, security for the liberty of the people, and guaranties for the American institutions which in Porto Rico are being constantly discredited, especially so by the very persons who received the greatest favors from the Government and the people of Porto Rico.

The island of Porto Rico is not now governed practically by the United States. The island is governed by the same reactionary faction to which I have been referring at the beginning of these remarks. What your representatives do in the island, what they allow to be done, is what the native and Spanish element by which they are surrounded want to be done.

The aspirations of a considerable number of the so-called "patriots" of our island consist in nothing more than asking constantly for more self-government; but this self-government they are asking for is not intended for Porto Rico, but for a group of privileged politicias. The people of Porto Rico, and I refer to the producers of wealth, have not yet, and would not have for some years to come, enough influence to steer clear of the reactionary faction which is always quite resourceful in political power and influence.

What these dear "patriots" of ours understand by self-government is to take the places of the Americans who are in the public offices; in this way all opposition would be removed, and they could see their way clear, and they would be in the position of committing all sorts of injustice against the people. They will be coming here year after year before your Congress with their same petition for more self-government, but their real motive is to obtain more public offices for themselves to do in Porto Rico as they please.

Right now all the judicial system of the island is practically in the hands of the Porto Ricans, because, excepting the attorney general and some two justices, the balance of the men in the judicial system are Porto Ricans; the whole executive system, including the insular police force, is Porto Rican; the regiment of infantry of Porto Rico is Porto Rican, and the lower house of the legislature is exclusively Porto Rican. In the upper house, or executive council, as it is called, there are four American members of it, and a majority of seven Porto Ricans. Then we have the governor, who is an American.

It may be inferred from this that we enjoy an almost absolute self-government, for which the Americans living in that island are not responsible, mainly, for the state of affairs.

The greatest harm done to the working people of Porto Rico is precisely that of granting so much of the so-called self-government to the privileged politicians of that island. The greatest harm that could be done in the future to the laborers of Porto Rico, and what would impair the credit of the American institutions in that island would be to keep on granting more of that self-government to this group of politicians, who are after these privileges only to use them against the people and act as they wish to.

As a proof of what we set forth herewith, and which has stood for many years as a living example of bitter experience, we are in a position to assert the following:

When the military government was first established under the American rule in Porto Rico the working classes were granted the benefits of a strict eight-hour law.

Wages were more adequate to the needs of the workers in the island according to the expense of living.

Absolute freedom of the speech and of the press and absolute guaranty in the exercise of all political and religious beliefs.

All sorts of public securities and respect to the organizations and their members.

Just as soon as these politicians began to enjoy the benefits of self-government in pursuance of the establishment of civil government, disturbances took place, regrettable incidents were committed, assassinations, etc.; the laborers were persecuted and their federations closed, the right of free speech or discussion and holding public meetings was suppressed, and the Porto Rican civil government itself was ordered to establish a hateful anarchical government on the island.

Then it was that the President of the United States had to intervene, and he became conscious that a more close vigilance had to be exercised with the office holders of that island.

But time flits away. The persistent demand for more self-government has again been heard, and the honorable President of the United States began to yield in favor of making appointments in the persons of some Porto Ricans; more self-government than before has been granted, and the island feels ashamed at present for what it sees and has seen.

With the amount of self-government at the disposal of our politicians at this time there have been committed against the people social crimes that were unknown to have existed before; daring onslaughts have been attempted and

carried out against the aspirations of the people; the corporations have been given all the power that could be given to them to exploit the mass of laborers. The right of free speech and meeting has almost practically been abolished, and all sorts of abuse has been resorted to against the helpless workers, whose aim is to live like human beings and not like animals.

Under this actual system of self-government it was that the gravest of conspiracies has found expression, both publicly and privately against popular education. An attempt has been made to minimize the teaching of the English language in the public schools, and there has been a desire for demoralizing the teaching profession, such as trying to make the pupil hate the American methods of teaching and even to hate the American teachers. More than 200,000 children of school age have been left without school accommodation. About 300 teachers have been dropped from the teaching force because the school appropriation has been slashed and cut down last year. A measure came up before the legislature whereby the capitalists, merchants, and corporations were favored in every possible way. This had for its object paying the least possible taxes to the insular treasury, and on this account the appropriation for public education is not nearly so large now as it used to be.

In order that those who enrich themselves at the expense of the people should not pay taxes, many items figuring on the appropriation bill have been cut down, and it may be stated that these favored the poor people and public services.

The appropriation for sanitation, schools, roads, and all other items of public service have been, as I stated, to you just now, cut down.

The labor laws as passed in the legislature at different times are so faulty that they are scarcely practical. For the last eight years a compensation bill of employers' liability bill has been under consideration, but no law as yet has been enacted. The employees of the Government receiving the smallest salaries have been cut down, whereas those higher-salaried men have been left intact.

All this has been possible to do to the self-styled "patriots" when they had at their disposal sufficient self-government, and they want more self-government in the future to keep on doing as they have done.

But as the mass of the laborers of the island have not the sufficient organization, education, and political power to repel the action of these men in the management of the island, on this account the worst and least deserved punishment that can be applied to the workingmen of Porto Rico is the concession of more self-government to the representatives of a reactionary and pernicious education which would be in itself a menace to the working people of Porto Rico.

We have wished to point out, in the limit of time we have spent, some of the most important reasons that determine the industrial unrest of the island by establishing some comparison, however slight, in the development of business and industries of the past and of the present, and we are quite sure that the gentlemen who hear us will understand our reasons perfectly.

Though our mission in that country is not and never has been that of a political party, the same needs that confront us obliged us to participate with our indirect action in the fight, for we could not dispose of any other means within the law, to obtain that legislation so necessary to our own defense since this was the only course we had.

These statements which I make before the honorable commission are the same we have been making year after year, and we should be ready to repeat as long as no favorable change is brought about for the Porto Rico laborers, they who are exploited by the powerful corporations which have everything their own way on the island, and which seem to constitute in themselves the invisible government of Porto Rico.

Mr. Chairman and gentlemen of the commission, before finishing these remarks, I only wish to add some of the remedies we have suggested in behalf of the Porto Rican laborers in order to bring about beneficial changes for them and all the people in general.

If the laboring mass of that island had sufficient organization to set down a scale of wages adequate to the needs of life and in harmony with the labor it produces, this alone would be sufficient for the island to change its condition immediately from that of wretchedness to one of prospreity for all. And it must of necessity be so because wages are the most powerful stimulus of industry, and it is the only part of the wealth that remains in the country and benefits local trade. But such is not the case, as we have not this strength,

and as it shall not be with us for some years to come, the most urgent remedies we should advocate are the following:

The Congress of the United States should request and direct your commission to proceed to Porto Rico to make a full and public investigation of all the affairs of the island and to ascertain the true conditions prevailing among the people, with the instructions to make a special report to Congress of their findings, with the recommendations that same commission may deem fit.

Increase the school appropriation to such an extent that the children of school age (404,211 in 1914, and of whom but 160,766 could be admitted into the schools) may receive the benefits of a public education. After admitting these 160,766 pupils the department of edcation was unable to offer accommodations to the rest, and on this account only about 40 per cent of the total number who are of school age receive education in the public schools.

The lands of the people of Porto Rico under a practical and economic plan should be turned over to the peasants for them to make farms that will produce and be beneficial to all. Porto Rico is first and last an agricultural country; there is no hope, at least for the present, that large manufacturing enterprises will thrive on this island, for local conditions do not favor any undertaking of this kind.

By means of a people's bank the Government should grant to the peasants sufficient loans to obtain the necessary implements for cultivating this land, buy the animals, etc., and provide for the needs of life, until the lands produce the first crop.

Instead of allowing the banks in Porto Rico to exploit the business of loaning money at from 12 to 20 and more per cent interest, when they obtain this same money in the United States at 4 and 4½ per cent, thus keeping up a system of usury that victimizes the people of the island, it seems to us that the Government with its sound financial credit should take a large loan in the States and establish a peoples' bank from which money could be taken out at 6 per cent interest. This fact would help the poor landowners, and the island with the profits, and would create a condition such that both the profits and most of interests would remain on that island.

The island should have and maintain a department of labor with the same prestige and authority of the other departments of the Government, at the head of which loyal and intelligent men could be found cooperating with the laborers to bring about better conditions for that class; men who could enforce the necessary labor laws and promote the welfare of the working masses generally.

The Federal law of immigration should entirely apply to Porto Rico. Owing to the ambition of the employers there, they have been able to secure the immigration of any people who care to enter Porto Rico by having the Federal law amended so that it is not so drastic in regard to Porto Rico as to the United States. Porto Rico is one of the sections of the world that most needs the application of a drastic immigration law, owing to its excessive population and abundance of unemployed laborers.

There should be a special law to discourage the absentee of the wealth produced in the island, or to place certain limitations on the same, so that the island be not drained of its wealth by the ambition of these men, because if this is to go on we shall have to witness a mighty poor condition of affairs.

No more franchises should be granted except those which would prove surely to be beneficial to the people and not for the exclusive benefit of those seeking these franchises.

All the Federal laws relating to labor and beneficial in character should apply to Porto Rico through an act of the Congress of the United States.

The United States Congress, upon passing any legislation on the constitution of Porto Rico, in whatever sense this may be done, must take into account the limited amount of power, the small influence, and capacity of the laboring people, as well as the political vices, pernicious education, and bad habits of the masters, and whenever any legislation is to be brought about it should be such that the laborers be not left in the lurch and at the mercy of their masters, but, on the contrary, protected sufficiently and given the assurance that in the enjoyment of all the constitutional rights they are to enjoy the same rights as those of this country.

The possessors of capital should be obliged to pay their full share for what the Government needs for public instructions, for roads, and for improvements of the island, public sanitation, and the security of justice. And by the means which the legislature offers must be avoided the abuse of power in the courts and the use of armed men in labor disputes, be these policemen, soldiers, or private agents.

These simple rules are, in our humble opinion, the ones that could do a great deal of good for the island of Porto Rico.

Aside from all this, gentlemen of the commission, I hold that no better opinion could be gained concerning Porto Rico and the condition of the laborers than by going out there, taking a look at the dwelling houses, knowing what food the workers eat, noticing how many hours they work, learning from them directly something about their customs and habits, for however much we may strive to give you a description of the conditions of the Porto Rican laborers, we could never succeed in depicting the real situation of things in the same way you could if you but could see these things with your own eyes.

I feel certain that, in spite of all that I might have said, I have told you less than the island itself can, and the laboring class also; but a mere glance at the situation would make all these things come home to you much better.

That is the conclusion of my paper.

Chairman WALSH. We thank you for your paper. We will now hear from Mr. Iglesias as to the details and affidavits; and if there is anything further you wish to say, you will be recalled later.

Mr. Iglesias.

TESTIMONY OF MR. SANTIAGO IGLESIAS.

Chairman WALSH. Mr. Iglesias, as you have observed, we are a little limited for time, so I am not going to ask you to go through the general topics referred to by Mr. Martinez; but you may proceed with the statement more directly of some of the matters you have to present—for instance, the trouble at Visques. Is that right?

Mr. IGLESIAS. Yes.

Chairman WALSH. Kindly direct your attention to that.

Mr. IGLESIAS. My intention is now to prove——

Chairman WALSH. Just state the story of the strife or trouble at Visques—that is, the casualties, people hurt, what the fight was about, the number of wounded, the number arrested, the charges upon which they were arrested, the number of convictions, the appeals to the higher courts, and the final results. I am going to say this also, for the purpose of shortening time—I am going to have you make verbal statements, and then, if you have more than one affidavit, you understand, on any subject, you may give us the substance of the affidavits and then put them in the record so the whole commission can take them up when they meet.

Your full name is Santiago Iglesias?

Mr. IGLESIAS. Yes.

Chairman WALSH. You reside where?

Mr. IGLESIAS. San Juan, Porto Rico.

Chairman WALSH. And what is your business?

Mr. IGLESIAS. At this time I am organizer of the American Federation.

Chairman WALSH. The American Federation of Labor in Porto Rico?

Mr. IGLESIAS. Yes, sir; and president of the Free Federation of Workingmen there.

Chairman WALSH. Of the Free Federation of Workingmen?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Are you a native of Porto Rico?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Of what country are you a native?

Mr. IGLESIAS. Spain.

Chairman WALSH. How long have you lived in Porto Rico?

Mr. IGLESIAS. Eighteen years.

Chairman WALSH. And you came there for what purpose?

Mr. IGLESIAS. I came from Cuba. I have been eight years in Cuba and came to Porto Rico in consequence of the persecution from Gen. Weyler there.

Chairman WALSH. Are you the gentleman referred to by Mr. Martinez that was in jail in Porto Rico at the time the Americans occupied it?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. What was your occupation before you went there?

Mr. IGLESIAS. Carpenter.

Chairman WALSH. You are a carpenter by trade, are you?

Mr. IGLESIAS. Yes.

Chairman WALSH. Are you a man of family?

Mr. IGLESIAS. Yes; I have a wife and eight children.

Chairman WALSH. Now, you may go ahead, Mr. Iglesias.

Mr. IGLESIAS. I am going to refer to the same men referred to by Mr. Martinez that have been complained against the doings of the agents of the Government and the agents of the employers against them.

As Mr. Martinez has stated in a general way, it is almost the same complaint of the workingmen of Porto Rico, and I am going now to refer to the affidavits presented by the people there that have been injured, sworn to before notaries and judges. We brought those almost every bit of evidence from almost every town and city and country village where the police and agents of the corporations attacked our people and terrorized our people there.

More than 100 telegrams as to these matters—I notice the chairman says we have got but little time, and I will not read them at this time; but from each town since the 4th of January we received in our office in San Juan dozens and dozens of telegrams charging the local authorities and agents of the corporations of battling with the people, and attacking the people, and shooting them and terrorizing them, and to force them in that way to take the work again under the same conditions that they were previous.

I have here from Juncos, which is the first instance, a short statement, and statements of about 20 others, some of them workingmen and some of them not, the statements of fact pertaining to the last labor strike in Porto Rico.

In the city of Juncos, island of Porto Rico, and before the notary public above mentioned appeared Catalino Marrero, and there are others, I don't read the names.

Chairman WALSH. The names are given there, are they?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. All right, we will take them into consideration.

(The statement referred to and the accompanying exhibits mentioned below are printed at the end of this subject as "Iglesias Exhibit No. 1.")

Mr. IGLESIAS. All of legal age and residents of said city of Juncos, under oath deposes and says, that before they went into strike they beg their patrons for better wages and more respect during working hours; that they were only paid from 40 to 50 cents for working hard from 6 o'clock in the morning to 6 o'clock in the evening; that they were bad treated by their patrons and their agents; that during working hours they were not even allowed to perform human ordinary necessities; that they were never heard, and therefore they decided to go into pacific strike to force their patrons to justify them (the laborers) in thir demands for better wages, treating, respect, etc.; that the strike lasted for about 10 days; that an agreement was signed by agents of both laborers and the patrons; that they (the laborers) have fulfilled their part to the said contract; that said patrons have violated their part to said contract; that their patrons used a circular of Gov. Yager to influence us in believing that no one had right to go into strike asking for better wages and more respect, etc.

Mr. Eloy Franquis——

Chairman WALSH. Were they cigar makers?

Mr. IGLESIAS. No, sir; they are agricultural workers.

Chairman WALSH. Agricultural workers?

Mr. IGLESIAS. Yes, sir.

Mr. Eloy Franquis, under oath, deposes and says that he is a resident of the city of Juncos, P. R.; that he is a cigar maker; that on the 1st day of February of the present year, while he was addressing pacific strikers in a place called Pueblito del Rio of the municipality of Las Piedras, Corporal J. Lopez, of the insular police of the island of Porto Rico, grabbed him down the tribune without justification; that Mr. Franquis was addressing the crowd in a correct manner; that a moment afterwards Mr. Franquis was authorized by said corporal of the insular police force of Porto Rico to continue his speech; that the police force intended to end the meeting without cause; that deponent was charged for slander before the municipal court for the municipal district of Las Piedras, P. R.; that his case was heard and the defendant, Mr. Franquis, was discharged.

Outline of Exhibits C, D, E, F, G, H, I, J, K, L, M. They are all here in Spanish.

Chairman WALSH. They are all in Spanish?

Mr. IGLESIAS. Yes, sir; you can see them there—the seals and the notaries and all. Mr. Eloy Franquis, under oath, deposes and says that about the 1st day of February of the present year about 500 laborers came to him asking his cooperation to better the conditions of the working classes of the municipality

of Juncos; that he acceded and went on, and from the beginning of the strike managed all affairs of same; that the conduct of the police force of the city of Juncos during the strike was very bad; that on one occasion the police told the strikers that they were not allowed to traffic along the carreteras or public roads; that the police ill treated the poor strikers; that the police intended to intimidate the pacific action of the strikers, insisting on them to go to work, or, on the contrary, they said to the strikers, they had orders to use their clubs; that on the 4th day of February a great meeting was to be held in Gurabo, a town near Juncos, and to that effect the laborers from Juncos were on their way to former; that the police, using the most libellant words ever heard, tried and consequently ended the laborers' assembly with their clubs and also firing their revolvers; that many of the assemblers were hurt by the police without justification at all; that the number of victims reached from 15 to 20; that some of the victims went to the hospital to be cured of hurts suffered by clubs of the police; that as soon as the police knew they (the laborers) had gone to the hospital tried and in effect imprisoned all of them; that they were charged by the police of different crimes before the municipal court for the municipal district of San Lorenzo, P. R., and sentenced by said court; that all of them appealed from the sentence rendered by the municipal court for the municipal district of San Lorenzo, P. R., to the higher court—that is to say, the district court for the district court of Humaco, P. R.—and the higher court discharged and freed all of them on the ground that they were innocent of the crimes imputed them; in one particular case a laborer named Pablo Rivera Nieves, a sick man, but a striker, was beaten by the police; persons of 50 years of age were also beaten.

As shown by Exhibit F, Eleuterio Mazán, was the bearer of the American flag in the assembly above referred when the police ended same; that a policeman named Julio Soto, knowing it was the national flag, broke it to pieces; that said Mazán called the attention of the police to the fact that they had broken the American flag, and the response was that the police club poor laborer and afterwards charged him with the commission of a crime; that said charge was dismissed.

As shown by affidavit No. 860, Exhibit G, authorized before the notary public, Mr. Pedro Santana, jr., Mr. Augustin Cintron, of Juncos, P. R., deposes and says that he knows perfectly well that the police force almost in the whole island of Porto Rico, and specially during the strike periods, are in the habit of living on the sugar factories or centrales, not to restore order in case of need, but for causing intimidation to the poor laborers who are working on in the centrales, trying to persuade them to not go into strike, and if they do explaining to them (to the laborers) that they are liable to be clubbed.

As shown by affidavit No. 861, Exhibit H, Mr. Lucas E. Castro, an industrial man of an excellent reputation in the city of Juncos, under oath, deposes and says that he is a resident of the city of Juncos; that he was in Juncos when the strike began; that he followed the course of all affairs in connection with same; that he can say that the conduct of the laborers on strike during the last one was an excellent one; that he saw the police ending a pacific assembly of the strikers, using their clubs and revolvers without justification at all; that on one occasion the action of the police was so hostile to the strikers that almost the whole town was compelled to close doors, etc.; that he never saw a striker make an attempt against the public power.

Exhibit I, affidavit No. 862, before the same notary, Mr. Pedro Santana, jr., Mr. Catalino Marrero, under oath, deposes and says that he is a resident of the city of Juncos, P. R.; that during the last strike the chief of police of said city, Mr. Vicente Torres Quintero, called him one day and told him to tell some laborers who were working on a plantation called "Amel" that everything was all right as far as they continued working; but otherwise, if they were willing to go into the strike, they were liable to be clubbed and imprisoned.

Affidavit No. 863, Mr. Modesto Martinez is a doctor in pharmacy, of the city of Juncos; he declared under oath that the conduct of the strikers in February this year was an excellent one; that they simply left their work to beg for better wages and better treatment; that he saw the police on one occasion clubbing the poor laborers that went on strike.—Exhibit J.

Exhibits K, L, M refers to same thing above mentioned, and affidavits were taken in order to make evidence corroborative.

Exhibits N, O, P, and Q, affidavits from 867 to 870 before the notary public above referred, Mr. Pedro Santana, jr., indicate the following: That deponents Luis Sanchez Ocana, Juan Roman, Jose Maria Pereira, Juan Rivera are all

neighbors of the city of Juncos, P. R.; that they are all well acquainted with the last strike of February of this year; that the conduct of the strikers was of a high order; that assemblies of the strikers were ended by the insular police without justification at all; that strikers were clubbed in the streets, intimidated by the insular police, and told to go to work in order to prevent being clubbed and imprisoned; that the strikers never attempted against the public authorities, and always had faith in their leaders' work. "In a general way we can say that the constitutional rights of the strikers were violated by the insular police of the island of Porto Rico, and this permitted to be done under the flag of Stars and Stripes."

A better idea of what really happened during the last strike in Porto Rico can be obtained reading carefully all of the affidavits authorized before the notaries public of the island of Porto Rico.

Here is one from Humacao, Porto Rico. It is an affidavit to demonstrate how the police are conducting themselves.

Chairman WALSH. Does that refer to any of the occurrences that grew out of the fight at Vieques?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. You are on that subject now?

Mr. IGLESIAS. Yes, sir; it is all through the island of Porto Rico; almost the same thing.

Chairman WALSH. I was trying to get my mind on two things, the fight on the island, which I understand is about 10 miles from San Juan.

Mr. IGLESIAS. Oh, you refer to this of Vieques?

Chairman WALSH. Go ahead and read that affidavit in your own way.

Mr. IGLESIAS. We will read this; I am going town by town.

Chairman WALSH. All right.

Mr. IGLESIAS. The above strike's case was heard before the Hon. Cuevas Zequeira, judge of the district court for the judicial district of Humacao, P. R.

Tomas Martinez was charged for the crime of assault and battery in the person of Evaristo Berrios, corporal of the insular police force of the island of Porto Rico.

The district attorney for the people, Mr. Jose Hernandez Usera, introduced witnesses to prove his case, consisting of several policemen.

The defense also introduced his to prove Tomas Martinez was innocent of the charges filed against him.

After both parties were heard, the honorable judge of the court, Mr. Cuevas Zequeira, among other words, said:

"I think that the proofs introduced by the district attorney in this case have been weak; that the policemen who have testified in this trial, some of them, fell in very important contradictions."

The honorable judge, calling Mr. Berrios, told him: "Mr. Berrios, you are a corporal of the insular police force of Porto Rico; according to the testimony you are a perjurer. This court have faculties according to the last laws passed by the Legislature of Porto Rico to punish you for your conduct. The court hopes that you will never conduct as you have done to-day before this court. You may go now."

The district court of Humacao, after considering all the circumstances connected with this case, discharged the defendant.

I want to refer for a moment to the Juncos matter and to petitions sent to the governor for relief and redress, and the only answer they received was a little telegram, as follows:

SAN JUAN, PORTO RICO,
February 30, 1915.

ELOY FRANQUIS, *Juncos:*

Your telegram received. Has been endorsed to chief of police for investigation. Matter relates to it.

M. A. MUNOZ, *Secretary to Governor.*

The Central Labor Union of San Juan and the State Federation sent letters to the governor requesting, about the Juncos matter, to send help to our people, and the same kind of a reply was received. It is as follows:

SAN JUAN, PORTO RICO,
February 9, 1915.

SIR: Pursuant to instructions from the governor, I have the honor to acknowledge receipt of your letter of the 6th inst., along with which you transmitted a

communication relative to the agriculturists' strike at Juncos, and I desire to state in answer to the same that this matter has been referred to the attorney general, to be duly taken into consideration by him.

Respectfully,

MIGUEL A. MUNOZ,
Secretary to the Governor.

Mr. RAFAEL ALONSO,
Secty. F. F. of W. of P. R., San Juan, Porto Rico.

Of course, the said petitions were never heard of again.

Chairman WALSH. That is all you heard of them?

Mr. INGLESIAS. Yes. I want to state that the police have been, at the start of the strike, charged that the force was not very strong in handling the striking. Such was the statement made by the employers, and consequently the request to the governor that the police take more care of the strikers, because their position was very easy to their interest, and asked for 200 more police in order to protect the interests of the employers. Now, the misprotection of the interests of the employers we will see about a little later.

Now comes the case of Vieques. All these happenings occurred in just 10 or 12 days. The same proceedings that took place in Juncos were repeated again all through the island.

Chairman WALSH. Now you are talking about Vieques?

Mr. INGLESIAS. Yes.

Chairman WALSH. Where they had an occurrence—this refers to one occurrence in Vieques?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the trouble lasted 10 or 12 days and extended all over the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you are attempting to portray to us the general conditions at each one of those places while that disturbance lasted?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, as to Vieques.

Mr. IGLESIAS. Well, you know the island of Vieques is a little possession adjacent to the island of Porto Rico and has about 10,000 or 11,000 population. It has five corporations of sugar interests there who practically control the whole island. It is separate about 9 miles from the mainland.

Chairman WALSH. From the main island?

Mr. IGLESIAS. Yes. The first news from Vieques came through the reports from the police to the governor. Nobody directly knew what happened in Vieques until four days after it happened, so far as the laboring people were concerned. The press only published the accounts and news that the governor's office afforded to the press. Consequently the press was censored even as to the telegrams sent from the island.

Chairman WALSH. Even the press could not receive the news from the island for three or four days?

Mr. IGLESIAS. No.

Chairman WALSH. So you did not know the condition there until three or four days after the occurrence was over?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you then gathered that from the report of the police at Vieques to the Governor of Porto Rico?

Mr. IGLESIAS. Yes. Then we sent a commission from San Juan to ascertain.

Chairman WALSH. A commission of what?

Mr. IGLESIAS. A labor commission.

Chiarman WALSH. Selected by the organization?

Mr. IGLESIAS. Yes; by the federation, with a lawyer. And this commission made a report to us. This report is signed and sworn to before a notary by ex-special district attorney of Porto Rico, who had been engaged in work by the department of justice.

Chairman WALSH. Was he your attorney?

Mr. IGLESIAS. Yes.

Chairman WALSH. And he was the one who went down to make this investigation with the commission?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the report is made and sworn to by him?

Mr. IGLESIAS. Yes. You will see from the report that it is not made in favor of the workingmen at all.

"SAN JUAN, PORTO RICO, *March 30, 1915.*

"Mr. SANTIAGO IGLESIAS,
"General organizer of the American Federation of Labor,
"San Juan, Porto Rico.

"DEAR SIR: After going to the isle of Vieques for a second time at your suggestion and for the purpose of appearing in behalf of the accused during the strike that occurred there recently, gathering up my impressions and investigating matters thoroughly relative to this strike, I take the pleasure of transmitting to you herewith in the most impartial manner what I have found abnormal in the proceedings of this case as well as my personal opinion relative to the legal methods we should adopt for getting up proofs of the facts that have been so misunderstood in the press.

"In the first place, upon arriving at Vieques I called personally at the municipal court there which had intervened in the substantiation of the strike cases that interested us, and I was able to see a series of documents of appeals in sufficient number that had been presented by the same interested parties who had taken this course against decisions rendered by that court on March the 10th, 11th, and 12th inst. With the exception of six or seven among seventy appeals, more or less, all the rest had been rejected by the court on the ground that two days had elapsed, in the opinion of the judge, before the said appeals could be filed.

"I put forth all my persuasive powers to conciliate the municipal judge of that court and make him change his mistaken opinion of this matter. I produced, under my signature, and as the representative of all the sentenced persons I had been able to consult in prison, all the appeals that had been rejected on the fifteen inst., or in other words, within the five days which, in my humble opinion the law allowed, which limit was granted for filing the appeal, but it was of no avail; this privilege was denied to me for the above reasons as alleged by the judge.

"Shortly after my arrival at San Juan I established the extraordinary mandamus recourse presented by myself before the honorable court of Humacao District, which had immediately dictated the said document-peremptorial auto-ordering the appeals to be admitted, which was carried out later because the fiscal later acceded to my petition.

"At the time I was discussing with the municipal judge whether he ought or ought not to admit those appeals on the occasion of my first visit to Vieques, after investigating all the sentences in the possession of the warden of Vieques prison and which were a part of the expedients to each of the accused, I was surprised to realize that on the 16th day, or in other terms, one day after denying me the privilege of filing my appeals, the municipal judge transmitted a communication dated the 16th, ruling the sentences as erroneous and which as writs of imprisonment applied to the expedients and accordingly the said communication accompanied new orders amending the preceding sentence, but which in spite of having been sent on the 16th were dated the 10th, 11th, and 12th days of March inst.

"As this has been brought to bear without any intervention of any kind, not in presence of the accused and aside from the time limit prescribed under the law for filing all appeals, I understood that this amounted to a new sentence, and I once more established a recourse for appeal against all sentences thus amended, which has not been necessary for me to do owing to the provable effect of the mandamus filed at the proper time and legally recognized."

Chairman WALSH. Let me see if I can not shorten that up and also understand it a little better. Now when he went out there the judge told him that his view of the law was that two days having elapsed, these men were not entitled to have their cases reviewed on appeal?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And then did he come back to Porto Rico?

Mr. IGLESIAS. No; he remained there.

Chairman WALSH. He remained there?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And subsequently—his contention was that he had five days within which to file his appeal, and when he came to getting the papers again he found the judge had dated the time of the conviction back to the 10th?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Or other days; is that correct?

Mr. IGLESIAS. Yes.

Chairman WALSH. So on the face of the record, it would appear that more than five days had elapsed?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. In other words, if his contention is true, the lower magistrate falsified the record as to the date of trial?
Mr. IGLESIAS. Yes, sir; as to the dates given new orders, to amending the sentences.
Chairman WALSH. Now, to what court did he have his appeal?
Mr. IGLESIAS. To the district court.
Chairman WALSH. In Porto Rico?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Or on this smaller island?
Mr. IGLESIAS. No; on the main island.
Chairman WALSH. Now, let me shorten this a little. Then he applied for a writ of mandamus to the court of Porto Rico?
Mr. IGLESIAS. Yes.
Chairman WALSH. To compel them to send up the record of that case?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, was the record finally sent up?
Mr. IGLESIAS. Yes.
Chairman WALSH. How many men were involved in this appeal?
Mr. IGLESIAS. About 75 or 100.
Chairman WALSH. And were they all workers?
Mr. IGLESIAS. Yes.
Chairman WALSH. Were any of them employers or bosses?
Mr. IGLESIAS. No, sir.
Chairman WALSH. Or any of them police officials?
Mr. IGLESIAS. No, sir.
Chairman WALSH. They were all workingmen?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, did he succeed in having their cases brought up to the upper court?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. First, what was their punishment before the lower judge or magistrate?
Mr. IGLESIAS. Six months and $200 fine.
Chairman WALSH. Each got six months in jail and $200 fine?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, what did the superior court of Porto Rico do with these cases?
Mr. IGLESIAS. Well, several of them—about a third—have been discharged and some of the others put at 90 days.
Chairman WALSH. About a third of them were discharged?
Mr. IGLESIAS. Yes.
Chairman WALSH. Now, after it got up to the upper court, was it retired or, that is, did they hear evidence again, or was it heard just on the record?
Mr. IGLESIAS. No; new——
Chairman WALSH (interrupting). A new trial?
Mr. IGLESIAS. Yes.
Chairman WALSH. In the superior court?
Mr. IGLESIAS. Yes.
Chairman WALSH. How many judges?
Mr. IGLESIAS. Just one judge
Chairman WALSH. And was there any further appeal for the one-third that were convicted and got 90 days?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Went to a still higher court?
Mr. IGLESIAS. Yes.
Chairman WALSH. And have they been discharged?
Mr. IGLESIAS. No.
Chairman WALSH. So the result was that the upper court sustained your lawyer and said these men did have a right to appeal?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. The upper judge discharged two-thirds of them?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. And found one-third of them guilty and gave them 90 days in jail?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you have appealed those cases to the court of appeals?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And it is still pending?

Mr. IGLESIAS. Yes.

Chairman WALSH. And undecided?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, if that does not cover all the points, you may read.

Mr. IGLESIAS. Oh, yes; there are other points——

Chairman WALSH. What other points do you want to cover?

Mr. IGLESIAS. Oh, many. I request you to be heard.

Chairman WALSH. Well, you understand we are seeking to gain time, and if I have stated that correctly, we will assume that they are proven by your affidavits—that is, so far as your side of it is concerned.

Mr. IGLESIAS. Yes.

Chairman WALSH. That is right, is it [addressing Commissioner Weinstock]?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Now, if there are any points not covered by my statement, you may read.

Mr. IGLESIAS. There is another point, you will find.

Chairman WALSH. All right. I want to give you your own way to do it, so far as I can, Mr. Iglesias, consistent with getting through.

Mr. IGLESIAS (reading). "After making an investigation of the legal proceedings against the several prisoners I was able to gather that some of them, about five or six, had been thrown into prison pursuant to peremptory orders of imprisonment issued by the humacoa fiscal"—humacao fiscal is the district court, the higher court of Vieques—[continues reading] "to answer to the charge of attempt to commit assassination, under date of February 17, 1915. On February 23 the same persons were set free, in pursuance through an order of the court emanating from the same fiscal, and that same day they were transferred from the jail of Vieques to the headquarters of the police, and without serving any previous notice, and at a time when the court was not legally constituted in its true forum, sentences were dictated against them on the charge of transgression for illegal carrying of firearms exhibited to them, and they were sentenced to serve a certain period in jail, which, if I rightly remember, was 60 days. After being sentenced on this ground they were transferred from the police headquarters to the town of Humacao, at which place they remained until the 26th, and from there back to Vieques prison, under an order of imprisonment for assault and battery, under date of the 26th, by Judge Jose S. Aybar, of the municipal court of Vieques.

"Somewhat later, aside from being sentenced for illegal bearing of firearms, according to accurate information gathered by myself, they were also sentenced or convicted for riot in the country district of Vieques, on the ground of riot at the municipality seat of that island itself, and as prisoners of a crime qualified at first as offense against human life, undoubtedly owing to serious circumstances, which, had they been true, could only have resembled that qualification. Again I say they finally judged merely for the crime of assault and battery, which, though it is true, is almost the same as a lesser transgression"——

Chairman WALSH. They gave him 60 days just from the police station without any court?

Mr. IGLESIAS. Yes, sir. [Reading:] "But it deprived those accused parties of the right of trial by jury as demonstrated by the seriousness of the case they were accused of. In cases of assault and battery they receive the maximum penalty."

Chairman WALSH. What was the maximum penalty?

Mr. IGLESIAS. Six months.

Chairman WALSH. Six months and $200.

Mr. IGLESIAS. Yes. [Reading:] "As there are yet to be tried several cases that have been classified in various ways against individuals accused during the strike, it was my privilege to appear for them as counsel on my second visit. They had been accused of carrying arms, taking part in the riots out in the country, and also in Vieques town, and for assault and battery, and I was able to form an exact idea of how these cases should have been heard, especially those which had come up before the rendering of the decision in the cases for which appeals had been established. In regard to cases for bearing arms a number of sticks"—that is the arms to which the police referred. The stick

is the same as in this country to carry flags, but as they have no reflued sticks like in the States here they put any piece of poling——

Chairman WALSH (interrupting). A rough piece of pole?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. You mean they carried those poles with flags on them?

Mr. IGLESIAS. With flags on them.

Chairman WALSH. So, do you mean to say the weapons they were charged with carrying were the flag sticks upon which the flags were?

Mr. IGLESIAS. Yes, sir; those sticks were by the judge considered arms.

Chairman WALSH. The sticks they used for the flags were charged as weapons and arms?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, did they have any of those sticks or any of those poles upon which the flags were not attached?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Go ahead.

Mr. IGLESIAS (reading). "In regard to cases for bearing arms a number of sticks of different sizes were exhibited in presence of the judge; they were classified under the name of 'garrotes' (big sticks) and these had small pieces of paper stuck on them with a number and the name of each individual. In searching for the 'corpus delicti,' I ascertained that the proof of these charges was presented by the police, and I was informed by them in open court that these six or seven sticks were only a few of the two or three hundred that the strikers had in their possession when the parade disbanded, and which took place February 11 of the present year. I was also informed that such as were provided with sticks during the riot were let free, but that afterwards, when these sticks were all in a bunch, the policeman or policemen who claimed to have gotten hold of them asserted, from mere guesswork, that such and such a stick had been used by such and such an individual. I presumed that fact of determining which sticks belonged to each particular individual, and whether these sticks were of small or large sizes, and in case some of these had been declared as large, and not a few of small size, even under these circumstances it would have been impossible for the judge to determine which particular stick had been used by any given individual, and for want of sufficient proof in this regard the accused persons should be adsolved, as indeed they were, by order of the honorable court.

"If the trials heard previously to this for illegal bearing of arms were all heard under the same conditions, why, then, should sentence be passed against them?"

Because no lawyer was present and in the same circumstances many of those poor fellows were sentenced by the judge; but when a lawyer was there to defend them he had to release them.

"I must say further there was no doubt but that the accused parties who were sentenced for this transgression of the law were in a like manner sentenced for various causes and given the maximum penalty. For this reason it was, as I understand it, they decided not to enter any plea for appeal, because they had practically served their sentences.

"We next come to the case of Mr. Emilio Garcia, known as Mateo Garcia, and who was taken into court on the 26th for the hearing of his trial to answer against the charge of illegal bearing of arms on February 11, and upon reading out the charges, the said Emilio Garcia stated that on the 11th day of February he bore no arms, and accordingly prayed the court to suspend the proceedings until February 27, and that he was in a position to prove that the statements made by him were true and that on that very day he had no arms in his possession at the place mentioned by the court. But on February 27 he was not a little surprised to hear, not the same indictment, but another in which he was accused of carrying arms on February 16 and not on February 11 as appear in the former indictment, he having been obliged to withdraw his witnesses and suffer another trial for which he was sentenced.

"Riot in the country.—According to evidence furnished by the people of Porto Rico the following explains itself very clearly: On the same road as that where the witnesses passed, another parade of the strikers, headed by policemen themselves, passed also, but they had no lettered signs, nor was there any indication that it had been used as a private road for a number of years. February 16th, ult., when another similar parade had already left the town for Barrio Puerto Real, and upon arriving at this point, a certain Esteban Huertas was stopped by two policemen who charged him of being the

spokesman of the workers, and these police forbade Huertas not to pass that way, and that these orders come from superior authority. When Huertas said it was not becoming that the participants in the parade should turn back halfway down the road to come to town and then go by another road; hereupon the police crouched down and aimed at the strikers. The said Huertas fired his revolver three times at the same remarks being made, and firing against the participants of the strike came not only from the police, but also from the majordomos," (the superintendents of these plants) "of Central 'Esperanza,' who, being somewhat behind and hidden by the cane fields, fired also. The local chief of police had taken measures on the 11th, and it seems that he was looking ahead for an incident of that kind to occur, and accordingly ordered the majordomos to be separated from the rest of the strikers, and that is the position they kept on the same day of the riot which as is well known resulted in such fatal consequences that four workers were killed, two policemen, and several workers wounded.

"Riot in town.—After the facts just referred to took place and a number of the men from the disbanded parade who lived at the same town of Vieques, went back to their houses, and upon getting into town, a certain Mateo Garcia was violently arrested near the police barracks. Many persons naturally wanted to know the reason for this. At this moment the chief of police, according to what he himself says, having received word that the barracks would be taken, instead of waiting for the attack, it is as stated, he went out with seven policemen to meet the strikers who were going back to their homes, and all were standing in a line, they shouted 'Halt,' and fired 15 shots. According to what the police themselves say, when they shot at the strikers stopped, and as they did so, they took to their heels without even trying to make any resistance, or carry out any violence of any sort in an endeavor to take the barracks by assault, and under the command of the chief of police of the said barracks, order had been given to fire against the strikers. These are the facts that characterizes the riot in town, according to the opinion of honorable judge of the municipal court of Vieques which passed heavy sentences upon a number of persons whose misfortune was to be present at that place whether involved in the strike or not.

"Assault and battery on the police.—I was present at and witnessed the case of Lorenzo Huertas, accused of assault and battery in its worst form, and which led to the following evidence:

"A witness named Parrillas, who was accused along with the strikers, and who declared he had ascertained that some one was accusing him of having been aggressive to the police, and as soon as the said Parrillas found this out he offered his cooperation to testify against his accuser; said witness also declared that he did not consider himself free from a trial until the fiscal should give him assurance of the contrary. So that this individual, acting under the influence of a strong resentment against the man whom he suspected, stood ready to accuse him in court, and still fearing that his position was not quite safe, made the following declaration: While he happened to be among the participants of the parade reported to have risen up in open manifestation against the police in the country district of Vieques on February 16, when Policeman Brignoni was lying on the ground with machete blow on the back part of the head, a shot in the same place, and several wounds in the body, and considered by everybody dead, the accused party drew close to him saying, 'Let us kill him outright,' and as he said so he dealt him a blow with a machete on the hand with which he covered his face. All of the above came to pass at a time when it was said that a riot was on foot.

"Considering this testimony, and not wishing to discuss the credibility of the witness, I presented a motion to the court, the facts not being considered as a misdemeanor, in order that the case be referred to the district court of Humacao, in pursuance with our laws, so that the trial should be held accordingly to the legal requirements, and that a jury be appointed to hear the said trial. To this request the judge replied the following, 'Though he held the same opinion as the defense, he was sorry to say he could not grant the request, because this case had originally been transferred to the fiscal of Humacao district court, and that it had been returned with instructions to revise it as being a mere case of assault and battery in its worst form.'

"Somewhat later I was informed by phone that nine of the men accused for rioting in the town and country district of Vieques had been convicted and had entered a plea for appeal from this decision.

"I make no mention of the final cases or decisions, convictions, or penalty imposed, because it has already been done in the joint report presented to the

convention of the Free Federation of Labor held at Cayey, by Mr. Prudencio Rievera Martinez and myself, and which it is my desire to add to this.

"Considering the above-stated facts, I have come to the following conclusion:

"First. As the riot is supposed to have taken place out in the country the guilt of the accused parties depends on the legal reasons for having passed by the road which, as it was reported, was forbidden, on the legality of the order given by the police to the paraders not to pass through any public place without any other order excepting the order that they were not to pass through there, the guiltiness of culpability of the accused depends on the aggressive and unjustifiable attitude of the police to exact a strict compliance of their order, which, had it been any good, would have strengthened his authority, but being illegal it granted all the rights to those who attempted to pass on the road which they tried to close. The threatening attitude of the police was answered by the desire which the strikers had for wanting to forge ahead on the same road over which they had formerly traveled.

"Only one individual appears to have shot at the police, and that, too, after the police had threatened to open fire on the group of strikers, and I infer from this that if we may be allowed to discuss over the attitude of the strikers, we should not discuss over the attitude of those who were with him, and who were not only defending themselves from a grave and justifiable danger, but that, far from getting together to withstand the assault of the police, either by force or violence, merely acted in this case on the spur of the moment and at a time when they could not stop to wait.

"After having taken place—the alleged riot—nobody compelled the strikers to abandon the place of the supposed riot; in the whole trial there does not appear any proof of it, and on this account our argument that only one person is guilty, can not involve into culpability the rest of the individuals that happened to be present at an uprising that might have taken place out in the country without previous thinking.

"Second. In so far as the alleged riot of the town is concerned, the idea or version that some one may have given the chief of police that the strikers had been trying to attack the police headquarters, because the impatience of the police did not leave time to these men to carry out this purpose, or even the attitude brought about by them upon being shot at by the police at some distance from the hearquarters, stopping at first, and then taking to their heels, and without committing any acts of violence in an attempt to attack the headquarters. This would not be a sufficient cause for calling it a riot, much less when it is a question of individuals who for the most part lived in town, and who were of necessity compelled to return to their homes after being attacked by the police in the country district of Vieques.

"Third. The police taking as a basis of their belief that the participants were armed, there does not appear any clear proof in the proceedings that they had been carrying weapons contrary to law and much less could the accused persons be identified, inasmuch as many of the sticks called 'garrotes' by the police would in the hands of any man going out for a walk be scarcely of such size as to justify his detention, and others there were short in length, though big, were provided with flags, and there were still other sticks to which flags were attached by nails. These proved that those sticks had been used neither in defense or in offense but as symbols, with the flags, of the idea they represented.

"Fourth. Concerning the complaints against taking away of life, or attempting to assassination, judged as assault and battery, I understand that though it is apparently true this favors the accused as to penalty, in case they should be found guilty, these accused individuals have been deprived of the right of a trial by jury, which should have been done, not to benefit the accused parties but because the fear of a trial by jury composed of twelve citizens independent from the administration could have meted out justice in a more impartial manner in a case of such transcendental importance.

"Fifth. The fact that appeals (filed in due time) were denied, as has been proved with the mandamus issued by the judge of the Humacao district court, leads me to suspect, together with the inconsistency with which these cases were tried that the accused parties were defenseless in the locality of Vieques, which is separated from the rest of Porto Rico, and had no lawyers to plead their cases, and heavy bonds were required of them, and I can conceive how difficult it was for these people to give bonds required of them by, and that the responsibility weighing upon the parties involved in the Vieques incident has not been justly divided out, we are hopeful that we shall be able to submit the cases of these men resolutely to the honorable district court of Humacao, and we also trust that we shall find in presence of this court opportunity enough to

obtain justice which the Vieques workers are longing so much to obtain, and this too from the honorable justice who presides over the said court and in whose trust the accused have placed all their rights with the assurance that their legitimate hopes for explaining definitely the truth will be fulfilled, and that they will not be defrauded of their rights.

"Given at San Juan, March 30, 1915.

"JOSE DE JESUS TIZOL,
"*Attorney at Law.*"

Chairman WALSH. Now, are those men whose appeals are still pending in the court of appeals, or are they out on bond or in jail?

Mr. IGLESIAS. They are in jail awaiting——

Chairman WALSH. Awaiting for their appeal to be decided?

Mr. IGLESIAS. Yes, sir. Now, the lawyer who appeared before the district court, the higher court, makes this affidavit:

"Before the notary public of the city of San Juan, Porto Rico, Mr. Jose Martinez Davila, affidavit No. 1016.

"Mr. Rafael Lopez Landron under oath deposes and says: That he is the attorney for defense of the laborers indicted in Vieques, Porto Rico, on account of the last strike.

"That since he is a practicing attorney in this island of Porto Rico, he never had seen such a peculiar proceeding as that used in all the cases of the poor laborers who went on strike last February, and especially that one used by the district court of the district of Humacao, Porto Rico.

"That cases triable by jury and that are mandatory by law to be tried by jury have been tried according with the wishes of the district attorney.

"That the constitutional rights of the defendants have not been respected.

"That in certain cases a man who has been discharged once for a given crime has been tried two, three, or more times for the same crime.

"That such proceedings are influencing very much the minds of the laborers in Porto Rico, and all and every one of them are in a reign of terror."

The same lawyer says:

"To the effect that as attorney for the great number of strikers, agriculture workers in the island of Vieques, the deponent believe to have thoroughly proven by means of six witnesses, business men, and well to do, that on February 16, 1915, insular policemen Sergio Brignoni and Sotero Moreira (those were the ones who killed the poor people in the country), had been drinking rum at noon of a high alcoholic degree, and that they were carrying in their pockets a half-pint bottle of such redish colored rum when they went to the country to watch for the strikers, and that they, the policemen, had stated before leaving that they were ready to put an end to the strike that very same afternoon, and that in fact one hour afterward, about 3.35 p. m., the same day, and at the place known at 'Trianon,' on the road 'Puerto Ferro,' Vieques, and according to numerous testimony presented, the police held up the parade and fired against the paraders about 15 shots from carbine, and that in the confusion that ensued the police was thrown down by some of the paraders, inflicting them serious injuries."

A letter from Vieques, April 1, 1915.

VIEQUES, *April 1, 1915.*

Mr. SANTIAGO IGLESIAS, *San Juan, Porto Rico.*

DEAR SIR AND FRIEND: At this writing I have just heard that a few days before the shooting affray in the country where some many of our countrymen were killed, Mr. Murraille had asked the house of A. Mayol & Co., of your city, 60 rifles, and he received only 16.

The means, sir, that that was an intentional affair, and also two days before the incident, he set out for San Juan. You can endeavor to secure the copy of an invoice of these rfles, it might come in handy.

As I stated to you in my card for want of lawyer here we are unable to secure the affidavits considering the fact that the judge acts as he does.

Fraternally, yours,

E. MARRERO.

VIEQUES, PORTO RICO, *March 30, 1915.*

Mr. SANTIAGO IGLESIAS,
San Juan, Porto Rico.

DEAR COMRADE: I trust that through your mediation you will communicate to Tizol to ask him if he could do a beneficial turn in behalf of the accused.

We have heard among the accused and nonaccused laborers that the riot was started among the police and the mayordomes of colonies.

Other workers who took part in the parade out in the country also know how it started, and one of them has not been accused; he lives at Puerto Real. The rest who are ready to testify to these facts of the majordomes are arrested. This man who has not been arrested is Hilario Figueroa. He says that if called upon to testify he will tell how it happened. The majordomes summoned to appear were: Jose Casanova, Julio Casanovas, jr., and others of Lujan, Jamie Riveras and Valentin Colon from Perie.

Those who were looking from a neighboring hill say that Policeman Brignoni killed Cruz Levita, who was the first to be wounded and killed.

The rest were killed by the majordomes who stood near the cane field and at the same time wounded by ammunition and bullets. These people made haste to leave this place.

Fraternally,

MATEO GARCIA.

The police ordered the people not to pass this place, and in giving this information I have to mention one of the things that occurred at Vieques, at this parade, it was composed of two or three hundred people, and they, of course, asked the police to stop the parade in the midst of the public road and let the people pass, and after little argument they commenced the shooting. The only witnesses that they, the workers, had to prove their side were themselves, and in order to prevent that any could appear as witnesses in favor of the accused men, the only course to follow was to arrest everyone, and the entire body that was in the parade, and only those that don't dare to say anything were silent, they were let free, but those that had any intention to give evidence in any court in favor of them, regarding the doings of the police when they were parading, were held. Consequently the deplorable affair at Vieques was very hard for us to look for men to serve as witnesses, as far as the country people were concerned. We have men, industrial and agricultural, that appear freely and voluntarily before the court and testify in favor of us. Our federation there was ordered to be closed, and terrorized. The police——

Chairman WALSH. You mean your headquarters?

Mr. IGLESIAS. Yes.

Chairman WALSH. At Vieques?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Were ordered to be closed?

Mr. IGLESIAS. Yes, sir. Here are three affidavits signed by Hilario——

Chairman WALSH. Let me look at them before you read them.

Mr. IGLESIAS. All right. This is another.

Chairman WALSH. These are the translations of the same affidavits you have offered in evidence in Spanish?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. I guess you better read them.

Mr. IGLESIAS. Yes, sir; all right. They are selections from them [reading]:

"TRANSLATIONS OF THREE AFFIDAVITS.

"These three affidavits signed by Hilario Figueroa, Isidro Sanes, and Narciso Gautier are intended to prove that:

"On February 21, 1912, being the hour about 9 a. m., the three men whose names are above stated were at the office hall of the Agricultural Laborers' Union No. 12006, which organization is affiliated with the American Federation of Labor;

"That such office is established at the country district known as Puerto Real;

"That at the hour above stated came to the office the policeman named Nicasio Garcia, badge No. 124, with another policeman whose name is not reported, and the said policeman Garcia ordered the financial secretary of union No. 12006 to close down the doors of the office and stop business. He also told the secretary that the office will not be allowed to be opened any longer, and that they should keep themselves of having the office opened, because if he find it opened again he would know what to do."

These affidavits have been sworn to and before the municipal judge of Vieques, Porto Rico. [Continues reading:]

"TRANSLATION OF AFFIDAVITS.

"The three affidavits signed by Emilio Garcia, Martin Cruz, and Basilio Melendez are intended to prove that:

"On February 15, 1915, a peaceful parade of the laborers on strike was going on a public road near the central 'Esperanza" in Vieques, P. R.

"That this road is the one which there is to travel from the district of Puerto Real to the harbor of the same name.

"That the insular policeman, Nicasio Garcia, badge No. 124, who was coming from the Central with another policeman and the chief, Jose Julia Marin, fired one shot with his carabine against the strikers, and on account of that the parade stopped;

"That Emilio Garcia, who was the leader in the parade, requested the chief of police to cause the order to be kept, and that if the police was to prevent them to pass that way, the same police should tell them which was the public road the paraders should take to reach the harbor of Puerto Real where they intended to go.

"That to this inquirement of Emilio Garcia, the chief of police answered, 'Well, I do not allow you to pass this way, because this road is of the property of Mr. Murraille.'

"That in view of that Mr. Emilio Garcia drafted a telegram to be sent to the governor, and told the chief of police what follows: 'Well, as we do respect the orders of the authorities we will not pass this way, but we shall remain here until we receive the answer from governor informing us whether we can pass or not.'

"That by inquirement chief of police answered to have not authorize policeman Nicasio Garcia to fire over the strikers. That later they were allowed to pass after police having troubled them as they pleased."

These affidavits are sworn before the municipal judge of Vieques, Porto Rico.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock; we have to have a little executive session of the commission.

(Whereupon, at 12.15 p. m., Tuesday, May 26, 1915, an adjournment was taken until 2 o'clock.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. You may resume the stand, Mr. Iglesias.

Mr. IGLESIAS. In order to save time I will refer briefly to the telegrams I have received from several towns all over the island, protesting against the course that the police took against the strikers down there, and several are made regarding facts denying the right of speech. I am going to give you these papers.

(The papers referred to are printed among the exhibits at end of this subject as "Iglesias Exhibit No. 2.")

Mr. IGLESIAS. At this time I want to refer to a conference that took place between me and the governor. I went there to request him to take some steps to do something in favor of the poor agricultral workers that were beaten and maltreated all over. I refer subsequently to the specific points, Juncos and Humaceo, and several other points. The governor promised that he would send investigators.

Chairman WALSH. For the federation to send their investigators?

Mr. IGLESIAS. No; the Government itself.

Chairman WALSH. That the Government send investigators?

Mr. IGLESIAS. Yes, sir; but we never heard about any results.

Chairman WALSH. Did the governor send investigators into those different cities?

Mr. IGLESIAS. I have been informed that in Juncos one man went there to investigate matters. I never knew what the results were, even our own people down there. Those fellows were tried for the charges, they were accused, and at the same time there were about 12 injured down there. Meetings were dispersed, and practically terrorized our agricultural workers in order to compel them to go back to work.

Chairman WALSH. Could you tell us without reading them the substance of them?

Mr. IGLESIAS. Some say that the speakers criticized and insulted the police and the authorities, and incite, and consequently the police had to break and stop the meetings, but most of the speakers went to court, charges were preferred, and most of them have been discharged.

Chairman WALSH. Were the speakers men that were trying to organize the workers?

Mr. IGLESIAS. Yes.

Chairman WALSH. Did they work themselves, in any instance?

Mr. IGLESIAS. Yes, sir; agricultural workers, and to help them in their petitions for raise in wages, and so forth.

Chairman WALSH. Were any of them organizers of your own organization?

Mr. IGLESIAS. Yes.

Chairman WALSH. Some of the speakers?

Mr. IGLESIAS. Yes; many of them.

Chairman WALSH. How many men have you in your organization?

Mr. IGLESIAS. About 15,000.

Chairman WALSH. About 15,000?

Mr. IGLESIAS. Yes; 15,000 to 20,000, and most of them at this particular time, practically could not hold meetings. All the workers there want to speak in regard to the agricultural strikers, but they were prohibited to come on the roads from one point to another point. That meant they never could get together.

Chairman WALSH. They were public roads, were they?

Mr. IGLESIAS. Yes, sir; public roads.

Chairman WALSH. And your claim is that the police would not allow them to walk along the roads from one point to another?

Mr. IGLESIAS. Yes.

Chairman WALSH. And in that way impeded their right of personal liberty to go where they pleased, and kept them from getting together for organization purposes?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is your charge?

Mr. IGLESIAS. Yes.

Chairman WALSH. How large a police force did they have at that—what is the name of that place, Vieques?

Mr. IGLESIAS. About 14 police and the chief.

Chairman WALSH. Did they add any to the force during the time of this struggle?

Mr. IGLESIAS. Oh, yes; several ones, but very few.

Chairman WALSH. Now, there was a meeting at Ponce, was there?

Mr. IGLESIAS. Yes.

Chairman WALSH. I wish you would give us, without referring to the memoranda, unless you have to; if you have to take an affidavit in order to refresh your memory, it would be all right, but I thought we could get at the facts better by inquiry than by reading.

Mr. IGLESIAS. My purpose was only to talk about it, and handing you the affidavits sworn out by hundreds of people.

Chairman WALSH. And put them into our record so that we can take them into consideration afterwards. Now, can you give us a description of what took place at Ponce? I understand there is quite a complaint about that.

Mr. IGLESIAS. The affair at Ponce came in this way: We went to several towns to hold meetings along the line of the eastern coast of the island, and we had some difficulties in these towns. The people there wanted us to speak. A little later in the evening——

Chairman WALSH. Were you present at Ponce?

Mr. IGLESIAS. Yes, sir; I was requested myself to be at the meeting, and the meeting was composed of about 2,000 people there. About five of us had assumed to speak, and everything was very quiet down there, and I was talking myself about half past 11, and when I was referring to the matter that I had had an interview with the governor, and put before him the grievances that the police could not be impartial because of the way they were taken by the employers themselves on the premises, the manufacturers——

Chairman WALSH. See if I understand you. You say the police were not impartial because they were taken by the employers onto their own premises?

Mr. IGLESIAS. Sure; into their buildings, in the manufactories.

Chairman WALSH. Into the manufactory?

Mr. IGLESIAS. Yes, sir; the offices of the sugar manufacturers. I referred that they took their meals there; they ride their horses, their automobiles. They drink down there.

Chairman WALSH. Who, the police?

Mr. IGLESIAS. Yes, sir; the police, and I told that because I saw it myself. Just on several occasions, I have some complaints, and had to go to the offices of the manufacturers of the sugar plantations to look for the chief of police several times, and when I arrived at this point the captain of police says, "You are going to stop right here," and then the police begin to shoot everybody there, and disperse the meeting, and kill the men, and several ones were slightly wounded.

Chairman WALSH. What was the date of that?

Mr. IGLESIAS. On the 1st of March.

Chairman WALSH. What were you saying at the time the police did this?

Mr. IGLESIAS. The police, they had their headquarters on the premises of the manufacturer, and they took their meals there; they ride their horses there——

Chairman WALSH. Were you telling that?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is what you were saying?

Mr. IGLESIAS. Yes, sir; and then I say, because this same thing I told to the governor himself, and the governor told me that it was impossible to do it in any other way, that they have not enough money to have enough horses and automobiles, and that the police can not come to town to take their meals, and consequently they had to stop in the offices of the employer.

Chairman WALSH. How big a place is Ponce?

Mr. IGLESIAS. It is about 65,000.

Chairman WALSH. And what police force have they there, ordinarily?

Mr. IGLESIAS. They only have perhaps 25 police.

Chairman WALSH. And were these men residents of the city of Ponce, these policemen that had their horses there, or were they rural police?

Mr. IGLESIAS. Of course, the insular police consists of a force of 600 or 700, and they are distributed.

Chairman WALSH. Did they have jurisdiction all over the island?

Mr. IGLESIAS. All over the island, and the governor is the general chief of the police.

Chairman WALSH. Now, you had been to the governor and complained. Were you on a strike in Ponce?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. What class of workers were they?

Mr. IGLESIAS. Agricultural workers.

Chairman WALSH. And you went to the governor and complained that the police were quartered in the manufacturing establishments, sugar refineries, and so forth?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And at the time you were making this speech you say there were 2,000 people present?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you were telling the people what you told the governor about the police being not impartial and having their horses there and being fed themselves and drinking?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, was it at that point you were arrested and taken from the stand?

Mr. IGLESIAS. Well, I was arrested a half an hour after, because the police were shooting the people, clubbing the people, and terrorizing the people, and when all the things were over, then——

Chairman WALSH (interrupting). Who was the man who was killed?

Mr. IGLESIAS. A poor fellow by the name of Caballera.

Chairman WALSH. Was he a laborer?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Where did he work before he was on strike?

Mr. IGLESIAS. In Ponce.

Chairman WALSH. Did he have any family?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. A wife and how many children?

Mr. IGLESIAS. I don't know how many children he had. Now, if you will permit me, I will read the charge that the attorney——

Chairman WALSH. About that situation?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Now, I wish you would give the substance of it in some way, will you, please, Mr. Iglesias, because it is difficult to follow it when it is

read, and it is so voluminous, and, so far as I am concerned, I can get a better understanding of it when you just explain. And I think the commissioner can. Can you [addressing Commissioner Harriman]?

Commissioner HARRIMAN. Yes.

Chairman WALSH. Now, just give the substance. You have a good description of this other matter and what the attorney said about that. Now, give this in the same way.

Mr. IGLESIAS. Well, it is very short.

Chairman WALSH. All right.

Mr. IGLESIAS (reading). "The district attorney charges Santiago Iglesias, Francisco Paz Granela, Manuel Texidor, Prudencio Rivera Martinez"——

Chairman WALSH (interrupting). That is this gentleman here [indicating the first witness of the day]?

Mr. IGLESIAS. Yes, sir. [Reading:] "Santiago Carreras, Maximiliano Combre, and others"—there were two or three others we don't know—"for breach of the peace (riot), misdemeanor, committed as follows: The above-mentioned Santiago Iglesias and others, in Ponce, within said district, and about the first day of March, 1915, while a public meeting was held on account of the agricultural strike, and while one of the defendants, Mr. Santiago Iglesias was addressing the crowd in a violent and threatening manner to the auditory exciting to those present to raise against the governor of Porto Rico and all the Porto Rican's authorities, saying that the governor of Porto Rico with his proclamation and in agreement with the insular chief of police had violated the constitution, and that similar facts had determined the United States and French Revolutions; that the police beat and ill treated the working classes because they (the police) had their barracks at the sugar factories, where they were given meals, drinks, women, etc."

Now, we were arrested that night, and the following day a habeas corpus was presented to the district court of Ponce asking the release of us; and then the district attorney down there came to the lawyer and made an agreement to lay aside the habeas corpus and let us go free under $300 bail under the agreement that perhaps he would not prefer charges against us, and consequently let the matters be quieted for a month or two.

Well, according with the law in 20 days in a misdemeanor case the district attorney had a duty to prefer the charges against any man; and in a case of felony it is 60 days. Nearly a month passed by and there was a very strange coincidence that we would receive on the 26th of March notice that we were to be held by this commission. Then the same date appeared the district attorney, just two or three days before it was closed the right he has in the felony case to present charges that was introduced before the court those charges against us.

Chairman WALSH. This charge that was introduced against you, you claim, after you had been notified to appear before that commission?

Mr. IGLESIAS. Yes; on the 26th of April.

Chairman WALSH. And it occurred on the first of the month?

Mr. IGLESIAS. The trouble occurred on the 1st of March.

Chairman WALSH. And four days more the law would prevent it——

Mr. IGLESIAS. Well, already it had to be debarred in the question of misdemeanor; it only has 20 days.

Chairman WALSH. This was a misdemeanor case?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. I would ask you right at this point, I see this lawyer charges you with using firearms. Did you use some firearms there?

Mr. IGLESIAS. No, sir.

Chairman WALSH. And "steel arms," it says. Did you have a knife?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Or a sword?

Mr. IGLESIAS. No, sir; no, sir.

Chairman WALSH. Did Mr. Martinez, so far as you know, have any firearms or a sword or a knife?

Mr. IGLESIAS. Two or three persons, you will know, have been put in the same charge, and the lawyer will ask to separate those fellows; but in order first that those arms and this knife appear in the charge, then they took those two or three poor fellows with us.

Chairman WALSH. Well, did your lawyer advise you that if they named some and did not name others that they could not prove somebody else had the knife or gun?

Mr. IGLESIAS. No, sir.

Chairman WALSH. And that they could not bring in somebody else and prove they had a knife or a gun and charge it to you that you had it?

Mr. IGLESIAS. And the same charge—and when we were at the police headquarters, arrested, a friend went to the chief of police and asked if we wanted anything we could get from our families, and he was clubbed and beaten.

Chairman WALSH. What is his name?

Mr. IGLESIAS. The last sheet of the paper you will find it. I haven't read it, but I want to put it in the record.

Chairman WALSH. Oh, I see.

(The paper referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 3.")

Chairman WALSH. Now, I want to ask you another question. Did Mr. Granela and Mr. Texidor and Mr. Carreras or Mr. Martinez—did they have knives or guns or anything?

Mr. IGLESIAS. No, sir; they spoke before me.

Chairman WALSH. All speakers?

Mr. IGLESIAS. Yes, sir; all of them; they were speakers before me and at the meeting. But the intention was to demonstrate that there was 20 or 30 meetings that were dispersed all over the island, and many speakers put in jail and prosecuted. The only ones that was not cited to be in jail were the officials of the federation, and they got them together—all the officials there——

Chairman WALSH (interrupting). Now, the affidavit you want to read from Mr. Piris was that after the riot took place in front of the police barracks, Mr. Iglesias, the police started to beating him, and they put him in their clutches and taken him in those barracks, and the district attorney heard of it and he went to him, and after he went in a time or two they came and took him down to the headquarters and took the keys from him, although he asked them not to, and broke into all the desks and took the papers away.

Chairman WALSH. That is what is alleged here?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And after they did it the chief told them they were justified in doing it because they were looking for firearms and steel arms and guns and power, and so forth?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Then, we will not read that [referring to the paper already introduced as "Iglesias Exhibit No. 3"]. You may proceed.

Mr. IGLESIAS. I have an affidavit by 223 people.

Chairman WALSH. This affidavit is signed by 223 people [reading:]

"That the party or parties responsible for the bloody tragedy which took place in Ponce on the 1st of March, 1915, were Captain Fernandez Nater, of the insular police, and the policemen at his orders, who without motive or cause whatever attacked the defenseless masses that were then celebrating a meeting at the market place at Ponce on the occasion of a general and peaceful strike of the agriculture workers throughout the island; that as a result of the brutal attack of the police a man by the name of Cavallero was killed and seriously wounded one Hemenegildo Robeldo and many others injured; that the people there congregated did not make any attack in any form to the police, nor did they make any provocation on anybody, but fled wildly in all directions. All of which we have been eyewitnesses."

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And that was signed by 223 people who were eyewitnesses?

Mr. IGLESIAS. Yes, sir; and sworn to. You will find here people in all walks of life, merchants, lawyers, and manufacturers and preachers and many teachers. Because the Ponce people, just thousands of people, have protested tremendously against such brutal manner. It is the second time an occurrence of the same kind has occurred in Ponce. The papers in Ponce were protesting against this affair.

Chairman WALSH. Are those the clippings in Spanish?

Mr. IGLESIAS. Those are the clippings in Spanish. One I am going to refer to though that the district attorney called up Carvajal, the editor of this paper, and advised him not to be in touch more with the question of the meeting of the dispersed meeting.

Chairman WALSH. Please interpret the head of that for the benefit of the commission.

Mr. IGLESIAS. This is the Echo of Ponce.

Chairman WALSH. That is the name of the paper?

Mr. IGLESIAS. Yes, sir.

Commissioner O'CONNELL. What is the head line there?

Mr. IGLESIAS. The Echo editor before the fiscal.

Chairman WALSH. What does that mean?

Mr. IGLESIAS. Before the district attorney.

Chairman WALSH. What did the paper say?

Mr. IGLESIAS. This paper—all of them, all the papers in Ponce protest against such brutal and such occurrences there, and there was one of the bunch of papers against the police.

Chairman WALSH. What attitude did they take in this matter?

Mr. IGLESIAS. Yes; and every paper in Ponce—I have all the copies here of every kind of paper there. Not one there but——

Chairman WALSH. Give the names of the papers.

Mr. IGLESIAS. El Eco de Ponce, El Dia, La Conciencia Libre, and El Aguila, and El Tiempo.

Chairman WALSH. Are those all Ponce papers?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. All right. You say they take the same general attitude?

Mr. IGLESIAS. Yes.

Chairman WALSH. Put them in the record.

(The two batches of newspaper clippings referred to entitled "El Echo ante el Fiscal," March 16, 1915; "La Nota del dia, El capitan Fernandez Natér y guardias que tomaron parte en los sucesos de la Noche trágica deben ser inmediatamente relevados," March 6, 1915; "Donde esta la libertad," no date; "Carta abierta, el Hon Gobernardor de P. R.," March 7, 1915; and "Investigacion oficial," no date; "Los sucesos de antenoche," dated March 3, 1915; published in El Eco de Ponce; "El Motin del lunes," published in El Dia, March 5, 1915; "El suceso del lunes," published in La Conciencia Libre, March 7, 1915; "El meeting sangriento," published in El Aguila de Puerto Rico, March 3, 1915; "Labor nefesta," published in El Tiempo, March, 1915; were submitted in printed form.)

Mr. IGLESIAS. Now, the legislature of the lower house of Porto Rico took a stand in regard to that affair at Ponce.

Chairman WALSH. At what was your bond fixed in this case brought on April 26?

Mr. IGLESIAS. In the first instance, it was $2,000.

Chairman WALSH. Are you out on bond now?

Mr. IGLESIAS. Yes, $300.

Chairman WALSH. And so is Martinez?

Mr. IGLESIAS. Yes, everyone of us. The lower house of the legislature passed a motion.

Chairman WALSH. Is the motion translated there? Have you got a translation of that motion?

Mr. IGLESIAS. No, but I have the report of the commission on the investigation.

Chairman WALSH. Is that translated into English?

Mr. IGLESIAS. Yes.

Chairman WALSH. Let me look at it.

Mr. IGLESIAS. Here it is.

Chairman WALSH. Now, this commission was the commission of your organization, was it?

Mr. IGLESIAS. No, a commission of the legislature.

Chairman WALSH. They appointed a special commission of the legislature to investigate?

Mr. IGLESIAS. Yes.

Chairman WALSH. Was the legislature in session at the time this occurred?

Mr. IGLESIAS. Yes.

Chairman WALSH. What was the terms of the lower house of that legislature?

Mr. IGLESIAS. Sixty days.

Chairman WALSH. And it happened to be in session at this time?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, I see they say:

"The commission has practiced a careful investigation of the incident that occurred at Ponce, and gave a chance to every interested party therein to explain the commission what he knew about the case. The facts may be di-

vided into two parts. The first which relates the manner in which the riot started and the other which relates to the death of a certain Caballero.

"The events that gave rise to the disturbance of the public peace are subjudice, and this commission must not invade the jurisdiction of the court of justice.

"But one man was killed at Ponce at the conclusion of the riot, and the commission heard the statements of many persons from the various social classes which proffer concrete charges againt a guardsman as being the cause of the said man's death, and, being prompted by the desire of obtaining justice, we are obliged to declare that the circumstances in which this man's death was brought about must be investigated.

"Whereas, the commission not entertaining any desire to intrude upon strange jurisdiction begs to advise the house of delegates that this body inform the attorney general of the expediency, in other words, the necessity, of investigating the facts concerning the death of Caballero, and furnish the said office-holder the record by the commission relative to this delicate matter.

"The preceding report having been approved by the house of delegates, it is hereby respectfully submitted to the honorable attorney general along with the record in the above referred report.

"J. L. AMEDEO,
"*Assistant Secretary.*

The balance of the report, which contains a large amount of testimony, I see was submitted to the legislature with this report, and you can submit that to us so that we may have it translated if we see fit.

Mr. IGLESIAS. Yes.

(The paper so referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 4.")

Chairman WALSH. Is that the legislature you are still talking about?

Mr. IGLESIAS. Yes. I remember one more distinguished man in Ponce took the floor.

Chairman WALSH. Was he a member of the legislature?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is Mr. Soto?

Mr. IGLESIAS. Yes.

Chairman WALSH. Mr. Soto made a speech in the House and this was taken from his speech [reading]:

"Mr. Fous Soto asked Messrs. Huyke and Martinez Nadel if from the declarations sworn before them it may be asserted that the police ordered Santiago Iglesias to leave the speakers' stand while he was speaking, and these two gentlemen answered affirmatively.

"It being so, stated Mr. Fous Soto, I believe that the occurrences that have taken place at Ponce are of such a serious importance that they should not be overlooked by none of us who stand for the defense of the fundamental principles of that liberty we now enjoy under the Constitution of the United States and under those laws enacted by the legislature of Porto Rico. It is my understanding that the police is authorized in no case to order any speaker to leave the stand, and to disband any meeting, because that fact simply is a violation of the law which guarantees the right of free speech, and for that reason, and not taking in consideration any of those details which signifies but too little in comparison to the fundamental principles of the liberty of free speech, I move that the report of the investigating commission be amended by adding to same the following motion:

"'That the House of Delegates of Porto Rico file within its records its most energetic protest against the violation of the law defining the rights of the people, which violation was committed by the insular police at Ponce, when ordering an orator to leave the stand while he is speaking, and while he was exercising his legitimate right of censure or criticise.'

"This motion was lost for 19 votes against 11 votes in favor."

Now, attached to that is the full address of this delegate in Spanish?

Mr. IGLESIAS. Yes; and what happened is told there in that paper, which is one of the leading papers of San Juan.

Chairman WALSH. You may offer that in the record.

[The matter referred to, entitled "Investigacion de los sucesos de Ponce," published in El Tiempo, March 10, 1915, at San Juan, P. R., was submitted in printed form.]

Mr. IGLESIAS. I want to offer the picture of one man injured in Ponce and a letter he sent to the governor, and this picture represents almost the style of our poor peasant workmen in Porto Rico.

Chairman WALSH. He has his shoes off in this picture and is barefooted; is that the way these workmen go all the time, or was that picture taken in his bedroom?

Mr. IGLESIAS. That was taken when he came out from the hospital.

Chairman WALSH. And that picture was taken in his street clothes?

Mr. IGLESIAS. The people took the picture.

Chairman WALSH. This letter attached you refer to is as follows:

"Outline of a letter sent to the honorable the governor of Porto Rico by Mr. Hemenegildo Robledo:

"On the eleventh day of May of the present year Mr. Hemenegildo Robledo sent a letter to the honorable governor of Porto Rico, Hon. Arthur Yager, stating in a general way the following:

"That he was a spectator at a meeting held in the city of Ponce during the early part of March, this year.

"That the police ordered the meeting to be ended and at the same time began (the police) firing and clubbing everybody at the meeting.

"That the writer, on account of such attitude, went home.

"That on his way home a policeman beat him in a desperate way; another policeman, whom I don't know, fired against me twice, wounding me in the arms and on the left side.

"That the writer had to go to Hospital Tricoche, in the city of Ponce, Porto Rico, where he was a patient for about forty-five days.

"That the writer is now an invalid on account of the shooting, being inutile of the left leg.

"The writer states that he thinks it is not a crime to go to a meeting to hear the orators, as he did.

"That the only fault, if any, he committed that night was to be present at the meeting, hearing the orators.

"That, notwithstanding all the above facts, the writer has been charged by the district attorney of Ponce of the crime of breach of the peace (riot).

"As the writer don't know the author of the shooting, he asks the governor of Porto Rico the privilege of being allowed to identify the guilty policeman, so that the writer be able to establish the consequent criminal charge.

"The writer asks the honorable governor to inhibit the district attorney at Ponce, Porto Rico, to try his case, on account of having said functionary knowledge of all injustices committed with the writer without having taken proper action.

"The writer is willing to be accused by any other district attorney."

And attached to that is a communication in Spanish, the communication of Mr. Robledo?

Mr. IGLESIAS. Yes.

Chairman WALSH. Please offer that in the record.

(The matter here referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 5.")

Chairman WALSH. Is that the usual custom for the people to go in their bare feet and be dressed the way that man is in that picture?

Mr. IGLESIAS. Yes; without shoes, and almost without clothes.

Chairman WALSH. How much wages was this agricultural laborer getting whose picture is shown here? What wages did he get when he worked?

Mr. IGLESIAS. 45 or 50 cents a day.

Chairman WALSH. Is he a married man?

Mr. IGLESIAS. Yes.

Chairman WALSH. In gold or paper money, Mr. Weinstock would like to know.

Mr. IGLESIAS. It is United States money in Porto Rico.

Chairman WALSH. The circulating medium is the same as ours?

Mr. IGLESIAS. Yes.

Chairman WALSH. Right at that point, how does a man live on 40 cents a day? What is the cost of living?

Mr. IGLESIAS. It is higher than it is in the United States.

Chairman WALSH. Where does the man live? For instance, do they furnish the quarters?

Mr. IGLESIAS. He lived in a shack in the country near Ponce. He has perhaps a little coffee in the morning, without sugar and without milk, and a piece of codfish and a piece of banana and perhaps some beans, and that is all.

Chairman WALSH. This man's name was what, that was injured? What was the name of the crippled man?

Mr. IGLESIAS. I don't remember his name; those papers were sent to me from Ponce. Now, we have here perhaps 14 or 15 affidavits, all in Spanish, but all of them speak in the same way as the other copy.

Chairman WALSH. That is, this one copy, which is the translation of the Spanish affidavits, of which you have about 16 in all—this one of Alberto Fernandez?

Mr. IGLESIAS. Yes.

Chairman WALSH. This one is as follows:

"Affidavit by Mr. Alberto Fernandez before the notary public of the city of Ponce, Porto Rico, Mr. Leopoldo Tormes Garcia, March, 1915:

"No. 1929. That he is of age; that he is a resident of the city of Ponce, Porto Rico; that last night about half past 11 he was coming down from the moving picture, called 'Cine Habana,' and when he reached the corner of Plaza Del Mercado, in the city of Ponce, Porto Rico, I find out that there was a meeting in front of the house of Mr. Julio Torres; that he stopped to hear the meeting; that Mr. Santiago Iglesias was in the meeting; that said Santiago Iglesias was then addressing the crowd; that in a moment a riot arose, and deponent saw the police firing their arms and clubbing the assemblers; that deponent then ran down Leon Street, of the said city; that while deponent was going by the left sidewalk of Vives Street, he saw a policeman beating a man with a stick resembling a stave; that the poor victim beg the policeman to stop beating him (the victim), saying these words, 'Don't hit me more,' and then the policeman shoot him, and the poor man said to said policeman, 'Please don't kill me that I am going out,' and then the policeman shoot again a second time, killing him; that the policeman left the poor man on the street; that captain of the insular police, Mr. Nater, was told by the policeman that the victim had a knife; that deponent went to the place where the victim was lying and, seeing he was expiring, ran away; that he knows the policeman very well; that his name is Norberto Quiles; that he knows the policeman perfectly well.

"There are about 15 more affidavits corroporating the facts sworn by Mr. Alberto Fernandez, to show that the police was the exclusive party who, in a violent way, ended the meeting above referred, resulting deaths and wounded persons, who were innocents and were in proper manner hearing the pacific meeting given by the laborers on strike. * * *"

Mr. IGLESIAS. A resolution of the lower house asked the attorney general to make an investigation of that particular case. The district attorney of Ponce made the investigation and found that the Police Quiles was responsible.

Chairman WALSH. You may put that affidavit in the record.

(The affidavit referred to is printed among the exhibits at the end of this subject, marked "Exhibit No. 6.")

Chairman WALSH. Have you a translation of the report of the committee of the legislature?

Mr. IGLESIAS. No; the only report was that you read before.

Chairman WALSH. Oh, yes; that was the result of the investigation?

Mr. IGLESIAS. Yes; the result of the investigation was to indict a policeman.

Chairman WALSH. Was the policeman indicted?

Mr. IGLESIAS. Yes; by the district attorney of Ponce for voluntary homicide.

Chairman WALSH. Is that the highest degree of homicide, voluntary homicide?

Mr. IGLESIAS. I think so.

Chairman WALSH. What is the greatest punishment that can be inflicted for it?

Mr. IGLESIAS. That is assassination in the second degree.

Chairman WALSH. Does capital punishment exist in the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. Can such an offender be punished by that, in the island?

Mr. IGLESIAS. No; it is third or fourth degree for killing a man.

Chairman WALSH. Such as shooting him without malice, or something like that?

Mr. IGLESIAS. Yes. But now I want to refer to the same question because perhaps 90 per cent of the people of Porto Rico are asking that something be done, and the governor has promised to do something. But at the same time we find the governor defending these men.

Chairman WALSH. Defending the policemen?

Mr. IGLESIAS. Yes, sir; in this way. First, to the executive board of police; this board appointed by the governor, makes the declaration telling that the police is innocent, and they denote from the police fund $100 to defend this police, and at the same time passed a collection of money among all the headquarters of the police to defend that police.

Chairman WALSH. The executive board appointed by the governor conducted an investigation, did they?

Mr. IGLESIAS. No, sir.

Chairman WALSH. But they just made a finding that he was innocent?

Mr. IGLESIAS. Innocent; and paid the money in.

Chairman WALSH. That is government funds?

Mr. IGLESIAS. I believe so.

Chairman WALSH. Where did they get the $100?

Mr. IGLESIAS. Police funds.

Chairman WALSH. From the police funds?

Mr. IGLESIAS. No; from the funds of the board. It is the board of police that have the charge, to qualify the police.

Chairman WALSH. And the money that that board has is taken out of the local taxation; is it?

Mr. IGLESIAS. I can not say to that.

Chairman WALSH. Did they vote $100?

Mr. IGLESIAS. The only thing now is that the police is under bail, and serving his duty as before. He has not been relieved. He is serving in the same position as a man that has the confidence of his superiors.

Chairman WALSH. Have you the statement in English?

Mr. IGLESIAS. No; in Spanish. The commission of police says that he has no record of voting $100 of this fund to defend him. Besides that, most of the collection of money has been taken from 13 police headquarters, to help this police killer. That is a statement that has been taken from the press. Now, in Ponce we find a communication of several workmen, where they accused the police of coming to their homes and threatening them to go to work or leave the house.

Commissioner O'CONNELL. Does the company own the houses?

Mr. IGLESIAS. Yes, sir; and some of our people were taken out without any process of law.

Commissioner O'CONNELL. Who took them out, the police?

Mr. IGLESIAS. Yes; the police.

Chairman WALSH. This that you offer is dated February the 24th, and is signed by Juan Figueroa, Juan Vezquez, Luis Colon, Juanito Figueroa, Gerardo Vega.

"PONCE, P. R., *February 24, 1915.*

"*Mr. Chairman of the Strike Committee:*

"We are pleased to inform you that yesterday at 2 p. m. Policeman Rios came to us. He is on duty at Central Fortuna and came to bring us an order from the boss former (Jefe de Cultivo) Mr. Hanson. Said order related to the laborers who did not want to break the strike were given a 44-hours limit to move out of the quarters, and in case they disobey this order we would be expelled by the police from the said quarters without any more legal advice and without the need of any civil procedure of any kind.

"Thus it is we have been obliged to go back to work for 50 cents (the same price) for to do otherwise meant sure expulsion for us from the above referred quarters.

"The said police Rios, who bears badge No. 45 after transmitting us the order which Mr. Hanson gave him, spoke to us in these terms:

"The Company is most too good for you, for you are getting housing facilities, your medicine free. If the employers were otherwise they would charge you, make you pay for the rooms and medicine.

"The same day in the morning the agents of the company passed around a circular in which it is said the governor and Secretary Travieso had given orders not to allow any one to hold public meetings in the rural zone, also the parading and holding of public meetings in the country or about the streets or highways. The same circular said that each striker should stay at home. Groups of three persons as stated in the said circular were not allowed, and he who did not comply with this order would be arrested by the police.

Very sincerely, yours."

Mr. IGLESIAS. Now, there are telegrams that I want to give from every part of the country.

Chairman WALSH. Giving the alleged conditions there with reference to the striking agricultural workers?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Are they all from different parts, or some from the same parts?

Mr. IGLESIAS. Different parts.

Chairman WALSH. All from different places?

Mr. IGLESIAS. Yes, sir; and some telegrams from the governor, when this man applied for help. The matter has been referred to the police, and will be investigated, he said.

(The telegrams referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 7.")

Mr. IGLESIAS. I want to read a telegram from the mayor to the governor.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes, sir. I am informed——

Chairman WALSH. Let me see it, please. (Reading:)

ARECIBO, *February 21, 1915.*

Hon. GOVERNOR OF PORTO RICO, *San Juan, P. R.*

I am informed constitutional rights have been suspended in Arecibo. I do not see why this should be done in a city where conditions are the same as in other peaceful parts of the island. I believe this measure taken especially here will throw discredit upon this people and this local administration. I sincerely advise and request reconsideration to avoid weakening of people's confidence in American principles of government. This administration offers hearty cooperation to keep order.

E. LANDRON, *Mayor of Arecibo.*

Mr. IGLESIAS. I want to refer to a telegram that I sent myself to the governor of Porto Rico, and the reply.

Chairman WALSH (reading):

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Went barrio Arecibo to hold labor meeting, being absolutely prohibited right free speech and meeting by police, which informed me to have superior orders to dissolve every meeting in barrios and public roads; prohibiting also groups ten persons bearing national flags. Earnestly request you to grant this people constitutional rights meeting and free speech for credit sacred American liberties.

American Federation of Labor request you to guarantee my constitutional rights of free speech and meeting.

SANTIAGO IGLESIAS,
Organizer American Federation of Labor.

SAN JUAN, *February 21, 1915.*

Mr. SANTIAGO IGLESIAS,
Arecibo, P. R.:

I have received your telegram, and with reference to same wish to state that constitutional rights of free speech and assembly have not been suspended, but that in view of the existing condition in the island, and in order to guarantee peace and tranquillity to all the inhabitants of Porto Rico, I have found it necessary to place the rural zone under the control of the chief of police, who is directly responsible to me for its peace and order. Urban zone will be regulated as before. Request you to kindly see my proclamation to the people of Porto Rico and my letter to chief of police, which you will find in any of today's morning papers, so that you may know exactly what my position is.

ARTHUR YAGER, *Governor.*

Mr. IGLESIAS. Well, I went to the chief of police and showed this telegram, and he said the mayor would grant a permit. He says, "I never will permit you to speak anywhere. I will not permit ten peasants or five peasants, and this kind of demonstrations will be prohibited. Well, I inquire, "It is just through the island," and he said, "Yes, sir; all through the island it is the same." And I have affidavits here——

Mr. WALSH. Are they in English?

Mr. IGLESIAS. Yes, sir; in English. I have the translations.

Chairman WALSH. Let me see them, please. [Reading:]

"Affidavit from Nicomedes Rivera, Emilio Farina, Jose M. Roman, and Pablo Ramirez: To the effect that on February 22, 1915, they were held up on the

road leading from Arecibo to San Juan, near the Central Cambalache, and to their surprise they found that two policemen ordered them to abandon the auto car, where they were going, and to hold up their hands as if they had been bandits, in order that they might be searched. They were searched, and nothing was found on them.

"Affidavit of Esteban Padilla: That on February 20, 1915, the declarant, in company of Messrs. Santiago Iglesias, Nicomedes Rivera, and Manuel Francisco Rojas, went to a place known as "Dominguito" for the purpose of holding a meeting. That on reaching the place the local officer of the insular police, Mr. Chapel, was informed by Mr. Iglesias, general organizer of the A. F. of L. that a meeting was going to be held, whereupon the officer in question objected to such meeting, stating that he was carrying out orders from his superiors, and the declarant and his companions had to return to the city without obtaining their purpose.

"Affidavit of Nicomedes Rivera: That on February 20, 1915, about 4.30 p. m., the deponent, in his capacity of organizer of the American Federation of Labor, went to barrio "Dominquito" for the purpose of illustrating the masses in their duties and rights in connection with the agricultural strike, but he was not permitted to address them by the police stationed at said barrio. That during the time that he remained there the deponent noticed that some of the men who acted as strike breakers were not permitted by the police to stand about the house where they had to collect their money for the work performed and who had been offered increase in wage for so doing, but which was not fulfilled by the employers, the police assisting the latter with their clubs and threats in keeping away the protesting laborers from the place.

"Affidavit of Esteban Padilla: That on February 21, 1915, while the deponent, in company of Nicomedes Rivera, were going through the Lares road to barrio Dominquito, two policemen ordered the automobile stopped and proceeded to search them for arms. That the matter was brought to the attention of Mr. Shettini and District Attorney Aponte and they were promised that there would not be a repetition of the matter. That notwithstanding this promise they were again held up the following day by two other policemen and all the occupants of the automobile searched worse than the day previous."

Mr. IGLESIAS. We sent a commission to the chief of police, the general chief of police, in order to make an agreement how we can hold meetings. They say there never will be permits to hold such a meeting in any place, in any manner. Here is a telegram regarding the arrests.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes. [Reading:]

ARECIBO, *February 16, 1915.*

JUSTICIA, *Free Federation, San Juan:*

Strikers arrested and sentenced forthwith without defense for carrying working tools. Case and trial summarily, Pedro Rivera, Esteban Martinez, Bautista Ayala, Faustino Medina, Cristino Hernandez. Eighteen sentences pending. A woman held under securities hundred dollars for disturbing peace and extortion, according to police.

Whenever possible let editor come here.

M. F. ROJAS,
Chairman Strike Committee.

And those people were discharged after appearing in the district court, being in jail about 28 days. When they went to the district court they were dismissed, their case. Now, another case—two affidavits more.

Chairman WALSH (reading). "Affidavit of Pablo Ramirez and José Maria Roman: To the effect that they had been intrusted by the strike committee to establish a service of vigilance in behalf of the strike at barrio Campo Alegre, Hatillo, due to the many abuses that the workers were subject in that section at the hands of the police. That the deponents were violently assaulted by two policemen. They begun by asking if deponent were carrying arm; then they proceed to make a search on our persons and ask for our names. On giving the names they stated that 'this are the birds we were loking for,' and forthwith they assaulted the deponent with their hands and club to the extent that the horses on which deponent were riding were abandoned to seek refuge at the home of Mr. and Mrs. Rosado, where deponent remained until the following day for fear of a new attack. That medical attendance was required for treatment of the blows received as is shown by the medical certificate attached to this declaration. That the matter was reported to the district attorney and

Chief Shettini, who stated that they would make an investigation, which was never made, and the result is unknown.

"Affidavit of Esteban Padilla: States under oath that on February 19, 1915, he was called to the insular police headquarters about 8 or 9 a. m., where he was met by Mr. Geo. R. Shanton, chief of the insular police, the district attorney, Mr. José R. Aponte, and District Chief Schettiny, and other policemen. That he was told by Mr. Shanton that meetings in the rural zone were prohibited as well as any manifestation or group of more than ten persons even under shelter; that it was also prohibited to carry flags, and when asked to explain whether the national flag, too, was told that all kinds of flags; that the declarent suggested that he be allowed 24 hours only to go through the country districts to hold meetings in order to inform the people of the Government prohibition as long as it has not been made public, but it was refused."

Mr. IGLESIAS. Well, Mr. Chairman, I think I won't want to read more affidavits. I perhaps have nearly 100 affidavits.

Chairman WALSH. And do they all, those hundred that you refer to, concern Ponce—or all other places in the island?

Mr. IGLESIAS. All other places in the island.

Chairman WALSH. And it covers the topic of interference with the strikers, and the conduct of the police and such matters as you have already detailed?

Mr. IGLESIAS. Yes.

Chairman WALSH. And it is like that, the same general line?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. We will read all of the affidavits; you can just offer them in the record.

Mr. IGLESIAS. They are translated.

Chairman WALSH. I see they are all along that same general line, that they were assaulted by the police, and as they claim, without cause, and complaining of the conduct of the police.

Mr. IGLESIAS. Yes, sir.

(The papers referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 8.")

Mr. IGLESIAS. And here are telegrams, too.

Chairman WALSH. These are telegrams referring to the fact that at different places they refused to allow them to hold meetings, or be upon the highway, and being stopped on the public highway and searched, and they are all that way, except one from Andres Orellano, which reads:

BARCELONETA, P. R., *February 27, 1915.*

Mr. SANTIAGO INGLESIAS,
Federacion Liber, San Juan, P. R.:

Trial held to-day. Judge convicts; 10 dollars or jail. Pays the fine. I am set free. Ask for guaranties. Chief Cabrera persecutes.

ANDRES ORELLANO.

(The telegrams above referred to are printed among the exhibits at the end of this subject as "Inglesias Exhibit No. 8.)

Mr. INGLESIAS. Here is an affidavit from Mrs. Sofia Rivera.

Chairman WALSH (reading). "Affidavit of Sofia Rivera." To the effect that on February 16, 1916, the deponent, while standing with her four sons at the level pass on the railroad line of the Central Cambalache, which crosses the road from Arecibo to San Juan, and where she is employed to attend the crossing, the deponent was an eyewitness of the abuses of the police with defenseless laborers. The police with their club and in an aggressive manner assaulted them. This caused me to call for help, which brought some persons to the place. The police that beated the laborers then confronted me and abuse me with words, and on demanding respect on they part the deponent was arrested and locked in jail. That bail was fixed for my provisional release. That the trial was held, and without any witnesses but the police I was given 30 days for disturbing the peace in the person of the police. The deponent further states that the laborers assaulted by the police were all of them strikers."

Mr. INGLESIAS. Now comes more telegrams from the governor that the matter will be taken up and be investigated.

Chairman WALSH (reading):

"MUNICIPAL GOVERNMENT,
"*Maunabo, P. R., February 26, 1915.*

"Whereas the active anticapitalistic propaganda has so emphasized itself as to constitute a menace in this vicinity;

"Whereas section 30 of the municipal ordinance authorizes me to take the necessary steps for the management of the municipality in pursuance with the laws, it being the true meaning of these to preserve the peace; I have therefore determined the following:

"To temporarily forbid the holding of any public meetings within the limits of the town, and in order that this decision be carried out there is issued a copy of this provision which has been handed to the chief of the police headquarters of this town of Maunabo.

"VTE. ORTIZ Y LOPEZ.
"*Mayor of the Municipality.*"

"This is an exact copy of the original, and I therefore issue the same upon the request of a certain Florencio Cabello.

"MAUNABO, *February 26, 1915.*

"Seen and approved (Vo. Bo.)

["The seal of Maunabo municipality and the signature of Mayor Vte. Ortiz y Lopez."]

Mr. INGLESIAS. Here is another.

Chairman WALSH (reading):

"OFFICE OF THE MAYOR,
"*Yabucoa, P. R., February 23, 1915.*

"Mr. JOSE DIEPPA, *Rep. A. F. of L.*

"DEAR SIR: In answer to your letter requesting use of the public square (plaza principal) on Tuesday next, must say you may use the same for holding a meeting at any hour when the Catholic and Protestant churches are not holding services.

"Very truly, yours,

"JOSE BERRIOS, *Alcalde.*"

Who is Jose Dieppa?

Mr. IGLESIAS. He is an organizer.

Chairman WALSH. An organizer of what?

Mr. IGLESIAS. Of the Free Federation of Workmen. And here is another from Yabucoa.

Chairman WALSH. It is denying the use of the public square for public meetings?

Mr. IGLESIAS. Yes. Here are some telegrams.

Chairman WALSH. They are telegrams from the secretary of the governor acknowledging receipt—I will read them:

SAN JUAN, P. R., *February 12, 1915.*

Mr. ENRIQUE VELEZ, *Cabo Rojo, P. R.:*

Telegram received. Indorsed labor bureau.

M. A. MUNOZ, *Secretary to Governor.*

SAN JUAN, P. R., *February 20, 1915.*

To JOSE DIEPPA, *Yabucoa:*

Impossible to leave San Juan and leaving a thousand matters undone. On some other occasion will be pleased to appear.

J. C. BILLS, Jr.

SAN JUAN, P. R., *February 20, 1915.*

To JOSE DIEPPA, *Yabucoa:*

Much pressing business hinders us from acceding to the urgent expressed in your telegram.

BILLS.

Mr. IGLESIAS. That kind of telegrams we have had by the dozen, telling on account of pressing matters they can not leave San Juan to help the people. Here is a clipping from the paper.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes.

Chairman WALSH. Let me see it, please (reading):

"Influence of the speaker is called for to hold a meeting.

"The speaker of the house of delegates received a telegram from the town of Guayama informing him that the laborers wanted to hold a meeting in the

country district named Jobos, and that they were not allowed by the police to do so. The laborers are requesting Mr. de Diego, speaker of the house, to interpose his influence to be permitted the holding of that meeting.

"Among the orators that were to take part in the meeting there were the lawyers Messrs. Martinez Davila and Cervoni Geli, both of them ex-delegates to the house of delegates."

Mr. IGLESIAS. And on the same line you will find in every town and city——

Chairman WALSH. The same request?

Mr. IGLESIAS. Yes, sir; and denied.

Chairman WALSH. Here is one from Florencio Cabello:

"MAUNABO, P. R., *February 20, 1915.*

SANTIAGO IGLESIAS,

Justicia, San Juan, P. R.:

Workingmen on strike had the purpose to go in a parade to the near town of Yabucoa, and the chief of police notified us that he had received an order from the general headquarters, and that in pursuance of it he had to prevent all kind of acts or parades outside of the urban zone. We believe this to be abusive. Please request Julio Aybar to protest before the house of delegates.

FLORENCIO CABELLO, *President.*

[Translation.]

MAUNABO, P. R., *February 23, 1915.*

Hon. GOVERNOR OF PORTO RICO, *San Juan, P. R.*

SIR: Since the beginning of the agricultural workers' strike the attitude of the people is and have been a peaceful one, and no one persons have been arrested during these ten days the strike have lasted.

The arriving here of the chief of police named Azua who is everywhere provoking the people have cause a general consternation. He has made the statement that he shall snatch the American flag from the hands of that bearing it, and that he would cause everybody to go back to work by mean of his club. In a word, the attitude of this new chief of police is intolerable to this peaceful people, and we respectfully request you to kindly order this chief to be removed from here so as to prevent lamentable consequences, and so that we may be able to keep peace here.

The signers of this telegram are all merchants and no strikers, and we see our interests threatened by the attitude of the police, though up to this date order have not been altered.

Juan Rivera, Carmelo Garcia, Juan Garcia Ortiz, Evaristo Fernandez, Octavio Garcia (farmaceutico), Jose G. Sanchez, Juan Lafuente, Salvador Legea, Juan P. Delgado, Federico Leon, Serafin Delgado, Casimiro Estebe, Florencio Cabello, President Strike Committee.

Mr. IGLESIAS. We now present them from several other towns.

Chairman WALSH. Telegrams from several other towns to the delegates at San Juan?

Mr. IGLESIAS. To the central officers of the American Federation of Labor.

Chairman WALSH (reading):

HUMACAO, *February 17, 1915.*

SANTIAGO IGLESIAS,

Justicia, San Juan:

Policemen serving at the district of Central Borinquen have clubbed workers on strike. We earnestly call for investigation. People is indignant for such injustice. Minor children are being employed to violate our signed contract.

ARTURO FIGUEROA, *Correspondent.*

(The telegrams referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 9.")

Mr. IGLESIAS. Now, as to the proceedings of the employers in regard to us. This is an original circular that the sugar growers' association has passed all over the sugar manufactories.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Let me have it, please. (Reading:)

COPY OF A LETTER FROM THE SUGAR GROWERS' ASSOCIATION.

SUGAR GROWERS' ASSOCIATION OF P. R.,
San Juan, P. R., March 18, 1915.

To the members of the S. G. Association, San Juan, P. R.

DEAR SIRS AND FRIEND: The Federacion Regional of Porto Rico, a workingmen's society duly organized with regulations approved of, and of which I furnish you with a copy, wishes to push its works of organization and establish committees in all the towns of the island, and in such a capacity will have a tendency toward educating the working classes to habits thrift, quiet, and morality, and discourage them from the customs of resorting to strikes, which are upheld by the Free Federation, and I deem this a quite fitting course to adopt, and we should assist in the work of extending its influence and effects; and I have been advised by the heads of the said Federacion Regional that a small contribution of $15 per sugar cane grower, even for once, would be a great help to them in the reorganization of their work, in the establishment of which they have taken so much interest. I have accordingly thought proper to look with favor upon the plan of the Regional and forward same to you; and, after examining the said plan and are in full accord with it, then if you approve of it just send your check to the organization for the fifteen dollars asked.

The Federacion Regional and the Liga Obrera are two separate organizations but which are working along the same lines in the proceedings, but both are contrary openly on all lines to the methods which the Free Federacion is adopting.

Awaiting your reply, I remain,
Very friendly, yours,

R. ABOY BENITEZ, *President.*

NOTE.—The name also bears the imprint of the signer.

Mr. Channery, who examined your documents, says that all that you have left contain the general matter?

Mr. IGLESIAS. But this is a new point.

Chairman WALSH. All right; pass it over.

Mr. IGLESIAS. It is to demonstrate——

Chairman WALSH. The employers' association was requesting the members of their association to subscribe to another alleged association of workers?

Mr. IGLESIAS. With the aim in sight to break——

Chairman WALSH. They were opposed to the federation?

Mr. IGLESIAS. Yes, sir. Now, the letter that is mentioned in that letter——

Chairman WALSH. Let me look at it if it is in English. Is that the other organization that they approve of?

Mr. IGLESIAS. Yes, sir; honorary members.

Chairman WALSH (reading):

"*Honorary Members: Arthur Yager, J. C. Bills, jr.; Jose de Diego; Manuel F. Rossy; Benito Zaluondo; Ramon Valdes Cobian; Ramon Negron Flores.*

"SR: In pursuance with a resolution passed by the executive committee of the 'Liga Obrera de Puerto Rico,' an institution which for the last three years has organized and maintained a program, an ideal and a force for a more perfect understanding between capital and labor. The Liga has deemed proper to select fifteen commercial concerns of the highest reputation and good position in the barrio of Puerta de Tierra and among this number yours is included in order that you give your most spontaneous wish and trusting in the good accruing from them all, these will not hesitate to cooperate with their mite to help defray the printing of a large manifest which will be issued on or about the fifteenth of this month, and a few copies we shall forward you for whatever use you may choose to make of them.

"Thanking you in advance for the adherence you may deem proper in favor of this petition of ours, which will be highly appreciated by all the members of this body, we remain,

"Very respectfully, yours,

"JOAQUIN DEL LLANO, Jr.,
"*The Chairman.*"

Mr. IGLESIAS. Also, I don't charge that any of these honorary men have the intention to give their sanction to those men to write letters and ask for money, nevertheless it appears that it was a strikebreakers' association.

Chairman WALSH. You claim it is a strikebreakers' association, and your complaint is, whether these men authorized it or not, they were circulating a letter under the name of the Government, or Mr. Bills?

Mr. IGLESIAS. Yes, sir. The men were workingmen, or at least he believes they are defending, or have some kind of conciliation between workmen and the employers through the Bureau of Labor. The Bureau of Labor, according with the law that created that bureau, and which the federation worked so hard to have the law passed, makes it the duty to go on places on strike and investigate matters of the strike, and their work along the line of bringing the two parties together to discuss the matter with a view of conciliation and agreement. In Fajardo we had about 23 hours' discussion with one of the biggest concerns, sugar concern, discussing matters in the line of an agreement. One of the representatives of the Bureau of Labor was present at that time, and after 23 hours of discussion we got together on an agreement on the line of raising the wages, according to the price of sugar.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. I have only one of the papers.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes.

Chairman WALSH. Let me see if we can get at it. (Reading:) "The sugar situation and the recent strike."

This states it properly, does it, this newspaper clipping?

Mr. IGLESIAS. From the growers' side.

Chairman WALSH. This is from the employers' side?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH (reading): "The following article appeared in the Louisiana Planter of February 27, 1915:

"At a meeting of the Sugar Producers' Association, held in San Juan last week, representatives from most of the large sugar interests all over the island discussed means of handling the situation and finally asked for a conference with Governor Yager and requested the enlisting of at least 200 more insular police. The sugar men asserted that fully this number were required to provide adequate protection for sugar property and to prevent strikers and agitators from coercing contented laborers into strikes and possible violence.

"At this conference Governor Yager was told that in various sections cane fires had followed meetings of strikers at which threats were made by strikers against the property of cane men. It was decided, however, that no more police would be employed except as a last measure. Efforts to reach some definite plan which all of the sugar men should follow out in dealing with their labor were considered inadvisable because of the different conditions which exist in the different sections.

"Most of those who attended the meetings were inclined to oppose a basis of settlement which the Fajardo Sugar Co. had reached with its laborers, which provided for a sliding scale of wages to be based on the price of sugar. Since this agreement was entered into it was found unsatisfactory by the laborers and after a trial of but two days it was dropped, in so far as the field laborers were concerned. In the factory it is still in force. This agreement provided for a wage of 60 cents per day for field labor when sugar was selling at $3 per hundred pounds; 65 cents when sugar was selling for $3 to $3.50; 70 cents when sugar was selling for $3.50 to $4.00; 75 cents with sugar selling for $4 to $4.50; 85 cents with sugar selling for $4.50 to $5, and $1 per day when sugar sold at $5 and above.

"In the factory a somewhat similar scale was worked out and is now in force. The factory labor is getting at present from 70 cents to $1.50 a day, it is said, and the agreement entered into provides that with sugar selling at $3.00 to $3.25 per hundred pounds the employees shall receive an increase in wages of 5 per cent; with sugar selling at $3.25 to $3.50 the increase is to be 10 per cent; $3.50 to $4, 15 per cent; $4 to $4.50, 20 per cent; $4.50 to $5, 25 per cent, and at $5 and above, 30 per cent.

"Previous to the strike Fajardo had been paying on the basis of approximately 25 cents a ton for cane cutting. On this basis the cutters were making from 40 cents a day up to 80 cents and $1. The sliding scale didn't please the laborers and instead they asked for a flate rate of 75 cents a day. On one plantation where this flat rate was tried out it was found that in one day sixteen cane cutters cut but eighteen tons of cane. After this experiment had been made and found unsatisfactory the laborers finally agreed to work on their former basis, with a few increases on different fincas, and reports to-day are that everyone is satisfied at least for the time being.

"At Central San Vicente, near Manati, Rubert Hermanos, the owners, advanced their men to a flat rate of 75 cents a day and besides are giving them one meal a day. This arrangement seems to have completely satisfied the former strikers.

"Around Arecibo, the only town in the island which has a Socialist administration, conditions seem to be the worst, and both Central Los Canos and Cambalache Central are still closed down."

Mr. IGLESIAS. Well, now, the agreement was signed by the employers and employees of Fajardo, and the representatives of the Bureau of Labor and myself, and three days afterwards they broke it.

Chairman WALSH. Have you that agreement there?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Here——

Mr. IGLESIAS. It is signed by about 500 people and sworn to.

Chairman WALSH. The affidavit says—here is a telegram from Mr. Bills, which I will read.

SAN JUAN, P. R., *February 19, 1915.*

Mr. DOMINGO SANTOS, *Fajardo, P. R.:*

Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the Government that workingmen are not fulfilling their part of the contract which makes it, therefore, void. I trust all differences will work out regardless of strike.

BILLS.

Commissioner WEINSTOCK. Who is Bills?

Chairman WALSH. He is the commissioner of labor for Porto Rico; he is here.

Mr. IGLESIAS. And more than 500 signed it and swore to it.

Chairman WALSH (reading). "Affidavit duly sworn to which we the undersigned agricultural workers in the colonies (colonias) in the corporation 'Fajardo Sugar Growers Association' beg to submit and do hereby set forth:

"First. That we have accepted in all its parts the contract entered into on February 8 with the said corporation, which we have obtained honestly and peacefully through our representative, Mr. Sant. Iglesias, and our strike committee—Messrs. Bonifacio Diaz, Nicolas Rexach, and Sotero Ponce—at a meeting held in the room of the Ayuntamiento (town hall) of this locality, and which contract, signed by Mr. Jorge Bird Arias as legal representative of the said association, authorized us to receive the stipulated and agreed upon on the basis of a wage scale like that of the New York market.

"Second. We have fulfilled our part of the contract above referred to and also that part pertaining to our work.

"Third. We deny the statements made by Mr. Bird to the Government that we admitted or accepted other forms of work than that agreed to on the contract.

"Fourth. We understand, according to a telegram from Mr. Bird, that said contract has been annulled by Messrs. Bird and Honoré, without the attendance of Mr. Iglesias.

"Fifth. We understand that Mr. Honoré, along with Mr. Bird and Mr. McLane, went to several colonies and asked two or three ignorant workers if the would like other kinds of work, as that of "working by the job," and which act we believe to be illegal was not the will of more than 1,000 men out on a peaceful strike claiming more wages and protesting against the exceedingly low salary of 50 cents per day, considering the actual price of sugar.

"We understand that this contract has been violated by Mr. Bird for prices not agreed to or introduction of reforms in the work and for which act we earnestly pray for justice, protection, and guarantee.

"Fajardo, February 16, 1915."

Your claim is that it was the boss that broke the contract and not your people, that they were willing to work?

Mr. IGLESIAS. Yes, sir. Now, you will find here a stand taken by the bureau of labor in Porto Rico. We claim that after this agreement was reached the Government received a delegation from the Sugar Growers' Association, and they requested more protection for the sugar cane and sugar mills, and they disclaimed that it was a very good agreement that was made by Fajardo. That it was no good for them.

Chairman WALSH. The growers' association went to the governor and asked for more protection, and said that this agreement made by Fajardo was not a good one?

Mr. IGLESIAS. No, sir; and they said it was because of the workingmen that didn't want to work under such an agreement, when it was before the public.

Chairman WALSH. In public they said the workmen broke the agreement, and when they went to the governor they said it was no good for the boss?

Mr. IGLESIAS. Yes, sir; and at the same time the bureau of labor sent no more men around.

Chairman WALSH. Then the bureau of labor quit sending men out to try to mediate or do away with the strike?

Mr. IGLESIAS. Yes, sir. We have one in Juncos and Humacao.

Chairman WALSH. A representative of the labor department?

Mr. IGLESIAS. Yes, sir; but they called them away.

Chairman WALSH. The claim you make is that when the growers went to the governor and said it was no good for them, that the labor department called in their representatives?

Mr. IGLESIAS. Yes, sir. Here is a paper in Porto Rico that claims an interview had taken place——

Chairman WALSH. This is where Mr. Bills is interviewed by the editor or the reporter of a paper. [Reading:]

"EDITOR. Are you aware that new strikes have broken out in the island?

"BUREAU. Yes, sir; through daily information issued by the headquarters of the insular police.

"EDITOR. Were you or any other employee of your office at the public meeting in the evening held of February 22 on Plaza Baldorioty?

"BUREAU. Mr. Bills (the chief) and Inspector Escalet.

"EDITOR. So, then they heard the speech of Mr. Iglesias?

"BUREAU. Yes, sir; to the very last word he said.

"EDITOR. Has there been any difference of opinion between you and Mr. Iglesias that justify the attacks made by the latter against the employees of the bureau of labor and more particularly Messrs. Bills and Honore?

"BUREAU. The leaders of the Free Federation, especially the residents of San Juan, after the first six months have never been in accord with our program as followed by this bureau and its methods of enforcing the laws, from what we have been able to understand. They have always thought that our attitude should be decidedly partial to the laborers; they seem to forget that the mission we are imposed by law is that of conciliating and harmonizing the interests of the employer and employee, and they require very energetically our activities to be directed in such a way as to satisfy the interests of their organization. As is logical we can not possibly accommodate them, and consequently we are not on the best of terms with them.

"EDITOR. Have the leaders of the Federacion Libre and the sugar-cane growers ever helped you out to bring about a peaceful solution in the strikes?

"BUREAU. In the strikes that have been in Rio Grande, Juncos, and Caguas they gave us proof of their willingness to help, and attended all the meetings and rectified all their former attitude.

"The employers have proved themselves to be deeply possessed with the confidence and esteem for this bureau, and on this account we feel sincerely grateful to them.

"EDITOR. And do they cooperate as much now as they used to?

"BUREAU. The leaders of the Federacion Libre have changed their line of conduct (program) and now censure only our neutral position, and they propagate this censure in their public and private meetings."

Mr. IGLESIAS. This refers to the position that we took about the department of labor. It was a resolution passed——

Chairman WALSH (reading):

JOINT RESOLUTION OF THE COMMITTEE ON RESOLUTIONS IN GENERAL.

The undersigned, committee on resolutions in general, in the part relating to the report of the president, concerning the method of procedure of the bureau of labor during the last agricultural laborers' strike, beg to make the following statement:

First. We have studied the recommendations made to us as to the violations of the contracts and agreements made by mutual consent between laborers and employers during the last agricultural laborers' strike, and in which the representatives of the bureau of labor were present.

Second. That in some of these agreements in which the said bureau has intervened its representatives have signed their names in order to guarantee all the more the rights of the country workingmen.

Third. That this chief of this bureau has permitted the violations of the above-referred contracts and agreements of which the employers made little after they had signed them, while the principal representatives of the bureau have advised the workmen to accept the conditions to which they were submitted and begging them to settle their differences without striking, and without requiring the employers to carry out their part of the clauses signed by themselves, causing thereby great losses to the laborers, and practically denying them their help or authority to have the terms of the contracts carried out.

Fourth. This conduct of privilege observed by the said officeholders was practically granted in behalf of the sugar corporations, and depriving his office of the friendly feeling and assistance of the strikers and workers, and it furnished the means of affirming solemnly our opinion in favor of having true labor representatives at the head of that bureau, so they may carry out beneficial work in behalf of the people and the laboring classes of Porto Rico, using the limited means at its command as provided under the law, and we further declare:

That the official representative of the said bureau of labor, considering his attitude in this strike, does not deserve our confidence on account of his ideas and method of procedure, for his knowledge is of a different sort from that which is needed to protect and watch over the conditions of labor on our island, and his evident misunderstanding of the cause which the American Federation of Labor defends, and we declare that:

The American Federation of Labor accepts as a general principle the constitution of the bureau of labor until such time as the Legislature or the Congress of the United States does not make provision for the control of the aspirations of the proletariat of the island, of a true department of agriculture and labor, with the powers, duties, prestiges, and resources as the other departments of our insular government, and that the American Federation of Labor in Porto Rico does not look kindly upon the bureau of labor while it is being represented by men without ideals, who are ignorant of the service required in a bureau of labor and opposed to the organization of labor and who are utterly unused to labor disputes.

We recommend, moreover, that the executive council of the American Federation of Labor in the United States persist in its demands for reforms in the bureau of labor and that all the documents and affidavits presented by the workers as evident proofs of the violations of contract and agreements with the employers and of the method of procedure of the head of this bureau.

This evidence will be sufficient to prove the justice of our demands and reasons for our protest in asking for an office or department of labor that shall be managed and represented by true men of experience with the sufferings and conditions of the social and economical side of the workers of Porto Rico.

For the above-stated reasons we hope to receive the unanimous sanction and approval of this convention.

Yours, fraternally,

JOSE FERRER Y FERRER, *Chairman.*
JOSE DIEPPA, *Secretary.*

Mr. IGLESIAS. It was passed by the last convention of the federation.

Chairman WALSH. Of the federation in Porto Rico?

Mr. IGLESIAS. Yes, sir; on the 18th of March.

Chairman WALSH (reading). "Clipping from Voz de la Patria, Mayagues, P. R., Saturday, January 24, 1915:

"This morning it was our greatest pleasure to hail our good friend and companion, Mr. Carmelo Honoré, a recently graduated lawyer, and who came into town just to-day.

"Carmelo Honoré is a workman, his trade being that of a carpenter. This friend of ours owes it to his energies for having obtained such instruction in the intellectual profession chosen by him, and he is besides assistant chief of the bureau of labor, and to this he has added the title of attorney at law.

Upon having obtained the right to practice law in the courts he naturally desired to make a start in his home city where he was born. He now comes to defend a certain Andres Camacho, from Cabo Rojo, accused of the crime of seduction. We again wish Friend Honoré well and hope he will obtain a complete success in his profession."

"THE BUREAU OF LABOR.

"The representative of the Fajardo Sugar Co., using the government as an instrument, and the latter, the bureau of labor, made little of the desires of

the workmen and their promise, from what may be seen in the affidavits that are sworn to by the hundreds of country workers and which give details of this ignoble deed.

"In a telegram signed by Mr. Bills you shall see therein that after saying that Mr. Bird had broken the contract, he advised the workmen to smooth off all the difficulties, not including the strike—aside from any consideration of a strike. Was Mr. Bills allowed to advise the workers to adjust their difficulties and advocate the strike? What would the employers say and what right would they have if Bills, instead of stating in his telegram to come to an understanding with respect to breaking a contract on the part of the employers without going on a strike, would advise to strike? Would Mr. Bills be allowed to do so then? What must we, the laborers, think of a labor bureau chief who after a contract is broken by the employers advises the employees to settle their dispute without getting up a strike?"

Chairman WALSH. Now, I think that sufficiently shows the attitude of the labor bureau toward you and the attitude of you toward the labor bureau.

Mr. IGLESIAS. Here is something [indicating].

Chairman WALSH. All right, I will let you pass on that, because those are new points. Take all the time you want if you have any new points.

Mr. IGLESIAS. That book [indicating] refers to a report.

Chairman WALSH. I see it is a report of the Bureau of Labor to the legislature of Porto Rico, department of labor, charities, and correction.

Mr. IGLESIAS. We have regarded that report as a report against workingmen rather than in favor of them.

Chairman WALSH. Do you want to read what is quoted here?

Mr. IGLESIAS. Some things quoted in there are the keynote of that report, and shows that its purpose was to induce the workingmen to believe that the law intended to be enacted by the legislature was a very fine law for the workingmen, and that was a law proposed to have a piece of land near San Juan to be divided among certain workmen, but the workingman is by the same report to pay about $4.12 a square meter, when in San Juan we find land much better at 50 cents or 75 cents a square meter; and the report was intended to convince the workingmen that it was a very fine scheme, and the scheme was that commercial business in San Juan wanted the legislature to pass a law to give $196,000, or to authorize the municipality of San Juan to pay $196,000 for certain lot of land that was in the commercial section of the island near the harbor. The value of land in Santurce sometime ago was 9 and 10 cents a square meter then, and to-day perhaps is 20 cents a square meter of a certain good land. That means that when the municipality was able to buy a piece of land for $16,000 intended to be for the protection of the houses of the workmen, the municipality refused to buy this piece of land, and on the other hand, for the purpose of passing a law to buy that piece of land, perhaps a fifth of the other in quantity, they want to pay $196,000.

I went to the legislature and talked with some of the friends of labor we had there, and put it in such a way that we succeeded in killing that bill. I want to be clear in this, that the man who represented the labor bureau was not intentionally dishonest or rather had no knowledge of this particular thing. He was very new in Porto Rico when he wrote that book, and I have called his attention to that.

Now, if you see that report you will see some misstatement made there, where there is great injustice.

Chairman WALSH. Let me understand your complaint; your complaint is that a law was proposed to appropriate $196,000 to purchase a certain piece of land and sell parts of it to the workers?

Mr. IGLESIAS. To give the authority of the municipality.

Chairman WALSH. You did not deem that good legislation; you did not think that was wise legislation and opposed it?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the legislature refused to enact the law?

Mr. IGLESIAS. Yes.

Chairman WALSH. You defeated the law?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you claim that Mr. Bills, whom you have referred to, was quite a new arrival in the island, and made this report, which was a report of the bureau of labor; and he advocated the same law that you had

opposed and he made certain statements, which you have marked in there, which you believe improper statements to appear in a report of that kind?

Mr. IGLESIAS. But now that same report has been reproduced by the bureau of labor, and it has been received again in a report on the housing conditions.

Chairman WALSH. You protested against this labor report, and he made a report to the department of labor, charities, and correction, regarding the housing conditions, and used the same material substantially as in this report?

Mr. IGLESIAS. He repeated the same thing.

Chairman WALSH. Which you had protested against?

Mr. IGLESIAS. Yes. I want to hand you these three copies of the reports of the labor bureau in San Juan.

(The reports referred to, entitled, "Annual Report of the Bureau of Labor to the Legislative Assembly of Porto Rico," published in San Juan, P. R., were submitted in printed form.)

The following report is just backing up what we have said in regard to the conditions of labor.

Chairman WALSH. You offer those three reports of the department of labor to prove what you say in regard to the condition of labor is correct?

Mr. IGLESIAS. Absolutely correct. The second report substantially had the same matter, but that first showed the beginning of the division among the bureau of labor. This was in their report, and aim to better labor, to protect the welfare of the laboring classes, and protect them from exploitation by their employers or other associations of capital such as their landlords, and promote the relations between laborers and employers. The bureau will not interfere, however, in favor of any effort, either of laborers or of those who claim to be working for the benefit of laborers, unless such efforts are intended primarily to injure the employees.

Chairman WALSH. I will read the typical cases marked here. You say the reports are the same?

Mr. IGLESIAS. Yes.

Chairman WALSH (reading). "In certain respects we believe the inland laborer especially has been much misrepresented. He is not a lazy man. Thousands of the wage earners of the island, especially inland, are enemic or the offspring of anemic parents, and are not physically as efficient as the corresponding type of unskilled laborers in the States.

"Also all of them are underfed. When put at heavy manual labor, the middle of the afternoon finds them exhausted. It is true also that the great mass of the laborers are unskilled, but they are slowly awakening to the realization of their present conditions. In all parts of the island one will find serious, hard-working men who are deeply discontented with their surroundings. It is not a mere passing discontent; neither is it of the socialist type. It is rather a feeling of injustice of years of struggle against the impossible, and as the masses of the people are becoming better educated this feeling is settling into a solid determination to improve labor conditons. They are coming to realize that they must do more efficient work."

Then you present pictures of the coffee children; how young are children put at coffee picking?

Mr. IGLESIAS. When they are 6 and 7 years old.

Chairman WALSH. Do the whole families work—the women, too?

Mr. IGLESIAS. Yes; the whole family.

Chairman WALSH. You have this marked (reading). "Coffee cultivation has two seasons. The busy or picking season lasts only about three months, from the middle of September to the middle of December, and during this season the number of workers is tripled. Then men, women, and children are all engaged in coffee picking. The work is by piece, the pickers receiving from ten to fourteen cents per almud, according to the section and the condition of the crop. The amount that a person can pick varies greatly with the thickness of the coffee. A fair average for a man is from two to three almudes per day, women and children picking about as much as men. It is impossible to gather actual statistics as to the number of women and children employed, because on the pay roll of the plantations only the man's name is stated, the coffee which his wife and children pick being entered in a lump amount with his own.

"This is the lowest paid labor on the island. Thirty years ago the coffee pickers were paid the equivalent of about forty cents American gold, a higher rate than that which they are usually receiving at present. Then came the depreciation of the "provincial" currency, so that forty cents was only worth 25 cents in actual purchasing value, but the old scale of wages still continued.

During the past three or four years the rates have been increased to a limited extent. The usual pay per almud five years ago was eight cents. This year an average of ten to twelve cents prevails."

The following is also marked [reading]:

"PLANTATION STORES.

"The prices of food at several plantation stores in various parts of the island are given in the section on prices and cost of living. It was difficult to obtain from the managers of these stores the exact prices charged the laborers, and since so many of the articles are sold in one or two penny amounts, it is probably that the actual prices per unit of food are higher than this table shows, and several cents higher than in the neighboring towns. On the other hand, it seems to be necessary for the inland plantations either to maintain a store themselves or to grant the right to some outside merchant to build a little store on their land for the purpose of serving their workmen. The expenses of cartage, small sales with consequent wastes, etc., must be considered, so that probably the actual prices in most cases are not unfairly high. In many cases the plantation store is absolutely necessary in order to prevent the laborers from losing so much time in walking to the nearest town.

"The dangers of the plantation store are well illustrated in a few of those cases investigated. In one instance the merchant had two sets of prices—one for the workmen of the plantation, and another, from 1 to 2 cents less per pound, for those who did not work on the plantation. In this case there was another store a quarter of a mile down the road. The merchant and the owner of the plantation had the usual agreement, however, whereby the merchant sold to the workmen on credit and received his pay every Saturday from the proprietor of the plantation, that amount being deducted from the workmen's wages. Both the owner of the plantation and the merchant stated in emphatic terms that the men were not forced to buy at this store; that there was another competing store within a reasonable distance and that many of the workmen purchased their food there. The fact is, however, that very few laborers have any money with which to purchase their food from Monday morning until they receive their pay on Saturday night. The so-called competing store down the road having no way of insuring payment would not sell on credit and the men were actually obliged to purchase at the plantation store, paying the higher prices demanded in order to get anything to eat during the week. It developed from investigations made among the merchants of the neighboring town that the proprietor of this store was a cousin of the owner of the plantation.

"There is a law on the statutes of Porto Rico forbidding payment of wages in food and requiring that the laborer be free to purchase wherever he likes. The result of this has been that employers in most cases have tried, in form at least, to have no direct connection with the stores, and in the majority of cases the bigger, more successful plantations actually have no connection. There are instances, however, where the mayordomo issue a time check to the laborers, and this check is exchangeable at the store for food. Due to his influence over the men, the mayordomo practically compels them to redeem these checks at the store when they are paid on Saturday, and in this way the storekeeper is protected in giving credit."

Commissioner WEINSTOCK. Who publishes that?

Chairman WALSH. It is a special report of the bureau of labor to the legislature of Porto Rico by J. C. Bills, jr., chief of the department of labor, charities, and correction.

The following is also marked:

"The wages in Porto Rico are uniformly low. The cost of living is higher than in many other tropical countries. Hence standards of living are generally reduced to a primitive stage. Any honest observer of the life of the unskilled laborers of this island must admit that their situation is unfortunate, and the chief cause is inefficiency, resulting from existing conditions, lack of practical education, consequent small earnings, and in many cases wages too low for the labor performed. Yet most employers say that, considering its inefficiency, local labor is the 'most expensive in the world.' Very few employers, however, say that they 'can not afford' to pay more. The fact is that at present most of the industries of the island, except those that have extended their business imprudently and are forced to pay tremendous interest, are highly successful. In other words, the condition of wage earners, especially

those engaged in agriculture, has not kept pace with the general development of the island."

I understand all these Government reports, and I will not read them into the record; but Mr. Bills's attention was called to them, and he has marked some of these places for the investigators, and it will not be necessary to read anything further in extenso from the Government report; we will take it as conceded, as it is a Government report, unless you have something additional to add.

Mr. IGLESIAS. This will show the wages [indicating].

Chairman WALSH. This paper you have just referred to shows the average daily wages of carpenters, masons, painters, and laborers in 1901, 1905, 1912, 1913, and 1914.

(The matter referred to is shown on page 78 of a pamphlet entitled "Third Annual Report of the Bureau of Labor to the Legislative Assembly of Porto Rico, 1915," which was submitted in printed form.

Chairman WALSH. What hours do the carpenters work?

Mr. IGLESIAS. Nine, 10, and 12 hours.

Chairman WALSH. That tabel shows a drop in the wages of helpers from 79 cents in 1913 to 69 cents in 1914?

Mr. IGLESIAS. Yes.

Chairman WALSH. What was the cause of that?

Mr. IGLESIAS. Because, when the military government went there.

Chairman WALSH. When the military government first went in there was a great feeling of enthusiasm, and wages went up for a while?

Mr. IGLESIAS. Yes; and the representatives of the American people stand for more wages for the people and more protection, and, of course, the workmen have an opportunity to raise them.

Commissioner O'CONNELL. They were the highest, apparently, in 1913?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. And then there seems to be a reduction; was there a general reduction of wages in 1914 from 1913?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. The rate was lower in 1914?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. As this table shows?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. Was there a general reduction of wages all over the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. Mr. Commissioner Weinstock wants to know how the wages compared then with the wages before the American occupation.

Mr. IGLESIAS. We have at this time the same wages.

Chairman WALSH. Mr. Martinez stated that in the statement he read this morning.

Mr. IGLESIAS. Yes.

Chairman WALSH. Then there is also shown here the average daily wages of bakers, tailors, and shoemakers in 1901, 1905, 1912, 1913, and 1914.

Mr. IGLESIAS. Yes.

(The table referred to is shown on page 81 of the annual report heretofore referred to, and which was submitted in printed form.)

Chairman WALSH. Then here is table showing the average daily wages of laborers in principal agricultural industries in 1901, 1905, 1912, 1913, and 1914?

Mr. IGLESIAS. Yes.

(The table is shown at page 83 of the annual report heretofore referred to, and which was submitted in printed form.)

Chairman WALSH. Were they usually paid by the day?

Mr. IGLESIAS. Yes.

Chairman WALSH. Have you made yourself familiar with the cost of living of agricultural laborers in this country and in Porto Rico?

Mr. IGLESIAS. In this country?

Chairman WALSH. Yes.

Mr. IGLESIAS. I don't know about that.

Chairman WALSH. Well, go ahead. I will tell you what I wish you would do. You are coming down to these budgets and these conditions, and if you would, I would like to ask you to let them go until Mr. Bills puts his in, and if you have any comment to make or contradiction of them or anything of that kind, you will be given an opportunity afterwards.

Mr. IGLESIAS. All right. Now we come to some other matters in regard to the attitude of the government of Porto Rico in regard to the strike. We were very anxious to get from the government some redress, and we wrote a letter to the governor requesting him to appoint a commission, or rather a judge, district judge—either a special judge or district judge—and a fiscal or attorney in order to ascertain our charges against the police. He answered me with this letter, and I have replied, and the answer and the reply are here.

(The correspondence referred to by the witness is printed among the exhibits at the end of this subject as Iglesias Exhibit No. 11.)

Chairman WALSH. Now, you wrote a letter to the governor of Porto Rico——

Mr. IGLESIAS. Asking for the appointing of a commission to investigate the matters of charges which the workingmen all over the island had preferred against the officials there—the officials of the Government.

Chairman WALSH. And his reply was that it ought to be left to the local government unless there was some specific charge against the local officials?

Mr. IGLESIAS. Sure.

Chairman WALSH. In which case he would appoint a commission to ascertain the truth or falsity of that charge?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. That is the substance of it?

Mr. IGLESIAS. Yes; but I would like to read the answer.

Chairman WALSH. Is this the answer I have in my hand?

Mr. IGLESIAS. Yes.

Chairman WALSH. Well, that was covered in the general statement, and I will interpret it for the commission. Now, the governor refused to appoint such a commission, and states that he believes it is unnecessary to appoint any such special commission as was suggeted by you, and goes on to say [reading]:

"If any public officer has acted in an illegal manner this action can be ascertained and proper punishment given without the formation of such a special commission. The proper course to be pursued by any person who believes that any public officer is guilty of any criminal action is to present the facts before the fiscal of the district or before a municipal judge or a justice of the peace. If any such officers fail to proceed in accordance with the law, where the facts show that there has been a crime committed by the accused, the matter should then be presented to the attorney general to be investigated by him. The attorney general has assured me that in any case where there is evidence that any officer of the department of justice has failed to take the proper action, after proof has been submitted to such officer that a crime has been committed, he will investigate the case thoroughly and will see that justice is done.

"Respectfully,

"ARTHUR YAGER, *Governor of Porto Rico.*"

Mr. IGLESIAS. I want now to read my statement going to the attorney general.

Chairman WALSH. Yes. Now, you went to the attorney general?

Mr. IGLESIAS. Well, previous, before in other strikes, previous strikes; and I say what happened in my letter.

Chairman WALSH. Now, you wrote a letter to him on April the 24th and you say you have received this letter of the 19th, and go on to say [reading]:

"According to your letter you seem to be in doubt on the following points:

"'That can not understand clearly just what authority we wish to give this special commission which we propose.

"'That to accede to our petition for the appointment of a special commission, two members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, be an admission that there is not confidence in the judicial department of our Government.

"'That if the matters of which we complain are properly presented to the proper officers of the department of justice, they will receive an impartial and fair consideration.'

"In answer to the three points referred to above, and in order to reaffirm the advisability of appointing a special commission, and in consideration of the arguments and reasons expressed in your letter, we again insist upon the appointing of a special commission to be composed as follows:

"Of a special judge and special fiscal.

"The Free Federation of the Workingmen of Porto Rico will choose two lawyers who shall be authorized by the Government to present documents, and upon their petition they shall either summon witnesses or cause the neces-

sary proofs to be legally produced; they shall be authorized to examine and cross-examine any and all witnesses, and they shall have the same rights as the fiscal in every particular relating to the accumulation of direct proofs and corroboration. We are not very particular about the appointment of district judge or district fiscal to serve on the above commission.

"The 'special commission' shall hold its sessions at Vieques, Ponce, and San Juan, and shall practice an investigation of all the charges and affidavits presented to it and in any way related with the incidents of the last strike of the country laborers of all the towns of the island, and the said commission shall give to the Government an account of its investigations with recommendations pertaining to the principles of justice and good government. The said commission shall employ a stenographer to carry on its work.

"As you may see, we neither want any special authority for ourselves or for our counsels unless this be legal and duly accepted by an impartial government, and which wishes to know the the truth, the whole truth, and nothing but the truth, and which desires to punish public employees who have made themselves guilty of extralimitation of authority or felony in true sense of the word.

"There would be no danger of your having any lack of confidence in the department of justice if the appointment of this special commission were authorized inasmuch as the members of the same are to be appointed by the Government itself and gives the authority, and the said members exercising such authority shall do so in pursuance with the insular laws, which course has been pursued by this Government on various occasions.

"Sir, since you have assumed the governorship of the island we have submitted to your consideration many a charge and affidavit, and some charges not sworn to, against certain policemen and judges who have been committing abuse against the workers, and none of the investigations practiced (ordered) by you have given these workers any satisfaction despite the fact that arbitrariness, humiliations, and illegal truths were inflicted against poor and helpless men and women. We have never, no never, known any cases to be decided favorably by you in behalf of the injured workers during the whole period of your governorship.

"This is perhaps largely due to the fact that the investigations as carried out (ordered) by you are of a private character, almost inquisitorial, at the police headquarters or else in offices not open to the public, as the general run of people say, among the interested parties, and the accused police and officers are on hand and meet on friendly terms, which is a system rather employed for terrorizing than protecting the victims.

"On this account we meet with a remarkable case that has occurred within your administrative period, sir, in which case a fiscal of the department of justice has emitted an extraordinary unjust opinion in submitting his report to the honorable the governor of Porto Rico, and which clearly demonstrated the kind of equality before the law upon which this conclusion is based, especially so when it was a question of one of the most bitter complaints from the general secretary of the Free Federation, Mr. Rafael Alonso, against a policeman charged of gross abuse on his person and others and sometimes afterwards this very policeman was accused of killing a poor striker. The paragraph specially referred to is the following:

"'Admitting that Policeman Quiles was not very polite with the strikers in the above-mentioned incidents, it is to be borne in mind that the conditions were extraordinary and that the police had to act arbitrarily to avoid disturbances, as it was easier to stop them before they began than it was afterwards. I do not give very much weight to the evidence as the witnesses in favor of the strike would say almost anything against the police. As a matter of fact, while Policeman Quiles evidently acted somewhat beyond his authority, I think the circumstances warranted his actions. Now that the strike is over, Quiles may be reprimanded.'"

Chairman WALSH. Was that the man that had killed a man?

Mr. IGLESIAS. Yes.

Chairman WALSH. Was that after he had killed him?

Mr. IGLESIAS. No, before; in some other place.

Chairman WALSH. And this same Quiles, whose statement is that? This is a statement that came from the attorney officer after making an investigation?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. He said this Quiles had acted beyond his power, but that he thought it better to stop these disturbances before they began than afterwards. Then you go on to say [reading]:

"Now, then, if any attorney (fiscal) of the department holds such an opinion, and if said opinion is so worded without cause for the same, does not the honorable governor think that we have every reason and sufficient motives to demand the appointing of a special commission, with powers to practice a public investigation and do its work in a complete, impartial, and sincere manner against all the atrocities that have been committed against the country laborers during the last strike, and in which cases it is desired our attorneys would be authorized to establish proofs as if they were a true fiscal.

"Besides, you state that the department of justice had already practiced these investigations, which we take to mean that the said department has formed a proper opinion of itself. We claim that the Government and the people will never know the absolute truth of the incidents and acts of tyranny and oppression brought to bear by the public employees, except through the agency of the special commission it is proposed to appoint, and in which all the parties concerned would have the same privileges of presenting their proofs without fear and reserve.

"Emphasizing once again upon what we have heretofore expressed in the letter, we again desire to respectfully suggest to you the urgent necessity of the special commission for which we have petitioned you so persistently.

"Respectfully, yours,

"SANTIAGO IGLESIAS,

"*President of the Free Federation of Workingmen of Porto Rico.*"

Chairman WALSH. Have you a response to that from the governor?

Mr. IGLESIAS. No, sir.

Chairman WALSH. But that was dated April the 24th, I believe?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And that was how long before you left?

Mr. IGLESIAS. The 24th. Well, we left on May the 12th.

Chairman WALSH. On May the 12th?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And on the 26th, two days following that, an information was filed against you and Mr. Martinez and these other men charging you with misdemeanor?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And you are now out on $300 bail?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And the information was filed by the attorney general or the district attorney at Ponce?

Mr. IGLESIAS. The attorney general.

Chairman WALSH. The attorney general's office filed it?

Mr. IGLESIAS. Yes.

Chairman WALSH. Yes?

Mr. IGLESIAS. You say the charge against me?

Chairman WALSH. Yes.

Mr. IGLESIAS. No; the district attorney at Ponce; but, of course, under the directions of the attorney general.

Chairman WALSH. Are the district attorneys all subordinate officials to the attorney general of Porto Rico?

Mr. IGLESIAS. Yes.

Chairman WALSH. All under that one department?

Mr. IGLESIAS. Yes.

Chairman WALSH. The attorney general has his headquarters at San Juan, and the different attorneys have their offices in the different districts?

Mr. IGLESIAS. Yes.

Chairman WALSH. But those district attorneys, you say, are all under the authority of the attorney general?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Now, anything else there is that you want to submit?

Mr. IGLESIAS. Yes. Now, after reading that letter you may judge why we do not care to present any affidavits or anything else in Porto Rico. We know that we never will have any justice in Porto Rico. This is the third or fourth time that we came to the United States for protection.

Chairman WALSH. This is the third or fourth time?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Where did you go before?

Mr. IGLESIAS. I came here when President McKinley was alive; that was the first time. And the second time was wh[illegible] President Roosevelt—at that time

he himself took the matters up of Porto Rico, and he by his influence and the public press of the United States, and through the agency of the American Federation of Labor, they helped us, stopping many of the wrongs done against the poor people there, and some of the inquisitorial laws were suppressed and suspended. And when Mr. Taft was President, too, I came here to look for the same kind of protection in favor of the people down there. I myself—I have been about 22 times put in prison—arrested. Sometimes I have been seven months entirely without any general hearing. I have never been a minute serving any conviction or any sentence.

Chairman WALSH. Have you ever been convicted?

Mr. IGLESIAS. Never.

Chairman WALSH. And you have been arrested 22 times?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And in jail without trial, you say, one time for seven months?

Mr. IGLESIAS. Yes, sir; and another 40 days, and 30 days, and 25 days, and 6 days, etc. And one time I came here and the President sent a letter of recommendation to Gov. Hunt on petition from President Gompers, and when I arrived there I was put in prison just when I landed at San Juan.

Chairman WALSH. When you got back?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. When was that?

Mr. IGLESIAS. That was about 1902 or 1903.

Chairman WALSH. What were you charged with then?

Mr. IGLESIAS. Contempt of court.

Chairman WALSH. What were you usually charged with these 22 times you were arrested?

Mr. IGLESIAS. Well, sometimes because of breaches of the peace, or injury to the honor or respect of some officer, or writing some article and making some address.

Chairman WALSH. Writing an article or making a speech or speaking disrespectfully to an officer?

Mr. IGLESIAS. Yes; according with the Spanish law, not enforced at that time. Sometimes I was charged with conspiring to raise the price of labor. I was sentenced to four year and four months for that crime.

Chairman WALSH. Where was that?

Mr. IGLESIAS. 1904; and then——

Chairman WALSH. In Porto Rico?

Mr. IGLESIAS. Yes, sir; in Porto Rico.

Chairman WALSH. I thought you said you had never been convicted any of the 22 times?

Mr. IGLESIAS. Well, because the higher courts reversed those convictions.

Chairman WALSH. And discharged you?

Mr. IGLESIAS. And discharged me.

Chairman WALSH. Was violence ever committed against your own person by the officials?

Mr. IGLESIAS. Yes, sir; I was shot at and intended to be assassinated twice.

Chairman WALSH. Shot at twice?

Mr. IGLESIAS. Yes; but never got——

Chairman WALSH. They didn't hit you?

Mr. IGLESIAS. No.

Chairman WALSH. But you were shot at, were you?

Mr. IGLESIAS. Yes. Well, this was the first year of our movement.

Chairman WALSH. That was the first year of your movement?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. How many times have you been arrested, say, within the past few years?

Mr. IGLESIAS. Just once, and that was in Ponce.

Chairman WALSH. Oh, these 22 times were in the early part of your movement, when you were trying to organize them?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And were those arrests mostly under the old laws that do not obtain any more?

Mr. IGLESIAS. Yes, sir. When I was sentenced to four years and four months the press of the United States took the matter up at that time. They printed editorials, and the Government in Washington, through petitions from the convention of the American Federation of Labor—I meant the Cranston conven-

tion of the A. F. of L.—and the President of the United States called attention to the governor there and advised that such laws can not be maintained under the American principles, and since that time, less or more, I never have been arrested until now.

Now, in regard to one of the important things in our country is education. The education of the people—we have been complained that the courts in the——

Chairman WALSH. Now, have you anything that has not been covered by Mr. Martinez. I think he covered——

Mr. IGLESIAS (interrupting). Yes. I want to cover this, that the budget of last year cut the education item in more than $700,000—$735,535—against the education—cut off.

(The matter referred to entitled "Appropriation act of the Legislative Assembly at Porto Rico for the fiscal year ending June 30, 1916," was submitted in printed form.)

Chairman WALSH. The budget was cut down this last year for education.

Mr. IGLESIAS. Yes, sir. I have to make this statement, that many of the employers in Porto Rico are making efforts to prevent the legislation to pass appropriations giving enough money for education. They used to say sometimes that agricultural work as it is done don't need much education to do the kind of work they are doing.

Chairman WALSH. Who says that?

Mr. IGLESIAS. Some of the employers there.

Chairman WALSH. You mean you just heard them say it, or that they do say it?

Mr. IGLESIAS. Yes; they have made the statement and published it.

Chairman WALSH. Have you got the articles?

Mr. IGLESIAS. I have just—the Bulletin of the Bureau of Labor at Washington in regard to this and other matters makes the statement in the places where you will find the slips. I have put markers.

Chairman WALSH. This is a bulletin of the Bureau of Labor issued November, 1905. I see it says (reading):

"The furnishing of the house is equally simple. A hammock is indispensable and there is, as a rule, a bench or two, a few pots or jars, but usually no chairs and no bed. The clothes are hung upon nails, and there is no such thing as a bureau or washstand. There are also no tables and no carpet or matting. The benches are often nothing but a solid log upon which the people sit. It may be stated as a rule that the cost of all the articles in an ordinary peon's hut is not above $10.

"Practically the only decoration ever seen consists of the colored lithographs of American advertisers, sometimes in Spanish, not usually in English. In one room visited the decoration consisted of 50 or 60 copies of a small colored lithograph issued by an American manufacturer of soap.

"In the cities the housing conditions are probably worse upon the whole than they are in the country. The inhabitants of the country have at least the advantage of fresh air. In view of the aversion of the average Porto Rican peon to currents of air, and especially the night air, the lack of completeness with which his house shuts out the air is perhaps a blessing in disguise.

"The housing conditions in the worst section of San Juan are almost indescribably bad. While a considerable reform has been effected since the American occupation, especially in the matter of sanitation, the conditions even now are extremely evil, and in some respects worse than in the worse habitations in our American cities. In a number of houses which were visited in the course of this investigation it was noticed that habitations which had originally been intended for two or three families had subsequently been converted into rude tenement houses. The available space was poorly utilized, the halls being wide, the buildings low, and much expensive ground partially wasted. Nevertheless these homes, by reason of exorbitant rents which have increased greatly during the last six or seven years, bring in as much as $200 or even $300 a month, and this money is usually sent to Spain, where as a rule the absentee landlord resides.

"The invasion of Porto Rico by Americans, and the infusion of American ideals into the life of the people have led to some slight changes in the attitude of the people toward work and toward the worker. The sons of rich plantation owners are becoming more willing to enter lucrative careers, though the professions are still unduly preferred over agriculture and business. The

Americans have, moreover, tended to strengthen somewhat the position of the workingman by giving him a vote, by defining his position before the law, and by recognizing to a less extent than did the Spanish the difference between the employer and employed. Nevertheless, even at the present moment it is quite clear that the social and economic position of the Porto Rican worker is low, that he is held in small esteem, that there is a contempt for his work—a contempt not even disguised by conventional phrase—and finally that the economic power and the political influence of the workingman are extremely small.

"To a considerable extent the former relationship between employer and employee was conventional rather than contractual, being upon the basis of a patriarchal and more or less benevolent despotism on the part of the employer rather than a free relation entered into by a contract between approximately equal parties. Wages were fixed largely by custom and were fairly uniform in any given district for the same industry. These wages, moreover, were only partly in money, being supplemented by the grant of free lodging and often by other gifts or grants.

"The condition exists to a greater or less extent in the island at the present time, although within recent years, and especially since the agricultural strikes, the patriarchal attitude of employer to workingman is giving way and is being displaced by a very different attitude based on a more purely contractual relation. The attitude of the employers at the present time is to secure labor as cheaply as possible, and of the workingman to obtain all the wages which he can possibly secure."

Chairman WALSH. Now, you give us that as 1905. Do you claim that is still the same situation?

Mr. IGLESIAS. Yes; very likely at this time. It is the final and the best report that has been made upon Porto Rico.

Chairman WALSH. I see you have another piece marked that I want to read into the record. [Reading:]

"The programme which the American people must carry out in order to live up to the theory under which the island was acquired and to improve the conditions of the laboring and other population of the island, is necessarily an extensive one. If the condition of the people is ever to be raised to a standard at all comparable with that prevailing in the United States, the people must be educated and the sanitary conditions improved, civil and political rights guaranteed and extended, and the condition of the workingman amply protected by law. The American people should recognize that they owe a duty to the Porto Ricans, and that they can not permit the welfare of the population for which they have accepted responsibility to be determined by accident or by conflicts of interests. The American people must, if they are to raise the standard of Porto Rican peons, continue to prosecute the work of education upon the island, no matter how severe the financial drain. It is equally essential to carry out a programme of sanitation which will guarantee to every Porto Rican infant the chance to live its allotted life.

"The power of Porto Rican peons to insist upon fair and reasonable conditions of labor is, and for decades if not for generations will continue to be, far less than that of the workmen of the United States, or of the countries of western Europe. It is not probable, under present conditions and without the benefit of progressive education, that the peons of the country will be able to obtain more favorable terms of employment and more reasonable conditions of labor without the intervention in some way of the governmental authority. The demands of the peons for better conditions of labor will be in direct opposition to the interests of those who may insist that they are of a low type, just as their demands for education may be opposed on the ground that their work must remain unskilled.

"If, by means of education, by means of improved means of communication, by means of a free press, and of assemblages and meetings and conventions, and of fairs and entertainments that will bring the people together, the standard of living of the men, and especially of the women, of Porto Rico, is once raised; if the demands on life made by this people become sufficiently great to prevent the population from assuming marital responsibilities with its present recklessness; if, moreover, the resources of the country are exploited more wisely and the peon himself be assured of the ownership of at least a patch of land and be taught to utilize it economically, the conditions of life and labor of the great mass of the Porto Rican population may be permanently improved. Such an improvement, however, will be difficult and slow, and will be evident

only as measured by decades or generations, and not by years. If, however, the island be utilized merely or primarily as a means of providing opportunities for investment and commercial exploitation by American citizens; if the policy of educating the people be held up on account of its expense and alleged uselessness; if the standard of living of the people be not raised, the condition of Porto Rico and of the Porto Rican laboring class after one hundred or two hundred years will be no better than it was in the year 1898, when the sovereignty of Spain gave way to the dominion of the United States of America."

(Papers referred to containing, among other things, the matter just read by the chairman, are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 12.")

Chairman WALSH. Now, you were stating that the budget which provides for the appropriation for education, shows that the appropriation was cut down?

Mr. IGLESIAS. Yes.

Chairman WALSH. And it is cut down now. What is the proposed cut; from what point to what point?

Mr. IGLESIAS. From $700,000 or $800,000.

Chairman WALSH. Mr. Iglesias, the commission thinks that unless you have one or two more points, what you might call high points, that it would be well for you to submit this in writing for the record, the time being really so far advanced.

Mr. IGLESIAS. All right. I want to speak about the fires and the charges of incendiarism on the part of the workingmen.

Chairman WALSH. Yes.

Mr. IGLESIAS. One of the arguments of the employers that was sustained by the Government was to the incendiarism in the island.

Chairman WALSH. That is, it was stated here in one of the statements or one of the papers that after the meetings of the strikers had taken place that frequently fires were found to have occurred in the cane.

Mr. IGLESIAS. Yes. Now, I want to state this: In the first place fires in the cane fields have occurred all the time every year. Even if there was a strike or not a strike. Fires regularly happen in cane fields.

Chairman WALSH. And your statement is—did they break out at the same time?

Mr. IGLESIAS. And the proof——

Chairman WALSH. Or is it seasonal?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Certain seasons?

Mr. IGLESIAS. Yes. It is proved that after the strike was over, you find here the reports from the police headquarters telling what fires have been occurring in the country and in the cane fields—reports from police headquarters published by the press containing the accounts about 15 fires that had broken out, and they read like this:

"At 5 a. m. the bells at the firehouse awoke the people, and it was evident that fire had broke out somewhere. We ran in the direction of Rosa Street and saw the house of Esteban Carduche afire. The fire spread from the first house to about nine more, almost all of which were insured. The house where the fire there originated was being repaired; we are not sure whether there was any insurance on the same, but the house next door was insured."

Chairman WALSH. That is the general tenor of those articles.

Mr. IGLESIAS. Now, I want to state that we have a report here from the district attorney of Mayaguez——

Chairman WALSH (interrupting). Have you got that?

Mr. IGLESIAS. He wrote a particular statement.

Chairman WALSH. He was the district attorney?

Mr. IGLESIAS. He was the district attorney.

Chairman WALSH. Did that refer to fires that occurred while the strike was going on?

Mr. IGLESIAS. Yes. In San Lorenzo, Nazuabo, Mayaguez, and Puerto de Tierra.

Chairman WALSH. And I understand the district attorney wrote an article stating that fires occurred in his district were largely fires in buildings set upon fire, or property set upon fire by the owners of the property because they had it overinsured?

Mr. IGLESIAS. Yes; and I have the paper, or I have the clippings, but I don't find them.

Chairman WALSH. Well, if you find them you can offer them in evidence, and if you don't find them at this time we will call for them, and you have them the first thing in the morning.

Mr. IGLESIAS. All right. Another case: Even if the cane fields burn, the owners don't lose anything. That cane has got to be ground, and the sugar is just the same. It means that the fire in the cane field is no loss at all. We have some manufacturers of sugar that used to put fire on their own canes in order to accomplish two things: First, to have the work of cutting the cane cheaper——

Chairman WALSH (interrupting). Yes; I understand. Besides, the burning of the cane field does not destroy the sugar in the cane.

Mr. IGLESIAS. No.

Chairman WALSH. And some employers do that instead of cutting the cane.

Mr. IGLESIAS. Yes. And sometimes when some kind of bug is going to injure the cane then they put the fire to it. When a colony that belongs to or have a contract with any of the manufacturers or sugar corporations, and when they want first to grind their cane, then they put the fire in.

Commissioner O'CONNELL. Don't want to let the other fellow get ahead of him?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. So he burns the place up. Is that a general charge, that occurs?

Mr. IGLESIAS. Well, it is nothing out of the ordinary times to see fire in the canes, nothing else. You put the fire in the cane field and get the workingmen and cut it out; cane may be six days or seven or eight days waiting for the grinding. Nothing is lost in the fire. But the employers, of course, get in the press statements that the fire was going on and the entire cane field and buildings being burned up; but a district attorney has proved it himself, and he states that in his court he has tried many people for arson, and he finds that it was thought insured houses and insured property more higher than property values.

Chairman WALSH. I see we have been over that. But in brief the workingmen have been charged with incendarism, but nevertheless——

Mr. IGLESIAS. But, nevertheless, no man has been found guilty—that I know. Some have been put in prison among the members of the strikers, but have been released again, with any——

(The translation of the newspaper clippings referred to by the witness are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 13.")

Chairman WALSH. No worker has been found guilty of arson, of setting them on fire?

Mr. IGLESIAS. No.

Chairman WALSH. But some were arrested during the strike charged with that, but are any of them still in jail and not tried?

Mr. IGLESIAS. No.

Chairman WALSH. All of them were released from jail?

Mr. IGLESIAS. Yes, sir; as far as I know. I don't know of any man that is in jail awaiting trial.

Chairman WALSH. Now, have you any other point?

Mr. IGLESIAS. Well, I would like to speak about the laws of Porto Rico, the labor laws.

Chairman WALSH. Then I will have to excuse you while I put Mr. Clark on the stand, a gentleman that we promised to let go. I will call you when we get through with Mr. Clark.

Mr. IGLESIAS. All right.

Chairman WALSH. Mr. Channery makes this suggestion, that Mr. Bills has the labor laws here, but there is some comment you want to make on them?

Mr. IGLESIAS. If he is talking about the local laws, all right, I will hear.

Chairman WALSH. But after the labor laws, have you any other point you want to bring up?

Mr. IGLESIAS. Yes, sir; the question of national legislation in regard to Porto Rico, and the laboring men there.

Chairman WALSH. All right, we will put you on before we put Mr. Bills on.

TESTIMONY OF MR. SANTIAGO IGLESIAS—Continued.

Mr. IGLESIAS. I want to refer now to the national legislation.

Chairman WALSH. What were you going to call our attention to next, Mr. Iglesias?

Mr. IGLESIAS. I was going into the national legislation question, and I want to put into the record another document.

Chairman WALSH. This refers to the petition for a writ of habeas corpus, presented to the supreme court of Porto Rico, May 7, 1915, on behalf of the 26 prisoners that had been sentenced in connection with the strike. It contains the reasons why the prisoners claim their release, and also contains the brief upon the law upon the subject as contended for by the petitioners?

Mr. IGLESIAS. Yes, sir.

(The matter referred to by the witness is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 14.")

Mr. IGLESIAS. And I wish to file an entire list of agriculturists and manufacturers in Porto Rico and the paper that shows the prices that have been paid for sugar for the last five years. There are two papers.

(The papers referred to by witness entitled "Comparative Statistical Report of Sugar Manufactured in Porto Rico from the Crops of 1909, 1910, 1911, 1912, 1913, and 1914," published by the Government of Porto Rico, and a chart showing the "Weekly Quotations of Sugar for 1912–1913," by John C. Pudney, 17 Battery Place, New York, were submitted in printed form.)

And some photographs giving an idea of the so-called agricultural work in Porto Rico.

(The photographs here referred to by witness were submitted.)

You have already heard there was a bill intended to create compensation for the workingmen. It was in the legislature for several years. Now, the lower house passed about two times a bill that was regarded as too radical by the employees, and just last year, the last session of the legislature, Mr. Travieso, I think, the last part of last year, introduced another intending to create another compensation law. It has an insurance scheme in it. The speaker of the house has another bill to be regarded as the workmen's compensation, without any insurance scheme. The lower house has passed before that kind of a bill. Mr. Travieso, being a member of the upper house, appointed by the President of the United States (composed of 11 members), owing to a request made to Mr. Travieso from the Labor Federation and to the speaker of the house to be kind enough to give us some oral information as to the difference of the bills in regard to compensation law. Mr. Travieso answered that he was willing to do that sometimes and he wrote two letters to the secretary of the federation promising that he would give a conference to the representatives of labor, but on December 23 he informed that he could not do that, and then refused, giving his reasons for refusing, and the reason was first that he was not able to give such information in regard to his bill previous to introducing it in the council; after which we requested again, and he replied he could not do that. The same thing was tried to the speaker of the house, and the speaker of the house answered this letter that is translated into English.

Chairman WALSH (reading):

"Answering your communication of December 20, I am pleased to advise you I shall again introduce at the next session of the legislature the bill on compensation to laborers for accidents sustained during their work.

"Relative to the difference between the bill of Mr. Travieso in the executive council and one introduced by myself in the lower house, there is but one important difference, namely:

"In Mr. Travieso's bill the compensations are to be paid from an insurance fund created by the laborers themselves, who are to pay out therefore part of their wages by the employer and the people of Porto Rico, whereas in my bill the compensation is to be paid out by the responsible employer alone; no objection would be made if the employer chose to take out insurance policies for his men. The remaining provisions of Mr. Travieso's bill have practically been copied from mine, which I presented at the House of Delegates in the name of the commission created for studying the bill.

"I have just caused a copy of Mr. Travieso's bill to be sent to me. I desire to look it over again to see, after which I shall be pleased to communicate my impression with you again in regard to the conference you desire to have with me, as per your letter.

"Very sincerely,

JOSE DE DIEGO,
"Speaker of the House of Delegates."

Mr. IGLESIAS. There was a difference between the lower house and the upper house, and consequently no labor laws passed; but, nevertheless, I heard the lawyers of the big corporations, like the Guanica Central, and others told me

that even the bill of Mr. Travieso or Mr. de Digo would be opposed, and they were assured they never would pass and could not have such a compensation law. As to the question of petition of several labor unions all over the country, the agricultural unions, they claimed that a great corporation had in their hands thousands of acres of land that belonged to the people of Porto Rico, and the poor laborers, they had no land or no lot to be possessed by themselves. I have heard an estimate from the secretary of the interior given to us—it was given to the lower house first.

I have a paper in regard to the holding of property lands by the corporations in Porto Rico without paying anything to the people of Porto Rico. They have in their hands thousands of acres of land when the poor peons haven't a square meter, and we have protested before the Government, and you will find a letter from the secretary of the interior giving some information in regard to the big corporations having in their hands thousands of acres of land without paying anything to the people of Porto Rico for its own property; and just at this time is occurring the same thing and the poor peons live on the lands that belong to the people of Porto Rico, and they are being thrown out when the proprietors want to do so in time of strike.

(The letter referred to by the witness is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 15.")

In some instances hundreds of acres of land have been granted to a corporation when the poor people have not even a small lot.

On account of this protest against those conditions the legislature passed a kind of a law intending to remedy in some way those conditions and perhaps in regard to such a law your commission will have something to present to the representatives of the Government.

Two important things have been protested against by us. Two or three years after the occupation by the American troops there an attorney, called by name Harlan, went there, and he found that hundreds of children and couples living in the country were living together without getting married. That was on account of the great distance to come to the town to get married.

Commissioner O'CONNELL. Did they live together without getting married?

Mr. IGLESIAS. Yes. And the Catholic priests charged too much for a marriage, and they have no money to get married, and consequently they come together and live together and have children and live so 14 or 15 or 25 or 30 or 40 years. And this attorney saw that the best thing to do was to legalize those unions and then have a law passed which our legislature called the "common-marriage law," and in that way all those children, all those couples, the children of those couples became legalized. But what occurred was that many children that have their rich fathers when the law was appealed to and the mothers asked the fathers to give them money some of the lawyers having cases of that kind came to the legislature and succeeded in repealing the law, because they didn't want the law to force the rich fathers to recognize their sons and take a part of their inheritance and property to maintain them.

Commisioner O'CONNELL. They disfranchised them again?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. They took away that advantage which had been given them?

Mr. IGLESIAS. Some cases had been granted. The fathers under that law had to take care of those children and recognize them, and the children, in case of the death of the father, had the right to ask for a part of the property of the father.

Commisioner O'CONNELL. That law was repealed?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. Did that mean, for instance, that there had been been cases where children had been given property, and that that property was taken away from them?

Mr. IGLESIAS. Yes; that had been given.

Commissioner O'CONNELL. Was it retroactive? Did it work backward and take away property that had been given to the children?

Mr. IGLESIAS. No.

Commissioner O'CONNELL. It only applied to the future?

Mr. IGLESIAS. Yes.

Chairman WALSH. How long was that law effective?

Mr. IGLESIAS. Five years.

Chairman WALSH. And then it was repealed?

Mr. IGLESIAS. Yes; sometime ago.

An other matter we protested about: We have a law to prevent in many ways the seduction of our girls, or, at least, to make responsible those who were guilty of seduction. We have a law there which compels a man there who seduces a girl to get married or go to jail, but now that law was reformed some way that no father can get a remedy under the law unless he has some corroborative evidence that makes the charge good for the girl. And, also, that law was changed and reformed in such a way that poor people can not have relief in many instances, chiefly in the case of the country people. Now, we have, since the United States took Porto Rico, asked for recognition as citizens of the United States. You may know that we are at this time nothing; we are citizens of Porto Rico, but Porto Rico is not a nation and has no organization as a nation, consequently we belong to the United States; we are a part of the United States but we are not citizens of the United States. We have been asking for years for our citizenship, and it has never been given to us. We are administered in a certain way; the governor can be a good ruler or not, according to the character of the man and according to the honor and the will and the sentiment of the man.

The people have the right to vote to elect the legislature, but the voters in Porto Rico are, about 60 per cent of them, controlled by the masters and the corporations in Porto Rico. In consequence, we have an organic law that means our constitution.

Chairman WALSH. At this time the commission is going to take a recess for 15 minutes, because we want to run later to-night and try to finish up.

(At this point a recess was taken for 15 minutes, at the conclusion of which Mr. Iglesias resumed the stand and his examination continued.)

TESTIMONY OF MR. SANTIAGO IGLESIAS—Continued.

Mr. IGLESIAS. I want to state, Mr. Chairman, in regard to citizenship, that I have two documents, a file of correspondence with Mr. Samuel Gompers, and a letter from Mr. George R. Colton, the ex-governor, in regard to the same matter, which refers to our position in regard to citizenship. I want these put into the record.

(The correspondence referred to by witness and the letter from Gov. Colton are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 16" and "Iglesias Exhibit No. 17," respectively.)

Also, here is a report of a hearing before the committee on the Pacific Islands and Porto Rico of the United States Senate, which I also want to put in the record.

(The document referred to, entitled "Citizenship of Porto Ricans," dated May 7, 1912, Washington, D. C., was submitted in printed form.)

Also, a report on hearings before the Committee on Insular Affairs of the House of Representatives.

(The document referred to by the witness, entitled "A civil government for Porto Rico," dated Feb. 26, 28, and Mar. 2, 1914, Washington, D. C., was submitted in printed form.)

Here is also a pamphlet, being a report of hearings before the Committee on Insular Affairs of the House of Representatives, referring to a bill proposing to create a department of agriculture and labor in Porto Rico, the head of which shall be a member of the executive council of Porto Rico.

(The document referred to, entitled "A department of agriculture and labor in Porto Rico," dated May 2 to 4, Washington, D. C., was submitted in printed form.)

I also want to hand you the annual report of the Secretary of War, 1911, dealing with the Porto Rican affairs, citizenship, etc., from which you will see that in some ways the Government officials in Washington agree in many ways with our petition.

(The document referred to by the witness, entitled "Annual report of the Secretary of War, 1911," dated Washington, D. C., Dec. 4, 1911, was submitted in printed form.)

Chairman WALSH. What became of the proposed legislation that was being discussed at that being discussed at that hearing?

Mr. IGLESIAS. All was lost, year after year, for 13 years. Well, the citizenship and general bill has passed the House twice, but when it went to the Senate it did not hold.

I call the attention of the commission to this pamphlet, the message of the governor of Porto Rico. This is the first message, and is addressed to the legis-

lature of Porto Rico by Gov. Colton. You will find in this message to the Legislature of Porto Rico the true conditions of the entire people of Porto Rico, and especially workingmen, and how this governor and representative of the United States intends to do as much as he can in favor of the masses of the people there.

(The document referred to, entitled "Message of the Governor of Porto Rico to the Seventh Legislative Assembly, First Session, January 13, 1913," San Juan, P. R., was submitted in printed form.)

In the previous four years more labor laws were passed and more fair dealings in regard to the workingmen.

Then, here is a pamphlet I want to introduce into the record, entitled "Porto Rico's Case and the Tariff Bill," which is mentioned in regard to the economical conditions of Porto Rico, and are set forth in this book by a commission appointed by the governor and the Legislature of Porto Rico to appear before the Senate Finance Committee, in order to argue in favor of the protection of sugar, and you will find here in this book all the figures in regard to the subject. It tells the course about the conditions in regard to education, etc., from 1901 to 1914; all through those years the condition of education has arisen a little, always up and up every year, to benefit the condition of the masses of the people in that respect, and certainly have improved, but in one year, this year of 1914 to 1915, more than $700,000 was cut off from the education fund. I had not intended to make any criticism of any money that has been given in favor of education.

(The document referred to by the witness was entitled "Porto Rico's Case and the Tariff Bill," dated Washington, D. C., May 17, 1913, and published by the Porto Rico Official Economic Commission, was submitted in printed form.)

Here is another special message from Gov. Colton in regard to weights and measures, intending to defend the poor people from being cheated out of their rights.

(Printed pamphlet submitted, entitled "Special Message of the governor of Porto Rico to the Seventh Legislative Assembly, Extraordinary Session, July 5, 1913. Weights and Measures.")

And you find here in this pamphlet the full report of this bureau of weights and measures that was created on account of the recommendation of the governor, and you will find in the pictures of many weights and measures that were taken that were false in many instances.

(Printed pamphlet submitted, entitled "Guberno de Puerto Rico. Oficina del Secretario Negociado de Pesas y Medidas. Eduard J. Saidaña, Jefe. Primer Informe Anual del Negociado de Pesas y Medidas. Enero 1, 1915. San Juan, Puerto Rico. Negociado de Meteriales, Imprenta y Transporte. 1915.")

Nevertheless, representatives of the people who have protested against this thing have been put in jail in many instances. The governor has a chance to call those things by their proper names, but our people had to go to jail for repeating the same thing that the governor—Colton—said.

Now, here is the last annual report of the governor, and you will find how much profit there has been along economical lines. This administration paid more wages and gave more guaranty to the workman by giving more help to them.

(Printed pamphlet submitted, entitled "Extracts from the Annual Report of Hon. George R. Colton, Governor of Porto Rico, for the Fiscal Year Ending June 30, 1912. Published by the Commercial Agency of the Government of Porto Rico, 509 Fifth Avenue, New York, N. Y.")

You will see that there was a rise in money from thirteen millions a year in the commercial business of the island to ninety-five millions and a rise in the value of property from eighty millions to one hundred and seventy-two millions, but notwithstanding that the wages of the working people at this time are lower than when the American occupation began, and when these people organized and went on a strike the police beat them and incarcerated them and killed them. The condition of the workmen of Porto Rico can be seen from this action, but you gentlemen of the commission can not recognize how they are living. None of the cotton workers of the South are living under the conditions of the Porto Rican workers. The same people and the same agricultural workers that you pay in Florida $1.25 for the same sugar, and where the land is not near so good for raising sugar as it is in Porto Rico, yet in Porto Rico they pay only one-half of the wages that the working people get here for the same kind of work. The corporations there are making money, at the rate of more than

27 per cent on their investments, and the Tobacco Trust now at this time controls the whole business of Porto Rico and is making easy money, and so the Sugar Trust. We have a law—our organic law—stating that no corporation shall have more than 500 acres of land. Nevertheless corporations there control 50,000 acres of land—some 25,000 acres, some 20,000 acres, of land. When they control as much as that they go to Santo Domingo and send agricultural products to Porto Rico, and I do not know under which law they have the right to bring cane from Santo Domingo to Porto Rico.

We have a law in Porto Rico granting the permission to agricultural concerns to import seeds from other parts of any foreign country, and those corporations are importing cane and coconuts, and other things are coming into Porto Rican harbors, being sent in as "seeds." That is the way this kind of business has been done by the corporations.

The lands of the people of Porto Rico are being owned by the corporations there, and the Government, as shown by the last message, of the actual governor, has announced the same thing and asked the legislature to do something in the way of retaking these lands from those corporations, but nothing has been done by the legislature. The governor recommends that a commission be appointed in order to ascertain how many acres of land are in the hands of the corporations, and nothing has been done in that particular respect.

I have a letter from the commissioner of education giving us the first information, on our requests—he says that in the last two months they lost 288 teachers in the school in consequence of the reduction of the budget, and those teachers had to get out from the school. Our training schools have been suspended under the argument that the working people do not need much to be in touch with that education or to learn how to do a thing at home, or how to dress, or how to buy things, or how to live. This kind of education, a certain kind of vocational training, has been shut down, and consequently the idea is to maintain the working people and the masses of the people in a serf condition.

(See Iglesias Exhibit No. 18.)

I have here an article which I took from my paper, and I want to introduce it into the record. It is a short story of the conditions of the laboring women down there.

Chairman WALSH. What is this from?

Mr. IGLESIAS. From my paper. I wrote it myself, and I want it to go into the record. That shows the condition of the working women there in many instances.

(Newspaper clipping submitted, entitled "The Labor Women in Porto Rico—Misery and Exploitation." Name of paper and date not given.)

Chairman WALSH. Just proceed.

Mr. IGLESIAS. I am going to submit articles calling for a congressional investigation. This is in Spanish, and I will send it to you in English.

(Newspaper clipping submitted, entitled "Congressional Investigation Needed in Porto Rico." Name of paper and date not given.)

The laws of immigration of this country, except Porto Rico—some provisions of the law to be applied in Porto Rico—when we have enough labor there, plenty of labor. But there has been the action of some invisible influences working against Porto Rico. Almost every Federal law that you find to protect in any way you will find the exception of Porto Rico. Hawaii—that means the sugar enterprise—we call the attention of the commission to recommend that Porto Rico be placed on the same footing as the workingmen of the United States are in the question of immigration or any law helping working people of Porto Rico.

Chairman WALSH. You want the same laws applied to the working people of Porto Rico as apply to the people of the United States?

Mr. IGLESIAS. Yes, sir. That is the best way to make true American citizens.

Here is a copy of the intended bill of the new organic law for the Territory. It has been in our congress for the last two years and intended to be reintroduced in the next.

(Printed document submitted entitled "A comparison of H. R. 14806, a bill to provide a civil government for Porto Rico, and for other purposes, and the act of Apr. 12, 1900, known as the 'Foraker Act,' and acts and resolutions amendatory thereof, now forming the organic law of Porto Rico. Washington, Government Printing Office, 1914.")

I just want to be through in a moment, declaring that we are in accord with everything said by my colleague, Mr. Martinez, and in the conclusions I have a

report of Dr. Wiley (Weyl) for 1905, truly and correctly stating that the need of the Porto Rican people, is first, education—education, no matter how much it costs. We are now 66 per cent who can not read nor write. And then, to protect their freedom, let the people have the chance to speak among themselves in the streets and rural places and in the halls and in other places, to give them the free speech, to maintain the rights—constitutional rights, of the people; to treat the people there as men, as human beings.

We have about 1,400 persons, or more than 1,400, in the jails in Porto Rico, in the penitentiary, and you never will find a rich man there, no commercial man, no business man—not a man that has something in his hands to defend himself, no matter what a criminal he is. He may be a criminal, he may rob, he may take papers from the courts and do many things he wants and never will he go to jail—never, never, never!

And in that way I request from you, gentlemen.

Chairman WALSH. We excuse you and are obliged for your testimony. Just remain in attendance, because either yourself or Mr. Martinez might have something to say when you hear other witnesses.

Mr. Bills, please.

TESTIMONY OF JOHN C. BILLS, JR.

Chairman WALSH. Now, Mr. Bills, I am going to ask you to help out as much as you can by being very brief, and yet exhaustive enough to cover all these subjects.

You have been given a list of questions, have you not?

Mr. BILLS. Yes, sir.

Chairman WALSH. I will just ask you the questions; or would you rather follow the questions themselves?

Mr. BILLS. Just as you like.

Chairman WALSH. Just read them and answer them if you care to.

Mr. BILLS. The fact is, Mr. Chairman, that most of these matters have been considered in our reports.

Chairman WALSH. Well, then, if when you get to those you give us the general thought of your report, the general consensus of your report, and refer us to it.

Your name, please?

Mr. BILLS. J. C. Bills, jr.

Chairman WALSH. What does the J. stand for?

Mr. BILLS. John.

Chairman WALSH. Where do you reside, Mr. Bills?

Mr. BILLS. San Juan, Porto Rico.

Chairman WALSH. How long have you lived there?

Mr. BILLS. Since September 1, 1912.

Chairman WALSH. Where did you live before you went there?

Mr. BILLS. I was in college and law school at Harvard, the last year.

Chairman WALSH. A lawyer by profession?

Mr. BILLS. I have studied law; I have never practiced law.

Chairman WALSH. Have you ever done anything except as a student? Have you worked any place?

Mr. BILLS. Yes; during my time in college I made a special study of social ethics and economics, and also did a great deal of social-settlement and welfare work; and for two years I had charge of the playground of the Providence Play Ground Association and newsboys' work at Boston.

Chairman WALSH. You were in the social-service profession before you went in the civic service?

Mr. BILLS. Yes; and I worked in the Civic Service House for four years under Mr. Bloomfield trainnig a class in public speaking.

Commissioner O'CONNELL. I understood you had been training labor leaders.

Mr. BILLS. The class was made up of local leaders, labor unionists, Socialists, and advanced thinkers in general.

Commissioner O'CONNELL. I imagine largely Socialists and advanced thinkers.

Mr. BILLS. No; a great many of the labor-union men were there for theoretical training.

Chairman WALSH. What is your position in Porto Rico?

Mr. BILLS. I have charge of the insular bureau of labor.

Chairman WALSH. First, I would like for you to state what your personal duties are and how much of a staff you have.

Mr. BILLS. Perhaps the best way to answer that is to refer to the law establishing the bureau of labor.

Chairman WALSH. We are trying to epitomize. How many have you on your staff?

Mr. BILLS. An assistant, two investigators or "inspectors," we call them, a stenographer, two clerks, and a messenger.

Chairman WALSH. Who is your assistant?

Mr. BILLS. Mr. Carmelo Honoré.

Chairman WALSH. All the rest are Porto Ricans?

Mr. BILLS. Yes, sir.

Chairman WALSH. What was Mr. Honoré's business before he went into the department of labor?

Mr. BILLS. He was in the postal department, Federal postal service, at Mayaguez; and before that a contractor, working his way up from an ordinary carpenter.

Chairman WALSH. What were the investigators?

Mr. BILLS. I ought to state also that Mr. Honoré was, until about a year ago, a member of the Free Federation and was while a carpenter in Mayaguez one of the local leaders.

Of the two inspectors, one, Luis Baviera, was a local leader of the Free Federation at Corey and a cigar maker. The other, Alejandro Escales, was a cigar maker and, I believe, a vice president of the Free Federation. Both of those men came into the bureau of labor under the civil-service examination, being the highest men that took the examinations.

Chairman WALSH. What is the general attitude of the Porto Rican employees toward organized labor?

Mr. BILLS. Porto Rican employees generally know very little about organized labor. Mr. Iglesias made the statement here that there were 15,000 organized men. Now, according to the documents which he has given us, the last one being within the last four or five months, showing the names of unions and towns in which located and their membership—I haven't them here, unfortunately, but I remember that the membership was between three and four thousand.

Chairman WALSH. You think Mr. Iglesias is probably incorrect in his figures?

Mr. BILLS. Either one way or the other; I don't know. I am very certain there are not 15,000 organized men.

Chairman WALSH. What would you say from your studies in this country before you went there, as applied to everyday conditions, as to whether or not organization seems or does not seem to be necessary?

Mr. BILLS. I think it is very necessary. And I would like to put myself on record as being most emphatically in favor of the principles of organized labor and the work that has been accomplished in this country through organized labor; and whatever I have to say in the way of criticism, if I am called on to give concrete information, is not in any way against organized labor or against the leaders of it, but against what, to my mind, is the inefficiency of the organization in Porto Rico.

Chairman WALSH. Now, Mr. Iglesias mentioned two other organizations. Just describe, first, the Free Federation of Labor. Is that about what the regular trade-union is in this country, and are those other two what are known in this country as employers' organizations of labor, or what might be called fake organizations?

Mr. BILLS. The Free Federation is a real labor organization.

Chairman WALSH. What about the other two?

Mr. BILLS. The other two I don't know. This is the way I came in touch with the Leagua Obrera. This is the one in which the governor's name and my name appear as honorary members. About a year and a half ago I received an invitation to attend their convention. I attended that convention and spoke. It was a very educational sort of convention. Their by-laws provide for educational advancement. About a week or so later a delegation of that organization came to my office with a big written document and some seals on it and notified me that I had been chosen an honorary member, and I know also the governor was made one.

Chairman WALSH. Did you pay any money?

Mr. BILLS. No; never paid a penny.

Chairman WALSH. Did you notice its literature afterwards?

Mr. BILLS. I heard the letters read here from the Federacion Regional and from the Leagua Obrera, but this literature was sent out since I left the island, and I shall certainly remove my name from that letterhead.

Chairman WALSH. Do you know anything about the details further of those two organizations?

Mr. BILLS. Why, I know this, that we were planning a bulletin on labor organizations in Porto Rico, and we sent out communications to all the various labor groups, and stated that we would print nothing unless they would give us actual proof that their members were paying dues. The Federacion Regional refused to show us the papers. The inference is that they do not pay dues. The Leagua Obrera gave us proof that they had about 80 members—30 or 35 members—paying dues.

Chairman WALSH. Well, then, you would not look upon those as legitimate organizations?

Mr. BILLS. Not as legitimate labor organizations; that is, they have not the power to do anything. Of course, they do some educational work among their members, probably.

Chairman WALSH. Is that the only reason, Mr. Bills, for thinking that they are not legitimate, that they have not the power?

Mr. BILLS. Why, I have no proof that they are not legitimate, except these letters which I heard read here to-day.

Chairman WALSH. Your attention had not been called to that before?

Mr. BILLS. Had not been called to that before.

Chairman WALSH. What is the general attitude of the Porto Rican employers toward organized labor?

Mr. BILLS. I think the attitude of the Porto Rican employers toward what is known as the American Federation of Labor is very similar to the general attitude here. That would be my impression.

Chairman WALSH. Just what is their attitude.

Mr. BILLS. Some favor it and some do not.

Chairman WALSH. Now, what do you see of the large employers, American manufacturers in the island, that you say would favor it?

Mr. BILLS. Why, I have talked with individual employers who expressed a belief in the principles of labor organization.

Chairman WALSH. Well, who were they, if you recall the names?

Mr. BILLS. I have talked with a good many. I talked with some officials at the head of the Porto Rican American Tobacco Co., who spoke favorably of organized labor.

Chairman WALSH. Well, if there is no objection, just state their names.

Mr. BILLS. I am not sure enough of the ideas of the particular individuals with whom I talked.

Chairman WALSH. Does that one tobacco company, that Porto Rico American Tobacco Co., control the production of tobacco in Porto Rico?

Mr. BILLS. Now, that I couldn't say.

Chairman WALSH. Is it popularly supposed to? You heard the statement that Mr. Iglesias made here that the Tobacco Trust did control practically all the production of tobacco in the island?

Mr. BILLS. Of course, the Porto Rico American Tobacco Co. owns nearly all of the large cigar factories. They also produce a great deal of tobacco. They manufacture there and they export a great deal of tobacco.

Chairman WALSH. Well, you heard the statement of Mr. Iglesias with reference to the fact that there was a law limiting the acreage of any one corporation to 500 acres, but that the law is not observed, and that they know it.

Mr. BILLS. That is a part of the Foraker Act, the organic act under which Porto Rico is governed.

Chairman WALSH. Well, is it violated that way?

Mr. BILLS. I don't know; I have no proof at all.

Chairman WALSH. Is it popularly supposed to be?

Mr. BILLS. I have heard many people say that it is violated.

Chairman WALSH. Well, in your investigations through your department, do you find this same company does operate large tracts of land—more than 500 acres?

Mr. BILLS. Most of the tobacco, I believe—this is an aspect of the business in which I have made very little investigation, but most of the tobacco, I believe which this company uses is produced by independent farmers, the company advancing money to them to finance their crop and then buying the crop in the end.

Chairman WALSH. Does that seem to be a legitimate arrangement or a subterfuge to avoid this law that——

Mr. BILLS (interrupting). I should say that was a legitimate business arrangement.

Chairman WALSH. If it be true that they do operate, or that any one company owns or controls land greater in acreage than 500 acres, you don't know of it?

Mr. BILLS. I don't know of it; no.

Chairman WALSH. In the principal industries of the island, please outline briefly the wage scale and the length of the workday.

Mr. BILLS. We have stated those in our report.

Chairman WALSH. Well, epitomize it, if you please.

Mr. BILLS. Coffee, at the present time, from 30 to 40 cents a day; at present, male labor.

Chairman WALSH. And how long do they work; how many hours per day?

Mr. BILLS. Why, from 9 to 10 and 11 hours a day. Sugar, the average before the strike was, I think, according to our figures, 54 cents. That has been increased, as the result of the strike, to something like 68 or 69 cents; and they also work 9 to 10 hours a day.

Chairman WALSH. Is that regarded in that country as a living wage for a man?

Mr. BILLS. It is a living wage, Mr. Chairman, under the standard of living which obtains there.

Chairman WALSH. I notice one of those reports said that as a rule the working people were anemic and underfed.

Mr. BILLS. The hookworm has devastated the laborers, especially those of the interior, for years. During the past 10 years or so the Government has waged a campaign against it, Dr. B. K. Ashford discovering the disease there. If I remember correctly, his first investigations showed that the working efficiency of the laborers in the interior was approximately 50 or 60 per cent of normal, due to the fact that their blood was not strong, but that had improved to 70 or 80 per cent last year. Still there is a great deal of hookworm, especially in the interior. As to being underfed, Mr. Chairman, I have never found a starving person in Porto Rico. Their food is extremely simple, the result of poverty; but they are a hospitable people, and when one man has no work or food and another man has, the latter assists the former. And we must, it seems to me, in a study of conditions in an island like Porto Rico, bear in mind the fact that many of the native fruits and vegetables are very nutritious and very cheap.

Chairman WALSH. Please describe the housing conditions of the agricultural laborers; the cost of the houses first.

Mr. BILLS. I also have a very exhaustive report on that.

Chairman WALSH. About how much are they? Give it to us as we go along, and it will help us.

Mr. BILLS. I would say that it would take the average agricultural laborer four to six days to build a house. The material that is used in that house is mostly given to him by the employer. He erects his own house. Perhaps the boards used in the floor may be worth two or three dollars. The house as a whole—I would agree with the figures of Dr. Wiley—is worth ten or fifteen dollars.

Chairman WALSH. The house is worth ten or fifteen dollars; are they one room?

Mr. BILLS. Two rooms, with a half partition between them. The roofs are thatched with grass. The sides are leaves of the royal palm. They are raised from 6 inches to 2 feet above the ground, and the floor is of boards and pieces of soap boxes.

Chairman WALSH. The sanitary arrangement, if any?

Mr. BILLS. Of course, in this I am speaking of the masses of the agricultural laborers—not those that are living in plantation houses—and among this class of people there are very few sanitary facilities.

Commissioner O'CONNELL. What about the cities, outside of the agricultural districts, the house rent in towns?

Mr. BILLS. The plantation houses are built of wood and zinc, with from two to three rooms, and are worth from one hundred to one hundred and fifty dollars. They are always, practically, provided with outhouses.

Commissioner O'CONNELL. Do they charge rent for them?

Mr. BILLS. No; they charge no rent, the one condition is that the laborer shall work for the employer when he is wanted.

Chairman WALSH. That the laborer shall work for the employer; what does that mean, that the work is seasonable?

Mr. BILLS. The agricultural work is seasonable.

Chairman WALSH. These people that you say get 30 to 40 cents a day, do they have employment the year around at that?

Mr. BILLS. Probably not. The housing conditions in the town, we have in main two classes of houses—the tenement, somewhat similar to the tenements here in the States; many are old brick structures, with very poor means of ventilation. The sanitary conditions have improved vastly in the last three or four years, but there is still room for improvement. The second class are shacks.

Commissioner O'CONNELL. I notice in your report filed here by Mr. Iglesias, showing the cost of these houses and the income, etc., the per cent apparently is enormous, over 100 per cent?

Mr. BILLS. These figures were compiled very carefully, and compiled by myself.

Commissioner O'CONNELL. I saw 149 per cent.

Mr. BILLS. One hundred and thirty-nine per cent, from 20 per cent up to that. That refers to Puerta de Tierra, a laborers' quarter and a suburb of San Juan.

Chairman WALSH. Give us some typical family budgets of laborers, as of laborers in the country.

Mr. BILLS. The bureau of labor is now working on a report on the cost of living, and I have many family budgets. I would say that the average family has $2 or $3 a week for food, and clothing costs perhaps an average of 50 cents.

Chairman WALSH. Is that per man?

Mr. BILLS. Per family.

Commissioner O'CONNELL. What clothing do they have. The pictures we saw show them without shoes and without covering, really, of any kind, really, except possibly trousers.

Mr. BILLS. The laborers of Porto Rico, the poor inland laborers of Porto Rico—there are various classes of laborers—as a class do not wear shoes. They always wear trousers and undershirts and outer shirts.

Chairman WALSH. Do they ever wear drawers and shoes?

Mr. BILL. Generally drawers, I would say, almost universally, and a straw hat. The clothing in the inland section is purchased out of the income of the entire family, obtained during the coffee-picking season, when the wife and children are employed and the income is increased. It frequently is $20 or $30 a week, during the two or three months of the busy season. I would say also the increase in the use of shoes has been tremendous. I believe, this is a general statement, that the majority of laborers in Porto Rico own a pair of shoes. But they don't wear them when working, partly from poverty and partly because they are not in the habit of wearing them.

Chairman WALSH. Have you some typical budget on the tobacco laborers?

Commissioner O'CONNELL. First, you say they are making $20 or $30 a week? How long is the season?

Mr. BILLS. From the middle of September to the last of December, in the coffee season.[1]

Commissioner O'CONNELL. That is about two months?

Mr. BILLS. About three months, and the busiest part of that in any one section covers probably about two months.

Commissioner O'CONNELL. Then there are those that would not be employed after two months?

Mr. BILLS. Women and children are practically not employed at all in coffee except during the season.

Commissioner O'CONNELL. Then the 10-months' salary, or the 9 months', as the case might be, of the family decreases after two or three months' employment of the total family and becomes simply the earning of the man?

Mr. BILLS. Of the male.

Commissioner O'CONNELL. And that averages what? How much employment does he get per year?

Mr. BILLS. It has been impossible to get complete statistics on those things.

Commissioner O'CONNELL. He is not steadily employed the year around?

Mr. BILLS. It is probably true that one-half of the men in that section, during the rest of the year, are not employed more than one-third or one-half of the time.

Commissioner O'CONNELL. And the rest are employed how much?

Mr. BILLS. Steadily, the best men.

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[1] NOTE.—Twenty to thirty dollars a week is exceptional. The average weekly earning of a family of four or five members during the busy season is between $10 and $15.—J. C. BILLS, Jr.

Commissioner O'CONNELL. And the one-half that are not employed live on the generosity of the men that are employed?

Mr. BILLS. In the coffee section of the island.[1]

Chairman WALSH. On what account are women and children engaged in industrial pursuits in the agricultural line?

Mr. BILLS. In the picking of coffee and the fertilizing and picking, in some divisions, of tobacco, and in a few sections of the island in lighter work in connection with sugar, and in some cases in picking fruits and washing and packing them.

Commissioner O'CONNELL. What are the sanitary conditions when they are working, the women and children, in the coffee fields?

Mr. BILLS. A coffee field is a hillside covered with bushes from 10 to 15 feet high and shade trees above that, and it is outdoors.

Commissioner O'CONNELL. Do they get far from their homes in the field, where they live? In other words, do they get so far away that they have to stay away from their home for a while, in connection with coffee fields?

Mr. BILLS. Not overnight.

Commissioner O'CONNELL. They all get back to their homes nights?

Mr. BILLS. Yes, sir.

Chairman WALSH. Do men and women work together in those fields?

Mr. BILLS. Yes, sir.

Chairman WALSH. Now, we had a situation presented to us in California in the hop-picking fields which looked like it might need correction; that is, the toilet facilities there. There were none there, and complaints were made that men and women working that way together, that they should be provided.

Mr. BILLS. Of course toilets are not provided by law in the fields.

Chairman WALSH. In the coffee fields it is just like they are in the hop fields; that they have no toilet arrangements; that they have to go under a tree or bush?

Mr. BILLS. Exactly that.

Chairman WALSH. And how close are they together when they are at work; is it a concentrated proposition?

Mr. BILLS. No, sir; they are paid by piecework, so much per measurement.

Chairman WALSH. But do they work close together in the field?

Mr. BILLS. No, sir; they do not.

Chairman WALSH. How large are the fields?

Mr. BILLS. The coffee plantations are from 20 acres to several hundred acres.

Chairman WALSH. Take those of several hundred acres; how many men and women would be at work at one time?

Mr. BILLS. It depends altogether on the condition of the crop.

Chairman WALSH. Take a typical case, as closely as you can.

Mr. BILLS. One finca that I know of, with approximately 200 acres in it, and they had employed when I was last there, during the picking season, about 50 or 60 people—men, women, and children. Whether that is typical or not I don't know.

Chairman WALSH. What are those women and children paid?

Mr. BILLS. They are paid by the piece. They are paid anywhere from 8 cents to 12 cents a measure.

Chairman WALSH. What do they earn?

Mr. BILLS. They can pick from 2 to 3 measures a day.

Chairman WALSH. What do they earn in regular money?

Commissioner O'CONNELL. You say 2 or 3 measures in a day?

Mr. BILLS. Yes, sir.

Commissioner O'CONNELL. Of how many hours?

Mr. BILLS. Probably eight hours; perhaps longer.

Chairman WALSH. What are their earnings per week?

Mr. BILLS. An individual woman or child, or the family?

Chairman WALSH. The individual woman first?

Mr. BILLS. The pay rolls I have seen would give from $1.50 to $2.50.

Chairman WALSH. Per week?

Mr. BILLS. Per week.

Chairman WALSH. That is per woman?

Mr. BILLS. Per woman. Sometimes, of course, when coffee is plentiful they get considerably more.

Chairman WALSH. How much do the children earn?

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[1] Many of these laborers have small gardens. Others go to the sugar sections and work.—J. C. BILLS, Jr.

Mr. BILLS. About the same.

Chairman WALSH. How early do they go to work in those fields?

Mr. BILLS. About 6 o'clock.

Chairman WALSH. And how late do they stay?

Mr. BILLS. On an average they stay till between 12 and 3 o'clock.

Chairman WALSH. What is the minimum age?

Mr. BILLS. From 10 up.

Chairman WALSH. This gentleman that was on the stand said that some of them worked in the field that were 6 years old?

Mr. BILLS. That is contrary to law, and I have no evidence of that.

Chairman WALSH. Have you tried to look it up?

Mr. BILLS. Yes, sir.

Commissioner O'CONNELL. What is the minimum age?

Mr. BILLS. Ten years.

Commissioner O'CONNELL. Have you had any infractions or violations of the law or punishment under that?

Mr. BILLS. Quite a number.

Commissioner O'CONNELL. What is the punishment?

Mr. BILLS. From $25 to $100.

Chairman WALSH. Have you a report on that, showing the conditions?

Mr. BILLS. I have.

Chairman WALSH. Just indicate what report it is in?

Mr. BILLS. It is in the third annual report.

Chairman WALSH. Give a full description of your report.

Mr. BILLS. Third Annual Report of the Bureau of Labor of Porto Rico.

Chairman WALSH. Read what is on the back of it.

Mr. BILLS. I haven't it here.

Chairman WALSH. Did you submit it to Mr. Manly?

Mr. BILLS. I gave it to someone.

Chairman WALSH. Now, briefly state what are the laws regulating the employment of women and children.

Mr. BILLS. Women work 8 to 9 hours a day, not after 10 p. m., or before 6 a. m. Children under 14 and over 10, not more than 7 hours a day in establishments and 8 hours a day in agricultural work, and in order to work during school hours they must be provided with a special permit issued by the mayor showing that they are orphans, or their parents are unable to support them, and also with an age certificate. Children from 14 to 16 work the same hours, but have to have only the age certificate. The law provides that there must be from 250 to 400 cubic feet of air capacity where women and children are working, and walls and floors cleaned and the women provided with chairs and allowed to use them when possible. There are also regulations regarding the street vending of children and the issuing of certificates.

Chairman WALSH. What provision is there for enforcing these laws, and to what extent are they enforced?

Mr. BILLS. The bureau of labor is empowered under that law to inspect and summon and place under oath and to investigate, and is authorized therefore to enforce it. The law is enforced in practically all of the establishments in Porto Rico. We still need a few other provisions to be able to say that it is absolutely enforced, but it is practically enforced in all of the urban sections of Porto Rico. It has not been possible, with our limited force, to carry on such regular inspections in the mountain sections, to enable me to say that it is enforced.

Chairman WALSH. How do you get your appropriation?

Mr. BILLS. By the insular legislature.

Chairman WALSH. Do they limit you?

Mr. BILLS. We are given a certain amount for traveling expenses.

Chairman WALSH. You submit your budget?

Mr. BILLS. Yes, sir; I do mine and——

Chairman WALSH (interrupting). And have they granted what you have asked?

Mr. BILLS. No, sir; we have never had what we asked.

Chairman WALSH. Are the appropriations inadequate to properly enforce the labor laws with respect to women and children?

Mr. BILLS. There is no doubt that it is not sufficient, and the number of inspectors is not sufficient to enforce it. There is in that law a provision whereby it does not apply to children over 16 and under 10, who are employed in agricultural work, who are accompanied by their parents or guardian or relatives.

It is practically impossible to do anything in those fields, because they are always accompanied by a relative.

Chairman WALSH. Have you tried to do anything, or just considered it useless?

Mr. BILLS. I have been in every part of the island on horseback and trains and automobiles in the past year and a half, and our inspectors make inspections of these towns, and make trips often to the country, and also we have investigated, I think I can say, practically every complaint we have ever received from labor organizations. The members of labor organization have made complaints for violations of these laws, and we have, I think, investigated all of them.

Chairman WALSH. Please give us some idea of the unemployment question of the island.

Mr. BILLS. That is a very serious problem. There are more laborers in Porto Rico than jobs. Offhand I would say by 200,000 or 300,000, perhaps 200,000. Our principal industries are seasonal, coffee for three months, sugar and tobacco for six months, and it means a great deal of unemployment during the idle season. I have not complete statistics to show, but I have here figures of various industries.

Chairman WALSH. What efforts if any are being made to revise this condition of unemployment—minimize it?

Mr. BILLS. The Government has endeavored to provide Government work to give employment, road work, and things of that sort. We have in the bureau of labor a very small employment agency. We have also on a few occasions taken laborers from one section to another, by arrangement with employers, to get them work.

Chairman WALSH. Is unemployment a recent condition, or does it seem to be a permanent one in the island?

Mr. BILLS. It seems to me to be a permanent condition.

Chairman WALSH. Have you any suggestions for remedying it?

Mr. BILLS. There could be a great deal of temporary relief offered by transporting laborers from the sugar sections up to the coffee sections and vice versa during the busy seasons; the seasons not being the same months of the year. The ideal solution would be to have some arrangement whereby many of these laborers could go to Santo Domingo.

Chairman WALSH. Have you given any attention to the suggestions made by these people, that there should be more reform in the law, so the people can get to the land and till it themselves?

Mr. BILLS. A great deal; and there was at the last session of the legislature a law enacted for the selling of small portions of Government land—there are probably 100,000 to 150,000 acres scattered around the island—to laborers on installments and under conditions so that the more efficient laborers can get little gardens and lots on which to build their homes.

Chairman WALSH. What comment have you to make on suggestion by Mr. Iglesias about putting that in a report—you heard his complaint about it?

Mr. BILLS. That was a different matter; it was the blue-colored bulletin which we issued—

Chairman WALSH. That was not the same law?

Mr. BILLS. That is not the same law, and I would like to speak a word about that.

Chairman WALSH. I wish you would.

Mr. BILLS. Very shortly after I got to Porto Rico I began to study the housing conditions, and I had made an investigation of Puerta de Tierra, the suburb of San Juan that I mentioned. A special session of the legislature had been called, and I was notified that a bill would be introduced for the sale of certain insular government lands in Puerta de Tierra. What I was afraid of was that, by some possible manipulation, that land would get into the hands of the landlords that at present control all of the land in Puerta de Tierra. Therefore we issued a little bulletin, not for the purpose of urging laborers to pay $4.16 a square meter for land but with the purpose of tying up the sale from the insular government to the municipality of San Juan, so that if it was sold it could not go into the hands of the landlords of Puerta de Tierra, the suburb that I mentioned. I have not the bill, but it is self-explanatory. It is to the effect that no person owning other land shall be entitled to purchase that land, and provides for installments up to 10 years to laborers. And also to show that they could purchase that land in from 8 to 10 years at the price of $4.16 a square meter by paying only the same

amount that they are now paying for house rent for land rent. Of course it would have been possible for the city of San Juan to sell a great deal of that land cheaper than that.

Chairman WALSH. Will you please describe the principal articles of diet of the working people and various staples. Take the agricultural worker and urban worker as well.

Mr. BILLS. In the extreme inland they are principally bananas, yantias, and other forms of tubers, which they can purchase on their income, from 5 to 6 or 7 for a penny, bananas 10 to 20 for a penny, and yantias, which are a form of sweet potato, they grow practically wild.

Chairman WALSH. Are they nutritious?

Mr. BILLS. Very; they are very starchy. And all over the land rice, beans, and codfish are used. Codfish varies in price, according to the section, from 10 to 12 cents a pound. Rice, according to the section, of course, a great many grades of it, from 4 to 5 cents a pound. That is the quality that is used. The red beans, which they use a great many of, from 6½ to 8 cents a pound, and the white bean a penny less. These beans at the present time have raised in price on account of the war another cent, perhaps; I am not sure.

Commissioner WEINSTOCK. Are those retail prices you are quoting?

Mr. BILLS. Retail prices.

Chairman WALSH. What is the price of our beans?

Mr. BILLS. I really don't know.

Commissioner O'CONNELL. You will have to go to Boston to find out.

Mr. BILLS. Of course sugar and coffee also. Coffee is now cheaper; it would be 10 and 12 and 14 cents a pound.

Chairman WALSH. And how about the fish?

Mr. BILLS. Codfish?

Chairman WALSH. Yes, sir.

Mr. BILLS. Codfish is quoted from 10 or 11 to 13 cents a pound.

Chairman WALSH. All salt cod?

Mr. BILLS. Yes, sir; salt cod.

Chairman WALSH. Shipped in?

Mr. BILLS. Imported. The rice is practically all imported. The red beans are mostly imported.

Chairman WALSH. Red meat is not generally eaten by the laborer?

Mr. BILLS. They can not afford it.

Chairman WALSH. What is the price of meat there?

Mr. BILLS. I have nothing except this report, which is a year old.

Chairman WALSH. Would about 18 cents be right?

Mr. BILLS. Yes, sir; we get it at the American grocery store there at a higher price than it is sold in the native market.

Commissioner O'CONNELL. What do you pay for roast beef, for instance?

Mr. BILLS. I think roast beef—twenty some odd cents a pound.

Commissioner O'CONNELL. I assume that you have such things?

Mr. BILLS. Yes, sir; but I don't do the marketing.

Commissioner O'CONNELL. American beef?

Mr. BILLS. Yes, sir; at a few stores.[1] We have a system of public markets that are owned and run by the municipalities, and frequently they let out the right to sell meat to those merchants who will agree to sell it at the lowest price during the ensuing week.

Chairman WALSH. Who does that?

Mr. BILLS. The municipalities.

Chairman WALSH. Are the company stores maintained on the larger plantations?

Mr. BILLS. Company stores are maintained on the more inaccessible plantations.

Chairman WALSH. And are the employees required to patronize them?

Mr. BILLS. No, sir; except as they are required by the fact that they have no money to buy anywhere else.

Chairman WALSH. You heard the description of Mr. Iglesias that sounded rather familiar to me, and it occurred to me that perhaps he was describing it.

Mr. BILLS. The laborers of Porto Rico as a class, of course, there are many exceptions, live on credit for one week. They request their employer to make an arrangement, either by having a store themselves, or by making an arrange-

[1] Practically all of the beef sold on the island is native beef.—J. C. BILLS, Jr.

ment with some merchant so they can buy on credit for a week, and the employer guarantees the payment of their accounts.

Chairman WALSH. Do they charge more where on credit than where it is cash?

Mr. BILLS. I have found a few cases where they do, but in the last year our investigators have investigated two or three hundred stores, and I think without an exception there was nothing of that kind. Of course, there is the danger of that.

Chairman WALSH. You mean danger inherent in the system that they could overcharge them?

Mr. BILLS. Yes, sir; the workers are illiterate, and the books are kept in a very fragmentary way. I have investigated that question as carefully as I could. I found three cases during the past year where the employers issued pieces of metal or paper checks of some sort, which were redeemable at their store or at a store in which they had an arrangement. We did our best to get evidence for a trial and failed. In all these cases that system was changed. And they now sell simply by credit, kept on the books.

Chairman WALSH. Please give us a general idea of the consumption of alcoholic beverages by workers and of the influence of such consumption on family income? What sort of liquor do they drink and how general?

Mr. BILLS. It is chiefly a kind of rum made out of sugar molasses. There is quite a bit of alcohol consumed in the island, but I never have seen more than 8 or 10 drunken Porto Ricans.

Chairman WALSH. They are temperate people?

Mr. BILLS. You almost never see any drunkards.

Chairman WALSH. And you say they are a kindly and generous people?

Mr. BILLS. Extremely hospitable.

Chairman WALSH. And they appear to be intelligent people when opportunity affords? Do they take to education well?

Mr. BILLS. I think they do. Of course, there is a great deal of illiteracy in the island.

Chairman WALSH. Did you hear Mr. Martinez read his statement here this morning?

Mr. BILLS. I did.

Chairman WALSH. Are his conclusions as a general thing well founded?

Mr. BILLS. I don't remember them sufficiently to say.

Chairman WALSH. I thought maybe you would. Some of them were very striking, and I won't take time, at least not now, to go over them, but I thought maybe you could say in a general way, from your experience down there, whether his conclusions as a whole were sound?

Mr. BILLS. I really don't remember them sufficiently to say.

Chairman WALSH. Did the paper impress you, Mr. Bills?

Mr. BILLS. Very much.

Chairman WALSH. Was there anything in it that you would say was incorrect in his statement of conditions or conclusions or suggestions as to remedies?

Mr. BILLS. As he read his paper, my impression was that he had stated, as a general condition, many things which did not deserve to be called general though they might be true in individual cases.

Chairman WALSH. What, for instance?

Mr. BILLS. I don't remember.

Chairman WALSH. Please give us a general idea of the medical facilities for the urban population and the general health conditions existing there.

Mr. BILLS. The municipalities, all of them, maintain free dispensaries where medicines are given out. They, all of them, have hospitals, some of which are very inadequate. There are also private physicians. The director of sanitation stated, I believe, a year or so ago that there was 10,000 people who died there without medical facilities.

Chairman WALSH. Where was that?

Mr. BILLS. In Porto Rico.

Chairman WALSH. On the whole island?

Mr. BILLS. Yes; on the whole island.

Chairman WALSH. Ten thousand people out of the population of 1,000,000?

Mr. BILLS. Out of a population of a million and a quarter.

Chairman WALSH. Died without medical attention; in what year was that?

Mr. BILLS. During the preceding year—I am not sure of the year of which I am quoting.

Chairman WALSH. When was that stated—you say during the preceding year?

Mr. BILLS. It was stated, as I remember, about six months ago.

Chairman WALSH. That was last year, then?

Mr. BILLS. Yes.

Chairman WALSH. You heard the statement of Mr. Iglesias with reference to the contract that was made by the Free Federation, called the Fajardo Plantation?

Mr. BILLS. I did.

Chairman WALSH. What do you say about that situation? You have gone into that community into a great many places. I mean, as to how contracts were performed. Did you make some memoranda of some of this matter?

Mr. BILLS. I did, of a few things.

Chairman WALSH. Did it include that?

Mr. BILLS. Yes.

Chairman WALSH. I will wait a little later, and perhaps it will be a little more convenient and better for you and for the commission to make comment on those matters altogether, that you think are worthy of comment, and I am obliged to you for making it.

Is it your opinion that the diet of the average family in Porto Rico is sufficient to keep them in good working condition?

Mr. BILLS. I think the diet, so far as the nourishment included in it is concerned, is sufficient.

Chairman WALSH. How as to quantity?

Mr. BILLS. I think that, in a general way, they have sufficient quantity. I have put that question to a great many physicians who have worked among those people. As to variety, I should not think it was sufficient.

Commissioner O'CONNELL. There are fairly large families there in Porto Rico, are there not?

Mr. BILLS. The average in 1910 was 5.1, and the average among the agricultural laborers is probably one or two higher than that.

Commissioner O'CONNELL. Where do you get your deduction that you think they are fairly well fed? How is it possible on the wage they receive that an average family of more than five is fairly well fed?

Mr. BILLS. I am frank to say that my impression, when I first went to Porto Rico, and for months after I had been been there, was that the laboring masses of the island were very inadequately fed; but I have put that question to physicians who know much more about it than I do, and they almost universally say it is not so; that they are adequately fed as far as nourishment is concerned.

Chairman WALSH. I do not remember the date of that report of the department of labor; but you remember that Mr. Iglesias submitted it and I read it here, that his impression as a whole was that they were anemic?

Mr. BILLS. Yes, sir; as a result of the hookworm.

Chairman WALSH. They did not say it was the hookworm, but that it was a result of their being underfed.

Mr. BILLS. What was the date of that, Mr. Iglesias?

Mr. IGLESIAS. 1905. Mr. Bills also stated that in one of his reports.

Chairman WALSH. That they were underfed?

Mr. BILLS. That is what I stated in our first annual report.

Chairman WALSH. What year was that?

Mr. BILLS. 1912.

Chairman WALSH. 1912?

Mr. BILLS. Yes, sir; and my impression—the impression of a layman, I think, certainly would be that they are underfed; but I was simply deferring my opinion to that of the physicians, whom I thought knew more about it than I did.

Chairman WALSH. What was the date of that report where you say you think they are underfed; that was your first annual report?

Mr. BILLS. Yes.

Chairman WALSH. What year was that?

Mr. BILLS. December, 1912.

Chairman WALSH. When did you get this additional information from talking to physicians as to the cause?

Mr. BILLS. Since then.

Chairman WALSH. So you have changed your opinion about that?

Mr. BILLS. My opinion has been governed by the medical men with whom I have talked. My notion, as a layman, is that they are certainly inadequately fed.

Chairman WALSH. How many physicians did you talk to?

Mr. BILLS. I presume I talked to—I don't know how many—20 or 30, or more.

Chairman WALSH. Did you take down what they said about it?

Mr. BILLS. No.

Chairman WALSH. Did you talk to them as an officer, as an official, to put it in your statistics?

Mr. BILLS. That matter was always brought up in connection with other matters of information. I was talking with them to get information.

Chairman WALSH. Has the data been preserved in some sort of way? That is, as to who the physician was, and where and when he said it, and what opportunity he had for observation of the different classes of people; whether urban laborers or agricultural laborers?

Mr. BILLS. I can name one physician, whom I remember well, a Dr. Stevenson.

Chairman WALSH. My question was whether that data was preserved and put in statistical shape?

Mr. BILLS. No.

Commissioner O'CONNELL. It was verbal conversation?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And no notes?

Mr. BILLS. No.

Chairman WALSH. Who was Dr. Stevenson?

Mr. BILLS. An American physician practicing in a little country mountain town. How long he has been there I do not know.

Chairman WALSH. Is he a general practitioner?

Mr. BILLS. Yes. I had a long talk with him about the nourishment of the mountain peasants living through that section whom he knows very well.

Chairman WALSH. Any other physicians that you recall by name?

Mr. BILLS. I really have talked with so many physicians that I can not recall whether or not I talked with them about this particular thing.

Commissioner O'CONNELL. You got out among them, and you knew the people yourself generally?

Mr. BILLS. Yes; I have been, I think, in most every square mile of Porto Rico.

Commissioner O'CONNELL. You have been in the huts or dugouts where the people live?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And have seen them there and the things they have in their houses?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And haven't you formed some sort of practical idea as to whether these people get sufficient food?

Mr. BILLS. I intended to state my practical idea. I have been right there and have stayed with them, and my practical idea is that I could not live on what they live on.

Chairman WALSH. As they go at their meals do they act like they were hungry or that their appetites are not good? I do not want to suggest it to you, but there are a lot of ways I have of determining whether a person is hungry or not. Do they look hungry to you?

Mr. BILLS. The laborers who get the lowest wages eat what they call "peaches," a kind of banana, which they boil green, and which costs practically nothing. And I have seen such laborers eat a tremendous plate of those bananas and just a penny's worth of rice and beans. And they certainly seem to be good, husky, hungry laborers.

Chairman WALSH. Now, you may start on your own comments, please, Mr. Bills. While I have that in mind please give me briefly a little history of this Fajardo matter. Mr. Iglesias claims they finally got an agreement with that particular company; that they entered into a regular contract, and that no sooner was the contract entered into and signed up—and I believe the labor department took part in the conference—that within a day or two the employers went about among the ignorant and illiterate laborers and suggested to them that they change the contract almost at once, with a result that in three days the contract was broken, the employers claiming that these men who Mr. Iglesias claims they provoked into breaking the contract were not typical; and he has here statements of 500 of those laborers that they did not break the contract, but were glad to keep it; and then he produced a telegram of which he complains you wired them to put up with it and not try to have a strike about it.

Mr. BILLS. I would like to ask Mr. Iglesias if he has the Spanish telegram? I heard the translation. It was sent in Spanish, and I remember dictating that telegram to my stenographer, and it is not translated correctly into English.

Chairman WALSH. Have you the Spanish telegram, Mr. Iglesias?

Mr. IGLESIAS. I will look and see if I have it.

Mr. BILLS. The same thing is true of an English translation of an interview that went to the papers there which Mr. Iglesias introduced here.

Commissioner O'CONNELL. Did you speak Spanish before you went down there?

Mr. BILLS. I did not.

Commissioner O'CONNELL. Did you learn Spanish since you went down?

Mr. BILLS. I can convey my ideas and understand.

Chairman WALSH. Does your secretary send your telegrams?

Mr. BILLS. Yes; he does that.

Chairman WALSH. That is, he translates them into Spanish for you, or into English?

Mr. BILLS. Yes; into Spanish.

In regard to the Fajardo strike, as I remember, the bureau received a telegram from the union organizer—I think his name is Santos—requesting us to act.

Mr. Honoré, my assistant, went there. He was on a trip to Rio Grande and other places, and he went, according to what he told me, to Mr. Bird, the manager of the centrale, and also of the plantation, and requested him to meet the representatives of the strikers. Mr. Bird refused, saying he was perfectly willing to meet with his employees or those who had been his employees, but was not willing to meet with the cigar makers who knew nothing about his business, and the organizers of the strike were members of the free federation and practically all cigar makers; but, by some means, Mr. Honore persuaded Mr. Bird to meet Mr. Iglesias, and I think Mr. Iglesias said the conference lasted some hours, and, as I understand it, no agreement was reached, and, finally, Mr. Honoré suggested this sliding-scale plan, and that was signed.

Two or three days later Mr. Bird came to San Juan and complained that the laborers on the plantations refused to work, saying they were not represented by Mr. Iglesias, and refused to go back to work.

Mr. IGLESIAS. Have you any writing about the workingmen taking this course?

Mr. BILLS. I have not. I stated that was what Mr. Bird said.

Chairman WALSH. I will have to inform you, Mr. Iglesias, that we do not allow persons in the audience to ask questions.

Mr. BILLS. Mr. Honoré first went out to Fajardo to investigate and see if he could not settle it. I heard Mr. Iglesias say here that Mr. Honoré, with the management of the centrale, visited various sections. That complaint was made in Porto Rico, and I asked Mr. Honoré about it, and he said he offered to furnish a horse for the labor representative there, and I knew nothing more about it than that. Mr. Honoré came back and told me that both sides were violating the contract; that there were large sections where the laborers refused to go back to work and other large sections where although Mr. Bird himself did not know about it they were not paying wages according to that agreement. We took the matter up with Mr. Bird, and he informed the Government officially that he considered the contract broken because the laborers had not gone back to work.

Chairman WALSH. In your opinion, what do you think about that proposition? Did Mr. Bird or the men break it?

Mr. BILLS. I wish to add that about a month later I was through that section and stopped to talk with probably 10 groups of laborers along the road, and they were all being paid by the terms of that contract, and that was a week after the strike situation on the island had ended.

Mr. Bird's statement was that he was endeavoring to carry out the terms of that contract as far as he could.

Chairman WALSH. Did you tell Mr. Bird what you found, and did you say to him, "It looks to me as though these men wanted to carry out that contract"? Did you bring any influence to bear on him to do it, if possible?

Mr. BILLS. I certainly did.

Chairman WALSH. Just from your opinion, did you think the men, in bad faith, violated that contract?

Mr. BILLS. I do not think there was any bad faith anywhere.

Chairman WALSH. Did Mr. Bird violate it, do you think? Did he intend to violate it?

Mr. BILLS. No; I do not think he did; in fact, I am very emphatic that Mr. Bird would have carried it out.

Chairman WALSH. Is Mr. Bird an American?

Mr. BILLS. No; he is a Porto Rican. He is a man of very high standing in Porto Rico.

Chairman WALSH. Are you well acquainted with him?

Mr. BILLS. Yes.

Chairman WALSH. How many men has he working for him?

Mr. BILLS. I do not know.

Chairman WALSH. A very great number?

Mr. BILLS. He has the third largest centrale in the island. Mr. Bird has always been perfectly willing to show his pay rolls, etc., which, under the law, we can not compel.

Chairman WALSH. He is obliging.

Mr. BILLS. I will say that he has the best plantation houses of anyone I know of.

Chairman WALSH. Where is his residence?

Mr. BILLS. At Fajardo.

Chairman WALSH. Is that the name of the town?

Mr. BILLS. Yes. Now, that agreement, while perhaps scientific, was really complicated, and in fact the laborers told me later when I saw them that they were misformed as to the price of sugar by people who wanted to hurt Mr. Bird. They were told, "Sugar is now worth 7 or 8 cents," and they were not getting a corresponding wage, while the fact was that sugar was worth only 4 cents.

Chairman WALSH. So it was difficult to carry it out.

Now, we are just about to adjourn and have just a minute or two and you may explain about that Spanish telegram.

Mr. BILLS (translating the Spanish telegram). "Mr. Bird has notified the Government officially that the laborers have not complied with their part of the contract. He considered (not the bureau, but Mr. Bird) the contract null. I hope all differences can be arranged. Now, I really don't know the meaning of this word.

Mr. IGLESIAS. "Without strike;" "without requiring a strike."

Mr. BILLS. And considering the fact that there had been a strike and a settlement, I am sure labor leaders in this country would have gone personally to Mr. Bird to see if the new difficulty could not be arranged.

Now, this is an example of the sort of criticism which has been made—simply on the technicality of a word.

Chairman WALSH. Now, that you have translated that; was the translation given by Mr. Iglesias correct or incorrect?

Mr. BILLS. I think it was incorrect.

Chairman WALSH. In what respect?

Mr. BILLS. Because, as I remember it, it said or it indicated that Mr. Bird said that the laborers were not complying with their part of the contract, and therefore I considered the contract broken.

Chairman WALSH. At this point we will stand adjourned until 9.30 o'clock to-morrow morning.

(Accordingly, the commission adjourned on Wednesday, May 26, 1915, until 9.30 o'clock Thursday morning, May 27, 1915.)

WASHINGTON, D. C., *Thursday, May 27, 1915—9.30 a. m.*

Present: Chairman Walsh, Commissioners Weinstock and O'Connell.

Chairman WALSH. Mr. Bills, please. We will resume where we left off.

Mr. BILLS. I don't remember exactly——

Chairman WALSH. We were talking about the Fajardo business, and your last answer was that Mr. Bird notified—oh, yes; you just read that telegram or just translated it.

Mr. BILLS. I would like to add to what I said about the strike at Fajardo that two or three weeks after the strike was over, according to information gathered by the inspectors of the bureau of labor, the average daily wage of the 3,000 or more employees of Mr. Bird had increased from 60 cents a day to 72 cents a day.

Chairman WALSH. Was that the average daily wage of the day laborer?

Mr. BILLS. The adult male day laborer.

Chairman WALSH. Has Mr. Bird any factories or refineries?

Mr. BILLS. Not a refinery, but a factory where the cane is ground and reduced to raw sugar.

Chairman WALSH. What wages are included in that?

Mr. BILLS. Just the field labor.[1] And although Mr. Bird did inform the Government that he considered the contract broken, I believe that he has lived up to that contract in every case where the workers went back to work. I say this out of justice to Mr. Bird.

Chairman WALSH. Did they go back to work under the contract?

Mr. BILLS. No; but were paid under the contract.

Chairman WALSH. Is the contract still in force on Bird's plantation?

Mr. BILLS. I don't know whether Mr. Bird considers it in force or not.

Chairman WALSH. Is it in force?

Mr. BILLS. The laborers are being paid, as far as any information I have, according to the terms of that contract.

Chairman WALSH. All right, you may go ahead now with your own comments, Mr. Bills.

Mr. BILLS. In reviewing the questions that you gave me to answer, I am afraid that I have given very fragmentary answers, and I really hope the commission will consider these reports of the bureau of labor.

Chairman WALSH. Oh, we do. As far as I was concerned, our questions were touching the large topics from your viewpoint. You have the reports there and those reports will of course be deeply considered.

Mr. BILLS. What I meant to say was that my fragmentary answers might be unfair or untrue as generalizations, in some cases. Also Mr. Iglesias said yesterday that there was a change in the tone of our reports after the first special report. Now, I think that is true. There has been no change in the statement of facts. There has been a change in the expression of opinions. I mean by that, that I don't give opinions.

(See supplementary statement by Mr. Bills at end of his testimony, p. 11115.)

Chairman WALSH. You don't give opinions?

Mr. BILLS. I try not to.

Chairman WALSH. Why is it, have you gotten a different viewpoint, become more judicial?

Mr. BILLS. I was 26 years old when I went to Porto Rico, and I mention that to show that a later study of conditions there convinced me that my point of view was not entirely true. That is, the climate, the food that they have, and the customs fixed upon them through centuries must be considered.

Chairman WALSH. Shouldn't you consider the customs that have been fixed upon the others for centuries—the employer? Do you see more justification now, after men working for 30 cents a day, than before you went down there? You have been accustomed to the changed conditions and changed ideals, we may say.

Mr. BILLS. No; if I may continue, the customs must be considered in suggesting remedies. The mere doubling of wages in a majority of cases would not improve the standard of living.

Chairman WALSH. Why?

Mr. BILLS. Because the laborer would not work full time. This is a charge made by almost every employer in Porto Rico, and one that I did not believe in until I saw a hundred or more pay rolls, including the pay rolls in the Government service; but they proved to me that if the standard of living was fixed at $2 or $3 a week, and if the laborers received more than that, they didn't work one or two or three days each week. I don't say that is universally true, but generally true; that in order to increase wages we have to look at the same time to the raising of the standard of living. Slight increases undoubtedly could be made without having that result.

Chairman WALSH. Then what you would have in mind about increasing the wages is that it would be a bad thing for the laborer?

Mr. BILLS. No; I do not mean to say that.

Chairman WALSH. Really, I don't understand your viewpoint exactly about that. I don't get that exactly. Now, when you went down there you indicated that the laborer was getting 30 or 40 cents a day; that it rather shocked you?

Mr. BILLS. It did shock me.

Chairman WALSH. And after you were there for a while you found out they had the hookworm, or were shiftless, and if you gave them more money they would not work so much, and it didn't make any difference; that it would not be worth while giving it to them?

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[1] Factory laborers are generally skilled men and are paid double or treble the rates paid field workmen.—J. C. BILLS, Jr.

Mr. BILLS. I don't mean that.

Chairman WALSH. I don't want to put any words in your mouth, but I wish you would make that plainer.

Mr. BILLS. I don't think the laborers of Porto Rico are shiftless, but it is very difficult for any person to use profitably an increase in their income unless they know how to use that increase, and while the standards of living of the agricultural laborers have been on the $3-a-week basis, an increase does not mean that they will build any better houses or wear any better clothing. Their standard of living in their own community, their social position, is fixed.

Chairman WALSH. Their social position is fixed?

Mr. BILLS. In their own community. I think there is another reason for this, that during the idle season they are obliged to live, because there is no work, on such a low standard of living that during the other months and when business is good and they could earn a little more they have no incentive to do it, because their position in their own community is fixed.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions right there.

Commissioner WEINSTOCK. Some years ago, Mr. Bills, when I was at Manila, in talking with one of the commissioners, he said that in handling the affairs of the Government there was one very great problem, and that problem was how to get them to work. He said if they earned enough to keep them that day that they would knock off, and could not be induced to go back to work until they had consumed what they had earned. And he asked if I had not noticed this in my world-wide experience. And my answer was to raise the ambition of the natives and increase their wants, and in order to fill their increased wants they would work more continually. Is the condition at Porto Rico the same as the conditions in the Philippines?

Mr. BILLS. I think you have stated the condition as it is in Porto Rico, generally among the agricultural laborers, but that does not apply to the workers in the towns, who have acquired higher standards of living.

Commissioner WEINSTOCK. Who have greater ambitions?

Mr. BILLS. Yes, sir.

Commissioner WEINSTOCK. Then the science is to raise their ambitions and increase their wants, and instead of preaching the simple life that you ought to preach a complex life?

Mr. BILLS. Absolutely. I would like just a word on this report.

Chairman WALSH. I might just say a word in that connection. You do not find the Porto Rico laborer any different from what you find other laborers, than from what you find Col. Weinstock and myself?

Mr. BILLS. How do you mean?

Chairman WALSH. Does not that follow with all people who are loafing because they do not have to work in every community? Is not that true? It is kind of a natural thing, if things are coming easy for a man who has worked pretty hard to accumulate something, then he indulges in world-wide investigations of other men and has a good time generally. Is not that true?

Mr. BILLS. I think that is true.

Chairman WALSH. And is it not also a fact—you have made a study of this question—that there is not an exploited class of laborers in the world that they are not also condemned inferentially for being lazy or shiftless or bad or something else?

Mr. BILLS. I think that is true.

Chairman WALSH. The argument you make about these men in Porto Rico is the argument that we hear about the exploitation in lumber camps or any place else. It is the old story, isn't it, that if a fellow is exploited, he is also abused?

Mr. BILLS. It is the old story.

Commissioner WEINSTOCK. Not necessarily, if I may be permitted.

Chairman WALSH. Let me get the witness to say it, and maybe he will go back on you. [Laughter.] I want to clinch this down for you, Mr. Weinstock. It is the same old story. Here is a man getting 30 cents a day; it is an awful thing, you think; but after you look over the field awhile and you meet Mr. Bird and find out he is the very best employer in the island, that cuts a figure. It is kind of a justification of the employer, and it is rather a complex thing, and you look at it awhile, and then you find out they have the hookworm, or some doctor thinks they have the hookworm, and then you find out that if one of these men gets $2 and has it on hand he will lay off for a day

or two and go and have some fun home; so you begin to see—I am speaking generally; I do not mean you, you understand—that it would not make much difference to pay him more anyhow, and besides he has a social status—though, of course, some of us do not agree that anybody has a social status—and it is fixed by the centuries. It has made him bare-footed, with a straw hat on his head, and maybe in centuries he will grow out of that. All these things enter into the situation. Whenever there is such a class of laborers that is the situation. Is not that true economically, although that is like one of Brother Weinstock's questions. I ask myself a nice long question, and answer it. Go ahead, Mr. Bills. My answer is yes. [Laughter.]

Commissioner WEINSTOCK. Is it true, Mr. Bills, that that charge can be laid against the workers of all the rest of the world? Is it not true that that charge can not be laid, for example, against the Chinese coolies, who are thrifty and industrious at all times, and does not that hold also with the Japanese?

Chairman WALSH. Are the Chinese thrifty?

Commissioner WEINSTOCK. Absolutely, at all times.

Chairman WALSH. I understood they hit the pipe and loafed around.

Commissioner WEINSTOCK. But you do not get the real Chinaman here.

Chairman WALSH. You leave out those Chinamen on West Sixth Street in Kansas City! [Laughter.]

Commissioner WEINSTOCK. If you have studied the problem of Asiatic labor, as I take it you have, Mr. Bills, you will find the same charge that is made against the Filipinos is not made against the Chinese and is not made against the Japanese; that they are thrifty and industrious, no matter how much they earn they keep on working and do not lay off simply because they have enough to keep them for the next few days. Therefore I think the statement of our friend the chairman will not stand the test of analysis.

Chairman WALSH. And your answer is no. [Laughter.]

Commissioner O'CONNELL. Let me see if I can——

Chairman WALSH (interposing). Arbitrate this matter?

Commissioner O'CONNELL. Well, possibly.

What is the objection to these people if their wages were raised and they discovered that they did not need to work so much and could live by working only three days a week? That would not be the justification for keeping them under a reduced wage?

Mr. BILLS. I did not mean to justify the reduced wage.

Commissioner O'CONNELL. There is no law against these men learning to save a little and lay aside a few pennies for a rainy day, so called, and teaching them to save something.

Mr. BILLS. The fact is that they do not save anything. The fact is most of them do not save a thing.

Commissioner O'CONNELL. There is no reason why they should not be taught that that would be a good thing to do.

Mr. BILLS. I think that is what ought to be done.

Commissioner O'CONNELL. They should be taught to lay aside a few pennies, regardless of their absolute indifference to it now.

Mr. BILLS. Absolutely. I have stated many times that I believe they were not receiving a fair wage—not merely a living wage, but a fair wage, considering the work they perform. Of course, that is something very difficult to determine.

Commissioner O'CONNELL. Of course, a fair wage might be considered such there and not here. If a low wage be a wage upon which a family just exists, under our standard of living they do not live, they just exist; and if a standard wage was based upon the possibility of existing, China has us all beat 40 ways in the matter of living on a small wage, or existing, because a penny in wage in China is like a dollar in wage in the United States, and it is practically the same, to my mind, in the islands.

I want to get at a more serious aspect of this matter down there, to my mind. You, as I understand, under the law are authorized to report labor conditions in the island. That is, you make investigations of them and prepare reports to the governor. I am particularly interested in the charges that the police department interfere with public meetings, the breaking up of public meetings and the arresting of men or the shooting of people and all that, that has taken place down there. What has been your purpose or method of procedure? Do you make these investigations, and what recommendations do you make to the governor intervening your annual reports when you make them up? If a disturbance occurs some place and you make an investigation, do you imme-

diately report to the governor your findings in the situation and make recommendations about it?

Mr. BILLS. We do.

Commissioner O'CONNELL. As to whether, for instance, the police force have gone far beyond their authority and exercised rights they were not entitled to exercise and used means that were abusive; that were rather the cause of the disturbance than the preventative of it?

Mr. BILLS. We investigate particularly the causes of the disputes. The enforcement of the law of peace and order is not in any way under the bureau of labor, and the investigations regarding the excessive use of authority and things of that sort are made, I believe, always by the department of justice.

Commissioner O'CONNELL. If you went to this town where this strike occurred that Iglesias was speaking of, where there were men shot, and it was a labor disturbance, you would naturally investigate that as a labor disturbance or labor strike. If you, upon investigation, learned that the police force had done certain things, you would make that a part of your report and a part of your recommendation to the governor?

Mr. BILLS. We never have.

Commissioner O'CONNELL. Would it be in connection with the disturbance?

Mr. BILLS. The disturbance is a matter which we never have been requested to do anything with. It is simply a question of the disputes and what methods can be adopted for settling them.

Commissioner O'CONNELL. Does your office act in any way in the way of mediation and conciliation?

Mr. BILLS. That is exactly what we try to do. This last strike, as an illustration, started in Bayamon. The strikers called a meeting of the employers at the city hall on Sunday, and I attended. The meeting was very poorly conducted, and the employers were very angry because of insults they thought they had received. It took us a week of dealing with the larger employers before they were willing to meet in a conference called by the bureau of labor. Finally they agreed to make certain concessions, and a conference was called, and the matter was settled by an increase of 10 to 15 cents a day. That is always our procedure. We have no power to officially summon either side. We can only get a conference with the consent of both sides. We endeavor, before calling a conference, to find out what the real matters at issue are, to discuss those matters with both sides, to see what possible arrangements may be made, and then if they are willing we call the conference. In this last strike we obtained conferences, with the powerful assistance of the governor, acting directly on the employers in all the north coast places except one, and in some of the places on the southern coast. Our success, in other words, depends entirely, under the law, upon having the confidence of both sides. We have no power.

Commissioner O'CONNELL. If a strike occurred on the island, on which there would be a number of people involved, and out of that strike grow disturbances and riots and deaths, and your department made an investigation of the cause of the strike, and you would not interest yourselves in any phase of it except just the strike itself and the cause of the strike; you would not ascertain that the police or other authorities had gone beyond what you considered their legal rights, and had been a party to inciting riots, for instance, or a party to unnecessary shooting or killing of people; do I understand you to say that would not be a part of your duty?

Mr. BILLS. We never have been called upon to make any investigation of disturbances, but, of course, in investigating the cause——

Commissioner O'CONNELL (interposing). What do you mean by having been called upon? Does somebody have to call upon you to go to a place where there is a strike?

Mr. BILLS. No; I am misstating myself. Of course, in investigating the causes we endeavor to obtain information, because it is pertinent to the cause itself, regarding any disturbances, and, while we made no investigation in Vieques, because it was impossible to get anyone there, one of our representatives did go to Juncos, where there was trouble during the strike, and I believe interviewed the strikers who had been arrested and the police and others there, and, in fact, obtained a conference and settlement there after the disturbance occurred.

Commissioner O'CONNELL. Well, what I want to find out is whether you in your investigation as you went to Juncos, would report to the government that you found a certain situation there, either that the strikers were at fault, in your mind, in striking, or that there was interference on the part of the police department unnecessarily, and that there was no occasion for it, and their pres-

ence there or their actions in being there intensified the situation. Did you make any conclusions which you passed to the government, except as we find it in your annual report?

Mr. BILLS. Orally; but in the report about the cigar makers' strike there are no opinions of any sort, and in the report we are making on the sugar strike I do not think there will be any opinions.

Chairman WALSH. Please follow with any comment you have to make, because those larger questions about the police, etc., as far as Mr. Weinstock and myself are concerned, we will take the statement of Mr. Travieso. Any comment you desire to make on anything you may do so.

Mr. BILLS. There is a paragraph on page 83 of this report on the housing conditions, May 30, 1914, that I would like to go into the record, descriptive of the character, in the matter we have just been discussing, of the Porto Rican laborers [reads]:

"To say that these people (speaking of the inland laborers) are contented and prefer to live as they do is not true. Customs clinch themselves upon a people so that they appear contented, and these inland laborers have lived under the same conditions for three centuries. Their standards of living are modest and their desires few. In this sense they are contented. Yet there is a deep and powerful change coming over them. They are going to the cities in greater numbers than ever before; their children are attending the little schools in the hills. New ambitions are awakening. When the dull season comes they can not find work. There are times when many of them are hungry. They are not contented.

"That the Porto Rican laborer is of a cheerful disposition is especially true of the so-called jibaro (rustic). He has been obliged to find his joy in simple things. He greets you with a smile; he welcomes you to his house and cheerfully divides his cup of coffee with you; he dances with a show of gayety on a Sunday afternoon. He is ever cheerful but not happy. There may be some customs and prejudices of minor importance that he is loath to change, but in the main he prefers to live as he does because he is obliged so to live. Those who adhere to the laissez faire policy and believe that conditions are good enough as they are do not know the real heart of these people. They need and deserve and must ultimately receive the opportunity to improve their living and working conditions."

Chairman WALSH. That is what report?

Mr. BILLS. That is the report on the housing conditions of laborers in Porto Rico of May 30, 1914.

Chairman WALSH. When was that report made?

Mr. BILLS. It was completed a year ago this coming July or August. There are many pictures in here of typical housing conditions.

There were a number of things mentioned by Mr. Iglesias and Mr. Martinez which do not seem to me to be very important, but they have been placed in the record, and they are not true or are exaggerated statements.

Mr. Iglesias claimed that during the last agricultural strike, after the settlement at Fajardo, the bureau of Labor stopped its efforts to obtain settlement because a committee of the sugar employers went to see the governor at that time, but that is not so. There was a committee of sugar men who went to see the governor. I heard of it and went to the governor. When I got there the sugar men had left. The governor said they had protested against the action of our men as fomenting the strike, but the governor said to me to go right ahead, if we were sure we were acting properly as officials, in the same line of action we had been following. After that occasion a conference and settlement came at Juncos. Inspector Escalat was at Humacao. Mr. Iglesias was present, and a settlement was reached, although we had not called that conference. Also, at Guayania, Ponce, Arecibo, Anaaco, we were working constantly. After that conference, due largely to the statement of Mr. Iglesias and his leaders, that the Governor of Porto Rico was with the strikers and that the governor wanted the strikers to win, and things of that sort, the employers became so angry that they would not meet in any conferences, although we were in constant communication with the central offices in San Juan, and as soon as we got a chance to have a conference we had one, but it was almost impossible to get a conference after that time. It is true that after that time I called in one of our inspectors, because I received information from the police department that he was associating constantly on the street, arm in arm, with some of the leaders of the strike.

Chairman WALSH. Who was that?

Mr. BILLS. One of the inspectors. Mr. Barrera. He was in an official capacity to get the two sides together, and he should not have thrown his influence on the side of the strikers. That is all there is of truth in that statement.

Mr. Martinez mentioned the sanitary conditions, stating that they were bad. That is true, but there has been a greater improvement in the sanitary conditions in the last few years than it is possible to imagine. We have a board of health which can issue regulations with the force of law, and there has been a great amount of legislation placed upon the books for the improvement of the housing conditions and sanitary conditions in general. And while it is impossible to enforce that law in one week or in one year, yet in the case of many of the houses for the laborers and factories these sanitary regulations have been complied with. I mention that to show that the government of the island, which is largely under the control of the Porto Ricans themselves, has become active, wide-awake, and constructive in its attitude toward these problems.

Chairman WALSH. When was your law passed limiting the age of children that could work in agricultural pursuits; that 10-year limitation?

Mr. BILLS. March, 1913.

Chairman WALSH. Passed by the legislature?

Mr. BILLS. Yes; after creating the bureau of labor. The bureau of labor started with my arrival there.

Mr. Martinez also mentioned the question of immigration. He implied that the Federal law was not in force in Porto Rico. The Federal law is in force in Porto Rico as well as in the States. Our immigrants there are not many. We get from 200 to 250 immigrants each year from St. Thomas and St. Kitts, a few of these coming on to the States. These people are not a progressive or efficient or good element in the community, and while very few are coming in I believe it would be well if the Federal immigration law could be made to exclude those people. They live in one little section of Puerta de Tiena and do create competition with the native laborers there, and because they speak English they have some advantage over the natives, which I think is unfair. Aside from that, there is practically no immigration into Porto Rico.

Now, in regard to this woman and child-labor law. I tried to state yesterday that it was in force in the urban sections, in factories, and so forth. It can not be applied, as far as children are concerned, to agricultural work, but does apply to women, and we are enforcing that as much as possible.

Chairman WALSH. I want a reference to that law. Is it in one of your publications?

Mr. BILLS. It is in the back of the second annual report.

Chairman WALSH. I want to see particularly that clause that makes exception when the child is with its parents.

Mr. BILLS. That exception was an amendment passed shortly before the law went into effect.

Chairman WALSH. There is no child under that law allowed to work that is under 10 years, regardless of parents or guardians?

Mr. BILLS. No; and it seems to me that it should be born in mind that our women and children in agricultural work are included, while in the United States such laws do not apply to agricultural work.

We also have other labor laws providing regulations as to scaffolding, and so forth. There have been 30 prosecutions in the last year, and only two were lost. And under the child-labor law we had 8 or 9 prosecutions and lost only 2. And the Porto Rican Tobacco Co., which, it was claimed, controlled the island, was prosecuted three times and a penalty assessed against it each time, the penalty running between $25 and $100.

Chairman WALSH. How much did the total penalties amount to?

Mr. BILLS. Two hundred dollars—one for $25, one for $75, and one for $100. Those cases were appealed to the district court.

Chairman WALSH. And were the verdicts affirmed?

Mr. BILLS. Yes; the verdicts were affirmed and the money actually paid. All these laws are mentioned in our report.

There is a growing middle class in Porto Rico. Dr. Wile, in his report in 1905, says practically there is none. It is a small class, but a growing middle class, of merchants, artisans, and so forth. Also something was said by Mr. Martinez about the Porto Rican control of the upper house and the danger of that to the people of the island. The Porto Ricans have had control of the upper house simply at the last session of the legislature, and at that session a workman's compensation act, carefully drafted, was passed by the upper

house. It will speak for itself. A law providing for the sale of government land under very reasonable or nominal terms to laborers was passed. A law securing the payment of wages to laborers was passed, something similar to the Texas law requiring the payment of wages to railroad employees.

Chairman WALSH. Did I understand the workman's compensation act was passed by both houses?

Mr. BILLS. By the upper house.

Chairman WALSH. Your legislature convenes when—biennial sessions?

Mr. BILLS. Annual sessions.

Chairman WALSH. Is there a limitation on the length of time to which the legislature remains in session?

Mr. BILLS. Sixty days.

Chairman WALSH. Sixty days?

Mr. BILLS. And there was also a bill passed, an amendment to the woman-and-child-labor law, under which we could more adequately enforce that law. Three of them were new legislative enactments, and the other was an amendment to the woman-and-child-labor law. Only one of them passed the lower house. But to claim that Porto Rican control of the upper house is a detriment to labor I don't think is entirely fair.

Chairman WALSH. Please explain briefly how the upper house is chosen.

Mr. BILLS. They are appointed by the President of the United States, by and with the consent of the Senate of the United States.

Chairman WALSH. How many members?

Mr. BILLS. Eleven, seven of whom are Porto Ricans.

Commissioner O'CONNELL. The mere fact that the upper house passed some legislation would not indicate that they were favorable to labor in that legislation. We have some cases here where for many years the Senate was known to be hostile to labor, yet legislation was passed in the Senate when it was well known that it could not go through the House.

Mr. BILLS. There was no reason to think that the lower house would not pass it.

Chairman WALSH. They were apparently in good faith about it?

Mr. BILLS. They were apparently in good faith, and I had talked with a majority of the members of the lower house.

Commissioner O'CONNELL. Why did it not go through the lower house?

Mr. BILLS. One reason was that Mr. Iglesias got up on the platform at San Juan and delivered a speech, which was considered very critical and insulting to the lower house. A Porto Rican gentleman would not say those things of another and he does not expect anybody to say them of him.

Chairman WALSH. A Porto Rican gentleman would not say what things?

Mr. BILLS. What he said, insulting things, such as those stated by Mr. Iglesias from the platform. I don't mean to infer——

Chairman WALSH (interrupting). Mr. Martinez said——

Mr. BILLS. I don't mean to infer——

Chairman WALSH. You mean what you might call the upper class?

Mr. BILLS. No; I don't mean that.

Chairman WALSH. I don't understand exactly what you mean. What do you mean by saying a Porto Rican gentleman would not say anything that was insulting?

Mr. BILLS. He would not have expressed himself in that way. I don't remember the phraseology of Mr. Iglesias, but he would not have expressed himself in the way that Mr. Iglesias did.

Commissioner O'CONNELL. Probably use other language that meant the same thing?

Mr. BILLS. He might have used other language that meant the same thing. A year before, or two years before, there came out an article in the labor press criticizing the lower house, and the animosity aroused in the lower house by such speeches and articles which it seemed to me were very inopportune developed a great deal of opposition to labor legislation.

Chairman WALSH. You think he was acting in too much haste about changing the conditions?

Mr. BILLS. Yes, sir; I think so.

Chairman WALSH. And spoke too forcibly about it?

Mr. BILLS. Yes, sir.

Commissioner WEINSTOCK. Might not this construction be put upon it, Mr. Bills, that the members of the lower house would permit their personal feeling to influence them more than the spirit of statesmanship; that is, as to acts of resentment toward what you say was regarded as offensive statements on the

part of the other witness, the members of the lower house in resentment simply turned down legislation?

Mr. BILLS. I am sure that that feeling influenced many members of the lower house who had no particular interest in this legislation; who we had worked with to arouse their interest. It was not a matter of personal opposition to the legislation because of their own private interests. Of course, they were not very vitally interested in it, or they would have passed it in spite of everything.

Commissioner WEINSTOCK. Well, then, the preceding witness, I can not think of the names——

Chairman WALSH. Iglesias.

Commissioner WEINSTOCK. Iglesias; is that the gentleman that made the speech?

Mr. BILLS. Yes, sir; he was the gentleman that made the speech.

Commissioner WEINSTOCK. In place of helping his cause then by his utterances antagonistic to the members he defeated his end?

Mr. BILLS. I feel frank in speaking of these things here, because I have talked of them with Mr. Iglesias and also with Mr. Gompers. I think he has by expressions of his own views at inopportune times, and I don't wish to say incorrectly, because he perhaps does generally speak the truth, but in effect defeated, or helped to defeat, the very cause for which he is working. And I mention it here simply because I think it throws some light upon the charge he has made against the government at this time.

Mr. Martinez also mentioned an investigation by this commission, or some commission of the United States Congress, of labor conditions in Porto Rico. I would like to add my word of request to that of Mr. Martinez. I think that if an investigation were made there the investigators going on horseback through the interior sections of the island, going into the huts, talking with the people, finding out their standards and customs, etc., that it would do a great deal of good. I have endeavored to arouse interest in the States in my small way regarding the conditions in Porto Rico. A couple of days ago I went over and talked with Secretary Wilson, endeavoring to get him to send an investigator there to make a report. He did not say whether they would or not, but I hope they will, because they can reach the American people where we can not. It is not merely for the laborers in the island, but for everybody in the island. We should have our conditions known here in the States, because our future is in the hands of the United States Congress, and we can not get favorable legislation, which the business people deserve and the laboring interests need, until there is some public interest in these matters in the United States.

(See supplementary statement by Mr. Bills at end of his testimony.)

Mr. Martinez or Mr. Iglesias stated that Federal laws do not apply to Porto Rico. Of course they do all apply to Porto Rico, except those that are, because of their nature, inapplicable. The Federal workmen's compensation act of 1913 applies only to interstate commerce and the District of Columbia, and did not, unfortunately, apply to Porto Rico.

Commissioner O'CONNELL. There has never been any congressional investigation in the island?

Mr. BILLS. I think not.

Commissioner O'CONNELL. There has been individual congressional investigation; Members of Congress have been there and made personal investigations, but never by direction of Congress?

Mr. BILLS. I think not. There was an investigation made by a commissioner, Mr. Carroll, I think it was, shortly after the island was taken over.

Commissioner O'CONNELL. Yes, sir; he was a representative of the department.

Mr. BILLS. And there have been two reports made by the department of labor. Mr. Iglesias made some charges against the police and governor, and so forth. He probably has the facts better than I have.

Chairman WALSH. I would suggest, in order to shorten things up, Mr. Weinstock made several suggestions that he would like to inquire about, and if it is satisfactory to you we will let Mr. Travieso go on the stand now, and you retain anything that you might want to say bout these things.

Mr. BILLS. There are two or three things I would like to mention, omitting the general charges against the police, and so forth. Mr. Iglesias read a couple of sentences from our second annual report, stating the position of the bureau of labor, without reading the parts before or after. He has printed them once or twice in Porto Rico, as showing the attitude of the bureau of labor. I would like to have that whole paragraph marked in that report on page 9 inserted.

Chairman WALSH. While Mr. Travieso is on the stand you might mark that, and then come on and read the whole paragraph, whatever it is, and then show us, if you will, the changed conclusion that should be drawn from it. I don't want to hurry you off if you have any other matters. I believe you said you had one or two?

Mr. BILLS. Why, yes. Mr. Iglesias introduced a telegram from some laborer, which stated that Mr. Honore was defending a seduction case, I think, in the town of Mayagnez. I know nothing about that case, but that telegram by itself is unfair to Mr. Honore. A man who started in at the very bottom as a carpenter, and became a contractor, and worked nights, and entered the Federal civil service, and worked his way up in the post office at Mayagnez until he was next to the chief, and studied at nights——

Chairman WALSH. What was that charge, I wish you would bring it back to my mind?

Mr. BILLS. It was simply a telegram to him from some one, stating that Mr. Honore was defending a seduction case.

Chairman WALSH. Yes; I remember it now.

Mr. BILLS. And who by studying law at nights finally entered the bar in Porto Rico, and who has never used any of his official time in private practice, and, in fact, I know has never taken any case which in any way conflicted with his official duties. It seemed to me that that telegram in itself was unfair.

Chairman WALSH. Mr. Honore, is he permitted to practice private law?

Mr. BILLS. There is no objection to it under the law, and in these cases he has gone before the court he has taken a vacation. It is better for the bureau of labor for him to take a day or two off now and then, than to take a month off solid.

Chairman WALSH. Does he attend to much private practice?

Mr. BILLS. I think he has had a half a dozen cases in the last year.

Chairman WALSH. And instead of taking his vacation when he gets these cases, he gets a furlough?

Mr. BILLS. Yes, sir; 10 or 12 days vacation, a day at a time.

Chairman WALSH. And what is the government regulations; how many days a year does he get?

Mr. BILLS. Thirty days, not counting holidays and Sundays.

Chairman WALSH. And instead of taking his vacation he goes and tries the case?

Mr. BILLS. He goes and tries the case. Mr. Iglesias also mentioned a statement in our bulletin on the housing conditions, in which I said that the landless man was not a good citizen. The context was not given, but what I wrote was that a man not owning land did not have the incentives to good citizenship that the man had that did own land, and that the government should establish conditions so that the laborers could own some land.

It was also said that the prisons and penitentiaries were full of poor men, that no rich men were in them. Within the last year Mateo Figardo, one of the wealthiest men there, has been convicted of violation of the internal-revenue law and sentenced to 10 months in jail. One of the leading merchants of San Juan——

Commissioner O'CONNELL. He has not been put in jail or the penitentiary?

Mr. BILLS. I think he is on bond now.

Commissioner O'CONNELL. He has not been locked up?

Mr. BILLS. I don't think so. One of our leading merchants of San Juan was convicted of selling lottery tickets, and his case is before the United States Supreme Court, and in the last month a member of the pharmacy board, one of the influential citizens of the island, has been convicted of bribery.

Commissioner O'CONNELL. But Mr. Iglesias said the jails were filled with poor people. You are citing cases where people were found guilty of crime, but are any of them in jail doing time?

Mr. BILLS. I have no doubt there are many in jail doing time. That, I don't know about; but I want to refute the inference that the department of justice is in favor of the rich and against the poor. I believe that is all, Mr. Chairman.

Chairman WALSH. All right.

The following notes were subsequently submitted by Mr. Bills and refer to his testimony on the pages indicated:

NOTE TO PAGE 11106.

I should have added that our policy has been to publish the facts, concretely and in detail, and to leave the reader to form his own opinions. It is my experience that this method is usually more effective in bettering conditions than the expression of personal opinions which, while generally true, may not be true of particular instances and so tend to arouse opposition among persons who have been unjustly included in such opinions. The statistical work of a bureau of labor should, I believe, serve two purposes—first, to show the need of specific legislation to the members of the legislature and furnish them with data for the drafting of such legislation and, second, to educate employers and the public in general regarding actual conditions and suggest nonlegislative, as well as legislative, method of improving them. The personal opinions of the chief of a bureau of labor are not as effective in the accomplishment of these results as the frank and accurate statement of facts. My above answer is not, however, entirely true. The reader of any of our reports will find many expressions of opinion, but I have endeavored to support them by proof and to qualify them so that they would constitute real evidence of labor conditions and not be merely expressions of personal opinion. This is, I believe, the change to which Mr. Iglesias refers and I have made it intentionally.

There is no one in a position of authority in Porto Rico who has ever tried to conceal or minimize actual conditions, be they social, political, economic, or industrial. On the contrary, it is the hope of the people of the island that the United States Government will pay more attention to its conditions and so realize the necessity of remedying some of the urgent needs. The problem is to awaken interest in Congress so that legislation may be enacted which, under the present law, our local legislature can not pass. It is for this reason that I urge an investigation. But by investigation I do not mean a mere superficial study or a biased effort to prove predetermined beliefs. To be of any real service to the people of Porto Rico such investigation must be broad and thorough. It must include business, commercial, and political problems, as well as labor conditions. Climate, race, and custom must also be considered, and outside investigators can only appreciate their significance after close, personal contact with them. Certainly no social or labor legislation will be effective which can not be adapted to fundamental local conditions.

TESTIMONY OF MR. M. TRAVIESO.

Chairman WALSH. Your name, please.
Mr. TRAVIESO. M. Travieso, jr.
Chairman WALSH. And where do you reside, please?
Mr. TRAVIESO. I reside at San Juan, P. R.
Chairman WALSH. Are yau a native of Porto Rico?
Mr. TRAVIESO. I was born in Porto Rico.
Chairman WALSH. And what is your business or profession?
Mr. TRAVIESO. My profession is that of attorney at law.
Chairman WALSH. Were you educated in Porto Rico or in this country?
Mr. TRAVIESO. At Cornell University, State of New York.
Chairman WALSH. And your present profession with the Government is what?
Mr. TRAVIESO. It is secretary of the island.
Chairman WALSH. And your appointment comes from where?
Mr. TRAVIESO. From the President of the United States.
Chairman WALSH. It is a direct appointment?
Mr. TRAVIESO. Direct appointment by the President.
Chairman WALSH. And your duties generally?
Mr. TRAVIESO. My duties are similar duties to that of a secretary of state of any of the States of the Union, and besides the duty of acting as governor of the island in the absence of the governor.
Chairman WALSH. And you were requested to come here, on a request we made to the government to have some one representing the government in Porto Rico at this hearing?
Mr. TRAVIESO. Yes, sir.
Chairman WALSH. Now, I have been told by Mr. Channery that you had made some notes of matters that transpired here, and that you are in a position to make a statement, which you desire to do without questioning?
Mr. TRAVIESO. Yes, sir.

Chairman WALSH. We would be very glad to have it, Mr. Travieso.

Mr. TRAVIESO. Mr. Chairman, before I take up several matters presented by Mr. Iglesias and Mr. Martinez, I want to make a general statement in regard to the general conditions of the island of Porto Rico. There are several facts which have not been brought to the attention of this commission, and which I believe will help the commission in forming an opinion as to the conditions in general in the island.

Several questions were submitted to me in writing by Mr. Channery, and the first one is this, to give a brief outline of the Porto Rican people by nationality, industries, and mental development. The commission well knows the people of Porto Rico. The natives are of Spanish descent, of Spanish origin. The majority of the population is of that origin, and with the exception of a portion of the population, which is of full negro blood of African descent. The principal industries in the island are the manufacture of sugar, of coffee, and tobacco. Those are the only ones, and for the last few years we have had much of fruit industry. The country, as has been stated, is mainly an agricultural country. The factories that we have are such that are necessary in the preparation of the product for market and the shipping to the market of the fruit.

The mental development of the people of the island is what is stated here, and I agree with every statement made by Mr. Martinez, as far as this point is concerned, that we for 400 years were under the Spanish Government, with nothing of public-school facilities or opportunity to improve our people mentally.

The result or at least the cause for the present condition is the ignorance of our masses, of our people. The man up in the mountain, the group-up man—I believe there is absolutely no hope for him as far as his mental condition is concerned. He does not know how to read or write, and probably has little notion about right and wrong, and nothing can be done as far as his education is concerned for him. He is not in a position to go to school and begin with his a, b, c's; he is too old for that, and our work is being concentrated and our hope of the future is in the children. I will explain later what the Government and everybody in the island, employers and employees, and everybody else, is doing for those children.

During the last 16 years—and I wish to refer to this point in the last report of the governor for 1914. As stated by Mr. Iglesias, the budget in 1898 was the year of American occupation, for educational purposes was but $60,000. I will refer to 372 of the report of the governor of Porto Rico, table 3, which gives the growth of the school system by years. The total appropriation for the year 1898–99, which was the first year under American occupation—and that was the first opportunity our people had of providing for education and we went as far as we could along that line, and from a total of about $60,000 under the Spanish Government our budget at once made big progress along that line, and we appropriated $279,216 for education.

Chairman WALSH. That is the next year?

Mr. TRAVIESO. That is the first year of the American occupation. We have always realized from the very beginning—and in fact we realized it before, but we had not the means in our hands for accomplishing it—that the solution of the Porto Rico problem, whether you look at it from the point of labor or from the social standpoint or from the political standpoint, is education. If we educate our man in the country, he will get a better wage, he will be a better worker, and he will have to get a better wage. His work will be much better, and if he progresses along that line he will progress also as far as wages are concerned.

Our budget kept increasing steadily from year to year up to the year 1912–13, when our total appropriation—that is, our insular revenues—was $1,902,711.68. In the year 1913–14 our appropriation was increased considerably, about 50 per cent, and we appropriated that year $2,745,740, which, together with the appropriations made by the school boards, brought the total figure over $3,000,000.

Commissioner WEINSTOCK. Was that the last year of Spanish rule?

Mr. TRAVIESO. I refer to 1913–14.

Commissioner WEINSTOCK. What was the last year of Spanish rule, and what was the appropriation made during that year?

Mr. TRAVIESO. About $60,000.

Commissioner WEINSTOCK. Then it has increased about five times—no; much more than that.

Mr. TRAVIESO. Oh, yes; 50 times. I refer at this time to a complaint or grievance presented by Mr. Iglesias. Mr. Iglesias complains that the legislature at the last session or during the last year made a cut of $700,000 in the appropriation for education. He naturally wants to blame somebody, the government or the legislature, for doing it. I think it is my duty to explain to this commission the reasons for that little reduction.

In the first place, this large appropriation of $2,745,000 was made during the most prosperous year on the island of Porto Rico, when sugar was being sold at an unusually enormous price. The island was prosperous, the taxpayers were paying taxes without complaint, the customs revenues of the island, which, as you know, go into the insular treasury, were increased by the importation of much machinery, and it was a year of great activity in the island. Naturally everybody was pleased, and there was during the administration of Gov. Colton, to whom Mr. Iglesias refers as a very good governor—and I agree with him; no one can make any complaint about his administration. But we must consider the fact that he was handling the ship when the sea was quiet. Everybody was prosperous and naturally no complaint would be made. The wage earners were getting better wages than ever before. The sugar planters were making money and everybody there was paying taxes, and the legislature took advantage of that opportunity to appropriate, as far as it could go, $2,700,000 for education. But the prosperity did not last very long, and the tariff bill was presented in Congress for the reduction of the tariff. One of the provisions was a reduction on sugar for three years or two years, up to March, 1916. Next year, if nothing happens between now and then, sugar will be placed on the free list. Immediately that caused a financial panic in the island. The centrales, the corporations that own those sugar mills, are heavily indebted. Most of those mills were erected with machinery purchased on credit to be paid for in installments. The lands were also bought on credit and have mortgages on them. They had to bond all this property in order to raise funds for operating the mills.

When the threat of the reduction of tariff came and this panic ensued as a result of that, naturally everybody began to retrench in their expenses, and one of the necessary reductions was in the wages paid to the laborers. The laborers willingly submitted to a proportion of reduction in their wages, and there was a reduction in the activities of the island. The insular revenues have decreased ever since this tariff act went into effect to the amount of $370,000 or about that sum over the previous year, so in only one item of our income the customs revenues were reduced $350,000 by virtue of the tariff, Our sugar industry has been threatened with destruction by the tariff. Everybody agrees in the island—and it is a fact which this commission must bear in mind, and I hope the commission will give to the matter its due consideration—that this is the fact.

Mr. Iglesias has presented a pamphlet which I helped prepare and to which my name is attached. I was a member of that commission before Congress to oppose the passage of the free-sugar provision, and that pamphlet contains very good and complete information about our social conditions and our political conditions and everything, and the reasons why the free-sugar provision should not go into effect as far as Porto Rico is concerned. It will ruin our industry. I agree with Mr. Iglesias and Mr. Martinez that the condition of our labor is a disgrace to Porto Rico. I do not hesitate to call it a disgrace. I do not believe it is due to any intentional fault on the part of the employers. It is certainly not due to any negligence or failure to perform any duty on the part of the Government. It is simply, as I said before, the result of the work of centuries of ignorance of our people and, another point to which reference has not been made, to the excess of population which we have on the island.

Porto Rico has an area of 3,600 square miles and has a population of 1,200,000 inhabitants.

Commissioner WEINSTOCK. What is the area?

Mr. TRAVIESO. Three thousand six hundred square miles.

Commissioner WEINSTOCK. How does it compare in size with any of our American States?

Mr. TRAVIESO. I think it is about the size of the State of Connecticut.

Commissioner WEINSTOCK. It has a population of how much?

Mr. TRAVIESO. One million two hundred thousand. It must be 1,250,000 by this time. If you divide the number of inhabitants by the number of square

miles, you have an average population of 334 inhabitants to every square mile.

Commissioner WEINSTOCK. That is a greater density than that of Connecticut, is it not?

Mr. TRAVIESO. I believe that Porto Rico is the second or third, taking it as a country. Taking it as a country, I think it is third in the world in density of population.

Commissioner WEINSTOCK. Is the density greater or lesser than Belgium?

Mr. TRAVIESO. It is a little less, but it is either second or third to Belgium. The result of this is that, owing to this density of population, to the lack of factories and of industries and manufacturers in the island, the whole population of practically about 800,000 men in the whole island that do not own property, who are not landowners, have to make their living by working for somebody else. They have to be wage earners. Therefore, the supply of labor that we have in the island is greatly in excess of the amount of work to be done. That is the reason why there must be certainly unemployed people in the island.

Another fact that must be brought to the attention of the commission is this: Our crops naturally occur once a year. As to the coffee, as stated by Mr. Bills, the picking season is from about the middle of September to the beginning of January; that is about three and one-half months of the coffee crop. At that time there is great demand for hands. Sometimes even coffee is lost for lack of hands to pick it. But that lasts only about three and one-half months. At that time the men and women and children and anybody who is able to work go to the plantations and pick the coffee, and they make money. I have myself seen families—my father owns a coffee plantation, and I know more about coffee than sugar for that reason—and I have myself paid to a family of a man and wife and two or three children as much as fifteen or eighteen dollars a week for picking coffee. A good picker, a man who is an expert, ought himself, without the help of anybody, to pick five or six hundred pounds a day, and with the help of his family naturally he gets a much larger amount. When the coffee season is closed the women and children do not work. The work is left only for the men then. If during the coffee-picking season you have to employ, say, 200 men, women, and children, the rest of the year all you have to do is to prune the trees and clean the land and keep it in condition for the next crop, and that work you can do, perhaps, by employing a force of 15 or 20 men. They go from one place on the plantation to the other. The rest of the people have to go somewhere else to get a living. They go down to the flatlands, down to the seashore where the cane grows. That increases the supply of labor in the cane lands.

I know it is a fact in a good many cases that the employers prefer to employ a greater number of men than that and to pay them a lower wage so they all may have an opportunity to earn something and, anyway, get enough to live, so they will not starve. They employ a greater number of men than needed rather than employ a smaller force of men at a higher wage. I know of cases where the men in the plantation have been called in, and it had happened on my father's plantation, and that situation put before them. The situation is this, so far as coffee is concerned: We lost our European markets. During the Spanish Government all our coffee was sold in Europe—in France and as far as Russia and Italy. That market was closed by the application to our products—by treating our products as American products. The protective tariff of the United States, which does not protect us, as far as the articles that we need are concerned, operated against us as far as our exportation was concerned, and our coffee was considered as an American product and treated accordingly. Therefore, the duties having gone up, the price has come down, from as high as 32 and 35 pesos of Spanish money that we sold coffee for prior to the American occupation, down as low as $8 or $9.

Commissioner WEINSTOCK. That is not a fair comparison—between 35 pesos and $8?

Mr. TRAVIESO. I will give the reduction from pesos to dollars. A peso was equivalent to 60 cents American gold, so that 35 pesos would be about $21. This year it has been sold at $11 or $12.

Commissioner WEINSTOCK. At what rate can you raise coffee profitably?

Mr. TRAVIESO. It costs between seven and a half and eight dollars a hundred pounds to produce it ready for the market. That is the reason the coffee growers are not making money. During the coffee-picking season they have to pay the usual price, and people make money, but the rest of the year the

plantation is not producing enough to justify the usual expenditure of money in improving. People are simply holding on to what they have, waiting for better prices.

Commissioner WEINSTOCK. Are wages higher or lower than when you were getting 25 pesos per hundred pounds?

Mr. TRAVIESO. You can see these wages are about the same, and have been about the same all the time, with very slight variation. What has changed is the number of men employed. They do not employ so many men because they can not afford to improve the plantation. They do not get their money back if they put it into the land. The wages are lower because they are employing more men than they need in order to keep them alive. I know in the case of my own father he has been losing money because the plantation is making nothing. His profession is that of physician, and he can live without the plantation, yet he realizes the situation, and he has there 15 or 20 farmers living on the plantation. They have houses built for them, and they have a piece of land to cultivate if they want to. He called these people to him and said, "I can not give work to every one of you at the wage you have been getting during the good years. I know all of you have to live, and I will agree to pay you as a wage enough to keep you alive; or you can work one day and the other man can work the next day at the full wage." In that way they are all getting enough to live; they are not starving or going hungry, and naturally are getting wages lower than a man should get.

No one denies that the men in Porto Rico, as a general rule, the agricultural hands, are underpaid. There is no one who denies that, even the planters themselves, and the question is whether under existing conditions they can afford to do better.

Now, I have taken too long, but I think I ought to explain those facts so that the testimony of Mr. Iglesias may be taken together with this explanation.

Chairman WALSH. You made it very clear, I think.

Mr. TRAVIESO. The school facilities of Porto Rico—not to make my testimony too long I am going to leave with the commission for reference a volume containing the report of the Governor of Porto Rico for 1914, which contains as an appendix the reports of all of the heads of the departments of the island, and the report of the commissioner of education is very clear and specific about the number of children going to school.

The total enrollment of the children for years of 1913 and 1914, which is the last report I have, was 207,010 in all of the schools of the island. The number of children in the rural schools was 109,524, and in the urban or city schools the enrollment was 70,954.

Now, we realize, and always have, that the most of our appropriation for education should be spent in the rural schools. We want to put our money to the best use we can by furthering the advantages for education in the lower schools. And even this last year, when we were compelled to reduce our budget because our revenues had decreased and the condition of the island did not justify the appropriation of more money, we had to cut it about $700,000 as compared with the previous budget; but we made a resolution in the legislature and insisted all the way through—I was a member of the conference committee of the budget as finally passed by the legislature, and we decided we would sacrifice anything, from the university down to the high schools or any other active educational department, rather than close a single rural school, and we carried that program through; and I can show this commission that not a single rural school was opened in the year of the greatest prosperity of the island which is not closed when conditions have changed; they are all still open.

Chairman WALSH. Where did the cut fall?

Mr. TRAVIESO. We cut from the university.

Chairman WALSH. How much from the university?

Mr. TRAVIESO. I think the cut from the university was $80,000 from the total appropriation.

Chairman WALSH. Where did the next cut fall?

Mr. TRAVIESO. We cut from what we considered somewhat of a luxury, and that was the domestic science school.

Chairman WALSH. How much of a cut fell on the domestic science department?

Mr. TRAVIESO. I could not give you exact figures on that from my memory, but I can assure the commission——

Chairman WALSH. If you can do it, I wish you would analyze that, so we might have it when we come to make a report—just where the cut fell in practical operation.

Mr. TRAVIESO. I do not know whether I can from the data we have at hand, because all this happened last January, and I do not think I have any report, but I can get the facts for the commission.

Chairman WALSH. Will you attempt to do so before the 1st of July?

Mr. TRAVIESO. Yes. I can get the exact figures and submit them to the commission.

(See Traviesо Exhibit No. 1 at end of this subject.)

Chairman WALSH. Could you say from recollection whether or not the cut resulted in the closing of any of these schools entirely?

Mr. TRAVIESO. No schools have been closed except those I have mentioned.

Chairman WALSH. And your machinery is all still there?

Mr. TRAVIESO. What is that?

Chairman WALSH. Your machinery is all there for carrying on education?

Mr. TRAVIESO. Yes; we simply have closed some of the shops for lack of men to run them. It has not been due to the desire on the part of anybody to curtail our educational department; if we had more money, we would get the vote of every man in the island to put it back in education. The percentage of our expense for education has been almost steadily about 30 or 33 per cent; one-third of our total appropriation has gone to education. The budget for this year is three million—the total budget of the island is $3,600,000, and about one million and a quarter is appropriated by the legislature for education; that is, without the appropriation of the school boards.

Chairman WALSH. What was your total budget last year for all purposes?

Mr. TRAVIESO. Our total budget for last year for all purposes was about $4,000,000; a little over four million, perhaps two or three hundred thousand more.

Chairman WALSH. Compared with what—this year?

Mr. TRAVIESO. Three million six hundred thousand dollars.

Chairman WALSH. A falling off of about $500,000?

Mr. TRAVIESO. Yes, sir; a falling off of about $500,000. We simply could not go any higher. I might say in passing that high budget I read, the highest in our history, when we appropriated $3,000,000 for education, the entire budget was $7,000,000 for the whole island, nearly twice the amount usually appropriated. We all went crazy and appropriated money, not blaming anybody, and we did that from our desire to appropriate as much as possible for education. We had money, and the best use we could put it to was to appropriate it for schools, which we did. The following years we found we could not repeat the performance, and we had to come back to the ordinary circumstances and cut it several hundred thousand dollars, as stated by Mr. Iglesias.

Chairman WALSH. Which was the high year on school appropriations? Has it been uniform in progress or was it higher, say, for the years 1913 and 1914?

Mr. TRAVIESO. Yes; we almost doubled the appropriation that year.

Now, the general status of the laboring population and the attitude of the legislative bodies toward labor legislation. The legislative history of Porto Rico in regard to labor legislation really begins with the year 1902, when the first laborers' liability act was passed in the island. That statute, its main feature, and the only one worth mentioning here, was the one that limited the right of the employee in the case of injury to recover. He could sue his employer for any amount not exceeding $2,000 in case of personal injury, and in case of death his family was entitled to sue the employer for any amount not to exceed $3,000. That law was enforced until the year 1912, I think, or 1913, when I introduced a bill into the legislature to repeal that section of the law where it limited the right of the employee, so far as the amount was concerned. The bill passed both houses, and it became a law, placing the employee upon the same footing as any other citizen, as far as his personal right to recover damages was concerned.

Chairman WALSH. It repealed the limitations of the former law?

Mr. TRAVIESO. Yes.

Chairman WALSH. In case of both death and of injury?

Mr. TRAVIESO. Yes; so that the employees of to-day are on the same footing and on the same level as any other citizen.

Chairman WALSH. Was any part of that fixed liability a penalty?

Mr. TRAVIESO. No; it was simply that he had to bring his case in court and could not recover more than $3,000. The legislature, when their attention was

called to that fact, said they understood that was a great injustice to the laboring classes, and by a unanimous vote of both houses repealed the same.

That same law provided for a commission to make a study of the matter of a workmen's compensation act. The commission made a study of the several bills that have been passed in the United States along the line of compensation, but left aside the question of an insurance plan for the workmen of the island. They presented to the legislature a report, submitting a draft of a bill. The bill, after very hard opposition in the lower house, both by men who were interested by not having any compensation act, because it injured their interests, and also on constitutional grounds the bill was very strongly opposed, and passed the house by only one majority, and it was sent to the council, and in the council I am personally in favor of an insurance plan, as far as Porto Rico is concerned; I think the result would be better, and the benefits to the employees would be greater and safer. So I took up the question from the insurance standpoint and made quite a study of it, and submitted in the council a substitute bill to take the place of the house bill.

Mr. Iglesias read a letter on yesterday from the speaker of the house in regard to my bill, which shows two things—that the honorable speaker never read my bill or forgot what he read. In this letter he says to Mr. Iglesias:

"Relative to the difference between the bill of Mr. Travieso in the executive council and one introduced by myself in the lower house, there is but one important difference, namely:

"In Mr. Travieso's bill the compensations are to be paid from an insurance fund created by the laborers themselves, who are to pay out therefor part of their wages by the employer and the people of Porto Rico, whereas in my bill the compensation is to be paid out by the responsible employer alone, and no objection would be made if the employer chose to take insurance policies for his men."

Now, that is not correct, because my bill specifically provides for an insurance fund created by an appropriation by the insular legislature of $50,000 to start the operation of the law, which sum is to be refunded back to the Government from premiums collected by the Government itself through its fiscal agents from the employers; and there is a provision in my bill, very clear and specific, which I took from the laws in force in the United States, which makes it a misdemeanor, punishable by two years in prison or a fine of $5,000, if any employer should deduct a single cent from the wages of his employees as a contribution to an insurance fund, so that the burden of my bill falls entirely upon the shoulders of the employer.

Chairman WALSH. Then that was either a complete misstatement or misapprehension?

Mr. TRAVIESO. Yes; a complete misstatement or misapprehension.

Chairman WALSH. So the only objection he makes to your bill does not exist?

Mr. TRAVIESO. No. This bill Iintroduced in the council two years ago as a substitute for the house bill. The speaker took the position that his bill should be passed like he wanted it or no legislation should be enacted at that session. That happened during the last few days of the session, when we were overburdened with work, and the result was no legislation was passed as far as the compensation act was concerned.

This year, last January, I revised my bill and improved it considerably and introduced in on the opening day of the session of the legislature.

Chairman WALSH. Was the compensation for death—what was the compensation for death in your bill?

Mr. TRAVIESO. In case of death the family of the man gets $1,500 in cash; that is to enable them to get a house and have a home, and then they get payments—weekly payments, of, I believe—one-half of the wages that the man was getting at the time of his death.

Chairman WALSH. For how long?

Mr. TRAVIESO. For a period of—I would not like to state that from memory. Unfortunately, I brought a copy of my bill, but not of the bill as finally passed by the council when amended. In my bill originally the provision was as follows. [Reads:]

"Section 6. That hereafter whenever any workman shall lose his life as the result of injuries sustained while engaged in a hazardous occupation and the death should occur within three years after the accident"——

The words "hazardous occupation" were stricken out, and it is made general as to any man employed.

(Continues reading:) "And the death should occur within three years after the accident, the legal heirs of such deceased workman, if they depend exclusively on the earnings of the deceased for their support, shall receive relief from the workmen's relief trust fund, as follows:

"Burial expenses, not exceeding forty dollars.

"If the deceased leaves a widow or a mother, or both, depending exclusively upon his wages for support, then the said widow or the said mother, as the case may be, shall receive the sum of one thousand five hundred dollars; and in case there is a dependent widow and a mother left by the deceased, and both of them dependent upon the earnings of the deceased, then in such case each one of them shall receive the sum of one thousand dollars.

"If the deceased workman should leave a widow and one or more children who depended on his wages for support, then the widow shall receive the relief provided in subdivision (b) of this section, and the child or children, as the case may be, whether the deceased left a widow or not, shall be paid a weekly sum equal to fifty per centum of the weekly wages received by the deceased at the time of the accident which resulted in his death, computed on the basis of a sum of not less than three nor more than six dollars; the said payments to be made for a period of not more than two hundred and sixty weeks."

Chairman WALSH. How did that compare with the compensation which was provided for in the bill of the speaker?

Mr. TRAVIESO. The figures were more or less alike, but the objection to the house bill of the speaker was the same objection that was made to the case—the commission must know of the Ives case, decided by the New York Court of Appeals. It contained no provision for the option of the employer; it made it mandatory; he had to submit to the law and was deprived of his right to a hearing in court, and it contained all the constitutional objections that have been made to compensation acts and that have been upheld by courts.

Chairman WALSH. Now, Mr. Travieso, I don't want to throw you out of the order of your statement or to hurry you, and still I know that a question will be asked for you to cover, if you will, please, that whole complaint about the handling of the police?

Mr. TRAVIESO. I am going to that, because I think that is the most important.

Chairman WALSH. If you have to omit anything, we would prefer to have you put this in first.

Mr. TRAVIESO. Regarding the history of the strike, the recent strike of agricultural workers. This strike began at Bajamon; it was started by the agricultural workers themselves, and for a number of days the strike was peaceful, no one was hurt, there were no fires in the cane fields, and the trouble was settled at Bajamon, I believe, at the instance of Mr. Bills, chief of the bureau of labor, who brought the parties to an understanding, and the trouble as far as Bajamon was settled to the satisfaction of all.

Then the strike began to break out in other parts of the island. The governor at once gave instructions to Mr. Bills to get hold of the situation and exercise or use his influence with both laborers and employers to bring the matter to a settlement. Mr. Bills took hold of the situation from the beginning and was getting very good results, and no one was complaining either against the Government or against the employers or employees. As soon as men who agitate these labor questions in the island started to get into the situation trouble began.

I will say as a general statement that the employers of Porto Rico are as a whole, they don't get along very well with Mr. Iglesias. Either they don't believe in him, or in his preaching, or in the manner in which he conducts the interests of labor on the island. The relation is, that as soon as Mr. Iglesias gets into these troubles, trouble begins in the island. A few days after that cane fires began to start in different parts of the island. I have a complete list of the fires that occurred in the island during the recent strike. Mr. Iglesias said yesterday that these fires were due either to accident or to the fact that men set fire to the cane filth in order to get their cane ground before. He also made a statement, which I don't believe anyone that knows anything about it, or anything at all, would corroborate, and that is that you don't lose anything by the setting fire to the cane filth, because the sugar stays in the cane just the same. Mr. Iglesias misunderstood the fact. It is true that if a cane field takes fire you can save part of the sugar. The leaves take fire, but the stalk does not burn, but when you grind them and get the sugar out of them there is naturally nobody but what will understand that there must be a loss. Fire consumes not only the leaves, but the cane itself, and that is a loss of sugar, and no man

would ever for a single minute think of setting fire to a cane field in order to get ahead of the next man and grind his cane before, because naturally he would be the loser.

Here is an incident of the total number of fires along those days, while the strike lasted, here is a list where they had altogether 83 fires. Now, as to the question of their being accidental, here is a place where on February 23, in the jurisdiction of Aguada, at 8 p. m., the cane fields of the Coseager Centrale Corporation were set fire from 19 different parts; that is, while the strike was going on, and the men on strike in that jurisdiction. The police worked actively, and arrested a number of them, and arrested Ramon Ramirez, Fautino Morales, Felipe Alers, and Remigio Esteves. Ramon Ramirez pleaded guilty. The other three were charged with having taken part in the conspiracy. The men were taken before the district attorney and held under $10,000 bail each. Now, it is very, very strange that 19 accidents should take place at the same time in different parts of a cane field.

Chairman WALSH. What was the punishment inflicted on the one that pleaded guilty?

Mr. TRAVIESO. I have no data as to that.

Chairman WALSH. Was he sent to the penitentiary?

Mr. TRAVIESO. If they were convicted they certainly would be sent there, because it is a felony.

Chairman WALSH. Arson?

Mr. TRAVIESO. Arson; it would be arson in the first degree if it was at night.

Chairman WALSH. And you have no data as to whether any of them were sent?

Mr TRAVIESO. No; not as to the results.

These fires broke out, and yet the government was naturally taking precautions to prevent, and trying to catch the men responsible for it, whoever they were. Now, Mr. Iglesias referred to fires in the city, where the houses were destroyed. That has no connection itself with the strike, and——

Chairman WALSH (interrupting). I have drawn that distinction from the data given, and I think the rest of the commission have.

Mr. TRAVIESO. I merely referred to the cane field. The governor naturally if an employer comes—for instance, these people came to the governor and complained that their plantation was set afire in 19 different places, they applied to the governor for relief and protection, and naturally it is the duty of the governor, as we understand it, that it is our duty to send police there if we can afford it, for them to catch the men responsible for a fire, and prevent the reoccurrence of another fire. The duty is not only to arrest the men guilty of the crime, but to prevent the reoccurrence of crime, and that is the reason why the police were sent to the different centrales where fires were taking place. Now, in the centrales there is a complaint that the police live at the centrales. It is a fact in many places.

Commissioner WALSH. What is a centrale?

Mr. TRAVIESO. A sugar mill; and naturally they are not inside the town, they are outside in the cane fields. These centrales, the policemen have to live somewhere, and he has to live there; he is not going home and coming back, and naturally quarters are furnished by the owners of the centrales, because he is there to protect property and life, and there is nothing in the complaint that the police live in the centrales. It is true, and they could not do otherwise. If I am sent to watch porperty or protect it I have to camp out or live in the property of the corporation.

Chairman WALSH. The same thing has occurred in Pennsylvania.

Mr. TRAVIESO. Yes, sir. Now, the first trouble that started was begun at Juncos, and reference was made to that yesterday by Mr. Iglesias. Mr. Iglesias complains that the governor has not taken any action on the investigation of this matter. The commission must know that daily in Porto Rico we get—we Porto Ricans are a great people for complaining; we complain about everything. It is not a fault, perhaps it is a virtue; we are getting to know what our rights are, and are complaining. I get in my office dozens of complaints every day, and I can not go personally, naturally I have not the time; but if it is a complaint against the policeman, I refer it to the chief; if it is against a judge, I refer it to the attorney general; and if Mr. Iglesias sends a telegram, and we get several every day from him, I refer it to the proper authority for investigation. If we get a letter several days afterwards saying there is nothing in the complaint of Mr. Iglesias, the matter is filed without

any further direction. When the matter is of importance a report is drawn, and such was the case in the affair at Juncos. The Government sent, upon getting a complaint that a collision had taken place between the police and laborers at Juncos, the governor selected one of the best men that could be found in the district to make an investigation, and I refer to Mr. Samuel C. Bothwell. He is the marshal of the Supreme Court of Porto Rico, and a lawyer, and a very able man, and a man well liked by every man in the district.

Chairman WALSH. Is he an American?

Mr. TRAVIESO. Yes, sir; he is an American. He has no interest anywhere, either against or for the employer, and I don't believe that a more impartial man could be found to make an investigation.

Chairman WALSH. How long has he been on the island?

Mr. TRAVIESO. He has been on the island ever since the American occupation there, and has been marshal of the supreme court.

Chairman WALSH. Does he practice law also?

Mr. TRAVIESO. No, sir; he is not allowed to practice.

Chairman WALSH. He gives his time to the duties of his office?

Mr. TRAVIESO. Yes, sir. So, Mr. Bothwell submitted a report on February 10, 1915, explaining to the governor what had taken place at Juncos. He went there personally, and I am proud to submit to the commission the report of Mr. Bothwell with regard to the strike.

(See Travieso Exhibit No. 2.)

Mr. TRAVIESO. I will read four lines of the report to give an idea. Mr. Bothwell says [reading]: "My opinion, after the investigation, is that not only were the police fully justified in what they did, but that they were entitled to very high praise in not hurting more of the strikers and in a greater degree."

One of the troubles at Juncos, as it appears in that report, were the troubles of these parades of the people that were armed with revolvers and machetes and clubs. They tried to go through a private road and they were interfered with by two policemen. Just when they were arguing the question, the police and the strikers, one of the bookkeepers of the centrale, probably frightened by the looks of this crowd, or believing that he could scare them away, he came out with a revolver in his hand and began to shout and yell and trying to scare this crowd, and the police took hold of this man and took the revolver away from him and took him back to the centrale and shoved him in the other room together with the other employers, so they could not come out, and the strikers at once, when they saw that, armed themselves with pieces of wood that were in a pile near the centrale, and they went for the two policemen, and the two policemen used their clubs, and two or three men were hit on the head, not very seriously, and the whole matter was quieted down, and Mr. Bothwell gives the facts very clearly in that report.

The trouble at Vieques is the most important of them. Vieques is a small island on the eastern shore of Porto Rico, separated from the island about 10 or 15 miles from the main island. The island has a population of about 10,000 inhabitants, and the total number of policemen in the island is, I think, about 14 policemen to take care of the population of 10,000 men, scattered all over that island.

Chairman WALSH. About how many policemen?

Mr. TRAVIESO. About 14. I have the exact number. The island of Vieques has a total population of 10,425 inhabitants. The number of policemen at Vieques is 1 district chief, 1 sergeant, 6 guardsmen, making a total of 8. Then at Mosquitos, another jurisdiction of the island, there is a lance corporal, 2 guardsmen, making a total of 3; and at Puerton Real there is the same force. The lance corporals and 2 guardsmen—8 and 6, making 14; 14 altogether for the whole island of Vieques.

We were advised of the trouble at Vieques by telegram from the district attorney of Humacao. The chief of police at Vieques, immediately upon the happening of these events, sent a telegram to the district attorney at San Juan, asking for police enforcements and advising him of the trouble, and he immediately communicated with us, and we told the chief of police and instructed him to go over to Vieques and see what the matter was. So the chief of police started for Vieques at once. He went over to Humacao and proceeded with the district attorney to Vieques. They took a steam launch and went there at once.

I would like to submit to the commission a report of the district attorney at Humacao, one of our ablest lawyers in the island, who has been for a number of years—for five or six years—the clerk of the supreme court at Porto Rico. He is the son of our chief justice. He is a graduate of an American university and had been appointed, I believe, just about less than a week before this trouble at Vieques occurred.

The report of the trouble at Vieques agrees somewhat with the statement of Mr. Iglesias as to how the matter occurred. There was a parade of about 200 or 300 men parading along one of the roads in Vieques in a public highway. They came to a point where, in order to proceed to another part which they wanted to reach to propagate a strike, they had to cross through a private road, through a cane field, a road between two cane fields which divides one cane field from another. This plantation had two policemen who had been sent there by reason of the cane fires that had taken place. They were there instructed by the governor to protect lives and to protect property. They had seen the parade of men who were not armed, who were going peacefully along, parading and propagating their ideas without trouble. But the orders they had were not to allow anyone to parade with arms, and everyone of these 200 or 300 men, or a great number of them, were armed. They had machetes and had clubs and had revolvers, as this report of the district attorney shows. They tried to go through this private road, and the two policemen stood there between the highway and the private property, and they called to the leader, a man by the name of Huertas, that "this is private property, and you have no right to go there, and we are here to prevent you from doing it." What did this man Huertas do? Instead of either turning this crowd away from the two policemen and going in another direction, what did he do? According to the letter which Mr. Iglesias read here yesterday—though he did not read according to a copy of the letter which I have, and I want to refer to that point. I have a copy of that letter sent to my office by Mr. Iglesias himself, with his former letter, asking for the appointment of a commission, which was addressed to me as acting governor of the island. The letter is a copy signed by the writer—by the attorney. The attorney says—and I am translating from the Spanish, because the letter was originally written in Spanish [reads]:

"The crowd was stopped by two policemen, who requested the man who had charge of the leadership of the laborers, Saturnino Huertas, not to pass over that road, because they had superior orders. When Huertas replied, calling his attention to the inconvenience that had to be met by the men in the parade, because they would be compelled to walk back about one-half of the distance in order to return to the city and then to start over again in another direction, the two policemen alighted from their horses"——

They were on horseback. [Continues reading:]

"They pointed their carbines to the laborers, and the said Huertas then made three shots from his revolver, and the consequent panic ensued."

So the commissioner will see, not from the side of the government but from the report of the attorney appointed by Mr. Iglesias to investigate the trouble in Vieques, that the only thing the police did was to call the attention of these men not to pass through there, and in order to show that they were ready to make their orders obeyed—and there were only 2 men against 200 or 300—they left their horses and placed themselves in position to make themselves obeyed; and this man Huertas drew his revolver and fired three shots at those policemen, and then the trouble came to them."

Mr. Iglesias read yesterday the same paragraph which I have translated from a signed copy of the letter. I have it here at page 93 of the stenographer's minutes as he read it. He read it this way [reads]:

"When Huertas said it was not becoming that the participants in the parade should turn back halfway down the road and come back to town and then go by another road, hereupon the police crouched down and aimed at the strikers. The said Huertas fired his revolver three times at the same remarks being and firing against the participants of the strike came not only from the police but also from the majordomos."

He stated right there—which is a different statement, because here the responsibility is thrown on the police while in the other it appears the trouble was started by three shots from Huertas's revolver.

Mr. Iglesias claimed yesterday that these 200 or 300 men were not armed in any way; that all they had were some branches of a tree that they had cut; and they had inoffensive flags at the ends of those poles in order to take them

in their parade. But I will read to the commission from the report of the district attorney in regard to the wounds received by the two policemen, and the commission will understand that those wounds could not possibly be committed by an inoffensive branch of a tree. This is a report of the doctor, J. S. M. Pressly, an American at Vieques. This portion of the report to which I wish to call the attention of the commission reads as follows:

"According to the medical certificates issued on that day by an American doctor, who is the municipal physician of Vieques, named J. S. M. Pressly, Policeman Brignoni had eight wounds, as follows:

"Wound No. 1. Incisive wound in the upper portion of the neck, dividing the structure from the vertical column. Closed by stitches and probably caused by machete.

"Wound No. 2. Perforating wound caused by bullet from revolver, fired so closely that grains of unburnt powder were injected into the skin. Point of entrance in the lower left occipital region, passing in hard and finding exit in the midline of the lower occipital region.

"Wound No. 3. Incisive and bruised wound probably caused by blow with club covering the whole left parietal region, closed by suture.

"Wound No. 4. Incisive wound in crown of head, closed by suture.

"Wounds Nos. 5 and 6. Incisive wounds on external surface, lower part of right forearm, closed by suture.

"Wound No. 7. Incisive wound on external surface of middle part of left forearm, closed by suture.

"Wound No. 8. Incisive wound passing obliquely across part of hand and lower forearm on left side, fracturing the second and third metacarpal bones and the first phalange of the small finger, closed by 12 sutures."

The other policeman, named Sotero Moreira, had wounds somewhat similar. they were all caused by similar weapons.

Chairman WALSH. Did he have a gunshot wound also?

Mr. TRAVIESO. It does not say.

Chairman WALSH. A machete wound?

Mr. TRAVIESO. They all seem to have been made by machete; but he had six wounds.

Chairman WALSH. Six wounds that might have been made by a machete?

Mr. TRAVIESO. Yes. These two policemen naturally, when they were fired at by Huertas, had to defend themselves. They fired their revolver or carbines, and the result was that three men were killed right off. Five or six were wounded and one of them died in the hospital a few hours afterwards, making a total number of four dead and four or five wounded. The two policemen were left on the field for dead. They were so cut up that they really did not finish them, because they thought they were dead. They were taken from there to the hospital and they were at the point of death for several days, especially this man Brignoni, who we were expecting every minute to learn had died.

All this information came to Porto Rico and San Juan by telegraph from the fiscal or district attorney who went to make this investigation. Mr. Iglesias said he never heard of the occurrence until four or five days after it took place. Mr. Iglesias knows, and everybody knows, that it was a fact that Mr. Iglesias's colleague, a member of the house of delegates, brought that matter to the attention of the house of delegates upon the following day. The telegrams and the information that were received were turned over to the press, and it was published all over the papers in San Juan. Either Mr. Iglesias was not attending to that part of the work or he overlooked the information. Everybody knew it in San Juan; knew that it had taken place. Every newspaper had its information from their reporters who went with the chief of police, and two or three days after that a committee of men, appointed by Mr. Iglesias, went over there and made an investigation.

The governor of Porto Rico, against whom a complaint seems to be made, I suppose from all this—I want to say that there is no more unjust complaint than the one made against the governor. I do not believe there is a man in the island of Porto Rico—and I do not like to speak about any man in particular in the way that I am going to do about the governor, but I believe that he deserves whatever I am going to say about him. I believe firmly that the labor classes of Porto Rico and the people of the island as a whole have no better friend than Mr. Arthur Yager, the present governor of the island. He is a man who has especially devoted himself to a study of social questions. He takes a great interest in the welfare of everybody in Porto Rico, and especially the working classes. By virtue of the duties of my office I have to be

in touch with the governor more than any other official in the government of the island. I take his place when he goes away, and naturally I have to keep myself informed of everything he does and everything he thinks about our conditions down there. I know he worries a whole lot about the existing conditions of the laboring classes. I know he is trying to get a remedy for them and using the best of his ability and of his intelligence and power to promote the welfare of the classes. I do not believe there is a man in public life in Porto Rico, from the governor down, either in the upper house or the lower house, whom you could call an enemy of the laboring classes of Porto Rico. We all feel kindly toward them, and we would go to any sacrifice whatsoever to better their conditions. The governor is second to no one in his estimation of our people and his desire to do good for them. So whatever has taken place the governor should not in any way be blamed for what has happened.

Chairman WALSH. You think he feels friendly toward them?

Mr. TRAVIESO. Certainly; there is no doubt about that. It is shown by his writings, and I have brought here a copy of the last message of the governor to the legislature showing that he takes an interest in all these matters. I refer especially to his recommendation to the legislature of the passage of an act providing for a distribution of government lands on easy terms to the laboring classes of the island. That appears at page 6 of the message. Also he urged the increase of the educational facilities. He also urged very strongly the passage of a workingmen's compensation law, in either form, by way of a compensation act or under an insurance plan. All through his message you can see what the treatment of the man is toward these poor people in the island. Time and again he has said to me that the most perplexing problem he has, that worries him most and what he thinks more about, is how to find a means for bettering the conditions of these working classes. That is the problem we all think about and that we would be willing to help anybody who is willing to help us solve it. If we have not come to a solution of it, it is because it is not within our means to do it and not because we did not want to.

When this report came to the governor, the governor called me to his office and submitted to me the report and the telegram from the chief of police and the district attorney relating to this trouble at Vieques. The governor had not, up to that time, made any public utterances or statements in regard to the strike. He assumed that his duty was to act impartially in the matter and not to take sides one way or the other. But I can say that if the governor was partial in any way it was in his efforts to try to get the employers to submit to terms presented by the strikers; and from the very beginning, and in my presence, the governor of Porto Rico stated to a number of the employers of these strikers that the strikers were right in claiming a higher wage and shorter hours of labor, and I told them so myself, and the influence of every man in the government was with the strikers, that the strikers were right in their desire to get a better wage and shorter hours of labor. That fact no one denies, and the sympathy of everybody in the island was in favor of the strikers, and if this strike had been peacefully conducted, if Mr. Iglesias and Mr. Martinez—and I am glad they are here to hear what I say about their campaign—if they had refrained from using insulting and abusive language, if they had refrained from trying to incite these people, who are peaceful but ignorant—you can take them either to church or to kill two policemen, if necessary, because of their ignorance—if they had refrained from using that language, the trouble at Vieques would not have occurred, the other trouble at Ponce would not have occurred, and the strike would have been completely a victory for both Mr. Iglesias and for the employers themselves.

Chairman WALSH. What was the language?

Mr. TRAVIESO. I do not know exactly. I could not say that Mr. Iglesias said this or the other thing, because I was not present; but the reports in the press and the investigations by the fiscal at Ponce show that Mr. Iglesias was very violent in his language.

Chairman WALSH. You have the alleged utterances in this report, have you?

Mr. TRAVIESO. Not the specific utterance, but in substance what he said.

The governor succeeded in his efforts to get the employers to come to terms, and there at the governor's house agreements were made, or terms were made, to grant some of the points made by the strikers, and the strike was called off at several of those plantations through the infinence of the governor and the influence of Mr. Bills, of the bureau of labor. Mr. Iglesias himself and several other speakers said at several places, as the reports show, that the governor was not with them; that the governor was in favor of the strikers; and that there was

even a sort of quiet complaint, that did not come out in the press, against the governor for having been too much in favor of the strikers.

The general opinion was that the governor and the bureau of labor, as Mr. Bills stated, I believe, were helping the strikers, and that was because we never concealed our opinion and belief, and I reiterate it here, that the strikers were right and that they were entitled to a better wage, because they submitted themselves to a reduction in the wage when the price of sugar went down, and it was natural and logical for them to expect that when the price of sugar went up by reason of the European war they should be given also the benefit of the increase of price. We all agreed with them in that part of their fight. But when it came, Mr. Chairman, to a question of setting fire to property, when men began to attack the police and disobey the law, when people were being incited to arson and murder, and all those things, in the public squares of the cities and towns—when that preaching began to produce its results, as it did at Vieques, and two policemen were nearly killed and four poor, innocent laborers, who were misdirected and misled into what they did, were killed, then the government understood that it was time to interfere and try to put a stop to it.

Chairman WALSH. What was the date of the Vieques trouble?

Mr. TRAVIESO. The Vieques trouble occurred on the 16th of February, 1915.

Chairman WALSH. What was the date of the Ponce trouble?

Mr. TRAVIESO. It occurred a few days later, on March 1. The governor told me, and we discussed the matter of what we could do to prevent a recurrence of the Vieques affair. The island became quite excited. The employers thought this would take place again, and they began to come to us for protection and asking that the police forces be increased by 200. The request was made, but it was not granted. We considered we could handle the situation without any such increase of the police force, and we tried to do it, and I think we succeeded.

I believe even a suggestion was made from the side of Mr. Iglesias that the Porto Rican regiment should be called out. It seems to be inconsistent that such a request should be made, as everybody knows when the military forces get out the rights of free speech and all those constitutional rights are more or less suspended. If you put a town under military rule, meetings are suspended for a time. That is done practically everywhere, and it would have been done there under military rule. Mr. Iglesias, who complains about the curtailing of his liberty of speech, was ready and willing to have the military called out to cope with this situation, created, I believe, by himself—and I do not hesitate to say that.

The governor decided then to address a proclamation to the citizens of Porto Rico. I will submit to the commission a copy, both in English and in Spanish, of the governor's proclamation. I do not believe Mr. Iglesias has submitted a copy of it. He complains about it, but does not submit it. I will not take the time of the commission to read it, but I want to call attention of the commission to the fact that the governor here says, in the third paragraph, very plainly and in terms that can not be mistaken [reads]:

"I believe that the laborers of Porto Rico, as anywhere in the world, have a perfect right to go on a strike and to remain at home or go out on the streets if they so desire, but without arms."

In Porto Rico it is not allowed to carry arms; it is a misdemeanor. [Continues reading:]

"But without arms, without riotous manifestations, without committing acts that might provoke and incite a riot or an attack upon persons and property, and the laborer or the striker who conducts himself in this manner will receive the protection of the police. But, on the contrary, armed laborers engaged in riotous parades, shouting, and howling throught the streets and roads of Porto Rico, provoking disorder and inciting to riots, these will not receive the protection of the government, but will be immediately arrested by the police and taken to the courts to receive their due punishment.

"The credit and the good name of Porto Rico demand that peace and order be immediately reestablished in those parts of the island where they have been disturbed."

So the governor merely makes that statement of the law, and he says to the strikers: "Your right is to strike peacefully, without attacking people or destroying property. If you behave yourselves and conduct your strike without these elements, the law, the policeman, will protect your parades and your meetings and be by your side; but if you break the law, you have to submit

to the penalty of the law." That proclamation was published and promulgated by me as secretary of Porto Rico, and was published in every newspaper in the island and had the desired effect. The next day everything was quiet, and the strike continued, and cane fires subsided for a while, and the island began to feel that the government was ready to protect every man's life and property. I don't believe that any complaint absolutely can be based on the proclamation of the governor. No man that is a law-abiding citizen will refuse to attach his signature to that document, and if any blame is to be given to anybody for it I want to take one-half of it, because I helped the governor to draft it.

Now, there seems to be a general charge made by Mr. Iglesias that the governor tried to use the police to break the strike. Now, if that had been the intention of anybody in the government, that would have been done in the mainland, where we had 600 policemen to accomplish this purpose; and as the matter started in Vieques, a long way from Porto Rico, we least thought that trouble would occur; and all of a sudden it broke; and it is quite a coincident that this trouble at Vieques happened, I believe, there a day or two after or three days after one of Mr. Iglesias's right-hand men, a man named Piris, went over to Vieques and started a strike over there and made very violent speeches against the employers and police and everybody and incited those people, and the result was the Vieques strike.

They were quiet for a while. I believe Mr. Iglesias himself controlled his activities for a few days after the proclamation, until the meeting took place at Ponce. This meeting was taking place, I believe, at the market place in Ponce, and, according to the report, to which I want to call the attention of the commission, and speaking from personal knowledge, I can not say, it is merely from the official information that I have.

Chairman WALSH. You were not present at the meeting?

Mr. TRAVIESO. I was not. The report of the district attorney of Ponce, in reference to the Ponce trouble, contains this paragraph. It says: "Santiago Iglesias was the orator who from the tribune incited the people, and who caused the police to interfere on account of his language, the riot thereupon ensuing. Francisco Paz Granela, Manuel Texidor, and Prudencio Rivera Martinez"—he was the gentleman that testified here—"occupied an automobile in which they had come from San Juan and from which automobile revolvers were shot off against the police, and the police were also incited. Maximiliano Bre was detained as a consequence of said riot, and a revolver which had been shot off shortly before was taken from him, and Jesus Rosado was also detained as a consequence of the riot, and a knife was taken away from him."

Chairman WALSH. Taken away from whom?

Mr. TRAVIESO. From this man Rosado.

Chairman WALSH. He was in the automobile with Iglesias and Martinez?

Mr. TRAVIESO. No; this man Rosado was not in the automobile; neither of them were in the automobile. The report says that shots were fired from the automobile and this revolver was taken from Bre and the knife from Rosado.

Chairman WALSH. Is there anything in the report that shows the specific language used by Mr. Iglesias on this occasion?

Mr. TRAVIESO. No. The information is that he was criticizing severely the employers and the police and the governor and government, and everybody that he thought was against the interests of the strike, and the chief of police believing that Mr. Iglesias's language was in violation of the law, and complying with the proclamation of the governor, he called Mr. Iglesias down and ordered his arrest for violation of the law. The policeman who received the orders from the chief tried to execute the orders and arrest Mr. Iglesias. According to the report, when he was going to do that one of the men who were there near to this place where Mr. Iglesias was tried to stab the chief of police with a file that had been sharpened, and the chief, in order to protect himself, drew his revolver and shot this man. He was wounded, but he has recovered. He is the man, I think, whose picture has been presented here. His name is Roveldo.

Then, when that shot was fired, the riot occurred. People began to run one way and the other, and the fire was exchanged between the police and the strikers, and there is evidence that another man by the name of Cabellero was killed by a policeman by the name of Quiles. Now, when this news came to San Juan the house of delegates was in session at that time, and Mr. Barrow, who is Mr. Iglesias's representative in the house, he brought to the attention of the house these facts, and they appointed a committee of two members, one from each of the political parties, and they proceeded to Ponce and made

investigation from the reports presented by Mr. Iglesias yesterday. The commission will see that this committee of the house refused to enter into how the riot started or who was responsible for it or anything like that. They said that the matter was under the jurisdiction of the court, and they had no right to interfere and refer merely to the killing of this man, which they believed should be investigated. Now, I don't see how a complaint can be made against the government, because the matter was investigated. The opinion of the district attorney is that this was unnecessary, but that he was not maliciously killed. The district attorney has filed an information against him for involuntary manslaughter. It is punishable by 15 years in the penitentiary.

Chairman WALSH. What is the minimum?

Mr. TRAVIESO. One year.

Chairman WALSH. Did he give the details as to lack of necessity for the killing?

Mr. TRAVIESO. No, sir; he doesn't go into the details, but he says from the testimony he has taken it appears that there is sufficient evidence to charge this man with having illegally and unnecessarily killed this striker. It appears that the wound that killed him penetrated his body through the back.

Chairman WALSH. Which would indicate that he was running at the time?

Mr. TRAVIESO. There was some testimony that the man was running away from the place and the policeman shot at him.

Chairman WALSH. What sort of a man was he; was that looked into? Whether he was of good character?

Mr. TRAVIESO. I believe, to use a common expression, he was a poor devil.

Chairman WALSH. He was a poor fellow?

Mr. TRAVIESO. Yes; he was neither a striker or employee of the cane fields, and probably had nothing to do with the strike; he was a sightseer.

Chairman WALSH. An innocent bystander?

Mr. TRAVIESO. An innocent bystander; and the evidence of the police, as far as cited, is that this man had a knife with him, that this policeman tried to take it away from him, and the man started to run first and then turned around and faced the police. The policeman shot him, and when the man fell the policeman stooped down and took this knife away from him. That is his side of the case.

Chairman WALSH. Did he turn around again; he was running, you say, with the knife?

Mr. TRAVIESO. Yes.

Chairman WALSH. And then he turned on the policeman?

Mr. TRAVIESO. Yes.

Chairman WALSH. And then he started to run again?

Mr. TRAVIESO. He started to run again, and the policeman shot him. So this is a matter that the Government as an executive branch of the administration can not be blamed for.

Chairman WALSH. The prosecution is going on now?

Mr. TRAVIESO. Yes, sir; the man is indicted; and although I don't like to speak with certainty as to the fact, but I can assure and promise the commission that in all probability this policeman has been suspended from employment and from salary; because, as a general rule, in the regulation of the department a man that is charged, a policeman charged with any offense, no matter how trifling it may be, that man loses his moral force in the community entirely, naturally, being under an indictment; and the uniform and club and revolver are taken away from him, and he shall retire until he is clear from that charge. If he is properly acquitted he goes back to the force. If there is doubt left in the department as to his moral conduct, or anything like that, he is discharged, so I can assure the commission that this man is not on the police force at this time. I know they would not allow him there for a minute, after an indictment was filed against him. I will submit to the commission the report of the district attorney with reference to this trouble at Ponce.

(See Travieso Exhibit No. 3.)

Chairman WALSH. Do you recall the substance of the statute with reference to incitation to riot, the statute under which the police were proceeding when Mr. Iglesias was interfered with?

Mr. TRAVIESO. Under the law of Porto Rico, I will say, that our penal code is taken from the American code, from the code of California, which is similar to the code of New York; both civil and criminal code. The Spanish code was done away with after our first legislature met, and that contains a provision making inciting to riot a misdemeanor.

Chairman WALSH. Does it contain the words, "anyone who by words may incite to riot"?

Mr. TRAVIESO. Yes, sir; and it is in my opinion a violation of the statute punishing breaches of peace. I have always claimed that a man who is contending that he is exercising his right of free speech, that he can not go on the platform and insult another man. If it is a misdemeanor to stand on the corner and insult that man as he goes by, I think it is an aggravated offense to insult that man on the platform in free speech. Whenever he abuses that power, and if he insists on a violation of the law, and it is a breach of the peace, we prosecute him like was done here.

Commissioner WEINSTOCK. On that point, if I may ask, what is your interpretation of the law? Is it your interpretation of the law that you can prevent a man from talking in public by assuming that he is going to say things, or is it your interpretation of the law that under the right of free speech a man is at liberty to say anything he pleases, but if he says things that are punishable he should be punished for it?

Mr. TRAVIESO. Yes.

Commissioner WEINSTOCK. You would not prevent him from talking?

Mr. TRAVIESO. No.

Commissioner WEINSTOCK. So your interpretation of the law is that any man can get up and say anything he pleases?

Mr. TRAVIESO. Yes.

Commissioner WEINSTOCK. But if he says things that are improper and unlawful he should be punished for it?

Mr. TRAVIESO. Yes; my interpretation of the law is that a man can go and discuss any other man who is in an official capacity; if he is an official of the government he can criticize his official acts; and I have heard Mr. Iglesias criticize my actions as district attorney; and I took my medicine like we say in the United States. I heard what he said, but did not agree with him. But I heard what he said with pleasure.

Commissioner WEINSTOCK. Are you sure you heard him with "pleasure"?

Mr. TRAVIESO. Well, yes, with pleasure; for I like to see a man say what he feels; I admire a man who speaks his mind and is frank, and Mr. Iglesias was quite frank on that day. So I would not punish a man, no matter whom he criticized, from the government down. I think it is a part of our duty to stand the test of criticism of the citizen; but I believe that no man should go on the stump and criticize a man who is not in public life, or expose him to ridicule or charge him with the commission of a crime for which he has not been indicted; and in things like that I think the right of free speech is limited by the rights of other people.

Chairman WALSH. I was going to ask you, Mr. Travieso, in regard to the warrant that was issued by the municipal judge referred to here; was that warrant issued before or after the meeting?

Mr. TRAVIESO. After.

Chairman WALSH. Mr. Iglesias said that he was not arrested for half an hour, the police being too busy minding you to do it?

Mr. TRAVIESO. The fact was that Mr. Iglesias jumped in that automobile and tried to get away from the place as fast as he could. Mr. Iglesias always succeeds in not getting into trouble.

Chairman WALSH. If your theory was correct, then he could not have witnessed what the police were engaged in during the half hour involved?

Mr. TRAVIESO. Probably not.

Chairman WALSH. Go ahead.

Mr. TRAVIESO. Several men were arrested, Mr. Iglesias being one of them, and the municipal judge fixed the bond in the sum of $2,000, which they could not furnish, and they applied for a writ of habeas corpus to decrease or reduce the amount of the bail, and that was reduced by the district judge at once to the sum of $300. They got the bail and they are still out on bail, and have not been tried, and the case is pending trial in the city of Ponce.

There has been a charge made by Mr. Iglesias, a general charge made, that these men at Vieques have been deprived of the right of a jury trial. Our system of law is such that we divide crimes into misdemeanors and felonies. We have a jury system exactly similar to the one in the United States.

Chairman WALSH. May I shorten that by saying it is an inferior court, like our inferior courts, where they do not provide a jury; that the right to a jury trial is not given, but the guaranty of a right is preserved in the higher court?

Mr. TRAVIESO. Yes.

Chairman WALSH. It is the same situation; is that correct?

Mr. TRAVIESO. Yes; these cases were tried before the municipal court because they were misdemeanors, for which the law did not provide a jury trial. After conviction they appealed to the next higher court, which is the district court, and there they have a jury for felony cases, but not for misdemeanors. The advantage of taking an appeal is that you try the case de novo—that is, the district judge does not care what the lower court decides, but he tries the case again from beginning to end—and these cases were retried, and some of them were acquitted, but the largest number of them the conviction was affirmed, although the judge, believing probably that the penalty was too excessive, reduced it in almost every case. So the men can not complain that they have not been getting justice. They have been tried exactly like any other citizen who violates the law.

I have here a list, which I will supply, of the fires that took place on the island during the strike.

(See Travieso Exhibit No. 4.)

I have also a list prepared by the district attorney of Humacao giving the names of the defendants and the crimes they were charged with and the sentence in the trial court and the decision of the district court on the new trial.

(See Travieso Exhibit No. 5.)

Mr. Iglesias complained that the municipal judge of Vieques refused to approve the appeals of these men taken to the district court. There is the report of the attorney general of Porto Rico covering this point, in which the facts are different from those submitted by Mr. Iglesias. Mr. Iglesias charged the municipal judge—and I am sure if we were testifying under oath Mr. Iglesias would not have made the statement that the municipal judge of Vieques falsified or forged the original sentences. I do not believe that Mr. Iglesias would dare to sign a complaint to that effect. It is easy to make a statement when no responsibility attaches to the statement.

Chairman WALSH. Had you ever heard that charge made before?

Mr. TRAVIESO. No; the first time was here yesterday, and I have no doubt, if the facts were true, Mr. Iglesias would have filed a complaint against him. The attorney general says in his report: "There was a misunderstanding of the municipal judge at Vieques in regard to the right to try it in his court."

I want to call the attention of the commission to the fact that these municipal judges in some of the jurisdictions are not required to be attorneys, but just citizens who are vested with that power.

Commissioner WEINSTOCK. Like justices of the peace?

Mr. TRAVIESO. Yes; exactly.

(Here witness read a letter in regard to the municipal judge refusing to allow appeal.)

Chairman WALSH. I want to ask you about one thing before we adjourn. The proclamation of the governor, as I recollect it, made no declaration as to assemblages at all, did it?

Mr. TRAVIESO. No.

Chairman WALSH. There was a complaint made here that there was some objection to the meeting in numbers exceeding five, was it; or to the extent of five—I do not recall?

Mr. TRAVIESO. That charge is absolutely unfounded and untrue. I will submit to the commission copies of the letters of the governor to the chief of police.

Chairman WALSH. Just a moment while that is on my mind.

Mr. Iglesias, where did you say that inhibition came from? Where do you say the order came from not to allow the men to meet to the extent of five?

Mr. IGLESIAS. You have in your files affidavits of men that have had conferences with the chief of police.

Chairman WALSH. I remember now.

Mr. IGLESIAS. And the governor sent me a telegram saying I have to see the chief of police.

Chairman WALSH. I remember it now perfectly; it slipped my mind.

At this point we will stand adjourned until 2 o'clock.

(Whereupon, at 12.30 o'clock, the commission took a recess until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. M. TRAVIESO—Continued.

Chairman WALSH. You may proceed now, Mr. Travieso.

Mr. TRAVIESO. I left my statement this morning at the place where a reference was made to the prohibition of the police of gatherings of more than five men. Mr. Iglesias charged that that was done in pursuance of instructions of the governor to the police of the island. I have here a copy of the first letter of the governor, addressed to the district attorneys, the mayors, and the district chiefs of the insular police of Porto Rico. A copy of this letter I will leave with the commission, but I want to refer to this paragraph, which says [reads]:

"The proclamation which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately and that absolute quietness be reestablished. The parades of laborers armed with machetes, clubs, and other arms must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the odium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

"The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost, and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

"In case of riot and disorder the leader and the authors who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder shall be severely punished.

"Every authority has the absolute support of the government to compel the faithful and energetic execution of the law, and absolute neutrality shall be observed in conflicts between capital and labor, and both shall be protected when within the law; but if any of said elements violate the law, they shall be severely punished, and the government is ready not to allow the rights of the laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employer by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully."

That was the original letter of the governor to the insular police. Several telegrams were received when this order was tried to be executed. The governor, to prevent misapprehension or misinterpretation of his letter by the police, followed that letter by one two days later, where he makes more clear and explicit his intentions and his position. In his letter of February 25, 1915, he said [reads]:

"It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the 'barrios' for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them."

That was addressed to the chief of insular police and communicated by him by circular letter to every district chief of police in the island.

Both of these letters I would like to offer in evidence.

(See Travieso Exhibits Nos. 6 and 7.)

So that from these two letters which I have offered in evidence it can be seen that the governor has been making clear his intention that the right of free speech and the right of assembly and getting the masses of the people together to discuss questions should not be abridged or impaired in any way, and naturally no one should have any intention of preventing that or curtailing that right in any way.

After the strike at Vieques took place Mr. Iglesias addressed a communication to the governor, to which he referred yesterday, asking for the appointment of a special commission. Mr. Iglesias did not read from his letter and did not, I believe, introduce it in evidence. He merely referred to it and to the reply

of the governor. Mr. Iglesias proposed in his letter the appointment of a commission, which was to be formed of a district judge, a district attorney, and two attorneys appointed by him——

Chairman WALSH (interposing). It was introduced in evidence, together with the reply.

Mr. TRAVIESO. And he also proposed that the president of the federation of labor, who was Mr. Iglesias himself, should have sort of supervision of the workings of this commission, to watch the proceedings, to see that the proceedings were properly conducted. In other words, it was to be a commission of four, under the superintendence of Mr. Iglesias. According to his letter this commission was to have not only the power to investigate, but the power to prosecute and to punish. In other words, the ordinary administration of justice was to be suspended and done away with and in place of the regular machinery for the administration of justice this commission was to take hold of the situation and to deal with it from the investigation to the punishment of every official in the government that had committed any violation of the law.

The petition of Mr. Iglesias came to my hands at the time when I was acting as governor of the island. The governor was away. I studied Mr. Iglesias's petition, and I came to the conclusion, in the first place, that it was not advisable to appoint any such commission, because the government had full confidence and has full confidence in the integrity and in the ability of every man that is a judge in the island of Porto Rico, and the government could not admit for a single minute that the administration of justice in the island was not sufficient to cope with the situation and to punish properly any man who was guilty of a violation of the law.

In the second place, the petition had to be denied for the reason that the governor had not the power under the law to appoint any such commission. The duties of the governor are defined by the organic act of Porto Rico passed by Congress, and the governor has the power to appoint the juiges defined in that law, the duties of which judges are also defined by the local statutes. The governor would have no power to give this commission the power to investigate and to prosecute and to punish anybody, unless the Legislature of Porto Rico met and passed a law creating a commission with that power, and I even doubt if the Legislature of Porto Rico would have power to create a commission and give to it judicial powers—the power of prosecuting and punishing for a violation of the law.

Upon these grounds I thought that the application of Mr. Iglesias had to be denied, and I instructed the acting secretary of Porto Rico, the man who was taking my place, to reply to Mr. Iglesias to that effect. The answer of the secretary is inserted in Mr. Iglesias's second communication to the governor.

Mr. Iglesias thought, perhaps, the denial that I had made would not be sustained by the governor, and upon the return of the governor on April 14 he addressed another communication to the governor, wherein he inserted the original communication to me, the reply of the acting secretary of Porto Rico, and reiterated his petition that this commission should be appointed. The governor replied then, upholding my interpretation of the law and denying his application. I do not believe this is any ground for complaint against the government for refusing to appoint this commission, because the position of the governor is that he had no power to appoint any such commission or give such commission the powers desired to be given to it by Mr. Iglesias.

The letters being in evidence, I will not offer them, because I do not want to incumber the record.

I would like to present to the commission a clipping taken from the Times, a Porto Rican newspaper having the largest circulation in the island, and it is a friend of the labor movement. I never knew the Times to be against labor or in favor of capital, and they are really quite impartial in their statement in this regard. It is from the Times of May 14, and it is an editorial in reference to the opinion of that publication as to the conduct of the governor during the strike. It is voicing the public opinion of the island in regard to Gov. Yager.

(The clipping so referred to, entitled "Mr. Iglesias goes north," was published in the Times of May 14, 1915.)

Mr. TRAVIESO. Regarding the riot at Ponce, I will offer a supplemental report made by the district attorney of Ponce under date of March 24, this year, a paragraph of which I will read, and it says, "According to the declarations which are in my hands, it appears that the labor leader, Mr. Santiago Iglesias, comported himself in an illegal manner while addressing his hearers, his speech being one of threats, irony, and contempt for the different officials of the gov-

ernment, for which reason the chief of the insular police of this district, Mr. Fernandez Nater, ordered him to descend from the stump. At this juncture a man armed with a taper file attacked Corporal Ferrer, who was going to execute the orders of his chief, and when the latter saw this he was compelled to come to the aid of his subordinate. Immediately confusion ensued, and shots were fired indiscriminately by the police and by the civilians, the man who attacked the corporal and the captain being wounded, and being now an inmate of the Prisoche Hospital, where he is recovering from his wounds.

(See Travieso Exhibit No. 8.)

Chairman WALSH. Is there any document that we have here, Mr. Travieso, that undertakes to quote the language of Mr. Iglesias, literally or substantially?

Mr. TRAVIESO. I don't know of any. In the testimony affidavits were presented by Mr. Iglesias; there were affidavits made before the house committee that investigated the matter, and the witnesses differ as to the language. Really, that is a subject that is now, and will be investigated before the district court of Ponce when Mr. Iglesias is tried for the offense of which he is accused, and there are two sides in the affidavits. The side of the police is clearly against Mr. Iglesias and the affidavits of Mr. Iglesias's friends are in his favor.

Chairman WALSH. Then we have all of the testimony on both sides as far as you know as to what Mr. Iglesias said?

Mr. TRAVIESO. As far as I know, it is all before the commission. There are one or two points that I want to touch upon briefly.

Mr. Iglesias in his testimony yesterday in reference to the compensation act I heard my name mentioned in his testimony, and, although I am here for an impersonal matter, I would like to explain the situation somewhat further. As I said this morning, I introduced this bill for the insurance compensation of labor by the insurance system. The bill was presented and did not pass two years ago, and I introduced it last a year ago. I received a letter signed by Mr. Iglesias, I believe, inviting me to deliver an address or lecture before the people for the federation of labor. I responded to that at the time, when I was acting as governor, and my reply stated very plainly my ground for not taking part in that meeting at that time. I thought that acting in the capacity of governor at that time that I should not go into a discussion on it, or any other thing, and I said that in my letter that I would be very glad, after my duties had been performed as governor, to take part in that discussion. The governor was back in the island the day before New Year's, and I was very busy helping him in the preparation of his message and preparing for the legislature.

After the legislature met, the speaker of the house introduced, on the first day, his old bill that had been defeated two or three times, as I understood. I then introduced mine. I felt then as a matter of courtesy to the speaker that I should not go out of my way, out of the floor of the council to discuss in different places bills that were pending before the legislature. I wanted to serve the people in the council, and it was for that reason, and not from any desire not to discuss my own bills, that I did not take part in these conferences. I promised Mr. Iglesias, and promise him now, that I would have no objection now to returning to the island and taking this matter and debating it with anybody that wants to enter the debate. I am very much interested in passing that bill, and I believe it is a good law, and very much affects our men in the island, and I hope to get Mr. Iglesias's help, which I have never been able to get all the previous time. The bill was printed and freely distributed, and we advertised public hearings in the executive council, advertised in the newspapers, and they all had notice of it. I did not see Mr. Iglesias at the hearing, and no one appeared in behalf of his organization. I was informed later that at a hearing before the house Mr. Iglesias expressed himself against the establishment of the insurance system for the compensation of workmen. I don't know after reading, or after having seen its provisions, he has changed his mind and is in favor of it. In other words, these charges are general, and most of the charges that have been made before this commission are, that the public lands of Porto Rico have been granted to private corporations without the payment of any consideration to the government. I can say without hesitation that the charge is absolutely unfounded.

The government of Porto Rico has quite an extension plan that belongs to it, and every piece of land that I know of is either in the possession of the government or is rented to private individuals or corporations, but by virtue of the contract they pay rental for the property of not less than 6 per cent of the assessed value of the land. Usually the terms of the contract of lease—and I don't know of any case, and I don't believe that Mr. Iglesias, if

required to produce one, could point out a single case where the government has granted (and granted implies the consent of the government) has granted land to a corporation without the payment of rent. There may be land that belongs to the government on which are living the people that may be termed "squatters," without the consent of the government, but in no case are people accepting government land without paying for it. Mr. Iglesias may refer to the case of the Guanica centrales. It was in possession of lands claiming the ownership of those lands, or the right of possession by virtue of a lease from some man there, I don't remember his name, at Yacuo. This man believes himself to be the owner of that property. It came to a point where the government began to litigate with this man Guanica on one side and the government on the other side to recover possession of the land. The controversy was started, as I am informed, by this Guanica acknowledging the right of ownership in the government, and they were allowed to remain in possession by the execution of a contract where the government is recognized to be the owner of the land, and they pay rental to the government. That is the only case that has been brought up for public discussion.

Before I close, if I may, I want to say a word with reference to the question of citizenship. I want to join my voice to that of Mr. Iglesias and Mr. Martinez in advocating that the question of citizenship should be decided at the earliest possible date. We have been claiming it for 16 years, and if we believe, as we all believe, that it is our duty to raise the moral and social standard of our working classes, one of the best means toward that end would be to make all these men somebody as far as citizenship is concerned. At the present time our people are men without a country, we might say. They are allowed to live in Porto Rico under the protection of the American flag, but they are denied the right of citizenship and they can not call themselves citizens of the United States, while, as a matter of fact, they are enjoying the same right as citizens of the United States, and it is only a question of declaring them citizens of the United States. I hope that is done at an early day and done collectively without requiring them to go before a court and state that they want to be citizens.

There was statement made by Mr. Martinez in the paper he read yesterday with which I want to take issue. He said in one of those paragraphs, if I am correct, that one of the biggest mistakes made by the administration, the Federal Government, was granting—the granting of too much self-government to Porto Rico, he believing that that is one of the reasons for the social unrest existing in the island and for the condition of the agricultural laborers. I find a very great inconsistency in the statement of Mr. Martinez, why he believes a mistake has been made in granting too much self-government, and in the following paragraph he advocates the passage by Congress of the bills pending before Congress, and those bills provide for the granting of more self-government to Porto Rico; so, on the other hand, he condemns the American administration for giving us too much self-government, and on the other hand, he complains of the administration because they do not pass bills providing for more self-government.

Commissioner WEINSTOCK. Who do you refer to?

Mr. TRAVIESO. Mr. Martinez; in his statement read at the opening of this investigation.

He also complains that the men in control of the administration of the Government, who are leaders in official circles, are men, who, he says, are more or less men who had Spanish training and ideas, and who were reactionaries. The fact is, Mr. Chairman, that the majority of the men who have any power in their hands in Porto Rico, not only those in the upper house of legislature but the district judges and district attorney, the men who have the greatest responsibility in their hands, are men who have been trained in the United States. Most of them are young men up to date in American ideas, who came to this country when they were young men; they got their training and education in this country and went back there fully Americanized and fully aware of the necessities of our country, and fully aware that something should be done for the laborers of Porto Rico, and everyone of them willing to do it. They are not what could be called reactionaries, and do not look backward; they look forward.

The means we have to fight against these conditions are weak, and it is not our fault if we do not succeed. We have not the organization and the means such as exist in a big, rich country like this. We have to fight against conditions as we find them and do the best we can.

A complaint was made against my colleagues in the lower house of the legislature, and either Mr. Iglesias or Mr. Martinez said that the attorneys in the legislature, or members of the legislature, were attorneys for the big corporations. It is true in some of those cases those men are attorneys for corporations, but they are elected by a popular vote, the people themselves—the very men represented by Mr. Iglesias, and who are wage earners, put them in office. It is in their hands—it is in their power, and if they are not satisfied with the way they conduct their duties as legislators, it is in their power to change them. We have universal suffrage and every man has a vote, and if he does not know how to use it, it is his fault. And I think that Mr. Iglesias should concentrate his efforts toward the education of those people and teach them how to use their vote. I do not believe any man is using his place to further the interests of the corporations he may represent; but if there is any such man, it is in the power of the voters to punish him by not reelecting him, and that Mr. Iglesias should teach to the men that follow him.

I want to say, before I forget it—to say that there was another bill recommended by the governor in his message to meet a condition that exists in Porto Rico, like it does everywhere, where men work for a contractor, for instance, and that contractor throws up his contract because he is unable to go on with it and those wage earners sometimes lose a week's wages. They can not go to court and sue that contractor to recover $4 or $5 or $6 or $7 for their week's wages; they have to hire a lawyer and pay him, and naturally it does not compensate them to do that.

Mr. Bills, the chief of the bureau of labor, drew a bill following the recommendation of the governor and it was introduced in the Executive Council and passed by a unanimous vote, providing that when a wage earner is defrauded in this manner by a contractor or his employer he may sue the employer in court and recover not only the amount of damage but a certain amount as attorneys' fees, so that there will be an inducement for the lawyers to take up these cases, because they know their fees are going to be paid. This bill passed by a unanimous vote of the upper house of the council, but, to my great surprise, it was defeated in the lower house by Mr. Iglesias's representative, Mr. Aybar. If Mr. Aybar had voted in favor of that bill; if he had used his influence in the house for the passage of that bill, the bill would have become a law and the existing evil would have been corrected. Either Mr. Aybar was not informed as to the contents of the bill, or I find no explanation of his action in that respect. All our work along that line was lost by the vote of the very man that claims to represent the interests of the working class in the lower house of the legislature, and that is a fact that can be substantiated.

There are so many points that I would not think would throw any light on the main question that I will not go any further.

Chairman WALSH. I think you have covered very thoroughly the matter, but Mr. Commissioner Weinstock has some questions to ask you at this point.

Commissioner WEINSTOCK. I will make my questions very brief, and I am sure you will try to brief the answers, because we are working under great pressure.

Mr. TRAVIESO. I realize that, and I am sorry to have taken so much time.

Commissioner WEINSTOCK. We must adjourn this evening, and we have several witnesses here who want to be heard. My questions will be rather desultory and disconnected, but I will give them to you in the order in which I have jotted them down.

Have any charges of graft been made against legislative members in Porto Rico?

Mr. TRAVIESO. No.

Commissioner WEINSTOCK. The legislature is clean?

Mr. TRAVIESO. It is clean.

Commissioner WEINSTOCK. Is there a free and honest ballot in Porto Rico?

Mr. TRAVIESO. I do not think it is any freer there than it is here or anywhere. I do not believe the absolute free ballot exists in the world.

Commissioner WEINSTOCK. You have the secret ballot?

Mr. TRAVIESO. We have the secret ballot.

Commissioner WEINSTOCK. The Australian ballot?

Mr. TRAVIESO. The Australian system. The men, being ignorant and not knowing how to write or read, have to express their vote by making a cross; by making their mark.

Commissioner WEINSTOCK. Who is entitled to vote in Porto Rico?

Mr. TRAVIESO. Every man who is over 21 years of age.

Commissioner WEINSTOCK. Regardless of illiteracy?

Mr. TRAVIESO. Regardless of illiteracy; yes.

Commissioner WEINSTOCK. Do you have woman suffrage?

Mr. TRAVIESO. No; we do not.

Commissioner O'CONNELL. Does he have to have any property?

Mr. TRAVIESO. Absolutely not. He has to be of age and be a citizen of Porto Rico or of the United States.

Commissioner WEINSTOCK. You stated that to put sugar on the free list means the ruin of Porto Rico. Why?

Mr. TRAVIESO. Because we have to compete with Cuba in the production of sugar.

Commissioner WEINSTOCK. What advantage has Cuba over Porto Rico?

Mr. TRAVIESO. Cuba has the advantages of a more fertile soil——

Commissioner WEINSTOCK (interrupting). Any cheaper labor?

Mr. TRAVIESO. And perhaps cheaper labor.

Commissioner WEINSTOCK. Do you know what wages are in Cuba as compared to Porto Rico?

Mr. TRAVIESO. I could not say, from memory. I know that they appear in the pamphlet which we presented to Congress.

Commissioner WEINSTOCK. Approximating it, about what difference do you think there is in the average percentage, dealing with it on a percentage basis?

Mr. TRAVIESO. I do not believe the difference exactly in the wages as to the production, but they are more or less similar because the countries are very similar to one another. The difference is that the cost of the production of sugar in Porto Rico is much higher than in Cuba. In Cuba, for instance, they plant cane and they get seven and eight and nine crops out of the same planting. In Porto Rico we have to replace it every two or three crops.

Commissioner WEINSTOCK. In other words, they have a much more fertile soil?

Mr. TRAVIESO. Yes; and we have to use fertilizer to keep our soil producing.

Commissioner WEINSTOCK. But they have comparatively little advantage on the wage question?

Mr. TRAVIESO. Very little advantage on the wage question.

Commissioner WEINSTOCK. Is there any difference in the efficiency of labor; is the Cuban labor any more efficient than the Porto Rican labor?

Mr. TRAVIESO. I do not think so. I think our men are just as efficient as any other men.

Commissioner WEINSTOCK. Are the proceedings of the legislature conducted in English?

Mr. TRAVIESO. In the Executive Council we use both languages. Those of us that speak enough English to make ourselves understood use the English language.

Commissioner WEINSTOCK. How many members are there in the lower house?

Mr. TRAVIESO. They are all in Spanish.

Commissioner WEINSTOCK. I say, how many members are there?

Mr. TRAVIESO. There are 35.

Commissioner WEINSTOCK. From what ranks are they generally recruited; what walks of life do they come from?

Mr. TRAVIESO. Like almost every other parliament or legislative body, the lawyers get the best of it, and the majority of them are lawyers.

Commissioner WEINSTOCK. Are there any representatives of labor in the house—representatives of organized labor?

Mr. TRAVIESO. There is one, the gentleman I mentioned before, Mr. Aybar, and another man, Mr. Vargas. Both of them were elected by the same district.

Commissioner WEINSTOCK. They are unionists themselves?

Mr. TRAVIESO. Mr. Aybar is, and Mr. Vargas, I understand, was until two or three years ago, when he had some disagreement with Mr. Iglesias, and he resigned from his position in the free federation, but he still represents the labor interests, and I think is the most efficient man that the labor people have there.

Commissioner WEINSTOCK. Is the governor appointed by the President?

Mr. TRAVIESO. The governor is appointed by the President.

Commissioner WEINSTOCK. Has he power to initiate legislation?

Mr. TRAVIESO. To recommend it in his message.

Commissioner WEINSTOCK. But not to initiate it?

Mr. TRAVIESO. Not to introduce it.

Commissioner WEINSTOCK. Has he the veto power?

Mr. TRAVIESO. He has a conditional veto power.

Commissioner WEINSTOCK. What is the condition?

Mr. TRAVIESO. We may pass a bill by two-thirds of both houses over his veto.

Commissioner WEINSTOCK. Then, that law is the same as it is in most of our States?

Mr. TRAVIESO. Yes; with the exception that the federal congress has retained the power to declare any law void that is in conflict with the constitution.

Commissioner WEINSTOCK. The statement has been made that wherever the white man, the American or European, goes into other countries he carries with him and introduces certain vices that the people there before have never practiced. Has American occupation brought any new vices to Porto Rico?

Mr. TRAVIESO. I do not think it has. Perhaps—no; I do not think it has any.

Commissioner WEINSTOCK. Drinking and gambling?

Mr. TRAVIESO. No; I think drinking has not increased any. Our people are not, fortunately, given to drink very much. The climate is not well adapted to that vice, but of course there are exceptions.

Commissioner WEINSTOCK. Would your legislature, for example, have the power to appoint a minimum wage commission and fix legal minimum wages?

Mr. TRAVIESO. I do not believe we would have, within the powers given to us by the organic act.

Commissioner WEINSTOCK. Haven't you the same powers that any State would have in the Union?

Mr. TRAVIESO. No; not exactly. We have very limited powers, and they are defined by the organic act. I do not believe we could, as far as fixing a minimum wage regarding the contracts between private individuals.

Commissioner WEINSTOCK. Could you do it for women and minors?

Mr. TRAVIESO. We have done it, under the exercise of what we claim to be the police powers, in the matter of health.

Commissioner WEINSTOCK. You have fixed the wage?

Mr. TRAVIESO. Not the wage; I mean the hours of labor.

Commissioner WEINSTOCK. If you can fix the hours of labor under a police regulation, why can not you fix the minimum wage for women and minors?

Mr. TRAVIESO. That is done under the argument that it is better to health.

Commissioner WEINSTOCK. That is exactly the same reason offered in fixing the minimum wage in this country for women and children, that it is necessary that they shall be able to live decently so that they can reproduce.

Mr. TRAVIESO. I think the same argument could be invoked. There is no reason why it should not be.

Commissioner WEINSTOCK. Do you understand that organized labor in Porto Rico wants the authorities to be more than neutral in labor disputes or wants the authorities to favor organized labor?

Mr. TRAVIESO. I think, judging by what I know of the desires of the leaders of the movement, as far as I can judge from their communications and the way they act, that they would like the Government to be more than neutral; they would like the Government to be decidedly in their favor.

Commissioner WEINSTOCK. That is, they want you to be more than neutral? They want you to be biased in their favor?

Mr. TRAVIESO. Exactly. I can say that, for instance, Mr. Iglesias himself is a man that if he gets a letter from the governor saying, in the course of the usual procedure, the governor addresses him "My dear Mr. Iglesias," and when Mr. Iglesias gets such a letter from the governor, at the first opportunity or at the first meeting he has he reads that letter from the governor and makes those organizations believe that he is a private and intimate friend of the governor and has "pull" with the administration, and all that; and he goes as far as to say sometimes that the Government is with him, and that is the propaganda he makes among the people. That is a natural feeling to have. Perhaps I would feel the same way. I do not blame him for it, and I think that is part of his duty, to get everybody on his side and to get everybody to help him.

Commissioner WEINSTOCK. What is the policy of the Government in labor disputes?

Mr. TRAVIESO. To be entirely impartial and to use its influence, whenever necessary, to see that justice is done the laboring classes, and that we did during the last strike.

Commissioner WEINSTOCK. Do you regard the conditions of the workers better or worse since American occupation?

Mr. TRAVIESO. I think they are better, taken as a whole.

Commissioner WEINSTOCK. What advantages to the worker do you see in American occupation?

Mr. TRAVIESO. I think prior to American occupation for a number of years the majority of these people living in the country were anemic. We started, I think, with an appropriation of $75,000 a year to start a campaign against anemia, and then we reduced that gradually as the anemia was disappearing, and the number of cases that have been cured from this disese is several hundred thousand people that have been treated successfully.

Commissioner WEINSTOCK. What are the disadvantages to the worker under American occupation as compared to what they were before American occupation?

Mr. TRAVIESO. I do not believe they have any new disadvantages, except, perhaps, the cost of living may be a little—it is higher than it used to be.

Commissioner WEINSTOCK. That, of course, is a world condition?

Mr. TRAVIESO. Yes; that is a world condition.

Commissioner WEINSTOCK. And not confined to Porto Rico?

Mr. TRAVIESO. You could not blame anybody for it.

Commissioner WEINSTOCK. On the whole, you would say the workers are better off under American occupation than they were under Spanish rule?

Mr. TRAVIESO. I think they are. I think the island as a whole is better off in every other respect.

Commissioner WEINSTOCK. Are there Socialists and I. W. W.'s in Porto Rico?

Mr. TRAVIESO. I do not know. It is hard to draw the line between Socialists and——

Commissioner WEINSTOCK. And the I. W. W.'s? They usually announce themselves; those that are Socialists announce themselves as Socialists, and those that are I. W. W.'s announce themselves as I. W. W.'s.

Mr. TRAVIESO. For instance, if you ask 100 citizens in Porto Rico, 99 will tell you that Mr. Iglesias is a Socialist, and I know Mr. Aglesias does not admit the fact that he is. He would deny that, and yet ninety-nine men out of one hundred will tell you that he is, judging by his preachings.

Commissioner WEINSTOCK. Are there any socialistic organizations there, any bodies that call themselves socialistic groups?

Mr. TRAVIESTO. There is a group called Socialists up there in one place. They won the last election. There was a majority split, and then the Socialists got the better of it and they elected a mayor who claims to be a Socialist.

Commissioner WEINSTOCK. Are there any groups there that call themselves I. W. W.'s—Independent Workers of the World?

Mr. TRAVIESO. Not that I know of.

Commissioner WEINSTOCK. Complaint was made by one witness that Porto Rico has been having hard times. From what you know of world conditions, are the times in Porto Rico any harder than they have been universally for the last two or three years?

Mr. TRAVIESO. At the present time, perhaps, Porto Rico is far better off than most of the South American countries because, owing to the European war, the price of sugar has gone up very high. I believe they are selling now pretty close to $5. The sugar people are making money now. That is why we believe that they should pay better wages to the employees.

Commissioner WEINSTOCK. The previous witnesses seemed to have grievances against the officials. Now, do you know from your knowledge whether their grievances are greater against the American officials or the native officials?

Mr. TRAVIESO. The point is that the grievances are all of such a general nature, nothing is specific. In that letter in which I replied to Mr. Iglesias I sent to him in reply to his complaint I told him very plainly that the courts were open to him, to any citizen that cared to present a complaint against any individual. Under our law, and every other law that you know of, you can not complain of a man unless you have it in writing under oath.

Commissioner WEINSTOCK. Are the judges natives?

Mr. TRAVIESO. Yes, sir.

Commissioner WEINSTOCK. Are the judges of the supreme court?

Mr. TRAVIESO. They have two American judges and three Porto Ricans.

Commissioner WEINSTOCK. How are the supreme court judges chosen?

Mr. TRAVIESO. By appointment by the President of the United States.

Commissioner WEINSTOCK. And do you think that the condition of Porto Rico would have been better or worse if the United States had treated Porto Rico as Cuba—gave her absolute independence?

Mr. TRAVIESO. That is a very difficult question to answer, but I am very frank in my statement and my opinion, and I want to try the American rule as far as possible before I decide in favor of independence.

Commissioner WEINSTOCK. So at this time you would not advocate it?

Mr. TRAVIESO. I would not only not advocate it but I have opposed it openly, and bravely, I might say.

Commissioner WEINSTOCK. Is there a demand for independence?

Mr. TRAVIESO. Yes, sir; it doesn't extend very largely, but it is there.

Commissioner WEINSTOCK. From what branch of society does this demand come, from the worker?

Mr. TRAVIESO. Not from the worker exactly, but from the men who are agitating this, one is the speaker of the house of delegates.

Commissioner WEINSTOCK. What would happen to-day if the United States would separate Porto Rico from this country and give it absolute independence? Would the conditions be any better for the worker?

Mr. TRAVIESO. I don't think it would be better off, I would not like to try it.

Commissioner WEINSTOCK. The workers would have nothing to gain by that?

Mr. TRAVIESO. I don't think they would, in the present condition of Europe, because if anything could save us it would be a market for our coffee. If we had good prices for our coffee the economic problem would be solved.

Commissioner WEINSTOCK. Did I understand from your previous statements that the first act of violence was committed in the recent labor trouble by the workers?

Mr. TRAVIESO. Yes, sir; at Vieques.

Commissioner WEINSTOCK. Yes, sir.

Mr. TRAVIESO. It appears so from the reports submitted to the commission and from the letter of Mr. Iglesias's attorney.

Commissioner WEINSTOCK. That the first act of violence came from the workers?

Mr. TRAVIESO. Yes, sir; it says that there.

Commissioner WEINSTOCK. What is your tax rate?

Mr. TRAVIESO. One per cent on the assessed value of the property.

Commissioner WEINSTOCK. And how is property assessed, full value or part value?

Mr. TRAVIESO. Property is assessed; for instance, agricultural land is taxed so much per acre.

Commissioner WEINSTOCK. Is it taxed at the selling price?

Mr. TRAVIESO. At what we considered to be the market value. We say, for instance, if sugar lands are selling for $200 an acre, that is what they are assessed at.

Commissioner WEINSTOCK. For full value?

Mr. TRAVIESO. Yes, sir.

Commissioner WEINSTOCK. About 1 per cent?

Mr. TRAVIESO. Yes, sir.

Commissioner O'CONNELL. You spoke about the officers of the island being neutral, between the employer and employee, indicating that they would not advise either side, only in the line of keeping peace. Did not the governor of the island address the cigar makers and advise them to return to work on the terms of the employer?

Mr. TRAVIESO. The present governor?

Commissioner O'CONNELL. Yes, sir.

Mr. TRAVIESO. I have no knowledge of that. At that time I was not in the position I occupy now.

Commissioner O'CONNELL. My information is that he did, and advised them to return to work on the terms of the employers, and that the employees refused to accept the advice, and later on made a settlement with the cigar companies on a much better basis than was suggested by the governor or offered by the employers, which to my mind would indicate that the governor was interested, at least, to have them accede to the wishes of their employers.

Mr. TRAVIESO. I would not deny or admit the fact, because I have no information whatever on the matter. I am absolutely ignorant about those facts.

Commissioner O'CONNELL. You say that the conditions are better there than they were formerly, which I suppose everybody will concede. Do you think that the fact that workers in Porto Rico organize themselves into whatever form they may have, even though it may be small in number, has not had a beneficial influence on the island?

Mr. TRAVIESO. I think it has. I wish all of them would be organized.

Commissioner O'CONNELL. You think it would be well for them all to be organized?

Mr. TRAVIESO. I think so.

Commissioner WEINSTOCK. It would have the effect of bringing better legislation to the island?

Mr. TRAVIESO. Yes, sir; and the mere fact of their organizing would be an evidence of progress.

Commissioner O'CONNELL. It would indicate that they were becoming more intelligent by organization?

Mr. TRAVIESO. Yes, sir; more intelligent.

Chairman WALSH. That is all. We thank you, Mr. Travieso.

Mr. TRAVIESO. I want to tell the commission, in closing, to consider that the work we are doing now in the island, the Government and all, we are destroying the work of 400 years, and have only had a chance of 16 years, and it is hard to destroy 400 years in 16 years.

Chairman WALSH. We thank you very much for your attendance.

Chairman WALSH. I believe you stated that you had a matter, Mr. Martinez, that you could present in 15 minutes, covering the cigar makers, which you had not an opportunity when you were first upon the stand?

Mr. IGLESIAS. On the question of the cigar makers' strike, we have agreed it shal be five minutes to me and five minutes to him.

The CHAIRMAN. This will have to be concluded by 6 o'clock. You may proceed, Mr. Iglesias.

TESTIMONY OF MR. SANTIAGO IGLESIAS—Recalled.

Mr. IGLESIAS. It has been stated by the secretary of Porto Rico, Mr. Travieso, that in certain sections of the island 18 fires started at different places, and just at that particular place, Aguada. I want to state that in that particular place there never has been a strike—no strike at all.

Chairman WALSH. Where is the closest place there was a strike to that place?

Mr. IGLESIAS. About 10 miles, perhaps. The men who were arrested there have been set free, because no specific charge has been proved against them. The reason for taking them was because it was rumored that a strike was to take place, and to prevent this strike those men that were named as the leaders were taken to jail and accused of fires that never occurred.

I want to refer to the fact that we never have said that our men in Vieques should oppose the police. Our attorney, in giving us the information from Vieques, took himself the opinion from the "people of Porto Rico," from the fiscal, in order to convince everybody that he had not intended to be passionate in giving his views and his opinion. The "people of Porto Rico" are represented by the fiscal. He represents them as attacking first, and not us. We are convinced the police attacked the poor men first and killed them, and that other people, that are not even workingmen or strikers, in order to prevent the police to kill more men, injured these police and attacked the police in order to prevent more killing. But we never said that our men or the workingmen attacked the police first. It was the fiscal who says that, not us.

It has been said that the application for habeas corpus was presented to the court in favor of us in Ponce in order to ask for the reduction of bail. No; we have presented a habeas corpus at the court of Ponce the following day of being arrested, asking that these men be set free and treated as innocent men and not because we had to ask a reduction of bail. The district attorney there made the agreement with our attorneys to let us go free on $300 bail pending an information or investigation that he wanted to make. He took nearly 60 days to get that information. The same day that we were invited to come to this country to appear before this commission, then the charge was introduced by the fiscal at Ponce.

Mr. Travieso stated that I asked for the military regiment of Porto Rico to come to the camp. That is true—in our favor. The governor of Porto Rico told me that he could not do anything, that the police had the right to do it, and that we would have help to maintain the law; that if we wanted to hold a meeting we must apply to the police, and the police will see if we have the right or not. But we said to him that, "You, in your proclamation, indicated that the peaceful paraders and meetings could be held if they were peaceable." He said, "The police will tell you." The police have told us, "We will not permit those meetings, even peaceable." He said, "Well, perhaps because they

are afraid of trouble." Then I say to the governor, "If they fear any outbreak, you have about 1,000 soldiers. They could take to the cane fields; but we ought to be permitted to hold meetings and speak to the people." He said, "No; because if I call the soldiers, then public opinion will believe that there is some more serious trouble."

Mr. Travieso said that the land had never been granted free from the legislature or through the legislation of the Government. I declare here that about 6,000 acres has been granted to a man called Borda, a business man, without any payment to the people of Porto Rico, and that land now is under contract with a sugar corporation, and it gets about $10,000 or $15,000 a year, and the people of Porto Rico did not get a cent. Some other pieces of land of 500 and 2,000 and 1,000 acres are given to several individuals. The legislature has granted pieces of land to a lot of men—rich men—that has the value of more than $50,000, free of any cost to them. The same thing has been done with the Young Men's Christian Association and with some other associations that the workingmen have no use of.

Mr. Travieso said something about the reduction of the school budget. It has been said it was because of the revenues and the taxes that can not be paid into the treasury. I say that at the last day of June the same sum of money will be spent in Porto Rico as was spent in previous years, and we will have a net reduction of more than $700,000 left in the school budget. But in taking into consideration the difference between the last budget and the present one is only a so-called economy of $500,000 or less, and you will see that the reduction of the budget took place in the school item, taking more than $700,000—$735,535.

I will say further on this that the same legislature that has reduced the school budget has given more than $80,000 or $100,000 perhaps to the sugar-growers' association in this way: They have a so-called experimental agricultural station for their own business. We have another experimental station created by the Federal Government. That experimental station of the sugar-gowers' association was made by collections among the different manufacturers and sugar centrales, by one giving $2,000 and another $1,000, etc. But now the people of Porto Rico have to pay the expenses and do the work for the employers, for the sugar interests, and the legislature passes a law to buy the land of the so-called agricultural experimental station and pay a mortgage of about $30,000 and then $80,000 more for the land, and place on the people of Porto Rico the burden of paying about $30,000 or $40,000 to pay the chemists and the agricultural experts and some other men in order to do the work for the employers and for the sugar interests there, and in the same budget where there was a cut in the education budget.

Chairman WALSH. The education budget was cut down more than $700,000, and the legislature appropriated $80,000 or $100,000 for this experimental station that was for the benefit of the sugar growers alone? That is your statement?

Mr. IGLESIAS. Yes; that is it; and put the payment on the people of Porto Rico for years to come.

Mr. Travieso said something about the municipal judge of Vieques and what he did in changing the sentences or the dates of the sentences. That statement comes from our attorney himself, and it is so. He referred to us in that statement. That statement will be verified in Porto Rico, because one of the great things we will get from this commission will be that this is the first time that Porto Rico will know how these investigations were carried on by the Government of Porto Rico, and who pays the Government of Porto Rico, and how those documents have been written and given to the Government of Porto Rico. Everybody thinks that some friends of the people mentioned here have written the reports. They appear before the people as impartial and just men. We will know now from your records who are responsible for the situation in Porto Rico.

Chairman WALSH. You have just one minute more.

Mr. IGLESIAS. Referring to Mr. Bills, the chief of the department of labor, he said it was unfair to refer to the lawyers working in his department. Yes; they work as lawyers. They are paid to put down the gamblers and other things like that, and it is all mixed up in the same political family. The boss of this chief in Fajardo is a shareholder in that sugar-growers' association, and an important politician, and at the same time a brother-in-law of Mr. Bird, and the judge of that town is another brother-in-law. The boss of this man is a brother-in-law of that man, who is a chief of the entire labor department.

They are brothers-in-law and sons-in-law—the mayors and judges—whole families that take the localities there and they do the things they please.

Chairman WALSH. Anything else you have to say you will have to submit in writing. You, Mr. Martinez will have to submit your statement in writing in the record, if you desire to say anything further.

Mr. Iglesias subsequently submitted the following letter:

SAN JUAN, P. R., *June 29, 1915.*

Hon. FRANK P. WALSH,
Chairman Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In addition to all what we have stated before the Commission on Industrial Relations, during the hearing held at the Shoreham Hotel, Washington, D. C., May 26, and the several charges preferred against the administration of Porto Rico, we are also inclosing to you herewith copy of a statement made, published in one of the biggest papers of the island in regard to fires, by one of the district prosecuting attorneys of Porto Rico that have been for many years in that position. This copy is sent to you such as I offered you when the sittings of the commission were adjourned at Washington, D. C.

We are also inclosing you herewith a copy[1] of our official organ, "Justicia," and have marked with red pencil an article of said paper in which we are answering to the statements that have been published by "The Porto Rico Progress," which is regarded in Porto Rico as the official organ of the government of this island, and which probably may be inspired by the Bureau of Insular Affairs, which is a dependency of the War Department, and under which bureau are all the affairs of Porto Rico.

We beg to call your attention to the article in our paper which is an answer to "The Porto Rico Progress," and more particularly to the quoted paragraphs of "The Porto Rico Progress" that when referring to the labor representatives before the Commission on Industrial Relations says as follows:

"Also they were unfortunate in having come into contact with the Commission on Industrial Relations, whose general attitude on labor questions undoubtedly has given them a false impression on the attitude of Uncle Sam himself.

"At Washington, hearing it developed that all the witnesses from Porto Rico want a congressional investigation or a careful study by some commission appointed by Congress. Absolutely nothing can be accomplished by such an investigation.

"But the question of interest to Porto Rico is: To what will this investigation amount?

"To which I venture to answer, Nothing."

We do insist that the Congress of the United States should inquire into the true conditions of the island, and we are sure that due justice and sincere protection may be provided for the laborers of this island by Congress when enacting any law or the new organic act for the people of Porto Rico.

Very respectfully, yours,

SANTIAGO IGLESIAS,
President of the Free Federation of the Workingmen of Porto Rico.

[Translation.]

PARAGRAPHS FROM A STATEMENT MADE PUBLIC BY MR. ANGEL ACOSTA QUINTERO, PROSECUTING ATTORNEY OF THE DISTRICT OF MAYAGUEZ, P. R., TAKEN FROM THE PAPER "LA DEMOCRACIA."

ACCESSORIES OR PARTY OF THE FRAUD DONE AGAINST INSURANCE COMPANIES.

The recent fire in city ward (locally known) Puerta de Tierra, San Juan, the cancelling of the policies against fire in connection with the same, have brought some protest from the press. We understand the insurance companies did what was right. Those whose polices have been cancelled need have no fear, for they will henceforth be more "assured" against the risk of arson. A sad

[1] Submitted in printed form.

official and professional experience has taught us that the cancelling of certain policies has avoided a calamity and a conflagration as well.

We have seen the insurance company agents many times in connection with the police and have suggested to them the advisibility, pursuant to certain reports and investigations, of cancelling certain policies.

This advice has been heard and grave dangers (fires) have been avoided in so doing.

In our official and professional practice we occasionally find that real estate buildings insured and then destroyed by fire for the most part are insured for a larger sum than that given for the effects of valuation and taxation on property.

Tenement houses (ranchones) or houses that are only taxed for $800, $1,000 appear as being insured for $1,500, $2,000, and even $3,000.

Some there are who live in insured houses; others there are who live in houses that are not insured; but the tenant in either case has his furniture and household effects insured even for a larger amount than they are worth, and there is no data at the internal-revenue office of such a valuation.

In cases like these the agent who issues the policy is just as guilty as the applicant. Moreover, we believe that the insurance company agents in such cases have acted up true.

The crime—not of arson, but of fraudulent destruction of insured property, causing at the same time the destruction of those not insured—has become natural, it has become deep rooted and commonplace among, and it is necessary that the upright people and the legislature put a stop to this. It is high time that the abuse should be done away with, and that this abuse, this shameless act of many an evildoer and thief current be discouraged among us, for there is a tendency that the good Porto Rican people are only capable of committing arson.

STATEMENT OF GOV. ARTHUR YAGER.

GOVERNMENT HOUSE, *Porto Rico, June 3, 1915.*

GENTLEMEN: I have been informed in letters received from Mr. Martin Travieso, jr., and Mr. J. C. Bills, who are at present in Washington, that in the hearing before the Commission on Industrial Relations, May 26, in regard to the recent strike among the sugar workers of Porto Rico, the statement was made by Mr. Iglesias and corroborated by Mr. Gompers that during the cigar makers' strike in 1914 Gov. Yager advised the strikers to return to work upon the conditions set forth by the employers.

I desire to state emphatically that both Mr. Iglesias and Mr. Gompers are mistaken; that I did not give any such advice at any time and especially at the conference held in my office between the parties to that controversy, some time in March.

First, in support of my statement to this effect, I desire to submit in the first place the explicit statement of Mr. J. C. Bills, the chief of the bureau of labor, who was present during the whole of the conference, which lasted several hours, and who understood everything that was said by all parties, both in English and in Spanish, and whose recollection is clear, and whose testimony is unequivocal on this point. Secondly, the testimony of my secretary, Mr. Miguel Muñoz Morales, who was also present during the whole conference and acted as interpreter for me and for those who spoke in Spanish.

Second, it is not at all probable, in a conference at which both parties were represented and which had been called by the governor to secure a settlement of the matters in controversy between them, that the governor would have given any such advice to either side. The entire purpose of the conference was to bring the parties together in order that they might talk over, face to face with each other, the matters in controversy and see if they could not come to some sort of agreement, by compromise or mutual concession, which would end the strike and bring about a reopening of the factories and a return of the laborers to work. The proper attitude of the governor was simply to impress if possible upon both parties the interests of the public at large in having the matter settled and the industry continue. I am perfectly sure that I never for one moment departed from this attitude of complete impartiality as between the two parties. I remember clearly that it was a complicated matter, full of technical details as to grades and shapes of cigars and methods of payment, which I did not fully understand, but all of which had a bearing upon the

amount of wages paid to different classes of workmen and the methods of conducting the business. All these things were thrashed out by the participants in the conference, and much to my regret they separated without reaching an agreement.

Third, in proof of the fact that this was my attitude throughout the entire strike I desire to submit letters written by me to the employers and the laborers at the time when the strike was finally settled on June 8, 1914. These letters will show conclusively that I did not undertake to judge as between the parties, but simply to urge upon both parties the importance of arriving at a settlement because of the suffering produced among the families of the workers, and because of the damage done to the community at large through the prolongation of the strike. I also inclose copies of some correspondence between myself and Mr. G. W. Perkins, international president of the Cigar Makers' International Union of America, Chicago, Ill., which will also show the spirit and purpose of the government throughout the strike, and indicate clearly that Mr. Perkins himself understood and appreciated my personal efforts to secure a fair settlement. I also send a letter written to Mr. Gompers during the progress of the strike. It is hardly necessary for me to explain that when I emphasized to Mr. Gompers the importance "for all the interests concerned, and especially for the public interests, that these strikers should all go back to work," I did not mean to imply that they should go back upon terms or under conditions laid down by the employers, but that they should get together and agree upon some fair settlement of the points in dispute and resume their work under conditions satisfactory to them.

Very respectfully,

ARTHUR YAGER, *Governor.*

The honorable the COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

[Cigar Makers' International Union.]

CHICAGO, ILL., *June 23, 1914.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

DEAR SIR: I have your esteemed favor of the 10th and note with more than passing interest all that you say in connection with the strike of the cigar makers and the final outcome.

At a banquet given to President Gompers and myself when leaving San Juan, among other things, I said that no one could successfully govern the people of any country, without the governing forces thoroughly understanding the temperment of the people and realizing fully the former and present conditions, and knowing something of the hopes and aspirations of the people from their own standpoint. I judge from your letter and what you said personally that you are in accord with the fundamental sentiment underlying the foregoing statement. I am conscious of the fact that circumstances over which you had no control made the situation a delicate and a difficult one to handle.

With assurance of appreciation for the sentiments expressed in your letter, I am,

Very truly, yours,

G. W. PERKINS, *Int. Pres't.*

JUNE 10, 1914.

Mr. G. W. PERKINS,
Monon Building, Chicago, Ill.

DEAR SIR: I received in due course of mail and read with much interest your letter of the 24th of April.

I assure you that I have kept in mind steadily the ideas and purposes which you credited me with at the time of your visit here and which you express so clearly in the letter referred to.

Of course you will have learned before this reaches you that the cigar makers' strike has at last been settled in a manner satisfactory to both parties. Certain issues were waived, and what I take was the main issue—that of wages—was compromised, and the factories are to be opened and the laborers go back to work to-morrow.

I rejoice greatly in the settlement and in the increase of wages which the laborers were able to secure, and now I desire to assure you of two things: (1)

That I labored constantly to secure just this kind of a settlement through all the three months and more of the strike. The first conference that was held was arranged at my suggestion, the second one likewise, and the third and last one was arranged in response to a special request that I made of both parties to get together and make another effort to come to a settlement; and when this last conference was in session and seemed to have reached a deadlock, I sent to them a special message urging them not to give up the matter until a settlement was reached. I am thankful to say that they took heart again and did reach a settlement. (2) In spite of all this I think the laborers here have allowed themselves to be prejudiced against the Government because they have not all of them clearly realized the weight of responsibility placed upon the authorities to keep the peace and preserve order. Some of the strikers, I do not believe there were many, were imbued with the idea of accomplishing their purpose by violence, and it was necessary for the entire administration to be firm and alert in its efforts to keep order. This was sometimes misinterpreted into a lack of sympathy with the cause of the laborers. Of course I am not so foolish as to charge the whole organization with responsibility for the acts of a few of its members or sympathizers; but in a time of struggle and excitement like this the great body of laborers are not always able to keep clear in their minds the issues involved and to do justice to those who have the difficult task of preserving the peace and enforcing the law regardless of their personal sympathies.

I am writing thus freely to you because I am of the opinion that Mr. Gompers was himself perhaps somewhat prejudiced by the vigorous representations made to him by local leaders. However, we can certainly all rejoice now in the settlement of the difficulties in an entirely honorable way, which I think was preferable to any way, even that of arbitration.

With best wishes for you, and assuring you always of my interest in the cause of the toiling masses everywhere, I am,

Sincerely, yours,

ARTHUR YAGER, *Governor.*

SAN JUAN, P. R., *June 8, 1914.*

To the parties at conference for the settlement of the tobacco strike.

GENTLEMEN: When the industrial life of a people is disturbed by a rupture of the relations between labor and capital it becomes the duty of all public-minded citizens and especially of all who are charged with public positions of trust, to exert every possible effort to promote a proper, satisfactory, and expeditious settlement of such controversy.

A long-continued struggle brings serious suffering not only upon the parties immediately interested but also upon the public at large. Prompted by this sense of duty, I have appealed to you, the representatives of the parties involved in this strike, to meet in conference and make a further attempt to reach an agreement upon the questions still at issue; and I am now sending this brief message to express to you, on behalf of the people of Porto Rico, and especially in behalf of the families who are now so bravely enduring suffering and privation because of this struggle, my appreciation of the promptness with which you have responded to my request that you meet again in conference. I desire to extend also my earnest hope that you will continue the negotiations begun under such propitious auspices until a proper and beneficial agreement can be reached, an agreement that will promote better and more lasting relations between the employers and employees of the tobacco industry of Porto Rico.

Congratulating you upon the progress you have already made toward a settlement, and trusting that you will, in a patriotic and broad-minded spirit, be able to agree upon a fair and honorable settlement, I am,

Very sincerely, yours,

ARTHUR YAGER, *Governor.*

JUNE 3, 1914.

Mr. PRUDENCI RIVERA MARTINEZ,
President Central Strike Committee,
Federación Libre, Luna Street, San Juan, P. R.

DEAR SIR: I have received a communication from the president and the secretary of the "Concejo General de Oficio," and also a copy of the resolu-

tions adopted by the general assembly held May 27 in the house of delegates, San Juan, making an appeal to me to do what I can to aid them in securing a peaceful settlement of the controversy between the cigar makers and the Porto Rico American Tobacco Co. I am addressing this reply to their communication to you as the president of the central strike committee, hoping you will communicate it to them.

In view of the fact that this strike has continued now for more than three months and has closed the factories of Puerta de Tierra and Bayamón, inflicting great loss not only upon the parties immediately concerned but also upon the merchants and general business of the community, and entailing great suffering upon many innocent people, I have concluded that it would be proper for me to request that another conference be held by the members of your committee and the officials of the company.

I am aware that one or two conferences have been held before this and have failed to effect a pacific settlement; but I am compelled to believe that both parties really desire a pacific settlement of this disastrous strike, and I am, therefore, led to hope that continued discussion of the differences between the parties will eventually lead to a pacific settlement. At any rate it will assuredly do no harm to make another effort to secure a pacific settlement of a controversy which is so harmful to all parties concerned and to the public as well.

I have, therefore, commissioned the bureau of labor of the insular government to have an interview with you and also with the officials of the company, with a view to arranging a conference. I hope you will accede to this arrangement.

With sincere respect, I am,

Yours, very truly,

ARTHUR YAGER, *Governor.*

JUNE 3, 1914.

Mr. JOHN FRESE,
Vice President Porto Rico American Tobacco Company,
San Juan, Porto Rico.

DEAR SIR: I have received a communication from the president and the secretary of the "Concejo General de Oficios," and also a copy of the resolutions adopted by the general assembly held May 27 in the house of delegates, San Juan, making an appeal to me to do what I can to aid them in securing a peaceful settlement of the controversy between the cigar makers and your company.

In view of the fact that this strike has continued now for more than three months and has closed the factories of Puerta de Tierra and Bayamón, inflicting great loss not only upon the parties immediately concerned but also upon the merchants and general business of the community and entailing great suffering upon many innocent people, I have concluded that it would be proper for me to request that another conference be held by the officials of your company and the committee of the strikers.

I am aware that one or two conferences have been held before this and have failed to effect a pacific settlement; but I am compelled to believe that both parties really desire a pacific settlement of this disastrous strike, and I am therefore led to believe that continued discussion of the differences between the parties will eventually lead to a pacific settlement. At any rate it will assuredly do no harm to make another effort to secure a pacific settlement of a controversy which is so harmful to all parties concerned and to the public as well.

I have therefore commissioned the bureau of labor of the insular government to have an interview with you and also with the committee of strikers with a view to arranging a conference. I hope you will accede to this arrangement.

With sincere respect, I am,

Yours, very truly,

ARTHUR YAGER, *Governor.*

APRIL 29, 1914.

MY DEAR MR. GOMPERS: I received in due course of mail your letter written from Washington with reference to the labor conditions in Porto Rico, and, as you suggested in that letter, the laborers of this island have occupied a large place in my policies and my thoughts.

I take for granted that you familiarized yourself when here with the important phases of the local situation as to the strike of the cigar makers of Porto Rico, and that you have kept in touch with the developments which have taken place since you returned to Washington.

I am sure you will agree with me that it is important for all the interests concerned, and especially for the public interests, that these strikers should all go back to work. Every day that passes emphasizes the importance of their doing so. There have been some acts of violence, as you are aware, and all of them seem to have been committed against those who were opposing the strikers, the last being a well-nigh successful attempt to assassinate the foreman of the Bayamón factory, against whom the strikers entertained especial objections and whose discharge by the company they made a condition of their return to work. Such acts as these have greatly injured the cause of the strikers and of union labor in general in the estimation of the public. I fear that a continuation of the contest will lead to still further injury.

I am inclosing herein a circular recently issued, by the committee of strikers, appealing for aid in the United States. Practically every assertion made in this appeal is false except the most important one of all, and that is that the striking workmen and their families are in great need and are suffering greatly for the necessities of life. I wish that I could do something to help them, but under the circumstances I do not think that any help extended along the lines of their request would be of any real benefit.

I inclose also a copy of an official report on the strike made by the bureau of labor which I am sure is thoroughly impartial and gives the actual facts.

I am sending these documents to you with the hope that you may be able in some way to bring to bear upon the leaders of the strike here the influence of your larger knowledge and wider experience, so as to secure a settlement of the difficulties and a return of the strikers to work.

I have done everything that I could to keep the peace, preserve order, and at the same time promote the interests of the public by securing a peaceful settlement of the strike.

With best wishes for you, I am,

Yours, very sincerely,

ARTHUR YAGER, *Governor.*

Mr. SAMUEL GOMPERS,
Washington, D. C.

(Through the Bureau of Insular Affairs.)

[Cigar Makers' International Union.]

CHICAGO, ILL., *April 24, 1914.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

DEAR SIR: Being mindful of your statement made to President Gompers and myself on the occasion of our visit to your office on March 26, that it was your desire to be helpful in bringing about a better understanding in the cigar makers' strike and a speedy termination of the same along lines mutually satisfactory to both sides involved, I am taking the liberty of saying that since my return home I have been furnished with regular weekly reports from our representative in Porto Rico. These reports complain bitterly against the authorities in some places, who, it is charged, are taking sides with the firm, and I should judge from the tone of the reports that this can only arouse bitter resentment on the part of the workers now on strike.

I am sure that all fair-minded and right-thinking men and women are desirous of bringing about peace in the tobacco industry, and I am frank to say that in my judgment this desirable end can not be accomplished unless the full rights and privileges and lawful purposes of the workers are readily considered and safeguarded against any injustice or unwarranted interference on the part of those whose duty, as we understand it, is to simply keep the peace. I should judge that the workers of Porto Rico are at least partly aroused to a realization of their rights and privileges, and because of temperament and environment any attempt to unjustly interfere will have a tendency to arouse bitter resentment and unnecessarily delay a just and fair settlement of the difficulty.

I am of the opinion that if these people now struggling to maintain and improve living and working conditions are beaten by an unwarranted exercise

and interference of the police authorities, that while it may temporarily suppress the strike, it will by no means ultimately do so.

Your manifestation of interest and apparent desire, on the occasion referred to, to be helpful in bringing about stability of employment and fairer conditions warrants me in urging that in so far as lies within your power the rights interests, and activities of the cigar makers be safeguarded and protected against any unwarranted or unjust interference on the part of the police power of the island. I have personally, verbally, and in writing urged upon our officers and members there a strict obedience to all laws and conservative action and have urged that our officers and members there agree to submit the whole controversy to arbitration, and I have been assued that they have agreed to do so.

Yours, respectfully,

G. W. PERKINS, *Int. Presd.*

REPORT OF THE GOVERNOR OF PORTO RICO COVERING THE STRIKE OF AGRICULTURAL LABORERS ON SUGAR PLANTATIONS IN PORTO RICO.

SAN JUAN, P. R., *April 19, 1915.*

Mr. PRESIDENT: In reply to inquiries made from your office of the Bureau of Insular Affairs, with respect to the recent strike of agricultural laborers on sugar plantations in Porto Rico, I have the honor to make the following report covering the history of this strike from its inception to its conclusion. I also inclose documents supporting the statements made in the form of official reports from fiscals and other judicial officers and a report from the chief of the bureau of labor discussing the various phases of the matters involved in the controversy between the sugar producers and their laborers.

The cause of the strike was the low wages and the long hours of labor which prevailed on the sugar estates in Porto Rico. It is true that low wages have been the rule in the island for a great many years, doubtless for centuries, but it was felt by the laborers that inasmuch as the wages of some of the sugar workers had been somewhat reduced in the last two years, owing to the crisis in this industry, and inasmuch as the present price of sugar has been greatly increased by the European war, it was an opportune time for the wages of the sugar workers to be increased. In this view of the matter the laborers had the entire sympathy of the public and of the Government. In fact, the justice of their contention was freely admitted by the owners of the sugar mills.

Unfortunately there was no organization or leadership whatever among the workers in the sugar fields, and being generally illiterate and quite amenable to influences outside themselves, the situation furnished a great opportunity for the professional labor leaders. The opportunity was promptly seized by the leaders of the Free Federation of Labor, and their organizers and speakers were sent to all parts of the island not only to foment the strike but also to induce the agricultural workers to enter their organization and become permanently amenable to their leadership.

The strike was inaugurated at Bayamón on January 18 by a group of cigar makers. It was spread along the north coast, from one commmunity to another, but in many places was settled in a week or so by the employers granting some increase of wages. The methods used by the leaders to spread the strike became more and more objectionable as time went on. Meetings were held at night in the various towns and villages, in which the language used became ever more violent and incendiary, and by day noisy parades were led along the highways and through the cane fields, persuading, and sometimes intimidating the peasants so as to get them to cease work and join the strike. Pretty soon cane fires began to occur among the standing canes, which, of course, menaced the destruction of the whole unharvested crop. At the same time several destructive fires occurred in some of the towns of either incendiary or accidental origin, and while these had no connection with the strike, they tended to increase the uneasiness, and considerable alarm was felt by the property owners, and they appealed to the Government for stronger protection. The owners of the sugar estates were especially urgent in their appeals. The governor promised to use every means in his power to maintain order and protect property, but he stated to them that he believed the sugar laborers were justly entitled to an increase of wages. The employers agreed to this and promised to grant an increase when their laborers returned to work.

The first clash between the strikers and police occurred at Juncos on February 4. A large body of strikers or their sympathizers tried to force their way over a private road into the fields of a sugar estate after they had been prohibited to enter by the police. This was not at all serious and resulted only in a few bruises and slight wounds among laborers.

On February 16, however, there occurred a very serious outbreak of lawlessness and murderous violence at Vieques. Vieques is a small island of about 10,000 population under the jurisdiction of Porto Rico and situated some 15 or 20 miles distant and therefore somewhat difficult of access for lack of regular means of transportation. In Spanish times it was used as a sort of penal station by the Government of Porto Rico, and as a result the population at the present time is supposed to be somewhat more turbulent than those on the main island. The land is very fertile, and a large port of it is planted to sugar cane. To this island one of the leaders of the federation of labor proceeded and set about getting up a strike, using their usual methods. The first intimation the Government had of his activities was the report of a very serious riot that had taken place in Vieques on the date mentioned. The chief of police was immediately dispatched with reinforcements of police, and the fiscal, or prosecuting attorney of that district accompanied him with instructions to restore order and investigate thoroughly in the regular legal manner the entire occurrence, arresting and arraigning all offenders in the manner provided by law. The official report of the fiscal made to me soon after his arrival in Vieques is herein inclosed. It is an important document, for it discloses a most deplorable affair and illustrates what might have been done by the misguided leaders of the laborers wherever they might secure an opportunity to carry out their operations in their own way.

A mob of so-called strikers, armed with machetes and revolvers, marching about the cane fields in a secluded spot, some 6 or 7 miles from the town of Isabela Segunda, came upon two lonely policemen who were guarding some private property and right of way. They were immediately warned by the policemen that they could not enter, whereupon they divided, surrounded, and attacked the police, cut them down in the most ferocious manner with their machetes, and, leaving them for dead upon the roadside, marched away to the distant town, with the evident purpose of destroying, in like manner, all the police to be found there, and of taking complete possession of the little island. It is true, of course, that the two policemen defended themselves bravely, and before they were cut down shot and killed two or three of their frenzied assailants and wounded several others. It is also true that the six or eight policemen who were in the town rallied together at their cuartel, and armed with guns, which they fired in the air, succeeded in dispersing the mob after its arrival without further casualties. But the spirit, methods, and purpose of the leaders who had organized, armed, and inspired this mob were plainly manifest, and the menace to public order was too serious to be overlooked. Moreover, the papers throughout Porto Rico immediately published accounts of this riot, and a painful impression was produced upon the minds of all good citizens.

It was necessary that prompt and firm action be taken by the government to assure all classes that order would be maintained and personal-property rights be protected. The governor immediately issued a proclamation to the people and a letter of instruction to the chief of police, defining clearly his attitude toward the situation, and announcing his determination to preserve order and at the same time to uphold the law and deprive no citizens or class of their constitutional rights and liberties. The Vieques riot was the turning point of the strikes. A full understanding of it is necessary in order to explain the acts and policy of the government.

After the proclamation the atmosphere cleared and uneasiness, on the one hand, and the tendency to violence on the other, gradually passed away. On the north side of the island the sugar centrals, one by one, compromised the controversy with the laborers, and all promptly resumed work at somewhat higher wages. On the south side the strikes continued for some time in a few localities, and the leaders made desperate efforts to rekindle the fires of passion and spread disorder further, but they were forbidden to make incendiary speeches and incite the peons to violence, which is contrary to the laws of Porto Rico, and also to march about the country in large bodies the peasants through the cane fields, for the reason that these bands intimidated workers who were actually working in the fields, and also invariably led to a string of cane fires following in the wake of the paraders.

The entire movement finally closed with the so-called Ponce riot. The exact facts as to this occurrence have not yet been thoroughly ascertained. The judicial authorities of the Ponce district have the whole matter in charge, and no trials have as yet been held. My information, gathered from reports of the police and the fiscal, is to the following effect: A large meeting was held in the principal plaza of Ponce to promote the strike. After many speeches had been made, at about midnight or later, Mr. Santiago Iglesias, the president of the Free Federation of Labor, began to address the meeting. His language was said to be very incendiary and inciting to lawlessness. The police who were present called upon him to desist. Several labor leaders surrounding the speaker resisted the execution of this command, and confusion immediately followed in which shots were fired and one unfortunate man was killed and two or three others were wounded, not seriously. Mr. Iglesias and one other speaker were arrested for violent language, and some other persons for disorder. All were given bail. There is dispute as to who fired the fatal shot. The district court, in due process of law, will, undoubtedly, in my judgment, enforce the law impartially after fair trials of all the accused.

After the Ponce affair the strike on the south side greatly diminished in excitement and soon entirely ceased. The laborers, in practically every case, were given an increase in wages as soon as they returned to work.

SUMMARY.

As will be seen, the strike was due in the main to a controversy between the sugar workers and their employers over an immediate increase in wages. The wages of these laborers were pitifully low, the time seemed opportune, and the justice of their plea for higher wages was universally admitted. The other points as to shorter hours, contract work, etc., as will be seen from the report of the chief of the bureau of labor, were very much more difficult of proper settlement. The intrusion of the Free Federation of Labor into the matter was resented by the employers inasmuch as none of their laborers had any connection with this organization; but this may have been useful and even necessary because of the lack of leadership and intelligence of the workers.

The strike began at Bayamon on January 18, and was gradually extended to other points, but was settled at Bayamon Janury 29 before many other places were involved. Altogether there were perhaps 20,000 workers involved in the movement from the beginning to the end, but not more than 6,000 were out on strike at any one time. The movement ended March 1, with a substantial increase of wages for the laborers concerned, not only for those who joined the strike but also for those who did not.

The demands made by the leaders of the strike differed in different points, but most frequently they were a flat rate of $1 per day for all classes of field workers, the limitation of the working day to eight hours, and the abolition of the contract (or ajuste) system of harvesting and cultivating cane. Substantial gains were made by the laborers, and doubtless more could have been gained, if the tendency to, and the acts of, violence could have been entirely eliminated. The wages of the field workers on the sugar plantations have always been and are still pitifully low, as are the wages of all unskilled laborers in Porto Rico; but their standards of living, of intelligence, and moral character are also low and have been for a long period of time. These unhappy conditions are the result of overpopulation and the tradition and usages of centuries of bad administration and social evolution. These conditions are well understood in the island and in the United States and can be improved only gradually and through education and patient effort on the part of the Government and all those interested in social uplift. Certainly violence and lawlessness can not help.

In considering the table of wages before and after the strike appended to the report of the chief of the bureau of labor herein inclosed, it must be remembered that only the wages of day laborers are given. The wages actually received by those who work under contract are not easily ascertainable. It is universally conceded, however, that the strongest and best workers prefer the contract system, and that they earn considerably more than the day laborers.

Finally, both during the strike and since its close only regular and legal methods have been used by the Government to prevent and punish acts of violence. The police have been used only to preserve order and protect property. No constitutional or legal rights of laborers or of others have been contravened.

There is no trial by jury in the municipal courts of Porto Rico, but in the district courts, in felony cases, trial by jury exists. All offenders against the laws have been arrested, arraigned, bailed, and tried by the regular judicial officers and methods. Appeals to the higher courts have been granted in all cases where they have been applied for, and there is no reason whatever for any one to believe there is any danger of a miscarriage of justice in any case for lack of a fair trial or for any other reason.

The leaders of the Free Federation of Labor have frequently demanded unusual and extra legal methods of investigation and procedure, but these demands have been refused, as there has never at any time seemed to be any need for them. As an illustration, there is inclosed a copy of the most recent demand of this nature and the reply of the Government.

All the inclosed documents are forwarded to support and supplement the statements made above.

Very respectfully submitted.

———— ————, *Governor.*

To the honorable the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

[Telegram—Translation.]

VIEQUES, P. R., *February 18, 1915.*

The GOVERNOR, *San Juan, P. R.:*

We began inquiry into Vieques affair at 3 p. m. The following facts proved by evidence secured up to 10 p. m.: Two policemen received serious machete and revolver wounds and three laborers were killed in riot out in the country. Four seriously wounded laborers are in the hospital. Two of them will probably die. The policemen, while preserving order, were set on by 300 strikers in groups. All were armed with revolvers and machetes. Evidence shows attack on policemen was premediated. They were left for dead. Fiscal ordered the arrest of the four men who wounded the policemen on a charge of assault with intent to kill. Bail fixed at $5,000. Seventeen men arrested on charge of rioting. Bail fixed at $2,000. Forty other arrests of strikers awaiting investigation. Various kinds of weapons seized. Inquiry to be continued to-morrow. The police conducting themselves as they should. Everything is quiet.

HERNÁNDEZ AND SHANTON.

SAN JUAN, *February 20, 1915.*

To the Fiscals, the Alcaldes, and the District Chiefs of Police of Porto Rico:

The proclamation[1] which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately, and that absolute quietness be reestablished. The parades of laborers, armed with machetes, clubs, and other arms, must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the odium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

In cases of riot and disorder the leaders and the authors, who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder, shall be severely punished.

Every authority has the absolute support of the government to compel the faithful and energetic execution of the law, and absolute neutrality shall be observed in the conflicts between capital and labor, and both shall be protected when within the law, but if any of said elements violate the law they shall be severely punished, and the government is ready not to allow the rights of the

[1] Submitted in printed form.

laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employers by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully.

The Government expects every one of you to do your duty, and thus you will receive the absolute support of the authorities.

ARTHUR YAGER,
Governor of Porto Rico.

GOVERNMENT HOUSE, *Porto Rico, February 25, 1915.*

SIR: In accordance with my verbal instructions to you, and in order that you may understand clearly how to exercise your control over the meetings and parades of the striking laborers outside the urban zones, which by my letter of the 20th instant were placed under your control, inasmuch as such meetings are not generally regulated by municipal ordinances, I desire to make the following explanatory statement in writing.

It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the "barrios" for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them.

Noisy and threatening parades of large bodies of workmen for the purpose of intimidating peaceful laborers, or parades which cause or tend to cause the setting of fires in the cane fields or disorder among the people, should be prohibited. This, of course, will not prevent the peaceful use of the roads by the laborers or others who desire to assemble at any point for the purpose of holding a peaceful meeting.

This letter must not be construed as in any manner modifying or withdrawing any part of my proclamation or letter of the 20th instant, but simply as explaining the manner in which you are to execute some of the instructions of the letter.

Respectfully,

ARTHUR YAGER,
Governor.

THE CHIEF OF INSULAR POLICE, *San Juan, Porto Rico.*

MEMORANDUM OF THE QUESTIONS IN DISPUTE DURING THE RECENT STRIKE OF THE AGRICULTURAL LABORERS IN THE SUGAR-CANE INDUSTRY.

The matters complained of and discussed by the strikers were:

(1) Low wages; (2) improper payment of wages at stores; (3) the ajuste system; (4) the system of agregados, i. e., laborers living in houses owned by their employers; and (5) a shorter working day.

It is extremely difficult to gather accurate data upon the earnings of laborers employed in this industry, because thousands of them work by ajuste, and neither the contractor nor the employer has any records of the daily earnings of the individual laborers. Also laborers employed by ajuste work irregularly, so that it is difficult, even when the daily or weekly wages can be obtained, to know whether or not those wages represent a full day's or full week's working time. The plan of investigation has been to go to three or four of the most important colonos of each section and get such information from their payrolls as they had, and then to go out into the fields and talk with the laborers with the purpose of corroborating and supplementing this information. This work is not complete, but such data as has been gathered is shown in the following table:

Table showing daily wages of laborers in cane fields investigated, January to March, 1915.

District.	Name of mill.	Number of laborers investigated.		Average daily wages.	
		Before strike.	After strike.	Before strike.	After strike.
Aguada	Central Coloso	490	[1]	$0.525	[1]
Aguirre	Aguirre	[2]	[2]	.50	[1]
Añasco	Ana María	198	280	.57	$0.717
Arecibo	Cambalache and Los Caños	193	202	.56	.625
Arroyo	Lafayette	[2]	[2]	.57	.67
Barceloneta	Plazuela	[2]	[2]	.54	.65
Bayamón	Juanita	156	449	.48	.595
Caguas	Santa Juana	136	131	.535	.61
Camuy	Soller, Alianza	155	[1]	.49	[1]
Carolina	Progreso	143	[2]	.67	[1]
Cayey	Cayey	162	[2]	.665	[1]
Ensenada	Cuánica (Colonias)	[2]	[2]	.65	.75
Fajardo	Fajardo	[2]	[2]	.60	.72
Guayama	Machete	599	600	.604	.715
Guayanilla	Rufina and San Francisco	[2]	[2]	.50	[1]
Hormigueros	Eureka	[2]	[2]	.44	.53
Humacao	Ejemplo and Pasto Viejo	239	243	.52	.715
Jayuya	Santa Bárbara	30	[2]	.50	[1]
Juana Díaz	Boca Chica	[2]	[2]	.50	.60
Juncos	Juncos	190	259	.51	.61
Loíza	Canóvanas	322	287	.56	.67
Manatí	Monserrate	1,200	1,049	.54	[1]
Maunabo	Columbia	301	301	.545	.65
Mayagüez	Rochelaise	[2]	[2]	.44	.53
Naguabo	San Cristobal	125	134	.48	.59
Ponce	Fortuna, Mercedita, and Constancia	[2]	[2]	.55	.65
Patillas	Providencia	250	250	.57	.67
Rincón	Córsica	[2]	[2]	.60	.70
Río Piedras	Vannina	[2]	100	.54	.69
San Sebastián	Plata	[2]	[2]	.50	.60
Santa Isabel	Cortada	[2]	[2]	.55	.65
Toa Baja	Constancia	[2]	[2]	.60	[1]
Utuado	Utuado	40	[1]	.41	[1]
Vega Alta	Cármen	[2]	[2]	.54	.64
Vega Baja	San Vicente	1,700	1,700	.62	.70
Vieques	Puerto Real, Playa Grande, Arkadia	[2]	[2]	.65	.75
Yabucoa	Mercedita	176	156	.51	.59

[1] No strike, or strike settled before any outside agitator took any action. Really, laborers at these places have obtained 20 per cent increase over prevailing salaries in 1914; and hours of work reduced on same basis.

[2] Inspectors of the bureau of labor were unable to see pay rolls and had no chance to get data, but salaries prevailing, furnished by laborers.

Summary.—From the above table it will be seen that laborers in 28 mills and properties went on strike and upon return to work they get, practically, an increase on salaries of from 9 per cent to 37½ per cent which render a general average of 23¼ per cent over prevailing salaries before the strike.

The second complaint, that wages should be paid in lawful money and not in metal disks or pasteboard checks, and that laborers should not be permitted to run credit accounts at stores owned by the employer or in which the employer guarantees the payment of the purchases made by his employees, is an important and exceedingly difficult problem. The bureau of labor has made investigations of many of these cases during the past year, but it has not been possible to prove a technical violation of the existing law. The bureau of labor proposed an amendment to this law at the last session of the legislature which died in the house. That great injustice is frequently practiced upon illiterate laborers through this means is certain.

Employers have a right to issue evidences of indebtedness from day to day or from week to week, where it would not be reasonable to expect them to have on hand a large amount in cash, and where such evidences of indebtedness are redeemable in lawful money at reasonable times and places. Of the principle there can not be any criticism. The trouble is, however, that the laborers need ready cash from day to day and frequently sell these evidences of indebtedness at tremendous discounts before the arrival of the regular pay day,

at which time they could exchange them for lawful money. The system of giving such metal or pasteboard evidences of indebtedness is frequently connected with the store-credit system, the employer giving these disks or cards to laborers showing the amount of money which they have earned, and the laborers taking them to the store belonging to the employer or with which the employer has an arrangement where he is permitted to make purchases with them. Upon pay day, of course, the employer redeems these disks or checks, paying the storekeeper their face value in lawful money. Usually, however, no disks or checks are given by the employer, but the laborers are allowed to purchase on credit without them, their purchases being entered in a credit book and the amount thereof deducted from the wages which are due upon pay day. There is one evil of great importance that attaches to both these systems, and that is that the prices of food in many, if not in a majority, of such stores are higher than they are in the other stores in the same community. There is really no reason for this as the storekeepers very seldom lose anything on such accounts. There is another evil connected with the credit-book system, and that is that the storekeeper does not keep the quantity and the items purchased from day to day, but simply enters the word "efectos" (things) with the value of the same, and the vast majority of the laborers being illiterate, there is no doubt that the customary disputes between the laborers and the storekepers, when they come to settle up, are frequently, if not usually, justified so far as the laborers are concerned.

A great difficulty is, however, that practically all of these laborers live one week behind hand. On Monday morning they have nothing to make their purchases with for the coming week; they must get food somewhere, and they themselves beseech their employers to provide them with means of purchasing on credit. I believe that the government can accomplish considerable in preventing exploitations under the present law, but new legislation is absolutely essential to a material betterment of conditions. It is doubtful, however, whether perfect conditions in this problem can ever be attained through legislation or through strikes.

The third point in dispute, that of the ajuste system, is a just cause of complaint in some sections of the island, while in other sections it seems to be working equitably and advantageously. Ajuste contracts vary greatly in different sections of the island. In some places the ajuste contractor controls hundreds of men and is comparable to an administrator or superintendent in the importance of his work. Such ajuste contractors agree to cut hundreds of acres of sugar cane, for example, at a stated price per acre. In other cases the ajuste contractor has only a few men under him, and the importance of his position is comparable to that of a subboss. Such contractors agree to cut a certain number of rows of cane, for example, for a certain price. In both of these cases the ajuste contractor has control of the employees either directly or through his subcontractors. The smaller ajuste contractors work themselves with their laborers, and sometimes the price received is divided proportionately among the gang, the contractor receiving a few cents more. In still other sections of the island the employer makes his ajuste contracts with the individual laborers directly. This is the simplest case and varies but little from ordinary piecework. It is certainly the most satisfactory method.

The difficulty with the system of adjuste contract is that one or more middlemen are introduced, each one of whom is in a way an independent merchant profiting according to the cheapness with which he can employ his needed laborers. The remedy is for the employer to have a salaried employee who will make contracts directly with the individual workmen. This is more cumbersome, according to some employers, and, of course, it increases the burden of administration upon the employer and his staff.

The fourth problem in dispute, that of the agregados or laborers living in houses belonging to the employer, also varies greatly in the different sections of the island. In some places as, for example, Bayamon and about Aguadilla, there are employers who allow their laborers the free use of a house and also of a small piece of land on which vegetables are cultivated and in some cases, pigs and chickens and even a cow and a calf are kept by the laborer upon his employer's land. The general rule seems to be that where the employer provides nothing except the land, then the laborer shall take all or practically all of what is produced; but where the employer provides the seeds and the implements for cultivation, etc., then the laborer gives the employer one-half of what is produced. In some other sections of the island, especially along the south coast, such laborers are given the use of a home and nothing

more. In many trips about the island the undersigned has found not more than three or four cases in which laborers living in plantation houses received less wages than laborers living outside of the plantations. They are generally paid the same rate of wages. The advantage to the employer is that he has a resident supply of more or less skilled labor upon which he can depend. The one condition upon which laborers occupy such houses is that they must work for the employer when he requests their services. During the last strike many laborers were thrown out of such houses in violation of law. Generally in the sugar-cane sections the houses occupied by such laborers have been erected by the employer and are built of boards and zinc, but in many places they are mere thatched huts erected by the laborers from palm leaves, etc., obtained from the employer's land.

The fifth problem in dispute, that of the hours of work per day, is practically the same in all parts of the island. Laborers usually say that they work from 6 a. m. to 6 p. m., with from one-half hour to one hour off for the noonday meal. Employers say that their laborers do not work steadily all of this time. It is probable that the average working day is approximately 10 hours. The agreements made during the last strike fixed the maximum day at nine hours.

J. C. BILLS., Jr.

REPORT OF MR. HOWARD L. KERN, ATTORNEY GENERAL OF PORTO RICO.

DEPARTMENT OF JUSTICE OF PORTO RICO,
OFFICE OF THE ATTORNEY GENERAL,
San Juan, April 20, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, P. R.

SIR: I am inclosing herewith two copies of a report of the fiscal of Humacao summarizing the facts in connection with the riot which occurred on February 16, 1915, in the island of Vieques. Previous to this report the fiscal had made oral reports to this office and had sent a complete copy of the affidavits, in Spanish, taken during his investigation. The present summary, which is dated April 19, 1915, covers the situation up to that time, and I have asked the fiscal to give me complete statistical information of all the cases in the municipal court of Vieques and the appeals to the district court of Humacao as soon as these appeals have been decided by the district court. When this information is forthcoming I will send you a copy.

I have also requested the fiscal of Ponce to send me a complete statement of the number of persons arrested in the riot which occurred in Ponce on March 1, 1915, and the number of persons who were injured in that riot. There was one person killed in this Ponce riot, and I now have a detailed report of the investigation made by the district fiscal of Ponce in regard to this death, and if I ascertain that there is sufficient evidence against one Norberto Quiles, a policeman, who is charged with having unnecessarily caused this death, the fiscal will be directed to proceed with the trial against him.

These two riots are the only instances which have come to my knowledge in which there have been any deaths or serious injuries during the recent strike of the cane workers in Porto Rico. There have been several other disturbances and clashes between the police and the strikers, but none of them of as serious a character as these two. You already have a report by Mr. Samuel Bothwell, who was appointed special fiscal for the purpose of conducting an investigation in regard to the disturbance at Juncos.

In no case has any striker or any other person been deprived of adequate relief in the courts. The trials have all been held, and are being held, in the ordinary course of procedure and the accused are given the rights of bail and appeal. Indeed, if in any case such rights were denied, any person has a right to bring a special proceeding in a higher court to see that these rights are secured, and if in any case evidence was presented to me that these rights were not being granted, I would immediately take steps to see that they were enforced. As you of course know, there is no right to a trial by jury in misdemeanor cases in Porto Rico, and none of the municipal courts have jury trials. All of the crimes of which the persons who were convicted in the municipal court of Vieques were charged were cases of misdemeanor. Many of them have beeen appealed to the district court of Humacao, where they will be tried de novo, but of course without a jury, inasmuch as they are misdemeanor cases. All of the evidence must be produced at this new trial,

and every case must stand or fall upon the merits as presented to the district court. There was a misunderstanding of the municipal judge of Vieques in regard to the right to appeal in some of the cases in which convictions were had in his court, and the municipal judge at first refused to allow an appeal in certain cases where the appeal was not presented within three days, but upon this fact being communicated to me I immediately wrote to him a letter, dated March 20, 1915, in which I cited to him an act approved May 28, 1904, and requested him to study this law thoroughly and to state the ground upon which he had denied these appeals when they were presented within five days from the date of the sentence. I did not, of course, direct the municipal judge to allow these appeals, for that is a matter for judicial determination, and if he wrongfully refused to allow appeals his action could be reviewed by a higher court and he could be compelled to allow such appeals. On March 23, 1915, the municipal judge replied that he had reconsidered his former decision and had decided to allow the appeals.

My information from the various officials of the department of justice is that the strike situation is entirely settled and that at the present time there are no disturbances in the islands, and that all parties are endeavoring to obtain a proper judicial determination holding those persons responsible who have violated the law.

I scarcely need state that any complaint as to illegal action on the part of any insular official will be carefully investigated, and if found to be true the proper action will be taken.

Respectfully,

HOWARD L. KERN,
Attorney General.

APRIL 19, 1915.

The ATTORNEY GENERAL, *San Juan.*

SIR: Referring to the Vieques riots, I have the honor to submit to you the following report:

On the night of February 16, 1915, I received from the police district chief at Vieques the following telegram:

"A riot has just taken place of a serious character. Policemen and civilians seriously wounded. Your immediate presence urgent to institute criminal proceedings. Bring police reenforcements from Humacao district."

As soon as I received that telegram I tried to communicate by telephone with the police headquarters at San Juan, and I was informed that the chief of the insular police would meet me at Humacao on the following morning with police reenforcements in order to proceed at once to the island of Vieques. On the following morning Col. Shanton arrived at Humacao, and early in the morning we proceeded to Naguabo Playa, but on account of some trouble in the motor of the steam launch that was to take us to Vieques we had to go to Fajardo and there take a steam launch to Vieques. I took with me the stenographer of the district court of Humacao in order to take the testimony of every witness in connection with the investigation. Col. Shanton, myself, and the other members of the party arrived at Vieques at noon on February 17. I took the testimony of the alcalde at once in the hotel, and after lunch we went to the municipal hospital in order to take the testimony of those who were seriously wounded, it being claimed at that time that some of them were in a dying condition.

There in the hospital we found two policemen seriously wounded, named Sergio Brignoni and Sotero Moreira. According to the medical certificates issued on that day by an American doctor, who is the municipal physician of Vieques, named J. S. M. Pressly, Policeman Brignoni had eight wounds, as follows:

Wound No. 1. Incisive wound in the upper portion of the neck, dividing the structure from the vertical column. Closed by five stitches and probably caused by machete.

Wound No. 2. Perforating wound caused by bullet from revolver, fired so closely that grains of unburnt powder were injected into the skin. Point of entrance in the lower left occipital region, passing in hard and finding exit in the midline of the lower occipital region.

Wound No. 3. Incisive and bruised wound, probably caused by blow with club, covering the whole left parietal region. Closed by suture.

Wound No. 4. Incisive wound in crown of head. Closed by suture.

Wounds Nos. 5 and 6. Incisive wounds on external surface, lower part of right forearm. Closed by suture.

Wound No. 7. Incisive wound on external surface of middle part of left forearm. Closed by suture.

Wound No. 8. Incisive wound passing obliquely across part of hand and lower forearm on left side, fracturing the second and third metacarpal bones and the the first phalange of the small finger. Closed by twelve sutures.

I took the testimony of this policeman, who is a strong young man, and, although he was in a serious condition, his head was very clear, and gave a very vivid picture of the riot which had taken place the day before on the afternoon He mentioned the names of practically every one of those who had assaulted him, because, having been born and brought up in Vieques he was familiar with almost everybody, and knew them well. All those who took part in the assault upon him were tried in the municipal court of Vieques for aggravated assault and battery and were sentenced on March 12, 1915, to two years in jail and $2,000 fine each. The trial could not be had before, because the main witness—that is, the injured party—Sergio Brignoni, having been so seriously wounded, was not able to leave the hospital and attend the trial until about that date. On March 15 all of the defendants took an appeal to the district court of Humacao, and on the same date the appeal was allowed by the court and the bond fixed at $2,000, which they have not been able to furnish, and they are in jail, awaiting the hearing of the appeal. All these appeals in cases related to the Vieques riots have been set for the 26th of april, a special criminal term having been called for said date.

The other policeman wounded is named Sotero Moreira, and he had six wounds, as follows:

Wound No. 1. Incisive wound in the left parietal region.

Wound No. 2. Incisive wound in the crown of the head. Closed by suture.

Wound No. 3. Incisive wound below the left leg.

Wound No. 4. Incisive wound on the external surface of the lower part of the left arm. Closed by suture.

Wound No. 5. Incisive wound of third finger of right hand, fracturing the bone and almost amputating the finger. All the foregoing wounds were caused by machete.

Wound No. 6. Contused wound on the external surface of the lower part of the right thigh, caused by blow with blunt instrument.

I also took the testimony of this policeman, but he could not mention the names of those who assaulted him, because he had only been in Vieques about three months and was not familiar with the people; but he said that he could identify them if they were brought to his presence.

There were five persons accused of aggravated assault and battery upon this policeman, and they were tried on the 12th of March and sentenced on the same date to two years in jail and $2,000 fine each, and they all appealed on the 15th of March, and the appeal was allowed on the same day and the bond fixed at $2,000, which they have not been able to furnish. Some of the defendants in this case are also defendants in the other case above mentioned. Policeman Sergio Brignoni being a very important witness in this case, trial could not be had until he was able to leave the hospital.

I found in the hospital five peons wounded, named Augustin Ortiz, Bruno Gonzales, Zoilo Sanchez, Rafael Perez, and Ceferino Morel. Augustin Ortiz had two bullet wounds, and died on February 20, 1915; Bruno Ganzales had one bullet wound; Zoilo Sanchez y Cordero had one bullet wound; Rafael Perez had several gunshot wounds; and Sergio Morel had two gunshot wounds.

With the exception of Agustin, who died as above stated, all the others recovered.

After examining those who were in the hospital we proceeded to the cemetery, and there we found three dead peons, named Cruz Lavita, Bernabe de Santiago, and Mario Lopez. A post-mortem examination was made of their bodies, and, according to the certificate issued by Dr. Pressly, they died from hemorrhage caused by bullet wounds.

I at once started to take the testimony of the different persons who had been arrested in connection with the two riots which had taken place on the 16th of February, one in the country and the other in the town of Vieques. This examination continued until about eleven o'clock p. m., and on the morning of February 18 we rode out to the place where the riot had taken place, and there on the spot we examined some witnesses, and I obtained a very graphic description of the occurrence.

I took the testimony of 118 persons between February 17th and February 18th, and on this day at three p. m. I finished the investigation and we sailed back to Porto Rico about five p. m., leaving some police reinforcements in Vieques to keep law and order. Before my return I set at liberty the following persons who had been arrested the day before in connection with these riots: Jose Maria Samuel, Qumersindo Rojis, Juan Parrilla, Nolasco Navarro, Avelino Roman, Francisco Garcia, Juan Gautier Colon, Leonardo Bermudez, Pablo Burgos, Dionisio de Santiago, Domingo Huertas, Anastasio Gautier, Sabat Lugo, Tiburcio Garcia, Genaro Melendez, Francisco Santiago, Luis Melendez, Manuel Rivera, Genaro Morales, Nepomuceno Lopez, Alfredo Esquiaron, Evaristo Camacho, Evaristo Mercado, Otilio Casillas, Julian Ayala, Atanasio Rivera, Agustin Garcia, Inocencio Torres, Santiago Aponte, Rufino Velazquez, Juan Encarnacion, Francisco Delgado, Isidoro Garcia, Senobio Laureano, Roman Ramos, Ruperto Tirado, Juan Carrasquillo, Nicolas Melendez, y Saturnino Huertas.

There remained in jail 21 persons accused of participating in the riot which took place in the town of Vieques on the 16th of February and 34 accused of participating in the riot which took place out in the country the same day. There remained also in jail seven persons accused of assault with intent to kill Policeman Sergio Brignoni.

From the testimony of all the witnesses it was evident that a very serious riot had taken place in Vieques on the 16th of February, 1915. It seems that there were two big crowds of strikers parading through the town of Vieques and through the country roads trying to pick up more laborers to join the strike. One of these crowds was composed of about 200 or 300 persons, laborers armed with machetes, clubs, and the leaders with revolvers. The other crowd was of smaller size and was unarmed. Policemen Sergio Brignoni and Sotero Moreira were detailed by the district chief to accompany the unarmed parade, and they went out to the country, and at a certain plantation or barrio called Trianon, belonging to Mr. Murraille, the unarmed parade met the armed parade; then they halted and leaders of the armed parade tried to go through a cane field crossed by a private road belonging to Mr. Murraille, and these two policemen advised them to go on through the public road and not to trespass upon a private land and break through a private road. The leaders refused to obey the instructions from said policemen, who were riding on horseback, and after inciting the crowd they urged them to go through the private road if necessary by force and told them that they could overpower the two policemen, because they were very much larger in number. When the two policemen noticed the attempt made by the leaders and those who were walking in front of the parade to use force in order to cross that private road, then they rode back and dismounted and the crowd avalanched upon them and they were compelled to use their rifles and revolvers to repel the attack; and a real battle with revolvers, machetes, and clubs ensued, in which three laborers were killed, five were seriously wounded, and the two policemen were so seriously wounded that they were left there as dead. This is called the country riot. Another riot took place afterwards, in which this same crowd took part. This second riot is called the town riot.

After the armed parade left the two policemen as dead in the country, then they planned to come to the town and take the police station by assault. They did come to town armed with revolvers, machetes, and clubs, shouting through the streets, "Down with the police! Let us take the station by assault!" And the police was notified of those shouts, and then the four or five policemen who were in the station lined up on the street armed with their rifles, and when the crowd came near to the station they shot through the air and dispersed the mob and arrested a good many of them.

From the information which I got in Vieques there is no doubt that on account of the violent conduct of the leaders the laborers on strike were in a very turbulent mood. When I was there there were two fires in can plantations in one night, and there had been ten fires in a week.

The conduct of the strikers was so violent that I was told by witnesses that when they passed through the different plantations if they found any laborers working they would go into the cane fields and compel them by force to quit work, and in the case of cartmen they would cut with machete the rope that held the yoke to the oxen, and in that way set the oxen free and compel the cartmen to abandon the animals, the loaded cars, and quit the work, leaving the oxen alone to eat the cane and destroy the property. I am told by trustworthy witnesses that property owners did not dare to go upon the road, because

they were afraid of being assaulted, and the overseers did not dare to go out of the cane fields alone without risking their lives.

On account of the riots which took place out in the country there were 53 defendants sentenced to different periods in jail from six months to two years and fined from $250 to $1,000. And on account of the riot which took place in the town there were 31 defendants sentenced likewise.

There were 38 cases for carrying concealed weapons, of which 30 resulted in conviction and 8 in acquittal, and of the former in 17 cases appeals have been taken to the district court of Humacao. There are 15 more cases for carrying concealed weapons in which trial has not been had, because the defendants can not be found. Of all the foregoing cases the records of the two cases for riots have already reached the district court of Humacao, and also the records of the appeals taken in the two cases for aggravated assault and battery upon Policemen Brignoni and Moreira. The records in the other cases for carrying concealed weapons are being prepared with all possible haste by the clerk of the municipal court of Vieques, and undoubtedly every appeal in connection with the Vieques disturbances will be heard in the district court of Humacao at the special criminal term called for the 26th of April, 1915. As soon as the appeals are decided I will submit to you a tabulated statement of the disposition of said cases. I want to call your attention to the fact that in accordance with our laws a second appeal may be taken to the Supreme Court of Porto Rico.

Respectfully,

J. HERNANDEZ USERA,
Humacao District Fiscal.

RESOLUTION ON ECONOMIC CONDITIONS OF PORTO RICO.

[Free Federation of the Workingmen of Porto Rico.]

SAN JUAN, *March 1, 1914.*

Honorable members of the Legislature of Porto Rico:

Pursuant to Gov. Yager's recommendations, seconded by petitions from corporations and money, labor, and land monopolies of Porto Rico; and

To judge from the declarations by some of your representative members, in passing the resolution naming a commission to investigate the departments of the insular government, the purposes of the legislature seems to be to effect important economies in public services, and to lower taxation, though in so doing governmental institutions which are instrumentalities for progress and public justice may have to be dispensed with or crippled.

In the years from 1903 to 1911 we have in all sold $29,291,424 more than our purchases.

During the fiscal year 1912 the island purchased in the United States and foreign countries $42,926,473 and sold to them $49,705,413. So that that year alone witnessed a balance of trade in favor of the country of $6,778,940.

In short, according to official figures, the island had netted the handsome profit of $36,070,364 up to 1913. Never before had work in the country been rewarded by such a balance of trade for a like period.

The total taxable wealth of the island, which amounted to $90,000,000 in 1898, rose to $178,275,130 in 1912. Thus, in that year the total wealth had doubled, while the population had increased but 17 per cent. Yet in 1913 one of the facts best known to all was that there were an alarming decrease in the money in circulation and a loss of credit.

And this was not due to a want of duly incorporated banks to supply the community with money and credit for its business operations. In fact, such private concerns have doubled, being now 11 in number instead of 5 as formerly.

Nor is it due to a want of corporations whose object is to profit by encouraging production that we all feel now this lack of money and credit; for, indeed, in the fiscal year 1912 private corporations reached their heyday. In that year alone there were registered in the secretary's office as many as 12 foreign and 40 domestic corporations, with an authorized capital stock of $1,481,500 and $6,903,000, respectively. So that these corporations, together with the many others registered during the preceding 11 years, should have insured many additional millions for business transactions.

Nevertheless, neither the money in circulation increased nor credit was available at lower rates of interest. On the contrary, while credit was con-

tracting more and more, the circulating capital, as estimated by business men through their agents, was in 1913, as now, hardly in excess of $4,000,000.

The treasury finds it difficult to farm the revenues completely and on time. The official deficit is estimated at about $2,500,000. The 11 private banks, instead of making liberal loans, instead of facilitating credit, are calling in loans and restriction credit. Notwithstanding the fact that sugar still commands a good price the centrales are failing one after another. Land is passing into the hands of absentee landlords at an alarming rate. Usury is exacting unheard-of interest rates; loans are given at rates varying all the way from 9 to 100 per cent.

We are compelled to buy elsewhere, at four or five times their cost, foodstuffs of prime necessity which we can and should produce here superior in grade and more cheaply and abundantly. We have to import, via North America, rice from Japan, milk from Switzerland, and corn from the Far West. A dense population, with coasts all round, have yet to feed on fish purchased in outlying countries. Being prevented from producing for home consumption, they have to give all their energies to producing exchange commodities or raw materials; the former to enrich foreign speculators with, the later to be returned in the shape of manufactured goods at an exorbitant price.

The Free Federation of the Workingmen of Porto Rico can not remain silent in the presence of such state of things, of a growing crisis which hampers and dampens our energies and wears down and annihilates our large producing classes, the island's proletariat; and when it is desired to cause, and we are threatened with, a setback in our progress and a return to both the wretched conditions and the moral, physical, and intellectual oppression of former times.

What becomes of the enormous production of our large family of 1,118,012 inhabitants? Whither does it find its way? How is it that 90 per cent of that community form part of the proletariat?

The press, voicing certain purposes, suggests measures which leave in the minds of the producing masses a feeling of alarm.

What we ask for is a public and thorough-going investigation, with a view to ascertaining the whole production represented by the agricultural, industrial, financial, and intellectual activities of the people of Porto Rico. We want and we ask for humanity's and the Porto Rican people's sake that before excusing owners of monopolies and exploiters of the country from the payment of taxes they should pay, an inquiry be made into the sources of revenue of Porto Rico so as to determine whether there are reasons for doing away with public services or whether in spite of the Democratic tariffs the country does produce enough to incur budgetary expenditures of not less than $7,000,000.

Is it perchance not known that the large production wrought by the country's inhabitants leaks out of the island through open valves, and that through those valves escapes our money, and with our money land ownership, and with land ownership sustenance, and with sustenance the health and strength of the people? We have a school population of 404,211, almost half a million; yet only 160,766 attend school—that is, about a third part, hardly 40 per cent, are receiving education. Owing to lack of roads and schools the rest are condemned to ignorance. Must those innocent human beings live on doomed to illiteracy and exploitation, like so many beasts of burden?

Shall we give up all hope for betterment? Shall a country busily engaged in the work of production have to go without a goodly share of public services, while very large exploiting agencies go untaxed? Shall the deficits, the decay brought on by legalized usury, have to be met with greater privations and more hardships inflicted on our immense proletariat—ninety per cent of our population?

Is the present financial crisis due to natural, unavoidable causes, or is it due to purely artificial causes arising from combinations by monopolies or by monopolists and exploiters of the country?

Can the Government of Porto Rico maintain all present public services, improving them, increasing the number of schools, urging public works, sanitation, and labor potentialities forward?

We have been overtaken by no cataclysm, storm, floods, war, blockade, earthquake, or anything of the sort ordained by the Divine Will. Purely willful, fictitious, artificial, preconceived causes and unbounded speculating ambitions can alone have brought on this deplorable condition of things.

In view of the seriousness of the present situation, the Central Labor Union of San Juan, affiliated with the American Federation of Labor and the Free

Federation of the Workingmen of Porto Rico, at the convention of unions held on Monday, January 26, 1914, proposed and adopted the following resolution:

Whereas, pursuant to the governors' recommendations, and at the request of capitalist and monopolist combinations of the country, the Legislature of Porto Rico has just passed a law to investigate the departments of the Government, with the object of effecting economies by suppressing public services, and considerably lowering the revenues of the insular treasury;

Whereas increased production by the labor population of the island has marked increasing poverty of that same population, this can only be the consequence of private monopoly of the producing forces and of the profits of production, this production and profits, instead of benefiting the country, cause financial hardship and threaten to destroy those institutions of our which are agencies for civilization and to turn us into an enslaved factory; and

Whereas a people suffering great social and economic harships should know the causes therefor and secure the urgent remedy required thereby: Now, therefore, be it

Resolved by the Central Labor Union of San Juan, in general assembly, That the honorable houses of the Legislature of Porto Rico be requested to enact a measure authorizing the honorable governor to name a people's investigating commission, to be composed of six members presided over by a justice of the supreme court, with the following rights and duties:

1. The commission shall proceed to make a full and public investigation all over the island to ascertain the number of all producing private corporations or companies operating for profit; the total production of each in 1912; a list of the total operating expenses of each, so itemized as to show the amounts for salaries, wages, improvements, and maintenance; the number of partners or shareholders in each; the number of shares held by each shareholder, the face value and the market price of shares; the place of residence of shareholders, their full names; and the sums distributed out in dividends; all these details to be ascertained also from each and all the banks doing business in the country.

2. The commission shall be composed of citizens not connected with any corporation or enterprise for speculation, or with banking institutions, and who are not lawyers for any company; and the commission shall have discretionary power to investigate, in this connection, any other details which in its opinion may be relevant.

3. The commission shall contain representatives from the legislature, labor, industry, and commerce, said representatives to state under oath that they have no personal or pecuniary interests in the business of any corporation. The commission to be presided over by a justice of the supreme court.

4. A sum not less than $25,000 shall be appropriated to enable the commission to employ the necessary personnel, and such means as its work may require, the commission being empowered to examine witnesses and to compel parties to show their mercantile books, documents, and papers.

5. It shall be the duty of the commission to begin work immediately, and to make to the governor of Porto Rico separate reports for each of the investigated private corporations, companies, firms, or enterprises for the exploitation of urban or rural properties. The governor of Porto Rico shall in turn send the reports to the legislature, with suggestions for such measures as he may deem necessary to get from the investigated corporations the benefits due to the the country.

6. Reports on investigations shall also contain the following information:

(a) The number and names of citizens, companies, banks, corporations, or private owners of estates with more than 500 acres of land, and the number and names of those possessing more than 5,000 acres, together with a statement in both cases as to the industry to which the land is devoted, nationality of the owners, total tax paid on all heads, and, in case of concealment or fraud, amount of tax not paid and tax that should be paid under the law.

(b) Number and description of the banks in the island, annual business operations, number of stockholders, dividends paid, amount thereof sent out of the country, interest rate charged, tax paid, and tax that should be paid on dividends leaving the country.

(c) Native and foreign persons residing in the island who directly, indirectly, or through shares or subcontracts, have businesses, industries, or urban properties in Porto Rico and send the proceeds thereof to Europe and America, enriching thereby other peoples and impoverishing ours.

(d) Number of corporations remitting to shareholders in outlying countries over $5,000 a year, as well as number of those sending under the same conditions over $2,000,000 in dividends; amount of tax not paid and amount of production concealed.

(e) Number and names of private individuals who have loaned or loan money at an interest rate exceeding 12 and 25 per cent per annum; approximate sum loaned by them; sum they collect all over the island as interest charges.

(f) Number and description of insurance companies of all kinds doing business in the country without paying taxes.

This is all we petition of the honorable Legislature of Porto Rico. It is our hope that your love for the good people of Porto Rico will induce you to direct your attention to the highly important questions hereinbefore stated, and that before proceeding to suppress any public service in any way an instrumentality for progress, you will favorably pass on this project for a public investigation.

Very respectfully,

RAFAEL ALONSO,
President Central Labor Union.
(Signatures of various other officers.)

CORRESPONDENCE OF THE AMERICAN FEDERATION OF LABOR RELATING TO SITUATION IN PORTO RICO.

[American Federation of Labor.]

WASHINGTON, D. C., *March 4, 1915.*

EXECUTIVE COUNCIL, AMERICAN FEDERATION OF LABOR.

COLLEAGUES: A few days ago I received an unsigned cablegram from Porto Rico, as follows:

"SAN JUAN, P. R., *Feb. 19, 1915.*

"FEDERATIONIST,
"*American Federation of Labor,*
"*Ouray Building, Washington, D. C.:*

"Twenty thousand sugar-plantation workers struck, asking 80 cents wage per day. Police killed 22 wretched peasants; 50 wounded, both sexes. Meetings violently dissolved. Terrorized workers forced to work. Request Industrial Relations Commission to come soon to make investigation Porto Rican workers. Implored your American people press protection humanitarian rights."

I immediately called up Gen. MacIntyre, Chief of the Bureau of Insular Affairs, read the cablegram to him, and asked if he had had any information as to the situation. He said he had not. He then sent for me the following cablegram:

WASHINGTON, *D. C., Feb. 24, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Cable me accurate account of alleged killing and wounding of agricultural workers in consequence of strike and if constitutional rights have been violated.

GOMPERS.

To that a reply was received, as follows:

PONCE, P. R., *Mar. 2, 1915.*

FEDERATIONIST,
Ouray Building, Washington, D. C.:

Police dissolved peaceful meeting with shots while I was speaking. One dead, several wounded severe. Organizers Martinez and myself jailed. Federation hall searched.

IGLESIAS.

I heard nothing further upon the matter and neither have I seen any press reports as to the situation in Porto Rico. To-day I received a report from Organizer Santiago Iglesias upon the situation, copy of which you will find inclosed herein.

As I shall have to leave the city early in the morning to keep important engagements in Philadelphia and New York, I have requested Secretary Morrison to lay the entire matter before Secretary Wilson, of the Department of Labor, and to urge that that department shall make an immediate investigation. As soon as I am in a position to give the members of the E. C. any further information upon the Porto Rican situation it will be promptly transmitted to you.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.

MARCH 9, 1915.

P. S.—Secretary Wilson did not return Mr. Iglesias's letter until yesterday afternoon, hence the delay in sending this letter to the E. C. Since dictating the above I have received two additional letters from Organizer Iglesias, dated February 27 and March 3, copies of which are inclosed herein, copies having also been furnished to Secretary Wilson.

S. G.

[American Federation of Labor.]

WASHINGTON, D. C., *March 17, 1915.*

THE EXECUTIVE COUNCIL AMERICAN FEDERATION OF LABOR.

COLLEAGUES: Regarding the situation in Porto Rico, you will please find inclosed herein copies of additional letters from Organizer Iglesias, which have just been received. Copies of these letters have also been sent to Secretary Wilson of the Department of Labor.

In my letter transmitting copies of these communications to Secretary Wilson I expressed a strong hope that something will be done to ascertain the official and actual conditions which prevail, not only for the use of the Government but for the rectification of the wrongs which have been inflicted upon the people there.

As soon as I have any further information upon this subject I shall be glad to transmit it to you.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 22, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G. St., N.W., Washington, D. C.

DEAR SIR AND BROTHER: I am writing you this letter on this Washington's Birthday with the purpose to inform your office in regard to the actual affairs in which are involved at this time the agricultural workers of this island who declared themselves on a strike in Bayamon during the last days of January and which has been generalized throughout the whole island.

About 30,000 agricultural workers of the sugar-cane fields and some of the mills are at this time on strike. The bulk of them are lacking of a necessary organization and direction and of all necessary resource for striking. However, it has been necessary for me to intervene in this strike and lend to the workers all the help in my hand, for the simple reasons that this is the most favorable we have to make the peasants know our principles and aims of the trade-unionism and the best occasion to create the most powerful organization of the poor agricultural workers. When this strike was originally and spontaneously declared in Bayamon, where the men were unable to support themselves and their family with the wages they were receiving, and also unable to suffer longer the bad treatment they suffered as slaves, I immediately thought that no better opportunity would present itself to bring about any favorable change in behalf of the peasants, after taking into consideration the deplorable conditions prevailing at the countries, the low wages and long hours they are work-

ing, and taking into consideration also the high and good prices obtained at this time in the American market by the corporations in the selling of the sugar, I immediately thought, I do repeat, that no better opportunity would present itself to enforce the recommendations of the convention of the American Federatoin of Labor held in Philadelphia, Pa., in regard to the organization of the skilled and unskilled laborers, and which were transmitted by you to your representatives by the last circular received from the headquarters.

But the old, old history is repeated everonce that the workingmen entertain any plan to look for freedom. As soon as the bosses did realize themselves that the slaves were trying to break up their chains and to offer the labor movement the opportunity to be heard, and the chance to create a powerful organization, the repressive measures were taken and are actually in full force. It has been and it is my intention, when intervening in different towns involved by the strike, to cause that a settlement be reached where the entity and personality of the organized-labor movement be recognized, and, due to our efforts as trade unionists, some agreements were reached after a very hard work and discussion was done; but these agreements where I have appeared as a labor representative, the representatives of the capitalists, and the chief of the bureau of labor, have been broken down and violated by the capitalists and owners of the plantations, and with the consent of the government represented by the bureau of labor as it has been known by a telegram of the same chief of that bureau. The capitalists and owners of the cane plantations and mills with this policy, by which are making fun of the peasants and taking as a joke this serious conflict, are causing the men to despair and voluntarily creating as a consequence the bitter feelings.

The labor men are persecuted, jailed, wounded, and killed up in the streets and countries with the intention of stopping the advancement of the labor movement and cut in the button the aspiration for freedom of this peasant folk, who produce all the wealth of the island.

I am receiving every day telegrams from the different sections of the island in strike informing of the brutalities and assaults of the police force to the strikers. The most serious accidents have taken place in Vieques.

Vieques is a small island situated in the eastern part of Porto Rico which belongs to the United States and to Porto Rico, and which is under the government control of this same country. This island of Vieques is 9 miles long and 2 miles wide, and there are established 4 sugar mills of different corporations. When they, the inhabitants of Vieques, realized the price in sugar and compared their actual situation with that one of the other towns of Porto Rico they also thought they were entitled to better their conditions and went to strike. Readyway the plots and combinations of the capitalists and some officials of the Government reached them also, and on February 16, while coming from the country to the city in a pacific parade to hold a meeting in the town, they were assaulted by the police and foremen of the sugar-cane plantations and hunted as beasts, some of them. The parade was violently dissolved with the guns of the policemen and foremen. Four of the agricultural workers were left on the ground dead, more than 10 wounded, and in order to justify their action more than 100 men were jailed. At the present there are in jail more than 50, against whom charges have been preferred. The last information received from Vieques is that the police force have compelled the financial secretary to close down the doors where headquarters of the local unions affiliated to the American Federation of Labor are installed.

According to the old policy of tyranny, the Government has absolutely adhered itself to the bosses and privileged, the police force have been put at their disposal to force the agricultural workers to return to work, to compel them to leave the houses where they are living if not going to work under the old conditions, and when protesting against those actions they are brutally wounded, jailed, and killed without any consideration.

The bosses have also been granted the privilege to have a private corps of guards, armed to the teeth, to work as strike breakers and hunters of strikers, and all the public police force, under the pretense of keeping order and guaranteeing the properties, are to the service of the private corporations, landlords, and capitalists breaking the strike, forcing men to work, enjoying their banquets and drinks, and in almost all the towns where the workingmen are striking the local headquarters of the police force are installed within the sugar mills or under their premises, the men of the force are fed by the plantations' owners, and the horses used by the police to ride on horseback to hunt the strikers are also given by the bosses.

The constitutional rights of free speech and free press have also been suspended and martial law has been practically declared. Governor has made public to the people of Porto Rico by means of a proclamation that all the rural zone is under the control of the police force, and that no meeting or manifestation will be tolerated by the police.

In order to give you an approximate idea of the state of affairs in Porto Rico, besides of the former information, I am quoting here the substance of some of the telegrams received from different sections of the island, as follows:

"Juncos, Feb. 15, 1915.—Mayor, judge, and police are accused by the people of being in same plot with the proprietors of the central to watch out for defenseless labor strikers, at which placed their were attacked and fire upon by police. At time of shooting nobody was arrested. As many wounded as presented themselves to the hospital were arrested and bailed out for large amount. Numerous workmen sustained wounds and 15 workingmen in jail."

"Anasco, Feb. 15, 1915.—To-day 5 workingmen have been beaten by the police without any cause whatever. Veles arrested for upholding the rights of workmen. Police antagonize the strike. We are without protection."

"Anasco, Feb. 15, 1915.—Beating goes on. We need protection. See governor."

"Arecibo, Feb. 15, 1915.—Capt. Schettini forbids peaceful parade of workingmen. Orders use billies and revolvers against workers. Felix Ruix clubbed for no reason. Men prohibited to use the main road. Many men arrested."

"Arecibo, Feb. 16, 1915.—Strikers arrested and sentenced forthwith without defense for carrying working tools. Case and trial summarily six men. Eighteen sentences pending. A woman held under bail for disturbing peace."

"Ponce, Feb. 16, 1915.—Strike on. Conduct police unworthy. I am not answerable for attitude of strikers. Speak to governor."

"Anasco, Feb. 16, 1915.—Meeting held last night broken up on Plaza with shots and clubbing. Police completely under control of the cane plantation owners."

"Mayaguez, Feb. 16, 1915.—Police together with foremen break strike. Anasco brutalized by police. Investigation should follow soon."

"Mayaguez, Feb. 16, 1915.—Workingmen break strike at bidding of police and foremen. Anasco police beating and arresting strikers."

"Arecibo, Feb. 16, 1915.—Peace disturbed. Police keep on with abuses against orderly and defenseless men. Juan Diaz clubbed by Guardsmen Rivera and Pagan. Snatch American flag away from workingmen. Capt. Schettini and Lieut. Chapel do work gratifying to cane planters."

Besides the telegrams that I have quoted in substance, telegrams have been received every day informing of more new brutalities committed by the police force.

While in Arecibo yesterday I sent the following message to the governor:

"ARECIBO, *Feb. 21, 1915.*

"ARTHUR YAGER,

"*Governor of Porto Rico, San Juan:*

"Went barrio Arecibo to hold labor meeting. Absolutely prohibited right free speech and meeting by police, who informed me to have superior orders to dissolve every meeting in barrios and public roads, prohibiting else groups 10 persons bearing national flags. Earnestly request you to grant this people constitutional rights meeting and free speech for credit sacred American liberties. American Federation of Labor request you to guaranty my constitutional rights of free speech and meeting."

The mayor of Arecibo also sent the governor the following telegraphic message:

ARECIBO, *Feb. 21, 1915.*

I am informed constitutional rights suspended in Arecibo. I do not see why this should be done in a city where conditions are the same as in other peaceful parts of the island. I believe this measure taken specially here will throw discredit upon this people and this local administration. I sincerely advise and request reconsideration to avoid weakening of people's confidence in American principles of government. This administration offers hearty cooperation to keep order.

E. LANDRON, *Mayor of Arecibo.*

In answer to my telegram Governor Yager has answered as follows:

"I have received your telegram, and with reference to same wish to state that constitutional rights of free speech and assembly have not been suspended; but that in view of the existing conditions in the island, and in order to guarantee peace and tranquility to all the inhabitants of Porto Rico, I have found it necessary to place the rural zone under the control of the chief of police, who is directly responsible to me for its peace and order. Urban zone will be regulated as before. Request you to kindly see my proclamation to the people of Porto Rico and my letter to chief of police, which you will find in any of to-day's morning papers, so that you may know exactly what my position is.

"ARTHUR YAGER, *Governor.*"

According to this state of affairs I did not hesitate in sending you some information by cable, according to the information of the press. I also proceeded to send you another cable making a rectification in the number of men killed by police, because I proved that the number of men killed was a canard.

The number of men killed is at this time four, as has been proved by the direct investigation made by the State federation.

For all these facts stated we have deemed necessary to request the Commission on Industrial Relations to investigate the motives and causes that are the origin of the actual unrest prevailing in Porto Rico, where the workingmen have lost all the hopes for obtaining due justice and redress from the hands of the local authorities in this island and from those representing the American Government in Porto Rico.

I am sending you here inclosed a copy of our letter to the Commission on Industrial Relations, and beg your best efforts to secure that the actual conditions of this island be investigated as suggested.

I am also sending you herewith a copy of the last cable sent to the Federationist on February 21st.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of Labor.

NOTE.—Have sent my cables to you addressed under the name of "Federationist" to save money. Personal cables cost 75 cents by word and press fares 20 cents a word.

S. I.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federation of Labor. Fundada en 1899.]

SAN JUAN, P. R., *Feb. 27, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: According to the cablegram received yesterday through the governor of Porto Rico in which you were requesting accurate information regarding the general affairs of the strike in the island, I sent the secretary of Porto Rico a letter requesting him to transmit to you a cablegram answering to you in which a substantial informatiton was rendered.

I am very glad to give you some more details upon the case by means of this letter. When the occurrences were reported in the first moment, some mistakes were reported. Among them the number of workingmen killed at Vieques and the statement made by the same capitalistic press of San Juan informing that at a riot at Juana Diaz, 15 men had been killed and 25 wounded. But when we had the chance to directly investigate the occurrences at all these towns, the most accurate information has been transmitted to your office, and it is what in substance contains the cablegram requested to the secretary of Porto Rico to be forwarded to you.

I have feared that the Government of Porto Rico would have censored all the details and information, and that is the reason why I was, in my cablegram to you, as brief as possible.

But the cablegram I should have sent to your office had to be the following:

From the investigation directly practiced by Organizer P. Rivera Martinez, of the Cigarmakers' Internationtal Union of America, at Juncos, it has been proved that the police disbanded, violently and illegally, a parade of peaceful

agricultural workmen who were out on strike on February 4. Twelve strikers were clubbed by the police and wounded. Despite the fact that a number of pistol shots were fired by the police, nobody was wounded by the bullets. Nobody was arrested at the time of disbanding the parade, but the wounded, upon presenting themselves at the hospital to be cured, were arrested by the police to justify their brutal action, and later sentenced without even giving them any reasonable time to prepare their defense or to be represented by a lawyer. The flags which the strikers carried in the procession, even the American, were torn by the police from the hands of those who bore them.

On February 16 in Vieques the strikers, upon going into the town in the attitude of orderly workers, were attacked by the police and the managers or foremen of the sugar estates. Four workmen were killed, three of them wounded quite seriously, and six more sustained lesser wounds. These wounded ones were victims of the policemen's bullets and slug shots, as well as the dead, who not only fell a target to the bullets of the police but also to the bullets of the foremen of the centrals.

The laborers in defending themselves wounded two policemen with their cutlasses or machetes. More than 100 arrests followed. In the town the police scattered the people with shots and blows. There was great dread in the town. The police closed the federation office. Those who took part in this investigation were Organizer P. Rivera Martinez, Julio Aybar, member of the house of delegates, and Brother Bolivar Ochart.

The press reported that at Juana Diaz the police had killed 15 workers and wounded 25, but this was afterwards denied by the Government.

At Anasco the police often attacked the country folk who were striking, and a meeting was dissolved amidst shots and blows; five workers sustained wounds. At Arecibo a gathering was dispersed, an American flag was torn from the hands of an aged country striker, and he himself was hit by the policeman's billy. Two labor speakers were criminally clubbed at 4 a. m. in a country district called "Dominguito," at Arecibo, after which the police took care to conceal their names, and it is not even known to-day who did the clubbing.

At Humacao five countrymen were clubbed and a gathering was dispersed. At San Lorenzo a meeting was violently dispersed by the police. The police was openly doing the bidding of the owners of the sugar estates. They live, eat, and drink in quarters provided for them on the estates and sugar mills.

Gov. Yager tells me that he is going to give the unfortunate country folk protection against illegal onslaughts, but the next day the police exercise violence to a still greater degree. Taking as a starting point the advice of the landowners and bankers and stockholders, who, being helped by the capitalistic press, are daily heaping lies upon lies against the strikers, the governor turned over to the police the whole rural region and these in their turn have forbidden that there should be any public meeting, gatherings, parades, and that not even groups of 10 persons on the highways and barrios of the whole island, though it were shown that such gatherings are of an orderly and peaceful character.

Martial law was practically declared by the police and attacks upon the persons were accumulating rapidly, to the discredit of the police, who kept on terrorizing the country people.

We, representatives of the American Federation of Labor, were forcibly deprived of calling open-air meetings of the workmen to address them and give them advice throughout the rural zone.

When I ask the governor to interfere with the brutal violation of the Constitution by the police, he gave me assurance that he would do it and that he would give me a copy of his order, but he has not made good his promise up to the present time, and thus it is that the wish of the police is secured, namely, that of breaking the strike of the poor country workers through fear and intimidation, through persecution and the "stick." The bureau of labor is only an agent of the Government, which stands in favor of the landowners in this connection.

In his last statement given to the press it is quoted as saying: "The landowners have proved themselves to be possessed of the confidence and regard which this bureau has for them and for which we are sincerely grateful toward them."

The following telegram was sent by the chief of the bureau of labor: "Domingo Santos, Fajardo, P. R. Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the Government that workingmen are not fulfilling their part of the contract, which makes it therefore neutral. I trust all differences will

work out, regardless of strike. BILLS." This telegram was sent after the Sugar Growers' Association and Corporations had agreed not to sign any terms of agreement with the workers or agree upon any wage scale. More than 1,000 country workers in Fajardo filed complaints, duly sworn to before a judge, protesting against the attitude of the chief of the labor bureau in combination with the landowners.

The country workers denounce the impious facts and treatments that are being directed against them, and all the leaders of the unions complain of more abuses, newly committed and repeated acts of moral violence to get them to take up their work. The organization of the peasants and all unskilled laborers and their defense for more wages will be practically impossible unless the Washington authorities hinder them from being executed any longer and this beautiful island from being turned a vast factory of toiling slaves, so warranted by the officials of the Government.

Very fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 3, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: According to the policy followed by the Government of Porto Rico regarding the strike, persecutions and brutalities of the authorities are daily being committed.

Last Sunday, Feb. 28, and according to repeated requests from the different towns on strike, I concluded that it was necessary for me to pay a visit to those different towns and cities, to give them my advices, and take in the several meetings the necessary advantages for the propaganda of the organization of the agricultural workers and of other trades who have demonstrated, especially the agricultural workers, to be ready to create the most powerful organization in the island.

Bearing in mind that our time should be limited and saved as much as possible, I requested the organizer of the Cigarmakers' International Union and some other officers of organized labor in Porto Rico to accompany me in order to be able to hold a meeting at every one of those towns in the eastern and southern part of Porto Rico which are on strike.

On Feb. 28, very early in the morning, I left San Juan with my companions and the first town where we stopped was Yabucoa. There were about 2,000 men in strike. They have been denied the constitutional rights of speaking and assembling when they want and where they legally please, and at the time we reached Yabucoa the workingmen had been unable to hold a meeting while they had been on strike for two weeks.

I requested the local committee of the strike that the tribune be placed at the called Plaza, and while I was speaking I was ordered by the chief of police to leave the place on the ground that the mayor of the city, who is interested in business and the main enemy of the strikers, had not given his permission to hold the meeting there. I had to come down from the tribune, and then it was placed in one of the extremes of the town.

From Yabucoa I sent to the Governor of Porto Rico the following telegram:

YABUCOA, P. R., *Feb. 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

When I was speaking at the Plaza of this town the police told me I had to dissolve the meeting because the mayor said that there was no permit to hold the meeting at the Plaza. He refused many times to give permit.

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

After having held a monster meeting at Yabucoa, at which all the orators and myself did our part, and where the conditions prevailing are notoriously marked of partiality against the strikers, we proceeded to Maunabo. From Maunabo I had to send the Governor of Porto Rico the following telegram:

MAUNABO, *Feb. 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Agricultural workers of Barrios Palo Seco, Lisa, and Matuyas had to return back their homes because police prohibited them to walk town, certainly to prevent them to attend a labor meeting, where the labor federation representatives were going to address the people.

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

The Governor of Porto Rico up to this date has given no answer to the two telegrams above mentioned. We did at Maunabo all we could in favor of the strikers and to bring the parties to terms, and we reached at last an agreement by which the hours of labor daily for the agricultural workers were reduced to nine, and salary of 50 and 55 cents per day was increased to 80 cents daily.

After having held a meeting there and left all things settled at Maunabo and the agreement signed, we proceeded to Guayama where we also held another meeting lasting to 1 o'clock, March 1, and in which did their part two lawyers who are actually in sympathy with the strike, and who have cooperated to the agitation and maintenance and defense of the same.

On March 1, in the morning, we left Guayama and went to Ponce via Salinas, reaching the city of Ponce about 4 o'clock p. m. In view of the conditions prevailing in Ponce, and being necessary for us to return to San Juan as soon as possible to pay attention to some other important matters, we had already decided not to take part in the meeting of Ponce and had already taken the automobile to return. But a commission composed of members of the local unions of Ponce among which were officials of the Cigarmakers' Union 449, requested us in the name of the organization and in that of the agricultural workers to do our part in the meeting at the open air, and then we agreed that the automobile would remain near the place where the meeting was to be held to be taken by us immediately after having done our duty.

The meeting was opened at half-past 7 p. m., and in the same took part the characterized members of the organized labor movement: Mr. Modesto Calderin, Mr. Santiago Carreras, Mr. Francisco Paz Granela, Mr. Manuel Texidor, Cigarmakers' International Union's organizer Mr. Prudencio Rivera Martinez and myself. While I was speaking for about an hour, and making the statement that "the police could not be placed on an impartial and independent position while having their quarters in the premises of the sugar mills and plantations, while eating and drinking with the bosses, while using the horses of the sugar mills owners under the pretense of being guaranteeing the properties," I was brutally ordered to leave the tribune, while the captain of police, Fernandez Nater, cried: "This meeting has finished."

Then the police was ordered to dissolve the meeting, and shots and clubbing against the gathering were made. The result of this social crime committed against the people was a poor man dead and several wounded. Organizer Rivera Martinez, myself, and all my fellows from San Juan in the commission were arrested and placed under a bail of $2,000. From Ponce I sent the governor the following telegram:

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Last night police dissolved a peaceful meeting while I was speaking, shooting and clubbing poor peasants. One dead and several wounded. Seven labor representatives and myself were jailed—accused of riot. This fact is very deplorable, and respectfully protest against unnecessary and unjustifiable disregarding of constitutional rights.

SANTIAGO IGLESIAS, *Gen. Org. A. F. of L.*

No answer has been given to the quoted telegram. We remained in jail up to half-past 12 p. m., March 2, when we were provisionally sent free under bail of $300 each, returning to San Juan at 6 a. m. to-day.

The offices of the federation in Ponce were researched by the police, who violently broke the locks of the desks and took with them some papers and documents of the strike committee.

If the Federal authorities do not take a rapid and energetic action in favor of the American Constitution and in behalf of the Porto Rican laborers we fear that the labor organizations may be swept from the surface of the island by the Democratic Government, represented in Porto Rico by Mr. Yager, as an unjustifiable punishment for the working masses of this Island.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Organizer A. F. of Labor.

[Federacion Libre de los Trabajadores de Puerto Rico Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 4, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801-809 G St. N. W., Washington, D. C.

DEAR SIR AND BROTHER: I have in hand your two letters of Feb. 24, inclosing me copy of your cablegram and a clipping from the New York Call, in which some information is reported about the affairs of the strike in Porto Rico.

Regarding the cablegrams which were received by you on February 19 addressed to the Federationist, I beg to inform you that those cablegrams were directly sent to the Federationist in order to save some money instead of being sent to you, and though not bearing any signature both cablegrams were sent by me. The fact of the cablegrams not bearing my signature is due to a mistake on the part of the clerk in charge of handing the cablegrams to the cable office, because he did not put the signature into the columns of the blank intended for the words for which we are going to pay. That is the reason why the cablegrams went to you without my signature. The first cablegram sent to you reporting 22 men killed was based upon the information of an old capitalistic paper of this same city, which is supposed to be an impartial one, and who very early in the morning, as every day, was circulating in San Juan giving the information that, in addition to the 7 men killed at Vieques, 15 more had been killed at the town of Juan Diaz in a riot between the strikers and the police. The information of the paper above mentioned, La Correspondencia de Puerto Rico, was denied by nobody in the first moment, and the ratification of the report published was heard everywhere. On account of that I sent you the first cablegram on February 19. But later, when I was able to gather some more information I immediately and in the same date sent you another cablegram correcting the number of men killed. When the first report was received from Vieques informing that the police had disbanded a peaceful parade of the workingmen, the same official report stated that six men had been killed, among them two police. Based upon this official report is was that I sent you the second cablegram. But still doubting of the truth, I request Mr. Rivera Martinez, organizer of the Cigarmakers' International Union, and Mr. Aybar, labor representative in the house of delegates, to visit the island of Vieques and make a thorough and impartial investigation of the facts. The investigation was made, and the result was that four men were killed by the police while disbanding the peaceful parade of the strikers, six seriously wounded, some other more sustaining lesser wounds; more than 100 men arrested; constitutional rights of assembling and speaking suspended; hall feredation closed down by the police; and the most cruel brutalities committed by the police force against the strikers.

When having the very accurate information gathered directly by our representatives, I sent you that information. The man sending cablegrams directly to the Call is Mr. Edward Conde, and all the information sent by that man was near to the truth according to the statements given by the same capitalistic press of this island.

I have carefully revised the information published by the New York Call and found that generally the information is accurate, outside of a mistake contained in same which is that in the following paragraph: "The police have set fire to hundreds of their shacks, leaving thousands of men and women shelterless." It is true that fire has been set to some houses in the barrio of Puerto de Tierra, San Juan, and in the town of Maunabo. More than 40 houses were burned in San Juan and about 175 in Maunabo, but it is supposed that the fire has been set by those insuring the houses in the companies for more than their proper values, because fires have always begun in one of those houses insured.

What the police have done with the poor peasants it is to request them to leave their shacks immediately and go out if they are not willing to return to work under the old conditions. This statement regarding the police to set fire to the shacks of the poor peasants is the main one I have found in the information published by the Call. The most of the information published by the New York Call is taken from our labor paper Justicia, which I am sending you, regarding the conditions of the laborers in Porto Rico.

I have given my very particular attention to that part of your letter stating that "Gen. McIntyre had informed you not to have received any information as to the killing or wounding of anyone or that any constitutional rights of the people were invaded; that the governor had cabled that there had been an attack upon one of the plants of the sugar refineries; that the property was in the hands of a receiver; and that the situation was well in hand." Regarding this point, as informed to Gen. McIntyre by the governor of the island, I am grounded in saying that that is the first information I have received about having been attacked any of the plants of the sugar refineries in the hands or out of the hands of any receivers. They are grounded in saying that the situation is well in hand. It has always been, it is, and will be. It is better than in hand. It is under the terrorism, brutalities, and assassinations of the police force, under whose control are all the towns of Porto Rico, with the request and order of the governor, tolerating the suspension and annulment of all the constitutional rights of the citizens of Porto Rico not only in the rural zones as in the beginning, but within the urban zones and at everywhere. The cablegrams, copy of which you send me in your letter, was received by myself, by means of the secretary of Porto Rico, and the manifested partiality of the Government is precisely proved in the same case. As soon as I received your cablegram I sent to the secretary of Porto Rico a letter containing duly quoted a cablegram to you and requesting him to transmit it to your office by means of the Bureau of Insular Affairs, as your request had been received. The letter referred to was sent to the secretary of Porto Rico on February 26, and a copy of it was sent to you. As the answer given to you was containing the accurate information of facts, I was in the confidence that the Government would transmit to you our answer if affairs were to be appreciated fairly and conducting to a square dealing. But it has not been so. Five days after having sent our answer to you I have received from the secretary of Porto Rico the letter which I quote herein:

[Government of Porto Rico, office of the secretary.]

SAN JUAN, *March 2, 1915.*

SIR: Replying to your communication of the 26th ultimo, wherein you request this office to transmit to the Chief of the Bureau of Insular Affairs the cablegram quoted in your said communication and purporting to be a reply to a cablegram received by you through this office, I beg to inform you that it is the policy of the Government not to transmit messages through official channels when the said messages are not in strict accordance with the facts. I regret to say that in the cablegram that you desire to be sent through this office some of the statements therein made are contrary to the facts as they appear by the several investigations made by the Government. For the above reasons I respectfully inform you that it is my duty to decline to comply with your request.

Very respectfully, yours,

MARTIN TRAVIESO,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico,
San Juan, P. R.

This information will explain you what has happened. I am perfectly in accordance with your recommendation that to expect fruitful results and rightening of the wrongs inflicted upon the working people no exaggerated accounts should be transmitted, and I have ever tried to follow that policy, so that any charge preferred against the enemies of this people or the conduct of any authority may be proven. But in the same manner it is my believing that all the abuses of the power should be denounced, and that it would be a crime for us to keep silence while the armless and defenseless peasants of this island ask for better wages and better living conditions, and they are violently disbanded and criminally assassinated in the cities and countries, while the hall federa-

tions are illegally closed down by the force, and while the constitutional rights of the people are placed in the hands of the most brutal and unscrupulous people of this island.

Awaiting for your instructions and good advices and trusting that your efforts will greatly cooperate to settle the affairs of the island, I am, with best wishes,

Fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 5, 1915.*

THE EDITOR OF THE TIMES,
San Juan, P. R.

SIR: In answer to your courteous invitation for a version of Mr. Conde's speech, as delivered by him at Fajardo a month since, and in view of the letters from Mr. Bird, as representative of the Fajardo Sugar Co., inserted in your daily, it remains for me to repeat here again what I had previously reported on the matter—that is to say, that Mr. Conde's speech was well thought and meditated, and that all what he said on that occasion was in accord with his ideas and the law, otherwise the police which was present would have called his attention or denounced him. Things worse than that I have witnessed in Ponce.

The letters printed in the Times come all of them from interested parties to whom Mr. Conde's speech could not make a good impression. The signers of the letters in question are all of them, without doubt, persons of standing and well to do in the community, but they are indeed prejudiced for reasons of social and human nature. They seem to be commonly interested because of family or business reasons, and in certain cases they appear in Mr. Bird's pay roll. This, of course, makes them feel hostile and grudgesome in commenting over the speech.

Neither Mr. Conde nor the Federacion Libre can rejoice over the death, accident, or misfortune that may befall a human being, and we could not feel so toward Dr. Santiago Veve or Mr. Bird. Mr. Conde neither declared that he was in favor of incendiarism, but rather turned them into ridicule.

Besides, the ideas of Mr. Conde, there is no doubt but what they are utterly opposed to his accusers, and therefore it is quite natural they should say whatever he (Mr. Conde) said was all out of place, terrible, and even impious. The speaker had the right, and still has it, of uttering the most fit opinions on his subject at issue then, and the gentlemen whose signatures appear in the above-referred-to letters have the same right to hold a contrary opinion about Mr. Conde.

On the other hand he went to Fajardo upon the invitation of the workmen of the locality to help them to bind a contract with the employers or let the strike go on. After the meeting referred to he took part in the discussion of the terms of the arrangements and was busy at this for a whole day with Mr. Bird and other employers, and, mind you, there was not friction of any kind among those people. It is in reality very strange that after the strike should be over and arranged and the contract not fulfilled by Mr. Bird that they should now turn around and accuse Mr. Conde of fact that took place as between employers and country employees at the Fajardo town hall and to which Mr. Conde gave his assistance.

I think it is enough for me to say that whatever statements were made by him with the object of warding off the bad impression Mr. Bird reminded the signers of the contract relative to the address delivered by Mr. Conde, which after all did not produce the same disagreeable influence as the speech which Mr. Iglesias pronounced at Ponce and to which your editorial of to-day refers.

The Ponce meeting began at 7.30 p. m., and five speakers had already delivered their address before Mr. Iglesias himself stepped forward to speak also. The meeting had been going on for four hours before anybody ever dreamed of how it would end. Mr. Iglesias began speaking at 11.15 p. m., and after he had spoken about three quarters of an hour and stated that the police could not possibly be impartial, in as much as they had taken up their headquarters on the estates, sleeping, eating, and using the horses and automobiles of the landowners in connection with the strike. At this point of Mr. Iglesias's remarks a loud cry from Capt. Fernandez Nater, saying, "There,

now, that will end it;" those words brought on the most reproachful blow that can ever be dealt to the rights of free speech and the most unjustifiable attack against constitutional guarantees of any civilized people. The people were dispersed by clubbing and shooting, and the result was that one man was killed and others wounded.

Besides this lamentable incident I am quoted as having used violent language against the governor, religion, and other institutions generally, all of which is absolutely false and purposely gotten up.

I am in the same position as Mr. Conde, or perhaps worse off than he, Mr. Editor, since it is impossible to prevent popular opinion and commentaries, when these are replete with prejudice and sentiments hostile to the cause for which we stand and believe to be just and patriotic. Not wishing to tire you with a lengthy letter, I beg to remain,

Very sincely, yours,

SANTIAGO IGLESIAS,
Gen. Org. of A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 10, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: I am very much pleased to give you this additional information regarding the so-called riot of Ponce, about which I sent you formerly more detailed information. When the house of delegates was informed by one of his members that a meeting had been disbanded by the insular police in Ponce while I was addressing the gathering, the matter was in the first moment discussed and one of the members of the house moved that a special committee be appointed to investigate the facts and inform the house of the truth in view that one of the men present in the meeting had been killed by the bullets of the police, and some others more seriously wounded.

Such committee went to Ponce and gathered the information they please from the public and the insular police, but nor I, neither the men which in my companion were arrested and placed under a bond of 2,000 accused of riot, were requested to inform to that committee. The committee returned from Ponce, and in spite that all the affidavits concurs in the fact that the responsible of violating the law, depriving the citizens from the free exercise of their liberty, and of killing the man who is dead, and of the men being wounded is the insular police; in spite of that the committee of the house have not dared to inform and tell the truth to that legislative body. Their report to the house was quite a "white wash" to the police, though verbally and not with their signature; a member of the such committee, composed of two men recognizes that the most brutal crime have been committed with the people of Ponce, and the most unjustified violation of the law have been committed by the police.

The report of the committee to the house of delegates was largely discussed and an important discussion of the general affairs of the island and the policy of the government in the strike was maintained. The most important part of the discussion in substance is as follows:

LOWER HOUSE INVESTIGATION OF THE PONCE INCIDENT—EXTRACT OF THE SESSION.

Mr. Tous Soto, of the district of Ponce, asked Messrs. Huyke and Martinez Nadal, the members of the investigating committee, if from the statement made by them it must be construed that the police caused Mr. Santiago Iglesias to come down from the speaker's stand in the midst of his address, and they answered in the affirmative.

"It being so," said Mr. Tous Soto, "I believe the Ponce incident must be given such an important significance as shall not be overlooked by the men who stand for the fundamental principles of the liberty we all enjoy under the Constitution of the United States and the laws enacted by the legislature of this country. I understand the police have no authority at any time to cause a man to come down from a public rostrum and so break up a meeting, for this is equivalent to a violation of the law which guarantees the free expression of thought; and on this account laying aside all particulars which

have such small significance as compared with the fundamental principles of the liberty of thought. I move that the following amendment be added to the report of the investigation committee:

"'Be it enacted that the most energetic protest of the house be brought to bear against the violation of the law defending the rights of the people committed at Ponce by members of the insular police while they caused a man to come down from the speaker's stand or rostrum while he was in the full exercise of his rights of censure.'"

Mr. Tous Soto stated that above all it was the duty of every citizen to safeguard the liberty acquired by himself, and that the right of free speech is consecrated by the laws of this island and by the United States Constitution, and that it was of more importance than all the law that could be called into action to violate the sacred right of the people in expressing themselves freely. The people must not be dependent upon the police to interpret their words and suspend a public meeting, inasmuch as the police have no authority to do this, but this is the business of the courts to decide whether a speaker infringes upon the laws.

Mr. Huyke, one of the members of the committee, stated here that the police acted upon being instructed by their chiefs, and I say that if this is the case, then I will amend my amendment in such form that the criticism of this house be directed against the person of this government who had issued such instructions, because I understand that nobody in Porto Rico is above the Constitution or any other man of whatever high standing he may be as to abolish the Constitution and the law defining the rights of the people.

The amendment proposed by the delegate, Mr. Tous Soto, was voted upon, and all the reactionaries and capitalists in the house voted against the rights of the people, defeating the amendment and so justifying the most brutal and social crime committed in Ponce and the most unjustified violation of the Constitution of the United States.

With kind regards, I beg to remain,

Fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[American Federation of Labor.]

WASHINGTON, *D. C., March 23, 1915.*

THE EXECUTIVE COUNCIL AMERICAN FEDERATION OF LABOR.

COLLEAGUES: Referring to the situation in Porto Rico, I herewith enclose copy of a cablegram received from Organizer Iglesias, in President Gompers's absence. I have transmitted copy of same to Secretary Wilson, of the Department of Labor, so that he can have the information in connection with the other communications which have been furnished to him bearing on the situation in Porto Rico.

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

[Cablegram.]

CAYEY, PORTO RICO, *March 21, 1915.*

FEDERATIONIST, *Washington.*

Last night police violently disbanded peaceful meeting, clubbing people and federation leader, who was arrested. Annual labor federation convention now in session at Baptist Church feels indignant against police lawlessness. Constitutional rights absolutely disregarded. Judicial brutalities sentenced 130 men Vieques for alleged riot and assault, depriving them of jury trial, appeals being illegally denied. More than one hundred pending sentences. Federation convention discussing general strike plan to protest against disgraceful administration, which gives no credit to American principles of justice and liberty.

IGLESIAS.

CORRESPONDENCE RELATING TO ALLEGED KILLING AND WOUNDING OF WORKERS.

[Government of Porto Rico, office of the secretary.]

FEBRUARY 25, 1915.

SIR: I have the honor to quote below for your information cablegram just received from the Bureau of Insular Affairs, Washington, D. C.:

YAGER, *San Juan.*

SANTIAGO IGLESIAS: Cable me accurate account of alleged killing and wounding of (circling?) workers in consequence of strike, and if constitutional rights have been violated.

SAMUEL GOMPERS.
McINTYRE.

Respectfully,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
San Juan, Porto Rico.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 26, 1915.*

Mr. SAMUEL GOMPERS,
Pres. American Federattion of Labor,
801–809 G St., NW., Washington, D. C.

DEAR SIR AND BROTHER: I have just to-day received from the secretary of Porto Rico the letter which I quoted herein below and which is as follows:

[Government of Porto Rico, office of the secretary.]

FEBRUARY 25, 1915.

SIR: I have the honor to quote below, for your information, cablegram just received from the Bureau of Insular Affairs, Washington, D. C.:

YAGER, *San Juan.*

SANTIAGO IGLESIAS: Cable me accurate account of alleged killing and wounding of (circling?) workers in consequence of strike, and if constitutional rights have been violated.

SAMUEL GOMPERS,
McINTYRE.

Respectfully,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
San Juan, P. R.

To the former communication I answered to the secretary of Porto Rico in the way you may see by the copy of the letter I am attaching herewith for your information.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 26, 1915.*

Hon. MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico, San Juan, P. R.

HON. SIR: In answer to yours of February 25 inst., I would be very grateful to you for transmitting Hon. McIntyre the cablegram quoted herein below:

"McINTYRE, *Washington:*

"Answer Gompers parade strikers Vieques was dissolved by police and foremen. Four workingmen killed, eight wounded. In several towns meetings were broken, twenty-seven men wounded. Constitutional rights speech even

myself denied in rural zones, which are under control police. Strikers claims police used to break strike. Some strikers Arecibo summarily sentenced. Federation Hall, Vieques, close down by police. More than 100 arrested and sentenced. Letter mailed."

Thanking you very much in advance, I beg to remain,

Very respectfully, yours,

SANTIAGO IGLESIAS,
Presidente Free Federattion of the Workingmen of Porto Rico.

[Government of Porto Rico, office of the secretary.]

SAN JUAN, *March 2, 1915.*

SIR: Replying to your communication of the 26th ultimo wherein you request this office to transmit to the Chief of the Bureau of Insular Affairs the cablegram quoted in your said communication and purporting to be a reply to a cablegram received by you through this office, I beg to inform you that it is the policy of the government not to transmit messages through official channels when the said messages are not in strict accordance with the facts.

I regret to say that in the cablegram that you desire to be sent through this office some of the statements therein made are contrary to the facts as they appear by the several investigations made by the government.

For the above reasons I respectfully inform you that it is my duty to decline to comply with your request.

Very respectfully, yours,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico,
San Juan, P. R.

STATEMENT OF MR. FREDERICK F. INGRAM.

[Frederick F. Ingram Co., perfumers and manufacturing pharmacists.]

DETROIT, MICH., *Mar. 15, 1915.*

Hon. LOUIS F. POST,
Department of Labor, Washington, D. C.

DEAR MR. POST: Referring to the inclosed page[1] from Public, March 12, I know something of the situation in Porto Rico, it so impressed me that while visiting there last spring I addressed a communication to Congressman Doremus from this district (inclosed find copy of same). So far as I know, forwarding my observations to Congressman Doremus has produced no results.

I did not talk on the island with workingmen or their representatives; was in touch only with business men, Americans and natives, but the information I gathered through them made me feel that if a tendency then apparent was not speedily checked the result would be a most humiliating situation for the United States. It looked to me as if it was leading to a system of dependent peonage even worse than the situation existing in Mexico preceding the present disturbances there. The natives of Porto Rico are a fine race, superior to any others in West Indies, Central America, or Mexico. Previous to the American occupation all had access to the land, their little patch of ground, and opportunity for advancement if disposed to advance. The ownership of this land is being centered to corporations, if I was correctly informed when there, that is almost unbelievable.

Might I venture to ask you to forward this to Hon. Frank P. Walsh, chairman of the Federal Commission on Industrial Relations, if you approve of it.

Yours, respectfully,

F. F. INGRAM.

I received a letter to-day from a business friend in Ponce, P. R. He says the cigar strike has been followed by a school strike. The dissatisfaction and unrest has emptied the schools of the native children.

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[1] Submitted in printed form.

22 APRIL, 1914.

Hon. FRANK E. DOREMUS, M. C.,
Washington, D. C.

DEAR MR. DOREMUS: Leaving to-day homeward bound, visiting on the way several other W. I. islands and the Canal Zone after 3 weeks spent in Porto Rico, primarily for a rest and incidentally to develop a trade on the island, meeting many men in the mercantile lines, natives as well as Americans, has given me opportunity to learn about local conditions as viewed by business men.

It seems to me that the situation in Porto Rico is not correctly understood in Washington, which prompts me to write you on the subject.

The manager of one of the largest mercantile houses on the island, an American, but of 15 years' active business experience in Porto Rico, said, "When the Americans came to the island, of its population of 1,100,000, they found 1,000,000 to be their friends. To-day the Americans and their Government can count all their friends in the 100,000 and to have some of the 100,000 left."

It is claimed that promises made at the time of occupation have been broken, that acts undreamed of then have since been done by the American rulers, surpassive in some instances in their unpopularity of anything heretofore ever done by former rulers. This is provoking unrest and prejudice against the Americans here, interfering with business and prosperity of all the races and classes.

Much was expected from the change of administration, but so far there has been disappointment that has filled the cup of bitterness, for the old evils have not only been continued, but it is claimed new evils have been imposed from which American residents are perhaps the greatest sufferers, excepting those in official life.

It seems to me that justice as well as political experience should prompt those that will be held responsible for existing conditions to carefully consider these alleged grievances, some of which follow:

First. That the same system and in a large measure the same gentlemen as under the previous administration are still in power and the unofficial domination is by the same influences.

Second. The former and present Government greatly antagonize the natives by misgovernment and favoritism.

Third. It is conceded that Gov. Yager is well meaning but lacks political experience, is easily imposed upon by special interest that has his ear and that have impressed upon him their viewpoint. That he ignores the Democrat organization and the party leaders as well as the business interest, except the sugar and tobacco corporations.

Fourth. Porto Ricans were promised citizenship by Gen. Miles. It is not yet granted. They want collective citizenship, not the kind proposed in the present Senate bill which treats the Porto Ricans as illegitimate children, legitimacy to be conferred by a court upon application.

Fifth. The recent special revenue tax on American goods entering the island is very exasperating. It injures the business of Americans in the States, who otherwise could sell in the island. It relieves the island real estate of taxes which are transferred to the consumers—a tax upon the poor to the profit of the rich and the corporations. This tax was made retroactive, embargos placed upon stores, and their stocks were released only when the stamps were affixed to goods, in some cases confiscating property because the goods could not be sold at the increased prices. This tax works out to the profit, so it is claimed, of the great sugar corporations, enabled by it to hold land out of use because of the very small tax on it, thus depriving the poor of employment that working such idle land would afford.

Also, so it is claimed, to the advantage of the American Tobacco Co., who under various names own the tobacco companies operating here.

Sixth. The limited land-holdings clause of the Foraker law is being evaded by the corporations as it was under the previous government, and sugar corporations through dummies have acquired immense holdings, making it practically impossible to buy a few acres for raising other crops or for pasture, except poor land in the mountains, while the new proposed organic act now before Congress omits the clause altogether.

Seventh. By a scheme officially permitted cane is being imported from Santo Domingo by the large Guanica centrale, to the detriment of the Porto Rican people and to the loss of revenue by the treasury.

I inclose copy of resolutions adopted by the Ponce Democratic Club (Ponce is the largest county on the island) this month which names other apparently serious grievances. I have talked with many business men of the island and they, of all political parties, seem agreed as to the seriousness of the situation. Its application to practical politics in the coming campaign for the election of a new Congress, which seems to be a certainty, is regarded with much complacency by our Republican friends and, it seems to me, with reason, for if the Democrats do not take steps during this session to relieve themselves of responsibility for such undemocratic measures forced upon a helpless people the party will have an exceedingly increased hazard to overcome to carry the close districts.

I expect to be back home by May 22. I know it is a far cry from Detroit to Porto Rico, but it is not so far but what these matters may be with us for explanation in November.

Frankly, it seems to me that Porto Rican affairs need looking into. They will be looked into. I hope it will be by the Democrats, who are responsible for the present status.

With kind regards, I am,

Yours, sincerely,

F. F. INGRAM.

EXHIBITS.

IGLESIAS EXHIBIT NO. 1.

STATEMENTS PERTAINING TO THE LAST LABORERS' STRIKE IN THE ISLAND OF PORTO RICO.

The following is an outline of the affidavits taken before the notary public of the city of San Juan, P. R., Mr. Pedro Santana, jr., with offices at corner of San Justo and Tetuán Streets, of said city:

EXHIBIT A.

In the city of Juncos, island of Porto Rico, and before me the notary public above mentioned, appeared Catalino Marrero, Agustín Cintrón, Juan Cruz Rivera, Lorenzo Vazquez, Juan Pagán, Francisco Peña, Gregorio Marquez, Agapito Ocasio, Aniceto Hernandez, Encarnación Robles, all of legal age and residents of said city of Juncos, under oath depose and say: That before they went into strike they begged their patrons for better wages and more respect during working hours; that they were only paid from 40 to 50 cents for working hard from 6 o'clock in the morning to 6 o'clock in the evening; that they were badly treated by their patrons and their agents; that during working hours they were not even allowed to perform human ordinary necessities; that they never were heard and therefore they decided to go into pacific strike to force their patrons to justify them (the laborers) in their demands for better wages, treating, respect, etc.; that the strike lasted for about 10 days; that an agreement was signed by agents of both the laborers and the patrons; that they (the laborers) have fulfilled their part to the said contract; that said patrons have violated their part to said contract; that their patrons used a circular of Gov. Yager to influence us in believing that no one had right to go into strike asking for better wages and more respect, etc.

EXHIBIT B.

Mr. Eloy Franquis under oath deposes and says: That he is a resident of the city of Juncos, P. R.; that he is a cigarmaker; that on the 1st day of February of the present year while he was addressing pacific strikers in a place called Pueblito del Río of the municipality of Las Piedras, Corp. J. López, of the insular police of the island of Porto Rico, grabbed him down the tribune without justification; that Mr. Franquis was addressing the crowd in a correct manner; that a moment afterwards Mr. Franquis was authorized by said corporal of the insular police force of Porto Rico to continue his speech; that the police force intended to end the meeting without cause; that deponent was charged for slander before the municipal court for the municipal district of Las Piedras, P. R.; that his case was heard, and the defendant, Mr. Franquis, was discharged.

OUTLINE OF EXHIBITS C, D, E, F, G, H, I, J, K, L, M.

Mr. Eloy Franquis under oath deposes and says: That about the 1st day of February of the present year about 500 laborers came to him asking his cooperation to better the conditions of the working classes of the municipality of Juncos; that he acceded and went on, and from the beginning of the strike managed all affairs of same; that the conduct of the police force of the city of Juncos during the strike was very bad; that in one occasion the police told the strikers that they were not allowed to traffic along the carreteras or public

roads; that the police ill treated the poor strikers; that the police intended to intimidate the pacific action of the strikers, insisting on them to go to work, or, on the contrary, they said the strikers they ahd orders to use their clubs; that on the 4th day of February a great meeting was to be held in Gurabo, a town near Juncos, and to that effect the laborers from Juncos were on their way to former; that the police, using the most libelous words ever heard, tried and consequently ended the laborer's assembly with their clubs, and also firing their revolvers; that many of the assemblers were hurt by the police without justification at all; that the number of victims reached from 15 to 20; that some of the victims went to the hospital to be cured of hurts suffered by clubs of the police; that as soon as the police knew they (the laborers) had gone to the hospital, tried and in effect imprisoned all of them; that they were charged by the police of different crimes before the municipal court for the municipal district of San Lorenzo, P. R., and sentenced by said court; that all of them appealed from the sentence rendered by the municipal court for the municipal district of San Lorenzo, P. R., to the higher court, that is to say, the district court for the district of Humacao, P. R., and the higher court discharged and freed all of them on the ground that they were innocent of the crimes imputed them; in one particular case a laborer named Pablo Rivera Nieves, a sick man, but a striker, was beaten by the police; persons of 50 years of age also were beaten.

As shown by Exhibit F, Eleuterio Mazán was the bearer of the American flag in the assembly above referred, when the police ended same; that a policeman named Julio Soto, knowing it was the national flag, broke it to pieces; that said Mazán called the attention to the police to the fact that they had broken the American flag, and the response was that the police clubbed the poor laborer and afterwards charged him with the commission of a crime; that said charge was dismissed.

As shown by Affidavit No. 860, Exhibit G, authorized before the notary public, Mr. Pedro Santana, jr., Mr. Agustín Cintrón, of Juncos, P. R., deposes and says: That he knows perfectly well that the police force almost in the whole island of Porto Rico and specially during the strike periods are in the habit of living on the sugar factories or centrales, not to restore order in case of need but for causing intimidation to the poor laborers who are working in the centrales, trying to persuade them not to go into strike; and if they do, explaining to them (the laborers) that they are liable to be clubbed.

As shown by Affidavit No. 861, Exhibit H, Mr. Lucas E. Castro, an industrial man of an excellent reputation in the city of Juncos, under oath deposes and says: That he is a resident of the city of Juncos; that he was in Juncos when the strike began; that he followed the course of all affairs in connection with same; that he can say that the conduct of the laborers on strike during last one was an excellent one; that he saw the police ending a pacific assembly of the strikers, using their clubs and revolvers without justification at all; that on one occasion the action of the police was so hostile to the strikers that almost the whole town was compelled to close doors, etc.; that he never saw any striker to attempt against the public power.

Exhibit I, Affidavit No. 862, before the same notary, Mr. Pedro Santana, jr., Mr. Catalino Marrero under oath deposes and says: That he is a resident of the city of Juncos, P. R.; that during the last strike the chief of police of said city, Mr. Vicente Torres Quintero, called him one day and told him to tell some laborers who were working on a plantation called "Amel" that everything was all right as far as they continued working, but otherwise if they were willing to go into the strike they were liable to be clubbed and imprisoned.

Affidavit No. 863, Exhibit J: Mr. Modesto Martínez is a doctor in pharmacy of the city of Juncos; he declared under oath that the conduct of the strikers in February this year was an excellent one; that they simply left their works to beg for better wages and better treatment; that he saw the police on one occasion clubbing the poor laborers that went on strike.

Exhibits K, L M refer to same thing above mentioned, and affidavits were taken in order to make evidence corroborative.

Exhibits N, O, P, and Q, affidavits from 867 to 870, before the notary Public above referred to, Mr. Pedro Santana, jr., indicate the following: That deponents, Luis Sanchez Ocaña, Juan Román, José María Pereira, Juan Rivera, are all neighbors of the city of Juncos, P. R.; that they are all well acquainted with the last strike of February of this year; that the conduct of the strikers was of a high order; that assemblies of the strikers were ended by the insular police without justification at all; that strikers were clubbed in the streets by

the police; that strikers were intimidated by the insular police and told to go to work in order to prevent being clubbed and imprisoned; that the strikers never attempted against the public authorities and always had faith in their leader's work.

In a general way we can say that the constitutional rights of the strikers were violated by the insular police of the island of Porto Rico, and this permitted to be done under the flag of Stars and Stripes.

A better idea of what really happened during the last strike in Porto Rico can be obtained reading carefully all the affidavits authorized before the notaries public of the island of Porto Rico.

IGLESIAS EXHIBIT NO. 2.

[Telegram.]

CIDRA, *February 17, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Agricultural workers of cane fields are peacefully on a strike. Chief of police, with two policemen, prevent the laborers to hold peaceful meetings. Laborers are threatened to be clubbed and shot if they hold any meeting. Police frankly to the side of the interests of the corporations. No reasons are taken into consideration by the police, who seek for the chance to provoke a conflict. See governor and send us an urgent resolution.

JOSE E. SEGARRA,
Strike Commission.

[Telegram.]

VIEQUES, P. R., *February 11, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Leaders labor movement arrested. We need protection to-day. Answer at once.

MANUEL CRISTIAN.

[Telegram.]

JUNCOS, P. R., *March 15, 1915.*

SANTIAGO IGLESIAS, *Editor of Justicia, San Juan.*

Lawsuit followed against Masan for alleged insult to the American flag has been stayed. Who will be the real offenders?

ELOY FRANQUIS,
Correspondent.

MUNICIPAL COUNCIL JUNCOS, P. R.,
OFFICE OF THE MAYOR,
March 9, 1915.

Messrs. JOSE M. PEREIRA and ELOY FRANQUIS,
Chairman & Secretary Union Obrera Central.

SIR: In answer to your letter dated to-day relative to holding a meeting Wednesday next March 10, I may say you are free to use the Plaza de Pueblo Nuevo.

Respectfully, yours,

JOSE BARRERAS,
Mayor of the Town.

N. B.—This plaza or square is situated on the outskirts of the town, and this communication means that the mayor who signed his name to it refuses the laborers the use of Plaza Central which is in the middle of the town itself. (Remark from the translator.)

GUAYAMO, P. R., *February 8, 1915.*

Mr. RAMON GONZALES NIEVES,
Mayor of the Town.

DEAR SIR: The undersigned commission, auxiliary committee and true committee of the agriculturists' strike begs to request of you an authorization to

fill out and comply the necessary requisites under the law for the purpose of holding parades and meetings in public both in town and country.

We desire that permit be issued to us in writing and for an unlimited space of time.

Very sincerely, yours,

(Signed by 11 citizens, and for the mayor of the town as an approval.)

SAN JUAN, P. R., *February 19, 1915.*

GUILLERMO COLON, *Gurabo:*

Your telegram received and placed in the hands of chief of police.

ARTHUR YAGER.

[Telegram.]

SAN LORENZO, P. R., *March 6, 1915.*

EDITOR OF JUSTICIA, *San Juan:*

Since the night of the outrages committed by the policemen in our labor meeting, we do not dare to hold any meeting if the honorable municipal judge is not present in it. When he is unable to attend the meeting we do not hold them, until there be not removed from here Chief of Police Juan Alejandron, and Policeman Suner bearing badge number 335, and also Policemen Nemesio Garcia and Pio Concepcion. Request governor to kindly accede to our petition for the good of our families which are most alarmed on account of the attitude of these policemen.

Were we not so peaceful and sincere keepers of law, last night certainly would be a tragic one.

If governor wants to have as an evidence any document signed by a very large number of persons from all social classes, I will be very glad to do so, and more than three hundred families will bless him if acceding to our petition.

JOSE G. GARCIA,
Correspondent.

GENERAL CONSIDERATIONS—CACIQUISM OR BOSSISM.

The force of reaction has done nothing but show its aggressiveness during these years past. All the work that could be done to combat the labor organizations of the island has been done, even though for this it has been necessary to occupy certain positions and defend men and Government officials who, unfortunately, are the most harmed by accepting that kind of support or defense.

The detrimental achievement of those who stand for reaction and inquisitorial methods, the enemies of the democratic institutions, is not and can not be easily forgotten in the course of a few days.

A newspaper which for nearly half a century has been the genuine representative of inquisition in Porto Rico, the faithful interpreter of tyranny and despotism, the official organ of the odious government of the monarchy in Porto Rico; the periodical, we say again, has become the defender of the island caciques (bosses), because the methods adopted by the administration to rule this country for a few years back has been all the advantage to the tyrants, such as those which the Spanish Government put into practice as well as all the most despicable and hateful means suggested by the reactionary group of the advisory chamber.

The enemy of all the American institutions; the enemy of all that bears the seal of democracy; the enemy of all that represents a principle of liberty; the enemy of the teaching of the English language in the schools of Porto Rico; the enemy of all the American governors ruling this island; the defender of the Spanish monarchy, with all its horrors, is now the best friend of the American Administration in Porto Rico.

And it is not the best friend of the American administration because he has done hating American institutions, rectified his conduct, altered his liberty that is at hand, or because it thinks English language should be taught in the public schools, or because he has become reconciled with the principles of liberty or altered his conduct. No; not a bit of it. He is even now in more perfect accord with the principles of the monarchy and more partial than ever to the absurd methods of reactionarism.

What is going on now in the Government just suits it. The Administration has just met it half way, but he did not go to the trouble of going to it. Enough said. What greater discredit could come upon the Administration of Porto Rico than that of receiving its support by the reactionary elements of this island?

And if not, let us stop to consider what has been and is the attitude of the reactionary press of Porto Rico, which approves of all the brutalities of the public officials and every means of oppression.

When only a few months ago one of the representatives at the House of Delegates of Porto Rico presented a bill granting the Free Federation of the Workingmen of Porto Rico a building site for the purpose of erecting thereon the labor temple, El Boletin Mercantil, which is the paper to which we have been referring all along in this article, published an editorial that wreaked vengeance on the American Federation of Labor, because, in the opinion of El Boletin Mercantil, the said American Federation of Labor is an exotic organization and an enemy of Porto Rico. And let us see what stand this paper, which defends the Administration of Porto Rico, also takes in behalf of the American institutions, whether these be labor organizations or not. The article just referred to was published under the title "The Enemy at Home," and contained such reading matter as this:

"The Free Federation has requested the house of delegates to grant it a building site toward Puerta de Tierra for the purpose of erecting a building thereon, to be known under the pompous name of Temple of Labor; but, in other words, the said building would be nothing but a sort of lodge (or refuge) for the conspirators of the liberty of Porto Rico."

And the said periodical went on, saying in the same article:

"What would this so-called Temple of Labor be but a lamentable branch of the American Federation of Labor, an inimical institution to all local (religionalistas) tendencies, as may be proved from the time it has been carrying on its work among us?"

Another paragraph of the same writer says:

"The tendencies of this exotic organism are sufficiently well known and which aspires only to weaken the spirit of regional defense on the island, that the legislative authority should lend it the powerful arm which they are striving to obtain in proportion as this international labor organization extends throughout Porto Rico; and he who does not care to desert the rank and file of the patriots remains in a weaker condition of self-defense when he has to withstand the all-absorbing politics and her corrupting influence as we have had occasion to see here later.

"The perfidy of the politicians who have found their 'Eldorado' here, figuring in the obscure play at which we have seen them, has found some relief for the most weak resistance of the country introducing and giving vent to the element of discord and also this pro-Americanizing tendency which seeks nothing but an appetite and an absurd satisfaction for a grudge."

This should suffice to know the manner of thinking of such as take their stand for the administration in Porto Rico when they declare themselves as virulent enemies of all that is American, just for that fact only.

And the men who believe so are the defenders of the actual American administration in Porto Rico, and it is necessary for one to think that the administration has had to become reactionary so as to reach an understanding.

Another paper representing another phase of the capitalistic opinion and which directed its shafts of insult against us and President Gompers, is "La Democràcia," the official organ of the Unionist Party. This paper is published and edited by Mr. Luis Muñoz Rivera, Resident Commissioner of Porto Rico at Washington, and who is at the same time its proprietor and editor.

Several articles published in this paper plainly induced the Government to apply persecution and vexatory measures against us. We quote herewith:

"In any well-regulated country the Government is alone responsible for the maintenance of good order and guarantee of the people. We have had disorder going on now one month and the Government has not paid any attention to the situation, which surely casts discredit on the island at a time when the status of Porto Rico is to be defined very soon at Washington.

"It is very significant that every year, whenever Congress makes an attempt at taking action on political reforms of the country, that such disturbances should be found at the federation whose leader is the anarchist, Santiago Iglesias, or Santiago Panting (we leave it to anybody to ascertain his name), who, together with the old man, Gompers, sued not long ago as a dynamiter,

who endeavored to prevent the Porto Rican Government from not falling into the hands of the Porto Ricans"

These paragraphs in themselves published in the periodical of Luis Muñoz Rivera, Resident Commissioner of Porto Rico at Washington, should plainly show the rankling and the hatred which those who live by despotism feel against the institutions of liberty, and hence the hatred they have conceived for Gompers and Iglesias and for those who hope to see this island to form a part of the American people and in all the enjoyment of the rights which the citizens of the United States have.

The plot to destroy us because we stand for the establishment of the American institutions in Porto Rico does not "let up" for a minute. All the mud slinging that can be done against the American institutions and the American people is heaped up by the partisans of monarchy and by those who were born on the island, those who in spite of this hold high positions in the Government and are constantly betraying the public, which gave them its confidence, if elected, or the American official who got their appointment, if they were so designated.

We propose to go on resolutely with our work until the day when the American Congress recognizes that Porto Rico must be a part of the American people and enjoy all its rights to the liberty, the guarantees, and the citizenship of the American people.

Meanwhile, let the struggle go on and we shall see the result.

IGLESIAS EXHIBIT NO. 3.

IN THE DISTRICT COURT OF PONCE, PORTO RICO.

In the name and by the authority of the people of Porto Rico.

UNITED STATES OF AMERICA, THE PRESIDENT OF THE UNITED STATES, ss.

THE PEOPLE OF PORTO RICO vs. SANTIAGO CARRERAS ET AL. | In the district court for the judicial district of Ponce, P. R., April 26th, 1915.

The district attorney charges Santiago Iglesias, Francisco Paz Granela, Manuel Texidor, Prudencio Rivera Martinez, Santiago Carreras, Maximiliano Combre, and others, for breach of the peace (riot), misdemeanor committed as follows: The above-mentioned Santiago Iglesias and others in Ponce, within said district and about the first day of March, 1915, while a public meeting was held on account of the agricultural strike, and while one of the defendants, Mr. Santiago Iglesias was addressing the crowd in a violent and threatening way to the auditory, exciting to those present to raise against the governor of Porto Rico and all the Porto Rican's authorities, saying that the governor of Porto Rico with his proclamation and in agreement with the insular chief of police had violated the constitution, and that similar facts had determined the United States and French revolutions; that the police beat and ill treated the working classes, because they (the police) had their barracks at the sugar factories, where they were given meals, drinks, women, etc. By that time the district chief of police ordered the speaker to end that attitude, and then and there the defendants above mentioned, in an illegal, malicious, and voluntary way, acting together and without legal authority, causing fear to a great number of persons therein present, they (defendants) used firearms, steel arms, causing in that way a breach of the public peace.

The above criminal charge is signed by the district attorney for the judicial district of Ponce, P. R., and subscribed and sworn by said attorney before the secretary of said district court on the 23d of April of the present year.

AFFIDAVIT OF JUAN CRUZ PIRIS.

The following is an outline of the affidavit taken before the notary public of the city of Ponce, R. I., Mr. Leopoldo Tormes García.

Deponent Mr. JUAN CRUZ PIRIS: The testimony of Mr. Juan Cruz Piris, of the city of Ponce, P. R., to the effect that some time after the riot he was in front

of the insular police barracks, where the captain and some policemen grabbed him and started beating him with their clubs, guns, etc., for about five minutes; afterwards he was taken inside the barracks and therein examined; three hours later, then the district attorney came and questioned him (deponent); that district attorney ordered his discharge, because there was not criminal liability imputable to him (deponent); that the district attorney asked the police's captain why the deponent had been beaten, and he answered it was by mistake; that after this deponent went home to sleep; that five minutes after deponent had reached his house five detectives inquired from him the key to open the building where the American Federation of Labor's offices are situated in Ponce; that deponent answered he had not the key; that they (detectives and deponent) went to look for the person who had possession of the key; that he was found; that the police opened the doors of said building and started a search of all papers, desks, etc.; that deponent begged district Chief of Police López Arzuaga to leave everything in order and don't break the desks; that said chief answered deponent that he (the chief) was authorized not only to do what he pleases, but also to beat deponent in the mouth; that nothing wrong was found; then the chief told him they were justified in doing all they had done, because they had an order to look therein for firearms, steel arms, gunpowder, etc.; that they left the building carrying with them all papers concerning the strike.

AFFIDAVIT OF MR. CATALINO SANTOS.

The following is the affidavit of Mr. Catalino Santos before the notary public of the city of Ponce, P. R., Mr. Leopoldo Tormes García:

No. 1980.—That he is a resident of the city of Ponce, P. R., of legal age; that on the night of the first or second he was hearing the meeting; that he saw when the police started firing their arms and clubbing the assemblers; that he fled; that he saw a policeman firing the crowd; that the crowd didn't make any resistance to the police; that everybody in the crowd was unarmed; that going home he saw a man fell to the ground owing to a policeman's shot.

IGLESIAS EXHIBIT NO. 4.

REPORT OF THE COMMISSION ON INVESTIGATION OF THE PONCE INCIDENT.

The commission has practiced a careful investigation of the incident that occurred at Ponce and gave a chance to every interested party therein to explain to the commission what he knew about the case.

The facts may be divided in two parts—the first which relates to the manner in which the riot started, and the other which relates to the death of a certain Caballero.

The events that gave rise to the disturbance of the public peace are subjudice, and this commission must not invade the jurisdiction of the court of justice.

But one man was killed at Ponce at the conclusion of the riot, and the commission heard the statements of many persons from the various social classes, which proffer concrete charges against a guardisman as being the cause of the said man's death; and being prompted by the desire of obtaining justice, we are obliged to declare that the circumstances in which this man's death was brought about must be investigated.

Whereas the commission, not entertaining any desire to intrude upon strange jurisdiction, begs to advise the house of delegates that this body inform the attorney general of the expediency—in other words, the necessity—of investigating the facts concerning the death of Caballero, and furnish the said officeholder the record of the commission relative to this delicate matter.

The preceding report having been approved by the house of delegates, it is hereby respectfully submitted to the honorable attorney general along with the record [1] in the above-referred report.

J. L. AMEDEO,
Assistant Secretary.

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[1] The record referred to was submitted in Spanish in typewritten form.

IGLESIAS EXHIBIT NO. 5.

OUTLINE OF A LETTER SENT TO THE HONORABLE THE GOVERNOR OF PORTO RICO BY MR. HEMENEGILDO ROBLEDO.

On the eleventh day of May of the present year Mr. Hemenegildo Robledo sent a letter[1] to the honorable Governor of Porto Rico, Hon. Arthur Yager, stating in a general way the following:

That he was a spectator at a meeting held in the city of Ponce during the early part of March, this year.

That the police ordered the meeting to be ended, and at the same time began (the police) firing and clubbing everybody at the meeting.

That the writer, on account of such attitude, went home.

That on his way home a policeman beat him in a desperate way; another policeman, whom I don't know, fired against me twice, wounding me in the arms and on the left side.

That the writer had to go to Hospital Tricoche, in the city of Ponce, P. R., where he was a patient for about forty-five days.

That the writer is now an invalid on account of the shooting, being inutile of the left leg.

The writer states that he thinks it is not a crime to go to a meeting to hear the orators, as he did.

That the only fault, if any, he committed that night was to be present at the meeting hearing the orators.

That notwithstanding all the above facts the writer has been charged by the district attorney of Ponce of the crime of breach of the peace (riot).

As the writer don't know the author of the shooting, he asks the Governor of Porto Rico the privilege of being allowed to identify the guilty policeman, so that the writer be able to establish the consequent criminal charge.

The writer asks the honorable governor to inhibit the district attorney at Ponce, P. R., to try his case, on account of having said functionary knowledge of all injustices committed with the writer without having taken proper action.

The writer is willing to be accused by any other district attorney.

IGLESIAS EXHIBIT NO. 6.

AFFIDAVITS FROM PONCE, P. R.

The following is an affidavit by Mr. Alberto Fernandez, before the notary public of the city of Ponce, P. R., Mr. Leopoldo Tormes Garcia March, 1915.

No. 1929.—That he is of age; that he is a resident of the city of Ponce, P. R.; that last night about half past 11 he was coming down from the moving picture, called "Cine Habana," and when he reached the corner of Plaza del Mercado, in the city of Ponce, P. R., I find out that there was a meeting in front of the house of Mr. Julio Torres; that he stopped to hear the meeting; that Mr. Santiago Iglesias was in the meeting; that said Santiago Iglesias was then addressing the crowd; that in a moment a riot arose, and deponent saw the police firing their arms and clubbing the assemblors; that deponent then ran down Leon Street of the said city; that while deponent was going by the left sidewalk of Vives Street, he saw a policemean beating a man with a stick resembling a stave; that the poor victim begged the policeman to stop beating him (the victim), saying these words, "Don't hit me more," and then the policeman shot him, and the poor man said to said policeman, "Please don't kill me, that I am going out," and then the policeman shot again the second time, killing him; that the policeman left the poor man on the street; that captain of the insular police, Mr. Nater, was told by the policeman that the victim had a knife; that deponent went to the place where the victim was laying and seeing he was expiring ran away; that he knows the policeman very well; that his name is Norberto Quiles; that he knows the policeman perfectly well.

There are about fifteen more affidavits corroborating the facts sworn by Mr. Alberto Fernandez, to show that the police was the exclusive party who in a violent way ended the meeting above referred to, resulting in deaths and wounded persons, who were innocents and were in proper manner hearing the pacific meeting given by the laborers on strike.

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[1] Typewritten letter submitted in Spanish.

IGLESIAS EXHIBIT NO. 7.

[Telegram—Translation.]

SAN JUAN, P. R., *February 21, 1915.*

Mr. JUAN CRUZ PIRIS, *Ponce, P. R.:*

I beg to advise you that you should see upon my proclamation of yesterday, in order you may perfectly realize of the attitude of this Government. Rural zone is under the control of the chief of police who is responsible to me of order within the same.

ARTHUR YAGER, *Governor.*

[Telegram.]

PONCE, P. R., *February 21, 1915.*

Mr. SANTIAGO IGLESIAS, *Fed. Libre, Arecibo, P. R.:*

Inform note police hinders parade and meeting laborers out of city. Looking for you every minute.

J. CRUZ PIRIS.

[Telegram.]

ARECIBO, P. R., *February 6, 1915.*

J. C. BILLS, *Chief Bu. of L. San Juan, P. R.:*

Request sojourn of labor inspect. here at next meeting with employers.

M. F. ROJAS, *President Strike Committee.*

[Telegram.]

PONCE, P. R., *March 4, 1915.*

Mr. S. IGLESIAS, *San Juan:*

We are still under dominion of terror, meeting in town forbidden. People excited front city hall, want meeting. Last night all social classes crowded front of city hall, cheered commission, house delegates, acclaiming justice. Capt. Nater and police ordered out down hall by petition, people which protested. I am investigating conspiracy, purpose assassination of yourself and Aybor.

CALDERIN.

[Telegram.]

PONCE, P. R., *February 26, 1915.*

Mr. S. IGLESIAS, *Fed. Libre, San Juan, P. R.:*

Denounce governor; no guaranty given by police. They break up peaceful laborers' gatherings. Want laborers to go back to their work. See if you can come.

MODESTO CALDERIN.

[Telegram.]

PONCE, P. R., *March 2, 1915.*

Mr. M. BERNARD SILVA, *Federation Libre, San Juan, P. R.:*

Last night while Iglesias was addressing meeting same was violently dissolved by police by shots and blows. Iglesias and other leaders arrested. Texidor under bond. Takes Angle Capital with information. Telephone Inglesias family, no serious accident. Accused of riot, the boys and all required bond $2,000.

J. CRUZ.

IGLESIAS EXHIBIT NO. 8.

AFFIDAVIT FROM ANDRES ARELLANO.

To the effect that on April 1, 1915, he was at the town of Barceloneta; that the same day a conference was announced by Mr. Luis Fajardo, who requested

deponent to present him to the public; that while deponent was introducing to the public the speaker took occasion to state that on his arrival at Barceloneta, on February 17, he, deponent, had been arrested by the local chief of police, Domingo Rivera Cabrera, without any motive for such action; that immediately the officer in question stepped up to the platform where the deponent was standing and dragged him to the ground, stating at the same time, "You are going to jail again; I will fix you." When deponent was on the ground the officer searched his person, but did not find any arm; that deponent was reduced to arrest, and bail fixed at $100, which was furnished by two citizens, for disturbing the peace; that while deponent was in jail he was visited by the justice of the peace and warned that he could never speak again in Barceloneta, and that if he caught deponent speaking he, the justice in person, was going to arrest him.

AFFIDAVIT FROM RUPERTO PONCE, JULIAN CACERES, CERAFIN RODRIGUEZ.

To the effect that on the 16th of February, 1915, when they were returning home and near Central Camabalache, on the road from Arecibo to San Juan, they were met by the police stationed at that place and questioned as to whether or not they were strikers; that the aggressive manner in which the question was put to them they hesitated to answer, whereupon they were insulted and an attempt was made to assault them, stating in a most violent language that they had to get done with the strikers anyhow; that due to the risk they were confronting they decided to flee from the place; that the police, mad at the fruitless pursuit of them, took hold of Juan Diaz, a laborer who was going to the city with the national flag, seizing it from him and clubbing him merciless with their clubs.

AFFIDAVIT OF JUAN DIAZ.

To the effect that on February 16, 1915, when the deponent was coming from barrio Santana to the city to take part in parade of the agriculture strikers, and while he was carrying an American flag, was unexpectedly assaulted by the corporal of the insular police, Pablo Norat, stationed at Central Cambalache. The deponent further states that he was taken to the emergency hospital in the city to be cured, and was therefrom taken to the hospital for treatment, as he could not stand on his feet, due to the awful beating that he had been subjected to, and without any respect to the American flag.

AFFIDAVIT FROM CESARIO RIOS, BARDOMERO PEREZ, ESTEBAN MARTINEZ, FAUSTINO MEDINA, JOAQUIN CORTES, JUSTINO RIOS, JUAN RODRIGUEZ, JUSTINO HERNANDEZ, FELIPE RIVERA, FELIX SALCEDO, BAUTISTA AYALA, MANUEL ORTIZ, ISIDRO MOLINA, PEDRO RIVERA, JESÚS CORTES, NICASIO TIRADO, EVARISTO CLASSEN, CELESTINO SILVA, CARLOS ORTIZ.

To the effect that on February 16, 1915, the deponents had met at barrio Carreras, Arecibo, to consider the situation in connection with the strike; that all of them were arrested by the police, among them Pedro Manzano and Manuel Barrio, and were taken to the police headquarters, and from there to the jail; that charges were preferred against the deponents for extortion, and bail fixed at $500 each to obtain the release; that the bail being excessive for poor laborers they had to remain in jail until February 26, 1915, when the deponents were tried and sentenced to 30 days each; that the sentences were appealed to the district court, and on March 15 the case was heard and the deponents were acquitted, as nothing could be proved, notwithstanding the charge of the district attorney and the testimony given by the police; that innocent as the deponents were, they had to remain in jail from the time of the arrest until their acquittal.

IGLESIAS EXHIBIT NO. 9.

[Telegram.]

ARECIBO, P. R., *February 15, 1915.*

JULIO AYBAR,
San Juan, P. R.:

Capt. Schetini forbids public meeting of peaceful strikers along main road. Police orders use of billies and revolvers if laborers disobey. Country workers indignant. Awaiting guarantees to be able to defend themselves. Felix Rouis beaten without cause. Francisco Martinez arrested for carrying a stick. Main highway barricaded near Cambalache. Get information department of interior about right to use highway around Cambalache.

M. F. ROJAS,
Chairman Strike Committee.

[Telegram.]

ARECIBO, *February 20, 1915.*

"JUSTICIA,"
San Juan, P. R.:

Strict orders Chief of Police Shanton to local police forbidding parades and groups more than 10 persons in public highways. Meetings forbidden in all agricultural district Arecibo. Forbidden carry flags though it were the national flag. Orders are to search the peasants wherever found. Summary: They implicitly suspend constitutional guarantees.

SANTIAGO IGLESIAS, *Org.*

[Telegram.]

ARECIBO, P. R., *February 23, 1915.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan, P. R.:

Police to-day deal blows to José María Román and Pablo Ramírez, Barrio Dominguito. Yesterday I passed by Hacienda "Los Caños" (sugar estate) going to Dominguito, where they gather cane to weigh it. Saw cane weigher and a policeman. The cane weigher told policeman I was one of strike committee. I was searched.

NEMESIO MORALES,
Correspondent.

IGLESIAS EXHIBIT NO. 10.

[Telegram.]

HUMACAO, P. R., *February, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Representatives of labor and employers are ready to meet in conference with view of reaching an agreement, but bureau of labor representative is asked by employers to be present.

SANTIAGO IGLESIAS.

[Telegram.]

YABUCOA, P. R., *February 23, 1915.*

EDITOR OF JUSTICIA, *San Juan:*

Police refused to grant rights and guarantees to hold meetings in country. They snatched away flags on main road from the hands of the laborers and dissolved meetings.

José DIEPPA, *Cor.*

[Telegram.]

SAN JUAN, P. R., *February 16, 1915.*

JUAN BTA. DELGADO, *Anasco:*

Your telegram received. Matter endorsed chief police.

M. A. MUNOZ,
Secty. to the Governor.

[Telegram.]

MAYAGUEZ, *February 16, 1915.*

Mr. JULIO AYBAR, *House Delegates:*

Police together. Overseers (capataces) break strike. Añasco brutalized by police. Investigation should follow soon.

JESÚS BALSAC.

[Telegram.]

MAYAGUEZ, *February 16, 1915.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Workingmen break strike at bidding of police and overseers. Añasco police beating and arresting strikers. Urge governor to investigate.

J. M. BALSAC.

[Telegram.]

GUAYANILLA, P. R., *March 2, 1915.*

Mr. J. AYBAR, *San Juan, P. R.:*

Workers Barrio Indio have quit work, Chief Police Salmon Costa compelling them go to work. Here situation quiet; ask chief of this. Are witness Eladio Torres, Meliton Ortiz.

RAMON VAZQUEZ,
Pte. Strike Comette.

[Telegram.]

AÑASCO, *February 15, 1915.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Meeting held last night broken up on plaza with shots and clubbing. Police completely under control of the cane plantation owners. See governor and show him my telegram. Secure immediate investigation of facts and safety for our lives.

JUAN BTA. DELGADÓ,
General Correspondent.

[Telegram.]

AÑASCO, *February 15, 1915.*

SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Beating goes on. We need protection. See governor.

J. B. DELEGADO,
General Correspondent.

[Telegram.]

AÑASCO, *February 15, 1915.*

Mr. SANTIAGO IGLESIAS,
Mgr. "Justicia," San Juan:

To-day five workingmen have been beaten by the police without any cause whatever. Governor has been advised of facts. Veles denounced for upholding the rights of workmen. We have requested immediate investigation. Police, and cane proprietors' personal antagonizing strike. We are without protection.

JUAN BAUTISTA DELGADO,
General Correspondent.

[Telegram.]

AÑASCO, *February 16, 1915.*

Hon. GOVERNOR OF P. R., *San Juan, P. R.:*

Policeman Antonio Carlos and his companion Carde have threatened workingmen Toribio Mendoza, Zaenon Cuevas, Pedro Viera, Juan Cabaguin, Ramon Acosta, Manuel Pereira. Police is terrorizing. We request the necessary guarantees for our lives.

JUAN BTA. DELGADO,
Labor Representative.

[Telegram.]

AÑASCO, *February 15, 1915.*

SANTIAGO IGLESIAS, *San Juan:*

We are still under outrages. We are in need of guarantees. See governor.

JUAN B. DELGADO.

[Telegram.]

AÑASCO, *February 9, 1915.*

SANTIAGO IGLESIAS,
Editor of Justicia, San Juan:

An agent of the plantations "Bravo" fired three times with his revolver against a striker. Lieutenant of police beats strikers instead of arresting aggressor. Strikers are not armed. Agents of the plantations are armed to the teeth.

JUAN RAMIREZ LORENZO,
Correspondent.

[Telegram.]

AÑASCO, *February 10, 1915.*

SANTIAGO IGLESIAS,
Editor of Justicia, San Juan:

We need you to see governor and inform him that some policemen armed with carabines are making propaganda among the strikers to cause them to go back to work. We have witnesses of this.

JUAN BTA. DELGADO,
Correspondent.

[Telegram.]

SAN JUAN, *February 26, 1915.*

FLORENCIO CABELLO, *Maunabo, P. R.:*

You telegram received. I understand refusal for authorizing you holding meetings is due to purpose preservation order. I advise agreement of the mayor and chief police who have authority to forbid meetings contrary to public order, who will surely not oppose meetings absolutely peaceful.

ARTHUR YAGER, *Governor.*

[Telegram.]

SAN JUAN, *February 24, 1915.*

JUAN CRUZ RIVERA, ET AL., *Maunabo, P. R.:*

Your telegram received. Has been referred to general police headquarters for immediate consideration.

ARTHUR YAGER, *Governor.*

[Telegram.]

YABUCOA, P. R., *February 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

When I was speaking at the plaza of this town the police told me I had to dissolve the meeting because the mayor said that there was not permit to hold the meeting at the plaza. He refused many times to give permit.

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Telegram.]

MAUNABO, P. R., *February 28, 1915.*

Hon. ARTHUR YAGER,
Gov. of Porto Rico, San Juan, P. R.:

Agricultural workers of Barrio Palo Seco, Lisa, and Matuyas had to return back to their homes, because police prohibited them to walk town, certainly to prevent them to attend a labor meeting, where the Labor Federation representatives were going to address the people.

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

IGLESIAS EXHIBIT NO. 11.

FEDERACION LIBRE DE LOS TRABAJADORES DE PUERTO RICO,
San Juan, P. R., April 14, 1915.

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

HONORABLE SIR: The following communication was sent to your office:

"APRIL 3, 1915.

"To the honorable the GOVERNOR OF PORTO RICO,
"*San Juan, P. R.*

"SIR: The Free Federation of Workingmen of Porto Rico, affiliated to the American Federation of Labor, at its convention in the town of Cayey, P. R., held from March 18 to March 24, inclusive, resolved to demand of you the following:

"'For the purpose of obtaining full knowledge of the truth in the criminal abusive and despotic cases on the part of the police and other authorities in the towns of Vieques, Ponce, Juncos, Arecibo, Humacao, Afiasco, Cayey, and Barceloneta, and in order to give the opportunity so that the persons of other localities desiring it be present to testify or serve as witnesses in connection with these cases, we propose that a commission be appointed as follows: A district judge, a fiscal, and two associate lawyers, to be chosen by the Free Federation of the Workingmen of Porto Rico, and who being empowered as accusers shall proceed according to law to investigate, formulate, and uphold to the last resort the public accusation resting upon each of the members of the police force, of the judges, and of the administration in general, and against whom, in pursance with the facts found against the accused together with the declaration of the witnesses and affidavits, there may be found concrete charges of extra limitation of powers, authority, or any other crime.

"'The president of the Free Federation of the Workingmen of Porto Rico is to be present at this investigation with the purpose of taking cognizance of the proceedings and doings of the commission for the effects of better ascertaining the penal result.

"'We consider this as being the only legal means to arrive at the truth of this case, and that it is as impartial as it is logical.

"'The Free Federation of the Workingmen of Porto Rico, duly constituted under the laws it faithfully wishes to carry out, is willing to respect and maintain the judgment or decision arrived at by the commission to be named for that purpose.

"'All we want is an opportunity to present publicly and impartially the facts of the matter in support of our plea in connection with the facts as they occurred during the last agriculturists' strike of Porto Rico, and which have been the cause for so many tears in Porto Rican homes and deprived hundreds of citizens of their liberty and practically cohibited the free exercise of all guarantees under the law, and more particularly as specified in section first of the United States Constitution now in force in Porto Rico, and which defines the rights of the people and granting the same to all citizens alike.

"'We beg to forward you under separate cover copies of certain documents, telegrams, and statements of the facts concerning which we request an investigation to be carried out.

"'Hoping to receive a favorable reply to this our request, we are,

"'Very respectfully, yours,

"'SANTIAGO IGLESIAS,
"'*President of the Free Federation of the Workingmen of Porto Rico.*'"

We have received the following answer to the above:

"GOVERNMENT OF PORTO RICO, OFFICE OF THE SECRETARY,
"*San Juan, April 9, 1915.*

"SIR: By direction of the acting governor, I have the honor to answer your letter of the 8d instant, in which, pursuant, to a resolution adopted by the convention recently held by the Free Federation of the Workingmen of Porto Rico at Cayey, you request the appointment of a commission which is to be composed of a district judge, a fiscal, and two lawyers to be chosen by the federation, and is to investigate certain facts reported to have been committed by judicial and administrative officials and individuals of the insular police force which the federation holds to be punishable or to have been committed in excess of their authority.

"The government holds that there is no reason to justify the appointment of such special commission. All the investigations it may be necessary to pursue concerning the acts of public officials in connection with the recent strike of the agricultural laborers will be carried out by the proper judicial or administrative officers, in whose intelligence and impartiality the Government has the fullest and most absolute confidence.

"Therefore if concrete charges under oath against any person performing public duties are preferred by you or any other member of the Free Federation to the governor the proper investigation will be ordered without delay, and if the charges are duly proved you may be assured that the guilty official will receive the punishment he deserves.

"But, in view of the frequency with which charges which have on different occasions been preferred against the agents of authority have proved to be wholly groundless, the Government has made it a rule, in order to avoid expenses and delays in the despatch of public business, not to order any investigation unless the charges preferred are supported by affidavit or by evidence proving the facts upon which said charges are based.

"Respectfully,

"R. SIACA PACHECO,
"*Acting Secretary of Porto Rico.*

"Mr. SANTIAGO IGLESIAS,
"*President Free Federation of the Workingmen of Porto Rico.*
"*San Juan, P. R.*"

FINAL PETITION.

The Free Federation of the Workingmen of Porto Rico is in full accord with the idea of presenting a sworn declaration (affidavits) on all concrete charges in its possession or it may have to bring up later against the public officers of the Government who may be responsible for the said punishable facts as well as extralimitation of authority in connection with the agricultural workers' strike in Porto Rico during the administration of its government.

But the Free Federation of the Workingmen of Porto Rico reiterates the just petition that such sworn statements and charges are to be presented in due form to a commission to be appointed by the governor and authorized by him, and which is to be composed as follows:

A district judge, a fiscal, and two associate lawyers, the latter two of which will be appointed by the Free Federation of the Workingmen of Porto Rico, who, as a commission, shall proceed in due process of the law to a full investigation, and which shall formulate, sustain to the very last resort the public charges against whoever proves to be guilty of such concrete charges and extralimitation of authority or of any other crime.

The reasons we have for insisting upon the appointment of this commission is that we are firmly convinced that in no other way can the Government obtain the absolute truth of the deplorable facts of tyranny and oppression brought about by the public officers of the Government during the strike, and that this is the most impartial course, as well as sincere equity, by means of which the parties will be favored with equal advantage in presenting their case publicly and the Government will safely ascertain the truth, all the truth, and nothing more than the truth.

Respectfully,

SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico.

GOVERNMENT HOUSE,
Porto Rico, April 19, 1915.

Mr. SANTIAGO IGLESIAS,
President Free Federation of Workingmen of Porto Rico,
San Juan, Porto Rico.

SIR: I have the honor to acknowledge receipt of your letter of April 14, 1915, in which letter you inclosed a copy of a letter from you, dated April 3, 1915, to this office, and of a letter dated April 9, 1915, from the acting secretary of Porto Rico addressed to you. In your letter of April 3rd, 1915, you state that the Free Federation of Workingmen of Porto Rico, affiliated to the American Federation of Labor, at its convention in the town of Cayey, P. R., held from March 18 to March 24, inclusive, resolved to demand of the Government that a commission consisting of a district judge, a fiscal, and two associate lawyers to be chosen by the Free Federation of the Workingmen of Porto Rico, be appointed, and that this commission, "being empowered as accuser shall proceed according to law to investigate, formulate, and uphold to the last resort the public accusation resting upon each of the members of the police force, of the judges, and of the administration in general, and against whom, in pursuance with the facts found against the accused, together with the declaration of the witnesses and affidavits, there may be found concrete charges of extralimitation of powers, authority, or any other crime."

You also request that the president of the Free Federation of Workingmen of Porto Rico be present at this investigation for the purpose of "taking cognizance of the proceedings and doings of the commission for the effects of better ascertaining the penal result."

This letter of April 3, 1915, was replied to by the acting secretary of Porto Rico, on behalf of the acting governor of Porto Rico, in a letter dated April 9. In this letter it was stated that there was no reason to justify the appointment of such a special commission; that all the necessary investigations would be carried out by the proper public officials in the judicial and administrative branches of the Government; but that if you or any other member of the free federation should present to the governor under affidavit concrete charges against any person holding public office, an investigation would be immediately made, and if any such charges were duly proved, the guilty party would receive the proper punishment. With this reply, made on behalf of the acting governor, I fully concur; but now you have presented a further petition, in which you again insist upon the appointment of this special commission, and I wish to state to you the further reasons why I believe that such a request can not be granted.

"I do not understand clearly from your letter just what authority you wish to give this special commission which is proposed by you." If it is proposed that this commission shall be given the powers of a fiscal or committing magistrate, this course would be illegal, and if it is proposed that they shall merely act for the purpose of preliminary investigation to present charges and evidence to the proper committing magistrates, then I do not believe that it is necessary. If the free federation desires to appoint a committee or employ lawyers to investigate alleged violations of law and present charges, and the evidence upon which such charges are based to the district fiscals or other committing magistrates, there is no objection to this course being pursued, but for me "to accede to your petition for the appointment of a special commission, two of the members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, would be an admission that I do not have confidence in the judicial department of our Government, and, on the contrary, I believe that if the matters of which you complain are properly presented to the proper officers of the department of justice they will receive an impartial and fair consideration. Moreover, it would be highly improper to designate a district judge to act in any such capacity as is suggested in your request. Regular and special fiscals from the department of justice have already made several investigations in connection with the disturbances of which you speak, and it is the proper function of the prosecuting officers of the Government to make such investigations. It is, however, the duty also of every citizen having knowledge of any criminal action to present the evidence which he may have to the proper prosecuting officer; and it is only in the event that such officer fails to do his duty, after the facts have been fully presented to him, that I would feel that it was necessary to ask the attorney general to make a special investigation, and even in such cases the proper course to be pursued is to present the facts first to the attorney general.

Therefore I believe that it is unnecessary to appoint any special commission such as is suggested by you. If any public officer has acted in an illegal manner this action can be ascertained and proper punishment given without the formation of such a special commission. The proper course to be pursued by any person who believes that any public officer is guilty of any criminal action is to present the facts before the fiscal of the district, or before a municipal judge or a justice of the peace. If any such officers fail to proceed in accordance with law, where the facts show that there has been a crime committed by the accused, the matter should then be presented to the attorney general to be investigated by him. The attorney general has assured me that in any case where there is evidence that any officer of the department of justice has failed to take the proper action, after proof has been submitted to such officer that a crime has been committed, he will investigate the case thoroughly and will see that justice is done.

Respectfully,

ARTHUR YAGER,
Governor of Porto Rico.

SAN JUAN, P. R., *April 24, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

SIR: I have the honor to inform you that I have received your communication of April 19 inst., in which you reply to the petition submitted through my agency by the last convention of the Free Federation of the Workingmen of Porto Rico requesting you to appoint a special commission with authority to practice a complete and impartial investigation of all the regretful facts occurred during the past strike of the agricultural workers.

According to your letter, you seem to be in doubt on the following points:

"That can not understand clearly just what authority we wish to give this special commission which we proposed.

"That to accede to our petition for the appointment of a special commission, two members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, be an admission that there is not confidence in the judicial department of our Government.

"That if the matters of which we complain are properly presented to the proper officers of the department of justice they will receive an impartial and fair consideration."

In answer to the three points referred to above, and in order to reaffirm the advisability of appointing a special commission, and in consideration of the arguments and reasons expressed in your letter, we again insist upon the appointing of a special commission, to be composed as follows: Of a special judge and special fiscal.

The Free Federation of the Workingmen of Porto Rico will choose two lawyers, who shall be authorized by the Government to present documents, and upon their petition they shall either summon witnesses or cause the necessary proofs to be legally produced, they shall be authorized to examine and cross-examine any and all witnesses, and they shall have the same rights as the fiscal in every particular relating to the accumulation of direct proofs and corroboration. We are not very particular about the appointment of district judge or district fiscal to serve on the above commission.

The "special commission" shall hold its sessions at Vieques, Ponce, and San Juan, and shall practice an investigation of all the charges and affidavits presented to it and in any way related with the incidents of the last strike of the country laborers of all the towns of the island, and the said commission shall give the Government an account of its investigations, with recommendations pertaining to the principles of justice and good government. The said commission shall employ a stenographer to carry on its work.

As you may see, we neither want any special authority for ourselves or for our counsels unless this be legal and duly accepted by an impartial Government and which wishes to know the truth, the whole truth, and nothing but the truth, and which desires to punish public employees who have made themselves guilty of extra limitation of authority or felony in true sense of that term.

There would be no danger of your having any lack of confidence in the department of justice if the appointment of this special commission were authorized, inasmuch as the members of the same are to be appointed by the Government itself and gives the authority, and the said members exercising such au-

thority shall do so in pursuance with the insular laws, which course has been pursued by this Government on various occasions.

Sir, since you have assumed the governorship of the island we have submitted to your consideration many a charge and affidavit and some charges not sworn to against certain policemen and judges who had been committing abuse against the workers, and none of the investigations practiced (ordered) by you have given these workers any satisfaction despite the fact that arbitrariness, humiliations, and illegal truths were inflicted against poor and helpless men and women. We have never—no; never—known any cases to be decided favorably by you in behalf of the injured workers during the whole period of your governorship.

This is perhaps largely due to the fact that the investigations as carried out (ordered) by you are of a private character, almost inquisitorial, at the police headquarters or else in offices not open to the public, as the general run of people say, among the interested parties, and the accused police and officers are on hand and meet on friendly terms, which is a system rather employed for terrorizing than protecting the victims.

On this account we meet with a remarkable case that has occurred within your administrative period, sir, in which case a fiscal of the department of justice has omitted an extraordinarily unjust opinion in submitting his report to the honorable the governor of Porto Rico, and which clearly demonstrated the kind of equality before the law upon which this conclusion is based, especially so when it was a question of one of the most bitter complaints from the gen. sec. of the Free Federation, Mr. Rafael Alonso, against a policeman charged of gross abuse on his person and others and sometime afterwards this very policeman was accused of killing a poor striker. The paragraph specially referred to is the following:

"Admitting that Policeman Quiles was not very polite with the strikers in the above-mentioned incidents, it is to be borne in mind that the conditions were extraordinary and that the police had to act arbitrarily to avoid disturbances, as it was easier to stop them before they began than afterwards. I do not give very much weight to the evidence, as the witnesses in favor of the strike would say almost anything against the police. As a matter of fact, while policeman Quiles evidently acted somewhat beyond his authority, I think the circumstances warranted his actions. Now that the strike is over, Quiles may be reprimanded."

Now, then, if an attorney (fiscal) of the department holds such an opinion, and if the said opinion is so worded without cause for the same, does not the honorable governor think that we have every reason and sufficient motives to demand the appointing of a special commission with powers to practice a public investigation and do its work in a complete, impartial, and sincere manner against all the atrocities that have been committed against the country laborers during the last strike, and in which cases it is desired our attorneys would be authorized to establish proofs as if they were a true fiscal?

Besides, you state that the department of justice has already practiced these investigations, which we take to mean that the said department has formed a proper opinion of itself. We claim that the Government and the people will never know the absolute truth of the incidents and acts of tyranny and oppression brought to bear by the public employees except through the agency of the special commission it is proposed to appoint, and in which all the parties concerned would have the same privileges of presenting their proofs without fear or reservation.

Emphasizing once again upon what we have heretofore expressed in the letter, we again desire to respectfully suggest to you the urgent necessity of the special commission for which we have petitioned you so persistently.

Respectfully, yours,

SANTIAGO IGLESIAS,
President of the Free Federation of Workingmen of Porto Rico.

IGLESIAS EXHIBIT NO. 12.

HON. SIRS: Animated with the best desire and highest patriotism, we beg you to prove all those evils denounced in the communication which was sent to the chairman of the honorable Commission on Industrial Relations, dated February 19, 1915, by the Free Federation of the Workingmen of Porto Rico, for the sole purpose of having these evils removed from the country because

they are actually detrimental to the industrial pursuits of the island and because they constitute the greatest reasons that determine the condition of slavery and wretchedness now existent in Porto Rico.

For the above reasons we do begin our statement and will try to produce the necessary evidence in each case in order that the situation of the island be impartially understood, and aside from any sentiment of passion it may be asserted whether or not the working people have sufficient reasons to be continually entering protests so as to bring about a change from the present situation in which they are, and at the same time it will be demonstrated whether they ought to receive the bad treatment they are getting at the hands of the corporations and employers, this not being all, but from the Government, that should be more particularly interested than anyone in presenting the best possible solution in this connection, inasmuch as this would add great credit to the Nation and to the island as well.

When making the statement "that in our opinion there is no people on the face of the earth in which the laborers, more especially the farm hands, occupy a more unfortunate condition and are the victims of the worst sort of exploitation," we must offer for the investigation those fair testimonies and statements from persons who may be considered as most impartial, and in so doing let us quote herein some paragraphs of Mr. Walter E. Weyl, Ph. D.

"The Porto Rican laborer has the reputation of being extremely lazy, but it is probable that his reputation in this respect is somewhat worse than he deserves. It is frequently alleged by large planters that they do not pay their workmen any higher wages, because if, they did the men would work a fewer number of days. It is claimed that the men who earn 50 cents a day for 6 days would not work over 4 days if the rate was raised to 75 cents a day. This assertion, which is made by the Porto Rican employers, as it was made by the English employer two centuries ago, must be taken for what it is worth, although it might be suggested that the experiment has not often been tried. What does appear to be true is that the Porto Rican is fairly constant in his employment and works with a fair degree of regularity. On many of the plantations the testimony is that workmen return with a fair degree of regularity to their work and accept all the employment offered to them. In a majority of cases, on the other hand, the failure to work regularly throughout the week is attributed to the conditions of the industry and to the fact that the employer can not use the men. In the coffee districts, for instance, large numbers of men are left unemployed at the end of each crop, and during the season there is no work for the men when it rains. It is quite the truth that when the ordinary peon earns more than usual he is likely to spend it in gambling, but it has not been demonstrated that in Porto Rico an increase in wages would mean a proportional reduction in the number of working days." (See the report of Dr. Weyl under the caption, "Labor conditions in Porto Rico," inserted in the bulletin of the Bureau of Labor, No. 61, Department of Commerce and Labor, pages 770 to 771, Nov., 1905.)

From the same report of Dr. Weyl we quote what follows:

"The amount of saving among the workmen of Porto Rico may be practically disregarded. In the first place, wages are too low to admit of any extensive saving. With the wages prevailing, especially in the coffee districts, it is more wise to spend than to save. In some parts of the island in recent years the earnings of the family have not been sufficient to maintain the workingman in a state of industrial efficiency. The best investment of the meager earnings of the workman in these districts is in food and drink, and anything like saving would be unwise and almost criminal, if it were not impossible. In the sugar districts on the coast it might be possible to save small sums of money, but under present conditions the habit of the Porto Rican of not saving seems perfectly justified, in view of the narrow margin between wages and the cost of mere subsistence. Even if wages were higher, it is doubtful whether for many years to come there would be any extensive saving." (See the report of Dr. Weyl inserted in the bulletin of the Bureau of Labor, No. 61, Department of Commerce and Labor, p. 775, Nov., 1905.)

Regarding housing conditions Dr. Weyl says:

"The housing conditions in the rural districts of Porto Rico are extremely primitive. There is no necessity for the house to be warmed, since the temperature, except in the higher altitudes, is never sufficiently low to cause discomfort. The houses of the majority of rural workers are merely a framework of poles, covered with the bark of palm trees and with dried leaves, and thatched with palm leaves or a tough grass which is found all over the island. These

houses are sometimes built on the ground, but more frequently they have a board floor made of palm. This floor is raised from the ground so as to permit the rain water to flow under the house, and often the house is built on a slight incline. The house invariably is one story in height, and usually consists of one large room, varying from about 10 to 20 feet square. This room, especially if it is large, is sometimes divided by a partition. There is, as a rule, no division of the sexes, since in such cases all the family live, and often work, in one of these rooms during the day and sleep in the other at night. The influence of these conditions upon the sexual impulses of adolescent children is not favorable.

"The furnishing of the house is equally simple. A hammock is indispensable, and there are, as a rule, a bench or two, a few pots or jars, but usually no chairs and no bed. The clothes are hung upon nails, and there is no such thing as a bureau or washstand. There are also no tables and no carpet or matting. The benches are often nothing but a solid log upon which the people sit. It may be stated, as a rule, that the cost of all the articles in an ordinary peon's hut is not above $10.

"Practically the only decoration ever seen consists of the colored lithographs of American advertisers, sometimes in Spanish, but usually in English. In one room visited the decoration consisted of 50 or 60 copies of a small colored lithograph issued by an American manufacturer of soap.

"In the cities the housing conditions are probably worse upon the whole than they are in the country. The inhabitants of the country have at least the advantage of fresh air. In view of the aversion of the average Porto Rican peon to currents of air, and especially the night air, the lack of completeness with which his house shuts out the air is perhaps a blessing in disguise.

"The housing conditions in the worst section of San Juan are almost indescribably bad. While a considerable reform has been effected since the American occupation, especially in the matter of sanitation, the conditions even now are extremely evil, and in some respects worse than in the worst habitations in our American cities. In a number of houses, which were visited in the course of this investigation, it was noticed that habitations which had originally been intended for two or three families had subsequently been converted into rude tenement houses. The available space was poorly utilized, the halls being wide, the buildings low, and much expensive ground partially wasted. Nevertheless, these houses, by reason of exorbitant rents, which have increased greatly during the last six or seven years, bring in as much a $200 or even $300 a month, and this money is usually sent to Spain, where, as a rule, the absentee landlord resides." (See Dr. Weyl's report, above mentioned, in pp, 789, 790, and 791.)

Dr. Weyl's report continues, as follows:

"The invasion of Porto Rico by Americans and the infusion of American ideals into the life of the people have led to some slight change in the attitude of the people toward work and toward the worker. The sons of rich plantation owners are becoming more willing to enter lucrative careers, though the professions are still unduly preferred over agriculture and business. The Americans have, moreover, tended to strengthen somewhat the position of the workingman by giving him a vote, by defining his position before the law, and by recognizing to a less extent than did the Spanish the difference between the employer and employed. Nevertheless, even at the present moment it is quite clear that the social and economic position of the Porto Rican worker is low, that he is held in small esteem, that there is a contempt for his work (a contempt not even disguised by conventional phrase), and, finally, that the economic power and the political influence of the workingman are extremely small.

"To a considerable extent the former relationship between employer and employee was conventional rather than contractual, being upon the basis of a patriarchal and more or less benevolent despotism on the part of the employer rather than a free relation entered into by a contract between approximately equal parties. Wages were fixed largely by custom and were fairly uniform in any given district for the same industry. These wages, moreover, were only partly in money, being supplemented by the grant of free lodging and often by other gifts or grants.

"The condition exists to a greater or less extent in the island at the present time, although within recent years, and especially since the agricultural strikes, the patriarchal attitude of employer to workingman is given away and is being displaced by a very different attitude based on a more purely contractual rela-

tion. The attitude of the employers at the present time is to secure labor as cheaply as possible and of the workingman to obtain all the wages which he can possibly secure." (See the same bulletin of the bureau of labor above mentioned in p. 806.)

Regarding the present tendencies, Dr. Weyl says:

"There are many reasons for not anticipating a rapid and radical improvement. In the first place, Porto Rico is essentially an agricultural country. Its natural resources are all agricultural, and it has neither the geographical position nor the resources of iron and coal to permit it ever to become a great manufacturing country. The small manufacturing industries which formerly existed on the island have tended rather to diminish than to increase as a result of the American occupation. Free trade with the United States means the importation of articles manufactured more economically upon a large scale to take the place of articles formerly manufactured by the hand or by simple tools on a small scale. While it is possible, and even probable, that a considerable industry will grow up in the making of cigars and in the canning of fruits, it seems reasonable to think that the counry will remain permanently in an agricultural state.

"It is, moreover, practically inevitable, from the tendencies now observable, that a large proportion of the laboring population will belong for many decades, if not permanently, to the peon class. There is no room in the industry of the island for large numbers of skilled men. Most of the work to be performed upon the sugar, coffee, and tobacco plantations is the rudest agricultural labor, and the great mass of the population will necessarily be employed at these tasks. Conditions as they now exist tend rather to lessen the hold of the peon upon his land. The enormously increased prosperity in sugar culture, as well as the growth of larger estates and the increasing custom of grinding sugar in huge central factories, causes the real unit of production rapidly to increase. To be economically operated, a sugar mill requires the output of several thousands of acres; and while the ownership of these acres may for a considerable time remain in the hands of separate owners, the lands must be cultivated in a joint manner and practically as a single operation.

"The programme which the American people must carry out in order to live up to the theory under which the island was acquired and to improve the conditions of the laboring and other population of the island is necessarily an extensive one. If the condition of the people is ever to be raised to a standard at all comparable with that prevailing in the United States, the people must be educated and the sanitary conditions improved, civil and political rights guaranteed and extended, and the condition of the workingman amply protected by law. The American people should recognize that they owe a duty to the Porto Ricans, and that they can not permit the welfare of the population for which they have accepted responsibility to be determined by accident or by conflict of interests. The American people must, if they are to raise the standard of Porto Rican peons, continue to prosecute the work of education upon the Island, no matter how severe the financial drain. It is equally essential to carry out a programme of sanitation which will guarantee to every Porto Rican infant the chance to live its allotted life.

"The power of Porto Rican peons to insist upon fair and reasonable conditions of labor is, and for decades if not for generations will continue to be, far less than that of the workmen of the United States, or of the countries of the western Europe. It is not probable, under present conditions and without the benefit of progressive education, that the peons of the country will be able to obtain more favorable terms of employment and more reasonable conditions of labor without the intervention in some way of the governmental authority. The demands of the peons for better conditions of labor will be in direct opposition to the interests of those who may insist that they are of a low type, just as their demands for education may be opposed on the ground that their work must remain unskilled.

"If, by means of education, by means of improved means of communication, by means of a free press and of assemblages and meetings and conventions and of fairs and entertainments that will bring the people together, the standard of living of the men, and especially of the women of Porto Rico, is once raised; if the demands on life made by this people become sufficiently great to prevent the population from assuming marital responsibilities with its present recklessness; if, moreover, the resources of the country are exploited more wisely and the peon himself be assured of the ownership of at least a patch of land and be taught to utilise it economically, the conditions of life and labor of the

great mass of the Porto Rican population may be permanently improved. Such an improvement, however, will be difficult and slow, and will be evident only as measured by decades or generations, and not by years. If, however, the island be utilized merely or primarily as a means of providing opportunities for investment and commercial exploitation by American citizens; if the policy of educating the people be held up on account of its expense and alleged uselessness; if the standard of living of the people be not raised, the condition of Porto Rico and of the Porto Rican laboring class after one hundred or two hundred years will be no better than it was in the year 1898, when the sovereignty of Spain gave way to the dominion of the United States of America." (See Dr. Weyl's report upon labor conditions in Porto Rico inserted in bulletin No. 61 of the Bureau of Labor, Department of Commerce and Labor, November, 1905, pages 815, 819, and 820.)

Another testimony that we do consider as a fair one and which we do produce herein as an evidence to strengthen our assertions, is the statement from Hon. Samuel Gompers, president of the American Federation of Labor, who has twice visited the island in the years 1905 and 1914, and who has had the opportunity to personally study and investigate the labor conditions of Porto Rico.

The statement from President Gompers is as follows:

"I saw men working in the sugar refineries in Porto Rico 15 and 16 hours a day for 40 cents a day.

"I saw men working on the sugar plantations cutting cane, working and hauling 15 hours a day for 40 to 45 cents wages. Several of the sugar refineries have a system of truck or company stores, or, as we labor men have designated them, "pluckme stores," where the employers pay this 40 or 45 cents a day with little checks for 15 or 16 hours' work, which checks, of course, are redeemable only at the company's store. The people have no money other than these tokens. The company store sells an inferior quality of the "necessaries" of life—and I will try to tell you a little later what are the necessaries of life as they understand it—at greatly increased price over that which the same articles could be purchased for elsewhere, if the people only had the money and the right or the opportunity to make the purchase.

"As a consequence, these people, even if they had the desire to leave the employment of these companies, could not do so. Travel to another part of the island to what? Find work at somthing else? Impossible, even if they desire to take the chance to find work. How are they going to pay the fare for a coach or upon the railroad with this kind of money? They are as much bound to the soil as were the serfs in the old time guilds when the lords and barons held their sway.

"I have seen women and girls selecting coffee from 12 to 14 hours a day in the coffee houses for 15 and 20 cents a day. I have seen laborers receive only from 30 to 40 cents a day for 11 or 12 or more hours of labor. Riding along the road from time to time I directed the driver to stop to make an inquiry from the laborers. I often got the answer that they did not know what wages they were going to receive until they were paid.

"I have seen more idle men, more unemployed men, not idle by choice, but because they can find no work to do, in my travels in Porto Rico than I have ever seen among like numbers of people in all my life; nothing to do.

"Not only on the sugar plantations; not only in the coffee fields and mills; not only in the orange groves; not only among the cocoanut trees; not only in the fruit orchards and fields, but in every line of industry. I never saw less building construction nor less repairs going on.

"I never saw more wretched men and children in all my days. I never saw so many poorly fed men, women, and children. I never saw more children clothed only with the atmosphere and sunshine anywhere on earth, and I have seen something of this mother earth.

"In the island, so wonderfully situated, with such a balmy climate, so full of rare sunshine and brilliancy, I never saw so many hovels and shacks where the only ray of light penetrated through small doors, the rest completely obscured in darkness. There live the father, mother, and children, and sleep and eat and perform the functions of life. I have seen ten or twelve people living in just one small room; not only one, but thousands and thousands of instances. Out of town in the suburbs and along the roads most of the houses are built of stilts, and when I say a house I want you to bear in mind that I refer to shacks, the exterior dimensions about twelve by ten feet, with a height of perhaps eight at the highest point, and thatched roofs. They are warmed by the

elements. In the rainy season in Porto Rico we have heard how it rains. My visit was not made during the rainy season. But notwithstanding that, there was not a day while I was there that it did no rain in torrents for an hour, and still I say that was outside of the rainy season.

"But imagine men and women and children living in these little shacks and trying to protect themselves from the rain by getting under the houses. These houses are so dilapidated that everything in the room becomes absolutely saturated with rain, and as soon as the rain is over they must go back to those rooms and eat and sleep and perform all ordinary duties of life therein.

"I saw more misery and hunger stamped on the faces of men and women and children in Porto Rico than I ever seen in all my life, and hope I may be spared from seeing the like again.

"I have been asked several times whether conditions are better or worse in the island now than they were under the Spanish rule, and I want to say this: That having seen the poverty and misery, and the absence of the possibility of modesty under such circumstances, and having seen the myriads of men that are hungered, and women and children, too, dying there of starvation, knowing that there is a constant monthly death rate of 450 to 1,000 people from anemia, in other words, hunger, starvation, I say to you, ladies and gentlemen, it matters little to me under which rule conditions were better or worse, I know that the conditions prevailing in Porto Rico to-day reflect no credit upon our country." (See the editorial of the newspaper "Justicia," dated Jan. 23, 1915. Vol. II, No. 17. Edited at San Juan, P. R.)

Another statement with which we want to cooperate in the verification of our report is that one from Mr. George Williams Perkins, president of the Cigarmakers' International Union, who also visited the island and after having personally learned about our conditions and made the necessary inquiries, is perfectly warranted when stating:

"Porto Rico has been exploited by Spain for centuries, but is now being exploited by rich Americans, corporations, and trusts just as relentlessly and just as brutally as it was under the Spanish monarchial rule. The American Tobacco Company practically owns all the available land suitable for growing tobacco. Prior to American occupation 5,900 acres of land were devoted to the cultivation of tobacco. At the present time 25,000 acres of land are devoted to the growing of tobacco. And the most of these acres are owned and controlled by the trust, the American Tobacco Company. At the time of the American occupancy and control the value of cigars exported to the United States was about $300,000 per annum. At the present time the value of the cigars sent to the United States is about $5,000,000 per annum. Just prior to American occupancy the cigarmakers working in the smaller factories received from $3 to $4 weekly in wages. At the present time cigarmakers working for the smaller factories receive from $2.50 to $3.50 as weekly wages. Just prior to the American occupancy, the cigarmakers working for the larger factories received weekly wages of from $8 to $10. At the present time the cigarmakers working for the larger factories receive from $5 to $12 in weekly wages. The trust, the American Tobacco Company, employs, in a measure, practically the same methods there that they do here. Their first move was to put in women and children under the bunch break and roll up system, and to gradually reduce wages by the old shell game of changing sizes.

"The great mass of the agricultural workers are illiterate and live in homes that beggar description. It is true that the United States has started a public-school system in Porto Rico. I personally visited several of the alleged homes in the agricultural districts, which are composed of a small one-room shack with positively no division within the shack and practically no furniture except that of the crudest and barest necessity. None of them had running water or other conveniences of any kind. They go to the nearest river or brook for what little water they use. These shacks, in which the whole family, consisting of man and wife and all the way from five to eight or ten children, are built of crude, cheap boards, with usually a thatched roof made from the bark of trees. These tenants play peek-aboo with the sun in the daytime and with the stars at night through holes through which the rain pours when the clouds weep at their misery. The houses are on stilts and frequently I saw whole families huddled with the pig, the dog, and chickens under the house in order to escape the rain. In one of these alleged homes they were actually drying tobacco on the outside as well as in the inside of the house. The homes of the city workers are some better and in a little more sanitary condition, but still years

and years behind the proper sanitary conditions. Some of the workers living in the city have two or three rooms, but if they have any more than that they take boarders.

"Some idea of the manner in which these poor people are exploited is portrayed by the following: The Porto Rican Tramways, Light and Cars Company has its head office in Canada; the American Railways Company have their head office in France; and, as you all know, the Porto Rico American Tobacco Company has its head office in Wall Street, New York. The people employed by these trusts, outside of those who are organized in the International Union, receive from thirty cents a day to fifty-two cents per day in wages. I have already told you something of their homes. They live on rice, bread, and fruits, mostly wild fruit.

"The chief industries in the island are tobacco, cigars, sugar, coffee, and fruit. The best of the land is owned by a few trusts. The most of the people live in huts and receive wages from thirty to fifty-two cents per day.

"While, in my judgment, Porto Rico can never be a manufacturing country of the variety and scope of countries of the Temperate Zone, it nevertheless, under proper management and laws calculated to be beneficial to the mass of the people can enjoy a condition and standard of living which would be eminently satisfactory to the great mass, who could live in contentment and prosperity. Porto Rico is in the Tropical Zone; its lands are fertile and require little attention; no fuel and mighty little clothing is required, hence with the proper disposition of the land and the opportunity to till it in their own interests the masses would enjoy a reasonable degree of prosperity. It is a shame to permit them to be exploited for the sole benefit of a few soulless corporations and trusts located in America and other countries." (See the Cigar-Makers' Official Journal, published at Chicago, Ill. Issue of May, 1914, pages five, six, and seven.)

The foregoing statements, which, in our opinion, will offer no doubt to the men in charge of weighing our arguments, have been published by the signers, and with the sole purpose and aspiration of having for the workingmen of the island the due justice and redress to which they are entitled.

IGLESIAS EXHIBIT NO. 13.

REPORTS FROM THE POLICE HEADQUARTERS PUBLISHED BY THE PRESS.

[Taken from La Democracia.]

LAST NIGHT'S FIRE.

Shortly before 11 o'clock an attempted (conato) fire broke out in the store of Messrs. R. Suarez & Co., popularly known as Canel de Panama. The fire was put out shortly afterwards by the men of the pump station.

[La Correspondencia, April 2, 1915.]

COLONY ON FIRE.

In colony known as "Vasca," at Yabucoa, a fire broke out. Some 80 cuerdas of cane were burned. From reports given out the fire was accidental.

[Union Obrera, April 5, 1915.]

TEN HOUSES BURNED AND 4 RUINED.

At 5 a. m. the bells at the fire station awoke the people, and it was evident that fire had broken out somewhere. We ran in the direction of Rosa Street and saw the house of Esteban Carduche afire. The fire spread from the first house to about nine more, almost all of which were insured. The house where the fire there originated was being repaired; we are not sure whether there was any insurance on the same, but the house next door was insured.

[The Times, May 11, 1915.]

FIRE AT CAGUAS.

On the 8th day of this month, and at night, a big fire started and burned the grandstand of the B. B. league. The police are investigating the case.

[La Correspondencia, May 8, 1915.]

FIRE AT AGUADILLA.

Early in the morning on this 5th day a big fire broke out at barrio Victoria, which destroyed two houses pertaining to Mr. Aniceto Celde. Both were insured for $3,000 by the Commercial Union Insurance Co. and the London Assurance Co. The municipal judge and police are investigating this affair.

Reports coming from Guayama have it a big fire broke out in the cane fields of "Reunion," Josefa and Melania colonies. This took place at 4 a. m. Losses were approximately 93 cuerdas of cane.

FIRE AT ARROYO.

APRIL 15, 1915.

A big fire occurred in the cane fields of Central Machete. Losses reported to be 4 cuerdas of cane. Matter is being investigated.

[Taken from La Correspondencia, May 7, 1915.]

BURNED THROUGH CARELESSNESS.

A telegraphic dispatch from Yabucoa states a peon yesterday at the Yabucoa Central lighted a cigar which had fatal consequences. Result, 10 cuerdas of the plantation were burned.

FIRE IN A CANE FIELD.

From Lares comes the news that on the 12th, p. m., quite a serious fire took place in the cane fields of Hacienda Dolores (Guanica Centrale). About 40 cuerdas of cane were consumed. The matter is being investigated.

[From the Ponce Eagle, April 24, 1915.]

FIRE IN CANE FIELD.

Eighteen cuerdas of cane field were burned at Hacienda Barrancas pertaining to the Guanica Centrale. The Hacienda Barrancas is situated in barrio Machuelo Arriba, this municipality. The police are aware of the event, and the corresponding investigation will be practiced.

[The Times, April 26, 1915.]

At barrio Machelo Arriba, Ponce jurisdiction, 18 cuerdas of sugar cane were consumed by the fire at Central Barrancas. This cane was the property of Guanica Centrale.

[La Correspondencia, April 17, 1915.]

A FIRE.

At Hacienda Dolores, in the town of Lajas, a fire broke out which burned up some 40 cuerdas of sugar cane.

FIRE.

APRIL 3, 1915.

The Guayama police report that on March 30, p. m., a fire broke out in the cane field of Central Lafayette. Result, 2 cuerdas of cane burned out.

The next morning another fire broke out in the cane fields again at Colinia Esperanza, the property of Central Machete. Then cuerdas of the plantation were destroyed.

IGLESIAS EXHIBIT NO. 14.

SUMMARY.

This petition for habeas corpus was presented to the supreme court of Porto Rico on May 7, 1915, in behalf of 26 prisoners from Vieques who had been sentenced in connection with the strike by the municipal court there and who were afterwards retired for the same offenses in the Humacao district court and sentenced for a second time to imprisonment.

The request for the writ of habeas corpus briefly states as follows:

1. That all of the said petitioners are illegally deprived of their liberty.

2. That the petitioners Esteban Huertas, Santos Torres, and Aquilino de Hóyo were so deprived of their liberty by sentence imposed upon them by the Humacao district court on April 23, 1915, condemning them to two years' imprisonment each for assault and battery to the police on February 16, 1915, at 3.35 p. m., at the place known as Trianon, Vieques, when the same parties had been previously sentenced by the same very court and for the same offense, and notwithstanding that they had been sentenced also by the municipal court at Vieques to 60 days' imprisonment for the very same deed and offense; that is to say, for carrying concealed weapon, and notwithstanding further that they were retried again on April 29, 1915, by the above-mentioned court—Humacao district court—again for assault and battery and given two year each.

3. That the petitioners Francisco Encarnación, Rafael Pere, and Higinio Colon are serving sentence imposed by the Humacao district court on April 29, 1915, giving them one year each for rioting at the same place and hour mentioned above, when they had been previously tried for the same offense under the charge of carrying concealed weapon and given 60 days imprisonment each.

4. That the petitioners, Pedro Encarnación, Marcelino Melendez, Manuel Ojeda Iro, and Narciso Encarneción, are now confined by virtue of sentence imposed by the Humacao district court on April 29, 1915, giving them two years each for assault and battery to the police at the same hour and place already mentioned, when these same parties had already been tried and sentenced by the Vieques municipal court for the same offense under the charge of carrying concealed weapons.

5. That the petitioner, Derfin Arizmendi, is now confined, due to a sentence of 3 months imposed by the Humacao district court on April 28, 1915, for rioting at the same hour and place already mentioned, when the very same court had previously passed sentence of 30 days upon him for the same offense under the charge of carrying concealed weapon.

6. That the petitioners, Martin Rivera, Juan Casillas, Julio Almestica, Evaristo Camacho, Juan Becerril, Alfredo Augustin, Lucas Zelardo, Nepomuceno López, Juan Torres, Matias Ramos, Juan Velez, Julian Torres, Alfredo Isidoro, and Ramón Figueroa, are serving sentence of 3 months each for rioting, imposed by the Humacao district court on April 30, 1915, the offense being alleged to have been committed at the aforementioned hour and place, when these parties had been previously tried by the Vieques municipal court and given 30 days each for the same offense, under the charge of carrying concealed weapons.

7. That from the records it appears that there had been a previous conviction of these parties for the same offense and for the same substantial act.

8. That it is prohibited by the Constitution of the United States to prosecute and punish twice or more for the same offense.

9. That the application for the writ is not only made to the supreme court by virtue of its original jurisdiction in such case, but also for the purpose of defeating the jurisdiction of the Humacao district court in sentencing and de-

priving of their liberty for a second and more times the same parties that had already been tried by the proper court for equal offenses.

The application winds up by requesting that the writ of habeas corpus be granted, and it is sworn to by the attorney upon information received of reputable persons and by facts of his own knowledge.

This application was denied by the Supreme Court of Porto Rico on May 8, 1915, on the ground that lack of jurisdiction had not been shown.

Whereas a motion was presented to the same court which briefly states as follows:

It seems to the petitioners that the Supreme Court has not interpreted in the true sense the text of the application, where it is repeatedly stated that the lack of jurisdiction is due to the fact that they had been tried and sentenced for an offense committed on February 16, 1915, at the place known as Trianon at Vieques, and afterwards retried and submitted to new trial by the Humacao district court. The motion recites that the *non bis in idem* is a constitutional prohibition that exists in all civilized government without exception. In a country where such guaranty does not exist it is useless to provide for a limitation of prosecutions and extralimitation of power at the hand of the judiciary, and it also makes fruitless any defense against the wantonness of the judiciary power when it violates its most elementary duties. To abandon this guaranty is to resign to everything. The parties in this case can not help insisting with all the respect that it may be deemed necessary that the Constitution and due respect for the law be upheld.

The motion continues, making citation of the law and different provisions, and ends by requesting that the writ, notwithstanding the great delay already had, be granted.

IGLESIAS EXHIBIT NO. 15.

PUBLIC AND PRIVATE LANDS OF PORTO RICO—WHOM ARE THE BENEFITED WITH THEM.

We have made the statement that at the head of the organization of great enterprises there stood, and there actually stands, the sugar growers' trusts, which practically got hold of nearly all the lands available for cultivation in Porto Rico, and they even obtained some land which belongs to "the people of Porto Rico," which they carry on for their own personal benefit and without benefit of any kind to the workers of Porto Rico.

Almost as a repetition to the foregoing statement we have asserted that while the country folk lack of work and even a piece of ground on which to place their huts and devote their energies to planting their crops, corporations there are on the island which hold the land of the people of Porto Rico in just the same way as any private individuals, without as much as paying a red cent to the insular treasury, but they simply utilize vast extensions of this land for their own personal profit and have not been required to pay for this land or give them up.

The people starve for want of work, while a group of individuals and corporations are in possession of this land and all the privileges and franchises attached thereto, so as to exploit the workers all the more for an indefinite period, even without any permission from the government, and in order to state clear proofs we herewith insert some paragraphs of the last message of the honorable governor of Porto Rico to the legislature of the island.

"MESSAGE OF THE GOVERNOR OF PORTO RICO TO THE EIGHTH LEGISLATIVE ASSEMBLY, FIRST SESSION, JANUARY 11, 1915.

"*Public lands.*—The public lands of Porto Rico belong to the whole people, and should be administered for the benefit of all the people of the island. That they are not now so administered is made evident by the most casual inquiry.

"Owing to inadequate and inaccurate surveys, it is impossible to ascertain the boundaries of the various tracts of public lands, or the amount of character of these lands, or where they are located. It is known and suspected that some public lands are now in possession and use of private individuals who have no right to them and no need to use them.

"It is rather vaguely estimated that there are in the whole island—[continues the Governor]—about 150,000 acres of public land. Of these lands there have

been surveyed during the past ten years, or twelve years about 25,000 acres. At this rate of progress it will require at least a half century to complete these surveys. Meanwhile the lands are being trespassed upon and wasted in a manner that is entirely indefensible and without excuse."

According to the official data at the present time more than 25,000 acres of land are devoted to the growing of tobacco, and the balance of all the other cultivable land of Porto Rico is in whole controlled by the sugar trusts and owned by themselves. The people have also made the accusation that the organic act of Porto Rico is being violated in many ways and because this island has been placed under the provisions and dispositions of Congress, that is the body in more direct line to righten all the evils mentioned. On account of the great monopoly of the lands, the people of this island are economically considered like a feudal vassalage or a factory post fet only to be "worked," and the people considered as slaves depending on the sugar trusts, the tobacco trusts, and speculative schemes. It is also charged with some degree of justification besides the monopoly of the lands that another cause of our misery is that Porto Rico has been converted into trading and bartering post in which more slaves are employed, and that more than 60% of the net product of earnings made by the workingmen of this island are taken away by the trusts and corporations which well sufficiently explain why this country is drained of its wealth and which leaves the people in a wretched condition financially.

When the eighth Legislative Assembly of Porto Rico opened its first session last January, Delegate Aybar from the Mayagues district requested of the speaker of the house to ask the commissioner of the interior to submit a report on the public lands of Porto Rico as well as the use that had been made of them up to the present.

The commissioner of the interior sent to the clerk of the house of delegates a communication explaining what disposition had been taken of those public lands, and uses to which these lands have been put may be seen from the said reports and from them may be seen also that the free use of these lands has been granted to a number of capitalists for a term of from 30 to 40 years.

The communication from the commissioner of the interior to which we refer reads as follows:

"GOVERNMENT OF PORTO RICO, DEPARTMENT OF THE INTERIOR.

"SIR: With reference to your letter dated 19th inst. in which Hon. J. Aybar requests information concerning the leasing of public lands, I am pleased herewith to forward a statement showing what disposition was made of all the holdings pertaining to the people of Porto Rico and which are at the present time leased, and also showing the area and relative location of the land, period when the contracts expire, and the annual income as well as the person who leased said land.

"The only lands of The People of Porto leased with the privilege of not being subject of the terms of the lease are the marshy lands of "Caño de Tiburones," with a total area of 4,200 acres adjoining in and around Arecibo and Barceloneta; they were leased to Mr. Wenceslao Borda for a period of forty years; the lands adjoining the Barrios of "Las Marias," Guayama, and Salinas, which were leased to Mr. Juan R. Baiz for a period of thirty years, but the terms of this contract were never carried out because Mr. Baiz left the land; and next comes another parcel of marshy land measuring 6,270.95 square meters adjoining Puerta de Tierra in San Juan City itself, but more particularly San Antonio Dock; this was leased to Mr. Harnand Behn for a period of thirty years, he obligating himself to build a bulkhead therein, to dredge the channel, and to turn the ground in a sanitation condition, all of which necessitates an expense of no less than $105,000.

"Besides the land leased as is here shown, there are other the lease of which is undergoing the due process of the law (tramitation) especially one with an area of 453.99 acres, already approved by the executive council to the Guanica Centrale, and another having 414.95 acres to Mr. George Mussenden. These are located with the municipalities of Guanica and Yauco, respectively.

"When the measurement of the land of The People of Porto Rico was carried out in these municipalities this department of the interior found out that the sugar mill "Cinco Hermanos," which belonged at the time to Mr. Alejandro Francheschi, who had leased the Guanica Centrale, was also occupying as his property the said tract of land (453.99 acres) pertaining to The People of Porto Rico; it was also ascertained that Messrs. Lluveras Brothers were holding as their own property another tract of land pertaining to The People of

Porto Rico (482.64 acres); Mr. George Mussenden occupied the aforesaid tract of land (414.95 acres), while other persons occupied other smaller tracts.

"In November of 1914 this department, as is customly in cases of this kind, advised all the landholders of The People of Porto Rico in the towns of Yauco and Guanica that in order to enjoy the usufruct of the land they held they were required to make a contract with this department of the interior, all of whom expressed their willingness to have contracts drawn up, with the exception of one who claims the ownership of the land held by him.

"This office began at once to proceed to issuing contracts for the leasing of this land, the occupants thereby recognizing the fact that The People of Porto Rico is the real owner of the land.

"Respectfully yours,

"MANUEL V. DOMENECH, *Commissioner.*

"Mr. JOSE MUÑOZ RIVERA,
Clerk of the House of Delegates, San Juan, P. R."

The summary inclosed by the commissioner of the interior with the communication above quoted is the following:

"SUMMARY.

"In pursuance with the foregoing statement issued by the commissioner of the interior, to which he refers in the preceding letter, under the approval of the executive council the following acreage of public land has been leased:

"Number of acres leased, 10,383.46 acres. Besides total number of square meters, 172,804.33 square meters. And a number of islands and islets leased, 22 in all; extent of acreage not given. Number of houses, 7, and 5 shacks. Number of building lots (quantity of acres not given), 36 in all.

"The sums obtained by The People of Porto Rico for such leases amounts to $9,106.91 per year, which is only another way of saying that the average price paid by the occupants of the public land of Porto Rico is only $0.25 per acre yearly."

This, then, is what is being paid to The People of Porto Rico on these lands, the occupants of which are known.

Among the largest occupants are the following:

Wenceslao Borda, who pays not a red cent, 4,200 acres at Arecibo. This privilege was granted him by the Legislature of Porto Rico, and for which purpose hundreds of poor country families were ordered off this land. This privilege was granted Mr. Borda for the period of 40 years.

Mr. C. B. Battle, 121 acres in Barros for $90 per year.

Balseiro and Giorgetti, 102 acres within the urban zone of the town of Bercelonets for $1,240 per year.

Messrs. Antonio Pacheco and Antonio Rodriguez, 255 acres at Ciales for $90 per year.

Mr. Enrique Chevalier, 502 acres at Guallanilla for $65 per year.

Mr. Ramon Gonzales, 297 acres at Isabela for $148.87 per year.

Florencio Cintron, 121 acres at Juana Diaz for $73 per year.

Behn Brothers have 6,270.95 square meters of marshy land adjoining the barrio of Puerta de Tierra, in San Juan, and pay absolutely nothing, and hold the land for 30 years at that; they expect to construct a coal shed or deposit.

So may be found the lands belonging to The People of Porto Rico.

We also adduce as another evidence in our assertion that there are capitalists now carrying farming for personal profit on the public lands of Porto Rico without paying any rent to The People of Porto Rico, or even without the consent of the same, the fact that follows:

As soon as it became known in Porto Rico that the American Federation of Labor, at its Philadelphia convention, had adopted a resolution requesting the honorable President of the United States or the American Congress to appoint a commission to investigate the economic conditions of the island and to ascertain the violations of the organic act of Porto Rico by the corporations holding a larger acreage than is required under the law and to probe what disposition has been made with these lands, from that moment irregularities began to be known as to the use that had been made of these lands, as well as the illegalities existing. And this fact may be proved from the fact that some capitalists candidly had made the statement to the same officials of the Government that for some years past they have been making illegal use of these lands. There was one capitalist who expressed himself before the Senate as follows:

"I have been making free use for many years of some 435 acres pertaining to The People of Porto Rico for the simple reason that I ignored whether these lands were mine or whether they belonged to the People of Porto Rico." These lands were some of the most fertile lands in Porto Rico. And the said gentleman continued as follows in his statement: "But as I am now convinced that these lands belong to The People of Porto Rico, I honestly desire to lease them and pay rent on same from now on."

We have mentioned this case, but this has not been the only one in Porto Rico; and the lands have been leased and not a cent has been paid by anybody for the former use of the land; and the country folk are fairly starving (dying away with hunger) for want of sufficient ground in which to plant anything, and they have not even so much room as to build a shack.

Believing these arguments to be sufficient to demonstrate to what extent the monopoly of the lands exists in Porto Rico, and the illegal use that is being made of the same, we merely stop here with the statement that the total acreage of public lands of Porto Rico in the hands of the corporations privately and individually constituted runs above the 70,000 acres mark.

(To verify the letter from the commissioner of the interior see the issue of the paper Justicia dated January 30, 1915, Vol. II, No. 18.)

IGLESIAS EXHIBIT NO. 16.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 15, 1914.

Mr. SANTIAGO IGLESIAS,
Organizer, American Federation of Labor,
Box 807, San Juan, P. R.

DEAR SIR AND BROTHER Enclosed you will please find copy of letter which I have just received from Hon. Jose de Diego, speaker of the house of delegates, together with copy of my reply. I want you to give the subject matter of the enclosed very serious consideration and make full reply to me so that I may have it at the earliest possible moment.

With best wishes, I am, fraternally yours,

SAML. GOMPERS,
President American Federation of Labor.

HOUSE OF DELEGATES, PUERTO RICO,
SPEAKER'S ROOM,
San Juan, April 8, 1914.

MR. SAMUEL GOMPERS,
President American Federation of Labor, Washington, D. C.

MY DEAR MR. GOMPERS: I suppose you are already reposed of your quick and laborious campaign in Porto Rico, and I beg you to excuse me if I trouble your attention, but it is for the importance and transcendency of the matter contained in this letter.

After you having sailed for New York, I was informed that in the meeting which you presided in the Municipal Theatre of our city, it was resolved that you should recommend to Congress in the name of the "Free Federation of Laborers of Porto Rico," the granting of the American collective citizenship to the Porto Ricans.

I thoroughly understand that such a recommendation is inspired in a noble purpose; but I can not conceal that at present the immense majority of the Porto Ricans, rendering a sincere homage to the high value of the American citizenship, desire, however, to maintain its exclusive citizenship of Porto Rico.

Any which the future of our island may be, the Porto Ricans will always feel a high esteem toward the people with which we always have been related with ties of gratitude and affection.

But it is a terrible thing for the Porto Ricans that the policy of the Government of the United States should grant us American citizenship not as a source of rights and liberties, but as a chain which will tie us forever to a perpetual colony. Read the report of the Committee of Insular Affairs of the House of Representatives, regarding the bill of Porto Rico and you

will see that it takes from us all hope to constitute our country as a State of the Union, or as an independent Nation. They want to make us forever a colony; they want to apply the system of the English imperialism, inconsistent with the institutions of the United States.

Within this situation, the Unionist Party and our house of delegates, which as you know, represents the immense majority of this country, have requested the President and the Congress not to adopt a measure, which as the American collective citizenship, may prejudge the future of Porto Rico; even though we accept that the optional citizenship may be permitted, as it is provided in the bill which Mr. Shafroth introduced in the Senate, in order that those Porto Ricans who desire it, could acquire the noble title of American citizenship.

This measure of optional citizenship covers the whole matter and with it a thing, as the citizenship, which must rise voluntarily and freely from the heart, is not imposed to anybody forcedly.

Herewith I am sending you two copies of the last memorial of the house of delegates regarding this matter and under separate cover several other pamphlets on matters relating to our political regimé.

But the principal subject of this letter is to present to your consideration the convenience that the branch of the American Federation of Labor of Porto Rico should not take any action in favor of any of our local parties, but in those matters which directly affect the labor problem.

Concerning the citizenship, the Unionist Party and the Republican Party are here in a frank and open struggle, and any action of the American Federation of Labor favoring the collective citizenship would be understood as a support to the Republican Party.

This matter of the local policy has mostly obstructed the progress of the Free Federation of Labor, and I am very interested in that the labor associations may obtain the greatest exit and receive the aid of all the parties.

The Unionist Party in its last convention consigned in its platform the most important problems of the laborers, and all the leaders of the party are ready to work for the emancipation and welfare of the working classes of Porto Rico.

The question of the citizenship should be postponed until the Government of the United States and the people of Porto Rico may have studied better which should be the future of our island, but meanwhile the important and urgent thing is, without affecting the citizenship, to change the present régime into a system of home rule, which may permit us to show our capacity for self-government and in which our purposes may not be obstructed or paralyzed, as it happened in the workmen's compensation bill, by a aristocratic and oligarchical house, as the executive council.

And hoping that you will give your high and illustrated attention to the matters contained in this letter, I remain,

Sincerely yours,

JOSE DE DIEGO.

AMERICAN FEDERATION OF LABOR.

WASHINGTON, D. C., *April 15, 1914.*

Hon. JOSE DE DIEGO,
Speaker of the House of Delegates, San Juan, P. R.

MY DEAR SIR: Your favor of April the 8th has been duly received, and I assure you I appreciate your letter and its contents and have given the subject matter which you present very serious consideration. It was a great pleasure to me to meet you when in Porto Rico and to have the opportunity of listening to the excellent address you delivered on workmen's compensation and your sympathetic declarations in regard to labor.

Now as to the subject of citizenship for Porto Ricans, I shall make further inquiry into the matter. You can rest assured that whatever I may do, it will be with the object in view of what will best serve the interests of the people of Porto Rico.

Trusting that I may hear from you again at some time, with assurances of my high regard, I am,

Very truly yours,

SAMUEL GOMPERS,
President, American Federation of Labor.

FEDERACION LIBRE DE LOS TRABAJADORES DE PUERTO RICO.

APRIL 29, 1914.

Mr. SAMUEL GOMPERS,
President A. F. of L., Washington, D. C.

DEAR SR. AND BROTHER: I am in receipt of your kind letter of April 15 with which you included a copy of the letter sent to you by Hon. Jose de Diego, speaker of the house of delegates, as well as the reply you made to him, stating that you would make a further inquire concerning the question of citizenship for the Porto Ricans. You, at the same time invite me to give this matter the most serious consideration and to forward you a reply at my earliest opportunity.

The resolution approved at the convention of organized labor held in San Juan, March 31 ult., requesting "that Mr. Samuel Gompers, president of the A. F. of L., present at this convention, urge upon Congress the granting of collective citizenship for the people of Porto Rico," is but a ratification and the repeated petition which the Federacion Libre de los Trabajadores de Puerto Rico, has constantly approved, year after year at its annual meetings and presented each time in the conventions held by the A. F. of L., and favorably endorsed by such conventions at the wish of the workingmens' delegation from Porto Rico. The Federacion Libre has not only believed but still believes this petition for citizenship to be inspired by the noblest purposes, but it understands and has emphatically declared that collective American citizenship, upon being granted by Congress declares and completely defines the status of the People of Porto Rico, and it further consolidates for all time the peaceful revolution brought about by the United States Government upon its taking possession of this island in 1898, that it upset the monarchical régime, annulled military and clerical despotism and bureaucratic insolence and in their place establishes civil liberty, liberty of thought, of the press, of free speech, and association.

Collective citizenship for Porto Rico means its opportunity for complete political liberation as a people aspiring to constitute itself after a democratic form of government, thus obtaining the guarantees for the present and future, all of which will be enjoyed by the laboring masses in their development toward their social and economic welfare and social and human justice.

Mr. de Diego is unable to ascertain whether the immense majority of Porto Ricans wish to keep their Porto Rican citizenship and refuse American citizenship. Truth of the matter is that the vast majority of the people of the island stand positively by the American institutions and have constantly been asking for the right of being made American citizens.

The only persons whose attitude has changed in regard to this matter, whether on account of sentimental or other causes, are the leaders of Unionist Party and even some from the Republican Party. Mr. de Diego, like other prominent leaders, has been asking for collective citizenship for several years; they now refuse this privilege. We, the organized workingmen, are decidedly in favor of collective citizenship and have absolutely no reason to change our attitude or opinion. On the contrary, we affirm that the people of Porto Rico ought to be granted American citizenship through Congress collectively, because it is justice.

This is what we have been asking for for 16 years, even before the organization of the Republican Party on the island, and even before the Unionist Party was what it is to-day, and even before Mr. de Diego was elected speaker of the house of delegates.

Mr. de Diego puts forth as an argument that American citizenship would not be conceded as a source of rights and liberties, but as a chain which will tie us forever to a perpetual colony, but we affirm that there is only one class or kind of American citizenship in the United States, and that is the only one which Congress can grant to us. The idea of Mr. de Diego and others is that they confound American citizenship with the form of local government which Congress might make for the people of Porto Rico and this form may be more or less democratic or advanced, but which in the end can be nothing except a temporal and not a permanent form. American citizenship is permanent. As to whether we shall be recognized as a State of the Union, this is a proposition which can not be decided at this time and nobody is prepared to say what the future representatives of the American people would or would not do.

Texas, New Mexico, Arizona, Oklahoma, and other States of the Union had to wait a long time, perhaps one or two generations, before they were taken

in as States. Therefore, this argument is very premature at this time and we give it absolutely no importance.

It is our opinion that the first step toward the freeing of Porto Rico is that it should be granted collective American citizenship, omitting those who do not choose to become such in just form as proposed in the inclosed bill, and which is none other than a part of the general bill of reforms reported favorably to the House by Chairman Jones at the present session of Congress.

Senator Shafroth's bill proposes individual citizenship and Mr. de Diego admits that, because he is confident, undoubtedly, that the great ignorance of the countrymen and poorest workingmen will contribute to their not adopting it. And, besides, with individual citizenship a very deep division would be established, fed, as it were, by the elements who are interested throughout the island in keeping away the people of Porto Rico from the beneficial influence of the people of the United States.

Mr. de Diego lays before you the convenience for the American Federation of Labor in Porto Rico not to meddle with politics either with one party or the other, and precisely in this matter of American citizenship, because it was understood that when we stood for collective citizenship, it was understood that we favored the Republican Party. The Federacion Libre was established before either of the parties in Porto Rico, and this petition for American citizenship is older standing than the opinions of both parties, and, besides, this is a question which is not and never can be a local proposition of party politics, but rather a national issue of the greatest importance for the entire population of the island of Porto Rico, and above all for the working classes.

We are convinced that the guarantees, rights, liberties, and progress of the working classes of Porto Rico depend largely upon the influence and power lent to it from time to time through the American Federation of Labor, by the American people and National Congress. The Unionist Party, the Republican Party, the house of delegates, and the government of the island itself have paid some attention to the demands of the workingmen, not through any self or spontaneous initiative on the part of the political leaders or representatives of the local government, but through the determination of obtaining justice by the initiative of the organized workers of Porto Rico, assisted, as it were, in a determined and powerful manner by the American Federation of Labor at Washington, and also through the influence of ideas, aspirations, and the powerful example given us every day by the laboring people of the United States, struggling daily for their rights and well-being; if the working people of Porto Rico must be sure of not being persecuted and outstripped in this country, they must be closely united with the labor army of the Nation just as is represented in the American Federation of Labor.

The secret, and not frankly expressed policy of Mr. de Diego is to ultimtaely arrive at a situation of independence of the people such as Cuba, Santo Domingo or Venezuela, and we cannot for obvious reasons stand for any such thing as that.

If you authorized me to participate in the public hearings that are to take place in the Senate and before the Committee on Pacific Islands and Porto Rico when the Jones bill for Porto Rico comes in approved form from the House, I would go to Washington myself at the proper time to present a statement regarding all these very important matters to Porto Rico laboring men, and I would, before all, do my best endeavor to have all demands of our fellow workers including in the new organic act under directions of yours and legislative committee.

Your story of the travel to Porto Rico has been received and read with very much interest.

With best regards, I am,

Fraternally yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 6, 1914.

Mr. SANTIAGO IGLESIAS,
Organizer, American Federation of Labor, Box 807, San Juan, P. R.

DEAR SIR AND BROTHER: I have read with a great deal of interest your letter of April the 29th which has just been received. You state the Porto Rican situation clearly and forcefully. As to your suggestion to come on to Washington to appear before the Senate Committee on Pacific Islands and Porto

Rico when the Jones bill is taken up, I would say that your coming on is utterly impractical at this time, because what with the Mexican situation, the canal repeal tolls proposition, and particularly in so far as labor legislation is concerned, it is hardly probable that Congress will take any action at this session on the Porto Rican bill. You may rest assured that the legislative committee of the A. F. of L. will not neglect the matter.

With best wishes, and hoping to hear from you whenever convenient, I am,

Fraternally yours,

SAML. GOMPERS,
President American Federation of Labor.

IGLESIAS EXHIBIT NO. 17.

GOVERNMENT HOUSE, PORTO RICO,
Jajome Alto, October 30, 1911.

MY DEAR MR. IGLESIAS: Replying to your letter of the 28th instant, asking an expression of my opinion in regard to the granting of collective citizenship by the Congress of the United States to the people of Porto Rico, I beg to inform you that I am unreservedly in favor of such action. I believe that the granting of full citizenship of the United States to the people of this island is the paramount political consideration now pending in their behalf; that it would have a far-reaching beneficial effect upon their lives and activities; contribute more than anything else to their happiness and contentment and thus promote the progress and prosperity for their native land, which has become, through the interests of all affected, an inseparable part of the United States.

The people who await this act of justice are sympathetic, lovable, and loyal; there is nothing in their character incompatible with our national life, and their blending into it will add a note of comingled sweetness, patience, and idealism that will perhaps be a beneficial admixture with our more rugged temperament. They and their country have become a part of us and our country; they need and are entitled, from every consideration, to all of the benefits of our institutions, sentimental and otherwise, that such affiliation should bring. They came into our country, as a whole, willingly and gladly more than thirteen years ago, but no opportunity has yet been given them to become citizens without traveling fifteen hundred miles from their present residences in American territory to another part of the United States, which is of course out of the question for the mass of the people, while during that time many thousands of foreigners, with to say the least, no better qualifications than they have emigrated to the United States and individually become citizens thereof and are to-day exercising their rights as such. That this inconsistancy is understood by the people of the mainland, and will be eventually reconciled, is shown by the fact that both of the principal political parties of the United States, in 1906, incorporated into their platforms clauses indicating their intention to support the granting of citizenship to the people of Porto Rico. That such action has not yet been taken is probably due to the fact that the measure has not yet been presented opportunely or in proper form to secure its passage.

The people of Porto Rico have made their desire for citizenship manifest to all men in high governmental positions who have visited the island, and practically all of such officials, including President Taft and his predecessor, President Roosevelt, have recommended to Congress that it be granted, but measures before Congress or any other legislative body for that matter, must be followed up by those at interest and their friends upon the ground to prevent their being overlooked. Trusting, therefore, that your organization, representing as it does the largest class of people in the island, who are not less interested than all other classes, will adopt such means as may be deemed proper and efficacious for procuring the early consideration of this just and wise measure by Congress, and assuring you of my full cooperation in that behalf, I am,

Very sincerely,

GEO. R. COLTON,
Governor.

Hon. SANTIAGO IGLESIAS,
President Federacion Libre, de los Trabajadoes de Puerto Rico,
San Juan, P. R.

IGLESIAS EXHIBIT NO. 18.

Teaching corps.	1913-14	1914-15	Decrease.	Increase.
General superintendents	2	3		
Special supervisors	5	2	3	
Supervising principals	41	41		
Assistant supervising principals	9		9	
Principal teachers	10	10		
Teachers of English	150	110	40	
Graded	795	825		30
Rural	1,350	1,325	25	
Continuation and industrial	50	50		
Manual training and household economics for grades	130		130	
Music	25		25	
Drawing	25		25	
Special	30	20	10	
Agriculture	41		41	
High school	69	59	10	
Total	2,733	2,445	318	30
Increase			30	
Net loss			288	

TRAVIESO EXHIBIT NO. 1.

Comparison of appropriations for department of education.

Appropriation.	1912-1913	1913-1914	1914-1915	1915-1916	1915-1916 savings.
Salaries and contingent expenses, office of the commissioner	$46,000	$75,500	$53,500	$45,450	$8,050
Salaries and contingent expenses, common schools	809,600	1,499,250	1,089,350	1,072,650	15,700
Textbooks and school supplies (common schools)	67,500	135,000	90,000	80,000	40,000
Salaries and contingent expenses, high schools	32,740	110,350	65,635	58,845	6,790
Scholarships:					
United States	16,000	16,000	16,000	8,250	7,750
High schools	8,640	8,640			
Industrial school buildings and maintenance		125,000			
Summer institutes for teachers	1,000	1,000			
Total	981,480	[1] 1,970,740	1,313,485	1,235,202	78,289

[1] Includes additional appropriation of $528,230 granted by the legislature of 1913.

TRAVIESO EXHIBIT NO. 2.

SUPREME COURT OF PORTO RICO, MARSHAL'S OFFICE,

SAN JUAN, PORTO RICO, *February 10, 1915.*

Hon. ARTHUR YAGER,

Governor of Porto Rico, San Juan, P. R.

SIR: I have the honor to report an investigation made by me at Juncos at your request regarding the fight between the police and the strikers at the Juncos Centrale.

My opinion, after the investigation, is that not only were the police fully justified in what they did, but that they are entitled to very high praise in not hurting more of the strikers and in greater degree.

Briefly, as it seemed to me, the situation was this: The strikers of Juncos desired to march to Gurabo. From Juncos to Gurabo the carretera is the logical, best, and straightest line, and known by all to be a public road. The parade turned from this road to the Juncos Centrale with the intention of passing to Gurabo by a trail road which runs between or over the several estates between the Juncos Centrale and Gurabo. This road is variously called in different parts by the names of the adjoining estates. The sworn reason for wishing to go by this road, according to one of the directors of the labor party, was to withdraw from the fields laborers who had not as yet joined the strike.

It seems that the day before this parade the director of the Juncos Centrale, Tomás Survirana, had asked the chief of police of Juncos for police protection from these same strikers. Three policemen had been sent there with orders from the chief to protect the property of the centrale. The manager of this centrale told these policemen that this road was the private property of the centrale and that he wanted it protected, and that under no circumstances should they allow any labor parade to pass over it.

The parade, when it reached the entrance to this road, was stopped by these three policemen and informed that it could not pass over this road. A commission from the parade then went to the office to ask from the administrator of the centrale permission to pass over this road. This permission was refused. Then the parade turned back and went toward Juncos, a distance of from thirty to forty meters. Some hot-heads in the parade urged and insisted that the parade return and attempt again to pass the police. On their second return they were again stopped by the policemen who insisted that they should go away and not attempt to force a passage through the road. Near to where the strikers were stopped were the piles of firewood for the boilers. Perhaps as a means of intimidation to the three policemen who were there alone, or perhaps with the intention to use them as weapons, a number of the strikers seized these logs of wood. The directors of the labor movement busied themselves in taking the clubs from the members of the parade and by voice attempted to persuade all to drop their clubs and stones. Just at this instant the bookkeeper of the centrale, Simón Lizarribal, came running down with a revolver in his hand and pointed it at the strikers. Notwithstanding the threatening attitude of the strikers against the police, the police took time to shove this bookkeeper with his revolver in the storeroom and shut the door on him. This unfortunate interruption of the police at the moment that their attention to the strikers was most necessary and important gave a chance for the row to begin, so that after they had shut the bookkeeper in the storeroom the fight had begun, and in order to prevent the parade from marching over the road they were compelled to use force. I don't think that the strikers in marching through there had any desire to fight, and I am sure, from the action of the police, that they used every means in their power to prevent a row, and that they did their duty in the very mildest possible manner under the circumstances to give the protection to the property, for which purpose they were there. It must not be overlooked that there were but five policemen all told at this point (the Chief of Gurabo and one policeman from Gurabo arrived just as the row started and joined the other three), facing this crowd of from five hundred to one thousand men, all armed with clubs or stones, or at least the clubs and stones so closely available that they only had to be picked up. At the very beginning of the row there were very few of the strikers who had weapons in their hands.

My impression is that if it had not been for the interference of the bookkeeper with his revolver that there would have been no clash of a serious nature between the police and the strikers. It can be said in this connection that when the police were fighting the strikers the bookkeeper and other employees of the centrale were safely shut up in the storeroom and took no part in the fight.

I wish to say that I took quite a number of affidavits from all sides which I believe will sustain my conclusions in the matter. They are filed in the attorney general's office with a report which I am submitting to him regarding these same matters and one or two incidental questions which came up.

Respectfully,

S. C. BOTHWELL.

TRAVIESO EXHIBIT NO. 3.

DEPARTMENT OF JUSTICE OF PORTO RICO,
OFFICE OF THE FISCAL,
Ponce, April 20, 1915.

Hon. HOWARD I. KERN,
Attorney General, San Juan, Porto Rico.

SIR: Answering your letter dated the 19th inst., relative to the details of the riot which took place in this city on the night of March 1, 1915, I wish to inform you that Messrs. Santiago Iglesias, Santiago Carreras, Francisco Paz

Granela, Manuel Texidor, Prudencio Rivera Martinez, Maximiliano Colmbre, and Jesús Rosado were arrested that night on warrant issued by the municipal judge.

Santiago Iglesias was the orator who from the tribune incited the people and who caused the police to interfere on account of his language, the riot thereupon ensuing; Francisco Paz Granela, Manuel Texidor, and Prudencio Rivera Martinez occupied an automobile in which they had come from San Juan and from which automobile revolvers were shot off against the police, and the people were also incited. Maximiliano Colmbre was detained as a consequence of said riot, and a revolver which had been shot off shortly before was taken from him, and Jesús Rosado was also detained as a consequence of the riot and a knife was taken away from him.

There was a dead man, Juan Arroyo (a) Caballero, and another wounded, who is recovering in the "Tricoche" Hospital, whose name is Hermenegildo Robledo. The dead man, it is alleged, was killed by Insular Policeman Norberto Quiles. The investigation is now in your possession. And it was the wounded man who assaulted the chief of police of this district, Mr. Fernandez Nater and Corporal of Insular Police Ferrer with a knife when the latter went to arrest Iglesias in obedience to orders received from his chief.

The investigation against Policeman Quiles is in possession of Y. H., and I await your directions in this case and the return of said investigation, as well as the termination of the present jury trials, to present accusation for riot, misdemeanor, against the parties hereinabove mentioned and the wounded man, now convalescing, Robledo.

Inasmuch as the term to file this accusation is about to expire already, I would appreciate it if you return to me the investigation which is in your possession as soon as possible.

The accused are all enjoying liberty under bail bonds of three hundred dollars each.

Respectfully,

LIBERTAD TORRES GRAU, *Fiscal.*

TRAVIESO EXHIBIT NO. 4.

LIST OF CANE FIRES TAKING PLACE ON THE ISLAND OF PORTO RICO DURING THE RECENT STRIKE OF AGRICULTURAL LABORERS, COMPRISING MONTHS OF JANUARY, FEBRUARY, AND MARCH, 1915.

AGUADA.

February 23, at 8 p. m. the cane fields of the "New Corcega Central Corporation" were set afire from nineteen different parts. The police worked actively and arrested Ramón Ramírez, Fautino Morales, Felipe Alers, and Remigio Esteves. Ramón Ramírez pleaded guilty and charged the other three men with having taken part in the conspiracy. The men were taken before the district attorney and held under $10,000 bail each.

March 16, eight cuerdas of cane were set afire on this date belonging to the central "Coloso." From all appearances the fire was of an incendiary nature.

AÑASCO.

February 9, on this date the cane fields of Colonia "María," belonging to Oscar F. Bravo, were set afire. Six acres were completely destroyed. The fire appears to have been intentional.

February 15, at 10 a. m. thirty-one cuerdas of cane belonging to Colonia "Eugenia" were destroyed by fire. It was proven that this fire was intentional and strikers were suspected of committing this deed.

February 15, at about 12 p. m. six cuerdas of cane on plantation "Tres Hermanos," belong to central "Corcega," were destroyed by fire.

February 17, at about 8 p. m. a fire took place in the "Esperanza" cane plantation, belonging to the Guanica Central. One and one-half cuerdas of cane were destroyed. A public meeting was being held in the town by strikers when the fire occurred.

ARECIBO.

February 10, fires took place during the night in cane fields belonging to the "Caños" and "Cambalache" Sugar Centrals. The same were immediately smothered. There was also a fire in the "Lisas" cane plantation, belonging to M. Savala & Co., 12 acres having been destroyed.

February 17, a fire took place in the "Mercedes" cane plantation belonging to Central "Cambalache." The foreman surprised the criminal in the act and shot at him, but without wounding nor overtaking him.

February 19, the cane fields of Mr. Gandía, district of Hatillo, were also set afire. The police shot at the criminal, but the latter escaped.

February 19, at 11 a. m. fires took place in cane fields belonging to the "Caños" and "Cambalache" Sugar Centrals. The same were smothered immediately.

ARECIBO.

February 22, at 9 p. m. one-fourth cuerda of sugar cane belonging to the "Plantaje" colonia was destroyed by fire.

ARROYO.

February 25, during the night a fire took place in the cane fields of Mr. Rafael Nido. One cuerda of this product was destroyed by fire.

February 28, at daybreak a fire took place in the cane fields belonging to Mr. Fantauzzi. Slight damage was caused thereto. It was proven that the fire was of an incendiary nature.

March 5, during the night another fire took place in the cane fields of Mr. Fantauzzi. About one cuerda of this product was destroyed thereby. From all indications this fire was of a criminal nature.

March 12, about one cuerda of cane, belonging to Central "Lafayette" was destroyed by fire during the night.

March 15, on this date about one-half cuerda of cane, property of the "Lafayette" Central, was destroyed by fire.

BAYAMON.

January 24, at about 10.15 p. m. a plantation belonging to Central "Juanita" was set afire, part of same being destroyed. Antero Pizarro and Juan Pizarro were arrested and held under $1,000 bail.

January 19, at 10 p. m. a fire took place on plantation belonging to Messrs. Dávila & Co. One and one-half cuerdas of cane, valued at $300, was destroyed.

February 9, at 9.10 p. m. an attempt was made to set fire to a cane field belonging to José Barroso, of barrio "Juan Sánchez." A bottle containing kerosene oil was found on the place.

CAGUAS.

February 22, during the night a patch of cane belonging to Angel Barroso was set afire. About one cuerda was destroyed thereby. It was proven that the same was intentional.

FAJARDO.

January 1, at 7 a. m. a fire took place in the "Aguas Claras" plantation belonging to the "Fajardo Sugar Co." Slight damage was caused. On the night of this same day a half cuerda of cane belonging to the "Tolonesa" plantation (Fajardo Sugar Co.) was destroyed by fire.

January 15, at 9 p. m. nine cuerdas of cane were destroyed by fire at the "Fortuna" Colonia.

January 17, at about 3 p. m. a fire took place on the "Santa Rita" plantation belonging to the Fajardo Sugar Co.

January 18, during the night four cuerdas of cane from the "San Pedro" plantation of the Fajardo Sugar Co. were destroyed by fire.

January 21, at about 4 a. m. a fire took place on the "Santa Isidra" plantation of the Fajardo Sugar Co. and slight damage was caused thereto.

February 9, at daybreak two fires took place in the "Santa María" and "Aguas Claras" plantation of the Fajardo Sugar Co., situated in the barrio of Ceiba. Three cuerdas of cane were destroyed. The police arrested Pedro

Carmona, Mercedes Filomeno, and Deniel Santos. The municipal judge held these men under $5,000 bail each.

March 15, at about 8.30 p. m. the "Santa Rita" plantation, belonging to the Fajardo Sugar Co., was set afire from different parts. About 1 acre of cane was destroyed thereby.

March 25, at 2.30 p. m. a fire broke out in the cane fields belonging to Successors of Fuente Fría. Slight damage was caused. The fire proved to be of a criminal nature.

March 26, at about 9.15 a. m. about three cuerdas of cane of the "Tolonesa" plantation, belonging to the Fajardo Sugar Co., were destroyed by fire. From all indications this fire was of an incendiary nature.

GUAYAMA.

February 21, at about 1 a. m. a patch of cane of the "Esperanza" plantation, belonging to the Central "Machete," was set afire. About two tons of cane were destroyed. Francisco Soto and Juan Montalvo were arrested and held by the district attorney under $10,000 each. Soto was a watchman of the Central in question, but appeared on the list of strikers.

March 22, at about 7.30 p. m. a fire broke out on the "Vardaguez" plantation of Central "Machete" and four cuerdas of cane were destroyed.

HUMACAO.

February 5, at 10 p. m. a fire broke out in the cane of Mr. Avelino Marques, situated in barrio Montones de Las Piedras. A little over one cuerda of cane was destroyed. There is reason to believe that the fire in question was of a criminal nature.

February 9, at about 6 p. m. a half cuerda of cane of the "Patagonias" plantation, property of Mr. Roig, was destroyed by fire. From all indications this fire seems to have been intentional.

JUANA DIAZ.

February 21, at about 12 noon a fire took place at Central "Amelia." Some three cuerdas of cane were destroyed as a result thereof.

JUANA DIAZ.

February 22, during the night a patch of cane was set afire at Central "Ponceña." About three cuerdas of cane were destroyed. Florencio Fernández was placed under arrest as the perpetrator of this deed.

February 28, during the night a fire broke out in the cane fields of Central "Luciana" (property of the Guanica Central). About one-eighth part of a cuerda of cane was destroyed.

March 11, at about 11 p. m. a fire broke out at Central "Luciana." About one-third of a cuerda of cane was damaged.

JUNCOS.

February 9, at 9.30 p. m. Manuel Hernandez set fire to cane of the "Santa Ana" plantation, belonging to Central Juncos. Slight damage was caused thereto. Hernandez fled but was arrested the following day and held under $15,000 bail.

MAYAGUEZ.

February 9, on this date a fire broke out in one of the plantations of the Guanica Central and three cuerdas of cane were destroyed thereby.

February 16, two cuerdas of cane were destroyed by a fire at Central "Rochelais" on this date. Jorge Nadal was arrested on the same day for inciting others to destroy cane fields.

February 18, during the night a fire broke out in the middle of a patch of cane on the "Cristy" plantation, belonging to Central "Rochelais." About one cuerda of cane was destroyed. It was proven that this fire was of incendiary origin.

MANAUBO.

February 19, during the night a fire broke out in the "Garona" plantation, belonging to Mr. Fantauzzi. Slight damage was caused thereby.

March 20, at daybreak a small amount of cane belonging to Central "Colombia" was destroyed by fire.

NAGUABO.

February 26, seven cuerdas of cane of the "Esperanza" plantation, property of the Fajardo Sugar Co., were destroyed by fire.

PONCE.

February 20, at "Barrancas," of the Guanica Central, six cuerdas of cane were destroyed by fire. Strikers Ramón del Valle and Lorenzo Nieves were arrested as suspects. Another fire broke out at about 1 p. m. at the "Estrella" plantation of Messrs. Sauri & Subirá. At this latter place twenty-two cuerdas of cane were destroyed. Strikers Marcial Cartagena and Juan J. López, suspects, were arrested.

PONCE.

February 20, at 12 p. m. a fire broke out at the "Esperanza" plantation, of the Guanica Central. Slight damage was caused thereby.

February 20, at about 3 p. m. a fire broke out at the "Estrella" plantation, belonging to Messrs. Sauri & Subirá. Slight damages caused therefrom.

February 28, at about 3 a. m. a fire broke out at the "Fortuna" plantation, which caused slight damage to the cane. Juan Figueroa was arrested on suspicion.

March 11, two fires broke out during the night at Central "Reparada." A meeting of strikers was commenced at the time the fire started. There is reason to believe the same was intentional.

RIO PIEDRAS.

January 21, at about 11 p. m. two cuerdas of cane were destroyed by a fire taking place at "San Patricio" plantation belonging to Messrs. Cerecedo, of San Juan.

SANTA ISABEL.

February 19, during the night a fire broke out at the "Cuatro Hermanos" plantation, and six cuerdas of cane were destroyed.

VEGA BAJA.

February 4, during the night three fires broke out at the "San Vicente" and "Carmen" Sugar Centrals. Some of the cane was destroyed.

February 25, at about 8 p. m. a patch of cane belonging to Mr. Francisco Jimenez was set afire in fifteen different places. Candles were found at various places.

February 28, at about 3.30 p. m. three cuerdas of cane belonging to Mr. Luis García were destroyed by fire.

VIEQUES.

January 23, at the "Leguillon" plantation, belonging to Central "Esperanza," a fire broke out in which thirty cuerdas of cane were destroyed. Alfonso Velázquez was arrested on suspicion.

February 13, at Central "Esperanza," belonging to Mr. Mourraille, a fire took place. This fire was no doubt intentional.

February 22, at 9 a. m. a patch of cane belonging to Central "Arkadia" was set afire. On investigation Rito Ayala was arrested and held under $15,000 bail.

February 24, at 10 a. m. ten cuerdas of cane, belonging to Central "Arkadia," were destroyed by fire. From all indications this fire was intentional.

YAUCO.

January 18, thirty-eight cuerdas of cane belonging to the Guanica Central were destroyed by fire.

YABUCOA.

February 20, at about 1.30 p. m., a fire broke out at Central "Mercedita." From eight to nine cuerdas of cane were destroyed. The police surprised strikers Martín Morales and Victorino Rodríguez as they came out from the place where the fire started. On seeing the police they fled, but were arrested later. Both men were taken before the municipal judge, who held them under $4,000 bail each.

February 21 a fire took place in the cane fields of Messrs. L. Martínez & Co., but the same was smothered immediately.

February 27, at 11 a. m., 20 cuerdas of cane belonging to the "Díaz & Aboy" plantation were destroyed by fire. The fire started at two different places at one time.

TRAVIESO EXHIBIT NO. 5.

MAY 12, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, Porto Rico.

SIR: I have the honor to enclose herewith a copy of a letter from the district fiscal of Humacao giving results of the cases against persons engaged in the Vieques riots which were appealed to the district court of Humacao from the municipal court of Vieques. You will note from this letter that the fiscal states that he entered into a stipulation with the attorney for the various accused as to the facts, and that the court sentenced those persons in regard to whom the stipulation was entered into to three months in jail in each case.

I am enclosing a copy of this stipulation and a copy of my letter dated May 6, 1915, to the fiscal of Humacao in connection with this stipulation; also a table of the cases tried in the district court of Humacao in connection with the same matter, with the names of the accused, the crimes of which they are accused, and the result of the trial in each case.

Respectfully,

_____,
Attorney General.

Casos de Vieques, Abril de 1915.

CORTE DE DISTRITO DE HUMACAO, P. R.

No. del acusado.	Nombres de los acusados.	Acometimiento y agresión a sotero moreira.	Acometimiento y agresión a sergio brignoni.	Motín campo.	Motín pueblo.	Portar armas.
1	Pedro Encarnación	2 años.		Absuelto.	$200 90d.	
2	Esteban Huertas	2 "	2 años.	"	" "	
3	Santos Torres	2 "	2 "	"	" "	
4	Aquilino del Hoyo	2 "	2 "	"	" "	
5	Narciso Encarnación		2 "	"	" "	Sobresee.
6	Vermancio Cabrera		Absuelto.	"	" "	
7	Benito Ojeda	Sobreseído.				
8	Marcelino Meléndez	2 años.		Absuelto.		
9	Manuel Ojeda 1°	2 años.		"	Sobresee.	
10	Delfín Arizmendez			3 meses.		$30 30d.
11	Francisco Encarnación			1 año.	$200 90d.	
12	Rafael Pérez			1 "		
13	Higinio Colón			1 "	$200 90d.	
14	Manuel Cristián			1 "	Sobresee.	
15	Martín Cruz			Absuelto.		
16	Evaristo Camacho			3 meses.	Sobresee.	
17	Pilar González			Absuelto.		$30 30d
18	Ventura Cruz			"	$200 90d.	
19	Alejandro García			3 meses.		
20	Juan Mercado			3 "	Sobresee.	
21	Ambrosio Carrasquillo			3 "	"	
22	Carmen de la Cruz			Absuelto.	$200 90d.	
23	Sixto Cabrera			Sobresee.	" "	
24	Miguel García			3 meses.	Sobresee.	
25	Simplicio Cardona			3 "		
26	Julio Almástica			3 "		
27	Miguel Hernández			3 "	$200 90d.	
28	Martín Rivera					

Casos de Vieques, Abril de 1915—Continued.

CORTE DE DISTRITO DE HUMACAO, P. R.—Continued.

No. del acusado.	Nombres de los acusados.	Acometimiento y agresión a sotero moreira.	Acometimiento y agresión a sergio brignoni.	Motin campo.	Motin pueblo.	Portar armas.
29	Juan Gautier			3 meses.		
30	Gregorio Jaime			3 "		
31	Ceferino Monell			3 "		
32	Antonio Rivera			3 "		
33	Manuel Batalí			3 "		
34	Aniceto Serrano			3 "		
35	Antolino Ramos			3 "		
36	Marcelino García			3 "		
37	Aniceto Rodrigues			3 "	Sobrese.	
38	Cruz Gonsáles			3 "		
39	Juan Becerril			3 "		
40	Alfredo Augustin			3 "		
41	Leonardo Morales			3 "		
42	Diego Camacho			3 "		
43	Lucas Belardo			3 "		
44	Quintín Becerril			3 "		
45	José Rosado			3 "		
46	Nepomuceno López			3 "		
47	Juan Torres			3 "		
48	Rufino Velásquez			3 "		
49	Gabriel Nieves			Sobrese.		
50	Francisco Corsino			3 meses.		
51	Celestino Sanes			3 "		
52	Matías Ramos			3 "		
53	Julián Tapia			Sobrese.		
54	Juan Casillas			3 meses.	$200 90d.	
55	Juan Vélez			3 "		
56	Manuel Ojeda			3 "		
57	Vicente Gonsáles			3 "	Sobrese.	
58	Julián Torres			3 "		
59	Alfredo Isidoro			3 "		
60	Ramón Figueroa			3 "		
61	Emilio García				Absuelto.	$50 60d.
62	Gumersindo Rojas				Sobrese.	
63	José María Samuel				"	
64	Marcelino Meléndes				$200 90d.	
65	José García				Sobrese.	
66	Alejandro García Félix				"	
67	Basilio Meléndes				"	
68	Daniel Rodrigues				$200 90d.	
69	Eugenio Morales				" "	
70	Antonio Rivera				Sobrese.	
71	Luis Gonsáles				"	
72	Matías Ramos				$200 90d.	
73	Lorenzo Huertas				" "	

RESUMEN.

Acometimiento y agresión:		
Condenados	7	
Absueltos	1	
Sobreseídos	1	
Total		9
Motin campo:		
Condenados	43	
Absueltos	13	
Sobreseídos	3	
Total		59
Motin público:		
Condenados	18	
Absueltos	1	
Sobreseídos	15	
Total		34
Portar armas:		
Condenados	3	
Sobreseídos	1	
Total		4

TRAVIESO EXHIBIT NO. 6.

SAN JUAN, *February 20, 1913.*

To the fiscals, the alcaldes, and the district chiefs of police of Porto Rico:

The proclamation which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the Government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately, and that absolute quietness be reestablished. The parades of laborers armed with machetes, clubs, and other arms must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the audium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

In cases of riot and disorder the leaders and the authors who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder shall be severely punished.

Every authority has the absolute support of the Government to compel the faithful and energetic execution of the law; and absolute neutrality shall be observed in the conflicts between capital and labor, and both shall be protected when within the law, but if any of said elements violate the law they shall be severely punished and the Government is ready not to allow the rights of the laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employers by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully.

The Government expects everyone of you to do your duty, and those you will receive the absolute support of the authorities.

ARTHUR YAGER,
Governor of Porto Rico.

TRAVIESO EXHIBIT NO. 7.

[Government House, Porto Rico.]

FEBRUARY 25, 1915.

In accordance with my verbal instructions to you, and in order that you may understand clearly how to exercise your control over the meetings and parades of the striking laborers outside the urban zones, which by my letter of the 20th instant were placed under your control, inasmuch as such meetings are not generally regulated by municipal ordinances, I desire to make the following explanatory statement in writing:

It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the barrios for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them.

Noisy and threatening parades of large bodies of workmen for the purpose of intimidating peaceful laborers, or parades which cause or tend to cause the setting of fires in the cane fields or disorder among the people, should be prohibited. This, of course, will not prevent the peaceful use of the roads by the laborers or others who desire to assemble at any point for the purpose of holding a peaceful meeting.

This letter must not be construed as in any manner modifying or withdrawing any part of my proclamation or letter of the 20th instant, but simply as explaining the manner in which you are to execute some of the instructions of the letter.

Respectfully,

ARTHUR YAGER, *Governor.*

The CHIEF OF INSULAR POLICE.
San Juan, Porto Rico.

TRAVIESO EXHIBIT NO. 8.

[Department of Justice of Porto Rico, office of the attorney general, San Juan.]

MARCH 25, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, P. R.

SIR: I have the honor to submit to you herewith a translation of the report of Fiscal Torres Grau upon the present status of the investigation of the riot in Ponce which occurred as a result of the recent strike.

Yours, respectfully,

HOWARD L. KERN,
Attorney General.

[Department of Justice of Porto Rico, office of the fiscal, Ponce.]

MARCH 24, 1915.

Hon. HOWARD L. KERN,
Attorney General, San Juan.

SIR: In accordance with our telephone conversation of yesterday, I am to-day reporting regarding the particulars of the riot which occurred in this city as a result of the agricultural strike.

My first intention was to present an accusation as quickly as possible before the district court, as a means of avoiding future contingencies, but since the House of Delegates acted in this case, and taking into consideration that the said strike ceased completely, I expected that your honor would send me the record of the house with instructions.

In the course of the investigation of the events there are several declarations which I am forwarding to your honor, as some liability arises therefrom for an officer of the insular police.

According to the declarations which are in my hands, it appears that the labor leader Mr. Santiago Iglesias comported himself in an illegal manner while addressing his hearers, his speech being one of threats, irony, and contempt for the different officials of the Government, for which reason the chief of the insular police of this district, Mr. Fernandez Nater, ordered him to descend from the stump. At this juncture a man armed with a taper file attacked Corp. Ferrer, who was going to execute the orders of his chief, and when the latter saw this he was compelled to come to the aid of his subordinate. Immediately confusion ensued, and shots were fired indiscriminately by the police and by the civilians, the man who attacked the corporal and the captain being wounded and being now an inmate of the Tricoche Hospital, where he is recovering from his wounds.

Now, according to the declarations which I attach, it appears that later on, and when the riot had been subdued, a policeman attacked from behind a man who was retiring and without justification shot at this man, thereby causing his death.

This was what gave rise to the investigation made by the House of Delegates and was one of the principal reasons for withholding presentation of an accusation by me, as public opinion indiscriminately pronounces itself against this policeman.

Inasmuch as he is an employee of the people of Porto Rico—that is, an insular policeman—in accordance with section 64 of the political code, I forward said declarations so that your honor, upon examination thereof, may decide whether I should continue the investigation against said policeman, giving him an opportunity to be present and defend himself, and when said investigation is complete, that it be forwarded to your honor that you may decide what might be most proper in the interests of justice.

Respectfully,

LIBERTAD TORRES GRAU, *Fiscal.*

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Hunt, E. B., superintendent, relief department, the Pennsylvania R. R... XI, 10188, 10190, 10426, 10428, 10490
Hunter, L. D., secretary, Portland Typothetæ..... V, 4654
Hunter, R. M., Philadelphia..... IX, 8343
Hurley, Jeremiah J., assistant United States commissioner of immigration, Boston..... VII, 6043
Hutchins, Frank H., first national vice president, Brotherhood of Operating Potters, Trenton, N. J..... III, 2994
Hyde, George E., fruit grower and packer..... V, 4960

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Iglesias, Santiago, president, Free Federation of Workingmen of Porto Rico and organizer, American Federation of Labor in Porto Rico..... XI, 11042, 11086, 11089, 11142, 11181–11215
Illinois Central R. R.:
Bell, R. W., general superintendent of motive power..... X, 9834, 10041
Henley, Dr. L. C., former surgeon..... X, 9857
Markham, Charles H., president..... X, 9699, 9958, 9962, 9965
Montgomery, Hugh, former car carpenter..... X, 9852, 9855
Illinois Central system federation:
Comerford, Frank, attorney..... X, 9927, 9938, 9993, 10041
McCreery, J. S., president..... X, 9815, 9825
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Illinois State Federation of Labor, John H. Walker, president... IV, 3196, 3202, 3445
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Immigrants' Protective League, Chicago, Miss Grace Abbott, director.. IV, 3391, 3453
Industrial Congress of Texas, E. W. Kirkpatrick, president..... IX, 8971
Industrial Education, National Society for Promotion of, Miss Cleo Murtland, assistant secretary..... II, 1862
Industrial Removal Office, New York City, David N. Bressler, general manager..... II, 1213, 1363
Industrial Union of Textile Workers, National, Adolph Lessig, secretary.... III, 2452
Industrial Workers of the World:
Ettor, Joseph J., national organizer..... II, 1549
Haywood, William D., secretary-treasurer..... XI, 10569, 10586
St. John, Vincent, general secretary and treasurer..... II, 1445, 1571
Speed, George H., former general organizer..... V, 4936
Thompson, James P., organizer..... V, 4233
Zuersher, Edward, secretary-treasurer, local union, Paterson, N. J.. III, 2585, 2591
Industrial Workers of the World of Detroit, Rudolph Katz, organizer..... III, 2472, 2475, 2633, 2634, 2645

Ingram, Frederick F., manufacturing pharmacist, Detroit, Mich., statement ..... XI, 11178
Insull, Samuel, president, Commonwealth Edison Co., Chicago ..... IV, 3307
International Association of Bridge and Structural Ironworkers, C. F. Massey, organizer ..... II, 1703
International Association of Machinists:
Alifas, N. P., president, district No. 44 ..... I, 940
Conlon, P. J., vice president ..... I, 873
Grace, Samuel H., general organizer ..... X, 9863, 10045
Grow, C. F., business agent ..... VI, 5548, 5902
Hannon, William, general vice president ..... VI, 5274, 5398, 5400
Keenan, Edward, business agent ..... III, 2877
Malloy, H. J., general organizer ..... X, 9846
Meagher, James J., former president, Local No. 641, Clinton, Ill ..... X, 9812
Taylor, J. A., agent, district 26 ..... V, 4336, 4343, 4520–4535
Taylor, John G., business agent, Southern Pacific system, Oakland, Cal ..... X, 9874, 10048
International Association of Marble Workers, Stephen C. Hogan, general secretary-treasurer ..... II, 1746
International Brotherhood of Blacksmiths and Helpers:
Kline, J. W., president ..... X, 9879, 9954
Tobin, John M., international vice president ..... III, 2835
International Brotherhood of Stationary Firemen, Timothy Healy, president. II, 1942
International Child Welfare League:
Brown, Edward F., vice president ..... II, 1883, 1897
Watson, Miss Elizabeth C., special investigator ..... II, 1887, 1899
International Harvester Co., George Walbridge Perkins, director .... VIII, 7598, 7610
International Hod Carriers', Building and Common Laborers' Union:
D'Allessandro, Dominick, president ..... II, 1755
Manzi, Antonio, business agent ..... II, 1765
International Ladies' Garment Workers' Union:
Dyche, John A., general secretary-treasurer ..... II, 1038, 1045, 1121
Polakoff, S., first vice president ..... II, 1160
Rosenberg, A., president ..... II, 1028
International Longshoremen's Association:
Franklin, Joseph B., organizer ..... III, 2176
Holt, Walter B., organizer ..... III, 2190, 2203
Riley, John F., international organizer, International Longshoremen of New York ..... III, 2053
International Mercantile Marine Co.:
Egan, Martin ..... IX, 8374
Ridgway, F. W., manager, operating department ..... III, 2081
Watson, John, assistant general superintendent ..... III, 2068
International Molders' Union:
Frey, John P., executive officer and editor ..... I, 524
Torpy, Charles B., business agent ..... III, 2918, 2921
Valentine, Joseph F., president ..... I, 481
International Paper Co., John Lundrigan, general superintendent ..... II, 1907, 1954
International Printing Pressmen and Assistants' Union, George L. Berry, president ..... I, 620
International Typographical Union:
Dennett, H. W., member ..... VI, 5769
Hayes, Max S., organizer ..... II, 1557
Scott, Charles T., representative ..... VI, 5536, 5541, 5899
International Union of Timber Workers, J. G. Brown, president ... V, 4207, 4217, 4511
Irish, John P., jr., secretary, Stockton Chamber of Commerce ..... V, 4773, 4833
Irwin, Charles O'Connor, president, United Employment Agents' Protective Association, New York ..... II, 1183
Irwin, E. F., in charge employment office, Homestake Mining Co ..... IV, 3608, 3668
Italy, F. M. Andreani, in charge immigration office and legal bureau, Italian department of immigration, San Francisco ..... VI, 5114, 5120, 5152
Itinerant Workers' Union, Local 22, Henry Pauly, chairman ..... V, 4242, 4405, 4561

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Johannsen, Anton, general organizer, United Brotherhood of Carpenters and Joiners of America..... V, 4790, 4802; XI, 10667, 10686
Johns Hopkins University:
Goodnow, Frank Johnson, president..... XI, 10599
Hollander, Prof. Jacob H., professor of political economy..... VIII, 7534, 7541
Johnson, Alba B., president, Baldwin Locomotive Works.. III, 2819, 2862, 2870, 2923
Johnson, J. C., superintendent of telegraph, the Pennsylvania R. R..... XI, 10245
Johnston, John W., president, Structural Ironworkers' Union, New York.... II, 1612
Joint board of sanitary control in the cloak, suit, and skirt and the dress and waist industry, New York, Dr. George M. Price, director..... III, 2693
Joint committee on prison reform, New York, Alexander Cleland, secretary. II, 1337
Jolly, Mrs. Pearl, miner's wife, Ludlow, Colo..... VII, 6347
Jones, Benjamin John, chief, employment bureau, Baltimore & Ohio R. R..... II, 1264, 1389
Jones, Mrs. Mary ("Mother" Jones)..... XI, 10618, 10634, 10917
Jorgensen, Niels, coal miner, Delagua, Colo..... VIII, 7114
Judge, Patrick, secretary-treasurer, Plasterers Helpers' Protective Association, New York..... II, 1762, 1789, 1797

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Keenan, Edward, business agent, International Association of Machinists.. III, 2877
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Kelley, C. F., vice president and managing director, Anaconda Copper Mining Co..... IV, 3683, 3711, 3859, 3867–3982
Kellogg, Frederick W., publisher, San Francisco Call and Post..... VI, 5478
Kelly, Miss Della, linotype operator..... VI, 5865
Kelly, J. P. P., New York City..... IX, 8354
Kelly, William A., secretary, Women's Garment Manufacturers' Association of Philadelphia..... IV, 3121, 3128
Kelso, Alexander, business agent, Carpenters' Union, New York..... II, 1676, 1678
Kennedy, Franklin H., manager, California Moline Plow Co..... V, 4862
Kennedy, Prof. John C., secretary, Socialist Party of Illinois..... IV, 3461, 3519
Kern, Howard L., attorney general of Porto Rico..... XI, 11157
Kernaghan, Robert M., carman and employee of Plain Dealer, a local newspaper, Philadelphia..... III, 2774
Kiehn, Charles, longshoreman and editor the Hudson County Socialist..... III, 2115
Kincaid, Fred L., land speculator..... V, 4867
King, Millard B., expert assistant of industrial education, Pennsylvania..... III, 2971
King, W. L. Mackenzie, former minister of labor, Ottawa, Canada, and director industrial relations department, Rockefeller Foundation..... I, 713, 732; IX, 8783, 8799
Kirchwey, Dr. George W., formerly dean of Columbia Law School, New York City..... IX, 8215
Kirkpatrick, E. W., president, Industrial Congress of Texas, McKinney, Tex. IX, 8971
Kirrane, Thomas J., secretary division 477, Amalgamated Association of Street Car Men..... III, 2757
Kirwan, James, member, Western Federation of Miners..... IV, 3602
Kline, J. W., president, International Brotherhood of Blacksmiths and Helpers..... X, 9879, 9954
Kline, M. R., president, Beneficial Association, Philadelphia Rapid Transit Co..... III, 2801, 2816
Knight, James P., master plumber, New York..... II, 1726
Kobylak, Joseph, coal miner, Jefferson County, Ohio..... XI, 10513
Kokinakas, James, coal miner, Frederick, Colo..... VIII, 7132
Konenkamp, Sylvester J., president, Commercial Telegraphers' Union of America, Chicago..... X, 9308, 9384, 9472, 9486–9512
Kroner, Ernest M., architect..... V, 4656, 4664
Kruttschnitt, Julius, chairman, executive board, Southern Pacific Co., New York..... X, 9886, 9947, 9976
Kuhrts, G. J., engineer, Los Angeles Ry. Co..... VI, 5736, 5972

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Polakoff, S., first vice president..... II, 1160
Rosenberg, A., president..... II, 1028
Lake Carriers' Association, George A. Marr, secretary..... II, 1231, 1252, 1365
Lake Seaman's Union, Victor A. Olander, secretary..... IV, 3319
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Landis, Dr. Henry Robert Murray, physician, with the Henry Phipps Institute..... III, 2686, 2723
Lane, Dennis, general organizer, Amalgamated Meat Cutters and Butcher Workers of North America..... IV, 3516
Lane, Warren D., member, committee on unemployment, Central Council of Social Agencies, Seattle..... V, 4374
Larger, Bernard A., secretary, United Garment Workers of America, New York..... II, 2044
Larson, A. H., statistician, New York Milk Commission..... II, 1266
Lavner, J. Harris, manager, District Council No. 1, United Garment Workers of America, New York..... II, 1978
Lawson, John R., member, international executive board, United Mine Workers of America..... VIII, 7187, 8003; IX, 8017, 8126, 8128, 8198, 8208
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Lead City Miners' Union, Thomas Ryan, secretary..... IV, 3619
Leader, Morris G., manager, Children's Cloak and Reefer Makers' Association, New York..... II, 1056
Lee, Ivy L., member of personal staff of John D. Rockefeller, sr..... VIII, 7897, 7911; IX, 8715, 8849, 8866
Lee, J. W., jr., publicity agent, the Pennsylvania R. R..... XI, 10243
Lee, W. G., president, Brotherhood of Railroad Trainmen..... XI, 10281
Lee Song, general merchandise, San Francisco..... VII, 6333
Lee Tin Yat, Chinese newspaper reporter, San Francisco..... VII, 6296
Leiserson, William M., deputy, Industrial Commission of Wisconsin..... I, 344
Lennon, James, business agent, Sheet Metal Workers, New York..... II, 1685
Lenthall, Walter F., coal miner, Rockland, Colo..... VIII, 7161, 7403
Leonard, Prof. William E., instructor, University of Texas..... IX, 9044
Lessig, Adolph, secretary, National Industrial Union of Textile Workers... III, 2452
Le Sueur, Arthur, dean law department, Peoples College, Fort Scott, Kans. IX, 8982
Letts, Arthur, proprietor, Broadway Department Store..... VI, 5698, 5702, 5955
Lewis, Austin, attorney..... V, 4999
Lewis, Hon. David J., Member of Congress from Maryland..... VIII, 7506
Lewis, W. D. president, Farmers' Educational and Cooperative Union of Texas..... X, 9228
Lewis, Dr. William Draper, professor of law, University of Pennsylvania.. III, 2661
Lewisohn, Adolph, president, Miami Copper Co., and philanthropist..... IX, 8355
Liebau, Charles, member, Lodge No. 673, Brotherhood of Railroad Trainmen, Harrisburg, Pa..... XI, 10288
Liebig Co., Antoni Wiater, laborer, fertilizer plant, Chrome, N. J.... IX, 8229, 8237
Lilienthal, Jesse W., president, United Railroads, San Francisco..... V, 5031
Lincoln, Robert T., chairman, board of directors, Pullman Co..... X, 9663, 9695
Lindbergh, Hon. Charles A., Member of Congress from Minnesota..... IX, 8304
Linderfelt, Lieut. Karl E., Colorado National Guard.... VII, 6866, 6886; VIII, 7208
Lindsey, Judge Ben B., Denver..... VII, 6399; VIII, 7096, 7362–7400
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Pies, Charles, president..... IV, 3175
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Long, S. C., general manager, Pennsylvania R. R. XI, 10169, 10272, 10281, 10562, 10964
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Holt, Walter B., organizer..... III, 2190, 2203
Riley, John F., international organizer, International Longshoremen of New York..... III, 2053
Longshoremen's Union, Portland, Oreg., J. A. Madsen, secretary..... V, 4719
Longshoremen's Union Protective Association, Daniel Sullivan, former secretary..... III, 2127

Loom Fixers and Twisters' Association, Paterson, N. J., Thomas F. Morgan, secretary..... III, 2413
Loomis, N. H., general solicitor, Union Pacific R. R. Co., Omaha..... X, 9955
Lord & Taylor, Wilson Hatch Tucker, manager..... III, 2365
Lorntsen, H. M., secretary, Columbia Fishermen's Union and Columbia River Protective Union..... V, 4634, 4763
Los Angeles, Cal., J. H. Francis, superintendent of schools..... VI, 5784
Los Angeles County, Cal., Walton J. Wood, public defender..... VI, 5818, 5972
Los Angeles County Building Trades Council, Tom Barker, secretary..... VI, 5589
Los Angeles Planing Mill Co., P. J. McDonald, president..... VI, 5616, 5875
Los Angeles Ry. Co.:
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Merrihew, A. B., assistant superintendent..... VI, 5746
Los Angeles Times, Gen. Harrison Gray Otis, publisher..... VI, 5487, 5518, 5881
Lotte, Edward F. L., silk dyer..... III, 2444, 2447
Lovejoy, Owen R., general secretary, National Child Labor Committee, New York..... II, 1842
Low, Alvin H., attorney..... VI, 5867
Low, M. G., pump man, Colorado & Southern Ry., Ludlow, Colo..... VII, 6850, 6852
Lowman, Will A., president, Puget Sound Salmon Canneries Association..... V, 4365, 4547, 4548
Luke, E. J., manager, Sperry Flour Co..... V, 4827
Lumb, George F., deputy superintendent, Pennsylvania State police. XI, 10989, 11010
Lundrigan, John, general superintendent, industrial department, International Paper Co., New York..... II, 1907, 1954
Lusier, Victor A., cashier, Miners & Merchants Savings Bank, Lead, S. Dak.. IV, 3646
Lynch, Henry, commercial telegrapher, Winnipeg, Canada..... X, 9350, 9514, 9515
Lynch, James M., commissioner of labor, State of New York..... I, 594; II, 1949
Lynch, Robert Newton, manager, San Francisco Chamber of Commerce... VI, 5431
Lynn, Preston P., manager, John Wanamaker Co.... III, 2232, 2256, 2396, 2397, 2398
Lyon, H. H., assistant deputy labor commissioner and former State senator.. VI, 5833, 5839, 5973
Lysons, Fred, attorney for individual Chinese..... VII, 6198, 6205

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McBride, Andrew J., captain of Paterson police..... III, 2558
McCabe, John A., Chinese inspector, United States Immigration Service, New England district..... VII, 6058, 6066
McCarthy, Charles, Legislative Reference Bureau of Wisconsin..... I, 377
McCarthy, E. Avery, real estate..... VI, 5857
McCarthy, P. H., president, California Building Trades' Council..... VI, 5189, 5483
McCarver, Joseph M., merchant, Red River County, Tex..... X, 9183, 9236
McClure, E. L..... VI, 5673
McCord, Frank B., vice president, Post & McCord, contractors, New York.. II, 1608
McCorkle, Dr. Daniel Spencer, minister, Presbyterian Church, Sunrise, Wyo..... IX, 8532, 8538, 8864
McCreery, J. S., general vice president, Brotherhood of Railway Carmen, and president, Illinois Central system federation, Paducah, Ky..... X, 9815, 9825
McCreery, James, & Co., Louis Stewart, president..... III, 2246, 2399, 2400
McCusker, M., employee, United States Industrial Commission..... IV, 3835, 3844
McDonald, Duncan, secretary-treasurer, United Mine Workers of Illinois... IV, 3271
McDonald, Rev. James, pastor, Methodist Episcopal Church, Aguilar, Colo..... VII, 6767, 6776
McDonald, P. J., president, Los Angeles Planing Mill Co..... VI, 5616, 5875
McDonnell, Arthur, president, Dyers and Mercerizers' Union..... IV, 3064, 3086
McDowell, Miss Mary E., head resident, University of Chicago settlement. IV, 3328
McElreath, C. H., telegrapher, Detroit, Mich..... X, 9390, 9627
McFarlane, Arthur E., magazine writer and settlement worker..... III, 2147
McGill, Rev. Oscar H., social-service secretary, Methodist Church, Seattle..... V, 4381, 4552, 4553
McGregor, John A., president, Union Iron Works, San Francisco..... VI, 5406, 5419
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Conlon, P. J., vice president ... I, 873
Grace, Samuel H., general organizer ... X, 9863, 10045
Grow, C. F., business agent ... VI, 5548, 5902
Hannon, William, general vice president ... VI, 5274, 5398, 5400
Keenan, Edward, business agent ... III, 2877
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Meagher, James J., former president, Local No. 641, Clinton, Ill. ... X, 9812
Taylor, J. A., agent, district 26 ... V, 4336, 4343, 4520–4535
Taylor, John G., business agent, Southern Pacific system, Oakland, Cal. ... X, 9874, 10048
Mack, William B., manager, S. E. Slade Lumber Co., the Slade-Wells Logging Co., and the Hump-Tulipe Logging Co. ... V, 4292
MacKaye, James, chemical engineer, Cambridge, Mass. ... IX, 8052
McKelway, A. J., secretary for the Southern States, National Child Labor Committee, Washington, D. C. ... XI, 10493, 10861, 10903
McKenzie, A. B., district attorney, Contra Costa County, Cal. ... V, 4904
Mackie, James, former employee of Wanamaker's ... III, 2317
McLaughlin, John P., California State labor commissioner ... V, 5052, 5055
McLennan, John, district president, United Mine Workers of America, Denver ... VII, 6509, 6523
McMahon, Dr. Theresa S., teacher, political and social science department, University of Washington ... V, 4163, 4508, 4563
McNab, John L., formerly United States district attorney and now counsel to Chinese Six Companies, San Francisco ... VII, 6312
McQuarrie, John, special agent, Colorado & Southern Ry., formerly undersheriff of Huerfano County, Colo. ... VII, 6780
Macy, R. H., & Co., Percy S. Straus, partner ... III, 2377
Madden, Dan, carpenter, president, Silverbow Trades and Labor Council ... IV, 3830
Madsen, J. A., secretary, Longshoremen's Union ... V, 4719
Magnet, Louis, silk-ribbon weaver ... III, 2572
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Maloney, Miss Elizabeth, financial secretary and business agent, Waitresses' Union ... IV, 3244, 3253
Manley, Warren, in charge of information and statistical department, San Francisco Chamber of Commerce ... VI, 5435
Manly, Basil M., director of research and investigation, United States Commission on Industrial Relations ... VIII, 7505
Manufacturers' Association of Pennsylvania, John P. Wood, vice president ... III, 2948
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Marble Industry Employers' Association, New York, Benjamin D. Traitel, president ... II, 1732
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March, James E., formerly employment agent for the Erie R. R. ... II, 1342, 1387
Marelli, Henry, attorney at law, counsel for the strikers, Paterson, N. J. ... III, 2529, 2540, 2627, 2631
Markham, Charles H., president, Illinois Central R. R. and Yazoo & Mississippi Valley R. R., Chicago ... X, 9699, 9958, 9962, 9965
Marr, George A., secretary, Lake Carriers' Association ... II, 1231, 1252, 1365
Marsh, Benjamin C., taxation expert, New York City ... IX, 8375
Marsh, E. P., president, Washington State Federation of Labor ... V, 4390
Marshall, Edward R., laundry proprietor, Boston ... VII, 6115
Martin, Irving, publisher the Record ... V, 4865, 4866, 4874
Martin, Samuel, cutting department, cloak workers, New York ... II, 1067
Martinez, P. Rivera, San Juan, Porto Rico ... XI, 11029
Maryland, Miss Anna Herkner, assistant chief of bureau of statistics and information ... II, 1315, 1380, 1384
Massachusetts, Walter Lincoln Sears, superintendent, State free employment office, Boston ... II, 1275, 1440
Massey, C. F., organizer, International Association of Bridge and Structural Ironworkers, New York ... II, 1703

Master Builders' Association, Portland, Oreg., George W. Gordon, former secretary ..... V, 4724
Master Carpenters' Association, New York, Edwin Outwater, president ..... II, 1618
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Master Steam Fitters' Association, New York, George H. Morris, chairman, board of arbitration ..... II, 1723
Mathewson, E. P., manager, Washoe Reduction Works, Anaconda Copper Mining Co ..... IV, 3790
Matthews, John L., editor, the Paterson Press ..... III, 2583
Maurer, James H., president, Pennsylvania Federation of Labor..III, 2957; XI, 10931
Maury, Lowndes, attorney at law ..... IV, 3801, 3988
Maxwell, Dr. William H., superintendent of schools, New York City ..... II, 1880
Mayper, Joseph, general secretary, legislative committee, North American Civic League for Immigrants ..... II, 1358
Meagher, James J., former president, Local No. 641, International Association of Machinists, Clinton, Ill ..... X, 9812
Meat Cutters and Butcher Workers of North America, Amalgamated, Dennis Lane, general organizer ..... IV, 3516
Meitzen, Judge E. O., farmer and editor, Hallettsville, Tex ..... X, 9142, 9260, 9288
Mercantile Reference and Bond Association, Boston, Mass., Frank B. Homans ..... II, 1301, 1388
Merchants and Manufacturers' Association, Los Angeles, F. J. Zeehandelaar, secretary ..... VI, 5493, 5514, 5839, 5891–5898
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Merrihew, A. B., assistant superintendent, Los Angeles Railway Co ..... VI, 5746
Merritt, Walter Gordon, associate counsel, American Antiboycott Association, New York ..... II, 1622
Metal Manufacturers' Association, Philadelphia:
  Morgan, Henry, secretary ..... III, 2902, 2924
  Schwacke, Justus William, president ..... III, 2889
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  Hibbard, John B., commissioner ..... IV, 3393, 3400
  Morton, C. E., manager of the employment bureau of the New York and New Jersey branch ..... II, 1247, 1387
Metal Trades Council, Los Angeles, J. W. Buzzell, secretary and business agent ..... VI, 5581
Metz, John A., president, Carpenters' Union ..... IV, 3359
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Miami Copper Co., Adolph Lewisohn, president ..... IX, 8355
Midvale Steel Co., William P. Barba, manager ..... III, 2850, 2871
Miller, Miss Dorothy, former clerk in the Fourteenth Street Store, New York. III, 2258
Miller, H. G., lumber business, Kalispell, Mont ..... IV, 3813
Miller, Rodney, organizing engineer, formerly employed by the National Silk Dyeing Co ..... III, 2494, 2500
Mills, James, fruit grower ..... V, 4955, 4969
Mine Workers of America, United:
  Costigan, Edward P., counsel ..... VIII, 7203; IX, 8113, 8126, 8128
  Doyle, Edward L., district secretary-treasurer ..... VII, 6925, 6961; VIII, 6993, 7217, 7334, 7343, 7344
  Drennan, Henry, representative ..... IV, 3821
  Hayes, Frank J., international vice president ..... I, 449; VIII, 7189
  Lawson, John R., member, international executive board ..... VIII, 7187, 8003; IX, 8017, 8126, 8128, 8198, 8208
  McLennan, John, district president ..... VII, 6509, 6523
  Mitchell, John, former president ..... I, 401; IX, 8059
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Miners' Union, Lead City, Thomas Ryan, secretary ..... IV, 3619
Miners, Western Federation of:
  Kirwan, James, member ..... IV, 3602
  Scoggan, Warren E., member ..... IV, 3621
Minora, Mrs. Mary, home worker, New York ..... II, 2036
Mitchell, John, member, New York State Workingmen's Compensation Commission, and former president, United Mine Workers of America .. I, 401· IX, 8059

Mitten, Thomas E., chairman, executive committee, Philadelphia Rapid Transit Co. ... III, 2783, 2809
Mixter, Charles W., time-study man, Sentinel Automatic Gas Appliance Co., New Haven ... I, 835
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Torpy, Charles B., business agent ... III, 2918, 2921
Valentine, Joseph F., president ... I, 481
Monroe, Henry A., inspector, United States Immigration Service, Seattle ... VII, 6173, 6176
Montana, Samuel V. Stewart, governor ... IV, 3748, 3984
Montana State Tuberculosis Sanatorium, Dr. T. D. Tuttle, president ... IV, 3840
Montgomery, Hugh, former car carpenter, Illinois Central R. R., McComb, Miss. ... X, 9852, 9855
Mooney, A. J., editor the Union Labor ... VI, 5643
Moore, W. Park, manager and treasurer, Brown Knitting Co. ... IV, 3060
Morgan, Henry, secretary, Metal Manufacturers' Association ... III, 2902, 2924
Morgan, James, secretary-treasurer, district No. 22, United Mine Workers of America, Cheyenne, Wyo. ... IX, 8361
Morgan, John Pierpont, director, United States Steel Corporation, Northern Pacific Ry., and other corporations ... IX, 8084
Morgan, Thomas F., secretary, Loom Fixers and Twisters' Association ... III, 2413
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Murrin, Thomas D., manager, Hearst Mercantile Co. ... IV, 3578
Murtland, Miss Cleo, assistant secretary, National Society for the Promotion of Industrial Education, New York ... II, 1862

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McKelway, A. J., secretary for the Southern States ... XI, 10493, 10861, 10903
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Hammond, John Hays, chairman, industrial economic department ... VIII, 7987
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Maxwell, Dr. William H., superintendent of schools, New York City ... II, 1880
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New York Clothing Trade Association, William Goldman, member, executive committee ... II, 1972
New York Milk Commission, A. H. Larson, statistician ... II, 1266
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